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CODE

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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

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Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
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Suspension—The entire CFR unit was not in effect for the period of time indicated.
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Typographical unit—A numbered, lettered or undesignated entity appearing in the CFR.

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INQUIRIES AND SUGGESTIONS

Future monthly issues of the List of Sections Affected also will appear in this format. The Office of the Federal Register hopes to bring about other changes which will improve the usefulness of the Federal Register and the Code of Federal Regulations. Inquiries concerning this and other publications of this office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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PART 401—FEDERAL CROP INSURANCE

1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on January 18, 1973, (38 FR 1726), which were designated for barley crop insurance for the 1974 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

WASHINGTON

Benton	Yakima.
Douglas	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager
Federal Crop Insurance Corporation.

[FR Doc.73-13313 Filed 6-29-73;8:45 am]

PART 401—FEDERAL CROP INSURANCE

1969 and Succeeding Crop Years

APPENDIX; DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on January 18, 1973, (38 FR 1726), which were designated for wheat crop insurance for the 1974 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

ARKANSAS	MISSOURI
Jackson	Grundy
Phillips	
IDAHO	OREGON
Owyhee	Baker
MISSISSIPPI	
Issaquena	
Yazoo	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager
Federal Crop Insurance Corporation.

[FR Doc.73-13314 Filed 6-29-73;8:45 am]

PART 401—FEDERAL CROP INSURANCE

1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published January 18, 1973, (38 FR 1726), and May 16, 1973, (38 FR 12811), which were designated for wheat crop insurance for the 1974 crop year.

ILLINOIS	INDIANA
Clay	Daviess
Randolph	
Richland	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager
Federal Crop Insurance Corporation.

[FR Doc.73-13315 Filed 6-29-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 15, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

This amendment to Avocado Regulation 15 revises the maturity requirements for the handling of the Pollock and Simmonds varieties of avocados, and prescribes specific maturity requirements for a new variety, Tower-2, so as to prevent the marketing of immature avocados of these varieties. The maturity requirements are specified in terms of

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minimum weights or diameters and are those which have been found to be necessary for the avocados to ripen properly after harvesting.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 15 (38 FR 15511) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1974. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on June 13, 1973; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommended amendment and information upon which the amendment is based were received by the Department on June 18, 1973; the provisions of this amended regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for the continued regulation of the handling of such avocados; and compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The need for the amendment to Avocado Regulation 15 stems from the current avocado crop maturity situation. Because of current growing conditions in the production area, including an extended period of dry weather, the Pollock and Simmonds varieties of avocados are maturing about one-week later than the dates such types of avocados are permitted to be handled pursuant to the provisions of such regulation. Also, it is determined that it is appropriate to add a new avocado variety, Tower-2 to the specifically named varieties to assure that such variety will be mature and provide consumer satisfaction.

Order. The provisions of subparagraph (a)(2) of § 915.315 (Avocado Regulation 15; 38 FR 15511) are amended by changing in Table I the dates and minimum weights applicable to the Pollock and Simmonds varieties and by adding, after the Waldin variety, dates and minimum weights applicable to the Tower-2 variety of avocados, so that after such changes and addition the portion of Table I relating to such varieties reads as follows:

Variety	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Pollock	7- 9-73	18 oz. $3\frac{1}{16}$ in.	7-23-73	16 oz. $3\frac{7}{16}$ in.	8- 6-73		
Simmonds	7- 9-73	16 oz. $3\frac{1}{16}$ in.	7-23-73	14 oz. $3\frac{7}{16}$ in.	8- 6-73		
Tower-2	8-20-73	14 oz	9- 3-73	12 oz	10-1-73		

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated, June 27, 1973, to become effective July 9, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-13357 Filed 6-29-73;8:45 am]

[Avocado Reg. 21, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Maturity Requirements

This amendment to Avocado Regulation 21 (Part 944—Fruits; Import Regulations) maturity requirements extends the period during which imported avocados of the Pollock variety must individually weigh at least 18 ounces or measure at least $3\frac{11}{16}$ inches in diameter one-week, through July 22, 1973, and extends the period during which individual fruit of such variety must weigh at least 16 ounces or measure at least $3\frac{7}{16}$ inches in diameter one-week, through August 6, 1973. Other provisions of the regulation are unchanged. The same maturity requirements are imposed on avocados of the Pollock variety produced domestically in South Florida by an amendment to Avocado Regulation 15, which becomes effective July 9, 1973. The revised regulation is designed to prevent the importation of immature avocados. Immature avocados will not ripen satisfactorily and are unacceptable in taste.

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) the provisions of paragraph (a)(2) of § 944.13 Avocado Regulation 21; (38 FR 15618) are hereby amended to read as follows:

§ 944.13 Avocado Regulation 21.

(a) • • •

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 9, 1973; (ii) from July 9, 1973, through July 22, 1973, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least $3\frac{11}{16}$ inches in diameter; and (iii) from July 23, through August 6, 1973, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least $3\frac{7}{16}$ inches in diameter.

• • • • •

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amended regulation beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) the maturity requirements of this import regulation are comparable to those to be in effect beginning July 9, 1973, on domestic shipments of avocados under Avocado Regulation 15, Amendment 1 (§ 915.315); (c) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 27, 1973, to become effective July 15, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13358 Filed 6-29-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order 76]

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

Order Suspending a Certain Provision

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern South Dakota marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 15519) concerning proposed suspension of a certain provision of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of July through December 1973 the following provision of the order does not tend to effectuate the declared policy of the Act and is, therefore, suspended:

In § 1076.12(c), relating to standards for pooling a plant operated by a cooperative association, the provision "of other handlers", as it appears in the text preceding the proviso.

STATEMENT OF CONSIDERATION

The provision "of other handlers", where it appears in § 1076.12(c) has been suspended by two previous actions for the period of August 1972 through June 1973. There was no opposition expressed to the prior suspension actions or to the notice of proposal to suspend (38 FR 15519) for an additional period.

Land O'Lakes, Inc., a cooperative association of producers on the market, requests continuation of the suspension in order that it may continue to pool milk of producer-members pursuant to § 1076.12(c) of the order.

Section 1076.12(c) provides pool plant status for "a plant other than a distributing plant, operated by a cooperative association if more than 50 percent of the total milk supply of producer-members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the plant of the cooperative association • • •"

Without the suspension, qualifying shipments pursuant to § 1076.12(c) are limited to shipments made to plants of other handlers. The suspension here effectuated will enable Land O'Lakes to qualify supply plants through shipments of producer-member milk to a distributing pool plant owned by the cooperative.

This suspension action is necessary to promote orderly marketing and to permit the most efficient handling of milk of producers regularly supplying the market. The suspension action is made on a temporary basis pending consideration of the provision on a hearing record.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area since the most efficient method of handling much of the milk used to supply distributing plants is by shipment directly from producers' farms to such plants.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No opposition was expressed.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July through December 31, 1973.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended to be effective with respect to producer milk deliveries during July through December 1973.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 2, 1973.

Signed at Washington, D.C., on June 27, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13312 Filed 6-29-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 83—SCREWWORMS

Interstate Movement of Livestock

The purpose of these amendments is to add portions of the States of Arizona, California, and New Mexico to the areas in Texas and Puerto Rico presently designated as areas of recurring infestation. Upon the effective date of these amendments, portions of Arizona, California, and New Mexico are designated as areas of recurring infestation from April 15 to November 30 of each year.

Statement of consideration. Certain territories in Sonora, Mexico, have experienced unusually severe screwworm outbreaks this year which have spread into adjacent areas of the United States. This infestation now threatens the livestock industry of the United States and requires that restrictions be imposed on the movement of livestock from areas in Arizona, California, and New Mexico to protect the livestock populations of the United States from undue risk of screwworm infestations.

Pursuant to sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 1 through 4 of the Act of March 3, 1905, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 83, Title 9, Code of Federal Regulations, is amended in the following respects:

1. § 83.2 is amended to read:

§ 83.2 Notice relating to existence of screwworms.

Notice is hereby given that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas designated in paragraphs (a), (b), (c), and (d) of this section and during the entire year in the Commonwealth of Puerto Rico. Therefore, the following areas are hereby designated as areas of recurring infestation:

(a) *Arizona.* Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, Yavapai, and Yuma Counties.

(b) *California.* Imperial, Orange, Riverside, and San Diego Counties.

(c) *New Mexico.* Dona Ana, Grant, Hidalgo, Luna, and Otero Counties.

(d) *Texas.* Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Calhoun, Cameron, De Witt, Dimmit, Duval, Edwards, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala Counties.

(e) *Puerto Rico.* The entire Commonwealth.

2. In § 83.6, the introductory paragraph is amended to read:

§ 83.6 Interstate movement of livestock from areas of recurring infestation.

The interstate movement of livestock from any area of recurring infestation in the States of Arizona, California, New Mexico, and Texas is prohibited from April 15 through November 30 of each year, and the interstate movement of livestock from the Commonwealth of Puerto Rico is prohibited during the entire year, unless the conditions specified in paragraph (a) or (b) of this section are met. This restriction also applies to livestock transiting any area (or areas) of recurring infestation to an area free of screwworm infestation.

• • • • •

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1 through 4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 F.R. 28464, 28477)

Effective date. The foregoing amendments shall become effective July 2, 1973.

The amendments impose certain further restrictions necessary to prevent the spread of screwworms, and must be made effective immediately to accomplish their

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purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of June, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13359 Filed 6-29-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-160]

Status of Participating Communiies

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry read as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Louisiana	E. Baton Rouge	Zachary, Town of				July 2, 1973. Emerg.
Michigan	Menominee	Unincorporated areas.				Do. Emerg.
New York	Chemung	Elmira Heights, Village of.				Do. Emerg.
North Carolina	Haywood	Canton, Town of				Do. Emerg.
Ohio	Hamilton	Unincorporated				Do. Emerg.
Wisconsin	Ashland	Ashland, City of				Do. Emerg.
Do.	Milwaukee	Glendale, City of				Do. Emerg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 25, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13254 Filed 6-29-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

CFR Correction

In paragraph (a)(1) of § 295.2 appearing on page 206 of Title 21 CFR Parts 170-299 revised as of April 1, 1973, the final period should be changed to a comma and a phrase added: "except the following:".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CCGD3-73-2-R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Coney Island to Rockaway Inlet, N.Y.

This amendment to the Coast Guard's Security Zone Regulations, establishes an area south of Coney Island, New York and west of Rockaway Inlet, New York as a security zone. This security zone is established to maintain a clear operating area below the U.S. Air Force "Thunderbirds" precision flying team while on aerial maneuvers.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.303, to read as follows:

§ 127.303 **Coney Island to Rockaway Inlet, New York.**

The waters within the following boundary is a security zone: a line beginning at N40°33'26'', 74°01'17'' W; thence to N40°33'56'', 73°56'53'' W; thence to N40°33'26'', 73°56'53'' W; thence to the beginning point.

(46 Stat. 220, as amended, (1, 63 Stat. 503,) 6(b), 80 Stat. 937; 50 U.S.C. 191, (14 U.S.C. 91,) 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective from 1:00 p.m. e.d.s.t. until 3:30 p.m. e.d.s.t. July 3, 1973.

Dated: June 19, 1973.

B. F. ENGEL,
Vice Admiral, United States Coast Guard Commander, Third Coast Guard District New York, New York.

[FR Doc.73-13351 Filed 6-29-73;8:45 am]

[CCGD-73-3-R]

PART 127—SECURITY ZONES

Establishment of Security Zone; Jones Beach, N.Y.

This amendment to the Coast Guard's Security Zone Regulations, establishes an area south of Jones Beach, New York as a security zone. This security zone is established to maintain a clear operating area below the U.S. Air Force "Thunderbirds" precision flying team while on aerial maneuvers.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.304, to read as follows:

§ 127.304 **Jones Beach, New York.**

The waters within the following boundary is a security zone: a line beginning at N40°34'29'', 73°32'26''W; thence to N40°35'00'', 73°32'34''W; thence to N40°35'42'', 73°28'07''W; thence to N40°35'10'', 73°28'01''W; thence to the beginning point.

(46 Stat. 220, as amended, (1, 63 Stat. 503), 6(b) 80 Stat. 937; 50 U.S.C. 191, (14 U.S.C. 91), 49 U.S.C. 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective from 1:00 p.m. e.d.s.t. until 3:30 p.m. e.d.s.t. July 4, 1973.

Dated: June 19, 1973.

B. F. ENGEL,
Vice Admiral, United States Coast Guard, Commander, Third Coast Guard District, New York, New York.

[FR Doc.73-13350 Filed 6-29-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Interim Standards for 1975 Model Year Light Duty Vehicles

On April 11, 1973, the Administrator suspended the effective date of the 1975 model year emission standards for hydrocarbons and carbon monoxide for those manufacturers who requested such suspension. That determination is published in the April 26, 1973 (38 FR 10317) edition of the FEDERAL REGISTER.

As required by section 202(b)(5)(A) of the Clean Air Act, the decision also established interim standards for light duty vehicles to be sold in the 1975 model year. In order to ensure that these interim standards will be incorporated in proper form in the Code of Federal Regulations, they are being republished in the form set out below.

The standards prescribed for 1975 model year light duty vehicles of manufacturers who have been granted a suspension are 1.5 grams per mile for exhaust hydrocarbons and 15 grams per mile for exhaust carbon monoxide. The 3.1 grams per mile oxides of nitrogen standard promulgated on July 2, 1971 (36 FR 12664) remains in effect for all manufacturers. The hydrocarbon and carbon monoxide standards originally promulgated on July 2, 1971 (36 FR 12664) for the 1975 model year remain in effect for those manufacturers who have not applied for and received a suspension and will become effective for all manufacturers beginning with the 1976 model year.

In his decision of April 11, the Administrator established a Federal standard of 9 grams per mile for exhaust carbon monoxide for vehicles to be sold in California. That standard applies only to those vehicles whose manufacturers have been granted a suspension of the 1975 model year statutory Federal standards.

Part 85 of Chapter 1, Title 40 of the Code of Federal Regulations as applicable to 1975 model year light duty vehicles is amended below. These regulations are a restatement of the requirements of the Administrator's dceision, which is already in effect. Since their substantive requirements have been in effect since April 11, 1973, their publication in this form is made effective July 2, 1973.

(Sec. 202 of the Clean Air Act, as amended, 42 U.S.C. 1957f-1)

Dated: June 26, 1973.

ROBERT W. FRI,
Acting Administrator.

In § 85.075-1 of Part 85, Title 40 of the Code of Federal Regulations, applicable to 1975 model year light duty vehicles, paragraph (a) is revised to read as follows:

§ 85.075-1 **Standards for exhaust emissions.**

(a)(1)(i) Exhaust emissions from 1975 model year vehicles shall not exceed:

(*a*) *Hydrocarbons.* 0.41 grams per vehicle mile.

(*b*) *Carbon monoxide.* 3.4 grams per vehicle mile.

(*c*) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

(ii) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a)(1)(i), the following standards for exhaust emissions from 1975 model year vehicles shall apply:

(*a*) *Hydrocarbons.* 1.5 grams per vehicle mile.

(*b*) *Carbon monoxide.* 15 grams per vehicle mile, except that the standard shall be 9.0 grams per vehicle mile for vehicles to be sold or offered for sale in the State of California.

(*c*) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

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[FR Doc.73-13375 Filed 6-29-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 114]

PART 1-18—PROCUREMENT OF CONSTRUCTION

Redetermination of Construction Contract Prices

This amendment of the Federal Procurement Regulations adds new § 1-18.310, Redetermination of construction contract prices. The section sets forth a delegation of authority from the Cost of Living Council and includes a contract clause, a notice to contractors, and procedures which provide for the redetermination of construction contract prices for contracts in excess of $500,000 where scheduled increases in wages and salaries of construction employees have been modified by the Construction Industry Stabilization Committee (CISC).

The table of contents for Part 1-18 is amended by adding new entries as follows:

Sec.

1-18.310	Redetermination of construction contract prices.
1-18.310-1	General.
1-18.310-2	Delegation of authority.
1-18.310-3	New construction contract clause.
1-18.310-4	Existing construction contract notice.
1-18.310-5	Advisory committee.

Subpart 1-18.3—Negotiations

Section 1-18.310 is added as follows:

§ 1-18.310 **Redetermination of construction contract prices.**

§ 1-18.310-1 **General.**

(a) The Economic Stabilization Act of 1970, August 15, 1970, as amended, and Executive Order 11695 of January 11, 1973, provide for the establishment and

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maintenance of economic stabilization programs. There is deemed to be a continuing need to stabilize the economy, reduce inflation, minimize unemployment, improve the nation's competitive position in world trade, and to protect the purchasing power of the dollar, all within the context of sound fiscal management and effective monetary policies.

(b) A Construction Industry Stabilization Committee (CISC) was established by Executive Order 11588 of March 29, 1971, and continued by Executive Order 11695. The purpose of the Committee, as provided in Cost of Living Council Order No. 16, of January 12 ,1973, is "to assure generally conformance of any increase in any wage or salary in the construction industry to the provisions of this order."

(c) CISC may determine, from time to time, that wage and salary increases are not acceptable and require that such increases shall be reduced below the level provided in the agreements applicable to construction contracts.

(d) The term "windfall profits" as used in this subpart means the wage and salary rates (including fringe benefits) used in the bid or proposal minus the wage rates approved by CISC multiplied by the actual number of man-hours taken from the payroll records and affected by the CISC action. This definition has been approved by the Cost of Living Council (CLC).

§ 1–18.310–2 Delegation of authority.

(a) The Director, Cost of Living Council, delegated authority to the General Services Administration in Cost of Living Council Order No. 24, April 11, 1973 (38 FR 9681, April 19, 1973), with respect to the redetermination of construction contract prices in excess of $500,000 where CISC has reduced the wages and salaries of construction workers. This delegation reads as follows:

DELEGATION OF AUTHORITY

For the purpose of (1) preventing windfall profits resulting from a reduction in the wage and salary level of construction workers by action of the Construction Industry Stabilization Committee (CISC), (ii) implementing section 130.71 of the Cost of Living Council regulations, and acting pursuant to the Economic Stabilization Act of 1970, as amended, and the authority delegated to me by Executive Order No. 11695 and Cost of Living Council Order No. 14, I hereby delegate to the Administrator of the General Services Administration with respect to civilian executive agencies, and the Secretaries of the military departments and the Secretary of Defense with respect to the Department of Defense authority to:

(1) Require price redetermination of each fixed price construction contract of more than $500,000 which is affected by a wage and salary reduction caused by action of the CISC;

(2) Require that, after April 11, 1973, each successful offeror on a fixed price construction contract of more than $500,000 provide the Government with such information during the life of that contract as is necessary to determine whether windfall profits have or will accrue from a wage and salary reduction caused by the CISC, and to make such arrangements with his subcontractors, regardless of tier, as necessary to insure that the information can be provided;

(3) Prescribe in the Federal Procurement Regulations, and applicable regulations of the Department of Defense such rules and procedures as are necessary to carry out the purpose of this delegation; and

(4) Redelegate to any Federal agency of the United States any authority under this delegation.

James W. McLane
Deputy Director
Cost of Living Council

(b) The authority to redetermine construction contract prices set forth in paragraph (a) of this section is hereby redelegated to civilian executive agencies.

§ 1–18.310–3 New construction contract clause.

To provide an appropriate basis for redetermining construction contract prices following reductions of the wages and salary levels of construction workers caused by action of the CISC, and to implement 6 CFR 130.71 of the Cost of Living Council regulations, a contract clause applicable to fixed price contracts over $500,000 within the United States shall be inserted in all solicitations for bids or proposals on contracts for construction work as follows:

REDUCTION OF WAGES AND SALARIES CAUSED BY ACTION OF THE CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE (CISC)

(Applicable to contracts in excess of $500,000)

(a) The Contractor agrees to submit to the Contracting Officer, within 10 calendar days after award of the contract, all wage and salary rates for the various classes of construction employees used in computing his bid or offer. For the purpose of this clause, "wage and salary rates" include basic hourly wage rates plus cost per hour or fringe benefits.

(b) In the event that the wages or salaries in any agreements applicable to this contract are reduced because of an action by the Construction Industry Stabilization Committee (CISC), the Contractor further agrees (1) to provide the Contracting Officer with the actual number of man-hours for the various classes of construction employees affected by the CISC action as determined from the payroll records, and (2) to negotiate a decrease in the contract price which fairly reflects the results of the CISC action, adjusted by any cost increases directly resulting from the CISC action.

(c) The work under this contract shall not be deemed to be completed for purposes of making final payment under the Payments to Contractors clause of this contract until (1) the final contract price has been established as provided by paragraph (b) of this clause, or (2) the Contractor submits a certification as follows:

CERTIFICATION

Pursuant to the contract clause entitled "REDUCTION OF WAGES AND SALARIES CAUSED BY ACTION OF THE CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE (CISC)," I hereby certify that CISC did not roll back any scheduled wage or salary rate increase for any class of construction employees used in performing contract (*identity*).

(d) For the purpose of paragraph (c), the Contracting Officer may withhold up to an amount equal to the difference between the wage and salary rates (including fringe benefits) used for bid or proposal purposes and the lower rates approved by CISC, multiplied by the actual number of man-hours taken from the payroll records and affected by the CISC action. The amount withheld will be retained until agreement on the final contract price.

(e) Should a dispute arise concerning the amount by which the contract price should be reduced, the Contracting Officer shall issue a determination as to the amount and the determination shall be a final decision under the Disputes clause of the contract which may be appealed by the Contractor.

(f) The payment of interest on an amount in dispute pursuant to paragraph (e) shall be handled in accordance with the provisions of the Payment of Interest on Contractor's Claims clause of this contract.

(g) Any information submitted pursuant to paragraphs (a) and (b) shall be considered privileged information, and the Contracting Officer shall retain it in strict confidence: *Provided, however*, That the privilege afforded by this paragraph shall not prevent the disclosure of such information to the duly authorized representatives of the Federal agency and CISC.

(h) The Contractor shall include the provisions of this clause, except paragraphs (e) and (f), in all subcontracts and shall require their inclusion in all subcontracts of any tier. Subcontractor data shall be furnished to the Government through the chain of higher tier subcontractors and the prime Contractor.

§ 1–18.310–4 Existing construction contract notice.

To accomplish the objectives set forth in § 1–18.310–3 regarding existing fixed price contracts in excess of $500,000 to be performed within the United States that do not include the clause prescribed by § 1–18.310–3 and where final payment has not been made, a notice shall be forwarded to contractors which is substantially as follows:

NOTICE OF REDETERMINATION OF CONTRACT PRICE

The Economic Stabilization Act of 1970, as amended, and Executive Order 11695 provide for the establishment of economic stabilization programs. With respect to construction contracts, the order provides for the operation of a Construction Industry Stabilization Committee (CISC) to review the level of wages and salaries, including fringe benefits, established in any agreements applicable to construction contracts.

Where the CISC has found that the scheduled increases in wages and salaries exceed acceptable levels, the reduction of such wages and salaries to acceptable levels is required. To fairly reflect the results of CISC actions, adjusted by any cost increases directly resulting therefrom, the Director, Cost of Living Council, has directed (6 CFR 130.71) that contract prices be redetermined. Pursuant to the Economic Stabilization Act of 1970, as amended, Executive Order 11695, and Cost of Living Council Order No. 24, April 11, 1973, the ---------- has been delegated authority to negotiate a reduction of prices under fixed price construction contracts of more than $500,000 that will fairly reflect CISC actions.
(name of agency)

You are hereby requested to furnish the wage and salary rates (including fringe benefits) for the various classes of employees used in the computation of your bid or proposal which were affected by a CISC action. You in the contract price which fairly reflects the are further requested to negotiate a decrease results of the CISC action, adjusted by any cost increases directly resulting from the CISC action.

Work under the contract will not be deemed to be completed for purposes of making final payment under the Payments to Contractors clause of your contract until (1) the final contract price has been established as provided by this notice, or (2) you submit a certification as follows:

CERTIFICATION

Pursuant to the contract notice entitled "NOTICE OF REDETERMINATION OF CONTRACT PRICE," I hereby certify that the Construction Industry Stabilization Committee did not roll back any scheduled wage or salary rate increase for any class of construction employees used in performing contract ----------
(identify)

For purposes stated in the above paragraph, the Contracting Officer may withhold up to an amount equal to the difference between the wage and salary rates used for bid or proposal purposes and the lower wage and salary rates approved by CISC, multiplied by the actual number of man-hours taken from the payroll records and affected by the CISC decision.

Should a dispute arise concerning the amount by which the contract price should be reduced, the Contracting Officer shall issue a determination regarding the amount and the determination will be a final decision which may be appealed by you under the Disputes clause of the contract.

The payment of interest on an amount in dispute pursuant to the preceding paragraph will be handled in accordance with the provisions of the Payment of Interest on Contractor's Claims clause, if any, of the contract. Information submitted pursuant to this notice will be considered privileged information, and the Contracting Officer shall retain it in strict confidence. However, the privilege afforded by this paragraph will not prevent the disclosure of such information to the duly authorized representative of the agency and CISC.

A similar notice should be forwarded by the Contractor to all subcontractors affected by a CISC action, except for references to disputes and interest.

§ 1–18.310–5 Advisory committee.

An interagency advisory committee sponsored by the Cost of Living Council will render advice and assistance to any contract appeals board hearing concerning a dispute arising under the contract clause or notice to existing contractors.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective August 15, 1973, but may be observed earlier.

Dated: June 27, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 73-13434 Filed 6-29-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Red Rock Lakes National Wildlife Refuge, Mont.

The following regulations are issued and are effective on July 2, 1973. These regulations apply to public hunting on portions of certain national wildlife refuges in Montana.

General conditions. Hunting shall be in accordance with applicable State regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. No vehicle travel is permitted except on maintained roads and trails. Special conditions applying to individual refuges are listed on the reverse side of maps available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following areas:

* * * * *

Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, Montana 59739.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

* * * * *

Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, Montana 59739.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

E. D. STROOPS,
Refuge Manager.

JUNE 21, 1973.

[FR Doc.73-13113 Filed 6-29-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-175]

ENTRY, EXAMINATION, CLASSIFICATION, AND APPRAISEMENT OF MERCHANDISE; LIQUIDATION OF DUTIES

On June 29, 1972, notice of proposed rulemaking pertaining to a revision of the Customs Regulations relating to entry of merchandise, examination, sampling, and testing of merchandise, classification and appraisement of merchandise, and liquidation of duties (Parts 8, 13, 14, 16, and § 18.16–18.19), was published in the FEDERAL REGISTER 37 FR 12805). An extension of time for filing comments to October 30, 1972, was granted (37 FR 14786).

After consideration of all comments received, the following changes are made in the proposed revision:

1. "Steel" boxes in § 141.2(d) is changed to read "Metal" boxes in order to reflect current Customs interpretation and practice. There was no intent to exclude metal boxes other than steel, which are "other substantial outer containers."

2. Section 141.20 is changed to clarify when the actual owner's declaration and the superseding bond must be filed. In the proposed notice, we emphasized that the mere filing, by a nominal consignee, of an actual owner's declaration without a superseding bond does not relieve him or direct liability for the payment of any additional duty as the principal on the entry bond. However, the language of the section, as it appeared in the proposed notice, made it appear mandatory that the nominal consignee file the superseding bond. This has been corrected to show that the nominal consignee is not obliged to file a superseding bond in accordance with present § 8.18(d) of the Customs Regulations.

3. Section 141.46 is changed to make it clear that a broker may enter merchandise in his own name without having a valid power of attorney; however, he will need a power of attorney to obligate his principal on a bond, or designate his principal as actual owner or ultimate consignee on Customs documents. This change is in conformity with present Customs practice.

4. Section 141.61(a) is changed to include that an importer may omit, on the formal entry, the marks and numbers of packages previously cleared through the immediate delivery procedure, set forth in Part 142.

5. Section 141.61(e)(5) is changed by inserting "The statistical reporting number" in place of "The seven-digit statistical number". As pointed out in statistical headnote 3(b), Tariff Schedules of the United States (19 U.S.C. 1202), when an article is classifiable under a provision which derives its rate of duty from a different provision, generally not only the seven-digit statistical number for the basic provision, but the item number of the provision from which the rate is derived is required. The term used in the Tariff Schedules to describe the numerical information required on the invoice is "the statistical reporting number".

6. Section 141.62(b) is changed to reflect current Customs practice and procedure. As stated in the proposed notice and in § 8.4(b) of the present Customs Regulations, overtime services by Customs officials for the entry of merchandise, or its withdrawal for consumption, are very limited. However, in practice, such overtime services are performed when Customs officers are available and the services are reimbursable.

7. Present § 8.26(c) states that for merchandise required to be marked, pursuant to schedule 7, part 2E, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), the Wool Products Labeling Act, the Fur Products Labeling Act, or the Textile Fiber Products Identification Act, the demand for the return of the merchandise for marking or labeling must be made "not later than 20 days after the appraiser's report of appraisement". Under the reorganization of the Customs Service, the appraiser's report of appraisement was eliminated. A new date-reference point is therefore necessary.

The only two dates of which the importer or his agent are advised on all entries are the date of entry and the

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date of liquidation. Only the latter occurs after entry is made, and it is impractical to use for this purpose because it is too remote from the date of entry.

In proposed § 141.113(a), 20 days from the date of examination of merchandise was used as the determining date. Comments received from the public, and Customs officials, correctly pointed out that in most cases the importer or his agent are unaware of the examination date. However, 30 days from the date of entry is generally equivalent to 20 days from the date of examination, and the importer or his agent can independently determine when that time period has elapsed. It is therefore a practice date to use. However, when merchandise is examined at the importer's premises or some other outside place, there is in many cases a significant time lag from the date of entry to when the merchandise is examined, and 30 days from the date of entry would not adequately cover this situation. In these cases, the importer or his agent would be aware of the date when examination of the merchandise was made. Therefore, in the case of merchandise examined at the importer's premises or such other appropriate places as determined by the district director, 30 days from the date of examination is the time for demand.

8. Section 143.23 outlines the usual informal entry situations when a Customs form other than Customs Form 5119–A may be used. To correct the impression that this list is all inclusive, we have added a new paragraph (e) to § 143.23 to incorporate the other situations by reference.

9. Section 144.15 is added to incorporate present §§ 8.30 (g) and (h) pertaining to the entry into and withdrawal from Customs bonded warehouses of distilled spirits for diplomatic personnel, foreign military personnel, and other such personages. This section was published on March 2, 1973, as T.D. 73–62 (38 FR 5630).

10. In § 151.4(a), "Agricultural Research Service" is changed to "Animal and Plant Health Inspection Service" to reflect the current name of that Government agency.

11. In § 151.10, the term used to describe the Customs officer who will select the representative sample has been changed from "Customs sampler or other authorized Customs officer" to "an authorized Customs officer," in order to more accurately reflect the current Customs practice. The post of Customs sampler is only found in major ports and, even there, the number of Customs samplers has been reduced. The majority of samples are taken by either the Customs inspector or the import specialist.

12. Section 151.21(b) is changed by deleting the parenthetical word "(Clerget)" in accordance with T.D. 54106.

13. Section 151.64 is changed to indicate that on each entry covering wool or hair subject to duty at a rate per clean pound, it will no longer be necessary to file one of the two extra copies of the entry since one extra copy was needed for the Customs Fibers Administrator, whose position was recently abolished.

14. Section 152.23 is changed to reflect that this section applies to all the bases for value of merchandise mentioned in sections 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a, 1402). The expression "shall be appraised at its value in the principal markets of the country from which it is immediately imported", which appeared in the proposed notice, raised questions as to the section's applicability to merchandise appraised on the basis of United States value, American Selling Price, or Constructed Value.

15. Section 159.10(c)(1) is changed to eliminate the exception clause to the notice of reliquidation which provided that when a refund of all or part of the duties paid is due to the importer notice would be given on the notice of refund rather than the notice of reliquidation. The elimination of this exception reflects the abolishment of the notice of refund by T.D. 67–33 (32 FR 492).

16. In § 159.34(a), the list of the quarterly rate countries is changed in the following manner:

a. The name of "Ceylon" is deleted and the name "Sri Lanka (Ceylon)" is inserted in alphabetical order. This reflects the change in the name of the country from Ceylon to Sri Lanka.

b. Denmark is added to the list, in alphabetical order, in accordance with T.D. 72–235 (37 FR 18448).

17. Section 159.47(f) is amended to provide information concerning the effect of recent Treasury Decisions.

In addition to the above changes, certain editorial corrections have been made in the text. Further, certain parts of the Customs Regulations have been renumbered or otherwise modified, necessitating additional conforming changes.

There is included as part of the revision a parallel reference table showing the relationship of sections in Parts 141, 142, 143, 144, 151, 152, and 159, and §§ 10.151 through 10.153 and 10.161 through 10.166 to superseded sections in title 19, Code of Federal Regulations.

Accordingly, new Parts 141, 142, 143, 144, 151, 152, and 159, and the conforming changes to Parts 1, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, 19, 22, 24, 25, 123, 133, 134, 146, 147, 158, 172, and 174 of the Customs Regulations, Chapter I, title 19, of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date. These amendments shall become effective August 1, 1973.

EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: June 15, 1973.

JAMES B. CLAWSON
Acting Assistant Secretary of the Treasury.

PART 1—GENERAL PROVISIONS

Part 1 is amended by adding at the end thereof a new § 1.11, reading as follows:

§ 1.11 Definitions.

As used in this chapter, the following terms shall have the meanings set forth, unless: (a) The context in which they are used requires a different meaning, or (b) a different definition is prescribed for a particular part or portion thereof:

Duties. "Duties" means Customs duties and any internal revenue taxes which attach upon importation.

Date of entry. See § 141.68 of this chapter.

Date of exportation. See § 152.1(c) of this chapter.

Date of importation. "Date of importation" means, in the case of merchandise imported otherwise than by vessel, the date on which the merchandise arrives within the Customs territory of the United States. In the case of merchandise imported by vessel, the date on which the vessel arrives within the limits of a port in the United States with intent then and there to unlade shall be deemed the date of importation of that merchandise as to which there is such intent to unlade.

Entry or withdrawal for consumption. "Entry or withdrawal for consumption" means entry for consumption or withdrawal from warehouse for consumption.

Importer. "Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The term includes, as appropriate:

(1) The consignee,

(2) The importer of record,

(3) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or

(4) The transferee if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.17 [Amended]

Section 4.17 is amended by substituting "159.42" for "16.19".

§ 4.34 [Amended]

Footnote 67a of § 4.34(b) is amended by substituting "141.69(c)" for "8.4(h)".

§ 4.38 [Amended]

In § 4.38, paragraph (a) is amended by substituting "141.102(d) or Part 142" for "8.28(c) or 8.59".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 6—AIR COMMERCE REGULATIONS

§ 6.15 [Amended]

In § 6.15, paragraph (c) is amended by substituting "141.11(a)(4)" for "8.6(e)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

§ 7.1 [Amended]

In § 7.1, paragraph (a) is amended by substituting "144.41" for "8.34".

§ 7.8 [Amended]

In § 7.8, paragraph (e) is amended by substituting "141.83" for "8.15".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Chapter I of title 19, Code of Federal Regulations is amended by deleting Part 8.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.60, 10.62a, 10.80 and 10.91 [Amended]

Paragraph (a) of § 10.60, and paragraphs (a) and (c) of § 10.62a, and §§ 10.80 and 10.91 are amended by substituting "144.32" for "8.37(b)".

In § 10.60, paragraph (d) is amended by substituting "144.37" for "18.19(b)".

§ 10.98 [Amended]

Section 10.98(d) is amended by substituting "§§ 151.52 through 151.55" for "§ 8.48".

§ 10.103 [Amended]

Section 10.103 is amended by substituting "141.61(c), 141.83(c)(8), 141.102(d)" for "8.8(d), 8.15(c)(12), 8.28(c)", respectively.

§ 10.104 [Amended]

In § 10.104, paragraph (a) is amended by substituting "Part 142" for "§ 8.59", and paragraph (b) is amended by substituting "141.11" for "8.6", and "141.102(d)" for "8.28(c)".

§ 10.108 [Amended]

Section 10.108(b) is amended by substituting "143.3" for "8.28(a)".

§ 10.114 [Amended]

Section 10.114(d)(1) is amended by substituting "143.3" for "8.28".

Part 10 is amended by adding at the end thereof new center headings and new §§ 10.151–10.153, and 10.161–10.166, reading as follows:

IMPORTATIONS NOT OVER $1 AND BONA FIDE GIFTS NOT OVER $10

§ 10.151 Importations not over $1.

Pursuant to section 321(a)(2)(C), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(C)), the district director shall pass free of duty and tax, and without the preparation of an entry, any importation having a fair retail value in the country of shipment not exceeding $1, unless he has reason to believe that the shipment is one of several lots covered by a single order or contract and that it was sent separately for the express purpose of securing free entry therefor or of avoiding compliance with any pertinent law or regulation.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

§ 10.152 Bona fide gifts not over $10.

Pursuant to section 321(a)(2)(A), Tariff Act of 1930, as amended (19 U.S.C. 1321(a)(2)(A)), the district director shall pass free of duty and tax, and without the preparation of an entry, any article sent as a bona fide gift from a person in a foreign country to a person in the United States, provided the aggregate fair retail value in the country of shipment of such articles received by one person on 1 day does not exceed $10. An article is "sent" for purposes of this paragraph if it is conveyed in any manner other than on the person or in the accompanied or unaccompanied baggage of the donor or donee.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

§ 10.153 Conditions for exemption.

Customs officers shall be further guided as follows in determining whether an article or parcel shall be exempted from duty and tax under § 10.151 or § 10.152:

(a) A "bona fide gift" for purposes of § 10.152 is an article formerly owned by a donor (may be a commercial firm) who gave it outright in its entirety to a donee without compensation or promise of compensation. It does not include articles acquired by purchase, barter, promissory exchange, or similar transaction, nor does it include articles said to be "given" in conjunction with a purchase, barter, promissory exchange, or similar transaction, such as a so-called bonus article.

(b) A parcel addressed to a person in the United States from an individual in a foreign country which contains a gift should be clearly marked on the outside to indicate that it contains a gift. Such marking is not conclusive evidence of a gift nor is the absence of such marking conclusive evidence that an article is not a gift. Ordinarily an article not exceeding $10 in fair retail value in the country of shipment sent from a person in a foreign country to a person in the United States will be recognizable as a gift from the nature of the article and the obvious facts surrounding the shipment.

(c) A parcel addressed to a person in the United States from a business firm in a foreign country would ordinarily not contain a gift from a donor in the foreign country. When such a parcel in fact contains an article entitled to free entry under section 10.152, the parcel should be clearly marked to indicate that it contains such a gift and a statement to this effect should be enclosed in the parcel.

(d) Consolidated shipments addressed to one consignee shall be treated for purposes of §§ 10.151 and 10.152 as one importation. The foregoing shall not apply to shipments of bona fide gifts consolidated abroad for shipment to the United States when:

(1) The consolidation for shipment to the United States is in a cargo van or similar containerization which is consigned to a common carrier, freight forwarder, freight handler, or other public service agency for distribution of the gift packages;

(2) The separate gifts not exceeding $10 in fair retail value in the country of shipment included in the consolidated shipment are before shipment individually wrapped and addressed to the donee in the United States;

(3) Each gift package is marked on the outside to indicate that it contains a gift not exceeding $10 in fair retail value in the country of shipment; and

(4) Each gift package is separately listed in the name of the addressee-donee on a packing list, manifest, bill of lading, or other shipping document.

(e) No alcoholic beverage, perfume containing alcohol (except where the aggregate fair retail value in the country of shipment of all merchandise contained in the shipment does not exceed $1), cigars, or cigarettes shall be exempted from the payment of duty and tax under § 10.151 or § 10.152.

(f) The exemptions provided for in § 10.151 or § 10.152 are not to be allowed in respect of any shipment containing one or more gifts having an aggregate fair retail value in the country of shipment in excess of $10, except as indicated in paragraph (d) of this section. For example, an article ordinarily subject to an ad valorem rate of duty but sent as a gift, if the fair retail value is $11, would be subject to a duty based upon its value under the provisions of section 402 or 402(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), even though the dutiable value is less than $10.

(g) The exemption referred to in § 10.151 is not to be allowed in the case of any merchandise of a class or kind provided for in any absolute or tariff-rate quota, whether the quota is open or closed. In the case of merchandise of a class or kind provided for in a tariff-rate quota, the merchandise is subject to the rate of duty in effect on the date of entry.

(Sec. 7, 52 Stat. 1081, as amended, sec. 498, 46 Stat. 728, as amended; 19 U.S.C. 1321, 1498)

PHILIPPINE ARTICLES

§ 10.161 Evidence required for Philippine articles.

When any total or partial exemption from duty is claimed on the ground that the merchandise consists of "Philippine articles," as defined in general headnote 3(c)(iv), Tariff Schedules of the United States (19 U.S.C. 1202), the claim shall be allowed only if it is established to the satisfaction of the district director concerned. The district director may accept as satisfactory evidence a certificate of origin in the appropriate form specified

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in section 10.164, subject to any verification he may deem necessary.

§ 10.162 Waiver of certificate.

The district director may waive the production of a certificate of origin if he is satisfied by other reasonable ways and means, taking into consideration the kind and value of the merchandise and the circumstances of importation, that the merchandise consists of "Philippine articles."

§ 10.163 No evidence needed for unconditionally free merchandise.

No evidence of origin shall be required for any Philippine merchandise which is unconditionally free of duty.

§ 10.164 Forms of certificates of origin.

(a) *Philippine article not containing foreign material.* When no material other than that which is the growth, product, or manufacture of the Philippines or of the Customs territory of the United States was used at any stage in the production of the imported article, a certificate in the following form may be accepted as evidence that the commodity is a "Philippine article":

The product covered by the ---------- (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is the growth, product, or manufacture of the Philippines. No foreign materials (other than those which are of the growth, product or manufacture of the Customs territory of the United States) were used at any stage in the production of this product, i.e., either in its immediate production or in the production of any intermediate product used at any stage in the chain of production in the Philippines which resulted in this product.

(b) *Philippine article containing foreign material.* When any material which is not the growth, product, or manufacture of the Philippines or of the Customs territory of the United States was used at any stage in the manufacture of the imported article, a certificate in the following form may be accepted as evidence that the commodity is nevertheless a "Philippine article":

The product covered by the ---------- (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is the product of the Philippines. There were used in its production in the Philippines ----------

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(Number of units and description)

of foreign materials (other than those which are of the growth, product, or manufacture of the Customs territory of the United States) valued by the Philippine Customs officers for the purpose of the Philippine Customs laws at ---------- (official Philippine Customs value at the time of importation into the Philippines, in terms of pounds, yards, or other applicable unit), plus, if not included in such unit values, ----------, the cost per unit of bringing such foreign materials to the Philippines.

(c) *Alternative form for Philippine article containing foreign material.* If the district director is satisfied that the revenue will be protected adequately thereby, he may accept in lieu of the certificate specified in paragraph (b) of this section a certificate in the following form:

The product covered by the ---------- (describe the invoice, bill of lading, or other document or statement identifying the shipment) annexed or appended to this certificate of Philippine origin at the time it was subscribed is a product of the Philippines. There were or may have been used in its production in the Philippines foreign materials (other than those which are of the growth, product, or manufacture of the Customs territory of the United States).

It is impracticable to ascertain the exact number of units of foreign material, if any, used in its production or the Customs valuation of such material, but to the best of (my) (our) (its) knowledge and belief such foreign materials as were or may have been used would not exceed 20 per centum of the selling price or invoice value of the product covered by this certificate.

§ 10.165 Certificate to show information for each kind of article and material.

If more than one kind of article is covered by a certificate provided for in § 10.164 (a), (b), or (c), the required information shall be shown with respect to each kind. When more than one kind of material of other than Philippine or Customs territory of the U.S. origin is used in the production of an article covered by such a certificate, the certificate shall state the number of units, description, and Philippine Customs valuation per unit of each such kind of material.

§ 10.166 Conditions for acceptance of certificate.

A certificate conforming to § 10.164 (a), (b), or (c) shall be accepted as evidence of the facts alleged therein only if:

(a) There is annexed to the certificate a copy of the commercial invoice or bill of lading covering the articles or other documentary matter which identifies the articles to which the certificate pertains;

(b) The certificate is signed by the manufacturer or producer of the articles to which it pertains, or by the person who exported the articles from the Philippines; and

(c) It clearly appears that such copy or other documentary matter was annexed to the certificate when it was signed.

(Gen. hdnte. 3(c), Tariff Schedules of the United States; 19 U.S.C. 1202)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING

§§ 11.12, 11.12a and 11.12b [Amended]

Paragraph (d) of §§ 11.12, 11.12a, and 11.12b are amended by substituting "141.113" for "8.26".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.6 [Deleted]

Part 12 is amended by deleting § 12.6.

§ 12.50 [Amended]

In § 12.50, paragraph (a) is amended by substituting "142.11" for "8.59(g)", paragraph (c) is amended by substituting "141.68(d)" for "8.4(g)", and paragraph (f) is amended by substituting "§ 141.68 and Part 142" for "§ 8.4 and 8.59", respectively.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 13—EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

PART 14—APPRAISEMENT

PART 16—LIQUIDATION OF DUTIES

Chapter I of title 19, Code of Federal Regulations is amended by deleting Parts 13, 14, and 16 thereof.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.11 [Amended]

Paragraph (c) of § 18.11 is amended by substituting "151.9" for "14.2(f)".

§ 18.12 [Amended]

In § 18.12, paragraph (b) is amended by substituting "141.11" for "8.6", and paragraph (c) is amended by substituting "141.84" for "8.11(b)".

§§ 18.16–18.19 [Deleted]

Part 18 is amended by deleting §§ 18.16 through 18.19 thereof and the centerheads related thereto.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

§ 19.6 [Amended]

Paragraph (a) of § 19.6 is amended by substituting "144.38(e)" for "8.38".

§ 19.7 [Amended]

In § 19.7, paragraph (c) is amended by substituting "141.102(d)" for "8.28(c)".

§ 19.9 [Deleted]

Part 19 is amended by deleting § 19.9.

§ 19.15 [Amended]

Section 19.15(g) is amended by substituting: (1) In subparagraph (1), "144.36" for "18.18", and "144.34(b)" for "8.33", and (2) in subparagraph (2), "144.15(b)" for "8.30(h)".

§ 19.18 [Amended]

Paragraph (a) of § 19.18 is amended by substituting "151.55" for "8.48(h)".

§ 19.23 [Amended]

Section 19.23 is amended by substituting "144.37" for "18.19".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 22—DRAWBACK

§ 22.28 [Amended]

In § 22.28, paragraph (b) is amended by substituting "143.3(a)" for "8.28", paragraph (d) is amended by substituting "144.38(e)" for "8.38", and paragraph (e) is amended by substituting "151.7" for "14.2".

§ 22.29 [Amended]

In §22.29, paragraph (b) is amended by substituting "144.37" for "18.19".

(R.S. 251, as amended, secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 66, 1313, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.11 [Amended]

Paragraph (a) of § 24.11 is amended by substituting in subparagraph (2), "141.30" for "8.18(d)".

§ 24.17 [Amended]

Paragraph (a) of § 24.17, is amended by substituting in subparagraph (11), "151.4, 151.5" for "8.5(b)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 25—CUSTOMS BONDS

§ 25.8 [Amended]

Paragraph (a) of § 25.8, is amended by substituting in subparagraph (3), "subpart C of Part 141" for "§ 8.19".

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624)

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.4 [Amended]

In § 123.4, paragraph (a) is amended by substituting "143.23" for "8.51a", and paragraph (b) is amended by substituting "143.21" for "8.51".

§ 123.7 [Amended]

Paragraph (c) of § 123.7, is amended by substituting "141.11" for "8.6".

(R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

§§ 133.24 and 133.46 [Amended]

Sections 133.24 and 133.46 are amended by substituting "141.113" for "8.26".

§ 133.53 [Amended]

Section 133.53 is amended by substituting "158.41 or 158.45" for "8.49 or 15.5".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 134—COUNTRY OF ORIGIN MARKING

§ 134.32 [Amended]

Paragraph (n) of § 134.32, is amended by substituting "§§ 10.151 through 10.153" for "§ 8.3".

§ 134.52 [Amended]

Paragraph (a) of § 134.52, is amended by substituting "141.20" for "8.18(d)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Chapter I of title 19, Code of Federal Regulations, is amended by adding new Parts 141, 142, 143, and 144, as follows:

PART 141—ENTRY OF MERCHANDISE

Sec.
141.0 Scope.

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141.1 Liability of importer for duties.
141.2 Liability for duties on reimportation.
141.3 Liability for duties includes liability for taxes.
141.4 Entry required.
141.5 Time limit for entry.

Subpart B—Right to Make Entry and Declarations on Entry

141.11 Evidence of right to make entry for importations by common carrier.
141.12 Right to make entry of importations by other than common carrier.
141.13 Right to make entry of abandoned or salvaged merchandise.
141.14 Deceased or insolvent consignees and court-appointed administrators.
141.15 Bond for production of bill of lading.
141.16 Disposition of documents.
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141.101 Time of deposit.
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141.112 Liens for freight, charges, or contribution in general average.
141.113 Recall of merchandise released from Customs custody.

AUTHORITY: R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759; 19 U.S.C. 66, 1448, 1484, 1624. Subpart B also issued under sec. 483, 46 Stat. 721; 19 U.S.C. 1483. Subpart F also issued under sec. 481, 46 Stat. 719; 19 U.S.C. 1481. Subpart G also issued under sec. 505, 46 Stat. 732, as amended; 19 U.S.C. 1505. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 141.0 Scope.

This part sets forth general requirements and procedures for the entry of imported merchandise, except entries under carnet, and entries for transportation in bond or exportation, for foreign-trade zones, or for trade fairs, which are covered in Parts 114, 18, 146, and 147 of this chapter. More specific requirements and procedures in addition to those in this part are set forth in Parts 143, 144, and 145 of this chapter for consumption, appraisement and informal entries, for warehouse entries, and for mail entries.

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Subpart A—Liability for Duties and Requirement To Enter Merchandise

§ 141.1 Liability of importer for duties.

(a) *Time duties accrue.* Duties and the liability for their payment accrue upon imported merchandise on arrival of the importing vessel within a Customs port with the intent then and there to unlade, or at the time of arrival within the Customs territory of the United States if the merchandise arrives otherwise than by vessel, unless otherwise specially provided for by law.

(b) *Personal debt of importer.* The liability for duties, both regular and additional, attaching on importation constitutes a personal debt due from the importer to the United States which can be discharged only by payment in full of all duties legally accruing, unless relieved by law or regulation. It may be enforced notwithstanding the fact that an erroneous construction of law or regulation may have enabled the importer to pass his goods through the customhouse without such payment.

(c) *Prior claim against importer's estate.* The Government's claim for unpaid duties against the estate of a deceased or insolvent importer has priority over obligations to creditors other than the United States.

(d) *Lien against merchandise.* The liability for duties also constitutes a lien upon the merchandise imported which may be enforced while such merchandise is in the custody or subject to the control of the United States.

(e) *States and their instrumentalities.* Neither the States nor their instrumentalities are entitled to any constitutional exemption from the payment of Customs duties.

(f) *Unordered merchandise.* There shall be no liability for the payment of duties on the part of anyone to whom merchandise is consigned without his authority, if he refuses it. Such merchandise shall be treated as unclaimed (see Part 20 of this chapter).

(R.S. 3466, 3467, as amended; 31 U.S.C. 191, 192)

§ 141.2 Liability for duties on reimportation.

Dutiable merchandise imported and afterwards exported, even though duty thereon may have been paid on the first importation, is liable to duty on every subsequent importation into the Customs territory of the United States, but this does not apply to the following:

(a) Personal and household effects taken abroad by a resident of the United States and brought back on his return to this country (see § 148.31 of this chapter);

(b) Professional books, implements, instruments, and tools of trade, occupation, or employment taken abroad by an individual and brought back on his return to this country (see § 148.53 of this chapter);

(c) Automobiles and other vehicles taken abroad for noncommercial use (see § 148.32 of this chapter);

(d) Metal boxes, casks, barrels, carboys, bags, quicksilver flasks or bottles, metal drums, or other substantial outer containers exported from the United States empty and returned as usual containers or coverings of merchandise, or exported filled with products of the United States and returned empty or as the usual containers or coverings of merchandise (see § 10.7 (b), (c), (d), and (e) of this chapter);

(e) Articles exported from the United States for repairs or alterations, which may be returned upon the payment of duty on the value of repairs or alterations at the rate or rates which would otherwise apply to the articles in their repaired or altered conditions (see §10.8 of this chapter);

(f) Articles exported for exhibition under certain conditions (see §§10.66 and 10.67 of this chapter);

(g) Domestic animals taken abroad for temporary pasturage purposes and returned within 8 months (see §10.74 of this chapter);

(h) Articles exported under lease to a foreign manufacturer (see § 10.108 of this chapter); or

(i) Any other reimported articles for which free entry is specifically provided.

§ 141.3 Liability for duties includes liability for taxes.

The importer's liability for duties includes a liability for any internal revenue taxes which attach upon the importation of merchandise, unless otherwise provided by law or regulation.

§ 141.4 Entry required.

Entry, as required by section 484(a), Tariff Act of 1930, as amended (19 U.S.C. 1484(a)), shall be made of every importation, whether free or dutiable and regardless of value, except for:

(a) The intangibles listed in general headnote 5, Tariff Schedules of the United States (19 U.S.C. 1202); and

(b) Articles specifically exempted by law or regulations from the requirement for entry.

(Sec 498, 46 Stat. 728, as amended; 19 U.S.C. 1498)

§ 141.5 Time limit for entry.

Merchandise for which entry is required shall be entered by the consignee within 5 working days after the entry of the importing vessel or report of the vehicle, or after the arrival at the port of destination in the case of merchandise transported in bond, unless a longer time is authorized by law or regulation, or by the district director in writing. Merchandise for which timely entry is not made shall be treated in accordance with § 4.37 and Part 20 of this chapter.

Subpart B—Right To Make Entry and Declarations on Entry

§ 141.11 Evidence of right to make entry for importations by common carrier.

(a) *Merchandise not released directly to carrier.* Except where merchandise is released directly to the carrier in accordance with paragraph (b) of this section, one of the following types of evidence of the right to make entry shall be filed in connection with the entry of merchandise imported by common carrier:

(1) A bill of lading, presented by the holder thereof, properly endorsed when endorsement is required under the law. A nonnegotiable bill of lading may not be endorsed by the named consignee to give someone else the right to make entry. If the person making entry intends to use the original bill of lading to obtain a duplicate bill of lading or carrier's certificate from the carrier, such exchange shall be made before the entry is filed, and the duplicate bill of lading or carrier's certificate shall be used to make entry in accordance with subparagraph (3) or (4) of this paragraph.

(2) An extract from a bill of lading certified to be genuine by the carrier bringing the merchandise to the port of entry. District directors shall not certify extracts from bills of lading.

(3) A certified duplicate bill of lading, with the carrier's certificate being in substantially the following form:

DUPLICATE BILL OF LADING CERTIFICATE

_____, 19--

The undersigned carrier, bringing the within-described merchandise to this port, hereby certifies that this signed copy of the bill of lading is genuine and may be used for the purpose of making Customs entry as provided for in section 484(1), Tariff Act of 1930.

_____
(Name of carrier)

_____
(Agent)

(4) A carrier's certificate, which may be executed on the official entry form, on Customs Form 7529, or, in appropriate cases, by means of a rubber-stamped or typewritten combined carrier's certificate and release order with one signature on a copy of the bill of lading, airway bill, shipping receipt, or other comparable document. The rubber-stamped or typewritten certificate shall be in substantially the following form, which may be varied to include any of the qualifications on release shown in § 141.111(d):

Date _____

The undersigned carrier, to whom or upon whose order the articles described herein or in the attached document must be released, hereby certifies that the consignee named in this document is the owner or consignee of such articles within the purview of section 484(h), Tariff Act of 1930. In accordance with the provisions of section 484(j), Tariff Act of 1930, authority is hereby given to release the articles covered by the aforementioned statement to such consignee.

_____
(Name of carrier)

_____
(Agent)

(5) A blanket carrier's certificate on an appropriately modified Customs Form 7529, covering any or all shipments which will arrive at the port on the carrier's conveyances during the period specified in the certificate.

(6) A shipping receipt or other document presented in lieu of a bill of lading shall be accepted as authority for making entry only if it bears a carrier's certificate in accordance with subparagraph (4) of this paragraph, or if entry is made by the actual consignee in person or in his name by a duly authorized agent.

(b) *Merchandise released directly to carrier.* Where, in accordance with subsection (j) of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), merchandise is released from Customs custody (either under immediate delivery procedures in accordance with the provisions of Part 142 of this chapter, or after an entry has been made and estimated duties deposited, where appropriate), to the carrier by whom the merchandise was brought to the port, the delivery of the merchandise by the carrier to the person making entry and depositing the estimated duties shall be deemed to be the certification required by subsection (h), section 484, Tariff Act of 1930. Customs responsibility under this optional entry procedure is limited to the collection of duties, and constitutes no representation whatsoever regarding the right of any person to obtain possession of the merchandise from the carrier. Consequently, no Customs official shall be liable to any person in respect to the delivery of merchandise released from Customs custody in accordance with the provisions of this paragraph.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 141.12 Right to make entry of importations by other than common carrier.

When merchandise is not imported by a common carrier, possession of the merchandise at the time of arrival in the United States shall be deemed sufficent evidence of the right to make entry.

§ 141.13 Right to make entry of abandoned or salvaged merchandise.

Underwriters of abandoned merchandise or salvors of merchandise saved from a wreck who are unable to produce a bill of lading, certified duplicate bill of lading, or carrier's certificate shall produce evidence satisfactory to the district director of their right to act.

§ 141.14 Deceased or insolvent consignees and court-appointed administrators.

The executor or administrator of the estate of a deceased consignee, the receiver or other legal representative of an insolvent consignee, or the representative appointed in any action or proceeding at law to act for a consignee shall not be permitted to make entry unless he shall produce a duly endorsed bill of lading, a carrier's certificate, or a duplicate bill of lading, executed in accordance with subsections (h) or (i) of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), showing him to be the consignee for Customs purposes.

§ 141.15 Bond for production of bill of lading.

(a) *When appropriate.* If the person desiring to make entry is unable at that time to present a bill of lading or other evidence of right to make entry in accordance with § 141.11, the district director may accept a bond for the production of a bill of lading under the provisions of section 484(c), Tariff Act of 1930, as amended (19 U.S.C. 1484(c)). The bond shall be for the production of a bill of lading, even if the person making entry intends to produce a carrier's certificate or certified duplicate bill of lading, since section 484(c) does not apply to entries made on a carrier's certificate or certified duplicate bill of lading. If the district director is in doubt as to the propriety of accepting entry on a bond for the production of a bill of lading, he shall request authority to do so from the Commissioner of Customs.

(b) *Form.* The bond shall be on Customs Form 7581 and shall run in favor of the district director personally and as district director.

(c) *Documents acceptable to satisfy bond.* A bond given for the production of a bill of lading shall be considered as canceled upon production of a bill of lading, and may be considered as satisfied but shall not be canceled upon the production of a carrier's certificate or certified duplicate bill of lading.

§ 141.16 Disposition of documents.

(a) *Bill of lading.* When the return of the bill of lading to the person making entry is requested in accordance with section 484(j), Tariff Act of 1930, as amended (19 U.S.C. 1484(j)), the district director shall obtain a receipt showing sufficient data from the bill of lading to completely identify it and enable the auditor to verify the production of proper evidence of the right to make entry. The receipt shall also show any freight charges and weights that appear on the bill of lading. The district director shall then return the bill of lading to the person making entry with a notation thereon to the effect that entry has been made for the merchandise.

(b) *Other documents.* When any of the other documents specified in §§ 141.11(a) (2) through (6) is used in making entry, it shall be retained by the district director as evidence that the person making entry is authorized to do so.

§ 141.17 Entry by nonresident consignee.

A nonresident consignee has the right to make entry, but any bond taken in connection with the entry shall have a resident corporate surety or, when a carnet issued under Part 114 of this chapter is used as an entry form, an approved resident guaranteeing association.

§ 141.18 Entry by nonresident corporation.

A nonresident corporation (i.e., one which is not incorporated within the Customs territory of the United States or in the Virgin Islands of the United States) shall not enter merchandise for consumption unless it:

(a) Has a resident agent in the State where the port of entry is located who is authorized to accept service of process against such corporation; and

(b) Files a bond having a resident corporate surety to secure the payment of any increased and additional duties which may be found due.

§ 141.19 Declaration on entry.

(a) *Declaration by consignee.* The consignee in whose name an entry is made under the provisions of section 484, Tariff Act of 1930, as amended (19 U.S.C. 1484), shall execute on the entry form a declaration as specified in section 485(a) of that Act, as amended (19 U.S.C. 1485(a)), except that the declaration need not be under oath. When the consignee is a partnership, any partner may execute the declaration, and when the consignee is a corporation any officer of the corporation may execute the declaration.

(b) *Declaration by agent of consignee—(1) Authorized agent with knowledge of facts.* When entry is made in a consignee's name by an agent who has knowledge of the facts and who is authorized under a proper power of attorney by that consignee to make declarations in accordance with section 485(f), Tariff Act of 1930, as amended (19 U.S.C. 1485(f)), a declaration on the entry form executed by that agent is sufficient and no bond to produce a declaration of the consignee is required.

(2) *Other agents.* When entry is made in a consignee's name by an agent who does not meet the qualifications set forth in subparagraph (1) of this paragraph, a declaration of the consignee on Customs Form 3347–A shall be submitted with the entry, or a charge for the production of such declaration shall be made against the entry bond. No separate bond of the agent shall be required, since a charge against the entry bond satisfies the requirements of section 485(c), Tariff Act of 1930, as amended (19 U.S.C. 1485(c)).

(3) *Nominal consignee.* A nominal consignee who makes entry in his own name is not considered an agent within the purview of section 485(c), Tariff Act of 1930, as amended (19 U.S.C. 1485(c)), and he shall execute a declaration in accordance with paragraph (a) of this section.

(c) *Books, newspapers, and periodicals.* In the case of successive importations of books, magazines, newspapers, and periodicals within the scope of section 485(b), Tariff Act of 1930, as amended (19 U.S.C. 1485(b)), one declaration filed at the time of arrival of the first importation will be sufficient.

(Secs. 485, 486, 46 Stat. 724, as amended, 725, as amended; 19 U.S.C. 1485, 1486)

§ 141.20 Actual owner's declaration and superseding bond.

(a) *Filing.*—(1) *Actual owner's declaration.* A consignee in whose name an entry is made and who desires under the provisions of section 485(d), Tariff Act

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of 1930, as amended (19 U.S.C. 1485(d)), to be relieved from direct liability for the payment of increased and additional duties shall file with the district director, within 90 days from the date of entry, a declaration of the actual owner of the merchandise, on Customs Form 3347.

(2) *Superseding bond.* If the consignee desires to be relieved from liability for the payment of increased and additional duties voluntarily assumed by him in the single-entry bond which he filed in connection with the entry, or in his term bond against which the entry was charged, he shall file with the district director, within 90 days from the date of entry, a superseding bond on Customs Form 7601.

(b) *Appropriate party to execute and file.* Neither the owner's declaration nor the superseding bond shall be accepted unless executed by the actual owner or his duly authorized agent, and filed by the nominal consignee.

(c) *Nonresident actual owner.* If the actual owner is a nonresident, the actual owner's declaration shall not be accepted as compliance with section 485(d), Tariff Act of 1930, as amended (19 U.S.C. 1485 (d)), unless there is filed therewith the owner's bond on Customs Form 7551 or 7553, with a resident corporate surety thereon, in lieu of a bond on Customs Form 7601.

(Secs. 485, 623, 46 Stat. 724, as amended, 759, as amended; 19 U.S.C. 1485, 1623)

Subpart C—Powers of Attorney

§ 141.31 General requirements and definitions.

(a) *Limited or general power of attorney.* A power of attorney may be executed for the transaction by an agent or attorney of a specified part or all the Customs business of the principal.

(b) *Sealed instruments.* If a power of attorney is for the execution of sealed instruments, it shall be under seal.

(c) *Minor agents.* A power of attorney to a minor shall not be accepted.

(d) *Definitions of resident and nonresident.* For the purposes of this subpart, "resident" means an individual who resides within, or a partnership one or more of whose partners reside within, the Customs territory of the United States or the Virgin Islands of the United States, or a corporation incorporated in any jurisdiction within the Customs territory of the United States or in the Virgin Islands of the United States. A "nonresident" means an individual, partnership, or corporation not meeting the definition of "resident."

§ 141.32 Form for power of attorney.

Customs Form 5291 may be used for giving power of attorney to transact Customs business. If a Customs power of attorney is not on a Customs Form 5291, it shall be either a general power of attorney with unlimited authority or a limited power of attorney as explicit in its terms and executed in the same manner as a Customs Form 5291. The following is an example of an acceptable general power of attorney with unlimited authority:

KNOW ALL MEN BY THESE PRESENTS, THAT

(Name of principal)

(state legal designation, such as corporation, individual, etc.)

residing at ---

and doing business under the laws of the State of ---, hereby appoints

---

(name, legal designation, and address)

as a true and lawful agent and attorney of the principal named above with full power and authority to do and perform every lawful act and thing the said agent and attorney may deem requisite and necessary to be done for and on behalf of the said principal without limitation of any kind as fully as said principal could do if present and acting, and hereby ratify and confirm all that said agent and attorney shall lawfully do or cause to be done by virtue of these presents until and including ---, or until

(date)

notice of revocation in writing is duly given before that date.

Date ---, 19--.

(Principal's signature)

§ 141.33 Alternative form for noncommercial shipment.

An individual (but not a partnership, association, or corporation) who is not a regular importer may appoint another individual as his unpaid agent for Customs purposes by executing a power of attorney applicable to a single noncommercial shipment by writing, printing, or stamping on the invoice, or on a separate paper attached thereto, the following statement:

--- of

(Name)

(address)

is hereby authorized to execute, as an unpaid agent who has knowledge of the facts, pursuant to the provisions of section 485(f), Tariff Act of 1930, as amended, the consignee's and owner's declarations provided for in section 485 (a) and (d), Tariff Act of 1930, as amended, and to enter on my behalf or for my account the goods described in the attached invoice which contains a true and complete statement of the facts concerning the shipment.

Date ---, 19--.

(Signature of importer)

(Address)

§ 141.34 Duration of power of attorney.

Powers of attorney issued by a partnership shall be limited to a period not to exceed 2 years from the date of receipt thereof by the district director. All other powers of attorney may be granted for an unlimited period.

§ 141.35 Revocation of power of attorney.

Any power of attorney shall be subject to revocation at any time by written notice given to and received by the district director.

§ 141.36 Nonresident principals in general.

A power of attorney filed by a nonresident principal shall not be accepted unless the agent designated thereby is a resident and is authorized to accept service of process against such nonresident.

§ 141.37 Additional requirements for nonresident corporations.

A power of attorney executed by a nonresident corporation shall be supported by filing the following documents which, except for the certificate of incorporation, shall be certified as correct by the secretary of the corporation under its corporate seal:

(a) A certificate from the proper public officer of the country showing the legal existence of the corporation;

(b) A copy of that portion of the charter or articles of incorporation which shows the scope of the business of the corporation and the governing body thereof; and

(c) One of the following proofs of the grantor's authority to grant power of attorney for the corporation:

(1) If the authority of the grantor is derived from the charter or articles of incorporation, a copy of that portion thereof which contains such authority; or

(2) If the authority of the grantor is derived from the governing body, a copy of the bylaws or other document which authorizes the governing body to designate others to appoint agents or attorneys, together with a copy of the resolution, minutes, or other document by which the governing body conferred the authority on the grantor.

§ 141.38 Resident corporations.

A power of attorney shall not be required if the person signing Customs documents on behalf of a resident corporation is known to the district director to be the president, vice president, treasurer, or secretary of the corporation. When a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized for such purpose, and shall be supported by a certificate showing the authority of such person to execute the power of attorney. The certificate of authority shall be executed under seal by the secretary, assistant secretary, or other corporate officer, but not by the same person executing the power of attorney, and shall be in the following form:

CERTIFICATE

I, ---, certify that I am the --- of ---, organized under the laws of the State of ---; that ---, who signed this power of attorney on behalf of the donor, is the --- of the said corporation; and that said power of attorney was duly signed, sealed, and attested for and in behalf of said corporation, by authority of its governing body as the same appears in a resolution of the Board of Directors passed at a regular meeting held on the --- day of ---, now in my possession or custody. I further certify that the resolution is in accordance with the articles of incorporation and bylaws of said corporation.

In witness whereof, I have hereunto set my hand and affixed the seal of said corporation, at the city of --- this --- day of ---, 19--.

§ 141.39 Partnerships.

(a) *General.* A power of attorney granted by a partnership shall state the names of all members of the partnership. One member of a partnership may execute a power of attorney in the name of the partnership for the transaction of all its Customs business, except the execution of sealed instruments. If the power of attorney is for the execution of sealed instruments, it shall be signed and sealed by each partner.

(b) *Change in partners.* When a new firm is formed by a change in membership, no power of attorney filed by the antecedent firm shall thereafter be recognized for any Customs purpose.

§ 141.40 Trusteeships.

A trustee may execute a power of attorney for the transaction of Customs business incident to the trusteeship.

§ 141.41 Surety on Customs bonds.

Powers of attorney to sign as surety on Customs bonds are subject to the requirements set forth in Part 25 of this chapter.

§ 141.42 Protests.

Powers of attorney to file protests are subject to the requirements set forth in § 174.3 of this chapter.

§ 141.43 Delegation to subagents.

(a) *Resident principals.* Except as otherwise provided for in paragraph (c) of this section, the holder of a power of attorney for a resident principal cannot appoint a subagent except for the purpose of executing shippers' export declarations. A subagent so appointed cannot delegate his power.

(b) *Nonresident principals.* Except as otherwise provided for in paragraph (c) of this section, an agent who has power of attorney for a nonresident principal may execute a power of attorney delegating authority to a subagent only if the original power of attorney contains express authority from the principal for the appointment of a subagent or subagents. Any subagent so appointed must be a resident authorized to accept service of process in accordance with § 141.36.

(c) *Customhouse brokers.* A power of attorney executed in favor of a licensed customhouse broker may specify that the power of attorney is granted to the broker to act through any of its licensed officers or authorized employees as provided in Part 111 of this chapter.

§ 141.44 Designation of Customs districts in which power of attorney is valid.

Unless a power of attorney specifically authorizes the agent to act thereunder in all Customs districts, the name of each district in which the agent is authorized to act thereunder shall be stated in the power of attorney. The power of attorney shall be filed with any district director, in a sufficient number of copies for distribution to each district in which the agent is to act, unless exempted from filing by § 141.46. The district director with whom a power of attorney is filed, irrespective of whether his district is named therein, shall approve it, if it is in the correct form and the provisions of this subpart are complied with, and forward any copies intended for other districts to the appropriate districts.

§ 141.45 Certified copies of power of attorney.

When a power of attorney which is not limited to transactions in a specific Customs district has been filed and it is desired to use it in another district, the district director with whom it is filed, upon request of the district director of the other district or upon request of the person or firm which executed the power, shall forward a certified copy thereof to the district director of the second district. Any expense in connection with the preparation of such documents shall be borne by the parties in interest.

§ 141.46 Power of attorney retained by customhouse broker.

Before transacting Customs business in the name of his principal, a customhouse broker is required to obtain a valid power of attorney to do so. He is not required to file the power of attorney with a district director. Customhouse brokers shall retain powers of attorney with their books and papers, and make them available to representatives of the Department of the Treasury as provided in subpart C of Part 111 of this chapter.

Subpart D—Quantity of Merchandise To Be Included in an Entry

§ 141.51 Quantity usually required to be in one entry.

All merchandise arriving on one vessel or vehicle and consigned to one consignee shall be included in one entry, except as provided in § 141.52.

§ 141.52 Separate entries for different portions.

Separate entries may be made for different portions of all the merchandise arriving on one vessel or vehicle and consigned to one consignee under any of the following circumstances, if the district director is satisfied that there will be no prejudice to the revenue or to the efficient conduct of Customs business:

(a) Each portion of a consolidated shipment addressed to one consignee for various ultimate consignees may be entered separately under the procedure set forth in § 141.54.

(b) One or more of the enclosed packages in a packed package may be entered separately under any appropriate form of formal or informal entry. No entry is required for an enclosed package which contains merchandise unconditionally free of duty and not exceeding $250 in value. A packed package is an outer package in which are contained inner packages addressed for delivery to two or more different persons, as described in section 484(f), Tariff Act of 1930, as amended (19 U.S.C. 1484(f)). Each outer container shall be marked to indicate that it is a packed package.

(c) The consignee desires to enter different portions under different forms of entry, for transportation to different ports of entry, or for warehousing in separate warehouses.

(d) Appraisement is being withheld upon merchandise of the class or kind for which a separate entry is tendered.

(e) The several portions of the consignment for which separate entries are tendered are covered by separate bills of lading.

(f) The consignment consists of different classes of merchandise which are to be processed by different Customs commodity specialist teams.

(g) The consignment contains merchandise subject to entry under bonds given to assure accounting for final disposition, such as a temporary importation bond.

(h) The consignment consists of different importations which arrived under a consolidated entry for immediate transportation made pursuant to § 18.11(g) of this chapter.

(i) A special application is submitted to the Commissioner of Customs with the recommendation of the district director concerned and is approved by the Commissioner.

§ 141.53 Procedure for separate entries.

When separate entries for one consignment are made in accordance with § 141.52 (b) through (i), the following procedures shall apply:

(a) The entries shall be presented simultaneously when practicable.

(b) A separate consignee's declaration shall be filed for each entry.

(c) Each entry shall cover whole packages or not less than 1 ton of bulk merchandise, except when a portion of the merchandise is entered under a temporary importation bond in accordance with schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202).

(d) When separate entries are made for merchandise covered by a single bill of lading, the provisions of § 141.54 shall be complied with, except that the endorsement on the bill of lading required by § 141.54(b) shall read as follows:

As portions of the within-described merchandise will be covered by separate entries, the undersigned consignee expressly waives the right granted by section 484(j), Tariff Act of 1930, as amended, to have this bill of lading returned.

§ 141.54 Separate entries for consolidated shipments.

When separate entries for consolidated shipments are made in accordance with § 141.52(a), the following procedures shall apply except where the merchandise is released directly to the carrier in accordance with § 141.11(b):

(a) *Deposit of evidence of right to make entry.* The nominal consignee of a consolidated shipment covering merchandise for various ultimate consignees who desire to make separate entries shall deposit with the district director evidence of the right to make entry as set forth in § 141.11(a), and such evidence shall be permanently retained by the district director.

(b) *Waiver of right to have bill of lading returned.* If a bill of lading is filed,

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it shall contain the following endorsement signed by the consignee named therein:

As the within-described merchandise belongs to various ultimate consignees who desire to make separate entries therefor, the undersigned consignee thereof hereby expressly waives the right granted by section 484(j), Tariff Act of 1930, as amended, to have this bill of lading returned.

(c) *Certificate by nominal consignee.* Except when an authority to make entry for a portion of a consolidated shipment is executed on the entry form in the space provided therefor, at the time of depositing such bill of lading or other document the consignee named therein shall produce a certificate prepared and signed by him for each portion of the shipment for which separate entry is desired. The authority to make entry carried by such a certificate may be transferred by endorsement. The certificate shall be in the following form:

Port of _____
_____, 19__

AUTHORITY TO MAKE ENTRY

Of merchandise imported at _____ on _____, 19__, per _____, from _____ shipped by _____, consigned to _____, endorsed to _____, covered by [1] _____ dated _____, 19__, at _____ on file with the district director of Customs at _____.

Marks	*Numbers*	*Description*
------	------	----------
------	------	----------
------	------	----------

(We) (I) _____, the consignee(s) in the above-mentioned document covering merchandise for various ultimate consignees, hereby authorize _____ or order to make Customs entry for the above described merchandise.

_____
(Consignee(s))

(d) *Verification of certificate.* When a certificate on a separate document as described in paragraph (c) of this section is presented, it shall be compared with the supporting document and after being initialed by the ministerial clerk shall be returned to the consignee for transmittal to the person who will make entry. When an entry is received having executed in the space provided thereon an authority to make entry for a portion of a consolidated shipment, such authority shall be compared with the supporting document.

[1] Insert "bill of lading," "certified duplicate bill of lading," "carrier's certificate," or "shipping receipt."

§ 141.55 Single entry for shipments arriving under one transportation entry.

Except in the case of merchandise subject to a quantitative or tariff-rate quota, district directors are authorized to accept an entry for consumption or for warehousing for the entire quantity of merchandise covered by an entry for immediate transportation after the arrival of any part of such quantity at the port of destination or at such place of deposit outside the port as may be authorized in accordance with § 18.11(c) of this chapter.

Subpart E—Presentation of Entry Papers

§ 141.61 Completion of entry papers.

(a) *Preparation.* Entries shall be prepared on a typewriter, or with ink, indelible pencil, or other permanent medium, and all copies presented shall be legible. All entry papers and accompanying documents shall be on the appropriate forms specified by the regulations, and shall clearly set forth all information required by such forms, except that an importer may omit from the formal entry, the marks and numbers of packages of merchandise previously permitted for immediate delivery pursuant to Part 142.

(b) *Signing of entry.* The signing of the consignee's declaration on the consumption or warehouse entry in accordance with section 141.19 shall be regarded as a signing of the entry as required by section 484(d), Tariff Act of 1930, as amended (19 U.S.C. 1484(d)).

(c) *Customs Form 6417.* Each entry shall be accompanied by Customs Form 6417 (Summary of Entered Values), the face of which shall be prepared by the importer as a carbon copy of the entry so that it contains the same information as the entry. However, no Customs Form 6417 shall be required or accepted by the district director for importations entitled to immediate delivery under § 10.104(a) of this chapter, which pertains to certain importations by military departments, the General Services Administration, and the Atomic Energy Commission.

(d) *Customs Form 5101.* A Customs Form 5101 (Entry Record) shall be prepared by the importer and all three copies, with carbon paper left in, shall be presented with each dutiable consumption entry, and each warehouse, appraisement, vessel repair, or drawback entry. The importer number shall be reported as follows:

(1) *Generally.* The importer number of the importer of record and the importer number of the ultimate consignee shall be reported for each such entry filed other than a consolidated entry covering the shipment of several ultimate consignees. When the importer of record and the ultimate consignee are one and the same, the importer number shall be entered in both spaces provided on Customs Form 5101.

(2) *When a consolidated entry is filed.* When a consolidated entry is filed, the notation "consolidated" shall be entered in the space for the importer number of the ultimate consignee.

(3) *When refunds, bills, or notices of liquidation are to be mailed to the agent.* If an importer of record desires to have refunds, bills, or notices of liquidation mailed in care of his agent, the agent's importer number shall also be reported on the Customs Form 5101. In such a case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

(e) *Statistical information.* Each invoice shall be listed separately on the entry, and for each class of merchandise within each invoice the following shall be shown:

(1) Country of origin;

(2) Quantity;

(3) Description in terms of the Tariff Schedules of the United States Annotated, or in more specific terms that will clearly identify the merchandise and its entered classification;

(4) Aggregate entered value for such classification, except in the case of entry by appraisement;

(5) The statistical reporting number, as shown in the Tariff Schedules of the United States Annotated; and

(6) The entered rate of duty and internal revenue tax.

(f) *Value of each invoice.*

(1) *Dutiable, taxable, or conditionally free merchandise.* For each invoice of dutiable, taxable, or conditionally free merchandise covered by the entry and in a conspicuous place among the entry data relating to such invoice, there shall be shown the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation represents the aggregate of the entered values of all the merchandise on each invoice covered by the entry.

(2) *Unconditionally free merchandise.* For each invoice of merchandise that is unconditionally free of duty and tax, it will be sufficient if the entry data relating to such invoice includes the entered value, without the detailed computations specified in subparagraph (1) of this paragraph.

(g) *Cotton textiles from Hong Kong.* On each entry covering cotton textiles imported from Hong Kong, the description of merchandise shall include, in addition to the applicable item number of the Tariff Schedules of the United States Annotated, the International Cotton Textile Arrangement Category number appearing on the Comprehensive Certificate of Origin when such a certificate is required (see 31 CFR 500.808).

(h) *Cigars, cigarettes, or cigarette papers and tubes.* On each entry of cigars, cigarettes, or cigarette papers and tubes, as those articles are defined in Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and when subject to such regulations, the separate statement for tax purposes required by 26 CFR 275.81 as to any such article shall be made on the entry form.

§ 141.62 Hours for presentation of entries and withdrawals.

(a) *Normal business hours.* Entry or withdrawal papers shall be presented only when the customhouse is open for the general transaction of business (see § 1.7 of this chapter), except as provided for in paragraph (b) of this section.

(b) *Overtime.* Merchandise may be entered or withdrawn for consumption when the customhouse is not open for the general transaction of business, provided the entry or withdrawal is presented at a time when overtime services of the Customs officers are available and are reimbursable and the person desiring to make the entry or withdrawal has applied for and received authorization for overtime services in accordance with § 24.16 of this chapter.

§ 141.63 Presentation of entry papers before or after arrival of merchandise.

Formal entry papers may be presented at the customhouse after the merchandise has arrived within the limits of the port of entry, or they may be presented for preliminary examination within such time prior to the arrival of the merchandise as may be fixed by the district director, but estimated duties may not be accepted before the merchandise has arrived within the port limits. The presentation of entry papers for preliminary examination before arrival of the merchandise shall not be applicable to merchandise which is to be released under a special permit for immediate delivery, merchandise subject to a quantitative or tariff-rate quota, merchandise which is to be entered at a Customs station, or any merchandise to be covered by an informal entry.

§ 141.64 Review and correction of entry papers.

When the papers for a formal entry are presented, they shall be reviewed prior to acceptance to insure that all entry requirements are complied with and that the indicated values and rates of duty are correct. If any errors are found, the entry papers shall be returned to the importer for correction.

§ 141.65 Acceptance of entry before review.

If merchandise which has arrived within the port limits is to be entered under a consumption entry, or under a warehouse entry accompanied by a simultaneous withdrawal for consumption, and the importer believes that the review prior to acceptance may delay the completion of the entry until a higher rate of duty is in effect, he may file with the entry papers a written request to deposit the estimated duties before the entry is reviewed. If such request is granted, the rates of duty applicable to the merchandise (including merchandise subject to a tariff-rate quota) shall be the rates in effect when the estimated duties are deposited, except as provided for in § 141.69 (b) for certain merchandise arriving under an immediate transportation entry. Such request shall be granted unless the district director has reason to believe that it is not made in good faith.

§ 141.66 Bond for missing documents.

Unless otherwise prescribed in these regulations, an appropriate bond may be given for the production of any required document which is not available at the time of entry. (See § 141.91 for the procedure applicable to incomplete or missing invoices.)

(Secs. 490, 623, 46 Stat. 726, as amended, 759, as amended; 19 U.S.C. 1490, 1623)

§ 141.67 Recall of entry papers by importer.

The importer may recall the entry papers at any time before the making of the entry has been completed in accordance with § 141.68. The entry shall be deemed canceled, and the invoice and other documents returned to the importer.

§ 141.68 Effective time of entry.

(a) *General.* No entry shall be considered to be "deposited" or "accepted," nor shall the merchandise covered thereby be considered to be entered within the meaning of the law or regulations applicable to the entry of the merchandise, until after the arrival of the merchandise within the limits of the port of entry and the subsequent deposit of estimated duties or subsequent official determination that no deposit is required.

(b) *Informal mail entry.* Entry is made under an informal mail entry (Customs Form 3419 or 5119–A) when the preparation of the entry by a Customs employee is completed.

(c) *Warehouse entry.* Entry is made under a warehouse entry (Customs Form 7502) when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, with the Customs officer designated to receive such entry papers.

(d) *Withdrawal from warehouse for consumption.* A withdrawal from warehouse for consumption, the process preparatory to the issuance of a permit for the release of the merchandise to or upon the order of the warehouse proprietor, is made when Customs Form 7505 is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of withdrawal, with the Customs officer designated to receive such withdrawal, and any duties required to be paid at the time of withdrawal have been deposited with the Customs officer designated to receive such monies. Unless all acts required by this paragraph and by section 315(a), Tariff Act of 1930, as amended (19 U.S.C. 1315(a)), including the deposit of required duties, are completed before the expiration of 60 days from the date of deposit of Customs Form 7505, such form and any related papers shall be deemed abandoned.

(e) *Formal consumption entry, appraisement entry, informal entry, combined entry for rewarehouse and withdrawal for consumption, and entry under carnet.* Entry is made under a formal consumption entry (Customs Form 7501), an appraisement entry (Customs Form 7500), an informal entry (Customs Form 5119–A), a combined entry for rewarehouse and withdrawal for consumption (Customs Form 7519), or an A.T.A. or E.C.S. carnet issued under Part 114 of this chapter when the specified form is properly executed and deposited, together with any related documents required by any provision of these regulations to be filed with such form at the time of entry, with the Customs officer designated to receive such entry papers, and any duties required to be paid at the time of making entry have been deposited with the Customs officer designated to receive such moneys.

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 141.69 Applicable rates of duty.

The rates of duty applicable to merchandise shall be the rates in effect when the making of the entry is completed in accordance with § 141.68, except as otherwise specially provided for and in the following cases:

(a) *Warehouse entries.* Merchandise entered for warehouse is dutiable at the rates in effect when withdrawal from warehouse for consumption is made in accordance with § 141.68(d).

(b) *Merchandise entered for immediate transportation.* Merchandise which is not subject to a quantitative or tariff-rate quota and which is covered by an entry for immediate transportation made at the port of original importation, if entered for consumption at the port designated by the consignee or his agent in such transportation entry without having been taken into custody by the district director for general order under section 490, Tariff Act of 1930, as amended (19 U.S.C. 1490), shall be subject to the rates in effect when the immediate transportation entry was accepted at the port of original importation.

(c) *Overcarried merchandise returned to port of entry.* If merchandise which has been entered for consumption, but not yet released from Customs custody, is removed from the port or place of intended release because of overcarriage, inaccessibility, strike, act of God, or unforeseen contingency, and is returned to such port or place within 90 days after removal, such merchandise shall be subject to the rates in effect at the time of the original entry, provided the merchandise is identified with the original entry by the usual Customs examination and by any documentary evidence as to its movement between its removal and return which the district director may reasonably require. A new entry shall be required, unless the original entry has not been liquidated and the consignee at the time of original importation and at the time of return is the same person.

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(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

Subpart F—Invoices

§ 141.81 Invoice for each shipment.

A special Customs invoice or commercial invoice shall be presented for each shipment of merchandise at the time of entry, subject to the conditions set forth in these regulations. Except in the case of installment shipments provided for in § 141.82, an invoice shall not represent more than one distinct shipment of merchandise by one consignor to one consignee by one vessel or conveyance.

§ 141.82 Invoice for installment shipments arriving within a period of 7 days.

(a) *One invoice sufficient.* Installments of a shipment covered by a single order or contract and shipped from one consignor to one consignee may be included in one invoice if the installments arrive at the port of entry by any means of transportation within a period of not to exceed 7 consecutive days.

(b) *Preparation of invoice.* The invoice shall be prepared in the manner provided for in this subpart and, when practicable, shall show the quantities, values, and other invoice data with respect to each installment, the date of shipment of each installment, and the car number or other identification of the importing conveyance in which it was shipped.

(c) *Pro forma invoice.* If the required invoice is not filed with the first entry of an installment series, a pro forma invoice shall be filed with each entry made before the required invoice is produced, and in accordance with section 141.91 a bond shall be given, or charge against a term bond made, for the production of the required invoice. Liquidated damages will accrue in the case of each entry if more than 6 months expire without the production of an invoice for such entry.

(d) *Informal entry.* Any bona fide installment valued at not over $250 may be entered on an informal entry in accordance with subpart C of Part 143 of this chapter, in which case such installment need not be considered in connection with invoice requirements for the balance of the series.

§ 141.83 Type of invoice required.

(a) *Special Customs invoice.* A special Customs invoice (Customs Form 5515) shall be presented for each shipment of merchandise which is subject to a rate of duty dependent in any manner on value (including such merchandise entered under a conditionally free provision) and which is determined by the district director to have an aggregate purchase price over $500, including all expenses incident to placing the merchandise in condition packed ready for shipment to the United States, or in the case of merchandise not imported in pursuance of a purchase or agreement to purchase, an aggregate value over $500 as determined in accordance with § 152.21 of this chapter. However, a special Customs invoice is not required for merchandise which is excepted from the requirements for both a special Customs invoice and a commercial invoice by paragraph (c) of this section. In the case of merchandise entered under a conditionally free provision which is ordinarily subject to a rate of duty dependent on value, and which is not exempted from invoice requirements under paragraph (c)(4) of this section because the free entry documents and evidence are not produced at the time of entry, the bond obligation to produce a special Customs invoice shall be canceled without the payment of liquidated damages if such documents and evidence are produced within 6 months after entry.

(b) *Commercial invoice.* For each shipment of imported merchandise which is not required by paragraph (a) of this section to have a special Customs invoice, and which is not exempted by paragraph (c) of this section from both a special Customs invoice and a commercial invoice, a commercial invoice shall be presented. The commercial invoice shall be prepared in the manner customary in the trade and shall contain the information required by § 141.86 through § 141.89. In lieu of a required commercial invoice, the district director at his discretion may accept a copy thereof. If the copy is other than a photostatic copy, it shall bear a declaration by the foreign seller, shipper, or importer that it is a true copy.

(c) *Special Customs or commercial invoice not required.* Neither a special Customs invoice nor a commercial invoice shall be required in connection with the entry of the merchandise listed hereafter in this paragraph, but the importer shall present any invoice, memorandum invoice, or bill pertaining to the goods which may be in his possession or available to him. If no such invoice or bill is available, a pro forma invoice in accordance with section 141.85 shall be presented, containing adequate information for examination and determination of duties. The merchandise subject to the foregoing requirements is as follows:

(1) Merchandise having an aggregate purchase price or value, as specified in paragraph (a) of this section, of $500 or less.

(2) Merchandise not intended for sale or any commercial use in its imported condition or any other form, and not brought in on commission for any person other than the importer.

(3) Merchandise which is unconditionally free of duty or subject only to a specific rate of duty not dependent on value (including such merchandise entered under a conditionally free provision).

(4) Merchandise which is ordinarily subject to a rate of duty dependent on value but which is entered under a conditionally free provision, and all free entry documents and evidence required to establish the exemption from duty are produced at the time of entry.

(5) Merchandise returned to the United States after having been exported for repairs or alteration under item 806.20 or 806.30, Tariff Schedules of the United States (19 U.S.C. 1202).

(6) Merchandise shipped abroad, not delivered to the consignee, and returned to the United States.

(7) Merchandise exported from continuous Customs custody within 6 months after the date of entry.

(8) Merchandise consigned to, or entered in the name of, any agency of the U.S. Government.

(9) Merchandise for which an appraisement entry is accepted.

(10) Merchandise entered under a temporary importation bond or a permanent exhibition bond.

(11) Merchandise provided for in section 465 or 466, Tariff Act of 1930 (19 U.S.C. 1465 or 1466), which pertain to certain equipment, repair parts, and supplies for vessels.

(12) Merchandise imported as supplies, stores, and equipment of the importing carrier and subsequently made subject to entry pursuant to section 446, Tariff Act of 1930, as amended (19 U.S.C. 1446).

(13) Ballast (not including cargo used for ballast) landed from a vessel and delivered for consumption.

(14) Merchandise, whether privileged or nonprivileged, resulting from manipulation or manufacture in a foreign trade zone.

(15) Screenings contained in bulk importations of grain or seeds.

§ 141.84 Photocopies of invoice for separate entries of same shipment.

(a) *Entries at one port.* If by reason of accident or short shipment a portion of the quantity covered by one invoice fails to arrive, or if for any other reason only a portion of the quantity covered by one invoice is entered under one entry, a photocopy of the original special Customs invoice or commercial invoice used in connection with the first entry, covering the quantity to be entered under another entry, may be used in connection with the subsequent entry of any portion of the merchandise not cleared under the first entry.

(b) *Entries from foreign-trade zone at one port.* A photocopy of the invoice filed with the first entry for consumption from a foreign-trade zone of a portion of the merchandise shown on the invoice will not be required for any subsequent entry for consumption from that zone at the same port of a portion of any merchandise covered by such invoice, if a pro forma invoice is filed and identifies the entry first made and the invoice then filed.

(c) *Entries at different ports.* When portions of a single shipment requiring a special Customs invoice or a commercial invoice are entered at different ports, the importer may submit to the district director where the original invoice or latest photocopy of the original invoice is on file, two photocopies of the latest of such invoices to be certified as to merchandise previously received, and the official seal affixed thereto.

(d) *Pro forma invoice.* In a case in which a portion of the shipment is entered at the first port on a pro forma

invoice, an entry at a subsequent port may be made by means of a new pro forma invoice which may cover only the merchandise then entered.

(e) *Photocopy to satisfy bond for invoice.* A properly certified photocopy of a special Customs invoice or a commercial invoice presented within 6 months after the date of entry may be accepted to cancel the bond given for the production of a special Customs invoice or commercial invoice.

§ 141.85 Pro forma invoice.

A pro forma invoice submitted in accordance with any provision of this chapter shall be in substantially the following form:

PRO FORMA INVOICE

IMPORTERS STATEMENT OF VALUE OR THE PRICE PAID IN THE FORM OF AN INVOICE

Not being in possession of a special or commercial seller's or shipper's invoice I request that you accept the statement of value or the price paid in the form of an invoice submitted below:

Name of shipper _____
address _____
Name of seller _____
address _____
Name of consignee _____
address _____
Name of purchaser _____
address _____

The merchandise (has) (has not) been purchased or agreed to be purchased by me.

The prices, or in the case of consigned goods the values, given below are true and correct to the best of my knowledge and belief, and are based upon: (Check basis with an "X")

(a) The price paid or agreed to be paid (__) as per order dated _____.
(b) Advices from exporter by letter (__) by cable (__) dated _____.
(c) Comparative values of shipments previously received (__) dated _____.
(d) Knowledge of the market in the country of exportation (__) _____.
(e) Knowledge of the market in the United States (if U.S. Value) (__) _____.
(f) Advices of the District Director of Customs (__) _____.
(g) Other (__) _____.

Check which of the charges below are, and which are not included in the prices listed in columns "D" and "E":

	Amount	Included	Not included
Packing			
Cartage			
Inland freight			
Wharfage and loading abroad			
Lighterage			
Ocean freight			
U.S. duties			
Other charges (identify by name and amount)			
Total			

A	B	C	D	E	F	G
Case marks numbers	Manufacturer's item No. symbol or brand	Quantities and full description	Unit purchase price (currency)	Total purchase price (currency)	Unit foreign value	Total foreign value

Country of origin _____

If any other invoice is received, I will immediately file it with the District Director of Customs.

_____
(Signature of person making invoice)

_____
(Title and firm name)

Date _____

§ 141.86 Contents of invoices and general requirements.

(a) *General information required by Tariff Act.* Each invoice of merchandise imported into the United States shall set forth the following information required by section 481(a), Tariff Act of 1930 (19 U.S.C. 1481(a)):

(1) The port of entry to which the merchandise is destined;

(2) The time when, the place where, and the person by whom and the person to whom the merchandise is sold or agreed to be sold, or if to be imported otherwise than in pursuance of a purchase, the place from which shipped, the time when and the person to whom and the person by whom it is shipped;

(3) A detailed description of the merchandise, including the name by which each item is known, the grade or quality, and the marks, numbers, and symbols under which sold by the seller or manufacturer to the trade in the country of exportation, together with the marks and numbers of the packages in which the merchandise is packed;

(4) The quantities in the weights and measures of the country or place from which the merchandise is shipped, or in the weights and measures of the United States;

(5) The purchase price of each item in the currency of the purchase, if the merchandise is shipped in pursuance of a purchase or an agreement to purchase;

(6) If the merchandise is shipped otherwise than in pursuance of a purchase or an agreement to purchase, the value for each item, in the currency in which the transactions are usually made, or, in the absence of such value, the price in such currency that the manufacturer, seller, shipper, or owner would have received, or was willing to receive, for such merchandise if sold in the ordinary course of trade and in the usual wholesale quantities in the country of exportation;

(7) The kind of currency, whether gold, silver, or paper;

(8) All charges upon the merchandise, itemized by name and amount when known to the seller or shipper; or all charges by name (including commissions, insurance, freight, cases, containers, coverings, and cost of packing) included in the invoice prices when the amounts for such charges are unknown to the seller or shipper; and

(9) All rebates, drawbacks, and bounties, separately itemized, allowed upon the exportation of the merchandise.

(b) *Nonpurchased merchandise shipped by other than manufacturer.* Each invoice of imported merchandise shipped to a person in the United States by a person other than the manufacturer and otherwise than pursuant to a purchase or agreement to purchase shall set forth the time when, the place where, the person from whom such merchandise was purchased, and the price paid therefor in the currency of the purchase, stating whether gold, silver, or paper.

(c) *Merchandise sold in transit.* In the case of merchandise sold on the documents while in transit from the port of exportation to the port of entry, the invoice submitted with the entry should reflect the transaction pursuant to which the merchandise actually began its journey to the United States. If entry is made by or for the account of the one who purchased the merchandise while it was in transit, a statement showing the price paid for each item by such purchaser must also be presented at the time of entry.

(d) *Invoice to be in English.* The invoice and all attachments shall be in the English language, or shall have attached thereto an accurate English translation containing adequate information for examination of the merchandise and determination of duties.

(e) *Packing list.* Each invoice shall state in adequate detail what merchandise is contained in each individual package.

(f) *Weights and measures.* If the invoice or entry does not disclose the weight, gage, or measure of the merchandise which is necessary to ascertain duties, the consignee shall pay the expense of weighing, gaging, or measuring prior to the release of the merchandise from Customs custody.

(g) *Discounts.* Each invoice shall set forth in detail, for each class or kind of merchandise, every discount from list or other base price which has been or may be allowed in fixing each purchase price or value.

(h) *Numbering of invoices and pages.*

(1) *Invoices.* When more than one invoice is included in the same entry, each invoice with its attachments shall be numbered consecutively by the importer on the bottom of the face of each page, beginning with No. 1.

(2) *Pages.* If the invoice or invoices filed with one entry consist of more than two pages, each page shall be numbered consecutively by the importer on the bottom of the face of each page. The page numbering shall begin with No. 1 for the first page of the first invoice and continue in a single series of numbers through all the invoices and attachments included in one entry.

(3) *Both invoices and pages.* When applicable, both the invoice number and the page number shall be shown at the bottom of each page. For example, if an

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entry covers one invoice of one page and a second invoice of two pages, the numbering at the bottom of the pages shall be as follows:

Inv. 1, p. 1.
Inv. 2, p. 2.
Inv. 2, p. 3.

(i) *Information may be on invoice or attached thereto.* Any information required on an invoice by any provision of this subpart may be set forth either on the invoice or on an attachment thereto.

§ 141.87 Breakdown on component materials.

Whenever the classification or appraisement of merchandise depends on the component materials, the invoice shall set forth a breakdown giving the value, weight, or other necessary measurement of each component material in sufficient detail to determine the correct duties.

§ 141.88 Cost of production statement.

When the district director determines that information as to the cost of production or constructed value is necessary in the appraisement of any class or kind of merchandise, he shall so notify the importer, and thereafter invoices of such merchandise shall contain a verified statement by the manufacturer or producer as to the cost of production or constructed value, as defined in section 402a(f) or 402(d), Tariff Act of 1930, as amended (19 U.S.C. 1402(f) or 1401a(d)).

§ 141.89 Additional information for certain classes of merchandise.

Invoices for the following classes of merchandise shall set forth the additional information specified:

Aluminum and alloys of aluminum classifiable under items 618.02, 618.04, 618.06, or 618.10, Tariff Schedules of the United States (19 U.S.C. 1202) (T.D. 53092, 55977, 56143)—Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Ball or roller bearings classifiable under item 680.35, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 68-306)—(1) Type of bearing (i.e., whether a ball or roller bearing); (2) if a roller bearing, whether a spherical, tapered, or other than a spherical or tapered bearing; (3) whether a combination bearing (i.e., a bearing containing both ball and roller bearings, etc.); and (4) if a ball bearing (not including ball bearing with integral shafts or parts of ball bearings), whether or not radial, the following: (a) Outside diameter of each bearing; (b) net weight of each bearing; and (c) whether or not a radial bearing (the definition of radial bearing is, for Customs purposes, an antifriction bearing primarily designed to support a load perpendicular to shaft axis).

Beads (T.D. 50088, 55977)—(1) The length of the string, if strung; (2) the size of the beads expressed in millimeters; (3) the material of which the beads are composed, i.e., ivory, glass, imitation pearl, etc.

Braids, nonelastic, and other nonelastic braided materials suitable for making or ornamenting headwear, classifiable under item 703.80 or 703.85, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 49501, 52020, 52114, 55977)—A statement as to whether or not the article has been bleached or colored.

Colors, dyes, stains and related products classifiable under the provisions of schedule 4, part 1C, Tariff Schedules of the United States (19 U.S.C. 1202), except item 406.80 (T.D. 53593, 54688, 56223)—The specifications set forth in "Schedule A" of § 152.42(c) of this chapter are required to be furnished with each invoice of these products on separate sheets of paper under the conditions which follow and with the exceptions noted:

(a) The information is not required for second and successive shipments of identical merchandise of the same name and strength if a reference is given to the date and the port of entry of the first shipment.

(b) The information specified in items 10 through 15 is required only when the Schultz number, item 7, the colour index number, item 8, and U.S. standard number, item 9, are not given.

(c) The following is substituted for items 4 and 5:

4. Name(s) under which sold in country of production.

5. Name(s) of comparable American made product with name of U.S. manufacturer (if none or unknown, so state).

Copper, articles classifiable under the provisions of schedule 6, part 2C, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 45878, 50158, 55977)—A statement of the weight of articles of copper and a statement of percentage of copper content by weight of articles dutiable on their copper content.

Copper bearing ores and concentrates classifiable under items 602.25, 602.30, 602.31, 603.50, 603.55, or 603.65, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 45878, 50158, 55977)—Statement as to the weight of the article and the weight of the copper content.

Cotton fabrics classifiable under the following items of the Tariff Schedules of the United States (19 U.S.C. 1202); schedule 3, part 1A—Cotton: items 301.60 thru 301.98, and items 302.—, and 303.20; schedule 3, part 3A—Woven fabrics of cotton; all items except item 332.10 and 332.40; schedule 3, part 6A—Handkerchiefs; items 370.24 thru 370.68; schedule 3, part 6B—Mufflers, etc.; item 372.15; schedule 3, part 6C—Hosiery; item 374.40, schedule 3, part 6E—Underwear; item 378.15 (T.D. 49803, 55977)—(1) Marks on shipping packages; (2) Numbers on shipping packages; (3) Date of acceptance of the order by the seller; (4) Customer's call number, if any; (5) Manufacturer's marks, numbers, or symbols under which the merchandise is sold in the home market; (6) Exact width of the merchandise; (7) Detailed description of the merchandise; trade name, if any; whether bleached, unbleached, printed, dyed, or colored; if composed of cotton and other materials, state chief value first and given percentage (value) of each component; (8) Number of single threads per square inch (All ply yarns must be counted in accordance with the number of single threads contained in the yarn; to illustrate, a cloth containing 100 two-ply yarns in 1 square inch must be reported as 200 single threads); (9) Exact weight per square yard, in ounces; (10) Average yarn number (Use this formula:

$$\frac{\text{Number of single threads per square inch} \times 24}{\text{Number of ounces per square yard} \times 35} = \text{Average yarn number});$$

(11) Yarn size or sizes in the warp; (12) Yarn size or sizes in the filling; (13) Number of colors or kinds (different yarn sizes or materials) in the filling; (14) How the cloth was woven (if on plain loom without attachment, indicate (plain); if with eight or more harnesses (0/8H), if with Jacquard (Jacq), if with Swivel (Swiv), if with Lappet (Lpt)). Customs Form 5519 is acceptable for furnishing the additional information required above.

Cotton raw—See § 151.82 of this chapter for additional information required on invoices.

Cotton waste (T.D. 50044)—(1) The name by which the cotton waste is known, such as "cotton card strips"; "cotton comber waste"; "cotton lap waste"; "cotton sliver waste"; "cotton roving waste"; "cotton fly waste"; etc.: (2) Whether the length of the staple of the cotton from which any cotton card strips covered by the invoice were made is less than $1^{3}/_{16}$ inches or is $1^{3}/_{16}$ inches or more; (3) Whether the length of the staple of the cotton from which any cotton comber waste covered by the invoice was made is less than $1^{3}/_{16}$ inches or is $1^{3}/_{16}$ inches or more.

Earthenware or crockeryware composed of a nonvitrified absorbent body (including white granite and semiporcelain earthenware and cream-colored ware, stoneware, and terra cotta, but not including common brown, gray, red, or yellow earthenware), embossed or plain; common salt-glazed stoneware; stoneware or earthenware crucibles; Rockingham earthenware; china, porcelain, or other vitrified wares, composed of a vitrified nonabsorbent body which, when broken, shows a vitrified, vitreous, semivitrified, or semivitreous fracture; and bisque or parian ware (T.D. 53236)—(1) If in sets, the kinds of articles composing each kind of set, and the quantity of each kind of article in each set in the shipment; (2) the exact maximum diameter, expressed in inches, of each size of all plates in the shipment; (3) the unit value for each style and size of plate, cup, saucer, or other separate piece in the shipment.

Fish or fish livers imported in airtight containers classifiable under schedules 1, part 3C, Tariff Schedules of the United States (19 U.S.C. 1202) (T.D. 50724, 49640, 55977)—(1) Statement whether the articles contain an oil, fat, or grease which has had a separate existence as an oil, fat, or grease; (2) The name and quantity of any such oil, fat, or grease.

Flax, hemp, and ramie fabrics and articles classifiable under the following items of the Tariff Schedules of the United States (19 U.S.C. 1202), 335.80, 335.90, 355.55, 356.25, 356.70, 356.80, 363.35, 366.30, 366.33, 366.36, 366.48, 366.81, 370.72, 370.76, or 370.80, and tablecloths, table scarves, and table doilies classifiable under items 366.51, or 366.84 (T.D. 50083, 55977, 56503)—(1) Customer's call number, if any; (2) Manufacturer's name and the manufacturer's marks, numbers, or symbols under which the merchandise is old in the home market; (3) Exact width of the merchandise if in the piece, otherwise the size; (4) If composed of cotton and other materials, state chief value first and give percentage (value) of each component. State also the finish of the fabric or article, e.g., "loom state," "bleached," "commercial or vat dyed"; (5) Actual number of threads contained in the fabric per square inch, in condition exported. Each thread is counted as one whether or not such thread contains two or more single strands of yarn twisted to make a complete thread. To illustrate, a cloth containing 100 two-ply yarns per square inch must be reported as 100 threads;

(6) Exact weight per square yard, in ounces; (7) Whether "hand hemmed," "machine hemmed," "unhemmed," or "in piece." Customs Form 5519 is acceptable for furnishing the additional information required above.

Footwear; classifiable under schedule 7, part 1A, Tariff Schedules of the United States (T.D. 56254, 56297)—

(1) The importer's number (if any).
(2) The manufacturer's number under which the merchandise is sold in the home market.
(3) A detailed description of the merchandise.
(4) Category as listed below:
(a) Huaraches.
(b) McKay—sewed footwear.
(c) Moccasins.
(d) Turn or turned footwear.
(e) Welt footwear.
(f) Footwear with molded soles laced to uppers.
(g) Slippers.
(h) Soled moccasins.
(i) Cement footwear.
(j) Soft sole footwear.
(k) Stitchdown footwear.
(l) Footwear with soles vulcanized to uppers or with soles simultaneously molded and attached to uppers.
(m) Other footwear than listed (a) to (l).
(5) Materials of sole.
(6) Material of chief value of sole.
(7) Materials of upper.
(8) Material of chief value of upper.
(9) Material of chief value of shoe. If the shoe is composed essentially of rubber, state the percent by value of material and percent by value of synthetic rubber (if any).
(10) (a) Percentage of weight of entire shoe for fibers.
(b) Percentage of weight of entire shoe for rubber.
(c) Percentage of weight of entire shoe for plastics.
(11) Percentage of area of materials of exterior surface of upper.
(12) Gender as listed below:
(a) Footwear for men.
(b) Footwear for youths and boys.
(c) Footwear for women.
(d) Footwear for misses.
(e) Footwear for children.
(f) Footwear for infants.
(13) Type as listed below:
(a) Athletic footwear.
(b) Work footwear.
(c) Ski boots.
(d) Casual footwear.
(e) Other types of footwear.
(14) Height of footwear:
(a) Oxford height.
(b) Other height.
(15) The number of pairs of each number shipped.
(16) The unit price per pair in the currency of purchase.
(17) The total value for quantity invoiced. Discount, if any, may be deducted at foot of invoice.
(18) If such (the same) or similar merchandise is sold, at wholesale, for home consumption, the current unit price in home currency.

Customs Form 5523 may be used for furnishing the additional information required above.

Fur products and furs (T.D. 53064)—(1) Name or names (as set forth in the Fur Products Name Guide (16 CFR 301.0) of the animal or animals that produced the fur, and such qualifying statements as may be required pursuant to section 7(c) of the Fur Products Labeling Act (15 U.S.C. 69e(c)); (2) a statement that the fur product contains or is composed of used fur, when such is the fact; (3) a statement that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (4) a statement that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (5) name and address of the manufacturer of the fur product; (6) name of the country of origin of the furs or those contained in the fur product.

Glassware and other glass products classifiable under schedule 5, part 3C, Tariff Schedules of the United States (19 U.S.C. 1202), when imported in sets (T.D. 53079, 55977)—Statement of the separate value of each component article in the set.

Grain or grain and screenings (T.D. 51284)—Statement on Customs invoices for cultivated grain or grain and screenings that no screenings are included with the grain, or, if there are screenings included, the percentage of the shipment which consists of screenings commingled with the principal grain.

Hats or headwear classifiable under item 702.37 or 702.40, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 52114, 55977)—Statement as to whether or not the article has been bleached or colored.

Iron or steel, articles of, classifiable under schedule 6, part 2B, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 53092, 55977)—Statement of the percentages by weight of any metallic element used as an alloy in the articles.

Iron oxide (T.D. 49989, 50107)—For iron oxide to which a reduced rate of duty is applicable, a statement of the method of preparation of the oxide, together with the patent number, if any.

Jewelry (T.D. 51676)—(1) Design or motif; (2) component material of chief value; (3) whether or not the metal in the article is plated with platinum, gold, or silver, or is colored with gold lacquer.

Lumber, rough, dressed, or worked, classifiable under schedule 2, part 1B, Tariff Schedules of the United States, and dutiable on the basis of board measure (T.D. 50498, 51906, 55977)—Quantity in board feet of the rough lumber before dressing.

Machine parts (T.D. 51616)—Statement specifying the kind of machine for which the parts are intended, or if this is not known to the shipper, the kind or kinds of machines for which the parts are suitable.

Maderia embroideries (T.D. 49988)—(1) With respect to the materials used, furnish: (a) Country of production; (b) width of the material in the piece; (c) name of the manufacturer; (d) kind of material, indicating manufacturer's quality number; (e) landed cost of the material used in each item; (f) date of the order; (g) date of the invoice; (h) invoice unit value in the currency of the purchase; (i) discount from purchase price allowed, if any; (2) with respect to the finished embroidered articles, furnish: (a) Manufacturer's name, design number, and quality number; (b) importer's design number, if any; (c) finished size; (d) number of embroidery points per unit of quantity; (e) for each item, the cost of embroidery labor and the cost of sewing, if any, per unit of quantity; (f) total for overhead and profit added in arriving at the price or value of the merchandise covered by the invoice.

Metal-Working Machine Tools classifiable under items 674.32 and 674.35, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 70-1)—Type of machine tools in accordance with the following definitions:

Numerically controlled machines are machines whose motions are controlled by devices such as tape, computers, or punched cards.

Drilling machines are machines designed for the primary purpose of cutting an initial hole in a workpiece using a rotation tool.

Radial drilling machines consist of a base, vertical cylindrical column, radial arm, and spindle headstock. The radial arm supports the spindle headstock which can be positioned at varying distances from the column; the arm can be moved up or down on the column and rotated around the column.

Upright single-spindle drilling machines consist of a base, table, vertical column, and spindle head. The spindle head is mounted on the column and moves only in the vertical direction. The worktable and/or base is located below the spindle.

Milling machines are machines designed for the primary purpose of removing metal by multiple tooth cutters mounted on rotating arbors or spindles.

Profile and duplicating milling machines consist of any milling machine equipped with a tracing device for controlling the path of the milling cutter.

Knee-type milling machines consist of a base, vertical column, knee, horizontal table, and spindle. A spindle driving the cutter is mounted horizontally or vertically in or on the column. A horizontal movable table which holds the workpiece is mounted on a knee, which projects from the column. The knee can be raised or lowered on the column.

Bed-type milling machines consist of a base (bed), vertical column, horizontal, or vertical spindle and table. The table moves horizontally on the bed. The spindle is fixed or moves vertically on the column.

Boring machines are machines designed for the primary purpose of enlarging or finishing an existing hole in a workpiece by means of a rotating single-point tool.

Vertical boring machines, including vertical turret lathes consist of one or two ram (or turret) heads mounted on a cross rail supported by a column or columns. The cutting tool or tools traverse against the work as the work revolves on a circular table. One or two horizontally opposed side heads are also provided.

Combination boring, drilling, and milling machines, horizontal spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a horizontally mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Combination boring, drilling, and milling machines, vertical spindle, consist of a vertical column mounted on a solid bed or movable base. The column supports a vertically mounted headstock containing the spindle that feeds various tooling into the workpiece. The work is held on a movable table supported by the bed or is mounted on floor plates. Feed motions of the headstock and/or table are longitudinal, transverse, and vertical.

Metal-cutting machine tools are metal-working machine tools which shape or surface-work metal by removing metal either in the form of chips, dust, swarf, or similar forms, or by electrical or chemical erosion techniques.

Engine lathes consist of a bed, headstock, tailstock, and carriage. The workpiece is held between a center on the tailstock and an appropriate work-holding device on the headstock spindle. The tool is secured to a cross slide which is mounted on a carriage that moves longitudinally along the bed of the machine.

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Turret lathes consist of a bed, headstock, cross slide, and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece.

Single-spindle automatic bar or chucking machines consist of a bed, headstock, cross slides, and turret. The workpiece is held in the collet, chuck, face plate, or fixture which is attached to the spindle. The tools on the turret are positioned and fed into the workpiece. All machining motions are preselected and are automatically controlled.

Multiple-spindle automatic bar or chucking machines have two or more drive spindles in order that two or more workpieces can be rotated simultaneously. Automatic units are designed to hold the workpiece in each of a number of spindle collets or chucks, which index clockwise from station to station in order to present the workpiece successively to a series of cutting tools. All machining motions are preselected and are automatically controlled.

Grinding machines are machines other than honing or lapping machines designed for the primary purpose of removing metal from a workpiece with abrasives.

External cylindrical grinders consist of a base, table, headstock, footstock, and wheelhead. The table is mounted on the base. The headstock and footstock are mounted on the table and are used to support and rotate the workpiece. The rotating abrasive wheel is mounted on the wheelhead spindle. The wheel is fed against the rotating workpiece.

Internal cylindrical grinders consist of a base, table wheelhead, and headstock. The table is mounted on the base. The headstock is fixed to the base. The wheelhead is mounted on the table. The rotating abrasive wheel is mounted on the wheelhead spindle and is fed into the workpiece bore which is also rotating.

Surface (flat) grinders consist of a base, table, column, and wheelhead. The table is mounted on the base. The wheelhead is attached to the column. The axis of the wheelhead spindle is horizontal. The workpiece which is mounted on the table reciprocates under the rotating abrasive wheel which is mounted on the wheelhead spindle.

Sawing machines are designed primarily for parting or cutting-off operations by a tool referred to as a saw, which could be in the form of a blade, band, or disc.

Electrical discharge machines are machines designed to remove metal by means of an electrical discharge spark erosion.

Metal-forming machine tools are metal-working machine tools other than metal-cutting machine tools.

Punching and shearing machines pierce, blank, notch, or shear workpieces by utilizing a power-driven ram to force punches or blades through work that is supported by the table of the machine.

Mechanical presses, open back inclinable consist of a base (legs), "C" frame, and ram. The C frame is mounted on a pivot point connected in the base (legs). The ram is mounted in the C frame. The principal identifying characteristic of the press is its ability to tilt back on its base (legs).

Needlework tapestries classifiable under schedule 3, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 50369, 55977)—A statement of the separate cost of each fiber used.

Newsreel films (T.D. 44703, 44938, 55977)—(1) Statement of footage and title of each subject; (2) declaration of shipper, cameraman, or other person with knowledge of the facts identifying the films with the invoice and stating that the basic films were to the best of his knowledge and belief exposed abroad and returned for use as newsreel; (3) declaration of importer that he believes the films entered by him are the ones covered by the preceding declaration and that the films are intended for use as newsreel.

Oils or products of such oils, classifiable under schedule 4, part 8A, Tariff Schedules of the United States (19 U.S.C. 1202), and subject to a specific rate of duty (T.D. 49640, 55977)—State if the article is derived from coconut, palm-kernel, palm oil, or other.

Paper and paper products (other than books, newspapers, and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process (T.D. 53058)—Statement of the process employed in printing the paper or paper products.

Screenings or scalpings of grains or seeds (T.D. 51096)—(1) Whether the commodity is the product of a screening process; (2) if so, whether any cultivated grains have been added to such commodity; (3) if any such grains have been added, the kind and percentage of each.

Sugar in liquid form, and articles composed in part of beet or cane sugar (T.D. 49400)—(1) Statement for each lot of sugar in liquid form showing the percentage by weight of total soluble solids (or Brix) and the percentage by weight of total sugars; (2) statement for each kind or class of articles composed in part of cane or beet sugar showing the percentage by weight of total sugars derived from sugar beets or sugarcane.

Sugar, manufactured, articles containing 10 percent or more by weight of, as defined in section 4502(3) of the Internal Revenue Code (26 U.S.C. 4502(3)), (T.D. 49867, 50106)—(1) If it is conceded that the component material of chief value in an article is manufactured sugar, a statement to that effect should be made on the invoice with a statement of the percentage of total sugars in the finished product; (2) if manufactured sugar is not conceded to be the component material of chief value, the invoice must be accompanied by a statement in the following form containing the data indicated therein in accordance with the appended instructions:

UNITED STATES CUSTOMS SERVICE

Information as to commodities containing 10 percent or more by weight of manufactured sugar, as defined in section 4502(3) of the Internal Revenue Code (26 U.S.C. 4502(3)), for use of U.S. Customs authorities.

Name of manufacture _____

Address _____

1. Kind and brand of product shipped to United States: _____.

2. Quantity produced in one manufacturing lot or batch (A): _____.

3. Sugar used in producing one lot or batch:

Kind of manufactured sugar	Quantity (A)	First cost (B)	Additional costs (C)	Total cost (D)

4. Other materials used in producing one lot or batch:

Kind	Quantity (A)	First cost (B)	Additional costs (C)	Total cost (D)

I certify that the above information is correct.

_____
(Signature)

Date _____

_____
(Title or position)

Instructions for compiling data to be shown on form:

1. Describe the product in terms used on invoices, giving name, brand, quality, number, etc. Use a separate form for each kind.

2. Show quantity produced in one typical batch or lot, recently manufactured, as to which cost records have been maintained.

3. Manufactured sugar is defined in section 4502(3) of the Internal Revenue Code (26 U.S.C. 4502(3)), as follows: The term "manufactured sugar" means any sugar derived from sugar beets or sugarcane, which is not to be, and, which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6 per centum of the total soluble solids and except also sirup of cane juice produced from sugarcane grown in the continental United States. The grades or types of sugar within the meaning of this definition shall include, but shall not be limited to, granulated sugar, lump sugar, cube sugar, powdered sugar, sugar in the form of blocks, cones, or molded shapes, confectioners' sugar, washed sugar, centrifugal sugar, clarified sugar, turbinado sugar, plantation white sugar, muscovado sugar, refiners' soft sugar, invert sugar mush, raw sugar, sirups, molasses, and sugar mixtures.

4. It is preferable to show each kind of material used in addition to manufactured sugar. Several materials of relatively insignificant value may be grouped together, such as "Flavoring materials," "Coloring materials," "Seasoning materials," or "All other."

A. Show unit in pounds, as well as total quantity.

B. "First Cost" is the full cost of the material laid down at the manufacturing plant, at current domestic prices, without any deduction for any drawback or refund of import duties which may have been allowed or may be allowable. The amounts of any drawback or refund of import duties which have been allowed or which are allowable by reason of exportation should be stated separately.

C. "Additional costs" include all costs of storing, examining, handling, and preparing, up to the point where the materials are ready to be combined in the manufacturing process. Manufacturing costs and general expenses, occurring thereafter, should not be included, nor should profit.

D. "Total cost" is the total of "first cost" ex factory and "Additional costs."

5. When the additional information outlined above has been furnished once by an importer with an invoice of a recognized brand or brands of merchandise, it need not be furnished again for shipments entered by him for consumption or for warehousing at the same port in the same calendar year under the same brand name, provided the formula or method of manufacture of the brand has not changed. An invoice not accompanied by such additional information should identify the last shipment entered at that port by the importer for which such additional information was furnished. If the additional information was furnished in connection with an entry at one port, and the importer can secure from the district director at such port a certified copy of the invoice and additional information there filed, he may file them to fulfill the additional

invoice requirement elsewhere. However, district directors shall not furnish copies of invoices except to, or with the consent of, and at the expense of the importer or his authorized agent.

Textile fiber products (T.D. 55085)—(1) The constituent fiber or combination of fibers in the textile fiber product, designating with equal prominence each natural or manufactured fiber in the textile fiber product by its generic name in the order of predominance by the weight thereof if the weight of such fiber is 5 per centum or more of the total fiber weight of the product; (2) The percentage of each fiber present, by weight, in the total fiber content of the textile fiber product, exclusive of ornamentation not exceeding 5 per centum by weight of the total fiber content; (3) The name, or other identification issued and registered by the Federal Trade Commission, of the manufacturer of the product or one or more persons subject to section 3 of the Textile Fiber Products Identification Act (15 U.S.C. 70a) with respect to such product; (4) The name of the country where processed or manufactured.

Tobacco (including tobacco in its natural state) (T.D. 44854, 45871)—(1) Specify in detail the character of the tobacco in each bale by giving (a) Country and province of origin, (b) year of production, (c) grade or grades in each bale, (d) number of carrots or pounds of each grade if more than one grade is packed in a bale, (e) the time when, place where, and from whom purchased, (f) price paid or to be paid for each bale or package, or price for the vega or lot if purchased in bulk, or if obtained otherwise than by purchase state the actual market value per bale; (2) If an invoice covers or includes bales of tobacco which are part of a vega or lot purchased in bulk, the invoice must contain or be accompanied by a full description of the vega or lot purchased; or if such description has been furnished with a previous importation, the date and identity of such shipment; (3) Packages or bales containing only filler leaf shall be invoiced as filler; when containing filler and wrapper but not more than 35 percent of wrapper, shall be invoiced as mixed; and when containing more than 35 percent of wrapper, shall be invoiced as wrapper.

Toys classifiable under item 737.25 or 737.30, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 49859, 50107, 52160, 55977)—Specify the actual overall height of each stuffed figure of an animate object not having a spring mechanism.

Watch movements, and time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments, having 17 or less jewels, and dutiable under schedule 7, part 2E, Tariff Schedules of the United States (19 U.S.C. 1202), but not including movements designed for clocks and so stated on the invoice unless and until such time as the Commissioner of Customs issues a decision applicable to such movements (T.D. 54286, 55977, 56468)—For all commercial shipments of such articles, there shall be required to be shown on the invoice, or on a separate sheet attached to and constituting a part of the invoice, such information as will reflect with respect to each group, class, category, type, or model of instrument in the shipment, the following:

(A) The commercial description (ebauche calibre number and ligne size) and style of each class of watch movement, time-keeping mechanism, device, or instrument covered by the invoice.

(B) The name of the manufacturer or assembler of the exported articles, and also the name of the supplier when the manufacturer or assembler is not the supplier.

(C) As to watch movements, time-keeping mechanisms, devices, or instruments, after the complete instruments were first assembled:

	Yes	No
(1) Were they tested or observed at different temperatures?		
(2) Were they tested or observed for uniformity in rate as the mainspring runs down?		
(3) Were corrections made to eliminate or reduce the differences in rates revealed by the tests in (1) and (2)?		
(4) Were they tested or observed for 24 hours or more in more than two positions and was there a prescribed tolerance of not more than 15 seconds of perfect time in 24 hours in such positions?		
(5) Were they marked with a number of position adjustments different from the number of positions (at least three) in which so tested or observed and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met?		

(D) If the answers are "yes" to questions (3) or (5), under (C) immediately above, and the instruments are marked unadjusted, or are marked with a lesser number of position adjustments than the number of positions in which tested for 24 hours or more, and in which a tolerance of not more than 15 seconds of perfect time in 24 hours was met, explain in detail. However, when the foregoing information has been filed once directly with the Bureau of Customs, Washington, D.C. 20226, in quadruplicate, with one additional copy for each port of entry at which entries may be filed, invoices covering shipments of that item to the ports named in the original statement or in subsequent statements filed for additional ports need only identify the item and the statement already filed. This information will then be acceptable until the facts about the item change, at which time a new statement is necessary.

Wool, boiled classifiable under item 307.30 or 307.18, Tariff Schedules of the United States (19 U.S.C. 1202), (T.D. 69-236). A certification in the following form signed by a government official of the country of exportation having actual knowledge of the pertinent facts:

I hereby certify that the wool in the shipment described below consists of wool fibers recovered by means of a sulfuric acid boil from (raw) (tanned) (raw and tanned) sheepskin scrap.

Date _____

_____
(Signature)

_____
(Title or position)

Number of bales _____

Marks and numbers _____

Other identification _____

Wool products, except carpets, rugs, mats, and upholsteries, and wool products made more than 20 years before importation (T.D. 50388, 51019)—(1) The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 per centum of said total fiber weight, of (a) wool; (b) reprocessed wool; (c) reused wool; (d) each fiber other than wool if said percentage by weight of such fiber is 5 per centum or more; and (e) the aggregate of all other fibers; (2) the maximum percentage of the total weight of the wool product, of any nonfibrous loading, filling, or adulterating matter; and (3) the name of the manufacturer of the wool product, except when such product consists of mixed wastes, residues, and similar merchandise obtained from several suppliers or unknown sources.

Wool and hair—See § 151.62 of this chapter for additional information required on invoices.

§ 141.90 Notation of tariff classification and value on invoice.

(a) *To be approved by district director.* The entered tariff classification, rate of duty, value, and estimated duties shall be as approved by the district director.

(b) *Classification and rate of duty.* The appropriate item number of the Tariff Schedules of the United States (19 U.S.C. 1202), and the rate of duty shall be noted by the importer in the left-hand portion of the invoice, next to the articles to which they apply.

(c) *Value.* The importer shall show in clear detail on the invoice or on an attached statement the computation of all deductions from total invoice value, such as nondutiable charges, and all additions to invoice value which have been made to arrive at the aggregate entered value. In addition, the entered unit value for each article on the invoice shall be shown where it is different from the invoiced unit value.

(d) *Importer's notations in blue or black ink.* All notations made on the invoice by the importer or broker shall be in blue or black ink.

(Sec. 487, 46 Stat. 725, as amended; 19 U.S.C. 1487)

§ 141.91 Entry without required invoice.

If a required invoice is not available in proper form at the time of entry and a waiver in accordance with § 141.92 is not granted, the entry shall be accepted only under the following conditions:

(a) The district director is satisfied that the failure to produce the required invoice is due to a cause beyond the control of the importer;

(b) The importer files—

(1) A written declaration that he is unable to produce such invoice, and

(2) Any seller's or shipper's invoices available to him or, if none are available, a pro forma invoice in accordance with § 141.85;

(c) The invoices and other documents presented with the entry contain information adequate for the examination of the merchandise and the determination of estimated duties; and

(d) The importer gives an appropriate bond for the production of the required invoice within 6 months after the date of entry.

§ 141.92 Waiver of invoice requirements.

(a) *When waiver may be granted.* The district director may waive production of a required invoice when he is satisfied that either:

(1) The importer cannot by reason of conditions beyond his control furnish a complete and accurate invoice; or

(2) The examination of merchandise and final determination of duties can be properly effected without the production of such an invoice.

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(b) *Documents to be filed by importer.* As a condition to the granting of a waiver, the importer shall file the following documents with the entry:

(1) Any invoice or invoices received from the seller or shipper;

(2) A statement pointing out in exact detail any inaccuracies, omissions, or other defects in such invoice or invoices;

(3) An executed pro forma invoice in accordance with § 141.85; and

(4) Any other information required by the district director for appraisement or classification of the merchandise.

(c) *Satisfaction of bond liability.* The liability under the entry bond for the production of a correct invoice shall be deemed satisfied when a waiver has been granted pursuant to this section.

Subpart G—Deposit of Estimated Duties

§ 141.101 Time of deposit.

Estimated duties shall be deposited with the Customs officer designated to receive such monies at the time of making entry, except in the following cases:

(a) *Warehouse entry.* In the case of merchandise entered for warehouse, deposit of estimated duties shall be made at the time the withdrawal for consumption is presented.

(b) *Informal mail entry.* In the case of merchandise entered under an informal mail entry, duties shall be paid to the postal employee at the time he delivers the merchandise to the addressee (see Part 145 of this chapter).

(c) *Appraisement entries.* In the case of merchandise entered under an appraisement entry, deposit of estimated duties shall be made immediately after notification by the appropriate Customs officer of the amount of duties due.

(d) *Entry for transportation or under bond.* No deposit of estimated duties is applicable in the case of merchandise entered for transportation or under a temporary importation bond, permanent exhibition bond, trade fair bond, or other similar bond.

§ 141.102 When deposit of estimated duties not required.

Entry or withdrawal for consumption in the following situations may be made without depositing the estimated Customs duties, or estimated taxes, or both, as specifically noted:

(a) *Cigars and cigarettes.* A qualified dealer or manufacturer may enter or withdraw for consumption cigars, cigarettes, and cigarette papers and tubes without payment of internal revenue tax in accordance with § 11.2(a) of this chapter.

(b) *Bulk distilled spirits transferred to Internal Revenue bonded premises.* An importer may transfer distilled spirits in bulk to the bonded premises of a distilled spirits plant under the provisions of section 5232(a), Internal Revenue Code of 1954, as amended (26 U.S.C. 5232(a)), and 26 CFR Part 251, by filing an approved original copy of Internal Revenue Form 2609 with the entry or withdrawal for consumption, in lieu of depositing taxes.

(c) *Deferral of payment of taxes on alcoholic beverages.* An importer may pay on a semimonthly basis the estimated internal revenue taxes on all the alcoholic beverages entered or withdrawn for consumption during that period, under the procedures set forth in § 24.4 of this chapter.

(d) *Government entries.* If a shipment is entered or withdrawn for consumption by a U.S. Government department or agency, or an authorized representative thereof, no deposit of estimated Customs duties or taxes shall be required if a stipulation is furnished in lieu of any bond provided for in Part 25 of this chapter. The proper department or agency will then be billed after liquidation of the entry for any duties or charges due. The stipulation shall be in the following form:

I, ----------, ----------
(title)
a duly authorized representative of the ----
(name of U.S. Government department or agency)
stipulate and agree on behalf of such department or agency that all applicable provisions of the Tariff Act of 1930, as amended, and the regulations thereunder, and of all other laws and regulations, relating to -----
(type of entry)
entry No. ------, of ---------- will be
(date)
observed and complied with in all respects.

(Signature)

§ 141.103 Amount to be deposited.

Estimated duties shall be deposited in an amount deemed necessary by the district director to sufficiently cover the prospective duties on each item being entered or withdrawn.

§ 141.104 Computation of duties.

In computing estimated duties, fractional parts of dollars and quantities shall be rounded off in accordance with § 159.3 of this chapter.

§ 141.105 Voluntary deposit of additional duties.

If either the importer of record or the actual owner whose declaration and superseding bond have been filed in accordance with § 141.20 desires, he may estimate, on the basis of information contained in the entry papers or obtainable from the district director, the probable amount of unpaid duties which will be found due on the entire entry and deposit them in whole or in part with the district director. The deposit shall be tendered in writing in the following form in the number of copies required for the purposes of local administration, and an official receipt shall be given for the deposit:

Date----------

To the District Director of Customs, --------

Tender is hereby voluntarily made of $------ as a supplemental deposit of estimated duties and taxes on ----------
entry No. ------, dated ----------, in the name of ----------. Please provide an official receipt.

(Importer of record) or (actual owner)

(Street address)

(City) (State)

Subpart H—Release of Merchandise

§ 141.111 Carrier's release order.

(a) *When required.* Except where release is made directly to the carrier in accordance with § 141.11(b), no merchandise shall be released from Customs custody until a release order has been executed by the carrier, or, in the case of merchandise in a bonded warehouse, by the warehouse proprietor.

(b) *Form of release.* The release order may be executed on any of the following documents:

(1) Customs Form 7529, if a carrier's certificate is used in making entry;

(2) The official entry form;

(3) A combined carrier's certificate and release order issued in accordance with § 141.11(a)(4); or

(4) If a certified duplicate bill of lading is used for entry purposes in accordance with § 141.11(a)(3), the carrier's release order may be endorsed thereon in substantially the following form:

In accordance with the provisions of section 484(j), Tariff Act of 1930, authority is hereby given to release the articles covered by this certified duplicate bill of lading to:

(c) *Blanket release order.* Merchandise may be released to the person named in the bill of lading in the absence of a specific release order from the carrier, if the carrier concerned has filed a blanket order authorizing release to the consignee in such cases. The release order at the bottom of Customs Form 7529 may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's certificate issued under § 141.11(a)(5).

(d) *Qualified release order.* In the case of merchandise which is entered for warehousing, for transportation in bond, or for exportation, the release order may be qualified as follows:

(1) "For transfer to the bonded warehouse designated in the warehouse entry," if the merchandise is entered for warehousing;

(2) "For transfer to the bonded carrier designated in the transportation entry," if the merchandise is entered for transportation in bond; or

(3) "For transfer to the carrier designated in the export entry," if the merchandise is entered for exportation.

§ 141.112 Liens for freight, charges, or contribution in general average.

(a) *Definitions.* The following are general definitions for the purposes of this section:

(1) *Freight.* "Freight" means the carrier's charge for the transportation of the goods from the place of shipment in the foreign country to the final destination in the United States.

(2) *Charges.* "Charges" means the charges due to or assumed by the claimant of the lien which are incident to the shipment and forwarding of the goods to the destination in the United States, but does not include the purchase price, whether advanced or to be collected, nor other claims not connected with the transportation of the goods.

(3) *General average.* "General average" means the liability to contribution of the owners of a cargo which arises when a sacrifice of a part of such cargo has been made for the preservation of the residue or when money is expended to preserve the whole. It only arises from actions impelled by necessity.

(b) *Notice of lien.* A notice of lien for freight, charges, or contribution in general average pursuant to section 564, Tariff Act of 1930, as amended (19 U.S.C. 1564), shall be filed with the district director on Customs Form 3485, signed by the authorized agent of the carrier and certified by him.

(c) *Preliminary notice of lien for contribution in general average.* When the cargo of a vessel is subject to contribution in general average, a preliminary notice thereof may be filed with the district director and individual notices of lien filed thereafter. Upon receipt of a preliminary notice, the district director shall withhold release of any merchandise imported in the vessel for 2 days (exclusive of Sunday and holidays) after such merchandise is taken into Customs custody, unless proof is submitted that the claim for contribution in general average has been paid or secured.

(d) *Merchandise entered for immediate transportation.* A notice of lien upon merchandise entered for immediate transportation shall be filed by the carrier with the district director at the destination.

(e) *Limitations on acceptance of notice of lien.* A notice of lien shall be rejected and returned with the reason for rejection noted thereon if it is filed after any of the following actions have been taken concerning the merchandise:

(1) Release from Customs custody;

(2) Forfeiture under any provision of law;

(3) Sale as unclaimed or abandoned merchandise under section 491 or 559, Tariff Act of 1930, as amended (19 U.S.C. 1491 or 1559); or

(4) Receipt and acceptance of a notice of abandonment to the Government under section 506(1) or 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1506(1) or 1563(b)).

(f) *Forfeited or abandoned merchandise.* The acceptance of a notice of lien shall not in any manner affect the order of disposition and accounting for the proceeds of sales of forfeited and abandoned property provided for in §§ 20.6, 158.10, and 162.51 of this chapter.

(g) *Bond may be required.* When any doubt exists as to the validity of a lien filed with the district director, he may exact a bond of indemnity to save him harmless from any personal liability which may result from withholding the release of the merchandise.

(h) *Satisfaction of lien.* The district director shall not adjudicate any dispute respecting the validity of any lien, but when the amount of such lien depends upon the quantity or weight of merchandise actually landed, the district director shall hold the lien satisfied upon the payment of an amount computed upon the basis of the official Customs report of quantity and weight. In all other cases, proof that the lien has been satisfied or discharged shall consist of a written release or receipt signed by the claimant and filed with the district director, showing payment of the claim in full.

(Sec. 564, 46 Stat. 747, as amended; 19 U.S.C. 1564)

§ 141.113 Recall of merchandise released from Customs custody.

(a) *Merchandise not legally marked.* Certain merchandise is required to be marked or labeled pursuant to the following provisions:

(1) Section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), pertaining to marking with country of origin;

(2) Textile Fiber Products Identification Act (15 U.S.C. 70);

(3) Wool Products Labeling Act (15 U.S.C. 68);

(4) Fur Products Labeling Act (15 U.S.C. 69); and

(5) Schedule 7, part 2E, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), pertaining to special marking for watch and clock movements, cases, and dials.

If such merchandise is found after release to be not legally marked, the district director may demand its return to Customs custody for the purpose of requiring it to be properly marked or labeled. The demand for marking or labeling shall be made not later than 30 days after the date of entry in the case of merchandise examined in public stores, and places of arrival, such as docks, wharfs, or piers. Demand may be made no later than 30 days after the date of examination in the case of merchandise examined at the importer's premises or such other appropriate places as determined by the district director.

(b) *Other merchandise not entitled to admission.* If at any time after entry the district director finds that any merchandise contained in an importation is not entitled to admission into the commerce of the United States for any reason not enumerated in paragraph (a) of this section, he shall promptly demand the return to Customs custody of any such merchandise which has been released.

(c) *Request for samples or additional examination packages not complied with by importer.* If the importer has not promptly complied with a request for samples or additional examination packages made by the district director pursuant to § 151.11 of this chapter, the district director may demand the return of the necessary merchandise to Customs custody.

(d) *Demand to importer of record or actual owner.* A demand for the return of merchandise to Customs custody shall be made on the importer of record, except that it shall be made on the actual owner if an actual owner's declaration and superseding bond have been filed in accordance with § 141.20 before the date of the demand.

(e) *Form of demand.* A demand for the return of merchandise to Customs custody shall be made on Customs Form 4647 or other appropriate form, or by letter. One copy, with the date of mailing or delivery noted thereon, shall be retained by the district director and made part of the entry record.

(f) *Time limitation.* A demand for the return of merchandise to Customs custody shall not be made after the liquidation of the entry covering such merchandise has become final.

(Secs. 499, 623, 46 Stat. 726, as amended, 759, as amended; 19 U.S.C. 1499, 1623)

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

Sec.
142.0 Scope.

Subpart A—Application for Special Permit and Release of Merchandise

142.1 Merchandise eligible for special permit for immediate delivery.
142.2 Application for special permit for immediate delivery.
142.3 Term special permit.
142.4 Bond.
142.5 Simultaneous presentation of entry papers allowed.
142.6 Examination and release of merchandise.
142.7 Suspension of immediate delivery privileges.

Subpart B—Entry of Merchandise Released Under Special Permit

142.11 Time limit for making entry after release of merchandise.
142.12 Examination invoice to be filed with entry.
142.13 Entry permit not required.
142.14 Entry not required for merchandise found to be prohibited.
142.15 Failure to make timely entry.
142.16 Other procedures applicable.

AUTHORITY: R.S. 251, as amended, secs. 448, 484, 624, 46 Stat. 714, as amended, 722, as amended, 759; 19 U.S.C. 66, 1448, 1484, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 142.0 Scope.

This part sets forth requirements and procedures relative to special permits for immediate delivery of merchandise prior to entry, as authorized by section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448(b)).

Subpart A—Application for Special Permit and Release of Merchandise

§ 142.1 Merchandise eligible for special permit for immediate delivery.

A special permit for immediate delivery prior to entry may be issued for perishable merchandise and any other merchandise for which delivery can be permitted with safety to the revenue, when immediate release of such merchandise is

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necessary to avoid unusual loss or inconvenience to the importer or to the carrier bringing the merchandise to the port, or more effectively to utilize Customs manpower or to eliminate or reduce congestion on docks, at airports, or other places. Merchandise intended for either formal or informal entry may be released under a special permit, since the term "formal entry" as used in section 448(b), Tariff Act of 1930, as amended (19 U.S.C. 1448 (b)), refers to the process of making entry and does not specify a kind of entry.

§ 142.2 Application for special permit for immediate delivery.

(a) *Form.* Applications for special permits for immediate delivery shall be made in duplicate on Customs Form 3461, and shall be supported by evidence satisfactory to the district director of the right of the applicant to make entry of the merchandise.

(b) *Merchandise from Canada or Mexico.* In the case of merchandise arriving from Canada or Mexico when the customhouse is closed and destined to places other than the port of arrival, the application and the evidence of the right to make entry may be submitted to the chief Customs officer on duty and a special permit may be issued for immediate release, provided the applicant has on file in the customhouse a term bond in accordance with § 142.4 (b) or (c).

§ 142.3 Term special permit.

(a) *Conditions for issuance.* If the district director is satisfied that circumstances warrant such action, a term special permit for immediate delivery may be issued for a class or classes of merchandise particularly described in the application for such permit to be imported during a period not to exceed 1 year.

(b) *Notation of value for each shipment.* When applying for the release of a shipment of merchandise under a term special permit for immediate delivery, the importer shall note a value for the shipment on the document presented. The value so noted shall not be less than the invoice value.

§ 142.4 Bond.

No special permit for immediate delivery shall be issued until there has been filed a bond with an approved corporate surety of one of the following types:

(a) A single entry bond on Customs Form 7551, with the amount of the bond determined in accordance with § 25.4(a)(9) of this chapter. When any of the imported merchandise is subject to a tariff-rate quota and is to be released at a time when the applicable quota is filled, the full rates shall be used in computing the estimated duties to determine the amount of the bond.

(b) A term bond on Customs Form 7553, with the amount of the bond determined in accordance with § 25.4(a)(10) of this chapter. One term bond may be filed in connection with several applications for special permits to be filed during a period of not more than 1 year, or in connection with an application for a term special permit.

(c) A general term bond on Customs Form 7595.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 142.5 Simultaneous presentation of entry papers allowed.

If there is available sufficient information as to the quantities and values of the merchandise for a proper estimation of the duties and taxes which will be payable, there may be deposited with the application for a special permit all the papers, including an entry bond, in proper form for making entry for consumption. However, deposit of estimated duties shall not be permitted until after the merchandise has arrived within the limits of the port of entry, and such deposit shall be made only during the hours in which an entry could be presented in accordance with § 141.62 of this chapter.

§ 142.6 Examination and release of merchandise.

(a) *Invoice required for examination.* Examination and release of merchandise under a special permit for immediate delivery shall not be made unless the examining officer has been furnished an invoice, waybill, or other satisfactory document setting forth an adequate description of the merchandise and the quantities thereof, together with the values or approximate values thereof when values are needed for the purpose of examination. If the merchandise is to be released under a term special permit, such invoice or other document shall also show the term special permit number.

(b) *Examination required before release.* No merchandise shall be released under a special permit for immediate delivery until it has been examined, or until adequate samples have been taken in the case of merchandise which is to be classified and appraised by means of samples.

§ 142.7 Suspension of immediate delivery privileges.

(a) *For failure to make timely entry.* The district director may discontinue allowing the immediate delivery of merchandise for an importer who has repeatedly failed to make timely entry without sufficient justification, or who has not taken prompt action to settle a claim for liquidated damages issued under § 142.15 for failure to make timely entry. "Prompt action" means that the importer shall, within the time specified in the claim for liquidated damages, petition for relief or pay the amount claimed, and in appropriate cases shall also file entry (including deposit of estimated duties).

(b) *For failure to pay Customs bills.* Immediate delivery privileges may be suspended for an importer who is substantially or habitually delinquent on Customs bills issued him, in accordance with the following procedures:

(1) The importer shall be advised in writing of the suspension action and the reasons for such action.

(2) The suspension may be either for a specified period of time or until the importer has paid all his outstanding Customs bills.

(3) Brokers or other parties acting as agents for the importer shall not be permitted to circumvent the suspension by applying for immediate delivery of the suspended importer's merchandise in their name and under their bond.

Subpart B—Entry of Merchandise Released Under Special Permit

§ 142.11 Time limit for making entry after release of merchandise.

(a) *Usual limit.* Except as otherwise provided for certain quota merchandise in paragraphs (b) and (c) of this section, entry shall be made (including deposit of estimated duties) within 10 days after the day on which the merchandise or any portion thereof is first released under a special permit.

(b) *Tariff-rate quota merchandise.* Merchandise subject to a tariff-rate quota, which is released at a time when the applicable quota is filled, must be entered (including deposit of estimated duties) not later than midnight on the last day before the applicable quota again opens. No extension beyond that midnight shall be granted.

(c) *Absolute quota merchandise.* When merchandise is subject to an absolute (quantitative) quota which is nearing fulfillment and the approval of the Commissioner of Customs is required in accordance with § 12.50(e) of this chapter before release of the merchandise, the entry shall be made (including deposit of estimated duties) within 5 days after the date of the Commissioner's approval.

(d) *Computing time limits.* In computing the 10-day and 5-day limits in paragraphs (a) and (c) of this section, the day of release, Saturday, Sunday, and holidays shall be excluded.

§ 142.12 Examination invoice to be filed with entry.

When an invoice was furnished for use by the examining officer in accordance with § 142.6(a), such invoice shall be returned after examination to the importer who shall use it to make entry.

§ 142.13 Entry permit not required.

No entry permit on Customs Form 7501–A or 5119–A is required to accompany an entry for merchandise released under a special permit for immediate delivery.

§ 142.14 Entry not required for merchandise found to be prohibited.

(a) *Exportation or destruction of prohibited merchandise.* If merchandise imported under a special permit for immediate delivery is found to be prohibited, entry under § 142.11 is not required: *Provided,* that either:

(1) The merchandise is exported or destroyed under Customs supervision within the time limit for entry specified in § 142.11, or

(2) An entry for exportation or application to destroy is made within such time limit and the exportation or destruction is promptly accomplished.

(b) *Procedures for exportation or destruction.* Exportation or destruction of prohibited merchandise in accordance with paragraph (a) of this section shall be made under the same procedures as exportation or destruction of prohibited merchandise covered by a consumption entry with remission or refund of duties (see §§ 158.41 and 158.45(c) of this chapter).

(c) *Notation on exportation entry.* A direct export or transportation and exportation entry made for prohibited merchandise for which no formal or informal entry for consumption has been filed shall be conspicuously stamped or imprinted with the legend:

PROHIBITED MERCHANDISE; NO OTHER ENTRY FILED.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

§ 142.15 Failure to make timely entry.

If entry, when required, is not timely made, the district director shall make an immediate demand for liquidated damages in the entire amount of the bond in the case of a single entry bond. When the transaction has been charged against a term bond, the demand shall be for the amount that would have been demanded if the merchandise had been released under a single entry bond. Any application for cancellation of liquidated damages incurred shall be made in accordance with Part 172 of this chapter.

§ 142.16 Other procedures applicable.

Merchandise released under a special permit for immediate delivery is subject to the same procedures as all other imported merchandise, except where more specific procedures are set forth in this part.

PART 143—CONSUMPTION, APPRAISEMENT, AND INFORMAL ENTRIES

Sec.
143.0 Scope.

Subpart A—Consumption Entry

143.1 Form of consumption entry.
143.2 Deposit of estimated duties.
143.3 Release of merchandise.

Subpart B—Appraisement Entry

143.11 Merchandise eligible for appraisement entry.
143.12 Form of entry.
143.13 Documents to be presented with entry.
143.14 Payment of additional expenses.
143.15 Deposit of estimated duties and taxes.
143.16 Substitution of warehouse entry.

Subpart C—Informal Entry

143.21 Merchandise eligible for informal entry.
143.22 Formal entry may be required.
143.23 Form of entry.
143.24 Preparation of Customs Form 5119–A.
143.25 Information on entry form.
143.26 Additional copy for Internal Revenue.
143.27 Invoices.
143.28 Deposit of duties and release of merchandise.

AUTHORITY: R.S. 251, as amended, secs. 484, 498, 624, 46 Stat. 723, as amended, 728, as amended, 729; 19 U.S.C. 66, 1484, 1498, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 143.0 Scope.

This part sets forth requirements and procedures for the clearance of imported merchandise under consumption, appraisement, and informal entries, which are in addition to the general requirements and procedures for all entries set forth in Part 141 of this chapter. More specific requirements and procedures are set forth elsewhere in this chapter; for example, in Part 145 for importations by mail, and in Part 10 for merchandise conditionally free of duty or subject to a reduced rate.

Subpart A—Consumption Entry

§ 143.1 Form of consumption entry.

(a) *Customs Form 7501.* Entry for consumption shall be made on Customs Form 7501, except where a different form is prescribed elsewhere in this chapter (for example, certain free merchandise may be entered on a Customs Form 3311 in accordance with § 10.1 (d) or (e) of this chapter). A Customs Form 7501 shall be filed in triplicate for dutiable entries and in duplicate for free entries.

(b) *Extra copy for Internal Revenue.* An additional legible copy of the entry, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry of cigarettes, cigars, or cigarette papers or tubes, when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to Customs upon release of such article, or if they are to be released without payment of tax under § 11.2(a) of this chapter.

(c) *Other extra copies.* The district director may require additional copies of the entry where the intended use has been specifically approved by the Commissioner of Customs.

§ 143.2 Deposit of estimated duties.

Estimated duties shall be deposited in accordance with subpart G of Part 141 of this chapter.

§ 143.3 Release of merchandise.

Merchandise which has been entered for consumption shall not be released from Customs custody until an appropriate bond has been filed or the entry has been liquidated, as follows:

(a) *Bond.* Merchandise which has not been designated for examination shall be released to or upon the order of the carrier if a bond on Customs Form 7551, 7553, or other appropriate form has been filed. Merchandise designated for examination shall be released under the same bond after examination has been completed if it has been found to be truly and correctly invoiced, is entitled to admission into the commerce of the United States, and its release is not precluded by any law or regulation. In the case of shipments entered by a U.S. Government department or agency, the stipulation prescribed in § 141.102(d) of this chapter shall be accepted in lieu of a bond.

(b) *After liquidation.* If a bond has not been filed in accordance with paragraph (a) of this section, none of the merchandise shall be released before:

(1) The entry has been liquidated, and the full amount of all duties and taxes due, including dumping or other special duties and charges, have been paid or the right to free entry established;

(2) The district director determines that the merchandise has the right to admission into the commerce of the United States; and

(3) All documents relating to the merchandise which are required by law or regulation have been filed.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

Subpart B—Appraisement Entry

§ 143.11 Merchandise eligible for appraisement entry.

(a) *Without Commissioner's approval.* An application for entry by appraisement may be approved by the district director without securing the approval of the Commissioner of Customs for any of the following merchandise:

(1) Merchandise damaged on the voyage of importation, by fire or through marine casualty or any other cause, without fault on the part of the shipper;

(2) Merchandise recovered from a wrecked or stranded vessel;

(3) Household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(4) Articles sent by persons in foreign countries as gifts to persons in the United States;

(5) Tools of trade of a person arriving in the United States;

(6) Personal effects of citizens of the United States who have died in a foreign country; and

(7) Any of the following articles, which are deemed in accordance with section 498(a)(10), Tariff Act of 1930, as amended (19 U.S.C. 1498(a)(10)), to be articles the value of which cannot be declared:

(i) Articles which are secondhand;

(ii) Articles which have become deteriorated or damaged before importation otherwise than as specified in subparagraph (1) of this paragraph;

(iii) Articles which are not the subject of a commercial transaction; and

(iv) So-called overages or dock accumulations which cannot be identified with any particular shipment.

(b) *With Commissioner's approval.* Entry by appraisement for merchandise not provided for in paragraph (a) of this section shall be allowed only with the approval of the Commissioner of Customs. Each request for such approval shall be filed in triplicate with the district director and shall state in detail the reasons for the request for entry by appraisement.

(c) *Merchandise not eligible.* An application for an entry by appraisement

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shall not be approved after the merchandise has been appraised or released from Customs custody, nor for damaged merchandise when the damage occurs after importation.

§ 143.12 Form of entry.

Application for an entry by appraisement shall be made in triplicate on Customs Form 7500.

§ 143.13 Documents to be presented with entry.

The importer shall in all cases present:

(a) Any bills or statements of cost relating to the merchandise which may be in his possession; and

(b) A declaration that he has no other information as to the value of the articles and is unable to obtain such information or to determine the value of the articles for the purpose of making formal entry thereof.

§ 143.14 Payment of additional expenses.

Any additional expense for cartage, storage, or labor occasioned by reason of an entry by appraisement shall be borne by the importer.

§ 143.15 Deposit of estimated duties and taxes.

Estimated duties shall be deposited in accordance with subpart G of Part 141 of this chapter before the merchandise is released from Customs custody.

§ 143.16 Substitution of warehouse entry.

The importer may substitute an entry for warehouse at any time within 1 year from the date of importation, provided the merchandise has remained in continuous Customs custody.

Subpart C—Informal Entry

§ 143.21 Merchandise eligible for informal entry.

The following types of merchandise are among those which may be entered under informal entry:

(a) Shipments of merchandise not exceeding $250 in value;

(b) Any installment, not exceeding $250 in value, of a shipment arriving at different times, as described in § 141.82 of this chapter;

(c) A portion of one consignment, when such portion does not exceed $250 in value and may be entered separately pursuant to § 141.51 of this chapter;

(d) Household or personal effects or tools of trade entitled to free entry under schedule 8, part 2A, Tariff Schedules of the United States (19 U.S.C. 1202);

(e) Household effects used abroad and personal effects whether or not entitled to free entry, not imported in pursuance of a purchase or agreement for purchase and not intended for sale;

(f) Household and personal effects described in paragraph (e) of this section when entered under item 806.20, Tariff Schedules of the United States (19 U.S.C. 1202), and the value of the repairs and alterations thereto does not exceed $250;

(g) Personal effects not exceeding $250 in value of citizens of the United States who have died abroad; and

(h) Books and other articles classifiable under item 270.25, 273.10, 273.35, 765.03, 850.10, Tariff Schedules of the United States (19 U.S.C. 1202), imported by a library or other institutions described in item 850.10 or 851.10, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 143.22 Formal entry may be required.

The district director may require a formal consumption or appraisement entry for any merchandise if he deems it necessary for the protection of the revenue. Individual shipments for the same consignee, when such shipments are valued at $250 or less, may be consolidated on one such entry.

§ 143.23 Form of entry.

Merchandise to be entered informally shall be entered on a Customs Form 5119–A, except for the following types of merchandise which may be entered on the forms indicated:

(a) Articles in passengers' baggage which may be cleared on a baggage declaration in accordance with subpart B of Part 148 of this chapter;

(b) Products of the United States being returned for which clearance on Customs Form 3311 is prescribed by § 10.1 of this chapter;

(c) Personal effects and tools of trade for which clearance on Customs Form 3299 is prescribed by § 148.6 of this chapter; and

(d) Shipments not exceeding $250 in value which are either (1) unconditionally free of duty and not subject to any quota or internal revenue tax, or (2) conditionally free and all conditions for free entry are met at the time of entry, which may be released upon the filing by the importer on Customs Form 7523, in duplicate, supported by evidence of the right to make entry.

(e) Merchandise for which informal entry can be made on a different form as prescribed elsewhere in this chapter.

§ 143.24 Preparation of Customs Form 5119–A.

The nonserially-numbered Customs Form 5119–A may be prepared by importers or their agents or by Customs officers when it can be presented to a Customs cashier or acting cashier for payment of duties and taxes and for numbering of the entry before the merchandise is examined by a Customs officer. Where there is no Customs cashier or acting cashier, serially-numbered forms must be used, and they shall be prepared by a Customs officer unless such forms can be prepared under his control by the importers or their agents for immediate use in clearing merchandise under the informal entry procedure. The conditions for the preparation of nonserially-numbered Customs Form 5119–A by importers or their agents, as described in the first sentence of this section, do not apply to the acceptance of these entries for shipments not exceeding $250 in value released under a special permit for immediate delivery in accordance with Part 142 of this chapter.

§ 143.25 Information on entry form.

Each Customs Form 5119–A shall contain an adequate description of the merchandise and the item number of the Tariff Schedules of the United States (19 U.S.C. 1202), under which the merchandise is classified.

§ 143.26 Additional copy for Internal Revenue.

An additional copy of the Customs Form 5119–A, marked or stamped "For Internal Revenue Purposes," shall be prepared for each entry covering cigars, cigarettes, or cigarette papers, or tubes when the entry of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275), and tax is payable to Customs upon release of such articles. The separate statement for tax purposes required by 26 CFR 275.81 shall be made on the entry form. However, no extra copy or statement is required for cigars or cigarettes imported solely for the personal consumption of the importer or for disposition as his bona fide gift.

§ 143.27 Invoices.

No special Customs invoice is required for merchandise entered informally but, in the case of merchandise imported pursuant to a purchase or agreement to purchase or intended for sale, the importer shall produce the commercial invoice covering the transaction or, in the absence thereof, an itemized statement of value.

§ 143.28 Deposit of duties and release of merchandise.

The estimated duties and taxes, if any, shall be deposited at the time the entry is presented and accepted by a Customs officer, whether at the customhouse or elsewhere. If upon examination of the merchandise further duties or taxes are found due, they shall be deposited before release of the merchandise by Customs. When the entry is presented elsewhere than where the merchandise is to be examined, the permit copy shall be delivered through proper channels to the Customs officer who will examine the merchandise.

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

Sec.

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AUTHORITY: R.S. 251, as amended, secs. 484, 557, 559, 624, 46 Stat. 722, as amended, 744, as amended, 759; 19 U.S.C. 66, 1484, 1557, 1559, 1624. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 144.0 Scope.

This part contains regulations pertaining to the entry and withdrawal of merchandise under the provisions of section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), which among other things provides that articles subject to duty may be entered for warehousing and deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee, and withdrawn from warehouse for consumption upon payment of duties and charges. The requirements and procedures set forth in this part are in addition to the general requirements and procedures for all entries set forth in Part 141 of this chapter. Regulations pertaining to manipulation in warehouse, manufacturing warehouses, and smelting and refining warehouses are set forth in Part 19 of this chapter.

Subpart A—General Provisions

§ 144.1 Merchandise eligible for warehousing.

(a) *Types of merchandise.* Any merchandise may be entered for warehousing except for perishable merchandise, explosive substances (other than firecrackers), and unconditionally free merchandise. Dangerous and highly flammable merchandise, though not classified as explosive, shall not be entered for warehouse without the written consent of the insurance company insuring the warehouse in which the merchandise is to be stored.

(b) *Conditionally free merchandise.* Conditionally free merchandise, for which the right to free entry has not been established because of the absence of required documents or other cause, may be entered for warehouse and be withdrawn under the appropriate provision of law within the warehousing period.

(c) *Merchandise previously entered.* If merchandise has been entered under other than a warehouse entry and has remained in continuous Customs custody, a warehouse entry may be substituted for the previous entry. If estimated duties were deposited with the superseded previous entry, that entry shall be liquidated for refund of the estimated duties without awaiting liquidation of the warehouse entry. All copies of the warehouse entry shall bear the following notation: This entry is in substitution of ---------- entry No. ------, dated ----------.

§ 144.2 Liability of importers and sureties.

The importer of merchandise entered for warehouse is liable for the payment of all unpaid duties not only as principal on the entry bond, but also by reason of his personal liability as consignee. Under the conditions of the warehouse entry bond, the sureties on the bond shall be held liable for the payment of duties and Customs charges not paid by the principal on the bond, whether such duties and charges are finally ascertained before the merchandise is withdrawn from Customs custody or thereafter. Liability may be transferred in part along with the right to withdraw the merchandise, in accordance with subpart C of this part.

§ 144.3 Allowance for damage.

No abatement or allowance of duties shall be made on account of damage, loss, or deterioration of the merchandise while in warehouse, except as provided for by law (see Part 158 of this chapter).

(Sec. 563, 46 Stat. 746, as amended; 19 U.S.C. 1563)

§ 144.4 Allowance for abandoned, destroyed, or exported merchandise.

Allowance in duties shall be made for merchandise in warehouse which is abandoned or destroyed in accordance with § 158.43 of this chapter or exported in accordance with § 144.37.

§ 144.5 Period of warehousing.

Merchandise may not remain in a bonded warehouse beyond 3 years from the date of importation unless the 3-year period is extended in accordance with § 144.6.

§ 144.6 Extension of warehousing period.

(a) *Extensions of 1 year each.* Pursuant to the authority contained in Proclamation No. 2948, issued by the President on October 12, 1951 (16 F.R. 10589; T.D. 52896), the initial 3-year period for warehousing prescribed in sections 557 and 559, Tariff Act of 1930, as amended (19 U.S.C. 1557 and 1559), shall be extended for successive periods of 1 year each upon compliance with paragraph (b) of this section. If the application is submitted after expiration of the 3-year period or the latest extension thereof, the new extension shall be retroactive to the expiration of the previous period. An extension shall not be granted if the merchandise has been disposed of by the Government as abandoned.

(b) *Documents required for extension.* The following documents shall be presented to the district director each time an extension is requested:

(1) The written application of the importer for extension.

(2) A statement of the proprietor of the warehouse in which the merchandise is stored consenting to the extension, or certifying that all charges or amounts due or owing to the proprietor for storage or handling of the merchandise concerned up to the date of the beginning of the requested period of extension have been paid. A statement shall not be required if the principal on the agreement or new bond submitted in accordance with subparagraph (3) of this paragraph is the proprietor of the warehouse in which the merchandise is stored.

(3) The agreement of the principal and the sureties on the entry bond to remain bound under the terms and conditions of that bond, in the form set forth in paragraph (c) of this section. In the case of merchandise covered by a warehouse entry bond on Customs Form 7555, the principal on the bond may furnish in lieu of such agreement a new bond on Customs Form 7555, but with the words "3 years" appearing in conditions (1) and (2) of the form changed to read "4 years" or "5 years" and so forth, as the case may require.

(c) *Form for extension of bond.*

(1) *Warehouse entry bond.* In the case of merchandise covered by a warehouse entry bond on Customs Form 7555, the agreement to extension of the bond required under paragraph (b)(3) of this section shall be in the following form:

EXTENSION OF WAREHOUSE ENTRY BOND

Whereas, in Treasury Decision No. 52896, of December 28, 1951, issued pursuant to authority contained in the President's Proclamation No. 2948, dated October 12, 1951, the 3-year warehousing period for imported merchandise prescribed in sections 557 and 559 Tariff Act of 1930, as amended, was extended for 1 year and further extended for additional periods of 1 year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case the principal on the entry bond shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension has been granted, and

Whereas, the warehouse entry bond described below was furnished in connection with the warehouse entry indicated, and it is now desired to extend the liability under such bond for a period of 1 year from the date of maturity of the bond: [1]

[1] Here insert the word "as extended" if a previous extension has been allowed.

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Port of _____, bond No. _____ dated _____, warehouse entry No _____, description of merchandise _____, date of importation _____,

Now, therefore, this is to certify that _____, principal and _____, and _____, sureties, on the warehouse entry bond referred to above, hereby stipulate and agree that their liability under said bond [1] shall continue unchanged and in full force and effect to the same extent as if no extension had been granted for a period of 1 year from the date of maturity of the bond.

Witness our hands and seals this _____ day of _____, 19--.

Signed, sealed, and delivered in the presence of—

(Name) (Address)
(SEAL)
(Principal)

(Name) (Address)
By (Name and official title)

(Name) (Address)
(SEAL)
(Surety)

(Name) (Address)
By (Name and official title)

(Name) (Address)
(SEAL)
(Surety)

(Name) (Address)
By (Name and official title)

(2) *General term bond or blanket smelting and refining bond.* In the case of merchandise covered by a general term bond on Customs Form 7595, or a blanket smelting and refining bond in the form prescribed in Treasury Decision 50267, as modified by Treasury Decision 52403, the agreement to extension of the bond required under paragraph (b)(3) of this section shall be in the following form, in a sufficient number of copies to permit the filing of one copy at each of the ports where the entries involved were filed:

EXTENSION OF GENERAL TERM BOND FOR ENTRY OF MERCHANDISE [1]

Whereas, in Treasury Decision No. 52896, of December 28, 1951, issued pursuant to authority contained in the President's Proclamation No. 2948, dated October 12, 1951, the 3-year warehousing period for imported merchandise prescribed in sections 557 and 559, Tariff Act of 1930, as amended, was extended for 1 year and further extended for additional periods of 1 year each from and after the expiration of the immediately preceding extension, provided, among other things, that in each case the principal on the entry bond shall furnish the agreement of the sureties on the bond to remain bound under the terms and conditions of the bond to the same extent as if no extension has been granted, and

[1] Substitute the words "Blanket Smelting and Refining Bond" if the merchandise was charged against such a bond.

Whereas, the bond described below was furnished by _____ (name of principal on bond) and accepted by the Government of the United States to cover, among other things, the entry of imported merchandise for warehouse or rewarehouse at the port(s) of _____, during the period beginning on _____, 19--, and ending on _____, 19--; [2] and

General Term Bond for Entry of Merchandise [1] in the sum of _____, executed by _____, as principal, and _____ and _____, as sureties, under date of _____, 19--, and approved by the Bureau of Customs under date of _____, 19--; and

Whereas, certain imported merchandise was entered for warehouse or rewarehouse at the ports and under the entries indicated below and such entries were charged against the bond described above:

Name of port	*Entry No.*	*Date of entry*
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

and

Whereas, _____ (name of principal on the bond) desires, as to such merchandise, to obtain an extension of the period during which it may remain in warehouse for 1 year from and after the expiration of the 3-year period prescribed in sections 557 and 559, Tariff Act of 1930, as amended, or to obtain a further extension for an additional period of 1 year from and after the expiration of any immediately preceding extension which may have been granted, and to continue the liability therefor under the bond for such 3-year period and to extend the liability under the bond to cover such extension or further extension of 1 year.

Now, therefore, this is to certify that _____, principal, and _____ and _____, sureties, on the bond described above, hereby stipulate and agree that, in consideration of the granting of an extension or further extension of 1 year of the 3-year period during which the merchandise may remain in warehouse, their liability under the bond as to such merchandise shall cover such 1-year extension or further extension, together with the original 3-year period.

Witness our hands and seals this _____ day of _____, 19--.

Signed, sealed, and delivered in the presence of—

(Name) (Address)
(SEAL)
(Principal)

(Name) (Address)
By (Name and official title)

(Name) (Address)
(SEAL)
(Surety)

(Name) (Address)
By (Name and official title)

(Name) (Address)
(SEAL)
(Surety)

(Name) (Address)
By (Name and official title)

[2] If the merchandise was charged against a Blanket Smelting and Refining Bond, delete the words "during the period beginning on _____, 19--, and ending on _____, 19--," and substitute therefor the words "on and after _____, 19--."

(Sec. 318, 46 Stat. 696; 19 U.S.C. 1318)

§ 144.7 Disposition of merchandise after expiration of warehousing period.

Merchandise remaining in a bonded warehouse after the expiration of the warehousing period, including any extensions granted under § 144.6, shall be disposed of in accordance with § 20.3 of this chapter.

Subpart B—Requirements and Procedures for Warehouse Entry

§ 144.11 Form of entry.

(a) *CF 7502.* Entry for warehouse shall be executed in duplicate on Customs Form 7502. The district director may require an extra copy or copies of Customs Form 7502–A (Warehouse or Rewarehouse Permit) for use in connection with the delivery of the merchandise to the bonded warehouse.

(b) *Designation of warehouse.* The importer shall designate upon the entry the bonded warehouse in which he desires his merchandise deposited and the bonded cartman or lighterman by whom he wishes the goods transferred.

(c) *Specification list.* When packages which are not uniform in contents, quantities, values, or rates of duties are grouped together as one item on an entry, a specification list (original only) shall be furnished with the entry, showing separately opposite the marks or numbers of each package the quantity of each class of merchandise therein, the entered value of each class, and the rates of duty claimed for each. However, a specification list is not needed if one withdrawal is to be filed for all the merchandise covered by the entry.

§ 144.12 Estimated duties.

The entry shall show the value, classification, and rates of duty as approved by the district director at the time of entry. However, no deposit of estimated duties shall be required until the merchandise is withdrawn for consumption.

§ 144.13 Bond.

A bond on Customs Forms 7555, 7595, or other appropriate form shall be required for each warehouse entry.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 144.14 Removal to warehouse.

When the warehouse entry and bond have been filed, the merchandise shall be sent to the bonded warehouse, except for:

(a) Merchandise for which an immediate dock withdrawal is filed, or

(b) Packages designated for examination elsewhere than at the warehouse, which shall be sent to the warehouse after examination.

§ 144.15 Entry and withdrawal from Customs bonded warehouses of distilled spirits for diplomatic personnel, foreign military personnel, and other such personages.

(a) *Distilled spirits entered in warehouse under section 5066(a), Internal Revenue Code.*—(1) *General rule.* Except as otherwise provided in this section, distilled spirits entered into Customs bonded warehouse in accordance with section 5066(a), Internal Revenue Code, as amended (26 U.S.C. 5066(a)), shall be treated in the same manner as any other merchandise entered for warehouse.

(2) *Withdrawal from warehouse for domestic consumption.* Distilled spirits entered in warehouse under this paragraph may be withdrawn from warehouse for domestic consumption under section 5066(c), Internal Revenue Code, as amended (26 U.S.C. 5066(c)). In this case, the distilled spirits shall be subject to duty as American goods exported and returned under item 804.20, Tariff Schedules of the United States (19 U.S.C. 1202).

(3) *Modification of the warehouse entry bond.* The recital clause of the warehouse entry bond, Customs Form 7555, shall be modified to show that the distilled spirits were entered in accordance with section 5066(a), Internal Revenue Code, as amended (26 U.S.C. 5066(a)). The following new condition shall be added to the warehouse entry bond, Customs Form 7555, or to the general term bond, Customs Form 7595, prior to its approval: "And if said articles shall be withdrawn in accordance with the provisions of section 5066(b) or (c) of the Internal Revenue Code, as amended (26 U.S.C. 5066(b) or (c)), or in default thereof, if the obligors shall pay to the district director as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so withdrawn, plus the amount of any internal revenue tax assessable thereon."

(b) *Distilled spirits transferred from a manufacturing warehouse to a storage warehouse under section 5521 of the Internal Revenue Code*—(1) *Prohibition on withdrawal from warehouse for domestic consumption.* Domestic distilled spirits which have been transferred from a Customs bonded manufacturing warehouse, Class 6, to a Customs bonded storage warehouse, Class 2 or 3, in accordance with section 5521 of the Internal Revenue Code, as amended (26 U.S.C. 5521), and section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311), may not be withdrawn under section 5066(c) of the Internal Revenue Code, as amended (26 U.S.C. 5066(c)), for domestic consumption.

(2) *Procedure governing transfer of distilled spirits from manufacturing warehouse to storage warehouse.* For procedure concerning the transfer of such distilled spirits from Customs bonded manufacturing warehouse, Class 6, to Customs bonded storage warehouse, see § 19.15(g)(2) of this chapter.

Subpart C—Transfer of Right To Withdraw Merchandise From Warehouse

§ 144.21 Conditions for transfer.

Under the provisions of section 557(b) Tariff Act of 1930, as amended (19 U.S.C. 1557(b)), the right to withdraw all or part of merchandise entered for warehouse may be transferred by appropriate endorsement on the withdrawal form, provided that the transferee files an appropriate bond. Upon the deposit of the endorsed form, properly executed, and the transferee's bond with the Customs officer designated to receive such form and bond, the transferor and his sureties shall be relieved from all undischarged liability for the payment of Customs duties and taxes, charges, and exactions with respect to the merchandise transferred, but shall remain bound by all other obligations of their bond which are not assumed in the bond filed by the transferee.

§ 144.22 Endorsement of transfer on withdrawal form.

Transfer of the right to withdraw merchandise entered for warehouse shall be established by an appropriate endorsement on the withdrawal form by the person primarily liable for payment of duties before the transfer is completed, i.e., the person who made the warehouse or rewarehouse entry or a transferee of the withdrawal right of such person. Endorsement shall be made on whichever of the following withdrawal forms is applicable:

(a) Customs Form 7506 for merchandise to be withdrawn as vessel or aircraft supplies and equipment under § 10.60(b) of this chapter;

(b) Customs Form 7512 for merchandise to be withdrawn for transportation in accordance with § 144.36; or

(c) Customs Form 7505 for all other merchandise.

§ 144.23 Endorsement in blank.

If the transferor wishes to do so, he may endorse the withdrawal form to authorize the right to withdraw the merchandise specified thereon but leave the space for the name of the transferee blank. A holder of a withdrawal form so endorsed and otherwise fully executed may insert his own name in the blank space, deposit such form and his transferee's bond with the Customs officer designated to receive such form and bond, and thereby establish his right to withdraw the merchandise.

§ 144.24 Transferee's bond.

A transferee's bond shall be on Customs Forms 7555, 7595, or other appropriate form, and shall include an obligation to pay, with respect to the merchandise the subject of the transfer, all unpaid regular, increased, and additional duties, all unpaid taxes imposed upon or by reason of importation, and all unpaid charges and exactions.

§ 144.25 Deposit of forms.

Either the transferor or the transferee may deposit the endorsed withdrawal form and transferee's bond with the Customs officer designated to receive such form and bond.

§ 144.26 Further transfer.

The right of a transferee to withdraw the merchandise may not be revoked by the transferor but may be retransferred by the transferee.

§ 144.27 Withdrawal from warehouse by transferee.

At any time within the warehousing period, a transferee who has established his right to withdraw merchandise may withdraw all or part of the merchandise covered by the transfer by filing any authorized kind of withdrawal from warehouse in accordance with subpart D of this part.

§ 144.28 Protest by transferee.

(a) *Entries on or after January 12, 1971.* A transferee of merchandise entered for warehouse on or after January 12, 1971, shall have the right to file a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), to the same extent that such right would have been available to the transferor.

(b) *Entries prior to January 12, 1971.* A transferee of merchandise entered for warehouse prior to January 12, 1971, shall have no right to file a protest, except under the conditions set forth in section 557(b), Tariff Act of 1930, as amended (19 U.S.C. 1557(b)), prior to the amendments made thereto by Public Law 91–685, effective January 12, 1971 (T. D. 71–55).

Subpart D—Withdrawals from Warehouse

§ 144.31 Right to withdraw.

Withdrawals from bonded warehouse may be made only by the person primarily liable for the payment of duties on the merchandise being withdrawn, i.e., the importer of record on the warehouse entry, the actual owner if an actual owner's declaration and superseding bond have been filed in accordance with § 141.20 of this chapter, or the transferee if the right to withdraw the merchandise has been transferred in accordance with subpart C of this part. No new declaration of the consignee or agent is required.

§ 144.32 Statement of quantity.

(a) *On each withdrawal.* Each withdrawal filed shall have indicated thereon, preferably in the lower part of the left-hand margin if there is no space designated on the form for such information, a summary statement of the account to which it is related. The statement shall indicate: (1) The quantity (i.e., the number of outer containers, or tons, etc.) in the warehouse account before the withdrawal; (2) the quantity being withdrawn; and (3) the quantity remaining in warehouse after the withdrawal. The

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quantity in each instance may be shown as a cumulative total even though it may include a group of varied units such as boxes, cases, or cartons, and may consist of more than one commodity, such as distilled spirits, chinaware, etc.

(b) *Transferred merchandise.* When all or a portion of an original lot has been transferred to a new owner in accordance with subpart C of this part, each withdrawal by the transferee shall show only the quantity on hand in the transferee's name before the withdrawal, the quantity being withdrawn by the transferee, and the transferred quantity remaining in the warehouse after the withdrawal. The quantity retained by the original importer and the quantity transferred shall be treated as separate accounts.

§ 144.33 Minimum quantities to be withdrawn.

Unless by special authority of the Commissioner of Customs, merchandise shall not be withdrawn from bonded warehouse in quantities less than an entire bale, cask, box, or other package, or, if in bulk, in quantities less than 1 ton in weight or the entire quantity imported, whichever is smaller.

(Sec. 562, 46 Stat. 745, as amended; 19 U.S.C. 1562)

§ 144.34 Transfer to another warehouse.

(a) *At the same port.* With the concurrence of the proprietors of the delivering and receiving warehouses, merchandise may be transferred from one bonded warehouse to another at the same port under Customs supervision and at the expense of the importer upon his written request to the district director, who shall issue an order for such transfer on Customs Form 6043. All charges shall be paid before merchandise is transferred from a warehouse of class 1 (see § 19.1 of this chapter for classes of warehouses).

(b) *At another port.* Merchandise may be transferred to a warehouse which is under the jurisdiction of another port by withdrawing the merchandise for transportation in accordance with § 144.36 and entering it for rewarehouse in accordance with § 144.41 upon arrival at destination. All charges shall be paid before merchandise is transferred from a warehouse of class 1 (see § 19.1 of this chapter for classes of warehouses).

§ 144.35 Withdrawal of vessel and aircraft supplies and equipment.

Supplies and equipment for vessels and aircraft may be withdrawn from warehouse under the procedures set forth in this subpart and in §§ 10.59 through 10.65 of this chapter.

§ 144.36 Withdrawal for transportation.

(a) *Time limit.* Merchandise may be withdrawn from warehouse for transportation to another port of entry if withdrawal for consumption or exportation can be accomplished at the port of destination before the expiration of the warehousing period, including any lawful extension thereof.

(b) *Physical deposit in warehouse not needed.* All or any part of the merchandise covered by a warehouse entry may be withdrawn for transportation without deposit in a bonded warehouse and may be permitted to remain on the vessel or other vehicle or on the pier in a constructive warehouse status pending examination. When any such merchandise not deposited in a warehouse is not forwarded under the withdrawal for transportation on account of damage or other cause, the importer shall be required to withdraw such merchandise immediately for consumption or exportation, or designate a warehouse to which it may be sent and, upon his failure to do so, it shall be treated as unclaimed.

(c) *Form.* A withdrawal for transportation shall be filed on Customs Form 7512 in five copies, accompanied by Customs Form 7512–C in duplicate. An extra copy or copies of the Customs Form 7512 may be required for use in connection with the delivery of the merchandise to the bonded carrier and, in the case of alcoholic beverages, two extra copies shall be required for use in furnishing the duty statement to the district director at destination.

(d) *Information required.* In addition to the statement of quantity required by § 144.32, the Customs Form 7512 shall show the following information for the merchandise being withdrawn:

(1) The original warehouse entry number, date of entry, and port at which filed. When the withdrawal is made from a rewarehouse entry, the rewarehouse entry number, date, and port at which filed shall also be shown;

(2) The name of the consignee at the port of destination;

(3) Any ascertained weight, gage, or measure;

(4) The entered value of the merchandise; and

(5) The estimated duty.

(e) *Duty on samples withdrawn.* The duty on any samples withdrawn at the original port from a shipment covered by a withdrawal for transportation shall be collected at such port and a notation thereof made on the withdrawal form. No separate invoice or extract from the original invoice shall be required to cover such samples.

(f) *Forwarding procedure.* The merchandise shall be forwarded in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

(g) *Procedure at destination.* Upon arrival at destination, the merchandise may be:

(1) Entered for rewarehouse in accordance with § 144.41;

(2) Entered for combined rewarehouse and withdrawal for consumption in accordance with section 144.42;

(3) Exported in accordance with paragraph (h) of this section; or

(4) Forwarded to another port or returned to the port of origin in accordance with § 18.5 (c) or (d) of this chapter.

(h) *Exportation.* A consignee of merchandise withdrawn for transportation who desires to export the merchandise upon arrival at destination shall so advise the district director at destination in writing. The district director shall then permit the exportation of the merchandise under Customs supervision in the same manner as a withdrawal for indirect exportation under § 144.37.

§ 144.37 Withdrawal for exportation.

(a) *Form.* A withdrawal for either direct or indirect exportation shall be filed on Customs Form 7512 in five copies, or on Customs Form 7506 in three copies for merchandise being exported under cover of a TIR carnet, accompanied by Customs Form 7512–C in duplicate. The district director may require an extra copy or copies of Customs Form 7512 or 7506 for use in connection with the delivery of the merchandise to the carrier.

(b) *Procedure for indirect exportation.* (1) *Forwarding.* Merchandise withdrawn for indirect exportation (transportation and exportation) shall be forwarded to the port of exportation in accordance with the general provisions for transportation in bond (§§ 18.1–18.8 of this chapter).

(2) *Splitting of shipments.* If any part of a shipment is not exported or if a shipment is divided at the port of exportation, extracts in duplicate from the manifest on file in the customhouse shall be made on Customs Form 7512 for each portion, one copy to be sent to the discharging inspector and the other to the lading inspector to be used as report of exportation. The splitting up for exportation of shipments arriving under warehouse withdrawals for indirect exportation shall be permitted only when various portions of a shipment are destined to different destinations, when the export vessel cannot properly accommodate the entire quantity, or in other similar circumstances. In the case of merchandise moving under cover of a TIR carnet, if the merchandise is not to be exported or if the shipment is to be divided, appropriate entry shall be required and the carnet discharged. The provisions of §§ 18.23 and 18.24 of this chapter concerning change of destination or retention of merchandise on the dock shall also be followed in applicable cases.

(3) *Conversion to withdrawal for consumption.* A withdrawal for indirect exportation may be converted to a withdrawal for consumption upon request to the district director at the port where the withdrawal for indirect exportation was made.

(c) *Exportation by mail.* Merchandise may be withdrawn from warehouse for exportation by mail in accordance with the provisions of Subpart F of Part 145 of this chapter.

(d) *Marks on packages.* The exportation shall be made under the original marks of importation. Port marks may be added by authority of the district director under Customs supervision. The original and port marks shall appear in all Customs papers pertaining to the exportation.

(e) *Weight, gage, or measure.* Merchandise in bulk and packaged articles which are customarily bought and sold by weight, gage, or measure may be withdrawn for exportation or transportation only at the actual quantities ascertained at the time of the original entry for warehouse, except as otherwise provided for by law. In any case, the district director may require a special report of weight, gage, or measure of the merchandise being exported if he deems it necessary.

(f) *Merchandise not laden.* Merchandise withdrawn for exportation but not laden shall be sent to general order unless other disposition is prescribed by the district director.

(Sec. 562, 46 Stat. 745, as amended; 19 U.S.C. 1562)

§ 144.38 Withdrawal for consumption.

(a) *Form.* Withdrawals for consumption of merchandise in bonded warehouses shall be filed on Customs Form 7505 in triplicate.

(b) *Extra copy for Internal Revenue.* An additional copy of Customs Form 7505, marked or stamped "For Internal Revenue Purposes," shall be presented for each withdrawal for consumption of cigars, cigarettes, or cigarette papers or tubes, when the release from Customs custody of these articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to Customs.

(c) *Information to be shown on withdrawal.* Each withdrawal shall show all information for which spaces are provided on the withdrawal form, and shall also show the separate value of each package and the total dutiable value of the merchandise being withdrawn. In the case of merchandise in packages which are uniform in kind, quantity, value, and duty, the number of each package to be withdrawn need not be shown on the withdrawal if the lowest and highest numbers in the number series of such packages are shown. In the case of merchandise subject to quota, or textiles and textile products subject to levels of restraint, the description shall reflect any correction thereof reported after the filing of the warehouse entry. Additionally, on each withdrawal of cigars, cigarettes, or cigarette papers or tubes subject to internal revenue tax, the statement for tax purposes required by § 275.81 of the regulations of the Internal Revenue Service (26 CFR 275.81) shall be made on the withdrawal form.

(d) *Deposit of estimated duties.* Estimated duties on the merchandise being withdrawn shall be deposited in accordance with subpart G of Part 141 of this chapter. The district director may increase or decrease the amount of estimated duties to be deposited on the final withdrawal to bring the aggregate amount of duties deposited into balance with the amount which he estimates will be finally due upon liquidation.

(e) *Permit for release of merchandise.* When the duties and other charges have been paid, a permit on Customs Form 7505–A shall be issued and delivered to the person making the warehouse withdrawal. When the permit is presented to the Customs warehouse officer, he shall release the merchandise to or upon the order of the warehouse proprietor in accordance with § 19.6 of this chapter, unless the person making the withdrawal requests, by endorsement on the permit, that release be withheld until he presents to the Customs warehouse officer an order to release on Customs Form 7505–B, or until the expiration of the warehouse bond period (see § 20.3(c) of this chapter). If partial release is desired, the order may cover only part of the merchandise specified in the permit, but not less than an entire package or, if in bulk, 1 ton in weight. Proprietors may be permitted to make copies of permits and orders to release.

Subpart E—Rewarehouse Entries

§ 144.41 Entry for rewarehouse.

(a) *Applicability.* When merchandise which has been withdrawn from warehouse for transportation to another port has arrived at the port of destination, it may be entered for rewarehouse by the consignee named in the withdrawal.

(b) *Form of entry.* An entry for rewarehouse shall be made in duplicate on Customs Form 7502. The district director may require an extra copy or copies of Customs Form 7502–A (Warehouse or Rewarehouse Permit) for use in connection with the delivery of the merchandise to the warehouse. No declaration is required on the entry.

(c) *Combining separate shipments.* Separate shipments consigned to the same consignee and received under separate withdrawals for transportation shall not be combined in one rewarehouse entry unless the warehouse withdrawals are from the same original warehouse entry.

(d) *Bond.* A bond on Customs Form 7555 or other appropriate form shall be filed before a permit is issued on Customs Form 7502–A for sending the merchandise to the bonded warehouse. However, no entry bond shall be required if the merchandise is entered by the consignee named in the original warehouse entry bond filed at the original port of entry, or if it is entered by a transferee who has established his right to withdraw the merchandise and has filed a bond in accordance with subpart C of this part.

(e) *Value and classification.* The duties determined at the port where the original warehouse entry was filed shall be the duties chargeable under the rewarehouse entry, except in the cases provided for in §§ 159.7 (a) and (b) of this chapter, which pertain to certain classes of merchandise excluded from the liquidation of the original warehouse entry and merchandise on which rates of duty or tax are changed by an act of Congress or by a proclamation by the President.

(f) *Examination.* Any examination necessary for identification of the merchandise, determination of shortages, or other purposes shall be made.

(g) *Failure to enter.* If the merchandise is not entered before the expiration of 5 days after its arrival, it shall be sent to the general order warehouse but shall not be sold or otherwise disposed of as unclaimed until the expiration of the original warehouse entry bond period.

(h) *Protest.* A protest may be filed at the port where the rewarehouse entry is made against a liquidation made at that port under §§ 159.7 (a) or (b) of this chapter, or against a refusal of the district director of that port to liquidate pursuant to said sections. In all other cases, any protest shall be filed against the original warehouse entry.

§ 144.42 Combined entry for rewarehouse and withdrawal for consumption.

(a) *Applicability.* If the consignee of merchandise withdrawn for transportation wishes to pay duty and obtain possession of the merchandise immediately upon arrival at destination, he may make a combined entry for rewarehouse and withdrawal for consumption.

(b) *Procedure for entry.* The procedures set forth in § 144.41 are applicable to this type of entry, with the following exceptions:

(1) *Form of entry.* A combined entry for rewarehouse and withdrawal for consumption shall be made on Customs Form 7519 in four copies, one copy to be used as the permit. No declaration is required on the entry;

(2) *Extra copy for Internal Revenue.* An additional copy of Customs Form 7519, marked or stamped "For Internal Revenue Purposes," shall be presented for each entry of cigars, cigarettes, or cigarette papers or tubes, when the release from Customs custody of those articles is subject to Part 275 of the regulations of the Internal Revenue Service (26 CFR Part 275) and tax is payable to Customs; and

(3) *Deposit of duties.* Estimated Customs duties, taxes, and other charges, as set forth in subpart G of Part 141 of this chapter, shall be deposited upon presentation of the combined entry. The district director shall then issue a permit for release on Customs Form 7519.

PART 145—MAIL IMPORTATIONS

§ 145.11 [Amended]

In § 145.11, paragraph (c) is amended by substituting "141.83" for "8.15".

§ 145.12 [Amended]

In § 145.12, paragraph (a)(2) is amended by substituting "subparts B and C of Part 143, and § 10.1" for "§§ 8.50, 8.51, and 10.1"; paragraph (b)(1) is amended by substituting "subpart C of Part 143" for "§ 8.51"; and paragraph (c) is amended by substituting "141.102(d)" for "8.28(c)".

§ 145.26 [Amended]

Section 145.26 is amended by substituting "152.14" for "16.10a".

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§ 145.31 [Amended]

Section 145.31 is amended by substituting "10.151" for "8.3".

§ 145.32 [Amended]

Section 145.32 is amended by substituting "10.152" for "8.3".

§ 145.71 [Amended]

In § 145.71, paragraph (c) is amended by substituting "144.37" for "8.41".

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (gen. hdnte. 11, Tariff Schedules of the United States), 1624)

PART 146—FOREIGN-TRADE ZONES

§ 146.12 [Amended]

Paragraph (b) of § 146.12 is amended by substituting, in subparagraph (1) (ii), "141.11" for "8.6".

§ 146.21 [Amended]

In § 146.21, paragraph (c)(3)(ii) is amended by substituting "152.1(c)" for "14.3(b)", and paragraph (c)(3)(iii) is amended by substituting "141.90(c)" for "8.16".

§ 146.48 [Amended]

In § 146.48, paragraph (e) is amended by substituting "§§ 141.65, 141.68, and 141.69" for "§ 8.4 (d) and (g)", and paragraph (f) is amended by substituting "Part 159" for "part 16".

(R.S. 251, as amended, sec. 3, 48 Stat. 999, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 81c, 1202 (Gen. hdnte. 11), 1624)

PART 147—TRADE FAIRS

§ 147.13 [Amended]

Section 147.13 is amended by substituting "Part 142" for "§ 8.59".

(R.S. 251, sec. 624, 46 Stat. 759, sec. 7, 73 Stat. 19; 19 U.S.C. 66, 1624, 1756)

Chapter I of title 19, Code of Federal Regulations, is amended by adding new Parts 151 and 152, as follows:

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Sec.

151.0 Scope.

Subpart A—General

151.1 Merchandise to be examined.
151.2 Quantities to be examined.
151.3 Disclosure of examination packages.
151.4 Time of examination.
151.5 Conditions for examination prior to entry.
151.6 Place of examination.
151.7 Importer's request for examination at other than public stores.
151.8 Examination after assembly.
151.9 Immediate transportation entry delivered outside port limits.
151.10 Sampling.
151.11 Request for samples or additional examination packages after release of merchandise.
151.12 Benzenoid chemicals and products.

Subpart B—Sugars, Sirups, and Molasses

151.21 Definitions.
151.22 Estimated duties on raw sugar.
151.23 Allowance for moisture in raw sugar.
151.24 Unlading facilities for bulk sugar.
151.25 Mixing classes of sugar.
151.26 Molasses in tank cars.
151.27 Weighing and sampling done at time of unlading.
151.28 Gaging of sirup or molasses discharged into storage tanks.
151.29 Expense of unlading and handling.
151.30 Sugar closets.
151.31 Review of tests of sugar, sirup, and molasses.

Subpart C—Petroleum and Petroleum Products

151.41 Information on entry.
151.42 Controls on unlading and gaging.
151.43 Licensed public gagers.
151.44 Storage tanks.
151.45 Storage tanks bonded as warehouses.
151.46 Allowance for excessive water and sediment.
151.47 Entered quantities of crude petroleum released under immediate delivery.

Subpart D—Metal-Bearing Ores and Other Metal-Bearing Materials

151.51 Sampling requirements.
151.52 Sampling procedures.
151.53 Sample lockers.
151.54 Testing by Customs laboratory.
151.55 Deductions for loss during processing.

Subpart E—Wool and Hair

151.61 Definitions.
151.62 Information on invoices.
151.63 Information on entry.
151.64 Extra copies of entry.
151.65 Duties.
151.66 Duty on samples.
151.67 Sampling by importer.
151.68 Merchandise to be sampled and tested by Customs.
151.69 Transfer or exportation of part of sampling unit.
151.70 Method of sampling by Customs.
151.71 Laboratory testing for clean yield.
151.72 Estimation of clean yield by nonlaboratory method.
151.73 Importer's request for commercial laboratory test.
151.74 Retest at District Director's request.
151.75 Final determination of clean yield.
151.76 Grading of wool.

Subpart F—Cotton

151.81 Definition of staple length.
151.82 Information on invoices.
151.83 Method of sampling.
151.84 Determination of staple length.
151.85 Importer's request for redetermination.

Subpart G—Fruit Juices

151.91 Brix values of unconcentrated natural fruit juices.

Subpart H—Flat Glass

151.101 Weighing of flat glass.
151.102 Standard method for ascertaining weight.
151.103 Other methods for ascertaining weight.
151.104 Final net weight for duty purposes.

Subpart I—Cigars, Cigarillos, and Tobacco

151.111 Cigars, cigarillos, and tobacco of Cuban origin.

AUTHORITY: R.S. 251, as amended, 77A Stat. issued under R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (gen. hdnotes. 11, 12 Tariff Schedules of the United States), 1624. Subpart A also issued under sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499. Subpart D also issued under sch. 6, pt. 1, hdnotes. 1–6, Tariff Schedules of the United States; 19 U.S.C. 1202. Subpart E also issued under sch. 3, pt. 1C, hdnote. 6, Tariff Schedules of the United States; 19 U.S.C. 1202. Subpart F also issued under sch. 3, pt. 1A, hdnote. 3, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 151.0 Scope.

This part sets forth general provisions governing the examination and sampling of imported merchandise, as well as specific provisions governing the examination, sampling, and testing of certain particular types of merchandise.

Subpart A—General

§ 151.1 Merchandise to be examined.

The district director shall examine such packages or quantities of merchandise as he deems necessary for the determination of duties and for other Customs purposes.

§ 151.2 Quantities to be examined.

(a) *Minimum quantities.* Not less than one package of every 10 packages of merchandise shall be examined, unless a special regulation permits a lesser number of packages to be examined. District directors are specially authorized to examine less than one package of every 10 packages, but not less than one package of every invoice, in the case of any merchandise which is:

(1) Imported in packages the contents and values of which are uniform, or

(2) Imported in packages the contents of which are identical as to character although differing as to quantity and value per package.

(b) *Nonprivileged foreign merchandise from foreign-trade zone.* When a portion of a zone lot of nonprivileged foreign merchandise covered by one invoice, the contents and value of packages of which are uniform or the merchandise is identical as to character although differing as to quantities and value per package, has been entered and packages or quantities have been examined, the district director may, if he considers further examination unnecessary, permit subsequent entries for consumption from such zone lot of merchandise to be made by the same importer at the same port of entry on the basis of the first examination. Each subsequent portion of such a zone lot of merchandise shall identify the first consumption entry made by the importer of a portion of the lot.

(c) *Additional quantities.* Paragraphs (a) and (b) of this section shall not be construed to prevent the district director from examining more than the minimum number of packages required if he deems it necessary.

§ 151.3 Disclosure of examination packages.

Information as to the particular packages which will be examined shall not be made available to the importer, his agent, or any person other than Customs officers necessarily concerned, until the merchandise has arrived within the limits of the port of entry.

§ 151.4 Time of examination.

Imported merchandise shall not be opened, examined, or inspected until it has been entered under some form of entry for consumption or warehouse, except in the following cases:

(a) *Official Government examination and sampling.* Authorized employees of the Customs Service, Food and Drug Administration, Animal and Plant Health Inspection Service, Public Health Service, or other Government agency may for official purposes examine or take samples of merchandise for which entry has not been filed, including merchandise being released under a special permit for immediate delivery.

(b) *Perishable merchandise, benzenoid chemicals, and merchandise received without an invoice.* An application by the importer to examine merchandise, whether or not covered by an entry for transportation in bond or for exportation, may be granted by the district director, under the conditions listed in § 151.5, in the following cases:

(1) Examination of perishable merchandise is desired solely to determine its condition. This is not limited to a single examination, and there is no objection to incidental display to prospective buyers during the examination.

(2) The importer desires to sample benzenoid chemicals or products in accordance with § 152.35 of this chapter prior to making an entry for consumption or warehouse.

(3) The importer has been unable to obtain the required documents or information to make the necessary entry, and examination of the merchandise is required to obtain information for the preparation of a pro forma invoice to be used in making entry.

(c) *Examination of merchandise entered for transportation under bond or for exportation.* (1) *Examination, sampling, weighing or emergency operation.* As a bona fide incident to exportation or further transportation, the importer of merchandise entered or withdrawn for transportation under bond or for exportation may, upon written application to the district director supported by a valid business reason for the request, be permitted to examine, sample, weigh, or subject his merchandise to an operation required by reason of an emergency, provided that any operation performed on the merchandise does not constitute a manufacture, and that § 151.5 is complied with. For conditions governing transshipment and emergency access to the shipment by the carrier, see § 18.3 of this chapter.

(2) *Nonemergency operation.* In cases not involving an emergency, an operation not constituting a manufacture may be permitted under the conditions listed in subparagraph (1) of this paragraph if neither the protection of the revenue nor the proper conduct of Customs business requires that the operation be done in a Customs bonded warehouse, provided that the importer's written application for such operation is approved by both the district director and the Commissioner of Customs.

§ 151.5 Conditions for examination prior to entry.

Examination, sampling, weighing, or operation upon merchandise at the importer's request prior to entry for consumption or warehouse, as provided for in § 151.4 (b) and (c), shall be subject to the following conditions:

(a) The operation permitted shall be executed under Customs supervision;

(b) If the merchandise is in possession or joint possession of a carrier or container station operator, the concurrence of such carrier or operator shall be obtained; and

(c) The Government shall be reimbursed for the compensation, computed in accordance with § 19.5(b) of this chapter, and other expenses of the Customs officer or employee supervising the action permitted.

§ 151.6 Place of examination.

Inflammable, explosive, or dangerous merchandise, or any other merchandise which cannot be examined conveniently at the public stores shall be examined at the place of arrival, the importer's premises, or other suitable place. All other merchandise shall be examined at the public stores, unless examination at a place other than the public stores is approved in accordance with § 151.7.

§ 151.7 Importer's request for examination at other than public stores.

The importer may request examination at a place other than the public stores, such as at the wharf or other place of arrival or at the importer's premises. The request may be made on the entry or other appropriate document and if approved shall be subject to the following conditions:

(a) *Sealing of packages.* If examination is to be made at the importer's premises or other place not under control of a Customs officer, the district director may require the packages to be corded and sealed by a Customs officer before the packages are removed from the place of arrival. The packages shall be opened only in the presence of the Customs officer authorized to examine their contents.

(b) *Opening and closing packages.*

(1) *At place of arrival within port limits.* When the examination is to be performed at the place of arrival, such as a pier, dock, or terminal, within the port limits, the importer shall arrange with the operator of the pier, dock, terminal, or other facility for the opening and closing of examination packages, unless other arrangements satisfactory to the district director are made.

(2) *Other.* When the examination is to be performed outside the port limits, or at any place within the port limits other than at the public stores or at the place of arrival within the meaning of subparagraph (1) of this paragraph, the importer shall arrange to open and close the examination packages.

(c) *Reimbursement of expenses outside port limits.* If the place of examination is not located within the limits of a port of entry or a Customs station at which a Customs officer is permanently located, the importer shall pay any additional expense, including actual expenses of travel and subsistence but not the salary of the examining officer. However, no collection shall be made if the total amount chargeable against one importer for one day amounts to less than 50 cents. If the total amount chargeable amounts to 50 cents or more but less than $1, a minimum charge of $1 shall be made.

(d) *Bond for removal from Customs custody.* Before permitting the removal of merchandise for examination elsewhere than at the public stores, wharf, or other place in charge of a Customs officer, the district director shall require the importer to execute a bond on Customs Forms 7551, 7553, or other appropriate form, containing a condition for the return of the merchandise if demand for return is made after its release from Customs custody upon the completion of examination. The bond shall contain added conditions that:

(1) The importer shall hold the merchandise at the place to which it has been removed for examination until it has been released from Customs custody;

(2) If such merchandise has been corded and sealed, the cords and seals shall be kept intact until removed by Customs officers; and

(3) The importer shall transfer the merchandise at any time before such release to such place as the district director may require.

§ 151.8 Examination after assembly.

(a) *Application by importer.* Upon application by the importer, machinery, altars, shrines, and other articles which must be set up or assembled prior to examination may be examined at the mill, factory, or other suitable place after being assembled.

(b) *Conditions applicable.* The importer shall comply with the conditions set forth in § 151.7 (b) through (d). The district director may also require that a deposit be made of the estimated additional expense. The packages need not be corded and sealed in accordance with § 151.7(a), but the district director may make such preliminary examination as he deems necessary to identify the merchandise with the invoice.

(c) *Removal of merchandise and notification of assembly.* After the bond required by § 151.7(d) has been filed and any necessary preliminary examination has been made, the district director may permit the merchandise to be removed to the place at which it is to be assembled for examination. Within 90 days after such removal, unless an extension has been applied for and granted by the district director, the importer shall notify the district director that the merchandise has been assembled and is ready for examination, whereupon final examination shall be made.

§ 151.9 Immediate transportation entry delivered outside port limits.

When merchandise covered by an immediate transportation entry has been authorized by the district director to be

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delivered to a place outside a port of entry as provided for in § 18.11(c) of this chapter, the provisions of § 151.7 shall be complied with to the same extent as if the merchandise had been delivered to the port of entry, and then authorized to be examined elsewhere than at the public stores, wharf, or other place where a Customs officer is stationed.

§ 151.10 Sampling.

When deemed necessary, the district director may obtain samples of merchandise for appraisement, classification, or other official Customs purposes. Representative samples shall be selected by an authorized Customs officer, and shall be properly marked to insure identification and retained as long as the district director shall deem necessary.

§ 151.11 Request for samples or additional examination packages after release of merchandise.

If the district director requires samples or additional examination packages of merchandise which has been released from Customs custody, he shall send the importer a written request, on Customs Form 5561 or other appropriate form, to submit the necessary samples or packages. If the request is not promptly complied with, the district director may make a demand under the appropriate bond for the return of the necessary merchandise to Customs custody in accordance with § 141.113 of this chapter.

§ 151.12 Benzenoid chemicals and products.

Additional procedures for sampling and testing of benzenoid chemicals and products are set forth in subpart D of Part 152 of this chapter.

Subpart B—Sugars, Sirups, and Molasses

§ 151.21 Definitions.

The following are general definitions for the purposes of this subpart in applying schedule 1, part 10, Tariff Schedules of the United States (19 U.S.C. 1202):

(a) *Degree.* "Degree" or "sugar degree" means the percentage of sucrose contained in the sugar as shown by direct polarimetric estimation.

(b) *Total sugars.* "Total sugars" means the sum of the sucrose, the raffinose, and the reducing sugars.

§ 151.22 Estimated duties on raw sugar.

Estimated duties shall be taken on raw sugar on the basis of not less than 96° polariscopic test unless the invoice shows that the sugar is of a lower grade than that of the ordinary commercial shipment.

§ 151.23 Allowance for moisture in raw sugar.

Inasmuch as the absorption of sea water or moisture reduces the polariscopic test of sugar, there shall be no allowance on account of increased weight of raw sugar importations due to unusual absorption of sea water or other moisture while on the voyage of importation. Any portion of the cargo claimed by the importer to have absorbed sea water or moisture on the voyage of importation shall be weighed, sampled, and tested separately. No such claim shall be considered if made after the sugar claimed to have been damaged has been weighed.

§ 151.24 Unlading facilities for bulk sugar.

When dutiable sugar is to be imported in bulk, a full description of the facilities to be used in unlading the sugar shall be submitted to the Commissioner of Customs as far as possible in advance of the date of importation, and special instructions will be issued as to the methods to be applied in weighing and sampling such sugar.

§ 151.25 Mixing classes of sugar.

No regulations relative to the weighing, taring, sampling, classifying, and testing of imported sugar shall be so construed as to permit mixing together sugar of different classes, such as centrifugal, beet, molasses, or any sugar different in character from those mentioned, for the purpose of weighing, taring, sampling, or testing.

§ 151.26 Molasses in tank cars.

When molasses is imported in tank cars, the importer shall file with the district director a certificate showing whether there is any substantial difference either in the total sugars or the character of the molasses in the different cars.

§ 151.27 Weighing and sampling done at time of unlading.

Sugar, sirup, and molasses requiring either weighing or sampling shall be weighed or sampled at the time of unlading. When such merchandise requires both weighing and sampling, these operations shall be performed simultaneously.

§ 151.28 Gaging of sirup or molasses discharged into storage tanks.

(a) *Plans of storage tank to be filed.* When sirup or molasses is imported in bulk in tank vessels and is to be pumped or discharged into storage tanks, before the discharging is permitted there shall be filed with the district director a certified copy of the plans and gage table of the storage tank showing all inlets and outlets and stating accurately the capacity in United States gallons per inch of height of the tank from an indicated starting point.

(b) *Settling before gaging.* After the discharge is completed, all inlets to the tank shall be carefully sealed and the sirup or molasses left undisturbed for a period not to exceed 20 days to allow for settling before being gaged. When a request for immediate gaging is made in writing by the importer, it shall be allowed by the district director.

§ 151.29 Expense of unlading and handling.

No expense incidental to the unlading, transporting, or handling of sugar, sirup, or molasses for convenient weighing, gaging, measuring, sampling, or marking shall be borne by the Government.

§ 151.30 Sugar closets.

Sugar closets for samples shall be substantially built and secured by locks furnished by Customs. They shall be conveniently located as near as possible to the points of discharge they are intended to serve. They shall be provided by the owner of the premises on which they are located and shall be so situated that sugar, sirup, and molasses stored therein shall not be subjected to extremes of temperature or humidity.

§ 151.31 Review of tests of sugar, sirup, and molasses.

(a) *Notification to importer.* When the test of the sugar has been determined by the Customs laboratory for an importation of sugar, sirup, or molasses, the district director shall immediately send the importer a copy of the Laboratory Report, Customs Form 6415, showing the average test of the importation and the quantity and test of each lot from which such average test is obtained.

(b) *Review of test of raw sugar.* If the importer, within 2 days, exclusive of Saturdays, Sundays, and holidays, after notification of a test on raw sugar has been sent to him, claims an error in the test so reported, he may request a review of the average test, submitting such evidence that may be in his possession to support his claim. Settlement tests of the sugar in question together with any other information required by the district director shall be furnished by the importer. The district director shall arrive at a final determination based upon a review of the information available. In no instance shall a request for review be granted when the difference between the Customs average test and the settlement test of raw sugar is less than 0.4° S.

(c) *Review and retest of sirup or molasses.* If the importer claims an error in the test of sirup or molasses, the review procedures set forth in paragraph (b) of this section shall be followed. If the information in the district director's possession indicates a strong probability of an error, and the difference between the Customs test and the settlement test is not less than 2 percent total sugars, a retest shall be granted. The district director shall arrive at a final determination based upon a review of the information submitted and the retest.

Subpart C—Petroleum and Petroleum Products

§ 151.41 Information on entry.

On entry for petroleum or a petroleum product in bulk, the importer shall show the API gravity at 60° Fahrenheit and the group to which the product belongs, in accordance with the Petroleum Measurement Tables (American Edition), published by the American Society for Testing Materials (1952). The abridged table (Table No. 7) shall be used in the reduction of volume to 60° F. If the exact quantity cannot be determined in advance, entry may be made

for "------ U.S. gallons, more or less." The information required by this section shall also be shown on the permit and summary sheet.

§ 151.42 Controls on unlading and gaging.

Each district director shall establish for his district controls and checks on the unlading and shore tank gaging of petroleum and petroleum products imported by vessel. Depending on local conditions, the district director may employ any of the following methods of control:

(a) Complete and continuous supervision by a Customs officer when other methods are not considered adequate, or when the importer requests continuous supervision;

(b) Use of reports of licensed public gagers approved by the Commissioner of Customs in accordance with § 151.43;

(c) Use of positive displacement meters at installations where provided by the importer;

(d) Use of turbine-type meters at installations where provided by the importer;

(e) Sealing of all valves when practical; and

(f) Taking of vessel ullages before and after the discharge.

§ 151.43 Licensed public gagers.

(a) *Acceptance of quantity reports.* Subject to such controls and checks as may be deemed necessary, the district director may accept the reports of quantities of imported petroleum and petroleum products made by licensed public gagers who have been approved for Customs purposes by the Commissioner of Customs in accordance with this section.

(b) *Application.* Any licensed public gager desiring approval shall submit an application, which may be in the form of a letter, to the Commissioner of Customs, Washington, D.C. 20229. The application shall contain or be accompanied by the following items:

(1) A statement of the applicant's qualifications in detail, his principal place of business, and the Customs district(s) for which approval is requested.

(2) A written agreement to avoid conflict-of-interest situations and comply with operating requirements prescribed by Customs, reading substantially as follows:

As one of the conditions for the approval of this application, I undertake and agree to have no financial interest in or other connection (except for acceptance of the usual fees for gaging services) with any business or other activity which might be considered to affect the unbiased performance of my duties as a public gager for Customs purposes in accordance with the standards and procedures approved by the Commissioner of Customs. I further agree to comply with the operating requirements set forth in § 151.43 (e), Customs Regulations (19 CFR 151.43 (e)), and with any procedures prescribed by the district director of Customs pursuant to § 151.43(f) thereof.

(3) A bond in the amount of $10,000 to insure that the gaging will be in conformance with the approved standards and procedures, and with such procedures as may be prescribed by the district director pursuant to paragraph (f) of this section. The form of the required bond will be available from any district director.

(c) *Investigation of applicant.* The Commissioner shall direct the Office of Investigations to make such investigation as he deems necessary to determine the applicant's fitness and reputation, and to verify the correctness of the statements made in the application.

(d) *Notice of approval, disapproval, or revocation.* When the investigation is completed, the applicant will be advised of the approval of his application, or, if disapproved, of the reasons for such action. An approval may be revoked by the Commissioner of Customs for failure to comply with any of the provisions of this section. Notice of approvals or revocations of approval will be published from time to time in the weekly Customs Bulletin.

(e) *Requirements for operations.* To be approved for Customs purposes, a licensed public gager's operations shall conform to the following requirements:

(1) All measuring and testing devices in use shall be maintained in first-class condition. Each device shall be calibrated before the first use, and checked at regular intervals thereafter, against standards whose accuracy is traceable to standards issued by the National Bureau of Standards. In making calibrations and checks, the applicable methods of the American Society for Testing and Materials or the American Petroleum Institute shall be used;

(2) All gaging, testing, and sampling procedures shall be in conformance with published industry standards, such as those of the American Petroleum Institute or the American Society for Testing and Materials, and shall conform to such specific procedures as may be required by the district director in accordance with paragraph (f) of this section;

(3) All gagers who are authorized to sign gaging reports shall have a minimum of 6 months on-the-job training and experience; and

(4) The licensed public gager shall promptly investigate any apparent irregularities, procedural difficulties, or indications of systematic bias called to his attention by the district director and shall immediately take corrective measures, where indicated.

(f) *Procedures prescribed by district director.* The district director is authorized to prescribe general or specific procedures to be followed by each approved licensed public gager at each of the discharging facilities in the district.

§ 151.44 Storage tanks.

(a) *Plans and gage tables.* When petroleum or petroleum products subject to duty at a specific rate per gallon are imported in bulk in tank vessels and are to be transferred into shore storage tanks, both the plans of each shore tank showing all outlets and inlets and the gage table for each tank showing its capacity in U.S. gallons per inch or fraction of an inch of height shall be certified as correct by the proprietor of the tank. One set of these plans and gage tables so certified shall be kept on file at the plant of the oil company and shall be available at all times to Customs officers. Another certified set of the shore tank plans and gage tables shall be filed with the district director for use in verifying the Customs officers' reports. The district director may require such additional sets of shore tank plans, including subsidiary pipeline plans, and gage tables as he may deem necessary.

(b) *Tags required on valves.* The inlet and outlet valves of each tank shall have tags of a permanent type affixed thereto by the proprietor or lessee indicating the use of the valves.

(c) *Verification of gage tables.* Whenever practicable, the district director may require the measurements and calibrations as shown on the gage tables to be verified by a Customs officer.

§ 151.45 Storage tanks bonded as warehouses.

(a) *Application.* Tanks for the storage of imported petroleum or petroleum products in bulk may be bonded as warehouses of class 2 if to be used exclusively for the storage of petroleum or petroleum products belonging or consigned to the owner or lessee of the tank. In addition to the documents and bonds required to be filed with the application to bond (see § 19.2 of this chapter), the certified plans and gage tables required by § 151.43 shall be filed.

(b) *Removal of nonbonded petroleum.* If a bonded tank is not empty at the time the first importation of bonded petroleum or petroleum products is to be stored therein, the amount of nonbonded petroleum or petroleum products in the tank shall be withdrawn by the proprietor as soon as possible. The request to withdraw shall be in the form of a letter and no formal withdrawal need be filed. Domestic or duty-paid petroleum or petroleum products shall not thereafter be stored in the tank as long as the tank remains bonded.

(c) *Information on warehouse withdrawal.* Warehouse withdrawals of petroleum or petroleum products from bonded tanks shall show the information specified in § 151.41, as well as the designation of the tank from which the merchandise is to be withdrawn. Such withdrawals may be made for "------ U.S. gallons, more or less."

§ 151.46 Allowance for excessive water and sediment.

Allowance for excessive moisture or other impurities in imported petroleum or petroleum products shall be made in accordance with § 158.13 of this chapter for the quantity of water and sediment established to be in excess of that usually found in such merchandise. In the case of importations of the following merchandise, allowance shall be made only for water and sediment in excess of the quantities shown:

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Merchandise	Quantity	Treasury decision
	Percent	
Crude petroleum	0.3	70-88
Heavy distillate fuel oils 18/22° A.P.I.	0.5	50481(6)
Diesel and gas oils 22/30° A.P.I.	0.3	50481(6)
Diesel and gas oils above 30° A.P.I.	0.0	50481(6)
Gasoline, kerosene, and heating oil above 30° A.P.I.	0.0	50481(6)

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

§ 151.47 Entered quantities of crude petroleum released under immediate delivery.

(a) *Optional entry of net quantity.* As an alternative to entering the total quantity of crude petroleum released under the immediate delivery procedures in Part 142 of this chapter, the importer may file entry for the net quantity of crude petroleum landed. The net quantity shall be determined by deducting the quantity of sediment and water present in excess of 0.3 percent, as reported in a laboratory test made by an independent commercial laboratory which has been approved by the Commissioner of Customs. The commercial laboratory report shall be filed with the entry.

(b) *Approval of independent commercial laboratories.* Applications of independent commercial laboratories for approval of the use of their tests in determining the net landed quantity of crude petroleum shall be sent to the Commissioner of Customs, Washington, D.C. 20229. For the purposes of this section, the approval of a licensed public gager by the Commissioner of Customs in accordance with § 151.43 shall constitute approval of the commercial laboratories operated by the licensed public gager as a part of the services rendered by him for his customers.

(c) *Use of Customs laboratory tests for liquidation.* Where there is a difference between the quantity reported by the Customs laboratory and the quantity reported by the approved independent commercial laboratory, the results of the Customs laboratory test shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license, unless the difference is within the limits set forth in paragraph (d) of this section.

(d) *Use of commercial laboratory tests for liquidation.* The quantity reported by the approved independent commercial laboratory shall be used in the liquidation of the entry and in determining the quantity chargeable against the importer's oil import license if the difference between the commercial laboratory test and the Customs laboratory test do not exceed the differences set forth in the following table (adapted from ASTM Designation D1796, Fig. 3):

Percentage of water and sediment found by Customs laboratory	*Maximum percentage difference allowable*
0.05 to 0.50	0.1
0.51 to 1.50	0.2
More than 1.50	0.3

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

Subpart D—Metal-Bearing Ores and Other Metal-Bearing Materials

§ 151.51 Sampling requirements.

(a) *General.* Except as provided in paragraph (b) of this section, when metal-bearing ores and other metal-bearing materials which are classifiable under schedule 6, part 1, Tariff Schedules of the United States (19 U.S.C. 1202), are entered for consumption or warehousing at the port of first arrival, they shall be sampled for assay and moisture purposes in accordance with § 151.52. If proper facilities for weighing or sampling are not available at the port of entry, the merchandise shall be transported under bond to the place of sampling. The sampling or weighing of metal-bearing ores or materials at any place other than the port of entry shall be at the expense of the parties in interest.

(b) *Ores of low metal content.* When, on the basis of invoice information, the nature of any available sample, knowledge of prior importations of similar materials, and other data, the district director is satisfied that metal-bearing ores entered under item 601.66, Tariff Schedules of the United States (19 U.S.C. 1202), as containing less than 1 percent of metals dutiable under items 602.10, 602.20, 602.28, or 602.30, Tariff Schedules of the United States (19 U.S.C. 1202), are properly entered, he may liquidate the entry on the basis of the assay information contained in the entry papers. However, the sampling and testing procedures prescribed in §§ 151.52 and 151.54 shall be followed at random intervals for verification purposes.

§ 151.52 Sampling procedures.

(a) *Commercial samples taken under Customs supervision.* Representative commercial moisture and assay samples shall be taken under Customs supervision for testing by the Customs laboratory. The samples used for the moisture test shall be representative of the shipment at the time the shipment is weighed for Customs purposes. When a shipment is made up of a number of lots a composite sample of the shipment shall be drawn for assay, providing composite sampling is feasible and assays of the individual lots are not required for tariff classification or other Customs purposes. The composite sample shall consist of proportional parts by weight of the prepared sample drawn from the various lots represented and shall be thoroughly mixed.

(b) *Commercial samples furnished by importer.* When commercial samples cannot be taken under Customs supervision, the importer shall be required to furnish a verified commercial moisture sample and prepared assay sample certified to be representative of the shipment at the time the shipment was weighed for Customs purposes. The samples shall be in appropriate containers, properly labeled, and shall be accompanied by a statement including:

(1) Entry number,

(2) Lots represented,

(3) Kind of ore or material,

(4) Date and place where sampling occurred, and

(5) The name and address of the sampling concern.

(c) *Samples taken by Customs.* Where no commercial samples have been taken, the district director shall take representative samples from different parts of the shipment.

§ 151.53 Sample lockers.

A suitable place or container shall be provided for the safekeeping of all Customs samples under Customs lock or seal.

§ 151.54 Testing by Customs laboratory.

Samples taken in accordance with § 151.52 shall be promptly forwarded to the appropriate Customs laboratory for testing in accordance with commercial methods. The district director may secure from the importer a certified copy of the commercial settlement tests for moisture and for assay which shall be transmitted with the commercial samples to the Customs laboratory. If the Customs tests are not in substantial agreement with the settlement tests, the chief chemist of the Customs laboratory shall review his tests. The Customs tests shall be used in determining the final duties on the merchandise, except that the settlement tests shall be used if, in the opinion of the chief chemist:

(a) The settlement and Customs tests differ by no more than is to be expected between qualified laboratories, and

(b) The use of the settlement test results will not require a different tariff classification or rate of duty than is indicated by the Customs test.

§ 151.55 Deductions for loss during processing.

Deductions for the loss of copper, lead, or zinc content during processing, as authorized by schedule 6, part 1, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), shall be made by the district director in the liquidation of any entry only if the importer has followed the procedures set forth in that headnote. See §§ 19.17–19.25 of this chapter for procedures applicable to bonded smelting and refining warehouses.

Subpart E—Wool and Hair

§ 151.61 Definitions.

The following are general definitions for the purposes of this subpart:

(a) *Clean pound.* "Clean pound" means pound of clean yield as defined in paragraph (b) of this section.

(b) *Clean yield.* "Clean yield" means the absolute clean content (that is, all that portion of the merchandise which consists exclusively of wool or hair free of all vegetable and other foreign material, containing by weight 12 percent of moisture and 1.5 percent of material removable from the wool or hair by extraction with alcohol, and having an ash content of not over 0.5 percent by weight), less an allowance, equal by weight to 0.5 percent of the absolute clean content plus 60 percent of the vegetable matter present, but not exceeding 15 percent by weight of the absolute clean content, for wool or hair that would ordinarily be lost during commercial cleaning operations.

(c) *Sampling unit.* "Sampling unit" means all the similar packages covered by one entry or withdrawal containing wool or hair of the same kind or same general condition and character, produced in the same country, packed in substantially the same manner, and entered as or found to be subject to the same rate of entry.

(d) *General sample.* "General sample" means the composite of the individual portions of wool or hair drawn from a sampling unit.

§ 151.62 Information on invoices.

Invoices of wool or hair subject to duty at a rate per clean pound under schedule 3, part 1C, Tariff Schedules of the United States (19 U.S.C. 1202), shall show the following detailed information in addition to other information required:

(a) Condition, that is, whether in the grease, washed, pulled, on the skin, scoured, carbonized, burr-picked, willowed, handshaken, or beaten;

(b) Whether free of vegetable matter, practically free, slightly burry, medium burry, heavy burry;

(c) Whether in the fleece, skirted, matchings, or sorted;

(d) Length, that is, whether super combing, ordinary combing, clothing, or filling;

(e) Country of origin, and, if possible, the province, section, or locality of production;

(f) If wool, the type symbol by which it is bought and sold in the country of origin and the grade of each lot covered by the invoice, specifying the standard or basis used, that is, whether U.S. Official Standards or the commercial terms to designate grade in the country of shipment; and

(g) Net weight of each lot of wool or hair covered by the invoice in the condition in which it is shipped, and the shipper's estimate of the clean yield of each lot by weight or by percentage.

(Sec. 481, 46 Stat. 719; 19 U.S.C. 1481)

§ 151.63 Information on entry.

Each entry covering wool or hair subject to duty at a rate per clean pound under schedule 3, part 1C, Tariff Schedules of the United States (19 U.S.C. 1202), shall show as to each lot of wool or hair covered thereby, in addition to other information required, the total estimated or actual net weight of the wool or hair in its condition as imported, its total estimated clean yield in pounds, and the estimated percentage clean yield.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

§ 151.64 Extra copies of entry.

One copy of each entry covering wool or hair subject to duty at a rate per clean pound shall be filed in addition to the copies otherwise required.

§ 151.65 Duties.

Duties on wool or hair subject to duty at a rate per clean pound may be estimated at the time of entry on the basis of the clean yield shown on the entry if the district director is satisfied that the revenue will be properly protected. Liquidated duties shall be based upon the district director's final determination of clean yield. Estimated and liquidated duties on wool or hair tested for clean yield pursuant to the provisions of § 151.71, and withdrawn for consumption without a change in condition which affects the duties and in a quantity less than an entire sampling unit shall be determined on the basis of an appropriate adjustment of the estimated percentage clean yield shown on the entry for the wool or hair included in each of the lots covered by the withdrawal. This adjustment shall be made by increasing or decreasing such estimated percentage clean yield of each lot by the difference between the percentage clean yield of the related sampling unit, as determined by the district director, and the weighted average percentage clean yield for the sampling unit, as computed from the estimated percentages clean yield and net weights shown on the entry for the lots included in the sampling unit.

§ 151.66 Duty on samples.

Duty shall be assessed and collected on samples taken pursuant to any provision in this subpart, whether taken by the importer or by Customs, unless an exemption or remission is obtained by compliance with an applicable provision of the law or regulations. The duty shall be assessed upon the samples in accordance with their condition at the time of importation, except in the case of merchandise manipulated in warehouse pursuant to section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562). The collection of duty on the samples may be postponed when the importation concerned is not entered for consumption until the withdrawal of the merchandise from which the samples are taken, or until an application for the destruction or abandonment of such merchandise has been accepted pursuant to an appropriate provision of the law or regulations.

§ 151.67 Sampling by importer.

The importer may be permitted after entry to draw samples under Customs supervision in reasonable quantities from the packages of wool or hair designated for examination, provided the bales or bags are properly repacked and repaired by him. Any samples so withdrawn shall be weighed and a record showing the quantities thereof shall be made and filed with the related entry.

§ 151.68 Merchandise to be sampled and tested by Customs.

The following shall be weighed, sampled, and tested for clean yield, unless such sampling or testing is not feasible:

(a) All importations of wool or hair subject to duty at a rate per clean pound, except importations entered directly for manipulation under the provisions of section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), or for manufacture under the provisions of section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311);

(b) All imported wool or hair manipulated under the provisions of section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562) and dutiable after manipulation as wool or hair at a rate per clean pound; and

(c) Such other imported wool or hair as the district director may designate.

§ 151.69 Transfer or exportation of part of sampling unit.

(a) *Transfer of right to withdraw.* When an original sampling unit has been weighed, sampled, and tested in accordance with this subpart and a part of such unit is covered by a transfer of the right to withdraw made pursuant to section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), the percentages clean yield of the part covered by the transfer and of the part not so covered shall be computed on the basis of the original Customs weights and test and the invoice data related to the respective parts.

(b) *Exportation.* When part of such an original sampling unit is exported from continuous Customs custody without having been manipulated as provided for in section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), the percentage clean yield of the part not exported shall be determined, at the discretion of the district director, either on the basis of a new determination by reweighing, resampling, and retesting, or by a computation as described in paragraph (a) of this section, for either the exported or the remaining part.

§ 151.70 Method of sampling by Customs.

A general sample shall be taken from each sampling unit, unless it is not feasible to obtain a representative general sample of the wool or hair in a sampling unit or to test such a sample in accordance with the provisions of § 151.71, in which case the clean yield of the wool or hair in such sampling unit shall be estimated as provided for in § 151.72. At the request of the importer, two general samples may be taken from a sampling unit if the taking and testing of a second general sample is feasible. If two general samples are taken, one general sample shall be held for use in making a second test for clean yield if such a test is requested in accordance with the provisions of § 151.71(c), or if a second test is found desirable by the district director or the chief chemist.

§ 151.71 Laboratory testing for clean yield.

(a) *Test and report by Customs laboratory.* The clean yield of all general samples taken in accordance with § 151.70 shall be determined by test in a Customs laboratory, unless it is found

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that it is not feasible to test such a sample and obtain a proper finding of percentage clean yield. A report of the percentage clean yield of each general sample as established by the test or a statement of the reason for not testing a general sample shall be forwarded to the district director. If the report is not received by the district director within 1 month after the date of entry, the clean yield shall be estimated in accordance with § 151.72 except that in the case of wool or hair received under an entry for immediate transportation, the estimate of clean yield shall be made if the laboratory report is not received by the district director within 1 month from the date on which the last of the merchandise is received. However, the district director may withhold his finding of clean yield until the laboratory report is received and predicate his finding on that report if so requested in writing by the importer. An estimate of clean yield shall be made pursuant to the provisions of this paragraph only when an adequate quantity of the wool or hair is available for examination.

(b) *Notification to importer.* The district director shall promptly notify the importer by mail of the percentage clean yield found by him.

(c) *Importer's request for retest.* If the importer is dissatisfied with the district director's finding of clean yield, he may file with the district director a written request in duplicate for another laboratory test for percentage clean yield. Such request shall be filed within 14 calendar days after the date of mailing of the notice of the district director's finding of clean yield. The request shall be granted if it appears to the district director to be made in good faith and if a second general sample as provided for in § 151.70 is available for testing, or if all packages or, in the opinion of the Commissioner of Customs, an adequate number of the packages represented by the general sample are available and in their original imported condition.

(d) *Retest procedures.* The second test shall be made upon the second general sample, if such a sample is available. If the second general sample is not available, the packages shall be reweighed, resampled, and tested in accordance with the provisions of this section. All costs and expenses of such operations, exclusive of the compensation of Customs officers, shall be borne by the importer, who may be present during such resampling and testing.

(e) *Request for commercial test.* If the importer is dissatisfied with the results of the second laboratory test, or if a second laboratory test is not feasible, the wool or hair may be retested by a commercial laboratory in accordance with § 151.73.

§ 151.72 Estimation of clean yield by nonlaboratory method.

(a) *Estimation by Customs.* Shipments of wool or hair specified in § 151.68 which have not been tested by the Customs laboratory under the provisions of § 151.71 shall be examined by the appropriate Customs officer, who shall estimate and report the percentage clean yield of each lot.

(b) *Notification to importer.* The district director shall promptly notify the importer by mail of the percentage clean yield estimated by the appropriate Customs officer.

(c) *Importer's request for reestimation.* If the importer is dissatisfied with the estimation of clean yield, he may file with the district director a written request in duplicate for a new examination of the wool or hair and a reestimation of its percentage clean yield. Such request shall be granted if it appears to the district director to be made in good faith. The importer shall be given an opportunity to inspect those packages which are in dispute.

(d) *Request for commercial test.* If the importer is dissatisfied with the reestimation of clean yield, he may request a test by a commercial laboratory in accordance with § 151.73.

§ 151.73 Importer's request for commercial laboratory test.

(a) *Conditions for commercial test.* If the importer is dissatisfied with the results of a retest made in accordance with § 151.71(c), or a reestimation of clean yield made in accordance with § 151.72(c), he may request that a commercial test be made to determine the percentage clean yield of the wool or hair.

(b) *Time for filing request.* The importer's request shall be filed in writing with the district director within 14 calendar days after the date of mailing of the notice of the district director's findings based on the retest or reexamination.

(c) *Procedures for commercial test.* The district director shall cause a representative quantity of the wool or hair in dispute to be selected and tested by a commercial method approved by the Commissioner of Customs. The yield, as determined by such commercial test, shall be suitably adjusted to coincide with the definition of clean yield in § 151.61(b). Such test shall be made under the supervision and direction of the district director at an establishment approved by him, and the expense thereof, including the actual expense of travel and subsistence of Customs officers but not their compensation, shall be paid by the importer.

§ 151.74 Retest at district director's request.

If the district director is not satisfied with the results of any test provided for in § 151.71 or § 151.73, he may, within 14 calendar days after receiving the report of the results of such test, proceed to have another test made upon a suitable sample of the wool or hair at the expense of the Government. When the district director is proceeding to have another test made, he shall, within the 14-day period specified in this paragraph, notify the importer by mail of that fact.

§ 151.75 Final determination of clean yield.

The district director shall base his final determination of clean yield upon a consideration of all the tests and examinations made in connection with the wool or hair concerned.

§ 151.76 Grading of wool.

(a) *Examination for grade.* The district director shall cause wool dutiable at a rate per clean pound to be examined for grade. The standards for determining grades of wool shall be those which are established from time to time by the Secretary of Agriculture pursuant to law and which are in effect on the date of importation of the wool, as provided by schedule 3, part 1C, headnote 2, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Notification to importer.* If classification of the wool at the grade or grades determined on the basis of the examination will result in the assessment of duty at a rate higher than the rate provided for wool of the grade stated in the entry, the district director shall promptly notify the importer by mail.

(c) *Importer's request for reexamination.* If the importer is dissatisfied with the district director's findings as to the grade or grades of the wool, he may, within 14 calendar days after the date of mailing of the notice of the district director's findings, file in duplicate a written request for another determination of grade or grades, stating the reason for the request. Notice of the district director's findings on the basis of the reexamination of the wool shall be mailed to the importer.

Subpart F—Cotton

§ 151.81 Definition of staple length.

For the purposes of this subpart, "staple length" means the length of the fibers in a particular quantity of cotton designated in terms expressing the measurement by the inch or fraction thereof of a representative portion of the quantity in accordance with the Official Cotton Standards of the United States for length of staple, as established by the Secretary of Agriculture.

§ 151.82 Information on invoices.

Invoices of cotton provided for in item 300.10, 300.15, or 300.20, Tariff Schedules of the United States (19 U.S.C. 1202), shall show the following detailed information in addition to other required information:

(a) One of the following statements regarding each lot of cotton covered by the invoice:

(1) This is harsh or rough cotton under ¾ inch in staple length;

(2) The staple length of this cotton is under 1⅛ inches. (This statement is not to be used if subparagraph (1) of this paragraph is applicable);

(3) The staple length of this cotton is 1⅛ inches or more and under 1⅜ inches;

(4) This cotton is harsh or rough cotton (other than cotton of perished staple, grabbots, and cotton pickings), white in color, and has a staple length of 1$^{15}/_{32}$ inches or more and under 1⅜ inches;

(5) The staple length of this cotton is 1¾ inches or more and under 1$^{11}/_{16}$ inches; or

(6) The staple length of this cotton is 1$^{11}/_{16}$ inches or more.

(b) The name of the country of origin, and, if practicable, the name of the province or other subdivision of the country of origin in which the cotton was grown.

(c) The variety of the cotton, such as Karnak, Gisha, Pima, Tanguis, etc.

(Sec. 481, 46 Stat. 719; 19 U.S.C. 1481)

§ 151.83 Method of sampling.

For determining the staple length of any lot of cotton for any Customs purposes, samples of the lot shall be taken in accordance with commercial practice.

§ 151.84 Determination of staple length.

The district director shall have one or more samples of each sampled bale of cotton stapled by a qualified Customs officer, or a qualified employee of the Department of Agriculture designated by the Commissioner of Customs for the purpose, and shall promptly mail the importer a notice of the results determined.

§ 151.85 Importer's request for redetermination.

If the importer is dissatisfied with the district director's determination, he may file with the district director, within 14 calendar days after the mailing of the notice, a written request in duplicate for a redetermination of the staple length. Each such request shall include a statement of the claimed staple length for the cotton in question and a clear statement of the basis for the claim. The request shall be granted if it appears to the district director to be made in good faith. In making the redetermination of staple length, the district director may obtain an opinion of a board of cotton examiners from the U.S. Department of Agriculture, if he deems such action advisable. All expenses occasioned by any redetermination of staple length, exclusive of the compensation of Customs officers, shall be reimbursed to the Government by the importer.

Subpart G—Fruit Juices

§ 151.91 Brix values of unconcentrated natural fruit juices.

The following values have been determined to be the average Brix values of unconcentrated natural fruit juices in the trade and commerce of the United States, for the purposes of the provisions of schedule 1, part 12A, headnote 3, Tariff Schedules of the United States (19 U.S.C. 1202), and will be used in determining the dutiable quantity of imports of concentrated fruit juices, using the procedure set forth in headnote 4 of part 12A:

Kind of fruit juice	*Average Brix value (degrees)*
Apple	13.3
Apricot	14.3
Black currant	16.0
Blackberry	10.0
Black raspberry	11.1
Blueberry	14.1
Boysenberry	10.0
Carob	40.0
Cherry	14.3
Crabapple	15.4
Cranberry	10.5
Date	18.5
Dewberry	10.0
Elderberry	11.0
Fig	18.2
Gooseberry	8.3
Grape (Vitis Vinifera)	18.0
Grape (Slipskin varieties	16.0
Grapefruit	10.2
Guava	7.7
Lemon	8.9
Lime	10.0
Loganberry	10.5
Mango	17.0
Naranjilla	10.5
Orange	11.8
Papaya	10.2
Passion Fruit	15.3
Peach	11.8
Pear	15.4
Pineapple	14.3
Plum	14.3
Pomegranate	18.2
Prune	18.5
Quince	13.3
Raisin	18.5
Raspberry (Red raspberry	10.5
Red currant	10.5
Strawberry	8.0
Tamarind	55.0
Tangerine	11.5
Youngberry	10.0

Subpart H—Flat Glass

§ 151.101 Weighing of flat glass.

The net weight of flat glass dutiable on a weight basis under schedule 5, part 3B, Tariff Schedules of the United States (19 U.S.C. 1202), shall be ascertained by the district director in accordance with § 151.102 or § 151.103 whenever he is not satisfied with the accuracy of the weights shown on the invoice or packing list, and in any event from time to time on a spot-check basis.

§ 151.102 Standard method for ascertaining weight.

The standard method for ascertaining the net weight of flat glass in one case of each size and thickness shall be as follows:

(a) In cases weighing not over 500 pounds each: Weigh the entire amount of glass in the case or obtain the gross weight of the case, remove and weigh all coverings, and subtract the weight of the coverings from the gross weight.

(b) In cases weighing over 500 pounds each: Remove and weigh 20 or more sheets aggregating not less than 100 square feet; divide the weight so found by the total area of the sheets weighed to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. If this is not practicable, caliper the edges of at least five sheets chosen from the case at random, using a micrometer caliper, if available; multiply the average thickness in inches by 13 to obtain the weight in pounds per square foot; and multiply this by the total area of the sheets contained in the case. However, the calipering method, when used for glass weighing 28 ounces or less per square foot, is subject to significant inaccuracies and its use with such glass should be avoided.

§ 151.103 Other methods for ascertaining weight.

The district director may exercise his discretion in ascertaining the net weight of flat glass by other methods, based upon the availability of Customs weighing facilities, availability of weighing facilities provided by importers, availability of personnel, and other considerations.

§ 151.104 Final net weight for duty purposes.

The net weight ascertained in accordance with § 151.102 or § 151.103 shall be used as a basis to compute duties when it varies by more than 5 percent from the invoice net weight. The invoice net weight shall be used when the ascertained net weight varies from it by 5 percent or less, or when the district director has elected in accordance with § 151.101 to accept the invoice weight without further ascertainment.

Subpart I—Cigars, Cigarillos, and Tobacco

§ 151.111 Cigars, cigarillos, and tobacco of Cuban origin.

(a) *Cigars and cigarillos.* The tobacco import specialist at the port of New York shall have general supervision of the examination of all cigars or cigarillos which may be made or derived in whole or in part of Cuban articles.

(b) *Tobacco.* The tobacco import specialist at the port of New York shall have general supervision of the examination of tobacco which may be of Cuban origin when imported at any port in Regions I, II, III, or IX. The tobacco import specialist at the port of Tampa, Fla., shall have general supervision of the examination of such tobacco entered at a port in any other region.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Sec.

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AUTHORITY: R.S. 251, as amended, secs. 402, 500, 502, 624, 46 Stat. 708, as amended, 729, as amended, 731, as amended, 759, sec. 2(a), 70 Stat. 943; 19 U.S.C. 66, 1401a, 1402, 1500, 1502, 1624. Subpart B also issued under sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315. Subpart C also issued under sec. 503, 46 Stat. 731, as amended; 19 U.S.C. 1503. Subpart D also issued under gen. hdnote. 12, sch. 4, pt. 1, hdnotes. 4, 5, part 1C, hdnote. 6, Tariff Schedules of the United States; 19 U.S.C. 1202. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 152.0 Scope.

This part contains regulations pertaining to the tariff classification and appraisement of imported merchandise. Other applicable provisions are contained elsewhere in this chapter, such as in Part 10 for articles conditionally free or subject to a reduced rate of duty, and in Part 159 for relief from duties on articles lost, damaged, etc.

Subpart A—General Provisions

§ 152.1 Definitions.

The following are general definitions for the purposes of Part 152:

(a) *Dutiable charges.* "Dutiable charges" means such costs and expenses as are incidental to placing the merchandise in condition, packed ready for shipment to the United States, within the meaning of section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402). Such charges must represent the actual cost and be confined solely to merchandise exported to the United States. Any expenses which enter into the value of the merchandise when sold in the ordinary course of trade for domestic consumption in the country of exportation are not charges but become a part of the value of the merchandise.

(b) *Nondutiable charges.* "Nondutiable charges" means such items of cost and expense as constitute no part of the value of the merchandise when sold in the ordinary course of trade in the country of exportation, and are no part of the expense of placing it in condition, packed ready for shipment to the United States.

(c) *Date of exportation.* "Date of exportation," or the "time of exportation" referred to in section 402 and 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a and 1402), means the actual date the merchandise finally leaves the country of exportation for the United States. If no positive evidence is at hand as to the actual date of exportation, the district director shall ascertain or estimate the date of exportation by all reasonable ways and means in his power, and in so doing may consider dates on bills of lading, invoices, and other information available to him.

§ 152.2 Notification to importer of increased duties.

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $15, he shall promptly notify the importer on Customs Form 5561, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of such notice unless in the judgment of the district director there are compelling reasons that would warrant such action.

§ 152.3 Merchandise found not to correspond with invoice description.

When any merchandise not corresponding with the description given in the invoice is found by the examining officer, duties shall be assessed on the merchandise actually found. If the discrepancy appears conclusively to be the result of a mistake and not of any intent to defraud, no proceedings for forfeiture shall be taken. When the entire shipment does not agree with the invoice and there is no evidence of any intent to defraud, a new entry shall be required and the estimated duty paid on the original entry shall be refunded on liquidation as in the case of a nonimportation.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Subpart B—Classification

§ 152.11 Tariff Schedules of the United States.

Merchandise shall be classified in accordance with the Tariff Schedules of the United States (19 U.S.C. 1202) as interpreted by administrative and judicial rulings.

§ 152.12 Applicable rates of duty.

Rates of duty shall be based on the detailed instructions in § 141.69 of this chapter, which provides in general that the rates of duty applicable to merchandise shall be those in effect on the date of entry or withdrawal for consumption, except for certain merchandise covered by an entry for immediate transportation or overcarried and returned to the port of entry.

§ 152.13 Commingling of merchandise.

(a) *Notice to importer.* The district director shall give written notice to the importer as promptly as possible after any commingling is discovered.

(b) *Highest rate applicable.* Commingled merchandise shall be assessed with duty at the highest rate or rates applicable to any one kind of merchandise included in the commingling, unless:

(1) The quantity and value of each of the kinds so included can be readily ascertained by the usual method of Customs examination or by one or more of the methods specified in general headnote 7(a), Tariff Schedules of the United States (19 U.S.C. 1202), or

(2) The conditions specified in general headnote 7(b), (c), or (d), Tariff Schedules of the United States (19 U.S.C. 1202), are satisfied.

(c) *Time limit.* To obtain the benefit of general headnote 7(a) (iii), (b), (c), or (d), Tariff Schedules of the United States (19 U.S.C. 1202), the importer shall, within 30 days after the date of mailing or personal delivery of the notice provided for in paragraph (a) of this section, take appropriate action as follows:

(1) File with the district director evidence showing performance of the commercial settlement tests specified in general headnote 7(a) (iii), Tariff Schedules of the United States (19 U.S.C. 1202); or

(2) Perform the segregation under Customs supervision as specified in general headnote 7(b), Tariff Schedules of the United States (19 U.S.C. 1202); or

(3) File with the district director documentary proof which will satisfy him that the merchandise is entitled to the lower rate of duty under general headnote 7(c) or (d), Tariff Schedules of the United States (19 U.S.C. 1202).

(d) *Extension of time limit.* The 30-day limit for filing the evidence specified in general headnote 7(a) (iii) or for performing the segregation specified in general headnote 7(b), Tariff Schedules of the United States (19 U.S.C. 1202), may be extended by the district director for additional periods of 30 days each, but not beyond 6 months from the date of mailing or personal delivery of the notice provided for in paragraph (a) of this section, if the importer makes written application for each extension and gives satisfactory reasons for its allowance.

(Gen. hdnote. 7, Tariff Schedules of the United States; 19 U.S.C. 1202)

§ 152.14 Tariff classification of prospective imports.

(a) *Application for ruling.* Any interested party may apply in writing to the Commissioner of Customs, Washington, D.C. 20229 for a ruling as to the tariff classification of any article which he intends to import into or ship to the United States in commercial quantities. The application shall contain a full description of each article and, whenever practicable, shall be accompanied by a sample of the article. The application shall also give the following information, unless it is clear that it will be of no value in determining the tariff classification of the article:

(1) The respective quantities and values of the component materials of which the article is composed;

(2) Information as to its chief use and commercial designation in the United States; and

(3) Any specifications, analyses, or other information deemed necessary to a tariff classification of the article.

(b) *Ruling by Commissioner.* The Commissioner shall rule on the tariff classification of the article if he is satisfied that:

(1) The application is made in good faith by an interested party who is properly and directly concerned with the tariff classification of the article described;

(2) The information submitted or otherwise available is adequate for a considered decision; and

(3) The ruling applied for is not already covered by a controlling published decision.

(c) *Notice and publication.* A copy of the Commissioner's decision shall be mailed to the applicant. The decision shall be published in the weekly Customs Bulletin if it will affect a substantial volume of imports or if it is for any other reason of sufficient importance to justify such publication.

(d) *Change of previous ruling.* Any decision published pursuant to paragraph (c) of this section shall be deemed to constitute a uniform and established practice within the meaning of section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)). The decision shall not be changed by a further ruling of the Commissioner to impose a higher rate of duty on such an article unless the prior decision shall prove to be clearly wrong. When it appears to the Commissioner that a correct interpretation of the law may require such a ruling, the procedure and time limits set forth in § 152.15 shall apply.

§ 152.15 Administrative changes in classification.

The following procedures apply to changes in classification, other than changes required by court decisions as set forth in § 152.16 or by acts of Congress or Presidential proclamations as set forth in § 152.17:

(a) *Higher rate with change of practice.* If there is a uniform and established practice, an administrative change in classification resulting in a higher rate of duty shall be made only in accordance with the following procedure:

(1) *Notice to public required.* Notice will be published in the FEDERAL REGISTER when the Commissioner is considering a change in practice that will result in a higher rate of duty. The notice shall state a period of time within which parties in interest may submit written comments with respect to the correctness of the contemplated action. If after the consideration of such comments as may be received the Commissioner issues a ruling resulting in a higher rate of duty, it shall be published in the weekly Customs Bulletin.

(2) *Effective date of change.* A ruling issued under subparagraph (1) of this paragraph which will impose a higher rate of duty shall be applicable only to merchandise entered or withdrawn for consumption after 90 days from the date of publication of the ruling in the Customs Bulletin.

(3) *Not applicable to antidumping duties.* The procedures set forth in this paragraph shall not be applicable to antidumping duties (see Part 153 of this chapter).

(b) *Higher rate without change of practice.* If there is not an established and uniform practice at the various ports, an administrative change in classification resulting in a higher rate of duty shall be applicable immediately to all merchandise covered by unliquidated entries, whether for consumption or warehouse.

(c) *Lower rate.* An administrative change in classification resulting in a lower rate of duty shall be made only upon the Commissioner's instructions or upon the receipt of a Customs Information Exchange report showing the higher classification to be clearly erroneous and contrary to the current practice. A change to a lower rate of duty, when decided upon, shall be applicable to all unliquidated entries and to all protested entries involving the same issue which have not been denied in whole or in part.

§ 152.16 Judicial changes in classification.

The following procedures apply to changes in classification made by decision of either the U.S. Customs Court or the U.S. Court of Customs and Patent Appeals:

(a) *Identical merchandise under decision favorable to Government.* The principles of any court decision favorable to the Government shall be applied to all merchandise identical with that passed on by the court which is covered by unliquidated entries, whether for consumption or warehouse.

(b) *Similar merchandise under decision favorable to Government.* The principles of any court decision favorable to the Government shall be applied to merchandise, though not identical with the merchandise the subject of the court's decision, if its classification is affected by such principles, provided that it has been entered or withdrawn for consumption after 30 days from the date of publication of the court's decision in the Customs Bulletin.

(c) *Higher rate.* If a court decision overruling a protest contains a definite statement that a higher rate than that assessed by the district director was properly chargeable, such higher rate shall be applied to all merchandise, whether identical or similar to that passed on by the court, which is affected by the principles of the court's decision and which is entered or withdrawn for consumption after 30 days from the date of the publication of the court's decision in the Customs Bulletin.

(d) *American manufacturer's petition upheld.* If the court upholds a petition made by an American manufacturer, producer, or wholesaler under the provisions of section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), the principles of the court's decision shall be applicable to all merchandise of that character which is entered or withdrawn for consumption after the date of publication of the court's decision in the Customs Bulletin. The liquidation of entries covering merchandise of that character made after publication of the court's decision shall be suspended in accordance with § 159.57 of this chapter pending any rehearing or review, then liquidated, or, if necessary, reliquidated in accordance with the final judicial decision.

(e) *Other decisions adverse to Government.* Unless the Commissioner of Customs otherwise directs, the principles of any court decision adverse to the Government (except for a decision upholding an American manufacturer's petition as covered in paragraph (d) of this section) shall be applied to unliquidated entries and protected entries which have not been denied in whole or in part and in which the same issue is involved as soon as the time within which an application for a rehearing or review may be filed has expired without such application having been made. See § 176.31 of this chapter for the treatment of entries which are the subject of a court decision.

§ 152.17 Changes in classification by Congress or by Presidential Proclamation.

When a rate of Customs duty or internal revenue tax imposed upon or by reason of importation is changed by an act of Congress or by a proclamation of the President, the new rate shall be applied in accordance with the detailed instructions in § 141.69 of this chapter, which provides in general that the rates of duty applicable to merchandise shall be those in effect on the date of entry or withdrawal for consumption, except for certain merchandise covered by an entry for immediate transportation or overcarried and returned to the port of entry.

Subpart C—Appraisement

§ 152.21 Basis of appraisement.

(a) *Merchandise not on final list.* In the case of merchandise which is not specified in the final list (T.D. 54521) published pursuant to section 6(a) of the Customs Simplification Act of 1956, the value for appraisement purposes shall be determined in accordance with section 402, Tariff Act of 1930, as amended (19 U.S.C. 1401a).

(b) *Merchandise on final list.* In the case of merchandise which is specified in the final list (T.D. 54521), the value for appraisement purposes shall be determined in accordance with section 402a, Tariff Act of 1930, as redesignated and amended (19 U.S.C. 1402).

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(c) *Merchandise on final list in terms of value.* In the case of merchandise which is described on the final list in terms of unit value, the unit value shall be computed in accordance with section 402a, Tariff Act of 1930, as amended, for the purpose of ascertaining whether the merchandise is included on the list. If the value so computed brings the merchandise within the scope of the final list, such merchandise shall be appraised in accordance with section 402a and classified at the rate applicable to such appraised value. If the value so computed places the merchandise outside the scope of the final list, the merchandise shall be appraised in accordance with section 402, Tariff Act of 1930, as amended, and shall be classified at the rate applicable to that appraised value.

§ 152.22 Determination of dutiable charges.

The district director shall determine the amount of any dutiable charges, as defined in § 152.1(a), which are to be included in the appraised value of the merchandise.

§ 152.23 Merchandise imported from intermediate countries.

Merchandise imported from one country, being the growth, production, or manufacture of another country, shall for value purposes (see sections 402, 402a, Tariff Act of 1930, as amended; 19 U.S.C. 1401a, 1402) be treated as an exportation of the country from which it is immediately imported. However, if it appears by the invoice, bill of lading, or other evidence that the merchandise was destined for the United States at the time of original shipment, it shall be treated as an exportation of the country from which it was originally exported. The term "country" is to be regarded for the purposes of this section as embracing all the possessions of a nation, however widely separated, which are subject to the same supreme executive and legislative authority and control.

§ 152.24 American selling price.

(a) *Only for certain merchandise.* American selling price, as defined in section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), is not an alternative method of determining value, but is used only when appraisement under American selling price is specified by statute, or by a Presidential proclamation issued under the authority of section 336, Tariff Act of 1930, as amended (19 U.S.C. 1336). At present, the following classes of merchandise are appraised at the American selling price:

(1) Benzenoid chemicals and products provided for in schedule 4, part 1, Tariff Schedules of the United States (19 U.S.C. 1202). (See subpart D of this part.)

(2) Clams in airtight containers provided for in item 114.05, Tariff Schedules of the United States (see schedule 1, part 3E, headnote 1, Tariff Schedules of the United States) (19 U.S.C. 1202).

(3) Certain types of footwear provided for in item 700.60, Tariff Schedules of the United States (see schedule 7, part 1C, headnote 3b, Tariff Schedules of the United States) (19 U.S.C. 1202).

(4) Knit wool gloves and mittens valued at not over $1.75 per dozen pairs provided for in item 704.55, Tariff Schedules of the United States (see schedule 7, part 1C, headnote 4, Tariff Schedules of the United States) (19 U.S.C. 1202).

(b) *Alternative value if no American selling price.* If no American selling price can be found for benzenoid chemicals and products, appraisement shall be made on the basis of the U.S. value in accordance with schedule 4, part 1, headnote 1, Tariff Schedules of the United States (19 U.S.C. 1202) (see § 152.31). If no American selling price can be found for the other merchandise listed in paragraphs (a) (2) through (4) of this section, appraisement shall be made in accordance with section 402(a) or 402a(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a(a) or 1402(a)).

§ 152.25 Conversion of foreign currency.

When foreign currency must be converted for purposes of appraisement, the instructions in subpart C of Part 159 of this chapter shall be followed.

§ 152.26 Furnishing value information to importer.

The district director shall furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) *Before appraisement.* Value information shall be given before appraisement only in response to a specific oral or written request by the importer, supported by an adequate reason for the request, or where required by Customs purposes, such as in determining proper estimated duties to be deposited or notification of increased duties in accordance with § 152.2.

(b) *Only for merchandise under district director's jurisdiction.* The information shall be given only in regard to merchandise to be appraised by, or under the jurisdiction of, the district director who receives the request, and only with respect to merchandise for which there is presented evidence of a firm commitment or intent to import such merchandise into the United States.

(c) *Information by importer.* Each request shall be accompanied by the latest information as to the values in question which the importer has or can reasonably obtain.

(d) *Information not binding.* Value information shall be given by the district director only with an understanding and agreement in each case that the information is in no sense an appraisement and is not binding upon the district director's action when he appraises the merchandise.

(e) *No reply required after entry.* The district director shall not be required to reply to a written request for value information after a value for the merchandise has been declared on entry unless he has information indicating a probable appraised value different from such entered value.

Subpart D—Benzenoid Chemicals and Products

§ 152.31 Basis of appraisement.

(a) *American selling price.* Benzenoid chemicals and products which are provided for in schedule 4, part 1, Tariff Schedules of the United States (19 U.S.C. 1202), and which are subject to an ad valorem rate of duty shall be appraised at the American selling price, as defined in section 402 or 402a, Tariff Act of 1930, as amended (19 U.S.C. 1401a or 1402), of any similar competitive article manufactured or produced in the United States.

(b) *U.S. value.* If there is no similar competitive article manufactured or produced in the United States, such merchandise shall be appraised at the U.S. value, as defined in said section 402 or 402a.

(c) *Other.* If there is no similar competitive article produced or manufactured in the United States, and no U.S. value can be ascertained, the merchandise shall be appraised in accordance with section 402(a) or 402a(a), Tariff Act of 1930, as amended (19 U.S.C. 1401a(a) or 1402(a)).

§ 152.32 Unreasonable price not to be used as American selling price.

When the district director is satisfied after investigation that a similar competitive domestic article is offered for sale at an arbitrary and unreasonable price not intended to secure bona fide sales and which does not secure bona fide sales, such price shall not be considered as the American selling price, and the district director shall use all reasonable ways and means to ascertain the price that the manufacturer, producer, or owner would have received, within the meaning of section 402(e) or 402a(g), Tariff Act of 1930, as amended (19 U.S.C. 1401a(e) or 1402(g)).

§ 152.33 Allowances under U.S. value.

Where U.S. value is the basis of appraisement, the allowances permitted under section 402a(e), Tariff Act of 1930, as amended (19 U.S.C. 1402(e)), shall be made on the basis of the factors enumerated therein which actually entered into the price at which such or similar merchandise was being sold in the principal market of the United States at the time of exportation, subject to the limitations as to profits, general expenses, or commission. The allowances permitted under section 402(c), Tariff Act of 1930, as amended (19 U.S.C. 1401a(c)), shall be made on the basis of the factors enumerated therein which usually entered into the price at which imported merchandise of the same class or kind was being sold in the principal market of the United States at the time of exportation.

§ 152.34 Value information to importer.

Importers may be furnished information as to the American selling price or U.S. value of benzenoid chemicals and products in accordance with the provisions of § 152.26.

§ 152.35 Sampling by importer prior to entry.

Subject to the conditions of § 151.5 of this chapter, prior to entry an importer shall be permitted to take samples under proper supervision from his own importation of merchandise dutiable under schedule 4, part 1, Tariff Schedules of the United States (19 U.S.C. 1202).

§ 152.36 Testing conditions.

Tests which are necessary in the appraisement of a benzenoid chemical or product shall be made under conditions approximating as closely as practicable the conditions in which such chemical or product will be actually used in trade or manufacture.

§ 152.37 Lists of competitive and noncompetitive articles.

The Regional Commissioner at New York shall from time to time issue lists of benzenoid chemicals and products which he believes to be competitive and noncompetitive within the contemplation of schedule 4, part 1, headnotes 4 and 5, Tariff Schedules of the United States (19 U.S.C. 1202), and shall add articles thereto or remove articles therefrom as investigation may justify. This list is advisory only and in no manner relieves district directors from the duty of independent appraisement required by law. The Regional Commissioner at New York shall furnish copies of such lists and amendments thereof to the Customs Information Exchange for circulation to Customs officers, and to the public upon request.

§ 152.38 Importer's request for additions to lists.

An importer having an invoice of an article not listed on either the competitive or the noncompetitive list may request the Regional Commissioner at New York to ascertain on which list the article belongs. The importer shall furnish the regional commissioner such relevant information as may be requested, and may withhold formal entry pending the addition of the article to either list. The regional commissioner shall add the articles to the appropriate list and notify the importer of the action taken.

§ 152.39 Two or more competitive articles.

When two or more domestic articles are considered similar to and competitive with an imported article, the American selling price of the domestic article which accomplishes results most nearly equal to those of the imported article shall be taken as the basis for appraisement.

§ 152.40 Adjustment for strength.

When an imported article is of different strength from a similar competitive article manufactured or produced in the United States, the value of the imported article shall be adjusted in relation to the selling price of the domestic article in the proportion which the strength of the imported article bears to that of the domestic article.

§ 152.41 Publication of standards of strength for benzenoid colors, dyes, stains, and related products.

Standards of strength for benzenoid colors, dyes, stains, and related products adopted by the Secretary of the Treasury in accordance with schedule 4, part 1C, headnote 6(a), Tariff Schedules of the United States (19 U.S.C. 1202), shall be published in the FEDERAL REGISTER and in the Customs Bulletin. Such standards heretofore adopted and published under the authority of paragraph 28, Tariff Act of 1922, or paragraph 28, Tariff Act of 1930, shall continue in force until changed or revoked. The following Treasury Decisions contain standards of strength to which U.S. Standard numbers have been assigned and which have been adopted by the Secretary of the Treasury:

39765	40623	42420	48814
40192	40653	42687	49137
40257	40922	42942	49353
40278	40947	43255	49671
40293	41017	43704	49790
40298	41061	44231	50001
40329	41089	44924	50094
40340	41139	45319	50199
40361	41162	45758	50333
40371	41224	46012	50431
40396	41313	46487	50556
40420	41380	46793	50691
40450	41513	47186	50806
40472	41656	47544	55432
40525	41756	47836	
40563	41932	48361	
40596	42147	48541	

§ 152.42 Samples of domestic benzenoid colors, dyes, stains, and related products.

(a) *Receipt by Chief Chemist in New York.* The Chief Chemist, Customs Laboratory, 201 Varick Street, New York, NY 10014, is hereby authorized to receive from domestic manufacturers samples of any benzenoid colors, dyes, stains, and related products which they produce and offer. Each sample so received shall be accompanied by specifications setting forth all the information called for in Schedule A (see paragraph (c) of this section). The sample and specifications shall be examined and appropriately filed by the chief chemist. Samples and specifications shall be removed from, replaced, or added to the file as may be necessary. The Chief Chemist shall inform the Regional Commissioner at New York of those products removed from or added to the file.

(b) *Circulation of lists.* Based on the information received from the Chief Chemist, the Regional Commissioner at New York shall from time to time prepare a list identifying each such product by the invoice name and, if different, the trade name as described in items Nos. 1 and 2 of Schedule A. The color index number, item No. 8 of Schedule A, shall appear in the list opposite the name of the product. These lists, which are advisory only, shall be furnished to the Customs Information Exchange for circularization to Customs officers, and to the public upon request. Other information in respect to the specifications shall be treated as exempt from disclosure to the public in accordance with § 103.7(d) of this chapter.

(c) *Schedule A specifications.* Each sample submitted in accordance with paragraph (a) of this section shall be accompanied by specifications setting forth all the information called for by Schedule A below. It is essential that the specifications accompanying the sample be set forth in the order and manner specified because the information will be used for comparison with similar data required on importations of foreign benzenoid products:

SCHEDULE A—BENZENOID COLORS, DYES, STAINS, AND RELATED PRODUCTS

1. Invoice name of product_____
2. Trade name of product_____
3. Name of manufacturer_____
4. List other U.S. manufacturers and names under which sold, if known_____
5. List foreign manufacturers and names under which sold, if known_____
6. Percentage of active ingredient_____
7. Schultz number (if none, so state)_____
8. Colour index number (if none, so state)_____
9. U.S. standard number (if none, so state)_____
10. Foreign prototype number (if none or unknown, so state)_____
11. Method of application (state whether acid, basic, direct, direct and developed, mordant, mordant acid, neutral, oil, oil and spirit, printing spirit soluble, vat (soluble), vat (insoluble), or other (describe); and state nature of pre-treatment or after-treatment, if any)_____
12. Material to which applied (name the material or materials for which the color or dye is primarily designed):

A. Fibrous materials:

(1) Natural: Cotton; silk; wool; hemp; flax (linen); Jute; Ramie; straw and grass; sisal; other animal vegetable fibers.

(2) Synthetic (including regenerated and modified cellulose): Acetate Celanese, Acele, Koda); Rayon-Cuprammonium (Bamberg, Matesa); Viscose (Avisco, Delray); Polyamide (Nylon, Perlon); Acrylic (Dynel, Acrilan, Orlon); vinylidene chloride (Saran, Velon); polyethylene (Wynene, Reevon); polyester (Darcon, Terylene); Protein (Azlon, Lanital, Aralac); Glass; other.

B. Nonfibrous materials: Plastics; leather; paper; cellophane; photographic sensitizers, desensitizers, light filters and tinting film; foodstuffs; biological materials; solutions, analytical; oils, fats, and waxes; soap; gasoline; paints, lacquers, stains, and inks; smoke (signals); aluminum; earthenware; other.

13. Chemical classification: Acridine; aminoketone; anthraquinone; azine; axo, mono-; azo, dis-; azo, tris-; azo, tetrakis-; azo, poly-; azo, metal complex; azo, pigment; azoic; color acid; color base; color lake; cyanine; esters of leuco indigold; esters of leuco thioindigold; esters of leuco anthraquinone; fluorescent; hydroxyketone; indamine; indigold; indoaniline; indophenol; indoxyl; indoxyl compound; ketol; ketonimine; lactone; leuco compound; methane, diphenylnaphthyl-; methane, triphenyl-; methine, aza-; methine, poly-; nitro; nitroso; oxazine; phthalocyanine; quinoline; quinonoid, sulfur or sulfide; thiazine; thiazole, thionindigold; xanthene; other.

A. Describe the class or classes and subclass to which the product belongs.

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Example (1): Monoazo, Gamma-acid coupling.

Example (2): Xanthen—Basic, oxy-carboxy rhodamines.

B. Give any other information which you consider may be helpful in classifying the products.

Example (1): Insoluble azo dye on the fiber. Mixtures of stabilized diazo amino compounds and coupling components for preparation of the dye on the fiber.

Example (2): Anthraquinone—Dispersion type amino-oxy-anthraquinones.

14. If the product consists of a mixture of two or more active ingredients, the information required by the preceding numbered paragraphs shall be given for each active ingredient in the mixture, together with the proportion of each active ingredient in the mixture.

15. In addition to the above specifications, there shall be furnished a color pattern or card showing typical small specimens of the material to which the product has been applied with an indication of the strength and the method of application. However, in those cases where a suitable color card has been filed previously with the New York Customs Laboratory, or where a color card is not used commercially and it is not practical to submit one, it will be considered satisfactory to furnish a statement setting forth the date the previous pattern or card was filed and its identification number, or the reason why one is not submitted.

§ 152.43 Testing of imported benzenoid colors, dyes, stains, and related products.

Any sample of an imported benzenoid color, dye, stain, or related product sent to the Customs laboratory to determine its comparability with a domestic product shall be accompanied by the Schedule A specifications required by § 141.89 of this chapter. The chief chemist shall search the file of domestic samples and specifications referred to in § 152.42(a) and make any necessary tests. If no comparable domestic product is found, the chief chemist shall prepare and submit his laboratory report accordingly.

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED OR EXPORTED

§ 158.2 [Amended]

Section 158.2 is amended by substituting "Part 142" for "§ 8.59".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Chapter I, title 19, Code of Federal Regulations, is amended by adding new Part 159 as follows:

PART 159—LIQUIDATION OF DUTIES

Sec.
159.0 Scope.

Subpart A—General Provisions

159.1 Definition of liquidation.
159.2 Liquidation required.
159.3 Rounding of fractions.
159.4 Alcoholic beverages.
159.5 Cigars, cigarettes, and cigarette papers and tubes.
159.6 Difference between liquidated duties and estimated duties.
159.7 Rewarehouse entries.
159.8 Allowance for loss, injury, etc.
159.9 Notice of liquidation and date of liquidation for formal entries.
159.10 Notice of liquidation and date of liquidation for informal, mail and baggage entries.

Subpart B—Weight, Gage, and Measure

159.21 Quantity upon which duties based.
159.22 Net weights and tares.

Subpart C—Conversion of Foreign Currency

159.31 Rates to be used.
159.32 Date of exportation.
159.33 Proclaimed rate.
159.34 Certified quarterly rate.
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159.36 Multiple certified rates.
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Subpart D—Special Duties

159.41 Antidumping duties.
159.42 Discriminating duties.
159.43 Duties contingent upon foreign export duties, charges, or restrictions.
159.44 Special duties on merchandise imported under agreements in restraint of trade.
159.45 Additional duty for unauthentic claims of antiquity.
159.46 Marking duties.
159.47 Countervailing duties.

Subpart E—Suspension of Liquidation

159.51 General.
159.52 Warehouse entry not liquidated until final withdrawal.
159.53 Proof of duty-free or reduced-duty status.
159.54 Open bonds for production of documents.
159.55 Possible prohibited food, drugs, or other articles.
159.56 Issues submitted to Commissioner of Customs.
159.57 Merchandise affected by an American manufacturer's cause of action sustained by the court.

AUTHORITY: R.S. 251, as amended, secs. 500, 624, 46 Stat. 729, as amended, 759; 19 U.S.C. 66, 1500, 1624. Subpart C also issued under sec. 522, 46 Stat. 739, as amended; 31 U.S.C. 372. Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 159.0 Scope.

This part sets forth general rules for the liquidation of entries. Certain specific procedures affecting liquidation appear in other parts of this chapter; e.g., Part 158 of this chapter covers allowance for lost or damaged merchandise.

Subpart A—General Provisions

§ 159.1 Definition of liquidation.

"Liquidation" means the final computation or ascertainment of the duties or drawback accruing on an entry.

§ 159.2 Liquidation required.

All entries covering imported merchandise, except temporary importation bond entries and those for transportation in bond or for immediate exportation, shall be liquidated.

§ 159.3 Rounding of fractions.

(a) *Value.* In the computation of duty on entries, ad valorem rates shall be applied to the values in even dollars, fractional parts of a dollar less than 50 cents being disregarded and 50 cents or more being considered as $1, with all merchandise in the same invoice subject to the same rate of duty to be treated as a unit. However, the total dutiable value of the invoice shall not be increased or decreased by more than the rounding of the total dutiable value to an even dollar. When necessary, fractional parts of a dollar, whether more or less than 50 cents, shall be dropped or taken up as whole dollars in order to avoid such an increase or decrease. If in such cases it is necessary to drop fractional parts of a dollar amounting to 50 cents or more, the lower fractions shall be dropped, and if it is necessary to take up as whole dollars fractional parts less than 50 cents, the larger fractions shall be taken. In the case of two equal fractions, the one subject to the lower rate of duty shall be dropped or taken up, as the case may be. In determining a rate of duty dependent upon value, fractional parts of a dollar shall be considered.

(b) *Quantities subject to specific duty.* Except in the case of alcoholic beverages treated under § 159.4, if a rate of duty is specific and $1 or less per unit, fractional quantities, if less than one-half, shall be disregarded, and if one-half or more shall be treated as a whole unit. Subject to the same exception, if a specific rate is more than $1 per unit, duty shall be assessed upon the exact quantity with any fractional part expressed in the form of a decimal extended to two places.

§ 159.4 Alcoholic beverages.

(a) *Quantities subject to duties.* Customs duties and internal revenue taxes on alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States (19 U.S.C. 1202), and subject to internal revenue taxes shall be collected only on the number of proof gallons (or wine gallons if below proof), and fractional parts thereof, entered or withdrawn for consumption. No internal revenue tax shall be collected on distilled spirits in bulk which have been transferred to Internal Revenue bonded premises in accordance with § 141.102(b) of this chapter.

(b) *Computation of duties.* In the computation of Customs duties on alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States (19 U.S.C. 1202), which are also subject to internal revenue taxes, the methods prescribed for the computation of internal revenue taxes on such beverages shall be followed. The following methods apply to the specific beverages shown:

(1) *Distilled spirits.* The quantity of distilled spirits imported in barrels, kegs, or similar containers shall be ascertained in accordance with the regulations of the Internal Revenue Service. Where distilled spirits are imported in bottles, jugs, or similar containers, Customs duties and taxes shall be collected on the exact quantity contained in each case or other outer container, fractional parts of a gallon being carried out to three decimal places.

(2) *Wine.* Customs duties and taxes on wines shall be on the basis of a wine gallon of liquid measure equivalent to 231 cubic inches and shall be paid proportionally on all fractional parts of a wine gallon. Fractions of less than one-tenth gallon shall be converted to the nearest one-tenth gallon, and five-hundredths gallon shall be converted to the next full one-tenth gallon.

(3) *Beer and similar fermented beverages.* Customs duties and taxes on beer, ale, porter, stout, and other similar fermented beverages, including sake, of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, shall be collected in accordance with section 5051(a), Internal Revenue Code of 1954 (26 U.S.C. 5051(a)).

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.5 Cigars, cigarettes, and cigarette papers and tubes.

The internal revenue taxes imposed on cigars, cigarettes, and cigarette papers and tubes under section 5701 or 7652, Internal Revenue Code of 1954 (26 U.S.C. 5701 or 7652), are determined in accordance with section 5703 of that Code (26 U.S.C. 5703) at the time of removal; that is, on the quantity removed from Customs custody under the entry or withdrawal for consumption. The Customs duties, unlike those on alcoholic beverages, do not necessarily apply only to such quantities.

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.6 Difference between liquidated duties and estimated duties.

(a) *Difference under $3 in original liquidation.* When there is a net difference of less than $3 between the total amount of duties assessed in the liquidation of any entry (other than an informal, mail, or baggage entry) and the total amount of estimated duties deposited, including any supplemental deposit, the difference shall be disregarded and the entry endorsed "as entered." In the case of an informal, mail, or baggage entry, the amount of duties computed by a Customs officer when the entry is prepared by, or filed with, him shall be considered the liquidated assessment.

(b) *Difference under $3 in reliquidation.* When there is a net difference of less than $3 between the total amount of duties found due in the reliquidation of any entry and the total amount of duties assessed in the prior liquidation of the entry, the difference shall be disregarded except in the following cases:

(1) *Reliquidation at importer's request.* When reliquidation of any entry is made at the importer's request, such as reliquidation following the allowance of a protest under section 514, Tariff Act of 1930, as amended (19 U.S.C. 1514), or a request for correction under section 520(c), Tariff Act of 1930, as amended (19 U.S.C. 1520(c)), any refund determined to be due shall be refunded even if less than $3.

(2) *Court decision.* Any refund or increase determined to be due as the result of the reliquidation of an entry in accordance with a court decision and judgment order shall be refunded or collected as the case may be.

(c) *Difference of $3 or more collected or refunded.* If there is a difference of $3 or more between the duties assessed in the liquidation of an entry and the total estimated duties deposited, or between the total duties assessed in the reliquidation of an entry and those assessed in the prior liquidation, the entry shall be endorsed to show the difference and bills or refund checks shall be issued.

(d) *Customs duties and taxes netted for $3 limit.* The assessments of Customs duties and internal revenue taxes shall be separately stated on the entry at the time of liquidation, but the amounts of any differences shall be netted when applying the $3 minimum for issuance of a bill or refund check.

(Sec. 7, 52 Stat. 1081, as amended, sec. 505, 46 Stat. 732, as amended; 19 U.S.C. 1321, 1505)

§ 159.7 Rewarehouse entries.

The liquidation of the original warehouse entry shall be followed in determining the liability for duties on a rewarehouse entry, except in the following cases:

(a) *Merchandise excluded from liquidation of original warehouse entry.* When any of the following types of merchandise are withdrawn from warehouse for transportation to another port, they shall be excluded from the liquidation of the original warehouse entry, and the liability for duties shall be determined by a liquidation of the rewarehouse entry made in the district where the merchandise is withdrawn for consumption or for exportation:

(1) Alcoholic beverages provided for in schedule 1, part 12, Tariff Schedules of the United States (19 U.S.C. 1202), and subject to internal revenue taxes;

(2) Cigars, cigarettes, and cigarette papers and tubes subject to internal revenue taxes;

(3) Tariff-rate quota merchandise; and

(4) Wool or hair subject to duty at a rate per clean pound under schedule 3, part 1, subpart C, Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Reliquidation required by change in rate.* When a rate of Customs duty or tax is changed by an act on Congress or a proclamation of the President, any necessary reliquidation of Customs duty or tax on merchandise covered by a rewarehouse entry which may be required by reason of the change in rate shall be made in the district in which the merchandise is held in Customs custody on the effective date of the change.

(c) *Shortage, irregular delivery, nondelivery, and other cases.* In cases involving shortage, irregular delivery, or nondelivery under the original warehouse withdrawal for transportation, or in other cases when the district director of the port where the merchandise is entered for rewarehouse is of the opinion that circumstances make it inadvisable to follow the liquidation of the original warehouse entry, he shall make an appropriate adjustment in the amount of duties to be assessed under the rewarehouse entry.

(Sec. 557, 46 Stat. 744, as amended; 19 U.S.C. 1557)

§ 159.8 Allowance for loss, injury, etc.

Allowance in duties for any merchandise which is lost, stolen, destroyed, injured, abandoned, or short-shipped shall be made in accordance with the provisions of Part 158 of this chapter.

§ 159.9 Notice of liquidation and date of liquidation for formal entries.

(a) *Bulletin notice of liquidation.* Notice of liquidation of formal entries shall be made on a bulletin notice of liquidation, Customs Form 4333 or 4335:

(1) *Customs Form 4333.* Customs Form 4333 shall be used for the following types of entries:

(i) Dutiable consumption entries;

(ii) Free consumption entries liquidated as dutiable;

(iii) Warehouse entries;

(iv) Drawback entries;

(v) Vessel repair entries;

(vi) Appraisement entries;

(vii) Permanent exhibition entries liquidated as dutiable; and

(viii) Other entries for which a bulletin notice of liquidation is required and for which Customs Form 4335 is not appropriate.

(2) *Customs Form 4335.* Customs Form 4335 shall be used for free consumption entries liquidated "as entered" and permanent exhibition entries liquidated "Free." When free consumption entries in an unbroken series are liquidated free on the same day, the first and last entry numbers may be shown on the bulletin notice, e.g., "576/863," instead of listing every number in the unbroken series.

(b) *Posting of bulletin notice.* The bulletin notice of liquidation shall be posted for the information of importers in a conspicuous place in the customhouse at the port of entry (or Customs station, when the entries listed were filed at a Customs station outside the limits of a port of entry), or shall be lodged at some other suitable place in the customhouse in such a manner that it can readily be located and consulted by all interested persons, who shall be directed to that place by a notice maintained in a conspicuous place in the customhouse stating where notices of liquidation of entries are to be found.

(c) *Date of liquidation.* The bulletin notice of liquidation shall be dated with the date it is posted or lodged in the customhouse for the information of importers. The entries for which the bulletin notice of liquidation has been prepared shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the date of the bulletin

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notice of liquidation. Such stamping shall be deemed the legal evidence of liquidation.

§ 159.10 Notice of liquidation and date of liquidation for informal, mail, and baggage entries.

(a) *Usual date of liquidation.* Except in the cases provided for in paragraph (b) of this section, the effective date of liquidation for informal, mail, and baggage entries shall be:

(1) The date of payment by the importer of duties due on the entry;

(2) The date of release by Customs or the postmaster when the merchandise is released under such an entry free of duty; and

(3) The date a free entry is accepted for articles released under a special permit for immediate delivery under Part 142 of this chapter.

(b) *Date of liquidation when duty cannot be determined at time of entry.* When the proper rate or amount of duty cannot be determined at the time of entry because the merchandise is subject to a tariff-rate quota, because of a missing document which, if for free entry, is not produced prior to the release of the merchandise to the importer, or because of any other reason, the printed notice of liquidation appearing on the receipt issued for any money collected on the entry shall be voided. When the tariff status of the merchandise either as dutiable or free is finally ascertained it shall be noted on the entry. The effective date of liquidation shall be the date of posting or lodging of the notice of liquidation required by paragraph (c)(3) of this section.

(c) *Notice of liquidation.* (1) *Dutiable entries.* Where duties are paid on an entry in accordance with paragraph (a)(1) of this section, notice of liquidation is furnished by a suitable printed statement appearing on the receipt issued for duties collected. No other notice of liquidation shall be given, but notice of reliquidation of any such entry shall be given on Customs Form 4333 posted or lodged in the place and manner specified in § 159.9(b).

(2) *Free entries.* Notice of liquidation is furnished by release of the merchandise under a free entry in accordance with paragraph (a)(2) of this section, or by acceptance of the free entry in accordance with paragraph (a)(3) of this section after release under a special permit for immediate delivery. No further notice of the liquidation of such entries shall be given.

(3) *Entries where duty cannot be determined at time of entry.* When the proper rate or amount of duty cannot be determined at the time of entry as set forth in paragraph (b) of this section, notice of liquidation shall be given on a bulletin notice of liquidation, Customs Form 4333 or 4335, in the manner specified in § 159.9 for formal entries.

Subpart B—Weight, Gage, and Measure

§ 159.21 Quantity upon which duties based.

Insofar as duties are based upon the quantity of any merchandise, such duties shall be based upon the quantity of such merchandise at the time of its importation, except in the following cases:

(a) *Manipulation in warehouse.* If any merchandise covered by a warehouse entry has been cleaned, sorted, repacked, or otherwise changed in condition under section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), withdrawals shall be passed and the entry liquidated on the basis of the weight, gage, or measure of such merchandise in its manipulated condition with an appropriate notation in the duty statement that the duties are assessed on the basis of the manipulated condition of the merchandise.

(b) *Alcoholic beverages.* Duties on certain alcoholic beverages are assessed only on the quantities entered or withdrawn for consumption (see § 159.4).

(c) *Cigars, cigarettes, and cigarette papers and tubes.* Although Customs duties on cigars, cigarettes, and cigarette papers and tubes are assessed on the quantities imported, the internal revenue taxes on such merchandise are assessed only on the quantities entered or withdrawn for consumption (see § 159.5).

(Sec. 315, 46 Stat. 695, as amended; 19 U.S.C. 1315)

§ 159.22 Net weights and tares.

(a) *Determination of net weight.* The net weight of merchandise dutiable by net weight, or upon a value dependent upon net weight, shall be determined insofar as possible by obtaining the actual weight, or by deducting the actual or schedule tare from the gross weight. Actual tare may be determined on the basis of tests when the tares of the packages in a shipment are reasonably uniform.

(b) *Invoice net weight or tare.* When the actual net weight or tare cannot reasonably be determined and no schedule tare is applicable, liquidation may be made on the basis of the invoice net weight or tare.

(c) *Schedule tare.* The following tares, which, from experience, have proved to be the average for certain classes of merchandise shall be known as schedule tares and shall be applied, except as provided in paragraph (d) of this section:

Apple boxes: Eight pounds per box. This schedule tare includes the paper wrappers, if any, on the apples.

China clay in so-called half-ton casks: Seventy-two pounds per cask.

Figs in skeleton cases: Actual tare for outer containers plus 13 percent of the gross weight of the inside wooden boxes and figs.

Fresh tomatoes: Four ounces per 100 paper wrappings.

Lemons and oranges: Ten ounces per box and 5 ounces per half box for paper wrappings, and actual tare for outer containers.

Ocher, dry, in casks: Eight percent of the gross weight.

Ocher, in oil, in casks: Twelve percent of the gross weight.

Pimientos in tins imported from Spain: The following schedule drained weight shall be used as the Customs dutiable weight in the liquidation of entries, the difference between the weight of the net contents of pimientos in tins and such drained weight being the allowance made in liquidation for tare for water:

Size can	*Drained weight*
3 kilo	30 lb.—case of 6 tins.
28 oz	36.72 lb.—case of 24 tins.
15 oz	17.72 lb.—case of 24 tins.
7 oz	8.62 lb.—case of 24 tins.
4 oz	5.33 lb.—case of 24 tins.

Tobacco, leaf not stemmed: Thirteen pounds per bale.

Tobacco, Sumatra: Actual tare for outside coverings, plus 4¼ pounds for the inside matting and, if a certificate is attached to the special Customs or commercial invoice certifying that the bales contain paper wrappings and specifying whether light or heavy paper has been used, either 4 or 8 ounces for the paper wrapping according to the thickness of paper used.

(d) *Actual tare.* In the following circumstances, the actual tare shall be ascertained and in so doing the weigher shall empty and weigh as many casks, boxes, and other coverings as he may deem necessary:

(1) If the importer is not satisfied with the invoice tare or with the schedule tare;

(2) If the district director is of the opinion that the invoice or schedule tare does not correctly represent the tare of the merchandise; or

(3) If the weigher has reason to believe that the invoice or schedule tare is greater than the real tare.

(e) *Estimated tare.* When it is impracticable to ascertain the actual tare, the weigher shall state in his report what, in his judgment, constitutes a fair tare allowance.

(f) *Weight for value purposes.* In determining the total dutiable value of merchandise which is subject to ad valorem duty and appraised on the basis of weight, liquidation shall be made on the same basis as appraisement. For example, if appraisement is made on the basis of gross weight, the unit value shall be multiplied by the total gross weight in computing the total value even though net weight may be used for other purposes in liquidation, such as in determining total specific duties.

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

Subpart C—Conversion of Foreign Currency

§ 159.31 Rates to be used.

Except as otherwise specified in this subpart, no rate or rates of exchange shall be used to convert foreign currency for Customs purposes other than a proclaimed rate or certified rate or rates.

§ 159.32 Date of exportation.

The date of exportation for currency conversion shall be fixed in accordance with § 152.1(c) of this chapter.

§ 159.33 Proclaimed rate.

If a rate of exchange has been proclaimed by the Secretary of the Treasury in accordance with 31 U.S.C. 372(a) for the currency involved, such proclaimed rate shall be used unless it varies by 5 percent or more from the certified daily rate for the date of exportation as set forth in § 159.35. In determining the percentage of variation between the proclaimed rate and the certified rate, the difference between the two rates shall be divided by the certified rate.

§ 159.34 Certified quarterly rate.

(a) *Countries for which quarterly rate is certified.* For the currency of each of the following foreign countries, there will be published in the Customs Bulletin, for the quarter beginning January 1, and for each quarter thereafter, the rate or rates first certified by the Federal Reserve Bank of New York for such foreign currency for a day in that quarter:

Australia.	Mexico.
Austria.	Netherlands.
Belgium.	New Zealand.
Canada.	Norway.
Denmark.	Portugal.
Finland.	Republic of South Africa.
France.	Spain.
Germany.	Sri Lanka (Ceylon).
India.	Sweden.
Ireland.	Switzerland.
Italy.	United Kingdom.
Japan.	
Malaysia.	

(b) *When certified quarterly rate is used.* The certified quarterly rate established under paragraph (a) of this section shall be used for Customs purposes for any date of exportation within the quarter, except in the following cases:

(1) *Proclaimed rate.* If a rate has been proclaimed by the Secretary of the Treasury under § 159.33 which does not vary by 5 percent or more from the appropriate certified daily rate, notice of such variance shall be published in the Customs Bulletin and the proclaimed rate shall be used for Customs purposes in connection with merchandise exported on such date.

(2) *Certified daily rate.* If the certified daily rate for the date of exportation varies by 5 percent or more from the certified quarterly rate, notice of such variation and the rate or rates certified for such day shall be published in the Customs Bulletin, and such certified daily rate shall be used for Customs purposes in connection with merchandise exported on such day.

§ 159.35 Certified daily rate.

The daily buying rate of foreign currency which is determined by the Federal Reserve Bank of New York and certified to the Secretary of the Treasury in accordance with 31 U.S.C. 372(c)(2) shall be used for the conversion of foreign currency whenever a proclaimed rate or certified quarterly rate is not applicable under the provisions of §§ 159.33 and 159.34. If the date of exportation is one on which banks are generally closed in New York City, then the certified daily rate for the last preceding business day shall be considered the certified daily rate for the day of exportation.

§ 159.36 Multiple certified rates.

The following procedures shall apply when the Federal Reserve Bank of New York certifies two or more rates of exchange (e.g., official and free) for a foreign currency:

(a) *Rates to be published.* When the Federal Reserve Bank of New York certifies two or more rates of exchange for the currency of any country, those rates will be published in the Customs Bulletin.

(b) *Laws of country of exportation followed.* When multiple rates have been certified for a foreign currency, the rate to be used for Customs purposes shall be the type of certified rate which the district director is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained from other sources, is uniformly applicable under the laws and regulations of the country of exportation to the particular class of merchandise on the date of exportation. In cases where two or more types of certified rates are uniformly applicable on a percentage bases, each type of certified rate shall be used for the percentage of value to which it is applicable. The percentages used shall be those which reflect realistically the percentage for which each type of rate is uniformly applicable under the laws and regulations of the country of exportation on the date of exportation.

(c) *Procedure when multiple certified rates not uniformly applicable.* If the district director has credible information that a type of rate or combination of types of rates which would otherwise be applicable under paragraph (b) of this section were not required or permitted, as the case may be, under the laws and regulations of the country of exportation to be used uniformly during any period in connection with the payment for all merchandise of the class involved, he shall immediately submit a detailed report to the Commissioner of Customs, and shall suspend appraisement and liquidation as to all merchandise of the class involved exported to the United States during the period involved, until instructions are received from the Commissioner of Customs.

(d) *Rate for merchandise different from rate for costs.* If the district director has credible information that a type of rate or combination of types of rates not applicable to payment for the merchandise was required or permitted in payment of costs, charges, or expenses, the currency conversions for the exchange covering payment for the merchandise and for the exchange covering such costs, charges, or expenses shall be calculated separately. In deducting nondutiable costs, charges, or expenses, the foreign exchange shall be at the rate or rates actually used in payment of such costs, charges, or expenses, whether or not certified in accordance with § 159.34 or § 159.35. If the costs, charges or expenses are dutiable, they shall be calculated according to the rules set forth in this subpart. In the event that any type of rate uniformly applicable to payment of such dutiable costs, charges, or expenses for merchandise of the class involved was a type of rate not certified in accordance with § 159.34 or § 159.35, the district director shall immediately submit a detailed report to the Commissioner of Customs, and shall suspend appraisement and liquidation as to all merchandise of the class involved exported to the United States during the period involved, until instructions are received from the Commissioner.

§ 159.37 Suspension of certification of rates.

Whenever the Federal Reserve Bank of New York advises that its certification of rates for a currency is being suspended pending determination of the question whether it will certify multiple rates for that currency, the following procedures shall apply:

(a) *Notification of suspension.* Customs field officers will be informed when certification of a currency is being suspended. Currency information received from the Federal Reserve Bank, or otherwise available, which might be helpful in calculating estimated duties during the period of suspension will be furnished to the Customs field officers.

(b) *Suspension of liquidation.* In any case where for the purposes of the assessment and collection of duties it is necessary to determine the proper rate or rates for a currency during the period when it has been suspended from certification, appraisement and liquidation shall be suspended until resumption of certification.

(c) *Resumption of certification.* When certification is resumed by the Federal Reserve Bank, the procedures in § 159.36 shall apply.

§ 159.38 Rates for estimated duties.

For purposes of calculating estimated duties, the district director shall use the rate or rates appearing to be applicable under the instructions in this subpart to the merchandise involved. When it is not yet known what certified rate or rates

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are applicable or no rate has been certified, the district director shall take into account all the information in his possession and shall use the highest rate or combination of rates (i.e., the rate or combination of rates showing the highest amount of United States money), certified or uncertified as the case may be, which could be applicable.

Subpart D—Special Duties

§ 159.41 Antidumping duties.

Antidumping duties shall be assessed in accordance with Part 153 of this chapter.

§ 159.42 Discriminating duties.

The discriminating duties provided for in subsection 1 of paragraph J, section IV, Tariff Act of 1913, as amended by the Act of March 4, 1915 (19 U.S.C. 128, 131), and the discriminating duties and penalties provided for in section 338, Tariff Act of 1930 (19 U.S.C. 1338), shall be imposed only in pursuance of specific instructions from the Commissioner of Customs.

§ 159.43 Duties contingent upon foreign export duties, charges, or restrictions.

Schedule 2, part 4, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), provides for the imposition under certain conditions of additional duties on merchandise covered thereby. The assessment of these additional duties is dependent upon action by the President, and notice of such action, if taken, will be published in the Customs Bulletin.

§ 159.44 Special duties on merchandise imported under agreements in restraint of trade.

Whenever it appears that imported articles may be subject to the special duties provided for in section 802, Act of September 8, 1916 (15 U.S.C. 73), the district director shall report the matter to the Commissioner of Customs and await instructions with respect to the imposition of such duties.

(Sec. 802, 803, 39 Stat. 799; 15 U.S.C. 73, 74)

§ 159.45 Additional duty for unauthentic claims of antiquity.

When additional duty is imposed in accordance with § 10.53 of this chapter for an unauthentic claim of antiquity, such duty shall be assessed in addition to any other duty imposed on the merchandise by law.

§ 159.46 Marking duties.

(a) *Based on dutiable value.* The marking duty prescribed by section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), shall be assessed upon the dutiable value as defined in section 503, Tariff Act of 1930, as amended (19 U.S.C. 1503).

(b) *Suspension of liquidation.* The liquidation of entries shall not be suspended merely because the merchandise covered thereby is not legally marked, but, upon special application by the importer, the liquidation may be deferred for a reasonable time to permit the marking, destruction, or exportation of the merchandise.

(Sec. 304, 46 Stat. 687, as amended; 19 U.S.C. 1304)

§ 159.47 Countervailing duties.

(a) *Report by Customs officer.* Any district director or other principal Customs officer who obtains any information that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States, so as to require action under section 303, Tariff Act of 1930 (19 U.S.C. 1303), shall communicate such information promptly to the Commissioner of Customs. Every such communication shall contain or be accompanied by a statement of substantially the same information as is required by paragraph (b)(1) of this section, if in the possession of the district director or other officer or readily available to him.

(b) *Report by person outside Customs Service.*

(1) *Information to be furnished.* Any person outside the Customs Service who has reason to believe that any bounty or grant is being paid or bestowed with respect to dutiable merchandise imported into the United States may communicate his belief to any district director or the Commissioner of Customs. Every such communication shall contain or be accompanied by: (i) A full statement of the reasons for the belief, (ii) a detailed description or sample of the merchandise, and (iii) all pertinent facts obtainable as to any bounty or grant being paid or bestowed with respect to such merchandise.

(2) *Request for additional information.* If any information filed with a district director pursuant to subparagraph (1) of this paragraph does not conform with the requirements of that subparagraph, the communication shall be returned promptly to the person who submitted it with detailed written advice as to the respects in which it does not conform.

(3) *Transmittal to Commissioner.* If the information is found to comply with the requirements, it shall be transmitted by the district director within 10 days to the Commissioner of Customs, together with all pertinent additional information available to the district director.

(c) *Investigation and notice by Commissioner.* Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a) or (b) of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner shall cause such investigation to be made as appears to be warranted by the circumstances of the case. If he determines that the information presented in such communication is patently in error, he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner, with the approval of the Secretary of the Treasury, shall publish a notice in the FEDERAL REGISTER that a communication has been submitted pursuant to paragraph (a) or (b) of this section. The notice shall invite interested persons to submit written comments with respect to the matter within such time as is specified in the notice.

(d) *Issuance of countervailing duty order.* If, after consideration of such written comments as are received in response to the notice provided for in paragraph (c) of this section and other relevant data, it is determined that the application of the said section 303 is required, the Commissioner of Customs, with the approval of the Secretary of the Treasury, shall issue a countervailing duty order describing the merchandise, designating the country or area in which it is produced or from which it is exported, and declaring the ascertained or estimated amount of the bounty or grant or a rule for calculating or estimating such amount. Each countervailing duty order issued pursuant to this paragraph shall be published in the FEDERAL REGISTER and in the Customs Bulletin.

(e) *Merchandise on which countervailing duty will be assessed.* Any merchandise subject to the terms of a countervailing duty order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such merchandise.

(f) *Countervailing duty orders currently in effect.* Orders or notices issued under section 303, Tariff Act of 1930 (19 U.S.C. 1303), or a corresponding provision of a prior act, are currently in effect with respect to the merchandise listed below:

Country	Commodity	Treasury decision	Action
Australia	Sugar content of certain articles.	39641	Declared rate.
		49157	New estimated rates.
		52923	Contingent suspension of rates.
		54582	New rates.
		55716	Certain articles exempted as to shipments exported on or after July 19, 1962.
		70-225	New rate.
		71-276	New rate.
		72-187	New rate.
		72-314	New rate.
		73-98	New rate.
	Butter	42937	Bounties declared—rates.
		43067	New rates.
		48851	New estimated rate.
Canada	Cheese, 93–94 score from whole milk, cheddar, including "washed curd," types.	50093	Bounties declared—rates.
		68-147	Discontinued as to cheese manufactured on or after Apr. 1, 1968.
	Cheese, 93–94 score, blue-vein, of Roquefort type.	53182	Bounties declared—rates.
		68-147	Discontinued as to cheese manufactured on or after Apr. 1, 1968.
	X-radial steel belted tires manufactured by Michelin Tire Manufacturing Company of Canada, Ltd.	73-10	Bounty declared-rate.

Country	Commodity	Treasury decision	Action
Cuba	Cordage	53534	Bounties declared rates.
		54650	T. D. 53534 modified.
Denmark	Butter	47896	Bounties declared—rates.
		48734	Discontinued as to direct shipments.
France	Canned Tomato paste.	68-111	Bounty declared—rate.
	All merchandise except that not benefited by Decree 68-581 dated June 29, 1968, as amended by Decree 68-699 dated July 6, 1968.	68-192	Bounty declared—rate.
		68-270	New rate.
		69-41	Discontinued as to merchandise exported from France on and after Feb. 1, 1969.
	Barley	71-117	Bounty declared—rate.
	Molasses	71-118	Bounty declared—rate.
Great Britain	Spirits	34466	Bounties declared—rates.
		34752	Descriptions.
		34982	No bounty on rum.
		35089	Proof gallons.
		35510	Alcoholic perfumery.
		35668	Orange bitters.
		47826-7	Quantity for computing duty.
		52555	Bounty on plain spirits terminated.
		55812	Modified as to certain spirits.
	Sugar	49355	Bounties declared—rates.
		50108	New rates.
		50127	New rates.
Greece	Tomato products.	72-88	Bounty declared—rate.
Ireland	Spirits	47753	Bounties declared—rates.
		47826-7	Quantity for computing duty.
Italy	Galvanized fabricated structural steel units for the erection of electrical transmission towers.	67-102	Bounties declared—rate.
	Canned tomatoes and canned tomato concentrates.	68-112	Bounty declared—rate.
		69-13	New rate.
		70-83	New rate.
		72-234	Discontinued as to canned tomatoes and canned tomato concentrates exported from Italy directly to the United States on and after July 15, 1971; new rate as to canned tomatoes and canned tomato concentrates exported from Italy to countries other than the United States and subsequently imported into the United States.
	Steel welded wire mesh.	68-149	Bounty declared—rate.
	Ski-lifts and parts thereof.	68-288	Bounty declared—rate.
		69-91	New rate.
	Certain steel products.	69-113	Bounties declared—rates.
	Compressors and parts thereof.	72-122	Bounty declared—rate.
	Refrigerators, freezers, other refrigerating equipment, and parts thereof.	73-85	Bounty declared-Rate.

(Sec. 303, 46 Stat. 687; 19 U.S.C. 1303)

Subpart E—Suspension of Liquidation

§ 159.51 General.

Liquidation of entries shall be suspended only when provided by law or regulation, or when directed by the Commissioner of Customs. Liquidation of entries shall not be suspended simply because issues involved therein may be before the Customs Court in pending litigation, since the importer may seek relief by protesting the entries after liquidation.

§ 159.52 Warehouse entry not liquidated until final withdrawal.

Liquidation of a warehouse or rewarehouse entry shall be suspended until all merchandise covered by the entry has been accounted for within the bonded period by withdrawal, abandonment, or destruction, or until the bonded period has expired if the merchandise has not been so accounted for before that time.

§ 159.53 Proof of duty-free or reduced-duty status.

Various provisions in Part 10 of this chapter provide for suspending liquidation of entries covering certain merchandise entered at a conditionally free or conditionally reduced rate of duty, pending production of required proof. Upon production of the required proof, or upon failure to produce the proof within the required time, the entries shall be liquidated accordingly.

§ 159.54 Open bonds for production of documents.

The liquidation of entries on which bonds are open for the production of documents affecting the rate of duty shall be suspended pending the performance or nonperformance under the bond, unless production of the document is waived in accordance with § 141.92 of this chapter.

§ 159.55 Possible prohibited food, drugs, or other articles.

(a) *Suspension of liquidation.* The liquidation of each entry covering merchandise the subject of § 12.1 of this chapter (which pertains to certain foods, drugs, cosmetics, economic poisons, hazardous substances, dangerous caustic or corrosive substances, and related items) shall be suspended until it is determined whether admission of the merchandise into the United States is permitted under the law.

(b) *Allowance for exportation or destruction.* In any case where the admission of such merchandise into the United States is refused and the merchandise is exported under Customs supervision in accordance with § 158.45(b) of this chapter, or destroyed under Customs supervision in accordance with § 158.41 of this chapter, the merchandise is exempt from duty and any duties collected thereon shall be refunded.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

§ 159.56 Issues submitted to Commissioner of Customs.

Liquidation of entries shall be suspended pending a decision on questions of valuation or classification submitted to the Commissioner of Customs at the request of the importer for an administrative review of the official action contemplated. No additional deposit of duty shall be required in connection with a suspended liquidation unless in special situations the Commissioner shall so direct.

§ 159.57 Merchandise affected by an American manufacturer's cause of action sustained by the court.

Liquidation of entries for merchandise of the character covered by a decision of the Secretary of the Treasury published in accordance with § 175.24 of this chapter, entered or withdrawn for consumption after the date of publication of a decision of the U.S. Customs Court sustaining in whole or in part the cause of action of an American manufacturer, producer, or wholesaler, shall be suspended until final disposition is made of the cause of action. Upon final disposition, such entries shall be liquidated, or, if necessary, reliquidated in accordance with the final judicial decision.

(Sec. 516, 46 Stat. 735, as amended; 19 U.S.C. 1516)

PART 172—LIQUIDATED DAMAGES

§ 172.22 [Amended]

In § 172.22, paragraph (b) is amended by substituting "141.92" for "8.15(d)" and paragraph (d) is amended by substituting "142.15" for "8.59(1)".

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624)

PART 174—PROTESTS

§ 174.3 [Amended]

Paragraph (b)(1) of § 174.3 is amended by substituting "141.37" for "8.19(e)".

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§ 174.12 [Amended]

Section 174.12, paragraph (e), is amended by substituting "159.9 or 159.10" for "16.2(d), 16.12(a), or 16.12(c)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 141 to superseded 19 CFR Part 8)

Revised Section	Superseded section
141.0	New.
141.1(a)	8.1(a).
141.1(b)	8.1(b).
141.1(c)	8.1(c).
141.1(d)	8.1(b).
141.1(e)	8.1(d).
141.1(f)	8.24(b), 20.6(1).
141.2(a)-(l)	8.2(a)-(l).
141.3	New.
141.4	8.3(a).
141.5	New.
141.11(a)(1)	8.6(a), 8.7(a).
141.11(a)(2)	8.6(c).
141.11(a)(3)	8.6(g).
141.11(a)(4)	8.6(e).
141.11(a)(5)	8.6(f).
141.11(a)(6)	8.6(a).
141.11(b)	8.6(n).
141.12	8.6(b).
141.13	8.6(m).
141.14	8.6(j).
141.15(a)	8.6(h), (i).
141.15(b)	8.6(h).
141.15(c)	8.6(i).
141.16(a)	8.7(a).
141.16(b)	8.7(b).
141.17	8.6(k).
141.18(a)-(b)	8.6(l).
141.19(a)	8.18(a).
141.19(b)	8.18(c), ftn. 23.
141.19(c)	8.18(b).
141.20(a)-(c)	8.18(d).
141.31(a)-(c)	8.19(a).
141.31(d)	8.19(k).
141.32	8.19(a), ftn. 26a.
141.33	8.19(j).
141.34	8.19(d).
141.35	New.
141.36	8.19(g).
141.37(a)-(c)	8.19(e).
141.38	8.19(e).
141.39(a)-(b)	8.19(d).
141.40	8.19(c).
141.41	8.19(b).
141.42	New.
141.43 (a)-(c)	8.19 (a), (g).
141.44	8.19(i).
141.45	8.19(h).
141.46	8.19(a).
141.51	New.
141.52 (a)-(l)	8.8 (f), (g), 8.52.
141.53 (a)-(c)	8.8(h).
141.53(d)	8.8(i).
141.54 (a)-(d)	8.6(d).
141.55	8.4(c).
141.61(a)	8.8(a).
141.61(b)	New.
141.61(c)	8.8(d).
141.61(d)	8.8(c).
141.61(e)	8.8(a).
141.61(f)	8.8(b).
141.61(g)	8.8(a).
141.61(h)	8.8(a).
141.62 (a), (b)	8.4(b).
141.63	8.4(a).
141.64	New.
141.65	8.4 (d), (g).
141.66	8.20.
141.67	8.4(a).
141.68(a)	8.4(a).
141.68(b)	8.4(e).
141.68(c)	8.4(f).
141.68(d)	8.4(g).
141.68(e)	8.4(d).
141.69 (a)-(c)	8.4(d), (g), (h), ftn. 3a to Part 8.

Revised Section	Superseded Section
141.81	8.11(a).
141.82(a)	8.11(c), 8.12(a).
141.82(b)	8.12(c).
141.82(c)	8.12(b).
141.82(d)	8.12(d), 8.51(a), 8.11 (c).
141.83(a)	8.15(a).
141.83(b)	8.15(b).
141.83(c)	8.15(c).
141.84 (a)-(e)	8.11 (a), (b).
141.85	New.
141.86(a)	8.13(a).
141.86(b)	8.13(b).
141.86(c)	8.8(e).
141.86(d)	New.
141.86(e)	8.13(a).
141.86(f)	8.13(g).
141.86(g)	8.13(f).
141.86(h)	8.13 (i), (j).
141.86(i)	8.13 (a), (h).
141.87	8.13(d).
141.88	8.13(e).
141.89	8.13(h).
141.90(a)	8.21(a).
141.90(b)	8.21(b).
141.90(c)	8.16.
141.90(d)	8.21(b).
141.91(a)	8.9(a).
141.91(b)	8.9(b).
141.91(c)	New.
141.91(d)	8.9(c), 8.13(c).
141.92 (a)-(c)	8:15(d).
141.101 (a)-(e)	New.
141.102(a)	New.
141.102(b)	New.
141.102(c)	New.
141.102(d)	8.28(c).
141.103	New.
141.104	8.40(c).
141.105	8.29(d).
141.111(a)	8.23 (a), (b).
141.111(b)	8.23(a).
141.111(c)	8.23 (c), (d).
141.111(d)	8.23(a).
141.112(a)	Ftn. 20 to Pt. 8.
141.112(b)	8.25(a).
141.112(c)	8.25(b).
141.112(d)	8.25(c).
141.112(e)	8.25(d).
141.112(f)	8.25(d).
141.112(g)	8.25(f).
141.112(h)	8.25 (e), (g).
141.113(a)	8.26(c).
141.113(b)	8.26(a).
141.113(c)	8.26(b).
141.113(d)	8.26(d).
141.113(e)	8.26 (a), (c), (e).
141.113(f)	New.

(This table shows the relation of sections in revised Part 142 to superseded 19 CFR Part 8)

Revised Section	Superseded Section
142.0	New.
142.1	8.59 (a), (b).
142.2(a)	8.59(c).
142.2(b)	8.59(f).
142.3(a)	8.59(c).
142.3(b)	8.59(g).
142.4(a)-(c)	8.59(d).
142.5	8.59(e).
142.6(a)	8.59(k).
142.6(b)	8.59(k).
142.7(a)	8.59 (i), (j).
142.7(b)	New.
142.11(a)-(d)	8.59(g).
142.12	8.59(g).
142.13	8.59(g).
142.14 (a), (b)	8.59(h).
142.15	8.59(i).
142.16	8.59(l).

(This table shows the relation of sections in revised Part 143 to superseded 19 CFR Part 8)

Revised Section	Superseded Section
143.0	New.
143.1(a)-(c)	8.27.
143.2	New.
143.3 (a), (b)	8.24(a), 8.28(a), 8.29 (a), (b).
143.11(a)	8.50(b).
143.11(b)	8.50(b).
143.11(c)	8.50(c).
143.12	8.50(a).
143.13 (a), (b)	8.50(d).
143.14	8.50(f).
143.15	8.50(e).
143.16	8.50(e).
143.21(a)-(g)	8.51(a).
143.22	8.51(c).
143.23(a)-(d)	8.51a.
143.24	8.51(a).
143.25	8.51(a).
143.26	8.51(a).
143.27	8.51(d).
143.28	8.51(b).

(This table shows the relation to sections in revised Part 144 to superseded 19 CFR Parts 8, 18, 19, and 56)

Revised Section	Superseded Section
144.0	New.
144.1(a)	8.30(c).
144.1(b)	8.30(f).
144.1(c)	8.30(e).
144.2	8.32(a).
144.3	8.32(c).
144.4	New.
144.5	New.
144.6(a)	56.1 (a), (b).
144.6(b)	56.1(a), 56.3 (c), (e).
144.6(c)	56.3 (b), (d).
144.7	New.
144.11(a)	8.30(a).
144.11(b)	8.30(b).
144.11(c)	8.30(d).
144.12	New.
144.13	8.31(a).
144.14	8.31.(b).
144.15(a)	8.30(g).
144.15(b)	8.30(h).
144.21	8.23(b), 8.39(a).
144.22	8.39(a), 18.16(a).
144.23	8.39(c), 18.16(a).
144.24	8.39(a).
144.25	8.39(b).
144.26	8.39(e).
144.27	8.39(d).
144.28 (a), (b)	New.
144.31	8.37(a).
144.32(a)	8.37(b), 18.19(c).
144.32(b)	8.37(b), 8.39(d)
144.33	New.
144.34(a)	19.9.
144.34(b)	8.33.
144.35	New.
144.36(a)	18.16(a).
144.36(b)	18.17(b).
144.36(c)	18.16(a).
144.36(d)	18.16(b), 18.17(a).
144.36(e)	18.17(c).
144.36(f)	18.18(a).
144.36(g)	18.18(b).
144.36(h)	8.36.
144.37(a)	8.41, 18.19(a), 18.19(b).
144.37(b)	8.41(d), 18.19(b).
144.37(c)	8.45.
144.37(d)	8.41(b).
144.37(e)	8.43.
144.37(f)	8.41(c).
144.38(a)-(c)	8.37(a).
144.38(d)	New.
144.38(e)	8.38.
144.41(a)-(d)	8.33(a)-(c).
144.41(e)	8.34(a).
144.41(f)-(g)	8.33 (b), (a).
144.41(h)	8.34(b).
144.42(a)-(b)	8.35(a)-(c).

(This table shows the relation of sections in revised Part 151 to superseded 19 CFR Parts 8, 13, and 14)

Revised Section	Superseded Section
151.0	New.
151.1	8.22(a).
151.2(a)	14.1(b).
151.2(b)	8.22(b).
151.2(c)	14.1(c).
151.3	8.4(a), 8.5(d), 8.22(a).
151.4(a)	8.5 (a), (c).
151.4(b)	8.5(b), ftn. 4.
151.4(c)	8.5(b)(1), (b)(3).
151.5(a)	8.5(b)(2).
151.5(b)	8.5(b)(4).
151.5(c)	8.5(b)(5).
151.6	8.22(a), 14.2(a).
151.7(a)	14.2 (b), (d).
151.7(b)	14.2 (b), (d).
151.7(c)	14.2(b).
151.7(d)	14.2(c).
151.8	14.2(e).
151.9	14.2(f).
151.10	14.2(g).
151.11	8.26(b), 14.2(h).
151.12	None.
151.21(a)	Part 13, ftn. 1.
151.21(b)	Part 13, ftn. 2.
151.22	13.1(a).
151.23	13.1(b).
151.24	13.2(a).
151.25	13.9.
151.26	13.3.
151.27	13.2(a).
151.28(a)	13.5(a).
151.28(b)	13.5(b).
151.29	13.2(d).
151.30	13.7.
151.31(a)	13.8(a).
151.31(b)	13.8(a).
151.31(c)	13.8(b).
151.41	13.10(b).
151.42(a)-(f)	13.10(a)(2)(i)-(vi).
151.43(a)	13.10(a)(2)(ii).
151.43(b)	13.10(a)(5).
151.43(c)	13.10(a)(5)(iv).
151.43(d)	13.10(a)(5)(iv).
151.43(e)	13.10(a)(4).
151.44 (a)-(c)	13.10(a)(1).
151.43(f)	13.10(a)(3).
151.45(a)	13.10(c).
151.45(b)	13.10(d).
151.45(c)	13.10(e).
151.46	13.10(f).
151.47 (a)-(d)	New.
151.51 (a), (b)	8.46 (a)-(c).
151.52(a)	8.48 (a), (b).
151.52(b)	8.48(c).
151.52(c)	8.48(d).
151.53	8.48(e).
151.54	8.48(a), (c), (f), (g).
151.55	8.48(h).
151.61(a)	13.11(a).
151.61(b)	13.11(b), 13.14(f).
151.61(c)	13.14(a)(1).
151.61(d)	13.14(a)(2).
151.62(a)	13.12(a).
151.62(b)	13.12(b).
151.62(c)	13.12(c).
151.62(d)	13.12(d).
151.62(e)	13.12(e).
151.62(f)	13.12(f).
151.63	13.13(a).
151.64	13.13(a).
151.65	13.13(b).
151.66	13.13(e).
151.67	13.13(d).
151.68(a)	13.14(b)(1).
151.68(b)	13.14(b)(2).
151.68(c)	13.14(b)(3).
151.69 (a), (b)	13.14(b).
151.70	13.14(c).
151.71(a)	13.14(d).
151.71 (b)-(e)	13.14(e).
151.72 (a)-(d)	13.15(a), 13.15(b).
151.73 (a)-(c)	13.15(c).
151.74	13.15(d).
151.75	13.15(d).
151.76 (a)-(c)	13.16, ftn. 7 to Pt. 13.
151.81	13.18(a).
151.82(a)	13.17(a).
151.82(b)	13.17(b).
151.82(c)	13.17(c).
151.83	13.18(b).
151.84	13.18(c).
151.85	13.18(d).
151.91	13.19.
151.101	13.20(a).
151.102(a)	13.20(b)(1).
151.102(b)	13.20(b)(2).
151.103	13.20(c).
151.104	13.20(a).
151.111	14.2(i).

(This table shows the relation of sections in revised Part 152 to superseded 19 CFR Parts 8, 14, and 16)

Revised Section	Superseded Section
152.0	New
152.1(a)	14.3(c), ftn. 6.
152.1(b)	Part 14, ftn. 6.
152.1(c)	14.3(b).
152.2	8.29(c).
152.3	16.7.
152.11	New.
152.12	New.
152.13(a)	16.9(b).
152.13(b)	16.9(a).
152.13(c)	16.9(a), (c).
152.13(d)	16.9(a).
152.14(a)	16.10a(a).
152.14(b)	16.10a(b).
152.14(c)	16.10a(c).
152.14(d)	16.10a(c).
152.15(a)	16.10(a), 16.10a(c), (d), ftn. 11a.
152.15(b)	16.10(b).
152.15(c)	16.10(c).
152.16(a)	16.10(d).
152.16(b)	16.10(e).
152.16(c)	16.10(f).
152.16(d)	New.
152.16(e)	16.10(g).
152.17	16.10(h).
152.21(a)-(c)	14.3(a).
152.22	14.3(c).
152.23	14.3(d), ftn. 7.
152.24 (a), (b)	New.
152.25	14.3(f).
152.26(a)	14.4(a).
152.26(b)	14.4(b).
152.26(c)	14.4(c).
152.26(d)	14.4(d).
152.26(e)	14.4(e).
152.31(a)	New.
152.31(b)	New.
152.31(c)	14.5(l).
152.32	14.5(h).
152.33	14.5(j).
152.34	14.5(c).
152.35	14.5(a).
152.36	14.5(k).
152.37	14.5(d).
152.38	14.5(e), (b).
152.39	14.5(l).
152.40	14.5(f).
152.41	14.5(m), ftn. 13.
152.42(a)-(c)	14.5(n).
152.43	14.5(o).

(This table shows the relation of sections in revised Part 159 to superseded 19 CFR Parts 12, 16, 18)

Revised Section	Superseded Section
159.0	New.
159.1	Part 16, ftn. 2.
159.2	16.1.
159.3(a), (b)	16.2(a).
159.4(a)	16.5(d).
159.4(b)	16.2(b).
159.5	16.3(d).
159.6(a)-(d)	16.2(c).
159.7(a)	16.3 (c), (d), 18.18 (c).
159.7(b)	16.10(h), 18.18(c).
159.7(c)	18.18(c).
159.8	New.
159.9(a)	16.2(d), (f), 16.12 (a).
159.9(b)	16.2(d), (g).
159.9(c)	16.2(d).
159.10(a)	16.12(b).
159.10(b)	16.12(b).
159.10(c)	16.12(c).
159.21	New.
159.21(a)	16.5(a).
159.21(b)	16.5(d).
159.21(c)	16.3(d).
159.22(a)	16.6(a).
159.22(b)	16.5(b), 16.6(b).
159.22(c)	16.6(c).
159.22(d)	16.6(d).
159.22(e)	16.6(e).
159.22(f)	16.5(c).
159.31	16.4(e)(1).
159.32	16.4(b).
159.33	16.4(a), 16.4(e)(1).
159.34 (a), (b)	16.4(d).
159.35	New.
159.36	16.4(e).
159.36(a)	16.4(e).
159.36(b)	16.4(e)(3).
159.36(c)	16.4(e)(4), (f).
159.36(d)	16.4(e)(5), (f).
159.37(a)-(c)	16.4(c).
159.38	16.4(c).
159.41	New.
159.42	16.19.
159.43	16.20.
159.44	16.25.
159.45	New.
159.46(a)	16.18(a).
159.46(b)	16.18(b).
159.47(a)-(f)	16.24(a)-(f).
159.51	New.
159.52	16.3(c), (d).
159.53	16.3(b).
159.54	16.3(a).
159.55(a)-(b)	12.6(a), (b).
159.56	New.
159.57	New.

(This table shows the relation of revised §§ 10.151 through 10.153 to superseded 19 CFR Part 8, and revised §§ 10.161 through 10.166 to superseded 19 CFR Part 16)

Revised Sections	Superseded Section
10.151	8.3(b).
10. 152	8.3(c).
10.153(a)-(g)	8.3(d).
10.161	16.26(c).
10.162	16.26(c).
10.163	16.26(b).
10.164(a)-(c)	16.26(d)(1)-(3).
10.165	16.26(d)(4).
10.166(a)-(c)	16.26(d)(5).

[FR Doc.73-13122 Filed 6-29-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Imported Commodities and Services

Section 140.14 of Part 140 of Title 6, Code of Federal Regulations is amended to clarify its applicability and the operation of the pass through rule.

The amended section specifically refers to imported services as well as imported commodities. No valid reason exists for distinguishing between commodities and services and, therefore, both are treated equally. The explicit application of this section to services has a significant impact. For example, air fares charged by foreign air lines to customers in the

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United States are exempt under this section since these are imports of services.

The operation of the pass through rule is also clarified in the amended section. Previously, § 140.14 allowed the pass through on a dollar-for-dollar basis of "price increases" for imported commodities incurred after June 12, 1973. The pass through is in fact intended to apply to increases in the landed cost of the commodity or service. This result is made explicit in the amended section. The rule for imported commodities and services, therefore, allows the freeze price of an import to be increased by an amount equivalent to increases in the landed cost of the import if the import is received after June 12, 1973. Copies which may be passed on include increases caused by appreciation of foreign currencies in relation to the dollar, increases in U.S. custom duties and tariffs on the import, increases in the charges for transporting the imports to the United States, as well as any increase in the price charged for the import by a foreign seller.

Because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267).

In consideration of the foregoing, Part 140 of Chapter I of Title 6, Code of Federal Regulations is amended as follows, effective 99:00 p.m., e.s.t., June 13, 1973.

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Section 140.14 is amended to read as follows:

§ 140.14 Imported commodities and services.

Notwithstanding the provisions of § 140.10, any person who imports and sells a commodity or service from outside the several States and the District of Columbia and each reseller of such a commodity or service may pass on increases in the landed cost for such imported commodity or service incurred after June 12, 1973, on a dollar-for-dollar basis so long as the commodity or service is neither physically transformed by the seller nor becomes a component of another product. However, this section shall not apply to commodities or services which were originally purchased in the United States but exported and subsequently imported in any form.

[FR Doc.73-13506 Filed 6-28-73; 5:05 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 8

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 27, 1973.

JAMES W. MCLANE,
Director, Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP
QUESTIONS AND ANSWERS
No. 8

1. Q. Is a gourmet food department in a retail department store considered a food retail outlet? The department store is part of a firm which derives more than $25 million in annual sales and revenues from food sales. What are the posting requirements for the gourmet department?

A. A gourmet food department in a department store would not be considered a retail food outlet unless the sales receipts from the gourmet department constituted 50 percent of the total sales receipts of the department store. The gourmet department does not have to prepare a freeze price list for the food items it sells. However, the department store must post a sign in the store advising of the availability of freeze price information and where a Freeze Price Information Request Form may be filed. The store must respond to this request within 48 hours. In addition, records concerning freeze prices must be maintained at the location where the pricing decisions for the store are made.

2. Q. Are hotel and motel rentals subject to the freeze if they are used as a residence?

A. No. As explained in Freeze Group Questions and Answers No. 3, rentals of hotel and motel rooms are generally considered to be sales of services. These rooms are not usually used as a principal place of abode of nontransient occupants. However, if a person occupies a room for a period of one month or more, he will be considered to be using the hotel or motel as a residence and the rate charged for the room is considered rent which is exempt from the freeze.

3. Q. May State or local taxes be increased during the freeze?

A. Yes. State and local taxes are exempt from the freeze since they are not prices within the meaning of the Economic Stabilization Act. These taxes include general purpose taxes such as income, sales and property taxes.

4. Q. In cases where sales or excise taxes have been increased, may these be passed on to the customer?

A. Yes. The price the customer pays is equal to the freeze price, which remains unchanged during the freeze, plus these taxes. This ruling applies to any goods or services which are directly taxed. However, increases in general taxes such as property taxes or business taxes may not be passed on to the consumer.

5. Q. Can the fees or charges which a State or local government charge for services provided by the governments be increased during the freeze?

A. No. Fees for water, gas, sewer and similar services are considered prices for particular services and are subject to the freeze. No matter what a State or local government may call a fee or charge for a specific public service, if that government is imposing a user charge, then the charge is covered by the freeze.

6. Q. A State government plans to increase its licensing fee for drivers' licenses during the freeze. Is this increase permitted?

A. Yes. Fees for licenses, legal penalties such as traffic tickets, or any other exercise of the general police or regulatory powers of a State or local government are not subject to the freeze as they are not considered a price within the meaning of the Economic Stabilization Act.

7. Q. May a firm which has negotiated a labor contract to become effective July 1, 1973, increase its prices to pass through its increased labor costs?

A. No. During the freeze, the firm may not increase its prices above its freeze prices. However, if the firm can establish that a serious hardship or gross inequity exists because of the increase in labor costs, it may request an exception from the freeze regulations.

8. Q. A university has announced and received payment of increased tuition fees before the freeze for summer courses which started after June 8. Does the announcement or payment of the increased tuition fee constitute a transaction which establishes a freeze price at this increased rate?

A. No. In the case of services, a transaction is deemed to occur at the time the service is performed. No transaction occurred for the university until the students had actually started a course of instruction. To determine freeze prices, the university, however, is not necessarily required to use the same tuition rates charged last summer. Because the service provided in the Spring and Fall terms is essentially the same on a credit-hour basis as will be provided in the summer session, this university may use tuition rates on a credit-hour basis for courses taught in the Spring or Fall, whichever is more recent, to determine freeze prices for summer courses. The university must, however, refund to all students who have prepaid for summer courses the difference between the tuition fee charged and the freeze price.

9. Q. Are college and school room and board rates exempt from the freeze?

A. When schools offer a package of services (tuition, room and board), all three will be handled just like tuition rates. If tuition, room and board are offered as separate services, increases in room and board rates will also be treated the same as increases in tuition rates. However, this interpretation for room charges applies only to university-owned or controlled housing operated exclusively for student housing in the manner of dormitories (as evidenced by school-year, semester, or quarter lump-sum rates covering room). University-owned or operated apartments, houses, trailers or other accommodations in which separate units are leased or rented in the manner of commercially owned rental units (e.g., monthly rental payments, annual leases or month-to-month tenancies) are exempt from the freeze.

10. Q. May a university charge increased tuition rates for the Fall term?

A. If the courses of instruction offered by the university start after the freeze is terminated, the tuition charges are not subject to the freeze rules. Tuition rates for the post-freeze period will be subject to Phase IV regulations.

11. Q. A State fair trade law requires a company to raise its prices to the fair trade law minimum, but this minimum price exceeds the company's freeze price. How should this conflict be resolved?

A. Under the Constitutional doctrine of supremacy of Federal law over State law, when a conflict exists the freeze price regulations prevail over the State fair trade law.

12. Q. Are finance charges frozen?

A. No. Finance charges are interest rates and are exempt from the freeze.

13. Q. Are service charges and other fees charged by banks, e.g. for safe deposit boxes, subject to the freeze?

A. Yes.

14. Q. Are sales in the commonwealth of Puerto Rico subject to the freeze?

A. No. The freeze only applies to sales in the several States and the District of Columbia.

[FR Doc.73-13444 Filed 6-28-73;11:38 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers No. 9

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP
QUESTIONS AND ANSWERS
NO. 9

NOTE: Because of continued inquiries regarding freeze prices on contracts, the following is reissued for clarification.

Q. May a contract for goods entered into during the freeze base period establish the freeze base price for the goods covered by the contract, even though shipment was not to occur until later?

A. No. Freeze base prices are determined in accordance with transactions made during the freeze base period. The freeze regulations state that a transaction "is considered to occur at the time of shipment in the case of commodities, and the time of performance in the case of services."

[FR Doc.73-13507 Filed 6-28-73;5:05 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 10492; Amdt. SFAR 26-4]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulation No. 26 (SFAR–26), as amended by Amendments SFAR 26–1, 26–2, and 26–3, until January 1, 1974.

SFAR 26 provides for approvals on a selective basis, of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date of March 1, 1972, for SFAR–26 was extended by Amendment SFAR 26–1 to September 1, 1972, by Amendment SFAR 26–2 to January 1, 1973, and further extended by Amendment SFAR 26–3 to July 1, 1973.

At the present time the United States has entered into new bilateral agreements with the United Kingdom, Sweden, and Belgium and the United States is continuing to negotiate amendments to the bilateral agreements which exist with a number of other foreign countries. However, the FAA is advised that the continuing negotiations will not be concluded by the July 1, 1973, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from July 1, 1973, to January 1, 1974.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, effective July 1, 1973, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26–1, SFAR 26–2, and SFAR 26–3 published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, and 37 FR 28276) on March 2, 1972, August 19, 1972, and December 22, 1972, respectively, is further amended by striking out the words "July 1, 1973" and inserting the words "January 1, 1974," in place thereof.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 USC 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 USC 1655(c))

Issued in Washington, D.C., on June 26, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-13512 Filed 6-29-73;9:58 am]

[Docket No. 12035; Amdt. Nos. 61–61, 63–16, 65–21, 91–117, 133–4, 137–4, 141–12]

GENERAL OPERATING AND CERTIFICATION REGULATIONS

Carriage of Narcotic Drugs, Marihuana, and Depressant or Stimulant Drugs or Substances

The purpose of these amendments to Part 91 of the Federal Aviation regulations is to make the current prohibition in § 91.12(a) against the carriage in civil aircraft of narcotic drugs, marihuana, and depressant or stimulant drugs or substances between Mexico and the United States apply to the operation of civil aircraft anywhere within the United States. These amendments also make a violation of § 91.12(a), as well as a conviction for violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, a basis for denying applications for airmen certificates issued under Parts 61, 63, and 65 and a basis for suspending or revoking those certificates. In addition, a violation of § 91.12(a) is made the basis for suspending or revoking the operating certificate authority issued under Part 133 (rotorcraft external-load operations), Part 137 (agricultural aircraft operations), and Part 141 (pilot schools). Finally, this amendment to Part 91 (§ 91.84) requires an appropriate flight plan to be

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filed for the flight of civil aircraft between Mexico or Canada and the United States, unless otherwise authorized by ATC.

These amendments are based on a notice of proposed rule making (Notice 72-16) published in the FEDERAL REGISTER on July 4, 1972 (37 FR 13189).

A number of comments received in response to Notice 72-16 expressed opposition to regulation by the FAA in the area of narcotics control and appeared to question their justification. As explained in the preamble to the notice, the current provisions of § 91.12(a) were adopted in 1969 (34 FR 13922) in recognition of the increasing hazard to safety in air commerce resulting from the increased use of civil aircraft for the illicit carriage of narcotics and other drugs into the United States. These hazards result from attempts to avoid detection or pursuit through violent maneuvers, low flying, flight in bad weather, and use of unsafe landing areas. Since 1969, information available to the FAA indicates that the illicit carriage of drugs by aircraft is occurring in various places within the United States, in violation of State as well as Federal statutes. Accordingly, in the interest of safety, this amendment extends the applicability of the current prohibition in § 91.12(a) to include the operation of civil aircraft anywhere within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

The current provisions of §§ 61.6 (§ 61.15 as of November 1, 1973) and 63.12, which were adopted in 1969 (34 FR 13922), make a violation of any Federal statute governing illegal activities involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances, or a violation of § 91.12(a), a basis for denying applications for airmen certificates issued under Parts 61 and 63, and for suspending and revoking those certificates. This amendment expands those current provisions of §§ 61.6 and 63.12 to also encompass violations of State statutes governing such illegal activities. In addition, the amendment adds identical provisions to § 65.12 of Part 65, which governs the issuance of airman certificates to air traffic control-tower operators, aircraft dispatchers, mechanics, repairmen, and parachute riggers. As explained in the Notice, the FAA is adopting these amendments to Parts 61, 63, and 65 because it believes a demonstrated willingness to violate Federal or State statutory provisions governing the illegal activities specified, or a demonstrated willingness to violate § 91.12(a), clearly demonstrates a tendency to act without inhibition in an unstable manner without regard to the rights of others, and clearly demonstrates that the applicant for a certificate would not be compliance minded regarding the many requirements necessary for safety in air commerce or air transportation.

The FAA also adopted in 1969 (34 FR 13922) amendments to Parts 121, 123, 127, and 135 which currently provide for the suspension or revocation of an operating certificate issued under those parts if the certificate holder permits any aircraft owned or operated by him to be engaged in any operation he knows to be in violation of § 91.12(a). This amendment adds the same provisions for certificate suspension or revocation to Parts 133, 137, and 141. As stated in the notice, the rationale for these provisions is the FAA belief that the privileges inherent in those operating certificates can directly support, or even be essential to, the use of aircraft in smuggling narcotic drugs, marihuana, and depressant or stimulant drugs or substances. This is considered to be true regardless of whether the aircraft is being operated under the certificate at the time, since the corporate financial and management strength necessary to operate such aircraft largely flows from the operating certificates. As in the case of airman certificates, operating certificates can have the effect of providing a condition necessary to the use of the aircraft, by any person, in the hazardous business of smuggling. Furthermore, for the same reasons that support actions against airman certificates, the risk-taking willingness of the corporate or individual management of the holders of those operating certificates would clearly negate their ability to adhere to the conditions necessary for safety in air commerce or air transportation. The FAA considers this to be true, regardless of whether that risk-taking occurs by the certificate holder leasing the aircraft to other persons who smuggle the illegal items or by their operating the aircraft themselves in that business.

In addition to the foregoing, the justification for these amendments encompasses the equally important public interest factors that are directly opposed to the continued use of airman and operating certificates to support the aerial smuggling of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

As proposed, this amendment prescribes a new § 91.84 which requires persons operating civil aircraft on a flight between Mexico or Canada and the United States to file a VFR or IFR flight plan, as appropriate, unless otherwise authorized by ATC. In adopting this amendment the FAA considered the fact that Part 99 already requires a flight plan to be filed for flights between other countries and the United States and is of the opinion that the flight plan requirement will further assist the agency in conducting an effective safety enforcement program.

(Secs. 307(c), 313(a), 601, 602, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1348(c), 1354(a), 1421, 1422, 1424, 1427; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

In consideration of the foregoing:

A. Part 61, of the Federal Aviation Regulations is amended, effective August 1, 1973, as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. Part 61 as amended by amending the title and paragraph (a) of § 61.6 to read as follows:

§ 61.6 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

* * * * *

B. Part 61 of the Federal Aviation regulations is amended, effective November 1, 1973, by amending the title and paragraph (a) of § 61.15, as adopted in Amendment No. 61-60 (38 FR 3156; published February 1, 1973), to read as follows:

§ 61.15 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

* * * * *

C. Parts 63, 65, 91, 133, 137, 141 of the Federal Aviation regulations are amended, effective August 1, 1973, as follows:

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

1. Part 63 is amended by amending the title and paragraph (a) of § 63.12 to read as follows:

§ 63.12 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

* * * * *

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

2. Part 65 is amended by adding new § 65.12 to read as follows:

§ 65.12 Offenses involving narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) No person who is convicted of violating any Federal or State statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marihuana, and depressant or stimulant drugs or substances, is eligible for any certificate or rating issued under this part for a period of 1 year after the date of final conviction.

(b) No person who commits an act prohibited by § 91.12(a) of this chapter is eligible for any certificate or rating issued under this part for a period of 1 year after the date of that act.

(c) Any conviction specified in paragraph (a) of this section, or the commission of the act referenced in paragraph (b) of this section, is grounds for suspending or revoking any certificate or rating issued under this part.

PART 91—GENERAL OPERATING AND FLIGHT RULES

3. Part 91 is amended by revising § 91.12 and by adding new § 91.84 to read as follows:

§ 91.12 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

(a) Except as provided in paragraph (b) of this section, no person may operate a civil aircraft within the United States with knowledge that narcotic drugs, marihuana, and depressant or stimulant drugs or substances as defined in Federal or State statutes are carried in the aircraft.

(b) Paragraph (a) of this section does not apply to any carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances authorized by or under any Federal or State statute or by any Federal or State agency.

§ 91.84 Flights between Mexico or Canada and the United States.

Unless otherwise authorized by ATC, no person may operate a civil aircraft between Mexico or Canada and the United States without filing an IFR or VFR flight plan, as appropriate.

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

4. Part 133 is amended by adding a new § 133.14 to read as follows:

§ 133.14 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

5. Part 137 is amended by adding a new § 137.23 to read as follows:

§ 137.23 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

PART 141—PILOT SCHOOLS

6. Part 141 is amended by adding a new § 141.6 to read as follows:

§ 141.6 Carriage of narcotic drugs, marihuana, and depressant or stimulant drugs or substances.

If the holder of a certificate issued under this part permits any aircraft owned or leased by that holder to be engaged in any operation that the certificate holder knows to be in violation of § 91.12(a) of this chapter, that operation is a basis for suspending or revoking the certificate.

Issued in Washington, D.C., on June 19, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-13261 Filed 6-29-73;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE B—REGULATIONS RELATING TO COMMERCE AND FOREIGN TRADE

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

PART 200—POLICIES, SERVICES, PROCEDURES, AND FEES

Services for Foreign Entities

In view of the enactment of Public Law 92-317, June 22, 1972, amending 15 U.S.C. 273 to authorize providing services to international and foreign entities under certain circumstances, § 200.103 is amended to delete former limitations in this regard. Accordingly, paragraph (f) is revised to read as follows:

§ 200.103 Types of calibration and test services.

* * * * *

(f) NBS reserves the right to decline any request for services if the work would interfere with other activities deemed by the Director to be of greater importance. In general, measurement services are not provided when widely available from commercial laboratories.

* * * * *

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Applies sec. 3, 86 Stat. 235; 15 U.S.C. 273)

Effective date. This amendment shall become effective July 2, 1972.

Date: June 26, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-13316 Filed 6-29-73;8:45 am]

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen Rev., Export Regs.; Amdt. 57]

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Reporting Requirement for Certain Commodities and Foodstuffs

Section 376.3 and Supplement No. 1 to Part 376 are amended to read as set forth below.

Effective date: June 28, 1973

RAUER H. MEYER,
Director,
Office of Export Control.

On June 13, 1973, a reporting requirement was established for exports and anticipated exports of certain grains, oilseeds, and oilseed products. This reporting requirement was described in full detail on page 15772 of the FEDERAL REGISTER dated June 15, 1973. In view of the validated license requirement announced in the FEDERAL REGISTER dated June 28, 1973 on exports of soybeans, cottonseeds, and various meal and oil products thereof, it is necessary to add certain of these controlled products to the reporting requirement. The commodities added to the reporting requirement are:

Schedule B Number	*Commodity Description*
	GROUP VIII
421.2010	Soybean oil, crude, including degummed
421.2020	Soybean oil, once refined
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2010	Soybean oil, hydrogenated
431.2030	Fats and oils, hydrogenated, *the following only:* Cottonseed and soybean oil mixture
	GROUP XI
421.3010	Cottonseed oil, crude
421.3020	Cottonseed oil, once refined
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2020	Cottonseed oil, hydrogenated

These commodities are to be reported in accordance with all the terms and conditions contained in § 376.3 of the Regulations, except that the initial report of unfilled orders shall be filed no later than July 2, 1973, to include therein all anticipated exports of these commodities as of 5:00 p.m. EDT, June 27, 1973.

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Exporters shall use the present form DIB–634P (h) and (i) and DIB–635P (h) and (i) to submit reports for these additional commodities. The certification of the initial report shall be altered by writing by hand at the end thereof "as of 5 PM EDT, June 27, 1973." In addition, the person certifying the initial report shall cross out the second line of the heading at the top of the form DIB 634P which reads "Anticipated Exports as of June 13, 1973 or Week Ending Friday _____ 1973." When subsequent reports of changes are submitted on form DIB–635P, the dates in items 2, 3, and 5 of the form should be altered accordingly.

The Department has reason to believe that certain reports that have been submitted pursuant to the reporting requirement established on June 13 have included anticipated exports that were not based on firm commitments. All exporters are reminded that the definition of anticipated exports contained in § 376.3 (a)(3)(v) does not include merely hoped-for orders or volume commitments without fixed price or fixed basis for price. Accordingly, this definition should be kept in mind in preparing all future reports of anticipated exports.

Accordingly, § 376.3 and Supplement No. 1 to Part 376 of the Export Control Regulations are amended to read as set forth below.

§ 376.3 Agricultural commodities requiring reports.

(a) *Exports and anticipated exports of certain grains, oil seeds, and oilseed products.*—(1) *Initial report of unfilled orders.* No later than the date shown in Column D of Supplement No. 1 to this Part 376, each U.S. exporter shall file a report of all anticipated exports (as hereinafter defined) of more than $250 of each separate agricultural commodity listed in Supplement No. 1. Such report will provide the tonnage (in metric tons) of such anticipated exports as of the close of business (or time of day, if specified) on the date shown in Column C of Supplement No. 1. The commodities subject to the reporting requirement set forth herein shall be listed by the appropriate number in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, as set forth in Supplement No. 1 and in the case of wheat also by the separate classes of wheat set forth in Supplement No. 1; by country of ultimate destination; and by month of scheduled or anticipated export. For optional sales, the report shall include that portion of the sale exported to be exported from the United States, or in the case of optional class or kind of grain, the report shall include the particular class or kind of grain expected to be exported. A separate report shall be filed on the appropriate Form DIB–634P(a) through (i) "Anticipated Exports" for each of the nine agricultural commodity groupings listed in Supplement No. 1. Form DIB–634P is promulgated in series (a) through (i) inclusive, so that each of the nine commodity groupings has its own particular form, designated by color coding.

(2) *Subsequent reports.* On the date shown in Column E of Supplement No. 1, and on the first business day of each week thereafter, each U.S. exporter shall file a report on the appropriate Form DIB–634P setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth in Supplement No. 1. Such report shall be made on the same basis as and shall contain all data required under paragraph (a)(1) of this section. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such cancelled orders were accepted on or before the date shown in Column C of Supplement No. 1 or accepted after that date; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before the date shown in Column C of Supplement No. 1, or against orders accepted after that date; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of grain expected to be exported from the U.S. Such reconciliation shall be filed on Form DIB–635P which is also promulgated in series (a) through (i) inclusive. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but Form DIB–634P shall nevertheless be submitted with the statement "no change" entered in its face; in such case, Form DIB 635P need not be filed. If there are changes, even though these do not result in changes in the aggregates because they are offsetting, Form DIB–635P shall be filed showing such changes. If the date in Column C of Supplement No. 1 is different from that shown in the heading or any item of form DIB–634P or DIB–635P, the dates on the forms should be corrected accordingly.

(3) *Reporting Requirements*—(i) *Manner of reporting.* All reports required under this Part 376 must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

(ii) *Date of export.* For purposes of Section 376.3 only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

(iii) *Corrections.* If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to paragraph (a)(3)(ii) of this section are found to have been incorrect, such facts shall be set forth on Form DIB–635P (a) through (i) and corrected data shall thereafter be set forth on the appropriate Form DIB–634P (a) through (i).

(iv) *Who shall file reports.* For purposes of this § 376.3 only, in order to prevent duplication as well as to insure complete and accurate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(v) *Definition.* The term "anticipated export(s)" as used herein and in the Reporting Forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exporters own account. It does not include merely hoped-for sales for export or anticipated orders.

Supplement No. 1 to part 376 is amended to read as follows:

Supplement No. 1 to Part 376 is Amended to Read as Follows:

AGRICULTURAL COMMODITIES SUBJECT TO MONITORING

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning:
	GROUP I - WHEAT			
041.0020	Wheat - Hard red winter	June 13, 1973	June 20, 1973	June 25, 1973
041.0020	Wheat - Soft red winter	June 13, 1973	June 20, 1973	June 25, 1973
041.0020	Wheat - Hard red spring	June 13, 1973	June 20, 1973	June 25, 1973
041.0020	Wheat - White	June 13, 1973	June 20, 1973	June 25, 1973
041.0020	Wheat - Durum	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP II - RICE			
042.1010	Rice in the husk, unmilled	June 13, 1973	June 20, 1973	June 25, 1973
042.1030	Rice, husked, long grain	June 13, 1973	June 20, 1973	June 25, 1973
042.1040	Rice, husked, medium grain	June 13, 1973	June 20, 1973	June 25, 1973
042.1050	Rice, husked, short grain	June 13, 1973	June 20, 1973	June 25, 1973
042.1060	Rice, husked, mixed	June 13, 1973	June 20, 1973	June 25, 1973
042.2022	Rice, parboiled, long grain	June 13, 1973	June 20, 1973	June 25, 1973
042.2024	Rice, parboiled, medium grain	June 13, 1973	June 20, 1973	June 25, 1973
042.2026	Rice, parboiled, short grain	June 13, 1973	June 20, 1973	June 25, 1973
042.2028	Rice, parboiled, mixed grain	June 13, 1973	June 20, 1973	June 25, 1973

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Cont'd

Supplement No. 1 to Part 376 is Amended to Read as Follows:

AGRICULTURAL COMMODITIES SUBJECT TO MONITORING

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning:
042.2030	Rice, milled, containing 75% or more broken kernels	June 13, 1973	June 20, 1973	June 25, 1973
042.2050	Rice, milled, long grain, containing less than 75% broken kernels	June 13, 1973	June 20, 1973	June 25, 1973
042.2060	Rice, milled, medium grain, containing less than 75% broken kernels	June 13, 1973	June 20, 1973	June 25, 1973
042.2070	Rice, milled, short grain, containing less than 75% broken kernels	June 13, 1973	June 20, 1973	June 25, 1973
042.2080	Rice, milled, mixed grain, containing less than 75% broken kernels	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP III - BARLEY			
043.0000	Barley, unmilled	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP IV - CORN			
044.0020	Corn, except seed, unmilled	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP V - RYE			
045.1000	Rye, unmilled	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP VI - OATS			
045.2000	Oats, unmilled	June 13, 1973	June 20, 1973	June 25, 1973

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning
	GROUP VII - GRAIN SORGHUMS			
045.9015	Grain sorghums, unmilled	June 13, 1973	June 20, 1973	June 25, 1973
	GROUP VIII - SOYBEAN AND SOYBEAN PRODUCTS			
081.3030	Soybean oil-cake and meal	June 13, 1973	June 20, 1973	June 25, 1973
221.4000	Soybeans	June 13, 1973	June 20, 1973	June 25, 1973
421.2010	Soybean oil, crude, including degummed	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
421.2020	Soybean oil, once refined	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing, or winterizing	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
431.2010	Soybean oil, hydrogenated	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
431.2030	Fats and oils, hydrogenated the following only: Cottonseed and soybean oil mixture	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973

cont'd.

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning
	GROUP IX - COTTONSEED AND COTTONSEED PRODUCTS			
081.3020	Cottonseed oil-cake and meal	June 13, 1973	June 20, 1973	June 25, 1973
221.6000	Cottonseed	June 13, 1973	June 20, 1973	June 25, 1973
421.3010	Cottonseed oil, crude	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
421.3020	Cottonseed oil, once refined	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973
431.2020	Cottonseed oil, hydrogenated	June 27, 1973 (5 PM EDT)	July 2, 1973	July 9, 1973

[FR Doc.73-13559 Filed 6-29-73;1:46 pm]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

4-BROMO-2,5-DIMETHOXYAMPHETAMINE

Proposed Placement in Schedule I

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201 (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that 4-bromo-2,5-dimethoxyamphetamine (and its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation):

(1) Has a high potential for abuse;

(2) Has no currently accepted medical use in treatment in the United States; and

(3) Lacks accepted safety for use under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director proposes that § 308.11(d) of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (18) to read:

§ 308.11 Schedule I.

• • • • •

(d) • • •

(18) 4-bromo-2,5-dimethoxyamphetamine	7391
Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA.	

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may comment on or object to the application of this proposal to any one or more of the nine derivatives named without filing comments on the remaining derivatives. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street, NW., Washington, D.C. 20537, and must be received no later than August 1, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated: June 27, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13447 Filed 6-29-73;8:45 am]

[21 CFR Part 308]

4-METHOXYAMPHETAMINE

Proposed Placement in Schedule I

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201 (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that 4-Methoxyamphetamine (and its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation):

(1) Has a high potential for abuse;

(2) Has no currently accepted medical use in treatment in the United States; and

(3) Lacks accepted safety for use under medical supervision.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director proposes that § 308.11(d) of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (18) to read

§ 308.11 Schedule I.

• • • • •

(d) • • •

(18) 4-methoxyamphetamine	7411
Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA.	

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may comment on or object to the application of this proposal to any one or more of the nine derivatives named without filing comments on the remaining derivatives. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street, NW., Washington, D.C. 20537, and must be received no later than August 1, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated: June 27, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13448 Filed 6-29-73;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Handling

This proposal, designed to promote orderly marketing of Oregon-California potatoes, would require inspection of fresh market shipments to keep undesirable low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947). This program regulates the handling of Irish potatoes grown in the designated production area and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

This notice is based on the recommendations and information submitted by the Oregon-California Potato Committee and other available information. The recommendation of the committee reflect its appraisal of the composition of the 1973 crop in the production area and of the marketing prospects for this season.

The grade, size, quality, maturity and pack requirements as provided herein are necessary to prevent potatoes of low quality, or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Certified seed is not exempted from the safeguard provisions when shipped from the district where grown because the great bulk of certified seed is no longer inspected as it is packed.

Shipments for use as livestock feed within the production area or to specified adjacent areas are exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirements would cause unreasonable hardship to growers in the area.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112, United States Department of Agriculture, Washington, D.C. 20250, not later than July 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Termination of regulations. Limitation of shipments § 947.331 effective July 24, 1972, through October 15, 1973 (37 FR 14754–14756) shall be terminated upon the effective date of this section.

§ 947.332 Handling regulation.

During the period July 16, 1973, through October 15, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (i) of this section, or unless such potatoes are handled in accordance with paragraphs (f), (g), (h), and (j) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—2 inches minimum diameter, or 4 ounces minimum weight: *Provided,* That U.S. No. 1 potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound containers (not including master containers) must be U.S. No. 1 or better grade.

(f) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, and maturity requirements set forth in paragraphs (a), (b), (c), (d), and (e) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Certified seed, subject to applicable safeguard requirements of paragraph (g) of this section.

(2) Livestock feed: *Provided,* That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (g) of this section.

(3) Planting: *Provided,* That potatoes may not be shipped for this purpose to points outside of the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (g) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two Districts without regard to the safeguard requirements of paragraph (g) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, subject to the safeguard provisions of paragraph (g) of this section.

(5) Charity: *Provided,* That shipments for charity may not be resold if they do not meet the requirements of the marketing order, and *Further Provided,* That shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (g) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(g) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (f) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to paragraphs (2), (4) (i), (4) (iii), and (5) of paragraph (f) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to paragraph (7) of paragraph (f) of this section may ship such potatoes only to persons or firms designated as approved manufacturers of potato products by the committee, in accordance with its administrative rules.

(h) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided,* That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), and (d) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(i) *Inspection.* (1) Except when relieved by paragraphs (f) or (g) of this section, or by paragraph (2) of this paragraph (i), no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Shipments originating in Modoc or Siskiyou Counties of California, from points over 40 airline miles from Merrill, Oregon, are not required to obtain Federal-State inspection: *Provided,* That shippers agree to compliance safeguard procedures of the committee.

(3) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking the potatoes.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 as amended February 5, 1972) (37 FR 2745) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421—52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

Dated: June 26, 1973.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–13311 Filed 6–29–73;8:45 am]

Animal and Plant Health Inspection Service

[7 CFR Part 301]

CEREAL LEAF BEETLE QUARANTINE

Public Hearing for Terminating Quarantine and Regulations

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, notice is hereby given of a public hearing to be held, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to determine whether to terminate the Cereal Leaf Beetle Quarantine (7 CFR 301.84) and regulations thereunder.

The cereal leaf beetle is currently established in 14 States, ten of which are presently under Federal quarantine regulations. The beetle was first reported in Michigan in 1962. By 1965, eradication was determined not to be feasible. The Federal Quarantine was established in 1969 to attempt to slow spread. Artificial spread has been retarded by enforcement of quarantines, but surveys and research investigations on the physiology and the ecological range of the cereal leaf beetle indicate that it is an insect that is not amenable to the usual quarantine procedures designed to prevent artificial spread. In addition, the substantial yearly natural spread to date and the expectation of continued natural spread westward raises further questions on the value and effectiveness of continuing the Federal quarantine.

A public hearing to consider the above proposal will be held before a representative of the Animal and Plant Health Inspection Service in the conference room of the Airport Hilton at the Weir-Cook Airport, Indianapolis, Indiana, at 10 a.m. on August 7, 1973. Any interested person may appear and be heard either in person or by attorney.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, on or before August 7, 1973, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether the Quarantine will be terminated.

Done at Washington, D.C., this 27th day of June, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–13356 Filed 6–29–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR 174]

EDUCATION PROFESSIONS DEVELOPMENT

Proposed Rules for Fund Grants

Notice is hereby given to institutions of higher education, local educational agencies, state educational agencies and other interested parties that the Commissioner of Education pursuant to the authority of 20 U.S.C. 1091–1092, 1107a–1119a–1, 1119c–1119c–4 1141–1142, 1144(b), 1231 et seq., proposes to issue the regulations set forth below as part 174 of title 45 of the Code of Federal Regulations governing the awarding of funds under the Education Professions Development Act (except Teacher Corps Programs). The purpose of these programs is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by (a) developing information on the actual needs for educational personnel, both present and long-range; (b) providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs; (c) attracting a greater number of qualified persons into the education professions; (d) attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in

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education; and (e) helping to make educational personnel training programs more responsive to the needs of the schools and colleges.

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the National Center for the Improvement of Educational Systems, U.S. Office of Education, Washington, D.C. 20202 on or before August 1, 1973. Comments received will be available for public inspection at the office of the National Center for Improvement of Educational Systems, Office of Education, Room 3100, Regional Office Building at 7th & D Streets, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Dated: March 20, 1973.

Approved: June 25, 1973.

JOHN OTTINA,
Acting Commissioner of Education.

CASPAR W. WEINBERGER,
Secretary.

PART 174—EDUCATION PROFESSIONS DEVELOPMENT

Chapter I of title 45 of the Code of Federal Regulations is amended by adding a new part 174.

Grants or contracts made pursuant to the regulations set forth below are subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88-352).

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LEADERSHIP DEVELOPMENT AWARDS

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174.250 General nature of training grants.
174.251 Types of training programs.
174.252 Requirements for grant applications.

AUTHORITY: 20 U.S.C. 1091–1092; 1107a–1119a–1; 1119c–1119c–4; 1141, 1142, 1144(b), 1231 et. seq.

Subpart A–1—General Provisions

§ 174.1 General purpose.

Regulations in this part govern programs carried out under the Education Professions Development Act (title V of the Higher Education Act of 1965), except Teacher Corps programs. The general purpose of these programs is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by (a) developing information on the actual needs for educational personnel, both present and long-range; (b) providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs; (c) attracting a greater number of qualified persons into the education professions; (d) attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in education; and (e) helping to make educational personnel training programs more responsive to the needs of schools and colleges. (20 U.S.C. 1091)

§ 174.2 General definitions.

As used in this Part:

(a) "Act" means title V of the Higher Education Act of 1965 as amended (20 U.S.C. 1091 et seq.).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Department" means the Department of Health, Education, and Welfare.

(d) "Dependent," for purposes of payment of a dependency allowance, means any of the following persons over half of whose support, for the calendar year in which the school year begins, was received from the fellow or participant:

(1) A spouse,

(2) A child, or descendant of such child, or stepchild,

(3) A brother or sister,

(4) A brother or sister by the half blood,

(5) A stepbrother or stepsister,

(6) A parent, or ancestor of such parent,

(7) A stepfather or stepmother,

(8) A son or daughter of fellow's or participant's brother or sister,

(9) A brother or sister of fellow's or participant's father or mother,

(10) A son-in-law, or daughter-in-law, or father-in-law, or mother-in-law, or brother-in-law, or sister-in-law,

(11) A person (other than the fellow's or participant's spouse) who, during the fellow's or participant's entire calendar year, lives in the fellow's or participant's home and is a member of the fellow's or participant's household (but not if the relationship between the person and the fellow or participant is in violation of local law), or

(12) A cousin (descendant of a brother or sister of the fellow's or participant's father or mother) who during the fellow's or participant's calendar year, is receiving institutional care on account of a physical or mental disability, and before receiving such care was a member of the same household as the fellow or participant.

(13) A legally adopted child or a child placed in the fellow's or participant's home for adoption by an authorized agency is considered to be a child by blood.

(14) A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama or the Canal Zone, at some time during the calendar year in which the school year of the fellow or participant begins, or is a resident of the Philippines, born to or adopted by, a fellow or participant while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a fellow or participant as a member of his household for the entire calendar year.

(e) "Elementary school" means a school which provides elementary education, including education below grade 1, as determined under State law.

(20 U.S.C. 1141(1))

(f) "Fellowship" means an award under this Part to a student to enable him to carry out a full-time program of graduate study.

(g) "Fellowship year" is a study period approximately equal to 12 consecutive months beginning either in the summer or fall.

(h) "Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in § 1201(a) of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1141(a))

(i) "Institutional allowance" means a monetary amount provided to an institution in conjunction with a pre-doctoral fellowship awarded to an individual to study at the institution. It is made in lieu of tuition and all other fees required of all students of similar standing.

(j) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1141(g))

(k) National Advisory Council on Education Professions Development is the Presidentially appointed advisory body established by the Act to review Federal programs for training educational personnel, to evaluate the effectiveness of such programs in meeting needs and achieving improved quality, and to advise the Secretary and the Commissioner on related policy matters.

(20 U.S.C. 1091(a))

(l) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(m) "Secondary school" means a school which provides secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

(n) "State" include in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b))

(o) "State educational agency" means the State Board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or, if there is no such agency or officer, an agency or officer designated by the Governor or by State Law.

(20 U.S.C. 1141(h))

(p) "Stipend" means the allowance paid to a participant or fellow for subsistance and other expenses for such participants and their dependents as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(q) "Teacher aide" means a person who assists a teacher in the performance of his professional teaching or administrative duties or in any other activity which assists a teacher in the teaching-learning process. For the purposes of this subsection, the term "teacher" includes other educational personnel such as librarians, counselors, school social workers, child psychologists, educational media specialists, and school nurses, as well as classroom teachers. The term "teacher aide" docs not include persons in positions such as clerk to a principal, food-handlers in a cafeteria, or other jobs not related to the teaching-learning process.

(20 U.S.C. 1091 et seq. except where otherwise noted)

§ 174.3 Limitations on payments.

(1) No payment may be made under this part for religious worship or instruction or training for a religious vocation or to teach theological subjects. No fellowship shall be awarded for study at a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or enter upon some other religious vocation or to prepare them to teach theological subjects.

(20 U.S.C. 1092, 1116)

(2) No payment may be made under this Part to any individual serving in a training program as a teacher, administrator, secretary, or other employee for any period of time if such individual is receiving compensation for that period of time under any other Federal grant or contract.

(3) Except for veterans and war orphans who are receiving educational assistance benefits provided by the Veterans Administration under Chapters 34 and 35 of Title 38 of the United States Code, participants or fellows who are receiving any other direct Federal educational benefits may not, concurrently, receive stipends under this part. "Direct Federal educational benefits," as used in this paragraph do not include loans made or insured under Federally assisted programs.

(20 U.S.C. 1091 et seq.)

§ 174.4 General Provisions.

(a) *Application procedures.* (1) Applications for assistance under this part shall be submitted in accordance with such procedures and schedules as may be established by the Commissioner. The Commissioner may request the submission of such additional or supplemental information as he believes necessary or desirable in connection with the review and consideration of any application.

(2) The Commissioner will notify each applicant of the approval, disapproval, or other disposition of the application.

(b) *Effective date of approved applications.* The effective date of any approved application shall be the date specified in the grant award document or the contract. There will be no financial participation by the Federal Government with respect to expenditures made prior to the effective date of the approved application.

(c) *Cooperative arrangements.* An agency or institution that receives a grant or contract under this part may enter into a cooperative agreement with another agency or institution under which services will be provided for the project or pursuant to which a joint project will be conducted if such agreement is expressly contemplated by the project proposal and if the terms of the agreement are approved by the Commissioner, either as part of the original proposal or by separate correspondence. Such a cooperative agreement will be approved only if the agreement reflects that supervision and control over the conduct of the project are retained by the applicant. Approval of such an agreement shall in no way relieve the applicant of responsibility for accountability for the conduct of the project.

(d) *Allowable costs for programs other than fellowship programs or leadership development awards.* (1) Funds paid under this part for support of institutes, short-term training programs, or special projects shall be used only for the purposes set forth in the final plan of operation as approved by the Commissioner.

(2) Allowable costs under this part shall be determined in accordance with the cost principles appropriate to the type of grantee institution and may include, but are not limited to the following:

(i) Direct operating costs specifically identifiable as having been incurred for the operation of the training program. These costs may include administrative salaries; instructors' salaries; necessary travel of those performing personal services; instructional materials (excluding textbooks), supplies, and printed materials; reproduction; rental of equipment; employee benefits; and communications.

(ii) Indirect costs to the extent permitted by the Commissioner.

(iii) Stipends for participants.

(3) Participants in training programs supported under this part may not be charged tuition. If the payment of tuition by all students at an institution is required as a matter of State law, tuition may be paid for the participant and the amount thereof may be included as an allowable cost in lieu of an equal amount of allowable costs under paragraph (d)(2)(i) of this section.

(e) *Fiscal control and fund accounting procedures.* (1) All grants and contracts are subject to audit. Each grantee or contractor shall provide and maintain such fiscal controls, records and fund accounting procedures as are necessary for auditing purposes and to assure proper disbursement of and accounting for funds paid under this part.

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(2) The allocation of expenditures by a grantee or contractor as between direct and indirect costs shall be in accordance with the Department cost principles appropriate to type of grantee institution.

(f) *Retention of records.* (1) *Records.* Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any) in accordance with section 434(a) of the General Educations Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(2) *Period of retention.* (i) Except as provided in paragraphs (f)(2)(ii) and (f)(4) of this section, the records specified in paragraph (f)(1) of this section shall be retained (a) for three years after the date of the submission of the final expenditure report, or (b) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(ii) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for three years after its final disposition.

(3) *Microfilm copies.* Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(4) *Audit questions.* All records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(5) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(20 U.S.C. 1232c(a))

(g) *Audits.* (1) If the grantee or subgrantee is a State or local government, audits to be made by the State or local government or at its direction to determine, at a minimum, the fiscal integrity of grant or subgrant financial transactions and reports, and the compliance with the terms and conditions of the grant or subgrant. The grantee or subgrantee will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(2) Recipients other than State or local governments are encouraged but not required to meet the standard set forth in subparagraph (1) of this paragraph.

(3) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(4) Each recipient shall use a single auditor for all of its expenditures under Federal education assistance programs, regardless of the number of Federal agencies providing such assistance.

(20 U.S.C. 1232c(b)(2))

(h) *Limitations on costs.* The amount of the award shall be set forth in the grant award or contract document. The total cost to the Federal Government will not exceed the amount set forth in the grant award or contract document or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award or contract document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant or contract.

(31 U.S.C. 200)

(i) *Final accounting.* (1) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(2) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628) and (20 U.S.C. 1091 et seq.)

§ 174.5–174.10 [Reserved]

Subpart A–2—Attracting Qualified Persons to the Field of Education

§ 174.11 Applicability and program purpose.

The purpose of the programs conducted under this subpart is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by attracting a greater number of qualified persons into the education professions and by attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term asignments in education.

(20 U.S.C. 1091)

§ 174.12 Types of recruitment projects.

The Commissioner may support programs or projects that will make an especially significant contribution to recruitment for the education professions by (a) identifying capable youth in secondary schools who may be interested in careers in education and encouraging them to pursue postsecondary education in preparation for such careers; (b) publicizing available opportunities for careers in the field of education; (c) encouraging qualified persons to enter or reenter the field of education; or (d) encouraging artists, craftsmen, artisans, scientists, persons from other professions and vocations, and homemakers to undertake teaching or related assignments on a part-time basis or for temporary periods.

(20 U.S.C. 1091c)

§ 174.13 Eligible entities.

The Commissioner may award grants to, or enter into contracts with, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and is authorized to enter into contracts with private agencies, institutions, or organizations organized for profit (after consultation with the National Advisory Council on Education Professions Development, see § 174.2(k)) when he determines that such contract will make an especially significant contribution to attaining the objectives of this subpart.

(20 U.S.C. 1091c)

§ 174.14–174.19 [Reserved]

Subpart B—Attracting and Qualifying Teachers To Meet Critical Teacher Shortages

§ 174.20–174.59 [Reserved]

Subpart C—Graduate Fellowships and Grants for Strengthening Graduate Programs in Education

§ 174.60 Scope.

(a) The Commissioner will award fellowships under this subpart for graduate study leading to an advanced degree for persons who are pursuing or plan to pursue a career in elementary and secondary education or post-secondary vocational education. The Commissioner will allocate fellowships to institutions of higher education having graduate programs approved under § 174.61 for the use of individuals accepted into such programs. Not less than 5 percent of the amounts available for the purposes of this subpart shall be used for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b)(7))

(b) For purposes of this subpart

(1) "Elementary and secondary education" includes preschool and adult and vocational education and

(2) "Career in elementary and secondary education or in postsecondary vocational education" means a career of teaching in elementary or secondary schools (including teaching in preschool and adult and vocational education programs, and including teaching children of limited English-speaking ability) or in postsecondary vocational schools, a career of teaching, guiding, or supervising such teachers or persons who plan to become such teachers, a career in the administration of such schools or a career in fields which are directly related to teaching in such schools, such as library science, school nursing, school social work, guidance and counseling, educational media (including educational and instructional television and radio), child development, and special education for handicapped children, and for gifted and talented children.

(20 U.S.C. 1111)

§ 174.61 Approved programs.

(a) An institution of higher education that wishes to have its graduate program approved for the purposes of receiving fellowships under this subpart shall submit an application to the Commissioner in such form and containing such information as the Commissioner shall prescribe.

(b) The Commissioner will approve an application submitted in paragraph (a) of this section only upon a finding that the graduate program described in the application—

(1) Will substantially further the objective of improving the quality of education of persons who are pursuing or intend to pursue a career in elementary and secondary education or postsecondary vocational education;

(2) Gives emphasis to high-quality substantive courses;

(3) Is of high quality and either is in effect or readily attainable; and

(4) Will accept for study only those persons who demonstrate a serious intent to pursue or to continue a career in elementary and secondary education or postsecondary vocational education.

(c) Program approval is subject to termination or suspension if the program is not developed or operated substantially in accordance with the information submitted in paragraph (a) of this section or in compliance with the requirements of paragraph (b) of this section.

(20 U.S.C. 1114)

§ 174.62 Allocation of fellowships.

The Commissioner will allocate fellowships to institutions of higher education having approved graduate programs in such a manner as will:

(1) Best provide an equitable distribution of such fellowships throughout the States taking into account such factors as the number of children in each State aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State; except that to the extent that the National Advisory Council on Education Professions Development (see § 174.2(k)) determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such a category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year.

(20 U.S.C. 1113)

(2) Encourage experienced teachers in elementary or secondary schools or postsecondary vocational schools and other experienced personnel in elementary or secondary education or postsecondary vocational education to enter graduate programs, attract recent college graduates to pursue a career in elementary and secondary education or postsecondary vocational education, and afford opportunities for college graduates engaged in other occupations or activities to pursue or return to a career in elementary and secondary education or postsecondary vocational education.

(20 U.S.C. 1113)

§ 174.63 Award of fellowships to individuals.

(a) *Applications and Selection.* Applications for fellowships should be submitted directly to participating institutions which will select the fellows.

(b) *Eligibility.* In order to be eligible for a fellowship, at the time the applicant is to commence study he or she must be:

(1) Accepted at the nominating institution for full-time graduate study in an approved program leading to an advanced degree,

(2) Pursuing or intending to pursue a career in elementary or secondary education, as defined in § 174.60(b)(2)) in a State, and

(3) Either a citizen or national of the United States or be in the United States for other than a temporary purpose and have the intention of becoming a permanent resident thereof, or be a permanent resident of the Trust Territories of the Pacific Islands.

(c) *Reinstatement of a fellowship following interruption of study.* (1) *Military service.* When feasible and subject to the availability of funds, a fellow whose fellowship tenure is interrupted by voluntary or involuntary military service will, upon his release from military duty, be reinstated to complete the remainder of his tenure.

(2) *Qualifying non-military service.* Fellows who satisfy their military obligation as commissioned officers in the Public Health Service or Environmental Science Services Administration or by performing alternate service as duly classified conscientious objectors will be eligible for reinstatement on the same basis as if their tenure had been interrupted by voluntary or involuntary military service.

(3) *Other interruptions.* Upon request the Commissioner may approve the reinstatement of fellows whose tenure is interrupted for reasons other than those given in paragraph (c)(1) and (2) of this section, provided good cause exists for such interruption.

(20 U.S.C. 1113, 1117)

§ 174.64 Payments of stipends and allowances to fellows.

(a) Payments of stipends and allowances after the first year of the fellowship are conditioned upon the availability of Federal appropriations.

(b) Each fellow will receive a stipend and where applicable an allowance for dependents consistent with that provided under comparable Federally supported programs, as determined by the Commissioner. However, a fellow may not receive a stipend or such allowances, during the period of full-time paid internship.

(c) Institutions shall make payments only to fellows who are enrolled and in good standing in the approved programs. A fellow shall not be entitled to payment with respect to any period during which he has failed to meet the conditions of paragraphs (d) and (e) of this section. Adjustments in the amount of an allowance payable to a fellow because of an increase or decrease in the number of his dependents shall be made effective as of the date when the change occurs, and the amount of the adjustment shall be reflected in the next regularly scheduled payment, if any.

(d) *Conditions for continued eligibility.* In order to remain eligible for payments, a fellow:

(1) Must maintain satisfactory progress in his approved graduate program; and

(2) Must continue to pursue a full-time course of study without gainful employment except as provided in paragraph (e) of this section.

(e) *Outside or part-time work.* A fellow may not engage in gainful employment during the period of his fellowship, except such part-time teaching, research, or similar activities which are related to his approved program, which have been approved by the Commissioner and which do not unnecessarily prolong his period of training. Limitations with respect to gainful employment do not apply to periods not covered by the fellowship stipend.

(20 U.S.C. 1115, 1117)

§ 174.65 Institutional allowance.

The Commissioner will pay an allowance to the institution each fellow is attending in such amount as he determines to be consistent with prevailing practices under comparable Federally supported programs. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of a fellow. Payment of the allowance will be made in such installments and at such times as the Commissioner, may, from time to time, authorize.

(20 U.S.C. 1115(b))

§ 174.66 Reports of institutions sponsoring fellowships.

Institutions attended by fellowships recipients shall observe the following reports requirements in addition to those specified in § 174.4(f):

(1) *Reporting fellow's status.* Any change in the continued eligibility of a fellowship holder shall be reported promptly by the institution.

(2) *Reporting proposed changes in approved programs.* The institution will promptly advise the Commissioner in writing whether a material change is contemplated regarding any description or other information previously furnished the Commissioner in connection with the approved program.

(20 U.S.C. 1117)

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§ 174.67 Strengthening graduate programs.

(a) For the purpose of obtaining an appropriate geographical distribution of high-quality programs for the training of personnel for elementary or secondary education, the Commissioner may make grants to and contracts with institutions of higher education to pay part of the cost of developing or strengthening graduate programs which meet or, as a result of the assistance received under this subsection will be enabled to meet, the requirements of § 174.61.

(b) Institutions seeking assistance under paragraph (a) of this section shall submit an application for such funds at such times, in such form, and containing such information as the Commissioner may from time to time prescribe.

(20 U.S.C. 1114(b))

§ 174.68–174.79 [Reserved]

Subpart D—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education

§ 174.80 Scope.

(a) The Commissioner may make grants to, or contracts with, institutions of higher education and State educational agencies, and local educational agencies (and with respect to programs covered by § 174.85 other public or private nonprofit agencies and organizations) for carrying out programs or projects to improve the qualifications of persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise and train persons so serving.

(b) Grants and contracts with local educational agencies may be awarded only if the Commissioner has consulted the State educational agency and that agency is satisfied that the programs and projects of the local educational agency will be coordinated with programs or projects carried out under the Teacher Corps program (20 U.S.C. 1101 et seq.) and under part B–2 of the Act if there are such programs funded in the State.

(20 U.S.C. 1119)

§ 174.81 Eligible participants in training programs.

(a) Funds provided under this subpart may be used to support programs to train persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools, or to provide training for the trainers of teachers.

(b) Persons who are serving or preparing to serve in educational programs in both public and private elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools are eligible to be enrolled in programs supported under this subpart.

(20 U.S.C. 1119)

§ 174.82 Advanced training and retraining programs.

(a) Programs or projects authorized under this subpart may include, among others—

(1) Programs or projects to train or retrain teachers, or supervisors or trainers of teachers, in any subject generally taught in the schools;

(2) Programs or projects to train or retrain other educational personnel in such fields as guidance and counseling (including occupational counseling), school social work, child psychology, remedial speech and reading, child development, and educational media (including educational or instructional television or radio);

(3) Programs or projects to train teacher aides and other non-professional educational personnel;

(4) Programs or projects to provide training and preparation for persons participating in educational programs for children of preschool age;

(5) Programs or projects to prepare teachers and other educational personnel to meet the special needs of the socially, culturally, and economically disadvantaged;

(6) Programs or projects to prepare teachers and other educational personnel to meet the special needs of exceptionally gifted students;

(7) Programs or projects to train and retrain persons engaging in programs of special education for the handicapped;

(8) Programs or projects to train or retrain persons engaging in special educational programs for children of limited English-speaking ability;

(9) Programs or projects to provide inservice and other training and preparation for school administrators;

(10) Programs or projects to prepare artists, craftsmen, scientists, artisans, or persons from other professions or vocations, or home-makers to teach or otherwise assist in programs or projects of education on a long-term, short-term, or part-time basis;

(11) Programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools; and

(12) Programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.

(20 U.S.C. 1119)

(b) Funds provided pursuant to a grant or a contract under this section may be used only to pay the cost of—

(1) Short-term or regular session (including part-time) institutes;

(2) Other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and re-entering the field of elementary and secondary education or postsecondary vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless they are part of a continuing program of inservice or preservice training;

(3) Projects or programs to improve undergraduate or other programs for training educational personnel; or

(4) Such activities as may be necessary to carry out programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs to the extent such activities are not inconsistent with the other provisions of this Act.

(c) *Stipends.* Grants or contracts under this subpart may include provisions for the payment to participants of such stipends as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(20 U.S.C. 1119)

§ 174.83 Criteria for approval of training programs.

The criteria upon which applications will be evaluated will include the following:

(1) The extent to which there is evidence of cooperative planning and of the maximum use and coordination of resource and competencies of educational agencies and institutions involved;

(2) The extent to which there is demonstrated ability on the part of the applying institution or agency to offer a high quality program;

(3) The extent to which there is expertise or has been previous experience in conducting the type of program for which application is made and the extent of planning for operation of the program; however, this criterion will not preclude awards to developing or evolving institutions where there is a reasonable probability that such institutions will be able successfully to conduct the program;

(4) The extent to which the program incorporates innovative concepts and techniques designed to meet current problems experienced in the Nation's schools;

(5) The extent to which the proposed program could meet current or prospective national, regional, local or State needs for educational personnel with the

training which such a program would provide;

(6) The extent to which there is demonstrated institutional commitment to increasing support of the proposed program; and

(7) The extent to which there is provision of realistic and critical evaluation and for dissemination of results.

(20 U.S.C. 1119)

§ 174.84 Distribution of grants and contracts.

In making grants and contracts for programs and projects under this subpart, the Commissioner will seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen.

(20 U.S.C. 1119(a–1))

§ 174.85 Programs for teachers of children living on Indian reservations.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be used for grants to, and contracts with institutions of higher education and other public and private non-profit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section, preference shall be given to the training of Indians.

(20 U.S.C. 1119a)

§ 174.86 Programs for teachers of children with limited English speaking ability.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be allocated for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b)(7))

§ 174.87–174.199 [Reserved]

Subpart F—Training and Development Programs for Vocational Education Personnel

§ 174.241 Applicability and program purpose.

The purpose of the programs covered by this subpart is to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

(20 U.S.C. 1119c)

§ 174.242 Special definition.

"State board" means the State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(20 U.S.C. 1119c–2)

§ 174.243 Leadership Development Awards.

In order to meet the needs in all States for qualified vocational education personnel (including administrators, supervisors, teacher educators, researchers and instructors in vocational education) the Commissioner will make leadership development awards to enable experienced vocational educators to spend up to three years in advanced study at an institution of higher education.

(20 U.S.C. 1119c–1119c–1)

§ 174.244 Selection.

Applications for Leadership Development awards shall be submitted to the State Board of Vocational Education for the state in which the applicant is employed or is assured of employment. The State Board shall evaluate the applications and make recommendations to the Commissioner as to which applicants it believes should be awarded grants. The Commissioner will make awards within the apportionment made under § 174.245 and only with respect to persons who meet the conditions of § 174.246.

(20 U.S.C. 1119c–1)

§ 174.245 Allocation of awards.

In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs in all the States, the Commissioner in carrying out this subpart will apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments and the incidence of youth unemployment and school dropouts in each State.

(20 U.S.C. 1119c–1)

§ 174.246 Eligibility of individuals.

(a) The Commissioner will make available leadership development awards in accordance with the provisions of this subpart only upon his determination that the persons selected for such awards

(1) Have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

(2) Are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

(3) Are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as graduate students to a program of higher education approved by the Commissioner pursuant to § 174.247.

(b) In order to receive a leadership development award the person selected shall enroll in an approved vocational education leadership development program, subject to the provisions of § 174.250 of this subpart.

§ 174.247 Stipends to individuals.

The Commissioner will pay to persons selected for leadership development awards a stipend of $3,500 for each academic year of study, plus an allowance of $400 for each dependent. An additional stipend of $700 plus $100 for each dependent may be awarded for the summer.

§ 174.248 Conditions for continued eligibility.

Leadership development awards to participate may be available for a period not to exceed three full years. Beyond the first year the award will be subject to the continued availability of Federal funds and satisfactory participation. The Commissioner will determine that a participant is maintaining satisfactory participation only during such periods as he finds that:

(a) The participant is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and

(b) The participant is not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities approved by the Commissioner.

§ 174.249 Institutional allowance.

The Commissioner will (in addition to the stipend paid to a person under § 174.247) pay to the institution at which such person is pursuing his course of study the amount of $2,500 per participant, per academic year, with an additional $600 per participant for summer sessions. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of the student. Payments will be made in such amounts and at such times as the Commissioner may, from time to time, determine to be consistent with prevailing practices under comparable Federally supported programs; however, one institutional allowance will not exceed $3,500 per academic year.

(20 U.S.C. 119c–1)

§ 174.250 Institutional eligibility and approval.

The Commissioner will approve the vocational education leadership development programs of an institution of higher education only upon finding that:

(a) The institution offers a comprehensive program in vocational education

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with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

(b) Such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

(c) Such program is conducted by a school of graduate study in the institution of higher education; and,

(d) Such program is approved also by the State board in the State where the institution is located.

(20 U.S.C. 1119c–1)

§ 174.251 Cooperative Development Awards, Exchange Programs, Institutes, and Inservice Education for Vocational Education Teachers, Supervisors, Coordinators and Administrators.

(a) The Commissioner may award grants to State boards to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, coordinators, and other personnel, in order to strengthen education programs supported under this subpart and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

(b) Each cooperating agency or enterprise shall attest to the accuracy of so much of a proposed cooperative arrangement as is related to its undertaking by signature of an authorized official on the application of the sponsoring State board.

(20 U.S.C. 1119c–2)

§ 174.252 Types of training programs.

Grants under this section may be used for projects and activities such as:

(1) Exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial or other public or private employment related to the subject matter taught in such school;

(2) Inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

(3) Short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education.

(20 U.S.C. 1119c–2)

§ 174.253 Requirements for grant applications.

A grant may be made under this subpart only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner will not approve an application unless it—

(a) Sets forth a program for carrying out one or more projects or activities which meet the requirements of § 174.252 and provides for such methods of administration as are necessary for the development of effective vocational education leadership personnel.

(b) Sets forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement or add to the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of § 174.252 and in no case supplant such funds;

(c) Provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart; and

(d) Provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this subpart, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 1119c–2)

[FR Doc.73-13333 Filed 6-29-73;8:45 am]

Social and Rehabilitation Service

[45 CFR Parts 248 and 249]

COST SHARING; MEDICAL ASSISTANCE PROGRAMS

Premiums, Enrollment Fees, Co-payments, Deductibles, and Similar Charges

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement section 208 of P.L. 92–603, approved October 30, 1972, which states that a premium, enrollment fee or similar charge, which is related to income, shall be imposed on the medically needy, and that State medical assistance programs may elect to impose nominal co-payments, deductibles, or similar charges on the categorically needy (for optional services under the State's title XIX plan) and on the medically needy (for any service under the plan).

The proposed regulations specify minimum and maximum income-related amounts of the required premiums or enrollment fees, and establish maximum amounts which may be charged as nominal deductible, coinsurance or co-payment amounts. The regulations do not preclude a State from charging a flat co-payment for each type of service, or establishing a cumulative maximum on all cost sharing charges which may be imposed on a family during a given period of time. Where a State has a cost sharing system, the regulations require that vendor payments must be reduced by the amount of the deductible, coinsurance or co-payment whether or not it was actually collected by the vendor.

In addition, the proposed regulations include a technical amendment to transfer material contained in paragraph (c) of the existing regulation on cost sharing (45 CFR 249.40), regarding application of medical resources, third party liability, and excess income of an individual, for incorporation in 45 CFR 248.21, "Financial eligibility-medical assistance programs."

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C., 20201, on or before August 1, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

Dated: June 5, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: June 27, 1973.

CASPAR W. WEINBERGER,
Secretary.

Chapter II of Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 248.21(a) is revised to read as follows:

§ 248.21 Financial eligibility—medical assistance programs.

(a) *State plan requirements.* A State plan under title XIX of the Social Security Act must:

(1) With respect to the categorically needy:

(i) Specify that the financial eligibility conditions of the pertinent financial assistance plan will apply;

(ii) Provide for the application of income first to maintenance costs, except that this does not preclude imposition of copayments or deductibles pursuant to § 249.40 of this chapter;

(2) With respect to both the categorically needy and, if they are included in the plan, the medically needy;

(i) Provide that only such income and resources as are actually available will be considered and that income and resources will be reasonably evaluated;

(ii) Provide that financial responsibility of any individual for any applicant or recipient of medical assistance will be limited to the responsibility of spouse for spouse and of parents for children under age 21, or blind, or permanently and totally disabled;

(iii) Specify the extent to which the financial responsibility of any such relatives is taken into account.

(3) With respect to the medically needy, if they are included in the plan:

(i) Provide levels of income and resources for maintenance, in total dollar amounts, as a basis for establishing financial eligibility for medical assistance. Under this requirement:

(*a*) Such income levels must be comparable as among individuals and families of varying sizes;

(*b*) The income levels for maintenance must be, as a minimum, at the levels of the most liberal money payment standard used by the State, at any time on or after January 1, 1966, as a measure of financial eligibility in any categorical money payment program in the State, or at the level for which Federal financial participation is available pursuant to paragraph (b) of this section, whichever is less.

(*c*) A lower income level for maintenance must be used for individuals not living in their own homes but receiving care in nursing homes, institutions for tuberculosis or mental diseases or other medical facilities providing long-term care. This lower income level must be reasonable in amount for clothing and personal needs for such individuals. When such an individual's home is maintained for a spouse or other dependents, the appropriate income level for such dependents, plus the individual's income level for maintenance in a long-term care facility, is applicable;

(*d*) Resources which may be held must, as a minimum, be at the most liberal level used in any money payment program in the State on or after January 1, 1966, and the amount of liquid assets which may be held must increase with an increase in the number of individuals in the family. There must be separate levels established for resources.

(ii) Provide that there will be a flexible measurement of available income which will be applied in the following order of priority:

(*a*) First, for maintenance, so that any income in an amount at or below the established level will be protected for maintenance, except that this does not preclude imposition of the enrollment fee, premium or similar charge, or of copayments or deductibles pursuant to § 249.40 of this chapter;

(*b*) Next, income will be applied to costs incurred for medical insurance premiums in addition to the enrollment fee, premium, or similar charge, and any co-payments or deductibles imposed under § 249.40 of this chapter, and for necessary medical or remedial care recognized under State law and not encompassed within the State plan for medical assistance. States may set reasonable limits on such medical services for which excess income may be applied. Any medical resource of an individual in the form of insurance or other entitlement will also be applied to such costs. (See also § 250.31 of this chapter regarding third party liability.)

(c) All of the remaining excess income and medical resources in the form of insurance or other entitlement will be applied to costs of medical assistance included in the State plan. Once such income and resources are exhausted, the full amount, duration and scope of care and services provided by the plan are available.

(iii) Provide that all income and resources (after all State policies governing the disregard, or setting aside for future needs, of income and resources in the State's approved plans under titles I, IV–A, X, XIV, and XVI have been applied) will be considered in establishing eligibility, and in the flexible application of income to medical costs not in the State plan, and payment toward the medical assistance costs.

(iv) Provide that only such income and resources will be considered as will be "in hand" within a period, preferably of not more than 3 months, but not in excess of 6 months, ahead, including the month in which medical services were rendered, for which payment would be made under the plan.

* * * * *

2. Section 249.40 is revised to read as follows:

§ 249.40 Cost sharing and similar charges.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) With respect to the categorically needy, provide that no enrollment fee, premium, or similar charge will be imposed with respect to services available under the plan, and no deduction, cost sharing or similar charge will be imposed with respect to the care and services listed in clauses (1) through (5) and (7) of section 1905(a) of the Act.

(2) With respect to the medically needy, provide that an enrollment fee, premium, or similar charge shall be imposed, and specify the amount of and the period of liability for such charges. Such amount shall be related to total gross income of each family:

(i) A minimum charge equivalent to $1.00 per month shall be imposed on each 1 or 2 person family with monthly gross income of $150 or less, and on each family of 3 or more persons with monthly gross income of $300 or less. An appropriately higher minimum shall be imposed on each family with higher income.

(ii) Income-related charges above the minimum shall not exceed amounts, equivalent to the monthly charges, found in the following table:

GROSS FAMILY INCOME (per month)	MAXIMUM MONTHLY CHARGE		
	Family Size		
	1 or 2	3 or 4	5 or more
$150 or less	$1	$1	$1
200	2	1	1
250	3	1	1
300	4	1	1
350	5	2	1
400	6	3	2
450	7	4	3
500	8	5	4
550	9	6	5
600	10	7	6
650	11	8	7
700	12	9	8
750	13	10	9
800	14	11	10
850	15	12	11
900	16	13	12
950	17	14	13
1000 or more	18	15	14

(3) If any deductible, coinsurance or co-payment is imposed on the categorically needy (for services other than those listed in clauses (1) through (5) and (7) of section 1905(a) of the Act) or the medically needy (for any service under the plan), specify the services for which such charges are applied and the amounts and the basis for determining the charges. States may impose a deductible or coinsurance or co-payment charge for a particular type of service, but may not impose more than one of such charges on any particular type of service.

(i) For noninstitutional services:

(A) Co-payments shall be limited in accordance with the following table:

State's Payment for the Service	*Maximum Co-Payment Chargeable to Recipient*
$10 or less	$ .50
$11–$25	$1.00
$26–$50	$2.00
$51 or more	$3.00

(B) Deductibles shall be within an amount equivalent to $2.00 per month for the period of eligibility (i.e., if eligibility is certified for a 3-month period, maximum deductible which may be imposed on a family for the period of eligibility is $6.00).

(C) Coinsurance rates shall be limited to five percent of the State's payment for each service.

(ii) For institutional services, the maximum deductible, coinsurance or co-payment charge for each admission shall be limited to fifty percent of the State's payment for the first day of care.

(iii) The maximum co-payment amounts defined in paragraph (a)(3)(i) and (ii) of this section may be applied to the State's average or typical payment for service, to establish a standard co-payment amount which may be applied to each such service. For example, if the typical payment for prescribed drugs is about $4.00 to $5.00 per prescription, a State might set a standard co-payment of $0.50 per prescription.

(iv) In addition to applying cost sharing charges within the maximums specified in paragraph (a)(3) (i) and (ii) of this section, States may also establish a cumulative maximum on all deductible, coinsurance or co-payment charges

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which may be imposed on a family during a given period of time.

(v) States may establish income-related cost sharing charges; e.g., by charging a higher rate to the medically needy than to the categorically needy. However, the highest level of charges must be within the limits defined in paragraph (a) (i) and (ii) of this section.

(vi) The State's payment to any provider shall not be increased to offset deductible, coinsurance or co-payment amounts which have been waived by the provider or are uncollectible. Payments to prepaid capitation organizations which do not impose deductibles, coinsurance or co-payments must take into account the actuarial value of the State's cost sharing system applied to the scope of services offered by the organization, and must be calculated as if the appropriate charges were collected.

(b) *Federal financial participation.* Federal financial participation at the appropriate rate in the expenditures for medical services and care provided in accordance with the approved State plan is available to the extent that such expenditures (1) do not include any amounts which should have been paid as deductibles, coinsurance, co-payments or similar charges required by the State plan and (2) have been reduced by the amount for premiums, enrollment fees, or similar charges collected or due to be collected as provided by this section.

[FR Doc.73-13331 Filed 6-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WE-21]

ADDITIONAL CONTROL AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new control area within part of the offshore airspace adjacent to the state of California.

Coincident with this proposal, any necessary nonrule-making action would be taken by the FAA and the using agency to establish appropriate procedures for joint use of the warning areas located within the proposed control area. These procedures would permit FAA to vector traffic through the warning areas when they were not being used by the using agency.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before August 1, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Part 71 of the Federal Aviation Regulations to include the following:

SAN FRANCISCO, CALIF.

That airspace extending upward from 5,000 feet MSL bounded on the north by the Seattle ARTCC flight advisory area, on the east by the west edge of V-27W and V-199 to a point 3 nautical miles offshore, then via a line 3 nautical miles west of and parallel to the shoreline, on the south by the Santa Barbara Control Area and on the west by the Oakland Oceanic CTA/FIR boundary.

The proposal would permit more efficient use of warning areas when they are not being used by the Using Agency, and by establishing additional controlled airspace, it would provide more flexibility in routing oceanic air traffic.

This amendment is proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 25, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-13262 Filed 6-29-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-EA-44]

JET ROUTES

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would redesignate a segment of J-55 between Sea Isle, N.J., and Kennebunk, Maine, and would also redesignate the segment of J-581 southwest of Kennebunk, Maine, to extend from Kennedy, N.Y., rather than Hampton, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before August 1, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The purpose of this proposed action is to simplify flight planning and provide route segregation for aircraft overflying New York from those landing in that area, and to provide additional radar vectoring airspace between J-55 and J-581.

The airspace action proposed in this docket would:

1. Realign J-55 to coincide with J-121 from Sea Isle to Providence, R.I., and to replace J-581 from Providence to Kennebunk.

2. Realign J-581 from Kennedy, N.Y., via the intersection of the Kennedy 042°T (053°M) and the Putnam, Conn., 236°T (250°M) radials; Putnam to Kennebunk. This realignment of J-581 would coincide with J-48 northeast of Kennedy and would replace J-55 between Putnam and Kennebunk. The portion of J-581 between Putnam and J-48 would be a new jet route segment.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 25, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-13263 Filed 6-29-73;8:45 am]

[14 CFR Part 93]

[Docket No. 12457; Reference Notice 72-34]

JOHN F. KENNEDY AIRPORT

Shift of Peak-Hour Air Carrier IFR Reservations; Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 72-34, published in the FEDERAL REGISTER on December 29, 1972 (37 FR 28765). That Notice proposed to amend § 93.123(b)(2) of Part 93 to shift ten air carrier (except air taxi) peak-hour IFR reservations at John F. Kennedy Airport from the hour between 7:00 and 8:00 p.m. to the hour between 4:00 and 5:00 p.m..

Notice 72-34 was based on projections of peak hour traffic demand that indicated that, from an air carrier scheduling standpoint, greater disruption of proposed schedules would result from continuing the current 5:00 p.m. to 8:00 p.m. peak reservation allowance than would result if the allowance for extra operations were shifted forward one hour (to the period from 4:00 p.m. to 7:00 p.m.). However, information submitted in response to the notice indicates that these peak-hour traffic demand projections are not correct, that actual peak-hour demand can be adequately served under the terms of the current regulation, and that issuance of the proposed amendment may aggravate rather than relieve scheduling problems for the affected air carriers, and lessen the ability of public air transportation to respond to public travel time preferences. It is, therefore, concluded that issuance of the proposed amendment would not be in the public interest in the near future, and that Notice 72-34 should be withdrawn.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (37 FR 28765) on December 29, 1972, and circulated as Notice No. 72-34, entitled "Shift of Peak Hour Air Carrier IFR Reservations at John F. Kennedy Airport" is hereby withdrawn. The withdrawal of this Notice does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

This withdrawal is issued under the authority of sections 307 and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1354(a)); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 22, 1973.

RAYMOND G. BELANGER,
Acting Director, Air Traffic Service.

[FR Doc.73-13265 Filed 6-29-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 4-2; Notice 8]

WARNING DEVICES

Storage in New Motor Vehicles

This notice proposes to amend Standard 125, Warning devices, 49 CFR 571.125, to permit storage of the warning device in a light-tight, enclosed, and easily accessible compartment of a new motor vehicle if the manufacturer supplies the device with the new motor vehicle.

Section S5.1.2 of Standard 125 requires each warning device, or sets of two or three devices, to be enclosed in an opaque container to prevent general damage and, in particular, deterioration of its fluorescent material by exposure to sunlight. Mercedes-Benz of North America has petitioned for an alternate storage arrangement which would utilize the passenger car trunk in lieu of a separate container. Mercedes-Benz would attach the device to the trunk lid so that it would be immediately visible upon opening the trunk and thereby serve an additional safety function.

The NHTSA agrees that the trunk of a passenger car, or a similarly light-tight, enclosed, and easily accessible compartment of any motor vehicle, provides the same protection to a warning device as a separate opaque container. Damage would be minimized by the requirement that the device be securely attached to the compartment in which it is stored. Additionally, this storage option would be limited to new vehicles to prevent the sale of warning devices without opaque containers for mounting in used motor vehicles. Such a practice could result in extended exposure to sunlight prior to sale and installation.

Accordingly, it is proposed that Standard No. 125, Warning devices, 49 CFR 571.125, be amended by changing S5.1.2 to read:

* * * * * *

§ 571.125 Standard No. 125; warning devices. (Effective Jan. 1, 1974)

S5.1.2 Each warning device shall be protected from damage and deterioration—

(a) By enclosure in an opaque protective reusable container, except that two or three warning devices intended to be sold for use as a set with a single vehicle may be enclosed in a single container; or

(b) By secure attachment to any light-tight, enclosed, and easily accessible compartment of a new motor vehicle with which it is supplied by the vehicle manufacturer.

* * * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 4, 1973

Proposed effective date: January 1, 1974

(Secs. 103, 119, Pub. L. 89 563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 38 FR 12147).

Issued on June 26, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-13324 Filed 6-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

SILVEX

Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Washington submitted a petition (PP 3E1339) proposing establishment of a tolerance for residues of the plant regulator silvex (2-(2,4,5-trichlorophenoxy) propionic acid) in or on the raw agricultural commodity pears at 0.05 part per million resulting from postharvest application of the triethanolamine salt of silvex to pear trees.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

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1. The plant regulator is useful for the purpose for which the tolarance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that Part 180 be amended by adding the following new section to Subpart C:

§ 180.340 Silvex; tolerances for residues.

A tolerance of 0.05 part per million is established for residues of the plant regulator silvex (2-(2,4,5-trichlorophenoxy) propionic acid) in or on the raw agricultural commodity pears resulting from postharvest application of the triethanolamine salt of silvex to pear trees.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 1, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before August 1, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: June 25, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-13374 Filed 6-29-73;8:45 am]

POSTAL SERVICE

[39 CFR Parts 152, 310 and 320]

RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

Proposed Comprehensive Standards for Permissible Private Carriage

Introduction. Since the days of the Articles of Confederation, the Postal Service and its predecessors have administered certain restrictions on the private carriage of letters, now found in 39 U.S.C. 601–606 and 18 U.S.C. 1693–1699 and 1724, known collectively as the Private Express Statutes. These restrictions confer upon the Postal Service the exclusive right to carry letters, with stated exceptions. Although formal regulations have in the past been promulgated, administration of the Statutes has been based primarily on interpretations found in hundreds of decisions—mostly administrative, a few judicial—rendered through the years. In recent years, a compendium of those decisions has periodically been published in pamphlet form, the most recent of which is POD Publication 111, "Restrictions on Transportation of Letters" (1967).

The body of precedents resulting from the administrative and judicial decisions contains inconsistencies and is not easily understandable. On certain questions, it has been difficult for the public to obtain guidance except by making a formal request for an advisory opinion. Moreover, since 1951 the decisions of the legal officers of the Post Office Department have not been published.

After a complete study and thorough reevaluation of the Private Express Statutes, and their administration, as required by Section 7, of the Postal Reorganization Act, Pub. L. No. 91-375, 84 Stat. 719 (1970), the Postal Service has concluded that changes in the Statutes are unnecessary but that certain administrative practices can and should be improved. Accordingly, the following regulations are proposed as a new Subchapter E in Chapter I of Title 39, Code of Federal Regulations, to replace the regulations codified at 39 CFR Part 152 (1970) and the uncodified regulations retained at 35 FR 19399 (1970) See editorial note following Part 958 in the table of contents for 39 CFR Ch. I in the volume revised as of Jan. 1, 1972.

The regulations establish a broad, and we hope readily understandable, definition of "letter" that continues the basic coverage of the Statutes as to messages transmitted in corporeal form. Although the definition of "letter" includes some new matter—most notably, checks—the proposed suspensions (Part 320), together with existing exceptions (§§ 310.3–310.7), continue to maintain much of such matter outside the scope of the restrictions. New matter is included within the scope of the restrictions only where analysis has indicated that its exception was legally erroneous.

The Postal Service has determined that the public interest requires exercise of its authority under 39 U.S.C. 601(b) to suspend the requirement to pay postage for the private carriage of intra-company communications requiring delivery to the addressee within 12 hours or not later than the opening of the addressee's business on his next working day and for periodically and regularly produced data processing materials conveyed to or back from a processing center requiring delivery to the addressee within 12 hours or not later than the opening of the addressee's business on his next working day under circumstances in which the processed output is required to be produced at the processing center within thirty-six hours of the time the materials are sent to the center; for checks and financial instruments being sent between financial institutions or in bulk to financial institutions; and for newspapers and periodicals.

The proposed regulations would also establish an administrative process for the collection of postage on matter sent in violation of the Statutes. Recovery of such postage would be in addition to other civil and criminal remedies available to carry out the purposes of the Statutes.

The proposed regulations are intended to provide a uniform and comprehensive interpretation of reasonable length with minimum ambiguity. These regulations reflect the Postal Service's extensive experience in administering the Private Express Statutes, and are intended, in part, to correct the inadequacies of the present essentially adjudicatory system. The comprehensive approach is consistent with the recommendation of leading legal commentators that rulemaking rather than adjudication should be used where possible.

Highlights of the proposed regulations.—Under 39 U.S.C. § 601(b), the Postal Service proposes suspensions which would exempt four categories of mailable matter because such suspensions appear to be in the public interest. Since checks and financial instruments, newspapers, periodicals and, under certain circumstances, data processing materials have been considered not to constitute letters, and since some of this material and much intra-company matter has ordinarily been carried by employees of the sending organization, thus falling within a longstanding exception, the adverse financial impact on the Postal Service from the proposed suspensions should be limited. The suspensions are thus intended, in part, to continue preexisting practices; in the case of intra-company messages and certain data processing materials, they will permit firms to contract with private firms rather than utilize their own employees or the Postal Service, if that seems more efficient for them. It should be emphasized that the suspensions for intra-company and data processing material are proposed only when delivery within 12 hours or overnight is required. Typically, matter qualifying for these suspensions will be of a type which, on a day-to-day basis, requires rapid transmission and turn-around; in the case of the data processing materials suspension, such rapid turn-around is a requirement for materials sent to and back from a processing center to qualify under the suspension. Other intra-company and data processing material must continue to move only upon the prepayment of U.S. postage.

The proposed regulations would further provide that private carriers wishing to provide service within the areas of the suspensions must notify the Postal Service of the operations expected to be undertaken before they are allowed to begin operations and that they must provide annual reports, together with any certificates required by the Postal

Service, on the extent and nature of the firms' activities under the suspension. While the Postal Service retains the right to revoke, alter, or add suspensions, it is expected this right would not be used to curtail actual operations under the suspensions to a territory or scale of operations smaller than those antedating a revocation, although reasonable regulatory changes in conditions affecting the suspensions may be implemented as to carriers already operating under them.

Administrative machinery is provided under which postage owing to the Postal Service because of private carriage in violation of the Statutes can be determined and collected. The process for determining postage owed could include a hearing on the record in cases involving disputed issues of fact. This proposal reflects an exercise of the Postal Service's authority to prescribe the manner in which postage is to be paid and is intended to make the administration of the Private Express Statutes more effective. The availability of a right to collect postage is not intended, however, to affect in any way the exercise of other options available under civil and criminal law for carrying out the purposes of the Statutes.

The new definition of "letter" is based on a traditional and objective standard: a message sent to a specific address. When the Statutes were first enacted in the United States, the definition of "letter" included all means of corporeal message communication then in use, and the present definition is intended to perform much the same function. Considerations based upon format, intent of the sender, utility to the addressee, and type of information conveyed are eliminated, because these requirements do not further the statutory purpose and they have given rise to administrative and interpretative problems.

Examples of materials formerly determined not to be letters which are now included in the definitions are listed below. Carriage of none of these materials is restricted where they fall into the range of the five broad exceptions to, and four categories of suspension of, coverage, as set out in §§ 310.3–310.7 and in Part 320.

(a) *Matter conveying information already known to the addressee.* The exception for matter known to the addressee is based upon an unsupported administrative determination that something otherwise appearing to be a letter was not a letter if the information in it was not "live" or "current." Since it is difficult to determine the extent of the addressee's knowledge and to separate information already known from other information, this definition has proven impracticable. Whether information was "live" or "current" does not appear to have been taken into account in the first century and a half of the administration of the Private Express Statutes. Examples: exact copies of items previously forwarded to the addressee; contracts sent several times between parties with no changes.

(b) *Checks and other commercial papers.* These were declared not to be letters on the theory that they are evidence of rights of the holder rather than written messages. Such a theory is inconsistent with the original general definitions of "letter" because such documents are in fact messages, conveying information of several kinds. Since checks (and presumably other commercial papers) were held to be letters if information "extraneous" to them appeared with or on them, interpretative problems have resulted. Other examples of commercial papers are financial instruments such as stock certificates, promissory notes, bonds and other negotiable securities; contracts, insurance policies, abstracts of title, mortgages, deeds, leases and articles of incorporation. The suspension provided for checks and financial instruments will allow their continued private carriage without prepayment of U.S. postage between financial institutions and in bulk to financial institutions. The suspension does not cover other movements of checks or financial instruments, such as between private individuals.

(c) *Legal papers and documents.* These were declared not to be letters, apparently for reasons similar to those for commercial papers, and the same objections to this determination apply. Examples are court orders, pleadings in judicial or quasi-judicial tribunals, briefs, birth and death certificates, election ballots and tally sheets, lists of registrations of voters and certificates to practice certain professions.

(d) *Matter sent for auditing or preparation of bills.* The exclusion of certain auditing materials from the definition of letter grew out of an unsupported administrative determination that an item was a letter if it contained information upon which the recipient was expected to "act, rely, or refrain from acting." The rationale, as it was used to justify an exception for matter sent for auditing, was based on the fiction that auditing is a mechanical process requiring no thought and that therefore no information is conveyed. Examples: meter books forwarded from local gas companies to central offices for preparation of customers' bills, if no other use is made of them and no part of the data is retained in a central office; records of receipts and disbursements sent to independent auditing firms, if the firm takes no corrective action, adjusts no accounts, and makes no other use of the information.

(e) *Matter sent for filing or storage.* The exclusion of this information was also based upon the "act, rely, or refrain from acting" language. The rationale for the exclusion was that there was no purpose of communication with the addressee when information was sent for filing or storage. The definition sometimes proved unworkable because it depended on a determination whether files being sent would ever be used again. It must be assumed that files not destroyed are kept because of an ultimate purpose of communication. Examples: shipment of old personal messages; files sent to another office for storage, but only if never used again.

Comments. Although, under 39 U.S.C. 410(a), the Postal Service is exempted from the advance notice requirement of the Administrative Procedure Act regarding proposed rule making (5 U.S.C. 553(b), (c)), the Postal Service hereby gives advance notice of the following proposed changes in Chapter I of Title 39, Code of Federal Regulations, and certain uncodified regulations. The proposed regulations are generally not intended to alter established practices except to the extent that the public interest appears to warrant a change. Parties who believe that their practices will be altered unjustifiably by the proposed regulations and any other interested parties should submit data, views, or arguments concerning the proposed regulations in writing to the General Counsel, United States Postal Service, Washington, D.C. 20260, at any time on or before August 31, 1973.

LOUIS A. COX,
General Counsel.

JUNE 22, 1973.

Uncodified Regulations. I. The uncodified regulations previously codified in the 1970 revision of 39 CFR as Part 152, retained in effect by 35 FR 19399 (1970), are hereby rescinded.

II. The note following Part 958 in the table of contents for 39 CFR Ch. I in the volume revised as of Jan. 1, 1972, is amended by deleting the following entry: Part 152—Who may carry letters.

III. Part 152 of this title is hereby reserved.

IV. *New Subchapter E.* Title 39, Code of Federal Regulations, is hereby amended by the addition of the following subchapter:

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

Sec.
310.1 Definitions.
310.2 Unlawful carriage of letters.
310.3 Cargo exception.
310.4 Letters of the carrier exception.
310.5 Private hands without compensation exception.
310.6 Special messenger exception.
310.7 Carriage prior or subsequent to mailing exception.
310.8 Payment of postage on violation.
310.9 Advisory opinions.

AUTHORITY: (39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699, 1724.

§ 310.1 Definitions.

(a) "Letter" is a message in or on a physical object sent to a specific address.

(1) Physical objects used for letters include, but are not limited to, paper (including paper in sheet or card form), recording discs, and magnetic tapes. Methods by which messages are placed in or on physical objects include, but are not limited to, the use of written or printed characters, drawing, holes, or orientations of magnetic particles in a

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manner having a predetermined significance.

(2) Whether a physical object contains a message is generally to be determined on an objective basis without regard to the intended or actual use made of the object sent. Usually, however, letters convey live, current information between the sender and the addressee. If the object sent cannot, because of the relationship between sender and addressee, convey information (for example, when a supplier of blank forms supplies such forms to a purchaser; a printer of advertising circulars supplies them to an advertiser; or documents are sent for destruction), no letter is involved.

(3) Identical messages in or on more than one physical object sent to more than one specific address or separately sent to the same address constitute separate letters.

(4) "Packet" is two or more letters, under one cover or otherwise bound together. As used in these regulations, unless the context otherwise requires, "letter" or "letters" includes "packet" or "packets."

(5) The specific form of letter known as a telegram is implicitly exempted from the restrictions by Congress.

(b) "Person" is an individual, corporation, association, partnership, governmental agency, or other legal entity.

(c) "Post routes" are routes between places regularly served by the Postal Service, and include post roads as defined in 39 U.S.C. 5003, as follows:

(1) The waters of the United States, during the time the mail is carried thereon;

(2) Railroads or parts of railroads and air routes in operation;

(3) Canals, during the time the mail is carried thereon;

(4) Public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) Letter-carrier routes established for the collection and delivery of mail.

(d) "Private Express Statutes" are 18 U.S.C. 1693–1699 and 1724 and 39 U.S.C. 601–606 (1970).

§ 310.2 Unlawful carriage of letters.

(a) It is generally unlawful under the Private Express Statutes for any person other than the Postal Service in any manner to send or carry a letter between places regularly served by the Postal Service, or in any manner to cause or assist such activity. Violation may result in injunction, fine or imprisonment, and payment of postage lost as a result of the illegal activity (see § 310.8).

(b) Activity described in § 310.2(a) is permitted with respect to a letter if—

(1) It is enclosed in an envelope or other suitable container;

(2) The amount of postage which would have been charged on the letter if it had been sent through the Postal Service is paid by stamps, or postage meter stamps, on the container or by other methods approved by the Postal Service;

(3) The name and address of the person for whom the letter is intended appears on the container;

(4) The container is so sealed that the letter cannot be taken from it without defacing the container;

(5) Any stamps on the container are cancelled in ink by the sender; and

(6) The date of the letter, or of its transmission or receipt by the carrier, is endorsed on the container in ink by the sender or carrier, as appropriate.

(c) The Postal Service may suspend the operation of any part of paragraph (b) of this section where the public interest requires the suspension.

(d) Activity described in paragraph (a) of this section is permitted with respect to letters which—

(1) Relate to some part of the cargo of, or to some article carried at the same time by, the conveyance carrying it (see § 310.3);

(2) Are sent by or addressed to the carrier (see § 310.4);

(3) Are conveyed or transmitted by private hands without compensation (see § 310.5);

(4) Are conveyed or transmitted by special messenger employed for the particular occasion only, provided that not more than twenty-five such letters are conveyed or transmitted by such special messenger (see § 310.6); or

(5) Are privately carried prior or subsequent to mailing (see § 310.7).

§ 310.3 Cargo exception.

This exception permits the sending and carrying of letters when they accompany shipments when the letters exclusively relate to the shipment process or to the goods shipped.

§ 310.4 Letters of the carrier exception.

(a) This exception permits the sending and carrying of letters sent by or addressed to the individual carrying them and letters sent by or addressed to officers or employees of a carrier on the current business of the carrier (i.e., in their capacities as such officers or employees).

(b) The fact that the individual performing the carriage may be an officer or employee of the carrier for certain purposes does not necessarily mean that he is an officer or employee for purposes of this exception. The following factors bear on qualifications for the exception: the carrying employee is employed full-time; the carrying employee is a regular salaried employee and shares in all privileges enjoyed by other regular employees (including employees not engaged primarily in the letter-carrying function) including but not limited to salary, annual vacation time, absence allowed for illness, health benefits, workmen's compensation insurance, and retirement benefits.

(c) Separately incorporated carriers and carriers operating as independent units are separate entities for purposes of this exception, regardless of any subsidiary, ownership, or leasing arrangement.

§ 310.5 Private hands without compensation exception.

This exception permits the sending and carrying of letters when no charge for carriage is made by the carrier. However, carriage of letters free of charge by a person engaged in transportation of goods or persons for hire does not fall within the exception.

§ 310.6 Special Messenger exception.

(a) This exception permits use of a special messenger employed for the particular occasion only to transmit letters when not more than twenty-five letters are involved. The permission granted under this exception is restricted to use of messenger service on an infrequent, irregular basis by the sender or addressee of the message.

(b) A special messenger is a person who, at the request of either the sender or the addressee of the letter, picks it up from the sender's home or place of business and carries it to the addressee's home or place of business, but a messenger or carrier operating regularly between fixed points is not a special messenger.

§ 310.7 Carriage prior or subsequent to mailing exception.

(a) This exception permits the private sending or carrying of unopened letters which enter the mail stream at some point between their origin and destination. The origin of a letter is the residence or place of business of the sender; the destination of a letter is the residence or place of business of the addressee.

(b) Examples of permitted activity are the pickup of letters which are delivered to post offices for mailing; the pickup of letters at post offices for delivery to addressees; and the bulk shipment of individually addressed letters ultimately carried by the Postal Service.

§ 310.8 Payment of postage on violation.

(a) Upon discovery of activity made unlawful by the Private Express Statutes, the Postal Service may require from any person or persons engaged in such activity payment of an amount or amounts, the total of which may not exceed the postage to which it would have been entitled had it carried the letter between its origin and destination.

(b) Such payment of postage is due and payable on demand by the Inspection Service. Disputes concerning such demands may be referred in writing to the Judicial Officer and must include specific allegations of all errors. If disputed issues of specific fact are involved, a hearing on the record shall be provided. For other disputed issues, the opportunity for written or oral presentation of evidence or argument shall be afforded. After such opportunity has been exercised or waived, the Judicial Officer shall decide all disputed issues, and his decision shall be final.

(c) Refusal to pay uncontested demands or demands which become final after dispute subjects the violator to civil suit by the Postal Service.

(d) This provision for the payment of postage on violation shall in no way affect the right of the Postal Service or the Department of Justice to enforce the restrictions by civil or criminal proceedings.

§ 310.9 Advisory opinions.

An advisory opinion on any question arising under this part and Part 320 of this chapter may be obtained by writing the Assistant General Counsel, Opinions Division, United States Postal Service, Washington, DC 20260. Final opinions will be available for inspection by the public in the Library of the United States Postal Service, and copies of individual opinions may be obtained upon payment of charges for duplicating services.

PART 320—SUSPENSIONS OF THE PRIVATE EXPRESS STATUTES

Sec.
320.1 Definitions.
320.2 Suspensions.
320.3 Establishment of operations under suspensions.

AUTHORITY: 39 U.S.C. 401, 404, 601.

§ 320.1 Definitions.

The definitions in § 310.1 apply in this Part 320 to the extent words defined there are used in this Part.

§ 320.2 Suspensions.

(a) The operation of 39 U.S.C. § 601(a) and § 310.2(a) of this chapter are suspended on all post routes for the types of matter, and on such terms, as are detailed in paragraph (d) of this section. The effect of these suspensions is to allow any person to send or carry matter covered by the suspensions between places served by the Postal Service without paying postage or meeting any other conditions of section 601(a) and paragraph (a) of this section.

(b) The contents of any matter carried under the suspension must be made available for examination upon request by a properly identified Postal Inspector.

(c) The suspensions may be revoked at any time. It is not expected, however, that a revocation would curtail then existing operations under the suspensions to a scale smaller than that antedating the revocation in a particular territory served prior to the revocation. Reasonable regulatory changes in conditions affecting the suspensions may, however, be implemented at any time as to all carriers operating under the suspensions.

(d) The following types of matter, if carriel under the indicated conditions, are not subject to penalty pursuant to the Private Express Statutes or the regulations issued thereunder.

(1) Interoffice communications between offices and branches of the same corporation, partnership, or other organization when transmission must be and is completed within 12 hours or by not later than the opening of the addressee's business on his next working day.

(2) Data processing materials conveyed to or back from a company-owned or independent data processing center, when transmission must be and is completed within 12 hours or by not later than the opening of the addressee's business on his next working day. For purposes of this suspension, data processing means electro-mechanical or electronic processing; data processing materials include only documents produced on a regular periodic basis, under circumstances where the processing center is required to produce final processed output within thirty-six hours of the time the materials are sent to the processing center. The time limits stated do not include hours of any complete day in which no business is conducted. Within this concept, data processing materials include materials of all types ready for immediate data processing and the direct output of data processing; they also include other materials, ready for automatic intermediate conversion into a form ready for immediate data processing.

(3) Checks and other financial instruments, such as stock certificates, promissory notes, bonds and other negotiable securities, when shipped between financial institutions or in bulk to financial institutions.

(4) Newspapers and periodicals.

§ 320.3 Establishment of operations under suspensions.

(a) Persons intending to establish or alter operations based on suspensions granted pursuant to § 320.2(d)(1) and (2) shall, as a condition to the right to operate under the suspensions, notify the Private Express Liaison Officer, Customer Services Group, United States Postal Service, Washington, D.C. 20260, of their intention to establish such operations not later than the beginning of such operations. Such notification, on a form available from the Private Express Liaison Office, shall include:

(1) The name and address of such person; and

(2) A detailed statement of the scope of the proposed operation, including but not limited to the type of matter, geographical area and expected duration of operations.

(b) Persons filing notification under § 320.3(a) shall file, on a form available from the Private Express Liaison Office, not less frequently than annually, reports on the actual volumes, revenues, distances, frequencies, and such other information in such forms and accompanied by such certificates as may be required by the Postal Service on services performed under suspensions granted pursuant to this part.

(c) The filing of notifications or reports under this section shall not constitute the operator a licensee, and the operator will continue to be solely responsible for assuring that his operations conform to applicable Statutes and regulations.

NOTE: The forms referred to in § 320.3 are reproduced below.

NOTICE OF INTENT TO ESTABLISH OPERATIONS UNDER SUSPENSIONS OF THE PRIVATE EXPRESS STATUTES [1]

(See 39 CFR Part 320, Suspensions of the Private Express Statutes)

PRIVATE CARRIAGE OF LETTERS

Name of Carrier _____
Address _____
State of Incorporation _____
Geographical Area to be Served.

1. States in which operations are to be conducted.
2. Is service to be provided for completed delivery entirely within any SMSA? Within any single city, town or other local jurisdiction not located within an SMSA? If so, please list each SMSA or local jurisdiction not within an SMSA. (Please list SMSA's first and otherwise list places in alphabetical order.)
3. Is service to be provided between any pairs of SMSA's, cities, towns, or other local jurisdictions? If so, please list each pair.

Date	Date
Notary Public	Authorized Officer

SEAL

ANNUAL REPORT

OPERATIONS UNDER SUSPENSIONS OF THE PRIVATE EXPRESS STATUTES [2]

(See 39 CFR Part 320, Suspensions of the Private Express Statutes)

PRIVATE CARRIAGE OF LETTERS

Twelve Month Period Ending _____
Name of Carrier _____
Address _____
State of Incorporation _____

A. Geographical Area Served.
1. States in which operations are conducted.
2. Is service provided for completed delivery entirely within any SMSA? Within any single city, town or other local jurisdiction not located within an SMSA? If so, please list each SMSA or local jurisdiction not within an SMSA. (Please list SMSA's first and otherwise list places in alphabetical order.)
3. Is service provided between any pairs of SMSA's, cities, towns or other local jurisdictions? If so, please list each pair.

B. Traffic.
1. Volume carried.
Please report figures as indicated below for each place listed under A–2, and each pair of places listed under A–3:
Intra-Company Communications
No. shipments ------
Avg. weight ------
or
Total weight carried (pounds) ------
Data Processing Materials
No. shipments ------
Avg. weight ------
or
Total weight carried (pounds) ------

[1] This form should be used for an initial notice of operations and for any amendments to the initial or subsequent notices. Information relates exclusively to operations under the suspensions for intra-company and data processing materials.

[2] Information relates exclusively to operations under the suspensions for intra-company communications and data processing materials, except total corporate information requested under C–3 and D.

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2. Average lapsed time for delivery.
Please report average lapsed time for delivery for each place listed under A-2 and each pair of places listed under A-3. (There is no need to break down the figures according to whether they relate to intra-company communications or data processing materials.)

C. Gross Revenues and Operating Margins.
1. Gross revenue.
Please report gross revenue for each place listed under A-2 and each pair of places listed under A-3, broken down as follows:
Intra-company communications $------
Data processing materials $------
2. Operating margins.
Gross margin (net operating revenue before taxes as percent of gross revenue)
All intra-company communications ------
All data processing materials ------
3. Please enclosed an audited financial statement for the most recent year.

D. Management and Staff. (Figures used or derivable from figures used in computing operating margins.)
1. General and Administrative staff (number and hours worked)
All intra-company communication ------
All data processing materials ------
Total corporate ------
2. Carriers, routine delivery personnel and special messengers (number and hours worked)
All intra-company communication ------
All data processing materials ------
Total corporate ------

E. Rates.
Please append a copy of all your current rate structures, including volume discount structures (if any exist), zone rates and optional service rates.

F. CPA certificate.
Please attach a certificate from a certified public accounting firm in the form—or substantially in the form—that is indicated below.
We have examined the Annual Report of ------, pursuant to U.S. Postal Service regulations, Part 320, Suspensions of the Private Express Statutes, as of ------. In our opinion, this report presents fairly the information requested, and was prepared in conformance with generally accepted accounting principles.

------ ----------
Date Auditing Firm

[FR Doc.73-12892 Filed 6-29-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-41]

ADVISORY COMMITTEE ON SCIENCE AND FOREIGN AFFAIRS

Notice of Meeting

The Department of State Advisory Committee on Science and Foreign Affairs will meet on July 13 and 14, 1973 at 9:30 a.m. in Room 7835, Department of State 2201 C Street, N.W. Washington, D.C. 20520.

The Committee exists to provide the Department of State with a source of outside expertise and counsel on a wide range of foreign policy problems and opportunities created by or involving scientific and technological developments.

In accordance with section 10(d) of the Advisory Committee Act (P.L. 92-463) it has been determined that the above meeting will necessarily involve discussion of matters concerned with those recognized as not subject to public disclosure under 5 U.S.C. 522(b)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed to the public.

Any questions concerning the meeting should be directed to J. Kenneth Mansfield, Executive Secretary, Department of State Advisory Committee on Science and Foreign Affairs. (202-632-3625)

Dated: June 27, 1973.

J. KENNETH MANSFIELD,
Executive Secretary, Advisory Committee on Science and Foreign Affairs.

[FR Doc.73-13327 Filed 6-29-73;8:45 am]

[Public Notice CM-40]

STUDY GROUP 4 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 4 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 18, 1973, at 9:30 a.m. in Room 4015, COMSAT Building, 950 L'Enfant Plaza South, S.W., Washington, D.C. Study Group 4 studies matters relating to systems of radio communications for the fixed services using satellites. The agenda for the meeting will include consideration of draft documents being developed as proposed contributions by the U.S. to the international meeting of Study Group 4 in 1974.

Members of the general public who desire to attend the meeting on July 18 will be admitted up to the limit of the capacity of the meeting room.

Dated: June 25, 1973.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc.73-13328 Filed 6-29-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 190, Revision 9]

ORGANIZATION AND FUNCTIONS

Supervision of Bureaus, Delegation of Authority, and Order of Succession

1. The following officials shall be under the direct supervision of the Secretary:

The Deputy Secretary
The Under Secretary for Monetary Affairs
The Under Secretary
The Executive Assistant to the Secretary
Deputy Assistant and Director, Executive Secretariat

2. The following officials shall be under the supervision of the Secretary, shall report to him through the Deputy Secretary, and shall exercise supervision over those organizational units indicated thereunder:

General Counsel
- Legal Division
- Office of Director of Practice
- Office of Equal Opportunity Program

Deputy Under Secretary
Special Assistant to the Secretary (National Security)
Special Assistant to the Secretary (Public Affairs)
Assistant to the Secretary (Legislative Affairs)

3. The following officials shall be under the direct supervision of the Deputy Secretary and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

Assistants to the Deputy Secretary
Energy Advisor
Assistant Secretary (Tax Policy)
- Office of Tax Analysis
- Office of Tax Legislative Counsel
- Office of International Tax Counsel
- Office of Industrial Economics

Assistant Secretary (Enforcement, Tariff & Trade Affairs, & Operations)
- Office of Law Enforcement
- Office of Operations
- Office of Tariff and Trade Affairs
- Office of Foreign Assets Control
- Bureau of Alcohol, Tobacco and Firearms
- Bureau of Customs
- Bureau of Engraving and Printing
- Bureau of the Mint
- Consolidated Federal Law Enforcement Training Center
- United States Secret Service

Assistant Secretary for Administration
- Office of Administrative Programs
- Office of Audit
- Office of Budget and Finance
- Office of Management and Organization
- Office of Personnel
- Office of ADP Management and Operations

Commissioner of Internal Revenue
Comptroller of the Currency
Office of Revenue Sharing

4. The following officials will be under the direct supervision of the Under Secretary for Monetary Affairs and shall exercise supervision over those offices, bureaus, and other organizational units indicated thereunder:

Deputy Under Secretary
Special Assistant to the Secretary (Debt Management)
- Office of the Debt Analysis

Assistant Secretary (International Affairs)
- Deputy Assistant Secretary for Industrial Nations Finance
- Deputy Assistant Secretary for Development Finance
- Deputy Assistant Secretary for Trade and Investment Policy
- Deputy Assistant Secretary for Research

Assistant Secretary (Economic Policy)
- Office of Domestic Gold and Silver Operations
- Office of Financial Analysis

Fiscal Assistant Secretary
- Bureau of Accounts
- Bureau of the Public Debt
- Office of the Treasurer of the United States

United States Savings Bonds Division

5. The Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, the Deputy Under Secretaries, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials shall perform functions under this authority in his own capacity and under his own title, and shall be responsible for referring to the Secretary any matter on which actions should appropriately be taken by the Secretary. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of or the laws administered by or relating to the bureaus, offices, or other organizational units over which he has supervision. Any action heretofore taken by any of these officials in his own capacity and under his own title is hereby affirmed and ratified as the action of the Secretary.

6. The following officers shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence, or sickness of the Secretary and other officers succeeding him, until a successor is appointed or until the absence or sickness shall cease:

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A. Deputy Secretary
B. Under Secretary for Monetary Affairs
C. Under Secretary
D. General Counsel
E. Commissioner of Internal Revenue
F. Deputy Under Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Deputy Under Secretary.
G. Assistant Secretaries, appointed by the President with Senate confirmation, in the order in which they took the oath of office as Assistant Secretary
H. Other Executive Pay Act Officials in the Office of the Secretary, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions
I. Executive Pay Act Officials in Treasury Bureaus, first in the order of Executive Pay Act levels, then in the order in which they took the oath of office in their present positions

7. Treasury Department Order 190 (Revision 8) is rescinded, effective July 2, 1973.

Dated: July 2, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-13361 Filed 6-29-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING

Notice of Meetings

Notice is hereby given, pursuant to Public Law 92-463, that the Secretary of the Navy's Advisory Board on Education and Training will hold open meetings on 10-11 July 1973 at the U.S. Naval Academy, Annapolis, Maryland.

The meetings will concern Navy and Marine Corps graduate education requirements, programs, and procedures for selection and utilization of personnel with graduate education.

Dated: June 25, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy
Acting Judge Advocate General.

[FR Doc 73-13267 Filed 6-29-73;8:45 am]

Office of the Secretary of Defense

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Meeting

The Department of Defense Advisory Group on Electron Devices will meet in closed session at 201 Varick Street, New York, New York, July 12, 1973.

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective Research and Development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92-463, Section 10d, the Director of Defense Research and Engineering has determined, on 28 February 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of subsection (a)(1) and subsection (b) of section 10, Public Law 92-463 are concerned.

Dated: June 27, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-13310 Filed 6-29-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Secretary

[INT FES 73-33]

PROPOSED SPIRIT MOUNTAIN RECREATION AREA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement for the proposed creation of Spirit Mountain Recreation Area. Notice of availability of the draft environmental statement inviting comments was announced in the FEDERAL REGISTER on May 14, 1973 (DES 73-28).

The environmental statement considers the development of approximately 920 acres as a year-round recreation complex in the city of Duluth, Minnesota. A 100-unit campground plus support facilities is proposed for funding with Land and Water Conservation Fund assistance. A ski facility which will include nine ski runs, three lifts, a central recreation building, and support facilities with utilities is proposed for funding with Economic Development Administration and Upper Great Lakes Regional Commission grants. In addition to providing outdoor recreation, the project is intended to stimulate the economy of the city of Duluth by generating tourist expenditures and providing jobs. The facility will serve people in the Upper Midwest as well as Duluth.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104
Department of the Interior, Division of State Programs, Bureau of Outdoor Recreation, Washington, D.C. 20240.
State Planning Agency, 802 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101
Head of the Lakes Council of Governments, 409 City Hall, Duluth, Minnesota 55802
U.S. Department of Commerce, Economic Development Administration, Civic Tower Building, 32 West Randolph, Chicago, Illinois 60606

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated June 25, 1973.

LAURENCE E. LYNN Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-13268 Filed 6-29-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN INSPECTION

Nebraska Grain Inspection Points

Statement of considerations. On May 16, 1973, there was published in the FEDERAL REGISTER (38 FR 12838) a notice announcing: (1) that the Grand Island Chamber of Commerce Grain Inspection Bureau, Grand Island, Nebraska, had requested that its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended 82 Stat. 762; 7 U.S.C. 75(m)) to operate as an official grain inspection agency at Grand Island and Hastings, Nebraska, be transferred effective July 1, 1973, to another agency or persons; and (2) that the Hastings Grain Inspection, Inc., Hastings, Nebraska, had applied for designation to operate as an official grain inspection agency at Grand Island and Hastings, Nebraska.

Interested persons were given until June 15, 1973, to make application for designation to operate as an official grain inspection agency at Grand Island and Hastings, and to submit written data, views, or arguments with respect to which agency or person should be designated to operate as an official inspection agency at Grand Island and Hastings.

Nine comments were received. All of them recommended that the Hastings Grain Inspection, Inc., be designated to operate as an official inspection agency at Grand Island and Hastings, Nebraska. No adverse comments were received, and no applications for designation were received other than the application from the Hastings Grain Inspection, Inc.

After due consideration of all submissions made pursuant to the notice of May 16, 1973, and all other relevant matters, and pursuant to the authority contained in sections 3(m) and 7(f) of the U.S. Grain Standards Act, the designation to operate as an official inspection agency at Grand Island and Hastings, Nebraska, is hereby transferred from the Grand Island Chamber of Commerce Grain Inspection Bureau, Grand Island, Nebraska, to the Hastings Grain Inspection, Inc., Hastings, Nebraska.

(Secs. 3 and 7, 39 Stat. 482, as amended 82 Stat. 762 and 764; 7 U.S.C. 75(m) and 79(f); 37 F.R. 28464 and 28476)

Done in Washington, D.C., on June 26, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-13309 Filed 6-29-73;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM

National Average General Cash-for-Food Assistance Payment under National School Lunch Program for Fiscal Year 1974.

Section 4 of the National School Lunch Act, as amended, (42 U.S.C. 1753) requires the Secretary to prescribe each fiscal year a national average per lunch payment from general cash-for-food assistance funds.

Pursuant to the legislation and § 210.4 of the regulations issued thereunder (7 CFR Part 210), notice is hereby given that the national average lunch payment from general cash-for-food assistance funds for lunches served during the fiscal year ending June 30, 1974, to children in schools participating in the National School Lunch Program shall be eight (8) cents. The total amount of general cash-for-food assistance payments to be made to each State educational agency from the sums appropriated therefor, shall be based upon such national average payments: *Provided; however,* That the aggregate amount of the general cash-for-food assistance payments to any State educational agency shall not be less than the amount of the payments made by such State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of Section 4 of the Act.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program.

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services).

Effective date: This notice shall become effective July 1, 1973.

Dated: June 29, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13553 Filed 6-29-73;11:52 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments under School Breakfast Program for Fiscal Year 1974

Section 4 of the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1773(b)) requires the Secretary to prescribe each fiscal year a national average per meal breakfast payment, a national average per meal reduced price breakfast payment, and a national average per meal free breakfast payment.

Pursuant to the legislation and § 220.4 of the regulation issued thereunder (7 CFR Part 220), notice is hereby given that the national average breakfast payments for breakfasts served during the fiscal year ending June 30, 1974, to children in schools participating in the School Breakfast Program shall be: (a) five (5) cents for each paid breakfast; (b) fifteen (15) cents for each reduced price breakfast, and (c) twenty (20) cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State educational agency from the sums appropriated therefor, shall be based upon such national average payments: *Provided, however,* That the aggregate amount of the breakfast assistance payments to any State educational agency shall not be less than the amount of the payments made by such State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of section 4 of the Act: *And provided further,* That additional payments shall be made in such amounts as are needed to finance reimbursement rates assigned in accordance with the provisions of § 220.9(b-1) of the regulations.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program and the regulations for Determining Eligibility for Free and Reduced Price Meals (7 CFR Part 245).

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services).

Effective date. This notice shall become effective July 1, 1973.

Dated: June 29, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13552 Filed 6-29-73;11:52 am]

Forest Service

KIRKWOOD WINTER SPORTS DEVELOPMENT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Kirkwood Winter Sports Development, Eldorado National Forest, USDA-FS-FES (Adm) 73-21.

The environmental statement concerns the development, in stages, of a proposed winter sports complex in the Kirkwood, Martin Meadow, and Thimble Peak area of the Eldorado National Forest. The area is located in adjoining portions of Alpine, Amador, and El Dorado Counties, California, along State Route 88. The proposed ultimate development will include 13 ski lifts and will have a capacity of 8,400 skiers at one time. A small day lodge is planned to serve Thimble Peak Basin. Support facilities and commercial and residential development to accommodate 2,500 living units will be located on 325 acres of the 700 acres of private land in Kirkwood Meadow.

This final environmental statement was filed with CEQ June 20, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agricultural Building, Room 3230
14th Street and Independence Ave., S.W.
Washington, D.C. 20250
USDA, Forest Service
California Region
630 Sansome Street, Room 531
San Francisco, California 94111
Eldorado National Forest
100 Forni Road
Placerville, California 85667
Amador Ranger District
Lumberyard Ranger Station
Pioneer, California 95666

A limited number of single copies are available upon request to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 26, 1973.

[FR Doc.73-13360 Filed 6-29-73;8:45 am]

PIKE NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Pike National Forest Multiple Use Advisory Committee will meet at 2:00 p.m. on July 27, 1973, at Twin Lakes Reservoir and at 8:00 a.m. on July 28, 1973, at Turquois Lake Reservoir.

The purpose of this meeting and field trip is to see and discuss the relationship of the adjacent San Isabel National Forest in regards to the Homestake project in storage and transporting water to the Cities of Colorado Springs and Aurora.

The meeting will be open to the public. Persons who wish to attend should notify the Pike-San Isabel Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, 544-5277. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements.

W. J. LITWICKI,
Acting Forest Supervisor.

JUNE 22, 1973.

[FR Doc.73-13371 Filed 6-29-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Conformance to Requirements of National Environmental Policy Act; Revised Notice of Intent To Issue Order

In FR Doc. 73-12829, appearing in the FEDERAL REGISTER issue of June 26, 1973 (38 FR 16790), notice was published of

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the intent of the Maritime Subsidy Board to issue on June 29, 1973, a final opinion and order, to be identified as Docket No. A–75, regarding conformance of the Maritime Administration Tanker Construction Program to the requirements of the National Environmental Policy Act. Interested persons were advised that the aforesaid Final Opinion and Order would be available through the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099–B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

The Board hereby gives notice that said final opinion and order will not be issued on June 29, 1973, but at a subsequent date in the near future at which time the final opinion and order will be available through the office of Secretary of the Maritime Subsidy Board.

Dated: June 28, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-13455 Filed 6-29-73;8:45 am]

National Bureau of Standards

COLOR MARKING FOR ANESTHETIC GAS CYLINDERS

Withdrawal of Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Simplified Practice Recommendation 176–41, "Color Marking for Anesthetic Gas Cylinders." This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of November 21, 1972 (37 FR 24773), to withdraw this standard.

The effective date for the withdrawal of this standard will be August 31, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

RICHARD W. ROBERTS,
Director.

JUNE 25, 1973.

[FR Doc.73-13321 Filed 6-29-73;8:45 am]

PLASTIC-COATED WALLCOVERING

Circulation for Acceptance of Recommended Standard

In accordance with the provisions of § 10.5 of the Department of Commerce procedures for the development of voluntary product standards (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970), the National Bureau of Standards is giving public notice and circulating for acceptance Recommended Voluntary Product Standard TS 198, "Plastic-Coated Wallcovering." The purpose of the standard is to establish on a voluntary basis nationally recognized quality requirements for plastic coated wallcovering, and thus provide producers, distributors, and users with a basis for common understanding of the characteristics of the product.

Copies of TS 198 may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services within 45 days following publication of this notice.

RICHARD W. ROBERTS,
Director.

JUNE 25, 1973.

[FR Doc.73-13318 Filed 6-29-73;8:45 am]

PLASTIC CONTAINERS FOR PETROLEUM PRODUCTS

Notice of Circulation for Acceptance of Recommended Standard

In accordance with the provisions of § 10.5 of the Department of Commerce procedures for the development of voluntary product standards (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970), the National Bureau of Standards is giving public notice and circulating for acceptance Recommended Voluntary Product Standard TS 125d, "Plastic Containers (Jerry Cans) for Petroleum Products." The purpose of this voluntary product standard is to establish nationally recognized quality requirements for plastic containers (jerry cans) used to transport and temporarily store petroleum products.

Copies of TS 125d may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services within 45 days following publication of this notice.

RICHARD W. ROBERTS,
Director.

JUNE 25, 1973.

[FR Doc.73-13320 Filed 6-29-73;8:45 am]

EXPANDED VINYL FABRICS FOR APPAREL USE

Intent To Withdraw Commercial Standard

In accordance with § 10.12 of the Department's "procedures for the development of voluntary product standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 258–63, "Expanded Vinyl Fabrics for Apparel Use." It has been tentatively determined that this standard is no longer in general use and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 1, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

RICHARD W. ROBERTS,
Director.

JUNE 25, 1973.

[FR Doc.73-13319 Filed 6-29-73;8:45 am]

STOCK SIZES OF CERTAIN FILES AND RASPS

Withdrawal of Standard

In accordance with § 10.12 of the Department's procedures for the development of voluntary product standards (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the two standards identified below:

SPR 6–63, Standard Stock Sizes of American Pattern and Curved Milled Tooth Files and Rasps
SPR 206–63, Standard Stock Sizes of Swiss Pattern Files

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of March 3, 1972 (37 FR 4459), to withdraw these two standards.

The effective date for the withdrawal of these standards will be August 31, 1973. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

RICHARD W. ROBERTS,
Director.

JUNE 25, 1973.

[FR Doc.73-13317 Filed 6-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 64]

[Docket No. FDC-D-574; NDA 64, etc.]

CERTAIN BARBITURATE-ANALGESIC COMBINATION DRUGS FOR ORAL USE

Notice of Withdrawal of Approval of New Drug Applications

On January 19, 1973, there was published in the FEDERAL REGISTER (38 FR 1947) a notice of opportunity for hearing [DESI 64] in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications listed below. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications. Thirty days were allowed for the holders of the new drug applications or any interested person who manufactures or distributes a drug similar, related, or identical to a drug provided for in the approved new drug applications to file a written appearance requesting a hearing and giving reasons why new drug application approval should not be withdrawn, together with a full factual analysis of the clinical and other investigational data they were prepared to prove in support of their opposition.

Pursuant to the notice, a request for hearing has been received from William M. Davis, M.D., Medical Director, Wm. P. Poythress & Co., 16 N. 22nd St., Richmond, Va. 23261 on behalf of the following product which is not the subject of an approved new drug application:

Synirin Tablets containing aspirin 5 grains and pentobarbital ⅛ grain.

The specific product named above may continue to be marketed pending a ruling on the request for hearing.

In response to the notice, none of the holders of the following new drug applications have filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing:

NDA 64; Allonal Tablets containing aprobarbital and phenacetin; Roche Laboratories, Division Hoffmann-La Roche, Inc., Roche Park, 340 Kingsland Street, Nutley, NJ 07110.

NDA 4–296; Pentobarbital-Aspirin Capsules; Cooper Laboratories, Inc. (successor to Tilden-Yates Laboratories, Inc.), 2900 North 17th Street, Philadelphia, PA 19132.

NDA 2–898; Cyclopal and Aspirin Tablets containing cyclopentenylallylbarbituric acid and aspirin; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug applications and all amendments and supplements applying thereto is withdrawn.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, except for the one described above that may continue to be marketed pending a ruling on the request for a hearing, is henceforth unlawful.

Effective date. This order shall become effective July 12, 1973.

Dated: June 25, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13329 Filed 6-29-73;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685–92, dated February 25, 1970, as amended) is amended to reflect the disestablishment of the Bureau of Product Safety:

1. Section 6A is amended as follows:

Sec. 6A *Mission.* The mission of the Food and Drug Administration (FDA) is to protect the public health of the Nation as it may be impaired by foods, drugs, biological products, cosmetics, medical devices, ionizing and nonionizing radiation-emitting products and substances, poisons, pesticides, and food additives. FDA's regulatory functions are geared to insure that: Foods are safe, pure, and wholesome; drugs, medical devices, and biological products are safe and effective; cosmetics are harmless; all of the above are honestly and informatively packaged; and that exposure to potentially injurious radiation is minimized.

2. Section 6B is amended as follows:

Section 6B *Organization.*

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(p) Deleted.

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Effective Date. May 14, 1973.

Dated June 22, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-13335 Filed 6-29-73;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is amended to add a new chapter 1T, "Office of the Assistant Secretary for Administration and Management." The new chapter reads as follows:

Sec. 1T.00 *Mission.* The Office of the Assistant Secretary for Administration and Management exercises the authority of the Secretary for the administrative management functions (exclusive of financial management) of the Department. The Assistant Secretary for Administration and Management, as appropriate, serves as the principal advisor to the Secretary on matters of administrative management.

Sec. 1T.10 *Organization.*

A. The Assistant Secretary for Administration and Management reports to the Secretary and supervises the following Offices:

Executive Staff
Office of Equal Employment Opportunity
Office of Environmental Affairs
Office of Management Planning and Technology
Office of Administration
Office of Personnel and Training
Office of Facilities Engineering and Property Management
Office of Grant and Procurement Management
Office of Investigations and Security

B. During the absence or inability of the Assistant Secretary for Administration and Management or in the event of a vacancy in that Office, the Deputy Assistant Secretary for Administration and Management serves as Acting Assistant Secretary for Administration and Management. During the absence of both the Assistant Secretary and the Deputy or in the event of vacancies in both Offices, one of the office heads, properly designated, will serve as Acting Assistant Secretary for Administration and Management.

Sec. 1T.20 *Functions.* The Office of the Assistant Secretary for Administration and Management performs for the Secretary the administrative management functions (exclusive of financial management) of the Department. In carrying out these responsibilities, the Office of the Assistant Secretary for Administration and Management performs the following functions:

A. The Executive Staff serves as the principal staff of the Assistant Secretary in matters relating to his office, such as personnel, budget, correspondence and facilities; interfaces as directed with other elements of the Department; advises on matters of concern; and performs special assignments as requested.

B. The Office of Equal Employment Opportunity serves as the principal advisor on matters relating to the status of women in the Department, HEW equal employment opportunity, and the sixteen-point Spanish-Surnamed Program.

C. The Office of Environmental Affairs develops departmental policy, procedures, and criteria in coordination with the National Environmental Policy Act of 1969; monitors compliance and provides technical assistance to State and

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local agencies; and maintains liaison with the Council on Environmental Quality and the Environmental Protection Agency.

D. The Office of Management Planning and Technology serves as the Secretary's principal staff to ensure that the organization management policies, procedures, and systems of the Department contribute to the effective and efficient achievement of the Department's goals.

E. The Office of Administration advises on and 'or provides services relative to personnel operations, equal employment opportunity, defense coordination, safety management, printing management, central payroll, data management, new careers, minority business assistance and administrative services.

F. The Office of Personnel and Training advises and acts for the Secretary on personnel management and training matters affecting HEW employees; formulates policies and plans broad programs under which the personnel and training functions will be carried out throughout the Department; maintains cognizance of such policies and programs; and represents the Department on personnel and training matters with the Civil Service Commission, other Federal agencies, the Congress, and the public.

G. The Office of Facilities Engineering and Property Management provides architectural/engineering policy, direction and services for both direct Federal and federally assisted construction activity; manages an integrated facilities engineering system for all DHEW owned or operated real property; and makes available Federal surplus property to health, education, and civil defense donees.

H. The Office of Grants and Procurement Management provides staff support and technical assistance to the Office of the Secretary and manages the procurement, materiel and grants functions of the Department; conducts comprehensive evaluations of all departmental procurement, materiel and grant activities.

I. The Office of Investigations and Security serves as the Secretary's staff to ensure compliance with established requirements for management of programs and utilization of Federal assistance funds provided by the Department in accordance with applicable laws and regulations, and ensures that the security program provides for the internal security of the Department. (Sub-elements of the above-listed units are specified in sub-chapters.)

Sec. 1T.30 *Delegations of Authority.*

A. Except as specifically reserved to the Secretary or delegated or assigned to other officials of the Department not under the supervision of the Assistant Secretary for Administration and Management, the Assistant Secretary for Administration and Management is authorized to perform all administrative and management functions of the Secretary excluding financial management functions. In exercising this authority, the Assistant Secretary for Administration and Management may redelegate any portion thereof and authorize further redelegations.

B. The Assistant Secretary for Administration and Management is authorized to exercise the authority of the Secretary under 42 U.S.C. 3505 relating to directing the use of the Department seal.

C. The Assistant Secretary for Administration and Management is authorized to exercise the authority granted to the Secretary to make determinations and allocations for education, public health, and civil defense purposes as authorized by section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484 (j)), and the Federal Civil Defense Administration (Defense Civil Preparedness Agency, Department of Defense) Delegation 5, and to take such action as may be necessary in connection with the assignment, disposal, and utilization of surplus property for educational and public health purposes pursuant to section 203(k) of the Act, and to enter into cooperative agreements pursuant to section 203(n) of the Act, except that any action which is required to be taken by the Secretary shall be prepared and submitted to the Secretary for approval.

Dated June 25, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.73-13281 Filed 6-29-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to section 10(a)(2) of P.L. 92-463, notice is hereby given that the Microwave Landing System Advisory Committee will hold a meeting on July 10 and 11, 1973, beginning at 9 a.m. EDT, July 10, in Room 7A-B, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. The following agenda items are scheduled for this meeting:

1. *Briefing*—MLS Industry Program
2. *Briefing*—Review of Government Supporting Programs
3. *Briefing*—Technical and Program Areas of Concern
4. *Discussion*—Committee Member's Area of Concern and Committee Activity

All those interested in attending the meeting should contact Mr. Jules I. Kanter, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100-2nd Street, S.W., Washington, D.C. 20590. Telephone 202-426-3633. The meeting will be open to the public.

Issued in Washington, D.C. on June 18, 1973.

JULES I. KANTER,
Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.73-13264 Filed 6-29-73;8:45 am]

Federal Railroad Administration

[FRA-Pet-No. 81]

ROSCOE, SNYDER AND PACIFIC RAILWAY CO.

Petition for Exemption From Hours of Service Act

JUNE 12, 1973.

The Roscoe, Snyder and Pacific Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate by submitting written data, views or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: Docket FRA-Pet-No. 81, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before July 16, 1973, will be considered by the Federal Railroad Administrator before taking final action. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5428, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

EDWARD F. CONWAY, JR.,
Acting Assistant Chief Counsel for Safety Regulation.

[FR Doc.73-13275 Filed 6-29-73;8:45 am]

ATOMIC ENERGY COMMISSION

FUELS AND MATERIALS FACILITIES GUIDES

Issuance and Availability

The Atomic Energy Commission has issued three guides in its regulatory guide series. The regulatory guide series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in division 3, "Fuels and Materials Facilities Guides." Regulatory guide 3.9, "Concrete Radiation Shields," describes acceptable practices for the construction of radiation shielding structures for hot laboratories, radiochemical plants, experimental facilities, and nuclear fuel fabrication plants. Regulatory guide 3.10, "Liquid Waste Treatment System Design Guide for Plutonium Processing and Fuel Fabrication Plants," describes acceptable design guidelines for principal components of a plutonium processing and fuel fabrication plant liquid waste treatment system. Regulatory guide 3.11, "Design Stability of Embankment Retention Systems for Uranium Mills," specifies acceptable methods of analyzing the structural stability of embankment retention systems for uranium mill tailings.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other division 3 regulatory guides currently being developed include the following:

Seismic Design Classification for Plutonium Processing and Fuel Fabrication Plants
Ventilation System General Design Guide for Plutonium Processing and Fuel Fabrication Plants
Fire Protection General Guide for Plutonium Processing and Fuel Fabrication Plants
Guide for Acceptable Waste Storage Methods at UF_6 Production Plants
Decommissioning of Uranium Milling Facilities
Fuel Reprocessing Plant Process Off Gas Waste Treatment Systems
Fuel Reprocessing Plant Confinement Barriers and Systems
Fuel Reprocessing Plant Reporting of Operating Information
Periodic Testing of Fuel Reprocessing Plant Protection System Actuation Functions

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 25th day of June 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13347 Filed 6-29-73;8:45 am]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Reconstitution of Board

In the matter of the Trojan Nuclear Plant.

Jerome Garfinkel, Esq., was Chairman and Thomas W. Reilly, Esq., was Alternate Chairman of the Atomic Safety and Licensing Board established for this Appendix D, Section B proceeding. Because of schedule conflicts, neither Mr. Garfinkel nor Mr. Reilly is able to serve as Chairman of this Board.

Accordingly, Robert M. Lazo, Esq., who is a member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545 is appointed Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C. this 27th day of June 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-13345 Filed 6-29-73;8:45 am]

[Docket No. 50-344-0]

PORTLAND GENERAL ELECTRIC CO., ET. AL.

Reconstitution of Board

In the matter of the Trojan Nuclear Plant.

Jerome Garfinkel, Esq., was Chairman and Thomas W. Reilly, Esq., was Alternate Chairman of the Atomic Safety and Licensing Board established for this facility operating license proceeding. Because of schedule conflicts, neither Mr. Garfinkel nor Mr. Reilly is able to serve as Chairman of this Board.

Accordingly, Robert M. Lazo, Esq., a member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C., this 27th day of June 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-13346 Filed 6-29-73;8:45 am]

COST OF LIVING COUNCIL

[Phase III Ruling 1973-3]

EXPORTS EXEMPT FROM CONTROLS

Definition

Facts. Firm H is a meat processor which intends to bid on two contracts for the sale of meat to an agency of the United States Government. Under the first contract, the meat is being purchased for sale in military commissaries and base exchanges outside the United States. Under the second contract, the meat is being purchased as part of the military assistance program to a foreign government. The assistance is in the form of a grant without any payment required of the foreign government.

6 CFR 130.33(d)(1) provides that exports are exempt from the controls of the Economic Stabilization Program. Included in the definition of exports in this section are "products sold to a domestic purchaser who certifies that the product is for export."

Issue. May an agency of the United States Government certify that sales of meat to it for resale in military commissaries and base exchanges outside the United States and for use as a grant to a foreign government are "for export" and, therefore, exempt from the meat ceiling regulations by virtue of 6 CFR 130.33(d)(1)?

Ruling. No certification is allowable in either sale. The exemption for exports has been a part of the regulations of the Economic Stabilization Program since the Phase I freeze. The purpose of the exemption is to allow sales of exports which will produce revenues from foreign sources to be made at the highest price. Transactions which will not produce such revenues shall, therefore, not be considered exports for the purpose of exemption from the regulations under the Economic Stabilization Program.

Neither the sale in United States overseas commissaries and base exchanges nor the grant to a foreign government will produce any revenue from foreign sources. The sales at the commissaries and base exchanges are primarily to United States citizens and are not normal commercial export transactions. If sales of these meat items were treated as products for export, the meat price ceiling limitations would not be applicable and higher bidding and an artificial allocation of scarce meat supplies would likely result without any corresponding economic benefit. Therefore, sales of meat by Firm H to the military cannot be certified as products for export and exempted under the provisions of 6 CFR 130.33(d)(1).

WILLIAM N. WALKER,
General Counsel, Cost of Living Council.

[FR Doc.73-13443 Filed 6-28-73;11:36 am]

ENVIRONMENTAL PROTECTION AGENCY

DIALIFOR

Reextension and Establishment of Temporary Tolerances

In response to a petition (PP OGO943), Hercules Inc., Wilmington, DE 19899, was granted temporary tolerances for combined residues of the insecticide dialifor (*O,O*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate) and its oxygen analog *O,O*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on the raw agricultural commodities grapes at 1.5 parts per million and pecans at 0.01 part per million on March 15, 1971 (notice was published in the FEDERAL REGISTER of March 18, 1971 (36 FR 5254)). The temporary tolerances expired March 15, 1972.

The firm received a 1-year extension of the temporary tolerance for combined residues of the insecticide and its oxygen analog in or on grapes at 1.5 parts per million on May 11, 1972 (notice was published in the FEDERAL REGISTER of May 17, 1972 (37 FR 9801)). The firm also received a 1-year extension of the temporary tolerance for combined residues of dialifor and its oxygen analog in or on pecans at 0.01 part per million on March 29, 1972 (notice was published in the FEDERAL REGISTER of April 5, 1972). The temporary tolerances on grapes and pecans expired March 15, 1973.

The firm has requested (a) a 1-year reextension of the temporary tolerances for combined residues of the insecticide and its oxygen analog in or on grapes at 1.5 parts per million and pecans at 0.01

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part per million to obtain additional experimental data and (b) establishment of temporary tolerances for combined residues of the insecticide and its oxygen analog in the raw agricultural commodities meat, fat, and meat byproducts of poultry at 0.06 part per million and eggs at 0.01 part per million.

It has been determined that temporary tolerances for combined residues of the insecticide and its oxygen analog in or on grapes at 1.5 parts per million; the meat, fat, and meat byproducts of poultry at 0.06 part per million; and eggs and pecans at 0.01 part per million will protect the public health. The tolerances are therefore extended or established on condition that the insecticide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Hercules Inc. name.

These temporary tolerances expire March 15, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated June 27, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13372 Filed 6-29-73;8:45 am]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee will be held at 9:00 a.m. on July 19, 1973 in the Faculty Lounge, Tangeman University Center, University of Cincinnati, Cincinnati, Ohio. Tangeman University Center can be reached by entering the campus of the University of Cincinnati at the Gate House on Clifton Avenue and following Campus Drive.

The purpose of the meeting will be (1) to consult the committee on the subject matter and implications, as regards air quality criteria, of the advance notice of proposed rule making relating to "Reference Method for Determination of Nitrogen Dioxide" published in the FEDERAL REGISTER on June 8, 1973 (38 FR 15174); and (2) to conclude consultations with the committee regarding the determination and documentation of adverse effects on the public health and welfare of atmospheric cadmium. The agenda will also include a briefing report on the EPA fuels and fuel additives research program and brief overview reports on the Kettering Laboratory of the University of Cincinnati, the National Environmental Research Center-Cincinnati, and the Cincinnati operations of the National Institute for Occupational Safety and Health.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number is area code 919-549-8411, extension 2525.

A. C. TRAKOWSKI, Jr.,
Acting Assistant Administrator for Research and Development.

JUNE 25, 1973.

[FR Doc.73-13373 Filed 6-29-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND DELTA STEAMSHIP LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. T. Sommer
Vice President
American President Lines, Ltd.
1625 Eye Street, N.W.
Washington, D.C. 20006

Agreement No. 10062, covers an arrangement whereby American President Lines, Ltd. appoints Delta Steamship Lines, Inc. as its agent in New Orleans, Louisiana and Houston, Texas, for performance of services described in the agreement, at the rates, and for the charges, and subject to the terms, covenants and conditions therein provided and set forth.

By order of the Federal Maritime Commission.

Dated June 22, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13341 Filed 6-29-73;8:45 am]

AZTEC TRADING CO., S.A. AND GEORGIA STEAMSHIP CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Frederick P. Kopp
Attorney at Law
5th Floor
First National Bank Building
Augusta, Georgia 30903

Agreement No. 10061 is an agreement between the above-named parties to establish a joint service to be known as "Georgia-Aztec Line" to operate in the trade between United States Atlantic and United States Gulf Ports on the one hand and the ports of The Republic of Brazil on the other.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: June 25, 1973.

[FR Doc.73-13339 Filed 6-29-73;8:45 am]

COMPAGNIE MARITIME BELGE, S.A., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

In the matter of Compagnie Maritime Belge, S.A., Compagnie Maritime Du Zaire, Sarl, Compagnie Maritime Des Chargeurs Reunis, S.A., Elder Dempster Lines, Ltd., and Delta Steamship Lines, Inc.

Notice of agreement filed by:

Thos. E. Stakem, Esq.
Macleay, Lynch, Bernhard & Gregg
1625 K Street, N.W.
Washington, D.C. 20006

Agreement No. 9182-3 modifies an approved agency / husbanding / sailing agreement between the carriers listed above by (1) deleting Armement Deppe, S.A. as a party to the agreement because of its discontinuance of service; (2) adds Compagnie Maritime des Chargeurs Reunis, S.A., Elder Dempster Lines, Ltd., and Atlantic Overseas Corporation to the agreement; and (3) describes in detail the West African ports to be served under the husbanding arrangement.

By order of the Fedcral Maritime Commission.

Dated: June 25, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13340 Filed 6-29-73;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

List of Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Roland Thompson Agency, Inc.
68 N.W. 7th Street
Miami, Florida 33136
Officers. Miguel Garciga, President
Raymond J. Thompson, Vice President
David Berman, Secretary/Treasurer

Alas Cargo Service, Inc.
Building 2143, MIAD
Miami, Florida 33148
Officers. Agustin Serralta, President
Adela Serralta, Secretary
Cesar D. Urquiola, Treasurer

Georgo Linwood Fischer
414 Oaklette Drive
Chesapeake, Virginia 23325

Jose Pinzon
1223 Canarias Street
Puerto Nuevo, P. R. 00920

John P. Reynolds d/b/a
J. P. Reynolds Co.
P.O. Box 13071
Fort Lauderdale, Florida 33316

Michael Maraventano d/b/a
Mara Shipping Co.
90 West Street
New York, New York 10006

John F. Ivory Storage Co., Inc.
8035 Woodward Avenue
Detroit, Michigan 48202
Officers. R. E. Garrett, President
John F. Ivory, Jr., Vice President
Leo W. Ivory, Vice President
Enola F. Helphenstine, Secretary
Lawrence Martinelli, Treasurer

Shozo Saito d/b/a
Cal-Asia International
601 West 5th Street
Los Angeles, California 90017

By the Commission.

Dated: June 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13342 Filed 6-29-73;8:45 am]

[No. 73-28]

PUBLICATION OF DISCRIMINATORY RATES IN THE U.S. WEST COAST/JAPAN TRADE

Re-scheduling of Filing Dates

Counsel for respondent conferences have requested various changes to the filing schedule in this proceeding. Under the circumstances, the following changes are made:

(1) Requests for evidentiary hearing shall be submitted on or before July 2, 1973;

(2) Hearing Counsel shall reply to said requests on or before July 12, 1973;

(3) Times for filing affidavits of fact and memoranda of law and replies thereto are postponed until further notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13344 Filed 6-29-73;8:45 am]

[No. 73-29]

PUBLICATION OF DISCRIMINATORY RATES IN THE U.S. ATLANTIC AND GULF/JAPAN TRADE

Re-scheduling of Filing Dates

Counsel for respondent conferences have requested various changes to the filing schedule in this proceeding. Under the circumstances, the following changes are made:

(1) Requests for evidentiary hearing shall be submitted on or before July 2, 1973;

(2) Hearing Counsel shall reply to said requests on or before July 12, 1973;

(3) Times for filing affidavits of fact and memoranda of law and replies thereto are postponed until further notice.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13343 Filed 6-29-73;8:45 am]

SAN DIEGO UNIFIED PORT DISTRICT AND FIESTA CRUISES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

V 38-126 JUL 2 73 XUM

Notice of agreement Filed by:

Joseph D. Patello, Esq.
Port Attorney
San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92112

Agreement No. T-2799, between the San Diego Unified Port District (San Diego) and Fiesta Cruises, Inc. (Fiesta), is a nonexclusive and nonpreferential arrangement whereby San Diego leases to Fiesta the right of access over the Broadway Pier as well as 1,105 square feet of area in the former Harbor Administration Building for a period of one year. Rental will be a fixed monthly sum of $150 for use of building area, plus an annual minimum of $24,000 or the cumulative total of percentage rents, whichever is greater. Fiesta agrees that the leased premises shall be used exclusively for the operation of a passenger boat ferry service by water and passenger excursion business; the excursions to be directed and completely conducted outside of San Diego Bay. Fiesta will be subject to all rules and regulations of the San Diego Unified Port District Act, as well as all ordinances of the City and Unified Port District, including tariffs.

By order of the Federal Maritime Commission.

Dated: June 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13338 Filed 6-29-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

JUNE 29, 1972.

On May 6, 1970, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Pakistan, concerning exports of cotton textiles and cotton textile products from Pakistan to the United States over a four-year period beginning on July 1, 1970. On June 15, 1972, the bilateral agreement was amended and the duration of the agreement extended through June 30, 1977. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 Categories of 91,098,125 square yards equivalent; within the aggregate limit, group limits on Categories 1–27, and 28–64 of 80,278,275 and 10,819,850 square yards equivalent, respectively; and within both of the aforesaid limits, specific limits on Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42 for the fourth agreement year beginning on July 1, 1973.

There is published below a letter of June 29, 1972 from the Acting Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that for the twelve-month period beginning July 1, 1973 and extending through June 30, 1974 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–27, as a group; Categories 28–64, as a group; and Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42 be limited to the designated levels. The levels of restraint applicable to Categories 1–27, as a group; Categories 28–64, as a group; and Categories 9/10, 18/19 and part of 26, part of 26 (duck), and part of 31 have been adjusted in accordance with an administrative arrangement concluded between the Governments of the United States and Pakistan on May 22, 1973 to account for shipments in the previous agreement year which exceeded the levels for those categories in the bilateral agreement, as amended.

This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

JUNE 29, 1972.

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1973 and for the twelve-month period extending through June 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–27, as a group; Categories 28–64, as a group; and Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan, in excess of the following designated levels of restraint:

Category	*Twelve-Month Levels of Restraint*
1–27 (Group I)	80,278,275 square yards equivalent
28–64 (Group II)	10,819,850 square yards equivalent
9/10	38,411,300 square yards
15/16	3,252,375 square yards
18/19 and part of 26 (print cloth)[1]	16,952,600 square yards
22/23	4,334,400 square yards
Part of 26 (bark cloth)[2]	6,498,450 square yards
Part of 26 (duck)[2]	9,199,812 square yards
Part of 31 (only T.S.U.S.A. No. 366.2740)	5,175,695 pieces
41/42	445,303 dozen

[1] In Category 26, only T.S.U.S.A. Nos.:

320.—34	322.—34	327.—34	
321.—34	326.—34	328.—34	

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Pakistan and exported to the United States prior to July 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1972 through June 30, 1973. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Cotton textiles and cotton textile products in Categories other than 9/10, 15/16, 18/19 and part of 26 (printcloth)[1], 22/23, part of 26 (bark cloth)[2], part of 26 (duck)[2], part of 31 (only T.S.U.S.A. No. 366.2740) and 41/42, produced or manufactured in Pakistan and which have been exported to the United States prior to July 1, 1973, shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan which provide in part that within the aggregate and applicable group limits of the agreement, limits on certain categories may be exceed by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972, (37 FR 8802), as amened on February 14, 1973 (38 FR 4436).

In carrying out the above directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 563. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-13543 Filed 6-29-73;11:13 am]

[2] Only T.S.U.S.A. Nos.:

320.—88	326.—88	320.—92	326.—92
321.—88	327.—88	321.—92	327.—92
322.—88	328.—88	322.—92	328.—92
323.—88	329.—88	323.—92	329.—92
324.—88	330.—88	324.—92	330.—92
325.—88	331.—88	325.—92	331.—92

[1] Only T.S.U.S.A. Nos:

320.—01	through	04,	06, 08
321.—01	through	04,	06, 08
322.—01	through	04,	06, 08
326.—01	through	04,	06, 08
327.—01	through	04,	06, 08
328.—01	through	04,	06, 08

FEDERAL POWER COMMISSION

[Docket No. CI63-708, et al.]

CRA, INC., ET. AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JUNE 21, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed		Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI63-708		CRA, Inc.	Northern Natural Gas Company	35.0	14.65
6-11-73	C	P. O. Box 7305 Kansas City, Missouri 64116	La Perlas Field, Irion County, Texas		
CI64-619		Burk Royalty Co., Tom Darling and Jon Bear (succ. to Cities Service Oil Company) 800 Oil & Gas Building Wichita Falls, Texas 76301	Tennessee Gas Pipeline Company	[2] 23.0	15.025
6-11-73[1]	E		Garden Island Bay Field, Plaquemines Parish, Louisiana	[3] 26.875	
CI67-702		Chandler & Associates, Inc. (succ. to Alantic Richfield Company) 1401 Denver Club Building Denver Colorado 80202	El Paso Natural Gas Company Mickelson Creek Field, Sublette County, Wyoming	15.0	15.025
(CI67-1082)					
5-24-73[4]	F				
CI73-787		Burk Royalty Co. Tom Darling and Jon Bear (succ. to Cities Service Oil Company)	Texas Eastern Transmission Corporation Old Waverly Field, San Jacinto County, Texas	[5] 15.0656	14.65
(G-18014)					
6-11-73[1]	F				
CI73-790		Burk Royalty Co., Tom Darling and Jon Bear (succ. to Cities Service Oil Company)	Southern Natural Gas Company Fausse Point Field, Iberia and St. Martin Parishes, Louisiana	[6] 23.25	15.025
(CI60-20)					
6-11-73[1]	F				
CI73-792		Burk Royalty Co., Tom Darling and Jon Bear (succ. to Cities Service Oil Company)	Trunkline Gas Company Ramsey Field Area, Colorado County, Texas	15.0	14.65
(G-4570)					
6-11-73[1]	F				
CI73-835		Suburban Propane Gas Corporation P.O. Box 206 Whippany, New Jersey 07981	Northern Natural Gas Company Sonora Field, Sutton County, Texas	[5] 17.0618	14.65
5-29-73[7]	A				
CI73-841		Tenneco Oil Company P.O. Box 2511 Houston, Texas 77001	Southern Natural Gas Company Block 296, Main Pass 144 Field, offshore Louisiana	[6] 35.0	16.025
6-1-73	A				
CI73-845		Cities Service Oil Company P.O. Box 300 Tulsa, Oklahoma 74102	Southern Natural Gas Company Block 296, Main Pass Area, offshore Louisiana	[8] 35.0	15.025
6-4-73	A				
CI73-852		Texasgulf Inc. (Operator), *et al.* 3000 One Shell Plaza Houston, Texas 77002	Columbia Gas Transmission Corporation Orange Grove Field, Terrebonne Parish, Louisiana	depleted	
(CI69-1147)					
6-5-73	B				
CI73-855		Pioneer Production Corporation P.O. Box 2542 Amarillo, Texas 79163	Panhandle Eastern Pipe Line Company West Teagarden Field, Woods County, Oklahoma	[9] 17.0208	14.65
5-29-73[11]	A				
CI73-856		Atlantic Richfield Company (succ. to Sun Oil Company). P.O. Box 2819 Dallas, Texas 75221	United Gas Pipe Line Company Southwest Red Fish Bay Field, Nueces County, Texas	[5] 24.0	14.65
(G-4953)					
6-5-73	F				
CI73-859		Atlantic Richfield Company	Northern Natural Gas Company Drinkard Field, Lea County, New Mexico	[8] 35.0	14.65
6-6-73	A				
CI73-860		Continental Oil Company P.O. Box 2197 Houston, Texas 77001	Southern Natural Gas Company Main Pass Area, offshore Louisiana	[6] 35.0	15.025
6-7-73	A				
CI73-867		Coastal States Gas Producing Company (Operator), *et al.* P.O. Drawer 521 Corpus Christi, Texas 78403	South Texas Natural Gas Gathering Company Cortez Field Area, Starr County, Texas	24.0	14.65
6-8-73	A				
CI73-868		Coastal States Gas Producing Company (Operator), *et al.*	South Texas Natural Gas Gathering Company Tijerina-Canales-Blucher Field, Jim Wells County, Texas	24.0	14.65
6-8-73	A				
CI73-875		Gulf Oil Corporation P.O. Box 1589 Tulsa, Oklahoma 74102	Southern Natural Gas Company Gwinville Field, Jefferson Davis County, Mississippi	depleted	
(G-6108)					
6-11-73	B				
CI73-876		Helmerich & Payne, Inc. 1579 East 21 Street Tulsa, Oklahoma 74114	Michigan Wisconsin Pipe Line Company Northwest Quinlan Field, Woodward County, Oklahoma	[10] 21.315	14.65
6-11-73	A				

[1] Being renoticed because, by Amendment to Application filed June 11, 1973, Applicant shows a change in price. Originally noticed on June 7, 1973, in Docket No. G-7193, *et al.*
[2] Rate for all gas not at the 9300' and 11100' zones and subject to downward Btu adjustment.
[3] Rate for gas for zones at 9300' and 11100'.
[4] Being renoticed because, by letter filed May 24, 1973, Applicant shows predecessor's correct docket number to be CI67-1082.
[5] Subject to downward Btu adjustment.
[6] Including 0.2656 cents per Mcf tax reimbursement and subject to downward Btu adjustment.
[7] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Pauley Petroleum, Inc., now holder of a small producer certificate.
[8] Subject to Btu adjustment.
[9] Applicant is willing to accept a certificate at an initial rate of 26.0 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 35.0 cents per Mcf.
[10] Subject to upward and downward Btu adjustment.
[11] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Flag-Redfern Oil Company, now holder of a small producer certificate.

Filing Code:
A—Initial Service
B—Abandonment
C—Amendment to add acreage
D—Amendment to delete acreage
E—Total Succession
F—Partial Succession

[FR Doc.73-13220 Filed 6-29-73;8:45 am]

V 38-126 JUL 2 73 XUM

[Docket No. CP73-326]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 8, 1973, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP73-326 an application pursuant to section 7 of the Natural Gas Act and § 157.7 (g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on the date of authorization, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that neither the total cost nor the cost of any single project of the proposed construction and abandonment will exceed the permitted maximum and will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13140 Filed 6-29-73;8:45 am]

[Docket No. E-8013]

BUCKEYE POWER, INC.

Notice of Proposed Changes in Rates and Charges

JUNE 19, 1973.

Take notice that on May 30, 1973, Buckeye Power, Inc. (Buckeye) filed, pursuant to the Commission's Order of April 30, 1973, in this docket, a fuel clause which Buckeye indicates is in conformance to Commission requirements as expressed in Opinion No. 633.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13141 Filed 6-29-73;8:45 am]

[Docket No. CP73-325]

CITIES SERVICE GAS CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 7, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP73-325 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of certain gas transmission and sales facilities located in Texas County, Oklahoma, and the continued sale for resale of natural gas thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue operation of existing pipeline, measuring, regulating, and appurtenant facilities to sell natural gas to Southern Union Gas Company (Southern Union) for resale for irrigation and other incidental farm uses. The construction and operation of said facilities were authorized by order issued August 5, 1968, in Docket No. CP68-216 (40 FPC 220). Said order also authorized Applicant to sell natural gas to Peoples Natural Gas Division of Northern Natural Gas Company (Peoples) for resale.

Applicant states that effective March 15, 1973, Southern Union purchased the irrigation systems of Peoples located in Texas County, Oklahoma, and executed a superseding service agreement with Applicant containing identical terms, rates, and conditions as in the previously existing service agreement with Peoples.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13143 Filed 6-29-73;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Notice of Extension of Time and Postponement of Hearing

JUNE 20, 1973.

On June 11, 1973, Cities Service Gas Company filed a motion for an extension of time to respond to the motion filed June 4, 1973 by the City Group Gas Defense Association to reject proffered testimony and exhibits.

Upon consideration, notice is hereby given that the time is extended to and including July 14, 1973, within which answers may be filed to the above motion. Action on this motion will be deferred pending receipt of the answers. The hearing scheduled for June 27, 1973, is postponed pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13144 Filed 6-29-73;8:45 am]

[Project No. 420]

CITY OF KETCHIKAN, ALASKA

Notice of Issuance of Annual License

JUNE 20, 1973.

On August 31, 1970, City of Ketchikan, Alaska, Licensee for Ketchikan Lakes Project No. 420 located in the vicinity of Ketchikan, Alaska, on the Ketchikan Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§16.1–16.6).

The license for Project No. 420 was issued effective July 1, 1928, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the City of Ketchikan, Alaska for continued operation and maintenance of Project No. 420.

Take notice that an annual license is issued to the City of Ketchikan, Alaska (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, for the continued operation and maintenance of the Ketchikan Lakes Project No. 420, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13145 Filed 6-29-73;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 22, 1973.

Take notice that on June 15, 1973, El Paso Natural Gas Company (Applicant), P. O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73-334 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required for the injection into and withdrawal from the Rhodes Reservoir, Lea County, New Mexico, of natural gas and authorizing the sale for resale and delivery of natural gas in interstate commerce from the Rhodes Reservoir during the 1973–74 heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to reactivate the Rhodes Reservoir for the storage of up to 5.0 million Mcf of natural gas. Applicant proposes to withdraw approximately 63,000 Mcf per day up to an aggregate quantity of 2.1 million Mcf during the 1973–74 heating season. To facilitate this operation Applicant proposes to re-work existing storage wells and to modify station piping and dehydration plant facilities at its existing Jal No. 1 plant, to construct and operate up to 25 injection and withdrawal wells with appurtenances including well ties and a gathering system pipeline consisting of a total of 5.6 miles of 4½ inch O. D. and 6⅝ inch O. D. pipe. Applicant proposes to obtain the injection quantities of gas through curtailment of deliveries to its Priority 5 industrial customers in the east-of-California area during the summer months and to limit the use of winter withdrawals to satisfy Priority 1 and 2 requirements for its east-of-California customers.

Applicant states that California load will not be curtailed during the summer of 1973 to support injections; moreover, on any day during the 1973–74 heating season when the supply availability to the Southern Division System is inadequate to meet the Priority 1 and 2 requirements of east-of-California customers and, as well, those Priority 1 and 2 California requirements allocable to the Southern Division System, the deficiency will first be distributed pro rata to all east-of-California and California customers. Thereafter, the deficiency for Priority 1 and 2 requirements then remaining for the east-of-California customers will be supplied by withdrawals from the Rhodes Reservoir.

The stated purpose of the proposal is to enable Applicant to serve reliably all of the Priority 1 and 2 requirements of its Southern Division System during the 1973–74 heating season.

Applicant states that the total estimated cost of the proposal is $2,216,363 which will be financed from funds on hand and short term borrowings.

Applicant requests that the Commission issue a temporary certificate of public convenience and necessity authorizing the construction and operation of said facilities pending issuance of a permanent certificate in order to commence curtailments and injections as soon as possible. Applicant has also filed revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2, and Original Volume No. 2A providing for a .64 cent per Mcf of gas surcharge to be applied to Priority 1 and 2 east-of-California deliveries made during the withdrawal period in order to reimburse Applicant its cost of reactivating the Rhodes Reservoir. Applicant requests that waiver be granted of the prior certificate authorization requirement of § 154.22 of the Regulations under the Natural Gas Act (18 CFR 154.22) and that the proposed tariff surcharge become effective on the date of the issuance of the requested temporary certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13146 Filed 6-29-73;8:45 am]

EL PASO NATURAL GAS CO.

Notice of Amendment to Service Agreement

JUNE 22, 1973.

Take notice that on May 31, 1973, El Paso Natural Gas Company (El Paso) tendered for filing on May 31, 1973, revised Exhibits A and B, each dated March 13, 1973, to the firm Service Agreement dated February 1, 1972, between El Paso and the City of Big Lake.

El Paso states that this filing is made solely for the purpose of correcting an oversight in the language of the exhibits and that a copy of this filing has been sent to the City of Big Lake.

Any person desiring to be heard or to protest said Application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13147 Filed 6-29-73;8:45 am]

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[Docket No. CI73-711]

EXXON CORP.

Notice of Petition To Amend

JUNE 20, 1973.

Take notice that on June 11, 1973, Exxon Corporation (Petitioner), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI73-711 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company at Petitioner's Sand Hills Plant from production from additional acreage, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is authorized in the subject docket to sell natural gas at the Sand Hills Plant for 22 months at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). In its certificate application Petitioner proposed to sell up to 4,000 Mcf of gas per day and states in the instant petition that the volume attributable to the added acreage was included in that amount.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13148 Filed 6-29-73;8:45 am]

[Docket No. CI73-839]

EXXON CORP.

Notice of Application

JUNE 19, 1973.

Take notice that on May 31, 1973, Exxon Corporation (Applicant), P.O. Box 2180 Houston, Texas 77001, filed in Docket No. CI73-839 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Big Escambia Creek Field, Escambia County, Alabama, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell under the optional gas pricing procedure natural gas to Southern from the Big Escambia Creek Field at an initial price of 55 cents per million Btu at 14.65 psia. The basic contract for the subject sale dated May 1, 1973, provides for 1 cent per million Btu price escalations each two years, reimbursement to seller of 87.5 percent of any new or additional taxes, and a contract term of 20 years. Applicant expects monthly sales volumes of 180,000 Mcf.

Applicant refers to the application of Mallard Exploration, Inc. (Operator), *et al.*, in Docket No. CI73-698, in which there is a substantial identity of contract terms and in which the rates are alleged to be just and reasonable since the contract with its price provisions is competitive with offers from other potential buyers, including potential purchasers in the intrastate market. By this reference the Applicant asserts that the contract price with adjustments is substantially lower than prices for base load sales of liquefied natural gas (LNG), peak shaving sales of LNG, or synthetic pipeline gas for which applications for authorization are pending or have been approved by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13149 Filed 6-29-73;8:45 am]

FLORIDA GAS TRANSMISSION CO.

Notice of Exchange Agreement

JUNE 21, 1973.

Take notice that on June 5, 1973, Florida Gas Transmission Company (Florida Gas) tendered for filing Rate Schedule E-4 consisting of Original Sheet Nos. 47 through 56 to Original Volume No. 3 of its F.P.C. Gas Tariff. Florida Gas states that the tariff sheets set forth an Exchange Agreement between Florida Gas and Texas Gas Transmission Corporation, asserting that the two companies were authorized by Commission Order issued May 18, 1973, in Docket No. CP73-33 to exchange natural gas through their existing pipeline systems. Florida Gas proposes an effective date of July 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13150 Filed 6-29-73;8:45 am]

[Docket No. RP71-128]

FLORIDA GAS TRANSMISSION CO.

Notice of Petition for Extraordinary Relief

JUNE 22, 1973.

Take notice that on June 6, 1973, Edgar Plastic Kaolin Company (Kaolin Company), Edgar, Florida, filed a petition for extraordinary relief, requesting that the Commission exempt it from the curtailment provisions of section 9, *Priority of Service*, of the General Terms and Conditions of Florida Gas Transmission Company's (Florida Gas) FPC Gas Tariff, Original Volume No. 1.

Kaolin Company, a subsidiary of N L Industries, Inc., states that it is the only supplier of Florida Kaolin, a unique ceramic raw material used by more than 180 manufacturers in the ceramic industry, and that products range from electrical porcelain to chinaware and floor tile. It further states that Florida Kaolin is an essential ingredient for most of its customers in their ceramic formulations for which there is no available domestic substitute, and that curtailment of the supply of Florida Kaolin would force most customers to import English china clay with a resultant adverse effect on the balance of trade regarding this material.

Kaolin Company claims that a clean-burning, low-sulphur fuel is required for drying its product and is essential to processing Florida Kaolin for market. It asserts that installation of an alternate fuel system was not justified prior to 1971 because of the small amount of curtailing its gas supply, which during the 1971-1972 season was curtailed for 1000 hours, representing 10 percent of annual production.

In order to avoid future production losses Kaolin Company installed an alternate fuel system utilizing propane and/or butane gas during the 1972-1973 season. However, during April 1973 Northern Propane Gas Company advised that Kaolin Company's propane requirements under its existing contract covering projected needs through August 1974 could not be filled; and advised further in May 1973, that butane gas as a substitute for propane also would be unavailable.

Kaolin Company asserts that without an alternate fuel supply Florida Gas' anticipated curtailment of about 3000 hours during the 1973-1974 season will result in loss of 35 to 40 percent of its annual production and a three to four months' virtual shutdown of its operation. According to petitioner, this raises a definite possibility of being unable to stay in business. Kaolin Company has annual sales of approximately $2,000,000 but alleges that the aggregate effect on the industry it serves could result in loss of sales to the consuming industry of about $600,000,000.

Petitioner asserts that the relief requested would not have a serious adverse effect on the over-all picture of gas supply in Florida because its annual gas requirement represents only .1 percent of total gas consumption in Florida and the additional quantity of gas required for relief from curtailment during the coming season would aggregate only 45 million cubic feet at an estimated value of less than $20,000.

Although a currently inactive, wholly owned subsidiary, Edgar Brick Company, has a firm contract with Florida Gas for an annual uninterruptible supply of gas amounting to 3,000,000 therms, Florida Gas has denied requests to make this supply available to Kaolin Company during times of curtailment on the ground that the contract involved is non-transferable. Kaolin Company avers that distribution of the gas contracted for by its subsidiary would not be difficult since the facilities of the two companies are located only one mile apart, and that authorization should be given for a transfer of this firm contract as an alternate approach to providing curtailment relief.

Any person desiring to be heard or to make any protest with reference to said petition should, on or before July 9, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition which was filed with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13151 Filed 6-29-73;8:45 am]

[Docket No. E-8214]

GULF POWER CO.

Notice of Proposed Changes in Rates and Charges

JUNE 22, 1973.

Take notice that Gulf Power Company (Gulf Power) on May 18, 1973, tendered for filing proposed changes in its wholesale electric tariff. The proposed rate change is described in the company's transmittal letter as follows:

(1) Second Revised Sheet No. 4, cancelling First Revised Sheet No. 4 of the Gulf Power Company F.P.C. Electric Tariff First Revised Volume No. 1.
(2) Wholesale Electric Service Contracts between Gulf Power Company and
Escambia River Electric Cooperative, Inc.
Choctawhatchee Electric Cooperative, Inc., and
West Florida Electric Cooperative, Inc.
(3) Original Supplements to the above basic contracts and original supplements to a basic contract with Florida Public Utilities Company, previously filed January 26, 1973.
(4) For new delivery points at Grand Ridge and Blountstown, there are also enclosed estimates of quantities of services rendered and of anticipated revenues during the twelve months following commencement of service.

The company also states that since these contracts are part of a recently concluded FPC proceeding (Docket No. E-7686) they request waiver of the Commission's 30-day prior notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accorandce with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13152 Filed 6-29-73;8:45 am]

[Docket No. CI73-864]

HOOVER & BRACKEN OIL PROPERTIES, INC.

Notice of Application

JUNE 19, 1973.

Take notice that on June 8, 1973, Hoover & Bracken Oil Properties, Inc. (Applicant), 3232 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. CI73-864 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Hansford County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas, upon completion of the facilities required to begin such sale, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 78,750 Mcf of gas per month at 50 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 925 Btu per cubic foot. Applicant states that as a small producer certificate holder in Docket No. CS71-484 it is filing the instant certificate application solely to secure pre-granted abandonment authorization and that it does not intend to file a rate schedule for the proposed sale.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of

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the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13153 Filed 6-29-73;8:45 am]

[Docket No. CI73-863]

HOOVER & BRACKEN OIL PROPERTIES, INC.

Notice of Application

JUNE 19, 1973.

Take notice that on June 8, 1973, Hoover & Bracken Oil Properties, Inc. (Applicant), 3232 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. CI73-863 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas, upon completion of the facilities required to begin such sale, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 150,000 Mcf of gas per month at 50 cent per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 925 Btu per cubic foot. Applicant, which is a small producer certificate holder in Docket No. CS73-138, states that it is filing the instant application because of the uncertainty of said certificate procedure as a result of the decision by the United States Court of Appeals in its docket No. 71-1560, et al., on December 12, 1972.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1973, filed with the Federal Power Commission, Washington, DC. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13154 Filed 6-29-73;8:45 am]

[Docket No. CI73-865]

HOOVER & BRACKEN OIL PROPERTIES, INC.

Notice of Application

JUNE 19, 1973.

Take notice that on June 8, 1973, Hoover & Bracken Oil Properties, Inc. (Applicant), 3232 Liberty Tower, Oklahoma City, Oklahoma 73102, filed in Docket No. CI73-865 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from acreage in Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas, upon completion of the facilities required to begin said sale, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 150,000 Mcf of gas per month at 50 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 925 Btu per cubic foot. Applicant states that as a small producer certificate holder in Docket No. CS71-484 it is filing the instant certificate application solely to secure pregranted abandonment authorization and that it does not intend to file a rate schedule for the proposed sale.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13155 Filed 6-29-73;8:45 am]

[Project No. 2095]

INTERNATIONAL PAPER CO.

Notice of Issuance of Annual License

JUNE 21, 1973.

On May 14, 1969, International Paper Company, Licensee for York Haven Project No. 2095 located in York County, Pennsylvania, on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on May 21, 1970.

The license for Project No. 2095 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to International Paper Company for continued operation and maintenance of Project No. 2095.

Take notice that an annual license is issued to International Paper Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 2095, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13156 Filed 6-29-73;8:45 am]

[Docket No. E-8257]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

JUNE 20, 1973.

Take notice that on June 4, 1973, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing a new and additional Service Schedule J, Economy Energy, dated as of May 22, 1973, proposed to become a part of and under an Interchange Agreement dated November 15, 1971, between Iowa-Illinois and the City of Geneseo, Illinois, which is designated Iowa-Illinois Rate Schedule FPC No. 31. Such rate schedule supplement is proposed to become effective thirty days after filing pursuant to rule. Iowa-Illinois states that this filing is to effect and will facilitate economy energy transactions between the parties on a split-savings basis, which is comparable with like agreements to which Iowa-Illinois is a party.

Any person desiring to be heard or to make protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, DC. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13157 Filed 6 2' 73:8:45 am]

[Docket No. E-8209]

IOWA SOUTHERN UTILITIES CO.

Notice of New Service Agreement

JUNE 20, 1973.

Take notice that Iowa Southern Utilities Company (Utilities) on May 18, 1973, tendered for filing a new Service Agreement between Utilities and the Town of Danville, Iowa. The new agreement is dated May 2, 1973, and is proposed to become effective as of May 2, 1973.

Utilities states that the new agreement, a superseding a prior agreement dated November 21, 1966, contains its Rate Schedule 96 in lieu of Rate Schedule 91 which was contained in the superseded agreement. The change in rate schedule would result in a rate reduction estimated at $1,800 for the twelve months period ending May 31, 1974. Utilities requests waiver of the notice requirements of the Commission's rules of practice and procedure in order that the rate reduction may become effective as of May 2, 1973.

Copies of the filing have been served upon jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13158 Filed 6-29-73;8:45 am]

[Docket No. E-8254]

KANSAS POWER AND LIGHT CO.

Notice of Supplemental Rate Schedule

JUNE 20, 1973.

Take notice that on June 4, 1973, The Kansas Power and Light Company (KP&L) tendered for filing Service Schedule G dated May 10, 1973, as a supplemental rate schedule to KPL Rate Schedule FPC No. 5. KP&L states that Service Schedule G provides participation power service capacity in the amount of twelve (12) megawatts to be made available to the Omaha Public Power District from KP&L's Lawrence Unit No. 5 for the period June 1, 1973, through May 31, 1974. KP&L maintains that unknown requirements prevent an estimate of revenues from energy sales but that the capacity charge will be $18,000 per month. An effective date of June 1, 1973, has been proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13159 Filed 6-29-73;8:45 am]

[Docket No. E-7565]

KENTUCKY POWER CO.

Notice of Termination of Service

JUNE 20, 1973.

Take notice that Kentucky Power Company (KPC) tendered for filing copies of Amended Supplement No. 2 to KPC's FPC Rate Schedule No. 12. KPC states that this filing is made pursuant to directions contained in Commission Opinion No. 652, issued March 2, 1973, as reaffirmed in Opinion No. 652-A, issued April 27, 1973.

KPC maintains that this amended Supplement No. 2 contains a provision providing for the termination of service under the Rate Schedule on file with the Commission between the Company and Vanceburg Electric Light, Heat and Power System, Vanceburg, Kentucky.

KPC states that as provided in the aforementioned Opinions this Supplement is to be effective immediately upon its filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13160 Filed 6-29-73;8:45 am]

[Docket No. E-8217]

NEW ENGLAND POWER SERVICE CO. AND BOSTON EDISON CO.

Notice of Transmission Contracts

JUNE 19, 1973.

Take notice that on May 21, 1973, New England Power Service Company (New England) filed a joint application on behalf of itself and Boston Edison Company (Edison) with the Federal Power Commission, pursuant to section 35 of the regulation under the Federal Power Act, requesting approval of contracts providing for transmission services by Applicants to Fitchburg Gas and Electric Light Company (Fitchburg), contract

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dated July 14, 1972, and to Public Service Company of New Hampshire (Public Service), contract dated September 21, 1972. The application states that the aforementioned contracts are to run concurrently with the System Power Contracts wherein Edison will provide power to Fitchburg and Public Service.

Fitchburg has executed a System Power Contract, dated May 1, 1972, with Edison for the purchase of 40 MW of system power for the period beginning with the date of commercial operation of Pilgrim Unit No. 1, a nuclear generating unit under construction by Edison in Plymouth, Massachusetts, and ending on September 30, 1981. Public Service has executed a System Power Contract, dated September 21, 1972, with Edison for the purchase of system power according to the following schedule:

a) 60,000 kw: to be effective from the first day of commercial operation of Pilgrim Unit No. 1 until and including October 31, 1972.
b) 100,000 kw: to be effective from November 1, 1972 until and including April 30, 1973.
c) 40,000 kw: to be effective from November 1, 1973 until and including April 30, 1974.

The application in this Docket concerns the transmission of aforementioned power to Fitchburg and Public Service because Edison's system is not contiguous with either of the proposed buyers and is interconnected with said buyers through the system of New England.

Pursuant to § 35.11 of the regulations under the Federal Power Act, Applicant request that the Commission waive its thirty day notice requirement and that it allow these contracts to become effective on December 9, 1972, in accordance with their terms.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 1973, file with the Federal Power Commission, Washington, DC. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13142 Filed 6-29-73;8:45 am]

[Docket No. CI73-817]

KISSINGER PETROLEUMS CORP.

Notice of Application

JUNE 19, 1973.

Take notice that on May 29, 1973, Kissinger Petroleums Corp. (Applicant), P.O. Box 22004, Denver, Colorado 80222, filed in Docket No. CI73-817 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to McCulloch Interstate Gas Corporation. (McCulloch) from the Spotted Horse Field, Campbell County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to McCulloch from the Spotted Horse Field at an initial price of 35 cents per Mcf at 15.025 psia with no Btu adjustment. The basic contract for the subject sale dated February 23, 1973, provides for annual price escalations of 1.0 cent per year per Mcf, commencing one year from the date of the first delivery of the gas. Applicant states that the term of the contract is 20 years. Estimated monthly sales are 150,000 Mcf of gas.

Applicant asserts that the contract prices are consistant with the objectives enunciated by Commission Order No. 455 and are just and reasonable, since the proposed rate is in the same range or lower than many present intrastate prices offered in Wyoming (37 cents and 40 cents per Mcf with Btu adjustment). In addition Applicant also asserts that its initial price is lower than the prices presently sought and paid for the sale of liquefied natural gas (77 cents to 83 cents per Mcf) and synthetic pipeline gas ($1.21 per Mcf).

Any person desiring to be heard or to make any protests with reference to said application should on or before July 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13161 Filed 6-29-73;8:45 am]

[Docket No. E-8264]

MAINE PUBLIC SERVICE CO.

Notice of Initial Rate Schedule

JUNE 22, 1973.

Take notice that on June 8, 1973, Maine Public Service Company (Maine) tendered for filing its present Contract Rate to other utilities, Rate O-1, as an initial Rate Schedule. Maine estimates total revenues in the twelve months ended April 30, 1974, at $1,182,562. Maine states that a copy of this filing has been forwarded to affected customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13162 Filed 6-29-73;8:45]

[Project No. 1888]

METROPOLITAN EDISON CO.

Notice of Issuance of Annual License

JUNE 21, 1973.

On June 30, 1969, Metropolitan Edison Company, Licensee for York Haven Project No. 1888 located in Dauphin, Lancaster and York Counties, in the region of the Cities of Harrisburg, Lancaster and York, Pennsylvania, on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1888 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Metropolitan Edison Company for continued operation and maintenance of Project No. 1888.

Take notice that an annual license is issued to Metropolitan Edison Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the York Haven Project No. 1888, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13163 Filed 6-29-73;8:45 am]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Revision to Tariff

JUNE 21, 1973.

Take notice that on June 6, 1973, Michigan Wisconsin Pipe Line Company (MWPL) tendered for filing the following tariff sheets:

Second Revised Volume No. 1
Sixth Revised Sheet No. 1
Eleventh Revised Sheet No. 2
Original Sheet No. 2A
Fifth Revised Sheet No. 4
Fourteenth Revised Sheet No. 33
Second Revised Sheet No. 33A
First Revised Volume No. 2
First Revised Sheet No. 1A

MWPL states that the filings are made to update the information contained in the sheets and requests an effective date of July 10, 1973. The company maintains that copies of the filing have been sent to all its customers and to interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13164 Filed 6-29-73;8:45 am]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Exchange Agreement

JUNE 21, 1973.

Take notice that on June 11, 1973, Michigan Wisconsin Pipe Line Company (MWPL) tendered for filing an exchange agreement between it and Southern Natural Gas Company (Sonatco) as Original Sheets Nos. 330 through 335 designated as Rate Schedule X-35 to MWPL's F.P.C. Gas Tariff, First Revised Volume No. 2. MWPL states that this action was authorized by ordered issue June 1, 1973, in Docket No. CP73-92. An effective date of July 11, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13165 Filed 6-29-73;8:45 am]

[Docket No. CI73-872]

ADA LAND CO. ET AL.

Notice of Application

JUNE 19, 1973.

Take notice that on June 11, 1973, Ada Land Company, (Applicant), P.O. Box 844, Houston, Texas 77011, filed in Docket No. CI73-872 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the East LeBlanc Field, Allen Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 17, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 12,000 Mcf of gas per month at 40.0 cents per Mcf at 15,025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13166 Filed 6-29-73;8:45 am]

[Project 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

JUNE 21, 1973.

Public notice is hereby given that application was filed March 2, 1973, and supplemented April 27, 1973, under the Federal Power Act (16 USC 791a-825r) by Alabama Power Company (correspondence to: Mr. S. R. Hart, Jr., Vice President-Engineering, Alabama Power Company, Birmingham, Alabama 35202) for change of land rights for constructed Project No. 2146, known as the Coosa River Project, located on the Coosa River a navigable waterway of the United States, in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah and Cherokee Counties Alabama and Floyd County, Georgia.

Applicant requests Commission approval of an easement that would allow the Alabama State Highway Department to widen, improve and maintain a portion of highway from Ohatchee to Ragland, Alabama across the H. Neely Henry Dam of the Coosa River Project No. 2146. The proposed easement would encompass six parcels of project land (about 21.17 acres) that are located on the east embankment of the dam and also along the east and west approaches of the structure.

The terms of the proposed easement would require that: (1) the State take such precautions as are necessary to protect the reservoir from siltation and pollution during construction and maintenance of the highway; (2) the State install guard rails along the north margin of the right-of-way on the east dike;

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13166 Filed 6-29-73;8:45 am]

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(3) the State post 10 M.P.H. speed limit signs and install speed breakers at the spillway and powerhouse sections; and (4) the easement be subject to the terms of the license and would reserve to the Company the right to close the road during an emergency or for maintenance of its facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be take but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13137 Filed 6-29-73;8:45 am]

[Docket No. RP 73-112]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Change in Rates and Charges

JUNE 22, 1973.

Take notice that on June 15, 1973, Algonquin Gas Transmission Company (Algonquin) tendered for filing the following Revised Tariff Sheets:

Original Volume No. 1: Third Revised Sheet No. 3-A
Original Volume No. 2: Twenty-Seventh Revised Sheet No. 57

Algonquin, in this filing for a change in rates, proposes to increase the rates, effective August 1, 1973, presently applicable to natural gas service rendered to its customers under its rate schedules F-1, WS-1, I-1, E-1, X-5, and T-1. According to Algonquin, the proposed changes amount to an increase in revenues of approximately $7.8 million annually, or an annual percentage increase of 7.58 percent. Furthermore, Algonquin proposed to increase its basic depreciation rate from 3 percent to 5 percent.

Algonquin states that two major cost of service factors necessitate the proposed changes. First, an increase in depreciation from 3 percent to 5 percent is needed since the 3 percent rate has been basically utilized since Algonquin commenced operations approximately twenty years ago in order to reflect the present gas shortage supply. Second, Algonquin states that an increase in rate of return from 8.125 percent to 9 percent is needed to reflect the current capitalization and debt cost of Algonquin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 9, 1973. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13138 Filed 6-29-73;8:45 am]

[Docket No. ID-1524]

DONALD G. ALLEN

Notice of Application

JUNE 20, 1973.

Take notice that on January 12, 1973, Donald G. Allen (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act seeking authority to hold interlocking directorate positions.

Applicant presently serves as Vice President of New England Power Company, which is a wholesale generating and transmission company within the New England Electric System holding company system. Applicant also serves as President and Director of Yankee Atomic Electric Company, organized by eleven investor-owned utilities, to operate an atomic-electric plant in Rowe, Massachusetts.

Any person desiring to be heard or to make the protestants parties to the proapplication should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13139 Filed 6-29-73;8:45 am]

[Docket No. ID-1306, et al.]

B. HUDSON MILNER ET AL.

Notice of Applications

JUNE 21, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

ID-1306	B. Hudson Milner.	5/9/73	Ohio Valley Electric Corporation
ID-1555	John D. Feehan	5/3/73	Atlantic City Electric Company Deepwater Operating Company
ID-1605	Richard M. Wilson	5/3/73	Atlantic City Electric Company Deepwater Operating Company
ID-1621	Henry W. Bailey	4/13/73	Kentucky Utilities Company Old Dominion Power Company
ID-1606	Frank J. Ficadenti	5/3/73	Atlantic City Electric Company Deepwater Operating Company

KENNETH F. PLUMB,
Secretary.

[FR Doc.73 13168 Filed 6-29-73;8:45 am]

[Docket No. E-6730]

GEORGIA POWER CO.

Filing by Licensee

JUNE 27, 1973.

Public notice is hereby given that the Georgia Power Company (Licensee) of Atlanta, Georgia filed a letter with this Commission on May 7, 1973, which concluded that the amounts recommended by the Staff of this Commission in its energy gains study for the period February 1, 1956, through December 31, 1964, were reasonable and appropriate and that upon receipt of a bill in the amount of $642,627.00, the Company was prepared to pay that sum in complete satisfaction of all claims for headwater benefits in the form of energy gains including the staff cost of making the investigation, for the period covered as stated above.

Pursuant to the provisions of section 10(f) of the Federal Power Act (16 U.S.C. 803), the Bureau of Power of this Commission prepared two reports on the investigation of headwater benefits in the Chattahoochee River Basin covering the period February 1, 1956, when the Federal Buford Reservoir began filling, through December 31, 1965. The first report dated October, 1968, covered only energy gains and concluded that the Georgia Power Company should pay to the United States $585,797.00 for these gains provided by the Buford Reservoir to the Company's downstream hydroelectric plants. In addition, the report concluded that the Company should pay $56,830.00 as the Company's share of the Staff's cost of making the investigation, which together with the energy gain would total $642,627.00.

The Licensee would not pay this amount as a settlement in this proceeding of the energy gains to its downstream hydroelectric projects for the period stated above.

Any person desiring to be heard or to make protest with reference to this proposed settlement and payment by the Georgia Power Company, should on or before July 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules of practice and procedure.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13280 Filed 6-29-73;8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Proposed Change in Rates

JUNE 22, 1973.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 14, 1973, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Fifth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a purchased gas cost current adjustment to Mid Louisiana's rate schedules G-1, SG-1 and I-1; that the revised tariff sheet and supporting information are being filed forty-five (45) days prior to the effective date of August 1, 1973, in accordance with section 19 of Mid Louisiana's FPC Gas Tariff and in compliance with Commission Order Nos. 452 and 452-A; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13166 Filed 6-29-73;8:45 am]

[Rate Schedule 39]

MOBIL OIL CORP.

Rate Change Filings

JUNE 22, 1973.

Take notice that the producer listed in the Appendix attached hereto has filed a proposed increased rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed in the appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
6-11-73	Mobil Oil Corporation Three Greenway Plaza East Suite 800 Houston, Texas 77046	39	Natural Gas Pipeline Company of America	Texas Gulf Coast

[FR Doc.73-13167 Filed 6-29-73;8:45 am]

[Docket No. CI73-857]

NATIONAL EXPLORATION CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 5, 1973, National Exploration Company (Applicant), One Elizabethtown Plaza, Elizabeth, New Jersey 07207, filed in Docket No. CI73-857 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the McCaskill Field, Karnes County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states it commenced the sale of natural gas on May 14, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 390,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Estimated initial upward adjustment is 7.0 cents per Mcf of gas.

Applicant states that as a small producer certificate holder in Docket No. CS71-484 it is filing the instant certificate application solely to secure pregranted abandonment authorization and that it does not intend to file a rate schedule for the proposed sale. Applicant states further that this sale will not impair its ability to sell gas from the McCaskill Field to Elizabethtown Gas Company for transportation by Transcontinental Gas Pipe Line Corporation as proposed in Docket No. CP73-4.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of

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the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13170 Filed 6-29-73;8:45 am]

[Docket No. CP73-328]

NATURAL GAS PIPELINE OF AMERICA

Notice of Application

JUNE 19, 1973.

Take notice that on June 12, 1973, Natural Gas Pipeline of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-328 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a field compressor station in Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that reservoir pressures in the South Hope, Dagger Draw, and Cemetary Fields in Eddy County are declining so as to cause accelerated reduction in production rates and premature plugging of some wells and that lowering of the gathering line pressures will permit Applicant to recover additional allowable production of approximately 800,000 Mcf of gas from these fields. Applicant proposes to construct a 135 horsepower compressor station and approximately ½ mile of 4-inch pipeline to extend from the Cemetary Field gathering pipeline to the proposed compressor station to compress and transport this gas.

The stated cost of the proposed construction is $109,300 which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13169 Filed 6-29-73;8:45 am]

[Project 1967]

NEKOOSA EDWARDS PAPER CO., INC.

Issuance of Annual License

JUNE 21, 1973.

On May 21, 1969, Nekoosa Edwards Paper Company, Inc., Licensee for Lower Paper Mill Development Project No. 1967 located in Portage County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission order No. 384 on September 2, 1970.

The license for Project No. 1967 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Nekoosa Edwards Paper Company Inc., for continued operation and maintenance of Project No. 1967.

Take notice that an annual license is issued to Nekoosa Edwards Paper Company Inc., (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Paper Mill Development Project No. 1967, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13171 Filed 6-29-73;8:45 am]

[Project 1904]

NEW ENGLAND POWER CO.

Issuance of Annual License

JUNE 21, 1973.

On June 23, 1969, New England Power Company, Licensee for Vernon Project No. 1904 located in Cheshire County, New Hampshire and Windham County, Vermont, near Hinsdale, Chesterfield, Westmoreland and Walpole, New Hampshire and Vernon, Brattleboro, Dummerston, Putney and Westminister, Vermont, on the Connecticut River filed an application for a new license under section15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission order no. 384 on February 24, 1970.

The license for Project No. 1904 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1904.

Take notice that an annual license is issued to New England Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Vernon Project No. 1904 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13172 Filed 6-29-73;8:45 am]

[Project 1892]

NEW ENGLAND POWER CO.

Issuance of Annual License

JUNE 22, 1973.

On June 23, 1969, New England Power Company, Licensee for Wilder Project No. 1892 located in Orange and Windsor Counties, Vermont and Cheshire, Grafton and Sullivan Counties, New Hampshire, on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1892 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1892.

Take notice that an annual license is issued to New England Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wilder Project No. 1892, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13174 Filed 6-29-73;8:45 am]

[Project No. 1553]

NEW JERSEY ZINC CO.

Issuance of Annual License

JUNE 20, 1973.

On June 12, 1970, The New Jersey Zinc Company, Licensee for Fall Creek Hydroelectric Plant, Project No. 1553 located on Fall Creek in Eagle County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 1553 was issued effective June 28, 1950, for a period ending June 28, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The New Jersey Zinc Company for continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to The New Jersey Zinc Company (Licensee) under section 15 of the Federal Power Act for the period June 29, 1973, to June 28, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13175 Filed 6-29-73;8:45 am]

[Docket No. E-8256]

NEW YORK STATE ELECTRIC AND GAS CORP.

Notice of Initial Filing

JUNE 22, 1973.

Take notice that on June 4, 1973, New York State Electric and Gas Corporation (New York) tendered for filing an Agreement dated May 25, 1973, between New York and Central Hudson Gas and Electric Corporation (Central Hudson) as a rate schedule. New York states that the agreement, for a term commencing June 1 and terminating June 30, 1973, provides that New York shall make available and sell to Central Hudson 42,000 kilowatts of firm capability and associated energy for the specified term. New York estimates revenues of $216,562 and proposes an effective date of June 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.13176 Filed 6-29-73;8:45 am]

[Docket Nos. CP72-233, CP73-15, CI72-677, CI73-281]

NATURAL GAS PIPE LINE CO. OF AMERICA AND TEXACO INC.

Further Postponement of Procedural Dates

JUNE 22, 1973.

Notice is hereby given that the procedural dates set by the order issued May 23, 1973, as modified by the notice issued June 13, 1973, are further postponed as follows:

Service of evidence by applicants and persons in support of the application, July 5, 1973
Service of answering evidence by applicants and interveners, July 6, 1973
Commencement of hearing, July 31, 1973 (10:00 a.m., EDT)

Action on the request for a prehearing conference will be by subsequent order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13179 Filed 6-29-73;8:45 am]

[Docket No. E-8266]

NIAGARA MOHAWK POWER CORP.

Initial Rate Schedule

JUNE 20, 1973.

Take notice that on June 11, 1973, Niagara Mohawk Power Corp. (Niagara) tendered for filing as an initial rate schedule a firm power agreement dated April 12, 1973, between Niagara and Consolidated Edison Co. of New York, Inc. (Con Ed). The term of the agreement is from June 1, 1973 through Oct. 27, 1973, and anticipated revenues are $8,640,000, according to Niagara's statement. An effective date of June 1, 1973, has been requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13178 Filed 6-29-73;8:45 am]

[Docket No. E-8269]

NIAGARA MOHAWK POWER CORP.

Initial Rate Schedule

JUNE 22, 1973.

Take notice that on June 11, 1973, Niagara Mohawk Power Corporation (Niagara) tendered for filing a Transmission Agreement dated April 12, 1973, between Niagara and Consolidated Edison Company of New York, Inc. (Con Edison) as an initial rate schedule. Niagara states that the service to be rendered by it provides for the transmission of up to 480,000 Kw of Con Edison's proportionate power interests in the Roseton Electric Generating Plant between Niagara's Leeds Substation connection with the Roseton Plant and Niagara's transmission with Con Edison's Pleasant Valley Substation. Estimated revenues for 1973 and 1974 are $384,480 for each year according to Niagara. The proposed effective date in the date when the first unit of the Roseton generating plant is placed in commercial operation, projected to be some time during July of 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13177 Filed 6-29-73;8:45 am]

[Docket No. E-8199]

NORTHERN STATES POWER CO.

New Service Agreement

JUNE 20, 1973.

Northern States Power Company (Northern) on May 14, 1973, tendered for filing a new Firm Power Service Resale Agreement between Northern and the City of Waseca, Minnesota. The new agreement is dated April 12, 1973,

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and would become effective on April 12, 1973.

Northern states that the new agreement would supersede a prior agreement dated June 27, 1964, designated as Rate Schedule FPC No. 299, as supplemented by Letter Agreement, and its attached rate schedule, dated June 22 and June 3, 1966, respectively, and designated as Supplement No. 2 to Rate Schedule FPC No. 299. Northern also states that the rates contained in the new agreement are the same as those contained in the Resale Contract dated June 27, 1964, as supplemented.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13180 Filed 6-29-73;8:45 am]

[Docket Nos. G-1965, G-16818 G-18423, G-20273 RP66-7, G-1786]

OHIO FUEL GAS CO.

Filing of Refund Reports

JUNE 21, 1973.

Take notice that on April 22, 1968, June 13, 1968, February 26, 1969, January 28, 1971, and September 17, 1971, Ohio Fuel Gas Company (Ohio) filed reports indicating that pursuant to the above-referenced dockets, it has refunded $4,509,485.04. The refunds purport to cover various periods from January 8, 1953, through April 15, 1971, and to represent the flow-through of the jurisdictional portions of cash refunds and equivalent rate reduction refunds totaling $5,397,718 received from its suppliers.

On April 22, 1968, Ohio filed a Refund Report No. 2 Showing Refund Due Jurisdictional Customers for the Period November 1, 1965, through September 30, 1967. Reflecting Cash Refunds Received from Suppliers and Equivalent Rate Reduction Refunds, in Compliance with Provisions of the Stipulation and Agreement and Commission Order Issued January 25, 1968, in Docket No. RP66-7. According to the Refund Report, Ohio refunded the amount of $432,577.77 to its jurisdictional customers.

On June 13, 1968, Ohio filed a Summary of Refunds to Jurisdictional Customers Due to Supplier Refunds In Compliance With Stipulations and Agreements, Opinions and Orders Issued in FPC Docket Nos. G-1786, G-1965, G-16818, G-18423, G-20273 and RP66-7. The summary report covers the period of February 24, 1965, through April 24, 1968. According to the report, the amount of $1,868,310.17 was refunded to jurisdictional customers.

On February 16, 1969, Ohio filed a Summary of Refunds to Jurisdictional Customers Due to Supplier Refunds In Compliance with Stipulations and Agreements, Opinions and Orders Issued in FPC Docket Nos. G-16818, G-18423, G-20273 and RP66-7. The refunds covered the periods of: (1) March 10, 1959, through October 31, 1965, (2) November 1, 1965, through October 31, 1966, and (3) November 1, 1966, through September 24, 1968. Ohio stated in the report that it had refunded $305,629.26 to its jurisdictional customers.

On January 28, 1971, Ohio filed a compliance letter which stated that Ohio refunded $452,814.22 applicable to various periods from May 15, 1969, through October 31, 1969, in compliance with ordering paragraphs (B) and (C) of the Commission's order issued January 25, 1968, as amended by ordering paragraph (A) of the Commission's order issued March 5, 1969, which accepted revised Article IV filed February 20, 1969, to the original settlement agreement filed December 11, 1967, in Docket Nos. RP66-7, et al.

On September 17, 1971, Columbia Gas Transmission Corp. (Columbia) filed a compliance letter stating it had made refunds covering the period of November 1, 1970, through April 15, 1971. On July 1, 1971, Columbia became successor in interest, by merger, to Ohio. Pursuant to Stipulations and Agreements and Orders issued in FPC Docket Nos. RP66-7 and RP69-16 et al., Columbia refunded $1,450,153.62 as indicated in Refund Report No. 2 in FPC Docket RP69-16 et al. and Refund Report No. 8 in FPC Docket RP66-7.

A copy of these refund plans are on file with the Commission and is available for public inspection. Comments or protests, with appropriate supporting data, should be filed on or before July 3, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13181 Filed 6-29-73;8:45 am]

[Docket No. E-8208]

OTTER TAIL POWER CO.

Interconnection Agreement

JUNE 19, 1973.

Take notice that on May 17, 1973, Otter Tail Power Company (Applicant) filed with the Federal Power Commission pursuant to section 35 of the regulations under the Federal Power Act, an interconnection contract between itself and the United States Department of the Interior and the Bureau of Reclamation.

The proposed interconnection contract provides for interconnections between the transmission systems of Applicant and the Bureau of Reclamation at Gary, South Dakota, and at Forman, North Dakota. Such interconnections are for the purpose of providing an outlet for power and energy from the Big Stone Plant being jointly constructed by Applicant, Montana-Dakota Utilities Company and Northwestern Public Service Company.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 26, 1973, file with the Federal Power Commission Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13182 Filed 6-29-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 21, 1973.

On June 20, 1973, Staff Counsel filed a motion for a further extension of service dates set by the notice issued May 18, 1973, in the above designated matter. The motion states that there is no objection to the motion by any party.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service Date, July 13, 1973,
Intervener Service Date, July 31, 1973.
Company Rebuttal Date, August 14, 1973.
Prehearing Conference, July 31, 1973 (10:00 a.m., e.d.t.)
Hearing, August 28, 1973 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13183 Filed 6-29-73;8:45 am]

[Project 1881]

PENNSYLVANIA POWER & LIGHT CO.

Issuance of Annual License

JUNE 21, 1973.

On June 27, 1969, Pennsylvania Power & Light Company, Licensee for Holtwood Project No. 1881 located in York and Lancaster Counties, Pennsylvania, on the Susquehanna River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1881 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pennsylvania Power & Light Company for continued operation and maintenance of Project No. 1881.

Take notice that an annual license is issued to Pennsylvania Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Holtwood Project No. 1881, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13184 Filed 6-29-73;8:45 am]

[Docket No. CI73-862]

PHILLIPS PETROLEUM CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 6, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI73-862 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the Anadarko Basin Area, Woodward County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period of one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 15,000 Mcf of gas per month at 40.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13186 Filed 6-29-73;8:45 am]

[Doc. No. CI73-869]

PHILLIPS PETROLEUM CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 8, 1973, Phillips Petroleum Co. (Applicant), Bartlesville, Oklahoma 74004, filed in Doc. No. CI73-869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Permian Basin Area, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 31, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 46,000 Mcf of gas per month at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13185 Filed 6-29-73;8:45 am]

[Rate Schedule 1, et al.]

PIONEER GAS PRODUCTS CO. ET AL.

Rate Change Filings

JUNE 22, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

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APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
6-13-73	Pioneer Gas Products Company P.O. Box 2542 Amarillo, Texas 79105	1	Lone Star Gas Company	Other Southwest Area
"	"	2	"	"
6-14-73	Atlantic Richfield Company P.O. Box 2819 Dallas, Texas 75221	7[1]	Tennessee Gas Pipeline Company	Texas Gulf Coast
4-27-73[2]	K. D. Owen, *et al.* c/o Vinson, Elkins, Searls, Connally & Smith First National Banking Building Houston, Texas 77002	4	Transcontinental Gas Pipe Line Corp.	"

[1] Includes sales presently made under Atlantic's FPC Gas Rate Schedule No. 650 which is proposed to be superseded by Atlantic's FPC Gas Rate Schedule No. 7.
[2] Corrected by filing submitted on 6-18-73.

[FR Doc.73-13187 Filed 6-29-73;8:45 am]

FEDERAL RESERVE SYSTEM

FINANCIAL GENERAL BANKSHARES, INC., ET. AL.

Acquisition of Bank Shares

Financial General Bankshares, Inc., Washington, D.C., the Morris Plan Corporation, Washington, D.C. its subsidiary, and Financial General Corporation (MD.), Washington, D.C., its subsidiary, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 10 per cent of the voting shares of American National Bank of Maryland, Silver Spring, Maryland. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 18, 1973.

Board of Governors of the Federal Reserve System, June 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13367 Filed 6-29-73;8:45 am]

FIRST AMTENN CORP.

Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of City National Bank of Memphis, Memphis, Tennessee, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 20, 1973.

Board of Governors of the Federal Reserve System, June 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13366 Filed 6-29-73;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Approving Acquisition of Crown Finance Corp.

First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's regulation Y, to acquire all of the voting shares of Crown Finance Corporation, St. Louis County, Missouri ("Crown"). Crown and 85 of its subsidiaries engage in the activities of making consumer finance loans and purchasing installment sales finance contracts. Through its insurance brokerage and insurance agency subsidiaries, Crown Agency Corporation and Alpha Insurance Agency, Inc., Crown engages in the sale of credit life and credit accident and health insurance in connection with extensions of credit by its finance company subsidiaries. Crown is also engaged, through its subsidiary, Corona National Life Insurance Company ("Corona"), in underwriting, as reinsurer, credit life and credit accident and health insurance in connection with loans made by Crown and its finance company subsidiaries. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (9), and (10)).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 226). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the largest banking organization in Tennessee, controls eight banks with aggregate deposits of $1.2 billion, representing 12.7 per cent of the total commercial bank deposits in the State.[2] Applicant's nonbanking subsidiaries engage in mortgage banking, investment and management services, personal property and equipment leasing, trust services, and underwriting, as reinsurer, credit life and disability insurance.

Crown and its subsidiaries have total assets of $28.9 million. With regard to its finance company activities, Crown presently operates, either directly or through wholly-owned subsidiaries, 59 offices located in seven States: Illinois, Indiana, Iowa, Kansas, Missouri, Ohio, and Oklahoma. The closest office of Applicant's banking subsidiaries is 70 miles from an office of Crown. The proposed acquisition would have no adverse effect on existing competition since Applicant's subsidiaries that are engaged in the same lines of commerce as Crown's subsidiaries neither serve nor maintain offices in any geographic market served by subsidiaries of Crown. Applicant would not appear to be a likely de novo entrant into Crown's market areas. The Board concludes that the proposed acquisition would have no adverse effects upon potential competition. Further, it does not appear that the acquisition of Crown by Applicant will have significantly adverse effects on credit presently made available to independent finance companies by Applicant's subsidiary banks.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application, by giving Crown access to Applicant's financial resources, should enhance its competitive effectiveness and enable it to expand the range of services it offers. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable with respect to the proposed finance company and insurance agency activities.

Crown, through its subsidiary, Corona, engages in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to its extensions of credit. In connection with its addition of credit life and credit accident and health insurance underwriting to the list of permissible activities for bank holding companies, the Board stated:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service. (12 CFR 225.4(a)(10).)

Applicant has proposed rate reductions in premiums on credit life insurance underwritten by Crown's subsidiary reinsurer as follows: 3.1 per cent in Illinois, 6.7 per cent in Indiana, 15 per cent in Iowa, 15 per cent in Kansas, 15 per cent in Missouri, 6.7 per cent in Ohio, and 9.4 per cent per hundred dollars of indebtedness in Oklahoma. Should Crown and its subsidiary reinsurer reach the decision that the subsidiary will continue to underwrite credit accident and health insurance following the proposed acquisition, premiums would be reduced by 5 per cent in all seven States. It is the Board's judgment that these proposed rate reductions provide benefits to the public and that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable with respect to the proposed reinsurance activities.

With respect to the insurance activities that would be engaged in by Applicant in Illinois after its acquisition of Crown, the Independent Insurance Agents of Illinois, in commenting on the proposed acquisition, contend that section 506 of the Illinois Insurance Code (73 Ill. Ann. Stat. section 1065.53) would prohibit subsidiaries of Crown from being licensed in Illinois as insurance agents following Crown's affiliation with Applicant. Section 506 provides that:

A license to act as an agent or broker shall not be issued to a national bank located in a city, village or incorporated town exceeding five thousand (5,000) population according to the last federal census, nor to any state bank or trust company, nor to any subsidiary, affiliate, officer or employee of any such national or state bank or trust company contributing to the income, either directly or indirectly, of such bank or trust company any profit or fees or any part thereof derived from the solicitation, negotiation or effecting of insurance.

The Independent Insurance Agents of Illinois contend that this statutory provision prohibits the licensing of agencies acquired by Applicant because Applicant is a holding company of banks that will be affiliated with and indirectly sharing the income of such agencies. If State law would clearly prohibit the proposed Illinois insurance activities, the Board would be required to deny that part of the application.[3]

In view of the possible prohibition under section 506, Applicant has stated that it will not seek to have Crown's subsidiaries licensed as insurance agents in Illinois. Applicant has proposed that Crown's employees will enroll Illinois debtors of Crown or its subsidiaries for credit insurance coverage under a group credit life or credit accident and health policy issued to Crown as the policyholder. It is understood that Crown would not receive commissions, but might receive and retain premium adjustments under the group policy, computed on the basis of the loss experience with respect to insured Illinois residents. Representatives of the State of Illinois Department of Insurance have stated that credit life and credit accident and health policies can be sold under the group form and that the Department does not require the creditor under a group policy to be licensed as an insurance agent to enroll members.

The Board concludes that, in view of the fact that an agency license is not necessary for the sale of credit insurance under a group policy, section 506 is not applicable to the insurance activities in question if they are conducted as proposed by Applicant.

Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective June 21, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13364 Filed 6-29-73;8:45 am]

UNITED ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

United Alabama Bancshares, Inc., Dothan, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of the First National Bank of Eufaula, Eufaula, Barbour County, Alabama ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is at present a one-bank holding company, owning approximately 58 percent of the City National Bank of Dothan, Dothan, Alabama, with deposits of $15.4 million, representing one-fourth of one percent of total deposits of commercial banks in the state of Alabama.[5]

In addition, Applicant has pending applications to acquire two additional banks, one in Huntsville and the other in Bessemer, Alabama. Bank has total deposits of $11.2 million, and consummation of the proposed acquisition of Bank would not result in a significant increase in concentration of banking resources in Alabama, nor would such concentration be materially affected if Applicant's other proposed acquisitions are also approved. Applicant's present subsidiary is in Dothan, approximately 60 miles south of Bank, and Applicant does not presently have any affiliates in Barbour County. Consequently, there is no existing competition between Bank and Applicant's present and proposed subsidiaries. Furthermore, it is unlikely that competition would develop between these banks in the future because of their size and the distance between them.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary and Bank are regarded as satisfactory and consistent with approval of the application.

Considerations relating to convenience and needs of the community to be served lend weight to approval of the application since Applicant plans to aid Bank in offering trust services, leasing, factoring and computer services in the Eufaula community. It is the judgment of the Federal Reserve Bank of Atlanta that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before July 20, 1973 or (b) later than September 20, 1973, unless such period is extended for good cause by the Board of Governors of the Federal System or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 20, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-13368 Filed 6-29-73;8:45 am]

UNITED ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

United Alabama Bancshares, Inc., Dothan, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Bank of Huntsville, Huntsville, Madison County, Alabama ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all comments received have been considered in light of

[1] In addition to the activities enumerated above, Crown is also engaged in the activity of preparing tax returns through its subsidiary, Allstate Tax Service, Inc. Such activity has not been determined by the Board to be closely related to banking and will be terminated if the proposed acquisition is approved.

[2] All banking data are as of December 31, 1972, adjusted to reflect bank holding company formations and acquisitions approved through May 31, 1973.

[3] Whitney National Bank in Jefferson Parish v. Bank of New Orleans & Trust Co., 379 U.S. 411 (1965).

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[5] Banking data are as of June 30, 1972.

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the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is at present a one-bank holding company, owning approximately 58 percent of the City National Bank of Dothan, Dothan, Alabama, with deposits of $15.4 million, representing one-fourth of one percent of total deposits of commercial banks in the state of Alabama.[1] In addition, Applicant has pending applications to acquire two additional banks, one in Eufaula and the other in Bessemer, Alabama. Bank has total deposits of $19.2 million, and consummation of the proposed acquisition of Bank would not result in a significant increase in concentration of banking resources in Alabama, nor would such concentration be materially affected if Applicant's other proposed acquisitions are also approved. Applicant's present subsidiary is located in Dothan, over 250 miles south of Bank. Applicant's closest pending acquisition is in Bessemer, approximately 100 miles south, and Applicant does not presently have any affiliates in Madison County. Consequently, there is no existing competition between Bank and Applicant's present and proposed subsidiaries. Furthermore, it is unlikely that competition would develop between these banks in the future because of their size and the distance between them.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary and Bank are regarded as satisfactory and consistent with approval of the application.

Considerations relating to convenience and needs of the community to be served lend weight to approval of the application since Applicant plans to aid Bank in offering trust services, leasing, factoring and computer services in Huntsville. It is the judgment of the Federal Reserve Bank of Atlanta that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before July 20, 1973, this order or (b) later than September 20, 1973, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 20, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-13369 Filed 6-29-73;8:45 am]

UNITED ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

United Alabama Bancshares, Inc., Dothan, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of the First Western Bank, Bessemer, Jefferson County, Alabama ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is at present a one-bank holding company, owning approximately 58 percent of the City National Bank of Dothan, Dothan, Alabama, with deposits of $15.4 million, representing approximately one-fourth of one percent of total deposits of commercial banks in the state of Alabama.[1] In addition, Applicant has pending applications to acquire two additional banks, one in Huntsville and the other in Eufaula, Alabama. Bank has total deposits of $16.6 million, and consummation of the proposed acquisition of Bank would not result in a significant increase in concentration of banking resources in Alabama, nor would such concentration be materially affected if Applicant's other proposed acquisitions are also approved. Applicant's present subsidiary is located in Dothan, approximately 250 miles southeast of Bank. Applicant does not presently have any affiliates in Jefferson County. Consequently, there is no existing competition between Bank and Applicant's present and proposed subsidiaries. Furthermore, it is unlikely that competition would develop between these banks in the future because of their size and the distance between them.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary and Bank are regarded as satisfactory and are consistent with approval of the application.

Considerations relating to convenience and needs of the community to be served lend weight to approval of the application since Applicant plans to aid Bank in offering trust services, leasing, factoring and computer services in the Bessemer and Birmingham areas. It is the judgment of the Federal Reserve Bank of Atlanta that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before July 20, 1973 this order or (b) later than September 20, 1973, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 20, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-13370 Filed 6-29-73;8:45 am]

UNITED TENNESSEE BANCSHARES CORP.

Order Denying Merger of Bank Holding Companies

United Tennessee Bancshares Corporation, Memphis, Tennessee ("United Tennessee"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with American National Corporation, Chattanooga, Tennessee ("American"), under the certificate of incorporation and title of United Tennessee.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

United Tennessee controls five banks, with aggregate deposits of $470 million, representing about 5 per cent of deposits of commercial banks in Tennessee, and is the seventh largest banking organization in the State.[1] American controls one bank, American National Bank and Trust Company, Chattanooga, Tennessee ("Chattanooga Bank"), with total deposits of $289.8 million, representing about 3 per cent of deposits of commercial banks in the State, and is Tennessee's eighth largest banking organization. Consummation of the proposed merger would result in United Tennessee controlling approximately 8 per cent of total deposits in the State and would result in its being the third largest banking organization in Tennessee.

The Department of Justice ("Justice") has commented on this application and concluded that it should be denied. Justice indicated that, in its opinion, the proposed merger would not eliminate significant existing competition; Justice is of the opinion, however, that United Tennessee and American are potential entrants into each other's markets and that potential competition would be eliminated by the merger. Additionally, Justice states that the merger would have a significant adverse effect on the development of a competitive banking structure for Tennessee. Justice states there are only seven major bank holding companies in the State and that there are few opportunities for development of other large ones. In Justice's view, this makes it particularly important that organizations of the size of United Tennessee and American be kept separate.

[1] Banking data are as of June 30, 1972 and reflect holding company formations and acquisitions approved by the Board through April 30, 1973.

[1] Banking data are as of June 30, 1972.

[1] Banking data are as of June 30, 1972.

United Tennessee responded to Justice's comments by declaring that it would not consider entry into American's market area other than through acquisition of American nor did it consider American to be a viable, potential competitor as a Statewide holding company. Applicant indicates its belief that, instead of harming competition, this merger would help it by increasing American's effectiveness in its present market area and through the strengthening of United Tennessee's ability to compete with the larger holding companies in the State.

There is no significant existing competition between United Tennessee and American. The closest subsidiary of United Tennessee to Chattanooga Bank is approximately 130 miles distant. Though Chattanooga Bank does originate some loans in the market area of one of United Tennessee's subsidiaries, the amount appears to be minimal. On the other hand, United Tennessee does not have any deposits or loans from Chattanooga Bank's banking market.[2]

In the Board's opinion, however, approval of this application would have significantly adverse effects on potential competition in the banking market of Chattanooga Bank. Chattanooga Bank is the second largest banking organization in the relevant market, controlling about 39 per cent of deposits, and, together with the leading bank in the area, controls about 80 per cent of market deposits. United Tennessee's acquisition of Chattanooga Bank would tend to solidify this market dominance by the two largest banking organizations and would hinder the emergence of new competitive forces in that market. If United Tennessee entered the Chattanooga banking market, either through acquisition of one of the two smaller banks located in Tennessee or by de novo entry, there is a reasonable probability that a trend toward deconcentration would result. United Tennessee must be considered one of the more likely entrants into the Chattanooga market in light of its aggressive acquisition policy and its capabilities for entry. The Chattanooga banking market also appears attractive for de novo entry. For example, the newest bank in the market, established in 1971, has already obtained $24.6 million in deposits in the approximately 18 months it has been opened. Additionally, the population and deposits per banking office ratios and deposits per capita figures for the Chattanooga banking market are all above comparable Statewide ratios. These factors tend to demonstrate the attractiveness of the market for de novo entry. United Tennessee's assertion that it would not enter the relevant market other than through acquisition of American must be viewed against this background. As the Supreme Court stated in the case of United States v. Falstaff Brewing Corporation, et. al. 41 LW 4343, "This does not mean that the testimony of company officials about actual intentions of the company [Falstaff] is irrelevant or is to be looked upon with suspicion; but it does mean that theirs is not necessarily the last word in arriving at a conclusion about how Falstaff should be considered in terms of its status as a potential entrant into the market in issue." Pp. 4344, 4345. The Board believes that the aforementioned factors to indicate United Tennessee as a potential entrant into the Chattanooga banking market. Given the concentration of the Chattanooga banking market, the probability of United Tennessee as a potential entrant into such market and the opportunities for de novo or "foothold' entry, the Board concludes that approval of the merger would have a significantly adverse effect on potential competition.[3]

Another consideration is the fact that acquisition of American by United Tennessee would eliminate the probability that American would develop into a Statewide bank holding company. It certainly would appear to have the resources to so develop since its lead bank is approximately the same size as the lead bank of United Tennessee and also that of the lead bank of Hamilton Bankshares, another multibank holding company in Tennessee. American has numerous correspondent relationships with banks throughout Tennessee, some of which are likely prospects for acquisition by American. Additional weight must be given this probability since there are only a limited number of large banks in Tennessee that are potential lead banks for new holding companies. Besides Chattanooga Bank there are only two other banks in the State who would be likely candidates for lead banks for additional holding companies.[4] The Board believes that the competitive situation in individual local markets in Tennessee would be enhanced by requiring United Tennessee and American to remain separate potential entrants into such local markets. On the basis of the facts of record, the Board concludes that the competitive factors of this application weigh against approval of the application.

The financial condition and managerial resources and future prospects of United Tennessee and American and their subsidiary banks are generally satisfactory and consistent with approval of the application. However, these factors do not off-set the adverse competitive considerations raised by the application. American has full capabilities in these areas and does not need affiliation with United Tennessee to enable it to be a viable entity. There is no indication that in any of the communities served by either United Tennessee or American banking needs are not being met. Accordingly, although considerations relating to the convenience and needs of the communities to be served are consistent with approval, they do not outweigh the substantial adverse factors cited above. It is the Board's judgment that the proposed transaction is not in the public interest and should be denied. On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[5] effective June 20, 1973.[6]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13365 Filed 6-29-73;8:45 am]

[2] The relevant banking market is approximated by the Chattanooga banking market, which consists of Hamilton County, Tennessee, and Walker County, Georgia.

[3] This is to be contrasted with the Board's decision in the application of First Florida Bancorporation (59 Federal Reserve *Bulletin* 183) where the Board found that the elimination of First Florida Bancorporation as a potential entrant into Dade County did not pose substantially adverse effects due to the banking structure of that market.

[4] An application by Hamilton Bancshares, Inc., to acquire one of these two other banks is presently pending. (38 FR 12628)

VIRGINIA NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Bank

Virginia National Bankshares, Inc., Norfolk, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Virginia National Bank/Henry County, Henry County, Virginia ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of approximately $1.1 billion, representing 11.5 per cent of the total commercial bank deposits in the State, and is the second largest banking organization in Virginia.[1] Since Bank is a proposed new bank, no existing competition would be eliminated, nor would concentration be increased in any relevant area. Bank would be located just outside the city of Martinsville, in Henry County, and would be competing in the Henry County-Martinsville market, in which market Applicant controls 3.6 per cent of deposits. Applicant's lead bank operates a branch in Martinsville, 2.5 miles from the site of the proposed location of Bank. However, Virginia law prohibits Applicant's lead bank from further branching in Henry County beyond the Martinsville city limits.

The market area is presently served by three local banks, which control 96 per cent of the area deposits, and the

[5] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan and Bucher. Absent and not voting: Governors Mitchell and Daane.

[6] Board action was taken before Governor Holland was a Board Member.

[1] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through April 30, 1973.

V38-126 JUL 2 73 XUM

branch office of Applicant's lead bank. It appears that consummation of the proposal herein would not alter adversely the competitive situation nor the concentration of resources in the market, nor is there any evidence that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. Population in the area increased by 19.3 per cent between 1960 and 1970, and is expected to show continued growth during the next decade.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Prospects for Bank appear favorable. Bank would be able to provide a local alternative banking source within the proposed service area, which is experiencing rapid growth. Considerations relating to the convenience and needs of the area to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before July 23, 1973 or (b) later than September 21, 1973, and (c) Virginia National Bank/Henry County, Henry County, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 21, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13363 Filed 6-29-73;8:45 am]

INTERIM COMPLIANCE PANEL

Coal Mine Health and Safety

FREEMAN COAL MINING CORP.

Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20178, FREEMAN COAL MINING CORPORATION,
Orient No. 4 Mine, USBM ID No. 11 00628 0,
Marion, Illinois,
Section ID No. 033 (5th South off NW),
Section ID No. 032 (6th South off NW),
Section ID No. 030 (7th South off NW),
Section ID No. 025 (Main 2nd SE Entries off NE),
Section ID No. 031 (Northwest Chain Pillars),
Section ID No. 034 (3rd South off NW).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before July 17, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 26, 1973.

[FR Doc.73-13376 Filed 6-29-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18010; 70-5336]

MISSISSIPPI POWER & LIGHT CO.

Proposed Gas Gathering and Transmission Agreement and Guarantee

JUNE 25, 1973.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi") P.O. Box. 1640, Jackson, Mississippi, 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to enter into a gas gathering and transmission agreement ("Agreement") with Mississippi Fuel Company ("Fuelco"), a non-associate company, which is a subsidiary of Mustang Fuel Corp, to provide for construction of a pipeline which would be dedicated to the transportation of gas purchased by Mississippi from the points of purchase to Mississippi's generating stations. Mississippi presently owns and operates four steam electric stations, all of which are designed to burn natural gas as the principal fuel. In order to augment the supply of gas presently available under contracts for such stations, Mississippi has contracted to purchase: (1) gas from a gas processing plant in Ranken County, Mississippi, (2) a minimum of 200,000,000 MCF of the output of a new gas field in Copiah County, Mississippi, and (3) the entire output of the South State Line Field in Greene County, Mississippi. Under these contracts, it is estimated that 15,000 MCF per day, and 54,000 MCF per day and 10,000 MCF per day, respectively, will be available. With these and other potential purchases of commercial quantities of natural gas expected to be within economic transportation distance, it is estimated that at least 100,000 MCF per day will be available at the end of the first five years' operation. Mississippi has no expertise in the construction and operation of pipelines and expects to contract with Fuelco for the gathering and transportation of this gas over a pipeline system which is to be constructed, owned, financed and operated by Fuelco pursuant to the Agreement, with Mississippi having a right to direct such actions. Fuelco will also represent Mississippi in the acquisition of additional reserves, conduct reserve studies, pay producers and royalty owners and perform certain other duties, as set forth in the Agreement. Initially, the proposed pipeline system including laterals will extend approximately 170 miles, from the South State Field to Mississippi's Rex Brown Generating Station at Jackson, Mississippi, and will be further extended if and when sufficient quantities of gas are secured. The estimated cost of the initial pipeline and gathering facilities and working capital involved will be $9,500,000.

Fuelco expects to finance construction of the facilities through the private placement of $9,500,000 of its notes ("Notes") to be amortized over a 20-year period. Pursuant to the Agreement, Mississippi will covenant to provide revenues to Fuelco on a monthly basis sufficient to cover debt service on the Notes and all of Fuelco's operating and other expenses and taxes other than income taxes. In addition, the payments by Mississippi will provide Fuelco with a profit of ¾ of one cent per MCF of gas delivered to any of Mississippi's generating stations. All items of compensation (other than those based on capital cost and said profit to Fuelco) would be based on actual and allocated costs incurred by Fuelco. As a result of retaining the services of such an independent contractor to construct and operate said gas lines, Mississippi states that substantial financial and operating savings will accrue. The proposed physical facilities will be exclusively owned by Fuelco, and Mississippi will have no rights to acquire them except in the event of cancellation by or refusal by Fuelco to renew the Agreement at the end of its twenty-year term or specified defaults in performance. Under these circumstances, Mississippi would have the option of purchasing the facilities at the installed cost thereof less depreciation at five percent per annum, but in no event less than Fuelco's then outstanding long-term debt. Mississippi proposes to charge the entire amounts paid to Fuelco under the Agreement to its Fuel Expense Account.

Fuelco will annually file a form U-13E-1 pursuant to Rule 95 promulgated under the Act.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Mississippi in connection with the proposed transaction. The fees and expenses to be incurred by Mississippi in connection with the proposed transaction are expected not to exceed $3,000.

Notice is further given that any interested person may, not later than July 23, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13270 Filed 6-29-73;8:45 am]

[File 500-1]

PMC-POWDERED METALS CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of PMC-Powdered Metals Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (EDT) on June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13271 Filed 6-29-73;8:45 am]

[File 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 23, 1973 through July 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13272 Filed 6-29-73;8:45 am]

[File 500-1]

MONMOUTH INDUSTRIES, INC.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.25 par value, and all other securities of Monmouth Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (EDT) on June 22, 1973 and continuing through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13273 Filed 6-29-73;8:45 am]

[File 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:00 a. m. (EDT) on June 22, 1973 and continuing through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13274 Filed 6-29-73;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

MANAGEMENT AND DEVELOPMENT OF WATER RESOURCES

Public Hearings on Proposed Comprehensive Plan

On Wednesday, June 20th, 1973 there was published in the FEDERAL REGISTER, pages 16117 and 16118, notice of public hearings on proposed comprehensive plan. An error exists in the second paragraph on page 16118, and said paragraph is hereby corrected to read as follows:

"Before final adoption of a comprehensive plan, full consideration will be given to the views and recommendations of responsible agencies, groups, and individual citizens. It should be understood that actual implementation or funding of any project or program will not be included unless such proposal is authorized and funded by the appropriate Federal, State, or local government body."

[SEAL] ROBERT J. BIELO,
Executive Director, Susquehanna River Basin Commission.

[FR Doc.73-13269 Filed 6-29-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 288]

ASSIGNMENT OF HEARINGS

JUNE 27, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 99695 Sub 5, Atlas Transit, Inc., Extension-Lonoke, Ark., now being assigned August 8, 1973, at Little Rock, Ark., in a hearing room to be later designated.

MC-F-11749, Allegheny Freight Lines, Inc.—Purchase—Murl E. Twigg, DBA Twigg Transfer & General Hauling, now assigned July 30, 1973, at Washington, D.C. is postponed to August 6, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-136707, Ale Motor Freight, Inc., application is dismissed.

MC-10794 Sub 3, Perrow Motor Freight Lines, Inc., now assigned July 10, 1973, at Washington, D.C., is postponed to September 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7980, Robert B. Wood, Northern Auto Supply, Inc., and St. Johnsbury Beverage Co., Investigation of Operations and Practices, now being assigned hearing September 11, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

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MC-F-11487. Auclair Transportation, Inc.—Control and Merger—Paul V. Adams Trucking, Inc., MC 9429 (Sub-No. 6), Paul V. Adams Trucking, Inc., MC-F-11552, Auclair Transportation, Inc.—Purchase (Portion)—Bondcd Trucking & Rigging, Inc., and FD 27182, Auclair Transportation, Inc., Notes, now being assigned hearing September 12, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated.

MC-F-11819. Lopez Trucking, Inc.—Purchase—Lippa Transportation Co., Inc., (Abraham Ankeles, Trustee of Hardy Realty Trust), now being assigned hearing September 17, 1973 (3 days), at Boston, Mass., in a hearing room to be later designated.

No. 35791, General Increase, February 1973, Bulk Carrier Conference, now assigned July 23, 1973, at Washington, D.C., is postponed to August 21, 1973, at the Offices of the Interstat. Commerce Commission, Washington, D.C.

MC 107743 (Sub-No. 20), System Transport, Inc., is continued to August 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13352 Filed 6-29-73;8:45 am]

[Notice 307]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 1, 1973 Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74395. By order entered June 25, 1973 the Motor Carrier Board approved the transfer to E. Roseman Co., Inc., of the operating rights set forth in Certificate No. MC-47656, issued March 2, 1964, to Marvin Feldman, doing business as E. Roseman Company, Philadelphia, Pa., authorizing the transportation of household goods and antiques, between Philadelphia, Pa. on the one hand, and, on the other, points in New York, New Jersey, and Delaware. Lawrence Corson, Suite 1300, One East Penn Square, Philadelphia, Pa. 19107, attorney for applicants.

No. MC-FC-74485. By order of June 22, 1973 the Motor Carrier Board approved the transfer to Patterson Trucking Co., A Corporation, Memphis, Tenn., of the operating rights in Certificate No. MC-108065 issued January 30, 1951, to Patterson Transfer Company, A Corporation, Memphis, Tenn., authorizing the transportation of general commodities, over specified routes between Memphis, Tenn. and West Memphis, Ark., serving no intermediate points. Robert E. Joyner, 2008 Clark Tower, Memphis, Tenn. 38137 Attorney for applicants.

No. MC-FC-74510. By order of June 21, 1973 the Motor Carrier Board approved the transfer to Nelson Brothers Transfer, Inc., Geneva, Ill., of Certificate No. MC-20750 issued May 19, 1969, to Arthur S. Nelson, D/B/A Nelson Brothers Transfer, Geneva, Ill., authorizing the transportation of general commodities, with exceptions, between Chicago, Ill., and Geneva, Ill. Joseph Radovich, 312 West State St. Geneva, Illinois, 60134, Attorney for Applicants.

No. MC-FC-74527. By order of June 22, 1973 the Motor Carrier Board approved the transfer to Anthony D. Fiamingo, D/B/A Fiamingo Moving and Storage, Mansfield, Pa., of Certificate No. MC-126900 issued June 1, 1965, to Torrence G. Royer, D/B/A T. G. Royer, Mansfield, Pa., authorizing the transportation of household goods, between Wellsboro, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Ohio, and Maryland. John D. Lewis, 19 Central Avenue, Wellsboro, Pa. 16901, Attorney for Transferee.

No. MC-FC-74531. By order of June 22, 1973 the Motor Carrier Board approved the transfer to Parker and Son Trucking, Inc., Santa Rosa, Calif., of Certificate No. MC-134006 (Sub-No. 1) issued July 13, 1970, to Joyce E. Parker, D/B/A Parker & Son Trucking, Santa Rosa, Calif., authorizing the transportation of lignin-based soil conditioners, dry, from points in Sonoma County, Calif., to points in Nevada and Oregon. John A. McNamara, Anderson, McDonald, Belden & Kelly, Post Office Box 1566, Santa Rosa, California 95403, Attorney for Applicants.

No. MC-FC-74533. By order of June 25, 1973 the Motor Carrier Board approved the transfer to John H. Cerquozzi, Williamsport, Pa., of Certificate No. MC-123663 issued February 23, 1962, to Frederick A. Newhart, Hughesville, Pa., authorizing the transportation of wooden products, with exceptions, from Picture Rocks, Pa., and points within one mile thereof, to points in New York, Connecticut, New Jersey, Maryland, and Delaware, and returned shipments and materials used in the manufacture of wooden products, with exceptions, from points in the above destination states to the above origin points. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, Attorney for Applicants,

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13353 Filed 6-29-73;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 86]

JUNE 26, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 462 TA) filed June 18, 1973 Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION 445 Earlwood Avenue Oregon, Ohio 43616 Applicant's representative: David Hunkins (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lube oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Hamilton, Ala., for 180 days. SUPPORTING SHIPPER: D. A. Stuart Oil Co., Ltd., 2727 So. Troy Street, Chicago, Ill. 60623. SEND PROTESTS TO: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 322 TA) filed June 18, 1973 Applicant: SCHNEIDER TRANSPORT, INC. 2661 South Broadway P.O. Box 2298 (Box zip 54306) Green Bay, Wis. 54304 Applicant's representative: Neil DuJardin (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Lenoir, N.C., to the Upper Peninsula of Michigan, for 180 days.

SUPPORTING SHIPPER: Broyhill Furniture Industries, Lenoir, N.C. (Kenneth A. Russell, Regional Salesman). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 102567 (Sub-No. 164 TA) filed June 18, 1973 Applicant: EARL GIBBON TRANSPORT, INC. P.O. Drawer 5357 4295 Meadow Lane Bossier City, La. 71010 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pine Tar*, in bulk, in tank vehicles, from Alexandria, La., to points in Ohio and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Louisiana Pine Products Co., Inc., P.O. Box 814, Alexandria, La. 71301, Mr. Wm. L. Redmond, President. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 106400 (Sub-No. 97 TA) filed June 21, 1973 Applicant: KAW TRANSPORT COMPANY P.O. Box 12628 North Kansas City, Mo. 64116 Applicant's representative: Harold D. Holwick (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from the plant site of Trumbull Asphalt Co., North Kansas City, Mo., to points in Iowa, for 180 days. SUPPORTING SHIPPER: Trumbull Asphalt Co., North Kansas City, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114533 (Sub-No. 280 TA) filed June 15, 1973 Applicant: BANKERS DISPATCH CORPORATION 4970 South Archer Avenue Chicago, Ill. 60632 Applicant's representative: Stanley Komosa (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Grand Rapids, Mich., on the one hand, and, on the other, points in Allen, Huntington, Adams, Grant, Miami, Wabash, Whitley, Kosciusko, Fulton, Marshall, DeKalb, Noble, LaGrange, Elkhart, St. Joseph, LaPorte, Porter, Lake, Steuben, Wells Counties, Ind., for 180 days. SUPPORTING SHIPPER: Mr. Edward Chambers, The Kroger Co., 1014 Vine Street, Cincinnati, Ohio. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 123639 (Sub-No. 152 TA) filed June 13, 1973 Applicant: J. B. MONTGOMERY, INC. 5150 Brighton Boulevard Denver, Colo. 80216 Applicant's representative: John F. DeDock (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New York, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and Wyoming, restricted to traffic originating at the named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 125952 (Sub-No. 21 TA) filed June 12, 1973. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango Street, S.W., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such materials* as are dealt in by wholesale grocery establishments, excluding those commodities requiring mechanical refrigeration, from points in California and Multnomah and Clackamas Counties, Oreg., to Kent, Wash., for 180 days. SUPPORTING SHIPPER: American Wholesale Grocery, P.O. Box 888, 8217 S. 212th, Kent, Wash. 98031. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 126539 (Sub-No. 16 TA) filed June 18, 1973. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and animal feed supplements*, in bulk, in tank vehicles, from the plantsite of Land O'Lakes, Inc. at or near Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 2827 Eight Avenue South, Fort Dodge, Iowa 50501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 128285 (Sub-No. 14 TA) filed June 18, 1973 Applicant: MELLOW TRUCK EXPRESS, INC., 9801 N. Vancouver Way P.O. Box 17063 Portland, Oreg. 97217. Applicant's representative: David C. White 2400 S.W. Fourth Avenue Portland, Oreg. 97201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated and pre-cut wooden buildings*, for the account of The Serendipity Group, Inc., from Portland, Oreg. and Vancouver, Wash., to points in Oregon, Washington and Idaho, for 180 days. SUPPORTING SHIPPER: The Serendipity Group, Inc., P.O. Box 4186, Portland, Oreg. 97208. SEND PROTESTS TO: District Supervisor, Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 129809 (Sub-No. 9 TA) filed June 14, 1973 Applicant: A & H, INC. 324 Old Highway 11 Footville, Wis. 53587 Applicant's representative: David J. MacDougall One East Milwaukee Street Janesville, Wis. 53545 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Plymouth, Wis., to Boston and Canton, Mass.; Albany, Amsterdam, Buffalo, Niagara Falls, Brooklyn, and Manhattan, N.Y.; Reading, Philadelphia, Scranton, Allentown, Harrisburg, Hazleton, and Pittsburgh, Pa.; New Haven and Suffield, Conn.; Providence and Warwick, R.I.; Hackensack, Newark, Irvington, Little Ferry and North Bergen, N.J., for 180 days. SUPPORTING SHIPPER: S & R Cheese Corp., Plymouth, Wis. SEND PROTESTS TO: Barney L. Hardin, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 134145 (Sub-No. 34 TA) filed June 14, 1973. Applicant: NORTH STAR TRANSPORT, INC. P.O. Box 51 Thief Riber Falls, Minn. 56701. Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, and supplies* used in the manufacturing of sound reproducing equipment, from Talladega, Ala., to Rochester, Minn., for 180 days. SUPPORTING SHIPPER: Waters Conley Company, 501 First Avenue N.W., Rochester, Minn. 55901. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136044 (Sub-No. 2 TA) filed June 13, 1973. Applicant: R. D. BULKA, INC. 597 Bridgewater Ave. Somerville, N.J. 08876. Applicant's representative: Paul J. Keeler P.O. Box 253 So. Plainfield, N.J. 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, carpeting and related articles*, from Brooklyn, N.Y.; South Plainfield and Hightstown, N.J., to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and Virginia, for 180 days. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with Kentile Floors, Inc. SUPPORTING SHIPPER: Kentile Floors, Inc., 58

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Second Ave., Brooklyn, N.Y. 11215. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad St., Newark, N.J. 07102.

No. MC 136318 (Sub-No. 8 TA) filed June 15, 1973 Applicant: COYOTE TRUCK LINE, INC. 395½ B West Fleming Drive Morganton, N.C. 28655 Applicant's representative: Walter F. Jones, Jr. 601 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from High Point, Morganton, Marion and Spruce Pine, N.C., to points in Washington, Colorado, Oregon, Nevada, Idaho, Utah, New Mexico, Wyoming, Montana, North Dakota, South Dakota, Arizona, Nebraska and Kansas, for 180 days. SUPPORTING SHIPPER: Henredon Furniture Industries, Inc., Morganton, N.C. SEND PROTESTS TO: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Rd.—Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 136449 (Sub-No. 1 TA) filed June 15, 1973 Applicant: D & M PRODUCTS, INC. 11320 N.E. Marx Street Portland, Oreg. 97220 Applicant's representative: Bob Gentry (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, building materials, fabricated cabinet components, prefabricated building components*, between points in Oregon and Washington, for 180 days. SUPPORTING SHIPPER: Diamond Industries, Division Medford Corporation, 550 S.E. Mill Street—P.O. Box 1008, Grants Pass, Oreg. 97526. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 136899 (Sub-No. 8 TA) filed June 14, 1973 Applicant: HIGGINS TRANSPORTATION LTD. 824 Valley View Drive Richland Center, Wis. 53581 Applicant's representative: Michael J. Wyngaard 329 West Wilson Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit, and materials, supplies, tools and fittings* used in the installation of plastic pipe and conduit, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota and Wisconsin, for 180 days. SUPPORTING SHIPPER: Hurlbut Plastic Pipe Corporation, 1241 Gilson Street, Madison, Wis. 53703. SEND PROTESTS TO: Barney L. Hardin, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 138377 (Sub-No. 1 TA) filed June 18, 1973 Applicant: BURRIS EXPRESS CO. Harrington, Del. 19952 Applicant's representative: V. Baker Smith 2107 The Fidelity Bldg. Philadelphia, Pa. 19109 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Burris Warehouse Co., at or near Harrington, Del., to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia, for the account of Burris Warehouse Co., for 180 days. SUPPORTING SHIPPER: Mr. Charles Bradley, General Manager, Burris Warehouse Co., Harrington, Del. 19952. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Bldg., Baltimore, Md. 21201.

No. MC 138410 (Sub-No. 1 TA) filed June 12, 1973 Applicant: DUANE LEROY OLSEN doing business as OLSEN TRUCKING P.O. Box 4176 South Lake Tahoe, Nev. 95705 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving materials, rock and sand*, from Dayton, Nev. and the plantsite of Bing Construction Co., located 3 miles south of Minden, Nev., to points in Alpine, Amador and El Dorado Counties, Calif., for 180 days. SUPPORTING SHIPPER: El Dorado Aggregates, Inc., P.O. Box 210, Dayton, Nev. 89403. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 138716 (Sub-No. 2 TA) filed May 29, 1973 Applicant: DIRECT TRANSFER COMPANY, INC. 1 Hackensack Avenue So. Kearny, N.J. 07032 Applicant's representative: Bert Collins 140 Cedar Street New York, N.Y. 10006 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between New York, N.Y.; points in Nassau, Suffolk, and Westchester Counties, N.Y.; Bergen, Burlington, Camden, Essex, Gloucester, Hudson, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex and Union Counties, N.J. and those in the Philadelphia, Pa. commercial zone, on the one hand, and, on the other, Stone Mountain, Doraville, Decatur and Forest Park, Ga.; Ft. Lauderdale, Hialeah, Pompano, Lauderhill, West Palm Beach, Miami, and Hollywood, Fla., for 180 days. SUPPORTING SHIPPER: District Superivsor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 138741 (Sub-No. 1 TA) (CORRECTION) filed May 14, 1973, published in the Federal Register issue of May 31, 1973, as MC 107129 (Sub-No. 10 TA) and republished as corrected this issue. Applicant: E. K. MOTOR SERVICE, INC. 2005 N. Broadway Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger Suite 910, Fairfax Bldg. 101 West Eleventh Kansas City, Mo. 64105 Note: The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier* in lieu of a contract carrier which was published in error. The correct MC number in No. MC 138741 (Sub-No. 1 TA) in lieu of MC 107129 (Sub-No. 10 TA). The rest of the application remains the same.

No. MC 138820 TA filed June 15, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as *a contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from Ellensburg, Wash., to points in Multnomah, Columbia, Washington, Yamhill, Clackamas, Marion, Linn, Lane, Benton and Polk Counties, Oreg., for 180 days. SUPPORTING SHIPPER: Schaake Packing Company, Inc., RFD 1, Ellensburg, Wash. 98926. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 138823 TA filed June 18, 1973 Applicant: CYRIL BUDDE TRUCKING CO., Avon, Minn. 56310. Applicant's representative: Cyril Budde (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, (except in bulk), between Albany, Minn.; Falum, Grantsburg and Siren, Wis., for 180 days. SUPPORTING SHIPPER: Avon Plastic's Inc., Avon, Minn. 56310 and North States Industries, Inc., 3650 Fremont Ave. N., P.O. Box 11037, Minneapolis, Minn. 55411. SEND PROTESTS TO: District Supervisor A. B. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

Motor Carriers of Passengers

No. MC 123577 (Sub-No. 15 TA) filed June 18, 1973 Applicant: LAKE AND NEW YORK TRANSIT, INC. 419 Anderson Avenue Fairview, N.J. 07022 Applicant's representative: J. Millner 744 Broad Street Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Ringwood, N.J. and New York, N.Y., serving no intermediate points, from junction of Greenwood Lake Turnpike, Skyland Drive and Erskine Road, over Skyland Drive to junction Colfax Avenue in Oakland, thence over Colfax Avenue to junction New Jersey Highway 208 in Oakland, thence over New Jersey Highway 208 to junction New Jersey Highway 4 in Fair Lawn, thence via New Jersey Highway 4 to junction New Jersey Highway 17 in Paramus, thence via New Jersey Highway 17 to junction Interstate Highway 80 in Hackensack, thence via Interstate Highway 80 to junction Interstate Highway 95 in Teaneck, thence via Interstate Highway 95 to junction New Jersey Highway 3 and Interstate Highway 495 in Secaucus, return over the same route, serving no intermediate points, for 180 days. Note: The applicant intends to join this route to its existing route between New York, N.Y. and Warwick, N.Y., thereby enabling it to serve Warwick and Greenwood Lake, N.Y., and Greenwood Lake, West Milford, and Ringwood, N.J., with MC 123577 (Sub-No. 1). SUPPORTING SHIPPER: Walter Kroegel, 18 Kendall Drive, Ringwood, N.J. 07456. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Room 618 Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13354 Filed 6-29-73;8:45 am]

FEDERAL REGISTER PAGES AND DATES—JULY

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federal register

MONDAY, JULY 2, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 126

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS

Approval and Promulgation of Implementation Plans for Certain States

No. 126—Pt. II——1

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas Air Quality Control

On June 15, 1973 the Administrator disapproved the plan revision which the State of Kansas submitted to fulfill the requirement for a transportation and land use control plan in the Metropolitan Kansas City Interstate Region. That action was taken because there was not sufficient time to consider public comment on the revisions before June 15, 1973, when the Administrator was required to announce his approval/disapproval decision. No public comments were received on the plan revision during the comment period.

It has been determined after review that the nonregulatory plan revision submitted by the State of Kansas on May 29, 1973, is adequate to ensure that air quality standards for carbon monoxide will be met in the Metropolitan Kansas City Region by May 31, 1975. Information which was used to reach this decision may be found in "Evaluation Report of Transportation Controls for the Kansas City Air Quality Control Region," which is available at the Freedom of Information Center, EPA, Room 329, 401 M Street, S.W., Washington, D.C., and at the Office of Public Affairs, EPA, Region VII, 1735 Baltimore Street, Kansas City, Missouri 64108.

The approved implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provides for adequate public participation through notice, public hearings, and time for comment. Consequently, further public participation is not required.

(42 U.S.C. 1857c-5)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

§ 52.873 [Amended]

1. Section 52.873 is amended by revising the attainment date tables as follows:

The date "May 31, 1975, d" for attainment of the national standards for carbon monoxide in the metropolitan Kansas City Interstate Region is replaced with the date "May 31, 1973."

§ 52.880 [Revoked]

2. Section 52.880 is revoked.

§ 52.881 [Revoked]

3. Section 52.881 is revoked.

[FR Doc.73-13038 Filed 6-29-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana Air Quality Control

On June 15, 1973, the Administrator disapproved the plan revision which the State of Louisiana submitted to fulfill the requirement for a transportation and/or land use control plan in Louisiana's portion of the Southern Louisiana-Southeast Texas Interstate Region. That action was taken because there was not sufficient time to consider public comment on the revision before June 15, 1973, at which time the Administrator was required to announce his approval/disapproval decision. No public comments were received on the plan revision during the comment period.

It has been determined after review that the plan revision submitted by Louisiana on March 30, 1973, is adequate to ensure that air quality standards for photochemical oxidants (hydrocarbons) will be met in Louisiana's portion of the Southern Louisiana-Southeast Texas Interstate Region by May 31, 1975. Information which was used to reach this determination may be found in the Evaluation Report which is available at the Freedom of Information Center, EPA, Room 329, 401 M Street, S.W., Washington, D.C. 20460, and at the EPA Region VI Office, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201.

The approved implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provides for adequate public participation through notice, public hearings, and time for comment. Consequently, further public participation is not required.

(42 U.S.C. 1857c-5)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart T—Louisiana

1. Section 52.970 is amended by revising paragraph (c) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28 and May 8, 1972, by the Louisiana Air Control Commission,
(2) July 17, 1972, and
(3) March 30, 1973.

§ 52.973 [Revoked]

2. Section 52.973 is revoked.

§ 52.979 [Amended]

3. Section 52.979 is amended by revising the attainment date table as follows:

The date "May 31, 1975, c" for attainment of the national standard for photochemical oxidants (hydrocarbons) in the Southern Louisiana-Southeast Texas Interstate Region with the date "May 31, 1975."

§ 52.980 [Revoked]

4. Section 52.980 is revoked.

[FR Doc.73-13039 Filed 6-29-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri Air Quality Control

On June 15, 1973 the Administrator disapproved the plan revision which the State of Missouri submitted to fulfill the requirement for a transportation and land use control plan in the Metropolitan Kansas City Interstate Region. That action was taken because there was not sufficient time to consider public comment on the revisions before June 15, 1973, when the Administrator was required to announce his approval/disapproval decision. No public comments were received on the plan revision during the comment period.

It has been determined after review that the nonregulatory plan revision submitted by the State of Missouri on May 21, 1973, is adequate to ensure that air quality standards for carbon monoxide will be met in the Metropolitan Kansas City Region by May 31, 1975. Information which was used to reach this decision may be found in "Evaluation Report of Transportation Controls for the Kansas City Air Quality Control Region," which is available at the Freedom of Information Center, EPA, Room 329, 401 M Street, S.W., Washington, D.C., and at the Office of Public Affairs, EPA, Region VII, 1735 Baltimore Street, Kansas City, Missouri 64108.

The approved implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provides for adequate public participation through notice, public hearings, and time for comment. Consequently, further public participation is not required.

(42 U.S.C. 1857c-5)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

Subpart AA—Missouri

§ 52.1332 [Amended]

1. Section 52.1332 is amended by revising the attainment date tables as follows:

The date "May 31, 1975, b" for attainment of the national standards for carbon monoxide in the metropolitan Kansas City Interstate Region is replaced with the date "May 31, 1975."

§ 52.1333 [Revoked]

2. Section 52.1333 is revoked.

§ 52.1334 [Revoked]

3. Section 52.1334 is revoked.

[FR Doc.73-13037 Filed 6-29-73;8:45 am]

[40 CFR Part 52]

CALIFORNIA AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans

This notice of proposed rulemaking sets forth a revised transportation control plan for the Metropolitan Los Angeles Intrastate Air Quality Control Region (hereinafter, Los Angeles AQCR or South Coast Air Basin).

BACKGROUND

In accordance with an order of the U.S. District Court for the Central District of California, November 16, 1972, a transportation control plan for the Los Angeles AQCR was proposed on January 15, 1973, and published in the FEDERAL REGISTER of January 22, 1973, with minor corrections on February 7, 1973 (38 FR 2194, 3526). Pursuant to the notice published on February 1, 1973 (38 FR 3085), public hearings were held at nine locations throughout the South Coast Air Basin, over a three-week period from March 5 to March 22, 1973. 240 witnesses testified on all aspects of the proposed plan and on various alternatives. The complete transcript is available for inspection at the Federal Information Center, 300 North Los Angeles Street, Room 1011, Los Angeles, California 90012; the U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, and the U.S. Environmental Protection Agency, Office of Public Affairs, Room W311, 401 M Street, S.W., Washington, D.C. 20460.

A final transportation control plan will be promulgated for the Los Angeles AQCR on August 15, 1973, along with plans for other AQCRs needing federal promulgation. This revised proposal is being set forth at this time in order to solicit public comment on the current thinking of the Agency.

SUMMARY

Studies available to the Administrator at present indicate that a reduction on the order of 90 percent would be necessary in projected 1975 emissions of reactive hydrocarbons in order to attain the National Primary Ambient Air Quality Standard for photochemical oxidants in the Los Angeles AQCR. Much of that reduction will take place due to control measures submitted by the State and already approved, but these measures are not enough to meet the standards. The Administrator has concluded that an extension to 1977 of the deadline for achieving the standards under section 110(e) of the Clean Air Act, is justified because the necessary technology or other alternatives are not available and will not be available soon enough to permit full compliance. In reaching this conclusion the Agency has considered and applied as a part of its plan reasonably available alternative means of attaining the primary standard.

The plan set forth herein provides for the application of its requirements to all emission sources other than motor vehicles no later than May 31, 1975, as required by section 110(e)(2)(A), and provides for reasonable interim measures of control for motor vehicles prior to 1977.

Most of this plan concerns the reasonable and apparently available means of reducing oxidants (as well as nitrogen dioxide), including requirements for bus and carpool lanes on freeways and major streets, reductions in off-street public parking, limitations on the construction of additional parking facilities, limitations on motorcycles, mandatory inspection and maintenance of light-duty vehicles, and a lid on further increases in gasoline consumption. These will be required prior to 1975 in most cases.

Other portions of the plan concern measures which appear reasonable but do not, at present, appear to have been developed to the point of application in 1975, due to technical problems related to retrofit devices such as catalytic converters. These will be required beginning in 1976 with full implementation by 1977, although they will be required earlier if they become available earlier. Even if all the reasonable measures mentioned above are imposed, it is quite possible, indeed probable, that the national standard for photochemical oxidants cannot be met in the Los Angeles AQCR by 1977. Achievement of the nitrogen dioxide standard is likewise uncertain. Under the Clean Air Act as written, the Agency has no choice but to include in this plan a measure which can achieve the standards in 1977 even if it appears impractical and unworkable. Consequently, gasoline and diesel fuel limitations of whatever degree necessary have been included for 1977. (An alternative to diesel fuel reduction would have been drastic cuts in aircraft flights or relocation of stationary sources.) If implemented, this would achieve the standards for both photochemical oxidants and nitrogen dioxide. However, the Agency will utilize every means available to avoid the need to impose impractical measures to reach that goal by 1977. It should be noted that grounds for a one-year extension of the compliance date for certain sources under section 110(f) of the Clean Air Act may arise, meaning that certain requirements of this plan may not be imposed until May 31, 1978.

THE NEED FOR MASS TRANSIT

The development of large-scale mass transit facilities in the Los Angeles area is essential to any effort to reduce automotive pollution through restrictions on vehicle use. The planning, acquisition, and operation of a mass transit system is, and should remain, a local responsibility. However, the automobile problem does not follow the boundaries of counties or cities in the South Coast Air Basin, and current planning and operating agencies for mass transit do not appear to have sufficient authority to provide for adequate regional public transit. Consequently, the Agency strongly endorses the concept of a regionwide transportation planning and operation authority.

The Agency also actively encourages the immediate and large-scale purchase of additional public transportation facilities, most specifically including additional buses and an increased examination of the feasibility of rail transit. To create conditions conducive to rapid bus transit, several of the measures in this plan give preferential treatment to buses.

The Agency also encourages close examination of such measures as fare reductions, bicycle lanes, provision of jitney service and more minibuses, fringe parking lots for buses and carpools, special parking privileges for carpools, on-street parking prohibitions for non-residents, state taxes to encourage VMT reductions while raising revenue to benefit mass transit, and provision of bus tokens in place of free parking privileges.

STATE AND LOCAL IMPLEMENTATION OF CONTROL MEASURES

In order to preserve the scheme of the Clean Air Act whereby local pollution problems will be dealt with primarily at the local level, the Agency will require State and local governmental entities to take actions wherever possible, and will not involve the Federal government in the administration of local programs and in direct enforcement against individual citizens. Requirements of this sort are proposed with regard to bus/carpool lanes, motorcycle controls, public parking facilities, inspection/maintenance, and gas limitations. Appropriate governmental entities will also be required to submit compliance schedules for these programs with complete details on their implementation.

Testimony both for and against controls on motorcycles was received, including commitments from motorcycle interests to bring the present high level of emissions down to the vicinity of those achieved by automobiles. Since neither widespread testing methods nor technology appears to exist at present, it is proposed that the worst polluters—two-stroke motorcycles—not be allowed to operate during the smog-prone daylight hours in the summer months within the Basin. In addition, an overall lid on the increase in numbers of motorcycles is proposed to prevent counterproductive shifts from automobiles to motorcycles as a result of other elements of the control strategy. The Agency will evaluate the feasibility of establishing emission standards for new motorcycles and will evaluate the availability of motorcycle emission control technology for meeting emission standards and for retrofit.

Publicly owned off-street parking facilities will be required to reduce their number of parking spaces in an effort to reduce the high number of low-occupancy private vehicles entering the Central Business Districts and other congested areas, and to promote voluntary carpooling and use of bus transit. Comment is invited on the possibility of extending this control to privately owned parking facilities, either by outright reduction in spaces or by imposing regulatory fees.

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The State of California is proceeding with an inspection system, which will result in emission reductions. The proposal herein will require that such system be expanded to require mandatory annual inspection of all vehicles.

Catalytic converters would be required in 1976–77 for many pre-1975 vehicles. It cannot be concluded at present that the technology for retrofit converters has developed to the point that they could be installed effectively as "retrofit" devices in 1975. However, the Agency will monitor the status of development of this technology and accelerate the dates if feasible.

If the State submits adequate control measures in any of these areas, or substitute control measures which will achieve comparable reductions in pollution, then the Administrator can approve the State's measures rather than promulgate his own. However, the requirements to submit adequate compliance schedules and take other action will be enforced on a timely basis if the Agency's measures are promulgated. Therefore, it is suggested that planning to comply with these measures not be delayed in hopes of approval of substitute measures.

Revised Control Strategy—Mobile Sources

Substantial testimony at the public hearings supported the concept of converting lanes on existing freeways and streets to bus or bus/carpool lanes. The measures proposed herein will require conversion of some lanes on all major streets and highways, and it is expected that a widespread network of bus/carpool lanes will provide substantial incentives to the use of buses and carpools while making private vehicle travel by single drivers relatively less attractive. Planning for specific lanes is expected to take place at the local level, under the overall requirements herein. Exceptions to or modifications of the broad requirements will be approved when specifically justified. Since it will take some time before sufficient buses are available to carry the passengers currently using these lanes in private cars, these proposed regulations would permit the use of the lanes by carpools with three or more persons in the vehicle. The Department of Transportation recommended total conversion of all freeways and major arterial streets to the exclusive use of buses and carpools during rush hours, but it is believed that such a measure implemented in a short time frame would not provide sufficient transportation for the area, considering the number of persons who must travel to work and the large variety of trip origins and destinations.

Another provision would limit further construction of new parking areas in the Basin.

The Agency's earlier proposal for gasoline rationing was required to meet the court order. A system of rationing in the ordinary sense is not being proposed at this time. Instead, it is proposed that the continuing growth in vehicle miles traveled within the Basin be stopped by limiting the continued growth in gasoline consumption. Gasoline consumption has been increasing approximately 4.5 percent per year. It is proposed that distributors not be permitted to deliver to retail outlets any more gasoline than was distributed during the "base year" of July 1972–June 1973. No requirements will be placed on individual motorists, unless the State of California chooses to do so. The impact of this limitation will be much less severe and far more easily administered than a rationing system of great magnitude as was earlier proposed. In fact, the limitations on vehicle miles traveled which are expected to result from the conversion of existing lanes to bus/carpool lanes, as well as the reductions in publicly owned parking spaces, expansion of service of bus companies, and various local efforts to shift to less-polluting transportation, may very well reduce the demand for gasoline consumption sufficiently that the ceiling on increase in consumption will have a relatively light impact. This approach of combining a number of measures rather than relying on a single measure was supported by numerous witnesses at the public hearings.

Regulations for gaseous fuel conversion are not being reproposed at this time due to the limited supply of gaseous fuels and the likelihood that the fleets to which the regulation would be applicable will continue to acquire the newer, cleaner gasoline-powered vehicles. Evaporative controls are not being reproposed due to the lack of demonstrated technology and the low likelihood of its development.

Control Strategy—Stationary Sources

In many instances, the controls on stationary sources in the South Coast Basin are among the most stringent in the country. It should be noted, however, that stationary source pollution could threaten the attainment and maintenance of the national standards even if automotive pollution were totally eliminated. Thus, serious consideration should be given to the exercise of land-use controls to control the growth of stationary sources, as well as to developing more stringent emission controls. The Agency is conducting an emission inventory of stationary sources and examining the question of reactivity of hydrocarbons, which may substantially change the emission numbers for stationary sources.

The Agency is considering modifications to the regulations proposed in January on vapor collection and disposal systems. The modifications would limit coverage to gasoline rather than other organic solvents, raise the degree of control necessary, and require control earlier for large tanks. Consideration is also being given to requiring use of water-based solvents and solid coatings for surface coating and to requiring use of non-photochemically-reactive solvents, rather than merely encouraging such use. EPA-industry studies underway at present are expected to result in further considerable reactive hydrocarbon and organic emission reductions. Although proposed regulations for control of dry-cleaning solvent evaporation, gasoline storage and transfer, degreasing operations, and organic solvent usage are not printed in this notice, regulations proposed for other states today indicate the kinds of measures being considered and it is anticipated that regulations of this sort will be promulgated for the South Coast Basin. (See table on Compilation of Control Strategy Effects)

Compilation of Control Strategy Effects
(tons/day reactive hydrocarbons)

	1970 Emissions	1977 Emissions [1] Without EPA Plan	1977 Emissions [2] With EPA Plan (30% VMT Reduction)	1977 Emissions With 100% Gasoline and 60% Diesel Fuel Reduction
LDV Exhaust	768	319	146	0
LDV Evap. Crankcase	396	118	83	0
HDV Exhaust	68	48	34	0
HDV Evap. Crankcase	18	8	6	0
Gasoline Marketing	137	151	14	0
HDV Diesel Exhaust	26	24	24	9
Motorcycles: 2-Stroke	20	33	0	0
4-Stroke	7	12	9	0
Aircraft	38	25	25	25
Ships, Railroads	5	6	6	6
Stationary	118	104	72	72
	1601	848	419 [3]	112 [4]

[1] Includes growth in sources from 1970. Emission reductions are due to federal/state controls on new vehicles, new aircraft, state VSAD and PCV retrofit on existing vehicles, and state controls on stationary sources.

[2] Includes all measures in this proposal except an impractical degree of gasoline and diesel fuel reduction, a relocation of stationery sources, or a drastic cut in aircraft flights.

[3] 419 tons/day are expected to prevent the worst oxidant readings from exceeding .20 to .25 ppm, and to reduce the number of hours with readings above .08 ppm by 75% to 90%.

[4] 112 tons/day are allowable to achieve the ambient air quality standard for photochemical oxidants of .08 ppm.

Submittal of Written Comments

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, 100 California Street, San Francisco CA 94111. All relevant comments received before July 10, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection at the regional office. The final promulgation of regulations for the Metropolitan Los Angeles Intrastate Air Quality Control Region will take place on August 15, 1973. This notice of proposed rulemaking is issued under the authority of section 110(c) and section 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: June 22, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, title 40, of the Code of Federal Regulations by adding the following:

Subpart F—California

1. Subpart F is amended by adding the following sections:

§ 52.241 Gasoline limitations.

(a) Definitions:

(1) The term "base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the Metropolitan Los Angeles Intrastate AQCR (hereinafter the "AQCR"), to all distributors of gasoline to any retail outlet in this area and to the owners of all retail outlets in this area.

(c) (1) Beginning July 1, 1974, the State of California shall implement regulations limiting the total gallonage delivered to retail outlets in the AQCR to the amount delivered to such outlets during the base year.

(2) Beginning May 31, 1977, the State of California shall implement regulations limiting the total gallonage of gasoline and diesel fuel delivered to retail outlets to that amount which, when combusted, will not result in the ambient air quality standard being exceeded. The State shall by January 1, 1977, submit to the Administrator regulations to accomplish this limitation and specifying the amount of limitation necessary.

(d) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the AQCR during the base year and years during which control is in effect. For each year during which control is in effect, the owner of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(e) The State of California shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) (1) and (d) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) (1) of this section is delivered to retail outlets in the AQCR. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.242 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program"—a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles Intrastate Air Quality Control Region.

(c) The State of California shall establish an inspection and maintenance program applicable to all light duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than one year apart by means of a loaded test.

(2) Provisions for inspection failure criteria consistent with the emissions reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Designation of an agency or agencies responsible for conducting overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1975, the State shall not register or allow to operate on its streets or highways any light duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After January 1, 1975, no owner of a light duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of California shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption.

(1) The compliance schedule shall also include:

(i) The date by which the State will recommend needed legislation to the State legislature.

(ii) The date by which necessary equipment will be ordered.

(iii) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.243 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool"—a vehicle containing three or more persons.

(2) "Bus/carpool lane"—a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway"—any street or highway which meets the criteria given in paragraph (b) (4) (ii) and (iii) of this section.

(b) The following constitutes the first stage of the bus/carpool control strategy

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for the Metropolitan Los Angeles Intrastate Air Quality Control Region.

(1) Each incorporated city within the Metropolitan Los Angeles Air Quality Control Region shall establish bus/carpool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(2) Each county within the Metropolitan Los Angeles Air Quality Control Region shall establish bus/carpool lanes on the major streets and highways (as defined herein) within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of California shall establish bus/carpool lanes on the major streets and highways (as defined herein) within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section.

(c) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.244 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means the date on which an owner or operator, and a contractor to or affiliate of such owner or operator, enter into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the Metropolitan Los Angeles Air Quality Control Region.

(c) No person, after the date of this regulation, shall commence construction of any new parking facility or modify or enlarge any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal Air Quality Standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the proposed facility.

(ii) The total motor vehicle capacity of the proposed facility.

(iii) The normal hours of operation of the proposed facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the proposed facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and oportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to seven days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.245 Limitation of public parking.

(a) Definitions:

(1) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of ten or more motor vehicles on a temporary basis.

(b) Off-street parking facilities:

(1) Each governmental entity or public agency owning or operating an off-street parking facility located within the Metropolitan Los Angeles Air Quality Control Region shall, by October 1, 1973, report to the Administrator the number of motor vehicle parking spaces in each such facility under its ownership or control.

(2) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (b)(1) of this section shall reduce the number of motor vehicle parking spaces in each such facility from the number in existence as of October 1, 1973, according to the following schedule:

By January 31, 1974—a reduction of 5%
By July 31, 1974—a reduction of 10%
By December 31, 1974—a reduction of 15%
By April 30, 1975—a reduction of 20%

(3) Each such owner or operator of an off-street parking facility subject to the requirements of paragraph (b)(2) of this section shall submit to the Administrator, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to achieve the required reduction in motor vehicle parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the spaces eliminated pursuant to this regulation on which parking is not permitted.

(c) Failure to submit a compliance schedule as required by this regulation shall render the person so failing in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of a parking facility who allows any motor vehicle to be parked on any parking space which has been eliminated pursuant to this regulation, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.246 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle"—any self-propelled two or three wheeled motor vehicle capable of carrying one or more persons.

(2) "Four stroke engine"—an internal combustion engine which requires four strokes of the engine's pistons for a complete cycle of operation.

(3) "Two stroke engine"—an internal combustion engine which requires two strokes of the engine's pistons for a complete cycle of operation.

(4) "Registration"—the action of a State allowing a vehicle to be operated on the streets and highways in that State during a defined period of time.

(5) "Registration period"—that period of time for which a vehicle is allowed to be used within the State.

(b) This section is applicable in the Metropolitan Los Angeles Intrastate Air Quality Control Region.

(c) As of January 1, 1974, or any registration period which commences during the calendar year 1974, the State of California shall not register in the Metropolitan Los Angeles Intrastate Air Quality Control Region more motorcycles than the total number registered in 1973.

(d) As of May 1, 1974, the State of California shall prohibit the operation of two stroke motorcycles in the Metropolitan Los Angeles Intrastate Air Quality Control Region between 6:00 a.m. and 8:00 p.m. during the months of May, June, July, August, September, and October.

(e) After January 1, 1974, no person shall operate any motorcycle on the streets and highways of the State within the Metropolitan Los Angeles Intrastate AQCR which is not validly registered by the State of California or by another State.

(f) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing steps it will take to implement and enforce these requirements, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State will adopt procedures necessary to limit the number of motorcycles registered as required above, to restrict the operation of two-stroke motorcycles as required above and to require the registration of all motorcycles operated as required above.

(2) Proposed procedures to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(3) A date by which such procedures will go into effect. Such date shall be no later than January 1, 1974.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.248 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles Intrastate Air Quality Control Region.

(d) The State of California shall establish a retrofit program to ensure that on or before May 1, 1977, certain gasoline powered light duty vehicles of model years 1966 through 1974 subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section above are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for insuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of California shall require those light-duty vehicles of 1974 model year and earlier, which are able to operate on 91 RON gasoline, to be retrofitted with an oxidizing catalytic converter.

(4) Method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After May 1, 1977, the State shall not register or allow to operate on its streets or highways any light duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 1, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of California shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

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[40 CFR Part 52]

INDIANA AIR QUALITY CONTROL

Proposed Approval and Promulgation of Revisions to Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for the implementation of the national ambient air quality standards. On that date, the Governor of Indiana was advised that the attainment date for the national photochemical oxidant and carbon monoxide standards in the Metropolitan Indianapolis Intrastate Region was extended for 2 years.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the requirements of the Clean Air Act of 1970 in granting extensions until mid-1977 for attainment of the national primary ambient air quality standards. Accordingly, the court ordered that the Administrator rescind the extensions granted the States for implementation of the transportation and/or land use control portion of their implementation plans. The affected States, including Indiana, were required to submit control plans by April 15, 1973. The plans were required to show attainment of the national ambient air quality standards for photochemical oxidants and/or carbon monoxide as expeditiously as practicable, but no later than May 31, 1975.

On June 15, 1973, the Administrator approved, with specific exemptions, certain State transportation and/or land use control plans submitted in response to the January 31, 1973, court order. On April 9, 1973, the State of Indiana held public hearings in Indianapolis on proposed revisions to their existing plan but failed to submit revisons to the Administrator by April 15, 1973. Such proposed revisions to the plan indicated that the photochemical oxidant standard was never exceeded during the entire year of 1972, according to continuous-monitoring data from one location. It was concluded therein that attainment of the standards in 1972 demonstrated that the standards would continue to be maintained through and subsequent to 1975. However, there was no explanation of the substantial decrease in observed oxidant concentrations between 1971 and 1972.

In analyzing the oxidant air quality data for calendar years 1971 and 1972, EPA raised several questions concerning calibration of the monitor, which is presently located at the Indiana State Board of Health Building. During the summer study of 1973, the oxidant monitor was located at the Washington Township Fire Station. While at this location, the instrument was calibrated monthly via the EPA reference method (neutral buffered KI procedure) by EPA personnel. Following operational problems during the period of October through December 1971, the instrument was moved to the State Board of Health Building, 8 miles south of the previous site at the Fire Station. The instrument was not calibrated by means of the reference method until September of 1972, and has not been calibrated according to the required technique since that time. These facts create serious doubts regarding the validity of the 1972 oxidant data. Consequently, EPA is of the opinion that the 1971 data are far more representative of the region and should be used in developing the required transportation strategies.

In its proposed revisions, EPA set forth a plan which, in the Administrator's judgment, based upon the information and data before him, would provide for the attainment and maintenance of the national standards for photochemical oxidants in the Metropolitan Indianapolis Intrastate Region (hereafter referred to as the "Region").

Should a State plan be submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. Should a State plan be submitted and determined to be approvable after Federal promulgation, then the Federal regulation will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the photochemical oxidant standard in the Region be a State plan carried out by the State or its designated representative.

Pollution in the Region

The Region is comprised of approximately 3,000 square miles of land located in the central portion of Indiana. It consists of eight counties: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby. The population of the Region is about 1.1 million, approximately 70 percent of which reside in Marion County, which includes Indianapolis.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm) average for a 1-hour period not to be exceeded more than once per year. The standard promulgated on April 30, 1971 (36 FR 8186), is based on evidence of adverse health effects on days when estimated hourly average concentrations of photochemical oxidants reach 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

During the summer of 1971, this standard was exceeded during 101 hours on 22 days at one of the two locations where oxidants were being measured. Concentrations measured at the two locations showed good correlation and were generally within 10 percent of each other. The highest concentration recorded was 0.14 ppm on September 8.

The next highest concentration recorded was 0.13 ppm on both August 8 and September 8, 1971. Since the primary standard is written in terms of a concentration which is not to be exceeded more than once per year, the calculations in the original Indiana Implementation Plan, which demonstrated the need for extension, were based upon this second highest concentration. Monitoring was continued during 1972 at only one of the original two locations; this site was located adjacent to the Indiana State Board of Health Building. During 1972, the standard was not exceeded at that location. However, serious doubts have been cast on the validity of the 1972 data, as previously stated. Therefore, the EPA proposal is based upon the need for pollutant reduction as originally defined in the Indiana Implementation Plan submitted on January 31, 1972.

The formation of photochemical oxidants is dependent upon the interaction between oxides of nitrogen and hydrocarbons in the presence of sunlight. When either of these components is reduced, the formation of oxidants may be reduced. Of these components, hydrocarbon emissions present the greatest possibility for control. The extent of the reduction in hydrocarbon emissions which is required to meet the primary air quality standards for oxidants, based upon various measured concentrations, has been determined and is presented in Appendix J to 40 CFR Part 51.

Summary

Information presently available to the Administrator indicates that a reduction of approximately 38 percent from the 1971 hydrocarbon emissions is necessary to achieve the primary ambient air quality standard for photochemical oxidants by May 31, 1975, in the Region.

The presently adopted Indiana stationary source regulations, along with the Federal Motor Vehicle Control Program, will account for only a 19 percent reduction of total hydrocarbons in the Region. Calculations based upon data in the Indiana Implementation Plan show that over 25 percent of all hydrocarbons that will be emitted in 1975 will result from open burning. In order to provide the additional hydrocarbon reduction necessary, it is today being proposed that open burning, including residential site incineration, be banned in the Region. In order to comply with this regulation, an alternate means of solid waste disposal will be required.

Proposed Control Strategy

A 38 percent reduction in total hydrocarbon emissions in the Region is required between 1971 and 1975 to achieve attainment of the primary national photochemical oxidant and hydrocarbon standards by the prescribed date. Existing regulations will only provide a 19 percent reduction. Alternatives, when considered individually, would require an additional 75 percent reduction in transportation-related emissions, an additional 90 percent reduction in process losses from area sources (present Indiana regulations do not generally apply to area sources), or the reduction of 14,000 tons of hydrocarbons per year through the banning of open burning, which presently is allowed in the form of residential site incineration. This proposal consists of the last alternative, that of banning open burning at such locations in the Region.

Data for the estimation of stationary source emissions were obtained from the State-Implementation Plan, as submitted by the State of Indiana on January 31, 1972. Mobile source emission estimates were based on data presented in a document entitled "Transportation Controls to Reduce Motor Vehicle Emissions in Indianapolis, Indiana," prepared by GCA Corporation, April, 1973, under contract number 68-02-0041. Since the area covered by the GCA study was the IR TADS (Indianapolis Regional Transportation and Development Study) Area, adjustments were made so that the calculated emissions for both mobile and stationary sources represented the same area. Adjustments were also made to the mobile source emissions to account for the interim 1975 vehicle emission standards, as prescribed by the Administrator on April 11, 1973.

Alternative Strategies

As previously stated, the Administrator presently considers the elimination of residential site open burning within the Region to be the most reasonable and workable method of achieving the primary ambient air quality standard for photochemical oxidants in Indianapolis by 1975. However, if it is demonstrated in the forthcoming hearings that the banning of open burning will not have sufficient impact on emissions, or that other measures are better calculated to achieve and maintain these standards, the Administrator will promulgate such measures as necessary.

Among the other measures which could be considered for implementation are:

(i) Establishment of an annual inspection and maintenance program, using an idle-mode test; this program would cover all vehicles registered within Marion County and would be a prerequisite for vehicle registration;

(ii) Requirement that all pre-1968 and/or controlled automobiles (or trucks) presently in use within Marion County be retrofitted with noncatalytic emission reduction devices; such a requirement would be a prerequisite for vehicle registration;

(iii) Restriction on the delivery of gasoline to service station and/or distribution centers within Marion County calculated to achieve a further reduction in vehicle miles traveled in the Indianapolis area; and,

(iv) Requirement that all service stations in Marion County purchase, install, and employ appropriate vapor recovery control devices for all gasoline tank filling operations.

Air Pollution Impact of the Proposed EPA Strategy

As indicated by the Indiana Implementation Plan, as submited in January 1972, the present Indiana control strategy will not provide for the attainment of the photochemical oxidant air quality standard by 1975. Based upon 1971 air quality data, demonstration of attainment of the standard by 1975 must show that hydrocarbon emissions will be reduced by 38 percent between 1971 and 1975.

In Marion County, in 1971, 68,300 tons of hydrocarbons were emitted. For attainment of the primary standards by 1975, the emissions must be reduced to no more than 42,400 tons. The following is a summary of the effects of the strategy on the overall reduction necessary in Marion County.

Effects of Control Strategy by May 31, 1975

		Emissions, tons/year
Stationary source emissions, with present strategy		
Fuel combustion	1,466	
Process losses		
Point sources	730	
Area sources	14,750	
Solid waste disposal		
Incineration	50	
Open burning	14,804	
		31,800
Mobile source related emission, with present strategy		
Motor vehicles	21,000	
Railroads	516	
Gasoline handling	2,112	23,628
		55,428
Reduction due to proposed ban on residential site open-burning		−14,804
Remaining emissions		40,624

Solid waste disposal can be accomplished through land fill or incineration. If all solid wastes were incinerated in municipal incinerators, the hydrocarbon emissions from this operation would be fewer than 1,000 tons per year, which would still keep the total hydrocarbon emissions under the maximum emissions allowable.

This analysis was, of necessity, confined to the Marion County area because that was the only area compatible with the emissions information. The regulations are proposed to be effective throughout the Region.

Public Comments Solicited

Public hearings will be held on this proposal July 26, 1973, beginning at 1:30 p.m. in Holiday Hall, Holiday Inn Downtown, 500 West Washington, Indianapolis, Indiana 46204.

Interested persons may participate in this rule making by submitting oral or written comments at the hearing. Prior written comments may also be submitted to the Regional Administrator, EPA, Region V, One North Wacker Drive, Chicago, Illinois 60606. Receipt of advance written comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments, together with the remainder of the entire hearing records and the proposed plan, will be available for public inspection during normal business hours at the EPA Region V Office. The changes proposed by this notice of proposed rulemaking are issued under the authority of sections 110(c) and 301(a) of the 1970 Clean Air Act (42 USC 1857 et seq.).

Dated: June 22, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, title 40, of the Code of Federal Regulations as follows:

Subpart P—Indiana

1. Subpart P is amended by adding § 52.777 as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons), Metropolitan Indianapolis Region.

(a) *Regulation banning incineration on residential property.* (1) APC-2 of Indiana's "Air Pollution Control Regulations" (open burning), which is a part of the photochemical oxidant (hydrocarbon) control strategy, is incorporated by reference, and, as incorporated, revised in part in that the exception (b), "Backyard incineration," is deleted and shall not constitute an exception to the open burning ban in the Metropolitan Indianapolis Intrastate Region.

(2) No person shall cause, permit, or allow the incineration of any materials or substances on the premises of single and multiple family residences.

(3) For purposes of this paragraph, "person" means any individual, corporation, partnership, State, municipality or unit of local government, commission, political subdivision of the State, or other entity, or the officials, employees, and agents thereof.

[FR Doc.73-13041 Filed 6-29-73;8:45 am]

[40 CFR Part 52]

MASSACHUSETTS AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards and granted a 2-year extension of the date for attaining these standards in various air quality control regions.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several States to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting extensions until mid-1977 for attainment of the national primary ambient air quality standards without following the procedures established in section 110(e) 42 U.S.C. 1857c-5(e). Accordingly, the Court ordered the Administrator to rescind the extension granted the States for implementation of the transportation and/or land use control portion of their implementation plans. The affected States were required to submit a control plan by April 15, 1973. The plan was to insure attainment of the national air quality standards for oxidants and carbon monoxide as expeditiously as practicable, but no later than May 31, 1975.

Thus, on March 20, 1972 (38 FR 7327), the Administrator notified the Governor of the Commonwealth of Massachusetts that a control plan must be submitted by April 15, 1973, for the Massachusetts portion of the Hartford-New Haven-Springfield Interstate and for the Metropolitan Boston Intrastate Air Quality Control Regions (hereafter referred to as the "Interstate Region" and the "Boston

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Intrastate Region," respectively). This proposal results from the failure of the Commonwealth of Massachusetts to submit an acceptable control plan for the attainment and maintenance of the national primary ambient air quality standards for oxidants and carbon monoxide in the Boston Intrastate and the Interstate Regions. This proposal sets forth an emission control plan designed to reduce the expected 1975 emission of hydrocarbons in the Boston Intrastate Region by 58 percent and to reduce the expected carbon monoxide emissions in the Boston core and East Boston areas of the Boston Intrastate Region by about 40 percent in order to attain the ambient air quality standards for photochemical oxidants by May 31, 1975. It also sets forth an emission control plan designed to reduce the expected 1975 emissions of carbon monoxide in the downtown Springfield area of the Interstate Region by approximately 46 percent in order to attain the ambient air quality standards for carbon monoxide by that date.

However, since it appears that neither the proposed control strategies nor any other strategies which are "reasonably available" will be adequate to attain the standards in these two regions by the deadline of May 31, 1975, the Administrator is proposing a grant of a two-year extension of the date for achieving the standards in these two regions under section 110(e) of the Clean Air Act.

Pollution in the Metropolitan Boston Intrastate and the Massachusetts Portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Regions

Massachusetts portion of the Hartford-New Haven-Springfield interstate regions

The Massachusetts portion of the Hartford-New Haven-Springfield Air Quality Control Region conforms with the boundaries of the Massachusetts Pioneer Valley Air Pollution Control District.

The region of densest motor vehicle travel is located along the Connecticut River. The western boundary of the Interstate Region is delineated by the Berkshire Mountains and the eastern border by hilly, rolling country. Although not an entrapped geographical region like Los Angeles, the area is characterized by a definite north-south channel along the river valley. The control strategies proposed herein for this Region are directed at reducing carbon monoxide emissions from motor vehicles in the Springfield downtown area.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 parts per million (ppm)), average for a 1-hour period not to be exceeded more than once per year. The standard promulgated on April 30, 1971 (36 FR 8186), is based on evidence of adverse health effects experienced on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

The highest recorded concentration of oxidants in the Interstate Region was 0.095 ppm, which was reached in Springfield in June 1972. The second highest recorded level was 0.060 ppm, reached in July 1972. Based on these levels and on the expected reduction in hydrocarbon emissions from motor vehicles resulting from the on-going Federal motor vehicles control program (FMVCP), it has been determined that ambient concentrations of oxidants in the Interstate Region will not exceed the national standards by May 31, 1975, and that no strategies are required.

The primary national ambient air quality standards for carbon monoxide (CO) are 35 ppm average for 1 hour and 9 ppm average for 8 hours, each to be exceeded no more than once per year. These standards are intended to prevent adverse health effects induced by carbon monoxide reactions with blood hemoglobin.

Carbon monoxide concentrations measured in downtown Springfield have not exceeded the 1-hour average, but the 8-hour average was exceeded 268 times from January through November 1972. The highest recorded concentration was 21.3 ppm, which occurred in January 1972, and the second highest was 20.9 ppm, which occurred on the same day. Studies have indicated that the density of carbon monoxide emissions from motor vehicles falls off sharply outside the Springfield downtown area and that other sources of carbon monoxide are negligible. On this basis, it has been determined that the high ambient CO concentrations measured are localized within an area of slightly less than 1 square mile (Zones 1 and 2 combined; see the following Table) in the Springfield downtown area, bounded approximately by the Connecticut River on the west, Lyman Street to the north, Maple Street to the east, and Washington Street and Summer Avenue to the south. This area includes a length of Interstate 91, the traffic on which makes a significant contribution to total emissions in the area.

The ambient concentrations of carbon monoxide in the Interstate Region area now either meet the 8-hour, 9-ppm standard, or will do so by May 31, 1975. The projected decrease in motor vehicle carbon monoxide emissions is a result of the on-going Federal motor vehicle control program (FMVCP).

However, in the downtown Springfield area defined above, in addition to the reductions obtained from FMVCP, it will necessary to further reduce emissions in order to meet the 8-hour, 9-ppm standard by May 31, 1975.

Summary of Emission Projections For Carbon Monoxide*

(kg/day)

	Zone 1 (0.298 mi²)	Zone 2 (0.639 mi²)
Base year 1972	8,531	12,922
May 31, 1975, with existing regulations	6,802	12,328
Required to meet stanards	3,660	7,900
Reduction from May 31, 1975, projection	46%	36%

*Zones 1 and 2 are defined in the Technical Support Document.

The requirements for additional emission reductions are not so severe as to preclude the existence of a variety of control strategies for effecting such reductions, so that the Administrator has had some freedom to choose strategies on the basis of their cost-effectiveness and their impact on other aspects of life in the Springfield area. The strategies that follow have been chosen to attain air quality standards and, insofar as possible, to be consistent with the expressed policies and preferences of the Governor of the Commonwealth and the Bureau of Air Quality Control.

Metropolitan Boston Intrastate Region

The Boston Metropolitan area lies on Massachusetts Bay in relatively flat coastal terrain. Topography does not generally influence pollutant dispersal adversely, but meteorological influences, specifically the proximity of the ocean and the resultant sea breezes, have a minor but adverse influence on photochemical oxidant levels. Although the region is served by rail rapid transit and extensive bus service, automobile use is heavy, particularly in outlying manufacturing areas. The urban core, though handling fewer vehicles than some urban areas, is still subject to considerable traffic density and congestion, which are commonly attributed to the narrow antiquated streets and resulting traffic patterns. The control strategies proposed herein are directed at reducing emissions primarily within the area of the Region bounded by Route 128, an expressway that encompasses the Boston Metropolitan area.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 part per million (ppm)) average for a 1-hour period, not to be exceeded more than once per year. This standard, promulgated on April 30, 1971 (36 FR 8186), is based on occurrence of adverse health effects experienced on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act. During 1972, this standard was exceeded on 43 out of 62 days during a 2-month monitoring study. The maximum 1-hour reading for oxidants was 0.260 ppm; the second highest was 0.253 ppm.

The primary national ambient air quality standards for carbon monoxide (CO) are 35 ppm average for 1 hour and 9 ppm average for 8 hours, each to be exceeded no more than once per year. These standards are intended to prevent adverse health effects induced by carbon monoxide reaction with blood hemoglobin.

In the Boston Intrastate Region, the 1-hour CO standard is exceeded frequently; in 1970 it was exceeded on 56 days. The maximum 8-hour average recorded was 22.0 ppm, and the second highest was 21.9 ppm, both occurring during 1970.

Summary of Control Requirements: Boston Intrastate Region

The best information available to the Administrator, including previous studies specifically directed at the Boston problem, indicate that the anticipated decrease in motor vehicle hydrocarbon and carbon monoxide emissions resulting from the on-going Federal motor vehicle control program will be insufficient to permit meeting the national standards. In order to attain the standards by May 31, 1975, it will be necessary to reduce projected total emissions of hydrocarbons within the area encompassed by Route 128 by approximately 58 percent and to reduce projected emissions of carbon monoxide in the Boston core and East Boston areas of the Region by amounts approximating 40 percent in each area; the Table below summarizes the required reduction in quantitative terms.

Summary of Emission Projections

(kg/day)

	Hydrocarbons	Carbon monoxide	
	Rt. 128 area	Boston core	East Boston
Base year emissions (CO-1970, HC-1972)	307,100	99,820	7,620
May 31, 1975, with existing regulations	232,700	66,350	6,140
Allowable emission standards	97,000	41,020	3,730
Reduction from May 31, 1975, projection	118,900 (58.0%)	25,330 (38.2%)	2,410 (39.3%)

The strategies that follow have been chosen to ensure attainment of air quality standards and, insofar as possible, to be consistent with the expressed policies and preferences of the Governor of the Commonwealth and the Bureau of Air Quality Control.

Emission Control Alternatives

The emissions of carbon monoxide in the Boston Intrastate Region and in the Springfield area of the Interstate Region come almost entirely from motor vehicle sources, so that the reductions required beyond those provided by the Federal vehicle emission control program will need to be realized by transportation controls that reduce total motor vehicle emissions. In the case of hydrocarbon emissions in the Boston Intrastate Region, however, over half come from nonvehicular sources, so that an alternative exists for attaining some of the required reductions by further controlling these emissions. This possibility has been utilized, and the regulations here proposed for the Boston Intrastate Region are designed to reduce hydrocarbon emissions from stationary sources to the maximum degree considered feasible. Considerable further reductions will be required, however, and these will have to be achieved by transportation controls directed at motor vehicle emissions.

Transportation Control Alternatives

There are two general types of transportation controls available, those that effect emission reductions by reducing the average emissions from a vehicle-mile of travel (VMT), and those that effect reductions by reducing VMT, that is, by reducing the total amount of vehicle usage. The former, vehicle emission reductions, are generally able to effect sizable emission reductions in a short time but entail substantial costs. On the other hand, most VMT-reducing controls are more suited to the long-term maintenance of the standards than to meeting short-range needs. It is the expressed policy of the Governor of Massachusetts to discourage continued heavy reliance on the automobile for urban core travel by encouraging increased transit usage and by other means. The Bureau of Air Quality Control has also expressed a desire to avoid the use of the most costly of the vehicle emission reduction controls.

Consequently, in proposing the following mixture of the two types, the Administrator has selected insofar as possible those VMT-reducing controls whose impact will be realized within the time frame of the May 31, 1975, target date, in order to lay a firm foundation for the Commonwealth's on-going program to maintain the standards, and in order to hold to a minimum the need for vehicle-emission control devices for the general population of motor vehicles in the Boston Intrastate Region and the Interstate Region. The VMT-reducing controls proposed include increased costs and other restrictions on parking in the Boston core area, at Logan International Airport, and in the Springfield downtown area; and a seasonal program of restrictions on the use of vehicles within the Route 128 area. In addition, the VMT-reducing controls proposed for the Springfield downtown area include traffic flow improvements and the closing off of Main Street to form a vehicle-free pedestrian mall. The vehicle emission control devices for the Boston Intrastate Region include an inspection and maintenance system to ensure the adequate performance of vehicle emission controls; the retrofit of evaporative hydrocarbon emission controls on all pre-1972 gasoline-powered vehicles; vacuum spark-advance disconnect devices on pre-1970 vehicles; and catalytic control devices on light-duty vehicle fleets and 1973–1975 private light-duty vehicles. For the Interstate Region, the vehicle emission reducing strategies include an inspection and maintenance system and catalytic control devices on a proportion of heavy-duty gasoline-powered vehicles.

Proposed Controls for Stationary Hydrocarbon Sources: Boston Intrastate Region

Controls to prevent hydrocarbon emissions will be placed on a variety of stationary sources. In addition to the control of emission from the bulk storage of gasoline that will be required under existing state regulations, the regulations proposed herein will require the extensive control of evaporative losses from retail gasoline sales outlets and all significant users of organic solvents, including dry-cleaning establishments and various industrial solvent users. In addition, the regulations restrict the use of paints and other surface coatings that contain photochemically reactive solvents. These regulations will reduce the expected 1975 total of stationary-source hydrocarbon emissions from 130,600 kilograms per day (kg/day) to 50,500 kg/day, a reduction of 80,100 kg/day. This amount is about 59 percent of the 135,700 kg/day total hydrocarbon reduction required, leaving a balance of 55,600 kg/day to be achieved by reducing vehicular emissions.

Proposed Reductions in VMT

Boston intrastate region

The proposed regulations will impose stringent controls on commuter parking in the Boston core area and at Logan International Airport, including the banning of on-street parking in the core area from 6 to 10 a.m. and 4 to 6 p.m. on weekdays, and the imposition of a $5.00 surcharge on off-street parking from 6 to 10 a.m. in the Boston core area and from 6 a.m. to 10 p.m. at Logan International Airport. There is some legal question about EPA's authority to propose such a regulatory fee; it is, however, being proposed for comment.

Because the carbon monoxide problem is concentrated in the two relatively small areas, the VMT-reducing controls that are directed at limiting traffic in these areas are particularly appropriate. Of the various such controls possible, restrictions on commuter parking were selected because similar though less stringent measures have already been considered and recommended by the Governor and by the Boston City government. The specific hours selected are those that provide the maximum diversion of rush-hour commuters to other transit while causing the minimum inconvenience to shorter-term shopping and other commercial traffic.

In contrast to the situation with carbon monoxide, the photochemical oxidant problem is region-wide, however, and thus it is necessary to devise controls to reduce VMT on a broader basis. The proposed regulations provide for limitations on the use of light-duty vehicles; the restriction consists of seasonally prohibiting the use of vehicles 1 day out of 5 during the week (except on legal holidays). The prohibition would apply to all

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gasoline-powered light-duty vehicles registered within this Region, divided into five groups, with an appropriate identification system of colored stickers or license plate variations for each group of vehicles. A predetermined group will be prohibited from operating within Route 128 on 1 of the 5 weekdays during weeks when the prohibition is in effect. The prohibition will be in effect periodically, whenever determined to be necessary by the Administrator from continuing review of the observed air quality levels; it is anticipated that the primary periods of prohibition will be during the summer and fall seasons.

Although the Administrator presently considers this 1-day-a-week vehicle use prohibition to be the most reasonable method of achieving an acceptable degree of VMT reduction in Boston by 1975, other control measures are also being considered for adoption, either in the event that this measure proves not to have a sufficient impact on emissions reduction realized, or in the event that comments received as part of this rulemaking process lead EPA to conclude by August 15 that other measures are preferable.

Among other measures being considered as part of this proposal (even though no draft regulations to implement them have been suggested) are:

1. Making effective reductions in the number of parking spaces available for use in downtown Boston between 6 a.m. and 10 a.m., and at Logan airport between 6 a.m. and 10 p.m.

2. Making a similar reduction in the number of available parking spaces (both on- and off-street) in parking facilities at other trip-attraction centers throughout the Metropolitan area.

3. Designating lanes on the expressways and other major roads leading into and out of the Boston core for the exclusive use of buses and car-pools. Unlike the express bus system presently used on the Southeast Expressway, these lanes would be taken from the part of the road used for automobile traffic moving in the same direction. This would provide incentives for a shift to these more efficient forms of transportation, both by decreasing their travel time and by reducing the road space available to partly occupied automobiles.

4. Restricting the flow of traffic through such nodal points as the Mystic River Bridge, the harbor tunnels, and the last toll gate on the Massachusetts Turnpike to a certain maximum rate per hour.

5. Restricting the amount of gasoline delivered to retail service stations and or distribution centers in the Boston metropolitan area with the aim of achieving a moderate further reduction in VMT by this means.

6. Increasing the 1-day-a-week vehicle use prohibition to 2 or more days per week.

The Administrator recognizes that, in addition to these restraints on vehicle usage, there must be adequate alternative transportation available if the controls are, in fact, to have a beneficial effect rather than become a burden. The Administrator is not proposing regulations to specifically assure such alternatives because, on the basis of studies presently available, it appears that the best alternatives are among those that are not appropriately established by Federal regulation, and because the Commonwealth of Massachusetts has already assumed initiative for providing improved transit service in the Boston area. It is also anticipated that the imposition of restraints will prompt a variety of private decisions relative to work hours, car-pooling, and similar matters that will operate to ameliorate the adverse impact of the restraints.

Interstate Region

Since the carbon monoxide problem is concentrated in a relatively small area, the VMT-reducing controls that are directed at limiting traffic in this area are particularly appropriate.

The proposed regulations will impose stringent controls on commuter parking in downtown Springfield, including the banning of on-street parking all day on weekdays and the imposition of a $4.00 surcharge on off-street parking from 6 a.m. to 10 a.m. on weekdays. As a result of these measures, there will be a substantial reduction in the number of commuter trips made into the downtown area. There will also be an improvement in traffic flow and reduction in collector and local circulation.

In addition, the proposed regulations will call for the installation of a metering system for the downtown ramps of Interstate 91 in conjunction with a traffic-responsive, digital-computer-controlled signal system. These measures will improve traffic flow and increase capacity but, because of the inherent programming capacity of the system, VMT will also be reduced.

Finally, the proposed regulations will provide for the closing of Main Street to all traffic (except loading vehicles), from the railroad overpass at the north to State Street at the south. They will also provide for the closing off of major cross streets within this section of Main Street to create large blocks.

The Administrator recognizes that in addition to these restraints on vehicle usage, there must be adequate alternative transportation and/or fringe parking facilities if the controls are, in fact, to have a beneficial effect rather than become a burden. The Administrator is not proposing regulations to specifically assure such alternatives and facilities because, on the basis of studies presently available, it appears that the best alternatives are among those that are not appropriately established by Federal regulation. It is anticipated that the proposed restraints will prompt a variety of private decisions relative to work hours, car-pooling, and similar matters that will operate to ameliorate the adverse impact of the restraints. Similarly, it is anticipated that the proposed closing of Main Street will provide the opportunity for the implementation of a pedestrian shopping mall.

In all cases where VMT reducing regulations are being proposed the state or city will be required to take steps to accomplish the intended result. Failure to comply may result in such action by the Administrator as authorized in section 113 of the Act.

EPA doubts whether it has authority in all cases where it must promulgate portions of an implementation plan to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist. (Natural Resources Defense Council v. EPA, No. 72–1219 (1st Cir. May 2, 1973)).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible, and may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the states or cities only where the activity being regulated was, in the judgment of EPA, closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Proposed Controls on Mobile Source Emissions

The magnitude of the emission reductions needed are such that full attainment by VMT reductions is not possible in the period prior to May 31, 1975, and it will be necessary to utilize vehicle-emission control to realize the balance. The following controls are proposed:

All light-duty gasoline-powered vehicles will be required to be inspected annually using an idle-mode emission test, a relatively inexpensive testing procedure, to assure compliance with established emission standards. EPA is also considering the requirement for a loaded, or dynamometer, emission test if continuing study of testing procedures indicates that it would be necessary and feasible. Vehicle owners will be required to obtain any maintenance necessary to ensure that all pollution control devices on the vehicle work properly and that the vehicle operates at established emission levels.

For the Boston Intrastate Region, the installation of evaporative controls to prevent evaporation of gasoline from the gas tank and carburetor will be required on all pre-1972 model year light-duty gasoline-powered vehicles and on all pre-1973 model year heavy-duty gasoline-powered vehicles. Retrofit of vacuum spark advance disconnect will be required on all pre-1970 model year light-duty gasoline-powered vehicles. A further requirement will be the installation of an oxidizing catalyst on all gasoline-powered light-duty vehicles in fleets of 10 or more vehicles, and on 1972–1975 light-duty gasoline vehicles.

Although the oxidizing catalyst and evaporative control devices are believed to be technologically feasible by 1975, the Administrator recognizes that it is not possible to implement these control measures in the Boston Intrastate Region and the Interstate Region by that date. Consequently, the Administrator proposes to grant an extension of 2 years for the implementation of catalytic retrofit control devices. The implementation of evaporative control devices will still not be possible in 1977. However, they may not be necessary if catalytic retrofits are implemented by May 31, 1977.

For the Interstate Region, all light-duty gasoline-powered vehicles will be required to be inspected annually using an idle-mode emission test, a relatively inexpensive testing procedure, to assure compliance with established emissions standards. Vehicle owners will be required to have performed any maintenance necessary to ensure that all pollution control devices on the vehicle work properly and that the vehicle operates at established emission levels.

A further requirement will be the installation of an oxidizing catalyst on a certain proportion of heavy-duty gasoline vehicles registered in the Region.

Although the oxidizing catalyst is believed to be technologically feasible by 1975, the Administrator recognizes that it is not possible to implement this control strategy by that date. Consequently, the Administrator proposes to grant an extension of 2 years for the implementation of this control strategy. However, by May 31, 1977, the reduction of carbon monoxide provided by the Federal motor vehicle emission control program will render the heavy-duty catalytic retrofit control strategy unnecessary for the Interstate Region.

Accordingly, the Administrator has reviewed possible interim measures in lieu of catalyst retrofit. It does not appear that any further reductions can be attained through more stringent controls of vehicle miles of travel. The suggested controls for implementation in the Springfield CBD are as stringent as technologically feasible at this time. Alternatively, restricting travel of Route I–91 was considered, but there is not sufficient capacity on existing highways to allow the curtailment of use of I–91 in the region of concern. Review of possible mobile source emission controls available indicated that the only possible measures not already scheduled for implementation which could be imposed in the 1975–1976 time frame are non-catalytic retrofit devices. These controls are only applicable to pre-1971 vehicles and would have to be implemented throughout the entire air quality control region to be effective. Even if imposed, these controls would not be adequate to attain the standards before May 31, 1977. It was felt that to impose these less than adequate controls on the entire region as an interim measure to achieve reductions of CO in a one square mile zone was economically unjustified.

Summary of Effects of Transportation Controls

Interstate Region

The following table is a summary of the effects of each element of the proposed strategy on the overall reduction necessary. The uncontrolled emissions of carbon monoxide within Zone 1 in 1975 are estimated at 6802 kg/day, whereas the total allowable emissions if the 8-hour, 9-ppm standard is to be met are 3660 kg/day. All calculations are based on the second highest recorded 8-hour average of 20.9 ppm, which occurred in Zone 1 in 1972. The proposed strategies will result in proportional reductions of emissions in Zone 2 of the downtown area, which will be adequate to meet the standards in Zone 2.

Compilation of Effects of Control Strategy May 31, 1975 (Zone 1)

	Carbon monoxide emissions, kg/day		Percent of total reduction due to each control	
	1975	1977	1975	1977
Emissions from transportation sources	6802	5821		
Expected reduction:				
(a) Parking restrictions, traffic flow improvements, closing of streets	−2177	−1863	69	85
(b) Inspection and maintenance	−384	−329	13	15
(c) Oxidizing catalyst retrofit on certain heavy-duty vehicles	−581		18	
Total reductions	−3142	−2192	100	100
Emissions remaining	3660	3629		

Boston Intrastate Region

The following tables summarize the effects of each of the proposed controls on emissions in the three areas in which reductions are required. The May 31, 1975, summary column represents the controls herein proposed for meeting the national standards by that date. The May 31, 1977, summary column represents the effects of the proposed control measures after granting the 2-year extension for the implementation of the catalytic retrofit control devices.

Summary of Effects of Controls on Hydrocarbon Emissions (kg/day)

	May 31, 1975	May 31, 1977
Nonvehicular emissions without further control	130,600	138,400
Expected reductions:		
Retail gasoline sales	−16,830	−17,840
Paint use control	−39,600	−41,970
Organic solvent control	−23,670	−25,090
Total reductions	−80,100	−84,900
Remaining nonvehicular emissions	50,500	53,500
Motor vehicle emissions without further control	102,100	70,400

Summary of Effects of Controls of Hydrocarbon Emissions (kg/day)—Continued

	May 31, 1975	May 31, 1977
Expected reductions:		
Core on-street parking ban	−206	−142
Core off-street parking surcharge	−5,780	−3,985
Airport parking restrictions	−1,112	−767
Vehicle use prohibition	−9,950	−6,861
Inspection-maintenance	−6,160	−4,247
Evaporative control—LDV	−14,832	
Evaporative control—HDV	−1,449	
Vacuum spark advance disconnect control	−5,590	−1,227
Oxidizing catalyst—fleet	−2,364	−1,545
Oxidizing catalyst—LDV	−9,244	−9,618
Total reductions	−56,687	−28,392
Remaining motor vehicle emissions	45,413	42,008
Total emissions without further controls	232,700	208,800
Total reductions	−136,787	−113,292
Total emissions remaining	95,913	95,508
Equivalent to standard	97,000	97,000

Summary of Effects of Controls Boston Core Carbon Monoxide Emissions (kg/day)

	May 31, 1975	May 31, 1977
Motor vehicle emissions without further control	66,350	49,870
Expected reductions:		
Core on-street parking ban	−265	−199
Core off-street parking surcharge	−7,454	−5,605
Airport parking restrictions	−1,523	−1,145
Vehicle use prohibition	−5,908	−4,443
Inspection-maintenance	−3,900	−2,689
Evaporative control—LDV	0	0
Vacuum spark advance disconnect control	1,556	−803
Oxidizing catalyst—fleet	2,270	−1,368
Oxidizing catalyst—LDV	6,393	−6,364
Total reductions	−29,269	−22,616
Total emissions without further controls	66,350	−49,870
Total reductions	−29,269	−22,616
Total emissions remaining	37,081	27,254
Equivalent to standard	41,020	41,020

Summary of Effects of Controls East Boston Carbon Monoxide Emissions (kg/day)

	May 31, 1975	May 31, 1977
Motor vehicle emissions without further control	6,140	4,760
Expected reductions:		
Core on-street parking ban	30	25
Core off-street parking surcharge	844	658
Airport parking restrictions	1,315	1,019
Vehicle use prohibition	243	188
Inspection-maintenance	267	184
Evaporative control—LDV	0	0
Evaporative control—HDV	0	0
Vacuum spark advance disconnect control	101	60
Oxidizing catalyst—fleet	210	102
Oxidizing catalyst—LDV	414	475
Total reductions	3,424	2,711
Total emissions without further controls	6,140	4,760
Total reductions	−3,424	−2,711
	2,716	2,049
Equivalent to standard	2,730	2,730

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INTERSTATE AND INTRASTATE REGIONS

Additional technical information is contained in "Technical Support Document for the Proposed Transportation Control Strategy for the Metropolitan Boston Intrastate Air Quality Control Region" and in "Technical Support Document for the Proposed Transportation Control Strategy for the Massachusetts Portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region." Both documents are available from the Environmental Protection Agency, Region I Office, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts.

ECONOMIC AND SOCIAL IMPACT OF THE TRANSPORTATION CONTROL PLAN

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A thorough and quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible because of lack of time and the innate complexity of the issues. In the following discussion, we have tried to describe the type of impacts that would occur. First, vehicle owners may have to assume the direct costs of emissions abatement equipment required to bring their vehicles into compliance. Second, reduction in the mobility of workers and consumers could have a major impact on the econimic fabric of the community. Third, interference with the ability of citizens to move as freely as before may alter the life-style of the region slightly. Obviously, the severity of the impact depends on the degree of vehicle usage restrictions imposed, on the manner in which direct costs of abatement equipment are financed, and the degree to which effects can be ameliorated by the improvement of the transit system.

Because it is not possible to effect sufficient VMT reductions to meet the standards by that means alone, all the possible combinations of controls that were considered included an inspection and maintenance program and the use of additional emission control equipment on existing vehicles. The combination proposed requires the least possible expenditure by the individual light-duty vehicle owner. The probable annual cost of the required inspection should be about $5, with an additional $15 to $25 cost required if maintenance is needed; the maintenance is of course desirable on its own merit, and thus is not viewed as a serious burden. The vacuum spark advance disconnect devices are also inexpensive, about $10 to $15 per vehicle installed.

The oxidizing catalyst requirements are somewhat more expensive, about $200 per vehicle installed. This is of particular concern with respect to the provision of catalysts on older light-duty vehicles. Thus the requirement for catalyst controls for the Intrastate Region is placed on newer rather than older vehicles, since the cost is smaller in comparison with the greater value of the newer vehicle. If the catalyst costs fall directly on the individual light-duty vehicle owner, however, the specific burden will weigh more heavily on the low-income families. Consequently, it is suggested that the Commonwealth consider subsidizing these costs, perhaps through a bond issue retired from an additional gasoline tax.

EFFECTS ON THE ECONOMIC AND SOCIAL FABRIC OF THE COMMUNITY

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the reduction in VMT required. Since the degree of restriction is relatively small, it is expected that the principal effects will be more a matter of social adjustments than of serious economic consequences although the impact on a small number of businesses in urban core areas may be severe. This is contingent upon the continued availability of adequate mass transit capacity; this capacity will be strained, particularly during peak periods, for the initial time before other ameliorating private readjustments occur.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATION

The combined effects of these proposed regulations, together with the Massachusetts Implementation Plan, will eliminate the danger to human health and welfare that exists in the Boston Intrastate Region and in the Springfield area of the Interstate Region as the result of air pollution. They may, however, have adverse economic and social impacts, and the Administrator will make every effort possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that the departments and agencies give special attention to the need for funding to provide adequate mass transit to replace the automobile travel eliminated by the proposed controls.

PUBLIC COMMENTS SOLICITED

The Administrator intends that the finally adopted plans be as responsive as possible to the needs of the Boston Intrastate Region and the Massachusetts portion of the Interstate Region; he therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Boston Intrastate and the Interstate Region. Comments are particularly invited pertaining to the other measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control measures.

Public hearings will be held on this and alternative proposals in Boston at Faneuil Hall starting at 10 a.m. on July 19 and 20, 1973. Hearings will also be held in Springfield at the Springfield Technical Community College, 1 Armory Square, starting at 10 a.m. on July 23, 1973.

The Administrator's final promulgation of transportation controls for the Boston Intrastate Region and the Massachusetts portion of the Interstate Region will be influenced by the comments and testimony he receives, as well as by any further approvable strategies submitted by the State as part of the State Implementation Plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulatons that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region I, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts. All relevant comments received on or before August 1, 1972. Receipt of comments will be acknowledged, but substantive reponses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region I Office. The changes proposed by this notice, with appropriate modification, will be effective as noted. This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857 et seq.)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart W—Massachusetts

1. Section 52.1128 is amended by adding paragraphs (b) through (n) as follows:

§ 52.1128 Transportation and land use controls.

• • • • •

(b) *Definitions.* (1) For purposes of this section:

(i) "Register," as applied to a motor vehicle, means the licensing of such motor vehicle for general operation on public roads or highways by the appropriate agency of the Federal Government or by the State.

(ii) "Boston Intrastate Region" means the Metropolitan Boston Intrastate Air Quality Control Region, as defined in Title 40, Part 81, of the Code of Federal Regulations, § 81.19.

(iii) "Interstate Region" means the Massachusetts portion of the Hartford-New Haven-Springfield Interstate Air Quality Control Region as defined in § 81.26 of this tile.

(iv) "Boston core area" means that portion of the City of Boston, Massachusetts, contained within the following boundaries: the Charles River and Boston Inner Harbor on the northwest, north, and northeast; the Inner Harbor, Fort Point Channel, West Fourth Street, Fitzgerald Expressway, and the Massachusetts Avenue Expressway access branch on the east and southeast;

Massachusetts Avenue, Tremont Street, Ruggles Street, Huntington Avenue, and Longwood Street on the south; Riverway, Park Drive, Mountfort Street, and the Boston University Bridge on the west. Where a street or roadway forms a boundary, the entire right-of-way of the street is within the Boston core area as here defined.

(c) *Regulation on evaporative emissions from retail gasoline outlets.* (1) For purposes of this paragraph, "retail gasoline outlet" means any service station, filling station, garage, store, or other place of business at which gasoline is transferred directly to consumers in the regular course of business.

(2) This regulation is applicable within the Boston Intrastate Region. The requirements of this regulation shall be in effect in accordance with paragraph (f) of this section.

(3) No person shall load or permit the loading of gasoline into any storage tank at a retail gasoline outlet unless such tank is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, and in operation. Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor disposal system. A means shall be provided to prevent gasoline drainage from the loading device when it is removed from the tank, or to accomplish complete drainage before such removal. The vapor disposal portion of the system shall consist of one of the following:

(i) An absorber system or condensation system with a minimum recovery efficiency of 90 percent by weight of all the volatile organic compound vapors and gases entering such disposal system.

(ii) A vapor handling system which directs all vapors to a fuel gas system.

(iii) Other equipment of at least 90 percent efficiency, provided plans for such equipment are submitted to and approved by the Administrator or his designee.

Intermediate storage vessels may be used prior to disposal of vapors under paragraph (c)(2) (i), (ii), or (iii) of this section, provided they are so designed as to prevent release of vapors at any time during use.

(4) No person shall fuel, or permit the fueling of, any motor vehicle with gasoline from a fueling system (i.e., nozzle, coupler, flexible hose, pump and appurtenances) that is not equipped with a vapor balance system or equally effective control system, certified by the Administrator or his designee as able to prevent all vapor emissions to the ambient air.

(5) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(d) *Regulation on organic solvent use.* (1) For purposes of this paragraph:

(i) "Organic solvents" means those organic materials that are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(ii) "Photochemically reactive solvent" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations in reference to the total volume of solvent:

(*a*) A combination of hydrocarbons alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(*b*) A combination of aromatic compounds with eight or more carbon atoms to the molecule (except ethylbenzene): 8 percent;

(*c*) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene, or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of the total volume of solvents.

(iii) "Organic material" means any chemical compound of carbon other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates, and ammonium carbonate.

(iv) "Dry-cleaning operation" means that process in which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(2) This regulation is applicable within the Boston Intrastate Region. The requirements of this regulation shall be in effect in accordance with paragraph (f) of this section, except for paragraph (f)(12) of this section, which shall be effective upon promulgation in final form.

(3) No person shall cause, suffer, allow, or permit the emission of more than 15 pounds of organic materials in any one day (24 hours) or more than 3 pounds of organic materials in any one hour from any dry-cleaning operation or from any facility in which any organic material comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless all organic materials emitted from such facility are reduced by at least 85 percent by weight through employment of suitable control equipment approved by the Administrator or his designee.

(4) No person shall cause, suffer, allow, or permit the emission of more than 40 pounds of organic materials in any one day (24 hours) or more than 8 pounds in any one hour from any facility, such as, but not limited to, the manufacture of solvents, coatings, rubber, plastics; the application of coatings by rolling, brushing, or spraying; degreasing and dry-cleaning operations which employ, evaporate, or dry any photochemically reactive hydrocarbon or material containing such hydrocarbon unless all organic materials emitted from such facility are reduced at least 85 percent by weight through employment of suitable control equipment approved by the Governor or his designee.

(5) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subjected to any combination of operations described in paragraph (d)(3) or (4) of this section involving any photochemically reactive solvent, or material containing such solvent, shall be subject to compliance with paragraph (d)(4) of this section. Where only nonphotochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in paragraph (d)(3) of this section, said portions shall be collectively subject to compliance with paragraph (d)(3) of this section.

(6) Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvents, of any article, machine, equipment, or other contrivance described in paragraph (d)(3), (4), or (5) of this section, shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this rule.

(7) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in paragraph (d)(3), (4), or (5) of this section, shall be included with other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this rule.

(8) Emissions of organic materials into the atmosphere required to be controlled by paragraph (d)(3), (4) or (5) of this section, shall be reduced by incineration, adsorption, or other processing in a manner determined by the Governor or his designee to be not less effective than incineration or adsorption, provided that, if incineration is used, 90 percent or more of the carbon in the organic material is completely oxidized to carbon dioxide.

(9) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide; properly install; and maintain in calibration, in good working order, and in operation, devices as specified by the Governor or his designee for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of the pollution control attained.

(10) Any person using organic solvents or any materials containing organic solvents shall supply the Governor or his designee, upon request and in the manner and form prescribed, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used. The provisions of this regulation shall

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not apply to the employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchlorethylene.

(11) No person shall cause, suffer, allow, or permit the disposal in any one day (24 hours) of a total of more than 1.5 gallons of any photochemically reactive hydrocarbon or of any material containing more than 1.5 gallons of any such photochemically reactive hydrocarbon by means which will permit the evaporation of such hydrocarbon into the atmosphere.

(12) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(e) *Regulation on paints and architectural coatings.* (1) This regulation is applicable within the Boston Intrastate Region. All sources subject to this section shall be in compliance with paragraph (e)(2), (3) and (4) of this section on or before September 15, 1974.

(2) No person shall sell or offer for sale, for use within the Boston Interstate Region, in containers of 1 quart or greater capacity, any paint or other architectural coating containing photochemically reactive solvent, as defined in paragraph (c)(1) of this section.

(3) No person shall employ, apply, evaporate, or dry any paint or other architectural coating, purchased in containers of 1 quart or greater capacity, containing photochemically reactive solvent, as defined in paragraph (c)(1) of this section.

(4) No person shall thin or dilute paint or any other architectural coating with a photochemically reactive solvent, as defined in paragraph (c)(1) of this section.

(5) No person shall during any one day dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in paragraph (c)(1) of this section, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(6) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(f) *Federal compliance schedules.* (1) Except as provided in paragraph (f)(3) of this section, the owner or operator of a source subject to paragraph (c)(3) or (d) of this section shall comply with the increments of progress contained in the following schedule:

(i) Final control plans for emission control systems or process modifications must be submitted not later than September 15, 1973.

(ii) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than November 15, 1973.

(iii) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than April 15, 1974.

(iv) On-site construction or installation of emission control equipment or process modification must be completed not later than April 15, 1975.

(v) Final compliance is to be achieved not later than May 31, 1975.

(vi) Any owner or operator of stationary sources subject to compliance schedule in this subparagraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(2) Except as provided in paragraph (f)(4) of this section, the owner or operator of a source subject to paragraph (c)(4) of this section shall comply with the increments of progress contained in the following compliance schedule:

(i) Final control plans for emission control systems or process modifications must be submitted not later than Feb. 15, 1974.

(ii) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than August 15, 1974.

(iii) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than February 15, 1975.

(iv) On-site construction or installation of emission control equipment or process modification must be completed not later than February 15, 1976.

(v) Federal compliance is to be achieved not later than May 31, 1976.

(vi) Any owner or operator of stationary sources subject to the compliance schedule in this subparagraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(3) Paragraph (f)(1) of this section shall not apply:

(i) To a source which is presently in compliance with paragraphs (c)(3) or (d) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the Commonwealth and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(4) Paragraph (f)(2) of this section shall not apply:

(i) To a source which is presently in compliance with paragraph (c)(4) of this section and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(iii) To a source whose owner or operator submits to the Administrator, by February 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(5) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (f)(1) or (2) of this section fails to satisfy the requirements of 40 CFR 51.15 (b) and (c).

(g) *Regulation limiting on-street parking.* (1) For purposes of this paragraph, "on-street parking" means stopping a motor vehicle on a street or adjacent to a curb or sidewalk, whether or not a person remains in the vehicle.

(2) Beginning on or before May 1, 1974, the Commonwealth of Massachusetts, together with the City of Boston and other political or administrative subdivisions of the Commonwealth, shall prohibit on-street parking on all streets, highways, and other roadways within the Boston core area, as defined in paragraph (b) of this section, over which they have ownership or control, such prohibition to be in effect, as a minimum, during the hours of 6 to 10 a.m. and 4 to 6 p.m., except on Saturdays, Sundays, and legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall be towed away, and that the owner be subject to a fine of not less than $50.00. The prohibition may provide procedures for exempting vehicles owned by residents of the Boston core area that are parked at or near the owner's residence, if such on-street parking is made necessary by the lack of other parking facilities, and if the parking is on a minor street which carries little traffic during the time of day the prohibition is in effect.

(3) Beginning on or before May 1, 1974, the Commonwealth of Massachusetts, together with the City of Springfield and other political or administrative subdivisions of the Commonwealth, shall prohibit on-street parking on all streets, highways, and other roadways within the Springfield downtown area (defined as the area bounded by the Connecticut River; Lyman, Maple, and Washington Streets; and Sumner Avenue) over which they have ownership or control, such prohibition to be in effect, as a minimum, during the hours of 6 a.m. to 6 p.m. except on Saturdays, Sundays, and legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall be towed away,

and that the owner shall be subject to a fine of not less than $50.00.

(4) On or after May 1, 1974, no owner of a motor vehicle shall park, or permit the parking of, said vehicle on a street or roadway within the Boston core area as defined in paragraph (b) of this section, or within the Springfield downtown area as defined above, in violation of the prohibition called for in paragraph (g)(2) and (3) of this section.

(5) The Governor of the Commonwealth of Massachusetts, and the chief executive of each governmental entity subject to the other requirements of paragraph (g)(2) and (3) of this section within 6 months after the promulgation of these regulations in final form, shall submit to the Administrator for his approval a detailed statement of the legal and administrative steps chosen to effect the prohibition provided for in paragraph (g)(2) of this section, and a schedule for their implementation that provides for their full effectiveness no later than May 1, 1974. Such schedule shall include, as a minimum, the following:

(i) Designation of one or more agencies responsible for the administration and enforcement of the program.

(ii) The procedures by which the designated agency will enforce the prohibition provided for in paragraph (g)(2) of this section.

(6) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

As to compliance schedules, state or other governmental entity will be considered to have failed to comply with the requirements of this paragraph if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

(h) *Regulation for parking surcharge.* (1) For purposes of this paragraph, "off-street parking space" means any area or space below, above, or at ground level, open or enclosed, which is used for parking one light-duty vehicle at any given time.

(2) A surcharge of $5.00 per day vehicle in the Boston Intrastate Region, and of $4.00 per day per vehicle in the Interstate Region, shall be applied under conditions as provided in paragraph (h)(4) of this section to any contract or other agreement among private parties whereby parking a motor vehicle in an off-street parking space is permitted by any person in exchange for a consideration. Such surcharge shall be collected by the person providing the permission to park and paid to EPA, or any agency approved by EPA, on a periodic basis as EPA or the agency approved by it shall specify. EPA, or the agency approved by EPA, shall deduct such funds as necessary to properly administer and enforce the surcharge, and shall transfer the remainder to the Commonwealth of Massachusetts.

(3) A surcharge of $5.00 per day per vehicle in the Boston Intrastate Region, and of $4.00 per day per vehicle in the Interstate Region, shall be levied, under conditions as provided in paragraph (h)(4) of this section, for the use of any off-street parking space in any public parking facility owned, operated, or controlled by the Commonwealth of Massachusetts or the City of Boston or any agency, department, or commission of either. Such surcharge shall be collected by the Commonwealth of Massachusetts or the City of Boston or their designated agents, and such proceeds shall, after deduction of funds necessary to administer and enforce the collection of the surcharge, be utilized to fund mass transit facilities and service improvements.

(4) The surcharge provided for in paragraphs (h)(2) and (3) of this section, shall be applicable, beginning December 1, 1974, to all parking at Logan International Airport between the hours of 6 a.m. and 10 p.m.; to all parking arrangements within the Boston core area, as defined in paragraph (b) of this section wherein the motor vehicle is delivered for parking during the hours of 6 a.m. to 10 a.m.; and in the area bounded by the Connecticut River, Lyman Street, Maple Street, Washington Street, and Summer Avenue in the Interstate Region between 6 a.m. and 6 p.m. on a day other than Saturday, Sunday, or a legal holiday.

(5) Each owner or operator, whether a private person or a governmental entity, of an off-street parking facility located within the Boston Core Area, as defined in paragraph (b) of this section, at Logan International Airport, or within the Springfield downtown area as defined in paragraph (h)(4) of this section shall, by October 1, 1973, report to the Administrator the number of parking spaces in each such facility under his ownership or control.

(6) Each owner or operator of a parking facility subject to this paragraph shall submit an accounting of the number of parking spaces used during the hours the surcharge is in effect and the funds collected. This accounting shall be made on a quarterly basis, in such manner and form as the Administrator may subsequently provide for by regulation published in the FEDERAL REGISTER.

(7) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(i) *Regulation for seasonal vehicle use prohibition program.* (1) "Vehicle use prohibition program" means a program whereby the operation of private light-duty vehicles within a specified area is intermittently prohibited in a manner equitable for all vehicle operators. The program shall include assurances that families owning more than one car receive only one category of identifying device under paragraph (i)(2)(ii) of this section for all the cars they own.

(i) "Control period" means a portion of a calendar year during which a vehicle use prohibition program is in effect.

(ii) "Private light-duty vehicle" means any light-duty vehicle that is not part of a fleet of 10 or more such vehicles.

(2) The Commonwealth of Massachusetts shall establish a seasonal vehicle use prohibition program applicable to all private light-duty vehicles which operate on street or highways over which it, or any of its subdivisions or agencies, have ownership or control. No later than November 1, 1974, the Commonwealth shall adopt regulations to establish such a program. The regulations shall:

(i) Provide for the division of the population of private light-duty vehicles registered within the Boston Intrastate Region into five equal groups, on a basis that is equitable and is not related to place of registration.

(ii) Provide for the issuance of windshield stickers or other appropriate identifying devices to assign the five groups to the five days of the week Monday through Friday.

(iii) Provide that, during a control period designated by the Administrator in accordance with paragraph (i)(4) of this section, the operation of a private light-duty vehicle within the area bounded by the northerly boundaries of the cities of Peabody and Salem, the southerly boundary of the City of Quincy, and Route 128 from the northerly boundary of Peabody to the southerly boundary of Quincy, on the day of the week to which such vehicle has been assigned, shall be prohibited. The regulations shall provide that travel on Route 128 will be permitted, and shall permit travel within the prohibited area by vehicles traveling from Route 128 to the Riverside transit station.

(3) On or before April 30, 1974, the Governor of the Commonwealth of Massachusetts shall submit to the Administrator for his approval a detailed description of the legal and administrative mechanisms adopted for operating the vehicle use prohibition program provided for in paragraph (i)(2) of this section, including as a minimum the following:

(i) Designation of one or more agencies responsible for the administration and enforcement of the program.

(ii) A description of the method by which the Commonwealth will divide the vehicle population into five groups, and a description of the system of devices to identify the groups.

(iii) The procedures by which the designated agency will identify, and issue citations to, those vehicle operators driving in violation of the prohibition.

(iv) The date by which the program provided for in paragraph (i)(2) of this section shall become operational; such date shall be as soon as expeditiously practicable, but in no case later than May 31, 1975.

(4) On or before April 1, 1975, and at appropriate later times, the Administrator may provide, by publication in the

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FEDERAL REGISTER, that specific periods of time, beginning no sooner than 30 days after such publication, shall be control periods, during which the vehicle use prohibition program shall be in effect. Unless provided otherwise by regulation, during any such control period no owner of a private light-duty vehicle subject to the program shall operate or permit the operation of such vehicle on the day of the week to which said vehicle has been assigned.

(5) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

As to compliance schedules, state or other governmental entity will be considered to have failed to comply with the requirements of this paragraph if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

(j) *Regulation for traffic flow improvements.* (1) A traffic-responsive, digital-computer-controlled, traffic signal system shall be installed in the Springfield area. In conjunction with this system a ramp metering system shall be installed to control traffic on an appropriate length of Interstate 91. These two systems shall function together to improve traffic flow within the Springfield downtown area and also to limit VMT within the area, despite the potential traffic capacity increase provided by the system.

(2) The Governor shall, within 6 months after the promulgation of these regulations in final form, submit to the Administrator, for his approval, a detailed statement of the steps chosen to implement the actions in paragraph (j)(1) of this section and a schedule for such implementation that provides, as a minimum, the following:

(i) A date by which detailed plans will be given to EPA indicating the specific system design selected, including the method planned for use in ramp metering. Such date shall be no later than March 1, 1974.

(ii) A date by which equipment necessary to implement this program will be ordered.

(iii) A date by which the system will become operational. Such date shall be no later than May 31, 1975.

(3) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(k) *Regulation for street closing.* (1) A section of Main Street in the downtown area of Springfield shall be permanently closed to all traffic except loading traffic. The section closed shall extend from the railroad overpass at the north to State Street at the south. Streets intersecting Main Street within the closed-off length shall also be closed where possible to maximize block size. A minimum of 15 block lengths of intersecting streets shall be closed off.

(2) The Governor shall, within 6 months after the promulgation of these regulations in final form, submit to the Administrator, for his approval, a detailed statement of the steps chosen to effect the actions in paragraph (k)(1), of this section, and a schedule for their implementation that provides for their full effectiveness no later than May 31, 1975.

(3) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act.

(l) *Regulation for yearly inspection and maintenance.* (1) For purposes of this paragraph:

(i) "Inspection and Maintenance Program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance be performed.

(ii) All other terms used in this paragraph that are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings therein defined.

(2) This paragraph is applicable in the Boston Intrastate Region and the Interstate Region.

(3) The Commonwealth of Massachusetts shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the Commonwealth shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(i) Provisions for inspection of all motor vehicles at periodic intervals at least once each year by means of an idle emission test.

(ii) Provisions for inspection failure criteria consistent with the failure of 40 percent of the vehicles tested during the first inspection cycle.

(iii) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and technical skills to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(iv) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(v) An agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(4) After January 1, 1975, the State shall not register or allow to operate on its streets or highways any light-duty vehicles which do not comply with the application standards and procedures adopted pursuant to paragraph (l)(3) of this section.

(5) After January 1, 1975, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (l)(3) of this section.

(6) The Commonwealth of Massachusetts shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (l)(3), of this section, including the test of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include:

(i) The date by which the State will recommend needed legislation to the State legislature.

(ii) The date by which necessary equipment will be ordered.

(iii) A signed statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the test of needed legislation will be submitted.

(7) Failure to comply with any provisions of this paragraph shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this paragraph if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

(m) *Regulation for vacuum spark advance disconnect.* (1) For purposes of this paragraph, "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears or when the vehicle is traveling below a predetermined speed.

(2) This paragraph is applicable in the Boston Intrastate Region.

(3) On or before January 1, 1975, all gasoline-powered light-duty vehicles of model year prior to 1970 and subject under presently existing legal requirements to registration in the area described in paragraph (m)(2) of this section shall be equipped with an appropriate vacuum spark advance disconnect device.

(4) The Commonwealth of Massachusetts shall submit, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(i) A date by which the State will evaluate and approve devices for use in this program. Such date shall not be later than January 1, 1974.

(ii) A date by which installation of this equipment shall commence. Such date shall be no later than May 31, 1974.

(iii) A date by which all vehicles subject to this paragraph will be equipped with such devices. Such date shall be not later than January 1, 1975.

(iv) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this paragraph.

(v) Designation of an agency or agencies responsible for ensuring that the prohibitions of paragraph (m)(5)(ii) of this section shall be enforced.

(vi) Method and proposed procedures for ensuring that those persons installing the devices have the training, technical skills, and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(vii) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(5) After January 1, 1975, the following shall apply within the Boston Intrastate Region:

(i) The State shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (m)(3) of this section.

(ii) No owner of a light-duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (m)(3) of this section.

(6) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, a State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

(n) *Regulation for oxidizing catalyst.* (1) For purposes of this paragraph:

(i) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(ii) "Fleet vehicle" means any of 10 or more light-duty vehicles operated by the same person(s) or business and used principally in connection with the same or related occupations.

(2) This paragraph is applicable in the Boston Intrastate Region.

(3) On or before May 31, 1977, all gasoline-powered fleet vehicles, and all private light-duty vehicles of model year 1972 to 1975 subject to registration in the Boston Intrastate Region shall be equipped with an appropriate oxidizing catalyst control device.

(4) The Commonwealth of Massachusetts shall submit, no later than January 31, 1976, a detailed compliance schedule showing the steps it will take to implement and enforce this requirement. Such schedule shall include, as a minimum, the following:

(i) A date by which the State will evaluate and approve devices for use in this program. Such date shall be no later than July 1, 1977.

(ii) A date by which installation of this equipment shall commence. Such date shall be no later than September 1, 1976.

(iii) A date by which all vehicles subject to this paragraph will be equipped with such devices. Such date shall be no later than May 31, 1977.

(iv) Designation of any agency or agencies responsible for evaluating and approving such devices for use on vehicles subject to this paragraph.

(v) Designation of any agency or agencies responsible for ensuring that the prohibitions of paragraph (n)(5)(ii) of this section shall be enforced.

(vi) Method and proposed procedures for ensuring that those persons installing the devices have the training, technical skill, and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(vii) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emission testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(5) After May 31, 1977, the following shall apply within the Boston Intrastate Region.

(i) The State shall not register a vehicle subject to this paragraph which is not equipped in accordance with paragraph (n)(3) of this section.

(ii) No owner of a light-duty vehicle subject to this paragraph shall operate or allow the operation of any such vehicle that is not equipped in accordance with paragraph (n)(3) of this section.

(6) The failure of any person to comply with any provision of this paragraph shall render such person in violation of a requirement of an applicable implementation plan, and subject to enforcement action under section 113 of the Clean Air Act. As to compliance schedules, a State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on a timely basis the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-13034 Filed 6-29-73;8:45 am]

[40 CFR Part 52]

MINNESOTA AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans

BACKGROUND

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act of 1970 and 40 CFR Part 51, the Administrator approved, with specific exception, State plans for implementation of the national ambient air quality standards. On that date, the Governor of Minnesota was advised that in order to complete the requirements of §§ 51.11(b) and 51.14, a transportation and/or land use control strategy was to be submitted to the Administrator by February 15, 1973.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several states to dalay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting extensions until mid-1977 for attainment of the national primary ambient air quality standards. Accordingly, the court ordered that the Administrator rescind the extension granted to the states for implementation of the transportation and/or land use control portion of their plans. The affected states were then required to submit a control plan by April 15, 1973. The plan was to provide for the attainment and maintenance of the National Ambient Air Quality Standard for carbon monoxide as expeditiously as possible, but in no instance later than May 31, 1975.

The State of Minnesota held a preliminary hearing on its proposed plan on January 16, 1973 and subsequent formal public hearings were held on February 20, 1973 and May 3, 1973. However, the plan has not yet been submitted. Comments on the proposed plan dealt with the absence of a motor vehicle inspection/maintenance program, which several people felt to be necessary; the possible air quality effects caused by a domed stadium, which is presently under consideration for construction in Minneapolis; and the concern that the traffic flow improvements will in the long run cause greater traffic volumes to occur.

This notice of proposed rule making sets forth a transportation control plan for the Minneapolis-St. Paul Intrastate Air quality Control Region (hereinafter referred to as the Region), as required by the January 31, 1973, court order and 1970 amendments to the Clean Air Act. This Federal proposal results from the failure of the State of Minnesota to submit to the Administrator by April 15, 1973 an acceptable implementation plan for the attainment and maintenance of the National Ambient Air Quality Standard for carbon monoxide.

If a State plan is submitted and is determined to be approvable prior to Federal promulgation of a plan, contem-

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plated by this notice, these proposed regulations will be withdrawn. If a State plan that is submitted is determined to be approvable after Federal promulgation has occurred, then the Federal plan will be rescinded. It is the desire of the Administrator that the plan to attain and maintain the carbon monoxide standard in the Region be a State plan, carried out by the State or its designated representative.

POLLUTION IN THE REGION

The Region includes the seven counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) that encompass the urbanized areas of Minneapolis and St. Paul. The Twin Cities Metropolitan area is situated on a gently rolling plain where the Minnesota and St. Croix Rivers intersect the Mississippi River. The general elevation of the land is less than 1,000 feet above sea level. This physiological feature is usually favorable to the dispersion of carbon monoxide emissions through diffusion and other favorable climatic conditions.

The type of climate is controlled by the interrelationship of continental polar air and warm moist air from the Gulf of Mexico. The results are wide variations in temperature and a general tendency to reach the extremes in all climatic features. The three meteorological conditions of low wind speeds, temperature inversions, and condensation (which particularly affect the dispersion of pollutants) make the fall and winter months of the year of special importance during this period when frequently occurring stagnant conditions provide for the expectation of maximum carbon monoxide concentrations.

The National Primary Ambient Air Quality Standards for carbon monoxide are 10 milligrams per cubic meter (9 ppm), maximum 8-hr. concentration, and 40 milligrams per cubic meter (35 ppm), maximum 1-hr. concentration. Neither standard is to be exceeded more than once per year. The national standards for carbon monoxide promulgated on April 30, 1971 (36 FR 8186), are intended to prevent the occurrence of carboxyhemoglobin levels in the blood of more than 2 percent. It is the Administrator's judgement that attainment of the national standards for carbon monoxide will provide an adequate safety margin for the protection of public health, and will guard against known and anticipated adverse effects on public welfare, as required by the Act.

During the time period between January 1, 1971 and December 31, 1972, there was a total of 16,846 hourly average carbon monoxide readings taken in downtown Minneapolis. During this same time interval, the 8-hr. carbon monoxide standard was equaled or exceeded on 1,331 occasions (based upon a running 8-hr. average) or approximately 8 percent of the time. The maximum recorded 8-hr. average was 15.4 ppm, which is approximately 1.7 times the national standard of 9.0 ppm. Similarly, the second highest recorded 8-hr. average value was 15.0 ppm, which is more than 1.65 times the national standard. The downtown Minneapolis site is considered to be representative of the most polluted area of the Region (the Minneapolis Central Business District) because the sampling station is located within the zone which has, by far, the greatest carbon monoxide emission density found anywhere in the Region. This emission density is 23,186 kilograms of carbon monoxide/square mile/12 hours.

The degree of reduction in carbon monoxide necessary to provide for attainment of the national standard is determined assuming that there is a linear relationship between emissions and air quality—that is to say, that a given percentage change in emissions produces the same percentage change in air quality. Therefore, if a 40 percent

$$\left(\frac{15-9}{15}\times 100\right)$$

improvement in air quality is needed, a 40 percent decrease in carbon monoxide emissions must be achieved. It is also assumed that CO concentration in a given area or zone is directly proportional to the CO emission rate in that zone. Accordingly, the Region was divided into zones and CO emission rates for each zone were calculated. This analysis clearly shows that the greatest emissions density is in the Minneapolis CBD and that controls beyond the Federal Motor Vehicle Control Program are necessary to reduce CO concentrations within the zone.

SUMMARY

Studies presently available to the Administrator indicate that of the 40 percent overall emission reduction necessary (in 1971 emissions) to achieve the air quality standard by May of 1975, an approximate reduction of 29 percent (of 1971 emissions) may be attributed to the impact of stationary source emission controls and the Federal motor vehicle emission control program. This estimate includes the impact of the interim 1975 motor vehicle emission standard for carbon monoxide as set by the Administrator on April 11, 1973. This prediction leaves an additional 11 percent overall reduction required in 1971 emissions, or based upon an overall expected CBD emission density in 1975 of 16,554 kg/mi²-1 hr, the 1975 vehicular emission reduction required is approximately 17.3 percent. Such a reduction would achieve the desired carbon monoxide emission density level of 13,912 kg/mi²-12 hr within the Minneapolis Central Business District. All other areas of the Region will have a CO emission density less than this safe emission density by 1975 because of the existing emission controls.

TRANSPORTATION CONTROL ALTERNATIVES

The Administrator's analysis of the air quality problems associated with the Region indicates that the following strategies could be applicable singly (or in combination) to various portions of the Region, with the implementation by May 31, 1975:

1. Fringe parking lots or structures around both CBDs coupled with shuttle bus service to the downtown areas.
2. Restriction of CBD core parking through the elimination of all on-street parking and the restriction of construction of future and additional parking facilities within the core area of each CBD.
3. Increases in average car occupancy through carpooling.
4. Establishment of an idle mode inspection—maintenance program applicable to all vehicles registered within Hennepin and Ramsey counties.

Although one or more of these strategies may already be planned by the State for intermittent or partial implementation by mid-1975, the Administrator is of the opinion that each of the above alternatives could serve to enhance the overall desirability and attractiveness of the CBDs in general in addition to their respective positive impact upon the air quality of the Region.

PROPOSED CONTROL STRATEGY

In order to achieve the required carbon monoxide vehicle emission reduction of 16 percent by May 31, 1975, as previously noted, the Administrator proposes to implement all of the above alternatives on a concurrent basis, with the exception of the core parking restrictions, applicable to the city of St. Paul central business district and carpooling throughout the area. With respect to the city of Minneapolis CBD, imposition of total restrictions in the core parking strategy shall be dependent upon the need in terms of achievement and maintenance of the carbon monoxide standard, and upon the status of completion and use of the fringe parking for such CBD.

In essence, the following strategies are being proposed by the Administrator, with full implementation to be caused by May 31, 1975. The associated emissions impacts for each strategy imposed are also listed, based upon the assumption from an analysis of those facts available to the Administrator that light-duty vehicles will account for 81.7 percent of the total carbon monoxide emissions in and around both CBDs in 1975.

Proposed Control Strategy	Overall Reduction %	Total Reduction Achievable %
(1) Fringe parking* Approximately 7,000 fringe parking spaces are planned in the Minneapolis CBD (represented by Urban Activity Districts No. 57-61; Area=1.080 mi²) by 1975. An approximately equivalent number of parking spaces should be available around the St. Paul CBD (represented by UAD Nos. 84-88; Area=0.979 mi²) by 1975. On the design assumption that downtown circulation will be adequately augmented by shuttle bus operations in both CBDs, it is expected that fringe parking spaces will be used to 100 percent of available capacity, because on-street parking spaces will be eliminated by another strategy. This implies a 4.5 percent reduction of light-duty vehicle miles traveled	3.9	25
(2) Inspection—Maintenance Program The Administrator proposes to require an annual idle emissions safety inspection of all vehicles registered within Hennepin and Ramsey Counties; designed to have an initial failure rate of 30%. It is anticipated that this strategy will affect approximately 700,000 vehicles per year, which will comprise at least 80 percent of the total vehicles traveling within the Minneapolis and St. Paul CBDs. This is equivalent to approximately a 6.4 percent reduction in LDV emissions	5.2	31
(3) Core Parking Restrictions The Administrator proposes to cause to be required a restriction on parking in the Minneapolis CBD through the elimination of all on-street parking and the restriction of construction of future and additional parking facilities. It is anticipated that this strategy would increase average traffic speed by approximately 10 percent and therefore result in a reduction in carbon monoxide emissions of 7½ percent. This strategy will be effective on January 1, 1975	7.5	44
TOTAL	16.6	100

*NOTE: This strategy is expected to be implemented regardless of Federal promulgation procedures.

ECONOMIC IMPACT OF THE PLAN

It is anticipated that the annual costs of the inspection/maintenance and retrofit programs will most likely be borne by the vehicle owner. Studies available to the Administrator through the EPA document "Control Strategies for In-Use Vehicles", November, 1972, indicate the following estimated costs:

Inspection/maintenance:

Anticipated inspection costs per vehicle (under idle exhaust emission inspection) may range from $1.50 to $7.50 per vehicle per year. The anticipated reduction in vehicle trips to the Minneapolis CBD resulting from the elimination of on-street parking and the lack of a location to terminate the trip can be absorbed by additional voluntary car pooling and the use of the anticipated fringe parking facilities including the provisions for shuttle service.

PUBLIC COMMENTS SOLICITED

Public hearings will be held on this and alternate proposals on July 24, 1973 at 9:30 A.M. in the Hall of Satellites, Holiday Inn (downtown), 1313 Nicollet Avenue, Minneapolis, Minnesota 55043.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region V, 1 North Wacker Drive, Chicago, Illinois 60606. All relevant comments received on or before August 1, 1973, will be considered by the Administrator together with the remainder of the entire hearing records and the proposed plan. Receipt of comments will be acknowledged. Substantive responses to individual comments will not be provided. Such oral and written comments received together with the remainder of the entire hearing record and the proposed plan will be available for public inspection during normal business hours at the EPA Region V Office. The changes proposed by this notice, with the appropriate modification, will be effective on the date of final publication. This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. et seq.).

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, title 40, of the Code of Federal Regulations is proposed to be amended as follows:

Subpart Y—Minnesota

1. Subpart Y—is amended by adding § 52.1230 as follows:

§ 52.1230 Regulations for inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program"—a program to reduce emissions from in-use vehicles through identifying vehicles which need emissions control-related maintenance and requiring that maintenance be performed.

(2) "Persons"—any individual corporation, partnership, State municipality or unit of local government, commission, political subdivision of a State, or other entity or the officials, employees, and agents thereof.

(3) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N are used herein with the meanings so defined.

(b) This section is applicable to motor vehicles, both owned and operated in Ramsey and Hennepin Counties, Minnesota except as provided in paragraph (c)(4) of this section.

(c) The counties of Ramsey and Hennepin and the Cities of Minneapolis and St. Paul shall cause to be established an inspection and maintenance program applicable to light-duty vehicles, both owned and operated within Hamilton County on streets, roads, and highways over which they have ownership or control. No later than March 1, 1974, the Counties of Ramsey and Hennepin and the Cities of Minneapolis and St. Paul shall adopt a legally enforceable program and submit a description of such a program to EPA. The program shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than one year apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emissions reductions claimed in the plan for the strategy. These criteria shall include projected failure rate of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with established emission standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and technical skills to perform the tasks satisfactorily and such other measures as may be necessary or appropriate.

(4) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) An agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1975, no person shall allow the registration of title or allow the operation on streets, roads, or highways of any light-duty motor vehicle both owned and operated in Ramsey and Hennepin Counties which does not comply with applicable standards and procedures in accordance with paragraph (c) of this section.

(e) After January 1, 1975, no person shall operate or allow the operation of a light duty vehicle both owned and operated in Ramsey and Hennepin Counties which does not comply with the applicable standards and procedures in accordance with paragraph (c) of this section.

(f) The Counties of Ramsey and Hennepin and the Cities of Minneapolis and St. Paul, shall cause to be submitted no later than October 1, 1973, a detailed compliance schedule showing the steps each will take to establish and enforce an inspection and maintenance program in accordance with paragraph (c) of this section.

(1) The compliance schedule shall also include:

(i) The date by which necessary equipment will be ordered.

(ii) A signed statement from the Chief Executives of the Counties of Ramsey and Hennepin and the Cities of Minneapolis and St. Paul identifying the sources and allocation of funds for the program. If funds cannot legally be obligated under existing authority, the text of the needed authority will be submitted.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a

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requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the Counties of Ramsey and Hennepin and the Cities of Minneapolis and St. Paul will be considered to have failed to comply with the requirements of this section if each fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

2. Subpart Y is amended by adding § 52.1231 as follows:

§ 52.1231 Regulation to restrict construction of new parking facilities.

(a) Definitions:

(1) "Minneapolis Central Business District" means that area within the City of Minneapolis bounded by Grant Street on the South from Portland to 1st Avenue, by 3rd Avenue from 12th to the Mississippi River on the northwest, by the Mississippi River on the northeast; and by Portland Avenue between the River and Grant Street on the southeast; otherwise described as Urban Activity Forecast Districts #57-61.

(2) "Off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of ten or more vehicles on a temporary basis.

(3) After the promulgation date of this regulation, no person shall commence construction of or modify in such manner as to increase the capacity of, or open for use or operate any new off-street parking facility in the Minneapolis Central Business District without receiving approval from the Administrator. However, these subparagraphs shall not apply to any parking lot, garage or other off-street parking facility, the construction or modification of which was commenced before the promulgation date of this regulation.

(i) Application for approval to construct or open for use any such parking facility shall be made on such forms and in accordance with the procedure established by the Administrator.

(ii) No approval to construct or open for use any such parking facility shall be granted unless the applicant shows to the satisfaction of the Administrator that the new facility will not prevent or interfere with the attainment or maintenance of any national air quality standard.

3. Subpart Y is amended by adding § 52.1232 as follows:

§ 52.1232 Regulation for banning of on-street parking.

(a) Definitions:

(1) "Persons" means any individual, corporation, partnership, political subdivision of a state, or other entity, or the officials, employees and agents thereof.

(2) "Motor vehicle" means every self-propelled over-the-road vehicle.

(3) "Standing of motor vehicle" means any stopping of a motor vehicle, except when necessary for loading or unloading passengers or to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(b) This regulation is applicable within the Minneapolis Central Business District. The requirement hereof shall be effective commencing January 1, 1975.

(c) No person shall cause, permit or allow the standing of any motor vehicle on any of the streets, roads or highways within the Minneapolis Central Business District between the hours of 6:30 A.M. and 6:30 P.M. on Monday through Friday of each week.

(d) Failure to comply with any provisions of this paragraph shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

[FR Doc.73-13042 Filed 6-29-73;8:45 am]

[40 CFR Part 52]

OHIO AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans

Background. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of nation ambient air quality standards. On that date, the Governor of Ohio was advised that the attainment date for the national standard for photochemical oxidants in the Ohio portion of the Metropolitan Cincinnati Interstate Region was extended for 2 years.

On January 31, 1973 the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in granting extensions until mid-1977 for attainment of the national primary air quality standard. Accordingly the court ordered that the Administrator rescind the extensions granted the states for implementation of the transportation and/or land use control portion of their implementation plans. The affected states were required to submit a control plan by April 15, 1973. The plan was to show attainment of the national ambient air quality standards for photochemical oxidants and/or carbon monoxide as expeditiously as possible but no later than May 31, 1973.

On June 15, 1973, the Administrator approved, with specific exceptions, transportation and/or land use control plans submitted in response to the January 31, 1973 court order. This proposal results from the failure of the State of Ohio to submit an acceptable control plan for the attainment and maintenance of the national primary ambient air quality standard for photochemical oxidants in the Ohio portion of the Metropolitan Cincinnati Region (herein after referred to as the "Region"). This proposal sets forth a plan which in the Administrator's judgment could be implemented to attain and maintain the national standards for photochemical oxidants in the Region.

If a State plan which is submitted is determined to be approvable prior to Federal promulgation of a plan, these proposed regulations will be withdrawn. If a State plan which is submitted is determined to be approvable after Federal promulgation of a plan, then the Federal plan will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the photochemical oxidants standards in the Region be a State plan implemented and enforced by the State or its designated representative.

Pollution in the Region

The Region is comprised of approximately 3000 square miles of land area located in the extreme southwestern portion of Ohio and the adjacent State of Indiana and the Commonwealth of Kentucky. The Indiana portion contains Dearborn and Ohio Counties; the Kentucky portion contains Boone, Campbell, Kenton, Carroll, Gallatin, Grant, Owen and Pendleton Counties; the Ohio portion contains Butler, Clermont, Hamilton and Warren Counties. Since the Administrator, on May 31, 1972, approved the plans submitted by Indiana and Kentucky demonstrating the attainment of the photochemical oxidants national standard in their portions of the Region, this proposal is primarily directed at the Ohio portion of the Region. The population of the Region is about 1.7 million persons, approximately eighty percent of whom reside within the Ohio portion of the Region and sixty percent within Hamilton County.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm) average for a one-hour period not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is based on evidence of increased frequency of asthma attacks in some asthmatic subjects on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

In 1971 this standard was exceeded 59 times at the CAMP Station in downtown Cincinnati. Since the standard is specified in terms of a concentration which is not to be exceeded more than once per year, this proposal is based upon the second highest measured concentration of photochemical oxidants during that year. This second highest concentration was 277 $\mu g/m^3$ (.14 ppm) and is the basis for the calculations in the Ohio Implementation Plan which originally demonstrated the need for an extension to the attainment date. There is no reason to believe that 1971 was a year of unusually high oxidant concentration; in fact, previous years have had comparable concentrations measured. This concentration was not exceeded during the first two quarters of 1972. Validated air quality data for the last 2 quarters of 1972 are not yet available. Part of the original implementation plan was a commitment

to enlarge the air monitoring network for measuring oxidants in the Region.

The formation of photochemical oxidants is dependent upon the interaction between oxides of nitrogen and hydrocarbons in the presence of sunlight. By reducing any of these components, the formation of oxidants will be reduced. Of these components, hydrocarbon emissions present the greatest possibility for control. The extent of the reduction in hydrocarbon emissions which is required to meet the air quality standards for oxidants, based upon various measured concentrations, has been determined and is presented in Appendix J to 40 CFR Part 51.

Summary

Studies presently available to the Administrator indicate that a reduction of approximately 43 percent of 1971 hydrocarbons is necessary to achieve the national primary ambient air quality standard for photochemical oxidants by May 31, 1975 in the Region. The presently adopted Ohio stationary source regulations along with the Federal Motor Vehicle Control Program will account for a 42 percent reduction. In order to attain the standard by the time prescribed, light duty vehicles registered in Hamilton County will be required to be inspected annually using an idle emission test. Vehicle owners will be required to have any maintenance performed which is needed to ensure that the vehicle operates at low pollution levels.

No air pollution control plan for the Region will be promulgated in final form until full public participation has taken place.

Proposed Control Strategy

The Administrator proposes to require the State of Ohio to assure that all light duty vehicles registered in Hamilton County will be maintained properly in order to reduce hydrocarbon emissions. This will be accomplished by requiring all light duty vehicles registered in Hamilton County to pass an annual idle inspection test. It is felt that a mandatory annual idle emission inspection program presents a means of controlling, at a reasonable level, hydrocarbon emissions from light duty vehicles which will be the major source of hydrocarbon emissions in the Region in 1975. It is felt that it can achieve the necessary reduction in a positive manner at minimum cost and inconvenience to the motoring public.

Other strategies presently being considered include various gasoline marketing controls and preferential treatment to mass transit or other multiple passenger vehicles.

Information regarding emissions from mobile sources was derived from "Prediction of Hydrocarbon Mobile Source Emissions for the Metropolitan Cincinnati Region" prepared by TRW, Transportation and Environmental Operations, March, 1973 under contract No. 68-02-0048 Task Order 14. The study accounted for expected growth in the freeway system. The interim 1975 model emission standards as announced April 11, 1973 by the Administrator was also considered. Additional documents which were used are "An Interim Report on Motor Vehicle Emission Estimation," by Kircher and Armstrong, EPA, October, 1972 and "Control Strategies for In-Use Vehicles," EPA, November 1972. Information regarding total emissions from stationary sources was derived from a report entitled "Stationary Source Emissions In Hamilton County, Ohio 1971–1975" prepared by PEDCO Environmental Specialists under contract No. 68-02-004 Task Order 44.

Air Pollution Impact of Control Strategy

As indicated by the Ohio Implementation Plan as submitted in January, 1972, the present Ohio Control strategy is not sufficient to provide for the attainment of the photochemical oxidant air quality standard in the Cincinnati Region until 1977. Based upon 1971 air quality data, demonstration of attainment of the standard by 1975 must show that hydrocarbon emissions will be reduced by 43 percent between 1971 and 1975.

The emissions in Hamilton County in 1971 were 61,700 tons of hydrocarbons. In order to demonstrate attainment of the standards by 1975 the emissions must be reduced to no more than 35,200 tons. The following table is a summary of the effect of the strategy on the overall reduction necessary in Hamilton County.

Compilation of Control Strategy Effects by May 31, 1975 (Tons/Year)

Stationary Source Emissions with Present Strategy	8,863	8,863
Mobile Source Emissions with Present Strategy	26,850	
Reduction Due to Inspection/Maintenance	800	
		25,050
Total		34,913

The regulation proposed herein implements the basic control strategy. Additional technical information is contained in: Technical Support Document for the Proposed Transportation Control Strategy for the Metropolitan Cincinnati Interstate Air Quality Control Region, available from the Region V Office, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606.

Economic Impact of the Plan

Most likely the annual cost of the inspection system will be passed on to the consumer. Studies reported in EPA document "Control Strategies for In-use Vehicles" November 1972, indicate that these costs would be in the range of $1.50 to $7.50 per vehicle per year. This does not include the cost of the necessary automobile maintenance which may be required to bring the emissions within the prescribed limitations.

Public Comments Solicited

Public hearings will be held on this notice of proposed rulemaking on July 25, 1973, at 9:30 a.m. in the Skyline Room, Terrace Hilton, 5th and Race Streets, Cincinnati, Ohio 45201.

Interested persons may participate in this rule making by submitting written comments to the Regional Administrator, EPA Region V, 1 North Wacker Drive, Chicago, Illinois 60606. All relevant comments received not later than August 1, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA, Region V Office. The changes proposed by this notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857 c-5 et seq.)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is proposed to be amended as follows:

Subpart KK—Ohio

1. Subpart KK—is amended by adding § 52.1878 as follows:

§ 52.1878 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control-regulated maintenance and requiring that maintenance be performed.

(2) "Persons" means any individual corporation, partnership, State, municipality or unit of local government, commission, political subdivision of a State, or other entity or the officials, employees, and agents thereof.

(3) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N are used herein with the meanings so defined.

(b) This program is applicable to light duty motor vehicles, both owned and operated in Hamilton County, Ohio except as provided in paragraph (c)(4).

(c) The County of Hamilton and City of Cincinnati, Ohio, shall cause to be established an inspection and maintenance program applicable to light duty motor vehicles, both owned and operated within Hamilton County, on streets, roads, and highways over which they have ownership or control. No later than March 1, 1974, the County of Hamilton and City of Cincinnati shall adopt a legally enforceable program and submit a description of such a program to EPA. The program shall include:

(1) Provisions for inspection of all light duty motor vehicles at periodic intervals no more than 1 year apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emissions reductions claimed in the plan for the strategy. These criteria shall include failure of 30 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance nec-

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essary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspector and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) An agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After January 1, 1975, no person shall allow the registration of title or allow the operation on streets, roads, or highways of any light duty motor vehicle, both owned and operated in Hamilton County, Ohio which does not comply with the applicable standards and procedures in accordance with paragraph (c) of this section.

(e) After January 1, 1975, no person shall operate or allow the operation of a light duty vehicle, both owned and operated in Hamilton County, Ohio, which does not comply with the applicable standards and procedures in accordance with paragraph (c) of this section.

(f) The County of Hamilton and the City of Cincinnati, Ohio, shall cause to be submitted no later than October 1, 1973, a detailed compliance schedule showing the steps each will take to establish and enforce an inspection and maintenance program in accordance with paragraph (c) of this section. The compliance schedule shall also include:

(1) The date by which necessary equipment will be ordered.

(2) A signed statement from the Chief Executive of the County of Hamilton and City of Cincinnati, Ohio, identifying the sources and allocation of funds for the program. If funds cannot legally be obligated under existing authority, the text of needed authority shall be submitted.

(g) Failure to comply with any provision of this program shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the County of Hamilton and City of Cincinanti, Ohio, will be considered to have failed to comply with the requirements of this program if each fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain, in satisfactory form, each of the elements it is required to contain.

[FR Doc.73-13040 Filed 6-29-73;8:45 am]

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Just Released

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(Revised as of April 1, 1973)

Title 18—Conservation of Power and Water Resources (Part 150–End)	$4.00
Title 26—Internal Revenue Part 1 (§§ 1.401–1.500)	3.00
Title 26—Internal Revenue (Parts 300–499)	3.00

[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
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federal register

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TUESDAY, JULY 3, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 127

Pages 17705–17817

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H.R. 5610..... Pub. L. 93–47
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Energy Policy Office

By virtue of the authority vested in me as President of the United States of America, it is hereby ordered as follows:

ENERGY POLICY OFFICE

SECTION 1. There is hereby established in the Executive Office of the President an Energy Policy Office. The office shall be under the immediate supervision and direction of a Director of the Energy Policy Office who shall be designated or appointed by the President.

FUNCTIONS OF THE DIRECTOR

SEC. 2(a). The Director shall be the Administration's chief policy officer with respect to energy matters, and shall be the President's principal adviser concerning those matters.

(b) The Director shall also be responsible for—

(1) Identifying major problems, present and prospective, in the energy areas;

(2) Making policy recommendations to the President with respect to energy matters;

(3) Working with executive branch agencies and outside groups in reviewing policy alternatives with respect to energy matters;

(4) Reviewing, commenting on, and making separate recommendations on all other energy-related matters which require Presidential attention;

(5) Insuring that executive branch agencies develop short- and long-range plans for dealing with energy matters;

(6) Monitoring the implementation of approved energy policies with the assistance of the Office of Management and Budget;

(7) Providing guidance and direction to the Oil Policy Committee and its Chairman in the performance of its functions;

(8) Providing advice to the Cost of Living Council concerning energy matters;

(9) Assuring the development of comprehensive plans and programs to assure the availability of adequate and dependable supplies of energy; and

(10) Initiating studies to be carried out by the appropriate Government agencies.

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SUPPORT

SEC. 3(a). Necessary expenses of the Energy Policy Office may be paid from the Emergency Fund of the President or from such other funds as may be available.

(b) The Administrator of General Services shall provide, on a reimbursable basis, such administrative support as may be needed by the Energy Policy Office.

(c) All departments and agencies of the executive branch shall, to the extent permitted by law, provide assistance and information to the Director of the Energy Policy Office.

SEC. 4. The Director of the Energy Policy Office shall make a report to the President, for transmission to the Congress, no later than March 15, 1974, concerning actions that have been taken and actions that should be taken to carry out the purposes of this order.

SUPERSEDURE

SEC. 5. Executive Order No. 11712 of April 18, 1973, is hereby superseded and the Special Committee on Energy and the National Energy Office are hereby abolished.

Richard Nixon

THE WHITE HOUSE,
June 29, 1973.

[FR Doc.73-13662 Filed 7-2-73;10:12 am]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Ports of Entry; Designation of San Ygnacio, Texas, Revoked

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER on April 2, 1973 (38 FR 8449) pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383) and in which there was set forth the proposed amendment pertaining to the revocation of the designation of San Ygnacio, Texas, as a Class B port of entry for aliens.

The representation which was received concerning the proposed rule of April 2, 1973, has been considered. No change has been made in the proposed rule. The proposed rule as set out below is hereby adopted:

In subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of § 100.4 *Field Service*, District No. 14—San Antonio, Tex., is revised by deleting therefrom the listing of "San Ygnacio, Tex." as a Class B port of entry.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rule is to revoke the designation of San Ygnacio, Texas, as a Class B port of entry for the immigration inspection of aliens because of the minimal activity at that location.

Effective date: This order shall be effective June 27, 1973.

Dated: June 22, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-13478 Filed 7-2-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-520]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Hog Cholera Eradication and Free States

These amendments add Indiana, New Jersey, North Carolina, and Virginia to the list of hog cholera Eradication States in § 76.2(f) of the regulations in 9 CFR Part 76, as amended. The amendments also delete Kentucky, Ohio, South Carolina, and Tennessee from the list of hog cholera Eradication States in § 76.2(f) and add Kentucky, Ohio, South Carolina, and Tennessee to the list of hog cholera Free States in § 76.2(g) of the regulations. The special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States are applicable to Indiana, New Jersey, North Carolina, Virginia, Kentucky, South Carolina, Ohio, and Tennessee.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

* * * * *

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Eradication States. Once designated as a hog cholera Eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as Eradication States:

Indiana	Virginia
New Jersey	Commonwealth of
North Carolina	Puerto Rico

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing of this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Mexico
Colorado	New York
Connecticut	North Dakota
Delaware	Ohio
Florida	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Utah
Maine	Vermont
Maryland	Washington
Massachusetts	West Virginia
Michigan	Wisconsin
Minnesota	Wyoming
Mississippi	District of Columbia
Missouri	

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended sec. 1, 76 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective June 26, 1973.

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The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of June, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13441 Filed 7-2-73;8:45 am]

Title 14—Federal Aviation Administration

[Docket 12956; Amdt. 139-2]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Airports and Heliports Conducting Only Unscheduled Operations or Operations With Small Aircraft: Extension of Reporting Dates

The purpose of this amendment to § 139.12 of Part 139 of the Federal Aviation Regulations (FARs) is to extend from July 5, 1973 to October 5, 1973, the time within which persons, who on May 20, 1973, were operating an airport or heliport serving a CAB-certificated air carrier conducting only unscheduled operations or operations with small aircraft, may apply for an extension of their airport operating certificate, and to extend the time for filing the reports required of holders of these certificates.

Part 139 of the Federal Aviation Regulations provides for the issuance of airport operating certificates for land airports serving CAB-certificated air carriers. As originally adopted, Part 139 was applicable only to land airports serving "scheduled" air carriers operating large aircraft (other than helicopters). Amendment 139-1 (38 F.R. 9795) published in the FEDERAL REGISTER on April 20, 1973, amended Part 139, effective May 21, 1973, to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board. As noted in the preamble to Amendment 139-1, the FAA recognized that the additional airports that are required to comply with Part 139 by virtue of Amendment 139-1 would not be able to comply with all of the requirements of Part 139 before the May 21, 1973 effective date. The FAA had determined that those airports were able to conduct a safe operation, and that provisional airport operating certificates, subject to such terms, conditions and limitations as the Administrator finds are reasonably necessary to assure safety in air transportation, should be issued to those airports pending their compliance with Part 139. Accordingly a new § 139.12 was added to Part 139 which provisionally certificated for a period of 45 days (until July 5, 1973) airports and heliports which, on May 20, 1973, were serving CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft in order that they might continue to serve such air carriers pending compliance with Part 139. Section 139.12 also provides for the extension of that certification to May 21, 1974, upon the request of the airport operator prior to July 5, 1973, and compliance by the operator with the requirements of that section.

It now appears to the FAA that the 45-day provisional certification period provided in § 139.12 of Amendment 139-1 does not provide sufficient time for the operators of those airports to determine the extent to which they may not be in full compliance with Part 139 and the consequent need to apply for an extension of their provisional certificate. In addition, the FAA believes that the operators of many small airports that only infrequently serve a CAB-certificated air carrier may not be aware that they are required to comply with Part 139. In this connection it should be noted that § 610(a)(8) of the Federal Aviation Act of 1958, as amended, makes it unlawful for any person to operate after May 20, 1973, an airport serving air carriers certificated by the Civil Aeronautics Board without an airport operating certificate or in violation of the terms of any such certificate.

In view of the foregoing and in order to assure that all airport operators who serve CAB-certificated air carriers have a reasonable time in which to comply with the requirements of Part 139, the FAA has determined that there is a need to extend from July 5, 1973, to October 5, 1973, the time within which the operators of airports provisionally certificated under § 139.12(a) may meet the requirements of § 139.12(b) in order to apply for an extension of that certificate to May 21, 1974. Consistent with this amendment and to assure compliance with the requirements of Part 139 by May 21, 1974, the dates on which an airport operator must comply with the reporting requirements of § 139(e)(2) and (3) need to be extended from September 1, 1973, and January 15, 1974, to November 1, 1973, and February 15, 1974, respectively.

Since this amendment is an extension of the effective dates of new requirements and imposes no additional burden on any person, I find that notice and public procedures thereon are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

(Secs. 313(a), 309, 610(a), and 612, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1429, 1430(a), and 1432; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing § 139.12 of Part 139 of the Federal Aviation Regulation is amended, as follows, effective July 4, 1973:

1. Paragraph (a) and (d) are amended by striking the date "July 5, 1973" and inserting in lieu thereof the date "October 5, 1973".

2. Paragraph (e)(2) is amended by striking the date "September 1, 1973" and inserting in lieu thereof the date "November 1, 1973".

3. Paragraph (e)(3) is amended by striking the date "January 15, 1974" and inserting in lieu thereof the date "February 15, 1974".

As amended § 139.12 of Part 139 reads as follows:

§ 139.12 Issue of certificates for airports serving only unscheduled operations, or operations with small aircraft.

(a) Notwithstanding any other provision of this Part, a person who on May 20, 1973, operated an airport or heliport which serves CAB-certificated air carriers conducting only unscheduled operations or operations with small aircraft may continue to serve such air carriers and is certificated under this Part until October 5, 1973.

(b) An airport operator may obtain an extension of the certificate to May 21, 1974, if together with a request for such extension and delivery of the certificate, it submits to the appropriate Regional Director:

(1) The name and address of the airport, the airport owner, and the airport operator; and

(2) Its assurances that at least the level of safety current at the airport on May 21, 1973, will be maintained.

(c) An airport operating certificate issued under this section shall—

(1) Contain a provision that at least the current level of safety will be maintained at the airport, and such other terms, conditions or limitations that the Administrator may find necessary; and

(2) Be effective until May 21, 1974, unless sooner surrendered, suspended, revoked, or otherwise terminated for violation of the terms of the certificate.

(d) If a request for extension and delivery of an airport operating certificate issued under this section is not made before October 5, 1973, the certificate terminates on that date.

(e) The holder of a certificate issued under this section shall—

(1) Maintain at least the level of safety current at the airport on May 21, 1973;

(2) Submit to the appropriate Regional Director before November 1, 1973, a schedule for compliance showing how compliance with each requirement of this Part will be achieved, and any requests for exemptions from any of those requirements in accordance with Part 11 or § 139.19 of this Part; and

(3) Submit a status report to the appropriate Regional Director before February 15, 1974, showing to what extent compliance has been achieved.

Issued in Washington, D.C., on June 28, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-13515 Filed 6-29-73;10:08 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5403]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Use of Form 144

Since Rule 144, 17 CFR 230.144, became effective on April 15, 1972, the Commission has received thousands of Forms 144 (17 CFR 239.144) reporting transactions to be consummated pursuant to the rule. Generally, we have found the Form 144 to be very helpful.

The filing of a notice of proposed sale—Form 144—is an integral part of the rule, and the Commission has tried to provide as simple a form as possible, consistent with the provisions of the rule, for the sellers to use. Moreover, the Commission hereby emphasizes and draws attention to the fact that the sale must be made in accordance with all the provisions of the rule, including the completion and filing of Form 144, in order for the rule to be available.

Our experience to date with the Form 144 filing indicates that in innumerable instances the form is not adequately completed and timely filed. Among other things we are finding that:

1. In a number of instances, the Form has been filed where the proposed transaction does not constitute a sale through a broker, i.e., gifts or private placements. In such cases, the filing of Form 144 is not required, since Rule 144 is not available for such transactions.

2. The proposed seller does not date the Form.

3. The date of notice on Form 144 and the date of filing with the Commission are after the date of the proposed sale.

4. Under the column 3(e) of the Form, the proposed seller sometimes lists the number of shares he owns rather than the number of shares the issuer has outstanding.

As a result of our experience with the Forms filed to date, and in order to aid persons in complying with Rule 144, the Commission wishes to remind persons proposing to sell securities pursuant to Rule 144 that:

1. The proposed seller must answer every item on the Form, and the date of notice as well as the signature of the proposed seller must be furnished.

2. Rule 144(h) provides that concurrently with the placing of an order with a broker to sell any securities in reliance upon the Rule, copies of Form 144 must be transmitted to the Commission for filing. In too many cases, the date on the Form and the date the Form is received by the Commission are after the date of the proposed sale.

For example, the approximate date of sale is given as October 26, 1972, the date of notice is January 13, 1973 but the Form 144 is received by the Commission January 26, 1973.

3. Rule 144(i) provides that a person filing notice on Form 144 should have a bona fide intention to sell the securities within a reasonable time after filing such notice.

If the securities are not sold within 90 days after the date of the filing, no sale can be made thereafter without first filing an amendment to the Form.

4. Item 3(e) of the Form asks for the number of shares or other units outstanding. This item refers to the issuer's shares.

The Commission will continue to monitor these Forms and where it appears the rule has not been complied with, it will take appropriate enforcement action. Accordingly, the Commission hereby emphasizes that care should be exercised in completing these Forms. If experience with the Rule and the Form indicate that it is not operating effectively to serve the purposes of the rule, amendments to the Form, the rule, or both, may be adopted.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 14, 1973.

[FR Doc.73-13453 Filed 7-2-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

SUBPART E—DEDUCTIONS; REDUCTIONS; NONPAYMENTS; INCREASES

Excess Earnings for Retirement Test

On March 2, 1973, there was published in the FEDERAL REGISTER (38 FR 5656) a notice of proposed rulemaking with proposed amendments to Subpart E of regulations No. 4. The proposed amendments to the regulations implement certain provisions of sections 105 and 106 of Public Law 92-603 by expanding and updating Subpart E of regulations No. 4. The proposed amendments to the regulations provide the rules for determining excess earnings in a taxable year ending after 1972 for purposes of applying the retirement test. In a 12-month taxable year, the allowable amount of earnings is increased from $1,680 to $2,100. The proposed amendments to the regulations also provide the rules for prorating net earnings or net loss from self-employment where a self-employed beneficiary reaches age 72 in a taxable year ending after 1972. For the taxable year in which a beneficiary reaches age 72 only his earnings up to the month in which he reaches that age are counted in figuring the amount to be withheld from the beneficiary's monthly benefits. If the beneficiary is self-employed, the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure the amount to be withheld.

Interested persons were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed changes. The 30-day period has passed and only one comment has been received. As a result of this comment the mathematical expression in example 3 of § 404.430 has been clarified. In addition, a misleading sentence, "The net loss is used in figuring his excess earnings," has been deleted from the example. Portions of sections not included with the Notice have been revised to include cross-references to added sections.

With the above noted changes the proposed amendments are hereby adopted.

(Sections 203, 205, and 1102, 53 Stat. 1367, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; 42 U.S.C. 403, 405, and 1302)

Effective date. The amendments shall be effective July 2, 1973.

Dated: May 25, 1973.

Approved: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404) are further amended as follows:

1. Paragraph (a) of § 404.416 is revised to read as follows:

§ 404.416 Amount of deduction because of excess earnings.

(a) *Taxable years beginning after December 1960, or ending after June 1961—*(1) *Deductions because of excess earnings of insured individual.* For taxable years beginning after 1960, or ending after June 1961, if excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an insured individual are charegable under the annual earnings test to a month, a deduction is made from the total of the benefits payable to him and to all other persons entitled (or deemed entitled—see § 404.420) on his earnings record for that month. This deduction is an amount equal to that amount of the excess earnings so charged. (See § 404.434 concerning the manner of charging such excess earnings.)

(2) *Deductions because of excess earnings of other beneficiary.* For taxable years beginning after 1960, or ending after June 1961, if benefits are payable to a person entitled (or deemed entitled—see § 404.420) on the earnings record of the insured individual, and such person has excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) charged to a month, a deduction is made from his benefits only for that month. This deduction is an amount equal to the amount of the excess earnings so charged. (See § 404.434 for charging of excess ernings where both thei nsured individual and such person have excess earnings.)

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2. Paragraph (a) of § 404.428 is revised to read as follows:

§ 404.428 Earnings in a taxable year.

(a) *General.* In applying the annual earnings test (see § 404.415(a)) under the provisions of this subpart, all of a beneficiary's earnings (as defined in § 404.429) for all months of his taxable year are included even though the individual is not entitled to benefits during all months of his taxable year. (See, however, § 404.430 for rule for figuring excess earnings where beneficiary attains age 72 in a taxable year ending after December 1972.) The taxable year of an employee is presumed to be a calendar year until it is shown to the satisfaction of the Administration that he has a different taxable year. A self-employed individual's taxable year is a calendar year unless he has a different taxable year for the purposes of subtitle A of the Internal Revenue Code of 1954. In either case, the number of months in a taxable year is not affected by (1) filing a claim for social security benefits, (2) attainment of age 18, 22, 65, 72, or any other age, (3) marriage, (4) termination of marriage, or (5) adoption. A taxable year ends with the death of the beneficiary. In such a case, the month of death is included as a month of the deceased beneficiary's taxable year in determining whether the beneficiary had excess earnings as defined in § 404.430, § 404.431, § 404.432, or § 404.433.

• • • • •

3. After § 404.429, new § 404.430 is added to read as follows:

§ 404.430 Excess earnings; defined for taxable years ending after December 1972.

For taxable years ending after December 1972, an individual's excess earnings for a taxable year are 50 percent of his earnings (as described in § 404.429) for such year in excess of the product of $175 multiplied by the number of months in such year. However, earnings in and after the month an individual attains age 72 will not be used to figure excess earnings for retirement test purposes. For the employed individual his wages for months prior to the month of attainment of age 72 are used to figure his excess earnings for retirement test purposes. For the self-employed individual the pro rata share of the net earnings or net loss for the taxable year for the period prior to the month of attainment of age 72 is used to figure his excess earnings. If the beneficiary was not engaged in self-employment prior to the month of attainment of age 72 any subsequent earnings or losses from self-employment in the taxable year will not be used to figure his excess earnings. Where the excess amount figured in accordance with the provisions of this section is not a multiple of $1, it is reduced to the next lower dollar.

Example 1. The self-employed beneficiary attained age 72 in July 1973. His net earnings for 1973, his taxable year, were $6,000. The pro rata share of such net earnings for the period prior to July is $3,000. His excess earnings for 1973 for retirement test purposes are $450. This is arrived at by subtracting $2,100 ($175×12) from $3,000 and dividing the result by 2.

Example 2. The beneficiary attained age 72 in July 1973. His wages for the period prior to July were $3,000. From August through December 1973 he engaged in self-employment and derived net earnings in the amount of $2,000. His net earnings from self-employment are not used to figure his excess earnings. Only his wages for the period prior to July 1973, $3,000 are used to figure his excess earnings. As in Example 1 his excess earnings are $450.

Example 3. The facts are the same as in Example 2 except that the beneficiary had a net loss in the amount of $500 from self-employment activity in which he engaged throughout 1973. The pro rata share of such net loss for the period prior to July is $250. His earnings for the taxable year for figuring excess earnings are $2,750. This is arrived at by subtracting the $250 loss from the $3,000 in wages. The excess earnings are $325 [$2,750−$2,100)÷2]

4. After § 404.430, new § 404.431 is added to read as follows:

§ 404.431 Excess earnings: defined for taxable years ending after December 1967 and prior to January 1973.

For taxable years ending after December 1967 and prior to January 1973, an individual's excess earnings are the amount of his earnings (as described in § 404.429) that exceed $140 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if such excess amount is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,680, up to and including $2,880; and

(b) $1 for each $1 of earnings over $2,880.

5. Section 404.432 is revised to read as follows:

§ 404.432 Excess earnings; defined for taxable years ending after December 1965 and prior to January 1968.

For taxable years ending after December 1965 and prior to January 1968, an individual's excess earnings are the amount of his earnings (as described in § 404.429) that exceed $125 times the number of months in his taxable year, except that his excess earnings do not include an amount equal to one-half of the first $1,200 of such excess amount (or equal to one-half of the entire excess amount if the excess is less than $1,200). Where the excess amount so figured is not a multiple of $1, it is reduced to the next lower dollar. Thus, in the usual 12-month-taxable-year case, an individual's excess earnings are computed as follows:

(a) $1 for each $2 of earnings over $1,500, up to and including $2,700; and

(b) $1 for each $1 over $2,700.

6. Section 404.434 is amended by revising paragraphs (a) and (b) (3) to read as follows:

§ 404.434 Excess earnings; method of charging.

(a) *Months charged.* For purposes of imposing deductions for taxable years after 1960, the excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an individual are charged to each month beginning with the first month the individual is entitled in the taxable year in question and continuing, if necessary, to each succeeding month in such taxable year until all of the individual's excess earnings have been charged. Excess earnings, however, are not charged to any month described in §§ 404.435 and 404.436.

(b) *Amount of excess earnings charged.* • • •

(3) *Insured individual and person entitled (or deemed entitled) on his earnings record both have excess earnings.* If both the insured individual and a person entitled (or deemed entitled) on his earnings record have excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433), the insured individual's excess earnings are charged first against the total family benefits payable (or deemed payable) on his earnings record, as described in subparagraph (1) of this paragraph. Next, the excess earnings of a person entitled on the insured individual's earnings record are charged (as described in paragraph (c)(2) of this section) against his own benefits, but only to the extent that his benefits have not already been charged with the excess earnings of the insured individual. See § 404.441 for an example of this process and the manner in which partial monthly benefits are apportioned.

7. The introductory text of §404.436 is revised to read as follows:

§ 404.436 Excess earnings; months to which excess earnings cannot be charged because individual is deemed not entitled to benefits.

Under the annual earnings test, excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) are not charged to any month in which an individual is deemed not entitled to a benefit. A beneficiary (i.e., the insured individual or any person entitled or deemed entitled on the individual's earnings record) is deemed not entitled to a benefit for a month if he is subject to a deduction for that month because of:

• • • • •

8. The introductory text of § 404.437 is revised to read as follows:

§ 404.437 Excess earnings; benefit rate subject to deductions because of excess earnings.

For purposes of deductions because of excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433), the benefit rate against which excess earnings are charged is the amount of the benefit (other than a disability insurance benefit) to which the person is entitled for the month:

• • • • •

9. That part of §404.439 that precedes the example is revised to read as follows:

§ 404.439 Partial monthly benefits; excess earnings of the individual charged against his benefits and the benefits of persons entitled (or deemed entitled) to benefits on his earnings record.

Deductions are made against the total family benefits where the excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433) of an individual entitled to old-age insurance benefits are charged to a month and require deductions in an amount less than the total family benefits payable on his earnings record for that month (including the amount of a mother's or child's insurance benefit payable to a spouse who is deemed entitled on the individual's earnings record—see § 404.420). The difference between the total benefits payable and the deductions made under the annual earnings test for such month is paid (if otherwise payable under title II of the Act) to each person in the proportion that the benefit to which each is entitled (before the application of the reductions described in § 404.403 for the family maximum, § 404.407 for entitlement to more than one type of benefit, and section 202(q) of the Act for entitlement to benefits before retirement age) bears to the total of the benefits to which all of them are entitled, except that the total amount payable to any such person may not exceed the benefits which would have been payable to that person if none of the insured individual's excess earnings had been charged to that month.

• • • • •

10. That part of § 404.441 that precedes the example is revised to read as follows:

§ 404.441 Partial monthly benefits; insured individual and a person entitled (or deemed entitled) on his earnings record both have excess earnings.

Where both the insured individual and a person entitled (or deemed entitled) on his earnings record have excess earnings (as described in §§ 404.430, 404.431, 404.432, and 404.433), their excess earnings are charged, and partial monthly benefit is apportioned, as follows:

• • • • •

[FR Doc.73-13334 Filed 7-2-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

LIGNIN SULFONATE FROM ABACA

The Commissioner of Food and Drugs has evaluated the data in a petition (MF-3515) filed by the Dexter Corp., 1 Elm St., Windsor Locks, CT 06096 and other relevant material and concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of lignin sulfonate derived from abaca (*Musa textilis*) as a permitted ingredient in animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.234 is amended in paragraph (a) by adding the words "or of abaca (*Musa textilis*)" following the words "digestion of wood".

Any person who will be adversely affected by the foregoing order may at any time on or before August 2, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 3, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 26, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13401 Filed 7-2-73;8:45 am]

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Control of Drotebanol

By letter dated April 19, 1973, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the drug Drotebanol (3,4-dimethoxy-17-methylmorphinan-6β, 14-diol) should be added to Schedule I of the Single Convention on Narcotic Drugs, 1961. Under the provisions of section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)), the Attorney General is required to control Drotebanol in the schedule which he deems most appropriate to carry out United States obligations under that Convention.

The Bureau of Narcotics and Dangerous Drugs has determined that inasmuch as there is currently no accepted medical use for Drotebanol in treatment in the United States, it should be controlled in Schedule I.

Therefore, under the authority vested in the Attorney General by section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)) and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, and in accordance with § 308.49 of Title 21 of the Code of Federal Regulations, the Director hereby orders that § 308.11(c) of Title 21 of the Code of Federal Regulations be amended by adding a new item (23) to read:

(23) Drotebanol 9335

This order shall take effect on August 6, 1973.

Dated: June 27, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13449 Filed 7-2-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-73-221]

Subchapter B—Mortgage and Loan Insurance Programs Under National Housing Act

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Financing of Mobile Homes

In the December 14, 1972 issue of the FEDERAL REGISTER (37 FR 26620) a notice of proposed rulemaking with respect to downpayments required of mobile home purchasers and financial statements of mobile home dealers was published for comment.

Five comments were received, all of which were favorable. Several commentators expressed the view that where the value of the mobile home being offered as a trade-in is less than the required downpayment that the regulation should be amended to allow such a trade-in as a partial downpayment, with the purchaser paying the balance in cash. After due consideration it was determined not to make such a change. The average downpayment on mobile homes purchased with loans insured pursuant to this part has been approximately $800.00. The difficulty in establishing blue book values for homes considered to have a value below $800.00 would be considerable, and for this reason the suggestion was not adopted.

Accordingly, Part 201 is amended as follows:

1. Section 201.535 is amended to read:

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§ 201.535 Borrower's minimum investment.

The borrower shall make a minimum cash downpayment of at least 5 percent of the first $6,000 of the total cost of the mobile home as shown in the purchase contract (excluding permissible charges and fees provided for in § 201.530(b)) plus 10 percent of any amount in excess of $6,000. A used mobile home with a blue book value equal to or greater than the required minimum downpayment may be acceptable in lieu of a cash downpayment.

2. Section 201.595(b) is amended to read:

§ 201.595 Dealer investigation, approval, and control.

* * * * *

(b) *Financial statement required.* The insured shall obtain a financial statement of the dealer, prepared by a licensed public accountant, not less than once every 12 months. If no loans have been purchased, prior to the date of such financial statement, the insured shall approve the dealer as provided in paragraph (a) of this section.

(Sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703)

Effective date. This amendment is effective August 1, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-13442 Filed 7-2-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-161]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Los Angeles	Rolling Hills Estate, City of	H 06 037 3092 04 through H 06 037 3092 05.	Dept. of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Dept., 107 South Broadway, Los Angeles, Calif. 9012, and 1407 Market St., San Francisco, Calif. 94103.	City Office, 26940 Rolling Hills Road, Rolling Hills Estate, Calif. 90274.	December 4, 1970, Emer. July 13, 1973, Reg.
Wisconsin	Marathon	Schofield, City of	H 55 073 4290 01.	Dept. of Natural Resources, P.O. Box 450, Madison, Wisconsin 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City Clerk's Office 1136 Grand Avenue, Schofield, Wis. 54176.	April 16, 1971, Emer. July 13, 1973, Reg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13336 Filed 7-2-73;8:45 am]

[Docket No. FI-162]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on July, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Los Angeles	Rolling Hills Estate, City of.	H 06 037 3092 04 through H 06 037 3092 05.	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Dept. 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City office, 26940 Rolling Hills Road, Rolling Hills Estate, Calif. 90274.	July 13, 1973.
Michigan	Kent	Grandville, City of.	H 26 081 2020 01 through H 26 081 2020 02.	Water Resources Commission Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Michigan 48926. Michigan Insurance Bureau, 111 N. Hosmer St., Lansing, Michigan 48913.	Office of Inspections, 3063 Wilson Avenue, Grandville, Michigan 49418.	
New Jersey	Monmouth	Asbury Park, City of	H 34 025 0080 01.	Bureau of Water Control, Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	City Hall, City of Asbury Park, Asbury, N.J. 07712.	Do.
Do.	do.	Neptune, Township of.	H 34 025 2019 01 through H 34 025 2019 04.	do.	Project Coordinator, Township of Neptune, Neptune, N.J.	Do.
Do.	Somerset	Bound Brook, Borough of.	H 34 035 0380 01 through H 34 035 0380 02.	do.	Borough Clerk's Office, 110 Hamilton Street, Bound Brook, N.J. 08605.	Do.
Do.	Morris	Kennelon, Borough of.	H 34 027 1570 01.	do.	Borough Hall, Borough of Kennelon, Kennelon, N.J. 07405.	Do.
Do.	Bergen	Wyckoff, Township of.	H 34 027 1570 01.	do.	Township Clerk, Memorial Town Hall, Wyckoff, N.J. 07481.	Do.
New York	West Chester	Bronxville, Village of.	H 36 119 0700 01.	New York State Dept. of Environmental Conservation Division of Resources Management Services, Bureau of Water Manager, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Village Hall, 200 Pondfield Road, Bronxville, N.Y. 10708.	Do.
Do.	Stuben	South Corning, Village of.	H 36 101 5820 01 through H 36 101 5830 02.	do.	Village Clerk's Office, 413 Park Avenue, Corning, N.Y. 14830.	Do.
Pennsylvania	Luzerne	Pringle, Borough of.	H 42 079 6810 01.	Dept. of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 108 Finance Bldg., Harrisburg, Pa. 17120.	Pringle Borough Building, Evans Street, Pringle, Pa. 18701.	Do.
Do.	Lancaster	Lancaster, Township of.	H 42 071 4181 01 through H 42 071 4181 04.	do.	Office of Inspections, 306 Wilson Avenue, Grandville, Michigan 49418.	Do.
Wisconsin	Marathon	Schofield, City of.	H 55 073 4290 01.	Dept. of Natural Resources, P.O. Box 450, Madison Wisconsin 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City Clerk's Office, 1136 Grand Avenue, Schofield, Wis. 54176.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13337 Filed 7-2-73;8:45 am]

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers No. 10

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 10

1. Q. Is commercial paper exempt from the freeze?

A. Yes. Any note, draft, bill of exchange, banker acceptance, or other commercial paper is considered to be a security and accordingly is exempt from the price freeze.

2. Q. How are auctions treated under the freeze?

A. Sales by auction are governed by the same rules applicable to other sales transactions.

On auction sales of ordinary commercial goods by a regular dealer at auction or otherwise, the freeze price is the highest price at which the owner delivered or furnished such goods to purchasers in 10% or more of his transactions during the freeze base period.

The freeze price at auction sales of commodities for which no established market prices exist, and which are sold by or for the account of persons not ordinarily engaged in the business of selling such goods, is the highest price for comparable commodities in the freeze base period.

Auction sales under court order are governed by the above paragraph.

Auctioneer's fees and commissions are frozen at freeze base period levels.

3. Q. On June 1, 1973, a car-leasing company signs a contract to lease 50 cars at various prices. Twenty-five of the cars are to be picked up on June 3 and 25 of the cars are to be picked up July 3. What is the time of the transaction for purposes of establishing a freeze price?

A. When a service contract involves either performance in several stages (some of which may be preparatory to performing the final service), performance of a continuous nature, or performance periodically, a transaction is considered to have taken place when the buyer actually receives the first unit of final service called for under the contract. Work in progress preparatory to provision of the final service does not qualify as a transaction. Therefore, the freeze price is established by looking at the prices charged for the lease of the cars picked up on June 3.

4. Q. Prior to the freeze base period, a contractor operating under a cost plus contract negotiated a wage increase, subject to approval by the Construction Industry Stabilization Committee (CISC), to become effective retroactively on the date of negotiation. During the freeze, CISC approved the wage increase. May the contractor now increase the price of the contract to reflect the wage increases?

A. No.

5. Q. In calculating the freeze price—"the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned during the freeze base period"—does the seller use the volume of sales or the number of transactions?

A. The freeze price is calculated according to the volume of sales of the item concerned. Volume means in this sense total quantity, whether customarily measured by weight, as in the example given below, or by capacity, unit or time (e.g., items priced per quart, per scoop, per head, per item, or per hour as in the case of some services).

The word "transactions" is used in the definition quoted above because it is a defined term which explains what constitutes a sale and when a sale is deemed to have occurred. A transaction is an arms-length sale between unrelated persons and is considered to occur at the time of shipment in the case of commodities and the time of performance in the case of services. Where no shipment is involved, as in the case of most retail sales, the transaction occurs at the time of purchase.

To illustrate the volume basis for the freeze price calculation, assume a retail grocery market sold 100 pounds of coffee during the freeze base period of June 1 through 8, consisting of 35 pounds of "Espresso" brand coffee (customarily priced higher) and 65 pounds of "Perko" brand coffee (customarily priced lower). The customary price difference establishes a separate class of purchaser for each of the two brands of coffee for the purpose of determining the freeze price. During the freeze base period coffee was sold as follows:

"Espresso"

5 lbs. at $1.39/lb. (14.3 percent of total)
30 lbs. at $1.29/lb.

35 lbs total

"Perko"

5 lbs. at $1.10/lb. (7.7 percent of total)
60 lbs. at $1.09/lb.

65 lbs. total

The retailer separately establishes the freeze price for each of the two brands by reference to the highest price at or above which he sold at least 10 percent of the product. The result is a freeze price for "Espresso" of $1.39/lb. and a freeze price for "Perko" of $1.09/lb. It makes no difference whether the coffee was sold in one, two, four, or 100 transactions.

6. Q. Where a manufacturer increases the quantity size of packaging of his product for sale, how is his freeze price determined?

A. The freeze price for the new packaging size is determined by the highest price per unit of measure typically used, i.e., fluid oz., pint, etc., at or above which at least 10 percent of the commodities were priced by the manufacturer in transactions with the class of purchaser concerned during the freeze base period. *Provided, that,* The price for the new packaging size does not exceed the freeze price prevailing for comparable commodities of comparable packaging size in the same locality.

7. Q. A firm has a price structure which includes certain discounts for higher volume purchases. A person formerly purchased a volume which entitled him to a discount. When this person purchases a lesser volume, can the firm charge the applicable higher price? In other words, may prices be changed so long as the rate structure on which they are based is not changed?

A. Yes. During the freeze, customers may be charged in accordance with rate schedules in effect during the freeze base period. However, firms may not increase the rates set out in those schedules.

8. Q. Are goods and services sold overseas by U.S. firms to U.S. government installations exempt from the freeze?

A. No. Prices of goods and services sold by U.S. suppliers or manufacturers to United States Government installations overseas are not considered as exports and are subject to the freeze.

9. Q. Can retail stores discontinue trading stamps during the freeze?

A. Retail outlets may discontinue trading stamps if they pass on the value of the stamps to their customers in the form of lower prices on their merchandise. Merchants can lower their prices in either of two ways. They can lower the prices of everything they sell by the value of the stamps, or, at cash registers they can deduct the value of the stamps from the prices of those items for which trading stamps would have been given. The value of the stamps is the market value at which they may be redeemed, and not the cost to the retailer.

Retailers choosing to deduct the value of stamps at cash registers on items for which they would have issued stamps, must post in a prominent place in each retail outlet at least one sign (minimum of 30" x 40"), plus a readily visible sign at each cash register, advising customers of the discontinuance of trading stamps and the reduction in total value of the merchandise they are buying.

10. Q. Prior to the freeze base period a manufacturing firm increased its prices. Some the firm's wholesale and retail customers increased their prices immediately to reflect the manufacturer's price increase while others who had large inventories did not. Consequently, on the wholesale/retail level there are two freeze base prices for the same product. May the wholesalers/retailers who did not increase their prices during the freeze base period do so now?

A. No. No seller may increase his price for a commodity above his freeze price for that commodity. Accordingly, if different sellers were charging different prices for the same commodity during the freeze base period, each seller will have his own freeze price for that commodity.

11. Q. Is rubber a raw agricultural product and, therefore, exempt from the freeze?

A. For purposes of the freeze, natural rubber in dry or latex form, not processed or modified, is exempted from the freeze until first sale. Other forms of rubber including synthetic or reclaimed rubber and rubber products are subject to freeze price rules.

12. Q. May a firm choose any seven-day period including the day of its last transaction prior to the freeze if it had no shipments during the freeze base period, June 1 through 8?

A. No. A firm should go back in time by seven-day periods until it reaches a period during which there was a transaction. The first such period would be Friday, May 25 through Thursday, May 31. Each successive period would also be during a period beginning on a Friday and ending on a Thursday.

13. Q. May an insurance company implement a manual rate revision during the freeze period if the overall effect of that revision is to produce a reduction in premium even though increases may result for individual persons?

A. Yes. An insurer may put into effect an overall manual rate reduction for a specific class of purchasers even though the rates for some members within that class may increase.

14. Q. May an insurance company increase premiums during the freeze period to reflect the cost of new benefits which have been mandated by the State legislature?

A. No. An insurance company may not increase premiums to reflect the additional cost of statutory benefits which the Workmen's Compensation policy must provide to injured workmen.

15. Q. Under certain retrospective rating formulas the insurance charge, basic premium ratio, and loss conversion factor are determined at the inception of the retrospective plan. If the retrospective plan expires during the freeze period, may the retrospective premium be adjusted according to the preestablished factors?

A. A retrospective premium determination for an expired policy period ending during the freeze period may not reflect any cost increases incurred during the freeze period. A retrospective premium determination for an expired policy period ending prior to June 12, 1973, may be made provided all of the cost increases were incurred prior to the freeze.

[FR Doc.73-13516 Filed 6-29-73;10:12 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers—Commodity Futures

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743, Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 28, 1973.

JAMES W. MCLANE,
Director, Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

COMMODITY FUTURES

1. Q. What commodity futures contracts are covered by the freeze regulations?

A. First, if the sale of the commodity itself is exempt (e.g. unprocessed raw agricultural products such as wheat) the sale of the commodity future is exempt. If the sale of the commodity itself is subject to the freeze, such as soybean meal and oil, silver, copper, frozen pork bellies, two rules apply:

(1) The sale of the commodity future is exempt but any delivery pursuant to the futures contract may not be at a price higher than the freeze price. This rule continues to apply to deliveries which take place before July 4.

(2) Effective July 4, futures contracts maturing thereafter in July and in August are subject to a commodity futures ceiling price as computed by the exchange on which the commodity is traded.

2. Q. How is the commodity futures ceiling price computed?

A. The ceiling price for futures contracts which mature in July and August and which are not exempt is the highest price at or above which at least 10% of the volume of that commodity was priced in trading in the nearest future during the freeze base period, June 1 through 8. The nearest future is the July future open during that period, or if no July future was open, the August future then open is the nearest future.

3. Q. What is the ceiling price for a commodity traded on more than one exchange?

A. Each exchange computes a ceiling price for its traded commodities. There is to be one ceiling price for each commodity on each exchange; e.g., sugar at Los Angeles may have a ceiling price different from that of sugar at New York City.

4. Q. Does the ceiling price regulation for commodity futures affect meat futures?

A. Yes. The same rules outlined in the Q & A's above apply to meat futures. The ceiling price is calculated on the basis of trading during the June 1 through 8 freeze base period.

[FR Doc.73-13554 Filed 6-29-73;12:05 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 29, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 11

1. Q. Prior to the freeze, a domestic firm placed orders for goods from a foreign manufacturer. The goods were shipped by the manufacturer before the freeze began but not received by the firm until after June 12. The contract price for this transaction was higher than that for the immediately preceding transaction. May the higher price of the goods be passed on to purchasers?

A. Yes. Importers and resellers of imports may pass on increases in the landed costs for imported commodities incurred after June 12, 1973 on a dollar-for-dollar basis so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. For the purpose of this rule, the cost increases are considered to be incurred by the importers when they receive the commodities. The provisions of the import rule apply to all imports received after June 12, but do not apply to goods in inventory on that date.

2. Q. What increases in the prices of imported commodities may be passed on to purchasers under the freeze rules for imports?

A. The freeze price of an imported commodity may be increased by an amount equivalent to increases in the landed cost of that commodity if the commodity is received after June 12, 1973. Costs which may be passed on include increases caused by appreciation of foreign currencies in relation to the dollar, increases in U.S. custom duties and tariffs on the foreign commodities, increases in the charges for transporting the commodities to the United States as well as any increase in the price charged for the commodities by a foreign seller. These increases may be passed on to purchasers but shall not be considered in calculating markups for the transaction price of the import.

[FR Doc.73-13661 Filed 7-2-73;10:13 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970), as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 29, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by added the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 12

1. Q. Are goods and services offered by the U.S. government and military installations subject to freeze price rules?

A. Yes. In addition, prices of goods and services sold by U.S. suppliers or manufacturers to U.S. government and military

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installations overseas are not considered exports and are subject to the freeze price rules. Military commissary stores, post-exchange operations and other commercial activities are subject to the freeze price rules.

Following are excerpts of a memorandum sent by Leo E. Benade, Lieutenant General, USA, Deputy Assistant Secretary of Defense to the assistant secretaries of the military departments, and the directors of the defense agencies:

"The present Cost of Living Council Freeze Regulations require, in effect, that prices charged by the subject activities be frozen. Accordingly, the regulations contained in reference (d) (Title 6, Economic Stabilization Regulations, Part 140, Cost of Living Council Freeze Regulations, (Issued June 13, 1973)) will be compiled with by all military morale, welfare and recreational activities, including commissary stores within the United States and the District of Columbia.

"The requirement to comply with subpart M of the Economic Stabilization Regulations pertaining to meat price ceilings, as promulgated by reference (c) (OASD(M&RA) Memorandum, "Application of Temporary Meat Ceiling Prices to Military Resale Activities," April 6, 1973), remains in effect.

"The post freeze program (Phase IV) is expected to require tighter standards and a wider spread of mandatory controls. Upon publication of detailed instructions by the Cost of Living Council, this office will publish implementing instructions where appropriate."

[FR Doc.73-13660 Filed 7-2-73;10:13 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 11]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the National School Lunch Program is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the National School Lunch Program regulations are amended as follows:

In § 210.20, paragraphs (a) through (e) are revised to read as follows:

§ 210.20 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1101 Commerce Street, Room 5-D-22, Dallas, Texas, 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.555 National Archives Reference Services).

Effective date. This amendment shall become effective July 1, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13491 Filed 7-2-73;8:45 am]

[Amdt. 8]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Special Milk Program for Children is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Milk Program for Children regulations are amended as follows:

In § 215.16, paragraphs (a) through (e) are revised to read as follows:

§ 215.16 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, N.J. 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

Effective Date. This amendment shall become effective July 1, 1973, except that the effective date for all FNSRO-administered programs which operate only in the summer, shall be September 30, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13494 Filed 7-2-73;8:45 am]

[Amdt. 8]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Definitions of "School"

The purpose of this amendment to the regulations governing the Special Milk Program for Children (7 CFR Part 215) is to revise the definition of "school" and to prescribe a uniform rate of reimbursement for all participating schools and institutions which have pricing programs. This action is taken based on the reduced funding level available for the Special Milk Program for Children under the act making continuing appropriations for the Department of Agriculture for fiscal year 1974. The funding level for the Special Milk Program for Children has been reduced to exclude from participation in the Program schools which provide a food service to attending children, inasmuch as such schools serve milk as a basic component of their lunch or breakfast programs.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because of the need to make this amendment effective as soon as possible to avoid financial uncertainty about the Special Milk Program for Children in the fiscal year beginning July 1, 1973.

Accordingly, the Special Milk Program for Children regulations are amended as follows:

1. In § 215.2 paragraph (v) is amended by adding the phrase, "which provides no food service to attending children." at the end of the first sentence of such paragraph.

2. In § 215.8 paragraphs (a) and (b) are revised to read as follows:

§ 215.8 Reimbursement payments.

(a) Reimbursement payments shall be made for milk purchased for serivce to children by participating schools and child-care institutions.

(b) In pricing programs, the maximum rate of reimbursement shall be 3 cents per half pint. Schools and child-care institutions having pricing programs shall make maximum use of the reimbursement payments received under the Program to reduce the price of milk to children. The full amount of the payments shall be reflected in reduced prices to children, except that such payments may be used by schools or child-care institutions to defray distribution costs. Distribution costs shall not exceed 1 cent per half pint. Exceptions to this provision may be granted by the State agency, or FNSRO where applicable, in instances where the situation in a school or child-care institution justifies distribution costs above 1 cent per half pint, but in no event shall distribution costs be allowed above 1½ cents per half pint. When milk is purchased at more than one price, the price to the child shall be based on the lowest cost milk.

• • • • •

Effective date. This amendment shall become effective July 1, 1973.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services).

Dated: June 29, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13652 Filed 7-2-73;9:08 am]

[Amdt. 14]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a nonsubstantive in nature. Accordingly, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses regulations are amended as follows:

In § 220.29, paragraphs (a) through (e) are revised to read as follows:

§ 220.29 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

Effective Date. This amendment shall become effective July 1, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13492 Filed 7-2-73;8:45 am]

[Amdt. 6]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Special Food Service Program for Children is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West-Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Food Service Program for Children regulations are amended as follows:

In § 225.23, paragraphs (a) through (e) are revised to read as follows:

§ 225.23 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 707 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street N.W., Atlanta, Georgia 30309.

(c) In the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture. 536 South Clark Street, Chicago, Illinois 60605.

(d) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, FNS, U.S. Department of Agriculture. 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, California 94108.

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(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

Effective Date. This amendment shall become effective July 1, 1973, except that the effective date for all FNSRO-administered special summer programs shall be September 30, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13493 Filed 7-2-73;8:45 am]

[Amdt. 16]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Realignment of Regional Boundaries

So that FNS regional boundaries will conform to the standard Federal Regional System, a realignment of States, Territories, or Possessions is necessary. Excepted from the realignment are Puerto Rico and the Virgin Islands which will not be transferred to the Northeast Region at this time. Therefore, § 250.11 of this part is amended to show the current names and addresses of offices and the realignment of States, Territories or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligation of any member of the public. Accordingly, under the adminstrative procedure provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

§ 250.11 **Where to obtain information.**

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, New Jersey 08550, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street N.W., Atlanta, Georgia 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, Illinois 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202, for the following States: Arizona (Navajo Nation only), Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA 550 Kearny Street, Room 400, San Francisco, California 94108, for the following States, Territories, or Possessions: Alaska, American Samoa, Arizona (except the Navajo Nation), California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, Washington. (Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services)

The foregoing shall become effective on July 1, 1973.

Dated: June 28th, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13497 Filed 7-2-73; 8:45 am]

[Amdt. 4]

PART 265—PILOT FOOD CERTIFICATE PROGRAM REGULATIONS

Realignment of Regional Boundaries

So that FNS Regional boundaries will conform to the standard Federal Regional System, a realignment of States, Terirtories, or Possessions is necessary. Excepted from the realignment are Puerto Rico and the Virgin Islands which will not be transferred to the Northeast Region at this time. Therefore, paragraph (g) of § 265.12 of this part is amended to show the current names and addresses of offices and the realignment of States, Territories, or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative provisions in 5 U.S.C. 553, it is found that notice and public procedure concerning this amendment are impractical and unnecessary, and the amendment is made effective in less than 30 days after publication in the FEDERAL REGISTER.

§ 265.12 **Miscellaneous provisions.**

* * * * *

(g) All plans, applications, notices, and other documents required by this part to be forwarded to FNS, shall be sent to the local FNS Field Office or to the appropriate FNS Regional Office for the pilot area, as indicated below:

(1) For the Pilot areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, Food and Nutrition Service, U.S. Department of Agriculture, Northeast Region, 707 Alexander Road, Princeton, New Jersey 08550.

(2) For pilot areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands. Food and Nutrition Service, U.S. Department of Agriculture, Southeast Region, 1100 Spring Street, N.W., Atlanta, Georgia 30309.

(3) For pilot areas in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Food and Nutrition Service, U.S. Department of Agriculture, Midwest Region, 536 South Clark Street, Chicago, Illinois 60605.

(4) For pilot areas in Arizona (Navajo Nation only), Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Food and Nutrition Service, U.S. Department of Agriculture, West-Central Region, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) For pilot areas in Alaska, American Samoa, Arizona, (except the Navajo Nation), California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, and Washington. Food and Nutrition Service, U.S. Department of Agriculture, Western Region, 550 Kearney Street, Room 400, San Francisco, California 94108.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Service)

The foregoing amendment shall become effective on July 1, 1973.

Dated: June 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13498 Filed 7-2-73;8:45 am]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Food Stamp Program; Realignment of Regional Boundaries

The purpose of this amendment to the regulations governing the Food Stamp Program is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Food Stamp regulations are amended as follows:

In § 270.5(b), subparagraphs (1) through (5) are revised to read as follows:

§ 270.5 **Miscellaneous provisions**

* * * * *

(b) * * *

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Northeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 707 Alexander Road, Princeton, New Jersey 08540.

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands: Southeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1100 Spring Street, N.W., Room 200, Atlanta, Georgia 30309.

(3) For project areas in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 536 South Clark Street, Chicago, Illinois 60605.

(4) For project areas in Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) For project areas in Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington: Western Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 550 Kearny Street, Room 400, San Francisco, California 94108.

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Effective Date. This Amendment shall become effective July 1, 1973.

JUNE 28, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13496 Filed 7-2-73;8:45 am]

[Amdt. 2]

PART 295—AVAILABILITY OF INFORMATION TO THE PUBLIC

Realignment of Regional Offices

The purpose of this amendment to the regulations governing the Availability of Information to the Public is to reflect the realignment of the administrative boundaries of the five FNS Regional Offices. Such realignment conforms to the standard Federal regional system, except that Puerto Rico and the Virgin Islands will not be transferred to the Northeast Region until a later date.

The following seven States are involved in the realignment: North Dakota and South Dakota from the Midwest Region to the West-Central Region (formerly named Southwest Region); Montana, Utah and Wyoming from the Western Region to the West Central Region; Kansas from the West-Central Region to the Midwest Region; and Virginia from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Pursuant to Title 5, United States Code, section 552, paragraph (b), of § 295.10 is revised to read as follows:

§ 295.10 **Addresses of offices.**

* * * * *

(b) Requests made to Regional Offices should be addressed to the Regional Administrator of the appropriate Office, as follows:

Northeast Region, Food and Nutrition Service, USDA, 707 Alexander Road, Princeton, NJ 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street, NW, Room 200, Atlanta, GA 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, IL 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, TX 75202, for the following States: Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA, 550 Kearny Street, Room 400, San Francisco, CA 94108, for the following States: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and the Trust Territories of the Pacific.

Effective date. This amendment shall become effective July 1, 1973.

Dated: June 26, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-13495 Filed 7-2-73;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Order Suspending Certain Provisions

(a) *Findings.* (1) Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the Order (7 CFR Part 1201) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, and upon the basis of the recommendation of the Control Committee established under the aforesaid order, and other available information, it is hereby found and determined that the provisions of § 1201.53 of the order imposing a restriction on the handling of tobacco leaves obstructs or does not tend to effectuate the declared policy of the act for the 1973–74 crop year, and that the suspension of the section will tend to effectuate the declared policy of the act for the 1973–74 crop year.

(2) The 1973 crop of Type 62 tobacco has been damaged by excessive rainfall since transplanting. Heavy leaching of plant nutrients has occurred and fertilizer shortages have hampered replacement of the lost nutrients. The crop varies from field to field and it is probable that no grower will harvest over an average of 18 leaves per plant. In view of the damage to the crop, there is no need to continue the restriction on the number of leaves which may be handled this year.

(3) It is hereby further determined that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time when the recommendation and information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; the harvest of the 1973 crop is in progress and will be completed in the immediate future; this action will assure equitable treatment for all growers since they are in varying stages of completion of harvest; compliance with this section will not require any special preparation on the part of persons affected thereby which cannot be completed by the effective time thereof; and this modification relieves restrictions on the handling of Type 62 shade-grown cigar-leaf tobacco and should become effective as herein provided.

(b) *Order.* The provisions of § 1201.53 are hereby suspended for the 1973–74 crop year.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 28, 1973, to become effective June 3, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-13486 Filed 7-2-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 447.1]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart L—Watershed Loan

LOAN CLOSING

Section 1823.356 (d), Subpart L of Part 1823, Title 7, Code of Federal Regulations, 35 FR 15091, is amended to permit loan closing when suits, appeals or judgments are pending against the applicant,

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provided the State Director determines that such will not be detrimental to the Government's interest. In accordance with 5 U.S.C. 553, notice of proposed rule making is not being published. Such notice is unnecessary inasmuch as the amendment is being made for the purpose of clarifying the existing regulation.

As amended, § 1823.356 (d) will read as follows:

§ 1823.356 Loan closing.

• • • • •

(d) *Loan closing procedures.* Loans will be closed in accordance with the closing instructions issued by the OGC. Checks will be ordered in the same manner as direct loan checks for loans to associations. Bonds should be registered wherever possible. When State laws require bonds to be made payable to the bearer, they should be handled in accordance with procedure issued by the National Office. At the time of loan closing, the applicant's attorney must submit a certificate that no suits, appeals, or judgments are pending against it. However, the loan may be closed if the State Director, upon advice of the Regional Attorney, determine that the existence of any pending claims, appeals, or judgments will not be detrimental to the Government's interest. The note or bond will be dated the date of loan closing.

• • • • •

Effective date: July 3, 1973.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Sec. of Agr., 29 FR 16210; Order of Sec. of Agr., 36 FR 22008; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 FR 21529)

Dated: June 14, 1973.

J. R. HANSON,
Acting Deputy Administrator, Farmers Home Administration.

[FR Doc.73-13490 Filed 7-2-73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 780—EXEMPTIONS APPLICABLE TO AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS UNDER THE FAIR LABOR STANDARDS ACT

Clarification of Definition of Immediate Family

The enforcement of the Farm Labor Contractor Registration Act has been transferred to the Wage and Hour Division. Under that Act, certain farm labor contractors (crew leaders) who operate interstate must observe specified rules in dealing with workers and employers. One of the conditions for coverage under the Act relates to the number of migrant workers involved, excluding members of the contractor's immediate family. Part 40.2(f) of 29 CFR defines the term "immediate family."

A test that excludes the "parent, spouse, child or other member of the employer's immediate family" is also used in determining coverage of farm workers under the Fair Labor Standards Act, which is enforced by the Wage and Hour Division. Since most migrant farm workers are covered by both Acts, it is desirable that the term "immediate family" be applied uniformly. Accordingly, I hereby amend the definition of this term as set forth below. The amended definition will guide the Secretary of Labor and the Administrator in the performance of their duties under the Act unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination, that it is incorrect.

Administrative procedure provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these are interpretative rules. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective on July 3, 1973.

As amended, § 780.308 will read as follows:

§ 780.308 Definition of immediate family.

The Act does not define the scope of "immediate family." Whether an individual other than a parent, spouse or child will be considered as a member of the employer's immediate family, for purposes of sections 3(e)(1) and 13(a)(6)(b), does not depend on the fact that he is related by blood or marriage. Other than a parent, spouse or child, only the following persons will be considered to qualify as part of the employer's immediate family: step-children, foster children, step-parents and foster parents. Other relatives, even when living permanently in the same household as the employer, will not be considered to be part of the "immediate family."

(Sec. 13, 52 Stat. 1067, as amended; 29 U.S.C. 213)

Signed at Washington, D.C., this 27th day of June 1973.

BEN P. ROBERTSON,
Acting Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.73-13480 Filed 7-2-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTION PLANS

Limitation of Illinois Implementation Plan to Metropolitan Chicago Interstate Region

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. This amendment to the Illinois approval disapproval notice results from further evaluation of the Illinois plan by the Administrator subsequent to the issuance of the approval/disapproval notices.

The Administrator originally disapproved the Illinois regulation establishing emission standards and limitations for fuel combustion emission sources using solid fuel exclusively as not meeting the requirements of § 51.22 of this chapter for the entire State of Illinois. Disapproval of the regulation for the entire State was inappropriate since the unenforceability of the regulation by the State agency against residential and commercial solid fuel users only exists in the Metropolitan Chicago Interstate Region. This revision, therefore, is necessary to correct the previous disapproval to limit its scope only to that subsection of the regulation applicable in the Metropolitan Chicago Interstate Region.

This regulation is effective on July 3, 1973. The Agency finds that good cause exists for not publishing this regulation as a notice of proposed rule making and for making it effective immediately upon publication, because the regulation is only a correction of the notices of approval/disapproval of State implementation plans promulgated in the May 31, 1972, issue of the FEDERAL REGISTER.

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart O—Illinois

1. Section 52.276(a) is revised to read as follows:

§ 52.726 Rules and regulations.

(a) The requirements of § 51.22 of this chapter are not met since the particulate matter fuel combustion emission limitation in Chapter 2, Part II, rule 203(g)(1)(A) of the Illinois Pollution Control Board Rules and Regulations, which is necessary for attainment and maintenance of the national standards for particulate matter and sulfur oxides in the Illinois portion of the Metropolitan Chicago Interstate Region, is not enforceable by the State agency on residential and commercial solid fuel users.

[FR Doc.73-13545 Filed 7-2-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Self Employment

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 2, 1973. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 2, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform such regulations to the provisions of sections 115(b)(2), 118(a), 122 (b) and (c), and 502(b) of the Social Security Amendments of 1967 (81 Stat. 839, 841, 843, 844, 934), section 203(b)(1) of the Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10), sections 203(b)(1) and 204 (a)(1) and (b)(1) of the Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418, 420, 421), and section 135 (a)(1) and (b)(1) of the Social Security Amendments of 1972 (86 Stat. 1362, 1363).

Several of the above statutory amendments revised the rates and earnings base of the tax on self-employment income. For taxable years beginning after 1974, the taxable earnings base may be increased by the Secretary of the Department of Health, Education, and Welfare under section 230 of the Social Security Act if he provides a cost-of-living increase in benefits under section 215(i) of that Act.

Under prior law, the term "trade or business", for self-employment tax purposes, did not include the performance of services by a minister, a member of a religious order, or a Christian Science practitioner in his capacity as such unless such individual (other than a member of a religious order under a vow of poverty) elected to have the social security program extended to him in respect of such services. Under present law such service constitutes a trade or business (except in the case of a member of a religious order under a vow of poverty) unless the individual is granted an exemption from the tax on self-employment income in respect of such service. To qualify for the exemption an individual must be conscientiously opposed to, or because of religious principles be opposed to, the acceptance (with respect to service performed by him in his capacity as a minister, member, or Christian Science practitioner) of any public insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance established by the Social Security Act). Based on the legislative history of section 115(b)(2) of the Social Security Amendments of 1967, the proposed regulations require that this conscientious opposition be based on religious grounds.

Applications for exemption must be made by the later of (1) the due date of the return (including any extension thereof) for the second taxable year for which the clergyman has at least $400 of net earnings from self-employment, or (2) the due date of the return (including any extension thereof) for his second taxable year ending after 1967. For this purpose, if a clergyman's last original return filed before the expiration of the application period shows no liability for tax on self-employment income, that return will be treated as an application for exemption, provided that, before the 60th day after final regulations are published, he files a Form 4361, the form specified for use as an application for exemption.

Under prior law, the term "trade or business", for self-employment tax purposes, did not include the performance of the functions of a public office or service performed by an individual as an employee of a State or a political subdivision. The amendment placed a minor limitation on the scope of these exclusions thereby providing coverage to certain individuals performing service for a State or a political subdivision thereof in a position compensated solely on a fee basis.

Retirement payments made by a partnership to a retired partner are excluded from net earnings from self-employment provided certain conditions (designed to assure that the payments are bona fide retirement income) are met. Generally speaking, the treatment accorded such payments is similar to that accorded retirement income under the Federal Insurance Contributions Act.

A credit or refund is provided, under certain circumstances, in respect of the hospital insurance tax in the case of a railroad employee or employee representative subject to tax under the Railroad Retirement Tax Act who is also subject to tax under the Federal Insurance Contributions Act. If such an employee or employee representative has net earnings from self-employment, his taxable railroad compensation is taken into account in computing self-employment income. The purpose of these changes was to prevent the imposition of a double tax burden on an individual with respect to hospital insurance.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 1401 and 1402 of the Internal Revenue Code of 1954 to sections 115(b)(2), 118(a), 122 (b) and (c), and 502(b) of the Social Security Amendments of 1967 (81 Stat. 839, 841, 843, 844, 934), section 203(b)(1) of the Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10), sections 203(b)(1) and 204 (a)(1) and (b)(1) of the Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418, 420, 421), and section 135 (a)(1) and (b)(1) of the Social Security Amendments of 1972 (86 Stat. 1362, 1363), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1401 is amended by revising paragraph (3) of section 1401(a), by revising paragraphs (2), (3), (4), and (5) of section 1401(b), and by revising the historical note to read as follows:

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§ 1.1401 Statutory provisions; rate of tax on self-employment income.

Sec. 1401. *Rate of tax*—(a) *Old-age, survivors, and disability insurance.* • • •

(3) In the case of any taxable year beginning after December 31, 1970, and before January 1, 1973, the tax shall be equal to 6.9 percent of the amount of the self-employment income for such taxable year;

• • • • •

(b) *Hospital insurance.* • • •

(2) In the case of any taxable year beginning after December 31, 1972, and before January 1, 1978, the tax shall be equal to 1.0 percent of the amount of the self-employment income for such taxable year;

(3) In the case of any taxable year beginning after December 31, 1977, and before January 1, 1981, the tax shall be equal to 1.25 percent of the amount of the self-employment income for such taxable year;

(4) In the case of any taxable year beginning after December 31, 1980, and before January 1, 1986, the tax shall be equal to 1.35 percent of the amount of the self-employment income for such taxable year;

(5) In the case of any taxable year beginning after December 31, 1985, the tax shall be equal to 1.45 percent of the amount of the self-employment income for such taxable year.

[Sec. 1401 as amended by sec. 208(a), Social Security Amendments 1954 (68 Stat. 1093); sec. 202(a), Social Security Amendments 1956 (70 Stat. 845); sec. 401(a), Social Security Amendments 1958 (72 Stat. 1041); sec. 201(a), Social Security Amendments 1961 (75 Stat. 140); secs. 111(c)(4) and 321(a), Social Security Amendments 1965 (79 Stat. 342, 394); sec. 109(a)(1) and (b)(1), Social Security Amendments 1967 (81 Stat. 835); sec. 204(a)(1) and (b)(1), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 420, 421); sec. 135(a)(1) and (b)(1), Social Security Amendments 1972 (86 Stat. 1362, 1363)]

PAR. 2. Section 1.1401-1 is amended by revising subparagraph (2) of paragraph (b), to read as follows:

§ 1.1401-1 Tax on self-employment income.

(b) The rates of tax on self-employment income are as follows:

• • • • •

(2) For hospital insurance:

Taxable year	*Percent*
Beginning after December 31, 1965 and before January 1, 1967	0.35
Beginning after December 31, 1966 and before January 1, 1968	.50
Beginning after December 31, 1967 and before January 1, 1973	.60
Beginning after December 31, 1972 and before January 1, 1978	1.0
Beginning after December 31, 1977, and before January 1, 1981	1.25
Beginning after December 31, 1980, and before January 1, 1986	1.35
Beginning after December 31, 1985	1.45

• • • • •

PAR. 3. Section 1.1402(a) is amended by revising paragraphs (8) and (9) of section 1402(a), by adding a new paragraph (10) immediately after such paragraph (9), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1402(a) Statutory provisions; definitions; net earnings from self-employment.

Sec. 1402. *Definitions*—(a) *Net earnings from self-employment.* • • •

(8) An individual who is a duly ordained, commissioned, or licensed minister of a church or a member of a religious order shall compute his net earnings from self-employment derived from the performance of service described in subsection (c)(4) without regard to section 107 (relating to rental value of parsonages) and section 119 (relating to meals and lodging furnished for the convenience of the employer) and, in addition, if he is a citizen of the United States performing such service as an employee of an American employer (as defined in section 3121(h)) or as a minister in a foreign country who has a congregation which is composed predominantly of citizens of the United States, without regard to section 911 (relating to earned income from sources without the United States) and section 931 (relating to income from sources within possessions of the United States);

(9) The term "possession of the United States" as used in sections 931 (relating to income from sources within possessions of the United States) and 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa; and

(10) There shall be excluded amounts received by a partner pursuant to a written plan of the partnership, which meets such requirements as are prescribed by the Secretary or his delegate, and which provides for payments on account of retirement, on a periodic basis, to partners generally or to a class or classes of partners, such payments to continue at least until such partner's death, if—

(A) Such partner rendered no services with respect to any trade or business carried on by such partnership (or its successors) during the taxable year of such partnership (or its successors), ending within or with his taxable year, in which such amounts were received, and

(B) No obligation exists (as of the close of the partnership's taxable year referred to in subparagraph (A)) from the other partners to such partner except with respect to retirement payments under such plan, and

(C) Such partner's share, if any, of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in subparagraph (A).

[Sec. 1402(a) as amended by sec. 201(a) and (c)(4), Social Security Amendments 1954 (68 Stat. 1087, 1089); sec. 201(e)(2), (g), and (i), Social Security Amendments 1956 (70 Stat. 840-842); sec. 5(b), Act of Aug. 30, 1957 (Pub. Law 85-239, 71 Stat. 523); sec. 103(k), Social Security Amendments 1960 (74 Stat. 939); sec. 227, Rev. Act 1964 (78 Stat. 97); sec. 312(b), Social Security Amendments 1965 (79 Stat. 381); sec. 118(a), Social Security Amendments 1967]

PAR. 4. The portion of paragraph (a) of § 1.1402(a)-1 which precedes subparagraph (1) of such paragraph is amended to read as follows:

§ 1.1402(a)-1 Definition of net earnings from self-employment.

(a) Subject to the special rules set forth in §§ 1.1402(a)-3 to 1.1402(a)-17, inclusive, and to the exclusions set forth in §§ 1.1402(c)-2 to 1.1402(c)-7, inclusive, the term "net earnings from self-employment" means—

• • • • •

PAR. 5. Paragraphs (c) and (d) of § 1.1402(a)-2 are amended to read as follows:

§ 1.1402(a)-2 Computation of net earnings from self-employment.

• • • • •

(c) *Aggregate net earnings*—Where an individual is engaged in more than one trade or business within the meaning of section 1402(c) and § 1.1402(c)-1, his net earnings from self-employment consist of the aggregate of the net income and losses (computed subject to the special rules provided in §§ 1.1402(a)-1 to 1.1402(a)-17 inclusive) of all such trades or businesses carried on by him. Thus, a loss sustained in one trade or business carried on by an individual will operate to offset the income derived by him from another trade or business.

(d) *Partnerships*—The net earnings from self-employment of an individual include, in addition to the earnings from a trade or business carried on by him, his distributive share of the income or loss, described in section 702(a)(9), from any trade or business carried on by each partnership of which he is a member. An individual's distributive share of such income or loss of a partnership shall be determined as provided in section 704, subject to the special rules set forth in section 1402(a) and in §§ 1.1402(a)-1 to 1.1402(a)-17, inclusive, and to the exclusions provided in section 1402(c) and §§ 1.1402(c)-2 to 1.1402(c)-7, inclusive. For provisions relating to the computation of the taxable income of a partnership, see section 703.

• • • • •

PAR. 6. Section 1.1402(a)-3 is amended to read as follows:

§ 1.1402(a)-3 Special rules for computing net earnings from self-employment.

For the purpose of computing net earnings from self-employment, the gross income derived by an individual from a trade or business carried on by him, the allowable deductions attributable to such trade or business, and the individual's distributive share of the income or loss, described in section 702(a)(9), from any trade or business carrier on by a partnership of which he is a member shall be computed in accordance with the special rules set forth in §§ 1.1402(a)-4 to 1.1402(a)-17, inclusive.

PAR. 7. The following section is added immediately after § 1.1402(a)-16.

§ 1.1402(a)-17 Retirement payments to retired partners.

(a) *In general*—There shall be excluded, in computing net earnings from self-employment for taxable years ending on or after December 31, 1967, certain payments made on a periodic basis by a partnership, pursuant to a written plan of the partnership, to a retired partner on account of his retirement. The exclusion applies only if the payments are made pursuant to a plan which meets the requirements prescribed in paragraph (b) of this section, and, in addition, the conditions set forth in paragraph (c) of this section are met.

(b) *Retirement plan of partnership*—(1) To meet the requirements of section 1402(a)(10), the written plan of the partnership must set forth the terms and conditions of the program or system established by the partnership for the purpose of making payments to retired partners on account of their retirement. To qualify as payments on account of retirement, the payments must constitute bona fide retirement income. Thus, payments of benefits not customarily included in a pension or retirement plan such as layoff benefits are not payments on account of retirement. Eligibility for retirement generally is established on the basis of age, physical condition, or a combination of age or physical condition and years of service. Generally, retirement benefits are measured by, and based on, such factors as years of service and compensation received. In determining whether the plan of the partnership provides for payments on account of retirement, factors, formulas, etc., reflected in public, and in broad based private, pension or retirement plans in prescribing eligibility requirements and in computing benefits may be taken into account.

(2) The plan of the partnership must provide for payments on account of retirement—

(i) To partners generally or to a class or classes of partners,

(ii) On a periodic basis, and

(iii) Which continue at least until the partner's death.

For purposes of subdivision (i) of this subparagraph, a class of partners may, in an appropriate case, contain only one member. Payments are made on a periodic basis if made at regularly recurring intervals (usually monthly) not exceeding one year.

(c) *Conditions relating to exclusion*—(1) *In general*—A payment made pursuant to a written plan of a partnership which meets the requirements of paragraph (b) of this section shall be excluded, in computing net earnings from self-employment, only if—

(i) The retired partner to whom the payment is made rendered no service with respect to any trade or business carried on by the partnership (or its successors) during the taxable year of the partnership (or its successors), which ends within or with the taxable year of the retired partner and in which the payment was received by him;

(ii) No obligation (whether certain in amount or contingent on a subsequent event) exists (as of the close of the partnership's taxable year referred to in subdivision (i) of this subparagraph) from the other partners to the retired partner except with respect to retirement payments under the plan or rights such as benefits payable on account of sickness, accident, hospitalization, medical expenses, or death; and

(iii) The retired partner's share (if any) of the capital of the partnership has been paid to him in full before the close of the partnership's taxable year referred to in subdivision (i) of this subparagraph.

By application of the conditions set forth in this subparagraph, either all payments on account of retirement received by a retired partner during the taxable year of the partnership ending within or with his taxable year are excluded or none of the payments are excluded. Subdivision (ii) of this subparagraph has application only to obligations from other partners in their capacity as partners as distinguished from an obligation which arose and exists from a transaction unrelated to the partnership or to a trade or business carried on by the partnership. The effect of the conditions set forth in subdivisions (ii) and (iii) of this subparagraph is that the exclusion may apply with respect to payments received by a retired partner during the taxable year of the partnership ending within or with his taxable year only if at the close of the partnership's taxable year the retired partner had no financial interest in the partnership except for the right to retirement payments.

(2) *Examples*—The application of subparagraph (1) of this paragraph may be illustrated by the following examples. Each example assumes that the partnership plan pursuant to which the payments are made meets the requirements of paragraph (b) of this section.

Example (1). A, who files his income tax returns on a calendar year basis, is a partner in the ABC partnership. The taxable year of the partnership is the period July 1 to June 30, inclusive. A retired from the partnership on January 1, 1973, and receives monthly payments on account of his retirement. As of June 30, 1973, no obligation existed from the other partners to A (except with respect to retirement payments under the plan) and A's share of the capital of the partnership had been paid to him in full. The monthly retirement payments received by A from the partnership in his taxable year ending on December 31, 1973, are not excluded from net earnings from self-employment since A rendered service to the partnership during a portion of the partnership's taxable year (July 1, 1972, through June 30, 1973) which ends within A's taxable year ending on December 31, 1973.

Example (2). D, a partner in the DEF partnership, retired from the partnership as of the close of December 31, 1972. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1973, D rendered no service with respect to any trade or business carried on by the partnership. On or before December 31, 1973, all obligations (other than with respect to retirement payments under the plan) from the other partners to D have been liquidated, and D's share of the capital of the partnership has been paid to him. Retirement payments received by D pursuant to the partnership's plan in his taxable year ending December 31, 1973, are excluded in determining his net earnings from self-employment (if any) for that taxable year.

Example (3). Assume the same facts as in example (2) except that as of the close of December 31, 1973, D has a right to a fixed percentage of any amounts collected by the partnership after that date which are attributable to services rendered by him prior to his retirement for clients of the partnership. The monthly payments received by D in his taxable year ending December 31, 1973, are not excluded from net earnings from self-employment since as of the close of the partnership's taxable year which ends with D's taxable year, an obligation (other than an obligation with respect to retirement payments) exists from the other partners to D.

PAR. 8. Section 1.1402(b) is amended by revising subparagraph (E) and adding subparagraphs (F), (G), (H) and (I) of paragraph (1), and by revising the flush material following paragraph (2) of section 1402(b) and the historical note to read as follows:

§ 1.1402(b) Statutory provisions; definitions; self-employment income.

Sec. 1402. *Definitions.* • • •

(b) *Self-employment income.* • • •

(1) • • •

(E) For any taxable year ending after 1967 and beginning before 1972, (i) $7,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(F) For any taxable year beginning after 1971 and before 1973, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(G) For any taxable year beginning after 1972 and before 1974, (i) $10,800, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(H) For any taxable year beginning after 1973 and before 1975, (i) $12,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(I) For any taxable year beginning in any calendar year after 1974, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or

(2) The net earnings from self-employment, if such net earnings for the taxable year are less than $400.

For purposes of clause (1), the term "wages" (A) includes such remuneration paid to an employee for services included under an agreement entered into pursuant to the provisions of section 218 of the Social Security Act (relating to coverage of State employees), or under an agreement entered into pursuant to the provisions of section 3121(l) (relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations), as would be wages under section 3121(a) if such services constituted employment under section 3121(b), and (B) includes, but solely with respect to the tax imposed by section 1401(b), compensation which is subject to the tax imposed by section 3201 or 3211. An individual who is not a citizen of the United States but who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa shall not, for purposes of this chapter, be considered to be a nonresident alien individual.

[Sec. 1402(b) as amended by sec. 201(b), Social Security Amendments 1954 (68 Stat. 1088); sec. 402(a), Social Security Amendments 1958 (72 Stat. 1042); sec. 103(l), Social Security Amendments 1960 (74 Stat. 938); sec. 320(b)(1), Social Security Amendments 1965 (79 Stat. 393); secs. 108(b)(1) and 502(b), Social Security Amendments 1967 (81 Stat. 835, 934); sec. 203(b)(1), Act of March 17, 1971 (Pub. Law 92-5, 85 Stat. 10); sec. 203(b)(1), Act of July 1, 1972 (Pub. Law 92-336, 86 Stat. 418)]

PAR. 9. Paragraphs (b) and (c) of § 1.1402(b)-1 are amended to read as follows:

§ 1.1402(b)-1 Self-employment income.

• • • • •

(b) *Maximum self-employment income*—(1) *General rule*—Subject to the special rules described in subparagraph

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(2) of this paragraph, the maximum self-employment income of an individual for a taxable year (whether a period of 12 months or less) is—

(i) For any taxable year beginning in a calendar year after 1974, an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year; and

(ii) For any taxable year—

Ending before 1955	$3,600
Ending after 1954 and before 1959	4,200
Ending after 1958 and before 1966	4,800
Ending after 1965 and before 1968	6,600
Ending after 1967 and beginning before 1972	7,800
Beginning after 1971 and before 1973	9,000
Beginning after 1972 and before 1974	10,800
Beginning after 1973 and before 1975	12,000

(2) *Special rules*—(i) If an individual is paid wages as defined in subparagraph (3) of this paragraph in a taxable year, the maximum self-employment income for such taxable year is computed as provided in subdivision (ii) or (iii) of this subparagraph.

(ii) If an individual is paid wages as defined in subparagraph (3) (i) or (ii) of this paragraph in a taxable year, the maxmum self-employment income of such individual for such taxable year is the excess of the amounts indicated in subparagraph (1) of this paragraph over the amount of the wages, as defined in subparagraph (3) (i) and (ii) of this paragraph, paid to him during the taxable year. For example, if for his taxable year beginning in 1973, an individual has $12,000 of net earnings from self-employment and during such taxable year is paid $1,000 of wages as defined in section 3121 (a) (see subparagraph (3) (i) of this paragraph), he has $9,800 ($10,800—$1,000) of self-employment income for the taxable year.

(iii) For taxable years ending on or after December 31, 1968, wages, as defined in subparagraph (3) (iii) of this paragraph, are taken into account in determining the maximum self-employment income of an individual for purposes of the tax imposed under section 1401 (b) (hospital insurance), but not for purposes of the tax imposed under section 1401 (a) (old-age, survivors, and disability insurance). If an individual is paid wages as defined in subparagraph (3) (iii) of this paragraph in a taxable year, his maximum self-employment income for such taxable year for purposes of the tax imposed under section 1401 (a) is computed under subparagraph (1) of this paragraph or subdivision (ii) of this subparagraph (whichever is applicable), and his maximum self-employment income for such taxable year for purposes of the tax imposed under section 1401 (b) is the excess of his section 1401 (a) maximum self-employment income over the amount of wages, as defined in subparagraph (3) (iii) of this paragraph, paid to him during the taxable year. For purposes of this subdivision, wages as defined in subparagraph (3) (iii) of this paragraph are deemed paid to an individual in the period with respect to which the payment is made, that is, the period in which the compensation was earned or deemed earned within the meaning of section 3231 (e). For an explanation of the term "compensation" and for provisions relating to when compensation is earned, see the regulations under section 3231 (e) in Part 31 of this chapter (Employment Tax Regulations). The application of the rules set forth in this subdivision may be illustrated by the following example:

Example. M, a calendar-year taxpayer, has $12,000 of net earnings from self-employment for 1973 and during the taxable year is paid $1,000 of wages as defined in section 3121 (a) (see subparagraph (3) (i) of this paragraph) and $1,600 of compensation subject to tax under section 3201 (see subparagraph (3) (iii) of this paragraph). Of the $1,600 of taxable compensation, $1,200 represents compensation for services rendered in 1973 and the balance ($400) represents compensation which pursuant to the provisions of section 3231 (e) is earned or deemed earned in 1972. M's maximum self-employment income for 1973 for purposes of the tax imposed under section 1401 (a), computed as provided in subdivision (ii) of this subparagraph, is $9,800 ($10,800—$1,000), and for purposes of the tax imposed under section 1401 (b) is $8,600 ($9,800—$1,200). However, M may recompute his maximum self-employment income for 1972 for purposes of the tax imposed under section 1401 (b) by taking into account the $400 of compensation which is deemed paid in 1972.

(3) *Meaning of term "wages"*—For the purpose of the computation described in subparagraph (2) of this paragraph, the term "wages" includes:

(i) Wages as defined in section 3121 (a);

(ii) Such remuneration paid to an employee for services covered by—

(*a*) An agreement entered into pursuant to section 218 of the Social Security Act (42 U.S.C. 418), which section provides for extension of the Federal old-age, survivors and disability insurance system to State and local government employees under voluntary agreements between the States and the Secretary of Health, Education, and Welfare (Federal Security Administrator before April 11, 1953), or

(*b*) An agreement entered into pursuant to the provisions of section 3121 (l), relating to coverage of citizens of the United States who are employees of foreign subsidiaries of domestic corporations,

as would be wages under section 3121 (a) if such services constituted employment under section 3121 (b). For an explanation of the term "wages", see the regulations under section 3121 (a) in Part 31 of this chapter (Employment Tax Regulations); and

(iii) Compensation, as defined in section 3231 (e), which is subject to the employee tax imposed by section 3201 or the employee representative tax imposed by section 3211.

(c) *Minimum net earnings from self-employment*—Self-employment income does not include the net earnings from self-employment of an individual when the amount of such earnings for the taxable year is less than $400. Thus, an individual having only $300 of net earnings from self-employment for the taxable year would not have any self-employment income. However, an individual having net earnings from self-employment of $400 or more for the taxable year may, by application of paragraph (b)(2) of this section, have less than $400 of self-employment income for purposes of the tax imposed under section 1401 (a) and the tax imposed under section 1401 (b) or may have self-employment income of $400 or more for purposes of the tax imposed under section 1401 (a) and of less than $400 for purposes of the tax imposed under section 1401 (b). This could occur in a case in which the amount of the individual's net earnings from self-employment is $400 or more for a taxable year and the amount of such net earnings from self-employment plus the amount of wages, as defined in paragraph (b) (3) of this section, paid to him during the taxable year exceed the maximum self-employment income, as set forth in paragraph (b) (1) of this section, for the taxable year. However, the result occurs only if such maximum self-employment income exceeds the amount of such wages. The application of this paragraph may be illustrated by the following example:

Example. For 1973 M, a calendar-year taxpayer, has net earnings from self-employment of $2,000 and wages (as defined in paragraph (b) (3) (i) and (ii) of this section) of $10,500. Since M's net earnings from self-employment plus his wages exceed the maximum self-employment income for 1973 ($10,800), his self-employment income for 1973 is $300 ($10,800—$10,500). If M also had wages, as defined in paragraph (b) (3) (iii) of this section, of $200, his self-employment income would be $300 for purposes of the tax imposed under section 1401(a) and $100 ($10,800—$10,700 ($10,600+$200)) for purposes of the tax imposed under section 1401(b).

For provisions relating to when wages as defined in paragraph (b) (3) (iii) of this section are treated as paid, see paragraph (b) (2) (iii) of this section.

* * * * *

PAR. 10. Section 1.1402(c) is amended by revising paragraphs (1) and (2) of section 1402(c), by revising the historical note, and by adding material following the historical note. These amended and added provisions read as follows:

§ 1.1402 (c) Statutory provisions; definitions; trade or business.

Sec. 1402. *Definitions.* * * *

(c) *Trade or business.* * * *

(1) The performance of the functions of a public office, other than the functions of a public office of a State or a political subdivision thereof with respect to fees received in any period in which the functions are performed in a position compensated solely on a fee basis and in which such functions are not covered under an agreement entered into by such State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act;

(2) The performance of service by an individual as an employee, other than—

(A) Service described in section 3121(b)(14)(B) performed by an individual who has attained the age of 18,

(B) Service described in section 3121(b)(16),

(C) Service described in section 3121(b)(11), (12), or (15) performed in the United States (as defined in section 3121(e)(2)) by a citizen of the United States,

(D) Service described in paragraph (4) of this subsection, and

(E) Service performed by an individual as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis with respect to fees received in any period in which such service is not covered under an agreement entered into by such State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act;

[Sec. 1402(c) as amended by secs. 201(c)(1), (2), and (5), and 205(e), Social Security Amendments 1954 (68 Stat. 1088, 1089, 1092); sec. 201(e)(3) and (f), Social Security Amendments 1956 (70 Stat. 841); sec. 106(b), Social Security Amendments 1960 (74 Stat. 945); secs. 311(b)(1) and (2) and 319(a), Social Security Amendments 1965 (79 Stat. 381, 390); secs. 115(b)(1) and 122(b), Social Security Amendments 1967 (81 Stat. 839, 843)]

Sec. 122. [Social Security Amendments of 1967]. * * *

(c) [Effective dates] * * *.

(2) Notwithstanding the provisions of subsections (a) and (b) of this section, any individual who in 1968 is in a position to which the amendments made by such subsections apply may make an irrevocable election not to have such amendments apply to the fees he receives in 1968 and every year thereafter, if on or before the due date of his income tax return for 1968 (including any extensions thereof) he files with the Secretary of the Treasury or his delegate, in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe, a certificate of election of exemption from such amendments.

[Sec. 122(c)(2), Social Security Amendments 1967 (81 Stat. 844)]

PAR. 11. Section 1.1402(c)–2 is amended to read as follows:

§ 1.1402(c)–2 Public office.

(a) *General rule*—(1) Except as otherwise provided in subparagraph (2) of this paragraph, the performance of the functions of a public office does not constitute a trade or business.

(2) The performance of the functions of a public office of a State or a polictical subdivision thereof by an individual who, in the performance of the functions of such public office, is an employee, as defined in the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code), of such State or political subdivision is not, under certain circumstances, excluded from the term "trade or business" with respect to fees received by such individual after 1967. See paragraph (f) of § 1.1402 (c)–3. Since section 1402 (c) (2) (E) applies to service performed in carrying out the functions of a public office of a State or political subdivision thereof by an individual who, in the performance of such functions, is an employee of such State or political subdivision, the determination of whether service performed by such an individual in such capacity constitutes a trade or business will be made in accordance with the provisions of paragraphs (a) and (f) of § 1.1402 (c)–3. If under § 1.1402 (c)–3 service performed by such an individual in such capacity constitiutes a trade or business, the performance of the service is not excluded from the term "trade or business" under this section. Inasmuch as this subparagraph applies only in respect of service performed by individuals as employees, the performance of the functions of a public office of a State or political subdivision thereof by an individual who, in the performance of the functions of such public office, is not an employee, as defined in the Federal Insurance Contributions Act, does not constitute a trade or business.

(b) *Meaning of public office*—The term "public office" includes any elective or appointive office of the United States or any possession thereof, of the District of Columbia, of a State or its political subdivisions, or of a wholly-owned instrumentality of any one or more of the foregoing. For example, the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a justice of the peace, a county or city attorney, a marshal, a sheriff, a constable, a registrar of deeds, or a notary public performs the functions of a public office.

PAR. 12. Section 1.1402(c)–3 is amended by revising paragraph (a) and by adding a new paragraph (f) immediately after paragraph (e). These amended and added provisions read as follows:

§ 1.1402 (c)–3 Employees.

(a) *General rule*—Generally, the performance of service by an individual as an employee, as defined in the Federal Insurance Contributions Act (chapter 21 of the Internal Revenue Code) does not constitute a trade or business within the meaning of section 1402 (c) and § 1.1402 (c)–1. However, in five cases set forth in paragraphs (b) to (f), inclusive, of this section, the performance of service by an individual is considered to constitute a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1. (As to when an individual is an employee, see section 3121 (d) and (o) and the regulations thereunder in Part 31 of this chapter (Employment Tax Regulations).)

* * * * *

(f) *State and local government employees compensated on fee basis*—(1) *In general.* (i) Section 1402(c)(2)(E) and this paragraph are applicable only with respect to fees received by an individual after 1967 for service performed by him as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis. For purposes of this paragraph, the term "position" includes a public office (see paragraph (b) of § 1.1402(c)–2). If an individual performs service for a State or a political subdivision thereof in more than one position, each position is treated separately for purposes of determining whether the service performed in such position is performed by an employee and whether compensation for service performed in the position is solely on a fee basis.

(ii) If an individual receives fees after 1967 for service performed by him as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis, the service for which such fees are received constitutes a trade or business within the meaning of section 1402(c) and § 1.1402(c)–1 except that if service performed in such position is covered under an agreement entered into by the State and the Secretary of Health, Education, and Welfare pursuant to section 218 of the Social Security Act at the time a fee is received, the service to which such fee relates does not constitute a trade or business. See also paragraph (a) of § 1.1402(c)–2, relating, in part, to the performance of the functions of a public office of a State or a political subdivision thereof by an individual as an employee.

(2) *Election with respect to fees received in 1968*—(i) Any individual who in 1968 receives fees for service as an employee of a State or a political subdivision thereof in a position compensated solely on a fee basis may elect, if the performance of the service for which such fees are received constitutes a trade or business pursuant to the provisions of subparagraph (1) of this paragraph, to have such performance of service treated as excluded from the term "trade or business" for the purpose of the tax on self-employment income, pursuant to the provisions of section 122(c)(2) of the Social Security Amendments of 1967 (as quoted in § 1.1402(c)). Such election shall not be limited to service to which the fees received in 1968 are attributable but must also be applicable to service (if any) in subsequent years which, except for the election, would constitute a trade or business pursuant to the provisions of subparagraph (1) of this paragraph. An election made pursuant to the provisions of this subparagraph is irrevocable.

(ii) The election referred to in subdivision (i) of this subparagraph shall be made by filing a certificate of election of exemption (Form 4415) on or before the due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for the taxable year of the individual making the election which begins in 1968. The certificate of election of exemption shall be filed with an internal revenue office in accordance with the instructions on the certificate.

PAR. 13. The following sections are inserted immediately after § 1.1402(e)–1A.

§ 1.1402 (e)–2A Ministers, members of religious orders and Christian Science practitioners; application for exemption from self-employment tax.

(a) *In general*—(1) Subject to the limitations set forth in subparagraphs

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(2) and (3) of this paragraph, any individual who is (i) a duly ordained, commissioned, or licensed minister of a church or a member of a religious order (other than a member of a religious order who has taken a vow of poverty as a member of such order) or (ii) a Christian Science practitioner may request an exemption from the tax on self-employment income (see §§ 1.1401 and 1.1401–1) with respect to services performed by him in his capacity as a minister or member, or as a Christian Science practitioner, as the case may be. Such a request shall be made by filing an application for exemption on Form 4361 in the manner provided in paragraph (b) of this section and within the time specified in § 1.1402(e)–3A. For provisions relating to the taxable year or years for which an exemption from the tax on self-employment income with respect to service performed by a minister or member or a Christian Science practitioner in his capacity as such is effective, see § 1.1402 (e)–4A. For additional provisions applicable to services performed by individuals referred to in this subparagraph, see paragraph (e) of § 1.1402(c)–3 and § 1.1402(c)–5 relating to ministers and members of religious orders, and paragraphs (a)(3)(ii) and (b) of § 1.1402 (c)–6 relating to Christian Science practitioners.

(2) The application for exemption shall contain, or there shall be filed with such application, a statement to the effect that the individual making application for exemption is conscientiously opposed to, or because of religious principles is opposed to, the acceptance (with respect to services performed by him in his capacity as a minister, member, or Christian Science practitioner) of any public insurance which makes payments in the event of death, disability, old age, or retirement or makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Social Security Act). Thus, ministers, members of religious orders, and Christian Science Practitioners requesting exemption from social security coverage must meet either of two alternative tests: (1) A religious principles test which refers to the institutional principles and discipline of the particular religious denomination to which he belongs, or (2) a conscientious opposition test which refers to the opposition because of religious considerations of individual ministers, members of religious orders, and Christian Science Practitioners (rather than opposition based upon the general conscience of any such individual or individuals). The term "public insurance", as used in section 1402(e) and this paragraph, refers to governmental, as distinguished from private, insurance and does not include insurance carried with a commercial insurance carrier. To be eligible to file an application for exemption on Form 4361, a minister, member, or Christian Science practitioners need not be opposed to the acceptance of all public insurance making payments of this specified type; he must, however, be opposed on religious grounds to the acceptance of any such payment which, in whole or in part, is based on, or measured by, earnings from, services performed by him in his capacity as a minister or member (see § 1.1402(c)–5) or in his capacity as a Christian Science practitioner (see paragraph (b)(2) of § 1.1402(c)–6). For example, a minister performing service in the exercise of his ministry may be eligible to file an application for exemption on Form 4361 even though he is not opposed to the acceptance of benefits under the Social Security Act with respect to service performed by him which is not in the exercise of his ministry.

(3) An exemption from the tax imposed on self-employment income with respect to service performed by a minister, member, or Christian Science practitioner in his capacity as such may not be granted to a minister, member, or practitioner who (in accordance with the provisions of section 1402(e) as in effect prior to amendment by section 115(b)(2) of the Social Security Amendments of 1967 (81 Stat. 839)) filed a valid waiver certificate on Form 2031 electing to have the Federal old-age, survivors, and disability insurance system establish by title II of the Social Security Act extended to service performed by him in the exercise of his ministry or in the exercise of duties required by the order of which he is a member, or in the exercise of his profession as a Christian Science practitioner. For provisions relating to waiver certificates on Form 2031, see §§ 1.1402 (e)(1)–1 through 1.1402(e)(6)–1.

(b) *Application for exemption.* An application for exemption on Form 4361 shall be filed in triplicate with the internal revenue officer or the internal revenue office, as the case may be, designated in the instructions relating to the application for exemption. The application for exemption must be filed within the time prescribed in § 1.1402(e)–3A. If the last original Federal income tax return of an individual to whom paragraph (a) of this section applies which was filed before the expiration of such time limitation for filing an application for exemption shows no liability for tax on self-employment income, such return will be treated as an application for exemption, provided that before [the 60th day after the publication of this section in final regulations] such individual also files a properly executed Form 4361.

(c) *Approval of application for exemption.* The filing of an application for exemption on Form 4361 by a minister, a member of a religious order, or a Christian Science practitioner does not constitute an exemption from the tax on self-employment income with respect to services performed by him in his capacity as a minister, member, or practitioner. The exemption is granted only if the application is approved by an appropriate internal revenue officer. See § 1.1402(e)–4A relating to the period for which an exemption is effective.

§ 1.1402 (e)–3A Time limitation for filing application for exemption.

(a) *General rule* (1) Any individual referred to in paragraph (a) of § 1.1402 (e)–2A who desires an exemption from the tax on self-employment income with respect to service performed by him in his capacity as a minister or member of a religious order or as a Christian Science practitioner must file the application for exemption (Form 4361) prescribed by § 1.1402(e)–2A on or before whichever of the following dates is later:

(i) The due date of the income tax return (see section 6072), including any extension thereof (see section 6081), for his second taxable year ending after 1967, or

(ii) The due date of the income tax return, including any extension thereof, for his second taxable year beginning after 1953 for which he has net earnings from self-employment of $400 or more, any part of which—

(*a*) In the case of a duly ordained, commissioned, or licensed minister of a church, consists of remuneration for service performed in the exercise of his ministry,

(*b*) In the case of a member of a religious order who has not taken a vow of poverty as a member of such order, consists of remuneration for service performed in the exercise of duties required by such order, or

(*c*) In the case of a Christian Science practitioner, consists of remuneration for service performed in the exercise of his profession as a Christian Science practitioner.

See paragraph (c) of this section for provisions relating to the computation of net earnings from self-employment.

(2) If a minister, a member of a religious order, or a Christian Science practitioner derives gross income in a taxable year both from service performed in such capacity and from the conduct of another trade or business, and the deductions allowed by chapter 1 of the Internal Revenue Code which are attributable to the gross income derived from service performed in such capacity equal or exceed the gross income derived from service performed in such capacity, no part of the net earnings from self-employment (computed as prescribed in paragraph (c) of this section) for the taxable year shall be considered as derived from service performed in such capacity.

(3) The application of the rules set forth in subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples:

Example (1). M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1960. During each of two or more taxable years ending before 1968 M has net earnings from self-employment in excess of $400 some part of which is from service performed in the exercise of his ministry. M has not filed an effective waiver certificate on Form 2031 (see paragraph (a)(3) of § 1.1402(e)–2A). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example (2). M, who makes his income tax returns on a calendar year basis, was ordained as a minister in January 1966. M has net earnings of $350 for the taxable year 1966 and has net earnings in excess of $400 for each of his taxable years 1967 and 1968 (some part or all of which is derived from service performed in the exercise of his ministry). M has not filed an effective waiver certificate on Form 2031 (see paragraph (a)(3) of § 1.1402(e)–2A). If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1969 (his second taxable year ending after 1967), or any extension thereof.

Example (3). Assume the same facts as in example (2) except that M has net earnings in excess of $400 for each of his taxable years 1967 and 1969 (but less than $400 in 1968). The application for exemption must be filed on or before the due date of his income tax return for 1969, or any extension thereof.

Example (4). M was ordained as a minister in May 1973. During each of the taxable years 1973 and 1975, M, who makes his income tax returns on a calendar year basis, derives net earnings in excess of $400 from his activities as a minister. M has net earnings of $350 for the taxable year 1974, $200 of which is derived from service performed by him in the exercise of his ministry. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or any extension thereof.

Example (5). M, who was ordained a minister in January 1973, is employed as a toolmaker by the XYZ Corporation for the taxable years 1973 and 1974 and also engages in activities as a minister on weekends. M makes his income tax returns on the basis of a calendar year. During each of the taxable years 1973 and 1974 M receives wages of $14,000 from the XYZ Corporation and derives net earnings of $400 from his activities as a minister. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1974, or any extension thereof. It should be noted that although by reason of section 1402 (b)(1)(G) and (H) no part of the $400 represents "self-employment income", nevertheless the entire $400 constitutes "net earnings from self-employment" for purposes of fulfilling the requirements of section 1402(e)(2).

Example (6). M, who files his income tax returns on a calendar year basis, was ordained as a minister in March 1973. During 1973 he receives $410 for service performed in the exercise of his ministry. In addition to his ministerial services, M is engaged during the year 1973 in a mercantile venture from which he derives net earnings from self-employment in the amount of $4,000. The expenses incurred by him in connection with his ministerial services during 1973 and which are allowable deductions under chapter 1 of the Internal Revenue Code amount to $410. During 1974 and 1975, M has net earnings from self-employment in amounts of $4,600 and $4,800, respectively, and some part of each of these amounts is from the exercise of his ministry. The deductions allowed in each of the years 1974 and 1975 by chapter 1 which are attributable to the gross income derived by M from the exercise of his ministry in each of such years, respectively, do not equal or exceed such gross income in such year. If M desires an exemption from the tax on self-employment income with respect to service performed in the exercise of his ministry, he must file an application for exemption on or before the due date of his income tax return for 1975, or an extension thereof.

(b) *Effect of death*—The right of an individual to file an application for exemption shall cease upon his death. Thus, the surviving spouse, administrator, or executor of a decedent shall not be permitted to file an application for exemption for such decedent.

(c) *Computation of net earnings*—(1) *Taxable years ending before 1968*—For purposes of this section net earnings from self-employment for taxable years ending before 1968 shall be determined without regard to the fact that, without an election under section 1402(e) (as in effect prior to amendment by section 115(b)(2) of the Social Security Amendments of 1967, see § 1.1402(e)–1A), the performance of services by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, or the performance of service by an individual in the exercise of his profession as a Christian Science practitioner, does not constitute a trade or business for purposes of the tax on self-employment income.

(2) *Taxable years ending after 1967.* For purposes of this section and § 1.1402 (e)–4A net earnings from self-employment for taxable years ending after 1967 shall be determined without regard to section 1402(c)(4) and (5). See § 1.1402 (c)–3(e)(2) and § 1.1402(c)–5 relating to ministers and members of religious orders, and paragraphs (a)(3)(ii) and (b) of § 1.1402(c)–6 relating to Christian Science practitioners.

§ 1.1402(e)–4A Period for which exemption is effective.

(a) *In general.* If an application for exemption on Form 4361—

(1) Is filed by a minister, a member of a religious order, or a Christian Science practitioner eligible to file such an application (see particularly paragraph (a)(2) and (3) of § 1.1402(e)–2A), and

(2) Is approved (see paragraph (c) of § 1.1402(e)–2A),

the exemption from the tax on self-employment income shall be effective for the first taxable year ending after 1967 for which such minister, member, or practitioner has net earnings from self-employment of $400 or more any part of which was derived from the performance of service in his capacity as a minister, member, or practitioner, and for all succeeding taxable years. See, however, paragraphs (b)(1)(ii) and (d)(2) of § 1.1402(c)–5 relating to ministers and members of religious orders and paragraph (b)(2) of § 1.1402(c)–6 relating to Christian Science practitioners.

(b) *Exemption irrevocable.* An exemption granted to a minister, a member of a religious order, or a Christian Science practitioner pursuant to the provisions of section 1402(e) is irrevocable.

[FR Doc.73–13260 Filed 7–2–73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

PROPOSED TRANSFER OF NINE DERIVATIVES OF BARBITURIC ACID AND THEIR SALTS FROM SCHEDULE III TO SCHEDULE II

Extension of Comment Period and Correction

A notice was published in the FEDERAL REGISTER on May 31, 1973 (28 FR 14289) proposing the transfer of amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and their salts, from Schedule III to Schedule II of the Controlled Substances Act.

Due to a delay in publication of the notice, less than 30 days was provided during which interested persons could comment. In order to correct this situation, the Director hereby extends the time for filing comments to July 3, 1973. All comments, objections, or requests for hearings must be received no later than July 3, 1973. In the event a hearing is held, the date of the hearing will be July 24, 1973, at 10 a.m., in Room 1210, 1405 Eye Street, NW., Washington, D.C. 20537.

In addition, a typographical error appeared in the notice of May 31, 1973. As published, at line 4 of § 308.13(c)(1) (38 FR 14289), "phentobarbital" is listed as one of the substances included in the proposal. The word should be "pentobarbital", and § 308.13(c)(1) is hereby corrected accordingly.

Dated: June 22, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73–13450 Filed 7–2–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1046]

MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MILK ORDER

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rulemaking was issued by the Deputy Administrator, Regulatory Programs, on June 8, 1973, with respect to a proposed suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Interested persons were invited to submit

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views, data or arguments to the Hearing Clerk not later than June 18, 1973, in connection with the proposed suspension.

The provision proposed to be suspended is paragraph (h) in § 1046.71. The proposed suspension would make inoperative for the months of June and July those provisions of the order that provide for the accumulation of money due producers under the "takeout-payback" plan. Under this plan, money withheld from the pool during April through July (40 cents per hundredweight in each month) is paid out to producers for deliveries of milk during September through December (one-fourth of the total in each month).

The suspension was requested by Dairymen, Inc., a cooperative association supplying the market. Proponent stated that the primary basis for the request was to improve the relationship of the uniform price under the order to uniform prices under surrounding order markets and to the pay prices of nearby manufacturing plants during the remaining "take-out" months of June and July 1973.

Opposition to the suspension was filed by two other cooperatives marketing producer milk under the Louisville-Lexington-Evansville order and by a handler regulated by the order.

In the data, views and arguments filed in opposition to the proposed suspension, it is argued that changes in the "takeout-payback" plan should not be made during the months the plan is in operation. It is pointed out that the plan has been in operation for many years and producers have established their production pattern to conform to the plan. Since three of the four "takeout" months will have passed before producers are advised of the change, it is stated that any immediate effect of the suspension would be limited to the month of July.

It is further argued that, although the amount of the "takeout" in the Ohio Valley market for several years has been less than that in the Lousiville-Lexington-Evansville market, there has been little shifting of producers between markets during past periods and that the need for new hauling arrangements, new health inspections, etc., make it difficult for a producer to shift.

It is further alleged that few, if any producers, have shifted to manufacturing plants, but that, if the suspension is effectuated and the uniform price in the fall is reduced 20 cents as a result, there might be an incentive for some producers to shift at that time in view of the anticipated short milk supply.

On the basis of all facts available to the Department, including the written views, data and arguments submitted by interested parties, it is concluded that suspension of the provision would not be appropriate.

It is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on June 8, 1973, should be and is hereby terminated.

Signed at Washington, D.C., on June 27, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-13485 Filed 7-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NW-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation regulations that would alter the description of the Medford, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before August 2, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108.

The alteration to the Transition Area will provide additional controlled airspace contiguous to the Klamath Falls and Eugene transition areas in order to permit vectoring of enroute aircraft in that area.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Medford, Oregon Transition Area, as amended, (38 FR 13730) is further amended as follows:

MEDFORD, OREGON

That airspace extending upward from 700 feet above the surface within 7-miles northeast and 5-miles southwest of the Medford ILS localizer northwest course extending from 3-miles northwest of the Pumic LOM (Latitude 42°27'03.8" N., Longitude 122°-54'44.1" W), to 24 miles northwest of the LOM; within 3.5 miles each side of the Medford ILS localizer southeast course extending from the LOM to 24 miles southeast of the LOM; that airspace extending upward from 1200' above the surface, bounded on the east by V-452, on the southeast by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by V-122, on the west by V-23; that airspace southeast of Medford bounded on the north by the south edge of V-122, on the east by the 40 mile-arc centered on Klamath Falls VORTAC, on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-27E; and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial extending from the west edge of V23-E to the east edge of V-27.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transporation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on June 22, 1973.

C. B. WALK, Jr.
Director, Northwest Region.

[FR Doc.73-13402 Filed 7-2-73;8:45 am]

Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 21]

STANDARD TIME ZONE BOUNDARY IN THE STATE OF MICHIGAN

Withdrawal of Proposed Rule Making

In notice No. 73-4, published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10013), the Department of Transportation instituted a proceeding to determine whether § 71.5 of title 49 of the Code of Federal Regulations should be amended to redefine the boundary line between the eastern and central time zones so as to include Berrien, Cass and Van Buren Counties, Michigan, in the central zone. The institution of the proceeding was based upon petitions of the governing body of each of the three counties. The notice stated that consideration would be given to all comments received on or before June 1, 1973.

The Uniform Time Act of 1966 authorizes the Secretary of Transportation to modify the boundaries of time zones "having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

Public hearings were conducted in Berrien Springs, Cassopolis, and Paw Paw, Michigan, on May 14, 15 and 16, 1973, respectively, to inform residents of the three counties of the issues involved, and obtain their views concerning redefinition of the time zone boundary.

From 1969 to 1972, the State of Michigan exercised its option under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. § 206a) and exempted itself from the observance of daylight time. Thus, eastern standard ("slow") time was observed throughout the year in Michigan. A statewide referendum held in 1972 resulted in repeal of the exemption in Michigan, and the State now observes daylight time for a six-month period each year.

GEOGRAPHIC FACTORS

Berrien, Cass and Van Buren are contiguous counties comprising the extreme southwest corner of Michigan.

Berrien County is bounded on the west by Lake Michigan, on the north by Van Buren County, on the east by Van Buren and Cass Counties, and on the south by La Porte and St. Joseph Counties, Indiana. Cass County is bounded on the north by Van Buren County, on the east by St. Joseph County, Michigan, and on the south by St. Joseph and Elkhart Counties, Indiana. Van Buren County is bounded on the north by Allegan County, on the east by Kalamazoo County, and on the west by Berrien County and Lake Michigan.

La Porte County is located in the central time zone portion of Indiana, and St. Joseph and Elkhart Counties are located in the eastern time zone portion of that State. Under a 1972 amendment to the Uniform Time Act, Indiana has exempted from observance of daylight time only that portion of the State in the eastern time zone.

ORAL HEARINGS

Approximately 300 people attended the Berrien Springs hearing, of whom 90 percent favored relocation to the central time zone. Of about 150 people attending the Cass hearing, 70 percent expressed such desire, while opinion was evenly divided among the 200 people in attendance at Paw Paw.

Those favoring relocation voiced strenuous opposition to observance of eastern daylight time, based primarily on its asserted disruption of agricultural pursuits and late sunset during summer months. Economic ties to northern Indiana and the Chicago, Illinois, area also were argued.

During the Paw Paw hearing, two Van Buren County Commissioners and the County Clerk stated that they originally voted to petition this Department for the time zone change in the belief that all western Michigan counties would be included in any relocation. In view of the fact that only three counties have petitioned, they voiced opposition to the creation of a "three-county island". Three motor common carriers stated their scheduling would be severely disrupted were the three counties separated from adjacent areas of Michigan. Several educators noted that certain Van Buren school districts are operated commonly with those of neighboring Allegan and Kalamazoo Counties, and severe disruptions would occur if Van Buren were in a time zone different from that of the others. Two Postal Service employees stated that all mail to and from the three involved counties is handled through Kalamazoo, and being relocated to a time zone one hour earlier than Kalamazoo would delay outbound afternoon mail by a full day. This has been confirmed by the Kalamazoo Superintendent of Mails and the Grand Rapids District Postal Supervisor, each of whom states that relocation of the time zone boundary would cause serious problems to the Postal Service.

WRITTEN COMMENTS

Numerous written comments have been received. Generally, those favoring relocation of the time zone boundary reiterate the statements presented at the oral hearings by the proponents of change. The following chart summarizes these comments.

County	Population (1970)	Oppose Relocation	Favor Relocation	Percent Responding
Berrien	163,875	553	1,973	1.6
Cass	43,312	61	121	0.4
Van Buren	56,173	209	26	0.4

Additionally, about 1,000 comments were received stating preference for eastern standard ("slow") time year around, but not favoring or opposing the boundary relocation. These comments have not been considered because observance of daylight time in Michigan is a decision of the State itself, not of this Department.

The Michigan State Department of Commerce opposes placement of the three counties in the central time zone, stating that such action would cause confusion and inefficiency. The Department of Commerce notes that 5.3 percent of the three-county total earnings is attributable to farming, and 50.4 percent results from manufacturing. It also asserts that the economy and industry of the three-county area are more closely related to and dependent upon those of Michigan than any other area.

Clark Equipment Company, a major manufacturer with plants at three Berrien County locations, with 4,500 employees, and other plants at six Michigan cities which would in any event remain in the eastern time zone, states that its interplant production, transportation and communications would suffer markedly were its Berrien County plants in a different time zone. Similar problems would exist with respect to this manufacturer's relationships with its suppliers. A study was submitted in which Clark Equipment Company determined relocation of the boundary would cost it $120,000 annually for communications alone.

Whirlpool Corporation, with administrative offices and a manufacturing plant in Berrien County, employing 3,500 people, and related manufacturing plants in three Ohio (eastern time zone) locations, states that a severe adverse effect upon its operations would result from relocation of Berrien County to the central time zone. Its communications with five sales branches, 24 distributors and 18,000 independent dealers in the eastern time zone would be impaired; interplant shipments would be disrupted; mail service (80,000 pieces of mail dispatched annually) would suffer; and employees living outside the three-county area would be inconvenienced.

Many residents of the area who are Seventh Day Adventists express concern that early sunset during winter months under central standard time would create serious problems in sabbath (sunset Friday to sunset Saturday) observance. They point out that they would have to leave their places of employment by 3:30 p.m. to be home by 4:15 p.m. for the commencement of the sabbath.

CONCLUSIONS

Consideration of the "convenience of commerce" leads only to the conclusion that the proposed time zone boundary relocation must be denied. The opposition of the Michigan State Department of Commerce and the two major manufacturers in the area concerned, and the potential disruption of postal service, is persuasive. It is recognized that a substantial majority of those residents of Berrien and Cass Counties appearing at the hearings and filing written comments favor the change, but these collectively represent less than two percent of the population of Berrien County and less than one percent of the population of Cass County. Van Buren County residents expressing views, while less than one percent of that county's population, oppose, by a clear majority, the proposed relocation.

Clearly, there does not exist justification to place Van Buren County in the central time zone, especially in light of its common borders and school districts with Allegan and Kalamazoo Counties.

With respect to Berrien and Cass Counties, it is apparent that the expressed desires of one percent of their combined populations favoring relocation cannot overcome the showing of serious adverse commercial effect which would result from the proposed time zone boundary change.

In view of the foregoing, it does not appear to the Department that the convenience of commerce would be served by making any change in the present time zone boundary. Accordingly, the notice of proposed rulemaking published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10013), is hereby withdrawn.

This action is taken under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966.

(15 U.S.C. 260-67), section 6(e)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and section 1.59(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a))

Issued in Washington, D.C., on June 25, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-13405 Filed 7-2-73;8:45 am]

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CIVIL AERONAUTICS BOARD

[14 CFR Parts 288, 399]

[Docket No. 25594; EDR-249A, PSDR-35A]

MILITARY TRANSPORTATION

Proposed Establishment of Minimum Rates; Extension of Time for Comments

The Board, by circulation of notice of proposed rulemaking EDR-249/PSDR-35, dated June 5, 1973, (published at 38 FR 15368, June 11, 1973), gave notice that it had under consideration the adoption of amendments to Part 288 of the Economic Regulations and Part 399, Policy Statements, (14 CFR Parts 288 and 399) so as to establish retroactive and prospective changes in certain MAC minimum rates. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before June 27, 1973.

The Department of Defense has requested an extension of the time for filing comments until July 9, 1973. The request states that the additional time will be necessary because of the very limited time available for analysis of EDR-249 and obtaining of the necessary coordinations and approvals within the Department of Defense.

The undersigned finds that good cause has been shown for an extension of time for filing comments. However, an extension to the requested date is not warranted. It is believed that an extension of time to July 5, 1973, should be sufficient to enable interested parties to submit comments, while at the same time allowing the Board to proceed expeditiously in this matter.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 5, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated: June 28, 1973.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[FR Doc.73-13483 Filed 7-2-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

COST-EFFECTIVENESS

Proposed Analysis Guidelines

Notice is hereby given that the Environmental Protection Agency proposes to amend Part 35 of Title 40 to include guidelines for cost-effectiveness analysis, pursuant to section 212(2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

Section 212(2)(C) of the Act requires the publication of guidelines for the evaluation of treatment works including a procedure for cost-effectiveness analysis. The guidelines are required to be revised no less often than annually. The Act requires that works to implement section 201 of the Act have the most economical cost over the estimated life of such works. Any application for a treatment works construction grant must contain a cost-effectiveness analysis that demonstrates that the proposed treatment works is the most cost efficient alternative.

These proposed guidelines represent an initial effort to develop broad standard procedures for cost-effectiveness analysis pursuant to the Act. These proposed guidelines apply to both the development of waste treatment management system plans and the selection of the treatment works which will receive Federal grant assistance pursuant to the construction grant regulations (40 CFR Part 35). The cost-effectiveness analysis guidelines will be expanded at a later date to include more detailed procedures and additional guidance on wastewater flow projections, waste treatment management system planning, treatment process selection, and scheduling of construction.

Interested parties are encouraged to submit written comments, views, or data concerning these proposed Guidelines to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before August 2, 1973 will be considered prior to promulgation of final guidelines on cost-effectiveness analysis.

ROBERT W. FRI,
Acting Administrator.

JUNE 28, 1973.

APPENDIX A

COST EFFECTIVENESS ANALYSIS GUIDELINES

a. *Purpose.* These guidlines provide a basic methodology for determining the most cost-effective waste treatment management system or the most cost-effective component part of any waste treatment management system.

b. *Authority.* The guidelines contained herein are provided pursuant to Section 212(2)(C) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

c. *Applicability.* These guidelines apply to the development of plans for and the selection of component parts of a waste treatment management system for which a Federal grant is awarded under 40 CFR Part 35.

d. *Definitions.* Definitions of terms used in these guidelines are as follows:

(1) *Waste Treatment Management System.* A system used to restore the integrity of the Nation's waters. Waste treatment management system is used synonymously with "treatment works" as defined in 40 CFR 35.905-15.

(2) *Cost-Effectiveness Analysis.* An analysis performed to determine which waste treatment management system or component part thereof will result in the minimum total resources costs over time to meet the Federal, State or local requirements.

(3) *Planning Period.* The period over which a waste treatment management system is evaluated for cost-effectiveness. The planning period commences with the initial operation of the system.

(4) *Service Life.* The period of time during which a component of a waste treatment management system will be capable of performing a function.

(5) *Useful Life.* The period of time during which a component of a waste treatment management system will be required to perform a function which is necessary to the system's operation.

e. *Identification, Selection and Screening of Alternatives.* (1) *Identification of Alternatives.* All feasible alternative waste management system shall be initially identified. These alternatives should include systems discharging to receiving waters, systems using land or subsurface disposal techniques, and systems employing the reuse of wastewater. In identifying alternatives, the possibility of staged development of the system shall be considered.

(2) *Screening of Alternatives.* The identified alternatives shall be systematically screened to define those capable of meeting the applicable Federal, State and local criteria.

(3) *Selection of Alternatives.* The screened alternatives shall be initially analyzed to determine which systems have cost-effective potential and which should be fully evaluated according to the cost-effectiveness analysis procedures established in these guidelines.

(4) *Extent of Effort.* The extent of effort and the level of sophistication used in the cost-effectiveness analysis should reflect the size and importance of the project.

f. *Cost-Effective Analysis Procedures.* (1) *Method of Analysis.* The resources costs shall be evaluated through the use of opportunity costs. For those resources that can be expressed in monetary terms, the interest (discount) rate established in section (f)(5) will be used. Monetary costs shall be calculated in terms of present worth values or equivalent annual values over the planning period as defined in section (f)(2). Non-monetary factors (e.g., social and environmental) shall be accounted for descriptively in the analysis in order to determine their significance and impact.

The most cost-effective alternative shall be the waste treatment management system determined from the analysis to have the lowest present worth and/or equivalent annual value without overriding adverse non-monetary costs and to realize at least identical minimum benefits in terms of applicable Federal, State and local standards for effluent quality, water quality, water reuse and/or land and subsurface disposal.

(2) *Planning Period.* The planning period for the cost-effectiveness analysis shall be 20 years.

(3) *Elements of Cost.* The costs to be considered shall include the total values of the resources attributable to the waste treatment management system or to one of its component parts. To determine these values, all monies necessary for capital construction costs and operation and maintenance costs shall be identified.

Capital construction costs used in a cost-effectiveness analysis shall include all contractors' costs of construction including overhead and profit; costs of land, relocation, and right-of-way and easement acquisition; design engineering, field exploration, and engineering services during construction; administrative and legal services including costs of bond sales; startup costs such as operator training; and interest during construction. Contingency allowances consistent with the level of complexity and detail of the cost estimates shall be included.

Annual costs for operation and maintenance (including routine replacement of equipment and equipment parts) shall be included in the cost-effectiveness analysis.

These costs shall be adequate to ensure effective and dependable operation during the planning period for the system. Annual costs shall be divided between fixed annual costs and costs which would be dependent on the annual quantity of wastewater collected and treated.

(4) *Prices.* The various components of cost shall be calculated on the basis of market prices prevailing at the time of the cost-effectiveness analysis. Inflation of wages and prices shall not be considered in the analysis. The implied assumption is that all prices involved will tend to change over time by approximately the same percentage. Thus, the results of the cost effectiveness analysis will not be affected by changes in the general level of prices.

Exceptions to the foregoing can be made if there is justification for expecting significant changes in the relative prices of certain items during the planning period. If such cases are identified, the expected change in these prices should be made to reflect their future relative deviation from the general price level.

(5) *Interest (Discount) Rate.* A rate of 7 percent per year will be used for the cost-effectiveness analysis until the promulgation of the Water Resources Council's "Proposed Principles and Standards for Planning Water and Related Land Resources." After promulgation of the above regulation, the rate established for water resource projects shall be used for the cost-effectiveness analysis.

(6) *Interest During Construction.* In cases where capital expenditures can be expected to be fairly uniform during the construction period, interest during construction may be calculated as $I \times \frac{1}{2} P \times C$ where:

I = the interest (discount) rate in section f(5)
P = the construction period in years
C = the total capital expenditures

In cases when expenditures will not be uniform, or when the construction period will be greater than three years, interest during construction shall be calculated on a year-by-year basis.

(7) *Service Life.* The service life of treatment works for a cost-effectiveness analysis shall be as follows:

Land	Permanent
Structures (includes plant buildings, concrete process tankage, basins, etc.; sewage collection and conveyance pipelines; lift station structures; tunnels; outfalls)	30–50 years
Process equipment (includes major process equipment such as clarifier mechanism, vacuum filters, etc.; steel process tankage and chemical storage facilities; electrical generating facilities on standby service only)	15–30 years
Auxiliary equipment (includes instruments and control facilities; sewage pumps and electric motors; mechanical equipment such as compressors, aeration systems, centifuges, chlorinators, etc.; electrical generating facilities on regular service)	10–15 years

Other service life periods will be acceptable when sufficient justification can be provided.

Where a system or a component is for interim service and the anticipated useful life is less than the service life, the useful life shall be substituted for the service life of the facility in the analysis.

(8) *Salvage Value.* Land for treatment works, including land used as part of the treatment process or for ultimate disposal of residues, shall be assumed to have a salvage value at the end of the planning period equal to its prevailing market value at the time of the analysis. Right-of-way and easements shall be considered to have a salvage value not greater than the prevailing market value at the time of the analysis.

Structures will be assumed to have a salvage value if there is a use for such structures at the end of the planning period. In this case, salvage value shall be estimated using straightline depreciation during the service life of the treatment works.

For phased additions of process equipment and auxiliary equipment, salvage value at the end of the planning period may be estimated under the same conditions and on the same basis as described above for structures.

When the anticipated useful life of a facility is less than 20 years (for analysis of interim facilities), salvage value can be claimed for equipment where it can be clearly demonstrated that a specific market or reuse opportunity will exist.

[FR Doc.73-13508 Filed 7-2-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules

Environmental Protection Agency regulations in 40 CFR Part 51 required States to submit certain compliance schedules by February 15, 1973, as part of the requirements for completion of State implementation plans for the attainment and maintenance of national air quality standards under section 110 of the Clean Air Act. Compliance schedules establish a date or dates for the completion of specified actions toward compliance with applicable emission control regulations. Compliance schedules establishing adequate increments of progress were required to be submitted by February 15 where the final date for compliance, as previously approved or promulgated in the plan, is later than January 31, 1974, and the schedule extends for more than one year from the date of its adoption.

The Administrator is required by section 110 of the Act to approve or disapprove any portion of an implementation plan submitted by a State within four months of its submittal. Where the Administrator determines that a State plan or portion thereof does not meet the requirements of the Act and 40 CFR Part 51, he is directed by section 110(c) of the Act to propose and subsequently promulgate regulations setting forth a substitute implementation plan or portion thereof.

Set forth below is a substitute regulation proposed to correct deficiencies where compliance schedule portions of the Illinois implementation plan were disapproved. The following proposal was to have been included with similar proposals published in the FEDERAL REGISTER on June 20, 1973, but was omitted through an oversight.

The proposed schedule is categorical in nature and is consistent with the previously approved or promulgated final compliance dates and ambient air quality attainment dates in the plan. The schedule is based upon technical data available to the Administrator. The increments of progress generally are those specified in § 51.15(c) and § 51.1(q) as being required.

This schedule relating to particulate emissions from fuel-burning sources would require each source to notify the Administrator whether it intends to meet the applicable emission limitation through stack gas cleaning or fuel switching. If the source elects to use stack gas cleaning, a schedule is specified for the installation of necessary control equipment. If the source elects to meet the emission limitation by fuel switching, a schedule is specified for contracting for delivery of low ash fuel and for making any necessary boiler modifications. In this regard, it should be noted that a contract to provide fuel on an "as available" basis will not satisfy the requirements for contracting.

This proposal amends the June 20, 1973, proposal by revising § 52.730 (b)(1) to add the Illinois particulate regulations. No other part of that proposal is affected by this notice of proposed rule making. However, the provisions in § 52.730(b)(3) of the earlier proposal, concerning submission of alternative schedules and related matters, would be applicable to the schedule proposed herein as well as those proposed on June 20, 1973.

A public hearing will be held on the proposed compliance schedule in order to provide the general public the fullest opportunity to comment. A public hearing will be held in accordance with the notice of public hearing published in this issue of the FEDERAL REGISTER and at the date, time, and place specified therein.

Interested persons may participate in this rule making by submitting written comments in triplicate to the Region V Office at the following address: 1 North Wacker Drive, Chicago, Illinois 60606, Attn: Mr. David Kee. All comments received not later than August 2, 1973 will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. All comments received, as well as copies of the applicable implementation plan, will be available for inspection during normal business hours at the Regional Office.

This notice of proposed rule making is issued under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart O—Illinois

1. Section 52.730 is proposed to be amended by revising paragraph (b)(1) and by adding subparagraph (2)(iv) as follows:

§ 52.730 Compliance schedules.

• • • • • •

(b) Federal compliance schedules. (1) Except as provided in subparagraph (3)

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of this paragraph, the owner or operator of any stationary source subject to the following emission limiting regulations in the Illinois implementation plan shall comply with the applicable compliance schedule in paragraph (b)(2) of this section: Illinois Air Pollution Control Regulations Rule 203(d)(2), 203(d)(6)(B)(ii)(bb), 203(g)(1)(B), 203(g)(2), 203(g)(3), 203(g)(4), 204(c)(1)(A), 204(c)(2), 204(d) and 204(e).

(2) • • •

(iv)(*a*) The owner or operator of any fuel-burning facility subject to the requirements of Illinois Air Pollution Control Regulations Rule 203(g)(1)(B), 203(g)(2), 203(g)(3) and 203(g)(4) shall notify the Administrator, no later than September 15, 1973, of his intent to utilize either low ash fuel or a stack gas cleaning system to meet these requirements.

(*b*) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(*a*) of this section who elects to utilize low ash fuel shall be subject to the following compliance schedule:

(*1*) October 15, 1973—submit to the Administrator a projection of the types and amount of fuel to be burned on and after May 30, 1975, as well as a statement as to whether boiler modifications will be required. If boiler modifications are required, final plans for such modification must be submitted.

(*2*) December 31, 1974—sign contracts with fuel suppliers for projected fuel requirements.

(*3*) February 15, 1974—let contracts for necessary boiler modifications, if applicable.

(*4*) June 15, 1974—initiate on-site modification, if applicable.

(*5*) March 31, 1975—complete on-site modifications, if applicable.

(*6*) May 30, 1975—final compliance with the emission limitation of Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*c*) Any owner or operator of a stationary source subject to paragraph (b)(2)(iv)(*a*) of this section who elects to utilize a stack gas cleaning system shall be subject to the following compliance schedule:

(*1*) January 15, 1974—let necessary contracts for construction.

(*2*) April 1, 1974—initiate on-site construction.

(*3*) April 1, 1975—complete on-site construction.

(*4*) May 30, 1975—complete shakedown operations and performance tests on source, submit performance test results to the Administrator; achieve full compliance with Rule 203(g)(1)(B), 203(g)(2), 203(g)(3), and 203(g)(4).

(*5*) Ten days prior to conduct of the required performance test, give notice of such test to the Administrator to afford him the opportunity to have an observer present.

[FR Doc.73-13547 Filed 7-2-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[73-863]

FEDERAL SAVINGS AND LOAN SYSTEM

Give-Aways

JUNE 27, 1973.

The Federal Home Loan Bank Board considers it advisable to amend paragraph (a) of § 545.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.5(a)) by adding a new alternative provision under which that section could become applicable to Federal savings and loan associations. The give-away prohibitions of said section would not be changed by the proposed amendment.

Presently, said paragraph (a) provides that § 545.5 becomes applicable to a Federal association in a particular State only when all of the following conditions have been met: (1) Such Federal association must be doing business in said State; (2) said State must have in effect a statute authorizing the imposition of regulatory restrictions on domestic associations which are equivalent to the prohibition set forth in paragraph (b) of § 545.5, if, during the period of any such restriction, Federal associations doing business in such State are not permitted to use the subject matter of such restriction to a greater extent than domestic associations of such State are permitted to do pursuant to regulations implementing such statute; and (3) such State statute must have been implemented by a regulation imposing the above-mentioned type of restrictions on domestic associations.

Under the proposed amendments to paragraph (a) of § 545.5, the prohibitions of that section also would become applicable if "the home office of such association is located in a State in which there is in effect a statutory or regulatory restriction or prohibition on domestic associations, commercial banks, mutual savings banks and similar financial institutions of such State equivalent to that imposed on Federal associations by paragraph (b) of this section". Paragraph (b), when "triggered", prohibits Federal associations from conditioning the distribution of a give-away on the recipient's possessing, opening, or adding to a savings account, or maintaining a minimum balance therein.

The proposed amendment is desirable because, under the existing regulation, the adoption by a State of regulatory restrictions on give-aways by domestic associations equivalent to the prohibition set forth in paragraph (b) of § 545.5 is insufficient to "trigger" the operation of the prohibitions on give-aways by Federal associations. Such State regulations must, in addition, be adopted pursuant to a statute of such State which specifically provides that such regulations may be imposed only if, during the effective period of any such State regulations, Federal associations doing business in such State will not be permitted to use the subject matter of such State regulations to a greater extent than domestic associations of such State. State regulatory restrictions equivalent to the prohibition set forth in paragraph (b) of § 545.5 adopted pursuant to a general State statute which authorizes, among other things, the regulation of give-aways by domestic associations presently are not sufficient to "trigger" the prohibitions on give-aways by Federal associations under § 545.5. Under the proposal, such equivalent State regulatory restrictions adopted pursuant to such a general statute and imposed upon domestic associations, commercial banks, mutual savings banks and similar financial institutions would "trigger" the prohibitions of § 545.5. Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said § 545.5 by redesignating subparagraphs (1), (2), and (3) of paragraph (a) thereof as subdivisions (i), (ii), and (iii) of new subparagraph (1) of said paragraph (a) and by adding a new subparagraph (2) to said paragraph (a), to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, N.W., Washington, D.C., 20552, by July 27, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.5 Give-aways.

(a) *Scope of section.* The provisions of this section shall be applicable to a Federal association when, and only when, either—

(1)(i) Such association is doing business in a State hereinafter referred to in paragraph (a)(1) of this section, (ii) there is in effect a statutory provision of such State authorizing a specified official of such State to impose on domestic associations of such State, by regulation, a restriction or prohibition equivalent to that imposed on Federal associations by paragraph (b) of this section, if, during the period of any such restriction or prohibition, Federal associations doing business in such State are not permitted to use the subject matter of such restriction or prohibition to a greater extent that domestic associations of such State are permitted to do pursuant to such official's regulations, and (iii) there is in effect a regulation of such official, pursuant to such statute, imposing such a restriction or prohibition as is hereinbefore referred to in this paragraph (a)(1) of this section; or

(2) The home office of such association is located in a State in which there is in effect a statutory or regulatory restriction or prohibition on domestic associations, commercial banks, mutual savings banks and similar financial institutions of such State equivalent to that imposed on Federal associations by paragraph (b) of this section.

Nothing in this section shall impose on any Federal association any restriction or prohibition to which such association would not be subject under statute or regulation of such State, if such association were a domestic association of such State.

• • • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.73-13505 Filed 7-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10246; File No. S7-484]

RECIPROCAL PORTFOLIO BROKERAGE PRACTICES

Proposal To Prohibit Certain Practices

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b10-10 (17 CFR 240.15b10-10) under the Securities Exchange Act of 1934 (the "Act"). Section 15(b)(10) of the Act authorizes the Commission to adopt rules for those registered broker-dealers who are not members of a registered national securities association[1] ("nonmember broker-dealers"), which are designed " • • • to promote just and equitable principles of trade, to promote safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market." Proposed Rule 15b10-10 is intended to prohibit certain reciprocal brokerage practices by nonmember broker-dealers.

For a number of years, the Commission has been concerned about the widespread practice of investment company managers using portfolio brokerage of mutual funds to reward broker-dealers for sales of fund shares. In its February 2, 1972 Statement on the Future Structure of the Securities Markets (FEDERAL REGISTER of March 14, 1972, at 37 FR 5236) the Commission announced its conclusions concerning its extensive studies of the practice and urged the NASD to initiate measures designed to prevent such practices by its members. Subsequently, the NASD filed with the Commission proposed amendments to its Rules of Fair Practice prohibiting these reciprocal practices and, on May 14, 1973, the Commission announced that it had reviewed and did not disapprove the amendments.[2]

Accordingly, proposed Rule 15b10-10 (which is comparable to the NASD's new subsection (k) under section 26 of Article III of its Rules of Fair Practice) is intended to prohibit nonmember broker-dealers from favoring or disfavoring the distribution of shares of open-end investment companies on the basis of "brokerage commissions"[3] received, soliciting or making promises of an amount or percentage of brokerage commissions in connection with the distribution of such investment company shares and seeking orders for the execution of portfolio transactions on the basis of their sales of fund shares.[4] As proposed the rule would not, by its terms, apply to possible reciprocal brokerage practices in connection with the distribution of shares of certain types of investment companies, such as closed-end funds, variable annuities, and variable life separate accounts.[5] The Commission has, however, indicated that the NASD should take appropriate steps to deal with any similar problems as to closed-end companies and to give early consideration to the questiton of whether or not parallel regulatory measures should be adopted with respect to variable annuities and variable life separate accounts as well. The Commission will consider changing Rule 15b10-10 to conform to any changes which may be made by the NASD in its rule.

The Commission also proposes to amend Rule 15b10-1 (17 CFR 240.15b10-1) under the Act to provide that the definitions in that rule apply to all rules included under the 15b10 rule series unless a separate definition of the same term is provided in a particular rule. Thus, if Rule 15b10-10 is adopted, the pertinent definitions for that rule would be found in the Act, in Rule 15b10-1, as amended, or in Rule 15b10-10.

TEXT OF PROPOSED RULE AND AMENDED RULE

I. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(10) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adopting § 240.15b10-10 and amending § 240.15b10-1 as follows:

§ 240.15b10-10 Execution of investment company portfolio transactions

(a) No nonmember broker-dealer shall, directly or indirectly, favor or disfavor the distribution of shares of any open-end investment company on the basis of brokerage commissions received or expected by such nonmember from any source, including such investment company, or any covered account.

(b) No nonmember broker-dealer shall, directly or indirectly, demand, require, or solicit an offer or promise of an amount or percentage of brokerage commissions from any source in connection with, or as a condition to, the sale of shares of an open-end investment company.

(c) No nonmember broker-dealer shall, directly or indirectly, offer or promise to another broker-dealer, or request or arrange for the direction to any broker-dealer of, an amount or percentage of brokerage commissions from any source as an inducement or reward for the sale of shares of an open-end investment company.

(d) No nonmember broker-dealer shall circulate any information regarding the amount or level of brokerage commissions received by the nonmember from any investment company or covered account to other than management personnel who are required, in the overall management of the nonmember's business, to have access to such information.

(e) Nothing herein shall be deemed to prohibit the execution of portfolio transactions of any open-end investment company or covered account by nonmember broker-dealers who also sell shares of such investment company: *Provided, however,* That such nonmembers shall seek orders for execution on the basis of

[1] The National Association of Securities Dealers, Inc. ("NASD") is the only such association registered with the Commission under Section 15A of the Act.

[2] See Securities Exchange Act Release No. 10147. The NASD's new provisions are presently scheduled to become effective on July 15, 1973.

[3] Under the definition in proposed Rule 15b10-10, this term would not be limited to commissions on agency transactions. It would also include all forms of compensation paid in connection with securities transactions (other than the sale of the fund shares) including underwriting concessions and tender fees.

[4] It is noted that, if Rule 15b10-10 is adopted, the guidelines included in the NASD Board of Governors Interpretation which accompanies the new NASD rule provisions in this area would, under published Commission staff positions, be considered as relevant to and accepted standards of behavior for nonmember broker-dealers and their associated persons. See Securities Exchange Act Release No. 9420 (December 20, 1971) and the FEDERAL REGISTER for February 11, 1972, at 34 FR 3050. Nonmember broker-dealers may obtain directly from the National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006, copies of the NASD Manual which contains current NASD rules, interpretations and policy statements.

[5] The proposed rule, like the NASD rule, would apply to distribution of mutual fund contractual plans and variable annuity plans organized under unit investment trusts since sales of such plans are indirect sales of the mutual fund shares included in the trust portfolios. The Commission has asked the NASD to amend its Interpretation of its new rule provisions to make this clear. See Securities Exchange Act Release No. 10147. Copies of this release may be obtained on request to the Publications Office, Securities and Exchange Commission, Washington, D.C. 20549.

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the value and quality of their brokerage services and not on the basis of their sales of investment company shares.

(f) For purposes of this section:

(1) Covered Account shall mean (i) any other investment company or other account managed by the investment adviser of such investment company, or (ii) any other account from which brokerage commissions are received or expected as a result of the request or direction of any principal underwriter of such investment company or of such principal underwriter, or of any affiliated person of an affiliated person of such investment company.

(2) Brokerage Commissions, as used herein, shall include all compensation paid for or in connection with the effecting of securities transactions (other than the sale of the shares of an open-end investment company) and shall include commissions on agency transactions, underwriting discounts or concessions, mark-ups or mark-downs on principal transactions, and fees paid in connection with tender offers.

(3) Other terms used in this section that are not defined in the Act or § 240.15b10–1 shall have the same meanings as in the Investment Company Act of 1940, as amended, except that the term "open-end investment company" shall not include insurance company separate accounts.

II. The introductory clause of § 240.15b10–1 would be amended to read as follows:

§ 240.15b10–1 Definitions.

For the purposes of all sections in §§ 240.15b10–2 thru 240.15b10–10 inclusive, the following definitions shall apply except where a particular rule in such sections contains a separate definition of the same term for the purposes of that section:

* * * * *

All interested persons are invited to submit their views and comments on the proposed rule and rule amendments. Written statements of views and comments should be submitted to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before July 31, 1973 and should refer to File No. S7–484. All such comments will be available for public inspection.

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 27, 1973.

[FR Doc.73–13452 Filed 7–2–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

CONTROLLED SUBSTANCES

Proposed Aggregate Production Quotas for 1974

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in schedules I and II by July 1 of each year. This responsibility has been delegated to the Director of the Bureau of Narcotics and Dangerous Drugs in § 0.100 of Title 28 of the Code of Federal Regulations. The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

NARCOTICS AND COCAINE

In determining the aggregate production quotas for narcotics and cocaine for 1974, the Bureau considered the following factors:

1. Total actual or estimated net disposal of each substance by all manufacturers during 1971, 1972 and 1973.

2. Trends in the national rate of net disposal of each substance.

3. Total actual and estimated inventories of each substance and of any substance manufactured from it, and trends in accumulation of such inventories.

4. Projected demand as indicated by procurement quota applications filed pursuant to § 303.12 of title 21 of the Code of Federal Regulations.

STIMULANTS

In determining the aggregate production quotas for amphetamines, methamphetamine, methylphenidate, and phenmetrazine for 1974, the Bureau reviewed the factors considered in establishing the 1973 stimulant quotas and discussed in detail in the FEDERAL REGISTER on April 4, 1973 (38 FR 8605). The 1973 quotas on stimulants became effective on May 8, 1973 (38 FR 11473). Since that time, no significant conditions have developed which affect the Bureau's analysis of the factors. The Bureau has not yet received data from manufacturers regarding estimates of 1974 sales or December 31, 1973, inventories. In order to meet the statutory requirement that 1974 production quotas be established on or before July 1, 1973, the Bureau decided to utilize the same data used for setting 1973 quotas. The Bureau intends to revise the 1974 stimulant quotas not later than February, 1974, in light of data submitted on quota applications and on other reports and in light of additional information regarding the factors discussed below. In addition to the factors outlined in the FEDERAL REGISTER proposal on 1973 stimulant quotas (38 FR 8605, April 4, 1973), the Bureau considered the following factors and made the following assumptions in establishing the 1974 stimulant quotas:

1. Legitimate usage of anorectic drugs (amphetamine, methamphetamine and phenmetrazine) in 1974 is projected to be approximately equal to that estimated by the Bureau for 1973. The situation in anti-obesity therapy is extremely volatile at this time. First, because the status of new drug applications on several amphetamine combinations products has not been resolved by the Food and Drug Administration (see 38 FR 8290, March 30, 1973), and because the recall of other amphetamine and methamphetamine combination products has not been completed, practitioners have not yet begun to convert from usage of these products to single-entity amphetamine or methamphetamine preparations, to other anorectic drugs, or to non-drug therapy in sufficient volume to warrant a revision of the estimate of that conversion made in the April 4, 1973, announcement. Second, three new anorectic drugs are about to be distributed in the United States for the first time; their impact on the anti-obesity drug market is yet to be determined. Third, the effects on prescribing practices of labeling changes on all anorectic drugs ordered by the Food and Drug Administration, together with the impact of other new information regarding these drugs distributed to physicians, are not yet discerned. Fourth, because the situation is so unclear, commercial handlers have apparently not made any significant long-range adjustments in their inventory positions, so that extra production to provide for inventory changeovers from combination to single-entity preparations remains unnecessary. Therefore, the Bureau has no basis for projecting any further changes in legitimate usage from 1973 to 1974.

2. Legitimate usage of methylphenidate in 1974 is projected to be approximately equal to that estimated by the Bureau for 1973. This substance is not seriously affected by the situation in the anorectic market, because only a small part of anorectic drugs are used in the therapy for which most methylphenidate is provided. The Bureau has discovered no significant change, however, in usage of methylphenidate in 1972 and 1973 sufficient to justify any projection of an increase or decrease in legitimate usage at this time.

3. The Bureau has determined that no quantity of amphetamine or methamphetamine should be manufactured for use in the preparation of combination anorectic drugs in 1974. The Food and Drug Administration has had requests for hearings regarding the new drug applications on several of these products (see 38 FR 8290, March 30, 1973). It is anticipated that these proceedings will be resolved before 1974 and in favor of the Food and Drug Administration. In the event these proceedings are not resolved before 1974, or are resolved against the Food and Drug Administration, the Bureau will review this determination.

4. Total inventories of stimulants at the end of 1973 are projected to be equal to the inventory allowances provided in the 1973 quotas. Unless the Bureau's estimates of sales and usage in 1973 are significantly in error, or unless manufacturers do not utilize significant portions of their 1973 individual manufacturing and procurement quotas, the actual inventories at the end of 1973 should approximate the estimates made.

5. The special contingency reserves allowed for methylphenidate and phenmetrazine in 1973 will be applied against the 1974 quotas for these substances. To the extent that such reserves are not created in 1973 and therefore are not available in 1974, the 1974 quotas will be adjusted accordingly. Thus, the total production of these substances in 1973 and 1974 will not exceed the total aggregate production quotas established in 1973 and under this proposal.

6. The 1973 stimulant quotas were designed to eliminate all excessive inventories in bulk and finished forms throughout the production pipeline. In order to do this, aggregate production was held below corresponding levels of demand. Because these materials are no longer available to meet the legitimate needs in 1974 (even with no increase in those needs from 1973 levels), aggregate production must increase to maintain a constant supply.

HALLUCINOGENS

In determining the aggregate production quotas for hallucinogens for 1974, the Bureau considered the following factors:

1. Total estimated net disposal of each substance by all manufacturers during 1973.

2. Total estimated inventories of each substance and of any substance manufactured from it.

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3. Projected demand as indicated by quota applications and research protocols submitted to the Bureau.

CONCLUSION

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, proposes that the aggregate production quotas for 1974 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous bases, be established as follows:

Basic class:	*Proposed—1974*
1. Alphaprodine	68,000
2. Anileridine	265,000
3. Apomorphine	3,600
4. Cocaine	1,125,000
5. Codeine (for conversion)	1,071,142
6. Codeine (for sale)	41,000,000
7. Diphenoxylate	900,000
8. Dihydrocodeine	740,000
9. Ecgonine	305,300
10. Ethylmorphine	31,000
11. Fentanyl	3,816
12. Hydrocodone	748,000
13. Hydromorphone	58,000
14. Levorphanol	14,000
15. Methadone	3,500,000
16. Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenyl butane)	1,700,000
17. Mixed Alkaloids of Opium	110,000
18. Morphine (for conversion)	37,370,000
19. Morphine (for sale)	685,000
20. Norpethidine	730,000
21. Opium (tinctures, extracts, etc., expressed in terms of opium)	1,765,000
22. Oxycodone (for conversion)	8,500
23. Oxycodone (for sale)	1,840,000
24. Oxymorphone	5,080
25. Pethidine	17,900,000
26. Phenazocine	300
27. Thebaine (for conversion)	996,000
28. Thebaine (for sale)	3,050,000

The Director also proposes that the aggregate production quotas for stimulants for 1974, expressed in grams of the anhydrous free base, be established as follows:

Basic class:	*Proposed—1974*
29. Amphetamine	1,896,210
30. Methamphetamine	517,961
31. Methylphenidate	1,516,511
32. Phenmetrazine	3,046,344

The Director also proposes that the aggregate production quotas for hallucinogens for 1974, expressed in grams, be established as follows:

Basic class:	*Proposed—1974*
33. Beta - (3,4 - methylene dioxyphenyl) isopropylamine	1,075
34. Mescaline hydrochloride	285
35. N, N-diethyltryptamine	22
36. N, N-dimethyltryptamine	115

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularly the issues concerning which the person desires to be heard. A person may object to or comment on the proposals relating to any one or more of the 36 foregoing substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street, NW., Washington, D.C. 20537, and must be received by July 30, 1973. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Director finds, in the sole discretion, warrant, a full adversary-type hearing, the Director shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: June 22, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13451 Filed 7-2-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial I-6900]

IDAHO

Proposed Withdrawal and Reservation of Lands

JUNE 25, 1973.

The Department of Agriculture has filed an application Serial Number I-6900, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a public recreation area in the Coeur d'Alene National Forest.

All persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724, by August 2, 1973.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

COEUR D'ALENE NATIONAL FOREST

HIDDEN DIGGIN'S CAMPGROUND

Boise Meridian

T. 50 N., R. 3 E.,
Sec. 27, Lots 5, 6, 7, N½NE¼SW¼;
Sec. 28, Lot 8.

The area described aggregates 167.5 acres in Shoshone County, Idaho.

VINCENT S. STROBBEL,
Chief, Branch of L&M Operations.

[FR Doc.73-13392 Filed 7-2-73;8:45 am]

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

Notice of Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on July 16 and 17 at the Holiday Inn West, Interstate 90 West, Billings, Montana. The agenda for the meeting will include: July 16—A field trip to the Pryor Mountain Wild Horse Range. The tour will leave Billings at 7 a.m. and is scheduled to return to Billings at 6 p.m. Individuals desiring to participate in the field trip should arrange for their own transportation and sustenance. July 17—(1) Report on previous Advisory Board recommendations; (2) review of accomplishments on cooperative agreements with State agencies; (3) review of Advisory Board role, charter, and management procedures; (4) public comments; (5) burro committee report; and (6) Advisory Board recommendations and resolutions.

The meeting will be open to the public. Limited time will be available for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook. Written statements may be submitted at the meeting or mailed to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Acting Director.

JUNE 22, 1973.

[FR Doc.73-13393 Filed 7-2-73;8:45 am]

OUTER CONTINENTAL SHELF OFF EAST TEXAS

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1972), nominations are hereby requested for areas in the Outer Continental Shelf off East Texas for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343 (1970)). Nominations will be considered for any or all of the following mapped areas off east Texas:

1. All that area shown on Outer Continental Shelf—Texas Leasing Maps No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C.

2. All that area on Outer Continental Shelf Leasing Map NG 15–2 (Garden Banks) landward of the 600 meter depth contour and west of the east boundary of the E96 range of blocks (approximate longitude 93°22.2'W).

3. All that area on Outer Continental Shelf Leasing Map NG 15–1 (Bay City) landward of the 600 meter depth contour and east of the east boundary of the E60 range of blocks (approximate longitude 95°08.1'W). This is a new map, the publication of which is announced by this notice.

Copies of each map may be purchased for $1.00 from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, or the Director, Eastern States Office, 7981 Eastern Avenue, Silver Spring, Maryland, 20910.

All nominations must be described in accordance with the Outer Continental Shelf leasing maps prepared by the Bureau of Land Management, Department of the Interior, and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one-quarter of a block, may be nominated.

Nominations must be submitted not later than August 27, 1973, in envelopes marked "Nominations of Tracts for Leasing in the Outer Continental Shelf—Texas." The nominations must be submitted to the Director, Attention (390), Bureau of Land Management, Washington, D.C. 20240. Copies of nominations must be sent to the Manager, New Orleans Outer Continental Shelf Office at his address cited above and to the Area Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70002.

Tracts will be selected for competitive bidding pursuant to established Departmental procedures and only after compliance with all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347 (1970)). Notice of any tracts selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Nothing contained in this call for nominations or in the issuance of new leasing maps should be interpreted as being inconsistent with the President's Oceans Policy Statement of May 23, 1970, relating to offshore development beyond the 200 meter depth contour. Leases ultimately issued beyond 200 meters will be subject to the international regime to be agreed upon.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: June 28, 1973.

W. R. WILSON,
Acting Deputy Assistant,
Secretary of the Interior.

[FR Doc.73-13563 Filed 7-2-73;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE TECHNICIAN

Delegation of Authority

1. Administrative Technician. The Administrative Technician, Richmond National Battlefield Park, may issue Purchase Orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations. This authority may be exercised by the Administrative Technician in behalf of any area under the administration of Richmond National Battlefield Park.

2. Revocation. This order supersedes Order No. 1 dated September 9, 1964 and published 29 FR 14081 dated October 13, 1964.

(National Park Service Order No. 77, (38 FR 7478); Northeast Region Order No. 7 (37 FR 6325), as amended)

Dated: June 1, 1973.

STUART H. MAULE,
Superintendent
Richmond National Battlefield Park.

[FR Doc.73-13394 Filed 7-2-73;8:45 am]

ALMOURS SECURITIES, INC.

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that after August 2, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Almours Securities, Inc., authorizing it to provide concession facilities and services for the public on the George Washington Memorial Parkway at Mount Vernon, Virginia, for a period of twenty (20) years from January 1, 1974 thorugh December 31, 1993.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted by August 2, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: June 22, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-13398 Filed 7-2-73;8:45 am]

[Order 79]

ASSISTANT DIRECTOR, SERVICE CENTER OPERATIONS

Delegation of Authority

Section 1. Delegation. The Assistant Director, Service Center Operations may exercise all the authority now or hereafter vested in the Director, National Park Service in administering and operating the Denver Service Center and Harpers Ferry Center and in serving the regional offices and parks, except as to the following:

(1) Approval of changes in policies and establishment of new policies.

(2) Authority for final approval of Servicewide or Regionwide programs and financial plans for construction, professional services, land acquisition, park operations, and other programs.

(3) Authority for final approval of the location of new roads.

(4) Authority to perform the responsibilities set forth in title I and section 205(a) of title II of the Historic Preservation Act of October 15, 1966 (80 Stat. 915), as amended.

(5) Authority to initiate investigations of areas suggested or proposed for inclusion in the National Park System and sites under consideration for National Landmark status.

(6) Authority vested in the Secretary of the Interior by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484) relating to evaluation of the historical significance of surplus Federal property proposed for demolition or transfer and relating to the plans for restoration, rehabilitation, maintenance, operations, and use of transferred historic monuments.

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(7) Authority to execute and approve concessions contracts and permits, or to perform any of the concessions management functions of the Washington Office as described in 145 DM.

(8) Authority to issue general travel authorizations as defined in 347 DM 2.2C.

(9) Authority to approve the payment of actual subsistence expenses for travel.

(10) Authority to approve attendance at meetings of societies and associations.

(11) Authority to approve acceptance of payment of travel, subsistence, and other expenses incident to attendance at meetings by an organization which is tax exempt.

(12) Authority to designate areas at which recreation fees will be charged, as specified by the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(13) Authority to select from the fees established by 43 CFR Part 18 (38 FR 3385), as amended, the specific fees to be charged at the designated areas, in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended.

(14) Authority with respect to making and enforcing rules and regulations for the government, conduct, and discipline of the U.S. Park Police, under the Act of October 11, 1962 (76 Stat. 907).

(15) Authority to make certifications required in connection with reports made to the Secretary on each appropriation or fund under National Park Service control.

(16) Authority to approve Standard Form 1151, Nonexpenditure Transfer Authorization, in connection with internal transfer of funds.

(17) Authority to approve the use of a Government-owned or leased motor vehicle between domicile and place of employment.

(18) Authority to sell timber.

(19) Authority to accept an offer in settlement of a timber trespass.

(20) Authority to approve programs for the destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(21) Authority to approve payment of dues for library memberships in societies or associations.

(22) Authority to approve rates for quarters and related services.

(23) Authority over those matters for which specific authority is delegated in internal management directives and unpublished delegations of authority arising in the Washington Office.

(24) Authority to approve master plans.

(25) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(26) Authority to approve land acquisition priorities.

(27) Authority to execute the land acquisition program.

(28) Authority to conduct archeological investigations and salvage activities outside the units of the National Park System.

Section 2. Redelegation. The Assistant Director, Service Center Operations may, in writing, redelegate to his officers and employees the authority delegated in this order and may authorize written redelegations of such authority except that contract and procurement authority in excess of $50,000 may only be redelegated to the Director, Denver Service Center; Chief, Contracting Office, Denver Service Center; and Director, Harpers Ferry Center. Each redelegation shall be published in the FEDERAL REGISTER.

Section 3. Revocation. This order revokes National Park Service Order 73 (37 FR 6409) and Amendment No. 1 (37 FR 16509). However, redelegations based thereon are continued in effect to the extent they are not inconsistent with this order No. 79.

(205 DM as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: June 22, 1973.

RONALD H. WALKER,
Director, National Park Service.

[FR Doc.73-13397 Filed 7-2-73;8:45 am]

GULF ISLANDS NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gulf Islands National Seashore Advisory Commission will be held on August 2 and 3, 1973. The meeting on August 2 will begin at 1:00 p.m. (c.d.t.) at the Downtown Ramada Inn, 223 E. Garden Street, Pensacola, Florida. On August 3, the Commission will reassemble for a tour of the Florida Unit of the Seashore.

The purpose of the Commission is to consult with the Secretary of the Interior or his designee with respect to matters relating to development of the Seashore.

The members of the Commission are as follows:

Dr. J. Kinabrew Williams, Jr., Pascagoula, Mississippi (Chairman); Gordon D. Allen, Gulfport, Mississippi; Sherwood R. Bailey, Gulfport, Mississippi; E. W. Blossman, Ocean Springs, Mississippi; J. Earle Bowden, Pensacola, Florida; Lt. Col. Lloyd J. Callivet, Biloxi, Mississippi; John P. Cox, Destin, Florida; Robert D. Cramer, Pensacola, Florida; Donald E. Danly, Pensacola, Florida; Hon. H. Bryant Liggett, Pensacola, Florida; Nicholas A. Mavar, Jr., Biloxi, Mississippi; Charles E. Moes, Gulf Breeze, Florida; Duncan Moran, Ocean Springs, Mississippi; Dee Parkton, Crestview, Florida; Davage Runnells, Jr., Destin, Florida; Lt. Col. Mercer Richard Smith, Gulf Breeze, Florida; M. James Stevens, Gulfport, Mississippi; G. Earl Wallis, Milton, Florida; E. P. Wilkes, Biloxi, Mississippi; Rev. Robert W. Wingard, Pensacola, Florida; and Mrs. Erica Wooley, Pensacola, Florida.

The Commission will consult with the architectural and engineering contractors on the development concept plans for four projects proposed for the Seashore. Two projects are planned for the Florida Unit and two projects for the Mississippi Unit. The Commission will also receive a review of the progress and activities of the Archeological Studies being conducted by the National Park Service Southeast Archeological Center and Florida State University, and will be provided up-to-date information on events which have occurred since the previous meeting. The tour on August 3 will permit Commission members to become familiar and conversant regarding the area, the problems, and the programs.

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Transportation facilities will not be available for the tour, but members of the public may participate in the tour by providing their own transportation. Any person may file with the Commission a written statement concerning matters to be discussed.

Anyone wishing to obtain further information regarding this meeting, or who wishes to file a written statement, may contact any of the following:

Mr. Joe Brown, Director, Florida-Caribbean District Office, U.S. National Park Service, P.O. Box 2764, Tallahassee, Florida 32304.

Mr. Arthur Graham, Unit Manager, Gulf Islands National Seashore, P.O. Box 100, Gulf Breeze, Florida 32561

Mr. Richard Stokes, Unit Manager, Gulf Islands National Seashore, P.O. Drawer T, Ocean Springs, Mississippi 39564

Minutes of the meeting will be available for public inspection four weeks after the meeting at the Florida-Caribbean District Office, 201 South Bronough Street, P.O. Box 2764, Tallahassee, Florida 32304.

Dated: June 22, 1973.

STANLEY W. HULETT,
Associate Director
National Park Service.

[FR Doc.73-13396 Filed 7-2-73;8:45 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084–6086), April 10 (pp. 9095–9097), May 1 (pp. 10745–10748), and June 5 (pp. 14770–14777). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted and set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been demolished and removed from the National Register:

Maine

Cumberland County
South Windham vicinity
Babb's Bridge
Across the Penobscot River, 2 miles N of South Windham

New York

Queens County
Richmond Hill,
Riis, Jacob, House
84–41 120th Street

Rhode Island

Newport County
Newport
House at 295 Thames Street
Newport
House at 319 Thams Street
Newport
Industrial National Bank
303 Thames Street
Newport
Sayer Building
281–283 Thames Street
Newport
Stevens, Robert, House
261–265 Thames Street
Newport
Tillinghast, Charles, House
243–245 Thames Street

Virginia

Norfolk (independent city)
Christ Church
421 E. Freemason Street

The Following are corrections to previous listings in the *Federal Register:*

Alabama

Tuscaloosa County
Tuscaloosa
Gorgas-Manly (University of Alabama) Historic District
On the University of Alabama Campus (2–82–73)

Louisiana

Orleans Parish
New Orleans
Old U.S. Mint, New Orleans
420 Esplanade Avenue (6–5–73)

Nebraska

Douglas County
Omaha
City National Bank Building and Creighton Orpheum Theater
16th and Harney streets (5–1–73)

Pennsylvania

Erie County
Erie
U.S.S. Niagara
State Street at Lake Erie (6–5–73)
Lancaster County
Lancaster
Soldiers and Sailors Monument
Penn Square, intersection of King and Queen streets (6–5–73)

Tennessee

Knox County
Knoxville
Knox County Courthouse
Main Avenue and Gay Street (6–5–73)

The following properties have been added to the National Register since June 5:

Alabama

Barbour County
Eufaula
Kiels-McNab-Doughtie House
Barbour Street
Calhoun County
Anniston
Anniston Inn Kitchen
130 W. 15th Street
Coffee County
Elba
Coffee County Courthouse
Courthouse Square
Enterprise
Boll Weevil Monument
Intersection of Main and College streets
Dallas County
Selma vicinity
Cahaba
11 miles SW of Selma, at junction of Cahaba and Alabama rivers
Elmore County
Wetumpka vicinity
Alabama State Penitentiary
NE of Wetumpka on U.S. 231
Jefferson County
Birmingham
Morris Avenue Historic District
2000 through 2400 blocks of Morris Avenue
Lee County
Auburn Players Theater
College Avenue at Thach Street
Loachapoka
Loachapoka Historic District
Limestone County
Elkmont vicinity
Sulphur Trestle Fort Site
1 mile S of Elkmont
Montgomery County
Montgomery
Edgewood (Thomas House)
3175 Thomas Avenue
Monroe County
Monroeville
Old Monroe County Courthouse
Courthouse Square

Alaska

Southcentral District
Chitina vicinity
Copper River and Northwestern Railway
SW of Chitina along Copper River

American Samoa

Eastern District, Tutuila Island
Pago Pago Harbor
Blunts Point Naval Gun
Matautu Ridge at Tulutulu Point

Arkansas

Phillips County
Helena
Pillow, Jerome Bonaparte, House (Pillow-Thompson House)
718 Perry Street
Pulaski County
Little Rock
Old Post Office Building and Customhouse
2nd and Spring Streets
Sebastian County
Fort Smith
Commercial Hotel
123 N. 1st Street

California

Calaveras County
Douglas Flat
Douglas Flat School
On Calif. 4
Los Angeles County
South Pasadena
Garfield House
10001 Buena Vista Street
South Pasadena
Wynyate
851 Lyndon Street
Merced County
Los Banos vicinity
San Luis Gonzaga Archeological District
15 miles W of Los Banos
Riverside County
Temecula vicinity
Murrieta Creek Archeological Area
S of Temecula
Torres-Martinez Indian Reservation
Martinez Historical District
2 miles SE of Hwy. 86
San Bernardino County
Cucamonga
Rains, John, House
7869 Vineyard Avenue
San Diego County
San Diego
Ford Building
Balboa Park, Palisades Area
San Francisco County
San Francisco
Eureka (ferryboat)
2905 Hyde Street in San Francisco Maritime State Historic Park
San Francisco
Wapama (schooner)
2905 Hyde Street in San Francisco Maritime State Historic Park
San Mateo County
Half Moon Bay vicinity
Johnston, James, House
Higgins-Purisima Road

Colorado

Chaffee County
Poncha Springs vicinity
Hutchinson Ranch
2 miles E of Poncha Springs
Denver County
Denver
Larimer Square
1400 block of Larimer Street
El Paso County
Manitou Springs
Briarhurst (William A. Bell House)
404 Manitou Avenue
Huerfano County
Walsenburg
Huerfano County Courthouse (and Jail)
400 Main Street
Larimer County
Estes Park vicinity
Mills, Enos, Homestead Cabin
S of Estes Park off Colo. 7, in Rocky Mountain National Park

Connecticut

Fairfield County
Danbury
Octagon House
21 Spring Street

Delaware

Kent County
Dover
Eden Hill
West end of Water Street
Magnolia
Lindale House
24 Walnut Street
Milford
Christ Church, Milford
3rd and Church streets
New Castle County
Kirkwood vicinity
Lum's Mill House
On Del. 71 in Lums Pond State Park
Newark
Fisher, Andrew, House
725 Art Lane
Porter vicinity
New Castle and Frenchtown Railroad Right-of-way
Off U.S. 40 between Porter Delaware and Frenchtown, Md. (also in Cecil County, Maryland)
Stanton vicinity
St. James Church
W of Stanton on St. James Church Road

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District of Columbia

Washington
Beale, Joseph, House
2301 Massachusetts Avenue, NW.
Belmont, Perry, House (International Eastern Star Temple)
1618 New Hampshire, NW.
Meridan House
1630 Crescent Place, NW.
Rosedale
3501 Newark Street, NW.
St. Mark's Church, Capitol Hill
3rd and A streets, SE.

Florida

Baker County
Sanderson vicinity
Burnsed Blockhouse
N of Sanderson off Jacksonville Road
Duval County
Jacksonville
Epping Forest
Christopher Point, off San Jose Boulevard
Jefferson County
Lloyd vicinity
San Joseph de Ocuya Site
About 17 miles E of Tallahassee
Tallahassee vicinity
San Juan de Aspalaga Site
About 16 miles E of Tallahassee
Leon County
Tallahassee
Florida State Capitol
S. Monroe Street
Putnam County
Palatka
St. Marks Episcopal Church
Main and 2nd streets
Welaka vicinity
Mount Royal
About 3 miles S of Welaka
Suwanee County
Live Oak vicinity
Hull-Hawkins House
About 10 miles S of Live Oak on Fla. 49
Volusia County
Ormond Beach vicinity
Nocoroco
2 miles N of Ormond Beach on Old Dixie Hwy.

Georgia

Butts County
Indian Springs
McIntosh Inn
On Ga. 42
Camden County
St. Marys
Orange Hall
311 Osborne Street
Chatham County
Savannah vicinity
Wormsloe Plantation
Isle of Hope and Long Island
Dekalb County
Atlanta vicinity
Soapstone Ridge
SE of Atlanta off River Road
Jones County
East Juliette vicinity
Jarrell Plantation
About 6 miles E of East Juliette off Dames Ferry Road
Meriwether County
Greenville
Meriwether County Courthouse
Court Square
Greenville
Meriwether County Jail
Gresham Street and Ga. 27–A
Greenville vicinity
Harman-Watson-Matthews House
7 miles SW of Greenville on Odessadale-Durand Community Road
Greenville vicinity
Mark Hall
SW of Greenville on Ogletree Road off Ga. 18
Pauling County
Dallas vicinity
Pickett's Mill Battlefield Site
NE of Dallas off Ga. 92
Stewart County
Lumpkin
Bedingfield Inn
Cotton Street
Talbot County
Talbotton
Towns, George Washington Bonaparte, House
On Ga. 208

Hawaii

Hawaii County
Hawi vicinity
Heiau in Kukuipahu
SW of Hawi

Idaho

Bear Lake County
Montpelier
MacIntosh-Driver House
Washington Street, between 8th and 9th streets
Bonneville County
Iona
Iona Meetinghouse
Canyon County
Middleton
Middleton Sub-station
On Idaho 44
Franklin County
Franklin
Hatch, L. H., House
Nez Perce County
Lewiston
Lewiston Depot
13th and Main Streets

Illinois

St. Clair County
Collinsville vicinity
**Cahokia Mounds*
7850 Collinsville Road, Cahokia Mounds State Park
Sangamon County
Pleasant Plains vicinity
Clayville Tavern
0.5 mile SE of Pleasant Plains on Ill. 125

Indiana

Jefferson County
Madison
Madison Historic District
Lake County
Crown Point
Lake County Courthouse
Public Square

Iowa

Johnson County
Iowa City
Plum Grove (Robert Lucas House)
1030 Carroll Avenue
Lee County
Fort Madison
Old Fort Madison
315–335 Avenue H

Kansas

Dickinson County
Abilene
Lebold, C. H., House
106 N. Vine Street
Geary County
Junction City vicinity
Bogan Archeological Site
Milford Reservoir

Kentucky

Boyd County
Catlettsburg
Catlett House (Beechmoor)
25th and Walnut streets
Catlettsburg
Catlettsburg National Bank
110 26th Street
Fayette County
Lexington
Ridgely House
190 Market Street
Lexington vicinity
Walnut Hill Presbyterian Church
E of Lexington off U.S. 25/421
Hickman County
Columbus
Columbus-Belmont Battlefield State Park
On U.S. 80
Jefferson County
Louisville
Trade Mart Building
131 W. Main Street
Livingston County
Smithland
Grower House
Water Street
Monroe County
Tompkinsville vicinity
Old Mulkey Meetinghouse
S of Tompkinsville on Ky. 1446
Nelson County
Bardstown
Spalding Hall
N. 5th Street, on St. Joseph's College campus
Ohio County
Hartford
Pendleton House
403 E. Union Street
Todd County
Fairview
Davis, Jefferson, Monument
On Ky. 115 near junction with U.S. 68

Louisiana

East Feliciana Parish
Clinton
Brame-Bennett House
227 S. Baton Rouge Street
Orleans Parish
New Orleans
St. Alphonsus Church (Roman Catholic)
2029 Constance Street
New Orleans
St. Charles Line (Streetcar)
St. Charles and Carrollton avenues route
New Orleans
Turpin-Kofler-Buja House
2319 Magazine Street

Maine

Cumberland County
Falmouth
Skeleton, Thomas, House
124 U.S. 1
Portland
Portland City Hall
389 Congress Street
Portland
Rackleff Building
127, 129, 131, 133 Middle Street
Portland
Reed, Thomas Brackett, House
30–32 Deering Street
Portland
U.S. Custom House
312 Fore Street
Knox County
Camden vicinity
Curtis Island Light
0.8 mile SE of Camden Harbor on Curtis Island
Rockland
Farnsworth Homestead
21 Elm Street
Penobscot County
Bangor
Broadway Historic District
Sagadahoc County
Bath
Bath Historic District
Washington County
Robbinston vicinity
Mansion House (General John Brewer House)
N of Robbinston on U.S. 1

York County
Biddeford
U.S. Post Office
35 Washington Street

Maryland

Baltimore (independent city)
American Brewery (Wiessner Brewery)
1701 N. Gay Street
Baltimore City Hall
100 N. Holliday Street
Carroll Mansion
800 E. Lombard Street
Druid Hill Park Historic District
Lovely Lane Methodist Church
2200 St. Paul Street
St. Alphonsus' Church, Rectory, Convent and Halls
112–116 and 125–127 Saratoga Street
St. Mary's Seminary Building
600 N. Paca Street
Calvert County
Barstow vicinity
Cedar Hill
About 2 miles W of Barstow on Buena Vista Road
Cecil County
Frenchtown
New Castle and Frenchtown Railroad Right-of-way
(See New Castle County, Del.)
Harford County
Bel Air vicinity
D. H. Springhouse
About 6 miles NE of Bel Air on Sandy Hook Road
Prince Georges County
Bowie
Belair Stables
Belair Drive
St. Marys County
Leonardtown
Tudor Hall
Tudor Hall Road

Massachusetts

Berkshire County
North Adams
Beaver Mill
Beaver Street
North Adams
Windsor Print Works
121 Union Street
Essex County
Gloucester
Gloucester City Hall
Dale Avenue
Gloucester
Hammond Castle
80 Hesperus Avenue
Salem
House of Seven Gables Historic District
Turner, Derby, and Hardy streets
Middlesex County
Bedford
Lane, Job, House
295 North Road
Cambridge
Brattle, William, House
42 Brattle Street
Cambridge
Pratt, Dexter, House
54 Brattle Street
Chelmsford
Old Chelmsford Garrison House Complex
105 Garrison Road
Suffolk County
Boston
Alice S. Wentworth (schooner)
Pier 4, Northern Avenue
Boston
Armory of the First Corps of Cadets
97–105 Arlington Street and 130 Columbus Avenue
Boston
Boston Public Library
Copley Square
Boston
Custom House District
Boston (Roxbury)
Hale, Edward Everett, House
12 Morley Street
Boston (Roxbury)
Kittredge, Albah, House
12 Linwood Street
Boston
South End District
Boston (Charlestown)
Town Hill District

Michigan

Berrien County
Niles
Fort St. Joseph Site
Off S. Bond Street
Niles
Paine Bank
1008 Oak Street

Minnesota

Carlton County
Duluth vicinity
Grand Portage of the St. Louis River
W of Duluth in Jay Cooke State Park, off Minn. 210
Cass County
Pillager vicinity
Chippewa Agency Historic District
E of Pillager, near confluence of Gull and Crow Wing rivers
Pillager vicinity
Gull Lake Mounds Site
NE of Pillager
Clearwater County
Park Rapids vicinity
Itasca State Park
21 Miles N of Park Rapids off U.S. 71
Pine County
Hinckley
Hinckley Depot
Old Hwy. #61 and 1st Street, S.E.
St. Louis County
Duluth
Aerial Lift Bridge
Lake Avenue

Mississippi

Coahoma County
Coahoma vicinity
Parchman Place Site
SW of Coahoma
Harrison County
Biloxi
Gillis House
806 W. Beach Boulevard
Hinds County
Jackson
The Oaks (Boyd House)
823 N. Jefferson Street
Neshoba County
Philadelphia vicinity
Nanih Waiya Cave Mound
NE of Philadelphia off Miss. 393

New Hampshire

Grafton County
Canaan
Canaan Street Historic District
Canaan Street
Littleton
Littleton Town Building (Littleton Opera House)
1 Union Street
Rockingham County
Portsmouth
Benedict House (Thomas W. Penhallow House)
30 Middle Street
Portsmouth
Portsmouth Athenaeum
9 Market Square
Sullivan County
Langdon vicinity
Cold River Bridge (McDermott Bridge)
E of Langdon on McDermott Road, off N.H. 123–A
Langdon vicinity
Prentiss Bridge (Drewsville Bridge)
S of Langdon off Old Cheshire Turnpike

New Jersey

Bergen County
Park Ridge
Wortendyke Barn
Pascack Road
Hunterdon County
Lambertville vicinity
Delaware and Raritan Canal
Follows the Delaware River to Trenton and then eastward to New Brunswick (also in Mercer, Middlesex, and Somerset counties)
Mercer County
Delaware and Raritan Canal
(See Hunterdon County)
Middlesex County
Delaware and Raritan Canal
(See Hunterdon County)
Somerset County
Delaware and Raritan Canal
(See Hunterdon County)

New Mexico

Mora County
Mora vicinity
La Cueva Historic District
6 miles SE of Mora at junction of N. Mex. 3 and 21
Santa Fe County
Santa Fe
Spigelberg House (Spitz House)
237 E. Palace Avenue
Santa Fe
U.S. Courthouse
Federal Place

New York

Broome County
Binghamton
Broome County Courthouse
Court Street
Delaware County
East Meredith
Hanford Mill
On C.R. 12
Dutchess County
Beacon
Howland Library
477 Main Street
Rinebeck
Delamater, Henry, House
44 Montgomery Street
Monroe County
Honeoye Falls
Lower Mill
N. Main Street
New York County
New York
Governor's House
Governors Islands
Ontario County
Stanley vicinity
Seneca Presbyterian (Number Nine) Church
E of Stanley off N.Y. 245 on Number Nine Road
Rensselaer County
Troy
Glenwood (Titus Eddy Mansion)
Eddy's Lane
Troy
Washington Park Historic District
Schoharie County
Blenheim vicinity
Lansing Manor House
2 miles S of N. Blenheim on N.Y. 30

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Westchester County
Hastings-on-Hudson
Cropsey, Jasper F., House and Studio
49 Washington Avenue

North Carolina

Burke County
Morganton
Tate House
100 S. King Street
Caldwell County
Patterson vicinity
Clover Hill
E of Patterson off N.C. 268, on E side of S.R. 1514
Carteret County
Beaufort
Henry, Jacob, House
229 Front Street
Durham County
Durham vicinity
Stagville
N of Durham off S.R. 1004
Franklin County
Louisburg vicinity
Cascine
S of Louisburg on S.R. 1702
Wake County
Raleigh
Estey Hall
Shaw University campus, 118 E. South Street

Ohio

Auglaize County
Wapakoneta
Auglaize County Courthouse
Courthouse Square
Butler County
Fairfield vicinity
Pleasant Run Mounds
SW of Fairfield off East River Road
Hamilton
Benninghofen House
327 N. 2nd Street
Clark County
Springfield
Municipal City Building (City Hall)
S. Fountain Avenue between High and Washington streets
Coshocton County
Coshocton
Coshocton County Courthouse
Courthouse Square
Cuyahoga County
Cleveland
Schweinfurth, Charles, House
1951 E. 75th Street
Delaware County
Delaware
Delaware County Courthouse
N. Sandusky and Central
Fulton County
Wauseon
Fulton County Courthouse
S. Fulton and Chestnut streets
Greene County
Cedarville vicinity
Reid, Whitelaw, House
SW of Cedarville at 2587 Conley Road
Xenia
Bank of Xenia
NE corner of Detroit and E. 2nd streets
Hamilton County
Greenhills
Whallon, James, House
11000 Winton Road
Hancock County
Findlay
Hancock County Courthouse
Courthouse Square
Licking County
Heath vicinity
Ohio Canal Ground Breaking Site
Ohio 79
Lucas County
Toledo
Lucas County Courthouse and County Jail
Courthouse Square and 810–814 Jackson Street
Madison County
Somerford vicinity
Wilson, Valentine, House
About 1 mile N of Somerford off I–70
Montgomery County
Dayton
St. Mary's Hall
300 College Park, University of Dayton
Muskingum County
Nashport vicinity
Nashport Mound
E of Nashport off Ohio 146
Ross County
Chillicothe
Renick House, Paine Hill
17 Mead Drive
Frankfort
Frankfort Works Mound
U.S. 35
Summit County
Barberton
Barber, O.C., Creamery
365 Portsmouth Avenue
Barberton
Barber, O.C., Piggery or "Pork Palace"
248 Robinson Avenue
Vinton County
Zaleski vicinity
Hope Furnace
5 miles NE of Zaleski on Ohio 278
Williams County
Bryan
Williams County Courthouse
Main and High streets

Oklahoma

Blaine County
Watonga
Ferguson, Thompson Benton, House
521 N. Weigel
Caddo County
Anadarko
Black Beaver's Grave
On the N edge of Anadarko

Oregon

Marion County
Salem
Kay, Thomas, Woolen Mill
260 12th Street, S.E.

Pennsylvania

Chester County
Warwick Township
Rogers, Philip, House
Ridge Road
Montgomery County
Kulpsville vicinity
Morgan, Edward, Log House
Off Pa. 363 on Weikel Road
Worcester Township
Wentz, Peter, Homestead
Off Pa. 73 on Skultz Road
Philadelphia County
Philadelphia
Moore, Clarence B., House
1321 Locust Street

Rhode Island

Kent County
East Greenwich
Windmill Cottage
144 Division Street
West Warwick
Clapp, Silas, House
E. Greenwich Avenue
Newport County
Newport
Kay Street-Catherine Street-Old Beach Road Historic District
Newport
Kingscote
NW corner of Bellevue Avenue and Bowery Street
Providence County
North Providence
Allendale Mill
494 Woonasquatucket Avenue
Providence
Hopkins, Esek, House
97 Admiral Street
Providence
Providence and Worcester Railroad Depot
Canal Street
Woonsocket
Woonsocket Company Mill Complex
100–115 Front Street
Washington County
Charlestown
Historic Village of the Narragansetts in Charlestown
Westerly
Wilcox Park Historic District

South Carolina

Aiken County
Beech Island vicinity
Redcliffe
1.5 miles NE of Beech Island on S.C. 125
Berkeley County
Moncks Corner vicinity
Lewisfield Plantation
About 2.5 miles S of Moncks Corner off U.S. 52
Charleston County
Charleston
Market Hall and Sheds
188 Meeting Street
Charleston
South Carolina National Bank of Charleston
16 Broad Street
Laurens County
Laurens vicinity
Sullivan House (38LU2)
About 10 miles W of Laurens on U.S. 76
Lexington County
Lexington
Hazelius, Ernest L., House
225 Columbia Avenue
West Columbia
Saluda Factory Historic District
(Also in Richland County)
Richland County
Saluda Factory Historic District
(See Lexington County)
Sumter County
Sumter
Sumter Town Hall/Opera House
N. Main Street

South Dakota

Charles Mix County
Geddes
Geddes Historic District
Marshall County
Britton vicinity
Fort Sisseton
SE of Britton
Meade County
Fort Meade
Fort Meade District
On S. Dak. 34/79
Minnehaha County
Sioux Falls
Old Minnehaha County Courthouse
Main Avenue and 6th Street

Tennessee

Davidson County
Nashville
Nashville Arcade
Between 4th and 5th avenues
Nashville vicinity
Brick Church Mound and Village Site
N of Nashville on Brick Church Pike
Henry County
Whitlock
Work Farm Site (Obion Mounds)
4 miles NW of Whitlock
Shelby County
Memphis
Chucalissa Indian Village
Mitchell Road
Stewart County
Dover vicinity
Dover Flint Quarries
SE of Dover off Tenn. 49 on Long Creek Road
Sullivan County
Blountville
Old Deery Inn
Main Street

Texas

Colorado County
Columbus
Stafford Bank and Opera House
SE Corner of Milam and Spring streets
Jefferson County
Port Arthur
Pompeiian Villa
1953 Lakeshore Drive
Kerr County
Camp Verde vicinity
Old Camp Verde (41 KR111)
About 2 miles W of Camp Verde on county road

Utah

Weber County
Ogden
Browning, John Moses, House
505 27th Street

Vermont

Bennington County
Shaftsbury Center vicinity
Munro-Hawkins House
0.5 mile S of Shaftsbury Center on U.S. 7
Caledonia County
East Burke vicinity
Burklyn Hall
W of East Burke on Bemis Hill Road
Chittenden County
Williston
Williston Congregational Church
On U.S. 2
Winooski
Old Stone House
73 E. Allen Street
Orleans County
Browington
Browington Village Historic District
Junction of Hinman Road and Browington Center Road
Washington County
Calais
Kent's Corner, Historic District
Calais
Old West Church
0.8 mile S of Kent's Corner
Windham County
Dummerston
West Dummerston Covered Bridge
Vt. 30, Over the West River

Virginia

Augusta County
Fort Defiance
Augusta Stone Church
On U.S. 11
Caroline County
Bowling Green
Caroline County Courthouse
SE corner of Main Street and Court House Lane
Charlottesville (independent city)
Oak Lawn
Cherry Avenue and 9th Street
King George County
Owens vicinity
St. Paul's Church
W of Owens off Va. 206
Nansemond County
Chesapeake City vicinity
Glebe Church
About 4 miles W of Chesapeake City on Va. 337
Nelson County
Lovingston
Nelson County Courthouse
Off U.S. 29
New Kent County
New Kent vicinity
Criss Cross
SW of New Kent off Va. 608
Patrick County
Woolwine vicinity
Jack's Creek Covered Bridge
About 2 miles S of Woolwine off Va. 8
Woolwine vicinity
Bob White Covered Bridge
About 2.5 miles S of Woolwine off Va. 618
Petersburg (independent city)
Petersburg Courthouse
Court House Square
Portsmouth (independent city)
Trinity Episcopal Church
SW corner of High and Court streets
Roanoke (independent city)
St. Andrew's Roman Catholic Church
631 N. Jefferson Street
Fire Station No. One
13 E. Church Avenue

West Virginia

Cabell County
Huntington
Carroll, Thomas, House
234 Guyan Street

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73–12911 Filed 7–2–73;8:45 am]

[Order No. 5, Amdt. No. 2]

SUPERINTENDENTS, ET AL., SOUTHEAST REGION

Delegation of Authority

Order No. 5, published at 37 FR 7721 on April 19, 1972, and Amendment No. 1, published at 37 FR 17771 on August 31, 1972, is hereby amended to add the following subsection as an exception to be retained by the Director, Southeast Region and cannot be redelegated:

Section 1. Superintendents.

* * * (n) Authority to conduct archeological investigations and salvage activities.

(National Park Service Order No. 77 (38 FR 7478), dated March 22, 1973)

Dated: May 25, 1973.

DAVID D. THOMPSON, JR.,
Director, Southeast Region.

[FR Doc.73–13395 Filed 7–2–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ENVIRONMENTAL PROGRAM FOR THE FUTURE

Preparation of Draft Environmental Statement

The purpose of this announcement is to provide timely public information that the Forest Service will prepare and file with the Council on Environmental Quality a draft environmental statement in connection with development of an "Environmental Program for the Future." This program will propose, for the 10 year period 1975–84, an optimum, balanced mix of goods and services to be produced by the agency. It includes National Forest System, cooperative State and private programs, and research activities. The Forest Service will welcome comments on the program such as alternative mixes of outputs and means of obtaining them, as well as impacts of the proposal or alternatives.

It is expected that the draft statement will be filed with CEQ about August 1973. Comments received during the formal review period will be used in preparation of the final environmental statement. Comments and information relevant to the development of the Environmental Program for the Future and the draft environmental statement can be addressed to John R. McGuire, Chief, Forest Service, USDA, Washington, D.C. 20250.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 27, 1973.

[FR Doc.73–13439 Filed 7–2–73;8:45 am]

ST. LOUIS PEAK ROADLESS AREA MANAGEMENT REVIEW

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the St. Louis Peak Roadless Area Management Review on the Arapaho National Forest, Forest Service Report Number USDA–FS–FES (Adm.) 73–52.

The Environmental Statement concerns purposed management of the St. Louis Peak Roadless Area and a project affecting the area.

The Final Environmental Statement was filed with CEQ June 27, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
Regional Forester
Bldg. 85, Denver Federal Center
Denver, Colorado 80225
Acting Forest Supervisor
c/o Routt National Forest
P.O. Box 1198
Steamboat Springs, Colorado 80477

A limited number of single copies are available upon request to Walter B. Metcalf, Acting Forest Supervisor, % Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

V 38 127 JUL 3 73 XUM

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

JUNE 27, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-13487 Filed 7-2-73;8:45 am]

Office of the Secretary

ROCK CREEK ADVISORY COMMITTEE

Notice of Determination

Notice is hereby given that the Secretary of Agriculture will appoint a Rock Creek Advisory Committee for the Deerlodge and Lolo National Forests in Montana for a 2-year period. The Secretary has determined that establishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of the committee will be to provide advice to the Forest Supervisors on the over-all aspects of Forest Service management in the Rock Creek drainage. Membership will include persons well informed on one or more phases of the environmental, social, or economic aspects of management concerns in the drainage.

This notice is given in compliance with Public Law 92–463. Views and comments of interested persons may be submitted to the Forest Supervisor, Deerlodge National Forest, Federal Building, Box 400, Butte, MO 59701, until July 31, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Forest Supervisor's Office during regular business hours (7 CFR 1.27(b)).

FRANK B. ELLIOT,
Acting Assistant Secretary for Administration.

JUNE 27, 1973.

[FR Doc.73-13440 Filed 7-2-73;8:45 am]

Soil Conservation Service

PALATLAKAHA RIVER WATERSHED PROJECT, FLORIDA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Palatlakaha River Watershed Project, Lake County, Florida, USDA–SCS–ES–WS–(ADM)–72–13(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural water management. The planned works of improvement include conservation land treatment measures, 6.8 miles of channel work, eight structures for water control, and five grade stabilization structures with water control features, of which 1.7 miles of channel work and one structure for grade stabilization and water control have been installed.

The final environmental statement was transmitted to CEQ on June 4, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW, Washington, D.C. 20250

Soil Conservation Service, USDA, P.O. Box 1208, 401 SE 1st Street, Room 234, Gainesville, Florida 32602

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $8.25.

Copies of the environmental statement have been sent to various federal, state and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated June 26, 1973.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-13489 Filed 7-2-73;8:45 am]

TROUBLESOME CREEK WATERSHED PROJECT, IOWA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Troublesome Creek Watershed Project, Audubon, Cass and Guthrie Counties, Iowa, USDA–SCS–ES–WS–(ADM)–73–24(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment measures, 135 grade stabilization structures for prevention of gully erosion, two floodwater retarding structures, two multi-purpose structures for floodwater retarding and recreation, and two recreation developments.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Comments must be received on or before August 24, 1973, to be considered in the preparation of the final statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

JUNE 26, 1973.

[FR Doc.73-13488 Filed 7-2-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS, AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet July 9, 1973 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.
(2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.
(3) Election of chairman.
(4) Presentation of papers or comments by the public.
(5) Review by OEC official of current controls on computer peripherals, components, and related test equipment, including report on any decontrol action effected since August, 1972.
(6) Technical problems relating to export control coverage of computer peripherals, components, and related test equipment.
(7) Licensing procedures relating to computer peripherals, components, and related test equipment.
(8) Foreign availability of types of computer peripherals, components, and related test equipment currently under control, including extent of U.S. participation and use of U.S. technology.
(9) Executive session:
  (a) Background of U.S. and COCOM control program and strategic criteria.
  (b) Technical problems:
    (1) End use pattern for computer peripherals, components, and related test equipment, including military and military support uses.
    (2) Performance characteristics that, as a minimum, identify computer peripherals, components, and related test equipment in such a way as to be both meaningful for national security and reasonable from the standpoint of administrative controls.
  (c) Foreign availability, including "state of the art" in USSR, Eastern Europe, and the People's Republic of China.
  (d) Licensing control over technology related to computer peripherals, components, and related test equipment.
(10) Problems remaining to be discussed at next meeting.
(11) Adjournment.

This will be the first meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–8, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Assistant Secretary of Commerce for Administration on June 8, 1973, determined, pursuant to section 10(d) of P.L. 92–463 that this agenda item should be exempt from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 28, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-13561 Filed 6-29-73;1:46 pm]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Numerically Controlled Machine Tool Technical Advisory Committee of the U.S. Department of Commerce will meet July 10, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Review of security classification matters by the Director, Office of Export Control, Rauer H. Meyer.
3. Presentation of papers or comments by the public.
4. Review of work program:
  a. Objectives
  b. Work content
  c. Completion date
5. Executive session:
  a. Progress report on work program:
    (1) End use pattern, including military and military support uses, of numerically controlled machine tools presently under security control.
    (2) Foreign availability, including production in USSR, Eastern Europe and the People's Republic of China.
    (3) Clarification of existing security control definition for numerically controlled machine tools.
  b. Discussion of other necessary work assignments.
6. Adjournment.

This will be the second meeting of the Numerically controlled Machine Tool Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the numerically controlled machine tool industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on June 27, 1973, determined, pursuant to Section 10(d) of P.L. 92–463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 28, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce

[FR Doc.73-13560 Filed 6-29-73;1:46 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BIOLOGICAL MODELS SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biological Models Segment Advisory Group, National Cancer Institute, July 16, 1973, at 8:30 a.m., National Institutes of Health, Landow Building, Conference Room B–303. This meeting will be closed to the public from 8:30 a.m. to 3:00 p.m., for the discussion and review of approximately 5 contracts in the fields of chemical and physical carcinogens, in accordance with the provisions set forth in section 10(d) of P.L. 92–463, and section 552(b) 4, of Title 5, U.S. Code, and open to the public from 3:00 p.m. to 5:00 p.m., to discuss alternative methods for monitoring projects. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed/open meeting and roster of committee members.

Dr. Richard A. Pledger, Executive Secretary, Landow Building, Room A–306, National Institutes of Health,

and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on June 27, 1973, determined, pursuant to Section 10(d) of P.L. 92–463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: June 28, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce

[FR Doc.73-13560 Filed 6-29-73;1:46 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BIOLOGICAL MODELS SEGMENT ADVISORY GROUP

Notice of Meeting

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Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed/open meeting and roster of committee members.

Dr. Richard A. Pledger, Executive Secretary, Landow Building, Room A–306, National Institutes of Health,

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Bethesda, Maryland 20014 (301/496–5471) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13389 Filed 7–2–73;8:45 am]

BREAST CANCER DIAGNOSIS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Diagnosis Committee, July 11, 1973, National Cancer Institute, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 10:30 a.m., July 11, 1973, to discuss Developments in Microcalcification as Related to Breast Cancer Detection; Guidelines to Surgeons for Biopsy of Breast Lesions; and possible studies in Evaluation Xeroradiography vs. Mammography, and closed to the public from 10:30 a.m. until 5:30 p.m., for the discussion and review of approximately nine contracts in the field of Diagnosis, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code, and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Ihor J. Masnyk, Ph.D., Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1591) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13388 Filed 7–2–73;8:45 am]

BREAST CANCER TASK FORCE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Breast Cancer Task Force, National Cancer Institute, July 17, 1973, 1:00 p.m. to 6:15 p.m. and July 18, 1973 from 8:30 a.m. to 12:00 noon at Airlie House, Warrenton, Virginia. This meeting will be open to the public from 1:00 p.m. to 3:45 p.m. on July 17 to discuss the Chairman's report; comments and budget development; contract procedures, and the handling of public information in this program, and closed to the public from 3:45 p.m. to 6:15 p.m. on July 17 and from 8:30 a.m. to 12:00 noon on July 18, for the review and discussion of approximately 60 contracts, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Erwin P. Vollmer, Executive Secretary, Landow Building, A–422A, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6718) will provide substantive program information.

Dated: June 2, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13386 Filed 7–2–73;8:45 am]

CANCER CONTROL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control Advisory Committee, National Cancer Institute, July 27, 1973, at 9:00 a.m., National Institutes of Health, Building 31, A Wing, Conference Room 3. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m., July 27, 1973, for the Cancer Control Advisory Committee to discuss and advise the National Cancer Institute on: (1) Possible US–USSR exchange program on cancer control; (2) Head and neck cancer screening programs; (3) Review of cancer diagnostic activities in breast cancer detection program; (4) Comprehensive cancer control program; (5) Legislative initiatives and constraints in cancer cause and prevention. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014, (301/496–1911) will furnish summaries of the open meeting and a roster of committee members.

Dr. Robert L. Woolridge, Executive Secretary, Building 31, Room 10A19, National Institutes of Health, Bethesda, Maryland 20014, (301/496–1946) will provide substantive program information.

Dated June 21, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13391 Filed 7–2–73;8:45 am]

HYPERTENSION INFORMATION AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, National Heart and Lung Institute, July 26 and 27, 1973, 8:30 a.m., National Institutes of Health, Building 31, Conference Room 4. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on July 26 and 27, 1973, to discuss the High Blood Pressure Education Program plan to be submitted to the Secretary of HEW and the recommendations for program development. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496–4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may also be obtained from the Executive Secretary, Dr. John B. Stokes III, NHLI, NIH Building 31, Room 5A27, phone 496–6331.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13390 Filed 7–2–73;8:45 am]

SOLID TUMOR VIRUS WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Solid Tumor Virus Working Group, National Cancer Institute, July 23, 1973, at 9:00 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., July 23, for introductory remarks and discussion of the segment objectives, and closed to the public from 9:30 a.m. until adjournment, for the discussion and review of approximately 8 contracts in the fields of viral oncology and viral immunotherapy in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code, and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Mrs. Harriet Streicher, Executive Secretary, Building 37, Room 2D24, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3301) will provide substantive program information.

Dated: June 19, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–13387 Filed 7–2–73;8:45 am]

Office of Child Development

[N–30–320–1]

HEAD START FEE SCHEDULE REGULATIONS

Guidelines for Implementation

Pursuant to the requirement of the Economic Opportunity Amendments of 1972, PL 92–424, Sec. 22, the Office of Child Development publishes this notice of guidelines and procedures for implementing the Head Start Fee Schedule Regulations, 45 CFR Part 1301 (38 FR 9434, April 16, 1973), by adding OCD Notice N–30–320–1–00 to the OCD Manual of Policy and Procedural issuances as follows:

Sec.
1–00 Purpose.
1–10 Scope.
1–20 Policy.

SECTION 1–00 *Purpose.* This chapter sets forth the policy amplifying and explaining the fee schedule regulations in 45 CFR Part 1301, published in the FEDERAL REGISTER on April 16, 1973, 38 FR 9434.

SEC. 1–10 *Scope.* These guidelines apply to all Head Start grantees and delegate agencies and to all children enrolling or re-enrolling in the Head Start program. These guidelines shall be effective August 10, 1973. Re-enrollment shall take place in September of each year for full day and part day programs in which children are enrolled for twelve months. For full day and part day programs in which children are enrolled less than twelve months, and for summer programs, re-enrollment shall take place at the beginning of the operating year.

SEC. 1–20 *Policy*—A. *General provisions.* 1. Fees shall be charged nonpoor families whose children enroll or re-enroll in the Head Start program. Nonpoor families are those whose gross annual incomes exceed $4,320, as adjusted for families with more than two children. No charges shall be imposed where the family income is equal to or less than $4,320, as adjusted, except to the extent that payment will be made by a third party. A fee shall be paid with respect to a child living in a foster family home or foster care facility if his or her income, including foster care payments made on his or her behalf by a welfare agency, but not including the income of the foster care family, exceeds $4,320.

2. The following table sets forth family income levels at or above which a family with the designated number of children in the family shall be required to pay a fee.

Income	*Number of children in Family*
$4,321	1
4,321	2
4,901	3
5,551	4
6,201	5
6,851	6
7,501	7
8,151	8
8,801	9
9,451	10

B. *Special provisions*—1. *Income and income verification.* For the purpose of computing a fee, income shall be defined as regular gross cash income from any source before taxes, including windfall profits (such as insurance lump-sum benefits) and without regard to capital losses, but after deductions for business expenses of the self-employed. Non cash income such as home grown food or food stamp benefits shall be excluded. In computing the income of military personnel, all pay and allowances must be added to arrive at gross income. Tax-free cash income, such as veterans benefits, social security benefits, unemployment compensation, relocation payments, and public assistance benefits, shall be added to compute gross income. Fees charged shall be correlated with family income which, for the purposes of this policy, shall include the gross cash income of parents contributing to the support of the enrolling child. Income of a family shall be computed on the basis of the twelve months income before the child's enrollment or of the calendar year prior to enrollment, whichever more accurately reflects the family's need and resources.

If the income of a family changes after a child has been enrolled in a Head Start program, the family shall report and verify the change immediately and the fee must be redetermined to reflect said change within 30 days. If the family's income decreases by 15 percent or more, the readjustment of fees must occur within 15 days of the verification of said change. Income recomputation for the purposes of adjusting fees shall be based upon the sum of the income of the month in which the recomputation is made and the income from the eleven months preceding the recomputation. For example, if the family income changes in November of 1973, the base period for recomputation would be December of 1972 through November of 1973. The income and possible fee charge must be recomputed monthly thereafter since the income figure for the twelve month period will be changing monthly thereafter.

A family enrolling or re-enrolling a child in the Head Start program must provide documentation verifying its income. A declaration of income signed by the parents or guardians of the enrolling child shall continue to be an acceptable form of documentation. All income and income verification statements shall be available for review by appropriate DHEW officials and auditors, or their designees.

2. *Adjustments of fees.* Head Start grantees shall authorize fee adjustments for a family whose ability to pay is currently impaired because of unusual medical and dental expenses or theft loss(es). Expenses in excess of 10 percent of gross family income in both of the following categories constitute "unusual" expenses, and shall be deducted from family income. The fee charge shall be determined on the basis of the adjusted family income.

a. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on Line 2 of Schedule A, 1972 Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on Line 6 of Schedule A, Form 1040 (see appendix A). The gross amount of all such medical, dental, and drug expenses is to be used in determining exceptional cases.

b. Those casualty or theft loss(es) permitted by the Internal Revenue Service (see appendix A).

The family shall present dated receipts of its expenditures to verify the kind and amount of unusual expenses currently impairing the ability of the family to pay.

Records of adjustments shall be available for review by the appropriate DHEW officials and auditors, or their designees.

3. *Use of funds.* Funds derived from the operation of the Fee Schedule shall be retained by the grantee and be used to further eligible Head Start program objectives. These funds cannot be applied toward the Federal or non-Federal share requirement. These funds must be expended during the program year in which the funds are collected, unless the funds are collected during the last quarter, in which case they may be carried over to the following program year. However, the grantees shall make every effort to expend last quarter fee collections during that quarter. Decisions relating to the expenditure of these funds shall be made by the grantee in accordance with the applicability of Instruction I–31, Section B2 (TN 70.2), The Parents, and of other OCD policies relating to the expenditure of funds.

4. *Reporting of funds.* The funds received from the collection of fees shall be reported by the grantee on the quarterly financial reporting form. These funds shall be subject to the same audit requirements as funds received under the Economic Opportunity Act of 1964, as amended.

5. *Collection of fees.* Fees shall be collected on a monthly basis for all Head Start programs. For those programs that begin or end in mid-month, fees shall be prorated accordingly, e.g., a charge of ¾ the monthly fee shall be made for programs operating for 3 weeks during the first and/or last month of the program operating year.

Fees shall not be reduced for holidays or child absences unless the holidays or absences extend for at least one week's continuous duration. In such cases, fees shall be prorated accordingly. Fees shall be payable in advance on the first attendance day of each month and shall be considered overdue if not paid within 10 days. A family whose fee payment is overdue shall be notified immediately in writing. Payment shall be made within two weeks of the mailing of the notice. Failure to make payment as required will subject the child(ren) to dismissal from the program.

The grantee with the advice and consent of the local Head Start Policy Council shall develop criteria under which the grantee may authorize fee payment deferments in cases of unusual family hardship. The grantee may authorize a deferment, not a waiver, of overdue payments, in whole or in part, for a period not to exceed two months duration. When the period of deferment lapses, the family must be current in all payments or withdraw the child from the program. A family shall not be allowed to enroll or re-enroll a child once a child is withdrawn until that family's is current in all payments. Before requiring a child to be

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withdrawn, the grantee should give consideration to the applicability of the policy on fee adjustments. Documentation and records regarding overdue payments (i.e., written notifications, deferment criteria and concurrence of Policy Council) shall be available for review by the appropriate DHEW officials or their designees.

6. *Fee charge.* The attached Fee Schedule shall apply to ALL Head Start funded program variations and models. Thus, a child enrolled in the home-based model shall be charged the same monthly rate as the child attending a standard 5-day per week center-based program.

7. *Safeguarding information.* The use or disclosure of financial information concerning enrollees and their families will be limited to purposes directly connected with the administration of the Head Start program.

By the Office of Child Development.

(Catalogue of Federal Domestic Assistance Program No.–13,600, Child Development-Head Start)

SAUL R. ROSOFF,
Acting Director.

APPENDIX A

MEDICAL AND DENTAL EXPENSES

Types of expenses you can deduct.—Payments for medicines, drugs, vaccines, and vitamins your doctor told you to take, but not vitamins you take on your own just to keep healthy.

Payments to hospitals, physicians (medical doctors and osteopaths), dentists, nurses, chiropractors, podiatrists, physiotherapists, psychiatrists, psychoanalysts, and eye doctors or others who examine or test eyes. (If you pay someone to do both nursing and housework, you can deduct only the nursing cost.)

Payments for false teeth, eyeglasses, medical and surgical aids, arches, braces, crutches, sacroiliac belts, wheelchairs, batteries for hearing aids, orthopedic shoes, and cost and care of seeing eye dogs, etc.

Payments for ambulance service and other travel costs necessary to get medical care. Instead of figuring amounts you spent for gas, oil, etc., for your car, you can take 6 cents a mile.

Payments for examinations, X-ray services, insulin treatment, whirlpool baths the doctor ordered, meals and lodging if part of cost for care in a hospital or similar place, hospital or medical insurance, including monthly payments for extra medical insurance under Medicare.

Types of Expenses You cannot Deduct.—Payments for funerals and cemetery lots, cosmetics, illegal operations or drugs that are against the law, travel your doctor tells you to take for rest or change, life insurance policies, the part of social security tax you pay for basic Medicare.

If you need more information, get Publication 502, Deduction for Medical and Dental Expenses.

CASUALTY OR THEFT LOSS(ES)

If you had property that was stolen or damaged by fire, storm, car accident, shipwreck, etc., you may be able to deduct your loss or part of it. In general, Schedule A can be used to report a casualty or theft loss. On property used only for personal purposes you can deduct only the amount over any insurance or other reimbursements plus $100 (if a husband and wife owned the property jointly but file separate returns, both have to subtract $100 from their part of the loss).

Casualty or theft losses of trade, business, rental, royalty, or other income producing properties are not subject to the $100 limitation.

If you had more than one casualty or theft loss occurrence omit lines 26 through 29 of Schedule A (Form 1040). On a separate sheet of paper prepare a schedule using the information on lines 26 through 30 for each loss occurrence. Total the net losses for each occurrence and enter it on line 30, Schedule A. Write in the margin to the right of line 30, "multiple casualty/theft losses, see attachment."

You may find Form 4684, Casualties and Thefts, helpful in determining the amount of your loss, particularly if the property is over six months old. If you fill out Form 4684 omit lines 26 through 29 of Schedule A (Form 1040) and enter the loss from Form 4684 on line 30.

For more information, get Publication 547, Tax Information on Disasters, Casualty Losses, and Thefts.

[FR Doc.73–13511 Filed 7–2–73;8:45 am]

Office for Civil Rights
Office of Education
SEX DISCRIMINATION
Transition Plans

The following memorandum has been sent by the Director, Office for Civil Rights, and the U.S. Commissioner of Education to selected institutions of higher education participating in Federal assistance programs.

MAY 4, 1973

MEMORANDUM FOR PRESIDENTS OF SELECTED INSTITUTIONS OF HIGHER EDUCATION PARTICIPATING IN FEDERAL ASSISTANCE PROGRAMS

Subject: Title IX of the Education Amendments of 1972, Prohibition of Sex Discrimination—Plans to End Discrimination in Admission by Certain Educational Institutions

In August of 1972, the Office for Civil Rights wrote to you summarizing the requirements of Title IX, "Prohibition of Sex Discrimination," of the Education Amendments of 1972. A Copy of Title IX is enclosed as Attachment A.[1]

Title IX generally prohibits discrimination on the basis of sex, with certain exceptions, in all educational institutions receiving Federal financial assistance. This prohibition does not apply to military or merchant marine schools or colleges, or to religiously controlled institutions to the extent it is inconsistent with the religious tenets of the organization controlling the institution.

With regard to student admissions, federally assisted institutions of vocational, professional, graduate higher education, and public undergraduate higher education are required by Title IX not to discriminate on the basis of sex beginning July 1, 1972, the date Title IX became effective. These types of institutions are defined as follows:

[1] Filed as part of original document.

An Institution of Graduate Higher Education means an educational institution which offers:

1. Academic study beyond the customary bachelor of arts or bachelor of science degrees, whether or not leading to a certificate or any higher degree in the liberal arts and sciences; or

2. Any degree in a professional field beyond the first professional degree; or

3. No degree or further academic study, but which operates solely for the purpose of research by persons who have received the highest graduate degree in any field of study.

An Institution of Undergraduate Higher Education means:

1. An institution offering at least two but less than four years of college level studies beyond the high school level, leading to a diploma, or an associate degree or wholly or principally creditable toward customary baccalaureate degrees; or

2. An institution offering programs of studies leading to customary baccalaureate degrees, requiring at least four but less than six years; or

3. An agency or body which certifies credentials or offers degrees, but which may or may not offer programs of study.

A Public Undergraduate Institution of Higher Education is an undergraduate institution of higher education which is under the control of publicly elected or appointed officials and primarily supported by public funds.

An Institution of Vocational Education means a secondary school or a post secondary institution (except an institution of undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semi-skilled occupation or trade, or to pursue study in a technical field.

An Institution of Professional Education means an educational institution (except an institution of undergraduate higher education) which offers a program of academic study that leads to a first professional degree in a field for which there is a national specialized accrediting agency recognized by the U.S. Commissioner of Education. (Please see Attachment B.)

Pursuant to section 901(c) of Title IX, each administratively separate unit of a federally assisted educational institution is treated as a separate institution in determining which of its admissions processes must be free of sex discrimination. For these purposes, an "administratively separate unit" of a federally assisted institution is defined as a school, department or college of the educational institution which applies policies or criteria for admission of individuals which are separate (but not necessarily different) from the policies or criteria applied in any other component of the institution. For example, if a private university which receives Federal financial assistance contains a graduate school, a law school, and an undergraduate college which are "separate administrative units" as described above, each is treated as a separate educational institution as regards admissions. The college's admissions would be exempt from the requirement of section 901(a), but those of the graduate and law schools would not; the graduate and law schools would be treated separately from one another in determining which, if either, were eligible to operate under a plan.

as regards admissions. The college's admissions would be exempt from the requirement of section 901(a), but those of the graduate and law schools would not; the graduate and law schools would be treated separately from one another in determining which, if either, were eligible to operate under a plan.

The admissions prohibition does not apply to private undergraduate institutions of higher education or to public undergraduate institutions of higher education which were founded as, and continue to be, single-sex institutions or to military or merchant marine schools or colleges. As described above, the prohibition also may not apply to religiously controlled institutions.

Institutions which were single sex as of June 24, 1972, or which began to admit students of both sexes after June 23, 1965, are not prohibited from discrimination on the basis of sex in admissions until June 24, 1973. In addition, these institutions may have up to six years after June 24, 1973, to completely eliminate such discrimination if they are operating under a transition plan which is approved by the Commissioner of Education. If, after studying this memorandum, you determine that your institution is eligible to submit a plan to eliminate admissions discrimination, please consult Attachment C, "Plans to Eliminate Discrimination in Admissions," for guidance in developing an appropriate plan. Submissions should be made within 45 days of the date of this memorandum to:

Student Affairs Coordinator
Higher Education Division
Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201

Plans will be reviewed for adequacy and specifically approved or disapproved by the Commissioner of Education, as required by Title IX. Educational institutions which submit plans found to be unacceptable will be so notified as soon as possible and offered further guidance. Educational institutions which are eligible to submit a plan, but do not, will be required not to discriminate on the basis of sex in admissions as of June 24, 1973.

Some educational institutions not subject to the Title IX requirements in admissions or which are eligible to operate under a plan for eliminating discrimination, are nonetheless subject to the requirements of sections 799A or 845 of the Public Health Service Act and/or Part 83 of Title 45 of the Code of Federal Regulations. These provisions together prohibit discrimination on the basis of sex in the health training programs of any allied health training center, school of nursing or medicine, or other college or entity which receives Federal support under Titles VII or VIII of the Public Health Service Act. An explanation of sections 799A and 845 and Part 83 is enclosed at Attachment D (Forms HEW–590A and 590C.[2] The various exemptions from Title IX do not change the obligations of institutions under sections 799A and 845 or Part 83. Thus an institution will not be eligible to receive support under Titles VII or VIII of the Public Health Service Act if it discriminates on the basis of sex in admissions to its health training programs, or in any selection process which precedes eligibility for such programs, even if it does so under a plan approved by the Commissioner of Education under Title IX.

[2] Filed as part of original document.

The regulation implementing Title IX referred to in the August 1972 memorandum is not yet available. This regulation will set forth all of the requirements pertaining to that Title.

Should you have any questions concerning this matter, please feel free to contact Burton M. Taylor, Student Affairs Coordinator, Office for Civil Rights. His telephone number is Area Code 202 963–4418.

Dated May 15, 1973.

PETER E. HOLMES,
Director,
Office for Civil Rights.

Dated: May 21, 1973.

JOHN OTTINA,
U.S. Commissioner
of Education-designate.

ATTACHMENT B

SELECTED ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS*

BUSINESS—American Association of Collegiate Schools of Business
DENTISTRY—American Dental Association
HOSPITAL ADMINISTRATION—Accrediting Commission on Graduate Education for Hospital Administration
LAW—American Bar Association
LIBRARIANSHIP—American Library Association
MEDICINE—Liaison Committee on Medical Education representing the Council on Medical Education of the American Medical Association and the Executive Council of the Association of American Medical Colleges
OPTOMETRY—American Optometric Association
OSTEOPATHIC MEDICINE—American Osteopathic Association
PODIATRY—American Podiatry Association
PSYCHOLOGY—American Psychological Association
PUBLIC HEALTH—American Public Health Association, Inc.
SOCIAL WORK—Council on Social Work Education
SPEECH PATHOLOGY AND AUDIOLOGY—American Speech and Hearing Association
THEOLOGY—American Association of Theological Schools
VETERINARY MEDICINE—American Veterinary Medical Association

ATTACHMENT C

INSTRUCTIONS FOR "PLANS TO ELIMINATE DISCRIMINATION IN ADMISSIONS"

Institutions are eligible to operate under plans during the period beginning June 23, 1973, and ending no later than June 23, 1979. A plan must identify each specific obstacle to nondiscrimination in admissions which you believe will exist after June 23, 1973, and provide for its elimination at the earliest practicable date. It should be noted, however, that sex discrimination in treatment of students after admission and sex discrimination in employment have been prohibited since June 24, 1972.

Your plan shall include the following information:

1. State on the first page the name, address, and FICE Code of your institution, the administratively separate units to which the plan is applicable, and the name, address, and telephone number of the person to whom questions concerning the plan may be addressed. The person who submits the plan shall be the chief administrator or president of the institution, or another individual legally authorized to bind the institution to all actions set forth in the plan.

2. State whether your institution has already begun to admit students of both sexes, and if so, when it began to do so. An institution which began to admit students of both sexes prior to June 24, 1965, is not eligible to operate under a plan and must have eliminated all discrimination in admissions as of June 24, 1972.

3. Identify and describe any obstacles to admitting students without discrimination on the basis of sex on and after June 23, 1973. This should be done separately for each administratively separate unit to which the plan applies. Nondiscrimination does not imply that your institution must or will accept students of either sex in any particular number or proportion, but it does mean removal of all obstacles, based on sex, to admission of students.

Many institutions may wish to increase their annual class size at some time in the future, so that the number of students of the sex previously favored need not be reduced, while more opportunities for students of the other sex are provided. Such a policy may not be adopted as a substitute for nondiscrimination in whatever admissions your institution does undertake. Consequently, financial or other considerations which may delay an increase in enrollment cannot excuse eliminating admissions discrimination after June 23, 1973.

[FR Doc.73–13461 Filed 7–2–73;8:45 am]

*Excerpted from *Nationally Recognized Accrediting Agencies and Associations*, March 1972, U.S. Department of Health, Education, and Welfare, Office of Education, Bureau of Higher Education.

Public Health Service
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION
Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15953, October 30, 1968), as amended, is hereby amended with regard to Section 3–20, *Organization and Functions*, as follows:

In the chapter alphabetically coded "3G00"—CENTER FOR DISEASE CONTROL (3G00)—delete the paragraph entitled *Ecological Investigations Program (3G41)*, which is abolished, effective September 30, 1973.

Also, revise the mission statement of the Laboratory Division (3G69) to include functions transferred from the Ecological Investigations Program (3G41) by substituting the following sidehead and accompanying text:

Laboratory Division (3G69). (1) Administers a comprehensive national laboratory improvement program; (2) directs and conducts the administration of the licensure and evaluation of clinical laboratories engaged in interstate commerce under the authority and provisions of the Clinical Laboratories Improvement Act of 1967; (3) conducts research

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for improving and standardizing laboratory methodology; (4) evaluates techniques, materials, and reagents used in public laboratories; (5) provides reference and typing center services related to clinical laboratory procedures for national and international organizations; (6) produces and distributes microbiological reference and working reagents not commercially available or of unreliable supply; (7) provides consultation, training, and informational services in laboratory techniques and laboratory management to States and other recipients; (8) distributes experimental vaccines and special immune globulins to prevent and control laboratory infections; and (9) provides consultation, laboratory services, and epidemic aid in the area of vector-borne infections to State, Federal, and international agencies.

Dated: June 27, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-13462 Filed 7-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ALABAMA

Proposed Action Plan

The Alabama Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed action plan as required by policy and procedure memorandum 90-4 issued on September 21, 1972. The action plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed action plan is available for public review at the following locations:

1. State of Alabama Highway Department
   State Highway Building
   11 South Union Street
   Montgomery, Alabama 36104
2. Alabama Division, FHWA
   441 High Street
   Montgomery, Alabama 36104
3. FHWA Regional Office
   Office of Environment & Design
   1720 Peachtree Rd., N.W., Room 208
   Atlanta, Georgia 30309
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 25, 1973.

Issued on June 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13403 Filed 7-2-73;8:45 am]

MACARTHUR AND KEOKUK BRIDGE TOLLS

Public Hearings; Correction

In FR Doc. 73-11448 appearing at page 15092 of the issue for Friday, June 8, 1973, the date by which interested persons must notify the Administrative Law Judge of their intended participation in the hearings was set forth erroneously as May 25, 1973, which should read "July 6, 1973". As so corrected, the sentence relating to notification to the Administrative Law Judge of the nature of intended participation in the hearings reads as follows:

Any person who desires to participate in the hearing in either, or both, cases should notify the Administrative Law Judge, at the address set forth below, not later than July 6, 1973, stating the nature of the evidence he intends to adduce and the approximate time requested for making his presentation.

Issued on June 21, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13404 Filed 7-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Browns Ferry Nuclear Plant, Unit 1; Issuance of a Facility Operating License

Notice is hereby given that pursuant to the presiding Atomic Safety and Licensing Board's "Order on Applicant's Motion for an Order Authorizing Fuel Loading, Testing and Operation of Unit 1," dated June 15, 1973, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-33 to the Tennessee Valley Authority (the licensee) authorizing fuel loading, low-power testing and operation of the Browns Ferry Nuclear Plant, Unit 1, (the facility), at reactor core power levels not in excess of 2470 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications. However, activities under the license are temporarily being limited to fuel loading, low-power testing, and operation at one (1) percent of the rated power level until certain matters identified by the Directorate of Regulatory Operations have been satisfactorily resolved. The facility is a boiling water nuclear reactor located at the licensee's site in Limestone County, Alabama.

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I.

The license is effective as of the date of issuance and shall expire on December 26, 1974, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) the Atomic Safety and Licensing Board's Order, dated June 15, 1973, (2) Facility Operating License No. DPR-33, complete with Technical Specifications (Appendices "A" and "B"), (3) the licensee's Draft Environmental Statement dated July 1971, and supplement thereto dated November 8, 1971, (4) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972, (5) the Directorate of Licensing's Safety Evaluation dated June 26, 1972, and supplements thereto dated December 21, 1972, and June 22, 1973, (6) the Final Safety Analysis Report and amendments thereto, and (7) the licensee's Final Environmental Statement dated September 1, 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20545, and the Athens Public Library, South and Forrest, Athens, Alabama 35611. Single copies of items (2) and (5) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 26th day of June, 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch No. 2 Directorate of Licensing.

[FR Doc.73-13349 Filed 6-29-73;8:45 am]

[Docket Nos. 50-373 50-374]

COMMONWEALTH EDISON COMPANY

Rescheduling of Evidentiary Hearing on Environmental Issues

In the matter of La Salle County Nuclear Power Station, Units 1 and 2.

On June 14 and 15, 1973, the Intervenors and the Regulatory Staff requested a postponement of the hearing on environmental issues scheduled for June 18, 1973. The Board determined it would proceed with the hearing in order to afford an opportunity for members of the public to make limited appearances and to discuss future scheduling for this proceeding.

The evidentiary hearing on environmental issues will commence at 2 pm (local time), on July 9, 1973, at the large conference room at the Holiday Inn, Junction of I-80 and Route 47, Morris, Illinois.

Issued at Washington, D.C. this 28th day of June 1973.

It is so Ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc.73-13435 Filed 7-2-73;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Resumption of Evidentiary Hearing

In the matter of Pennsylvania Power & Light Co. (Susquehanna Steam Electric Station, Units 1 and 2).

Take notice that the evidentiary hearing in the captioned proceeding will resume on July 24, 1973, at 10 a.m., at the Berwick High School Auditorium, 1100 Fowler Avenue, Berwick, Pennsylvania.

It is so ordered.

Issued at Washington, D.C., this 28th day of June, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.73-13460 Filed 7-2-73;8:45 am]

POWER REACTOR GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two revised guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.3 (Revision 1), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Boiling Water Reactors," and Regulatory Guide 1.4 (Revision 1), "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss of Coolant Accident for Pressurized Water Reactors," are revisions of former Safety Guides 3 and 4 respectively. These guides have been revised to reduce the assumed methyl iodide values to four percent.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
Physical Independence of Safety Related Electric Systems
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Design Basis Floods for Nuclear Power Plants
Design Phase Quality Assurance Requirements for Nuclear Power Plants
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Nuclear Reactor Containment Facilities
Additional Material Requirements for Bolting
Inservice Surveillance of Grouted Prestressing Tendons
Design Response Spectra for Seismic Design of Nuclear Power Plants
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Installation of Over-Pressure Devices
Nondestructive Examination of Tubular Products
Category I Structural Foundations
Manual Initiation of Protective Actions
Electric Penetration Assemblies in Nuclear Power Plant Containment Structures
Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Damping Values for Seismic Design of Nuclear Power Plants
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis for Tornadoes for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants

(5 U.S.C. 552(a)).

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13209 Filed 7-2-73;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Atomic Energy Commission has issued regulatory guide 1.42, "Interim Licensing Policy on As Low As Practicable for Gaseous Radioiodine Releases from Light-Water-Cooled Nuclear Power Reactors," in division 1, "Power Reactor Guides," of the Regulatory Guide series. It provides interim Licensing guidelines to aid applicants in implementng §§ 20.1 (c), 50.34a, and 50.36a of the Commission's regulations with respect to keeping radioioline releases from light-water-cooled nuclear power reactors as low as practicable. This guide may be applied to reactors currently in the construction permit and operating licensing review stages as well as to power reactors to which construction permit applications are received in the immediate future.

Regulatory guide 1.42 is the latest addition to the series of guides developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents, and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 28th day of June 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13535 Filed 6-29-73;10:48 am]

V 38 127 JUL 3 73 XUM

VIRGINIA ELECTRIC AND POWER CO.

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

VIRGINIA ELECTRIC AND POWER COMPANY (North Anna Power Station Units 1 and 2) Docket Nos. 50-338 and 50-339

This action is in reference to the "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" published by the Commission in the above matter (38 FR 13772).

The members of the Board are:

James R. Yore, Esq., Chairman
Robert M. Lazo, Esq., Member
Dr. Marvin M. Mann, Member

Dated at Washington, D.C. this 28th day of June 1973.

ATOMIC SAEFTY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-13436 Filed 7-2-73;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORPORATION

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a draft environmental statement prepared by the Commission's Directorate of Licensing related to the operation of the Nine Mile Point Nuclear Station Unit 1 by Niagara Mohawk Power Corporation in Oswego County, New York is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

The Draft Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. Copies of the Commission's draft environmental statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's environmental report, as supplemented, submitted by Niagara Mohawk Power Corporation is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 18, 1972 (37 FR 16692).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, within forty-five (45) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on the Applicant's environmental report, as supplemented, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's environmental report and the draft environmental statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Oswego City Library, 120 E. Second Street, Oswego, New York 13126. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 27th day of June 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch #4, Directorate of Licensing.

[FR Doc.73-13348 Filed 7-2-73;8:45 am]

ACRS SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Notice of Meeting

JUNE 29, 1973.

In accordance with sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Safety Research will hold a meeting on July 10, 1973, in Room 1062, 1717 H Street, NW., Washington, D.C. The subject meeting will be to discuss a preliminary program proposed by the AEC staff for reactor safety research during FY-1974 and FY-1975.

Members of the ACRS and the AEC staff will participate in this meeting. This meeting is being held to formulate a Subcommittee report and recommendations to the ACRS regarding the proposed program.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss a draft document which falls within exemption (5) of 5 U.S.C. 552(b) and will include an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency and Committee operations.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-13653 Filed 7-2-73;9:47 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON SAFETY GUIDES

Notice of Meeting

JUNE 29, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Safety Guides will hold a meeting on July 11, 1973, in Room 1062, at 1717 H Street, NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-13654 Filed 7-2-73;9:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25397, etc.; Order 73-6-106]

AMERICAN AIRLINES, INC., ET AL.

Order Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of June 1973. Dockets 24224, 25576; Docket 25515; Docket 25553; Docket 24327; Docket 24233; Docket 25621; and Docket 25582.

On April 9, 1973, American Airlines and Frontier Airlines filed a joint application requesting that the Board approve, on an expedited basis, an agreement entered into by the two carriers to exchange route authority. Under the agreement, American's route authority between San Diego, on the one hand, and Phoenix and Tucson, on the other hand, would be transferred to Frontier. Frontier agrees to accept the transferred authority on a subsidy-ineligible basis. In addition, Frontier's route authority between Albuquerque, on the one hand, and Las Vegas and Dallas-Fort Worth, on the other hand, would be transferred to American. The carriers state that the exchange consists solely of the cross-purchase of the route authority, that no cash or consideration other than the mutual exchange is involved in the transaction, and that either carrier can terminate the agreement if approval has not been granted by October 1, 1974.

Answers in support of the joint application have been filed by the communities of Albuquerque, Las Vegas, Phoenix, and Tucson. Dallas and Fort Worth do not object to the proposal. Trans World Airlines filed an answer in opposition to the joint application and a petition arguing that the requested approval would result in a major route proceeding, that the application does not satisfy the Board's priority of hearing standards, and requesting the Board to put in issue the suspension or deletion of Frontier in the markets in issue. Braniff Airways and Delta Air Lines have requested that the Board set the joint application for hearing and allow interested persons an opportunity to submit alternate proposals. Braniff, Delta, Hughes Airwest, and Western Air Lines have filed motions for consolidation of applications for new authority between Dallas/Ft. Worth and Las Vegas, on the one hand, and Albuquerque, on the other hand, and Airwest requests that its one-stop restriction in the San Diego-Phoenix market be lifted. Finally, Continental and Texas International have filed applications for new authority between Albuquerque and Las Vegas, and have requested that these applications be consolidated with the joint application of American and Frontier. American and Frontier have filed various responsive documents.[1]

Upon consideration of the foregoing pleadings and the relevant facts, the Board has decided to set the joint application for an early hearing for the purpose of considering whether the proposed route exchange is in the public interest. As the joint applicants correctly note, the Board has always had a policy of affording priority of treatment to applications filed under section 408 of the Act. This policy has not been limited to cases where one or both of the parties were in financial difficulties. Moreover, while the Board is currently following a policy of caution in setting down route cases which could result in introducing new competition in markets where it might have a net deleterious effect on the overall health of the air transportation industry, the present application contemplates only the substitution of one carrier for another in each of the markets in question, and thus does not raise the issue of adding to the number of competing carriers in any of these markets,[2] Moreover, Frontier has submitted a financial forecast which, subject to testing in the hearing process, makes an initially plausible case that implementation of the route exchange agreement would materially reduce its need for federal subsidy. Accordingly, the joint application will be set for hearing and will be accorded the expeditious treatment appropriate to a section 408 proceeding.

The Board has decided not to enlarge the scope of the proceeding beyond a consideration of the American-Frontier section 408 proposal. Clearly a grant of the various requests of Airwest, Braniff, Continental, Delta, Texas International, TWA, and Western would substantially expand the instant investigation, inject issues outside the scope of the present agreement, and delay disposition of the joint request. Such action would not be conducive to the proper dispatch of the Board's business and is not otherwise warranted by the public interest. We note, in this connection, that only Western has suggested that an expansion of the proceeding is required under the Ashbacker principle, and that carrier has not cited either Board or Court precedent for its assertion.[3] In any event, it is well-established that the Board may properly dispose of section 408 applications, such as the joint request here, without an expansion of the issues. See Northwest Airlines, Inc. v. C.A.B., 303 F.2d 395 (D.C. Cir. 1962) and Western Air Lines, Inc. v. C.A.B., 184 F.2d 545 (9th Cir. 1950). This approach is in accord with prior Board practice under comparable circumstances. United-Capital Merger Case, 31 C.A.B. 1069 (1960), Application of Eastern Air Lines and Mohawk Airlines, Order E-16666, April 14, 1961, and Eastern Air Lines-Mackey Airlines, Order E-22916, November 22, 1965.

The Board appreciates, in this regard, that voluntary intercarrier arrangements contemplated by sections 401(h) and 408 of the Act may have an effect on the air map analogous to those changes which might be brought about through certification proceedings under section 401. See, e.g., American-Western Merger Case, Orders 72-7-91/92, served July 28, 1972. As a general matter, however, the Board does not reappraise prior determinations regarding operating authority in a subsequent proceeding involving a transfer of such operating authority from one carrier to another;[4] and, in the case before us, we do not believe it necessary or desirable to relitigate specific public convenience and necessity questions previously determined. Similarly, we do not intend to tranform the rather limited request presented to us into a new route proceeding involving questions of service to much of the southwestern United States. In our judgment, the public interest does not so require. We intend, instead, to consider the joint application and allow all interested persons a full opportunity to present evidence and argument to demonstrate any matter potentially bearing on whether the proposed route exchange is consistent with the public interest. See Texas International Airlines Acquisition of Control by Jet Capital Corporation, Order 72-3-69, March 21, 1972.[5]

Accordingly, it is ordered, That:

1. The application of American Airlines, Inc. and Frontier Airlines, Inc., Docket 25397, be and it hereby is set for expedited hearing, at a time and place hereafter designated;

2. The petitions of Braniff Airways, Delta Air Lines, Hughes Airwest, Texas International Airlines, Western Air Lines, the City of Albuquerque and the Albuquerque Chamber of Commerce, Arizona, and the El Paso Civic Interests, for leave to intervene, be and they hereby are granted;

3. Continental Air Lines, Trans World Airlines, the City of Dallas, Dallas Chamber of Commerce, Fort Worth Chamber of Commerce, the North Texas Commission, the Las Vegas Parties, the City of Phoenix and the Phoenix Chamber of Commerce, and the Tucson Airport Authority, be and they hereby are made parties to Docket 25397;

4. The motions of Braniff Airways, Continental Air Lines, Delta Air Lines, Hughes Air Corp., Texas International, and Western Air Lines, for consolidation of their applications filed in Dockets 24224, 25515, 25553, 24327, 24233, and 25582, respectively, into this proceeding, be and they hereby are denied;

5. The petitions of Braniff Airways and Trans World Airlines filed in Dockets 25576 and 25621, respectively, be and they hereby are denied; and

6. To the extent not specifically granted herein, all petitions, motions and requests, be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13482 Filed 7-2-73;8:45 am]

TEXAS DELEGATION

Notice of Meeting

Notice is hereby given that a meeting with the Texas Delegation will be held on July 17, 1973, at 3:00 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., concerning the facts and circumstances surrounding the construction and completion of the Dallas/Fort Worth Regional Airport.

[1] Petitions for leave to intervene have been filed by Braniff, Delta, Hughes Airwest, Texas International Airlines, Western, and the Albuquerque, Arizona, and El Paso parties.

[2] The Board has recently afforded priority of treatment to several cases which, while not formally brought under section 408, nevertheless involved the substitution of one carrier for another. See, e.g., Service to Richmond Case, Order 72-12-112; and compare Piedmont Aviation/Eastern Air Lines Route Transfer, Orders 71-10-33, 72-3-18, 72-6-8, 72-11-22.

[3] The motions of Airwest, Braniff, Continental, Delta and Texas International for consolidation do not suggest that consolidation is required here as a matter of law. Rather these pleadings appear to recognize that such consolidation is within the Board's discretion.

[4] Application of Phoenix Airlines et al., Order 73-2-74, February 16, 1973, p. 3., Delta-Northeast Merger Case, Order 72-7-74, July 21, 1972, pp. 7-10, aff'd. per curiam Eastern Airlines v. C.A.B., D.C. Cir. No. 72-1703, October 3, 1972.

[5] In this connection, we will make the carrier and civic respondents parties to this proceeding so that they may participate with respect to all matters in issue.

V 38-127 JUL 3 73 XUM

Dated at Washington, D.C., June 28, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13484 Filed 7-2-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Tuesday, July 3, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc.73-13643 Filed 7-2-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BELIZE (FORMERLY BRITISH HONDURAS

Entry or Withdrawal From Warehouse for Consumption

JUNE 28, 1972.

On June 28, 1973, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Belize (formerly British Honduras) that it was renewing for an additional twelve-month period beginning June 29, 1973, and extending through June 28, 1974, the restraint on imports into the United States of cotton textile products in Category 63, produced or manufactured in Belize. Pursuant to Annex B, paragraph 2, of the Long-Term Arrangement, the level of restraint for this twelve-month period is 5 percent greater than the leval of restraint applicable to this category for the preceding twelve-month period.

There is published below a letter of June 28, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amount of cotton textile products in Category 63, produced or manufactured in Belize, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning June 29, 1973, be limited to 631,743 pounds.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Teasury,
Washington, D.C. 20229.

JUNE 28, 1972.

Dear Mr. Commissioner: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective June 29, 1973, and for the twelve-month period extending through June 28, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Belize (formerly British Honduras), in excess of a level of restraint for the period of 631,743 pounds.

In carrying out this directive, entries of cotton textile products in Category 63, produced or manufactured in Belize, which have been exported to the United States from Belize prior to June 29, 1973, shall, to the extent of any unfilled balances, be charged against the level of restraint establishd for such goods during the period June 29, 1972 through June 28, 1973. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

A detailed description of Category 63 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802) as amended on February 14, 1973 (38 FR 4036).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puero Rico.

The actions taken with respect to the Government of Belize and with respect to imports of cotton textiles and cotton textile products from Belize have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-13537 Filed 7-2-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO

Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1399) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide ethyl 4-(methylthio)-*m-tolyl* isopropylphosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 0.5 part per million; peanut hulls and potatoes at 0.4 part per million; bananas, brussels sprouts, cabbage, carrots, citrus, cotton forage, sugar beet tops, and sweet-potatoes at 0.1 part per million; cotton-seed, soybeans, and sugar beets at 0.05 part per mililon; and peanuts at 0.02 part per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5034) proposing establishment of food additive tolerances (21 CFR Part 121) for combined residues of the insecticide and its cholinesterase-inhibiting metabolites in citrus molasses at 2 parts per million and dried citrus pulp at 0.5 part per million resulting from application of the insecticide to growing citrus fruit.

The analytical method proposed in the pesticide petition for determining residues of the insecticide is a procedure in which the residue is reacted with potassium permanganate and the resulting sulfone is determined using a gas chromatograph with flame ionization detector.

Dated: June 27, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13510 Filed 7-2-73;8:45 am]

ROHM AND HAAS CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that petition (PP 3F1404) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide 3,5-dichloro-*N*- (1,1-dimethyl-2-propynyl)-benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities blackberries, boysenberries, and raspberries at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the sample is refluxed with sulfuric acid and methanol to form the ester methyl 3,5-dichlorobenzoate. The latter is determined by an electron-capture gas chromatographic procedure.

Dated: June 27, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13509 Filed 7-2-73;8:45 am]

STATE COMPLIANCE SCHEDULES

Notice of Public Hearing

Section 110(c) of the Clean Air Act, as amended (42 U.S.C. 1857c-5), directs to the Administrator of the Environmental Protection Agency to publish proposed regulations setting forth an implementation plan, or portion thereof, for a State if the State fails to submit a portion within the time prescribed or if the portion is determined by the Administrator not to be in accordance with section 110 of the Clean Air Act. In order to satisfy section 110(a)(2)(B) of the Act, States were directed by 40 CFR § 51.15(a)(2) to submit certain compliance schedules by February 15, 1973, as a portion of their implementation plans. States failed to submit all of the schedules required by that date, and submitted schedules not in accordance with the requirements of section 110 of the Act. The Administrator therefore disapproved the deficient plans and specific schedules involved and porposed schedules as required. The disapprovals and proposed schedules, with the exception of a proposed schedule for Illinois, were published in the FEDERAL REGISTER on June 20, 1973. The Illinois proposed schedule pertaining to particulate emissions from fuel-burning sources was omitted through an oversight and is being published in this issue of the Federal Register to rectify the situation.

The public is encouraged to participate in this rule making by submitting comments in accordance with the conditions set forth in the notice of proposed rule making published in this issue of the FEDERAL REGISTER at page 17737. In addition, a public hearing will be held on the compliance schedule in order to provide the general public a greater opportunity to comment. Accordingly, notice of public hearing concerning the proposed compliance schedule is given as indicated below. At this public hearing, comments on the Illinois substitute regulations proposed in the June 20, 1973, issue of the FEDERAL REGISTER will also be considered.

A presiding officer has been designated for the hearing. He will have the responsibility for maintaining order, excluding irrelevant or, repetitive material, scheduling presentations, and, to the extent possible, notifying participants of the time at which they may appear. The hearing will be conducted informally. Technical rules of evidence will not apply.

Interested persons wishing to make a statement at the hearing will be afforded the opportunity to do so. The time for making a statement will be limited. Such persons are requested to file a notice of their intention to make a statement no later than 15 days prior to the hearing and, no later than 10 days prior to the hearing, if practicable, to submit five copies of the proposed statement to the presiding officer at the address set forth below.

All other comments and inquiries prior to and after the public hearing also should be addressed to the presiding officer.

Notice of the following hearing on the proposed compliance schedule is hereby given:

Illinois

A hearing on proposed compliance schedules for the State of Illinois will be held on Thursday, July 26, 1973, at nine-thirty o'clock a.m. in the Sheraton-Chicago, San Juan-Kingston Room, 505 North Michigan Avenue, Chicago, Illinois. Mr. James O. McDonald is hereby designated Presiding Officer for the hearing. All correspondence concerning the hearing should be addressed to the Administrator of the Environmental Protection Agency, Attention: Presiding Officer, Hearing on Compliance Schedules for the State of Illinois, 1 North Wacker Drive, Chicago, Illinois 60606.

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-13546 Filed 7-2-73;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1203]

ALBEE TRUCKING CO., INC.

Order of Revocation

By letter dated May 16, 1973, Albee Trucking Co., Inc., P. O. Box 670, Wolfeboro, New Hampshire 03894 was advised by the Federal Maritime Commission that Independence Ocean Freight Forwarder License No. 1203 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 15, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Albee Trucking Co., Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1203 of Albee Trucking Co., Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1203 be and is hereby revoked effective June 15, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Albee Trucking Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-13503 Filed 7-2-73;8:45 am]

EDWARD STEPHEN OF TAMPA, INC., AND UITERWYK COLD STORAGE CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

William Levenstein, Esq.
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. T-2811, between Edward Stephen, Inc. (E.S.) and Uiterwyk Cold Storage Corporation (U.S.C.) provides for the sublease to U.C.S. of the premises and rights covered under the original lease (master lease), between Tampa Port Authority and E.S. (FMC Agreement No. T-2810). Agreement No. T-2811 provides that U.C.S. will assume all of the obligations and benefits of the master lease, which provides for the 25-year lease (with renewal options) of approximately nine acres of bare land and preferential berthing rights to an adjacent 1,200 foot dock and 100 foot apron, at the Holland Terminal Area, East Bay,

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Hookers Point, Tampa. E.S. is to construct and maintain a warehouse and cold storage facility on the leased land, which is to be used by U.C.S. primarily for products to be imported and exported over the adjacent berth, and for uses incidental thereto. As compensation, E.S. is to receive $13,198.50 annual land rental, 10½ percent annually of the total construction cost of the facility, and all other fees E.S. is required to pay the Port under the master lease.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: June 28, 1973.

[FR Doc.73-13501 Filed 7-2-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1293]

JOSE BENJAMIN AZIOS d/b/a AZIOS INTERNATIONAL AIR CARGO EXPEDITORS

Order of Revocation

Jose Benjamin Azios d/b/a, Azios International Air Cargo Expeditors, 6038 Woodbrook Lane, Houston, Texas 77008 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1293 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1293 be and is hereby revoked effective June 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Jose Benjamin Azios d/b/a Azios International Air Cargo Expeditors.

AARON W. REESE,
Managing Director.

[FR Doc.73-13502 Filed 7-2-73;8:45 am]

MED GULF CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Application to Extend Approval of Dual Rate Contract System Filed by:

Stanley O. Sher, Esq.
Counsel for the Med-Gulf Conference
919 Eighteenth Street, NW.
Washington, D.C. 20006

The members of the Med-Gulf Conference, Agreement No. 9522, have filed an application pursuant to section 14b of the Shipping Act, 1916, for a permanent extension of its Puerto Rican Dual Rate Contract system which presently is due to expire at the end of August, 1973.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: June 28, 1973.

[FR Doc.73-13500 Filed 7-2-73;8:45 am]

[Independent Ocean Freight Forwarder License No. 1450]

RICHARD C. CLAPROOD, JR. d/b/a AIR SEA BROKERS

Order of Revocation

By letter dated May 23, 1973, Richard C. Claprood, Jr. d/b/a Air Sea Brokers, 4920 E. 5th Avenue, Columbus, Ohio 43219 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1450 would be automatically revoked or suspended unless a valid surety bond was filed with the Commisison on or before June 19, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commisison General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Richard C. Claprood, Jr. d/b/a Air Sea Brokers has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 1450 of Richard C. Claprood, Jr. d/b/a Air Sea Brokers be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1450 be and is hereby revoked effective June 19, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Richard C. Claprood, Jr. d/b/a Air Sea Brokers.

AARON W. REESE,
Managing Director.

[FR Doc.73-13504 Filed 7-2-73;8:45 am]

TAMPA PORT OF AUTHORITY AND EDWARD STEPHEN OF TAMPA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

William Levenstein, Esq.
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. T-2810, between Tampa Port Authority (Port) and Edward Stephen of Tampa, Inc. (E.S.), provides for the 25-year lease to E. S. (with renewal options) of approximately nine acres of bare land, and preferential berthing rights to an adjacent dock and apron, at the Holland Terminal Area, East Bay, Hookers Point, Tampa, Fla. As compensation, the Port will receive a minimum annual rental of $100,000 which will derive from a base bare land annual rental of $1,500 per acre plus wharfage and dockage, governed by the Port's terminal tariff. E. S. is to construct and maintain a warehouse and cold storage facility on the leased land, to be used primarily for products to be imported and exported over the adjacent berth, and for uses incidental thereto. The agreement provides that the Port will not lease any of its facilities for the construction of cold storage facilities similar to those of E.S. for a minimum of two years and a maximum of five years. The Agreement also provides that E.S. will sublet this lease to Uiterwyk Cold Storage Corporation, with the Port's approval.

By order of the Federal Maritime Commission.

Dated: June 28, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13499 Filed 7-2-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Notice of Application

JUNE 25, 1973.

Take notice that on June 14, 1973, Chattanooga Gas Company, a division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP73-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of liquefied natural gas (LNG) or vaporized LNG in interstate commerce from facilities in Chattanooga, Tennessee, and a natural gas storage service, with pregranted abandonment authorization for said sales and service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its basic supply of natural gas from East Tennessee Natural Gas Company (East Tennessee) and Southern Natural Gas Company and has a total daily availability of 101,565 Mcf of gas. Applicant owns and operates, in intrastate commerce, a liquefied natural gas plant and appurtenant facilities having a designed capacity to liquefy 10,000 Mcf of gas per day and having a storage capacity of 348,000 barrels of LNG, equivalent to approximately 1,200,000 Mcf of vaporous gas. The plant has re-gasification facilities for a vaporization capacity of 90,000 Mcf of vaporous gas per day. There are facilities for loading up to 11,000 gallons of liquid methane in ½ hour into cryogenic tank trucks. Applicant states that the total cost of said facilities was $8,152,270.

Applicant proposes to sell the LNG in excess of its own requirements for retail sales at a rate of $2.00 to $2.50 per million Btu at 14.73 psia, depending on the month of sale. The application includes letters of intent or inquiry from five distributors, for the equivalent of approximately 501,104 Mcf of vaporous gas. Applicant requests permission for and approval of pre-granted abandonment authorization for its sales. Applicant states that the purpose of the proposed sales is to enable the purchasers of LNG to accommodate the peak-day requirements of their highest priority customers and to operate Applicant's LNG plant at the most efficient level possible.

Applicant proposes to provide a storage service for East Tennessee at its LNG plant by liquefying and storing up to 500,000 Mcf of gas between April and October for redelivery to East Tennessee at a rate of 23,000 Mcf of gas per day during the period of November through March of the 1973–74 and 1974–75 winter seasons at $1.73 per Mcf at 14.73 psia. Applicant states that it expects to store and redeliver approximately 285,125 Mcf of gas in the 1973–74 winter season and 469,212 Mcf in the 1974–75 winter season. Applicant requests permission for and approval of the abandonment of the storage service upon termination of the contract. The stated purpose of this proposal is to augment East Tennessee's ability to provide adequate service to its customers during the peak demand winter periods and to operate Applicant's LNG plant more efficiently and economically.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13469 Filed 7-2-73;8:45 am]

[Docket Nos. RP72-150, et al.]

EL PASO NATURAL GAS CO.

Further Postponement of Procedural Dates

JUNE 25, 1973.

On June 20, 1973, El Paso Natural Gas Company filed a motion for a further postponement of the procedural dates set by the notice issued May 23, 1973 in the above designated matter. The motion states that no counsel has any objection to the granting of this motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Interveners' evidence August 24, 1973
Service of El Paso's rebuttal evidence September 7, 1973
Hearing and commencement of cross-examination September 18, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13471 Filed 7-2-73;8:45 am]

[Docket No. CP66-110]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition

JUNE 25, 1973.

Public notice is hereby given that a petition to amend a certificate authorization pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. sections 717–717w, or alternatively for a declaratory order, pursuant to section 5d of the Administrative Procedure Act, 5 U.S.C. section 554(e) and § 1.7 of the Commission rules of practice and procedure, was filed on May 23, 1973, by Great Lakes Gas Transmission Company (Great Lakes). Great Lakes seeks to delete authorization for two delivery points[1] to serve Michigan Consolidated Gas Company (Michigan Consolidated). In the alternative Great Lakes has requested the Commission to issue a declaratory order clarifying Great Lakes' certificate authority to construct certain delivery points under the certificate issued to it in Docket No. CP66-110.

On June 20, 1973, Great Lakes was authorized by the Commission in Docket No. CP66-110 to sell to Michigan Consolidated 57,000 Mcf of gas per day and to construct the delivery points necessary to accomplish this sale. Michigan Consolidated was to resell the gas to seven Michigan communities.[2]

[1] The two delivery points would enable Michigan Consolidated to serve the Towns of St. Ignace and Newberry, Michigan.

[2] Rapid River, Manistique, Newberry, Rudyard, Sault Ste. Marie, St. Ignace, and Bell River Mills.

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Michigan Consolidated did purchase from Great Lakes the maximum contract quantity of 57,000 Mcf per day, but did not initiate service to the Towns of Manistique, Newberry, St. Ignace or Rudyard. Subsequently Michigan Power Company (Michigan Power) filed a section 7(a) application requesting 3,000 Mcf per day from Great Lakes to serve Manistique.

On December 13, 1972, the Commission approved Michigan Power's application[1] and ordered Great Lakes to establish physical connection of its transmission facilities with facilities to be constructed by Michigan Power near Manistique. The Commission further ordered that Great Lakes sell to Michigan Power up to 3,000 Mcf per day, but no more than is necessary to meet the residential and commercial needs of Manistique. Opinion No. 640 allows Great Lakes to diminish by the same amount the quantity of gas it sells to Michigan Consolidated.

Great Lakes stated that it advised Michigan Power of its readiness to begin service pursuant to Opinion No. 640, but that Michigan Power, instead of initiating service, requested a rehearing before the Commission. Michigan Power contended that the Commission condition limiting the use of the gas to residential and commercial service in and around Manistique rendered its plan to apply its G rate schedule "inappropriate." In its application for rehearing, Michigan Power requested service under a straight commodity rate. By a settlement agreement entered into by Great Lakes, Michigan Power, and Michigan Consolidated, approved by Commission order on April 9, 1973 (Docket No. CP72–68), service is to be provided by Michigan Power to Manistique. Pursuant to that order, Great Lakes is required to give a demand charge credit to Michigan Consolidated to the extent that Great Lakes during certain periods is not able to meet Michigan Consolidated's contract demand of 57,000 Mcf per day.

In the Initial Decision in Docket No. CP72–68, issued June 27, 1972, the Administrative Law Judge stated that Great Lakes should be required "either to conform to its outstanding certificates, or in the alternative, seek an amendment thereof."

In Opinion No. 640 the Commission concluded that in its Opinion No. 521 (Docket Nos. CP66–110, et al.) it had "earmarked up to 3,000 Mcf per day for Manistique."

In its petition Great Lakes states that it has not yet been asked to begin service to Michigan Consolidated for the Towns of Newberry, St. Ignace, or Rudyard, Michigan. Great Lakes further states that it has been informed by Michigan Consolidated that while the latter still considers initiation of service to Rudyard to be economically feasible, it no longer believes that it can economically supply the Towns of St. Ignace and Newberry.

[1] Opinion No. 640, Docket No. CP72–68.

of the Initial Decision in Docket No. CP72–68 and Opinion No. 640, to amend its certificate issued in Docket No. CP66–110 to delete from such certificate authority to construct delivery points necessary for Michigan Consolidated to serve St. Ignace and Newberry.

In light of the above, Great Lakes asks that the Commission issue an order, consistent with Great Lakes' interpretation

In the alternative Great Lakes has petitioned the Commission to issue a declaratory order clarifying Great Lakes' certificate authority in Docket No. CP66–110 with respect to its obligations under such certificate to construct the delivery points necessary to serve St. Ignace and Newberry in the absence of a request for such delivery points by Michigan Consolidated. In addition Great Lakes requests that the Commission clarify its obligation to serve Michigan Consolidated up to 57,000 Mcf per day pursuant to Great Lakes rate schedule CQ.

Any person desiring to be heard or to make protest with reference to said petition on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13470 Filed 7–2–73;8:45 am]

[Docket No. CP71–169]

MID LOUISIANA GAS CO.

Notice of Petition To Amend

JUNE 25, 1973.

Take notice that on June 15, 1973, Mid Louisiana Gas Company (Petitioner), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP71–169 a petition to amend the order, as amended, issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize an extension of time within which the third new injection and withdrawal well in the Hester Storage Field, St. James Parish, Louisiana, may be drilled and to authorize Petitioner to complete an observation well in the storage area, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of March 31, 1971, as amended August 14, 1972, in said docket to develop and operate the Hester Storage Field as an underground reservoir for natural gas by recompleting one existing well and drilling three new wells for the injection and withdrawal of gas. It is stated that the third new well was drilled but was not completed as an injection and withdrawal well because the sand encountered at the storage depth lacked the required porosity and thickness.

Petitioner proposes to use the third well as an observation well and to drill a third injection and withdrawal well located near its existing compressor station in St. James Parish, Louisiana. Petitioner states that the observation well is necessary to permit it to maintain surveillance on the previously depleted reservoir lying above the storage area to determine if any communication develops between the two zones. Petitioner also states that the third injection and withdrawal well is necessary to assure the delivery of the required volumes of gas from the storage field in the 1973–74 heating season.

It is stated that the total cost of completing the observation well is $10,000 and of drilling the third injection and withdrawal well is $338,000, both of which will be financed from existing funds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13472 Filed 7–2–73;8:45 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Secretary

JUNE 26, 1973.

By orders issued April 6, 1971, and February 23, 1973, respectively, the Commission established and renewed the National Gas Survey Executive Advisory Committee.

1. Secretary. A new Secretary to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Thomas H. Jenkins, Director, National Gas Survey Bureau of Natural Gas Federal Power Commission

Mr. Jenkins will fill the position vacated by the resignation of Mr. William J. Drescher, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13468 Filed 7–2–73;8:45 am]

[Docket No. E–7856]

NORTHERN STATES POWER CO.

Filing of Revised Fuel Clause

JUNE 25, 1973.

Take notice that Northern States Power Company (Northern) on May 29, 1973, filed a second revised fuel clause pursuant to ordering clause (B) of the Commission order issued April 27, 1973, in the above captioned docket. Northern states that the amended fuel clause is being placed in effect June 1, 1973.

Any person not presently a party to this proceeding desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object, should also file as prescribed above. All such petitions, protests or comments should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13473 Filed 7–2–73;8:45 am]

[Dockets Nos. CP73–331, CP73–332, CP73–333]

NORTHWEST PIPELINE CORP.

Notice of Applications

JUNE 26, 1973.

Take notice that on June 15, 1973, Northwest Pipeline Corporation (Applicant), P.O. Box 25249, Houston, Texas 77027, filed in Docket No. CP73–331 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain properties and gas pipeline and appurtenant facilities presently owned and operated by El Paso Natural Gas Company (El Paso) extending from the San Juan Basin Area of New Mexico through the states of Colorado, Utah, Wyoming, Idaho, Oregon and Washington and terminating at the International Boundry near Sumas, Washington, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Take further notice that on the same date Applicant filed in Docket No. CP73–332 an application pursuant to section 3 of the Natural Gas Act for authorization to continue the importation of natural gas now being imported by El Paso near Sumas, Washington, and Kingsgate, British Columbia, Canada; and in Docket No. CP73–333 an application for a permit pursuant to Executive Order No. 10485 to continue the maintenance and operation of import facilities at the Sumas point now maintained and operated by El Paso, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that these applications are filed as a result of the mandate of the United States Supreme Court in United States v. El Paso Natural Gas Co., et al. 376 U.S. 651 (1964), as implemented by the Orders and Opinion of the United States District Court for the District of Colorado entered on June 16, 1972, in United States v. El Paso Natural Gas Co., et al., Civil Action No. C–2626, aff'd sub nom. California-Pacific Utilities Co., et al., v. United States,—U.S. —(1973), requiring divestiture by El Paso to Applicant of the facilities and properties acquired by El Paso in 1959 from Pacific-Northwest Pipeline Corporation (Pacific Northwest), together with additional properties and facilities.

Applicant proposes to acquire generally 3,100 miles of transmission pipeline ranging in size from 2⅜ inch O.D. to 34 inch O.D., 1,160 miles of field gathering pipeline ranging in size from 2⅜ inch O.D. to 30 inch O.D., main and branch line compressor units and stations, 4 gas dehydration plants, 2 liquid hydrocarbon extraction plants, and all other appurtenant facilities required in the operation of the Northwest Division of El Paso. The estimated net book value of the properties and facilities to be divested as of December 31, 1972, was $303,157,000.

Applicant proposes to acquire all the natural gas reserves now held by El Paso in the San Juan Basin Area, New Mexico, and elsewhere resulting from El Paso's acquisition of Pacific-Northwest, all of El Paso's rights under contracts negotiated since January 1, 1957, for Canadian gas, all other connected gas supplies located north of the San Juan Basin, and a portion of the San Juan Basin reserves acquired by El Paso subsequent to the acquisition. The gas properties and rights to be acquired include both gas purchase agreements and gas leasehold interests. Applicant estimates the total available reserves of gas approximate 9.9 billion Mcf.

Applicant, as a successor to El Paso, proposes to continue the importation of Canadian natural gas, purchased from West Coast Transmission Company Limited (Westcoast), near Sumas, Washington, and Kingsgate, British Columbia, Canada, and to receive deliveries of gas under all of the terms and conditions of El Paso's contracts with Westcoast as authorized by the Commission in Docket Nos. G–8932 (14 FPC 157), G–13019 (22 FPC 1091 and 28 FPC 7), G–18033 (24 FPC 134) and CP70–138 (43 FPC 723 and 45 FPC 252). Applicant states that El Paso filed in Docket No. CP70–138 a petition to amend said order for authorization to import additional volumes of gas purchased from Westcoast. Applicant proposes to assume all rights and perform all the obligations of El Paso under the contract and states that it will file a motion upon closing, to be substituted for El Paso as the petitioner in said proceeding. Applicant also proposes to acquire, maintain and operate a 30-inch O.D. pipeline, approximately 247 feet in length, and a meter station with appurtenant facilities currently owned by El Paso and used for the importation of gas from Canada at the Sumas importation point.

Applicant proposes to acquire the facilities, assets, and properties from El Paso by conveyance, assignment and transfer. In exchange Applicant proposes to:

(1) Issue bonds and debentures to El Paso's bondholders for a pro rata share of El Paso's bonds and debentures which will be surrendered and cancelled.

(2) Issue and deliver to El Paso all of the common stock of Applicant. El Paso will then sell 20 percent of the stock to the APCO Group (Alaska Interstate Company, APCO Oil Corporation, Gulf Interstate Company, and The Tipperary Corporation). The remainder of the common stock will be placed in a five-year voting trust administered by the APCO Group with trust certificates distributed pro rata to the holders of El Paso common stock. A holder of a certificate may exchange the certificate for the appropriate number of shares of Applicant company upon a showing that the holder no longer holds shares of El Paso common stock. At the end of the five-year trust period any remaining stock will be sold by the trustee and the proceeds distributed to the certificate holders.

Applicant also proposes to continue to make all the sales and render all of the services now performed by El Paso's Northwest Division and proposes to adopt and incorporate as its FPC Gas Tariff, Volume Nos. 3 and 4 of El Paso's existing FPC Gas Tariff.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject

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to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP73-331 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the proccdure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13474 Filed 7-2-73;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPE LINE CO.

Filing of Proposed Changes in Rates

JUNE 25, 1973.

Take notice that on June 15, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) tendered for filing proposed changes in its FPC Gas Tariff consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1:
First Revised Sheet No. 35
Second Revised Sheet Nos. 50, 52, 53, and 58
Fourth Revised Sheet Nos. 54 and 59
Sixth Revised Sheet Nos. 14, 20, 26, 30, 33, 41, 46, 51, 56, and 57
Sixth Revised Volume No. 2:
First Revised Sheet Nos. 53, 54, 77, 78, and 141
Fourth Revised Sheet Nos. 11, 12, 27, 28, 44, and 45

Tennessee claims that the proposed changes would increase revenues from jurisdictional sales by $150,194,754 based on adjusted sales and transportation volumes for the test period (the twelve months ended February 28, 1973, adjusted for known changes through November 30, 1973). Such tariff sheets also reflect the cancellation of Tennessee's Rate Schedule TWS.

Tennessee states that the increased rates are required to reflect a proposed book depreciation and amortization rate of 5.75 percent, substantial additional advance payments to obtain additional natural gas supplies, a rate of return of 9.25 percent, increases in the cost of purchased gas, increases in cost of material, supplies and wages, and increases in property, franchise, payroll and state income taxes. In addition, Tennessee states that the commodity rates reflected in the filing equal fully allocated commodity costs based on the "unmodified" Atlantic Seaboard method of cost classification and allocation.

Tennessee proposes an effective date of August 1, 1973, and states that copies of this filing were served on each of its customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13475 Filed 7-2-73;8:45 am]

[Docket No. E-7865]

WEST PENN POWER CO.

Filing of Revised Fuel Clause

JUNE 25, 1973.

Take notice that West Penn Power Company (West Penn) on May 21, 1973, filed a revised fuel clause to replace the fuel clause submitted as part of West Penn's Supplement No. 1 to its FPC Rate Schedule Nos. 29 and 30 pursuant to the Commission's letter dated March 23, 1973. West Penn states that the revised fuel clause now conforms to the requirements of New England Power Company, Order No. 623, Docket No. 7541.

Any person not presently a party to this proceeding desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Any party desiring to comment or object, should also file as prescribed above. All such petitions, protests or comments should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person not presently a party wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13476 Filed 7-2-73;8:45 am]

[Docket No. CI72-715]

COMMERCIAL SOLVENTS CORP.

Filing of Settlement Agreement

JUNE 28, 1973.

Take notice that on April 27, 1973, Commercial Solvents Corporation (Commercial), Ashland Oil, Inc. (Ashland), and Southern Natural Gas Company (Southern) filed with the Commission a joint motion for approval of settlement in Docket No. CI72-715. This joint motion essentially provides that Ashland will increase the rate it pays to Commercial from 7 cents per Mcf to 29 cents per Mcf for all gas delivered by Commercial to Ashland. Southern in turn has agreed to increase the rate it pays Ashland from 19.4876 cents per Mcf to 41.4876 cents per Mcf for the gas involved. Such increased sales prices are said to be a reflection of the costs of reworking the wells to be borne by Commercial which was necessitated by casing deterioration and declining volumes due to pressure decline.

Copies of this Settlement Agreement were served on all parties to this proceeding.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 9, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene, protests or notices of intervention in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13430 Filed 7-2-73;8:45 am]

[Docket No. CI73-874]

EXPANDO PRODUCTION CO.

Notice of Application

JUNE 27, 1973.

Take notice that on June 11, 1973, Expando Production Company (Applicant), 607 Hamilton Building, Wichita Falls, Texas 76301, filed in Docket No. CI73-874 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Unitied Gas Pipe Line Company from the Refugio Field, Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 46,500 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13431 Filed 7-2-73;8:45 am]

[Docket No. CI73-873]

TEXLAN OIL CO., INC.

Notice of Application

JUNE 27, 1973.

Take notice that on June 11, 1973, Texlan Oil Company (Applicant), 3335 Pollard Drive, Tyler, Texas 75701, filed in Docket No. CI73-873 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Armstrong Field Area, Jim Hogg County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 7, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 15 months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 psia. Applicant estimates the initial monthly sales volume of gas will be 90,000 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13432 Filed 7-2-73;8:45 am]

[Docket No. CI73-885]

TRIBAL OIL COMPANY, ET AL.

Notice of Application

JUNE 25, 1973.

Take notice that on June 13, 1973, Tribal Oil Company, et al. (Applicants), c/o L. E. Donohoe, Jr., P.O. Drawer 3507, Lafayette, Louisiana 70501, filed in Docket No. CI73-885 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Bayou Mallet Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they intend to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to sell approximately 30,000 Mcf of gas per month at 47.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13433 Filed 7-2-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF FULTON COUNTY

Order Approving Merger

Bank of Fulton County, East Point, Georgia ("Applicant"), a proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the

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Board's prior approval to acquire the assets and assume the liabilities of First Georgia Bank, Atlanta, Georgia, under the charter of Applicant and the name of First Georgia Bank and to operate branches at the locations at which First Georgia Bank presently operates branch offices.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First Georgia Bancshares, Inc., Atlanta, Georgia, to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Fulton County, East Point, Georgia. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13379 Filed 7-2-73;8:45 am]

FIRST GEORGIA BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

First Georgia Bancshares, Inc., Atlanta, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Fulton County, East Point, Georgia ("East Point Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly-formed corporation with no operating history, was organized by principals of First Georgia Bank, Atlanta, Georgia ("Atlanta Bank") for the purpose of acquiring and holding Bank. The proposed transaction represents a restructuring of East Point Bank into bank holding company form in connection with a merger of First Georgia Bank into East Point Bank. Upon consummation of the proposal herein, Applicant would control one bank with total deposits of $80.4 million, representing .91 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972.)

East Point Bank ($33.4 million of deposits) operates two offices in East Point, Georgia, and holds 0.9 per cent of total deposits in the Atlanta area, thereby ranking as the tenth largest banking organization in the Atlanta SMSA. Atlanta Bank ($47.0 million of deposits) operates six offices located in the city of Atlanta and holds 1.2 per cent of area deposits thereby ranking as the eighth largest banking organization in the Atlanta SMSA. Although East Point Bank and Atlanta Bank both operate in the Atlanta banking market, there is no overlap of the primary service areas of the two banks. East Point Bank serving southern Fulton County and Atlanta Bank serving northern Atlanta. Neither bank derives a significant amount of deposit or loan business from the service area of the other. It therefore appears that no meaningful competition exists between these banks. East Point Bank is not an aggressive competitor, has exhibited reluctance to expand into Atlanta and is not considered a likely entrant into Atlanta Bank's service area. Atlanta Bank lacks the financial and managerial resources to expand into other geographic areas. The prospect for meaningful competition developing in the future between these banks appears remote. The resulting bank would hold 2.1 percent of the deposits in the Atlanta SMSA and would rank as the seventh largest banking organization in the area. The two largest banking organizations in that market presently hold 47.7 percent of the area's total deposits. It is the Board's judgment that approval of the proposed formation would have no significant adverse effects on competition in any area of the State.

The financial condition and managerial resources of East Point Bank are generally satisfactory and consistent with approval of the application. The financial condition of Atlanta Bank is considered fair at this time and should improve upon consummation of the proposed transaction. The future prospects for profitable operation of Applicant and Bank appear satisfactory and banking factors favor approval of the application.

Immediate benefits to convenience and needs of the communities to be served by Applicant will result from consummation of Applicant's proposal. The improved financial condition which is projected after completion of the proposed transaction should improve the potential of Bank to serve better the banking needs of its customers and to serve as a more convenient alternative source of banking services, including certain services that neither East Point Bank nor Atlanta Bank presently offer. Considerations relating to convenience and needs are regarded as favoring approval of the application. It is the Board's judgment that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13380 Filed 7-2-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The State National Bank of Denison, Denison, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the second largest bank holding company in the State, controls two banks[1] with aggregate deposits of approximately $1.7 billion,[2] representing 5.6 percent of the total commercial bank deposits in the State. Acquisition of bank would increase Applicant's share of State deposits by .11 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $34 million in deposits) is the third largest of 13 banks in the Sherman-Denison SMSA banking market and controls 17 per cent of the commercial bank deposits in the market. The two largest banks in the market together control 46 per cent of commercial bank deposits in the market, thus Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources.

Applicant's subsidiary closest to Bank is located 75 miles away in downtown Dallas which is a separate and nonadjacent market, and there is no meaningful present competition between Applicant's subsidiary banks and Bank. In view of the distances involved and Texas' restrictive branching law, there appears to be little likelihood for the development of any significant amount of future competition between these institutions. De novo entry into the market is regarded as relatively unattractive, hence, it does not appear that the proposed acquisition would have an adverse effect on potential competition. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 25, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13381 Filed 7-2-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[2] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[3] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through April 30, 1973.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Bank of El Paso, El Paso, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of $1.7 billion, representing 5.6 percent of the total commercial bank deposits in Texas, and is the largest banking organization in the State. (All banking data are as of June 30, 1972.) The acquisition of Bank (deposits of $32.3 million) would increase Applicant's percentage share of the State's total deposits by less than 1 percent. Consummation of the acquisition would not result in a significant increase in the concentration of banking resources in the State.

Bank, which operates in the city of El Paso, holds approximately 5 percent of the total commercial bank deposits in the El Paso Standard Metropolitan Statistical Area (the relevant market area) and is the fourth largest of the thirteen banks in the market. The three largest banks in the market hold, respectively, 37.3 percent, 35.0 percent, and 10.4 percent of the deposits. Applicant's closest subsidiary bank is located in a separate market area, approximately 630 miles northeast of Bank. There is no present competition between either of Applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that any significant competition would develop between any of Applicant's subsidiaries and Bank in the future due to the distances separating the banking offices and the presence of numerous banking alternatives in the intervening areas. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13382 Filed 7-2-73;8:45 am]

MANUFACTURERS HANOVER CORP.

Order Denying Acquisition

Manufacturers Hanover Corporation, Dover, Delaware, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's regulation Y, to acquire substantially all of the assets of Citizens Mortgage Corporation, Southfield, Michigan, a company that engages in the activities of a mortgage banking company and in acting as an investment advisor to a real estate investment trust. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (5)).

Notice of the application, affecting opportunity for interested persons to submit comments and views on the public-interest factors, has been duly published (38 FR 10048). The time for filing comments and views has expired, and none has been timely received.

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement to be issued subsequently.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13383 Filed 7-2-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Bucher and Holland. Voting against this action: Governors Daane and Sheehan. Absent and not voting: Chairman Burns.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

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MONTANA STREET STATE BANK

Order Approving Application

Montana Street State Bank, El Paso, Texas, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Bank of El Paso, El Paso, Texas, under the name of The Bank of El Paso.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corportation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First International Bancshares, Inc. to acquire the successor by merger to The Bank of El Paso, provided that said merger shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13458 Filed 7-2-73;8:45 am]

WYOMING BANCORPORATION

Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Securities Bankshares, Inc., Casper, Wyoming, a one-bank holding company, and indirectly to acquire its 95 percent owned subsidiary, Security Bank and Trust Company, Casper, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 22, 1973.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, June 25, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13384 Filed 7-2-73;8:45 am]

FEDERAL TRADE COMMISSION

ENFORCEMENT POLICY WITH RESPECT TO MERGERS IN DAIRY INDUSTRY

Criteria for Assessing Future Mergers

The merger activity of the four largest national dairies, which during the 1950's was creating high local concentration and consolidating it into high regional and national concentration through leading firm market extension mergers, was stopped during the last decade by FTC orders. The firms acquired in this movement were often middle-tier dairies whose size permitted them to expand internally most easily into new markets and to offer the greatest potential competition to the largest national dairies.

Following the expiration of these orders, beginning in 1972, the threat of renewed merger activity ruinous to competition in the dairy industry is again a possibility. Indeed, several large dairies not under Commission orders, and ranking just below the top four companies, have been using mergers to expand their market shares. Although the motivating force is a desire to increase sales, the reason large firms prefer making horizontal and market extension mergers rather than expanding internally is that the purchase of additional market shares through acquisition of established firms reduces the risk that competitive bidding for additional sales will cause price reductions and lower profits to all.

The same is true of geographic expansion into concentrated markets. Obtaining a significant position in such a market, other than by acquisition of a major established firm, is likely to intensify price competition due to price reactions of other processors unwilling to have their market shares eroded by a new entrant. A merger would not disturb the price structure and would be preferred by both the buyer and seller of the established market position. A resumption of leading firm market extension mergers would again threaten the preservation of a strong middle-tier of independent dairies. The preservation of this tier of viable independent companies is as essential to the competitive health of the dairy industry today as it was when the Commission cited it in its finding in Beatrice Foods Co., FTC Docket No. 6653.

Concentration has remained high in local and regional markets despite the deconcentrating effects of improvements in transportation equipment, and the completion of interstate highways linking together previously separate local markets. These deconcentrating forces have been offset by the disappearance of hundreds of very small high-cost processors, other processors serving the rapidly declining retail home delivery channel of distribution, and by the continuation of high barriers to new plant entry caused by the difficulty in obtaining distribution outlets, moderate scale requirements, and no growth in industry demand.

The only new plant entry has been by food chains vertically integrating into processing. A food chain with sufficiently large local or regional sales can overcome entry barriers because of its assured market for the output of a plant. The continued growth of food chains and their success in achieving consumer acceptance for private label milk has caused vertical integration into processing to increase sharply since the early 1960's. Vertical integration is the source of considerable market foreclosure to non-integrated dairies in many local markets and it may be causing smaller and new entrant food chains in some markets to face a cost disadvantage. Although the threat of food chain integration appears to have had a significant price effect, particularly through the wholesale and retail pricing of private label milk, the actual integration of food chains into processing has not been associated with further intensifications of price competition.

In view of the above facts which indicate a need for continuing to guard against concentration-increasing mergers, the Commission should make abundantly clear, insofar as possible, its future enforcement policy in the dairy industry. In doing so, the Commission wants it to be known that new developments in the dairy industry may cause it to change the enforcement policy as the competitive effects of the new developments become apparent.

Major criteria for assessing future fluid milk product industry mergers. The Commission has adopted the following enforcement criteria for initiating investigations of acquisitions which raise significant questions of law or policy under section 7 of the Clayton Act, as amended by the Cellar-Kefauver Act. These criteria are in no way to be considered applicable to acquisitions by companies under outstanding Commission orders requiring prior approval of the Commission with respect to acquisitions.

1. The Commission will focus particular attention on fluid milk company mergers and acquisitions by large dairy companies processing more than one billion pounds[1] of Class I milk annually (or when combined with an acquired company processes that amount). Investigations will be made when the acquired entity is believed to fall within any of the following categories:

(a) Any fluid milk processing plant, distribution facility, or route (except those serving retail home delivery exclusively) within a 150-mile radius of existing plants or distribution facilities of the acquiring company, unless prior approval of the Commission has been granted.[2]

(b) Any fluid milk processing company or plant located within a radius of between 150 and 500 miles of existing plants or distribution facilities of the acquiring company, and which in any of the three years prior to acquisition processed more than 26 million pounds[1] of Class I milk annually (approximately 40,000 quarts a day or $2.5 million annual sales), unless prior Commission approval has been granted.[2]

(c) Any dairy plant located beyond a 500-mile radius of existing plants or distribution facilities of the acquiring company and which in any of the three years prior to acquisition processed more than 26 million pounds[1] of Class I milk, upon determination of possible anti-competitive effects due to an evaluation of the following: (i) The size and market position(s) of the acquired company or plant; (ii) the distance the acquired company's marketing area is separate from the marketing area of the acquiring company; (iii) concentration and entry conditions into the acquired company's markets; and (iv) the overall size and the local and regional market positions held by the acquiring company.

(d) Any company that processes 300 million pounds[1] of Class I milk annually.

2. Acquisitions involving companies with combined annual processing of less than 1 billion pounds of Class I milk generally pose less of a threat to competition except, insofar as they involve the acquisitions by major regional companies of dairy companies ranking in the top 4 in adjacent markets. Mergers which involve such leading firms may pose a threat and will be investigated as will other mergers which exceed the guidelines established by the Department of Justice.[3] The Justice Department's guidelines specify that horizontal mergers or acquisitions will likely be challenged where four-firm concentration is 75 percent or more in any market and the acquiring and acquired firms hold the following market shares:[1]

Acquiring Firms:	*Acquired Firms*
4%	4% or more
10%	2% or more
15%	1% or more

If the four-firm concentration is less than 75 percent, the guidelines indicate challenging mergers with these market shares:

Acquiring Firm:	*Acquired Firm*
5%	5% or more
10%	4% or more
15%	3% or more
20%	2% or more
25%	1% or more

3. For acquisitions involving dairy products other than fluid milk, the Federal Trade Commission Enforcement Policy with Respect to Product Extension Mergers in Grocery Products Manufacturing, announced on May 15, 1968, will apply unless a company is bound by an FTC order that implies a strong prohibition.

The above enforcement criteria are not to be construed as an expression of the views of the Commission or any individual Commissioner on the legality of any particular merger or acquisition. Rather, the Commission has chosen quantifiable standards to describe concisely those mergers and acquisitions in the dairy industry which merit special attention.

Pre-merger notification. In order to carry out the above enforcement policy in a fair and expeditious manner, the Commission will require that any company processing more than 300 million pounds[1] of Class I milk annually, or when combined with an acquired company processes that amount, notify and provide special reports to the Commission at least 60 days prior[4] to making any acquisition having the following characteristics:

1. A fluid milk processing plant, distribution facility, or route (except those serving retail home delivery exclusively) located within a 500-mile radius of an existing plant or distribution facility of such company.

2. A dairy company which in any of the three years prior to acquisition made annual fluid milk sales in excess of $2.5 million[1] or a processing plant which processed 26 million pounds[1] or more of Class I milk.

(38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission, dated June 19, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-13657 Filed 7-2-73;9:52 am]

[1] Home delivery sales and processing not done in the United States should not be included when computing sales volumes and market shares herein.

[2] Reference to prior approval in this statement should not be interpreted to mean that companies must request Commission approval prior to the consummation of any merger or acquisition. However, the Commission shall continue to provide advisory opinions, as provided by its Rules of Practice, regarding the legality of particular mergers, and invites those contemplating mergers to avail themselves of this program in any situation where there is uncertainty as to the legality of a prospective merger.

[3] U.S. Department of Justice, Merger Guidelines, May 30, 1968 (mimeograph).

[4] If the time schedule of the acquisition or merger does not permit notification 60 days prior to consummation, the notification and special report should be submitted as promptly as possible.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-184]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric and gas service rates increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission in a proceeding involving the application of the South Carolina Electric and Gas Company for an increase in its electric and gas rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 26, 1973.

[FR Doc.73-13385 Filed 7-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AADAN CORP.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 27, 1973 through July 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13408 Filed 7-2-73;8:45 am]

[File 500-1]

APOLLO INDUSTRIES, INC.

Order Suspending Trading

JUNE 22, 1973.

The common stock, $5 par value, of Apollo Industries, Inc. being traded on the Pacific Coast Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Apollo

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Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13409 Filed 7-2-73;8:45 am]

[811-2086]

BAY APPRECIATION FUND

Proposal To Terminate Registration

JUNE 26, 1973.

NOTICE IS HEREBY GIVEN that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Bay Appreciation Fund ("Fund"), c/o James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California, 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on July 8, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will received notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13410 Filed 7-2-73;8:45 am]

[811-2061]

BAY CAPITAL FUND

Proposal To Terminate Registration

JUNE 26, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Bay Capital Fund ("Fund"), % James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on May 4, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13411 Filed 7-2-73;8:45 am]

[File 500-1]

CEC CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.03 par value, and all other securities of CEC Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (EDT) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13412 Filed 7-2-73;8:45 am]

[File 500-1]

COMPREHENSIVE HEALTH SYSTEMS, INC.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Comprehensive Health Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m. (EDT) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13413 Filed 7-2-73;8:45 am]

[File 500-1]

CROWN DRUG CO.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Crown Drug Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13414 Filed 7-2-73;8:45 am]

ECOM-SYSTEMS, INC.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.50 par value, and all other securities of ECOM-Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:00 p.m. (e.d.t.) June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13415 Filed 7-2-73;8:45 am]

[File 500-1]

EL CAMINO FINANCIAL CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of El Camino Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13416 Filed 7-2-73;8:45 am]

[File 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

JUNE 25, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13417 Filed 7-2-73;8:45 am]

[811-2085]

FIRST BAY FUND

Proposal To Terminate Registration

JUNE 26, 1973.

Notice is hereby given, that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that First Bay Fund ("Fund"), c/o James Lester Hillman, Esq., 111 Broadway, Suite 203, Oakland, California, 94607, registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized as a Delaware corporation on March 9, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on June 30, 1970.

Fund presently has no assets, no shareholders and no board of directors or other form of management. Its corporate existence was terminated on December 22, 1971, and its registration statement under the Securities Act of 1933 was declared abandoned by the Commission on February 26, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13418 Filed 7-2-73;8:45 am]

[File 500-1]

FLYING DIAMOND CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Flying Diamond Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:00 a.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13420 Filed 7-2-73;8:45 am]

[File 500-1]

GENERAL GILBERT CORP.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of General Gilbert Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:00 p.m. (e.d.t.) June 25, 1973 through July 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13421 Filed 7-2-73;8:45 am]

[File 500-1]

GIANT STORES CORP.

Order Suspending Trading

JUNE 25, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-13422 Filed 7-2-73;8:45 am]

[File 500-1]

GOODWAY, INC.

Order Suspending Trading

JUNE 26, 1973.

The common stock, $.10 par value of Goodway Inc. being traded on the American stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 27, 1973 through July 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13423 Filed 7-2-73;8:45 am]

[File 500-1]

HORIZON INDUSTRIES LTD.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Horizon Industries Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:40 a.m. (e.d.t.) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13424 Filed 7-2-73;8:45 am]

[File 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13425 Filed 7-2-73;8:45 am]

[File 500-1]

INTERNATIONAL DEVELOPMENT CORP.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of International Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m. (e.d.t.) June 26, 1973 through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13426 Filed 7-2-73;8:45 am]

[File 500-1]

LANDMARK-TOWNES, INC.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Landmark-Townes, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. (e.d.t.) June 22, 1973 through July 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13427 Filed 7-2-73;8:45 am]

[File 500-1]

LOGOS DEVELOPMENT CORP.

Order Suspending Trading

JUNE 22, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Logos Development Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be in effect for the period from June 24, 1973 through July 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13428 Filed 7-2-73;8:45 am]

[File 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JUNE 25, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 26, 1973 through July 5, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-13429 Filed 7-2-73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on July 10-11, 1973 at the Drake Hotel, 140 E. Walton Place, Chicago, Illinois. The meetings will commence at 9 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 28, 1973.

[FR Doc.73-13459 Filed 7-2-73;8:45 am]

[811-2152]

LAMB FUND, INC.

Filing of Application

Notice is hereby given that Lamb Fund, Inc. 4747 W. Peterson Avenue—Suite 101 Chicago, Illinois 60646. ("Applicant"), a Maryland corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 3(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant registered under the Act on December 28, 1970 by filing its Form N-8A Notification of Registration. On that same date it filed a Form N-8B-1 Registration Statement under the Act, and a Form S-5 Registration Statement under the Securities Act of 1933 which was declared effective on February 16, 1972.

On November 20, 1972, Applicant's Board of Directors approved a proposed plan of liquidation and dissolution of Applicant, and the plan was likewise approved by Applicant's shareholders at a special meeting held on January 23, 1973. Subsequent to the action of the shareholders, Applicant proceeded with the liquidation of its portfolio securities, and on March 27, 1973 it made a distribution of a liquidating dividend to shareholders in the aggregate amount of $126,666.72. On April 10, 1973, a final distribution was made to shareholders in the amount of $14,261.16. Applicant is now in the process of being dissolved in accordance with the laws of the State of Maryland.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13454 Filed 7-2-73;8:45 am]

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U.S. TARIFF COMMISSION

[TEA-I-28]

FERROCHROMIUM, FERROMANGANESE, FERROSILICON, FERROSILICON CHROMIUM, FERROSILICON MANGANESE, CHROMIUM, MANGANESE AND SILICON

Discontinuance of Investigation

Notice is hereby given that the U.S. Tariff Commission, on June 28, 1973, discontinued investigation No. TEA-I-28, and cancelled the public hearing scheduled in connection therewith. The investigation was instituted on May 21, 1973, upon petition of the Ferroalloy Association, an industry trade association, under section 301(b)(1) of the Trade Expansion Act of 1962.

The investigation was discontinued, without a determination on its merits and without prejudice, at the request of the petitioner.

By order of the Commission.

Issued: June 28, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-13456 Filed 7-2-73;8:45 am]

[TEA-W-204]

YOUNG ONES, INC.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Young Ones, Inc., a wholly-owned subsidiary of RAI, Inc., Brooklyn, New York, the United States Tariff Commission, on June 26, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women, misses, and children (of the types provided for in items 700.43, 700.45, 700.55, and 700.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 13, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: June 28, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-13457 Filed 7-2-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF FULL-TIME STUDENTS

Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Big K Department Store, U.S. Highway 25 and 70, Newport, TN; 4-30-74.

Carson Pirie Scott & Co., 111-113 North Tremont, Kewanee, IL 4-27-74.

Conley's, 1012 East Royalton Road, North Eaton, OH; 5-1-74.

Donenfeld's, Inc., 5-13-74; 2700 Miamisburg-Centerville Road, Dayton, OH; 35 North Main Street, Dayton, OH; 5200 Salem Avenue, Dayton, OH.

Dover, Inc., Crossville, AL; 5-9-74.

Duckwall Stores Co.: No. 25, Norton, KS, 5-3-74; Nos. 57 and 89, Albuquerque, NM, 3-30-74.

Eagle Stores Co., Inc., No. 24, Clinton, NC; 5-24-74.

Edward's, Inc.: Canton, IL, 4-20-74; Augusta Highway I-78, Clearwater, SC, 5-20-74; West Evans and Cashua Drive, Florence, SC, 4-30-74.

Fleishman Co., 115 South Main Street, Anderson, SC; 4-27-73 to 3-31-74.

Goudchaux's, Inc., 1500 Main Street, Baton Rouge, LA; 4-2-74.

W. T. Grant Co.: No. 226, Rockford, IL, 5-16-74; No. 1042, Rockford, IL, 4-21-74; No. 142, Ballwin, MO, 5-11-74; No. 629, Ashland, OH, 5-9-74; No. 126, Newark, OH, 5-14-74.

Haffner's 5c to $1 Stores, No. 52, Kendallville, IN; 5-18-74.

Harry Erom's, Inc., 103 West Main Street, Union, SC; 4-30-73 to 3-28-74.

Hub Frankel Co., Inc., 232-234 West Main Street, Danville, KY; 5-13-74.

S. S. Kresge Co.: No. 4111, Birmingham, AL, 5-7-74; No. 4357, Orlando, FL, 5-10-74; No. 4210, Atlanta, GA, 5-30-74; No. 4293, Decatur, IL, 4-30-74; No. 4297, Moline, IL, 5-10-74; No. 4058, Springfield, IL, 5-1-74; No. 4294, Marion, IN, 4-23-74; 2535 Hubbell Avenue, Des Moines, IA, 5-1-74; No. 4018, Dubuque, IA, 5-2-74; Nos. 4216 and 4270, St. Louis, MO, 4-30-74; No. 4110, High Point, NC, 5-12-74; No. 47, Cincinnati, OH, 4-25-74; No. 4167, Hamilton, OH, 5-6-74; No. 284, Altoona, PA 4-20-74; No. 4328, Houston, TX. 4-25-74.

McCrory-McLellan-Green Stores: No. 385, Albertville, AL, 4-23-74; No. 383, Jacksonville, IL, 4-23-74; No. 222, Crawfordsville, IN, 4-30-74; No. 34, Lake Charles, LA, 4-14-74; No. 466, St. Paul, MN, 5-1-74; No. 248, Albuquerque NM, 4-23-74; No. 294, Albuquerque, NM, 4-24-74; No. 128, Johnson City, TN, 4-30-74.

Morgan & Lindsey, Inc.: No. 3002, Oakdale, LA, 4-24-74; No. 3122, Forest, MS, 4-22-74; No. 3076, Greenville, MS, 4-20-74.

G. C. Murphy Co., 4-27-74, except as otherwise indicated: No. 261, Huntsville, AL (4-24-74); No. 263, Tuscaloosa, AL (4-24-74); No. 439, Effingham, IL (4-24-74); No. 457, Flora, IL (4-25-74); No. 112, Pontiac, IL (4-24-74); No. 113, Streator, IL (4-26-74); No. 449, Vandalia, IL (4-24-74); No. 461, Aurora, IN; No. 401, Bluffton, IN; No. 101, Brazil, IN; No. 99, Clinton, IN; No. 423, Crawfordsville, IN (4-26-74); No. 407, Decatur, IN; No. 404, Elwood, IN; No. 103, Fort Wayne, IN (4-26-74); No. 412, Franklin, IN (4-26-74); No. 223, Greensburg, IN (4-25-74); No. 408, Hartford City, IN; No. 425, Huntingburg, IN; Nos. 123 and 224, Indianapolis, IN (4-26-74); Nos. 235 and 260, Indianapolis, IN; No. 445, Kendallville, IN (4-26-74); No. 300, Kokomo, IN; No. 203, Linton, IN; No. 420, Princeton, IN; No. 72, Seymour, IN; No. 105, Shelbyville, IN; No. 114, Washington, IN; No. 282, Shreveport, LA (5-11-74); No. 901, Randallstown, MD (5-13-74); No. 603, Westernport, MD (5-8-74); No. 436, Charlotte, MI (4-30-74); No. 444, Coldwater, MI (4-30-74); No. 406, Hillsdale, MI (4-30-74); No. 437, Marshall, MI (4-30-74); No. 424, Owosso, MI (4-30-74); No. 120, St. Joseph, MI (4-30-74); No. 451, South Haven, MI (4-30-74); No. 161, Minneapolis, MN (4-24-74); No. 270, St. Paul, MN (4-24-74); No. 337, Smithfield, NC (5-31-74); No. 181, Alliance, OH (4-30-74); No. 140, Barnesville, OH (4-30-74); No. 65, Bellaire, OH (4-30-73); No. 36, Bellefontaine, OH (4-30-74); No. 415, Bryan, OH (4-30-74); No. 234, Cincinnati, OH (4-30-74); No. 110, Circleville, OH (4-30-74); No. 291, Cleveland, OH (5-8-74); No. 265, Columbus, OH (4-30-74); No. 281, Dayton, OH (5-8-74); No. 418, Defiance, OH (4-30-74); No. 441, Franklin, OH (4-30-74); No. 460, Galion, OH (4-30-74); Nos. 2 and 468, Gallipolis, OH (4-30-74); No. 37, Greenville, OH (4-30-74); No. 456, Hillsboro, OH (4-30-74); No. 459, Jackson, OH (4-30-74); No. 269, Kettering, OH (5-7-74); No. 446, Lebanon, OH (5-8-74); No. 469, London, OH (5-8-74); No. 230, Marion, OH (5-8-74); No. 38, Middletown, OH (5-8-74); No. 257, North Ridgeville, OH (5-8-74); No. 41, Piqua, OH (5-8-74); No. 453, St. Marys, OH (5-8-74); No. 40, Sidney, OH (5-8-74); No. 434, Toledo, OH (5-8-74); No. 122, Toronto, OH (5-8-74); No. 419, Urbana, OH (5-8-74); No. 20, Washington, C.H., OH (5-7-74); No. 192, Wilmington, OH (5-7-74); Nos. 187 and 222, Youngstown, OH (5-7-74); No. 802, Bethel Park, PA (5-10-74); No. 53, Johnsonburg, PA (5-14-74); No. 174, Monroeville, PA (4-28-74); No. 316, San Antonio, TX (4-14-74); No. 276, Milwaukee, WI (4-27-74).

Neisner Bros., Inc., No. 76, Chicago, IL; 4-24-74.

Rose's Stores, Inc., No. 171, Aiken, SC; 5-14-74.

Scott Stores Co.: No. 9123, Chicago, IL, 4-27-74; No. 0325, Bellevue, NE, 5-14-74.

Spurgeon's, 128 East Main Street, Ottumwa, IA; 4-22-74.

Sterling Jewelry & Distributing Co., Inc., 5801 East Northwest Highway, Dallas, TX; 5-23-74.

Sterling's, Inc.; 2240 Lamar Avenue, Memphis, TN, 4-30-74; 5030 Park Avenue, Memphis, TN, 4-30-74; 1119 South Bellevue at McLemore, Memphis, TN, 5-6-74.

T. G. & Y. Stores Co.: No. 1505, Tucson, AZ, 5-14-73 to 4-30-74; No. 92, El Dorado, KS, 4-12-74; No. 181, Albuquerque, NM, 5-13-74; No. 284, Albuquerque, NM, 5-6-74; No. 286, Santa Fe, NM, 5-18-74; No. 39, Oklahoma City, OK, 5-26-74; No. 418, Oklahoma City, OK, 5-2-74; No. 244, Baytown, TX, 4-12-74; No. 394, Baytown, TX, 4-11-74; No. 817, Deer Park, TX, 4-30-74; No. 772, Galveston, TX, 4-27-74; Nos. 343 and 382, Houston, TX, 4-26-74; Nos. 351, and 371, Houston, TX, 5-14-74; No. 383, Houston, TX, 4-11-74; No. 847, Houston, TX, 5-31-74; No. 232, Orange, TX, 4-28-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 2, 1973.

Signed at Washington, D.C., this 26th day of June 1973.

DONALD T. CRUMBACK, *Authorized Representative of the Administrator.*

[FR Doc.73-13481 Filed 7-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 289]

ASSIGNMENT OF HEARINGS

JUNE 28, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates.

The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

MC 52022 Sub 6, Santini Brothers, Inc., now being assigned continued hearing July 26, 1973 (2 days), in the Basement Hearing Room, U.S. Post Office Bldg., 100 Park Ave., Tallahassee, Fla.

AB-10 Sub 3, Norfolk and Western Railway Company Abandonment between Abingdon, Virginia, and West Jefferson, North Carolina, in Washington and Grayson Counties, Virginia, and Ashe County, North Carolina, is continued to July 2, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-128944 Sub 10, Reliable Truck Lines, Inc., is continued to September 10, 1973, at The Read House & Motor Inn, 9th & Chestnut Streets, Chattanooga, Tennessee.

MC 108207 Sub 365, Frozen Food Express, Inc., now assigned July 16, 1973, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13463 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; third Rev. Exemption No. 22; Amdt. No. 2]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire August 31, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-13465 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; Exemption No. 15; Amdt. No. 3]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Exemption No. 15 issued July 27, 1972.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 15 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby, amended to expire December 31, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-13466 Filed 7-2-73;8:45 am]

[Ex Parte No. 241; Fifth Rev. Exemption No. 19; Amdt. No. 2]

EXPIRATION DATE OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Fifth Revised Exemption No. 19 issued February 26, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Fifth Revised Exemption No. 19 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire November 30, 1973.

This amendment shall become effective June 30, 1973.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-13467 Filed 7-2-73;8:45 am]

[Notice 308]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74398. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Blackhawk Transportation, Inc., Des Moines, Iowa, of the operating rights in Certificate No. MC-113460 (Sub-No. 1) issued March 17, 1969, to Carl P. Blackford, Des Moines, Iowa, authorizing the transportation of packinghouse products, during the season extending from November 1 to March

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31, inclusive, of each year, from Des Moines, Iowa, to Chicago, Ill.; malt beverages, from St. Paul and Minneapolis, Minn., Chicago, Ill., Milwaukee, Wis., and Omaha, Nebr., to Des Moines, Iowa and Marshalltown, Iowa, and from Kansas City, Mo., to Des Moines, Iowa; and carbonated beverages and noncarbonated fruit beverages, from Shakopee, Minn., to Des Moines and Marshalltown, Iowa.

Richard A. Miller, 500 Stephens Building, P.O. Box 1735, Des Moines, Iowa 50306. Attorney for applicants.

No. MC-FC-74411. By order of June 26, 1973, the Motor Carrier Board approved the transfer to American Cartage, Inc., Worth, Illinois, of Permit No. MC-52927 issued July 30, 1943, and Certificate No. MC-78670 issued November 5, 1943, to Montegna & Company. A Corporation, Chicago, Ill., authorizing the transportation of general commodities, with exceptions, such merchandise as is dealt in by wholesale, retail and chain grocery stores and equipment, materials and supplies used in the conduct of such business, and packing-house products and supplies Between points as specified in Illinois and Indiana.

Robert H. Levy, 29 South La Salle St., Chicago, Ill. 60603, Attorney for Applicants.

No. MC-FC-74441. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Rico Shipping Corporation, 1997 Third Avenue, New York, N.Y. 10029, of the operating rights in Certificate No. MC-134994 issued June 19, 1972, to Javier Zalduondo, doing business as Rico Shipping Company, 1997 Third Avenue, New York, N.Y. 10029, authorizing the transportation of household goods, as defined by the Commission, between points in that part of New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, within which local operations may be conducted pursuant to the partial exemptions of section 203(b)(8) of the Act (the "exempt zone"), restricted to the transportation of traffic having an immediately prior or subsequent movement by water.

No. MC-FC-74541. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Careful Enterprises, Ltd., D/B/A Julka Moving & Storage Division, Fond du Lac, Wis., of Certificate No. MC-60727 issued June 14, 1965, to Julka Moving & Storage Co., Inc., Fond du Lac, Wis., authorizing the transportation of household goods, between points in Fond du Lac County, Wis., on the one hand, and, on the other, points in Illinois.

Frank S. Puller, President, Careful Enterprises, Ltd., 221 Lewis St., Fond du Lac, Wisconsin, for Applicants.

No. MC-FC-74498. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Elizabeth K. Lantis, Miles City, Mont., of the operating rights in Certificate No. MC-62006 issued May 23, 1941, to Brantley Lantis, doing business as Tongue River Freight Line, Miles City, Mont., authorizing the transportation of general commodities, with exceptions, between Miles City, Mont., and Ashland, Mont., over specified routes and serving to and from all intermediate points and the off-route points within 25 miles of the specified route; and between Miles City, Mont., on the one hand, and, on the other, Ashland, Mont., and points in Montana within 50 miles of Ashland.

Thomas M. Monaghan, 513 Main Street, Miles City, Mont. 59301 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13464 Filed 7-2-73;8:45 am]

COST OF LIVING COUNCIL

LABOR-MANAGEMENT ADVISORY COMMITTEE

Determination To Close Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that a meeting of the Labor-Management Advisory Committee created by section 8 of Executive Order 11695 will be held on July 10, 1973.

The purpose of the meeting is to discuss policy matters relating to the duration of the Freeze and the timing and substance of Phase IV.

Pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting of the Labor-Management Advisory Committee will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 2, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-13697 Filed 7-2-73;12:13 pm]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PROPOSED APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

New Jersey; Pennsylvania; Texas

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NEW JERSEY

Approval and Promulgation of Implementation Plans

Under the Clean Air Act Amendments of 1970, Congress required the states to prepare plans for implementing the national ambient air quality standards promulgated by EPA.

EPA promulgated the ambient standards on April 30, 1971. Pursuant to the statutory timetable established by the Act each state had 9 months in which to develop, adopt, and submit detailed plans for implementation of the ambient standards.

The Governor of New Jersey submitted the State's implementation plan to the Administrator on January 26, 1972. At that time, a 2-year extension was requested in the attainment date of the national standards for photochemical oxidants and carbon monoxide in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several states to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting a delay until mid-1977 for attainment of the national primary ambient air standard without following the procedures established in section 110(e) 42 U.S.C. § 1857C-5(e). Accordingly, the court ordered that the Administrator rescind the extension granted the states for implementation plans. The affected states were required to submit a control plan by April 15, 1973, that would ensure attainment of the national ambient air quality standards for photochemical oxidants and/or carbon monoxide as expeditiously as practicable but no later than May 31, 1975.

At the time of the January 31, 1973, court ruling, New Jersey had already submitted an approved transportation plan and, therefore, was not contemplating any additional submission on February 15, 1973. Thus, when the new timetable was set by the Court and the requirements of section 110 further clarified, New Jersey found itself unable to meet the procedural requirements by April 15, 1973. Furthermore, it was not until March 29, 1973, that the State of New York for the first time advised New Jersey of the need for significantly larger than anticipated reductions in hydrocarbon emissions in the New Jersey portion of the New Jersey-New York-Connecticut Region in order to provide for the attainment of the national standard for photochemical oxidants in the New York portion of that Region. Thus, on April 16, 1973, the Commissioner of the New Jersey Department of Environmental Protection, acting on behalf of the Governor, submitted a letter to the EPA Regional Administrator advising him of New Jersey's inability to meet the deadline for plan submittal but assuring him of New Jersey's intent to develop and submit a plan as expeditiously as possible. In this letter the Commissioner listed seven alternative combinations of control strategies that would be considered by the State of New Jersey in order to achieve the national standards for carbon monoxide and photochemical oxidants. The seventh alternative included the following strategies:

1. Compliance with Federal Motor Vehicle Control Program for new vehicles by 1976.

2. Compliance with more restrictive inpsection/maintenance standards that are exepected to reject approximately 45 percent of New Jersey vehicles.

3. Control of stationary sources.

4. Reduction of vehicle miles traveled (VMT) during critical seasons of the year by rationing of gasoline to the extent required to achieve a 67 percent reduction in hydrocarbon emissions. (NOTE: This strategy could be employed singularly, or in combination with any of the above strategies.)

Because of New Jersey's inability to submit transportation control strategies on the deadline imposed by the Court of Appeals, portions of the New Jersey implementation plan were disapproved on June 15, 1973.

In accordance with the requirements of section 110, on this day the Administrator is submitting a proposal for a transportation control plan for the attainment and maintenance of the national primary ambient air quality standard for photochemical oxidants and carbon monoxide in the New Jersey-New York-Connecticut and the Metropolitan Philadelphia Interstate Regions in response to the January 31, 1973, Court order.

Pollution in the New Jersey Portions of the New Jersey-New York Connecticut Region and the Metropolitan Philadelphia Region

The New Jersey portion of the Metropolitan Philadelphia Interstate Region consists of the counties of Burlington, Camden, Gloucester, Mercer, and Salem. The Region is meteorologically and topographically similar consisting, characteristically, of low and generally flat terrain. The population and source density varies greatly throughout the Region ranging from sparsely populated rural areas through mushrooming suburbs to the dense urban core areas surrounding Philadelphia. The highest pollutant concentrations were recorded in the heavily developed western sections of the Region.

The Region is classified priority I with respect to carbon monoxide and photochemical oxidants. The maximum 8-hour carbon monoxide concentrations were recorded in the cities of Trenton and Camden and the maximum 1-hour photochemical oxidant concentrations at the Camden monitoring site in Camden County.

In 1972 there were more than 3,000 violations of the maximum 8-hour carbon monoxide concentration. During the same period the oxidant standard was exceeded three times at the site reporting the highest concentrations.

The New Jersey-New York-Connecticut Region is comprised of the following counties: (1) Bergen, Essex, Hudson, Middlesex Monmouth, Morris, Passaic, Somerset and Union in New Jersey; (2) the five boroughs of New York City, Nassau, Rockland, Suffolk and Westchester Counties in New York State; and (3) Fairfield County in Connecticut. In addition to meteorological and geographical similarity among these counties, the region contains one of the largest metropolitan areas in the world. This area is characterized by a high density commercial-residential core in New York City and a peripheral complex sprawl of industrial and suburban developments interspersed with numerous urban centers. The similarity of source characteristics throughout the area results in common pollutant problems throughout this Region.

The New Jersey portion of the Region had a population of nearly 5 million people in 1970 and about half as many motor vehicles. The rate of growth of both people and motor vehicles is approximately the same. This extremely high motor vehicle population forms an integral part of the transportation system for people and goods in the Region, since only the more central urban areas have well developed mass transit systems.

From a meteorological standpoint, the high degree of urbanization has been found to cause the development of complex wind circulation systems in the Region, resulting in a significant increase in the intraregional transport of pollutants emitted in the area. This consideration is of particular significance in the case of photochemical oxidants, whose formation generally occurs at a considerable distance downwind from the source of the precursors of the photochemical reaction. It is, therefore, necessary to control such reactants throughout the Region to prevent the formation of photochemical oxidants anywhere in the region.

This Region is classified priority I for all pollutants, including those predominantly associated with motor vehicles (carbon monoxide, hydrocarbons, and photochemical oxidants). In 1972, the 8-hour average standard for carbon monoxide was exceeded 352 times in Newark, the site with the highest CO concentration in the New Jersey portion of the region. For this same period, the oxidant standard was exceeded 19 times in the site with the highest concentration in New Jersey.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm), average for a 1-hour period, and for carbon monoxide is 40 $\mu g/m^3$ (35 ppm), average for a 1-hour period and 10 $\mu g/m^3$ (9 ppm), average for a 8-hour period, none of which are to be exceeded more than once per year. These standards, promulgated on April 30, 1971 (36 FR 8186), were judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Clean Air Act of 1970.

Analysis of Methodology

Because ambient concentrations of carbon monoxide, at any given location, appear to be highly dependent on carbon monoxide emission in the near vicinity, it was decided that a strategy based on the area-wide application of the proportional model would be unjustified. The peak concentrations of CO in the central portions of Newark, Camden and Trenton were obviously caused by problems related to traffic density and traffic flow, which were highly localized in nature. Therefore, an effective strategy to reduce CO concentrations in these cities should appropriately concentrate on obtaining the maximum reductions in carbon monoxide emissions in the central business districts (CBD's) of each city. A tailored control strategy of this kind requires the analysis of detailed VMT data that are currently not available. Until such time as the data are obtained, it will be necessary to make assumptions about the CBD distribution from data relating to the counties as a whole.

The formation of photochemical oxidants through atmospheric reactions involving reactive hydrocarbons is strongly influenced by atmospheric transport. It has been determined that hydrocarbon emissions during the period 6 a.m. to 9 a.m. play an important role in the formation of peak concentrations of photochemical oxidants shortly before and after noon. This determination leads to the conclusion that, in general, peak concentrations of photochemical oxidants can be expected at distances representing as much as 3 to 6 hours travel time downwind from the source of emissions provided that the other ingredients for the reaction are present. Thus the formation of photochemical oxidants is regional in nature. Any program to provide for significant reductions in the concentrations of photochemical oxidants in a region that is characterized by widespread, significant sources of hydrocarbons will have to be based on obtaining reductions in emissions of hydrocarbons on a region-wide basis.

During the days of high oxidant concentration, the peak values were found during the period 12 noon to 3 p.m. An analysis of near surface wind flow on days when the concentration of photochemical oxidants exceeded the national standard shows an overwhelming preponderance of cases in which the prevailing wind flow was from the southwest or westerly direction. With this prevailing flow, emissions from the New Jersey portion of the region have the greatest impact in the New York portions of the region particularly in Manhattan, Queens, and Nassau County. Current inventories of hydrocarbon emissions show that 469,000 ton/yr are produced in the New Jersey portion of the region as compared with 401,000 ton/yr in the New York portion of the region. Sources of hydrocarbon emissions in the New Jersey portion of the region can, therefore, be associated with high photochemical oxidant concentrations at the New York State monitor on Welfare Island. Based on these considerations, it will be necessary to reduce hydrocarbon emissions both in the New Jersey and the New York portions of the region by 67 percent in order to achieve the national ambient air quality standard for photochemical oxidants throughout the region.

Summary

Information currently available to the Administrator indicates that reductions of 67 and 17 percent in projected emissions of reactive hydrocarbons are necessary to achieve the national primary ambient air quality standard for photochemical oxidants in 1975 in the New Jersey-New York-Connecticut Region and the Metropolitan Philadelphia Interstate Region, respectively. Reductions of 47 percent, 70 percent and 43 percent are necessary to achieve the National Primary Ambient Air Quality Standard for carbon monoxide in Essex, Mercer, and Camden counties, respectively.

Because the major fraction of reactive hydrocarbon emissions in the New Jersey-New York-Connecticut Region are attributable to motor vehicle emissions, the most effective strategy for achieving reductions in the Region's ambient concentrations must include control of motor vehicle emissions. The analysis performed by EPA indicated that in addition to stringent controls for limiting emissions of individual motor vehicles, a reduction in vehicle miles traveled (VMT) by gasoline-powered motor vehicles of over 60 percent would have to be effected to achieve the ambient air quality standard for photochemical oxidants in 1975 in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region. In the Metropolitan Philadelphia Interstate Region a combination of motor vehicle controls and the Federal Motor Vehicle Control Program will achieve the photochemical oxidant standard in 1975. This analysis shows that a reduction in VMT in excess of 35 percent would be necessary in the Mercer County portion of the Metropolitan Philadelphia Interstate Region in order to achieve the ambient air quality standard for carbon monoxide by 1975.

In Camden County, a VMT reduction of 33 percent will be necessary to attain the carbon monoxide standards by 1975. The VMT reduction of 33 percent is not achievable by 1975. Additional hardware strategies were investigated for attainment of the standards by 1975, but all were found to be either non-implementable or inconsistent with the strategies proposed in nearby Mercer County. Therefore, a 1-year extension is granted until 1976 with a total VMT reduction of 27 percent to be achieved by that date. In Essex County, a VMT reduction of 41 percent will be necessary to attain the carbon monoxide standards by 1975 without imposition of retrofit devices on light duty vehicles.

If the standard for photochemical oxidants is to be achieved by 1977, it would require a VMT reduction of 68 percent in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region. A VMT reduction of 30 percent by 1977 would be necessary in the Mercer County portion of the Metropolitan Philadelphia Interstate Region to achieve the carbon monoxide standards. Achievement of the photochemical oxidant standard at this time will assure achievement of the carbon monoxide standard in Essex County.

This proposal includes measures for limiting emissions of hydrocarbons from stationary sources to the maximum extent technologically feasible. It also includes stringent controls for limiting emissions of individual motor vehicles. These controls include the Federal Motor Vehicle Control Program for new light duty vehicles, the maintenance of in-use light duty vehicles to achieve specified emissions limitations, the retroft of all pre-1968 light duty vehicles with a relatively inexpensive emissions control device (vacuum spark advance disconnect) by 1975, and the installation of catalytic converters on cars of later model years to the extent that would be technologically and organizationally feasible by 1977.

The inspection and maintenance proposals for New Jersey differ from those EPA is proposing in other regions because the state of New Jersey has already established most of the elements of such a system under state law, leaving only a few portions to be supplemented by Federal promulgation. The inspection and maintenance system established by New Jersey is the most advanced in the nation. The statewide application of these emission limitations on individual vehicles will provide for the achievement of standards for carbon monoxide and photochemical oxidants throughout other portions of the state.

These measures by themselves will not be sufficient to achieve the standards. Accordingly, the Administrator is also proposing a variety of measures to reduce VMT in the two regions covered by this proposal. In the Philadelphia area, the measures being proposed are a ban on the construction of new parking spaces, and the conversion of selected lanes of major streets and highways to the exclusive use of buses and carpools. In addition, limitations on gasoline consumption are being proposed.

These three measures are also being proposed for the northern New Jersey area. Additional measures being proposed for this region only are a prohibition on daytime deliveries to large commercial establishments by gasoline-powered trucks, a freeze on motorcycle registrations, and a ban on daytime motorcycle operation during the summer months.

The measures being proposed today may be amended, if the comments re-

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ceived in response to this Notice, or EPA's own re-examination of the problem, indicate that such a course would be desirable. All new proposals made in the course of this rule making proceeding will be carefully evaluated before a final promulgation is made.

In each of the cases where regulations have been proposed to limit the use of vehicles or require their emissions per mile to be reduced, the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases where it must promulgate portions of an implementation plan to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist: Natural Resources Defense Council v. EPA, No. 72-1219 (1st Cir. May 2, 1973).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible, and may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the states or cities only where the activity being regulated is in the judgment of EPA closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Based on the extent of analysis completed so far, the Administrator has concluded that the approaches proposed today, including the VMT reductions, are the only ones which could be proposed at this time with any confidence that they would provide for the achievement of the ambient air quality standards. Other approaches, some of which may appear less extreme, present problems regarding feasibility and effectiveness of implementation and enforcement. The Administrator emphasizes that further analysis of the problem will be made to determine whether other options are available.

Although the Environmental Protection Agency (EPA) has serious reservations as to the feasibility and desirability of the VMT reductions required to meet the standards in Northern New Jersey by the statutory deadline, the requirements imposed by the Act leave the Administrator with no presently available legal alternative but to propose this plan. It is clear that extreme measures will be necessary here to comply with statutory requirements and that these measures will have a significant socio-economic impact.

The Transportation Control Plan for New York City submitted by New York State on April 17, 1973, contains control strategies which New York will implement in order to achieve the national standards. These strategies included: (1) Motor vehicle emission control, (2) Traffic control and vehicle-use restraints, (3) Mass transit improvements, (4) Goods movement improvements, and (5) Long range planning. The motor vehicle emissions control strategy includes the retrofit of heavy-duty vehicles. The Plan being proposed for the State of New Jersey is considered to be compatible with the New York State plan.

EPA has not proposed retrofit of heavy duty vehicles as part of its proposed New Jersey Plan. Though this strategy is being accepted in the case of New York, the uncertainties in its implementation date are such that EPA does not feel justified in proposing its establishment as a Federal program. If the state of New Jersey wishes to propose it as a state program, in a manner similar to New York's, then it may well be approved provided it is consistent with the New York program.

It is recommended that if the New Jersey Department of Environmental Protection is considering for its plan a measure that requires the retrofit of heavy-duty vehicles, it should actively work with the New York City Bureau of Motor Vehicle Pollution Control. This will provide a greater assurance that an acceptable device will be available for use in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and in the affected New Jersey counties of the Metropolitan Philadelphia Interstate Region.

Extension in the Achievement Date

The January 31, 1973 Court ruling clearly required that a plan be written identifying the strategies that must be applied to demonstrate achievement of the national primary standards for photochemical oxidants and carbon monoxide by 1975. This has been done for the State of New Jersey. It has also been established that certain control strategies cannot be implemented by 1975. It is our judgment that, while certain reductions in VMT will be achievable by 1975 it will require an additional period of at least two years to implement the major portion of the reduction in VMT addressed by this proposal. It has also been determined that retrofit of a significant number of in-use light duty vehicles with catalysts cannot be accomplished before 1977.

Current Studies

The Environmental Protection Agency has published the results of an investigation of certain transportation control strategies in "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Area, Final Report", November, 1972. Copies are available from EPA, Air Pollution Technical Information Center, Research Triangle Park, North Carolina 27711. Additional information is contained in the EPA document, "Control Strategies for In-Use Vehicles," November, 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 "M" Streets, S.W., Washington, D.C. 20460.

Specific studies to limit automobile emissions and use in New Jersey are currently being done under EPA contract. The results of these studies were available in April 1973 and were used in the development of the proposed regulations.

Proposed Control Strategy

The Administrator proposes to require controls on stationary sources, the installation of retrofit devices on light duty vehicles, the inspection of automobiles, and the reduction of VMT.

Proposed Controls on Stationary Sources

Controls to prevent hydrocarbon emissions will be imposed on a variety of stationary sources. EPA proposes controls on users of solvents in dry cleaning. Vapor recovery systems that prevent evaporation of gasoline into the air will be required for service stations. In addition, emissions from petroleum storage tanks will be controlled as well as from the manufacturing of paints, varnishes, and dyes using photochemically reactive solvents. Should additional stationary source controls prove feasible and desirable, they may be proposed at a later date.

Proposed Controls and Mobile Sources

Due to the substantial contribution of mobile sources to hydrocarbon emissions in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region (88,432 tons/yr vs. 30,500 tons/yr. from stationary sources) and in the Metropolitan Philadelphia Interstate Region (88,432 tons/yr vs. 30,500 tons/yr from stationary sources), transportation controls must be imposed in order to achieve enough emission reductions to provide for the achievement of the standards for carbon monoxide and photochemical oxidants. In the case of carbon monoxide, emissions from transportation sources account for greater than 95 percent of the total emissions. Information obtained by the State of New Jersey and EPA during the past year results in estimates of emissions from mobile sources which are significantly different than those contained in the Implementation Plan submitted by New Jersey in January 1972. The difference is attributable to the use of more accurate emission factors that have become available (see "An Interim Report on Motor Vehicle Emission Estimation", Kircher and Armstrong, EPA, October 1972, which is available from the Office of Land Use Planning, EPA, Research Triangle Park, N.C. 27711).

Although the Federal emission standards for new motor vehicles will impose stringent emission limitations on vehicles manufactured in the 1975 and 1976 model years, the reductions obtained will not be adequate to meet the national ambient standards for photochemical oxidants and carbon monoxide in the affected regions of New Jersey by the deadline of May 31, 1977. By that time, no more

than 20 percent of the vehicle population will be 1975 or later cars. Accordingly, the emissions reductions measures outlined above for individual vehicles are being proposed.

Proposed Reductions in VMT

Reducing the emissions per mile of vehicles as outlined above will not be enough to provide for attainment and maintenance of the national standards. In order to meet the requirements of the Act, limitations must be placed upon the amount of driving done in the affected areas of New Jersey.

As noted above, a VMT reduction of 68 percent will be required in the New Jersey portion of the New York-New Jersey-Connecticut Interstate Region by 1977.

Accordingly, EPA is proposing the VMT reduction measures outlined above for implementation in this area by 1975 or 1977. Certain of the measures are also being proposed for the Philadelphia area.

Other VMT reduction measures, for which no regulatory language has been included, will also be considered as part of this rule-making proceeding. In particular, the advisability of limiting or reducing the number of parking spaces specifically in central business districts or other trip attraction centers, and the feasibility of establishing a more refined bus and carpool transport system by selective conversion of existing streets to their use will be explored. Measures to favor the use of bicycles will also be considered.

The final promulgation may include these other measures not explicitly proposed today if at the time of final promulgation they appear to be the most practicable ways of achieving the standards.

The Administrator is required at this time to propose for promulgation specific measures for reducing the VMT of light-duty vehicles within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and within Mercer County which is located in the New Jersey portion of the Metropolitan Philadelphia Interstate Region. Comments are particularly solicited on any other method of VMT reduction that may be less disruptive than those that are being proposed at this time.

All of these measures will not be able to be implemented in full by 1975. However, it should be emphasized that the Clean Air Act requires measures to reduce air pollution which are "reasonably available" by 1975 to be put into effect by that date before an extension of the time for achieving the standards may be granted.

The following tables present a summary of the effect of each element of the proposed strategy for the areas in question. All calculations are based on 1972 air quality data. There is no reason to believe that 1972 was a year of unusually high carbon-monoxide or photochemical oxidant concentration.

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Hydrocarbons

New Jersey Portion of the New Jersey-New York-Connecticut Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Stationary source emission without control strategy	145,395		
Expected Reductions:			
a. Control of petroleum storage tanks	60,849	19	12.9
b. Control of solvent emissions from dry cleaning	7,167	2	1.5
c. Other stationary source controls	8,229	3	1.8
Stationary emissions remaining	69,150		
II. Aircraft emissions without control strategy	17,575		
Expected Reductions	5,273	2	1.1
Aircraft emissions remaining	12,302		
III. Mobile emissions from on-highway light and heavy duty vehicles and from gasoline marketing operations without control strategy	302,428		
Expected Reductions:			
a. FMVCP	73,674	23	15.7
b. Gasoline marketing vapor control	3,778	1	0.8
c. Inspection and maintenance	18,126	6	3.9
d. Oxidizing catalyst retrofit with VSAD	15,751	5	3.4
e. Oxidizing catalyst retrofit	67,371	21	14.3
f. Reduction in VMT	54,617	18	11.6
Mobile emissions remaining	69,092		
Total Emissions without control strategy	469,901		
Total Reductions	314,834	100	67
Total emissions remaining	155,067		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1975—Hydrocarbons

New Jersey Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles and from gasoline marketing operations without control strategy	87,483		
Expected Reduction:			
a. FMVCP	15,883	67	13.1
b. Inspection and Maintenance	5,883	25	4.9
c. Gasoline marketing vapor control	1,100	5	0.9
Mobile Emissions Remaining	64,667		
II. Aircraft emissions without control strategy	1,809		
Expected Reduction	513	3	0.5
Aircraft Emissions Remaining	1,296		
Total Emissions without control strategy	118,932		
Total reductions	23,409	100	19.7
Total Emissions Remaining	95,573		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—CARBON MONOXIDE

Mercer County Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobil emmissions from on-highway light and heavy duty vehicles without control strategy	101,842		
Expected Reductions:			
a. FMVCP	41,800	51	38.1
b. Inspection and Maintenance	4,896	7	4.5
c. Oxidizing catalyst retrofit with VSAD	2,942	4	2.7
d. Oxidizing catalyst retrofit	18,967	25	17.3
e. Reduction in VMT	6,447	8	5.9
Mobile Emissions Remaining	26,790		
II. Aircraft emissions without control strategy	5,499		
Expected Reduction	1,650	2	1.5
Aircraft Emissions Remaining	3,849		
Total Emissions without control strategy	109,575		
Total Reduction	76,702	100	70.0
Total Emissions Remaining	32,873		

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COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Carbon Monoxide

Camden County Portion of the Metropolitan Philadelphia Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles without control strategy	139,536		
Expected Reductions:			
a. FMVCP	52,500	87	39.7
b. Inspection and Maintenance	7,804	13	5.8
Mobile Emissions Remaining	79,232		
Total Emissions without control strategy	139,811		
Total Reduction	61,304	100	45.5
Total Emissions Remaining	78,507		

COMPILATION OF CONTROL STRATEGY EFFECTS ON MAY 31, 1977—Carbon Monoxide

Essex County Portion of the New Jersey-New York-Connecticut Interstate Region

	Tons Per Year	Percent of Total Reduction Due to Each Control	% Reduction
I. Mobile emissions from on-highway light and heavy duty vehicles without control strategy	218,671		
Expected Reductions:			
a. FMVCP	60,700	38	27.6
b. Inspection and Maintenance	9,539	6	4.3
c. Oxidizing catalyst retrofit with VSAD	8,236	5	3.7
d. Oxidizing catalyst retrofit	43,875	27	19.7
e. Reductions in VMT	35,735	22	16.0
Mobile Emissions Remaining	42,586		
II. Aircraft emissions without control strategy	9,881		
Expected Reduction	2,917	2	1.3
Aircraft Emissions Remaining	6,917		
Total Emissions without control strategy	228,232		
Expected Reductions	162,049	100	
Total Emissions Remaining	61,173		72.6

Additional technical information is contained in: "Technical Support Document for the Proposed Transportation Control Strategy for the State of New Jersey," available from the Region II Office, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

ECONOMIC AND SOCIAL IMPACT OF THE NEW JERSEY TRANSPORTATION CONTROL PLAN

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issue. However, we will attempt to describe briefly the types of impacts which might occur. An immediate impact of the adoption of this proposal will be the imposition of direct costs to vehicle owners and operators. A subsequent impact will be derived from the reduction in the mobility of workers and consumers. This interference with the ability of citizens to move as freely as they are now accustomed to move will alter the activity patterns of many people residing in the state. Obviously, the severity of the impact depends on the degree of vehicle use restrictions, on the manner that direct costs of abatement equipment are recovered, and the degree to which the effects can be ameliorated, particularly through the improvement of the mass transit system.

Elements common to all of the mobile source control strategies considered are limited catalytic retrofits of late model cars, an inspection and maintenance program to insure proper functioning of abatement equipment and emission control devices on gasoline marketing equipment.

The Clean Air Act requires all VMT reduction measures which are "reasonably available" to be put into effect by 1975 before an extension to 1977 of the date for achieving the standards may be granted. It is here assumed that VMT reduction measures which would cause significant social and economic disruption cannot be considered as "reasonably available."

Short of significant social and economic disruption, however, it is plain that the authors of the Clean Air Act anticipated that significant changes in life styles might be called for as a way of meeting air quality standards. Although the impact of the kind of VMT reductions that must be considered "reasonably available" on aspects of human welfare other than air quality is hard to assess precisely it is reasonably clear they will create inconvenience in the short run. Those who have been accustomed to driving alone at their own convenience in the assurance of finding a parking space at shopping or recreation areas or to driving alone to and from work when carpools or mass transit are available, will have to modify their previous habits to some degree. Some shorter trips will be shifted from automobiles to other forms of locomotion such as bicycles or walking. Some trips that are more a matter of convenience than necessity will probably not be taken.

In the longer run, there may well be significant positive aspects to voluntary VMT reductions. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. More widespread use of other modes of transportation will be necessary if these tendencies are to be arrested. Though to correct these tendencies is not and cannot legally be the purpose of VMT reductions under the Clean Air Act, they may nevertheless be an essential step in that direction.

No such standard of "reasonable availability" applies to the requirement that the air quality standards must be achieved by 1977. Though of course they should be achieved in the most technically and socially feasible way, the Clean Air Act commands that they must be achieved in any event regardless of economic and social consequences.

It appears that in Northern New Jersey extremely stringent measures may be required to meet this statutory command. The Administrator is concerned about the potential for social disruption this might cause, and will study the situation further to determine whether the standards can be achieved on schedule in a socially and economically feasible way.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The combined effect of these proposed regulations, together with the New Jersey Implementation Plan, will eliminate the danger to human health and welfare that exists in the affected areas from air pollution. They will, however, have a significant economic and social impact. The Administrator will make every effort possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments and agencies give special attention to the needs of New Jersey for strategies to reduce VMT, and the needs for mass transit systems to replace the automobile travel eliminated by the proposed controls.

THE NEED FOR MASS TRANSIT

The development of large-scale mass transit facilities in the State is essential to any effort to mitigate the disruptions that can be caused by significant reductions in automobile use. A public transportation system that can absorb the travelers displaced by sizable reductions in gasoline consumption or vehicle miles traveled will have to be considerably more extensive than the system now existing for travel within the State. There exists within the State a comprehensive mass transit system to provide transportation to and from the central business districts of Manhattan and Newark. What is needed, in the State of New Jersey, is a comprehensive mass transit system which will provide transportation for non-work related trips and for work related trips within the State.

The Administrator recognizes that the present low density, sprawling land use pattern in the New Jersey area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and use would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation.

Proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the only approach available to him at the present time that is demonstrably capable of achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the affected areas of New Jersey. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities in support of or to supplement the proposed air pollution control strategy for the Regions, means of implementing these measures, and the comparative social and economic effects of alternative pollution control measures.

Public hearings will be held on this and alternative proposals on Monday, July 16, 1973, at 9:00 a.m., in Room 121, Armitage Hall, Rutgers University, Camden, New Jersey; on Tuesday, July 17, 1973, at 9:00 a.m. in the Trenton Auditorium, New Jersey State Museum, 205 West State Street, Trenton, New Jersey; and on Wednesday, July 18, 1973, and, if necessary, on Thursday and Friday, July 19 and 20, 1973, at 9:00 a.m. at the Newark College of Engineering, Room 313, Newark College Engineering Center, 323 High Street, Newark, New Jersey.

The Administrator's final promulgation of transportation control for New Jersey will be greatly influenced by the comments and testimony he receives as well as by the approvable strategies submitted by the State as part of the State plan prior to August 15, 1973. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA Region II, 26 Federal Plaza, New York, New York 10007. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region II Office, and at locations to be announced in the New Jersey area. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Subpart FF of Part 52 of Chapter 1 of Title 40 of the Code of Federal Regulations as follows:

1. Subpart FF is amended by adding the following sections:

§ 52.1583 Regulation for yearly inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Appendix N to Part 51 of this subchapter, are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) and counties of Mercer, Burlington, Camden, Gloucester, and Salem which constitute the New Jersey portion of the Metropolitan Philadelphia Interstate AQCR.

(c) All registered gasoline-powered light-duty vehicles shall be inspected annually for emissions in accordance with the currently established New Jersey program and, as necessary, maintained by the owner in order to pass the inspection.

(d) After January 1, 1975, the following shall apply in the areas described in paragraph (b) of this section:

(1) The State of New Jersey shall not register light-duty vehicles that do not comply with the provisions of paragraph (c) of this section.

(2) No owner of light-duty vehicles shall operate or allow the operation of such vehicles that do not comply with the provisions of paragraph (c) of this section.

§ 52.1584 Vacuum spark advance disconnect retrofit.

(a) Definitions:

(1) The term "vacuum spark advance disconnect" means a device or system installed on the vehicle which prevents the ignition vacuum advance from operating either when the vehicle's transmission is in the lower gears, or when the vehicle is travelling below a predetermined speed.

(2) All other terms used in this section which are defined in Appendix N of Part 51 of this subchapter are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the County of Mercer contained in the Metropolitan Philadelphia Interstate Air Quality Control Region.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 31, 1975, all gasoline powered light-duty vehicles of model years prior to 1968 subject under presently existing legal requirements to registration in the area defined in paragraph (b) above are equipped with an appropriate vacuum spark advance disconnect device. No later than March 1, 1974 the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1975, no vehicle of which retrofit is required under this section shall pass the annual emissions test provided for by § 52.1583 as a prerequisite to annual registration unless it has been first equipped with an approved vacuum spark advance disconnect retrofit which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After May 31, 1975, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(e) The State of New Jersey shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. The state will be considered to have failed to comply with the require-

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ments of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1585 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Appendix N to part 51 of this subchapter, are used herein with the meanings so defined.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the County of Mercer contained within the Metropolitan Philadelphia Interstate Air Quality Control Region of New Jersey.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 1, 1977, certain gasoline powered light-duty vehicles of model years 1965 through 1974 subject under presently existing legal requirements to registration in the area defined in paragraph (b) above are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the state shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of California shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON gasoline, to be retrofitted with an oxidizing catalytic converter.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After May 1, 1977, the State shall not register or allow to operate on its streets or highways any light duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 1, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of New Jersey shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1586 Daylight delivery ban regulation.

(a) Definitions:

(1) "Daylight hours" means the hours between 7 a.m. and 6 p.m. Monday through Saturday.

(2) "Delivery ban" means a program to reduce emissions from in-use heavy duty gasoline powered vehicles employed to deliver goods during daylight hours.

(3) "Heavy duty gasoline powered vehicle" means any motor vehicle designated primarily for transportation of property and rated at more than 6,000 pounds GVW which is powered by a gasoline burning engine.

(4) All other terms used in this section which are defined in Part 51 of this subchapter are used herein with the meaning so defined.

(b) This section is applicable in those portions of Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union counties which make up the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

(c) Beginning January 1, 1975, the State of New Jersey, the counties described in paragraph (b) of this section and any incorporated communities located within these counties shall prohibit during daylight hours deliveries of goods to commercial establishments employing 10 or more persons on the streets or highways over which it has ownership or control. The prohibition shall state that heavy duty gasoline powered vehicles making deliveries in violation of the prohibition shall either be towed away, or the owner and/or operator subject to a fine of up to $100 or both.

(d) The State of New Jersey, counties and incorporated municipalities subject to this section shall submit, no later than July 1, 1974, detailed compliance schedules showing the steps they will take to establish and enforce a daylight hours delivery ban program including the statutory proposals and needed regulations which they will propose for adoption. The compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the State, county, or city officer responsible for enforcement.

(e) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1587 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two or three wheeled motor vehicle capable of carrying one or more persons.

(2) "Four Stroke Engine" means an internal combustion engine which requires four strokes of the engine's pistons for a complete cycle of operation.

(3) "Two Stroke Engine" means an internal combustion engine which requires two strokes of the engine's pistons for a complete cycle of operation.

(4) "Registration" means the action of a State allowing a vehicle to be operated on the streets and highways in that State during a defined period of time.

(5) "Registration Period" means that period of time for which a vehicle is allowed to be used within the State.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

(c) As of January 1, 1974, or any registration period which commences during the calendar year 1974, the State of New Jersey shall not register in its portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region more motorcycles than the total number registered in 1973.

(d) As of May 1, 1974, the State of New Jersey shall prohibit the operation of two stroke motorcycles in its portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region between 6:00 a.m. and 8:00 p.m. during the months of May, June, July, August, and September.

(e) After January 1, 1974, no person shall operate any motorcycle on the streets and highways of the State within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region which is not validly registered by the State of New Jersey or by another state.

(f) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing steps it will take to implement and enforce these requirements, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State will adopt procedures necessary to limit the number of motorcycles registered as required above, to restrict the operation of two stroke motorcycles as required above and to require the registration of all motorcycles operated as required above.

(2) Proposed procedures to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(3) A date by which such procedures will go into effect. Such date shall be no later than January 1, 1974.

(g) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1588 Gas limitation regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This section is applicable in those sections of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) and the counties of Mercer, Burlington, Camden, Gloucester, and Salem contained within the Metropolitan Philadelphia Interstate AQCR in the State of New Jersey (hereinafter the "affected areas"), to all distributors who transport gasoline to any retail outlet in this area, and to the owners of all retail outlets in this area.

(c)(1) Beginning July 1, 1974, the State of New Jersey shall implement regulations limiting the total gallonage delivered to retail outlets in the AQCR to the amount delivered to such outlets during the base year.

(2) Beginning May 31, 1977, the State of New Jersey shall implement regulations limiting the total gallonage delivered to retail outlets to that amount which, when combusted, will not result in the ambient air quality standard being exceeded. The state shall by January 1, 1977, submit to the Administrator regulations to accomplish this limitation and specifying the amount of limitation necessary.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the applicable areas during the base year and each year during which the control is in effect. For each year during which control is in effect, the owner of each retail outlet to which this paragraph applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The State of New Jersey shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c)(1) and (d) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c)(1) of this section is delivered to retail outlets in the affected areas. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, a state will be considered to have failed to comply with the regulations of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1589 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a motor vehicle lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b)(4) (ii) and (iii) of this section.

(b) The following provisions apply to all areas within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region and for Mercer County in the New Jersey portion of the Metropolitan Philadelphia Interstate Air Quality Control Region (hereinafter the "affected areas").

(1) Each incorporated city within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and within Mercer County shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(2) Each county within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(3) The State of New Jersey shall establish bus/carpool lanes on the major streets and highways within the affected areas over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more motor vehicle traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or motor vehicle lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lanes for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take

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effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in this paragraph (b) shall convert existing on-street parking spaces to use as traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by this paragraph (b).

(8) A signed statement by the chief executive officer of each governmental entity or his designee shall be submitted to EPA on October 1, 1973, to identify the source and amount of funds for all actions required by this section.

(c) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. As to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.1590 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means the date on which an owner or operator and a contractor to, or affiliate of such owner or operator, enter into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification, or enlargement.

(5) Parking facility (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in all areas within the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and in Mercer County in the New Jersey portion of the Metropolitan Philadelphia Interstate Region.

(c) No person, after the date of this proposed regulation, shall commence construction of any new parking facility or modify or enlarge any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification, or enlargement of such facility will not interfere with the attainment of maintenance of applicable Federal Air Quality Standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) the location of the proposed facility.

(ii) the total motor vehicle capacity of the proposed facility.

(iii) the normal hours of operation of the proposed facility and the enterprises and activities which it serves.

(iv) the number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) the number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) a projection of the geographic areas in the community from which people and vehicles will be drawn to the proposed facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) full consideration of all facts contained in the application.

(ii) provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this subchapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to seven days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.1591 Volatile organic compound loading facilities.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with paragraph (b) of this section shall be in accordance with the provisions of § 52.1599.

(b) No person shall load or allow the loading of volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions, into any tank truck or trailer, railroad tank car, locomotive, aircraft, or stationary storage tank with a capacity greater than 5 gallons from any loading facility unless such tank or loading facility is equipped with a vapor collection and disposal system, or its equivalent, properly installed, in good working order, and in operation. Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor disposal system.

A means shall be provided to prevent liquid organic compound drainage from the loading device when it is removed from the hatch, or to accomplish complete drainage before such removal. The vapor disposal portion of the system shall consist of one of the following:

(1) An absorber system or condensation system with a minimum recovery efficiency of 90 percent by weight of all the volatile organic compound vapors and gases entering such disposal system.

(2) A vapor handling system that directs all vapors to a fuel gas system.

(3) Other equipment of at least 90 percent efficiency, provided plans for such equipment are submitted to the Administrator for approval as part of the submission required by § 52.1581(a)(1).

Intermediate storage vessels may be used prior to disposal of vapors under paragraph (b) (1), (2), or (3) of this section provided they are so designed as to prevent release of vapors at any time during use.

§ 52.1592 Control of dry cleaning solvent evaporation.

(a) For the purposes of this section: "Drycleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric material.

(b) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Conrtol Region (AQCR) in the State of New Jersey.

(c) No person shall operate a drycleaning operation unless the uncontrolled organic emissions from such operation have been reduced at least 85 percent, except that drycleaning operations emitting less than 3 pounds per hour and less than 15 pounds per day of uncontrolled organic materials are exempt from the requirements of this section.

(d) If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide. Compliance with this requirement shall be in accordance with the provisions of § 52.1599.

(e) Any owner or operator of a stationary source subject to this section shall achieve compliance with the requirements of paragraph (c) of this section by discontinuing the use of photochemically reactive solvents as defined by § 52.1594(b) no later than January 31, 1974, or by controlling emissions in accordance with the requirements of § 52.1599.

§ 52.1593 Degreasing Operations.

(a) Definitions. "Degreasing" means the operation of using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating, or any other process.

(b) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region (AQCR) in the State of New Jersey.

(c) No person shall use trichloroethylene (TCE) degreaser as a degreasing solvent after January 31, 1974.

§ 52.1594 Organic solvent usage.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex, and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraphs (b) through (i) of this section shall be in accordance with the provisions of § 52.1599.

(b) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.

(c) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment or other contrivance used under conditions other than described in paragraph (b) of this section for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in paragraph (l) of this section, or material containing such solvent, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 40 pounds in any one day.

(d) Any series of articles, machine, equipment or other contrivance designed for processing a continuously moving sheet, web, strip or wire which is subjected to any combination of operations described in paragraphs (b) or (c) of this section involving any photochemically reactive solvent, as defined in paragraph (1) of this section, or material containing such solvent, shall be subject to compliance with paragraph (c) of this section. Where only non-photochemically reactive solvents or material containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment or other contrivances involves operations described in paragraph (b) of this section, said portions shall be collectively subject to compliance with paragraph (b) of this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in paragraph (l) of this section, of any article, machine, equipment or other contrivance described in paragraphs (b), (c) or (d) of this section shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(f) Emissions of organic materials to the atmosphere as a result of spontaneously continuing drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods described in paragraph (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation devices as specified in the authority to construct or the permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides or herbicides.

(3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs, (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d) or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(k) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.

(l) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent

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(3) A combination of ethylbenzene, ketones having branched hydorcarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(m) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(n) This section shall be effective on the date of its adoption as to any article, machine, equipment or other contrivance not then completed and put into service. As to all other articles, machines, equipment or other contrivances, this section shall be effective in accordance with § 52.1599.

§ 52.1595 Storage of petroleum products.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.1598.

(b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(1) A floating roof, consisting of a pontoon type or double deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(2) A vapor recovery system, consisting of vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

(3) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Administrator.

§ 52.1596 Gasoline loading into tank trucks and trailers.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the Counties of Mercer, Burlington, Gloucester, Salem, and Camden contained within the Metropolitan Philadelphia Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provision of § 52.1599.

(b) A person shall not load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collection adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adapter and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected. The vapor disposal portion of the system shall consist of one of the following:

(1) A vapor/liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

(2) A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.

(3) Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Administrator.

§ 52.1597 Gasoline loading into tanks.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth Counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region and the Counties of Mercer, Burlington, Gloucester, Salem, and Camden contained within the Metropolitan Philadelphia Interstate Air Quality Control Region in the State of New Jersey. Compliance with the requirements of paragraph (b) of this section shall be in accordance with the provisions of § 52.1599.

(b) (1) A person shall not load or permit the loading of gasoline into any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device or a pressure tank as described in § 52.1596(b). The provisions of this subparagraph shall not apply to the loading of gasoline into any tank having a capacity of less than 2,000 gallons which was installed prior to the date of adoption of this section nor to any underground tank installed prior to the date of adoption of this section where the fill line between the fill connection and tank is offset.

(2) Any person operating or using any gasoline tank with a capacity of 250 gallons or more installed prior to the date of adoption of this section shall apply for a permit to operate such tank. A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in paragraph (b) (1) of this section.

(c) Definitions. (1) For the purpose of this section, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(2) For the purpose of this section, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(3) The provisions of this section do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

§ 52.1598 Paint and varnish manufacturing.

(a) This section is applicable in those portions of Bergen, Passaic, Essex, Hudson, Morris, Union, Somerset, Middlesex and Monmouth counties contained within the New Jersey-New York-Connecticut Interstate Air Quality Control Region in the State of New Jersey. Except as provided in paragraph (b) (1) of this section, compliance with paragraphs (b) and (c) of this section shall be in accordance with the provision of § 52.1599.

(b) All persons engaged in the manufacturing of paints shall fulfill one of the following requirements:

(1) Reformulate paint to replace a photochemically reactive solvent with a non-photochemically reactive solvent by January 31, 1974.

(2) Produce water-base coatings.

(3) Condense and absorb by scrubbing with alkali or acid washes.

(4) Scrub and adsorb by activated charcoal or other adsorbants.

(5) Combust organic emissions.

(c) Any manufacturer engaged in the production of varnish shall not engage in such activity unless the manufacturer fulfills the following requirements:

(1) Remove copal vapors through installation of a condensation unit which has been approved by the Administrator.

(2) Remove varnish vapors through installation of a combustion unit which has been approved by the Administrator.

§ 52.1599 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.1591, 52.1592, 52.1593, 52.1594, 52.1595, 52.1596, 52.1597, 52.1598 shall comply with the compliance schedule in paragraph (b) of this section.

(b) Compliance Schedule. (1) September 17, 1973. Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the regulations cited in paragraph (a) of this section.

(2) November 16, 1973. Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) April 1, 1974. Initiate on-site construction or installation of emission control equipment or process modification.

(4) April 1, 1975. Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1975. Final compliance with the regulations cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with the regulations cited in paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this subchapter.

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[40 CFR Part 52]

PENNSYLVANIA

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted by the Commonwealth of Pennsylvania for attainment of the primary national ambient air quality standard for carbon monoxide (CO) for the Southwest Pennsylvania Intrastate Region and for the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for photochemical oxidants (O_x) for the Southwest Pennsylvania Intrastate Region was disapproved in part on June 15, 1973. This notice of proposed rulemaking sets forth regulations which in the Administrator's judgment could be implemented in addition to the approved portions of the Pennsylvania plan to attain and maintain the national standard for carbon monoxide in the Southwest Pennsylvania Intrastate Region and the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for photochemical oxidants in the Southwest Pennsylvania Intrastate Region.

If revisions to the State plan are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the carbon monoxide standard in both Regions and the photochemical oxidant standard in the Southwest Pennsylvania Intrastate Region be a State plan carried out by the State or its designated representative.

SUMMARY

Portions of the Pennsylvania plan were not approved on June 15, 1973, because the justification for claimed reductions and the procedures for administration, enforcement, and monitoring of the strategies were not adequate. Although the general strategies proposed in the plan were approved, the specific control strategy package was not approved. The specific control strategies in the state plan did not guarantee a sufficient degree of carbon monoxide and hydrocarbon emissions reductions to justify a finding that carbon monoxide and photochemical oxidant air quality standards would be attained.

Pennsylvania's request for a 2-year extension cannot be approved at this time because the submittal does not contain sufficient supporting data on the technical infeasibility of the considered control strategy. The opinion of the D.C. Circuit Court of Appeals in NRDC v. EPA requires the agency to apply a very stringent standard of review to state extension requests. On our part, we are proposing a one-year extension of the compliance date because implementation of an air bleed retrofit program cannot be completed until mid-1976. Alternative strategies for this period do not appear technically feasible. If evidence presented at the public hearings or submitted to the agency during the comment period indicates that an additional extension is justified or that this one-year extension is not justified, appropriate revisions will be made in our final promulgation.

The proposed regulations are designed to correct specific deficiencies in the state plan. Because the state plan lacks adequate assurance that all gasoline powered light duty vehicles subject to the Pennsylvania Vehicle Inspection Program will meet emission limitations, a regulation is proposed to prohibit the Commonwealth of Pennsylvania from registering or allowing the operation of vehicles which cannot show proof of satisfactorily the state plan lacks specific assurances of emissions reductions from improvements to public transportation, regulations are proposed to establish exclusive bus lanes and to restrict on-street parking. Because the state plan provides no specific "fail-safe" vehicle restraint program, a regulation is proposed to achieve a minimum 13 percent reduction in the number of motor vehicles entering the Central Business Districts of both Philadelphia and Pittsburgh on working days.

A regulation also is proposed to require an air bleed retrofit of all pre-1968 light-duty vehicles and to require inspection and maintenance of these vehicles. As a final assurance of adequate emission reductions, a backup regulation is proposed to limit gasoline sales to their 1972 levels in both regions in the event, now considered unlikely, that market conditions would otherwise allow those sales to increase.

The strategies proposed herein are projected to achieve a 58 percent reduction in carbon monoxide emissions to meet the national ambient air quality standard for carbon monoxide by May 31, 1976, in the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region, and a 57.3 percent reduction in carbon monoxide emissions and 56.5 percent reduction in hydrocarbon emissions to meet the national ambient air quality standards for carbon monoxide and photochemical oxidants by May 31, 1976, in the Southwest Pennsylvania Intrastate Region.

TRANSPORTATION CONTROL ALTERNATIVES

Analysis of the air quality problems in the Commonwealth of Pennsylvania reveal carbon monoxide problems in the Philadelphia and Pittsburgh CBD's within the Metropolitan Philadelphia Interstate Region and the Southwest Pennsylvania Intrastate Region.

Since virtually all carbon monoxide emissions are vehicle related, alternative measures consist of reducing emissions emanating from each vehicle or of reducing vehicular travel. Reductions in emissions from vehicles can be obtained through inspection and maintenance programs and from incorporation of various retrofit devices. Reductions in Vehicle Miles Traveled (VMT) can be

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achieved through various pricing and taxing schemes for road use, limitations of gasoline consumption, or adoption of parking restrictions.

Direct vehicle restraints may also be necessary. These can take the form of limitations on gasoline distribution or of restricting access of vehicles to areas of high pollutant concentrations. In situations where the pollutant is carbon monoxide and the area is the CBD, restricting access is preferable. The measure can be confined to the major contributors to the problem and to the area best served by alternative modes of travel.

These automobile use disincentives can be combined most effectively with improvements to public transportation. Such improvements as greater coverage, increased frequency of service, improved reliability, improved comfort, and adequate personal security will further encourage the use of viable transit alternatives to the automobile.

Proposed Additional Control Strategies

The Pennsylvania plan in its demonstration of attainment of the carbon monoxide emissions utilizes five general strategies: the Federal Motor Vehicle Emissions Control Program, the Pennsylvania Motor Vehicle Inspection Program, improvements to public transportation, automobile use disincentives, and automobile restraints. Attainment of the photochemical oxidant standards for the Southwest Pennsylvania Interstate Region by May 31, 1975, was not explicitly demonstrated.

According to the Pennsylvania plan, total carbon monoxide emissions in the Philadelphia CBD were 28,805 tons/year in 1971 and in the Pittsburgh CBD were 13,130 tons/year in 1971; total hydrocarbon emissions in the Southwest Pennsylvania Intrastate Region were not identified in the plan. From EPA calculations based on APTD–1446, "Transportation Controls to Reduce Motor Vehicle Emissions in Pittsburgh, Pennsylvania," hydrocarbon emissions in Allegheny County were 59,200 tons/year in 1971. In order to demonstrate attainment of the standards, the Environmental Protection Agency calculations indicate that carbon monoxide emissions must be reduced by 55.5 percent of the 1971 emissions in the Philadelphia CBD to a level of 12,820 tons/year and by 57 percent of the 1971 emissions in Pittsburgh CBD to a level of 5,650 tons/year, and that hydrocarbon emissions must be reduced by 55 percent of the 1971 emissions in Allegheny County to a level of 26,700 tons/year.

Including projected increases in vehicle miles of travel, the Federal Motor Vehicle Emissions Control Program will reduce carbon monoxide emissions by 40.4 percent to 17,175 tons/year in the Philadelphia CBD by 1975 and by 37.4 percent to 8,219 tons/year in the Pittsburgh CBD by 1976. The Federal Motor Vehicle Emissions Control Program plus the existing program for reduction of stationary sources will reduce hydrocarbon emissions by 46.1 percent to 31,960 tons/year by 1976. These estimates include the 1975 interim motor vehicle emissions standards as announced on April 11, 1973.

To provide the required additional reductions to attain the national ambient air quality standards, several measures controlling mobile sources and reducing VMT are proposed. Mobile source controls include a strengthening of the State's vehicle inspection program and retrofitting of all pre-1968 light duty vehicles. VMT reductions will be realized through improvements to public transportation, a CBD vehicle restriction program, and a limitation on gasoline distribution to 1972 levels.

In order to further ensure that national ambient air quality standards will be achieved as expeditiously as practicable, the following interim measures will be implemented prior to May 31, 1975.

1. Gasoline limitations to 1972 levels.
2. 20 percent vehicle exclusion from the CBD of both Philadelphia and Pittsburgh.

Proposed Controls on Mobile Sources

The Pennsylvania plan demonstrates legal authority for an emissions inspection program as part of the existing semi-annual State vehicle inspection program. A 10 percent carbon monoxide emission reduction for all 1968 and subsequent light duty vehicles is claimed through the use of a diagnostic type inspection/maintenance program. The Environmental Protection Agency proposes an inspection program utilizing an idle mode test with a 30 percent failure criterion. According to Appendix B of Part 51 of this Chapter idle mode inspection on an annual basis can be expected to reduce carbon monoxide emissions by 8 percent per vehicle and to reduce hydrocarbon emissions by 10 percent per vehicle. Inspection on a semi-annual basis should result in at least a 10 percent reduction in carbon monoxide emissions per vehicle and a 12 percent reduction in hydrocarbon emissions per vehicle. Because this inspection program does not apply to heavy-duty vehicles, the effect on total carbon monoxide emissions for the Philadelphia CBD is a 6.8 percent reduction and for the Pittsburgh CBD is a 6.7 percent reduction; the effect on hydrocarbon emissions for Allegheny County is a 5.3 percent reduction. (It should be noted that further reductions in emissions resulting from such controls as retrofit or VMT reductions will reduce the impact of inspections and maintenance identified by the above reductions. This is due to the fact that an inspection and maintenance system will have a proportionately greater effect on uncontrolled vehicles as compared to controlled vehicles).

According to EPA calculations, retrofit of all pre-1968 light duty vehicles with approved air bleed to intake manifold devices will result in an 8 percent carbon monoxide emissions reduction for the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region and for the Allegheny County portion of the Southwest Pennsylvania Intrastate Region in 1976; hydrocarbon reductions for the Allegheny County Region will be 2.2 percent.

Proposed Reductions in VMT

According to the Pennsylvania plan, improvements to public transportation are credited with reducing carbon monoxide emissions by 5 percent in each Region. Because 22 percent of hydrocarbon emissions in Allegheny County are from stationary sources, the net effect of the reduction in hydrocarbon emissions due to public transportation improvements is only 3.7 percent. Specific improvements are cited including streets for exclusive bus lanes, 950 new buses, 144 new rail cars, subway station improvements, and increased parking facilities at commuter stations; but implementation schedules are not firm, providing no assurance for claimed reductions by May 31, 1975. To ensure the stated reductions claimed for mass transportation improvements, the Environmental Protection Agency is proposing two regulations: one for provision of exclusive bus lanes within each Region and one for limitation of on-street parking within the CBD's of each Region.

Automobile disincentives, claiming 10 percent emissions reductions, and automobile restraints are insufficiently described to assure any carbon monoxide or hydrocarbon reductions. To attain the needed reductions for attainment and maintenance of the carbon monoxide and photochemical oxidant national ambient air quality standards, the Environmental Protection Agency proposed vehicle restraints for CBD originating and terminating trips, and a limitation of gasoline sales in the two Regions to the 1972 levels.

The total impact on emissions from direct vehicle restraints is difficult to determine. Secondary benefits from flow improvements and induced public transportation utilization will result, but the precise effect must be measured after the fact. From previous studies of both regions, at least a 1 percent reduction in CBD carbon monoxide and hydrocarbon emissions can be credited to increases in speed due to flow improvements.

In the Pennsylvania portion of the Metropolitan Philadelphia Interstate Region the restricted area will be the Philadelphia CBD; in the Southwest Pennsylvania Intrastate Region the restricted area will be the Pittsburgh CBD. The Governor of Pennsylvania or his designee will divide the vehicle population into six categories. Up to one-third will be designated with special passes and be unrestricted (police and fire vehicles, ambulances, taxis, etc.). The remaining two-thirds or more will be divided into five equal groups and be restricted on a rotational basis, having access to the CBD on a schedule determined by the Governor or his designee.

According to the Pennsylvania plan approximately 60 percent of the VMT in the Philadelphia CBD, and according to APTD–1446, approximately 45 percent of the VMT in the Pittsburgh CBD originates or terminates in the CBD. The vehicle restriction proposal would realize at least 8 percent and 6 percent reductions in VMT in the Philadelphia and Pittsburgh CBD's. According to the "rollback" techniques, this would result in at least 8 percent and 6 percent reductions in carbon monoxide emissions.

The Clean Air Act of 1970 requires attainment of the national ambient air quality standard as expeditiously as practicable but in no case later than May 31, 1975, unless the necessary technology or other control methods are not reasonably available by that date. In the latter event, an extension of time for achieving the standards until no later than May 31, 1977 may be granted, but all reasonably available alternatives must be implemented by 1975, along with such interim measures of control as are deemed to be reasonably available. In light of these specific requirements and the long lead times required for the purchase of new mass transit equipment, it is proposed to limit the sales of gasoline to the 1972 levels in the Southwest Pennsylvania Intrastate and Metropolitan Philadelphia Interstate Regions. From forecasts of VMT growth in the Pittsburgh and Philadelphia CBD's, it is estimated that the proposed gasoline limitation will result in CO emission reductions of 6.6 percent and 2.5 percent in the Pittsburgh and Philadelphia CBD's, respectively, and a hydrocarbon emission reduction of 7.6 percent in Allegheny County.

The proposals described above are the only ones for which regulatory language has been included in this proposal. However, EPA will also consider other VMT reduction measures as part of this rule-making proceeding, and they may be included in the final promulgation if they are found to be the most feasible methods for achieving the standards. In particular, EPA will explore the possibility of reducing VMT by the selective limitation or reduction of the number of parking spaces in CBD's and other trip attraction centers, and establishing a more sophisticated mass transit system through more selective conversion of traffic lanes on roads to the exclusive use of buses and carpools. Measures to promote the use of bicycles will also be considered. Comments on these and other VMT reduction measures are particularly solicited.

Summary of Effects

The following table is a summary of the effects of each element of the proposed strategies on the total reductions required.

Compilation of Control Strategy Effects on May 31, 1975

	PHILADELPHIA		PITTSBURGH			
	Carbon Monoxide		Carbon Monoxide		Hydrocarbons	
	Tons per Year	Percent of Total Reduction Required	Tons per Year	Percent of Total Reduction Required	Tons per Year	Percent of Total Reduction Required
Stationary source emissions without Control Strategy.	(Neg)		(Neg)		13,050	
a) Dry Cleaning Vapor Recovery	0	0	0	0	180	1.8
b) Gasoline Handling Vapor Recovery.	0	0	0	0	1,070	10.6
c) Other stationary source rule strengthening.	0	0	0	0	3,600	35.6
Stationary Emissions Remaining	(Neg)		(Neg)		8,200	
Mobile Emissions from Light and Heavy Duty Vehicles without Control Strategy.	17,175		8,219		23,760	
Expected Reduction						
a) Inspection and Maintenance	575	20.1	411	16.1	1,720	17.0
b) Air Bleed Retrofit	1,371	31.5	688	25.6	703	6.9
c) Mass Transit Improvements	838	19.7	411	16.0	1,180	11.6
d) Traffic Flow Improvements	172	3.9	82	3.2		
e) 20% Vehicle Exclusion	1,371	31.5	494	19.2	192	1.9
f) Gasoline Limitations	429	9.8	542	21.1	2,430	23.8
Mobile Emissions Remaining	12,099		5,618		17,545	
Total Emissions w/out strategy	17,175		8,219		36,810	
Total Reductions	5,076	116.5	2,601	101.2	11,065	109.1
Total Emissions Remaining	12,099		5,618		25,745	

The regulations proposed herein implement the basic control strategies.

Implementation Procedures

Implementation of the strategies provided for by the regulations proposed herein is the key to the success of the air quality improvement program for the Pennsylvania portion of the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Regions.

Therefore, the proposed regulations also provide for the development of any necessary administrative procedures; schedules of compliance by sources; and surveillance, monitoring, and enforcement activities.

In all cases where VMT reduction measures are being proposed by regulations the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases where it must promulgate portions of an implementation plan to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist (Natural Resources Defense Council, Inc., v. EPA, No. 72–1219 (1st Cir. May 2, 1973)).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible, and may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have accordingly been drafted to impose enforcement responsibility on the States or cities only where the activity being regulated was, in the judgment of EPA, closely enough related to the government's position as owner of the roads to justify the imposition of responsibility under this theory.

Economic and Social Impact

As noted above, the Clean Air Act only required the application of all control measures that are "reasonably available" to achieve air quality standards by 1975. If more than that would be necessary an extension of up to two years in the time for achieving the standards may be granted. EPA has proposed the granting of a one-year extension of the time for achieving the standards in these two regions. In the Administrator's opinion, the standards can be achieved in these two regions by 1976 through the use of reasonably available control measures.

A measure to reduce VMT cannot be considered "reasonably available" if putting it into effect would cause significant economic and social disruption. However, no such effect is anticipated from the measures proposed today. Though some reduction in personal travel could certainly be absorbed without this effect, the bulk of the travel displaced will have to be absorbed by such other modes of transportation as carpools, walking, bicycling, or public transit.

This can be done in both of the regions concerned here through use of the existing transit facilities, upgrading of bus services (which can be accomplished in a relatively short time), and increased use of carpools, walking and bicycling. Private automobiles, which are designed to carry four to six persons and currently carry an average of 1.5 persons per trip in major urban areas, represent the largest unused pool of transportation capacity currently available.

In addition, many short trips now made by car could be made by walking or bicycling.

Although the impact of VMT reductions on aspects of human welfare other than air quality is as hard to assess precisely as the other aspects of the question, it is reasonably clear they will create significant inconvenience in the short run. Those who have been accustomed to driving downtown at their own convenience in the assurance of finding a parking space while they shop, or to commuting to and from work at times to some extent of their own choosing, will have to modify their previous habits to some degree. Some shorter trips will be shifted from automobiles to more burdensome forms of locomotion such as bicycles or walking. Some trips that are more a matter of convenience than necessity will probably be taken less frequently.

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In the longer run, there may well be significant positive aspects to VMT reductions. Many experts believe that the sprawling development patterns fostered by widespread automobile use are unduly wasteful of energy, land, and other resources, and have contributed to the decay of urban centers. More widespread use of other modes of transportation will be necessary if these tendencies are to be corrected. Though to correct these tendencies is not and cannot legally be the purpose of VMT reductions under the Clean Air Act, they may nevertheless be an essential step in that direction.

The proposed vehicle exclusion measure, which is primarily designed to decrease total VMT and hence emissions by encouraging greater use of mass transit and car pooling, may well stimulate the switch to a four-day week by major industries. This may well result in further reductions in VMT and/or total emissions at least in the CBD. The gasoline limitation measure should result in more widespread use of mass transit and/or carpooling, thus resulting in further reductions of the total emissions.

DIRECT COSTS TO AUTOMOBILE OWNERS

Elements common to all of the transportation control strategies considered are retrofitting of pre-1968 light-duty vehicles and an inspection and maintenance program to ensure proper functioning of abatement equipment. The cost of air bleed control devices should range from $35 to $50. The annual cost of inspection/maintenance is estimated to be $5 to $15.

If a sizable share of these costs falls on individual automobile drivers, the burden will weigh more heavily on low-income families. The effect is exacerbated by the fact that older cars, subject to higher abatement equipment costs, tend to be owned by low-income families.

MANUFACTURING, WHOLESALE TRADE AND THE DISTRIBUTION SYSTEM

Maintenance of the system to distribute goods is critical to the viability of the economy, especially for life-sustaining necessities.

Large trucks are already largely diesel powered and would be allowed to operate under the proposed plan. Smaller gasoline powered trucks and vehicles would have to be retrofitted with control devices. Their operation would, however, be restricted under gas rationing or under intermittent controls during crisis (air pollution episode) periods.

Costs of doing business may rise to a certain extent. Business may also be faced with increased pressure for higher wages and salaries as workers try to offset increased costs to the individual resulting from the transportation control plan. It is not known whether such costs increases will be significant enough to affect the competitive position of firms in the Pittsburgh and Philadelphia areas, causing them to lose sales both within the respective areas and on goods now produced within the areas and sold to other markets.

Time limitations have made it impossible to investigate effects on specific industries. Some industries will be adversely affected while others will experience an increase in sales. For instance, the burden would fall very hard on service stations and automotive supply outlets. On the other hand, the demand for mass transit and communication facilities will increase. Even with more time, it is not clear that a reasonable estimate of the impact on specific industries could be made.

TAX REVENUE IMPLICATIONS

The transportation control plan will have direct and indirect effects on local, State, and Federal Tax revenues. Some illustrative impacts are cited below.

It is not clear whether property taxes collected in the Pittsburgh and Philadelphia areas will rise or fall. It seems certain that property values will change depending on location. For example, property near shipping and work zones will increase in value while that in suburban vicinities will decrease.

Excise, sales, income taxes, and profit would probably decline if purchasing power in the Pittsburgh and Philadelphia areas diminishes. Excise taxes from gasoline would certainly fall. However, declines in revenues related to some forms of spending (gasoline) will be offset to some degree by increased expenditures for other goods.

The effect on State and local budgets will also depend on whether subsidies and/or new taxes (parking, gasoline) related to the transportation control plan will be instituted.

MASS TRANSIT

Attendant improvements and expansion in the existing mass transit facilities in the Philadelphia and Pittsburgh metropolitan areas are a corollary to the proposed reductions in VMT obtained as a result of disincentives and restraints on the personal use of automobiles primarily within the CBD of those cities. The emphasis in the Pittsburgh area must be a large-scale expansion of a very limited public transportation system for CBD commuters. The existing Port Authorities of Allegheny County (Pittsburgh) system consists of about 915 buses and ninety-five streetcars. For the short term, the best possibility of achieving the required expansion is by means of large-scale increases of capacity of radial bus routes. Philadelphia has a number of existing bus and rail routes. The Southeastern Pennsylvania Transportation Authority (SEPTA) system includes 490 rapid transit cars, 478 interurban cars, 1797 buses, and 456 commuter rail cars. These must initially be expanded to absorb expected increases in commuter travel. For example, the capability of the existing Penn-Central and Reading rail lines to respond to such increases has been demonstrated during work stoppages affecting the SEPTA bus and trolley systems. However, the amenities of all public transportation systems, as well as the usability they afford the riders, must be considerably improved in order to ensure retention of mass transit commuters.

Although the Administrator does not have the authority to direct Pennsylvania or its jurisdictions to provide expanded mass transit facilities, he is firmly of the belief that such expanded facilities are essential to the success of any air pollution control strategy for the Pittsburgh and Philadelphia areas. The Administrator therefore is conducting an investigation of the needs and possibilities for transit expansion in these areas and he encourages and will provide all possible support to efforts by Federal, State, local governmental, and private groups to expand the mass transit facilities.

Philadelphia is fortunate in that an extensive network of subways, bus lines, trolleys, and commuter rail is already in place and could support a substantial increase in ridership with such system modifications as additional buses, longer trains, shorter headways, and a mid-city tunnel linking the Reading and Penn Central commuter lines. Although many of these improvements are reflected in the Southeast Pennsylvania Transit Authority's six-year plan, substantial support from Federal grants or state/local subsidies will be required.

The problem in Pittsburgh is more formidable since there are no rapid transit or commuter rail systems and the bus-streetcar network is not nearly so extensive as Philadelphia's. Moreover, the Early Action Program, which would result in a greatly expanded mass transit network, has been plagued with innumerable legal and procedural delays, so that Federal assistance would be required in order to ensure the availability of adequate mass transit facilities by 1975 or even by 1976.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed plan is the best approach available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards in the Pittsburgh and Philadelphia areas. Comments are particularly invited pertaining to measures that may be taken by Federal, State, or local authorities to support or supplement the proposed air pollution control strategy, to implement these measures, and to compare social and economic effects of alternative pollution control measures.

Public hearings will be held in Philadelphia on July 23 and 24, 1973, beginning at 10 a.m., in conference room B, 11th floor, 1421 Cherry Street; and in Pittsburgh on July 30 and 31, 1973, beginning at 10 a.m. in rooms 2214 and 2218, Federal Building, 1000 Liberty Avenue.

The Administrator's final promulgation of transportation controls for the Pittsburgh and Philadelphia areas will be significantly influenced by the comments and testimony he receives, as well as by the approvable strategies submitted by the State in mid-April as part of the State plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, Pennsylvania, 19106. All relevant comments received not later than August 1, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region III Office, and at locations to be announced in the Pittsburgh area. This notice of proposed rule making is issued under the authority of section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

EPA STUDIES AND GUIDELINES

Further information on transportation control, land use, and motor vehicle emissions may be obtained from one or more of the following documents which the Environmental Protection Agency has published:

a. "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas" and "Evaluating Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," November 1972. Both of these documents are generally known as the "Six Cities Study."

b. "Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas," December 1972. This document is a summary of a study of 14 cities conducted with the view of recommending specific transportation control strategies. (Separate reports for each of the 14 cities are also available.)

NOTE: The documents listed in a and b above are available from the Air Pollution Technical Information Center, EPA, Research Triangle Park, North Carolina 27711.

c. "Control Strategies for In-Use Vehicles," November 1972. This report is available from EPA, Mobile Source Pollution Control Programs, 401 M Street S. W., Washington, D.C. 20460.

d. "Transportation Control Measures," FEDERAL REGISTER (38 FR 15194) June 8, 1973.

e. "Transportation Control Strategies for the State Implementation Plan: City of Philadelphia," APTD-1370 (February 1973), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

f. "Transportation Controls to Reduce Motor Vehicle Emissions in Pittsburgh, Pennsylvania," APTD-1446 (December 1972), available from EPA, Office of Air and Water Programs, Research Triangle Park, North Carolina 27711.

(42 U.S.C. 1857 et seq)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of Title 40 of the Code of Federal Regulations by adding the following:

Subpart NN—Pennsylvania

§ 52.2037 Inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles by identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) "Idle emission test" means a sampling procedure for exhaust emissions which requires operation of the engine in the idle mode only. At a minimum, the idle test must consist of the following procedures carried out on a fully warmed-up engine: a verification that the idle RPM is within manufacturer's specified limits and a measurement of the exhaust carbon monoxide and/or hydrocarbon concentrations during the period of time from 15 to 25 seconds after the engine either was used to move the car or was run at 2000 to 2500 RPM with no load for 2 or 3 seconds.

(3) "Initial failure rate" means the percentage of vehicles rejected because of excessive emissions of a single pollutant during the first inspection cycle of an inspection/maintenance program. (If inspection is conducted for more than one pollutant, the total failure rate may be higher than the failure rates for each single pollutant.)

(b) This section is applicable within the geographical confines of the Commonwealth of Pennsylvania.

(c) The Commonwealth of Pennsylvania shall submit to the Administrator of EPA or his designee, no later than October 1, 1973, a detailed compliance schedule showing the steps that will be taken to establish and enforce an inspection and maintenance program pursuant to paragraph (d) of this section.

The compliance schedule shall include:

(1) The text of any necessary statutory proposals and regulations that are needed to carry out the inspection/maintenance system.

(2) A detailed timetable describing the steps that must be taken to ensure the timely adoption of the regulations needed for paragraph (d) of this section, and when these steps will be taken.

(3) A detailed timetable describing necessary equipment, and the dates for acquisition thereof.

(4) A signed statement by the chief executive or his designee identifying the sources and amounts of funding for the inspection/maintenance program and a timetable to ensure that proper funding levels are available.

(d) The Commonwealth of Pennsylvania shall establish an inspection and maintenance program applicable to all light duty gasoline powered vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the Commonwealth of Pennsylvania shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for the inspection of all gasoline powered light duty vehicles at periodic intervals of no more than one year by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emission reduction claimed in the plan for the strategy. These criteria shall include an initial failure rate of 30 percent.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks or idle adjustments and/or a suitable type of physical tagging.

(5) Delineation of the agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(e) After January 1, 1975, the Commonwealth of Pennsylvania shall not register nor allow to operate on its streets and highways vehicles which fail within this regulation and have not complied with the applicable standards and procedures of paragraph (d) of this section.

(f) After January 1, 1975, no owner of a vehicle which is affected by its regulation shall operate or allow to be operated a vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2038 Regulation for limitation of public parking.

(a) Definitions:

(1) "On-street parking" means stopping and leaving a vehicle on a street alongside a curb or sidewalk.

(2) "CBD" is defined as the area bounded by Vine Street, South Street, the Schuylkill River, and the Delaware River, within the City of Philadelphia.

(b) On-street parking limitations.

(1) Beginning January 1, 1974, the City of Philadelphia shall prohibit on-street parking between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, on all streets and highways in the CBD over which it has ownership or control and which contain express bus lanes or trolleys. The prohibition shall

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state that vehicles parked in violation of the prohibition shall either be towed away, or the owner subject to a fine of up to $100, or both.

(2) Beginning on January 1, 1974, the State of Pennsylvania shall prohibit on-street parking between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday, on all streets or highways in the CBD over which it has ownership or control, and which contain express bus lanes or trolleys. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner subject to a fine of up to $100. or both.

(c) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

§ 52.2039 Preferential bus/car pool treatment.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/car pool lane" means a lane or a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Pittsburgh Central Business District (CBD)" means an area enclosed by the Allegheny River, the Monongahela River and I–876. I–876 is not included.

(4) "Philadelphia Central Business District (CBD)" means an area enclosed by Vine Street, South Street, the Schuylkill River, and the Delaware River. Vine Street, South Street, and I–95 are not included.

(5) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b)(4) (ii) and (iii) of this section.

(b) The following provisions apply to all areas within the counties of Allegheny, Bucks, Chester, Delaware, Montgomery, and Philadelphia.

(1) The Cities of Philadelphia and Pittsburgh and all incorporated municipalities in counties described above shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control, beginning December 1, 1973.

(2) The following counties shall establish bus/carpool lanes on the major streets and highways over which they have ownership or control, beginning December 1, 1973: Allegheny, Bucks, Chester, Delaware, Montgomery, and Philadelphia.

(3) The State of Pennsylvania shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 p.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, the street or highway, or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption (such as inappropriateness of use by buses or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at lease once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established, and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(vii) Between 7:00 a.m. and 6:30 p.m. the right two lanes of each one-way street in the CBD having four or more lanes shall be bus/carpool lanes.

(viii) Between 7:00 a.m. and 6:30 p.m., the right lane of each one-way street in the CBD having three lanes shall be a bus/carpool lane.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) A signed statement by the chief executive of each governmental entity of his designee shall be submitted to EPA on October 1, 1973 to identify the sources and amount of funds for all projects.

(8) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2040 Selective Vehicle Use Exclusion.

(a) Definitions:

(1) "Philadelphia Central Business District (CBD)" means an area enclosed by Vine Street, South Street, the Schuylkill River, and the Delaware River. Vine Street, South Street, and I–95 are not included.

(2) "Pittsburgh Central Business District (CBD)" means an area enclosed by the Allegheny River, the Monongehela River, adn I–876. I–876 is not included.

(3) "Vehicle Limited Zone" means the Philadelphia CBD and the Pittsburgh CBD.

(b) On or before November 1, 1973, the Governor of the Commonwealth of Pennsylvania shall submit to the Administrator for his approval a procedure for issuing up to six categories of access certificates, one to each vehicle registered after January 1, 1975, in the counties included within the Southwest Pennsylvania Intrastate Region and the Metropolitan Philadelphia Interstate Region. The procedure shall include:

(1) Provisions for the exclusion of vehicles bearing one or more types of the six categories of access certifications from any vehicle limited zone between 7 a.m. and 5 p.m. on different workdays. The number of categories included shall be sufficient to achieve a 15 percent reduction vehicle miles traveled in each vehicle limited zone on such days.

(2) Assurances that households owning more than one car receive only one category of access certificate for all the cars they own.

(3) Provisions that unlimited access certificates may be issued for vehicle use which is deemed essential by the State of Pennsylvania (for example, police, fire, or ambulance, and transit buses).

(4) Prohibitions on vehicles bearing specified certificates from being operated or parked on public streets within the "vehicle limited zone."

(5) Provisions that certificates of access will be distributed to vehicle owners no later than during the registration period beginning January 1, 1975. However, all such certificates must be issued no later than March 31, 1975.

(6) Provisions that actual exclusion will begin as expeditiously as practicable; however, this exclusion shall begin no later than May 31, 1975.

(7) Designation of an agency or agencies which shall be responsible for administration and enforcement of this program.

(8) Procedures necessary to enforce this program (such as establishing spot-check locations and issuing citations to those prohibited from driving on such day).

(c) Beginning no later than January 1, 1975, the Commonwealth of Pennsylvania shall not register any vehicle subject to the provisions of paragraph (b) of this section without issuing suitable access certificates to the owner.

(d) Beginning no later than January 1, 1975, no vehicle owner subject to the provisions of paragraph (b) of this section shall operate or allow the operation of such vehicle which does not have the access certificate prominently affixed to his or her vehicle. Each vehicle's access certificate shall be large enough and well enough displayed to be as prominent to outside observers as a license plate.

(e) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A state or other governmental entity will be considered to have failed to comply with the requirements of this section if it fails to submit on a timely basis any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2042 Gas Limitation Regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This paragraph is applicable in the Pennsylvania portion of the Metropolitan Philadelphia Interstate AQCR and Southwest Pennsylvania Interstate AWCR, to all distributors who transport gasoline to any retail outlet in this area, and to the owners of retail outlets in this area.

(c) Beginning July 1, 1974, the Commonwealth of Pennsylvania shall implement regulations limiting the total gallonage delivered to retail outlets in the area described in paragraph (b) of this section to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the areas described in paragraph (b) of this section during the base year, and the years during which control is in effect. For the year during which control is in effect, the owner of each retail outlet to which this paragraph applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The Commonwealth of Pennsylvania shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section including the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the areas affected. Such date shall be no later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Clean Air Act. A state will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-13632 Filed 7-2-73;8:45 am]

[40 CFR Part 52]

TEXAS

Approval and Promulgation of Implementation Plans

This notice of proposed rule making sets forth an emission control plan for certain air quality control regions in Texas as required by order of the U.S. Court of Appeals for the District of Columbia Circuit, January 13, 1973. This proposal results from the failure of the State of Texas to submit a fully acceptable revised implementation plan for the attainment and maintenance of the National Primary Ambient Air Quality Standard for photochemical oxidants as required by this court order.

This proposal sets forth a plan which in the Administrator's judgment could be implemented to attain and maintain the national standards for photochemical oxidants in the State of Texas by May 31, 1975.

If a State plan which is submitted is determined to be approvable prior to Federal promulgation of a plan, then the Federal plan will not be promulgated. If a State plan is determined to be approvable after Federal promulgation of a plan, then the Federal plan will be rescinded. It is the desire of the Environmental Protection Agency that the plan be a State plan implemented and enforced by the State.

The regulations proposed herein implement the basic control strategy.

BACKGROUND

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, state plans for implementation of the national ambient air quality standards. To complete the requirements of § 51.11(b) and 51.14 of 40 CFR Part 51, the Governor of Texas was required to submit to the Administrator no later than February 15, 1973, a timetable for the development of the legal authority, regulations and administrative policies necessary to carry out a vehicle inspection program which would assist in providing for the attainment of national ambient air quality standards in the Austin-Waco, Metropolitan Dallas-Fort Worth, Metropolitan San Antonio, and El Paso-Las Cruces-Alamogordo Regions by 1975, and in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Regions by 1977.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of "Natural Resources Defense Council, et al. v. Environmental Protection Agency" (Civil Action No. 72–1522) and seven other related cases, hereafter referred to as NRDC v. EPA. It issued an order which required the Administrator to formally rescind the extensions of time which had been granted for achieving the standards, and to require all affected states to formally submit transportation control plans by April 15, 1973.

The State of Texas submitted a revision to the Texas Air Pollution Implementation Plan on April 15, 1973. Along with that submittal, the Governor of Texas again requested an extension until 1977 for the attainment of the standard for photochemical oxidants in seven Texas Air Quality Control Regions. The State Plan indicated that the 1975 ambient air quality standards would be met by May 31, 1975 by utilizing a stationary source strategy that would regulate reactive carbon compounds. Using data from AP–84 (Air Quality Criteria for Nitrogen Oxides), the State developed a model relationship similar to Appendix J of the August 14, 1971, FEDERAL REGISTER, but based on non-methane hydrocarbons. Using this relationship, the percent reduction required for reactive hydrocarbon emissions was significantly lower than that percent reduction required for total hydrocarbons using Appendix J. To estimate reductions in reactive hydrocarbons resulting from their strategy, the State separated reactive and non-reactive components in the hydrocarbon emission inventory.

The reduction relationship developed by the State presumes the non-existence of data at the "lower end" (below 0.3 ppm non-methane hydrocarbons) of the oxidant non-methane hydrocarbon relationship described in AP–84. In fact, data does exist in this range, but was not

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plotted due to low confidence levels resulting from the measurement technique employed (see Reference 8 of section 4, AP-84). Consideration of this "omitted" data could result in a reduction requirement model even more stringent than Appendix J. Therefore, it is the opinion of the Administrator that the reduction relationship developed by the State should not be accepted as an appropriate reduction model. On the other hand, Appendix J does not account for the utilization of a reactive hydrocarbon approach, and is therefore not appropriate for use in that case either. Since a reduction in reactive hydrocarbons relates more closely to a subsequent reduction in oxidants, a reactive hydrocarbon strategy approach is desirable. In the absence of an adequate photochemical diffusion model, an appropriate relationship for use with a reactive hydrocarbon approach is straight percentage reduction. Precedence for the use of a reactive hydrocarbon approach has been established and this technique has been used in other critical areas of the United States.

EPA believes the procedures and reactivity data developed by the State of Texas to separate reactive carbon compounds from total hydrocarbon emissions for petroleum refining, chemical processes, and certain transportation categories were inconsistent with data that showed the relationship between reactive and non-reactive components for identical processes and sources in other areas of the country. Generally, the approach used by the State overestimated reactive emissions from petroleum refining, chemical processes, aircraft and diesel engines, and underestimated the reactive emissions from gasoline powered motor vehicles. Estimates for most other emission categories are consistent.

The State emission inventory for total hydrocarbons and the procedure used to estimate the effects of Texas' Regulation V was determined to be adequate and was used directly in the development of the plan proposed herein except for certain transportation categories. The plan proposed herein is based on a reactive hydrocarbon control approach. The required reactive hydrocarbon reductions for each region are based on straight percentage rollback from the baseline oxidant air quality measurements in that region. The plans proposed are the results of extensive continuing studies that were initiated by EPA following the approval and promulgation of implementation plans, on May 31, 1972.

Air Quality in the State of Texas

There are seven air quality control regions in the State of Texas that have been classified priority 1 for photochemical oxidants (hydrocarbons). The regions are: AQCR 3 Austin-Waco, AQCR 5 Corpus Christi, AQCR 7 Houston-Galveston, AQCR 8 Dallas-Fort Worth, AQCR 9 San Antonio, AQCR 10 Southern Louisiana-Southwest Texas, AQCR 11 El Paso. The plan herein proposed is designed to attain and maintain the national ambient air quality standard for oxidants in all six of the AQCRs cited in the May 31, 1972 Federal Register. However, during subsequent development of the hydrocarbon control strategies for the State of Texas, it was determined that the seventh region, Southern Louisiana-Southeast Texas Interstate Region, would also require a modified control strategy for the control of hydrocarbon emissions. Due to the severe schedule limitations imposed upon the Administrator resulting from the implementation of the court order, a plan for controlling hydrocarbon emissions in Texas' portion of the Southern Louisiana-Southeast Texas Interstate Region has not been fully completed for inclusion in this proposed rulemaking. However, it is the opinion of the Administrator that, as a minimum, controls for limiting reactive hydrocarbon emissions from the stationary sources located there should be included as part of this proposed rule making. It has been determined that approximately 80 percent of the total hydrocarbon emissions in this Region result from stationary sources. It is the intent of the Administrator to develop a comprehensive study of this Region which would provide the basis for making a determination of the necessity for transportation and/or land use controls. If it is determined that transportation and/or land use controls are needed to complement the control of stationary sources proposed herein, regulations implementing these controls will be proposed in the Federal Register in the near future.

The standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 ppm) averaged for a one-hour period, not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is based on evidence of increased frequency of asthma attacks in some asthmatic subjects on days when estimated hourly averaged concentrations of photochemicals oxidants reached 0.10 ppm. A standard of 0.08 ppm was therefore judged necesary by the Administrator to protect public health with an adequate margin of safety, as required by the Clean Air Act.

The following table summarizes the basis for the proposed plan:

Region	2nd Highest O_3 Measurement to Date	Percent Emission Reduction Required	% Emission Reductions Achieved Under Present State & Federal Requirements	
			1975	1977
3	0.109 ppm	27%	19.8%	30.6%
5	0.184 ppm	56%	64.6%	66.9%
7	0.320 ppm	75%	64.0%	66.4%
8	0.125 ppm	36%	23.0%	34.0%
9	0.145 ppm	45%	20.6%	30.7%
10	0.341 ppm	77%		
11	0.120 ppm	31%	24.7%	36.0%

Current Studies

The Environmental Protection Agency has published a report entitled, "Control Strategies for In-Use Vehicles," November, 1972, available from EPA, Mobile Source Pollution Control Programs, 401 M Street S.W., Washington, D.C., 20460. Other relevant publications available from EPA, Office of Technical Information and Publications, Research Triangle Park, N.C., 27711, include "Aircraft Emissions: Impact on Air Quality and Feasibility of Control", and "Compilation of Air Pollutant Emission Factors". Specific studies directly concerning the Texas air quality control regions mentioned here are currently being performed under EPA contract. The results of these studies will be available in July, 1973. Preliminary results were used in the development of the following proposed plan.

Methods Available to Reduce Reactive Organic (Hydrocarbon) Compounds

The Administrator's analysis of the control strategies required to meet ambient air quality standards for oxidants included evaluation of additional stationary source controls in combination with mobile source controls. The proposed control strategy for each air quality control region is based on the most promising combination for that particular region. In addition, every effort was made to incorporate portions of the state plan where possible, and to follow known state priorities and planning in setting forth additional proposals. The following is a summary of the measures proposed.

Stationary Sources

EPA looked first to the reductions in emissions that might be achieved by further control of stationary sources for a variety of reasons. The nature of the controls available, their cost, and their effectiveness are relatively well known. The states and EPA have had significant experience in enforcing similar measures. It can be predicted with confidence that none of these measures will cause any noticeable economic or social disruption even though some burden on individuals may result from them.

The following emission reduction measures are applicable to stationary sources of reactive organic compound emissions.

1. *Extend application of Texas' regulation V.* Texas' present Regulation V, "Control of Air Pollution from Volatile Organic Compounds" is now applied to sixteen counties. Significant reduction may be obtained by applying this regulation to additional counties.

2. *Control of organic solvent evaporation.* The uncontrolled emission of organic compounds from any process can be reduced by at least 85 percent.

3. *Control of evaporative losses from gasoline marketing operations.* The handling and transfer operations associated with the sale of gasoline contribute a substantial portion of hydrocarbon emissions (through evaporative losses) in regions where transportation accounts for a large fraction of total emissions. These evaporative losses can be controlled:

a. At the stage when gasoline is loaded into the storage tanks at a service station or other distribution facility; and

b. At the stage when gasoline is loaded into the individual vehicle.

EPA is currently of the opinion that the technology to control emissions associated with storage tank filling can be applied in full by May 31, 1975. However, it also appears, based on current information, that only half the distribution facilities in affected regions can be equipped with vapor control devices for controlling vehicle servicing by that time.

4. *Control of barge and ship loading.* At the present time there are no regulations controlling reactive organic compound emissions resulting from the loading of barges and ships in Texas. Technology is available which, if applied, would substantially reduce the emissions.

5. *Architectural coatings for buildings.* The emission of organic compounds from architectural coatings can be reduced by requiring the use of water-based or other coatings having a reactive organic solvent content of less than 20 percent by volume, or substituting less reactive solvents.

6. *Limitation of additional industrial growth.* A permit system can be utilized to control growth of industries emitting reactive organic compounds in Air Quality Control Regions where excessive industrial development will prevent the attainment and maintenance of air quality standards.

EPA is currently proposing Item 4 for adoption to apply to all vessels using port facilities in the Houston-Galveston area. In addition, EPA is proposing Item 1 above for Corpus Christi, 1 and 3-a for Austin, 2, 3-a and 5 for El Paso, 3-a and 3-b for Dallas, every Item except 6 for San Antonio, and every Item on the list for Houston. Although these are the only proposals for which regulatory language is included, EPA will also consider the adoption of each of these measures in regions for which they are not currently proposed, or the substitution of one measure for another, if further examination of the facts available or comments received during this proposed rule making make such a course desirable.

No regulatory language is included to apply Item 1 in Corpus Christi because Texas already proposes to apply it there.

Mobile Sources

1. *Aircraft.* Proposed Federal standards (40 CFR Part 87, December 12, 1972) will limit emissions from a variety of new and in-use aircraft and aircraft engines. Promulgation of these measures essentially as proposed was assumed in calculating emission reductions.

2. *Vehicles.* The Controls being proposed for vehicles can be divided into controls designed to reduce emissions per mile from vehicles currently in use and those designed to reduce the total number of vehicle miles traveled (VMT) in a region.

a. *Emissions per mile.* Two measures in this category are being proposed. The first is inspection and maintenance. Under it, the State will be required to test all vehicles in an area annually in a way that indicates their emissions, fail those vehicles that exceed a certain emission level, and then require these vehicles to have maintenance performed in order to comply. The emission inspection procedure, which involves measuring the emissions while the vehicle is running in neutral, is called an "idle mode test." Assuming a 20 percent initial failure rate, a reduction of 8 percent in reactive hydrocarbon emissions from light duty vehicles can be obtained. The second measure involves retrofit of pre-1968 light duty vehicles in a region with a relatively simple emissions control device called "vacuum spark advance disconnect/lean idle air fuel ratio retrofit" (VSAD/LIAF).

EPA is currently of the opinion that each of these measures can be implemented in full by May 31, 1975. The first is being proposed for El Paso, San Antonio, Dallas and Houston; the second is being proposed for Dallas, San Antonio and Houston.

As noted above, however, EPA will also consider as part of this rule making the necessity or desirability of applying each of these measures in other regions. Final regulations may be promulgated applying them in other areas if in the Administrator's judgement they are warranted there; conversely, they may not be applied in the regions for which they have been proposed if alternative means of achieving the standards are found to be preferable.

b. *Vehicle restraints.* In the Houston and San Antonio Regions, it is clear that the measures proposed above will not be sufficient to achieve the standards by 1975. This will probably also be true in Dallas. Although in the first two regions, as stated below, the Administrator is proposing that extensions of time under section 110(e) for achieving the standards be granted, the Clean Air Act provides that no such extension may be granted unless all control measures which are reasonably available for application by May 31, 1975, are applied by that date. Accordingly, the Administrator is proposing the following measures for application to Houston and San Antonio:

(1) The conversion of motor vehicle lanes on major streets and freeways to the exclusive use of buses and car pools.

(2) A ban on the construction of new parking facilities.

(3) Limitations on the future growth of gasoline sales above current levels.

Only the first two measures are being proposed for Dallas. Application of these measures in other regions, if that should prove necessary, will also be considered.

Although regulatory language has only been included for these three measures, additional measures will also be considered for eventual promulgation as part of this rule making. In particular, EPA will consider the feasibility of reducing VMT by reducing the number of indoor and outdoor parking spaces in central business districts and other trip attraction centers. EPA will also consider establishing vehicle free zones. Such zones eliminate localized traffic concentrations. However, since most travel consists of getting to and from the zone rather than traveling within it, emission reductions in terms of regional requirements will be small.

It is also possible to impose restrictions or selective restriction on the use of vehicles. For example, the operation of motorcycles might be forbidden during the daylight hours, or daylight deliveries by gasoline-powered trucks to large commercial establishments might be forbidden. The feasibility of achieving VMT reductions by changes in working hours, or measures to promote the use of bicycles, is also being considered.

A "pollution tax" charged in direct ratio to the emission rate, higher registration fees, etc., would be an example of financial disincentives to reduce VMT. However, EPA doubts whether it has the power to promulgate the use of economic disincentives to reduce emissions, although such an approach by the state could certainly be approved if it met the other requirements for an acceptable control strategy.

In each case where VMT reduction regulations are being proposed, the state or city will be required to take steps to accomplish the intended result. If this is not done, penalties for violation of the Clean Air Act may be assessed.

EPA doubts whether it has authority in all cases, where it must promulgate portions of an implementation plan, to require the state concerned to enforce that promulgation. This is so even though one Circuit Court of Appeals has indicated that such a power does indeed exist. Natural Resources Defense Council v. EPA, No. 72-1219 (1st Cir. May 2, 1973).

Instead, it is EPA's position that it may require states or cities to enforce regulations that are related to their position as owners of roads. As owners of roads, states and cities may be held directly responsible for the pollution caused by those roads, and by the traffic which the roads make possible. Accordingly, states may be required to take such steps as are necessary to ensure that the roads and the activities carried out on them cease to cause violations of air quality standards. Regulations have been drafted to impose enforcement responsibility on the states or cities only where the activity being regulated is related closely enough to EPA's position to justify the imposition of responsibility under this theory.

3. *Traffic flow improvements.* Measures to achieve emission reductions through improved traffic flow fall into two categories: construction of major new traffic facilities (freeways, expressways, and major arterial linkages) and operational improvements to existing streets and highways. The emission reductions are brought about by increases in vehicle speeds, reduced idling, and a general reduction of trip times.

Since personal travel demand cannot be significantly diminished, some form of transportation alternatives must be provided if vehicle use is reduced, and particularly if vehicle restraints are implemented.

a. *Public transit.* Improvements to public transit systems include both extension and/or upgrading of bus systems

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and provision for rapid transit on separate rights-of-way.

In conventional bus operation, improvements include expanding levels of service (area of coverage, headway, etc.) and amenity promotions (air conditioning, bus stop shelters, etc.). Many such measures could be implemented by 1975 and could result in significant patronage increases, but it is unlikely that such improvements would induce major shifts of riders from autos to public transit without accompanying restraint measures. Provision of rapid transit (i.e., fixed-rail or busway) requires substantial lead time for final design, right-of-way acquisition, construction, and break-in to full service. These tasks almost certainly cannot be completed in time to impact air quality by 1975 in Texas unless they are already well under way. Rapid transit, however, would provide the level of service required for a major shift of riders from auto to public transit.

b. *Car pools.* Greater efficiency (higher occupancy) in auto use through shared trip making or car pools, could significantly reduce total vehicle miles traveled (VMT) and hence, automobile emissions.

Austin–Waco AQCR

AQCR 3 encompasses 24,633 square miles in 29 counties located in the central section of the State. The AQCR 3 counties are: Bastrop, Bell, Blanco, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Fayette, Freestone, Grimes, Hamilton, Hays, Hill, Lampasas, Lee, Leon, Limestone, Llano, McLennan, Madison, Milan, Mills, Robertson, Travis, Washington and Williamson.

The second highest one-hour oxidant measurement in AQCR 3 is 0.109 ppm and was recorded in 1971. Based on the proportional rollback procedure described in this proposal, this level requires a reactive carbon compound emission reduction of 27 percent to meet the ambient air quality standard by May 31, 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of approximately 19.4 percent by 1975. An additional 3.8 percent reduction will result from an extension of Texas' Regulation V to Bell and McLennan counties. The remaining 4.9 percent will be accomplished by a full vapor recovery system on gasoline storage tanks for all retail gasoline sales outlets, and aircraft emission reductions due to Federal standards which limit emissions from aircraft engines.

The baseline emission inventory is tabulated by major source category in Table 3–1. The emissions inventory for 1975, projected on the basis of the measures described above, is summarized in Table 3–2. Finally, an estimate of the regional impact of the proposed measures is presented in Table 3–3.

Table 3–1

AQCR 3 (Austin-Waco) Baseline Emission Inventory (Tons/Year)

Source category	1971*	1975	1977
Stationary Sources			
Area Sources	797	840	871
Chemical Processing	2,681	2,870	2,893
Petroleum Refining & Petrochem.	0	0	0
Other Processing	833	796	807
Transportation Sources			
Gasoline Powered Motor Vehicles	47,992	34,176	26,375
Diesel Powered Motor Vehicles	441	510	548
Aircraft	5,342	5,206	5,147
Gasoline Marketing	4,405	5,421	6,028
Other Transportation**	4,085	3,839	3,806
Total	66,576	53,658	46,475
% Reduction From Baseline Year		19.4	30.2

*Baseline year.
**Off-highway fuel usage (Farm, construction, etc.), vessels, and railroads.

Table 3–2

AQCR 3 Emission Reductions Under Proposed Strategy for 1975

Control measures	Tons/year
Present controls	12,918
Extension of Texas' Regulation V	2,544
Gasoline Marketing Evaporative Emission Control	2,496
Aircraft Emission Control	750
Total	18,708

Baseline Emissions: 66,576 Tons/Year
Required % Reduction: 27%
Required Emission Reduction By 1975: 17,976 Tons/Year

Table 3 3

Estimated Costs of Proposed Measures for AQCR 3

Control Category	Costs	
	Initial	Annual
Gasoline Marketing		
Full Vapor Recovery System	$2,951,000	0.
In-use Vehicle Strategies	Not required	Not required
Total	$2,951,000	0.

All proposed measures for AQCR 3 shall be fully implemented by May 31, 1975. The proposed gasoline marketing measures should result in a net cost savings over the lifetime of a retail gasoline sales outlet, thereby being an extremely cost-effective approach.

Public transit is important to the transportation needs and air quality in the region. The Administrator encourages efforts to improve transit service in Austin and Waco, and will make every possible effort to assure that any Federally-funded transit modernization program is carried out.

The Administrator recognizes that the present low density land use patterns in the Austin and Waco areas are not conducive to the efficient use of mass transit. The long-range problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demand for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

Corpus Christi-Victoria AQCR

The Corpus Christi-Victoria AQCR covers most of the South Texas coastal region. It is composed of 18 counties: Aransas, Bee, Brooks, Calhoun, DeWitt, Duval, Goliad, Jackson, Jim Wells, Kennedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, and Victoria. Fifty-two percent of the population of the AQCR is located within the Corpus Christi Standard Metropolitan Statistical Area which represents 9 percent of the land area.

The region is flat to rolling hills with a rise in altitude from the coastal plains at sea level to approximately 250 feet in the northern sector. While there is ample sunshine to aid the formation of photochemical smog, the region is geographically open and the prevailing Gulf winds provide ventilation of the region.

During the summer studies of 1971, the second highest one-hour reading for ozone was 0.184 ppm. Straight percentage rollback requires a reduction of approximately 56 percent in projected emissions of reactive organic compounds to achieve the national primary ambient air quality standard for photochemical oxidants by May 31, 1975.

The Administrator proposes to require controls on stationary sources which in combination with the Federal emission standards for new vehicles will be adequate to meet the ambient air quality standard by May 1975. The required stationary source controls, which are identical to the Texas Plan revision, are applications of Texas' Regulation V in Aransas, Calhoun, Nueces, San Patricio and Victoria counties. Transportation controls are not required in this region.

Table 5–1 is a summary of the effect of the proposed strategy on the reactive organic compound emissions.

Public transit is important to the transportation needs and air quality in the region. The Administrator encourages efforts to improve transit service in Corpus Christi and will make every possible effort to assure that any Federally-funded transit modernization program is carried out.

The Administration recognizes that the present low density land use pattern in the Corpus Christi area is not conducive to the efficient use of mass transit. The long-range problems of attaining and

maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demand for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be available in assuring maintenance of the standards beyond the attainment date of 1975.

Table 5–1

AQCR 5 (Corpus Christi-Victoria) Baseline Emission Inventory (Tons/Year)

Source category	1971*	1975	1977	1980
Stationary Sources				
Area Sources	395	408	414	424
Chemical Processing	78,995	10,810	11,778	13,418
Petroleum Refining & Petrochem	1,615	170	186	212
Other Processing	46	46	47	48
Ship & Barge Loading	2,607	2,787	2,968	3,278
Transportation Sources				
Gasoline Powered Motor Vehicles	23,714	16,203	12,257	8,362
Diesel Powered Motor Vehicles	214	225	231	241
Aircraft	6,680	6,636	6,620	6,594
Gasoline Marketing	2,399	2,899	3,199	3,717
Other Transportation**	2,486	2,407	2,399	2,283
Total	119,151	42,683	40,099	38,577
% Reduction From Baseline Year		64.2	66.3	67.6

*Baseline year
**Off-Highway Fuel Usage (Farm, Construction, Etc.), Vessels, and Railroads

Houston-Galveston AQCR

The Houston-Galveston AQCR is located on the coastal plains in the southeastern part of Texas. It is composed of Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton counties.

Ninety-four percent of the population of the AQCR resides in the Houston and Galveston Standard Metropolitan Statistical Areas. The entire land area of the Region is very flat with no characteristic geomorphic features. Altitude varies from sea level on the coast to a maximum of 450 feet in Walker County to the north.

The second highest one-hour ozone measurement in the Region is 0.32 ppm (measured in 1972). Based on straight percentage rollback, this level requires a reactive organic compound emission reduction of 75 percent to meet the national ambient air quality standard for photochemical oxidants by May 31, 1975. Present stationary source regulations (Regulation V) and Federal motor vehicle controls will provide a reduction of 63.2 percent by 1975. The remaining 11.8 percent reduction can, in principle, be attained by applying the following proposed measures:

1. Control of organic solvent evaporation and architectural coatings for buildings;
2. Full vapor recovery from retail gasoline outlets, including vapor return from vehicle tanks;
3. Aircraft emission reduction due to new Federal standards for aircraft engine emissions;
4. A mandatory inspection and maintenance program for light duty vehicles;
5. Retrofit of pre-1968 light duty vehicles utilizing VSAD/LIAF;
6. Twenty-five percent VMT reduction through gas rationing and 3 percent VMT reduction through improvements in regional mass transportation;
7. Control of emission from barge and ship loadings of reactive carbon compounds.

An investigation was made into the effectiveness of catalytic converters in meeting the air quality standards for oxidants by May 31, 1975. It was determined that the retrofit of catalytic converters in 1970 thru 1974 motor vehicles would provide a significant reduction in hydrocarbon emissions. However, current studies indicate that it is unlikely that significant numbers of light duty vehicles can be retrofitted with these catalysts before 1977. In addition, it appears that only half the gasoline distribution facilities in the Region can be fitted with evaporative controls on their gas pumps by 1975. To fully meet the requirement of the Clean Air Act by May 31, 1975 in Texas in light of these facts, would require about 40 percent VMT reduction via gas rationing. However, it is the opinion of the Administrator that a reduction of 40 percent in VMT by 1975 would be socially disruptive. Therefore, the Administrator proposes to require an alternate control strategy (which will involve substantial economic savings) which shall be fully implemented by May 31, 1977. The alternate strategy consists of the present stationary source regulations and Federal motor vehicle controls which provide a reduction of 65.4 percent by 1977, and the remaining 10 percent reduction can be attained without requiring an oxidizing catalytic converter retrofit of light duty vehicles by applying the following measures in addition to those proposed above:

1. Limitation of additional growth in reactive carbon compounds emissions sources
2. Ten percent VMT reduction. This is proposed to be achieved by a combination of three measures;
   a. Setting aside of motor vehicle lanes on major streets and highways for the exclusive use of buses and car pools
   b. A limitation on future construction of motor vehicle parking facilities
   c. A limitation on gasoline consumption to current levels

The Clean Air Act, though it provides for extensions of up to 2 years in the time for achieving air quality standards, also provides that the standards must be achieved as expeditiously as practicable, and that all control measures which are reasonably available must be applied during the time for which an extension is granted. It may well be that greater VMT reductions than 10 percent can be achieved earlier than 1977 through the measures proposed above or through the alternative measures discussed earlier. If so, the standards could and would be legally required to be achieved earlier than currently predicted. Comment on this point is particularly invited during the course of EPA rule making.

The baseline emission inventory which includes the effects of Texas' Regulation V and Federal motor vehicle controls are tabulated by major categories in Table 7–1. The emission inventory reductions for 1975 and 1977 projected on the basis of control strategies described above are summarized in Table 7–2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 7–3.

Table 7–1

AQCR 7 (Houston–Galveston) Baseline Emission Inventory (Tons/Year)

Source category	1972*	1975	1977
Stationary sources			
Area sources	5,872	6,211	6,493
Chemical processing	257,417	33,578	37,384
Petroleum refining & petrochem	17,064	1,561	1,662
Other processing	2,526	983	1,014
Ship & barge loading	11,444	12,000	12,778
Transportation sources			
Gasoline powered motor vehicles	83,620	67,977	52,976
Diesel powered motor vehicles	870	980	1,074
Aircraft	5,813	5,491	5,243
Gasoline marketing	10,615	12,216	13,522
Other transportation**	6,486	6,709	6,917
Total	401,727	147,806	139,063
% reduction from baseline year		63.2	65.4

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

Table 7–2

AQCR 7 Emission Reductions Under Proposed Strategy

Control measures	1975 Tons/year	1977 Tons/year
Present controls	253,921	262,664
Area source (solvent/paint) regulations	3,106	3,247
Full vapor recovery from service stations, including vapor return from motor vehicles	10,116	11,411
Aircraft emission controls	1,500	1,875
In-use vehicle strategies inspection/maintenance and VSAD/LIAF retrofit of light duty vehicles	10,212	6,230
VMT reduction	12,240	1,300
Ship and barge loading controls	10,200	10,800
Limitation of additional industrial growth		4,716
Total	301,295	302,243

Baseline emissions: 401,727 tons/year
Required % reduction: 75%
Required emission reduction by 1975: 301,295 tons/year

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TABLE 7-3

COST ESTIMATES OF PROPOSED MEASURES FOR AQCR 7

Control measures	Costs	
	Initial	Annual
Gasoline marketing		
Full vapor recovery from service station including vapor return from motor vehicle	$33,705,000	$800,000**
In-use vehicle strategies		
Inspection/maintenance and VSAD/LIAF retrofit of light duty vehicles	$53,840,000*	$13,200,200

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets.

A major transit improvement program for the Houston area is currently in the final stages of plan definition. Stage one of the plan consists of 40 miles of rapid transit routes including a downtown subway, a number of new semi-express freeway and local bus routes, some bus priority routes, extensions into adjacent counties and secondary distribution systems at major activity center stations. The Administrator recognizes that the rapid transit elements of this program probably cannot be completed by 1975. Continuation and extension of the present system which carried about 80,000 passengers on an average day in 1972 is essential to achieve ambient air quality standards. Improvements to attract the choice of riders from motor vehicles to mass transit should be implemented in the shortest possible time frame.

The Administrator recognizes that the present low density, sprawling land use pattern in the Houston area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions and would be valuable in assuring maintenance of the standards beyond the attainment date of May 31, 1977.

DALLAS-FORT WORTH AQCR

The Dallas-Fort Worth AQCR is composed of 19 counties: Collin, Cooke, Dallas, Denton, Ellis, Erath, Fannin, Grayson, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwell, Somervell, Tarrant, and Wise. According to the 1970 census, approximately 78 percent of the people residing in this Region live in Dallas and Tarrant counties.

The terrain is composed of rolling hills and prairie with many wooded streams. The vertical relief of the area extends from 400 feet (MSL) in Navarro County to 1300 feet (MSL) in the northwest. Winds are generally characterized by a prevailing southerly direction with occasional northerly winds during the winter months. The second highest one-hour ozone measurement in the Region is 0.125 ppm (measured in 1971). Based on straight percentage rollback, this requires a reactive organic compound emission reduction of 36 percent to meet the national ambient air quality standards for photochemical oxidants by May 31, 1975. The present stationary source regulations (Texas' Regulation V) and Federal motor vehicle controls will provide a reduction of 22.1 percent by 1975. The remaining 13.9 percent reduction could be attained by 1975 with the in-use vehicle strategy of inspection/maintenance (Option) by extending Texas' Regulation V to Tarrant County; aircraft emission reductions; and full vapor recovery from gasoline marketing, including vapor return from motor vehicle tanks. If a mandatory inspection and maintenance with VSAD/LIAF retrofit program (Option) 2 for light duty vehicles is invoked, moderate gasoline marketing controls (underground tank vapor recovery) may be substituted for the full vapor recovery gasoline marketing scheme to obtain the necessary reductions by 1975.

The baseline emission inventory which includes the effects of the present stationary source controls and Federal motor vehicle controls is tabulated by major categories in Table 8-1. The emission inventory reductions for 1975 and 1977 projected on the basis of the control strategies described above are summarized in Table 8-2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 8-3.

TABLE 8-1

AQCR 8 (DALLAS-FORT WORTH) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source Category	1971*	1975	1977
Stationary sources			
Area sources	5,820	6,339	6,692
Chemical processing	5,696	4,510	4,597
Petroleum refining & petrochem	235	241	243
Other processing	4,722	4,384	4,442
Transportation sources			
Gasoline powered motor vehicles	107,801	74,439	55,726
Diesel powered motor vehicles	993	1,231	1,370
Aircraft	15,693	12,261	12,091
Gasoline marketing	11,502	14,247	15,774
Other transportation**	5,422	5,410	5,433
Total	157,884	123,062	106,358
% reduction from baseline year		22.1	32.6

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

TABLE 8-2

AQCR 8 EMISSION REDUCTIONS UNDER PROPOSED STRATEGY

Control measure	1975	1977
	Tons/year	Tons/year
Present controls	34,822	51,526
Extension of regulation V to tarrant County	2,790	2,790
Full vapor recovery from service stations, including vapor return from motor vehicles	9,225*	13,354
Aircraft emission controls	3,000	3,600
In-use vehicle strategies inspection/maintenance VMT reductions	4,750	
	2,500	
Total	57,087	71,270

Baseline emissions: 157,884 tons/year
Required % reduction: 36%
Required emission reduction by 1975: 56,838 tons/year
*Installation of vapor recovery on half the pumps

TABLE 8-3

COST ESTIMATES OF PROPOSED MEASURES FOR AQCR 8

Control measures	Costs	
	Initial	Annual
Gasoline marketing		
Service station storage tank vapor return	$8,554,000	0
Full vapor recovery including vapor return from motor vehicles	32,900,000	$970,000**
	$41,454,000	
In-use vehicle strategy		
Inspection and maintenance of light duty vehicles	$51,543,000*	$51,543,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets.

While both Option 1 and Option 2 will result in attaining the national ambient air quality standard by May 31, 1975, the Administrator proposes to require the implementation of Option 1. Since gas pumps can most likely not be completely equipped with vapor control systems by 1975, conversion of motor vehicle lanes of streets and freeways to bus and car pool use and restrictions on the growth in the number of motor vehicle parking spaces are also being proposed as part of this option. Studies available to the Administrator indicate the proposed action is the most cost effective and least disruptive combination that is sufficient to meet the national standard for photochemical oxidants by 1975. Although the standards will be attained by 1975, the fitting of gasoline pumps with evaporative controls is proposed to continue into 1976 to ensure maintenance of the standards. Dallas will need 4 percent VMT reduction in 1975.

Both Dallas and Fort Worth have ongoing plans for transit service improvements and extensions. A regional agency is being proposed to operate transit in the North Central Texas Region. This agency would be responsive to the desires of the citizenry as expressed through local elected officials and would not be constrained by geographical boundaries in enlarging its service area as the demand arises. The Regional Public Transportation Study is expected to be completed in mid-1973, at which time final recommendations on the regional system will be forthcoming. The Administrator encourages continuation of these efforts to improve public transit service in the region.

The Administrator recognizes that the present low density, sprawling land use pattern in the Dallas-Fort Worth area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by May 31, 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-time implementation of such emission control measures as VMT reductions, and would be available in assuring maintenance of the standards beyond the attainment date of May 31, 1975.

SAN ANTONIO AQCR

AQCR 9 is composed of 24 counties covering 28,954 square miles. According to the 1970 census the Region has a total population of 1,124,600 people. The 24 counties of AQCR 9 are: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Gonzales, Gualalupe, Karnes, Kendall, Kerr, Kimble, Kinney, LaSalle, Mason, Maverick, Medina, Real, Uvalde, Val Verde, Wilson, and Zavala. Approximately 75 percent of the population is located in Bexar County which includes San Antonio, and its surrounding area, the major economic center for the Region.

The physiography of the area is generally hilly in the northwest with an altitude of 2000 feet sloping to 400 feet in the southeast. The local climatology sugggests good ventilation with prevailing southeasterly winds and favorable mixing depths.

The second highest one-hour oxidant measurement in AQCR 9 is 0.145 ppm and was recorded in 1971. Based on the proportional rollback procedure described in the proposal, this level requires a reactive carbon compound emission reduction of 45 percent to meet the primary ambient air quality standard by May 31, 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of approximately 18.9 percent by 1975. The remaining 26.1 percent could result from the following measures which are proposed:

1. Solvent, paint, and surface coating regulations;
2. Full vapor recovery from all retail gasoline sales outlets, including vapor return from motor vehicle tanks;
3. Aircraft emission reductions due to Federal standards to limit emissions from aircraft engines;
4. A mandatory inspection and maintenance program with a vacuum spark advanced is disconnect/lean idle air/fuel retrofit or catalytic converter retrofit (depending on model year).
5. A 24 percent reduction in VMT.

Additionally, a reduction of approximately ½ percent is expected due to the traffic flow improvement from the planned opening of more freeway miles in the Region by 1975.

To fully meet the requirements of the Clean Air Act by May 31, 1975 in the metropolitan San Antonio area would require a 24 percent reduction in VMT via gas rationing. However, it is the opinion of the Administrator that a reduction of 24 percent in VMT by 1975 would be socially disruptive. Therefore, the Administrator proposes to require an alternate control strategy which shall be fully implemented by May 31, 1975.

The new measures proposes as part of the alternate control strategy are VSAD/LIAF retrofits of light duty vehicles, and a VMT reduction of 10 percent, to be achieved, as in the case of Houston, by conversion of motor vehicle lanes of major streets and freeways to bus and car pool use, limitations on the construction of new motor vehicle parking facilities, and a limit on the increase in gasoline consumption.

The baseline emission inventory which includes the effects of Texas' Regulation V and Federal motor vehicle controls are tabulated by major categories in Table 9-1. The emissions inventory for 1975 and 1976 projected on the basis of control strategies described above is summarized in Table 9-2. Finally, an estimate of the regional cost of gasoline marketing and in-use vehicle control strategies are presented in Table 9-3.

TABLE 9-1

AQCR 9 (SAN ANTONIO) EMISSION INVENTORY UNDER PROPOSED STRATEGY (TONS/YEAR)

Source category	1971*	1975	1977
Stationary sources			
Area sources	1,537	956	975
Chemical processing	520	465	471
Petroleum refining & petrochem	873	123	125
Other processing	141	88	90
Transportation sources			
Gasoline powered motor vehicles	41,030	27,195	20,931
Diesel powered motor vehicles	375	422	448
Aircraft	10,737	8,384	7,443
Gasoline marketing	4,895	1,073	1,030
Other transportation**	2,097	2,606	2,599
Total	63,106	41,312	34,112
% Reduction from baseline year		34.5	45.9

*Baseline year.
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads.

TABLE 9-2

AQCR 9 EMISSION REDUCTIONS UNDER PROPOSED STRATEGY

Control category	1975	1976
	Tons/year	Tons/year
Present controls	11,896	15,000
Area source (solvent/paint) regulations	956	965
Full vapor recovery from service stations, including vapor return from motor vehicles	4,958	5,286
Aircraft emission controls	2,150	2,575
In-use vehicle strategies inspection/maintenance retro fit of light duty vehicles		
Inspection/maintenance & VSAD/LIAF	3,614	3,400
VMT reduction (10%)	4,563	1,600
Traffic flow improvements	260	200
Total	28,897	29,026

Baseline emissions: 63,105 tons/year
Required % reduction: 45%
Required emission reduction by 1975: 28,397 tons/year

TABLE 9-3

ESTIMATED COSTS OF PROPOSED MEASURES FOR AQCR 9

Control category	Cost	
	Initial	Annual
Gasoline marketing		
Submerged fill pipe	0	0
Tank vapor return	$3,094,000	0
Vehicle vapor recovery	11,900,000	$354,000**
Subtotal	$14,994,000	$354,000
In-use vehicle strategies		
Inspection & maintenance	18,360,000*	18,360,000
VSAD/LIF (Pre-'68 models)	6,825,000	0
Subtotal	$25,185,000	$18,360,000
Total	$40,179,000	$18,714,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.
**Annual cost applies only to anticipated additional costs in construction of new retail gasoline outlets

Expansion of the modern, air conditioned bus fleet and service afforded by the San Antonio Transit System is essential to meet transportation needs and maintain air quality in Bexar County. The existing system consists of about 260 buses. A modernization program calling for expenditure of $7.5 million by July 1975 is currently underway with two-thirds of the cost being met by grants from the U.S. Department of Transportation, Urban Mass Transportation (UMTA). The modernization program provides for purchase of new buses with further improved anti pollution devices, construction of bus shelters and new administrative and maintenance facilities. The Administrator will make every possible effort to assure that this program and further improvements, as required, are carried out.

The Administrator recognizes that the present low density, sprawling land use pattern in the San Antonio area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the

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centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions, and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

El Paso AQCR

The Texas portion of Region 11 is composed of 6 counties (Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio) covering 21,778 square miles in the westernmost part of the State. The area is characterized by an arid climate, mountainous terrain, and high daytime summer temperatures.

According to the 1970 census, of the 379,261 people residing in the Region, 359,291 people are concentrated in El Paso County. The City of Juarez, Mexico lies immediately adjacent to the El Paso City Limits, separated only by the Rio Grande. The population of Juarez is estimated to be 450,000 and in terms of air pollution should most properly be considered part of the air quality control region. (Wind rose data indicates that El Paso is downwind from Juarez roughly 15 percent of the time, while the reverse is true roughly 20 percent of the time.)

The second highest one-hour oxidant measurement in the Region is 0.12 ppm (measured in 1971). Based on the proportional rollback procedure described in this proposed plan, this level requires a reactive hydrocarbon emission reduction of 34 percent to meet the primary ambient air quality standard in 1975. Present stationary source regulations and Federal motor vehicle controls will provide a reduction of 22.2 percent by 1975. The remaining 11.8 percent reduction can be attained by the following measures:

1. Control of area source emissions from solvent and paint users;

2. Storage tank vapor return from retail gasoline outlets;

3. Aircraft emission reductions due to Federal standards to limit emissions from aircraft engines;

4. A mandatory inspection and maintenance program.

According to the analysis available to the EPA, the proposed action represents the most cost effective combination that is sufficient to meet the primary standard for photochemical oxidants by 1975.

The baseline emissions inventory is tabulated by major source categories in Table 11-1. The emissions inventory for 1975 projected on the basis of the above measures is summarized in Table 11-2. Finally, an estimate of the regional economic impact is presented in Table 11-3. It should be noted that in 1977 no additional regulations are required in AQCR 11 above those presently in force.

All proposed measures for AQCR 11 shall be fully implemented by May 31, 1975.

The costs associated with the proposed gasoline marketing controls represent a significant initial burden to those industries affected. However, it is assumed that a sizeable share (if not all) of the costs due to the imposition of gasoline marketing controls will be passed on to the consumer in the form of a higher price on gasoline. The average cost per year to each registered auto owner is estimated to be $3–4, amortizing the initial costs over 10 years.

TABLE 11-1

AQCR 11 (EL PASO) BASELINE EMISSION INVENTORY (TONS/YEAR)

Source category	1971*	1975	1977
Stationary sources			
Area sources	374	376	378
Chemical processing	24	5	5
Petroleum refining & petrochem.	557	53	57
Other processing	19	22	22
Transportation sources			
Gasoline powered motor vehicles	14,845	10,647	8,166
Diesel powered motor vehicles	123	149	164
Aircraft	2,150	2,020	1,960
Gasoline marketing	1,664	1,978	2,168
Other transportation**	553	548	548
Total	20,309	15,798	13,468
% Reduction from baseline year		22.2	33.7

*Baseline year
**Off-highway fuel usage (farm, construction, etc.), vessels, and railroads

TABLE 11-2

AQCR 11 EMISSION REDUCTION UNDER PROPOSED STRATEGY

Control measure	1975 Tons/year	1977 Tons/year
Present controls	4,511	6,841
Area source controls	188	
Gasoline marketing evaporative		
Underground storage tank vapor return	873	
Aircraft emission controls	650	
Mandatory inspection and maintenance of light duty vehicles	686	
Total	6,908	6,841

Baseline emissions: 20,309 tons/year
Required % reduction: 34%
Required emission reduction by 1975: 6,905 tons/year

TABLE 11-3

ESTIMATED COSTS OF PROPOSED MEASURES FOR AQCR 11 IN 1975

Control category	Cost Initial	Cost Annual
Gasoline marketing		
Submerged fill pipe	0	0
Tank vapor return	$1,001,000	
Vehicle vapor recovery	0	0
Subtotal	$1,001,000	0
In-use vehicle strategies		
Inspection & maintenance (Pre-'68 VSAD/IIA models)	$6,002,000	$6,002,000
Cat. converter (1970-1975 models)		
Subtotal	$6,002,000	$6,002,000
Total	$7,003,000	$6,002,000

*Initial inspection/maintenance cost does not include cost of equipment and administrative preparation. Annual costs would rise corresponding to the rise in vehicle population.

SPECIAL NOTE: Although the most effective approach to the oxidant problem in El Paso would involve international cooperation, there is at the present no legal foundation for any meaningful course of action in this regard. It is therefore recognized that until such foundations are laid, oxidant concentrations may exceed the primary standard more than once per year, even in the absence of emissions from El Paso.

A viable public transit system is essential to meet transportation needs and to achieve ambient air quality standards in the El Paso area. The existing system consists of about 125 buses operated by three companies (El Paso City Lines, Lower Valley Bus Lines, and Country Club Lines) together with international service afforded by El Paso Street Traction Company and Auto Buses Internacionales. There were more than 50,000 transit rides daily in El Paso in 1972. A study of transit service improvements and extensions is presently underway and is to be completed by mid-1973. The Administrator encourages continued efforts to improve and maintain transit service in the Region.

The Administrator recognizes that the present low density, sprawling land use pattern in the El Paso area is not conducive to the efficient use of mass transit. The long-term problems of attaining and maintaining high levels of transit service and usage would be considerably eased through the application of public policy measures to promote the centralization and corridorization of activities that generate large demands for transportation. The time period required for such policy measures to take effect prohibits their use by the Administrator to achieve the ambient air quality standards by 1975. In addition, such measures would not eliminate the need for many of the emission control measures proposed here. However, proper land use policies would greatly assist the long-term implementation of such emission control measures as VMT reductions and would be valuable in assuring maintenance of the standards beyond the attainment date of 1975.

Statewide Summary—Socio-Economic Impact

The application of Texas' Regulation V to additional counties in the State is anticipated to involve a significant addition to capital expenditures by the industries involved. Although actual cost estimates under this regulation are not available as yet (different types of facilities would require different control techniques), the rising price of petroleum products should aid in offsetting these costs. It is quite possible that the investment in vapor recovery systems may be justified on an economic basis alone.

Similarly, the cost of vapor recovery systems required for retail gasoline marketing operations will be at least partially offset by significant decreases in evaporative loss costs to the petroleum industry. For example, a submerged fill pipe retrofit will pay for itself within a few years after installation. It is anticipated that the additional cost of vapor return system, where required, will be passed on to the customer at an estimated average rate of $3 per vehicle per year (amortized over 10 years).

The costs associated with area source controls are assumed to be minimal, since they typically involve a changeover to a more efficient dry cleaning technique, and a switch from oil-based paints.

The estimated statewide combined costs of gasoline marketing controls and in-use vehicle strategies under the proposed plan is summarized below:

Initial Cost: $94,105,000
Annual Cost: $2,133,000

To implement the in-use vehicle strategies by 1975, the resulting statewide costs are:

Initial Cost: $136,840,000
Annual Cost: $119,375,000

In the particular case of AQCR 7 (Houston-Galveston), the regulation concerning the temporary limitation of *new* permits for construction of reactive organic compound sources is considered to be a more acceptable alternative than either a catalytic converter retrofit or gas rationing. Since the limitation does not apply to growth of other types of industries, the economic impact of this control measure on the Region is anticipated to be less severe than the impact that would result from implementation of the aforementioned transportation alternatives.

Lack of data precludes making any firm prediction of the amount of VMT reduction that will be achieved in the cities of Houston, San Antonio, and Dallas by the methods being proposed. Comment that would assist EPA in making a reliable prediction of the effect of these measures on VMT is particularly invited. EPA currently believes, however, that the measures being proposed for these three cities would, if they were all promulgated in each case, be enough to achieve the reductions currently projected for them.

Finally, no significant changes in the lifestyles of the population in the affected regions of this plan are anticipated.

Public Hearings

Public hearings on the following schedule on this proposal will be held in each of the Air Quality Control Regions for which a plan has been proposed:

July 17 at 9 a.m., Marriott Motor Hotel, 2100 South Braeswood Blvd., Houston.
July 17 at 9 a.m., El Tropicana Motor Hotel, 110 Lexington, San Antonio.
July 17 at 9 a.m., Red Carpet Inn, 55 Interstate 10 North, Beaumont.
July 18 at 9 a.m., City Building Municipal Auditorium, South 1st & Riverside Drive, Austin.
July 17 at 9 a.m., EPA Regional Office, Conference Rooms A & B, Dallas.
July 18 at 9 a.m., El Paso Civic Center, 1 Civic Center Plaza, El Paso.
July 19 at 9 a.m., Exposition Hall in Memorial Coliseum, 402 West Shoreline, Corpus Christi.

Persons wishing to submit written comments may do so by notifying Mr. Arthur W. Busch, Regional Administrator, Region VI, and supplying 5 copies of their statements 5 days in advance of the hearing date.

Copies of the proposed regulations which will be considered at these public hearings are available from the Agency's regional office at the following addresss: Environmental Protection Agency, Region VI, 1600 Patterson, Suite 1100, Dallas, Texas 75201. They will also be available at selected locations in each affected air quality control region.

The hearing record will be kept open until August 1, 1973, for those wishing to submit additional written comments.

EPA Efforts To Mitigate the Effects of Proposed Regulations

The combined effect of these proposed regulations, together with the Texas Implementation Plan, will eliminate the danger to human health and welfare that exists in 6 Texas air quality control regions from air pollution. They will, however, have a significant economic impact on the Houston-Galveston and San Antonio air quality control regions, and a nominal economic impact on the other 4 air quality control regions. The social impact will be nominal for all 6 of the air quality control regions.

(42 U.S.C. 1857c-5)

Dated: June 22, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

1. Subpart SS is amended by adding the following sections:

§ 52.2283 Control of volatile carbon compounds.

(a) The requirements of Rule 501 of Texas Air Control Board Regulation V are incorporated herein by reference and are amended to include (in addition to those counties named therein) Bell, McLennan, and Tarrant Counties in Texas and all the counties contained within the Texas portion of the Southern Louisiana-Southeast Texas Interstate.

(b) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (a) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 5.15 (b) and (c) of this chapter.

§ 52.2284 Control of solvent evaporation.

(a) For purposes of this section, "solvent process" means that process by which an organic solvent is used as a dissolver, viscosity reducer, or cleaning agent, including the application of architectural coatings.

(b) This section is applicable in those counties contained within the Metropolitan Houston-Galveston, and Metropolitan San Antonio Intrastate and the El Paso-Las Cruces-Alamogordo Interstate Regions in the State of Texas.

(c) No person shall operate a solvent process unless the organic emissions from such operation are limited according to paragraphs 4.6 and 4.7 in Appendix B of Part 51 of this chapter.

(d) Except as provided in paragraph (e) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

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(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(e) Paragraph (d) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(f) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (d) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2287 Ship and barge loading and unloading facilities.

(a) Rule 503.2 of the Texas Air Control Board Regulation V is incorporated herein by reference and shall be amended to read: "All loading and unloading facilities for crude oil or condensate are exempt from Rule 503." This amendment eliminates an exemption for ships and barges.

(b) This section is applicable to ships and barges which use the port facilities within the Metropolitan Houston-Galveston Intrastate Region.

(c) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (a) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modifications not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(d) Except as provided in paragraph (e) of this section, the owner or operator of a source subject to paragraph (c) of this section shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(e) Paragraph (d) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(f) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (d) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2288 Control of evaporative losses from the filling of vehicular tanks.

(a) For purposes of this section, "vapor recovery system" means any system which prevents the escape of volatile organic compounds to the atmosphere with a minimum recovery efficiency of 90 percent.

(b) This regulation is applicable to those counties contained within the Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth and Metropolitan San Antonio Intrastate Regions in Texas.

(c) No person shall transfer any volatile organic compound into any vehicular fuel tank unless such transfer is made through a vapor recovery system as described in paragraph (a) of this section. This requirement applies only to vehicles licensed for road use.

(d) The State of Texas shall divide all facilities subject to this section into two classes each of which taken as a whole emit approximately equal amounts of hydrocarbon materials. The classes shall be known as Class I and Class II.

(e) Except as provided in paragraph (g) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule.

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of on-site construction or installation of emission control equipment or process change must begin not later than July 31, 1975.

(3) On-site construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(g) Paragraphs (e) and (f) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(h) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.2289 Regulation for a motor vehicle inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance to be performed.

(2) All other terms used in this section which are defined in Appendix N of Part 51 of this chapter are used with the meanings so defined.

(b) This section is applicable in those counties contained within the Metropolitan Houston-Galveston, Metropolitan Dallas-Fort Worth, and Metropolitan San Antonio Intrastate Regions, and in the Texas portion of the El Paso-Las Cruces-Alamogordo Interstate Region.

(c) The State of Texas shall establish an inspection and maintenance program applicable to all light duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit to EPA legally adopted regulations to implement such a program. This program shall be operational no later than May 31, 1974. The regulations shall include:

(1) Provisions for inspection of all light duty motor vehicles at periodic intervals no more than one year apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emissions reduction claimed in the plan for the strategy. These criteria shall include failure of at least 20 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards prior to certification. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally re-adjusted or modified subsequent to the inspection and/or maintenanced in such a way as would cause them to no longer comply with the inspection standards. This procedure shall include appropriate penalties for violation. This should include but not be limited to spot checks of the idle adjustments and/or a suitable type of physical tagging.

(5) An agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After May 31, 1974, the State shall not allow issuance of a Texas Department of Public Safety Inspection sticker for any light duty motor vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c).

(e) After May 31, 1975, no owner of a light duty motor vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Texas shall submit, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend needed legislation to the State legislature.

(2) The date by which necessary equipment will be ordered.

(3) A signed statement from the Governor and State Treasurer or their designees identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render such person in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2290 Regulation for vacuum spark advance disconnect retrofit.

(a) For the purposes of this paragraph, "vacuum spark advance disconnect (VSAD) retrofit" means a set of motor vehicle engine modifications which consists of disconnecting the vacuum spark advance feature of the engine under specified operating conditions.

(b) This section is applicable in those counties contained in the Metropolitan Houston-Galveston and Metropolitan San Antonio Intrastate Regions in the State of Texas.

(c) All gasoline powered light duty vehicles of model years prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an appropriate vacuum spark advance disconnect retrofit.

(d) The State of Texas shall submit no later than October 31, 1973, a detailed compliance schedule showing steps it will take to implement and enforce this requirement. Each schedule shall include the following:

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(1) A date by which the State will evaluate and approve modifications for use in this program. Such date shall be not later than February 28, 1974.

(2) A date by which this modification shall begin to be required. Such date shall be not later than June 1, 1974.

(3) A date by which all light duty motor vehicles subject to this section will be modified. Such date shall be not later than May 31, 1975.

(4) An agency responsible for evaluating and approving such modifications and/or devices for use on light duty motor vehicles subject to this section.

(5) An agency responsible for ensuring that the provisions of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those performing the modification have the training and ability to accomplish the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emissions testing at the time of modification or some other positive assurance that the modification achieves the desired results.

(e) After May 31, 1975, the following shall apply to the areas specified in paragraph (b) of this section:

(1) The State shall not register a light duty motor vehicle subject to this section which is not modified in accordance with paragraph (c) of this section.

(2) No owner of a light duty motor vehicle subject to this section shall operate or allow the operation of any such vehicle owned by him which is not modified in accordance with paragraph (c) of this section.

(f) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under § 113 of the Clean Air Act. As to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2291 Regulation for lean idle air-fuel ratio retrofit.

(a) For purposes of this paragraph, "lean idle air-fuel ratio retrofit (LIAF)" means a set of motor vehicle engine modifications which consists of increasing the idle mode air-fuel ratio to the leanest setting consistent with suitable driveability. Generally, this produces an air-fuel ratio approximately 14:1.

(b) This section is applicable in those counties contained in the Metropolitan Houston-Galveston and Metropolitan San Antonio Intrastate Regions in the State of Texas.

(c) All gasoline powered light duty motor vehicles of model years prior to 1968 and subject under presently existing legal requirements to registration in the area described in paragraph (b) of this section, shall be equipped with an appropriate lean idle air-fuel retrofit device.

(d) The State of Texas shall submit no later than October 31, 1973, a detailed compliance schedule showing steps it will take to implement and enforce this requirement. Each schedule shall include the following:

(1) A date by which the State will evaluate and approve modifications for use in this program. Such date shall be not later than February 28, 1974.

(2) A date by which this modification shall begin to be required. Such date shall be not later than June 1, 1974.

(3) A date by which all light duty motor vehicles subject to this section will be modified. Such date shall be not later than May 31, 1975.

(4) An agency responsible for evaluating and approving such modifications and/or devices for use on light duty motor vehicles subject to this section.

(5) An agency responsible for ensuring that the provisions of this section shall be enforced.

(6) A method and proposed procedures for ensuring that those performing the modification have the training and ability to accomplish the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(7) Provision (apart from the requirements of any program for periodic inspection and maintenance of vehicles generally) for emissions testing at the time of modification or some other positive assurance that the modification achieves the desired results.

(e) After May 31, 1975, the following shall apply to the areas specified in paragraph (b) of this section:

(1) The State shall not register a light duty motor vehicle subject to this section which is not modified in accordance with paragraph (c) of this section.

(2) No owner of a light duty motor vehicle subject to this section shall operate or allow the operation of any such vehicle owned by him which is not modified in accordance with paragraph (c) of this section.

(f) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. The State will be considered to have failed to comply with the requirements of this section if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2292 Regulation for limitation of new reactive carbon compound emissions sources.

(a) For the purposes of this section, "source" means any structure, enterprise, or activity which emits or causes the emission of any reactive carbon compound.

(b) This section is applicable to all counties contained within the Metropolitan Houston-Galveston Intrastate Region.

(c) Effective May 31, 1975, no person shall commence construction or modification of any source within the areas set forth in paragraph (b) of this section, *Provided*, That such construction or modification may be permitted to the extent a satisfactory showing is made to the Administrator that such construction or modification would not result in any increase in reactive carbon compound emissions.

§ 52.2293 Gas limitation regulations.

(a) Definitions:

(1) "Base year" means the consecutive twelve month period commencing on July 1, 1972, and ending June 30, 1973.

(2) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public or introduced into any vehicle.

(b) This section is applicable in all areas within the Metropolitan Houston-Galveston Intrastate Region and the Metropolitan San Antonio Intrastate Region (hereafter the "affected areas").

(c) Beginning July 1, 1974, the State of Texas shall prohibit delivery to retail outlets in the areas described in paragraph (b) of this section of more than 100 percent of the gasoline delivered to retail outlets in the areas during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and each year in which control is in effect, each retail outlet to which this section applies shall provide the State with a detailed account of gasoline received from each distributor, the total amount of gasoline sold during the period, and the amount of gasoline on hand at the beginning and end of each year during which control is in effect. The State may require any other reports it may deem necessary for the implementation of this section.

(e) The State of Texas shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section. Each schedule shall also include the following:

(1) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the affected areas. Such date shall be not later than March 30, 1974.

(2) A date by which any report necessary for establishing such procedures shall be furnished to the State by the distributors. Such date shall be not later than January 1, 1974.

(3) An agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. As to compliance schedules, a State will be considered to have failed to comply with the requirements of this section, if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2294 Preferential bus/carpool treatment.

(a) Definitions:

(1) "Carpool" means a motor vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b)(4)(ii), and (iii) of this section.

(b) The following provisions apply to all areas within the Metropolitan Houston-Galveston Intrastate Region, the Metropolitan Dallas-Fort Worth Intrastate Region, and the Metropolitan San Antonio Intrastate Region (hereafter the "affected areas").

(1) Each incorporated city within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(2) Each county within the affected areas shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, beginning on December 1, 1973.

(3) The State of Texas shall establish bus/carpool lanes on the major streets and highways within the affected areas over which it has ownership or control, beginning December 1, 1973.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption (such as inappropriateness of use by buses) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lanes for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; one hundred percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barrier.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) A signed statement by the chief executive officer of each governmental entity or his designee shall be submitted to EPA on October 1, 1973 to identify the source and amount of funds for allocation required by this section.

(c) Failure to comply with any provision of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. As to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2295 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of any land or building space for use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means the date on which an owner or operator and a contractor to, or affiliate of such owner or operator, enter into binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction, modification or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This section is applicable in all counties included in the Metropolitan Houston-Galveston Intrastate Region, the Metropolitan San Antonio Intrastate Region, and the Metropolitan Dallas-Fort Worth Intrastate Region.

(c) No person, after the effective date of this section, shall commence construction of any new parking facility or modify or enlarge any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may issue, the following findings of fact or factually supported projections must be made:

(i) The location of the proposed facility.

(ii) The total vehicle capacity of the proposed facility.

(iii) The normal hours of operation of the proposed facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and vehicles will be drawn to the proposed facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to seven days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

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PART III

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT OF FERROUS SCRAP, SOYBEANS, COTTONSEED AND PRODUCTS

Licensing Systems

No. 127—Pt. III——1

V 38 - 127 JUL 3 73 XUM

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 58]

EXPORTS OF SOYBEANS, COTTONSEED AND PRODUCTS

Sections 372.9, 375.2, 386.7 and Supplement No. 1 to Part 377 are amended and a new § 377.3 is established to read as set forth below.

Effective date: 3:30 p.m., e.d.t., July 2, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

The FEDERAL REGISTER issuance of June 28, 1973, announced the requirement of validated licenses for exports of soybeans, cottonseed, and certain products thereof, subject to subsequent announcement of the decision as to licensing of the commodities subject to validated licensing, and the basis on which such licenses might be issued.

Today's FEDERAL REGISTER announces the licensing systems adopted by the Department for exports of soybeans, soybean oil-cake and meal, cottonseed, and cottonseed oil-cake and meal, and the termination of the validated license requirement on exports of the other commodities listed in the Federal Register issuance of June 28, 1973. The reporting requirements previously established remain in full force and effect.

I LICENSING SYSTEM FOR EXPORTS OF SOYBEANS, SOYBEAN OIL-CAKE AND MEAL, COTTONSEED, AND COTTONSEED OIL-CAKE AND MEAL

A SUBMISSION OF APPLICATION WITH SUPPORTING DOCUMENTATION

All exporters who reported, in accordance with the terms of Export Control Bulletin No. 84(a), anticipated exports of soybeans (Scheduled B No. 221.4000) for export prior to September 1, 1973, cottonseed (Schedule B No. 221.6000) for export prior to August 1, 1973, or soybean oil-cake and meal (Schedule B No. 081.3030) or cotton seed oil cake and meal (Schedule B No. 081.3020) for export to October 1, 1973, and who wish to be considered for the issuance of a validated license for any export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) Photo copy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13, 1973; (2) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any; (3) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier. If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license; (4) with the first application for export of soybeans or for export of soybean oil-cake and meal under this licensing procedure, the applicant will submit Form DIB–636P "Contract Detail Supporting Anticipated 1972–1973 Crop Year Exports as Reported June 13, 1973."[1] The application shall be submitted on forms FC–419 and FC–420.[2] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to 375.2 of the Export Control Regulations.

B. ISSUANCE OF LICENSES

The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license against each verified contract submitted under the terms of Part A, for the following percentages of the unfilled balance of each contract:

Soybeans	50%
Cottonseed	100%
Soybean oil-cake and meal	40%
Cottonseed oil-cake and meal	100%

C. SPECIAL TERMS

Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of soybeans shall expire on September 15, 1973, all those issued for export of cottonseed shall expire on August 15, 1973, and all those issued for export of soybean oil-cake and meal and cottonseed oil-cake and meal shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. Accordingly, exporters shall not export under a license before obtaining from the foreign buyer written confirmation that he will accept delivery under the contract of the quantity licensed for export. Any export without such confirmation would be in violation of the regulations. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

D. REDUCTION OF SHIPPING TOLERANCE ALLOWANCE

Section 386.7(b)(1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 5 percent for cottonseed and soybeans, and to 2½ percent for cottonseed oil-cake and meal and soybean oil-cake and meal.

II. LIFTING OF VALIDATED LICENSE REQUIREMENTS ON EXPORTS OF OTHER COMMODITIES

Effective at 3:30 p.m. e.d.t., July 2, 1973, the following commodities formerly under validated license requirements to all destinations including Canada, pursuant to the announcement in the FEDERAL REGISTER issuance of June 28, 1973, are hereby placed on general license to all destinations except Country Groups S and Z (Southern Rhodesia, Communist controlled areas of Vietnam, Cuba, and North Korea). These commodities are:

Schedule B Number	*Commodity Description*
421.2010	Soybean oil, crude including degummed
421.2020	Soybean oil, once refined
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing or winterizing
431.2010	Soybean oil, hydrogenated
431.2030	Fats and oils, hydrogenated, the following only: Cottonseed and soybean oil mixture
421.3010	Cottonseed oil, crude
421.3020	Cottonseed oil, once refined
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing
431.2020	Cottonseed oil, hydrogenated

Exporters are hereby placed on notice that in the event the volume of exports of these commodities reaches unacceptable levels, restriction of exports shall be imposed.

Accordingly, § 372.9, 375.2, 386.7 and Supplement No. 1, to Part 377 are amended and a new § 377.3 is established to read as set forth below.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

1. Section 372.9(d)(2) is amended to read as follows:

§ 372.9 Issuance of validated licenses.

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(d) *Validity of license* • • •

(2) *Special provision.* If special provisions for any commodity include terms regarding the validity period of an individual export license, these will be found in Part 376 of this chapter, or, in the case of commodities subject to short supply controls, in Part 377 of this chapter.

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PART 375—DOCUMENTATION REQUIREMENTS

2. Section 375.2(b)(xi) is amended to read as follows:

§ 375.2 Ultimate consignee and purchaser statement.

• • • • •

(b) *Statements required from ultimate consignee and purchaser* • • •

(2) *Exemptions* • • •

(xi) The shipment will be made under the short supply provisions of § 377.3 of this chapter or § 377.4 of this chapter, and the application is supported by the documentation required therein.

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PART 377—SHORT SUPPLY CONTROLS

3. A new § 377.3 is established to read as follows:

§ 377.3 Agricultural commodities.

(a) *General.* Those agricultural commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada.

(b) *Licensing System for Exports of Soybeans, Soybean Oil-cake and Meal, Cottonseed, and Cottonseed Oil-cake and Meal*—(1) *Submission of application with supporting documentation.* All exporters who previously reported, anticipated exports of soybeans (Schedule B No. 221.4000) for export prior to September 1, 1973, cottonseed (Schedule B No. 221.6000 for export prior to August 1, 1973, or soybean oil-cake and meal (Schedule B No. 081.3030) or cottonseed oil-cake and meal (Schedule B No. 081.3020) for export prior to October 1, 1973, and who wish to be considered for the issuance of a validated license for any export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) Photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before June 13; (ii) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any; (iii) a sworn affidavit by the applicant that the applicant is the exporter and that the contract to sell to the foreign firm is not offset in whole or in part by a similar contract to purchase the same grain from a foreign firm, whether that contract was entered into by the applicant or the applicant's supplier. If the contract to sell is offset by such a similar contract by a foreign firm, it will not be licensed. If it is offset in part, only that portion not offset will be available for license; (iv) with the first application for export of soybeans or for export of soybean oil-cake and meal under this licensing procedure, the applicant will submit Form DIB–636P "Contract Detail Supporting Anticipated 1972–1973 Crop are Exports as Reported June 13, 1973."[1] The application shall be submitted on forms FC–419 and FC–420.[2] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of Licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license against each verified contract submitted under the terms of Part A, for the following percentages of the unfilled balance of each contract:

Soybeans	50%
Cottonseed	100%
Soybean oil-cake and meal	40%
Cottonseed oil-cake and meal	100%

(3) *Special terms.* Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of soybeans shall expire on September 15, 1973, all those issued for export of cottonseed shall expire on August 15, 1973, and all those issued for export of soybean oil-cake and meal and cottonseed oil-cake and meal shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. Accordingly, exporters shall not export under a license before obtaining from the foreign buyer written confirmation that he will accept delivery under the contract of the quantity licensed for export. Any export without such confirmation would be in violation of the regulations. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(4) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed when the quantity on the license is in the terms set forth below, except that when the commodity is listed in Supplement No. 1 to Part 377 of this chapter, it is subject to the tolerance set forth in Part 379 of this chapter. If no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license:

Avoirdupois ounce	
Bale	
Barrel	
Bushel	
Content pound	
Cubic foot	
Gallon	
Gram	
Hundredweight (100 pounds)	
Linear foot	
Linear yard	
Long ton (2,240 pounds)	
M(1,000) board feet	
Milligram	
Oxford unit	
Pound	
Proof gallon	
Short ton (2,000 pounds)	
Square foot	
Square yard	
Troy ounce	
U.S.P. unit	

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Supplement No. 1 to Part 377 is amended to read as follows:

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Schedule B

Number	*Agricultural Commodities*
081.3020	Cottonseed oil-cake and meal
081.3030	Soybean oil-cake and meal
221.4000	Soybeans
221.6000	Cottonseed

PART 386—EXPORT CLEARANCE

4. Section 386.7(b)(1) is amended to read as follows.

§ 386.7 Shipping tolerance.

• • • • •

(b) *Amount of tolerance allowed*—(1) *Ten percent tolerance.* A shipping tolerance of 10 percent is allowed when the quantity on the license is in the terms set forth below, except that when the commodity is listed in Supplement No. 1 to Part 377 of this chapter, it is subject to the tolerance set forth in Part 379 of this chapter. If no quantity is specified on the license, the tolerance will be allowed on the total price shown for each entry on the license:

Avoirdupois ounce	
Bale	
Barrel	
Bushel	
Content pound	
Cubic foot	
Gallon	
Gram	
Hundredweight (100 pounds)	
Linear foot	
Linear yard	
Long ton (2,240 pounds)	
M(1,000) board feet	
Milligram	
Oxford unit	
Pound	
Proof gallon	
Short ton (2,000 pounds)	
Square foot	
Square yard	
Troy ounce	
U.S.P. unit	

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[FR Doc.73-13719 Filed 7-2-73;4:00 pm]

[13th Gen. Rev., Export Regulations Amdt. 59]

PART 377—SHORT SUPPLY CONTROLS

Licensing of Ferrous Scrap

A new § 377.4 is established and Supplement No. 1 to Part 377 is amended to read as set forth below.

Effective date: 3:30 p.m., e.d.t., July 2, 1973.

RAVER H. MEYER,
Director, Office of Export Controls.

A reporting requirement was previously established on exports and unfilled or partially filled accepted orders for export of 500 short tons or more of ferrous scrap. This requirement remains in full force and effect. The data submitted pursuant to this requirement have resulted in the following actions:

I. REQUIREMENT FOR VALIDATED LICENSE

Effective 3:30 p.m., e.d.t., July 2, 1973, a validated license is required for export

[1] This reporting requirement has been approved by the Office of Management & Budget in accordance with the Federal Reports Act of 1942.

[2] Forms FC–419 and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

[1] This reporting requirement has been approved by the Office of Management & Budget in accordance with the *Federal Reports Act* of 1942.

[2] Forms FC–419 and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

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of ferrous scrap to all destinations, including Canada. Previously, a validated license was required only for shipment to Country Groups S and Z (Southern Rhodesia, Communist-controlled areas of Vietnam, Cuba, and North Korea).

The new validated export license requirement applies to all shipments of the commodities listed below, regardless of the value of the shipment and of whether the shipment is made against an order accepted on or before the effective date of this Bulletin. These commodities are:

Commodity and Schedule B Number
No. 1 heavy-melting steel scrap, except stainless (282.0010)
No. 2 heavy-melting steel scrap, except stainless (282.0020)
No. 1 bundles steel scrap, except stainless (282.0030)
No. 2 bundles steel scrap, except stainless (282.0040)
Borings, shoveling and turnings, iron or steel, except stainless (282.0050)
Stainless steel scrap (282.0060)
Shredded steel scrap (282.0065)
Other steel scrap, including tin plated and terne-plate (282.0078)
Iron scrap, except borings, shoveling and turnings (282.0080)
Rerolling material of iron or steel (282.0090)

II. Saving Clause

Shipments of commodities removed from general license as a result of the requirement for a validated export license set forth in Part I above, which were on lighter destined for an exporting vessel or for which loading aboard an exporting vessl had actually commenced as of 3:30 p.m. e.d.t., July 2, 1973, may be exported under the previous general license provisions. Any other shipment of such commodities requires a validated license for export.

III. General Provisions

Except as provided in Part V below, no licenses will be issued for exports of ferrous scrap during the remainder of the calendar year against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the month of July 1973, which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the previous reporting requirement. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced later.

IV. Licensing System Against Orders of 500 Short Tons or More for Export in July

A. Submission of application with supporting documentation

All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July 1973, of 500 short tons or more of the commodities listed in Part I above, and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) A photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (2) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

B. Issuance of licenses for exportation during July

The Office of Export Control will verify the authenticity of the application and supporting documentation described in Part A above, and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

C. Special terms

Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

V. Licensing System for Exports of Less Than 500 Short Tons

Until further notice, applications for licenses to export ferrous scap against accepted orders for less than 500 short tons, which are submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of the Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance. Therefore, at this date only applications for export during July will be ???_____. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation. Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction shall be imposed on exports against orders of less than 500 short tons.

VI. Reduction of Shipping Tolerance Allowance

Section 386.7(b) (1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of bushels or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Accordingly, a new § 377.4 is established and Supplement No. 1 to Part 377 is amended to read as set forth below.

A new § 377.4 is established to read as follows:

§ 377.4 Ferrous scrap.

(a) *General.* Those ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no licenses will be issued for exports of ferrous scrap during the remainder of the calendar year against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the months of July or August 1973, which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the previously established reporting requirement. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced later.

(b) Licensing System against orders of 500 short tons or more for export in August and July—(1) *Submission of application with supporting documentation.* All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July or August 1973, of 500 short tons or more of the commodities listed in Supplement No. 1 to Part 377 and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) a photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (ii) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of licenses for exportation during July and August.* The Office of Export Control will verify the authenticity of the application and supporting documentation described in subparagraph (1) of this paragraph, and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

(3) *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(c) Applications for licenses to export ferrous scrap against accepted orders for less than 500 short tons, which are submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photo copy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance. Therefore, at this date only applications for export during July will be provided. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction shall be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of Shipping Tolerance Allowance.* Paragraph 386.7(b) (1) of the Export Control Regulations of this chapter states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Supplement No. 1 to Part 377 is amended by adding the following commodities:

Commodity and Schedule B Number
No. 1 heavy-melting steel scrap, except stainless (282.0010)
No. 2 heavy-melting steel scrap, except stainless (282.0020)
No. 1 bundles steel scrap, except stainless, (282.0030)
No. 2 bundles steel scrap, except stainless (282.0040)
Borings, shoveling and turnings, iron or steel, except stainless (282.0050)
Stainless steel scrap (282.0060)
Shredded steel scrap (282.0065)
Other steel scrap, including tin plated and terne-plate (282.0078)
Iron scrap, except borings, shoveling and turnings (282.0080)
Rerolling material of iron or steel (282.0090)

[FR Doc.73-13718 Filed 7-2-73;3:57 pm]

[1] Forms FC–419 and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

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Presidential Documents

Title 3—The President

PROCLAMATION 4228

National Student Government Day

By the President of the United States of America

A Proclamation

Fundamental to the American educational ideal is the sense that our schools should be not only centers of learning but also laboratories for democracy. From the primary grades all the way up through the graduate departments of our universities, various forms of self-government and independent decision-making have become an increasingly important factor in the educational process.

Student councils and similar organizations provide students with an opportunity to work together for common purposes, select leaders from among their peers, and deal responsibly with faculty and administrators in their schools. Such opportunities are helping to teach the basic skills of citizenship and to develop the qualities of leadership in the young people who take part. By enhancing the self-respect of students and the mutual respect among groups within a school community, student governments also contribute to that climate of eagerness to learn and grow in which education can best flourish.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim November 14, 1973, as National Student Government Day. I invite the Governors of the States and of the Commonwealth of Puerto Rico and other officials at the local level to issue similar proclamations.

I also urge all educational institutions to join in appropriate activities to highlight the importance of student government and to encourage wider participation in its activities. I further urge all students in our country to acquaint themselves fully with their own student governments, and to play a constructive role in contributing to their success.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of July, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

Richard Nixon

[FR Doc.73-13801 Filed 7-3-73;11:19 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Deputy Under Secretary for Congressional Relations is excepted under Schedule C.

Effective on July 5, 1973 § 213.3313(e)(6) is amended as set out below.

§ 213.3313 Department of Agriculture.

* * * * * *

(c) *Office of the Under Secretary.* * * *

(6) Three Confidential Assistants to the Deputy Under Secretary for Congressional Relations.

* * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc.73-13518 Filed 7-3-73;8:45 a.m.]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-901]

PART 545—OPERATIONS

Out-of-State Offices of Service Corporations

JUNE 27, 1973.

The Federal Home Loan Bank Board, in Document No. 73-437, dated March 20, 1973, proposed to amend Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.9-5 thereto for the purpose of prohibiting insured institutions from making or maintaining an investment in any service corporation or other legal entity which, through its own or a subsidiary's out-of-state office, conducted mortgage lending or servicing activities wtih respect to loans secured by real estate located outside of the State in which the principal office of such an insured institution was located. Notice of such proposed rule making was duly published in the FEDERAL REGISTER on March 27, 1973, (38 FR 8005) with an invitation for interested persons to submit written comments by April 30, 1973. As stated in said Document No. 73-437, the amendment to Part 563 was proposed "[i]n order to aid the Board in its determination as to whether service corporation lending activities through out-of-state offices is consistent with the safe and sound operation of insured institutions and with the provision of economical home financing for the nation".

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby rejects said proposal and amends § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) by revising paragraph (f) thereof to read as set forth below, and by revoking subparagraph (2) of paragraph (i) thereof, effective July 5, 1973.

Prior to the revocation of subparagraph (2) of paragraph (i) of said § 545.9-1 by this amendment, Federal associations were not permitted to invest in service corporations which maintained out-of-state offices or whose subsidiaries maintained such offices. Proposed new § 563.9-5 would have, in substance, extended the application this prohibition to all insured institutions. The revocation of said subparagraph (2) from paragraph (i) removes the prohibition on investment by Federal associations in service corporations which maintain such out-of-state offices. The comments received demonstrated that permitting both Federal and State-chartered associations to make and maintain prudent investments in service corporations having such out-of-state offices is desirable for competitive reasons.

Paragraph (f) of § 545.9-1 is revised by adding further restrictions to the name of a service corporation in order to ensure that the name or other designation of such a service corporation or any office or subsidiary of such a service corporation is not such as to cause it to be identified with any insured institution which has not invested in it. To accomplish this, the phrase "designation of any of whose subsidiaries or offices" and subparagraph (2) are added.

Since the subject and issues involved in the revocation of subparagraph (2) of paragraph (i) of § 545.9-1 were afforded public comment pursuant to proposed new § 563.9-5 and since such revocation relieves restriction, the Board hereby finds that further opportunity for public comment is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). The Board hereby finds that publication of this amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary since it relieves restriction, and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Since notice and public procedure on the amendment of paragraph (f) of § 545.9-1, by adding a new subparagraph (2) thereto, would delay it from becoming effective for a period of time and since it would be in the public interest that such an amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). The Board hereby finds that publication of the amendment to said paragraph (f) for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof would be contrary to the public interest, and the Board hereby provides that the amendment to said paragraph (f) shall become effective as hereinbefore set forth.

§ 545.9-1 Service corporations.

* * * * * *

(f) *Corporate name.* No Federal association may invest in, or retain any investment in, the capital stock, obligations, or other securities of any service corporation whose corporate name or the designation of any of whose subsidiaries or offices (1) includes the words "National", "Federal", or "United States" or the initials "U.S.", or (2) could identify it with any insured institution (as defined in § 561.1 of this chapter) which has not invested in it.

* * * * * *

(i) *Limitation on activities.* * * *

(2) [Revoked]

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc.73-13631 Filed 7-3-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 12 (Rev. 4)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Financing of Disadvantaged Small Concerns

On February 15, 1973, the Small Business Administration ("SBA") published in the FEDERAL REGISTER (38 FR 4519) proposed amendments to 13 CFR Part

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107 which would implement the Small Business Investment Act Amendments of 1972, P.L. 92-595, approved October 27, 1972, insofar as they pertain to small business investment companies (SBIC's) which limit their assistance to small concerns owned by disadvantaged persons.

Interested persons were invited to submit written comments on or before March 19, 1973. The comment period was subsequently extended to April 9, 1973 (38 FR 7577). After consideration of the comments received and other factors, SBA has decided to adopt the proposed amendments with certain modifications, as set forth below.

Information. As adopted, the amendments make abbreviating and clarifying changes to the proposed regulations which are not intended to change their substance, and the following substantial changes:

1. A definition of the term "Leverage" has been added denoting financial assistance from SBA.

2. The definition of "Section 301(d) Licensee" has been shortened. Section 301(d) Licensees must comply with all regulations governing Licensees in general, except where special provisions apply to them. For special provisions applying only to Section 301(d) Licensees, see, for example §§ 107.101(c) (1), (2) and (3); 107.101(d)(2); 107.202(a)(2) and (c); 107.205; 107.301(c)(4); 107.702; 107.805(a), third proviso; 107.813; 107.1001(g); and 107.1002(d), §§ 107.301(a), proviso; 107.812; and 107.1001(a), first proviso are also of special interest to Section 301(d) Licensees.

3. The regulation concerning the use of nonprivate funds to capitalize a Section 301(d) Licensee has been made prospective only, so that existing Section 301(d) Licensees capitalized with nonprivate funds will be eligible for SBA Leverage if such nonprivate funds were irrevocably committed before the effective date of these amendments. Also, Treasury Regulations governing leverage for "revenue sharing" funds, published April 10, 1973, have been taken into account.

4. § 107.202(a) is amended to differentiate between the Venture Capital ratio required of Licensees other than Section 301(d) Licensees (65 percent), and Section 301(d) Licensees (30 percent). A conforming amendment has been made to § 107.202(c). Proposed § 107.202(d) could thus be eliminated.

5. Proposed §§ 107.205 and 107.206, dealing with preferred securities and debentures, respectively, have been consolidated into one new § 107.205 dealing with all forms of Leverage. The charter requirements, which will apply to Section 301(d) Licensees irrespective of the form of Leverage employed, have been changed.

(a) To give existing Section 301(d) Licensees 90 days from [the effective date of these amendments] to include the investment policy described in Section 301(d) of the Act in their charter;

(b) To eliminate, as an SBA regulatory requirement, the charter provision concerning "Classes of Stock", since the subject is adequately covered in the several State corporation statutes;

(c) To combine the provision for cumulative preferred 3 percent dividends with the requirement, at SBA's option, for repayment of the dividend subsidy (i.e. the difference between dividends paid, and what would have been payable under the 15-year debenture formula of Section 303(b) of the Act), before any distribution other than to SBA;

(d) To relate the Licensee's right to redeem SBA's preferred securities to its obligations to pay dividends to SBA;

(e) To redefine SBA's priority rights as preferred securities holder, to make clear that a Section 301(d) Licensee need not redeem SBA's preferred securities before paying regular dividends to others than SBA, but that such securities must be redeemed, the interest subsidy (i.e. the difference between the interest rate reduced by Section 317 of the Act, and the interest rate prescribed by Section 303(b) of the Act), and, at SBA's option, the dividend subsidy must be repaid, before any non-dividend distributions to stockholders other than SBA;

(f) To eliminate the limitation on debt, while retaining the requirement of SBA approval for distributions of assets, and salary increases. The provision concerning repayment of the interest subsidy proposed as § 107.206(b), is now § 107.205(c).

6. Section 107.702 has been divided into subsections and paragraphs for clarity, but the substance remains unchanged.

7. The amendment to present § 107.805 has been reworded to authorize the issuance of stock by a Section 301(d) Licensee for portfolio securities of another SBIC, under certain conditions and within limits.

8. The provision for Section 301(d) Licensee formation by regular SBIC's has been recaptioned and changed to make clear that the capital contribution by a parent-SBIC to a subsidiary Section 301(d) Licensee may not result in excess Leverage for the parent-SBIC.

9. The foregoing change has made possible the deletion of the restriction on capital contributions by Licensees whose debentures were guaranteed by SBA after 1970 (i.e. debentures without right of prepayment).

10. The amendments to interpretative §§ 107.1403 and 107.1404 have been eliminated, since forthcoming Revision 5 will not include such regulations.

11. The information section of the notice of proposed rulemaking, 38 FR 4520, stated that forthcoming Revision 5 would repeal the maximum investment ("overline") exception [§ 107.301(c)(4)], and the capital impairment exception [§ 107.1002(d)] for Section 301(d) Licensees (therein called MESBIC's). In the light of comments received it was decided not to repeal these provisions at this time.

Effective date. In view of the determination made that it is in the public interest that these amendments be applied promptly to the Small Business Investment Company program, they shall become effective on July 5, 1973.

Pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 687(c), Part 107 of Chapter I of Title 13 of the Code of Federal Regulations (revised as of January 1, 1973) is hereby amended as follows:

1. By amending the definition of "Debtor Licensee" in § 107.3;

• • • • • •

2. By adding to § 107.3, immediately after the definition of "Investment Adviser", a new paragraph captioned "Leverage";

3. By amending the definition of "*Minority Enterprise Small Business Investment Company (MESBIC)*," in § 107.3;

4. By adding to § 107.3, immediately after the definition of "Real estate investment", a new paragraph captioned "Section 301(d) Licensee", to read as set forth below:

§ 107.3 Definition of terms.

• • • • • •

Debtor Licensee. "Debtor Licensee" means a Licensee which has Leverage from SBA.

• • • • • •

Leverage. "Leverage" means financial assistance provided to a Licensee by SBA, either through the purchase or guaranty of debentures, or through the purchase of preferred securities (see §§ 107.201 to 107.205).

• • • • • •

"Minority Enterprise Small Business Investment Company (MESBIC)." Wherever in this part the term MESBIC appears, it shall be deemed to refer to a Section 301(d) Licensee.

• • • • • •

Section 301(d) Licensee. "Section 301(d) Licensee" means a Licensee organized under a State business or nonprofit corporation statute, and licensed pursuant to Section 301(d) of the Act, investment policy of which is limited to making investments solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

• • • • • •

5. By redesignating paragraph (d) of § 107.101 as paragraph (d)(1) and adding a new paragraph (d)(2) that reads as follows:

§ 107.101 Operational requirements.

• • • • • •

(d)(1) *Minimum capital.* • • •

(2) *Nonprivate funds for Section 301(d) Licensees.* (i) A Section 301(d) Licensee may include funds granted under Title VII of the Economic Opportunity Act of 1964, as amended, or other nonprivate funds, in its combined private paid-in capital and paid-in surplus for purposes of Sections 302(a), 303(c) and 306 of the Act: *Provided, however,* (A) That the minimum capital of $150,000 specified by Section 302(a)(1) of the Act may not include such funds and, (B) That for leverage purposes such funds may be included in the combined paid-in capital and paid-in surplus in excess of such $150,000 only to the extent that an additional amount of at least ten percent (10%) of such funds is also included which does not consist of nonprivate funds. The limitation of the foregoing proviso shall not apply to nonprivate funds received by or irrevocably committed to a Section 301(d) Licensee before [July 5, 1973].

(ii) For purposes of this subsection, "nonprivate funds" shall mean funds obtained, directly or indirectly, from an agency or department of the Federal Government or from any State, or subdivision thereof, except as limited by P.L. 92-512 (commonly known as the General Revenue Sharing Act) and regulations of the Treasury Department, 31 CFR Pt. 51, 38 FR 9132 (1973). As used herein, "State" shall mean the several states, the territories and possessions of the United States, the Commonwealth of Puerto Rico and the District of Columbia.

6. By amending § 107.202 so that it reads as follows:

§ 107.202 Leverage in excess of 200 percent.

(a) *General.* (1) *Licensees other than Section 301(d) Licensees.* In order to qualify for Leverage exceeding 200 percent of combined paid-in capital and paid-in surplus pursuant to section 303(b)(2) of the Act, at least 65 percent of the Licensee's total funds available for investment must be invested or committed in Venture Capital financing of small concerns.

(2) *Section 301(d) Licensees.* In order to qualify for Leverage exceeding 200 percent of combined paid-in capital and paid-in surplus pursuant to sections 303(c)(2)(iii) and 303(c)(4) of the Act, at least 30 percent of the section 301(d) Licensee's total funds available for investment must be invested or committed in Venture Capital financing of small concerns.

• • • • • •

(c) *Maintenance of Venture Capital ratio.* Any Licensee which has received Leverage pursuant to paragraph (a) of this section shall maintain at least the ratio prescribed for it by paragraph (a)(1) or (2) of this section as of the end of each of its fiscal years: *Provided, however,* That subject to SBA approval, a Licensee may temporarily maintain a lesser ratio. Approval may be granted to the extent necessary in appropriate cases, including prepayments of Venture Capital investments, raising of additional private capital, and Leverage recently provided.

7. By amending § 107.203(a) so that it reads as follows:

§ 107.203 SBA purchase, sale, or guaranty of securities evidencing Leverage, and events of default.

(a) SBA may, upon such conditions and for such consideration as it deems reasonable, sell, assign, transfer, or otherwise dispose of any preferred security, debenture, or other evidence of debt or security held in connection with Leverage provided to a Licensee. In such event and upon notice thereof by SBA, Licensee will make all payments of principal and of dividends or interest as shall be directed by SBA. Licensee shall hold SBA harmless from all damage or loss which SBA may sustain by reason of such disposal, limited, however, to the extent of Licensee's liability under such security, plus court costs and reasonable attorney's fees incurred by SBA.

• • • • • •

8. By amending § 107.204 so that it reads as follows:

§ 107.204 Collection or compromise of claims relating to Licensee's Leverage.

SBA may, upon such conditions and for such consideration as it deems reasonable, collect or compromise all legal and equitable rights relating to Leverage provided to a Licensee.

9. By adding immediately after § 107.204, new § 107.205 to read as follows:

§ 107.205 Leverage for section 301(d) Licensees.

(a) *General.* Section 303(c) of the Act authorizes SBA to purchase nonvoting preferred securities, and to purchase or guarantee debentures issued by section 301(d) Licensees, which may be subordinated in accordance with section 303(b) of the Act. Application for such purchases shall be made on SBA Form 1022A[1] (for purchase of preferred securities and debentures), on SBA Form 1022B[1] (for exchange of debentures for preferred securities), or on SBA Form 1022[1] (for guaranty of debentures) in accordance with accompanying instructions. Before providing Leverage in excess of 100 percent of combined private paid-in capital and paid-in surplus, SBA may require the Licensee to demonstrate the need for such Leverage to SBA's satisfaction.

(b) *Conditions of Leverage.* SBA may, in its discretion, purchase shares of nonvoting preferred securities, or purchase or guarantee debentures issued by a section 301(d) Licensee, pursuant to section 303(c) of the Act, and subject to the conditions prescribed in this paragraph. The matters set forth below shall be appropriately provided for in the charter:

(1) *Investment policy.* Statement of investment policy in conformity with section 301(d) of the Act. A Section 301(d) Licensee licensed before [July 5, 1973] shall comply with this requirement no later than 90 days from such date.

[1] Forms filed as part of the original document.

(2) *Payment of dividends to SBA.* Subject to the sound discretion of the board of directors, SBA shall be paid an annual dividend from retained earnings equivalent to three (3) percent of par value of its preferred securities. Such dividends shall be payable before any amount shall be set aside or paid to any other class of stock, and shall be preferred and cumulative so that, in the event retained earnings in any fiscal year are insufficient to pay said dividends to SBA, they shall be payable on a preferred basis from subsequent retained earnings to the extent of such deficiency, without interest thereon. Before a declaration of dividends or any other kind of distribution (other than to SBA), SBA in its discretion may also require the preferred payment of the difference between dividends paid on its preferred securities, and cumulative dividends payable at a rate equal to the interest rate determined at the time of SBA's purchase of such preferred securities pursuant to section 303(b) of the Act for debentures with a term of fifteen years, without interest on such difference, such rate to be inscribed on the certificates offered to SBA.

(3) *Redemption rights.* A section 301(d) Licensee shall be entitled at its option to redeem in whole or in part preferred securities purchased by SBA on any dividend date (after giving at least thirty (30) days' written notice), by paying SBA the par value of such securities, but not less than $50,000 par value in any one transaction, and giving SBA an undertaking to pay the additional amounts which SBA may require pursuant to paragraph (b)(2) of this section.

(4) *SBA's priority rights in event of redemption, liquidation, or distribution of assets to other stockholders.* On or before redemption in whole or part of any class of stock not purchased by SBA, or liquidation in whole or part, or any distribution of assets which is not a dividend paid out of retained earnings (to stockholders other than SBA), SBA shall be entitled to preferred payment in full of (i) the par value of its preferred securities; (ii) any amounts due pursuant to paragraph (b)(2) of this section; and (iii) any amounts due pursuant to subsection (c) of this section.

(5) *SBA approval required to distribute assets to other stockholders or increase salaries.* Without prior written SBA approval, a Section 301(d) Licensee may not (i) make a distribution to stockholders other than SBA except for dividends paid out of retained earnings; or (ii) increase the salaries or other compensation of any officer, director, or employee beyond amount previously approved by SBA.

(6) *Prior SBA approval required to amend charter.* The charter shall not be amended for any purpose without SBA's prior written approval.

(c) *Interest subsidy.* A Section 301(d) Licensee applying for SBA purchase of its debentures shall be entitled to a reduced interest rate according to Section 317 of the Act. Such debentures shall specify the interest rates prescribed by

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Sections 317 and 303(b) of the Act, together with the dates between which each applies. With respect to payment of such interest, SBA shall have the same priority as applies to debentures purchased or guaranteed by SBA under Section 303(b) of the Act. The interest rate as reduced by Section 317 of the Act applies only to debentures purchased by SBA, and does not apply to debentures guaranteed by it under Section 303(c) of the Act. A Licensee which has received the benefit of the rate computed pursuant to Section 317 shall not pay dividends or make any other distribution (other than to SBA), unless it has first paid SBA the difference between the two rates for the relevant period, without interest on such difference.

(d) *Exchange of outstanding debentures for preferred stock.* A Section 301(d) Licensee meeting the requirements of paragraph (b) of this section may, in SBA's discretion, retire debentures outstanding pursuant to Section 303(b) of the Act simultaneously with the issuance to SBA of preferred securities, in order to remain within the Leverage limits of Section 303(c)(2)(iii) of the Act, but not otherwise.

(e) *Preferred securities other than stock.* A Section 301(d) Licensee may issue to SBA preferred securities other than stock only if applicable law precludes the issuance of preferred stock.

(f) *State law.* SBA does not intend that provisions of this section not mandated by the Act shall supersede existing State law. Whenever a party claims that a conflict exists, it shall submit an opinion of independent counsel, citing authorities, for SBA's resolution of the issues involved.

10. By amending § 107.702 so that it reads as follows:

§ 107.702 Common control.

A Licensee shall not have:

(a) An officer or director who at the same time is:

(1) An officer or director of any other licensee (except a common manager approved in advance by SBA in writing), or,

(2) An officer or director of any person which directly or indirectly controls, or is controlled by, or is under common control with, another Licensee, nor

(b) Any stockholder owning or controlling, directly or indirectly, 10 or more percent of any Licensee's stock, if such stockholder:

(1) Is an officer or director of another Licensee or,

(2) Owns or controls, directly or indirectly, 10 or more percent of the stock of another Licensee:

Provided, however, That officerships or directorships in, or ownership or control of stock of, a Section 301(d) Licensee shall be excepted from the foregoing provisions.

11. By amending the caption of § 107.805(a) and by (1) substituting a colon for the period at the end of the second proviso and (2) adding immediately thereafter a third proviso, so that it reads as follows:

§ 107.805 Consideration for issuance of Licensee securities.

(a) *General.* * * *: *And provided,* also, That a Section 301(d) Licensee which has received portfolio securities from a participant Licensee pursuant to § 107.813(e), may issue stock for such securities at their cost or fair market value, whichever is lower.

12. By amending § 107.813 so that it reads as follows:

§ 107.813 Section 301(d) Licensee wholly or partly owned by Licensee companies.

(a) *General.* A Section 301(d) Licensee may be licensed to operate as the wholly or partly owned subsidiary of one or more Licensee companies ("participant Licensee"), with or without non-Licensee participation, subject to the following conditions:

(b) *Application.* In reviewing a license application which includes one or more participant Licensees as proposed stockholders, SBA will consider the effect of their capital contribution to the proposed Section 301(d) Licensee: *Provided, however,* That (1) such capital contribution shall, for purposes of the participant Licensee's Leverage, be treated as a reduction of its capital, and (2) no such contribution may result in excess leverage for a participant Licensee.

(c) *Participant Licensees.* Each participant Licensee shall own at least 20 percent of the voting securities of the proposed Section 301(d) Licensee, and such ownership shall constitute a presumption of active participation. Licensees proposing to own less than 20 percent of such voting securities may demonstrate to SBA's satisfaction that they will be active participants.

(d) *Capital contribution.* The capital contribution of a participant Licensee which is not part of the statutory minimum capital of $150,000, may be represented, in whole or in part, by securities of small concerns eligible for investment by a Section 301(d) Licensee, at cost or fair market value, whichever is lower. (See § 107.805(a), third proviso.) Assumption by the proposed Section 301(d) Licensee of such participant Licensee's indebtedness held or guaranteed by SBA, in whole or in part, will not be permitted.

13. By amending § 107.1001(b) so that it reads as follows:

§ 107.1001 Prohibited uses of funds.

No funds may be provided by Licensee for:

* * * * *

(b) *Financing Licensees.* Use by a small concern, directly or indirectly, to purchase stock in or otherwise to provide capital for a Licensee, or to repay an indebtedness to accomplish such purpose.

Dated: June 28, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13562 Filed 7-3-73;8:45 am]

[Amdt. 3]

PART 113—NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS OF SBA—EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA ADMINISTRATOR

Miscellaneous Amendments

On December 9, 1971, there was published in the FEDERAL REGISTER (36 FR 23400) a notice that the Small Business Administration proposed to change its procedures involving nondiscrimination in Financial Assistance Programs by amending 13 CFR Part 113. Interested parties were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendment.

The amendment reflects parallel changes proposed for Part 112, Code of Federal Regulations effectuating Title VI of the Civil Rights Act of 1964.

Part 113 of Chapter 1 of Title 13 CFR is hereby amended by:

1. Adding the following paragraph (c) to § 113.3:

§ 113.3 Discrimination prohibited.

* * * * *

(c) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practices or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of this regulation.

2. Revising § 113.5(d) thereof to read as follows:

§ 113.5 Compliance information.

* * * * *

(d) *Information to the public.* Each recipient shall make available to persons entitled under this part to protection against discrimination by the recipient such information as SBA may find necessary to apprise them of their rights to such protection.

(1) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of equal opportunity. If the efforts required of the applicant or recipient under § 113.3(c) to provide information as to the availability of equal opportunity, and the rights of individuals under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make equal opportunity fully available to racial and nationality groups previously subjected to discrimination.

(2) Even though an applicant or recipient has never used discriminatory policies, the opportunities in the business it operates may not in fact be equally available to some racial or nationality groups. In such circumstances a recipient may properly give special consideration to race, color, or national origin to make the opportunities more widely available to such groups.

3. Revising § 113.6(b) thereof to read as follows:

§ 113.6 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may, by himself or by a representative, file with SBA a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by SBA.

* * * * *

4. Revising § 113.7(d) thereof to read as follows:

§ 113.7 Procedure for effecting compliance.

* * * * *

(d) Other means authorized by law. No action to effect compliance by any other means authorized by law shall be taken until:

(1) SBA has determined that compliance cannot be secured by voluntary means.

(2) The action has been approved by the Administrator or his designee.

(3) The applicant or recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

(4) The expiration of at least 10 days from the mailing of such notice to the applicant or recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the applicant or recipient or other person to comply with this part and to take such corrective action as may be appropriate.

5. Revising § 113.8(d)(1) thereof to read as follows:

§ 113.8 Hearings.

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554 through 557 (sections 5-8 of the Administrative Procedure Act), and in accordance with such rules or procedures as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, request for findings and other related matters. Both SBA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

* * * * *

6. Adding to § 113.9 the following paragraph (f):

§ 113.9 Decisions and notices.

* * * * *

(f) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (f)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

7. Revising § 113.10(a) and (c) thereof to read as follows:

§ 113.10 Effect on other regulations, forms and instructions.

(a) *Effect on other regulations.* All regulations, orders or like directions heretofore issued by SBA which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color or national origin and which authorize the suspension or termination of a refusal to grant to or to continue financial assistance to any applicant for or recipient of such assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction or like direction prior to the effective date of this part.

* * * * *

(c) *Supervision and coordination.* The Administrator may from time-to-time assign to officials of SBA or to officials of other agencies of the Government, with the consent of such agencies, responsibilities in connection with the effectuation of the purposes of this part (other than responsibility for first decisions as provided in § 113.9) including the achievement of effective coordination and maximum uniformity within SBA and within the executive branch of the Government in the application of this part and of comparable regulations issued by other agencies of the Government to similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Administrator of SBA.

Effective Date: July 5, 1973.

Dated: February 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-13514 Filed 7-3-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12574; Amdt. No. 103-17]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Carriage of Radioactive and Other Hazardous Materials

The purpose of these amendments to Part 103 of the Federal Aviation Regulations is to specifically set forth the manner in which the distribution of packages of radioactive materials being transported in aircraft may be considered in determining the distance the packages must be kept from a space that is occupied by a person or an animal, to ensure that articles subject to Part 103 are adequately safeguarded to prevent their becoming a hazard by shifting and to assure their inaccessibility to anyone but crewmembers.

These amendments are based on a notice of proposed rulemaking (Notice 73-7) published in the FEDERAL REGISTER on March 12, 1973 (38 FR 6690). Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that Notice. Except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those contained in Notice 73-7. Fourteen public comments were received in response to the Notice. Comments were also received from the United States Atomic Energy Commission (USAEC), the Department of Transportation's Office of Hazardous Materials (OHM) and the National Transportation Safety Board. Representatives of the

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USAEC and OHM have met with FAA personnel and furnished extensive advice and technical guidance with respect to the regulation adopted herein.

The regulation as adopted differs from what was proposed in the Notice in regard to the distance required between packages in cases where the procedure for controlled distribution as described in § 103.23(b) is being employed. This change came about as the result of further study of levels of radiation that result from one package being placed in close proximity to another. The FAA realizes that there is a modest increase in the level of radiation when two packages are so placed; however, it has been advised by the USAEC that the increase in the level of radiation that occurs as a result of placement of packages the distance from each other that was required by the proposed rule can be virtually eliminated by separating the packages a distance calculated by increasing the basic distance by a factor of three. Accordingly, the regulation adopted herein is different from that proposed in Notice 73–7 with respect to the distance required between packages in cases where the distance between a package and a space occupied by persons is adjusted on the basis of the fact that the packages are separated from each other. Table II has been added to § 103.23(a) containing minimum distances in feet suitable for separation between one package and another; however, each distance is three times greater than the distance proposed in the Notice. In this way, the increase in the level of radiation caused by the mere proximity of two or more packages to each other is virtually eliminated.

Four of the public comments received in response to the Notice indicated that studies have shown that there are increases in levels of radiation when packages are separated from each other by the minimum distance proposed in the Notice. Since the regulation adopted herein requires increased spacing between packages equal to three times that proposed, and since the USAEC has assured the FAA that this increased separation distance between packages will eliminate any increase in the level of radiation caused by packages being too close to each other, these comments have been answered satisfactorily.

The Air Line Pilots Association's Hazardous Materials Subcommittee opposed the change proposed in the Notice, since it believes that there will be an increase in the level of exposure to both passengers and crewmembers. In this regard, the USAEC has assured the FAA that the one factor discussed above in some detail, that is, the cumulative effect of spacing packages in too close proximity to each other, can be virtually eliminated by the tripling of the horizonatal distances required between packages by the Notice. Accordingy, with this additional safety factor the FAA believes that the level of radiation that will be created by the placement of packages in accordance with the regulation as adopted herein will eliminate any significant increase in the level now believed reasonably conservative.

With respect to the recommendation of one commentator that increased shielding of individual packages be employed to reduce external radiation, it is to be noted that, since the transport index on any package of radioactive materials is based on the radiation dose rate in terms of millirem per hour, a reduction in the transport index of any package by increased shielding would merely result in an increase in the number of packages that could be carried. Since the FAA believes that the regulations adopted herein provide an adequate level of safety and, since it also believes that the regulations of the Hazardous Materials Regulations Board (49 CFR Part 170 et seq.) provide shielding sufficient to confine radioactive materials at the levels indicated when properly marked, it does not believe that increased shielding is necessary.

One commentator, the Society of Nuclear Medicine, represents more than 4,000 physicians in research, clinical practice and medical education; scientists in the fields of physics, electronics, engineering, chemistry and pharmacy, as well as technical personnel. That commentator urged the adoption of the amendment and stated that the uninterrupted flow of short-lived radioactive drugs is absolutely essential to effective medical practice throughout the United States. Comment from the Society pointed out that about five million patients received radioactive materials for diagnostic purposes in 1972. To keep the radiation dose to the patient as low as possible, short-lived isotopes must be used. If these short-lived substances were shipped exclusively on cargo-only aircraft, only 100 airport communities across the United States would be served. Of these airports, only 22 have freight service over the weekend. Because these radioactive pharmaceuticals are presently carried on passenger-carrying aircraft, a total of 550 airports are now being used in their delivery.

The Air Transportation Association of America suggested a number of clarifying changes to the wording of the regulation. One suggestion, that the minimum distance column of the table of distances in § 103.23(a) be relabeled to add "and to other packages" is no longer necessary, since the distance between packages will now be determined by using Table II. A second suggestion, that the term "radioactive materials" in § 103.31 be further delineated to read "radioactive yellow II and radioactive yellow III" has been incorporated into the section, since those are the only two classes of radioactive materials affected by § 103.23. A third clarification, that it be made clear that the transport index of any group of packages is the sum of the individual transport index numbers, has also been incorporated in the regulation adopted herein. A final suggestion, that the word "secured" in § 103.31(e) be replaced since it connotes physical tiedown, has resulted in a substitution of the words "safeguarded" and "safeguards", since these terms are consistent with those used in Part 121 of the Federal Aviation Regulations concerning cargo control.

Noting the requirement in § 103.31(f) that hazardous materials must be inaccessible to persons other than crewmembers, one commentator observed that this requirement would in effect ban their carriage on single-level passenger-carrying aircraft such as the FH–227, F–27 and the YH–11. The FAA recognizes that the regulation as adopted will have such an effect. Nevertheless, in the interest of safety, the FAA believes that hazardous materials should not be carried in areas in passenger-carrying aircraft that are accessible to persons other than crewmembers during flight.

The FAA will continue its surveillance of the transportation of radioactive materials by air and, as in other areas relating to safety in air commerce, will initiate additional rule-making action at any time available information indicates such action is necessary in the interest of safety.

Accordingly, since the FAA has established that an adequate level of safety is provided by the regulations adopted herein, and, since the carriage of radioactive pharmaceuticals on passenger-carrying aircraft supports the needs of effective medical treatment throughout the United States, it has concluded that the regulations adopted herein are in the public interest and will not adversely affect the safety of persons aboard aircraft.

The U.S. District Court for the District of Columbia stayed for a period of 30 days the effective date of its Order dated June 12, 1973, concerning § 103.23(a) to to permit the agency to complete this rule making action and adopt a final rule. Therefore, I find that good cause exists for making this amendment effective on less than 30 days' notice.

(Secs. 313(a), 601, 604, 902, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, and 1472; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective July 11, 1973, as follows:

1. By amending § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

(a) No person may place a package labeled "radioactive yellow II" or "radioactive yellow III" in an aircraft closer to a space that is occupied by a person or by an animal or a package containing undeveloped film (if so marked), than the minimum distance prescribed in table I of this paragraph. The distance is measured from the package surface nearest the compartment occupied by a person or an animal to the inside limiting surface of the compartment, that is, the surface nearest the space occupied by a person or an animal. If more than one package of radioactive materials is aboard an aircraft, the minimum separation distance for each individual package may be determined either from the following table on the basis of the sum of the transport index numbers shown on the labels of each of the individual packages in the aircraft or in accordance with paragraph (b) of this section.

TABLE I

Total transport index	Minimum distance in feet to area of persons or animals	Minimum separation distances in feet to nearest undeveloped film for various times of transit				
		Up to 2 hours	2–4 hours	4–8 hours	8–12 hours	Over 12 hours
None	0	0	0	0	0	0
0.1 to 1.0	1	1	2	3	4	5
1.1 to 5.0	2	3	4	6	8	11
5.1 to 10.0	3	4	6	9	11	15
10.1 to 20.0	4	5	8	12	16	22
20.1 to 30.0	5	7	10	15	20	29
30.1 to 40.0	6	8	11	17	22	33
40.1 to 50.0	7	9	12	19	24	36

Table II

Total transport index	Minimum distance in feet between packages or groups of packages if the procedure for controlled distribution is used
None	0
0.1 to 1.0	3
1.1 to 5.0	6
5.1 to 10.0	9
10.1 to 20.0	12
20.1 to 30.0	15
30.1 to 40.0	18
40.1 to 50.0	21

(b) When an individual package of radioactive material is separated from each other such package by at least the minimum distance prescribed in Table II in paragraph (a) of this section for the package having the largest transport index, the minimum distance to a space occupied by persons or animals may be determined from Table I in paragraph (a) of this section solely on the basis of the transport index shown on the label of that package. When individual packages of radioactive materials are grouped together, the transport index of the group (the sum of the transport index numbers shown on the labels of each of the individual packages), and the appropriate separation distance of each group may be determined as for an individual package.

(c) In addition to the reporting requirements of § 103.28, the carrier shall also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dosrate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see 49 CFR 173.397). In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

2. By adding new paragraphs (e) and (f) to § 103.31 to read as follows:

§ 103.31 Cargo location.

* * * * *

(e) No person may carry articles subject to the requirements of this part in an aircraft unless they are suitably safeguarded to prevent their becoming a hazard by shifting. For packages labeled "radioactive yellow II" or "radioactive yellow III", such safeguards must prevent movement that would permit the package to be closer to a space that is occupied by a person or an animal, or to other packages or groups of packages than is permitted by § 103.23.

(f) No person may carry an article subject to the requirements of this part that is acceptable for carriage in a passenger-carrying aircraft unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

Issued in Washington, D.C., on June 28, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73–13646 Filed 7–3–73;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA–385]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Revision of Fee Schedule for Investment Advisers

The Securities and Exchange Commission announced today that it has adopted an amendment to Rule 203–3 (Fee Schedule) [17 CFR 275.203–3] under the Investment Advisers Act of 1940. One purpose of the amendment is to comply with the Congressional mandate that Federal agencies review their fee schedules and charges with a view to making increases or adjustments to offset the increasing direct appropriations for agency operating costs. (See S. Rep. No. 1375, 90th Cong., 2d Sess., 3, (1968)). Another purpose of the proposed amendment is to make the fee schedule for investment advisers more equitable to registrants. The proposal to adopt this amendment was set forth in Investment Advisers Act Release No. 369 which was issued on April 6, 1973.

The newly adopted amendment provides that any investment adviser who files a notice of withdrawal on or before June 30 of any year shall be required to pay one half (or $50) of the annual assessment before such withdrawal is permitted to become effective. The newly adopted amendment provides also that any investment adviser who files a notice of withdrawal on or after July 1, of any year must pay the full annual assessment ($100) before he will be permitted to withdraw. Further, the amended rule provides a $100 late payment fee for failing to pay the full annual assessment when and as required.

Comments directed to the Commission on the proposal to amend Rule 203–3 asked that the Commission remind registrants of the amount and due date of such assessment by sending such registrants an "invoice", "bill" or other "notice" in advance of the deadline for paying the assessment.

In light of such comments, the Commission will send all registrants a reminder of the requirement to pay an assessment approximately 30 days in advance of the January 31, deadline for paying such assessments. The Commission reiterates, however, that each registrant has the responsibility of paying all fees and assessments when and as required, whether or not he receives a reminder or notice from the Commission. Appropriate enforcement action will be taken for failure to pay such fees and assessments.

The following is the text of Rule 203–3 before Amendment as it was adopted on January 25, 1972, effective on March 1, 1972 in Release IA–306, 37 FR 1473:

Section 275.203–3. *Fees for registration and applicants.* (a) At the time of filing by an investment adviser of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded.

(b) Every registered investment adviser shall pay a $100 assessment to the Commission while its registration is effective. Such assessment must be paid by each registrant by January 31 of the year following the end of the calendar year in which the investment adviser has been registered: *Provided, however,* For the year 1971 the fee shall be paid not later than April 1, 1972. No part of this assessment will be refunded.

(c) All payments of fees shall be made in cash, certified check, personal check or by United States Postal Money Orders, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name and title of any official of the Commission.

Pursuant to the authority in Sections 203, 204 and 211 of the Investment Advisers Act of 1940 and in Title V of the

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Independent Offices Appropriation Act, 1952, the Securities and Exchange Commission hereby amends § 275.203–3 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 275.203–3. Fees for registrants and applicants.

(a) At the time of filing by an investment adviser of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded.

(b) Every registered investment adviser shall pay a $100 assessment annually to the Commission while its registration is effective. Such assessment must be paid by each registrant by January 31 of the year following the end of the calendar year in which the investment adviser has been registered: *Provided, however,* For the year 1971 the fee shall be paid not later than April 1, 1972. No part of this assessment will be refunded.

(c) Any registered investment adviser who files a notice of withdrawal on or before June 30 of any year shall pay one half ($50) of the annual assessment to the Commission before such notice of withdrawal becomes effective. No part of such assessment shall be refunded.

(d) Any registered investment adviser who files a notice of withdrawal on or after July 1, of any year shall pay the full annual assessment ($100) to the Commission before such notice of withdrawal becomes effective. No part of this assessment shall be refunded.

(e) Every registered investment adviser who fails to pay an assessment as and when required by this rule shall pay a late payment fee of $100 to defray the administrative costs incurred as a result of such failure.

(f) All payments of fees shall be made in cash, certified check, personal check or by United States Postal Money Orders, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name and title of any official of the Commission.

(Secs. 203, 211, 54 Stat. 850, 855, secs. 2–5, 13, 74 Stat. 885, 887, sec. 24, 84 Stat. 1430, 15 U.S.C. 80b–3, 80b–11; sec. 501, 65 Stat. 290, 31 U.S.C. 483a)

The foregoing action was taken pursuant to Title V of the Independent Offices Appropriations Act, 1952, and Sections 203, 204 and 211 of the Investment Advisers Act of 1940. The amendments to Rule 203–3 will take effect on September 1, 1973 and apply to all fees and assessments due on or after that date.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73–13597 Filed 7–3–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Thiabendazole

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (15–875V) filed by Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, NJ 07065, proposing additional claims for use of thiabendazole in animal feed. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.26(g) is amended in the table in the "Indications for use" column by revising the text for items 1, 2, and 3 to read as follows:

§ 135e.26 Thiabendazole.

* * * * *

(g) *Conditions of use.*

Principal ingredient	Amount	Limitations	Indications for use
1. Thiabendazole	* * *	* * *	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Nematodirus spp., Oesophagostomum radiatum*).
2. Thiabendazole	* * *	* * *	Control of severe infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Nematodirus spp., Oesophagostomum radiatum*); control of infections of *Cooperia* species.
3. Thiabendazole	* * *	* * *	Control of infections of gastrointestinal roundworms (genera *Trichostrongylus spp., Haemonchus spp., Ostertagia spp., Cooperia spp.; Nematodirus spp., Bunostomum spp., Strongyloides spp., Chabertia spp.*, and *Oesophagostomum spp.*); also active against ova and larvae passed by sheep from 3 hours to 3 days after the feed is consumed (good activity against ova and larvae of *T. colubriformis* and *axei, Ostertagia spp., Bunostomum spp., Nematodirus spp., Strongyloides spp.*; less effective against those of *Haemonchus contortus* and *Oesophagostomum spp.*).
* * *	* * *	* * *	

* * *

Effective date. This order shall be effective July 5, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: June 27, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73–13399 Filed 7–3–73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Maryland Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards.

The State of Maryland submitted a plan pursuant to Part 1902, requesting approval of the plan by the Assistant Secretary for Occupational Safety and Health to the Regional Administrator, December 8, 1972. On January 8, 1973, the plan was formally submitted to the Assistant Secretary, and on January 22, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2189) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary. The plan includes provisions for making changes in the State's current occupational safety and health program that appear necessary to bring it into full conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902.

The Division of Labor and Industry in the Department of Licensing and Regulation is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues on the basis of Major Groups in the Standard Industrial Classification (SIC) Manual of the Office of Management and Budget of the Executive Office of the President. The Commissioner of the Division of Labor and Industry promulgated the Federal standards existing as of February 2, 1973. These standards were effective in Maryland as of March 8, 1973, and they will be enforced according to current State legislative authority before the effective date of Maryland's enabling legislation, July 1, 1973. The State will also adopt those portions of Federal Standards applicable to ship repairing, shipbuilding, shipbreaking and longshoring except where prohibited by exclusive Federal maritime jurisdiction. Subsequent revisions to Federal standards will

be considered by the State Occupational Safety and Health Advisory Board that will make recommendations on adoption to the Commissioner within six months after Federal adoption. Maryland also included in its plan State boiler and elevator standards where pertinent.

During review of the Maryland plan, the State legislature passed the Maryland Occupational Safety and Health Act of 1973 and it was signed by the Governor. The effective date of the legislation, amending Article 89, sections 28 to 49A of the Annotated Code of Maryland, is July 1, 1973. Under the legislation the Division of Labor and Industry has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exception of maritime workers in the areas of exclusive Federal jurisdiction; employees of the United States; and employees whose working conditions are protected under enumerated Federal laws.

The legislation contains procedures for inspections in response to complaints; protection from discharge or discrimination; consideration of standards by an Occupational Safety and Health Advisory Board; promulgation of recommended standards by the Commissioner of the Division of Labor and Industry; emergency temporary standard setting and rulemaking authority by the Commissioner; sanctions; imminent danger abatement; and review of citations and penalties by the Commissioner.

The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart O of 29 CFR Part 1952. Included in the plan is a statement of legal opinion that the legislation meets the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Maryland. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operation under the plan.

Interested persons were afforded thirty days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof by setting out particularized substantial objections to the contents of the plan.

2. *Issues.* Pursuant to the notice of submission of the plan comments were received from the American Federation of Labor-Congress of Industrial Organizations (AFL–CIO). Comments were also received after the close of the comment period from Mr. Harold Gordon, counsel for the Construction Industry Safety Advisory Committee. There were no requests for a hearing.

These comments and our review of the plan raised several significant issues which were addressed by Maryland in supplementing letters and documents from the Commissioner of the Division of Labor and Industry dated February 9, 1973; March 6, 1973; March 22, 1973; May 2, 1973; and May 21, 1973; which clarified and modified the plan and are incorporated as part of the plan. The Maryland plan presents a system of coordination involving three agencies. While ultimate responsibility rests with the designee, the Division of Labor and Industry, the Commissioner must coordinate fire safety and occupational health programs with the State Fire Marshal in the Department of Public Safety, and the Department of Health and Mental Hygiene. In addition, the implementation of the agricultural safety and health program will be coordinated with the Department of Agriculture. In all of these inter-agency relationships, the Division of Labor and Industry will retain enforcement authority including the issuance of citations and penalties. The other agencies will provide inspection and consultation service. The degree of reliance on another agency is greatest with respect to the Fire Marshal because as explained in a letter of May 2, 1973, the State Fire Marshal will exercise his authority directly in 19 counties and through deputies, in Anne Arundel, Baltimore, Montgomery and Prince George's counties. He will further negotiate an agreement with Baltimore City that will require the city to enforce all applicable occupational fire safety rules and regulations to the same extent as required of the Fire Marshal.

The impact of inter-agency coordination and delegation of responsibility on the effectiveness of the Maryland Plan will be noted in subsequent evaluations but as presently described, the program meets the requirements of Part 1902.

As a result of comments on the standard-setting procedures, Maryland made clarifications and modifications in the plan. Maryland's legislation describes a two-step standard-setting procedure which provides for public input at all levels. In addition, the State Administrative Procedure Act, incorporated as part of the plan, specifically provides that any interested person may petition for adoption of any rule or regulation. Maryland will adopt procedures for standard-setting in August 1973. In the Maryland law, public hearings are provided before the Occupational Safety and Health Advisory Board with 30 days notice in newspapers of general circulation and through a mailing list. In addition, once the Board has recommended standards to the Commissioner, he may hold another hearing. The plan narrative has been amended to make it clear that the Board will hold a hearing on all standards before making its recommendations to the Commissioner. In addition, the Act specifically provides that the Board can only recommend standards that are or will be at least as effective as Federal standards, and since the Commissioner cannot change the recommendations of the Board, he in turn must adopt at least as effective standards or return them to the Board with his objections. To assure that standards indeed remain at least as effective, the plan narrative, which constitutes part of the agreement between the State and the Department of Labor, has been revised to read that subsequent revisions to Federal standards will be considered by the Advisory Board and recommendations on adoption by Maryland made to the Commissioner within six months after Federal adoption. By law, the Commissioner then has 45 days to act on the recommendations.

Technical work on the standards will be the responsibility of employees in the planning section of the Division of Labor and Industry and they will have expertise in safety and health standards. In addition, the Board and the Commissioner can also appoint special committees and other consultants to obtain the technical information necessary to adopt standards. These procedures will supplement the activities of the full Board. The draft legislation was amended by the legislature with respect to the membership of the Board to include a member representing agriculture and a representative of the businesses regulated by the Public Service Commission. The total membership is now 11 with two from labor, two from industry, two from the health professions, three public members and one each from agriculture and Public Service businesses. Because of the vital responsibility the Board has in developing at least as effective standards, and the potential for a greater representation of industry on the Board, the results of the standard-setting procedures in Maryland will be closely evaluated to ensure that their operation is at least as effective.

Several other clarifications with respect to standards and hearings, in general, were made by the State. The legislation now provides that emergency temporary standards, promulgated by the Commissioner, will remain in effect for a period determined by the Commissioner, not to exceed six months, or until superseded by a permanent standard. Also, by making the State Administrative Procedure Act part of the plan, any hearing conducted by the Board or the Commissioner will be on the record and not on the basis of other information the State may obtain unless it too is made part of the record.

Maryland's authority to adopt standards that contain appropriate provisions for furnishing employees information regarding hazards in the workplace has been carefully reviewed. Maryland's legislation as enacted does not specifically mention medical examinations made available at no cost to the employee, nor does it specify who would have access to the medical records. The legislation does have all the other items that are required for appropriate inclusion in standards by section 6(b)(7) of the Federal Act and § 1902.4(b)(2)(vi). The Commissioner of the Division of Labor and Industry, supported by the Maryland Attorney General, maintains that the specificity of Maryland law on requirements for standards does not preclude reliance on general legislative authority

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that requires the Advisory Board to recommend or propose any standards necessary for the protection and improved safety and health of employees including, but not limited to, standards which are or will be at least as effective as any standard promulgated under the Federal Act for necessary standards elements. In addition, the State law provides for adoption by reference of established Federal standards and this procedure could perforce permit Maryland to adopt Federal standards without regard to any deficiencies in independent State standard-setting authority that may exist.

Any limitation on Maryland's standard-setting authority resulting from the interpretation of State law with regard to medical examinations will be closely evaluated. Indeed, Maryland has agreed in letters included as part of the plan that if any difficulties are subsequently encountered in the enforcement of required medical examination provision, or if it is demonstrated that the State is unable to meet this effectiveness criterion, the Division of Labor and Industry will propose legislation to remove any legal impediment. On the basis of this assurance and Maryland's interpretation of its own law, the plan is considered to meet the requirements of this index.

Another issue of legislative interpretation deals with the finality of non-contested citations and the exclusion of these citations from judicial review. The legislation as enacted does not state that non-contested citations are not subject to judicial review by any court or agency but only that they are final orders of the Commissioner. Judicial review may be sought by any person adversely affected or aggrieved by an order of the Commissioner. However, the State Administrative Procedure Act limits judicial review of orders to contested cases; i.e., after an administrative hearing has been held. Reading these two laws together, Maryland interprets its authority as requiring exhaustion of administrative remedies before court review, therefore, a non-contested citation could not be appealed and if it were the agency would move to dismiss the case for failure to exhaust administrative remedies. Of course if later court interpretations provide that non-contested citations could indeed be successfully appealed and a successful assault on the finality of non-contested citations inhibited the enforcement program to the point of making it less effective than its Federal counterpart, Maryland would be required to make the necessary legislative changes.

In cases where judicial review is appropriate, the State Administrative Procedure Act provides for further appeal to the Court of Appeals from a final judgment of the circuit court or the Baltimore City Court as required in the State safety and health law. Based on these assurances and legal interpretations, the plan meets the requirements of the relevant indices of effectiveness.

As enacted, Maryland's penalty provisions mirror those of the Federal Act with respect to those penalties directly related to enforcement. The sole divergence from the Federal penalty structure is the State provision for a maximum $5,000 fine for false statements where the Federal Act has $10,000 maximum. In all other respects the penalty for false statements is identical in scope and includes a possible 6 month term of imprisonment. As stated in the South Carolina decision, the mere fact that there is a difference in the penalty level for making false statements cannot be said at this time to render Maryland's overall system of sanctions less effective than the Federal system (37 FR 25933).

Finally, Maryland has agreed to review its merit system classifications, specifications and salary ranges within one year of plan approval. In addition, any requirements limiting job opportunity to those with experience in the Division of Labor and Industry or other cooperating agencies will be deleted.

The comments submitted on behalf of the Construction Industry Safety Advisory Committee raise several issues applicable to State plans in general. Therefore, even though they were not filed within the period specified in the notice of plan submission, and normally would not need to be considered in the decision approving the State plan, it was felt that these questions of such general interest should be discussed at this time. The issues include the effect of the decision in *AFL–CIO* v. *Hodgson* C.A. No. 2517–72 (U.S. D.C. January 2, 1973) on pre-emption of state standards where a plan was not approved prior to December 29, 1972; the applicability of a State Administrative Procedure Act (APA) to the regulations to be promulgated under a plan and to the plan document itself; and the necessity for environmental impact statements under the National Environmental Policy Act (NEPA) 42 U.S.C. 4332 when State plans are approved.

According to CISAC comments, preemption of State enforcement of occupational safety and health standards under existing State law after December 29, 1972, means that those State laws are repealed until a State enacts new legislation pursuant to an approved plan. Federal jurisdiction would be the exclusive means for enforcing safety and health standards until new legislation was passed. Maryland, however, has enacted such new legislation with a subsequent effective date and adopted Federal standards under its prior legislation before approval of its plan, permitting the State to assume jurisdiction over occupational safety and health under section 18 of the Act.

The decision by the U.S. District Court in the District of Columbia did not directly deal with the question of preemption of State laws where no approved plan was in existence before December 29, 1972. In any event, the effect of preemption would not have been to repeal existing State law but, as held in *Home Utilities Co.* v. *Revere Copper and Brass*, 122 A 2d 199 (1956), "the state statute is in effect, merely unenforceable or superseded by the existence of the Federal legislation and consequently the repeal of the Federal statute [In this case withdrawal of Federal preemption by plan approval] reinstates or revises the state law without express reenactment by the state legislature." Such a conclusion is in conformity with the intent of Congress to encourage proper and developing state assumption of jurisdiction over occupational safety and health matters covered by the Act.

A second comment related to the applicability of the State Administrative Procedure Act to the plan itself as well as any regulations or standards issued pursuant to the plan. In line with the response to the first comment on preemption, any regulation or standards issued under existing legislative authority would be revived with plan approval. These regulations and standards had been promulgated in accordance with State law prior to approval of a State plan and at that time the public could participate in the rulemaking procedure. Any new regulation or standards required by the plan would be subject to the applicable rule-making proceedings as prescribed in the State APA and the occupational safety and health enabling legislation. Maryland will adopt future regulations and standards in this manner.

As for the plan itself being subject to rule-making proceedings including public hearings, the plan sets out what rules, regulations, standards or procedures the State plans to adopt but it does not constitute a rulemaking proposal to adopt those regulations. That procedure would occur subsequent to approval of the plan when specific rules are proposed to be adopted as outlined in the developmental schedule.

Nor is the plan a contested case as stated in the CISAC comments, involving the legal rights, duties, or privileges of specific parties in a proceeding before the agency. A plan is a general program for occupational safety and health. Parts of the plan and the legislation do contain procedures for employers to contest specific cases before the agency where citations are issued for violations of safety and health standards.

This does not mean that the public has no opportunity to participate in the plan approval process. Public input in the plan document is incorporated in Federal regulations 29 CFR Part 1902 which provide for public comments and hearing requests upon submission of the plan. Notices on the opportunity for public comment are also published in the State. These procedures were followed for the Maryland plan.

The final comment submitted on behalf of CISAC that is relevant to the Maryland plan is the necessity for submitting an environmental impact statement under the National Environmental Policy Act, 42 U.S.C. 4332, which requires such statements for "major Federal actions significantly affecting the human environment." The approval of a State plan may perhaps be considered "major

Federal action." Approving a plan gives permission to a State to adopt and enforce its own safety and health standards (substantive rules) without being preempted by Federal standards bearing upon the same issues. (29 U.S.C. Section 667.) But the approval or disapproval of the plan itself does not affect the environment. If there is any possible affect on the environment, it lies with the adoption and application of standards under the plan. And, the adoption and application of standards by a State are State actions not requiring filing of environmental impact statements under NEPA. Cf. *Kings County Association* v. *Hardin*, 5 ERC 1383 (9th Cir. April 16, 1973).

Also, it should be emphasized that the requirement of the National Environmental Policy Act are applied to the fullest extent possible in the adoption of standards at the Federal level whenever standards significantly affect the quality of human environment. See, for example, the application of NEPA to the adoption of standards for certain organophosphorous pesticides (38 FR 1075, May 1, 1973) and certain carcinogens (38 FR 10929, May 3, 1973). Consequently, when environmental effects are involved, they are considered. The State standards under a plan are either the same as the Federal standards or have equivalent effectiveness, and would seem therefore to involve essentially the same environmental considerations that are already examined, or will be examined in adopting Federal standards.

3. *Decision.* After careful consideration of the Maryland plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in Maryland will not be diminished at this time because of the developmental nature of Maryland's enforcement program particularly in the areas of occupational health and agriculture. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, an inspect a cross-section of all industries on a random basis. No later than 6 months following this approval, an evaluation of the State plan, as implemented, will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Maryland. Part 1952 is hereby amended by adding thereto a new Subpart O reading as follows:

Subpart O—Maryland

Secs.
1952.210 Description of the plan.
1952.211 Where the plan may be inspected.
1952.212 Level of Federal enforcement.
1952.213 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91–596, 84 Stat. 1608, 29 U.S.C. 667.

Subpart O—Maryland

§ 1952.210 Description of the plan.

(a) The Division of Labor and Industry in the Department of Licensing and Regulation is the State agency designated by the Governor to administer the plan throughout the State. The plan defines the covered occupational safety and health issues on the basis of Major Groups in the Standard Industrial Classification (SIC) Manual of the Office of Management and Budget of the Executive Office of the President. The Commissioner of the Division of Labor and industry promulgated the Federal standards existing as of February 2, 1973. These standards were effective in Maryland as of March 8, 1973, and they will be enforced according to current State legislative authority prior to the effective date of Maryland's enabling legislation, July 1, 1973. Maryland also intends to adopt those Federal standards applicable to ship repairing, ship building, ship breaking and longshoring except where prohibited by exclusive Federal maritime jurisdiction. Subsequent revisions to Federal standards will be considered by the State Occupational Safety and Health Advisory Board which will make recommendations on adoption of at least as effective standards to the Commissioner within 6 months after Federal promulgation. Maryland also includes in its plan State boiler and elevator standards where applicable.

(b)(1) The plan included draft legislation which has been passed by the State legislature and signed by the Governor. The legislation as enacted has been included as a supplement to the plan. Under the legislation, effective July 1, 1973, the Division of Labor and Industry in the Department of Licensing and Regulation has full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State, including coverage of public employees, with the exception of maritime workers in the areas of exclusive Federal jurisdiction; employees of the United States; and employees whose working conditions are protected under enumerated Federal laws.

(2) The legislation brings the plan into conformity with the requirements of 29 CFR Part 1902 in areas such as procedures for granting or denying temporary and permanent variances to rules, regulations or standards by the Commissioner; protection of employees from hazards including provision for medical examinations made available by the employer or at his cost; procedures for the development of standards by the Occupational Safety and Health Advisory Board; promulgation of these standards as recommended by the Commissioner; promulgation of emergency temporary standards by the Commissioner with referral to the Board to develop a permanent standard; procedures for prompt restraint or elimination of imminent danger situations by issuance of a "red-tag" order with court review as well as by court injunction.

(3) The legislation provides for inspections in response to complaints; gives employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations, including informal review; protection of employees against discharge or discrimination in terms and conditions of employment by filing complaints with the Commissioner who will seek court action; adequate safeguards to protect trade secrets; provision for prompt notice to employers and employees of alleged violations of standards and abatement requirements through the issuance and posting of citations; a system of sanctions against employers for violations of standards; employer right of review and employee participation in review proceedings before the Commissioner with subsequent judicial review; and coverage of employees of the State and political subdivisions in a separate program supervised by the Commissioner in accordance with the requirements described in the North Carolina decision (38 FR 3041).

(c) Included in the plan is a statement of legal opinion that the law, which was supported by the Governor in accordance with the requirements of Part 1902, meets the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Maryland. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operations under the plan. Personnel will be employed under the existing State merit system with the revisions in qualifications as stated in supplements to the plan, and the voluntary compliance program for on-site consultation meets the conditions set forth in the issues discussed in the Washington decision (38 FR 2421).

(d) The plan includes the following documents as of the date of approval.

(1) The plan document in two volumes.

(2) Maryland Occupational Safety and Health Act of 1973, effective July 1, 1973.

(3) "A Program for Control of Occupational Health Hazards in Maryland" by Johns Hopkins University Department of Environmental Medicine.

(4) Letters from the Division of Labor and Industry dated February 9, 1973; March 6, 1973; March 22, 1973; May 2, 1973 and May 21, 1973.

(5) Maryland's Administrative Procedure Act Article 41 sections 244 et seq.

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§ 1952.211 Where the plan may be inspected.

A copy of the complete plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner, Division of Labor and Industry, 203 East Baltimore Street, Baltimore, Maryland 21202; Regional Administrator, Occpuational Safety and Health Administration, U.S. Department of Labor, Suite 410, Penn Square Building, 1317 Filbert Street, Philadelphia, Pa., 19107; and the Office of Federal and State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street, N.W., Washington, D.C. 20210.

§ 1952.212 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29 Code of Federal Regulations, the present level of Federal enforcement in Maryland will not be diminished presently because of the developmental aspects of Maryland's enforcement program in the areas of occupational health and agriculture. Among other things the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.213 Developmental schedule.

(a) Occupational health study accepted and implementation begun July, 1973;

(b) Compliance Manual developed by July, 1973;

(c) Agreement with the Fire Marshal within 30 days of plan approval.

(d) Training in compliance procedures by August, 1973;

(e) Promulgation of standard-setting procedures, August, 1973;

(f) Inspection and enforcement program, except as provided in paragraph (k), in September, 1973;

(g) Staff of hearing examiners and review procedures set up in September, 1973;

(h) Variance procedures and emergency temporary standard-setting procedures promulgated October, 1973;

(i) Review of appeal procedures to see if it should be continued or modified, July, 1974;

(j) Review of job qualifications within one year of plan approval;

(k) Inspection and enforcement program in agriculture and agreement with the State Department of Agriculture operational, December, 1974;

(l) Fully operational occupational health program, July, 1975;

(m) Fully implemented public employees program, December, 1975;

(n) Management Information System, December, 1975;

(o) Adoption of maritime standards, December, 1975.

Signed at Washington, D.C. this 28th day of June, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-13028 Filed 7-3-73;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Tennessee Plan

1. *Background.* Part 1952 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the states may submit for approval, under the requirements of this section, plans to assume responsibilities for the development and enforcement of state occupational safety and health standards.

On January 31, 1973, the State of Tennessee submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on March 2, 1973, a notice was published in the FEDERAL REGISTER (38 FR 5702) concerning the submission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him. Written comments concerning the plan were submitted by the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO). No other written comments were received and there were no requests for an informal hearing.

The plan identifies the Department of Labor and the Department of Health as the agencies responsible for the administration of the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. The plan includes legislation passed by the Tennessee Legislature during its 1972 Session which became effective July 1, 1972. It also includes legislation enacted and approved April 5, 1973. The plan further includes proposed draft amendments to be considered by the State Legislature during its 1974 session amending certain provisions of its enabling legislation, Title 50, Chapter 5 of the Tennessee Code Annotated, that appear necessary or desirable to bring them into conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902. The proposed amendments are accompanied by a statement of the Governor's support for them and an opinion from the Attorney General's Office that they will meet the requirements of the Occupational Safety and Health Act of 1970 and are consistent with the Constitution and laws of the State.

2. *Issues.* The public comments and our review of the plan raised several significant issues which have been addressed by Tennessee in supplementary letters submitted to the Office of Federal and State Operations of the Occupational Safety and Health Administration on February 14, 1973, May 30, 1973, and June 15, 1973, which clarified and modified the plan and are incorporated as part of the plan.

(a) *Employee discrimination.* The Tennessee Act did not appear to provide adequate protection for employees against discharge or discrimination in terms or conditions of employment because an employee has exercised basic rights under the Act, as required under 29 CFR 1902.4(c)(2)(v). The State's legislation provided only that an employer who discriminates against any employee who has filed a complaint or testified in regard to a violation would be subject to a criminal misdemeanor penalty of up to $500. There were no alternative provisions which would provide a remedy as effective as the Federal remedy which can ensure reinstatement or rehiring with back pay. The State proposes to bring its employee protection provisions up to the Federal level by submitting a proposed amendment to its law which would provide these protections in the same manner as they are provided for at the Federal level. In addition, the criminal penalty of up to $500 against any employer who discriminates against any employee who has filed a complaint or testified in regard to a violation will remain in effect.

(b) *Sanctions.* The sanctions proposed by Tennessee presented some substantial differences compared to those at the Federal level. There was no statutory sanction for non-serious violations. The Tennessee Compliance Manual provided for non-serious violations as if they were a discretionary $1,000 sanction, but there was no statutory authority for it. Accordingly, Tennessee has proposed an amendment authorizing a discretionary $1,000 civil sanction for non-serious violations.

In the area of willful or repeated violations, Tennessee's Act provided a criminal sanction of $5,000 for any "person who willfully and repeatedly violates * * *" certain provisions of the Act. In the first place, it was apparent that employees might be subject to this sanction as they come within the purview of "any person." Secondly, a willful or repeated violation had to be willfull and repeated in order to result in a sanction. This is a much narrower definition than that of the Federal Act, where a violation can come under the category of either willful or repeated. Finally, the Tennessee sanction was criminal as compared with the comparable Federal civil sanction. Due to the nature of criminal prosecution proceedings with their problems of proof, including shifting the burden of contesting from the violator, it appears that the Tennessee criminal sanction would lack the effectiveness of the Federal civil sanction in dealing with both willful or repeated violations. Because of all of these problems, the State has promised to amend its law to change this penalty to conform to that in the Act which provides a civil penalty of not more than $10,000 for any employer who willfully or repeatedly violates any of the provisions of the Act.

In addition, the State has agreed to seek legislation amending its law to substitute a civil sanction, as under the Act, for the criminal sanction in its law for violations of posting requirements. The State has also given assurances that it will substitute the criminal penalty for recordkeeping and reporting under its law with its procedures for non-serious violations when assessing penalties for violation of recordkeeping and reporting regulations. Finally, the State has agreed to amend its law to increase the penalty for false statements from $500 to $10,000 and to provide for a more severe criminal penalty after first conviction for convictions for willful violations which result in the death of an employee.

(c) *Permanent variances.* Section 13 of the Tennessee Act did not appear to meet the requirements of 29 CFR Part 1902.4(b)(2)(iv) concerning permanent variances. There was no statutory provision or regulation providing for permanent variances. The Tennessee law provided only for the issuance of temporary variances. Such variances are limited to the period required to come into compliance or one year, whichever is shorter, and could be renewed only once. Consequently, employers could not permanently protect employees from a hazard through alternative means but must comply with all standards. This provision might present some serious difficulty for an employer who might have an alternative or better means to come into compliance with a standard, and would present enforcement problems where an employer had been granted a variance from Federal standards under section 6(d) of the Act. The State has agreed to sponsor legislation amending its law to provide for the issuance of permanent variances under the same conditions as provided under section 6(d) of the Act.

(d) *Imminent danger.* Tennessee's statutory definition of imminent danger is "an immediate and substantial danger." The Tennessee Compliance Manual provides that the State would act in imminent danger situations where the hazard was either immediate or so imminent that normal enforcement procedures would not be adequate to deal with the situation. We do not question the State's authority to interpret this definition as it has in its Compliance Manual, and it is expected to follow this interpretation upon Plan approval.

In answer to public comments, however, the State has agreed to seek legislation amending its law to statutorily provide for this interpretation by adopting the definition of an imminent danger in the Act as one "which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by" the Act.

Additionally, since plan submittal, the State legislature passed an amendment to its Occupational Safety and Health Law which provides for "stop orders" by the Commissioner of Labor or the Commissioner of Health if he finds a "hazardous condition at a place of employment that presents an imminent threat to life or limb of an employee." This provision became effective on May 11, 1973. Taken as a whole, the Tennessee procedures to counteract imminent danger situations appear to be more effective than the Federal provisions.

(e) *Employee participation in review proceedings.* The Tennessee Act provides that employees may contest citations issued to an employer, including contesting the reasonableness of an abatement period proposed by the Commissioner of Labor or the Commissioner of Health. Under the Federal program, employees do not have the right to contest the citations and proposed penalties, but only the right to contest the reasonableness of an abatement period fixed in the citation.

As pointed out in the Minnesota decision (38 FR 5076), State plans may provide for more stringent enforcement than the Act if such additional provisions appear to be reasonably calculated to increase the effectiveness of the State's program and are consistent with the intent of the Act. The Tennessee employee contest provisions appear to meet that test in that they would serve as an added check to secure enforcement of safe and healthful working conditions. Any undue burden on the administrative process resulting from them would bring about a reconsideration in the course of evaluation of the actual operation of the plan.

(f) *Standards.* Our review and the public comments expressed some concern over the Tennessee provisions relating to employee exposure to toxic substances, access to records, monitoring and measuring exposure and protective equipment, as provided for under 29 CFR 1902.4(b)(2)(vi) and 1902.4(b)(2)(vii). Questions were raised that under Tennessee law an exposure must have been "biologically significant" to warrant the promulgation of standards providing these employee rights. The State intends to adopt all Federal standards immediately upon approval of the plan by the Assistant Secretary and all future standards promulgated by this Department. In addition, the State has authority to promulgate its own standards and has provided assurances that if either the Commissioner of Labor as or the Commissioner of Health promulgates a state occupational safety or health standard where there is no comparable Federal standard, the term "biologically significant" will not operate to preclude providing for the employee rights outlined above where appropriate.

(g) *Prohibition against advance notice.* In the area of advance notice, the Tennessee Compliance Manual provided an exception to the prohibition against advance notice for which there was no comparable Federal provision in that advance notice may be given "to permit maintenance of an accident site where a catastrophe or fatality has occurred." Section 1902.3(f) of 29 CFR provides that any exceptions to the prohibition may be no broader than those under the Federal program. Such a blanket exception is not provided under the Federal program and the State has agreed to delete this exception from its compliance operations manual.

(h) *Inspections.* The Tennessee Compliance Operations Manual provides an opportunity for walkarounds by employer and employee representatives during the course of an inspection in the same manner as that provided for in the Federal program. However, the public comments questioned the adequacy of section 8(c) of the Tennessee Act as a basis for ensuring sufficient opportunity to employees for accompanying an inspector during the inspection. The Tennessee Act provides that employer and employee representatives would be given an opportunity to "consult with or accompany" the inspector. The public comments indicated that this provision might be interpreted in a narrower manner than was originally intended. In order to preclude any misunderstanding as to its intentions and to prevent and future adoption of regulations which might restrict this walk-around privilege, the State has voluntarily agreed to submit a proposed amendment to its Legislature deleting the phrase "consult with" from its walk-around provision while retaining the provision providing for consultation with employees where there is no authorized employee representative.

3. *Decision.* After careful consideration of the Tennessee plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii), the present level of Federal enforcement will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Health Programs, and inspect a cross-section of all industries on a random basis.

An evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and halth protection to employees in the State of Tennessee.

The Tennessee Plan is developmental. The following is the schedule of the developmental steps provided by the plan.

Formal adoption of Federal Standards immediately upon approval of State plan.

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(Existing State standards were repealed by the enabling legislation). Enforcement of standards commences immediately upon promulgation.

(b) Amendments to legislation to be submitted to 1974 State legislative session.

(c) Regulations for record keeping and reporting will be promulgated upon plan approval.

(d) Regulations for inspections, citations, and proposed penalties will be promulgated immediately upon plan approval.

(e) Variances regulations will be promulgated within 60 days of the plan approval.

(f) Manual Management data system operational July 1, 1973. Automated Management data system operational January 1, 1974.

Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Part 1952 is hereby amended by adding a new subpart P, as follows:

Subpart P—Tennessee

Sec.
1952.220 Description of the plan.
1952.221 Where the plan may be inspected.
1952.222 Level of Federal enforcement.
1952.223 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608, 29 U.S.C. 667.

Subpart P—Tennessee

§ 1952.220 Description of the plan.

(a) The plan identifies the Department of Labor and the Department of Health as the agencies designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. All standards, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, ship building, ship breaking and longshoring) will be adopted and enforced immediately upon approval of the plan by the Assistant Secretary.

(b)(1) The plan includes legislation passed by the Tennessee Legislature during its 1972 session which became effective July 1, 1972. Under the law, the Department of Labor and the Department of Public Health will have full authority to enforce and administer laws respecting safety and health of employees in all workplaces of the State with the exception of employees of the United States or employees protected under other Federal occupational safety and health laws such as the Atomic Energy Act of 1959 (42 U.S.C. 2011 *et seq.*). The Federal Coal Mine Safety Act of 1969 (30 U.S.C. 801), the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 721 *et seq.*) railroad employees covered by the Federal Safety Appliances Act (45 U.S.C. 1 *et seq.*) and the Federal Railroad Safety Act (45 U.S.C. 421 *et seq.*), the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 901 *et seq.*), domestic workers, and any employee engaged in agriculture who is employed on a family farm. The Act further provides for the protection of employees from hazards, procedures for the development and promulgation of standards, including standards for protection of employees against new and unforeseen hazards; procedures for prompt restraint or elimination of imminent danger situations.

(2) The Act also insures inspections in response to complaints; employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representative when no compliance action is taken as a result of alleged violations, including informal review; notification of employees of their protections and obligations; adequate safeguards to protect trade secrets; provisions for prompt notice to employers and employees of alleged violations of standards and abatement requirements; a system of sanctions against employers for violations of standards; employer right of review with employee participation in review proceedings, and coverage of employees of political subdivisions. Legislation which became effective on April 5, 1973, providing for "stop orders" for cases of imminent danger situations is also included.

(c)(1) The plan further includes proposed amendments submitted by the State which will be presented to the 1974 session of the State legislature to bring its Occupational Safety and Health Act into conformity with the requirements of 29 CFR Part 1902. These amendments pertain to such areas as permanent variances, employee protection against discharge or discrimination in terms and conditions of employment, imminent danger situations, sanctions, and walkaround. A statement of the Governor's support for the proposed amandments and a statement of legal opinion that they will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of the State are included in the plan.

(2) The plan provides a comprehensive description of personnel employed under the State's merit system and assurances of sufficient resources. The plan further sets out goals and provides a timetable to bring it into full conformity with the requirements of Part 1902 of this chapter.

(d) The Tennessee plan includes the following documents as of the date of approval:

(1) The plan description documents including the Tennessee Occupational Safety and Health Act, the proposed amendments to the Act and appendices in three (3) volumes;

(2) Letter from Ben O. Gibbs, Commissioner of Labor to Henry J. Baker, Project Officer, Office of State and Federal Operations, February 14, 1973, submitting additions and deletions to the plan.

(3) Letter from Edward C. Nichols, Jr., Staff Attorney for the Department of Labor, to Henry Baker, May 30, 1973, submitting a "red tag" provision which was signed into law by the Governor of Tennessee on April 5, 1973.

(4) Letter from Ben O. Gibbs, Commissioner of Labor and Eugene W. Fowinkle, Commissioner of Public Health, to Thomas C. Brown, Director, Office of Federal and State Operations, June 15, 1973, submitting proposed amendments and clarifications to the plan.

(e) The public comments will also be available for inspection and copying with the plan documents.

§ 1952.221 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, OSHA, Room 305, 400 First Street, N.W., Washington, D.C. 20210; Regional Office, OSHA, Room 587, 1875 Peachtree Street, N.E., Atlanta, Georgia 30309; Commissioner of Labor Office, Room C-1-100, Cordell Hull Building, 5th Avenue North, Nashville, Tennessee 37219.

§ 1952.222 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Tennessee will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.223 Developmental schedule.

The Tennessee state plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Formal adoption of Federal Standards immediately upon approval of State plan. (Existing State standards were repealed by the enabling legislation). Enforcement of standards commences immediately upon promulgation.

(b) Amendments to legislation to be submitted to 1974 State legislative session.

(c) Regulations for recordkeeping and reporting will be promulgated upon plan approval.

(d) Regulations for inspections, citations, and proposed penalties will be promulgated immediately upon plan approval.

(e) Variances regulations will be promulgated within 60 days of plan approval.

(f) Manual Management data system operational July 1, 1973. Automated Management data system operational January 1, 1974.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 28th day of June, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-13629 Filed 7-3-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Craters of the Moon National Monument, Idaho; Wilderness

A proposal was published on pages 12628 and 12629 of the FEDERAL REGISTER of July 2, 1971, to amend Part 7 of Title 36 of the Code of Federal Regulations and to add § 7.86 as set forth below.

The purpose of the amendment is to establish special regulations for visitor use in that area within the monument which has been set aside for administration as a part of the national wilderness preservation system.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendment is hereby adopted without change as set forth below. This amendment shall take effect on August 6, 1973.

(5 U.S.C. 553; 16 U.S.C. 3; 16 U.S.C. 1133; 16 U.S.C. 1132, note)

Part 7 of Title 36 of the Code of Federal Regulations is amended by adding § 7.86 as set forth below:

§ 7.86 Craters of the Moon National Monument.

(a) *Wilderness.* A map of the park portion designated as wilderness may be inspected at the office of the Superintendent. Except in emergencies involving the health and safety of persons within the area, the following special regulations apply in the designated wilderness area: (1) The possession or use of a vehicle, motor vehicle, snowmobile, portable motor, or engine-driven equipment or machine is prohibited. (2) The possession or use of any device moved by animal or by human power, on one or more wheels, in, upon, or by which any person or property is or may be transported or drawn on land, is prohibited.

ROBERT B. MOORE,
Acting Director,
Pacific Northwest Region.

[FR Doc.73-13529 Filed 7-3-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

DELETION OF PARTS

The amendments contained herein consist of deletions from this title of various parts which do not contain information of general applicability and legal effect as to the public and which are not required to be published in the FEDERAL REGISTER. They relate generally to internal rules, instructions, and procedures of the Postal Service.

Accordingly, effective on July 3, 1973, the following parts are deleted.

1. Part 111—What This Chapter Covers.

2. Part 148—Revenue Deficiencies Developed by Audit.

3. Part 256—Employees' Claims.

4. Part 747—Equal Employment Opportunity.

(39 U.S.C. 401.)

ROGER P. CRAIG,
Deputy General Counsel.

JUNE 29, 1973.

[FR Doc.73-13588 Filed 7-3-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Administrative and Miscellaneous Provisions

By notice of proposed rulemaking published in the FEDERAL REGISTER of January 30, 1973 (38 FR 2765), it was proposed to add a new § 10.133 to subpart L to provide a framework within which States could establish regulations for hunting common crows. Comments were invited through March 23, 1973.

It was determined that subchapter B should be reorganized and restructured into a more logical format of subparts and sections and retitled to more accurately describe its contents. This revision was published as a proposed rulemaking in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), and notice was given that current Part 10—Migratory Birds—would be redesignated Part 20—Migratory Bird Hunting, and current § 10.133 would be redesignated § 20.133. This publication of April 25, 1973 (38 FR 10234) invited comments through May 25, 1973.

It is determined that Part 20 should be added to subchapter B at this time to facilitate the adoption of regulations by States with respect to the hunting of crows, and to make provisions for persons in Alaska to take snowy owls and cormorants for subsistence purposes. These three species are now federally protected by virtue of having been added in March 1972, to those families of birds which are protected under the terms of the Convention with the United Mexican States for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311). Since both of these matters are proposed to be included in subpart L (see proposed rulemaking published April 25, 1973, in 38 FR 10227), it is desirable that this subpart be included in Part 20 at this time with other subparts being reserved for addition in the near future.

After consideration of comments received and other data presented, the enforcement problems expected, and the difficulty of distinguishing the common crow from other crows, it is determined that it is impractical to restrict the open season to common crows only. Prior to the addition of the family Corvidae to those afforded federal protection, crows could be hunted without federal restrictions or control of any kind. This regulation will provide federal controls for crow hunting for the first time. Since the crow is an endangered species in Hawaii (alala) no hunting of crows will be permitted in that State.

With respect to the taking of some species of migratory birds in Alaska for subsistence purposes, the Convention with Great Britain (for Canada) for the Protection of Migratory Birds (39 Stat. 1702), provides that Eskimos and Indians may take, at any season, auks, auklets, guillemots, murres, and puffins, and their eggs for food and their skins for clothing, but the sale of, or offer to sell, birds and eggs so taken is prohibited. (Art. II, Sec. 3). Snowy owls and cormorants could be taken by Eskimos and Indians as well as by all other persons, as these two species were not protected by federal law or treaty prior to their addition to those families of birds protected by the Convention with Mexico (supra). Without some provision being made by regulation, which is authorized by Article I of the Convention with Mexico, snowy owls and cormorants cannot be utilized in Alaska for food or clothing, as has always been the custom. After consideration of all relevant matters presented, including the request of the Commissioner of the Alaska Department of Fish and Game, it is determined that a paragraph (b) be added to § 20.133 which will permit any person to utilize snowy owls and cormorants for subsistence purposes in Alaska.

1. Accordingly, subchapter B of 50 CFR, Chapter I, is retitled subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife.

2. Part 20 is added to 50 CFR, Chapter I, to read as follows:

Subparts A–K [Reserved]

Subpart L—Administrative and Miscellaneous Provisions

Sec.
20.131 Extension of seasons.
20.132 Subsistence use in Alaska.
20.133 Hunting regulations for crows.

Subpart M—[Reserved]

AUTHORITY: 40 Stat. 755 (16 U.S.C. 704).

Subpart L—Administrative and Miscellaneous Provisions

§ 20.131 Extension of seasons.

Whenever the Secretary shall find that emergency State action to prevent forest fires in any extensive area has resulted in the shortening of the season during which the hunting of any species of migratory game bird is permitted and that compensatory extension or reopening the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Secretary upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The length of the extended or reopened season in no event shall exceed the number of days during

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which hunting has been so prohibited. The extended or reopened season will be publicly announced.

§ 20.132 Subsistence use in Alaska.

(a) In Alaska, Eskimos and Indians may take, possess, and transport, in any manner and at any time, auks, auklets, guillemots, murres, and puffins and their eggs for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

(b) In Alaska, any person may, for subsistence purposes, take, possess, and transport, in any manner and at any time, snowy owls and cormorants and their eggs for food and their skins for clothing, but the birds so taken shall not be sold or offered for sale.

§ 20.133 Hunting regulations for crows.

(a) Crows may be taken, possessed, transported, exported, or imported, only in accordance with such laws or regulations as may be prescribed by a State pursuant to this section.

(b) Except in the State of Hawaii, where no crows shall be taken, States may by statute or regulation prescribe a hunting season for crows. Such State statutes or regulations may set forth the method of taking, the bag and possession limits, the dates and duration of the hunting season, and such other regulations as may be deemed appropriate, subject to the following limitations for each State:

(1) Crows shall not be hunted from aircraft;

(2) The hunting season or season on crows shall not exceed a total of 124 days during a calendar year;

(3) Hunting shall not be permitted during the peak crow nesting period within a State; and

(4) Crows may only be taken by firearms, bow and arrow, and falconry.

These amendments relieve existing restrictions and thus are within the provisions of 5 U.S.C. 553(d)(1) and become effective on July 9, 1973.

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 29, 1973.

[FR Doc.73-13400 Filed 7-3-73;8:45 am]

Title 49—Department of Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 73-18; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations to Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) and adds alternative rim sizes and test rims to Federal Motor Vehicle Safety Standard No. 110 (49 CFR 571.110).

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 FR 14964) by which routine additions could be made to Appendix A, Standard No. 109, and to Appendix A, Standard No. 110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and Appendix A, of Federal Motor Vehicle Safety Standard No. 110 (49 CFR 571.110), are amended subject to the 30 day provision indicated above, as specified below.

Effective date: August 2, 1973, if objections are not received.

A. The following changes are made to Appendix A of § 571.109, Standard No. 109; New Pneumatic Tires:

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

7. In Table I–G, the following new tire size designation and corresponding values are added:

TABLE I–G

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY

Tire size designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)												Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
CR70-13	840	890	950	1000	1050	1100	1140	1190	1230	1270	1330	1360	1400	5½	31.65	7.85

2. In Table I–V, the following new tire size designations and corresponding values are added:

TABLE I–V

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" BIAS PLY TIRES

Tire size designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B50-13	780	840	890	930	980	1030	1070	1110	1150	1190	1230	1270	1300	6½	30.84	9.15
G50-14	1100	1180	1250	1310	1380	1440	1500	1560	1620	1680	1730	1760	1830	8	35.29	10.98
M50-14	1420	1520	1610	1700	1780	1860	1940	2020	2090	2160	2230	2300	2370	9	38.51	12.55
L50-15	1340	1430	1520	1600	1680	1760	1830	1900	1970	2040	2100	2170	2230	8	37.94	11.65

AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–N, the 175 70R12 new tire size designation and corresponding values are added:

AMENDMENTS REQUESTED BY VOLKSWAGEN OF AMERICA

1. In Table I–N, load values at the 16 and 18 psi inflation pressures are added for the 175/70R15 tire size designation.

TABLE I–N

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)												Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
175/70R12			780	805	830	855	880	900	925	950	970	995	1020	5	28.21	6.98
175/70R15	890	915	940	965	990	1015	1040	1065	1090	1115	1140	1165	1190	5	31.96	6.98

B. The following changes are made to Appendix A of § 571.110, Standard No. 110; Tire Selections and Rims.

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

1. In Table 1–A, the 5½–JJ alternative rim size is added for the 6.00–13 tire size designation.

2. In Table I–B, the 7–JJ alternative rim size is added for the H70–14 tire size designation.

3. In Table I–G, the 5½–JJ test rim and the 5–JJ alternative rim size are added for the CR70–13 tire size designation. The 7–JJ alternative rim size is added for the HR70–14 tire size designation. The 7–JJ alternative rim size is added for the HR70–15 tire size designation. The 5–JJ alternative rim size is added for the BR70–13 tire size designation.

4. In Table I–M, the 4½–JJ alternative rim size is added for the DR78–14 tire size designation. The 7–JJ alternative rim size is added for the HR78–14 tire size designation. The 5½–JJ alternative rim size is added for the JR78–15 tire size designation.

5. In Table I–V, the 6½–JJ test rim is added for the B50–13 tire size designation. The 8–JJ test rim is added for the G50–14 tire size designation. The 9–JJ test rim is added for the M50–14 tire size designation. The 8–JJ test rim is added for the L50–15 tire size designation.

AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–N, the 4½–JJ alternative rim size and the 5–JJ test rim size are added for the 175/70R12 tire size designation.

AMENDMENTS REQUESTED BY VOLKSWAGEN OF AMERICA

1. In Table I–N, the 5½–JJ alternative rim size is added for the 175/70R15 tire size designation.

FMVSS No. 110 APPENDIX A

TABLE I

(Following is a Tabulation of Changes Made By This Amendment)

Tire Size:	*Rims*
TABLE I–A	
600–13	5½–JJ
TABLE I–B	
H70–14	7–JJ
TABLE I–G	
BR70–13	5–JJ
CR70–13	5–JJ, 5½–JJ
HR70–14	7–JJ
HR70–15	7–JJ
TABLE I–M	
DR78–14	4½–JJ
HR78–14	7–JJ
JR78–15	5½–JJ
TABLE I–N	
175/70R12	4½–JJ, 5–JJ
175/70R15	5½–JJ

TABLE I–V

Tire Size:	*Rims*
B50–13	6½–JJ
G50–14	8–JJ
M50–14	9–JJ
L50–15	8–JJ

Italic designations denote test rims. Where JJ rims are specified in the above tables, J and JK rim contours are permissible. Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201, and 202, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegation of authority at 38 F.R. 12147)

Issued on June 26, 1973.

JAMES E. WILSON,
Associate Administrator Traffic Safety Programs.

[FR Doc.73-13408 Filed 7-3-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1102; Amdt. 2]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co. and Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1973.

Upon further consideration of Service Order No. 1102 (37 FR 13697 and 28634), and good cause appearing therefor:

It is ordered, That § 1033.1102 *Service Order No. 1102* (Delaware and Hudson Railway Company and Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, authorized to assume joint supervisory control over railroad operations of Albany Port District Commission, Albany, New York) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13616 Filed 7-3-73;8:45 am]

[S.O. 1116, Amdt. 1]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 25th day of June 1973.

Upon further consideration of Service Order No. 1116 (38 F.R. 1508), and good cause appearing therefor:

It is ordered, That § 1033.1116 *Service Order No. 1116* (Lehigh Valley Railroad Company (John F. Nash and Robert C. Haldeman, trustees) authorized to operate over tracks of West Pittston-Exeter Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13617 Filed 7-3-73;8:45 am]

[3rd Rev. S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1973.

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It appearing, that an acute shortage of covered hopper cars, gondola cars, and boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars, gondola cars, and boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1121 Demurrage and free time at ports.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 386, issued by W. J. Trezies, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates designated as export or as rail-water, or moved on rates also applicable to other traffic.

(iv) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of rail cars and the loading and unloading of vessels.

(v) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(vi) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vii) The terms "loading", "unloading", and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) *Exception:* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) *Exception:* This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(xi) *Exception:* This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the United States Government.

(2) *Free time.* (i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in Part (1), paragraph (ii) of this order at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or through port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in Part (1), paragraph (ii) of this order are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.* (i) After the expiration of the free-time period described in Part (2) of this order, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in Demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m. or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars subject to average demurrage basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours' free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than two credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, the giving of arrival or constructive placement notice on freight destined for unloading or trans-shipment at the ports shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1973.

(d) *Expiration date.* This order shall expire at 6:59 a.m., October 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13618 Filed 7-3-73;8:45 am]

[S.O. 1131, Amdt. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1973.

Upon further consideration of Service Order No. 1131 (38 FR 9232), and good cause appearing therefor:

It is ordered, That § 1033.1131 *Service Order No. 1131* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13619 Filed 7-3-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

On February 9, 1973, there was published in the FEDERAL REGISTER a notice of proposed rule making to revise the regulations governing the Food Stamp Program. The notice set forth a proposal to amend the regulations to permit averaging, over a 12-month period, of income which is regularly expected to be received during a period of more than 8 months but less than 12 months of each calendar year.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendment.

Comments were received from approximately 40 interested persons and organizations. The principal objections are that the amendment, as proposed, would be too difficult to administer because of the imprecise language, and that it might exclude households whose regular flow of income was unexpectedly interrupted.

After careful consideration of all comments received, the Department has decided to revise the proposed amendment to more clearly define those households for which it was intended. In addition, the requirement that income be received in more than 8 months but less than 12 has been deleted. The amendment now refers to individuals who receive income from a contract which is renewable each year or longer.

Section 271.3(c)(2) is amended to add a new subdivision (iv) to read as follows:

§ 271.3 Household eligibility.

* * * * *

(c) *Income and resource eligibility standards of other households.* * * *

(2) *Handling of income.* * * *

(iv) To determine the eligibility of households with members who receive compensation on other than an hourly or piecework basis under a contract which is renewable on a yearly or longer basis (such as, but not limited to, school employees), such members shall be deemed to be receiving compensation continuously for an entire year even though predetermined nonwork (vacation) periods are involved or actual compensation payments are scheduled for payment during work periods only. For such persons, compensation received under such contracts shall be averaged over a 12-month period.

* * * * *

This provision shall not apply in situations where the other party to the contract cannot or will not make payments specified in the contract, or where the flow of earnings specified in the contract is otherwise interrupted.

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(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

This amendment shall be effective on July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

JUNE 29, 1973.

[FR Doc.73-13639 Filed 7-3-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 439]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 6–July 12, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.739 Valencia Orange Regulation 439.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to remain slow. Prices f.o.b. averaged $3.16 per carton on a sales volume of 513 carlots during the week ended June 28, 1973, compared with $3.13 per carton on sales of 593 carlots a week earlier. Track and rolling supplies at 303 cars were down 45 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 6, 1973, through July 12, 1973, are hereby fixed as follows:

(i) District 1: 115,000 cartons;

(ii) District 2: 342,000 cartons;

(iii) District 3: 68,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 3, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13803 Filed 7-3-73;11:46 am]

[Apricot Reg. 6, Amdt. 3.]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Container Regulation

This authorizes the use of closed LA lugs and equivalent cartons in the shipment of Washington apricots if they are row-faced or tray-packed. It also permits shipment of the currently authorized closed container (with inside dimensions 3¾-4¼x10½x15 inches) if tray-packed or row-faced. Currently this container may be used only in the shipment of row-faced apricots.

Notice was published in the FEDERAL REGISTER on June 15, 1973 (38 FR 15730) that consideration was being given to a proposed amendment of the container regulation for fresh shipments of apricots as recommended by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons until June 22, 1973, to submit written data, views, or arguments in connection with said amendment. None were received.

After consideration of all relevant matters presented, including that in the notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit will soon begin and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Washington Apricot Marketing Committee in an open meeting at which all interested persons were afforded opportunity to submit their views, (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and (v) this amendment relieves restrictions on the handling of apricots grown in Washington.

LA lugs and cartons are well known, commonly used lidded fruit containers in the Northwest. Tray-packing is a common practice which allows for a definite packing pattern and fruit count, desirable to the fruit trade. This amendment permitting the use of these packs for Washington Apricots is in accordance with the desires of the industry.

Therefore, paragraph (a)(3) of § 922.306 is amended to read as follows:

§ 922.306 Apricot Regulation 6.

(a) • • •

(3) In closed containers with inside dimensions of 3¾–4¼x10½x15 inches and containing not less than 14 pounds, net weight of apricots, or in closed LA lugs (inside dimensions of 5¾x13½x16⅛ inches) or their carton equivalents: *Provided,* That apricots packed in such containers shall be row-faced or tray-packed; or

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 28, 1973, to become effective July 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13551 Filed 7-3-73;8:45 am]

V 38-128 JUL 5 73 XUM

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Ch. I]

[CGD 72-245P]

CONSTRUCTION REQUIREMENTS FOR TANK SHIPS

Advance Notice of Proposed Rulemaking

The Coast Guard published in the January 26, 1973 FEDERAL REGISTER (38 FR 2467) an Advance Notice of Proposed Rulemaking regarding "Construction Requirements for Tank Ships."

Over sixty comments have been received. They present complex issues and a careful analysis of these comments must be made.

Section 7(C) of Title II of the Ports and Waterways Safety Act of 1972 (P.L. 92-340, 46 U.S.C. 391a(7)(C)) provides for the establishment of rules and regulations consonant with international treaties, conventions or agreements. The IMCO International Conference on Marine Pollution is scheduled for October of this year and it will have a direct bearing on the actions of the Coast Guard under Title II.

Accordingly, the Coast Guard will await the outcome of the Conference before taking any further action on this proposed rulemaking.

Dated: June 27, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.73-13556 Filed 7-3-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-43]

VOR FEDERAL AIRWAYS

Proposed Revocation, Alteration, and Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would restructure 26 VOR Federal Airways in the Washington, D.C., Metropolitan Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before July 20, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would revoke, alter, and designate the following VOR Federal Airways:

A. Airways to be revoked:

1. V-123 between Washington, D.C., and the intersection of Washington 043°T (050°M) and Kenton, Del., 262°T (271°M) magnetic radials.
2. V-140 between Casanova, Va., and Modena, Pa.
3. V-143 North Alternate between Martinsburg, W. Va., and Lancaster, Pa.
4. V-144 between Linden, Va., and Manassas, Va., Intersection.
5. V-174 between Blue Ridge, Va., and Manassas, Va., Intersections.
6. V-223 between Harrisburg, Pa., and Brandy, Va., Intersection.
7. V-265 between Reno, Md., and Riverdale, Md., Intersections.
8. V-308 between Moorefield, W. Va., and Hobbs, Md., Intersections.
9. V-433 between Washington, D.C., and the intersection of the Washington 043°T (050°M) and Kenton, Del., 262°T (271°M) magnetic radials.

B. The following compulsory low altitude reporting points would be revoked:

1. Herndon, Va.
2. Hampton, Pa.
3. Norris, Pa.

C. Airways to be altered as follows:

1. V-3 between Flat Rock, Va., and Modena, Pa., via Flat Rock direct Gordonsville, Va., direct Linden, Va., direct Front Royal, Va., direct Martinsburg, W. Va., direct Westminster, Md., direct Modena, Pa., thence via present alignment.
2. V-4 between Front Royal, Va., and Herndon, Va., via Front Royal 105°T (111°M) radial to its intersection with Casanova, Va., 047°T (053°M) radial where the airway would terminate.
3. V-8 between Martinsburg, W. Va., and Washington, D.C., including the North alternate airway between Hagerstown, Md., and Ashburn, Va., intersection, via Martinsburg direct Washington, and the North alternate via Hagerstown 157°T (164°M) radial to its point of intersection with the Martinsburg 130°T (137°M) radial where the airway would terminate.
4. V-16 between Roanoke, Va., and Kenton, Del., including revoking the north alternate between Roanoke and Gordonsville, Va., and the South alternate between Lynchburg, Va., and Gordonsville, Va. The main airway would be realigned via Roanoke direct Lynchburg, direct Flat Rock, Va., direct Richmond, Va., thence via the intersection of Richmond 039°T (045°M) and Patuxent, Md., 228°T (235°M) radials, direct Patuxent, direct Kenton, thence via the present alignment.
5. V-39 between Gordonsville, Va., and Lancaster, Pa., including the east alternate between Gordonsville and Herndon, Va. The main airway would be realigned via Gordonsville direct Linden, Va., direct Front Royal, Va., direct Martinsburg, W. Va., direct Lancaster, Pa., thence via its present alignment. The east alternate would be realigned from Gordonsville direct Casanova, Va., direct Linden.
6. V-93 between Baltimore, Md., and Lancaster, Pa., by adding an east alternate via Baltimore 034°T (042°M) and Lancaster 181°T (190°M) radials.
7. V-143 between Martinsburg, W. Va., and Lancaster, Pa., by adding a south alternate airway from Martinsburg direct Westminster, Md., direct Lancaster.
8. V-155 between Flat Rock, Va., and Front Royal, Va., via Flat Rock direct Brooke, Va., where it would terminate.
9. V-157 between Richmond, Va., and New Castle, Del., via Richmond, then the intersection of Richmond 039°T (045°M) and Patuxent, Md., 228°T (235°M) radials, direct Patuxent, direct Kenton, Del., direct New Castle, thence via the present alignment. Also, would delete the exclusions relating to R-4001 and R-6612.
10. V-162, by extending the airway from Harrisburg, Pa., to the intersection of Harrisburg 204°T (212°M) and Martinsburg, W. Va., 130°T (137°M) radials.
11. V-222 between Lynchburg, Va., and Ironsides, Md., Intersection by adding a north alternate from Lynchburg direct Gordonsville, Va., direct Ironsides where the alternate airway would terminate.
12. V-286 by realigning the airway from Casanova, Va., to Moorefield, W. Va., Intersection, via the Casanova 284°T (290°M) to Moorefield Intersection where the airway would terminate.
13. V-501 between Martinsburg, W.Va. and St. Thomas, Pa., via Martinsburg direct Hagerstown, Md., direct St. Thomas.

D. New airways to be designated:

1. V-375 from Roanoke, Va., direct Gordonsville, Va., direct to Brandy, Va., Intersection, including a north alternate from Roanoke, via the intersection of Roanoke 035°T (039°M) and Montebello, Va., 250°T (255°M) radials, direct Montebello, direct Gordonsville.
2. V-376 from Richmond, Va., via the intersection of Richmond 009°T (015°M) and Nottingham, Md., 238°T (245°M) radials (Ironsides) where the airway would terminate.
3. V-377 from Kessel, W. Va., via the intersection of Kessel 055°T (061°M) and Hagerstown, Md., 267°T (274°M) radials, direct Hagerstown, direct Harrisburg, Pa.
4. V-378 from Baltimore, Md., via the intersection of Baltimore 034°T (042°M) and Modena, Pa., 236°T (245°M) radials, direct to Modena.
5. V-379 from Nottingham, Md., direct Kenton, Del.

A joint FAA/industry working group met from January 8 to April 27, 1973, to conduct an overall procedural review of the Air Traffic Control System in the Washington Metropolitan Area with a view towards increasing the efficiency and safety of air traffic control in this area. The committee recommended that numerous changes be made to the airway configuration serving the Washington area.

These changes would eliminate a maze of unused airways, which would result in less congestion and confusion on the charts. Also, this modification would provide:

1. More direct routes.
2. Reduced route mileage.
3. Optimum altitude for arriving turbojets.
4. Uninterrupted climbs to departing aircraft.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 27, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.73-13513 Filed 7-3-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1005]

[Ex Parte 263 (Sub-No. 2)]

LOSS AND DAMAGE CLAIMS

Net Weights for Determining Losses

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of June 1973.

By notice dated March 19, 1973, and published in the FEDERAL REGISTER on March 28, 1973, 38 FR 8108, it was stated that a petition had been filed by Louis Padnos Iron & Metal Company seeking the institution of an investigation into the lawfulness of the practice of certain railroads in utilizing a comparison of gross weights to determine the extent of loss on shipments of scrap iron and steel. The petition was docketed for administrative handling as No. 35767, Louis Padnos Iron & Metal Co.—Petition for Investigation of Practices of Rail Carriers Respecting Handling of Loss Claims on Scrap Iron and Steel. As stated below, we have decided to institute an investigation as requested; however, we have also decided to consider the advisability of prescribing rules and regulations governing the voluntary disposition of loss claims. Therefore, we have docketed the proceeding with the number and title captioned above.

In the notice, we advised that petitioner asserts that it is entitled to reimbursement of its "full and actual loss", pursuant to section 20(11) of the Interstate Commerce Act and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of certain railroads to pay only those claims for loss established by a comparison of gross weights.

In the past, we have had occasion to consider several matters which are necessarily connected with this petition. For example, as long ago as 1913, In re Weighing of Freight by Carrier, 28 I.C.C. 7, it was noted that inaccuracies in weighing can result in discrimination between shippers as much as do differences in rates themselves. Cognizance was taken there of the fact that accuracy in the matter of weight in connection with claims for loss becomes of increasing importance in proportion to the value of the article being transported. A prolific source of error in ascertaining correct weights was found to be improper tare weights stenciled upon cars, but it was also stated to be of great importance that cars were being delivered for loading which contain foreign substances (thereby increasing the "light" weight of the car.)

More recently, in Consignees' Obligation to Unload, 340 I.C.C. 405, we found that Rule 27 of the Uniform Freight Classification imposes upon consignees the obligation of unloading railcars with exceptions. The carriers are on notice that cars not completely unloaded must either be left on demurrage or pulled under rates for the transportation of refuse. However, petitioner has, in other representations before this Commission, given reason to believe that such is not always the case with respect to cars used for the movement of scrap iron and steel.

In Loss and Damage Claims, 340 I.C.C. 515, we determined that we have the requisite authority to prescribe rules and regulations governing the voluntary processing of loss and damage claims. While we could proceed to consider the advisability of detailed rules with respect to weighing and to completion of unloading, we believe that, if warranted, a simple rule requiring the settlement of loss claims to be based upon a comparison of net weights will best accomplish the protection of the public interest. However, if it should later appear that the proceeding should be broadened for the consideration of more detailed rules, we will take under advisement the possibility of prescribing a net-weight rule on an interim basis pending the completion of more detailed proceedings.

Wherefore, and for good cause:

It is ordered, That, to the extent indicated below, the petition be, and it is hereby, granted; and that, in all other respects not inconsistent with this order, the petition be, and it is hereby, denied.

It is further ordered, That, upon petition and the Commission's own motion, pursuant to the authority of the National Transportation Policy (49 U.S.C. proceeding section 1) parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. § 1, 301, 901, and 1001, et seq.), including more specifically sections 1, 2, 3, 6, 12, 13, 15, and 20; 204, 208, 216, 217, 218, 219 and 220; 304, 305, 306, 307, 313, 315, and 316; 403, 404, 405, 406, 409, 412, 413, and 417; and as may be applicable, sections 553, 556, 557, and 599 of the Administrative Procedure Act (5 U.S.C. § 551, et seq.): (a) An investigation be, and it is hereby, instituted into the lawfulness of the practice of common carriers of determining their liability for the loss of scrap iron and steel by a comparison of gross weights at origin and destination; and (b) a rulemaking proceeding be, and it is hereby, instituted for the purpose of considering the following addition to the Commission's rules and regulations governing the voluntary disposition of loss and damage claims and processing salvage, 49 CFR 1005, et seq.:

§ 1005.7 Weight as a measure of loss.

Where weight is used as a measure of loss, the settlement of claims shall be based upon a comparison of net weights at origin and destination.

It is further ordered, That all common carriers subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person other than those who responded to the notice issued in connection with No. 35767 intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, on or before July 31, 1973, an original and one copy of a statement of his intention to participate; and that a revised service list shall then be prepared and made available to persons responding to this order and to the notice issued in connection with No. 35767, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given by posting a copy in the office of the Commission's Secretary for public inspection and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13615 Filed 7-3-73;8:45 am]

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SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition of Small Special Trade Contractor

The purpose of this proposal is to give interested parties an opportunity to file written comments on a decrease in the construction size standard for special trade contractors for the purposes of bidding on Government procurements and obtaining a Small Business Administration (SBA) loan.

The present definitions of small business for construction, including special trade contractors, are average annual receipts of $7½ million or less for the 3 preceding fiscal years for the purpose of bidding on Government contracts and $5 million for the purpose of obtaining an SBA loan.

SBA policy is to limit SBA assistance to concerns that are struggling to become or remain competitive and who are at a competitive disadvantage because of size. Based on the latest available data, we find that the present construction definitions of small business are unreasonable under current SBA size standards policy. We think that, where a very limited number of concerns in an industry containing many concerns falls within a certain size class and these concerns individually have output or receipts which are much higher in relation to the industry's total output than the vast majority of concerns, it is reasonable to conclude, in the absence of evidence to the contrary, that such firms are not disadvantaged because of size. For all but three special trade contractors industries, the use of such criteria would not support a finding that companies having more than $1 million are completely disadvantaged because of size. For example, in SIC 1751, "Carpentering and Flooring," There are 137,001 companies and 99.9 percent have annual receipts of less than $1 million; in fact, 99.6 percent have annual receipts of less than $500,000. Less than 0.1 percent have annual receipts exceeding $5 million, and these firms account for less than 2 percent of the industry's total sales.

Based on the foregoing, we find that a $1 million average annual receipts size standard is more reasonable and sufficient to carry out the Agency's policy objectives for most special trade contractors. However, there are three special trade contractors industries, namely, SIC Industry No. 1711, are three special trade contractors in- "Plumbing, Heating (Except Electric), and Air Conditioning," SIC Industry No. 1741, "Electrical Work," and SIC Industry No. 1791, "Structural Steel Erection," in which companies with annual receipts of less than $1 million account for a somewhat lesser percentage of their industry's total sales than other special trade contractors. In these industries, concerns with annual receipts of less than $1 million account for approximately 60 percent of their industry's total sales, whereas the other industries' percentage of total sales accounted for by firms with annual receipts of less than $1 million ranged from 72.7 percent to 90 percent.

Further, the companies in these three industries appear to be somewhat larger than in the other special trade industries. In all other special trade contractors industries, more than 90 percent have annual receipts of less than $5 million, whereas, in these three industries about 85 percent have under $5 million. Therefore, we find that these three industries should have a higher size standard than the proposed $1 million annual receipts size standard for other special trade contractors, but should fall well below $5 million. On this basis, we are proposing a $2 million annual receipts size standard for the aforesaid industries.

Accordingly, notice is hereby given that the Administrator of the Small Business Administration proposes to amend part 121 of Chapter I of title 13 of the Code of Federal Regulations by:

1. Revising § 121.3-8(a)(1) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

• • • • •

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction, of the Standard Industrial Classification Manual, as amended, prepared and published by the Office of Management and Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7½ million provided, however, that, if the requirements of the contract are classified in an industry set forth in Schedule H of this part, it is small if it does not exceed the size standard established therein for such industry.

• • • • •

2. Adding new Schedule H to Part 121 to read as follows:

SCHEDULE H—ANNUAL RECEIPTS SIZE STANDARDS FOR PURPOSE OF BIDDING ON PROCUREMENTS FOR CONSTRUCTION—SPECIAL TRADE CONTRACTORS

Census Classification Code	Industry, Subindustry, or Class of Products	Annual Sales Size Standard (maximum, in millions)
1711	Plumbing, Heating (Except Electric), and Air Conditioning	$2.0
1721	Painting, Paper Hanging, and Decorating	1.0
1731	Electrical Work	2.0
1741	Masonry, Stone Setting, and Other Stonework	1.0
1742	Plastering, Drywall, Acoustical and Insulation Work	1.0
1743	Terrazzo, Tile, Marble, and Mosaic Work	1.0
1751	Carpentering and Flooring	1.0
1752	Floor Laying and Other Floorwork, Not Elsewhere Classified	1.0
1761	Roofing and Sheet Metal Work	1.0
1771	Concrete Work	1.0
1781	Water Well Drilling	2.0
1791	Structural Steel Erection	1.0
1793	Glass and Glazing Work	1.0
1794	Excavating and Foundation Work	1.0
1795	Wrecking and Demolition Work	1.0
1796	Installation or Erection of Building Equipment, Not Elsewhere Classified	1.0
1799	Special Trade Contractors, Not Elsewhere Classified	1.0

3. Revising § 121.3-10(a) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

• • • • •

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the 3 preceding fiscal years provided, however, that, if it is primarily engaged in an industry set forth in Schedule I of this part, it is small if its annual receipts do not exceed the size standard established therein for that industry.

• • • • •

4. Adding new Schedule I to read as follows:

SCHEDULE I—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN CONSTRUCTION (SPECIAL TRADE CONTRACTORS)

(The following size standards are to be used when determining the size status of special trade construction contractors for the purpose of SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502, and SBIC assistance. If a code is followed by a letter, the size standard applies only to the class of product designated.)

Census Classification Code	Industry, Subindustry, or Class of Products	Annual Sales Size Standard (maximum, in millions)
1711	Plumbing, Heating (Except Electric), and Air Conditioning	$2.0
1721	Painting, Paper Hanging, and Decorating	1.0
1731	Electrical Work	2.0
1741	Masonry, Stone Setting, and Other Stonework	1.0
1742	Plastering, Drywall, Acoustical and Insulation Work	1.0
1743	Terrazzo, Tile, Marble, and Mosaic Work	1.0
1751	Carpentering and Flooring	1.0
1752	Floor Laying and Other Floorwork, Not Elsewhere Classified	1.0
1761	Roofing and Sheet Metal Work	1.0
1771	Concrete Work	1.0
1781	Water Well Drilling	1.0
1791	Structural Steel Erection	1.0
1793	Glass and Glazing Work	1.0
1794	Excavating and Foundation Work	1.0
1795	Wrecking and Demolition Work	1.0
1796	Installation or Erection of Building Equipment, Not Elsewhere Classified	1.0
1799	Special Trade Contractors, Not Elsewhere Classified	1.0

Interested parties may file with the Small Business Administration on or before August 6, 1973, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director, Office of Industry Studies and Size Standards
Small Business Administration
1441 "L" Street, N.W.
Washington, D.C. 20416

Dated: June 21, 1973.

ANTHONY G. CHASE,
Acting Administrator.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; 59.003, Economic Opportunity Loans for Small Businesses; 59.004, Lease Guarantees for Small Business; 59.006, Minority Business Development—Procurement Assistance; 59.009, Procurement Assistance to Small Businesses; 59.010, Product Disaster Loans; 59.011, Small Business Investment Companies; 59.012, Small Business Loans; 59.013, State and Local Development Company Loans; 59.014, Coal Mine Health and Safety Loans; 59.017, Meat and Poultry Inspection Loans; 59.018, Occupational Safety and Health Loans.)

[FR Doc.73-13595 Filed 7-3-73;8:45 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Revision of Procedures for Protesting Concerns' Eligibility

Pursuant to authority contained in section 6 of the Small Business Act, as amended, notice is hereby given that the Small Business Administration proposes to amend the Small Business Size Standards regulation establishing procedures for protesting the small business eligibility of a bidder on a Government procurement. The proposed change would permit a bidder or offeror or other interested party to initiate a size protest by *telephoning* the contracting office, provided that the contracting officer thereafter receives a confirming letter of protest postmarked no later than 1 day following the date of the telephoned protest.

Under the proposed change it still will be permissible to file a protest by mail or telegram. However, any protest so filed must be received by the contracting office within the 5-day period allotted. It is proposed to rescind the current rule which provides that a protest shall be considered timely if sent by registered or certified mail or telegram and the postmark or date and time line, respectively, indicates that such protest would have been delivered within the time frame allotted but for delays beyond the control of the protestant.

Specifically, it is proposed to amend part 121 of Chapter I of title 13 of the Code of Federal Regulations by revising § 121.3-5(a) to read as follows:

§ 121.3-5 Protest of small business status.

(a) *How to protest.* Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular Government procurement or sale. In order to apply to the procurement in question, such protest must be filed prior to the close of business on the 5th day, exclusive of Saturdays, Sundays, and local holidays after bid or proposal opening, except that, in the case of negotiated procurements, a protest may be filed within 5 days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. Such filing must be delivered to the contracting office by hand, by telegram, or by mail within the 5-day period allotted provided, however, that a protest shall be considered timely if made by telephone to the contracting officer within the 5-day period allotted, and the contracting office thereafter receives a confirming letter (1) within such 5-day period or (2) postmarked no later than 1 day after the date of such telephoned protest.

Interested persons may submit written data, views, or comments regarding the proposed amendment to:

William L. Pellington
Director, Office of Industry Studies and Size Standards
Small Business Administration
1441 "L" Street, N.W.
Washington, D.C. 20416

on or before July 20, 1973.

Dated: June 21, 1973.

ANTHONY G. CHASE,
Acting Administrator.

(Catalog of Federal Domesitc Assistance Program No. 59.009, Procurement Assistance to Small Business.)

[FR Doc.73-13596 Filed 7-3-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Friday, July 20, 1973, at the Department of State, Room 1207, from 2:00 p.m. to 3:00 p.m. The agenda will include continuing discussion of the Commission's objectives and the possible need to seek private sector funding. For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632–2764.

From 9:00 a.m. to 12:00 noon the Advisory Commission will meet in closed session, as provided for by 5 USC 552(b)(1).

Dated: June 26, 1973.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.73-13522 Filed 7-3-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-178]

FOREIGN CURRENCIES

Certification of Rates

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d). Customs Regulations (19 CFR 16.4(d)), for the period from June 18 through June 22, 1973. This table is published for the information and use of Customs officers and others concerned, and denotes those currencies which vary by 5 per centum or more from the quarterly rate published in T.D. 73–108.

[SEAL] G. H. HEIDBREDER,
Director, Appraisement and Collections Division.

Country	Currency	June 18	June 19	June 20	June 21	June 22
Australia	Dollar	Q	Q	Q	Q	Q
Austria	Schilling	$0.0529	$0.0528	$0.052550	$0.0526	$0.0532
Belgium	Franc	.026625	.026595	.026590	.026700	.026790
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	Q	Q	Q	Q	.1655
Denmark	Krone	.1724	.1712	.1718	.1718	.1726
Finland	Markka	Q	Q	Q	Q	Q
France	Franc	.2358	.2355	.2357	.2363	.2367
Germany	Deutsche Mark	.3904	.3893	.3894	.3910	.3919
India	Rupee	Q	Q	Q	Q	Q
Ireland	Pound	£	£	£	£	£
Italy	Lira	£	£	£	£	£
Japan	Yen	£	£	£	£	£
Malaysia	Dollar	£	£	£	£	£
Mexico	Peso	£	£	£	£	£
Netherlands	Guilder	.3682	.3663	.3668	.3689	.3695
New Zealand	Dollar	Q	Q	Q	Q	Q
Norway	Krone	.1831	.1825	.1821	.1824	.1830
Portugal	Escudo	.0425	.0423	.0422	.0423	.0425
Republic of South Africa	Rand	Q	Q	Q	Q	1.4900
Spain	Peseta	Q	Q	Q	Q	Q
Sweden	Krona	.2340	.2365	.2372	.2373	.2384
Switzerland	Franc	.3286	.3272	.3264	.3287	.3289
United Kingdom	Pound	Q	Q	Q	Q	Q

Q—Use quarterly rate published in T.D. 73–108; daily rate did not vary by 5 per centum or more.

[FR Doc.73-13479 Filed 7-3-73;8:45 am]

Internal Revenue Service

[Order 137]

CHURCHES, CONVENTIONS, AND ASSOCIATIONS OF CHURCHES

Approval of Request To Examine Books of Account and Religious Activities

1. Pursuant to the authority vested in the Commissioner of Internal Revenue under 26 CFR 301.7701-9 and 26 CFR 301.7605-1(c), there is hereby delegated to the following officials the authority to approve a request to examine books of account and religious activities of a church or convention or association of churches:

Assistant Commissioner (Compliance)
Regional Commissioners

2. This authority may not be redelegated.

Issue date: June 27, 1973.

Effective date: June 27, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-13641 Filed 7-3-73;8:45 am]

Office of the Secretary

COLD ROLLED STAINLESS STEEL SHEET AND STRIP FROM FRANCE

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on August 24, 1972, that cold rolled stainless steel sheet and strip from France are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of April 4, 1973 (38 FR 8603).

I hereby determine that for the reasons stated below, cold rolled stainless steel sheet and strip from France are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau of Customs indicates that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of an f.o.b. French port price, or a discounted f.o.b. French port price, as appropriate, with deductions for sales commissions and foreign inland freight and an addition for duties rebated by reason of the exportation to the United States.

Adjusted home market price was calculated on the basis of a weighted-average of f.o.b. discounted delivered prices in France with deductions for inland freight and sales commissions and adjustments for differences in selling expenses, technical assistance, credit costs and packing charges.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

JULY 2, 1973.

[FR Doc.73-13742 Filed 7-3-73;9:30 am]

DEPARTMENT OF DEFENSE

Department of the Army

WINTER NAVIGATION BOARD

Notice of Meeting

1. Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of a meeting of the Winter Navigation Board at Highwood, Illinois on July 11 and 12, 1973. The meeting to be held at the Ramada Inn will be in session from 1:30 p.m. until 5:30 p.m. on July 11 and from 8:00 a.m. until noon on the following day. The meeting will be open to the public. The purpose of the meeting is to discuss the Fiscal Year 1974 program funding and priority listing consideration and reports in the completion of the Demonstration Program.

2. The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway Navigation Season Extension Demonstration Program being conducted pursuant to Public Law 91–611.

3. Inquiries may be addressed to Mr. C. Argiroff, Department of the Army, Detroit District, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, Telephone—(313) 226–6768.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

JUNE 26, 1973.

[FR Doc.73-13679 Filed 7-3-73;8:45 am]

Defense Civil Preparedness Agency

REGIONAL DIRECTORS

Delegation of Authority

REFERENCES: (a) Delegations of Authority published at 29 FR 11852–11853, August 19, 1964; (b) Delegation of Authority published at 36 FR 12318, June 30, 1971.

1. The following amendment to reference (a) as amended by reference (b) is hereby approved:

Paragraph (e), Section 4. *Regional Directors* is hereby revised to read as follows:

(e) Procurement of materials, supplies, equipment and services, including the making of necessary findings and determinations with respect thereto for the following DCPA programs for the States: (1) Radiological Defense Maintenance and Calibration (RADEF Maintenance); (2) Community Shelter Planning Officer, State (CSPOS); (3) Civil Defense Education (CDE); (4) Shelter Survey by State Personnel (Survey-State); (5) CSP Emergency Public Information Program (CSP–EPI); (6) National Communications System (Radio) Agreements (NACOM II) or Civil Defense National Radio System (CDNARS) Agreements; (7) Civil Defense University Extension Program (CDUEP); (8) State Training Seminars; and on a case by case basis as authorized by the Director of the Defense Civil Preparedness Agency, for (9) the Professional Advisory Service Program (PAS).

This amendment to the Delegations of Authority shall be effective July 1, 1973.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.73-13593 Filed 7-3-73;8:45 am]

Office of the Secretary of Defense

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that closed Panel meetings of the DIA Scientific Advisory Committee will be held on:

Thursday, July 12, 1973
Tuesday, July 16, 1973
Wednesday, July 17, 1973
Thursday, July 18, 1973
Tuesday, July 24, 1973
Wednesday, July 25, 1973
Thursday, July 26, 1973
Monday, Aug. 21, 1973
Tuesday, Aug. 22, 1973
Wednesday, July 11, 1973

These meetings commencing at 9:00 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 29, 1973.

[FR Doc.73-13605 Filed 7-3-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Proposed OCS Order No. 11]

OIL AND GAS PRODUCTION RATES, PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

Proposed Production Rates for Gulf of Mexico

Notice is hereby given that pursuant to § 250.11 of Title 30 of the Code of Federal Regulations, the Chief, Conservation Division, Geological Survey, proposes to approve OCS Order No. 11 for the Gulf of Mexico as set forth below.

The purpose of proposed OCS Order No. 11 is to provide requirements for the conservation of oil and gas and the protection of correlative rights on the Outer Continental Shelf in the Gulf of Mexico. The order includes requirements for control of production rates, testing procedures, flaring of gas, location of wells, and reservoir operations involving competitive ownership.

Interested persons may submit written comments, suggestions, and objections concerning the proposed order to the Director, U.S. Geological Survey, GS Building, 18 and F Streets, NW., Washington, D.C. 20244, on or before August 1, 1973.

V. E. MCKELVEY,
Director.

[OCS Order No. 11]

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

OIL AND GAS PRODUCTION RATES, PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

This order is established pursuant to the authority prescribed in 30 CFR 250.1, 30 CFR 250.11, and in accordance with all other applicable provisions of 30 CFR Part 250, and the notice appearing in the FEDERAL REGISTER, dated December 5, 1970 (35 FR 18559), to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. This Order shall be applicable to all oil and gas wells on Federal leases in the Outer Continental Shelf of the Gulf of Mexico; provided, however, that it shall not apply to oil and gas wells on a lease of which any part lies within the disputed area referred to in paragraph 4 of the Supplemental Decree of December 20, 1971, in *United States vs. Louisiana, et al.*, 404 U.S. 388 (1971). All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). References in this Order to approvals, determinations, and requirements for submittal of information or applications for approval are to those granted, made, or required by the Oil and Gas Supervisor or his delegated representative.

1. *Definition of terms.* As used in this Order, the following terms shall have the meanings indicated:

A. *Waste of oil and gas.* The definition of waste appearing in 30 CFR 250.2(h) shall apply and shall include the failure to timely initiate enhanced recovery operations where such methods would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles.

B. *Correlative rights.* The opportunity afforded each lessee or operator to produce without waste his just and equitable share of oil and gas from a common source of supply.

C. *Maximum Efficient Rate (MER).* The maximum sustainable daily oil or gas withdrawal rate from a reservoir which will permit economic development of that reservoir without detriment to ultimate recovery.

D. *Maximum Production Rate (MPR).* The approved maximum daily rate at which oil may be produced from a specified oil well completion or the maximum approved daily rate at which gas may be produced from a specified gas well completion.

E. *Interested party.* The operators and lessees, as defined in 30 CFR 250.2 (f) and (g), of the lease or leases involved in any proceeding initiated under this Order.

F. *Reservoir.* An oil or gas accumulation which is separated from and not in oil or gas communication with any other such accumulation.

G. *Competitive reservoir.* A reservoir as defined herein containing one or more producible or producing well completions on each of two or more leases, or portions thereof, in which the lease or operating interests are not the same.

H. *Property line.* A boundary dividing leases, or portions thereof, in which the lease or operating interest is not the same.

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The boundaries of Federally approved unit areas shall be considered property lines. The boundaries dividing leased and unleased acreage shall be considered property lines for the purpose of this Order.

I. *Oil reservoir.* A reservoir that contains hydrocarbons predominantly in a liquid (single-phase) state.

J. *Oil well completion.* A well completed in an oil reservoir or in the oil accumulation of an oil reservoir with an associated gas cap.

K. *Gas reservoir.* A reservoir that contains hydrocarbons predominantly in a gaseous (single-phase) state.

L. *Gas well completion.* A well completed in a gas reservoir or in the gas cap of an oil reservoir with an associated gas cap.

M. *Oil reservoir with an associated gas cap.* A reservoir that contains hydrocarbons in both a liquid and a gaseous state (two-phase).

N. *Producible well completion.*.. A well which is physically capable of production and which is shut in at the wellhead or at the surface, but not necessarily connected to production facilities, and from which the operator plans future production.

2. *Classification of reservoirs*—A. *Initial classification.* Each producing reservoir shall be classified by the operator, subject to approval by the Supervisor, as an oil reservoir, an oil reservoir with an associated gas cap, or a gas reservoir.

(1) The initial classification of each reservoir from which production is commenced subsequent to the date of this Order shall be submitted for approval with the initial submittal of MER data for the reservoir.

(2) Each reservoir from which production commenced on or prior to the date of this Order shall be classified by the operator, based on existing reservoir conditions. Such classification shall be determined and submitted to the Supervisor within six (6) months of the date of this order.

B. *Reclassification.* A reservoir may be reclassified by the Supervisor, on his own initiative or upon application of an operator, during its productive life when information becomes available showing that such reclassification is warranted.

3. *Oil and gas production rates.*—A. *Maximum Efficient Rate (MER).* The operator shall propose a maximum efficient rate (MER) for each producing reservoir based on sound engineering and economic principles. When approved at the proposed or other rate, such rate shall not be exceeded, except as provided in paragraph 4 of this Order.

(1) *Submittal of initial MER.* Within 45 days after the date of first production or such longer period as may be approved, the operator shall submit a Request for Reservoir MER (Form ------), with appropriate supporting information.

(2) *Revision of MER.* The operator may request a revision of an MER by submitting the proposed revision to the Supervisor on a Request for Reservoir MER (Form ------), with appropriate supporting information. The Operator shall obtain approval to produce at test rates which exceed an approved MER when such testing is necessary to substantiate an increase in the MER.

(3) *Review of MER.* The MER for each reservoir will be reviewed by the operator annually, or at such other required or approved interval of time. The results of the review, with all current supporting information, shall be submitted on a Request for Reservoir MER (Form ------).

(4) *Effective date of MER.* The effective date of an MER, or revision thereof, will be determined by the Supervisor and shown on a Request for Reservoir MER (Form ------) when the MER is approved. The effective date for an initial MER shall be the first day following the completion of an approved testing period. The effective date for a revised MER shall be the first day following the completion of an approved testing period, or if testing is not conducted, the date the revision is approved.

B. *Maximum Production Rate (MPR).* The operator shall propose a maximum production rate (MPR) for each producing well completion in a reservoir together with full information on the method used in its determination. When an MPR has been approved for a well completion, that rate shall not be exceeded, except as provided in paragraph 4 of this Order. The MPR shall be based on well tests and any limitations imposed by (1) reservoir MER; (2) well tubing, safety equipment, artificial lift equipment, surface back pressure, and equipment capacity; (3) sand producing problems; (4) producing gas-oil and water-oil ratios; (5) relative structural position of the well with respect to gas-oil or water-oil contacts; and (6) prudent operating practices. The MPR established for each well completion shall not exceed the rate demonstrated by a well test unless justified by supporting information.

(1) *Submittal of Initial MPR.* The operator shall have 30 days from the date of first continuous production within which to conduct a potential test, as specified under subparagraphs 5.B and 6.B of this Order, on all new and reworked well completions. Within 15 days after the date of the potential test, the operator shall submit a proposed MPR for the individual well completion on a Request for Well Maximum Production Rate (MPR) (Form ------), with the results of the potential test on a Well Potential Test Report (Form ------). Extension of the 30-day test period may be granted. The effective date for any approved initial MPR shall be the first day following the test period. During the 30-day period allowed for testing, or any approved extensions thereof, the operator may produce a new or reworked well completion at rates necessary to establish the MPR. The operator shall report the total production obtained during the test period, and approved extensions thereof, on the Well Potential Test Report (Form ------).

(2) *Revision of MPR Increase.* If necessary to test a well completion at rates above the approved MPR to determine whether the MPR should be increased, notification of intent to test the well at such higher rates, not to exceed a stated maximum rate during a specified test period, shall be filed with the Supervisor. Such tests may commence on the day following the date of filing notification, unless otherwise ordered by the Supervisor. Within 15 days after the specified test period, the operator shall submit a proposed increased MPR on a Request for Well Maximum Production Rate (MPR) (Form ------), and any other available data to support the requested revision, including the results of the potential test and the total production obtained during the test period on a Well Potential Test Report (Form ------). Prior to approval of the proposed increased MPR, the operator may produce the well completion at a rate not to exceed the proposed increased MPR of the well. The effective date for any approved increased MPR shall be the first day following the test period. If testing rates or increased MPR rates result in production from the reservoir in excess of the approved MER, this excess production shall be balanced by underproduction from the reservoir under the provisions of subparagraph 4.B of this Order.

(3) *Revision of MPR Decrease.* When the quarterly test rate for an oil well completion or the semiannual test rate for a gas well completion required under subparagraphs 5.C and 6.C of this Order is less than 90 percent of the existing approved MPR for the well, a new reduced MPR will be established automatically for that well completion equal to the test rate submitted. The effective date for the new MPR for such well completion shall be the first day of the quarter following the required date of submittal of periodic well-test results under subparagraphs 5.C and 6.C of this Order. Also, the operator may notify the Supervisor on a Request for Well Maximum Production Rate (MPR) (Form ------) of, or the Supervisor may require, a downward revision of a well MPR at any time when the well is no longer capable of producing its approved MPR on a sustained basis. The effective date for such reduced MPR for a well completion shall be the first day of the month following the date of notification.

(4) *Continuation of MPR.* If submittal of the results of a quarterly well test for an oil completion or a semiannual well test for a gas well competion, as provided for in subparagraphs 5.C and 6.C of this Order, cannot be timely, continuation of production under the last approved MPR for the well may be autohrized, provided an extension of time in which to submit the test results is requested and approved in advance.

(5) *Cancellation of MPR.* When a well completion ceases to produce, is shut in pending workover, or any other condition exists which causes the assigned MPR to be no longer appropriate, the operator shall notify the Supervisor accordingly on a Request for Well Maximum Production Rate (MPR) (Form ------), indicating the date of last production from the well, and the MPR will be canceled. Reporting of temporary shut-ins by the operator for well maintenance, safety conditions, or other normal operating conditions is not required, except as is necessary for completion of the Monthly Report of Operations (Form 9–152).

C. *MER and MPR relationship.* The withdrawal rate from a reservoir shall not exceed the approved MER and may be produced from any combination of well completions subject to any limitations imposed by the MPR established for each well completion. The rate of production from the reservoir shall not exceed the MER although the summation of individual well MPR's may be greater than the MER.

4. *Balancing of Production.*—A. *Production variances.* Temporary well production rates, resulting from normal variations and fluctuations exceeding a well MPR or reservoir MER shall not be considered a violation of this Order, and such production may be sold or transferred pursuant to paragraph 8 of this Order. However, when normal variations and fluctuations result in production in excess of a reservoir MER, any operator who is overproduced shall balance such production in accordance with subparagraph 4.B below. Such operator shall advise the Supervisor of the amount of such excess production from the reservoir for the month at the same time as Form 9–152 if filed for that month.

B. *Balancing periods.* As of the first day of month following the month in which this Order becomes effective, all reservoirs shall be considered in balance. Balancing periods for overproduction of a reservoir MER shall end on January 1, April 1, July 1, and October 1 of each year. If a reservoir is produced at a rate in excess of the MER for any month, the operator who is overproduced shall take steps to balance production during the next succeeding month. In any event, all overproduction shall be balanced by the end of the next succeeding quarter following the quarter in which the overproduction occurred. The operator shall notify the Supervisor at the end of the month in which he has balanced the production from an overproduced reservoir.

C. *Shut-in for overproduction.* Any operator in an overproduction status in any reservoir for two successive quarters which has not been brought into balance within the balancing period shall be shut in from that Reservoir until the actual production equals that which would have occurred under the approved MER.

D. *Temporary shut-in.* If, as the result of storm, hurricanes, emergencies, or other conditions peculiar to offshore operations, an operator is forced to curtail or shut in production from a reservoir, the Supervisor may, on request, approve makeup of all or part of this production loss.

5. *Oil well testing procedures.*—A. *General.* Tests shall be conducted for not less than four consecutive hours. Immediately prior to the 4-hour test period, the well completion shall have produced under stabilied conditions for a period of not less than six consecutive hours. The 6-hour pretest period shall not begin until after recovery of a volume of fluid equivalent to the amount of fluids introduced into the formation for any purpose. Measured gas volumes shall be adjusted to the standard conditions of 15.025 psi and 60° F. for all tests. When orifice meters are used, a specific gravity shall be obtained or estimated for the gas and a specific gravity correction factor applied to the orifice coefficient. The Supervisor may require a prolonged test or retest of a well completion if such test is determined to be necessary for the establishment of a well MPR or a reservoir MER. The Supervisor may approve test periods of less than four hours and pretest stabilization periods of less than six hours for well completions, provided that test reliability can be demonstrated under such procedures.

B. *Potential test.* Test data to establish or to increase an oil well MPR shall be submitted on a Well Potential Test Report (Form ------). The total production obtained from all tests during the test period shall be reported on such form.

C. *Quarterly test.* Tests shall be conducted on each producing oil well completion quarterly, and test results shall be submitted on a Quarterly Oil Well Test Report (Form ------). Testing periods and submittal dates shall be as follows:

Testing Period	Latest Date for Submittal of Test Results	For Quarter Beginning
September 11–December 10	December 10	January 1.
December 11–March 10	March 10	April 1.
March 11–June 10	June 10	July 1.
June 11–September 10	September 10	October 1.

There shall be a minimum of 45 days between quarterly tests for an oil well completion.

6. *Gas well testing procedures.*—A. *General.* Testing procedures for gas well completions shall be the same as those specified for oil well completions in subparagraph 5.A.

B. *Potential test.* Test data to establish or to increase a gas well MPR shall be submitted on a Well Potential Test Report (Form ------).

C. *Semiannual test.* Tests shall be conducted on each producing gas well completion semiannually, and test results shall be submitted on a Semiannual Gas Well Test Report (Form ------). Testing periods and submittal dates shall be as follows:

Testing Period	For Submittal of Test Results	For Semi-Annual Period Beginning
June 11–December 10	December 10	January 1
December 11–June 10	June 10	July 1

There shall be a minimum of 90 days between semiannual tests for a gas well completion.

D. *Back pressure tests.* When back pressure tests to determine the theoretical open-flow potential of gas wells are conducted at the option of the operator or by request of the Supervisor, the test results shall be filed with the Supervisor.

7. *Witnessing well tests.* The Supervisor may have a representative witness any potential or periodic well tests on oil and gas well completions. Upon request, an operator shall notify the appropriate District office of the time and date of well tests.

8. *Sale or transfer of production.* Oil and gas produced pursuant to the provisions of this Order, including test production, may be sold to purchasers or transferred as production authorized for disposal hereunder.

9. *Bottom-hole pressure tests.* Static bottom-hole pressure test shall be conducted annually on sufficient key wells to establish an average reservoir pressure in each producing reservoir unless a different frequency is approved. The Operator may be required to test specific wells. Results of bottom-hole pressure tests shall be submitted within 60 days after the date of the test.

10. *Flaring and venting of gas.* Oil- and gas-well gas shall not be flared or vented, except as provided herein.

A. *Small-volume or short-term flaring or venting.* Oil- and gas-well gas may be flared or vented temporarily without the approval of the Supervisor in the following situations:

(1) *Gas vapors.* When gas vapors are released from low-pressure, storage, and other production vessels.

(2) *Emergencies.* During temporary emergency situations, such as compressor or other equipment failure, or the relief of abnormal system pressures.

(3) *Well purging and evaluation tests.* During the unloading or cleaning up of a well and during drillstem, producing, or other well evaluation tests not exceeding a period of 24 hours.

B. *Approval for routine or special well tests.* Oil- and gas-well gas may be flared or vented during routine and special well tests, other than those described in paragraph A above, only after approval of the Supervisor.

C. *Gas-well gas.* Except as provided in A and B above, gas-well gas shall not be flared or vented.

D. *Oil-well gas.* Except as provided in A and B above, oil-well gas shall not be flared or vented unless approved by the Supervisor. The Supervisor may approve an application for flaring or venting of oil-well gas for periods not exceeding one year if (1) the operator has initiated positive action which will eliminate flaring or venting, or (2) the operator has submitted an evaluation supported by engineering, geologic, and economic data indicating that rejection of an application to flare or vent the gas will result in an ultimate greater loss of equivalent total energy than could be recovered for beneficial use from the lease if flaring or venting were allowed.

E. *Content of application.* Applications under paragraph D above for existing operations, as of the date of this Notice, shall be filed with this office within three months from the effective date of this Order. Applications under paragraph D(2) above shall include all appropriate engineering, geologic, and economic data in an evaluation showing that absence of approval to flare or vent the gas will result in premature abandonment of oil and gas production or curtailment of lease development. Applications shall include an estimate of the amount and value of the oil and gas reserves that would not be recovered if the application to flare or vent were rejected and an estimate of the total amount of oil to be recovered and associated gas that would be flared or vented if the application were approved.

11. *Disposition of gas.* The disposition of all gas produced from each lease shall be reported monthly on, or attached to, Form 9–152. The report shall be submitted in the following manner:

	Oil-Well Gas (MCF)	Gas-Well Gas (MCF)
Sales		
Fuel		
*Injected		
Flared		
Vented		
Other (Specify)		
Total		

*Gas produced from the lease and injected on or off the lease.

12. *Multiple and selective completions*—A. *Number of completions.* A well bore may contain any number of producible completions when justified and approved.

B. *Numbering well completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir completion, the well completion number shall not change. Appendix A contains a detailed explanation of procedures for naming well completions.

C. *Packer tests.* Multiple and selective completions shall be equipped to isolate the respective producing reservoirs. A packer test or other appropriate reservoir isolation test shall be conducted prior to initiating production and annually thereafter on all multiply completed wells. Should the reservoirs in any multiply completed well become intercommunicative the operator shall make repairs and again conduct reservoir isolation tests unless some other operational procedure is approved. The results of all tests shall be submitted on a Packer Test (Form ------) within 30 days after the date of the test.

D. *Selective completions.* Completion equipment may be installed to permit selective reservoir isolation or exposure in a well bore through wireline or other operations. All selective completions shall be designated in accordance with subparagraph 12.B when the application for approval of such completions is filed.

E. *Commingling.* Commingling of production from two or more separate reservoirs within a common well bore may be permitted if it is determined that, collectively, the ultimate recovery will not be decreased. An application to commingle hydrocarbons from multiple reservoirs within a common well bore shall be submitted for approval and shall include all pertinent well information, geologic and reservoir engineering data, and a schematic diagram of well equipment. For all competitive reservoirs, notice of the application shall be sent by the applicant to all other operators of interest in the reservoirs. The application shall specify the well completion number to be used for subsequent reporting purposes.

13. *Gas-cap well completions.* All existing and future wells completed in the gas cap of a reservoir which has been classified and approved as an associated oil reservoir shall be shut in until such time as the oil is depleted or the reservoir is reclassified as a gas reservoir; provided, however, that production from such wells may be approved when (1) it can be shown that such gas-cap production would not lead to underground waste, or (2) when necessary to protect correlative rights unless it can be shown

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that this production will lead to underground waste.

14. *Location of wells*—A. *General.* The location and spacing of all exploratory and development wells shall be in accordance with approved programs and plans required in 30 CFR 250.17 and 250.34. Such location and spacing shall be determined independently for each lease or reservoir in a manner which will locate wells in the optimum structural position for the most effective production of reservoir fluids and to avoid the drilling of unnecessary wells.

B. *Distance from property line.* An operator may drill exploratory or development wells at any location on a lease in accordance with approved plans; provided that no well drilled and completed after the date of this Order in which the completed interval is less than 500 feet from a property line shall be produced unless an exception to such limitation is approved. An operator requesting approval to produce a well located closer than 500 feet from a property line shall furnish the Supervisor with letters expressing acceptance or objection from operators of offset properties.

15. *Enhanced oil and gas recovery operations.* Operators shall initiate enhanced oil and gas recovery operations for all competitive and noncompetitive reservoirs when such operations would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles. A plan for such operations shall be submitted with the results of the annual MER review as required in paragraph 3A(3) of this order.

16. *Competitive reservoir operations.* Development and production operations in a competitive reservoir may be required to be conducted under either pooling and drilling agreements or unitization agreements when the Conservation Manager determines, pursuant to 30 CFR 250.50 and delegated authority, that such agreements are practicable and necessary or advisable and in the interest of conservation.

A. *Competitive reservoir determination.* The Supervisor shall notify the operators when he has made a preliminary determination that a reservoir is competitive as defined in this Order. An operator may request at any time that the Supervisor make a preliminary determination as to whether a reservoir is competitive. The operators, within thirty (30) days of such preliminary notification or such extension of time as approved by the Supervisor, shall advise of their concurrence with such determination, or submit objections with supporting evidence. The Supervisor will make a final determination and notify the operators.

B. *Development and production plans.* When drilling and/or producing operations are conducted in a competitive reservoir, the operators shall submit for approval a plan governing the applicable operations. The plan shall be submitted within ninety (90) days after a determination by the Supervisor that a reservoir is competitive or within such extended period of time as approved by the Supervisor. The plan shall provide for the development and/or production of the reservoir, and may provide for the submittal of supplemental plans for approval by the Supervisor.

(1) *Development plan.* When a competitive reservoir is still being developed or future development is contemplated, a development plan may be required in addition to a production plan. This plan shall include the information required in 30 CFR 250.34. If agreement to a joint development plan cannot be reached by the operators, each shall submit a separate plan and any differences may be resolved in accordance with paragraph 17 of this order.

(2) *Production plan.* A joint production plan is required for each competitive reservoir. This plan shall include (a) the proposed MER for the reservoir; (b) the proposed MPR for each completion in the reservoir; (c) the percentage allocation of reservoir MER for each lease involved; and (d) plans for secondary recovery or pressure maintenance operations. If agreement to a joint production plan cannot be reached by the operators, each shall submit a separate plan, and any differences may be resolved in accordance with paragraph 17 of this order.

C. *Unitization.* The Conservation Manager shall determine when conservation will be best served by unitization of a competitive reservoir, or any reservoir reasonably delineated and determined to be productive, in lieu of a development and/or production plan or when the operators and lessees involved have been unable to voluntarily effect unitization. In such cases, the Conservation Manager may require that development and/or production operations be conducted under an approved unitization plan. Within six (6) months after notification by the Conservation Manager that such a unit plan is required, or within such extended period of time as approved by the Conservation Manager, the lessees and operators shall submit a proposed unit plan for designation of the unit area and approval of the form of agreement pursuant to 30 CFR 250.51.

17. *Conferences, decisions and appeals.* Conferences with interested parties may be held to discuss matters relating to applications and statements of position filed by the parties relating to operations conducted pursuant to this Order. The Supervisor or Conservation Manager may call a conference with one or more, or all, interested parties on his own initiative or at the request of any interested party. All interested parties shall be served with copies of the Supervisor's or Conservation Manager's decisions. Any interested party may appeal decisions of the Supervisor or Conservation Manager pursuant to 30 CFR 250.81. Decisions of the Supervisor or Conservation Manager shall remain in effect and shall not be suspended by reason of any appeal, except as provided in that regulation.

Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[OCS Order No. 11]

APPENDIX A

"Subparagraph 12.B *Numbering Well Completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir completion, the well completion number shall not change • • •."

The intent of this subparagraph is not necessarily to change the existing well completion names but to change the method of naming well completions after the effective date of this Order in order to insure that a completion in a given reservoir and a specific well bore will be assigned a unique name and will retain that name permanently. For further clarification, the following guidelines and examples are offered:

1. Each well bore will have a distinct, permanent number.

2. Each reservoir completion in a well bore will have a unique permanent designation which includes the well bore number in its nomenclature.

3. For the purpose of this subparagraph, a "completion" is defined as all perforations in a given reservoir in a specific well bore and is not necessarily associated with a tubing string or strings.

4. If more than one completion is made in a well bore, an alphabetical suffix must be used in the nomenclature to differentiate between completions.

5. An alphabetical prefix may be utilized to designate the platform from which the well will be produced.

Example No. 1. The first well drilled from the A Platform is a single completion.

WELL NO. A–1

(Should an operator wish to use an alphabetical suffix with a single completion, he may do so.)

Example No. 2. A well drilled by a mobile rig need not carry an alphabetical prefix.

WELL NO. 1

(If the well is later connected to and produced from a production platform, the well shall be redesignated to reflect an alphabetical prefix.)

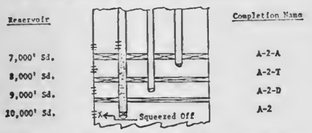
Example No. 3. The second well drilled from the A Platform is a triple completion.

First Completion	*Second Completion*	*Third Completion*
A–2	A–2–D	A–2–T

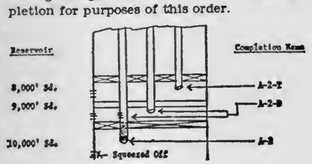
(In the above example, the letters "D" and "T" were used in naming the second and third completions utilizing current industry practice, although the intent is not to restrict operators to the use of these particular alphabetical suffixes. Any alphabetical suffix may be used as long as it is unique to the completion in that reservoir.)

Example No. 4. The drawing is shown to illustrate the fact that once a completion in a specific well bore is designated in a given reservoir, it will retain that name permanently. Let us consider the A–2 completion shown in Example No. 3. Should a recompletion be made in a different reservoir at a later date, it shall be renamed; however, the production from the reservoir associated with the original A–2 completion will always be identified with the A–2 completion. Once the A–2 completion in the 10,000′ sand is squeezed and plugged off and the recompletion made to the 7,000′ sand, the completion in the 7,000′ sand would be designated A–2–A (or some other alphabetical suffix other than the "D" or "T" presently associated with other completions in the 9,000′ and 8,000′ sands).

The Sundry notice (Form 9–331) submitted to obtain approval for the workover shall be the vehicle for naming the new completion.



Example No. 5. If the A–2 completion in Example No. 4 had been recompleted from the 10,000′ sand to the 9,000′ sand (where the A–2–D is currently completed), the completion would still be named A–2–D as both tubing strings would be considered one completion for purposes of this order.



Form 9–152

Lease No.
Unit Area

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

MONTHLY REPORT OF OPERATIONS, OUTER CONTINENTAL SHELF

Area _____ Block _____ Field _____ Adjacent State _____

The following is a correct report of operations and production (including drilling and producing wells) for the month of _____

API Well No.	Well No.	Days Produced	Barrels of Oil	Barrels of Condensate	Gravity	Cu. Ft. of Gas-Well-Gas (In thousands)	Cu. Ft. of Casinghead Gas (In thousands)	Barrels-Water (If none, so state)	Remarks (If drilling, depth; if shut down, cause; etc.)

Company _____

Address _____ By _____

Title _____ Date _____

There were _____ runs or sales of oil; _____ runs or sales of gasoline; _____ MCF of gas sold; _____ MCF of gas used for fuel; _____ MCF of gas flared; and _____ MCF used for gas injection during the month. (Write "no" where applicable.)

Refer to Outer Continental Shelf Regulations, 30 CFR Part 250.93, when preparing this form.

The United States Criminal Code, 18 U.S.C. 1001, makes it a criminal offense to make a willfully false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

Request for Well Maximum Production Rate (MPR)

Operator: _____

Address: _____

Field: _____ Lease No.: _____

Well Completion No.	API Well Serial No.	Reservoir	Present MPR	Requested MPR	Effective Date

Signed: _____ Date: _____

Approved: _____ Date: _____

Oil and Gas Supervisor
Gulf of Mexico Area

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REQUEST FOR RESERVOIR MER

Requested MER _____

Present MER _____

Reservoir Classification:

___ Oil; ___ Oil w/Assoc.Gas Cap; ___ Gas

Reservoir Discovery Year _____

DATE _____
RESERVOIR _____
LEASE _____
FIELD _____
DRIVE MECHANISM* _____
OPERATOR _____

BASIC DATA REQUIRED

1.	Cut offs Ø Upper / Lower	0. / 0.	20.	Kv	
	K Upper / Lower md		21.	API @ 60°F	
			22.	SG	0.
2.	G/O Interface		23.	Rsi	
3.	W/O Interface		24.	μoi	
4.	Area @ G/O		25.	μo	
5.	Area used to det'n Rock Vol.		26.	Tavg	
6.	Oil Zone Rock Volume		27.	Pi	
7.	Gas Zone Rock Volume		28.	Pws	
8.	H, h		29.	Pb	
9.	Ø	0.	30.	Datum Depth	
10.	Sw	0.	31.	GOR	
11.	Sg	0.	32.	WOR	
12.	1-Sw-Sg	0.	33.	Injection Completions	
13.	1/Boi		34.	Abandoned Completions	
14.	N		35.	No. of Active Completions	
15.	Ri	0.	36.	Np(1) (Date)	
16.	RiN		37.	Np(2) (Date)	
17.	Np/N	0.	38.	Gp(1) (Date)	
18.	Average Well Depth		39.	Gp(2) (Date)	
19.	Kh		40.	Wp(1) (Date)	
			41.	Wp(2) (Date)	

LIST OF ATTACHMENTS OF GEOLOGIC, GEOPHYSIC, PETROPHYSIC, ENGINEERING, SIMULATION, ECONOMIC DATA AND REPORTS SUBMITTED IN SUPPORT OF RESERVOIR MER

REMARKS: _____

SIGNED: _____ DATE: _____

TITLE: _____

APPROVED: _____ DATE: _____
Oil and Gas Supervisor
Gulf of Mexico Area

DATE EFFECTIVE: _____

* Where more than one recovery mechanism is operating in a reservoir, a summary sheet is to be provided with estimated water influx rates, gas cap expansion rates, etc.

Definitions of basic data required

[*Requested MER:* MER determined from a plot of ultimate recovery versus rate—*Present MER:* Previously approved MER]

1. *Ø cut-offs*—Upper and lower porosity cut-offs (fractions)
   K cut-offs—Upper and lower cut-offs to air permeability (md)
2. *G/O interface*—Initial gas-oil interface (feet subsea)
3. *W/O interface*—Initial water-oil interface (feet subsea)
4. *Area @ G/O*—Area of gas-oil contact (acres)
5. *Area used to Det's Rock Vol.*—Area @ W/O contact or area of reserve isopach (acres)
6. *Oil zone rock vol.*—Rock volumes used to determine N, (acre-feet)
7. *Gas zone rock vol.*—Rock volume of gas cap, (acre-feet)
8. *H, h*—Average gross, average net pay thickness (feet). Compatible with 5 & 6.
9. *Ø*—Effective porosity (fraction)
10. *Sw*—Connate water saturation (fraction)
11. *Sg*—Initial gas saturation (fraction)
12. *1-Sw-Sg*—Initial liquid hydrocarbon saturation (fraction)
13. *1/Boi*—Reciprocal initial flash formation volume factor (fraction)
14. *N*—7758 Ahø (1-Sw-Sg) 1/Boi stock tank barrels of oil-in-place
15. *Ri*—Estimated recovery for drive mechanism (fraction)
16. *RiN*—Ultimate recoverable oil for drive mechanism (stocktank barrels)
17. *Np/N*—Depletion of initial oil-in-place (fraction)
18. *Average well depth* $\frac{\Sigma \quad T+B}{2N}$
    Σ = the sum of
    T = vertical depth from KB elevation to top of productive oil pay
    B = vertical depth from KB elevation to base of productive oil pay
    N = number of completions
19. *Kh*—Average horizontal air permeability (md)
20. *Kv*—Average vertical air permeability (md)
21. *°API*—Average API gravity of stock tank oil (degrees @ 60°F)
22. *SG*—Specific gravity of gas (air = 1.00)
23. *Rsi*—Initial solution gas-oil ratio (SCF/STB)
24. *μoi*—Initial reservoir oil viscosity (cp)
25. *μo*—Reservoir oil viscosity at current reservoir pressure (cp)
26. *Tavg*—Average reservoir temperature (°F)
27. *Pi*—Initial static reservoir pressure at datum (PSIG)
28. *Pws*—Current static reservoir pressure at datum (PSIG)
29. *Pb*—Bubble point pressure (PSIG)
30. *Datum Depth*—Reference depth for static pressure (feet subsea)
31. *GOR*—Producing gas-oil ratio for specified month, scf/stb
32. *WOR*—Producing water-oil ratio for specified month, bbl/stb
33. *Injection Completions*—Number of completions injecting fluid related to drive mechanism
34. *Abandoned Completions*—Number of producing completions abandoned
35. *No. of active Completions*—Number of well completions for requested MER
36. *Np(1)*—Cumulative oil production, STB at last submission
37. *Np(2)*—Cumulative oil production, STB this submission
38. *Gp(1)*—Cumulative gas production, MSCF at last submission
39. *Gp(2)*—Cumulative gas production, MSCF this submission
40. *Wp(1)*—Cumulative water production, BBL at last submission
41. *Wp(2)*—Cumulative water production, BBL this submission

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United States
Department of the Interior
Geological Survey

WELL POTENTIAL TEST REPORT

Field_____ Operator_____

Area & Block_____ Lease No._____ API Well No._____

Type Well: Oil (__) Gas (__) Well Name and No._____

Type Test: Init. Comp. (__) Recomp.(__) Rework (__) Retest (__)

Perf. Int. _____ to _____(MD) Flowing (__) Gas Lift (__) Pumping (__)

Date of First Production (After Comp. or Recomp.)_____

Pretest time_____hrs. Choke size_____in.

Date of test _____ No. of hrs. tested _____hrs. Choke size _____in.

Production During Test Period:

Oil_____bbls. Gas_____MCF Water_____bbls.

GOR_____cu.ft./bbls. Water Cut_____% Flowing Tubing Pressure _____psig.

Calculated 24 hr. Rate:

Oil_____bbls. Gas_____MCF Water_____bbls.

Oil Gravity_____Deg. API Specific Gravity of Gas_____

Static Bottom Hole Pressure (if taken prior to test):_____

Cumulative production during entire approved testing period:

Oil_____bbls. Gas_____MCF Water_____bbls.

REMARKS:_____

I hereby certify that the foregoing results are true and correct.

Signed_____ Title_____Date_____

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Field_____
Operator_____
For the period reported_____
All tests reported were made in accordance with the rules and instructions of the USGS. I hereby certify that the following is true and correct.
Signed_____ Company agent _____ Title _____ Date_____

QUARTERLY OIL WELL TEST REPORT

Lease name	Well completion No.	Producing interval from-to measured depth	API well serial No.	Net oil bbls/day	Choke 64ths	B.S. & W. %	Tubing pres. psig.	G/O ratio cu. ft/bbl	PM	Date of test Mo.	Date of test Day	Current approved MPR
20	21 25	26 36	37 49	50 54	55 57	58 60	61 64	65 70	71	72	74	76

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UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

SEMI-ANNUAL GAS WELL TEST REPORT

Field _____
Operator _____
For the Period Reported _____

All Tests Reported Were Made in Accordance With the Rules and Instructions of the USGS. I Hereby Certify That the Following Is True & Correct.

Signed _____ Company Agent _____ Title _____ Date _____

Lease Name	Well Completion No.	Producing Interval From-To Measured Depth	API Well Serial No.	Gas M.C.F./ Day	Bbls. Per Day		Well Head Press.		Line Press PSIG	Date of Test		Current approved M.P.F.
					Water	Cond.	Flowing Press	Shut-in Press		Mo.	Day	
13	14 18	19 29	30 42	43 48	49 52	53 56	57 61	62 66	67 70	72	74	75

UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

Packer Test

(To be submitted in duplicate with the District Engineer in whose District the well is located)
Field Name _____ Area Block _____
Operator _____ Lease _____ Well Comp. No. _____
U.S.G.S. District _____ API Serial No. _____

Test No. 1

Date and time well shut in _____ (Both Completions)
Data on Producing Completion: Date & Time Well Opened _____
Completion producing _____ Reservoir _____ Choke Size _____ inches
Stabilized shut-in pressure prior to test _____ psi
Stabilized flowing pressure during test _____ psi
Length of time required for stabilization of flowing pressure: _____ hours
Stabilized shut-in pressure at the end of test _____ psi
Length of time required for obtaining this stabilized shut-in pressure _____ hours
Data on Shut-In Completion:
Completion shut-in _____ Reservoir _____
Stabilized shut-in pressure prior to test _____ psi
Shut-in pressure during test: Minimum: _____ psi; Maximum _____ psi
Stabilized shut-in pressure at the end of the test _____ psi
Length of time required for obtaining this stabilized pressure at the end of the test: _____ hours.
Maximum pressure change of shut-in completion during test _____ psi (increase) (decrease)

Test No. 2

Same well bore as in Test No. 1, but with _____ completion producing and _____ completion shut-in
Date and time shut-in _____
Data on Producing Completion: Date & Time Well Opened _____
Completion producing _____ Reservoir _____ Choke Size _____ ins.
Stabilized shut-in pressure prior to test _____ psi
Stabilized flowing pressure during test: _____ psi
Length of time required for stabilization of flowing pressure: _____ hours
Data on Shut-In Completion:
Completion shut-in _____ Reservoir _____
Stabilized shut-in pressure prior to test _____ psi
Shut-in pressure during test: Minimum _____ psi; Maximum _____ psi
Maximum pressure change of shut-in completion during test _____ psi (increase) (decrease)
Classification of completion testing, whether oil well or gas well:
Tubing _____ Casing _____
Remarks:

I certify that the above is true and correct.

Signed _____ Title _____ Date _____

[FR Doc.73-13445 Filed 7-3-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-65]

UNITED STATES STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United States Steel Corporation has filed a petition to modify the application of Section 303(d)(1) of the Act to its Maple Creek Nos. 1 and 2 Mines, located in Washington County, Pennsylvania.

The pertinent part of section 303(d)(1) of the Act reads as follows:

(d)(1) Within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other device approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. * * *

Petitioner states that each Maple Creek mines operates two 8-hour production shifts per day, five or six days each week and that the midnight to 8:00 a.m. shift is essentially maintenance and service with limited haulage traffic. There are 14 working sections in operation with one spare and the tracked haulage ways are approximately 46 miles in length. The surface tipple and much of the main track haulage system are common to both mines. Petitioner avers that accepted practice under prior legislation and during the first two or three years of enforcement of the 1969 Act has been to include the main track haulages in the pre-shift examination only before the first shift enters the mine on a coal-producing day, but that Bureau of Mines directives now require that main haulage roads be examined by a certified person designated by the operator, within 3 hours immediately preceding the beginning of each shift in accordance with the above referenced section of the Act.

As an alternative method which will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory safety standard, petitioner proposes that it be allowed to apply eight hours instead of three hours at the time frame for pre-shift examination of main haulage roads, outby the working sections. After idle periods and before one designated shift each day of operation, the examination of such main haulage roads outby the working sections shall continue to include tests for methane of all high places where methane is likely to accumulate in the event ventilation is interrupted. The other examinations of such main haulage roads, where ventilation has not been interrupted since the last prior examination, shall be carried out as a moving examination as covered in Bureau of Mines memorandum concerning pre-shift examination of main haulage roads, dated November 6, 1972.

Petitioner contends that the application of the mandatory safety standard will in fact result in a diminution of safety to the miners because it will be forced to utilize a great number of certified persons in the examination of main haulage roads for succeeding shifts in multiple-shift mines where the possibility of undetected hazards is minimal. Petitioner states that it does not have enough firebosses to perform the presently required pre-shift examinations of main haulage roads and because certified persons must be diverted from other important duties to conduct the examinations, safety to other miners is reduced. Petitioner further contends that such pre-shift examinations as required by the mandatory standard will add needless traffic and congestion to the haulage roads at the busiest times of the producing shifts and that the multiplicity of main haulage road examinations when confined to the three-hour period will tend to discourage the use of one-way traffic in separate main haulage roadways.

Petitioner further contends that the mines will be examined in virtually the same manner from examination to examination. The time interval between the examination of points throughout the main track haulage roads will be eight hours, both under the proposed alternative and the mandatory standard. Under either method, each main haulage road would be examined at least once within eight hours prior to each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 6, 1973. Such requests or comments must be

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filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

JUNE 20, 1973.

[FR Doc.73-13591 Filed 7-3-73;8:45 am]

[Docket No. M 73-64]

UNITED STATES STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United States Steel Corporation has filed a petition to modify the application of section 303(d)(1) of the Act to its Robena Nos. 1, 2, 3 and 4 Mines, all located in Green County, Pennsylvania.

The pertinent part of section 303(d)(1) of the Act reads as follows:

(d)(1) Within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative. Each such examiner shall examine every working section in such workings and shall make tests in each such working section for accumulations of methane with means approved by the Secretary for detecting methane and shall make tests for oxygen deficiency with a permissible flame safety lamp or other means approved by the Secretary; examine seals and doors to determine whether they are functioning properly; examine and test the roof, face, and rib conditions in such working section; examine active roadways, travelways, and belt conveyors on which men are carried, approaches to abandoned areas, and accessible falls in such section for hazards; test by means of an anemometer or other devise approved by the Secretary to determine whether the air in each split is traveling in its proper course and in normal volume velocity; and examine for such other hazards and violations of the mandatory health or safety standards, as an authorized representative of the Secretary may from time to time require. • • •

Petitioner states that each Robena mine operates three 8-hour production shifts per day, five or six days each week and that maintenance and service takes place on each shift. There are 21 working sections in operation and the track haulage ways are approximately 75 miles in length. The underground tipple and much of the main track haulage system are common to all four mines. Petitioner avers that accepted practice under prior legislation and during the first two or three years of enforcement of the 1969 Act has been to include the main track haulages in the pre-shift examination only before the first shift enters the mine on a coal-producing day, but that Bureau of Mines directives now require that main haulage roads be examined by a certified person designated by the operator, within 3 hours immediately preceding the beginning of each shift in accordance with the above referenced section of the Act.

As an alternative method which will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory safety standard, petitioner proposes that it be allowed to apply eight hours instead of three hours as the time frame for pre-shift examination of main haulage roads, outby the working sections. After idle periods and before one designated shift each day of operation, the examination of such main haulage roads outby the working sections shall continue to include tests for methane of all high places where methane is likely to accumulate in the event ventilation is interrupted. The other examinations of such main haulage roads, where ventilation has not been interrupted since the last prior examination, shall be carried out as a moving examination as covered in Bureau of Mines memorandum concerning preshift examination of main haulage roads, dated November 6, 1972.

Petitioner contends that the application of the mandatory safety standard will in fact result in a diminution of safety to the miners because it will be forced to utilize a great number of certified persons in the examination of main haulage roads for succeeding shifts in multiple-shift mines where the possibility of undetected hazards is minimal. Petitioner states that it does not have enough firebosses to perform the presently required pre-shift examinations of main haulage roads and because certified persons must be diverted from other important duties to conduct the examinations, safety to other miners is reduced. Petitioner further contends that such pre-shift examinations as required by the mandatory standard will add needless traffic and congestion to the haulage roads at the busiest times of the producing shifts and that the multiplicity of main haulage road examinations when confined to the three-hour period will tend to discourage the use of one-way traffic in separate main haulage roadways.

Petitioner further contends that the mines will be examined in virtually the same manner from examination to examination. The time interval between the examination of points throughout the main track haulage roads will be eight hours, both under the proposed alternative and the mandatory standard. Under either method, each main haulage road would be examined at least once within eight hours prior to each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 6, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

JUNE 20, 1973.

[FR Doc.73-13592 Filed 7-3-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

Third Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following third quarterly estimate is published.

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1973 is 1,450.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1973 is 1,046.8 million pounds.

Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1973 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed but may be suspended. Such limitations were imposed by Proclamation 4183 of January 29, 1973, and were suspended during the balance of the calendar year 1973 unless because of changed circumstances further action under the Act becomes necessary.

Done at Washington, D.C., this 29th day of June, 1973.

CLAYTON YEUTTER,
Assistant Secretary of Agriculture.

[FR Doc.73-13627 Filed 7-3-73;8:45 am]

U.S. DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CARNEGIE-MELLON UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00026-65-14200. Applicant: Carnegie-Mellon University, 5000 Forbes Avenue, Pittsburgh, PA 15213. ARTICLE: Quantimet 720, Image Analysing Computer, Manufacturer: Metals Research Limited, United Kingdom. Intended use of article: The article is intended to be used in a wide range of research programs some of which include the following:

(1) Quantitative description of the solidification of a dendrite primary stalk and a cellular solid-liquid interface.

(2) Diffusion analysis in engineering materials systems to develop a better understanding of the manner in which research on the scientific aspects of solid-state diffusion may be applied to problems involving engineering materials.

(3) Determination of gain boundary shapes and misorientation across boundaries by analysis of etch pit misorientations.

(4) Automatic quantitative measurement of microstructures in application of "Computer Aided Interpretation of Radiographic Studies of Defects in Engineering Materials."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The National Bureau of Standards (NBS) advises in its memorandum dated June 8, 1973 that the applicant's studies require quantitative characterization of complex microstructures through analysis of electron micrographs, photomicrographs, radiographs and similar pictorial records. These studies, NBS notes, would be severely limited by manual generation of distributions of the dimensional properties of the structures under analysis. In this connection NBS advises that the foreign article's capability (1) to determine for single objects in the measurement field such characteristics as area, perimeter, Feret diameter, longest dimension, projected length, shape factor and the like and (2) to generate automatically distributions of the number of objects in the measurement field falling within selectable bounds of a desired characteristic or of desired characteristics is pertinent to the applicant's intended research. The most closely comparable domestic instrument is the Model QMS quantitative metallurgical system manufactured by Bausch and Lomb. As to the QMS, NBS advises that this instrument can make measurements to determine the characteristics listed above for objects in the field of view that have been identified as being of interest but identification is accomplished by means of a light pen held by the operator. The QMS, therefore, does not automatically generate distributions of single-object characteristics such as described above. Accordingly, we find that the QMS is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. NBS further advises that it knows of no comparable domestic instrument satisfying the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73-13523 Filed 7-3-73;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et. seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 72-00529-01-07520. Applicant: National Institutes of Health, National Heart and Lung Institute, Lab: Biochemistry, NHLI, Bethesda, Md. 20014. Article: Microcalorimetry system. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be use as follows:

(a) To study the interactions of inhibitors and substrates with an enzyme;

(b) To study the interaction of activating cations with an enzyme;

(c) To illustrate separate binding sites for multiple ligands of an allosteric enzyme; and

(d) To obtain kinetic information in certain cases in which conformational change of the protein is involved.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for measuring heats of reaction in the range of 0.1 to 11.0 millicalories. The National Bureau of Standards (NBS) advised in its memorandum dated June 12, 1973 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73-13524 Filed 7-3-73;8:45 am]

RUSH-PRESBYTERIAN-ST. LUKE'S MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et. seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00447-33-90000. Applicant: Rush-Presbyterian-St. Luke's Medical Center, Diagnostic Radiology, 1753 West Congress Parkway, Chicago, Ill. 60612. Article: Computerized axial transverse tomography equipment (EMI scanner system). Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used to study patients with head injury, dizziness and headache and compare these studies with other known tests to determine if the article will detect these diseases earlier or more accurately. Its use in determining conditions, leading to stroke before the paralysis occurs will be investigated. The article's reliability in previously unstudied diseases, such as multiple-sclerosis, will be tested where the diagnosis is difficult by other ordinary methods. In addition the article is to be used to train registered technicians and student technicians in its operation. Interpretation of the images obtained by the article will be taught to residents in radiology, neurology, and neuro-surgery as well as interns and medical students at the University.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 8, 1973

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that the foreign article is a newly developed instrument which provides the high sensitivity, precision, and minimum x-ray dosage pertinent to the applicant's use in research studies into the detection of brain tumors and hemorrhage, as well as conditions leading to stroke. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73-13525 Filed 7-3-73;8:45 am]

UNIVERSITY OF CINCINNATI

Decision on Application for Duty-Free Entry of Scientific Articles

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et. seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00438-65-46200. APPLICANT: University of Cincinnati, Department of Materials Science and Met. Engineering, 498 Rhodes Hall, Cincinnati, Ohio 45211. ARTICLE: Megapact laboratory vibration mill. Manufacturer: Pilamec, United Kingdom. Intended use of article: The article is intended to be used for the grinding of stainless steel and corrosion resistant alloys to produce metal powders in the form of coating slurries, which will be investigated for particle morphology and impurity. Graduate research will involve development of a prosthetic device to facilitate repair of damaged or severed nerves.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities for processing in gas or liquid by a very efficient process for grinding which utilizes two tubular chambers containing balls which are oscillated in a circular path at 2,800 cycles per minute with an adjustable amplitude from zero to two milliliters. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 8, 1973 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13526 Filed 7-3-73;8:45 am]

UNIVERSITY OF CINCINNATI

Decision on Application

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00437-33-46040. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Electron Microscope, Model EM 301 and accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural research on biological material in various studies. Some studies to be undertaken are as follows:

(a) Ultrastructural studies on embryonic chick connective tissue,

(b) Fine structure studies of connective tissue after short term ingestion of cadmium,

(c) Ultrastructural and biochemical analysis of isolated liver mitochondria in diabetic rats,

(d) Study of morphologic changes in testicular interstitial tissue of the rat after cryptorchidism or x-irradiation,

(e) Ultrastructural studies on cultured Hept-2 cells treated with diptheria toxin and cytochalasin B,

(f) Study of ultrastructural morphology, cellular adhesion and mucopolysaccharide synthesis following treatment with cytochalasin B,

(g) Study of testicular interstitial morphology following chronic cadmium ingestion,

(h) Study of ultrastructural changes within the rat testis and epididymis after surgical interruption of the vas deferens,

(i) Histochemical localization of mucopolysaccharides at the ultrastructural level in the spleens of mice under conditions of erythropoietic stimulation and inhibition and in genetically anemic mice, and

(j) Ultrastructural characterization of hamster corpora lutea during growth and regressive phases.

The article will also be used for educational purposes in the courses Microscopic Techniques wherein students will be assisted and trained on the instrument.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated June 8, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13527 Filed 7-3-73;8:45 am]

UNIVERSITY OF RHODE ISLAND, ET AL.

Notice of Applications

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by July 25, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00550-33-01710. Applicant: University of Rhode Island, Kingston, R.I. 02881. Article: Voltage-Clamp Amplifier. Manufacturer: Hugo Sachs Elektronik K.G., West Germany. Intended use of article: The article is intended to be used in studies of smooth and cardiac muscle wherein membrane potential difference will be clamped at a value corresponding to deplorization by acetylcholine, while the muscle is treated with 5-hydroxtrytamine to determine whether current oscillations and rhythmicity will be established. Application received by Commissoner of Customs: June 4, 1973.

Docket Number: 73-00552-00-65600. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Accessories to Cockcroft-Walton High Voltage Generator. Manufacturer: Emile Haefeley and Company, Switzerland. Intended use of article: The articles are to serve as spare accessories to two existing Cockcroft-Walton high voltage generators being used to produce 750 kilovolts of potential and at the same time deliver 13 milliamperes of current. Application received by Commissioner of Customs: June 4, 1973.

Docket Number: 73-00553-01-04030. Applicant: University of Masachusetts, Chemistry Department, Amherst, Mass. 01002. Article: Used Variable Temperature Magnetic Susceptibility Balance. Manufacturer: Newport Instruments Ltd., United Kingdom. Intended use of article: The article will be used to make measurements of the magnetic properties of single crystals of coordination compounds of the transition elements (principally those of titanium through copper) over a temperature range from room temperature down to that of liquid nitrogen, using a variable temperature dewar system in conjunction with a variable field electromagnet. The article will also be used in graduate student research work and also to a lesser extent by undergraduates working on honors and senior thesis projects under course numbers, Chem. 388 and Chem. 385. Application received by Commissioner of Customs: June 4, 1973.

Docket Number: 73-00555-01-77040. Applicant: Brooklyn College of the City University of New York, Chemistry Department, Bedford Avenue and Avenue H, Brooklyn, New York 11210. Article: Mass Spectrometer, Model CH-7. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used as a teaching and research instrument in undergraduate and graduate programs involving problems of analysis of organic and inorganic materials. Specific projects will include structural and analysis studies on compounds and mixtures, structural studies of complex organic polymers, polynuclear aromatic hydrocarbons, biopolymers such as peptides, and model organic qualitative analysis unknowns. The article will be used in a course for the development of skills in securing and interpreting data on real unknow problems that have a prior history. Application received by Commissioner of Customs: June 3, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13528 Filed 7-3-73;8:45 am]

National Oceanic an Atmospheric Administration

METHODS AND DEVICES FOR REDUCING MARINE MAMMAL MORTALITY INCIDENTAL TO COMMERCIAL FISHING

Notice of Hearing

Section 111(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)), directs the Secretary of Commerce to undertake a program of research and development for the purpose of devising improved fishing methods and gear so as to reduce to the maximum extent practicable the incidental taking of marine mammals in connection with commercial fishing. As part of this program, the National Marine Fisheries Service intends to solicit the views of all interested parties, particularly with respect to the problem of the incidental catch of porpoises by tuna fishermen. In this regard, we will request the views of the public concerning the following proposals: (a) requiring the use of a smaller mesh "Medina" panel; and (b) requiring the training of skippers of tuna vessels in the handling of this type gear, including so-called "backing down" procedures.

Accordingly, notice is hereby given, that, on July 31, 1973, at 10:00 a.m. in the penthouse conference room National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue, NW., Washington, D.C., and on August 3, 1973, at 10 a.m. in the United Portuguese Club, 2818 Addison Street, San Diego, California, there will be public hearings for the purpose of obtaining the views of interested parties on ways of improving commercial fishing methods and gear so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations.

Individuals and organizations may express their views or opinions by appearing at these hearings or by submitting written comments for inclusion in the record to the Director, National Marine Fisheries Service, Washington, D.C. 20235. Any inquiries with respect to the hearings should be made to the Director. Written comments will be accepted for the official record provided they are postmarked or received no later than midnight on September 3, 1973.

Individuals and organizations may review available portions of the official record prior to September 3, 1973, and the complete record thereafter, at the Office of the Director, National Marine Fisheries Service, Page Building No. 2, 3300 Whitehaven Parkway, Washington, D.C., and at the Southwest Fisheries Center, 8604 La Jolla Shores Drive, La Jolla, California.

Dated: June 29, 1973.

JOSEPH SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-13630 Filed 7-3-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U. S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Streets, N.W.
Washington, D.C. 20240

PAT-APPL-348 381
Alternating Field Magnetic Separator
Filed 5 Apr 73
PC$3.50/MF$1.45

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Assistant General Counsel for Patent Matters.
NASA—Code GP-2
Washington, D.C. 20546

PAT-APPL-326 327
Battery Testing Device
Filed 24 Jan 73
PC$3.00/MF$0.95

PAT-APPL-339 806
Jet Exhaust Noise Suppressor
Filed 9 Mar 73
PC$3.00/MF$1.45

PAT-APPL-347 953
Insulated Electrocardiographic Electrodes
Filed 4 Apr 73
PC$3.25/MF$1.45

PAT-APPL-351 929
Improved Four Phase Logic Systems
Filed 17 Apr. 73
PC$3.00/MF$1.45

PAT-APPL-352 383
Dual Wavelength Scanning Doppler Velocimeter
Filed 18 Apr 73
PC$3.00/MF$1.45

PAT-APPL-350 249
Clear Air Turbulence Detector
Filed 11 Apr 73
PC$3.50/MF$1.45

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U.S. ATOMIC ENERGY COMMISSION

Assistant General Counsel for Patents
Washington, D.C. 20545
PAT-APPL-80 193
Corrosion Resistant Metastable Austenitic Steel
Filed 12 Oct 70
PC$3.50/MF$0.95
PAT-APPL-126 223
Demand Regulated DC to DC Power Supply
Filed 19 Mar 71
PC$3.00/MF$0.95.
PAT-APPL-203 267
Apparatus for Removing Oil and Other Floating Contaminants from a Moving Body of Water
Filed 30 Nov 71
PC$3.00/MF$1.45
PAT-APPL-233 528
A Folded Membrane Dialyzer
Filed 10 Mar 72
PC$3.25/MF$1.45
PAT-APPL-249 585
A High Strength and High Toughness Steel
Filed 2 May 72
PC$3.00/MF$0.95

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
Chief, Patent Branch
Westwood Building
Bethesda, Maryland 20014
PATENT-3,698,560
Balloon Cardiac Assisting Pump Having Intraaortic Electrocardiographic Electrodes
Filed 3 Sept 70, Patented 2 Jan 73
Not available NTIS
PATENT-3,698 560
Hollow Fiber, Artificial Kidney with Disposable Dialyzing Cartridge
Filed 28 Dec 70, Patented 17 Oct 72
Not available NTIS

[FR Doc.73-13446 Filed 7-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-600; NDA No. 10-176 etc.]

CERTAIN COMBINATION ANTICHOLINERGIC GASTROINTESTINAL DRUGS

Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of March 27, 1973 (38 FR 8011) extending to the holders of the new drug applications listed below, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of the listed applications and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications. Lakeside has stated that marketing of Tridal Tablets has been discontinued.

NDA No.	Drug	NDA Holder
10-176	Tridal Tablets containing piperidolate hydrochloride and papenzolate bromide.	Lakeside Laboratories, Inc., 1707 East North Ave., Milwaukee, WI 53201.
10-907	Benulone Suspension containing dicyclomine hydrochloride, sodium lauryl sulfate and hydrolyzed sodium carboxymethylcellulose.	Merrell-National Laboratories, Division of Richardson-Merrell Inc., 110 East Amity Rd., Cincinnati, OH 45215.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holders of the applications nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug applications Nos. 10-176, and 10-907 and all amendments and supplements thereto are withdrawn.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Effective date. This order shall become effective on July 16, 1973.

Dated: June 26, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc 73-13400 Filed 7-3-73;8:45 am]

National Institutes of Health

AD HOC NCI-VA COLLABORATIVE PROGRAM REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad hoc NCI-VA Collaborative Program Review Committee, National Cancer Institute, July 9, 1973, National Institutes of Health, Building 31, Conference Room 8. This meeting will be closed to the public to review the Transfer Agreement in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of P.L. 92-463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. C. Gordon Zubrod, Executive Secretary, Building 31, Room 3A52, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4291) will provide substantive program information.

ROBERT W. BERLINER,
Acting Deputy Director, NIH.

Dated: June 29, 1973.

[FR Doc.73-13680 Filed 7-3-73;8:45 am]

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, July 11, 1973, National Institutes of Health, Building 10, Masur Auditorium. This meeting will be open to the public to clarify problem areas for respondees to RFP for Toxicology Prime Contract.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. J.A.R. Mead, Executive Secretary, Building 37, Room 5A05, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4388) will provide substantive program information.

Dated: June 29, 1973.

ROBERT W. BERLINER,
Acting Deputy Director, NIH.

[FR Doc.73-13677 Filed 7-3-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-237]

REGIONAL DIRECTORS OF FEDERAL DISASTER ASSISTANCE

Redelegation of Authority

Each Regional Director of Federal Disaster Assistance is authorized to exercise the power and authority of the Secretary with respect to Federal Disaster Assistance pursuant to Section 1 of Executive Order entitled, "Transfer of Certain Functions of the Office of Emergency Preparedness," signed June 27, 1973, E.O. 11725, 38 F.R. 17175, except the authority (1) to issue rules and regulations; (2) to make recommendations to the President concerning major disaster declarations; (3) to determine that a major disaster is imminent pursuant to Section 221 of the Disaster Relief Act of 1970, 42 U.S.C. 4401 et seq. (the "Act"); (4) to provide assistance for the suppression of fires pursuant to Section 225 of the Act; and (5) to enter into agreements pursuant to Section 207(b) of the Act with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service and other relief or disaster assistance organizations.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); E.O. 11725, 38 F.R. 17175, June 27, 1973)

Effective date. This redelegation is effective July 1, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13584 Filed 7-3-73;8:45 am]

[Docket No. D-73-238]

ADMINISTRATOR OF FEDERAL DISASTER ASSISTANCE

Delegation of Authority

SEC. A. *Authority delegated.* The Administrator of Federal Disaster Assistance is authorized to exercise the power and authority of the Secretary with respect to Federal disaster assistance pursuant to Section 1 of Executive Order entitled, "Transfer of Certain Functions of the Office of Emergency Preparedness," except the authority to make recommendations to the President concerning the issuance of a major disaster declaration. In the event that the Secretary is absent or unavailable, the authority to make such recommendations shall be exercised by the Under Secretary. If both the Secretary and the Under Secretary are absent or are unable to act for any reason, said authority shall be exercised by the Administrator.

SEC. B. *Authority to redelegate.* The Administrator may redelegate to employees of the Department any of the authority delegated in section A.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Reorganization Plan No. 1; E.O. 11725, 38 F.R. 17175, June 27, 1973)

Effective date. This delegation shall be effective as of July 1, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-13585 Filed 7-3-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-106N]

NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, Section 10(a), approved October 6, 1972, that the National Offshore Operations Industry Advisory Committee will conduct open meetings on Wednesday, 11 July at 10:00 a.m. and at 2:00 p.m. in room Consort I of the Houston Oaks Hotel and on Thursday, 12 July 1973 at 9:00 a.m. in the Continental Room of the Houston Oaks Hotel, Houston, Texas. Discussion topics on the agenda are the following:

1. Activities of the Manning and Licensing Subcommittee.
2. Activities of the Environmental Affairs Subcommittee.
3. IMCO and International Activities.
4. Activities of the Law of the Sea Conventions Subcommittee.
5. Activities of the Mobile Drilling Unit Subcommittee.
6. Activities of Offshore Operations Safety Subcommittee.
7. Report on the authority for enforcement of the Occupational Safety and Health Act with respect to offshore platforms and vessels including drilling vessels.
8. Status of ratification of International Convention on Tonnage Measurement of Ships, 1969.
9. Activities of the Portable Tank Subcommittee.
10. Dissolution of Seismographic Subcommittee.
11. Other subjects of interest.

The National Offshore Operations Industry Advisory Committee was first established under the Treasury Department on December 15, 1959, as the National Offshore Operations Advisory Panel. Its function is to provide advice and consultation to the Marine Safety Council of the U.S. Coast Guard with respect to offshore operations including, but not limited to, fairways, sea lanes, and offshore drilling operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Public attendance at the meeting will be limited to space available. Interested persons may file statements with the committee or request more information by writing the U.S. Coast Guard (GCMC/82), 400 Seventh Street, SW., Washington, D.C. 20590.

Dated June 29, 1973.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 73-13555 Filed 7-3-73;8:45 am]

Federal Railroad Administration

HIGH SPEED GROUND TRANSPORTATION ADVISORY COMMITTEE

Notice of Meeting

This is to give notice pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, that the High Speed Ground Transportation Advisory Committee will conduct an open meeting on July 12, 1973, at the Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, Room 10200, beginning at 9 a.m.

The High Speed Ground Transportation Advisory Committee is a seven-member committee established by Public Law 89-220, and extended by Public Law 92-348. The Committee is to advise the Secretary of Transportation with respect to research, development, and demonstrations under the High Speed Ground Transportation Act in order to determine the contribution which high-speed ground transportation could make to a more efficient and economical system of intercity transportation.

The agenda will consist of a review of railroad research and development programs between 9 a.m. and 11:30 a.m.

Any member of the public who wishes to do so may file a written statement with the Committee either before or after the meeting. To the extent that the time available for the meeting permits, members of the public may also be permitted by the Chairman to present oral statements at the meeting.

Interested persons may request information concerning the July 12, 1973 meeting by writing the Executive Secretary, High Speed Ground Transportation Advisory Committee, Federal Railroad Administration, Room 4214, 2100 Second Street, SW., Washington, D.C. 20590, or by calling A/C 202 426-0850.

Dated: June 29, 1973.

JOHN W. INGRAM,
Federal Railroad Administrator.

[FR Doc.73-13642 Filed 7-3-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—WORKING GROUP ON PROVISIONS FOR PROTECTION AGAINST INDUSTRIAL SABOTAGE

Notice of Meeting

JULY 2, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic

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Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Provisions for Protection Against Industrial Sabotage will hold a meeting on July 11, 1973, in Room 1034, 1717 H Street, NW., Washington, D.C.

The Subcommittee will meet to formulate policies and recommendations to the full Committee concerning the future course of the Working Group's activities.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and will also involve a discussion of certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b).

It is essential to close the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc 73-13701 Filed 7-3-73;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO.

Order Extending Completion Date

Georgia Power Company is the holder of Provisional Construction Permit No. CPPR-65 issued by the Commission on September 30, 1969, for construction of the Edwin I. Hatch Nuclear Plant, Unit 1, a 2436 thermal megawatt boiling water nuclear reactor presently under construction at the Company's site on the south side of the Altamaha River in the northwestern sector of Appling County, Georgia, approximately eleven miles north of Baxley, Georgia, and about 75 miles west of Savannah.

On May 24, 1973, the Company filed a request for an extension of the completion date because construction has been delayed. It has been determined that the delay is due to several interdependent reasons which include (1) the Company's underestimation of the time required for designing and procuring the components of Unit 1; (2) a number of design changes due to the safety review and continuing evolution of safety requirements developed subsequent to the issuance of the construction permit; and (3) material and equipment delays due to stringent quality assurance requirements, additional inspections, and the repair of nozzle welds in the reactor pressure vessel subsequent to an onsite inspection. The Director of Regulation having determined that this action involves no significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum dated June 28, 1973, from V. A. Moore to A. Giambusso:

It is hereby ordered, That the latest completion date for Construction Permit No. CPPR-65 is extended from July 1, 1973 to December 31, 1974, with the earliest completion date being December 1, 1973.

Date of issuance: June 28, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-13587 Filed 7-3-73;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Availability of AEC's Draft Environmental Statement for the Oyster Creek Nuclear Generating Station

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement, prepared by the Commission's Directorate of Licensing, related to the proposed issuance of a full-term operating license for the Oyster Creek Nuclear Generating Station, Unit 1, located in Lacey Township, Ocean County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545, and in the local Public Document Room at the Ocean County Library in Toms River, New Jersey. The Draft Environmental Statement is also being made available at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Ocean County Planning Board, Court House Square, Toms River, New Jersey 08753. Copies of the Commission's Draft Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as amended, submitted by Jersey Central Power & Light Company, is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on April 12, 1972 (37 FR 7265).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may, on or before August 20, 1973, submit comments on the Applicant's Environmental Report, as amended, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). When comments thereon by Federal, State and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. 20545, and at the Ocean County Library in Toms River, New Jersey. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 28th day of June 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Directorate of Licensing.

[FR Doc.73-13586 Filed 7-3-73;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that, pursuant to an Initial Decision by the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-36 to the Maine Yankee Atomic Power Company. This amendment authorizes operation of the Maine Yankee Atomic Power Station (the facility) at reactor core power levels up to 2440 megawatts thermal (rated power). The facility is a pressurized, light water moderated and cooled reactor located at the licensee's site in Lincoln County, Maine.

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license. The application for the license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1.

The amended license is effective as of the date of issuance and shall expire at midnight on October 21, 2008.

A copy of (1) the Board's Initial Decision dated June 26, 1973; (2) Amendment No. 1 to Facility Operating License No. DPR-36, (3) the Addendum to the Safety Evaluation dated March 15, 1973, and other relevant documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. Copies of the amended license may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 29th day of June 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-13589 Filed 7-3-73;8:45 am]

MATERIAL AND PLANT PROTECTION GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued three guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 5, "Materials and Plant Protection." Regulatory Guide 5.7, "Control of Personnel Access to Protected Areas, Vital Areas, and Material Access Areas," describes acceptable methods of controlling access to protected areas, vital areas, and material access areas, and acceptable methods of searching personnel for firearms and explosives prior to permitting entry into a protected area and searching for SNM upon exit from material access areas. Regulatory Guide 5.8, "Design Considerations for Minimizing Residual Holdup of Special Nuclear Material in Drying and Fluidized Bed Operations," describes acceptable design features and characteristics for minimizing the residual holdup of special nuclear material in driers and fluidized beds after shutdown, drindown, or cleanout in order to facilitate material control procedures. Regulatory Guide 5.9, "Specifications for GE(Li) Spectroscopy Systems for Material Protection Measurements—Part I: Data Acquisition," details specifications for gamma ray spectroscopy systems which are adequate for use in the measurement of total content and isotopic composition of special nuclear material.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 5 Regulatory Guides currently being developed include the following:

Nuclear Material Control Systems and Procedures for Conversion Facilities
Conduct of Nuclear Material Inventories
Training and Equipping of Guards and Watchman
Safe Secure Vehicles
Quality Assurance Program for Materials Accounting Measurements at a Chemical Reprocessing Plant
Selection and Use of Pressure-Sensitive Seals on Containers for Temporary Storage of SNM
Calibration Techniques for Nuclear Calorimetry
Mass and Scales Calibration
Standard Methods for Chemical, Mass Spectrometric, Spectrochemical, Nuclear and Radiochemical Analyses of Plutonium Nitrate and Plutonium Metal
Armed Escort Duties and Responsibilities
Selection and Use of Pressure-Sensitive Seals on Containers for Onsite Storage of Special Nuclear Material
General Use of Locks in the Protection and Control of Facilities and Special Nuclear Materials
Nondestructive Assay of SNM Scrap and and Waste Inventory Components
Nondestructive Assay of SNM Residue in Process Equipment
Nondestructive Assay of Fissile Content of Low Enriched Uranium Fuel Rods

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 28th day of June 1973.

For The U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-13588 Filed 7-3-73;8:45 am]

[Docket Nos. 50-344, 50-344-0]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Order Postponing Prehearing Conference

In the matter of the Trojan Nuclear Plant.

After a telephone conference with the parties respecting a change in circumstances advising a change in the date from July 11 to July 19, 1973, for the Special Prehearing Conference, in the facility operating license proceeding,

Wherefore, *It is ordered*, In accordance with the Atomic Energy Act, as amended and the rules of practice of the Commission, the special prehearing conference on the facility operating license proceeding is postponed from July 11 and in lieu thereof shall convene at 1:00 pm, local time, on Thursday, July 19, 1973, in Room 212, United States Court of Appeals, The Pioneer Courthouse, Sixth and Morrison Streets, SW., Portland, Oregon 97204. The prehearing conference on the section B of Appendix D to 10 CFR Part 50 proceeding, also previously scheduled for July 11, 1973, will be convened on July 19, 1973, in Room 212, immediately following the special prehearing conference on the facility operating license proceeding.

THE ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

Issued at Washington, D.C., this 28th day of June, 1973.

[FR Doc.73-13536 Filed 7-3-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25397]

AMERICAN AIRLINES, INC. AND FRONTIER AIRLINES, INC.

Application for Approval of Route Exchange Agreement; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 18, 1973, at 10:00 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 6, 1973, and the other parties on or before July 13, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 29, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-13638 Filed 7-3-73;8:45 am]

[Dockets Nos. 25193, 24873]

CENTURY 2000, INC. ET AL.

Enforcement Proceeding; Postponement of Hearing

Notice is hereby given that the hearing in the above entitled proceeding has been postponed from July 24, 1973, (38 F.R. 15474, June 12, 1973), to August 21, 1973, at 10 a.m. (local time), in Courtroom 209, U.S. Post Office Court House, 300 N.E. First Avenue, Miami, Florida, before the undersigned Administrative Law Judge.

Dated at Washington, D.C., June 29, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-13632 Filed 7-3-73;8:45 am]

[Dockets Nos. 25094, 25095]

GREAT LAKES AIRLINES LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matters will be held on July 24, 1973 at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred

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to the report of prehearing conference served June 20, 1973, and other documents which are in the dockets of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 29, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-13637 Filed 7-3-73;8:45 am]

[Docket No. 25252]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Prehearing Conference

Application for amendment of the certificate of public convenience and necessity for route 82 so as to delete Lufkin, Texas from segment 4.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 1, 1973, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 16, 1973, and the other parties on or before July 25, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 29, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-13634 Filed 7-3-73;8:45 am]

[Docket No. 25659; 73-6-119]

LOCAL SERVICE CLASS SUBSIDY RATE

Order Instituting Investigation and Reopening Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of June 1973.

By this order the Board is instituting an investigation directed to the establishment of a revised class subsidy rate for the local service carriers. This order also reopens, as of July 1, 1973, the final subsidy rate presently in effect, Class Rate VI,[1] for those carriers.

Over the past few years the local service industry as a whole has been in a state of depressed earnings. Class Rate VI and its predecessor, Class Rate V,[2] were promulgated to relieve the carriers' then critical financial position. These amended rates, which substantially increased subsidy payments to the local service carriers for fiscal years 1971–1973, have been successful in ameliorating the carriers' depressed financial condition. For calendar year 1971, the carriers reported a system need before taxes of $89.9 million. In 1972, this need was reduced to $63.8 million, constituting a $26.1 million improvement in need. Estimates of earnings and subsidy need through the end of fiscal 1973 indicate a continuing strong financial picture. In view of this improvement in the carriers' financial and economic positions and to continue to base the carriers' subsidy level on reasonable need expected by currently available information, we have decided to institute this investigation for the purpose of establishing a new class rate.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002(b) thereof,

It is ordered, That:

1. An investigation be, and it hereby is, instituted reopening as of July 1, 1973, the current final local service class subsidy rate for the purpose of determining a new final rate or taking such other action as the facts may warrant.[3]

2. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. d/b/a Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., are hereby made parites to this investigation.

3. This order shall be served on all of the above-named parties to this proceeding and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13636 Filed 7-3-73;8:45 am]

[Docket No. 25628; Order 73-6-122]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of June 1973.

By application filed on June 18, 1973, Pan American World Airways, Inc., requests that the Board grant it an exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit Pan American to provide transportation for approximately 193 persons from Bombay, India, to Tehran, Iran, on June 19, 1973.

In support of its application Pan American states that due to a strike, Air India is unable to provide transportation for the 193 persons from Bombay to Tehran, and that Air India has requested that Pan American provide this transportation. Pan American states that it would provide this transportation by rerouting Flight 001 from its Delhi-Tehran itinerary to a Delhi-Bombay-Tehran itinerary. Pan American states that it has agreed to accept Air India's assignment of ticket coupons so that the passengers will be charged the same fares which would have been charged on Air India.

In light of the unusual circumstances raised by the instant application, action has been taken pursuant to Rule 410 of the Board's Rules of Practice without awaiting the filing of answers or replies thereto.[1]

Upon consideration of the application and all the relevant facts, the Director of the Bureau of Operating Rights, under delegated authority, granted Pan American an emergency exemption from section 401 of the Act and the terms, conditions and limitations of its certificate for route 132 to the extent necessary to enable Pan American to carry approximately 193 persons from Bombay, India, to Tehran, Iran, on June 19, 1973. Upon these same considerations, we will exempt Pan American nunc pro tunc, from the tariff filing provisions of section 403 of the Act and permit Pan American to provide the transportation in question through the assignment of Air India's ticket coupons for the proposed transportation.

Considerations taken into account which warrant use of the exemption power of the Board are that this application is for transportation on one flight only; that without this exemption the persons involved would not be able to obtain air transportation; that this operation will not adversely affect any other air carrier, and that the expense of a certification proceeding would be disproportionate to the size of the operation. Moreover, it is found that the limited authority requested is inappropriate for certification procedures and that such procedures could not, in any event, be completed in time to permit the transportation of the persons involved as requested by Pan American. Under all these circumstances, the Board finds that the enforcement of sections 401 and 403 of the Act, and the terms and conditions of Pan American's certificate for route 132, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Pan American by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. Pan American World Airways, Inc., be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 182 insofar as they would otherwise prevent it from carrying approximately 193 persons from Bombay, India, to Tehran, Iran, on June 19, 1973;

2. Pan American World Airways, Inc., be and it hereby is exempted from section 403 of the Act insofar as that section would require the filing of a tariff for the carriage of approximately 193 persons from Bombay, India, to Tehran, Iran, on June 19, 1973; and

3. This order may be amended or revoked at any time without hearing in the discretion of the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13633 Filed 7-3-73;8:45 am]

[Docket No. 23892; Order 73-6-121]

SHULMAN AIR FREIGHT, INC. AND WTC AIR FREIGHT

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of June 1973.

Agreement filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended.

By Order 71-10-38, October 8, 1971, the Board deferred action and requested comments with respect to a request by Airborne Freight Corporation (Airborne) that it be made a part to a joint-load charter arrangement between Shulman Air Freight, Inc. (Shulman) and WTC Air Freight (WTC).[1]

Subsequent to the issuance of Order 71-10-38, the joint-load agreement, CAB 21800, was superseded by a new Shulman/WTC joint load agreement, CAB 22727. Whereas the first agreement involved the regular sharing of space on a single chartered aircraft, CAB 22727 contemplated joint loading "from time to time" as space may become available on separately chartered aircraft (one each by Shulman and WTC). The two aircraft were to operate back-to-back 5 days a week in the same markets on the same days. Responses to Order 71-10-38 were made generally in cognizance of the superseding agreement.[2]

Upon consideration the Board concludes that the refusal by WTC and Shulman to admit Airborne is inconsistent with the Board's previous expressions[3] of its policy to require open participation in joint-load agreements, based on the belief that certain forwarders in a market cannot combine their resources to obtain cost benefits which they deny to other forwarders in the market by excluding them from the cooperative arrangement. The Board has felt that such a combination of resources works to the competitive detriment of non-participating forwarders, and is at minimum discriminatory.

Presently the Board is conducting the Air Freight Forwarder Charter Investigation, Docket 23287 which includes consideration of the broad issue of charters by air freight forwarders, including the precise issues of whether joint loading on charters should be allowed to air freight forwarders, and whether such joint loading should be open to all forwarders who desire to participate. In this circumstance it would be inappropriate to depart from the previous statements of the Board's policy pertaining to the open ended feature of joint-load agreements unless and until a revision of that policy is articulated in Docket 23287.

Turning from questions of policy, in determining that Airborne should have access to the total capacity represented by the two chartered aircraft, we have concluded as explained below that agreement CAB 22727, involving 2 separately chartered aircraft, is not substantially different from the earlier agreement, CAB 21800, which involved an equal sharing of a single aircraft chartered by Shulman. The question of whether Airborne's equal participation would be required if the two aircraft were factually independently operated, and only occasionally joint loaded, is not before us.

In this respect, it appears that the actual wording of the joint-load agreement falls to properly reflect the de facto cooperative arranagement between Shulman and WTC. In fact, the agreement operates to effectively split in equal proportions all space cumlatively made available to the parties via both chartered aircraft. This split is apparent in the disproportionate number of cancellations by Airlift International, Inc. (Airlift) of Shulman's chartered flights.

For example, during the year October 1, 1971—September 30, 1972, both participants planned approximately 250 flights each, or the equivalent of 5,500 Class A container units apiece. Airlift subsequently cancelled 58 Shulman flights (23.9%) and 3 WTC flights (1.2%). Nevertheless, both parties ultimately had available for their use the equivalent of 4,829 Class A container units. This equalization of available space resulted because, in each case where one of the two flights was cancelled by Airlift, Shulman and WTC shared equally the space on the single remaining aircraft. In most cases, the party with the operating aircraft had to divert its own freight in order to accommodate the other participant. Thus, the "unused" space offered the other party in such circumstances was not space which the offering party could not fill with its own freight,[4] but was space devoted to insure equal sharing of available space.

In this light, the language of CAB 22727 appears gratuitously loose; while CAB 22727 suggests a casual sharing of space, the sharing in fact appears highly regularized and carefully apportioned. On this basis alone, Airborne's participation in the arrangement must be allowed with respect to the full amount of space involved in the two charters.[5] At minimum, CAB 22727 does not reflect the apparent agreement between Shulman and WTC to equally share single operating flights where the other has been cancelled. CAB 22727 should be promptly amended to more properly reflect the sharing of a single operating aircraft, and to reflect the de facto split of space aggregately available from the two charter operations.

Continued Board deferral on Agreement CAB 22727 will be made only to the extent that WTC and Shulman take immediate steps to amend the agreement and to open the joint-load agreement to the equal participation of Airborne.

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[1] Class Rate VI was established by Orders 72-6-72, June 16, 1972, and 72-7-82, July 25, 1972. The investigation looks to the establishment of Class Rate VII. There were nine local service carriers when Class Rate VI was established. With the merger of Mohawk Airlines into Allegheny Airlines upon Board approval in Orders 72-4-31 and 72-4-32, March 28, 1972, the local service class now consists of eight carriers.

[2] Class Rate V was established by Orders 71-1-143, January 29, 1971, and 71-3-7, March 1, 1971.

[3] This order is not intended to disturb the service mail rates established under other orders of the Board.

[1] Pursuant to Rule 410(c) of the Board's rules of practice, it is found that the public interest requires that the Board act without notice to other persons or the filing of answers.

[1] Airborne stated that Shulman and WTC had refused to make Airborne a party to the arrangement contrary to a clause in the joint-load agreement providing against exclusion of other participants, and contrary to the Board's policy that all joint-load agreements be open to participation by other forwarders. Airborne stated the Shulman/WTC arrangement afforded those carriers a cost basis 30–40% below that otherwise available to Airborne, and that Airborne's participation was necessary to make it cost competitive. Shulman and WTC responded that the operation was being conducted as full capacity; that Airborne's entry would cause the arrangement to disintegrate; and that neither the Board's policy nor the terms of the joint-load agreement required Shulman and WTC to admit Airborne to the agreement. Order 71-10-38 was issued requesting further information with a view toward temporarily resolving the controversy pending the outcome of the Air Freight Forwarders' Charter Investigation; Docket 23287, in which joint loading by air freight forwarders on chartered aircraft is an issue.

[2] Responses were filed by Shulman, WTC, Airborne, Flying Tiger Line Inc., the Department of Justice and Wings and Wheels Express, Inc. The pertinent Department of Justice comments are discussed below; Wings and Wheels urged that the Shulman/WTC joint-load charter operation be required to be open-ended. Flying Tiger took issue with certain aspects of the Department of Justice comments.

[3] Orders E-22640, E-17369, and E-16367.

[4] CAB 22727 provides: "The chartering party may from time to time make available to other participant(s) in this joint load agreement unused space on the aircraft."

[5] The Department of Justice believes that Airborne should be allowed to participate only with respect to excess space offered by a participating carrier, and then only if Airborne charters its own aircraft. However, in reaching its recommendation, The Department of Justice apparently adopts a premise not accepted here; i.e., that the two aircraft independently chartered by Shulman and WTC are independently operated and thereby involve substantial areas of unilateral, rather than joint, activity.

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Accordingly, it is ordered, That:

1. Action on Agreement CAB 22727 be and it hereby is deferred further, provided that no later than 90 days from the date of this order WTC, Shulman, and Airborne shall report to the Board's Director, Bureau of Operating Rights what steps have been taken in conformance with the views expressed herein, after which the Board shall determine whether the agreement shall be approved or disapproved; and

2. This order shall be served on WTC, Shulman and Airborne, and upon Wings and Wheels Express, Inc., The Flying Tiger Line Inc., and the Departments of Justice and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13635 Filed 7-3-73;8:45 am]

CIVIL SERVICE COMMISSION

COMMUNITY PLANNING SERIES

Decision to Revise Prescribed Minimum Educational Requirements

In accordance with section 3308 of Title 5, United States Code, the Civil Service Commission has decided that the previously approved minimum educational requirements for positions in the Community Planning Series, GS–020 (formerly titled the Urban Planning Series, GS–020) should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE COMMUNITY PLANNING SERIES, GS–020

(All positions GS–5 through GS–15)

Superseded Requirements. The following material supersedes that previously published in 31 FR 246, December 21, 1966.

Minimum Educational Requirements. Candidates for Community Planner positions must show successful completion of the requirements in either A, B, or C below:

A. A full course of study leading to a bachelor's or higher degree with major study in community planning, or in a related field such as architecture, landscape architecture, engineering, sociology, geography, economics, political science, or public administration. The curriculum in the related field must have included or been supplemented by 12 semester hours in the planning process and the socio-economic and physical elements of planning.

B. Four years of education and/or experience including at least 24 semester hours in any combination of the disciplines listed in paragraph A above of which 12 semester hours must have been in the planning process and the socio-economic and physical elements of planning.

C. Successful completion in an accredited college of a full course of study leading to a bachelor's or higher degree in a related professional field such as those listed in paragraph A, provided the candidate has at least one year of work experience in community planning acquired under the supervision and guidance of a community planner. The experience should provide a thorough knowledge of the planning process and of the socio-economic and physical elements to be considered.

The combination of education and experience in B and C must demonstrate that the candidates possess professional knowledges and skills comparable to those normally acquired through the education described in paragraph A above.

Duties. Community planners perform professional work such as the following:

Study and develop planning methods or plans to apply to future needs of communities (urban and rural neighborhoods, villages, towns, cities, counties, regions, States, or the nation) in order to provide for the availability and development of resources, facilities, and services required by the people of the community.

Advise and assist community officials and members to establish goals, priorities, policies, programs, organizations, regulations, and procedures in such areas as the pattern and intensity of land use, the development of transportation facilities, housing, public utilities, public safety, health services, and environmental pollution control.

Coordinate community planning activities and programs at and between the several jurisdictional levels (local, regional, State, and national).

Maintain an overview and evaluate policies and planning programs after initial installation to update them or suggest other approaches.

Reasons for the Requirements. The duties of these positions cannot be performed successfully without specialized training which gives an individual a sound basic knowledge of the principles governing the development of comprehensive plans for the orderly growth and renewal of cities, towns, metropolitan areas, and other population centers. The duties of these positions require the application of specialized knowledge of the political, economic, cultural, and physical factors which must be considered in developing plans covering the most appropriate location and arrangement of land uses and facilities. This required training and these required knowledges can be acquired only through the successful completion of a directed course of study in an accredited college or university, which has comprehensive libraries and thoroughly trained instructors who can competently evaluate the progress of professional training.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13517 Filed 7-3-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Policy Development, Office of Policy Development, Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13519 Filed 7-3-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted services the position of Director, Senate Liaison, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13520 Filed 7-3-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council met at 2:00 PM on Thursday, June 28, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent:

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-13521 Filed 7-3-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1403) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide phorate (*O,O-diethyl S-*[(ethylthio) methyl] phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity Bermuda grass straw at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide and its metabolites is a procedure in which the residue is reacted with metachloroperbenzoic acid and the resulting oxygen analog sulfone is determined gas chromatographically using a flame photometric detector.

Dated: June 29, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13648 Filed 7-3-73;8:45 am]

BENOMYL

Notice of Reextension of Temporary Tolerance

The E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, was granted a temporary tolerance (PP 1G1038) for residues of the fungicide benomyl-(methyl - (butylcarbamoyl)-2-(benzimidazolecarbamate) in or on the raw agricultural commodity grapes at 10 parts per million on March 18, 1971 (notice was published in the FEDERAL REGISTER of March 24, 1971 (36 FR 5531)). The firm received a 1-year extension of the temporary tolerance on June 15, 1972 (notice was published in the FEDERAL REGISTER of June 22, 1972 (37 FR 12311)). The firm has requested a 1-year reextension of the temporary tolerance for residues of benomyl in or on grapes at 10 parts per million to obtain additional experimental data. It has been determined that:

1. This reextension will protect the public health.

2. The temporary tolerance should be expressed in terms of total residues of benomyl and its metabolites including the the benzimidazole moiety (calculated as benomyl).

The tolerance is therefore reextended as requested on condition that the fungicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the E. I. du Pont de Nemours & Co., Inc. name.

As reextended, this temporary tolerance expires June 15, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: June 29, 1973.

HENRY J. FORD,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13647 Filed 7-3-73;8:45 am]

DOW CHEMICAL CO. AND M. & T. CHEMICALS, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 3F1400) has been filed jointly by The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640 and M. & T. Chemicals, Inc. Post Office Box 1104, Rahway, NJ 07065, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodities almond hulls at 50 parts per million; peaches, apricots, and nectarines at 4 parts per million; strawberries at 3 parts per million; plums (fresh prunes) at 1 part per million; almonds and walnuts at 0.3 part per million.

Notice is also given that the same firms have filed a related food additive petition (FAP 3H5036) proposing establishment of a food additive tolerance (21 CFR Part 121) of 4 parts per million for residues of tricyclohexyltin hydroxide including its organotin metabolites (calculated as tricyclohexyltin hydroxide) in dried plums (prunes) resulting from application of the insecticide to growing plums (fresh prunes).

The analytical method proposed in the pesticide petition for determining residues of the insecticide is a procedure where the organotin compounds are converted to an inorganic form measurable by the dithiol colorimetric method at 530 nanometers.

Dated: June 29, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13649 Filed 7-3-73;8:45 am]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5031) has been filed by the Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, KS 66110, proposing establishment of a tolerance (21 CFR Part 121) of 3 parts per million for residues of the fungicide triphenyltin hydroxide in or on rice hulls to provide for residues that may occur from use of the fungicide in a proposed experimental program involving application to the growing crop rice.

Dated: June 29, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13650 Filed 7-3-73;8:45 am]

UNIROYAL CHEMICAL

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 3F1402) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodities peanut hay at 7 parts per million, figs at 3 parts per million, peanut hulls at 1 part per million, and peanuts at 0.1 part per million (negligible residue).

Notice is also given that the same firm has filed a related food additive petition (FAP 3H5037) proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of 2-(*p-tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite in dried figs at 9 parts per million resulting from application of the insecticide to growing figs.

The analytical method proposed in the pesticide petition for determining residues of the insecticide is gas chromatography using a sulfur detector.

Dated: June 29, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-13651 Filed 7-3-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R–425]

AREA RATES FOR THE ROCKY MOUNTAIN AREA

Order Denying Rehearing and Requests for Clarification

JUNE 7, 1973.

On April 11, 1973, we issued Opinion No. 658 in this docket setting just and reasonable rates for gas sold in the Rocky Mountain Area under contracts dated prior to October 1, 1968, which is produced from wells commenced prior to January 1, 1973. We further ordered, as

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an interim step in our movement to national rates, that all other jurisdictional gas sales in the Rocky Mountain Area would be governed by Order No. 435 issued July 15, 1971, in Docket Nos. R–389 and R–389–A.[1]

Motions for rehearing have been filed by Amoco Production Company (Amoco), Aztec Oil & Gas Company (Aztec), a group of "Producer Respondents" composed of Cabot Corporation, Amerada Hess Corporation, Chevron Oil Company, Exxon Corporation, Mobil Company and Texaco Inc. (Producers), and High Crest Oils, Inc. (High Crest). Atlantic Richfield Company (ARCO) and High Crest seek clarification of certain aspects of Opinion No. 658.

Amoco and Aztec contend that we erred in not giving special rate treatment to the San Juan subarea because of specialized cost and market conditions peculiar to that region. The applicants do not argue, nor have they demonstrated from the record, that the effect of our decision to apply uniform rates throughout the Rocky Mountain Area is confiscatory; instead they argue that discrimination results from a refusal to acknowledge the pecularities of San Juan. We do not believe that undue discrimination has been shown. A rate order of industry-wide application cannot fulfill the desideratum of uniform general applicability without resulting in some degree of different impact on different sellers. To safeguard against the possibility that the impact of a general rate order on any individual sale is too great, we recognize the right of a seller to seek individual consideration of his problem, either through a petition for special relief, or, if applicable, through an application under § 2.75 of our regulations. In Opinion No. 658, it was our judgment that a uniform rate throughout the Rocky Mountain Area better served the public interest than a complex and fragmented rate schedule that attempted to adjust for subarea differentials. In arriving at this conclusion, we gave full consideration to the evidence and argument of Amoco, Aztec, the State of New Mexico, and others, that San Juan presented peculiar problems. We concluded that the totality of Opinion No. 658 balanced the needs of San Juan producers, and all other producers in the Rocky Mountain Area, and the consuming public dependent on Rocky Mountain production. We find no error in our conclusion that the San Juan subarea should be accorded uniform rate treatment.

The motions raise no issues, or legal authority, not fully considered by us, and accordingly we deny rehearing.

ARCO asks for clarification of the effective date of Opinion No. 658, and particularly seeks our guidance as to the effective date of rate changes filed thereunder. We provided for an effective date of April 11, 1973, in Opinion No. 658, and it seems clear that § 154.98 of our regulations requires 30 days' notice of rate changes, unless the Commission "upon application and for good cause shown" permits a shortened notice period. ARCO expresses concern that preparation of rate changes will be delayed because of the need to follow Opinion No. 658 with respect to pressure base conversion and calculation of state taxes. If this occurs, a request for waiver under § 154.98 will be entertained, but we see no reason to alter or modify Opinion No. 658.

High Crest requests clarification of the applicability of Opinion No. 658 to production sold under contracts dated after October 1, 1968; High crest expresses concern that its sales under a recent contract, but from wells commenced prior to January 1, 1973, will be at a lower rate than gas sold under an old contract. High Crest finds itself the victim of an anomaly which we acknowledged in Opinion No. 658 (see pp. 3–4). We believe this situation will be rectified upon resolution of the outstanding rulemakings in Docket No. R–389–B[2] and Docket No. R–478.[2] Until then, High Crest is not harmed inasmuch as it is still entitled to the initial rate prescribed in Order No. 435, or (subject to refund) any contractually authorized rate in excess of that level.

The Commission orders.

All motions for rehearing and clarification of Opinion No. 658 shall be and the same are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13573 Filed 7-3-73;8:45 am]

[Docket No. RP71-7, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Refunds

JUNE 27, 1973.

Take notice that on May 24, 1973, Alabama-Tennessee Natural Gas Company (Alatenn) tendered for filing a Summary of Refunds made March 28, 1973, in Docket Nos. RP71–7, et al. and supplemented said filing on June 15, 1973, by tendering a Reconcilation of the Amounts Approved and Refunded in Docket Nos. RP71–7, et al.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13566 Filed 7-3-73;8:45 am]

[Docket No. CI73-892]

BELCO PETROLEUM CORP.

Notice of Application

JUNE 27, 1973.

Take notice that on June 14, 1973, Belco Petroleum Corporation (Applicant), 630 Third Avenue, New York, New York 10017, filed in Docket No. CI73–892 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from acreage in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas on July 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf of gas per day at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13567 Filed 7-3-73;8:45 am]

[Docket No. CI73-893]

BELCO PETROLEUM CORP.

Notice of Application

JUNE 27, 1973.

Take notice that on June 14, 1973, Belco Petroleum Corporation (Applicant), 630 Third Avenue, New York, New York 10017, filed in Docket No. CI73–893 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from acreage in Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas on July 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per day at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13568 Filed 7-3-73;8:45 am]

[Docket No. CI73-887]

EMERALD PETROLEUM CORP. ET AL.

Notice of Application

JUNE 27, 1973.

Take notice that on June 13, 1973, Emerald Petroleum Corporation (Applicant), P.O. Box 51325, Lafayette, Louisiana 70501, filed in Docket No. CI73–887 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company from the Bayou Pigeon Field, Iberia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 45,000 Mcf of gas per month for one year at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13570 Filed 7-3-73;8:45 am]

[Docket No. E-8272]

CAROLINA POWER & LIGHT CO.

Notice of Interconnection Agreement

JUNE 27, 1973.

Take notice that on June 11, 1973, Carolina Power & Light Company filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, a contract entitled "Interchange Agreement between South Carolina Public Service Authority and Carolina Power & Light Company" (these parties are referred to below as the "Applicants").

The proposed agreement provides for interconnections between the transmission systems of the Applicants at the following locations in the State of South Carolina: Hemingway, Kingstree, Darlington and Camden. An additional interconnection will be established at the Carolina Power & Light Company's H. B. Robinson Steam Electric Plant. The purpose of these interconnections is to provide the Applicants with mutual assistance in the event of an emergency, as well as energy interchange between the two systems.

Any person desiring to be heard or to make any protests with reference to this application should, on or before July 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to this proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The application referred to above, Docket No. E–8272, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13574 Filed 7-3-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT AND POWER CO.

Notice of Further Postponement of Hearing

JUNE 27, 1973.

On June 26, 1973, Commission Staff Counsel filed a motion for a further postponement of the hearing scheduled to

[1] 46 FPC 68, appeal docketed *sub. nom, APGA* v. *F.P.C.*, No. 71-1812, CADC.

[2] 38 FR 10010
[3] — FR ———.

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begin on June 28, 1973, by notice issued June 18, 1973, in the above-designated matter. The motion states that all counsel concur in the motion.

Upon consideration, notice is hereby given that the hearing is postponed to July 31, 1973, at 10 a.m. E.D.T.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13575 Filed 7-3-73;8:45 am]

[Docket No. CP73-216]

EL PASO NATURAL GAS CO.

Notice of Amendment to Application

JUNE 27, 1973.

Take notice that on June 18, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73-216 an amendment to the application filed on February 12, 1973, as supplemented on May 4, 1973, in said docket pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon side tap facilities and sales and deliveries of natural gas to Pioneer Natural Gas Company (Pioneer) for resale from said taps, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application of February 12, 1973, Applicant proposes to abandon 3 taps serving irrigation customers of Pioneer and to use a single existing tap to continue the service rendered by the taps to be abandoned. Applicant now proposes to continue service to Pioneer through the Halsell Farms No. 1 Tap in lieu of the Sand Hills Group Line Tap, proposed in the amendment filed on May 4, 1973, to be used for the continued service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13576 Filed 7-3-73;8:45 am]

[Docket No. E-7548]

GEORGIA POWER CO.

Notice of Proposed Tariff Revisions

JUNE 27, 1973.

Take notice that on April 23, 1973, Georgia Power Company filed in Docket No. E-7548 revised pages 3, 3A, 3C, 3D, 3H, and 3K to its FPC Electric Tariff. Georgia states that the proposed revisions cover eight new cooperative delivery points, the conversion of one municipal delivery point from rate WR-4 to WR-6, and the addition of one cooperative delivery point (Altamaha No. 7), which was previously omitted from the tariff.

Any person desiring to be heard or to protest Georgia Power Company's filing in this docket should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Georgia Power Company's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13577 Filed 7-3-73;8:45 am]

[Docket No. CI73-894]

GULF OIL CORP.

Notice of Application

JUNE 27, 1973.

Take notice that on June 15, 1973, Gulf Oil Corporation (Applicant), P.O. Box 1589, Tulsa, Oklahoma 74102, filed in Docket No. CI73-894 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Ross No. 5 Well, in Upton County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 5, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 13,500 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13569 Filed 7-3-73;8:45 am]

[Docket No. E-8273]

ILLINOIS POWER CO.

Notice of Agreement for Excess Energy Transaction

JUNE 27, 1973.

Take notice that on June 11, 1973, Illinois Power Company (IPC) tendered for filing an Agreement for Participation Power, dated June 1, 1973, between Tennessee Valley Authority (TVA), Central Illinois Public Service Company (CIPS) IPC and Union Electric Company (UEC), which provides for excess energy sale to TVA in the summers of 1973 and 1974. The Agreement supplements the Interconnection Agreement between the parties dated November 1, 1969, which is currently on file as IPC Rate Schedule FPC No. 48. The Agreement is to become effective on June 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13578 Filed 7-3-73;8:45 am]

[Docket No. E-7563]

MONONGAHELA POWER CO. ET AL.

Notice of Filing of Rate Schedule Supplements

JUNE 27, 1973.

Take notice that the Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny System Companies) on June 6, 1973, tendered for filing rate schedule supplements reflecting the Offer of Settlement approved by the Commission in its order issued May 15, 1973, in this docket. The filing is in purported compliance with that order which required that such supplements be filed within 30 days of the issuance of such order.

The filing is described in the letter of transmittal as follows:

There are enclosed herewith on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company three executed and nine conformed copies of an Amendment, dated June 1, 1973, reflecting the decrease in the cost of capital used in computing fixed charges in capacity reserve equalization and transmission service from 9 percent to 8 percent as agreed to in the offer of settlement and approved by the Commission. One of the executed copies is filed as a supplement to Monongahela's rate schedule FPC No. 27, the second is filed as a supplement to PE's rate schedule FPC No. 29 and the third is filed as a supplement to West Penn's rate schedule FPC No. 25.

The Allegheny System Companies also state that they have refunded, with 7.5 percent interest, the difference between capacity reserve equalization and transmission charges computed at 9% cost of capital and 8 percent cost of capital for the period between November 2, 1970, and May 15, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13571 Filed 7-3-73;8:45 am]

[Docket No. CP73-335]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

JUNE 27, 1973.

Take notice that on June 18, 1973, Natural Gas Pipeline Company of America (Applicant), 122 Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-335 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a compressor station for the compression of gas in the North Custer City Field, Custer County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that reservoir pressures in the North Custer City Field in Custer County, Oklahoma, are declining so that continued production into the gathering system operated at the present pressure will cause accelerated reduction in production rates and premature plugging of some wells. Applicant states further that lowering of the gathering line pressures will permit Applicant to recover an additional 17 million Mcf of gas from this field.

Applicant proposes to construct and operate a compressor station consisting of two 690 horsepower compressors on a site adjacent to its existing dehydration plant in Custer County, Oklahoma. The estimated cost of the proposed construction is $403,000, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13579 Filed 7-3-73;8:45 am]

[Project No. 1855]

NEW ENGLAND POWER CO.

Issuance of Annual License

JUNE 27, 1973.

On June 23, 1969, New England Power Company, Licensee for Bellows Falls Project No. 1855 located in Windham and Windsor Counties, Vermont, and Cheshire and Sullivan Counties, New Hampshire, on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 24, 1970.

The license for Project No. 1855 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to New England Power Company for continued operation and maintenance of Project No. 1855.

Take notice that an annual license is issued to New England Power Company (Licensee) under Section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover; or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bellows Falls Project No. 1855, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13580 Filed 7-3-73;8:45 am]

[Docket No. RP73-78]

ORANGE AND ROCKLAND UTILITIES, INC.

Further Postponement of Prehearing Conference

JUNE 27, 1973.

On June 25, 1973, Orange and Rockland Utilities, Inc. filed a motion to extend the date of the prehearing conference as fixed by the notice issued June 1, 1973, in the above-designated matter.

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The motion states that no party has any objection to the motion.

Upon consideration, notice is hereby given, that the prehearing conference in the above matter is further postponed until July 19, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission at 825 North Capitol St., NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc 73-13581 Filed 7-3-73;8:45 am]

[Project Nos. 2243, 2273]

PACIFIC NORTHWEST POWER CO. AND WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Reopening the Proceeding and Requiring Further Procedures To Implement the National Environmental Policy Act

JUNE 27, 1973.

The Pacific Northwest Power Company and the Washington Public Power Supply System seek a license to construct a hydroelectric project on the Snake River, between the States of Oregon and Idaho. Although extensive hearings in these proceedings have been conducted over a period of many years, and although environmental issues have been explored at considerable length, we find it necessary to require further procedures, in order to assure full compliance with the National Environmental Policy Act.

Project No. 2243 commenced on March 31, 1958, with the filing by the Pacific Northwest Power Company of an application for a license to construct the High Mountain Sheep Project on the Snake River. Project No. 2273 commenced on March 15, 1960, when the Washington Public Power Supply System filed an application to construct the Nez Perce Project on the Snake, a project that would be in conflict with High Mountain Sheep. The applications were consolidated. Following hearings, which began on November 4, 1960, and ended on September 12, 1961, the Commission on February 4, 1964, granted the application for the High Mountain Sheep Project and denied the application for Nez Perce (31 FPC 247, 1051).

The Commission's action was the subject of an appeal, as a result of which the matter was remanded to the Commission for further hearings (*Udall* v. *F.P.C.*, 387 U.S. 428 (1967)). Soon thereafter the two Applicants filed with us a joint, amended application to construct any one of three hydroelectric projects on the Snake: High Mountain Sheep, Pleasant Valley-Mountain Sheep, or Appaloosa-Mountain Sheep. This joint application was the subject of hearings which ran from September 4, 1968, to March 29, 1970, and an Initial Decision which followed on February 23, 1971. That Initial Decision recommended issuance of a license for the Pleasant Valley-Mountain Sheep Project, with a delay in construction until after September 11, 1975, in order to provide time for the Congress to consider making the Middle Snake River a component of the National Wild and Scenic Rivers System.

The National Environmental Policy Act (NEPA) was approved on January 1, 1970. Although the proceedings commenced well before that date, the parties have sought to comply with the statute and with our regulations issued pursuant to it. Among other things, a Staff draft environmental impact statement was filed in these proceedings on June 8, 1971, and was circulated for comment; notice of its availability was published in the FEDERAL REGISTER for June 24, 1971, and notice of an extension of time for comment appeared in the FEDERAL REGISTER for August 6, 1971; extensive comments have been received. The Applicants filed their environmental statement on July 23, 1971.

The parties have not, however, been afforded an opportunity to conduct cross-examination on the Staff environmental statement. That opportunity must be afforded, in light of the Supreme Court's denial on October 10, 1972, of this Commission's petition for a writ of certiorari to review the decision of the Court of Appeals for the Second Circuit in *Greene County Planning Board* v. *F.P.C.*, 455 F. 2d 412 (1972). *F.P.C.* v. *Greene County Planning Board*, 409 U.S. 849 (1972). Accordingly, it is necessary that we apply the conclusions expressed by the Court of Appeals in that case. Those conclusions concern this Commission's procedures with respect to the implementation of the National Environmental Policy Act. In particular the court held that an environmental statement must be prepared by our Staff in advance of hearing, and such statement must be "subject to the full scrutiny of the hearing process". Our Order No. 415–C, issued December 18, 1972, sets forth our detailed procedures concerning the implementation of NEPA, in light of Greene County. That decision and our order require that we remand this case to the Presiding Administrative Law Judge. A further hearing will be required.

Our favorable action on the applications which form the basis for these proceedings would clearly constitute a "major" Federal action "significantly affecting the quality of the human environment", as that phrase is used in section 102(2)(C) of the National Environmental Policy Act. Recognizing that to be so, the Staff and the Applicants herein each filed environmental statements. The Applicants' statement should now be reviewed by our Staff, following which the Staff may choose to request further information from the Applicants concerning environmental matters. It will be necessary, in any event, for our Staff to take additional steps so as to comply fully with the provisions of Order No. 415–C that pertain to environmental impact statements. It is necessary that a Staff final environmental impact statement be offered in evidence at the reopened hearing, and that the opportunity for cross-examination be afforded.

The Commission further finds:

(1) In order to assure that the parties to this proceeding have available to them all of the procedures and safeguards contained in the National Environmental Policy Act, as construed in *Greene County Planning Board* v. *F.P.C.*, *supra*, and as implemented by Order No. 415–C, it is necessary that the proceeding be remanded to the Presiding Administrative Law Judge and that the hearing be reopened so that a Staff final environmental impact statement may be received in evidence and an opportunity may be afforded for cross-examination thereon.

(2) A further hearing in this proceeding would be in the public interest.

(3) Such further hearing shall not be held until a Staff final environmental impact statement which meets the requirements of our Order No. 415–C has been made available to the parties for a period of time sufficient for their preparation of cross-examination. The final environmental impact statement of the Staff shall be introduced in evidence at the reopened hearing.

The Commission orders:

These proceedings are hereby reopened so that a Staff final environmental impact statement, prepared in accordance with our Order No. 415–C, may be received in evidence and an opportunity may be afforded for cross-examination thereon, and a further public hearing before the Presiding Administrative Law Judge shall be held thereon in Washington, D.C., commencing on such date as the Presiding Administrative Law Judge may, in his discretion, prescribe. The Presiding Administrative Law Judge shall prescribe procedures for such further hearing consistent with the decision in *Greene County Planning Board* v. *F.P.C.*, *supra*, with this order, and with Order No. 415–C. At such reopened hearing, the Staff final environmental impact statement shall be offered in evidence, and cross-examination thereon shall be permitted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13582 Filed 7-3-73;8:45 am]

[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Petition for Emergency Relief

JUNE 27, 1973.

Public notice is hereby given that a petition for emergency relief was filed on June 13, 1973, by the City of Huntingburg, Indiana (Huntingburg) pursuant to § 1.7(b) of the Commission's rules of practice and procedure and terms of the Commission's order denying rehearing and stay issued January 24, 1973. Huntingburg is seeking an increased annual allotment of at least 10,000 Mcf from its sole supplier, Texas Eastern Transmission Corporation (TETCO).

Huntingburg claims that its current annual allotment of 423,722 Mcf is not sufficient to meet the projected demands of Huntingburg's users. Huntingburg has presented data from the last two years on which its present projection is based. Stating that it used 391,235 Mcf from September 1, 1972, to May 31, 1973, Huntingburg claims that it must have 433,722 Mcf for the 12 months ending August 31, 1973.

Huntingburg states that virtually all of its customers are residential and small commercial users. Only five users, says Huntingburg, fall outside of priority-of-service category (1) established by Commission order no. 467–B, issued March 2, 1973, in Docket No. R–469. They are listed as St. Joseph's Hospital, which uses gas for space heating and cooking, the Southridge High School, which uses gas for space heating, the Southwest DuBois Middle School which uses gas for space heating and cooking, the Huntingburg Brick Company, which uses gas for kiln drying[1] and Food Concepts, Inc., which uses gas for space heating and cooking. Huntingburg states that Food Concepts, Inc. has no acceptable alternate fuel capability.

Huntingburg claims that unless the requested relief is granted it will be forced either to curtail service to its customers or to pay penalty charges of $3.00/Mcf in order to meet its demand. Payment of such a charge, says Huntingburg, would potentially bankrupt its gas system.

Any person desiring to be heard or to make protest with reference to said petition should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13541 Filed 7-3-73;8:45 am]

TEXAS GAS TRANSMISSION CORP.

Exchange Agreement

JUNE 28, 1973.

Take notice that on June 11, 1973, Texas Gas Transmission Corporation (Texas Gas) tendered for filing rate schedule X–46 consisting of original sheet nos. 511 through 523, to its FPC Gas Tariff, Original Volume No. 2. Texas Gas states that the rate schedule reflects an exchange agreement between itself and Trunkline Gas Company (Trunkline), as authorized by Commission Order issued April 6, 1973, in Docket No. CP73–112. An effective date of July 15, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13540 Filed 7-3-73;8:45 am]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Exchange Agreement

JUNE 28, 1973.

Take notice that on June 11, 1973, Transcontinental Gas Pipe Line Company (Transco) tendered for filing the following sheets to its FPC Gas Tariff, original volume No. 2:

Original sheets Nos. 558 through 667 constituting Rate Schedule X–63, an exchange agreement dated October 12, 1972, between Transco and Trunkline Gas Company (Trunkline).

Transco states that the subject exchange arrangement was authorized by the Commission on April 6, 1973, in Docket No. CP73–118, and that a copy of the instant filing has been served upon Trunkline.

The tariff sheets are proposed to become effective July 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13542 Filed 7-3-73;8:45 am]

[Docket No. RP73-90]

UNION LIGHT, HEAT AND POWER CO.

Notice of Motion to Terminate Proceeding

JUNE 27, 1973.

Take notice that on June 20, 1973, the Commission Staff filed a motion to the Commission to terminate the proceeding in this docket and suspend the procedural dates in the interim, pending further action by the Commission. Staff's motion states that Staff has made a careful review of the filing of Union Light, Heat and Power Company, its supporting data, and, in particular, responses of the Company to Staff data requests, and has concluded that it will not be necessary to put in evidence because the proposed rates are just and reasonable.

Any person desiring to be heard or to protest said motion should file comments or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All such comments or protests should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this motion are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13572 Filed 7-3-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire the successor by merger to Baldwin County Bank, Bay Minette, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks, with aggregate deposits of $529.2 million, representing 8.7 per cent of total deposits in commercial banks in Alabama.[1] The acquisition of Bank (deposits of $11.5

[1] Huntingburg Brick Company has been curtailed from an annual usage of about 35,000 Mcf in 1970 to 6,000 Mcf in 1971 and to 1,000 Mcf in 1972.

[1] All banking data are as of June 30, 1972 and represent bank holding company formations and acquisitions approved by the Board through May 31, 1973.

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million) would not significantly increase the concentration of banking resources in Alabama.

Bank is located in Baldwin County, which is part of the Mobile Standard Metropolitan Statistical Area ("SMSA").[2] Bank ranks as the eighth largest of the 13 banks located in the Mobile SMSA, (the relevant market), and holds approximately 1.7 per cent of market deposits. One of Applicant's present subsidiary banks, the Commercial Guaranty Bank of Mobile ("Mobile Bank"), is located in Mobile County, approximately 9 miles from the only branch of Bank. Mobile Bank has deposits of $28.5 million and is the fourth largest bank in the market. There is no substantial existing competition between Mobile Bank and Bank; nor, due to the presence of numerous banking alternatives and Alabama's branching statutes, is there substantial likelihood of future competition developing between these institutions. Neither is there any significant possibility of substantial competition developing between any other of Applicant's banking subsidiaries and Bank for similar reasons.

Moreover, consummation of this transaction could have a beneficial effect on competition in the Mobile SMSA. Applicant presently controls but 4 per cent of deposits in this market. Acquisition of Bank would give Applicant a service outlet in an area of the Mobile SMSA in which it is presently not represented (and one in which Mobile Bank may not establish branches). Acquisition of Bank should enable Applicant to provide more effective competition for the much larger banking organizations in the Mobile area with which it must compete. For these reasons, the Board concludes that the competitive factors are consistent with approval of this application.

The managerial and financial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. The Board concludes that approval of the acquisition is in the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 26, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13530 Filed 7-3-73;8:45 am]

[2] The relevant banking market is approximated by the Mobile SMSA, which is composed of Mobile and Baldwin Counties.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Imperial State Bank, Vandalia, Ohio ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Ohio, controls 37 banks with aggregate deposits of approximately $2.4 billion,[1] representing 8.9 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by only .02 per cent.

Bank (approximately $6 million in deposits as of June 30, 1972) is the twentieth largest of 26 banks operating in the Dayton banking market (approximated by Montgomery and Greene Counties, the southern two-thirds of Miami County, and portions of two other contiguous counties) and accounts for 0.5 per cent of total deposits in commercial banks in the market.

The market appears to be dominated by the three largest banks, which together control approximately 75 per cent of the total commercial bank deposits in the market. Applicant presently has one small office in the market (approximately $1 million in deposits as of June 30, 1972) located 8 miles from Bank's Huber Heights office, and the proposed acquisition would increase Applicant's share of market deposits to only 0.6 per cent. Thus, consummation of the proposed transaction would not result in Applicant's gaining a dominant share of the market's banking resources, although a small amount of present and future competition would be eliminated. The elimination of this competition would not have a substantially adverse effect, however, since the amount of competition is minimal at the present time, and the commuting patterns in the Dayton area, together with Ohio's restrictive branching law, would appear to inhibit the development of more extensive competition between the two banks in the future. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks are regarded as satisfactory and are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation would provide Bank with an increased lending capacity and assistance in extending its branch system. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 26, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13531 Filed 7-3-73;8:45 am]

FIRST FINANCIAL CORPORATION

Order Approving Acquisition of Banks

First Financial Corporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 per cent of the voting shares of The Lewis State Bank, Tallahassee, Florida ("Lewis Bank"), and The Gulf National Bank, Tallahassee, Florida ("Gulf Bank"), a proposed new bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with aggregate deposits of $835 million, representing 4.2 per cent of the total commercial bank deposits in the State, and is the sixth largest banking organization and bank holding company in Florida. (All banking data are as of December 31, 1972, adjusted to reflect all bank holding company formations and acquisitions approved by the Board through May 31, 1973.) Acquisition of Lewis Bank ($61 million in deposits) would increase Applicant's share of commercial bank deposits in the State by only 0.4 percentage points and its ranking in the State would be unchanged. Since Gulf Bank is a proposed new bank, no existing competition would be eliminated by consummation of this proposal, nor would concentration be increased in any relevant area.

Lewis Bank is the third largest of nine banks competing in the Leon County banking market (which includes the city of Tallahassee) and controls 23.9 per cent of market deposits. The two larger banking organizations in the market hold 28.8 per cent and 24.4 per cent of the deposits in the market. Applicant's subsidiary bank located closest to Lewis Bank is 200 miles southeast of Tallahassee. No significant existing competition would be eliminated as a result of consummation of the proposal as between Lewis Bank and the subsidiaries of Applicant. Furthermore, in view of the distances involved, the number of banks located in intervening areas, the population per banking office (11,900 versus a Statewide average of 13,500), the State prohibition against branch banking, and the financial and managerial limitations of Lewis Bank (which would be carried over to Gulf Bank), it appears unlikely that any significant competition between the banking institutions would develop in the future. Furthermore, with regard to Gulf Bank, it is being established in a lower income area that is not an attractive site for de novo entry and it is the Board's view, from the facts of record, that Applicant is not attempting to preempt a bank site before a need exists. (The Comptroller of the Currency has approved the charter for Gulf Bank.) On the basis of the record before it, the Board concludes that consummation of the proposed acquisitions would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval of the applications, particularly in the light of Applicant's commitment and program to strengthen the capital base of certain of its subsidiaries. Lewis Bank has experienced some capital and management problems. Affiliation with Applicant will enable both Lewis Bank and Gulf Bank to draw upon Applicant's managerial resources and should strengthen Lewis Bank's management and condition and enhance its future prospects. The banking factors lend weight for approval. The banking needs of the Leon County market appear to be adequately served at the present time; however, Applicant proposes to improve, expand, and revitalize those services Lewis Bank is offering to its community, and affiliation will enable Gulf Bank to become a meaningful competitor in a much shorter period of time than if these applications were denied. Considerations relating to the convenience and needs of the community to be served weigh in favor of approval of the applications. It is the Board's judgment that the proposed transactions are in the public interest and should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) The Gulf National Bank, Tallahassee, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 26, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13532 Filed 7-3-73;8:45 am]

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Peoples Bank in North Fort Myers, Fort Myers, Florida ("North Fort Myers Bank"). The name of Applicant will be changed to United First Florida Banks, Inc., Tampa, Florida, upon consummation of the Board approved section 3(a)(5) merger between First Florida Bancorporation and United Bancshares of Florida, Inc., Miami, Florida.[1]

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 34 banks with aggregate deposits of $1.2 billion, representing 6.1 per cent of the total deposits of commercial banks in Florida and is the fifth largest banking organization in Florida. (All banking data are as of December 31, 1972, and reflect acquisitions and formations approved by the Board through June 20, 1973.) The acquisition of North Fort Myers Bank ($17 million deposits) would increase Applicant's share of Florida deposits by one-tenth of one percentage point, and it would become the fourth largest State banking organization.

North Fort Myers Bank is located in the western half of the Lee County banking market. In terms of deposits, it is the sixth largest bank in Lee County, holding 3.94 percent of county deposits. North Fort Myers Bank competes with eight banking organizations, the three largest of which control more than 76 percent of total bank deposits in the market.

Applicant is not presently represented in the Lee County banking market and its closest subsidiary bank is located 25 miles from Fort Myers. Applicant has recently received approval to acquire a proposed new bank 25 miles north of Fort Myers in Punta Gorda, Florida. No meaningful competition exists between these or any of Applicant's present subsidiary banking offices and North Fort Myers Bank, and it does not appear that significant future competition would develop between them in view of the distances, the presence of intervening banks, and State laws restricting branching. Competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and North Fort Myers Bank are satisfactory in light of Applicant's capital improvement program to increase capital in its subsidiary banks and banking factors are consistent with approval of the application. The major banking needs of the area are satisfactorily served at the present time. However, the proposed affiliation will enable North Fort Myers Bank to offer trust, travel, and international services on a referral basis through Applicant's lead bank in Tampa. Applicant will also assist North Fort Myers Bank in recruiting capable officers. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13533 Filed 7-3-73;8:45 am]

[1] Unless otherwise noted, all banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] 1973 Bulletin 183.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

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FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Temple National Bank, Temple, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the second largest bank holding company in the State, controls two banks[1] with aggregate deposits of approximately $1.7 billion,[2] representing 5.6 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by .16 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $48 million in deposits) is the largest of 15 banks in the Killeen-Temple banking market and controls 21 percent of the commercial bank deposits in the market. The second and third largest banks in the market control 20 and 19 percent of the commercial bank deposits, respectively. Consummation of the proposal herein would constitute Applicant's initial entry into the Killeen-Temple banking market.

Applicant's subsidiary bank closest to Bank is located in Dallas, 135 miles from Temple. There is no meaningful present competition between Applicant's subsidiary banks and Bank. Furthermore, in view of the distances involved and Texas' restrictive branching law, there is little probability that any significant amount of competition would develop in the future between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a significant adverse competitive effect because size disparity among the top banks is narrow enough so that Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other holding companies entering the market. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. In addition, affiliation with Applicant would give Bank access to considerable financial resources which will enable it to provide an increased lending capacity. The expanded range of services and the increased lending capacity are necessary in meeting the demands of the growing community. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 25, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-13334 Filed 7-3-73;8:45 am]

[1] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[2] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through April 30, 1973.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

OFFICE OF EMERGENCY PREPAREDNESS

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 FR 37, January 5, 1971), to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Ronard B. Van Dame as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the disasters listed below, effective July 1, 1973:

State	Disaster Number	Declaration Date
Texas: Vice, George E. Hastings, appointed August 7, 1970 (35 F.R. 12862, August 13, 1970).	292	August 4, 1970
Texas: Vice, George E. Hastings, appointed September 25, 1971 (36 F.R.19340, October 2, 1971).	313	September 18, 1971
Texas: Vice George E. Hastings, appointed May 22, 1972 (37 F.R. 10619, May 25, 1972).	333	May 20, 1972
New Mexico: Vice, George E. Hastings, appointed August 2, 1972 (37 F.R. 15897, August 5, 1972).	346	August 1, 1972
Mississippi: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	271	August 18, 1969
Mississippi: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	302	February 22, 1971
Kentucky: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	305	May 10, 1971
Tennessee: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	306	May 18, 1971
Mississippi: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	318	January 19, 1972
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	331	May 15, 1972
Kentucky: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	332	May 15, 1972
Florida: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	337	June 23, 1972
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	366	March 21, 1973
Mississippi: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	368	March 27, 1973
Alabama: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	369	March 27, 1973
Georgia: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	370	April 4, 1973
Kentucky: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	381	May 11, 1973
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	382	May 11, 1973
Florida: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	387	May 26, 1973
Alabama: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	388	May 29, 1973

Dated: June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13610 Filed 7-3-73;8:45 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 FR 37, January 5, 1971), to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Joe D. Winkle as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the disasters listed below, effective July 1, 1973:

State	Disaster Number	Declaration Date
Mississippi: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	271	August 18, 1969
Mississippi: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	302	February 22, 1971
Kentucky: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	305	May 10, 1971
Tennessee: Vice Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	306	May 18, 1971
Mississippi: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	318	January 19, 1972
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	331	May 15, 1972
Kentucky: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	332	May 15, 1972
Florida: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	337	June 23, 1972
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	366	March 21, 1973
Mississippi: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	368	March 27, 1973
Alabama: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	369	March 27, 1973
Georgia: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	370	April 4, 1973
Kentucky: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	381	May 11, 1973
Tennessee: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	382	May 11, 1973
Florida: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	387	May 26, 1973
Alabama: Vice, Joe D. Winkle, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	388	May 29, 1973
New Mexico: Vice, George E. Hastings, appointed September 26, 1972 (37 F.R. 20352, September 29, 1972).	353	September 20, 1972
New Mexico: Vice, George E. Hastings, appointed November 20, 1972 (37 F.R. 25077, November 25, 1972).	361	November 20, 1972
Texas: Vice, George E. Hastings, appointed March 15, 1973 (38 F.R. 7423, March 21, 1973).	365	March 12, 1973
Louisiana: Vice, George E. Hastings, appointed April 27, 1973 (38 F.R. 11014, May 3, 1973).	374	April 27, 1973
Arkansas: Vice, George E. Hastings, appointed April 27, 1973 (38 F.R. 11013, May 3, 1973).	375	April 27, 1973
New Mexico: Vice George E. Hastings, appointed May 15, 1973 (38 F.R. 13401, May 21, 1973).	380	May 11, 1973
Arkansas: Vice George E. Hastings, appointed May 31, 1973 (38 F.R. 14888, June 6, 1973).	389	May 29, 1973
Oklahoma: Vice George E. Hastings, appointed June 13, 1973 (38 F.R. 15995, June 19, 1973).	392	June 13, 1973

Dated: June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13611 Filed 7-3-73;8:45 am]

FEDERAL COORDINATING OFFICER

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 FR 37, January 5, 1971), to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Alfred A. Hahn as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the disasters listed below, effective July 1, 1973:

State	Disaster Number	Declaration Date
Virginia: Vice Kenneth Edmunds, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	274	August 23, 1969
West Virginia: Vice Kenneth Edmunds, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	278	September 3, 1969
West Virginia: Vice Kenneth Edmunds, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	279	September 24, 1969
West Virginia: Vice Francis X. Carney, appointed February 28, 1972 (37 F.R. 4477, March 3, 1972).	323	February 27, 1972
Pennsylvania: Vice Francis X. Carney, appointed July 13, 1972 (37 F.R. 14014, July 15, 1972).	340	June 23, 1972
Maryland: Vice Francis X. Carney, appointed August 28, 1972 (37 F.R. 17690, August 30, 1972).	341	June 23, 1972
Pennsylvania: Vice Francis X. Carney, appointed October 2, 1972 (37 F.R. 21297, October 6, 1972).	355	September 28, 1972

Dated: June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13612 Filed 7-3-73;8:45 am]

NORTH CAROLINA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on June 25, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from severe storms and flooding beginning on or about May 27, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of North Carolina. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Ronard B. Van Dame, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of North Carolina to have been adversely affected by this declared major disaster.

The Counties of:

Ashe	Jackson
Buncombe	Macon
Clay	McDowell
Haywood	Watauga
Iredell	

Dated June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13606 Filed 7-3-73;8:45 am]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 13, 1973, and published June 19, 1973 (38 FR 15996); and amended June 14, 1973, and published June 20, 1973 (38 FR 16113), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 13, 1973:

The County of:

Jefferson

Dated: June 28, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13607 Filed 7-3-73;8:45 am]

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on June 28, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Tennessee resulting from severe storms and flooding beginning on or about May 26, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Tennessee. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Ronard B. Van Dane, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by this declared major disaster.

The Counties of:

Bledsoe	Morgan
Campbell	Roane
Coffee	Scott
Cumberland	Van Buren
Grundy	Warren

Dated June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13608 Filed 7-3-73;8:45 am]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31 1970, entitled "Disaster Relief Act of 1970" (84

V 38-128 JUL 5 73 XUM

Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on June 25, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas from severe storms and flooding, beginning about March 23, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Texas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Joe D. Winkle, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Texas to have been adversely affected by this declared major disaster.

The Counties of:

Jefferson	Red River
Orange	Upshur

Dated: June 29, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-13609 Filed 7-3-73;8:45 am]

POSTAL SERVICE

PHASED POSTAL RATES

Continuation of Step I

The Postal Service will not seek an exemption from the current 60 day price freeze. Accordingly, the Notice of Scheduled Increases in Certain Postage Rates (38 FR 13697-98, May 24, 1973) is hereby rescinded. Existing rates will remain in effect until further notice.

(39 U.S.C. 101(d), 401, 403, 404, 3621, 3626, 3627.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-13705 Filed 7-3-73;8:45 am]

POSTAL CONTRACTING MANUAL

Notice of Amendment

Notice is hereby given that the Postal Contracting Manual, Publication 41 (see 39 CFR Part 601), has been amended by the issuance of Transmittal Letter 11, dated April 27, 1973.

This notice is given pursuant to § 601.-105 of Title 39, Code of Federal Regulations, which provides that notice of changes made in the Postal Contracting Manual will be periodically published in the FEDERAL REGISTER; that the text of such changes will be filed with the Director, Office of the Federal Register; and that subscribers to the basic Manual will receive amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Amendments of the Postal Contracting Manual accompanying Transmittal Letter 11 were filed with the Director, Office of the Federal Register, simultaneously with the filing of this document.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008)

ROGER P. CRAIG,
Deputy General Counsel.

JUNE 29, 1973.

[FR Doc.73-13551 Filed 7-3-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AVIATION HOLDING CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Aviation Holding Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:05 a.m. (EDT) June 28, 1973 through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13598 Filed 7-3-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6% convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 29, 1973 through July 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13599 Filed 7-3-73;8:45 am]

[File No. 500-1]

GLEN EXPLORATIONS, INC.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Glen Explorations, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:05 a.m., e.d.t., June 28, 1973 through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13600 Filed 7-3-73;8:45 am]

[File No. 500-1]

INTERNATIONAL ASSEMBLIX CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of International Assemblix Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m., e.d.t., June 28, 1973 through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13601 Filed 7-3-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 29, 1973 through July 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13602 Filed 7-3-73;8:45 am]

[File No. 500-1]

SECURITIES OF AMERICA, INC.

Order Suspending Trading

JUNE 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Securities of America, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m., e.d.t., on June 26, 1973 and continuing through July 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13603 Filed 7-3-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

JUNE 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Star-Glo Industries Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities and Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 28, 1973 through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13604 Filed 7-3-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

MVC, INC.

[License Application No. 05/05-5095]

Notice of Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by MVC, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973). The officers and directors of the applicant are as follows:

Philip J. Faccenda, President
1237 E. Jefferson Blvd.
South Bend, Indiana 46617
Melvin L. Holmes, Vice President, General Manager
2819 Tomahawk Trail
South Bend, Indiana 46628
Richard J. Van Mele, Vice President
1147 E. Bronson Street
South Bend, Indiana 46615
Thomas S. Landis, Secretary
52701 Arbor Drive
South Bend, Indiana 46635
Robert W. Montague, Treasurer
17811 Bridge View Drive
South Bend, Indiana 46635
George W. Woolridge, Jr., Director
734 N. Twyckenham Drive
South Bend, Indiana 46617
Thomas T. Murphy, Director
1005 Oak Ridge Drive
South Bend, Indiana 46617
Richard F. Lindquist, Director
2500 Topsfield Road
South Bend, Indiana 46614
William W. Sherrill, Director
820 Lincoln Way West
Mishawaka, Indiana 45644

The applicant, an Indiana corporation, with its principal place of business located at Suite 402, First Bank Building, 133 South Main, South Bend, Indiana 46601, will begin operations with $150,000 of paid-in capital consisting of 1500 shares of common stock sold to The University of Notre Dame du Lac, a corporation which was created by legislative act of the General Assembly of the State of Indiana on January 15, 1844.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in South Bend, Indiana.

Dated: June 27, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-13594 Filed 7-3-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by section 6(b) of Executive Order 11695, will meet on July 9, 1973 at the Cost of Living Council offices, 2000 M Street, NW., Washington, D.C.

The morning portion of the meeting, which will be held from 10:00 A.M. to 12:30 P.M. in the second floor auditorium, will be open to the public. The meeting will consist of the opening remarks of the Director of the Cost of Living Council, opening remarks by the new Chairman of the Health Committee, and an introductory briefing by committee staff on the health care inflation problem and the current status of the Economic Stabilization Program in regard to health.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street, NW., Washington, D.C. 20508.

Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

The afternoon portion of the meeting will be held in the Cost of Living Council Conference Room on the Seventh Floor and will be closed to the public. The matters to be discussed at that meeting relate to the duration of the Freeze and the timing and substance of Phase IV.

Since the afternoon meeting will be discussing the duration of the Freeze and timing and substance of Phase IV and other possible governmental actions therewith, I have determined that the meeting will fall within Exemption 5 of 5 U.S.C. 552(b) and it is essential to close the meeting to protect the free exchange of internal views and to avoid

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interference with the operation of the Committee.

Issued in Washington, D. C. on July 3, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-13804 Filed 7-3-73;12:16 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 290]

ASSIGNMENT OF HEARINGS

JUNE 29, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35803, Burlington Northern, Inc. v. The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Transportation Company, now assigned September 12, 1973, at Denver, Colo. is cancelled.

I&S No. 8844, Pulpwood & Woodchips, Within SFA Territory, now being assigned August 21, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD-29812, Railway Express Agency, Inc., Notes, is continued to July 26, 1973, at The Offices of The Interstate Commerce Commission, Washington, D.C.

No. 35791, General Increase, February 1973, Bulk Carrier Conference, now being assigned Pre-hearing Conference on July 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13620 Filed 7-3-73;8:45 am]

[Spec. Permission 73-4700, Amdt. 1]

INCREASED RATES AND CHARGES

Exemption From Tariff Filing Requirements To Correct Errors

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 27th day of June, 1973.

By special permission application No. 216, filed by Western Trunk Line Committee, Agent, for and on behalf of carriers parties to tariff X-295, not yet filed with this Commission, authority is sought to amend said Tariff of Increased Rates and Charges for the purpose of correcting specified errors therein, to become effective July 29, 1973, on statutory notice, transmitting copies of the amendment via first class mail to parties of record simultaneously with official filing with the Interstate Commerce Commission in lieu of transmitting copies to such parties seven days in advance of official filing or, in the alternative, effective July 29, 1973, upon 20 days' notice, on condition that copies of the amendment will be transmitted to parties of record via first class mail seven days prior to official filing with the Commission, as set forth in the application. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It appearing, that, the proposal would result in changes which would be in accord with the representations made by petitioners in their petition and verified statements dated April 20, 1973, as amended May 9, 1973, filed by James L. Tapley and other attorneys for and on behalf of certain rail carriers referred to therein, and on behalf of certain water and motor carriers having joint rates with said railroads, and which the Commission authorized the filing thereof in Ex Parte 295, by order dated June 11, 1973:

And it further appearing, that good cause has been shown for permitting amendment of the tariff as proposed, conditioned, however, upon notification to the parties as hereinafter provided;

It is ordered, That, special permission No. 73-4700, be, and it is hereby, amended, to permit publication of the two changes upon not less than 30 days' notice, effective July 29, 1973, subject to the condition that a copy of the tariff amendment filed hereunder shall be mailed to each of the parties of record by first class mail not later than the date filed with the Commission, and upon further condition that each of the parties of record shall also be notified of the details of the change by telegram not later than the date the amendment is filed with the Commission.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13622 Filed 7-3-73;8:45 am]

[Notice 51]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 29, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

NOTICES OF FILING PETITIONS

No. MC 3256 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed May 29, 1973. Petitioner: BURKHAM BROTHERS, INC. (385 Route #22) Hillside, N.J. 07205 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner presently holds a motor *contract carrier* permit in No. MC-3256 (Sub-No. 2) issued June 7, 1973, authorizing transportation, by motor vehicle, over irregular routes, of *paper, paper products, and products* used in the manufacture of paper (except liquid commodities, in bulk, and commodities which because of size or weight, require the use of special equipment), between Hillside, N.J., on the one hand, and, on the other, points in that part of the New York, N.Y. Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 54 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt" zone), points in Nassau, Suffolk, Orange, Rockland, and Westchester Counties, N.Y., points in New Jersey, Philadelphia, Pa., and points in Fairfield County, Conn., restricted to a transportation service to be performed under a continuing contract, or contracts with Federal Paper Board Co., Inc., of New York, N.Y., and Rothesay Shipping, Ltd., of Saint John, New Brunswick, Canada. By the instant petition, petitioner seeks to add Rexham Corporation as an additional contract shipper to the authority described herein. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124211 (Sub-No. 121) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE) filed June 6, 1973. Petitioner: HILT TRUCK LINE, INC. P.O. Box 988 Downtown Station Omaha, Nebr. 68101 Petitioner's representative: Frederick J. Coffman 521 South 14th Street P.O. Box 80806 Lincoln, Nebr. 68501 Petitioner presently holds a motor *common carrier* certificate in No. MC-124211 (Sub-No. 121) issued January 8, 1969, authorizing, as pertinent, transportation in interstate or foreign commerce, over: (A) regular routes, of *paint, paint material, groceries, and grocery store supplies*, serving points in Washington County, Nebr., as intermediate and off-route points in connection with carrier's regular-route operations (1) from Chicago, Ill., to Lincoln, Geneva, and Fairbury, Nebr., and (2) from Brighton, Tipton, and Vinton, Iowa, to Lincoln, Nebr.; (B) regular routes, of *groceries* and *grocery store supplies*, from Chicago, Ill., to Lincoln and Fairbury, Nebr., serving the intermediate and off-route points of Rochelle, Ill., and those in the Chicago, Ill., Commercial Zone as defined by the Commission in 1 M.C.C. 673, restricted to pickup only, and the intermediate point of Fremont, Nebr., restricted to delivery only: (1) from Chicago over Alternate U.S. Highway 30 via Dixon, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over Alternate U.S. Highway 30 to Council Bluffs, Iowa, thence over U.S. Highway 6 to Lincoln, and return over the same route; and (2) from Chicago over Alternate U.S. Highway 30 via Dixon, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to Fremont, Nebr., thence over U.S. Highway 77 to Beatrice, Nebr., thence over U.S. Highway 136 to Fairbury, and return over the same route; and (C) irregular routes, of *paint, paint materials, groceries*, and *grocery store supplies*, (except in bulk), between Smith Center, Kans., and points in Nebraska, restricted against tacking or combining directly or indirectly with any other authority in No. MC-124211 (Sub-No. 121) for the purpose of performing a through service.

By the instant petition, petitioner seeks to modify its certificate by substituting "such commodities as are dealt in and used by wholesale and retail food business houses" in lieu of the present commodity description "groceries and grocery store supplies" as described above. Applicant states that the granting of authority in the "grandfather" proceeding to the initial holder of this certificate intended to provide for the transportation of those commodities which the initial holder had been transporting under such authority in the past; and that the Commission's interpretation of this proceeding is lesser in scope than that supported by the underlying record developed in connection with the application of petitioner's predecessor. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11656 (Amendment) (O'BOYLE TANK LINES INCORPORATED—CONTROL—M & M TANK LINES, INC. AND M & M TANK LINES OF VIRGINIA, INC.), published in the September 20, 1972, issue of the FEDERAL REGISTER. By amendment filed June 22, 1973, request is made to amend prior application to include *MERGER*.

No. MC-F-11910. Authority sought for continuance in control by ALLTRANS HOLDINGS (CANADA) LTD., a noncarrier, 16th Floor, 1030 W. Georgia St., Vancouver 5, British Columbia, Canada, of ALLTRANS EXPRESS LTD., 4878 Manor St., North Burnaby British Columbia, Canada. THOMAS NATIONWIDE TRANSPORT LTD., 12-18 Burrows Rd., St. Peters, N.S.W. 2044, controls ALLTRANS INCORPORATED, which controls ALLTRANS EXPRESS CALIFORNIA, INC., which holds authority to operate as a motor common carrier in California. Applicant's attorney: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. ALLTRANS EXPRESS LTD., has a pending application on file in Docket No. MC-135904 (Sub-No. 2), to operate as a common carrier over regular routes, of general commodities, with the usual exceptions, between Seattle and Tacoma, Wash., on the one hand, and, on the other, Vancouver, British Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11916. Authority sought for purchase by ALL-AMERICAN, INC., 1500 Industrial Ave., Sioux Falls, SD 57104, of a portion of the operating rights of RUSSELL TRANSPORTATION, INC., P.O. Box 546, Quincy, IL 62301, and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, SD 57104, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, Michael J. Ogborn, 1500 Industrial Ave., Sioux Falls, SD 57104, and Einar Viren, City Nat'l. Bank Bldg., Omaha, NE 68102. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Brooks, Iowa, and Omaha, Nebr., serving the intermediate and offroute points within 15 miles of Brooks; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points within 25 miles of Shambaugh, Iowa, including Shambaugh, between Blanchard, Iowa, and St. Joseph, Mo., between College Springs, Iowa, and Pumpkin Center, Mo., from Omaha, Nebr., Kansas City, Kans., and St. Joseph, and Kansas City, Mo., to Shambaugh, Iowa and points within 25 miles of Shambaugh; *livestock*, between Shambaugh, Iowa, and points within 25 miles of Shambaugh, on the one hand, and, on the other, Omaha, Nebr., Kansas City, Kans., and St. Joseph and Kansas City, Mo.; *household goods*, as defined by the Commission, and *emigrant movables*, between Shambaugh, Iowa, and points in Iowa within 25 miles of Shambaugh, on the one hand, and, on the other, points in Missouri, Kansas, and Nebraska. Vendee is authorized to operate as a *common carrier*, in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Michigan, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11917. Authority sought for purchase by WILSON TRANSPORTATION SERVICE, INC., 1294 E. Fourth St., Ottawa, Ohio 45875, of the operating rights of J. MYRON WILLIAMS, INC., also of Ottawa, Ohio 45875. Transferee and Transferor are commonly controlled pursuant to order dated December 5, and consummated December 28, 1972, in Docket No. MC-F-11582. Applicants' attorney: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between Vaughnsville, Ohio and points within 8 miles thereof, on the one hand, and, on the other, points in Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Illinois, Kentucky, Pennsylvania, Michigan, Missouri, Maryland, Massachusetts, New Jersey, New York, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11918. Authority sought for purchase by LYNDEN TRANSPORT, INC., P.O. Box 433, Lynden, WA, of the operating rights of ALASKA TRANSFER, INC., Box 49, Juneau, AK 99801, and for acquisition by HENRY JANSEN, 8331 Depot Rd., Lynden, WA 98264, of control of such rights through the purchase. Applicants' attorney: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over irregular routes between points within 25 miles of Juneau, Alaska, including Juneau, between points in Alaska south and east of the United States-Canada Boundary line north of Haines, Alaska, between points in Alaska south and east of the United States-Canada Boundary line north of Haines, Alaska, and an east-west extension thereof to the Gulf of Alaska, on the one hand, and, on the other, Anchorage and Fairbanks, Alaska, and all points of the segments of Alaska Highways 1 and 2 extending between Anchorage and Fairbanks and the United States-Yukon, Canada Boundary line, and all points on Alaska Highway 4 between its junction with Alaska Highways 1 and 2, with restriction: *household goods*, as defined by the Commission, between Juneau, Alaska, on the one hand, and, on the other, Anchorage and Fairbanks, Alaska, between those points in

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Alaska south and east of the United States-Canada Boundary line located north of Haines, Alaska, on the one hand, and, on the other, Seattle, Wash., with restriction. Vendee is authorized to operate as a *common carrier* in Alaska, California, Idaho, Oregon, and Washington, and as a *contract carrier* in California, Idaho, Montana, Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

Finance Docket No. 27420. Authority sought for control by BAY CITIES TRANSPORTATION COMPANY, a water carrier, Pier 50, San Francisco, CA 94107, of MUKLUK FREIGHT LINES, INC., 311 C St., Anchorage, AK 99503, and for acquisition by CROWLEY MARITIME CORPORATION AND THOMAS B. CROWLEY, both of San Francisco, CA 94107, through the acquisition by BAY CITIES TRANSPORTATION COMPANY, of control of MUKLUK FREIGHT LINES, INC. Applicant's attorneys and representative: A. Alvis Layne, 915 Pennsylvania Bldg., Washington, DC 20004, William F. Roush, P.O. Box 3783, Seattle, WA 98124, and Joseph Sheehan, P.O. Box 2551, Fairbanks, AK 99707. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, livestock, and commodities in bulk, as a *common carrier* over regular routes, between Seward and Homer, Alaska, between Soldotna and Kenai, Alaska, serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods, livestock, and commodities, over irregular routes, between points on the Kenai Peninsula south of an imaginary line extending through Whittier, Alaska, and the southern boundary of the Turnagain Arm, with restriction: *general commodities*, except those of unusual value, classes A and B explosives, and household goods as defined by the Commission, between points in Alaska (except those on the Kenai Peninsula south of an imaginary line running east-west through Girdwood, Alaska, and those in the Alaska Panhandle south of Haines, Alaska). BAY CITIES TRANSPORTATION COMPANY, also holds a certificate of registration in Docket No. MC-85821 (Sub-No. 1), and is authorized to operate as a common carrier in California. Application has been filed for temporary authority under section 210a(b).

NOTICE

SEABOARD COAST LINE RAILROAD COMPANY, 500 Water Street, Jacksonville, Florida 32202, represented by Mr. Phil C. Beverly of the same address, hereby gives notice that on the 6th day of June, 1973, it filed an application under section 5(2) of the Interstate Commerce Act, assigned Finance Docket Number 27405, seeking authority to permit the Seaboard Coast Line Railroad Company to acquire trackage rights over the Southern Railway's Reeds Branch at Charleston, South Carolina. In order to efficiently utilize the trackage rights, SCL will construct a .22 mile connection track at an estimated expenditure of $138,902. Approval of this application would permit the Seaboard Coast Line to operate over 1.16 miles of track of Southern Railway at Charleston, South Carolina. The proposed operation will permit SCL to operate its trains more advantageously and more economically. Additionally, the trackage rights will eliminate the necessity of SCL trains crossing several busy streets and roads in Charleston, and it will relieve much vehicular traffic congestion in the area caused by SCL trains blocking the street crossings. In the opinion of the applicant, approval of this application will have no significant effect on the quality of the human environment within the scope of Ex Parte 55. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings.

In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)-(5), 340 I.C.C. 431, 461. Any person opposed to this abandonment application should advise the Commission promptly, with an original and six copies, identifying the docket number, including the sub number, and send a copy of the protest to the above named counsel of the Seaboard Coast Line Railroad. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

SEABOARD COAST LINE RAILROAD COMPANY

NOTICE

SEABOARD COAST LINE RAILROAD COMPANY represented by Mr. Neill W. McArthur, Jr., 500 Water Street, Jacksonville, Florida 32202, hereby gives notice that on the 14th day of June, 1973, it filed an application under Section 5(2) of the Interstate Commerce Act seeking authority to permit the Seaboard Coast Line Railroad Company to operate over 3922 feet of the Southern Railway System's tracks in order to serve the Gifford-Hill & Company, Inc., near Harleyville, in Dorchester County, South Carolina. This application has been assigned Finance Docket No. 27416. Approval of this application would permit the Seaboard Coast Line to operate over some 3922 feet of the Southern Railway System trackage in order to serve Gifford-Hill & Company, Inc., which desires to construct a plant for the processing of Portland cement near Harleyville, South Carolina. The Gifford-Hill & Company, Inc., is the sole industry to be served, such service to be done jointly with the Southern. Seaboard Coast Line's present operation does not allow service to Gifford-Hill & Company because without authority to operate over 3922 feet of Southern's track, Seaboard Coast Line has no access to the plant.

Seaboard Coast Line Railroad Company desires for the sole purpose of serving Gifford-Hill & Company, jointly with Southern to operate over that portion of the Southern owned industrial spur track (said industrial spur track diverges from the Southern's main track at Pregnall, South Carolina), at a point 336.4 feet northwardly to point of connection (in the immediate vicinity of Seaboard Coast Line's milepost KE-397) of trackage of Southern Railway and that of Giant Portland Cement Company.

In the opinion of the applicant, the requested Commission action will not significantly effect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub.-No. 4), supra, Part (b) (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed no later than 30 days from the date of first publication in the FEDERAL REGISTER.

SEABOARD COAST LINE RAILROAD COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13624 Filed 7-3-73;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 29, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and

place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53898 filed March 16, 1973 Applicant: GUERIN DRAYAGE COMPANY, INC. 233 Industrial Street San Francisco, Calif. 94124 Applicant's representative: J. Donald Kenny 917 Edgewood Road Redwood City, Calif. 94062 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except petroleum products in bulk in tank vehicles, livestock, fresh fruits and vegetables, commodities of unusual value, uncrated used household goods, and commodities requiring mechanically refrigerated equipment; (A) Between all points in the San Francisco Territory, as more particularly described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradera Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road, northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harboard Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. (B) Between all points on and within the following routes: (1) U.S. Highway 101, between San Francisco and Sausalito, inclusive; (2) Interstate Highway 80, between San Pablo and Crockett, inclusive; (3) Unnumbered road and route between Crockett and Martinez, inclusive; (4) Unnumbered road and route between Martinez and Pittsburg, inclusive; (5) Unnumbered road and route between Pittsburg and Antioch, inclusive; (6) State Highway 4 between Antioch and the Willow Pass Road Intersection, inclusive; (7) Willow Pass Road between the intersection of Highway 4 and the intersection of State Highway 24, inclusive; (8) State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive; (9) Unnumbered road and route between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (10) State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive; (11) State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (12) Interstate Highway 680 between its intersection with State Highway 24 and its intersection with U.S. Highway 50 at Dublin, inclusive; (13) Interstate 680 between its intersection with U.S. Highway 50 at Dublin and its intersection at Bernal Avenue, inclusive; (14) Bernal Avenue between its intersection with Interstate Highway 680 and the City of Pleasanton, inclusive; (15) Interstate Highway 680 between its intersection with U.S. Highway 50 at Dublin and its intersection with State Highway 238 at Mission San Jose. (C) Through routes and rates may be established between any and all points specified in paragraphs A and B above. (D) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T-863 filed June 11, 1973 Applicant: SHAY'S SERVICE, INC. North Main Street Dansville, N.Y. 14437 Applicant's representative: Herbert M. Canter 201 East Jefferson Street Syracuse, N.Y. 13202 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities:* Authority is sought as a common carrier to serve all points in Wyoming County as off-route points, in connection with applicant's presently authorized service and beyond by interlining at Buffalo, Rochester, Elmira, Olean and Dansville. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12226, and should *not* be directed to the Interstate Commerce Commission.

New York Docket No. T-9162 filed May 24, 1973 Applicant: PDQ BY LIALS CORP. 25 Willow Park Center Farmingdale, N.Y. Applicant's representative: Friedlander, Gaines, Ruttenberg & Goetz 1140 Avenue of the Americas New York, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *express*, between John F. Kennedy International Airport, LaGuardia Airport and McArthur Airport, on the one hand, and, on the other, all points in Nassau and Suffolk Counties, N.Y. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y., 12226, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5997 filed June 11, 1973 Applicant: GEORGE A. KING AND MILFORD KING a Partnership, doing business as SELMER EXPRESS 4019 Orleans Memphis, Tenn. 38116. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* with the exception of household goods, explosives, commodities requiring special equipment and commodities in bulk, from Memphis, Tenn., over Highway 72 to Collierville, Tenn., thence over Highway 57 to junction Highway 45, thence Highway 45 to Selmer, Tenn., and return over the same route serving no intermediate points. Intrastate, interstate and foreign commerce authority sought.

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HEARING: July 31, 1973, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 252 filed June 12, 1973 Applicant: VALLEY TRANSIT COMPANY, INC., Lessee, joined by VALLEY BUS COMPANY, INC., Lessor Post Office Box 1870 Harlingen, Tex. 78550 Applicant's representative: Phillip Robinson P.O. Box 2207 Austin, Tex. 78767 Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their baggage*, between the International Boundary Line of the United States of America and the Republic of Mexico, located at or near Hidalgo, Texas, and San Antonio, Texas, as follows: From the International Boundary Line of the United States of America and the Republic of Mexico, located at or near Hidalgo, Tex., over U.S. Highway 281 to San Antonio, Tex., and return over the same route, serving the intermediate points of McAllen and Edinburg, Tex. Additionally, applicant seeks authority to originate charter or special party transportation at points along the above-described routes which it is authorized to serve, or within the territory adjacent thereto which is not served by any other motor bus company. NOTE: Applicant proposes to tack and coordinate the proposed additional services authorized in intrastate commerce under Certificates issued by the Railroad Commission of Texas and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC–74 and all subs thereunder. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13623 Filed 7-3-73;8:45 am]

[Notice 87]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 27, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11721 (Sub-No. 35 TA) filed June 19, 1973 Applicant: BRADER HAULING SERVICE, INC. P.O. Box 655 Zillah, Wash. 98953 Applicant's representative: Douglas A. Wilson 203 East D Street Yakima, Wash. 97901 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers, metal or plastic, and parts thereof*, (A) from Richmond, Calif., to points in Oregon, Washington and Idaho and (B) from Tacoma, Wash., to points in Oregon, Idaho and California, for 180 days. SUPPORTING SHIPPER: Rheem Manufacturing Company, 801 Chesley Ave., Richmond, Calif. 94804. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 107107 (Sub-No. 427 TA) filed June 18, 1973 Applicant: ALTERMAN TRANSPORT LINES, INC. 12805 NW 42nd Avenue Post Office Box 425 Opa Locka, Fla. 33054 Applicant's representative: Ford W. Sewell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising and promotional materials* when moving with such commodities, from Macon, Ga., to points in Alabama, Louisiana, Mississippi and Florida, for 180 days. SUPPORTING SHIPPER: Crown Candy Corporation, 4145 Mead Road, POB 6273, Macon, Ga. 31208. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th Street, Room 105, Miami, Fla. 33155.

No MC 113908 (Sub-No. 277 TA) filed June 18, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank and hopper-type vehicles, from Kansas City, Mo. and Memphis, Tenn., to Terre Haute, Ind., for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117883 (Sub-No. 178 TA) filed June 15, 1973 Applicant: SUBLER TRANSFER, INC. 791 East Main Street P.O. Box 62 Versailles, Ohio 45380 Applicant's representative: Edward J. Subler (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Connecticut, Delaware, Illinois Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Ft. Wayne National Bank Bldg., Fort Wayne, Ind. 46802. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 123993 (Sub-No. 27 TA) filed June 19, 1973 Applicant: FOGLEMAN TRUCK LINE, INC. 1724 West Mill Street P.O. Box 1504 Crowley, La. 70526 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages*, in containers, from Gretna, La., to points in Alabama, Arkansas, Florida, Mississippi, Missouri and Texas, for 180 days. SUPPORTING SHIPPER: The Louisiana Coca-Cola Bottling Company, Ltd., P. O. Box 50400, New Orleans, La. 70150, Mr. J. P. Byrne, Vice President—Operations. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128217 (Sub-No. 9 TA) filed June 18, 1973 Applicant: REINHART MAYER doing business as MAYER TRUCK LINE 1203 South Riverside Drive Jamestown, N. Dak. 58401 Applicant's representative: James B. Hovland 425 Gate City Building Fargo, N. Dak. 58102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, for the account of Clark Equipment Co.—Melroe Division, from Burns Harbor, Ind.; Joliet, Chicago Heights and Broadview, Ill; the Chicago, Ill. and the Minneapolis, Minn. Commercial Zones, to the plantsite and facilities of Clark Equipment Co.—Melroe Division, at Bismarck, N. Dak.. for 180 days.

SUPPORTING SHIPPER: Clark Equipment Company—Melroe Division, Gwinner, N. Dak. 58040. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 129974 (Sub-No. 8 TA) filed June 18, 1973 Applicant: THOMPSON BROS., INC. P.O. Box 457 Toronto, S. Dak. 57268 Applicant's representative: F. H. Kroeger 2288 University Ave, St. Paul, Minn. 55114 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fibre, and accessories for the installation thereof*, from the plantsite and storage facilities of Certain-Teed Products Corporation at or near Bellefontaine Neighbors and Riverview, Mo., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Certain-Teed Products Corporation, Pipe and Plastics Group, 750 E. Swedsford Road, Valley Forge, Pa. 19481, Thomas F. McGrath, General Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 134405 (Sub-No. 12 TA) filed June 18, 1973 Applicant: BACON TRANSPORT COMPANY a Corporation P.O. Box 1134 Ardmore, Okla. 73401 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N.W. 58th Street Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, except composition roofing, from the plantsite of Trumbull Asphalt Co., Del City, Okla., to points in Arkansas and Missouri, for 180 days. SUPPORTING SHIPPER: Trumbull Asphalt Co., Ezra L. West, Plant Supt., P.O. Box 15153—3400 N.E. 4th, Oklahoma City, Okla. 73115. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 136989 (Sub-No. 3 TA) filed June 1, 1973 Applicant: R. F. BOX doing business as R. F. BOX TRUCKING 1401 Dartmouth, NE Albuquerque, N. Mex. 87106 Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Bldg. Albuquerque, N. Mex. 87101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Floor covering* (except carpeting and rugs), from the plant site of GAF Corporation at or near Allentown (Whitehall Tonwship), Pa., to points in Arizona, New Mexico, Nevada, Utah, California, Oregon, and Washington; and El Paso County, Tex.; Montezuma, La Plata, Archuleta, Conejos, Costilla, and Las Animas Counties, Colo., for the account of GAF Corporation and (B) *Floor covering* (except carpeting and rugs), from the plant site of GAF Corporation at or near Allentown (Whitehall Township), Pa., to points in Utah and Colorado for the account of L. D. Brinkman & Co., for 180 days. SUPPORTING SHIPPERS: GAF Corporation, General Traffic Dept., South Bound Brook, N.J. 08880 and L. D. Brinkman & Co., Post Office Box 47586, Dallas, Tex., 75247. SEND PROTESTS TO: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 138824 TA filed June 18, 1973. Applicant: REDWAY CARRIERS, INC., 411 11th Street, North Chicago, Ill. 600064 Applicant's representative: Paul J. Maton Suite 1620 Ten South LaSalle St. Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and and cranberry products*, in containers, *and machinery, materials, supplies and equipment* incidental to or used in the processing, canning, bottling, preserving, freezing, distribution and sale of cranberries, and *cranberry products* for the account of Ocean Spray Cranberries, Inc., whose plant sites and warehouses are located in Kenosha County, Wis. and North Chicago, Ill., to points in Indiana, Ohio, Kentucky, Tennessee, Illinois, and those points in Missouri on and east of U.S. Highway 65 (except Springfield, Mo.), for 180 days. SUPPORTING SHIPPER: Ms. Florence Quick, Traffic Manager, Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, Wis. 53140. SEND PROTESTS TO: District Supervisor W. J. Gray, Jr., Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 138825 TA filed June 19, 1973 Applicant: AMERICAN INTERNATIONAL DRIVEAWAY OF INDIANA, INC. 316 South 13th Street Decatur, Ind. 46733 Applicant's representative: James Jackson (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers*, in driveaway service, between points in McDonough County, Ill. and Paxinos, Pa., on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER: Fleetwood Enterprises, Inc., 3125 Myers Street, P.O. Box 7638, Riverside, Calif. 92503. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 138836 TA filed June 19, 1973 Applicant: JERALD HEDRICK doing business as HEDRICK & SON TRUCKING R.R. 1 Warren, Ind. 46792 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, from Lima, Ohio, to points in Indiana, for 180 days. SUPPORTING SHIPPER: Federal Fertilizer Sales, Peru, Ind. 46970. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.13625 Filed 7-3-73;8:45 am]

[Notice 88]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 28, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 3101 (Sub-No. 3 TA) filed June 20, 1973 Applicant: SCHAUM TRANSFER COMPANY 410 East Davis Street St. Louis, Mo. 63111 Applicant's representative: Ernest A. Brooks II 1301 Ambassador Building St. Louis, Mo. 63101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, unground or other than ground or pulverized, and *sand ground* or pulverized under contract with Obear-Nester Glass-An Indiana Head Company, from points in St. Louis and Jefferson Counties, Mo., to East St. Louis, Ill., for 180 days. SUPPORTING SHIPPER: Obear Nester Glass, 20th and Broadway, East St. Louis, Ill. 62205. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

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No. MC 107403 (Sub-No. 853 TA) filed June 19, 1973 Applicant: MATLACK, INC. 10 West Baltimore Ave. Lansdowne. Pa. 19050 Applicant's representative: Harry C. Ames 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Richmondale, Ohio, to Aurora, Ind., for 180 days. SUPPORTING SHIPPER: Carl F. Weiffenbach, Secretary-Treasurer, The Keener Sand & Clay Company, 79 E. State Street, Columbus, Ohio 43215. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, William J. Green, Jr. Federal Building, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 107496 (Sub-No. 898 TA) filed June 19, 1973 Applicant: RUAN TRANSPORT CORPORATION Third and Keosauqua Way P.O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and grease*, in bulk, in tank vehicles, from Muskego, Wis., to Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Muskego Rendering Co., Inc., S81 W21392 Wauer Lane, Muskego, Wis. 53150. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107993 (Sub-No. 27 TA) filed June 20, 1973 Applicant: J. J. WILLIS TRUCKING COMPANY Mlg: P. O. Box 20096 2608 Electronic Lane Dallas, Tex. 75220 Applicant's representative: Joe P. Willis (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, from points in Maricopa County, Ariz., to all points in Colorado, for 180 days. Note: Carrier does not intend to tack authority. SUPPORTING SHIPPER: Marathon Steel Company, P. O. Box 6598, Phoenix, Ariz. 85005. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex.

No. MC 108449 (Sub-No. 356 TA) filed June 20, 1973 Applicant: INDIANHEAD TRUCK LINE, INC. 1947 West County Road C St. Paul, Minn. 55113 Applicant's representative: V. L. Wellbaum (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equilibrium catalyst*, in bulk, in tank vehicles, from St. Paul Park, Minn., to Sugar Creek, Mo., for 180 days. SUPPORTING SHIPPER: Northwestern Refining Co., P. O. Drawer 9, St. Paul Park, Minn. 55071. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 112223 (Sub-No. 90 TA) filed June 21, 1973 Applicant: QUICKIE TRANSPORT COMPANY 501 11th Avenue South Minneapolis, Minn. 55415 Applicant's representative: Earl Hacking 503 11th Avenue South Minneapolis, Minn. 55415 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from points in Ramsey County, Minn., to points in Illinois and Michigan, for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., 1000 Hamline Ave. N., St. Paul, Minn. 55104. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 277 TA) filed June 14, 1973. Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by a motor vehicle, over irregular routes, transporting: (1) *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles, and (2) *fermented, quick process and distilled vinegar, vinegar malt, naphtha* (ethyl acetate), *salt* (calcium acetate), *vinegar acid* (acetic acid), and *vinegar wine*, etc., between the following points and commercial zone thereof, except that no transportation service shall be provide wholly within the same or one state in Rogers, Ark.; Delta and Denver, Colo.; Chicago, Ill.; Hutchinson and Wichita, Kans.; Bailey, Belding and Freemont, Mich.; St. Paul, Minn.; Kansas City, Marionville and Nixa, Mo.; Lyndonville and North Rose, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Houston and Paris, Tex.; and Wenatchee and Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Spess Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 153 TA) filed June 21, 1973 Applicant: DART TRANSIT COMPANY 780 N. Prior Avenue St. Paul, Minn. 55104 Applicant's representative: Michael P. Zell (Same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Little Falls and Clearwater, Minn., and Hudson, Wis., to points in the United States (excluding Alaska and Hawaii), restricted against the transportation of commodities in bulk, for 180 days. SUPPORTING SHIPPER: T. O. Plastics, Inc., 3901 E. 78th St., Minneapolis, Minn. 55420. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 126555 (Sub-No. 24 TA) filed June 20, 1973 Applicant: UNIVERSAL TRANSPORT, INC. P.O. Box 268 Rapid City, S. Dak. 57701 Applicant's representative: Truman A. Stockton, Jr. The 1650 Grant Street Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregulate routes, transporting: *Coal and charcoal*, charred, powdered, crushed or granulated, in bulk, in tank vehicles, from points in Montana, and North Dakota to points in South Dakota, for 180 days. SUPPORTING SHIPPER: Stearns Roger Corporation, South Highway 79, Rapid City, S. Dak. 57701, J. E. Alton, Purchasing Agent. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 128114 (Sub-No. 3 TA) filed June 20, 1973 Applicant: PAUL E. SAVAGE, doing business as SAVAGE TRANSPORTATION CO. Building 141 Pasco, Wash. 99302 Applicant's representative: Donald A. Ericson 708 Old National Bank Building Spokane, Wash. 99201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, poultry feed and feed ingredients*, between points in Walla Walla County, Wash., on the one hand, and, on the other, points in Idaho and Oregon, for 180 days. SUPPORTING SHIPPER: Pacific Kenyon Corporation, P.O. Box 2483, Pasco, Wash. 99302 (Mailing Address Plant) Port of Walla Walla, Burbank, Wash. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg. Seattle, Wash. 98104.

No. MC 138835 TA filed June 21, 1973 Applicant: EASTERN REFRIGERATED TRANSPORT, INC. P.O. Box 1052 Harrisonburg, Va. 22801 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and materials and supplies* used in the manufacture thereof, from points in Maine, New Hampshire, Vermont, Kentucky, Indiana, Ohio, Michigan, Tennessee, West Virginia, Illinois, Virginia, Minnesota, Wisconsin, Connecticut, Delaware, District of Columbia, New York, Massachusetts, New Jersey, Pennsylvania, and Rhode Island, to the warehouse and plant facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va., for 180 days. SUPPORTING SHIPPER: Morton Frozen Foods, Division of Continental Baking Company, Inc., P.O. Box 731, Rye, N.Y. 10580. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 138835 (Sub-No. 1 TA) filed June 21, 1973 Applicant: EASTERN REFRIGERATED TRANSPORT, INC. P.O. Box 1052 Harrisonburg, Va. 22801 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and warehouse facilities of Morton Frozen Foods, Division of Continental Baking Company, at Crozet, Va., to points in North Carolina, South Carolina, Georgia, Maryland, Missouri, Iowa, Kentucky, Indiana, Michigan, Ohio, Tennessee, West Virginia, Maine, New Hampshire, Vermont, Wisconsin, New York, Illinois, Virginia, Minnesota, Connecticut, Delaware, New Jersey, Massachusetts, District of Columbia, Pennsylvania and Rhode Island, for 180 days. SUPPORTING SHIPPER: Morton Frozen Foods, Division of Continental Baking Company, Inc., P.O. Box 731, Rye, N.Y. 10580. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, S. W., Roanoke, Va. 24011.

No. MC 138836 TA filed June 13, 1973 Applicant: WILLIAM A. ADDISON & L. O. MCCULLOUGH doing business as: AD MAC TRUCKING CO 854 Forest Lake Drive South Macon, Ga. 31204 Applicant's representative: Andrew W. McKenna 200 American Federal Bldg. Macon, Ga. 31202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Box and crate material woodwire knocked down, lumber hardboard, particle board, masonite, plywood and other manufactured building materials*, from forest products, and (B) *pipe, rail and track, piling, highway products and construction materials*, (except loose bulk or liquid products and in tank vehicles), from Macon, Ga., to point in the United States (including Georgia, Florida, Alabama, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, Maryland, Ohio, Pennsylvania, Minnesota, Illinois, Indiana, Michigan and Wisconsin), for 180 days. SUPPORTING SHIPPER: Maxwell Wirebound Box Co., 710 Lower Poplar Road, Macon, Ga. 31202. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, NW, Room 309, Atlanta, Ga. 30309.

No. MC 138837 TA filed June 19, 1973 Applicant: MINATTA TRANSPORTATION COMPANY 8150 Gravenstein Highway Cotati, Calif. 94928. Applicant's representative: Marvin J. Colangelo 660 Market Street San Francisco, Calif. 94104 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated beams, arches and timbers, wooden*, from Shiloh Road, Santa Rosa, Calif., to points in Arizona, Nevada and New York, for 180 days. SUPPORTING SHIPPER: Standard Structures, Inc., P. O. Box K, Santa Rosa, Calif. 95402. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13626 Filed 7-3-73;8:45 am]

MOVERS WHO FAIL TO PICK UP SHIPMENTS

Warning

JUNE 27, 1973.

The Interstate Commerce Commission has received information and shipper complaints that some of the nation's largest movers are failing to pick up and transport household goods shipments on dates previously agreed upon by the shipper and the mover. This "overbooking" practice occurs particularly during the busy season in June, July and August and is the result of a mover accepting more orders for service than it is capable of handling.

The failure of a motor common carrier to pick up and transport shipments of household goods on agreed dates or periods of time constitutes a violation of consumer regulations adopted by the Commission requiring the performance of reasonable dispatch. Such carriers are not generally considered to be in violation when the failure to timely pickup is related to a condition totally beyond their control.

Movers were warned today that the Commission will not tolerate these improper practices. Complaints will be thoroughly investigated by the Bureau of Operations. In addition, movers who recently have received Commission cease and desist orders and who are overbooking subject their operating rights to further suspension, possible revocation and face heavy fines.

Although Commission regulations require movers to notify shippers of delay or failure to pick up as agreed upon, such notification does not release movers from the obligation and requirement to provide reasonable dispatch. Shippers, therefore, who incur additional expenses due to carrier negligence to timely pickup may desire to file an "inconvenience claim" with the mover seeking reimbursement for the related expenses.

Such expenses normally include reasonable lodging costs and a portion of incurred food expenses. (Receipts should be obtained where possible.) While the Commission is not presently authorized to settle disputed claims it does render assistance if needed.

Motor common carriers of household goods were cautioned not to give undue preference or unjust discrimination toward any type of traffic or class of shipper (government, military, national account and individual C.O.D.) in assigning and reassigning pickup service dates. This practice is prohibited by the Interstate Commerce Act.

If the improper booking practices are not promptly discontinued, the Commission will consider requesting the issuance of appropriate restraining orders from the courts.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13621 Filed 7-3-73;8:45 am]

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federal register

THURSDAY, JULY 5, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 128

PART II

Nondiscrimination in Federally Assisted Programs

No. 128—Pt. II——1

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NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to d–4, prohibits discrimination on the ground of race, color or national origin in programs and activities receiving Federal financial assistance. At present, 21 Federal agencies have regulations implementing Title VI.[1]

Each of these agencies has adopted amendments to its Title VI regulation.[2] In addition, four agencies, the Civil Service Commission, Environmental Protection Agency, Federal Home Loan Bank Board, and National Foundation on the Arts and the Humanities, have adopted initial Title VI regulations. The regulation amendments of the 21 agencies and the four initial regulations have been approved by the President (FR Doc. 73–13407) [2a], in accord with section 602 of Title VI, 42 U.S.C. 2000d–1.

The background of the amendments and the new regulations is as follows: On December 9, 1971, uniform amendments to the Title VI regulations of 20 agencies and the initial regulation of the National Foundation on the Arts and the Humanities were published in the FEDERAL REGISTER as proposed rule making. See 36 FR 23447. Comments on the proposals were submitted to the Department of Justice which has responsibility, under Executive Order 11247, for coordinating implementation of Title VI by Federal agencies. On the basis of the comments, the Department of Justice recommended that agencies with major Title VI responsibilities adopt certain additional amendments.

As a result of the above steps, the original uniform amendments are, with limited exceptions, included in each set of amendments to existing regulations and in each of the four initial regulations.[3] The most important of these provisions involve: prohibiting discrimination in the selection of sites for facilities of Federally assisted programs, requiring affirmative action to overcome the effects of past discrimination, and providing that discriminatory employment practices are prohibited by Title VI to the extent that such practices tend to cause discrimination in the services provided to beneficiaries.

In addition, the amendments of 13 agencies with major Title VI responsibilities [4] include provisions which the Department of Justice had recommended on the basis of public comments. These additional provisions relate to: prohibiting discrimination in the selection of members of planning and advisory bodies, referring to the obligation of recipients of Federal funds to maintain racial and ethnic data with regard to program beneficiaries, and extending (from 90) to 180 days the time for filing complaints.

The regulation amendments and the four initial regulations will take effect on July 5, 1973.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 900—INTERGOVERNMENTAL PERSONNEL ACT GRANT PROGRAM

The purpose of this amendment adding Subpart D to Part 900 of the regulations of the Civil Service Commission is to implement section 601 of the Civil Rights Act of 1964.

Notice of proposed rulemaking concerning these regulations was published in the FEDERAL REGISTER of February 3, 1972. The purpose of that publication was to give interested persons an opportunity to submit written comments, objections, or suggestions. After consideration of all comments, objections, and suggestions as were presented by interested persons, § 900.404(b)(6) has been changed in order to clarify the affirmative action requirement of § 900.404.

Section 601 of the Civil Rights Act of 1964 forbids discrimination on the ground of race, color, or national origin under any program or activity that receives Federal financial assistance. Section 602 of the Act authorizes and directs each Federal department or agency that is empowered to assist any program or activity to issue regulations implementing section 601. Accordingly, the Commission is adopting Subpart D of Part 900 to accomplish this legislative directive.

In consideration of the foregoing, Part 900 of title 5 of the Code of Federal Regulations is amended by adding a new Subpart D as follows. This Subpart D shall become effective on July 5, 1973.

Pursuant to section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1), this regulation has been approved by the President.

The authority statement now in Part 900 appearing in the FEDERAL REGISTER [FR Doc. 71–12016] of August 17, 1971 on page 15515 is deleted and a new authority statement should be added immediately after the headings for Subparts A, B, and C as follows:

AUTHORITY: Sec. 503, 84 Stat. 1926.

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[1] Title VI regulations are presently in effect for the Departments of Agriculture, Commerce, Defense, HEW, HUD, Interior, Labor, Justice, State and Transportation and the following agencies: AID, AEC, CAB, GSA, NASA, NSF, OEO, OEP, SBA, TVA and VA.

[2] The amendments of four agencies, Commerce, HUD, OEO and OEP, are in the form of complete reissuance of their respective regulations.

[2a] Filed with the Office of the Federal Register.

[3] Subsequent to December 9, 1971, the regulations of the Civil Service Commission, Environmental Protection Agency and Federal Home Loan Bank Board and amendments to the Department of Transportation regulation were published in the FEDERAL REGISTER as proposed rule making.

[4] These agencies are the ten departments and OEO, SBA and VA.

Subpart D—Nondiscrimination in Federally Assisted Programs in the U.S. Civil Service Commission—Effectuation of Title VI of the Civil Rights Act of 1964

Sec.

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Appendix A—Activities to which this subpart applies.

Appendix B—Activities to which this subpart applies when a primary objective of the Federal financial assistance is to provide employment.

Appendix C—Application of Subpart D, Part 900, to programs receiving Federal financial assistance of the U.S. Civil Service Commission.

AUTHORITY: The provisions of this Subpart D issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1.

Subpart D—Nondiscrimination in Federally Assisted Programs in the U.S. Civil Service Commission—Effectuation of Title VI of the Civil Rights Act of 1964

§ 900.401 Purpose.

The purpose of this subpart is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as title VI) to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Commission.

§ 900.402 Application of this subpart.

(a) This subpart applies to each program for which Federal financial assistance is authorized under a law administered by the Commission, including the federally assisted programs listed in Appendix A to this subpart. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this subpart pursuant to an application approved before that effective date. This subpart does not apply to:

(1) Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under a program before the effective date of this subpart, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by the Commission;

(3) Assistance to any individual who is the ultimate beneficiary under a program; or

(4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 900.404(c).

The fact that a program is not listed in Appendix A to this subpart does not

mean, if title VI is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to Appendix A to this subpart.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this subpart extends to a facility located wholly or in part in that space.

§ 900.403 Definitions.

Unless the context requires otherwise, in this subpart:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Commission, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in the property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient; and

(5) A Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Chairman" means the Chairman of the U.S. Civil Service Commission, or any person to whom he has delegated his authority in the matter concerned.

§ 900.404 Discrimination prohibited.

(a) *General.* A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under a program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

(i) Deny a person a service, financial aid, or other benefit provided under the program;

(ii) Provide a service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of a service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of an advantage or privilege enjoyed by others receiving a service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies an admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided a service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of persons to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of persons to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include a service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) Examples demonstrating the application of the provisions of this section to certain programs receiving Federal financial assistance from the Commission are contained in Appendix C of this subpart.

(6) (i) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of prior discrimination a recipient in administering a program shall take affirmative action as required by the Commission to overcome the effect of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(iii) Any affirmative action under this paragraph shall be consistent with the principles stated in the Intergovernmental Personnel Act of 1970, 84 Stat. 1909.

(c) *Employment practices.* (1) When a primary objective of a program of Federal financial assistance to which this subpart applies is to provide employment, a recipient or other party subject to this subpart shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order

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11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Commission which have as a primary objective the providing of employment include those set forth in Appendix B to this subpart.

(3) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in the employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under, the program receiving Federal financial assistance. The provisions of paragraph (c)(1) of this section apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benfits of, or subjecting them to discrimination under, a program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI or this subpart.

§ 900.405 Assurances required.

(a) *General.* (1) An application for Federal financial assistance to carry out a program to which this subpart applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this subpart. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. The Commission shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judicial enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Commission to revert title to the property in the event of a breach of the covenant where, in the discretion of the Commission, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, the Commission may agree, on request of the transferee and if necessary to accomplish the financing, and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from government agencies.* In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Commission official if the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this subpart as respects the program.

(c) *Assurance from academic and other institutions.* (1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this subpart applies (including the programs listed in Appendix A to this subpart) shall as a condition to its approval and the extension of Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with the requirements imposed by or pursuant to this subpart, and (2) provide or be accompanied by provision for methods of administration for the program as are found by the Commission to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under the program will comply with the requirements imposed by or pursuant to this subpart.

§ 900.406 Compliance information.

(a) *Cooperation and assistance.* The Commission, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep records and submit to the Commission timely, complete, and accurate compliance reports at the times, and in the form and containing the information the Commission may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this subpart. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the Commission during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this subpart. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this subpart and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as the Commission finds necessary, to apprise the persons of the protections against discrimination assured them by title VI and this subpart.

§ 900.407 Conduct of investigations.

(a) *Periodic compliance reviews.* The Commission may from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the Commission a written complaint. A complaint shall be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Commission.

(c) *Investigations.* The Commission will make a prompt investigation whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with this subpart. The investigation will include, when appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the Commission will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 900.408.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the Commission will so inform, in writing, the recipient and the complainant, if any.

(e) *Intimidatory or retaliatory acts prohibited.* A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of title VI or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential; except to the extent necessary to carry out the purposes of this subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 900.408 Procedure for effecting compliance.

(a) *General.* (1) If there appears to be a failure or threatened failure to comply with this subpart, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this subpart may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (i) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the United States under a law of the United States (including other titles of the Civil Rights Act of 1964), or an assurance or other contractual undertaking, and (ii) an applicable proceeding under State or local law.

(b) *Noncompliance with § 900.405.* If an applicant fails or refuses to furnish an assurance required under § 900.405 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Commission shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 900.412, the Commission shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

(1) The Commission has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by informal voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart;

(3) The action has been approved by the Commission pursuant to § 900.410 (e); and

(4) The expiration of 30 days after the Chairman of the Civil Service Commission has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.* An action to effect compliance with title VI by other means authorized by law shall not be taken by the Commission until—

(1) The Commission has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 900.409 Hearings.

(a) *Opportunity for hearing.* When an opportunity for a hearing is required by § 900.408(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of the Commission that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of title VI and § 900.408(c) and consent to the making of a decision on the basis of the information as is available.

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(b) *Time and place of hearing.* Hearings shall be held at the offices of the Commission in Washington, D.C., at a time fixed by the Commission unless it determines that the convenience of the applicant or recipient or of the Commission requires that another place be selected. Hearings shall be held before the Commission, or at its discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Commission have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Commission and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under title VI, the Commission may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this subpart. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 900.410.

§ 900.410 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commission for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision of the Commission.

(b) *Decisions on record or review by the Commission.* When a record is certified to the Commission for decision or the Commission reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Commission conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Commission will be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* When a hearing is waived pursuant to § 900.409, a decision shall be made by the Commission on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Commission shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Commission.* A final decision by an official of the Commission other than by the Commissioners, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or title VI, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title VI and this subpart, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this subpart, or to have otherwise failed to comply with this subpart, unless and until it corrects its noncompliance and satisfies the Commission that it will fully comply with this subpart.

(g) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of the order for eligibility, or if it brings itself into compliance with ths subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) An applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Commission to restore fully its eligibility to receive Federal financial assistance. A request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g) (1) of this section. If the Commission determines that those requirements have been satisfied, it shall restore the eligibility.

(3) If the Commission denies a request, the applicant or recipient may submit a reqquest for hearing in writing, specifying why it believes the Commission is in error. The applicant or recipient shall be given an expeditious hearing, with a decision on the record in accordance with the rules or procedures issued by the Commission. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 900.411 Judicial review.

Action taken pursuant to section 602 of title VI is subject to judicial review as provided in section 603 of title VI.

§ 900.412 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* Regulations, orders, or like directions issued before the effective date of this subpart by the Commission which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin under a program to which this subpart applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this subpart, except that nothing in this subpart relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this subpart. This subpart does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this subpart is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commission shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies, and for which it is responsible.

(c) *Supervision and coordination.* The Commission may from time to time assign to officials of the Commission, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI and this subpart (other than responsibilities for final decision as provided in § 900.410), including the achievement of effective coordination and maximum uniformity within the Commission and within the executive branch in the application of title VI and this subpart to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though the action had been taken by the Commission.

APPENDIX A

ACTIVITIES TO WHICH THIS SUBPART APPLIES

1. Use of grants made in connection with the Intergovernmental Personnel Act of 1970 (P.L. 91-648, 84 Stat. 1909).

2. Personnel mobility assignments of Commission personnel pursuant to title 5, U.S.C. chapter 33 and 5 CFR Part 334 (36 FR 6488).

APPENDIX B

ACTIVITIES TO WHICH THIS SUBPART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. None at this time.

APPENDIX C

APPLICATION OF SUBPART D, PART 900, TO PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE OF THE U.S. CIVIL SERVICE COMMISSION

Nondiscrimination in Federally assisted programs or projects:

Examples. The following examples without being exhaustive illustrate the application of the nondiscrimination provisions of the Civil Rights Act of 1964 of this subpart in programs receiving financial assistance under programs of the U.S. Civil Service Commission.

(1) Recipients of IPA financial assistance for training programs or fellowships may not differentiate between employees who are eligible for training or fellowships on the ground of race, color, or national origin.

(2) Recipients of IPA financial assistance for training programs may not provide facilities for training with the purpose or effect of separating employees on the ground of race, color, or national origin.

Issued in Washington, D.C., on July 3, 1973.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13295 Filed 7-3-73;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 15—NONDISCRIMINATION

Subpart A—Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964

UNIFORM REVISIONS

The following proposed amendments to 7 CFR, Subtitle A, Part 15, Subpart A, primarily represent uniform revisions being jointly adopted by the various Departments and Agencies of the U.S. Government to put into effect clarifications to the regulations issued pursuant to Title VI of the Civil Rights Act of 1964.

Title 7, CFR, Subtitle A, Part 15, Subpart A, is hereby amended as follows:

1. Section 15.1(a) is amended by inserting the language "of an applicant or recipient" immediately following the words "under any program or activity" so that the phrase reads "under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture or any Agency thereof."

2. Section 15.1(b) is amended to read as set forth below.

§ 15.1 Purpose and application of part.

(a) [Amended]

(b) The regulations in this part apply to any program or activity of an applicant or recipient for which Federal financial assistance is authorized under a law administered by the Department including, but not limited to, the Federal financial assistance listed in the appendix to this part. They apply to money paid, property transferred, or other Federal financial assistance extended to an applicant or recipients for its program or activity after the effective date of these regulations pursuant to an application approved or statutory or other provision made therefor prior to such effective date. The regulations in this part do not apply to (1) any Federal finanical assistance by way of insurance or guaranty contract, (2) money paid, property transferred, or other assistance extended prior to the effective date of the regulations in this part, (3) any assistance to an applicant or recipient who is an ultimate beneficiary under any such program, or (4) except as provided in § 15.3(c), any employment practice of any employer, employment agency or labor organization. The fact that a specific kind of Federal financial assistance is not listed in the appendix shall not mean, if Title VI of the Act is otherwise applicable, that such Federal financial assistance is not covered. Other Federal financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice approved and issued by the Secretary and published in the FEDERAL REGISTER.

3. Section 15.2(d) is amended to read as follows:

§ 15.2 Definitions.

* * * * *

(d) 'Hearing Officer' means a hearing examiner appointed pursuant to 5 U.S.C. 3105, and designated to hold hearings under the regulations in this part or any person authorized to hold a hearing and make a final decision under the regulations in this part.

* * * * *

4. Section 15.3(a) is amended by inserting the language "or activity of the applicant or recipient" immediately following the language "under any program" so that the phrase reads "under any program or activity of the applicant or recipient to which these regulations apply."

5. Section 15.3(b) (1) is amended by inserting a new subdivision (vii) reading as set forth below.

6. Section 15.3(b) is further amended by inserting a new subparagraph (3) reading as set forth below.

7. In § 15.3(b), subparagraphs (3) and (4), are renumbered (4) and (5) respectively, and the renumbered subparagraph (4) is amended to read as set forth below.

8. Section 15.3(b) is further amended by adding the following new subparagraph (6) at the end thereof, reading as set forth below.

9. Section 15.3(c) is amended by adding a statement at the end thereof, reading as set forth below.

§ 15.3 Discrimination prohibited.

(a) [Amended]

(b) *Specific discriminatory actions prohibited.* (1) * * *

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

* * * * *

(3) In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any of its activities or programs to which the regulations in this part apply, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act and the regulations in this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program or activity of an

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applicant or recipient receiving Federal financial assistance shall be deemed to include any and all services, financial aid, or other benefit provided in or through a facility provided or improved in whole or part with the aid of Federal financial assistance.

• • • • •

(6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(c) • • • Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulations in this part, tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity of the applicant or recipient to which these regulations apply, the foregoing provisions of this § 15.3(c) shall apply to the employment practices of the recipient or other persons subject to these regulations, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries. The requirements applicable to construction employment under any program or activity of the applicant or recipient shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive Order which supersedes it.

• • • • •

10. Section 15.4(a) (1) and (2) and (b) are amended to read as set forth below, and paragraph (e) of that section is amended by substituting for the language "U.S. Commissioner of Education" and "Commissioner", where said language appears, the language "responsible official of the Department of Health, Education, and Welfare", and by inserting the phrase "within the earliest practical time" immediately following the language "determines is adequate to accomplish the purposes of the Act and this part" in the first sentence.

§ 15.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which these regulations apply, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility, shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the applicant's program or activity will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to the Act and the regulations in this part. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein, or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for the purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases, the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The Agency shall specify the form of the foregoing assurances and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, successors in interest and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures, or improvements thereon, or interests therein, which was acquired through Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is improved through Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant where, in the discretion of the Agency concerned, such a condition and right of reverter is appropriate to the purposes of the Federal financial assistance under which the real property is obtained and to the nature of the grant and the grantee. In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Agency may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

• • • • •

(b) Every application by a State or a State Agency, including a State Extension Service, but not including an application for aid to an institution of higher education, to carry out its program or activity involving continuing Federal financial assistance to which the regulations in this part apply shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Agency to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the regulations in this part: *Provided*, That where no application is required prior to payment, the State or State Agency, including a State Extension Service, shall, as a condition to the extension of any Federal financial assistance, submit an assurance complying with the requirements of paragraph (b) (1) and (2) of this section.

• • • • •

(e) [Amended]

11. Section 15.5(b) is amended by adding the following to the end thereof:

§ 15.5 Compliance.

• • • • •

(b) • • • In general, recipients should have available for the Agency racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs.

• • • • •

§ 15.6 [Amended]

12. Section 15.6 is amended by deleting 90 days and substituting 180 days therefore.

§ 15.9 [Amended]

13. Section 15.9(d) is amended by substituting for the language "Sections 5–8 of the Administrative Procedure Act", where said language appears, the language "5 U.S.C. 554–557".

14. Section 15.10 is amended by adding the following new paragraph (g) at the end thereof:

§ 15.10 Decisions and notices.

• • • • •

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if its brings itself into compliance with the Act and the regulations in this part and provides reasonable assurance that it will fully comply therewith. An elementary or secondary school or school system which is unable to file an assurance of compliance with § 15.4 (a), (b), or (d) shall be restored to full eligibility to receive Federal financial assistance if it complies with the requirements of a § 15.4(e) and is otherwise in compliance with the Act and the regulations in this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the Secretary determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the denial to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure set forth in Subpart C of this part. The applicant or recipient will be restored to such eligibility if it proves at such a hearing, that it has satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 15.12 [Amended]

15. Section 15.12(a) is amended by substituting for the language "(1) Executive Orders 10925 and 11114" where such language appears the language "(1) Executive Order 11246"; and paragraph (c) of that section is amended by adding the following new sentence at the end thereof: "Any action taken, determination made, or requirement imposed by an official of another Department or Agency acting under this paragraph shall have the same effect as though such action had been taken by the Secretary or an Agency of this Department."

16. The introductory heading of the appendix to the regulations in this part is revised to read as follows: "Federal Financial Assistance of the Department of Agriculture Covered by Title VI of the Civil Rights Act of 1964".

This amendment issued under section 602, 78 Stat. 252, 42 U.S.C. 2000d, and the laws referred to in the appendix.

Dated: July 27, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-13282 Filed 7-3-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—EFFECTUATION OF TITLE IV OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

§ 4.12 [Amended]

1. A new paragraph (c) is added to § 4.12 of 10 CFR Part 4 to read as follows:

(c) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

2. Present paragraphs (c) and (d) of § 4.12 of 10 CFR Part 4 are relettered paragraphs (d) and (e), respectively.

3. A new paragraph (f) is added to § 4.12 of 10 CFR Part 4 to read as follows:

(f) This part does not prohibit the consideration of race, color or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

4. Section 4.13 of 10 CFR Part 4 is amended to read as follows:

§ 4.13 Employment practices.

(a) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (1) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of such individuals. (Examples of such programs are nuclear training equipment grants, grants and loans of materials for training, and fellowship programs.) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(b) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to this part tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this part applies, the provisions of paragraph (a) of this section shall apply to the employment practices of the recipient or other persons subject to this part to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

§ 4.21 [Amended]

5. Paragraph (b) of § 4.21 of 10 CFR Part 4 is amended to read as follows:

(b) In the case of real property, structures or improvements thereon, or interests therein, which was acquired with Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is improved with Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the AEC to revert title to the property in the event of a breach of the covenant where, in the discretion of the AEC, such a condition and right of reverter is appropriate to the program and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the AEC may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as the AEC deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

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6. Section 4.22 of 10 CFR Part 4 is amended to read as follows:

§ 4.22 Continuing State programs.

Every application by a State or a State agency for continuing Federal financial assistance shall require the submission of and every grant, loan, or contract to or with a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the grant, loan or contract, contain or be accompanied by, a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and shall provide or be accompanied by provision for such methods of administration for the program as are found by the responsible AEC official to give reasonable assurance that the recipient and all other recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

7. Paragraph (b) of § 4.23 of 10 CFR Part 4 is amended to read as follows:

§ 4.23 Elementary and secondary schools.

* * * * *

(b) Submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance the responsible official of the Department of Health, Education, and Welfare may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purpose of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such plan, such plan shall be revised to conform to such final order, including any future modification of such order.

§ 4.25 [Amended]

8. New paragraphs (d) and (e) are added to § 4.25 of 10 CFR Part 4 to read as follows:

(d) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 4.34 to provide information as to the availability of the program or activity, and the rights of beneficiaries under this part, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will ensure that groups previously subjected to discrimination are adequately served.

(e) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

9. Section 4.49 of 10 CFR Part 4 is amended to read as follows:

§ 4.49 Other means authorized by law.

No action to effect compliance by any other means authorized by law shall be taken until (a) the responsible AEC official has determined that compliance cannot be secured by voluntary means, (b) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (c) the expiration of at least ten (10) days from the mailing of such notice to the recipient or other person. During this period of at least ten (10) days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 4.51 [Amended]

10. Paragraph (d) of § 4.51 of 10 CFR Part 4 is amended to read as follows:

(d) An applicant or recipient may file an answer, and waive or fail to request a hearing, without waiving the requirement for findings of fact and conclusions of law or the right to seek Commission review in accordance with the provisions of §§ 4.71–4.74. At the time an answer is filed the applicant or recipient may also submit written information or argument for the record if he does not request a hearing.

11. Paragraph (f) of § 4.51 of 10 CFR Part 4 is amended to read as follows:

(f) The failure of an applicant of recipient to file an answer within the period prescribed, or, if he requests a hearing, his failure to appear therefor, shall constitute a waiver by him of a right to (1) a hearing under section 602 of the Act and § 4.48, (2) conclusions of law, and (3) seek Commission review. In the event of such waiver, the responsible AEC official may find the facts on the basis of the record available and enter an order in substantially the form set forth in the notice of opportunity for hearing.

§ 4.63 [Amended]

12. The first sentence of paragraph (a) of § 4.63 of 10 CFR Part 4 is amended to read as follows:

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such procedures as are proper (and not inconsistent with §§ 4.61–4.64) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 4.51, taking of testimony, exhibits, arguments and briefs, requests for finding, and other related matters. * * *

13. A new § 4.75 is added to 10 CFR Part 4 to read as follows:

§ 4.75 Posttermination proceedings.

(a) An applicant or recipient adversely affected by an order issued under § 4.74 shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part. An elementary or secondary school or school system which is unable to file an assurance of compliance with §§ 4.11–4.14 shall be restored to full eligibility to receive Federal financial assistance, if it files a court order or a plan for desegregation which meets the requirements of § 4.23, and provides reasonable assurance that it will comply with this court order or plan.

(b) Any applicant or recipient adversely affected by an order entered pursuant to § 4.74 may at any time request the responsible AEC official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (a) of this section. If the responsible AEC official determines that those requirements have been satisfied, he shall restore such eligibility.

(c) If the responsible AEC official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible AEC official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (a) of this section. While proceedings under this section are pending, the sanctions imposed by the order issued under § 4.74 shall remain in effect.

§ 4.91 [Amended]

14. Section 4.91 of 10 CFR Part 10 is amended by changing the last sentence thereof to read as follows:

* * * Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (a) Executive Orders 10925, 11114, and 11246 and regulations issued thereunder, or (b) Executive Order 11063 and regulations issued thereunder and any other regulations or instructions insofar as such order, regulations or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

§ 4.93 [Amended]

15. Section 4.93 of 10 CFR Part 4 is amended by adding the following sentence at the end thereof:

* * * Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this section shall have the same effect as though such action had been taken by the responsible AEC official.

16. The title of Appendix A of 10 CFR Part 4 is amended to read as follows:

APPENDIX A—FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES [1]

17. Footnote 1. to Appendix A of 10 CFR Part 4 is amended to read as follows:

[1] Categories of assistance may be added to Appendix A from time to time by notice published in the FEDERAL REGISTER. This part shall be deemed to apply to all grants, loans or contracts entered into under any such category of assistance on or after the effective date of the inclusion of the category of assistance in Appendix A.

18. Paragraph (b) of Appendix A of 10 CFR Part 4 is amended to read as follows:

(b) *Nuclear training equipment grants.* Grants of used equipment to colleges, universities, hospitals and eleemosynary or charitable institutions to help equip and modernize their scientific laboratories with respect to nuclear instrumentation and related equipment, with the objective of improving the conduct of educational and training activities in nuclear fields.

19. Paragraph (c) of Appendix A of 10 CFR Part 4 is amended to read as follows:

(c) *Grants of materials for training.* Grants of nuclear and other materials and of informational matter including slides and manuals to educational institutions for training and educational programs in nuclear fields.

20. Paragraph (d) of Appendix A of 10 CFR Part 4 is amended to read as follows:

(d) *Special fellowships.* Fellowship programs, providing for AEC payment of an educational allowance in lieu of tuition and fees to educational institutions as well as stipends and dependency allowances to the individual fellows, to encourage highly qualified individuals to prepare for careers in atomic energy and to assist educational institutions in developing nuclear science capabilities, as follows:

(1) AEC special fellowships in nuclear science and engineering.

(2) AEC special fellowships in radiation science and protection.

(3) AEC traineeships for graduate students in nuclear engineering.

21. Paragraph (f) of Appendix A of 10 CFR Part 4 is amended to read as follows:

(f) *Loan of nuclear and other materials for education and training.* Provision of AEC-owned materials, such as natural and enriched uranium, plutonium, and heavy water, to educational institutions, on a loan basis, without full-cost recovery; and loans of films, slides, manuals, and other materials to educational institutions, without full-cost recovery.

22. Paragraph (i) of Appendix A of 10 CFR Part 4 is amended to read as follows:

(i) *Fuel cycle assistance for nuclear reactors for research and training.* Research reactor fuel cycle assistance, without full-cost recovery, designed to aid nonprofit educational institutions having science and engineering programs to maintain nuclear reactors for research and training purposes, and providing the following principal forms of aid:

(1) Loan of enriched uranium;

(2) Funds for fuel element fabrication and spent fuel shipments; and

(3) Fuel processing service.

23. A new paragraph (q) is added to Appendix A of 10 CFR Part 4 to read as follows:

(q) *Loan of employees of AEC cost-type contractors.* Loan of personnel to colleges, universities, or other institutions or organizations, to teach or provide other assistance in furthering AEC policies, programs, and activities.

24. Present paragraph (q) of Appendix A of 10 CFR Part 4 is relettered paragraph (r) and is amended to read as follows:

(r) *AEC assistance provided through AEC cost-type contractors.* Agreements by AEC laboratories, other AEC cost-type contractors and universities operating nuclear reactors, to provide assistance, at AEC expense and without full-cost recovery, in connection with AEC programs or activities, of the types designated in this section.

25. Present paragraphs (r) and (s) of Appendix A of 10 CFR Part 4 are relettered paragraphs (s) and (t) respectively.

(Sec. 602, 78 Stat. 252. Interpret or apply Atomic Energy Act of 1954, as amended, 68 Stat. 919; 42 U.S.C. 2011)

Dated at Germantown, Maryland, this 26th day of June 1972.

For the Atomic Energy Commission.

JAMES R. SCHLESINGER,
Chairman.

[FR Doc.73-13293 Filed 7-3-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 72-616]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 529—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

MAY 25, 1972.

Whereas, by Resolution No. 72-33, dated January 4, 1972, which was duly published in the FEDERAL REGISTER on February 1, 1972 (37 FR 2447), the Federal Home Loan Bank Board proposed to amend Subchapter B of Chapter V of Title 12, CFR, by adding a new Part 529—Nondiscrimination in Federally Assisted Programs, for the purpose of effectuating the provisions of Title VI of the Civil Rights Act of 1964, which requires the issuance of such regulations to apply to programs of Federal financial assistance administered by this Board (such as the Housing Opportunity Allowance Program);

Whereas, the text of such proposed regulations was developed pursuant to recommendations of an interagency committee with the objective of achieving uniform Title VI regulations; and

Whereas, all relevant material presented by interested persons or otherwise available has been considered by this Board;

Now, therefore, be it resolved, that this Board hereby adopts the amendment as so proposed and published, with the following changes:

1. In § 529.3, the second sentence is changed by substituting a comma for the period and adding at the end thereof the following words: "and to any such assistance extended under the Housing Opportunity Allowance Program, pursuant to Part 529 of this subchapter, since the inception of such program."

2. In paragraph (b) of § 529.7, the number "90" is changed to read "180".

3. In paragraph (a) of § 529.8, the second sentence is revised to read as set forth below.

And, be it further resolved, that the above amendment shall not become effective unless and until such Part 529 is approved by the President and duly published in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

Sec.

529.1 Purpose.
529.2 Definitions.
529.3 Application of this part.
529.4 Discrimination prohibited.
529.5 Assurances required.
529.6 Compliance information.
529.7 Conduct of investigations.
529.8 Procedure for effecting compliance.
529.9 Hearings.
529.10 Decisions and notices.
529.11 Judicial review.
529.12 Effect on other regulations.

AUTHORITY: Sec. 602, Public Law 88-352, 78 Stat. 252; 42 U.S.C. 2000d-1; Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 529.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Home Loan Bank Board.

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§ 529.2 Definitions.

Unless the context requires otherwise, as used in this part—

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Board, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) "Board" means the Federal Home Loan Bank Board or, except in § 529.10 (e), any person to whom it has delegated its authority in the matter concerned.

(c) "Facility" includes all or any part of structures, equipment, or other real or personal property of interests therein, and the provision of facilities includes the construction, expansion, renovation remodeling, alteration or acquisition of facilities.

(d) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(f) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

§ 529.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Board, including the Federally assisted programs and activities listed in Appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved before that effective date, and to any such assistance extended under the Housing Opportunity Allowance Program, pursuant to Part 529 of this subchapter, since the inception of such program. This part does not apply to:

(a) Any Federal financial assistance by way of insurance or guaranty contracts;

(b) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part;

(c) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(d) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 529.4(c).

The fact that a program or activity is not listed in Appendix A to this part shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereafter enacted may be added to Appendix A to this part.

§ 529.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited descrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin.

Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

§ 529.5 Assurances required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Board shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Real property.* In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Board to revert title to the property in the even of a breach of the covenant where, in the discretion of the Board, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Board may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

§ 529.6 Compliance information.

(a) *Cooperation and assistance.* The Board shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Board timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Board may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Board during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Board finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 529.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The Board shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Board a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, un-

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less the time for filing is extended by the Board.

(c) *Investigations.* The Board will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Board will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 529.8.

(2) If an investigation does not warrant action pursuant to paragraph (d) (1) of this section, the Board will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by secton 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 529.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, (2) a proceeding brought under the Board's cease-and-desist authority pursuant to Part 550 or Part 566 of this chapter, and (3) any applicable proceeding under State or local law.

(b) *Noncompliance with § 529.5.* If an applicant fails or refuses to furnish an assurance required under § 529.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Board shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, the Board shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The Board has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Board pursuant to § 529.10(e); and

(4) The expiration of 30 days after the Board has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken by this Board until—

(1) The Board has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 529.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 529.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Board that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 602 of the Act and § 529.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Board in Washington, D.C., at a time fixed by the Board unless it determines that the convenience of the applicant or recipient or of the Board requires that another place be selected. Hearings shall be held before the Board, or at its discretion, before a hearing examiner appointed in accordance with § 3105 of Title 5, United States Code, or detailed under § 3344 of Title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Board shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of Title 5, United States Code, and in accordance with Part 509 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 509), to the extent said Part 509 is consistent with this Part 529, and with such other regulations that may be be necessary or appropriate for the conduct of hearings pursuant to this Part 529.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other

Federal departments or agencies issued under Title VI of the Act, the Board may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 529.10.

§ 529.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Board for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Board his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Board may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. Upon the filing of such exceptions or of notice of review, the Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Board.

(b) *Decisions on record or review by the Board.* Whenever a record is certified to the Board for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Board conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the Board shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 529.9, a decision shall be made by the Board on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Board shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Board.* Any final decision by an official of the Board, other than the Board itself, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Board itself, which may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Board that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Board to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g) (1) of this section. If the Board determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If the Board denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Board to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Board. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 529.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 529.12 Effect on other regulations.

(a) Nothing in this part supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Board shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which it is responsible.

(c) *Supervision and coordination.* The Board may from time to time assign to officials of the Board, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 529.10), including the achievement of effective coordination and maximum uniformity within the Board and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by this Board.

APPENDIX A—ACTIVITIES TO WHICH THIS PART APPLIES

1. Use by a member institution of a Federal Home Loan Bank of funds the interest charges on which have been adjusted pursuant to the Housing Opportunity Allowance Program (Pub. Law 91-351, July 24, 1970, 101).

[FR Doc.73-13299 Filed 7-3-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 2]

PART 112—NONDISCRIMINATION ON FEDERALLY ASSISTED PROGRAMS OF SBA—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

On December 9, 1971, there was published in the FEDERAL REGISTER (36 FR 23452) a notice of uniform revisions being adopted by SBA jointly with all Federal agencies with Title VI responsibilities to put into effect clarification of SBA regulations adopted pursuant to Title VI of the Civil Rights Act of 1964. Nonuniform amendments resulted from new responsibilities under Section 312 of the Housing Act of 1964, Section 7(e) of the Small Business Act and the adoption of a definition of "subrecipient." Having carefully considered all aspects of the proposal and comment thereon, it has been decided to adopt the proposal and also to change the time for filing complaints from 90 days to 180 days.

Accordingly, Part 112 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising § 112.2 (a) and (c) to read as follows:

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§ 112.2 Application of this part.

(a) Financial assistance activities: Except as hereinafter noted, this part applies to business activities or other activities receiving financial assistance pursuant to:

(1) Title IV of the Economic Opportunity Act of 1964;

(2) Sections 501 and 502 of the Small Business Investment Act of 1958;

(3) Sections 303, 304, and 305 of the Small Business Investment Act of 1958;

(4) Section 7(b)(1) of the Small Business Act involving individuals or organizations, whether or not operated for profit, which provide medical care or education or which conduct other activities of special significance to health, safety or welfare;

(5) Section 312 of the Housing Act of 1964;

(6) Section 7(e) of the Small Business Act; and

(7) Any other financial assistance program which, though not specifically referred to herein, is covered by Title VI of the Civil Rights Act of 1964; whether extended directly or in cooperation with banks or other lenders through agreements to participate on an immediate basis. Other financial assistance programs under statutes now in force or hereafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

* * * * *

(c) The terms "applicant" and "recipient" mean, respectively, one who applies for and one who receives any of the financial assistance under any of the statutes referred to in paragraph (a) of this section. The term "recipient" also shall be deemed to include "subrecipients" of SBA financial assistance, i.e., concerns which secondarily receive financial assistance from the primary recipients of such financial assistance.

2. Adding the following subparagraph (3) to § 112.3(b):

§ 112.3 Discrimination prohibited.

* * * * *

(b) * * *

(3) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

3. Revising § 112.4 thereof to read as follows:

§ 112.4 Discrimination in employment.

Small business concerns and development companies which apply for or receive any financial assistance of the kind described in § 112.2(a) (1) and (2), including concerns which are identifiable beneficiaries of loans made under § 112.2 (a)(2), may not discriminate on the grounds of race, color, or national origin in their employment practices. Such assistance is deemed to have as a primary objective the providing of employment. Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of § 112.7(a) shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity and nondiscriminatory treatment.

4. Adding paragraphs (d) (1) and (2) to § 112.7:

§ 112.7 Illustrative applications.

* * * * *

(d) *Affirmative action.* (1) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of equal opportunity. If the efforts required of the applicant or recipient under § 112.3(b)(3) to provide information as to the availability of equal opportunity, and the rights of individuals under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make equal opportunity fully available to racial and nationality groups previously subjected to discrimination.

(2) Even though an applicant or recipient has never used discriminatory policies, the opportunities in the business it operates may not in fact be equally available to some racial or nationality groups. In such circumstances a recipient may properly give special consideration to race, color, or national origin to make opportunity more widely available to such groups.

5. Revising § 112.9(d) thereof to read as follows:

§ 112.9 Compliance information.

* * * * *

(d) *Information to the public.* Each recipient shall make available to persons entitled under the Act and under this part to protection against discrimination by the recipient such information as SBA may find necessary to apprise them of their rights to such protection.

6. Revising paragraph (b) of § 112.10 thereof to read as follows:

§ 112.10 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may, by himself or by a representative, file with SBA a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by SBA.

* * * * *

7. Revising § 112.11(d) thereof to read as follows:

§ 112.11 Procedure for effecting compliance.

* * * * *

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) SBA has determined that compliance cannot be secured by voluntary means; (2) the action has been approved by the Administrator or his designee; (3) the applicant or recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and (4) the expiration of at least 10 days from the mailing of such notice to the applicant or recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the applicant or recipient or other person to comply with this part and to take such corrective action as may be appropriate.

8. Revising § 112.12(d)(1) thereof to read as follows:

§ 112.12 Hearings.

* * * * *

(d) Procedures, evidence, and record. (1) The hearing, decisions, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554 through 557 inclusive (Sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, request for finds, and other related matters. Both SBA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

* * * * *

9. Adding to § 112.13 the following paragraph (f):

§ 112.13 Decisions and notices.

* * * * *

(f) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for

such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (f)(1) of this section. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules and procedure issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (f)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

10. Revising § 112.15 (a) and (c) thereof to read as follows:

§ 112.15 Effect on other regulations; forms and instructions.

* * * * *

(a) *Effect on other regulations.* All regulations, orders or like directions heretofore issued by SBA which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color, or national origin and which authorize the suspension or termination of or refusal to grant to or to continue financial assistance to any applicant for or recipient of such assistance for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Order 11246 and regulations issued thereunder, or (2) any other orders, regulations or instructions, insofar as such order, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable or prohibit discrimination on any other ground.

* * * * *

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of SBA or to officials of other agencies of the Government with the consent of such agencies, responsibilities in connection with the effectuation of the purpose of Title VI of the Act and this part (other than responsibility for final decision as provided in § 112.13), including the achievement of effective coordination and maximum uniformity within SBA and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Administrator of SBA.

Effective date: July 5, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-13306 Filed 7-3-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. SPR-55; Amdt. 2]

PART 379—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE BOARD—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

Part 379 of the Board's Special Regulations effectuates the provisions of Title VI of the Civil Rights Act of 1964. Pursuant to recommendations of the interagency committee for uniform Title VI regulation amendments, certain amendments to Part 379 were adopted by the Board[1] and forwarded to the Attorney General who, under Executive Order 11247, has been assigned the responsibility for coordinating the enforcement of Title VI. Thereafter, it was determined to publish SPR-41 as a proposed rule[2] along with similar amendments and rules which had already been adopted by a total of 20 Federal departments and agencies. The public was invited to file comments with the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530, rather than with the particular issuing agency or department.

We have been advised by the Department of Justice that none of the filed comments were directed specifically to the amendments proposed by the Board, but that a number of general comments were filed. We have now decided, after reviewing those general comments, to adopt the within amendments, as proposed, without modification, in accordance with the recommendation of the Attorney General, exercising his Title VI coordinating responsibility. Pursuant to section 602 of Title VI, 42 U.S.C. 2000d-1, these amendments will not become effective until they have been approved by the President and published in the FEDERAL REGISTER.

[1] SPR-41 adopted November 24, 1970.
[2] 36 FR 23453, December 9, 1971.

Accordingly, the Civil Aeronautics Board hereby amends Part 379 of the Special Regulations (14 CFR Part 379) as follows:

1. Amend § 379.2 to read as follows:

§ 379.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Board, including the payment of compensation by the Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376). It applies to money paid or other Federal financial assistance extended under any such program after the effective date of the part pursuant to a Board order, whether issued prior to or subsequent to such effective date, establishing a rate of compensation under section 406, or pursuant to an application for any other such Federal payment or financial assistance, whether approved prior to or subsequent to such effective date. This part does not apply to (a) money paid or other assistance extended under any such program before the effective date of this regulation, or (b) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 379.3(c).

2. Amend § 379.3 by redesignating present § 379.3(b) as § 379.3(b)(1), and adding new §§ 379.3(b) (2) and (3) and § 379.3(c). As amended, § 379.3(b) and § 379.3(c) will read as follows:

§ 379.3 Discrimination prohibited.

* * * * *

(b) *Specific discriminatory actions prohibited.* (1) No air carrier shall subject any person to discrimination on the ground of race, color, or national origin in connection with any airtransportation for which such carrier is receiving or has claimed compensation payable by the Board under section 406 of the Federal Aviation Act of 1958.

(2) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Civil Rights Act of 1964 or this part.

(3) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which the part ap-

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plies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Civil Rights Act of 1964.

(c) *Employment practices.* Where discrimination on the grounds of race, color, or national origin in the employment practices of the recipient under any program to which this part applies tends, on the grounds of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this part applies, then to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries, that recipient may not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees).

3. Amend paragraphs (b) and (d)(1) of § 379.8 to read as follows:

§ 379.8 Hearings.

* * * * *

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Board in Washington, D.C., at a time fixed by the Board unless it determines that the convenience of the applicant or recipient or of the Board requires that another place be selected. Hearings shall be held before the Board or, at its discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. Both the Board and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

4. Amend § 379.9 by adding a new § 379.9(f) to read as follows:

§ 379.9 Decisions and notices.

* * * * *

(f) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the Board to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Board determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If the Board denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Board to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with the procedures set forth in § 379.8. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) shall remain in effect.

5. By amending § 379.11(c) to read as follows:

§ 379.11 Effect on other remedies; coordination.

* * * * *

(c) *Supervision and coordination.* The Board may from time to time assign to officials of the Board, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Civil Rights Act of 1964 and this part (other than responsibility for final decision as provided in § 379.9), including the achievement of effective coordination and maximum uniformity within the Board and with other departments and agencies of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Board.

(Sec. 602, 78 Stat. 252; and secs. 102, 204, 404, 406, and 1002, Federal Aviation Act of 1958, 72 Stat. 740, 743, 760, 763, and 788; 49 U.S.C. 1302, 1324, 1374, 1376, and 1482)

Effective date: July 5, 1973.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-13294 Filed 7-3-73;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1250—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

1. Paragraphs (g) and (j)(2) of § 1250.102 are revised to read as follows:

§ 1250.102 Definitions.

* * * * *

(g) "Principal Compliance Officer" means the Director, Equal Employment Opportunity Office, Office of Organization and Management, NASA Headquarters, or any successor officer to whom the Administrator should delegate authority to perform the functions assigned to the Principal Compliance Officer by this part.

* * * * *

(j) * * *

(2) Each Director of a field installation which makes or administers grants and contracts of the kind listed in Appendix A, or any officer to whom he has delegated authority to act within the areas of responsibility assigned to him under this part.

2. Paragraph (a) of § 1250.103–2 is amended by the addition of subparagraph (3) and by renumbering subparagraphs (3), (4), (5), (6) as subparagraphs (4), (5), (6), (7); and paragraph (e) is revised, to read as follows:

§ 1250.103–2 Specific discriminatory acts prohibited.

(a) * * *

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

* * * * *

(e) The enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition in § 1250.103–1. This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practices or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Act.

3. Paragraph (c) of § 1250.103–3 is revised and paragraph (d) is added as follows:

§ 1250.103–3 Employment practices.

* * * * *

(c) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11246 or any Executive order which supersedes it.

(d) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (a) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

4. Section 1250.103–4 is amended by the substitution of the title "Illustrative applications" for "Illustrations of discriminatory acts prohibited" and the addition of paragraphs (f) and (g) as follows:

§ 1250.103–4 Illustrative applications.

* * * * *

(f) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 1250.105 to provide information as to the availability of the program or activity, and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(g) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

5. Paragraphs (e) through (g) of § 1250.104 are revised and a new paragraph (h) is added as follows:

§ 1250.104 Assurances.

* * * * *

(e) *Instrument effecting or recording transfers of real property.* The instrument effecting or recording the transfer, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by NASA to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible NASA official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

(f) *Assurances for transfer of surplus real property.* Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

(g) *Form of assurances.* The responsible NASA officials shall specify the form of assurances required by this § 1250.104 and the extent to which like assurances will be required by subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program.

(h) *Requests for proposals.* Any request for proposals issued by NASA which relates to covered financial assistance listed in Appendix A shall have set forth therein or have attached thereto the assurance prescribed in accordance with paragraph (g) of this section, and shall require that the proposer either include the assurance as a part of his signed proposal or identify and refer to an assurance already signed and submitted by the proposer.

§ 1250.107 [Amended]

6. Paragraph (d) of § 1250.107 is revised as follows: Subparagraph (2) is revoked, subparagraphs (3) and (4) are renumbered (2) and (3).

7. Paragraphs (b) and (d) of § 1250.108 are amended as follows:

§ 1250.108 Hearings.

* * * * *

(b) *Time and place of hearing.* Hearings shall be held at NASA Headquarters in Washington, D.C., at a time fixed by the Principal Compliance Officer unless he determines that the convenience of the applicant or recipient or of NASA requires that another place be selected. Hearings shall be held before the Administrator, or, at his discretion, before a hearing examiner designated in conformity with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (section 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. Both NASA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

8. Section 1250.109 is amended by the addition of paragraph (g) as follows:

§ 1250.109 Decisions and notices.

* * * * *

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Principal Compliance Officer to restore fully the eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Principal Compliance Officer determines that those requirements have been satisfied, he shall restore such eligibility.

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(3) If the Principal Compliance Officer denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Principal Compliance Officer. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1250.111 [Amended]

9. Section 1250.111 is amended as follows:

a. In paragraph (a) the number 11114 is deleted and the number 11246 is substituted.

b. In paragraph (b) the word "programs" is deleted and the words "financial assistance" are substituted.

c. In paragraph (c) the sentence "Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action has been taken by the responsible official of this agency" is added at the end of the paragraph.

10. Appendix A is amended by the substitution of "NASA Federal Financial Assistance To Which This Part Applies" for "Programs of NASA To Which This Part Applies."

GEORGE M. LOW,
Acting Administrator.

[FR Doc.73-13301 Filed 7-3-73;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 8—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF COMMERCE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The Department of Commerce, in 1965, adopted regulations implementing Title VI. Thereafter a number of amendments were approved and the regulations, as amended, were published in the FEDERAL REGISTER of December 9, 1971, at page 23456.

Since that time, several additional amendments and language changes have been recommended by the Department of Justice which, by Executive Order, has authority to coordinate the Federal agencies in their execution of Title VI. These include: A provision ensuring nondiscrimination in the selection of members for planning and advisory bodies, which differs slightly from the one Commerce originally proposed (§ 8.4(b)(1)(viii)); reference to a recipient's responsibility to collect data on the race of beneficiaries (§ 8.7(b)); modification of the language of the affirmative action provision (§ 8.4(b)(6)); and changing the time from 90 to 180 days for the filing of discrimination complaints (§ 8.8). The Department of Commerce agrees that all the changes are appropriate.

In consideration of the foregoing, Part 8 of Subtitle A of Title 15 of the Code of Federal Regulations is revised and such revision will become effective on July 5, 1973.

Subpart A—General Provisions: Prohibition; Nondiscrimination Clause; Applicability to Programs

Sec.

8.1 Purpose.
8.2 Application of this part.
8.3 Definitions.
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Subpart B—General Enforcement

8.7 Cooperation; compliance reports and reviews; access to records.
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Appendix A—Federal Financial Assistance to Which This Part Applies.

AUTHORITY: Section 602, Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

Subpart A—General Provisions; Prohibitions; Nondiscrimination Clause; Applicability to Programs

§ 8.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal financial assistance from the Department of Commerce. This part is consistent with achievement of the objectives of the statutes authorizing the financial assistance given by the Department of Commerce as provided in section 602 of the Act.

§ 8.2 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs listed in Appendix A to this part and as said Appendix may be amended. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after January 9, 1965, pursuant to an application approved prior to such effective date.

(b) This part does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program before January 9, 1965, except where such assistance was subject to the title VI regulations of this Department or of any other agency whose responsibilities are now exercised by this Department, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice, under any such program, of any employer, employment agency, or labor organization except to the extent described in § 8.4(c). The fact that a program is not listed in Appendix A shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to the list by notice published in the FEDERAL REGISTER.

§ 8.3 Definitions.

(a) "Department" means the Department of Commerce, and includes each and all of its operating and equivalent other units.

(b) "Secretary" means the Secretary of Commerce.

(c) "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(d) "Person" means an individual in the United States who is or is eligible to be a participant in or an ultimate beneficiary of any program which receives Federal financial assistance, and includes an individual who is an owner or member of a firm, corporation, or other business or organization which is or is eligible to be a participant in or an ultimate beneficiary of such a program. Where a primary objective of the Federal financial assistance to a program is to provide employment, "person" includes employees or applicants for employment of a recipient or other party subject to this part under such program.

(e) "Responsible department official" with respect to any program receiving Federal financial assistance means the Secretary or other official of the Department who by law or by delegation has the principal authority within the Department for the administration of a law extending such assistance. It also means any officials so designated by due delegation of authority within the Department to act in such capacity with regard to any program under this part.

(f) "Federal financial assistance" includes (1) grants, loans, or agreements for participation in loans, of Federal funds, (2) the grant or donation of Federal property or interests in property, (3) the sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property or in property in which the Federal Government has an interest, without consideration, or at a nominal consideration, or at a consideration which is reduced, for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient, (4) waiver of charges which would normally be made for the furnishing of Government services, (5) the detail of

Federal personnel, (6) technical assistance, and (7) any Federal agreement, arrangement, contract, or other instrument which has as one of its purposes the provision of assistance.

(g) "Program" includes any program, project, or activity for the planning or provision of services, financial aid, property, other benefits, or facilities for furnishing services, financial aid, property, or other benefits, whether provided by the recipient or by others through contracts or other arrangements with the recipient, with the aid of Federal financial assistance, or with the aid of any non-Federal funds, property, facilities or other resources which are provided to meet the conditions under which Federal financial assistance is extended or which utilizes federally assisted property, facilities or resources.

(h) "Facility" includes all or any portion of structures, equipment, vessels, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, contract for use, or acquisition of facilities.

(i) "Recipient" means any governmental, public or private agency, institution, organization, or other entity, or any individual, who or which is an applicant for Federal financial assistance, or to whom Federal financial assistance is extended directly or through another recipient for or in connection with any program. Recipient further includes a subgrantee, an entity which leases or operates a facility for or on behalf of a recipient, and any successors, assignees, or transferees of any kind of the recipient, but does not include any person who is an ultimate beneficiary under any program.

(j) "Primary recipient" means any recipient which is authorized or required to extend or distribute Federal financial assistance to another recipient for the purpose of carrying out a program.

(k) "Applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(l) "Other parties subject to this part" includes any governmental, public or private agency, institution, organization, or other entity, or any individual, who or which, like a recipient, is not to engage in discriminatory acts with respect to applicable persons covered by this part, because of his or its direct or substantial participation in any program, such as a contractor, subcontractor, provider of employment, or user of facilities or services provided under any program.

§ 8.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory acts prohibited.* (1) A recipient of Federal financial assistance, or other party subject to this part under any program to which this part applies, shall not participate, directly or through contractual or other arrangements, in any act or course of conduct which, on the ground of race, color, or national origin:

(i) Denies to a person any service, financial aid, or other benefit provided under the program;

(ii) Provides any service, financial aid, or other benefit, to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subjects a person to segregation or separate or other discriminatory treatment in any matter related to his receipt (or nonreceipt) of any such service, financial aid, property, or other benefit under the program.

(iv) Restricts a person in any way in the enjoyment of services, facilities, or any other advantage, privilege, property, or benefit provided to others under the programs;

(v) Treats a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Denies a person an opportunity to participate in the program through the provision of property or services or otherwise, or affords him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section);

(vii) Denies a person the same opportunity or consideration given others to be selected or retained or otherwise to participate as a contractor, subcontractor, or subgrantee when a program is applicable thereto;

(viii) Denies a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, or other party subject to this part under any program, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, shall not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect any persons of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or other party subject to this part may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided or made available in or through or utilizing a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipients and other parties subject to this part shall take affirmative action to ensure that applicants are employed, and employees are treated during employment without regard to their race, color, or national origin. Such recipients and other parties subject to this part shall, as may be required by supplemental regulations, develop a written affirmative action program. The requirements applicable to construction employment under any such program shall be in addition to those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it. Federal financial assistance to programs under laws funded or administered by the Department which has as a primary objective the providing of employment include those set forth in Appendix A II of this part.

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(2) Where a primary objective of the Federal financial assistance to a program to which this part applies is not to provide employment, but discrimination on the grounds of race, color, or national origin, in the employment practices of the recipient or other party subject to this part, tends, on the grounds of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any such program, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other party subject to this part, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of such persons.

§ 8.5 Nondiscrimination clause.

(a) *Applicability.* Every application for, and every grant, loan, or contract authorizing approval of, Federal financial assistance to carry out a program and to provide a facility subject this part, and every modification or amendment thereof, shall, as a condition to its approval and to the extension of any Federal financial assistance pursuant thereto, contain or be accompanied by an assurance that the program will be conducted in compliance with all requirements imposed by or pursuant to this part. The assurances shall be set forth in a nondiscrimination clause. The responsibile Department official shall specify the form and contents of the nondiscrimination clause for each program as appropriate.

(b) *Contents.* Without limiting its scope or language in any way, a nondiscrimination clause shall contain, where determined to be appropriate, and in an appropriate form, reference to the following assurances, undertakings, and other provisions:

(1) That the recipient or other party subject to this part will not participate directly or indirectly in the discrimination prohibited by § 8.4, including employment practices when a program covering such is involved.

(2) That when employment practices are covered, the recipient or other party subject to this part will (i) in all solicitations or advertisements for employees placed by or for the recipient, state that qualified applicants will receive consideration for employment without regard to race, color, or national origin; (ii) notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding of the recipient's commitments under this section; (iii) post the nondiscrimination clause and the notice to labor unions in conspicuous places available to employees and applicants for employment; and (iv) otherwise comply with the requirements of § 8.4(c).

(3) That in a program involving continuing Federal financial assistance, the recipient thereunder (i) will state that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (ii) will provide for such methods of administration for the program as are found by the responsible Department official to give reasonable assurance that all recipients of Federal financial assistance under such program and any other parties connected therewith subject to this part will comply with all requirements imposed by or pursuant to this part.

(4) That the recipient agrees to secure the compliance or to cooperate actively with the Department to secure the compliance by others with this part and the nondiscrimination clause as may be directed under an applicable program. For instance, the recipient may be requested by the responsible Department official to undertake and agree (i) to obtain or enforce or to assist and cooperate actively with the responsible Department official in obtaining or enforcing, the compliance of other recipients or of other parties subject to this part with the nondiscrimination required by this part; (ii) to insert appropriate nondiscrimination clauses in the respective contracts with or grants to such parties; (iii) to obtain and to furnish to the responsible Department official such information as he may require for the supervision or securing of such compliance; (iv) to carry out sanctions for noncompliance with the obligations imposed upon recipients and other parties subject to this part; and (v) to comply with such additional provisions as the responsible Department official deems appropriate to establish and protect the interests of the United States in the enforcement of these obligations. In the event that the cooperating recipient becomes involved in litigation with a noncomplying party as a result of such departmental direction, the cooperating recipient may request the Department to enter into such litigation to protect the interests of the United States.

(5) In the case of real property, structures or improvements thereon, or interests therein, which are acquired for a program receiving Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is improved with Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing facilities on such property for the purposes for which the property was transferred, the responsible Department official may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate to forebear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(6) In programs receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance the nondiscrimination requirements of this part shall extend to any facility located wholly or in part in such space.

(7) That a recipient shall not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly.

(8) Provisions specifying the extent to which like assurances will be required of subgrantees, contractors and subcontractors, lessees, transferees, successors in interest, and other participants in the program.

(9) Provisions which give the United States a right to seek judicial enforcement of the assurances.

(10) In the case where any assurances are required from an academic, a medical care, detention or correctional, or any other institution or facility, insofar as the assurances relate to the institution's practices with respect to the admission, care, or other treatment of persons by the institution or with respect to the opportunity of persons to participate in the receiving or providing of services, treatment, or benefits, such assurances shall be applicable to the entire institution or facility. That requirement may be waived by the responsible Department official if the party furnishing the assurances establishes to the satisfaction of the responsible Department official that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is or is sought to be provided, or affect the beneficiaries of or participants in such program. If in any such case the assistance is or is sought for the construction of a facility or part of a facility, the assurances shall in any event extend to the entire facility and to facilities operated in connection therewith.

(11) In the case where the Federal financial assistance is in the form of or to aid in the acquisition of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipients, or, in the case of a subsequent transfer, the

transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the recipient or transferee retains ownership or possession of the property, whichever is longer. In the case of any other type or form of assistance, the assurances shall be in effect for the duration of the period during which Federal financial assistance is extended to the program.

§ 8.6 Applicability of this part to Department assisted programs.

The following examples illustrate the applicability of this part to programs which receive or may receive Federal financial assistance administered by the Department. The fact that a particular program is not listed does not indicate that it is not covered by this part. The discrimination referred to is that described in § 8.4 against persons on the ground of race, color, or national origin.

(a) *Assistance to support economic development programs.* Discrimination in which recipients and other parties subject to this part shall not engage, directly or indirectly, includes discrimination in (1) the letting of contracts or other arrangements for the planning, designing, engineering, acquisition, construction, rehabilitation, conversion, enlargement, installation, occupancy, use, maintenance, leasing, subleasing, sales, or other utilization or disposition of property or facilities purchased or financed in whole or in part with the aid of Federal financial assistance; (2) the acquisition of goods or services, or the production, preparation, manufacture, marketing, transportation, or distribution of goods or services in connection with a program or its operations; (3) the onsite operation of the project or facilities; (4) services or accommodations offered to the public in connection with the program; and (5) in employment practices in connection with or which affect the program (as defined in § 8.4(c)); in the following programs:

(i) Any program receiving Federal financial assistance for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage.

(ii) Any program receiving Federal financial assistance in the form of loans or direct or supplementary grants for the acquisition or development of land and improvements for public works, public service or development facility usage, and the acquisition, construction, rehabilitation, alteration, expansion, or improvement of such facilities, including related machinery and equipment.

(iii) In any program receiving any form of technical assistance designed to alleviate or prevent conditions of excessive employment or underemployment.

(iv) In any program receiving Federal financial assistance in the form of administrative expense grants.

(b) *Assistance to support the training of students.* A current example of such assistance is that received by State maritime academies or colleges, by contract, of facilities (vessels), related equipment and funds to train merchant marine officers. In this and other student training programs, discrimination which is prohibited by recipients and other parties subject to this part includes discrimination in the selection of persons to be trained and in their treatment by the recipients in any aspect of the educational process and discipline during their training, or in the availability or use of any academic, housing, eating, recreational, or other facilities and services, or in financial assistance to students furnished or controlled by the recipients or incidental to the program. In any case where selection of trainees is made from a predetermined group, such as the students in an institution or area, the group must be selected without discrimination.

(c) *Assistance to support mobile or other trade fairs.* In programs in which operators of mobile trade fairs using U.S. flag vessels and aircraft and designed to exhibit and sell U.S. products abroad, or in which other trade fairs or exhibitions, receive technical and financial assistance, discrimination which is prohibited by recipients and other parties subject to this part includes discrimination in the selection or retention of any actual or potential exhibitors, or in access to or use of the services or accommodations by, or otherwise with respect to treatment of, exhibitors or their owners, officers, employees, or agents.

(d) *Assistance to support business entities eligible for trade adjustment assistance.* In programs in which eligible business entities receive any measure or kind of technical, financial or tax adjustment assistance because of or in connection with the impact of U.S. international trade upon such business, discrimination which is prohibited by recipients and other parties subject to this part includes discrimination in their employment practices as defined in § 8.4(c).

(e) *Assistance to support research and development and related activities.* In programs in which individuals, educational or other institutions, public governmental or business entities receive Federal financial assistance in order to encourage or foster research or development activities as such, or to obtain, promote, develop, or protect thereby technical, scientific, environmental, or other information, products, facilities, resources, or services which are to be made available to or used by others; but where such programs do not constitute Government procurement of property or services, discrimination which is prohibited by recipients and other parties subject to this part includes discrimination with respect to (1) the choice, retention or treatment of contractors, subcontractors, subgrantees or of any other person; (2) the provision of services, facilities, or financial aid; (3) the participation of any party in the research activities; (4) the dissemination to or use by any person of the results or benefits of the research or development, whether in the form of information, products, services, facilities, resources, or otherwise. If research is performed within an educational institution under which it is expected that students or others will participate in the research as a part of their experience or training, on a compensated or uncompensated basis, there shall be no discrimination in admission of students to, or in their treatment by, that part of the school from which such students are drawn or in the selection otherwise of trainees or participants. The recipient educational institutions will be required to give the assurances provided in § 8.5 (b)(10).

(f) *Assistance to aid in the operations of vessels engaged in U.S. foreign commerce.* In programs in which the operators of American-flag vessels used to furnish shipping services in the foreign commerce of the United States receive Federal financial assistance in the form of operating differential subsidies, discrimination which is prohibited by recipients and other parties subject to this part includes discrimination in soliciting, accepting or serving in any way passengers or shippers of cargo entitled to protection in the United States under the Act.

Subpart B—General Compliance

§ 8.7 Cooperation, compliance reports and reviews and access to records.

(a) *Cooperation and assistance.* Each responsible Department official shall to the fullest extent practicable seek the cooperation of recipients and other parties subject to this part in obtaining compliance with this part and shall provide assistance and guidance to recipients and other parties to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient and other party subject to this part shall keep such records and submit to the responsible Department official timely, complete, and accurate compliance reports at such times and in such form and containing such information as the responsible Department official may determine to be necessary to enable him to ascertain whether the recipient or such other party has complied or is complying with this part. In general, recipients should have available for the department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, or under which a recipient is obligated to obtain or to cooperate in obtaining the compliance of other parties subject to this part, such other recipients or other parties shall also submit such compliance reports to the primary recipient or recipients as may be necessary to enable them to carry out their obligations under this part.

(c) *Access to sources of information.* Each recipient or other party subject to this part shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascer-

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tain compliance with this part. Where any information required of a recipient or other party is in the exclusive possession of another who fails or refuses to furnish this information, the recipient or other party shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient or other party subject to this part shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as this part and the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

(e) *Compliance review.* The responsible Department official or his designee shall from time to time review the practices of recipients and other parties subject to this part to determine whether they are complying with this part.

§ 8.8 Complaints.

(a) *Filing complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Department official a written complaint. A complaint shall be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official.

§ 8.9 Intimidatory or retaliatory acts prohibited.

(a) No recipient or other party subject to this part shall intimidate, threaten, coerce, or discriminate against, any person for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because the person has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.

(b) The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial or other proceeding arising thereunder.

§ 8.10 Investigations.

(a) *Making the investigation.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation shall include, where appropriate, a review of the pertinent practices and policies of the recipient or other party subject to this part, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether there has been a failure to comply with this part.

(b) *Resolution of matters.* (1) If an investigation pursuant to paragraph (a) of this section indicates a failure to comply with this part, the responsible Department official will so inform the recipient or other party subject to this part and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 8.11.

(2) If an investigation does not warrant action pursuant to paragraph (b) (1) of this section, the responsible Department official will so inform the recipient or other party subject to this part and the complainant, if any, in writing.

§ 8.11 Procedures for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractural undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 8.5.* If a recipient or other party subject to this part fails or refuses to furnish an assurance required under § 8.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under said paragraph except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application or contract therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the recipient or other party subject to this part of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by such recipient or other party to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Secretary pursuant to § 8.13(e), and (4) the expiration of 30 days after the Secretary has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other recipient or other party as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other party has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other party. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other party to comply with this part and to take such corrective action as may be appropriate.

§ 8.12 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 8.11(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected recipient or other party subject to this part. This notice shall advise the recipient or other party of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the recipient or other party may request of the responsible Department official that the matter be scheduled for hearing, or (2) advise the recipient or other party that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. A recipient or other party may waive a hearing and submit written information and argument for the record. The failure of a recipient or other party to request a hearing under this paragraph of this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 8.11(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official or hearing officer unless he determines that the convenience of the recipient or other party or of the Department requires that another place be selected. Hearings shall be held before the

responsible Department official, or at his discretion, before a hearing officer.

(c) *Right to counsel.* In all proceedings under this section, the recipient or other party and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedures Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the recipient or other party shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 8.13.

§ 8.13 Decisions and notices.

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing officer such hearing officer shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the recipient or other party subject to this part. Where the initial decision is made by the hearing officer, the recipient or other party may within 30 days of the mailing of such notice of initial decision file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the recipient or other party a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on record or review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing officer pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the recipient or other party shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the recipient or other party and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 8.12(a) a decision shall be made by the responsible departmental official on the record and a copy of such decision shall be given in writing to the recipient or other party, and to the complainant, if any.

(d) *Ruling required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the recipient or other party has failed to comply.

(e) *Approval by Secretary.* Any final decision of a responsible Department official (other than the Secretary) which provides for the suspension or termination of, or the refusal to grant or continue, Federal financial assistance, or the imposition of any other sanction available under this part of the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the recipient or other party determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this part.

(g) *Posttermination proceedings.* (1) Any recipient or other party which is adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any recipient or other party adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the recipient or other party has met the requirements of paragraph (g) (1) of this section. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the recipient or other party may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules of procedure issued by the responsible Department official. The recipient or other party will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 8.14 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 8.15 Effect on other laws; supplementary instructions; coordination.

(a) *Effect on other laws.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to any recipient or other party subject to this part of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that

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nothing in this part shall be deemed to relieve any one of any obligations assumed or imposed under any such superseded regulation, order, instructon, or like direction prior to January 9, 1965. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Order 11246 and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official shall issue and promptly make available to interested parties forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 8.13), including the achievement of effective coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible official of this Department.

Dated: July 14, 1972.

PETER G. PETERSON,
Secretary of Commerce.

APPENDIX A

I. FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES

1. Loans, grants, technical and other assistance for public works and development facilities, for supplementing Federal grants-in-aid, for private businesses, and for other purposes, including assistance in connection with designated economic development districts and regions, under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121 et seq.) and its predecessor Area Redevelopment Act (42 U.S.C. 2501 et seq.).

2. Operating differential subsidy assistance to operators of U.S. flag vessels engaged in U.S. foreign commerce (46 U.S.C. 1171 et seq.).

3. Assistance to operate State Maritime Academies and Colleges to train merchant marine officers (46 U.S.C. 1381–1388).

4. Assistance to trade fair operators (46 U.S.C. 1122b).

5. Trade adjustment assistance to eligible U.S. businesses under the Trade Expansion Act of 1962 (19 U.S.C. 1911–1920).

6. Grants to nonprofit institutions or organizations to further or obtain scientific research to be made available to the public or interested businesses or organizations (e.g., 42 U.S.C. 1891–1893).

7. Assistance to upgrade commercial fishing vessels and gear (16 U.S.C. 742c).

8. Trade adjustment assistance to eligible U.S. businesses under the Automotive Products Trade Act of 1965 (Public Law 89–283, 79 Stat. 1016).

9. Assistance to State projects designed for the research and development of commercial fisheries resources of the nation (16 U.S.C. 779a–779f).

10. Assistance to States in controlling and eliminating jellyfish, other such pests and floating seaweed (16 U.S.C. 1201 et seq.).

11. Assistance to States and other non-Federal interests under cooperative agreements to conserve, develop, and enhance Anadromous and Great Lakes Fisheries (16 U.S.C. 757a et seq.).

12. Assistance to States in the acquisition, development, and propagation of disease resistant oysters (16 U.S.C. 760j–760l).

13. Fishing Development of the South Pacific—Cooperation with State agencies, island governments and educational, industrial or other organizations or individuals in conducting fishing exploration and scientific studies for development and utilization of the high seas fishing resources of the Pacific Ocean (16 U.S.C. 758b).

14. Migratory Marine Fishing Program—Cooperation or contract with State and other institutions or agencies in research and study of migratory marine fish of interest to recreational fishermen (16 U.S.C. 760f).

15. Grants for education and training of personnel in commercial fishing (16 U.S.C. 760d).

16. Grants and other assistance under the National Sea Grant College and Program Act of 1966 (33 U.S.C. 1121–1124).

17. Cooperation with State or local governments, private agencies, organizations or individuals interested in fishery commodities in order to promote the flow of domestic fishery products by conducting an educational service and fishery technological, biological and related research programs (15 U.S.C. 713c–3).

II. A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE LISTED IN APPENDIX AI WHICH IS AUTHORIZED BY EACH OF THE FOLLOWING STATUTES IS TO PROVIDE EMPLOYMENT

1. Public Works and Economic Development Act of 1965, as amended, and predecessor Area Redevelopment Act.
2. Trade Expansion Act of 1962.

[FR Doc.73-13283 Filed 7-3-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER II—TENNESSEE VALLEY AUTHORITY

PART 302—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF TVA-EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

1. The entry for § 302.11 in the table of contents for Part 302 is revised to read:

Sec.
302.11 Effect on other regulations; supervision and coordination.

2. Subparagraphs (3) and (4) of paragraph (b) of § 302.3 are renumbered as subparagraphs (4) and (5), respectively, and the following new subparagraphs (3) and (6) are inserted:

§ 302.3 Discrimination prohibited.

• • • • • •

(b) • • •

(3) In determining the site or location of facilities, a recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

• • • • • •

(6) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies, the recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

3. Paragraph (b) of § 302.4 is revised to read as follows:

§ 302.4 Assurances required.

• • • • • •

(b) In the case of real property, structures or improvements thereon, or interests therein, which is acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer by TVA of real property or interest therein, the instrument effecting or recording the transfer of title shall contain a covenant running with the land, assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained by transfer from TVA, the covenant against discrimination may also include a condition coupled with a right to be reserved by TVA to revert title to the property in the event of a breach of the covenant where, in the discretion of TVA, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, TVA may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

4. Paragraph (d) of § 302.7 is revised to read as follows:

§ 302.7 Procedure for effecting compliance.

• • • • • •

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) TVA has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

5. Paragraph (d)(1) of § 302.8 is revised to read as follows:

§ 302.8 Hearings.

• • • • • •

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with the procedures contained in 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both TVA and the recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

• • • • • •

6. A new paragraph (g) is added to § 302.9 as follows:

§ 302.9 Decisions and notices.

• • • • • •

(g) *Posttermination proceedings.* (1) A recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if he satisfies the terms and conditions of that order for such eligibility or if he brings himself into compliance with this regulation and provides reasonable assurance that he will fully comply with this regulation.

(2) Any recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request TVA to restore fully his eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the recipient has met the requirements of subparagraph (1) of this paragraph. If TVA determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If TVA denies any such request, the recipient may submit a request for a hearing in writing, specifying why he believes TVA to have been in error. The recipient shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by TVA. The recipient will be restored to such eligibility if he proves at such a hearing that he satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

1. The title of § 302.11 is revised, the existing language of the section is designated paragraph (a), and a new paragraph (b) is added, all to read as follows:

§ 302.11 Effect on other regulations; supervision and coordination.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by TVA which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this regulation applies, and which authorize the suspension or termination of or refusal to grant or to continue financial assistance to any recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Order 11246 and regulations issued thereunder, or (2) any other regulations or instructions, insofar as they prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this regulation is inapplicable, or prohibit discrimination on any other ground.

(b) *Supervision and coordination.* TVA may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 302.9), including the achievement of effective coordination and maximum uniformity within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by TVA.

8. The heading of Appendix A is revised to read:

APPENDIX A—FEDERAL FINANCIAL ASSISTANCE TO WHICH THESE REGULATIONS APPLY

Effective date. The foregoing amendments will become effective on July 5, 1973.

DATED: June 1, 1972.

TENNESSEE VALLEY AUTHORITY,
LYNN SEEBER,
General Manager.

[FR Doc. 73-13307 Filed 7-3-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER O—CIVIL RIGHTS

[Dept. Reg. 108.675]

PART 141—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF STATE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

A notice of proposed rulemaking was published in the FEDERAL REGISTER on December 9, 1971 (36 FR 23464–23466) to amend Part 141 of Title 22 of the Code of Federal Regulations. The amendments were uniform amendments issued for the purpose of effecting necessary clarification to the Title VI regulations proposed by all Government agencies having Title VI responsibilities.

As a result of comments received, certain changes have been made to the proposed amendments to conform to the uniform agency amendments. A new provision (vii) is added to section 141.3 to prohibit discrimination in the selection of planning and advisory boards; the requirement that a recipient take affirmative action to eliminate discrimination is clarified in § 141.5; § 141.5(b) is amended to require that recipients maintain data showing the extent to which minority group persons receive the benefits of Federal financial assistance; and § 141.6(b) is revised to extend the time limit for filing complaints from 90 days to 180 days.

Accordingly, Part 141 is amended as set forth below.

1. Section 141.2 is revised to read as follows:

§ 141.2 Application of this part.

This part applies to any program for which Federal financial assistance, as defined in this part, is authorized under a law administered by the Department including, but not limited to, the Federally

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assisted programs and activities listed in Appendix A of this part. It applies to Federal financial assistance of any form, including property which may be acquired as a result of and in connection with such assistance, extended under any such program after the effective date of this regulation, even if the application is approved prior to such effective date. This part does not apply to: (a) Any Federal financial assistance by way of insurance of guaranty contracts; (b) money paid, property transferred, or other asssitance extended under any such program before the effective date of this regulation; (c) any assistance to any individual who is the ultimate beneficiary under any such program; or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 141.3(d), or (e) any assistance to an activity carried on outside the United States by a person, institution, or other entity not located in the United States. The fact that a program or activity is not listed in Appendix A of this part shall not mean, if Title VI of the Act is otherwise applicable, that such program is not covered. Transfers of surplus property in the United States are subject to regulations issued by the Administrator of General Services (41 CFR 101–6.2).

2. In § 141.3, subparagraphs (1) (vi) are amended and a new subparagraph (vii) is added to paragraph (b); paragraph (b)(2) is amended; and new paragraphs (b)(5) and (d) are added to read as follows:

§ 141.3 Discrimination prohibited.

* * * * *

(b) * * *

(1) * * *

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise afford him an opportunity to do so which is different from that afforded others under the program, including the opportunity to participate in the program as an employee in accordance with paragraph (d) of this section.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the location or site of any facilities, or services, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration or select locations or sites for any facilities or services, which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

* * * * *

(5)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

* * * * *

(d) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is: (i) To reduce the unemployment of such individuals or to help them through employment to meet subsistence needs; (ii) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training; (iii) to provide work experience which contributes to the education or training of such individuals; or (iv) to provide remunerative activity to such individuals who because of severe handicaps cannot be readily absorbed in the competitive labor market.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (d)(1) of this section shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

3. In § 141.4, paragraphs (a) and (b)(1) are revised and a new paragraph (c) is added to read as follows:

§ 141.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, shall contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. The assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application.

(2) In any case where the Federal assistance is to provide, or is in the form of personal property, or real property or structures or any interest therein, or such property is acquired as a result of and in connection with such assistance, the assurance shall obligate the recipient, or, in case of subsequent transfers, the transferees, for the period during which the property is used for a purpose for which the Federal assistance was, or is extended, or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Any assurance relating to property provided under or acquired as a result of or in connection with such assistance shall as appropriate require any instrument effecting or recording transfer, title or other evidence of ownership or right to possession, to include a covenant or condition assuring nondiscrimination for the period of obligation of the recipient or any transferee, which may contain a right to be reserved to the Department to revert title or right to possession. Where no transfer of property is involved, but property is improved or any interest of the recipient or transferee therein is increased as a result of a program of Federal financial assistance, the recipient or transferee shall agree to include such covenant or condition in any subsequent transfer of such property. Failure to comply with any such conditions or requirements contained in such assurances shall render the recipient and the transferees, where appropriate, presumptively in noncompliance.

(3) The responsible Departmental official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education, including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

* * * * *

(c) *Elementary and secondary schools.* The requirements of paragraph (a)(1) of this section, with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurances that it will comply with such order, or (2) submits a plan the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the responsible official of the Department of Health, Education, and Welfare may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

4. Section 141.5(b) is revised to read as follows:

§ 141.5 Compliance information.

* * * * *

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Departmental official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as a responsible Departmental official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

* * * * *

5. Section 141.6(b) is revised to read as follows:

§ 141.6 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Departmental official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Departmental official or his designee.

* * * * *

6. Section 141.7(a) is revised to read as follows:

§ 141.7 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

* * * * *

7. In § 141.8, paragraphs (b), (d), and (e) are amended to read as follows:

§ 141.8 Hearings.

* * * * *

(b) *Time and place of hearing.* Hearings shall normally be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official. Hearings shall be held before an official designated by the Secretary other than the responsible Department official, in accordance with 5 U.S.C. 3105 and 3344 (formerly section 11 of the Administrative Procedure Act).

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted with as much conformity as is practicable with 5 U.S.C. 554–557 (formerly sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(e) *Consolidated or joint hearings; hearings before other agencies.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Secretary may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part, except that procedural requirements of the hearing agency if other than this Department may be adopted insofar as it is determined by the Secretary that variations from the procedures described in this section or elsewhere as may be required under this part do not impair the rights of the parties. The Secretary may also transfer the hearing of any complaint to any other department or agency, with the consent of that Department or Agency, (1) where Federal financial assistance to the applicant or recipient of the other Department or Agency is substantially greater than that of the Department of State, or (2) upon determination by the Secretary that such transfer would be in the best interests of the Government of effectuating this part. Final decisions in all such cases, insofar as this part is concerned, shall be made in accordance with § 141.9.

8. A new paragraph (g) is added to § 141.9 to read as follows:

§ 141.9 Decisions and notices.

* * * * *

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Departmental official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information establishing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Departmental official determines that those requirements have been satisfied, he shall restore such eligibility, but such determination shall be in writing and shall be supported by evidence and findings of fact which shall be retained by the Department.

(3) If the responsible Departmental official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Departmental official. The burden of substantiating compliance with the requirements of paragraph (g)(1) of this section shall be on the applicant or recipient. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

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9. In § 141.11, paragraph (b) is amended to read as follows:

§ 141.11 Effect on other regulations; forms and instructions.

• • • • •

(b) *Supervision and coordination.* The Secretary may, from time to time, assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such department or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part including the achievement of effectiveness coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this Department.

10. In § 141.12, paragraphs (e) and (f) are amended and a new paragraph (j) is added to read as follows:

§ 141.12 Definitions.

• • • • •

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, and (4) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance or other benefits to individuals whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient. Services, financial aid, or other benefits shall include those provided with the aid of or through any facility provided for by the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions in order to receive Federal assistance.

• • • • •

(j) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

11. The title of Appendix A is changed to read as follows:

GRANTS AND ACTIVITIES TO WHICH THIS PART APPLIES

(Sec. 602, Civil Rights Act of 1964, 78 Stat. 252; sec. 4, 63 Stat. 111, as amended; 42 U.S.C. 2000d; 22 U.S.C. 2658)

Effective date. These amendments shall be effective on July 5, 1973.

[SEAL] JOHN N. IRWIN II,
Acting Secretary of State.

AUGUST 31, 1972.

[FR Doc.73-13290 Filed 7-3-73;8:45 am]

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 9]

PART 209—NON-DISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

On December 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 FR 23466) proposing amendments to Part 209 of title 22, Code of Federal Regulations, for the purpose of effecting necessary clarifications of this Agency's regulations implementing Title VI of the Civil Rights Act of 1964. The proposed amendments were published on behalf of this Agency by the Department of Justice, pursuant to that Department's responsibility under Executive Order 11247, to coordinate enforcement of Title VI.

Interested persons were invited to participate in the consideration of the proposed amendments by submitting written comments to the Assistant Attorney General, Civil Rights Division, Department of Justice, within thirty days of the publication of the notice of proposed rule making.

Comments on these amendments have been received and reviewed by the Civil Rights Division. On the basis of those comments, this Agency has been advised by the Civil Rights Division that no additions are required to be made to the proposed amendments. The Civil Rights Division has recommended that we take the necessary steps to adopt the proposals as final amendments.

Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

Effective date. These amendments shall become effective on July 5, 1973.

Dated May 18, 1972.

JOHN A. HANNAH,
Administrator, Agency for International Development.

§ 209.4 [Amended]

1. The present § 209.4(b) (3) is redesignated as § 209.4(b) (4).

2. The present § 209.4(b) (4) is redesignated as § 209.4(b) (5).

3. The following new paragraph is added to the regulation and is designated as § 209.4(b) (3):

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

4. The following new paragraph is added to the regulation and is designated as § 209.4(b) (6):

(6) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this Regulation applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

5. Section 209.5(a)(2) is revised to read as follows:

§ 209.5 Assurance required.

(a) • • •

(2) In the case of real property, structures or improvements thereon, or interests therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Agency official, such a condition and right of reverter is appropriate to the program

under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposed to mortgage or otherwise encumber the real property as security for financing construction of new or improvement of existing facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

• • • • • •

7. Section 209.8(d) is revised to read as follows:

§ 209.8 Procedure for effecting compliance.

• • • • • •

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Agency official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 209.9 [Amended]

8. The last sentence of § 209.9(b) is revised to read as follows: "Hearings shall be held before the Administrator or before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act)."

9. The first sentence of § 209.9(d)(1) is revised to read as follows:

(1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper and not inconsistent with this section) relating to the conduct of the proper (and not inconsistent with this hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters.

10. The following new paragraphs are added to the regulation and designated as § 209.10(f):

§ 209.10 Decisions and notices.

• • • • • •

(f) *Post Termination Proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the responsible Agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Agency official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 209.12 [Amended]

11. The last sentence of § 209.12(a) is revised to read as follows:

"Nothing in this part, however, shall be deemed to supersede any of the following (including future amendment thereof):

"(1) Executive Order 11246, and regulations issued thereunder, or (a) any other regulation or instruction insofar as it prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibits discrimination on any other ground."

12. The following new sentence is added to § 209.12 (b) at the end thereof: "Any action taken, determination made, or requirement imposed by an official of another Department or Agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this Agency."

13. The title of Appendix A to the regulation is revised to read as follows:

FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS REGULATION APPLIES

[FR Doc.73-13292 Filed 7-3-73;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-71-107]

PART 1—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The purpose of these regulations is to further effectuate the provisions of title VI of the Civil Rights Act of 1964 and to make the Department of Housing and Urban Development's regulations consistent with the uniform amendments being adopted by Federal agencies under that title. On December 9, 1971 (36 FR 23467), the Department published a notice of proposed rule making to amend the existing regulations (29 FR 16280, Dec. 4, 1964, amended 32 FR 14819, Oct. 26, 1967 and 36 FR 8784, May 13, 1971) with comments to be submitted to the Department of Justice.

The comments received have been evaluated by the Department of Justice and HUD, and in response to these comments, the following changes have been made to the proposed regulations as noticed. In other respects, the amendment is adopted as published in the notice of rule making.

In § 1.4(b), a new item (vii) has been added to the list of prohibitions, that of discriminating in the selection of members of planning or advisory boards where the recipient of Federal aid has control over the board and the board is an integral part of the program receiving Federal aid.

Section 1.6(b) has been revised to expressly provide that racial and ethnic data should be made available by the recipient to the Department as part of the information necessary for determining compliance.

Section 1.4(b)(6) has been reworded and divided into two subparagraphs in order to clarify that affirmative action is required in those programs where discrimination as prohibited by § 1.4 has previously occurred, but may also be taken where conditions have resulted in limiting participation in a program to persons of a particular race, color or national origin.

In § 1.7(b) the time allowed a complainant for filing a complaint has been changed from 90 days to 180 days in order to make these regulations consistent with other civil rights laws. (42 U.S.C. 2000e–5(e); 42 U.S.C. 3610(b); 41 CFR 60–1.21)

Accordingly, Part 1 of Subtitle A of Title 24 of the Code of Federal Regulations is amended as follows:

Sec.
1.1 Purpose.
1.2 Definitions.
1.3 Applictaion of Part 1.

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Sec.
1.4 Discrimination prohibited.
1.5 Assurances required.
1.6 Compliance information.
1.7 Conduct of investigations.
1.8 Procedure for effecting compliance.
1.9 Hearings.
1.10 Decisions and notices.
1.11 Judicial review.
1.12 Effect on other regulations; forms and instructions.
Appendix A.

AUTHORITY: The provisions of this Part 1 issued under sec. 602, 78 Stat. 252, 42 U.S.C. 2000d–1; sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d); and the laws listed in Appendix A to this Part 1.

§ 1.1 Purpose.

The purpose of this Part 1 is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development.

§ 1.2 Definitions.

As used in this Part 1—

(a) The term "Department" means the Department of Housing and Urban Development.

(b) The term "Secretary" means the Secretary of Housing and Urban Development.

(c) The term "responsible Department official" means the Secretary or, to the extent of any delegation of authority by the Secretary to act under this Part 1, any other Department official to whom the Secretary may hereafter delegate such authority.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants, loans, and advances of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. The term "Federal financial assistance" does not include a contract of insurance or guaranty.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program or activity, or who otherwise participates in carrying out such program or activity (such as a redeveloper in the Urban Renewal Program), including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program or activity.

(g) The term "applicant" means one who submits an application, contract, request, or plan requiring Department approval as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, contract, request, or plan.

§ 1.3 Application of Part 1.

This Part 1 applies to any program or activity for which Federal financial assistance is authorized under a law administered by the Department, including any program or activity assisted under the statutes listed in Appendix A of this Part 1. It applies to money paid, property transferred, or other Federal financial assistance extended to any such program or activity on or after January 3, 1965. This Part 1 does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended to any such program or activity before January 3, 1965, (c) any assistance to any person who is the ultimate beneficiary under any such program or activity, or (d) any employment practice, under any such program or activity, of any employer, employment agency, or labor organization, except to the extent described in § 1.4(c). The fact that certain financial assistance is not listed in Appendix A shall not mean, if title VI of the Act is otherwise applicable, that such financial assistance is not covered. Other financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

§ 1.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity to which this Part 1 applies.

(b) *Specific discriminatory actions prohibited.* (i) A recipient under any program or activity to which this Part 1 applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny a person any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(ii) Provide any housing, accommodations, facilities, services, financial aid, or other benefits to a person which are different, or are provided in a different manner, from those provided to others under the program or activity;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(iv) Restrict a person in any way in access to such housing, accommodations, facilities, services, financial aid, or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(v) Treat a person differently from others in determining whether he satisfies any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(vi) Deny a person opportunity to participate in the program or activity through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others under the program or activity (including the opportunity to participate in the program or activity as an employee but only to the extent set forth in paragraph (c) of this section).

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) (i) A recipient, in determining the types of housing, accommodations, facilities, services, financial aid, or other benefits which will be provided under any such program or activity, or the class of persons to whom, or the situations in which, such housing, accommodations, facilities, services, financial aid, or other benefits will be provided under any such program or activity, or the class of persons to be afforded an opportunity to participate in any such program or activity, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity as respect to persons of a particular race, color, or national origin.

(ii) A recipient, in operating low-rent housing with Federal financial assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1401 et seq.), shall assign eligible applicants to dwelling units in accordance with a plan, duly adopted by the recipient and approved by the responsible Department official, providing for assignment on a community-wide basis in sequence based upon the date and time the application is received, the size or type of unit suitable, and factors affecting preference or priority established by the recipient's regulations, which are not inconsistent with the objectives of title VI of the Civil Rights Act of 1964 and this Part 1. The plan may allow an applicant to refuse a tendered

vacancy for good cause without losing his standing on the list but shall limit the number of refusals without cause as prescribed by the responsible Department official.

(iii) The responsible Department official is authorized to prescribe and promulgate plans, exceptions, procedures, and requirements for the assignment and reassignment of eligible applicants and tenants consistent with the purpose of subdivision (ii) of this subparagraph, this Part 1, and title VI of the Civil Rights Act of 1964, in order to effectuate and insure compliance with the requirements imposed thereunder.

(3) In determining the site or location of housing, accommodations, or facilities, an applicant or recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this Part 1 applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this Part 1.

(4) As used in this Part 1 the housing, accommodations, facilities, services, financial aid, or other benefits provided under a program or activity receiving Federal financial assistance shall be deemed to include any housing, accommodations, facilities, services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in paragraphs (b) and (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program should take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

Where previous discriminatory practice or usage tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this Part 1 applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Act.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program or activity to which this Part 1 applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program or activity (including recruitment or recruitment advertising, employment, layoff, termination, upgrading, demotion, transfer, rates of pay or other forms of compensation and use of facilities). The requirements applicable to construction employment under such program or activity shall be those specified in or pursuant to Part III of Executive Order 11246 or any executive order which supersedes or amends it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient or other persons subject to this Part 1 tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this Part 1 applies, the provisions of this paragraph (c) shall apply to the employment practices of the recipient or other persons subject to this Part 1 to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

§ 1.5 Assurances required.

(a) *General.* (1) Every contract for Federal financial assistance to carry out a program or activity to which this Part 1 applies, executed on or after January 3, 1965, and every application for such Federal financial assistance submitted on or after January 3, 1965, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to such contract or application, contain or be accompanied by an assurance that the program or activity will be conducted and the housing, accommodations, facilities, services, financial aid, or other benefits to be provided will be operated and administered in compliance with all requirements imposed by or pursuant to this Part 1. In the case of a contract or application where the Federal financial assistance is to provide or is in the form of personal property or real property or interest therein or structures thereon, the assurance shall obligate the recipient or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the contract or application. The responsible Department official shall specify the form of the foregoing assurance for such program or activity, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program or activity. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, acquired through a program of Federal financial assistance the instrument effecting any disposition by the recipient of such real property, structures or improvements thereon, or interests therein, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case where Federal financial assistance is provided in the form of a transfer of real property or interests therein from the Federal Government, the instrument effecting or recording the transfer shall contain such a covenant.

(3) In program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance, the nondiscrimination requirements of this Part 1 shall extend to any facility located wholly or in part in such space.

(b) *Preexisting contracts—funds not disbursed.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to January 3, 1965, and the funds have not been fully disbursed by the Department, the responsible Department official shall, where necessary to effectuate the purposes of this Part 1, require an assurance similar to that provided in paragraph (a) of this section as a condition to the disbursement of further funds.

(c) *Preexisting contracts—periodic payments.* In any case where a contract for Federal financial assistance, to carry out a program or activity to which this Part 1 applies, has been executed prior to January 3, 1965, and provides for periodic payments for the continuation of the program or activity, the recipient shall, in connection with the first application for such periodic payments on or after January 3, 1965, (1) submit a statement that the program or activity is being conducted in compliance with all requirements imposed by or pursuant to this Part 1 and (2) provide such methods of administration for the program or activity as are found by the responsible Department official to give reasonable assurance that the recipient will comply with all requirements imposed by or pursuant to this Part 1.

(d) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the

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institution's practices with respect to admission or other treatment of persons as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such persons, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Department official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

(e) *Elementary and secondary schools.* The requirements of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this Part 1 within the earliest practicable time, and provides reasonable assurance that it will carry out such plan.

§ 1.6 Compliance information.

(a) *Cooperation and assistance.* The responsible Department official and each Department official who by law or delegation has the principal responsibility within the Department for the administration of any law extending financial assistance subject to this Part 1 shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this Part 1 and shall provide assistance and guidance to recipients to help them comply voluntarily with this Part 1.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this Part 1. In general, recipients should have available for the department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertainent to ascertain compliance with this Part 1. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this Part 1 and its applicability to the program or activity under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Departmnt official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this Part 1.

§ 1.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this Part 1.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this Part 1 may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee shall make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this Part 1. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this Part 1 occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this Part 1.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this Part 1, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any person for the purpose of interfering with any right or privilege secured by title VI of the Act or this Part 1, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Part 1. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this Part 1, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this Part 1, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this Part 1 may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance, or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1.5.* If an applicant fails or refuses to furnish an assurance required under § 1.5 or otherwise fails or refuses to comply with the requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Department shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that the Department shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to a contract therefor approved prior to January 3, 1965.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this Part 1, (3) the action has been approved by the Secretary, and (4) the expiration of 30 days after the Secretary has filed with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. Any action to suspend or

terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the applicant or recipient. During this period of at least 10 days additional efforts shall be made to persuade the applicant or recipient to comply with this Part 1 and to take such corrective action as may be appropriate.

§ 1.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph (a) or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with sections 3105 and 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with the Practice and Procedure for Hearings issues by the Department and published in Part 2 of this subtitle relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this Part 1, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the Department and the applicant or recipient, and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this Part 1 with respect to two or more programs or activities to which this Part 1 applies, or noncompliance with this Part 1 and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this Part 1. Final decisions in such cases insofar as this Part 1 is concerned, shall be made in accordance with § 1.10.

§ 1.10 Decisions and notices.

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within the period provided for in the rules of Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle), file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official, in which event a copy shall also be sent to the complainant.

(b) *Decisions on record or review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1.9(a) a decision a hearing examiner or responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any, by certified or registered mail, return receipt requested.

(d) *Rulings required.* Each decision of a hearing examiner or responsible Department official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this Part 1 with which it is found that the applicant or recipient has failed to comply.

(e) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program or activity involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this Part 1, including provisions designed to assure that no Federal financial assistance will thereafter be extended for such program or activity to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this Part 1, or to

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have otherwise failed to comply with this Part 1, unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this Part 1.

(f) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (e) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibilty or if it brings itself into compliance with this Part 1 and provides reasonable assurance that it will fully comply with this Part 1.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (e) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with the Practice and Procedure for Hearings issued by the Department (Part 2 of this subtitle). The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 1.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1.12 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against persons on the ground of race, color, or national origin under any program or activity to which this Part 1 applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant or recipient for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this Part 1, except that nothing in this Part 1 shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to January 3, 1965. Nothing in this Part 1, however, shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Orders 11246 and 11375 and regulations issued thereunder, or

(2) Executive Order 11063 and regulations issued thereunder, or any other order, regulations or instructions, insofar as such order, regulations, or instructions, prohibit discrimination on the ground of race, color, or national origin in any program or activity or situation to which this Part 1 is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible Department official shall assure that forms and detailed instructions and procedures for effectuating this Part 1 are issued and promptly made available to interested persons.

(c) *Supervision and coordination.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such department or agency, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this Part 1 (other than responsibility for final decision as provided in § 1.10), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of title VI and this Part 1 to similar programs or activities and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible official of this Department.

Effective date. This part shall be effective July 5, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

JUNE 29, 1973

APPENDIX A

FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO WHICH THIS PART 1 APPLIES

1. Advance Acquisition of Land. Sec. 704, Housing and Urban Development Act of 1965, 42 U.S.C. 3104.
2. Advice and Assistance with respect to Housing for Low and Moderate Income Families. Sec. 106, Housing and Urban Development Act of 1968, as amended by Sec. 903(a) Housing and Urban Development Act of 1970, 12 U.S.C. 1701x.
3. Alaska Housing Assistance. Sec. 1004, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3371.
4. College Housing Program. Title IV, Housing Act of 1950, 12 U.S.C. 1749.
5. Community Disposition Program. Atomic Energy Community Act of 1955, secs. 11–13, 21, 31–36, 41–43, 51–57, 61–66, 101–103, 111–119, 42 U.S.C. 2301; E.O. 11105, 28 F.R. 3909.
6. Comprehensive Planning Assistance and Comprehensive Planning Research and Demonstration Programs. Sec. 701, Housing Act of 1954, 40 U.S.C. 461.
7. Counselling Service to Mortgagors and Prospective Mortgagors. Sec. 237(e), National Housing Act, 12 U.S.C. 1715z–2.
8. Federal-State Training and City Planning and Urban Studies Fellowship Programs. Title VIII, Housing Act of 1964, 20 U.S.C. 801–807.
9. Grants for Housing Management Training. Sec. 803, Housing Act of 1964, 83 Stat. 393 (1969), 84 Stat. 1809 (1970), 20 U.S.C. 803.
10. Home Ownership for Lower Income Families. Sec. 235, National Housing Act, 12 U.S.C. 1715z.
11. Housing for Elderly or Handicapped. Sec. 202, Housing Act of 1959, 12 U.S.C. 1701q.
12. Loan and Grant Assistance for Planning Housing Projects in Appalachia, sec. 207, Appalachian Regional Development Act of 1965, as amended, 81 Stat. 257, 40 U.S.C. App. 207.
13. Low-Income Housing Demonstration Grant Program. Sec. 207, Housing Act of 1961, 42 U.S.C. 1436.
14. Low-Rent Public Housing Program (including housing in private accommodations). United States Housing Act of 1937, 42 U.S.C. 1401.
15. Model Cities Program. Title I, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301.
16. National Flood Insurance Program. Title XIII, Housing and Urban Development Act of 1968, 42 U.S.C. 4001.
17. Neighborhood Facilities Grants. Sec. 703, Housing and Urban Development Act of 1965, 42 U.S.C. 3103.
18. New Communities. Title IV, Housing and Urban Development Act of 1968, 42 U.S.C. 3901.
19. Loans and Grants for New Community Development Programs. Secs. 710 to 729, Housing and Urban Development Act of 1970, 42 U.S.C. 4511.
20. New Technologies in the Development of Housing for Lower Income Families. Sec. 108, Housing and Urban Development Act of 1968, 12 U.S.C. 1701z.
21. Open-Space Land Programs. Title VII, Housing Act of 1961, 42 U.S.C. 1500. Note.
22. Public Facilities Liquidating Programs. See, generally, title II of Independent Offices Appropriation Act of 1955, Public Law 83–428, 12 U.S.C. 1701g–5.
23. Public Facility Loans Program. Title II, Housing Amendments of 1955, 42 U.S.C. 1491–1497 except 1492(a)(2) Assistance for Mass Transportation Facilities and Equipment (transferred to Secretary of Transportation by Reorganization Plan No. 2 of 1968, 33 F.R. 6965).
24. Public Works Acceleration Act Program. Public Works Acceleration Act, 42 U.S.C. 2641.
25. Public Works Planning Advances. Sec. 702, Housing Act of 1954, 40 U.S.C. 462.
26. Rehabilitation Loan Program. Sec. 312, Housing Act of 1964, 42 U.S.C. 1452b.
27. Rent Supplement Program. Sec. 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.
28. Rental and Cooperative Housing for Lower Income Families. Sec. 236, National Housing Act, 12 U.S.C. 1715z–1.
29. Research and Technology. Title V, Housing and Urban Development Act of 1970, 12 U.S.C. 1701z–1—1701z–4.
30. Sale of Surplus Federal Land for Housing, sec. 414, Housing and Urban Development Act of 1969, 40 U.S.C. 484b.
31. Special Assistance Functions. Sec. 305, National Housing Act. 12 U.S.C. 1720, including purchase of below market interest rate mortgages insured by FHA under sec. 221(d)(3). National Housing Act, 12 U.S.C. 1715l(d)(3).
32. Technical Assistance to Contractors or Subcontractors. Sec. 911(b), Housing and Urban Development Act of 1970, 15 U.S.C. 694(a). Note.
33. Urban Information and Technical Assistance Services. Title IX, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3351–3356.
34. Urban Mass Transportation Programs (Research, Development and Demonstration Projects; Grants for Technical Studies; Grants for Research and Training). Secs. 6(a), 9, and 11 of the "Urban Mass Transportation Act of 1964, as amended"; Reorganization Plan No. 2 of 1968, 33 FR 6965; 49 U.S.C. 1605(a), 1607(a), 1609(c).
35. Urban Renewal Demonstration Grant Program. Sec. 314, Housing Act of 1954, 42 U.S.C. 1452a.
36. Urban Renewal Program (Urban Renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grants, Interim Assistance Grants, and Community Renewal Programs). Title I, Housing Act of 1949, 42 U.S.C. 1450.
37. Urban Research and Technology. Title III, Housing Act of 1948, 12 U.S.C. 1701e, 1701f; sec. 602, Housing Act of 1956, 12 U.S.C. 1701d–3; and secs. 1010 and 1011, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3372 and 3373.
38. Water and Sewer Facilities Grants. Sec. 702, Housing and Urban Development Act of 1965, 42 U.S.C. 3102.

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Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 519–73]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI

REGULATIONS TO IMPLEMENT TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 WITH RESPECT TO FEDERAL ASSISTANCE ADMINISTERED BY THE DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by section 602 of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d–1, Subpart C of Part 42 of Title 28, Code of Federal Regulations, is amended as follows:

§ 42.103 [Amended]

1. Section 42.103 is amended by deleting in the last sentence the phrase "(b) any employment practice concerning which the primary purpose of the Federal assistance is not that of providing employment as described in § 42.104(c)" and substituting the following: "(b) employment practices except to the extent described in § 42.104(c)."

2. Section 42.104(b) is amended by adding the following new subparagraph (1)(vii) at the end thereof, and by renumbering subparagraphs (3) and (4) as (4) and (5) and adding new subparagraphs (3) and (6) as set forth below. Section 42.104(c) is amended by designating the present provision as subparagraph (1) and adding the following sentence at the end thereof and by adding the following new subparagraph (2):

§ 42.104 Discrimination prohibited.

• • • • •

(b) *Specific discriminatory actions prohibited.* (1) • • •

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

• • • • •

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

• • • • •

(6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c)(1) • • • The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c)(1) of this section apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

3. In § 42.105, paragraph (a) is amended by designating the present provision as subparagraph (1) and by substituting the following for the second sentence of that provision; by adding a new subparagraph (2) reading as set forth below; and by adding a new paragraph (d), reading as set forth below.

§ 42.105 Assurance required.

(a) *General.* (1) • • • In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. • • •

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter are appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee.

• • • • •

(d) *Continuing State programs.* Any State or State agency administering a program which receives continuing Federal financial assistance subject to this regulation shall as a condition for the extension of such assistance (1) provide a statement that the program is (or, in the case of a new program, will be) conducted in compliance with this regulation, and (2) provide for such methods of administration as are found by the responsible Department official to give reasonable assurance that the primary recipient and all other recipients of Federal financial assistance under such program will comply with this regulation.

§ 42.106 [Amended]

4. Section 42.106(b) is amended by inserting the following after the first sentence: "In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs."

§ 42.107 [Amended]

5. Section 42.107(b) is amended by deleting "90 days" and substituting "180 days."

§ 42.109 [Amended]

6. In § 42.109, paragraph (b) is amended by deleting the phrase "section 11 of the Administrative Procedure Act" and substituting the following: "5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act)." Paragraph (d) of § 42.109 is amended by deleting the phrase "sections 5 through 8 of the Administrative Procedure Act (5 U.S.C. 1004 through 1007)" and substituting the following: "5 U.S.C. 554–557 (sections

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5–8 of the Administrative Procedure Act)."

7. Section 42.110 is amended by adding the following new paragraph (g) at the end thereof:

§ 42.110 Decisions and notices.

. . . . . .

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

8. In § 42.112, paragraph (a) is amended by deleting the phrase "part or of any" and substituting the following: "part or Executive Order 11114 or 11246, as amended, or of any." Paragraph (d) of § 42.112 is amended by substituting "§ 42.110(e)" for "§ 42.110(d)" in the first sentence and by adding at the end the following sentence: "Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Attorney General."

9. Appendix A to Subpart C is amended to read as follows:

APPENDIX A—ASSISTANCE ADMINISTERED BY THE DEPARTMENT OF JUSTICE TO WHICH THIS SUBPART APPLIES

1. Assistance provided by the Law Enforcement Assistance Administration pursuant to the Law Enforcement Assistance Act of 1965, and title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3711–3781.

2. Assistance provided by the Federal Bureau of Investigation through its National Academy and law enforcement training activities pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Omnibus Crime Control Act of 1970, 42 U.S.C. 3744.

3. Assistance provided by the Bureau of Narcotics and Dangerous Drugs pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 872.

Dated: Dec. 19, 1972.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-13288 Filed 7-3-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 31—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF LABOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

Pursuant to the authority contained in section 602 of title VI of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), part 31 of title 29 of the Code of Federal Regulations is hereby amended.

Part 31 will be amended to reflect current statutory citations and to add several paragraphs, and to redesignate several paragraphs. These amendments incorporate uniform revisions being jointly adopted by Federal agencies to put into effect clarifications to the regulations enacted pursuant to title VI of the Civil Rights Act of 1964. In addition, these amendments reflect other minor changes, such as the deletion of obsolete statutory references and the substitution of new statutory references.

1. In § 31.3 a new subdivision (viii) is added to paragraph (b)(1), paragraph (b)(3) and (4) is redesignated as paragraph (b)(4) and (5), and a new paragraph (b)(3) and (6) is added. Paragraph (c) is deleted, and new paragraphs (c) and (d) are added. Also, § 31.4 is redesignated § 31.3(d)(1), § 31.5 is redesignated § 31.3(d)(2), § 31.6 is redesignated § 31.3(d)(3). As amended, § 31.3 reads as follows:

§ 31.3 General standards.

. . . . . .

(b)(1) . . .

(viii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

. . . . . .

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the ground of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

(4) As used in this section the services, financial aid, or other benefit provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program shall take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(7) The following will illustrate the application of the provisions of the foregoing paragraph to programs for which Federal financial assistance is furnished by this Department:

(i) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 31.5(d) to provide information as to the availability of the program or activity, and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(ii) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In some circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups not then being adequately served. For example, where an employment service office is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this regulation applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program including recruitment, examination, appointment, training, promotion, retention or any other personnel action.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the ground of race, color or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provision of the foregoing paragraph shall apply to the employment practices of the recipient to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries. Accordingly, the employment practices of recipients under programs enumerated in §§ 31.3(d)(2) and 31.3(d)(3) are subject to the provisions of this paragraph (c) to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, the beneficiaries of the Federal financial assistance. Any action taken by the Department pursuant to this provision with respect to a State or local agency subject to the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, shall be consistent with those standards and shall be coordinated with the United States Civil Service Commission.

(3) The requirements applicable to construction employment under any program for which Federal financial assistance is furnished by this Department shall be those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(d) In order that all parties may have a clear understanding of the applicability of the regulations in this part to their activities, there are listed in this section programs and activities together with illustrations by way of example only, of types of activity covered by the regulations in this part. These illustrations and examples, however, are not intended to be all inclusive. The fact that a particular program is not listed does not, of course, indicate that it is not covered by the regulations in this part. Moreover, the examples set forth with respect to any particular listed program are not limited to that program alone and the prohibited actions described may also be prohibited in other programs or activities whether or not listed below.

(1) *Employment service programs.* (i) The registration, counseling, testing, recruitment, selection and referral of individuals for job openings or training opportunities and all other activities performed by or through employment service offices financed in whole or in part from Federal funds, including the establishment and maintenance of physical facilities, shall be conducted without regard to race, color, or national origin.

(ii) No selection or referral of any individual for employment or training shall be made on the basis of any job order or request containing discriminatory specifications with regard to race, color, or national origin.

(2) *Manpower Development and Training Act, work-incentive under Social Security Act, Area Redevelopment Act, work-training under Economic Opportunity Act and other Government-sponsored training.* (i) The registration, counseling, testing, guidance, selection, referral or training of any individual including employment as an enrollee under title I–B of the Economic Opportunity Act shall be furnished without discrimination because of race, color, or national origin.

(ii) The recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to any trainee or enrollee under the Manpower Development and Training Act, Area Redevelopment Act, or the Economic Opportunity Act while the individual is receiving training or employment shall be without regard to race, color or national origin.

(3) *State and Federal Unemployment Insurance Programs; allowances under Trade Readjustment Assistance Programs, Manpower Development and Training Act, and Area Redevelopment Act.* (i) The filing for, adjudication and payment of benefits, establishment and maintenance of physical facilities and other application of the laws shall be without regard to race, color or national origin.

2. Section 31.7 is redesignated § 31.5 and paragraph (b) is revised. Revised § 31.5 reads as follows:

§ 31.5 Compliance information.

. . . . . .

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Secretary timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In general, recipients should have available for the department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

. . . . . .

3. Section 31.6 is a new section and reads as follows:

§ 31.6 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every contract, subcontract, agreement or arrangement to carry out such program except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility, and every contract, subcontract, agreement or arrangement to provide such a facility shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contract, subcontract, agreement or arrangement contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Secretary shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of

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the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing facilities on such property for the purpose for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing and upon such conditions as he deems appropriate, to subordinate such right of reversion to the sum of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing federal financial assistance to which this part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

4. Section 31.8 is redesignated § 31.7 and paragraphs (b) and (d) are revised. As revised § 31.7 reads as follows:

§ 31.7 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

* * * * *

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 31.8.

* * * * *

§ 31.8 [Redesignated]

5. Section 31.9 is redesignated as § 31.8.

6. Section 31.10 is redesignated § 31.9 and is amended as follows:

§ 31.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 31.8(b), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section or to appear at a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 31.8(b) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the Secretary unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary or before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

* * * * *

(e) *Consolidated or Joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings or rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 31.10.

7. Section 31.11 is redesignated as § 31.10 and is revised by amending paragraph (c) and by adding a new paragraph (f) to read as follows:

§ 31.10 Decisions and notices.

* * * * *

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 31.9(a) a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

* * * * *

(f) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (c) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (c) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (f) (1) of this section. If the Secretary determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Secretary to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (f) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (e) of this section shall remain in effect.

§ 31.11 [Redesignated]

8. Section 31.12 is redesignated as § 31.11.

9. Section 31.13 is redesignated as § 31.12 and is amended as follows: Paragraph (a) is amended, paragraph (b) is renumbered (b) (1) and a new paragraph (b) (2) is added. As revised § 31.12 reads as follows:

§ 31.12 Effect on other regulations; supervision and coordination.

(a) *Effect on other regulations.* All regulations, orders or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligations assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925, 11114 and 11246 and regulations issued thereunder, (2) the "Standards for a Merit System of Personnel Administration," issued jointly by the Secretaries of Defense, of Health, Education and Welfare, and of Labor, 23 FR 734, or (3) any other regulation or instruction insofar as it prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibits discrimination on any other ground.

(b) *Supervision and coordination.* (1) The Secretary may from time to time assign to officials of other departments or agencies of the government (with the consent of such department or agency) responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 31.11), including the achievement of effective coordination and maximum uniformity within the Department and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations.

(2) Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the Secretary.

(Sec. 602, 42 U.S.C. 2000d; 42 U.S.C. 501; 29 U.S.C. 49k; and 5 U.S.C. 301)

Signed at Washington, D. C., August 28, 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.73-13289 Filed 7-3-73;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER Q—CIVIL RIGHTS

PART 300—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

The following changes are being made in this part in accordance with uniform regulation amendments being jointly adopted by Federal departments and agencies to clarify their regulations issued pursuant to Title VI of the Civil Rights Act of 1964.

§ 300.3 [Amended]

1. In § 300.3 *Applicability,* the second and third sentence of § 300.3 are changed from "It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this Directive pursuant to approval prior to such effective date. This Directive does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred or other assistance extended under any such program before the effective date of this Directive, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, if any employer, employment agency, or labor organization" to "This Directive applies to money paid, property transferred, or other Federal financial assistance extended under any such program after January 7, 1965 pursuant to an application approved prior to such date. This Directive does not apply to (a) any Federal financial assistance by way of insurance guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before January 7, 1965, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except as noted in subsection § 300.4(b) (5) below."

2. Section §300.4 *Policy* is amended as follows: a. In paragraph (b) (1) by adding new subdivisions (ii) and (viii) and renumbering subdivisions (iii), (iv), (v) and (vi) as (iv), (v), (vi) and (vii);

b. by amending paragraph (b) (4) and renumbering it as (6) and by adding the new subparagraph (4) and (5) set forth below; The amended portions of § 300.4 read as follows:

§ 300.4 Policy.

* * * * *

(b) * * *

(1) * * *

(iii) In determining the site or location of facilities, a recipient may not make selections with the purpose of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(iv) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(v) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(vi) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vii) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program;

(viii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

* * * * *

(4) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(5) Where a primary objective of the Federal financial assistance is not to provide employment, but nevertheless discrimination on the grounds of race, color or national origin in the employment practices of the recipient or other persons subject to this Directive tends, on the grounds of race, color, or national origin of the intended beneficiaries, to exclude intended beneficiaries from participation in, to deny them benefits of, or to subject them to discrimination under any program to which this Directive applies, the recipient or other persons subject to this Directive are prohibited from (directly or through contractual or other arrangements) subjecting an individual to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising; employment, layoff or

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termination; upgrading, demotion or transfer; rates of pay other forms of compensation; and use of facilities), to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of the beneficiaries. Any action taken by a Component pursuant to this provision with respect to a state or local agency subject to Standards for a Merit System of Personnel Administration, 45 CFR Part 70, shall be consistent with those standards and shall be coordinated with the United States Civil Service Commission.

(6) The enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition in paragraph (a) of this section.

3. Section § 300.6 *Assurances required* is amended as follows: a. By designating the first sentence of present paragraph (a)(1) as (1)(i), by amending the second sentence of present paragraph (a)(1) to read as set forth below, by deleting the third sentence of present paragraph (a)(1), and by designating the second sentence and the remainder of the subparagraph as (1)(ii);

b. By deleting present paragraph (a)(2) and substituting the new paragraph (a)(2) set forth below;

c. By amending the first sentence of paragraph (b) to read as set forth below;

d. By adding the new paragraph (d) set forth below.

The amended portions of § 300.6 reads as follows:

§ 300.6 Assurances required.

(a) *General.* (1)(i) • • •

(ii) In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. • • •

(2) In the case of real property, structures or improvements thereon, or interest therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing facilities on such property for the purposes for which the property was transferred, the responsible Department official may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective. In programs receiving Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving such assistance, the nondiscrimination requirements of this part shall extend to any facility located wholly or in part in such space.

(b) *Continuing State programs.* Every application by a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Department official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part. • • •

• • • • •

(d) *Elementary and secondary schools.* The requirement of paragraph (a), (b), or (c) of this section, with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the said Department officer may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purpose of the Act or this part within the earliest practicable time. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of said order.

§ 300.7 [Amended]

4. In § 300.7 *Compliance information*, paragraph (b) is amended by adding after the first sentence, the following new sentence; "In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs."

§ 300.8 [Amended]

5. In § 300.8 *Conduct of investigations*, the second sentence of paragraph (b) is amended by deleting "90 days" and substituting "180 days."

6. Section 300.11 *Decisions and notices*, is amended by adding new paragraph (g) as follows:

§ 300.11 Decisions and notices.

• • • • •

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Department official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Department official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Department official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Department official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this subsection are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

Dated: September 20, 1972.

KENNETH RUSH,
Deputy Secretary of Defense.

[FR Doc.73-13284 Filed 7-3-73;8:45 am]

CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

PART 1704—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

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1704.15 Judicial review.
1704.16 Effect on other regulations; forms and instructions.

AUTHORITY: Sec. 602, 78 Stat. 252, Public Law 81-875; 42 U.S.C. 1855-1855g; Public Law 89-769 and Public Law 91-79.

§ 1704.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Office of Emergency Preparedness.

§ 1704.2 Definitions.

As used in this part—

(a) The term "responsible agency official" with respect to any program receiving Federal financial assistance means the Director of the Office of Emergency Preparedness or other official of the agency who by law or by delegation has the principal responsibility within the agency for the administration of the law extending such assistance.

(b) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilites.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible agency official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

§ 1704.3 Application of this part.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination by those receiving assistance under the "Federal Disaster Assistance" program (Public Law 91-606, 84 Stat. 1744, 42 U.S.C. 4401; Public Law 92-209, 85 Stat. 742).

§ 1704.4 Further application of this part.

Other programs under statutes hereafter enacted may be covered by this part. This part applies to any program for which Federal financial assistance is authorized under a law administered by the Office of Emergency Preparedness. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after January 8, 1965 pursuant to an application approved prior to such date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before January 9, 1965, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under such program, of any employer, employment agency, or labor organization, except to the extent described in § 1704.5.

§ 1704.5 Specific discriminatory actions prohibited.

(a) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, color, or national origin:

(1) Deny any individual any service, financial aid, or other benefit provided under the program;

(2) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(3) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(4) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(5) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(6) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(b) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be

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provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(c) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(d) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(e) The enumeration of specific forms of prohibited discrimination in this section does not limit the generality of the prohibition in § 1704.4.

(f) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

§ 1704.6 Life, health, and safety.

Nothwithstanding the provisions of § 1704.5, a recipient of Federal financial assistance shall not be deemed to have failed to comply with § 1704.3, if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health or safety.

§ 1704.7 Assurances required.

Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

§ 1704.8 Elementary and secondary schools.

The requirements of § 1704.7 with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (a) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (b) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purpose of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plans; in any case of continuing Federal financial assistance the responsible agency official may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case to which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

§ 1704.9 Assurances from institutions.

(a) In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by § 1704.7 shall extend to admission practices and to all other practices relating to the treatment of students.

(b) The assurances required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institutions or to the opportunity to participate in the provision of services or other benefits to such individuals; shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the Director of the Office of Emergency Preparedness that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 1704.10 Compliance information.

(a) *Cooperation and assistance.* The responsible official in the Office of Emergency Preparedness shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives

Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protection against discrimination assured them by the Act and this part.

§ 1704.11 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the National Office or any Regional Office of the Office of Emergency Preparedness a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official or his designee.

(c) *Investigations.* The responsible agency official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review or the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1704.12.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the responsible agency official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1704.12 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1704.7.* If an applicant fails or refuses to furnish an assurance required under § 1704.7 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The agency shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such subsection except that the agency shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application thereof approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Director of the Office of Emergency Preparedness pursuant to § 1704.14, and (4) the expiration of 30 days after the Director has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible agency official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 1704.13 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1704.12(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1704.12(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the National Office of the Office of Emergency Preparedness in Washington, D.C., at a time fixed by the responsible agency official unless he determines that the convenience of the applicant or recipient or of the agency requires that another place be selected. Hearings shall be held before the responsible agency official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedures Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedures Act), and in accordance with such rules of procedures as are proper and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the agency and the applicant or recipient shall be entitled to introduce all relevant

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evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Director of the Office of Emergency Preparedness may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedures not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 1704.14.

§ 1704.11 Decisions and notices.

(a) *Decision by person other than the responsible agency official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever he conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of his final decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1704.13(a) a decision shall be made by the responsible agency official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible agency official shall set forth his rulings on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Director.* Any final decision of a responsible agency official (other than the Director of the agency) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part of the Act, shall promptly be transmitted to the Director of the Office of Emergency Preparedness who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Director of the Office of Emergency Preparedness that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part. An elementary or secondary school or school system which is unable to file and assurance of compliance with § 1704.5 shall be restored to full eligibility to receive Federal financial assistance, if it files a court order or a plan for desegregation which meets the requirements of § 1704.8, and provides reasonable assurance that it will comply with this court order or plan.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section above may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible agency official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1704.15 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1704.16 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Office of Emergency Preparedness which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin, under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede Executive Orders 10925, 11114, and 11246 (including future amendments thereof and regulations issued thereunder, or any other regulations or instructions, insofar as such regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible agency official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* (1) The Director of the Office of Emergency Preparedness may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purpose of title VI of the Act and this part (other than responsibility for final decision as provided in § 1704.14), including the achievement of effective coordination and maximum uniformity within the agency and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations.

(2) Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

This Part 1704 supersedes OEP Reg. 5 which was published in the FEDERAL REGISTER on January 9, 1965 (30 F.R. 321). OEP Reg. 5 is hereby revoked.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[F.R. Doc.73-13305 Filed 7-3-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 18—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE VETERANS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

Pursuant to recommendations of the Interagency Committee for Uniform Title VI Regulation Amendments for the purpose of putting into effect clarifications to the regulations enacted pursuant to Title VI of the Civil Rights Act of 1964, Part 18, Chapter I of Title 38, Code of Federal Regulations—Nondiscrimination in Federally-Assisted Programs of the Veterans Administration—Effectuation of Title VI of the Civil Rights Act of 1964, is being amended.

The amendments are as follows:

1. Section 18.2 is revised to read as follows:

§ 18.2 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Veterans Administration, including the federally-assisted programs and activities listed in Appendix A to this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved prior to such effective date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended under any such program before the effective date of this part, (c) any assistance to any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 18.3. The fact that a program or activity is not listed in Appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to Appendix A to this part by notice published in the FEDERAL REGISTER.

2. In § 18.3, paragraph (b) is amended to read as follows:

§ 18.3 Discrimination prohibited.

* * * * *

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on grounds of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program.

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this part applies on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) (i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

* * * * *

3. In § 18.4, paragraphs (a) and (b) are amended and paragraphs (c) and (d) are added so that the added and amended material reads as follows:

§ 18.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the

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submission of such an assurance. In the case of an application for Federal financial assistance to provide real property or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the real property or structures are used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. In the case of personal property the assurance shall obligate the recipient for the period during which he retains ownership or possession of the property. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR Subpart 101–6.2).

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies (including the programs listed in App. A to this part) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible agency official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part. In any case in which the recipient is claiming financial assistance under a continuing program pursuant to arrangements entered into prior to the effective date of this part, the assurances provided by this paragraph shall be included in the first application or claim for assistance on or after the effective date of this part.

(c) *Elementary and secondary schools.* The requirements of paragraph (a) or (b) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible agency official determines is adequate to accomplish the purposes of the Act and this part, at the earliest practicable time, and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the responsible agency official may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) *Extent of application to institution or facility.* In the case where any assurances are required from an academic, a medical care, or any other institution or facility, insofar as the assurances relate to the institution's practices with respect to the admission, care, or other treatment of persons by the institution or with respect to the opportunity of persons to participate in the receiving or providing of services, treatment, or benefits, such assurances shall be applicable to the entire institution or facility. That requirement may be waived by the responsible agency official if the party furnishing the assurances establishes to the satisfaction of the responsible agency official that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is or is sought to be provided, or affect the beneficiaries of or participants in such program. If in any such case the assistance is or is sought for the construction of a facility or part of a facility, the assurances shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 18.5 [Revoked]

4. Section 18.5 is revoked. See Appendix B of this part.

5. In § 18.6 paragraph (b) is amended to read as follows:

§ 18.6 Compliance information.

* * * * *

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, recipients should have available for the agency racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

* * * * *

6. In § 18.7, paragraph (b) is amended to read as follows:

§ 18.7 Conduct of investigations.

* * * * *

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official or his designee.

* * * * *

7. In § 18.8, paragraph (d) is amended to read as follows:

§ 18.8 Procedure for effecting compliance.

* * * * *

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means authorized by law shall be taken by the Veterans Administration until (1) the responsible agency official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

8. In § 18.9, paragraphs (b) and (d)(1) are amended to read as follows:

§ 18.9 Hearings.

* * * * *

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Veterans Administration in Washington, D.C., at a time fixed by the responsible agency official unless he determines that the convenience of the applicant or recipient or of the Veterans Administration requires that another place be selected. Hearings shall be held before the responsible agency official or, at his discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing decision and any administrative review thereof shall be conducted in conformity with the procedures contained in 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Veterans Administration and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

* * * * *

9. In § 18.10, paragraphs (a), (b), (c), (d) and (e) are amended and paragraph (g) is added so that the amended and added material reads as follows:

§ 18.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 18.9(a) a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or responsible agency official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any final decision by a hearing examiner which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator personally, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

* * * * *

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this section and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible agency official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

10. In § 18.12, paragraphs (a) and (c) are amended to read as follows:

§ 18.12 Effect on other regulations, forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Veterans Administration which impose requirements designed to prohibit any discrimination against individuals on the grounds of race, color or national origin under any program to which this part applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that such discrimination is prohibited by this part, except that nothing in this part shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this part. Nothing in this part, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925 (3 CFR, 1959–1963 Comp., p. 448), 11114 (3 CFR, 1959–1963, p. 774), and 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder, or (2) Executive Order 11063 (3 CFR, 1959–1963 Comp., p. 652) and regulations issued thereunder, or any other orders, regulations or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the grounds of race, color or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

* * * * *

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of the Veterans Administration or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 18.10) including the achievement of effective coordination and maximum uniformity within the Veterans Administration and within the executive branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action has been taken by the responsible official of this Agency.

11. In § 18.13, paragraphs (c), (f) and (h) are amended and paragraph (i) is added so that the amended and added material reads as follows:

§ 18.13 Definitions.

As used in this part:

* * * * *

(c) The term "responsible agency official" with respect to any program receiving Federal financial assistance means the Administrator or other official of the Veterans Administration or an official of another department or agency to the extent the Administrator has delegated his authority to such official.

* * * * *

(f) The term "program," except those specifically excluded in § 18.2, includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals conducted under a law administered by the Veterans Administration, including but not

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limited to the programs and activities listed in Appendix A to this part. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

* * * * *

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "applicant" means a person who submits an application, request, or plan required to be approved by the Administrator, or by a recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

12. Appendix B (formerly § 18.5) is added to read as follows:

APPENDIX B

ILLUSTRATIVE APPLICATIONS

The following examples, without being exhaustive, will illustrate the application of the nondiscrimination provisions to certain grants of the Veterans Administration. (In all cases the discrimination prohibited is discrimination on the grounds of race, color, or national origin prohibited by title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

(a) In grants which support the provision of health or welfare services for veterans in State homes, discrimination in the selection or eligibility of individuals to receive the services, and segregation or other discriminatory practices in the manner of providing them, are prohibited. This prohibition extends to all facilities and services provided by the State as grantee under the program or by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of § 18.3(c).

(b) In grants to assist in the construction of facilities for the provision of health or welfare services assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction of a State home for furnishing nursing home care, assurances will be required that there will be no discrimination in the admission or treatment of patients. In the case of such grants the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the nursing home, and will apply to the entire facility for which, or for a part of which, the grant is made, and to facilities operated in connection therewith.

(c) Upon transfers of real or personal surplus property for health or educational uses, discrimination is prohibited to the same extent as in the case of grants for the construction of facilities or the provision of equipment for like purposes.

(d) A recipient may not take action that is calculated to bring about in directly what this part forbids it to accomplish directly. Thus a State, in selecting or approving projects or sites for the construction of a nursing home which will receive Federal financial assistance, may not base its selections or approvals on criteria which have the effect of defeating or of substantially impairing accomplishment of the objectives of the Federal assistance program with respect to individuals of a particular race, color, or national origin.

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1; 38 U.S.C. 641, 644, 5031–5037, 5055, 3402(a)(2), Chapters 31, 34, 35 and 36)

These VA Regulations are effective July 5, 1973.

Approved: August 2, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-13308 Filed 7-3-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

PART 7—NONDISCRIMINATION IN PROGRAMS RECEIVING FEDERAL ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

On June 2, 1972, the Environmental Protection Agency published (37 FR 11072) proposed regulations to implement title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. The regulations now promulgated as final regulations, after approval by the President pursuant to statutory requirement, reflect changes which have been made to the proposed regulations as a result of public comment which was received.

A provision has been added to § 7.8(e) to permit the Agency to promise that a complainant's name will be kept confidential, within certain limits. In addition, § 7.7(b) has been modified so that compliance reports may be required of applicants for financial assistance as well as recipients, which has been EPA practice. A number of minor changes and technical corrections have also been made. For administrative reasons, these regulations, which were published as proposed regulations for part 5 of title 40 are published as final regulations in part 7 of that title.

Effective date. The regulations of this part 7 shall become effective August 6, 1973, with respect to all grants awarded and assistance extended on or after such date. Grants awarded and assistance extended before such effective date shall continue to be governed by prior uncodified regulations and procedures (see 37 FR 11072), unless this part 7 is made applicable to such grants and assistance through a grant amendment or written agreement with the recipient.

WILLIAM D. RUCKELSHAUS,
Administrator.

Dated September 8, 1972.

Title 40 of the Code of Federal Regulations is amended by adding a new Part 7 to read as follows:

Sec.
7.1 Purpose.
7.2 Definitions.
7.3 Applicability.
7.4 Discrimination prohibited.
7.5 Affirmative action.
7.6 Assurances required.
7.7 Compliance information.
7.8 Investigations.
7.9 Procedure for obtaining compliance.
7.10 Hearings.
7.11 Decisions and notices.
7.12 Judicial review.
7.13 Effect on other regulations, forms, and instructions.

AUTHORITY: Sec. 602 of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1.

§ 7.1 Purpose.

The purpose of this part is to effectuate title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Act) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Environmental Protection Agency (EPA).

§ 7.2 Definitions.

Unless the context requires otherwise, as used in this part the term:

(a) "Administrator" means the Administrator of the Environmental Protection Agency or, except in § 7.11(e), any other Agency official who by delegation may exercise the Administrator's authority.

(b) "Agency" means the Environmental Protection Agency and includes each and all of its organizational components.

(c) "Applicant" means one who submits an application, subagreement, request, plan, or any other document required to be approved by the Administrator, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, subagreement, request, plan, or any other such document.

(d) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the term "provision of facilities" includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(e) "Federal financial assistance" includes:

(1) Grants, loans, and advances of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or for less than adequate consideration for the purpose of assisting the recipient, or in recognition of the public interest to be served by such a sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) "Primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program for which it receives Federal financial assistance.

(g) "Program" includes any program, project, or activity for the provision of services, financial assistance, or other benefits to individuals (including education or training, health, welfare, housing, rehabilitation, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities or other assistance to individuals), or for the provisions of facilities for furnishing services, financial assistance, or other benefits to individuals. The services, financial assistance, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include (i) any services, financial assistance, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and (ii) any services, financial assistance, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-federal resources.

(h) "Recipient" means any State, or any political subdivision or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual, in any State to which or whom Federal financial assistance is extended, directly or through another recipient, for any program, or who otherwise participates in carrying out such program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, or any territory or possession of the United States.

§ 7.3 Applicability.

(a) This part applies to any program for which Federal financial assistance is authorized under a statute administered by the Agency, including all EPA grant programs and activities (including, but not limited to, those listed in 40 CFR 30.301–4) and assistance under the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, 42 U.S.C. 4621 et seq. and the Disaster Relief Act of 1970, 42 U.S.C. 4401 et seq. It applies to any such program or activity to which money was paid, property transferred, or other Federal financial assistance extended after the effective date of this part including assistance extended pursuant to an application approved prior to the effective date. This part does not apply to: (1) Any program funded only by Federal financial assistance by way of insurance or guaranty, (2) any such program to which money was paid, property transferred, or other assistance extended only before the effective date of this part except where such assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by this Agency, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice under any such program of any employer, employment agency, or labor organization, except as provided in § 7.4(c).

§ 7.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program or activity to which this part applies may not, directly or indirectly, on the ground of race, color, or national origin:

(i) Deny a person any service, financial assistance, or other benefit provided under the program;

(ii) Provide to a person any service, financial assistance, or other benefit which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial assistance, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial assistance, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial assistance, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services (or otherwise) or afford him an opportunity to participate in a manner different from that afforded others; or

(vii) Deny a person the opportunity to participate as a member of any planning or advisory body which is an integral part of the program.

(2) A recipient in determining the types of services, financial assistance, or other benefits or facilities which will be provided under any such program or the class of persons to whom, or the situations in which such services, financial assistance, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program may not, directly or indirectly, utilize criteria or methods of administration which have or may have the effect of subjecting a person to discrimination because of race, color, or national origin, or which have or may have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, or national origin.

(3) In any program receiving financial assistance in the form, or for acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space during the period of time stated in § 7.6(a)(2).

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* (1) Where a primary objective of a program receiving Federal financial assistance to which this part applies is to provide employment, a recipient or other person or entity subject to this part shall not discriminate, directly or indirectly, on the ground of race, color, or national origin in its employment practices under such program. Employment practices include recruitment, recruitment advertising employment, layoff, termination, firing, upgrading, demotion, transfer, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees. Each recipient shall take affirmative steps to insure that applicants are employed and employees are treated during employment without regard to race, color, or national origin. Where this part applies to construction employment, the applicable requirements shall be those specified in or pursuant to Part III of Executive Order 11246, as amended, or any Executive order which may supersede it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of paragraph (c)(1) of this section apply to the employment prac-

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tices of the recipient if discrimination on the ground of race, color, or national origin in such employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of paragraph (c)(1) of this section shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) *Site selection.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the ground of race, color, or national origin.

(e) *Construction projects.* An EPA grantee of funds for the location, design, or construction of a demonstration facility or sewage treatment plant may not deny access to, or use of, the facility being constructed or the system of which it is a part of any person on the basis of race, color, or national origin.

§ 7.5 Affirmative action.

(a) Each applicant or recipient must take reasonable steps to remove or overcome the consequences of prior discrimination and to accomplish the purposes of the Act where previous practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this part applies, on the ground of race, color, or national origin.

(b) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by, or denying benefits to, persons of a particular race, color, or national origin.

§ 7.6 Assurances required.

(a) *General.* (1) *Form of assurance.* Every application for Federal financial assistance to a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part, and that the applicant shall take affirmative steps to insure equal opportunity and shall periodically evaluate its performance. Like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which express consent to judicial enforcement by the United States.

(2) *Duration of assurance.* In cases where the Federal financial assistance is to provide or is in the form of either personal property or real property or any interest therein or structure thereon, the assurance shall obligate the recipient or in the case of a subsequent transfer, the transferee, for the period during which the property is used for any purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program.

(3) *Assistance for construction.* In the case where the assistance is sought for the construction of a facility, or a part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. In particular, if a facility to be constructed is part of a larger system, the assurance shall extend to the larger system.

(4) *Assistance through transfer of real property.* Where Federal financial assistance is provided in the form of a transfer from the Federal Government of real property, structures, any improvements thereon, or any interest therein, the instrument effecting or recording the transfer shall contain a covenant running with the land and assuring nondiscrimination for the period for which the real property is used for a purpose for which the Federal financial assistnace is or was extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or an interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant. Such a condition and right of reverter may be included in covenants for any grants or other assistance that the Administrator in his discretion deems appropriate for such treatment. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, (1) contain or be accompanied by a statement that that program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or under this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Administrator to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or under this part.

(c) *Assurances from educational institutions.* In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

§ 7.7 Compliance information.

(a) *Cooperation and assistance.* Each responsible Agency official shall seek the cooperation of recipients and applicants in obtaining compliance with this part and shall provide assistance and guidance to recipients and applicants to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient or applicant shall keep such records and submit to the responsible Agency official or his designee timely, complete, and accurate compliance reports at such times, in such form, and containing such information, as the responsible Agency official or his designee may determine to be necessary or useful to enable the Agency to ascertain whether the recipient or applicant has complied or is complying with this part. Recipients and applicants shall have available for Agency officials on request racial/ethnic and national origin data showing the extent to which minorities are or will be beneficiaries of the assistance. In the case of any program under which a primary recipient extends or will extend Federal financial assistance to any other recipient such other recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient or applicant under this part.

(c) *Access to source of information.* Each recipient shall permit access by the responsible Agency official or his designee during normal business hours to such of its facilities, books, records, accounts, and other sources of information as may be relevant to a determination of whether or not the recipient is complying with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and such agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it had made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries,

and other interested persons any information pertinent to the provisions of this part and its applicability to the program receiving Federal financial assistance which is necessary or useful to apprise such persons of the protections against discrimination assured them by the Act and by this part.

§ 7.8 Investigations.

(a) *Periodic compliance reviews.* The Administrator shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person or entity who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Administrator a written complaint. This complaint should be filed as promptly as possible after the date of the alleged discrimination.

(c) *Investigations.* The Administrator will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of investigations.* (1) If an investigation indicates a failure to comply with this part, the Administrator will so inform the recipient and complainant, if any, in writing, and the matter will be resolved by informal means whenever possible. If the Administrator determines that the matter cannot be resolved by informal means, action will be taken as provided for in § 7.9.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the Administrator will so inform the recipient and complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act or by this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Administrator or his designee may agree to keep confidential the identity of any complainant except to the extent that disclosure would be required by law in proceedings for the enforcement of this part.

§ 7.9 Procedure for obtaining compliance.

(a) *General.* If compliance with this part cannot be assured by informal means, compliance with this part shall be effected by termination of or refusal to grant or to continue Federal assistance in accordance with the procedures of paragraph (b) of this section, or by any other means authorized by law in accordance with the procedures of paragraph (c) of this section. Such other means include, but are not limited to, (1) a referral of the matter to the Department of Justice with a recommendation that appropriate judicial proceedings be brought to enforce any rights of the United States under any law or assurance or contractual undertaking, and (2) any applicable proceeding under State or local law. A decision to take action under this section shall conform with "Guidelines for the enforcement of Title VI, Civil Rights Act of 1964," 28 CFR 50.3.

(b) *Procedure for termination or refusal to grant or continue assistance.* An order terminating or refusing to grant or continue Federal assistance shall become effective only after:

(1) The Administrator has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or under this part;

(3) The action has been approved by the Administrator pursuant to § 7.11(e); and

(4) The expiration of 30 days after the Administrator has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program or activity involved, a full written report of the circumstances and the grounds for such action.

The termination or refusal to grant or continue assistance shall be limited to the particular political entity, or part thereof, or other recipient as to which a finding of noncompliance with title VI has been made and shall be limited in its effect to the particular program or part thereof in which such noncompliance has been so found.

(c) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means authorized by law shall be taken until:

(1) The Administrator has determined that compliance cannot be secured by voluntary means, and the recipient or other person against whom action will be sought has been notified of such determination; and

(2) The expiration of at least 10 days from the mailing of such notice to the recipient or such other person. During this period of at least 10 days, additional efforts may be made to persuade the recipient or such other person to take such corrective action as may be appropriate.

§ 7.10 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 7.9(b), reasonable notice shall be given by certified mail, return receipt requested, to the affected applicant or recipient. This notice shall fix a date not less than 3 weeks after the date of receipt of such notice within which the applicant or recipient may file with the Administrator a request in writing that the matter be scheduled for hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of th Act and § 7.9(b) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Agency in Washington, D.C., unless the Administrator determines that the convenience of the applicant or recipient or of the Agency requires that another place be selected. Hearings shall be held; at a time fixed by the Administrator before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In any proceeding under this section, the applicant or recipient and the Agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (1970).

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute either (1) noncompliance with this part with respect to two or more types of Federal financial assistance to which this part applies, or (2) noncompliance with both this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Administrator may, by agreement where necessary with such other departments or agencies, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this Agency is concerned, shall be made in accordance with § 7.11.

§ 7.11 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* The hearing examiner shall make an initial decision, including his recommended findings and proposed decision, and a copy of such initial decision shall be mailed by certified mail (return receipt requested) to the applicant or recipient. The applicant or recipient may, within 30 days after the receipt of such

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notice of initial decision, file with the Administrator his exceptions to the initial decision, and his reasons therefor. In the absence of exceptions, the Administrator may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Administrator shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Administrator.

(b) *Decisions on record on review by the Administrator.* Whenever the Administrator reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, the applicant or recipient, the Agency officials responsible, and the complainant, if any, shall be given reasonable opportunity to file with him briefs or other written statements of their contentions, and a written copy of the final decision of the Administrator shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 7.10(a), a decision shall be made by the Administrator on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any decision by an official of the Agency, other than the Administrator personally, which provides for the termination of, or the refusal to grant or continue, Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator personally, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to have failed to comply with requirements imposed by or under this part unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance from the Agency if it satisfies the terms and conditions of that order for such eligibility and brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part in the future.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance from the Agency. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any request made under paragraph (g)(2) of this section, the applicant or recipient may submit a request in writing for a hearing, specifying why it believes him to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. Failure to file such a request within 3 weeks after receipt of notice of such denial shall constitute consent to the Administrator's determination.

(4) While proceedings under paragraph (g) of this section are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 7.12 Judicial review.

Action taken under the Act is subject to judicial review as provided therein.

§ 7.13 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Agency, or by any predecessor of such an officer, which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this part applies, and which authorize the termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that the discrimination against which they are directed is prohibited by this part, except that nothing in this part shall relieve any person of any obligation assumed or imposed under any such superseded regulations, order, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR 1965 Supp., page 167) and regulations issued thereunder, or (2) any other orders, regulations, or instructions insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Administrator shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of the Agency, or to officials of other departments or agencies of the government with the consent of such departments or agencies, responsibilities in connection with effectuation of the purposes of title VI of the Act and this part including the achievement of effective coordination and maximum uniformity within the Agency and within the Executive Branch of the government in the application of title VI and this part to similar programs and in similar situations. The Administrator may delegate in writing any function assigned (other than responsibility for final decision as provided in § 7.11) to him by the Act or by this part. Any action taken, determination made or requirement imposed by an official of another department or agency acting pursuant to an assignment or delegation of responsibility under this paragraph shall have the same effect as though such action had been taken by the Administrator of the Agency. All actions taken pursuant to this part with respect to EPA grants including written communications to or from a grant applicant or grantee shall be effected through the appropriate EPA Grants Officer.

[FR Doc.73-13298 Filed 7-3-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

PART 101-6 MISCELLANEOUS REGULATIONS

Nondiscrimination in Federally Assisted Programs

On pages 23488 through 23491 of the FEDERAL REGISTER of December 9, 1971, there was published a notice of a proposed rule making to issue regulations designed to ensure nondiscrimination in programs for which Federal financial assistance is authorized to be provided by GSA. Interested persons were invited to submit comments, suggestions, or objections regarding the proposed regulations.

Comments were submitted to and reviewed by the Civil Rights Division, Department of Justice, which determined that no additions are required to the GSA regulations. Accordingly, the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective July 5, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

JULY 11, 1972.

The table of contents for Part 101-6 is amended to provide a revised title for Subpart 101-6.2 and new and revised section entries, as follows:

Subpart 101-6.2—Nondiscrimination in Programs Receiving Federal Financial Assistance

Sec.
101-6.207 [Reserved]
101-6.208 [Reserved]
101-6.213-7 Post termination proceedings.
101-6.217 Laws authorizing Federal financial assistance for programs to which this subpart applies.

Subpart 101-6.2—Nondiscrimination in Programs Receiving Federal Financial Assistance

1. Section 101-6.201 is revised to read as follows:

§ 101-6.201 Scope of subpart.

This subpart provides the regulations of the General Services Administration (GSA) under title VI of the Civil Rights Act of 1964 (52 U.S.C. 2000d—2000d-4) concerning nondiscrimination in federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by GSA.

2. Section 101-6.203 is revised to read as follows:

§ 101-6.203 Application of subpart.

(a) Subject to paragraph (b) of this section, this subpart applies to any program for which Federal financial assistance is authorized under a law administered in whole or in part by GSA, including the laws listed in § 101-6.217. It applies to money paid, property transferred, or other Federal financial assistance extended to any such program after the effective date of this subpart pursuant to an application approved prior to such effective date. This subpart does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended to any such program before the effective date of this subpart, except to the extent otherwise provided by contract, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 101-6.204-2(d). The fact that a statute which authorizes GSA to extend Federal financial assistance to a program or activity is not listed in § 101-6.217 shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs involving statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

(b) The regulations issued by the following Departments pursuant to title VI of the Act shall be applicable to the programs involving Federal financial assistance of the kind indicated, and those Departments shall respectively be responsible for determining and enforcing compliance therewith:

(1) Department of Health, Education, and Welfare—donation or transfer of surplus property for purposes of education or public health (§ 101-6.217 (a)(2) and (b)).

(2) Department of Defense—donation of surplus personal property for purposes of civil defense (§ 101-6.217(a)(2)).

(3) Department of Transportation—donation of property for public airport purposes (§ 101-6.217(c)). GSA will, however, be responsible for obtaining such assurances as may be required in applications and in instruments effecting the transfer of property.

(4) Department of the Interior—disposal of surplus real property, including improvements, for use as a public park, public recreational area, or historic monument (§ 101-6.217(d)(1) and (2)). GSA will, however, be responsible for obtaining such assurances as may be required in applications and in instruments effecting the transfer of property for use as a historic monument.

(5) Department of Housing and Urban Development—disposal of surplus real property for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income (§ 101-6.217(q)).

(c) Each Department named in paragraph (b) of this section shall keep GSA advised of all compliance and enforcement actions, including sanctions imposed or removed, taken by it with respect to the programs specified in paragraph (b) of this section to which the regulations of such Department apply.

3. Section 101-6.204-2 is amended to read as follows:

§ 101-6.204-2 Specific discriminatory actions prohibited.

(a)(1) In connection with any program to which this subpart applies, a recipient may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

* * * * *

(3) In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this subpart applies, on the ground of race, color, or national origin or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

(4) This subpart does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the ground of race, color, or national origin. Where previous discriminatory practice or usage tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this subpart applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

* * * * *

(d)(1) Where a primary objective of the Federal financial assistance to a program to which this subpart applies is to provide employment, a recipient may not, directly or through contractual or other arrangements, subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including, but not limited to, recruitment or recruitment advertising; employment; layoff or termination; upgrading, demotion, or transfer; rates of pay or other forms of compensation; selection for training, including apprenticeship; and use of facilities). The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or the corresponding provisions of any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient or other persons subject to this subpart tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this subpart applies, the provisions of subparagraph (1) of this paragraph (d) shall apply to the employment practices of the recipient or other persons subject to this subpart, to the extent necessary to insure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

4. Section 101-6.205-1 is amended to read as follows:

§ 101-6.205-1 General.

* * * * *

(b) In the case of real property, structures or improvements thereon, or interests therein, which is acquired with Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision

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of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by GSA to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible GSA official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event, if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forebear the exercise of such right to revert title for so long as the lien of such mortgage or other encumberance remains effective.

. . . . . .

5. Section 101-6.205-2 is revised to read as follows:

§ 101-6.205-2 Continuing State programs.

Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this subpart applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (a) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this subpart, and (b) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible GSA official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this subpart.

6. Section 101-6.205-3 is revised to read as follows:

§ 101-6.205-3 Elementary and secondary schools.

The requirements of §§ 101-6.205-1 and 101-6.205-2 with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (a) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (b) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this subpart within the earliest practicable time, and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance such responsible official may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this subpart. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

7. Section 101-6.206 is amended to read as follows:

§ 101-6.206 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions of this subpart to certain programs for which Federal financial assistance is extended by GSA (in all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin, prohibited by title VI of the Act and this subpart):

. . . . . .

(g) In the program involving the transfer of surplus real property for use in the provision of rental or cooperative housing to families or individuals of low or moderate income (§ 101-6.217(q)), discrimination in the selection and assignment of tenants is prohibited.

. . . . . .

In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 101-6.209-4 to provide information as to the availability of the program or activity and the rights of beneficiaries under this subpart have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will ensure that groups previously subjected to discrimination are adequately served.

(j) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances, an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

8. Sections 101-6.207, including the subsections thereof, and 101-6.208 are deleted and reserved as follows:

§ 101-6.207 [Reserved]

§ 101-6.208 [Reserved]

9. Section 101-6.211-4 is revised to read as follows:

§ 101-6.211-4 Other means authorized by law.

No action to effect compliance by an other means authorized by law shall be taken until (a) the responsible GSA official has determined that compliance cannot be secured by voluntary means, (b) the recipient or other person has been notified of his failure to comply and of the action to be taken to effect compliance, and (c) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this subpart and to take such corrective action as may be appropriate.

10. Section 101-6.212-2 is revised to read as follows:

§ 101-6.212-2 Time and place of hearing.

Hearings shall be held, at a time fixed by the responsible GSA official, at the offices of GSA in Washington, D.C., unless such official determines that the convenience of the applicant or recipient or of GSA requires that another place be selected. Hearings shall be held before the responsible GSA official or, at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 or 3344 (section 11 of the Administrative Procedure Act).

11. Section 101-6.212-4 is amended to read as follows:

§ 101-6.212-4 Procedures, evidence, and record.

(a) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554-557 (sections 5-8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in § 101-6.212-1, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both GSA and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

. . . . . .

12. Section 101-6.213-7 is added as follows:

§ 101-6.213-7 Post termination proceedings.

(a) An applicant or recipient adversely affected by an order issued under § 101-6.213-6 shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart. An elementary or secondary school or school system which is unable to file an assurance of compliance with § 101-6.24 shall be restored to full eligibility to receive financial assistance if it files a court order or a plan for desegregation meeting the requirements of § 101-6.205-3 and provides reasonable assurance that it will comply with this court order or plan.

(b) Any applicant or recipient adversely affected by an order entered pursuant to § 101-6.213-6 may at any time request the responsible GSA official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (a) of this section. If the responsible GSA official determines that those requirements have been satisfied, he shall restore such eligibility.

(c) If the responsible GSA official denies any such request, the applicant or recipient may submit a request, in writing, for a hearing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible GSA official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (a) of this section. While proceedings under this section are pending, the sanctions imposed by the order issued under § 101-6.213-6 shall remain in effect.

13. Section 101-6.215-1 is amended to read as follows:

§ 101-6.215-1 Effect on other regulations.

. . . . . .

(a) Executive Orders 10925, 11114, and 11246, and regulations issued thereunder.

(b) Any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or prohibit discrimination on any other ground.

14. Section 101-6.215-3 is revised to read as follows:

§ 101-6.215-3 Supervision and coordination.

The Administrator may from time to time assign to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this subpart (other than responsibility for final decision as provided in § 101-6.213), including the achievement of effective coordination and maximum uniformity within GSA and within the executive branch of the Government in the application of title VI and this subpart to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or Agency acting pursuant to an assignment of responsibility under this section shall have the same effect as though such action had been taken by the responsible GSA official.

15. Section 101-6.217 is amended to read as follows:

§ 101-6.217 Laws authorizing Federal financial assistance for programs to which this subpart applies.

(a)(1) Donation of surplus personal property to educational activities which are of special interest to the armed services (section 203(j)(2) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(j)(2)).

(2) Donation of surplus personal property for use in any State for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(j) (3) and (4) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484 (j) (3) and (4)), and the making available to State agencies for surplus property, or the transfer of title to such agencies, of surplus personal property approved for donation for purposes of education, public health, or civil defense, or for research for any such purposes (section 203(n) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(n)).

(b) Disposal of surplus real and related personal property for purposes of education or public health, including research (section 203(k)(1) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(k)(1)).

(c) Donation of property for public airport purposes (section 13(g) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(g); section 23 of the Airport and Airway Development Act of 1970, Public Law 91-258).

(d) (1) Disposal of surplus real property, including improvements, for use as a historic monument (section 13(h) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(h)).

(2) Disposal of surplus real and related personal property for public park or public recreational purposes (section 203(k)(2) of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 484(k)(2).

. . . . . .

(q) Disposal of surplus real property for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income (section 414 of the Housing and Urban Development Act of 1969, Public Law 91-152).

. . . . . .

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1)

[FR Doc.73-13300 Filed 7-3-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 17—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

The following amendments were published as proposed rulemaking in 36 FR 23491 (Dec. 9, 1971). As a result of comments received, certain changes have been made in the proposal to conform to the uniform agency amendments. A new provision (vii) is added to § 17.3(b) to prohibit discrimination in the selection of planning and advisory boards. The requirement that a recipient take affirmative action to eliminate discrimination is clarified in § 17.3(b)(4) (i) and (ii). A sentence has been added to § 17.5(b) to require that recipients maintain data showing the extent to which minority group persons receive the benefits of Federal financial assistance. The time for filing complaints in § 17.6(b) has been extended from 90 to 180 days. Other minor technical corrections have been made in the original proposal.

§ 17.2 [Amended]

1. The present text of § 17.2 is designated as paragraph (a) and paragraphs (a), (b), (c), and (d) thereof are redesignated as subparagraphs (1), (2), (3), and (4).

2. A new paragraph (b), reading as follows, is added to § 17.2:

(b) In any program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of that part shall extend to any facility located wholly or in part of the space.

§ 17.3 [Amended]

3. Paragraph (b) of § 17.3 is amended by adding the following subdivision (vii) to subparagraph (1):

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

4. Subparagraphs (3) and (4) of paragraph (b) of § 17.3 are respectively redesignated as subparagraphs (5) and (6), and new subparagraphs (3) and (4), reading as follows, are added to paragraph (b):

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect if defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4)(i) In administering a program regarding which the recipient has pre-

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viously discriminated against persons on the grounds of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

5. Paragraph (c) of § 17.3 is revised to read as follows:

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246, as amended, or any Executive Order which supersedes it.

(2) The requirements of subparagraph (1) of this paragraph apply to programs under laws funded or administered by the Department where a primary objective of the Federal financial assistance is (i) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs, (ii) to assist such individuals in meeting expenses incident to the commencement or continuation of their education or training, or (iii) to provide work experience which contributes to the education or training of such individuals. Assistance given under the following laws has one of the above purposes as a primary objective: Water Resources Research Act of 1964, Title I, 78 Stat. 329, and those statutes listed in Appendix A to this part where the facilities or employment opportunities provided are limited, or a preference is given, to students, fellows, or other persons in training or related employment.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefit of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other persons subject to this part, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

6. Paragraph (e) of § 17.3 is deleted.

§ 17.4 [Amended]

7. Paragraph (a) of § 17.4 is revised to read as follows:

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, or improvement of real property or structures, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Secretary shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

§ 17.4 [Amended]

8. In § 17.4(b)(1)(ii), the phrase "the Secretary or his designee" is substituted for the phrase "the head of the bureau or office administering the Federal financial assistance."

9. Subparagraph (2) in the first sentence of § 17.4(c) is revised to read as follows:

(2) Submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time and provides reasonable assurance that it will carry out such plan; in any case of continuing Federal financial assistance the responsible official of the Department of Health, Education and Welfare may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part.

10. Paragraph (d) of § 17.4 is revised by substituting in subparagraph (2) the phrase "the Secretary or his designee" for the phrase "the head of the bureau or office administering the Federal financial assistance."

11. Section 17.5 is revised to read as follows:

§ 17.5 Compliance information.

(a) *Cooperation and assistance.* The Secretary or his designee shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to

the Secretary or his designee timely, complete and accurate compliance reports, at such times, and in such form and containing such information, as the Secretary or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In general, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of Federally assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Secretary or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as the Secretary or his designee finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

12. Paragraphs (a), (b), (c) and (d) of § 17.6 are revised read as follows:

§ 17.6 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Secretary, or his designee.

(c) *Investigations.* Whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part, a prompt investigation shall be made. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the recipient shall be informed in writing and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 17.7.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the recipient and complainant, if any, shall be informed in writing.

* * * * * *

§ 17.7 [Amended]

13. In subparagraph (1) of paragraph (c) of § 17.7 the phrase "Secretary or his designee" is substituted for the phrase "head of the bureau or office administering the Federal financial assistance."

14. Paragraph (d) of § 17.7 is revised to read as follows:

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the Secretary or his designee has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional effort shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 17.8 [Amended]

15. In the second sentence of paragraph (a) of § 17.8 the words "the head of the bureau or office or" are deleted.

16. Paragraph (b) of § 17.8 is revised to read as follows:

(b) *Time and place of hearing.* Hearings shall be held at the Office of Hearings and Appeals of the Department in the Washington, D.C., area, at a time fixed by the hearing examiner to whom the matter has been assigned unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before a hearing examiner designated by the Office of Hearings and Appeals in accordance with 5 U.S.C. 3105 and 3344.

17. In subparagraph (1) of paragraph (d) of § 17.8 the phrase "in conformity with sections 5 through 8 of the Administrative Procedure Act (5 U.S.C. 1004 through 1007)" is amended to read "in conformity with 5 U.S.C. 554–557."

18. Section 17.9 is revised to read as follows:

§ 17.9 Decisions and notices.

(a) *Initial decision by a hearing examiner.* The hearing examiner shall make an initial decision and a copy of such initial decision shall be sent by registered mail, return receipt requested, to the recipient or applicant.

(b) *Review of the initial decision.* The applicant or recipient may file his exceptions to the initial decision, with his reasons therefor, with the Director, Office of Hearings and Appeals, within thirty days of receipt of the initial decision. In the absence of exceptions, the Director, Office of Hearings and Appeals, on his own motion within forty-five days after the initial decision, may notify the applicant or recipient that he will review the decision. In the absence of exceptions or a notice of review, the initial decision shall constitute the final decision subject to the approval of the Secretary pursuant to paragraph (f) of this section.

(c) *Decisions by the Director, Office of Hearings and Appeals.* Whenever the Director, Office of Hearings and Appeals, reviews the decision of a hearing examiner pursuant to paragraph (b) of this section, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contention, and a copy of the final decision of the Director, Office of Hearings and Appeals, shall be given to the applicant or recipient and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearings is waived pursuant to paragraph (a) of § 17.8, a decision shall be made by the Director, Office of Hearings and Appeals on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(e) *Rulings required.* Each decision of a hearing examiner or the Director, Office of Hearings and Appeals, shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(f) *Approval by Secretary.* Any final decision of a hearing examiner or of the Director, Office of Hearings and Appeals, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part of the Act, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(g) *Content of decisions.* The final decision may provide for the suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it

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pursuant to this regulation, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(h) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (g) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (g) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance.

(3) If the Secretary denies any such request, the applicant or recipient may submit to the Secretary a request for a hearing in writing, specifying why it believes the Secretary to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with the procedures set forth in Part 17a of this Title. The applicant or recipient shall be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph.

(4) While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (g) of this section shall remain in effect.

§ 17.11 [Amended]

19. Subparagraph (1) in the second sentence of paragraph (a) of § 17.11 is amended to read, "(1) Executive Orders 10925, 11114 and 11246, as amended, and regulations issued thereunder."

20. In paragraph (b) of § 17.11, the phrase "The Secretary or his designee" is substituted for the phrase "The head of each bureau and office administering Federal financial assistance."

21. Paragraph (c) of § 17.11 is revised by addition of the following as a final sentence: Any action taken, determination made or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of the Interior.

22. Section 17.12 is revised by amending paragraph (c) and adding paragraph (k) to read as follows:

§ 17.12 Definitions.

• • • • •

(c) The term "Secretary" means the Secretary of the Interior or, except in § 17.9(f), any person to whom he has delegated his authority in the matter concerned.

• • • • •

(k) The term "Office of Hearings and Appeals" refers to a constituent office of the Department established July 1, 1970. 35 FR 12081 (1970).

23. In Appendix A, part I(b), item 7 is deleted and item 8 through 21 are redesignated as items 7 through 20.

24. In Appendix A, part III, item 3 is added to read as follows:

3. Sealing and filling of voids in abandoned coal mines, reclamation of surface mine areas, and extinguishing mine fires (79 Stat. 13, as amended, 40 U.S.C., App., § 205).

25. In paragraph (a) of part IV in Appendix A, the heading is amended and items 5 and 7 are revised to read as follows:

(a) Grants of Federal funds.

• • • • •

5. Anadromous Fish Act of 1965 (79 Stat. 1125, 16 U.S.C. 757a–757f).

• • • • •

7. Jellyfish Act of 1966 (80 Stat. 1149, 16 U.S.C. 1201–1205).

26. Items 2 and 3 are deleted from paragraph (b) of part IV in Appendix A and items 4 through 6 are redesignated as items 2 through 4.

27. Items 1, 4 and 5 are deleted from paragraph (c) of part IV in Appendix A and items 2, 3, and 6 are redesignated as items 1, 2 and 3.

28. Item 3 in paragraph (a) of section V in Appendix A is revised and item 9 is added in the same paragraph, to read as follows:

3. Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. § 47a).

• • • • •

9. Outdoor Recreation Programs (78 Stat. 897, as amended, 16 U.S.C. §§ 460*l*–4—460*l*–11).

29. Any rule, order, policy, guideline, finding, determination, authorization, requirement, designation or other action prescribed, issued or taken before the effective date of these amendments under Part 17 shall have the same effect as if these amendments to Part 17 had not been made. No administrative proceeding shall abate by reasons of the taking effect of these amendments. Administrative proceedings initiated under Part 17 prior to these amendments and not finally disposed of prior to such effective date shall be governed by the provisions of Part 17 as amended. In any case under Part 17 where a hearing examiner had rendered an initial or recommended decision, the case shall be concluded in accordance with the provisions of Part 17 as amended.

30. These amendments shall be effective on July 5, 1973.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc. 73-13287 Filed 7-3-73; 8:45 am]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 80—NONDISCRIMINATION UNDER PROGRAMS RECEIVING FEDERAL ASSISTANCE THROUGH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

Amendments to 45 CFR Part 80 are adopted for the purposes indicated below. Revisions similar to those described below (except for revisions described in items numbered 12–14) are uniform changes being adopted by other agencies which provide Federal financial assistance, pursuant to Title VI of the Civil Rights Act of 1964. The revisions described under items 12–14 below are not uniform; they are procedural in nature and designed for the regulation of this agency only. In addition, citations to statutory authority are added immediately after each section of 45 CFR Part 80.

1. A new subparagraph (1) (vii) is added to § 80.3(b) to prohibit discrimination in the selection of persons to planning or advisory bodies.

2. The present subparagraphs (3) and (4) of § 80.3(b) are renumbered (4) and (5), respectively, and a new subparagraph (3) is added to clarify nondiscrimination requirements with respect to the selection of sites and locations for facilities which affect the provision of federally-assisted benefits.

3. A new § 80.3(b)(6) is added as (i) to require recipients to take affirmative action to overcome the effects of prior discrimination, where the recipient has previously discriminated and as (ii) to indicate recipients are not prohibited from taking affirmative action to overcome the effects of conditions which resulted in limited program participation by persons of a particular race, color, or national origin.

4. A subparagraph is added to § 80.3(c) to state the rule concerning discriminatory employment practices which result in excluding individuals from participation in, denying them the benefits of, or subjecting them to discrimination under any program or activity to which this regulation applies.

5. Subparagraph (b) under § 80.3(c) relating to community work and training assisted under Title IV of the Social Security Act, 42 U.S.C. 609, is deleted.

6. Subparagraph (d) (formerly (e)) of § 80.3(c) is changed to read "rehabilitation facilities" instead of "sheltered workshops."

7. Section 80.4(a)(2) is revised to delete the requirement that surplus property transfers contain a reverter for breach of the nondiscrimination provisions and instead to authorize a reverter discretionary with the responsible department official in the case of any real property transfer. As revised, a covenant running with the land, to assure nondiscriminatory use, will be included when any Federal financial assistance is extended in the form of a transfer of real property by the Federal Government. In other cases where property is acquired or improved with Federal financial assistance, the amendment requires that the recipient agree to include such a covenant in any subsequent transfer.

8. Language of § 80.4(b) which provided that noncomplying features of existing continuing State programs could be corrected in the future has been deleted.

9. In § 80.6(b) a new sentence is added after the first sentence to require recipients to keep racial and ethnic data in relation to federally-assisted programs.

10. In § 80.6(c) new language is added after the last sentence to make clear that asserted considerations of privacy or confidentiality may not operate to bar the Department from requiring recipients to keep such data.

11. In § 80.7(b) the period for filing complaints is extended from 90 to 180 days in conformity with other Civil Rights regulations.

12. Section 80.9(a) provided that in the case of a waiver of a right to a hearing the decision may be made on the basis of "such information as is available." This is amended to provide that the decision in such a case may be made on the basis of "such information as may be filed as the record."

13. Under § 80.10, prior to the present amendment, a party to a proceedings could request the Secretary to review a hearing examiner's decision even though there was no request for the intervening review of the Reviewing Authority, which is a matter of right. The amendment to § 80.10(c) authorizes a request for review by the Secretary only if the matter has first been considered by the Reviewing Authority.

14. Subparagraph (4) of § 80.10(g) duplicates the provision of the last sentence of subparagraph (3) of such section. Subparagraph (4) is deleted to eliminate that inadvertent duplication.

15. A sentence is added to § 80.12(c) specifying that actions taken by an official of another Department or Agency under an assignment of responsibility shall have the same effect as though taken by the responsible official of this Department.

16. In some provisions the word "program" has been used to refer to the arrangement under which Federal financial assistance is made available; in other places it was used to mean the operation or activity of the applicant or recipient. Technical revisions are made in the designation of Part 80 and throughout the regulation to eliminate the use of "program" to refer to the arrangement under which Federal financial assistance is made available.

17. Clause 3 is added to § 80.12(a) to make clear that these regulations and amendments will not affect the requirements for Emergency School Assistance as published in 35 FR 13442 and codified as 45 CFR Part 181.

18. The listing of Appendix A is revised to eliminate the use "program" to refer to the arrangement under which Federal financial assistance is made available and to bring the listings in the Appendix up to date.

1. The designation of Part 80 is amended to read as set forth in the heading above.

2. Section 80.2 is amended to read:

§ 80.2 Application of this regulation.

This regulation applies to any program for which Federal financial assistance is authorized to be extended to a recipient under a law administered by the Department, including the Federal assisted programs and activities listed in Appendix A of this regulation. It applies to money paid, property transferred, or other Federal financial assistance extended after the effective date of the regulation pursuant to an application approved prior to such effective date. This regulation does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended before the effective date of this regulation, (c) the use of any assistance by any individual who is the ultimate beneficiary under any such program, or (d) any employment practice, under any such program, or any employer, employment agency, or labor organization, except to the extent described in § 80.3. The fact that a type of Federal assistance is not listed in Appendix A shall not mean, if Title VI of the Act is otherwise applicable, that a program is not covered. Federal financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

(Secs. 602, 604, Civil Rights Act of 1964; 78 Stat. 252, 253; 42 U.S.C. 2000d–1, 2000d–3)

3. Section 80.3 is amended by adding a new paragraph (b)(1)(vii) as set forth below. Paragraph (b) is amended by renumbering the present subparagraphs (3) and (4) as subparagraphs (4) and (5), respectively, and adding new subparagraphs (3) and (6). As so changed, subparagraphs (3), (4), (5) and (6) read as set forth below. Paragraphs (c) and (d) are amended to read as set forth below.

§ 80.3 Discrimination prohibited.

• • • • •

(b) Specific discriminatory actions prohibited. (1) • • •

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

• • • • •

(3) In determining the site or location of a facilities, an applicant or recipient may not make selections with the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any programs to which this regulation applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this regulation applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (i) to reduce the employment of such individuals or to help them through employment to meet subsistence needs, (ii) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, (iii) to provide work experience which contributes to the education or training of such individuals, or (iv) to provide remunerative activity to such individuals who because of handicaps cannot be readily absorbed in the competitive labor market. The following, under existing laws, have one of the above objectives as a primary objective:

(*a*) Projects under the Public Works Acceleration Act, Public Law 87–658, 42 U.S.C. 2641–2643.

(*b*) Work-study under the Vocational Education Act of 1963, as amended. 20 U.S.C. 1371–1374.

(*c*) Programs assisted under laws listed in Appendix A as respects employment opportunities provided thereunder, or in facilities provided thereunder, which are limited, or for which preference is given, to students, fellows, or other persons in training for the same or related employments.

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(d) Assistance to rehabilitation facilities under the Vocational Rehabilitation Act, 29 U.S.C. 32–34, 41a and 41b.

(2) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the ground of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the foregoing provisions of this paragraph (c) shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Indian Health and Cuban Refugee Services.* An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

* * * * *

4. Section § 80.4(a)(2), (b), and (d) is amended to read as follows:

§ 80.4 Assurances required.

(a) *General.* (1) * * *

(2) Where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government the instrument effecting or recording the transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved but property is improved with Federal financial assistance, the recipient shall agree to include such a covenant to any subsequent transfer of the property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the propetry in the event of a breach of the covenant where, in the discretion of the responsible Department official, such a condition and right of reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the responsible Department official may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this regulation applies (including the Federal financial assistance listed in Part 2 of Appendix A) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this regulation, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Department official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this regulation.

* * * * *

(d) *Assurance from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for special training project, for student loans or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

* * * * *

5. The introductory statement of § 80.5 and paragraphs (a), (b), (e) and (h) are amended to read as set forth below; and new paragraphs (i) and (j) are added as illustrative examples of new § 80.3 (b)(6).

§ 80.5 Illustrative application.

The following examples will illustrate the programs aided by Federal financial assistance of the Department. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by Title VI of the Act and this regulation, as a condition of the receipt of Federal financial assistance).

(a) In Federally assisted programs for the provision of health or welfare services, discrimination in the selection or eligibility of individuals to receive the services, and segregation or other discriminatory practices in the manner of providing them, are prohibited. This prohibition extends to all facilities and services provided by the grantee under the program or, if the grantee is a State, by a political subdivision of the State. It extends also to services purchased or otherwise obtained by the grantee (or political subdivision) from hospitals, nursing homes, schools, and similar institutions for beneficiaries of the program, and to the facilities in which such services are provided, subject, however, to the provisions of § 80.3(e).

(b) In federally-affected area assistance (P.L. 815 and P.L. 874) for construction aid and for general support of the operation of elementary or secondary schools, or in more limited support to such schools such as for the acquisition of equipment, the provision of vocational education, or the provision of guidance and counseling services, discrimination by the recipient school district in any of its elementary or secondary schools in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustrations the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient.

* * * * *

(e) In grants to assist in the construction of facilities for the provision of health, educational or welfare services, assurances will be required that services will be provided without discrimination, to the same extent that discrimination would be prohibited as a condition of Federal operating grants for the support of such services. Thus, as a condition of grants for the construction of academic, research, or other facilities at institutions of higher education, assurances will be required that there will be no discrimination in the admission or treatment of students. In case of hospital construction grants the assurance will apply to patients, to interns, residents, student nurses, and other trainees, and to the privilege of physicians, dentists, and other professionally qualified persons to practice in the hospital, and will apply to the entire facility for which, or for a part of which, the grant is made, and to facilities operated in connection therewith. In other construction grants the assurances required will similarly be adapted to the nature of the activities to be conducted in the facilities for construction of which the grants have been authorized by Congress.

* * * * *

(h) A recipient may not take action that is calculated to bring about indirectly what this regulation forbids it to accomplish directly. Thus, a State, in selecting or approving projects or sites for the construction of public libraries which will receive Federal financial assistance, may not base its selections or approvals on criteria which have the effect of defeating or of substantially impairing accomplishments of the objectives of the Federal assistance as respects individuals of a particular race, color or national origin.

(i) In some situations, even though past discriminatory practices attributable to a recipient or applicant have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient

under § 80.6(d), to provide information as to the availability of the program or activity and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary under the requirement stated in (1) of § 80.3(b)(6) for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subject to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(j) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances, an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

6. Paragraphs (b), (c), and (d) of § 80.6 are amended to read:

§ 80.6 Compliance information.

* * * * *

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally-assisted programs. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information. Asserted considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with this Part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or where otherwise required by law.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its applicability to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this regulation.

§ 80.7 [Amended]

7. Paragraph (b) of § 80.7 is amended by deleting the phrase "90 days" and substituting "180 days".

8. Paragraph (a) of § 80.9 is amended to read:

§ 80.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 80.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 80.8(c) of this regulation and consent to the making of a decision on the basis of such information as may be filed as the record.

* * * * *

9. Paragraphs (e) and (f) of § 80.10 are amended to read as set forth below, and paragraph (g)(4) is deleted.

§ 80.10 Decisions and notices.

* * * * *

(e) *Review in certain cases by the Secretary.* If the Secretary has not personally made the final decision referred to in paragraphs (a), (b), or (c) of this section, a recipient or applicant or the counsel for the Department may request the Secretary to review a decision of the Reviewing Authority in accordance with rules of procedure issued by the responsible Department official. Such review is not a matter of right and shall be granted only where the Secretary determines there are special and important reasons therefor. The Secretary may grant or deny such request, in whole or in part. He may also review such a decision upon his own motion in accordance with rules of procedure issued by the responsible Department official. In the absence of a review under this paragraph, a final decision referred to in paragraphs (a), (b), (c) of this section shall become the final decision of the Department when the Secretary transmits it as such to Congressional committees with the report required under section 602 of the Act. Failure of an applicant or recipient to file an exception with the Reviewing Authority or to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this regulation, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended under such law or laws to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this regulation, or to have otherwise failed to comply with this regulation unless and until it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this regulation.

* * * * *

10. Paragraph (a) of § 80.12 is amended, and a new concluding sentence is added to paragraph (c), so that the amended paragraph reads as set forth below.

§ 80.12 Effect on other regulations, forms and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions heretofore issued by any officer of the Department which impose requirements designed to prohibit any discrimination against individuals on the ground of race, color, or national origin under any program to which this regulation applies, and which authorize the suspension or termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of assistance for failure to comply with

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such requirements, are hereby superseded to the extent that such discrimination is prohibited by this regulation, except that nothing in this regulation shall be deemed to relieve any person of any obligation assumed or imposed under any such superseded regulation, order, instruction, or like direction prior to the effective date of this regulation. Nothing in this regulation, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) The "Standards for a Merit System of Personnel Administration," issued jointly by the Secretaries of Defense, of Health, Education and Welfare, and of Labor, 45 CFR Part 70; (2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this regulation is inapplicable, or prohibit discrimination on any other ground; or (3) requirements for Emergency School Assistance as published in 35 FR 13442 and codified as 45 CFR Part 181.

* * * * *

(c) *Supervision and coordination.* The responsible Department official may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this regulation (other than responsibility for review as provided in § 80.10(e)), including the achievements of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI and this regulation to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another Department or Agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this Department.

11. The following citations are added immediately after each of the listed sections of 45 CFR Part 80 as indicated below:

§ 80.1: (Sec. 601, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d).
§ 80.2: (Sec. 602, 604, Civil Rights Act of 1964; 78 Stat. 252, 253; 42 U.S.C. 2000d–1, 2000d–3).
§ 80.3: (Sec. 601, 602, 604, Civil Rights Act of 1964; 78 Stat. 252, 253, 42 U.S.C. 2000d, 2000d–1, 2000d–3).
§ 80.4: (Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1. Sec. 182; 80 Stat. 1209; 42 U.S.C. 2000d–5).
§ 80.5: (Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1).
§ 80.6: (Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1).
§ 80.7: (Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1).
§ 80.8: (Sec. 601, 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d, 2000d–1. Sec. 182, 80 Stat. 1209; 42 U.S.C. 2000d–5).
§ 80.9: (Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d–1).
§ 80.10: (Sec. 602, Civil Rights Act of 1964; 78 Stat. 252, 42 U.S.C. 2000d–1).
§ 80.11 (Sec. 603, Civil Rights Act of 1964; 78 Stat. 253; 42 U.S.C. 2000d–2).
§ 80.12: (Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d–1).
§ 80.13: (Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d–1).

Effective date. This amendment shall become effective August 6, 1973.

Dated: August 8, 1972.

[SEAL] ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

APPENDIX A

FEDERAL FINANCIAL ASSISTANCE TO WHICH THESE REGULATIONS APPLY

Part 1. Assistance other than for State-Administered Continuing Programs

1. Loans for acquisition of equipment for academic subjects, and for minor remodeling (20 U.S.C. 445).
2. Construction of facilities for institutions of higher education (20 U.S.C. 701–758).
3. School Construction in federally-affected and in major disaster areas (20 U.S.C. 631–647).
4. Construction of educational broadcast facilities (47 U.S.C. 390–399).
5. Loan service of captioned films and educational media; research on, and production and distribution of, educational media for the handicapped, and training of persons in the use of such media for the handicapped (20 U.S.C. 1452).
6. Demonstration residential vocational education schools (20 U.S.C. 1321).
7. Research and related activities in education of handicapped children (20 U.S.C. 1441).
8. Educational research, dissemination and demonstration projects; research training; and construction under the Cooperation Research Act (20 U.S.C. 331–332(b)).
9. Research in teaching modern foreign languages (20 U.S.C. 512).
10. Training projects for manpower development and training (42 U.S.C. 2601, 2602, 2610a–2610c).
11. Research and training projects in Vocational Education (20 U.S.C. 1281(a), 1282–1284).
12. Allowances to institutions training NDEA graduate fellows (20 U.S.C. 461–465).
13. Grants for training in librarianship (20 U.S.C. 1031–1033).
14. Grants for training personnel for the education of handicapped children (20 U.S.C. 1431).
15. Allowances for institutions training teachers and related educational personnel in elementary and secondary education, or post-secondary vocational education (20 U.S.C. 1111–1116).
16. Recruitment, enrollment, training and assignment of Teacher Corps personnel (20 U.S.C. 1101–1107a).
17. Operation and maintenance of schools in Federally-affected and in major disaster areas (20 U.S.C. 236–241; 241–1; 242–244).
18. Grants or contracts for the operation of training institutes for elementary or secondary school personnel to deal with special educational problems occasioned by desegregation (42 U.S.C. 2000c–3).
19. Grants for in-service training of teachers and other schools personnel and employment of specialists in desegregation problems (42 U.S.C. 2000c–4).
20. Higher education students loan program (Title II, National Defense Education Act, 20 U.S.C. 421–429).
21. Educational Opportunity grants and assistance for State and private programs of low-interest insured loans and State loans to students in institutions of higher education (Title IV, Higher Education Act of 1965, 20 U.S.C. 1061–1087).
22. Grants and contracts for the conduct of Talent Search, Upward Bound, and Special Services Programs (20 U.S.C. 1068).
23. Land-grant college aid (7 U.S.C. 301–308; 321–326; 328–331).
24. Language and area centers (Title VI, National Defense Education Act, 20 U.S.C. 511).
25. American Printing House for the Blind (20 U.S.C. 101–105).
26. Future Farmers of America (36 U.S.C. 271–391) and similar programs.
27. Science clubs (P.L. 85–875, 20 U.S.C. 2, note).
28. Howard University (20 U.S.C. 121–129).
29. Gallaudet College (31 D.C. Code, Ch. 10).
30. Establishment and operation of a model secondary school for the deaf by Gallaudet College (31 D.C. Code 1051–1053; 80 Stat. 1027–1028).
31. Faculty development programs, workshops and institutes (20 U.S.C. 1131–1132).
32. National Technical Institute for the Deaf (20 U.S.C. 681–685).
33. Institutes and other programs for training educational personnel (Parts D, E & F, Title V, Higher Education Act of 1965) (20 U.S.C. 1119–1119c–4).
34. Grants and contracts for research and demonstration projects in librarianship (20 U.S.C. 1034).
35. Acquisition of college library resources (20 U.S.C. 1021–1028).
36. Grants for strengthening developing institutions of higher education (20 U.S.C. 1051–1054); National Fellowships for teaching at developing institutions (20 U.S.C. 1055), and grants to retired professors to teach at developing institutions (20 U.S.C. 1056).
37. College Work-Study Program (42 U.S.C. 2751–2757).
38. Financial assistance for acquisition of higher education equipment, and minor remodeling (20 U.S.C. 1121–1129).
39. Grants for special experimental demonstration projects and teacher training in adult education (20 U.S.C. 1208).
40. Grant programs for advanced and undergraduate international studies (20 U.S.C. 1171–1176; 22 U.S.C. 2452(b)).
41. Experimental projects for developing State leadership or establishment of special services (20 U.S.C. 865).
42. Grants to and arrangements with State educational and other agencies to meet special educational needs of migratory children of migratory agricultural workers (20 U.S.C. 241e(c)).
43. Grants by the Commissioner of Education to local educational agencies for supplementary educational centers and services; guidance, counseling, and testing (20 U.S.C. 841–844; 844b).
44. Resource centers for improvement of education of handicapped children (20 U.S.C. 1421) and centers and services for deaf-blind children (20 U.S.C. 1422).
45. Recruitment of personnel and dissemination of information on education of handicapped (20 U.S.C. 1433).
46. Grants for research and demonstrations relating to physical education or recreation for handicapped children (20 U.S.C. 1442) and training of physical educators and recreation personnel (20 U.S.C. 1434).
47. Dropout prevention projects (20 U.S.C. 887).
48. Bilingual education programs (20 U.S.C. 880b–880b–6).
49. Grants to agencies and organizations for Cuban refugees (22) U.S.C. 2601(b)(4).
50. Grants and contracts for special programs for children with specific learning disabilities including research and related activities, training and operating model centers (20 U.S.C. 1461).
51. Curriculum development in vocational and technical education (20 U.S.C. 1391).
52. Establishment, including construction, and operation of a National Center on Educational Media and Materials for the Handicapped (20 U.S.C. 1453).
53. Grants and contracts for the development and operation of experimental preschool and early education programs for handicapped (20 U.S.C. 1423).
54. Grants to public or private non-profit agencies to carry on the Follow Through Program in kindergarten and elementary schools (42 U.S.C. 2809 (a)(2)).
55. Grants for programs of cooperative education and grants and contracts for training and research in cooperative education (20 U.S.C. 1087a–1087c).
56. Grants and contracts to encourage the sharing of college facilities and resources (network for knowledge) (20 U.S.C. 1133–1133b).
57. Grants, contracts, and fellowships to improve programs preparing persons for public service and to attract students to public service (20 U.S.C. 1134–1134b).
58. Grants for the improvement of graduate programs (20 U.S.C. 1135–1135c).
59. Contracts for expanding and improving law school clinical experience programs (20 U.S.C. 1136–1136b).
60. Exemplary programs and projects in vocational education (20 U.S.C. 1301–1305).
61. Grants to reduce borrowing cost for construction of residential schools and dormitories (20 U.S.C. 1323).
62. Project grants and contracts for research and demonstration relating to new or improved health facilities and services (sec. 304, PHS Act, 42 U.S.C. 242b).
63. Grants for construction or modernization of emergency rooms of general hospitals (Title VI, Part C, PHS Act, 42 U.S.C. 291j).
64. Institutional and special projects grants to schools of nursing (sections 805–808, PHS Act, 42 U.S.C. 296d–296g).
65. Grants for construction and initial staffing of facilities for prevention and treatment of alcoholism (sec. 241–2, Community Mental Health Centers Act (42 U.S.C. 2688 f and g).
66. Grants for construction and initial staffing of specialized facilities for the treatment of alcoholics requiring care in such facilities (sec. 243, Community Mental Health Centers Act, 42 U.S.C. 2688h).
67. Special project grants for training programs, evaluation of existing treatment programs, and conduct of significant programs relating to treatment of alcoholics (sec. 246, Community Mental Health Centers Act, 42 U.S.C. 2688j–1).
68. Grants for construction and initial staff of treatment facilities for narcotic addicts (sec. 251, Community Mental Health Centers Act, 42 U.S.C. 2688m).
69. Special project grants for training programs, evaluation of existing treatment programs, and conduct of significant programs relating to treatment of narcotics addicts (sec. 252, Community Mental Health Centers Act, 42 U.S.C. 2688n–1).
70. Grants for consultation services for Community Mental Health Centers, alcoholism prevention and treatment facilities for narcotic addicts, and facilities for mental health of children (sec. 264, Community Mental Health Centers Act, 42 U.S.C. 2688r).
71. Grants for construction and initial staff of facilities for mental health of children (sec. 271, Community Mental Health Centers Act, 42 U.S.C. 2688u).
72. Special project grants for training programs and evaluation of existing treatment program relating to mental health of children (sec. 272, Community Mental Health Centers Act, 42 U.S.C. 2688x).
73. Grants and loans for construction and modernization of medical facilities in the District of Columbia (P.L. 90–457; 82 Stat. 631–3).
74. Teaching facilities for nurse training (secs. 801–804, Public Health Service Act, 42 U.S.C. 296–296c).
75. Teaching facilities for allied health professions personnel (sec. 791, Public Health Service Act, 42 U.S.C. 295h).
76. Mental retardation research facilities (Title VI, Part D, Public Health Service Act, 42 U.S.C. 295–395e).
77. George Washington University Hospital construction (76 Stat. 83, P.L. 87–460, May 31, 1962).
78. Research projects, including conferences, communication activities and primate or other center grants (secs. 301, 303, 304, and 308, Public Health Service Act, 42 U.S.C. 241, 242a, 242b, and 242f).
79. General research support (sec. 301(d), Public Health Service Act, 42 U.S.C. 241).
80. Mental health demonstrations and administrative studies (sec. 303(a)(2), Public Health Service Act, 42 U.S.C. 242a).
81. Migratory workers health services (sec. 310, Public Health Service Act, 42 U.S.C. 242h).
82. Immunization programs (sec. 317, Public Health Service Act, 42 U.S.C. 247b).
83. Health research training projects and fellowship grants (secs. 301, 433, Public Health Service Act, 42 U.S.C. 242, 289c).
84. Categorical (heart, cancer, etc.) grants for training, traineeships or fellowships (secs. 303, 433, etc., Public Health Service Act, 42 U.S.C. 242a, 289c, etc.).
85. Advanced professional nurse traineeships (sec. 821, Public Health Service Act, 42 U.S.C. 297).
86. Department projects under Appalachian Regional Development Act (40 U.S.C. App. A).
87. Grants to institutions for traineeships for professional public health personnel (sec. 306, Public Health Service Act, 42 U.S.C. 242d).
88. Grants for graduate or specialized training in public health (sec. 309, Public Health Service Act, 42 U.S.C. 242g).
89. Health professions school student loan program (Title VII, Part C, Public Health Service Act, 52 U.S.C. 294–294(k)).
90. Grants for provision in schools of public health of training, consultation and technical assistance in the field of public health and in the administration of state or local public health programs (sec. 309(c)), Public Health Service Act, 42 U.S.C. 242(g)(c)).
91. Project grants for training, studies, or demonstrations looking metropolitan area, or other local area plans for health services (sec. 314(c), Public Health Service Act, 42 U.S.C. 246(c)).
92. Project grants for training, studies, or demonstrations looking toward the development of improved comprehensive health planning (sec. 314(c), Public Health Service Act, 42 U.S.C. 246(c)).
93. Project grants for health services development (sec. 314(e), Public Health Service Act, 42 U.S.C. 246(e)).
94. Institutional and special grants to health professions schools (Title VII, Part E, Public Health Service Act, 42 U.S.C. 295f–295f–4).
95. Improvement grants to centers for allied health professions (sec. 792, Public Health Service Act, 42 U.S.C. 295h–1).
96. Scholarship grants to health professions schools (Title VII, Part F, Public Health Service Act, 42 U.S.C. 295h–1).
97. Scholarship grants to schools of nursing (Title VIII, Part D, Public Health Service Act, 42 U.S.C. 298c–298c–6).
98. Traineeships for advanced training of allied health professions personnel (sec. 793, Public Health Service Act, 42 U.S.C. 295h–2).
99. Contracts to encourage full utilization of nursing educational talent (sec. 868, Public Health Service Act, 42 U.S.C. 298c–7).
100. Grants to community mental health centers for the compensation of professional and technical personnel for the initial operation of new centers or of new services in centers (Community Mental Health Centers Act, Part B, 42 U.S.C. 2688–268Bd).
101. Grants for the planning, construction, equipment and operation of multicounty demonstration health projects in the Appalachian region (sec. 202 of Appalachian Regional Development Act, P.L. 89–4, as amended, P.L. 90–103 40 U.S.C. App. 202).
102. Education, research, training, and demonstrations in the fields of heart disease, cancer, stroke and related diseases (secs. 900–110, Public Health Service Act, 42 U.S.C. 299a–j).
103. Assistance to medical libraries (secs. 390–399, Public Health Service Act, 42 U.S.C. 280b–280b–9).
104. Nursing student loans (secs. 822–828, Public Health Service Act, 42 U.S.C. 297a–g).
105. Hawaii leprosy payments (sec. 331, Public Health Service Act, 42 U.S.C. 255).
106. Heart disease laboratories and related facilities for patient care (sec. 412(d), Public Health Service Act, 42 U.S.C. 287a(d)).
107. Grants for construction of hospitals serving Indians (P.L. 85–151, 42 U.S.C. 2005).
108. Indian Sanitation Facilities (P.L. 86–121, 42 U.S.C. 2004a).
109. Research projects relating to maternal and child health services and crippled children's services (42 U.S.C. 712).
110. Maternal and child health special project grants to State agencies and institutions of higher learning (42 U.S.C. 703(2)).
111. Maternity and infant care and family planning services; special project grants to local health agencies and other organizations (42 U.S.C. 708).
112. Special project grants to State agencies and institutions of higher learning for crippled children's services (42 U.S.C. 704(2)).
113. Special project grants for health of school and preschool children (42 U.S.C. 709) and for dental health of children (42 U.S.C. 710).
114. Grants to institutions of higher learning for training personnel for health care and related services for mothers and children (42 U.S.C. 711).
115. Grants and contracts for the conduct of research, experiments, or demonstrations relating to the development, utilization, quality, organization, and financing of services, facilities, and resources of hospitals, long-term care facilities, or other medical facilities (sec. 304, Public Health Service Act, as amended by P.L. 90–174, 42 U.S.C. 242b).
116. Health research facilities (Title VII Part A, Public Health Service Act, 42 U.S.C. 292–292j).
117. Teaching facilities for health professions personnel (Title VII, Part B, Public Health Service Act, 42 U.S.C. 293–293h).
118. Project grants and contracts for research, development, training, and studies in the field of electronic product radiation (Sec. 356, Public Health Service Act, 42 U.S.C. 263d).
119. Project grants and contracts for research, studies, demonstrations, training,

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and education relating to coal mine health (sec. 501, Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173.).

120. Surplus real and related personal property disposal (40 U.S.C. 484(k)).

121. Supplementary medical insurance benefits for the aged (Title XXIII, Part B, Social Security Act, 42 U.S.C. 1395j-1395w).

122. Issuance of rent-free permits for vending stands, credit unions, employee associations, etc. (20 U.S.C. 107-107f; 45 C.F.R. Part 20; sec. 25, 12 U.S.C. 1770).

123. Grants for special vocational rehabilitation projects (29 U.S.C. 34(a)(1)).

124. Experimental, pilot or demonstration projects to promote the objectives of Title I, X, XIV, XVI, or XIX or Part A of Title IV of the Social Security Act (42 U.S.C. 1315).

125. Social Security and welfare coopcrative research or demonstration projects (42 U.S.C. 1310).

126. Child welfare research, training, or demonstration projects (42 U.S.C. 625).

127. Training projects (Title VI, Older Americans Act, 42 U.S.C. 3041-3042).

128. Grants for expansion of vocational rehabilitation services (29 U.S.C. 34(a)(2)(A)).

129. Grants for construction of rehabilitation facilities (29 U.S.C. 41a(a)-(e)) and for initial staffing of rehabilitation facilities (29 U.S.C. 41a(f)).

130. Project development grants for rehabilitation facilities (29 U.S.C. 41a(g)(2)).

131. Rehabilitation Facility improvement grants (29 U.S.C. 41b(b)).

132. Agreement for the establishment and operation of a national center for deaf-blind youths and adults (29 U.S.C. 42a).

133. Project grants for services for migratory agricultural workers (29 U.S.C. 42b).

134. Grants for initial staffing of community mental retardation facilities (42 U.S.C. 2678-2678d).

135. Grants for training welfare personnel and for expansion and development of undergraduate and graduate social work programs (42 U.S.C. 906, 908).

136. Research and development projects concerning older Americans (42 U.S.C. 3031-3032).

137. Grants to States for training of nursing home administrators (42 U.S.C. 1396g (e)).

138. Contracts or jointly financed cooperative arrangements with industry (29 U.S.C. 34(a)(2)(B)).

139. Project grants for new careers in rehabilitation (29 U.S.C. 34(a)(2)(C)).

140. Children of low-income families (20 U.S.C. 241a-241m).

141. Grants for training (29 U.S.C. 37(a)(2)).

142. Grants for projects for training services (29 U.S.C. 41b(a)).

143. Grants for comprehensive juvenile delinquency planning (42 U.S.C. 3811).

144 Grants for project planning in juvenile delinquency (42 U.S.C. 3812).

145. Grants for juvenile delinquency rehabilitative services projects (42 U.S.C. 3822, 3842).

146. Grants for juvenile delinquency preventive service projects (42 U.S.C. 3861).

147. Grants for training projects in juvenile delinquency fields (42 U.S.C. 3861).

148. Grants for development of improved techniques and practices in juvenile delinquency services (42 U.S.C. 3871).

149. Grants for technical assistance in juvenile delinquency services (42 U.S.C. 3872).

150. Grants for State technical assistance to local units in juvenile delinquency services (42 U.S.C. 3873).

151. Grants for public service centers projects (42 U.S.C. 2744).

152. Grants to public or private non-profit agencies to carry on the Project Headstart Program (42 U.S.C. 2809(a)(1)).

153. Project grants for new careers for the handicapped (29 U.S.C. 34(a)(2)(D)).

154. Construction, demonstration, and training grants for university-affiliated facilities for persons with developmental disabilities (42 U.S.C. 2661-2666).

Part 2. Continuing Assistance to State Administered Programs

1. Grants to States for public library services and construction, interlibrary cooperation and specialized State library services for certain State institutions and the physically handicapped (20 U.S.C. 351-355).

2. Grants to States for strengthening instruction in academic subjects (20 U.S.C. 441-444).

3. Grants to States for vocational education (20 U.S.C. 1241-1264).

4. Arrangements with State education agencies for training under the Manpower Development and Training Act (42 U.S.C. 2601-2602, 2610a).

5. Grants to States to assist in the elementary and secondary education of children of low-income families (20 U.S.C. 241a-241m).

6. Grants to States to provide for school library resources, textbooks and other instructional materials for pupils and teachers in elementary and secondary schools (20 U.S.C. 821-827).

7. Grants to States to strengthen State departments of education (20 U.S.C. 861-870).

8. Grants to States for community service programs (20 U.S.C. 1001-1011).

9. Grants to States for adult basic education and related research, teacher training and special projects (20 U.S.C. 1201-1211).

10. Grants to State educational agencies for supplementary educational centers and services, and guidance, counseling and testing (20 U.S.C. 841-847).

11. Grants to States for research and training in vocational education (20 U.S.C. 1281(b)).

12. Grants to States for exemplary programs and projects in vocational education (20 U.S.C. 1301-1305).

13. Grants to States for residential vocational education schools (20 U.S.C. 1321).

14. Grants to States for consumer and homemaking education (20 U.S.C. 1341).

15. Grants to States for cooperative vocational education program (20 U.S.C. 1351-1355).

16. Grants to States for vocational work-study programs (20 U.S.C. 1371-1374).

17. Grants to States to attract and qualify teachers to meet critical teaching shortages (20 U.S.C. 1108-1110c).

18. Grants to States for education of handicapped children (20 U.S.C. 1411-1414).

19. Grants for administration of State plans and for comprehensive planning to determine construction needs of institutions of higher education (20 U.S.C. 715(b)).

20. Grants to States for comprehensive health planning (sec. 314(a), Public Health Service Act, 42 U.S.C. 246(a)).

21. Grants to States for establishing and maintaining adequate public health services (sec. 314(d), Public Health Service Act, 42 U.S.C. 246(d)).

22. Grants, loans, and loan guarantees with interest subsidies for hospital and medical facilities (Title VI, Public Health Service Act, 42 U.S.C. 291 et seq.).

23. Grants to States for community mental health centers construction (Community Mental Health Centers Act, Part A, 42 U.S.C. 2681-2687).

24. Cost of rehabilitation services (Title II, Social Security Act sec. 222(d); 42 U.S.C. 422(d)).

25. Surplus personal property disposal donations for health and educational purposes through State agencies (40 U.S.C. 484(j)).

26. Grants for State and community programs on aging (Title III, Older Americans Act, 42 U.S.C. 3021-3025).

27. Grants to States for planning, provision of services, and construction and operation of facilities for persons with developmental disabilities (42 U.S.C. 2670-2677c).

28. Grants to States for vocational rehabilitation services (29 U.S.C. 32); for innovation of vocational rehabilitation services (29 U.S.C. 33); and for rehabilitation facilities planning (29 U.S.C. 41a(g)(1)).

29. Designation of State licensing agency for blind operators of vending stands (20 U.S.C. 107-107f).

30. Grants to States for old-age assistance (42 U.S.C. 301 et seq.); aid to families with dependent children (42 U.S.C. 601 et seq.); child-welfare services (42 U.S.C. 620 et seq.); aid to the blind (42 U.S.C. 1201 et seq.); aid to the permanently and totally disabled (42 U.S.C. 1351 et seq.); aid to the aged, blind, or disabled (42 U.S.C. 1381 et seq.); medical assistance (42 U.S.C. 1396 et seq.).

31. Grants to States for maternal and child health and crippled children's services (42 U.S.C. 701-707); for special projects for maternal and infant care (42 U.S.C. 708).

32. Grants to States for juvenile delinquency preventive and rehabilitative services (42 U.S.C. 3841).

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CHAPTER VI—NATIONAL SCIENCE FOUNDATION

PART 611—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE NATIONAL SCIENCE FOUNDATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

1. Section 611.3 is amended as follows:

a. A new subparagraph (3) is added to paragraph (b), and existing subparagraphs (3) and (4) are to be renumbered (4) and (5).

b. A new subparagraph (6) is added to paragraph (b).

c. Paragraph (c)(3) is revised to read as follows.

d. New paragraph (c)(4) is added.

As amended, § 611.3 reads as follows:

§ 611.3 Discrimination prohibited.

• • • • • •

(b) • • •

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

• • • • • •

(6) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments

which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) • • •

(3) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(4) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of the foregoing subparagraph of this paragraph (c) shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

• • • • •

2. Section 611.4 is amended as follows:

a. Paragraph (a)(1) is amended to delete the existing second and third sentences and insert in lieu thereof the following:

b. Paragraph (a)(2) is revised to read as follows:

c. Paragraph (b) is amended to delete the term "Commissioner of Education" and insert in lieu thereof "the responsible Official of the Department of Health, Education, and Welfare".

As amended, § 611.4 reads, as follows:

§ 611.4 Assurances required.

(a) *General.* (1) • • • In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. • • •

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Foundation to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Foundation official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the responsible Foundation official may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

• • • • • •

3. Section 611.5 is amended to add subparagraphs 6 and 7 as follows:

§ 611.5 Illustrative applications.

• • • • • •

6. In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 611.6(d) to provide information as to the availability of the program or activity, and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example, of special arrangements for obtaining referrals which will insure that groups previously subjected to discrimination are adequately served but not the establishment of discriminatory qualifications for participation in any program.

7. Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

4. Section 611.8(d) is amended by deleting the phrase following number 2 and renumbering 3 to 2.

5. Section 611.9 is amended as follows:

a. Paragraph (b) is amended to delete citation of the Administrative Procedure Act and insert in lieu thereof "5 U.S.C. 3105 and 3344".

b. Paragraph (d) is amended to delete the citation of the Administrative Procedure Act and insert in lieu thereof "5 U.S.C. 554-557".

6. Section 611.10 is amended by adding a new paragraph (g) as follows:

§ 611.10 Decisions and notices.

(g) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Foundation official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Foundation official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Foundation official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Foundation official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

6. Section 611.12 is amended as follows:

a. Paragraph (a) is amended to delete the existing last sentence and insert in lieu thereof the following:

b. Paragraph (c) is amended to add thereto the following:

§ 611.12 Effect on other regulations; forms and instructions.

(a) • • • Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 and regula-

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tions issued thereunder, or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

* * * * * *

(c) * * * Any action taken, determination made, or requirement imposed by an official of another Department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

7. Appendix A is deleted and the following substituted therefor:

APPENDIX A

Statutory Provisions under which the National Science Foundation provides Federal financial assistance:

The National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875).
Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879).
The National Sea Grant College and Program Act of 1966 (80 Stat. 998) [1]

H. GUYFORD STEVER,
Director.

[FR Doc.73-13303 Filed 7-3-73;8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1010—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE OFFICE OF ECONOMIC OPPORTUNITY EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The proposed amendments to Part 1010 of Chapter X of Title 45 of the Code of Federal Regulations, as published in the FEDERAL REGISTER, 36 FR 23502, December 9, 1971, are adopted with the following changes:

1. Section 1010.3(a) is revised to read as set forth below.

2. In § 1010.4(b) subparagraph (1) is amended by adding a new subdivision (vii), and subparagraph (6) is revised. As amended, § 1010.4 reads as set forth below.

3. Section 1010.7(b) is amended by adding a new sentence. As revised, § 1010.7 reads as set forth below.

4. In §1010.8 the reference in paragraph (b) to "90 days" is corrected to read "180 days".

5. Appendix A is revised to read as set forth below.

PHILLIP V. SANCHEZ,
Director.

Chapter X now reads as follows:

Sec.
1010.1 Purpose.
1010.2 Definitions.
1010.3 Application of this part.
1010.4 Discrimination prohibited.
1010.5 Assurances required.
1010.6 Illustrative applications.
1010.7 Compliance information.
1010.8 Conduct of investigation.
1010.9 Procedure for effecting compliance.
1010.10 Hearings.
1010.11 Decisions and notices.
1010.12 Judicial review.
1010.13 Effect on other regulations; forms and instructions.

AUTHORITY: Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d–1; and sec. 602, 78 Stat. 528; 42 U.S.C. 2942.

§ 1010.1 Purpose.

The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Office of Economic Opportunity.

§ 1010.2 Definitions.

As used in this part—

(a) The term "Office" means the Office of Economic Opportunity, and includes all of its organizational units.

(b) The term "Director" means the Director of the Office of Economic Opportunity.

(c) The term "responsible Office official" with respect to any program receiving Federal financial assistance means the Director or other official of the Office who by law or by delegation has the principal responsibility within the Office for the administration of the law extending such assistance.

(d) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(e) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient thereof, but such term does not include any ultimate beneficiary under any such program.

(i) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(j) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Office official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means any such application, request, or plan.

§ 1010.3 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a provision of law administered by the Office, including the federally assisted programs and activities listed in Appendix A of this part. This part applies to money paid, property transferred, or other federal financial assistance extended under any such program after January 7, 1965 pursuant to an application approved prior to such date. This part does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program, before January 7, 1965, (3) any assistance to any individual who is the ultimate beneficiary under any such program, (4) any employment practice, under any such program, of any employer, employment agency or labor organization, except to the extent described in § 1010.4. Any action or inaction on the part of a recipient which is a direct violation of the Economic Opportunity Act of 1964, will be dealt with under regulations enacted pursuant to such Act. The fact that a program or activity is not listed in Appendix A shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be covered by this part after notice is published in the FEDERAL REGISTER.

(b) The regulations issued by the Department of Agriculture pursuant to Title VI of the Act (7 CFR Part 15) shall be applicable to the program of grants and loans authorized under Title III, Part A of the Economic Opportunity Act of 1964, as amended.

(c) The regulations issued by the Department of Labor pursuant to Title VI of the Act (29 CFR Part 31) shall be applicable to the work-training programs authorized under Title I, Part B of the Economic Opportunity Act of 1964, as amended, and to the Special Work and Career Development Programs authorized under Title I, Part E of the Economic Opportunity Act of 1964, as amended, and to the extent determined by that Department, to the Jobs Corps Program under Title I, Part A.

(d) The regulations issued by the Department of Health, Education, and Welfare pursuant to Title VI of the Act (45 CFR Part 80) shall be applicable to the work experience programs authorized under Title V, Part A of the Economic Opportunity Act of 1964, as amended, and shall be applicable to the "Project Head Start" authorized under Title II, and to the "Follow Through" Program authorized under Title II, of the Economic Opportunity Act of 1964, as amended.

(e) The regulations issued by the Small Business Administration pursuant to Title VI of the Act (13 CFR Part 112) shall be applicable to the program of employment and investment incentives authorized under Title IV of the Economic Opportunity Act of 1964, as amended.

§ 1010.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin;

(i) Deny an individual any services, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program, including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient in determining the type of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, an applicant or recipient may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination. Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color or national origin.

(c) *Employment practices.* Where a primary objective of the Federal financial assistance to a program or part thereof to which this part applies is to provide employment, a recipient may not (directly or through contractual or other arrangements) subject an individual to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities), including programs where a primary objective of the Federal financial assistance is (1) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs, (2) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training, or (3) to provide work experience which contributes to the education or training of such individuals. The following programs administered by the Office have one of the above objectives as a primary objective:

(i) Community Action Programs or parts thereof which have as a primary objective the provision of employment.

(ii) Programs of assistance for migrant, and other seasonally employed, agricultural employees and their families which have as a primary objective the provision of employment.

The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive Order which supersedes it. Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this part applies, the provisions of the foregoing paragraph (c) shall apply to the employment practices of the re-

[1] Functions to be transferred to the National Oceanic and Atmospheric Administration, Department of Commerce, under Reorganization Plan No. 4 of 1970.

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cipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Indian programs.* An individual shall not be deemed subjected to discrimination by reason of his exclusion from the benefits of a program limited by Federal law to individuals of a particular race, color, or national origin different from his.

(e) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health, and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

§ 1010.5 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part, and that the applicant will in all phases and levels of programs and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation. In the case where Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extented or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. The responsible office official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, which was acquired with Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. Where no transfer of property is involved, but property is acquired or improved with Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Office to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Office official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Director may agree, upon request of the transfeee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of General Services (41 CFR 101-6.2).

(b) *Elementary and Secondary schools.* In the case of any program for the benefit of elementary or secondary school students which, as a necessary part of such program, utilizes to a substantial extent the facilities of an elementary or secondary school or school system, the requirements of paragraph (a) of this section shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time, and provides reasonable assurance that it will carry out such plan. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order including any future modification of such order. The provisions of this paragraph do not apply to programs for pre-school children.

(c) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, for a student loan program, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the institution establishes, to the satisfaction of the responsible Office official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 1010.6 Illustrative applications.

The following examples illustrate some applications of the foregoing provisions to programs receiving Federal financial assistance administered by the Office of Economic Opportunity. In all cases, the "discrimination" prohibited is discrimination on the grounds of race, color, or national origin prohibited by Title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.

(a) *Community action programs.* Community action programs generally consist of a number of related antipoverty programs coordinated by a central community agency, either public or private non-profit. There can be no discrimination in the formulation of groups to conduct any program funded under Title II of the Economic Opportunity Act of 1964, as amended. Nor can any such program be operated in a discriminatory manner. Such a program must be open to all regardless of race, color, or national origin, and must distribute its benefits in a non-discriminatory manner. It may not restrict service to members of a group or groups if membership in the group depends on race, color, or national origin.

(b) *Programs in elementary or secondary schools.* In the case of a program covered by this part which benefits elementary or secondary school students and which is necessarily conducted in a school regularly attended by the participaitng students, the program must be run on a non-discriminatory basis, or else the school system must give assurance that it is complying with a federal court order or a plan approved by the responsible official of the Department of Health, Education, and Welfare leading to the desegregation of the school system. If, however students do not participate in such a program in the schools they regularly attend, or if the use of school facilities is incidental to the program or not necessary to its conduct, the program must be run on a non-discriminatory basis and the assurance specified in § 1010.5(a) must be given, whether or not there is a court order or approved plan with respect to the school system. This is the case in any program for pre-school children.

(c) *Institutions of higher education.* In any research, training, demonstration, or other grant from the Office to a university for a program to be conducted in a college or university, discrimination in the admission and treatment of students in the program is prohibited, and the prohibition extends to the entire university unless it satisfies the responsible Office official that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the program.

§ 1010.7 Compliance information.

(a) *Cooperation and assistance.* Each responsible Office official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part, and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Office official or his designee timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Office official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, primary recipients and other recipients should have available for the responsible Office official or his designee racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Office official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner as the responsible Office official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 1010.8 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Office official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Office official or his designee a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Office official or his designee.

(c) *Investigations.* The responsible Office official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Office official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1010.9.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of his section, the responsible Office official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1010.9 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1010.5.* If an applicant fails or refuses to furnish an assurance under § 1010.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Office shall not be required to provide assistance in such a case during pendency of the administrative proceedings under such paragraph.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Office official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Director pursuant to § 1010.11(e), and (4) the expiration of 30 days after the Director has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with

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Title VI of the Act by any other means authorized by law shall be taken until (1) the responsible office official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 1010.10 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1010.9(c), reasonable notice of such hearing shall be given by registered or certified mail, return receipt requested to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Office official that the matter be scheduled for hearing, or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this subsection or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 1010.9(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held in Washington, D.C., at a time and place fixed by the responsible Office official unless he determines that the convenience of the applicant or recipient or of the Office requires that another place be selected. Hearings shall be held before the responsible Office official, or at his discretion, before a hearing examiner designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Office shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any review thereof shall be conducted in conformity with 5 U.S.C. 554–557, (sections 5–8 of the Administrative Procedure Act) and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Office and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence unless dispensed with by stipulation. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Director may, by agreement with such other departments or agencies, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 1010.11.

§ 1010.11 Decisions and notices.

(a) *Decision by person other than the responsible Office official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make any initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Office official for a final decision and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Office official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Office official may, on his own motion, within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review, the responsible Office official shall review the initial decision and issue his own decision thereon, including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Office official.

(b) *Decisions on record or review by the responsible Office official.* Whenever a record is certified to the responsible Office official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Office official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Office official shall be given in writing to the applicant or recipient, and the complainant, if any.

(c) *Decisions on record where hearing is waived.* Whenever a hearing is waived pursuant to § 1010.10(a), a decision shall be made by the responsible Office official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Office official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Director.* Any final decision of a responsible Office official (other than the Director) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part of the Act, shall promptly be transmitted to the Director, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Office official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Office official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible Office official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Office official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Office official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1010.12 Judicial review.

Any action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1010.13 Effect on other regulations; forms and instructions.

(a) Nothing in this part shall be deemed to supersede (1) Executive Orders 10925, 11114 and 11246 and regulations issued thereunder, or (2) any other regulations or instructions insofar as they prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Office official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Director may, from time to time, assign to officials of other departments or agencies of the Government (with the consent of such department or agency) responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 1010.11), including the achievement of effective coordination and maximum uniformity within the Office and within the Executive Branch of the Government in the application of Title VI and this part to similar programs in similar situations. Any action taken, determination made, or requirements imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

APPENDIX A—FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES

Federal Financial assistance provided under the following provisions of the Economic Opportunity Act of 1964 are now administered by the Office and covered by this part:

Section 113(b) and 113(c) (Experimental and Developmental Projects Relating to Job Corps).

Title I, Part D (Special Impact Programs).

Title II, except Head Start and Follow Through Programs.

Title III, Part B (Assistance for Migrant and Other Seasonally Employed, Farmworkers and Their Families).

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CHAPTER XI—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PART 1110—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Part 1110 reads as follows:

Sec.
1110.1 Purpose.
1110.2 Application of part.
1110.3 Discrimination prohibited.
1110.4 Assurances required.
1110.5 Illustrative applications.
1110.6 Compliance information.
1110.7 Conduct of investigations.
1110.8 Procedure for effecting compliance.
1110.9 Hearings.
1110.10 Decisions and notices.
1110.11 Judicial review.
1110.12 Effect on other regulations; forms and instructions.
1110.13 Definitions.

AUTHORITY: The provisions of this Part 1110 issued under sec. 602, 78 Stat. 252 and sec. 10(a)(1), 79 Stat. 852.

§ 1110.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the National Endowment for the Arts or the National Endowment for the Humanities.

§ 1110.2 Application of part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the National Endowment for the Arts or the National Endowment for the Humanities including the federally assisted programs and activities listed in Appendix A of this part. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of the part, including assistance pursuant to an application approved prior to such date. It also applies to federal financial assistance extended to any such program prior to the effective date of this part under a contract or grant where the term of the contract or grant continues beyond such date or where the assistance was to provide real or personal property and the recipient or his transferee continues to use or retain ownership or possession of the property (see § 1110.4 (a)(1)). This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contract, (b) any assistance to any individual who is the ultimate beneficiary under any such program, or (c) any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 1110.3. The fact that a program or activity is not listed in Appendix A shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

§ 1110.3 Discrimination prohibited.

(a) *General.* No person in the United States shall, on grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected, to discrimination under any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the types of services, financial aid, or other

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benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this regulation.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph and paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(6) This regulation does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this regulation applies the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of the Federal financial assistance to a program to which this part applies is to provide employment, a recipient may not directly or through contractual or other arrangements subject an individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising employment, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation and use of facilities), including programs where a primary objective of the Federal financial assistance is (i) to assist such individuals through employment to meet expenses incident to the commencement or continuation of their education or training or (ii) to provide work experience which contributes to the education or training of such individuals or (iii) to reduce the unemployment of such individuals or to help them through employment to meet subsistence needs.

(2) The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Executive Order 11246 or any executive order which supersedes it.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of the foregoing subparagraph (c) shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of, beneficiaries.

(d) *Medical emergencies.* Notwithstanding the foregoing provisions of this section, a recipient of Federal financial assistance shall not be deemed to have failed to comply with paragraph (a) of this section if immediate provision of a service or other benefit to an individual is necessary to prevent his death or serious impairment of his health and such service or other benefit cannot be provided except by or through a medical institution which refuses or fails to comply with paragraph (a) of this section.

§ 1110.4 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services and benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer; and any other type or form of assistance, the assurances shall be in effect for the duration of the period during which Federal financial assistance is extended to the program. The responsible Endowment official shall specify the form of the foregoing assurances for each program and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case of real property, structures or improvements thereon, or interests therein, which was acquired through a program of Federal financial assistance, or in the case where Federal financial assistance is provided in the form of a transfer of real property or interest therein from the Federal Government, the instrument effecting or recording the transfer, shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property is involved, but property is improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. Where the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Endowment to revert title to the property in the event of a breach of the covenant where, in the discretion of the responsible Endowment official, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Chairman of the Endowment concerned may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to forbear the exercise of such right to revert title for so long as the lien of such mortgage or other encumbrance remains effective.

(3) Transfers of surplus property are subject to regulations issued by the Administrator of the General Services Administration. (41 CFR 101-6.2)

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Endowment official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

(c) *Elementary and secondary schools.* The requirements of paragraph (a) of this section with respect to any elementary or secondary school or school system shall be deemed to be satisfied if such school or school system (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, including any future modification of such order, or (2) submits a plan for the desegregation of such school or school system which the responsible official of the Department of Health, Education, and Welfare determines is adequate to accomplish the purposes of the Act and this part within the earliest practicable time and provides reasonable assurance that it will carry out such plan. In any case of continuing Federal financial assistance, the responsible official of the Department of Health, Education, and Welfare may reserve the right to redetermine, after such period as may be specified by him, the adequacy of the plan to accomplish the purposes of the Act and this part. In any case in which a final order of a court of the United States for the desegregation of such school or school system is entered after submission of such a plan, such plan shall be revised to conform to such final order, including any future modification of such order.

(d) *Assurances from institutions.* (1) In the case of any application for Federal financial assistance to an institution of higher education (including assistance for construction, for research, for a special training project, or for any other purpose), the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an institution of higher education or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, or clients of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals, shall be applicable to the entire institution unless the applicant establishes, to the satisfaction of the responsible Endowment official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought, or the beneficiaries of or participants in, such program. If in any such case the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 1110.5 Illustrative applications.

The following examples will illustrate the application of the foregoing provisions to some of the activities for which Federal financial assistance is provided by the Endowments. (In all cases the discrimination prohibited is discrimination on the ground of race, color, or national origin prohibited by title VI of the Act and this part, as a condition of the receipt of Federal financial assistance.)

(a) In a research, training, or other grant to a university for activities to be conducted in a graduate school, discrimination in the admission and treatment of students in the graduate school is prohibited, and the prohibition extends to the entire university, unless it satisfies the responsible Endowment official that practices with respect to other parts or programs of the university will not interfere, directly or indirectly, with fulfillment of the assurance required with respect to the graduate school.

(b) In cases of Federal financial assistance to elementary or secondary schools, discrimination by the recipient school district in any of its elementary or secondary schools, or by the recipient private institution, in the admission of students, or in the treatment of its students in any aspect of the educational process, is prohibited. In this and the following illustration the prohibition of discrimination in the treatment of students or other trainees includes the prohibition of discrimination among the students or trainees in the availability or use of any academic, dormitory, eating, recreational, or other facilities of the grantee or other recipient.

(c) In a training grant to a nonacademic institution, discrimination is prohibited in the selection of individuals to be trained and in their treatment by the grantee during their training. In a research or demonstration grant to such an institution, discrimination is prohibited with respect to any educational activity, any provision of medical or other services and any financial aid to individuals incident to the program.

(d) Where Federal financial assistance is provided to assist in the presentation of artistic and cultural productions to the public, assurances will be required that such productions will not be presented before any audience which has been selected on a discriminatory basis.

(e) A recipient may not take action that is calculated to bring about indirectly what this part forbids it to accomplish directly. Thus, a State, in selecting projects to be supported through a State agency, may not base its selections on criteria which have the effect of defeating or substantially impairing accomplishment of the objectives of the Federal financial assistance as respects individuals of a particular race, color, or national origin.

(f) In some situations even though past discriminatory practices have been abandoned, the consequences of such practices continue to impede the full availability of a benefit. If the efforts required of the applicant or recipient under § 1110.6(d) to provide information as to the availability of the program or activity, and the rights of beneficiaries under this regulation, have failed to overcome these consequences, it will become necessary for such applicant or recipient to take additional steps to make the benefits fully available to racial and nationality groups previously subjected to discrimination. This action might take the form, for example of special arrangements for obtaining referrals or making selections which will insure that groups previously subjected to discrimination are adequately served.

(g) Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances an applicant or recipient may properly give special consideration to race, color, or national origin to make the benefits of its program more widely available to such groups, not then being adequately served. For example, where a university is not adequately serving members of a particular racial or nationality group, it may establish special recruitment policies to make its program better known and more readily available to such group, and take other steps to provide that group with more adequate service.

§ 1110.6 Compliance information.

(a) *Cooperation and assistance.* The responsible Endowment official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Endowment official timely, complete and accurate compliance reports at such times, and in such form and containing such information, as the responsible Endowment official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Endowment official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where

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any information required of a recipient is in the exclusive possession of any other agency, institution or person and this agency, institution or person shall fail or refuse to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Endowment official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 1110.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Endowment official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible Endowment official a written complaint. A complaint must be filed not later than ninety days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Endowment official.

(c) *Investigations.* The responsible Endowment official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible Endowment official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 1110.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Endowment official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 1110.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 1110.4.* If an applicant fails or refuses to furnish an assurance required under § 1110.4 or otherwise fails to comply with that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Endowment concerned shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph, except that such Endowment shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application therefor approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Endowment official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearings, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part, (3) the action has been approved by the Chairman of the Endowment concerned, and (4) the expiration of 30 days after the Chairman has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Endowment official has determined that compliance cannot be secured by voluntary means, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with this part and to take such corrective action as may be appropriate.

§ 1110.9 Hearing.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 1110.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(1) Fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Endowment official that the matter be scheduled for hearing or

(2) Advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right of a hearing under section 602 of the Act and § 1110.8(c) of this part and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Endowment concerned in Washington, D.C., at a time fixed by the responsible Endowment official unless he determines that the convenience of the applicant or recipient or of the Endowment requires that another place be selected. Hearings shall be held before the responsible Endowment official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Endowment shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (sections 5–8 of the Administrative Procedure Act), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Endowment and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence entered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this Regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Chairman of the Endowment concerned may, by agreement with such other departments or agencies where applicable, provide for the conduct of consolidated or joint hearings and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 1110.10.

§ 1110.10 Decisions and notices.

(a) *Decision by person other than the responsible Endowment official.* If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Endowment official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner the applicant or recipient may within 30 days of the mailing of such notice of initial decision file with the responsible Endowment official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Endowment official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Endowment official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Endowment official.

(b) *Decisions on record or review by the responsible Endowment official.* Whenever a record is certified to the responsible Endowment official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Endowment official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Endowment official shall be given in writing to the applicant or recipient and to the complainant if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 1110.9(a) a decision shall be made by the responsible Endowment official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Endowment official shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Chairman.* Any final decision of a responsible Endowment official (other than the Chairman) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Chairman, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible Endowment official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation. (An elementary or secondary school or school system which is unable to file an assurance of compliance with § 1110.3 shall be restored to full eligibility to receive Federal financial assistance, if it files a court order or a plan for desegregation which meets the requirements of § 1110.4(c), and provides reasonable assurance that it will comply with this court order or plan.)

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible Endowment official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the responsible Endowment official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible Endowment official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes such official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the responsible Endowment official. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 1110.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 1110.12 Effect on other regulations; forms and instructions.

(a) *Effects on other regulations.* Nothing in this part shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 10925, 11114, and 11246, and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder or any other regulations or instructions insofar as such order, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is

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inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Endowment official shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Chairman of an Endowment may from time to time assign to other officials of the Endowment or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part, including the achievement of effective coordination and maximum uniformity within the Endowment and within the executive branch of the Government in the application of title VI and this part of similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this subsection shall have the same effect as though such action had been taken by the responsible official of this agency.

§ 1110.13 Definitions.

As used in this part:

(a) The term "Foundation" means the National Foundation for the Arts and the Humanities, and includes the National Endowment for the Arts, the National Endowment for the Humanities, and each of their organizational units.

(b) The term "Endowment" means the National Endowment for the Arts or the National Endowment for the Humanities.

(c) The term "Chairman" means the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities.

(d) The term "responsible Endowment official" with respect to any program receiving Federal financial assistance means the Chairman of any Endowment or other Endowment official designated by the Chairman.

(e) The term "United States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and the territories and possessions of the United States, and the term "State" means any one of the foregoing.

(f) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or the donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(g) The term "program" includes any program, project, or activity involving the provision of services, financial aid, or other benefits to individuals (including education or training, health, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for provision of facilities for furnishing services, financial aid or other benefits to individuals. The service, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(h) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(i) The term "recipient" means any State, political subdivision or any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(j) The term "primary recipients" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purposes of carrying out a program.

(k) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Endowment official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

APPENDIX A

FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES

1. Assistance to groups for projects and productions in the arts.
2. Surveys, research and planning in the arts.
3. Assistance to State arts agencies for projects and productions in the arts.
4. Support of research in the humanities.
5. Support of educational programs in the humanities, including the training of students and teachers.
6. Assistance to promote the interchange of information in the humanities.
7. Assistance to foster public understanding and appreciation of the humanities.
8. Support of the publication of scholarly works in the humanities.

Dated June 12, 1972.

NANCY HANKS,
Chairman,
National Endowment for the Arts.

RONALD S. BERMAN,
Chairman, National
Endowment for the Humanities.

[FR Doc.73-13302 Filed 7-3-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[Docket No. 18; Notice 72-2]

PART 21—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

On July 19, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 14320) to amend Part 21 of the Regulations of the Office of the Secretary (49 CFR Part 21)—Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

All interested parties were invited to give their views on the proposed amendment. None of the comments received provided a basis for change in the proposed amendment. The purpose of the amendment is as follows:

Planning or Advisory Board Membership. Although existing § 21.5(b)(vi) contains a prohibition against discriminatory denial of the "opportunity to participate in the program through the provision of services or otherwise * * *", the existing regulations did not specifically deal with the matter of planning or advisory board membership. Considering the broad purpose of Title VI of the Civil Rights Act of 1964, the Department of Transportation believes that membership on such boards is an aspect of "participation in the program" within the meaning of section 601 of the Act (42 U.S.C. 2000d). To make it clear that such discrimination is prohibited, the Department is adding a specific reference to planning, advisory, and similar bodies to the other activities listed in § 21.5(b).

The provision applies only to the extent that the "recipient" has control over board membership. It is applicable, for example, where the members are appointed by the recipient. Where the board is elected and the election procedures are determined by the recipient, such procedure is to be nondiscriminatory. The term "integral part" is used in order to make it clear that regulations are inapplicable to boards related only tangentially or indirectly to a Federally assisted program.

Affirmative action to correct and prevent prohibited discrimination. Existing § 21.5(b)(7) provides that consideration of race, color, or national origin are not prohibited if the purpose and effect is to remove or overcome the detrimental results of discrimination. That provision also places on the recipient of Federal assistance an "obligation to take reasonable action to remove or overcome the consequences of prior discriminatory practice or usage and to accomplish the purposes of the Act". The Department's amendment to the second sentence in § 21.5(b)(7) is to make it clear that the recipient (1) must take affirmative action to overcome the effects of prior discriminatory practice or usage, and (2) is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the recipient's Federally assisted programs on the ground of race, color, or national origin.

Collection of racial data. Existing § 21.9(b) states that recipients shall keep such records and submit such reports as the Secretary determines are necessary. While this provision furnishes a basis for requiring data on the race and national origin of persons affected by Federally assisted programs, it contains no explicit reference to such data. Experience has shown that, with respect to most Federally assisted programs, racial data is an essential element in implementing Title VI of the Civil Rights Act of 1964. In view of the importance of such data, the Department is adding an express reference to it in § 21.9(b).

Time for filing complaints. Existing provisions of § 21.11(b) regarding the filing of complaints of alleged discrimination state that a complaint must be filed "not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary".

To make this time period consistent with that allowed under other civil rights laws,[1] the Department is changing this time limit from 90 to 180 days.

In consideration of the foregoing, effective July 5, 1973, 49 CFR Part 21 is amended as follows:

1. Section 21.5(b) is amended by:

(1) Striking out the word "or" at the end of subparagraph (1)(v);

(2) Striking out the period at the end of subparagraph (1)(vi) and substituting a semicolon and the word "or"; and

(3) Adding a new subparagraph (1)(vii) at the end thereof, to read as set forth below.

(4) Adding a new subparagraph (7) to read as set forth below.

§ 21.5 Discrimination prohibited.

* * * * * *

(b) Specific discriminatory actions prohibited:

(1) * * *

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

* * * * * *

(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where prior discriminatory practice or usage tends, on the grounds of race, color, or national origin to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient must take affirmative action to remove or overcome the effects of the prior discriminatory practice or usage. Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.

* * * * * *

3. Section 21.9(b) is amended by adding the following new sentence at the end thereof:

§ 21.9 Compliance information.

* * * * * *

(b) *Compliance reports.* * * * In general, recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.

* * * * * *

§ 25.11 [Amended]

4. Section 21.11(b) is amended by substituting "180 days" for "90 days".

(Sec. 602; Civil Rights Act of 1964, 42 U.S.C. 2000d-1)

Issued in Washington, D.C., on September 21, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc. 73-13291 Filed 7-3-73; 8:45 am]

[1] See section 706(e) of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C.A. 2000e-5(e); section 810(b) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3610(b); and the regulations of the Office of Federal Contract Compliance, 41 CFR 60-1.21.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

POLLUTANT DISCHARGE ELIMINATION

Form and Guidelines Regarding Agricultural and Silvicultural Activities

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Form and Guidelines Regarding Agricultural and Silvicultural Activities

Notice was published in the FEDERAL REGISTER issue of December 5, 1972, (37 FR 25898) that the Environmental Protection Agency was giving consideration to proposed forms and guidelines for the acquisition of information from owners and operators of point sources. The proposed forms and accompanying instructions described, pursuant to the authority contained in section 304(h)(1) of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, (86 Stat. 816; 33 U.S.C.A. 1251 et. seq. (1972)) (hereinafter referred to as the "Act"), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System.

The period for comment for one of the short forms, Short Form B—Agriculture, Forestry and Fishing, was extended an additional 30 days until January 20, 1973. See the notice of extension of period for comment published in the FEDERAL REGISTER on Friday, December 29, 1972, 37 FR 28765. During the extended comment period, the Agency sought and received information, statistics, and advice as to (1) the numbers and kinds of agriculture, forestry, and fish production activities covered by Short Form B; (2) the nature, size, and frequency of polluting discharges, if any, from such activities; and, (3) any categories of dischargers (including any classes, types, and sizes within any category) that should be excluded from NPDES application and filing requirements.

Statistical information and advice was provided by the United States Department of Agriculture, and U.S. Department of the Interior, and from owners and operators of farming and agricultural operations. Meetings were held with agricultural experts and with State officials from the States of California, Illinois, Iowa, Missouri, Nebraska, Texas, and Wisconsin. Agricultural and environmental groups were consulted.

On the basis of the information, statistics, and advice received, the Environmental Protection Agency revised the proposals and published them in the FEDERAL REGISTER of May 3, 1973, for a 30-day comment period. The Agency proposed to exclude for the present time certain categories and classes of agricultural and silvicultural point sources from the requirements of the National Pollutant Discharge Elimination System. Authority for such exclusions rests with Administrator's discretion under section 402(a)(1) of the Act to issue permits. In addition, the Act and the legislative history indicate clearly that Congress regarded discharges from agricultural and silvicultural activities as problems to be dealt with primarily through the exercise of authorities concerning non-point sources and that the Administrator would have discretion to distinguish among categories and sizes of agricultural sources. The basis for the exclusions is that the pollution problems caused by the excluded categories of point sources are minor in relation to the administrative problem of processing vast numbers of agricultural discharge application forms.

Comments received during the 30-day period following the May 3 publication have been considered and appropriate revisions made to the permit application form and related regulations. The regulations reflect the policies and rationales described in 1. and 2. below.

1. *General exclusion of discharges from agricultural and silvicultural activities.* In the United States, there are three million more farmers engaged in a variety of agricultural and silvicultural activities. In connection with crop production, some water from most farms is returned to navigable waters, as the term "navigable waters" is defined in the Act. The expenditure in time, dollars, and resources necessary to process applications from every small farmer subject to NPDES requirements would be disproportionate to the water quality benefits obtained. In order to prevent the diversion of the Agency's limited resources from the larger, significant point sources of pollution, the amendments proposed herein exclude the smaller, insignificant agricultural and silvicultural discharges (including minor irrigation return flow discharges and runoff from fields, orchards, and crop and forest lands) from the requirements of the NPDES.

2. *Exceptions from general exclusion.* The following categories and classes of agricultural or silvicultural point sources are or could be significant sources of pollution and therefore will be subject to NPDES requirements.

a. *Animal confinement facilities.* The regulations provide that large animal feedlots and holding facilities will remain subject to NPDES requirements. By the inclusion of the term "concentrated animal feeding operations" in section 502 (14) of the Act, Congress indicated its intent that these sources of agricultural pollution be controlled through the NPDES permit program. Recent statistics indicate, however, that there are 1,914,945 concentrated animal feeding operations in the United States. Of these, about 180,000 are cattle feedlots. Again, there are simply too many facilities to make inclusion in the NPDES administratively manageable.

Exclusion of all feedlots, however, is improper as the build-up of solid and liquid wastes resulting from the concentration of animals in confined production facilities represents a significant source of pollution. Accordingly, on the basis of information and statistics received, pollution potential, and administrative manageability, the Agency has attempted to set cutoff points above which animal production facilities would be subject to NPDES requirements. These numbers refer to the number of animals that are contained or have been contained at any time in the previous 12 months.

Further, several comments pointed out that certain types of operations, such as a fair grounds, might contain these numbers of animals, but only for a brief period during the year. Therefore, an additional criterion has been added, that the cutoff number of animals be held for a total of 30 days or more in order for the facility to be included in the NPDES.

(1) *Slaughter and feeder cattle; 1,000 head or more.* The owner or operator of any facility with 1,000 or more slaughter and/or feeder cattle must apply for an NPDES permit. In cattle operations particularly, a few large operations tend to dominate the market. In 1970, for example, one percent of the cattle feedlots produced 55 percent of the cattle marketed. Nationwide, there are about 2,500 lots with 1,000 or more head of cattle. These 2,500 lots market almost 70 percent of the feed cattle. A reduction of the cutoff below 1,000 head would dramatically increase the number of applications.

(2) *Dairy cattle. 700 head or more.* Any dairy or facility with 700 or more dairy cattle is subject to the NPDES. The figure of 700 head includes milkers, pregnant heifers, and dry mature cows, but not calves. There are about 125 dairy operations with 700 head or more. As in the case of feed cattle, the number of applications increases significantly below the cutoff of 700 head.

(3) *Swine over 55 pounds. 2,500 or more.* The figure of 2,500 swine is limited to swine weighing over 55 pounds. The cutoff figure should result in applications from about 800 facilities. Although there are many thousands of smaller feed lots for swine, the proposed cutoff of 2,500 will cover the facilities which present the greatest potential for pollution control while limiting the number of applications to a manageable quantity.

(4) *Sheep. 10,000 head or more.* Facilities for holding or feeding sheep are required to file for an NPDES permit if the facility contains 10,000 or more sheep. Statistics indicate that there are about 100 feedlots in the United States with 10,000 or more sheep. Smaller feedlots present less potential for pollution problems as sheep manure is particularly marketable to gardeners and is therefore less likely to be discharged or disposed of as waste.

(5) *Turkeys. 55,000 or more.* Turkey lots which contain more than 55,000 birds will be required to apply for an NPDES permit. Generally, only "open lot" turkey operations will be covered as in-house turkey facilities are normally dry operations and have no liquid wastes. An estimated 300 turkey lots will be covered by the 55,000 cutoff.

(6) *Laying hens and broilers. Continuous overflow watering. 100,000 or more—*(7) *Laying hens and broilers. Liquid manure handling system. 30,000 or more.* Owners or operators of facilities which utilize continuous overflow watering systems will be required to apply for an NPDES permit if they contain 100,000 or more laying hens or broilers. Owners or operators of facilities which utilize liquid manure handling systems will be required to apply for an NPDES permit if they contain 30,000 or more laying hens or broilers. The cited levels will include most of the commercial operations and major facilities utilizing "wet" systems, about 100 of each type. These cutoffs will include almost all egg and chicken production facilities with potential for water pollution problems.

Most broilers, laying hens, and breeding chickens are kept on litter, or in cages with dry litter floors and normally have no waste water. These dry operations account for the vast majority of commercial poultry operations in the country. Where the dry manure and litter is not disposed of in navigable waters, dry operations, for lack of a discharge subject to the Act, will not be subject to NPDES requirements.

(8) *Ducks. 5,000 or more.* All duck farm operations with more than 5,000 ducks will be required to apply for an NPDES permit. The estimated 80 duck farms with 5,000 or more ducks represent most of the commercial duck operations in the United States. Unlike wastes from most other animal production operations, wastes from duck farms normally require biological treatment. Because of the relatively small number of potential applicants and because the discharges represent a treatment problem of the kind the NPDES is designed to regulate, complete coverage of commercial duck production operations is warranted.

(9) *Combinations of animals.* Often a facility contains more than one type of animal. Although such a facility may not contain any one type in the cutoff quantity given above, the combined quantities may present a significant pollution problem. Therefore, application for a permit for a combined facility must be made if the following calculation equals or exceeds 1,000: (1) Multiply the number of animals of each type by the multiplier given below for that type; (2) Add the products of these multiplications. The multipliers are:

(a) slaughter and feeder cattle	1.0
(b) mature dairy cattle	1.4
(c) swine over 55 pounds	0.4
(d) sheep	0.1

(Multipliers are only given for the types of animals which are commonly combined.)

For example, if a facility presently holds 600 slaughter and feeder cattle, 200 mature dairy cattle, and 500 swine over 55 pounds, the calculation is as follows:

Number of Animals	Times	Multiplier
600 Slaughter and Feeder Cattle	×	1.0=600
200 Mature Dairy Cattle	×	1.4=280
500 Swine over 55 pounds	×	0.4=200
Total		1,080

Since the calculated total exceeds 1,000, an application for an NPDES permit must be filed in this case.

Two or more animal pens, feedlots, or other animal confinement facilities are considered to be a single facility where they are adjacent to each other or where they utilize a common area or system for the disposal of wastes. For example, neighboring pens separated by a road but using a common disposal system, which are owned by the same person or company, and which hold 600 slaughter cattle and 500 dairy cattle would be subject to NPDES requirements.

b. *Fish and animal production facilities.* Although, like non-aquatic animals, fish are concentrated for purposes of feeding and marketing, fish operations are not easily categorized according to the number of fish contained within a particular operation. Fish and aquatic animal production operations are proposed to be excluded herein on the basis of the method of confinement or the continuity of the discharge.

Present data indicate that closed ponds, which usually discharge less than 30 days per year, or only during periods of excess runoff, tend to have a minimal impact upon water quality. On the other hand, where fish or other aquatic animals are concentrated in raceways or similar structures which provide a continuous flow of water, the addition of food and wastes to the water flow is analogous to an industry which takes in water for processing and subsequently discharges the water laden with wastes. If, however, discharges occur infrequently, the adverse impact from this type of facility is greatly reduced. Therefore, where either a pond or raceway discharges on less than 30 days per year, no permit is required for that discharge.

Further, some small facilities, such as "fish out" facilities, farm ponds and small raceways, may discharge more frequently than on 30 days per year but still not be considered intensive fish farming. For this reason, where the discharge occurs on more than 30 days per year, but annual production is less than 20,000 pounds, no discharge permit is required at this time.

Facilities which contain any species of aquatic animal not native to the United States and discharge into navigable waters are subject to NPDES requirements regardless of the continuity of flow or the size of the facility. There is a threat that foreign pathogens or parasites harmful to our native ecosystems or to man might be introduced through discharges from these facilities. For this reason, operations which contain non-native aquatic animal species, and discharge into navigable waters must apply for an NPDES permit. Non-native species of fish are defined in "Special Publication No. 6" of the American Fisheries Society entitled, "A List of Common and Scientific Names of Fishes from the U.S. and Canada." Carp, goldfish, and brown trout, although included in the American Fisheries Society List, are excluded from the category of non-native species of fish due to their widespread distribution and relatively long residence time in the United States.

c. *Irrigation activities.* NPDES requirements apply to discharges of irrigation return flow (such as tailwater, tile drainage, surfaced groundwater flow or bypass water), operated by public or private organizations or individuals, if: (1) there is a point source of discharge (e.g., a pipe, ditch, or other defined or discrete conveyance, whether natural or artificial) and; (2) the return flow is from land areas of more than 3,000 contiguous acres, or 3,000 non-contiguous acres which use the same drainage system.

It is the individual or organization who actually has control of or responsibility for the discharge of irrigation return flow who must apply for the permit. For example, if water is supplied by an organization but the discharge of return flow to navigable waters is controlled by an individual who has more than 3,000 acres under irrigation, it is the individual who must apply for a permit. On the other hand, if an irrigation organization supplies and controls the irrigation return flow from a total of 3,000 acres to navigable waters, the organization must apply for a permit, even though one individual may be supplied with water for 3,000 acres or more.

The land serviced by the 1100 irrigation organizations which provide water to 3,000 or more acres represents 80 percent of all acreage irrigated by such organizations. If waters from an irrigation system enter navigable waters from diffuse sources, then no discharge permit is required as there is no point source of discharge.

d. *Identified point sources.* Although the general exclusion may remove large numbers of infrequent and insignificant discharges from the NPDES permit program at this time, certain other agricultural dischargers, not included within the categories listed above, may or could be significant sources of pollution.

If an excluded agricultural or silvicultural point source is a significant contributor of pollution, however, the Environmental Protection Agency or the water pollution control agency for the State or interstate area may identify the source as not included within the exclusion. If a point source is so identified, the owner or operator must comply with all NPDES filing and application requirements.

3. *Requirements of section 301(a) of the Act.* Although the excluded categories are thus relieved at this time from complying with the requirements of section 402 of the Act and regulations issued thereunder, point sources within such categories remain subject to all other applicable provisions of Federal law and the Act, including, in particular, section 301(a) of the Act which provides that discharges from any point source are unlawful "except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404." Therefore, although owners and operators of the excluded point sources are not required to apply for or obtain an NPDES permit, they must comply with the other requirements of the

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Act including any applicable effluent guidelines, standards of performance, toxic effluent standards or prohibitions, or pretreatment standards.

4. *Short Form B—Agriculture.* Also promulgated herein is a revised Short Form B for those agricultural discharges which are not excluded herein from NPDES filing requirements. The revised form is designed to provide basic information sufficient to permit the application of standards and guidelines under the Act.

Certain information on Short Form B is to be provided by all agricultural applicants. Other sections are to be completed on the basis of type of facility or activity. Special sections for this purpose are provided for animal confinement and feeding facilities, for fish and aquatic animal production facilities, and for irrigation return flow discharges from point sources.

The interim standards analytical methods and instructions provided in Table I of Short Form B shall be used by applicants pursuant to the instructions provided until the promulgation of guidelines under section 304(g) of the Act. Section 304(g) requires, within one hundred and eighty days of enactment, guidelines establishing test procedures that shall be used to analyze pollutants described in any permit application pursuant to section 402 of the Act. Following promulgation of the 304(g) guidelines, applicants for section 402 permits shall utilize any applicable test procedures contained in those guidelines for the analysis of pollutants reported in any NPDES application or reporting form, including Short Form B.

5. *Filing Instructions for Short Form B.* All owners and operators of agricultural point sources subject to the Act (other than those owners and operators who have submitted complete Refuse Act applications) must file Short Form B as soon as possible. Persons filing a Short Form B with the Environmental Protection Agency will be required to pay a filing fee of $10. The fee is assessed per application and not per discharge. For example, even though a facility filing a Short Form B may have four discharges, the applicant pays only $10.

The form can be completed in most cases by an applicant in a short period of time. In cases involving irrigation return flow, a full determination of the impact of the discharge on water quality may require further information and a more detailed analysis of the discharge. The Regional Administrator or his representatives or, in the case of States participating in the NPDES, the State Director or his representatives, will determine on a case-by-case basis whether further information is necessary before the permit can be issued. In all such cases, the applicant will be notified and advised as to further information requirements. The Regional Administrator or the State Director may also arrange for a visit to the site in order to better determine the nature of the discharges.

6. *Revisions to the proposal—Revisions to the regulations.* There are few significant changes from the May 3 version of Short Form B and the related regulations; most of the revisions consist of clarifications. One additional criterion was added for inclusion of animal feedlots, that the number of animals confined be held for 30 days or more. This addition was made in response to a comment that facilities such as fair grounds may contain a large number of animals, but for only a brief period of time each year, and therefore they should not necessarily require a permit. Any such facility which does pose a significant pollution problem can be required to apply at the discretion of the Regional Administrator or the State Director.

Probably the clarification most requested by commenters concerns responsibility for the permit where irrigation organizations supply water but individual farmers control the discharge of return flow; in such cases, the farmer must apply. Conversely, where an individual farmer receives water for 3,000 or more acres of land, but the supplying organization controls the discharge of return flow, the organization must apply for a permit. Also, it was clarified that the 3,000 acre cutoff for irrigation operations applies also to non-contiguous acres using the same drainage system.

It has been clarified that the exclusion provisions do not prohibit any owner or operator of an excluded category of point source discharge from voluntarily applying for a permit, if he is in doubt as to his obligation.

Revisions to the form. The instructions on "Who must apply" were revised to limit applicants to those holding the given number of animals for 30 days or more, as explained above.

Short Form B is to be used by the Administrator of the Environmental Protection Agency and by approved State programs as a principal means of acquiring information from owners and operators of agricultural point sources. Short Form B is included within the meaning of the term "NPDES application form" as the term is used in the guidelines published under section 304(h)(2) of the Act.

Because of the importance of making the NPDES form and related regulations available as soon as possible to owners and operators of agricultural point sources of discharge subject to the NPDES, the Administrator finds good cause to declare that these regulations and the form whose Notice of Availability follows immediately hereafter are effective immediately.

Dated: June 29, 1973.

ROBERT W. FRI,
Acting Administrator.

ACQUISITION OF INFORMATION FROM OWNERS AND OPERATORS OF POINT SOURCES

AVAILABILITY OF FORMS

Notice was published in the FEDERAL REGISTER issue of May 3, 1973, (38 FR 10960) that the Environmental Protection Agency was giving consideration to a proposed form for the acquisition of information from owners and operators of agricultural point sources of discharge. The form and accompanying instructions describe, pursuant to the authority contained in sections 304(h)(1) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251 (1972)), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System.

Copies of the forms are available at State water pollution control agencies having approved programs and at all Environmental Protection Agency Regional Offices.

Part 124 of Title 40 of the Code of Federal Regulations, setting forth State program elements necessary for participation in the National Pollutant Discharge Elimination System, is amended as follows:

1. Section 124.1 is amended to add new paragraphs (u) and (v) as follows:

§ 124.1 Definitions.

* * * * *

(u) The term "animal confinement facility" means a lot or facility used or capable of being used for the feeding or holding of animals (other than fish or other aquatic animals), but does not include land used for the growing of crops or vegetation for animal feed. Two or more animal confinement facilities under common ownership are deemed to be a single animal confinement facility if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

(v) The term "aquatic animal production facility" means a hatchery, fish farm, or other facility which contains, grows or holds

(1) Fish or other aquatic animals in ponds, raceways or other similar structures for purposes of production and from which there is a discharge on any 30 days or more per year, but does not include

(i) Closed ponds which discharge only during periods of excess runoff, or

(ii) Facilities which produce less than 20,000 pounds of aquatic animals per year;

(2) any species of fish or other aquatic animal [other than carp (*Cyprinum carpio*), goldfish (*Carassius auratus*), or brown trout (*Salmo trutta*)] non-native to the United States (non-native fish are as defined in "Special Publication No. 6" of the American Fisheries Society entitled, "A List of Common and Scientific Names of Fishes from the U.S. and Canada") and from which there is a discharge at any time. "Special Publication No. 6" may be ordered through the American Fisheries Society, 1319 18th Street, NW., Washington, D.C. 20036.

2. Subpart B is amended to read as follows:

Subpart B—Prohibition of Dicharges Into State Waters

Sec.
124.10 Prohibition of discharges into State waters.
124.11 Exclusions.

AUTHORITY: Sec. 304(h)(1) of the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, (86 Stat. 816; 33 U.S.C.A. 1251 et seq. (1972)

Subpart B—Prohibition of Discharges of Pollutants

§ 124.10 Prohibition of discharges into State waters.

Except as provided in § 124.11, any State or interstate program participating in the NPDES must have a statute or regulation, enforceable in State courts, which prohibits discharges of pollutants by any person except as authorized pursuant to an NPDES permit.

(*Comment.* It is recognized that some State or interstate programs presently exempt or exclude certain categories, types, or sizes of point sources from the general prohibition of the unauthorized discharge of pollutants or from the requirement of obtaining a permit. Other States have in effect "grandfather" clauses which either exempt discharges already in existence or provide for automatic issuance of a permit to existing discharges. Except as provided in § 124.11, exceptions to the general prohibition cannot be approved. Depending on their scope and nature, any such exceptions will either (1) constitute grounds for withholding approval of the entire submitted program until such time as the State or interstate agency revises or modifies its program to conform to this subpart, or (2) constitute categories, types, or sizes of point sources for which the Administrator will not suspend the issuance of NPDES permits. In the latter case, the Administrator will issue NPDES permits for those point sources not subject to the State or interstate agency's authority.)

§ 124.11 Exclusions.

State and interstate programs may exclude the following from the requirement of obtaining an NPDES permit:

(a) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel: *Provided,* That this exclusion shall not be construed to apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to discharges when the vessel is operating in a capacity other than a vessel such as when a vessel is being used as a storage facility or a cannery;

(b) Water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State in which the well is located and if such State determines that such injection or disposal will not result in the degradation of ground or surface water resources;

(c) Approved aquaculture projects;

(d) Dredged or fill material discharged into navigable waters;

(e) Additions of sewage, industrial wastes or other materials into publicly owned treatment works. (This exclusion applies only to the actual addition of materials into the publicly owned treatment works. Plans or agreements to make such additions in the future do not relieve dischargers of the obligation to apply for and receive permits until the discharges of pollutants to navigable waters are actually eliminated. It also should be noted that in all appropriate cases, pretreatment standards promulgated by the Administrator pursuant to section 307(b) of the Act must be complied with.);

(f) Uncontrolled discharges composed entirely of storm runoff when these discharges are uncontaminated by any industrial or commercial activity, unless the particular storm runoff discharge has been identified by the Regional Administrator, the State water pollution control agency or an interstate agency as a significant contributor of pollution. (It is anticipated that significant contributors of pollution will be identified in connection with the development of plans pursuant to section 303(e) of the Act. This exclusion applies only to separate storm sewers. Discharges from combined sewers and bypass sewers are not excluded.)

(g) Any discharge of any pollutant when such discharge conforms with the national contingency plan for removal of oil and hazardous substances, published pursuant to subsection 311(c)(2) of the Act.

(h) Discharges of pollutants from agricultural and silvicultural activities, including irrigation return flow and runoff from orchards, cultivated crops, pastures rangelands, and forest lands, except that this exclusion shall not apply to the following:

(1) Discharges from animal confinement facilities, if such facility or facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, any of the following types of animals at or in excess of the number listed for each type of animal:

(i) 1,000 slaughter and feeder cattle;

(ii) 700 mature dairy cattle (whether milkers or dry cows);

(iii) 2,500 swine weighing over 55 pounds

(iv) 10,000 sheep;

(v) 55,000 turkeys;

(vi) If the animal confinement facility has continuous overflow watering, 100,000 laying hens and broilers;

(vii) If the animal confinement facility has liquid manure handling systems, 30,000 laying hens and broilers;

(viii) 5,000 ducks;

(2) Discharges from animal confinement facilities, if such facility or facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, a combination of animals such that the sum of the following numbers is 1,000 or greater: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1;

(3) Discharges from aquatic animal production facilities;

(4) Discharges of irrigation return flow (such as tailwater, tile drainage, surfaced groundwater flow or bypass water), operated by public or private organizations or individuals, if: (i) There is a point source of discharge (e.g., a pipe, ditch, or other defined or discrete conveyance, whether natural or artificial and; (ii) the return flow is from land areas of more than 3,000 contiguous acres, or 3,000 non-contiguous acres which use the same drainage system; and

(5) Discharges from any agricultural or silvicultural activity which have been identified by the Regional Administrator or the Director of the State water pollution control agency or interstate agency as a significant contributor of pollution.

Part 125 of Title 40 of the Code of Federal Regulations, setting forth policies and procedures for the Environmental Protection Agency's administration of its role in the National Pollutant Discharge Elimination System, is amended as follows:

1. Two new paragraphs, (ii) and (jj), are added to § 125.1 as follows:

§ 125.1 Definitions.

* * * * *

(ii) The term "animal confinement facility" means a lot or facility used or capable of being used for the feeding or holding of animals (other than fish or other aquatic animals), but does not include land used for the growing of crops or vegetation for animal feed. Two or more animal confinement facilities under common ownership are deemed to be a single animal confinement facility if they are adjacent to each other or if they utilize a common area or system for the disposal of wastes.

(jj) The term "acquatic animal production facility" means a hatchery, fish farm, or other facility which contains, grows, or holds:

(1) Fish or other acquatic animals in ponds, raceways or other similar structures for purposes of production and from which there is a discharge on any 30 days or more per year, but does not include:

(i) Closed ponds which discharge only during periods of excess runoff, or

(ii) Facilities which produce less than 20,000 pounds of aquatic animals per year;

(2) Any species of fish or other animal life [other than carp (*Cyprinus carpio*), goldfish (*Carassius auratus*), or brown trout (*Salmo trutta*)] non-native to the United States (non-native fish are as defined in "Special Publication No. 6" of the American Fisheries Society entitled, "A list of Common and Scientific Names of Fishes from the U.S. and Canada"), and from which there is a discharge at any time. "Special Publication No. 6" may be ordered through the American Fisheries Society, 1319 18th Street, NW., Washington, D.C. 20036.

2. A new § 125.4(j) is added as follows:

§ 125.4 Exclusions.

* * * * *

(j) Discharges of pollutants from agricultural and silvicultural activities, including irrigation return flow and runoff from orchards, cultivated crops, pastures, rangelands, and forest lands, except that this exclusion shall not apply to the following:

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(1) Discharges from animal confinement facilities, if such facility or facilities contain, or at any time during the previous 12 months contained, for a total of 30 days or more, any of the following types of animals at or in excess of the number listed for each type of animal:

(i) 1,000 slaughter and feeder cattle;

(ii) 700 mature dairy cattle (whether milkers or dry cows);

(iii) 2,500 swine weighing over 55 pounds;

(iv) 10,000 sheep;

(v) 55,000 turkeys;

(vi) If the animal confinement facility has continuous overflow watering, 100,000 laying hens and broilers;

(vii) If the animal confinement facility has liquid manure handling systems, 30,000 laying hens and broilers;

(viii) 5,000 ducks;

(2) Discharges from animal confinement facilities, if such facility or facilities contain, or at any time during the previous 12 months contained for a total of 30 days or more, a combination of animals such that the sum of the following numbers is 1,000 or greater: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1;

(3) Discharges from aquatic animal production facilities;

(4) Discharges of irrigation return flow (such as tailwater, tile drainage, surfaced groundwater flow or bypass water), operated by public or private organizations or individuals, if: (1) There is a point source of discharge (e.g., a pipe, ditch, or other defined or discrete conveyance, whether natural or artificial) and; (2) the return flow is from land areas of more than 3,000 contiguous acres, or 3,000 non-contiguous acres which use the same drainage system; and

(5) Discharges from any agricultural or silvicultural activity which have been identified by the Regional Administrator or the Director of the State water pollution control agency or interstate agency as a significant contributor of pollution.

[FR Doc.73-13544 Filed 7-3-73;8:45 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PUBLIC STOCKYARDS; TERMINATION OF INSPECTION SERVICES

Miscellaneous Amendments

Statement of considerations. The Animal and Plant Health Inspection Service, USDA, currently maintains personnel at 42 "public stockyards" to conduct Federal inspection of livestock for communicable diseases. Such stockyards are defined in §§ 71.1(h) and 78.1(k) of this subchapter and are listed in § 78.14(a) of this subchapter. The purpose of such inspection is to detect animals affected with communicable diseases and remove such animals from the channels of trade and to administer Federal regulations governing the interstate movement of livestock.

In recent years great changes have occurred in the marketing of livestock. The number of animals handled through all marketing channels has increased, while the number handled by "public stockyards" has steadily diminished, thereby drastically reducing the number of animals subject to such inspection, possibly permitting diseased animals moving in other trade channels to go undetected, and resulting in complete enforcement of regulations at "public stockyards" while not doing so in a similar manner in other marketing channels.

In order to achieve a more comprehensive monitoring of the health of the Nation's livestock, to insure that diseased animals are properly handled, and to gain uniform enforcement of applicable regulations in all channels of interstate commerce, it has become necessary to redirect the efforts of personnel currently assigned to "public stockyards" inspection duties into a general monitoring program which will include surveillance, inspection, and enforcement activities throughout the livestock marketing system.

Such redeployment of personnel will necessitate the termination of Federal inspection services heretofore provided at stockyards known as "public stockyards," including the inspection and certification at such stockyards of livestock for interstate shipment.

Therefore, provisions for Federal inspection at "public stockyards," and other references to "public stockyards" are being deleted from this subchapter. Stockyards affected by these amendments may be qualified to handle interstate movements of livestock by applying for and meeting the requirements for specifically approved stockyards as contained in §§ 74.5a, 76.18 and 78.16 of this subchapter.

The facts with respect to the most effective utilization of manpower and other resources available to the Department for carrying out its responsibilities under the laws to prevent the spread of communicable diseases of livestock are peculiarly within the knowledge of this Department, and public participation in this rulemaking proceeding would not provide additional information to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115–117, 120–126, 134b, 134f), Parts 71, 72, 73, 74, 77, 78, and 80 of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, are amended in the following respects:

PART 71—GENERAL PROVISIONS

§ 71.1 [Amended]

1. In § 71.1, paragraph (h) is deleted.

§ 71.18 [Amended]

2. In § 71.18 (a)(1)(i)(d), the phrase "public stockyard or" is deleted and in § 71.18 (a)(1)(ii), the phrase "or to a publib stockyard," is deleted.

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

§ 72.6 [Amended]

In § 72.6, the phrase "public stockyard or" is deleted wherever it appears.

PART 73—SCABIES IN CATTLE

1. In the Table of sections of Part 73, the reference to § 73.9 is deleted.

§ 73.2 [Amended]

2. In § 73.2, paragraph (c)(2) is deleted.

§ 73.5 [Amended]

3. In § 73.5, after the word "certification" in the second sentence the phrase "directly to a public stockyard where Division inspection is maintained or" is deleted.

§ 73.9 [Deleted]

4. § 73.9 is deleted.

PART 74—SCABIES IN SHEEP

1. In the Table of Sections of Part 74, in the subpart heading preceding § 74.9, and in the subpart heading preceding § 74.22, the phrase "Public Stockyards or" is deleted wherever it appears; and in the heading of § 74.12 the phrase "public stockyard or" is deleted.

2. In the text of Part 74, in the subpart heading preceding § 74.9, the phrase "Public Stockyards or" is deleted.

§ 74.9 [Amended]

3. In § 74.9, in the introductory paragraph, the phrase "public stockyard or", and in paragraph (c), the phrase "a public stockyard or" are deleted.

§ 74.12 [Amended]

4. In the heading of § 74.12 and in paragraph § 74.12 (a), the phrase "public stockyard or" is deleted.

§ 74.13 [Amended]

5. In § 74.13, in the introductory paragraph, the phrase "public stockyard or", and in paragraph (b), the phrase "a public stockyard, or" are deleted.

§ 74.18 [Amended]

6. In § 74.18 paragraph (c), the phrase "to or from any public stockyard or" is deleted.

7. In the subpart heading preceding § 74.22, the phrase "Public Stockyards or" is deleted wherever it appears.

§ 74.22 [Amended]

8. In § 74.22 paragraphs (a), (b) and (c), the phrases "public stockyard or" and "public stockyard, or" are deleted wherever they appear; and in paragraph (d), the phrase "a public stockyard or" and the phrases "by a Division inspector with respect to movements from public stockyards and" and "with respect to movements from specifically approved stockyards" are deleted.

9. § 74.23 is amended to read:

§ 74.23 Interstate movement without dipping prohibited unless for slaughter.

No sheep shall be shipped, trailed, driven, or otherwise moved interstate for purposes other than slaughter from a specifically approved stockyard without being dipped under State or Federal supervision: *Provided*, That uninfected and unexposed sheep from an eradication or

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infected or quarantined area may be shipped or moved interstate from a specifically approved stockyard upon compliance with the provisions of this part which would apply if the sheep had been originally consigned direct from point of origin to final destination.

PART 77—TUBERCULOSIS IN CATTLE

§ 77.2 [Amended]

1. In § 77.2, paragraph (c) is deleted.

§ 77.6 [Amended]

2. In § 77.6, the phrase "at a public stockyard or other regular Division station" is deleted; and in footnote 4, that portion contained in the parenthesis is deleted.

§ 77.7 [Amended]

3. In § 77.7, paragraph (c) is deleted.

§ 77.8 [Amended]

4. In § 77.8, in the introductory paragraph, the phrase "or public stockyard" is deleted.

PART 78—BRUCELLOSIS

1. In the Table of Sections of Part 78, the term "Public Stockyards," is deleted from the heading of Subpart D; and in the heading of § 78.14 the term "Public stockyards and" is deleted.

§ 78.1 [Amended]

2. In § 78.1, paragraph (k) is deleted.

§ 78.5 [Amended]

3. In § 78.5, in the introductory paragraph, the phrase "public stockyard or" is deleted.

§ 78.12 [Amended]

4. In § 78.12, in paragraph (a), the phrase "public stockyard or"; in paragraph (b)(1) the phrase "a public stockyard or"; and in paragraph (d) the phrase "public stockyards or" are deleted.

5. In the heading of Subpart D, the term "Public Stockyards," is deleted.

6. § 78.14 is amended to read:

§ 78.14 Specifically approved stockyards.

Notices containing lists of stockyards specifically approved for the purposes of § 78.5 concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 concerning cattle not known to be affected with brucellosis are published in the FEDERAL REGISTER. Information with respect to these stockyards may also be obtained from the Deputy Administrator, Veterinary Services, APHIS, Hyattsville, Maryland 20782 and from the Federal Inspectors and State Inspectors.

7. In § 78.16 paragraph (b), the first sentence is deleted and the second sentence is amended to read:

§ 78.16 Deputy Administrator, Veterinary Services may designate areas and approve stockyards and slaughtering establishments.

* * * * *

(b) The Deputy Administrator is hereby authorized to specifically approve stockyards for the purposes of the regulations in this Part and to promulgate notices listing such stockyards in accordance with § 78.14 when he determines that the inspection and handling of livestock at such stockyards are adequate to effectuate the purposes of the regulations and the State in which such stockyards are located has entered into a memorandum of understanding with Veterinary Services setting forth certain standards for such stockyards.

* * * * *

PART 80—PARATUBERCULOSIS IN DOMESTIC ANIMALS

§ 80.1 [Amended]

1. In § 80.1, paragraph (f) is deleted.

§ 80.4 [Amended]

2. In § 80.4, in the introductory paragraph, the phrase "a public stockyard or" is deleted.

(Secs. 4–7, 23 Stat. 31–32, as amended; 41 Stat. 699; sec. 2, 65 Stat. 693; secs. 1–3, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115–117, 120–123, 134b, 134f, 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective July 1, 1973.

Done at Washington, D.C., this 29th day of June, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13687 Filed 7-5-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12955, Amdt. 871]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective August 16, 1973.

Gulkana, Alas.—Gulkana Arpt., LFR-A, Amdt. 12.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 16, 1973.

Aberdeen, S.D.—Aberdeen Municipal Arpt., VOR/DME Rwy 12, Amdt. 4
Aberdeen, S.D.—Aberdeen Municipal Arpt., VOR Rwy 30, Amdt. 11
Bartlesville, Okla.—Frank Phillips Arpt., VOR Rwy 17, Amdt. 6
Bartlesville, Okla.—Frank Phillips Arpt., VORTAC Rwy 35, Amdt. 1
Charleston, W. Va.—Kanawha Arpt., VOR-A, Amdt. 7
Cleveland, Tex.—Cleveland Municipal Arpt., VOR-A (TAC), Orig.
Gallup, N.M.—Senator Clarke Field, VOR Rwy 6, Amdt. 2
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 4 (TAC), Amdt. 8
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 13 (TAC), Amdt. 13
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 22 (TAC), Amdt. 9
Gulfport, Miss.—Gulfport Municipal Arpt., VOR Rwy 31 (TAC), Amdt. 13
Gulkana, Alas.—Gulkana Arpt., VOR Rwy 14, Amdt. 3
Gulkana, Alas.—Gulkana Arpt., VOR Rwy 32, Amdt. 3
Kamuela, Haw.—Waimea-Kohala Arpt., VOR-A, Amdt. 3
Kamuela, Haw.—Waimea-Kohala Arpt., VOR Rwy 4, Amdt. 5
Lawton, Okla.—Lawton Municipal Arpt., VOR Rwy 35, Amdt. 12
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., VOR Rwy 30 (TAC), Amdt. 1
Marianna, Fla.—Marianna Municipal Arpt., VOR Rwy 32, Amdt. 5
Marion, S.C.—Marion County Arpt., VOR/DME-A, Amdt. 1
Muskegon, Mich.—Muskeon County Arpt., VOR-A (TAC), Amdt. 10
Muskegon, Mich.—Muskegon County Arpt., VOR/DME Rwy 5, Amdt. 2
New Braunfels, Tex.—New Braunfels Municipal Arpt., VORTAC-A, Orig.
Palm Springs, Cal.—Palm Springs Municipal Arpt., VOR-1, Amdt. 4, Canceled
Palm Springs, Cal.—Palm Springs Municipal Arpt., VOR-A, Orig.
Pine Bluff, Ark.—Grider Field, VOR Rwy 17, Amdt. 11
Pryor Creek, Okla.—Pryor Arpt., VORTAC-A, Amdt. 1
Reno, Nev.—Reno Int'l Arpt., VOR-A, Amdt. 1, Canceled
Reno, Nev.—Reno Int'l Arpt., VOR-D, Orig.
Rome, Ga.—Richard B. Russell Arpt., VOR/DME Rwy 18, Orig.
Rome, Ga.—Richard B. Russell Arpt., VOR/DME Rwy 36, Orig.
Rome, Ga.—Richard B. Russell Arpt., VOR Rwy 36, Amdt. 7

* * * effective June 26, 1973:

Morgantown, W. Va.—Morgantown Municipal Arpt., VOR/DME Rwy 18, Amdt. 3

* * * effective June 20, 1973:

Pierre, S.D.—Pierre Municipal Arpt., VOR/DME Rwy 7, Amdt. 4

* * * effective May 9, 1973:

Dubuque, Ia.—Dubuque Municipal Arpt., VOR Rwy 31, Amdt. 5

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 16, 1973:

Aberdeen, S.D.—Aberdeen Municipal Arpt., LOC/DME (BC) Rwy 12, Amdt. 1
Allentown, Pa.—Allentown-Bethlehem-Easton Arpt., LOC (BC) Rwy 24, Amdt. 12
Jackson, Tenn.—McKellar Field, LOC (BC) Rwy 20, Orig.
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., LOC (BC) Rwy 12, Amdt. 2
Reno, Nev.—Reno Int'l Arpt., LOC-A, Amdt. 1, Canceled
Reno, Nev.—Reno Int'l Arpt., LOC-C, Orig.
Reno, Nev.—Reno Int'l Arpt., LOC/DME BC-B, Amdt. 3

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 16, 1973:

Aberdeen, S.D.—Aberdeen Municipal Arpt., NDB Rwy 30, Amdt. 1
Allentown, Pa.—Allentown-Bethlehem-Easton Arpt., NDB Rwy 6, Amdt. 12
Amarillo, Tex.—Amarillo Air Terminal, NDB Rwy 3, Amdt. 10
Amchitka, Alas.—Amchitka Arpt., NDB Rwy 7, Amdt. 2, Canceled
Amchitka, Alas.—Amchitka Arpt., NDB Rwy 25, Amdt. 3, Canceled
Aniak, Alas.—Aniak Arpt., NDB Rwy 28, Amdt. 5
Artesia, N.M.—Artesia Municipal Arpt., NDB Rwy 12, Amdt. 1
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., NDB Rwy 30, Amdt. 2
Portland, Ore.—Portland Int'l Arpt., NDB A, Amdt. 18, Canceled
Portland, Ore.—Portland Int'l Arpt., NDB B, Orig.
Rome, Ga.—Richard B. Russell Arpt., NDB-A, Amdt. 6, Canceled
Rome, Ga.—Richard B. Russell Arpt., NDB Rwy 36, Orig.
Spokane, Wash.—Felts Field, NDB A, Orig., Canceled
Spokane, Wash.—Felts Field, NDB B, Orig.
Uvalde, Tex.—Garner Field, NDB Rwy 33, Amdt. 1

* * * effective July 19, 1973:

Madison, S.D.—Madison Municipal Arpt., NDB Rwy 14, Orig.

* * * effective June 26, 1973:

Morgantown, W. Va.—Morgantown Municipal Arpt., NDB Rwy 18, Amdt. 9

* * * effective June 25, 1973:

Oshkosh, Wis.—Wittman Field, NDB Rwy 9, Amdt. 9, Canceled

* * * effective May 9, 1973:

Dubuque, Ia.—Dubuque Municipal Arpt., NDB Rwy 31, Amdt. 2

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 16, 1973:

Aberdeen, S.D.—Aberdeen Municipal Arpt., ILS Rwy 30, Amdt. 1
Allentown, Pa. — Allentown - Bethlehem - Easton Arpt., ILS Rwy 6, Amdt. 17
Charleston, W. Va.—Kanawha Arpt., ILS Rwy 23, Amdt. 20
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., ILS Rwy 30, Amdt. 25
Reno, Nev.—Reno Int'l Arpt., ILS-A, Amdt. 2
Reno, Nev.—Reno Int'l Arpt., ILS/DME Rwy 16, Orig.

* * * effective June 26, 1973:

Morgantown, W. Va.—Morgantown Municipal Arpt., ILS Rwy 18, Amdt. 2

* * * effective June 25, 1973:

Oshkosh, Wis.—Wittman Field, ILS Rwy 9, Amdt. 14, Canceled

* * * effective June 22, 1973:

Watertown, S.D.—Watertown Municipal Arpt., ILS/DME Rwy 35, Amdt. 1

* * * effective June 20, 1973:

Pierre, S.D.—Pierre Municipal Arpt., ILS Rwy 31, Amdt. 1

6. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective August 16, 1973:

Amarillo, Tex.—Amarillo Air Terminal, Radar-1, Amdt. 8
Charleston, W. Va.—Kanawha Arpt., Radar-1, Amdt. 7
Lawton, Okla.—Lawton Municipal Arpt., Radar-A, Amdt. 1, Canceled
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., Radar-1, Amdt. 7
Reno, Nev.—Reno Int'l Arpt., Radar-1, Amdt. 2

7. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 16, 1973:

Charleston, W. Va.—Kanawha Arpt., RNAV Rwy 14, Amdt. 1
Charleston, W. Va.—Kanawha Arpt., RNAV Rwy 32, Amdt. 1
Emporia, Kan.—Emporia Municipal Arpt., RNAV Rwy 18, Orig.
Gastonia, N.C.—Gastonia Municipal Arpt., RNAV Rwy 3, Orig.
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., RNAV Rwy 25R, Orig.
Long Beach, Cal.—Long Beach (Daugherty Field) Arpt., RNAV Rwy 30, Orig.
Moses Lake, Wash.—Grant County Airport, RNAV Rwy 21, Amdt. 2
Palmdale, Cal.—Palmdale Production Flt. Test Instln, A.F. Plant 42, RNAV Rwy 25, Orig.
Palm Springs, Cal.—Palm Springs Municipal Arpt., RNAV-A, Amdt. 2, Canceled
Palm Springs, Cal.—Palm Springs Municipal Arpt., RNAV-B, Orig.
Rock Hill, S.C.—Rock Hill Municipal Arpt., RNAV Rwy 1, Orig.

Corrections. In Docket No. 12882, Amendment 867, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14917, under §§ 97.25, 97.27, 97.29 and 97.33 effective July 5, 1973: Disregard procedures under Newark, N.J. Newark Int'l Arpt., NDB Rwy 4L, Amdt. 4; NDB Rwy 4R, Orig; ILS Rwy 4L, Amdt. 4; ILS Rwy 4R, Orig; VOR Rwy 11, Amdt. 3; RNAV Rwy 11, Amdt. 3.

In Docket No. 12882, Amendment 867, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14917, under §§ 97.27 and 97.29, effective July 5, 1973: Change effective dates of Newark, N.J. – Newark Int'l Arpt., NDB Rwy 22L, Orig; NDB Rwy 22R, Amdt. 3; ILS Rwy 22L, Orig; ILS Rwy 22R, Amdt. 4 to July 12, 1973.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 28, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-13658 Filed 7-5-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—BUREAU OF NARCOTICS AND DANGEROUS DRUGS, DEPARTMENT OF JUSTICE

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Diethylpropion and Phentermine; Temporary Placement in Schedule IV; Interim Regulations

Notices were published in the FEDERAL REGISTER on May 9 and 10, 1973, proposing placement of benzphetamine (38 FR 19119), chlorphentermine (38 FR 12120), clortermine (38 FR 12121), diethylpropion (38 FR 12230), mazindol (38 FR 12124), phendimetrazine (38 FR 12126), and phentermine (38 FR 12127) in Schedule III of the Controlled Substances Act, and fenfluramine (38 FR 12123) in Schedule IV of the Controlled Substances Act. All interested persons were given until June 7, 1973, to file objections, comments or requests for a hearing. A notice was published in the FEDERAL REGISTER on May 31, 1973, extending the time for filing to June 11, 1973, (38 FR 14288).

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On June 15, 1973, a final order was issued placing benzphetamine, chlorphentermine, clortermine, mazindol, and phendimetrazine in Schedule III of the Controlled Substances Act and fenfluramine in Schedule IV of the Controlled Substances Act (38 FR 15719).

Objections and a request for a hearing were filed on the proposal to control diethylpropion by Merrell National Laboratories, a division of Richardson Merrell, Inc., the manufacturer of that substance. Objections and a request for a hearing were filed on the proposal to control phentermine by Pennwalt Corporation, a manufacturer of that substance. The Bureau is currently seeking acceptable dates for hearings on these objections.

Until such hearings can be completed, however, the Bureau believes that interim control of diethylpropion and phentermine is desirable. These two substances are reported to be among the most widely prescribed of the nonamphetamine anorectic drugs in the United States. The Bureau's concern that such drugs are likely targets for future abuse applies with special force to diethylpropion and phentermine because of this wide availability. In addition, in controlling benzphetamine, clortermine, mazindol and phendimetrazine, the Bureau had indicated to manufacturers that their consenting to control would not be allowed to place them at a competitive disadvantage with other substances being proposed for Schedule III. In light of these considerations, the Director requested that Merrell National Laboratories and Pennwalt Corporation consent, respectively, to the placement of diethylpropion and phentermine in Schedule IV of the Controlled Substances Act in the interim before hearings can be held and a final order issued on the proposals to place each substance in Schedule III.

Merrell National Laboratories and Pennwalt Corporation have cooperated with the Director in this request in order to assure that any possibility of abuse of diethylpropion and phentermine during the next weeks is minimized. Both manufacturers have stated, and the Bureau has agreed, that this consent does not constitute an admission to any facts or findings regarding the abuse potential or dependence liability of the two substances, nor a waiver of the right to contest any assertion of fact or law involved in the hearings on placement in Schedule III, nor a withdrawal of the requests for such hearings, nor does it alter the burden of proof on any issue of fact in such hearings. In the same manner this interim action in no way affects the Bureau's proposal that diethylpropion and phentermine be placed in Schedule III. For all parties this interim order represents the most expedient course of action necessary to protect public health and safety, to preserve the rights of the manufacturers of diethylpropion and phentermine, and to observe the legitimate interests of the manufacturers of the other anorectic drugs now controlled.

The Bureau construes that the published proposals to place diethylpropion and phentermine in Schedule III comply with the procedures required by section 201 of the Controlled Substances Act for the placement of these substances in Schedule IV, in this situation. The pertinent regulatory controls on Schedules III and IV are substantially identical. There being no objections to the placement of these substances in Schedule III (other than those of the two manufacturers), it would appear unlikely that anyone would now object to their placement in Schedule IV, except possibly for manufacturers of other anorectic drugs in competition with diethylpropion and phentermine. The Bureau has consulted with these manufacturers and each agreed to this interim action. The USV Pharmaceutical Corporation so agreed on conditions which are acceptable to the Bureau and which will be set forth in a letter to be dated July 2, 1973 from counsel for the Corporation. Therefore, under these unusual circumstances the Director finds that section 201 has been complied with and no further proposal be made but an order issued to place diethylpropion and phentermine in Schedule IV at this time.

Diethylpropion

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, diethylpropion has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Diethylpropion has a currently accepted medical use in treatment in the United States.

3. Abuse of diethylpropion may lead to limited psychological dependence relative to the drugs or other substances in Schedule III.

The Director has concluded from his review of the current situation that control of all anorectic drugs, including diethylpropion, is desirable at this time to insure that they will not become widely abused. While instances of abuse with diethylpropion are irregular and infrequent, the Director believes that scheduling will prevent diethylpropion from becoming the subject of abuse as amphetamines become increasingly unavailable in the illicit market. In this regard the Bureau recognizes that the manufacturer has presented data indicating that in environments where amphetamines have been banned, diethylpropion has not become the subject of increased abuse. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. Merrell National Laboratories, a division of Richardson Merrell, Inc., the only manufacturer of diethylpropion in the United States, has participated in conferences with the Bureau and cooperated fully by making available to both the Bureau and the Department of Health, Education and Welfare an extensive analysis of published and unpublished reports of diethylpropion abuse. Upon the conditions set forth in a letter to the Bureau from counsel for Merrell National Laboratories, dated June 29, 1973, to which the Bureau agrees, the manufacturer has consented to the placement of diethylpropion in Schedule IV to insure that it does not become subject to abuse in the period prior to final action on the proposal to place diethylpropion in Schedule III.

Phentermine

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, phentermine has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Phentermine has a currently accepted medical use in treatment in the United States.

3. Abuse of phentermine may lead to limited psychological dependence relative to the drugs or other substances in Schedule III.

The Direotor has concluded from his review of the current situation that control of all anorectic drugs, including phentermine, is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. The Dorsey Laboratories, Division of Sandoz-Wander, Inc., one of the two manufacturers of phentermine in the United States, has fully cooperated with the Bureau and has consented to the placement of phentermine in Schedule III to insure that it does not become subject to abuse in the future. The Pennwalt Corporation, the other manufacturer of phentermine in the United States, has participated in conferences with the Bureau. Upon the conditions set forth in a letter to the Bureau from counsel for Pennwalt Corporation, dated June 26, 1973, to which the Bureau agrees, the manufacturer has consented to the placement of phentermine in Schedule IV to insure that it does not become subject to abuse in the period prior to final action on the proposal to place phentermine in Schedule III.

Conclusion

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director orders that § 308.14 of Title 21 of the Code of Federal Regulations be amended by the addition of a new paragraph to read:

§ 308.14 Schedule IV.

* * * * *

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion	1610
(2) Phentermine	1640

Future Action Regarding Anorectics

Because of the similarities among the substances controlled by this order, and between those substances and the stimulants currently listed in Schedules II and III, the Director is controlling these substances at this time in order to prevent their becoming the subject of abuse as amphetamines become less available in the illicit market through the operation of the Bureau's regulatory controls and criminal enforcement actions. The Director believes that evidence suggests these anorectics may be future targets of stimulant abusers.

The Bureau intends to proceed to hearings on the placement of diethylpropion and phentermine in Schedule III in the near future. The times and places of such hearings will be announced shortly.

The Bureau, over a longer period, will monitor the manufacture, distribution, and use in the United States of diethylpropion and phentermine, as well as those anorectic drugs controlled on June 15, 1973, paying special attention to indicators of diversion (such as shortages in accountability audits of distributors and dispensers, thefts from handlers, and availability on the illicit market) and to other indicators which indicate that any of these substances are actually being abused (such as excessive prescribing and dispensing, reports of adverse reactions and overdoses, and other medical experiences). The Bureau will also consider, if available, clinical and other research in abusability, dependence-creating, and dependence-sustaining characteristics of any of these substances. If, after 18 months during which these drugs are marketed, experience suggests that any of them have not been subject to significant diversion or abuse, the Director will review the necessity and desirability of maintaning it under control and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether that substance should be so controlled or removed as a controlled substance.

Any interested person may petition the Bureau to decontrol any of these substances at any time. If any petition is received to decontrol any one of these substances, or if the Director, based upon the review mentioned above, requests the evaluation and recommendation of the Secretary of Health, Education and Welfare on any of these substances, all of the remaining substances will also be reviewed and, where appropriate, evaluations and recommendations regarding them will also be requested of the Secretary.

Effective dates. The requirements imposed upon the anorectic substances controlled by this order shall become effective as follows:

1. *Registration.* Unless currently registered to conduct that activity with Schedule IV nonnarcotic substances, or unless exempted from registration by law or pursuant to §§ 301.24–301.28 or 311.24–311.28 of Title 21 of the Code of Federal Regulations, any person who manufactures, distributes, dispenses, imports or exports diethylpropion or phentermine or who proposes to engage in the manufacture, distribution, dispensing, importation, or exportation of either of those substances, shall obtain a registration to conduct that activity on or before August 1, 1973.

2. *Security.* Diethylpropion and phentermine must be manufactured, distributed and stored in accordance with §§ 301.71, 301.72(b), 301.73, 301.74, 301.75(b) and 301.76 of Title 21 of the Code of Federal Regulations on or before September 1, 1973. In the event that this poses special hardships, the Bureau will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, diethylpropion and phentermine which are packaged after September 1, 1973, shall comply with the requirements of §§ 302.03–302.05 and 302.08 of Title 21 of the Code of Federal Regulations. In accordance with § 302.06(c) of Title 21 of the Code of Federal Regulations, the Director finds that early compliance with these requirements is necessitated by the fact that early control of these substances has been undertaken to prevent abuse before it becomes widespread; prompt and adequate notice of control is essential to carry out this purpose and thereby protect the public health and safety. In addition, the Director believes it would be unfair and discriminatory to allow any greater period of time between the effective dates of labeling for the anorectics newly approved for marketing and the effective dates for those anorectics which have been marketed for some period of time. In the event these effective dates pose special hardships on any manufacturer, the Bureau will entertain any justified requests for an extension of time.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of diethylpropion or phentermine shall take an inventory of all stocks of those substances on hand on September 1, 1973.

5. *Records.* All registrants required to keep records pursuant to Part 304 of Title 21 of the Code of Federal Regulations shall maintain such records on diethylpropion and phentermine commencing on the date on which the inventory of those substances is taken.

6. *Prescriptions.* All prescriptions for products containing diethylpropion and phentermine shall comply with §§ 306.01–302.06 and 306.21–206.25 of Title 21 of the Code of Federal Regulations no later than September 1, 1973. Any prescription for any of the foregoing products which was issued before March 1, 1973, or which has been refilled more than five times, may not be refilled after September 1, 1973.

7. *Importation and exportation.* All importation and exportation of diethylpropion and phentermine on and after September 1, 1973, shall be in compliance with Part 312 of Title 21 of the Code of Federal Regulations.

8. *Criminal liability.* Any activity with diethylpropion or phentermine, not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after the date this order is published in the Federal Register shall be unlawful, except that any person who is not now registered to handle these substances but who is entitled to registration under those Acts may continue to conduct normal business or professional practice with those substances between the date on which this order is published and the date on which he obtains the proper registration.

9. *Other.* In all other respects, this order is effective on July 6, 1973.

Dated: June 29, 1973.

John E. Ingersoll,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13691 Filed 7-5-73;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Modification of Provisions Concerning Supplier's Certificate

The amendment (1) extends from June 30, 1973 to August 30, 1973, the time during which the A.I.D. Supplier's Certificate, designated as AID 282 (1–1–67), may be submitted, to allow more time for the new Supplier's Certificate to be distributed throughout the business community and pending that distribution to permit the old Supplier's Certificate to continue in use; and (2) deletes Appendix C from the regulation because the certificate described by Appendix C is no longer required under the

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operating provisions of AID Regulation 1.

Part 201 of Chapter II, Title 22 (A.I.D. Regulation 1) is amended as follows:

a. The second sentence of paragraph (s) of § 201.01 is amended to read as follows:

§ 201.01 Definitions.

. . . . . .

(s) • • • The version of the Form 282 designated AID 282 (1–1–67) shall be considered as "Supplier's Certificate" for purposes of this Part 201 when submitted to A.I.D. or a bank holding an A.I.D. Letter of Commitment for payment on or before August 31, 1973.

. . . . . .

APPENDIX C [DELETED]

b. Appendix C is deleted.

Effective date. This amendment shall become effective on July 6, 1973.

Dated June 25, 1973.

JOHN A. HANNAH,
Administrator.

[FR Doc.73–13693 Filed 7–5–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER B—ARCHIVES AND RECORDS

[FPMR Amdt. B–25]

PART 101–11—RECORDS MANAGEMENT

Interagency Reports Management

Part 101–11 is amended by adding new Subpart 101–11.11 to provide procedures to be followed by agencies in the management of interagency reporting requirements in accordance with Office of Management and Budget Circular No. A–40, Revised, including the designation of a coordinator and an alternate to serve as liaison with the National Archives and Records Service on interagency reporting matters. The interagency reports coordinator and an alternate shall be designated by each Federal agency within 30 calendar days after the effective date of this amendment, and the agency shall notify the Office of Records Management, NARS (mailing address: General Services Administration (NR), Washington, DC 20408), in writing of the name, title, location, and telephone number of each coordinator and alternate.

Part 101–11 is amended by the addition of Subpart 101–11.11 and § 101–11.4922, as follows:

Subpart 101–11.11—Interagency Reports Management

Sec.
101–11.1100 Scope.
101–11.1101 Authority.
101–11.1102 Definitions.
101–11.1102–1 Report.
101–11.1102–2 Interagency reporting requirement.
101–11.1102–3 Agency.
101–11.1102–4 Requiring agency.
101–11.1102–5 Responding agency.
101–11.1103 Clearance procedures for interagency reporting.
101–11.1103–1 Exemptions and waivers.
101–11.1103–2 GSA assistance.
101–11.1103–3 Agency sampling.
101–11.1103–4 Clearance form.
101–11.1103–5 Identification of reporting costs.
101–11.1103–6 Justification.
101–11.1103–7 Directives.
101–11.1103–8 Periodic review of interagency reporting requirements.
101–11.1103–9 Interagency public reports.
101–11.1103–10 Appeal procedure.
101–11.1103–11 Discontinuance.
101–11.1103–12 Interagency reports coordinators.

Subparts 101–11.12—101–11.48 [Reserved]

Subpart 101–11.49—Forms and Reports

101–11.4922 Request for Clearance of an Interagency Reporting Requirement

AUTHORITY: The provisions of this Subpart 101–11.11 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–11.11—Interagency Reports Management

§ 101–11.1100 Scope.

This subpart sets forth the procedures to be followed by agencies in the management of interagency reporting requirements in accordance with Office of Management and Budget Circular No. A–40, Revised, and provides definitions of terms applicable to interagency reports management.

§ 101–11.1101 Authority.

The provisions of this subpart are issued pursuant to the Federal Records Act (44 U.S.C. Chapters 29 and 31) and Office of Management and Budget Circular No. A–40, Revised, May 3, 1973.

§ 101–11.1102 Definitions.

For the purposes of this subpart, the following definitions shall apply.

§ 101–11.1102–1 Report.

(a) Data or information which is transmitted for use in determining policy; in planning, controlling, and evaluating operations and performance; in making administrative determinations; or in preparing other reports. The data or information may be in narrative, statistical, graphic, or other form.

(b) Certain types of data or information commonly identified as "reports" are excluded from this definition. They are: Inspection and audit reports; operating documents such as individual supply and procurements transactions; and research findings, technical summaries, and special management studies and surveys.

§ 101–11.1102–2 Interagency reporting requirement.

Any requirement that involves reports to a department or agency from one or more other departments and agencies which are subject to the provisions of the Federal Records Act.

§ 101–11.1102–3 Agency.

A department, independent agency, commission, or establishment of the executive branch.

§ 101–11.1102–4 Requiring agency.

An agency establishing an interagency reporting requirement.

§ 101–11.1102–5 Responding agency.

An agency required to respond to an interagency reporting requirement.

§ 101–11.1103 Clearance procedures for interagency reporting.

Requiring agencies shall use the documents and procedures prescribed below when originating, modifying, or discontinuing an interagency report.

§ 101–11.1103–1 Exemptions and waivers.

(a) *Exemptions.* The following interagency reporting requirements are exempted from the clearance provisions of this Subpart 101–11.11. However, interagency reporting requirements that may be developed by an agency to respond to an exempted requirement are subject to the clearance provisions of this subpart.

(1) Legislative branch requirements in statutes or Congressional committee requests;

(2) Judicial branch requirements in court orders or other judicial determinations;

(3) Presidential requirements in Presidential directives;

(4) OMB budgetary, program review and coordination, and legislative clearance requirements; and

(5) One-time nonrecurring requirements waived by GSA.

(b) *Waivers.* Submission of complete justification for cost effectiveness of reporting requirements may be waived when in the judgment of GSA it would be in the interest of the Government to do so. A letter providing the reason for the waiver request shall be submitted in lieu of the justification statement with Standard Form 360, Request for Clearance of an Interagency Reporting Requirement (excluding item 9, "Summary of Estimated Reporting Costs"). This request will normally be responded to within 5 workdays after its receipt. If a request for waiver is denied, the justification statement shall be prepared for regular clearance of the reporting requirement. Standard Form 360 is illustrated in § 101–11.4922.

§ 101–11.1103–2 GSA assistance.

Agencies initiating new programs and major policy changes shall request assistance from the Office of Records Management, National Archives and Records Service, NARS (mailing address: General Services Administration (NR), Washington, DC 20408), in defining and assessing related interagency reporting requirements. Such requests shall be made at the earliest practical opportunity in the planning for new programs and major policy changes, and should come from the interagency reports coordinator designated in accordance with § 101–11.1103–12 of this subpart.

§ 101–11.1103–3 Agency sampling.

Requiring agencies shall conduct a sampling of responding agencies in accordance with sampling guidelines issued by the Office of Records Management, NARS. The samples provide a basis for estimating reporting costs and validating the method of data collection. Whenever the reporting requirement necessitates development of a major information system, the requiring agency shall also plan for pilot testing of the system before its final implementation.

§ 101–11.1103–4 Clearance form.

Requests for clearance of new or modified interagency reports shall be submitted on Standard Form 360, Request for Clearance of an Interagency Reporting Requirement. (See form illustrated in § 101–11.4922.)

§ 101–11.1103–5 Identification of reporting costs.

In accordance with costing guidelines issued by the Office of Records Management, NARS, each request for clearance of a new report or the major modification of an existing one shall contain an estimate of the reporting costs related to it, unless the requirement is waived in accordance with § 101–11.1103–1. The cost for establishing the new or modified reporting system (developmental costs), the annual cost for operating the reporting system (operational costs), and the annual cost of using the reporting system (user costs) shall be computed and totals entered in item 9 (Summary of Estimated Reporting Costs) of SF 360, Request for Clearance of an Interagency Reporting Requirement. Supporting documentation and worksheets shall be kept available for NARS. These three cost categories are described below. Costing guidelines will be issued to the interagency reports coordinator. (See § 101–11.1103–12.)

(a) Developmental costs result from those activities necessary for establishing a new reporting requirement or modifying an existing reporting requirement. Developmental costs include:

(1) Specification of reporting requirement.

(2) Analysis of reporting requirement.

(3) Design of reporting system.

(4) Installation of reporting system.

(b) Operational costs result from those continuing activities necessary to prepare and transmit a report. Operational costs include:

(1) Data collection.

(2) Data processing.

(3) Data transmission.

(c) User costs result from those normal activities performed by the requiring office on the transmitted information. User costs include:

(1) Refining, interpreting, and analyzing information received.

(2) Reading, reviewing, discussing, and documenting information presented (e.g., hard copy report, briefing session, remote terminal response).

NOTE: User costs will *not* be included in "Management of Federal Reports" data submitted under OMB Circular No. A–44, Revised.

§ 101–11.1103–6 Justification.

Each reporting requirement shall be justified in terms of its value to management. The developmental, operational, and user costs of a report should be evaluated in terms of (a) increased productivity, (b) more timely service, (c) better quality in output, or (d) reduced costs. This justification shall be an attachment to SF 360, Request for Clearance of an Interagency Reporting Requirement.

§ 101–11.1103–7 Directives.

The directive prescribing the interagency reporting requirement shall include the following information: Purpose of requirement, report title, NARS approval number, format, preparation instructions, responding agencies, frequency, number of copies, routing, due date, and whether negative reports are required.

§ 101–11.1103–8 Periodic review of interagency reporting requirements.

When a reporting requirement is cleared it shall be assigned an expiration date. The date is contingent upon the particular reporting requirement, but it will normally be 3 years from the origination of the reporting requirement. A request for an extension of approval beyond a scheduled expiration date shall be made to the Office of Records Management, NARS, on SF 360, Request for Clearance of an Interagency Reporting Requirement.

§ 101–11.1103–9 Interagency public reports.

An interagency reporting form and requirements which require Office of Management and Budget (OMB) approval under chapter 35 of title 44, U.S.C. (i.e., because the information to be collected is to be used for statistical compilations of general public interest or necessitates collection of information from the public by responding agencies) shall be submitted to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NR), Washington, DC 20408) with a copy of SF 360, Request for Clearance of an Interagency Reporting Requirement, for clearance. NARS will review the proposed form and will transmit a copy to OMB for its action.

§ 101–11.1103–10 Appeal procedure.

Either the requiring or responding agency may appeal an interagency clearance or waiver decision made by NARS. The reasons for the appeal shall be stated in writing and sent to the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NR), Washington, DC 20408) for transmittal and GSA recommendation to OMB.

§ 101–11.1103–11 Discontinuance.

When an interagency report is no longer needed, the requiring agency shall issue to all responding agencies and to the Office of Records Management, NARS, a letter, directive, or other instruction to that effect.

§ 101–11.1103–12 Interagency reports coordinators.

Each Federal agency shall designate an official and an alternate who shall serve in a liaison capacity with NARS on interagency reporting matters. The agency shall notify the Office of Records Management, National Archives and Records Service (mailing address: General Services Administration (NR), Washington, DC 20408), in writing, of the name, title, location, and telephone number of each Interagency Reports Coordinator and within 30 calendar days after each change shall provide the same information for each replacement coordinator or alternate.

Subparts 101–11.12—101–11.48 [Reserved]

Subpart 101–11.49—Forms and Reports

Section 101–11.4922 is added as follows:

§ 101–11.4922 Standard Form 360, Request for Clearance of an Interagency Reporting Requirement.

NOTE: The form illustrated in § 101–11.4922 is filed as part of the original document.

Effective date. This regulation is effective July 1, 1973.

Dated: June 29, 1973.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.73–13707 Filed 7–5–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5345]

[Wyoming 34551]

WYOMING

Withdrawal of Middle Fork of Powder River Area

Correction

In FR Doc. 73–11692 appearing at page 15509 of the issue for Wednesday, June 13, 1973, the ninth line of the first column on page 15510, reading "and E½ ES¼;", and should read "and E½SE¼;".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 186—INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 1, 1973, at 38 FR 10738, setting forth requirements for the award of assistance to local and nonlocal educational agencies under the Indian Elementary and Secondary School Assistance Act (Part A of Title IV of the Education Amendments of 1972, 20 U.S.C. 241aa). Funds under this Act are to be used for the purpose of developing and carrying out elementary and secondary school programs specially designed to meet the

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special educational needs of Indian students.

No comments of a substantive nature were received during the period established for receipt of comments in the proposed rulemaking. Some minor changes have been made, as indicated below, in order to clarify terminology used in the proposed rulemaking.

Summary of changes made. 1. Section 186.22(a) has been amended to reflect the statutory requirement that all schools assisted under section 303(b) of the Act must be located on or near a reservation.

2. A new § 186.16(b) has been added to make clear that the continued participation of the affected Indian community as a whole in the operation and evaluation of the local program is not limited by the fact that a parent committee has been selected pursuant to §§ 186.15 and 186.16.

3. Other minor changes have been made in order to correct clerical errors or to effect solely technical matters.

On May 21, 1973, after reviewing the proposed rulemaking, the National Advisory Council on Indian Education, meeting in Arlington, Virginia, approved the proposed rulemaking. The amendments described above reflect the comments of the National Advisory Council.

After consultation with the National Advisory Council as required by section 442(b) of the Indian Education Act (title IV of P.L. 92–318) Title 45 of the Code of Federal Regulations is amended by adding a new Part 186 as set forth below.

Federal financial assistance provided pursuant to the Indian Elementary and Secondary School Assistance Act is subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provision of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92–318 (20 U.S.C. 1681) relating to discrimination on the basis of sex.

Effective date. As appears from the above summary, the modifications herein do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on May 1, 1973, as proposed rulemaking. Accordingly, this regulation shall be effective on July 6, 1973.

Dated: June 22, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 2, 1973.

FRANK CARLUCCI,
Acting Secretary, Health, Education, and Welfare.

PART 186—INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Subpart A—Scope; Definitions

Sec.
186.1 Scope.
186.2 Definitions.
186.3–186.10 [Reserved]

Subpart B—Applications; Use of Federal Funds

Sec.
186.11 Applications.
186.12 Contents of applications.
186.13 Approval of applications.
186.14 Public hearings.
186.15 Parent committee nominations.
186.16 Selection of parent committee.
186.17 Procedures for community involvement.
186.18 Needs assessment.
186.19 Use of Federal funds.

Subpart C—Amount of Grants; Payments; Reallocations

186.21 Formula for determination of amount of grants for local educational agencies.
186.22 Assistance to nonlocal educational agencies.
186.23 Limitation with regard to eligibility of local educational agencies for State aid.
186.24 Limitation with regard to combined fiscal effort.
186.25 Adjustments where necessitated by appropriations.
186.27–186.30 [Reserved]

Subpart D—General Provisions

186.31 Retention of records.
186.32 Audits.
186.33 Limitations on costs.
186.34 Final accounting.
186.35–186.99 [Reserved]

AUTHORITY.—Title IV of Public Law 92–318, 86 Stat. 334 (20 U.S.C. 241aa–241ff), unless otherwise noted.

Subpart A—Scope and Definitions

§ 186.1 Scope.

The regulations in this part govern the provision of financial assistance under the Indian Elementary and Secondary School Assistance Act, title III of Public Law 81–874, as added by part A of title IV of Public Law 92–318 (the Indian Education Act).

§ 186.2 Definitions.

As used in this part:

"The Act" means title III of Public Law 81–874, the Indian Elementary and Secondary School Assistance Act, as added by Public Law 92–318, part A, section 411(a).

(20 U.S.C. 241aa.)

"Child" means any child who is within the age limits for which the applicable State provides free public education.

(20 U.S.C. 244 (2).)

"Combined fiscal effort" means the expenditures per pupil by a local educational agency and the State with respect to the provision of free public education by that local educational agency other than expenditures from funds derived from Federal sources, such as funds under titles I, II, and III of the Elementary and Secondary Education Act, title III of the National Defense Education Act, title I of Public Law 81–874, and the Economic Opportunity Act.

(20 U.S.C. 241ee(b).)

"Commissioner" means the U.S. Commissioner of Education.

(20 U.S.C. 241aa.)

"Current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance, and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of Public Law 81–874, or title II or III of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 244(5).)

"Elementary or secondary school" means a day or residential school which provides elementary education or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(20 U.S.C. 241aa.)

"Equipment" includes machinery and includes all other items of tangible personal property necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include "supplies."

(20 U.S.C. 241cc(2).)

"Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in an applicable State. Free public education may, if in accordance with State law, include education below grade 1 meeting the above criteria.

(20 U.S.C. 244(4).)

"Indian" means any individual, living on or off a reservation, who: (a) Is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; or (b) is considered by the Secretary of the Interior to be an Indian for any purpose; or (c) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221b.)

"Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a reservation, county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(20 U.S.C. 241aa; 20 U.S.C. 244(6)(A), S. Rept. No. 92–384, 92d Cong., 1st Sess. 18 (1971).)

"Minor remodeling" means minor alterations, in a previously completed building, which are needed to make effective use of equipment or personnel in space used or to be used for programs or projects meeting the assessed needs of Indian children. The term may include the extension of utility lines, such as for water and electricity, for points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of the equipment. The term does not include structural alterations to buildings, building construction, maintenance, or repair.

(20 U.S.C. 241cc(2).)

"Nonlocal educational agency" means the governing body of a nonprofit institution or organization of an Indian tribe which operates for Indian children an elementary or secondary school or school system, located on or near a reservation, and which is not a local educational agency as defined herein.

(20 U.S.C. 241bb(b).)

"State aid" with respect to free public education means any contribution, no repayment for which is expected, made by a State to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education.

(20 U.S.C. 241ee(b)(1).)

"State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(20 U.S.C. 244(7).)

§§ 186.3–186.10 [Reserved]

Subpart B—Applications

§ 186.11 Applications.

A grant under the act to a local educational agency may be made only upon application to the Commissioner, on such forms as may be prescribed by him, when such application meets the requirements of this subpart.

(20 U.S.C. 241dd(a).)

§ 186.12 Contents of applications.

An application, in accordance with section 305(a) of the act, shall:

(a) Provide that the activities and services for which assistance is sought will be administered by or under the supervision of the applicant;

(20 U.S.C. 241dd(a)(1).)

(b) Set forth an elementary or secondary school program specially designed to meet the special educational needs of Indian students and provide for such methods of administration (both fiscal and educational) as are necessary for the proper and efficient operation of the program;

(20 U.S.C. 241dd(a)(2).)

(c) Provide that effective procedures, including provisions for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the applicant's programs and projects in meeting the special educational needs of Indian students;

(20 U.S.C. 241dd(a)(4).)

(d) Set forth policies and procedures which assure that Federal funds made available under the act for any fiscal year will be so used to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the education of Indian children and in no case supplant such funds; and

(20 U.S.C. 241dd(a)(5).)

(e) Provide for such fiscal control and fund accounting procedures by the applicant as are necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under the act, and for such reports as the Commissioner may require to carry out his functions under the act.

(20 U.S.C. 241dd(a)(6) and (a)(7); 20 U.S.C. 1232c.)

(f) In the case of an application for payments for planning, provide satisfactory assurance that:

(1) The planning was or will be directly related to programs or projects to be carried out under this part and has resulted, or is reasonably likely to result, in a program or project which will be carried out under this part; and

(2) The planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under the act.

(20 U.S.C. 241dd(a)(3).)

§ 186.13 Approval of applications.

(a) *In general.*—An application may be approved only if it is consistent with the applicable provisions of the act and this part and meets the requirements set forth in § 186.12 and in this section.

(b) *Utilization of talents; increase of educational opportunities.*—An application shall provide satisfactory assurance that the program or project for which the application is made:

(1) Will utilize the best available talents and resources (including persons from the Indian community), and

(2) Will substantially increase educational opportunities of Indian children in the area to be served by the applicant.

The talents and resources utilized to substantially increase educational opportunities of Indian children may include any individuals or organizations which have a particular and uncommon skill, ability, or delivery system, based on knowledge, assets, or existing capacities, to increase educational opportunities of Indian children. Educational opportunities may include, but shall not be limited to, instructional and supportive activities, services or experiences designed to meet the assessed needs of Indian children to be served in the application.

(20 U.S.C. 241dd(b)(2)(A).)

(c) *Consultation and hearings.*—An application shall provide satisfactory assurance that the program or project for which application is made has been developed:

(1) In open consultation with parents of Indian children, teachers, and, where such program or project will serve secondary school students, Indian secondary school students, including not less than one public hearing at which such persons have been given a full opportunity to understand the program for which assistance is sought and to offer recommendations thereon; and

(2) With the participation and approval of a committee selected in accordance with §§ 186.15 and 186.16. Such assurance shall include at the minimum a description of the steps taken by the applicant to meet the requirements of this paragraph.

(20 U.S.C. 241dd(b)(2)(B).)

§ 186.14 Public hearings.

The public hearing required by § 186.13(c)(1) shall provide an opportunity for discussion of, among other appropriate subjects:

(1) The adequacy of current programs to meet the special educational needs of Indian children enrolled in the local educational agency; and

(2) The manner in which the program or project for which application is made will be coordinated with other programs to meet the special educational needs of such children.

(20 U.S.C. 241dd(b)(2)(B)(1).)

§ 186.15 Parent committee nominations.

The committee formed for the purposes of § 186.13(c)(2) shall be nominated and selected by procedures appropriate to the Indian community to be served, such as sanction by the tribal governor where necessary. This committee shall be known as the "parent committee."

(a) Identification of individuals for consideration for membership on the committee shall not be determined by the applicant alone, but, to the extent practicable, shall be determined by consultation with such groups as parents of Indian children to be served, Indian tribes, tribal councils, institutions, and organizations which are part of the affected Indian community.

(b) The recommendation of such individuals by such groups shall be designed to result in the identification of persons representative of the interests of the Indian children to be served by the grant for which application is made.

(c) Representative factors in the nomination and selection of members of the parent committee shall include, but not be limited to, the following:

(a) Geographical location;

(b) Previous or current membership in a parent advisory committee;

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(c) Experience with target schools;
(d) Prior school or community activity;
(e) Willingness to participate actively and make recommendations concerning the special educational needs of the Indian children to be served; and
(f) Representation of reservation and off-reservation Indian children where necessary.

(20 U.S.C. 241dd(b)(2)(B).)

§ 186.16 Selection of parent committee.

(a) The parent committee shall be selected by parents of the Indian children to be served, teachers and, where the program or project will serve secondary school students, Indian secondary school students.

(b) Selection of the parent committee shall not limit the continuing participation of the Indian community in the operation and evaluation of the program pursuant to § 186.17.

(c) The applicant will arrange the mechanism for selection procedures after consultation with the groups listed in § 186.15(a), and shall provide prior notice and dissemination of information to the community concerning the selection procedures.

(d) Membership of a parent committee shall be in proportion to the total number of Indian children to be served, with a maximum membership of 40 persons. The committee shall include only parents of the Indian children to be served, teachers, and where the program or project will serve secondary school students, Indian secondary school students, with parents constituting at least half of the members. Each member shall be designated by name and address in the application.

(20 U.S.C. 241dd(b)(2)(B)(ii).)

§ 186.17 Procedures for community involvement.

An application shall set forth policies and procedures assuring that the program will be operated and evaluated in consultation with, and the involvement of, parents of the Indian children and representatives of the area to be served, including the committee established under § 186.16. Such policies and procedures shall at a minimum include the provision by the local educational agency of the following:

(a) A repository available to the community of documentation concerning parent committee functions such as records of meetings, minutes of meetings, committee selection procedures, and a roster of committee membership;

(b) Dissemination and interpretations of bilingual proceedings and materials where necessary;

(c) An established role for the committee to be played in needs assessments, and priority determinations for meeting such identified needs;

(d) Access by the committee to budget and financial reports and analyses to determine that grant funds are being used to supplement the level of funds available to the community for the education of Indian children;

(e) Planned activities to assure review of application implementation, ongoing review of program or project activities or services, and continuing analysis for evaluation and dissemination activities and other related programs and projects;

(f) Formal mechanism for written approval, by a majority of the committee voting in open session, of the application and of projects and activities to be implemented by the applicant which affect the community to be served.

(20 U.S.C. 241dd(b)(2)(B) and (c).)

§ 186.18 Needs assessment.

In designing a program which meets the special educational needs of the Indian children to be served, the local educational agency (after consultation with the parent committee and the Indian community) must consider the inclusion of activities which build upon and support the heritage, traditions, and lifestyle of the community being served. The determination of those needs shall include consideration of such instructional or supportive services, activities, and experiences as the following:

(a) *Instructional services, activities and experiences.*—(1) Arts (music, graphics, etc.);

(2) Language arts, including speech therapy, reading and language instruction such as bilingual or English as a second language programs;

(3) Vocational and industrial arts;
(4) Mathematics and natural science;
(5) Social sciences and humanities;
(6) Physical education; and
(7) Cultural enrichment.

(b) *Supportive activities, services or experiences.*—(1) Academic guidance, counseling and testing;

(2) Use of dormitory and recreation facilities;
(3) Food and clothing;
(4) Medical and dental care;
(5) Psychological or psychiatric testing and care;
(6) Social work services;
(7) Pupil transportation; and
(8) Special services for physically handicapped and mentally retarded children.

(20 U.S.C. 241cc.)

§ 186.19 Use of Federal funds.

(a) Grants under the Act may be used for

(1) The planning and development of programs specifically designed to meet the special educational needs of Indian children, including pilot projects designed to test the effectiveness of plans so developed; and

(2) The establishment, maintenance, and operation of programs specifically designed to meet the special educational needs of Indian children.

(b) Grants under the Act also may be used for the acquisition of necessary equipment, and for the minor remodeling of classroom or other space used for such programs currently meeting the special educational needs of Indian children.

(20 U.S.C. 241bb(a)(2)(B).)

Subpart C—Amount of Grant; Payments; Reallocations

§ 186.21 Formula for determination of amount of grants for local educational agencies.

(a) For the purpose of computing the amount to which a local educational agency is entitled under the Act for any fiscal year ending prior to July 1, 1975, the Commissioner shall determine, on the basis of the most satisfactory data available, the number of Indian children who were enrolled in the schools of such agency and for whom such agency provided free public education, during such fiscal year.

(20 U.S.C. 241bb(a)(1).)

(b) The amount of the grant to which a local educational agency is entitled under the Act for any fiscal year shall be an amount equal to

(1) The average per pupil expenditure for such agency, as determined in accordance with paragraph (c) of this section, multiplied by

(2) The sum of the number of Indian children determined under paragraph (a) of this section.

(20 U.S.C. 241bb(a)(2)(A).)

(c) The average per pupil expenditure for a local educational agency shall be the aggregate current expenditures during the second fiscal year preceding the fiscal year for which the computation is made, for all of the local educational agencies in the State in which such agency is located, plus any direct current expenditures by such State for the operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children who were in average daily membership in elementary and secondary schools for whom such agencies provided free public education during the second preceding fiscal year.

(20 U.S.C. 241bb(a)(2)(C).)

(d) Per pupil expenditure data for the purposes of this part shall be determined by the Commissioner on the basis of the best data available to him. Such data for the purposes of average per pupil expenditure determinations shall be in accordance with the provisions of section 303(a)(2)(C) of the act and of this subpart.

(20 U.S.C. 241bb(a)(2)(C).)

(e) A grant shall not be made to a local educational agency under the act unless the number of Indian children enrolled in the schools of that agency is at least 10 or constitutes at least 50 percent of that agency's total enrollment. This requirement shall not apply to local educational agencies serving Indian children in Alaska, California, and Oklahoma, or located on, or in proximity to, an Indian reservation. (For a local educational agency to be in proximity to an Indian reservation, the Indian child's attendance area must be within reasonable pupil transportation distance of the reservation lands, which determination shall be based on criteria including length of schoolday, route traveltime, and population density factors.)

(20 U.S.C. 241bb(a)(2)(B).)

§ 186.22 Assistance to nonlocal educational agencies.

(a) The Commissioner may, in accordance with section 303(b) of the act, provide financial assistance to schools on or near reservations which are: (1) Nonlocal educational agencies or (2) local educational agencies (i) which have not been local educational agencies for more than 3 years and (ii) which enroll a substantial proportion of Indian children.

(b) Assistance may be made available under this section to meet the costs of programs and projects which meet the purposes of this part, including costs incurred in connection with the establishment of such agencies. Applications for assistance under this section shall meet the appropriate requirements of subpart B of this part.

(20 U.S.C. 241bb(b); S. Rept. 92-346, 92d Cong., 1st Sess. 1971, p. 99.)

§ 186.23 Limitation with regard to eligibility of local educational agencies for State aid.

No payment will be made under this part for any fiscal year to any local educational agency in a State which has taken into consideration payments under this part in determining the eligibility of such local educational agency in that State for State aid, or the amount of that aid, with respect to free public education of children during that year or the preceding fiscal year.

(20 U.S.C. 241ee(b)(1).)

§ 186.24 Limitation with regard to combined fiscal effort.

(a) No payments under the act to any local educational agency in any State for any fiscal year may be made by the Commissioner unless the State educational agency of the respective State finds that the combined fiscal effort of that local educational agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

(b) Expenditures by a State with respect to a local educational agency, rather than by such a local educational agency itself, shall be deemed to have been maintained at the same level in the preceding fiscal year as in the second preceding fiscal year, unless the basis for making such expenditures has been altered or unless such expenditures are assumed by such a local educational agency. In such an event, the actual expenditures of that nature shall be taken into account in both years in determining combined fiscal effort.

(c) A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in the second preceding fiscal year unless the per pupil expenditure in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in fiscal effort by a local educational agency for any fiscal year by more than 5 percent will disqualify a local educational agency unless such agency demonstrates to the satisfaction of the State educational agency that such a reduction was the result of an unusual event, such as an unanticipated increase in school enrollment, that was beyond the control of the local educational agency, and that the fiscal effort of such agency does not otherwise indicate a diminished fiscal effort.

(20 U.S.C. 241ee(b)(2).)

§ 186.25 Adjustments where necessitated by appropriations.

(a) *Ratable reductions.*—As prescribed by section 307(a) of the act, if the sums appropriated for a fiscal year for making payments under this part are not sufficient to pay in full the total amounts which all local educational agencies are eligible to receive under this part for such fiscal year (as determined in accordance with § 186.21), the Commissioner will ratably reduce the maximum amounts which all such agencies are eligible to receive under this part for such year.

(20 U.S.C. 241ff(a).)

(b) *Reallocation of funds.*—(1) In any fiscal year in which the maximum amounts for which local educational agencies are eligible under this part have been ratably reduced in accordance with paragraph (a) of this section (and in which additional funds have not been made available to pay in full such maximum amounts), the Commissioner shall fix a date or dates by appropriate notice for the reporting, by each local educational agency which is eligible for a grant under this part determined in accordance with § 186.21, of the amount of funds available to such agency under this part which it estimates it would expend under an approved application. If such agency is applying for a grant under this part, its estimate shall set forth a detailed projection of the amount it deems necessary for carrying out its proposed project relative to the amount available to it under this part. The Commissioner shall, in fixing such date or dates, notify local educational agencies which are eligible for assistance under this part that the failure to file an application pursuant to subpart B of this part, by such date or dates, will result in the reallocation of the ratably reduced maximum amounts which such agencies are eligible to receive under this part to other eligible local educational agencies pursuant to this section.

(2) Following the submission of such reports, the Commissioner will determine those local educational agencies which will need additional funds to carry out approved applications under this part. Such additional funds may be allocated to such agencies by the Commissioner (i) from amounts which he determines in accordance with subparagraph (1) of this paragraph, will not be used by local educational agencies during their period of availability and (ii) from amounts which he determines would have been available to local educational agencies that did not submit approvable applications and will not be used by such agencies.

(3) No amount may be reallocated to a local educational agency under subparagraph (2) of this paragraph, if such amount, when added to the amount available to such agency in accordance with paragraph (a) of this section, exceeds the maximum grant for which such agency is eligible in accordance with § 186.21.

(20 U.S.C. 241ff.)

§§ 186.27–186.30 [Reserved]

Subpart D—General Provisions

§ 186.31 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (a) for 3 years after the date of the submission of the final expenditure report, or (b) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 186.32 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

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(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G,2, attachment C,1.)

§ 186.33 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 241aa.)

§ 186.34 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-13738 Filed 7-5-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 114]

PART 283—CONSERVATIVE DIVIDEND POLICY

In FR Doc. 71-17546, appearing in the FEDERAL REGISTER issue of December 1, 1971 (36 FR 22839), notice was given and the Assistant Secretary of Commerce for Maritime Affairs (Assistant Secretary) invited comments with respect to a proposed rule establishing a conservative dividend policy to be followed by operators receiving operating-differential subsidy. Comments have been received and considered. Changes from the original proposed regulation are summarized in this statement and incorporated in the revised regulation.

An operator receiving operating-differential subsidy is required by the operating-differential subsidy agreement (ODSA) to follow a conservative dividend policy to insure adequate current and future liquidity to fulfill its contractual obligations with respect to construction and acquisition of vessels, retirement of indebtedness, and maintenance of adequate working capital. Cash dividends may be declared without prior approval of the Assistant Secretary only when the value of certain assets of the operator exceeds its financial requirements with respect to construction and acquisition of vessels, retirement of indebtedness and maintenance of adequate working capital.

If an operator is unable to satisfy the requirements of this regulation, the prior written approval of the Assistant Secretary is required before dividends may be declared. In all cases, written notice to the Assistant Secretary shall be given upon the declaration of a cash dividend.

The following changes from the previous proposed regulation are the result of evaluation of comments submitted to and further consideration by the Assistant Secretary:

(1) Operators are no longer subject to provisions for recapture of profit. Therefore, rules relating to recapture, § 283.3 of the previous proposed regulation, have been eliminated.

(2) Paragraph § 283.5(b) of the previous proposed regulation has been omitted and its "catch all" provision eliminated.

(3) Fulfilling the minimum deposit requirements of a capital construction fund will no longer satisfy any criterion of this regulation, since such deposits will not necessarily provide sufficient available funds to meet present and future obligations to construct and acquire vessels and retire debts.

(4) The amount of funds required for the construction and acquisition of vessels has been reduced by permitting an operator to estimate the cost of construction and acquisition of vessels in the year in which a cash dividend is to be declared.

(5) The amount of funds required for vessel construction and acquisition has been reduced by including only vessels required to be constructed and acquired under the provisions of the current ODSA or pursuant to any contract entered into with the Assistant Secretary or the Maritime Subsidy Board.

The operating-differential subsidy program is exempt from the requirement of 60 Stat. 238, section 4, as amended (5 U.S.C. § 553). This regulation is published in final form.

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs is adding a new Part 283 to Title 46, Chapter II Code of Federal Regulations to read as follows:

Sec.
283.1 Purpose.
283.2 In general.
283.3 Conservative dividend policy criteria.
283.4 Other limitations and restriction applicable to the payment of dividends.
283.5 Prior to approval for declaration and payment of dividends.
283.6 Notification and reporting requirements.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 283.1 Purpose.

The rules of this part establish a conservative dividend policy to be followed pursuant to the provisions of an operating-differential subsidy agreement (ODSA) and set forth the requirements relating to the declaration and payment of cash dividends.

§ 283.2 In general.

One of the purposes of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, 46 U.S.C. 1101), (Act), is to foster the development and encourage the maintenance of the United States merchant marine. Operators receiving an operating-differential subsidy (subsidized operators) are required to maintain the financial ability to assure adequate and timely reinvestment in the merchant marine. The operator's dividend policy shall take into consideration its contractual obligations to construct and acquire vessels, retire ship mortgage indebtedness, and maintain adequate working capital.

§ 283.3 Conservative dividend policy criteria.

(a) *In general.* An operator shall not declare a cash dividend without the prior written approval of the Assistant Secretary of Commerce for Maritime Affairs (Assistant Secretary) unless it is able to satisfy the criteria of this Section.

(b) *Operator's obligation with respect to construction and acquisition of vessels and retirement of indebtedness.* An operator will be deemed to have given due regard to its contractual obligations to construct and acquire vessels and related barges and containers and to retire indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction or reconstruction of such vessels and related barges and containers if, after the payment of a proposed cash dividend, "funds available" equal or exceed "funds required" as both terms are defined in this paragraph.

(1) Funds available shall mean the sum of:

(i) Amounts on deposit in any fund established pursuant to the Act plus accrued deposits (including interest) to, less accrued withdrawals from any such fund;

(ii) Gross book value, as shown on the operators' books of account, of subsidized vessels and related barges and containers less accumulated depreciation;

(iii) Progress payments made on subsidized vessels and related barges and containers undergoing construction, reconstruction, or reconditioning;

(iv) Progress payments made on additional vessels and related barges and containers, if any, which the operator has agreed to construct or acquire pursuant to any contract entered into with the Assistant Secretary or the Maritime Subsidy Board (Board);

(v) Balance of trade-in allowances pursuant to § 510 of the Act; and

(vi) Working capital in excess of the standard prescribed in paragraph (c)(2) of this section.

(2) Funds required shall mean the sum of:

(i) 25 percent of the total cost to the operator of (*a*) subsidized vessels under construction, reconstruction or reconditioning, (*b*) additional vessels under construction, reconstruction or reconditioning which the operator has agreed to construct, reconstruct or recondition pursuant to any contract entered into with the Assistant Secretary or the Board, and (*c*) barges and containers under construction or under contract to purchase and to be used as part of the complement of such vessels;

(ii) 25 percent of the total cost to the operator, estimated at the time a cash dividend is to be declared, of (*a*) replacement of subsidized vessels required to be replaced under the current ODSA, (*b*) additional vessels which the operator has agreed to construct or acquire pursuant to any contract entered into with the Assistant Secretary or the Board or (*c*) barges and containers required as part of the complement of such vessels; and

(iii) Outstanding indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction or reconstruction of such vessels and related barges and containers.

(c) *Operator's obligation to maintain adequate working capital.* An operator shall be deemed to have maintained adequate working capital if, after the declaration and payment of a proposed cash dividend, its working capital will equal or exceed the standard prescribed for working capital, defined in paragraph (c)(2) of this section.

(1) *Working capital defined.* Working capital shall consist of total current assets (accounts 100–199, as defined in Part 282 of this chapter) less accrued deposits to any fund established pursuant to the Act minus total current liabilities (accounts 400–495, as defined in Part 282 of this chapter).

(2) *Standard prescribed for working capital—*(i) *General standard.* Operators shall be required to maintain a level of working capital equal to one-half of "average voyage expenses", as defined in Part 286.3 of this chapter.

(ii) *Alternate standard.* When an operator can demonstrate to the satisfaction of the Assistant Secretary that the standard for working capital prescribed in paragraph (c)(2)(i) of this section is not an appropriate measure of necessary working capital, the standard for working capital will be determined by the Assistant Secretary taking into account pertinent factors and circumstances.

§ 283.4 Other limitations and restrictions applicable to the payment of dividends.

Nothing in this part shall alter restrictions on the payment of dividends which may affect the operator under any other agreements with the Assistant Secretary.

§ 283.5 Prior approval for declaration and payment of dividends.

The written approval of the Assistant Secretary shall be obtained prior to any declaration of dividends by the operator if the criteria of §§ 283.3 and 283.4 cannot be met after the declaration and payment of a proposed cash dividend.

§ 283.6 Notification and reporting requirements.

(a) *Notice.* Written notice of a dividend declaration shall be given by the operator to the Assistant Secretary immediately upon such declaration.

(b) *Annual reports.* The operator shall submit within ninety days of the end of its annual accounting period statements as of the last day of such period showing:

(i) Surplus available for distribution to stockholders, in the format set forth in Schedule A;

(ii) Funds available and funds required, in the format set forth in Schedule B;

(iii) Working capital of the operator, in the format set forth in Schedule C; and

(iv) Other applicable limitations prescribed in any agreements between the operator and the Assistant Secretary affecting the payment of dividends.

(c) *Officials to whom notices and reports are to be directed.* All notices, reports and requests prescribed in this part are to be submitted to the appropriate Maritime Administration Region Director, with 3 copies of such notices, reports or requests to the Secretary, Maritime Administration, Washington, D.C. 20235.

Effective date. This regulation shall be effective on July 6, 1973.

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. 3501–3511.

Dated: July 2, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

SCHEDULE A

SURPLUS AVAILABLE FOR DISTRIBUTION TO STOCKHOLDERS

_____ (Company) _____, 19__

Balance January 1, 19__		
Retained Earnings	$_____	
Capital Surplus	_____	
Subtotal	_____	
Less Restrictions (Itemize)	(_____)	
Surplus Available for Distribution to Stockholders (January 1, 19__)		$_____
Changes during the current year:		
Net Profit	_____	
Less Restrictions (Itemize)	(_____)	
Other additions or reductions: (Itemize)	(_____)	
Net change during the current year		_____
Surplus Available for Distribution to Stockholders _____, 19__		$_____

(Signature of Chief Financial Officer)

SCHEDULE B

FUNDS AVAILABLE AND FUND REQUIRED PURSUANT TO 46 CFR 283

_____ (Company) _____, 19__

I. FUNDS AVAILABLE			
A. On deposit in statutory funds:			
Capital reserve fund		$_____	
Capital construction fund		_____	
Construction reserve fund		_____	
Construction and Escrow funds		_____	
Plus accrued deposits to funds (or less accrued withdrawals from funds)		_____	$_____
B. Gross book value of vessels and related barges and containers employed in subsidized services:			
Subsidized vessels	_____		
Related barges	_____		
Related containers	_____		
Less accumulated depreciation		(_____)	_____
C. Progress payments made on subsidized vessels and related barges and containers undergoing construction, reconstruction, or reconditioning			_____
D. Progress payments made on additional vessels and related barges and containers agreed to be constructed or acquired.			_____
E. Balance of trade-in allowances (§ 510 of the Act)			_____
F. Net working capital in excess of prescribed standard (from Schedule C)			_____
TOTAL FUNDS AVAILABLE			$_____

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SCHEDULE B—Continued

FUNDS AVAILABLE AND FUND REQUIRED PURSUANT TO 46 CFR 283—continued

II. FUNDS REQUIRED

A. Cost of current commitments:

1. ODSA vessels under construction or reconstruction:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
	$	($)	$

25% of Cost to Operator: $

2. Additional vessels under construction, reconstruction, or reconditioning pursuant to a contract with the Assistant Secretary or the Board:

Number of vessels	Total Cost	Less Government Contributions	Cost to Operator
	$	($)	$

25% of Cost to Operator: $

3. Barges and Containers under construction or contract to purchase:

Number of	Cost to Operator:
Barges :	$
Containers:	$

25% of Cost to Operator: $

B. Estimated Cost of additional vessels:

1. Subsidized vessels required to be replaced under ODSA:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
	$	($)	$

25% of Cost to Operator: $

2. Additional vessels agreed to be constructed or acquired:

Number of Vessels	Total Cost	Less Government Contributions	Cost to Operator
	$	($)	$

25% of Cost to Operator: $

3. Additional barges and containers required as the complement of vessels agreed to be constructed or acquired in items B1 and B2 above:

Number of	Cost to Operator:
Barges :	$
Containers:	$

25% of Cost to Operator:

III. C. Outstanding indebtedness on, or secured by, subsidized vessels and related barges and containers, or incurred in connection with the acquisition, construction, or reconstruction of such vessels and related barges and containers:

$

TOTAL FUNDS REQUIRED $

III. EXCESS FUND (DEFICIENCY OF FUNDS) $

(Signature of Chief Financial Officer)

SCHEDULE C

OPERATOR WORKING CAPITAL AND MINIMUM STANDARDS PRESCRIBED FOR WORKING CAPITAL

, 19

A. CURRENT ASSETS:		
Cash and marketable securities	$	
Other current assets		
TOTAL CURRENT ASSETS		$
B. LESS ACCRUED DEPOSITS:		
Capital Reserve Fund:		
Depreciation by years		
19 $		
19 $		
Other (Specify)		
Other Funds:		
(Specify)		
TOTAL ACCRUED DEPOSITS		( )
NET CURRENT ASSETS		$
C. CURRENT LIABILITIES:		
Notes payable to banks (due within one year)	$	
Long-term debt (due within one year and payable from general funds)		
Other current liabilities		
TOTAL CURRENT LIABILITIES		$
D. WORKING CAPITAL (B-C)		$
E. STANDARD PRESCRIBED FOR WORKING CAPITAL		
One-half average voyage expenses		$
OR		
Standard for working capital as determined by the Assistant Secretary (show computation if appropriate)		$
F. Excess (deficiency) of Working Capital (D-E)		

(Signature of Chief Financial Officer)

[FR Doc.73-13724 Filed 7-5-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1104, Amdt. 5]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

Upon further consideration of Service Order No. 1104, (37 FR 15307, 22986; 38 FR 3512, 8445, and 14754), and good cause appearing therefor:

It is ordered, That § 1033.1104 *Service Order No. 1104* (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, authorized to operate over tracks of the Erie Lackawanna Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13708 Filed 7-5-73;8:45 am]

[S.O. 1107, Amdt. 3]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

Upon further consideration of Service Order No. 1107 (37 FR 16549, 25236; 38 FR 5876), and good cause appearing therefor:

It is ordered, That § 1033.1107 *Service Order No. 1107* (Lehigh Valley Railroad Company, John F. Nash and Richard C. Haldeman, Trustees, authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13709 Filed 7-5-73;8:45 am]

[Rev. S.O. 1110, Amdt. 9]

PART 1033—CAR SERVICE

Penn Central Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of June 1973.

Upon further consideration of Revised Service Order No. 1110 (37 FR 19616, 22871, 23236; 38 FR 878, 3333, 5636, 8446, 10942, and 14755), and good cause appearing therefor:

It is ordered, That § 1033.1110 *Service Order No. 1110* (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, required to restore service at the Buttonwood (Wilkes-Barre), Pennsylvania, Gateway and to reroute traffic originally routed via that gateway) be, and it is hereby, amended by substituting the following paragraphs (a) and (e) for paragraphs (a) and (e) thereof:

(a) The Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, (Penn Central) be, and it is hereby, ordered to restore service via its Buttonwood (Wilkes-Barre), Pennsylvania, gateway on or before July 31, 1973.

(e) *It is further ordered,* That this order shall become effective at 11:59 p.m., September 15, 1972, and, as to paragraph (b) of this section, shall expire at 11:59 p.m., July 31, 1973, unless sooner vacated by order of this Commission upon restoration of service through the Buttonwood (Wilkes-Barre) gateway.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13710 Filed 7-5-73;8:45 am]

[S.O. 1111, Amdt. 9]

PART 1033—CAR SERVICE

Delaware and Hudson Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of June 1973.

Upon further consideration of Service Order No. 1111 (37 FR 19617, 22872, 25237; 38 FR 878, 3332, 5637, 8446, 10942, and 14755), and good cause appearing therefor:

It is ordered, That § 1033.1111 *Service Order No. 1111* (Delaware and Hudson Railway Company authorized to operate over tracks of Erie Lackawanna Railway Company, Thomas F. Patton and Ralph S. Tyler, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13711 Filed 7-5-73;8:45 am]

[S. O. 1114, Amdt. 2]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

Upon further consideration of Service Order No. 1114 (37 FR 22872 and 38 FR 5877), and good cause appearing therefor:

It is ordered, That § 1033.1114 Service Order No. 1114 (Norfolk and Western Railway Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13712 Filed 7-5-73;8:45 am]

[Rev. S.O. 1119, Amdt. 1]

PART 1033—CAR SERVICE

Demurrage on Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

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Upon further consideration of Service Order No. 1119 (38 FR 6881), and good cause appearing therefor:

It is ordered, That § 1033.1119 *Service Order No. 1119* (Demurrage on freight cars).

Service Order No. 1119 be, and it is hereby, amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended. 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13713 Filed 7-5-73;8:45 am]

[S.O. 1129, Amdt. 2]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

Upon further consideration of Service Order No. 1129 (38 FR 8062 and 9668), and good cause appearing therefor:

It is ordered, That § 1033.1129 *Service Order No. 1129* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Burlington Northern Inc.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13714 Filed 7-5-73;8:45 am]

[S.O. 1135, Amdt. 1]

PART 1033—CAR SERVICE

Illinois Central Gulf Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of June 1973.

Upon further consideration of Service Order No. 1135 (38 FR 12808), and good cause appearing therefor:

It is ordered, That § 1033.1135 *Service Order No. 1135* (Illinois Central Gulf Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1973.

(Secs. 1, 12, 15, and 17(2) 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13715 Filed 7-5-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 73, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Regulations

This amendment lowers the minimum grade and size requirements for grapefruit shipped from the production area in Florida. The specification of such lower minimum grades and smaller minimum sizes for Florida grapefruit is necessary to satisfy the demand for grapefruit during the period of seasonally reduced supply. The amended regulation recognizes the lesser quality and smaller size of much of the grapefruit remaining from the 1972–73 Florida grapefruit crop. The regulation will permit shipment of such lesser quality and smaller grapefruit and increase the supply to consumers.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Less restrictive grade and size limitations on shipments of fresh grapefruit is consistent with the available supply of and current and prospective demand for such grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through June 24, 1973, totaled 30,856 carlots, and there were an estimated 549 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

Order. 1. In § 905.546 (Grapefruit Regulation 73; 37 FR 21799, 24432, 27619; 38 FR 10151, 12201, 13547) the provisions of paragraph (a) are revised by amending subparagraphs (1) through (3) reading as follows:

§ 905.546 Grapefruit Regulation 73.

(a) • • •

(1) Any seeded grapefruit grown in the production area, which do not grade at least U.S. No. 2 Russet;

(2) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United State Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 28, 1973, to become effective July 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13719 Filed 7-5-73;8:45 am]

[Lemon Reg. 593]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 8–14, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.893 Lemon Regulation 593.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is down with sales volume expected to be off 21 percent. Demand for 165's and smaller continues to be strong while being steady on 140's. Eastern markets and auctions are heavily supplied with only 2 selling days at auction this week. Average f.o.b. price was $5.29 per carton the week ended June 30, 1973 compared to $5.58 per carton the previous week. Track and rolling supplies at 272 cars were down 42 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 8, 1973, through July 14, 1973, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13950 Filed 7-5-73;8:45 am]

[Lime Reg. 3]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 8–July 14, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.403 Lime Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is slowly declining, with f.o.b. prices last week dropping about $.20 per (10 lb.) pony. The supply of fresh limes available is greater than the market due to heavy shipments made prior to the holiday. Fresh shipments for the weeks ended June 30, 1973, and June 23, 1973, were 35,113 bushels and 25,454 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date

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of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 2, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 8, 1973 through July 14, 1973, is hereby fixed at 22,500 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 5, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13949 Filed 7-5-73;8:45 am]

[Grapefruit Reg. 13, Amdt. 3]

PART 944—FRUITS; IMPORT REGULATIONS

Grade and Size Requirements for Seeded Grapefruit

This amendment lowers the grade and size requirements for imports of seeded grapefruit, effective July 2, 1973, to coincide with such requirements being made effective on Florida grapefruit on the same date. Such action is required by section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 13 (§ 944.109; 37 FR 21802; 38 FR 10152, 13650) are hereby amended to read as follows:

§ 944.109 Grapefruit Regulation 13.

(a) On and after July 2, 1973, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 Russet;

(2) Seeded grapefruit shall be not smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Grapefruit;

(3) Seedless grapefruit shall grade at least U.S. No. 2 Russet; and

(4) Seedless grapefruit shall be not smaller than $3^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the United States Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 73 (§ 905.546); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 28, 1973, to become effective July 2, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13722 Filed 7-5-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs., Amdt. 62]

PART 377—SHORT SUPPLY CONTROLS

Licenses for Exports of Certain Agricultural Commodities

Section 377.3 and Supplement No. 1 to Part 377 are amended to read as set forth below.

RAUER H. MEYER,
Director, Office of Export Control.

The FEDERAL REGISTER issuance of June 29, 1973 announced that, effective June 27, 1973, the requirement of validated licenses for exports of soybeans, cottonseed and certain products thereof. On July 3, 1973, the FEDERAL REGISTER announced, effective July 2, 1973 the removal of the validated license requirement for exports of soybeans and cottonseed oils. This latter announcement included a notice to exporters that in the event exports of these commodities reached unacceptable levels, restrictions would be imposed.

Today's FEDERAL REGISTER reimposes the validated license requirement for exports of soybean oil and cottonseed oil and imposes a validated license requirement on exports of the other commodities listed below. Applications against orders accepted on or before June 13, 1973, for export prior to October 1, 1973, will be licensed to the extent of 100 percent of the unfilled balance. Orders accepted after after June 13, 1973, for export prior to October 1, 1973 will not be licensed until further notice. A method of licensing such orders will be announced subsequently. Orders accepted for export on or after October 1, 1973, will not be licensed until further notice. The previously established reporting requirements remain in full force and effect.

I. *Requirement for validated license.* Effective 10:30 a.m., e.d.t., July 5, 1973, a validated license is required for export of the commodities listed below, to all destinations, including Canada.

The new validated export license requirement applies to all shipments of the following commodities, regardless of the value of the shipment unless modified by a footnote.

Schedule B No.	*Commodity*
081.2015	Corn gluten feed
081.3040	Linseed oil-cake and meal
081.3050	Sunflower and safflower oil-cake and meal Peanut meal Peanut oil-cake
081.4020	Meat meal and tankage
081.4040	Fish meal
081.9910	Feather meal
081.9920	Poultry feeds, prepared [1]
081.9930	Dairy cattle feeds, prepared [1]
081.9940	Livestock feeds (except dairy cattle) including supplements, prepared [1]
081.9960	Alfalfa meal, dehydrated [1]
081.9970	Alfalfa meal, sun-cured [1]
091.3010	Lard and other rendered pig fat, except grease [1]
091.3020	Choice white grease [1]
221.0510	Safflowerseed
221.0520	Sunflowerseed
221.1010	Peanuts (groundnuts), shelled, green
221.1020	Peanuts (groundnuts), unshelled, green
221.5000	Flaxseed (linseed)

[1] Single shipments of this particular commodity may be exported under the provisions of General License GLV set forth in § 371.5 of the Export Control Regulations if the value of the shipment does not exceed $250.00.

Schedule B No.	*Commodity*
291.0075	Bone meal
291.0090	Blood flour and blood meal
411.3210	Tallow, edible
411.3220	Tallow, inedible
421.2010	Soybean oil, crude, including degummed [1]
421.2020	Soybean oil, once-refined [1]
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing, or winterizing (except hydrogenated), not donated for relief or charity by individuals or private agencies.[1]
421.3010	Cottonseed oil, crude [1]
421.3020	Cottonseed oil, once-refined [1]
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing (except hydrogenated), not donated for relief or charity by individuals or private agencies
421.4010	Peanut oil, crude [1]
421.4020	Peanut oil, except crude or hydrogenated [1]
421.8010	Sunflowerseed oil, crude [1]
421.8020	Sunflowerseed oil, once-refined, (after alkali or caustic wash, but before bleaching, deodorization, or winterization) [1]
421.8040	Sunflowerseed oil, including all mixed or blended soft salad oils, bleached, deodorized, or winterized (except hydrogenated), not donated for relief or charity by individuals or private agencies [1]
422.1000	Linseed oil, raw [1]
431.1010	Linseed oil, boiled, oxidized, dehydrated, sulphurized, blown, or polymerized [1]
422.9020	Corn oil [1]
422.9030	Safflowerseed oil, fixed [1]
431.2010	Soybean oil, hydrogenated
431.2020	Cottonseed oil hydrogenated
431.2030	Cottonseed and soybean oil mixture, hydrogenated [1] Corn oil, hydrogenated [1] Fish oil, hydrogenated [1] Maize oil, hydrogenated [1] Peanut oil, hydrogenated [1]
512.0965	Soybean lecithin

II. *Saving clause.* Shipments of commodities removed from general license as a result of changes, set forth in Part I above, which, prior to 10:30 A.M. EDT, July 5, 1973, were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of export pursuant to actual orders for export may be exported under the previous general license provisions up to and including July 19, 1973. Any such shipment not laden aboard the exporting carrier on or before July 19, 1973, requires a validated license for export.

III. *Imposition of licensing system for additional commodities.*—A. *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of the commodities listed in paragraph I above, above must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant on or before June 13 for export prior to October 1 and (2) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

B. *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of Part A, above.

C. *Special terms.* Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of these commodities shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

D. *Reduction of shipping tolerance allowance.* Section 386.7(b) (1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of pounds, bushels, or short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 5 percent.

Accordingly, § 377.3 and Supplement No. 1 to Part 377 are amended to read as set forth below.

PART 377—SHORT SUPPLY CONTROLS

§ 377.3 Agricultural commodities.

* * * * *

(c) *Licensing system for exports of additional agricultural commodities.* (1) *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of the agricultural commodities listed in Supplement No. 1 to this Part 377 other than those identified in 377.3(b) must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant on or before June 13 for export prior to October 1 and (2) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to 375.2 of the Export Control Regulations.

(2) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of § 377.3(c) (1).

(3) *Special terms.* Each license issued under these procedures will only be valid for shipment against the particular contract applicable. All licenses issued for export of these commodities shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(4) *Reduction of shipping tolerance allowance.* Section 386.7(b) (1) of the Export Control Regulations states in part, that commodities listed in Supplement No. 1 to Part 377 of this chapter, are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.3(c) are accordingly shown in Supplement No. 1 to Part 377.

* * * * *

Supplement No. 1 to Part 377 is amended to read as follows:

[1] Forms FC–419, and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

COMMODITIES SUBJECT TO SHORT SUPPLY QUOTA CONTROLS

FERROUS SCRAP

Schedule B Number	*Commodity Description*	*Shipping Tolerance Allowance*
282.0010	No. 1 heavy-melting steel scrap, except stainless	2½%
282.0020	No. 2 heavy-melting steel scrap, except stainless	2½%
282.0030	No. 1 bundles steel scrap, except stainless	2½%
282.0040	No. 2 bundles steel scrap, except stainless	2½%
282.0050	Borings, shoveling and turning, iron or steel, except stainless	2½%
282.0060	Stainless steel scrap	2½%
282.0065	Shredded steel scrap	2½%
282.0078	Other steel scrap, including tin-plated and terne-plate	2½%
282.0080	Iron scrap, except borings, shoveling and turnings	2½%
282.0090	Rerolling material of iron or steel	2½%

AGRICULTURAL COMMODITIES

221.4000	Soybeans	5%
081.3030	Soybean oil—cake and meal	2½%
221.6000	Cottonseed	5%
081.3020	Cottonseed oil—cake and meal	2½%
081.2015	Corn gluten feed	5%

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081.3040	Linseed oil-cake and meal	5%
081.3050	Sunflower and safflower oil-cake and meal	5%
	Peanut meal	5%
	Peanut oil-cake	5%
081.4020	Meat meal and tankage	5%
081.4040	Fish meal	5%
081.9910	Feather meal	5%
081.9920	Poultry feeds, prepared	5%
081.9930	Dairy cattle feeds, prepared	5%
081.9940	Livestock feeds (except dairy cattle) including supplements, prepared	5%
081.9960	Alfalfa meal, dehydrated	5%
081.9970	Alfalfa meal, sun-cured	5%
091.3010	Lard and other rendered pig fat, except grease	5%
091.3020	Choice white grease	5%
221.0510	Safflowerseed	5%
221.0520	Sunflowerseed	5%
221.1010	Peanuts (groundnuts), shelled, green	5%
221.1020	Peanuts (groundnuts), unshelled, green	5%
221.5000	Flaxseed (linseed)	5%
291.0075	Bone meal	5%
291.0090	Blood flour and blood meal	5%
411.3210	Tallow, edible	5%
411.3220	Tallow, inedible	5%
421.2010	Soybean oil, crude, including degummed	5%
421.2020	Soybean oil, once-refined	5%
421.2040	Soybean salad oil, refined and further processed by bleaching, deodorizing, or winterizing (except hydrogenated), not donated for relief or charity by individuals or private agencies	5%
421.3010	Cottonseed oil, crude	5%
421.3020	Cottonseed oil, once-refined	5%
421.3040	Cottonseed salad oil, refined and further processed by bleaching, deodorizing, or winterizing (except hydrogenated), not donated for relief or charity by individuals or private agencies	5%
421.4010	Peanut oil, crude	5%
421.4020	Peanut oil, except crude or hydrogenated	5%
421.8010	Sunflowerseed oil, crude	5%
421.8020	Sunflowerseed oil, once-refined (after alkali or caustic wash, but before bleaching, deodorization, or winterization)	5%
421.8040	Sunflowerseed oil, including all mixed or blended soft salad oils, bleached, deodorized, or winterized (except hydrogenated), not donated for relief or charity by individuals or private agencies	5%
422.1000	Linseed oil, raw	5%
431.1010	Linseed oil, boiled, oxidized, dehydrated, sulphurized, blown, or polymerized	5%
422.9020	Corn oil	5%
422.9030	Safflowerseed oil, fixed	5%
431.2010	Soybean oil, hydrogenated	5%
431.2020	Cottonseed oil, hydrogenated	5%
431.2030	Cottonseed and soybean oil mixture, hydrogenated	5%
	Corn oil, hydrogenated	5%
	Fish oil, hydrogenated	5%
	Maize oil, hydrogenated	5%
	Peanut oil, hydrogenated	5%
512.0965	Soybean lecithin	5%

[FR Doc.73-13961 Filed 7-5-73;1:00 pm]

[13th Gen. Rev., Export Regs., Amdt. 60]

PART 377—SHORT SUPPLY CONTROLS

Licenses for Exports of Ferrous Scrap

The issue of Tuesday, July 3, 1973, at pages 17815–17817 states erroneously that validated licenses covering the export of ferrous scrap will be issued for exportation during the months of July and August 1973. In fact, licenses will only be issued to permit exportation during the month of July 1973, and the basis for licensing exports in subsequent months will be announced later. Accordingly, the announcement is corrected to read as set forth below.

Effective date: 3:30 p.m., e.d.t., July 2, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

A reporting requirement was previously established on exports and unfilled or partially filled accepted orders for export of 500 short tons or more of ferrous scrap. This requirement remains in full force and effect. The data submitted pursuant to this requirement have resulted in the following actions:

I. *Revision.* Effective 3:30 p.m., e.d.t., July 2, 1973, a validated license is required for export of ferrous scrap to all destinations, including Canada. Previously, a validated license was required only for shipment to Country Groups S and Z (Southern Rhodesia, Communist-controlled areas of Vietnam, Cuba, and North Korea).

The new validated export license requirement applies to all shipments of the commodities listed below, regardless of the value of the shipment and of whether the shipment is made against an order accepted on or before the effective date of this Bulletin. The commodities are the following:

Schedule B Number	*Commodity Description*
282.0010	No. 1 heavy-melting steel scrap, except stainless
282.0020	No. 2 heavy-melting steel scrap, except stainless
282.0030	No. 1 bundles steel scrap, except stainless
282.0040	No. 2 bundles steel scrap, except stainless
282.0050	Borings, shoveling and turnings, iron or steel, except stainless
282.0060	Stainless steel scrap
282.0065	Shredded steel scrap
282.0078	Other steel scrap, including tin-plated and terne-plate
282.0080	Iron scrap, except borings, shoveling and turnings
282.0090	Rerolling material of iron or steel

II. *Saving clause.* Shipments of commodities removed from general license as a result of the revision in the Commodity Control List set forth in Part I above, which were on lighter destined for an exporting vessel or for which loading aboard an exporting vessel had actually commenced as of 3:30 p.m. e.d.t. July 2, 1973, may be exported under the previous general license provisions. Any other shipment of such commodities requires a validated license for export.

III. *General provisions.* Except as provided in Part V below, no licenses will be issued for exports of ferrous scrap against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the month of July 1973, which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the reporting requirement established on May 22, 1973, under Export Control Bulletin No. 84. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced in a subsequent Bulletin.

IV. *Licensing system against orders of 500 short tons or more for export in July—A. Submission of application with supporting documentation.* All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July 1973, of 500 short tons or more of the commodities listed in Part I above, and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (1) Photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (2) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

B. *Issuance of licenses for exportation during July.* The Office of Export Control will verify the authenticity of the application and supporting documentation described in Part A above, and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

C. *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

V. *Licensing system for exports of less than 500 short tons.* Until further notice, applications for licenses to export ferrous scrap against accepted orders for less than 500 short tons, which are submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of the Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance.

Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation. Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction may be imposed on exports against orders of less than 500 short tons.

VI. *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Accordingly, a new § 377.4 is established and Supplement No. 1 to Part 377 is amended to read as set forth below.

[1] Forms FC–419 and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

A new § 377.4 is established to read as follows:

§ 377.4 Ferrous scrap.

(a) *General.* Those ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no licenses will be issued for exports of ferrous scrap during the remainder of the calendar year against an order which was accepted after July 1, 1973, and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for exportation during the month of July which was accepted by the exporter on or before July 1, 1973, and reported by him pursuant to the previously established reporting requirement. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for exportation after July 31, 1973, which were accepted on or before July 1, 1973, will be announced later.

(b) *Licensing system against orders of 500 short tons or more for export in July—(1) Submission of application with supporting documentation.* All exporters who reported unfilled or partially filled orders accepted on or before July 1, 1973, for exportation during the month of July 1973, of 500 short tons or more of the ferrous scrap commodities listed in Supplement No. 1 Part 377 and who wish to be considered for the issuance of validated licenses for export of such commodities, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) A photocopy or certified copy of each contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973; and (ii) a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The application shall be submitted on forms FC–419 and FC–420. The above mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of licenses for exportation during July.* The Office of Export Control will verify the authenticity of the application and supporting documentation described in paragraph (b)(1) of this section and if it meets the requirements set out therein, will issue a validated license for the unfilled balance of the accepted order.

(3) *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract and during the particular month specified, allowing shipment during a period of seven days following the end of each month, to provide for unavoidable delays. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(c) *Licensing system against orders less than 500 short tons.*—(1) Applications for licenses to export ferrous scrap against accepted order for less than 500 short tons, which are submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photo copy or certified copy of each contract of sale for export to a foreign buyer, together with a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of the Form FC–842, Single Transaction Statement by Consignee and Purchaser that would be otherwise required pursuant to § 375.2 of the Export Control Regulations. After verification of the authenticity of the documentation submitted by the applicant, licenses will be issued for exportation during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. The period of validity of such licenses will be twenty-one days from the date of issuance. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) Exporters are hereby placed on notice that in the event the volume of exports under this licensing procedure reaches an unacceptable level, further restriction may be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations of this chapter states, in part, that a shipping tolerance of 10 percent is allowed on the unshipped balance specified on a validated license for shipments of any commodities licensed in units of short tons. For licenses issued under the procedures set forth above, this shipping tolerance allowance is reduced to 2½ percent.

Supplement No. 1 to Part 377 is amended by adding the following commodities:

Commodity and Schedule B Number
No. 1 heavy-melting steel scrap, except stainless (282.0010)
No. 2 heavy-melting steel scrap, except stainless (282.0020)
No. 1 bundles steel scrap, except stainless (282.0030)
No. 2 bundles steel scrap, except stainless (282.0040)
Borings, shoveling and turnings, iron or steel, except stainless (282.0050)
Stainless steel scrap (282.0060)
Shredded steel scrap (282.0065)
Other steel scrap, including tin plated and terne-plate (282.0078)
Iron scrap, except borings, shoveling and turnings (282.0080)
Rerolling material of iron and steel (282.0090)

[FR Doc.73-13962 Filed 7-5-73;1:00 pm]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Parts 301, 311]

MANUFACTURE AND IMPORT OF CONTROLLED SUBSTANCES

Application Procedures

The Bureau of Narcotics and Dangerous Drugs registers and reregisters applicants to manufacture in bulk and import controlled substances in Schedules I and II of the Controlled Substances Act pursuant to §§ 301.43 and 311.42 of Title 21 of the Code of Federal Regulations.

The regulations provide that, in the case of an application for registration or reregistration to manufacture in bulk or import a basic class of substance listed in Schedule I or II, the Director is required to publish a notice of application in the FEDERAL REGISTER and send a copy of the notice to each person who is registered or who has applied for registration as a bulk manufacturer or importer of that basic class. If a hearing is requested, notice of such hearing must be published in the FEDERAL REGISTER and a copy mailed to all parties to whom a Notice of Application was mailed. The Bureau has found that compliance with these regulations is extremely time-consuming while adding little to the effective administration of the Controlled Substances Act.

In order to alleviate these administrative burdens, the Bureau proposes that §§ 301.43 and 311.42 of Title 21 of the Code of Federal Regulations be amended, by deleting the phrases "A copy of said notice shall be mailed simultaneously to each person registered as a bulk manufacturer of that basic class and to any other applicant therefor" and "And shall be mailed simultaneously to the applicant and to all persons to whom notice of the application was mailed" amending the phrases, "Any such person may," to read as "Any person registered as a bulk manufacturer of that basic class or any applicant therefor may" and "Any person entitled to request a hearing."

As amended, 21 CFR 301.43 and 21 CFR 311.42 would require the Bureau to publish notices of application for registration or reregistration to manufacture in bulk or import basic class controlled substances listed in Schedule I or II. The Bureau would no longer be required to mail copies of the notice of application or notice of hearing to each person who is registered or has applied for registration to manufacture in bulk or import a basic class Schedule I or II controlled substance.

Therefore, under the authority vested in the Attorney General by sections 301, 302, 303, 501(b), and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and delegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby proposes that:

1. Part 301 of Title 21 of the Code of Federal Regulations be amended by amending section 301.43 by revising paragraph (a) to read as follows:

§ 301.13 Application for bulk manufacture of Schedule I and II substances.

(a) In the case of an application for registration or reregistration to manufacture in bulk a basic class of controlled substance listed in Schedule I or II, the Director shall, upon the filing of such application, publish in the FEDERAL REGISTER a notice naming the applicant and stating that such applicant has applied to be registered as a bulk manufacturer of a basic class of narcotic or nonnarcotic controlled substance, which class shall be identified. Any person registered as a bulk manufacturer of that basic class and any other applicant therefor may, within 30 days from the date of publication of the notice in the FEDERAL REGISTER, file with the Director written comments on or objections to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing on the application in accordance with § 301.54. If a hearing is requested, the Director shall hold a hearing on the application pursuant to § 301.51. Any person entitled to request a hearing may participate in the hearing by filing a notice of appearance in accordance with § 301.54. Notice of the hearing shall be published in the FEDERAL REGISTER. Notice of the hearing shall contain a summary of all comments and objections filed regarding the application and shall state the time and place for the hearing, which shall not be less than 30 days after the date of publication of such notice in the FEDERAL REGISTER. A hearing pursuant to this section may be consolidated with a hearing held pursuant to § 301.44 or § 301.45.

. . . . . .

2. Part 311 of Title 21 of the Code of Federal Regulations be amended by amending § 311.42 by revising paragraph (a) to read as follows:

§ 311.42 Application for importation of Schedule I and II Substances.

(a) In the case of an application for registration or reregistration to import a basic class of any controlled substance listed in Schedule I or II, under the authority of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Director shall, upon the filing of such application, publish in the FEDERAL REGISTER a notice naming the applicant and stating that such applicant has applied to be registered as an importer of a basic class of narcotic or nonnarcotic controlled substance, which class shall be identified. Any person registered as a bulk manufacturer of that basic class and any other applicant therefor may, within 30 days from the date of publication of the notice in the FEDERAL REGISTER, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file a written request for a hearing in accordance with § 301.54 of this chapter. If a hearing is requested, the Director shall hold a hearing on the application pursuant to § 311.51. Notice of the hearing shall be published in the FEDERAL REGISTER. Any person entitled to request a hearing may participate in the hearing by filing a notice of appearance in accordance with § 301.54 of this chapter. Notice of the hearing shall contain a summary of all comments and objections filed regarding the application and shall state the time and place for the hearing, which shall not be less than 30 days after the date of publication of such notice in the FEDERAL REGISTER. A hearing pursuant to this section may be consolidated with a hearing held pursuant to § 311.43 or § 311.44.

. . . . . .

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 I Street, N.W., Washington, D.C. 20537, and must be received no later than July 30, 1973.

Dated: June 28, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13737 Filed 7-5-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

POULTRY AND POULTRY PRODUCTS

Grading and Inspection

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and United States Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. In the past few years the further processing of turkeys has greatly increased. Last year over half of the turkeys slaughtered were consumed in further processed form such as cooked or raw parts, rolls, roasts, filets, ground turkey, etc. There appears to be a need for a grade standard to accurately reflect the value of turkeys used in the fabrication of further processed items. Consumer grade standards for poultry reflect both meat yield and appearance. There are certain defects affecting appearance that would be undesirable in consumer grades but would have no effect on the utility of the bird for further processing. The yield of high quality meat is the important factor for further processing. The proposed grade standard would reflect the meat yield of poultry and would be limited to the product which is to be used in making further processed foods.

The proposed amendments would also permit ducks which otherwise are of A quality to be classified and labeled as U.S. Grade A although portions of both wings are removed at the second joint. This provision is already in effect for geese. In processing, these portions of the wings are subject to laceration and when so affected must be removed. Removal of the portion from one wing would detract from the appearance of the carcass. The meat yield would not be appreciably affected since there is very little meat on this portion of the wings of the waterfowl.

It is the Department's policy not to discriminate against anyone in the conduct of our services or the licensing of graders and inspectors because of race, color, creed, sex, or national origin. So that this may be clearly understood, a statement on nondiscrimination would be included in these regulations.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 not later than August 6, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. A new § 70.5 would be added to read:

§ 70.5 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin.

2. In § 70.91, a new paragraph (d) would be added to read:

§ 70.91 Marking graded products.

. . . . . .

(d) *Identification of U.S. Grade A—For Further Processing.* The grade mark indicated in Figure 3A, below, is restricted to turkeys meeting the requirements of § 70.364. The grade mark may be applied only to master shipping containers and not to individual birds. The block containing the words "For Further Processing" in Figure 3A shall be located as indicated and shall be at least as wide and at least ¼ as high as the height of the grade mark. The words "For Further Processing" shall be in the same boldness of type as the wording in the grade mark.



§ 70.353 [Amended]

3. In paragraph (f) of § 70.353, the third sentence after the title would be amended to read: "The wing tips may be removed at the joint, and in the case of ducks and geese, the parts of the wing beyond the second joint may be removed if removed at the joint and both wings are so treated."

4. Immediately following § 70.363, a new center heading and a new § 70.364 would be added to read:

UNITED STATES READY-TO-COOK GRADE FOR FURTHER PROCESSING

§ 70.364 U.S. Grade A—For Further Processing.

Any lot of ready-to-cook poultry composed of one or more turkey carcasses may be designated as "U.S. Grade A—For Further Processing" when each carcass in the lot meets the requirements for U.S. A quality as described in this subpart with the following exceptions: (1) Exposed flesh and discolorations of the skin and flesh may be as described for U.S. B quality in this subpart, (2) Any number of disjointed bones are permitted, (3) Part or all of one or both wings may be missing when severed at a joint, and (4) The back may be trimmed in an area not wider than the base of the tail and extending from the tail to the area between the hip joints.

Done at Washington, D.C., this 29th day of June, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-13640 Filed 7-5-73;8:45 am]

[7 CFR Part 1002]

[Docket No. AO-71-A65]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by July 23, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the issues here before us were considered was conducted at New York City and Syracuse, New York, on November 16–17, and November 20–21, 1972, respectively, pursuant to the notice thereof which was issued on October 12, 1972, and November 14, 1972 (37 FR 22000, 37 FR 24357) and was reconvened in Syracuse, New York, on December 19, 1972, pursuant to the notice thereof which was issued on December 4, 1972 (37 FR 26116).

The material issue on the record relates to:

1. Whether increased hauling costs from farm to plant of first receipt justify an increased allowance to processors of Class II milk to cover such increased costs and, if so, how such increased allowances shall be implemented under the order.

Specifically, Northeast Dairy Cooperative Federation, Inc., and Dairylea Cooperative, Inc., proposed that to offset increased transportation costs: (1) the Class II transportation credit provided in § 1002.55 of the order be increased from "10 cents" to "15 cents," (2) the

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provision in § 1002.80 allowing a negotiable tank truck service charge of up to 10 cents per hundredweight be deleted, and (3) provision be made whereby a farm stop-charge of not more than one dollar and fifty cents ($1.50) for each stop of a tank truck at a producer's farm could be assessed against the producer.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof.

No change should be made in the order on the basis of this record.

The order presently provides for a recovery of hauling costs up to 20 cents per hundredweight on Class II bulk milk and 10 cents per hundredweight on Class I bulk milk. This is accommodated through (1) a pool transportation credit to the responsible handler of 10 cents per hundredweight on bulk milk picked up at the farm and disposed of for Class II use, and (2) a permissive (when authorized) hauling deduction from producer payments not to exceed 10 cents per hundredweight.

In their hearing petition proponents alleged that farm-to-plant hauling costs had increased about 5 cents per hundredweight since the hearing of April 1970, the record of which showed such costs then to be about 20 cents per hundredweight. The proposed amendments, they indicated, are needed to "update the application of the order to the increased costs of providing bulk tank milk transportation service to producers and the impact of such costs on variable production and marketing characteristics."

A Professor of Marketing at Cornell University presented the results of a hauling cost survey he had conducted at the request of proponent cooperatives. He stated that the principal purpose of his testimony was "to provide current information on farm-to-plant hauling costs incurred by handlers for Class II milk under the New York-New Jersey milk marketing order." His survey covered hauling costs for the month of July 1972 for more than 322 million pounds of direct delivery bulk milk at 35 major manufacturing plants. This represented more than 90 percent of the total Class II direct delivery bulk milk received at such plants. In addition, hauling cost data were collected for direct delivery bulk milk for seven smaller manufacturing plants and for 18 transfer plants or fluid processing plants. In total, the data collected covered more than 397 million pounds of direct delivery bulk milk, equivalent to 78 percent of the total Class II milk volume in July and nearly 85 percent of the Class II volume receiving the transportation credit. The volumes of milk reported by handlers in the survey were verified by the market administrator.

The hauling costs for the seven smaller manufacturing plants and 18 transfer plants were not included in the summary data. However, the witness reported that the additional hauling cost data for the nearly 25 million pounds of direct delivery Class II milk to these plants would not have changed the average hauling cost figure in his survey by as much as 0.1 cent per hundredweight.

The hauling costs for direct delivered bulk milk at the 35 major plants varied from an average of 15.3 cents per hundredweight for the nine plants having the least hauling cost to an average of 27.3 cents per hundredweight for the nine plants having the highest hauling cost. The average cost for all 35 plants was 21.1 cents per hundredweight, an increase of 0.8 cents from the 20.3-cent average reported in 1970, on which data the existing 10-cent Class II transportation credit provision was adopted in conjunction with the already existing 10-cent permissive deduction from the individual producer.

Witnesses for the proponent cooperatives did not support the proposal for an allowable farm stop-charge of up to $1.50 per pickup as set forth in the hearing notice. Instead, they supported imposition of a mandatory $1.50 stop-charge for each pickup. They testified that their proposal to increase the transportation credit (applicable only on Class II milk) from 10 to 15 cents in conjunction with the application of a mandatory $1.50 farm stop-charge and deletion of the 10-cent permissive hauling deduction provisions, would provide a transportation cost recovery of 20.74 cents per hundredweight on Class II bulk milk. They held that such provisions would be effective in insuring recovery of average transportation costs on Class II milk and hence would better accommodate the market than the existing order provisions.

Competition in the market for milk supplies seemingly has limited the use of the 10-cent permissive hauling deduction provision by both cooperatives and proprietary handlers. Consequently, their cost for milk has been more than the minimum prices required by the order. However, use of the permissive hauling deduction provision has been increasing. In August 1969, only 357 producers had authorized a hauling deduction, whereas in January 1972, there were 920 active authorizations.

Since 1961, when the township pricing provisions were initially adopted, producers several times have asked reconsideration of the level of Class II milk pricing in the New York-New Jersey market. In his 1970 decision (35 FR 15927) on the matter of Class II price level in the then six northeastern markets, the Assistant Secretary reviewed and restated the Department's position with respect to the matter of hauling cost between farm and plant of first receipt, as expressed in previous decisions. His findings and conclusions in this regard as set forth in that decision are hereby reaffirmed and adopted as a part of this decision as if set forth in full herein.

The conditions of pickup of farm bulk tank milk vary greatly. Consequently, there must be means for adjusting handlers' obligations to compensate for these variations. The deduction of an authorized hauling charge, if used as now permitted, could provide the needed flexibility to this end and result in greater parity of costs for milk among New York-New Jersey order handlers. On the other hand, the modifications proposed would leave the order inflexible to accommodate the varying conditions and costs of bulk tank pickup.

While proponents' current position reflects an abandonment of their previously held "free hauling" concept in the handling of Class II milk, there has been no change in this concept with respect to Class I milk. They continue to maintain that producers should not bear any of the cost of transporting Class I milk from farm to plant, pointing out that handlers generally have borne such cost since adoption of the township pricing provisions. They suggest that Class I handlers generally compete in a local market unencombered by intermarket competition and, therefore, are not faced with the equity problem faced by Class II milk handlers who necessarily compete in a national market. For this reason, they believe that appropriately handlers can recover their hauling costs on Class I milk in the marketplace.

Proponents' proposals are directed toward amendment of the order in a manner that would assure for handlers of Class II milk a recovery of farm-to-plant hauling costs to essentially the same degree envisioned by the existing order (i.e., 20.74 vs. 20.0 cents) while, at the same time, reducing the degree of hauling cost recovery possible by handlers on Class I milk.

Notwithstanding proponents' position, there are today no clear-cut boundaries with respect to the marketing of milk. Modern transportation and processing facilities and applicable health regulations encourage milk movements whenever price differences exceed transportation costs. There is, therefore, an urgency for intermarket Class I price alignment in the interest of continuing orderly marketing. This has long been recognized in the pricing structure of the Federal orders.

The Order 2 Class I price has been established in accordance with the pricing standards of the Act and has been found by the Secretary to be appropriately aligned with prices in the adjacent New England markets with which Order 2 handlers compete in substantial measure for Class I sales. To the extent that handlers have not used the permissive hauling deduction provision, they have paid in excess of the amount required under the order minimum price provisions. It would be inappropriate to incorporate any of such amount in the Class I price, which would be the result of deletion of the permissive deduction provision and adoption of the proposed stop-charge.

The order modifications that proponents support would provide at best only "average equity" for Order 2 handlers in relation to other northeastern handlers in their costs for Class II milk, but no greater equity than that that results from the existing provisions. Such modifications would not reduce the existing differences among Order 2 handlers in their relative costs of Class II milk under the order since some would recover full transportation costs while others would receive only partial compensation.

In any event, the prices prescribed by the order are minimum prices, and we may not appropriately require handlers to make deductions from producer pay prices. There is therefore no basis for invoking a mandatory stop-charge. As to the proposed increased pool credit, the record fails to demonstrate any significant increase in hauling cost since the 1970 hearing on the record of which the present 10-cent per hundredweight pool credit on Class II milk was adopted. Since proponents failed to substantiate the increase in hauling cost which was the basis for the hearing call, there is no justification for increasing the pool credit for Class II milk from 10 to 15 cents, and the proposal to do so also is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, an offer of proof was made with respect to a ruling of the presiding officer that the statements of individual producers had become unduly repetitious and he would receive no further statements therefrom except that, if those producers present who were unrepresented desired to select one spokesman, he would hear that spokesman.

Counsel for one proponent, as an offer of proof, read into the record the names of three dairy farmers supporting the proposal, which offer of proof the Administrative Law Judge ruled was redundant. The transcript of the hearing discloses that the offer of proof was included in the record notwithstanding.

We hold that the Administrative Law Judge's decision was correct. Section 900.8(d)(1) allows the presiding officer at a promulgation hearing to "exclude evidence which is * * * unduly repetitious * * *" The testimony which counsel presented as an offer of proof was simply a further listing of producers supporting proponents' position. As the Administrative Law Judge pointed out, the hearing was being conducted to receive evidence relevant to the economic and marketing conditions affecting the proposal and was not a forum for conducting a referendum. The notice of reconvened hearing stated that evidence already received in previous sessions of the hearing would not be repeated or duplicated.

DETERMINATION

The findings and conclusions of this decision do not require any change in the regulatory provisions of the order regulating the handling of milk in the New York-New Jersey marketing area.

Signed at Washington, D.C., on: July 2, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-13720 Filed 7-5-73;8:45 am]

[7 CFR Part 1065]

[Docket No. AO 86-A29]

MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before July 23, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Omaha, Nebraska, on April 17, 1973, pursuant to notice thereof issued on March 15, 1973 (38 FR 7339).

The material issues on the record of the hearing relate to:

1. Adoption of a Class I base plan.
2. Miscellaneous and conforming changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Adoption of a Class I base plan.* Producers supplying plants regulated by the Nebraska-Western Iowa Federal order should have the opportunity to decide whether the proceeds from the sale of their milk should be distributed among them by means of a Class I base plan issued in conformity with the Agricultural Act of 1970.

A Class I base plan for the Nebraska-Western Iowa marketing area, contained in an order issued December 15, 1972 (37 FR 28126), was scheduled to become effective February 1, 1973. The effective date was initially delayed until March 1, 1973 (38 FR 2960) because of difficulties in obtaining complete data for production history bases. Additional postponement to April 1, 1973, was made at the request of Mid-America Dairymen, Inc., one of the proponents of the Class I base plan in this hearing (38 FR 5255).

Associated Milk Producers, Inc., Central Region, another cooperative association in the market, requested a further postponement and a public hearing to consider revisions of the base plan that might be needed to avoid results inequitable to the association's producer members.

An order to defer until further notice the effective date of the Class I base plan provisions was issued March 15, 1973 (38 FR 7318) concurrently with the notice of this public hearing.

All provisions of the Class I base plan were open for review and possible amendment on the basis of this hearing.

On the record of the hearing the two cooperatives whose members comprise all but a small percentage of producers on the market proposed that the Class I base plan issued December 15, 1972, be adopted subject to certain revisions concerning transfer of Class I and production history bases, reassignment of Class I bases to producers who had disposed of their previous base, and limited changes in the calculation of production history bases for producers who began milk production in the last three months of the representative period.

A witness for a cooperative association that has producers in adjoining Federal order markets, Eastern South Dakota Order No. 76, Des Moines Order No. 79, and Greater Kansas City Order No. 64, opposed a Class I base plan for the Nebraska-Western Iowa market.

This cooperative association contended that adoption of the Class I base plan would disturb procurement arrangements among the several markets particularly in overlapping supply areas. It testified that the plan may be expected to have a varying impact on individual dairy farmers in such areas depending on whether their particular production histories make it either advantageous or disadvantageous to market their milk under the base plan. Some could be encouraged to change the marketing outlet for their milk.

The testimony of the latter witness does not support a conclusion that the Class I base plan would result in unusual conditions that would disrupt procurement in common supply areas of the several markets. Competition within such

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common supply areas is affected by varying opportunities for dairy farmers in the several markets whether or not a base plan in one market is adopted.

In the Nebraska-Western Iowa market, cooperative associations whose members comprise most of the producers favor a Class I base plan. It is concluded therefore that a revised Class I base plan should be offered to producers in this market in a referendum. The revisions are described in the following findings and conclusions.

Production history base. The order Class I base plan as adopted in the December 15, 1972, order provides for the assignment of a production history base to each eligible producer calculated from his milk deliveries during the representative period, 1971 and 1972.

For initial production history bases, the average of the daily milk deliveries by a producer on the market throughout the two-year period is defined as his "production history base." A producer who began milk production during the representative period but not later than July 1, 1972, would have a production history base equal to his average daily deliveries beginning with his first delivery until the end of 1972.

In the case of producers whose marketings began after July 1, 1972, but before October 1, 1972, the production history base is computed as the producer's average daily deliveries from the first delivery through the end of 1972, multiplied by 0.80. For the remaining producers, those who began milk deliveries on or after October 1, 1972, production history bases assigned would be 50 percent of the producer's average daily deliveries in the two months preceding base assignment.

The production history bases of producers as described would have been effective for such producers throughout 1973 until updated on February 1, 1974, unless modified by transfer of base or other specified adjustment.

Modification of the production history bases for certain producers was proposed at this hearing by the cooperative that proposed the Class I base plan in the earlier hearing. The modification would provide each producer who began milk deliveries in the period July 1 through December 31, 1972, with a production history base equal to 80 percent of his average daily deliveries. This change would increase the production history bases of producers who began milk deliveries in the last three months of the representative period.

For producers who began milk deliveries after the representative period, production history bases equal to 50 percent of their average daily deliveries in the two months preceding base assignment would apply.

The proposed modification is adopted. The somewhat larger production history bases for dairy farmers who began milk production before the end of the representative period is reasonable because such producers will have a substantial period of milk deliveries, perhaps approaching 12 months, by time the plan could be made effective. No change should be made, however, with respect to production history bases of dairy farmers who began production after December 31, 1972, which is the end of the representative period. The essential intent of the base plan is to apportion market returns among producers on the basis of their deliveries in the representative period. The lesser allocation of production history bases to producers who began production more recently is therefore appropriate. Such producers have not demonstrated their ability to supply the market to the same extent as producers who were delivering during the representative period.

Provision is made for assigning production history bases to producers who came on the Nebraska-Western Iowa market during the representative period of 1971 and 1972 after previously delivering their milk to nonpool plants. The order specifies that milk deliveries by the producer prior to entering the market will be taken into account in arriving at the production history bases of such producers. Separate provisions apply to dairy farmers who become producers because they deliver milk to a plant that becomes a pool plant, dairy farmers who as individuals change their deliveries from another market to this market, and dairy farmers beginning milk production.

Provision is also made for producers who enter the market after the effective date. A modification of these provisions should be made with respect to dairy farmers who become producers by changing their deliveries from a nonpool plant to a pool plant. The change is to make clear that the production history base is calculated from milk deliveries from the same farm on which he is a producer at the time of base assignment. This provision will then conform with the corresponding provision for a dairy farmer who entered the market in the same manner before the effective date. The Act provides that such dairy farmers upon becoming producers under the order shall be provided "allocations based on their past deliveries of milk during the representative period from the production facilities from which they are delivering milk under the order."

For such a new producer, his initial production history base is limited to not more than his average daily deliveries on the market during the first two months, the effective date of base assignment being after the end of such two months.

Computation of Class I Bases

The Class I base of each producer is computed by multiplying his production history base by the Class I base percentage, except for certain new producers whose Class I base is subject to a 20 percent reduction as explained elsewhere in this decision.

The Class I base percentage is derived as the relationship between (1) daily average total Class I disposition of handlers in the market during the preceding year plus 20 percent reserve, and (2) the total of production history bases of producers. For this purpose the relevant Class I disposition includes the disposition of plants while they were nonpool plants if they were pool plants in December of the preceding year, and Class I disposition of producer-handlers who were producers in December.

The Class I base percentage computed on February 1, 1973, as if the plan were then effective, was 70.720 percent. This percentage, cited in testimony of an employee of the market administrator, would have determined the relationship between producers' production history bases and Class I bases throughout 1973 and until such bases would be updated on February 1, 1974.

It is appropriate that this percentage should apply in calculation of Class I bases for the period from the effective date through January 1974. The alternative, to calculate a new percentage involving a slightly altered total of production history bases would serve no useful purpose and would require recalculation of all Class I bases without significant change in the distribution of returns among producers. The Class I base percentage 70.720 percent is therefore inserted in the order to be effective until a new percentage is computed on February 1, 1974.

Transfer of Bases

The rules for transfer of Class I and production history bases should be revised. Transfer of whole and partial bases should be permitted, subject to one-third lapse of base in specified transactions and limitations applicable to producers who have entered the market in relatively recent periods. Revision of the transfer provisions in this manner is necessary to avoid inequity among baseholders and to accommodate normal movements of milk supplies between markets.

As set forth in the previously issued order, the transfer of Class I base (disposition by transferor and acquisition by transferee) is accompanied by a simultaneous transfer of a related quantity of production history base. The term "transfer of base" therefore involves all these considerations, including both Class I and production history bases.

The transfer provisions of the order previously issued established certain limitations on the transfer of base. A primary limitation was the one-third lapse in transfer of Class I base, except in the case of intrafamily and certain other specified transfers. Another provision prohibited transfer of base within one year after base assignment by those producers who enter the market after having delivered their milk to nonpool plants or are dairy farmers beginning milk production. Subject to the preceding conditions, transfer of an entire base was limited to conditions of death of baseholder, intrafamily transfers, termination of dairy enterprise, entering military service, combining of bases in partnership, and hardship. A further provision permitted baseholders (other than new producers) to dispose of a partial Class I base in amount up to 30 percent of the base held by the producer

at the beginning of the 12-month period February 1 to February 1 following.

Testimony for the two cooperatives that represent most producers in the market supported transfer of Class I bases and production history bases as a necessary part of the base plan. It was claimed, however, that certain restrictions on transfers are needed.

The cooperatives proposed that a producer leaving the market to deliver milk to another market should not be permitted to dispose of his Class I base. They also proposed that a producer quitting the dairy business be enabled to dispose of his entire Class I base after a two-month waiting period within which the market administrator could determine whether the producer had actually terminated his dairy enterprise.

The cooperatives held that their proposals were necessary to prevent practices that could undermine the effectiveness of the base plan and possibly create disorderly marketing conditions within the Nebraska-Western Iowa market. In particular, they contended that permitting a producer to sell his base when leaving the market could be, in some circumstances, an incentive not only to change markets, but also to change his cooperative affiliation. It was testified that intense competition exists among cooperatives in the region for milk supplies both for sale in other fluid markets and for manufacturing.

The proposals to prevent transfer of base by a producer shifting to another market and to delay transfer in the case of a producer quitting the dairy business are both denied.

An undesirable result of the cooperatives' proposal to deny transfer of base by a producer shifting to another market is that it would interfere with normal intermarket adjustments of milk supplies in the region in response to variations in supply and demand. Such supply adjustments may occur when a cooperative shifts the milk deliveries of some producer members to another market, as in the case of the 70 or more dairy farmers previously supplying the Nebraska-Western Iowa market whom the cooperative shifted to supply a fluid milk processor in the Eastern Colorado Federal order marketing area. The purpose of this shift was to improve returns both for these members and for members remaining on the Nebraska-Western Iowa market. Supply adjustments also occur, of course, when individual dairy farmers seek the market that offers the best return. The proposal to deny sale of base by an individual producer leaving this market would inhibit unduly such intermarket supply shifts, however, because such producer would be reluctant to lose the value of his base.

The value of a base involved in transfer is an important consideration in this matter. That producers will regard their bases as valuable assets convertible into cash on transfer to other producers is clear. Such value will reflect the judgments of individual buyers and sellers bargaining for the share of market returns represented by the Class I base as compared to a return at the excess price.

It is not appropriate, in this respect, to distinguish between a producer quitting the dairy business and one leaving the market to deliver milk to another market with the effect of allowing one producer to obtain whatever money value the base is worth in the market while denying such value to the other producer. The base of the producer leaving the market to deliver to another market must be presumed to have as much value per pound to the market (and to the holder) as the base of a producer quitting the business. Both sellers received the same price for base milk during the period they held their bases. For the purchasers of such bases, also, the quantity of base acquired would in each case allow the buyer to receive the same base price on such quantity of his milk deliveries. Thus, there are no grounds for discriminating between the value of such bases in transfer, or for depriving the producer shifting markets of this value while the other producer is allowed to obtain it.

Some of the preceding considerations were reflected in the projected arrangement described by one cooperative under which it would operate its own base plan outside the order and thereby guarantee for members that they would not suffer financial loss if the cooperative delivers their milk to another market. In particular, when delivery by an individual producer off the market results in forfeiture of base under the order, the cooperative's plan nevertheless would maintain such base quantity for the member producer and he would receive payment for his milk at the cooperative's base milk price. Thus, the cooperative's plan would give recognition to the value of a producer's base when he leaves the market (in this case leaving because the cooperative controls his deliveries).

On the other hand, operation of the cooperative's base plan in conjunction with their proposal to deny transfer of base under the order by a producer leaving the market would result in a disparity between its members and other baseholders on the market.

The cooperatives' contention that transfer of base by producers changing to another market would undermine the operation of the base plan for producers remaining on the market is not substantiated.

One consideration in this connection is that the transfer of base by a producer leaving the market usually decreases the quantity of Class I base on the market due to the one-third lapse applicable in most transactions. This circumstance is the same whether the producer leaves by retiring from the dairy business or by changing his deliveries to another market. Since a reduced amount of Class I base on the market means increased returns per hundredweight of base milk for producers remaining on the market, such producers are not disadvantaged by the sale of base by a producer leaving the market.

Another consideration is that operation of the base plan is protected by the provisions for reentry on the market of producers who previously disposed of their base. Such provisions will discourage dairy farmers from selling base with the intention of later returning to the market.

In this connection, the two cooperatives proposed that a producer who had previously disposed of his entire Class I base not be eligible for new base until the 27th month after disposal of the previously held base, instead of the 15th month as provided in the previously issued order. The cooperatives feared that instability in milk supplies, and in operation of the base plan, might occur if a producer could readily return to this market after selling his base and delivering his milk for a period in another market.

The conditions the cooperative fears with respect to reentry of producers could occur only if a dairy farmer might obtain new base under relatively easy conditions. Under the plan as previously issued, however, the several conditions applicable to a producer who reenters the market tend to discourage him from selling his entire base in contemplation of returning to the market and earning a new base. Specifically, his milk deliveries during the 12 months following disposal of base do not count toward future production history base. Also, new base cannot be assigned to the producer until the later of (a) the first day of the 15th month after he disposed of his base, or (b) the first day of the second month after that in which he recommences deliveries on the market. He then is assigned a production history base equal to 50 percent of his average daily deliveries in the preceding two months. Further, the Class I base computed from the production history base is reduced 20 percent for a period of 36 months.

For example, if the Class I base percentage is 70 percent, the determination of Class I base for such producer requires that his average daily deliveries be multiplied by 50 percent, then by 70 percent (resulting in 35 percent of his average daily deliveries) and then reduced 20 percent, resulting finally in a Class I base that is 28 percent of his average production. The remaining 72 percent of his milk would be excess in the first year. In the next year, following updating, if he continued the same level of production, his production history base would be the average of the initial production history base (50 percent of production) weighted by two and the previous year's average production weighted by one, or 66.7 percent of his production. This, times a 70 percent Class I base percentage, with the result reduced by 20 percent, determines a Class I base equal to 37.3 percent of his production. Accordingly, in the second year 62.7 percent of his deliveries would be valued at the excess price.

The producer reentering the market has the alternative to elect to purchase base. This option, however, would offer no net gain for the producer reentering the market since the expense for purchase of base would offset the money he had obtained if he sold base when leaving the market.

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An additional safeguard protecting the operation of the base plan is that a dairy farmer reentering the market is subject to the rule that bases of new producers are not transferable within one year from time of base assignment. Thus, besides the time required for reassignment of base when a producer reenters the market, there is an additional 12-month waiting period before he can dispose of base.

The existing order provisions, therefore, are sufficient deterrent to discourage producers from leaving and reentering the market for sake of obtaining cash income from sale of base.

In view of the preceding conclusion that producers leaving the market or ceasing production may dispose of their entire base, the previously adopted limitation to transfer 30 percent of base within a 12-month period is without merit and would be discriminatory to producers remaining on the market. Such a limitation could have little practical effect among producers continuing on the market since these producers ordinarily would not wish to dispose of a large proportion of their base while staying in production on the market.

Similarly, it is not reasonable to distinguish from other producers any producer leaving the market because he continues to deliver to a plant that has lost pool status. Loss of producer status quite likely may be involuntary, because of inability to find another outlet on the market, or because the cooperative of which he is a member continues delivery of his milk to such plant after it becomes a nonpool plant. To provide uniform treatment of producers, the order should not prevent disposal of base by such a producer. An exception to this general conclusion would apply, however, if the producer had recently come on the market with the plant. In this latter case, the order should continue to provide, as previously adopted; that a new producer may not dispose of base within one year of assignment.

Cooperative witnesses contended that if the order is revised to permit base transfers in the case of producers changing their deliveries to other markets, this would conflict with the Department's decision made on the previous record. In this decision, however, the effect of transfer rules is reevaluated and appropriate conclusions made in the light of the new record.

All Class I base transfers should be subject to prior approval by the market administrator. This is necessary because certain types of bases are not transferable, and because some types of base transfers are subject to one-third lapse while others are not. The order therefore should allow the market administrator opportunity to investigate the circumstances applicable to the base about to be transferred and the nature of the transfer involved.

The market administrator, of course, would permit any transfer allowable under the order. Under the provision adopted herein, the parties to the transaction could agree on an effective date for the transfer after his approval of the transfer.

Whatever money consideration is paid for base by the transferee is not a matter governed by the order. The market administrator therefore would not be responsible for any loss resulting from payment for a base not properly transferable.

The provision with respect to transfer of base by a new producer should be modified to make clear that the producer is not permitted to transfer his base during the 12 months following initial assignment of base although the initial base may have been modified by updating. However, as stated in the provision previously adopted, intrafamily transfers and transfer of purchased Class I base will not be subject to the waiting period.

2. *Miscellaneous and conforming changes.* (a) Base transfer rules for bases held jointly or in partnership are consolidated in more concise language. Similar revision is made of provisions requiring information to be furnished by transferors and transferees in application to the market administrator for base transfers.

(b) In the testimony on the two cooperatives' proposal to prevent transfer of base by producers shifting their deliveries to another market it was brought out that intermittent shifting of a producer's deliveries could occur to take advantage of higher returns obtainable in other markets while yet avoiding forfeiture of base. This is possible because off-market status for a baseholder does not cause forfeiture if such condition exists for less than 90 days.

One effect of such off-market delivery is that under the definition of "producer" the baseholder is not a producer for the entire month if any of his milk is delivered during the month to a nonpool plant with Class I utilization. The baseholder accordingly is underdelivering his base during such month.

In the decision of October 30, 1972, recognition was given to the proponent cooperative's exception requesting that a producer's Class I base not be reduced for underdelivery unless the market's total producer milk supply in the year is 135 percent or more of Class I disposition. Such a provision thus would not result in reduction of a producer's base at the levels of utilization in the market in recent periods.

It is concluded that testimony in the current record does not represent any change in the position of the proponent cooperative with respect to reduction of Class I base for underdelivery. No proposal was made to modify order provisions with respect to baseholders whose deliveries to this market are intermittent but not interrupted sufficiently to cause base forfeiture. Accordingly, no basis is found for modifying the provision respecting underdelivery of Class I base.

(c) Payments to producers include partial payments, to be made on or before the 27th day of the month for milk delivered in the first 15 days of the month. In § 1065.80(b) the terminology should be corrected by deleting the words "an advance payment" and substituting the words "a partial payment." Findings and conclusions in this respect contained in the decision issued November 3, 1972 (37 FR 23438) were implemented in the appropriate provision of § 1065.80a and such change should be made in § 1065.80(b).

Rulings on objections. At the hearing a witness for a cooperative association handler that does not have any member producers on the Nebraska-Western Iowa market opposed the adoption of the Class I base plan. Counsel for the proponent cooperatives moved to strike the testimony of this witness from the record. In a post-hearing brief filed by one of these cooperatives it was requested that such testimony not be considered in arriving at a decision based on this hearing. The Administrative Law Judge ruled at the hearing that the testimony of the witness to amend the order by deleting the Class I base plan is pertinent to the scope of the hearing. We affirm the ruling of the Administrative Law Judge.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

§ 1065.80 [Amended]

1. In § 1065.80 *Time and method of payment*, the words "an advance payment" where they appear in paragraph (b)(2) are changed to read "a partial payment".

2. In § 1065.92, *Computation of production history base for each producer*, the first reference citation in paragraph (f) that reads "• • • pursuant to paragraph (e) of this paragraph • • •" is corrected to read "• • • pursuant to paragraph (e) of this section • • •"; and paragraphs (c) and (d) are revised as follows:

§ 1065.92 Computation of production history base for each producer.

• • • • • •

(c) The production history base for each producer who began milk deliveries after July 1, 1972, but not later than December 31, 1972, shall be the average daily milk deliveries during the period beginning with the first delivery and through the end of the period multiplied by 0.80.

(d) The production history base for each producer who began milk deliveries after December 31, 1972, shall be computed pursuant to § 1065.93(c).

• • • • • •

3. Section 1065.93 is revised as follows:

§ 1065.93 New producers.

The market administrator shall determine a production history base for each producer for whom a production history base was not determined pursuant to § 1065.92 as follows:

(a) A dairy farmer who becomes a producer by reason of the plant to which he is making deliveries of milk becoming a pool plant shall be assigned a production history base on the same basis as other producers under the order as though deliveries to the nonpool plant had been deliveries to a pool plant, such assignment of base to apply notwithstanding previous forfeiture of base by such producer by reason of continued delivery to the same plant while in nonpool status after previously being pooled.

(b) A producer other than a producer pursuant to paragraph (a) of this section who delivered milk to a nonpool plant prior to becoming a producer as defined in this order and who has at least a one-year production history period shall be assigned a production history base, effective on the first day of the second month following the month in which he began deliveries of producer milk to a pool plant, computed from milk deliveries from the same farm on which he is a producer at time of base assignment as if his milk deliveries to the nonpool plant had been deliveries to a pool plant: *Provided*, That the production history base effective for such producer pursuant to this paragraph in any month before updating shall not exceed the average daily milk deliveries of such producer during the first two months of his producer milk deliveries.

(c) A producer that has less than a 1-year production history period and has not been assigned a production history base pursuant to § 1065.92(c), shall be assigned a production history base on the later of the effective date of this provision, the first day of the second month following the month in which as a producer he began milk deliveries, or the first day on which he is eligible for production history base pursuant to paragraph (d) of this section. Such production history base shall be in an amount equal to 50 percent of his average daily milk deliveries during the immediately preceding two-month period. In the event a production history base is acquired by transfer, the effective production history base shall be either that determined pursuant to this paragraph or acquired by transfer, whichever is greater.

(d) A producer who forfeited or disposed of all his Class I base, except a producer who forfeited and qualifies for reassignment of base in the manner described in paragraph (a) of this section, shall be assigned a production history base in the manner provided in paragraph (c) of this section, such assignment to be effective not earlier than the first day of the 15th month after the month in which the producer who forfeits his base ceases deliveries or a producer who disposed of all his Class I base makes such disposition. In the application of this provision, use of the same production facilities by a new operator who is a member of the immediate family of the previous operator (or the same person under a different name) to produce milk after the above described forfeiture or transfer of base shall be considered as a continuation of the same operation and subject to the same restrictions. This provision shall apply also to the operator of any production facility that is operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than three months prior to the effective date of the base transfer or forfeiture.

4. In § 1065.94, the introductory text preceding paragraph (a) is revised as follows:

§ 1065.94 Updating of production history bases.

The production history base for each producer who has neither disposed of his entire base by transfer nor forfeited his base pursuant to § 1065.97(a), or after having disposed of his entire base by transfer or forfeiture has met the requirements prescribed in §1065.93(a) or (d) for production history base, shall be determined by the market administrator on February 1, 1974, and each February 1 thereafter as follows:

• • • • • •

5. In § 1065.95, the text preceding paragraph (a)(1) is revised as follows:

§ 1065.95 Computation of Class I base for each producer.

On the effective date of this provision and on February 1, 1974, and February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in § 1065.93 when they are issued production history bases. On the effective date and on February 1 of each year, Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" pursuant to subparagraphs (1) through (3) of this paragraph: *Provided*, That the Class I bases percentage on the effective date of this provision shall be 70.720 percent.

(1) • • •

• • • • • •

6. Section 1065.96 is revised as follows:

§ 1065.96 Transfer of bases.

Production history base and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the disposal of Class I base and production history base by a transferor and the associated acquisition of Class I base and production history base by transferee. Disposal of base means disposal of Class I base and disposal of a proportionate amount of the production history base held by the transferor. Acquisition of base means the acquisition of Class I base and an amount of production history base that is the quantity of Class I base acquired multiplied by the reciprocal of the Class I base percentage. A transfer may be made only to a person who is a dairy farmer.

(b) The amount of Class I base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor: *Provided*, That such one-third reduction shall not apply to:

(1) An intrafamily transfer (including transfer to an estate and from an estate to a member of the immediate family);

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(2) The division of base held jointly or in partnership except insofar as a one-third lapse is provided in paragraph (f) of this section; and

(3) The combining of bases of two or more producers for purpose of joint enterprise operated by such producers.

(c) The quantity of Class I base disposed of by transferor shall be either the entire Class I base or a portion thereof in multiples of 150 pounds.

(d) It must be established to the satisfaction of the market administrator that the transfer of base is bona fide, in compliance with all provisions of this order and is not for the purpose of evading any provision of this order. Application for transfer must be made to, and on forms approved by, the market administrator and signed by the transferor, (in the case of an estate, his heirs, executor or trustee) and by the person to whom such base is to be transferred. Transfer of base shall be effective on any day of the current month agreed upon by the transferor and transferee after approval of the transfer by the market administrator or otherwise shall be effective on the first day of the month following such approval.

(e) The application for transfer of a base that is jointly held or in a partnership shall be assigned by each joint holder or partner, (in the case of an estate, his heirs, executors, or trustee) and by the person to whom such base is to be transferred;

(f) A base that is held jointly or in partnership may be divided among the joint holders or partners if written notification of the agreed division of base signed by each joint holder (in the case of an estate, his heirs, executor, or trustee), is filed with the market administrator prior to the first day of the month for which such division is to be effective: *Provided however*, That in the case of an individual leaving a joint enterprise that he joined not more than 12 months previously and who after leaving holds less base than he contributed to such joint enterprise when joining, such decrease, if held by the remaining party(s) of the joint enterprise, shall be considered to be transferred and subject to a one-third lapse.

(g) A producer who receives a production history base pursuant to § 1065.92(c), (d), (e), (f), or (g) or § 1065.93 (a), (b), or (c) may not transfer base for one year from the date of base assignment pursuant to such provisions, provided, however, that such limitation shall not apply to:

(1) Intrafamily transfers; or

(2) The quantity of Class I base such producer acquires by transfer.

(h) In the case of an intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family), or any transfer not subject to the one-third lapse, all resrictions on transferring base applicable to the transferor producer shall also apply to the transferee;

(i) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons other than a member of the immediate family of the person transferring such stock will be considered to result in a transfer of base and in this case compliance with all base rules affecting transfers will be required: *Provided*, That if the transferor(s) is the sole holder of the stock and transfers such stock to a member or members of the immediate family, there will be no lapse of base.

§ 1065.97 [Amended]

7. In § 1065.97 *Miscellaneous base rules*, paragraph (d) is revoked, and at the end of paragraph (c) the semicolon and the word "and" are deleted and a period is substituted thereat.

Signed at Washington, D.C., on July 2, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-13688 Filed 7-5-73;8:45 am]

Farmers Home Administration

[7 CFR Part 1832]

[FHA Instruction 441.2]

EMERGENCY LOANS

Eligibility and Loan Approval Requirements

Notice is hereby given that the Farmers Home Administration has under consideration proposed amendments to Subpart A of Part 1832, Title 7, Code of Federal Regulations (37 FR 7293). The major proposed changes in § 1832.5 will establish a new crop production loss formula and establish the requirement that to be eligible for an emergency loan an applicant must be unable to provide the necessary funds from his own resources or to obtain sufficient operating credit from local conventional sources. New § 1832.12(d) will require that recipients of Emergency loans will be required to carry Federal Crop Insurance during the repayment period of the emergency loan made for crop production if it is available in the county.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment by close of business July 13, 1973, to the Deputy Administrator Comptroller, Farmers Home Administration, United States Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m. to 4:45 p.m.)

As proposed § 1832.5 and § 1832.12 will read as follows:

§ 1832.5 Eligibility requirements.

To be eligible for an EM loan, an applicant must:

(a) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or any State thereof and the principal stockholders must be citizens of the United States. Any stockholder owning as much as 20 percent of the stock or a smaller percentage if owned in equal amounts, will be considered as a principal stockholder.

(b) Be an established farmer or rancher with a reasonably good past record of operations, whether owner-operator or tenant, who manages his farming or ranching operations. An applicant who does not devote full time to his farming or ranching operations may be considered as the manager of his farming or ranching operations if he visits his farm or ranch at frequent intervals often enough to exercise control and see that the operations are being carried on properly.

(c) Have suffered production losses or property damage directly related to the unusual and adverse weather conditions which resulted in the major disaster(s) designation by the President, or the natural disaster(s) designation by the Secretary, or the authorization of the State Director because of an isolated production loss, as defined in § 1832.3 (a), (b), or (c) of this chapter. Also, it must be established that all losses or damages upon which eligibility for the loan is based were caused during the time period established for the occurrence of the disaster.

(1) Production losses must have been substantially greater than would be expected from normal fluctuations in yields. In making this required determination about production losses, consideration will be given to the applicant's total farming operations. He will be required to furnish information on Form FHA 441-22, "Statement of Production Losses and Certification," showing the production in each of his crop and livestock enterprises during the year of the disaster and the two preceding crop years and an explanation about how and when the natural disaster caused his production losses. If the production was not normal for any of the three years, then the applicant must also furnish such information for his most recent normal year. An applicant meets this eligibility requirement only if his production losses which are not compensated for by insurance or otherwise are the equivalent of 10 percent or more of the dollar value of normal production for his total farming or ranching enterprises. Eligibility established under this paragraph (c)(1) would only entitle an applicant to an EM loan sufficient to produce a new crop.

(i) To establish eligibility, County Supervisors must convert the applicant's total production after the disaster to gross income, adding thereto any insurance or other compensation which may be claimed for these losses, and also calculate his gross income from total production for his most recent normal year. The disaster year figure must be subtracted from the normal year figure to calculate the "loss value" in dollars. The "loss value" will then be calculated as a percentage of the total normal production gross income. This percentage must equal or exceed 10 percent for eligibility. The calculations will be recorded in the loan docket. The gross incomes will be calculated by using the prevailing market price in effect at the time of the disaster for each particular commodity as evidenced by the State crop reporting service reports. Lists of prices will be prepared by the State Director and distributed to affected County Supervisors.

(ii) When the applicant has a livestock operation and his losses are to feed-crops, pasture, or grazing, his eligibility will be established by the cost of feed necessarily purchased or grazing rented to replace that which was lost due to the disaster. The cost of the additional feed purchased or grazing rented must be 10 percent or more of his normal production year gross income from his total operation.

(iii) Where an applicant was unable to plant a substantial portion of his normal crops because of a "qualifying disaster," his production for that portion of his unplanted crops will be shown as zero on Form FHA 441-22 providing that a substitute or different crop could not be planted.

(2) Production losses which have occurred to crops or grazing before actual production for the year can be determined will be estimated and shown on Form FHA 441-22 as follows:

(i) For grazing, the number of acres and the estimated percentage of loss will be shown in the appropriate spaces.

(ii) Estimates of damage to other feed crops and cash crops will be shown in units of production.

(3) The County Supervisor will make such efforts as are reasonably necessary to check the accuracy of such estimates.

(4) Damages or losses not compensated for by insurance or otherwise to farm or ranch dwellings and service buildings, land and water resources, farming or ranching supplies or equipment, or livestock essential to normal farm or ranch operations would qualify an applicant for a loan sufficient only to repair, replace, or restore such property. These damages or losses would not qualify the applicant for an EM loan to be used for crop production.

(5) Where an applicant has had disaster damage to feed crops and elects to sell his livestock rather than purchase feed to replace that which he would have produced except for the natural disaster, he cannot claim as loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter had no opportunity for a judgment decision about planting.

(d) Possess legal capacity to contract for the loan. State requirements will be issued with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(e) Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming or ranching operations and to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Be unable to provide the necessary funds from his own resources or to obtain sufficient operating credit from local commercial sources to finance his actual needs at reasonable rates and terms available to other farmers in the area, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time in the community in or near which he resides. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. This must be documented in the County Office case file.

(1) In no case will an EM loan be made to an applicant who is able to obtain the credit he needs elsewhere on terms he can reasonably be expected to pay. The following will be observed in determining whether individual applicants meet this eligibility requirement:

(i) When an applicant's financial statement or other information in the loan docket indicates that he might be able to obtain the credit he needs elsewhere at reasonable rates and terms, the County Supervisor will require him to make a diligent effort to obtain a loan from other sources. This effort will consist of applying to lenders engaged in extending short-term or intermediate-term credit in the area, depending on his needs, and requesting each lender to furnish a letter showing whether it will make a loan and if so, the amount it is willing to advance. Such letters from lenders and any other evidence concerning an applicant's ability to obtain credit elsewhere will be included in the loan docket. When appropriate, the County Supervisor will check on evidence concerning inability to obtain credit submitted by an applicant.

(ii) When an applicant's financial statement or other information in the loan docket indicates beyond doubt that he is not able to obtain the credit he needs from other sources at reasonable rates and terms, he will not be required to furnish evidence that he has made an effort to obtain such credit from other sources. The County Supervisor will record his conclusion and the basis for it in the loan docket.

(2) For partnerships or corporations, the principal partners or principal stockholders, either individually or collectively must be unable to finance the farming or ranching operations either with their own resources or with credit obtained by them from other sources. Any partner or stockholder owning as much as 20 percent interest in a partnership or a corporation's stock, or a smaller percentage if owned in equal amounts, will be considered as a principal partner or stockholder.

(3) EM loans are not to be made to applicants having large net worths or large equities in real estate, chattels, or other property, in relation to the amounts they need to borrow, regardless of their ability to obtain credit from other sources. Such applicants are considered to have options in the use of their resources that would enable them to operate without Government assistance. However, it is not intended to advise them what adjustments they might consider in the use or handling of their assets.

(g) An applicant who meets all of the above criteria should still be denied an EM loan if, in the judgment of the loan approval official, he cannot be expected to recover from his losses as a result of the disaster and return to his normal sources of credit within a reasonable period except as provided in § 1832.2(b) of this chapter.

* * * * * *

§ 1832.12 Loan approval.

* * * * * *

(d) Recipients of Emergency loans will be required to carry Federal Crop Insurance during the repayment period of their Emergency loans made for crop production purposes if such insurance is available in the county.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Dated: June 28, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-13723 Filed 7-5-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 132]

REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Proposal for Partial Delay of Effective Date of Labeling Requirements

Section 132.8(b)(3) (21 CFR 132.8) of this chapter provides for the voluntary placing of the National Drug Code (NDC) number on drug labels and specifies how the number must be placed if it is to appear on drug labels. Section 132.8(b)(3)(iv) requires that all 10 characters appear and the leading zeros in any segment of the NDC number shall be shown when the NDC number appears on drug labels. This is one of several points that was discussed with industry representatives, as well as with insurance and government reimbursement agencies, prior to finalization of the regulations. The final regulations allow the affected industry to redesign labels and labeling, as necessary, at the time of the first printing of labels and labeling on or after July 1, 1973.

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The Pharmaceutical Manufacturers Association (PMA) has informed the Commissioner of Food and Drugs that the regulation as published will create undue hardships on affected parties since all label printing plates which now contain the NDC numbers but do not provide for leading zeros, or do not comply with the other requirements of § 132.8 (b) (3), will be outdated as of July 1, 1973. They estimate as many as 20 to 30 thousand such plates at a cost of $200 to $300 each may be affected. The PMA requests that the regulation be revised to delay the requirements of § 132.8(b) (3) until printing plates are revised in the normal course of business or until July 1, 1975, whichever occurs first. They state that such a revision will prevent a substantial and needless expense.

The Commissioner has no objection to such a delay. However, since other interested parties have previously expressed a different viewpoint on this subject, all interested parties will be given an opportunity to comment on this proposal before any decision is reached.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1053 as amended, 1055 as amended; 21 U.S.C. 360, 371(a)), and the Drug Listing Act of 1972 (Public Law 92-387; 865 Stat. 559-562) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the effective date of Part 132 (appearing at 38 FR 6263, Mar. 7, 1973) be revised as follows:

Effective date. This order shall be effective on March 7, 1973, except that § 132.8(b) (3) shall not be effective until printing plates are revised in the normal course of business or until July 1, 1975, whichever occurs first.

Interested persons may, on or before September 4, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments, (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 28, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

FR Doc.73-13795 Filed 7-5-73;8:45 am]

Public Health Service

[42 CFR Part 54]

DRUG ABUSE

Programs for Treatment and Rehabilitation Services

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Subpart D, Part 54, Title 42 CFR, entitled "Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers, by adding a new § 54.305a."

The purpose of this proposed amendment is to implement subsection (c) of section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) which was added by section 401 of Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972 (86 Stat. 76).

The statutory provision imposes additional conditions for the approval of applications seeking grants for the initial cost of professional and technical personnel of community mental health centers (commonly referred to as "staffing grants") for fiscal years beginning after June 30, 1972. These conditions are: (1) If the Secretary determines that it is feasible for the applicant community mental health center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such magnitude as to warrant the provision of such a program by the center, the application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such a program in the fiscal year for which staffing grant support is requested; and (2) If the Secretary determines that it is feasible for the applicant community mental health center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by the center, such an application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Federal Government under which the center may be used (to the maximum extent practicable) in the treatment and rehabilitation programs (if any) provided by such departments and agencies.

In order for the Secretary to implement this statutory provision, it is necessary that he obtain information sufficient to enable him to make the determinations which are a prerequisite to the obtaining of the respective assurances. Thus, paragraph (a) of the proposed § 54.305a provides that each application for staffing grant support for fiscal years beginning after June 30, 1972, must contain certain specific information relating to the need for drug abuse treatment and rehabilitation services in the catchment area served by the applicant and the ability of the applicant to provide such services, including a plan for the provision of such services.

The proposed new section further provides that each award of a staffing grant for a fiscal year beginning after June 30, 1972, is conditional in that if after the grant is awarded the Secretary makes the necessary determinations, the applicant must then make the required assurances. This procedure avoids delaying the award of staffing grants during the period in which the information necessary for a determination by the Secretary is obtained and evaluated.

This proposed amendment has been developed in consultation with the Director of the Special Action Office for Drug Abuse Prevention.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment of Subpart D, 42 CFR Part 54 to the National Institute of Mental Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20852, on or before August 6, 1973.

Comments received will be available for public inspection at Room 17-99, Parklawn Building during regular business hours.

Dated: March 14, 1973.

FREDERICK L. STONE,
Acting Administrator, Health Services and Mental Health Administration.

Approved: June 13, 1973.

CASPER W. WEINBERGER,
Secretary.

It is proposed to amend Subpart D of Part 54 by adding after § 54.305 thereof a new § 54.305a, to read as follows:

§ 54.305a Content of application—programs for the provision of drug abuse treatment and rehabilitation services.

(a) *Information.* Each application for a grant under section 220(a) of the Act (including applications for continuation support) for any fiscal year beginning after June 30, 1972, shall contain:

(1) Information sufficient to enable the Secretary to determine whether the need for a program of treatment and rehabilitation services for drug addicts and other persons with drug abuse and other drug dependence problems residing in the catchment area served by the applicant is of such magnitude, in the fiscal year for which grant support is requested, as to warrant the provision of such a program of services by the applicant for such fiscal year. Such information shall include:

(i) An estimate of the total population of the catchment area served by the applicant and an estimate of the number of drug addicts and drug abusers (classified by type of drug abused) in such catchment area, which shall be supported by relevant information obtained from local hospitals, medical personnel, law enforcement agencies, educational institutions, and citizen groups concerned with drug abuse problems;

(ii) Identification of existing Federal, State and local programs for the provisions of drug abuse treatment and rehabilitation services to residents of the catchment area served by the applicant and an estimate of whether such programs are sufficient to meet the need for such services within the catchment area; and

(iii) Such information as may be available to the applicant with respect to planned Federal, State, and local programs for the provision of drug abuse treatment and rehabilitation services to residents of the catchment area, including a statement with respect to the developmental stage of any such plans, and a brief description of the nature and scope of each such program.

(2) Information sufficient to enable the Secretary to determine whether it is feasible, in the fiscal year for which grant support is requested, for the applicant to establish a program for the provision of drug abuse treatment and rehabilitation services to drug addicts and other persons with drug abuse and other drug dependence problems residing in the catchment area served by the applicant and whether it is feasible for the applicant to assist departments and agencies of the Federal Government in conducting treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the catchment area served by the applicant. Such information shall include:

(i) A description of the applicant's existing staff, equipment, facilities, and other resources and a plan for utilizing such existing resources for the provision of drug abuse treatment and rehabilitation services which shall take into account the continuing commitment of the applicant to provide comprehensive mental health services to all residents of the catchment area, the available resources of other agencies with which it has established, or could establish, agreements of affiliation, and the availability of other State and local resources;

(ii) An estimate of additional resources needed to bridge the gap, if any, between available existing resources and the need for drug abuse treatment and rehabilitation services in the catchment area and, if existing resources are inadequate, a plan for obtaining additional resources including proposed or pending applications for Federal support, efforts to obtain additional State and local funding, efforts to secure third party reimbursement for services, and specific staff recruiting efforts; and

(iii) A description of any local conditions or other factors such as State and local laws or lack of resources which would affect the applicant's ability to establish or operate new programs, or expand existing programs, for the provision of drug abuse treatment and rehabilitation services.

(b) *Direct provision of services*—(1) *Conditional grant awards.* A grant award under section 220(a) of the Act (including awards of continuation grant support) for any fiscal year beginning after June 30, 1972, shall be subject to the condition that upon a determination by the Secretary, with respect to the fiscal year for which grant support is requested, (i) that the need for a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the catchment area served by the applicant is of such magnitude as to warrant the provision of such a program by the applicant and (ii) that it is feasible for the applicant to provide such a program, the applicant shall submit an assurance satisfactory to the Secretary that the applicant will provide such a program for the provision of drug abuse treatment and rehabilitation services during such fiscal year.

(2) *Determination of need.* The Secretary may determine that the need for a program of drug abuse treatment and rehabilitation services in the catchment area served by the applicant is of such magnitude as to warrant the provision of such a program by the applicant if he finds, on the basis of the information submitted pursuant to paragraph (a)(1) of this section and such other pertinent information as may be available, that:

(i) The number of drug abusers in the catchment area served by the applicant is sufficiently large as to warrant the provision of a drug abuse treatment and rehabilitation program in such area;

(ii) Existing Federal, State, and local drug abuse treatment and rehabilitation programs do not adequately serve the population of drug abusers in the catchment area served by the applicant; and

(iii) There are no immediate prospects, within the fiscal year for which staffing grant support is sought, for the implementation of new drug abuse treatment and rehabilitation programs through resources other than those available to the applicant.

(3) *Determination of feasibility.* The Secretary may determine that it is feasible for the applicant to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the catchment area served by the applicant if he finds, on the basis of the information submitted pursuant to paragraph (a)(2) of this section and such other pertinent information as may be available, that:

(i) Existing facilities, qualified staff, and other resources available to the applicant during the fiscal year in question, either directly or through affiliation agreements and contractual arrangements, are adequate and appropriate for the provision of drug abuse treatment and rehabilitation services, or that the applicant has reasonable prospects for obtaining, during the fiscal year in question, such additional resources as may be necessary for the provision of such services.

(ii) The applicant's plan for a program for the provision of drug abuse treatment and rehabilitation services, submitted pursuant to paragraph (a)(2) of this section, does not jeopardize the applicant's continuing commitment to provide other mental health services to all residents of the catchment area; and

(iii) There are no local conditions which would have a significant adverse affect on implementation of the applicant's plan to provide drug abuse treatment and rehabilitation services.

(4) *Assurance.* Upon a determination of need and feasibility in accordance with paragraph (b) (2) and (3) of this section, the Secretary shall provide a written notification to the applicant which shall briefly state the bases for the Secretary's determinations of need and feasibility. The notification will be accompanied by a form for providing the required assurance. The applicant shall promptly execute the assurance and return it to the Secretary. An applicant shall be deemed to be in compliance with its assurance if it provides, in the fiscal year to which the assurance is applicable, those drug abuse treatment and rehabilitation services which the Secretary has determined to be feasible for such fiscal year.

(5) *Continuation of obligation.* A determination of need and feasibility by the Secretary with respect to the provision of drug abuse treatment and rehabilitation services for any fiscal year shall be presumed to continue to apply to an applicant's requests for support in subsequent fiscal years unless, on the basis of the information submitted by the applicant in its continuation grant application, the Secretary finds that:

(i) It is no longer necessary or feasible for the center to provide the program of drug abuse treatment and rehabilitation services which the Secretary determined to be needed and feasible in the preceding fiscal year; or

(ii) An expanded program of drug abuse treatment and rehabilitation services is needed in the catchment area served by the applicant and it is feasible for the applicant to expand its existing program.

(c) *Assistance to Federal programs*—(1) *Conditional grant awards.* A grant award under section 220(a) of the Act (including awards of continuation grant support) for any fiscal year beginning after June 30, 1972, shall be subject to the condition that upon a determination by the Secretary that it is feasible for the applicant to assist the Federal Government in drug abuse treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the catchment area served by the applicant, the applicant shall submit an assurance satisfactory to the Secretary that the applicant will, if requested, enter into agreements with departments or agencies of the Federal Government pursuant to which the applicant's facilities may be used, to the maximum extent practicable, in drug abuse treatment and rehabilitation programs, if any, provided by such departments or agencies.

(2) *Determination of feasibility.* The Secretary may determine that it is feasible for the applicant to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the catchment area served by the applicant if he finds, on the basis of the information submitted pursuant to para-

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graph (a)(2) of this section and such other pertinent information as may be available, that:

(i) Existing facilities, qualified staff, and other resources available to the applicant during the fiscal year in question, either directly or through affiliation agreements and contractual arrangements, are adequate and appropriate for assisting the Federal Government in such drug abuse treatment and rehabilitation programs as may be available for persons who are in the catchment area, or that the applicant has reasonable prospects for obtaining, during the fiscal year in question, such additional resources as may be necessary for the provision of such assistance; and

(ii) Utilization of the applicant's existing or anticipated resources for assisting the Federal Government in such drug abuse treatment and rehabilitation programs as may be available for residents of the area would not necessitate curtailment of drug abuse treatment and rehabilitation services provided or to be provided directly by the applicant or curtailment of other mental health services provided or to be provided by the applicant.

(3) *Assurance.* Upon a determination that it is feasible for the applicant to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems in accordance with paragraph (c)(2) of this section the Secretary shall provide a written notification to the applicant which shall briefly state the bases for the Secretary's determination. The notification will be accompanied by a form for providing the required assurance. The applicant shall promptly execute the assurance and return it to the Secretary. The assurance imposes a continuing obligation upon the applicant not to refuse a request from an agency or department of the Federal Government to enter into an agreement under which the applicant's facilities may be used, to the maximum extent practicable, in drug abuse treatment and rehabilitation programs provided by such departments or agencies for persons who are in the catchment area served by the applicant: *Provided, however,* That the Secretary may, upon a written request from the applicant which shall be supported by pertinent information, determine that it is not feasible for the applicant to comply with its assurance in a particular fiscal year or that it is not practicable for the applicant to enter into a specific agreement which has been proposed by a department or agency of the Federal Government.

[FR Doc.73-13739 Filed 7-5-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 129]

WATER POLLUTION PREVENTION AND CONTROL

Proposed List of Toxic Pollutants

Notice is hereby given that the Acting Administrator, Environmental Protection Agency, proposes to establish a list of toxic pollutants in accordance with section 307(a)(1) of the Federal Water Pollution Control Act, as amended, (33 U.S.C.A. section 1317(a)) (Supp. 1973), (the Act) which provides in part:

> The Administrator shall, within ninety days after the date of enactment of this title, publish (and from time to time thereafter revise) a list which includes any toxic pollutant or combination of such pollutants for which an effluent standard (which may include prohibition of the discharge of such pollutants or combination of such pollutants) will be established under this section.

The proposed list consists of the following pollutants:

LIST OF TOXIC POLLUTANTS

1. Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8 - endo-exodimethanonaphthalene) Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo, exo-5,8-dimethanonaphthalene)
2. Benzidine and its salts (para-para'-diaminobiphenyl)
3. Cadmium and all cadmium compounds
4. Cyanide and all cyanide compounds
5. DDD(TDE) 1,1 - dichloro - 2,2 - bis(para-chlorophenyl)-ethane DDE (dichlorodiphenyldichloroethylene) 1,1 - dichloro-2,2-bis (para-chlorophenyl)-ethylene DDT (dichlorodiphenyltrichloroethane) 1,1,1 - trichloro-2,2-bis(para-chlorophenyl)-ethane
6. Endrin (1,2,3,4,10,10 - hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a - octahydro-1,4-endo-endo-5,8-dimethanonaphthalene)
7. Mercury and all mercury compounds
8. Polychlorinated biphenyls (PCB's)
9. Toxaphene (chlorinated camphene)

Evaluation of other water pollutants is continuing and the list will be revised from time to time as data become available and as the Administrator deems appropriate. The pollutants included on this initial list are toxic in very low concentrations. The single exception is the industrial chemical, benzidine, which was included because of its ubiquity and known carcinogenic properties.

The term "toxic pollutant" is defined in section 502(13) of the Act as "those pollutants or combinations of pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains will, on the basis of information available to the Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring." Thus; the definition is broad and potentially applicable to a large number of substances.

From other provisions of the Act, however, it is clear that the Congress intended that the Administrator be selective in determining which of the potentially large number of candidate substances actually should be listed at various times.

These other provisions include section 101(a)(3), which declares that "it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited" and section 307(a)(1), which states, in part, that the Administrator, in publishing the required list of toxic pollutants, "shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms." In addition, as indicated above, section 307(a)(1) provides that the Administrator shall revise the list from time to time.

Furthermore, when section 307(a) is viewed in the context of the Act as a whole, which includes a number of other provisions for preventing and controlling water pollution, it seems apparent that the Administrator's mandate under section 307(a) is to focus on those water pollutants which pose the most serious hazards to man and other organisms inhabiting or consuming water. It is also apparent that the Administrator has a mandate to establish priorities for dealing with such pollutants, i.e., to take action initially with respect to those pollutants which, based on available evidence, appear to pose immediate problems and therefore require abatement more rapidly than can be achieved under other provisions of the Act.

In accordance with this mandate, pollutants chosen for inclusion on the initial list meet the following criteria:

1. There is evidence that, either directly or through transformation or bioaccumulation, they are toxic, as defined by section 502(13), at extremely low concentrations in water, and
2. They are discharged in significant amounts from point sources, and
3. Point source discharges are known to have resulted in incidents involving the types of adverse effects cited in section 502(13), and/or
4. There is a significant potential for the occurrence or recurrence of such incidents as a result of point source discharges, and
5. Standard setting under section 307(a) is necessary because the prospective timing and effectiveness of abatement action under other provisions of the Act are not commensurate with the nature and seriousness of the problems identified by the above criteria, and
6. Adequate data are available to establish an effluent standard meeting the requirements of the Act.

The Environmental Protection Agency invites all interested parties to submit comments on this proposal. Comments shall be submitted in writing, preferably in triplicate, to Dr. C. H. Thompson, Office of Air and Water Programs, Environmental Protection Agency, Washington, D.C. 20460. All relevant comments received on or before August 6, 1973 will be considered. Comments received by the Agency will be available for inspection during normal business hours at the Office of Public Affairs, 401 M Street, S.W., Washington, D.C. 20460. Following consideration of comments, the list will be republished, with any modifications which the Administrator deems appropriate, and will then constitute the list required by section 307(a).

Dated: July 3, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-13870 Filed 7-5-73;10:15 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

TRAVELERS AID-INTERNATIONAL SOCIAL SERVICE OF AMERICA, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a Certificate of Registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Travelers Aid-International Social Service of America
345 East 46th Street
New York, New York 10017

Dated June 22, 1973.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-13692 Filed 7-5-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ACRYLONITRILE - BUTADIENE - STYRENE TYPE OF PLASTIC RESIN (IN PELLET AND POWDER FORMS) FROM JAPAN

Antidumping; Withholding of Appraisement Notice

JULY 2, 1973.

Information was received on January 2, 1973, that acrylonitrile-butadiene-styrene type of plastic resin in pellet form from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an Antidumping Proceeding Notice which was published in the FEDERAL REGISTER of February 7, 1973, on page 3529. The Antidumping Proceeding Notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

An amendment to this notice was published in the FEDERAL REGISTER of May 2, 1973, on page 10824, for the purpose of expanding the scope of the investigation to include acrylonitrile-butadiene-styrene type of plastic resin in powder form from Japan.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of acrylonitrile-butadiene-styrene type of plastic resin (in pellet and powder forms) from Japan is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated on the f.o.b. (Japan) price with deductions for shipping charges, freight, and Customs clearance charges, as appropriate.

Home market price will probably be based on the distributor's designated place of delivery price with a deduction for inland freight. Adjustments will probably be made for credit terms, advertising, technical assistance, differences in packing, and a rebate, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of acrylonitrile-butadiene-styrene type of plastic resin (in pellet and powder forms) from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), and 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than July 16, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 6, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective July 6, 1973. It shall cease to be effective January 7, 1974, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-13871 Filed 7-5-73;9:26 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

MANUFACTURE OF ACETYLMETHADOL

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Acetylmethadol a basic class controlled substance listed in schedule I.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Acetylmethadol in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and

Dangerous Drugs, Room 611, 1405 Eye Street, N.W., Washington, D.C. 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13735 Filed 7-5-73;8:45 am]

MANUFACTURE OF ALPHACETYLMETHADOL

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Alphacetylmethadol a basic class controlled substance listed in Schedule I.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Alphacetylmethadol in bulk may, on or before August 15, 1973, file written comments on or objections to issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13727 Filed 7-5-73;8:45 am]

MANUFACTURE OF BETAMETHADOL

Notice of Application

Pursuant § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Betamethadol a basic class controlled substance listed in schedule I.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970(21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Betamethadol in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 10537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13728 Filed 7-5-73;8:45 am]

MANUFACTURE OF BETACETYLMETHADOL

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Betacetylmethadol a basic class controlled substance listed in schedule I.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Betacetylmethadol in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13729 Filed 7-5-73;8:45 am]

MANUFACTURE OF DIPRENORPHINE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Diprenorphine a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Diprenorphine in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may,

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at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13725 Filed 7-5-73;8:45 am]

MANUFACTURE OF METHADONE INTERMEDIATE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Methadone Intermediate a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Methadone Intermediate in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13731 Filed 7-5-73;8:45 am]

MANUFACTURE OF MORPHINE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Morphine a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;"

Any person registered to manufacture Morphine in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13734 Filed 7-5-73;8:45 am]

MANUFACTURE OF NALTREXONE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Naltrexone a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Druge Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Naltrexone in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13736 Filed 7-5-73;8:45 am]

MANUFACTURE OF NORACYMETHADOL

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Noracymethadol a basic class controlled substance listed in schedule I.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Noracymethadol in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13726 Filed 7-5-73;8:45 am]

MANUFACTURE OF NORMETHADONE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Normethadone a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Normethadone in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13730 Filed 7-5-73;8:45 am]

MANUFACTURE OF OXYMORPHONE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Oxymorphone a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Oxymorphone in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, N.W., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13733 Filed 7-5-73;8:45 am]

MANUFACTURE OF THEBAINE

Notice of Application

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on May 11, 1973, Monsanto Research Corporation, 1515 Nicholas Road, Dayton, Ohio, 45418, made application to the Bureau of Narcotics and Dangerous Drugs to be registered as a bulk manufacturer of Thebaine a basic class controlled substance listed in schedule II.

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substances in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substance to a number of establishments which can produce an adequate uninterrupted supply of these competitive conditions for legitimate medical, scientific, research and industrial purposes;

Any person registered to manufacture Thebaine in bulk may, on or before August 15, 1973, file written comments on or objections to the issuance of the proposed registration, and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Room 611, 1405 Eye Street, NW., Washington, D.C., 20537.

Dated: June 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-13732 Filed 7-5-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an Alaska Railroad, Department of Transportation application,

V 38 129 JUL 6 73 XUM

serial No. F–13200, for withdrawal and reservation of lands for use as a terminal area and gravel source, was published as F.R. Doc. No. 71–6776 on page 8965 of the issue for May 15, 1971. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2351.1, such lands, at 10 a.m., July 20, 1973, will be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W.,
sec. 30: NE¼NE¼ and lot 4.

Containing 90.97 acres.

CURTIS V. MCVEE,
State Director.

JUNE 26, 1973.

[FR Doc.73–13695 Filed 7–5–73;8:45 am]

[Serial No. I–6775]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 27, 1973.

The Department of Agriculture has filed an application Serial Number I–6775, for the withdrawal of lands described below from all location and entry under the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a right-of-way for Smith Creek Road No. 281. The road is part of the Forest Development System within the Kaniksu National Forest.

On or before August 6, 1973, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

The authorized officer of the Bureau of Land Management, will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

KANIKSU NATIONAL FOREST

BOISE MERIDIAN

T. 65 N., R. 2 W.,
Sec. 23, Lot 4. (A strip of land 100 feet in width, being 50 feet in width on both sides of the centerline of Smith Creek Road No. 281, as shown in right-of-way map dated July 13, 1972, over and across the named subdivision.)

The area described aggregates 3.24 acres, more or less, in Boundary County, Idaho.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.73–13696 Filed 7–5–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ELIZABETH CITY, N.C., GRAIN INSPECTION POINT

Proposed Revocation

Statement of considerations. Elizabeth City, North Carolina, is assigned to the North Carolina Department of Agriculture, Raleigh, North Carolina, as a designated inspection point, in accordance with the provisions of § 26.99 of the regulations (7 CFR 26.99) issued under the U.S. Grain Standards Act (sec. 8, 39 Stat. 485, as amended 82 Stat. 768; 7 U.S.C. 87e). By definition, a designated inspection point is a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)). Because of the low volume of grain inspection work at Elizabeth City, the North Carolina Department of Agriculture has requested that the assignment of Elizabeth City as a designated inspection point be revoked.

It appears that through no fault of the North Carolina Department, the volume of grain inspection work no longer warrants stationing a licensed inspector at Elizabeth City. Accordingly, the Agricultural Marketing Service proposes to revoke the assignment of Elizabeth City as a designated inspection point without prejudice to the North Carolina Department of Agriculture. Interested organizations and persons are hereby given opportunity to submit comments in writing with respect to the proposed revocation.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submission shall be in duplicate and shall be mailed to the Hearing Clerk not later than August 6, 1973. All submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on: July 2, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73–13721 Filed 7–5–73;8:45 am]

Forest Service

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Saturday, July 28, at 10:00 a.m. in the high school auditorium in Florence, Oregon.

The purpose of this meeting is to discuss the inholdings within the National Recreation Area and to listen to those who have questions about this subject.

The meeting will be open to the public. Persons who wish to attend should notify Pamela Wilson, P.O. Box 1148, Corvallis, Oregon 97330. The telephone number is 503–752–4211, extension 502. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the council chairman. The council chairman will decide the time when public participation will take place.

SPENCER T. MOORE,
Forest Supervisor.

JUNE 27, 1973.

[FR Doc.73–13694 Filed 7–5–73;8:45 am]

PRESCOTT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Prescott National Forest Grazing Advisory Board will meet at 1:00 p.m. on July 11, 1973, at the Forest Supervisor's Office, 344 South Cortez Street, Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittee and the Forest Service pertaining to the Antelope Hills Grazing Allotment, Chino Valley Ranger District.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number

602–445–4860, Extension 311. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

JAMES L. KIMBALL,
Forest Supervisor.

JUNE 27, 1973.

[FR Doc.73–13678 Filed 7–5–73;8:45 am]

Office of Plant and Operations

FEE SCHEDULE

Rescission and Reinstatement

The fee schedule published in the FEDERAL REGISTER on June 21, 1973 (38 FR 16253) is rescinded. The fee schedule published in the FEDERAL REGISTER on October 14, 1972 (37 FR 21859) is hereby reinstated.

Dated: June 29, 1973.

TONY M. BALDAUF,
Director,
Office of Plant and Operations.

[FR Doc.73–13685 Filed 7–5–73;8:45 am]

Office of the Secretary

BOARD OF TRADE OF KANSAS CITY, MISSOURI, INC.

Designation as Contract Market for Grain, Millfeeds, Soybeans, and Live Beef Feeder Cattle

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate The Board of Trade of Kansas City, Missouri, Inc. as a contract market for grain, millfeeds, soybeans, and live beef feeder cattle, effective July 1, 1973. The said exchange has applied for, and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this order may constitute either a single designation or four designations.

Issued: July 1, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–13686 Filed 7–5–73;8:45 am]

Soil Conservation Service

WATERSHED PLANNING

Notice of Authorization

This provides notice of authorization dated June 29, 1973, to the concerned state conservationist of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationist may now proceed with investigations and surveys as necessary to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Public Law 83–566).

Environmental statements will be prepared concurrently with the preparation of the watershed work plans. These statements will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in the FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned state conservationist as indicated below:

Texas: Elm Creek Watershed; 245,991 acres; Runnels and Taylor Counties. Sponsors—Elm Creek Water Control District, Runnels Soil and Water Conservation District, Middle Clear Fork Soil and Water Conservation District, Runnels County Commissioners Court, Taylor County Commissioners Court, City of Ballinger, City of Winters, and the Runnels County Water Authority.

Hamilton Creek Watershed; 48,640 acres; Burnet County. Sponsors—Hill County Soil and Water Conservation District, Burnet County Commissioners Court, and the City of Burnet.

Los Olmos Creek Watershed; 174,351 acres; Jim Hogg and Starr Counties. Sponsors—Monte Mucho Soil and Water Conservation District, Starr County Soil and Water Conservation District, Starr County Commissioners Court, and the Jim Hogg County Commissioners Court.

Sandia Creek Watershed; 124,549 acres; Jim Hogg and Starr Counties. Sponsors—Monte Mucho Soil and Water Conservation District, Starr County Soil and Water Conservation District, Starr County Commissioners Court, and the Jim Hogg County Commissioners Court.

State Conservationist—Mr. Edward E. Thomas, Soil Conservation Service, 16–20 South Main Street, P.O. Box 648, Temple, Texas 76501.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 29, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

[FR Doc.73–13689 Filed 7–5–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 607; Docket No. FDC–D–634; NDA 6–340, etc.]

METHAPYRILENE CREAM AND VARIOUS OPHTHALMIC PREPARATIONS CONTAINING AN ANTIHISTAMINE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

Correction

In FR Doc. 73–12423 appearing at page 16257 of the issue for Thursday, June 21, 1973, on page 16258 make the following changes: In the paragraph beginning "NDA–6–340", "histadyl ophthalmic ointment and histadyl cream" should read, "Histadyl Ophthalmic Ointment and Histadyl Cream"; in the paragraph beginning "NDA 6–456", "Antistine phosphate ophthalmic solution" should read "Antistine Phosphate Ophthalmic Solution"; and in the paragraph beginning "NDA 7–953", "Prefrin-A ophthalmic solution" should read "Prefrin-A Ophthalmic Solution".

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters, will meet on Friday, July 13, 1973, at 9 a.m., in Room 5169 of the Department of Health, Education, and Welfare's North Building, Third and C Streets, SW., Washington, D.C. The meeting is open to the public. The Council will consider matters relating to the Medicare and Medicaid programs.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; 13.801, Health Insurance for the Aged—Supplementary Medical Insurance; and 13.714, Medical Assistance Program)

Dated: June 28, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73–13741 Filed 7–5–73;8:45 am]

PHYSICIANS' REIMBURSEMENT METHODS STUDY COMMITTEE OF THE HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Physicians' Reimbursement Methods Study Committee of the Health Insurance Benefits Advisory Council, which is studying the methods of reimbursement for physicians' services under the Medicare program, will meet on Thursday, July 12, 1973, at 9 a.m., in Room 221 of the Executive House Hotel, 1515 Rhode Island Avenue, NW. at Scott Circle, Washington, D.C. The meeting is open to the public. The Committee will consider matters relating to the study.

Further information on the Council may be obtained from Mr. Max Perlman,

V 38 I 129 JUL 6 73 XUM

Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301–594–9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; 13.801, Health Insurance for the Aged—Supplementary Medical Insurance; and 13.714, Medical Assistance Program)

Dated: June 28, 1973.

MAX PERLMAN
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73–13740 Filed 7–5–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Nos. N–73–103, N–73–109, N–73–110]

SAN FRANCISCO, LOS ANGELES, AND ATLANTA AREA OFFICES AND PHOENIX AND MEMPHIS INSURING OFFICES

Notice of Extension of Experimental Change in Procedures for Application for Approval of Projects for Mortgage Insurance and Reduction of Required Fees

Notice is hereby given of extended continuation of the experimental change in procedures and reduction of fees made applicable to letters of feasibility/conditional commitments in the area offices in San Francisco, California on August 9, 1971 (36 FR 15678, August 17, 1971), Los Angeles, California on March 1, 1972 (37 FR 6417, March 29, 1972), and Atlanta, Georgia, on March 6, 1972, and the insuring offices in Phoenix, Arizona, on February 14, 1972, and Memphis, Tennessee, on March 13, 1972, and continued in effect in such offices through June 30, 1973 (38 FR 4529, February 15, 1973). Accordingly, such changes in procedures and fees will continue in effect through and including October 31, 1973. Comment and public procedure with respect to this temporary change have been determined to be impracticable.

Issued at Washington, D.C., June 25, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73–13698 Filed 7–5–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CALIFORNIA'S PROPOSED ACTION PLAN

Availability for Review

The California Department of Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on September 21, 1972. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. California Department of Transportation
   Room 1218
   1120 N Street
   Sacramento, California 95814
2. California Division Office
   Federal Highway Administration
   Second Floor, Federal Building
   801 I Street
   Sacramento, California 95814
3. FHWA Regional Office
   Room 7740, Federal Building
   450 Golden Gate Avenue
   Box 36096, Region 9
   San Francisco, California 94102
4. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street SW.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before July 30, 1973.

Issued on June 29, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73–13663 Filed 7–5–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–440, 50–441]

DUQUESNE LIGHT CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Company, 435 Sixth Avenue, Pittsburgh, Pennsylvania 15219, Ohio Edison Company, 47 North Main Street, Akron, Ohio 44308, Pennsylvania Power Company, One East Washington Street, New Castle, Pennsylvania 16103, The Cleveland Electric Illuminating Company, P.O. Box 5000, Cleveland, Ohio 44101, and Toledo Edison Company, 300 Madison Avenue, Toledo, Ohio 43652 (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on June 25, 1973, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors. The application was tendered on March 28, 1973. Following a preliminary review for completeness, it was rejected on May 2, 1973, for lack of sufficient information. The applicants submitted additional information on June 6, 1973 and the application was accepted for docketing.

The proposed nuclear facility, designated by the applicants as the Perry Nuclear Power Plant, Units 1 & 2 is located near Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio and is designated for initial operation at approximately 3579 megawatts (thermal) with a net electrical output of approximately 1205 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 7, 1973. The request should be filed in connection with Docket 50–440A & 50–441A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated March 28, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Perry Nuclear Power Plant, Units 1 & 2 is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street—2nd Floor, Columbus, Ohio 43215 and at the Northeast Ohio Areawide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44114.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 28th day of June 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing.

[FR Doc.73–13656 Filed 7–5–73;8:45 am]

[Docket No. 50–346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Evidentiary Hearing

In the matter of Toledo Edison Company and the Cleveland Electric Illuminating Company, (Davis-Besse Nuclear Power Station), Docket No. 50–346.

TAKE NOTICE, pursuant to the Atomic Energy Act and to the rules of practice of the Atomic Energy Commission, the Evidentiary Hearing in the above-captioned proceeding will commence at 1:30 pm. local time, on July 23, 1973, in the Fellowship Hall, Trinity United Methodist Church, Adams and Second Streets, Port Clinton, Ohio 43452. The Hearing will continue at 10:00 am, local time, on July 24, 1973, at the Anthony J. Celebrezze Building, 1240 East Ninth Street, Cleveland, Ohio 44199, in Room B–1.

All persons having requested opportunity to make an oral or written statement of their position on the issues involved may do so by way of limited appearance on July 23, 1973, at Port Clinton, Ohio, or on the morning of July 24, 1973, in Cleveland, Ohio.

Issued at Washington, D.C., this 29th day of June 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73–13655 Filed 7–5–73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FLAMMABILITY STANDARD FOR MATTRESSES

Notice of Approval of Alternate Sampling Plan for Mattress Ticking

Correction

In FR Doc. 73–12097 appearing at page 15990 of the issue for Tuesday, June 19, 1973 the diagrams on page 15994, labeled "Figure 1" and "Figure 2", should be labeled "Figure A" and "Figure B" respectively.

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a) (iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, July 11, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will be a consideration of discussions of future food wage policy and Phase II and III cases for decision.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 3, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.73–13849 Filed 7–3–73;3:57 pm]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council from June 18 through June 22, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202–447–7803.

FOREST SERVICE

Draft

Fishways in Roadless Areas, Alaska, June 15: Proposed in the statement is the construction of fishways in streams in roadless areas of National Forest lands in Alaska. The fishways would enable salmonid species to overcome upstream barriers. Methods considered include fall modification, the Alaska aluminum steep pass, and pool-weir construction. Adverse impact could result from construction activities (including trails and helicopter landing sites for access) and esthetic impairment (30 pages). (ELR Order No. 31013.) (NTIS Order No. EIS 73 1013–D.)

Communication Sites, Chugach and Tongass National Forests, Alaska, June 19: Proposed is the construction of radio communication sites on 22 mountain top locations on National Forest lands in the Southeast, Prince William Sound, and Kenai Peninsula areas of Alaska. There will be adverse visual impacts, and noise from servicing helicopters, which may frighten wildlife (29 pages). (ELR Order No. 31027.) (NTIS Order No. EIS 73 1027–D.)

Timber Sale, Gallatin National Forest, Gallatin County, Mont., June 20: The proposed project is a 3-million-board-feet timber sale in the Portal Creek Drainage Basin of the forest. Included will be road construction. Part of the sale is in an area that is inventoried as roadless. There will be soil disturbance, air, water, and visual impact. The improved road will increase recreational use of Golden Trout and Hidden Lakes (21 pages). (ELR Order No. 31033.) (NTIS Order No. EIS 73 1033–D.)

Vegetation Control, New Mexico, several counties, New Mexico, June 15: Proposed is the use of mechanical equipment and fire to control spreading pinyon-juniper and sagebrush on lands of Apac Gila, and Santa Fe National Forests, in Catron, Grant, Sandoval Rio Arriba, and San Miguel Counties. There will be temporary adverse impact to air, soil water, esthetic qualities, and to wildlife (66 pages). (ELR Order No. 31015.) (NTIS Order No. EIS 73 1015–D.)

Timber Management Program, Carson National Forest, several counties, New Mexico, June 18: The statement refers to the proposed 10-year timber management plan for the forest. The proposed annual harvest of sawtimber is 26,577 M bm. There will be some road construction. Adverse impact will be upon air, wildlife, grazing, fire control, and scenic beauty (110 pages). (ELR Order No. 31021.) (NTIS Order No. EIS 73 1021–D.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Steamboat Substation, Routt County, Colo., June 20: Proposed is the granting of a $1,290,000 loan to the Colorado-Ute Electric Association, Inc., for construction of 6.5 miles of 230 kV transmission line from the Hayden-Archer line to Steamboat Springs. Also to be constructed is a 23/69 kV 30/40/50 MVA substation. There will be construction disruption and visual impact. (ELR Order No. 31038.) (NTIS Order No. EIS 73 1038–D.)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202–973–5391. For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, 202–973–7373, Washington, D.C. 20545.

Addendum

Oconee Nuclear Station, Addendum, June 19: The document, an addendum to the final statement which was filed on March 27, 1972 (ELR Order No. 4045, NTIS Order No. PB–204 910–F), provides information on the station's monitoring program, and the need for power (22 pages). (ELR Order No. 31026.) (NTIS Order No. EIS 73 1026–D.)

Draft

Brunswick Steam Electric Plant, Brunswick County, N.C., June 18: Proposed are the continuation of construction permits and the issuance of operating licenses to the Carolina Power & Light Co. for the start-up and operation of the two-unit plant. Two boiling water reactors will ultimately produce a total of 5,100 MWt. Electrical power generated by the plant will be 1,694 MWe (1,642 MWe net). Cooling will be by a once-through flow of brackish water drawn through a 3-mile canal from Cape Fear Estuary, and discharged through a 6-mile canal to the Atlantic. One hundred and seventeen acres of marshland will be lost to canal construction; between 1,000 and 4,000 additional acres of marshland will be modified (approximately 260 pages). (ELR Order No. 31019.) (NTIS Order No. EIS 73 1019–D.)

Final

St. Lucie Plant, Unit 1, St. Lucie County, Fla., June 21: The statement refers to the proposed continuation of a construction permit and the issuance of an operating license to the Florida Power & Light Co. for the startup and operation of the 2,444 MWt, 850 MWe pressurized reactor unit. Cooling water will be drawn from the Atlantic, where fish and planktonic organisms will be entrained in the intake system, and discharged at 6° above ambient. Hutchinson Island, site of the plant, is an important sea turtle nesting area and concern is expressed over possible adverse effects to the turtle population from lighting, thermal discharge, etc. (The former title of the plant, at the time of the draft statement, was Hutchinson Island Plant.) Comments made by: AHP, USDA, COE, DOC, HEW, HUD, DOT, EPA, and FPC. (ELR Order No. 31043.) (NTIS Order No. EIS 73 1043–F.)

V 38 129 JUL 6 73 XUM

Susquehanna Steam Electric Station, Luzerne County, Pa., June 21: The statement refers to the issuance of a construction permit to the Pennsylvania Power & Light Co. The two units of the plant will each employ a boiling water reactor to produce 3,293 MWt and 1,100 MWe (net); ultimate outputs of 3,440 MWt and 1,140 MWe are anticipated. The cooling system will employ two hyperbolic natural-draft towers, with water being drawn from the Susquehanna River. The site occupies 955 acres of formerly agricultural land; an additional 1,800 acres will be required for transmission line right-of-way (approximately 300 pages). Comments made by: AHP, USDA, COE, DOC, HEW, HUD, DOT, EPA, and FPC. (ELR Order No. 31044.) (NTIS Order No. EIS 73 1044–F.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

Rathbun Regional Water System, several counties, Iowa, June 20: The proposed project is the initial phase of construction of the four-county Rathbun regional water system, which will ultimately service Monroe, Appanoose, Wayne, and Lucas Counties. The project provides for the construction of a 6 million gallon per day water treatment plant at Lake Rathbun, two 1 million gallon per day storage tanks and approximately 119 miles of water transmission lines. The project will stimulate economic activity by providing a dependable water supply to the Rathbun region (65 pages). Comments made by: EPA. (ELR Order No. 31032.) (NTIS Order No. EIS 73 1032–F.)

MARITIME ADMINISTRATION

Draft

Shore Facility for Oily Waste Treatment, York County, Va., June 15: Proposed is the leasing to the Virginia Port Authority of a surplus U.S. Navy complex, Cheatham Annex, for use as a facility for processing oily waste from ship's tanks, bilges, and ballast operations. The proposed project will increase traffic on the York River (60 pages). (ELR Order No. 30949.) (NTIS Order No. EIS 73 0949–D.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attention: DAEN-FAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Greens Ferry Lake, Ark., June 22: The statement refers to the continued operation and maintenance of the lake, for flood control, water resources, and hydroelectric power. Operational lake fluctuations have adverse effect upon shoreline vegetation and lake fishes (Little Rock District) (43 pages). (ELR Order No. 30104.) (NTIS Order No. EIS 73 1048–D.)

Alameda Creek flood control project, California, June 15: The statement refers to a proposed flood control project on Alameda Creek. Included is the construction of levees and channel works. Construction of the project will eliminate 250 acres of salt pond habitat; marshland habitat will be increased by 50 acres (80 pages). (ELR Order No. 31012.) (NTIS Order No. EIS 73 1012–D.)

Eagle Creek Lake, Grant County, Ky., June 20: Proposed is a multipurpose reservoir project, for flood control, recreation, and water supply, with a dam on mile 43.6 of Eagle Creek. A total of 10,785 acres will be converted to public use for the project; of that total 2,736 acres will be inundated by the summer pool. The water ecosystem will be converted from free-flowing stream to slack water lake. Total wildlife populations will probably decrease due to changes in habitat (65 pages). (ELR Order No. 31035.) (NTIS Order No. EIS 73 1035–D.)

Meramec Park Lake, Crawford, Washington, and Franklin Counties, Mo., June 14: The statement, a revised draft, refers to the construction of a dam and multipurpose reservoir project on the Meramec River. Approximately 12,400 acres which are currently devoted to agricultural production will be committed to the project. Of this, 9,300 acres will be permanently inundated along with 50 miles of clear, attractive streams with high quality canoeing characteristics. Eighty-six archeological sites will be inundated by the normal pool of the reservoir (two volumes). (ELR Order No. 30996.) (NTIS Order No. EIS 73 0996–D.)

Virginia Beach, Va., June 18: Proposed is the continued nourishment of 3.3 miles of Virginia Beach shoreline by hydraulic dredge and truck haul. Approximately 2 acres of marsh will be lost to the project; there is potential loss of several acres of beach habitat at Lynnhaven (Norfolk District) (20 pages). (ELR Order No. 31024.) (NTIS Order No. EIS 73 1024–D.)

Final

Sacramento River bank protection project, Calif., June 22: The statement refers to the construction of levees and erosion control works along 184 miles of the Sacramento River. The action would result in the loss of wildlife and natural riparian habitat of an unspecified amount (110 pages). Comments made by: EPA, DOI, USDA, HEW, OEO, DOC, and DOT. (ELR Order No. 31046.) (NTIS Order No. EIS 73 1046–F.)

Waikiki Beach, Supplement, Hawaii, June 21: The document supplements the final environmental impact statement filed May 10, 1973 (ELR Order No. 00792; NTIS Order No. EIS 73 0792F) for Beach Erosion Control Improvement on Waikiki Beach. Further consideration concerning the need to preserve the Waikiki Natatocium as a historic site is provided (16 pages). (ELR Order No. 31041.) (NTIS Order No. EIS 73 1041–F.)

Bulk Mail Center, Springfield, Hampden County, Mass., June 4: Proposed is the construction of a 345,000 ft² building for the processing of bulk mail. A total of 76 acres, 30 of it woodland, will be committed to the project. Traffic volume on adjoining streets will increase by 500 trucks and 1,700 cars per day (99 pages). Comments made by: DOI, EPA, HUD, HEW, OEO, DOT, and State and local agencies. (ELR Order No. 30947.) (NTIS Order No. EIS 73 0947–F.)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202–697–0892.

Draft

Air Combat Maneuvering Range (ACMR), North Carolina, June 14: Proposed is the establishment of an ACMR, 25 miles square, between the altitudes 4,000 and 50,000 ft, over Pamlico Sound. Within the ACMR aircrews will engage each other in simulated combat. There will be adverse impact from noise and occasional sonic boom (52 pages). (ELR Order No. 30994.) (NTIS Order No. EIS 73 0994–D.)

Norfolk Naval Station, Va., June 15: Proposed is the improvement and addition of naval ship berthing spaces at the station. Approximately 1,850,000 yd³ of spoil will be dredged; several additional piers will be constructed. There will be adverse impact from dredging (17 pages). (ELR Order No. 30998.) (NTIS Order No. EIS 73 0998–D.)

Final

Pinecastle Electronic Warfare Complex, Marion, Lake, and Volusia Counties, Fla., June 20: The statement refers to the continued use of the 5,825-acre complex, which includes target facilities for air-to-ground warfare. A portion of the complex is located in the Ocala National Forest. Adverse environmental impact includes damage to timber and ground surfaces, noise and air pollution, fires, and limitations on nearby recreational development (144 pages). Comments made by: USDA, EPA, DOI, AHP, and COE. (ELR Order No. 31036.) (NTIS Order No. EIS 73 1036–F.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Final

Blue Ridge Project No. 2317, Virginia and North Carolina, June 20: The statement considers an application filed by the Appalachian Power Co., for a license to construct a combined conventional and pumped storage hydroelectric generating project in southwestern Virginia and northwestern North Carolina. The project would lie in Ashe and Alleghany Counties, N.C., and Grayson, Carroll, and Wythe Counties, Va. Power produced by it would be used by Appalachian, and other subsidiaries of the American Electric Power Co., to serve customers in Virginia, Indiana, Kentucky, Tennessee, Michigan, Ohio, and West Virginia (520 pages). Comments made by: AHP, USDA, USA, HEW, HUD, DOI, DOT, EPA, and ARC. (ELR Order No. 31037.) (NTIS Order No. EIS 73 1037–F.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202–343–6077.

Draft

U.S. Courthouse, Orlando, Orange County, Fla., June 20: Proposed is the construction of a U.S. courthouse and Federal building, containing 182,492 gr.ft². The 6-floor building will house 26 agencies, the U.S. courts, and parking for 140 vehicles. There will be local construction disruption (23 pages). (ELR Order No. 31034.) (NTIS Order No. EIS 73 1034–D.)

Federal Building, Post Office, and Courthouse, Elkins, Randolph County, W. Va., June 21: Proposed is the construction of a 3-story Federal building, Post Office, and Courthouse having 51,816 gr. ft² and providing 87 parking spaces. Inconvenience associated with construction will occur during demolition of existing structures on the site and construction of the new facility (29 pages). (ELR Order No. 31042.) (NTIS Order No. EIS 73 1042–D.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF OUTDOOR RECREATION

Draft

Mann Road and White River, Marion County, Ind., June 22: The proposed action is the acquisition of 166.9 acres by the city of Indianapolis, with BOR assistance under the Land and Water Conservation Fund. The project land will be divided into three parcels, and developed as a motorcycle park, a community park, and a golf course. Development and use of the park will generate

traffic and may impact unfavorably upon nearby residents (58 pages). (ELR Order No. 31047.) (NTIS Order No. EIS 73 1047–D.)

Final

Little Blue River, Jackson County, Mo., June 22: The statement refers to the proposed acquisition by the Jackson County Park Department of 1,384 acres of land along a 25-mile segment of the Little Blue River, for public outdoor recreation purposes. The land will provide over 50 miles of trails and establish a Greenbelt area for the Kansas City Metropolitan area (106 pages). Comments made by: EPA, FPC, COE, DOT, and DOI. (ELR Order No. 31045.) (NTIS Order No. EIS 73 1045–F.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

National Fishery Research Center, La Crosse County, Wis., June 22: The statement refers to the relocation and expansion of the center on a 61-acre site on French Island. The center will do research, in laboratories and ponds, on chemical, biological, physical, and integrated controls for fish and sea lamprey. No significant and adverse effects are anticipated (approximately 150 pages). Comments made by: COE, EPA, HEW, HUD, and DOT. (ELR Order No. 31049.) (NTIS Order No. EIS 73 1049–F.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202–962–8107.

Draft

Mariner Jupiter/Saturn program, June 15: The statement refers to the continuation of a series of planetary and interplanetary space exploration missions using unmanned spacecraft. Launching will be by a Titan/Centaur rocket from Cape Kennedy, in 1977. Environmental effects may result from products of the launch rocket, and radioisotope generators on the spacecraft (22 pages). (ELR Order No. 30997.) (NTIS Order No. EIS 73 0997–D.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202–466–4357.

Final

Pikeville open-cut project, Pike County, Ky., June 18: The proposed project is the relocation of Levisa Fork of the Big Sandy River at Pikeville, thereby rerouting the river and, concomitantly, the Chesapeake & Ohio Railroad and U.S. 23. The action is intended to preclude flooding of the city of Pikeville by the river, and to allow for the improvement of economic, social, civic, and environmental conditions. The project will be constructed with the cooperation of the U.S. Army Corps of Engineers, the Department of Housing and Urban Development, and the Appalachian Regional Commission. There will be construction disruption (124 pages). Comments made by: USDA, COE, EPA, DOI, and DOT. (ELR Order No. 31025.) (NTIS Order No. EIS 73 1025–F.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Road 10A, Columbia County, Fla., June 18: Proposed is the upgrading of State Road 10A (Park Street and Baya Avenue) in Lake City, from a two-lane facility to a four-lane facility. Project length is 3.7 miles. Adverse effects of the action are increased noise levels; displacement of families and businesses; loss of street frontage for adjacent businesses due to right-of-way acquisition; and temporary reduction in water quality in adjacent lakes during construction (47 pages). (ELR Order No. 31020.) (NTIS Order No. EIS 73 1020–D.)

Clinton Parkway, Douglas County, Kans., June 18: The statement refers to the improvement of 4.1 miles of Clinton Parkway from Lake Clinton to Highway K–10 in the city of Lawrence. The proposed improvements will include grading, culverts, surfacing, storm sewers, seeding, and bridges to provide a four-lane divided facility. Adverse impacts are acquisition of additional right of way; loss of agricultural land; alteration of existing terrain; and increased noise levels and exhaust emissions due to increased traffic volumes (30 pages). (ELR Order No. 31023.) (NTIS Order No. EIS 73 1023–D.)

U.S. 119–Appalachian Corridor G 06/20, Kentucky and West Virginia: The statement refers to the proposed improvement of a segment of U.S. 119 in Pike County, Ky., and Mingo County, W. Va., within Appalachian Corridor G. The project will extend from the Harney Street bridge in South Williamson, Ky., to Route 14 near Goatman, W. Va., a distance of approximately 2.45 miles. Nine businesses, 83 families, and 1 nonprofit organization will be displaced. Coal seams of marketable value may be opened due to construction cuts (6 pages). (ELR Order No. 03103.) (NTIS Order No. EIS 73 1031–D.)

U.S. Highway No. 6, Douglas County, Nebr., June 5: The proposed project is the reconstruction of 4.1 miles of West Dodge Road (U.S. Highway No. 6) in Omaha. An unspecified amount of additional right-of-way will be required to incorporate a four-lane facility into the existing alignment. Two houses, two service stations, three motels, six mobile homes, two cafes, and a mobile home dealership will be displaced (23 pages). (ELR Order No. 30954.) (NTIS Order No. EIS 73 0954–D.)

Major Deegan Expressway, Bronx County, N.Y., June 14: Proposed is the reconstruction of the existing interchange between the Major Deegan Expressway, I–87, and Macombs Dam bridge. One or two of the existing ramps will be relocated, depending on the alternate selected. Length of the project is 0.9 mile (134 pages). (ELR Order No. 30995.) (NTIS Order No. EIS 73 0995–D.)

Final

Tutuila Perimeter Road, Vaifanua and Lealataua Counties, American Samoa, June 1: The four draft environmental impact statements (ELR Orders Nos. 5505–5508; NTIS Orders Nos. EIS 73 5505D–5508–D) filed October 20, 1972, for the Aoa-Onenoa-Tula corridor and the Poloa-Fagamalo-Aoloaufou corridor are combined into a single final impact statement because of the similarity of the affected villages and their surrounding terrain. The project proposes construction of a two-lane paved road to provide access to the isolated villages; no road presently exists. Introduction of vehicular traffic, alternation of the tranquility of the villages and modifications to local customs will occur (111 pages). Comments made by: COE, DOI, DOT, and one agency of the Government of Samoa. (ELR Order No. 30942.) (NTIS Order No. EIS 73 0942–F.)

Oregon Forest Highway 7 (SR. No. 36), Lane County, Oreg., June 21: The statement refers to the proposed reconstruction of 4.8 miles of Oregon Forest Highway 7, State Highway 36, including a new bridge crossing of the Siuslaw River. Adverse impacts of the project include increased water pollution to the Siuslaw River due to increased runoff; increased noise and air pollution; loss of 35 acres of land; displacement of several families and loss of wildlife habitat (58 pages). Comments made by: State agencies. (ELR Order No. 31040.) (NTIS Order No. EIS 73 1040–F.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73–13550 Filed 7–5–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

U.S. BORAX RESEARCH CORP.

Filing of Petition Regarding Pesticide Chemical

Correction

In FR Doc. 73–12839 appearing on page 16797 of the issue for Tuesday, June 26, 1973, in the title of the method cited in the second paragraph, "Dinitremine Residues" should read "Dinitramine Residues".

RESIDUAL INSECTICIDES IN FOOD ESTABLISHMENTS

Statement of Policy

Registrations are currently in effect for certain residual insecticides for use in food processing plants, restaurants, and other areas where food is commercially prepared, processed, or served. Considerable confusion has developed recently over the Agency's current policy relative to the permissible use of such products. The purpose of this notice is to clarify the existing policy and inform interested parties of our contemplated actions.

In February of 1972, the Hazardous Materials Advisory Committee of this Agency made the following recommendation:

Representative residue data should be obtained for food exposed in areas treated with insecticides, either in response to food additive petitions or upon the initiative of the Pesticides Regulation Division. Food additive regulations (Food, Drug, and Cosmetic Act, section 409) are needed in order to prescribe the safe conditions of use of pesticides in food handling establishments. Such residue data are needed to meet legal requirements and to ensure that dietary intake does not exceed that stipulated by existing food additive tolerances.

This Agency intends to follow this recommendation by requiring food additive petitions with appropriate residue studies. In the short term, the Agency intends to continue to explore with trade associations, other governmental agencies and interested parties, ways of coordinating the development of required studies. Pending the completion of such studies to support food additive regulations, presently registered products may legally be used in accordance with directions and cautions appearing on their labels.

We will also at an early date publish a notice defining certain terms used in connection with precautions and sites of use in food handling establishments. It is our intention that these specific definitions of sites of applications currently being developed will permit expanded use of these pest control tools

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while at the same time providing maximum protection against contamination of food.

Dated: June 28, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-13699 Filed 7-5-73;8:45 am]

TOXAPHENE

Notice of Renewal of Temporary Tolerances

In response to a request from North Dakota State University, Fargo, ND 58102, temporary tolerances of 7 parts per million were established June 21, 1972 for residues of the insecticide toxaphene (chlorinated camphene containing 67-69 percent chlorine) in or on sugar beets and sunflower seeds (notice was published in the FEDERAL REGISTER of July 18, 1972 (37 FR 14253)). The tolerances expired December 31, 1972. North Dakota State University, South Dakota State University, Brookings, SD 57006 and the Minnesota Department of Agriculture, St. Paul, MN 55101 have requested renewal of these temporary tolerances.

It has been determined that temporary tolerances of 7 parts per million for residues of the insecticide in or on sugar beets and sunflower seeds will protect the public health. These temporary tolerances are renewed on condition that the insecticide will be used in accordance with the temporary permits which are being issued concurrently.

These temporary tolerances expire October 31, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated June 29, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-13700 Filed 7-5-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-12101, etc.]

NATURAL GAS SALES

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 25, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
G-12101 ..... D 6-4-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	(1)	-------
G-12671 ..... 5-15-73 [2]	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	[3] 19.0	14.65
C161-1502 ..... C 5-29-73	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Trunkline Gas Co., Esther Field, Vermilion Parish, La.	[4] 26.0	15.025
C172-462 ..... C 5-25-73	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., West Cameron Area, offshore Louisiana.	[4] 32.0	15.025
C173-738 ..... (C167-343) F 4-30-73	Herman Geo. Kaiser (Operator), et al. (successor to Odessa Natural Corp., 4120 East 51st St., Tulsa, Okla. 74135.	Panhandle Eastern Pipeline Co., South Peek Field, Ellis County, Okla.	[4] 21.30282	14.65
C173-754 ..... A 5-25-73 [5]	Amarillo Production Co., P.O. Box 9317, Fort Worth, Tex. 76107.	Northern Natural Gas Co., Bear Paw Arch Area, Hills County, Mont.	[4] 23.5	15.025
C173-766 ..... (C171-33) B 5-15-73	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Cities Service Gas Co., Cutter Field, Stevens County, Kans.	Depleted	------- [2]
C173-806 ..... (C167-347) B 5-17-73	John L. Crawford, 625 Southern National Bank Bldg., Houston, Tex. 77002.	Panhandle Eastern Pipeline Co., Northwest Avard Field, Woods County, Okla.	Water encroachment	------- [2]
C173-807 ..... (C167-271) B 5-17-73	Kirkpatrick Oil & Gas Co., 1700 Broadway, Denver, Colo. 80202.	....do.....	....do.....	------- [2]
C173-808 ..... (G-12671) B 5-15-73	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(7)	------- [2]
C173-809 ..... (C168-233) B 5-23-73	Fair-Porter Drilling Corp., City National Bank Tower, Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., acreage in Dewey County, Okla.	Depleted	------- [2]
C173-810 ..... A 5-22-73	Midwest Oil Corp., 1700 Broadway, Denver, Colo. 80202.	Trunkline Gas Co., North Bird Island Field Area, Kleberg County, Tex.	[4] 26.0	14.65
C173-814 ..... (G-18145) B 5-18-73	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla.	Depleted	------- [2]
C173-816 ..... (G-3355) B 5-16-73	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Arkansas Louisiana Gas Co. Downsville Field, Union Parish, La.	(8)	------- [2]
C173-818 ..... (C169-69) B 5-25-73	Buehler Oil & Gas Co., c/o M. J. See, Box 30, Louisa, Ky. 41230.	United Fuel Gas Co., Long Branch Area, Lawrence County, Ky.	(8)	------- [2]
C173-819 ..... A 5-25-73	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, offshore La.	[4] 32.0	15.025
C173-821 ..... (G-19388) B 5-29-73	Amerada Hess Corp., P.O. Box 2040, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Bisti Area, San Juan County, N. Mex.	Depleted	------- [2]
C173-822 ..... (CS73-14) B 5-21-73	Gentry L. Rowsey et al., P.O. Box 867, Alice, Tex. 78332.	Coastal States Gas Producing Co. and Southern Coast Corp., Johns Field, Duval County, Tex.	Uneconomic	------- [2]
C173-823 ..... (G-8670) F 5-22-73	Robert O. Sigler (successor to Southern Natural Gas Co.), P.O. Box 1324, Hattiesburg, Miss. 39401.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest County, Miss.	20.0	15.025
C173-824 ..... (G-8462) F 5-22-73	Robert O. Sigler (successor to Estate of E. R. Whitaker et al.).	....do.....	20.0	15.025
C173-825	Robert O. Sigler (successor to Sun	....do.....	20.0	15.025

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
(G-9043) F 5-22-73	Oil Co.).			
C173-826 ..... (G-10627) F 5-22-73	Robert O. Sigler (successor to Gulf Oil Corp.).	....do.....	20.0	15.025
C173-827 ..... (G-14370) F 5-22-73	Robert O. Sigler (successor to Pennzoil Producing Co.).	....do.....	20.0	15.025
C173-828 ..... (G-18894) F 5-22-73	Robert O. Sigler (successor to Ridgway Management, Inc.).	....do.....	20.0	15.025
C173-829 ..... (G-13057) (G-8851 thru (G-8864) F 5-22-73	Robert O. Sigler (successor to C. R. Ridgway et al.), P.O. Box 1222, Hattiesburg, Miss., 39401.	....do.....	20.0	15.025
C173-830 ..... (G-13671) F 5-22-73	Robert O. Sigler (successor to David Crow, agent).	....do.....	20.0	15.025
C173-831 ..... (G-2999) (G-4267) F 5-24-73	Charles S. Beck (successor to Champlin Petroleum Co., & Sohio Petroleum Co.), 500 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Tennessee Gas Pipeline Co., Rachal Field, Brooks County, Tex.	24.0	14.65
C173-834 ..... (C165-736) B 5-24-73	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Colorado Interstate Gas Co., Sparks Field, Stanton County, Kans.	Unproductive	-------
C173-836 ..... (G-4810) (CS72-876) F 5-29-73	Texaco, Inc. (successor to D. Thomason Production Co., Inc.), P.O. Box 430, Bellaire, Tex. 77401.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	[10] 23.0	14.65

[1] Acreage assigned to Amoco Production Co.
[2] Amendment to increase daily contract quantity with gas from producing properties from which applicant proposes in docket No. C173-808 to abandon sales to Transcontinental Gas Pipe Line Corp.
[3] Subject to downward B.t.u. adjustment.
[4] Applicant is willing to accept permanent certificate authorization at an initial rate of 26.875 cents per Mcf at 15.025 p.s.i.a., subject to quality adjustments, pursuant to the Commission's Opinion Nos. 598 and 639, or such higher applicable just and reasonable rate as may be established by the Commission prior to the issuance of authorization for the sale proposed herein.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Being remetered, because by letter filed May 25, 1973, applicant shows the measurement pressure base to be 15.025.
[7] Applicant states that its contract with Transcontinental Gas Pipe Line Corp. has expired and that the reserves are dedicated to Natural Gas Pipeline Company of America.
[8] Depleted, well plugged and leases released.
[9] Grover and Violet Thompson have filed in docket No. C173-712 an application to sell gas from the subject properties to Kentucky West Virginia Gas Co.
[10] Subject to upward B.t.u. adjustment.

[FR Doc.73-13477 Filed 7-5-73;8:45 am]

[Docket No. ID-1531 etc.]

PUBLIC UTILITIES; MULTIPLE DIRECTORSHIPS

Applications

JUNE 27, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1531 ...	John F. Rich.	1-2-73	Canal Electric Co.
			Maine Yankee Atomic Power Co.
			Vermont Yankee Nuclear Power Corp.
1620 ...	William B. Beehanan.	5-21-73	Kentucky Utilities Co. Old Dominion Power Co.
1635 ...	Lynwood Schrader.	5-23-73	Kentucky Utilities Co. Old Dominion Power Co.
1651 ...	Thomas J. Galligan, Jr.	1-26-72	Boston Edison Co. Connecticut Yankee Atomic Power Co. Yankee Atomic Electric Co.
1657 ...	John W. Spurrier III.	5-21-73	Kentucky Utilities Co. Old Dominion Power Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13539 Filed 7-5-73;8:45 am]

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[Rate Schedule 34]

ATLANTIC RICHFIELD CO.

Rate Change Filings

JUNE 28, 1973.

Take notice that the producer listed in the Appendix attached hereto has filed a proposed increased rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate schedule No.	Buyer	Area
6-6-73	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	34	Texas Eastern Transmission Corp.	Texas Gulf Coast.

[FR Doc.73-13538 Filed 7-5-73;8:45 am]

[Docket No. RI73-311]

CONTINENTAL OIL CO.

Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 27, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-311	Continental Oil Co.	335	1	Pacific Lighting Service Co. (Federal Lease No. OCS-P-0166, Offshore Santa Barbara County, California).	$2,000	5-29-73		6-30-73	[1] 27.0	27.5	

* Unless otherwise stated, the pressure base is 14.73 p.s.i.a.

[1] Initial service rate which is subject to refund, without a refund floor, pursuant to conditioned temporary certificate issued Apr. 22, 1968 in Docket No. CI68-951.

Continental Oil Company proposes a periodic increase from 27.0¢ to 27.5¢ @ 14.73 psia for a sale of casinghead gas to Pacific Lighting Service Company from Offshore Santa Barbara County, California. The current 27.0¢ initial rate is subject to refund, without a refund floor, pursuant to a conditioned temporary certificate issued April 22, 1968, in Docket No. CI68-951.

Since the just and reasonable rate has not been determined nor a guideline ceiling established for the subject area, we believe it appropriate to suspend the instant filings for one day from the contractual effective date.

The rate increase granted in this case has been reviewed in the light of and is consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-13583 Filed 7-5-73;8:45 am]

[Docket No. CI73-877]

BLAINE DUNBAR

Notice of Application

JUNE 27, 1973.

Take notice that on June 11, 1973, Blaine Dunbar (Applicant), 212 Longview National Bank Building, Longview, Texas 75601, filed in Docket No. CI73-877 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Willow Springs Field, Gregg County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he has commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 Mcf of gas per day at 35.0 cents per Mcf at 14.65 psia. Applicant estimates the monthly sales volume of gas will total 10,000 Mcf.

It appears reasonable and consistent with the public interest in this case to

prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13757 Filed 7-5-73;8:45 am]

[Docket No. CP73-310]

TEXAS EASTERN TRANSMISSION CORP.

Petition To Amend Petition for Emergency Relief

JUNE 28, 1973.

Public notice is hereby given that a petition to amend a "Petition For Emergency Relief" was filed on June 13, 1973, by the Town of Smyrna, Tennessee (Smyrna) pursuant to § 1.7 of the Commission's rules of practice and procedure.

On April 27, 1973, Smyrna filed with the Commission a Petition for Emergency Relief requesting that its annual allotment of gas from its sole supplier, Texas Eastern Transmission Corporation (TETCO) be increased by at least 20,307 Mcf to 177,135 Mcf for the 12 month period ending August 31, 1973. Smyrna states that since May 19, 1973, it has been purchasing gas in excess of its annual allotment by paying a penalty charge of $3.00/Mcf.

Smyrna now claims that it needs more than the additional 20,307 Mcf it requested on April 27, 1973. Basing its latest estimate on actual use figures for March, April and May of this year, Smyrna now requests the Commission to grant it an increase of 35,000 Mcf above its present annual allotment.

Any person desiring to be heard or to make protest with reference to said petition should on or before July 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13762 Filed 7-5-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-52]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautics will meet on July 25, 26, and 27, 1973 at the NASA Langley Research Center, Hampton, Virginia, 23665. The meeting will be held in Conference Room 225 of Building 1219. Members of the public will be admitted to the meeting beginning at 9:00 a.m. on the agenda below, except for the closed sessions as described herein, on a first come, first served basis up to the seating capacity of the room which is about 40 persons. All visitors must report to the Langley Research Center Receptionist in Building 1219.

The NASA Research and Technology Advisory Council, Committee on Aeronautics serves in an advisory capacity only. In this capacity, the Committee is concerned with aerodynamics and aircraft vehicle systems. The current Chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda and schedule for the July 25, 26, and 27, 1973 meeting of the Committee on Aeronautics. For further information, please contact Mr. J. Lloyd Jones, Area Code 202, 755-2397.

JULY 25, 1973

Time	Topic
9:00 a.m.	Report of the Chairman (Purpose: To discuss action taken at the March 22-23, 1973 meeting of the Council.)

JULY 25, 1973—Continued

Time	Topic
9:30 a.m.	Report of the Executive Secretary (Purpose: To review NASA reaction to Committee recommendations made at the previous, March 14-16, 1973 meeting.)
10:00 a.m.	NASA Aeronautics Program Overview (Purpose: To provide the members with a better understanding of the complete NASA aeronautics research program, including areas for which the Committee on Aeronautics is not directly responsible.)
11:30 a.m.	Review of NASA Active Controls Technology Program (Purpose: To familiarize the Committee with the Active Controls Program initiated in FY 1972 and obtain Committee comments on the program.)
12:00 p.m.	Review of Activities of the RTAC Joint Ad Hoc Panel on Aerospace Vehicle Dynamics and Control (Purpose: To provide the Panel with Committee comments on the draft of the Panel's final report.)
12:30 p.m.	Lunch
1:30 p.m.	Tour of Differential Maneuvering Simulator Facility (Purpose: To familiarize the Committee with the operation of the DMS, currently being used in the vectoring-in-forward flight for improved maneuverability program.)
2:00 p.m.	NASA comments on Tunnel-Wall Interference Effects (Purpose: To respond to previously expressed concern regarding wall effects on the reliability of two-dimensional airfoil data, and to describe results on wall effects on three-dimensional flutter boundary measurements.)
2:30 p.m.	NASA Long-Range Plan for Flight Simulation Technology Development (Purpose: To obtain Committee comments on tentative NASA plans to develop an aircraft simulation technology program.)
3:30 p.m.	Executive Session (Closed to the Public) (Purpose: To develop Committee comments and recommendations on the subjects discussed at the first day's session. Classified information related to military applications and requirements for aircraft motion simulator is included in the subject material. Preliminary projected future year distribution of effort and related budget limitations will be presented.)

JULY 26, 1973

Time	Topic
8:30 a.m.	Summary of Liquid-Hydrogen-Fuel Aircraft Symposium (Purpose: To inform the Committee of the primary content of the symposium held at the Langley Research Center on May 15-16, 1973.)

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JULY 26, 1973—Continued

Time	Topic
9:30 a.m.	NASA Airframe/Propulsion System Integration Program (Purpose: To obtain Committee comments on present plans to expand the program, aiding in the formulation of it.)
10:30 a.m.	Summary of NASA Basic Aerodynamic Research Program (Purpose: To provide an overview of the complete basic aerodynamics program, augmenting previous more-detailed descriptions of some of the elements, as a basis for Committee recommendations.)
12:30 p.m.	Lunch
1:30 p.m.	Tour of Two-Dimensional Test Facilities (Purpose: To acquaint the Committee with the operation of new two-dimensional wind tunnels at Langley, requested at previous meetings.)
2:30 p.m.	High-Performance Military V/STOL Aircraft Studies (Purpose: To inform the Committee of NASA research programs related to development of high performance military V/STOL aircraft, augmenting previous presentations on STOL and VTOL transport and rotorcraft research activity.)
3:30 p.m.	Executive Session (Closed to the Public) (Purpose: To develop final Committee comments and recommendations pertaining to the scope and focus of the technical programs reviewed earlier as well as the importance of the results. Classified information related to military airframe/propulsion system integration problems and Navy V/STOL aircraft requirements is involved as well as information of a proprietary nature offered in confidence. Preliminary projected future year distribution of effort and related budget limitations will be presented.)

JULY 27, 1973

Time	Topic
8:30 a.m.	Continuation of Executive Session (Closed to the Public) (Purpose: To complete the discussion initiated the previous day involving classified information and future funding level considerations.)
12:00 p.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JUNE 28, 1973.

[FR Doc.73-13702 Filed 7-5-73;8:45 am]

[Notice 73-53]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON RESEARCH

Notice of Meeting

The Committee on Research of the NASA Research and Technology Advisory Council will meet on July 12 and 13, 1973, at the Headquarters of the National Aeronautics and Space Administration, Washington, DC, 20546. The meeting will be held in Room 625 in Federal Office Building 10B, 600 Independence Avenue, SW, Washington, DC, 20546. Members of the public will be admitted to the meeting on July 12, 1973, beginning at 8:30 A.M. on a first-come first-served basis up to the seating of the room which is approximately 40 persons. The portion of the meeting on July 13, 1973, from 8:30 A.M.–12:00 Noon is closed to the public due to the discussion of classified information.

The NASA Research and Technology Advisory Council, Committee on Research serves in an advisory capacity only. In this capacity, the Committee is concerned with program goals, trends, content, scope and technical balance for basic research in the physical, mathematical and life sciences as related to aeronautics and space missions. The current Chairman is Professor Abraham Hertzberg. There are 13 members. The following list sets forth the approved agenda and schedule for the July 12 and 13, 1973, meeting of the Research Committee. For further information, please contact Mr. F. C. Schwenk: Area code 202, 755-2488.

JULY 12, 1973

Time	Topic
8:30 a.m.–5:15 p.m.	Technical Presentations and Discussion "NASA Research and Technology Program on High Power Lasers" (Purpose: To assess the quality and adequacy of the current research and technology programs in NASA relative to the potential utility of high power lasers in future space missions.)

The following presentations will be made by speakers from NASA's Ames, Langley and Lewis Research Centers, and from the Jet Propulsion Laboratory:

1. Program Overview—Goals, Contents, and Plans
2. Laser System Technology
   a. Studies and Requirements
   b. Pilot Laser Power System
3. Laser Device Research
   a. Metal-Vapor Lasers
   b. Electrogasdynamic Lasers
   c. Charge-Exchange Lasers
   d. Advanced Laser Concepts
4. Laser Energy Conversion
   a. General Concepts
   b. Point-Contact Diodes
   c. Photovoltaic
   d. Laser-plasma-dynamic
5. Laser Atmospheric Propagation
   a. Detailed Spectrometry
   b. Linear Propagation

JULY 13, 1973

Time	Topic
8:30 a.m.–12:00 Noon.	*Member Reports and Discussion* (Purpose: To review and discuss information provided by industry and university members as it pertains to an evaluation of current and future NASA programs.) (Closed session to discuss funding, industry proprietary information, and classified data. Classified and proprietary information on lasers must be considered in the evaluation of NASA programs in the interest of avoiding unnecessary duplication and assuring that NASA's laser research and technology programs properly take into account the needs of classified military applications of high power lasers.)

June 28, 1973.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-13703 Filed 7-5-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Order Suspending Trading

JUNE 29, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973, through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13668 Filed 7-5-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-13667 Filed 7-5-73;8:45 am]

[812-3470]

BLC GROWTH FUND, INC. ET AL.

Notice for Application for Exemption

Notice is hereby given that BLC Growth Fund, Inc., BLC Income Fund, Inc. and BLC Fund, Inc. ("Funds"), 711 High Street, Des Moines, Iowa 50307, diversified open-end management investment companies registered under the Investment Company Act of 1940 ("Act"), and BLC Equity Services Corporation ("BLESCO"), the principal underwriter for two of the Funds (collectively referred to herein as "Applicants"), have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Herschel G. Langdon, a director of each of the Funds, shall not be deemed an "interested person" of the Funds or of BLESCO within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of AID Insurance Company (Mutual) ("AID Insurance") and of Allied Life Insurance Company ("Allied"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Funds are Delaware corporations organized in 1969 under the sponsorship of Bankers Life Company ("Bankers"), an Iowa mutual life insurance company. BLESCO, a wholly-owned subsidiary of Bankers, is the principal underwriter for BLC Growth Fund, Inc. and BLC Income Fund, Inc. BLESCO is a broker-dealer registered under the Securities Exchange Act of 1934 ("1934 Act") and is a member of the National Association of Securities Dealers, Inc. ("NASD"). BLESCO also acts as principal underwriter of certain variable annuity contracts issued by Bankers and as a retail distributor of other investment company securities. BLC Equity Management Company ("BLEMCO"), a wholly-owned subsidiary of BLESCO, is the investment adviser of each of the Funds.

Herschel G. Langdon is a director of each of the Funds. Since the applicable effective date of the Investment Company Amendments Act of 1970, he has not been viewed as an interested person of the Funds or of BLESCO or BLEMCO. Mr. Langdon is also a director of AID Insurance and of its wholly-owned subsidiary Allied. AID Insurance, formerly Allied Mutual Insurance Company, is an Iowa corporation engaged in the business of selling property and casualty insurance. AID Insurance owns all of the outstanding stock of AID investment Services Company ("AID Investment"), a broker-dealer registered under the 1934 Act and a member of the NASD. AID Insurance also owns all of the outstanding stock of Allied, an Iowa life insurance company, which in turn owns indirectly all of the outstanding stock of United Financial Corporation ("United"), also a registered broker-dealer and member of the NASD. In addition, Allied owns all of the outstanding stock of a company which acts as the investment adviser to AID Investment Fund, Inc., a no-load open-end management investment company registered under the Act. Allied owns as of March 1, 1973 approximately 58 percent of that fund's outstanding shares, and for purposes of the application, such fund is considered to be an indirect subsidiary of AID Insurance.

Shares in BLC Growth Fund, Inc. and BLC Income Fund, Inc. are offered for sale pursuant to principal underwriting contracts with BLESCO, while BLC Fund Inc., a no-load fund whose shares may be sold only to a limited class of persons, has no principal underwriter. Pursuant to section 10(b) of the Act, as here pertinent, BLC Growth Fund, Inc. and BLC Income Fund, Inc. may not use BLESCO as a principal underwriter unless a majority of the Funds' directors are persons who are not "interested persons" of BLESCO, within the meaning of section 2(a)(19) of the Act. The board of directors of each of the Funds currently consists of seven persons, three of whom are presently considered to be interested persons of BLESCO, BLEMCO, or both, and, therefore, of the Funds. Consequently, if Mr. Langdon were adjudged to be an interested person of BLESCO, changes in the boards of BLC Growth Fund, Inc., and BLC Income Fund, Inc., would be required in order for BLESCO to continue to serve as the principal underwriter for the two Funds.

Section 2(a)(19)(B)(v), with respect to an interested person of a principal underwriter to an investment company, and section 2(a)(19)(A)(ii), with respect to an interested person of an investment company, define an "interested person" to include "any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer."

Although Mr. Langdon is not a registered broker-dealer or a direct affiliate of a registered broker-dealer, he is a director and an affiliated person of AID Insurance and of its wholly-owned subsidiary Allied, each of which companys is an affiliated person of two broker-dealers registered under the 1934 Act, i.e., AID Investment and United Financial Corporation.

The application states that since affiliation with the parent company of another entity is viewed as affiliation with such other entity, Langdon would be considered an affiliated person of AID Investment and United and consequently an "interested person" of BLESCO, BLEMCO and the Funds within the meaning of section 2(a)(19) of the Act.

Applicants state that Mr. Langdon is one of fifteen members of the board of directors of AID Insurance and one of fifteen members of the board of Allied and that as a member of the board of each of these companies, he shares in the general responsibility of the directors for the management of such companies, but in no way participates in the day-to-day operations of either company. Mr. Langdon serves as a member of the separate investment committee of each company and he is a director and stockholder of AID Investment Fund, Inc. Applicants represent that Mr. Langdon is not a director or officer of AID Investment or United and that he in no way participates in the day-to-day operations of United. Applicants represent further that AID Investment has never engaged in any business and is inactive, and that since July 1, 1971, the date of its affiliation with Allied, United has had no business activity other than serving without compensation as principal underwriter for AID Investment Fund, Inc.

The application alleges that Mr. Langdon's principal occupation has been as a practising attorney with the law firm of Herrick, Langdon, Belin & Harris in Des Moines, Iowa, of which he is a partner. Applicants state that Mr. Langdon has no relationship with any of the Funds other than through his position as director of each and as a shareholder of BLC Growth Fund, Inc. and BLC Income Fund, Inc. and that neither AID Insurance, Allied nor any of their subsidiaries has ever engaged in any securities transactions with or on behalf of the Funds. In order to ensure that the Funds will not knowingly engage in securities transactions with AID Insurance, Allied or any of their subsidiaries, each Fund represents and warrants to the Commission that, so long as Mr. Langdon remains one of its directors, it will not knowingly purchase any securities from or through, or sell any securities to or through, AID Insurance, Allied or any of their subsidiaries.

Applicants also state that Mr. Langdon has no material relationship with BLESCO or with BLEMCO or Bankers through his position as a director of AID Insurance or of Allied, that neither AID Insurance, Allied nor any of their subsidiaries has ever engaged in any securities transactions with or on behalf of BLESCO, BLEMCO or Bankers, and that BLESCO has never engaged in any transactions with AID Insurance, Allied or their subsidiaries. Furthermore, BLESCO represents and warrants that so long as Mr. Langdon remains a director of any of the Funds, it will not knowingly purchase any securities from, for or through, or sell any securities to, for or through, AID Insurance, Allied, or any of their subsidiaries.

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Applicants believe that Mr. Langdon has been and is in fact an independent director of the Funds and that his relationship with the Funds is in no way altered by his being a director of AID Insurance or Allied. Applicants state that they have no doubt that Mr. Langdon will be able to discharge his duties as director of each of the Funds free from any conflicts of interest and that he will exercise the impartial judgment on behalf of each of the Funds and their shareholders which is expected of an independent director.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–13674 Filed 7–5–73;8:45 am]

[812–3465]

NEW AMERICA FUND, INC.

Notice of Filing of Application for an Order Exempting Proposed Transaction

Notice is hereby given that New America Fund, Inc. ("Applicant"), 1900 Avenue of the Stars, Los Angeles, California 90067, a close-end diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from section 17(a) the sale of 152,548 shares of Common Stock of American Protection Industries, Inc. ("API"), a Delaware corporation, to Stewart A. Resnick ("Resnick") pursuant to an Agreement between API and Applicant dated March 6, 1973. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant owns 10.5 percent or 152,548 shares of the Common Stock of API (the "Shares") and Resnick owns 42.7 percent or 623,235 Shares. Under section 2(a)(3) of the Act, Applicant and Resnick are affiliated persons of API. Therefore, Resnick is an affiliated person of an affiliated person of Applicant. Section 17(a) of the Act provides in pertinent part that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such person, knowingly to purchase from or sell to such investment company any securities unless an exemption be granted pursuant to section 17(b) of the Act. Section 17(b) of the Act provides that the Commission may grant an exemption from section 17(a) if (1) the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the Act; and (3) the proposed transaction is consistent with the general purpose of the Act.

Applicant represents that it purchased the Shares on April 26, 1971, from Haven Industries, Inc. ("Haven") in a transaction which did not involve an issuer, underwriter or dealer and was therefore exempt under Section 4 of the Securities Act of 1933, as amended. In connection with the purchase of the stock, an Agreement was executed pursuant to which Applicant was given certain registration rights. Applicant's Board of Directors concluded that it was in its best interest to dispose of the Shares through a private placement to Resnick at a price of $1.40 per share rather than exercise its registration rights and dispose of the Shares in a public offering on the open market. Several factors were considered by Applicant's Board of Directors in making this decision including the fact that the market value of API stock had declined steadily since January, 1973, and it was felt that a disposition of Applicant's block on the open market might cause a further decline in price. Another factor also considered was the fact that it would take several months before a registration statement would be declared effective and that during such period the market price of API stock might decline further.

At the Applicant's annual meeting of stockholders held December 16, 1971, the stockholders of Applicant voted to change Applicant's principal investment objective and policy from that of investing in restricted securities to investing in marketable securities. Applicant is now authorized to invest up to 100 percent of its total assets in marketable securities, and Applicant is currently in the process of disposing of its investments in restricted securities including the Shares.

In accordance with the March 6, 1973 Agreement between Applicant and Resnick, Resnick has agreed to purchase the Shares from Applicant at a price of $1.40 per share or a total of $213,567.20. The bid and asked price of the Shares on that date was $1⅜–$2.00 per share. Applicant expects to receive an aggregate of $213,567.20 from Resnick for the Shares.

The application states that based upon the material furnished Applicant prior to March 6, 1973, and the 10–K Report and its independent knowledge of API, it determined to be in its best interest to sell the API stock. The price of $1.40 per share was approximately $.25 to $.60 below the bid and asked price for the stock on the date of the Agreement, such difference in price being deemed reasonable in view of the fact that the securities being sold were restricted. The Board of Directors of Applicant considered such price to be fair and reasonable.

Notice is further given that any interested person may, not later than July 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless an order for hearing upon said Application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division

of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–13673 Filed 7–5–73;8:45 am]

[Release No. 34–10245]

NEW YORK STOCK EXCHANGE

Notice of Change in Date of Commission Rate Hearing, and Other Matters

The Securities and Exchange Commission announced on June 27, 1973, that it has postponed from July 9 until July 16, 1973 its public investigatory hearing, ordered pursuant to section 21(a) of the Securities Exchange Act of 1934. The hearing is to consider whether any changes should be made in the rules, policies, practices and procedures of one or more registered national securities exchanges respecting commission rate schedules. (See 38 FR 16115, June 20, 1973). The hearing will convene at 10 a.m. Monday, July 16, 1973 at the Commission's headquarters, 500 North Capitol Street, NW., Washington, D.C.

The Commission also announced that on June 22, 1973 it received a letter from the New York Stock Exchange, Inc. withdrawing that part of the Exchange's May 25, 1973 commission rate increase proposal which would have permitted member firms to negotiate separate charges for other services rendered, such as custodial fees. Therefore, this proposal will not be considered during the public hearing.

Subsequent to the Commission's June 6, 1973 release announcing the hearing, the NYSE Board of Directors considered a proposal to re-establish fixed commission rates on orders above $300,000. In a letter received June 22, 1973, the Exchange advised the Commission that it has determined not to submit that proposal to the Commission. This proposal will not, therefore, be considered during the public hearing.

On June 4, 1973, the Commission received from the PBW Stock Exchange, Inc. a proposal to provide, on the execution within 14 days of both a purchase and a sale (or a sale and a purchase) for one account in the same security, a 50 percent reduction in the non-member and intra-member commissions on the subsequent transaction. A copy of the rule proposal is attached. The Commission believes that since the proposal would be a significant change in the commission rate structure of any exchange adopting it, consideration of this proposal during the public hearing on commission rates would be in the public interest. Therefore, the Commission has invited representatives of the PBW Stock Exchange, Inc. to appear and present testimony and relevant data regarding their proposal and invites all other interested persons to submit their views.

Persons who wish to appear and present factual material at the hearing are invited to notify the hearing officer (William E. Toomey, Room 632, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C., 20549, whose telephone number is (202) 755–1240) of that desire as soon as possible and not later than July 16, 1973.

Witnesses will be expected to file with the hearing officer 25 copies of their prepared statements 48 hours prior to their appearance and are invited to make available additional copies at the time of their appearance for the benefit of the press and other interested persons. Other interested persons may wish to transmit written submissions for inclusion in the record in lieu of personally appearing. They should file 25 copies thereof to facilitate examination of the record by all interested persons. Such material should be submitted not later than July 30, 1973. All other communications should be filed in triplicate.

(Sec. 21(a); 48 Stat. 899; 15 U.S.C. 78u(a))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

Under Article XX, Section 2(a), a new number (5) is added to the Constitution.

On the execution, within 14 calendar days, or a time period which may be established from time to time by the Board, of both a purchase and a sale or a sale and purchase for one account in the same security, the minimum commission for the subsequent transaction shall be 50%, or another percentage which may be established from time to time by the Board, of the commission set forth in the above paragraphs (1)(2)(3) & (4) provided that the customer identifies the subsequent transaction.

Under Article XX, Section 2(c), a new number (4) is added to the Constitution.

In utilizing a floor broker, for subsequent transactions as described in Article XX, Section 2(a)(5), the floor brokerage charged for that specific transaction shall not be less than 50% of the regular intra-member rate.

[FR Doc.73–13675 Filed 7–5–73;8:45 am]

[File No. 500–1]

PACER CORP.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended. this order to be effective for the period from July 1, 1973 through July 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–13664 Filed 7–5–73;8:45 am]

[File No. 500–1]

PARAGON SECURITIES CO.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–13671 Filed 7–5–73;8:45 am]

[File No. 500–1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–13672 Filed 7–5–73;8:45 am]

[File No. 500–1]

RADIATION SERVICE ASSOCIATES, INC. AND MERIDIAN FAST FOOD SERVICES INC.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Radiation Service Associates, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

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order to be effective for the period from June 30, 1973 through July 9, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13665 Filed 7-5-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 2, 1973 through July 11, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13666 Filed 7-5-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13669 Filed 7-5-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JUNE 29, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-13670 Filed 7-5-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 991, Amdt. 1]

ALABAMA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding beginning on or about May 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Cullman, Perry, St. Clair and Talladega (See 38 FR 15890).

Applications may be filed at the:

Small Business Administration District Office
908 South 20th Street Birmingham, Alabama 35205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than August 10, 1973.

Dated June 12, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-13676 Filed 7-5-73;8:45 am]

[Notice of Disaster Loan Area 992, Amdt. 1]

ARKANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and tornadoes beginning on or about May 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Crittenden County. (See 38 FR 15748.)

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than August 10, 1973.

Dated June 15, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-13690 Filed 7-5-73;8:45 am]

[Notice of Disaster Loan Area 974, Amdt: 4]

ILLINOIS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds and lake storms beginning on or about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the Town of Dayton (La Salle County). (See 38 FR 12179, 38 FR 13586, 38 FR 14897 and 38 FR 16812)

Applications may be filed at the:

Small Business Administration Branch Office
Ridgely Building, Room 816
902 East Monroe Street
Springfield, Illinois 62701

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 6, 1973.

Dated June 12, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-13706 Filed 7-5-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Special Permission 73-4700, Amdt. 2]

INCREASED RATES AND CHARGES

Exemption From Filing Requirement

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 29th day of June, 1973.

Depart from tariff filing requirements to amend tariff of increased rates and charges X-295.

By special permission application No. 220, filed by Western Trunk Line Committee, Agent, for and on behalf of carriers parties to tariff X-295, authority is sought to amend said tariff effective July 29, 1973, on statutory notice, transmitting copies of the amendment via first class mail to parties of record simultaneously with official filing with the Interstate Commerce Commission, in lieu of transmitting copies to such parties seven days in advance of official filing, or in the alternative, effective July 29, 1973, upon 20 days' notice on condition that copies of the amendment will be transmitted to parties of record via first class

mail seven days prior to official filing with the Commission, by changing paragraph (j) under "General Exceptions" on Page 6 to read "Rates applicable from, to or via points on the Long Island Rail Road," instead of wording now shown, as set forth in the application. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It appearing, that, the proposed change in wording would result in the application of increases between stations on the Long Island Rail Road, as intended by that carrier, and which the Commission authorized the filing thereof in Ex Parte 295, by order dated June 11, 1973;

And it further appearing, that good cause has been shown for permitting amendment of the tariff as proposed, conditioned, however, upon notification to the parties as hereinafter provided;

It is ordered, That, special permission No. 73-4700, be, and it is hereby, further amended, to permit publication of the proposed change upon not less than 30 days' notice, effective July 29, 1973, subject to the condition that a copy of the tariff amendment filed hereunder shall be mailed to each of the parties of record by first class mail not later than the date filed with the Commission, and upon further condition that each of the parties of record shall also be notified of the details of the change by telegram not later than the date the amendment is filed with the Commission.

And it is further ordered, That, notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C. and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13716 Filed 7-5-73;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73896. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Vermont Commercial Warehousing, Inc., Essex Junction, Vt., of the operating rights in Permit No. MC-124686 (Sub-No. 1) issued March 3, 1971, to Harold Miller, doing business as Miller's Trucking, Burlington, Vt., authorizing the transportation of such commodities as are dealt in by wholesale hardware stores, from Burlington, Vt., to points in Clinton, Essex, Franklin, and St. Lawrence Counties, N.Y., and Grafton and Sullivan Counties, N.H. The operations authorized herein are limited to a transportation service to be performed under a contract with Vermont Hardware Co., Inc. Edwain H. Amidon, Jr., 253 South Union Street, Burlington, Vt. 05401. Attorney for applicants.

No. MC-FC-74465. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Vann Transfer & Storage Co., Inc., Orlando, Fla., of the operating rights in Certificate No. MC-129284 issued April 16, 1970, to Orange Transfer & Storage, Inc., Orlando, Fla., authorizing the transportation of used household goods, between points in Citrus, Hernando, Lake, Orange, Sumter, Alachua Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Marion, Putnam, Seminole, St. Johns, and Volusia Counties, Fla. Subject to restrictions. Gregory A. Presnell, P.O. Box 231, 17th Floor, CNA Building, Orlando, Fla. 32802. Attorney for applicants.

No. MC-FC-74525. By order entered June 26, 1973, the Motor Carrier Board approved the transfer to Thompson Trucking Service, Inc., Pennsauken, N.J., of the operating rights set forth in Permit No. MC-134010, issued August 7, 1970, to Benjamin J. Thompson, Jr. and Marlyn M. Thompson, doing business as Thompson Trucking Service, Pennsauken, N.J., authorizing the transportation of iron and steel articles, between Philadelphia, Pa. and Camden, N.J., on the one hand and, on the other, specified points and places in New York and Pennsylvania; and from Philadelphia, Pa., and Camden, N.J., to points in Delaware and points in a specified area in Maryland, restricted to a transportation service to be performed under a continuing contract, or contracts with Concrete Steel Co., of New York, N.Y., and Thomas Howard Doolan, Inc., of Philadelphia, Pa. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13717 Filed 7-5-73;8:45 am]

[Notice 52]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 29, 1973.

The following applications (except as otherwise specifically noted, each applicant, (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington D.C. 20423.

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No. MC 5470 (Sub-No. 74) filed May 23, 1973 Applicant: TAJON, INC. R.D. #5, Box 146 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918 16th St., N.W., Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys and ores*, in dump vehicles, from Beverly, Ohio, to points in Indiana, Illinois, Delaware, New Jersey, New York, Pennsylvania, and West Virginia; and (2) *materials and supplies* used in the manufacture of alloys and ores, in dump vehicles, from points in the above-named states to Beverly, Ohio. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 5470 (Sub-No. 76) filed May 25, 1973. Applicant: TAJON, INC. R.D. #5 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918—16th St., N.W., Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon scrap*, from Niagara Falls, N.Y., to points in Illinois, Indiana and Michigan. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 8973 (Sub-No. 31) (CORRECTION) filed May 7, 1973, published in FR issue of June 21, 1973, and republished as corrected this issue. Applicant: METROPOLITAN TRUCKING, INC. 2424 95th Street North Bergen, N.J. 07047. Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07036 Note: The purpose of this republication is to show the correct docket number as shown above, in lieu of No. MC 8943 (Sub-No. 31) which was in error. The rest of the notice remains as previously published.

No. MC 22732 (Sub-No. 9) filed May 21, 1973. Applicant: MILBURN, INC. 1803 7th Avenue North Escanaba, Mich. 49829. Applicant's representative: Carl L. Steiner 39 South La Salle Street Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht at Walcott, Iowa as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 30160 (Sub-No. 5) filed May 11, 1973. Applicant: CARL W. PEER AND THEODORE E. PEER, doing business as: PEER BROS. TRUCKING CO., 253 Union Street, Westfield, Mass. 01085. Applicant's representative: David M. Marshall, 155 State Street, Suite 200, Springfield, Mass. 01103.. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corundum and emcry ore*, in bulk, from Providence, R.I., and Bridgeport, Conn., to Westfield and Chester, Mass. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., Boston, Mass., or Providence, Rhode Island.

No. MC 30513 (Sub-No. 14) filed April 26, 1973. Applicant: NORTH STATE MOTOR LINES, INC., U.S. 301 By-Pass South Rocky Mount, N.C. 27801. Applicant's representative: J. Ruffin Bailey P.O. Box 2246 Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment*, used in the handling, marketing, packaging, prizing, redrying, shipping, or storing tobacco leaf or stems, loose or in packages, (except in bulk requiring tank vehicles), between points in North Carolina, South Carolina, Georgia, Florida, Virginia, Maryland, Tennessee and Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N. C.

No. MC 43867 (Sub-No. 25) filed May 10, 1973. Applicant: ALTON LEANDER McALISTER (The First-Wichita National Bank of Wichita Falls, Texas, Independent Executor) P.O. Box 2214 Wichita Falls, Tex. 76307. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anti-pollution systems, equipment, and parts, liquid cooling and vapor condensing systems, equipment and parts, environmental control and protective systems, equipment, and parts*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *equipment, materials, and supplies* used in the construction or installation of anti-pollution and environmental control and protective systems, and liquid cooling and vapor condensing systems, when moving in mixed loads with the articles described in (1) above, between Cisco, and Wichita Falls, Tex., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii). Note: Applicant states it has Mercer and earth drilling commodities, which could be joined with the requested authority at Wichita Falls, and Cisco, Tex., in the event such commodities qualified under intended use determination. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Fort Worth, Tex.

No. MC 56553 (Sub-No. 25) filed May 29, 1973 Applicant: PULASKI HIGHWAY EXPRESS, INC. 640 Hamilton Avenue Nashville, Tenn. 37203 Applicant's representative: A. O. Buck 500 Court Square Building Nashville, Tenn. 37201 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and facilities of The Southwestern Company located at or near Brentwood, Tenn., as an off-route point in connection with applicant's regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 59640 (Sub-No. 35) filed May 11, 1973 Applicant: PAULS TRUCKING CORPORATION Three Commerce Drive Cranford, N.J. 07016 Applicant's representative: Charles J. Williams 47 Lincoln Park Newark, N.J. 07102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, catalogue showroom stores, and home center stores, and in connection therewith *equipment, materials, and supplies* used in the conduct of such businesses, (except commodities in bulk), between Woodbridge Township, N.J., on the one hand, and, on the other, points in New Haven County, Conn., restricted to a transportation service to be performed under a continuing contract, or contracts, with Supermarkets General Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 61592 (Sub-No. 307) filed May 17, 1973. Applicant: JENKINS TRUCK LINE, INC. 3708 Elm Street Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truck-away and drive-away service and *trailer converter dollies, containers* and *bodies*, and *truck tractors* in secondary movements, in driveaway service only when drawing trailers or trailer chassis, in initial movements, in driveaway service, from the plantsite and warehouse facilities of Transcraft at or near Anna, Ill., to points in the United States (except Alaska and Hawaii); (2) *returned shipments* of the above described commodities, from points in the United States (including Alaska, but excluding Hawaii), to the plantsite and warehouse facilities of Transcraft at or near Anna, Ill., and (3) *materials and supplies* used in the manufacture of, and parts of the herein above-described commodities (except such commodities which because of size or weight, require the use

of special equipment) from points in the United States (including Alaska, but excluding Hawaii), to the plantsite and warehouse facilities of Transcraft at or near Anna, Ill., Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74321 (Sub-No. 82) filed May 24, 1973 Applicant: B. F. WALKER, INC. 650–17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, particleboard and plywood*, from points in Angelina and Sabine Counties, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 74321 (Sub-No. 83) filed May 25, 1973 Applicant: B. F. WALKER, INC. 650–17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical substations and related parts and accessories*, from Springdale, Ark., to points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), and *parts and accessories* used in the assembly and construction of electrical sub-stations, circuit breakers, and switches, from points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), to Springdale, Ark. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 78400 (Sub-No. 32) (AMENDMENT) filed April 2, 1973, published in the FR issue of May 3, 1973, and republished in part, as amended, this issue. Applicant: BEAUFORT TRANSFER COMPANY, a Corporation Post Office Box 102 Gerald, Mo. 63037 Applicant's representative: Thomas F. Kilroy Post Office Box 624 Springfield, Va. 22150 Note: Zero Manufacturing Company has purchased the Hermann Industrial Site near Hermann, Mo. The sole purpose of this partial republication is to amend the notice to read serving the facilities of the Zero Manufacturing Company near Hermann, Mo., in lieu of the Hermann Industrial Site near Hermann, Mo. The rest of the application remains as previously published.

No. MC 78400 (Sub-No. 34) filed May 21, 1973 Applicant: BEAUFORT TRANSFER COMPANY, a Corporation P.O. Box 102 Gerald, Mo. 63037 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and tubing, couplings and accessories* necessary for the installation thereof, from Rolla, Mo., to points in Illinois, Arkansas, Kentucky, Oklahoma, Kansas, Nebraska, Iowa, Indiana, Tennessee, Mississippi, and Texas; (2) *materials supplies, and equipment* used in the manufacture and distribution of the above-named commodities, (except in bulk), from points in Illinois, Arkansas, Kentucky, Oklahoma, Kansas, Nebraska, Iowa, Indiana, Tennessee, Mississippi, and Texas, to Rolla, Mo. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82492 (Sub-No. 82) filed May 21, 1973 Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC. P.O. Box 2853 2109 Olmstead Road Kalamazoo, Mich. 49003 Applicant's representative: William C. Harris (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, those in New York in and west of Allegheny, Livingston, and Monroe Counties, and those in Pennsylvania on and west of U.S. Highway 219, restricted to shipments originating at Terminal Ice & Cold Storage facilities at or near Bettendorf, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 78400 (Sub-No. 32) (AMENDMENT) filed April 2, 1973, published in the FR issue of May 3, 1973, and republished in part, as amended, this issue. Applicant: BEAUFORT TRANSFER COMPANY, a Corporation Post Office Box 102 Gerald, Mo. 63037 Applicant's representative: Thomas F. Kilroy Post Office Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, particleboard and plywood*, from points in Angelina and Sabine Counties, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 82841 (Sub-No. 120) filed May 21, 1973 Applicant: HUNT TRANSPORTATION, INC. 10770 "I" Street Omaha, Nebr. 68127 Applicant's representative: Donald L. Stern 530 Univac Building 7100 West Center Road Omaha, Nebr. 68106 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, and particleboard*, from points in Idaho, Oregon, and Washington, to points in Colorado, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Utah, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oregon.

No. MC 97699 (Sub-No. 39) (CORRECTION) filed May 10, 1973, published in FR issue of June 21, 1973, and republished as corrected this issue. Applicant: BARBER TRANSPORTATION CO. a Corporation Deadwood Avenue Rapid City, S. Dak. 57701 Applicant's representative: Leslie R. Kehl Suite 1600 Lincoln Center 1660 Lincoln Street Denver, Colo. 80203 NOTE: The purpose of this republication is to show the correct docket number as shown above, in lieu of No. MC 97690 (Sub-No. 39) which was in error. The rest of the notice remains as previously published.

No. MC 99439 (Sub-No. 3) filed May 11, 1973 Applicant: SUWANNEE TRANSFER, INC. 1941 Talleyrand Avenue Jacksonville, Fla. 32206 Applicant's representative: Dan R. Schwartz 1729 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery and parts* and *related contractor's materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment; (b) *iron and steel and iron and steel articles*; and, (c) *plastic pipe and fittings*, (1) between points in Florida and (2) between points in Florida, on the one hand, and, on the other, points in Georgia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 100666 (Sub-No. 245) filed May 24, 1973 Applicant: MELTON TRUCK LINES, INC. P.O. Box 7666 Shreveport, La. 71107 Applicant's representative: Wilburn L. Williamson 3535 NW. 58th 280 National Foundation Life Bldg. Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, thinner, vinyl building products and accessories* used in the installation thereof, from Rolla, Mo., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority can be tacked with its existing authority but in no instance would it permit service to territory which applicant cannot already serve. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, or Kansas City, Mo.

No. MC 104683 (Sub-No. 32) filed May 9, 1973 Applicant: TRANSPORT,

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INC. Russell Drive Meridian, Miss. 39301 Applicant's representative: Douglas R. Duke, 552 First National Bank Building P.O. Box 157 Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsified asphalt* in bulk, in tank vehicles, from the plant site of Southland Oil Co., located at or near Lumberton, Miss., to points in Louisiana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or New Orleans, La.

No. MC 107012 (Sub-No. 180) filed May 14, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from El Dorado, and Stamps, Ark., Houston, Tex., and La Crosse, Kans., to points in the United States including Alaska (but excluding Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Chicago, Ill.

No. MC 107012 (Sub-No. 181) filed May 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-vehicular recreational, leisure, and camping equipment*, from Cedar City, Utah, Wichita, Kans., Somerset, Pa., and Santa Fe Springs, Calif., to points in the United States including Alaska (but excluding Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 853) filed May 25, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Alan E. Serby 1600 First Federal Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Crozet, Va., to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, Kentucky, West Virginia and New York. Note: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 109365 (Sub-No. 38) filed April 30, 1973 Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATERSON TRUCK LINE P.O. Box 15 Ashdown, Ark. 71822 Applicant's representative: Louis Tarlowski 914 Pyramid Life Building Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from the plant site and facilities of U.S. Plywood Division Champion International located at or near Camden, Tex., to points in Louisiana, Arkansas, Oklahoma, Tennessee, Indiana, Illinois, Missouri, Kansas, Nebraska, Iowa and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, or Texarkana, Ark.

No. MC 110420 (Sub-No. 679) filed April 16, 1973 Applicant: QUALITY CARRIERS, INC. Bristol, Wis. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, between points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in its Subs 15, 34, 44, 59, 81, 209, 243, 348, 349, 390, 429, 548, and sub 651. Persons are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 109) filed May 29, 1973 Applicant: COLDWAY FOOD EXPRESS, INC. Box 747 Sidney, Ohio 45365 Applicant's representative: David E. Driggers Suite 1600 Lincoln Center 1660 Lincoln Street Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except animal fats, greases and blends thereof, commodities in bulk, and hides), from Mankato, Kans., to points in New York, Pennsylvania, New Jersey, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, restricted to traffic originating at Mankato, Kans. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Denver, Colo.

No. MC 111023 (Sub-No. 5) filed May 21, 1973 Applicant: NORMAN W. WENGER R.D. #1 East Earl, Pa. 17519 Applicant representative: John M. Musselman P.O. Box 1146, 410 North Third Street Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in Lancaster County, Pa., to points in Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necesary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 111170 (Sub-No. 203) filed May 14, 1973 Applicant: WHEELING PIPE LINE, INC. P.O. Box 1718 El Dorado, Ark. 71730 Applicant's representative: Don A. Smith P.O. Box 43 Fort Smith, Ark. 72901 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dibromopropanol*, in bulk, from El Dorado, Ark., to points in Indiana, New Jersey, Ohio and Missouri (except St. Louis, Mo., and East St. Louis, Ill. Commercial Zone); and (2) *pesticides and pesticide ingredients*, in bulk, from Jacksonville, Ark., to points in Indiana, Pennsylvania, West Virginia, Maryland, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Oklahoma, South Dakota, Montana, New Mexico, California, Wisconsin, Michigan, North Dakota, Wyoming, Idaho, Utah, Nevada, Arizona, New York, Delaware and New Jersey. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112520 (Sub-No. 270) filed May 21, 1973 Applicant: McKENZIE TANK LINES, INC. P. O. Box 1200 Tallahassee, Fla. 32302 Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Santa Rosa County, Fla., to points in Alabama. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 113678 (Sub-No. 497) filed May 17, 1973 Applicant: CURTIS, INC. 4810 Pontiac Street Commerce City, Colo. 80022 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and ingredients* thereof, from points in Wisconsin, to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, Tennessee, Iowa, Illinois, and Colorado. Note: Common control may be involved. Applicant states that tacking possibilities exist between the requested authority and its existing authority but indicates that it has no intentions to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Denver, Colo., or Milwaukee, Wis.

No. MC 114533 (Sub-No. 278) filed May 14, 1973 Applicant: BANKERS DISPATCH CORPORATION 4970 South Archer Ave. Chicago, Ill. 60632 Applicant's representative: Warren W. Wallin 330 S. Jefferson St. Chicago, Ill. 60606 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Mishawaka, Ind., on the one hand, and, on the other, Stoughton, Wis. Note: Applicant holds contract carrier authority under MC 128616 and Subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind. or Chicago, Ill.

No. MC 114533 (Sub-No. 279) filed May 14, 1973 Applicant: BANKERS DISPATCH CORPORATION 4970 South Archer Avenue Chicago, Ill. 60632 Applicant's representative: Arnold Burke, 127 N. Dearborn Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, (1) between Kansas City, Mo., on the one hand, and, on the other, points in Craig, Nowata, Osage, Ottawa, Tulsa and Washington Counties, Okla.; and (2) between Jefferson City, Mo., on the one hand, and, on the other, points in Johnson, Wyandotte, Leavenworth and Atchison Counties, Kans. Note: Dual operation may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necesary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114552 (Sub-No. 81) filed May 17, 1973 Applicant: SENN TRUCKING COMPANY, a Corporation P.O. Box 333 Newberry, S.C. 29108 Applicant's representative: Frank A. Graham, Jr. 707 Security Federal Bldg. Columbia, S.C. 29201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof from points in Calhoun County, Fla., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, (including the District of Columbia); and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., (1) and (2) above are restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Person interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Charlotte, N.C. or Columbia, S.C.

No. MC 114552 (Sub-No. 82) filed May 21, 1973 Applicant: SENN TRUCKING COMPANY, a Corporation P.O. Drawer 220 Newberry, S.C. 29108 Applicant's representative: William P. Jackson, Jr. 919 18th St., N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, composition board, molding*, and *supplies and accessories* used in the installation thereof (except commodities in bulk), from Norfolk, Va., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee. Note: Applicant states that tacking possibilities exist with its MC 114552 and Subs thereto where common service points exist, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Norfolk, Va.

No. MC 114552 (Sub-No. 83) filed May 25, 1973 Applicant: SEEN TRUCKING COMPANY, a Corporation P.O. Drawer 220 Newberry, S.C. 29108 Applicant's representative: William P. Jackson, Jr. 919 98th St. N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling systems, parts and accessories, paint, plastic light diffusers, adhesive, furring, fasteners, lighting systems, parts and supplies, moldings, channels, steel, applicators and roofing caps, and materials and supplies* useful in the installation of any commodity named above (except in bulk), from the facilities of Litercraft-Luminous Ceilings, Division of The Celotex Corporation at or near Scottsboro, Ala., to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma and Texas. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points of territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C.; or Tampa, Fla.; or Columbia, S.C.

No. MC 116073 (Sub-No. 263) filed May 21, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Adams County, Wis., to points in Illinois, Iowa, Minnesota, Michigan, North Dakota, and South Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 118535 (Sub-No. 58) filed May 7, 1973 Applicant: JIM TIONA, JR. 111 S. Prospect Butler, Mo. 64730 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N. W. 58th Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and feed ingredients*, between Springdale, Ark.; Bloomington, Ill.; Iowa Falls, Iowa; Kansas City, Mo. and Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Kansas City, Mo.

No. MC 119522 (Sub-No. 24) filed May 29, 1973. Applicant: McLAIN TRUCKING, INC. 2425 Walton Street Anderson, Ind. 46011. Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm gates and pick-up truck racks*, from Frankfort, Ind., to points in Missouri. Note: Applicant also holds contract carrier authority under MC 34865 (Sub-No. 39), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with

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its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119726 (Sub-No. 34) filed May 29, 1973 Applicant: N. A. B. TRUCKING CO., INC. 2502 West Howard Street Indianapolis, Ind. 46221 Applicant's representative: James L. Beattey 130 E. Washington St., Suite 1000 Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container accessories, and materials* used in the manufacture and distribution of containers and container accessories, between the plant site of Midland Glass Company, Inc., at Warner Robins, Ga., on the one hand, and, on the other, points in North Carolina, South Carolina, Alabama, Mississippi, Tennessee, Arkansas, Texas, Kentucky, Louisiana, Virginia, West Virginia, Pennsylvania, Indiana, Ohio, Illinois, Missouri, and Florida. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119777 (Sub-No. 256) filed May 17, 1973 Applicant: LIGON SPECIALIZED HAULER, INC. P.O. Box L Madisonville, Ky. 42431 Applicant's representative: Ronald E. Butler (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities described in (1) above from the destination points specified in (1) above, to the plant and warehouse sites of Abitibi Corporation located in Calhoun County, Fla. The authority sought in (1) and (2) herein to be restricted against the transportation of commodities in bulk. Note: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 123316 (Sub-No. 5) filed May 24, 1973 Applicant: MILAN TRUCKING CO., INC. 233 South Gladstone Avenue Columbus, Ind. 47201 Applicant's representative: Robert W. Loser II 1009 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except dairy products, hides, and commodities in bulk), from Greenburg, Ind., to points in Ohio, Kentucky, Tennessee, Georgia, Florida, New York, and Massachusetts, under a continuing contract, or contracts, with Koch Beef Packing Co., Greenburg, Ind. Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 123392 (Sub-No. 54) filed May 17, 1973 Applicant: JACK B. KELLEY, INC. U.S. 66 West at Kelley Dr. (Route 1, Box 400) Amarillo, Tex. 79106 Applicant's representative: Austin Hatchell, Suite 1022, Perry Brooks Building, Austin, Tex. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied carbon dioxide*, in bulk, between points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin and Wyoming. (Restricted against traffic originating in Kentucky). Note: Applicant states that the requested authority can be tacked at points in Colorado, Kansas, Missouri, Illinois, Indiana and Ohio to provide through service to points in Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Oklahoma City, Okla.

No. MC 123407 (Sub-No. 127) filed May 14, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square, U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Robert W. Sawyer (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Ft. Lauderdale, Fla., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 126555 (Sub-No. 23) filed May 10, 1973 Applicant: UNIVERSAL TRANSPORT, INC. P.O. Box 268 Rapid City, S. Dak. 57701 Applicant's representative: Truman A. Stockton, Jr. The 1650 Grant St. Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dolomite rock*, from points in Logan County, Ohio, to points in Pennington County, S. Dak. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak. or Denver, Colo.

No. MC 128256 (Sub-No. 20) filed May 24, 1973 Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING 215 N. Main Street Middlebury, Ind. 46540 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Building Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above, from the destination points specified in (1) above, to the plant and warehouse sites of Abitibi Corporation located in Calhoun County, Fla., restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 129994 (Sub-No. 1) (CORRECTION) filed May 15, 1973, published FR issue of June 21, 1973, and republished as corrected this issue. Applicant: RAY BETHERS P.O. Box 116 Kamas, Utah 84036 Note: The purpose of this republication is to show the correct docket number assigned thereto, as shown above, in lieu of No. MC 12994 (Sub-No. 1), which was in error. The rest of the notice remains as previously published.

No. MC 133119 (Sub-No. 20) filed May 11, 1973 Applicant: HEYL TRUCK LINES, INC. 235 Mill Street Akron, Iowa 51001 Applicant's representative: A. J. Swanson 521 So. 14th Street P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts* (except hides and commodities in bulk), as defined by the Commission, from points in Iowa, to the ports of entry on the International Boundary line between the United States and Canada, located at points in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan, and New York, restricted to traffic moving in foreign commerce; and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as

defined by the Commission; (a) from points in Iowa, Minnesota, Illinois, Indiana, South Dakota and Nebraska, to the ports of entry on the International Boundary line between the United States and Canada, located at points in Montana, North Dakota, Minnesota, Michigan and New York, and (b) from the ports of entry on the International Boundary line between the United States and Canada located at points in Montana, North Dakota, Minnesota, Michigan, and New York, to points in Ohio, Nebraska, Minnesota, Wisconsin, Iowa, Kansas, Missouri, Illinois, Indiana, Kentucky, Pennsylvania, New York, New Jersey, North Carolina, South Carolina, Georgia, Florida, Tennessee, Virginia, Massachusetts, and Connecticut, restricted in (2) (a) and (b) to traffic moving in foreign commerce. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133419 (Sub-No. 7) filed May 14, 1973 Applicant: WILLIAM PFOHL TRUCKING CORP. 83 Pfohl Road Cheektowaga, N.Y. 14225 Applicant's representative: Edward B. Murphy 1103 Liberty Bank Building Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump vehicles, from the port of entry on the International Boundary line between the United States and Canada at Buffalo (Erie County), N.Y., to Foster Township, Bradford, and Bradford Township (McKean County), Pa., and points in McKean, Warren, Erie, Venango, Potter, Elk and Cameron Counties, Pa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134182 (Sub-No. 13) filed May 25, 1973 Applicant: MILK PRODUCERS MARKETING COMPANY doing business as ALL-STAR TRANSPORTATION, a Corporation 2nd and West Turnpike Road Lawrence, Kans. 66044 Applicant's representative: Warren H. Sapp Suite 910 Fairfax Bldg. 101 W. 11th St. Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by National Beef Packing Company at or near Liberal, Kans., to points in Illinois, Indiana, Michigan, and Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., Kansas City, Mo., or Topeka, Kans.

No. MC 134323 (Sub-No. 49) filed May 21, 1973. Applicant: JAY LINES, INC., 720 N. Grand St., Amarillo, Tex. 79105. Applicant's representative: Gailyn Larson, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of the Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and the District of Columbia, under contract with Missouri Beef Packers, Inc. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Amarillo, Texas or Omaha, Nebr.

No. MC 134477 (Sub-No. 32) filed May 21, 1973. Applicant: SCHANNO TRANSPORTATION, INC. 5 Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Grand Forks, N. Dak., to points in Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 134477 (Sub-No. 33) filed May 21, 1973 Applicant: SCHANNO TRANSPORTATION, INC. 5 West Mendota Road West St. Paul, Minn. 55118 Applicant's representative: Paul Schanno (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from points in Aroostook County, Maine, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, West Virginia and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Minneapolis, Minn.

No. MC 134645 (Sub-No. 4) filed May 17, 1973 Applicant: LIVESTOCK SERVICE, INC. 1413 Second Street St. Claud, Minn. 56301 Applicant's representative: Bruce E. Mitchell Suite 1600, First National Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the plant site and warehouse facilities of Needham Packing Co., Inc., at Fargo and West Fargo, N. Dak., to points in Minnesota, Michigan, and Wisconsin. Note: Applicant also holds contract carrier authority under MC 124071 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 124744 (Sub-No. 86) filed May 7, 1973 Applicant: MIDWEST REFRIGERATED EXPRESS, INC. 4440 Buckingham Street P.O. Box 7344 Omaha, Nebr. 68106 Applicant's representative: Marshall D. Becker 530 Univac Building Omaha, Nebr. 68106 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games, toys, hobbies, playground equipment, wading pools and children's vehicles*, from points in Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virgina and Wisconsin, to the plantsite and warehouse facilities of Mutual Distributing Co. at Omaha, Nebr. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135554 (Sub-No. 1) filed November 14, 1972 Applicant: P. DICKSON TRUCKING LTD. 1540 Taylor Way West Vancouver, B.C., Canada Applicant's representative: John K. Shaw (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, (1) between Longview and Tacoma, Wash. and the ports of entry on the International Boundary line between the United States and Canada near Vancouver, B.C.; (2) from Lewiston, Idaho to the ports of entry on the International Boundary line between the United States and Canada near Vancouver, B.C.; (3) from the ports of entry on the International Boundary line between the United States and Canada near Vancouver, B.C., to points in Seattle, Wash. and Portland, Oreg.; and (4) from Yakima, Wash., to the ports of entry on the International Boundary line between

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the United States and Canada near Penticton, B.C., under continuing contracts with Belkin Packaging Ltd. and Belkin Paperboard Ltd. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Portland, Oreg.

No. MC 135874 (Sub-No. 19) filed May 22, 1973 Applicant: LTL PERISHABLES, INC. P.O. Box 37468, Millard Station Omaha, Nebr. 68137 Applicant's representative: Donald L. Stern 530 Univac Building Omaha, Nebr. 68106 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen meats, and nonedible foods*, when moving in vehicles equipped with mechanical refrigeration, from Bettendorf, Iowa to points in Nebraska, Minnesota, South Dakota, Kansas, Wisconsin, Illinois, and Missouri, restricted to traffic originating at Terminal Ice & Cold Storage at or near Bettendorf, Iowa, and destined to the named states. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 136432 (Sub-No. 1) filed May 24, 1973 Applicant: DONNA HALLSTROM, doing business as D & M EXPRESS P.O. Box 231 Route 19 Evans City, Pa. 16033 Applicant's representative: Arthur J. Diskin 806 Frick Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Abrasive grinding wheels*, (1) from the storage facilities of D & M Express located in Cranberry Township (Butler County), Pa., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan and Wisconsin, and (2) from points in Pennsylvania to the said warehouse facilities, under a continuing contract with General Grinding Wheel Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 138320 (Sub-No. 2) filed May 14, 1973. Applicant: WALDRIP BROS. TRUCKING CO., a Corporation, Route 3, Box 33, Yuma, Ariz. 85364. Applicant's representative: A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Cartons for packing of citrus fruits;* (b) *cartons for packing of citrus drinks;* and (c) *empty steel drum*, from points in Los Angeles and Orange Counties, Calif., to points in Yuma County, Ariz.; and (2) *citrus juice concentrates and drinks*, from points in Yuma County, Ariz.; to points in California in and south of San Luis Obispo, Kern and San Bernardino Counties, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at Yuma, Ariz. or Los Angeles, Calif.

No. MC 138411 (Sub-No. 2), filed May 25, 1973. Applicant: SPRUCE RIVER TRANSPORT, INC., 345 Madeline Street, Thunder Bay, Ontario, Canada. Applicant's representative: F. H. Kroeger, 1288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, (1) from the ports of entry on the International Boundary line between the United States and Canada located in Michigan and Minnesota, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin; and (2) from points in Wisconsin, to the ports of entry on the International Boundary line between the United States and Canada located in Minnesota, under contracts with Spruce River Lumber Co., Inc. of Thunder Bay, Ontario, and Kimberly-Clark of Canada Limited of Terrace Bay, Ontario. Note: If a hearing is deemed necessary, applicant requests it be held at Duluth, or Minneapolis, Minn.

No. MC 138453 (Sub-No. 1) (CORRECTION) filed May 7, 1973, published FR issue of June 21, 1973, and republished as corrected this issue. Applicant: WINZLER TRUCKING, INC., R. R. #1, Tremont, Ill. 61568 Applicant's representative: Robert T. Lawley 300 Reisch Bldg. Springfield, Ill. 62701. NOTE: The purpose of this republication is to show the correct docket number as shown above, in lieu of No. MC 138543 (Sub-No. 1), which was in error. The rest of the notice remains as previously published.

No. MC 138589 (Sub-No. 1) filed May 17, 1973 Applicant: T. W. KENISON, doing business as R. V. T. COMPANY Route 5, Box 822 B Beaumont, Tex. 77706 Applicant's representative: Austin L. Hatchell 1102 Perry Brooks Bldg. Austin, Tex. 78701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recreational camping trailers*, from Hesston, Kans., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, under continuing contract with Revedi, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 138706 (Sub-No. 1) filed May 23, 1973 Applicant: ANTHONY MULE AND JOSEPH PALAZZOLO doing business as: ITALIAN COURIERS OF AMERICA 6010 Catalpa Avenue Ridgewood, N.Y. 11227 Applicant's representative: Larsh B. Mewhinney 235 Mamaroneck Ave. White Plains, N.Y. 10605 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed securities quotation reports and bond-offering reports*, from New York, N.Y., to Philadelphia, Pa., Wilmington, Del., and points in New Jersey; and (2) *cash letters*, from New York, N.Y., to points in New Jersey. Note: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 138733 (Sub-No. 2) filed May 16, 1973 Applicant: CHARLES BRANHAM TRUCKING, INC. Route 2, Box 71–B Washington, Ga. 30673 Applicant's representative: Frank D. Hall Suite 713 3384 Peachtree Road, N.E. Atlanta, Ga. 30326 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Greensboro, Ga., to points in Wisconsin, Iowa, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Kentucky West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida; and (2) *fertilizer*, from Tyner, Tenn. and Tunis, N.C., to points in Wilkes, Talalaferro, Oglethorpe, Lincoln and Green Counties, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 138775 filed April 19, 1973 Applicant: BUCKHEAD LOGGING, INC. Highway 15 North Walterboro, S.C. 29488 Applicant's representative: Tommie C. Kinard (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Holly Hill and Walterboro, S.C., to points in Florida and Georgia. Note: If a hearing is deemed necessary, applicant requests it be held at Columbia or Walterboro, S.C.

No. MC 138779 filed May 4, 1973 Applicant: ROBERT A. MACKEY, doing business as, JANCEL TRUCKING CO. Arrow Drive P.O. Box 142 North Salem, N.H. 03073 Applicant's representative: Charles A. DeGrandpre 40 Stark St. Manchester, N.H. 03101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and canned and preserved meat products* in refrigerated trucks, from Hormel Packing Co. plants in Fremont, Nebr. and Austin, Minn., to North Andover, Mass. and Salem, N.H., under contract with Butcher Boy Meat Markets. Note: If a hearing is deemed necessary, applicant requests it be held at Manchester or Concord, N.H.

No. MC 138781 filed May 18, 1973 Applicant: KRO-FLITE CARTAGE CO. a Corporation 4001 West Green Tree Road Milwaukee, Wis. 53209 Applicant's representative: William C. Dineen 710 North Plankinton Avenue Milwaukee, Wis. 53203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between the facilities of Stearns Milwaukee Marine Terminal, Inc., at Milwaukee, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Minnesota, Iowa, Missouri, Wisconsin, and the Upper Peninsula of Michigan, restricted to shipments having a prior or subsequent movement by water. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

MOTOR CARRIER OF PASSENGER

No. MC 134861 (Sub-No. 3) filed May 14, 1973 Applicant: DICKENSON LINES, INC. 1400 Sunfish Lake Boulevard N.W. Anoka, Minn. 55303 Applicant's representative: Andrew R. Clark 1000 First National Bank Building Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round trip charter and special operations, (sightseeing and pleasure tours), beginning and ending at points in Anoka, Hennepin and Ramsey Counties, Minn., and extending to points in the United States (except Alaska and Hawaii), and (2) *passengers and their baggage* in charter and special operations (sightseeing and pleasure tours), between points in Anoka, Hennepin and Ramsey Counties, Minn., on the one hand, and, on the other, points in Alaska. Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

APPLICATION FOR FILING FREIGHT FORWARDER

No. FF–440 filed June 14, 1973 Applicant: INTERCONEX, INC. 444 Madison Avenue New York, N.Y. 10022 Applicant's representative: Max G. Morgan and Robert J. Mildfelt 3545 N.W. 58th Street 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, motor vehicle, and water, in the transportation of (a) *used household goods and unaccompanied baggage and* (b) *used automobiles*, between points in the United States (including Alaska and Hawaii), restricted in (b) to the transportation of import-export traffic. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–13614 Filed 7–5–73;8:45 am]

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FRIDAY, JULY 6, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 129

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

POLYCHLORINATED BIPHENYLS

Contamination of Animal Feeds, Foods, and Food Packaging Materials and Availability of Supplement to Environmental Statement on Rulemaking

No. 129—Pt. II——1

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

POLYCHLORINATED BIPHENYLS (PCB's)

Contamination of Animal Feeds, Foods, and Food-Packaging Materials

In the FEDERAL REGISTER of March 18, 1972 (37 FR 5705) a notice of proposed rule making was published limiting the sources by which polychlorinated biphenyls (PCB's) may contaminate animal feed, food, and food-packaging materials during manufacturing, handling, and storage, and limiting the levels of PCB's that may be present in animal feed, food, and food-packaging materials as a result of unavoidable, environmental contamination. The notice provided for the filing of comments within 60 days after the date of publication and this was extended to July 16, 1972 by a notice published May 18, 1972 (37 FR 10003).

In response to the notice, ninety-three comments were received from members of industry, trade associations, consumer groups and individual consumers.

The following is a summary of the provisions contained in the notice and the comments on these provisions received by the Food and Drug Administration:

1. *Sections 3,93, 128.4, and 135.113.* The notice included provisions which would prohibit the use of PCB-containing materials and equipment in animal feed, in food, and in food-packaging material manufacturing, handling and storage establishments, in order to preclude direct, accidental PCB contamination of animal feed, food, and food-packaging materials.

a. One comment suggests that since most industrial chemicals can be interpreted to be "harmful or deleterious", the phrase should be deleted as a criterion for PCB replacement. The Commissioner concurs with deleting the phrase "harmful or deleterious". The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (1) its toxicity; (2) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (3) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (4) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently nonhazardous is to be made on an individual installation and operation basis. Accordingly, the appropriate amendments have been made in § 135.113(b)(3) (21 CFR 135.113(b)(3)), § 3.93(b)(2) (21 CFR 3.93(b)(2)), and § 128.4(b)(2) (21 CFR 128.4(b)(2)).

b. One comment argues that electrical capacitors and transformers should be exempt from the requirement that new equipment and existing equipment in establishments engaged in the processing of animal feed, human food, or packaging materials shall not contain PCB's, since no known substitute is available which offers the proper balance of characteristics (e.g., fire safety and design efficiency). In support of the comment, it is stated that both capacitors and transformers are constructed in sealed metal cases and are not normally installed in equipment or located in such a manner as to be in direct contact with the material being processed. The Commissioner of Food and Drugs agrees that there should be an exemption for the safe use of PCB's in electrical capacitors and transformers. The final order has been amended in § 135.113(c), § 3.93(c) and § 128.4(b)(3), to provide an exemption for electrical capacitors and transformers.

c. One comment contends that an effective date of 90 days following publication of the final order should be established since this time period would be required for the modification of existing plant equipment to accommodate PCB replacements. The Commissioner concludes that there is no justification for extending the effective date and the final order establishes an effective date of 30 days from the date of publication in the FEDERAL REGISTER.

d. One comment contends that with the replacement of PCB formulated heat exchange fluids with non-PCB fluids, some level of PCB residue is likely to remain in certain equipment. Therefore, the comment continues, the Food and Drug Administration should initiate studies for the purpose of establishing a finite allowable residual level. While it is true that some residue of PCB may remain in certain equipment, if the change is made in a reasonable manner and in good faith there should not be significant concentrations of PCB remaining. Without additional data it is not possible to set any specific limit for PCB concentration in the equipment fluids. Furthermore, the Commissioner has determined that no reasons exists for FDA to initiate studies to determine the extent of residual levels of PCB's in heat exchangers or to specify by regulations finite tolerances for such residual material at this time.

2. *Section 121.2546.* The notice included an amendment to the existing food additive regulations (21 CFR 121.2546) so as to exclude from use in food-packaging materials pulp from reclaimed fibers containing poisonous and deleterious substances which may migrate to the packaged food.

a. One comment contends that the language of the amendment is incomplete since it does not establish a limit or tolerance for poisonous or deleterious substances, such as PCB's, which may ultimately be found in the packaged food product. The Commissioner disagrees because the purpose of § 121.2546 is to regulate the use of reclaimed fibers containing poisonous or deleterious substances for use in the manufacture of food-packaging materials and, to the extent necessary, to prevent contamination of the packaged food product with these substances. Therefore, the regulation precludes the necessity of establishing tolerances for the packaged food product. The Commissioner agrees, however, the clarification of the amendment is needed in order to be consistent with regulations which permit the presence of what could otherwise be regarded as poisonous or deleterious substances at levels that have been proved to be safe in food-packaging materials. Therefore, the order is amended in § 121.2546 by adding the phrase "except as provided in regulations promulgated under Sections 406 and 409 of the Federal Food, Drug, and Cosmetic Act."

3. *Part 122.* The notice included the proposal to establish temporary tolerances under Section 406 of the Federal Food, Drug, and Cosmetic Act for unavoidable PCB residues in animal feed, certain foods and food-packaging materials as a result of environmental contamination.

a. One comment recommends that a zero tolerance for PCB's in foods and feeds should be established. The Commissioner rejects this recommendation. Animal feeds, certain foods, and paper food-packaging materials contain PCB's which, under present conditions of environmental contamination, are unavoidable. Current toxicological information does not support the necessity of establishing zero tolerances for these articles in order to protect public health since human exposure to dietary sources of PCB's is usually sporadic, non-systematic, and occasional. The "finite" temporary tolerances being established will provide the assurance that significant PCB levels are not contained in food and that human exposure to PCB's from dietary sources will be maintained at safe and minimal levels. Zero tolerances, therefore, are unwarranted and would unnecessarily deprive the consumer of a portion of his food supply and disrupt the Nation's food distribution system because a portion of fish, poultry, eggs, and milk and packaging used for food would be violative.

b. A consumer group's comment recommended lowering the PCB tolerances for human foods by a factor 5–10; while another comment recommended that the temporary tolerances should be based on toxicological data which would allow a level that is deemed safe rather than allow a level that can be reasonably achieved. The Commissioner disagrees with both recommendations. Section 406 of the act, which is the authority for establishing the temporary tolerances for PCB's, states that where the addition of a poisonous or deleterious substance to food cannot be avoided the Secretary shall promulgate regulations "limiting the quantity therein or thereon to such extent as he finds necessary for the protection of the public health", and also specifically states that the Secretary in setting such a tolerance shall take into account the extent to which use of the substance "cannot be avoided". The fact

that the tolerances are termed "temporary" is recognition that, in the future, there should be less PCB contamination which "cannot be avoided" and the Commissioner is authorized to reduce the tolerance levels accordingly. The temporary tolerance levels are based on an analysis of animal and human toxicological data and data on the occurrence of PCB's in the food supply as follows:

(1) *Animal toxicological data.* Data from long-term animal studies are available to show that the no-effect level in rats and dogs (for PCB's with 42, 54, and 60 percent chlorination) is 10 parts per million (ppm). Employing a 100 to 1 safety factor, the "no-effect" level for man would be 2.5 microgram (mcg)/kilogram (kg) body weight/day based on data drived from dogs, or 3 mcg/kg body-weight/day from rats. Therefore, based on long-term animal studies, the allowable level of PCB ingestion in man would be approximately 175 mcg/day for a 70 kg individual.

(2) *Human toxicological data.* Human intoxication with Kanachlor 400, a PCB manufactured in Japan with 48 percent chlorine was noted when a heat exchanger leaked fluid into rice oil and was consumed by Japanese families in 1968. About 1,000 people were eventually affected. Typical clinical findings included chloracne and increased pigmentation, visual impairment due to hypersecretion of the Meibomian glands, and systemic gastrointestinal symptoms that included abdominal pain and disturbances in liver function. A few babies were born with decreased birth weights and skin discoloration which slowly regressed as the children grew in size, although the growth rate of males appeared to be somewhat slower than normal. Adult patients had protracted clinical disease with very slow regression of symptoms and signs, suggesting slow metabolism and excretion of this PCB in humans, probably involving a long biological half-life. Exposure levels to the oil were calculated to approximate, on the average, 15,000 mg per day. The oil itself was reportedly contaminated at a level of about 2,000 ppm. This level was derived from the known organic chlorine content of rice oil related to the known organic chlorine content of Kanachlor 400. The average total dose of PCB's causing an effect in the Japanese was reported to be 2,000 mg. The human data published by Karatsune, et al., Fukuoka Acta. Med. 23:117 (1971) established that the lowest level of PCB that produced an effect in man (using a 50 kg man) was 500 mg consumed over a period of 50 days at a rate of approximately 200 mcg/kg body weight/day. The effect level was based on overt symptoms rather than sensitive biochemical tests that might have demonstrated some effects at even lower levels. Employing a safety factor of 10 to 1 to go from an effect level in man to a permissible no-effect level in man allows for an ingestion of 20 mcg/kg body weight/day; or 1.4 mg/day for a 70 kg man based on a total period of exposure of 50 days (equivalent to the Japanese incident). Since PCB's probably have a long biological half-life in man, an alternative toxicological analysis of the human data may be based on the assumption that ingested PCB's would continue to accumulate in tissues for a long period of time. Since 2,000 mg was reported to be the average total dose causing an effect in the Japanese, it is possible that 200 mg total dosage PCB's (applying a safety factor of 10 to 1 as above) may be tolerated over a much more protracted period of time without overt adverse effect if daily exposure is held to minimal levels. It would take 22 months of daily ingestion of 300 mcg of PCB's to arrive at a total ingestion of 200 mg. This would permit ingestion of 4 mcg/kg/day as derived from a 70 kg man. Since the lowest total dose producing an effect in man was 500 mg, a similar analysis leads to an allowable protracted ingestion of 1 mcg/kg/day as derived from a 70 kg man.

(3) *Dietary sources of PCB's.* The results of FDA total diet studies for fiscal years 1970–1972 show that quantitatively measurable residues of PCB's are equivalent to an intake of approximately 0.06 mcg/kg/body weight/day (or 4.2 mcg/day for a 70 kg man). Because of the sensitivity of the analytical methods used. PCB's may be present at levels too low to be detected. If lower levels could be measured, the dietary intake of PCB's from the total diet studies would probably show an increase. It should be recognized, however, that in rare instances some people could have more systematic exposures to PCB's in foods than those expected by eating a moderately well balanced diet such as represented by the total diet samples. Hence, there is a need for minimizing potential human exposures. The total diet studies indicate that PCB's most frequently occur in the food composite consisting of meat, fish and poultry (experience has shown that most of the PCB residues in this composite are in fish and, to a lesser extent, poultry) and in the food composite consisting of grain and cereal products (experience has shown most of the PCB residues in this composite are derived from paper packaging materials). FDA's food surveillance activities have shown that PCB's also occur in dairy products, eggs, and packaged foods, in addition to packaged cereal products.

(4) *Temporary tolerances for PCB's.* Using the human toxicological data described above, FDA concludes that for the short term, based on the lowest total dose producing an effect and estimated biological half-life of PCB's, current levels of PCB's in the diet represent no immediate hazard. This is also true for the average total dose causing an effect in the Japanese for long-term exposure. However, based on the most sensitive "Japanese patient" (i.e., lowest total dose producing an effect), the possibility of potential long-term hazards necessitates reduction of the levels of PCB's in food as soon as possible. In the interim, temporary tolerances are necessary to limit human exposure to those foods that may contain PCB's resulting from environmental contamination, which as a practical matter are presently unavoidable. Those foods, for which temporary tolerances are being established, include milk and dairy products, poultry, eggs, fish, and infant and junior food. Infants and young children consume a greater amount of food per kilogram of body weight and thereby have a proportionately greater exposure than do adults. A separate temporary tolerance for infant and junior food, therefore, reflects the possibility that undesirable exposures could result if combinations of certain PCB-contaminated foods comprise a major portion of this age group's diet. In order to minimize the overall dietary intake of PCB's, individual sources of PCB contamination must also be appropriately minimized. PCB's have been shown to occur in packaged food as a result of the PCB contamination of paper food-packaging materials. Limitations on the levels of PCB's in paper food-packaging materials are, therefore, necessary to minimize the amount of PCB's which may migrate to the packaged food. Since PCB's can be transmitted to and concentrated in edible portions of food-producing animals ingesting PCB-contaminated feed, animal feed represents another source of PCB's in the food supply. Limitations on the levels of PCB's in animal feeds and animal feed components are necessary, therefore, to minimize the frequency and magnitude of PCB residues in foods of animal origin.

The Commissioner concludes that the temporary tolerances being established will protect the public health from PCB's in food, but cautions that the temporary tolerances are not to be construed as "guidelines" permitting the consumption of foods containing these amounts of PCB's on a regular and consistent basis. Further, the temporary tolerances will be lowered as experience indicates that lower levels can be attained.

c. One comment recommends that FDA issue warnings to pregnant women who breast feed their babies to restrict their intake of fish to species that have been thoroughly monitored by FDA and found to be uniformly within the temporary tolerance. The basis for this recommendation is that consumption of PCB-containing fish and, for that matter other foods, may result in transfer and storage of PCB residues in human milk which in turn, the comment contends, would present a hazard to breast fed babies. The Commissioner concludes that such a warning is not warranted. On the basis of available, but limited monitoring data, most of which is unpublished, it appears that PCB levels in human milk would generally be less than approximately 0.05 ppm (whole product basis). Analysis of available toxicological data involving multigeneration reproduction studies in rat indicates that this level presents no immediate hazard to infants. Furthermore, this level is substantially less than the level of PCB's FDA will permit in the milk of dairy cows. The temporary tolerance being established for milk is 2.5 ppm (fat basis), which is

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equivalent to 0.1 ppm (whole product basis). Therefore, a public warning as recommended is not supported by the scientific facts available at this time.

d. One comment recommends clarification of the term "PCB's" so as to distinguish between PCB-compounds of different chemical composition. The basis for this comment is the fact that PCB's are mixtures of chlorinated biphenql compounds. Each component of the PCB mixture is a specific chemical compound having the basic biphenyl moiety and one to ten chlorine atoms. There are 209 different chlorinated biphenyl compounds. Each component of manufactured and sold in the United States under the registered trade name of Aroclor, followed by a four digit number (i.e., 1242; 1248; 1254; etc.). The term Aroclor signifies that the product consists of chlorinated biphenyls, chlorinated terphenyls, or a mixture of these compounds. The first two digits of the numerical part of the trade name indicate the molecular type (1200 signifies chlorinated biphenyl), while the last two digits give the weight percent of chlorine (42 signifies 42 percent chlorine). Since the physical and chemical properties of each Aroclor vary, the analytical behavior of each Aroclor will also vary. For PCB residue analysis, it is customary to determine the amount of PCB residue found by comparing the residue to a known quantity of the Aroclor it most nearly matches when separated into multicomponents on a gas chromatograph. Therefore, the Commissioner agrees that clarification of the term "PCB" is necessary for the analysis of food, animal feed and paper food-packaging materials for PCB residues. The compilation of FDA analytical methods to be used for enforcing the PCB tolerance that is available upon request contains instructions regarding this aspect of the recommendation. The Commissioner does not agree, however, that the tolerances for PCB's should distinguish between PCB-compounds of different chemical composition because toxicological data do not support the need to establish separate tolerances for each Aroclor. Therefore, the temporary tolerances will apply to the term "PCB" irrespective of which Aroclor or mixture of Aroclor is present as the contaminant.

4. *Section 122.10(a)(1) and (2).* The notice included the proposal to establish a temporary tolerance for PCB's in milk and dairy products at 2.5 ppm (fat basis).

a. One comment recommends that since FDA's previous action level for PCB's in milk and dairy products, which was set at 55 ppm (fat basis), was stated as adequate for protecting public health, the temporary tolerance for milk and dairy products should be kept at the same level. The Commissioner concludes that there is no justification for raising the proposed tolerance from 2.5 ppm to 5 ppm in the fat of milk and dairy products. The 2.5 ppm temporary tolerance takes into account current toxicological data and the level of PCB residues that is presently considered unavoidable. A recent FDA survey revealed that only one sample of milk in 520 tested contained more than 2.5 ppm PCB in the fat, i.e., 0.2 percent of the total samples. Evidence also indicates that higher levels may be generally attributed to avoidable sources of contamination, such as the use of PCB coatings in diary farm silos which caused PCB contamination of silage for diary cows with subsequent transmission of PCB's to the milk of these cows.

b. One comment recommends the PCB tolerance be expressed on an "as is" basis because the fat content of dairy products varies and these foods are consumed "as is". The Commissioner rejects this recommendation. The butterfat is generally considered the most valuable constituent of milk PCB's are fat soluble, and in the manufacture of various dairy products from milk, remain at a nearly constant concentration in the fat. The fat basis tolerance is therefore necessary to govern the level of PCB's in such products in preparing some other type of food. For example, butter (about 80 percent fat) made from milk containing levels of PCB's below tolerance would also be acceptable since the PCB concentration in the fat would be unchanged.

5. *Section 122.10(a)(3).* The notice included a proposal to establish a temporary tolerance for PCB's in poultry at 5.0 ppm (fat basis).

a. One comment recommends that since FDA's previous action level for PCB's in poultry, which was set at 5 ppm on the edible tissue, was stated as adequate for protecting public health, the temporary tolerance should be kept at that same level. The Commissioner rejects this recommendation. PCB contamination of poultry at levels in excess of the temporary tolerance being established has been attributed to the use of animal feed contaminated with PCB's as a result of industrial accidents, e.g., leakage of PCB's onto feed components. The Commissioner concludes that there is no justification for establishing a tolerance level that accounts for avoidable sources of contamination. The temporary tolerance of 5 ppm (fat basis) takes into account that this level of PCB is generally unavoidable because some poultry feeds contain unavoidable PCB residues that will transfer to and concentrate in the fat of poultry. Furthermore, current toxicological data supports this tolerance level.

b. One comment recommends that the tolerance for poultry be expressed on an "as is basis" since this would more closely relate to the total PCB intake from this food than would a tolerance established for poultry on a "fat basis". In response, the Commissioner finds that although the dietary intake of PCB's resulting from contaminated poultry was considered on an "as is" basis (whole tissue) in the development of the temporary tolerance level, expressing the temporary tolerance on a fat basis is preferred since PCB's are fat soluble and fat derived from poultry can be used as a separate food (e.g., soups, gravies, etc.). The fat basis tolerance, therefore, provides the assurance that poultry contains acceptable levels of PCB's, irrespective of whether the whole tissue is consumed or the fat is consumed as a separate food.

6. *Section 122.10(a)(5) and (6).* The notice included the proposal to establish temporary tolerances for PCB's in finished animal feeds at 0.5 ppm and animal feed components (including fishmeal) at 5 ppm.

a. One comment recommends that the term "finished animal feed" be changed to "complete animal feed" since some finished feeds are further mixed with grains, by-products of grains, and other feed ingredients of plant origin before feeding. The Commissioner agrees that certain finished animal feeds such as feed concentrates, premixes, and supplements, often contain high levels of PCB's because they consist of a high percentage of animal-derived ingredients. At time of use, however, these articles are mixed with plant-derived ingredients which are not expected to contain PCB's. Thus, the final ration for the animal would not contain excessive levels of PCB's. The Commissioner concludes that for purposes of the PCB tolerance for animal feeds, clarification of the term "finished animal feed" is needed rather than a change in terminology. Therefore, the order is amended in § 122.10(a)(5) (21 CFR 122.10) so that the temporary tolerance for PCB's is applicable to finished animal feeds, except feed concentrates, supplements, and premixes.

b. One comment recommends a PCB tolerance of 1.0 ppm be established for animal feed components which are not of animal or marine origin. Since there has been no reported finding of PCB's (other than that which may be due to avoidable contamination during processing, handling, or storage) in animal feed components such as grains and by-products of grains, the Commissioner concludes there is no need at this time to establish a separate tolerance for PCB's in this category of animal feed component.

c. One comment recommends that the term "animal feed components" be qualified by the expression "including fishmeal and concentrates, premixes, and supplements". The Commissioner agrees with this recommendation and the order is amended in § 122.10(a)(6) so that the temporary tolerance for PCB's is applicable to animal feed components of animal origin (including fishmeal and other marine by-products) and animal feed concentrates, premixes and supplements.

d. The Commissioner finds that although there was no comment to change the proposed tolerance levels of 0.5 ppm for finished animal feeds and 5 ppm for animal feed components, current information indicates a lowering of these tolerance levels is warranted for the following reasons:

(1) Data from FDA conducted feeding studies show that the proposed temporary tolerance 0.5 ppm for finished animal feeds is incompatible with the temporary tolerances for poultry. White leghorn hens exposed to a diet containing 0.5 ppm PCB's (Aroclor 1254) for 8 weeks contained residues in excess of 5 ppm (fat basis) in the muscle (breast and thigh), dissectable fat, and liver of these animals. At a 0.2 ppm feeding level, the concentration of the PCB tissue residues in poultry was less than 5 ppm (fat basis). Data further indicate that continuous feeding of Aroclor 1254 at 0.5 ppm from day three to day forty-three post initial egg production can result in PCB residues only slightly less than 0.5 ppm in the eggs.

(2) Data from FDA surveillance programs and from industry reports indicate that PCB levels in finished animal feeds and in animal feed components are generally substantially less than the proposed tolerance limits. (a) Last year FDA conducted a survey of finished animal feeds for PCB's. The survey consisted of 1274 sample examinations representing various categories of animal feeds. The results show that 4.4 percent of the samples contained PCB residues. The highest reported level was 0.6 ppm PCB in feed intended for beef cattle. The average level for all samples tested was less than 0.1 ppm and the average level of the 56 samples that contained reportable levels of PCB's was less than 0.2 ppm. About 1 percent of the samples exceeded 0.2 ppm. (b) Animal feed components of animal and marine origin are expected to contain PCB's as a result of environmental contamination. During the past year, 32 samples of imported fishmeal were examined by FDA for PCB's. The results show that about 37 percent of the samples contained PCB residues. The highest level reported was 0.47 ppm. In addition, 153 fishmeal samples of domestic origin were examined during this period. The results show that about 48 percent of the samples contained PCB residues. The highest level reported was 2.1 ppm and the average was less than 1 ppm. (c) In the fall of 1971, industry conducted a survey of the PCB levels in rendered animal by-products used for feed ingredients such as hydrolyzed feather meal; meat and bone meal; fats and greases; and poultry by-product meal. The results of this survey which were published in "Feedstuffs," issue of July 3, 1972, show that of the 438 samples tested, the highest level of PCB found was 1.6 ppm in fat and greases. The average PCB level for the samples tested was less than 1 ppm. Other data that the FDA has received on the levels of PCB's in rendered animal by-products essentially confirms the results of this industry survey. Therefore, on the basis of the above, the Commissioner concludes that available evidence requires and justifies a reduction in the PCB tolerances for animal feeds and animal feed components. The order is thus amended in § 122.10(a)(5) and (6) to establish temporary tolerances for PCB's in finished feeds at 0.2 ppm and in animal feed components at 2 ppm.

e. One comment recommends that a tolerance of 5 ppm be established for PCB's in pet food. The Commissioner agrees in part with the comment. The proposal to establish a tolerance for animal feed was directed toward food-producing animals because the transmission of PCB's to the edible portion of animals ingesting PCB contaminated feed constitutes a potential hazard to human health. Further, the comment makes a reasonable recommendation since some pets may be able to safely consume levels of PCB's higher than 0.5 ppm. However, on the basis of available toxicological information, there is insufficient data for FDA to establish a tolerance for PCB's in feed for all types of pets and for other non-food producing animals. For this reason, studies will be initiated to obtain this information and, if warranted, FDA will issue a proposal to limit the level of PCB's in this category of finished animal feed. In the interim, the order is amended so that the temporary tolerance in § 122.10(a)(5) is applicable to only food-producing animals.

7. *Section 122.10(a)(7).* The notice included the proposal to establish a temporary tolerance for PCB's in fish (edible portion) at 5 ppm.

a. One comment recommends that a temporary tolerance be established for shellfish. The Commissioner agrees with this recommendation because shellfish also have been found to contain PCB's as a result of unavoidable, environmental contamination and it is also in the interest of public health to limit the level of PCB's in this food. Therefore, § 122.10(a)(7) is amended to include shellfish under the temporary tolerance of 5 ppm.

8. *Section 122.10(a)(8).* The notice included the proposal to establish a temporary tolerance for PCB's in infant and junior foods at 0.1 ppm.

a. One comment states that the level proposed cannot be achieved because of trace quantities of PCB's in certain foods and in paper food-packaging materials. The Commissioner concurs with this statement because information indicates that this level of PCB's cannot be avoided and that current analytical methodology is insufficient to enforce a tolerance of 0.1 ppm. Therefore, the final order is amended by revising the temporary tolerance for PCB's in infant and junior foods to 0.2 ppm.

9. *Section 122.10(a)(9).* The notice included the proposal to establish a temporary tolerance for PCB's in food-packaging materials at 5 ppm.

a. One comment recommends that plastic and other non-paper food-packaging material be exempt from the temporary tolerance. The Commissioner agrees with this recommendation because there is no evidence to indicate that PCB's occur in plastic or other non-paper food-packaging materials as a result of unavoidable contamination. For this reason, no basis exists for establishing a tolerance under Section 406 of the Federal Food, Drug, and Cosmetic Act for these articles. Therefore, the wording of § 122.10(a)(9) is revised to apply only to paper food-packaging materials. This exemption means that no PCB's whatever may be present, either as a result of purposeful addition or industrial accidents, in plastic and other non-paper food-packaging materials. The provisions in the Statement of General Policy or Interpretation under Part 3, which prohibits the use of PCB-containing equipment and materials, are applicable to those establishments engaged in the manufacture, handling, and storage of plastic and other non-paper food-packaging materials.

b. One comment contends that no authority exists under Section 406 of the Federal Food, Drug, and Cosmetic Act for the establishment of temporary tolerances for PCB's in food-packaging materials. The Commissioner concludes that the establishment of temporary tolerances for PCB's in food-packaging material is consistent with the language and purpose of Sections 402(a)(2)(A) and 406 of the Federal Food, Drug, and Cosmetic Act.

c. One comment recommends the temporary tolerance be applied to the packaged food, rather than the food-packaging material. The Commissioner rejects this recommendation for the following reasons:

(1) Since the transfer of PCB's from packaging material to the food is dependent on time and conditions of exposure, tolerances based solely on the food would not provide adequate protection to the consumer. A packaged food analyzed at the time of packaging may be entirely free of PCB's, but by the time it reaches the consumer and is finally consumed it may have accumulated considerable quantities of PCB's if the packaging material is contaminated. A tolerance system in which analytical findings are so dependent on many variables such as time of sampling would not be reasonable or adequate. (2) In order to achieve compliance with a tolerance for packaged food, the level of PCB in the packaging has to be taken into account and limited to preclude the potential transfer of quantities of PCB's to the food that would cause the food to exceed its tolerance level. The fact that the level of PCB in packaged food is related to the level of PCB in its packaging, in effect, necessitate tolerance for both the food and its packaging. This would represent an obvious redundancy. (3) Establishing a tolerance for packaged food would be inconsistent with the intent and meaning of section 406 of the Federal Food, Drug, and Cosmetic Act. The packaged food does not contain unavoidable PCB residues. The principal source of the PCB contamination of packaged food is the paper food-packaging material, which contain the unavoidable contamination. As such, the tolerance should deal with this article. Therefore, this source of food contamination should be limited so as to minimize the levels of PCB's that may migrate to the packaged food. (4) Failure to limit the level of PCB's in food-packaging materials would perpetuate the use of a known, avoidable source of PCB contamination of food.

d. One comment received from industry and related trade associations argues that the temporary tolerance for PCB's in food-packaging materials should be deleted or postponed until: (1) quality control test procedures and adequate analytical methods are developed to regulate production and insure compliance,

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and (2) migration rates are established to take into account barrier effects, type of food, and package weight to food weight ratio. In response, the Commissioner finds that: (1) Although a trade association submitted data which they claimed indicates a lack of reliability in analyses of paperboard material, the data failed to show that uniform test methods were employed by the participating laboratories or that these tests were performed by laboratories with demonstrated capabilities in trace residue analysis. Further, an interlaboratory study conducted under the auspices of another trade association using FDA analytical methodology, supports the conclusion that current methodology is adequately sensitive and reproducible from laboratory to laboratory in order to insure compliance with the tolerance. (2) It is recognized that migration rates (actual level of PCB in food resulting from the use of contaminated packaging) are affected by factors such as barriers, type of food, package weight to food weight ratio, and time and conditions of exposure. Since FDA's primary concern is not the fact that paper food-packaging materials contain PCB's, but the fact that PCB's can migrate to the food from the packaging, the use of barriers which prevent migration is an acceptable alternative to limiting the PCB content of paper food-packaging material. For this reason, the final order is amended in § 122.10(a)(9) to exempt paper food-packaging materials from compliance with the temporary tolerance if the paper food-packaging material is separated from the food by a functional barrier impermeable to PCB migration. Metal cans and glass bottles are obvious examples of what constitutes a functional barrier impermeable to PCB migration. Data from industry sponsored studies have shown that materials such as polyvinylidene coated paper and glassine can, to varying degrees, prevent or reduce PCB migration under test conditions which would favor migration. FDA would not object to the use of flexible materials and other materials as barriers provided there is no evidence of migration of PCB's to the food. At this time, however, there is insufficient information for FDA to list as part of the regulation those materials that are considered functional barriers. The other factors mentioned above which affect migration rates may also be important considerations and should be thoroughly studied. In the interim, the temporary tolerance for paper food-packaging materials and the exemption to this temporary tolerance are considered necessary to assure the consumer that packaged food is not being contaminated with PCB's to an avoidable degree.

e. One comment states that the establishment of temporary tolerance for PCB in paper food-packaging materials is unwarranted for public health reasons because available scientific evidence shows that Aroclor 1242 (predominant PCB found in paper) is not persistent and cumulative, and thus will not present a chronic toxicity problem. Although data indicates that some components of Aroclor 1242 are metabolized in biological systems more rapidly than the higher chlorinated Aroclors, there is no information available which describes the composition, toxicity, and fate of the metabolic products. The absence of Aroclor 1242 residues in human and other animal tissue and in the environment is not a sound basis from which to argue that no hazard exists from the ingestion of Aroclor 1242. The possibility exists that Aroclor 1242 is converted to alteration products which may be more toxic than the original compounds, but which are not detectable by current analytical methods. Further, available data from chronic feeding studies with rats and dogs fail to substantiate claims that Aroclor 1242 does not represent a toxic substance or that it differs in toxicity from the higher Aroclors. The Commissioner concludes that the temporary tolerance for paper food-packaging materials will apply to the tem "PCB" irrespective of which Aroclor is present as the contaminant.

f. Several manufacturers and trade associations recommended that the temporary tolerance for PCB's in food-packaging materials be modified so that the tolerance is expressed as "0.265 mcg/square centimeter in that portion of the package from which migration to the food can reasonably be expected", rather than using "parts per million" terminology. The Commissioner believes that this would not be a practical alternative because: (1) Expressing the tolerance for the weight of PCB residues in terms of unit area of packaging material rather than unit weight of packaging material assumes that PCB's are uniformly distributed throughout the food package and that any area of the packaging material selected for PCB analysis would be representative of the entire package. It is generally recognized that this assumption is not valid. (2) The migration of PCB from package material to food is considered to be chiefly a vapor phase phenomenon which is related to the concentration of PCB's in the packaging material. It is therefore not possible to ascertain which portion of the package would be expected to contribute to the PCB contamination of the packaged food. For these reasons, it is necessary to take into account the paper food-packaging material in its entirety as a potential source for the PCB contamination of the packaged food. Therefore, expressing the tolerance in terms of weight of PCB's per weight of packaging material as "parts per million" is a practical means to measure the "average" PCB level in the packaging.

g. One comment recommends that FDA include in the final regulation PCB analytical procedures employed by FDA in determining the extent of compliance with the established temporary tolerance for paper food-packaging materials. The Commissioner concurs in part with this recommendation and FDA will provide upon request the analytical methods to be used for enforcing the temporary tolerances for PCB's in paper food-packaging materials and the other articles for which tolerances are established in § 122.10(a). Omitting the methodology from the regulation will permit easier adoption of improved procedures as they are developed while having the analytical methods readily available to all interested parties.

h. One comment states that the temporary tolerance for PCB's for paper food-packaging materials will be detrimental to solid waste disposal programs, increase food packaging costs and result in an insufficient supply of packaging materials due to limitations of raw materials, and thus will significantly affect the quality of the human environment. The underlying basis for this statement is the fact that PCB's may occur in recycled paper because of the inclusion of some types of carbonless copy paper containing 3–5 percent PCB's into wastepaper stocks used in the manufacture of recycled paper. The comment contends that the temporary tolerance will have an adverse effect on the recycled paper industry and thus will cause the above environmental consequences. In response, FDA prepared in accordance with the National Environmental Policy Act of 1969 an environmental impact statement on the proposed rule making. FDA issued a Draft Environmental Impact Statement on May 11, 1972, a Final Environmental Impact Statement on December 21, 1972, and a Supplement to the Final Environmental Impact Statement (published concurrently with this order). In these statements, FDA asserted that information on the toxicity of PCB's necessitates limiting the levels of PCB's currently present in certain foods as a result of environmental contamination, as well as levels of PCB's in certain unavoidable sources of food contamination, i.e., PCB contaminated paper foodpackaging materials. FDA also asserted that the public health benefits derived from the rule making would outweigh any benefits that might be derived from industry-recommended alternative courses of action. These alternatives, which were considered and rejected by FDA as ineffective consumer protection measures, included: (1) The alternative of not regulating the PCB content of food-packaging materials; (2) The alternative of exempting Aroclor 1242 from the regulation; and (3) The alternative of regulating the packaged food rather than the packaging. FDA concluded in the statements that the rule making would have a significant, beneficial effect on the quality of the human environment. FDA did, however, re-evaluate the proposed level of 5 ppm as the temporary tolerance for PCB's in paper food-packaging materials. Data from the FDA survey of PCB's in foods and food packaging showed that the food portion of the samples with 5–10 ppm in paper food packaging contained the same range of PCB levels (0.1–0.6 ppm) as the food portion of the samples with 0–5 ppm in paper packaging. Samples with more than 10 ppm in the packaging contained higher levels in the food, ranging up to 3.7 ppm. The Commissioner concluded that this was the only acceptable alternative available and stated in the Final Environmental Impact Statement that the temporary tolerance for PCB's in paper food-packaging materials would be changed to 10 ppm. (This order amends § 122.10(a)(9) to reflect this change.) Data provided by industry shows that levels of PCB's in paper food-packaging materials have diminished during the past year to the point that 93 percent or more of this material will contain 10 ppm or less PCB's. Therefore, FDA concluded that the temporary tolerance of 10 ppm and the exemption to this tolerance for paper food-packaging materials separated from the packaged food by a functional barrier will protect the public, while minimizing or negating the impact of the rule making on recycling programs. Furthermore, FDA indicated in the Supplement to the Final Environmental Impact Statement that it will explore with other federal agencies measures for eliminating PCB–containing carbonless copy paper from existing inventories. If feasible, this action would reduce the primary source of PCB's found in paper food-packaging materials permitting FDA to reduce the temporary tolerance, and eventually to eliminate the need for regulating this unavoidable source of PCB's in food.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1784–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120) Parts 3, 121, 128, and 135 are amended and a new Part 122 is added, as follows:

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

1. The following new section is added to Part 3:

§ 3.93 Use of polychlorinated biphenyls (PCB's) in establishments manufacturing food-packaging materials.

(a) Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and non-flammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, and plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistent and ubiquitous contaminant in the environment, causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn caused the contamination of food products intended for human consumption (meat, milk and eggs). Investigations by the Food and Drug Administration have revealed that a significant percentage of paper food-packaging material contains PCB's which can migrate to the packaged food. The origin of PCB's in such material is not fully understood. Reclaimed fibers containing carbonless copy paper (contains 3 to 5 percent PCB's) have been identified as a primary source of PCB's in paper products. Some virgin paper products have also been found to contain PCB's, the source of which is generally attributed to direct contamination from industrial accidents from the use of PCB-containing equipment and machinery in food packaging manufacturing establishments. Since PCB's are toxic chemicals, the PCB contamination of food-packaging materials as a result of industrial accidents, which can cause the PCB contamination of food, represents a hazard to public health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in establishments manufacturing food-packaging materials.

(b) The following special provisions are necessary to preclude the accidental PCB contamination of food-packaging materials:

(1) New equipment or machinery for manufacturing food-packaging materials shall not contain or use PCB's.

(2) On or before August 6, 1973, the management of establishments manufacturing food-packaging materials shall:

(i) Have the heat exchange fluid used in existing equipment for manufacturing food-packaging materials sampled and tested to determine whether it contains PCB's or verify the absence of PCB's in such formulations by other appropriate means. On or before Sept. 4, 1973, any such fluid formulated with PCB's must to the fullest extent possible commensurate with current good manufacturing practices be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the establishment any other PCB-containing equipment, machinery and materials wherever there is a reasonable expectation that such articles could cause food-packaging materials to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iii) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (*a*) its toxicity; (*b*) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (*c*) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (*d*) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(c) The provisions of this section do not apply to electrical transformers and condensers containing PCB's in sealed containers.

PART 121—FOOD ADDITIVES

2. In Part 121, § 121.2546(b) is amended by revising subparagraphs (1) and (2), as follows:

§ 121.2546 Pulp from reclaimed fiber.

* * * * * *

(b) * * *

(1) Industrial waste from the manufacture of paper and paperboard products excluding that which bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and that migrates to the food, except as provided in regulations promulgated under sections 406 and 409 of the Federal Food, Drug, and Cosmetic Act.

(2) Salvage from used paper and paperboard excluding that which (i) bears or contains any poisonous or deleterious substance which is retained in the recovered pulp and that migrates to the food, except as provided in regulations promulgated under sections 406 and 409 of the act or (ii) has been used for shipping or handling any such substance.

* * * * * *

PART 122—UNAVOIDABLE CONTAMINANTS IN FOOD AND FOOD-PACKAGING MATERIAL

3. A new Part 122 is added as follows:

Subpart A—Definitions and Procedural and Interpretive Regulations

Sec.
122.1 Definitions and interpretations.
122.2—122.9 [Reserved]

Subpart B—Industrial Contaminants in Food and Food-Packaging Material

122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

AUTHORITY: Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371.

Subpart A—Definitions and Procedural and Interpretive Regulations

§ 122.1 Definitions and interpretations.

(a) The definitions and interpretations of terms contained in section 201 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where such substance cannot be avoided by good manufacturing practice.

Subpart B—Industrial Contaminants in Food and Food-Packaging Material

§ 122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Polychlorinated biphenyls (PCB's) are toxic, industrial chemicals. Because of their widespread, uncontrolled industrial applications, PCB's have become a persistent and ubiquitous contaminant in

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the environment. As a result, certain foods and animal feeds, principally those of animal and marine origin, contain PCB's as unavoidable, environmental contaminants. PCB's are transmitted to the food portion (meat, milk, and eggs) of food producing animals ingesting PCB contaminated animal feed. In addition, a significant percentage of paper food-packaging materials contain PCB's which may migrate to the packaged food. The source of PCB's in paper food-packaging materials is primarily of certain types of carbonless copy paper (containing 3 to 5 percent PCB's) in waste paper stocks used for manufacturing recycled paper. Therefore, temporary tolerances for residues of PCB's as unavoidable environmental or industrial contaminants are established for a sufficient period of time following the effective date of this paragraph to permit the elimination of such contaminants at the earliest practicable time. For the purposes of this paragraph, the term "polychlorinated biphenyls (PCB's)" is applicable to mixtures of chlorinated biphenyl compounds, irrespective of which mixture of PCB's is present as the residue. The temporary tolerances for residues of PCB's are as follows:

(1) 2.5 parts per million in milk (fat basis).

(2) 2.5 parts per million in manufactured dairy products (fat basis).

(3) 5 parts per million in poultry (fat basis).

(4) 0.5 parts per million in eggs.

(5) 0.2 parts per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food producing animals.

(7) 5 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 parts per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining compliance with the tolerances established in this section is available from the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

PART 128—HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURE, PROCESSING, PACKING OR HOLDING

4. In Part 128 by revising § 128.4 to read as follows:

§ 128.4 Equipment and utensils.

(a) *General.* All plant equipment and utensils should be (1) suitable for their intended use, (2) so designed and of such material and workmanship as to be adequately cleanable, and (3) properly maintained. The design, construction, and use of such equipment and utensils shall preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants. All equipment should be so installed and maintained as to facilitate the cleaning of the equipment and of all adjacent spaces.

(b) *Use of polychlorinated biphenyls in food plants.* Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and non-flammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, and plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistent and ubiquitous contaminant in the environment and causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn cause the contamination of food intended for human consumption (meat, milk, and eggs). Since PCB's are toxic chemicals, the PCB contamination of food as a result of these accidents represents a hazard to human health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in the production, handling, and storage of food. The following special provisions are necessary to preclude accidental PCB contamination of food:

(1) New equipment, utensils, and machinery for handling or processing food in or around a food plant shall not contain PCB's.

(2) On or before September 4, 1973, the management of food plants shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling or processing food sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. On or before Sept. 4, 1973, any such fluid formulated with PCB's must be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate from the food plant any PCB-containing food-contact surfaces of equipment or utensils and any PCB-containing lubricants for equipment or machinery that is used for handling or processing food.

(iii) Eliminate from the food plant any other PCB-containing materials wherever there is a reasonable expectation that such materials could cause food to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement is used. In making this determination with respect to a given fluid, consideration should be given to (*a*) its toxicity; (*b*) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (*c*) possible signaling devices in the equipment to indicate a loss of fluid, etc.; and (*d*) its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(3) For the purposes of this section, the provisions do not apply to electrical transformers and condensers containing PCB's in sealed containers.

PART 135—NEW ANIMAL DRUGS

5. The following new section is added to Part 135, Subpart B:

§ 135.113 Use of polychlorinated biphenyls (PCB's) in the production, handling, and storage, of animal feed.

(a) Polychlorinated biphenyls (PCB's) represent a class of toxic industrial chemicals manufactured and sold under a variety of trade names, including: Aroclor (United States); Phenoclor (France); Colphen (Germany); and Kanaclor (Japan). PCB's are highly stable, heat resistant, and nonflammable chemicals. Industrial uses of PCB's include, or did include in the past, their use as electrical transformer and capacitor fluids, heat transfer fluids, hydraulic fluids, plasticizers, and in formulations of lubricants, coatings, and inks. Their unique physical and chemical properties and widespread, uncontrolled industrial applications have caused PCB's to be a persistant and ubiquitous contaminant in the environment, causing the contamination of certain foods. In addition, incidents have occurred in which PCB's have directly contaminated animal feeds as a result of industrial accidents (leakage or spillage of PCB fluids from plant equipment). These accidents in turn cause the contamination of food intended for human consumption, (meat, milk, and eggs). Investigations by the Food and Drug Administration have revealed that heat exchange fluids for certain pasteurization equipment used in processing animal feed contain PCB's. Although heat exchange fluids in such equipment are considered to be in "closed systems", leakage has occurred that resulted in direct contamination of animal feed with PCB's and subsequently resulted in the transfer of PCB's to human food produced by animals consuming the contaminated feed. The use of PCB-containing coatings on the inner walls of silos has resulted in the contamination of silage which has in turn caused PCB residues in the milk of dairy cows consuming the contaminated silage. Since PCB's are toxic chemicals, the PCB contamination of food as a result of these and other incidents represent a hazard to public health. It is therefore necessary to place certain restrictions on the industrial uses of PCB's in the production, handling, and storage of animal feed.

(b) The following special provisions are necessary to preclude accidental PCB contamination of animal feed:

(1) Coatings or paints for use on the contact surfaces of feed storage areas may not contain PCB's or any other harmful or deleterious substances likely to contaminate feed.

(2) New equipment or machinery for handling or processing feed in or around an establishment producing animal feed shall not contain PCB's.

(3) On or before Sept. 4, 1973, the management of establishments producing animal feed shall:

(i) Have the heat exchange fluid used in existing equipment or machinery for handling and processing feed sampled and tested to determine whether it contains PCB's, or verify the absence of PCB's in such formulations by other appropriate means. On or before Sept. 4, 1973, any such fluid formulated with PCB's must to the fullest extent possible commensurate with current good manufacturing practices, be replaced with a heat exchange fluid that does not contain PCB's.

(ii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the animal feed producing establishment any PCB-containing lubricants for equipment or machinery used for handling or processing animal feed.

(iii) Eliminate to the fullest extent possible commensurate with current good manufacturing practices from the animal feed producing establishment any other PCB-containing materials, whenever there is a reasonable expectation that such materials could cause animal feed to become contaminated with PCB's either as a result of normal use or as a result of accident, breakage, or other mishap.

(iv) The toxicity and other characteristics of fluids selected as PCB replacements must be adequately determined so that the least potentially hazardous replacement should be used. In making this determination with respect to a given fluid, consideration should be given to (*a*) its toxicity; (*b*) the maximum quantity that could be spilled onto a given quantity of food before it would be noticed, taking into account its color and odor; (*c*) possible signaling devices in the equipment to indicate a loss of fluid, etc.; (*d*) and its environmental stability and tendency to survive and be concentrated through the food chain. The judgment as to whether a replacement fluid is sufficiently non-hazardous is to be made on an individual installation and operation basis.

(c) For the purpose of this section, the provisions do not apply to electrical transformers and condensers containing PCB's in sealed containers.

(d) For the purpose of this section, the term "animal feed" includes all articles used for food or drink for animals other than man.

Any person who will be adversely affected by the provisions of §§ 121.254b and 122.10 of the foregoing order may at any time on or before August 6, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall states the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order will become effective for foods, feeds, and paper food-packaging materials initially shipped in commerce after Sept. 4 1973 except as to any provisions of §§ 121.2546 and 122.10 that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced in the FEDERAL REGISTER. In the event § 122.10 is stayed by valid objections, pending a final regulation the Food and Drug Administration will enforce the levels stated in § 122.10 by seizing pursuant to sections 301 and 304 of the Act any food, feed, or paper food-packaging material shipped in commerce containing higher than the specified level of PCB's as adulterated in violation of section 402 of the Act.

(Secs. 402(a), 406, 409, 701, 52 Stat. 1046 as amended, 1049, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948, 72 Stat. 1785–1788 as amended; 21 U.S.C. 342(a), 346, 348, 371)

Dated: June 21, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-13549 Filed 7-5-73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

POLYCHLORINATED BIPHENYLS

Availability of Supplement To Final Environmental Impact Statement

The Commissioner of Food and Drugs published a notice in the FEDERAL REGISTER of December 21, 1972 (37 FR 28201) announcing that a statement entitled "Final Environmental Impact Statement—Rule Making on Polychlorinated Biphenyls" had been issued by the Food and Drug Administration.

Notice is hereby given that a statement entitled "Supplement to the Final Environmental Impact Statement—Rule Making on Polychlorinated Biphenyls" has been issued by the Food and Drug Administration. Copies of the supplement are available from the Office of the Assistant Commissioner for Public Affairs, Room 15B-42, or the Office of the Hearing Clerk, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the National Environmental Policy Act of 1969, Public Law 91-190 (sec. 102(2)(c), 83 Stat. 853; 42 U.S.C. 4332), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 21, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13548 Filed 7-5-73;8:45 am]

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federal register

FRIDAY, JULY 6, 1973

Volume 38 ■ Number 129

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions; Index

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decision, Modifications and Supersedeas Decisions

Area wage determination decisions. Area wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24 70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and supersedeas decisions to area wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U. S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D. C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original area wage determination decision.

Set forth in this document are the following:

Modifications to area wage determination decisions. Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arkansas:	
AP–703	Feb. 16, 1973
AP–734	May 25, 1973
Colorado:	
AP–296	Apr. 27, 1973
AP–299	May 4, 1973
AP–904	May 11, 1973
AP–911	June 22, 1973
Florida:	
AP–199	June 8, 1973
Georgia:	
AP–148	Jan. 12, 1973
Iowa:	
AM–2248; AM–2452; AM–2458	Aug. 25, 1971
AP–527; AP–529	May 4, 1973
Kansas:	
AP–531	May 25, 1973
Kentucky:	
AP–188	Apr. 20, 1973
Louisiana:	
AP–735	June 1, 1973
Maryland:	
AP–856	June 22, 1973
Massachusetts:	
AP–811; AP–812; AP–813; AP–814; AP–815; AP–816	May 11, 1973
Missouri:	
AP–504	Sept. 1, 1972
Montana:	
AP–910	June 22, 1973
Nebraska:	
AP–525	April 13, 1973
New Jersey:	
AP–828	May 18, 1973
New York:	
AP–469	Feb. 9, 1973
Pennsylvania:	
AP–490	Mar. 9, 1973
AP–818	May 18, 1973
AP–835	May 25, 1973
Tennessee:	
AP–190; AP–193	May 25, 1973
Texas:	
AP–346	Sept. 29, 1972
AP–715	Apr. 20, 1973
AP–725; AP–729	Apr. 27, 1973
Washington, D.C:	
AP–823	May 18, 1973

Supersedeas decisions to area wage determination decisions. Supersedeas decisions to area wage determination decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; supersedeas decision numbers are in parentheses following the number of the decision being superseded):

Colorado:	
AP–233(AP–918)	Sept. 15, 1972
Missouri:	
AP–905(AP–534)	Sept. 1, 1972
New Mexico:	
AP–730(AP–740)	May 11, 1973
New York:	
AM–1733(AP–860); AM–1734(AP–859)	Aug. 11, 1971
Oklahoma:	
AP–309(AP–741)	Aug. 18, 1972
Texas:	
AP–353(AP–739); AP–354 (AP–738)	Nov. 3, 1972
Iowa:	
AP–213(AP–536)	Aug. 11, 1972

Signed at Washington, D.C., this 29th day of June 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

Modifications P. 2

DECISIONS #AP-703 & #AP-734 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
GROUP I Cranes, dreglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.04	.25	.25			
GROUP II Cranes, dreglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, grade alls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaderman(engineer), hydraulic and bucket dredges, irrespective of site, mechanics and/or welders, blacksmith	6.30	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS All Bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of site or motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, roll ers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of site, regardless of motive power, first assistant engineer(dredge) tool and dredge tender operator	5.99	.25	.25			

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-703 - Mod. #3 (38 FR 4632 - February 16, 1973) Union County, Arkansas Change: Power Equipment Operators - See the next two pages						
DECISION #AP-734 - Mod. #4 (38 FR 13919 - May 25, 1973) Pulaski County, Arkansas Change: Power Equipment Operators - See the next two pages						

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Modifications P. 3

DECISIONS #AP-703 & #AP-734 (Cont'd)

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS						
Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)	5.04	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS						
All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	4.70	.25	.25			

Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-296 - Mod. #3 (38 FR 10567 - April 27, 1973) Pueblo County, Colorado						
Change: Building Construction						
Asbestos Workers	$8.00	.25	.70			
Carpenters	6.92	.45	.40	.30	.03	
Heavy and Highway Construction:						
Carpenters	6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sewmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)						
GROUP I						
Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II						
Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	

Modifications P. 5

DECISION #AP-296 (cont'd)

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP III					
Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caisons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine: Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03
GROUP IV					
Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Trucle mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03

Modifications P. 6

DECISION #AP-296 (cont'd)

Colo 1 PEO -1-2-3-d

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP V					
Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03
GROUP VI					
Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03

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Modifications P. 7

DECISION #AP-299 - Mod. #2
(38 FR 11252 - May 4, 1973)
Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters	$6.57	.45	.45	.30	.03	
Cement Masons:						
Denver Metropolitan Area	6.13	.37	.80	.30	.06	
Outside Denver Metropolitan Area	5.98	.37	.80	.30	.06	
Electricians:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington and Weld Counties - Electricians	8.38	.54	1%+.16		2/10%	
Cable solicers	8.63	.54	1%+.16		2/10%	
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)						
GROUP I						
Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II						
Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	

Modifications P. 8

DECISION #AP-299 (cont'd)

Colo 1 PEO -1-2-3-d

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS (cont'd)						
GROUP III						
Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	
GROUP IV						
Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	

Modifications P. 9

DECISION #AP-299 (cont'd)

Colo 1 PEO -1-2-3-d

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (cont'd)					
GROUP V					
Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03
GROUP VI					
Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03

Modifications P. 10

DECISION #AP-904 - Mod. #1
(38 FR 13159 - May 11, 1973)
Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building Construction:						
Asbestos Workers	$8.00	.25	.70			
Boilermakers	8.25	.30	1.00		.02	
Carpenters:						
Zone I (0-30 miles from nearest basing point)	6.92	.45	.40	.30	.03	
Zone II (30-60 miles from nearest basing point)	7.17	.45	.40	.30	.03	
Zone III (60 miles and over from nearest basing point)	7.42	.45	.40	.30	.03	
Heavy and Highway Construction:						
Carpenters	6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

MUX 38 FR 18110-18111

Modifications P. 11

DECISION #AP-904 (Cont'd)

Colo 1 - PEO-1-2-3-d (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill: (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

Modifications P. 12

DECISION #AP-904 (Cont'd)

Colo 1 PEO -1-2-3-d (2-2)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03
GROUP V Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03

NOTICES

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-911- Mod #1 (38 FR 16604 - June 22, 1973) Adams, Araphoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Larimer, Summit, and Weld Counties, Colorado						
Change: Building Construction						
Asbestos Workers	$8.00	.25	.70			
Carpenters: Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson Cos. Area (A) Denver Metropolitan Area including Lousiville, Golden, Boulder and Longmont basing points						
Zone I (0 to 20 miles)	7.515	.45	.40	.30	.03	
Zone II (20 to 50 miles)	8.34	.45	.40	.30	.03	
Zone III (50 miles and over)	9.16	.45	.40	.30	.03	
Weld County Area (B) Denver Northeastern Area of Colorado Greeley basing point						
Zone I (0 to 20 miles)	7.47	.45	.40	.30	.03	
Zone II (20 to 50 miles)	8.27	.45	.40	.30	.03	
Zone III (50 miles and over)	9.08	.45	.40	.30	.03	
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.515	.45	.40	.30	.03	
Remainder of Larimer County	6.92	.45	.40	.30	.03	
Electricians (Remaining Counties)	8.38	.22	1%+.16		2/10%	
Cable Splicers (Remaining Cos.)	8.63	.22	1%+.16		2/10%	
Heavy and Highway Construction: Carpenters	6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

Modifications P.14

DECISION #AP-911 (Cont'd)

Colo 1 - PEO-1-2-3-d (1-2)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sand-blasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheal mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03

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Modifications P. 15

DECISION #AP-911 (Cont'd) Colo 1 PEO -1-2-3-d (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS (cont'd)						
GROUP IV						
Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, draglines, Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydro-crane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V						
Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cy. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI						
Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

Modifications P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-199 - Mod. #1 (38 FR 15235 - June 8, 1973) Duval County, Florida						
Change:						
Ironworkers:						
Structural	$7.25	.42	.40			
Ornamental	7.25	.42	.40			
Reinforcing	7.25	.42	.40			
Plasterers	6.26	.25	.15		.02	
DECISION #AP-1100 - Mod. #2 (38 FR 15237 - June 8, 1973) Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida						
Change:						
Carpenters:						
Soft Floor Layers	5.85	.20			.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
DECISION #AP-148 - Mod. #4 (38 FR 1457 - January 12, 1973) Chatham County, Georgia						
Change:						
Building Construction:						
Carpenters and Soft floor layers	$6.45	.35				
Millwrights	6.95	.35				
Piledrivermen	6.70	.35				
Laborers:						
Unskilled laborers	3.45	.15	.10			
Mason tender	3.60	.15	.10			
Mortar mixers	3.70	.15	.10			
Air tool & vibrator operator	3.60	.15	.10			
Plasterers' tenders	3.60	.15	.10			
Pipelayers	3.70	.15	.10			

Modifications P. 17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,448 - Mod. #4 (36 FR 16796 - August 25, 1971) Cerro Gordo County (Mason City), Iowa						
Change:						
Building Construction:						
Laborers:						
Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter	$5.10	.30	.15			
Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Gunniting-nozzlemen; Backup man; Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over	5.35	.30	.15			
All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over	5.60	.30	.15			
DECISION #AM-2,452 - Mod. #3 (36 FR 16809 - August 25, 1971) Johnson County (City of Iowa City & abutting municipalities), Iowa						
Change:						
Building Construction:						
Electricians	8.25	.33	1%		1%	
Laborers:						
Common laborers	5.72	.30	.25			
Mason mortar mixers	5.92	.30	.25			
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25			

Modifications P. 18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,458 - Mod. #5 (36 FR 16830 - August 25, 1971) Webster County (Fort Dodge), Iowa						
Change Mod. #2 (38 FR 13787 - June 15, 1973) to Read Mod. #3						
DECISION #AP-527 - Mod. #2 (38 FR 11264 - May 4, 1973) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						
Change:						
Building Construction:						
Laborers:						
Common laborers; Carpenters' helpers; Moving; Wrecking & demolition	$5.36	.31				
Mason tenders; Hod carriers; Machine and air tool operators	5.46	.31				
Powderman	5.61	.31				
DECISION #AP-529 - Mod. #2 (38 FR 11271 - May 4, 1973) Linn County (City of Cedar Rapids & abutting municipalities)						
Change:						
Building Construction:						
Electricians	8.25	.33	1%		1%	
Heavy & Highway Construction:						
Power Equipment Operators:						
Power shovel & crane type equipment (1/2 cy & over); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman; Concrete mixer, paver; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	6.40	.30	.30		.01	

MUX 38 FR 18114-18115

Modifications P. 19

DECISION #AP-529 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Heavy & Highway Construction (Cont'd):						
Power Equipment Operators (Cont'd):						
Asphalt plant; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull; DW 10 & all similar equipment, over 10 cy struck cap.; All self-loading scrapers; Tractors, bulldozers; Push cat or pulling scraper or rooter; Sidaboom tractor; Churn or rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy); Asphalt spreader; Group equipment greaser; Automatic subgrade machine; Slip form paving	$6.25	.30	.30		.01	
Motor patrol (other than finish); Asphalt roller (high type surfacing); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapull, DW 10 & all similar equipment under 10 cy struck cap.; Paving breaker (drop or pneumatic); Spreader box (self-propelled or tractor-pushed); Subgrade stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Asphalt paver; Backhoe under 3/8 cy	6.00	.30	.30		.01	

Modifications P. 20

DECISION #AP-529 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Heavy & Highway Construction (Cont'd):						
Power Equipment Operators (Cont'd):						
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader, concrete; Tank car heater (combination boiler & booster); Self-propelled vibrating compactor; Trenching machine (other); Pump on well points & deep wells for dewatering; Mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Motor crane combination driver & oiler; Concrete curing machine	$5.80	.30	.30		.01	
Boiler (single); Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck	5.60	.30	.30		.01	
Batching plant (dry); Front end loader, rubbertired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller	5.30	.30	.30		.01	
Laborers:						
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodman, tending to carpenters; Hot asphalt labor; Stringman on paving work	4.75	.30	.10			

Modifications P. 21

DECISION #AP-529 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Heavy & Highway Construction (Cont'd):						
Laborers (Cont'd):						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a boe'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air trace, wagon drills & similar drills	$5.50	.30	.10			
Tree climber; Form setters; Rakers; Box tenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	5.25	.30	.10			
Power buggyman; Concrete & paving sawmen; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chainsaw man; Mechanical groutersi Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	5.00	.30	.10			
Form tamper; Air, gas & electric tool op., vibrator; Barco hammer, paving breaker, spader, tamper, electric drills, hammen & jackhammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	4.85	.30	.10			

Modifications P. 22

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-531 - Mod. #3 (38 FR 13929 - May 25, 1973) Cass, Clay, Jackson, Platte, & Ray Counties, Missouri and Johnson & Wyandotte Counties, Kansas Change: Mod. #1(38 FR 16584 - June 22, 1973) to read Mod. #2						
DECISION #AP-188 - Mod. #2 (38 FR 9935 - April 20, 1973) McCracken County, Kentucky Change: Ironworkers, structural, ornamental and reinforcing	7.15	.45	.35		.02	

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Modifications P. 23

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-735 - Mod. #3 (38 FR 14594 - June 1, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change Mod. #1 (38 FR 16584 - June 22, 1973) to Read Decision #AP-735.						
Change:						
~~Electricians:~~						
Electricians: St. Tammany, Tangipahoa and Washington Parishes	$7.10		1%			
Cable splicers: St. Tammany, Tangipahoa and Washington Parishes	7.60		1%			
DECISION #AP-856 - Mod. #1 (38 FR 16612 - June 22, 1973) Baltimore City and Baltimore County Maryland						
Change: Description of work: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) and heavy construction (excluding sewer and water construction)						
Omit: Highway Construction Schedule						

Modifications P. 24

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-811 - Mod. #3 (38 FR 12539 - May 11, 1973) Barnstable County, Massachusetts						
Omit: Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	$6.50	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump	6.75	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.00	.40	.40		.05	
Blasters; Powdermen	7.25	.40	.40		.05	
Laborers' schedule (Heavy & Highway)						
Add: Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	$6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on mutorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Laborers' schedule (Heavy & Highway)						

MASS-8-LAB-2-3-t

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.05	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

Modifications P. 25

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-812 - Mod. #2 (38 FR 12542 - May 11, 1973) Essex County, Massachusetts						
Change: Plasterers' tenders: Lynn, Lynnfield, Nahant, Saugus and Swampscott	$7.05	.40	.40		.05	
Omit: Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.50	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump	6.75	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.00	.40	.40		.05	
Blasters; Powdermen	7.25	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						
Add: Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						

Modifications P.26

DECISION #AP-812 Cont'd

MASS-1-LAB-2-3-i

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DECISION #AP-813 - Mod. #2 (38 FR 12546 - May 11, 1973) Hampden County, Massachusetts						
Omit: Laborers' schedule (Heavy and Highway)						
Power equipment operators' schedule (Building)						
Power equipment operators' schedule (Heavy and Highway)						
Add: Laborers' schedule (Heavy and Highway)						
Power equipment operators' schedule (Building)						
Power equipment operators' schedule (Heavy and Highway)						

MASS-8-LAB-2-3-t

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
LABORERS: Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.05	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.30	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.55	.40	.40		.05	
Blasters; Powdermen	6.80	.40	.40		.05	

XUM 38 FR 18118

Modifications P. 27

DECISION #AP-813 Cont'd

MASS-2-PEO-1-T 1 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Cradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

Modifications P. 28

DECISION #AP-813 Cont'd

MASS-2-PEO-1-T 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Da F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

Modifications P. 29

DECISION #AP-813 Cont'd

MASS-2-PEO-2-3-K 1-2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Crader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.10	.45	.60	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-up to 10 ton.	7.60	.45	.60	a	.05	

Modifications P. 30

DECISION #AP-813 Cont'd

MASS-2-PEO-2-3-K 2-2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.93	.45	.60	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.74	.45	.60	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.12	.45	.60	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

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Modifications P. 31

DECISION #AP-814 - Mod. #3
(38 FR 12550 - May 11, 1973)
Middlesex County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Plasterers' tenders, excluding Bedford	$7.05	.40	.40		.05	
Omit:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.50	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump	6.75	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.00	.40	.40		.05	
Blasters; Powdermen	7.25	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						
Add:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						

DECISION #AP-814 Cont'd

Modifications P. 32

MASS-1-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

DECISION #AP-815 - Mod. #2
(38 FR 12554 - May 11, 1973)
Suffolk County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Plasterers' tenders	$7.05	.40	.40		.05	
Omit:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.50	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser Beam; Concrete pump	6.75	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.00	.40	.40		.05	
Blasters; Powdermen	7.25	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						
Add:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						

Modifications P. 33

DECISION #AP-815 Cont'd

MASS-1-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

DECISION #AP-816 - Mod. #3
(38 FR 12558 - May 11, 1973)
Worcester County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Plasterers' tenders: Grafton, Holden, Leicester, Millbury, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	$7.05	.40	.40		.05	
Omit:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.50	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump	6.75	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.00	.40	.40		.05	
Blasters; Powdermen	7.25	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						
Add:						
Laborers (Building): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	

Modifications P. 34

DECISION #AP-816 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Building) Cont'd: Air track; Block pavers; Rammers; Curb setters	$7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Laborers' schedule (Heavy and Highway)						

MASS-1-LAB-2-3-1

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-504 - Mod. #4 (37 FR 17881 - September 1, 1972) St. Louis & St. Charles Counties, Missouri						
Change: Residential Building Construction St. Louis City & County and St. Charles County:						
Cement Masons	$8.20	.60	.40			
Glaziers	8.04	.41	.68	8% + j	.01	
Pipefitters	7.55	1.30	.90			
Plumbers	8.555	.40	.40	.80h		
Roofers:						
Composition; Slate and tile	6.85	.27	.30		.03	
Kettlemen	4.95	.27	.30		.03	
Tile Setters	7.41	.325	.50	c		
Footnotes: j - Paid Holidays: (A through J). k - Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.						
Omit: Footnote - m						

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-910 - Mod. #1 (38 FR 16615 June 22, 1973) Blaine, Broadwater, Cascade, Chouteau, Hill, Fergus, Glacier, Judith-Basin, Lewis & Clark, Liberty, Meagher, Phillips, Pondera, Teton, Toole, Valley and Wheatland Counties, Montana						
Change: Painters: Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Lewis & Clark (Northern area, excluding City of Craig), Pondera, Teton and Toole Counties						
Painters, brush	$5.85	.34	.30			
Paperhanger	6.10	.34	.30			
Taper	6.20	.34	.30			
Brush on steel	6.35	.34	.30			
Spraying; Sandblasting	8.10	.34	.30			
Broadwater, Meagher, Lewis & Clark (Southern area including City of Craig), and Wheatland Counties						
Painters, brush	5.71	.25	.20			
Steel; Roof; Spray	6.71	.25	.20			
Epoxy, brush; Sandblasting	8.51	.25	.20			
Epoxy, spray	12.71	.25	.20			
Paperhangers	5.96	.25	.20			
Taping, machine	6.96	.25	.20			
Sheet Metal Workers: Broadwater and Lewis & Clark Cos.	6.88	.22	.10			
Terrazzo Workers and Tile Setters' Helpers	5.75					

DECISION #AP-910 (Cont'd)

MONT-1-TD-1-2-3-g (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$5.90	.45	.30			
Over 4 cu. yds. to and incl. 6 cu. yds.	5.98	.45	.30			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.06	.45	.30			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.14	.45	.30			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	5.83	.45	.30			
DRY BATCH TRUCKS:						
3 Batch or under	5.65	.45	.30			
Over 3 Batch to and incl. 5 Batch	5.78	.45	.30			
Over 5 Batch to and incl. 10 Batch	5.94	.45	.30			
Over 10 Batch to and incl. 15 Batch	6.10	.45	.30			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	5.65	.45	.30			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	5.65	.45	.30			
Over 7 cu. yds. to and incl. 10 cu. yds.	5.78	.45	.30			
Over 10 cu. yds. to and incl. 15 cu. yds.	5.94	.45	.30			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.08	.45	.30			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.14	.45	.30			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.20	.45	.30			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.26	.45	.30			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.32	.45	.30			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.38	.45	.30			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	5.78	.45	.30			

DECISION #AP-910 (Cont'd)

MONT-1-TD-1-2-3-g (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	$6.14	.45	.30		
Over 25 cu. yds. to and incl. 30 cu. yds.	6.20	.45	.30		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	6.39	.45	.30		
POWDER TRUCK DRIVER (bulk unloader type)	5.83	.45	.30		
FLAT TRUCKS:					
To and incl. 3 Tons	5.65	.45	.30		
Over 3 tons Factory rating	6.00	.45	.30		
FUEL TRUCK; SERVICE TIREMEN	6.12	.45	.30		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.00	.45	.30		
LUMBER CARRIERS, LIFT TRUCKS; Power broom	5.74	.45	.30		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gals. and under	5.65	.45	.30		
Over 2,500 gals. to and incl. 4,500 gals.	5.94	.45	.30		
Over 4,500 gals. to and incl. 6,000 gals.	6.14	.45	.30		
Over 6,000 gals. to and incl. 8,000 gals.	6.20	.45	.30		
Over 8,000 gals. to and incl. 10,000 gals.	6.28	.45	.30		
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment					
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, CROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	5.90	.45	.30		
TRUCK MECHANIC	6.39	.45	.30		

XUX 38 FR 18124

Modifications P. 39

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-525 - Mod. #3 (38 FR 9413 - April 13, 1973) Statewide, Nebraska (except Douglas and Sarpy Counties)						
Change: Description of work to read "Construction, alteration and repair of streets, roads, highways and runways (excluding bridges across navigable waterways)"						
DECISION #AP-828 - Mod. #1 (38 FR 13265 - May 18, 1973) Hudson County, New Jersey						
Change: Bldg., Heavy & Highway Construction: Carpenters: West of the Hackensack River: Carpenters and millwrights	$8.88	6%	6%		.02	
Remainder of County: Carpenters and millwrights	8.43	8%	8%+f	8	.02	
DECISION #AP-469 - Mod. #2 (38 FR 4169 - February 9, 1973) Broom County, New York						
Change: Electricians	$7.67	.31	1%+.23		.055	
Carpenters & piledrivermen, Heavy- and Highway	7.87	.30	.45		.025	
Elevator constructors	7.78	.345	.25	2%+a+b	.015	
Elevator constructors' helpers	5.45	.345	.25	2%+a+b	.015	
Elevator constructors' helpers (prob.)	3.89					
Omit: Heavy and Highway Laborers schedule.						
Add: Heavy and Highway Laborers schedule.						

Modifications P. 40

BY-2-LAB-2-3- H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
LABORERS:						
Laborers and driller helpers	$6.61	.40	.40	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete boatmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.81	.40	.40	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.01	.40	.40	a		
Blasters, form setters, stone or granite curb setters	7.21	.40	.40	a		
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE: a/ Holidays A through F, providing the employee works the day before and after the holiday.						

Modifications P. 41

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-490 - Mod. #4 (38 FR 6624 - March 9, 1973) Northampton County, Pennsylvania						
Change: Carpenters	$8.27	.28	.21		.01	
Glaziers	7.32	.25	.10			
Millwrights	8.67	.28	.21			
DECISION #AP-818 - Mod. #1 (38 FR 13283 - May 18, 1973) Luzerne County, Pennsylvania						
Change: Electricians	$8.15	.30	1%+.35	.35	.03	
Sheet metal workers	7.85	.30	.25			
Laborers (Schedule Attached)						
Glaziers	7.32	.25	.10		.01	

DECISION #AP-818 (Cont'd.)

Modifications P. 42
PA-80-Lab-1- B

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers (Hazelton)	$5.65	.25	.25			
Mason Tenders including Scaffold Builders	6.05	.25	.25			
Pneumatic, electrical & mechanical tool operators, 2" pumps- non metallic pipelaying and making joint clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist.	5.75	.25	.25			
Plasterer tenders, blasters, and wagon drill operators	5.90	.25	.25			
Laborers: Remainder of County Unskilled laborers	6.32	.25	.25			
Semi skilled laborers, Pneumatic and other mechanical tool ops; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, Handling of burning torches, asphalt or other hot material, cement finishers and blasters helpers	6.52	.25	.25			
Plasterers tender, blaster, wagon drill ops; scaffold builders	6.64	.25	.25			
Wrecking or demolition	6.42	.25	.25			
Mason tenders & scaffold builders	6.72	.25	.25			

XUM

Modifications P. 43

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-835 - Mod. #1 (38 FR 14066 - May 23, 1973) Lehigh County, Pennsylvania						
Change:						
Carpenters	8.27	.28	.21			
Millwrights	8.67	.28	.21			
Glaziers	7.32	.25	.10		.01	

Modifications P. 44

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-190 - Mod. #2 (38 FR 14068 - May 25, 1973) *Oak Ridge, Atomic Energy Commission Only Anderson & Roane Counties, Tennessee						
Change:						
Cement masons	5.70				.02	
Electricians (Oak Ridge in Anderson Co., & Roane County):						
Electricians & Linemen	7.36	.25	1%		.5%	
Cable splicers	7.87	.25	1%		.5%	
DECISION #AP-193 - Mod. #1 (38 FR 14075 - May 25, 1973) Shelby County, Tennessee						
Change:						
Building Construction:						
Electricians and Linemen	7.43	.30	.40 + 1%		.5%	
Cable Splicers	7.53	.30	.40 + 1%		.5%	
Painters:						
Brush	6.65		.30		.05	
Steel, spray and Sandblasting	6.90		.30		.05	
Plumbers	7.48	.25	.15		.04	

Modifications P. 45

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-346 - Mod. #3 (37 FR 20497 - September 29, 1972) Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties, Texas						
Change:						
Building Construction:						
Bricklayers	$7.25					
DECISION #AP-715 - Mod. #2 (38 FR 9950 - April 20, 1973) Collin, Dallas, Ellis, Grayson & Rockwall Counties, Texas						
Change Description of Work to Read:						
Streets, Highways, Runways and Water and Sewer Lines (excluding work performed on the site of water or sewage treatment facilities and also excluding all work at Dallas-Fort Worth Regional Airport)						
DECISION #AP-725 - Mod. #2 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction:						
Bricklayers & Stonemasons	7.25					

Modifications P. 46

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-729 - Mod. #1 (38 FR 10609 - April 27, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Bricklayers-Stonemasons:						
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	$7.64	.25	.40		.03	
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.62	.25	.40		.015	
Ironworkers	6.955	.40	.50		.03	
Laborers:						
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties: All hand digging dirt work & backfilling; firing of salamanders, loading & unloading of materials to & from hoist or cages; loading & unloading of tools & equipment; wheeling, placing & pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings & all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving handling & greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool house men; landscaper; asphalt ironer & raker; waterproofing tender; dumper; spotter; concrete pumperete pipe (handling & laying); carpenter tender	5.05	.275	.20		.02	

MUX 38 FR 18128-18129

Modifications P. 47

DECISION #AP-729 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Cont'd): All power tool & equipment operators (gas, electric or air); cutting torch man; concrete gradesmen; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan & steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants	$5.20	.275	.20		.02	
Concrete & clay pipe (handling & laying); tile marble terrazzo helpers, mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders; plaster tenders water pump operators up to 4 inches; cement mason tenders; mortar mixers; hod carriers; dry mixers, kettle & pot men; tank cleaning; all pipe doping, treating & wrapping, including all men working with dope, mortar & plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing & cleaning of pipe & conduits used in placing of concrete, handling & placing of gunite materials from stockpiles, screening sand, running sand dryer & loading & operating sand blaster, except nozzle, conveying, stocking & handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet & cleaning out drill piers	5.70	.275	.20		.02	

Modifications P. 48

DECISION #AP-729 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Cont'd): Sand blaster, blaster powderman; gunite worker; gunite nozzle man, gunite worker, gunite nozzleman & terrazzo grinder	$5.45	.275	.20		.02	

Modifications P. 49

DECISION #AP-823 - Mod. #4
(38 FR 13304 - May 18, 1973)
Washington, D. C.

Omit:
Sewer and Water Lines Schedule as originally issued

Add:
Sewer and Water Lines Schedule

Modifications P.50

DECISION #AP-823 (Cont'd.)

3-D.C.-4-L 1 of 2

SEWER AND WATER LINES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	7.75	.225	.20		.05	
Ironworkers, reinforcing	7.95	.35	.25		.03	
Piledrivermen	8.265	.30	.34		.07	
Plumbers	8.93	.38	.25		.10	
Power Equipment Operators:						
Backhoes, cableways, cranes, draglines, power shovels, tunnel shovels, tunnel mucking machines, derricks, 1 c.y.& over	6.94	.35	.35		.05	
Backhoes, cableways, cranes, derricks, draglines, power shovels, tunnel mucking machines up to 1 c.y., boom cats, elevating graders, hoists, paving mixers, piledriving engines, batch plants, concrete pumps	6.69	.35	.35		.05	
Trenching machines (above 8'3")	6.49	.35	.35		.05	
Backhoes (hydraulic, under ½ c.y.)	6.57	.35	.35		.05	
Trenching machines (up to 8'3"), boilers skeleton, well drilling machines	6.39	.35	.35		.05	
Air Compressors, tunnel	6.36	.35	.35		.05	
Front end loaders (high lift), Bulldozers	6.34	.35	.35		.05	
Concrete mixers, power wheel scoops and scrapers, mortor graders, tunnel motor men, blade graders	6.24	.35	.35		.05	
Mechanics	6.22	.35	.35		.05	
Bulldozer, hydraulic tampers	6.14	.35	.35		.05	
Roller	6.04	.35	.35		.05	
Air compressors, pumps welding machines, well points	5.965	.35	.35		.05	
Apprentice Engineers:						
Firemen	5.50	.35	.35		.05	
Truck crane oilers	5.35	.35	.35		.05	
Oilers	5.30	.35	.35		.05	
Truck drivers:						
Dump trucks	2.75	.12	c			
Dump trucks over 8 wheels	2.85	.12	c			
Flat trucks	2.85	.12	c			
Trailers	2.95	.12	c			
Fuel and oil trucks	2.75	.12	c			
Euclids	3.10	.12	c			

XUM 38 FR 18130 7-6-73

DECISION #AP-823 (Cont'd.)

SEWER AND WATER LINES

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
Open Cut:						
Laborers, probationary (1st 60 days)	$4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheeting-man, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.46	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.595	.28	.35		.05	
Chuck tender, powdermen in prime house, form setters and movers, nippers, cablemen, hosemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.895	.28	.35		.05	
Miners, rodmen, re-bar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers, diamond drill, riggers, cement finishers underground, welders and burners, shield driver, air-track, shotcrete nozzleman & potman	7.545	.28	.35		.05	
Mucking machine operator (air)	7.795	.28	.35		.05	
COMPRESSED AIR: (per day)						
Guage Pressure Pounds / Work Period						
From 1 to 14 — 7 hours	69.06	a	b		d	
" 14 to 18 — 6 hours	72.23	a	b		d	
" 18 to 22 — 5½ hours	75.39	a	b		d	
" 22 to 26 — 5 hours	78.56	a	b		d	
" 26 to 32 — 4 hours	81.72	a	b		d	
" 32 to 38 — 3 hours	84.89	a	b		d	
" 38 to 44 — 2½ hours	88.05	a	b		d	

FOOTNOTES:

a. Employer contributes $2.24 per day to Health & Welfare.

b. Employer contributes $2.80 per day to Pension.

c. $4.00 per week when employee has worked 90 days; and works three days in any work week.

d. Employer contributes .40 per day to Apprentice Training.

SUPERSEDEAS DECISION

STATE: Colorado
COUNTY: El Paso
DECISION NUMBER: AP-918
DATE: Date of Publication
Supersedes Decision No. AP-233 dated September 15, 1972, in 37 FR 18861
DESCTIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.00	.25	.70		.02	
BOILERMAKERS	8.25	.30	1.00		.04	
BRICKLAYERS; Stonemasons	7.72	.30	.50			
CARPENTERS:						
Zone I (0-30 miles from nearest basing point)	6.92	.45	.40	.30	.03	
Zone II (30-60 miles from nearest basing point)	7.17	.45	.40	.30	.03	
Zone III (60 miles and over from nearest basing point)	7.42	.45	.40	.30	.03	
Millwrights	7.24	.40	.40	.40	.04	
CEMENT MASONS:						
Cement masons	6.90	.30	.50	.60	.03	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03	
ELECTRICIANS	8.10	.32	1%		.01	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70 %JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS	7.25	.50	.60		.04	
PAINTERS:						
Brush and roller; Tapers; Texture	6.10	.40	.20		.02	
Paperhangers; Spray; Steel	6.60	.40	.20		.02	
PLASTERERS	8.19			.50	.01	
PLUMBERS; Pipefitters	6.96	.45	.40	1.17	.05	
ROOFERS	7.58					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.75	.30	.50		.05	
TILE SETTERS	6.74	.30	.50			
TILE SETTERS' HELPERS	5.65	.38	.20	.25		

AP-918 P. 2

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION:						
LABORERS:						
General laborers	$4.75	.37	.40		.05	
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05	
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	
HEAVY AND HIGHWAY CONSTRUCTION						
Carpenters	$6.57	.45	.45	.30	.03	
Underground Carpenters	6.72	.45	.45	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

XUM

AP-918 P. 3

CO-2-1AR-2-3-a (1-3)

Heavy & Highway - Site Preparation - Sewer Construction

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Reno mattresses	$4.55	.37	.40		.05
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05
GROUP III Hot asphalt laborer; Rakers; Box-tenders Asphalt curb machines; Potmen (not mechanical)	4.68	.37	.40		.05
GROUP IV Multi-plate culvert pipe; Air, gas and electric tools operators; Laser Beamers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stressor or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05

AP-918 P. 4

CO-2-1AR-2-3-a (2-3)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated)and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Hellers and steamer; Licensed powderman; Diamond and core drills powered by air	5.13	.37	.40		.05
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05

AP-918 P. 5

CO-2-1AR-2-3-a (3-3)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
(PIPELINES) All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work	$4.55	.37	.40		.05
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.79	.37	.40		.05
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05
Mixer man	4.93	.37	.40		.05
GROUP VI Pipelayer	5.00	.37	.40		.05

AP-918 P. 6

CO-3-1AR-2-3-a (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Outside laborers	$4.55	.37	.40		.05
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05
GROUP V Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblasters; pump concrete placement men	5.55	.37	.40		.05
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS) GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05

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LABORERS (TUNNEL) (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
GROUP III Helpers on shotcrete, gunnitting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bo'sn chair, swinging stage, life belt or block and tackle	5.83	.37	.40		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP 1 Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants-with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over)(with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.	$6.45	.37	.45	.20	.03	
GROUP V Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over	6.60	.37	.45	.20	.03	
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

POWER EQUIPMENT OPERATORS: (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
BRAKEMAN	$5.75	.37	.45	.20	.03	
MOTORMAN	6.10	.37	.45	.20	.03	
COMPRESSOR (900 CFM & OVER), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
CONCRETE PLACEMENT PUMPS 8" & OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
MOLE	7.00	.37	.45	.20	.03	
LINE CONSTRUCTION:						
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator; Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

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AP-918 P. 11
CO-1-TD-1-2-3-d (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO AND INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO AND INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO AND INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to and incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO AND INCL. 29 CU. YDS. ; Truck driver snow plow	5.65	.30	.20	.10		

AP-918 P. 12
CO-1-TD-1-2-3-d (2-2)

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO AND INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO AND INCL. 54 CU. YDS.	6.00	.30	.20	.10		

NOTICES

SUPERSEDEAS DECISION

STATE: Iowa
COUNTY: Linn (Except City of Cedar Rapids and abutting municipalities)
DECISION NO.: AP-536
DATE: Date of Publication
Supersedes Decision No. AP-213, dated August 11, 1972, in 37 FR 16264.
DESCRIPTION OF WORK: Heavy and Highway Construction

AP-536 P. 2

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN	$5.66	.21				
CEMENT MASONS	5.40					
LABORERS:						
Sandblasters; Powderman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air trac, wagon drills and similar drills	5.25	.30	.10			
Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work	5.00	.30	.10			
Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers	4.75	.30	.10			
Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room man and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers	4.60	.30	.10			

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS (CONT'D):						
Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	$4.50	.30	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Two or push boat operator; Piledriver machine operator	$6.15	.30	.30		.01	
Asphalt plant operator; Asphalt pugmill operator; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machine, slip form paving operator	6.00	.30	.30		.01	

NOTICES

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AP-536 P. 3

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, backhoe under 3/8 cu. yd.	$5.75	.30	.30		.01	
Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) ~~pump-on-rail points and deep wells~~ for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator	5.55	.30	.30		.01	
Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck	5.35	.30	.30		.01	

AP-536 P. 4

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller	$5.05	.30	.30		.01	
TRUCK DRIVERS:						
Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry all and winch trucks, dump cretes and scoopmobiles	4.25	.25				
Truck drivers for semi and tandem; Ready mix; Dumpster; Drivers on: tandem axle service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournepulls or similar equipment used for transportation, pavement breakers, pole trailers; Drivers on air compressors and welding machines, including those pulled by separate units	4.35	.25				

SUPERSEDEAS DECISION

STATE: Missouri COUNTIES: St. Louis & St. Charles
DECISION NO.: AP-534 DATE: Date of Publication
Supersedes Decision No. AP-505, dated September 1, 1972, in 37 FR 17933
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy & Highway Construction.

11 - MO - 1-2 (1-3)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY BUILDING - ST. CHARLES COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Asbestos workers	$8.53	.20	.17	1	
Swing stage or bosun's chair	8.78	.20	.17	1	
Asbestos workers requiring spray in application	8.78	.20	.17	1	
BOILERMAKERS	8.40	.30	1.00		.02
BRICKLAYERS; Stonemasons	6.25	.52	.70	5%	
CARPENTERS:					
Carpenters; Millwrights; Piledrivermen	8.66	.30	.30		
CARPENTERS (St. Charles Co.-Only):					
Contracts under $100,000	6.95	.25	.30		
Contracts $100,000 or more	8.66	.30	.30		
CARPET, LINOLEUM	7.36	.38	.30	.45 +	.10
CEMENT MASONS	8.20	.60	.40		
ELECTRICIANS	7.76	5%	1% + 5½%	11%a+4½%	1%
ELEVATOR CONSTRUCTORS	8.25	.345	.23	2% + b&c	.015
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.345	.23	2% + b&c	.015
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
GLAZIERS	8.04	.41	.68	8% + j	.01
IRONWORKERS:					
Structural; Ornamental; Reinforcing	8.325	.40	.55		.05
LABORERS:					
Unskilled	7.025	.30	.50		.02
Wrecking	6.90	.30	.50		.02
Plasterers tenders	7.025	.30	.30		
Plumbers laborers	7.10	.30	.30		
Mason tenders (hod carriers)	6.45	.30	.50		
Dynamiter or powderman	7.525	.30	.50		.02
LATHERS	8.00				.01
MARBLE SETTERS	7.19	.17	.45		
MARBLE SETTERS HELPERS	6.68				
PAINTERS:					
Painters	6.83	.12	.30	.21	
Brush (within St. Charles city limits only)	4.60				
PIPEFITTERS	7.55	1.30	.90		
PLASTERERS	8.10	.325	.25		
PLUMBERS	8.555	.40	.40	.80h	
ROOFERS:					
Composition; Slate and tile	6.85	.27	.30		.03
Kettlemen	4.95	.27	.30		.03

AP-534 P. 2

11 - MO - 1-2 (2-3)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY BUILDING - ST. CHARLES COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Cr
SANDBLASTERS & BUILDING CLEANERS	$7.38	.20	.30			
SHEET METAL WORKERS	5.91	3%	5%	8%		
SPRINKLER FITTERS	9.355	.30	.50		.03	
STONE DERRICKMAN	6.35	.40	.50			
TERRAZZO WORKERS	7.55					
TERRAZZO WORKERS HELPERS:						
Floor machine operator	4.60					
Base machine operator	4.90					
TILE SETTERS	7.41	.325	.50	c		
TILE SETTERS HELPERS	6.63	.175		i		
TRUCK DRIVERS:						
Truck or trailers of a water level capacity of 11.99 cu. yds. or less; fork lift trucks; job site ambulances; pick-up trucks; flat bed trucks	6.49	e	f	g & k		
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	6.69	e	f	g & k		
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	6.79	e	f	g & k		
HEAVY & HIGHWAY CONSTRUCTION (St. Charles County Only):						
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN	8.21	.25	.30		.03	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

38 FR 18141

AP-534 P. 3

11 - MO - 1-2 (3-3)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS
CITY & COUNTY
BUILDING - ST. CHARLES COUNTY

FOOTNOTES:

a - Includes 4% Holiday Fund.

b - 1st. 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly ra

c - Paid Holidays: (A, C, D, E, H, J).

e - Employer contribution of $12.50 per week.

f - Employer contribution of $12.00 per week.

g - Paid Holidays: (A, C, D, E, G, H, I, J).

h - Includes $.30 Holiday Fund.

i - Paid Holidays: (A, C, D, E, G, H, J).

j - Paid Holidays: (A through J).

k - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year.

PAID HOLIDAYS:

A - New Year's Day; B- Washington's Birthday; C- Memorial Day; D- Independence Day
E - Labor Day; F- Columbus Day; G- Veterans Day; H- Thanksgiving Day; I- Friday after Thanksgiving Day; J- Christmas Day.

AP-534 P. 4

11-MO-PEO-1-2-3-i (1-4)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS
CITY & COUNTY

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
Group I Backhoe; cableway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power (steam, gas, electric or other powers) Switch boat; Whirley	$8.02	.35	.40	✱		
Group II Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator - push boat or tow boat (job site); Boiler, high pressure breaking in period; Boom truck, placing or erecting; Boring machine footing foundation; Bullfloat; Cherry picker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five feet apart; Compressor-welder combination; Concrete breaker (truck or tractor mounted); Concrete pump, such as a pumperete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, hydraulic - rough terrain, self-propelled; Crane hydraulic -truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine, self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick						

AP-534 P. 5

11-MO-PEO-1-2-3-i (2-4)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS
CITY & COUNTY

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
Group II (Cont'd) (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine (such as Barber-Greene); Mechanic, on jobsite; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant asphalt; Plant, concrete producing or ready-mix jobsite; Plant, heating-job site; Plant mixing-job site; Plant, power, generating-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Subgrader; Tie tamper; Tractor-crawler or wheel type with or without, power unit, power take-offs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four (regardless of size); Well drilling machine	$8.02	.35	.40	✱		
Group III Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compressor, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator (building construction or alteration); Endless chain hoist; Fireman; Form grader; Generator, one over 30 KW or any number developing over 30 KW; Greaser Hoist, one drum regardless of size (except brick or concrete;						

AP-534 P. 6

11-MO-PEO-1-2-3-i (3-4)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS
CITY & COUNTY

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
Group III (Cont'd) Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity; Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pugmill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck	$7.47	.35	.40			
Group IV Boat operator-outboard motor (jobsite); Conveyor (such as Con-Vay-it) regardless of how used; Oiler; Sweeper, floor	7.02	.35	.40			
Group V Air pressure; Oiler engineer; Operating under ten pounds	8.82	.35	.40			
Air pressure; Oiler engineer operating over ten pounds	9.57	.35	.40			
Air pressure engineer operating under ten pounds	10.02	.35	.40			
Air pressure engineer operating over ten pounds	10.77	.35	.40			
Crane-pile driving with leads; Crane using rock socket tool; Dragline - 7 cu. yds. & over; Shovel, power - 7 cu. yds. and over; Crane, climbing (such as linden); Derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; Hoist, three or more drums; Scoop, tandem; Tractor, tandem crawler	8.52	.35	.40			
Heaters	7.52	.35	.40			

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AP-534 P. 7

11-MO-PEO-1-2-3-4 (4-4)

BUILDING, HEAVY & HIGHWAY - ST. LOUIS CITY & COUNTY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (CONT'D)						
Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.						
Mud jack (where mud jack is used in conjunction with an air compressor operator)	$ 8.02	.35	.40			
Work in tunnel or tunnel shaft, 25¢ above base rate						

AP-534 P. 8

MO 4-PEO-1 (1-2)

BUILDING CONSTRUCTION - ST. CHARLES COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Group I Asphalt finishing machine & trench widening spreader; Asphalt plant console operator; Autograder; Automatic slipform paver; Backhoe; Blade operator-all types; Boat operator-tow; Boilers - 2; Central mix concrete plant operator; Clamshell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engineman; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Launchhammer wheel; Locomotive operator-standard gauge; Mechanics and welders; Mucking machine; Piledriver operator; Pitman crane operator; Push cat operator; Quad Trac; Scoop operator - all types; Shovel operator; Sideboom cats; Skimmer scoop operator; Trenching machine operator; Truck crane.	7.50	.35	.40		.02	
Group 2 A-frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Barber-Greene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator-skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator-narrow gauge; Multiple compactor; Pavement breaker; Powerbroom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor operator (over 50						

NOTICES

AP-534 P. 9

MO 4-PEO-1 (2-2)

BUILDING CONSTRUCTION - ST. CHARLES COUNTY	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS (CONT'D)						
H.P.); Welding machine maintenance operator - 2; Winch truck	7.30	.35	.40		.02	
Group 3 Boilers - 1; Chip spreader (front man); Churn drill oper.; Clef plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rig; Flex plane operator; Float operator; Form grader operator; Generator-maintenance operator; Light plant-maintenance operator; Maintenance operator; Oiler driver; Pugmill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Screening & washing plant oper.; Siphons & jets; Sub-grading machine operator; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulmac, Ulric or similar spreaders; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1	7.10	.35	.40		.02	
Group IV Oiler	6.60	.35	.40		.02	
Clamshells, 3 yd. capacity or over; Crane, rigs or piledrivers 100 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over	7.75	.35	.40		.02	
Crane, rigs or piledrivers 200 ft. or over	8.25	.35	.40		.02	
Tandem scoop operator	8.00	.35	.40		.02	
Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.						

AP-534 P. 10

MO. 5-PEO-2,3 (1-2)

HEAVY & HIGHWAY CONSTRUCTION ST. CHARLES COUNTY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
POWER EQUIPMENT OPERATORS						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator-all types; Boat Operator; Boilers-2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, Self-propelled; Highloader; Hoisting Engine-2 or more active drums; Launchhammer Wheel; Locomotive Operator - standard guage; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$8.00	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Operator; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mix Operator, Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine-1; Locomotive Operator-narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom-self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator-2; Winch Truck	7.80	.35	.40		.02	

NOTICES

XUM

AP-534 P. 11

HEAVY & HIGHWAY CONSTRUCTION
ST. CHARLES COUNTY

MO. 5-PEO-2,3 (2-2)

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Boilers-1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator -1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Fireman on Asphalt Plants, drum or boiler; Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	$7.60	.35	.40		.02	
Oiler	7.10	.35	.40		.02	
Dragline Operator-3 yds. & over; Shovel -3 yds. & over; Clamshell-3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.25	.35	.40		.02	
Scoop Operator, tandem; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.50	.35	.40		.02	

AP-534 P. 12

HEAVY & HIGHWAY CONSTRUCTION
ST. CHARLES COUNTY

MO. 25 - LAB - 2,3 (1-2)

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
General Labor Carpenter Tenders; Salamander Tenders; Dump Man on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$6.525	.30	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler-Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers-Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in Connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (Paving only); Straw Blower Nozzleman.	6.675	.30	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men working in Coffer Dams for Bridge Piers and Footings in the River.	6.825	.30	.40		.10	

AP-534 P. 13

HEAVY & HIGHWAY CONSTRUCTION
ST. CHARLES COUNTY

MO. 25 - LAB - 2,3 (2-2)

LABORERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills; All other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from Scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	$7.025	.30	.40		.10
Fourth Semi-Skill Manhole Builders-Brick or Block; Dynamite and Powder Men; Welder	7.275	.30	.40		.10

HEAVY & HIGHWAY CONSTRUCTION
ST. CHARLES COUNTY

MO. 1-TD-2,3

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Flat bed trucks - single axle	$8.10				
Flat bed trucks - tandem axle	8.25				
Station wagons	8.10				
Pickup trucks	8.10				
Material trucks - single axle	8.10				
Material trucks - tandem axle	8.25				
Semi and/or pole trailers	8.32				
Winch, fork and steel trucks	8.32				
Distributor drivers and operators	8.32				
Agitator and transit mix trucks	8.21				
Tank wagon - single axle	8.10				
Tank wagon - semi-trailer	8.32				
Tank wagon - tandem axle	8.25				
Inaley wagons, dumpsters, half-tracks, speedace, euclids, and other similar equipment	8.32				
A-frame and derrick trucks	8.32				
Float or low boy	8.32				
Warehouseman	8.00				

XUM

SUBSISTENCE DECISION

STATE: New Mexico
DECISION NO.: AP-740
Supersedes Decision No. AP-739 dated May 11, 1973 in 38 FR 12674.
DESCRIPTION OF WORK: General Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Engineering Construction.

COUNTY: Statewide
DATE: Date of Publication

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	$7.50	.50	72a		.03	
Asbestos workers (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	7.25	.30	.25		.02	
Boilermakers	7.00	.60	.75		.02	
Bricklayers (Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Sierra, Mora, McKinley, Colfax, Catron San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties:						
From basing point of Albuquerque Main Post Office:						
Zone (1) - 0 to 25 road miles	6.29	.26	.40	.80		
Zone (2) - 25 to 50 road miles	6.79	.26	.40	.80		
Zone (3) - Over 50 road miles	7.29	.26	.40	.80		
Bricklayers - Stonemasons:						
Chaves County	7.42	.26				
Lincoln County	7.42	.26				
Bricklayers - Stonemasons:						
Curry and Roosevelt Counties	7.42	.26				
DeBaca, Guadalupe and Quay Counties	7.42	.26				
Bricklayers - Stonemasons:						
Lea and Eddy Counties	7.42	.26				
Bricklayers - Stonemasons (Otero County)	7.42	.26				
Bricklayers - Stonemasons:						
Dona Ana, Luna, Grant, Hidalgo, and Sierra Counties	6.21	.26			.02	
Carpenters (Statewide):						
From nearest basing points of the following cities or towns:						
Alamagerdo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Eunice, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumcari:						
Zone (1) - 0 to 15 road miles from nearest basing point:						
Carpenters	6.75	.38	.40		.08	
Millwrights - Piledrivermen	6.16	.30	.40	.25	.04	
Zone (2) - 15 to 35 road miles from nearest basing point:						
Carpenters	7.50	.38	.40		.08	
Millwrights - Piledrivermen	6.66	.30	.40	.25	.08	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters (Cont'd)						
Zone (3) - Over 35 road miles from the nearest basing point:						
Carpenters	7.75	.38	.40		.08	
Millwrights - Piledrivermen	6.91	.30	.40	.25	.04	
Cement Masons:						
Cement Masons	5.62	.38				
Machine, composition or mastic	5.87	.38				
Electricians:						
Bernalillo, Santa Fe, Torrance, Debaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.						
From nearest basing point cities or towns and mileage from main post office in the following towns:						
Albuquerque - 15 miles						
Santa Fe - 10 miles						
Las Vegas - 8 miles						
Farmington - 8 miles						
Raton - 6 miles						
Socorro - 6 miles						
Zone (1) Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town:						
Electricians	7.80	.25	1% + .30		1/7%	
Cable splicers	8.58	.25	1% + .30		1/7%	
Zone (2) Shall extend up to 20 miles beyond Zone 1						
Electricians	8.35	.25	1% + .30		1/7%	
Cable splicers	9.13	.25	1% + .30		1/7%	
Zone (3) Shall extend up to 30 miles beyond Zone 1:						
Electricians	8.81	.25	1% + .30		1/7%	
Cable splicers	9.59	.25	1% + .30		1/7%	
Zone (4) Any area beyond 30 miles from Zone 1:						
Electricians	9.36	.25	1% + .30		1/7%	
Cable splicers	10.14	.25	1% + .30		1/7%	
Electricians (Los Alamos County):						
Electricians	8.81	.25	1% + .30		1/7%	
Cable splicers	9.59	.25	1% + .30		1/7%	

AP-740 P. 3

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians (Chaves, Lincoln and Roosevelt Counties):						
The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales and Carrizozo:						
Zone (a) 0 to 12 miles from main PO:						
Electricians	6.70		1%		1/10%	
Cable splicers	7.05		1%		1/10%	
Zone (b) 12 to 22 miles from main PO:						
Electricians	6.95		1%		1/10%	
Cable splicers	7.30		1%		1/10%	
Zone (c) Anything beyond 22 miles from main post office:						
Electricians	7.10		1%		1/10%	
Cable splicers	7.45		1%		1/10%	
Electricians (Curry County):						
Electricians	6.90	.25	1%		1/2%	
Cable splicers	7.59	.25	1%		1/2%	
Electricians:						
Zone I - Within 5 mile radius from the Post Office in Las Cruces and Alamogordo:						
Electricians	7.05	.25	1%		1/2%	
Cable splicers	8.05	.25	1%		1/2%	
Zone II - Dona Ana, Otero, Luna and Hidalgo Counties (Except that area specified in Zone I)						
Electricians	7.80	.25	1%		1/2%	
Cable Splicers	8.05	.25	1%		1/2%	
Electricians (McKinley County and that Part of San Juan County, New Mexico which comprises part of the Navajo Indian Reservation.						
Zone (a) Includes the City of Gallup and extending 10 road miles from Main Post Office:						
Electricians	7.35	.25	1%		1/2%	
Cable Splicers	8.09	.25	1%		1/2%	
Zone (b) extending up to 20 road miles beyond Zone (a):						
Electricians	7.86	.25	1%		1/2%	
Cable Splicers	8.60	.25	1%		1/2%	
Zone (c) extending up to 30 road miles beyond Zone (a):						
Electricians	8.31	.25	1%		1/2%	
Cable splicers	9.05	.25	1%		1/2%	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Electricians (McKinley County and that Part of San Juan County, New Mexico which comprises part of the Navajo Indian Reservation (Cont'd)						
Zone (d) anything extending 30 road miles beyond Zone (a):						
Electricians	8.82	.25	1%		1/2%	
Cable splicers	9.56	.25	1%		1/2%	
Electricians (Eddy and Lea Counties)						
The following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:						
Zone (a) 0 to 12 miles from main PO:						
Electricians	6.85	.25	1%		.01	
Cable splicers	7.20	.25	1%		.01	
Zone (b) 12 to 22 miles from main PO:						
Electricians	7.20	.25	1%		.01	
Cable splicers	7.55	.25	1%		.01	
Zone (c) 22 to 40 miles beyond main PO:						
Electricians	7.35	.25	1%		.01	
Cable splicers	7.70	.25	1%		.01	
Zone (d) 40 miles and beyond main PO:						
Electricians	7.60	.25	1%		.01	
Cable splicers	7.95	.25	1%		.01	
Elevator Constructors:						
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:						
Elevator constructors	7.20	.345	.23	2%+b+c	.015	
Elevator constructors helpers	70%JR	.345	.23	2%+b+c	.015	
Elevator constructors prob.	50%JR					
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:						
Elevator constructors	5.41	.195	.20	2%+b+c		
Elevator constructors helpers	70%JR	.195	.20	2%+b+c		
Elevator constructors prob.	50%JR					
Glaziers:						
Dona Ana, Luna, Otero and Quay Cos.	4.87	.24				
Remaining Counties	5.09				.02	

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AP-7h0 P. 5

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Ironworkers:						
Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, and Valencia Counties	7.09	.40	.65			
Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range: Chaves County: Eddy County except the Potash Basin and definsd as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad	7.19	.40	.50		.05	
Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties: also Potash Basin, White Sands and McGregor Missile Ranges	8.19	.40	.50		.05	
Lathers:						
Lathers (Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties)	5.575	.26		.34	.02	
Lathers (Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties)	5.70				.01	
Marble, Tile and Terrazzo workers:						
Bernalillo, Sandoval, Santa Fe, and Valencia Counties with the exception of a 15 mile radius from the center of the city of Cuba in Sandoval County and Grants in Valencia	5.775	.25				
Catron, Chaves, Colfax, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance and Union Counties, and 15 mile radius from the center of the city of Cuba in Sandoval and Grants in Valencia	6.90	.25				
Marble, Tile and Terrazzo helpers:						
Bernalillo, Sandoval, Santa Fe and Valencia Counties with the exception of a 15 mile radius from the center of the city of Cuba in Sandoval						

AP-7h0 P. 6

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Marble, Tile & Terrazzo helpers: (Cont.)						
County and Grants in Valencia	4.30	.25				
Catron, Chaves, Colfax, Curry, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance, Union and 15 mile radius from the center of the city of Cuba in Sandoval and Grants in Valencia	5.425	.25				
Painters:						
San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:						
Painters, roller and Hand texture	5.52	.30	.20		.01	
Painters, spray, sandblasting, painter on steel bridges, tanks, towers, pipes and structural	6.02	.30	.20		.01	
Paperhanger	5.77	.30	.20		.01	
Drywall finisher: Ames tool operator	6.10	.30	.20		.01	
Hand finisher machine texture	5.85	.30	.20		.01	
Painting 30 to 75 feet above ground or floor	6.17	.30	.20		.01	
Painters 75 feet or more above ground or floor - 1/2 cent per foot above the 75 foot scale.		.30	.20		.01	
Painters:						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties:						
Painters and roller	5.00					
Paperhangers	5.25					
Spray; sandblast; pressure roller, and gunnite operator	5.65					
Steel painter; bridges, structural steel, machinery tank, towers, pipes boiler rooms and power plant - brush and spray	5.50					
Dry wall finisher:						
Hand finisher	5.50					
Ames tool operator and machine finishing	5.75					
High pay:						
30 to 75 feet	5.50					
75 to 100 feet	6.00					
100 feet and over	7.00					

AP-7h0 P. 7

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties: (Cont'd)						
Brush, Paperhangers, chipping and hand tools used for cleaning rollers	4.75	.24				
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.14	.24				
Spray, sandblasting, waterblasting, swing stage	5.415	.24				
Painters (Lea and Eddy Counties):						
Painters, rollers and dry wall finisher	4.85	.25				
Sandblaster, pot tender, paperhanger	5.10	.25				
Spray	5.35	.25				
Painters (Luna, Otero and Dona Ana Counties)						
Brush	5.25	.24				
Spray, swing stage, sand water blasting spray and blasting on stage	5.645	.24				
Ames tool	5.385	.24				
Tapers	5.25	.24				
Steel brush	5.385	.24				
Stripping machine	5.645	.24				
Radio towers, water tanks, smoke stacks:						
Over 100 feet	6.05	.24				
200 to 300 feet - 25c above scale		.24				
300 to 400 feet - 50c above scale		.24				
400 feet and over - 75c above scale		.24				

AP-7h0 P. 8

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Plasterers	$6.20	.38			.06	
Plumbers - Pipefitters:						
Basing Point Cities or Towns:						
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Trucumcari, Truth or Consequences						
Zone (1) Shall extend a distance of five (5) road miles inclusive beyond the city or town limits of any of the basing point cities or towns as set forth above	8.00	.36	.49		.09	
Zone (2) Shall extend a distance of eight (8) road miles inclusive beyond the outer perimeter of Zone (1)	8.25	.36	.49		.09	
Zone (3) Shall extend a distance of ten (10) miles inclusive beyond the perimeter of Zone (2)	8.50	.36	.49		.09	
Zone (4) Shall extend a distance of twelve (12) road miles inclusive beyond the outer perimeter of Zone (3)	8.75	.36	.49		.09	
Zone (5) Shall extend a distance of ten (10) road miles inclusive beyond the outer perimeter of Zone 4	9.25	.36	.49		.09	
Zone (6) Shall apply to all areas not within Zones 1, 2, 3, 4 or 5	9.50	.36	.49		.09	
Plumbers - Pipefitters:						
Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex sites in Chaves and Lincoln Counties, and the Oro Grande Camp in Dona Ana and Otero Counties	8.63	.36	.49		.09	
Roofers	5.50					
Sheet Metal Workers:						
Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San	—					

XUM

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Sheet Metal Workers: (Cont'd) Miguel, Santa Fe, Socorro, Union, Taos, Torrance and Valencia Counties	7.11	.31	.25		.02	
Sheet Metal Workers: Kirtland Air Force Base, Sandia Base and Los Alamos County	7.11	.31	.25		.02	
Sheet Metal Workers: San Juan County	7.11	.31	.25		.02	
Sheet Metal Workers: Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties	7.10	.29	.05		.005	
Sheet Metal Workers: Holloman Air Force Base, White Sands and McGregor Ranges	8.35	.20			.05	
Soft Floor Layers: Dona Ana, Luna and Otero Counties	5.61	.24			.02	
Remainder of State	5.60	.25				
Truck Drivers: Dump or batch truck, under 8 cu. yds. WLC, Flat bed (bobtail) 2 ton and under, warehousemen including material checker	4.34	.26				
Distributor driver, truck and trailer (flat-bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C.						
Lumber carrier driver-young-buggy or similar equipment driver, transit mix, driver-scissor truck	4.54	.26				
Dumpster and dumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gals., capacity, lowboy light equipment driver	4.59	.26				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster. Lowboy heavy equipment driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.93	.26				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., Flat bed (bobtail) over 2 ton, heavy tire repair	4.42	.26				

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers: (Cont'd) Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	4.22	.26				
Spreader box Driver	4.27	.26				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.73	.26				
Vacum truck, dump truck 20 to 30 yds. WLC	4.69	.26				
Sound Installers: Bernalillo County	6.75	.25	1%		1/7%	
Sound Installers: Valencia, Sandoval, Santa Fe, Torrance and Socorro Counties	7.49	.25	1%		1/7%	
Sound Installers: Guadalupe, DeBaca, Quay, Mora, San Miguel, Harding, Union, Taos, Colfax, Rio Arriba, Catron, Sierra, Grant, Los Alamos and San Juan Counties excluding the Navajo Indian Reservation in the State of New Mexico	8.98	.25	1%		1/7%	
Sprinkler Fitters	8.35	.30	.50		.05	
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. Includes $0.07 contribution to the Occupational Health Fund.
b. lst. 6 mos. - none; 6 mos. to 5 yrs., 2%; over 5 yrs., 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Group I Fireman, Oiler Helpers-Mechanic, Welder, Grease truck, Screedman, Scale op. such as bin-a-batch, Rubber-tired farm type tractor, Tractors under 50 HP w/out attachments), Concrete paving curing machine bridge.	$4.48	.20	.10		.03	
Group IA Rollers, Sheepsfooter, Pneumatic, Self-propelled without Dozer, Concrete conveyor, Service Truck Operator (Head Oiler)	5.02	.20	.10		.03	
Group II Air Compressor (300 CFM & over) Pumps (6" & over), Screening plants, Concrete mixers (under 1 c.y.), Concrete saw or Grinder-Span Type, Hoists, 1 Drum, Air Tugger, Elevating Belt Type Loaders, Fork-lift, Lumber Stacker, Front End Loader (under 2 c.y.), Tractor-Farm type (under 50 HP w/attachments), Winch Trucks	5.02	.20	.10		.03	
Group III Asphalt Plants, Bituminous Distributors, Bituminous Finishing machines, Boilers, Retort & Hot oil Heaters, Concrete Batching Plants, Crushing Plants, Concrete Paver, single Drum, Drilling Equipment, Motor Graders-Rough Trenching machines-all types, Concrete mixers (1 cy and over)	5.10	.20	.10		.03	
Group IIIA Pumpcrete & Gunnite machines slipform paver, Mechanical Bull-Floats, Concrete slab spreading machine, Concrete slab finishing machine	5.10	.20	.10		.03	

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (Cont'd)						
Group IV Front end loader (2 thru 7 cy) Rollers, steel wheeled-all types, Bulldozers, Scrapers, Motor or towed, Elevating graders, self-propelled rollers equipped with dozer, Twin-bowl scrapers 35c over basic rate, Three bowl scrapers, 60c over basic rate	$5.16	.20	.10		.03	
Group V Concrete paver-double drum hoists - 2 drum, motor graders, finish, fine Grades and oil work, Cat cranes, Hyaters, Cranes 3/4 cy & under with less than 50' boom, Side & Swing boom cats, Auto-Finegrader, Front End Loader over 7 cy	5.22	.20	.10		.03	
Group VI Mechanic, Welder	5.32	.20	.10		.03	
Group VII Shovel type equipment (under 3/4 cy) Cranes under 20 ton	5.60	.20	.10		.03	
Group VIII Shovel type equipment (3/4to 3 cy) Cranes 20 to 50 ton	5.60	.20	.10		.03	
Group IX Derricks, Guy & Stiffleg, Pile Driver, Shovels, 3 cy & Over, Cranes, 50 ton and over	5.60	.20	.10		.03	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand	$4.02	.26	.15			
SEMI-SKILLED:						
Air and power tool operator, Asphalt raker, Cement masons tenders, Cutting torch operators, Demolition, Gunnite rebound men, Hodcarriers, Mortar mixers, Plaster spreader operators, Plasterer tenders, Fog Machine Oper., Power buggy operators, Rodmen, Sand Blasters (pot men), Window washer, Wagon, core and diamond drillers tenders, outside	4.32	.26	.15			
WAGON, CORE, DIAMOND DRILLERS	4.42	.26	.15			
MISCELLANEOUS						
Gunnite nozzleman, Pipe layer (non-metallic), Pumpcrete nozzleman	4.625	.26	.15			
POWDERMAN AND BLASTERS	4.775	.26	.15			

AP-710 P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Bernalillo County						
CABLE SPLICERS	$7.16	.25	1%		1/2%	
LINEMEN	6.66	.25	1%		1/2%	
TECHNICIANS	6.66	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.34	.25	1%		1/2%	
EQUIPMENT MECHANICS	5.81	.25	1%		1/2%	
POWDERMAN	5.81	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.52	.25	1%		1/2%	
2nd 6 months	4.00	.25	1%		1/2%	
Experienced	4.67	.25	1%		1/2%	

AP-710 P. 15

Remainder of State	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CABLE SPLICERS	$7.82	.25	1%		1/2%	
LINEMEN	7.29	.25	1%		1/2%	
TECHNICIANS	7.29	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.93	.25	1%		1/2%	
EQUIPMENT MECHANICS	6.34	.25	1%		1/2%	
POWDERMEN	6.34	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.85	.25	1%		1/2%	
2nd 6 months	4.37	.25	1%		1/2%	
Experienced	5.11	.25	1%		1/2%	

38 FR 18154

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: SCHENECTADY

DECISION NO: AP-859 DATE: Date of Publication

Supersedes Decision No. AM-1 734 dated August 11, 1971 in 36 FR 14976

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

47-N.Y.-1-2-3-U 1 of 2

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.16	.40	.10			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons, plasterers, stone masons, caulkers & pointers	8.20	.40	.30		.01	
Carpenters:						
Carpenters and soft floor layers, building	7.55	.50	.45		.02	
Millwrights, building	8.05	.50	.45		.02	
Millwrights, heavy and highway	7.67	.50	.45		.025	
Cement masons, heavy and highway	6.08	.25	.20			
Electricians	8.55	.35	1% + .70	a	.05	
Elevator constructors	8.475	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.93	.345	.23	2%+a+b	.015	
Elevator constructors' (probationary) helpers	4.24					
Ironworkers, structural, ornamental and reinforcing	7.74	.50	.25+.60		.02	
Laborers, Building:						
Laborers	6.65	.50	.65			
Air tool op. (jackhammer, vibrator)	6.80	.50	.65			
Asphalt rakers	6.75	.50	.65			
Mortar mixers, hand or machine	6.80	.50	.65			
Wagon drill	6.875	.50	.65			
Blasters	7.125	.50	.65			
Acetylene burners	6.925	.50	.65			
Demolition	6.90	.50	.65			
Lathers	7.935	.275	.10		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicer helpers' and material man	9.00	.45	1%+.25	d	3/8of1%	
Cable splicer	9.75	.45	1%+.25	d	3/8of1%	
Groundman digging machine operator	8.80	.45	1%+.25	d	3/8of1%	
Groundman mobile equipment operator	8.30	.45	1%+.25	d	3/8of1%	
Groundman truck driver and mechanic	7.90	.45	1%+.25	d	3/8of1%	
Groundman dynamite man	8.30	.45	1%+.25	d	3/8of1%	
Painters:						
Brush	7.40	.48	.12			
Structural steel and bridge	8.15	.48	.12			

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47-N.Y.-1-2-3-U 2 of 2

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Spray	$8.15	.48	.12			
Swing scaffold, bosun chair, water towers, flagpoles & window jacks	7.90	.48	.12			
Piledrivermen and dock builders	8.90	.80	1.45	.50	.02	
Plumbers and steam fitters	8.53	.40	.54		.10	
Roofers	8.05	.40	.30		.02	
Sheet metal workers	8.45	.35	.20		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Truck drivers, building:						
Straight, winch, transit-mix and road oilers	7.09	.37	.37	e	.02	
Euclids	7.34	.37	.37	e	.02	
Dump, pick-up, panel, water & fuel	7.09	.37	.37	e	.02	
Lowboy or lowboy trailer	7.24	.37	.37	e	.02	
Welders - Receive rate for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: D and E; 2 hours on Election Day. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week's vacation after one year's work; 2 weeks' vacation after 5 years work.

AP-859 P. 3

NY-29-LAB-2-3-F

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$6.26	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, hull float tamper, pipelayers	6.46	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.66	.50	.65	a		
Blasters, fern setters, stone or granite curb setters	6.86	.50	.65	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

AP-859 P. 4

Building, Heavy & Highway Construction in City of Schenectady and Building Construction in Remainder of County.

N.Y. 3-PEO-1-F

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators:						
Oilers	6.74	.65	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.65	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temperary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.65	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, Loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers	7.12	.65	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or load hoists, post hole diggers, trackvators, core and well drillers (one drum), econemobile and similar type machines, elevators, A-L frame winches, power heisting(single drum)	7.26	.65	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	7.425	.65	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master) euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and ever), mucking machine	7.48	.65	.35	a	.10	
Maintenance engineer	7.51	.65	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

XUM

AP-859 P. 5

N.Y. 23-HEO-2-3-G

Heavy and Highway Construction
Remainder of County

POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, caisson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.75	.65	.25	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry pickers 5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Koleman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road widener, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.45	.65	.25	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,000 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines					

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N.Y. 23-HEO-2-3-G 2 of 2

Heavy and Highway Construction
Remainder of County (Cont'd)

POWER EQUIPMENT OPERATORS: (cont'd)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	O
(4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$7.00	.65	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.85	.65	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

NOTICES

AP-859 P. 7

N.Y. 1-TD-2-3-F

HEAVY AND HIGHWAY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.08	.40	.35	a		
Tandems and batch trucks, mechanics dispatcher	6.13	.40	.35	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.18	.40	.35	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.33	.40	.35	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.48	.40	.35	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

NOTICES

XUM 37 6 JUL 6921-83V

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: RENSSELAER
DECISION NO: AP-860
DATE: Date of Publication

Supersedes Decision No. AM-1.733 dated August 11 1971 in 36 FR 14972

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

42-N.Y.-1-2-3-U 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.16	.40	.10		.01	
Boilermakers	8.705	.50	10%		.01	
Bricklayers	8.20	.40	.30		.01	
Carpenters, Building:						
Carpenters	7.55	.50	.45		.025	
Millwrights	8.05	.50	.45		.025	
Carpenters, Heavy and Highway:	7.67	.50	.45		.025	
Cement masons, building	8.20	.40	.30		.01	
Cement masons, heavy and highway	6.08	.25	.20			
Electricians:						
Rensselaer, Greenbush, Castleton on Hudson and Nassau	8.50	.30	1%+.35	a		
Remainder of County	9.20	.15	1%+.20	g	h	
Elevator constructors	8.475	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	5.93	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	4.24					
Ironworkers, structural, ornamental and reinforcing	7.74	.50	.25+.60		.02	
Laborers, Building:						
Begin at Hudson River extending easterly along Washington Ave., Rensselaer to West Sand Lake to Cherry Plains into the Mass., Line:						
Laborers	6.60	.50	.65			
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	6.75	.50	.65			
Asphalt rakers	6.60	.50	.65			
Demolition	6.85	.50	.65			
Form setters (curb)	6.775	.50	.65			
Wagon drill operator	6.825	.50	.65			
Acetylene burners	6.875	.50	.65			
Blasters	7.075	.50	.65			
Remainder of County:						
Laborers	6.65	.50	.65		.02	
Blasters	7.125	.50	.65		.02	
Acetylene burners	6.925	.50	.65		.02	
Wagon drills	6.875	.50	.65		.02	
Form setters (curb)	6.825	.50	.65		.02	
Asphalt rakers	6.75	.50	.65		.02	
Demolition	6.90	.50	.65		.02	
Pipelayers, hod carriers, mortar mixer, (hand or machine), jackhammer, well pointing, air or gas driven tools, power buggies, air and gas hammers and drills, electric hammers 50 lbs., or over and air, gas or electric tampers and vib.	6.80	.50	.65		.02	

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42-N.Y.-1-2-3-U 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Lathers	$7.96	.25	.10		.01	
Lead burners	8.25	.30		d	.01	
Linemen:						
Linemen, cable splicer helper, and material man	9.00	.45	1%+.25	e	3/8of1%	
Groundman digging machine operator	8.80	.45	1%+.25	e	3/8of1%	
Groundman mobile equipment operator	8.30	.45	1%+.25	e	3/8of1%	
Groundman truck driver and mechanic	7.90	.45	1%+.25	e	3/8of1%	
Groundman dynamite man	8.307	.45	1%+.25	e	3/8of1%	
Cable splicer	9.75	.45	1%+.25	e	3/8of1%	
Painters:						
Brush	7.40	.48	.12			
Structural steel and bridge	8.15	.48	.12			
Spray	8.50	.48	.12			
Piledrivermen, and dock builders	8.70	.80	1.40	.56	.02	
Plasterers	8.20	.40	.50		.015	
Plumbers and steamfitters:						
Troy and vicinity	7.27	.50	.85	.50	.04	
Southern part of county	8.10	.35	.62		.04	
Roofers	8.05	.40	.30		.02	
Sheet metal workers	8.45	.35	.20		.02	
Soft floor layers	7.55	.50	.45		.025	
Sprinkler fitters	8.75	.30	.50		.05	
Stone masons	8.20	.40	.30		.01	
Truck drivers, Building:						
Straight, winch transit-mix on the site, road oilers, dump, pick-up, panel, water trucks and fuel truck on site	7.09	.37	.37	f	.02	
Lowboy or lowboy trailer	7.24	.37	.37	f	.02	
Euclids	7.34	.37	.37	f	.02	
Welders - receive the rate prescribed for craft performing operation to which welding is incidental.						

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42-N.Y.-1-2-3-U 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. One week's vacation after one year's work; 2 weeks' vacation after 5 year's work.

g. Holiday "E" provided employee reports for work the day following the holiday.

h. Employer contributes $15.00 per year to an Apprentice Training Program.

AP-860 P.4

NY-27-LAB-2-3- E

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C...
LABORERS:						
Laborers and driller helpers	$5.78	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	5.98	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.18	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.38	.50	.65	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F, providing the employee works the day before and after the holiday.

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N.Y. 3-PEO-1-F

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: City of Troy, Building, Heavy and Highway Construction; Remainder of County, Building Construction						
Power Equipment Operators:						
Oilers	6.74	.65	.35	a	.10	
Firemen and heavy duty greasers, all boilers and steam generators	6.87	.65	.35	a	.10	
Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, belterete power pac (beltcrete system), electric submersible pump 4" and over	6.93	.65	.35	a	.10	
Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form line graders, power brooms and sweepers	7.12	.65	.35	a	.10	
Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or lad hoists, post hole diggers, trenchers, rota and well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting(single drum)	7.26	.65	.35	a	.10	
LeTourneau graders or scrapers, trenching machines, push cart	7.425	.65	.35	a	.10	
Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHS Vibrotamp or similar machines, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt concrete plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and ever), mucking machine	7.45	.65	.35	a	.10	
Maintenance engineer	7.51	.65	.35	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

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N.Y. 23-PEO-2-3-G 1 of

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.
Heavy and Highway Contruction Remainder of County					
POWER EQUIPMENT OPERATORS: Automatic fine grader, backhoe (except tractor mounted, rubber-tired), blacktop, plant (automated), cableway, calyson auger, central mix concrete plant (automated), Cherry picker-over 5 tons capacity, crane, cranes & derricks (steel erection), dragline, dual drum paver, excavator-all purpose-hydraulically operated, front end loader (4 C.Y. & over), hoist, two or three drums pile-driver, power grader with elevating loader attachment, Quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel	$7.75	.65	.25	a	.10
Backhoe (tractor mounted, rubber-tired) bituminous spreader & mixer, blacktop plant (non-automated), boring machine cage hoist, central mix plant (non-automated) & all concrete batching plants, cherry picker-5 tons & under, compressors (4 or less) exceeding 2,000 C.F.M. combined capacity, concrete paver (over 16-S), concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs., & over), hoist, one drum, Kolman plant loader & similar type loaders (if employer requires another man to clean screen or to maintain the equipment he shall be an oiler), maintenance engineer, mixer for stabilized base, self, propelled, monorail machine plant engineer, power grader, pump crete, ready-mix concrete plant, maintenance grease man, road vidcaer, roller (all above subgrade), side boom, tractor scraper, tractor with dozer &/or pusher, winch	7.45	.65	.25	a	.10
Compressors (4 not to exceed 2,000 C.F.M. combined capacity; or 3 or less with more than 1,200 C.F.M., but not to exceed 2,600 C.F.M. compressors (any size but subject to other provision for compressors), dust collectors, generators, pumps, welding machines						

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N.Y. 23-PEO-2-3-G 2 of 2

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	C
Heavy and Highway Construction Remainder of County (Cont'd)						
POWER EQUIPMENT OPERATORS: (cont'd) (4 of any type or combination), concrete pavement spreaders & finishers conveyor, drill core & well, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift gunnite machine, hammers, hydraulic self-propelled, locomotive, post hole digger & post driver, roller (grader & fill), tractor with towed accessories, vibratory compactor, vibro, tamp, well point	$7.00	.65	.25	a	.10	
Aggregate plant, boiler (used in conjunction with production), cement bin operator, compressors; 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16-S and under), concrete saw-self-propelled, firemen, form tamper, mulching machine, oiler, power broom power heaterman, revinius widener, steam cleaner, tractor	6.35	.65	.25	a	.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; providing employee works the working day before and the working day after the holiday.

AP-860 P. 8

N.Y. 1-TD-2-3-F

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Om
TRUCK DRIVERS: Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$6.08	.40	.35	a		
Tandems and batch trucks, mechanics dispatcher	6.13	.40	.35	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	6.18	.40	.35	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	6.33	.40	.35	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	6.48	.40	.35	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Comanche
DECISION NO.: AP-741 DATE: Date of Publication
Supersedes Decision No. AP-309, dated August 18, 1972, in 37 FR 16715.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS	$6.65				.02	
CARPENTERS	5.85					
CEMENT MASONS	5.20					
ELECTRICIANS	7.00	.20	1%		1/4%	
LABORERS:						
Laborers	3.00					
Mason tenders	3.55					
PAINTERS, BRUSH	5.00					
PLUMBERS & PIPEFITTERS	6.16					
ROOFERS	4.00					
SHEET METAL WORKERS	5.52					
SOFT FLOOR LAYERS	5.35					
TILE SETTERS	5.60					
TRUCK DRIVERS	2.00					
POWER EQUIPMENT OPERATORS:						
Front end loaders	3.25					
Motor graders	3.50					
Scrapers	3.00					

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: AP-738 DATE: Date of Publication
Supersedes Decision No. AP-356, dated November 3, 1972, in 37 FR 23521.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

(1 - 3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS (JEFFERSON COUNTY)	$7.02	.50	.495		.03	
ASBESTOS WORKERS (ORANGE COUNTY)	7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	7.65	.275	.30		.04	
CARPENTERS:						
Carpenters	6.925		.30		.05	
Millwrights	7.73					
Piledrivermen	7.105		.30			
CEMENT MASONS	6.75					
ELECTRICIANS	7.63	.28	1%+.285		1/2%	
ELEVATOR CONSTRUCTORS	4.53	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.15	.40	.50		.05	
LABORERS:						
Common laborer; asphalt ironer and raker	4.59	.25	.15		.02	
Carpenter tender	4.69	.25	.15		.02	
Cement masons tender; air tool operator (jackhammer - vibrator)	4.69	.25	.15		.02	
Mortar mixers, hod carriers & mason tender; plaster and lather tender; pipelayers, non-metallic pipe, including handling and laying pumpcrete pipe	4.79	.25	.15		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.59	.25	.15		.02	
Machine man and nozzleman for gunniting 1½" and over	5.025	.25	.15		.02	
LATHERS	7.325	.20			.01	
PAINTERS:						
Southern half of Jefferson County and all of Orange County:						
Brush, wood and wall paperhanger and glazier	6.80					
Brush, steel	6.85					
Spray	7.30					

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(2 - 3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Southern half of Jefferson County and all of Orange County (Cont'd):						
Sandblaster, power cleaning	$7.125					
Brush, hot paint or creosote	7.125					
Spray, hot paint or creosote	7.55					
All time spent rigging	7.125					
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications.						
Northern half of Jefferson County:						
Brush and glaziers	6.525					
Canvas and paperhangers	6.775					
Brush, steel	6.70					
Spray	6.95					
PIPEFITTERS	7.33	.30	.52		.06	
PLASTERERS	7.03	.27	.30		.02	
PLUMBERS	7.87				.03	
ROOFERS:						
Roofers	6.29	.20	.10	.15	.03	
Kettlemen	5.35	.20	.10	.15	.03	
Helpers	4.13	.20	.10	.15	.03	
SHEET METAL WORKERS	7.57		.15		.04	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TILE SETTERS	6.855	.275	.30		.04	
TRUCK DRIVERS:						
Under 1½ ton and wash, grease, firemen, fuel pump operators when used on construction	4.40					
1½ tons thru 2½ tons, dump truck less than 7 yds., tank driver	4.69					
Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen - material checker	4.965					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

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(3 - 3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Linemen	$7.915	.28	1%		1/2%	
Groundman	73%JR	.28	1%		1/2%	

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17 - Texas - PEO - 1 k

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT OPERATORS Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler, Derrick-Power Operated, all types; Draglines; Push Cat Operator Bull Dozer and all type of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane-Power operated, all types; Elevating Grader, Self-Propelled; Hoist-motor driven, two drums or more; Mix Mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Cradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batchplanes; Scoopmobiles; Tirgerlift Operator	$7.155		.25			
LIGHT EQUIPMENT OPERATORS Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer - less than 14 cu. ft.; Pump; Palsometer; Truck Crane Driver; Gasoline or Diesel driven Welding machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated	6.30		.25			
FIREMAN	5.84		.25			
OILER	5.69		.25			

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Jefferson & Orange
DECISION NO.: AP-739 DATE: Date of Publication
Supersedes Decision No. AP-353, dated November 3, 1972, in 37 FR 23519.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

(1 - 3)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS (JEFFERSON COUNTY)	$7.02	.50	.495		.03	
ASBESTOS WORKERS (ORANGE COUNTY)	7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS; STONEMASONS	7.65	.275	.30		.04	
CARPENTERS:						
Carpenters	6.775		.30			
Millwrights	7.73					
Piledrivermen	7.105		.30			
CEMENT MASONS	6.75					
ELECTRICIANS	7.63	.28	1%+.285		1/2%	
ELEVATOR CONSTRUCTORS	4.53	.175	.20	2%+a-h		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a-h		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.15	.40	.50		.05	
LABORERS:						
Common laborer; asphalt ironer and raker	4.59	.25	.15		.02	
Carpenter tender	4.69	.25	.15		.02	
Cement masons tender; air tool operator (jackhammer - vibrator)	4.69	.25	.15		.02	
Mortar mixers, hod carriers & mason tender; plaster and lather tender; pipelayers, non-metallic pipe, including handling and laying pumperete pipe	4.79	.25	.15		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; pounderman-blaster; well driller	4.59	.25	.15		.02	
Machine man and nozzleman, for gunniting 1½" and over	5.025	.25	.15		.02	
LATHERS	7.325	.20			.01	
PAINTERS:						
Southern half of Jefferson County and all of Orange County:						
Brush, wood and wall paperhanger and glazier	6.65					
Brush, steel	6.70					
Spray	7.17					

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(2 - 3)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Southern half of Jefferson County and all of Orange County (Cont'd):						
Sandblaster, power cleaning	$6.91					
Brush, hot paint or creosote	6.91					
Spray, hot paint or creosote	7.44					
All time spent rigging	6.91					
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ledge in all classifications.						
Northern half of Jefferson County:						
Brush and glazier	6.275					
Canvas and paperhangers	6.525					
Spray	6.70					
PIPEFITTERS	7.33	.30	.52		.06	
PLASTERERS	7.03	.27	.30		.02	
PLUMBERS	7.87				.03	
ROOFERS:						
Roofers	6.29	.20	.10	.15	.03	
Kettlemen	5.35	.20	.10	.15	.03	
Helpers	4.13	.20	.10	.15	.03	
SHEET METAL WORKERS	7.57		.15		.04	
SPRINKLER FITTERS	8.35	.30	.50		.05	
TILE SETTERS	6.855	.275	.30		.04	
TRUCK DRIVERS:						
Under 1½ ton and wash, grease, tireman, fuel pump operators when used on construction	4.40					
1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69					
Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen - material checker	4.965					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

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(3 - 3)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT OPERATORS Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler, Derrick-Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all type of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane-Power operated, all types; Elevating Grader, Self-propelled; Moist-motor driven, two drums or more; Mix Mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-Plants; Scoopmobiles; Fingerlift Operator	$7.155		.25			
LIGHT EQUIPMENT OPERATORS Air Compressor; Blade Grade - Towed; Fork-Plane; Form Grader; Mixer - less than 14 cu. ft.; Pump; Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated	6.30		.25			
FIREMAN	5.84		.25			
OILER	5.69		.25			

[FR Doc.73-13564 Filed 7-5-73;8:45 am]

INDEX TO AREA WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF JUNE 29, 1973

There is set forth below an index to area wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists area wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published area decisions do not coincide, the published area decisions shall control.

Abbreviations:

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification

Signed at Washington, D.C. this 29th day of June 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 24506 - 11/17/72
AUTAUGA COUNTY
Decision #AP-119 (Hw)
37 FR 16733 - 8-18-72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BALDWIN COUNTY
Decision #AM-554 (R)
36 FR 16363 - 8-20-71
Decision #AP-118 (Hw)
37 FR 18836 - 9/15/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8-20-71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D)- See Statewide
(Hw)- See Autauga County
BUTLER COUNTY
(D)- See Statewide
(Hw)- See Autauga County
CALHOUN COUNTY
Decision #AP-117 (Hw)
37 FR 16732 - 8/18/72
Mod. #1 - 37 FR 24507 - 11/17/72
(D)-See Statewide
CHAMBERS COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHEROKEE COUNTY
(D)-See Statewide
(Hw)- See Autauga County
CHILTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
CHOCTAW COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AP-116 (Hw)
37 FR 18825 - 9-15-72
Mod. #1 - 37 FR 24507 - 11/17/72
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AP-140 (B, Hw)
37 FR 25628 - 12/1/72
Mod. #1 - 38 FR 5754 - 3/2/73
Mod. #2 - 38 FR 7694 - 3/23/73
Mod. #3 - 38 FR 13103 - 5/18/73
(D) - See Statewide
(R) - See Blount County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide
(Hw) - See Colbert County
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LEE COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALABAMA (cont'd)

LIMESTONE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
LOWNDES COUNTY
(D)-See Statewide
(Hw)-See Augauga County
MACON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MADISON COUNTY
(D)-See Statewide
(Hw)- See Colbert Courtyy
MARENGO COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MARION COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MARSHALL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MOBILE COUNTY
Decision #AP-153 (B, Hw)
38 FR 4083 - 2/9/73
Mod. #1 - 38 FR 5754 - 3/2/73
Mod. #2 - 38 FR 7694 - 3/23/73
Mod. #3 - 38 FR 12505 - 5/11/73
(D)-See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/18/73
(D)-See Statewide
(Hw)-See Baldwin County
MORGAN COUNTY
(D)-See Statewide
(Hw)-See Colbert County
PERRY COUNTY
(D)-See Statewide
(Hw)-See Autauga County
PICKENS COUNTY
(D)-See Statewide
(Hw)-See Autauga County

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ALABAMA (Cont'd)

PIKE COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RANDOLPH COUNTY
(D)-See Statewide
(Hw)-See Autauga County
RUSSELL COUNTY
(D)-See Statewide
(Hw)-See Autauga County
SAINT CLAIR COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SHELBY COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
SUMTER COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TALLADEGA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
(R)-See Blount County
TALLAPOOSA COUNTY
(D)-See Statewide
(Hw)-See Autauga County
TUSCALOOSA COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WALKER COUNTY
(D)-See Statewide
(Hw)-See Calhoun County
WASHINGTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D)-See Statewide
(Hw)-See Autauga County
WINSTON COUNTY
(D)-See Statewide
(Hw)-See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, H, Hw, D)
38 FR 13127 - 5/18/73
Decision #AP-903 (R)
38 FR 13133 - 5/18/73

ARIZONA

STATEWIDE
Decision #AP-258 (H, Hw)
38 FR 1440 - 1/12/73
Mod. #1 - 38 FR 9918 - 4/30/73
Mod. #2- 38 FR 12505 - 5/11/73
Mod. #3- 38 FR 13103 - 5/18/73
APACHE COUNTY
(H, Hw) - See Statewide
CHCHISE COUNTY
(H, Hw) - See Statewide
Decision #AP-901
38 FR 12526 - 5/11/73
Mod. #1 - 38 FR 13911 - 5/25/73
COCONINO COUNTY
Decision #AP-297 (B)
38 FR 10557 - 4/27/73
Mod. #1 - 38 FR 12506 - 5/11/73
Mod. #2 - 38 FR 13911 - 5/25/73
(H, Hw) - See Statewide
GILA COUNTY
(H, Hw) - See Statewide
GRAHAM COUNTY
(H, Hw) - See Statewide
GREENLEE COUNTY
(H,Hw) - See Statewide
MARICOPA COUNTY
(H, Hw) - See Statewide
Decision #AP-293 (B)
38 FR 9923 - 4/20/73
Mod. #1 - 38 FR 13104 - 5/18/73
Decision #AP-259 (R)
38 FR 2022 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 12505 - 5/11/73
Mod. #3 - 38 FR 13104 - 5/18/73
MOHAVE COUNTY
(H, Hw) - See Statewide
NAVAJO COUNTY
(H, Hw) - See Statewide
PIMA COUNTY
(H, Hw) - See Statewide
(B) - See Cochise County
Decision #AP-260 (R)
38 FR 2027 - 1/19/73
Mod. #1 - 38 FR 9918 - 4/20/73
Mod. #2 - 38 FR 13911 - 5/25/73
PINAL COUNTY
(H, Hw) - See Statewide
SANTA CRUZ COUNTY
(H, Hw) - See Statewide
(B) - See Cochise County
YAVAPAI COUNTY
(H, Hw) - See Statewide
YUMA COUNTY
(H, Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AP-701 (Hw)
38 FR 4087 - 2/9/73
Decision #AM-8,589 (D)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 24506 - 11/17/72
ARKANSAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AM-8588 (F)
37 FR 5654 - 3-17-72
Mod. #1 - 37 FR 8601 - 4-28-72
Mod. #2 - 37 FR 24506 - 11/17/72
ASHLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(Hw) (D) - See Statewide
(F) - See Arksnsas County
CLAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
OUACHITA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

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ARKANSAS (cont'd)

POPE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
PRAIRIE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(Hw)-See Statewide
(D)-See Statewide
Decision #AP-734 (B)
38 FR 13919 - 5/25/73
Decision #AP-356 (R)
37 FR 23489 - 11/3/73
RANDOLPH COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
ST. FRANCIS COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SALINE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SCOTT COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SEARCY COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
SEBASTIAN COUNTY
(Hw)-See Statewide
(D)-See Statewide
SEVIER COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County

ARKANSAS (cont'd)

SHARP COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
STONE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
UNION COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
Decision #AP-703 (B)
38 FR 4623 - 2/16/73
Mod. #1 - 38 FR 4632 - 3/23/73
Mod. #2 - 38 FR 13911 - 5/25/73
VAN BUREN COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
WASHINGTON COUNTY
(Hw)- See Statewide
(DO-See Statewide
(F)-See Arkansas County
WHITE COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
WOODRUFF COUNTY
(Hw)-See Statewide
(D)-See Statewide
(F)-See Arkansas County
YELL COUNTY
(Hw)- See Statewide
(D)-See Statewide
(F)-See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AP-287 (B,H,Hw,D)
38 FR 8874 - 4/6/73
Mod. #1 - 38 FR 10572 - 4/27/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 13912 - 5/25/73
Decision #AP-905 (R)
38 FR 13139 - 5/18/73
Mod. #1 - 38 FR 14507 - 6/1/73
ALPINE COUNTY
(B-H-Hw-D) - See Alameda County
AMADOR COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B-H-Hw-D) - See Alameda County
CALAVERAS COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B-H-Hw-D) - See Alameda County
CONTRA COSTA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B-H-Hw-D) - See Alameda County
HUMBOLDT COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AP-280 (B,H,Hw,D)
38 FR 8361 - 3/30/73
Mod. #1 - 38 FR 12508 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
Decision #AP-281 (R)
38 FR 8371 - 3/30/73
Mod. #1 - 38 FR 12509 - 5/11/73
Mod. #2 - 38 FR 13105 - 5/18/73
Mod. #3 - 38 FR 14506 - 6/1/73
INYO COUNTY
(B-H-Hw-D) - See Imperial County
KERN COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B-H-Hw-D) - See Alameda County
LAKE COUNTY
(B-H-Hw-D) - See Alameda County
LASSEN COUNTY
(B-H-Hw-D) - See Alameda County
LOS ANGELES COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B-H-Hw-D) - See Alameda County
MARIN COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B-H-Hw-D) - See Alameda County
MERCED COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B-H-Hw-D) - See Alameda County
MONO COUNTY
(B-H-Hw-D) - See Imperial County
MONTEREY COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B-H-Hw-D) - See Alameda County
RIVERSIDE COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AP-255 (B-H-Hw-D)
37 FR 28808 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12506 - 5/11/73

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AP-256 (R)
37 FR 28814 - 12/29/72
Mod. #1 - 38 FR 4076 - 2/9/73
Mod. #2 - 38 FR 12507 - 5/11/73
SAN FRANCISCO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B-H-Hw-D) - See Alameda County
SISKIYOU COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SOLANO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B-H-Hw-D) - See Alameda County
SUTTER COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B-H-Hw-D) - See Alameda County

CALIFORNIA (Cont'd)

TULARE COUNTY
(B-H-Hw-D) - See Alameda County
TUOLUMNE COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B-H-Hw-D) - See Imperial County
(R) - See Imperial County
YOLO COUNTY
(B-H-Hw-D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B-H-Hw-D) -See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AP-299 (Hw)
38 FR 11252 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AP-900 (B,H,Hw)
38 FR 13151 - 5/18/73
Decision #AM-6,723 (R)
37 FR 7921 - 4-21-72
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams Co.
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

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COLORADO (cont'd)

CLEAR CREEK
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

ELBERT COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AP-231 (B, H, Hw)
37 FR 18861 - 9/15/72
Mod. #1 - 37 FR 28345 - 12/22/72
Mod. #2 - 38 FR 5085 - 2/23/73
Mod. #3 - 38 FR 9387 - 4/13/73
Mod. #4 - 38 FR 11203 -5/4/73
Mod. #5 - 38 FR 13106 - 5/18/73
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AP-904 (B)
38 FR 13159 - 5/11/73
(Hw) - See Statewide
GILPIN COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B) - See Garfield County
(Hw) - See Statewide
HINSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
Decision #AP-296 (B)
38 FR 10567 - 4/27/73
Mod. #1 - 38 FR 13107 - 5/18/73
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
YUMA COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B-H-Hw) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(Hw) - See Statewide
LAS ANIMAS COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
Decision #AP-296 (B)
38 FR 10567 - 4/27/73
Mod. #1 - 38 FR 13107 - 5/18/73
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(Hw) - See Statewide
(B-H-Hw)(Southwest Portion) -
See Adams County
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AP-471 (B,H,Hw)
38 FR 6534 - 3/9/73
Mod. #1 - 38 FR 8866 - 4/6/73
Mod. #2 - 38 FR 12509 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
HARTFORD COUNTY
Decision #AP-472 (B,H,Hw)
38 FR 7174 - 3/16/73
Mod. #1 - 38 FR 8866 - 4/6/73
Mod. #2 - 38 FR 12509 - 5/11/73
LITCHFIELD COUNTY
Decision #AP-473 (B,H,Hw)
38 FR 7177 - 3/16/73
Mod. #1 - 38 FR 8866 - 4/6/73
Mod. #2 - 38 FR 12510 - 5/11/73
MIDDLESEX COUNTY
Decision #AP-474 (B,H,Hw)
38 FR 7181 - 3/16/73
Mod. #1 - 38 FR 8866 - 4/6/73
Mod. #2 - 38 FR 12510 - 5/11/73
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AP-476 (B,H,Hw)
38 FR 7187 - 3/16/73
Mod. #1 - 38 FR 8867 - 4/6/73
Mod. #2 - 38 FR 12510 - 5/11/73
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AP-475 (B,H,Hw)
38 FR 7184 - 3/16/73
Mod. #1 - 38 FR 8867 - 4/6/73
Mod. #2 - 38 FR 12510 - 5/11/73
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AP-477 (B,H,Hw)
38 FR 6528 - 3/9/73
Mod. #1 - 38 FR 8867 - 4/6/73
WINDHAM COUNTY
Decision #AP-478 (B,H,Hw)
38 FR 6531 - 3/9/73
Mod. #1 - 38 FR 8867 - 4/6/73

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP -804 (B,H,Hw)
38 FR 11262 - 5/4/73
Mod. #1 - 38 FR 13113 - 5/18/73
Mod. #2 - 38 FR 13915 - 5/25/73
Mod. #3 - 38 FR 14510 - 6/1/73
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw)-See Statewide

XUM 38 FR 18174-18175

FLORIDA

ALACHUA COUNTY
Decision #AP-195 (B)
38 FR 15227 - 6/8/73
Decision #AP-176 (R)
38 FR 11258 - 5/4/73
BAKER COUNTY
Decision #AP-177 (R)
38 FR 11259 - 5/4/73
BAY COUNTY
Decision #AP-196 (B)
38 FR 15229 - 6/8/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BRADFORD COUNTY
None
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AP-197 (B)
38 FR 15231 - 6/8/73
Decision #AM-8590 (D)
37 FR 5655 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
BROWARD COUNTY
(D) - See Brevard County
CALHOUN COUNTY
None
CHARLOTTE COUNTY
(D) - See Brevard County
CITRUS COUNTY
(D) - See Brevard County
CLAY COUNTY
(R) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
COLUMBIA COUNTY
None
DADE COUNTY
Decision #AP-198 (B)
38 FR 15233 - 6/8/73
(D) - See Brevard County
DESOTO COUNTY
None
DIXIE COUNTY
(D) - See Brevard County
(R) - See Alachua County

FLORIDA (cont'd)

DUVAL COUNTY
Decision #AP-199 (B)
38 FR 15235 - 6/8/73
(D) - See Brevard County
(R) - See Baker County
ESCAMBIA COUNTY
Decision #AP-1100 (B)
38 FR 15237 - 6/8/73
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
FRANKLIN COUNTY
(D) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
GILCHRIST COUNTY
(R) - See Alachua County
GLADES COUNTY
None
GULF COUNTY
(D) - See Bay County
HAMILTON COUNTY
None
HARDEE COUNTY
None
HENDRY COUNTY
None
HERNANDO COUNTY
(D) - See Brevard County
HIGHLANDS COUNTY
None
HILLSBOROUGH COUNTY
Decision #AP-1101 (B)
38 FR 15239 - 6/8/73
(D) - See Brevard County
HOLMES COUNTY
None
INDIAN RIVER COUNTY
(D) - See Brevard County
JACKSON COUNTY
None
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County

FLORIDA (cont'd)

LAFAYETTE COUNTY
(R) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
LEE COUNTY
(D) - See Brevard County
LEON COUNTY
Decision #AP-1102 (B)
38 FR 15241 - 6/8/73
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(R) - See Alachua County
LIBERTY COUNTY
None
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
MARION COUNTY
(R) - See Alachua County
MARTIN COUNTY
(D) - See Brevard County
MONROE COUNTY
(D) - See Brevard County
NASSAU COUNTY
(D) - See Brevard County
(R) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
OKEECHOBEE COUNTY
None
ORANGE COUNTY
Decision #AP-1103 (B)
38 FR 15243 - 6/8/73
(R) - See Lake County
OSCEOLA COUNTY
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
PASCO COUNTY
(D) - See Brevard County
PINNELLAS COUNTY
Decision #AP-1104 (B)
38 FR 15245 - 6/8/73
Decision #AP-182 (R)
38 FR 11261 - 5/4/73
(D) - See Brevard County

FLORIDA (cont'd)

POLK COUNTY
None
PUTNAM COUNTY
(R) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(R) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
SEMINOLE COUNTY
(R) - See Lake County
SUMTER COUNTY
None
SUWANNEE COUNTY
(R) - See Baker County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(R) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only)
(B,H,Hw) - See Brevard County
(D) - See Brevard County
WAKULLA COUNTY
(D) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
None

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
BANKS COUNTY
Decision AM-471 (Hw)
36 FR 16419 - 8/20 71
BARROW COUNTY
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8-20-71
Decision #AP-439 (D)
37 FR 22701 - 10-20-72
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County
CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling County
CHATHAM COUNTY
Decision #AP-148 (B, H, Hw)
38 FR 1457 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 8869 - 4/6/73
Mod. #3 - 38 FR 13115 - 5/18/73

GEORGIA (Cont'd)

CHATHAM COUNTY
Decision #AP-151 (R)
38 FR 4088 - 2/9/73
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AM-474 (Hw)
36 FR 16423 - 8-20-71

CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
DeKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AP-149 (B, H, Hw)
38 FR 1453 - 1/12/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 6521 -3/9/73
Mod. #3 - 38 FR 8869 - 4/6/73
Mod. #4 - 38 FR 13115 - 5/18/73
Decision #AP-150 (R)
38 FR 3254 - 2/2/73
Mod. #1 - 38 FR 5088 - 2/23/73
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling County
GREENE COUNTY
(Hw) - See Appling County

XUM

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw) - See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
JENKINS COUNTY
(Hw) - See Baldwin County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES COUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
McDUFFIE COUNTY
(Hw) - See Baldwin County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
MERIWETHER COUNTY
(Hw) - See Baldwin County
MILLER COUNTY
(Hw) - See Appling County
MITCHELL COUNTY
(Hw) - See Appling County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
RICHMOND COUNTY
(Hw) - See Baldwin County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
SUMTER COUNTY
(Hw) - See Baldwin County
TALBOT COUNTY
(Hw) - See Baldwin County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
WASHINGTON COUNTY
(Hw) - See Baldwin County
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks County
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

HAWAII

STATEWIDE
Decision #AP-292 (R)
38 FR 9409 - 4/13/73
Decision #AP-291 (B,Hw,H)
38 FR 9404 - 4/13/73
HAWAII COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
HONOLULU COUNTY
(B-H-Hw) - See Statewide
(R) - See Statewide
KAUAI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide
MAUI COUNTY
(B-H-Hw) - See Statewide
(R)-See Statewide

IDAHO

ADA COUNTY
Decision #AP-274 (B,H,Hw)
38 FR 7717 - 3/23/73
Mod. #1 - 38 FR 9919 - 4/20/73
Mod. #2 - 38 FR 11212 - 5/4/73
Decision #AP-275 (R)
38 FR 7723 - 3/23/73
ADAMS COUNTY
(B,H,Hw,) - See Ada County
BANNOCK COUNTY
Decision #AP-276 (B,H,Hw)
38 FR 7727 - 3/23/73
Mod. #1 - 38 FR 11212 - 5/4/73
Mod. #2 - 38 FR 11212 - 5/4/73
BEAR LAKE COUNTY
(B,H,Hw) - See Bannock County
BENEWAH COUNTY
Decision #AP-273 (B,H,Hw)
38 FR 7707 - 3/23/73
BINGHAM COUNTY
(B,H,Hw) - See Bannock County
BLAINE COUNTY
(B,H,Hw) - See Ada County
BOISE COUNTY
(B,H,Hw,) - See Ada County
BONNER COUNTY
(B,H,Hw) - See Benewah County
BONNEVILLE COUNTY
(B,H,Hw) - See Bannock County
BOUNDARY COUNTY
(B,H,Hw) - See Benewah County
BUTTE COUNTY
(B,H,Hw) - See Ada County
CAMAS COUNTY
(B,H,Hw) - See Ada County
CANYON COUNTY
(B,H,Hw) - See Ada County
CARIBOU COUNTY
(B,H,Hw) - See Bannock County
CASSIA COUNTY
(B,H,Hw) - See Ada County
CLARK COUNTY
(B,H,Hw) - See Bannock County
CLEARWATER COUNTY
(B,H,Hw) - See Benewah County
CUSTER COUNTY
(B,H,Hw) - See Ada County
ELMORE COUNTY
(B,H,Hw) - See Ada County
FRANKLIN COUNTY
(B,H,Hw) - See Bannock County

IDAHO (cont'd)

FREMONT COUNTY
(B,H,Hw,) - See Bannock County
GEM COUNTY
(B,H,Hw) - See Ada County
GOODLING COUNTY
(B,H,Hw) - See Ada County
IDAHO COUNTY
(B,H,Hw) - See Benewah County
JEFFERSON COUNTY
(B,H,Hw) - See Bannock County
JEROME COUNTY
(B,H,Hw) - See Ada County
KOOTENAI COUNTY
(B,H,Hw) - See Benewah County
LATAH COUNTY
(B,H,Hw) - See Benewah County
LEMHI COUNTY
(B,H,Hw) - See Ada County
LEWIS COUNTY
(B,H,Hw) - See Benewah County
LINCOLN COUNTY
(B,H,Hw) - See Ada County
MADISON COUNTY
(B,H,Hw) - See Bannock County
MINIDOKA COUNTY
(B,H,Hw) - See Ada County
NEZ PERCE COUNTY
(B,H,Hw) - See Benewah County
ONEIDA COUNTY
(B,H,Hw) - See Bannock County
OWYHEE COUNTY
(B,H,Hw) - See Ada County
PAYETTE COUNTY
(B,H,Hw) - See Ada County
POWER COUNTY
(B,H,Hw) - See Bannock County
SHOSHONE COUNTY
(B,H,Hw) - See Benewah County
TETON COUNTY
(B,H,Hw) - See Bannock County
TWIN FALLS COUNTY
(B,H,Hw) - See Ada County
VALLEY COUNTY
(B,H,Hw) - See Ada County
WASHINGTON COUNTY
(B,H,Hw) - See Ada County

ILLINOIS

ADAMS COUNTY
Decision #AP-1016 (Hw)(H)
38 FR 14573 - 6/1/73
ALEXANDER COUNTY
Decision #AP-1019 (H)(Hw)
38 FR 14589 - 6/1/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOND COUNTY
Decision #AP-1018 (Hw)(H)
38 FR 14583 - 6/1/73
BOONE COUNTY
Decision #AP-1012 (H)(Hw)
38 FR 14542 - 6/1/73
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AP-1013 (Hw)(H)
38 FR 14552 - 6/1/73
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-24 (B)(H)(Hw)
37 FR 21243 - 10/6/72
Mod. #1-37 FR 25104 - 11/25/72
Mod. #2-38 FR 8869 - 4/6/73
Decision #AP-1015 (H)(Hw)
38 FR 14569 - 6/1/73
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H) (Hw) - See Champaign County
CLAY COUNTY
Decision #AP-1017 (H)(Hw)
38 FR 14578 - 6/1/73
CLINTON COUNTY
(H)(Hw) - See Bond County
COLES COUNTY
(H)(Hw) - See Champaign County
COOK COUNTY
Decision #AP-28 (B)(H)(Hw)
37 FR 23513 - 11/3/72
Mod. #1-37 FR 24509 - 11/17/72
Mod. #2-37 FR 25104 - 11/25/72
Mod. #3-37 FR 26198 - 12/8/72
Mod. #4-38 FR 6521 - 3/9/73

XUM 38 FR 18178-18179 7-6-73

ILLINOIS (Cont'd)

COOK COUNTY CONTD
Decision #AP-29 (R)
37 FR 23490 - 11/3/72
Mod. #1-37 FR 24509 - 11/17/72
Mod. #2-37 FR 26198 - 12/8/72
Decision #AP-4 (D)
37 FR 14570 - 7/21/72
CRAWFORD COUNTY
(H)(Hw) - See Clay County
CUMBERLAND COUNTY
(H)(Hw) - See Champaign County
DEKALB COUNTY
(H)(Hw) - See Boone County
DEWITT COUNTY
(H)(Hw) - See Champaign County
DOUGLAS COUNTY
(Hw) - See Champaign County
DU PAGE COUNTY
Decision #AP-30 (R)(H)
37 FR 23975 - 11/10/72
Mod. #1-37 FR 25615 - 12/1/72
Mod. #2-38 Fr 6521 - 3/9/73
Decision #AP-31 (R)
37 FR 23961 - 11/10/72
Mod. #1-37 FR 25615 - 12/1/72
(Hw) - See Boone County
EDGAR COUNTY
(Hw) - See Champaign County
EDWARDS COUNTY
(Hw) - See Clay County
EFFINGHAM COUNTY
(Hw) - See Clay County
FAYETTE COUNTY
(Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(Hw) - See Alexander County
FULTON COUNTY
Decision #AP-1014 (H,Hw)
38 FR 14563 - 6/1/73
GALLATIN COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(Hw) - See Clay County
HANCOCK COUNTY
(Hw) - See Fulton County
HARDIN COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(Hw) - See Clay County
JEFFERSON COUNTY
(Hw) - See Clay County
JERSEY COUNTY
(Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(Hw) - See Bureau County
JOHNSON COUNTY
(Hw) - See Alexander County
KANE COUNTY
Decision #AP-32 (R) (H)
37 FR 25631 - 12/1/72
Mod. #1 - 38 FR 6521 - 3/9/73
Decision #AP-33 (R)
37 FR 25603 - 12/1/72
(Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(Hw) - Boone County
KNOX COUNTY
(Hw) - See Fulton County
LAKE COUNTY
Decision #AP-51 (R) (H)
37 FR 26235 - 12/8/72
Mod. #1 - 37 FR 28351 - 12/22/72
Mod. #2 - 38 FR 6522 - 3/9/73
Decision #AP-52 (R)
37 FR 26191 - 12/8/72
Mod. #1 - 37 FR 28351 - 12/22/72
(D) - See Cook County
(Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(Hw) - See Clay County
LEE COUNTY
(Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(Hw) - See Adams County
McDONOUGH COUNTY
(Hw) - See Fulton County
McHENRY COUNTY
(Hw) - See Boone County
McLEAN COUNTY
None

ILLINOIS (cont'd)

MACON COUNTY
(Hw) - See Champaign County
MACOUPIN COUNTY
(Hw) - See Bond County
MADISON COUNTY
Decision #AP-617 (B, H)
38 FR 2590 - 1/26/73
Mod. #1 - 38 FR 4622 - 2/16/73
Mod. #2 - 38 FR 7694 - 3/23/73
Mod. #3 - 38 FR 8869 - 4/6/73
Decision #AP-618 (R)
38 FR 2563 - 1/26/73
Mod. #1 - 38 FR 4623 - 2/16/73
Mod. #2 - 38 FR 8870 - 4/6/73
(Hw) - See Bond County
MARION COUNTY
(Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(Hw) - See Adams County
MASSAC COUNTY
(Hw, D) - See Alexander County
MENARD COUNTY
(Hw) - See Adams County
MERCER COUNTY
(Hw) - See Fulton County
MONROE COUNTY
(Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(Hw) - See Bond County
MORGAN COUNTY
(Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(Hw) - See Champaign County
OGLE COUNTY
(Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-637 (B, H, D)
38 FR 5113 - 2/23/73
Mod. #1 - 38 FR 7695 - 3/23/73
Mod. #2 - 38 FR 8358 - 3/30/73
Decision #AP-622 (R)
38 FR 3242 - 2/2/73
Mod. #1 - 38 FR 7695 - 3/23/73
Mod. #2 - 38 FR 8358 - 3/30/73
(Hw) - See Fulton County
PERRY COUNTY
(Hw) - See Alexander County
PIATT COUNTY
(Hw) - See Champaign County
PIKE COUNTY
(Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(Hw, D) - See Alexander County

ILLINOIS (cont'd)

PULASKI COUNTY
(Hw, D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(Hw, D) - See Alexander
RICHLAND COUNTY
(Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-616 (B, H)
38 FR 2585 - 1/26/73
Mod. #1 - 38 FR 4621 - 2/16/73
Mod. #2 - 38 FR 8869 - 4/6/73
(Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AP-619 (B,H)
38 FR 3255 - 2/2/73
Mod. #1 - 38 FR 4624 - 2/16/73
Mod. #2 - 38 FR 7694 - 3/23/73
Mod. #3 - 38 FR 8870 - 4/6/73
Decision #AP-620 (R)
38 FR 3237 - 2/2/73
Mod. #1 - 38 FR 8870 - 4/6/73
(Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-78 (B, H)
37 FR 28368 - 12/22/72
Mod. #1 - 38 FR 2568 - 1/26/73
(Hw) - See Adams County
SCHUYLER COUNTY
(Hw) - See Adams County
SCOTT COUNTY
(Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(Hw) - See Champaign County
STARK COUNTY
(Hw) - See Fulton County
STEPHENSON COUNTY
(Hw) - See Bureau County
TAZEWELL COUNTY
(B)(R) - See Peoria County
(Hw) - See Fulton County
UNION COUNTY
(Hw, D) - See Alexander County
VERMILLION COUNTY
Decision #AP-615 (B,H)
38 FR 2580 - 1/26/73
Mod. #1 - 38 FR 5088 - 2/23/73
(Hw) - See Champaign County
WABASH COUNTY
(Hw) - See Clay County

ILLINOIS (Cont'd)

WARREN COUNTY
(Hw) - See Fulton County
WASHINGTON COUNTY
(Hw) - See Bond County
WAYNE COUNTY
(Hw) - See Clay County
WHITE COUNTY
(Hw) - See Clay County
WHITESIDE COUNTY
(Hw) - See Bureau County
WILL COUNTY
Decision #AP-68 (B) (H)
37 FR 26420 - 12/8/72
Mod. #1 - 38 FR 2568 - 1/26/73
Mod. #2 - 38 FR 6522 - 3/9/73
Decision #AP-69 (R)
37 FR 26194 - 12/8/72
Mod. #1 - 38 FR 4076 - 2/9/73
(Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-603 (B, H)
38 FR 2572 - 1/26/73
(Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-604 (B, H)
38 FR 2575 - 1/26/73
Mod. #1 - 38 FR 6522 - 3/9/73
Mod. #2 - 38 FR 8871 - 4/6/73
(Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AP-662 (H)(Hw)
38 FR 13214 - 5/18/73
ALLEN COUNTY
Decision #AP-648 (B)
38 FR 13165 - 5/18/73
Decision #AM-371 (R)
36 FR 15390 - 8/13/71
(H)(Hw) - See Adams County
BARTHOLOMEW COUNTY
Deicsion #AP-649 (B)
38 FR 13168 - 5/18/73
Decision #AP-666 (H)(Hw)
38 FR 13237 - 5/18/73
BENTON COUNTY
Decision #AP-650 (B)
38 FR 13171 - 5/18/73
Decision #AP-663 (H)(Hw)
37 FR 13221 - 5/18/73
BLACKFORD COUNTY
Decision #AP-664 (H)(Hw)
38 FR 13227 - 5/18/73
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/73
Decision #AP-665 (Hw)(H)
38 FR 13232 - 5/18/73
BROWN COUNTY
(H)(Hw) - See Bartholomew County
CARROLL COUNTY
(H)(Hw) - See Benton County
CASS COUNTY
(H)(Hw) - See Benton County
CLARK COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H)(Hw) - See Bartholomew County
CLAY COUNTY
(H)(Hw) - See Boone County
CLINTON COUNTY
(H)(Hw) - See Benton County

INDIANA (cont'd)

CRAWFORD COUNTY
Decision #AP-667 (H,Hw)
38 FR 13244 - 5/18/73
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AP-651 (B)
38 FR 13174 - 6/18/73
(D) - See Clark County
(H,Hw) - See Bartholomew County
DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-652 (B)
38 FR 13177 - 5/18/73
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County

INDIANA (Cont'd)

GRANT COUNTY
Decision #AP-653 (B)
38 FR 13180 - 5/18/73
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw,) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County

XUM

INDIANA (Cont'd)

LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AP-654 (B,H,Hw)
38 FR 13183 - 5/18/73
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
LAPORTE COUNTY
Decision #AP-655 (B,H,Hw)
38 FR 13188 - 5/18/73
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AP-656 (B)
38 FR 13193 - 5/18/73
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AP-657 (B)
38 FR 13196 - 5/18/73
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AP-658 (B,H,Hw)
38 FR 13199 - 5/18/73
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AP-659 (B,H,Hw)
38 FR 13203 - 5/18/73
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AP-660 (B)
38 FR 13208 - 5/18/73
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AP-661 (B)
38 FR 13211 - 5/18/73
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AP-527 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 11264 - 5/4/73
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H-Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H-Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B-H-Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H-Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (CLINTON CITY)
Decision #AM-2,449 (B-H-Hw)
36 FR 16799 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
CRAWFORD COUNTY
(H-Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AP-528 (B,H,Hw)
38 FR 11268 - 5/4/73
DICKINSON COUNTY
None
DUBUQUE COUNTY (Dubuque City)
Decision #AM-2,451 (B-H-Hw)
36 FR 16806 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 17900 - 9-1-72
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H-Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (Iowa City)
Decision #AM-2,452 (B-H-Hw)
36 FR 16809 - 8-25-71
Mod. #1-37 FR 640 - 1-14-72
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AP-529 (B,H,Hw)
38 FR 11271 - 5/4/73
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-213 (H,Hw)
37 FR 16264 - 8-11-72

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H-Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H-Hw) - See Carroll County
OSCEOLA COUNTY
(H-Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AP-530 (B,H,Hw)
38 FR 11275 - 5/4/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H-Hw)
37 FR 16266 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B-H-Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H-Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AM-2,456 (B-H-Hw)
36 FR 16823 - 8-25-71
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (AMES)
Decision #AM-2,457 (B-H-Hw)
36 FR 16826 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 5154 - 3-10-72
Mod. #3-37 FR 9595 - 5-12-72
TAMA COUNTY
None
TAYLOR COUNTY
(H-Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H-Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-2,458 (B,H,Hw)
36 FR 16830 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 1117 - 6-2-72

MUX 38 FR 18182-18183

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (SIOUX CITY)
Decision #AM-2,459 (R-H-Hw)
36 FR 16833 - 8-25-71
Mod. #1-37 FR 641 - 1-14-72
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3-23-73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3-23-73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUQUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73

KANSAS (Cont'd)

EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw)- See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 - 5/25/73
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1 - 38 FR 1435 - 1/12/73
Mod. #2 - 38 FR 4078 - 2/9/73
Mod. #3 - 38 FR 12511 - 5/11/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AM-6,708 (B)
37 FR 7031-4/7/72
Mod.#1-37 FR 18833-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod. #3 - 38 FR 6522 - 3/9/73
(Hw) - See Douglas County
LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(Hw) - See Allen County

KANSAS (Cont'd)

LOGAN COUNTY
(Hw) - See Barber County
LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw)- See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AM-6,717 (B)
37 FR 7458-4/14/72
Mod.#1-37 FR 1883 -9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73
(Hw) - See Douglas County
Decision #AP-501 (R)
37 FR 16312-8/11/72
Mod.#1-37 FR 18834-9/15/72
Mod.#2-37 FR 20388-9/29/72
Mod.#3-38 FR 4077 - 2/9/73
Mod. #4-38 FR 6523 - 3/9/73

KANSAS (CONT'D)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County

MUX 37 6 FCL 6NH 183V

KENTUCKY

ADAIR COUNTY
Decision #AP-143 (H, Hw)
38 FR 2033 - 1/19/73
Mod. #1-38 FR 14511 - 6/1/73
ALLEN COUNTY
Decision #AP-145 (H, Hw)
38 FR 2040 - 1/19/73
Mod. #1-38 FR 14513 - 6/1/73
ANDERSON COUNTY
Decision #AP-146 (H, Hw)
38 FR 2044 - 1/19/73
Mod. #1-38 FR 14514 - 6/1/73
BALLARD COUNTY
Decision #AM-3,589 (D)
37 FR 5654-3/17/72
Mod. #1-37 FR 24506 11/17/72
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AM-487 (R)
36 FR 16459 - 8/20/71
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AP-168 (h)
38 FR 6513 3/9/73
Decision #AP-181 (H,Hw)
37 FR 25690 - 12/1/72
Mod. #1-37 FR 26778 - 12/15/72
Mod. #2-38 FR 2008 - 1/19/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOURBON COUNTY
(Hw, H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AP-170 (B)
38 FR 7735 - 3/23/73
Mod. #1-38 FR 12512 - 5/11/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AP-144 (H, Hw)
38 FR 2037 - 1/19/73
Mod. #1-38 FR 14512 - 6/1/73

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H, Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AP-196 (B)
38 FR 14926 - 5/25/73
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREEN COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County

KENTUCKY (cont'd)

HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AP-171 (B,H,Hw)
38 FR 7736 - 3/23/73
Mod. #1-38 FR 13916 - 5/25/73
(D) - See Boone County
(R) - See Breckinridge County

KENTUCKY (cont'd)

JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AP-147 (H, Hw)
38 FR 2048 - 1/19/73
Mod. #1-38 FR 14515 - 6/1/73
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson COunty
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County

KENTUCKY (cont'd)

McCRACKEN COUNTY
Decision #AP-188 (B)
38 FR 9935 - 4/20/73
Mod. #1-38 FR 13916 - 5/25/73
(D) - See Boone County
(H,Hw) - See Allen County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGAFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Adair County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AP-189 (B,H,Hw)
38 FR 13248 - 5/18/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

XUM 38 FR 18186 6 JUL 73

LOUISIANA

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
ACADIA PARISH
(D) - See Statewide
Decision #AM-8,588 (F)
37 FR 5654 - 3-17-72
Mod. #1-37 FR 8601 - 4-28-72
Mod. #2-37 FR 24506 - 11/17/72
Decision #AP-735 (B)
38 FR 14594 - 6/1/73
ALLEN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASCENSION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASSUMPTION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
BEAUREGARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
BIENVILLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
BOSSIER PARISH
(D)-See Statewide
(F)-See Acadia Parish
Decision #AP-397 (B)
38 FR 2602 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
Decision #AP-398 (R)
38 FR 2604 - 1/26/73
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 5089 - 2/23/73
Mod. #3 - 38 FR 9393 - 4/13/73
Mod. #4 - 38 FR 13116 - 5/18/73
Mod. #5 - 38 FR 14516 - 6/1/73
CADDO PARISH
(D) - See Statewide
(B, R) - See Bossier Parish
CALCASIEU PARISH
(D) - See Statewide
(B) - See Acadia Parish
(F) - See Acadia Parish

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AP-366 (R)
37 FR 26245 - 12/8/72
Mod. #1 - 37 FR 28352 - 12/22/72
Mod. #2 - 37 FR 28800 - 12/29/72
Mod. #3 - 38 FR 936 - 1/5/73
CALDWELL PARISH
(D)-See Statewide
(F)-See Acadia Parish
CAMERON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST BATON ROUGE PARISH
(D) - See Statewide
(B) - See Acadia Parish
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
EVANGELINE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERIA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
IBERVILLE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JACKSON PARISH
(D)-See Statewide
(F)-See Acadia Parish
JEFFERSON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
JEFFERSON DAVIS PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFAYETTE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LAFOURCHE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
LA SALLE PARISH
(D)-See Statewide
(F)-See Acadia Parish
LINCOLN PARISH
(D)-See Statewide
(F)-See Acadia Parish
LIVINGSTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
MADISON PARISH
(D)-See Statewide
(F)-See Acadia Parish
MOREHOUSE PARISH
(D)-See Statewide
(F)-See Acadia Parish
NATCHITOCHES PARISH
(D)-See Statewide
(F)-See Acadia Parish
ORLEANS PARISH
(D) - See Statewide
(B) - See Acadia Parish

LOUISIANA (Cont'd)

OUACHITA PARISH
(D)-See Statewide
Decision #AP-317 (R)
37 FR 17305-8/25/72
PLAQUEMINES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
POINTE COUPEE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
RAPIDES PARISH
(D)-See Statewide
Decision #AP-736 (B)
38 FR 14609 - 6/1/73
RED RIVER PARISH
(D)-See Statewide
(F)-See Acadia Parish
RICHLAND PARISH
(D)-See Statewide
(F)-See Acadia Parish
SABINE PARISH
(D)-See Statewide
(F)-See Acadia Parish
ST. BERNARD PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. CHARLES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. HELENA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JAMES PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. JOHN THE BAPTIST PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. LANDRY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
ST. MARTIN PARISH
(D)-See Statewide
(B,F) - See Acadia Parish

LOUISIANA (Cont'd)

ST. MARY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish

ST. TAMMANY PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TANGIPAHOA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
TENSAS PARISH
(D) See Statewide
(F)-See Acadia Parish
TERREBONNE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
UNION PARISH
(D)-See Statewide
(F)-See Acadia Parish
VERMILION PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
VERNON PARISH
(D)-See Statewide
(F)-See Acadia Parish
WASHINGTON PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEBSTER PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST BATON ROUGE PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WEST CARROLL PARISH
(D)-See Statewide
(F)-See Acadia Parish
WEST FELICIANA PARISH
(D)-See Statewide
(B,F) - See Acadia Parish
WINN PARISH
(D)-See Statewide
(F)-See Acadia Parish

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4-27-73

FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AP-439 (D)
37 FR 22701 - 10/20/72
Decision #AP-842 (B,Hw)
38 FR 14503 - 6/1/73
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AP-455 (B,H,Hw)
37 FR 28819 - 12/29/72
Mod. #1 - 38 FR 11212 - 5/4/73
Mod. #2 - 38 FR 13916 - 5/25/73
Decision #AM-1,846 (R)
36 FR 16249 - 8/20/71
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
CALVERT COUNTY
(D)-See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R)-See Baltimore County
CHARLES COUNTY
(D)-See Anne Arundel County
DORCHESTER COUNTY
(D)-See Anne Arundel County
FREDERICK COUNTY
None
GARRETT COUNTY
None
HARFORD COUNTY
(R)-See Baltimore County
(D)-See Anne Arundel County
HOWARD COUNTY
(R)-See Baltimore County
KENT COUNTY
(D)-See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
Decision #AP-492 (B)
38 FR 6538 - 3/9/73
Mod. #1 - 38 FR 8871 - 4/6/73
Mod. #2 - 38 FR 9393 - 4/13/73
Mod. #3 - 38 FR 11213 - 5/4/73
Mod. #4 - 38 FR 13116 - 5/18/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R)-See Montgomery County
(D)-See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D)-See Anne Arundel County
TALBOT COUNTY
(D)-See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
(D)-See Anne Arundel County
WORCESTER COUNTY
(D)-See Baltimore County

XUM 37 6 JUL 6NH 1883

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AP-811 -(B,H,Hw)
38 FR 12539 - 5/11/73
Mod. #1 - 38 FR 14516 6/1/73
Decision #AP-803 - (D)
38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
None
BRISTOL COUNTY
(D)-See Barnstable County
DUKES COUNTY
(D)-See Barnstable County
ESSEX COUNTY
Decision #AP-812 (B,H,Hw & Marine)
38 FR 12542 - 5-11-73
(D)-See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AP-813 (B,H,Hw)
38 FR 12546 - 5/11/73
Mod. #1 - 38 FR 15211 - 6/8/73
Decision #AP-470 (R)
38 FR 4617 - 2/16/73
Mod. #1 - 38 FR 6523 - 3/9/73
Mod. #2 - 38 FR 9394 - 4/13/73

MASSACHUSETTS (cont'd)

HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision #AP-814 (B,H,Hw & Marine)
38 FR 12550 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73
(d) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
(D) - See Barnstable County
PLYMOUTH COUNTY
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #AP-815 (B,H,Hw, Marine & D)
38 FR 12554 - 5/11/73
WORCESTER COUNTY
Decision #AP-816 (B,H,Hw)
38 FR 12558 - 5/11/73
Mod. #1 - 38 FR 14516 - 6/1/73

MICHIGAN

ALCONA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-78 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw,D) - See Alcona County
ALLEGAN COUNTY
Decision #AP-80 (B,H)
37 FR 28822 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Decision #AP-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AP-81 (B,H)
37 FR 28825 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
(Hw,D) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AP-82 (B, H)
37 FR 28850 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
(Hw, D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision #AP-83 (B, H)
37 FR 28828 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Decision #AM-399 (H)
36 FR 15892 - 8-18-71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8-18-71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AP-84 (B, H)
37 FR 28831 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R)-See Branch County
CHARLEVOIX COUNTY
Decision #AP-85 (B, H)
37 FR 28834 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw, D) - See Alcona County
CHEBOYGAN COUNTY
(Hw, D) - See Alcona County
CHIPPEWA COUNTY
Decision #AP-86 (B, H)
37 FR 28837 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw, D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw, D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AP-87 (B, H)
37 FR 28839 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
(Hw, D) - See Alcona County
GENESEE COUNTY
Decision #AP-88 (B, H)
37 FR 28870 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Decision AP-76 (Highway, Bridge, Airpost & Sewer Cons, excl. of Bldgs.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AP-89 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AP-90 (B,H)
37 FR 28873 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
(Hw, D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
HURON COUNTY
Decision #AP-91 (B, H)
37 FR 28879 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AP-92 (B, H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (cont'd)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D & Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona Aounty
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AP-93 (B, H)
37 FR 28847 - 12-29-72
Mod. #1 - 38 FR 5093 - 2-23-73
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B,H)
37 FR 20443 - 9-29-72
Mod. #1 - 37 FR 22704 - 10-20-72
Decision #AM-402 (R)
36 FR 15895 - 8-18-71
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AP-600 (B,H)
37 FR 28866 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73
(D) - See Alcona County
(Hw) - See Genesee County
Decision # AP-601 (R)
37 FR 28797 - 12-29-72
Mod. #1 - 38 FR 5096 - 2-23-73

MICHIGAN (cont'd)

MANISTEE COUNTY
(Hw, D) - See Alcona County
MARQUETTE COUNTY
Decision #AP-94 (B, H)
37 FR 28852 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MASON COUNTY
Decision #AP-95 (B, H)
37 FR 28854 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
(Hw, D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AP-97 (B, H)
37 FR 28857 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B, H, R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B, H) - See Baraga County
(Hw, D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AP-91 (B, H)
37 FR 28879 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AP-98 (B, H)
37 FR 28860 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(D) - See Alcona County
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AP-99 (B, H)
37 FR 28863 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
(Hw) - See Genesee County
WAYNE COUNTY
(B, H, R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

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MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP-638 (B)
38 FR 6540 - 3/9/73
Mod. #1 - 38 FR 11213 - 5/4/73
Decision #AP-642 (H,Hw)
38 FR 6556 - 3/9/73
Mod. #1 - 38 FR 11225 - 5/4/73
Decision #AP-644 (R)
38 FR 6562 - 3/9/73
Mod. #1 - 38 FR 11227 - 5-4-73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None
BIG STONE COUNTY
Decision #AP-50 (Hw)
37 FR 25098 - 11/25/72
BLUE EARTH COUNTY
None
BROWN COUNTY
None
CARLTON COUNTY
None
CARVER COUNTY
Decision #AP-639 (B)
38 FR 6544 - 3/9/73
Mod. #1 - 38 FR 11216 - 5/4/73
Decision #AP-645 (R)
38 FR 6566 - 3/9/73
Mod. #1 - 38 FR 11230 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTA (Cont'd)

CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
None
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AP-643 (H,Hw)
38 FR 6559 - 3/9/73
Mod. #1 - 38 FR 11226 - 5/4/73
Decision #AP-4 - (D)
37 FR 14670 - 7/21/72
COTTONWOOD COUNTY
None
CROW WING COUNTY
None
DAKOTA COUNTY
Decision #AP-640 (B)
38 FR 6546 - 3/9/73
Mod. #1 - 38 FR 11219 - 5/4/73
Decision #AP-646 (R)
38 FR 6570 - 3/9/73
Mod. #1 - 38 FR 11233 - 5/4/73
(H,Hw) - See Anoka County

MINNESOTA (Cont'd)

DODGE COUNTY
None
DOUGLAS COUNTY
(Hw) - See Big Stone County
FAIRBAULT COUNTY
None
FILLMORE COUNTY
None
FREEBORN COUNTY
None
GOODHUE COUNTY
None
GRANT COUNTY
(Hw) - See Big Stone County
HENNEPIN COUNTY
(B, R) - See Carver County
(H, Hw) - See Anoka County
HOUSTON COUNTY
None
HUBBARD COUNTY
(Hw) - See Becker County
ISANTI COUNTY
None
ITASKA COUNTY
None
JACKSON COUNTY
None
KANABEC COUNTY
None
KANDIYOHI COUNTY
(Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
None
LAC QUI PARLE COUNTY
(Hw) - See Big Stone County
LAKE COUNTY
(H)(Hw)-See Cook County
(D)-See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
None
LINCOLN COUNTY
None

MINNESOTA (Cont'd)

LYON COUNTY
None
MCLEOD COUNTY
None
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
None
MEEKER COUNTY
None
MILLE LACS COUNTY
None
MORRISON COUNTY
None
MOWER COUNTY
None
MURRAY COUNTY
None
NICOLLET COUNTY
None
NOBLES COUNTY
None
NORMAN COUNTY
None
OLMSTEAD COUNTY
None
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
None
PIPESTONE COUNTY
None
POLK COUNTY
None
POPE COUNTY
(Hw) - See Big Stone County
RAMSEY COUNTY
(R, B) - See Dakota County
(H, Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
None
RENVILLE COUNTY
None
RICE COUNTY
None
ROCK COUNTY
None
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D)-See Cook County
(H)(Hw)-See Cook County
CITY OF DULUTH
Decision #AP-641 (B)
38 FR 6552 - 3/9/73
Mod. #1-38 FR 11222 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Decision #AP-647 (R)
38 FR 6574 - 3/9/73
Mod. #1-38 FR 11236 - 5-4-73
Mod. #2-38 FR 13916 - 5-25-73
Mod. #3-38 FR 14516 - 6/1/73
SCOTT COUNTY
(H)(Hw)-See Anoka County
(B) - See Carver County
SHERBURNE COUNTY
None
SIBLEY COUNTY
None

MINNESOTA (cont'd)

STEARNS COUNTY
None
STEELE COUNTY
None
STEVENS COUNTY
(Hw) - See Big Stone County
SWIFT COUNTY
(Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(Hw) - See Big Stone County
WABASHA COUNTY
None
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
None
WASHINGTON COUNTY
(B) - See Dakota County
(H, Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(Hw) - See Becker County
WINONA COUNTY
None
WRIGHT COUNTY
None
YELLOW MEDICINE COUNTY
None

MISSISSIPPI

STATEWIDE
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 8601 - 4/28/72
Mod. #2-37 FR 24506 - 11/17/72
ADAMS COUNTY
Decision #AP-166 (Hw)
38 FR 6582 - 3/9/73
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AP-162 (Hw)
38 FR 6578 - 3/9/73
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AP-165 (Hw)
38 FR 6581 - 3/9/73
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
BOLIVAR COUNTY
Decision #AP-163 (Hw)
38 FR 6579 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (cont'd)

CLAIBORNE COUNTY
Decision #AP-164 (Hw)
38 FR 6580 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AP-167 (Hw)
38 FR 6583 - 3/9/73
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

XUM 37 6 JCL 6961 ⅠⅧ3V

MISSISSIPPI (cont'd)

GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(DO - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AP-159 (B,H,Water & Sewer)
38 FR 4638 - 2/16/73
Mod. #1 - 38 FR 7196 - 3/16/73
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
(D,F) - See Statewide
(Hw) - See George County
Decision #AP-498 (R)
36 FR 16473 - 8/20/71
(D,F) - See Statewide
(Hw) - See Claiborne
HINDS COUNTY
Decision #AP-158 (B, H,)
38 FR 4636 - 2/16/73
Decision #AP-498 (R)
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attalo County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County

MISSISSIPPI (Cont'd)

MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
PEARL RIVER COUNTY
(B, H) - See Harrison County
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn COunty
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewise
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attalo Ccunty
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
None
ANDREW COUNTY
None
ATCHISON COUNTY
None
AUDRAIN COUNTY
None
BARRY COUNTY
None
BARTON COUNTY
Decision #AP-509 (H-Hw)
37 FR 21783 - 10/13/72
BATES COUNTY
None
BENTON COUNTY
None
BOLLINGER COUNTY
None
BOONE COUNTY
None
BUCHANAN COUNTY
None
BUTLER COUNTY
None
CALDWELL COUNTY
None
CALLAWAY COUNTY
None
CAMDEN COUNTY
None
CAPE GIRARDEAU COUNTY
Decision #AP-502 (D)
38 FR 1433-1/12/73
CARROLL COUNTY
None
CARTER COUNTY
None

MISSOURI (Cont'd)

CASS COUNTY
Decision #AP-531 (B,H,Hw)
38 FR 13929 (5/25/73)
Decision #AP-516 (R)
37 FR 26206 - 12/8/72
Mod. #1-38 FR 1435-1/12/73
Mod. #2-38 FR 4078-2/9/73
Mod. #3-38 FR 12511 - 5/11/73
CEDAR COUNTY
None
CHARITON COUNTY
None
CHRISTIAN COUNTY
None
CLARK COUNTY
None
CLAY COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
CLINTON COUNTY
None
COLE COUNTY
None
COOPER COUNTY
None
CRAWFORD COUNTY
None
DADE COUNTY
None
DALLAS COUNTY
None
DAVIESS COUNTY
None
DE KALB COUNTY
None
DENT COUNTY
None
DOUGLAS COUNTY
None
DUNKLIN COUNTY
None
FRANKLIN COUNTY
None
GASCONADE COUNTY
None
GENTRY COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

MISSOURI (Cont'd)

HICKORY COUNTY
None
HOLT COUNTY
Decision #AP-505 (H-Hw)
37 FR 21774 - 10/13/72
HOWARD COUNTY
None
HOWELL COUNTY
None
IRON COUNTY
None
JACKSON COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D)-See Cape Girardeau County
JOHNSON COUNTY
None
KNOX COUNTY
None
LACLEDE COUNTY
(H-Hw) - See Barton County
LAFAYETTE COUNTY
None
LAWRENCE COUNTY
(H-Hw) - See Barton County
LEWIS COUNTY
None
LINCOLN COUNTY
None
LINN COUNTY
Decision #AP-508 (H-Hw)
37 FR 21779 - 10/13/72
Mod. #1-37 FR 23057 - 10/27/72
LIVINGSTON COUNTY
None
MC DONALD COUNTY
None
MACON COUNTY
None
MADISON COUNTY
None
MARIES COUNTY
None
MARION COUNTY
None
MERCER COUNTY
None
MILLER COUNTY
None

38 FR 18194
XUM

MISSOURI (Cont'd)

MISSISSIPPI COUNTY
(D)-See Cape Girardeau County
MONITEAU COUNTY
None
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MORGAN COUNTY
None
NEW MADRID COUNTY
None
NEWTON COUNTY
None
NODAWAY COUNTY
None
OREGON COUNTY
None
OSAGE COUNTY
None
OZARK COUNTY
None
PEMISCOT COUNTY
None
PERRY COUNTY
(D)-See Cape Girardeau County
PETTIS COUNTY
(D-Hw) - See Linn County
PHELPS COUNTY
None
PIKE COUNTY
None
PLATTE COUNTY
(B-H-Hw) - See Cass County
(R) - See Cass County
POLK COUNTY
None
PULASKI COUNTY
None
PUTNAM COUNTY
None
RALLS COUNTY
None
RANDOLPH COUNTY
None
RAY COUNTY
(B, H, Hw, R) - See Cass County
REYNOLDS COUNTY
None
RIPLEY COUNTY
None

MISSOURI (Cont'd)

ST. CHARLES COUNTY
Decision #AP-505 (B-H-Hw)
37 FR 17933 - 9/1/72
Mod. #1-37 FR 19884 - 9/22/72
Mod. #2 - 37 FR 25109 - 11/25/72
Mod. #3 - 38 FR 4078 - 2/9/73
Mod. #4 - 38 FR 5096 - 2/23/73
Mod. #5 - 38 FR 6524 - 3/9/73
Mod. #6 - 38 FR 13917 - 5/25/73
Decision #AP-504 (R)
37 FR 17881 - 9/1/72
Mod. #1-38 FR 4078-2/9/73
Mod. #2 - 38 FR 6524 - 3/9/73
Mod. #3 - 38 FR 13917 - 5/25/73
(D)-See Cape Girardeau County
ST. CLAIR COUNTY
None
ST. FRANCOIS COUNTY
None
ST. LOUIS COUNTY
(B-H-Hw-R) - See St. Charles County
(D) - See Cape Girardeau County
ST. LOUIS CITY
(B-H-Hw-R) - See St. Charles County
STE. GENEVIEVE COUNTY
(D)-See Cape Girardeau County
SALINE COUNTY
None
SCHUYLER COUNTY
None
SCOTLAND COUNTY
None
SCOTT COUNTY
Decision #AP-507 (H-Hw)
37 FR 21776 - 10/13/72
Mod. #1-37 FR 25109 - 11/25/72
(D)-See Cape Girardeau County
SHANNON COUNTY
None
SHELBY COUNTY
None
STODDARD COUNTY
None
STONE COUNTY
None
SULLIVAN COUNTY
None
TANEY COUNTY
None

MISSOURI (cont'd)

TEXAS COUNTY
None
VERNON COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY
None
WORTH COUNTY
None
WRIGHT COUNTY
None

MONTANA

STATEWIDE
Decision #AP-272 (H,Hw)
38 FR 7741 - 3/23/73
Mod. #1 - 38 FR 14517 - 6/1/73
BEAVERHEAD COUNTY
Decision #AP-285 (B)
38 FR 8900 - 4/6/73
Mod. #1 - 38 FR 14525 - 6/1/73
(H,Hw) - See Statewide
BIG HORN COUNTY
Decision #AP-286 (B)
38 FR 8908 - 4/6/73
Mod. #1 - 38 FR 11239 - 5/4/73
Mod. #2 - 38 FR 14529 - 6/1/73
(H,Hw) - See Statewide
BLAINE COUNTY
Decision #AP-279 (B)
38 FR 8383 - 3/30/73
Mod. #1 - 38 FR 9394 - 4/13/73
Mod. #2 - 38 FR 14521 - 6/1/73
(H,Hw) - See Statewide
BROADWATER COUNTY
(H,Hw) - See Statewide
CARBON COUNTY
(H,Hw) - See Statewide
CARTER COUNTY
(H,Hw) - See Statewide
CASCADE COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
CHATEAU COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
CUSTER COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DANIELS COUNTY
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DEER LODGE COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
FALLON COUNTY
(H,Hw) - See Statewide
FERGUS COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
FLATHEAD COUNTY
(H,Hw) - See Statewide
Decision #AP-278 (B)
38 FR 8378 - 3/30/73
Mod. #1 - 38 FR 14519 - 6/1/73

MONTANA (Cont'd)

GALLATIN COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Blaine County
GLACIER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
GOLDEN VALLEY COUNTY
(H,Hw) - See Statewide
GRANITE COUNTY
(H,Hw)- See Statewide
HILL COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
JEFFERSON COUNTY
(H,Hw) - See Statewide
JUDITH BASIN COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LAKE COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
LEWIS & CLARK COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LIBERTY COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LINCOLN COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MC CONE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MEAGHER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MISSOULA COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MUSSELSHELL COUNTY
(H,Hw) - See Beaverhead County
PARK COUNTY
(H,Hw) - See Statewide
PETROLEUM COUNTY
(H,Hw) - See Statewide
PHILLIPS COUNTY
(H,Hw) - See Statewide

MONTANA (Cont'd)

PONDERA COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
POWDER RIVER COUNTY
(H,Hw) - See Statewide
POWELL COUNTY
(H,Hw) - See Statewide
PRAIRIE COUNTY
(H,Hw) - See Statewide
RAVALLI COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROOSEVELT COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROSEBUD COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
SANDERS COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(H,Hw) - See Blaine County
SILVERBOW COUNTY
(B) - See Beaverhead County
Decision #AP-289 (R)
38 FR 8856 - 4/6/73
Mod. #1 - 38 FR 14532 - 6/1/73
(H,Hw) - See Statewide
STILLWATER COUNTY
(H,Hw) - See Statewide
SWEETGRASS COUNTY
(H,Hw) - See Statewide
TETON COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TOOLE COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TREASURE COUNTY
(H,Hw) - See Statewide
VALLEY COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
WHEATLAND COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
WIBAUX COUNTY
(H,Hw) - See Statewide
YELLOWSTONE COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County

NEBRASKA

ADAMS COUNTY
Decision #AP-525 (Hw)
38 FR 9613 - 4/13/73
Mod. #1 - 38 FR 13116 - 5/18/73
Mod. #2 - 38 FR 13917 - 5/25/73
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision #AP-526 (B,H,Hw)
38 FR 9937 - 4/20/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 14534 - 6/1/73
Decision #AP-524 (R)
38 FR 8861 - 4/6/73
Mod. #1 - 38 FR 11240 - 5/4/73
Mod. #2 - 38 FR 13116 - 5/18/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Adams County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Adams County
GRANT COUNTY
(Hw) - See Adams County

XUM

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AP-522 (D)
38 FR 8391 - 3/30/73
Mod. #1 - 38 FR 14534 - 6/1/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(D-Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AP-264 (H,Hw)
38 FR 6584 - 3/9/73
CHURCHILL COUNTY
(H,Hw) - See Statewide
Decision #AP-907 (B)
38 FR 13941 - 5/25/73
CLARK COUNTY
Decision #AP-290 (R) (Excluding the Nevada Test Site)
38 FR 8914 - 4/6/73
Decision #AP-266 (B) (Excluding the Nevada Test Site)
38 FR 8395 - 3/30/73
(H,Hw) - See Statewide
Decision #AP-282 (B,H,Hw) (Nevada Test Site Including the Tonopah Test Site)
38 FR 8401 - 3/30/73
DOUGLAS COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ELKO COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ESMERALDA COUNTY
(H,Hw) - See Statewide
EUREKA COUNTY
(H,Hw) - See Statewide

NEVADA (Cont'd)

HUMBOLDT COUNTY
(H-Hw) - See Statewide
LANDER COUNTY
(H-Hw) - See Statewide
LINCOLN COUNTY
(B) - See Clark County (AP-266)
(H-Hw) - See Statewide
LYON COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
MINERAL COUNTY
(H-Hw) - See Statewide
(B) - See Churchill County
NYE COUNTY
(B) - See Clark County (#AP-266)
(B,H,Hw) - See Clark County (#AP-282)
(H-Hw) - See Statewide
ORMSBY COUNTY
(B) - See Churchill County
(H,Hw) - See Statewide
PERSHING COUNTY
(H-Hw) - See Statewide
STOREY COUNTY
(H-Hw) - See Statewide
WASHOE COUNTY
Decision #AP-269 (R)
38 FR 7190 - 3/16/73
(H,Hw) - See Statewide
(B) - See Churchill County
WHITE PINE COUNTY
(H-Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AP-420 (B)
38 FR 7689 - 3/23/73
Mod. #1 - 38 FR 12513 - 5/11/73
Decision #AP-498 (R)
38 FR 8853 - 4/6/73
Mod. #1 - 38 FR 12513 - 5/11/73
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AP-806 (B)
38 FR 12503 - 5/11/73
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AP-809 (B,H,Hw)
38 FR 12561 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AP-810 (B,H,Hw)
38 FR 12567 - 5/11/73
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AP-829 (B,H,Hw)
38 FR 13272 - 5/18/73
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AP-836 (B,H,Hw)
38 FR 13951 - 5/25/73
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AP-837 (B,H,Hw)
38 FR 13957 - 5/25/73
(D) - See Atlantic County
ESSEX COUNTY
Decision #AP-826 (B,H,Hw)
38 FR 13252 - 5/18/73
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AP-828 (B,H,Hw)
38 FR 13265 - 5/18/73
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AP-827 (B,H,Hw)
38 FR 13258 - 5/18/73
(D)-See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision #AP-838 (B,H,Hw)
38 FR 13963 - 5/25/73
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AP-839 (B,H,Hw)
38 FR 13971 - 5/25/73
(D) - See Atlantic County
MORRIS COUNTY
Decision #AP-840 (B,H,Hw)
38 FR 13978 - 5/25/73
(D) - See Atlantic County
OCEAN COUNTY
Decision #AP-841 (B,H,Hw)
38 FR 13985 - 5/25/73
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AM-1,718 (B,H,Hw)
36 FR 14885 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 971 - 1/21/72
Mod. #3 - 37 FR 5662 - 3/17/72
Mod. #4 - 37 FR 6137 - 3/24/72
(D) - See Atlantic County

XUM

NEW JERSEY (Cont'd)

SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AM-1,719 (B,H,Hw)
36 FR 14892 - 8/11/71
Mod. #1-36 FR 19285 - 10/1/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 6137 - 3/24/72
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AM-1,720 (B,H,Hw)
36 FR 14900 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-36 FR 20080 - 10/15/71
Mod. #3-37 FR 972 - 1/21/72
Mod. #4-37 FR 5662 - 3/17/72
Mod. #5-37 FR 6137 - 3/24/72
Mod. #6-37 FR 17316 - 8/25/72
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AM-11,406 (Streets, Highways, Utilities and Light Engineering Construction)
37 FR 6139 - 3/24/72
Mod. #1-37 FR 7429 - 4/14/72
Mod. #2-37 FR 9169 - 5/5/72
Mod. #3-37 FR 11621 - 6/9/72
Mod. #4-38 FR 12513 - 5/11/73
Decision #AP-730 (Building & Heavy Engineering Construction
38 FR 12574 - 5/11/73
Mod. #1 - 38 FR 13918 - 5/25/73
Mod. #2 - 38 FR 14534 - 6/1/73
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

DE BACA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
Decision #AP-340 (H)
37 FR 19869-9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
MORAW COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
OTERO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE)-See Statewide

NEW MEXICO (Cont'd)

SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AP-487 (B,H,Hw)
38 FR 6608 - 3/9/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 12514 - 5/11/73
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
Mod. #1 - 38 FR 9397 - 4/13/73
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision #AM-1,724 (B,H,Hw)
36 FR 14921 - 8/11/71
Mod. #1-36 FR 19650 - 10/8/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 7029 - 4/7/72
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9397 - 4/13/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESSE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
(D) - See Cayuga County

NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AP-453 (B,H,Hw)
37 FR 28380-12/22/72
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AM-1,728 (B,H,Hw)
Mod. #1-36 FR 18988 - 9/24/71
Mod. #2-37 FR 973 - 1/21/72
Mod. #3-37 FR 1434 - 1/28/72
Mod. #4-37 FR 4021 - 2/25/72
Mod. #5-37 FR 6612 - 3/31/72
Mod. #6-37 FR 13018 - 6/30/72
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AM-1,729 (B,H,Hw)
36 FR 14950 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6612 - 3/31/72
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)
36 FR 14955 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 1434 - 1/28/72
Mod. #5-37 FR 6612 - 3/31/72

NEW YORK (Cont'd)

ONEIDA COUNTY
Decision #AM-1,730 (B,H,Hw)(Cont'd)
Mod. #6-37 FR 9595 - 5/12/72
Mod. #7-37 FR 19887 - 9/22/72
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AM-1,732 (B,H,Hw)
36 FR 14965 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 974 - 1/21/72
Mod. #3-37 FR 7030 - 4/7/72
Mod. #4-37 FR 22705 - 10/20/72
Mod. #5-38 FR 2010-1/19/73
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AM-1,733 (B,H,Hw)
36 FR 14972 - 8/11/71
Mod. #1-36 FR 19288 - 8/11/71
Mod. #2-36 FR 20839 - 10/29/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
Mod. #5-37 FR 22706 - 10/20/72
Mod. #6-37 FR 23058 - 10/27/72
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County

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NEW YORK (cont'd)

ST LAWRENCE COUNTY
(D)-See Cayuga County
SARATOGA COUNTY
Decision #AP-451 (B,H,Hw)
37 FR 25099 - 11/25/72
SCHENECTADY COUNTY
Decision #AM-1734 (B,H,Hw)
36 FR 14976 - 8/11/71
Mod. #1 - 36 FR 19288 - 10/1/71
Mod. #2 - 36 FR 20839 - 10/29/71
Mod. #3-37 FR 974-1/21/72
Mod. #4-37 FR 6613-3/31/72
Mod. #5 - 37 FR 23062 - 10/27/72
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
SUFFOLK COUNTY
Decision #AM-1735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D)-See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AM-1,736 (B,H,Hw)
36 FR 14985 - 8/11/71
Mod. #1-36 FR 19652 - 8/11/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AM-1847 (Hw)
36 FR 16474 - 8/20/71
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
(Sewer & Water,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-439 (D)
37 FR 22101 - 10/20/72
(Sewer&Water,Hw) - See Statewide
BERTIE COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
BURKE COUNTY
(Sewer & Water,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water,Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHEROKEE COUNTY
(Hw) - See Statewide
CHOWAN COUNTY
(D) - See Beaufort County
(Hw)-See Statewide
CLAY COUNTY
(Hw) - See Beaufort County
CLEVELAND COUNTY
(Hw) - See Statewide
COLUMBUS COUNTY
(Hw) - See Statewide
CRAVEN COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
CURRITUCK COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
DARE COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
DAVIDSON COUNTY
(Hw) - See Statewide
DAVIE COUNTY
(Hw) - See Statewide
DUPLIN COUNTY
(Hw) - See Statewide
DURHAM COUNTY
(Hw) - See Statewide
EDGECOMBE COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GASTON COUNTY
(Hw) - See Statewide
GATES COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
GRAHAM COUNTY
(Hw) - See Statewide
GRANVILLE COUNTY
(Hw) - See Statewide
GREENE COUNTY
(Hw) - See Statewide
GUILFORD COUNTY
(Hw) - See Statewide

All of Above Counties:
S/W See Statewide

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Hw) - See Statewide
HARNETT COUNTY
(Hw) - See Statewide
HAYWOOD COUNTY
(Hw) - See Statewide
HENDERSON COUNTY
(Hw) - See Statewide
HERTFORD COUNTY
(D) - See Beaufort County
(Hw) - See Statewide County
HOKE COUNTY
(Hw) - See Statewide
HYDE COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
IREDELL COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JOHNSTON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
LENOIR COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
McDOWELL COUNTY
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
MADISON COUNTY
(Hw) - See Statewide
MARTIN COUNTY
(Hw) - See Statewide
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
(Hw) - See Statewide
MITCHELL COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MOORE COUNTY
(Hw) - See Statewide
NASH COUNTY
(Hw) - See Statewide

NORTH CAROLINA (Cont'd)

NEW HANOVER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
NORTHAMPTON COUNTY
(Hw) - See Statewide
ONSLOW COUNTY
(D) - See Buaufort
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PASQUOTANK COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
PERSON COUNTY
(Hw) - See Statewide
PITT COUNTY
(Hw) - See Statewine
POLK COUNTY
(hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
RICHMOND COUNTY
(Hw) - See Statewide
ROBESON COUNTY
(Hw) - See Statewide
ROCKINGHAM COUNTY
(Hw) - See Statewide
ROWAN COUNTY
(Hw) - See Statewide
RUTHERFORD COUNTY
(Hw) - See Statewide
SAMPSON COUNTY
(Hw) - See Statewide
SCOTLAND COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide

All North Carolina Counties
S/W - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Hw) - See Statewide
SURRY COUNTY
(Hw) - See Statewide
SWAIN COUNTY
(Hw) - See Statewide
TRANSYLVANIA COUNTY
(Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
VANCE COUNTY
(Hw) - See Statewide
WAKE COUNTY
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
WATAUGA COUNTY
(Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WILKS COUNTY
(Hw) - See Statewide
WILSON COUNTY
(Hw) - See Statewide
YADKIN COUNTY
(Hw) - See Statewide
YANCEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AP-267 (Hw)
38 FR 6612 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 11241 - 5/4/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AP-268 (B)
38 FR 6615 - 3/9/73
Mod. #1 - 38 FR 9398 - 4/13/73
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide

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NORTH DAKOTA (Cont'd)

RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(D) - See Burleigh County
ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None
CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73

OHIO (Cont'd)

DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(R) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D)-See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1-37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None
HAMILTON COUNTY
Decision #AP-674 (B,H,Hw)
38 FR 14012 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
(D)-See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None

OHIO (Cont'd)

HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D)-See Adams County
LICKING COUNTY
Decision #AP-675 (B,H,Hw)
38 FR 14017 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AP-676 - (B,H,Hw)
38 FR 14021 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AP-687 (R)
38 FR 13903 - 5/25/73
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D)-See Adams County
MERCER COUNTY
None

OHIO (Cont'd)

MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D)-See Adams County
MONTGOMERY COUNTY
(B)(H)(Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B)(H)(Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AP-679 (B,H,Hw)
38 FR 14033 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D)-See Adams County
SENECA COUNTY
None
SHELBY COUNTY
None
STARKE COUNTY
Decision #AP-680 (B,H,Hw)
38 FR 14038 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1-38 FR 14536 - 6/1/73
TRUMBULL COUNTY
Decision #AP-688 (R)
38 FR 13905 - 5/25/73
Decision #AP-682 (B,H,Hw)
38 FR 14047 - 5/25/73
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D)-See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16762 - 8/25/71
BEAVER COUNTY
(Hw)-See Alfalfa County
BECKHAM COUNTY
DECISION #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw)-See Beckham County
BRYAN COUNTY
(Hw)-See Atoka County
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM- 3609 (hw)
36 FR 16767 - 8/25/71
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R)-See Oklahoma County
CARTER COUNTY
(Hw)-See Caddo County
CHEROKEE COUNTY
(Hw)-See Adair County
CHOCTAW COUNTY
(hw)-See Atoka County
CIMARRON COUNTY
(Hw)-See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16763 - 8/25/71
(R)-See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw)-See Cleveland County
COMANCHE COUNTY
(Hw)-See Caddo County
Decision #AP-309 (R)
37 FR 16715 - 8/18/72
COTTON COUNTY
(Hw)-See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/71
CREEK COUNTY
(Hw)-See Canadian County
CUSTER COUNTY
(Hw)-See Beckham County

OKLAHOMA (cont'd)

DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw)-See Beckham County
ELLIS COUNTY
(Hw)-See Alfalfa County
GARFIELD COUNTY
(Hw)-See Canadian County
GARVIN COUNTY
(Hw)-See Cleveland County
GRADY COUNTY
(Hw)-See Caddo County
GRANT COUNTY
(Hw)-See Canadian County
GREER COUNTY
(Hw)-See Beckham County
HARMON COUNTY
(Hw)-See Beckham County
HARPER COUNTY
(Hw)-See Alfalfa County
HASKELL COUNTY
(Hw)-See Adair County
HUGHES COUNTY
(Hw)-See Cleveland County
JACKSON COUNTY
(Hw)-See Beckham County
JEFFERSON COUNTY
(Hw)-See Caddo County
JOHNSTON COUNTY
(Hw)-See Cleveland County
KAY COUNTY
(Hw)-See Canadian County
KINGFISHER COUNTY
(Hw)-See Canadian County
KIOWA COUNTY
(Hw)-See Beckham County
LATIMER COUNTY
(Hw)-See Atoka County
LEFLORE COUNTY
(Hw)-See Atoka County
LINCOLN COUNTY
(Hw)-See Canadian County)
(R)-See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw)-See Canadian County
LOVE COUNTY
(hw)-See Caddo County
MCCLAIN COUNTY
(Hw)-See Cleveland County
MCCURTAIN COUNTY
(Hw)-See Atoka County

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw)-See Adair County
MAJOR COUNTY
(Hw)-See Alfalfa County
MARSHALL COUNTY
(Hw)-See Atoka County
MAYES COUNTY
(Hw)- See Craig County
MURRAY COUNTY
(Hw)-See Cleveland County
MUSKOGEE COUNTY
(Hw)-See Adair County
NOBLE COUNTY
(Hw)-See Canadian County
NOWATA COUNTY
(Hw)-See Craig County
OKFUSKEE COUNTY
(hw)-See Cleveland County
OKLAHOMA COUNTY
Decision #AP-731 (B)
38 FR 12592 - 5/11/73
Decision #AM-3612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799 - 12/29/72
Mod. #2-38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(Hw) - See Adair County
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AP-364 (B)
37 FR 26249 - 12/8/72
Mod. #1-37 FR 28356-12/22/72
Mod. #2-38 FR 2010-1/19/73
Mod. #3-38 FR 13116 - 5/18/73
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adiar County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AP-284 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1 - 38 FR 11241 - 5/4/73
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B-H-Hw-D) - See Statewide
DOUGLAS COUNTY
(B-H-Hw-D) - See Statewide
GILLIAM COUNTY
(B-H-Hw-D) - See Statewide
GRANT COUNTY
(B-H-Hw-D) - See Statewide
HARNEY COUNTY
(B-H-Hw-D) - See Statewide
HOOD COUNTY
(B-H-Hw-D) - See Statewide
JACKSON COUNTY
(B-H-Hw-D) - See Statewide
JEFFERSON COUNTY
(B-H-Hw-D) - See Statewide
JOSEPHINE COUNTY
(B-H-Hw-D) - See Statewide
KLAMATH COUNTY
(B-H-Hw-D) - See Statewide
LAKE COUNTY
(B-H-Hw-D) - See Statewide
LANE COUNTY
(B-H-Hw-D) - See Statewide
LINCOLN COUNTY
(B-H-Hw-D) - See Statewide
LINN COUNTY
(B-H-Hw-D) - See Statewide

OREGON (cont'd)

MALHEUR COUNTY
(B-H-Hw-D) - See Statewide
MARION COUNTY
(B-H-Hw-D) - See Statewide
MORROW COUNTY
(B-H-Hw-D) - See Statewide
MULTNOMAH COUNTY
Decision #AP-277 (R)
38 FR 7692 - 3/23/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 11241 - 5/4/73
(B-H-Hw-D) - See Statewide
POLK COUNTY
(B-H-Hw-D) - See Statewide
SHERMAN COUNTY
(B-H-Hw-D) - See Statewide
TILLAMOOK COUNTY
(B-H-Hw-D) - See Statewide
UMATILLA COUNTY
(B-H-Hw-D) - See Statewide
UNION COUNTY
(B-H-Hw-D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 fR 6622 - 3/9/73
ALLEGHENY COUNTY
Decision #AP-495 (B,H,Hw)
38 FR 7771 - 3/23/73
Mod. #1 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 13117 - 5/18/73
ARMSTRONG COUNTY
Decision #AP-831 (H,Hw)
38 FR 14055 - 5/25/73
BEAVER COUNTY
Decision #AP-467 (H,Hw)
38 FR 2618 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
BEDFORD COUNTY
Decision #AP-832 (H,Hw)
38 FR 14058 - 5/25/73
BERKS COUNTY
Decision #AP-429 (B,H,Hw)
37 FR 21255 - 10/6/72
Mod. #1 - 38 FR 1436 - 1/12/73
Mod. #2 - 38 FR 2012 - 1/19/73
Mod. #3 - 38 FR 4079 - 2/9/73
Mod. #4 - 38 FR 5101 - 2/23/73
BLAIR COUNTY
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AP-404 (R)
37 FR 15229 - 7/28/72
Mod. #1 - 38 FR 2012 - 1/19/73
Mod. #2 - 38 FR 4630 - 2/16/73
Mod. #3 - 38 FR 6526 - 3/5/73
Decision #AP-817 (H,Hw)
38 FR 13279 - 5/18/73
BUTLER COUNTY
Decision #AP-830 (H,Hw)
38 FR 14053 - 5/25/73
CAMBRIA COUNTY
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
DEcision #AP-466 (H,Hw)
38 FR 2615 - 1/26/73
Mod. #1 - 38 FR 7172 - 3/16/73

PENNSYLVANIA (Cont'd)

CENTRE COUNTY
Decision #AP-466 (H,Hw) (Cont'd)
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 12515 - 5/11/73
CHESTER COUNTY
(H,Hw) - See Bucks County
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AP-825 (B)
38 FR 13301 - 5/18/73
(H,Hw) - See Adams County
DAUPHIN COUNTY
Decision #AP-824 (B)
38 FR 13299 - 5/18/73
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-821 (B,H,Hw)
38 FR 13292 - 5/18/73
(B,H,Hw) - See Bucks County
ELK COUNTY
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AP-834 (B,H,Hw)
38 FR 14060 - 5/25/73
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AP-480 (B,H,Hw)
38 FR 5771 - 3/2/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 9399 - 4/13/73
Mod. #3 - 38 FR 10578 - 4/27/73
Mod. #4 - 38 FR 13122 - 5/18/73
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County

PENNSYLVANIA (Cont'd)

INDIANA COUNTY
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNIATA COUNTY
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #AP-488 (B)
38 FR 6620 - 3/9/73
LANCASTER COUNTY
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AP-822 (B,H,Hw)
38 FR 13295 - 5/18/73
Mod. #1 - 38 FR 14537 - 6/1/73
LEBANON COUNTY
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AP-835 (B)
38 FR 14066 - 5/25/73
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AP-818 (B)
38 FR 13283 - 5/18/73
(H,Hw) - See Adams County
LYCOMING COUNTY
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AP-479 (B,H,Hw)
38 FR 5765 - 3/2/73
Mod. #1 - 38 FR 7172 - 3/16/73
Mod. #2 - 38 FR 8872 - 4/6/73
Mod. #3 - 38 FR 13117 - 5/18/73
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AP-819 (B)
38 FR 13286 - 5/18/73
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
DEcision #AP-490 (B)
38 FR 6624 - 3/9/73
Mod. #1 - 38 FR 9399 - 4/13/73
Mod. #2 - 38 FR 10578 - 4/27/73
Mod. #3 - 38 FR 14537 - 6/1/73
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
(Hw) - See Adams County

PENNSYLVANIA (Cont'd)

PERRY COUNTY
(Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AP-820 (B)
38 FR 12889 - 5/18/73
Decision #AP-803 (D)
38 FR 11580 - 4/27/72
(H,Hw) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
WARREN COUNTY
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AP-481 (B,H,Hw)
38 FR 7767 - 3/23/73
Mod. #1-38 FR 10578 - 4/27/73
Mod. #2-38 FR 12518 - 5/11/73
Mod. #3-38 FR 13117 - 5/18/73
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AP-482 (B,H,Hw)
38 FR 7746 - 3/23/73
Mod. #1-38 FR 10578 - 4/27/73
Mod. #2-38 FR 12518 - 5/11/73
Mod. #3-38 FR 13117 - 5/18/73
WYOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

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PUERTO RICO

PUERTO RICO
Decision #AP-412 (B, H, Hw)
37 FR 16778 - 8/18/72

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
Decision #AP-483 (B,H,Hw,Marine)
38 FR 7778 - 3/23/73
Mod. #1-38 FR 9921 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
KENT COUNTY
(B,H,Hw,Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AP-484 (B,H,Hw, Marine)
38 FR 7199 - 3/16/73
Mod. #1-38 FR 9922 - 4/20/73
Mod. #2-38 FR 12518 - 5/11/73
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AP-496 (R)
38 FR 8862 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
(B,H,Hw,Marine) - See Bristol Cty.
(D) - See Statewide
WASHINGTON COUNTY
Decision #AP-497 (R)
38 FR 8864 - 4/6/73
Mod. #1-38 FR 12519 - 5/11/73
Decision #AP-485 (B,H,Hw,Marine)
38 FR 6626 - 3/9/73
Mod. #1 - 38 FR 9922 - 4/20/73
Mod. #2 - 38 FR 12519 - 5/11/73
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AM-1867 (Hw)
36 FR 16475 - 8/20/71
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Hw) - See Statewide
AIKEN COUNTY
(Hw) - See Statewide
ALLENDALE COUNTY
(Hw) - See Statewide
ANDERSON COUNTY
(Hw) - See Statewide
BAMBERG COUNTY
(Hw)-See Statewide
BARNWELL COUNTY
(Hw)-See Statewide
BEAUFORT COUNTY
Decision #AP-459 (D)
37 FR 22701 - 10/20/72
(Hw)-See Statewide
BERKELEY COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
Decision #AP-114 (R)
37 FR 15794 - 8/4/72
CALHOUN COUNTY
(Hw)-See Statewide
CHARLESTON COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
(R)-See Berkeley County
CHEROKEE COUNTY
(Hw)-See Statewide
CHESTER COUNTY
(Hw)-See Statewide
CHESTERFIELD COUNTY
(Hw)-See Statewide
CLARENDON COUNTY
(Hw)-See Statewide
COLLETON COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
DARLINGTON COUNTY
(Hw)-See Statewide
DILLON COUNTY
(Hw)-See Statewide
DORCHESTER COUNTY
(Hw)-See Statewide
EDGEFIELD COUNTY
(Hw)-See Statewide
FAIRFIELD COUNTY
(Hw)-See Statewide
FLORENCE COUNTY
(Hw)-See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D)-See Beaufort County
(Hw)-See Statewide
GREENVILLE COUNTY
(Hw)-See Statewide
GREENWOOD COUNTY
(Hw)-See Statewide
HAMPTON COUNTY
(Hw)-See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Hw) - See Statewide
KERSHAW COUNTY
(Hw) - See Statewide
LANCASTER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
LEXINGTON COUNTY
(Hw) - See Statewide
McCORMICK COUNTY
(Hw) - See Statewide
MARION COUNTY
(Hw) - See Statewide
MARLBORO COUNTY
(Hw) - See Statewide
NEWBERRY COUNTY
(Hw) - See Statewide
OCONEE COUNTY
(Hw) - See Statewide
ORANGEBURG COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
SALUDA COUNTY
(Hw) - See Statewide
SPARTANBURG COUNTY
(Hw) - See Statewide
SUMTER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WILLIAMSBURG COUNTY
(Hw) - See Statewide
YORK COUNTY
(Hw) - See Statewide
All above counties: Sewer & Water - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AM-6,719 (Hw)
37 FR 7463 - 4/14/72
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNETT COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CLAY COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MC PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AP-262 (B)
38 FR 4641 - 2/16/73
Mod. #1-38 FR 9401 - 4/13/73
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AM-6141 (R)
36 FR 21736 - 11/12/71
Decision #AP-253 (B)
37 FR 25147 - 11/25/72
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide
TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABOUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

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TENNESSEE

STATEWIDE
Decision #AM-8588 (F)
37 FR 5654 - 3/17/72
Mod. #1-37 FR 8601 - 4/28/72
Mod. #2-37 FR 24506 - 11/17/72
Decision #AM-504 (Hw)
36 FR 16493 - 8/20/71
Mod. #1-37 FR 246 - 1/7/72
Mod. #2-38 FR 939-1/5/73
ANDERSON COUNTY
Decision #AP-190 (B)
38 FR 14068 - 5/25/73
(Hw) - See Statewide
(F)-See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
BRADLEY COUNTY
(F)-See Statewide
(Hw)-See Statewide
CAMPBELL COUNTY
(F)-See Statewide
(Hw)-See Statewide
CANNON COUNTY
(F)-See Statewide
(Hw)-See Statewide
CARROLL COUNTY
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
(F)-See Statewide
(Hw)-See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F)-See Statewide
(Hw)-See Statewide
CHEATHAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
CHESTER COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAIBORNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAY COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

COCKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
COFFEE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CROCKETT COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
CUMBERLAND COUNTY
(F)-See Statewide
(Hw)-See Statewide
DAVIDSON COUNTY
Decision #AP-169 (b)
38 FR 7782 - 3/23/73
Decision #AM-505 (R)
36 FR 16494 - 8/20/72
Mod. #1-37 FR 21714 - 10/13/72
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
DYER COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) -See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AP-191 (B,H)
38 FR 14070 - 5/25/73
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F)-See Statewide
(Hw)-See Statewide
HARDEMAN COUNTY
(D)-See Carroll County
(Hw)-See Statewide
(F)-See Statewide
HARDIN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAWKINS COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAYWOOD COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HENDERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HENRY COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HICKMAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HOUSTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HUMPHREYS COUNTY
(F)-See Statewide
(Hw)-See Statewide
JACKSON COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (cont'd)

JEFFERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
JOHNSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
KNOX COUNTY
Decision #AP-192 (B)
38 FR 14073 - 5/25/73
(F)-See Statewide
(Hw)-See Statewide
LAKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
LAUDERDALE COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
LAWRENCE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
LEWIS COUNTY
(F)-See Statewide
(Hw)-See Statewide
LINCOLN COUNTY
(F)-See Statewide
(Hw)-See Statewide
LOUDON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC MINN COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC NAIRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MACON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MADISON COUNTY
(D)-See Carroll county
(F)-See Statewide
(Hw)-See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE (cont'd)

MAURY COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
MEIGS COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONROE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONTGOMERY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MOORE COUNTY
(F)-See Statewide
(hw)-See Statewide
MORGAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
OBION COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
OVERTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
PERRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
PICKETT COUNTY
(F)-See Statewide
(Hw)-See Statewide
POLK COUNTY
(F)-See Statewide
(Hw)-See Statewide
PUTNAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
RHEA COUNTY
(F)-See Statewide
(Hw)-See Statewide
ROANE COUNTY
(B)-See Anderson County
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
RUTHERFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AP-193 (B,H,Utility)
38 FR 14075 - 5/25/73
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. # - 37 FR 23065 - 10/27/72
Decision #AP-137 (R)
37 FR 23051 - 10/27/72
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

TENNESSEE (cont'd)

TIPTON COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
TROUSDALE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
UNICOI COUNTY
(F)-See Statewide
(Hw)-See Statewide
UNION COUNTY
(F)-See Statewide
(Hw)-See Statewide
VAN BUREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WARREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
Decision #AP-136 (B)
37 FR 22702 - 10/20/72
(F)-See Statewide
(hw)-See Statewide
WAYNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WEAKLEY COUNTY
(D)-See Carroll County
(F)-See Statewide
WHITE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WILLIAMSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
WILSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TEXAS

ANDERSON COUNTY
Decision #AP-717 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9952 - 4/20/73
ANDREWS COUNTY
Decision #AP-707 (Streets, Highway, Runways, & Incidental Cons.)
38 FR 9942 - 4/20/73
ANGELINA COUNTY
(S,Hw,R,I) - See Anderson County
ARANSAS COUNTY
Decision #AP-711 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9946 - 4/20/73
Decision #AM-8589 (D)
37 FR 5654 - 3/17/72
Mod. #1 - 37 FR 24506 - 11/17/72
ARCHER COUNTY
Decision #AP-705 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9940 - 4/20/73
ARMSTRONG COUNTY
Decision #AP-725 (B)
38 FR 10597 - 4/27/73
(S,Hw,R,I) - See Archer County
Decision #AP-346 (R)
37 FR 20497 - 9/29/72
Mod. #1 - 38 FR 4080 - 2/9/73
ATASCOSA COUNTY
Decision #AP-709 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9944 - 4/20/73
AUSTIN COUNTY
Decision #AP-712 (Streets, Highways, Runways, Water, Sewer & Incidental Construction)
38 FR 9947 - 4/20/73
BAILEY COUNTY
Decision #AP-706 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9941 - 4/20/73
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(S,Hw,R,W,S,I) - See Atascosa County
BASTROP COUNTY
(S,Hw,R,W,S,I) - See Austin County
Decision #AM-7705 (R)
36 FR 22117 - 11/19/71
BAYLOR COUNTY
(S,Hw,R,I) - See Archer County
BEE COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

BELL COUNTY
Decision #AP-713 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9948 - 4/20/73
Mod. #1-38 FR 11242 - 5/4/73
BEXAR COUNTY
Decision #AP-721 (B)
38 FR 10595 - 4/27/73
Mod. #1-38 FR 14539 - 6/1/73
(S,Hw,R,I,W,S) - See Atascosa County
Decision #AP-732 (A)
38 FR 13012 - 5/18/73
BLANCO COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
BORDEN COUNTY
(S,Hw,R,D) - See Bailey County
BOSQUE COUNTY
(S,Hw,R,D) - See Bell County
BOWIE COUNTY
Decision #AP-716 (Streets, Highways, Runways, & Incidental Cons.)
38 FR 9949 - 4/20/73
BRAZORIA COUNTY
Decision #AP-719 (Streets, Highways, Runways, Water, Sewer, & Incidental Construction)
38 FR 9954 - 4/20/73
Decision #AM-7,488 (R)
36 FR 21787 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
Decision #AP-718 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9953 - 4/20/73
BREWSTER COUNTY
Decision #AP-708 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9942 - 4/20/73
BRISCOE COUNTY
(S,Hw,R,D) - See Archer County
BROOKS COUNTY
Decision #AP-710 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9945 - 4/20/73
BROWN COUNTY
(S,Hw,R,D) - See Andrews County
BURLESON COUNTY
(S,Hw,R,D) - See Brazos County
BURNETT COUNTY
(S,Hw,R,I,W,S) - See Austin County

TEXAS (Cont'd)

CALDWELL COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
CALHOUN COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
CALLAHAN COUNTY
(S,Hw,R,I) - See Andrews County
CAMERON COUNTY
Decision #AP-396 (B)
38 FR 2646 - 1/26/73
(D) - See Aransas County
(S,Hw,R,I) - See Brooks County
Decision #AP-369 (R)
37 FR 26775 - 12/15/72
CAMP COUNTY
(S,Hw,R,I) - See Bowie County
CARSON COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CASS COUNTY
(S,Hw,R,I) - See Bowie County
CASTRO COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CHAMBERS COUNTY
Decision #AP-720 (Streets, Highways, Runways & Incidental Cons.)
38 FR 9955 - 4/20/73
(D) - See Aransas County
CHEROKEE COUNTY
(S, Hw, R, I) - See Anderson County
CHILDRESS COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
CLAY COUNTY
(S,Hw,R,I) - See Archer County
COCHRAN COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County

TEXAS (Cont'd)

COKE COUNTY
(S,Hw,R,I) - See Andrews County
COLEMAN COUNTY
(S,Hw,R,I) - See Andrews County
COLLIN COUNTY
Decision #AP-729 (B-excluding Dallas-Fort Worth Regional Airport)
38 FR 10609 - 4/27/73
Decision #AP-715 (Streets, Highways, Runways, Water, Sewer, & Incidental Cons.) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9950 - 4/20/73
Mod. #1 - 38 FR 13918 - 5/25/73
Decision #AM-7,487 (R)
36 FR 21736 - 11/12/71
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
(R) - See Armstrong County
COLORADO COUNTY
(S,Hw,R,W,S,I) - See Austin County
COMAL COUNTY
(S,Hw,R,W,S,I) - See Atascosa County
COMANCHE COUNTY
(S,Hw,R,I) - See Andrews County
CONCHO COUNTY
(S,Hw,R,I) - See Andrews County
COOKE COUNTY
Decision #AP-714 (Streets, Highways, Runways, & Incidental Construction) (excl. the Dallas-Fort Worth Regional Airport)
38 FR 9949 - 4/20/73
CORYELL COUNTY
(S,Hw,R,I) - See Bell County
COTTLE COUNTY
(S,Hw,R,I) - See Bailey County
CRANE COUNTY
(S,Hw,R,I) - See Andrews County
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(S,Hw,R,I) - See Andrews County

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TEXAS (Cont'd)

CROSBY COUNTY
(R) (S,Hw,R,I) - See Bailey County
CULBERSON COUNTY
(S,Hw,R,I) - See Brewster County
DALLAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DALLAS COUNTY
(B&R) (S,Hw,R,I,W&S) - See Collin County
DAWSON COUNTY
(S,Hw,R,I) - See Bailey County
DEAF SMITH COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DELTA COUNTY
(S,Hw,R,I) - See Bowie County
DENTON COUNTY
(R) (B) - See Collin County
(S,Hw,R,I) - See Cooke County
DE WITT COUNTY
(S,Hw,R,I) - See Aransas County
DICKENS COUNTY
(S,Hw,R,I) - See Bailey County
DIMMIT COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
DONLEY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
DUVAL COUNTY
(S,Hw,R,I) - See Brooks County
EASTLAND COUNTY
(S,Hw,R,I)- See Andrews County
ECTOR COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County

TEXAS (Cont'd)

EDWARDS COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
ELLIS COUNTY
(B&R) (S,Hw,R,I,W,S) - See Collin County
EL PASO COUNTY
Decision #AP-727 (B)
38 FR 10603 - 4/27/73
Mod. #1-38 FR 13126 - 5/18/73
(S,Hw,R,I) - See Brewster County
ERATH COUNTY
(S,Hw,R,I) - See Andrews County
FALLS COUNTY
(S,Hw,R,I) - See Bell County
FANNIN COUNTY
(S,Hw,R,I) - See Bowie County
FAYETTE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
FISHER COUNTY
(S,Hw,R,I) - See Bailey County
FLOYD COUNTY
(r) (S,Hw,R,I) - See Bailey County
FOARD COUNTY
(S,Hw,R,I) - See Bailey County
FORT BEND COUNTY
(R) (S,Hw,R,I,W,S) - See Brazoria County
FRANKLIN COUNTY
(S,Hw,R,I) - See Bowie County
FREESTONE COUNTY
(S,Hw,R,I) - See Bell County
FRIO COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
GAINES COUNTY
(S,Hw,R,I) - See Bailey County

TEXAS (Cont'd)

GALVESTON COUNTY
Decision #AP-724 (B)
38 FR 10594 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(S,Hw,R,I,W,S) - See Brazoria County
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(R) (S,Hw,R,I) - See Bailey County
GILLESPIE COUNTY
(S,Hw,R,I,W,S) - See Austin County
GLASSOCK COUNTY
(S,Hw,R,I) - See Andrews County
GOLIAD COUNTY
(S,Hw,R,I) - See Aransas County
GONZALES COUNTY
(S,Hw,R,I,W,S) - See Austin County
GRAY COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
GRAYSON COUNTY
(B)(S,Hw,R,I,W,S) - See Collin County
GREGG COUNTY
(S,Hw,R,I) - See Bowie County
GRIMES COUNTY
(S,Hw,R,I) - See Brazos County
GUADALUPE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
HALE COUNTY
(R)(S,Hw,R,I) - See Bailey County
HALL COUNTY
(S,Hw,R,I) - See Archer County
HAMILTON COUNTY
(S,Hw,R,I) - See Bell County
HANSFORD COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County

TEXAS (Cont'd)

HARDEMAN COUNTY
(S,Hw,R,I) - See Archer County
HARDIN COUNTY
(S,Hw,R,I) - See Chambers County
HARRIS COUNTY
Decision #AP-722 (B)
38 FR 10588 - 4/27/73
Mod. #1 - 38 FR 14540 - 6/1/73
(R)(S,Hw,R,I,W,S) - See Brazoria County
(D) - See Aransas County
HARRISON COUNTY
(S,Hw,R,I) - See Bowie County
HARTLEY COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
HASKELL COUNTY
(S,Hw,R,I) - See Bailey County
HAYS COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
HEMPHILL COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) See Archer county
HENDERSON COUNTY
(S,Hw,R,I) - See Anderson County
HIDALGO COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
HILL COUNTY
(S,Hw,R,I) - See Bell County
HOCKLEY COUNTY
(R)(S,Hw,R,I) - See Bailey County
HOOD COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1-37 FR 20395 - 9/29/72

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TEXAS (Cont'd)

HOPKINS COUNTY
(S,Hw,R,I) - See Bowie County
HOUSTON COUNTY
(S,Hw,R,I) - See Anderson County
HOWARD COUNTY
(S,Hw,R,I) - See Andrews County
HUDSPETH COUNTY
(S,Hw,R,I) - See Brewster County
HUNT COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
IRION COUNTY
(S,Hw,R,I) - See Andrews County
JACK COUNTY
(S,Hw,R,I) - See Cooke County
JACKSON COUNTY
(D) (S,Hw,R,I) - See Aransas County
JASPER COUNTY
(S,Hw,R,I) - See Anderson County
JEFF DAVIS COUNTY
(S,Hw,R,I) - See Brewster County
JEFFERSON COUNTY
Decision #AP-354 (B)
37 FR 23521 - 11/3/72
Mod. #1 - 37 FR 25115 - 11/25/72
Mod. #2 - 37 FR 26781 - 12/15/72
Mod. #3 - 38 FR 2571 - 1/26/73
Mod. #4 - 38 FR 4081 - 2/9/73
Mod. #5 - 38 FR 5108 - 2/23/73
Mod. #6 - 38 FR 10579 - 4/27/73
(S,Hw,R,I) - See Chambers County
Decision #AP-353 (R)
37 FR 23519 - 11/3/72
Mod. #1 - 37 FR 25115 - 11/25/72
Mod. #2 - 37 FR 26781 - 12/15/72
Mod. #3 - 38 FR 2571 - 1/26/73
Mod. #4 - 38 FR 4080 - 2/9/73
Mod. #5 - 38 FR 5108 - 2/23/73
Mod. #6 - 38 FR 10579 - 4/27/73
(D) - See Aransas County
JIM HOGG COUNTY
(S,Hw,R,I) - See Brooks County
JIM WELLS COUNTY
(S,Hw,R,I) - See Aransas County
JOHNSON COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County

TEXAS (Cont'd)

JONES COUNTY
(S,Hw,R,I) - See Bailey County
KARNES COUNTY
(S,Hw,R,I) - See Aransas County
KAUFMAN COUNTY
(R)(B) - See Collin County
(S,Hw,R,I) - See Bowie County
KENDALL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KENEDY COUNTY
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
KENT COUNTY
(S,Hw,R,I) - See Bailey County
KERR COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KIMBLE COUNTY
(S,Hw,R,I) - See Andrews County
KING COUNTY
(S,Hw,R,I) - See Bailey County
KINNEY COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
KLEBERG COUNTY
(D) (S,Hw,R,I) - See Aransas County
KNOX COUNTY
(S,Hw,R,I) - See Bailey County
LAMAR COUNTY
(S,Hw,R,I) - See Bowie County
LAMB COUNTY
(R) (S,Hw,R,I) - See Bailey County
LAMPASAS COUNTY
(S,Hw,R,I) - See Bell County
LA SALLE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
LAVACA COUNTY
(S,Hw,R,I) - See Aransas County

TEXAS (Cont'd)

LEE COUNTY
(S,Hw,R,I,W,S) - See Austin County
(R) - See Bastrop County
LEON COUNTY
(S,Hw,R,I) - See Brazos County
LIBERTY COUNTY
(S,Hw,R,I) - See Chambers County
LIMESTONE COUNTY
(S,Hw,R,I) - See Bell County
LIPSCOMB COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(S,Hw,R,I) - See Aransas County
LLANO COUNTY
(S,Hw,R,I,W,S) - See Austin County
LOVING COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
LUBBOCK COUNTY
Decision #AP-726 (B)
38 FR 10600 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
(R)(S,Hw,R,I) - See Bailey County
LYNN COUNTY
(R)(S,Hw,R,I) - See Bailey County
MCCULLOCH COUNTY
(S,Hw,R,I) - See Andrews County
MCLENNAN COUNTY
(S,Hw,R,I) - See Bell County
MCMULLEN COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MADISON COUNTY
(S,Hw,R,I) - See Brazos County
MARION COUNTY
(S,Hw,R,I) - See Bowie County
MARTIN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (CONT'D)

MASON COUNTY
(S, Hw,R,I,W,S) - See Austin County
MATAGORDA COUNTY
(R)(S,Hw,R,I,W,S) - See Brazoria County
(D) - See Arnasas County
MAVERICK COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MEDINA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
MENARD COUNTY
(S,Hw,R,I) - See Andrews County
MIDLAND COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
MILAM COUNTY
(S,Hw,R,I) - See Brazos County
MILLS COUNTY
(S,Hw,R,I) - See Andrews County
MITCHELL COUNTY
(S,Hw,R,I) - See Andrews County
MONTAGUE COUNTY
(S,Hw,R,I) - See Archer County
MONTGOMERY COUNTY
(R)(S,Hw,R,I,W,S) - See Brazoria County
MOORE COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,I) - See Archer County
MORRIS COUNTY
(S,Hw,R,I) - See Bowie County
MOTLEY COUNTY
(,Hw,R,I) - See Bailey County
NACOGDOCHES COUNTY
(S,Hw,R,I) - See Anderson County
NAVARRO COUNTY
(S,Hw,R,I) - See Bell County
NEWTON COUNTY
(S,Hw,R,I) - See Anderson County
NOLAN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

NUECES COUNTY
Decision #AP-728 (B)
38 FR 10606 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
Mod. #2 - 38 FR 13918 - 5/25/73
(D)(S,Hw,R,I) - See Aransas County
OCHILTREE COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
OLDHAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
ORANGE COUNTY
(R)(B) - See Jefferson County
(S,Hw,R,I) - See Chambers County
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PANOLA COUNTY
(S,Hw,R,I) - See Anderson County
PARKER COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
PARMER COUNTY
(S,Hw,R,I) - See Archer County
PECOS COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
POLK COUNTY
(S,Hw,R,I) - See Anderson County
POTTER COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County

TEXAS (Cont'd)

PRESIDIO COUNTY
(S,Hw,R,I) - See Brewster County
RAINS COUNTY
(S,Hw,R,I) - See Bowie County
RANDALL COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
REAGAN COUNTY
(S,Hw,R,I) - See Andrews County
REAL COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
RED RIVER COUNTY
(S,Hw,R,I) - See Bowie County
REEVES COUNTY
(S,Hw,R,I) - See Brewster County
(R) - See Crane County
REFUGIO COUNTY
(D) (S,Hw,R,I) - See Aransas County
ROBERTS COUNTY
(S,Hw,R,I) - See Archer County
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(S,Hw,R,I) - See Brazos County
ROCKWALL COUNTY
(S,Hw,R,I) (B) (R) - See Collin County
RUNNELS COUNTY
(S,Hw,R,I) - See Andrews County
RUSK COUNTY
(S,Hw,R,I) - See Bowie County
SABINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN AUGUSTINE COUNTY
(S,Hw,R,I) - See Anderson County
SAN JACINTO COUNTY
(S,Hw,R,I) - See Anderson County
SAN PATRICIO COUNTY
(S,Hw,R,I) (D) - See Aransas County
SAN SABA COUNTY
(S,Hw,R,I) - See Andrews County
SCHLEICHER COUNTY
(S,Hw,R,I - See Andrews County

TEXAS (Cont'd)

SCURRY COUNTY
(S,Hw,R,I) - See Bailey County
SHACKELFORD COUNTY
(S,Hw,R,I) - See Bailey County
SHELBY COUNTY
(S,Hw,R,I) - See Anderson county
SHERMAN COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
SMITH COUNTY
(S,Hw,R,I) - See Bowie County
SOMERVELL COUNTY
(S,Hw,R,I) - See Cooke County
STARR COUNTY
(S,Hw,R,I) - See Brooks County
(B) (R) - See Cameron County
STEPHENS COUNTY
(S,Hw,R,I) - See Bailey County
STERLING COUNTY
(S,Hw,R,I) - See Andrews County
STONEWALL COUNTY
(S,Hw,R,I) - See Bailey County
SUTTON COUNTY
(S,Hw,R,I) - See Andrews County
SWISHER COUNTY
(S,Hw,R,I) - See Archer County
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(S,Hw,R,I) - See Cooke County
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(S,Hw,R,I) - See Andrews County
TERRELL COUNTY
(S,Hw,R,I) - See Brewster County
TERRY COUNTY
(S,Hw,R,I) - See Bailey County
(R) - See Bailey County
THROCKMORTON COUNTY
(S,Hw,R,I) - See Bailey County
TITUS COUNTY
(S,Hw,R,I) - See Bowie County
TOM GREEN COUNTY
(S,Hw,R,I) - See Andrews County

TEXAS (Cont'd)

TRAVIS COUNTY
Decision #AP-723 (B)
38 FR 10591 - 4/27/73
Mod. #1 - 38 FR 13126 - 5/18/73
(R) - See Bastrop County
(S,Hw,R,I,W,S) - See Austin County
TRINITY COUNTY
(S,Hw,R,I) - See Anderson County
TYLER COUNTY
(S,Hw,R,I) - See Anderson County
UPSHUR COUNTY
(S,Hw,R,I) - See Bowie County
UPTON COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
UVALDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAL VERDE COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
VAN ZANDT COUNTY
(S,Hw,R,I) - See Bowie County
VICTORIA COUNTY
(S,Hw,R,I) - See Aransas County
(D) - See Aransas County
WALKER COUNTY
(S,Hw,R,I) - See Brazos County
(R) - See Brazoria County
WALLER COUNTY
(S,HW,R,I,W,S) - See Brazoria County
WARD COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WASHINGTON COUNTY
(S,Hw,R,I) - See Brazos County
WEBB COUNTY
(S,Hw,R,I) - See Brooks County
WHARTON COUNTY
(S,Hw,R,I,W,S) - See Brazoria County

38 FR 18214-18215
7-6-73
XUM

TEXAS (Cont'd)

WHEELER COUNTY
(K)(B) - See Armstrong County
(S,Hw,R,I) - See Archer County
WICHITA COUNTY
(S,Hw,R,I) - See Archer County
WILBARGER COUNTY
(S,Hw,R,I) - See Archer County
WILLACY COUNTY
(R)(B) - See Cameron County
(S,Hw,R,I) - See Brooks County
(D) - See Aransas County
WILLIAMSON COUNTY
(S,Hw,R,I,W,S) - See Austin County
(K) - See Bastrop County
WILSON COUNTY
(S,Hw,R,I,W,S) - See Atascosa County
WINKLER COUNTY
(S,Hw,R,I) - See Andrews County
(R) - See Crane County
WISE COUNTY
(R) - See Collin County
(S,Hw,R,I) - See Cooke County
(R) - See Hood County
WOOD COUNTY
(S,Hw,R,I) - See Bowie County
YOAKUM COUNTY
(S,Hw,R,I)(R) - See Bailey County
YOUNG COUNTY
(S,Hw,R,I) - See Bailey County
ZAPATA COUNTY
(S,Hw,R,I) - See Brooks County
ZAVALA COUNTY
(S,Hw,R,I,W,S) - See Atascosa County

UTAH

STATEWIDE
Decision #AP-254 (B-H-Hw)
37 FR 26255 - 12/8/72
Mod. #1-38 FR 939-1/5/73
Mod. #2-38 FR 5763 - 3/2/73
Mod. #3-38 FR 11242 - 5/4/73
BEAVER COUNTY
(B, H, Hw) - See Statewide
BOX ELDER COUNTY
(B, H, Hw) - See Statewide
CACHE COUNTY
(B, H, Hw) - See Statewide
CARBON COUNTY
(B, H, Hw) - See Statewide
DAGGETT COUNTY
(B, H, Hw) - See Statewide
DAVIS COUNTY
(B, H, Hw) - See Statewide
DUCHESNE COUNTY
(B, H, Hw) - See Statewide
EMERY COUNTY
(B, H, Hw) - See Statewide
GARFIELD COUNTY
(B, H, Hw) - See Statewide
GRAND COUNTY
(B, H, Hw) - See Statewide
IRON COUNTY
(B, H, Hw) - See Statewide
JUAB COUNTY
(B, H, Hw) - See Statewide
KANE COUNTY
(B, H, Hw) - See Statewide
MILLARD COUNTY
(B, H, Hw) - See Statewide

UTAH (Cont'd)

MORGAN COUNTY
(B, H, Hw) - See Statewide
PIUTE COUNTY
(B, H, Hw) - See Statewide
RICH COUNTY
(B, H, Hw) - See Statewide
SALT LAKE COUNTY
(B, H, Hw) - See Statewide
SAN JUAN COUNTY
(B, H, Hw) - See Statewide
SANPETE COUNTY
(B, H, Hw) - See Statewide
SEVIER COUNTY
(B, H, Hw) - See Statewide
SUMMIT COUNTY
(B, H, Hw) - See Statewide
TOOELE COUNTY
(B, H, Hw) - See Statewide
UINTAH COUNTY
(B, H, Hw) - See Statewide
UTAH COUNTY
(B, H, Hw) - See Statewide
WASATCH COUNTY
(B, H, Hw) - See Statewide
WASHINGTON COUNTY
(B, H, Hw) - See Statewide
WAYNE COUNTY
(B, H, Hw) - See Statewide
WEBER COUNTY
(B, H, Hw) - See Statewide

VERMONT

STATEWIDE (Except Rutland Co.)
Decision #AP-802 (Hw)
38 FR 9956 - 4/20/73
Mod. #1-38 FR 11243 - 5/4/73
Mod. #2-38 FR 14541 - 6/1/73
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide

VERMONT (Cont'd)

LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AP-439 (D)
37 FR 22701 - 10/20/72
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AP-492 (B)
38 FR 6538 - 3/9/73
Mod. #1 - 38 FR 8871 - 4/6/73
Mod. #2 - 38 FR 9393 - 4/13/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(D) - See Accomack County
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AM-1870 (Hw)
36 FR 16338 - 8/20/71
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD COUNTY
Decision #AM-1869 (Hw)
36 FR 16337 8/20/71
Mod. #1 - 36 FR 18274 - 9/10/71
BLAND COUNTY
Decision #AM-1868 (Hw)
36 FR 16336 - 8/20/71

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL COUNTY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AM-1873 (Hw)
36 FR 16341 - 8/20/71
Mod. #1 - 37 FR 15238 - 7/28/72
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AP-833 (B)
38 FR 1078 - 5/25/73
Decision #AP-494 (Hw)
38 FR 703 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

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VIRGINIA (cont'd)

CULPEPPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKERSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AP-499 (B)
38 FR 8411 - 3/30/73
Mod. #1-38 FR 11243 - 5/4/73
Mod. #2-38 FR 13919 - 5/25/73
(Hw) - See Amelia County

VIRGINIA (cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Allegheny County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County

VIRGINIA (cont'd)

MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County
MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County

VIRGINIA (cont'd)

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County
PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

VIRGINIA (Cont'd)

WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
(R) - See James City County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AP-283 (B,H,Hw,D)
38 FR 8920 - 4/6/73
Mod. #1-38 FR 9922 - 4/20/73
Mod. #2-38 FR 11243 - 5/4/73
Mod. #3-38 FR 13127 - 5/18/73
ADAMS COUNTY
(B,H,Hw,D)-See Statewide
ASOTIN COUNTY
(B,H,Hw,D)-See Statewide
BENTON COUNTY
(B,H,Hw,D)-See Statewide
CHELAN COUNTY
(B,H,Hw,D)-See Statewide
CLALLAM COUNTY
(B,H,Hw,D)-See Statewide
CLARK COUNTY
(B,H,Hw,D)-See Statewide
COLUMBIA COUNTY
(B,H,Hw,D)-See Statewide
COWLITZ COUNTY
(B,H,Hw,D)-See Statewide
DOUGLAS COUNTY
(B,H,Hw,D)-See Statewide
FERRY COUNTY
(B,H,Hw,D)-See Statewide
FRANKLIN COUNTY
(B,H,Hw,D)-See Statewide
GARFIELD COUNTY
(B,H,Hw,D)-See Statewide
GRANT COUNTY
(B,H,Hw,D)-See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D)-See Statewide
ISLAND COUNTY
Decision #AP-906 (R)
38 FR 13907 - 5/25/73
(B,H,Hw,D)-See Statewide
JEFFERSON COUNTY
(B,H,Hw,D)-See Statewide

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WASHINGTON (Cont'd)

KING COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
KITSAP COUNTY
(B,H,Hw,D)-See Statewide
KITTITAS COUNTY
(B,H,Hw,D)-See Statewide
KLICKITAT COUNTY
(B,H,Hw,D)-See Statewide
LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUTNY
(B,H,Hw,D)-See Statewide
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AP-823 (B,Hw,Sewer & Water)
38 FR 13304 - 5/18/73

Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AP-439 (D)
37 FR 22701 - 10/20/72

WEST VIRGINIA

STATEWIDE
Decision #AP-801 (H,Hw)
38 FR 9415 - 4/13/73
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AP-403 (R)
37 FR 14661 - 7/21/72
Mod. #1-37 FR 16722 - 8/18/72
Mod. #2-37 FR 21720 - 10/13/72
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
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July 9, 1973—Pages 18225–18349

MONDAY, JULY 9, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 130

Pages 18225–18349

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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MEMORANDUM OF JUNE 13, 1973

[Presidential Determination No. 73-15]

Transfer of Certain Supporting Assistance Fund to Administrative Expense Funds

Memorandum for the Administrator, Agency for International Development

THE WHITE HOUSE
Washington, June 13, 1973.

SUBJECT: Determination under Section 610 of the Foreign Assistance Act of 1961, as amended, (the "Act"), to transfer up to $2.9 million of Supporting Assistance funds to Administrative Expense funds.

In accordance with the recommendation in your memorandum of May 18, 1973, I hereby determine, pursuant to Section 610 of the Act, that it is necessary for purposes of the Act that up to $2.9 million appropriated under Section 402 (now Section 532) of the Act be transferred to, and consolidated with, appropriations made under Section 637(a) of the Act, subject to the limitation that funds so transferred shall be available solely for administrative expenses incurred in connection with programs in Vietnam. I hereby authorize such transfer and consolidation.

You are requested on my behalf to notify the Speaker of the House of Representatives and the Senate Foreign Relations Committee of my intention to take this action, in accordance with Section 652 of the Foreign Assistance Act of 1961, as amended.

In accordance with the provisions of 654(c) of the Act, this determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.73-13946 Filed 7-5-73;2:59 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

PROCLAMATION OF QUOTAS, 1973–74 MARKETING YEAR

Basis and purpose. Section 725.1 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for flue-cured tobacco for the 1974–75, 1975–76, and 1976–77 marketing years. Section 725.2 is issued, pursuant to the Act, to determine and announce the reserve supply level for flue-cured tobacco; and to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1974, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor. The material previously appearing in these sections under centerheads PROCLAMATION OF QUOTAS and DETERMINATIONS AND ANNOUNCEMENTS—1973–74 MARKETING YEAR remain in full force and effect as to the crop to which it was applicable.

Since the 1973–74 marketing year is the last of the three consecutive years for which marketing quotas, previously proclaimed on an acreage-poundage basis, will be in effect, section 317(d) of the Act provides that the Secretary shall proclaim marketing quotas for flue-cured tobacco on either an acreage basis or an acreage-poundage basis for the 1974–75, 1975–76, and 1976–77 marketing years, whichever he determines would result in a more effective quota. It is hereby determined that, in view of the better supply control resulting from the acreage-poundage quota program beginning in 1965, a more effective quota would result from marketing quotas on an acreage-poundage basis.

The determinations by the Secretary contained in §§ 725.1 and 725.2 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views and recommendations received from flue-cured tobacco producers and others pursuant to a notice (38 FR 13653) given in accordance with the provisions of 5 U.S.C. 553.

Since the Act requires the holding of a referendum of flue-cured tobacco producers within 30 days after the issuance of the proclamation of quotas to determine whether the producers favor quotas, and the Act requires, insofar as practicable, the mailing of farm allotment notices to farmers prior to the referendum, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the proclamation, determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption, during the 10 marketing years preceding the 1973–74 marketing year (including estimate for the 1972–73 marketing year), was 695 million pounds, and the 10-year average exports, during such period (including estimate for the 1972–73 marketing year), was 505 million pounds. After adjustment for trends, a normal year's domestic consumption of 690 million pounds, and a normal year's exports of 480 million pounds appear reasonable and result in a reserve supply level of 2,824 million pounds.

The carryover of flue-cured tobacco in the hands of dealers and manufacturers and under Government loan on July 1, 1973, is estimated at 1,787 million pounds farm-sales weight. The 1973 crop is currently estimated at 1,144 million pounds. The sum of these, 2,931 million pounds, represents the total supply of flue-cured tobacco for the 1973–74 marketing year.

It is estimated that 690 million pounds of flue-cured tobacco will be utilized in the United States during the 1974–75 marketing year, and 455 million pounds will be exported. The sum of these, 1,145 million pounds, is the estimated total disappearance. Because it is desirable to maintain an adequate supply, an upward adjustment of 34 million pounds has been made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1974, is determined to be 1,179 million pounds. It is determined that the national marketing quota of 1,179 million pounds, in view of the anticipated carryover, will insure an adequate supply of flue-cured tobacco for the 1974–75 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the flue-cured tobacco area.

The community average yields have been determined for flue-cured tobacco and published in the FEDERAL REGISTER, § 724.34u (30 FR 6207, 9875, 14487).

The national acreage allotment is 635,922.33 acres, determined in accordance with provisions of the Act by dividing the national marketing quota of 1,179 million pounds by the national average yield goal of 1,854 pounds.

In accordance with the Act, a reserve from the national acreage allotment is established in the amount of 300 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration in the light of the latest available statistics of the Federal Government was given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for flue-cured tobacco was determined (30 FR 6144), and it was determined that types 11, 12, 13 and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, 1967–68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 FR 881), and that determination was sustained in the case of *Brown et al, v. Freeman*. This finding was made applicable for the 1968–69, 1969–70 and 1970–71 marketing years (32 FR 9817), the 1971–72, 1972–73 and 1973–74 marketing years (35 F.R. 10838), and is determined to be applicable also to the 1974–75, 1975–76 and 1976–77 marketing years.

No action may be taken under section 313(i) of the Act unless a substantial

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difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 FR 6144) in connection with the consideration of section 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco, and, therefore, no action was taken for the 1965–66 marketing year (nor for subsequent marketing years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965–66 and subsequent marketing years, and, therefore, no action is being taken under section 313(1) of the Act for the 1974–75 marketing year. In addition, section 313(1) of the Act applied only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of Public Law 89–12, the better view is that section 313 (1) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317.

PROCLAMATION OF QUOTAS

§ 725.1 1974–75, 1975–76 and 1976–77 marketing years.

Since marketing quotas have been made effective for flue-cured tobacco for the 1971–72, 1972–73 and 1973–74 marketing years (35 FR 10838), and since the 1973–74 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for flue-cured tobacco, and since it is determined that a marketing quota program on an acreage-poundage basis will result in a more effective program for flue-cured tobacco, marketing quotas on an acreage-poundage basis are hereby proclaimed for flue-cured tobacco for the 1974–75, 1975–76 and 1976–77 marketing years.

DETERMINATIONS AND ANNOUNCEMENTS—1974–75 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2.824 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 690 million pounds and a normal year's exports of 480 million pounds.

(b) *National marketing quota.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1974, is hereby determined and announced in the amount of 1,179 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 690 million pounds and exports in such marketing year of 455 million pounds, with an upward adjustment determined to be desirable for the purpose of maintaining an adequate supply.

(c) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1974, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1974, is determined and announced to be 635,922.33 acres. This allotment was determined by dividing the national marketing quota of 1,179 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 300 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. Of the 300 acres, 80 acres are hereby set aside to be available for new farms. The remainder, 220 acres, is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for the 1974 crop of flue-cured tobacco is determined and announced to be 1.00.

(g) *National yield factor.* The national yield factor for the 1974 crop of flue-cured tobacco is determined and announced to be 1.312.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date: July 6, 1973.

Signed at Washington, D.C., on July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-13834 Filed 7-3-73;3:09 pm]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 125; Docket No. AO 226-A25]

PART 1125—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

Correction

In FR Doc. 73-12527 appearing at page 16332 in the issue of Friday, June 22, 1973, the following changes should be made:

1. In § 1125.9, the word "produced" in the second line of paragraph (c) should read "producer"; and the word "distribution" in the second line of pargraph (d) should read "distributing".

2. In § 1125.13(c)(4) the word "of" in the fourth line should read "or".

3. In § 1125.71(b) the word "handling" in the 7th line should read "handler".

4. In § 1125.73(a) the word "from" in the second line should read "for".

[Milk Order No. 139; Docket No. AO 374]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Regulating the Handling of Milk

Correction

In FR Doc. 73-12406 appearing at page 16203 in the issue of Thursday, June 21, 1973, after the Table of Contents in the second column on page 16204, insert the following:

AUTHORITY: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Released From Quarantine

This amendment releases Chaves, De-Baca, Guadalupe, and Lincoln Counties in New Mexico from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the excluded areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico is amended to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

NEW MEXICO

(1) Curry County.
(2) Roosevelt County.
(3) Torrance County.
(4) Quay County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 2, 1973.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of July, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13868 Filed 7-6-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 523-73]

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Organizational Change

On March 26, 1973, the Internal Security Division of the Department of Justice was abolished and its functions were transferred to the Criminal Division. (38 FR 8152). This order conforms the Department's regulations prescribed under the Foreign Agents Registration Act to reflect this organizational change.

By virtue of the authority vested in me by section 10 of the Foreign Agents Registration Act of 1938, as amended (56 Stat. 257; 22 U.S.C. 620), Part 5 of Chapter I of Title 28, Code of Federal Regulations, is hereby amended as follows:

1. The term "Criminal Division" is substituted for the term "Internal Security Division" in paragraphs (a) and (c) of § 5.1, in paragraph (a)(3) of § 5.100, and in § 5.501.

2. The term "Registration Unit" is substituted for the term "Registration Section" in § 5.3, in paragraph (a)(7) of § 5.100, in paragraph (b) of § 5.201, in paragraph (a) of § 5.205, in paragraphs (b) and (c) in § 5.400, and in paragraphs (a) and (b) of § 5.601, and § 5.801.

3. Paragraph (a)(5) of § 5.100 is revised to read as follows: The term "Registration Unit" means the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530.

Dated July 1, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-13810 Filed 7-6-73;8:45 am]

[Order No. 524-73]

PART 12—REGISTRATION OF CERTAIN PERSONS HAVING KNOWLEDGE OF FOREIGN ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE MATTERS UNDER THE ACT OF AUGUST 1, 1956

Registration of Certain Persons Trained in Foreign Espionage Systems

On March 26, 1973, the Internal Security Division of the Department of Justice was abolished and its functions were transferred to the Criminal Division. (38 FR 8152). This order conforms the Department's regulations concerning the registration of certain persons having knowledge of foreign espionage, counterespionage, or sabotage matters under the Act of August 1, 1956, to reflect this organizational change.

By virtue of the authority vested in me by Section 5 of the Act of August 1, 1956, 70 Stat. 900; 50 U.S.C. 854, Part 12 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Sections 12.3, 12.23, and paragraphs (a), (d), and (e) of § 12.25 are amended by substituting the term "Registration Unit" or "Registration Section" each place where the latter term appears.

2. Section 12.2 is revised to read as follows:

§ 12.2 Administration of act.

The administration of the act is assigned to the Registration Unit of the Internal Security Section, Criminal Division, Department of Justice. Communications with respect to the act shall be addressed to the Registration Unit Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530. Copies of the act, the regulations contained in this part, including the forms mentioned therein, may be obtained upon request without charge.

3. Section 12.20 is revised to read as follows:

§ 12.20 Filing of registration statement.

Registration statements shall be filed in duplicate with the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530. Filing may be made in person or by mail, and shall be deemed to have taken place upon the receipt thereof by the Registration Unit.

4. Section 12.40 is revised to read as follows:

§ 12.40 Public examination.

Registration statements shall be available for public examination at the offices of the Registration Unit, Department of Justice, Washington, D.C., from 10:00 a.m. to 4:00 p.m. on each official business day, except to the extent that the Attorney General having due regard for national security and public interest may withdraw such statements from public examination.

5. Paragraph (b) of § 12.41 is revised to read as follows:

§ 12.41 Photocopies.

* * * * *

(b) Estimates as to prices for photocopies and the time required for their preparation will be furnished upon request addressed to the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C. 20530.

* * * * *

Dated July 1, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-13811 Filed 7-6-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-42R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLE OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

This amendment to Title 46 of the Code of Federal Regulations is to permit shipment of hazardous materials sold by the Department of Defense in packaging of equal or greater strength and efficiency than those specified for hazardous materials in 46 CFR Part 146.

In the March 22, 1973 FEDERAL REGISTER, a notice of proposed rulemaking (38 FR 7468) was published. A public hearing was held on April 17, 1973 and no comments (written or oral) were received.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. This amendment becomes effective on October 12, 1973.

Dated July 2, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard.
Acting Commandant.

In consideration of the foregoing, part 146 of title 46 of the Code of Federal Regulations is revised to read as follows:

§ 146.02-8 U.S. Government shipments.

(a) Shipments of hazardous materials offered by or consigned to the Department of Defense (DOD) of the U.S. Government must be packaged, including limitations of weight, in accordance with the regulations in this subchapter or in containers of equal or greater strength and efficiency as required by DOD regulations.

(1) Hazardous materials sold by DOD in packagings that are not marked in accordance with the requirements of title 49 CFR 170 to 179 may be shipped from DOD installations if the DOD certifies in writing that the packagings are equal to or greater in strength and efficiency than the packaging prescribed in this subchapter and title 49 CFR parts 170 to 179. The shipper shall obtain such a certification in duplicate for each shipment. He shall give one copy to the originating carrier and retain the other for no less than 1 year.

* * * * *

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec. 6(b)(1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 7.46(b))

[FR Doc.73-13830 Filed 7-6-73;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-165]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Manatee	Anna Maria, City of.				July 1, 1970. Emergency. June 11, 1971. Regular. Sept. 15, 1972. Suspended. July 2, 1973. Reinstated.
Illinois	Kendall	Unincorporated areas.				July 5, 1973. Emergency.
Maryland	Calvert	do				Do.
New York	Livingston	Conesus, Town of				Do.
Do	Broome	Endicott, City of				Do.
Pennsylvania	Lancaster	Manheim, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 73-13681 Filed 7-6-73;8:45 am]

[Docket No. FI-164]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Illinois	Du Page	Lisle, Village of				July 6, 1973. Emergency.
New Jersey	Passaic	Little Falls, Township of.				Do.
Pennsylvania	Lancaster	Conoy, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 29, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13682 Filed 7-6-73;8:45 am]

[Docket No. FI-163]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Colorado	Jefferson	Unincorporated areas.				July 5, 1973 Emergency.
Illinois	St. Clair	Belleville, City of				Do.
Do	Madison	Collinsville, City of.				Do.
New York	Rockland	Suffern, Village of				Do.
Do	Niagara	Wheatfield, Town of.				Do.
Pennsylvania	Butler	Butler, City of				Do.
Do	York	Conewago, Township of.				Do.
Do	Lancaster	Marietta, Borough of.				Do.
Do	Perry	Penn, Township of.				Do.
Do	Union	Union, Township of.				Do.
Wisconsin	Racine	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13683 Filed 7-6-73;8:45 am]

[Docket No. FI-166]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective July 9, 1973.

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Manatee	Anna Maria, City of.	H 12 081 0050 02	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Hall, 10005 Gulf Dr., Anna Maria, Fla. 33501.	July 1, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: June 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-13684 Filed 7-6-73;8:45 am]

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Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 8]

PART 123—DISASTER LOANS

On May 11, 1973, the Small Business Administration published in the FEDERAL REGISTER a notice of proposed rulemaking which set forth proposed new policies relating to SBA's several disaster loan programs. The public was invited to comment by May 31, 1973. Such comment has been received and considered, and the proposed revision is adopted with minor modifications. This Revision 8 will be effective as of July 1, 1973, as follows:

Sec.

123.0 Explanation of regulations.
123.1 General.
123.2 Eligibility.
123.3 Purposes of loans.
123.4 Where to apply.
123.5 Amount of loan and interest rate.
123.6 Collateral.
123.7 Repayment.
123.8 Step-by-step procedure for disaster loan applicant.
123.9 Cooperation with American Red Cross.
123.10 Obtaining loan funds.
123.11 Administration of loans.
123.12 Fees and charges.
123.13 Extension of loans, including RFC loans.
123.14 Restriction against loans to certain felons.
123.15 Certification of use of loan proceeds.
123.16 Compliance with Consumer Protection Laws.

AUTHORITY: 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Explanation of regulations.

(a) The regulations in this part set forth the information and procedures generally followed in Physical and other types of Disaster loans. However, because of the emergency nature of floods, hurricanes, earthquakes or other similar catastrophes, the regulations cannot anticipate all of the contingencies, problems, and needs which may arise in any given disaster. The SBA therefore advises that the regulations in this part must be, and are, subject to change without advance notice and publication in the FEDERAL REGISTER.

(b) SBA will, however, make every effort to publicize changes of substance and procedure by whatever means practicable under the circumstances, including, but not limited to press releases to newspapers, radio and television stations, posting notices in public places, and by direct mailings (when possible) to affected persons. Publication in the FEDERAL REGISTER of appropriate regulatory changes will follow at the earliest practicable time.

§ 123.1 General.

(a) SBA is authorized to make or guarantee loans where necessary or appropriate to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-Loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans where necessary or appropriate to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, or a physical disaster area declared by SBA after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance);

(4) Which operates a coal mine, to make additions to or alterations in its equipment or facilities or methods of operation, in order to meet requirements of the Federal Coal Mine Health and Safety Act of 1969, if the SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Coal Mine Health and Safety Assistance);

(5) To make additions to or alterations in its plant, facilities, or operating methods, in order to meet requirements of the Egg Products Inspection Act, the Wholesome Poultry Products Act, the Wholesome Meat Act of 1967, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Consumer Protection Assistance);

(6) To make additions to or alterations in the equipment, facilities, or operating methods, in order to comply with standards issued pursuant to the Occupational Safety and Health Act of 1970, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Occupational Safety and Health Assistance); and

(7) Which is directly and seriously affected by the significant reduction of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of such arms or facilities. SBA must determine that a small firm is likely to suffer substantial economic injury without SBA assistance. Refinancing of existing indebtedness is authorized under this program. (Strategic Arms Economic Injury Assistance).

(c)(1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(i) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA participation shall not exceed 90 percent of the outstanding amount of the loan.

(ii) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its guaranty agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due.

(iii) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

(2) "Financial Institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in Part 120, § 120.3(c) of the regulations in this part.

§ 123.2 Eligibility.

(a) *Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes*—(1) *General-scope of assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of a disaster concerning which an appropriate SBA notice is published in the FEDERAL REGISTER. Applicants for physical disaster loans include but are not limited to home or property owners, businesses of any size, and nonprofit institutions. Applicants for economic injury type of assistance must be small business concerns as defined in Part 121 of these Regulations. Such assistance will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster, and will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters. The age of any adult applicant may not be considered in determining whether a loan should be made or the amount of a loan.

(2) *Limitations on assistance*—(i) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, which is normally eligible for emergency assistance from the Farmers Home Administration of the U.S. Department of Agriculture, except where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance.

(ii) *Religious, eleemosynary, nonprofit, and other organizations.* Religious eleemosynary, and nonprofit organizations are eligible for physical disaster loans.

(3) *Evidence of Loss.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss (beneficial ownership as well as legal title may be considered in determining who suffered the loss); it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement, or (ii) where a substantial change of ownership occurred after the disaster. Substantial change of ownership does not include those instances in which a contract of sale had been entered into prior to the disaster and the transaction is completed after the disastser.

(4) *Substantial economic injury assistance*—(i) *Disaster declaration.* An area must be declared to be a major disaster area by the President, a disaster area by the Administrator of SBA, or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in subparagraph (i) of this paragraph.

(5) *Product disaster assistance*—(i) *Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(ii) *Scope.* An otherwise eligible small business concern is eligible for product disaster assistance to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(b) *Displaced business, coal mine health and safety, consumer protection, occupational safety and health, and strategic arms economic injury loans.*—(1) *General—Scope of assistance.*—(i) *Limitations on assistance. Availability of funds from other sources.* Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(ii) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are subject to the eligibility criteria set forth in § 120.2(d)(9) of these rules and regulations.

(iii) *Eligible small business concerns.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Gambling activities, financing, and those engaged in speculative activities, are not small business concerns for the purpose of economic injury loans. Therefore, they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance. Persons or firms holding realty for lease or rent for the production of income, or real estate developers, are not small business concerns for economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms Economic Injury Assistance Program. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer cooperative will not qualify as a small business concern.

(iv) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss of possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster. See paragraph (a)(2) of this section.

(2) *Special Considerations—Displaced business loans.* In the discretion of SBA, an applicant for a displaced business loan may be considered eligible for assistance to purchase or construct other premises whether or not such applicant owned the premises occupied by the business.

(3) *Special considerations—Coal mine health and safety loans.* (i) To qualify for a coal mine health and safety loan, an applicant must be a small coal mine which must meet requirements of the Coal Mine Health and Safety Act of 1969. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines.

(ii) *Inspection of mine by Bureau of Mines.* Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for loan. All applications must be supported by sufficient information so that SBA will be able to determine the economic life of the mine.

(4) *Special considerations—consumer protection loans.* (i) To qualify for a Consumer Protection Loan, an applicant must be a small concern engaged in meat, poultry, or egg processing effecting additions to or alterations in the equipment, facilities, or methods of operation of such firm to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conforming therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan.

(ii) *Plant inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Consumer Protection Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(5) *Special Considerations—Occupational Safety and Health Loans.* (i) To qualify for an Occupational Safety and Health Loan, an applicant must be a small concern seeking to comply with standards established under the Occupational Safety and Health Act of 1970.

(ii) *Plant Inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of an Occupational Safety and Health Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(iii) *Voluntary Compliance.* Plant operators may on own initiative undertake action to meet OSH Act standards. If major construction or reconstruction is needed, the report of a licensed professional engineer and/or achitect or other qualified professional is required and must be submitted with the loan application.

(6) *Special Consideration—Strategic Arms Economic Injury Loans.* To qualify for a Strategic Arms Economic Injury Loan, an applicant must be a small business concern, a small real estate developer, or a person or small firm holding realty for lease or rent for the production of income.

§ 123.3 Purposes of loans.

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site,

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the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, and SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance to cover losses and damage and injury resulting from major disasters, SBA may authorize the repayment of temporary loans used solely to alleviate the disaster-caused injury. SBA shall cancel any loan made in connection with a disaster occurring on or after January 1, 1972, and prior to April 20, 1973, if declared by the President or the SBA Administrator, but in no event shall such cancellation of a loan exceed $5,000 and the cancellation may not apply to any amount refinanced. Loans made in connection with disasters occuring on or after April 20, 1973, will not be canceled in any amount.

(2) Refinancing: Only where property suffers uninsured (or otherwise uncompensated for) damage of 30 percent or more of the market value at the time of the disaster, a part of all of existing liens as they apply to the specific real property lost or damaged may be refinanced by a part of the SBA loan. Such refinancing shall be limited to an amount which is no greater than the disaster-caused damage or loss in business loans, or home loans approved as the result of disaster occurring on and after July 1, 1973. In the case of a home loan, the monthly repayment of principal and interest may not be less than the amount of such payment made prior to the refinancing loan, in any loan approved as the result of a disaster occurring prior to July 1, 1973. Refinancing of personal property is not permitted in disaster home loans. Refinancing is permitted only when the damaged property is to be repaired, rehabilitated, or replaced.

(3) Any disaster victim located in a restricted building area (flood-prone, urban renewal, or other area where rebuilding is prevented by action of appropriate authority) that suffers real property damage may obtain funds for such purposes as are prescribed in paragraph (a)(1) of this section and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster disqualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, if the Administration determines that such concern has suffiered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of property from which displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: Provided, however, That additional space to meet the minimum requirement of a local building code for parking space may be approved;

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product disaster assistance.* The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) *Coal mine health and safety assistance.* The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities, or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Working capital may be provided to:

(i) Replace working capital expended incidentally for compliance, such as meeting construction time limits;

(ii) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed costs such as payment on equipment notes or mortgage payments;

(iii) Help finance startup costs;

(iv) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from that Bureau that upon completion of the purchase, rebuilding, or conversion proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) *Consumer protection assistance.* (1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c)(3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e), (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) *Occupational safety and health assistance.* The purpose is to assist small business concerns to adequately and efficiently effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Construction funds may be loaned for the purposes stated in paragraph (f)(2)(i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(h) *Aid to major sources of employment.* The purpose of loans authorized under section 237 of the Disaster Relief Act of 1970 is to enable an industrial or commercial enterprise, which has constituted a major source of employment in an area suffering a major disaster declared by the President, and which is no longer is substantial operation as a result of such disaster, to resume operations in order to assist in restoring the economic viability of the disaster area. A major source of employment as used in this part, is defined as: (1) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or (2) a concern which employed 10 percent or more of the total work force in an industry with the major disaster area; or (3) any business firm within the major disaster area which employed 1,000 or more employees.

(i) *Strategic arms economic injury assistance.* The purpose of loans made under section 7(b)(7) of the Small Business Act is to assist or to refinance the existing indebtedness of any small business concern directly and seriously affected by the significant reduction of the scope or amount of Federal support for any project as a result of any international agreement limiting the development of strategic arms or the installation of strategic arms or strategic arms facilities, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Loan proceeds may be used for working capital and to pay financial obligations which the applicant would have been able to meet if he had not lost income because of significant reduction of the scope or amount of Federal support for the strategic arms project.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.5 Amount of loan and interest rates.

(a) SBA's share or guaranteed percentage of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a) (2), (3), (c), (e), (f), (g), (h), and (i).

(1)(i) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except for an additional amount to refinance any prior SBA disaster loan, or except in those cases where the Administrator finds substantial hardship.

(ii) Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to displaced business, coal mine health and safety, consumer protection, occupational safety and health, strategic arms economic injury loans, and loans made under paragraph (e) of this section.

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: Provided, however, that SBA's share of any such loan or loans to repair or replace a home and household goods for any homeowner shall not exceed $55,000 in the aggregate for any one disaster, excluding eligible refinancing in an amount not to exceed the lesser of the physical damage to the real property or the amount of loan made to repair such property. Persons living in a damaged home who are not dependents of the homeowner may also apply for disaster assistance for personal property loss, up to $10,000. The cancellation feature, up to $5,000, applies to these loans as well as to loans to the homeowner, for disasters occurring between Jan. 1, 1972, and April 20, 1973.

(3) SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(4) A guaranteed loan, where the entire loan is disbursed by a private lending institution, may be made, in addition to the direct loan limitation, for the total amount of an applicant's physical loss or the economic injury suffered less funds available from its own resources, including funds from insurance or condemnation proceedings. Such guaranteeed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(5) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing property damaged or destroyed by the disaster will be considered by SBA in determining the amount of loan. An SBA disaster loan may not include any amount to cover losses which have been compensated for by insurance or other sources, or other relief sources, such as the American Red Cross. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

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(c) Interest rates on disaster loans are as follows:

(1) For disaster relief described under § 123.1(a), (b), (1), and (3), the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be 3 percent per annum for disasters occurring between January 1 and December 31, 1971; at 1 percent per annum for disasters occurring between January 1, 1972, and prior to April 20, 1973, except that loans made in connection with natural disasters declared only by the Secretary of Agriculture during this period shall bear an interest rate of 3 percent per annum; and at a rate not to exceed 5 percent per annum on loans made in connection with disasters occurring on or after April 20, 1973. In any loan made under this subsection, except for loans approved as the result of disasters occurring prior to July 1, 1973, deferment may be made in payments of principal or interest, or both, for a period not to exceed 3 years. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA at the time of approval.

(2) For disaster relief as described under § 123.1(b), (2), (4), (5), (6), and (7), interest on SBA's share of financial assistance shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended. Interest on the participating institution's share shall be at a rate considered by SBA to be legal and reasonable.

(d) *Major sources of employment.* In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance loans may be made without dollar limitations, to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sections 7(b), (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to repay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments. In addition, for disasters occurring on or after January 1, 1972, but prior to July 1, 1973, in the case of a home loan to an individual who by reason of retirement, disability, or other similar circumstances relies for support on survivor, disability, or retirement benefits under a pension, insurance, or other program, SBA may consent to the suspension of the payments of principal during the lifetime of the individual and his spouse for so long as SBA determines that making such payments would constitute a substantial hardship.

(b) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(c) Except as described elsewhere in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.8 Step-by-step procedure for disaster loan applicant.

(a) An applicant for physical-loss disaster assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced, recognizing that the burden of proof of loss is on the applicant;

(2) When deemed appropriate by SBA, obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(8) Submit such other information as SBA may require in order to verify or support the information on hand to permit an application to be properly evaluated and acted upon, including the names and addresses of any persons, having an interest in the lost or damaged property, and the names and addresses of any persons who sustained a separate loss at the applicant's location and who may file a separate application.

(9) Submit the above information to the nearest SBA disaster or other field office, preferably in person, within the time limit established for the filing of applications. SBA will accept applications after such time limit only when SBA determines that an extreme hardship existed and the late filing was the result of causes substantially beyond the control of the applicant.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12 month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past 3 previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings or other improvements to real property, where the contract exceeds $10,000;

(d) An applicant for Coal Mine Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of deficiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

(g) An applicant for Strategic Arms Economic Injury Assistance shall follow the procedures in paragraph (b) of this section, and in applicable cases explain fully the need for any refinancing of debt owned by the applicant.

(h) Any entity other than a homeowner applying for SBA disaster assistance must agree not to discriminate on the basis of race, color, or national origin, including but not limited to employment practices. See Parts 112 and 113 of these rules and regulations.

§ 123.9 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly by the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.10 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.11 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.12 Fees and charges.

(a) *Service fees.* No service fees shall be charged by participating institutions for loans described in § 123.1 (a), (b), (1), and (3). For loans described in § 123.1 (b), (2), (4), (5), (6), and (1), a service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SBA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where SBA's share is 75 percent or less or of one-fourth of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(b) *Guaranty charge.* A guaranty fee will be charged to the lender with respect to all guaranteed disaster loans as is set forth for business loans in § 120.3 (b), except that no fee will be charged in those cases where the lender elects to charge an interest rate of 5½ percent or less on the loan.

(c) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan.

§ 123.13 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.14 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

§ 123.15 Certification of use of loan proceeds.

Recipients of SBA disaster loans described in § 123.1(a),(b),(1), and (3) are required to file a certification, and evidence in support of such certification, that the loan proceeds have been properly used. Any loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

§ 123.16 Compliance with consumer protection laws.

Any recipient of an approved disaster loan for any noncommercial purpose shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90–321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, 59.002, 59.008, 59.010, 59.014, 59.017, and 59.018, National Archives Reference Services.)

Effective date: July 1, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73–13828 Filed 7–6–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–CE–9–AD, Amdt. 39–1683]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models B–19 and C–23 Airplanes

An Airworthiness Directive (AD) was adopted on June 27, 1973, and made effective immediately as to all known owners of Beech Models B–19 and/or C–23 airplanes. This AD was issued because there have been instances where pilots of these model airplanes have experienced difficulty in recovering from normal spins. In order to prevent this situation from occurring, the Directive prohibits intentional spins in Beech Models B–19 and C–23 airplanes and prohibits operation of these airplanes in the acrobatic category. The AD also requires removal of all placards in these model airplanes pertaining to acrobatic flight and the replacement thereof with one which covers these operational limitations.

Since it was found that immediate action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Beech Models B–19 and/or C–23 airplanes by individual letters dated June 27, 1973. These conditions may still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation

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Regulations is amended by adding the following new AD.

BEECH. Applies to Model B–19 (Serial Numbers MB–481 and after) and Model C–23 (Serial Numbers M–1285 and after) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent in flight situations in which prompt spin recovery may not be assured, accomplish the following:

(A) Effective immediately, intentional spins and operation in the acrobatic category are prohibited.

(B) Within the next 20 hours' time in service or 10 calendar days, whichever comes first after the effective date of this Airworthiness Directive, remove all placards pertaining to acrobatic flight and install in place thereof a placard to be conspicuously located on the instrument panel which reads as follows:

THIS AIRPLANE MUST BE OPERATED AS A NORMAL OR UTILITY CATEGORY AIRPLANE. INTENTIONAL SPINS ARE PROHIBITED. NO ACROBATIC MANEUVERS APPROVED EXCEPT: CHANDELLES, LAZY EIGHTS, STEEP TURNS, AND STALLS (EXCEPT WHIP STALLS).

This amendment becomes effective July 12, 1973, to all persons except those to whom it was made effective by letter dated June 27, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 29, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73–13780 Filed 7–6–73;8:45 am]

[Docket No. 73–GL–7, Amdt. 39–1685]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel Schebler Carburetors Models

Airworthiness Directive 72–6–5 was issued March 24, 1972, to prevent looseness or separation of the throttle arm of Marvel Schebler carburetors. The manufacturer has released a new design throttle arm and shaft which does not require the corrective action described in Airworthiness Directive 72–6–5. Accordingly, a revision to AD 72–6–5 is being issued to limit the applicability to the throttle arm configurations indicated in the Illustrations in the AD.

Since the amendment is relieving in nature and does not require any additional action on the part of any person, compliance with the notice and public procedures provisions of the Administrative Procedures Act is not required and good cause exists for making this Amendment effective in less than thirty days. In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697, 14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following amended Airworthiness Directive:

72–6–5 MARVEL SCHEBLER: Amendment 39–1411 as amended by Amendment 39–1685.

Applies to Models MA–3, MA–3A, MA3–PA, MA–3SPA, MA4–SPA, MA4–5, M4–5AA, MA–6AA and HA–6 carburetors used on various Franklin (Aircooled), Continental, Lycoming and Ranger engines, having one of the throttle arm and shart configurations shown in Illustrations A, B, C, or D.

Compliance: Required at next annual inspection, unless already accomplished.

To prevent looseness or separation of the throttle arm, accomplish the following or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region.

(1) Inspect the throttle arm to vertify that it is bottomed against the shoulder on the throttle stop and positioned so that full throttle travel is obtained, and if not, loosen clamping screw and reposition arm and or re-rig control system in accordance with airplane manufacturers' maintenance instructions to obtain these conditions.

(2) Inspect the throttle arm on Marvel Schebler MA–3, MA–3A, MA–3PA, MA3–SPA and MA–4SPA carburetors to determine whether it has a spotfaced or milled flat for the head of the clamping screw. Replace any arm having a milled flat with one having a spotfaced flat. If not already installed, install a Marvel Schebler P/N A15–493 clamping screw (No. 10–24 x ⅝ slotted drilled fillister head) in the throttle arm. Torque the clamping screw to 20–28 in.-lb. and inspect the slot in the end of the arm for clearance. If the slot has closed so that no clearance remains, replace the arm and retorque to the above specifications. After the specified torque is established safety wire the throttle arm and clamping screw to the throttle stop as shown in Illustration A.

(3) On Marvel Schebler MA–4–5, MA4–5AA, MA–6AA and HA–6 series carburetors with throttle arms having a 10–32 bolt and nut clamping the arm on the throttle stop, torque the nut to 35 to 40 in. lbs. and safety wire the throttle arm to the throttle stop as shown in Illustration B. On these series carburetors having a throttle arm threaded for a 10–24 screw, if not already installed, install a Marvel Schebler P/N A15–493 clamping screw (No. 10–24 x ⅝ slotted drilled fillister head) in the throttle arm and torque the screw to 20 to 28 in. lbs. Safety wire the throttle arm to the throttle stop as shown in Illustration C or D.

NOTE: The procedures specified in American Aviation Corporation Service Letter No. 69–4, dated October 3, 1969, Cessna Service Letter SE71–17 revised February 25, 1972, and Lycoming Service Bulletin No. 330A, dated October 30, 1970, are approved as equivalent procedures to those prescribed in this AD for the applicable carburetors.

Amendment 39–1411 was effective March 24, 1972.

This amendment becomes effective immediately on July 9, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on June 29, 1973.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

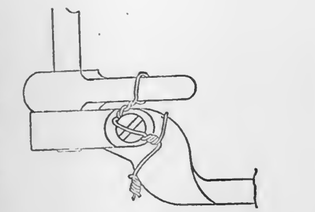


ILLUSTRATION A

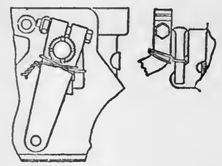


ILLUSTRATION B

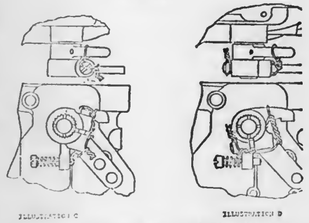


ILLUSTRATION C ILLUSTRATION D

[FR Doc.73–13781 Filed 7–6–73;8:45 am]

[Airspace Docket No. 73–CE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 8669 of the FEDERAL REGISTER dated April 5, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Larned, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 15, 1973.

CHESTER W. WELLS,
Acting Director, Central Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

LARNED, KANS.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Larned, Kans. NDB, located at latitude 38°12'16" N., longitude 99°05'17" W., and within 3 miles either side of the 277° bearing from the NDB extending from the 5.5-mile radius to 8 miles west, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north, 5 miles south of the 277° bearing from the NDB extending from 18.5 miles West to 6 miles East of the NDB, excluding that area that overlaps the Great Bend, Kans., 700-foot transition area.

[FR Doc.73–13782 Filed 7–6–73;8:45 am]

[Airspace Docket No. 73–SW–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Control Zones and Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

On March 9, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 6397) stating the Federal Aviation Administration proposed to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the following control zone is added:

WACO, TEX. (JAMES CONNALLY AIRPORT)

Within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.) excluding the portion within the Waco, Tex. (Waco Municipal Airport), control zone. The control zone can be designated effective part time during times established in advance by a notice to airmen continuously published in the Airman's Information Manual.

In § 71.171 (38 FR 351), the Waco, Tex., control zone is amended to read "Waco, Tex. (Waco Municipal Airport)."

In § 71.181 (38 FR 435), the Waco, Tex., transition area is amended by deleting "latitude 31°49'00" N., longitude 97°00'00" W." and substituting therefor "latitude 31°46'00" N., longitude 96°55'-00" W."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 28, 1973.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.73–13783 Filed 7–6–73;8:45 am]

[Airspace Docket No. 73–SO–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Nashville, Tenn., control zone and transition area.

The Nashville control zone is described in § 71.171 (38 FR 351) and the Nashville transition area is described in § 71.181 (38 FR 435). In the descriptions, extensions are predicated on the ILS localizer north course to provide controlled airspace protection for IFR aircraft executing the Localizer (BC) Runway 20R Instfument Approach Procedure to Nashville Metropolitan Airport. Effective July 5, 1973, the procedure turn altitude for this instrument approach procedure will be raised from 2,000 to 2,500 feet MSL and the altitude over the final approach fix will be raised from 1,700 to 2,000 feet MSL, thereby eliminating the requirement for the two extensions. It is necessary to alter the descriptions to reflect these changes. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 5, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351), the Nashville, Tenn., control zone is amended as follows:

"* * * within 1 mile each side, expanding to two miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer * * *" is deleted from the description.

In § 71.181 (38 FR 435), the Nashville, Tenn., transition area is amended as follows:

"* * * within 9.5 miles west and 4.5 miles east of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer * * *" is deleted from the description.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73–13784 Filed 7–6–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2867) filed by Ciba-Geigy Corp., Ardsley, NY 10502, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for safe use of thiodiethylene-bis(3,5 - di - *tert* - butyl - 4 - hydroxyhydrocinnamate) as an adjuvant for polymers used in adhesives for food-packaging materials.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES	
Substances	*Limitations*
* * *	* * *
Thiodiethylene - bis(3,5 - di - *tert* - butyl - 4 - hydroxyhydrocinnamate)	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 8, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in

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the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 9, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13796 Filed 7-6-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

In the FEDERAL REGISTER of January 4, 1972 (37 FR 28), notice was given that a petition (FAP 2B2756) had been filed by E. F. Houghton & Co., 303 West Lehigh Ave., Philadelphia, PA 19133, proposing that § 121.2526 (21 CFR 121.2526) be amended to provide for the safe use of polyamide polyamine-epichlorohydrin water-soluble thermosetting resins, prepared by reacting 1-(carboxy pentyl)-4-carboxy pyrrolidone with caprolactam, diethylenetriamine, and epichlorohydrin to form a basic polyamide and further reacting the polyamide with epichlorohydrin, as components of paper and paperboard for food contact use. The petitioner subsequently revised the petition to limit the additive for use as a component of paper and paperboard in contact with dry food under § 121.2571 (21 CFR 121.2571).

The Commissioner of Food and Drugs, having evaluated data in a petition, and other relevant material, concludes that the food additive regulations should be amended, to provide for the safe use of the petitioned additive as set forth below. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 (21 CFR 121) is amended in § 121.2571(b)(2) by alphabetically adding to the list of substances the following new items:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * * *

(b) * * *.

(2) * * *

List of substances	*Limitations*
* * *	* * *
Polyamide - epichlorohydrin modified resins resulting from the reaction of the initial caprolactam - itaconic acid product with diethylenetriamine and then condensing this prepolymer with epichlorohydrin to form a cationic resin having a nitrogen content of 11-15 percent and chlorine level of 20-23 percent on a dry basis.	----------
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Any person who will be adversely affected by the foregoing order may at any time on or before August 8, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 9, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13797 Filed 7-6-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sterile Benzathine Penicillin G and Procaine Penicillin G Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-169V) filed by Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse, NY 13201, proposing the safe and effective use of sterile benzathine penicillin G and procaine penicillin G suspension, veterinary for the treatment of bacterial infections susceptible to penicillin G in horses, dogs, and beef cattle. The application is approved.

The drug is subject to batch certifications under the provisions of section 512(n) of the act; accordingly, the order provides for an appropriate amendment to the regulations in Part 141a of this chapter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), (n), 82 Stat. 347, 350; 21 U.S.C. 360b(i)(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 141a are amended as follows:

1. Part 135b is amended in § 135b.43 by revising paragraph (b) to read as follows:

§ 135b.43 Sterile benzathine penicillin G and procaine penicillin G suspension, veterinary.

* * * * *

(b) *Sponsor.* See code Nos. 017, 040, and 044 in § 135.501(c) of this chapter.

* * * * *

2. Part 141a is amended in § 141a.62 by revising paragraph (a) to read as follows:

§ 141a.62 Benzathine penicillin G and procaine penicillin for aqueous injection.

(a) *Total potency, benzathine penicillin G content, procaine penicillin content:*

(1) If the product does not contain procaine hydrochloride: Proceed as directed in § 141a.61(a)(1), (2), and (4).

(2) If the product contains procaine hydrochloride: (i) *Total potency.* Place one dose of the suspension in each of two centrifuge tubes. Label one tube "sample" and the other "blank". Add 9.0 ml. of 20 percent sodium sulfate solution to each tube and mix well. Centrifuge them at 10,000 r.p.m. for 15 minutes or until a clear supernatant solution is obtained.

Pour the supernatant solution from the sample tube into a 50-ml. volumetric flask and dilute to mark with 1 percent pH 6.0 buffer. Determine the amount of pencillin in this flask by the iodometric assay procedure.

Wash the penicillin residue from the tube labeled "sample" into a 200-ml. volumetric flask quantitatively with about 150 ml. of water. Add 10 ml. of of 1.0*N* sodium hydroxide and allow to stand for 15 minutes. Acidify the solution with 10 ml. of 1.2*N* hydrochloric acid and dilute to mark with water. Determine the amount of penicillin in this solution by the iodometric assay procedure. Use as a blank a suspension prepared by discarding the supernatant solution from the tube labeled "blank", washing the penicillin residue into a 200-ml. volumetric flask, and making to mark with water.

The total potency of the dose is the sum of the penicillin in the sample supernatant solution and in the insoluble residue of the sample.

(ii) *Procaine penicillin content.* Transfer 5.0 ml. of the solution from the 200-ml. volumetric flask containing the residue from the "sample" tube to a 50-ml. volumetric flask and make to mark with water. Assay 2.0 ml. of the solution by the Bratton-Marshall method.

The amount of procaine penicillin is the sum of the amount of penicillin in the sodium sulfate supernatant solution and the amount of penicillin determined by the Bratton-Marshall method.

(iii) *Benzathine penicillin content.* The amount of benzathine penicillin is the difference between the total potency and the amount of procaine penicillin.

* * * * * *

Effective date. This order shall become effective on July 9, 1973.

(Sec. 512(i), (n), 82 Stat. 347, 350; 21 U.S.C. 360b(i)(n))

Dated: June 28, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-13798 Filed 7-6-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

CONTRACT ADMINISTRATION

The following is to update and provide more detailed instructions on the administration of contracts. The instructions reflect changes in the areas of termination, inspection and acceptance, contract administration, and the procurement of stock items.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is revised to reserve § 5A-1.373, as follows:

5A-1.373 [Reserved]

Subpart 5A-1.3—General Policies

§ 5A-1.373 [Reserved]

Section 5A-1.373 is reserved.

Subpart 5A-1.18—Postaward Orientation of Contractors

1. Section 5A-1.1803-2(a) is revised as follows:

§ 5A-1.1803-2 Initial action.

(a) Upon the award of a contract for which a regional Quality Control Division has responsibility for providing contract administration assistance (see § 5A-53.103), that Division also has the responsibility for conducting a postaward orientation conference (See the HB, Supply Operations, chap. 9 (FSSP 2900.5)). Ordinarily, such conferences will be conducted by the quality assurance specialist (QAS) on his initial visit to the supplier's plant. Where, because of special circumstances, the contracting officer determines that GSA personnel in addition to the QAS should participate in the conference or that the conference should be held at the office of the contracting activity or at some place other than the supplier's plant, the contracting officer shall make special arrangements with the Quality Control Division responsible for contract administration assistance.

* * * * *

2. Section 5A-1.1803-4 is revised as follows:

§ 5A-1.1803-4 Participants.

Participants in postaward orientation conferences should include, as appropriate, quality control personnel, personnel of the requiring service or staff office to whom the contracting officer will delegate the authority for contract administration (see § 5A-53.103), legal counsel, accounting personnel, and other interested Government personnel. Personnel attending conferences as representatives of quality control or any other service or staff office to whom the authority for contract administration has been delegated, shall, whenever possible, be the same individuals who will be responsible for providing contract administration assistance in connection with the contract (see § 5A-1.1803-2(a)).

PART 5A-14—INSPECTION AND ACCEPTANCE

Subpart 5A-14.2—Acceptance

Section 5A-14.206-1 is amended as follows:

§ 5A-14.206-1 Acceptance of nonconforming supplies or services.

* * * * *

(b) If the contracting officer or his authorized representative determines that acceptance of nonconforming supplies or services is in the Government's best interest, and a significant deviation as defined in § 1-14.206 is involved, recommendations for deviation shall be referred direct to the appropriate Central Office Standardization Division branch listed below, except where a region has full responsibility for the development and maintenance of the specifications or stock item purchase descriptions involved, in which case the recommendation shall be sent to such region for action and decision by the appropriate Regional Commissioner.

Branch	*Corresp. Symbol*
Office Supplies, Textiles & Domestics	FMSO
Chemicals, Subsistence & Drugs	FMSO
Hardware & Construction	FMSH
Electrical	FMSE
Electronics & Magnetic Surfaces Equipment	FMSM
Furniture & Furnishings	FMSF
Packaging & Packing	FMSX
Hand Tools and Mech. Equip	FMSK
Paints	FMSB

(c) Recommendations for deviation shall contain (1) a copy of the pertinent specification and Invitation for Bids, (2) the reasons why the item does not conform to contract requirements, (3) a statement as to whether or not a similar deficiency was the basis for rejection of an otherwise low bid received on the same IFB, and (4) the reasons why it is in the best interest of the Government to accept the nonconforming item. If urgency of acceptance is a factor, recommendations for deviation shall be handled by telephone or other expeditious means. When stock items are invoved, the contracting officer shall coordinate with the regional Supply Control item managers on local contracts and the National Inventory Control Center Branch (FXIN) or national or zonal contracts to determine urgency of need.

(d) Where the recommendation for deviation is concurred in by the Standardization Division or Regional Commissioner, FSS, the appropriate Standardization Division branch or regional Quality Control Division shall furnish the contracting officer with an estimate of the savings in costs which will accrue to the contractor as a result of the deviation and the amount of surcharge (generally 15 percent of the cost savings) for any administrative costs incurred by GSA. The contracting officer shall be guided by the estimate in negotiating an equitable price reduction (including direct and indirect costs, plus profit) for the deviation.

(e) If the deviation involved is not considered significant, the item may be accepted at an appropriate reduction in price (such price to be established on the basis of the estimate of savings in costs described in paragraph (d) of this section), provided the approval of the requiring activity is obtained in the case of nonstock items (see § 1-14.206), and provided such regional cases are approved by the Regional Commissioner, FSS. An information copy of each such approval shall be furnished to the appropriate Standardization Division branch in Central Office.

(f) Contracting officers not accept nonconforming supplies or services if the deviation is similar to a deviation which was the basis for rejection of an otherwise low bid received on the same invitation for bids.

(g) When it is determined to accept nonconforming material, the contracting officer shall provide appropriate notice to the regional Quality Control Division that submitted the rejection report.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to delete § 5A-16.950-2172 and to add the following new entries:

Sec.

5A-16.950-2718 GSA Form 2718, Preliminary Notice of Default—Definite Quantity Contract.

5A-16.950-2719 GSA Form 2719, Preliminary Notice of Default—Term Contract with Availability for Inspection and Testing and Delivery Clause.

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Sec.
5A–16.950–2720 GSA Form 2720, Preliminary Notice of Default—Term Contract.
5A–16.950–2721 GSA Form 2721, Attachment A (Preliminary Notice of Default).

PART 5A–53—CONTRACT ADMINISTRATION

The table of contents for Part 5A–53 is amended as follows:

Sec.
5A–53.000 Scope of part.

Subpart 5A–53.1—General

5A–53.101 Definition.
5A–53.102 Elements of contract administration.
5A–53.103 Authority and responsibility.

Subpart 5A–53.4—Contract Performance

5A–53.401 General.
5A–53.470 Monitoring.
5A–53.471 Expediting
5A–53.471–1 General.
5A–53.471–2 Nonstock and stock direct delivery orders.
5A–53.471–3 Stock replenishment orders.
5A–53.471–4 Stock availability improvement assistance.
5A–53.472 Use and issuance of preliminary notice of default.
5A–53.473 Use of GSA Form 1679, Contract Administration.

PART 5A–53—CONTRACT ADMINISTRATION

Section 5A–53.000 is added as follows:

§ 5A–53.000 Scope of part.

This Part 5A–53 describes contract administration responsibilities and establishes policies and procedures for the administration of FSS contracts.

Subpart 5A–53.1—General

Subpart 5A–53.1 is added as follows:

§ 5A–53.101 Definition.

Contract administration is defined as the performance and coordination of all actions subsequent to the award of a contract that the Government must take to obtain compliance with all contract requirements, including timely delivery of supplies or services, acceptance, payment, and closing of the contract. These actions also include all technical, financial, audit, legal, administrative, and managerial services in support of the contracting officer.

§ 5A–53.102 Elements of contract administration.

(See § 5–53.102.)

§ 5A–53.103 Authority and responsibility.

(a) The contracting officer is the Government agent in whom authority is vested to enter into and administer contracts. All contracting and related actions flow from the contracting officer's authority either directly or through authorized representatives. (See § 5A–1.404–70.) The quality assurance specialist (QAS) of the Quality Control Division is responsible for providing quality control and field contract administration on contracts and orders if (1) the contract specifies origin inspection, (2) the contract is under the Federal Supply Schedule program and the Quality Control Division has been assigned responsibility for providing quality control and field contract administration, or (3) when field contract administration on contracts or orders which do not designate origin inspection has been requested by the contracting officer. In such cases, the QAS is responsible for initiating or requesting necessary action to ensure full compliance with all terms of the contract and for keeping the contracting officer advised of the status of the contract. Aggressive contract administration is essential to ensure timely contract performance.

(b) The contract administration responsibilities of the regional item manager, Inventory Management Branch, Supply Control Division, are contained in the HB, Supply Operations (FSS P 2900.3). These responsibilities include (1) issuing definite quantity stock replenishment and stock direct delivery orders from established sources; (2) issuing amendments to the above delivery orders, including editorial corrections, quantity changes, and other routine ordering problem corrections; and (3) the coordinated processing of: Over, short and damage discrepancies; the rejection, disposition, and replacement of unsuitable merchandise received from suppliers; and charges for failure by suppliers to mark shipments in accordance with contract requirements.

(c) Where contracts have been established to cover the particular requirements of another GSA service or staff office and the performance of the contract is an integral part of the program mission of the service or staff office for which the contract was established, the contracting officer shall delegate the authority for contract administration to activities or individuals designated by the requiring service or staff office, if requested. However, basic responsibility for adequate contract arrangements and final action in connection with such matters as disputes, terminations, etc., shall be retained by the contracting officer.

Subpart 5A–53.4—Contract Performance

Subpart 5A–53.4 is revised as follows:

§ 5A–53.401 General.

Contract performance requires effective and timely coordination directly between the contracting officer and supporting elements to ensure performance in accordance with the terms and conditions of the contract.

§ 5A–53.470 Monitoring.

Monitoring is the performance of all actions necessary to exercise effective surveillance over individual supply transactions while they are being processed through the total supply system. The Office of Supply Control performs the monitoring function and furnishes the indication to the expeditor of the necessity to perform an expediting action. Instructions concerning the monitoring function are contained in the appropriate volumes of the HB, Supply Operations (FSS P 2900.1).

§ 5A–53.471 Expediting.

§ 5A–53.471–1 General.

Expediting is the performance of all necessary actions required to obtain delivery to satisfy customer needs and consists of delivery status inquiries, ensuring "on time" deliveries, and accelerating or moving back delivery schedules. Expediting between the Government and contractor should only be made by the contracting officer or his authorized representatives. (See § 5A–53.103.)

§ 5A–53.471–2 Nonstock and stock direct delivery orders.

(a) *Source inspection.* (1) Requests for expediting source inspected orders shall be made to the QAS responsible for the inspection. The QAS shall take prompt and appropriate action in accordance with the request and expeditiously reply to the requestor.

(2) Requests altering delivery schedules which may require contract modifications shall be sent directly to the contracting officer by the requestor or the QAS. The contracting officer shall take prompt and appropriate action consistent with the relative priorities of the work-in-process on hand (but not later than 5 working days after receipt of request for action), and expeditiously reply to the requestor.

(b) *Destination inspection.* Expediting of direct delivery orders requiring inspection at destination shall be performed by the regional order processing and control activities when scheduled delivery dates have been missed or are in jeopardy. Expediting shall be limited to requesting delivery status information. Any changes to the contract/order shall be made only by the contracting officer.

§ 5A–53.471–3 Stock replenishment orders.

(a) All requests for accelerated delivery (requests for delivery to be made prior to contract due date) on national and zonal contracts shall be referred to the National Inventory Control Center Branch (NICC) for review. If honored, NICC will refer the request to the appropriate national/zonal contracting officer. The contracting officer shall take prompt action consistent with the relative priorities of the work-in-process on hand (but not later than 5 working days after receipt of request for action) to (1) contact the contractors, (2) ascertain whether delivery can be improved with or without alteration of contract delivery schedules and/or price, (3) coordinate with NICC when other delivery schedules are affected, and (4) provide NICC with the resultant information. (For procedures regarding public exigency purchases of stock items, see §§ 5A–3.202 and 5A–72.105–31).

(b) Requests from the Supply Control Division for delivery status information and ensuring "on time" deliveries shall be made to the QAS for source inspected orders and the contracting officer for destination inspection orders, provided no current status information (GSA Form 1679) is on file. If the QAS has referred the problem to the contracting officer, in the case of source inspected orders, status requests shall be submitted to the contracting officer. Prompt and appropriate action, consistent with the relative priorities of the work-in-process on hand, shall be taken by the QAS and contracting officer and an expeditious reply shall be made to the requestor.

§ 5A–53.471–4 Stock availability improvement assistance.

GSA Form 6673, Request for Stock Availability Improvement Assistance, was developed for use by the National Inventory Control Center Branch in requesting assistance from procuring activities on items in critical stock position nationally. In the event contracting officers receive a GSA Form 6673 from the National Inventory Control Center Branch, immediate action shall be taken to expedite all items covered by the request. Coordination with the National inventory Control Center Branch is required if the contracting officer encounters any difficulty in determining relative priority of need between the regions.

§ 5A–53.472 Use and issuance of preliminary notice of default.

(a) Quality Assurance Specialists (QAS) are only authorized to issue a preliminary notice of default pursuant to paragraph (a)(1), Article 11, General Provisions (Supply Contract). (See § 5A–53.103.) This authorization applies to stock and nonstock contracts requiring source inspection, excluding Federal Supply Schedule contracts, and AID contracts awarded by the National Buying Center Division. With approval from the regional Director, Procurement Division, or the Director, National Buying Center Division, as applicable, the contracting officer may direct the QAS to obtain clearance from the contracting officer prior to issuing a preliminary notice of default. When preliminary notices of default are issued by QAS, he shall immediately notify the contracting officer of such action by mailing a copy of all notices to the contracting officer the same day they are furnished to the contractor.

(b) Good judgment should be used by the contracting officer or the QAS in issuing a preliminary notice of default letter, considering such conditions as may be accomplished by the contractor within a short period (5 days): (1) Supplies are available for inspection and testing; (2) deliveries are in transit; or (3) other immediate conditions. If the QAS is in doubt about issuing a preliminary notice of default, he should contact the contracting officer direct.

(c) In all cases involving stock items, the Supply Control Division ordering activity shall be promptly notified of any action taken as a result of the preliminary notice of default letter.

(d) GSA Forms 2718, 2719, and 2720, Preliminary notice of default letters, (see §§ 5A–16.950–2718 through 5A–16.950–2720) are designed for use by the QAS in connection with the contract administration authorization stated in § 5A–53.472(a), above. GSA Form 2721, Attachment A, Preliminary Notice of Default, (see § 5A–16.950–2721) is used in conjunction with GSA Forms 2719 and 2720. Detailed procedures involving the QAS issuing preliminary notice of default letters are set forth in FSS P 2900.5, chap. 9.

§ 5A–53.473 Use of GSA Form 1679, Contract Administration.

The GSA Form 1679 is used to transmit contract status information directly between the QAS and the contracting officer. (See FSS P 2900.5, chap. 9.) Timeliness and clarity of purpose in the preparation of and response to GSA Form 1679 is of the essence. When a reply to the GSA Form 1679 is required or appropriate, contracting officers shall reply to the QAS within 5 working days from date of receipt of the GSA Form 1679. In the event final reply cannot be made within the 5 working days, contracting officers will furnish an interim reply with the estimated date final reply may be expected. To ensure timely replies, procurement offices shall establish appropriate controls. Contracting officers shall promptly notify the Supply Control Division ordering activity of any action taken as a result of a GSA Form 1679 (extensions, terminations, or other actions). Copies of GSA Form 1679 and replies thereto including copies of pertinent correspondence shall be used for this purpose.

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stock Items

1. Section 5A–72.103 is revised as follows:

§ 5A–72.105–16 Monthly Supply Potential Stock Item Purchase Descriptions.

The head of a procuring activity may authorize exceptions from the requirement of using Stock Item Purchase Descriptions (SIPD) when the purchase value is $2,500 or less, provided the product(s) to be purchased are known to meet the applicable specifications or, if not known, are good quality off-the-shelf products. (For interim stock replenishments see § 5A–72.105–29.)

2. Section 5A–72.105–16(a) is revised as follows:

§ 5A–72.105–16 Monthly Supply Potential (MSP) and Method of Award clauses.

(a) *General.* The Monthly Supply Potential (MSP) clause and Method of Award clause (see paragraphs (d) and (e) of this section) shall be included in all solicitations for requirements-type term contracts (see § 5A–72.105–3) under national and zone contracting assignments for stock items, except where (1) another authorized clause is used to limit the contractor's obligation to deliver (e.g., standby-stock clause), or (2) the Director, National Buying Center Division, or the Director of a regional Procurement Division authorizes an exception (in which case the file shall be documented accordingly). Use of these clauses is not mandatory in requirements-type term contracts issued by regional offices for their own regional requirements. However, the clauses should be used where the estimated requirements are substantial and it is anticipated that difficulties may otherwise be encountered because of inadequate production capacities of some offerors. Quantities refused by contractors as exceeding the MSP of a term contract shall be submitted by the regional Inventory Management activity to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these requirements after coordination with the national/zonal contracting office; however, the Director of the regional procuring activity may choose not to procure the requirement. In this case, the regional Inventory Management Branch activity shall submit the requirements to the national/zonal contracting office who shall complete the purchase action.

* * * * * *

3. Section 5A–72.105–20(c) is revised as follows:

§ 5A–72.105–20 Maximum order limitations—requirements and indefinite quantity contracts.

* * * * * *

(c) Regional Inventory Management Branch activities shall submit their requirements in excess of the maximum order limitation on national or zonal term contracts to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these requirements after coordination with the national/zonal contracting office; however, the Director of the regional procuring activity may choose not to procure the requirements. In this case, the regional Inventory Management Branch activity shall submit the requirements to the national/zonal contracting office who shall complete the purchase action.

* * * * * *

4. Section 5A–72.105–23(b) is revised as follows:

§ 5A–72.105–23 Preparation and distribution of contractual information.

* * * * * *

(b) Definite quantity buys by national/zone procuring activities. Where a national/zone contracting office makes definite quantity purchases for stock items, including repurchase actions, that office shall complete the purchase, prepare the purchase order(s), and make distribution in accordance with existing

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procedures, except for the following special instructions:

(1) The purchase order number to be used shall be the number furnished by the requiring region.

(2) The purchase order shall include any special instructions (concerning shipping, etc.) specified in the purchase request.

(3) Procurement transaction reporting data shall be recorded by the contracting activity.

(4) For paying office addresses to be entered on purchase orders, see § 5A–76§ 307.

5. Section 5A–72.105–25 is revised as follows:

§ 5A–72.105–25 Expediting deliveries.

(See § 5A–53.471.)

6. Section 5A–72.105–29 is revised as follows:

§ 5A–72.105–29 Interim stock replenishments.

(a) Interim stock replenishment means regional purchase of stock items normally contracted for on a national or zonal basis when (1) there is temporarily no contract source for such items because of a gap between the time the previous contract expired and the time a new contract is available, or (2) there is temporarily no contract source for such items because there was no contract in effect for the prior period and there is a delay in contract award, or (3) a contract may or may not have been in effect for the prior period and a determination is made not to consummate a contract for the upcoming period due to specification problems, insufficient demand, no responsive bids, etc., or (4) there is a contract source but delivery thereunder is not being made because of special conditions, such as strikes or default.

(b) The national/zonal contracting office responsible for a national or zonal procurement assignment has the full and final responsibility (from the effective date of the assignment) for providing procurement support on the items involved. When any requirements arise due to the conditions set forth in (a), above, the national/zonal contracting office shall process those requirements in accordance with the procedures set forth in (c), below.

(c) When a lapse in contract coverage is expected to occur, the national/zonal contracting office is required to notify the National Inventory Control Center Branch (FXIN) and the stocking regional Inventory Management Branch activities of the approximate date contract award data will be furnished. (See § 5A–72.105–23(a)(6).) The notification shall be sent to FXIN and the stocking regional Inventory Management Branch activities 20 days prior to the contract expiration date, or if no contract was in effect for the prior period 20 days prior to the effective date of the new contract period, or at the time the special conditions take place; e.g., strikes or default. If the lapse in contract coverage is expected to exceed 30 days, the national/zonal contracting office shall, in the notification, request interim requirements from FXIN. The national/zonal contracting office shall accept requirements for consolidated definite quantity purchases and shall complete the purchase action. However, if the national/zonal contracting office, for justifiable reasons, cannot make the purchase, local purchase authority may be authorized, provided that the Director of the national/zonal contracting office (regional or National Buying Center Division as applicable) obtains the concurrence of the appropriate regional Director(s), Procurement Division(s), to transfer the requirements to that region(s). Concurrences shall be requested by telephone or TWX. In the case of lapses in contract coverage which are not expected to exceed 30 days, as provided by the notification from the national/zonal contracting office, regional Inventory Management Branch activities may submit their requirements to the Director, Procurement Division, in their region. The regional procuring activities are authorized to procure these interim requirements; however, the Director of the regional procuring activity may choose not to procure the requirement. In this case, the regional Inventory Management Branch activity shall submit the requirements through FXIN to the national/zonal contracting offices who shall complete the purchase action. It should be emphasized that the national/zonal contracting office has the final responsibility in ensuring that the requirement is satisfied. When regional procuring activities procure interim requirements, the national/zonal contracting offices shall provide guidance as to sources, purchase descriptions, previous price analysis information, and current problems.

(d) Unless special instructions are issued, any of the following methods normally may be used, as appropriate, when purchasing interim stock replenishment requirements.

(1) If the amount is $2,500 or less, products which are known to meet the applicable specifications or, if not known, good quality off-the-shelf products shall be purchased under the small purchase procedures. Small purchases of this type may be made from the prior contractor under the terms of the expired contract if the prices are considered reasonable and the prior contractor agrees.

(2) If the amount is in excess of $2,500, purchase shall be made by formal advertising or negotiation, depending on the circumstances. Where public exigency procurement is justified, the instructions in §§ 5A–3.202 and 5A–72.105–31 shall apply.

7. Section 5A–72.105–31 is amended as follows:

§ 5A–72.105–31 Public exigency purchases of stock items.

* * * * *

(b) Where there is an existing national or zone term contract for the required items, the inventory management activity shall first explore the possibility of obtaining timely deliveries under the existing contract by requesting accelerated delivery through the National Inventory Control Center Branch (NICC) to the contracting officer. (See § 5A–53.471–3.) If the request is found valid by NICC, it shall be forwarded to the contracting officer for action. If the contractor agrees to make accelerated delivery only under the condition that delivery schedules in other Government orders must be extended or the contract price increased, the matter shall be discussed with the NICC, who will inform the contracting officer of the desired priorities to be observed, and the contracting officer will take appropriate action. If the established contractor cannot make delivery in the time required, the procurement may be made under public exigency procedures where the circumstances justify. Exigency purchases may be made by the regional procuring activity, if they so desire, after coordination with the national/zonal contracting office. The national/zonal contracting office has the final responsibility in ensuring that the requirement is satisfied.

(c) When there is no central or zone purchasing assignment involved for the item(s) required and the circumstances described in paragraph (a) of this section are present, the requirement may be procured locally under public exigency procedures.

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PART 5A–76—EXHIBITS

The table of contents for Part 5A–76 is amended to delete §§ 5A–76.112, 5A–76.113, and 5A–76.120, and to add the following new entry: 5A–76.307 Paying office addresses to be entered on purchase orders.

NOTE: Copies of the forms and exhibit added to Parts 5A–16 and 5A–76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: June 21, 1973.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.73–13831 Filed 7–6–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18803]

PART 97—AMATEUR RADIO SERVICE

Licensing and Operation of Repeater Stations

Order. In the matter of amendment of Part 97 of the Commission's rules concerning the licensing and operation of repeater stations in the Amateur Radio Service, Docket 18803, RM–388, RM–1087, RM–1209, RM–1542, RM–1725.

1. The Commission has under consideration a "Petition for Postponement of Effective Date" filed by the American Radio Relay League (ARRL). Essentially, the ARRL requests that the date by which all existing remotely controlled stations must fully comply with the amended rules be extended from June 30 to October 30, 1973.

2. In support of its petition, the ARRL argues that the amended rules are relatively complex when compared to the rules pertaining to non-repeater applications; that they involve the use of techniques never before required of amateurs; and that the changes have raised a number of questions which were not readily and quickly answered. Regarding the latter point, the ARRL states that it was common knowledge among applicants that most applications for repeater stations filed prior to April 30, 1973, were being returned, and as a result, other potential applicants delayed the filing of their applications beyond the April 30 date so as to be able to submit a more complete and correct application that would not be returned for amendment. The end result of all this, according to the ARRL, is that full compliance by many existing repeater stations cannot be achieved by the June 30, 1973, deadline.

3. We have carefully considered the points set forth by the ARRL to justify an extension of the June 30 deadline, but we cannot agree that such an extension is justified. The rules adopted in Docket 18803 (37 FR 18540) became effective on October 17, 1972, but existing stations were allowed the necessary time to bring their operations into compliance, with all stations to be in compliance by June 30, 1973. See Memorandum Opinion and Order, FCC 72–1184, 38 FCC 2d 920. The Commission restated the requirement for full compliance by June 30, 1973, in a Public Notice issued on October 6, 1972, and in its Memorandum Opinion and Order, adopted December 20, 1972, dismissed several petitions for reconsideration. Moreover, the Public Notice stated that waivers of the June 30 date would not be granted except under the most exigent circumstances. Therefore, the Commission's intentions and policies have been affirmed and the amateur radio press has brought this information to the attention of potential applicants and licensees. For its part, the Commission's staff met with many applicants and licensees, answered numerous letters and telephone calls, and assigned ample manpower to process these applications.

4. It is important to note that the rules adopted in Docket 18803 represent the first comprehensive effort by the Commission to regulate the area of amateur repeater stations and the increasingly sophisticated remote control systems employed by amateurs. While repeater stations were licensed under the rules applicable to all amateur stations, prior to our action in this Docket, it has become apparent from the applications filed that many existing applicable requirements were not understood, nor observed. Consequently, to correct this situation the rules must apply to all stations, old and new, as soon as practicably possible. On the other hand we also note that out of about 800 systems applications received to date only approximately 300 have met the new requirements. Thus, a large number of stations will be required to cease operations if we adhere to the June 30, 1973, date. Accordingly, we feel that some additional time for compliance is warranted but that the full 120-day extension which was requested is excessive. It is anticipated that the accumulated experience to date will enable amateurs to file proper applications in an expeditious fashion and meet a new deadline date of August 30, 1973.

5. Accordingly, the Commission by the Chief, Safety and Special Radio Services Bureau, pursuant to the delegated authority in § 0.331(b)(1) of the Commission's rules orders that the date by which all existing remotely controlled stations must comply with the amended rules is extended from June 30, 1973, to August 30, 1973. *It is further ordered,* That the ARRL petition is denied to the extent that it is at variance with this order.

Adopted: June 27, 1973.

Released: June 29, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73–13825 Filed 7–6–73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Revised Service Order No. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 29th day of June 1973.

It appearng, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, That:

1033.1124 Demurrage and free time on freight cars

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application:* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) *Exception:* This order shall not apply to cars with inside length 69 ft. 0 in. and over.

(iv) *Exception:* This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) *Exception:* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas
Laredo, Texas
Eagle Pass, Texas
Presidio, Texas
El Paso, Texas
Douglas, Arizona
Naco, Arizona
Nogales, Arizona
Calexico, California

(vi) *Exception:* This order shall not apply to cars subject to Freight Tariff 8–0, I.C.C. H–30, issued by B. B. Maurer, supplements thereto, or re-issues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(viii) *Exception:* The provisions of Rule 8, Items 935 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) *Exception:* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad

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Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply to cars subject to this order.

(x) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof.

(2) *Free Time:* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, Detention, or Storage Charges—Cars Not Subject to Average Demurrage Basis:*

(i) After the expiration of the free-time period described in part (2) of this order, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days
$20.00 per car per day, or fraction of a day, for each of the next two days
$30.00 per car per day, or fraction of a day, for each of the next two days
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars Subject to Average Demurrage Basis:* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car, per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) (*a*) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

(*b*) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in paragraph (2) of this section.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of Arrival, Constructive Placement, etc.:* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply.

(*b*) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by Part (i) of this section shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1973.

(e) *Expiration date.* This order shall expire at 6:59 a.m., Oct. 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13841 Filed 7-6-73;8:45 am]

[Ex Parte No. MC–19 (Sub-No. 17)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Waiver of Order for Service

Order. At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington, D.C., on the 20th day of June, 1973.

It appearing, that by order dated August 21, 1972, in the above-entitled proceeding, this Commission promulgated a regulation (49 CFR 1056.9(c)) which provided that upon written request from the shipper, the requirement for an Order for Service may be waived for shipments moving for the account of the Department of Defense on Government Bills of Lading and for shipments transported under paragraph (c)(3) of the household goods commodity description (49 CFR 1056.1(a)(3)) consisting of articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods;

It further appearing, that by petition filed March 7, 1973, the Household Goods Carriers' Bureau seeks the amendment of § 1056.9(c) of the Commission's general rules and regulations (49 CFR 1056.9(c)) so as to permit waiver of the requirement for an Order for Service on all shipments moving on a Government Bill of Lading (not limited to shipments moving for the account of the Department of Defense) when so requested in writing by the shipper; that petitioner contends that such an amendment will permit all Federal agencies (including the General Services Administration) which utilize the Government Bill of Lading to waive the requirement for an Order for Service; that petitioner states that Government Bills of Lading are issued by knowledgeable, trained personnel thoroughly instructed in the technicalities involved in ordering moving services and that nothing contained in the Order for Service is of any value to the government agency or its transportation department; and that petitioner asserts that the Order for Service in these circumstances constitutes a burden to both shipper and carrier and that practical considerations demand that any government agency wishing to take the positive step of requesting waiver of the requirement for Order of Service in writing should be permitted to exercise that prerogative;

It further appearing, That, pursuant to section 553 of the Administrative Procedure Act, notice of the said petition was published in the FEDERAL REGISTER, which notice stated that no oral hearings were contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposal; that individual representations were filed in support of the petition by the General Services Administration of the United States and by Allied Van Lines, Inc., a motor common carrier of household goods; and that no representations were filed in opposition to the petition;

It further appearing, that the uncontested evidence of record demonstrates that the Order for Serivce is unnecessary with respect to certain types of shipments of government shippers; that for the past 2.5 years, Orders for Service have not been issued on shipments of the Department of Defense, the largest shipper of household goods in the nation; that all government agencies utilizing Government Bills of Lading are entitled to the same advantages presently enjoyed by the Department of Defense; and that granting the relief sought should not adversely affect the positive value which the Order for Service has with respect to shipments by individual shipper-owners of household goods;

Wherefore, and good cause appearing therefor:

It is ordered, That Part 1056 of subchapter A of chapter X of title 40 of the Code of Federal Regulations be, and it is hereby, amended by modifying § 1056.9(c), so as to read as follows:

§ 1056.9 Order for service.

* * * * *

(c) *Waiver of Order for Service.* Upon written request from the shipper, the requirement for an Order for Service may be waived for shipments moving on Government Bills of Lading and for shipments transported under paragraph (c)(3) of the household goods commodity description (49 CFR 1056.1(a)(3)) consisting of articles, including objects of art, displays, and exhibits, which because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods. (49 Stat. 546, as amended, 558, as amended, 560, as amended, 563, as amended, 565, as amended; 49 U.S.C. 304, 315, 317, 319, 320, and 323).

It is further ordered, That this order shall become effective on August 20, 1973, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13837 Filed 7-6-73;8:45 am]

[Ex Parte No. MC–1 (Sub-No. 4); Ex Parte No. MC–1 (Sub-No. 5)]

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Payment of Rates and Charges of Motor Carriers Credit Regulations—Oilfield Carriers; Payment of Rates and Charges of Motor Carriers to Shippers

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of June 1973.

It appearing, that on May 8, 1972, the Commission entered an order instituting a rulemaking proceeding to determine whether rules and regulations governing the extension of credit by motor common carriers to shippers (49 CFR 1322) prescribed pursuant to authority granted in section 223 of the Interstate Commerce Act, and published in the Code of Federal Regulations, were serving their purpose;

And it further appearing, that the Commission, on the date hereof, has made and filed its report herein setting forth the basis for its conclusions and findings, which report and prior reports in 2 M.C.C. 365, as modified and amended by subsequent reports and orders, including those of the entire Commission in 105 M.C.C. 460 and 326 I.C.C. 483, are hereby referred to and made a part hereof:

It is ordered, That the following section of part 1322, be, and it is hereby, revised and modified as follows:

Amend § 1322.3 to read as follows:

§ 1322.3 Period of credit following delivery of freight.

Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight except that motor common carriers of household goods and motor common carriers of oilfield equipment shall present their freight bills for all transportation charges to the shipper within 15 calendar days, excluding Saturdays, Sundays, and holidays, from the first 12 o'clock midnight following delivery of the freight.

It is further ordered, That this amendment shall become effective on August 15, 1973, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

And it is further ordered, That notice of this order be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register (49 U.S.C. 301, 302, and 308, 5 U.S.C. 553 and 559).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13838 Filed 7-6-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Referendum

Notice is hereby given that on July 17, 1973, a referendum will be held at polling places of farmers engaged in the production of the 1973 flue-cured tobacco crop, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. In a notice (38 FR 13653), it was proposed that the referendum be held at polling places on July 17, 1973. The views and recommendations received pursuant to such notice have been considered within the limits permitted by the Act.

The purpose of the referendum is to determine whether the farmers voting favor or oppose the establishment of marketing quotas for the three marketing years beginning July 1, 1974, July 1, 1975, and July 1, 1976.

The referendum will be conducted in accordance with the provisions of the Act and the regulations governing the holding of referenda on Marketing quotas (33 FR 18345; 34 FR 12940; 36 FR 12730; 38 FR 12891) including any amendments made prior to the referendum.

Signed at Washington, D.C. on: July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-13835 Filed 7-3-73;3:09 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED AND AMOUNT OF ASSISTANCE RESOURCES LIMITATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations establish limits on resources that may be retained or shall be considered.

For the adult categories, these limits are similar to those established by Public Law 92-603 for the new Supplemental Security Income program that will go into effect on January 1, 1974. For AFDC, there are variations based on family size and specific limitations on certain kinds of resources. The regulations would also clarify that available income and resources include those which are available to the client, e.g., through a legal interest in community property or a trust, even though he does not secure them.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue S.W., Washington, D.C. 20201, on or before August 8, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-963-7361).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated: April 23, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved: July 2, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 233.20(a)(3)(i) and (ii) (a) through (c), part 233, chapter II, title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *

(3) *Income and resources; OAA, AFDC, AB, APTD, AABD.* (i) Specify the amount and types of real and personal property, including liquid assets, that may be reserved, i.e., retained to meet the current and future needs while assistance is received on a continuing basis, and the manner in which various types of real and personal property shall be evaluated for purposes of (*a*) establishing initial and continuing eligibility and (*b*) inclusion in such reserves and allowances as are provded for by the State plan. In addition to the home, personal effects, automobile and income producing property allowed by the agency, for applicants or recipients of OAA, AB, APTD, and AABD, the amount of real and personal property, including liquid assets, that can be reserved for each individual applicant or recipient of OAA, AB, APTD, or AABD shall not be in excess of $1500 or, in case such individual has a spouse with whom he is living, $2250. The amount which may be reserved by an AFDC family other than the reasonable value of a home as determined by the State agency, wedding and engagement rings, heirlooms, and equipment and material of reasonable value which are necessary to implement an employment, rehabilitation or self-support plan for the applicant or recipient, shall not be in excess of a market value of $2250, of which not more than $1200 shall consist of motor vehicles; the real and personal property shall be valued at their gross market value including encumbrances. Where there are more than three needy children in an eligible family an additional $100 in personal property reserves above the $2250 limit shall be permitted for each needy child in excess of three children. Policies may allow reasonable proportions of income from businesses or farms to be used to increase capital assets, so that income may be increased.

(ii) Provide that, in establishing financial eligibility and the amount of the assistance payment, after policies governing the reserves and allowances referred to in paragraph (a)(3)(i) of this section have been applied: (*a*) All income and resources, after policies governing the disregard or setting aside of income and resources have been applied, will be considered in relation to the State's standard of assistance, and will first be applied to maintenance costs; (*b*) if agency policies provide for allocation of the individual's income as necessary for the support of his dependents, such allocation shall not exceed the total amount of their needs as determined by the statewide standard; (*c*) net income available for current use and currently available resources shall be considered; income and resources are considered available both when actually available and when the applicant or recipient has a legal interest therein and has the legal ability to make them available but does not do so;

* * * * *

2. Section 233.90, chapter II, title 45 of the Code of Federal Regulations is revised to read as set forth below:

§ 233.90 Factors specific to AFDC.

(a) *State plan requirement.* A State plan under title IV-A of the Social Security Act must provide that the determination whether a child has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or (if the State plan includes such cases) the unemployment of his father, will be made only in relation to the child's natural or adoptive parent, or in relation to the child's stepparent who is ceremonially married to the child's natural or adoptive parent and is legally obligated to support the child under State law of general applicability which requires stepparents to support stepchildren to the same extent that natural or adoptive parents are required to support their children. Under this requirement, the inclusion in the family, or the presence in the home, of a "substitute parent" or "man-in-the-house" or any individual other than one described in this paragraph is not an acceptable basis for a finding of ineligibility or for assuming the availability of income by the State. In establishing financial eligibility and the amount of the assistance payment, the income only of the parent described in the first sentence of this paragraph will be considered available for children in the household in the absence of proof of actual contributions.

[FR Doc.73-13656 Filed 7-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SO-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Redesignation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate the Biloxi, Miss., control zone and alter the Gulfport, Miss., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 8, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Biloxi control zone described in § 71.171 (38 FR 351) would be amended as follows:

"* * * This control zone is effective from 0600 to 2200 hours, local time, daily * * *" would be deleted.

The Gulfport transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN * * *" would be deleted.

The proposed redesignation is required to make the control zone effective 24 hours per day in lieu of 16 hours. This is required to accommodate the operation of the 53rd Weather Reconnaissance Squadron and the Fleet Aerospace Cartographic and Geodetic Squadron. The proposed alteration of the transition area is required to revoke the extension predicated on the 036° bearing from Keesler RBN which was designated to provide controlled airspace protection for IFR aircraft executing the NDB RWY 21 Instrument Approach Procedure during the time the control zone was not in effect.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-13785 Filed 7-6-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SO-41]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Anniston, Ala., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 8, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Anniston transition area described in § 71.181 (38 FR 435) would be amended as follows:

"* * * longitude 86°03'36" W) * * *" would be deleted and "* * * longitude 86°03'36" W); within 9.5 miles southeast and 4.5 miles northwest of Talladega VORTAC 233° radial, extending from the 12-mile radius area to 18.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Talladega VORTAC 252° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the revised VOR-A and VOR/DME RWY 3 Instrument Approach Procedures to Talladega Municipal Airport. The procedure turn altitude for these two approach procedures is being lowered from 3,000 to 2,700 feet MSL to comply with Terminal Instrument Procedures (TERPs) criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-13786 Filed 7-6-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-8]

ST. LOUIS, MO.

Proposed Terminal Control Area

Correction

In FR Doc. 73-12396 appearing at page 16239 in the issue of Thursday, June 21, 1973, in the third line of the description of Area C, the figure "10-mi. radius" should read "15-mi. radius".

[14 CFR Part 129]

[Docket No. 12198; Reference Notice No. 72-23]

AVIATION SECURITY: FOREIGN AIR CARRIERS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 72-23, published in the FEDERAL REGISTER September 2, 1972 (37 FR 17979), in which the FAA proposed to amend Part 129 of the Federal Aviation regulations to provide aviation security standards for foreign air carriers while operating within the United States.

Most of the comments received from interested persons in response to the notice were opposed to the proposal because it could conflict with security standards adopted by various states of aircraft registry or the International Civil Aviation Organization (ICAO). In this regard, it is noted that ICAO, by resolution of its Council on June 19,

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1972, is currently refining "recommended standards and practices" to ensure the security of aircraft.

In light of all the comments received in response to Notice 72–23, the FAA has determined that the proposal is not appropriate and that Notice 72–23 should be withdrawn.

Withdrawal of this notice constitutes only such action and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

This withdrawal is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER September 2, 1972 (37 FR 17979), and circulated as Notice No. 72–23 entitled "Aviation Security: Foreign Air Carriers" is hereby withdrawn.

Issued in Washington, D.C., on June 29, 1973.

JAMES T. MURPHY,
Director, Office of Air Transportation Security.

[FR Doc. 73–13787 Filed 7–6–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 19528]

MTS AND WATS SERVICES

Proposed New or Revised Classes; Order Extending Time

In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

1. We have before us a Motion for Extension of Time in this proceeding filed by the Association of American Railroads (AAR) which requests that the time for filing of comments and reply comments herein be extended for ninety days, respectively. In support of its motion AAR states: (1) That there is a considerable volume of material to be reviewed in order to prepare meaningful comments, (2) that not all of the advisory committee reports have yet been released and that if past experience is a guide, may not become readily available for a significant time after their release date, (3) that petitions regarding possible consolidation with Docket 19691 remained pending until June 13, 1973, and that (4) in order to provide comments and proposals in the same detail as the proposals of the PBX Committee and the Office of the Chief Engineer, extensive preparation, discussion and internal review within AAR will be required.

2. Although we have previously granted a thirty day extension upon the request of the Ad Hoc Telecommunications Committee (38 FR 13663, May 24, 1973), it appears that AAR has shown good cause for further extension of time. However, considering that the First Supplemental Notice herein was released April 3, 1973 (40 FCC 2d 315), and the previous extension, the full ninety days requested do not appear warranted. *Therefore, it is ordered,* That, pursuant to authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended until September 17, 1973 and the time for filing of reply comments to November 16, 1973.

Adopted: June 29, 1973.

Released: July 2, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73–13823 Filed 7–6–73;8:45 am]

[47 CFR Part 61]

[Docket No. 19741]

SCHEDULES FOR NEW OR REVISED CLASSIFICATIONS OF SERVICE

Proposed Requirements; Order Extending Time for Filing Comments

In the matter of amendment of Part 61 of the Commission's rules relative to Notice requirements for schedules for new or revised classifications of service, Docket No. 19741.

1. We have before us a telegraphic request for extension of time in this proceeding filed by ITT World Communications, Inc. (ITT World Com). The request is that the time for filing comments pursuant to the notice of proposed rule making in the above-captioned proceeding released May 21, 1973, FCC 73–513, (38 FR 13657), 40 FCC 2d 1099 (1973) be extended two weeks. In support of its request ITT World Com cites press of other matters rendering it impossible to prepare the requisite comments by June 28, 1973.

2. Therefore, good cause having been shown: *It is ordered,* That pursuant to the authority delegated by § 0.303(c) of the Commission's rules, the time for filing of comments in this proceeding is extended until July 12, 1973 and the time for filing reply comments is extended until July 23, 1973.

Adopted: June 28, 1973.

Released: June 29, 1973.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73–13824 Filed 7–6–73;8:45 am]

[47 CFR Part 73]

[Docket No. 19727]

FM BROADCAST STATIONS IN NEW BERN AND MOREHEAD CITY, BEAUFORT, N.C.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations. (New Bern and Morehead City-Beaufort, North Carolina), Docket No. 19727, RM–1981.

1. On April 25, 1973, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 3, 1973, 38 F.R. 10968. By subsequent Order, the dates for comments and reply comments were specified as June 20 and June 29, 1973, respectively.

2. On June 26, 1973 (38 FR 14970) counsel for New Bern Broadcasting, Inc., petitioner in this proceeding, filed a request for an extension of time in which to file reply comments to and including July 31, 1973. Counsel states that the requested extension is necessary due to the press of preexisting commitments which require counsel to be out of town and the significant amount of legal and engineering preparation necessary to respond to the comments filed herein. Counsel further states that the other parties to this proceeding have stated no objection to this extension.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered,* that the date for filing reply comments is extended to and including July 31, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 29, 1973.

Released: July 2, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73–13826 Filed 7–6–73;8:45 am]

[47 CFR Part 83]

[Docket No. 19776; FCC 73–687]

IDENTIFICATION OF STATIONS

Notice of Proposed Rule Making

In the matter of amendment of §§ 83.326(a) and 83.364(a)(3) to allow ships and survival craft engaged in public correspondence to defer the 15-minute identification requirement until the end of a message or the end of a telephone conversation, Docket No. 19776.

1. Notice is hereby given of a proposed rule making in the above-captioned matter.

2. Sections 83.326(a) and 83.364(a)(3) require operators of ship and survival craft telegraphy and telephony stations to identify by call sign at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes.

3. A review of violation notices issued for violation of these two sections shows that practically all of these involve stations handling public correspondence with public coast stations. The violations occurred because the operator failed to interrupt the transmission of a message or a telephone conversation at the 15-minute interval to identify by call sign.

4. We believe that the rules should be amended to allow operation of ship stations engaged in public correspondence to defer station identification until the end of an exchange of communications when the transmission of station identification would interrupt a telephone conversation or a message.

5. The proposed amendments, as set forth below, are issued pursuant to the authority contained in section 4(i) and sections 303(e), (f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 13, 1973, and reply comments on or before August 22, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into consideration other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in Section 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: June 27, 1973.

Released: July 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 83.326(a) is amended to read as follows:

§ 83.326 Identification of stations.

(a) All radiotelegraph emissions of a ship station or a survival craft station shall be clearly identified by transmission therefrom of the official call letters assigned to that station for telegraphy by the Commission. These call letters shall be transmitted by telegraphy in accordance with § 83.325 and the procedure set forth in the International Radio Regulations and by means of the class of emission normally used by the station for telegraphy: Provided, That they shall be transmitted at intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when such station is engaged in transmitting public correspondence communications the identification may be deferred until completion of each communication with any other station.

* * * * * *

2. Section 83.364(a)(3) is amended to read as follows:

§ 83.364 Identification of station.

(a) * * *

(3) At intervals not exceeding 15 minutes whenever transmission is sustained for a period exceeding 15 minutes, except when a station is engaged in transmitting public correspondence communications in which case the identification may be deferred until completion of each communication with any other station.

[FR Doc.73–13819 Filed 7–6–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1106]

[Ex Parte No. 296]

PROCEDURES FOR PARTIAL RECOUPMENT OF INCREASED CARRIER LABOR COSTS

Proposed Rulemaking and Order

At a genreal session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 15th day of June, 1973.

Our procedures for handling general rate increase proposals have been under constant review and revision through the years in an effort to balance the interest of the carriers, shippers, and the public generally. By order served August 17, 1970, we established revised procedures governing rail general rate increase proceedings to "make possible prompt disposition of such cases, reduce the volume of submitted material and the cost of participation by carriers, shippers, and other interested parties, and aid in the elimination of uncertainty among users of the service as to future transportation costs." We required that railroads seeking increases in rates or charges on a national or territorial basis should file, concurrently with the tariff schedules containing such rates or charges, or petitions seeking authority to file the schedules, verified statements presenting and comprising the entire evidential case relied on in support of the proposal. In addition, the carriers were required to serve on each party of record in the last prior general rate increase proceeding, a copy of their evidence. The proceeding in which the most recent general increase was authorized, Ex Parte No. 281, *Increased Freight Rates and Charges, 1972,* 341 I.C.C. 290, was governed by that order. The report therein discussed the evidentiary deficiency of the record with respect to individual commodities, and under the heading "Future evidential requirements," we stated:

> Looking beyond the exigencies of this proceeding, respondents are advised and forewarned that our acceptance of annualized costs and other data of a type submitted in this and in prior general revenue proceedings is not an irrevocable commitment; and that, in the future, we will require a much more variable data base to support an application for revenue relief. To this end, we intend promptly to institute a rulemaking proceeding looking toward prescription of minimum evidentiary requirements in railroad general increase cases to supplement the regulations in 49 CFR 1102. We realize, however, that the process leading to a ultimate determination of such requirements will consume considerable time, based on our experience in Ex Parte No. MC–82, *New Procedures in Motor Carrier Rev. Proc.,* 339 I.C.C. 324, and 340 I.C.C. 1.

Accordingly, as an interim measure, we have determined to indicate the evidentiary showing which should be made in any rail revenue proceeding which might be instituted prior to the promulgation of specific procedures. Provisions relevant to such an evidentiary showing are set forth in appendix B and will be referred to as "interim procedures." They include the provisions regarding application, service, and verification previously promulgated in our procedural order of August 13, 1970, *supra.* We wish to make it clear, however, that respondents are not precluded from submitting additional evidence to support their proposals.

Shortly thereafter, by notice of proposed rulemaking and order entered on December 1, 1972, in Ex Parte No. 290, Procedures Governing Rail Carrier General Increase Proceedings, we proposed the detailed rules set forth in the appendix thereto. That notice and order was served on all railroads and on each party to the proceeding in Ex Parte No. 281, and it was published in the FEDERAL REGISTER as general public notice. Verified initial statements of facts and argument were due on or before May 28 and reply statements are due on or before June 29, 1973. While we have expedited all general revenue proceedings consistent with affording all parties equal opportunity to participate, it is believed that the proposed procedures, or those ultimately adopted, will shorten the time necessary to dispose of such proceedings, will achieve greater uniformity and reliability in the data submitted, and will provide adequate notice to the carriers and the public of the minimum evidence deemed necessary to render a decision in furtherance of the public interest.

Among the responses received to our order instituting the pending proceeding in Ex Parte No. 270, Investigation of Railroad Freight Rate Structure, were those of the eastern railroads suggesting for consideration the question of "whether expedited procedures can be devised to permit prompt adjustment in rates to offset increased costs." The western and southern railroads expressed similar interest in the development of more expeditious rate procedures. As previously indicated, we have revised procedures from time to time, always with the view of balancing the interests of all concerned in the performance and use of transportation services.

Labor costs represent a relatively high proportion of total operating revenues in the transportation industry. In recognition of the fact that the payment of higher negotiated labor costs cannot be immediately offset by increasing rates and charges, and that carriers could be financially disadvantaged and their service to the public adversely affected in the time required for normal disposition of revenue proceedings, we propose to institute this rulemaking proceeding for the purpose of enunciating a procedure for partial recoupment of increased labor costs where an urgent need exists therefor under sections 15a(2), 216(f), 307(f), and 406(d) considered in conjunction with the national transportation policy "to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation * * *—all to the end of developing, coordinating, and preserving a national transportation system."

The proposed procedure with respect to each regulated mode follows:

It is proposed that a new part 1106 be added as follows:

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PART 1106—PROCEDURE FOR PARTIAL RECOUPMENT OF INCREASED CARRIER LABOR COSTS

Sec.
1106.1 Application.
1106.2 Notice.

AUTHORITY: Sec. 15a(2), 216(i), 307(f) and 406(d) of Interstate Commerce Commission Act.

§ 1106.1 Application.

Where the total negotiated labor costs of the carriers, on a national or regional basis or by carrier members of major tariff publishing agencies, have increased 5 percent or more within any calendar year, and (1) where the total actual labor costs of the carriers for the calendar year immediately preceding the effective date of the increased negotiated labor costs, equal or exceed:[1] (a) 50 percent of operating revenues for the corresponding period in the case of railroads, (b) 50 percent of operating revenues for the corresponding period in the case of motor carriers, (c) 20 percent of operating revenues for the corresponding period in the case of Class A water carriers, (d) 15 percent of operating revenues for the corresponding period in the case of coastwise and intercoastal maritime carriers, and, (e) 20 percent of operating revenues for the corresponding period in the case of freight forwarders; and (2) where the average rate of return on shareholders' equity of the carriers (ratio of ordinary income to total of capital stock and surplus accounts, average of beginning and end of the calendar year immediately preceding the effective date of the negotiated increased labor costs) is less than[2] (a) 3 percent in the eastern district; 6 percent in the southern district; 5 percent in the western district; or 3 percent nationwide; in the case of railroads; (b) 16 percent in the case of motor carriers; (c) 10 percent in the case of Class A water carriers; (d) 2 percent in the case of coastwise and intercoastal maritime carriers; and (e) 18 percent in the case of freight forwarders; the Commission will consider such showing, upon verification, as establishing an urgent need of the carriers to recoup such negotiated labor costs in part and as establishing a prima facie case for granting the carriers authority to increase their rates and charges by amounts necessary to obtain revenues which would recoup 50 percent of the increased negotiated labor costs, but in no case to exceed an increase of 2.5 percent in their rates and charges, giving appropriate recognition to the extent practicable to the increased labor costs on various traffic, subject to conditions, such as those necessary to protect port and commodity relationships, as the Commission may deem appropriate.

[1] The relationships of labor costs to operating revenues were those experienced by the respective modes in 1971, expressed in the nearest round figure.

[2] These represent the approximate average rates of return experienced by the respective modes in 1971, except that those for the railroads were in 1972.

§ 1106.2 Notice.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement for the use of the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the Regional Offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection. A notice of the filing of a request for such relief, and a summary statement of the justification therefor, shall be served upon each party of record in the last formal proceeding concerning a general rate increase, and that fact shall be evidenced by a certificate of service filed with the request for relief.

Accordingly, *It is ordered*, That a proceeding be, and it is hereby, instituted with the objective of promulgating the special procedure set forth above, but that any procedures ultimately promulgated will be consistent with wage and price regulations then in effect.

It is further ordered, That all carriers by rail, motor, and water, and freight forwarders subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of verified facts, views, and arguments regarding the proposed procedures, including whether or not the proposed procedure is a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is further ordered, That any person interested in this proceeding shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before August 3, 1973, the original and one copy of a statement of his interest. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this notice and order be served on each respondent and on each party to the proceeding in Ex Parte No. 281 *supra*, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given to the general public by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13836 Filed 7-6-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 394]

DOME PIPELINE CORP.

Application for Presidential Permit for a Liquid Hydrocarbon Pipeline

The Department of State has received an application dated March 9, 1973, from the Dome Pipeline Corporation, a North Dakota corporation having its registered office at Bismarck, North Dakota, which is a wholly-owned subsidiary of Dome Petroleum Limited, a company incorporated under the laws of Canada. The application by Dome Pipeline Corporation is for a permit under Executive Order 11423 to construct a liquid hydrocarbon pipeline at the international border between the United States and Canada near Marysville, Michigan, in the St. Clair River.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public from the Department of State, Office of the Legal Adviser, Washington, D.C. 20520, and that written comments thereon will be received by the Department of State until August 10, 1973.

For the Secretary of State.

[SEAL] J. DAPRAY MUIR, *Assistant Legal Adviser for Economic & Business Affairs.*

JUNE 27, 1973.

[FR Doc.73-13805 Filed 7-6-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T.D. 73-132; Treasury Department Order 165-23]

UNITED STATES CUSTOMS SERVICE

Redesignation

Correction

In FR Doc 73-9916 appearing on page 13037 of the issue for Friday, May 18, 1973, in the second line of the paragraph numbered "1", "U.S. Customs Service" should read "United States Customs Service".

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M73-63]

USIBELLI COAL MINE, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Usibelli Coal Mine, Incorporated, has filed a petition to modify the application of 30 CFR 77.1605(k) to its Usibelli Mine.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner states that its mine is located in the foothills of the Alaska Range, an area which is noted for strong winds and snow and that it believes that guardrails and berms are not feasible in these climatic conditions. Petitioner contends that the majority of the road system is perpendicular to prevailing winds and that its experience shows that obstructions along the road cause drifting of snow and the formation of ice on the road's surface, thereby creating serious hazards to driving.

As an alternative method, petitioner intends to use the currently existing roads and methods of road maintenance. Petitioner states that roadside obstructions also can be detrimental to road maintenance.

Petitioner avers that the implementation of the mandatory safety standard would result in a diminution of safety to the miners in the affected area because it would create hazardous driving conditions and prevent road maintenance. Petitioner contends that the Department of Highways of the State of Alaska concurs with petitioner's position concerning the construction of berms or guardrails.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before August 8, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD, *Acting Director, Office of Hearings and Appeals.*

[FR Doc.73-13800 Filed 7-6-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COMMUNICATION SITES ON TONGASS AND CHUGACH NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Communication Sites on the Tongass and Chugach National Forests, Forest Service Report Number USDA-FS-DES (Adm) 73-74.

The environmental statement concerns a proposed action to construct communication facilities at twenty-two (22) locations on the Tongass and Chugach National Forests in Alaska. The facilities will serve seven communication modes with the majority of sites serving two or more systems.

This draft environmental statement was filed with CEQ on June 12, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

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USDA, Forest Service
P.O. Box 1628
Juneau, Alaska 99801

and also at Forest Service offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801. Comments must be received by July 15, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 29, 1973.

[FR Doc.73-13802 Filed 7-6-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration and the Director, National Institutes of Health, insofar as such delegations pertain to the functions assigned to the Health Resources Administration in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Resources Administration, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Health Resources Administration by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-13792 Filed 7-6-73;8:45 am]

ADMINISTRATOR, HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

I hereby delegate to the Commissioner of Food and Drugs and the Director, National Institutes of Health all those administrative management and financial management authorities previously delegated to them by the Assistant Secretary for Administration and Management and the Assistant Secretary Comptroller and which pertain to those functions assigned to their respective organizations by the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Resources Administration, the Administrator, Health Services Administration, and the Director, Center for Disease Control the authority to exercise for their respective agencies all those administrative management and financial management authorities pertaining to those functions assigned to their respective organizations by the Reorganization Order effective July 1, 1973, which were formerly specifically delegated to the Administrator, Health Services and Mental Health Administration and the Director, National Institutes of Health.

Pending issuance of redelegations, all delegations or redelegations to any officer or employee of any office, bureau, division, center, or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated July 2, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-13799 Filed 7-6-73;8:45 am]

ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the Health Services Administration in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Administrator, Health Services Administration, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Health Services Administration by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13791 Filed 7-6-73;8:45 am]

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

I hereby revoke the current delegations of those Administrative Management authorities previously made by me to the Administrator, Health Services and Mental Health Administration, the Director, National Institutes of Health and the Commissioner of Food and Drugs.

I hereby delegate to the Assistant Secretary for Health all the aforementioned administrative management authorities previously delegated to the Administrator, HSMHA, the Director, NIH, and the Commissioner of Food and Drugs within the Public Health Service, Department of Health, Education, and Welfare.

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations by the Assistant Secretary for Health, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 29, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-13794 Filed 7-6-73;8:45 am]

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the Center for Disease Control in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Director, Center for Disease Control, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Center for Disease Control by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13790 Filed 6-7-73;8:45 am]

PUBLIC HEALTH SERVICE

Reorganization Order

Under the authority of section 6 of Reorganization Plan No. 1 of 1953 and section 2 of reorganization Plan No. 3 of 1966, and pursuant to the authorities vested in me as Secretary of Health, Education, and Welfare, I hereby order the reorganization of the Public Health Service which shall consist of five health agencies as hereinafter provided. The Health Services and Mental Health Administration is hereby abolished. Its functions shall be performed by three separate health agencies which are hereby established: the Center for Disease Control, the Health Resources Administration, and the Health Services Administration. There are hereby transferred: To the National Institutes of Health, the National Institute of Mental Health, formerly a part of HSMHA; to the new Health Resources Administration the Bureau of Health Manpower Education formerly a part of the National Institutes of Health; to the Center for Disease Control the National Institute for Occupational Safety and Health, formerly a part of HSMHA. The lead-based paint poisoning and rat control functions formerly in the Bureau of Community Environmental Management, HSMHA will be performed by the Center for Disease Control.

SECTION 1. *Organization.* The Public Health Service shall consist of the Office of the Assistant Secretary for Health and the following health agencies:

(1) Center for Disease Control;
(2) Food and Drug Administration;
(3) Health Resources Administration;
(4) Health Services Administration;
(5) National Institutes of Health.

The restructured Public Health Service shall be under the direction and control of the Assistant Secretary for Health, who shall also serve as the principal Health Officer of the Department, and within the Office of the Secretary serves as principal advisor to the Secretary on all health matters.

FUNCTIONS AND RESPONSIBILITIES

Office of the Assistant Secretary for Health. The Assistant Secretary for Health shall be responsible for the direction and control of the functions herein assigned to the restructured Public Health Service. The Assistant Secretary for Health is also responsible for providing leadership and guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health.

Center for Disease Control. The Center for Disease Control shall be responsible for all of the functions presently assigned to it and to the National Institute for Occupational Safety and Health, as well as the functions for the prevention of lead-based paint poisoning, the rat control programs, and the Arctic Health Services Research Centers assigned to the former Bureau of Community Environmental Management.

The Center for Disease Control shall be headed by a Director who reports to the Assistant Secretary for Health. The Center for Disease Control shall carry out its responsibilities through the following Office of the Director and the newly established bureau-level organizations which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of Director
National Institute for Occupational Safety and Health
(All of the presently assigned functions)
Bureau of Epidemiology
Epidemiology Program
Bureau of Laboratories
Laboratory Division
Bureau of State Services
State and Community Services Division
Bureau of Community Environmental Management (only lead-based paint poisoning, rat control, and the Arctic Health Services Research Center functions)
Smallpox Eradication Program
(All of the presently assigned functions)
Training Program
(All of the presently assigned functions)
Tropical Disease Program
Malaria Program
National Clearinghouse for Smoking and Health
(All of the presently assigned functions)
Ecological Investigations Program
(All of the presently assigned functions)

Food and Drug Administration. The Food and Drug Administration shall be responsible for all of the functions presently assigned to the Food and Drug Administration. The Food and Drug Administration shall continue to be headed by a Commissioner who reports to the Assistant Secretary for Health.

Health Resources Administration. The Health Resources Administration shall be responsible for a monitoring, intelligence, assessment function on health status and the performance of the health delivery system; health services research and evaluation; development and testing of health delivery innovations; and development, testing and dissemination of methods for measuring and assuring the quality of health care; supporting recruitment and training of professional and non-professional personnel. Consistent with these functions, the Health Resources Administration will be a primary source of technical and professional assistance to the Assistant Secretary for Health and to the Department of Health, Education, and Welfare in policy analysis and policy research.

The Health Resources Administration shall be headed by an Administrator, who reports to the Assistant Secretary for Health. The Health Resources Administration shall carry out its responsibilities

These authorities may be redelegated within the restrictions specified within pertinent DHEW manual instructions or other issuances.

Pending issuance of redelegations by the Assistant Secretary for Health, all delegations or redelegation to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

JAMES B. CARDWELL,
Assistant Secretary, Comptroller.

Dated June 27, 1973.

[FR Doc.73-13793 Filed 7-6-73;8:45 am]

DIRECTOR, CENTER FOR DISEASE CONTROL

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the Center for Disease Control in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Director, Center for Disease Control, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the Center for Disease Control by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational unit which were in effect immediately prior to July 1, 1973, shall continue in effect in them or their successors.

This delegation becomes effective July 1, 1973.

Dated June 18, 1973.

CHARLES C. EDWARD,
Assistant Secretary for Health.

[FR Doc.73-13789 Filed 7-6-73;8:45 am]

DIRECTOR, NATIONAL INSTITUTES OF HEALTH

Delegation of Authority

I hereby revoke the delegations previously made by me to the Administrator, Health Services and Mental Health Administration, insofar as such delegations pertain to the functions assigned to the National Institutes of Health in the Reorganization Order effective July 1, 1973.

I hereby delegate to the Director, National Institutes of Health, all authority delegated to me by the Secretary of Health, Education, and Welfare which pertains to the functions assigned to the National Institutes of Health by the Reorganization Order effective July 1, 1973.

These authorities may be redelegated.

Pending issuances of redelegations, all delegations or redelegations to any other officer or employee of any office, bureau, division, center or other organizational

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through the following Office of the Administrator and the newly established bureau-level organizations which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of the Administrator
National Center for Health Statistics
National Center for Health Statistics
Bureau of Health Services Research and Evaluation
National Center for Health Services Research and Development
Regional Medical Programs Service
Bureau of Health Resources Development
Bureau of Health Manpower Education
Comprehensive Health Planning Service
Health Care Facilities Service
Office of Long-Term Care Services

Health Services Administration. The Health Services Administration shall be responsible for providing and financing the delivery of health services through grants, contracts, and direct delivery; for integrating service delivery programs with public and private health financing programs; for administering State formula grant-supported health service programs; and for assuring quality and containing costs of services provided through the public financing programs.

The Health Services Administration shall be headed by an Administrator, who reports to the Assistant Secretary for Health. The Health Services Administration shall carry out its responsibilities through the Office of the Administrator and the following newly established bureaus and services which shall perform those functions formerly carried out by those organizational units listed thereunder:

Office of the Administrator
Indian Health Service
(All of the presently assigned functions)
Federal Health Programs Service
(All of the presently assigned functions)
Bureau of Community Health Services
National Center for Family Planning Service
Maternal and Child Health Service
Community Health Service (except for the Office of Long-Term Care Services and the Division of Medical Care Standards)
National Health Service Corps
Health Maintenance Organization Service
Bureau of Quality Assurance
Division of Medical Care Standards

National Institutes of Health. The National Institutes of Health shall be responsible for all of the functions previously assigned to the National Institute of Mental Health as well as the functions presently assigned to the National Institutes of Health, including the National Library of Medicine, but excluding those functions previously assigned to the Bureau of Health Manpower Education.

The National Institutes of Health shall continue to be headed by a Director, who reports to the Assistant Secretary for Health.

SEC. 2. *Continuation of regulations.* Except as inconsistent with this Reorganization Order, all regulations, rules, orders, statements of policy, or interpretations with respect to the Public Health Service heretofore issued and in effect prior to the date of this Reorganization Order or to become effective subsequent to said date, are continued in full force and effect.

SEC. 3. *Prior statements of organization, functions, and delegations of authority.* To the extent inconsistent with this Reorganization Order all previous statements of organization, functions, and delegations of authority, as well as applicable present chapters of the Department's Organization Manual, are hereby superseded by this Reorganization Order, except that, pending further redelegations, respectively, by the Assistant Secretary for Health, the Assistant Secretary for Administration and Management, and the Assistant Secretary, Comptroller, all delegations to the Administrator of the former Health Services and Mental Health Administration are vested, for their respective organizational components, in the Director, Center for Disease Control; the Administrator, Health Resources Administration; the Administrator, Health Services Administration; and the Director, National Institutes of Health, with authority to redelegate, consistent with this Reorganization Order and the provisions of the respective delegation. All redelegations made by the Administrator of the former Health Services and Mental Health Administration or the Director, National Institutes of Health, to any other officer or employee of any office, institute, bureau, division, center, regional office, or other organizational unit in effect immediately prior to the effective date of this Reorganization Order shall continue in effect in them or their successors pending further redelegation.

SEC. 4. *Redelegations of authority.* The authorities delegated, respectively, to the Assistant Secretary for Health, the Assistant Secretary for Administration and Management, and the Assistant Secretary, Comptroller, may be redelegated as deemed appropriate. Such redelegations may be successively redelegated, except as any delegation may be explicitly limited.

SEC. 5. *Funds, personnel, and equipment.* Transfer of organizations and functions effected by this Reorganization Order shall be accompanied in each instance by direct and supporting funds, positions, personnel, records, equipment, supplies, and other resources.

Effective date. This reorganization Order shall be effective July 1, 1973.

FRANK CARLUCCI,
Acting Secretary.

JUNE 29, 1973.

[FR Doc.73-13788 Filed 7-6-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-73-180]

RELOCATION COSTS FOR LEASED HOUSING PROJECTS

Notice of Unavailability of Funds

The purpose of this notice is to make it clear that, subject to the detailed provisions set forth below, no local housing authority (LHA) is authorized to enter into any leasing arrangement as part of a HUD assisted leased housing project under the United States Housing Act of 1937, unless the dwelling units are vacant or unless the owner voluntarily undertakes liability for any relocation costs and provides assurance of funding for such purpose.

There is no available source of HUD funds which can be programmed for leased housing projects assisted under the United States Housing Act of 1937 for the payment of relocation costs, including costs of relocation assistance and payments, under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. It is therefore a matter of urgency that this notice be issued and become effective at the earliest possible date. For these reasons, it has been found to be impractical and contrary to the public interest to publish this notice for comment by the public, and it has further been found to be necessary that this notice shall take effect upon publication.

LEASING OF EXISTING HOUSING

1. Except as provided below, no LHA is authorized to enter into an agreement to lease or a lease for any dwelling unit which is occupied on the date the agreement to lease or lease is entered into unless the occupant will continue to reside in the same unit under the LHA's leased housing program. In the case of a unit alleged to be vacant, the agreement to lease or the lease, as the case may be, shall contain a certification by the owner substantially as follows:

The owner certifies that this unit is vacant and has been vacant since before the date of execution of this document. This certification is made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

2. (a) Where an agreement is entered into for the leasing of units as they become vacant through normal turnover (or a lease which contains provisions to the same effect), the procedures in (b) and (c) of this paragraph shall be complied with. Normal turnover as used herein means that there is no fixed date by which the owner must make the units available, and that the units have been vacated only as a result of (1) voluntary decision of occupant, (2) action by landlord for cause, or (3) other action by landlord clearly unrelated to leasing of the unit to the LHA.

(b) The agreement to lease shall contain a provision that before a lease becomes effective with respect to any unit, the lease shall contain substantially the following provisions (in the case of a lease which provides for future renting of units made available through normal turnover, these provisions shall be made an addendum to the lease):

(i) The Owner certifies that _____ (identify the unit) has been vacated as a result of: ☐ voluntary decision of occupant ☐ action by landlord for cause or ☐ other action by landlord clearly unrelated to leasing of the unit to the LHA [check box which is applicable], and the owner further certifies that the specific circumstances were as follows:

_____. This certification is made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(ii) The owner agrees to hold harmless and to indemnify the LHA for any costs incurred under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the vacation of said unit, and the owner further agrees that the LHA shall have the right to be reimbursed for any such costs by withholding from rents payable to the owner.

(c) The LHA shall review the Certificate and the facts stated therein, make such additional investigations as it deems necessary, and determine to its satisfaction that the unit was vacated as a result of one of the three categories mentioned in (a) above.

3. In the case of occupied units which involve repair, alteration or rehabilitation which requires that the units be vacated to accomplish the necessary work, an agreement to lease such occupied units (or a lease which provides for the future renting of such occupied units) may be entered into provided that the owner is apprised prior to the execution of the agreement to lease of all relocation requirements set forth in HUD's Codified Regulations dealing with relocation (24 CFR Part 42), in the HUD Relocation Handbook 1371-1, and other appropriate HUD issuances, and provided further that the owner voluntarily undertakes liability for and provides for the funding of all relocation costs as follows:

(a) The maximum potential amount of all relocation costs shall be calculated by the LHA and approved by HUD, and the owner shall deposit such amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the LHA for the purpose of meeting relocation costs; and

(b) The owner shall agree that if the funds in the escrow account shall prove to be insufficient to meet all such relocation costs, he will deposit such additional amounts as the LHA determines to be necessary for such purpose.

CONSTRUCTION FOR LEASING

In the case of an agreement to lease housing which is to be constructed on a site which has occupants, no such agreement shall be entered into unless the owner voluntarily undertakes liability for and provides for the funding of all relocation costs as provided in paragraph 3 above.

This notice is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Effective date. This Notice shall become effective July 9, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.73-13850 Filed 7-6-73;8:45 am]

Office of the Secretary

[Docket No. D-73-239]

ACTING AREA DIRECTOR, NEW YORK AREA OFFICE

Designation

Each of the officials appointed to the following positions is designated to serve as Acting Area Director, New York Area Office, during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed above him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Operations Division.
3. The Director, Housing Management Division.
4. The Director, Equal Opportunity Division.
5. The Area Counsel.

Effective date. This designation and delegation shall be effective as of June 1, 1973.

S. WILLIAM GREEN,
Regional Administrator, Region II (New York).

[FR Doc.73-13833 Filed 7-6-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CG 73-138N]

NATIONAL COMMITTEE FOR PREVENTION OF MARINE POLLUTION

Notice of Open Meeting

This is to give notice pursuant to section 10(a) of the Federal Advisory Committee Act, Public Law 92-463, approved October 6, 1972, that the National Committee for Prevention of Marine Pollution will conduct an open meeting on Thursday, 12 July 1973, in room 3442, 400 Seventh St., SW, Washington, D.C., beginning at 1000.

The summarized agenda for this meeting consists of:

To discuss the reconstruction of the Inter-Governmental Maritime Consultative Organization (IMCO) to be more responsive to pollution problems.

The National Committee for Prevention of Marine Pollution was established by the Department of State to advise on the best information available to achieve the U.S. goal of complete elimination of willful discharge of oil (and noxious substances) by 1975, or the end of the decade at latest. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

CAPT. S. M. SHUMAN, USCG
Chief, International Affairs Division (G-AIA/83)
U.S. Coast Guard
400 Seventh St., SW
Washington, D.C. 20590

or calling (202) 426 2280.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

JULY 3, 1973.

[FR Doc.73-13829 Filed 7-6-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23843]

AEROLINEAS ARGENTINAS

Notice of Postponement of Prehearing Conference and Hearing on Amendment and Renewal of Foreign Air Carrier Permit

Upon the written request of the applicant, the prehearing conference and hearing originally scheduled to be held on July 6, 1973, (38 FR 15649, June 14, 1973), are postponed to July 20, 1973.

The prehearing conference has been rescheduled for 10 am (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. There being no objection, the hearing will be held immediately following conclusion of the prehearing conference.

Dated at Washington, D. C., June 29, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-13847 Filed 7-6-73;8:45 am]

[Docket 25588]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference on Certain Fare Reductions

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 23,

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1973, at 10 am (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates on or before July 16, 1973.

Dated at Washington, D.C., July 2, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-13846 Filed 7-6-73;8:45 am]

COSTA LINE, INC.

[Docket 25523]

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference and hearing previously set for July 9, 1973 (38 FR 15475, June 12, 1973), are hereby postponed indefinitely.

Dated at Washington, D.C., June 29, 1973.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.73-13848 Filed 7-6-73;8:45 am]

[Docket No. 23333; Order 73-6-73]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

JUNE 18, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 12, 1973. No rate increases are involved.

Specific Commodity Item No.	*Description and Rate*
0785------	Vegetable Roots 53 cents per kg., minimum weight 1000 kgs. From Nandi to West Coast

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 23734 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-13845 Filed 7-6-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Friday, July 13, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc. 73-13808 Filed 7-6-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Tuesday, July 10, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc.73-13809 Filed 7-6-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

RELATIONSHIP OF AUTOMOTIVE AFTERMARKET PARTS AND AUTOMOTIVE SERVICE TO THE CLEAN AIR ACT AMENDMENTS OF 1970

Notice of Questionnaire

Notice is hereby given that on June 29, 1973, the Environmental Protection Agency mailed a voluntary Questionnaire (with forwarding letter) regarding the relationship of automotive aftermarket parts and automotive service to the Clean Air Act Amendments of 1970. The Questionnaire was sent to approximately 150 addressees including automobile manufacturers, aftermarket parts manufacturers and trade associations, automotive service companies and trade associations, selected State governments, and citizens organizations. The Questionnaire (with forwarding letter) is printed in its entirety below. Any person not receiving a Questionnaire, but desiring to respond to or comment on the Questionnaire may do so either directly from this notice or by obtaining a copy of the Questionnaire from the U.S. Environmental Protection Agency, Mobile Source Enforcement Division, Office of Enforcement and General Counsel, 401 M St. SW., Washington, D.C. 20460. All responses should be submitted by August 31, 1973.

Date: July 3, 1973.

ROBERT W. FRI,
Acting Administrator.

Dear Sir:

The Environmental Protection Agency is currently developing its policy with respect to implementation and enforcement of § 203(a)(3), § 207(a), § 207(b), § 207(c), and § 207(c)(3) of the Clean Air Act Amendments of 1970. The policy adopted regarding these provisions could have a major impact on the entire automotive industry and the automobile consumer. In order to develop a fair, balanced policy in this area, while pursuing the Agency's mandate to enhance air quality, EPA is soliciting comments from interested parties. Of primary interest is the interrelationship of the above provisions of the Amendments with automotive parts (especially "aftermarket" parts) and automotive service. To provide some background, the relevant provisions of the Amendments are outlined briefly below (and in more detail in enclosure 1). This is followed by a definition of "aftermarket" parts and a discussion of some of the issues raised in the

parts and service areas. Finally, a Questionnaire designed to organize and expedite our review of your comments is included as an enclosure.

RELEVANT PROVISIONS OF THE CLEAN AIR ACT AMENDMENTS OF 1970

In order to reduce substantially the amount of air pollution contributed by motor vehicles, Congress, by the 1970 Amendments, directed that the Administrator of EPA establish standards strictly controlling emissions from new vehicles and engines to determine whether they meet standards; only those which pass are certified for sale. Furthermore, under certain conditions, vehicle and engine manufacturers are required to warrant that vehicles and engines will not exceed emission standards for their useful life and to recall any class of vehicles or engines in which a substantial number is found not to comply. Vehicle and engine manufacturers also are required to provide maintenance instructions to the purchaser to assure the proper functioning of the emssion controls over the useful life of the vehicle or engine. Interference with the emission controls ("tampering") is also prohibited in certain instances. Enclosure 1 summarizes the relevant provisions of the law.

AUTOMOTIVE AFTERMARKET PARTS

Automotive parts installed on a certified vehicle or engine at the time of its production are known as "OEM" parts (original equipment manufacturer) as are identical parts made by the same manufacturer and used to replace original parts. Presumably, replacement of OEM parts with OEM parts does not affect emissions.

Parts which are not both identical to OEM parts and made by the same manufacturer as OEM parts are non-OEM parts and are known as either "replacement parts" or "add-on parts". Replacement parts include those non-OEM parts designed to perform the same function as the OEM parts which they are intended to replace. If a replacement part performs exactly the same function as the OEM part replaced, it presumably does not affect emissions. Add-on parts include those parts designed to perform functions beyond or different from OEM parts. The effect on emissions of many add-on parts is very speculative without testing.

Replacement parts and add-on parts are known in the automotive industry as "aftermarket parts". Although some of these aftermarket parts are manufactured by vehicle and engine manufacturers, the bulk of them are manufactured by what is known in the U.S. as the automotive aftermarket parts industry. This industry is quite competitive, consisting of over 1500 manufacturers and a vast system of distribution. Approximately three-fourths of all parts installed on used vehicles are aftermarket parts. Many aftermarket parts are sold and/or installed by franchised dealers of vehicle manufacturers as well as by chain and independent service stations and garages, automotive parts shops, and mass merchandisers.

The aftermarket parts industry has expressed concern that they might be excluded from a large portion of the automotive parts market as a result of interpretation of the warranty, recall, maintenance instructions and tampering provisions of the Clean Air Act Amendments. On the other hand, vehicle and engine manufacturers are concerned that they might be subjected unjustly to potential liability under the warranty and recall provisions because of use of inferior aftermarket parts. They may believe that the Clean Air Act allows them to protect themselves by the use of § 207(c)(3) "maintenance instructions" which suggests that the use of aftermarket parts may void the warranty or possibility of recall.

The automobile owner needs to know exactly what he must do in order to obtain maximum protection under the § 207 warranty and recall provisions; he should not inadvertently jeopardize his warranty or recall protection because he has used aftermarket parts which the vehicle manufacturer may at a later date claim to have damaged the emission control system. In addition, clean air goals require that automotive parts do not cause vehicles or engines to fail to meet emission standards.

A program designed to resolve the potential problems raised by aftermarket parts could be a substantial undertaking. Perhaps some sort of voluntary or mandatory parts certification or registration procedure by either the parts manufacturer or the government is necessary. Given the large number of parts involved and the fact that prototype vehicles and engines must be tested over their useful life (50,000 miles in the case of light duty vehicles and engines; 100,000 miles for heavy duty diesel), it might prove very expensive and time consuming to test parts in the same way vehicles and engines are tested. EPA has made no determination as to what, if any, long range control over aftermarket parts is necessary.

AUTOMOTIVE SERVICE

Automotive service is conducted by approximately 750,000 mechanics in the United States who are self-employed or who work for independent and chain garages and service stations, for mass merchandisers, or for franchised dealers of automobile manufacturers.

Potential emissions problems arising from service per se can be distinguished from problems arising from the use of aftermarket parts per se. In many instances, no aftermarket part is involved. For example, mechanics may inadvertently or intentionally interfere with properly functioning emission controls (as by removing, blocking, or bypassing such controls). Or they may simply fail to diagnose and correct emission related malfunctions. Where aftermarket parts are involved, such parts may not be the cause of failure to meet emission standards. For example, an aftermarket part may be improperly installed or incorrectly adjusted. The caliber of automotive service may have a significant effect on emissions, especially in future years as emission standards are lowered and proper maintenance becomes more critical.

The automotive service industry has expressed concern that interpretation and implementation of the Amendments may discourage vehicle owners from having maintenance performed except by franchised dealers of vehicle manufacturers.

The vehicle and engine manufacturers believe that they need to protect themselves from potential warranty or recall liability for emissions problems which are caused by improper service.

Automobile owners should be protected from loss, or threatened loss, of warranty and recall protection due to automotive service over which they have little control. And proper maintenance and service are clearly essential to protection of air quality. As in the aftermarket parts area, a program designed to resolve the potential problems raised by automotive service could be a substantial undertaking. Automobile mechanics and/or garages could, if necessary, be licensed or certified by state or local governments or by the Federal government. However, EPA has made no determination that any such program is necessary or desirable.

THE QUESTIONNAIRE

EPA would like to receive your comments regarding automotive aftermarket parts and service and their relationship to the Clean Air Act Amendments of 1970. Enclosure 2 is a voluntary Questionnaire which we believe will help us to expedite our review of the responses received. If you reply, please answer the questions applicable to your organization.

RELEVANT PROVISIONS OF THE CLEAN AIR ACT AMENDMENTS OF 1970

1. *Standards and Testing.* The 1970 Amendments to the Clean Air Act greatly strengthened federal control over mobile source emissions. Section 202(a) requires the Administrator of the Environmental Protection Agency to establish emission standards for new motor vehicles. Section 202(b) of the Act further requires that hydrocarbon and carbon monoxide emissions from light duty vehicles and engines be reduced by 90 percent for the 1975 model year compared with allowable emissions for the 1970 model year. (However, on April 11, 1973, the Administrator exercised his statutory authority by extending the 1975 deadline until 1976 model year for several manufacturers while simultaneously establishing interim emission standards for 1975. Additional manufacturers may be granted extensions if they satisfy the statutory criteria.) Oxides of nitrogen emissions must be reduced by 90% for the 1976 model year compared with emissions from 1971 model year vehicles. Section 206(a) mandates that the Administrator test or require to be tested prototypes of new vehicles and engines to determine whether they meet emission standards and to issue certificates of conformity to those which pass.

2. *Production Warranties—§ 207(a).* Section 207(a) of the Act requires that the manufacturer of a vehicle or engine warrant "to the ultimate purchaser and each subsequent purchaser that such vehicle or engine is (1) designed, built, and equipped so as to conform at the time of sale with applicable regulations (including emission standards) under § 202, and (2) free from defects in materials and workmanship which cause such vehicle or engine to fail to conform with applicable regulations (including emission standards) for its useful life (50,000 miles or 5 years for light duty vehicles)". These section 207(a) "production" warranties are in effect for 1972 and later model year vehicles and engines and are included in the information given to the purchaser of a new vehicle or engine.

3. *Performance Warranty—§ 207(b).* Section 207(b) of the Act requires that, when the Administrator of EPA determines that a test is available which "correlates" with the certification test conducted under § 206(a) and is suitable for testing vehicles and engines in use, he shall prescribe regulations requiring manufacturers "to warrant the emission control device or system" of each new vehicle or engine. This warranty runs to the ultimate purchaser and each subsequent purchaser and provides that if "(A) the vehicle or engine is maintained and operated in accordance with instructions under subsection (c)(3), (B) it fails to conform at any time during its useful life (50,000 miles or 5 years for light duty vehicles) to the regulations prescribed under section 202 (including emission standards), and (C) such nonconformity results in the ultimate purchaser (or any subsequent purchaser) of such vehicle or engine having to bear any penalty or other sanction (including the denial of the right to use such vehicle or engine) under State or Federal law, then such manufacturer shall remedy such nonconformity under such warranty with the cost to be borne by the manufacturer." This

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"performance" warranty is not yet in effect due to the difficulty in developing a reliable, economical, short test that exhibits the requisite degree of correlation with the certification test.

4. Recall—§ 207(c). Section 207(c) of the Act provides for "recall" of vehicles or engines at the manufacturer's expense when the "Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under § 202 (including emission standards), when in actual use throughout their useful life (50,000 miles or 5 years for light duty vehicles)." Federal surveillance testing of 1972 model year vehicles, the first model year for which § 207(c) applies, has already commenced to determine whether vehicles in use conform to emission standards.

5. Maintenance Instructions—§ 207(c)(3). Section 207(c)(3) provides that "the manufacturer shall furnish with each new motor vehicle or motor vehicle engine such written instructions for the maintenance and use of the vehicle or engine by the ultimate purchaser as may be reasonable and necessary to assure the proper functioning of emission control devices and systems." These "maintenance instructions" are reviewed by EPA to determine whether they are "reasonable and necessary".

6. Tampering—§ 203(a)(3). By § 203(a)(3) it is prohibited "for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations (including emission standards) • • • prior to its sale and delivery to the ultimate purchaser, or for any manufacturer or dealer knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser." This provision is known as the "tampering" provision and section 205 provides for a maximum $10,000 civil penalty for any person subject to this provision who tampers.

Questionnaire: The Clean Air Act and Automotive Aftermarket Parts and Service

(Note: If there is not adequate space to answer any question on this form, please complete the answer on a separate page and attach it to this form.)

1. Identification of respondent. Please indicate your mailing address, telephone number, and names, titles, and responsibilities of officials or other parties whom EPA might wish to contact later concerning this Questionnaire or related matters.

2. If you represent an association, please attach to your response a mailing list of your member organizations.

3. Indicate whether your interest is primarily (more than one response may be appropriate)—

a. new vehicles or engines
b OEM parts
c. aftermarket parts
d. franchised dealer
e. chain service
f. independent service
g. consumers
h. other (specify)

4. Are the issues in the letter accurately stated? If your answer is no, please explain briefly.

5. Briefly indicate how the issues affect you or your constituents.

6. *Aftermarket parts*

a. Do you believe that some regulatory control of aftermarket parts is necessary—

(1) to ensure that used vehicles and engines meet emission standards?

(2) to safeguard the warranty and recall coverage given to vehicle owners?

(3) in order to protect the aftermarket parts industry from loss of business?

(4) to make more definite the prohibition against tampering?

Please furnish EPA with any objective information you have to support the above answers.

b. If you believe that some regulatory control of aftermarket parts is necessary, please outline your suggestions for such regulations.

c. Which aftermarket parts affecting emissions do you believe can be tested from a technically feasible and economic standpoint? (In answering this question it should be understood that new light duty vehicles and engines must meet emission standards for 50,000 miles or 5 years (100,000 miles for heavy duty diesel vehicles) and that many aftermarket parts are often intended for use in numerous makes or classes of vehicles or engines.)

d. Design specifications:

(1) What does the term "design specifications" mean to you in considering automotive parts in relation to the Clean Air Act?

(2) Are design specifications for individual parts generally available to the aftermarket parts industry?

(3) Would the general availability of design specifications for individual parts be desirable?

e. Performance specifications:

(1) What does the term "performance specifications" mean to you in considering automotive parts in relation to the Clean Air Act?

(2) Are performance specifications for individual parts generally available to the aftermarket parts industry?

(3) Would the availability of performance specifications for individual parts be desirable?

7. *Automotive Service*

a. Do you believe that some regulatory control of automotive service is necessary—

(1) to ensure that used vehicles and engines meet emission standards?

(2) to safeguard the warranty and recall coverage given to vehicle owners?

(3) to protect the automotive service industry from loss of business?

(4) to make more definite the prohibitions against tampering?

Please furnish EPA with any objective information you have to support the above answers.

b. If you believe that some regulatory control of automotive service is necessary, please outline your suggestions for such regulations.

8. Do you believe that new legislation is needed to resolve problems raised by the provisions of the Clean Air Act relating to automotive parts and service? If your answer is yes, briefly outline suggestions for such legislation including whether the enactment and enforcement should be primarily by state or federal government.

9. Other comments. Indicate your views or suggestions not previously expressed keeping in mind that EPA is searching for positive approaches allowing action within existing legislation, if this is practical.

[FR Doc.73-13869 Filed 7-6-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19774-19775; FCC 73-672]

BLACKSTONE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues; Notice of Apparent Liability

In regard applications of Blackstone Broadcasting Corporation, Blackstone, Virginia, Docket No. 19774, File No. BR-1676, for renewal of license for Station WKLV, Blackstone Broadcasting Corporation, Blackstone, Virginia, Docket No. 19775, File No. BPH-7891, for a construction permit.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operations of Station WKLV, Blackstone, Virginia.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of WKLV or to be the permittee of a new FM station in Blackstone. In view of these questions, the Commission is unable to find that a grant of the applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant knowingly engaged in fraudulent billing practices in the operation of Station WKLV in violation of § 73.1205 of the Commission's rules;

(b) To determine whether, in the light of evidence adduced under the foregoing issue, the applicant possesses the requisite qualifications to remain a licensee of the Commission or to hold a construction permit and whether the grant of the captioned applications would serve the public interest, convenience and necessity.

4. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal, it shall also be determined whether the applicant has willfully violated § 73.1205 of the Commission's rules,[1] and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. *It is further ordered,* That this document constitutes a Notice of Apparent Liability for forfeiture for violations of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issue (a).

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), and applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WKLV and to hold a construction permit and that a grant of either of its applications would serve the public interest, convenience and necessity.

8. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered,* That the Secretary of the Commission send a copy of this order by Certified Mail—Return Receipt Requested to Blackstone Broadcasting Corporation.

Adopted: June 21, 1973.

Released: June 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary,

[1] See Bill of Particulars for specific dates and details of each alleged violation.

[1] Commissioner Hooks absent.

[FR Doc.73-13818 Filed 7-6-73;8:45 am]

[Docket Nos. 16928, etc.; FCC 73-711]

CALIFORNIA WATER AND TELEPHONE CO. ET AL.

Order Extending Time for Filing Comments

In the matter of California Water and Telephone Company, Tariff F.C.C. No. 1 and Tariff F.C.C. No. 2 Applicable to Channel Service for Use by Community Antenna Television Systems, Docket No. 16928; In the matter of the Associated Bell System Companies, Tariffs for Channel Service for Use by Community Antenna Television Systems, Docket No. 16943; In the matter of the General Telephone System and United Utilities, Inc. Companies, Tariffs for Channel Service for Use by Community Antenna Television Systems, Docket No. 17098.

1. By our Memorandum Opinion and Order, FCC 73-541, released May 23, 1973, and published at 38 FR 14188 we ordered that oral argument would be held on July 24, 1973 on the issue of whether the Commission has jurisdiction over the agreements or arrangements of telephone companies, electric utilities, and others with respect to pole line attachment of conduit agreements or arrangements with CATV operators beyond that exercised in our decision in Docket 18509 and, if so, the extent and nature of such jurisdiction and what action, if any, we should take with respect thereto. We further ordered that each participant in the oral argument must file a brief directed to this issue on or before July 2, 1973. Our order further provided for the filing of replies on or before July 16, 1973.

2. Now before us is a motion filed on June 26, 1973 by the National Cable Television Association, Inc. (NCTA) requesting that the time for filing briefs and comments be extended from July 2, 1973 until July 6, 1973. NCTA states that counsel for the Associated Bell System Companies, the General Telephone System, United Utilities, Inc., Utilities Telecommunications Council, and the California Community Television Association have stated that they would have no objection to such extension if applicable to all parties to this proceeding.

3. In view of the foregoing, we will grant the relief requested. Furthermore, since we previously have provided for a two-week period for the filing of replies and believe that such replies will materially aid our resolution of the issues in this proceeding, we will on our own motion extend the date for filing replies for approximately the same period.

Accordingly, it is ordered, That the time for filing briefs or other written comments, and for filing replies herein is extended to July 6, 1973 and to July 18, 1973, respectively.

Adopted: June 28, 1973.

Released: July 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary

[FR Doc.73-13820 Filed 7-6-73;8:45 am]

[Docket No. 16070; FCC 73-648]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order Enlarging Investigation[1]

In the matter of Communications Satellite Corporation, Docket No. 16070, investigation into charges, practices, classifications, rates and regulations.

1. The Commission has before it: (a) Tariff F.C.C. No. 7 filed by the Communications Satellite Corporation (Comsat) under Transmittal 210 on May 22, 1973 and currently scheduled to become effective June 26, 1973; (b) a petition filed by RCA Global Communications, Inc. (RCA) on June 13, 1973 which seeks a one-day suspension of the above-referenced tariff to permit the imposition of an accounting order covering any charges made by Comsat thereunder; and (c) a petition filed on June 19, 1973 by the Secretary of Defense on behalf of the United States Department of Defense (DOD) requesting the Commission to investigate the lawfulness of the rates set out in the tariff and to establish just and reasonable rates.

2. Under this tariff, Comsat offers leased voice-grade channels to authorized common carriers for use in establishing communications paths, via an appropriate communications satellite, between the Comsat earth station at Jamesburg, California and an earth station on Kwajalein, Marshalls Islands District, Trust Territory of the Pacific Islands (Kwajalein). In developing the rates set out in the tariff, Comsat applied its "guideline" rates applicable to Western Pacific points.[2] For the uplink (between Comsat's Jamesburg earth station and a Pacific basin satellite) the guideline rate is $4,900 per month. For the downlink (between the satellite and Kwajalein), the guideline rate was allegedly adjusted to reflect the fact that RCA will provide the earth station on Kwajalein. Comsat allocates .6666 of its guideline rates to the space segment and the balance to the earth station. Further, Comsat applies a "rate adjustment factor" of 2.5 to the space segment to compensate for the fact that

[1] First published at 37 FR 4742, March 4, 1972.

[2] *See* Comsat Tariff F.C.C. No. 1.

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the RCA earth station is of less than standard size and therefore requires a greater portion of available satellite capacity. The resulting tariff rate for both links is $13,050 per month. The present rate structure is based on the determination by the Common Carrier Bureau that Kwajalein should be regarded as a United States point since, although it is a trust territory, it has been placed under U.S. administration by a United Nations Security Council mandate.

3. The DOD petition raises several challenges to the reasonableness of the Comsat rates in Tariff No. 7 and asserts that investigation will prove the rates to be unjustified. First, DOD attacks the reasonableness of the guideline rate as it is applied to the Kwajalein route. DOD states that this rate does not accurately reflect Comsat's cost for either the uplink or the downlink. Second, DOD asserts that the Comsat rate base is inflated by the inclusion of some high-value items which should not be included therein. If these items were removed, DOD believes the resulting rate of return (estimated by DOD to be 22 percent) would be unconsciously high. DOD then requests the Commission to institute an investigation into the reasonableness of the rates, to make DOD a party to that investigation, and, after hearing, to set reasonable charges for the service.

4. RCA's petition requests the Commission to suspend the Comsat tariff for one day to permit an accounting order to be imposed so that, in the event the Commission determines that the rate is excessive, it can order a refund of the overcharges. Primarily, RCA attacks the determination of the Common Carrier Bureau, acting under authority delegated by the Commission, that Kwajalein should be treated as a United States point for Comsat rate-making purposes. RCA believes that this determination was erroneous and states that it intends to seek Commission review of it. The carrier believes that Kwajalein should be regarded as a foreign point to which the INTELSAT utilization charge applies. The purpose of the accounting order is to permit RCA to recover overcharges, in the event its petition for review is granted, and to pass those refunds on to its customer. Without this relief, RCA contends that its only other remedy, an action at law for damages, is inadequate since the outcome would not be known until after the tariff had expired by its own terms.

5. The rate-making principles and assumptions used by Comsat in constructing the subject tariff rates are, in large measure, the same as those used in developing other Comsat rates which are currently under investigation in Docket No. 16070. Indeed, Comsat's Transmittal specifically bases its rate on the provisions of its Tariff F.C.C. No. 1. In view of this, we believe that the question of the reasonableness and lawfulness of these rates should, just as those in its Tariff F.C.C. No. 1, be included in the investigation in Docket No. 16070. We shall therefore enlarge that proceeding to include consideration of the charges, practices, classifications, rates and regulations contained in Tariff F.C.C. No. 7. Among the issues to be investigated in connection with this tariff are: (a) whether Comsat, which will furnish the space segment capacity between the satellite and the RCA Kwajalein earth station, should separately tariff such charges, and if so, at what rate (in this regard see Establishment of Regulatory Policies Relating to Authorizations under Section 214 of the Communications Act of 1934, 23 F.C.C. 2d 9 (1970) as clarified by Memorandum Opinion and Order, 30 F.C.C. 2d 513 (1971); (b) whether RCA should be authorized to acquire such units of satellite utilization relating to the link between the satellite and Kwajalein at the INTELSAT charge or at another charge, and if so, what that charge should be; and (c) what, if anything, should be ordered with respect to the charge for the downlink, in light of the Commission's decision, if any shall have been issued, on the question whether Kwajalein is a United States point for the purposes of this tariff (See Paragraph 6, infra.)

6. The course of action taken herein will safeguard the interests of all interested entities by enabling us to investigate the lawfulness, ab initio, of the rates contained in Tariff No. 7. We will then be in a position to make appropriate findings as to what is the proper rate that should have been charged.[3] This action will not disrupt the orderly prosecution of Docket No. 16070, since the evidence already taken on the reasonableness of the rate-making principles employed by Comsat will be equally applicable to Tariff No. 7. The issue of whether Kwajalein is a United States point for the purposes of the tariff can be resolved when RCA files the petition for review, and therefore need not be addressed herein. Any findings we make or conclusions we reach on this issue upon such petition will of course be applicable herein insofar as relevant.

7. We turn now to RCA's petition for suspension and accounting order. We note at the outset that RCA seeks what we believe to be an inappropriate remedy. Section 204 of the Act provides that the Commission may order carriers to account for amounts they receive by reason of an increase in tariff rates. The section is silent as to the question of accounting orders when there is a new rate rather than an increase in an existing rate. We do not think that, in the present situation, it is necessary for us to decide whether the statute covers new rates as well. The purpose of an accounting order is to assure that, in the event the Commission were to find all or any part of a rate increase to be unjustified, the persons who would be entitled to a refund would receive the amount to which the Commission finds they would be entitled. In the present case, since RCA is the only customer for the service, we can accomplish the same end by determining whether the rates set forth in Tariff No. 7 have been just and reasonable, and therefore lawful, from the effective date of the tariff. If we find that they were not, we shall be in a position, as we are with respect to all tariff schedules at issue herein, to order appropriate refunds. Since RCA's interests will receive the same protection under this procedure that they would receive under an accounting order, there is no need to grant the relief in the form requested or to address ourselves in the present factual context to the question of the scope of section 204. We shall therefore order that RCA's petition be denied.

Accordingly, it is ordered, That the investigation herein is enlarged, pursuant to sections 203, 205, and 403 of the Communications Act of 1934, to include consideration of the investigation into the lawfulness under sections 201 and 202 of the Communications Act of 1934 and sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, of Communications Satellite Corporation's Tariff F.C.C. No. 7 and any amendments thereof, as well as any successive issues of such tariff, as may hereafter be made until the close of the record herein.

It is further ordered, That the petition to suspend the above tariff and to institute an accounting order filed by RCA Global Communications, Inc. is hereby denied; and

It is further ordered, That, to the extent provided for herein, the petition filed by the United States Department of Defense seeking investigation of the above-referenced tariff is granted.

Adopted: June 25, 1973.

Released: June 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-13821 Filed 7-6-73;8:45 am]

[3] In this respect, this matter is no different from the other rates under investigation herein where we reserve the right to order refunds. Comsat Tariff F.C.C. No. 1, 38 F.C.C. 1288, 1294-5 (1965). We of course expect the Administrative Law Judge to address himself to this matter and to afford us the benefit of his conclusions.

RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COS.

Order Extending Time for Filing Comments and Reply Comments Regarding Inquiry

In the matter of inquiry into subscription agreements between radio broadcast stations and musical format service companies, Docket No. 19743.

1. On May 17, 1973, the Commission adopted a Notice of Inquiry in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 29, 1973, 38 FR 14124. Comment and reply comment dates are presently designated as June 28 and July 10, 1973, respectively.

2. The law firm of Wilkinson, Cragun & Barker filed a request for an extension of time to July 5, 1973, for the filing of comments. It states that it is in the process of assisting in the compilation and preparation of detailed comments on the issues raised in the Notice of Inquiry and finds that the task is requiring more time than anticipated. It therefore requests the additional time in order to submit a more helpful response.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments are extended to and including July 5 and July 19, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: June 26, 1973.

Released: June 29, 1973.

[SEAL] MARTIN I. LEVY,
Acting Chief, Broadcast Bureau.

[FR Doc.73-13822 Filed 7-6-73;8:45 am]

DIALER SUBCOMMITTEE REPORT

Availability and Inquiry

JUNE 29, 1973.

In the First Supplemental Notice in Docket No. 19528, In the Matter of Proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Service (WATS), released April 3, 1973, the Commission announced that further proposals would be forthcoming from the Dialer and Answering Devices Advisory Committee and that such proposals would be the subject of comments submitted on or before the due date for reply comments, now filed at September 17, 1973.

The Commission has received the report of the Dialer Subcommittee of the Dialer and Answering (D&A) Devices Advisory Committee, and by this notice the Commission is advising interested parties of the availability of the report and that any comments on the report should be submitted to the Commission on or before the date filed for reply comments.

Copies of the Subcommittee's report—FCC-CC-INTCN-D/A-73-1 Report of the FCC Dialer Advisory Subcommittee on DC Pulse Dialers, June 1973, may be obtained from Information Planning Associates, Inc., 310 Maple Drive, Rockville, Maryland 20850, Telephone—(301) 340-0250.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-13827 Filed 7-6-73;8:45 am]

FEDERAL MARITIME COMMISSION

ALABAMA STATE DOCKS DEPT. AND OSBORNE TRUCK LINE, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, NY., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. C. D. Haig, Jr.
General Traffic Manager
Alabama State Docks Department
P.O. Box 1588
Mobile, Alabama 36601

Agreements Nos. T-2775 and T-2776, between the Alabama State Docks Department (State) and Osborne Truck Line, Inc. (Osborne), are identical non-exclusive agency agreements providing for Osborne's operation of the State's public docks and warehouses at Cordova (T-2775) and Decatur (T-2776), Alabama. Under these agreements, Osborne will, under the control and direction of the State, act as the State's agent in operating these facilities for a five-year term (with renewal options). Osborne will collect and pay the State (a) all State Docks charges made to the public for storage; (b) all State Docks charges made to the public for wharfage for rail and/or terminal use and such other charges as assessed by the State as set forth in its tariffs; and (c) one-half of all charges assessed against the public for use of the State's truck scales. Osborne's compensation for its services will be (a) one-half of all charges assessed against the public for the use of the State's truck scales; (b) the difference between its tariff charges and the State's tariff charges against the public for storage; and (c) retaining all charges for handling cargo and freight at the facilities. Osborne is to operate the facilities on a nondiscriminatory public basis, with all charges assessed against the public subject to the State's approval.

Dated: June 29, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13813 Filed 7-6-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.:	*Owner/Operator and Vessels*
01055---	Farrell Lines Incorporated:
	Austral Endurance
01103---	Poseidon Schiffahrt Gesellschaft Mit Beschrankter Haftung:
	Hektor
01354---	H.E. Hansen-Tangen:
	Sunlandia
	Sunclipper
01797---	Grosvenor Shipping Company Limited:
	Horama
02021---	Atlantska Plovidba:
	Mavro Vetranic
02312---	Interessentskapet Saga Sea:
	Stolt Sea
02465---	Koch-Ellis Marine Contractors, Inc.:
	KE-38
02477---	American Dredging Company:
	Gates No. 25
	Gates No. 26
	Hopper Barge No. 200
	Hopper Barge No. 201
	Hopper Barge No. 202
	Hopper Barge No. 203
	Hopper Barge No. 204
	Hopper Barge No. 205
	Hopper Barge No. 206
	Hopper Barge No. 207
02736---	Reichhold Chemicals, Inc.:
	ETT 104
	ETT 112
02917---	Scherkate Sahami Keschtirani Melli Arya:
	Arya Man
02940---	J.S. Gissel & Company:
	Star Sun
02958---	Kawasaki Kisen K.K.:
	Queen's Way Bridge
03321---	Marunouchi Kisen Kabushiki Kaisha:
	Kasuga Maru

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Certificate No.:	Owner/Operator and Vessels
03443---	Kambara Kisen K.K.: Tropical Rainbow
03459---	Meiji Kaiun K.K.: Tsurumi Maru
03501---	Osaka Shosen Mitsui Senpaku K.K.: Alaska Maru
03507---	Taiseimaru Kaiun K.K.: Taiseimaru No. 87
03510---	Takeda Kigyo Kabushiki Kaisha: Seishomaru No. 18
03511---	Tamai Shosen K.K.: Kikutama Maru
03679---	Miami Terminal Transport Company: Freeport II
03841---	American Export Lines, Inc.: Export Patriot
03934---	Avondale Navigation Co. Ltd.: Eriboll
03971---	Korea Shipping Corporation: Kimpo
04226---	National Marine Service, Incorporated: N.M.S. No. 1452 N.M.S. No. 3102 N.M.S. No. 3103 N.M.S No. 1702
04228---	Compagnie Maritime Belge (Lloyd Royal) S.A.: Montalto
04487---	Sanwa Enyo Gyogyo Seisan Kumiai: Sanwa Maru No. 3
04499---	Junko Gyogyo Kabushiki Kaisha: Junkomaru No. 3
04503---	Okutsu Suisan Kabushiki Kaisha: Zenkomaru No. 36 Zenkomaru No. 38
04824---	Ocean Oil Carriers, Inc.: Gaucho Taura Gaucho Pampa
04859---	I S Saga Stream (Ole Schroder & Co.): Saga Stream
05298---	Erich Drescher: Foldenfjord
05349---	Trans-Caribbean Lines, Inc.: Mar Freeze
05393---	Okinawa Reito Suisan Kabushiki Kaisha: Ryuei Maru No. 8
05425---	Georgia Transporters, Inc.: White Bear
05437---	The Dow Chemical Company: UBL-929 UBL-930
05743---	Reederei Barthold Richters: Muggenburg
05991---	Fukukyu Gyogyo Kabushiki Kaisha: Fukukyu Maru No. 3
06374---	Dalei Maritime Co., Ltd.: Ta Chuan
06818---	Globus-Reederei GMBH: Tugelaland Komatiland
06829---	Shinsei Suisan Kabushiki Kaisha: Shinsei Maru No. 7
07040---	Kyowa Kinkai Kisen Co., Ltd.: Pacific Corona
07290---	Hollywood Terminals, Inc.: C & H 106
07493---	Ithaca Shipping, Inc.: Stolt Argo
07736---	Buques Mercantes Del Caribe, C.A.: Gabriela B
07802---	Sun Line Greece Special Shipping Co., Inc.: Stella Solaris
07811---	Campbell Industries and San Diego Marine Construction: Victoria Renown Coos Bay
07817---	Yick Fung Shipping and Enterprises Co., Ltd.: Atlantic Ocean
07859---	P. F. Skipafelagio Foroyar: Svanur
07925---	Itel Taurus, Inc.: Itel Taurus
07926---	Itel Carina, Inc.: Itel Carina
07989---	New Eftychia Maritime Co. Ltd.: Eftychia
07991---	Tex-Darien Shipping Company S.A. of Panama: Salamis
07992---	Philship Shipping Company S.A.: Vrahos
08003---	Jan Van Der Schoot: Jaguar
08005---	Imperio Delmar S.A.: Santa Clio
08006---	Chung Kong Shipping Co. Ltd. of Monrovia: Golden Knight
08014---	Liberian Poniard Transports, Inc.: Golden Dolphin
08015---	Syrie Shipping Corporation: Syrie
08016---	Alessandra Shipping Corporation: Alessandra
08017---	Nicola Shipping Corporation: Nicola
08020---	Maeda Kisen Kabushiki Kaisha: Wayo Maru
08021---	Maekatsu Gyogyo Kabushiki Kaisha: Katsu Maru No. 31
08022---	Nissei Shipping Co., Ltd.: Hosei Maru
08024---	Comp. De Vapores Stelvi S.A.: Tolmidis
08025---	Compania Maritima Lounino S.A.: Nea Tihi
08027---	Cia Sinzias Societa Per Azioni Di Navigazione: Barbagia Cabras
08028---	Cosmar Tankers S.A.: Laconian
08032---	Cabanell Naviera S.A.: Theodegmon
08034---	Asia Africa Shipping Co. Ltd.: Shiwaku
08035---	Grad Topps Navigation Co., S.A. of Panama: Golden King
08036---	Saint Peter Shipping Company Limited: Seatrader
08039---	Diamond River Co., Ltd.: Diamond River
08041---	Compania Alecos S.A.: Alecos
08042---	Compania Filia S.A.: Filia
08044---	Druidstan Limited: Cantaloup
08045---	Nagan (Panama) S.A.: Nagan Pioneer
08047---	Samothraki S.A. Panama: Marabou
08049---	Partnership Sea Cruises: Royal Viking Sky
08051---	Emblema Pacifico Navegacion S.A. of Pamana: Megaluck
08052---	Sotal Shipping Co. S.A.: Alkyonis
08055---	Graceous Navigation Inc.: Graceous
08054---	C. Katsikas & E. Damigos, E.A.N.E.: Sophia D
08056---	Cape Breton Shipping Company Limited: Cape Breton
08057---	Carmel Transport Corporation Inc.: Stolt Crown
08064---	Santa Fe-Pomeroy Marine Services Company: Navajo Shawnee Chickasaw Kiowa Sioux Mohawk
08065---	Mond Shipping Corporation: Adriatik
08066---	Joarev Shipping Co.: Dekesan
08067---	Acamar Navigation Corporation: Lorain
08068---	Capella Navigation Corporation: Warren
08069---	Bellatrix Navigation Corporation: Akron
08070---	Eltanin Navigation Corporation: Canton
08071---	Zapata Naess (Management) Limited: Naess Enterprise Armand Hammer Naess Pride Naess Spirit Naess Norseman Naess Leader Naess Mariner Frances Hammer Russell H. Green Naess Courier Naess Liberty Anco Norness Stolt Dragon Stolt Norness Stolt Sydness Naess Ranger Trachodon
08076---	Paropys Compania Naviera S.A.: Pelopidas
08078---	Amber Shipping Ltd.: Amber
08079---	IRS Transportation Company: IRS 101 IRS 102 IRS 103 IRS 104
08080---	Jacob Compania Naviera S.A.: Olga
08083---	Gantline Compania Naviera S.A.: Nedi
08087---	Ferruzzi S.P.A.: Massimiliano F.
08088---	Caparra Stevedors & Maritime Agencies, Inc.: Venus II
08089---	Sonata Compania De Navegacion S.A.: Breeze
08090---	Senatobia Compania De Navegacion: Lady Rita

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13815 Filed 7-6-73;8:45 am]

[Docket No. 73-37; Independent Ocean Freight Forwarder License No. 1328]

FREDERICK D. HANNON

Order of Investigation and Hearing

Inasmuch as Frederick D. Hannon, FMC Licensee No. 1328, has failed to timely and fully comply with the terms and conditions under which his license was issued, it is hereby ordered pursuant to Section 44, Shipping Act, 1916 (46 U.S.C. 841b), to demonstrate at a hearing to be set at a later date, why the Federal Maritime Commission should not suspend or revoke his independent ocean freight forwarder license.

The license was issued on the condition that in view of the fact licensee personally lacked the necessary forwarding training and experience to qualify, it would employ, subject to Commission approval, experienced personnel to handle the technical operations of the firm. Moreover, licensee agreed that in the event the approved employee ceased to be an active participant in its business, such fact would be immediately reported to the Commission, and a person meeting Commission standards would be employed as a replacement.

Section 44(d) of the Shipping Act, 1916, (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful order, rule or regulation of the Commission promulgated thereunder.

The grounds for the intended revocation or suspension of the license are:

1. Licensee knowingly and willfully failed to comply with the condition of its licensing by failing to continue in its employ Vincent W. Vegnani, upon whose experience it relied for licensing, in violation of section 44(b), Shipping Act, 1916, (46 U.S.C. 841(b)).

2. Licensee knowingly and willfully disregarded notifying the Commission of its failure to employ or keep employed personnel experienced and trained in ocean freight forwarding, in violation of § 510.9(d) of Commission General Order 4.

3. Licensee knowingly and willfully altered its mode of operation from a sole proprietorship to a corporate entity without prior Commission approval in violation of § 510.8(d) of Commission General Order 4.

4. Licensee knowingly and willfully invalidated its $10,000 surety bond, necessary to continue licensing, by altering its mode of operation from a sole proprietorship to a corporation without prior Commission approval in violation of section 44(c), Shipping Act, 1916 (46 U.S.C. 841(b)).

5. Licensee knowingly and willfully failed to notify the Commission that it has been dormant since its inception as a licensee; has no qualified personnel; and, is unable to conduct operations in violation of § 510.9(d) of Commission General Order 4.

Therefore, it is ordered, That pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841b) that a proceeding is hereby instituted at a time and place to be set to determine whether Frederick D. Hannon possesses the necessary qualifications to remain licensed or whether Frederick D. Hannon's license should be suspended or revoked.

It is further ordered, That Frederick D. Hannon is made a respondent in this proceeding and that the matter be assigned for hearing before an Administrative Law Judge at a date and place to be announced by the Chief Administrative Law Judge.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon Respondent, Frederick D. Hannon.

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding, and desiring to intervene herein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13817 Filed 7-6-73;8:45 am]

HAPAG-LLOYD AG

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation no. P-91 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages no. C-1,087.

Hapag-Lloyd AG, c/o North German Lloyd, Passenger Agency, Inc., 277 Park Avenue, New York, New York 10017.

Whereas, Hapag-Lloyd AG has ceased to operate the passenger vessel MS EUROPA to and from United States ports; and

Whereas, Hapag-Lloyd AG has returned Certificate (Performance) No. P-91 and Certificate (Casualty) No. C-1,087 for revocation.

It is ordered, That Certificate (Performance) No. P-91 and Certificate (Casualty) No. C-1,087 covering the MS EUROPA be and are hereby revoked effective June 27, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13816 Filed 7-6-73;8:45 am]

SEA-LAND SERVICE, INC., AND SEATRAIN LINES INTERCARIBBEAN, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Hiljer, Jr., Commerce Manager
Sea-Land Service, Inc.
Corbin & Fleet Streets
P. O. Box 1050
Elizabeth, New Jersey 07207

Agreement No. 10063, between Sea-Land Service, Inc. and Seatrain Lines Intercaribbean S.A., would permit the establishment of a rate agreement applicable to and restricted to the trades between ports in Puerto Rico and the Virgin Islands, and ports of the Dominican Republic, Haiti, and Jamaica. Each carrier would be responsible for maintaining and filing its own tariffs with the Commission, and to each is reserved the right to act independently of the other upon forty-eight hours notice.

Dated: July 3, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13812 Filed 7-6-73;8:45 am]

STATE OF HAWAII AND UNITED STATES LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

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section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. E. Alvey Wright
Acting Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813

Agreement No. T-2812, between the State of Hawaii (State) and United States Lines, Inc. (USL), provides for the 20-year lease of certain terminal facilities at San Island, Honolulu Harbor, Hawaii, for use as a container facility and purposes related thereto. As compensation for the above, USL will pay the State a total of $35,343.00 annually for the facilities plus all tariff charges derived from the operation of the facility, subject to a minimum of $520,000 for the first 2 years of operations, $260,000 for the third year and $291,000 per year for the fourth through the 15th years. USL is required by the agreement to make certain improvements to portions of the facility. In addition, State is to increase the length of the wharf space available, at which time, the annual minimums will increase as further provided for in the basic agreement. USL is also required to allow use of its container cranes at the facility by the State or other common carriers when circumstances allow at rates, terms, and conditions set by USL, subject to approval by State.

Dated: June 29, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-13814 Filed 7-6-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8255]

ALABAMA POWER CO.

Notice of Revision to Tariff

JUNE 29, 1973.

Take notice that on June 8, 1973, Alabama Power Company (Alabama) tendered for filing an unsigned Agreement dated May 2, 1973, with the City of Alexander City expressing Alabama's intent to convert the three delivery points of Alexander City to Alabama's filed tariff as of July 31, 1973, when the existing electric service contract with Alexander City expires. Alabama also submits for filing a Third Revised Sheet No. 34 to the Index of Purchasers section of its tariff filed on November 1, 1971. The company states that a copy of this filing has been sent to Alexander City.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13755 Filed 7-6-73;8:45 am]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment Rate Change

JUNE 29, 1973.

Take notice that on June 15, 1973, Alabama-Tennessee Natural Gas Company (Alatenn) tendered for filing First Revised Sheet No. 3-A Superseding Original Sheet No. 3-A to Alatenn FPC Gas Tariff, Third Revised Volume No. 1. Alatenn states that the filing is submitted in conformity with the Purchased Gas Cost Adjustment Clause contained in section 20 of the General Terms and Conditions of Alatenn's effective FPC Gas Tariff.

Alatenn submits that the revised rates are designed solely to reflect an increase in the cost of gas purchased from Alatenn's sole supplier, Tennessee Gas Pipeline Company. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13743 Filed 7-6-73;8:45 am]

[Docket Nos. CP72-35, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Initial Rate Schedule

JUNE 28, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 8, 1973, tendered for filing an initial rate schedule for Synthetic Gas Sales pursuant to Commission Opinion Nos. 637 and 637-A. Algonquin states that this filing is necessitated by the Commission's order of June 5, 1973, rejecting proposed rate schedules for Synthetic Gas Sales filed on April 16, 1973, which the Commission found did not conform to the aforementioned opinions.

The proposed rate is described by the Company as being a one part rate of $1.80 per Mcf, which rate was found by the Commission in its order of June 5, 1973, as being the most appropriate in this case. Algonquin estimates service under the proposed schedule will commence October 16, 1973. Finally, Algonquin requests a waiver of the 6 months notice requirement set out in Opinion No. 637 due to the fact that the previously tendered sheets were timely filed in compliance with that opinion.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 1973.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13756 Filed 7-6-73;8:45 am]

[Docket No. E-8267]

ALLEGHENY POWER SERVICE CORP.

Notice of Modification to Tariffs

JUNE 29, 1973.

Take notice that on June 11, 1973, Allegheny Power Service Corporation (Allegheny) tendered for filing on behalf of West Penn Power Company (West Penn), Monongahela Power Company (Monongahela), Pennsylvania Power Company (Penn Power) and Ohio Edison Company (Ohio Edison) an Amendment, dated as of June 1, 1973, to the Interchange Agreement among the aforesaid companies, designated West Penn's FPC Tariff No. 27, Monongahela's FPC Tariff No. 29, Penn Power's FPC Tariff No. 20 and Ohio Edison's FPC Tariff No. 69. Allegheny states that the amendment modifies "Schedule A-Emergency Service" to increase the minimum charge per KWH for emergency service which is not paid for by return of equivalent ("banked") energy from 7 mills per KWH on-peak and 4 mills per KWH off-peak to 17.5 mills per KWH for both periods. The company contends that the effect of this Amendment for emergency service not "banked" is to establish the per KWH price as the out-of-pocket cost thereof plus 10 percent or 17.5 mills, whichever is higher.

Allegheny states that the purpose of the proposed change is to enhance the availability of emergency energy and lessen the possibility of economic hardship on supplying parties. An effective date of June 15, 1973 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13744 Filed 7-6-73;8:45 am]

[Docket No. CI73-889]

CORPENING, A. V., JR., AND CORPENING ENTERPRISES

Notice of Application

JUNE 29, 1973.

Take notice that on June 14, 1973, A. V. Corpening, Jr., d/b/a Corpening Enterprises (Applicant, 1308 Continental National Bank Building, Fort Worth, Texas 76102, filed in Docket No. CI73-889 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company from Applicant's gathering system in Payne County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 90,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant intends to commence the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13745 Filed 7-6-73;8:45 am]

[Docket Nos. RP69-6 etc.] [1]

EL PASO NATURAL GAS CO.

Notice of Certification of Proposed Stipulation and Agreement

JUNE 29, 1973.

Take notice that on June 15, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement which would dispose of all issues in the above-captioned rate proceedings of El Paso Natural Gas Company's (El Paso) Southern Division System, with the exception of the rate design issue and a tax depreciation issue, as described therein. There was also certified by the Presiding Judge a motion of El Paso for approval of the Stipulation and Agreement and the record of the hearing relating to the issues which would be disposed of by the proposed settlement, as described in the certification.

The Stipulation and Agreement, inter alia, (1) provides for rate reductions and refunds on the basis of the settlement rates specified for the periods involved in the various dockets; (2) provides for refunds due to sales in excess of test period volumes during the twelve month period ending December 31, 1973; (3) requires El Paso to flow-through the jurisdictional portion of producer-supplier refunds in accordance with the provisions of prior settlement agreements, tracking orders and El Paso's Purchase Gas Adjustment clause for its Southern Division System; (4) includes in the cost of service in Docket No. RP71-13 an allowance for exploration expense which equates to 1.28 cents per Mcf and provides a reserve for exploration; (5) provides for the withdrawal of El Paso's

[1] The "*et al.*" proceedings are those pending in Docket Nos. RP72-130, RP72-153, RP73-15, RP73-19, RP73-20, RP73-21, RP73-44 and RP73-75.

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outstanding petitions for court review related to certain of the pending rate proceedings; and (6) indicates justification for final approval of El Paso's Southern Division System Purchase Gas Adjustment clause in Docket No. RP72–155.

The Agreement reserves the rate design issue for trial and decision in Docket No. RP72–150 and provides the procedure for trial of that issue and reserves for decision in Docket No. RP71–13 the issue of El Paso's use of liberalized tax depreciation with normalization for accounting and rate purposes, with respect to pre-1970 property and post-1969 non-expansion property.

Comments relating to the proposed Stipulation and Agreement may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 13, 1973. The proposed Stipulation and Agreement and related record are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13746 Filed 7–6–73;8:45 am]

[Docket No. E–7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Further Extension of Time and Postponement of Hearing

JUNE 27, 1973.

On June 22, 1973, Vermont Electric Cooperative, Inc., filed a motion for a change in dates for filing testimony and the date for commencement of cross-examination. The motion states that all parties agree to the postponement.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Intervener Evidence	September 10, 1973
Service of Company rebuttal evidence	October 1, 1973
Cross-examination	October 16, 1973 (10 am., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc 73–13766 Filed 7–6–73;8:45 am]

[Docket No. RP73–107]

CONSOLIDATED GAS SUPPLY CORP.

Filing and Suspending Proposed Rate Increase and Granting Intervention

JUNE 29, 1973.

On May 15, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, providing for a general increase in rates to its jurisdictional customers. The filing consists of Original Sheet No. 260–A, First Revised Sheets Nos. 255, 257, and 272–B, Second Revised Sheet Nos. 260, 265, and 272–A, Third Revised Sheet Nos. 266 and 270, Fifth Revised Sheet Nos. 271 and 272, and Nineteenth Revised Sheet No. 8. The proposed rate change would increase Consolidated's revenues from jurisdictional sales and service by $16,852,465. Consolidated requests an effective date of July 1, 1973.

Consolidated states that the increase in jurisdictional costs of service is for a test year based on the twelve month period ending January 31, 1973, adjusted for known and measurable changes which will become effective by October 1, 1973. The company further states that the principal increased costs result from increased costs of transportation by others, increased costs of capital, increased depreciation rate from 3.5 percent to 4 percent, and the proposed rate of return of 9.5 percent.

The filing was noticed on May 23, 1973, with letters of protest and petition to intervene due on or before June 8, 1973. On June 8, and 11, 1973, various petitions to intervene were received from the following: (1) Iroquois Gas Corporation, (2) New York State Electric & Gas Corporation, (3) Niagara Mohawk Power Corporation, (4) North Penn Gas Company, (5) The Pavilion Natural Gas Company, (6) Pennsylvania Gas Co., (7) Rochester Gas and Electric Corporation, (8) United Natural Gas Company, and (9) Southern Tier Gas Corporation. Notices of intervention were filed by the Public Service Commission of West Virginia on June 8, 1973, and by the Public Service Commission for the State of New York on May 30, 1973.

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

Many issues raised by the subject filing are presently pending before the Commission in exceptions filed to the Administrative Law Judge's Decision in Docket No. RP71–77. In order to avoid relitigation of issues which may be substantially the same, we shall withhold establishing procedural dates in the instant case pending our action in the underlying case.

The Commission finds

(1) The proposed tariff sheets should be suspended and the use thereof deferred for five months until December 1, 1973, and until such time they are made effective in the manner provided in the Natural Gas Act.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Consolidated's FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, as proposed to be amended in this docket.

(3) Good cause exists to permit the above-named petitioners for intervention to intervene.

The Commission orders

(A) The tariff sheets filed by Consolidated on May 15, 1973, are accepted for filing and suspended until December 1, 1973, and until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: Provided, however, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and Provided, further, that the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(C) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13859 Filed 7–6–73;8:45 am]

[Docket No. CP73–336]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, East Tennessee Gas Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73–336 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a liquefied natural gas (LNG) plant with appurtenant facilities in Sullivan County, Tennessee, and authorizing supplemental winter sales for resale of natural gas through the storage of LNG at Chattanooga Gas Company (Chattanooga) LNG plant, pending completion of its own LNG plant, and thereafter at its own LNG plant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it receives its basic supply of natural gas from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and has a total daily availability of 333,065 Mcf of gas. It is stated that Applicant has been unable to provide additional volumes of gas to its customers for resale, and presently has unsolicited, written requests for an additional 58,000 Mcf of firm gas per day during the 1973–74 winter season, which it cannot satisfy.

In order to be able to render the proposed supplemental winter service Applicant proposes to construct and operate an LNG plant and appurtenant facilities in Sullivan County, Tennessee, with a designed capacity to liquefy 5,500 Mcf of gas per day and have a storage capacity of 341,000 barrels of LNG equivalent to 1,200,000 Mcf of vaporous gas. The plant will have re-gasification facilities for a vaporization of 100,000 Mcf of vaporous gas per day. Applicant also proposes to construct and operate a 1,100 horsepower gas compressor station located near Bristol, Tennessee, to be used in connection with the proposed sales of regasified LNG.

The total estimated cost of the proposed facilities is $10,045,000 which will be financed from general available funds and/or loans from affiliated companies.

Applicant also proposes to store up to 10,000 Mcf of vaporous gas equivalent per day and up to 500,000 Mcf of vaporous gas equivalent per year at Chattanooga's LNG plant near Chattanooga, Tennessee, at $1.73 per Mcf of gas at 14.73 psia. Applicant states that it would store the gas during the period of April through October of 1973 and 1974 and withdraw up to 23,000 Mcf of gas per day during the period of November through March of 1973–1974 and 1974–75 for supplemental winter sales of its customers. Applicant states that this interim storage service would be undertaken pending completion of its LNG plant. The application indicates that the interim service can be provided with no additional facilities except the compressor for which authorization is sought herein.

Applicant states that it intends to file Revised Tariff Sheet No. 4 to its FPC Gas Tariff, Sixth Revised Volume No. 1, providing for a rate of $2.35 per Mcf of gas at 14.73 psia, subject to Btu adjustment, for gas sold in connection with its supplemental winter sales of LNG.

The purpose of Applicant's proposals is to convert, by use of the LNG facilities, summer valley gas into LNG that can be readily stored during the summer months for subsequent regasification and delivery during the winter heating season when such gas can be made available for high priority uses by its customers. It is stated that these proposals result in economies of scale which cannot be achieved by each customer constructing its separate peaking facility.

Any person desiring to be heard or to make protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13768 Filed 7–6–73;8:45 am]

[Docket No. RP72–140]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Change in Tariff

JUNE 28, 1973.

Take notice that on June 15, 1973, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing Fifth Revised Sheet No. 57 (Fourth Revised PGA–1) to Great Lake's FPC Gas Tariff, First Revised Volume No. 1. Great Lakes states that the change in tariff is to reflect a decrease in the cost of gas purchased by Great Lakes from TransCanada Pipe Lines. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13758 Filed 7–6–73;8:45 am]

[Docket No. CP66–110]

GREAT LAKES TRANSMISSION CO.

Petition To Amend Certificate or for Declaratory Order

JUNE 29, 1973.

Take notice that on May 23, 1973, Great Lakes Transmission Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP66–110 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to delete authorization to construct certain delivery points to serve Michigan Consolidated Gas Company (Michigan Consolidated), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of June 20, 1967, in said docket (37 FPC 1070) to construct a new pipeline across northern Minnesota and the Upper and Lower Peninsulas of Michigan in order to transport gas imported from Canada into the United States and to sell up to 57,000 Mcf of gas per day to Michigan Consolidated for resale in six communities in Michigan including Manistique, Newberry, Rudyard, and St. Ignace. After Michigan Consolidated failed to initiate service to Manistique, Michigan, Petitioner was ordered by the Commission in Opinion No. 640 issued December 13, 1972, in Docket No. CP72–68 to sell approximately 3,000 Mcf of gas to the Michigan Power Company (Michigan Power) for resale in the town of Manistique and to construct a delivery point to facilitate said sale, and to sell up to 57,000 Mcf per day of gas to Michigan Consolidated less the volume sold to Michigan Power. In the order of April 9, 1973, in Docket No. CP72–68 the Commission approved the settlement between Petitioner, Michigan Consolidated, and Michigan Power providing for sales by Petitioner to Michigan Power at a straight commodity rate, and a demand charge credit to Michigan Consolidated to the extent that Petitioner's deliveries be less than 57,000 Mcf of gas, computed on an annual basis.

Petitioner states that, in addition to Manistique, Michigan Consolidated has not yet requested Petitioner to install metering facilities or to deliver gas to it for resale to Newberry, St. Ignace, or Rudyard, Michigan. It is stated that Michigan Consolidated intends to request installation of facilities and commencement of deliveries for service to Rudyard within the foreseeable future, but does not intend to make such a request for service to Newberry and St. Ignace. Therefore, Petitioner requests that the authorization be deleted for the construction of delivery facilities necessary for Michigan Consolidated to sell gas to Newberry and St. Ignace, Michigan. In the alternative to amendment of the order issuing the certificate, Petitioner

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requests the Commission issue a declaratory order clarifying Petitioner's obligations under the certificate issued in Docket No. CP66–110 respecting installation of delivery points and initiation of service which Michigan Consolidated has informed Petitioner will not be required.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13860 Filed 7–6–73;8:45 am]

[Docket No. E–8197]

GULF STATES UTILITIES CO.

Change in Delivery Points

JUNE 18, 1973.

Take notice that on May 11, 1973, Gulf States Utilities Company (Applicant) filed with the Federal Power Commission an application for changes in points of delivery under Agreements with Sam Rayburn Dam Electric Cooperative, Inc., designated in Rate Schedule FPC No. 98, and with Sam Houston Electric Cooperative, Inc., designated in Rate Schedule FPC No. 69.

Applicant states that it is constructing two new facilities:

(A) A new 3 phase, 13.8 Kv metering point, designated Hardin Substation delivery point, located one mile east of Hardin, Texas off FM Road 834.

(B) A new 3 phase, 13.8 Kv metering point, designated Spurger delivery point, located four miles west of Spurger, Texas on FM Road 1013.

These facilities will have an effective date of approximately June 1, 1973.

The application states that temporary service is being provided under the Agreements at a 3-phase, 13.8 Kv metering point, designated the North Hardin Temporary Delivery Point, located one mile north of Hardin on State Highway 146, effective March 29, 1973. This temporary delivery point and the temporary delivery point, designated Liberty in Docket No. E–8077, will be removed when Hardin Substation is completed.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before July 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13851 Filed 7–6–73;8:45 am]

[Docket No. C173–901]

HUGHES & HUGHES

Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, Hughes & Hughes (Applicant), P.O. Drawer 669, Beeville, Texas 78102, filed in Docket No. C173–901 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Company from the Potrero Lopeno Field, Kenedy County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day for one year at 42.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13759 Filed 7–6–73;8:45 am]

[Docket No. E–8205]

INTERSTATE POWER CO.

Notice of Initial Rate Schedule

JUNE 28, 1973.

Take notice that on April 30, 1973, Interstate Power Company (Interstate) tendered for filing an Electric Service Agreement with the City of Independence, Iowa (City) as an initial rate schedule. Interstate states that the Agreement provides that City will construct a 12.5KV interconnection and pay all expenses incidental to providing the interconnection and that the term of the Agreement is for three months from January 23, 1973, with provision for month-to-month extension if mutually agreed upon. Interstate submits that charges for service under the Agreement are identical to the charges approved by the Commission for Interstate's service to a number of municipal systems in Iowa, Illinois, and Minnesota by order issued May 9, 1972, in Docket No. E–7692.

An effective date of January 23, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13769 Filed 7–6–73;8:45 am]

[Docket No. E–8172]

KENTUCKY UTILITIES CO.

Order Rejecting in Part Proposed Increased in Rates, Filing in Part and Suspending Proposed Increases in Rates, Providing for Hearing, Establishing Procedures and Permitting Interventions

JUNE 29, 1973.

On May 1, 1973, Kentucky Utilities Company filed in Docket No. E–8172 a proposed increased rate, designated WPS–73, applicable to service provided by Kentucky to eleven all-requirements municipal customers in Kentucky[1] and to its wholly-owned subsidiary Old Dominion Power Company.[2] In addition Kentucky submitted as a part of its filing a proposed increase in rates for service to its partial requirements customer, the City of Paris.[3] The proposed increases in rates amount in total to approximately $733,000 annually, based on a 12-month test period ended July 31, 1972. Kentucky states that the purpose of its filing is to bring the company's wholesale rates to a level more nearly reflecting increases in costs which it has experienced in recent years. Kentucky requested the proposed increase be permitted to become effective on July 1, 1973.

Notice of Kentucky's filing was issued on May 30, 1973, providing for comments thereon to be filed on or before June 15, 1973. In response to the notice the eleven municipal wholesale customers filed, on June 14, 1973, a motion to reject the filing and a petition to intervene. On June 15, 1973, a similar request for rejection and petition to intervene was filed by the City of Paris. The above customers allege that their contracts with Kentucky are fixed-rate contracts, and that unilateral increases in rates thereunder, as proposed by Kentucky, are proscribed by the rule of law established in the Mobile and Sierra cases.[4]

A review of the contracts between Kentucky and the municipal all-requirements customers reveals that they are in fact fixed-rate contracts without any provision for unilateral changes in the specified rates during the term of the contracts. Under the Mobile-Sierra doctrine, a utility may not increase its contractually established rates by means of unilateral rate increase applications under section 205 of the Federal Power Act or section 4 of the Natural Gas Act. Under these circumstances, and in the absence of the concurrence of the customers, this Commission is without authority to entertain Kentucky's rate increase application as to the all-requirements municipal customers and accordingly it must be rejected.

Paris also argues that its contract with Kentucky likewise prohibits unilateral rate filings. We cannot agree. Paris relies on section 8.01 of the subject contract, which provides, in pertinent part, as follows:

8.01 Each party shall designate an Operating Representative and an alternate who shall be fully authorized to:

* * * * * *

(C) To cooperate and arrange for the interchange of power and energy, and to agree upon the charges for such power and energy or other items of value furnished incident thereto by one party to the other.

Paris takes the position that under the above provision no rate increase is permitted except as agreed to by it, and that not having agreed to the proposed increase by Kentucky, that increase must be rejected. The contract, however, also provides, in section 7.06, that:

In the event there should be substantial changes in the economic conditions which would substantially affect the cost of providing generating capacity or the cost of production of electric energy, it is the intention of the parties hereto that a revision in rates should be considered and effected.

We find this latter provision to be controlling. The rates in question are subject to the exclusive jurisdiction of this Commission, and even if Kentucky and Paris were to agree upon a new rate, such new rate would be subject to FPC approval. Where no such agreement is reached, the just and reasonable rate must be established by this Commission in order to give meaning to the express terms of the contract. Accordingly, the proposed increase in rates for service to Paris will be accepted for filing. Since the proposed rates for both Paris and Old Dominion may be excessive, such rates will be suspended, set for hearing, and permitted to become effective after suspension subject to refund.

The petitions to intervene appear reasonable and will be granted.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Kentucky's proposed increase in rates for jurisdictional service to the City of Paris and Old Dominion Power Company, commencing with a prehearing conference to be held on November 9, 1973.

(B) Pending such hearing and decision thereon, Kentucky's proposed increase in its rates to Paris and Old Dominion are hereby accepted for filing, suspended for a period of two months, and the effectiveness thereof deferred until September 1, 1973.

(C) The proposed increase in rates to Kentucky's above-mentioned all requirements municipal customers is rejected.

(D)) At the prehearing conference on November 9, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(E) On or before November 2, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of other parties, if any, shall be served on or before November 23, 1973. Any rebuttal evidence by Kentucky shall be served on or before December 14, 1973. Cross-examination of the evidence filed shall commence at 10;00 a.m., e.s.t. on December 17, 1973, in a hearing room of the Federal Power Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–13861 Filed 7–6–73;8:45 am]

[1] The Cities of Barbourville, Bardstown, Bardwell, Benham, Corbin, Falmouth, Frankfort, Madisonville, Nicholasville, and Providence; and Berea College, serving the City of Berea at retail.

[2] Supplement No. 4 to Kentucky's FPC Rate Schedule No. 78 (supersedes Supplement No. 2).

[3] Supplement No. 1 to Kentucky's FPC Rate Schedule No. 83.

[4] *United Gas Pipe Line Co.* v. *Mobile Gas Service Co.*, 350 U.S. (1956); *F.P.C.* v *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

KENTUCKY WEST VIRGINIA GAS CO.

Notice of Change in Tariff

JUNE 28, 1973.

Take notice that on June 8, 1973, Kentucky West Virginia Gas Company (Kentucky) tendered for filing the following tariff sheet for Kentucky's FPC Gas Tariff Original Volume No. 1:

Third Revised Sheet No. 12–A, Superseding Second Revised Sheet No. 12–A, per Order dated May 31, 1973, in Docket No. RP73–97

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be

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considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13760 Filed 7-6-73;8:45 am]

[Docket No. CI73-844]

LACY ARMOUR AND ARMOUR PROPERTIES

Notice of Amendment to Application

JUNE 28, 1973.

Take notice that on June 22, 1973, Lacy Armour, d/b/a Armour Properties (Applicant), 1107 Oil and Gas Building, Wichita Falls, Texas 76301, filed in Docket No. CI73-844 and amendment to the application filed on June 4, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Manahulla Field, Goliad County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In its application of June 4, 1973, Applicant stated that it commenced the sale of natural gas on May 25, 1973, within the contemplation of § 157.29 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes in its application to sell up to 2,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia. Applicant now proposes to sell said gas at 45.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13771 Filed 7-6-73;8:45 am]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Change in Tariff

JUNE 29, 1973.

Take notice that on June 20, 1973, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing the following revisions to its FPC Gas Tariff, Original Volume No. 1:

(1) Second Revised Sheet No. 3-A, superseding Substitute First Revised Sheet No. 3-A

(2) Second Revised Sheet No. 18-B, superseding First Revised Sheet No. 18-B

Lawrenceburg states that the revised gas tariff sheets are being filed to reflect a change in the cost of gas purchased from Texas Gas Transmission Corporation, pursuant to the provisions of Lawrenceburg's Purchased Gas Adjustment Clause in its FPC Tariff, Original Volume No. 1, approved by Commission Order issued February 5, 1973, in Docket No. RP73-23. The company estimates the change will generate an additional annual revenue of $50,708. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13747 Filed 7-6-73;8:45 am]

[Docket No. CI73-904]

LOGUE AND PATTERSON, ET AL.

Notice of Application

JUNE 29, 1973.

Take notice that on June 20, 1973, Logue and Patterson, et al. (Applicant), 628 Meadows Building, Dallas, Texas 75206, filed in Docket No. CI73-904 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the McFaddin Field, Victoria County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 37,500 Mcf of gas per month under a contract which provides for a rate of 50.0 cents per Mcf at 14.65 psia. Applicant is willing to accept a certificate conditioned to an initial rate of 45.0 cents but reserves its right to file for its full contractual entitlement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13748 Filed 7-6-73;8:45 am]

[Docket No. CI73-903]

MARSHALL, DOUGLAS B., ET AL.

Notice of Application

JULY 2, 1973.

Take notice that on June 20, 1973, Douglas B. Marshall, et al. (Applicants), 500 Jefferson Building, Houston, Texas 77002, filed in Docket No. CI73-903 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) from the South Gibson Area and Humphreys Area, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants were authorized by the Commission's order of March 2, 1973, in Docket No. CI73-498 to sell up to 70,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia to Transco from said areas of Terrebonne Parish for a term expiring on July 24, 1973. Applicants propose to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for a period commencing on July 24, 1973, and not to exceed six months with the right of Applicants to terminate said sale upon 30 days notice to Transco after Octobr 23, 1973, so that Applicants may sell the gas under a long term contract to Northern Michigan Exploration Company. Applicants propose to sell approximately 1,500,000 Mcf of gas per month at 50.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13749 Filed 7-6-73;8:45 am]

[Docket No. E-8284]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

JULY 2, 1973.

Take notice that on June 13, 1973, Mississippi Power & Light Company (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from Delta Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Mississippi and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the distribution and sale of electric energy in 13 counties of Western Mississippi.

The Applicant proposes, subject to regulatory approval, to perform its agreement of April 21, 1972 with the Association to lease, operate, maintain and to purchase at the end of ten (10) years (or earlier) approximately 2.5 miles of 115 KV transmission line to be located in Carroll County, Mississippi.

Applicant will pay an annual lease rental equal to 2½ percent of the original cost of said line and will make ten (10) annual payments equal to 7½ percent of said cost toward the purchase of the line. Upon completion of said payment, Delta will convey title of said line to Applicant. The cost of the facilities to be leased and purchased is estimated at $155,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before July 10, 1973, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13750 Filed 7-6-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Rate Changes Pursuant to Amended Settlement Agreement

JUNE 29, 1973.

Take notice that on June 15, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing to be a part of its FPC Gas Tariff, Third Revised Volume No. 1:

Substitute Ninth Revised Sheet No. 5
Second Substitute Ninth Revised Sheet No. 5

Natural states that the purpose of the filing is to give effect to a unit adjustment effective August 1, 1973, applicable to its base rates to reflect the cost of service effect for advance payments for gas made by June 15, 1973, that are in excess of the amount for such expenditures stipulated in its amended stipulation and agreement at Docket No. RP72-132 presently pending before the Commission.

Natural further states that it recognizes that the rate changes as filed will not become effective unless the Commission approves the amended stipulation and agreement and that the filing was made to comply with the 45 day notice of rate change as required by the amended settlement agreement.

Natural states that copies of the filing have been mailed to its customers and all interested parties to Docket No. RP72-132.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13751 Filed 7-6-73;8:45 am]

[Docket No. E-8225]

NIAGARA MOHAWK POWER CORP.

Notice of Filing of Proposed Transmission Agreement

JULY 2, 1973.

Take notice that Niagara Mohawk Power Corporation (Niagara) on May 23, 1973, tendered for filing a Transmission agreement dated April 12, 1973, between Niagara and Rochester Gas & Electric Corporation (RG&E) which provides for the transmission of power and energy to and from the New York State Power Authority's (Power Authority) Blenheim-Gilboa Pumped-Storage Plant for the account of RG&E, to become effective on the date when the first unit of the Gilboa Plant is placed in commercial operation. Niagara states that a copy of this filing has been sent to RG&E.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

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accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13752 Filed 7-6-73;8:45 am]

[Docket No. E-8130]

MIDDLE SOUTH SERVICES, INC.

Filing and Suspending Proposed Interconnection Agreement, Providing for Limited Hearing, and Establishing Procedures

JUNE 29, 1973.

On April 16, 1973, Middle South Services, Inc., on behalf of Arkansas Power and Light Company, Arkansas-Missouri Power Company, Louisiana Power and Light Company, Mississippi Power and Light Company, and New Orleans Public Service, Inc., tendered for filing in Docket No. E-8130 a proposed agreement governing the interconnection and sale and exchange of power between and among the participating utilities. These utilities are affiliates of the integrated Middle South Utilities, Inc., system. The proposed agreement supersedes various existing agreements between the participating companies. Middle South requests that the proposed new agreement be permitted to become effective on July 1, 1973.

Notice of the filing of the subject agreement was issued on April 25, 1973, providing for protests or petitions to intervene to be filed on or before May 10, 1973. No responses to the notice have been received.

Based on a review of the proposed agreement and the data submitted in support thereof, we find that, except as noted below, the agreement is reasonable and in the public interest and should be accepted for filing and approved.

The proposed agreement provides a formula for determining capability equalization charges and charges for equalization of transmission costs. The formula proposed to be used by the parties in determining equalization payments for capability and for ownership costs associated with inter-transmission investment utilize a return on common equity of 14 percent with incremental debt cost used in determining the capability equalization charges and embedded debt cost used in determining the equalization of transmission facility charges. We approve the formula except for the use of the 14 percent equity return. Such return appears to be excessive. We will therefore suspend operation of the proposed agreement for one day, and permit it to become effective thereafter subject to refund. We will provide for a limited hearing solely on the issue of the proper equity return to be used in the formula for determining charges under the agreement. In all other respects the agreement will be approved, provided that Middle South file a report of the operation and maintenance expenses incurred in the first year of actual experience under the proposed rates.

Middle South requests waiver of § 35.13(b)(5)(i) of the Commission's regulations requiring the submission of a formal case-in-chief in support of the proposed agreement. In view of the action taken herein with respect to the agreement, it appears that waiver of the regulation should be granted.

The Commission finds

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter onto a hearing concerning the lawfulness of the proposed interconnection agreement, subject to the limitations hereinbefore described, and that the proposed agreement be suspended for one day as hereinafter ordered.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness of the proposed interconnection agreement submitted in this docket, commencing with a prehearing conference on July 27, 1973.

(B) The hearing ordered by paragraph (A) above shall be limited to the issue of the proper equity return to be utilized in the formulae used to determine charges under the agreement. In all other respects the agreement is approved, provided that Middle South file a timely report of the operation and maintenance expenses incurred in the first year of actual experience under the rates to be established herein.

(C) Pending hearing and decision thereon, the proposed agreement is hereby accepted for filing, suspended for one day, and the use thereof deferred until July 2, 1973.

(D) At the prehearing conference on July 27, 1973, the Presiding Judge shall determine the need for the filing of evidence by any party to the proceeding, and shall provide for the submission and cross-examination thereof as may be required.

(E) Section 35.13(b)(5)(i) of the Commission's regulations under the Federal Power Act is waived.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13862 Filed 7-6-73;8:45 am]

[Project No. 407]

MINERAL RANGE POWER CO.

Order Vacating Land Withdrawal

JUNE 27, 1973.

Application has been filed by the U.S. Department of Agriculture for vacation in its entirety of the Land Withdrawal for Project No. 407, thereby requiring Commission consideration under section 24 of the Federal Power Act.

The following described lands are variously withdrawn pursuant to filings by the Mineral Range Power Company on April 12, 1923, and February 1, 1926, of original and amended applications for preliminary permit for Project No. 407 for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 22, 1923, and March 26, 1926.

PRINCIPAL MERIDIAN, MONTANA

T. 5 S., R. 15 E., sec. 32, S½NE¼, SE¼, and unsurveyed E½SW¼;
sec. 33, SW¼NW¼, SW¼, W½SE¼.
T. 6 S., R. 15 E., (unsurveyed)
sec. 4, N½NW¼, SW¼NW¼;
sec. 5, N½, SW¼, N½SE¼, SW¼SE¼;
sec. 6, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
sec. 7, N½N½;
sec. 8, NW¼NW¼.

(approximately 1,840 acres)

The lands lie within the Custer National Forest and are located along the Stillwater River, a tributary of the Yellowstone River.

Project No. 407 (estimated potential 1,600 horsepower) contemplated construction of a diversion dam on the Stillwater River below Sioux Charley Lake with a conduit leading to a powerhouse near the mouth of Woodbine Creek. Diversion of flows from Woodbine Creek to the same powerhouse was also contemplated. A three-year preliminary permit for the project expired on February 7, 1927, and an application for license was not filed.

An engineering analysis of the project conducted in 1923 by the District Engineer of the U.S. Forest Service indicated that development of the site was economically infeasible. A recent analysis by our staff concluded that the lands do not offer opportunity for the economical development of hydroelectric power.

The U.S. Geological Survey has reported that the lands have negligible power value and recommended that the withdrawal for Project No. 407 be vacated in its entirety.

The Commission's current inventory of developed and undeveloped hydroelectric sites does not include any sites in this reach of the Stillwater River.

The Commission finds.

The withdrawal for Project No. 407 serves no useful purpose and should be vacated.

The Commission orders.

The withdrawal of the subject lands pursuant to the applications for Project No. 407 is hereby vacated in its entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13772 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FUELS TASK FORCE ON ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS

Agenda and Notice of Meeting

Agenda For a Meeting of the Technical Advisory Committee on Fuels Task Force on Environmental Considerations and Constraints, To be held at the Federal Power Commission Offices 825 North Capitol Street, NE. Washington, D.C., 9:30 a.m., July 12, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting:
A. Discuss Task Force final draft of report to Fuels Committee.
B. Other business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13854 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Agenda and Notice of Meeting

Agenda for Meeting of the Technical Advisory Committee on Conservation of Energy; To be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 9:30 a.m., July 10, 1973, Room 5100.

1. Meeting called to order by FPC Staff Representative.

2. Objectives and purposes of meeting.
A. Review of Executive Advisory Committee and Coordinating Committee meetings by Dr. Bruce Netschert.
B. Review of draft report of Task Force on Environmental Aspects.
C. Review of work of Task Force on Technical Aspects.
D. Other business.
E. Date of next meeting.
3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13859 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH

Agenda and Notice of Meeting

Agenda For a meeting of the TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY CONVERSION RESEARCH, to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 1:00 p.m., July 10, 1973, 9:30 a.m., July 11, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Approval of minutes of previous meeting.
3. Objectives and purposes of meeting.
A. Review status of the reports on individual energy conversion technologies.
B. Review progress in editing of the Task Force report to the TAC on R&D.
C. Discussion of R&D priorities and budgets.
D. Other business.
E. Dates for future meetings.
4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13856 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE ON ENVIRONMENTAL ASPECTS

Agenda and Notice of Meeting

Agenda For a Meeting of the Technical Advisory Committee on Conservation of Energy Task Force on Environmental Aspects, To be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 1:30 p.m., July 9, 1973, Room 5200.

1. Meeting called to order by the FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Review Task Force progress in development of Econometric Model.
B. Prepare Task Force report to TAC on finance.
C. Discussion of other business.
D. Schedule date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Task Force—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the Task Force.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13853 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Agenda and Notice of Meeting

Agenda for Fourth Meeting of the TECHNICAL ADVISORY COMMITTEE ON FINANCE TASK FORCE—FUTURE FINANCIAL REQUIREMENTS to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., 10 a.m., July 20, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of May 29, 1973 meeting.
B. Review fourth draft of Jim MacKenzie's study entitled "Some Adverse Environmental Effects of Energy Consumption through the Year 2000".
C. Review the second draft of Fred Lawrence's study entitled "The Impact of Environmental Protection Legislation on Energy Use".
D. Review the first draft of Marc Roberts' study on economic and policy aspects of conservation of energy.
E. Other Business
3. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13857 Filed 7-6-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Agenda and Notice of Meeting

Agenda For a Meeting of the TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY to be held at the Federal Power Commission Offices; 825 North Capitol Street, NE., Washington, D.C., 8:30 a.m., July 24, 1973, Room 5200.

1. Meeting opened by FPC Coordinating Representative.

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2. Objectives and purposes of meeting.
A. Additions and corrections to minutes of meeting of April 10, 1973.
B. Discussion of Generation Installations Study Area (Mr. Hanrahan).
C. Discussion of Power Operations Study Area (Mr. Dille).
D. Interim report on Contingency Planning (Mr. Biggerstaff).
E. Report on Task Force on Forecast Review (Mr. Lloyd).
F. Other Business.
G. Date of Next Meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13852 Filed 7-6-73;8:45 am]

[Docket Nos. CP72-233, etc.]

NATURAL GAS PIPE LINE CO. OF AMERICA AND TEXACO INC.

Amended Notice of Further Postponement of Procedural Dates

JUNE 28, 1973.

Notice is hereby given that the procedural dates set by the order issued May 23, 1973, as modified by the notices issued June 13, 1973, and June 22, 1973, are further modified as follows:

Service of evidence by applicants and persons in support of the application, July 5, 1973
Service of answering evidence by applicants and interveners, July 16, 1973
Commencement of hearing, July 31, 1973 (10 am., e.d.t.)

Action on the request for a prehearing conference will be by subsequent order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13773 Filed 7-6-73;8:45 am]

[Docket No. E-8169]

NEW ENGLAND POWER CO.

Filing and Suspending Proposed Rate Schedule Amendment, Providing for Hearing, and Establishing Procedures

JUNE 29, 1973.

On April 30, 1973, New England Power Company (NEPCO) filed in Docket No. E-8169 an amendment to NEPCO's contract for primary service for resale to its affiliate, Narragansett Electric Company.[1] Narragansett's concurrence in the amendment was included in NEPCO's filing.[2] The proposed amendment provides for an increase in the credits allowed to Narragansett for the integration of its generation and transmission facilities into the NEPCO system. The proposed new generation credit amounts to $631,333 monthly exclusive of municipal taxes, and the proposed monthly transmission credit amounts to $291,450. NEPCO requests waiver of the Commission's regulations to permit the proposed contract amendment to become effective as of January 1, 1973.

Notice of NEPCO's filing was issued on May 15, 1973, providing for protests or petitions to intervene to be filed on or before May 23, 1973. In response to the notice a late petition to intervene was filed on June 8, 1973, by the NEPCO Municipal Customer Rate Committee, consisting of twenty-seven municipal electric plants and departments who are customers of NEPCO. These petitioners request that NEPCO's filing be suspended for at least one day, and that this proceeding be consolidated with NEPCO's recently filed wholesale rate proposal. NEPCO filed for a general rate increase on June 1, 1973, in Docket No. E-8251. Petitioners requests appear reasonable and will be granted with the exception of their request for consolidation. The Commission has not had an opportunity to review NEPCO's filing in Docket No. E-8251, and has taken no action with respect to it. The request for consolidation will therefore be denied as premature without prejudice, however, to a renewal of the request at a later date.

Our review of NEPCO's filing indicates the issues raised therein require development in an evidentiary hearing. The proposed credits to Narragansett have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Additionally the filing does not present grounds which are in our view adequate to support waiver of the applicable Regulations to permit a retroactive effective date. Accordingly, the proposed contract amendment will be suspended and set for hearing.

The Commission finds

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed contract amendment, and that such amendment be suspended as hereinafter provided.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of NEPCO's proposed contract amendment herein, commencing with a prehearing conference to be held on November 6, 1973.

(B) Pending such hearing and decision thereon, NEPCO's proposed amendment of its contract with Narragansett is hereby accepted for filing, suspended for one day, and the use thereof deferred until July 1, 1973.

(C) The rates permitted to become effective herein, after suspension, shall be subjected to Executive Order No. 11723 and regulations promulgated thereunder.

(D) At the prehearing conference on November 6, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(E) On or before October 30, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of other parties, if any, shall be served on or before November 14, 1973. Any rebuttal evidence by NEPCO shall be served on or before November 28, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on December 6, 1973, in a hearing room of the Federal Power Commission.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's Rules and Regulations, and the terms of this order.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) The request of the NEPCO Municipal Customer Rate Committee for consolidation of this proceeding with NEPCO's wholesale rate increase proposal in Docket No. E-8251 is denied, without prejudice however, to its renewal at a later date.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The secretary shall order prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13863 Filed 7-6-73;8:45 am]

[1] Third Revised Sheet No. 21 to NEPCO's FPC Rate Schedule No. 161.
[2] Supplement No. 6 to Narragansett's FPC Rate Schedule No. 24.

[Docket No. RP73-82]

PACIFIC GAS TRANSMISSION CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 28, 1973.

On June 22, 1973, Pacific Gas Transmission Company filed a motion for continuance of the procedural dates fixed by the order issued June 4, 1973, in the above-designated matter. The motion states that staff counsel is not opposed to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of testimony and exhibits by Pacific Gas Transmission Company, July 25, 1973
Service of testimony and exhibits by Staff, August 16, 1973
Prehearing Conference, August 23, 1973 (10 am., e.d.t.)
Service of testimony and exhibits by interveners, August 30, 1973
Service of Rebuttal evidence by Pacific Gas Transmission Company, September 13, 1973
Cross-examination, September 27, 1973 (10 am., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13774 Filed 7-6-73;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.

Order Accepting and Suspending Proposed Tariff Sheets, Denying Motion To Reject, Establishing Hearing Procedures, and Permitting Intervention

JUNE 29, 1973.

On April 30, 1973, Pennsylvania Power Company (PPC) tendered for filing new PPC rate schedules for its municipal wholesale customers. The affected municipalities and the FPC rate schedules in effect for each are as follows:

New Wilmington	No. 14
Wampum	No. 15
Zelienople	No. 16
Ellwood City	No. 17
Grove City	No. 19

PPC stated that the proposed rate schedules would provide for an increase in rates of $539,719 (54.62 percent) and the addition of a fuel cost adjustment clause and a load shedding clause. PPC explained that the proposed rate increase is necessary because its return is declining and is no longer just and reasonable. PPC claimed that its present rate of return related to the sales herein is 6.39 percent.

PPC said the fuel adjustment clause is necessary because of increased fuel costs and perhaps by a price decline. PPC stated that the purpose of the load shedding provision is to shift to the municipalities a commensurate share of the burden that PPC has undertaken in agreement with other interconnected systems to shed load in underfrequency system conditions to enhance reliability of the coordinated systems network by reducing the impact of widespread system operating problems.

PPC asked for an effective date of July 1, 1973.

Notice of the filing was issued on May 8, 1973, with protests and petitions to intervene due on or before May 24, 1973. A timely Protest was filed May 24, 1973, by the Borough of New Wilmington. A Protest, Motion To Reject and Petition To Intervene was timely filed by the Boroughs of Ellwood City, Grove City, Zelienople, New Wilmington, and Wampum, Pennsylvania (Boroughs). Boroughs protests the proposed rate as being in violation of sections 205 (a) and (b) of the Federal Power Act. Boroughs also moves to have the filing rejected as not in accordance with the Commission's Rules. In support of its motion to reject, Boroughs first argues that PPC failed to comply with § 35.13 (iv) of the regulations under the Federal Power Act in that PPC's Statement G fails to show the precise rate of return required. Our review of the filing indicates that PPC's filing is in substantial compliance with requirements of § 35.13 (iv) because a specific rate of return is set for on Schedule 13 of Exhibit 4 filed simultaneously with the rate filing.

Boroughs also alleges that FPC's rates contain a restrictive clause prohibiting Boroughs' from attaching load already served by the Company, a unique load shedding provision, and improperly force Boroughs to spend more for new equipment. These allegations cannot be dealt with summarily but rather need development at an evidentiary hearing.

In the event that the filing is not rejected, Boroughs strongly urges the Commission to suspend the proposed rate schedule changes for the full five month statutory period provided for in section 205(e) of the Federal Power Act, set the matter for hearing, and requests permission to intervene in these proceedings. On June 4, 1973, PPC filed an answer that refuted many of Boroughs' arguments, and asked that the Commission deny Boroughs' allegations.

Our review of PPC's filing, Boroughs' motion to reject the filing, and PPC's answer, indicates that issues are raised that may require a full evidentiary hearing.

The Commission finds

(1) The proposed rate schedules tendered for filing should be accepted for filing.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in above-enumerated rate schedules, and that the tendered rate schedules be suspended as hereinafter

The Commission orders

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) Participation of Boroughs may be in the public interest.

(6) The petition to reject by Boroughs should be denied.

(A) The above enumerated rate schedules are accepted for filing and their effectiveness suspended until December 1, 1973, or until such other time as they are made effective in the manner provided in the Federal Power Act.

(B) Boroughs' motion to reject is denied for the reasons heretofore stated.

(C) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308, and 309 thereof, the Commission's rules of practice and Procedure, and the Regulations under the Federal Power Act, a pubilc hearing shall be held commencing with a pre-hearing conference on November 13, 1973, at 10:00 a.m. e.s.t. in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rate increase as set forth above.

(D) On or before November 1, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by FPL shall be served on or before December 7, 1973. Cross-examination on the evidence filed will commence on December 18, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Boroughs is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of Boroughs shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of Boroughs shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13864 Filed 7-6-73;8:45 am]

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[Docket No. E-8280]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Notice of Initial Rate Schedule

JUNE 28, 1973.

Take notice that on June 15, 1973, Public Service Company of New Hampshire (Public) tendered for filing an agreement with New Hampshire Electric Cooperative, Inc. (the Cooperative) for subtransmission service for power from the Maine Yankee Atomic Power Company, dated December 1, 1972, as an initial rate schedule. On its contention that a projection of the amount of power to be transmitted in the future is unfeasible, Public has omitted an estimate of revenues from the billing charge on a per entitlement kilowatt basis but states that subtransmission charges for the first four months of operation have totaled $4871.28. Public states that copies of this filing have been sent to the Cooperative and the New Hampshire Public Utilities Commission. An effective date of December 1, 1972, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13761 Filed 7-6-73;8:45 am]

[Docket No. E-8207 etc.]

RATE SCHEDULE

Notice of Application

JUNE 29, 1973.

Take notice that each of the Applicants listed herein filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Filing Date	Name of Applicant
E-8207	May 1, 1973	Kentucky Utilities Co.

Applicant filed a contract for Electric Service, dated December 15, 1972, between Kentucky Utilities Company and the City of Providence, Kentucky. The contract states that service will be on Rate Schedule WPS-3R, which is on file with the Commission. Kentucky Utilities Company filed with this Commission on May 1, 1973, Rate Schedule WPS-73 which is proposed to become effective July 1, 1973 and is to supersede WPS-3R. In case of suspension of WPS-73 by the Commission, service will be rendered on WPS-3R during the suspension. Service is expected to begin on July 1, 1973.

Docket No.	Filing Date	Name of Applicant
E-8206	May 15, 1973	Pennsylvania Power and Light Company

Applicant filed a Supplement dated May 1, 1973, to the interconnection operation principles and practices effective June 1, 1960, issued in accordance with the interconnection agreement dated August 1, 1935, between United Gas Improvement Corporation (formerly Luzerne Electric Division of the United Gas Improvement Company, formerly Luzerne County Gas and Electric Corporation) and Pennsylvania Power and Light Company (United Gas Improvement Corporation Rate Schedule FPC No. 3 and Pennsylvania Power and Light Company Rate Schedule FPC No. 46).

The supplement provides for: (a) Classification of the supply by Pennsylvania Power and Light Company to United Gas Improvement Corporation under the rate schedule into two categories, supplemental supply and interchange; (b) an increase in the rate for transmission services, which is part of the rate for installed capacity purchases by United Gas Improvement Corporation and is also applicable to delivery of United Gas Improvement Corporation's apportionment of Conemaugh output through the Pennsylvania Power and Light Company system; (c) changes in the interchange accounting with respect to transactions which directly involve only United Gas Improvement Corporation and PJM other than Pennsylvania Power and Light Company; and (d) payment by United Gas Improvement Corporation of a portion of the monthly costs to operate the PJM Control Center. It is estimated that the overall effect of these changes would have been a reduction in net payments by United Gas Improvement Corporation to Pennsylvania Power and Light Company of $87,800 in the twelve month period from June, 1972 through May, 1973, and will be 71,300 in the twelve month period from June, 1973 through May, 1974.

Docket No.	Filing Date	Name of Applicant
E-8234	May 28, 1973	Carolina Power and Light Company

Applicant filed May 24, 1973, Supplement to the Contract dated April 4, 1938, between the Town of Pikeville, North Carolina and the Carolina Power and Light Company. The supplement provides for the removal of certain restrictions on sizes of loads to be resold and areas of resale with the Town of Pikeville, which Carolina Power and Light Company serves at wholesale. The supplement eliminates part of Paragraph 4 and the last sentence of Paragraph 7(b) of the agreement between Customer and the Company. The supplement filed herewith is to become effective 30 days after filing.

Docket No.	Filing Date	Name of Applicant
E-8239	May 29, 1973	Gulf States Utilities Company

Applicant filed a service agreement dated May 23, 1973, with Mid-South Electric Cooperative, Inc., pursuant to Rate Schedule FPC No. 76. The service agreement which becomes effective June 15, 1973, provides that an additional point of service has been provided on an emergency basis at Diamond Head, SW. Diamond Head Subdivision near Lake Conroe, Conroe, Texas.

Docket No.	Filing Date	Name of Applicant
E-8211	May 30, 1973	Kentucky Utilities Co.

Applicant filed a Service agreement dated May 25, 1973, between the Tennessee Valley Authority, Hickman-Fulton Counties Rural Electric Cooperative Corporation and Kentucky Utilities Company which amends the present contract between the three parties, dated September 29, 1953. This contract was filed with the Commission on July 31, 1972 and designated by the Commission as Company Rate Schedule FPC No. 93, Supplement No. 6.

Docket No.	Filing Date	Name of Applicant
E-8211	May 30, 1973	Kentucky Utilities Co.

The primary reason for changing the above contract is to reflect changes in delivery voltages and required changes in metering due to conversion to higher voltage.

Docket No.	Filing Date	Name of Applicant
E-8258	June 6, 1973	American Electric Power Service Corp.

Applicant filed May 31, 1973, amendment on behalf of Indiana & Michigan Electric Company to the operating Agreement dated March 1, 1966 among Consumers Power Company, The Detroit Edison Company, and Indiana & Michigan Electric Company. The amendment, effective July 1, 1973, modifies the agreement to provide for a new interconnection service under a new Service Schedule E—off Peak Power. The proposed rate for the service consists of a demand charges $0.25 per Kilowatt of billing demand for each month and an energy charge at a rate per kilowatt-hour equal to the out-of-pocket cost of the energy supplied plus 10 percent thereof. This off Peak Power Service is aimed towards optimizing the economic use of fuel resources during off peak hours by allowing one party during periods of one or more months when its operating costs of producing energy are high to displace such energy with energy from the other party which may be produced at a substantially lower cost.

Docket No.	Filing Date	Name of Applicant
E-8260	June 7, 1973	Interstate Power Co.

Applicant filed May 17, 1973, amendment to the Transmission Utilization Agreement dated May 1, 1968, between Cooperative Power Association and Interstate Power Company and designated as Interstate Power Company's Rate Schedule FPC No. 88. The amendment to the Transmission Utilization Agreement provides for an additional delivery point at Easton, Minnesota.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13770 Filed 7-6-73;8:45 am]

[Docket No. R-462; Order No. 483]

RESEARCH AND DEVELOPMENT, ACCOUNTING AND REPORTING

Order Denying Rehearing

JUNE 28, 1973.

On May 29, 1973, Northern Natural Gas Company (Northern) filed an application for rehearing of Order No. 483, issued April 30, 1973, in Docket No. R-462, which order, inter alia, broadened the definition of Research and Development (R & D) expenditures, provided for advance rate assurance for certain R & D projects and provided for rate adjustment provisions to track R & D expenditures.

Northern alleges that Order No. 483 does not permit a pipeline to match costs and revenues "to the extent possible" because it does not provide for deferral and later recovery of costs not immediately subject to tracking as was provided for purchased gas costs in Order Nos. 452 and 452-A issued in Docket No. R-406. Northern's allegation is without foundation. § 154.38(d)(5)(b)(iii) and (iv) provide that an R & D tracking provision rate adjustment shall be computed based on the experience of the pipeline during the twelve month period ending three months prior to the proposed rate adjustment both as to currently expensed items (subsection (iii)) and rate base items (subsection (iv)). This provision allows a pipeline to recover all amounts associated with a legitimate R & D project above those amounts included in its existing rates.

Northern also objects to the "requirement" of prior Commission approval for rate base inclusion of R & D expenditures of $50,000 or more on a given project or group of projects and foresees an administrative breakdown in our Staff's effort to review an increasing number of such projects. Northern proposes a cure for this undesirable situation which promises "to forestall the backlog of filings and to optimize the use of the Commission's Staff" by limiting the "requirement" of prior approval to projects of $1,000,000 or more.

We agree with Northern that it is in the public interest to expedite Commission review of all findings submitted to us and to optimize the use of our trained and expert Staff personnel. For these reasons, we did not make prior approval of R & D projects a prerequisite to their inclusion in rates. Subsection 154.38(d)(5)(a)(v) of the Commission's Regulations under the Natural Gas Act provides that all R & D rate adjustments take effect on the proposed effective date "subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order". The purpose of the prior approval provision for rate base treatment of projects or groups of projects costing $50,000 or more is to assure the pipeline in advance that such project(s), *per se*, fall within the definition of R & D expenditures in the Commission's Uniform Systems of Accounts for Class A and Class B Natural Gas Companies, rather than forcing the pipeline to wait until such project(s) is (are) examined in a rate proceeding after the pipeline has expended much money and has possibly collected increased rates related to such project(s). Therefore, the prior approval provision is not a requirement, but merely an option available to the pipeline to eliminate the uncertainty of rate treatment of such projects.

In a related matter, Northern complains about "the double barreled requirement" of prior approval of a project and collection of amounts related to such projects subject to refund. As noted above, the "prior approval" provision is not a requirement but an alternative option available to a pipeline to eliminate the uncertainty of rate treatment of certain projects. Amounts included in an R & D rate adjustment which relate to such prior-approved projects shall, of course, not be made subject to refund and shall not be reviewed a second time in a future rate proceeding.

Northern also requests a waiver of such provisions of Order No. 483 as "may be inconsistent with an R & D 'tracking' proposal which does not conform with all of strictures of said Order". We note that Order No. 483 represents our policy and the guidelines to implement such policy. Waiver of the provisions of that order will only be considered upon individual requests and for good cause shown.

The Commission finds

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that Northern's application for rehearing of Order No. 483 be denied as hereinafter ordered.

The Commission orders

Northern's application for rehearing of Order No. 483 filed May 29, 1973, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-13865 Filed 7-6-73;8:45 am]

[Docket No. CP73-115]

TENNESSEE GAS PIPELINE CO. AND TENNECO INC.

Notice of Further Extension of Time and Postponement of Hearing Date

JULY 2, 1973.

Notice is hereby given that the procedural dates set by order issued May 1, 1973, as modified by notice issued May 21, 1973, are further modified as follows:

Service of testimony and exhibits by applicant, July 24, 1973
Service by each customer desiring to submit testimony and/or exhibits on the issue of volumetric requirements, etc. July 24, 1973
Hearing, August 8, 1973

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-13776 Filed 7-6-73;8:45 am]

[Docket No. RP72-156]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 28, 1973.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on June 15, 1973, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the following sheet:

Seventh Revised Sheet No. 7

Texas Gas states that this sheet is being issued pursuant to Texas Gas' Purchased Gas Cost Adjustment Provision contained in section 23 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1 and that this provision was approved by order of the Federal Power Commission, dated July 31, 1972, in Docket No. RP72-156. The company submits that this change in Texas Gas' rates reflects a cost of gas adjustment to track increased purchased gas costs and to recover the balance in Account 191, "Unrecovered Purchased Gas Costs," and the increased

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cost of offshore transportation. The proposed effective date of this filing is August 1, 1973.

Texas Gas states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 73-13763 Filed 7-6-73;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice Deferring Procedural Dates

JUNE 27, 1973.

On June 5, 1973, Staff Counsel filed a motion for postponement of the procedural dates set by the order issued January 31, 1973, in the above-designated matter. The motion states that the parties attending the prehearing conference on June 1, 1973, had no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are deferred pending disposition of the settlement proposal submitted at the prehearing conference held on June 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13775 Filed 7-6-73;8:45 am]

[Docket No. CP73-337]

TRANSWESTERN PIPELINE CO.

Notice of Application

JULY 2, 1973.

Take notice that on June 19, 1973, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-337 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on July 1, 1973, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from available funds and may at some later date be financed through the issuance of long term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CRF 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13866 Filed 7-6-73;8:45 am]

[Docket No. RI73-268]

UNION OIL CO.

Notice of Petition for Special Relief From Area Rate Ceiling (Texas Gulf Coast Area)

JUNE 28, 1973.

Take notice that on April 17, 1973, Union Oil Company of California (Petitioner) P.O. Box. 7600, Los Angeles, California 90051, filed a petition for special relief in Docket No. RI73-268 pursuant to section 4 of the Natural Gas Act, § 1.7 (b) of the Commission's Rules of Practice and Procedure, and Commission Order No. 481, issued April 12, 1973. Petitioner requests the Commission to waive the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in Opinion No. 595, Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket Nos. AR64-2, et al., 45 F.P.C. 674 (1971), appeal pending sub nom. Public Service Commission for the State of New York, et al. v. F.P.C., No. 71-1828, (D.C. Cir.).

On April 12, 1973, the Commission issued Order No. 481, in Docket No. R-458, amending the general rules of practice and procedure by adding § 2.76. This section provides for examination of applications by independent producers for special relief from area rates with respect to sales of natural gas from reservoirs where reduced pressure, the need for reconditioning, or deeper drilling makes further production uneconomically at existing area rates. In March 1973 Union reports that one compressor was installed to compress filed gas. Petitioner alleges that this was done in reliance on the November 8, 1972, notice of proposed rulemaking in Docket No. R-458.

Petitioner claims that without compression facilities only one billion of the estimated three to four billion cubic feet of natural gas can be recovered economically. It avers that two compressors will be required to offset pressure declines. Petitioner's request is based on installation of the compressor placed in operation in March 1973, plus one additional compressor to be installed if this petition is granted.

Additional costs resulting from the installation of two compressors is stated to be $19,345 per year for each compressor, or a total cost of $38,690 per year for rental, maintenance, operating, and overhead expenses. If, as requested, Petitioner is authorized to collect 2.5¢ per Mcf over and above the rate presently authorized in Opinion No. 595 (Texas Gulf Coast Area), an additional $100,000 will be collected over the life of the compression operation.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 16, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13779 Filed 7-6-73;8:45 am]

VALLEY GAS TRANSMISSION, INC.

[Docket No. RP73-94]

Notice of Revisions to Tariff

JUNE 28, 1973.

Take notice that on June 11, 1973, Valley Gas Transmission, Inc. (Valley Gas) tendered for filing the following tariff sheets:

Second Revised Sheet No. 3A
First Revised Sheet No. 14
First Revised Sheet No. 15
Second Revised Sheet No. 25A
First Revised Sheet No. 39
First Revised Sheet No. 40
Second Revised Sheet No. 52A
Third Revised Sheet No. 107A
First Revised Sheet No. 120
First Revised Sheet No. 121
Third Revised Sheet No. 138A
First Revised Sheet No. 150
First Revised Sheet No. 151
First Revised Sheet No. 152
Second Substitute Original Sheet No. 178
Second Substitute Original Sheet No. 179
Second Substitute Original Sheet No. 180

Valley Gas states that First Revised Sheet Nos. 14, 15, 39, 40, 120, 121, 150, 151 and 152 are all filed to restate its existing tariff in the manner required by § 154.52 of the regulations under the Natural Gas Act. The sheets are intended to incorporate within the pertinent rate schedule price provisions which are presently on file as supplement to such rate schedules. The company submits that Second Substitute Original Sheet Nos. 178, 179 and 180 effect certain minor changes in Valley Gas' proposed purchased gas adjustment clause. Valley Gas states that Second Revised Sheet Nos. 3A, 24A and 52A and Third Revised Sheet Nos. 170A and 138A are filed merely to refer a reader to the currently effective Sheet No. 2A for a statement of the currently effective rate.

Valley Gas proposes an effective date of May 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D. C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13764 Filed 7-6-73;8:45 am]

[Docket No. CI71-882]

WENERT TRICH, ET AL.

Notice of Petition To Amend

JUNE 29, 1973.

Take notice that on June 18, 1973, Wenert Trich, *et al.*, (Applicant), P. O. Box 1408, Longview, Texas 75601, filed in Docket No. CI71-882 a petition to amend the orders issued in said docket pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) by authorizing Petitioner to continue the sale of natural gas in interstate commerce for an additional year to Texas Eastern Tranmission Corporation (Texas Eastern) from the Woodlawn Field, Harrison County, Texas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was authorized by the order of August 12, 1971, in said docket to sell gas to Texas Eastern for one year at 35.0 cents per Mcf at 14.65 psia and was authorized to continue said sale for an additional year by the Commission's order of August 23, 1972, in said docket.

Petitioner proposes to continue said sale within the contemplation of § 2.70 of the Commission's General Policy and Interpretations for one year commencing on August 12, 1973, and sell approximately 3,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13765 Filed 7-6-73;8:45 am]

[Docket No. E-8271]

WISCONSIN ELECTRIC POWER CO.

Notice of Letter Agreement

JUNE 28, 1973.

Take notice that on June 11, 1973, Wisconsin Electric Power Company (WEP) tendered for filing a letter agreement dated May 2, 1973, between WEP, Wisconsin Public Service Corporation (WPS), Wisconsin Power and Light Company (WPL), and Madison Gas and Electric Company (MGE). WEP states that the agreement is in respect to WPS, WPL, and MGE, collectively, purchasing 150,000 Kilowatts of Limited Term Power for a period of six months beginning June 1, 1973, and ending November 30, 1973. WEP further states that the agreement is under the provisions of Service Schedule A, which is part of an amendment made effective May 1, 1973, to the Interconnection Agreement between WEP and individually with WPS (Rate Schedule FPC No. 30), WPL (Rate Schedule FPC No. 31), and MGE (Rate Schedule FPC No. 27). WEP maintains that it is not practical to estimate with any degree of accuracy the quantities of energy which will be delivered. An effective date of June 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 20, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13777 Filed 7-6-73;8:45 am]

[Docket No. CI73-902]

SKELLY OIL CO.

Notice of Application

JUNE 29, 1973.

Take notice that on June 18, 1973, Skelly Oil Company (Applicant), P.O. Box 1650, Tulsa, Oklahoma 74102, filed in Docket No. CI73-902 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the No. 1 Oasis Ranch "4" Strawn Gas Well, Terrell County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas, upon completion of certain production and gathering facilities adjacent to the well site, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf of gas at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to

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intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13753 Filed 7-6-73;8:45 am]

[Docket No. CI73-891]

WALLACE, E. R., AND LAQUEY, E. C.

Notice of Application

JUNE 29, 1973.

Take notice that on June 14, 1973, E. R. Wallace and E. C. Laquey (Applicants), P.O. Box 746, Refugio, Texas 78377, filed in Docket No. CI73-891 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipeline Company from the Old Refugio Field, Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they will commence the sale of natural gas on June 20, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell approximately 15,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirement of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13754 Filed 7-6-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Order Denying Motion for Extension of Procedural Dates, and Denying Motion To Permit Certain Discovery Without Prejudice

JUNE 27, 1973.

By order of March 23, 1973, the rate increase proposed in this docket by Duke Power Company (Duke) was suspended for thirty days, the matter was set for hearing, and all petitions to intervene were granted.

On May 29, 1973, ElectriCities of North Carolina, Piedmont Municipal Power Systems, and the municipalities of Easley, Gaffney, Greenwood, Greer, Laurens, Newberry, Prosperity, and Rock Hill, all of South Carolina (Municipal Intervenors) filed a motion to: Revise the procedural schedule herein by extending by 120 days each deadline set in the Commission's Order of March 23, 1973; permit utilization of discovery materials obtained in an Atomic Energy Commission (AEC) proceeding; and clarify or revise the order of March 23 to permit use of certain evidence which originated prior to the close of the record in Commission Docket No. E-7557.

The Municipal Intervenors state that seven North Carolina municipalities, all of which are represented in this proceeding by Intervenor ElectriCities of North Carolina, are presently party to an AEC proceeding involving issuance of certain nuclear facility licenses to Duke Power Company. In the course of that AEC proceeding those municipalities, according to the Municipal Intervenors, have had access to discovery which is purportedly relevant to allegations made in this docket of anticompetitive conduct and possible antitrust violations by Duke.

As the Municipal Intervenors point out in their motion, certain discovery related to anti-competitive or antitrust issues was requested in an earlier proceeding before this Commission in Docket No. E-7557 by the intervenors in that proceeding, many of whom are intervenors in the present proceeding. The Presiding Administrative Law Judge in Docket No. E-7557 denied those discovery requests, and that case is now on appeal to the United States Court of Appeals for the District of Columbia Circuit. The Municipal Intervenors state that they recognize the impropriety of attempting to relitigate issues concerning Duke's alleged conduct prior to the close of the record in Docket No. E-7557. The Commission's Order of March 23, 1973, in this proceeding stated in this regard that "• • • the proceeding herein instituted shall be limited to facts and circumstances with respect to alleged antitrust violations by Duke arising after the close of the record in that case (Docket No. E-7557)."[1] The Municipal Intervenors nonetheless claim to now have access to many documents which, while originating prior to the close of the record in Docket No. E-7557, may be relevant to what Municipal Intervenors see as an anticompetitive situation and anticompetitive conduct by Duke since 1971, when the record in that earlier proceeding was closed. In requesting time and leave to make use of evidence discovered or to be discovered in the near future through depositions and interrogatories in the AEC proceeding, the Municipal Intervenors further ask that this Commission interpret the above-quoted language in its March 23, 1973, order issued in this docket to mean that, while no anticompetitive situation prior to 1971 is relevant to this proceeding, evidence which originated prior to 1971 and is relevant to an anticompetitive situation arising or existing after 1971 may be relevant to the present proceeding.

On June 8, 1973, a response to the Municipal Intervenor's motion was filed by Duke.

We recognize our responsibilities under the Federal Power Act in antitrust matters, but the motion of Municipal Intervenors does not indicate to us exactly what they seek from this Commission. In their motion, Municipal

[1] Commission order of March 23, 1973, page 2, Docket No. E-7994.

Intervenors petition the Commission to "• • • direct that materials discovered in the present AEC anti-trust proceeding involving Duke be treated as responsive to identical discovery requests in the present proceeding; • • •". We find it impossible to grant such an open ended request when petitioners fail to specify the data or material sought to be discovered and introduced in this proceeding. We have no accurate indication of the scope of that request. Furthermore, we fail to see how the Municipal Intervenors motion qualifies as a discovery motion in this proceeding. Municipal Intervenors have only provided us with a copy of a discovery request presented to Duke at the AEC which they admit "• • • has been limited by a number of orders • • •". Finally, the motion is unclear as to whether or not any or all of this evidence was available to petitioners in Docket No. E-7557, or whether it is the subject of the discovery motion under appeal in that proceeding.

The Commission finds.

The motion of Municipal Intervenors should be denied.

The Commission orders.

The Motion of Municipal Intervenors is denied without prejudice to the Municipal Intervenors right to make appropriate discovery requests before the Administrative Law Judge in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13767 Filed 7-6-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-43]

GASOLINE SHORTAGES AND OFFICIAL GOVERNMENT TRAVEL

Reduction of Consumption

To: Heads of Federal agencies.

1. *Purpose.* This bulletin encourages Federal agencies to reduce motor vehicle fuel consumption for official Government travel to the maximum extent feasible.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* Travelers in many areas of the United States have experienced gasoline shortages. During periods of restricted supplies, it is appropriate that the Government reduce the consumption of gasoline in connection with official travel. Although the Federal Travel Regulations (FTR) authorizes the use of privately owned automobiles and Government-owned or commercially rented automobiles, paragraph 1-2.2c(1) states that "Since travel by common carrier will generally result in the least costly and most expeditious performance of travel, this method shall be used unless the circumstances involved make travel by Government, privately owned, or special conveyance preferred for reasons of cost, efficiency, or work requirements. The advantages which may result from common carrier transportation must be fully considered by the agency before it is determined that some other method of transportation should be used."

4. *Recommended interim measures.* Agency officials are requested to instruct personnel who authorize travel and officials needing to travel to take the following actions:

a. Use common carriers whenever practicable; and

b. Reduce travel in Government-owned, commercially rented, or privately owned automobiles to a minimum by:

(1) Using communication facilities, such as telephone, including conference calls;

(2) Postponing travel not of immediate importance, such as periodic routine inspection trips; and

(3) Reviewing travel itineraries in order to:

(i) Combine functions that can be carried out by one employee or by fewer employees than originally scheduled;

(ii) Accomplish in one trip several assignments at facilities in one geographical area instead of making several trips; and

(iii) Coordinate the schedules for trips of various employees so that they can use one automobile rather than several.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 5, 1973.

[FR Doc.73-14054 Filed 7-6-73;8:45 am]

[GSA Bulletin FPMR G-82]

TRANSPORTATION AND MOTOR VEHICLES

Conservation of Motor Vehicle Fuels

To: Heads of Federal agencies.

1. *Purpose.* This bulletin sets forth a program for the conservation of motor vehicle fuels through proper driving techniques and recommended service and operating procedures.

2. *Expiration date.* This bulletin provides information of a continuing nature and will remain in effect until revised or canceled.

3. *Background.* The national situation concerning availability of motor vehicle fuels has reached such proportions that every citizen should join in a concerted effort to conserve fuels to ease the shortage.

4. *Suggested action.* a. The Federal Government should take the lead in conserving fuels by ensuring that motor vehicle travel is curtailed to the maximum extent practicable without jeopardizing essential business.

b. Each agency should take positive action to conserve fuels by giving wide publication to the driving techniques listed below and requiring that all vehicle operators diligently follow them.

(1) Travel at reduced speeds. Limit maximum speed to 60 miles per hour. Fuel consumption generally increases significantly above 60 miles per hour. A bright-colored sticker on the dash may be used as a reminder.

(2) Avoid sudden bursts of speed and pumping the accelerator pedal while the vehicle is not in motion.

(3) Avoid sudden stops; plan ahead.

(4) Do not idle engine for long periods of time.

(5) Use routes with a minimum number of traffic signals and stop signs.

(6) Eliminate weight unnecessary to the particular trip; empty trunk and storage compartments of excess tires, chains, tools, etc.

(7) Minimize air resistance; remove any unneeded appurtenances such as hang-on type luggage racks.

(8) Refuel vehicle during the early part of the day.

(9) Avoid over-filling the fuel tank to allow for fuel expansion.

(10) Use the air-conditioner sparingly (disconnecting will damage seals and cause excess maintenance), but operate at least once each week during the year.

(11) Avoid one-person trips. Try to use one vehicle for several passengers traveling in the same general area. Always consider, "Is this trip necessary?" "Can the job be accomplished by some other means?" Use the telephone when practicable.

(12) Travel during off-peak traffic times.

(13) Rent appropriate size vehicle to accommodate the number of passengers and luggage when using authorized commercial rental vehicles.

(14) Use the smallest size vehicle feasible for the job.

c. Each agency should take positive action by enforcing the following service and operating procedures:

(1) Tune the engine, following the manufacturer's latest specifications with special attention to these items:

(a) Check the air cleaner and replace if necessary.

(b) Inspect and adjust the choke to specifications.

(c) Clean or replace the PCV valve; remove gum or sludge from hoses with approved cleaning solutions.

(d) Check all electrical ignition circuits and connections for voltage drop and resistance. Clean, tighten, and replace as necessary.

(e) Inspect ignition points and replace if necessary. Check the condenser.

(f) Set the timing to the manufacturer's specifications.

(g) Check the ignition advance mechanism (mechanical and vacuum).

(h) Purge foreign matter from the exhaust gas recirculatory valve and hoses. Check controls.

(i) Check the cooling system. Flush and replace the antifreeze if it is contaminated. Remove bugs and foreign matter from front of radiator and air-conditioner.

(j) Check the muffler for clogging or restrictions.

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(k) Check the exhaust and tailpipes for kinks or restrictions that would impede the flow of exhaust.

(2) Maintain tire pressures to tire manufacturer's recommendations to reduce rolling resistance.

(3) Check and adjust wheel alignment to manufacturer's specifications. This will also reduce rolling resistance.

ARTHUR F. SAMPSON,
Administrator
of General Services.

JULY 5, 1973.

[FR Doc.73-14053 Filed 7-6-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PEABODY COAL CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20246, Peabody Coal Company, Star Underground
Mine, USBM ID No. 15 03161 0, Central City, Kentucky
Section ID No. 009-0 (2nd North West off 1st South East Sub Main)
Section ID No. 005-0 (2nd South East Main (Spare))
Section ID No. 012-0 (4th North West off North East Main)
Section ID No. 011-0 (6th North West off South West)
Section ID No. 007-0 (3rd South East off South West Main)
Section ID No. 008-0 (3rd North West Sub off North East Main)
Section ID No. 010-0 (1st North West off 1st North East Sub Main)

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the Office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 3, 1973.

[FR Doc.73-13832 Filed 7-6-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Endowment for the Arts will be held at 9:30 am. on July 10, 1973, and 9:30 am. on July 11, 1973, in New York City.

This meeting is for the purpose of Panel review, discussion, and evaluation of grant applications. In accordance with section 10(d) of the Act it has been determined by the Chairman, by notice published in the FEDERAL REGISTER of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806-15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-13807 Filed 7-6-73;8:45 am]

ATOMIC ENERGY COMMISSION

ACRS SUBCOMMITTEE MEETING ON OCONEE NUCLEAR STATION

Notice of Meeting

JULY 5, 1973.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Oconee Nuclear Station will hold a meeting on July 23 and 24, 1973, in the Holiday Inn, Intersection of U.S. Routes 123 and 76, Clemson, South Carolina. The purpose of this meeting will be to review the application of the Duke Power Company for a license to operate Units 2 and 3 which are located in Oconee County, approximately 21 miles north of Anderson, South Carolina.

The following constitutes those portions of the Subcommittee's agenda for the above meeting which will be open to the public:

Monday, July 23, 1973, 1:30 p.m.-4:30 p.m.—Review of the application for an operating license (presentations by the AEC Regulatory Staff and Duke Power Company and its consultants, and discussions with these groups).

Tuesday, July 24, 1973, 9:00 a.m.-3:30 p.m.—Review of the application for an operating license (presentations by the AEC Regulatory Staff and Duke Power Company and its consultants, and discussions with these groups).

In connection with the above agenda, the Subcommittee will hold an executive session at 1 pm on July 23, and 8:30 am on July 24 which will involve a discussion of its preliminary views, and an executive session at the end of the day on July 24, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the full ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and applicant to discuss privileged information relating to plant security and nuclear fuel design, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning of the meeting on July 23 and the beginning and end of the meeting on July 24 will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 16, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Librarian, Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral satements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 pm and 3 pm on July 24, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 20, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 am and 5:15 pm local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the official minutes of the public sessions will be made available for inspection on or after September 24, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee
Management Officer.

[FR Doc.73-13994 Filed 7-6-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Combined Environmental and Waste Management Subcommittees Meeting

JULY 5, 1973.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Combined Environmental and Waste Management Subcommittees will hold a meeting on July 18-19, 1973, in Room 1046, 1717 H Street, NW., Washington, D. C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment and to the handling of radioactive waste.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, July 18, 1973, 9 am-5 pm Review of Environmental Protection Agency's programs, radiation safety in transportation, criteria involved in achieving as low as practicable release of radioactive materials, and environmental surveillance programs.

Thursday, July 19, 1973, 8:30 am-4:30 pm. Review of probabilities and consequences of transportation accidents, research and development programs for transportation safety, current status of ANSI proposed standard, "On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents," and management of radioactive wastes.

In connection with the above agenda items, the Subcommittees will hold an executive session at 8:30 am on July 18 which will involve a discussion of their preliminary views, and an executive session at the end of the day (4:30 pm) on July 19, consisting of an exchange of opinions of the Subcommittees members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The acting Chairman of the combined Subcommittees is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 13, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the combined Subcommittees. To the extent that the time available for the meeting permits, the combined Subcommittees will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the acting Chairman of the combined Subcommittees, between the hours of 11 am and 3 pm on the second day of the meeting, July 19, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the acting Chairman of the combined Subcommittees, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 16, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 am and 5:15 pm local time.

(e) Questions may be asked only by members of the Subcommittees and their consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the minutes of the meeting will be made available, on request, for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. on or after September 19, 1973. Copies may be obtainct upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee
Management Officer.

[FR Doc.73-14009 Filed 7-6-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 291]

ASSIGNMENT OF HEARINGS

JULY 7, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

AB-8 Sub 2, Denver & Rio Grande Western Railroad Company Abandonment between Montrose & Ridgeway, Montrose and Ouray Counties, Colorado, now assigned July 9, 1973, at Montrose, Colo., is postponed indefinitely.

MC 136806, Aycock, Inc., now assigned July 9, 1973, at Washington, D.C., is postponed to August 22, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7840, The Millenburg Tours, Inc., -V-Lillian Hofmeister, now assigned July 9, 1973, at Baltimore, Md., is postponed to July 24, 1973, in U.S. Customs Courtroom Appraisers Stores Bldg., Gay & Lombard Streets, Baltimore, Md.

MC-C-5460 Sub 2, Mayflower Transit Lines, Inc.-Revocation of Certificate, now assigned July 10, 1973, at Newark, N.J., is postponed indefinitely.

I&S-8813, General Increase in Rates and Charges, Sea-Land Service Inc., I&S-8814 and Sub 1, General Increase, The Alaska Railroad, I&S 8814 Sub 2, Increased Rates & Charges, From and to Alaska, now assigned July 23, 1973, will be held in Room 1057, Federal Office Bldg., 909 First Ave., Seattle, Washington instead of Room 1151.

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AB-5 Sub 73, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Nanticoke and Glen Lyon, Luzerne County, Pennsylvania, AB-5 Sub 99, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Ceneral Transportation Company, Debtor, Abandonment Portion of Wilkes-Barre Branch Between S. Danville and Wilkes-Barre, Northumberland, Montour, Columbia, and Luzerne Counties, Pennsylvania, FD 21989, Pennsylvania Railroad Company—Merger—New York Central Railroad Company, and NO. 35727, Penn Central Transportation Company (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr. Trustees)-V-Delaware and Hudson Railroad Company, Et al, now assigned July 9, 1973, at Wilkes-Barre, Pa., postponed indefinitely.

B-5 Sub 4, Cleveland, Cincinnati, Chicago and St. Louis Railway Co. and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment the Indiana State Line and Lynn, in Randolph County, Indiana, AB-5 Sub 5, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Lynn and New Castle, in Randolph and Henry Counties, Indiana, AB-5 Sub 6, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between New Castle and Shirley, in Henry County, Indiana, AB-5 Sub 7, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Wilkinson and Hunter, in Hancock and Marion Counties, Indiana, AB-5 Sub 17, Cleveland, Cincinnati, Chicago and St. Louis Railway Company and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Glen Karn, Ohio, and the Indiana State Line, Darke County, Ohio, AB-5 Sub 101 George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Portion Springfield Branch Between Shirley and Wilkinson, Hancock County, Indiana, and AB-5 Sub 121, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Portion Anderson-Greensburg Secondary Track, Between Emporia and Knightstown, Madison, Hancock and Henry Counties, Indiana, now assigned July 9, 1973, at New Castle, Ind., is postponed indefinitely.

AB-3 Sub 2, Missouri Pacific Railroad Company Abandonment between Eudora, Arkansas, and Delhi, Louisiana, in Chicot County, Arkansas, and West Carroll and Richland Parishes, Louisiana, is continued to August 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-71, Baltimore & Annapolis Railroad Co., Abandonment of Operations Between Clifford Junction, Baltimore City and Annapolis, in Baltimore and Anne Arundel Counties, Maryland, & No. 35735, Publication Corporation V. The Baltimore & Annapolis Railroad Co., now assigned July 10, 1973, at Baltimore, Md., is postponed indefinitely.

AB-1 Sub 12, Chicago and North Western Transportation Company Abandonment Between Albert Lea, Minnesota, and Lake Mills, Iowa, in Freborn County, Minnesota, and Winnebago and Worth Counties, Iowa, now assigned July 10, 1973, at Albert Lea, Minn., is postponed indefinitely.

AB-5 Sub 131, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Between Richmond and New Castle, Wayne and Henry Counties, Indiana, now assigned July 16, 1973, at Richmond, Ind., is postponed indefinitely.

AB-43 Sub 2, Illinois Central Gulf Railroad Company Abandonment Between Packton, Winn Parish, and Concordia Junction, Concordia Parish, Abandonment of Operations from Concordia Junction to Vidalia, Concordia Parish, Abandonment of Ferry Facilities, Vidalia, all within the State of Louisiana, now assigned July 16, 1973, at Jena, La., is postponed indefinitely.

AB-5 Sub 132, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company Debtor, Abandonment Between Elwood and Kokomo, Madison, Tipton and Howard Counties, Indiana, now assigned July 19, 1973, at Kokomo, Ind., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-13842 Filed 7-6-73;8:45 am]

[Ex Parte 241; Rule 19, Exemption 44]

CAR UTILIZATION MAP

Exemption From Mandatory Car Service Rules

It appearing, that Car Service Rule 2 authorizes the loading of cars owned by indirect connections of the lines having physical possession of the cars to destinations closer to the car owner than is the point of loading; that there is need for a quick reference guide to enable shippers and carriers to make a selection of the proper car for loading to remote destinations; and that the Car Service Division of the Association of American Railroads has prepared a Car Utilization Map which will enable shippers and carriers to determine whether or not such cars owned by indirect connections properly may be used for transporting the traffic available.

It is ordered, That, under authority vested in me by Car Service Rule 19, cars loaded in conformity with the Car Utilization Map issued by the Car Service Division of the Association of American Railroads, dated July 1, 1973, and attached hereto,[1] shall be deemed to be in compliance with the provisions of Car Service Rule 2(b).

Effective July 1, 1973.

Expires July 31, 1974.

Issued at Washington, D.C., June 27, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13840 Filed 7-6-73;8:45 am]

[1] Filed as part of the original document.

[I.C.C. ORDER NO. 102

Under Revised Service Order No. 994]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Notice of Rerouting Traffic

To all railroads: In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River.

It is ordered, That: (a) The Chicago, Rock Island and Pacific Railroad Company, being unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 5 pm, June 22, 1973.

(g) *Expiration date.* This order shall expire at 11:59 pm, July 8, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 22, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13839 Filed 7-6-73;8:45 am]

[Notice 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 29, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 71074 (Sub-No. 4 TA) filed June 13, 1973. Applicant: WAREHOUSE TRANSPORT, INC. 211 Plainfield Street Springfield, Mass. 01107. Applicant's representative: John J. McCarthy (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between Portland, Maine, on the one hand, and, on the other, Ashland, Auburn, Augusta, Bangor, Bar Harbor, Bath, Belfast, Bethel, Biddeford, Bingham, Brewer, Bridgton, Brunswick, Calais, Camden, Caribou, Dover-Foxcroft, Eastport, Ellsworth, Farmington, Fort Fairfield, Fryeburg, Gray, Greenville, Houlton, Howland, Jackman, Lincoln, Livermore Falls, Lubec, Machias, Milo, North Berwick, Portland, Presque Isle, Rumford, Saco, Skowhegan, South Portland, Southwest Harbor, York, Wells, Winslow, and Winthrop, Maine; Contoocook, Conway, Dover, Farmington, Franklin, Lancaster, Littleton, Meredith, North Conway, Pittsfield, Portsmouth, Somersworth, Tilton, Whitefield, Wolfeboro and Woodsville, N.H.; and Barre, Barton, Derby, Montpelier, and St. Johnsbury, Vt., for 180 days. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with the Great Atlantic & Pacific Tea Company, Inc. SUPPORTING SHIPPER: The Great Atlantic & Pacific Tea Company, Inc., 950 Stuyvesant Avenue, Union, N.J. 07083. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 71652 (Sub-No. 4 TA) filed June 21, 1973. Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road White City, Oreg. 97501. Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of its size or weight, requires the use of special equipment, and *related parts* when moving therewith, between points in Humboldt, Trinity, Shasta, Modoc, Siskiyou and Del Norte Counties, Calif., on the one hand, and, on the other, points in Lake, Douglas, Josephine, Jackson, Klamath and Curry Counties, Oreg., for 180 days. SUPPORTING SHIPPERS: Cal-Ore Machinery Co., 1105 Court St. (P.O. Box 39), Medford, Oreg. 97501; Cubed Equipment, Inc., 2550 N. Pacific Highway, Medford, Oreg. 97501; Elliott Equipment Co., 3366 Crater Lake Highway, Medford, Oreg. 97501; Interstate Tractor & Equipment Co., 5100 Crater Lake, Ave., Medford, Oreg. 97501; Northwest Roads, a Division of Consolidated Equipment Sales, Inc., 7739 First Avenue South, P.O. Box 46107, Seattle, Wash. 98146; Pake Bros., Inc., Sales Coordinator, 2199 N. Pacific Hiway, Medford, Oreg. 97501; and Schetky Equipment Corp., 6740 Crater Lake, Ave., Medford, Oreg. 97501. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 106398 (Sub-No. 669 TA) filed June 21, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza P.O. Box 51096 Dawson Station Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Marshfield, Wis., to points in Minnesota, South Dakota, Michigan, North Dakota, Iowa and Montana, for 180 days. SUPPORTING SHIPPER: Marshfield Homes, P.O. Box 530—2301 E. 4th Street, Marshfield, Wis. 54449. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old Post Office Building, 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 106920 (Sub-No. 52 TA) filed June 21, 1973 Applicant: RIGGS FOOD EXPRESS, INC. P.O. Box 26, West Monroe St. New Bremen, Ohio 45869 Applicant's representative: Victor J. Tambascia (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maine, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Fort Wayne National Bank Building, Fort Wayne, Ind. 46802. SEND PROTESTS TO: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 107496 (Sub-No. 899 TA) filed June 21, 1973 Applicant: RUAN TRANSPORT CORPORATION Third and Keosauqua Way P. O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to Frisco, Pa., for 150 days. SUPPORTING SHIPPER: FMC Corporation, 633 3rd Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, 911 Walnut Street, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 856 TA) filed June 18, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. 3901 Jonesboro Road, S.E. P.O. Box 308 Forest Park, Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland,

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Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 111310 (Sub-No. 11 TA) filed June 21, 1973. Applicant: BEER TRANSIT, INC., P.O. Box 338, Hartland, Wis. 53209. Applicant's representative: Michael J. Wyngaard, 329 W. Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and advertising equipment, premiums, materials and supplies* when shipped therewith, from Milwaukee, Wis., to points in Clearwater, Beltrami, Koochiching, Cass, Hubbard, and Itasca Counties, Minn., and (2) *return of empty malt beverage containers and rejected shipments*, from points in Clearwater, Beltrami, Koochiching, Cass, Hubbard, and Itasca Counties, Minn., to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Inverness Distributing Company, 902½ Midway Drive, Bemidji, Minn. 56601, (Keith A. Johanneson, Owner. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 112822 (Sub-No. 278 TA) filed June 22, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Ponca City, Okla., to Lakeland, Fla. and Springhill, La., for 180 days. SUPPORTING SHIPPER: Continental Oil Company, B. P. Thompson, Supervisor, Petroleum Traffic, P.O. Box 2197, Houston, Tex. 77001. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240 Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 112595 (Sub-No. 52 TA) filed June 22, 1973 Applicant: FORD BROTHERS, INC. 510 Riverside Drive Coal Grove, Ohio 45638 Applicant's representative: Walter S. Dail (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar*, in bulk, in tank vehicles, from Ironton, Ohio, to points in Kentucky and West Virginia, for 180 days. SUPPORTING SHIPPER: Allied Chemical Corporation, P. O. Box 1139R, Morristown, N. J. 07960. Att.: L. P. Lazarus, Distribution Analyst. SEND PROTESTS To: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 113059 (Sub-No. 3 TA) filed June 21, 1973 Applicant: KELLER TRANSPORT, INC. Route 1, Christianson Rd. Billings, Mont. 59102 Applicant's representative: F. E. Keller (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Denver, Colo., to Casper and Sheridan, Wyo. and Billings, Mont., for 180 days. SUPPORTING SHIPPER: Witco Chemical Co., 3206 Reimer Park Dr., Billings, Mont. 59102. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S.P.O. Bldg., Billings, Mont. 59101.

No. MC 113678 (Sub-No. 502 TA) filed June 20, 1973 Applicant: CURTIS, INC. Off: 4810 Pontiac St. Commerce City, Colo. 80022 and Mail: P.O. Box 16004 Box zip 80216 Stockyards Station Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Alabama, Colorado, California, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New York, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Pennsylvania, Texas and Utah, restricted to traffic originating at the named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Building, Amarillo, Tex. 79101. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115311 (Sub-No. 155 TA) filed June 11, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31061 Applicant's representative: K. Edward Wolcott Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood paneling* (finished and unfinished), from the plant site of Plywood Panels, Inc., New Orleans, La., to points in Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Plywood Panels, Inc., Building 17, Napoleon and River, New Orleans, La. 70115. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 116763 (Sub-No. 258 TA) filed June 14, 1973 Applicant: CARL SUBLER TRUCKING, INC. North West Street Versailles, Ohio 45380 Applicant's representative: H. M. Richters (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the plantsite of Central Soya Company, Inc. at Decatur, Ind., for 180 days. SUPPORTING SHIPPER: Central Soya Company, Inc., 1300 Ft. Wayne National Bank Bldg., Fort Wayne, Ind. 46802. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117878 (Sub-No. 3 TA) filed June 22, 1973 Applicant: DWIGHT CHEEK doing business as DWIGHT CHEEK TRUCKING 2909 South Pierce, Box 1882 Amarillo, Tex. 79105 Applicant's representative: Dwight Cheek (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A & C of Appendix I to the report in *Description in Motor Carriers Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Louisiana, for 180 days. SUPPORTING SHIPPER: Joe Young, Traffic Manager, Glover Packing Company, P.O. Box 92, Amarillo, Tex. 79105. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 118318 (Sub-No. 25 TA) filed June 20, 1973 Applicant: IDA-CAL FREIGHT LINES, INC. 1798 Floral Avenue P.O. Box 422 Twin Falls, Idaho 83301 Applicant's representative: Bobby Shaw P.O. Box 188 Elm Springs, Ark. 72728 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, Idaho, Nevada, Oregon and Washington, restricted to traffic originating at the named origins, for 180 days. Note: Applicant does not intend to tack authority or interline with any other carrier. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 118989 (Sub-No. 97 TA) filed June 21, 1973 Applicant: CONTAINER TRANSIT, INC. 5223 South 9th Street Milwaukee, Wis. 53221 Applicant's representative: Robert H. Levy 29 So. LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass bottles*, not exceeding one gallon in capacity, from Marion, Ind., to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: National Can Corporation, 5959 South Cicero Avenue, Chicago, Ill. 60638, (John R. Moosbrugger, T.M. Rates & Research). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 119669 (Sub-No. 35 TA) filed June 22, 1973 Applicant: TEMPCO TRANSPORTATION, INC. 546 S. 31A, P.O. Box 886 Columbus, Ind. 47201 Applicant's representative: Donald McCameron (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Worthington, Ind., to points in Florida, Georgia, Maryland, Pennsylvania, New Jersey, New York, Massachusetts and Ohio, for 180 days. SUPPORTING SHIPPER: Corn County Pork, Inc., U.S. 231 North, Post Office Box 1, Worthington, Ind. 47471. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 120859 (Sub-No. 2 TA) (CORRECTION) filed May 14, 1973, published in the FEDERAL REGISTER issue of May 29, 1973, and republished as corrected this issue. Applicant: SHANE TRUCK LINE, INC. 707 Jefferson Avenue Clovis, Calif. 93612 Applicant's representative: William H. Kessler 638 Davisadero St. Fresno, Calif. 93721 Note: The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a contract carrier, which was published in error. The rest of the application remains the same.

No. MC 123392 (Sub-No. 55 TA) filed June 21, 1973 Applicant: JACK B. KELLEY, INC. U.S. 66 West at Kelley Drive (Route 1, Box 400) Amarillo, Tex. 79106 Applicant's representative: Weldon M. Teague (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenically liquefied oxygen*, in bulk, in cryogenic tank trailers, from Houston, Tex. and its commercial zone, to points in Kansas, Missouri, and Oklahoma, for 180 days. SUPPORTING SHIPPER: I. V. Kimball, Transportation Manager, Chemetron Corp., Industrial Gases Div., 111 E. Wacker Dr., Chicago, Ill. 60601. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 123407 (Sub-No. 128 TA) filed June 20, 1973 Applicant: SAWYER TRANSPORT, INC. South Haven Square U.S. Highway 6 Valparaiso, Ind. 46383 Applicant's representative: Robert W. Sawyer (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down metal buildings, wrought iron or steel conduit, and conduit fittings*, from Parkersburg, W. Va., to points in Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, New Hampshire, Rhode Island, Maine, Massachusetts, Vermont and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Walker/Parkersburg, P.O. Box 1828, Parkersburg, W. Va. 26101. SEND PROTESTS TO: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 127090 (Sub-No. 2 TA) filed June 22, 1973 Applicant: PACIFIC STORAGE INC. Off: 440 East 19th Street Tacoma, Wash. 98421 and Mlg: P.O. Box 1757 (Box zip 98401) Applicant's representative: George H. Hart 1100 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, used household goods, commodities in bulk and commodities which because of size or weight require the use of special equipment), between Seattle, Wash., on the one hand, and, on the other, points in Tacoma, Wash. Commercial Zone, including Tacoma, restricted to shipments moving to or from the distribution facilities of Washington Oregon Shippers Cooperation Association, Inc. and Clipper Express Company at Seattle, Wash., for 180 days. SUPPORTING SHIPPER: Clipper Express Company, 1520—Utah Avenue South, Seattle, Wash. 98134 and Washington-Oregon Shippers Cooperative Association, Inc., 1818 Westlake Avenue North, Seattle, Wash. 98109. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 128343 (Sub-No. 24 TA) filed June 20, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and supplies*, used in the manufacture and distribution of plastic materials and plastic products, from North Smithfield, R.I. and Jerome, Idaho, to points in Minnesota and Wisconsin, for 180 days. SUPPORTING SHIPPER: The Tupperware Co., North Smithfield, R.I. 02895. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 128645 (Sub-No. 6 TA) filed June 21, 1973 Applicant: RAY L. KRALL P.O. Box 335 Carson, Wash. 98610 Applicant's representative: David C. White 2400 S. W. Fourth Ave. Portland, Oreg. 97201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* for the account of Wilkins, Kaiser & Olsen, Inc., (1) from Carson, Wash., to Albany, Molalla and Portland, Oreg.; and (2) from Albany, Oreg., to Portland, Oreg.; and (3) from Portland, Oreg., to Sumner, Wash., for 180 days. SUPPORTING SHIPPER: Wilkins, Kaiser & Olsen, Inc., Carson, Wash. 98610. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 133708 (Sub-No. 7 TA) filed June 21, 1973 Applicant: FIKSE BROS., INC. 12647 East South Street Artesia, Calif. 90701 Applicant's representative: Carl H. Fritze 1545 Wilshire Boulevard Los Angeles, Calif. 90017 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, having an immediate prior movement by rail, from Phoenix, Ariz., to the plant site of Consolidated Concrete and Supply, Ltd., at or near Sun City, Ariz., for 180 days. SUPPORTING SHIPPER: Kaiser Cement & Gypsum Corporation, Southern California Division, 600 South Commonwealth Avenue, Los Angeles, Calif. 90005. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138026 (Sub-No. 1 TA) filed June 21, 1973 Applicant: LOGISTICS EXPRESS, INC. doing business as LOGEX 605 East Commercial Anaheim, Calif. 92801 Applicant's representatives: Handler, Baker and Greene 100 Pine Street Suite 2550 San Francisco, Calif. 94111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen, liquid oxygen, liquid argon and liquid hydrogen*, in bulk, in shipper owned tank vehicles, from the plant sites of Linde Division, Union Carbide Corporation, at or near Fontana, Wilmington, Torrance, Ontario, and Pittsburg, Calif., to points in Arizona, Nevada, Colorado, Texas, Oregon, Washington, New Mexico and Utah, for 180 days. SUPPORTING SHIPPER: Union Carbide Corporation,

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One California, San Francisco, Calif. 94111. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138764 (Sub-No. 1 TA) filed May 25, 1973 Applicant: AIR FREIGHT CENTRAL, INC. 711 Mexico City Avenue Kansas City, Mo. 64153 Applicant's representative: Donald J. Quinn, Suite 900—1012 Baltimore Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ford automobile and truck parts and accessories and other articles* used in the service and maintenance of Ford automobiles and trucks, between Kansas City International Airport at Kansas City, Mo., on the one hand, and, the site of Airborne Freight Corporation at or near St. Louis, Mo., on the other hand, for 90 days. SUPPORTING SHIPPER: Airborne Freight Corporation, Kansas City, Mo. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138814 (Sub-No. 1 TA) (CORRECTION) filed June 13, 1973, published in the FEDERAL REGISTER, Notice No. 88 as MC 138836 TA and corrected as republished this issue. Applicant: WILLIAM A. ADDISON & L. O. MCCULLOUGH doing business as AD MAC TRUCKING CO. 854 Forest Lake Drive South Macon, Ga. 31204 Applicant's representative: Andrew W. McKenna 200 American Federal Bldg. Macon, Ga. 31202 Note: The purpose of this republication is to correct the MC number to No. MC 138814 (Sub-No. 1 TA) in lieu of No. MC 138836 TA which was published in error. The rest of the application remains the same.

No. MC 138839 TA filed June 22, 1973 Applicant: WAYNE VOHLAND PRODUCE CO. 104 East 5th Street Kansas City, Mo. 64106 Applicant's representative: Lucy Kennard Bell 910 Fairfax Building 101 West 11th Street Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes* (except in bulk, in tank vehicles), from Branson, Mo., to points in California and Arizona, for 180 days. SUPPORTING SHIPPER: Keeter Charcoal Company, P.O. Box 277, Branson, Mo. 65616 SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138843 (Sub-No. 1 TA) filed June 21, 1973 Applicant: THORVALD GRESLIVOLD doing business as GRESLIVOLD TRUCK LINE 1229 7th Avenue N.E. P.O. Box 721 Minot, N. Dak. 58701 Applicant's representative: Harris P. Kenner 615 South Broadway P.O. Box 36 Minot, N. Dak. 58701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete culverts, sewers, arch pipe, cattle pass, manholes and bridge beams, prestressed bridge beams, polyvinyl chloride* (PVC) *plastic pipe and other related precast concrete products* as manufactured by North Dakota Concrete Products Co., from its plants located at Bismarck, Minot, Jamestown and Williston, N. Dak., to points in Daniels, Sheridan, Roosevelt, McCone, Richland, Dawson, Wibaux, Prairie, Fallon and Carter Counties, Mont., for 180 days. SUPPORTING SHIPPER: North Dakota Concrete Products Co., P.O. Box 815, Bismarck, N. Dak. 58501. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13843 Filed 7-6-73;8:45 am]

[Notice 310]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 3, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-74342. By application filed June 27, 1973, 160 W. MASTER ST., INC., 160 W. Master Street, Philadelphia, PA 19122, seeks temporary authority to lease the operating rights of TRIP TRANSPORT, INC., 3301 S. Galloway Street, Philadelphia, PA 19148, under section 210a(b). The transfer to 160 W. MASTER ST., INC., of the operating rights of TRIP TRANSPORT, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13844 Filed 7-6-73;8:45 am]

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WASHINGTON, D.C.

Volume 38 ■ Number 130

PART II

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

■

ELECTION OF OFFICERS OF LABOR ORGANIZATIONS

Revision of Regulations

No. 130—Pt. II——1

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Title 29—Labor

CHAPTER IV—OFFICE OF LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS, DEPARTMENT OF LABOR

SUBCHAPTER A—LABOR-MANAGEMENT REPORTS

PART 452—GENERAL STATEMENT CONCERNING THE ELECTION PROVISIONS OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 532, 534, 29 U.S.C. 481–484) provides standards for the election of officers of labor organizations, and assigns enforcement of the standards to the Secretary of Labor through litigation, after complaint and exhaustion of internal remedies, in the federal courts. Shortly after enactment of the statute the Department promulgated an interpretative regulation (29 CFR Part 452) for the purpose of setting out the Department's interpretations or position with respect to many of the provisions of Title IV.

Since the original publication of the regulation the Department of Labor has litigated innumerable election cases under Title IV and has considered and reacted to many diverse problems in connection with elections of union officers. Accordingly, it is appropriate in the light of this experience to expand, revise and update the interpretative regulation.

Therefore, pursuant to sections 401, 402, 73 Stat. 532, 534, 29 U.S.C. 481, 482, Secretary's Order No. 11–72 (May 12, 1972), Part 452 of Chapter IV of Title 29 of the Code of Federal Regulations is revised to read as follows:

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452.2 Application of union constitution and bylaws.
452.3 Interpretations of constitution and bylaws.
452.4 Investigatory provision — application.
452.5 Effect of violation on outcome.
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452.8 Trusteeship provisions, Title III.
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AUTHORITY: Secs. 401, 402, 73 Stat. 532, 534, 29 U.S.C. 481, 482, Secretary's Order No. 11–72 (May 12, 1972).

Subpart A—General Considerations

§ 452.1 Introductory statement.

(a) This part discusses the meaning and scope of the provisions of Title IV of the Labor-Management Reporting and Disclosure Act[1] (hereinafter referred to as the Act), which deal with the election of officers of labor organizations. These provisions require periodic election of union officers, and prescribe minimum standards to insure that such elections will be fairly conducted. Specific provisions are included to assure the right of union members to participate in selecting their officers without fear of interference or reprisal, and to protect the right to nominate candidates, run for office, and vote in officer elections. Title IV also sets forth the rights of candidates, provides for secret ballots in appropriate cases, and requires notice of nominations and elections, preservation of election records, and other safeguards to insure fair elections. However, the Act does not prescribe complete, detailed procedures for the nomination and election of union officers.

(b) Interpretations of the Labor-Management Services Administrator with respect to the election provisions of Title IV are set forth in this part to provide those affected by these provisions of the Act with "a practical guide * * * as to how the office representing the public interest in its enforcement will seek to apply it."[2] The correctness of an interpretation can be determined finally and authoritatively only by the courts. It is necessary, however, for the Labor-Management Services Administrator to reach informed conclusions as to the meaning of the law to enable him to carry out his statutory duties of administration and enforcement. The interpretations of the Labor-Management Services Administrator contained in this part, which are issued upon the advice of the Solicitor of Labor, indicate the construction of the law which will guide him in performing his duties unless and until he is directed otherwise by authoritative rulings of the courts or unless and until he subsequently announces that a prior interpretation is incorrect. However, the fact that a particular problem is not discussed in this part, or in interpretations supplementing it, should not be taken to indicate the adoption of any position by the Labor-Management Services Administrator with respect to such problem or to constitute an administrative interpretation or practice.

(c) To the extent that prior opinions and interpretations relating to the election of officers of labor organizations under the Act are inconsistent or in conflict with the principles stated in this part, they are hereby rescinded and withdrawn.

§ 452.2 Application of union constitution and bylaws.

Elections required to be held as provided in the title are to be conducted in accordance with the validly adopted constitution and bylaws of the labor organizations insofar as they are not inconsistent with the provisions of the Act.

§ 452.3 Interpretations of constitution and bylaws.

The interpretation consistently placed on a union's constitution by the responsible union official or governing body will be accepted unless the interpretation is clearly unreasonable.[3]

§ 452.4 Investigatory provision—application.

The provisions of section 601 of the Act provide general investigatory authority to investigate alleged violations of the Act including violations of Title IV. However, section 601 in and of itself provides no remedy, and the section must be read in conjunction with the remedy and statutory scheme of section 402, i.e., exhaustion of internal union remedies and a complaint to the Secretary following completion of the election before suit can be filed. In view of the remedy provided, an investigation prior to completion of an election may have the effect of publicizing the activities or unsubstantiated allegations of one faction to the prejudice of the opposition. To avoid this result, and as a matter of sound statutory construction, the Department will exercise its investigatory authority only in circumstances in which the outcome of the election could not be affected by the investigation.[4] Thus, the Department ordinarily will employ its investigatory authority only where the procedural requirements for a Title IV investigation have been met; but in unusual circumstances or where necessary to collect or preserve evidence an investigation may be conducted after the conclusion of balloting.

§ 452.5 Effect of violation on outcome.

Since the remedy under section 402 is contingent upon a finding by the court, among other things, that the violation "may have affected the outcome of an election"[5] the Secretary as a matter of policy will not file suit to enforce the election provisions unless the violations found are such that the outcome may have been affected.[6]

§ 452.6 Delegation of enforcement authority.

The authority of the Secretary under the Act has been delegated in part to the Labor-Management Services Administrator and to the Director, Office of Labor-Management and Welfare-Pension Reports.

Subpart B—Other Provisions of the Act Affecting Title IV

§ 452.7 Bill of Rights, Title I.

The provisions of Title I, "Bill of Rights of Members of Labor Organizations"[7] (particularly section 101(a) (1) "Equal Rights," section 101(a) (2) "Freedom of Speech and Assembly," and section 101(a) (5) "Safeguards against Improper Disciplinary Action") are related to the rights pertaining to elections. Direct enforcement of Title I rights, as such, is limited to civil suit in a district court of the United States by the person whose rights have been infringed.[8] The exercise of particular rights of members is subject to reasonable rules and regulations in the labor organization's constitution and bylaws.[9]

§ 452.8 Trusteeship provisions, Title III.

Placing a labor organization under trusteeship consistent with Title III, may have the effect of suspending the application of Title IV to the trusteed organization (see § 452.15).

§ 452.9 Prohibition against certain persons holding office; Sec. 504.

Among the safeguards for labor organizations provided in Title V is a prohibition against the holding of office by certain classes of persons.[10] This provision makes it a crime for any person willfully to serve as an officer or employee of a labor organization (other than exclusively as a clerical or custodial employee) within five years after conviction or imprisonment for the commission of specified offenses, including violation of Titles II or III of the Act, or consipiracy to commit such offenses. It is likewise a crime for any labor organization or officer knowingly to permit such a person to serve in such positions. Persons subject to the prohibition applicable to convicted criminals may serve if their citizenship rights have been fully restored after being taken away by reason of the conviction, or if the United States Board of Parole determines that their service would not be contrary to the purposes of the Act.

§ 452.10 Retaliation for exercising rights.

Section 609, which prohibits labor organizations or their officials from disciplining members for exercising their rights under the Act, and section 610, which makes it a crime for any person to use or threaten force or violence for the purpose of interfering with or preventing the exercise of any rights protected under the Act, apply to rights relating to the election of officers under Title IV.

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[1] 73 Stat. 532–535, 29 U.S.C. 481–483.

[2] Skidmore v. Swift & Co., 323 U.S. 134 at 138 (1944).

[3] English v. Cunningham, 282 F.2d 848 (C.A. D.C. 1960).

[4] However questions involving the use of force or violence or the threat of the use of force or violence under circumstances which may violate section 610 (29 U.S.C. 530) of the Act will be referred promptly to the Department of Justice for appropriate action.

[5] Act, sec. 402(b) (29 U.S.C. 482).

[6] The Secretary has delegated to the Solicitor, in agreement with the Labor-Management Services Administrator, the authority to make the finding required by the Act, that probable cause exists to believe that a violation of Title IV of the Act has occurred and has not been remedied. Secretary's Order No. 11–72 (May 12, 1972).

[7] 73 Stat. 522, 29 U.S.C. 411.

[8] But the Secretary may bring suit to enforce section 104 (29 U.S.C. 414).

[9] Act, sec. 101(a)(1), 101(a)(2), and 101(b) (29 U.S.C. 411).

[10] Act, sec. 504(a) (29 U.S.C. 504). See text at footnote 24.

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Subpart C—Coverage of Election Provisions

§ 452.11 Organizations to which election provisions apply.

Title IV of the Act contains election provisions applicable to national and international labor organizations, except federations of such organizations, to intermediate bodies such as general committees, conferences, system boards, joint boards, or joint councils, certain districts, district councils and similar organizations and to local labor organizations.[11] The provisions do not apply to State and local central bodies, which are explicitly excluded from the definition of "labor organization."[12] The characterization of a particular organizational unit as a "local," "intermediate," etc., is determined by its functions and purposes rather than the formal title by which it is known or how it classifies itself.

§ 452.12 Organizations comprised of government employees.

An organization composed entirely of government employees (other than employees of the United States Postal Service) is not subject to the election provisions of the Act. Section 3(e) of the Act, defining the term "employer," specifically excludes the United States Government, is wholly owned corporations, and the States and their political subdivisions from the scope of that term, and section 3(f) defines an "employee" as an individual employed by an "employer." Since a "labor organization" is defined in section 3(i) as one in which "employees" participate and which exists in whole or in part for the purpose of "dealing with employers," an organization composed entirely of government employees would not be a "labor organization"[13] as that term is defined in the Act. However, section 1209 of the Postal Reorganization Act provides that organizations of employees of the United States Postal Service shall be subject to the Labor-Management Reporting and Disclosure Act. An international or national labor organization which has some locals of government employees not covered by the Act and other locals which are mixed or are composed entirely of employees covered by the Act would be subject to the election requirements of the Act. Its mixed locals would also be subject to the Act. The requirements would not apply to locals composed entirely of government employees not covered by the Act, except with respect to the election of officers of a parent organization which is subject to those requirements or the election of delegates to a convention of such parent organization, or to an intermediate body to which the requirements apply.

[11] For the scope of the term "labor organization," see Part 451 of this chapter.

[12] See § 451.5 of this chapter for a definition of "State or local central body."

[13] Most labor organizations composed of Federal Government employees are subject to Executive Order 11491 and the Regulations issued pursuant thereto.

§ 452.13 Extraterritorial application.

Although the application of the Act is limited to the activities of persons and organizations within the territorial jurisdiction of the United States,[14] an international, national or intermediate body is not exempted from the requirements of the Act by virtue of the participation of its foreign locals or foreign membership in its elections. For example, votes received from Canadian members in referendum elections held by an international must have been cast under procedures meeting the minimum requirements of the Act, and Canadian delegates participating at conventions of the international at which officers are elected must have been elected by secret ballot.

§ 452.14 Newly formed or merged labor organizations.

The initial selection of officers by newly formed or merged labor organizations is not subject to the requirements of Title IV.[15] Such labor organizations may have temporary or provisional officers serve until a regular election subject to the Act can be scheduled. An election under all the safeguards prescribed in these regulations must be held within a reasonable period after the organization begins to function. What would be a reasonable time for this purpose depends on the circumstances, but after the formation or consolidation of the labor organization, a regular election subject to Title IV may not be deferred longer than the statutory period provided for that type of organization. However, when a pre-existing labor organization changes its affiliation without substantially altering its basic structure or identity the terms of its officers may not be extended beyond the maximum period specified by the Act for the type of labor organization involved.

§ 452.15 Effect of trusteeship.

Establishment of a valid trusteeship may have the effect of suspending the operation of the election provisions of the Act. When the autonomy otherwise available to a subordinate labor organization has been suspended consistent with the provisions of Title III of the Act, officers of the organization under trusteeship may be relieved of their duties and temporary officers appointed by the trustee if necessary to assist him in carrying out the purposes for which the trusteeship was established. However, when a regular election of officers or an election for purposes of terminating the trusteeship is being held during the trusteeship, Title IV would apply.

§ 452.16 Offices which must be filled by election.

Section 401 of the Act identifies the types of labor organizations whose officers must be elected and prescribes minimum standards and procedures for the conduct of such elections. Under that section officers of national or international labor organizations (except federations of such organizations), local labor organizations, and intermediate bodies such as general committees, system boards, joint boards, joint councils, conferences, certain districts, district councils and similar organizations must be elected.[16]

§ 452.17 Officer.

Section 3(n) of the Act defines the word "officer" and it is this definition which must be used as a guide in determining what particular positions in a labor organization are to be filled in the manner prescribed in the Act. For purposes of the Act, "officer" means "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body."

§ 452.18 Constitutional officers.

A constitutional officer refers to a person holding a position identified as an officer by the constitution and bylaws of the labor organization. Thus, for example, a legislative representative of a labor organization who performs no executive functions and whose duties are confined to promoting the interests of members in legislative matters is nevertheless an officer who is required to be elected where the labor organization's constitution identifies the holder of such a position as an officer. On the other hand, legislative representatives who are required to be elected by the constitution and bylaws of a labor organization are not considered to be officers within the meaning of the Act if they are not designated as such by the constitution, are not members of any executive board or similar governing body, and do not perform executive functions. As defined in the Act, however, the term "officer" is not limited to individuals in positions identified as such or provided for in the constitution or other organic law of the labor organization.[17] The post of Honorary President, President Emeritus or Past President that is to be assumed by the retiring chief executive officer of a union would not be an officer position unless it is designated as an officer position by the union's constitution, or the holder of the position performs executive functions or serves on an executive board or similar governing body.

§ 452.19 Executive functions.

The definitional phrase "a person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions

[14] See § 451.6 of this chapter.

[15] However, the other provisions of the Act are applicable immediately upon such formation or merger.

[16] See § 452.23 for a discussion of the frequency with which the different types of labor organizations must conduct elections of officers. See Part 451 of this chapter for the scope of the term "labor organization."

[17] Cf. NLRB v. Coca-Cola Bottling Co., 350 U.S. 264 (1956). See also, Daily Cong. Rec. 5867, Sen., Apr. 23, 1959.

of a labor organization" brings within the term "officer" any person who in fact has executive or policy-making authority or responsibility, although he may not occupy a position identified as an officer under the constitution and bylaws of the organization. Authorization to perform such functions need not be contained in any provision of the constitution or bylaws or other document but may be inferred from actual practices or conduct. On the other hand, a person is not an officer merely because he performs ministerial acts for a designated officer who alone has responsibility. The normal functions performed by business agents and shop stewards, such as soliciting memberships, presenting or negotiating employee grievances within the work place, and negotiating contracts are not "other executive functions" as that phrase is used in section 3(n) of the Act. However, a directing business representative or a business manager usually exercises such a degree of executive authority as to be considered an officer and, therefore, must be elected. The duties normally pertaining to membership on a bargaining committee do not come within the phrase "other executive functions." However, persons occupying such non-executive positions may be "officers" if they are ex officio members of the organization's executive board (or similar governing body) or if the constitution or bylaws of the union designate such positions as officers.

§ 452.20 Nature of executive functions.

(a) The functions that will bring a particular position with a title other than president, vice-president, secretary-treasurer, or executive board member within the definition of "officer" cannot be precisely defined. They are the functions typically performed by officers holding these titles in current labor union practice. Decisions in each case will require a practical judgment. As a general rule, a person will be regarded as being authorized to perform the functions of president if he is the chief or principal executive officer of the labor organization. Similarly, he will be regarded as being authorized to perform the functions of treasurer if he has principal responsibility for control and management of the organization's funds and fiscal operation. A member of any group, committee, or board which is vested with broad governing or policymaking authority will be regarded as a member of an "executive board or similar governing body." The name or title that the labor organization assigns to the position is not controlling.

(b) The purpose of the election requirement of the Act is to assure that persons in positions of control in labor organizations will be responsive to the desires of the members.[18] Professional and other staff members of the labor organization who do not determine the organization's policies or carry on its executive functions and who are employed merely to implement policy decisions and managerial directives established by the governing officials of the organization are not officers and are not required to be elected.

[18] See, for example, S. Rept. 187, 86th Cong., 1st sess., p. 7.

§ 452.21 Members of executive board.

The phrase "a member of its executive board or similar governing body" refers to a member of a unit identified as an executive board or a body, whatever its title, which is vested with functions normally performed by an executive board. Members of a committee which is actually the executive board or similar governing body of the union are considered officers within the meaning of section 3(n) of the Act even if they are not so designated by the union's constitution and bylaws. For example, members of an "Executive-Grievance Committee" which exercises real governing powers are officers under the Act. However, it should be noted that committee membership alone will not ordinarily be regarded as an indication of officer status, unless the committee or its members meet the requirements contained in section 3(n) of the Act.

§ 452.22 Delegates to a convention.

Under certain circumstances, delegates to a convention of a national or international labor organization, or to an intermediate body, must be elected by secret ballot among the members in good standing of the labor organization they represent even though such delegates are not "officers" of the organization. Such election is required by the Act[19] when the delegates are to nominate or elect officers of a national or international labor organization, or of an intermediate body. There is, of course, no requirement that delegates be elected in accordance with the provisions of Title IV if they do not nominate or elect officers, unless delegates are designated as "officers" in the union's constitution and bylaws or unless, by virtue of their position, they serve as members of the executive board or similar governing body of the union.

Subpart D—Frequency and Kinds of Elections

§ 452.23 Frequency of elections.

The Act requires that all national and international labor organizations (other than federations of such labor organizations) elect their officers not less often than every five years. Officers of intermediate bodies, such as general committees, system boards, joint boards, joint councils, conferences, and certain districts, district councils and similar organizations, must be elected at least every four years, and officers of local labor organizations not less often than every three years.

§ 452.24 Terms of office.

The prescribed maximum period of three, four, or five years is measured from the date of the last election.[20] It would not be consistent with these provisions of the Act for officers elected for the maximum terms allowable under the statute to remain in office after the expiration of their terms without a new election. Failure to hold an election for any office after the statutory period has expired constitutes a continuing violation of the Act, which may be brought to the attention of the Secretary in the form of a complaint filed in accordance with the appropriate procedure. Title IV establishes only maximum time intervals between elections for officers. Labor organizations covered by these provisions may hold elections of officers with greater frequency than the specified maximum period. For example, a local labor organization is required to hold an election of officers at least once every three years, but it must hold an election every year if its governing rules so provide. It should be noted, moreover, that the provisions of Title IV apply to all regular elections of officers in labor organizations subject to the Act. Thus, if a labor organization chooses to hold elections of officers more frequently than the statutory maximum intervals, it must observe the minimum standards set forth in Title IV for the conduct of such elections.

[19] Act, sec. 401(a) and 401(d) (29 U.S.C. 481).

[20] See § 452.14 for a discussion of the selection of officers in a new or newly-merged labor organization.

§ 452.25 Vacancies in office.

Title IV governs the regular periodic elections of officers in labor organizations subject to the Act. No requirements are imposed with respect to the filling by election or other method of any particular office which may become vacant between such regular elections. If, for example, a vacancy in office occurs in a local labor organization, it may be filled by appointment, by automatic succession, or by a special election which need not conform to the provisions of Title IV. The provisions of section 504 of the Act, which prohibit certain persons from holding office, are applicable to such situations. While the enforcement procedures of section 402 are not available to a member in connection with the filling of an interim vacancy, remedies may be available to an aggrieved member under section 102 of the LMRDA or under any pertinent State or local law.

§ 452.26 Elections in local labor organizations.

Local labor organizations must conduct their regular elections of officers by secret ballot among the members in good standing. All members in good standing of the local labor organization must be given an opportunity to vote directly for candidates to fill the offices that serve them. Indirect election of officers of a local labor organization would violate section 401(b) of the Act. For example, a procedure whereby the local's membership elects an executive board or some similar body by secret ballot which in turn selects (either from among its own membership or from the local's membership at large) the persons to fill specific offices would not comply with the Act.[21]

[21] Wirtz v. Independent Petroleum Workers of America, 75 LRRM 2340, 63 L.C. ¶ 11,190 (N.D. Ind. 1970).

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Similarly, the election of a chief steward by the shop stewards would violate the Act if the chief steward, by virtue of that position, aso serves as a member of the executive board, since members of the executive board must be elected directly by secret ballot among the members in good standing.

§ 452.27 National, international organizations, and intermediate bodies.

The officers of a national or international labor organization or of an intermediate body must be elected either directly by secret ballot among the members in good standing or indirectly by persons acting in a representative capacity who have been elected by secret ballot among all members in good standing.[23]

§ 452.28 Unopposed candidates.

An election of officers or delegates that would otherwise be required by the Act to be held by secret ballot need not be held by secret ballot when all candidates are unopposed and the following conditions are met: (1) The union provides a reasonable opportunity for nominations; (2) write-in votes are not permitted, as evidenced by provisions in the constitution and bylaws, by an official interpretation fairly placed on such documents, or by established union practice; and (3) the union complies with all other provisions of Title IV.

§ 452.29 Primary elections.

Where a union holds primary elections or similar procedures for eliminating candidates prior to the final vote in connection with regular elections subject to these provisions, the primary election or other procdeure must be conducted in accordance with the same standards required under the Act for the final election.

§ 452.30 Run-off elections.

A run-off election must meet the standards set forth in Title IV if the original election was subject to the requirements of the Act. For example, if the run-off is to be held at the same meeting as the original election, the original notice of election must have so stated and all records pertaining to the run-off must be retained.

§ 452.31 One candidate for several offices.

Where a union constitution or other validly adopted rule provides that a single elected officer will perform the functions of more than one office, a separate election need not be held for each office.

Subpart E—Candidacy for Office; Reasonable Qualifications

§ 452.32 Persons who may be candidates and hold office; secret ballot elections.

Section 401(e) provides that in any election of officers required by the Act which is held by secret ballot, every member in good standing with the exceptions explained in sections following shall be eligible to be a candidate and to hold office. This provision is applicable not only to the election of officers in local labor organizations, but also to elections of officers in national or international and intermediate labor organizations where those elections are held by secret ballot referedum among the members, and to the election of delegates to conventions at which officers will be elected.

§ 452.33 Persons who may be candidates and hold office; elections at conventions.

Where elections of national or international labor organizations or of intermediate bodies are held at a convention of delegates elected by secret ballot, protection of the right to be a candidate and to hold office is afforded by the requirement in section 401(f) that the convention be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of Title IV. If members in good standing are denied the right to be candidates by the imposition of unreasonable qualifications on eligibility for office such qualifications would be inconsistent with the provisons of Title IV.

§ 452.34 Application of section 504, LMRDA.

The eligibility of members of labor organizations to be candidates and to hold office in such organizations is subject only to the provisions of section 504(a), which bars certain individuals from holding office in labor organizations[24] and to reasonable qualifications uniformly imposed. A person who is barred from serving in union office by section 504(a) is not eligible to be a candidate. However, a labor organization may permit a person who is barred from holding union office by section 504(a) to be a candidate for office if the section 504 disability will terminate by the customary date for the installation of officers. A labor organization may within reasonable limits adopt stricter standards than those contained in section 504(a) by extending the period of disability beyond 5 years or by barring from union office persons who have been convicted of crimes other than those specified.

§ 452.35 Qualifications for candidacy.

It is recognized that labor organizations may have a legitimate institutional interest in prescribing minimum standards for candidacy and officeholding in the organization. On the other hand, a dominant purpose of the Act is to ensure the right of members to participate fully in governing their union and to make its officers responsive to the members. A basic assumption underlying the concept of "free and democratic elections," is that voters will exercise common sense and good judgment in casting their ballots. In union elections as in political elections, the good judgment of the members in casting their votes should be the primary determinant of whether a candidate is qualified to hold office. Therefore, restrictions placed on the right of members to be candidates must be closely scrutinized to determine whether they serve union purposes of such importance, in terms of protecting the union as an institution, as to justify subordinating the right of the individual member to seek office and the interest of the membership in a free, democratic choice of leaders.

§ 452.36 Reasonableness of qualifications.

(a) The question of whether a qualification is reasonable is a matter which is not susceptible of precise definition, and will ordinarily turn on the facts in each case. However, court decisions in deciding particular cases have furnished some general guidelines. The Supreme Court in Wirtz v. Hotel, Motel and Club Employees Union, Local 6, 391 U.S. 492 at 499 (1968) held that

> Congress plainly did not intend that the authorization in section 401(e) of 'reasonable qualifications uniformly imposed' should be given a broad reach. The contrary is implicit in the legislative history of the section and in its wording that 'every member in good standing shall be eligible to be a candidate and to hold office * * *.' This conclusion is buttressed by other provisions of the Act which stress freedom of members to nominate candidates for office. Unduly restrictive candidacy qualifications can result in the abuses of entrenched leadership that the LMRDA was expressly enacted to curb. The check of democratic elections as a preventive measure is seriously impaired by candidacy qualifications which substantially deplete the ranks of those who might run in opposition to incumbents.

Union qualifications for office should not be based on assumptions that certain experience or qualifications are necessary. Rather it must be assumed that the labor organization members will exercise common sense and judgment in casting their ballots. "Congress' model of democratic elections was political elections in this country" (Wirtz v. Local 6, 391 U.S. at 502) and a qualification may not be required without a showing that citizens assumed to make discriminating judgments in public elections cannot be relied on to make such judgments when voting as union members.

(b) Some factors to be considered, therefore, in assessing the reasonableness of a qualification for union office are

1. The relationship of the qualification to the legitimate needs and interests of the union;
2. The relationship of the qualification to the demands of union office;
3. The impact of the qualification, in the light of the Congressional purpose of fostering the broadest possible participation in union affairs;
4. A comparison of the particular qualification with the requirements for holding office generally prescribed by other labor organizations; and
5. The degree of difficulty in meeting a qualification by union members.

§ 452.37 Types of qualifications.

Ordinarily the following types of requirements may be considered reasonable, depending on the circumstances in which they are applied and the effect of their application:

(a) *Period of prior membership.* It would ordinarily be reasonable for a local union to require a candidate to have been a member of the organization for a reasonable period of time, not exceeding two years, before the election. However, if a member is involuntarily compelled to transfer from one local to another, such a requirement would not be reasonable if he is not given credit for his prior period of membership.

(b) *Continuity of good standing.* A requirement of continuous good standing based on punctual payment of dues will be considered a reasonable qualification only if (1) it provides a reasonable grade period during which members may make up missed payments without loss of eligibility for office,[24] and (2) the period of time involved is reasonable. What are reasonable periods of time for these purposes will depend upon the circumstances. Section 401(e) of the Act provides that a member whose dues have been withheld by the employer for payment to the labor organization pursuant to his voluntary authorization provided for in a collective bargaining agreement may not be declared ineligible to vote or be a candidate for office by reason of alleged delay or default in the payment of dues. If during the period allowed for payment of dues in order to remain in good standing, a member on a dues checkoff system has no earnings from which dues can be withheld, section 401(e) does not relieve the member of the responsibility of paying his dues in order to remain in good standing.

§ 452.38 Meeting attendance requirements.

(a) It may be reasonable for a labor organization to establish a requirement of attendance at a specified number of its regular meetings during the period immediately preceding an election, in order to insure that candidates have a demonstrated interest in and familiarity with the affairs of the organization. In the past, it was ordinarily considered reasonable to require attendance at no more than 50 percent of the meetings over a period not exceeding two years. Experience has demonstrated that it is not feasible to establish arbitrary guidelines for judging the reasonableness of such a qualification. Its reasonableness must be gauged in the light of all the circumstances of the particular case, including not only the frequency of meetings, the number of meetings which must be attended and the period of time over which the requirement extends, but also such factors as the nature, availability and extent of excuse provisions, whether all or most members have the opportunity to attend meetings, and the impact of the rule, i.e., the number or percentage of members who would be rendered ineligible by its application.[25]

(b) Some guidance is furnished by court decisions which have held particular meeting attendance requirements to be unreasonable under the following circumstances: one meeting during each quarter for the three years preceding nomination, where the effect was to disqualify 99 percent of the membership (Wirtz v. Independent Workers Union of Florida, 65 LRRM 2104, 55 L.C. ¶11,857 (M.D. Fla. 1967)); 75 percent of the meetings held over a two-year period, with absence excused only for work or illness, where over 97 percent of the members were ineligible (Wirtz v. Local 153, Glass Bottle Blowers Ass'n., 244 F.Supp. 745 (W.D. Pa. 1965), order vacating decision as moot, 372 F.2d 86 (C.A. 3 1966), reversed 389 U.S. 463; decision on remand, 405 F.2d 176 (C.A. 3 1968)); Wirtz v. Local 262, Glass Bottle Blowers Ass'n., 290 F.Supp. 965 (N.D. Cal., 1968)); attendance at each of eight meetings in the two months between nomination and election, where the meetings were held at widely scattered locations within the state (Hodgson v. Local Union No. 624 A–B, International Union of Operating Engineers, 80 LRRM 3049, 68 L.C. ¶12,816 (S.D. Miss. Feb. 19, 1972)).

§ 452.39 Participation in insurance plan.

In certain circumstances, in which the duties of a particular office require supervision of an insurance plan in more than the formal sense, a union may require candidates for such office to belong to the plan.

§ 452.40 Prior office holding.

A requirement that candidates for office have some prior service in a lower office is not considered reasonable.[26]

§ 452.41 Working at the trade.

(a) It would ordinarily be reasonable for a union to require candidates to be employed at the trade or even to have been so employed for a reasonable period. In applying such a rule an unemployed member is considered to be working at the trade if he is actively seeking such employment. Such a requirement should

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[23] See § 452.119 and following for discussion of indirect elections.

[24] Section 504(a) (29 U.S.C. 504) of the Act reads: "No person who is or has been a member of the Communist Party or has been convicted of, or served any part of a prison term resulting from this conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, or conspiracy to commit any such crimes, shall serve—

(1) As an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, or other employee (other than as an employee performing exclusively clerical or custodial duties) of any labor organization, or

(2) As a labor relations consultant to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee (other than as an employee performing exclusively clerical or custodial duties) of any group or association of employers dealing with any labor organization,

during or for five years after the termination of his membership in the Communist Party, or for five years after such conviction or after the end of such imprisonment, unless prior to the end of such five-year period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the Board of Parole of the United States Department of Justice determines that such person's service in any capacity referred to in clause (1) or (2) would not be contrary to the purposes of this Act. Prior to making any such determination the Board shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Board's determination in any such proceeding shall be final. No labor organization or officer thereof shall knowingly permit any person to assume or hold any office or paid position in violation of this subsection."

NOTE: The U.S. Supreme Court, on June 7, 1965, held unconstitutional as a bill of attainder the section 504 provision which imposes criminal sanctions on Communist Party members for holding union office; U.S. v. Brown, 381 U.S. 437.

[24] In Goldberg v. Amarillo General Drivers, Teamsters Local 577, 214 F. Supp. 74 (N.D. Tex. 1963), the disqualification of five nominees for union office for failure to satisfy a constitutional provision requiring candidates for office to have maintained continuous good standing for two years by paying their dues on or before the first business day of the current month, in advance, was held to be unreasonable. See also Wirtz v. Local Unions No. 9, 9–A and 9–B, International Union of Operating Engineers, 254 F. Supp. 980 (D. Colo. 1965), aff'd. 366 F. 2d 911 (CA 10 1966), vacated as moot 387 U.S. 96 (1967).

[25] Cf. Writz v. Hotel, Motel and Club Employees Union, Local 6, 391 U.S. 492, at 502: "Plainly, given the objective of Title IV, a candidacy limitation which renders 93% of union members ineligible for office can hardly claim to be a 'reasonable qualification.'"

[26] Wirtz v. Hotel, Motel and Club Employees Union, Local 6, 391 U.S. 492 at 504. The Court stated that the union, in applying such a rule, "* * * assumes that rank and file union members are unable to distinguish qualified from unqualified candidates for particular offices without a demonstration of a candidate's performance in other offices. But Congress' model of democratic elections was political elections in this Country, and they are not based on any such assumption. Rather, in those elections the assumption is that voters will exercise common sense and judgment in casting their ballots. Local 6 made no showing that citizens assumed to make discriminating judgments in public elections cannot be relied on to make such judgments when voting as union members * * *."

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not be so inflexible as to disqualify those members who are familiar with the trade but who because of illness, economic conditions, or other good reasons are temporarily not working.

(b) It would be unreasonable for a union to prevent a person from continuing his membership rights on the basis of failure to meet a qualification which the union itself arbitrarily prevents the member from satisfying. If a member is willing and able to pay his union dues to maintain his good standing and his right to run for office, it would be unreasonable for the union to refuse to accept such dues merely because the person is temporarily unemployed. Where a union constitution requires applicants for membership to be actively employed in the industry served by the union, a person who becomes a member would not be considered to forfeit his membership in the union or any of the attendant rights of membership merely because he is discharged or laid off.

(c) Ordinarily members working part-time at the trade may not for that reason alone be denied the right to run for office.

(d) A labor organization may postpone the right to run for office of members enrolled in a bona fide apprenticeship program until such members complete their apprenticeship.

§ 452.42 Membership in particular branch or segment of the union.

A labor organization may not limit eligibility for office to particular branches or segments of the union where such restriction has the effect of depriving those members who are not in such branch or segment of the right to become officers of the union.[27]

§ 452.43 Representative categories.

In the case of a position which is representative of a unit defined on a geographic, craft, shift, or similar basis, a labor organization may by its constitution or bylaws limit eligibility for candidacy and for holding office to members of the represented unit. For example, a national or international labor organization may establish regional vice-presidencies and require that each vice-president be a member of his respective region. This kind of limitation would not be considered reasonable, however, if applied to general officers such as the president, vice-president, recording secretary, financial secretary, and treasurer. If eligibility of delegates to a convention which will elect general officers is limited to special categories of members, all such categories within the organization must be represented.

§ 452.44 Dual unionism.

While the Act does not prohibit a person from maintaining membership or holding office in more than one labor organization, it would be considered reasonable for a union to bar from candidacy for office persons who hold membership in a rival labor organization.

§ 452.45 Multiple officeholding.

An officer may hold more than one office in a labor organization so long as this is consistent with the constitution and bylaws of the organization.

§ 452.46 Characteristics of candidate.

Where personal characteristics have a direct bearing on fitness for office, a labor organization may establish certain restrictions on the right to be a candidate. For example, it may require a minimum age for candidacy or it may establish a compulsory retirement age for officers. A union may not, however, establish such rules if they would be inconsistent with any other Federal law. Thus, it ordinarily may not limit eligibility for office to persons of any particular race, color, religion, sex, or national origin since this would be inconsistent with the Civil Rights Act of 1964.[28] A union may not require candidates for office to be registered voters and to have voted in public elections during the year preceding their nomination. Similarly, it cannot require that candidates have voted in the previous union election to be eligible. Such restrictions may not be said to be relevant to the member's fitness for office.

§ 452.47 Employer or supervisor members.

Inasmuch as it is an unfair labor practice under the Labor-Management Relations Act (LMRA) for any employer (including persons acting in that capacity) to dominate or interfere with the administration of any labor organization, it follows that employers, while they may be members, may not be candidates for office or serve as officers. Thus, while it is recognized that in some industries, particularly construction, members who become foremen, supervisors, or contractors traditionally keep their union membership as a form of job security or as a means of retaining union benefits, such persons may not be candidates for or hold office.[29] Whether a restriction on officeholding by members who are group leaders or others performing some supervisory duties is reasonable depends on the particular circumstances. For instance, if such persons might be considered "supervisors" [30] under the LMRA, their right to be candidates under the Act may be limited. Another factor in determining the reasonableness of a ban on such persons is the position (if any) of the NLRB on the status of the particular employees involved. If, for example, the NLRB has determined that certain group leaders are part of the bargaining unit, it might be unreasonable for the union to prohibit them from running for office. An overall consideration in determining whether a member may fairly be denied the right to be a candidate for union office as an employer or supervisor is whether there is a reasonable basis for assuming that the person involved would be subject to a conflict of interest in carrying out his representative duties for employees and rank and file union members.

§ 452.48 Employees of union.

A labor organization may in its Constitution and By-Laws prohibit members who are also its full-time non-elective employees from being candidates for union office, because of the potential conflict of interest arising from the employment relationship which could be detrimental to the union as an institution.

§ 452.49 Other union rules.

(a) Unions may establish such other reasonable rules as are necessary to protect the members against leaders who may have committed serious offenses against the union. For example, a union may, after appropriate proceedings, bar from office persons who have misappropriated union funds, even if such persons were never indicted and convicted in a court of law for their offenses. Of course, the union would have to provide reasonable precautions to insure that no member is made ineligible to hold office on the basis of unsupported allegations and that any rights guaranteed him by the constitution and bylaws are protected. Similarly, a union may require an elected officer to sign an affidavit averring that he is not barred from serving as an officer by the provisions of section 504 of the Act since the union and its officers may not permit a person to serve as an officer if he is so barred (see footnote 24).

(b) It would not violate the Act for a union to prohibit successive terms in office or to limit the number of years an officer may serve. Such rules are intended to encourage as many members as possible to seek positions of leadership in the organization.

§ 452.50 Disqualification as a result of disciplinary action.

Section 401(e) was not intended to limit the right of a labor organization to take disciplinary action against members guilty of misconduct. So long as such action is conducted in accordance with section 101(a)(5), a union may, for example, if its constitution and bylaws so provide, bar from office for a period of time any member who is guilty of specific acts, such as strikebreaking, detrimental to the union as an institution. However, if a union has improperly disciplined a member and barred him from candidacy, the Secretary may, in an appropriate case, treat him as a member in good standing entitled to all of the rights of members guaranteed by Title IV.

[27] Hodgson v. Local Unions No. 18, etc., IUOE, 440 F. 2d 485 (C.A. 6), cert. den. 404 U.S. 852 (1971); Hodgson v. Local 610, Unit. Elec. Radio & Mach. Work. of Am., 342 F. Supp. 1344 (W.D. Pa. 1972).

[28] Shultz v. Local 1291, International Longshoremen's Association, 338 F. Supp. 1204 (E.D. Pa.), aff'd. 461 F.2d 1262 (C.A. 3, July 20, 1972).

[29] See Nassau and Suffolk Contractors' Association, 118 NLRB No. 19 (1957). See also Local 636, Plumbers v. NLRB, 287 F.2d 354 (C.A. D.C. 1961).

[30] Under section 2(11) of the Labor Management Relations Act, supervisors include individuals "having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

§ 452.51 Declaration of candidacy.

A union may not adopt rules which in their effect discourage or paralyze any opposition to the incumbent officers. Therefore, it would not be a reasonable qualification to require members to file a declaration of candidacy several months in advance of the nomination meeting since such a requirement would have such effect and "serves no reasonable purpose which cannot otherwise be satisfied without resort to this procedure." [31]

§ 452.52 Filing fee.

It would be unreasonable to require candidates for office to pay a filing fee because a fee limits the right of members to a reasonable opportunity to nominate the candidates of their choice and there is no objective relationship between the requirement and the ability to perform the duties of the office.

§ 452.53 Application of qualifications for office.

Qualifications for office which may seem reasonable on their face may not be proper if they are applied in an unreasonable manner or if they are not applied in a uniform way. An essential element of reasonableness is adequate advance notice to the membership of the precise terms of the requirement. A qualification which is not part of the constitution and bylaws or other duly enacted rules of the organization may not be the basis for denial of the right to run for office, unless required by Federal or State law.[32] Qualifications must be specific and objective. They must contain specific standards of eligibility by which any member can determine in advance whether or not he is qualified to be a candidate. For example, a constitutional provision which states that "a candidate shall not be eligible to run for office who intends to use his office as a cloak to effect purposes inimical to the scope and policies of the union" would not be a reasonable qualification within the meaning of section 401(e) because it is so general as to preclude a candidate from ascertaining whether he is eligible and would permit determinations of eligibility based on subjective judgments. Further, such a requirement is by its nature not capable of being uniformly imposed as required by section 401(e).

§ 452.54 Retroactive rules.

(a) The reasonableness of applying a newly adopted restriction on candidacy retroactively depends in part upon the nature of the requirement. It would be unreasonable for a labor organization to enforce eligibility requirements which the members had no opportunity to satisfy. For example, it would not be reasonable for a union to apply a newly adopted meeting attendance requirement retroactively since members would have no opportunity to comply with such requirement prior to its effective date.[33] When such a rule is in effect the membership is entitled to advance notice of the requirements of the rule and of the means to be used in verifying attendance. It would not be unreasonable, however, for a union to adopt and enforce a rule disqualifying persons convicted of a felony from being candidates or holding office.

(b) It would not be proper for a labor organization to amend its constitution after an election to make eligible a person who had been elected but who was not eligible at the time of the election.

Subpart F—Nominations for Office

§ 452.55 Statutory provisions concerning nomination.

In elections subject to the provisions of Title IV a reasonable opportunity must be afforded for the nomination of candidates. Although the Act does not prescribe particular forms of nomination procedures, it does require that the procedures employed be reasonable and that they conform to the provisions of the labor organization's constitution and bylaws insofar as they are not inconsistent with the provisions of Title IV.

§ 452.56 Notice.

(a) To meet this requirement, the labor organization must give timely notice reasonably calculated to inform all members of the offices to be filled in the election as well as the time, place, and form for submitting nominations. Such notice should be distinguished from the notice of election, discussed in § 452.99. Notice of nominations need not necessarily be given at least 15 days before nominations are held, nor is it required to be given by mail. In an election which is to be held by secret ballot, accordingly, notice of nominations may be given in any manner reasonably calculated to reach all members in good standing and in sufficient time to permit such members to nominate the candidates of their choice, so long as it is in accordance with the provisions of the labor organization's constitution or bylaws. Mailing such notice to the last known address of each member within a reasonable time prior to the date for making nominations would satisfy this requirement. Likewise, timely publication in the union newspaper with sufficient prominence to be seen by all members would be adequate notice. The method of making nominations, whether by mail, petition, or at meetings, could affect the determination of the timeliness of the notice. The nomination notice may be combined with the election notice if the requirements of both are met. Posting of a nomination notice may satisfy the requirement of a reasonable opportunity for making nominations if such posting is reasonably calculated to inform all members in good standing in sufficient time to permit such members to nominate the candidates of their choice.

(b) The requirement of a reasonable opportunity for the nomination of candidates has been met only when the members of a labor organizations are fully informed of the proper method of making such nominations.

§ 452.57 Procedures for nomination.

(a) Since the Act does not prescribe particular procedures for the nomination of candidates, the labor organization is free to employ any method that will provide a reasonable opportunity for making nominations. There are various methods which, if properly and fairly employed, would be considered reasonable under the Act. For example, nominations may be by petition, or from the floor at a nomination meeting.

(b) Whether a particular procedure is sufficient to satisfy the requirements of the Act is a question which will depend upon the particular facts in each case. While a particular procedure may not on its face violate the requirements of the Act, its application in a given instance may make nomination so difficult as to deny the members a reasonable opportunity to nominate.

§ 452.58 Self-nomination.

A system of self-nomination, if this is the only method for making nominations, deprives union members of a reasonable opportunity to nominate candidates and thus is inconsistent with the provisions of Title IV.[34] Self-nomination is permissible only if the members are afforded additional methods whereby they may nominate the candidates of their choice.

§ 452.59 Presence of nominee.

A requirement that members must be present at the nomination meeting in order to be nominated for office might be considered unreasonable in certain circumstances; for example, in the absence of a provision for an alternative method under which a member who is unavoidably absent from the nomination meeting may be nominated, such a restriction might be regarded as inconsistent with the requirement in section 401(e) that there be a reasonable opportunity to nominate and to be a candidate.

§ 452.60 Nominations for national, international or intermediate body office.

(a) When officers of a national or international labor organization or of an

[31] Wirtz v. Local 30, IUOE, 242 F. Supp. 631 (S.D. N.Y. 1965) reversed as moot 366 F.2d 438 (C.A. 2, 1966), reh. den. 366 F.2d 438.

[32] Wirtz v. Local Union 559, United Brotherhood of Carpenters and Joiners of America, 61 LRRM 2618, 53 L.C. ¶ 11.044 (W.D. Ky. 1966); Hodgson v. Longshoremen's Local 1655 New Orleans Dray Clerks, 79 LRRM 2893, 67 L.C. ¶ 12,466 (E.D. La. January 5, 1972).

[33] Hodgson v. Longshoremen's Local 1655, New Orleans Dray Clerks, 79 LRRM 2693, 67 L.C. ¶12,466 (E.D. La. January 5, 1972)

[34] See Wirtz v. National Maritime Union of America, 399 F.2d 544 (C.A. 2 1968).

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intermediate body are to be elected by secret ballot among the members of the constituent local unions, it is not unreasonable for the organization to employ a nominating procedure whereby each local may nominate only one candidate for each office. When such a procedure is employed the organization may require that each candidate be nominated by a certain number of locals before his name will appear on the ballot. The reasonableness of the number of local union nominations or endorsements required depends upon the size and dispersion of the organization.

(b) Nominations for national, international or intermediate body office by locals or other subordinate organizations differ from primary elections in that they are not subject to all the technical requirements of secret ballot elections.[34] However, where nominations are made by locals or other subordinate organizations fundamental safeguards must be observed including the right of members to vote for and support the candidates of their choice without improper interference.

§ 452.61 Elimination contests—local unions.

(a) A procedure in a local under which nominees compete in an elimination process to reduce the number of candidates in the final balloting is also part of the election process and must be conducted by secret ballot.

(b) When such an elimination process is used it would be unreasonable for some nominees, such as those selected by a nominating committee, to be exempt from the process since they would thus be given an unfair advantage over other nominees.

§ 452.62 Disqualification of candidates: procedural reasons.

A candidate who is otherwise eligible for office may not be disqualified because of the failure of a union officer to perform his duties which are beyond the candidate's control. For example, the failure of a local recording secretary to perform his duty to complete and forward a candidate's nomination certificate to the district may not be used as the basis for disqualifying the candidate.

§ 452.63 Nominations at conventions.

In elections at conventions at which nominations are also made, delegates who have been elected by secret ballot must be given ample opportunity to nominate candidates on behalf of themselves or the members they represent. A union may adopt a rule limiting access to the convention floor to delegates. However, once the candidates have been nominated, they must be accorded equal opportunity to campaign.[35] Where delegates are instructed by locals to nominate candidates, the constitution of the organization or the convention rules should provide a specific procedure for the implementation of nominating instructions issued by any local to its delegate.

§ 452.64 Write-in votes.

The Act neither requires nor prohibits write-in candidacy or write-in votes. These matters are governed by appropriate provisions of the union's constitution and bylaws, applicable resolutions, or the established practice of the union.

§ 452.65 Interval between nominations and election.

The Act specifies no time interval between nominations and election. Thus, both may be scheduled to be held at the same meeting if, during a reasonable period prior to such nomination-election meeting, every member eligible to hold office who intends to run for office is afforded the protection provided in section 401(c), including sufficient opportunity to campaign for office.

Subpart G—Campaign Safeguards

§ 452.66 Statutory provisions.

The opportunity for members to have a free, fair, and informed expression of their choices among candidates seeking union office is a prime objective of Title IV of the Act. Voters can best be assured opportunity for an informed choice if certain campaign rights are guaranteed to candidates and their supporters. To this end, the statute provides that adequate safeguards to insure a fair election shall be provided, and states certain specific safeguards. These safeguards apply not only to candidates for officer positions as defined in the Act but also to candidates for delegate posts. If the delegates are to nominate or elect officers.

§ 452.67 Distribution of campaign literature.

The Act imposes the duty on the union and its officers to comply with all reasonable requests of any candidate to distribute his campaign literature to the membership at his expense. When the organization or its officers authorize distribution of campaign literature on behalf of any candidate, similar distribution under the same conditions must be made for any other candidate, if he requests it. In order to avoid charges of disparity of treatment among candidates, it is advised that a union inform all candidates in advance of the conditions under which distribution will be made and promptly advise them of any change in those conditions.

§ 452.68 Distribution to less than full membership.

Although section 401(c) specifies distribution to "all members in good standing," a labor organization must also honor requests for distribution of literature to only a portion of the membership if such distribution is practicable. Each candidate may choose his own ways of campaigning for election according to his own ingenuity and resources. For example, some candidates for national or international union office may desire to limit distribution to delegates, but others may want to appeal directly to the membership or parts thereof in an effort to influence particular constituencies to choose delegates favorable to their candidacy.

§ 452.69 Expenses of campaign literature.

Each candidate must be treated equally with respect to the expense of such distribution. Thus, a union and its officers must honor a candidate's request for distribution where the candidate is willing and able to bear the expense of such distribution. However, should the candidate be unable to bear such expense, there is no requirement that the union distribute the literature of the candidate free of charge. In the event the union distributes any candidate's literature without charge, however, all other candidates are entitled to have their literature distributed on the same basis. Since labor organizations have an affirmative duty to comply with all reasonable requests of any candidate to distribute campaign literature (at the candidate's expense), a union rule refusing all such distributions would not be proper, even though applied in a nondiscriminatory fashion. In view of the fact that expenses of distribution are to be borne by the candidate a labor organization may not refuse to distribute campaign literature merely because it may have a small staff which cannot handle such distribution for all candidates. If this is the case, the organization may employ additional temporary staff or contract the job to a professional mailer and charge the expense incurred to the candidates for whom the service is being rendered. The organization may require candidates to tender in advance the estimated costs of distributing their literature, if such requirement is applied uniformly.

§ 452.70 Contents of literature.

The Act does not and unions may not regulate the contents of campaign literature which candidates may wish to have distributed by the union. This is left to the discretion of each candidate. The labor organization may not require that it be permitted to read a copy of the literature before it is sent out, nor may it censor the statements of the candidates in any way, even though the statement may include derogatory remarks about other candidates. Furthermore, a union's contention that mailing of certain campaign literature may constitute libel for which it may be sued has been held not to justify its refusal to distribute the literature, since the union is under a statutory duty to distribute the material.[37]

[34] In Hodgson v. United Mine Workers of America, the Court directed that the nomination proceedings within the local unions be conducted by secret ballot and in accordance with the provisions of Title IV. [80 LRRM 3451, 68 L.C. ¶ 12,786 (D.D.C. June 15, 1972)]. This Order indicates that the use of secret ballot nominating procedures may be an appropriate remedial measure in a supervised election.

[35] See § 452.79.

[37] See Philo v. Stellato, (E.D. Mich. Civil No. 21244, May 24, 1961); Ansley v. Fulco, (Calif. Ct. of Appeal, First App. District, Div. Three, 1 Civil No. 29483, May 31, 1972).

§ 452.71 Inspection of membership lists.

(a) Each bona fide candidate for office has a right, once within 30 days prior to any election in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment. The right of inspection does not include the right to copy the list but does include the right to compare it with a personal list of members. It is the intent of the Act that such membership lists be made available for inspection at the candidates' option any time within the 30-day period. The list is not required to be maintained continuously and may be compiled immediately before each election. The form in which the list is to be maintained is not specified by the Act, Thus, a card index system may satisfy the requirements of the Act. The list may be organized alphabetically or geographically, or by local in a national or international labor organization.

(b) It is the duty of the labor organization and its officers to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members. Thus, if a union permits any candidate to use such lists in any way other than the right of inspection granted by the Act, it must inform all candidates of the availability of the list for that purpose and accord the same privilege to all candidates who request it. Such privileges may include permitting inspection of the list where members are not subject to a collective bargaining agreement requiring membership as a condition of employment, inspecting the list more than once, or copying the list.

§ 452.72 Period of inspection.

The Act specifies the maximum period during which the right of inspection of membership lists is to be granted. The opportunity to inspect the lists must be granted once during the 30-day period prior to the casting of ballots in the election. Thus, where a mail ballot system is employed under which ballots are returnable as soon as received by members, the right to inspect must be accorded within the 30-day period prior to the mailing of the ballot to members. It would be an unreasonable restriction to permit inspection of lists only after the ballots have been mailed or the balloting has commenced.

§ 452.73 Use of union funds.

In the interest of fair union elections, section 401(g) of the Act places two limitations upon the use of labor organization funds derived from dues, assessments, or similar levy. These limitations are: (a) No such funds may be contributed or applied to promote the candidacy of any person in an election subject to Title IV, either in an election within the organization expending the funds or in any other labor organization; and (b) no such funds may be used for issuing statements involving candidates in the election. This section is not intended to prohibit a union from assuming the cost of distributing to the membership on an equal basis campaign literature submitted to the union by the candidates pursuant to the rights granted by section 401(c), as previously discussed, nor does it prohibit the expenditure of such funds for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of the election.

§ 452.74 Expenditures permitted.

The Act does not prohibit impartial publication of election information. Thus, it would not be improper for a union to sponsor a debate at which all candidates for a particular office are afforded equal opportunity to express their views to the membership prior to an election. Similarly, a union may issue information sheets containing biographical data on all candidates so long as all candidates are given equal opportunity to submit such data.

§ 452.75 Union newspapers.

The provisions of section 401(g) prohibit any showing of preference by a labor organization or its officers which is advanced through the use of union funds to criticize or praise any candidate. Thus, a union may neither attack a candidate in a union-financed publication nor urge the nomination or election of a candidate in a union-financed letter to the members. Any such expenditure regardless of the amount, constitutes a violation of section 401(g).[38]

§ 452.76 Campaigning by union officers.

Unless restricted by constitutional provisions to the contrary, union officers and employes retain their rights as members to participate in the affairs of the union, including campaigning activities on behalf of either faction in an election. However, such campaigning must not involve the expenditure of funds in violation of section 401(g). Accordingly, officers and employees may not campaign on time that is paid for by the union, nor use union funds, facilities, equipment, stationery, etc., to assist them in such campaigning. Campaigning incidental to regular union business would not be a violation.

§ 452.77 Permissible use of union funds.

Certain uses of union funds are considered permissible under section 401(g). For example, a court ruled that money of a subordinate union may be contributed to a committee formed to challenge the results of a national union election under Title IV when such contributions are properly authorized by the members in an effort to pursue election remedies both within and outside the union. In holding such activity to be outside the prohibitions of section 401(g), although the committee was formed by defeated candidates and their supporters, the court stated that ". . . It does not promote the candidacy of any person if an election is declared invalid by a court under Title IV's procedure despite the fact that in the rerun election the candidates may be identical. Neither the winner nor the loser of the disputed election gains votes by the setting aside of the election. Such action is not a vote-getting device but merely returns the parties to their pre-election status; it does not place any candidate into office." [39]

§ 452.78 Expenditures by employers.

(a) As an additional safeguard, section 401(g) provides that no money of an employer is to be contributed or applied to promote the candidacy of any person in an election subject to the provisions of Title IV. This includes indirect as well as direct expenditures. Thus, for example, campaigning by union stewards on company time with the approval of the employer would violate section 401(g) unless it can be shown that they are on legitimate work assignments, and that their campaign activities are only incidental to the performance of their assigned task and do not interfere with its performance. This prohibition againt the use of employer money includes any costs incurred by an employer, or anything of value contributed by an employer, in order to support the candidacy of any individual in an election. It would not, however, extend to ordinary business practices which result in conferring a benefit, such as, for example, a discount on the cost of printing campaign literature which is made available on the same terms to other customers.

(b) The prohibition against the use of employer money to support the candidacy of a person in any election subject to the provisions of Title IV is not restricted to employers who employ members of the labor organization in which the election is being conducted, or who have any business or contractual relationship with the labor organization.

§ 452.79 Opportunity to campaign.

There must be a reasonable period prior to the election during which office-seekers and their supporters may engage in the campaigning that the Act contemplates and guarantees. What is a reasonable period of time would depend upon the circumstances, including the method of nomination and the size of the union holding the election, both in terms of the number of members and the geographic area in which it operates. For example, a candidate for office in a local labor organization was improperly disqualified and then appealed to the international union which directed that his name be placed on the ballot. A complaint was considered properly filed alleging election violations because the candidate's name was restored to the

[38] Hodgson v. Liquor Salesmen's Union, Local No. 2, 334 F.Supp. 1369 (S.D. N.Y.) aff'd 449 F.2d 1344 (C.A. 2 1971); Shultz v. Local Union 6799, United Steelworkers, 426 F.2d 969 (C.A. 9 1970).

[39] Retail Clerks Union, Local 648 v. Retail Clerks International Association, 299 F.Supp. 1012, 1024 (D.D.C. 1969).

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ballot two days prior to the election so that he was denied an equal opportunity to campaign. Similarly, in a mail ballot election a union's delay in the distribution of campaign literature until after the ballots have been distributed and some have been cast would not satisfy the requirement to distribute such literature in compliance with a reasonable request.[40] Such a delay would deny the candidate a reasonable opportunity to campaign prior to the election and would thus not meet the requirement for adequate safeguards to insure a fair election. Where access to the convention floor is limited exclusively to delegates at a convention at which officers are to be elected, there must, nevertheless, be equal opportunity for all nominees to campaign. Thus, if the privilege of addressing the convention is accorded to any of the nominees, it must be accorded to all nominees who request it, whether they are delegates or not.

§ 452.80 Bona fide candidates.

A person need not be formally nominated in order to be a bona fide candidate entitled to exercise the rights mentioned in § 452.67 and § 452.71.[41] Thus, any qualified member seeking to be nominated and elected at a convention would be table to take advantage of the distribution rights even before the convention meets and thus attempt to influence members to select delegates favorable to his candidacy or to persuade the delegates to support his candidacy. A union may reasonably require that a person be nominated in order to be elected, but many not prevent a member who actively seeks office and is otherwise qualified from taking advantage of the campaign safeguards in the Act in an effort to gain the support necessary to be nominated.

§ 452.81 Rights in intermediate body elections.

While the literal language in section 401(c) relating to distribution of campaign literature and to discrimination with respect to the use of membership lists would seem to apply only to national, international and local labor organizations, two United States District Courts have held that these provisions also apply to intermediate bodies.[42] The Department of Labor considers these rulings to be consistent with the intent of Congress and, therefore, has adopted this position.

§ 452.82 Reprisal for exercising rights.

A member has a right to support the candidate of his choice without being subject to penalty, discipline, or improper interference or reprisal of any kind by the labor organization conducting the election or any member thereof.

[40] Wirtz v. American Guild of Variety Artists, 267 F. Supp. 527 (S.D.N.Y. 1967).
[41] Yablonski v. United Mine Workers, 71 LRRM 2606, 60 L.C. 10,204 (D.D.C 1969).
[42] Antal v. UMW District 5, 64 LRRM 2222, 54 L.C. 11,621 (W.D. Pa. 1966); Schonfeld v. Rarback, 49 L.C. 19,039 (S.D.N.Y. 1964).

§ 452.83 Enforcement of campaign safeguards.

Certain of the safeguards of section 401(c) are enforceable at the suit of any bona fide candidate. This special statutory right to sue is limited to the distribution of campaign literature by the labor organization and the forbearance of such organization from discrimination among candidates with respect to the use of membership lists. Of course, all Title IV safeguards, including those discussed in this paragraph, are subject to enforcement as provided in section 402. It should be noted that the right of a bona fide candidate to sue in the circumstances described herein is limited to the period prior to election. After the election, the only remedy would be through a suit by the Secretary under section 402.

Subpart H—Right to Vote

§ 452.84 General.

Under the provisions of section 401(e), every member in good standing is entitled to vote in elections required under Title IV which are to be held by secret ballot. The phrase "member in good standing" includes any person who has fulfilled the requirements for membership and who neither has withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of the organization.[43]

§ 452.85 Reasonable qualifications on right to vote.

The basic right of members to vote in elections of the labor organization may be qualified by reasonable rules and regulations in its constitution and bylaws.[44]

§ 452.86 Vote conditioned on payment of dues.

A labor organization may condition the exercise of the right to vote upon the payment of dues, which is a basic obligation of membership. Such a rule must be applied uniformly. If a member has not paid his dues as required by the labor organization's constitution or bylaws he may not be allowed to vote. Thus, a rule which suspends a member's right to vote in an election of officers while the member is laid off and is not paying dues would not, in ordinary circumstances, be considered unreasonable, so long as it is applied in a nondiscriminatory manner. However, members must be afforded a reasonable opportunity to pay dues, including a grace period during which dues may be paid without any loss of rights. In the case where a member is laid off but desires to maintain his good standing and thus his membership rights by continuing to pay dues, it would be clearly unreasonable for the labor organization to refuse to accept his payment.

§ 452.87 Dues paid by checkoff.

A member in good standing whose dues are checked off by his employer pursuant to his voluntary authorization provided for in a collective bargaining agreement may not be disqualified from voting by reason of alleged delay or default in the payment of dues. For example, the constitution and bylaws of a labor organization call for suspension of members whose dues are three months in arrears. Dues to be paid directly by a member are two months in arrears when the union changes to a checkoff system. The member may not be denied the right to vote merely because the employer is late in submitting the checked off dues for the first month. It would not be inconsistent with the Act, however, for a union to require a new member who executes a checkoff authorization to pay one month's dues in advance on the date he becomes a member in order to be in good standing for the current month.

[43] Act, sec. 3(o).
[44] Act, sec. 101(a)(1).

§ 452.88 Resumption of good standing.

While it is permissible for a labor organization to deny the right to vote to those delinquent in paying their dues (with the exceptions noted) or to those who have been suspended or disciplined in accordance with section 101(a)(5) of the Act, a provision under which such persons are disqualified from voting for unextended period of time after payment of back dues or after reinstatement would not be considered reasonable. After a member has resumed his good-standing status, it would be unreasonable to continue to deprive him of his right to vote for a period longer than that for a new member. A new member may reasonably be required to establish a relationship with the union by remaining in good standing for a continuous period of time, e.g., 6 months or a year, before being permitted to vote in an election of officers. However, while the right to vote may be deferred within reasonable limits, a union may not create special classes of nonvoting members.

§ 452.89 Apprentices.

A labor organization may condition the right to vote upon completion of a bona fide program of apprenticeship training which is designed to produce competent tradesmen in the industry the union serves.

§ 452.90 Visiting members.

A decision about the voting rights of visiting members is properly one for resolution by the union in accordance with the organization's constitution and bylaws or applicable resolutions. For purposes of the Act, a person is ordinarily considered to be a member of the local to which he pays his dues.

§ 452.91 Voting by employers, supervisors.

Voting in union elections by employers, self-employed persons, supervisors or other persons who are considered to be part of management is not precluded by Title IV of the Act even if they are not required to maintain union membership as a condition of employment. However, as mentioned in the discussion of qualifications for candidacy (see § 452.47), such persons may not dominate or interfere with the administration of any labor organization.

§ 452.92 Unemployed members.

Members who are otherwise qualified to vote may not be disqualified from voting merely because they are currently unemployed or are employed on a part-time basis in the industry served by the union, provided, of course, that such members are paying dues.

§ 452.93 Retired members.

The right of retirees to vote may be restricted to the extent provided by the constitution and bylaws of the labor organization.

§ 452.94 Reasonable opportunity to vote.

The statutory protection of the right to vote implies that there must be a reasonable opportunity to vote. Thus, there is an obligation on the labor organization to conduct its periodic election of officers in such a way as to afford all its members a reasonable opportunity to cast ballots. A union may meet this obligation in a variety of ways, depending on factors such as the distance between the members' work site or homes and the polling place, the means of transportation available, the nature of the members' occupations, and their hours of work. A reasonable opportunity to vote may require establishing multiple polling places or the use of a mail ballot referendum when the members are widely dispersed. It would also be reasonable for the time period for voting to be extended to accomodate members who might otherwise be prevented from voting due to conflicting work schedules. Shortening the voting period by a late opening of the polls would not, in itself, be improper unless the intent or practical effect of such action is to deprive members of their right to vote.

§ 452.95 Absentee ballots.

Where the union knows in advance that a substantial number or a particular segment of the members will not be able to exercise their right to vote in person, as, for example, when access to a polling place is impracticable for many members because of shipping assignments, absentee ballots or other means of voting must be made available.[45] In the event absentee ballots are necessary the organization must give its members reasonable notice of the availability of such ballots.[46]

Subpart I—Election Procedures; Rights of Members

§ 452.96 General.

The Act safeguards democratic processes by prescribing, in section 401, minimum standards for the regular periodic election of officers in labor organizations subject to its provisions. It does not, however, prescribe in detail election procedures which must be followed. Labor organizations are free to establish procedures for elections as long as they are fair to all members and are consistent with lawful provisions of the organization's constitution and bylaws and with section 401. The rights granted to members in section 401(e) refer to individuals, not labor organizations. For example, while locals may be members of an intermediate body, they are not entitled to the rights granted "members" in section 401(e).

§ 452.97 Secret ballot.

(a) A prime requisite of elections regulated by Title IV is that they be held by secret ballot among the members or in appropriate cases by representatives who themselves have been elected by secret ballot among the members. A secret ballot under the Act is "the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice * * * cast in such a manner that the person expressing such choice cannot be identified with the choice expressed."[47] Secrecy may be assured by the use of voting machines or, if paper ballots are used, by providing voting booths, partitions, or other physical arrangements permitting privacy for the voter while he is marking his ballot. The ballot must not contain any markings which upon examination would enable one to identify it with the voter. Balloting by mail presents special problems in assuring secrecy. Although no particular method of assuring such secrecy is prescribed, secrecy may be assured by the use of a double envelope system for return of the voted ballots with the necessary voter identification appearing only on the outer envelope.

(b) Should any voters be challenged as they are casting their ballots, there should be some means of setting aside the challenged ballots until a decision regarding their validity is reached without compromising the secrecy requirement. For example, each such ballot might be placed in an envelope with the voter's name on the outside. Of course, it would be a violation of the secrecy requirement to open these envelopes and count the ballots one at a time in such a way that each vote could be identified with a voter.

(c) In a mail ballot election, a union may require members to sign the return envelope if the signatures may be used in determining eligibility. However, it would be unreasonable for a union to void an otherwise valid ballot merely because a member printed rather than signed his name if the union does not use the signatures to determine voter eligibility.

§ 452.98 Outside agencies.

There is nothing in the Act to prevent a union from employing an independent organization as its agent to handle the printing, mailing, and counting of ballots in such elections if all the standards of the Act are met.

[45] Goldberg v. Marine Cooks and Stewards Union, 204 F. Supp. 844 (N.D. Cal. 1962).
[46] Wirtz v. Local Union 262, Glass Bottle Blowers Association, 290 F. Supp. 965 (N.D. Calif. 1968).
[47] Act, sec. 3(k).

§ 452.99 Notice of election.

Elections required by Title IV to be held by secret ballot must be preceded by a notice of election mailed to each member at his last known home address not less than fifteen days prior to the election.[48] For purposes of computing the fifteen day period, the day on which the notices are mailed is not counted whereas the day of the election is counted. For example, if the election is to be held on the 20th day of the month, the notices must be mailed no later than the 5th day. The notice must include a specification of the date, time and place of the election and of the offices to be filled, and it must be in such form as to be reasonably calculated to inform the members of the impending election. Specification of the offices to be filled would not be necessary if it is a regular, periodic election of all officers and the notice so indicates. A statement in the union bylaws that an election will be held at a certain time does not constitute the notice required by the statute. Since the Act specifies that the notice must be mailed, other means of transmission such as posting on a bulletin board or hand delivery will not satisfy the requirement. A notice of election must be sent to every member as defined in section 3(o) of the Act, not only to members who are eligible to vote in the election. Where the notice, if mailed to the last known permanent or legal residents of the member, would not be likely to reach him because of a known extended absence from that place, the statutory phrase "last known home address" may reasonably be interpreted to refer to the last known temporary address of definite duration. A single notice for both nominations and election may be used if it meets the requirements of both such notices.[49]

§ 452.100 Use of union newspaper as notice.

A labor organization may comply with the election notice requirement by publishing the notice in the organization's newspaper which is mailed to the last known home address of each member not less than fifteen days prior to the election. Where this procedure is used (a) the notice should be conspicuously placed on the front page of the newspaper, or the front page should have a conspicuous reference to the inside page where the notice appears, so that the inclusion of the election notice in a particular issue is readily apparent to each member; (b) the notice should clearly identify the particular labor organization holding the election; (c) the notice should specify the time and place of the election and the offices to be filled; and (d) a reasonable effort must be made to keep the mailing list of the publication current.

§ 452.101 Sample ballots as notice.

Sample ballots together with information as to the time and place of the

[48] Act, sec. 401(e).
[49] See § 452.56 for a discussion of the requirements for notices of nomination.

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election and the offices to be filled, if mailed fifteen days prior to the election, will fulfill the election notice requirements.

§ 452.102 Notice in mail ballot election.

If the election is conducted by mail and no separate notice is mailed to the members, the ballots must be mailed to the members no later than fifteen days prior to the date when they must be mailed back in order to be counted.

§ 452.103 Primary elections.

The fifteen-day election notice provision applies to a "primary election" at which nominees are chosen. Likewise, the fifteen-day election notice requirement applies to any runoff election which may be held after an inconclusive election. However, a separate notice would not be necessary if the election notice for the first election advises the members of the possibility of a runoff election and specifies such details as the time and place of such runoff election as may be necessary.

§ 452.104 Proximity of notice to election.

(a) The statutory requirement for giving fifteen days' notice of election is a minimum standard. There is no objection to giving more notice than is required by law. However, it was clearly the intent of Congress to have members notified at a time which reasonably precedes the date of the election. For example, notice in a union publication which is expected to cover elections to be held six months later would not be considered reasonable.

(b) Should a union change the date of an election from the date originally announced in the mail notice to the members, it must mail a second notice, containing the corrected date, at least fifteen days before the election.

§ 452.105 Interference or reprisal.

Title IV expressly provides for the right of a member to vote for and otherwise support the candidates of his choice without being subject to penalty, discipline, or improper interference or reprisal of any kind by the labor organization conducting the election or any officer or member thereof.[50]

§ 452.106 Preservation of records.

In every secret ballot election which is subject to the Act, the ballots and all other records pertaining to the election must be preserved for one year.[51] The responsibility for preserving the records is that of the election officials designated in the constitution and bylaws of the labor organization or, if none is so designated, its secretary. Since the Act specifies that ballots must be retained, all ballots, marked or unmarked, must be preserved. Independent certification as to the number and kind of ballots destroyed may not be substituted for preservation. In addition, ballots which have been voided, for example, because they were received late or because they were cast for an ineligible candidate, must also be preserved.

§ 452.107 Observers.

(a) Under the provisions of section 401(c), each candidate must be permitted to have an observer (1) at the polls and (2) at the counting of the ballots. This right encompasses every phase and level of the counting and tallying process, including the counting and tallying of the ballots and the totaling, recording, and reporting of tally sheets. If there is more than one polling place, the candidate may have an observer at each location. If ballots are being counted at more than one location or at more than one table at a single location, a candidate is entitled to as many observers as necessary to observe the actual counting of ballots. The observer may note the names of those voting so that the candidates may be able to ascertain whether unauthorized persons voted in the election. The observers should be placed so that they do not compromise, or give the appearance of compromising, the secrecy of the ballot. The observer is not required to be a member of the labor organization unless the union's constitution and bylaws require him to be a member. There is no prohibition on the use of alternate observers, when necessary, or on a candidate serving as his own observer. Observers do not have the right to count the ballots.

(b) The right to have an observer at the polls and at the counting of the ballots extends to all candidates for office in an election subject to Title IV, i.e., this includes elections in intermediate bodies as well as elections in locals and national and international labor organizations.

(c) In any secret ballot election which is conducted by mail, regardless of whether the ballots are returned by members to the labor organization office, to a mail box, or to an independent agency such as a firm of certified public accountants, candidates must be permitted to have an observer present at the preparation and mailing of the ballots, their receipt by the counting agency and at the opening and counting of the ballots.

(d) Paying election observers is the responsibility of the candidate they represent unless the union has a rule providing for the payment of observers. If the union does have such a rule, it must be uniformly applied to all candidates.

§ 452.108 Publication of results.

In any election which is required by the Act to be held by secret ballot, the votes cast by members of each local labor organization must be counted, and the results published, separately.[52] For example, where officers of an intermediate body are elected directly by members, the votes of each local must be tabulated and published separately. The publishing requirement is to assure that the results of the voting in each local are made known to all interested members. Thus, the presentation of the election report at a regular local membership meeting, and the entry of the report in the minutes, would normally accomplish this purpose in a local election. Such minutes would have to be available for inspection by members at reasonable times, unless copies of the report are made available. In an election that encompasses more than one local, publication may be accomplished by posting on appropriate bulletin boards, or in a union newspaper, or by any procedure which allows any member to obtain the information without unusual effort. Of course, the counting and reporting should account for all ballots cast in the election, although only valid votes will be counted in determining the successful candidates.

§ 452.109 Constitution of labor organization.

Elections must be conducted in accordance with the constitution and bylaws of the organization insofar as they are not inconsistent with the provisions of Title IV.[53]

§ 452.110 Adequate safeguards.

(a) In addition to the election safeguards discussed in this Part, the Act contains a general mandate in section 401(c), that adequate safeguards to insure a fair election shall be provided. Such safeguards are not required to be included in the union's constitution and bylaws, but they must be observed. A labor organization's wide range of discretion regarding the conduct of elections is thus circumscribed by a general rule of fairness. For example, if one candidate is permitted to have his nickname appear on the ballot, his opponent should enjoy the same privilege.

(b) A union's failure to provide voters with adequate instructions for properly casting their ballots may violate the requirement of adequate safeguards to insure a fair election.

§ 452.111 Campaigning in polling places.

There must not be any campaigning within a polling place[54] and a union may forbid any campaigning within a specified distance of a polling place.

§ 452.112 Form of ballot, slate voting.

The form of the ballot is not prescribed by the Act. Thus, a union may, if it so

[50] Act, section 401(e). In Wirtz v. Local 1752, ILA, 56 LRRM 2303, 49 L.C. ¶18,998 (S.D. Miss. 1963), the court, under its equitable jurisdiction, granted a preliminary injunction on the motion of the Secretary to enjoin a union from taking disciplinary action against a member. The member had filed a complaint with the Secretary under section 402(a) that resulted in the Secretary filing suit under 402(b).

[51] Act, section 401(e).

[52] Act, sec. 401(e). See also Senate Report 187, 86th Cong. 1st sess., p. 47; Daily Cong. Rec. p. 13682, Aug. 3, 1959, and p. A6573, July 29, 1959.

[53] Act, sec. 401(e). Under 29 CFR 402.10, a labor organization is required to make available to all members a copy of its constitution and bylaws.

[54] See Hodgson v. UMW, 344 F.Supp. 17 (D.D.C. 1972).

desires, include a proposed bylaw change or other similar proposal on a ballot along with the candidates for office so long as this is permissible under the union's constitution and bylaws. A determination as to the position of a candidate's name on the ballot may be made by the union in any reasonable manner permitted by its constitution and bylaws, consistent with the requirement of fairness and the other provisions of the Act. For example, candidates may be listed according to their affiliation with a particular slate. However, while "slate voting" is permissible, the balloting must be consistent with the right of members to vote for the candidates of their choice. Thus, there must be provision for the voter to choose among individual candidates if he does not wish to vote for an entire slate. To avoid any misunderstand in this regard, the voting instructions should specifically inform the voter that he need not vote for an entire slate.

§ 452.113 Sectional balloting.

The ballots may be prepared so that the names of candidates for positions representative of a particular area appear only on the ballots received by members living in that area.

§ 452.114 Write-in votes.

Where write-in votes are permitted in an election subject to Title IV, details of the format of the ballot are left to the discretion of the union. Ordinarily, the Secretary would become involved in such matters only in the context of an election complaint under section 402 and then only if the arrangements for write-in votes were so unreasonable that the outcome of the election may have been affected. Of course, a union may, in accordance with its constitution and bylaws or as a matter of stated policy, refuse to permit write-in votes.

§ 452.115 Distribution of ballots.

So long as secrecy of the ballot is maintained, there is no restriction on how the ballots are distributed to the voters. Any method which actually provides each eligible voter with one blank ballot would be in conformance with the law.

§ 452.116 Determining validity of ballots.

Generally, a labor organization has a right to establish reasonable rules for determining the validity of ballots cast in an election. However, where the union has no published guides for determining the validity of a voted ballot, it must count any ballot voted in such a way as to indicate fairly the intention of the voter. An entire ballot may not be voided because of a mistake made in voting for one of the offices on the ballot.

§ 452.117 Majority of votes not required for election.

A labor organization may by its constitution and bylaws provide for the election of the candidate who receives the greatest number of votes, although he does not have a majority of all the votes cast. Alternatively, it may provide that where no candidate receives a majority of all the votes cast, a run-off election be held between the two candidates having the highest vote. Similarly, a labor organization conducting an election to choose five members of an executive board may designate as elected from among all the nominees the five candidates who receive the highest vote.

§ 452.118 Local unions agents in international elections.

An international union may establish internal rules which require local or intermediate union officials to act as agents of the international in conducting designated aspects of the international referendum election of officers. The consequences of the failure to perform as directed by such officials will, of course, depend on the totality of the circumstances involved.

§ 452.119 Indirect elections.

National or international labor organizations subject to the Act have the option of electing officers either directly by secret ballot among the members in good standing or at a convention of delegates or other representatives who have been elected by secret ballot among the members. Intermediate labor organizations subject to the Act have the option of electing officers either directly by secret ballot among the members in good standing or by labor organization officers or delegates elected by secret ballot vote of the members they represent. Local unions, in contrast, do not have the option of conducting their periodic elections of officers indirectly through representatives.

§ 452.120 Officers as delegates.

Officers of labor organizations who have been elected by secret ballot vote of their respective memberships may, by virtue of their election to office, serve as delegates to conventions at which officers will be elected, if the constitution and bylaws of the labor organization so provide. In such cases it is advisable to have a statement to this effect included on the ballots. Persons who have been appointed to serve unexpired terms of officers who are ex officio delegates to a convention at which officers will be elected may not vote for officers in such election.

§ 452.121 Limitations on national or international officers serving as delegates.

While officers of national or international labor organizations or of intermediate bodies who have been elected by a vote of the delegates to a convention may serve as delegates to conventions of their respective labor organizations if the constitution and bylaws so provide, they may not vote in officer elections at such conventions unless they have also been elected as delegates by a secret ballot vote of the members they are to represent. Of course, such officers may participate in the convention, i.e., they may preside over the convention, be nominated as candidates, or act in other capacities permitted under the organization's constitution and bylaws.

§ 452.122 Delegates from intermediate bodies; method of election.

A delegate from an intermediate body who participates in the election of officers at a national or international convention must have been elected by a secret ballot vote of the individual members of the constituent units of that body. He may not participate if he was elected by the delegates who make up the intermediate body. The secret ballot election required by the Act is an election among the general membership and not an election of delegates by other delegates.

§ 452.123 Elections of intermediate body officers.

Section 401(d) states that officers of intermediate bodies shall be elected either by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot. The phrase "officers representative of such members" includes delegates who have been elected by secret ballot to represent labor organizations in intermediate bodies. Such delegates may therefore participate in the election of officers of intermediate bodies regardless of whether they are characterized as officers of the labor organization they represent.

§ 452.124 Delegates from units which are not labor organizations.

To the extent that units, such as committees, which do not meet the definition of a labor organization under the Act[55] participate in the election of officers of a national or international labor organization or an intermediate body, through delegates to the convention or otherwise, the provisions of Title IV are, nevertheless, applicable to the election of such delegates. The following example is typical in organizations of railway employees. The chairman of a local grievance committee, which is not a labor organization under the Act, is not an officer within the meaning of the Act. If such a local chairman is a delegate to the general grievance committee, which is considered to be an intermediate body under the Act, however, he must be elected by secret ballot vote of the members he represents, if he votes for officers of the general grievance committee.

§ 452.125 Delegates from labor organizations under trusteeship.

It would be unlawful under section 303(a)(1) of the Act to count the votes of delegates from a labor organization under trusteeship in any convention or election of officers of the organization imposing the trusteeship unless such delegates were chosen by secret ballot

[55] Act, sec. 3 (i) and (j) and Part 451 of this chapter.

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vote in an election in which all the members in good standing of the subordinate organization were eligible to participate.[54]

§ 452.126 Delegates to conventions which do not elect officers.

Delegates to conventions need not be elected by secret ballot when officers of the organization are elected by a secret ballot vote of the entire membership. However, if the only method of making nominations is by delegates, then the delegates must be elected by secret ballot.

§ 452.127 Proportionate representation.

When officers of a national, international or intermediate labor organization are elected at a convention of delegates who have been chosen by secret ballot, the structure of representation of the membership is a matter for the union to determine in accordance with its constitution and bylaws. There is no indication that Congress intended, in enacting Title IV of the Act, to require representation in delegate bodies of labor organizations to reflect the proportionate number of members in each subordinate labor organization represented in such bodies. Questions of such proportionate representation are determined in accordance with the labor organization's constitution and bylaws insofar as they are not inconsistent with the election provisions of the Act. Congress did not attempt to specify the organizational structure or the system of representation which unions must adopt. However, all members must be represented; the union may not deny representation to locals below a certain size.

§ 452.128 Under-strength representation.

A local union may elect fewer delegates than it is permitted under the union constitution as long as the local is allowed to determine for itself whether or not it will send its full quota of delegates to the union convention. The delegates present from a local may cast the entire vote allotted to that local if this is permitted by the constitution and bylaws.

§ 452.129 Non-discrimination.

Further, distinctions in representational strength among or within locals may not be based on arbitrary and unreasonable factors such as race, sex, or class of membership based on type of employment.

§ 452.130 Expenses of delegates.

A local may elect two groups—one which would receive expenses while the other would be required to pay its own way, provided each member has an equal opportunity to run for the expense-paid as well as the non-expense-paid positions.

[54] Section 303(b) of the LMRDA provides criminal penalties for violation of section 303(a)(1).

§ 452.131 Casting of ballots; delegate elections.

The manner in which the votes of the representatives are cast in the convention is not subject to special limitations. For example, the voting may be by secret ballot, by show of hands, by oral roll call vote, or if only one candidate is nominated for an office, by acclamation or by a motion authorizing the convention chairman to cast a unanimous vote of the delegates present.

§ 452.132 Proxy voting.

There is no prohibition on delegates in a convention voting by proxy, if the constitution and bylaws permit.

§ 452.133 Election of delegates not members of the labor organization.

A labor organization's constitution and bylaws may authorize the election of delegates who are not members of the subordinate labor organization they represent, provided the members of the subordinate organization are also eligible to be candidates.

§ 452.134 Preservation of records.

The credentials of delegates, and all minutes and other records pertaining to the election of officers at conventions, must be preserved for one year by the officials designated in the constitution and bylaws or by the secretary if no other officer is designated. This requirement applies not only to conventions of national or international labor organizations, but also to representative bodies of intermediate labor organizations.

Subpart J—Special Enforcement Provisions

§ 452.135 Complaints of members.

(a) Any member of a labor organization may file a complaint with the Director, Office of Labor-Management and Welfare-Pension Reports, alleging that there have been violations of requirements of the Act concerning the election of officers, delegates, and representatives (including violations of election provisions of the organization's constitution and bylaws that are not inconsistent with the Act).[57] The complaint may not be filed until one of the two following conditions has been met: (1) The member must have exhausted the remedies available to him under the constitution and bylaws of the organization and its parent body, or (2) he must have invoked such remedies without obtaining a final decision within three calendar months after invoking them.

(b) If the member obtains an unfavorable final decision within three calendar months after invoking his available remedies, he must file his complaint within one calendar month after obtaining the decision. If he has not obtained a final decision within three calendar months, he has the option of filing his complaint or of waiting until he has exhausted the available remedies within the organization. In the latter case, if the final decision is ultimately unfavorable, he will have one month in which to file his complaint.

[57] Act, sec. 402(a).

§ 452.136 Investigation of complaint by Director, Office of Labor-Management and Welfare-Pension Reports and court action by the Secretary.

(a) The Director, Office of Labor-Management and Welfare-Pension Reports is required to investigate each complaint of a violation filed in accordance with the requirements of the Act and, if the Secretary finds probable cause to believe that a violation has occurred and has not been remedied, he is directed to bring within 60 days after the complaint has been filed a civil action against the labor organization in a Federal district court. In any such action brought by the Secretary the statute provides that if, upon a preponderance of the evidence after a trial upon the merits, the court finds (1) that an election has not been held within the time prescribed by the election provisions of the Act or (2) that a violation of these provisions "may have affected the outcome of an election", the court shall declare the election, if any, to be void and direct the conduct of an election under the supervision of the Secretary, and, so far as is lawful and practicable, in conformity with the constitution and bylaws of the labor organization.

(b) Violations of the election provisions of the Act which occurred in the conduct of elections held within the prescribed time are not grounds for setting aside an election unless they "may have affected the outcome." The Secretary, therefore, will not institute court proceedings upon the basis of a complaint alleging such violations unless he finds probable cause to believe that they "may have affected the outcome of an election."

(c) Elections challenged by a member are presumed valid pending a final decision. The statute provides that until such time, the affairs of the labor organization shall be conducted by the elected officers or in such other manner as the union constitution and bylaws provide. However, after suit is filed by the Secretary the court has power to take appropriate action to preserve the labor organization's assets.

Subpart K—Dates and Scope of Application

§ 452.137 Effective dates.

(a) Section 404 states when the election provisions of the Act become applicable.[58] In the case of labor organizations whose constitution and bylaws can be lawfully modified or amended by action of the organization's "constitutional officers or governing body," the election provisions become applicable 90 days after the enactment of the statute (December 14, 1959). Where the modification of the constitution and bylaws of a local labor organization requires action by the membership at a general meeting or by referendum, the general membership would be a "governing body" within the meaning of this provision. In the cases where any necessary modification of the constitution and bylaws can be made only by a constitutional convention of the labor organization, the election provisions become applicable not later than the next constitutional convention after the enactment of the statute, or one year after the enactment of the statute, whichever is sooner.

(b) The statute does not require the calling of a special constitutional convention to make such modifications. However, if no convention is held within the one-year period, the executive board or similar governing body that has the power to act for the labor organization between conventions is empowered by the statute to make such interim constitutional changes as are necessary to carry out the provisions of Title IV of the Act. Any election held thereafter would have to comply with the requirements of the Act.

[58] Act, sec. 404.

§ 452.138 Application of other laws.

(a) Section 403[59] provides that no labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by the election provisions of the Act.

(b) The remedy[60] provided in the Act for challenging an election already conducted is exclusive.[61] However, existing rights and remedies to enforce the constitutions and bylaws of such organizations before an election has been held are unaffected by the election provisions. Section 603[62] which applies to the entire Act, states that except where explicitly provided to the contrary, nothing in the Act shall take away any right or bar any remedy of any union member under other Federal law or law of any State.

This revision shall take effect on July 9, 1973.

Signed at Washington, D.C., this 27th day of June 1973.

PAUL J. FASSER, JR.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.73-13613 Filed 7-6-73;8:45 am]

[59] Act, sec. 403.
[60] Act, sec. 402.
[61] Act, sec. 403. See Daily Cong. Rec. 86th Cong., 1st sess., pp. 9115, June 8, 1959, pp. 13017 and 13090, July 27, 1959. H.Repr. No. 741, p. 17; S.Rept. No. 187, pp. 21–22, 101, 104. Hearings, House Comm. on Education and Labor, 86th Cong., 1st sess., pt. 1, p. 1611.
[62] Act, sec. 603.

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PART III

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

■

CIRCULAR 570; 1973 REVISION

Surety Companies Acceptable on Federal Bonds

No. 130—Pt. III——1

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DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circular 570; 1973 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JULY 1, 1973.

This circular is published annually, as of July 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Copies of this circular may be obtained from: Audit Staff, Bureau of Accounts, Treasury Department, Washington, D.C. 20226. Telephone: (202) 964–5284. Interim changes in this circular are published in the Federal Register as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

[SEAL]

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER SECTIONS 6 TO 13 OF TITLE 6 OF THE UNITED STATES CODE AS ACCEPTABLE SURETIES ON FEDERAL BONDS (A)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
AID Insurance Company (Mutual), Des Moines, Iowa	3,147	Ariz., Cal., Colo., Idaho, Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wyo.	IOWA—Ariz., Colo., D.C., Idaho, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Utah, Wyo.
The Aetna Casualty and Surety Company, Hartford, Conn.	52,586	All	CONN.—All.
Aetna Fire Underwriters Insurance Company, Hartford, Conn.	697	All except Ala., C.Z., Guam, La., N. Dak., Oreg., Virgin Islands.	CONN.—D.C., Md., wPa.
Aetna Insurance Company, Hartford, Conn.	18,625	All except C.Z., Guam	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Aetna Life and Casualty Company, Hartford, Conn.	128,242	Conn	CONN.—D.C., Mont.
Allegheny Mutual Casualty Company, Meadville, Pa.	111	Alaska, Fla., Ill., Ind., La., Md., Mich., N.J., Ohio, Pa., Wis.	PA.—D.C., sFla., nIll., Ind., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Fidelity Insurance Co., Indianapolis, Ind.	110	Ind., Ky., N. Mex., Tex., Utah	IND.—D.C.
Allied Insurance Company, Philadelphia, Pennsylvania	450	All except C.Z., Guam, Hawaii, La., Puerto Rico, Vt., Virgin Islands.	CAL.—D.C., Tex.
Allied Surety Company, Portland, Me.	40	Pa	PA.—D.C.
Allstate Insurance Company, Northbrook, Ill.	116,183	All except C.Z., Guam, Virgin Islands	ILL.—eCal., Colo., Conn., D.C., mFla., nGa., sInd., Kans., eMich., sMiss., N.J., eN.Y., wN.C., nOhio, ePa., sTex., wVa., eWis.
American Agricultural Insurance Company, Park Ridge, Ill.	1,823	Ariz., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Mo., N.M., N.C., N. Dak., Oreg., Pa., S.C., Tex., Wash., Wis., Wyo. (Reinsurance only in Kans., Mass., N.Y., Va.)	IND.—D.C.
American Automobile Insurance Company, San Francisco, Cal.	8,237	All except C.Z., Guam, Puerto Rico, Virgin Islands	MO.—All except C.Z., Guam, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	87	Alaska, Ariz., Ark., Cal., Colo., D.C., Idaho, Iowa, Kans., Mo., Mont., Nebr., Nev., N. Mex., Oreg., Utah.	NEBR.—Alaska, Ariz., Ark., nesCal., Colo., D.C., Idaho, Iowa, Mo., Mont., Nev., N. Mex., Oreg., Utah, wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	4,943	All except C.Z., Guam, Virgin Islands	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	3,200	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va.	N.Y.—D.C.
American Economy Insurance Company, Indianapolis, Ind.	2,033	All except C.Z., Conn., Del., Guam, Hawaii, Mass., Miss., N.J., N.Y., Puerto Rico, R.I., Va., Virgin Islands.	IND.—All except mAla., eCal., C.Z., Guam, Hawaii, Me., Mass., Puerto Rico, S.C., Virgin Islands.
American Empire Insurance Company, Watertown, N.Y.	2,675	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—Ariz., Cal., Colo., Conn., Del., D.C., eIll., sInd., nIowa, Ky., Me., Md., Mich., Minn., Mont., Nebr., N.H., N.J., N. Mex., N. Dak., nOhio, Pa., R.I., S. Dak., Tenn., Utah, Vt., wWis.
American Employers' Insurance Company, Boston, Mass.	7,666	All except Guam	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H	545	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fidelity Fire Insurance Company, Woodbury, N.Y.	981	All except Alaska, C.Z., Colo., Guam, Hawaii, Kans., Mo., Nebr., N.H., Virgin Islands.	N.Y.—Ariz., Cal., D.C., nGa., Idaho, nIll., La., Mich., Nev., N. Mex., Oreg., Puerto Rico, Utah, eVa., Wash., wWis.
American Fire and Casualty Company, Hamilton, Ohio.	807	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American Home Fire Insurance Company, New York, N.Y.	2,247	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, S.C., Va., Virgin Islands	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	45,550	Mich., Pa., Tex	TEX.—All except Guam, Puerto Rico, Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,832	All except C.Z., Del., Guam, Hawaii, Puerto Rico, S.C	N.Y.—Alaska, Cal., Conn., D.C., nFla., nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	5,138	All except Ark., C.Z., Guam, Me., Oreg	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	830	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Miss., Mo., Mont., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J. Home Office: San Francisco, Cal.	19,558	All except C.Z., Guam, Virgin Islands	N.J.—All except C.Z., Guam, Virgin Islands.
American International Insurance Company, New York, N.Y.	349	All except C.Z., Del., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands.	N.Y.—D.C.
American Manufacturers Mutual Insurance Company, Long Grove, Ill.	2,173	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Virgin Islands.
American Motorists Insurance Company, Long Grove, Ill.	3,839	All except Guam, Oreg., Virgin Islands	ILL.—All except C.Z., Guam, Virgin Islands.
American Mutual Liability Insurance Company, Wakefield, Mass.	5,314	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, Los Angeles, Cal.	573	All except C.Z., Conn., Guam., La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands.	N.Y.—All.

*See footnotes at end of table.

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
American Re-Insurance Company, New York, N.Y.	12,306	All except C.Z., Guam, Virgin Islands	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	7,926	All except C.Z., Conn., Del., Guam, Mass., N.Y., Puerto Rico, Va., Virgin Islands.	IND.—All except mAla., C.Z., Guam, Hawaii, Me., Mass., Nev., Puerto Rico, S.C., Virgin Islands.
Argonaut Insurance Company, Menlo Park, Cal.	8,230	All except C.Z.	CAL.—Alaska, D.C., nGa., Idaho, eLa., Mont., Nev., Oreg., Puerto Rico, Utah, Wash.
Associated Indemnity Corporation, San Francisco, Cal.	1,999	All except C.Z., Guam, Virgin Islands	CAL.—All except C.Z., Colo., Guam, Virgin Islands.
Atlantic Insurance Company, Dallas, Tex.	1,349	All except C.Z., Colo., Conn., Del., Guam, Hawaii, Idaho, Iowa, La., Me., Mass., Nebr., N.H., N.Y., N. Dak., Oreg., Puerto Rico, R.I., Vt., Virgin Islands, Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, eN.Y., Puerto Rico, Virgin Islands.
Atlantic Mutual Insurance Company, New York, N.Y.	7,179	All except Ala., C.Z., Guam, Hawaii, Virgin Islands	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	5,357	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Newport Beach, Cal.	1,341	All except Ala., Ark., C.Z., Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Puerto Rico, R.I., S.C., S.Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Fire & Casualty Insurance Company, St. Petersburg, Fla.	86	Fla	FLA.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	981	All except C.Z., Del., Ga., Guam, Idaho, Kans., La., Me., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, Burlington, N.C.	507	All except C.Z., Conn., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Boston Old Colony Insurance Company, New York, N.Y.	1,349	All except C.Z., Guam	MASS.—Ala., Alaska, Ark., neCal., Conn., Del., D.C., sFla., Ga., Hawaii, Idaho, Kans., La., Me., Md., Minn., Miss., eMo., Mont., Nebr., N. Mex., wseN.Y., N.C., S.C., Wyo.
The Buckeye Union Insurance Company, Columbus, Ohio.	8,579	D.C., Fla., Ill., Ind., Kans., Ky., Mich., Mo., N.Y., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Camden Fire Insurance Association, Philadelphia, Pa.	6,126	Alaska, Ariz., Cal., C.Z., Colo., Conn., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., Utah, Vt., W. Va., Wis., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	251	Ariz., Fla., Ill., Ind., Iowa, La., Mich., Minn., Mont., N. Mex., N. Dak., Okla., S. Dak., Wis.	WIS.—D.C., mFla., nGa., Ill., Ind., Iowa, La., Mich., Minn., wMo., Mont., N. Dak., wOkla.
Cascade Insurance Company, Philadelphia, Pa.	250	Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ind., Minn., Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	870	Colo., Ill., Ind., Kans., Ky., Mich., Ohio, Pa., W. Va	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	2,388	All except Ala., C.Z., Guam, Virgin Islands	N.Y.—D.C.
Century Indemnity Company, Hartford, Conn.	580	All except Ala., C.Z., Del., Guam, Oreg., Virgin Islands	CONN.—D.C., Md., wPa.
The Charter Oak Fire Insurance Company, Hartford, Conn.	2,600	All except C.Z., Guam, Virgin Islands	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio	2,734	Ala., Ariz., Fla., Ga., Ill., Ind., Ky., Mich., Ohio, Pa., Tenn.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Colonial Surety Company, Philadelphia, Pa.	206	Del., N.J., Pa	PA.—D.C.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	3,798	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	835	All except C.Z., Conn., Del., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Pa., Puerto Rico, R.I., Vt., Virgin Islands, W. Va.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company, Boston, Mass.*	29,245	All except Guam	MASS.—All except C.Z., Guam.
The Connecticut Indemnity Company Hartford, Conn.	901	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Alaska, esCal., C.Z., Guam, Hawaii, Oreg., Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	402	Ill., Ind., Ky., Mich., Ohio	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	1,938	All except Ala., Alaska, C.Z., Del., Guam, La	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	39,624	All except Guam	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	65,391	All	N.Y.—All except Guam.
Cornhusker Casualty Company, Omaha, Nebr.	567	Colo., Iowa, Nebr., S. Dak	NEBR.—D.C.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	736	All except Alaska, Ariz., C.Z., Colo., Del., Guam, Hawaii, Idaho, Iowa, Kans., Minn., Miss., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Oreg., S. Dak., Utah, Virgin Islands, Wash., Wyo.	N.Y.—D.C.
Cotton States Mutual Insurance Company, Atlanta, Ga.	1,242	Ala., Fla., Ga	GA.—Ala., D.C., Fla.
Covenant Mutual Insurance Company, Hartford, Conn.	1,257	Cal., Conn., N.H., Oreg., Wash	CONN.—cesCal., D.C.
Cumis Insurance Society, Inc., Madison, Wis.	546	All except Guam	WIS.—nsAla., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Dependable Insurance Company, Inc., Jacksonville, Fla.	247	Ala., Fla., Ga., Miss., Va	FLA.—D.C.
Emmco Insurance Company, South Bend, Ind.	2,260	All except C.Z., Conn., Guam, Mass., Puerto Rico, Virgin Islands.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	717	Ala., Alaska, Ariz., Colo., Ga., Hawaii, Idaho, Ill., Ind., Iowa, Kans., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Vt., Wash., Wyo.	NEBR.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	3,162	All except Guam	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	3,314	All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	15,885	All except C.Z., Virgin Islands	WIS.—neCal., D.C., Idaho, Minn., Mont., Oreg., Wash.
Employers Reinsurance Corporation, Kansas City, Mo.	7,397	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.

*See footnotes at end of table.

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Farmers Alliance Mutual Insurance Company, McPherson, Kans.	1,126	Ark., Colo., Idaho, Ill., Iowa, Kans., Md., Mass., Mich., Mo., Nebr., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., S.C., S. Dak., Tex., Vt., Wyo.	KANS.—Colo., D.C., Mo., Nebr., N. Mex., N. Dak., Okla., S. Dak., Tex.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa	757	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Home Mutual Insurance Company, Minneapolis, Minn.	958	Alaska, Ariz., Cal., Colo., Idaho, Iowa, Mich., Minn., Mont., Nev., N. Dak., Oreg., S. Dak., Utah, Wash., Wis., Wyo.	MINN.—Alaska, Ariz., Cal., D.C., Nev., Utah.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa	2,022	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	25,008	All	N.J.—All.
Federated Mutual Insurance Company, Owatonna, Minn.	3,218	All except Alaska, C.Z., Del., Guam, Me., Puerto Rico, Virgin Islands.	MINN.—Ala., Ark., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Miss., Mo., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Tenn., Va., W. Va., Wis.
The Fidelity and Casualty Company of New York, New York, N.Y.	9,936	All except Guam, Virgin Islands	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	11,776	All except Guam	MD.—All except Guam.
Financial Indemnity Company, Los Angeles, Cal.	836	Ariz., Cal., Colo., Mo., Oreg., Wash.	CAL.—Ariz., Colo., D.C., wMo., Oreg.
Fireman's Fund Insurance Company, San Francisco, Cal.	55,013	All except C.Z.	CAL.—All.
Firemen's Insurance Company of Newark, New Jersey, New York, N.Y.	22,548	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z.
First General Insurance Company, Philadelphia, Pennsylvania*	197	Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Md., Miss., Mo., Nev., N.J., N.C., Pa., R.I., Tex., Utah, Wash., Wis.	GA.—
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii	1,130	Alaska, Cal., Colo., Hawaii, Ill., Ind., Minn., Mo., Oreg., Utah, Wash.	HAWAII—D.C.
First National Insurance Company of America, Seattle, Wash.	1,648	All except C.Z., Conn., Del., Guam, Hawaii, N.H., Puerto Rico, Vt., Virgin Islands.	WASH.—All except C.Z., Del., Guam, Hawaii, La., Me., N.H., Puerto Rico, Vt., Virgin Islands.
General Fire and Casualty Company, Cable Place, N.Y.	668	All except C.Z., Puerto Rico	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	6,263	All except Virgin Islands	WASH.—All.
General Reinsurance Corporation, New York, N.Y.	23,479	All except C.Z., Guam, Hawaii, Nev., Pa., Puerto Rico, Virgin Islands.	DEL.—All except C.Z., Guam, Virgin Islands.
The Glens Falls Insurance Company, New York, N.Y.	8,525	All except C.Z., Guam, Virgin Islands	N.Y.—D.C.
Globe Indemnity Company, New York, N.Y.	9,821	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	1,150	All except Ala., Alaska, C.Z., Conn., Del., D.C., Fla., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N. Dak., Oreg., Puerto Rico, R.I., Utah, Vt., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	637	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, Los Angeles, Cal.	15,315	All except C.Z., Guam	N.Y. All.
Great Northern Insurance Company, Minneapolis, Minn.	1,251	Ariz., Colo., Ill., Ind., Iowa, Minn., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., S. Dak., Vt., Wis., Wyo.	MINN. D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	4,070	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., S.C., Virgin Islands	N.Y. D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	334	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	7,170	All except C.Z., Conn., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	MO.—All except C.Z., Guam, Hawaii, N.J., eN.Y., Puerto Rico, Virgin Islands.
The Hamilton Mutual Insurance Company of Cincinnati, Ohio, Cincinnati, Ohio	538	Ind., Ky., Mich., Ohio	OHIO—D.C.
The Hanover Insurance Company, Worchester, Mass.	6,711	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
Hartford Accident and Indemnity Company, Hartford, Conn.	35,688	All except Guam	CONN.—All except Guam, Virgin Islands.
Hartford Casualty Insurance Company, Hartford, Conn.	3,762	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	86,661	All except C.Z.	CONN.—Ariz., Cal., D.C., Guam, Hawaii, La., N.Y.,
Hawkeye-Security Insurance Company, Des Moines, Iowa.	1,117	Ariz., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Wis., Wyo.	IOWA—Colo., D.C., nsFla., Ill., sInd., Kans., wMont., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highland Insurance Company Houston Tex.	4,420	All except C.Z., Guam, Hawaii, N.H., Puerto Rico, Virgin Islands.	TEX.—All except nsAla., wArk., esCal., C.Z., Conn., Del., nsFla., nsGa., Guam, Hawaii, esIll., nInd., nIowa Ky., Mass., wMich., nMiss., wMo., Nev., N.H., nweN.Y., N.C., neOkla., mPa., Puerto Rico, R.I., wmTenn., wVa., Virgin Islands, eWash., nW. Va., eWis.
Highlands Underwriters Insurance Company, Houston, Tex.	247	Ark., Cal., La., Tex	TEX.—D.C.
The Home Indemnity Company, Inc., New York, N.Y.*	6,037	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—
The Home Insurance Company, New York, N.Y.*	27,968	All except C.Z., Virgin Islands	N.Y.—Alaska, D.C., Guam, Oreg., wPa., Puerto Rico, S.C., wWash.
Houston General Insurance Company, Fort Worth, Tex.	796	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., Mont., N.H., N.J., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va.	TEX.—Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tenn., Utah, Va., Wash.
Hudson Insurance Company, New York, N.Y.	609	Iowa, N.Y., Utah	N.Y.—D.C.
INA Reinsurance Company, Philadelphia, Pa.	2,940	All except Ariz., C.Z., Conn., Guam, Hawaii, Ill., Kans., Me., Miss., N.Y., Tenn., Virgin Islands, Wash., Wyo.	DEL.—D.C.
Illinois National Insurance Co., Springfield, Ill.	815	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio, Tex.	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Imperial Insurance Company, Los Angeles, Cal.	1,308	Ala., Ariz., Cal., Hawaii, Ind., Iowa, La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.Y., N. Dak., Okla., Oreg., S.C., Utah, Va., Wash.	CAL.—D.C.

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Indiana Bonding and Surety Company, Indianapolis, Ind.	114	D.C., Ind	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	2,681	Ill., Ind., Ky., Mich., Ohio, Wis	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	4,989	All except Ala., C.Z., Conn., Guam, Ohio, Puerto Rico, Virgin Islands, W. Va.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, nIll., sInd., eLa., Md., eMich., eMo., Mont. Nebr., Nev., N.J., N. Mex., mN.C. wOkla., Oreg. S. Dak., eTenn., Tex., Utai, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	548	Colo., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	72,151	All	PA.—All.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	913	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C. Fla., Ga., Hawaii., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
Integrity Mutual Insurance Company, Appleton, Wis.	307	Iowa, Minn., Wis	WIS.—D.C., Kans., Minn., wMo., N. Dak.
International Fidelity Insurance Company, Newark, N.J.	92	Alaska, Ariz., Del., Ill., Mass., Mich., Nev., N.J., N. Mex., N.Y., Okla., Oreg., Pa., Tex.	N.J.—Ariz., Del., D.C., Ga., nIll., sInd., nIowa, Md., Mass. Minn., Nev., seN.Y., N. Dak., nwOkla., S. Dak, nTex., eVa., Wyo.
International Insurance Company, Morristown, N.J.	1,956	All except C.Z., Del., Guam, Hawaii. La., Miss., S.C., Virgin Islands.	ILL.—All except Alaska, C.Z., Conn., Del., Guam, Me., Md., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., eTenn., Vt., Virgin Islands, W. Va.
International Service Insurance Company, Fort Worth, Tex.	1,162	Alaska, Cal., C.Z., Nebr., N. Mex., Tex	TEX.—D.C.
Iowa Mutual Insurance Company, DeWitt, Iowa.	1,025	Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N.C., N. Dak., Okla., S.C., S. Dak., Wash., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
John Deere Insurance Company, Moline, Ill.	319	All except Del., Virgin Islands	N.Y.—All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands, sW. Va.
The Kansas Bankers Surety Company, Topeka, Kans.	96	Kans	KANS.—D.C.
Kansas City Fire and Marine Insurance Company, New York, N.Y.	824	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., nsFla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lakeland Fire and Casualty Company, Minneapolis, Minn.	298	Minn	MINN.—D.C.
Lawyers Surety Corporation, Dallas, Tex.	295	Okla., Tex	TEX.—D.C.
Leatherby Insurance Company, Fullerton Cal.	2,740	Alaska, Ariz., Cal., Colo., Fla., Hawaii, Idaho, Ind., Me., Minn., Mont., Nev., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., S.C., Utah, Va., Wash.	N.Y.—Ariz., Cal., Colo., D.C., msFla., nmGa., Hawaii, Idaho, nInd., Md., sMiss., Mont., Nev., N. Mex., nN.C., Ohio, Oreg., S. Dak., eTenn., Tex., Utai, Wash., Wyo.
Liberty Mutual Insurance Company, Boston, Mass.	30,875	All except Virgin Islands	MASS.—All except C.Z., Guam.
London Guarantee & Accident Company, of New York, New York, N.Y.	2,236	All except Alaska, Ariz., C.Z., Conn., Guam, Idaho, Kans., La., N. Dak., Oreg., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Lumbermens Mutual Casualty Company, Long Grove, Ill.	13,200	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Virgin Islands.
MGIC Indemnity Corporation, Milwaukee, Wis.*	1,066	All except Ala., Cal., C.Z., Guam, Hawaii, Kans., La., N.H., Oreg., Puerto Rico, S.C., Virgin Islands, W. Va.	N.Y.—D.C.
Maine Bonding and Casualty Company, Portland, Me.	707	Me., Mass., N.H., Vt	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, Stamford, Conn.	443	All except Alaska, C.Z., Conn., Del., Guam, La., Oreg., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland American General Insurance Company, Houston, Tex.	1,175	N. Mex., Tex	TEX.—D.C., La., N. Mex., Okla.
Maryland Casualty Company, Baltimore, Md.	18,286	All except Guam	MD.—All except Guam.
Massachusetts Bay Insurance Company, Worcester, Mass.	475	All except Ala., Alaska, Ariz., Ark., C.Z., Del., Guam, Hawaii, Idaho, Ky., La., Miss., Mont., Nev., N. Mex., N. Dak., Oreg., Puerto Rico, S. Dak., Utah, Virgin Islands, W. Va.	MASS.—Colo., D.C., nFla., Ga., Ind., Iowa, Kans., Ky., Me., Md., wMich., N.H., sOhio, Okla., wePa., R.I., S.C., Tenn., Tex., Vt., Wash., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	52	Ariz., Iowa, Kans., Mont., Nebr., N. Dak., Okla., S. Dak., Tex.	IOWA—D.C., sIll., Nebr., wOkla.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	2,037	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, Virgin Islands, W. Va., Wyo.	MICH.—eArk., nsCal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Mid-Century Insurance Company, Los Angeles, Cal.	1,366	All except Ala., Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
Midland Insurance Company, New York, N.Y.	1,292	All except C.Z., Guam, Virgin Islands.	N.Y.—D.C., Kans., Nebr., nOkla., wePa.
Mid-States Insurance Company, Chicago, Ill.	230	Ala., Ariz., Cal., Colo., Ga., Idaho, Ill., Ind., Ky., La., Mich., Minn., Miss., Nebr., Nev., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah, Wash., Wis.	ILL.—
Midwestern Casualty & Surety Company, West Des Moines, Iowa.	60	Iowa	IOWA—D.C.
The Millers Casualty Insurance Company of Texas, Fort Worth, Tex.	232	Ark., Colo., D.C., Idaho, La., Miss., Mo., Mont., N. Mex., Okla., Tex., Wyo.	TEX.—Ark., D.C., Fla., La., Miss., Mo., N. Mex., Okla.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	1,228	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, eWash., W. Va., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	2,468	All except Ala., Alaska, Ariz., Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Idaho, Ky., La., Me., Mass., Miss., Nebr., Nev., N.H., N. Mex., Oreg., Puerto Rico, R.I., Tenn., Utah, Virgin Islands.	ILL.—nmAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Illinois.	720	All except Alaska, C.Z., Colo., Conn., Del., Guam, Hawaii, La., Me., Miss., Nev., N.H., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Mission Insurance Company, Los Angeles, Cal.	2,041	Ala., Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Iowa, La., Miss., Mo., Mont., Nev., N. Mex., N.Y., Okla., Oreg., Tex., Wash.	CAL.—Ariz., D.C., Oreg., wWash.

*See footnotes at end of table.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Mohawk Insurance Company, Allentown, Pa.*	293	All except Ariz., C.Z., Conn., Del., Guam, Hawaii, Mo., N. Mex., Virgin Islands, Wyo.	N.Y.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	441	Alaska, Ariz., Cal., Colo., Hawaii, Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Illinois, New York, N.Y.	2,960	D.C., Ill., Ind., Iowa, Ky., Minn., N.Y., N. Dak., Wis.	ILL.—
National Bonding and Accident Insurance Company, St. Louis, Mo.	165	Colo., Del., D.C., Idaho, Ind., Iowa, Kans., Minn., Mo., N. Mex., N.Y., N. Dak., Oreg., R.I., S. Dak., Tex., Utah, Va., Wash.	N.Y. –D.C., eMo.
National Fire Insurance Company of Hartford, Chicago, Ill.	14,904	All except C.Z., Guam, Virgin Islands	CONN. –All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	3,522	Conn., Del., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., Va., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha Nebr.	3,457	All except C.Z., Guam, Hawaii, Mass., N.Y., Puerto Rico, Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	5,231	All except Ala., C.Z., Conn., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	414	La., N. Mex., Tex.	TEX.—D.C.
National Surety Corporation, San Francisco, California.*	9,550	All except Puerto Rico	ILL.—All except Guam, Mass., nOhio, Puerto Rico, nTex., Virgin Islands.
National Union Fire Insurance Company of Pittsburgh, Pa., New York, N.Y.	2,170	All except C.Z., Guam, Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	21,461	All except C.Z., Guam, Hawaii	OHIO—D.C.
New Hampshire Insurance Company, Manchester, N.H.	9,332	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.H.—All except Guam.
New York Underwriters Insurance Company, Hartford, Conn.	3,070	All except C.Z., Guam, Puerto Rico, Virgin Islands	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	2,931	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	2,028	All except C.Z., Guam	N.Y.—All except C.Z., Guam.
North American Reinsurance Corporation, New York, N.Y.	6,637	All	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The North River Insurance Company, Morristown, N.J.	6,836	All except C.Z., Guam Virgin Islands	N.J.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Northeastern Insurance Company of Hartford, Des Moines, Iowa	1,278	Cal., Colo., Conn., Ill., Iowa, N.H., N.J., N.Y., Ohio, Tex., W. Va.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	2,306	All	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	3,355	All except C.Z., Guam Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	1,077	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, La., Me., Mass., Miss., Nev., N.H., N.J., N.Y., N.C., N. Dak., Puerto Rico, S.C., Tenn., Vt., Virgin Islands.	WIS.—nsAla., Ariz., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Pa., R.I., S. Dak., nesTex., Wash., W. Va., Wyo.
Northwestern National Insurance Company of Milwaukee, Wisconsin, Milwaukee, Wis.	3,768	All except C.Z., Guam, Virgin Islands	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio	10,364	All except C.Z., Guam, Puerto Rico, Virgin Islands	OHIO—All except C.Z., Guam.
Ohio Farmers Insurance Company, Westfield Center, Ohio	4,211	All except Alaska, C.Z., Conn., Guam, Hawaii, Kans., La., Me., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Oklahoma Surety Company, Tulsa, Okla.	101	Okla.	OKLA.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	1,459	Cal., Idaho, Nev., Oreg., Utah, Wash.	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	3,078	All	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	5,676	All except C.Z., Guam, Virgin Islands	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, New York, N.Y.	4,189	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Pacific Insurance Company, Limited, Honolulu, Hawaii	1,604	Guam, Hawaii	HAWAII—D.C.
Parliament Insurance Company, Chicago, Ill.	326	Ariz., Cal., Fla., Ill., Mo.	ILL.—D.C., Md., eMich., ePa.
Peerless Insurance Company, Keene, N.H.	1,525	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
Pekin Insurance Company, Pekin, Ill.	225	Ill., Ind., Iowa	ILL.—D.C., Ind., Iowa.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	3,945	Del., D.C., Md., Mass., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,344	D.C., Pa.	PA.—D.C.
Pennsylvania National Mutual casualty Insurance Company, Harrisburg, Pa.	3,116	All except Alaska, Ariz., Cal., C.Z., Conn., Guam, Hawaii, Idaho, Ill., Me., Mass., Nev., N.H., N.Y., N. Dak., Oreg., Puerto Rico, S. Dak., Virgin Islands, Wash., Wyo.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	4,871	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	23,300	All except C.Z., Guam, Puerto Rico	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	565	All except C.Z., Conn., Guam, Hawaii, Md., Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	11,211	Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Me., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Progressive Casualty Insurance Company, Cleveland, Ohio	1,815	All except Ariz., C.Z., Conn., Del., D.C., Guam, Hawaii, Ill., Kans., La., Md., Nebr., N.H., N.Y., Pa., Puerto Rico, S.C., Tex., Utah, Va., Virgin Islands, W. Va., Wis.	OHIO—D.C.

• See footnotes at end of table.

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The Progressive Mutual Insurance Company, Cleveland, Ohio	651	N.J., Ohio	OHIO—D.C.
Protective Insurance Company, Indianapolis, Ind.	1,167	All except C.E., Guam, Hawaii, Puerto Rico, Virgin Islands.	IND.—D.C.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	1,131	Cal., D.C., N.Y., Ohio, Pa., Wis	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	2,460	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., N.J., ePa., wTex.
Puerto Rican-American Insurance Company, San Juan, Puerto Rico.	789	Puerto Rico, Virgin Islands.	PUERTO RICO—D.C.
The Reinsurance Corporation of New York, New York, N.Y.	4,278	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands. (In Fla., Mass., Va., licensed for co-surety only.)	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	25,592	All except Guam	PA.—All except Guam.
Republic Insurance Company, Dallas, Tex.	6,194	All except Ala., C.Z., Fla., Guam, Hawaii, Me., Mass., Mont., N.H., N. Dak., R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D. C.
Reserve Insurance Company, Chicago, Ill.	2,753	All except C.Z., Conn., Guam, N.Y., Puerto Rico, S.C., Virgin Islands.	ILL.—All except C.Z., Conn., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.
Resolute Insurance Company, Hartford, Conn.	1,096	All except Alaska, C.Z., Ill., La., Me., N.H., N.Y., Pa., Puerto Rico, R.I., S.C., Vt., Virgin Islands, W. Va., Wis.	R.I.—All except wArk., C.Z., mOa., Guam, Hawaii, La., Me., wMich., nMiss., nWN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Globe Insurance Company, New York, N.Y.	7,239	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	ILL.—
Royal Indemnity Company, New York, N.Y.	7,567	All	N.Y.—All except Guam, Virgin Islands.
Rural Mutual Insurance Company, Madison, Wis.	737	D.C., Wis.	WIS.—D.C.
Safeco Insurance Company of America, Seattle, Wash.	13,858	All except C.Z., Me., Puerto Rico, Vt.	WASH.—All except C.Z., Mass., Puerto Rico, Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	2,708	All except Puerto Rico, Virgin Islands	CONN.—All except C.Z., Guam, nMiss., wOkla., Puerto Rico, Virgin Islands, W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	32,478	All except C.Z., Guam.	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	3,978	All.	N.Y.—All.
Security Insurance Company of Hartford, Hartford, Conn.	4,624	All except C.Z., Guam, Virgin Islands	CONN.—All except Alaska, esCal., C.Z., Guam, Hawaii seIll., sIowa, eTenn., Virgin Islands, eWash., sW. Va.
Security Mutual Casualty Company, Chicago, Ill.	603	All except Alaska, C.Z., Conn., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	428	Ark., Cal., Colo., Ga., Ind., Kans., Ky., Minn., N. Mex., N. Dak., Okla., S. Dak., Tex., Wash., Wis.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	743	All except Ariz., Ark., C.Z., Conn., Del., Guam, Hawaii, Kans., Ky., La., Me., Md., Mass., N.H., N.Y., N. Dak., Pa., Puerto Rico, R.I., S.C., Tenn., Utah, Va., Virgin Islands, Wis.	TEX.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Sentry Indemnity Company, Stevens Point, Wis.	473	All except Alaska, C.Z., Conn., Del., D.C., Guam, Hawaii, Kans., Me., Mass., Mich., Nebr., N.H., N.J., N. Mex., N.Y., Pa., Puerto Rico, R.I., S.C., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	WIS.—Cal., D.C., msFla., eLa., wWash.
Sentry Insurance a Mutual Company, Stevens Point, Wis.	7,878	All except C.Z., Guam, Puerto Rico, Virgin Islands	WIS.—Cal., D.C., msFla., nGa., nIll., eLa., Me., Mass., Mich., sN.Y., sTex., wWash.
Signal Insurance Company, Los Angeles, Cal.	1,480	Ariz., Cal., Fla., Iowa, Mont., Nev., N. Mex., N.C., Oreg., Utah, Wash.	CAL.—D.C.
South Carolina Insurance Company, Columbia, S.C.	1,550	Ala., Ariz., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Ky., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.Y., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Va., Wash. (Reinsurance only in Conn., N.J., and W. Va.)	S.C.—nmAla., D.C., Fla., Ga., N.C., Va.
The Standard Fire Insurance Company, Hartford, Conn.	3,781	All except C.Z., Del., Guam, N.J., Puerto Rico, Virgin Islands.	CONN.—All.
State Automobile Mutual Insurance Company, Columbus, Ohio	3,777	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.J., N.C., Ohio, Pa., S.C., Tenn., Va., W. Va.	OHIO—Ala., D.C., Fla., Ga., Ky., Md., Mich., Miss., eMo., N.C., Pa., S.C., Tenn., Va., W. Va.
State Farm Fire and Casualty Company, Bloomington, Ill.	18,962	All except C.Z., Guam, Puerto Rico, Virgin Islands	ILL.—eCal., Colo., D.C., mGa., Md., Minn., nMiss., Mont., wOkla., mPa.
State Surety Company, Des Moines, Iowa	101	Colo., D.C., Iowa, Kans., Minn., Mo., Nebr., S. Dak.	IOWA—eArk., Colo., D.C., sFla., Ill., Kans., eLa., wMich., Minn., sMiss., Mo., Nebr., sN.Y., N. Dak., nOhio, wnOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	263	Ala., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mont., N. Mex., N. Dak., Pa., S. Dak., Tenn.	IND.—Ariz., eCal., Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Mont., Nebr., N. Mex., N. Dak., nwOkla., wmPa., S. Dak., nesTex., Wyo.
The Stuyvesant Insurance Company, Allentown, Pa.	1,524	All except C.Z., Guam, Virgin Islands	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Summit Insurance Company of New York, Houston, Tex	886	All except Ala., C.Z., Conn., D.C., Guam, Iowa, Kans., Ky., Md., Mich., Miss., Nebr., N.H., Puerto Rico, R.I., S. Dak., Tenn., Tex., Virgin Islands.	N.Y.—Ariz., wArk., nCal., Colo., D.C., Fla., Ga., nIll., sInd., Mass., Minn., Mo., Mont., N.J., N.C., N. Dak., Ohio, nwOkla., wPa., S.C., Utah, eVa., Wyo.
Sun Insurance Company of New York, New York, N.Y.	1,203	All except Ala., Alaska, Ariz., Ark., C.Z., Colo., Fla., Ga., Guam, Hawaii, Idaho, Ind., Kans., Miss., Nebr., Nev., N.C., N. Dak., Puerto Rico, S.C., S. Dak., Utah, Virgin Islands, W. Va.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Surety Company of the Pacific, Los Angeles, Cal.	78	Cal.	CAL.—D.C.
Surety Insurance Company of California, La Habra, Cal.	51	Alaska, Cal., Colo., N. Mex., Tex.	CAL.—Alaska, Colo., D.C., N. Mex., Tex
Traders & General Insurance Company, Fort Worth, Tex.	495	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	10,461	All except Guam	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,172	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., msGa., Guam Hawaii, La., Miss., Oreg., S.C., Vt., Virgin Islands.
Transport Indemnity Company, Los Angeles, Cal.	886	All except C.Z., Guam, Virgin Islands	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nwN.Y., eOkla., Puerto Rico, mTenn., wVa., Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	1,159	All except C.Z., Guam, Hawaii, Puerto Rico., S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	36,400	All.	CONN.—All except Guam.

• See footnotes at end of table.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact surety business. See footnote (c)	State or other area in which incorporated and judicial districts in which process agents have been appointed. (State or other area of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Travelers Indemnity Company of Rhode Island, Hartford, Conn.	2,000	All except C.Z., Guam, La., Oreg.	R.I.—All except C.Z., Guam, eIll., wMo., Puerto Rico, Virgin Islands.
Trinity Universal Insurance Company, Dallas, Tex.	3,414	All except Alaska, C.Z., Conn., Del., Fla., Hawaii, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	457	All except Alaska, Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., Nev., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	1,101	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—sCal., Conn., D.C., La., Va.
Unigard Mutual Insurance Company, Seattle, Wash.	7,101	All except C.Z., Guam, Me., Puerto Rico, Virgin Islands.	WASH.—All except Alaska, C.Z., Guam, Hawaii, Mass., Puerto Rico, Virgin Islands.
United Fire & Casualty Company, Cedar Rapids, Iowa.	531	Colo., Ill., Ind., Iowa, Kans., Minn., Mo., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., nIll., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Philadelphia, Pa.	3,848	All except C.Z., Guam, Puerto Rico, S.C., Virgin Islands.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	74,636	All except Guam.	MD.—All except Guam.
United States Fire Insurance Company, Morristown, N.J.	14,644	All except C.Z., Guam, N.H.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	341	Ariz., Ark., Colo., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wis., Wyo.	NEBR.—Ariz., eArk., Colo., D.C., nIll., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., nOhio, wOkla., S. Dak., Utah, wWis., Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	3,547	All except C.Z., Guam, Kans., La., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico., Virgin Islands.
Valley Forge Insurance Company, Chicago, Ill.	1,471	All except Alaska, Cal., C.Z., Del., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,337	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio	3,182	All except Alaska, C.Z., Conn., Guam, Hawaii, Idaho, Me., Mass., Mont., N.H., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va.	CAL.—Ala., Colo., D.C., nsFla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., nTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, Morristown, N.J.	6,584	All except C.Z., Guam, N.H., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	7,608	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Puerto Rico, R.I., Vt., Va., Virgin Islands.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	4,586	All except Alaska, C.Z., Conn., Del., D.C., Ga., Guam, Hawaii, Idaho, La., Me., Md., Mass., Mont., N.H., N.J., N.C., Oreg., Pa., Puerto Rico, R.I., S.C., Tex., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	1,640	All except Alaska, C.Z., Guam, Hawaii, N.Y., Puerto Rico, Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Westfield Insurance Company, Westfield Center, Ohio	1,818	All except Ala., Alaska, Ark., C.Z., Conn., Fla., Ga., Guam, Hawaii, La., Me., Miss., Mo., N.H., N. Mex., Puerto Rico, Virgin Islands.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Western Insurance Company, Los Angeles, Calif.	315	Ariz., Cal., Colo., Hawaii, Idaho, Iowa, Mont., Nev., N. Mex., Oreg., Utah, Wash.	CAL.—D.C., Idaho, Mont., N. Mex., Oreg., wWash.
Wisconsin Surety Corporation, Madison, Wis.	127	Alaska, Cal., Colo., D.C., Ill., Ind., Iowa, Minn., Mo., Nev., N. Mex., Pa., S. Dak., Tex., Wis.	WIS.—D.C., Iowa, Minn., eMo., wmPa., S. Dak., nTex.
Wolverine Insurance Company, Battle Creek, Mich.	2,760	Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Kans., Mich., Minn., Nebr., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

• See footnotes at end of table.

[1] Allied Mutual Insurance Company—Name changed to AID Insurance Company Mutual. (See FEDERAL REGISTER of June 7, 1973 pg. 14672 for details.)

[2] Agricultural Insurance Company—Name changed to American Empire Insurance Company. (See FEDERAL REGISTER of July 19 1972, pg. 14322 for details.)

Employers Commercial Union Insurance Company—Name changed to Commercial Union Insurance Company. (See FEDERAL REGISTER of December 20, 1972, pg. 28014 for details.)

[3] Southern General Insurance Company—Name changed to First General Insurance Company. (See FEDERAL REGISTER of January 23, 1973, pg. 2223 for details.)

[4] The Home Indemnity Company merged into The Home Insurance Company of New Hampshire, Inc.—Name changed to The Home Indemnity Company, Inc. (See FEDERAL REGISTER of April 17, 1973, pg. 9522 for details.)

[5] New York Guaranty Corporation—Name changed to MGIC Indemnity Corporation. (See FEDERAL REGISTER of November 8, 1972, pg. 23735 for details.)

Jersey Insurance Company of New York—Name changed to Mohawk Insurance Company. (See FEDERAL REGISTER of January 11, 1973, pg. 1287 for details.

[6] Fireman's Fund Insurance Company of Illinois merged with National Surety Corporation and adopted its name. (See FEDERAL REGISTER of March 16, 1973, pg. 7129 for details.)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, REVISED JANUARY 20, 1972

Name of Companies	Underwriting limitations (net limit on any one risk) [In thousands of dollars]	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	3,443	D.C.
Alliance Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,311	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,458	D.C.
Constellation Reinsurance Company, New York, N.Y.	2,504	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	15,886	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	2,301	D.C.
The London & Lancashire Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	1,050	D.C.
The Marine Insurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	746	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	727	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	2,351	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	937	D.C.
Rochdale Insurance Company, New York, N.Y.	469	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	5,333	D.C.
The Sea Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	1,211	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	2,438	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	1,943	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	5,788	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	10,602	D.C.

NOTES

(a) All certificates of authority expire June 30, and are renewable July 1, annually. Companies holding certificates of authority as acceptable sureties on Federal bonds are also acceptable as reinsuring companies.

(b) Treasury requirements do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by coinsurance, reinsurance, or other methods in accordance with Treasury Circular 297, Revised January 20, 1972 (31 CFR § 223.10, § 223.11). When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of a Treasury reinsurance form to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) A surety company must be licensed in the State or other area in which it executes (signs) the bond, but need not be licensed in the State or other area in which the principal resides or where the contract is to be performed (28 Op. Atty. Gen. 127, Dec. 24, 1909; 31 CFR § 223.5(b)). The term "other areas" includes the Canal Zone, District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State or other area in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where the bond is returnable or filed. No process agent required in State or other area wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle Central, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

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July 10, 1973—Pages 18351–18432

federal register

TUESDAY, JULY 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 131

Pages 18351–18432

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

FDA—Child Protection Packaging Standards for oven cleaners containing sodium and/or potassium hydroxide in special containers .. 37 FR 21633; 10–13–72

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List of CFR Parts Affected

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Title 3—The President

EXECUTIVE ORDER 11727

Drug Law Enforcement

Reorganization Plan No. 2 of 1973, which becomes effective on July 1, 1973, among other things establishes a Drug Enforcement Administration in the Department of Justice. In my message to the Congress transmitting that plan, I stated that all functions of the Office for Drug Abuse Law Enforcement (established pursuant to Executive Order No. 11641 of January 28, 1972) and the Office of National Narcotics Intelligence (established pursuant to Executive Order No. 11676 of July 27, 1972) would, together with other related functions, be merged in the new Drug Enforcement Administration.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. The Attorney General, to the extent permitted by law, is authorized to coordinate all activities of executive branch departments and agencies which are directly related to the enforcement of laws respecting narcotics and dangerous drugs. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Attorney General in the performance of functions assigned to him pursuant to this order, and the Attorney General may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

SEC. 2. Executive Order No. 11641 of January 28, 1972, is revoked and the Attorney General shall provide for the reassignment of the functions of the Office for Drug Abuse Law Enforcement and for the abolishment of that Office.

SEC. 3. Executive Order No. 11676 of July 27, 1972, is hereby revoked and the Attorney General shall provide for the reassignment of the functions of the Office of National Narcotics Intelligence and for the abolishment of that Office.

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SEC. 4. Section 1 of Executive Order No. 11708 of March 23, 1973, as amended, placing certain positions in level IV of the Executive Schedule is hereby further amended by deleting—

(1) "(6) Director, Office for Drug Abuse Law Enforcement, Department of Justice."; and

(2) "(7) Director, Office of National Narcotics Intelligence, Department of Justice."

SEC. 5. The Attorney General shall provide for the winding up of the affairs of the two offices and for the reassignment of their functions.

SEC. 6. This order shall be effective as of July 1, 1973.

Richard Nixon

THE WHITE HOUSE,
July 6, 1973.

[FR Doc.73-14120 Filed 7-6-73;4:24 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
Department of State

Section 213.3304 is amended to show that the following positions are no longer excepted under Schedule C: one Special Assistant to the Assistant Secretary, Bureau of Economic Affairs, and one Private Secretary to the Assistant Secretary, Bureau of European Affairs.

Effective on July 10, 1973, § 213.3304 (e) (2) and § 213.3304(i) are revoked.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13954 Filed 7-9-73;8:45 am]

PART 213—EXCEPTED SERVICE
Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant for Public Interest Group Liaison to the Assistant Administrator for Categorical Programs is excepted under Schedule C.

Effective July 10, 1973, § 213.3318(i) is added as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(i) *Office of the Assistant Administrator for Categorical Programs.* (1) One Special Assistant for Public Interest Group Liaison to the Assistant Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13951 Filed 7-9-73;8:45 am]

PART 213—EXCEPTED SERVICE
Selective Service System

Section 213.3346 is amended to show that one position of Confidential Assistant to the Director of Selective Service is no longer excepted under Schedule C, and one position of Private Secretary to the Director of Selective Service is excepted under Schedule C.

Effective on July 10, 1973, § 213.3346 (a) is revoked and § 213.3346(g) is added as set out below.

§ 213.3346 Selective Service System.

(a) [Revoked]

* * * * *

(g) One Private Secretary to the Director of Selective Service.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13952 Filed 7-9-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL
PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS
Special Freeze Group Questions and Answers No. 14

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 2, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
NO. 14

1. Q. If a seller in Puerto Rico increases his price after June 12, 1973, to a purchaser in the several States, may the purchaser pass through the price increase as an increased price of an import?

A. Yes. The sale of a product by a firm located in Puerto Rico to a purchaser in the several States is an import sale for purposes of the freeze.

2. Q. Are sales by a firm located in the several States to a purchaser in the Commonwealth of Puetro Rico considered exports and thus exempt from the freeze?

A. No. Sales by firms in the several States to purchasers in Puerto Rico are not export sales for purposes of the freeze. The sale of the commodity or service, therefore, is subject to the price freeze rules.

3. Q. In applying the substantial number of transactions test to determine the freeze price for its goods, may a firm include prices of goods which are exported during the freeze base period?

A. No.

[FR Doc.73-13881 Filed 7-5-73;9:53 am]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS
Special Freeze Group Questions and Answers No. 15

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 3, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS
NO. 15

1. Q. A firm imports 98 octane gasoline, the cost of which has increased 2¢ per barrel since June 12, 1973. The firm commingles this gasoline with naphtha and adds lead. The octane rating remains unchanged. May the firm pass through the increased cost of the 98 octane unleaded gasoline?

A. Increases in the landed costs of imports incurred after June 12, 1973 may be passed through on a dollar-for-dollar basis provided that the import is not physically transformed or used as a component of another product. The addition of lead to imported gasoline does not physically transform the gasoline nor make the gasoline a component of another product. The question of whether naphtha physically changes the imported gasoline depends upon whether the additives change the octane rating of the gasoline. In this case, the naphtha did not change the 98 octane rating of the imported

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gasoline. Therefore, the 2¢ per barrel increase in the cost of the imported 98 octane rating unleaded gasoline may be passed through on a penny-for-penny basis.

2. Q. Seller sold to a particular class of purchasers 98 octane rating gasoline for 43.9¢ per gallon during the freeze base period. On June 20, 1973, seller substituted 96 octane gasoline and is charging 43.9¢ to the same class of purchasers. Does the substitution of 96 octane for 98 octane gasoline sold at the same price constitute a price increase in violation of the freeze regulations?

A. Yes. The 96 octane gasoline is of lower quality than 98 octane gasoline and generally less expensive to produce. The substitution of a lower octane for a higher octane gasoline without a proportional price decrease is a price increase and is in violation of the freeze rules. The seller would compute his freeze price for a class of purchasers for the 96 octane gasoline as the price charged that class of purchasers during the period June 1 through 8, 1973. If the seller did not sell 96 octane during that period, he would use the price charged during the most recent 7-day period preceding June 1 through 8, 1973, when he sold 96 octane gasoline. If he has not sold 96 octane during the one year period immediately preceding June 20, 1973, he may use the new commodities rule to compute the freeze price.

3. Q. In Freeze Group Questions and Answers No. 3, Question 1 makes clear that a buyer and seller are obligated to adhere to the freeze prices and may not perform at a contract price above the freeze price. Therefore, a seller may decline to perform completely if he wishes when the contract requires a selling price above the freeze price. How is this ruling applied to the contract sale of petroleum under an allocation system?

A. As set forth in the prior Q&A, the seller may be excused from his contractual obligations. However, a seller of petroleum may have noncontractual obligations to a particular buyer under an allocation program. The price freeze rules may excuse the seller from his contractual obligations, but nothing in the freeze rules releases the seller from his noncontractual obligations under an allocation program.

4. Q. Is the freeze price for crude petroleum determined by the producer or the purchaser?

A. The freeze price for crude petroleum is determined by the producer as the highest price at or above which at least 10% of the transactions from that field and for that grade of crude, and with the class of purchaser concerned were priced during the period June 1 through 8, 1973. In many cases this freeze price may be less than the prices posted by purchasers of that particular crude from that particular field.

5. Q. After June 13, 1973, a firm purchases 2,000 gallons of imported gasoline at 21¢, an increase of 1¢ per gallon over the price the firm was paying for the same gasoline on June 10. The firm also purchased 8,000 gallons of domestic gasoline of the same octane which it commingled with the imported gasoline. The freeze price for the domestic and imported gasoline is 19¢ per gallon. At what price can the firm sell the gasoline?

A. Subject to the limitations of Special Rule No. 1, of the Phase III regulations which is still in effect during the freeze, the firm has two choices. (1) It may sell the 10,000 gallons of gasoline at 19.2¢ per gallon. This figure is derived by calculating the increased cost incurred (1¢×2,000 = $20.00), averaging the increase over all 10,000 gallons of

$$\text{gasoline purchased } \frac{\$20.00}{10{,}000} = .2¢$$

and adding the average increase to the freeze price (19¢ +.2¢ = 19.2¢). (2) Instead of averaging, the firm may alternatively add the 1¢ per gallon increase to the 19¢ freeze price of the imported gasoline. If the firm chose this method, it would sell 2,000 gallons of imported gasoline at 20¢ per gallon.

6. Q. During the freeze base period, a producer sold to a single class of purchaser 5% of his crude oil with a specific gravity of 40 degrees from a particular field at $4.00 per barrel, 5% at $3.75 and 90% at $3.50. What is the freeze price?

A. The freeze price with respect to this class of purchaser is defined as the highest price at or above which at least 10% of the transactions with that class of purchaser during the period June 1 through 8, 1973, took place. Here, the highest price at or above which 10% of the transactions took place is $3.75.

7. Q. A company which derives revenues in excess of $250 million from the sale of petroleum products and crude petroleum imports petroleum products for resale. The company passes through increased costs of those imports by commingling the imports with the domestic product and averaging the price increase over the imported and domestic product. Is this company subject to prenotification and profit margin constraints if it has reached a weighted annual average price increase level of 1.5%?

A. Yes. If a company which refines and imports gasoline commingles the domestic and imported gasoline and sells it all at one price, it may increase that price to reflect increases in the landed cost of the imported gasoline incurred after June 12, 1973.

However, the freeze regulations are in addition to the Phase III regulations and do not supersede those regulations. The freeze regulations will not operate to permit prices higher than permitted under Phase III regulations. Special Rule No. 1 of the Phase III regulations requires a firm which derives $250 million from the sale of covered products to prenotify price increases which exceed 1.5% on a weighted annual basis. An increase in the selling price of domestically refined gasoline to reflect increases in the cost of imported gasoline which is commingled with the domestic gasoline is a price increase for purposes of Special Rule No. 1. Therefore, a firm which has increased prices on a weighted annual average basis of 1.5% may not pass through the increased cost of imports by averaging unless the firm has prenotified and received approval for the price increase from the Cost of Living Council. For purposes of prenotification under Special Rule No. 1, the firm must show that the price increase above 1.5% will not cause the firm to exceed its base period profit margin.

8. Q. The posting for crude in X field was $3.50 from June 1 through June 10. On June 11, 1973, the posting was increased to $3.60, retroactive to June 1, 1973. What is the freeze price?

A. $3.50. The freeze price is the highest price at or above which crude was priced in 10% of the transactions during the period June 1 through 8, 1973. A transaction in oil occurs when the oil enters the pipeline. In this case the posting, effective for the oil entering the pipeline on June 1 through 8, 1973, was $3.50. The freeze rules prohibit a producer from charging and a purchaser from paying more than $3.50 per barrel for crude entering the pipeline after 9:00 p.m., e.s.t., June 13, 1973.

9. Q. A product was shipped on June 10, 1973 at a price which exceeds the freeze price. The product and the bill were received by the purchaser on June 15, 1973. Must the customer pay the higher price which exceeds the freeze price?

A. Yes. The freeze applies only to transactions occurring on or after 9 p.m., e.s.t., on June 13, 1973. A transaction occurs when a product is shipped or a service is performed. This transaction occurred on June 10, 1973 prior to the freeze. Therefore, the price charged is not subject to the freeze.

10. Q. A wholesaler sells gasoline in City X and City Y. The wholesaler has established freeze prices at each city, but recently has been cut off by its supplier at City X. The wholesaler can offer gasoline to all its customers from terminals at City Y. May the wholesaler charge his customers at City X the freeze price at City Y plus transportation charges to bring the product from City Y to City X?

A. No. The seller has a freeze price with respect to the customers in each city. He has never charged for the transportation cost in transporting the gasoline and may not now charge for transportation.

11. Q. An importer of crude, has incurred a 10¢ increase in the cost of the crude over the June 12 cost. Pursuant to the import cost pass on rule, the importer increased his selling price of crude by 10¢. The importer sells this crude to a refiner. May the refiner increase the product price on a dollar-for-dollar basis for products refined from the higher priced imported crude?

A. No. The import cost pass on rule allows any person who imports or resells an imported commodity to pass on, dollar-for-dollar, increases in the landed cost of an import incurred after June 12, 1973 only so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. The refiner has physically transformed the imported crude by refining it. Therefore, he may not use the dollar-for-dollar pass through rule to increase the price of products refined from the imported crude.

[FR Doc.73-13882 Filed 7-5-73;9:53 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 71, Amdt. 11; Export Reg. 22, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade Regulations

These amendments lower the minimum grade requirements for oranges, other than Navel, Temple, and Murcott Honey oranges shipped from the production area in Florida. The specification of such lower minimum grades for Florida oranges is necessary to satisfy the demand for oranges during the period of seasonally reduced supply. The amended regulations recognize the lesser quality of much of the oranges remaining from the 1972–73 Florida orange crop. The regulations will permit shipment of such lesser quality and increase the supply to domestic consumers and for export.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Less restrictive grade limitations on domestic and export shipments of oranges, other than Navel, Temple, and Murcott Honey oranges, are consistent with the external appearance and remaining supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets. Fresh shipments of Florida oranges for the season through June 24, 1973, totaled 19,529 carlots, and there were an estimated 671 carlots remaining for shipment.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of certain varieties of oranges grown in Florida.

Order. 1. The provisions of paragraph (a)(1) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565, 8169, 9075, 10151) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) • • •

(1) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

• • • • • •

2. In § 905.549 (Export Regulation 22; 37 FR 20036; 38 FR 1354) the provisions of paragraph (a)(1) are amended to read as follows:

§ 905.549 Export Regulation 22.

(a) • • •

(1) Any oranges, other than Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 5, 1973, to become effective July 16, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-13997 Filed 7-9-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Miscellaneous Amendments

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 214 and 245 of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 214, § 214.2(c)(1) is amended to delete Rouses Point, New York, as a port of entry for aliens in transit without visa privilege. Since Rouses Point, New York, was originally so designated for passengers traveling by rail to embark foreign by sea at New York City, and since trains are no longer operating through that port, the designation is accordingly revoked.

In Part 245, § 245.1(g)(1) is amended to clarify that an immigrant visa is considered available for accepting and processing an application for adjustment of status under section 245 of the Act filed by a preference or nonpreference alien only if the applicant has a priority date as specified therein in the preference or nonpreference category to which he is chargeable. Section 245.2(a)(2) is amended to clarify that an application for adjustment of status under section 245 of the Act filed by a nonpreference alien claiming an exemption from the labor certification requirement as an investor shall not be considered as having been properly filed unless it is accompanied by Form I–526.

The following amendments to Chapter I of Title 8, Code of Federal Regulations, are hereby prescribed:

In § 214.2(c), the second sentence of subparagraph (1) is amended by deleting therefrom "Rouses Point, N.Y." As amended, § 214.2(c)(1) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

• • • • • •

(c) *Transits*—(1) *Without visas.* An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States, and that his departure from the United States will be accomplished within 8 hours after his arrival (except that, if seeking to join a vessel in the United States as a crewman, he must be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, he will proceed directly to the vessel and upon joining the vessel, will remain aboard at all times until it departs from the United States): *Provided,* That until his departure from the United States he shall be in the custody of the carrier which brought him to the United States; *And provided further,* That departure from the United States must be effected from the same port at which he arrived. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D.C.; Norfolk, Va.; Atlanta, Ga.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The privilege of transit without a visa may be authorized only under the conditions that the carrier, without the prior consent of the Service, will not refund the ticket which was presented to the Service as evidence of the alien's confirmed and onward reservation and that the alien will not apply for extension of temporary stay or for adjustment of status under section 245 of the Act.

1. In § 245.1(g)(1), the second sentence is revised. As amended, § 245.1(g)(1) reads as follows:

§ 245.1 Eligibility.

• • • • • •

(g) *Availability of immigrant visas under section 245 and priority dates*—(1) *Availability of immigrant visas under section 245.* If the applicant for adjustment of status under section 245 of the Act is a preference or nonpreference alien, the current Department of State Visa Office Bulletin on Availability of Immigrant Visa Numbers will be consulted to determine whether an immigrant visa is immediately available. An immigrant visa is considered available for accepting and processing the application Form I–485 if the preference or nonpreference category applicant has a priority date on the waiting list which is not more than 90 days later than the date shown in the Bulletin or the Bulletin shows that numbers for visa applicants in his category are current. Information as to the immediate availability of an immigrant visa may be obtained at the nearest Service office.

• • • • • •

(2) In § 245.2(a)(2), a new sentence is added between the existing fourth and fifth sentences. As amended, § 245.2(a)(2) reads as follows:

§ 245.2 Application.

(a) *General*—(1) *Jurisdiction.* • • •

(2) *Filing application.* Before an application for adjustment of status under section 245 of the Act may be considered properly filed, a visa must be immediately available. If a visa would be im-

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mediately available only upon approval of a visa petition, the application will not be considered properly filed unless such petition has first been approved. If a visa petition is submitted simultaneously with the adjustment application, the adjustment application shall be retained and processed only if the petition is found to be in order for approval upon initial review by an immigration officer, is approved, and approval makes a visa immediately available. If the petition is returned to the petitioner for any reason, or decision thereon is deferred for investigation, interview, labor certification or consultation with another Government agency, or if the petition is denied, the adjustment application shall not be considered as having been properly filed. If the applicant is claiming that the provisions of section 212(a)(14) of the Act do not apply to him because he is within the exemption described in § 212.8(b)(4) of this chapter, the application shall not be considered properly filed unless it is acompanied by Form I–526. An application for adjustment of status under section 245 of the Act as a nonpreference alien shall not be considered properly filed unless the applicant establishes that he is entitled to a priority date for allotment of a nonpreference visa number in accordance with § 245.1(g)(2) and that a visa is immediately available within the contemplation of § 245.1(g)(1). A nonpreference alien for whom a visa is not immediately available may not file an application for adjustment of status, but may seek to establish a nonpreference priority date through an application for an immigrant visa at a United States consular office. The application under section 245 of the Act shall be made on Form I–485, while the application under section I of the Act of November 2, 1966, shall be made on Form I–485A. Each application shall be accompanied by executed Form G–325A, if the applicant has reached his 14th birthday, which shall be considered as part of the application. An application under this subparagraph shall be accompanied by the documents specified in the instructions which are attached to the application.

* * * * *

Compliance with the provisions of 5 U.S.C. (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 214.2(c)(1) deletes an inoperative port of entry and the amendments to §§ 245.1(g)(1) and 245.2(a)(2) are clarifying in nature.

Effective date. This order shall be effective on July 10, 1973.

Dated: July 5, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-13996 Filed 7-9-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines an additional portion of Riverside County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, apply to the quarantined area.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, a new subdivision (iv) relating to Riverside County is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *California.* * * *

(iv) The premises of D & W Ranch, 23840 Juniper Flats Road, City of Romoland in Riverside County, located on portions of Government lots 4 and 5 and lying north and east of Juniper Flats Road in the southwest one-half of section 34, T. 4 S., R. 2 W.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 3, 1973.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14000 Filed 7-9-73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Released From Quarantine

This amendment excludes portions of Riverside County in California from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, subdivisions (iv) and (vi) relating to Riverside County are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 2, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 2nd day of July, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-13955 Filed 7-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

CFR Correction

In § 221.3 (w) appearing on page 534 of Title 12, revised as of January 1, 1973, paragraphs (w)(2) and (3) were inadvertently dropped from the text. As corrected, paragraph (w) of § 221.3 reads as set forth below.

§ 221.3 Miscellaneous provisions.

* * * * * *

(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. sec. 1–1236–1(d)) shall be determined by the bank in good faith: *Provided*, That in respect of each such stock he shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market making activity (Securities and Exchange Commission Form X–17A–12(1)) and all other reports required to be filed by market makers in OTC margin stocks pursuant to a rule of the Commission (Rule 17a–12 (17 CFR 240.17a–12)) and shall not have ceased to engage in such market making activity: *And provided further*, That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

(2) An OTC market maker with respect to an OTC margin stock is a dealer who has and maintains minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 15c3–1(b)(2)) of $25,000 plus $5,000 for each such stock in excess of 5 in respect of which he has filed and not withdrawn the notice on Commission Form X–17A–12(1) (but in no case does this subparagraph (2) require net capital of more than $250,000), who is in compliance with such rule of the Commission or exchange, and who, except when such activity is unlawful, meets all of the following conditions with respect to such stock: (i) He regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system. (ii) he furnishes bona fide, competitive bid and offer quotations to other brokers and dealers on request, (iii) he is ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers, (iv) he has a reasonable average rate of inventory turnover.

(3) If all or a portion of the credit extended pursuant to this paragraph (w) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be an OTC market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

* * * * *

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–GL–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 10462 of the FEDERAL REGISTER dated April 27, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Greenwood, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on June 22, 1973.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is added:

GREENWOOD, ILL.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Galt Airport (lat. 43°24'09" N., long. 88°22'33" W.).

[FR Doc.73-13874 Filed 7-9-73;8:45 am]

[Airspace Docket No. 73–SW–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On April 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 10276) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the vicinity of Monroe, La., simultaneously with the relocation of the Monroe VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The Air Transport Association of America (ATA) suggested that V94 be extended beyond Lambert, Miss., to Memphis, Tenn. The FAA agrees with this suggestion and such action is taken herein. Since this segment between Lamberta and Memphis will be codesignated with V9W, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 8, 1973, as hereinafter set forth.

Section 71.123 (37 FR 22972 and 38 FR 307) is amended as follows:

1. In V–18 "Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials;" is deleted and "Monroe, La., including a N alternate and also a S alternate;" is substituted therefor.

2. In V–71 all before "Hot Springs, Ark.;" is deleted and "From Baton Rouge, La.; Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including a W alternate and also an E alternate via INT Natchez 341° and Monroe 105° radials; El Dorado, Ark;" is substituted therefor.

3. In V–94 all after "Elm Grove, La.;" is deleted and "Monroe, La.; Greenville, Miss., including a W alternate; INT Greenville 036° and Memphis, Tenn., 205° radials; to Memphis. The airspace within R–5103A is excluded," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 13348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 2, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-13875 Filed 7-9-73;8:45 a.m.]

[Airspace Docket No. 72–WA–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Terminal Control Area; Correction

On May 24, 1973, FR Doc. 73–10331 was published in the FEDERAL REGISTER

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(38 FR 13635), designating the Dallas-Fort Worth, Tex., Group I Terminal Control Area (TCA) effective September 30, 1973.

In the description of Area B, a longitudinal coordinate was incorrectly identified as "• • • 96°53'30" W • • •" The correct entry should have been "• • • 96°54'30" W • • •" Action is taken herein to correct the error.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, FR Doc. 73-10331 (38 FR 13635) is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In Area B, line 13, delete "longitude 96°53'30" W.," and substitute "longitude 96°54'30" W.," therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 29, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-13876 Filed 7-9-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2383]

PART 13—PROHIBITED TRADE PRACTICES

Arlen Realty & Development Corp., et al.

Correction

In FR Doc. 73-12276, appearing at page 16038 of the issue for Wednesday, June 20, 1973, the last number in the third line of the authority citation which now reads "1665" should read "1605".

[Docket No. C-2405]

PART 13—PROHIBITED TRADE PRACTICES

Gary R. Greene and Green's Jewelers

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; —Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605)

[Cease and desist order, Gary R. Greene trading as Green's Jewelers, Cleveland, Ohio, Docket No. C-2405, May 25, 1973]

In the matter of Gary R. Greene, an individual trading and doing business as Green's Jewelers.

Consent order requiring a Cleveland, Ohio, seller and distributor of jewelry, household furnishings and other merchandise, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Gary R. Greene, an individual trading and doing business as Green's Jewelers, or any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by §226.8(b)(2) of Regulation Z;

(2) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z;

(3) Failing to disclose the cash price of the property or service purchased, and to describe that amount as the "cash price", as defined in § 226.2(i) of Regulation Z, as prescribed by § 226.8(c)(1) of Regulation Z;

(4) Failing to disclose the downpayment in money made in connection with the credit sale, and to describe that amount as the "cash downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(5) Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in", as prescribed by § 226.8(c)(2) of Regulation Z;

(6) Failing to disclose the sum of the "cash downpayment" and "trade-in", and to describe that sum as the "total downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(7) Failing to disclose the difference between the "cash price" and the "total downpayment", and to describe that amount as the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z;

(8) Failing to disclose all charges which are not part of the "finance charge", but are included in the amount financed and to itemize each such charge individually, as prescribed by § 226.8(c)(4) of Regulation Z;

(9) Failing to disclose the sum of the "unpaid balance of cash price" and all other amounts itemized individually which are part of the amount financed, but which are not included in the "finance charge" and to describe that amount as the "unpaid balance", as prescribed by § 226.8(c)(5) of Regulation Z;

(10) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z;

(11) Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge", as prescribed by § 226.8(c)(8)(i) of Regulation Z;

(12) Failing to disclose the sum of the "cash price", all charges which are included in the amount financed but which are not part of the finance charge, and the "finance charge", and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z;

(13) Failing to make consumer credit cost disclosures when any existing extension of credit is refinanced, or two or more existing extensions of credit are consolidated, or an existing obligation is increased, as prescribed by § 226.8(j) of Regulation Z;

(14) Failing to make consumer credit cost disclosures clearly, conspicuously, and in meaningful sequence, as prescribed by § 226.6(a) of Regulation Z;

(15) Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z;

(16) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered, That respondent prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondent deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: May 25, 1973.

By the Commission.

VIRGINIA M. HARDING,
Acting Director.

[FR Doc.73-13898 Filed 7-9-73;8:45 am]

[Docket No. C-2395]

PART 13—PROHIBITED TRADE PRACTICES

Leron, Inc., and Norman D. Forster

Correction

In FR Doc. 73-11141 appearing on page 14749 of the issue for Tuesday, June 5, 1973, in the eighth line of the third ordering paragraph the comma after "fabrics and/or products" should be a period, and the following text inserted immediately thereafter:

It is further ordered, that the respondents herein shall, within ten (10) days after service upon them of this Order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this Order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics and/or products which gave rise to the complaint, (2) the amount and number of said fabrics and/or products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and/or products and effect the recall of said fabrics and/or products from customers, and of the results thereof, (4) any disposition of said fabrics and/or products since September 15, 1970 and (5) any action taken or proposed to be taken to bring said fabrics and/or products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics and/or products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of two ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than one square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of

[Docket No. C-2404]

PART 13—PROHIBITED TRADE PRACTICES

Relyon, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 Prices: 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act;—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: §§ 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605)

[Cease and desist order, Relyon, Inc., et al., Cleveland, Ohio, Docket No. C-2404, May 22, 1973]

In the matter of Relyon, Inc., a corporation, and B.W. & W., Inc., a corporation, trading and doing business as Relyon, Inc., Gerald Blank, individually and as an officer of said corporation, and E. Richard Weitz, individually and as an officer of B. W. & W., Inc., and Myron Weissman, individually and as an officer of B. W. & W., Inc.

Consent order requiring two related Cleveland, Ohio, sellers and distributors of furniture, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Relyon, Inc., a corporation, B. W. & W., Inc., a corporation, trading and doing business as Relyon, Inc., and their officers, and respondent Gerald Blank, individually and as an officer of said corporations, and respondents E. Richard Weitz and Myron Weissman, individually and as officers of B. W. & W., Inc., respondents' successors and assigns and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth In Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as prescribed by § 226.8(b)(2) of Regulation Z;

(2) Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness, as prescribed by § 226.8(b)(3) of Regulation Z;

(3) Failing to disclose the cash price of the property or service purchased and to describe that amount as the "cash price", as defined in § 226.2(i) of Regulation Z, as prescribed by § 226.8(c)(1) of Regulation Z;

(4) Failing to disclose the downpayment in money made in connection with the credit sale, and to describe that amount as the "cash downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(5) Failing to disclose the downpayment in property made in connection with the credit sale, and to describe that amount as the "trade-in", as prescribed by § 226.8(c)(2) of Regulation Z;

(6) Fail to disclose the sum of the "cash downpayment" and "trade-in" and to describe that sum as the "total downpayment", as prescribed by § 226.8(c)(2) of Regulation Z;

(7) Fail to disclose the difference between the "cash price" and the "total downpayment", and to describe that amount as the "unpaid balance of cash price", as prescribed by § 226.8(c)(3) of Regulation Z;

(8) Fail to disclose all charges which are not part of the "finance charge", but are included in the amount financed and to itemize each such charge individually, as prescribed by § 226.8(c)(4) of Regulation Z;

(9) Fail to disclose the sum of the "unpaid balance of cash price" and all other amounts itemized individually which are part of the amount financed, but which are not included in the "finance charge" and to describe that amount as the "unpaid balance", as prescribed by § 226.8(c)(5) of Regulation Z;

(10) Fail to disclose the amount of credit extended and to describe that amount as the "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z;

(11) Fail to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge", as prescribed by § 226.8(c)(8)(i) of Regulation Z;

(12) Fail to disclose the sum of the "cash price", all charges which are included in the amount financed but which are not part of the finance charge, and the "finance charge", and to describe that sum as the "deferred payment price", as prescribed by § 226.8(c)(8)(ii) of Regulation Z;

(13) Failing to make consumer credit cost disclosures before consummation of the transaction, and to furnish the customer with a duplicate of the instrument or a statement by which the disclosures required by § 226.8 are made, as prescribed by § 226.8(a) of Regulation Z;

(14) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents prominently display no less than two

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signs on the premises which will clearly and conspicuously state that a customer must receive a completed copy of the consumer credit cost disclosures, as required by the Truth In Lending Act, in any transaction which is financed, before the transaction is consummated.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged, as well as a description of their duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed changes in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or disolution of subsidiaries or any other changes in the corporations which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: May 22, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.73-13897; Filed 7-9-73;8:45 am]

[Docket No. C-2408]

PART 13—PROHIBITED TRADE PRACTICES

Thomas J. Lipton, Inc., and Knox Gelatine, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*: 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-64 Nutritive; § 13.205 *Scientific or other relevant facts*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interprets or applies sec 5, 38 Stat 719, as amended; 15 USC 45) [Cease and desist order, Thomas J. Lipton, Inc., et al., Johnstown, N.Y., Docket No. C-2408, May 29, 1973]

In the Matter of Thomas J. Lipton, Inc., a corporation, and Knox Gelatine, Inc., a corporation.

Consent order requiring a Johnstown, New York, manufacturer, seller and distributor of a multi-flavored dry preparation, Knox Gelatine Drink, among other things to cease advertising that its product makes a substantial contribution to general health or to nutritional needs.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Thomas J. Lipton, Inc., a corporation, and respondent Knox Gelatine, Inc., a corporation their successors and assigns and their officers, agents, representatives and employees directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Knox Gelatine Drink or any other food product hereinafter described forthwith cease and desist from:

1. Disseminating, or causing the dissemination of, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act that

A. Represents, directly or by implication, that gelatine protein is a high quality protein or provides nutritional benefit to individuals.

B. Represents, directly or by implication, that the consumption of Knox Gelatine Drink makes a substantial contribution to the general health of individuals or to the nutritional needs of individuals.

C. Represents, directly or by implication, that the consumption of any gelatine food product, which relies primarily on gelatine to produce a jelled condition in the food as prepared, makes a contribution to good health of individuals or is nutritious.

D. Misrepresents, directly or by implication, in any manner the benefit to the health of the consumer resulting from consumption of any gelatine drink or gelatine food product which relies primarily on gelatine to produce a jelled condition in the food as prepared.

Provided, That nothing herein shall preclude respondents from representing that gelatine protein is a high quality protein, if respondents can demonstrate by competent and reliable scientific evidence that such gelatine protein has been supplemented with essential amino acids or those amino acids necessary to convert gelatine protein into a high quality protein, as the highest biological quality protein is described by the Food and Drug Administration Proposed Food Nutrition Labeling Regulaions, or any such regulations promulgated or superseding regulations.

Provided further, That nothing herein shall preclude respondents from making representations, if supported by competent and reliable scientific evidence, regarding the effect of gelatine protein as an aid to dieting.

2. Disseminating, or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of products subject to this order in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in Paragraph 1 hereof.

II. *It is further ordered*, That respondents Thomas J. Lipton, Inc., a corporation, and Knox Gelatine, Inc., a corporation, their successors and assigns and their officers, agents, representatives and employees, directly or through any other device, in connection with the advertising, labeling, offering for sale, sale or distribution of Knox Gelatin Drink or any other food product described in Part I hereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making, directly or by implication, any of the representations or misrepresentations prohibited in Part I hereof.

The provisos to Part I hereof are applicable to this Part II of the order.

It is further ordered, That respondents shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report in writing, signed by each respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued: May 29, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-13899 Filed 7-9-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5402, 34-10214, IC-7856]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Commission Expresses Concern With Failure of Issuers to Timely and Properly File Periodic and Current Reports

The Securities and Exchange Commission today expressed its concern with the failure by many issuers who are subject to the periodic reporting requirements of the federal securities laws to comply with those requirements. The reporting requirements, which are designed to provide public investors with the financial and other information necessary to make informed investment decisions, are among the most important elements of the full disclosure policy of the federal securities laws.

The Commission believes that strict compliance with these requirements is essential to the maintenance of fair and orderly trading markets. For this reason, the Commission has directed its staff to monitor closely compliance with these reporting provisions. In appropriate instances, the Commission will consider temporarily suspending trading in securities of delinquent issuers, in order to alert the public to the lack of adequate, accurate and current information concerning such issuers. Brokers and dealers are reminded that no quotation may be entered at the conclusion of such a temporary suspension without strict compliance with the provisions of Securities Exchange Act Rule 15c2-11 (17 CFR 240.-15c2-11) requiring the availability of specified financial and other information. In addition, the Commission may institute court actions or administrative proceedings to compel the filing of delinquent reports and/or to enjoin future violations of the reporting requirements. Further, the Commission may refer appropriate cases to the Department of Justice for criminal prosecution.

The Commission reminds issuers that reports are deemed filed with the Commission upon receipt at the Commission's headquarters in Washington, D.C. In order to assist the Commission in processing these reports, it is requested that they be delivered or mailed to Room 130, 500 North Capitol Street, NW., Washington, D.C. 20549, which is the Commission's central receiving facility.

The Commission also reminds issuers that there are provisions under the federal securities laws relating to requests for extensions of time within which to file reports. Issuers having questions relating to requests for such extensions of time should communicate with the Commission's Division of Corporation Finance.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 11, 1973.

[FR Doc.73-13895 Filed 7-9-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60; CORRECTION

In FR Doc. 73-10278, appearing on page 13556 in the issue of Wednesday, May 23, 1973, the following correction is made: In the left column of page 13557, that portion of lines 4 and 5 and the last line of § 121.1030(c)(14) reading "0.05 percent on a dry weight basis." are corrected to read "0.05 percent in the finished product."

Dated: June 27, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-13884 Filed 7-9-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COPOLYMER CONDENSATES OF ETHYLENE OXIDE AND PROPYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1A2608) filed by Wyandotte Chemicals Corp., 1609 Biddle Ave., Wyandotte, MI 48192, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of α-Hydro-*omega*-hydroxy-poly (oxyethylene)/(oxypropylene) (minimum 15 moles)/poly(oxyethylene) block copolymer, having a minimum average molecular weight of 1900 and a minimum cloud point of 9° C.-12° C. in 10 percent aqueous solution, as a surfactant and defoaming agent in poultry scald baths.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1235 is amended in paragraphs (a) by adding a new subparagraph (3) thereto, and in paragraph (b) by adding a new subparagraph (3) thereto, to read as follows:

§ 121.1235 Copolymer condensates of ethylene oxide and propylene oxide.

• • • • • •

(a) • • •

(3) α-Hydro-*omega*-hydroxy-poly(oxyethylene) / poly(oxypropylene) (minimum 15 moles)/poly(oxyethylene) block copolymer, having a minimum average molecular weight of 1900 and a minimum cloud point of 9° C.-12° C. in 10 percent aqueous solution.

(b) • • •

(3) The additive identified in paragraph (a)(3) of this section is used as a surfactant and defoaming agent, at levels not to exceed 0.05 percent by weight, in scald baths for poultry defeathering, followed by potable water rinse. The temperatures of the scald baths shall be not less than 125° F.

Any person who will be adversely affected by the foregoing order may at any time on or before August 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 10, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 27, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-13883 Filed 7-9-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

In the FEDERAL REGISTER of April 11, 1973 (38 FR 9176), notice was given that a petition (FAP 3B2893) had been filed by Alcolac, Inc., 3440 Fairfield Rd., Baltimore, MD 21226, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of polyethylene glycol mono(hydrogen sulfate) dodecyl ether, ammonium salt, as a component of adhesives intended for use in food-contact articles.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the above-named additive under the preferred chemical nomenclature set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

• • • • • •

(c) • • •

(5) • • •

COMPONENTS OF ADHESIVES

Substances	*Limitations*
• • •	• • •
α-Sulfo-*omega*-(dodecyloxy) poly (oxyethylene), ammonium salt.	
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time on or before August 9, 1973, file with the Hearing Clerk, Department

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of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 10, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 27, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-13885 Filed 7-9-73;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Federal Participation in Costs Incurred

The purpose of this amendment is to incorporate in Part 1 of Title 23, Code of Federal Regulations, material contained in Instructional Memorandum 21-3-64. The amendment provides that the Administrator may allow Federal participation in costs not incurred in accordance with certain administrative requirements when he finds among other things, that such action is in the public interest and will not increase the cost to the Federal Government.

In consideration of the foregoing, § 1.9 of Title 23, Code of Federal Regulations, is amended by designating the first paragraph of § 1.9 as (a) and deleting the word "part" and inserting the word "title" as it appears in paragraph (a), and by adding new paragraphs (b) and (c) as follows:

§ 1.9 Limitation on Federal participation.

(a) Federal-aid funds shall not participate in any cost which is not incurred in conformity with applicable Federal and State law, the regulations in this title, and policies and procedures prescribed by the Administrator. Federal funds shall not be paid on account of any cost incurred prior to authorization by the Administrator to the State highway department to proceed with the project or part thereof involving such cost.

(b) Notwithstanding the provisions of paragraph (a) of this section the Administrator may, upon the request of a State highway department, approve the participation of Federal-aid funds in a previously incurred cost if he finds:

(1) That his approval will not adversely affect the public,

(2) That the State highway department has acted in good faith, and that there has been no willful violation of Federal requirements,

(3) That there has been substantial compliance with all other requirements prescribed by the Administrator, and full compliance with requirements mandated by Federal statute,

(4) That the cost to the United States will not be in excess of the cost which it would have incurred had there been full compliance, and

(5) That the quality of work undertaken has not been impaired.

(c) Any request submitted under paragraph (b) of this section shall be accompanied by a detailed description of the relevant circumstances and facts, and shall explain the necessity for incurring the costs in question.

(23 U.S.C. 315, delgations of authority in, 49 CFR 1.48(b))

Issued on July 3, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-13966 Filed 7-9-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7280]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Elective Social Security Coverage for Vow-of-Poverty Members of Religious Orders

By a notice of proposed rule making appearing in the FEDERAL REGISTER on March 19, 1973 (38 FR 7230), and corrected in the FEDERAL REGISTER for March 23, 1973 (38 FR 7570), amendments to the Employment Tax Regulations (26 CFR Part 31) were proposed in order to conform such regulations to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), relating to elective social security coverage for vow-of-poverty members of religious orders. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, as revised, are adopted by this document.

Under prior law, the services performed by a member of a religious order who is subject to a vow of poverty which were in the exercise of the duties required by the order were excluded from coverage under social security. Under section 123 such service will be covered under social security if the order (or an autonomous subdivision of the order) irrevocably elects coverage for its members subject to a vow of poverty, and if the order also makes an irrevocable election (or makes irrevocable a previous election) to cover its lay employees. The election may be made retroactive for up to 20 calendar quarters preceding the quarter in which the certificate of election is filed.

The regulations as proposed have been revised to make it clear that services performed by a member of a religious order, or a subdivision of a religious order, which has elected coverage under section 3121 (r) are included in employment and are subject to social security coverage even though they are performed for an employer other than the religious order or subdivision. The proposals have also been revised to clarify that cash received from an outside employer and not required to be remitted to the religious order or subdivision is included in "wages".

The final regulations contain a revised definition of an autonomous subdivision of a religious order. This revision takes account of the fact that some such groups elect their religious superiors while other groups have them appointed by higher authority.

Under the proposed rules, an electing religious order or subdivision which determines that a member has retired must submit with its employment tax return a summary of the facts upon which the determination has been made. The final regulations specify that each such summary shall contain the name and social security number of each such retired member as well as the date of his retirement.

Adoption of amendments to the regulations. On March 19, 1973, a notice of proposed rule making with respect to the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954 to conform such regulations to section 123 of the Social Security Amendments of 1972 (86 Stat. 1354) was published in the FEDERAL REGISTER (38 FR 7230). On March 23, 1973, a notice of correction of such notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 7570). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment of the Employment Tax Regulations under section 3121 is hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 31.3121(b)(8)-1, as set forth in paragraph 3 of the appendix to the notice of proposed rule making, is amended by revising paragraph (a) thereof to read as set forth below.

PAR. 2. Section 31.3121(i)-4, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is amended by revising so much thereof as precedes example (1), and by revising examples (4) and (5) thereof, to read as set forth below.

PAR. 3. Section 31.3121(r)-1, as set forth in paragraph 7 of the appendix to the notice of proposed rule making, is amended by revising paragraphs (a) and (b) (4) thereof to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved July 3, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under section 3121 of the Internal Revenue Code of 1954 to the provisions of section 123 of the Social Security Amendments of 1972 (86 Stat. 1354), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(5) of § 31.0-2 is amended by adding subdivision (viii) at the end thereof to read as follows:

§ 31.0-2 General definitions and use of terms.

(a) *In general.* As used in the regulations in this part, unless otherwise expressly indicated—

• • • • • •

(5) • • •

(viii) The Social Security Amendments of 1972 means the act approved October 30, 1972 (86 Stat. 1329).

• • • • • •

PAR. 2. Section 31.3121(b)(8) is amended by revising § 31.3121(b)(8)(A) and the historical note to read as follows:

§ 31.3121(b)(8) Statutory provisions; definitions; employment; services performed by a minister of a church or a member of a religious order; services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

SEC. 3121. *Definitions.* • • •

(b) *Employment.* For purposes of this chapter, the term "employment" means • • • any service, of whatever nature, performed after 1954 • • •; except that • • • such term shall not include—

• • • • • •

(8) (A) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, except that this subparagraph shall not apply to service performed by a member of such an order in the exercise of such duties, if an election of coverage under subsection (r) is in effect with respect to such order, or with respect to the autonomous subdivision thereof to which such member belongs;

• • • • • •

[Paragraph (9), sec. 3121(b) redesignated paragraph (8) by sec. 205(b), Social Security Amendments 1954; as amended by sec. 405 (b), Social Security Amendments 1958; sec. 123(a)(2), Social Security Amendments 1972]

PAR. 3. Section 31.3121(b)(8)-1 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)-1 Services performed by a minister of a church or a member of a religious order.

(a) *In general.* Services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of his duties required by such order, are excluded from employment, except that services performed by a member of such an order in the exercise of such duties (whether performed for the order or for another employer) are included in employment if an election of coverage under section 3121(r) and § 31.3121(r)-1 is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs. For provisions relating to the election available to certain ministers and members of religious orders with respect to the extension of the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act to certain services performed by them, see Part 1 of this chapter (Income Tax Regulations).

• • • • • •

PAR. 4. Section 31.3121(b)(8)-2 is amended by revising paragraph (a) thereof to read as follows:

§ 31.3121(b)(8)-2 Services in employ of religious, charitable, educational, or certain other organizations exempt from income tax.

(a) Services performed by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a) are excepted from employment. However, this exception does not apply to services with respect to which a certificate, filed pursuant to section 3121 (k) or (r), or section 1426(l) of the Internal Revenue Code of 1939, is in effect. For provisions relating to the services with respect to which such a certificate is in effect, see §§ 31.3121(k)-1 and 31.3121(r)-1.

• • • • • •

PAR. 5. Section 31.3121(i) is amended by adding a new paragraph (4) to the end thereof and by revising the historical note. These added and revised provisions read as follows:

§ 31.3121(i) Statutory provisions; definitions; computation of wages in certain cases.

SEC. 3121. *Definitions.* • • •

(i) *Computation of wages in certain cases.* • • •

(4) *Service performed by certain members of religious orders.* For purposes of this chapter, in any case where an individual is a member of a religious order (as defined in subsection (r)(2)) performing service in the exercise of duties required by such order, and an election of coverage under subsection (r) is in effect with respect to such order or with respect to the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of subsection (a)(1), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision thereof or by any other person or organization pursuant to an agreement with such order or subdivision, except that the amount included as such individual's remuneration under this paragraph shall not be less than $100 a month.

[Sec. 3121(i) as amended by sec. 410, Servicemen's and Veterans' Survivor Benefits Act (70 Stat. 878); sec. 202(a)(1), Peace Corps Act (75 Stat. 626); sec. 123(c)(2), Social Security Amendments 1972]

PAR. 6. There is inserted immediately after § 31.3121(i)-3 a new § 31.3121(i)-4 to read as follows:

§ 31.3121(i)-4 Computation of remuneration for service performed by certain members of religious orders.

In any case where an individual is a member of a religious order (as defined in section 3121(r)(2) and paragraph (b) of § 31.3121(r)-1) performing service in the exercise of duties required by such order, and an election of coverage under section 3121(r) and § 31.3121(r)-1 is in effect with respect to such order or the autonomous subdivision thereof to which such member belongs, the term "wages" shall, subject to the provisions of section 3121(a)(1) (relating to definition of wages), include as such individual's remuneration for such service the fair market value of any board, lodging, clothing, and other perquisites furnished to such member by such order or subdivision or by any other person or organization pursuant to an agreement (whether written or oral) with such order or subdivision. Such other perquisites shall include any cash either paid by such order or subdivision or paid by another employer and not required by such order or subdivision to be remitted to it. For purposes of this section, perquisites shall be considered to be furnished over the period during which the member receives the benefit of them. (See example (4) of this section.) In no case shall the amount included as such individual's remuneration under this paragraph be less than $100 a month. All relevant facts and elements of value shall be considered in every case. Where the fair market value of any board, lodging, clothing, and other perquisites furnished to all members of an electing religious order or autonomous subdivision (or to all in a group of members) does not vary significantly, such order or subdivision may treat all of its members (or all in such group of members) as having a uniform wage. The provisions of this section may be illustrated by the following examples of the treatment of particular perquisites:

Example (1). M is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Under section 3121(i)(4), M must include in the wages of its members the fair market value of the clothing it provides for its members. M and several other religious orders using essentially the same type of religious habit purchase clothing for

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their members from either of two suppliers in arms-length transactions. The fair market value of such clothing (i.e., the price at which such items would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell) is determined by reference to the actual sales price of these suppliers to the religious orders.

Example (2). N is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). N operates a seminary adjacent to a university. Students at the university obtain lodging and board on campus from the university for its fair market value of $2,000 for the school year. Such lodging and board is essentially the same as that provided by N at its seminary to N's members subject to a vow of poverty. Accordingly, the amount to be included in the "wages" of such members with respect to lodging and board for the same period of time is $2,000.

Example (3). O is a religious order which requires its members to take a vow of poverty and to observe silence, and which has made an election under section 3121(r). O operates a monastery in a remote rural area. Under section 3121(i)(4), O must include in the wages of its members assigned to this monastery the fair market value of the board and lodging furnished to them. In making a determination of the fair market value of such board and lodging, the remoteness of the monastery, as well as the smallness of the rooms and the simplicity of their furnishings, affect this determination. However, the facts that the facility is used by a religious order as a monastery and that the order's members maintain silence do not affect the fair market value of such items.

Example (4). P is a religious order which requires its members to take a vow of poverty and which has made an election under section 3121(r). Several of P's members are attending a university on a full-time basis. The fair market value of the board and lodging of each of such members at the university is $1,000 per semester. P pays the university $1,000 at the beginning of each semester for the board and lodging of each of such members. In addition, P gives each such member a $400 cash advance to cover his miscellaneous expenses during the semester. Under section 3121(i)(4), P must prorate the fair market value of such members' board and lodging, as well as the miscellaneous items, over the semester and include such value in the determination of "wages".

Example (5). Q is a religious order which is a corporation organized under the laws of Wisconsin, which requires its members to take a vow of poverty, and which has made an election under section 3121(r). Q has convents in rural South America and in suburbs and central city areas of the United States. Characteristically, in the United States its suburban convents provide somewhat larger and newer rooms for its members than do its convents in city areas. Moreover, its suburban convents have more extensive grounds and somewhat more elaborate facilities than do its older convents in city areas. However, both types of convents limit resident members to a single, plainly furnished room and provide them meals which are comparable. Q's members in South America live in extremely primitive dwellings and otherwise have extremely modest perquisites. Under section 3121(i)(4), Q may report a uniform wage for its members who live in suburban convents and city convents in the United States, as the board, lodging, and perquisites furnished these members do not vary significantly from one convent to the other. Q may report another uniform wage (but not less than $100 per month apiece) for its members who are citizens of the United States and who reside in South America based on the fair market value of the perquisites furnished these individuals, as the fair market value of the perquisites furnished these individuals varies significantly from that of those furnished its members who live in its domestic convents but does not vary significantly among members in South America whose wages are subject to tax.

PAR. 7. Immediately after § 31.3121(q)–1 there are inserted the following new sections:

§ 31.3121(r) Statutory provisions; definitions; election of coverage by religious orders.

SEC. 3121. *Definitions.* • • •

(r) *Election of coverage by religious orders*—(1) *Certificate of election by order.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such order, may file a certificate (in such form and manner, and with such official, as may be prescribed by regulations under this chapter) electing to have the insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or such subdivision thereof. Such certificate of election shall provide that—

(A) Such election of coverage by such order or subdivision shall be irrevocable;

(B) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision;

(C) All services performed by a member of such an order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision; and

(D) The wages of each member, upon which such order or subdivision shall pay the taxes imposed by sections 3101 and 3111, will be determined as provided in subsection (i)(4).

(2) *Definition of member.* For purposes of this subsection, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order and who performs tasks usually required (and to the extent usually required) of an active member of such order and who is not considered retired because of old age or total disability.

(3) *Effective date for election.* (A) A certificate of election of coverage shall be in effect, for purposes of subsection (b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the order or subdivision thereof:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter succeeding such quarter, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the twentieth calendar quarter preceding the quarter in which such certificate is filed.

Whenever a date is designated under clause (iii), the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed.

(B) If a certificate of election filed pursuant to this subsection is effective for one or more calendar quarters prior to the quarter in which such certificate is filed, then—

(i) For the purposes of computing interest and for purposes of section 6651 (relating to addition to tax for failure to file tax return), the due date for the return and payment of the tax for such prior calendar quarters resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed; and

(ii) The statutory period for the assessment of such tax shall not expire before the expiration of 3 years from such due date.

(4) *Coordination with coverage of lay employees.* Notwithstanding the preceding provisions of this subsection, no certificate of election shall become effective with respect to an order or subdivision thereof, unless—

(A) If at the time the certificate of election is filed a certificate of waiver of exemption under subsection (k) is in effect with respect to such order or subdivision, such order or subdivision amends such certificate of waiver of exemption (in such form and manner as may be prescribed by regulations made under this chapter) to provide that it may not be revoked, or

(B) If at the time the certificate of election is filed a certificate of waiver of exemption under such subsection is not in effect with respect to such order or subdivision, such order or subdivision files such certificate of waiver of exemption under the provisions of such subsection except that such certificate of waiver of exemption cannot become effective at a later date than the certificate of election and such certificate of waiver of exemption must specify that such certificate of waiver of exemption may not be revoked. The certificate of waiver of exemption required under this subparagraph shall be filed notwithstanding the provisions of subsection (k)(3).

[Sec. 3121(r) as added by sec. 123(b), Social Security Amendments 1972]

§ 31.3121(r)–1 Election of coverage by religious orders.

(a) *In general.* A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of such an order, may elect to have the Federal old-age, survivors, and disability insurance system established by title II of the Social Security Act extended to services performed by its members in the exercise of duties required by such order or subdivision. See section 3121(i)(4) and § 31.3121(j)–4 for provisions relating to the computation of the amount of remuneration of such members. For purposes of this section, a subdivision of a religious order is autonomous if it directs and governs its members, if it is responsible for its members' care and maintenance, if it is responsible for the members' support and maintenance in retirement, and if the members live under the authority of a religious superior who is elected by them or appointed by higher authority.

(b) *Definition of member*—(1) *In general.* For purposes of section 3121(r) and this section, a member of a religious order means any individual who is subject to a vow of poverty as a member of such order, who performs tasks usually required (and to the extent usually required) of an active member of such order, and who is not considered retired because of old age or total disability.

(2) *Retirement because of old age*—(i) *In general.* For purposes of section 3121(r)(2) and this paragraph, an individual is considered retired because of old age if (A) in view of all the services performed by the individual and the surrounding circumstances it is reasonable to consider him to be retired, and (B) his retirement occurred by reason of old age. Even though an individual performs some services in the exercise of duties required by the religious order, the first test (the retirement test) is met where it is reasonable to consider the individual to be retired.

(ii) *Factors to be considered.* In determining whether it is reasonable to consider an individual to be retired, consideration is first to be given to all of the following factors:

(A) *Nature of services.* Consideration is given to the nature of the services performed by the individual in the exercise of duties required by his religious order. The more highly skilled and valuable such services are, the more likely the individual rendering such services is not reasonably considered retired. Also, whether such services are of a type performed principally by retired members of the individual's religious order may be significant.

(B) *Amount of time.* Consideration is also given to the amount of time the individual devotes to the performance of services in the exercise of duties required by his religious order. This time includes all the time spent by him in any activity in connection with services which might appropriately be performed in the exercise of duties required of active members by the order. Normally, an individual who, solely by reason of his advanced age, performs services of less than 45 hours per month shall be considered retired. In no event shall an individual who, solely by reason of his advanced age, performs services of less than 15 hours per month not be considered retired.

(C) *Comparison of services rendered before and after retirement.* In addition, consideration is given to the nature and extent of the services rendered by the individual before he "retired," as compared with the services performed thereafter. A large reduction in the importance or amount of services performed by the individual in the exercise of duties required by his religious order tends to show that the individual is retired; absence of such reduction tends to show that the individual is not retired. Normally, an individual who reduces by at least 75 percent the amount of services performed shall be considered retired.

Where consideration of the factors described in paragraph (b)(2)(ii) of this section does not establish whether an individual is or is not reasonably considered retired, all other factors are considered.

(iii) *Examples.* The rules of this subparagraph may be illustrated by the following examples:

Example (1). A is a member of a religious order who is subject to a vow of poverty. A's religious order is principally engaged in providing nursing services, and A has been fully trained in the nursing profession. In accordance with the practices of her order, upon attaining the age of 65, A is relieved of her nursing duties by reason of her age, and is assigned to a mother house where she is required to perform only such duties as light housekeeping and ordinary gardening. A is reasonably considered retired since the services she is performing are simple in nature, are markedly less skilled than those professional services which she previously performed, are of a type performed principally by retired members of her order, and are performed at a location to which members frequently retire.

Example (2). Assume the same facts as in example (1) except that A is not reassigned to a mother house. Instead, she is reassigned to full-time duties in a hospital not utilizing her nursing skills. Whether A has met the retirement test requires consideration of the nature of her work. If A's new duties are almost entirely of a make-work nature primarily to occupy her body and mind, she is reasonably considered retired. However, if they are essential to the operation of the hospital, she is not reasonably considered retired.

Example (3). B is a member of a religious order who is subject to a vow of poverty. As such, he provides supportive services to his order, such as housekeeping, cooking, and gardening. By reason of having attained the age of 62, he reduces the number of hours spent per day in these services from 8 hours to 2 hours. B is reasonably considered retired in view of the large reduction in the amount of time he devotes to his duties.

Example (4). C is a member of a religious order who is subject to a vow of poverty. In his capacity as a member of the order, he performs duties as president of a university. Upon attaining the age of 65, C is relieved of his duties as president of the university and instead becomes a member of its faculty, teaching two courses whereas full-time members of the faculty normally teach four comparable courses. Although C's duties are no longer as demanding as those he previously performed, and although the amount of his time required for them is less than full time, he is nonetheless performing duties requiring a high degree of skill for a substantial amount of time. Accordingly, C is not reasonably considered retired.

Example (5). Assume the same facts as in example (4), except that C teaches only one course upon being relieved of his position as president by reason of age. C is reasonably considered retired.

Example (6). D is a member of a contemplative order who is subject to a vow of poverty. In accordance with the practices of his order, upon attaining the age of 70, D reduces by 50 percent the amount of time spent performing the normal duties of active members of his order. D is not reasonably considered retired.

Example (7). Assume the same facts as in example (6), except that because of his age D no longer participates in the more rigorous liturgical services of the order and that the amount of time which he spends in all duties which might appropriately be performed by active members of his order is reduced by 75 percent. D is reasonably considered retired in view of the large reduction in his participation in the usual devotional routine of his order.

(3) *Retirement because of total disability.* For purposes of section 3121(r)(2) and this paragraph, an individual is considered retired because of total disability (i) if he is unable, by reason of a medically determinable physical or mental impairment, to perform the tasks usually required of an active member of his order to the extent necessary to maintain his status as an active member, and (ii) if such impairment is reasonably expected to prevent his resumption of the performance of such tasks to such extent. A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. Statements of the individual, including his own description of his impairment (symptoms), are, alone, insufficient to establish the presence of a physical or mental impairment.

(4) *Evidentiary requirements with respect to retirement.* There shall be attached to the return of taxes paid pursuant to an election under section 3121(r) a summary of the facts upon which any determination has been made by the religious order or autonomous subdivision that one or more of its members retired during the period covered by such return. Each summary shall contain the name and social security number of each such retired member as well as the date of his retirement. Such order or subdivision shall maintain records of the details relating to each such "retirement" sufficient to show whether or not such member or members has in fact retired.

(c) *Certificates of election*—(1) *In general.* A religious order or an autonomous subdivision of such an order desiring to make an election of coverage pursuant to section 3121(r) and this section shall file a certificate of election on Form SS–16 in accordance with the instructions thereto. However, in the case of an election made before August 9, 1973, a document other than Form SS–16 shall constitute a certificate of election if it purports to be a binding election of coverage and if it is filed with an appropriate official of the Internal Revenue Service. Such a document shall be given the effect it would have if it were a certificate of election containing the provisions required by subparagraph (2) of this paragraph. However, it should subsequently be supplemented by a Form SS–16.

(2) *Provisions of certificates.* Each certificate of election shall provide that—

(i) Such election of coverage by such order or subdivision shall be irrevocable,

(ii) Such election shall apply to all current and future members of such order, or in the case of a subdivision thereof to all current and future members of such order who belong to such subdivision,

(iii) All services performed by a member of such order or subdivision in the exercise of duties required by such order or subdivision shall be deemed to have been performed by such member as an employee of such order or subdivision, and

(iv) The wages of each member, upon which such order or subdivision shall pay the taxes imposed on employees and employers by sections 3101 and 3111, will be determined as provided in section 3121(i)(4).

(d) *Effective date of election*—(1) *In general.* Except as provided in paragraph (e) of this section, a certificate of election of coverage filed by a religious order or its subdivision pursuant to section

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3121(r) and this section shall be in effect, for purposes of section 3121(b)(8)(A) and for purposes of section 210(a)(8)(A) of the Social Security Act, for the period beginning with whichever of the following may be designated by the electing religious order or subdivision:

(i) The first day of the calendar quarter in which the certificate is filed,

(ii) The first day of the calendar quarter immediately following the quarter in which the certificate is filed, or

(iii) The first day of any calendar quarter preceding the calendar quarter in which the certificate is filed, except that such date may not be earlier than the first day of the 20th calendar quarter preceding the quarter in which such certificate is filed.

(2) *Retroactive elections.* Whenever a date is designated as provided in paragraph (d)(1)(iii) of this section, the election shall apply to services performed before the quarter in which the certificate is filed only if the member performing such services was a member at the time such services were performed and is living on the first day of the quarter in which such certificate is filed. Thus, the election applies to an individual who is no longer a member of a religious order on the first day of such quarter if he performed services as a member at any time on or after the date so designated and is living on the first day of the quarter in which such certificate is filed. For purposes of computing interest and for purposes of section 6651 (relating to additions to tax for failure to file tax return or to pay tax), in any case in which such a date is designated the due date for the return and payment of the tax, for calendar quarters prior to the quarter in which the certificate is filed, resulting from the filing of such certificate shall be the last day of the calendar month following the calendar quarter in which the certificate is filed. The statutory period for the assessment of the tax for such prior calendar quarters shall not expire before the expiration of 3 years from such due date.

(e) *Coordination with coverage of lay employees.* If at the time the certificate of election of coverage is filed by a religious order or autonomous subdivision, a certificate of waiver of exemption under section 3121(k) (extending coverage to any lay employees) is not in effect, the certificate of election shall not become effective unless the order or subdivision files a Form SS–15, and a Form SS–15a to accompany the certificate on Form SS–15, as provided by section 3121(k) and §§ 31.3121(k)–1 through 31.3121(k)–3. The preceding sentence applies even though an order or subdivision has no lay employees at the time it files a certificate of election of coverage. The effective date of the certificate of waiver of exemption must be no later than the date on which the certificate of election becomes effective, and it must be specified on the certificate of waiver of exemption that such certificate is irrevocable. The certificate of waiver of exemption required under this paragraph shall be filed notwithstanding the provisions of section 3121(k)(3) (relating to no renewal of the waiver of exemption) which otherwise would prohibit the filing of a waiver of exemption if an earlier waiver of exemption had previously been terminated. If at the time the certificate of election of coverage is filed a certificate of waiver of exemption is in effect with respect to the electing religious order or autonomous subdivision, the filing of the certificate of election shall constitute an amendment of the certificate of waiver of exemption making the latter certificate irrevocable.

[FR Doc.73-13905 Filed 7-9-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 260—SHIPMENT OF VALUABLES PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

Revocation

The Department of the Treasury has determined to revoke its regulations governing the Shipment of Valuables Pursuant to the Government Losses in Shipment Act, at 31 CFR Part 260 (also appearing as Treasury Department Circular 576, as amended), which were stated to be provisional upon their 1937 promulgation. The regulations are now in part inconsistent with the act, as amended, and have caused confusion as a result. Further, regulations properly reflecting the current meaning and intent of the Government Losses in Shipment Act appear at 31 CFR Parts 261 and 262.

31 CFR 260.2, the only substantive provision, will be restated as 31 CFR 261.2.

Since the revocation concerns matters which are at this date essentially intragovernmental and have minimal public effect, notice and public procedure respecting this action is neither appropriate nor needed. Accordingly, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revoking Part 260.

(50 Stat. 479, 480; 40 U.S.C. 721, 728)

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Dated: July 2, 1973.

[FR Doc.73-13981 Filed 7-9-73;8:45 am]

PART 261—CLAIMS FOR REPLACEMENT OF VALUABLES, OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

Shipping Procedure

The Department of the Treasury finds it necessary to amend its regulations governing Claims for Replacement of Valuables, or the Value Thereof, Shipped Pursuant to the Government Losses in Shipment Act, at 31 CFR Part 261 (also appearing as Treasury Department Circular 577, as supplemented), by (1) revoking § 261.2 because Part 260, referred to therein, has been revoked, and (2) by adding a new § 261.2, a restatement of the revoked § 260.2.

Since the amendments concern matters which are at this date essentially intragovernmental and have minimal public effect, notice and public procedure respecting this action is neither appropriate nor needed. Accordingly, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations is hereby amended by revoking the present § 261.2, and by adding a new 261.2 to read:

§ 261.2 Shipping procedure.

Shipments of valuables shall be made in such manner and at such time consonant with the greatest possible protection against risk of loss and destruction of and damage to such valuables as the respective heads of the various executive departments, independent establishments, agencies and wholly-owned corporations of the United States may from time to time direct, after notice to the Secretary of the Treasury.

(50 Stat. 480; 40 U.S.C. 728)

Dated: July 2, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-13982 Filed 7-9-73;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1812—FEDERALLY ASSISTED CONSTRUCTION

Corrective Amendment

Section 1812.3 of Part 1812 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by substituting, in the first sentence thereof, "OMB Circular A–102" in place of "OMB Circular A–120."

(Sec. 401(g), 201(i) 205, 64 Stat. 1245–1257, 50 U.S.C. App. 2251–2297; Reorganization Plan No. 1 of 1958, 72 Stat. 1799; Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," July 20, 1961; order of the Secretary of Defense establishing the Defense Civil Preparedness Agency as an agency of the Department of Defense, FR Doc. 72–15636, filed September 13, 1972, 37 FR 18636.)

Effective date. This corrective amendment is effective immediately.

Dated: June 29, 1973.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.73-13894 Filed 7-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—ANCHORAGES

[CGD 72-232 R]

PART 110—ANCHORAGE REGULATIONS

Subpart B—Anchorage Grounds

HAMPTON ROADS, VA. AND ADJACENT WATERS

This amendment to the anchorage regulations applicable to Hampton Roads, Virginia, and adjacent waters reduces the size of anchorage ground H–1, located on the Elizabeth River, south of Craney Island.

This amendment is based on a notice of proposed rulemaking published in the Wednesday, December 6, 1972, issue of the FEDERAL REGISTER (37 FR 25956) and on Public Notice No. 5–209 issued by the Commander, Fifth Coast Guard District.

Only one comment was received concerning the proposal. The commenter explained that a plot of the bounds of the anchorage using Lambert grid coordinates discloses, after conversion of these coordinates into geographic coordinates, that the plot of the northwest corner of the anchorage is in error. The geographic coordinates of the northwest corner of the anchorage are latitude 36° 52′ 39.5″ N., longitude 76° 20′ 37.8″ W., rather than latitude 36° 52′ 39.5″ N., longitude 76° 20′ 39.0″ W. as contained in the description of the anchorage in the notice of proposed rule making. The final rule corrects this error in the description of the anchorage.

In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 110.168(d)(1) to read as follows:

§ 110.168 Hampton Roads, Va., and adjacent waters.

* * * * *

(d) *Elizabeth River*—(1) *Anchorage H–1, West Norfolk.* The water area on the west side of Norfolk Harbor Channel, south of Craney Island enclosed by a line beginning at a point on the western edge of the Norfolk Harbor Channel at latitude 36°52′41″ N., longitude 76°20′07″ W.; thence westerly to latitude 36°52′39.5″ N., longitude 76°20′37.8″ W.; thence southerly to latitude 36°52′18.8″ N., longitude 76°20′34.3″ W.; thence easterly to latitude 36°52′22.2″ N., longitude 76°20′03.8″ W.; thence northerly along the western boundary of the Norfolk Harbor Channel to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; (33 U.S.C. 471), (49 U.S.C. 1655(g)(1)(A)), 49 CFR 1.45(c)(1), 33 CFR 1.05–1(c)(1))

Effective date. This amendment shall become effective on August 10, 1973.

Dated: July 3, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 73-13987 Filed 7-9-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Changes

The Veterans Administration is amending §§ 36.4311 and 36.4503, title 38 of the Code of Federal Regulations to decrease the maximum allowable interest rate on guaranteed, insured, and direct home loans to 6 percent.

Section 1803(c)(1) of title 38, United States Code provides that the maximum interest rate applicable to loans, guaranteed or insured, under chapter 37 of title 38 shall be established by the Administrator from time to time as he finds the loan market demands, except that the rate in no event shall exceed that in effect under the provisions of section 203(b)(5) of the National Housing Act. The maximum interest rate authorized by section 203(b)(5) of the National Housing Act is 6 percent. Public Law 92–335 (86 Stat. 405) granted temporary authority to establish interest rates in excess of the 6 percent maximum set forth in section 203(b)(5) of the National Housing Act. This temporary authority expires on June 30, 1973.

Compliance with the provisions of § 1.12 of this Chapter, as to notice of proposed regulatory development, is waived because publishing of notice and requesting comments would serve no useful purpose in light of the expiration of statutory authority to continue a maximum interest rate in excess of 6 percent.

1. In § 36.4311, paragraph (a) is amended to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 6 per centum per annum, effective July 1, 1973, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 6 per centum per annum on the unpaid principal balance.

* * * * *

2. In § 36.4503, paragraph (a) is amended to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after May 7, 1968, shall not exceed an amount which bears the same ratio to $21,000 (or to such increased maximum as the Administrator may from time to time specify for the area in which the loan is made pursuant to section 1811(d) of title 38, United States Code) as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $12,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Effective July 1, 1973, loans made by the Veterans Administration shall bear interest at the rate of 6 percent per annum.

* * * * *

These VA regulations are effective July 1, 1973.

Approved: June 29, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-14092 Filed 7-9-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

General Prohibitions

Regulations dealing with general prohibitions as to mailings to, from, and between overseas military post offices are amended with respect to magnetic materials shipped by air.

Accordingly, paragraph (f)(i)(ii) *General prohibitions* of § 126.1 is amended, effective on July 10, 1973, to read as follows:

* * * * * *

§ 126.1 Preparation and handling.

(f) * * * (ii) Magnetic material shipped by air having sufficient magnetic field to cause a compass deviation at 15 feet or more. Magnetic material causing a compass deviation at less than 15 feet shall have the required magnetic equipment caution label affixed. This does not apply to magnetic material sent by surface equipment.

* * * * * *

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

JULY 5, 1973.

[FR Doc.73-13964 Filed 7-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following is to (i) provide additional instructions on the handling of bids after they are opened, (ii) add a Prompt Payment Discount clause, (iii) revise the Source Inspection clause, (iv) provide additional instructions for establishing price reasonableness when only one bid is received, and (v) delete Part 5A–75 as review committees and teams are discontinued.

The table of parts for Chapter 5A is revised by deleting Part 5A–75.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended by addition of the following new entry:

Sec.
5A–2.402 Opening of bids.

Subpart 5A–2.2—Solicitation of Bids

1. Section 5A–2.201–77 is amended by adding a paragraph (c) as follows:

§ 5A–2.201–77 Discount provision.

* * * * *

(c) The following clause shall be included in all solicitations for offers and resultant contracts.

PROMPT PAYMENT DISCOUNT

For the purpose of bid evaluation, any prompt payment discount which is eligible (i.e. for a period of 20 days or more) for con-

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sideration in the evaluation of offers pursuant to Article 9(a) of SF 33A will be applied directly to the price offered. Where a single percentage either as a deduction from or as an addition to the prices is offered under the price-list method of making awards, such percentage will be applied first to determine the evaluated price offered, then that price will be reduced by any eligible prompt payment discount offered. For the purpose of payment, when the prompt payment discount is earned, the full discount will be deducted, otherwise any prompt payment discount in excess of 5 percent will be considered by the Government only as a prompt payment discount of 5 percent, and any percentage in excess of 5 percent will be considered as a special discount, which the bidder or offeror agrees that the Government will be entitled to regardless of when payment is made.

2. Section 5A–2.201–78 is amended as follows:

§ 5A–2.201–78 Inspection at source.

* * * * *

(c) * * *

SOURCE INSPECTION

(1) Supplies to be furnished under this contract ordinarily will be inspected at source by the Government prior to shipment from the manufacturing plant or other facility designated by the Contractor, unless (a) the Contractor is notified otherwise in writing by the Contracting Officer or his designated representative or (b) the Contractor or his subcontractor, pursuant to a Quality Assurance or Quality Approved Manufacturer Agreement with the General Services Administration, is authorized to issue a certificate covering such supplies at the time of shipment. Notwithstanding the foregoing, the Government may perform any or all tests contained in the contract specifications at a Government facility without prior written notice by the Contracting Officer before release of the supplies for shipment.

(2) Offerors will be required to specify the name and address (including county) of each manufacturing plant or other facility where supplies will be available for inspection, indicating the item number(s) to which each applies. A contract will be awarded only to the responsible offeror (i) who agrees to deliver the item(s) specified by the contract from a plant or warehouse within the United States (including Puerto Rico and the Virgin Islands) that is equipped to perform all tests required by the contract and specifications, to evidence conformance therewith, or (ii) who will arrange with a testing laboratory in the United States, acceptable to the Government, to perform the required tests.

(3) Inspection responsibility will be assigned to the Quality Control Division of the GSA regional office having jurisdiction over the State in which the Contractor's or subcontractor's plant or other designated point for source inspection is located (addresses and States covered for each Quality Control Division are shown on GSA Form 2022, copy of which, if not previously furnished, is obtainable upon request). The Contractor shall notify, or arrange for his subcontractor to notify, that office at least 10 days prior to the date when supplies will be ready for inspection. Shipments shall not be made until released by the Quality Control Division unless release is otherwise authorized under terms of a currently applicable Quality Assurance or Quality Approved Manufacturer Agreement.

Subpart 5A–2.4—Opening of Bids and Award of Contract

1. Section 5A–2.402 is added as follows:

§ 5A–2.402 Opening of bids.

Under no circumstances shall anyone tamper with any bid after it has been formally opened. This includes making any alterations or notations with pencil or ink, or disassembling, or withdrawing pages or adding pages not submitted with the bid.

2. Section 5A–2.407–3 is amended as follows:

§ 5A–2.407–3 Discounts.

* * * * *

(c) All solicitations for offers shall contain the Prompt Payment Discount clause set forth in § 5A–2.201–77(c).

3. Section 5A–2.407–70 is revised as follows:

§ 5A–2.407–70 Award when only one bid is received.

(a) When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if (i) the specifications used in the invitation were not restrictive, (ii) adequate competition was solicited, (iii) the price is reasonable, and (iv) the bid is otherwise in accordance with the invitation for bids.

(b) The responsible contracting officer shall ensure that the contract file contains complete documentation that an award to the only offeror is in the best interest of the Government, particularly with regard to price reasonableness. If the basis for price reasonableness cannot be established from data or information which is available to the contracting officer, other than by contacting the offeror, the offeror may be contacted but only after all other information sources have been explored and found inadequate, and readvertising or negotiating with other sources of supply has been determined not feasible.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to add the following new entries:

Sec.	
5A–16.950–1679	GSA Form 1679, Contract Administration.
5A–16.950–1950	GSA Form 1950, Transmittal of Contract Award.
5A–16.950–1950B	GSA Form 1950B, Equal Employment Opportunity Program Review.

PART 5A–75—REVIEW COMMITTEES AND TEAMS

Part 5A–75 is deleted in its entirety.

NOTE: Copies of the forms illustrated in §§ 5A–16.950–1679, 5A–16.950–1950, and 5A–16.950–1950B are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: June 26, 1973.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.73–13963 Filed 7–9–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19078; FCC 73–692]

PART 73—RADIO BROADCAST SERVICES

Subsidiary Communications Authorizations

In the matter of amendment of § 73.593 of the Commission's rules with respect to uses of FM multiplex channels of noncommercial educational FM stations involving a charge to the audience, Docket No. 19078, RM–1623.

Report and order.

1. On November 4, 1970, responding to a petition filed by Educasting Systems, Inc. (Educasting), we issued a notice of proposed rule making in the above-entitled proceeding, (see 35 FR 17357) in which we proposed to amend § 73.593 of our rules to permit a noncommercial educational FM broadcast station, subject to appropriate safeguards, to accept payment of tuition fees for educational courses and other appropriate material broadcast on a multiplex basis pursuant to a Subsidiary Communications Authorization.

2. The petitioner was particularly interested in furthering the use of an instructional system utilizing multiple subcarriers, which it had developed and tested on an experimental basis, in which students with especially equipped receivers might listen to an instructor on one subcarrier and choose answers to questions posed by the instructor by depressing one of several buttons, each of which select other subcarriers carrying material appropriate to the correctness of the chosen answer. However, the proposition presented is of general application—whether a noncommercial educational FM station appropriately may charge "tuition or course fees" in connection with the kind of program material authorized to be broadcast over its subcarrier.

3. The Commission made a tentative finding "that to some degree the type of operation proposed by Educasting, or the transmission of instructional types of programs on one or more subcarriers by a noncommercial educational FM station for a fee, could be conducted without undue "commercialization" of the educational FM service, and would be in the public interest; and offered for comment an amendment to § 73.593 of its rules. The amendment to subparagraph (a)(1) of this section, with new or modified provisions italicized is set forth below:

Section 73.593 *Subsidiary communications Authorizations.* (a) * * * (1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Illustrative services include: programs for presentation in classrooms; programs designed for special professional groups such as doctors, *lawyers and engineers; materials designed for special interest groups, including those of ethnic, safety and technical orientations and the handicapped;* and any use which would be permitted for a commercial FM station under § 73.293(a)(1), subject to the prohibitions against commercial operations and limitations as to purpose contained in this section and in § 73.503. *Uses under this subparagraph will not be considered "commercial" if there is charged either a per-course or per-pupil fee, where: (i) the material is presented by or for a bona fide educational institution; or if it is not, the licensee of the noncommercial educational FM station has investigated the material and deems it to be clearly of educational or public service value; (ii) the payment is made to the educational institution or the noncommercial educational FM stations; and (iii) the payments retained by the station licensee total no more than the approximate cost of conducting the SCA operation (including purchase or lease of equipment, course material, etc.) and general overhead and operational costs incidental to it. Where the material is presented by or for the educational institution, or other entity, the payments made to the station or directly to the institution or entry may also include the usual tuition fees charged for similar material presented otherwise.*

The modifications incorporated in the rule are for the purpose of insuring that the material broadcast for a fee, whether prepared by an educational institution, or not, is of an appropriate nature for educational SCA transmission, that the fee payment is made to the educational institution or other entity or to the station, and that the funds retained by the station licensee will not exceed the actual costs incurred by the station in the presentation of the program material.

4. Comments and reply comments, timely filed within the specified deadlines for those pleadings, of December 16, 1970, and January 6, 1971, respectively, were submitted by the following parties:

Comments. Bay Area Educational Television Association (KQED–FM) Corporation for Public Broadcasting (CPB) West Virginia Educational Broadcasting Authority National Association of Educational Broadcasters (NAEB) Educasting Systems, Inc.

Reply comments. Educasting Systems, Inc.

5. All of those commenting support an amendment of the rules of the nature proposed, but certain of the parties take some exception to the specific language employed.

6. CPB notes that in stipulating that fees may be charged "per course or per pupil" the proposed rule may be interpreted as allowing such fee imposition only "for SCA services constituting formal instruction", even though other language in the rule which requires that program material be "clearly of educational or public service value" suggests that the charging of fees for a broader range of services is permitted. It is CPB's conviction that SCA operation has great potential for the provision of program services designed for special interest groups, such as the blind, the aged, or other social, ethnic or minority groups, but that the potential is unlikely to be realized fully unless licensees are able to recover the costs incidental to SCA operation.

7. To clarify what it believes to be the intention of the proposed rule, to which it subscribes, CPB suggests that the portion of the text of the rule which states that "Uses under this subparagraph will not be considered 'commercial' if there is charged either a per-course or per-pupil fee * * *" be revised to read "Uses under this subparagraph will not be considered 'commercial' if there is charged a per-course, per-pupil or other fee * * *".

8. NAEB notes that while the last sentence of the proposed rule recognizes that the broadcast material may be presented by or for an educational institution or other entity, and payments may be made to the institution or entity, the alternative represented by the underlined language is omitted from paragraph (b) of the proposed rule, i.e., for consistency's sake, that (b) should be made to read "the payment is made to an educational institution or other entity or to the noncommercial educational FM station * * *".

9. The modifications suggested by CPB and NAEB are for the purpose of making more clear that the SCA program material for which a fee is charged need not necessarily be prepared by an "educational institution" if it is of educational or "public service value." The latter term causes the West Virginia Educational Broadcasting Authority some difficulty. It believes that while the educational station licensee would have little difficulty in determining whether a program offering has "educational value", "public service value" is an ill-defined term, and its employment as an alternative test of the eligibility of particular course material for the imposition of fees "could well be a source of abuse". It therefore suggests that this term be stricken, so that the sole criterion to be applied in determining whether a fee may be charged for program or course material, whether furnished by an educational institution or not, will involve the assessment of its "educational" value.

10. The comments strongly support rule amendments which would permit the imposition of charges for a rather broad range of services presented over the subcarrier of the noncommercial educational FM station. The rule which we are adopting is framed in accordance with this approach. However, on further consideration of all of the factors involved, we have found it necessary, if the public is not to be misled as to basic nature of the program material for which it is being asked to pay, that a clear distinction be drawn between those offerings prepared, sponsored, and supervised by an educational institution, constituting formal instructional or institutional credit material, and those programs which, while they may be of considerable value to their intended audience, do not have the imprimatur of an educational institution.

11. Accordingly, without limiting the freedom of action of the station to make charges for appropriate program material, we have redrafted the proposed rule to establish the distinction described above, and to require that the noncommercial educational FM station make clear for prospective subscribers to a program series or course of instruction the instrumentality primarily responsible for its preparation and presentation.

12. Since the rule which we are adopting differs substantially in structure from the one we had proposed, the specific changes in wording in the proposed rule suggested by the parties no longer has pertinence. However, we believe that the rule, as now revised, by establishing a separate category of programs, not presented under the auspices of an educational institution for which a charge may be made, provides the clarification of intent which the parties sought to achieve by their suggested changes.

13. *Accordingly, it is ordered,* That, effective August 13, 1973, Part 73 of the rules and regulations is amended as set forth in the Appendix below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

14. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 27, 1973.

Released: July 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.593(a)(1) is amended to read as follows:

§ 73.593 Subsidiary communications authorizations.

(a) * * *.

(1) Transmission of programs which are noncommercial and in furtherance of an educational purpose, and which are of a broadcast nature but of interest primarily to limited segments of the station's audience. Typical services may include: programs for presentation in classrooms; programs designed for specific professional groups, such as doctors, lawyers, and engineers; programs intended to serve the special needs and interests of the aged, the handicapped, particular social and ethnic groups, and for those in a specific trade or sharing a common interest or hobby; programs for individualized remedial or advanced learning needs; and any use permitted for a commercial FM station under § 73.293(a)(1), subject to the prohibition against commercial operation and the limitation as to purpose contained in this section and in § 73.503, such limitation especially including those non-instructional services customarily provided by commercial firms. Uses permitted under this subparagraph will not be considered "commercial," when charges are made for the service rendered, under the circumstances and subject to the conditions set forth hereunder:

(i) A per-course, per-session, per-seminar, per-pupil or other appropriate fee is charged for formal or informal instructional material, presented by, with or for a bona fide educational institution. Payment of the fee shall be made to the noncommercial educational FM station or to the educational insti-

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tution; such fee may include, in addition to the station expenses detailed in subdivision (iii), of this subparagraph, the usual tuition charged for similar material presented by other means.

(ii) A charge is made for a program or series of programs, informational or generally instructional in nature, intended to meet the special needs and interests of one or more of the groups the station is authorized to serve under its SCA. Payment of the charge shall be made to the noncommercial educational FM station.

(iii) Payments retained by the station shall total no more than the approximate cost of conducting the SCA operation (including purchase or lease of equipment, course material, personnel services, etc.) and the general overhead and operational costs attributable to such operation.

(iv) A noncommercial educational FM station offering program material subject to fee or other charge shall clearly indicate in any broadcast or printed solicitation to prospective enrollees whether the material falls into category subdivision (i) or (ii), of this subparagraph, so that informational and general educational materials are not represented as formal instructional or institutional credit programs.

* * * * *

[FR Doc.73-13976 Filed 7-9-73;8:45 am]

[Docket No. 19587; FCC 73-693]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Wellsboro, Pa.

Report and order. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Wellsboro, Pennsylvania), Docket No. 19587, RM-1807.

1. The Commission here considers the notice of proposed rule making, adopted September 13, 1972 (FCC 72-817; 37 FR 19651), in this docket concerning possible amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting Class B Channel 283 for Channel 249A at Wellsboro, Pennsylvania. The only party commenting is the petitioner, Farm and Home Broadcasting Company (Farm and Home), licensee of AM Station WNBT (Class IV) and Station WGCR-FM, Wellsboro, Pennsylvania, which has also indicated its desire for modification of its license for WGCR-FM to specify operation on Channel 283 instead of 249A.

2. Wellsboro, population 4,003 [1], is the seat of Tioga County, Pennsylvania, population 39,691. Farm and Home's broadcast facilities at Wellsboro are the only ones licensed in Tioga County, which, as pointed out in the Notice, is a more or less isolated area made up of rural dwellings and small communities. The nearest substantial concentrations of population are Williamsport, Pennsylvania, 38 miles to the southeast, and three communities in New York—Elmira, 35 miles to the northeast; Corning, 30 miles north; and Olean 63 miles to the northwest. Petitioner asserts that Wellsboro, because of its central location, is the hub of commercial, governmental, and social activity of Tioga County and the general area. This includes seven employers with at least 150 employees; 77 retail establishments with sales of over $15 million of the total in Tioga County (381 with about $47 million)[2]; and Commonwealth Bank and Trust Company (assets in excess of $76 million) and Citizens and Northern National Bank & Trust Co. (over $54 million of assets) with multiple branches elsewhere are based there. Other economic data is set forth in the Notice, but we need not detail it here.

3. As pointed out in the Notice, the petitioner's principal contention is that Station WGCR-FM could serve substantially greater population than with its present maximum Class A facility. With a facility of 20 kw E.R.P. and 480 ft. A.A.T., Farm and Home showed that there would be a gain of service of 70,457 persons in an area of 1,888 square miles, in fact providing a first FM service to 3,750 persons in 176 square mile area and a second FM service to 15,922 persons in an area of 720 square miles.[3] Channel 283 may be assigned only to a small area including Wellsboro without changes elsewhere; if assigned there, preclusion to communities not already having FM assignments would occur on only Channels 280A and 285A, but Channels 249A or 261A may be assigned to such communities.

4. It would appear that the public interest, convenience and necessity would be served by assigning Channel 283 in lieu of 249A at Wellsboro, Pennsylvania. As indicated above, Channel 283 would be put to use whereas it might otherwise remain fallow; and its use can provide substantial additional service. In the latter respect, in order to assure a reasonable amount of first and second FM service, we are conditioning operation of a station on Channel 283 with 30 kw E.R.P. and 300 A.A.T. antenna height or equivalent[4]; see and compare Roanoke Rapids and Goldsboro, 9 F.C.C. 2d 672 (1967). The Canadian Department of Communications has agreed to this change pursuant to the Working Arrangement under the Canadian-U.S.A. FM Agreement of 1947. Assignment of the channel meets our spacing requirements.

5. Authority for the actions proposed herein is contained in sections 4(i), 303(g) and (r), 307(b), and 316 of the Communications Act of 1934, as amended.

6. In accordance with the foregoing: *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) is amended, effective August 13, 1973, as concerns Wellsboro, Pennsylvania, as shown below:

City	Channel No.
Wellsboro, Pennsylvania	283*

*Any application for this channel must specify at least an effective radiated power of 30 kW and antenna height of 300 feet above average terrain or equivalent.

7. Farm and Home Broadcasting Company, having indicated its consent thereto: *It is further ordered*, That effective August 13, 1973, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Farm and Home Broadcasting Company for Station WGCR-FM, Wellsboro, Pennsylvania, is modified to specify operation on Channel 283 in lieu of Channel 249A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than July 23, 1973, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by September 17, 1973, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WGCR-FM on Channel 283 at Wellsboro, Pennsylvania.

(c) The licensee may continue to operate on Channel 249A under its outstanding authorization until it is ready to operate on Channel 283. Ten days prior to commencing operation on Channel 283, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) Farm and Home Broadcasting Company shall not commence operation on Channel 283 until the Commission specifically authorizes it to do so.

8. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 27, 1973.

Released: July 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-13977 Filed 7-9-73;8:45 am]

[73-694]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Re-regulation of Radio Television Broadcasting

In the matter of Re-regulation of radio and television broadcasting.

[1] Population information is from the 1970 Census unless otherwise specified.

[2] For 1967.

[3] Farm and Home made another showing based on maximum facilities—a gain of service of 107,079 persons in a 2,816 square mile area with first and second service to 4,129 persons in a 272 square mile area and 29,904 persons in an area of 1,152 square miles, respectively. That showing was referred to in Paragraph 4 of the Notice.

[4] While Farm and Home made a showing based on a facility with 20 kw power and 480 feet antenna height, it did not commit itself to building at that height and power. We note that the latter would limit 1 mv/m service to an area slightly greater than the stated minimum; considering uniform terrain distance from the transmitter would be about 27 and 25 miles, respectively.

1. As a result of the continuing study by its Task Force on re-regulation of broadcasting, the Commission has under consideration the matter of amending certain provisions in Parts 73 and 74 of its rules and regulations.

2. The amendments up-date a number of rules, delete parts of others which are no longer applicable, and eliminate various requirements which are no longer necessary.

3. The following changes are made for the reasons indicated:

(a) Section 73.23(c) is amended to delete the provision for 250 watt daytime stations on local channels to operate beyond the hours specified in their licenses (upon notification to the Commission and its district Engineer in Charge).

(1) No such stations are currently licensed. It appears that none would be sought because an applicant would not restrict himself to daytime operation when he can operate unlimited time with 250 watts on a local channel.

(b) Section 73.23(e) is amended to permit any specified hours station operating on a local channel, except one which shares time, to operate beyond the hours specified in its license in order to carry special events programming. Such extended operation has been limited to specified hours stations on local channels with a power of not in excess of 250 watts.

(1) Since specified hours stations on local channels are engineered for nighttime operation, no objectionable interference would result from such extended operation.

(c) Section 73.23 (e) is amended also to make clear that a specified-hours station which operates nighttime beyond the hours specified in its license must use the station's authorized nighttime facilities.

(1) Previously, such provision was not expressly stated in the rule but was necessarily implied because prohibited interference could result from operating otherwise.

(d) Section 73.23(e) is amended also to delete the requirement that notification must be made to the Commission and its District Engineer in Charge when a specified hours station operates beyond the hours specified in its license.

(1) The station's operating and program logs are an adequate record of the carrying of this type of extended special-events programming.

(e) For clarification purposes, the phrase "to carry special events programming" is added to § 73.23(e) to define the programming which may be carried beyond the hours specified in such station's license.

(1) The rule has been administered in this context and is understood by the industry to mean programming of a special events nature.

(f) Each of the "Program Log" rules for AM, FM, Ed. FM and TV is amended to correct the reference therein to the number of the "Mechanical Reproduction" rule in accordance with which an entry must be made in the program log.

(1) By previous Order of November 1, 1972 (FCC 72-967), the "Mechanical Reproduction" rule for each of those services was deleted and a new rule, Section 73.1208, "Broadcast of Taped, Filmed or Recorded Material", was added to Subpart H, which is applicable to all broadcast services. Thus, in §§ 73.112(a)(4)(iv), 73.282(a)(4)(iv), 73.582(a)(2), and 73.670(a)(4)(iv) concerning program logs, the reference to §§ 73.118, 73.288, 73.588 and 73.653 is changed to 73.1208.

(g) Section 73.51(c)(2)(ii) is amended to make clear that the equipment performance measurements required therein are to be made at each power level at which the transmitter will be operated.

(1) As amended, the rule will reflect the manner in which it is administered, and any uncertainty generated by the cross-reference to § 73.47, contained therein, is eliminated.

(h) The provision in § 73.582(a)(2) for entry of the "sponsor's name" in the program log of noncommercial educational stations is changed to the "name of any donor announced pursuant to § 73.289."

(1) The term "donor" is more appropriate for noncommercial educational FM stations. Section 73.503(d) provides that such stations are subject to the provisions of § 73.289 (announcement of sponsored programs) to the extent that they are applicable to the broadcast of programs produced by, or at the expense of, or furnished by, others. The name of the donor announced pursuant to § 73.289 would be entered in the program log.

(i) References to political editorials in the title of § 73.598 and in the provisions of § 73.598(b) pertaining to Noncommercial Educational FM stations are deleted.

(1) Section 399 of the Communications Act of 1934, as amended, (added by Public Law 90-129, November 7, 1967), provides that "No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office."

(j) Section 73.1207(c)(6) concerning prior approval of the Commission for rebroadcast of point-to-point messages originated by government and privately-owned non-broadcast stations is amended to provide for informal requests by telephone, followed within one week by written request and confirmation of consent by the originating station.

(1) The need to make provision for telephone requests for prior Commission approval was recently underscored by the earthquake in Nicaragua. During that disaster, a number of broadcast licensees and networks requested authority to rebroadcast point-to-point messages originated by privately-owned non-broadcast stations. In situations of this type, the time element frequently precludes the submission of written requests for prior approval of the Commission heretofore required by the rule.

(k) Section 73.935(b) concerning Emergency Broadcast System operation is amended to correct references therein to number of the rules regarding rebroadcasts of programs.

(1) The rebroadcast rules for each of the services, AM, FM, Ed. FM and TV, were deleted by previous Order of November 1, 1972, and a new rule § 73.1207 was added to Subpart H, which is applicable to all such stations. Thus, references in 73.935(b) to §§ 73.121(b) and (d), 73.219(b) and (d), 73.591(b) and (c), and 73.655(b) and (c) are changed to § 73.1207.

(1) Sections 74.13 and 74.14 are amended to delete the requirements that notification must be given to the Commission and its District Engineer in Charge when a permittee begins equipment tests (§ 74.13(a), (b), (c), (d)) or program tests (§ 74.14(a), (b), (c), (d)) on any class of broadcast station listed in Part 74 (Experimental TV, Experimental Facsimile, Developmental, Remote Pickup, Aural STL and Intercity Relay, TV Auxillary, TV Translators, Instructional Fixed, FM Translators and Boosters).

(1) Such notifications are no longer needed or useful for administrative purposes, and elimination of the requirement relieves both the permittee and the Commission of an unnecessary paperwork burden.

4. Amendments hereby adopted are editorial revisions, deletions, corrections and relaxations of existing rule provisions which we consider no longer necessary. They also conform language of certain rule provisions to established Commission policy and practice. We believe that they will inure to the benefit of many and to the detriment of none. We conclude that adoption of the amendments will better serve the public interest. Therefore, prior notice of rule making and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 533(b)(3)(B).

5. *Therefore, it is ordered*, That, pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 73 and 74 of the Commission's rules and regulations are amended as set forth in the attached Appendix below, effective August 13, 1973.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 27, 1973.

Released: July 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.23(c) and (e) are amended to read as follows:

§ 73.23 Time of operation of the several classes of stations.

* * * * *

(c) Daytime permits operation during the hours between average monthly local sunrise and average monthly local sunset.

* * * * *

(e) Specified hours means that the exact operating hours are specified in the license. (The minimum hours that any station shall operate are specified in § 73.71.) Specified hours stations operat-

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ing on local channels, except those sharing time with other stations may operate at hours beyond those specified in their licenses to carry special events programing. To the extent that such operation is conducted during the nighttime hours, the station's authorized nighttime facilities must be used.

2. Section 73.51(c)(2)(ii) is amended to read as follows:

§ 73.51 Antenna input power: how determined.

. . . . . .

(c) * * *

(2) * * *

(ii) Where the proposed transmitter power output level(s) is less than 90 percent of nominal power, equipment performance measurements, as specified in § 73.47, conducted at each proposed power output level; in addition, the measurements and observations required by § 73.47(a)(1), (2), (3) and (5) for power output levels 10 percent above, and 10 percent below, the proposed output level(s), but at a modulation level of 95 to 100 percent only. Such measurements must demonstrate that, operating at the proposed power output level(s), the transmitter meets the performance requirements of § 73.40.

. . . . . .

3. Section 73.112 is amended to read as follows:

§ 73.112 Program log.

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

. . . . . .

4. Section 73.282 is amended to read as follows:

§ 73.282 Program log.

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

. . . . . .

5. Section 73.582 is amended to read as follows:

§ 73.582 Program log.

(a) * * *

(2) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc. together with the name or title thereof and the name of any donor announced pursuant to Section 73.289, with the time of the beginning and ending of the complete program. In addition, an entry reflecting the use of any taped, filmed, or recorded material, in accordance with the provisions of § 73.1208. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

. . . . . .

6. Section 73.598 and headnote are amended to read as follows:

§ 73.598 Personal attacks.

. . . . . .

(b) The provisions of paragraph (a) of this section shall not be applicable (1) to attacks on foreign groups or foreign public figures; (2) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts, bona fide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs).

. . . . . .

7. Section 73.670 is amended to read as follows:

§ 73.670 Program log.

. . . . . .

(a) * * *

(4) * * *

(iv) An entry showing that broadcast of taped, filmed, or recorded material has been made in accordance with the provisions of § 73.1208.

. . . . . .

8. Section 73.935(b) is amended to read as follows:

§ 73.935 Day-to-day emergencies posing a threat to the safety of life and property; State-Level and Operational (local) Area-Level Emergency Action Notification.

. . . . . .

(b) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act, and § 73.1207 (a) and (b) of the Commission's rules and regulations.

9. Section 73.1207 is amended to read as follows:

§ 73.1207 Rebroadcast.

. . . . . .

(b) No broadcasting station shall rebroadcast the program, or any part thereof of another U.S. broadcasting station without the express authority of the originating station. A copy of the written consent of the licensee originating the program shall be kept by the licensee of the station rebroadcasting such program and shall be made available to the Commission upon request. Stations originating emergency communications under a Detailed State EBS Operational Plan, shall be deemed to have conferred rebroadcast authority on other participating stations. The broadcasting of a program relayed by a remote pickup broadcast station (§ 74.401 of this chapter) is not considered a rebroadcast.

(c) The rebroadcast of time signals originated by the Naval Observatory and the National Bureau of Standards is permitted without further Commission authorization under the conditions set forth in Note 1 to this paragraph. The rebroadcast of National Weather Service (NWS) transmissions is permitted without further Commission authorization under the conditions set forth in Note 2 to this paragraph. Programs originated by the Voice of America (VOA) and the American Forces Radio and Television Service (AFRTS) cannot, in general, be cleared for domestic rebroadcast, and may therefore be rebroadcast only by special arrangement among the parties concerned. Except as otherwise provided by international agreement, programs originated by foreign broadcasting stations may be rebroadcast without the consent of the originating station. In the case of retransmissions of subcarrier background music and other FM multiplex subscription services, permission must first be obtained from the originating station. The retransmission of point-to-point messages originated by government and privately owned non-broadcast stations must be authorized by the Commission prior to retransmission; such authority may be requested informally by telephone, to be followed within one week with a written confirmation accompanied by the written consent of the originating station.

. . . . . .

10. Section 74.13 is amended to read as follows:

§ 74.13 Equipment tests.

(a) During the process of construction of any class of radio station listed in this part, the permittee, without further authority of the Commission, may conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the technical requirements of this chapter, and the applicable engineering standards.

(b) Equipment tests may be continued so long as the construction permit shall remain valid.

(c) The authorization for tests embodied in this section shall not be construed as constituting a license to operate.

11. Section 74.14 is amended to read as follows:

§ 74.14 Service or program tests.

(a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of this chapter, and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests.

(b) Program test authority for stations authorized under this Part will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated with final action on the application for station license.

(c) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

[FR Doc.73-13978 Filed 7-9-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246 (Sub-No. 1)]

PART 1002—FEES

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Activities

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its offices in Washington, D.C., on the 3rd day of July, 1973.

Upon consideration of section 11 of Public Law 92-463, Federal Advisory Committee Act of 1972, 86 Stat. 770 which requires, as pertinent, that except in described situations Federal agencies and advisory committees make available at actual cost of duplication copies of transcripts of agency proceedings or advisory committee meetings; of the draft guidelines implementing the above described statutory requirements circulated by the Office of Management and Budget on May 14, 1973; of the Commission's notice of proposed rulemaking issued in this proceeding on May 11, 1973, 38 FR 13032, promulgating regulations to implement the Commission's responsibilities under the newly enacted statute; and of the comments submitted in response to said notice by the Department of Transportation on June 15, 1973, and by the Maryland Port Administration and The Chicago Board of Trade, each submitted on June 20, 1973; and

It appearing that the Department of Transportation has suggested (1) that in determining the amount to be charged by the Commission's official reporter for copies of transcripts, a maximum amount per page of copy should be established; (2) that certain amendments should be made in that portion of the proposed regulation dealing with requests for expedited delivery of transcript copies; (3) that procedures for obtaining copies of non-current transcripts and those prepared prior to July 1, 1973, should be established; (4) that interested persons should be allowed, as a minimum, to duplicate portions of transcript on the coin-operated copying machine available at the Commission's offices; and (5) that the time for delivery of "regular" or non-expedited transcript copies should be reduced from 10 to 5 days;

It further appearing that section 11(a) of the Federal Advisory Committee Act of 1972 provides that "Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings." (Emphasis supplied.); and that the regulation proposed by the aforementioned notice of proposed rulemaking is entirely consistent with section 11(a) and with the pertinent implementing guidelines drafted by the Office of Management and Budget;

It further appearing, that the specificity sought by the Department of Transportation will be achieved by the addition to this Commission's fee regulation, of § 1002.1(1) hereinafter set forth;

It further appearing, that there is no current Commission policy which discourages the reproduction of current transcripts or portions thereof through use of coin operated machines, and that provision for reproduction of non-current transcripts is made in § 1002.1(d), (e), and (f) of this Commission's existing fee regulations;

And it further appearing that further public procedures on the revisions proposed by the Department of Transportation in this proceeding are unnecessary under section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553, because due to the exigencies of time, the public interest requires that the regulations set forth below become effective on July 1, 1973.

Wherefore, and good cause appearing therefor:

It is ordered, That part 1002 of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

(1) Section 1002.1(h) is revised to read as follows, and paragraph (i) is added to read as set forth below:

§ 1002.1 Fees for copying, certification, and services in connection therewith.

. . . . . .

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. Transcript will be furnished to the public at actual cost to the official reporter for making copies of the original transcript. This amount may include reasonable overhead and profit but may not include any of the original cost of the transcription. Transcript will be delivered within 14 calendar days after the close of each day's proceeding in Washington, D.C., and within 21 calendar days after the close of each day's proceeding held outside Washington, D.C. Any person seeking transcript on an expedited basis must file a petition with the Commission not later than 10 calendar days prior to the date of the hearing setting forth the pertinent information which necessitates expedited delivery. If a petition is granted, the transcript will be made available at actual cost of duplication to all interested members of the public. If, however, all petitions are denied, any person desiring "daily copy" will have to negotiate directly with the official reporter. The Commission will insure by contract that daily copy will be provided and that the rate charged will not exceed that applicable to the Commission for original transcript if such demand is made at least three days prior to the date of the hearing.

(i) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter, the Metropolitan Reporting Service, Inc., Suite 210, 7676 New Hampshire Avenue, Langley Park, Md. 20783. Transcripts will be furnished to the public at the following maximum rates per page of approximately 200 words:

18 cents per page for regular copy, 24¢ per page for daily copy, if approved by the Commission, and $5.25 per page for daily copy, if not approved by the Commission but three days' notice is given, for hearings or arguments held at Washington, D.C., and 30 cents per page for regular copy, 33¢ per age for daily copy, if approved by the Commission, and $6.75 for daily copy not approved by the Commission, for hearings or arguments held at points in the United States other than Washington, D.C., and other than the States of Alaska and Hawaii.

Application for copies and payment therefor should be made directly to the official reporter.

It is further ordered, That this order, to be effective on July 1, 1973, shall remain in effect until modified or revoked in whole or in part by further order of the Commission;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

[Sec. 11, 86 Stat. 767, U.S.C.]

Also considered in the disposition of this matter was the petition filed by the Motor Carrier Lawyers Association.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.73-13993 Filed 7-9-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Ravalli National Wildlife Refuge, Montana

The following special regulations are issued and are effective on July 10, 1973.

32.5 Special regulations; migratory game birds.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The hunting of ducks, geese and coot will be permitted on portions of the Ravalli National Wildlife Refuge in accordance with the following additional special conditions:

V38-131-JUL 10 73 XUM

1. Boats are not permitted.
2. All hunters much check in and out at checking stations.
3. Hunters must be within ten feet of designated blind sites while attempting to take and taking of waterfowl game birds.
4. Blind sites will be limited to five hunters each.
5. A designated area will be open to the taking of ducks, geese and coot by means of falconry from the opening of the migratory waterfowl season through November 25. No firearms may be carried in this area.

The hunting area is designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The taking of white-tailed deer by bow and arrow will be permitted on designated areas by means of archery only from September 8 through November 25 in accordance with all applicable state regulations, and with the following additional special conditions:

1. All hunters must check in and out at checking stations.
2. No firearms may be carried in this area.

This hunting area will be designated by signs and delineated on maps available at refuge headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1974.

R. C. TWIST,
Refuge Manager, Ravalli National Wildlife Refuge, Stevensville, Montana.

JULY 2, 1973.

[FR Doc.73-13964 Filed 7-9-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 520-73]

DRUG ENFORCEMENT ADMINISTRATION

Reorganization Plan No. 2 of 1973, which becomes effective on July 1, 1973, provides for the strengthening and streamlining of the Federal drug law enforcement effort. It establishes within the Department of Justice a Drug Enforcement Administration and abolishes the Bureau of Narcotics and Dangerous Drugs, Executive Order No. 11727 of July 6, 1973, authorizes the Attorney General to reassign the functions of the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence and to provide for the abolishment of those Offices. The purpose of this order is to implement the Reorganization Plan and the Executive order.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, Reorganization Plan No. 1 of 1968, Reorganization Plan No. 2 of 1973, and the Comprehensive Drug Abuse Prevention and Control Act of 1970, *it is hereby ordered*, That 28 CFR chapter I be amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

§ 0.1 [Amended]

1. Section 0.1 of Subpart A of Part 0 of Chapter 1 of Title 28, Code of Federal Regulations, which lists the organizational units of the Department, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§§ 0.11, 0.12 [Revoked]

2. Section 0.11 of Subpart B, relating to the Office for Drug Abuse Law Enforcement, is revoked.

3. Section 0.12 of Subpart B, relating to the Office of National Narcotics Intelligence, is revoked.

§ 0.55 [Amended]

4. Section 0.55 of Subpart K, which sets forth functions of the Criminal Division, is amended by adding the following paragraph (s) at the end thereof:

(s) All legal functions performed by the Office for Drug Abuse Law Enforcement prior to its abolishment.

§ 0.76 [Amended]

5. Section 0.76 of Subpart 0 is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs" in paragraphs (a)(7), (c)(2) and (4), and (h).

6. The heading and text of Subpart R are revised to read as follows:

Subpart R—Drug Enforcement Administration

Sec.
0.100 General functions.
0.101 Specific functions.
0.103 Release of information.
0.104 Redelegation of authority.

AUTHORITY: 5 U.S.C. 301, 28 U.S.C. 509, 510.

§ 0.100 General functions.

Subject to the general supervision and direction of the Attorney General, the following described matters are assigned to, and shall be conducted, handled, or supervised by, the Administrator of the Drug Enforcement Administration:

(a) Functions vested in the Attorney General by sections 1 and 2 of Reorganization Plan No. 1 of 1968.

(b) Functions vested in the Attorney General by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(c) Functions vested in the Attorney General by section 1 of Reorganization Plan No. 2 of 1973 and not otherwise specifically assigned.

§ 0.101 Specific functions.

Subject to the general supervision and direction of the Attorney General, the Administrator shall be responsible for:

(a) The development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal drug laws and for cooperation with State and local governments in the enforcement of their drug abuse laws.

(b) The development and maintenance of a National Narcotics Intelligence System in cooperation with Federal, State, and local officials, and the provision of narcotics intelligence to any Federal, State, or local official that the Administrator determines has a legitimate official need to have access to such intelligence.

§ 0.103 Release of information.

(a) The Administrator of DEA is authorized—

(1) To release information obtained by DEA and DEA investigative reports to Federal, State, and local officials engaged in the enforcement of laws related to controlled substances.

(2) To release information obtained by DEA and DEA investigative reports to Federal, State, and local prosecutors, and State licensing boards, engaged in the institution and prosecution of cases before courts and licensing boards related to controlled substances.

(3) To authorize the testimony of DEA officials in response to subpoenas issued by the prosecution in Federal, State, or local criminal cases involving controlled substances.

(b) Except as provided in paragraph (a) of this section, all other production of information or testimony of DEA officials in response to subpoenas or demands of courts or other authorities is governed by Subpart B of Part 16 of this chapter. However, it should be recognized that Subpart B is not intended to restrict the release of noninvestigative information and reports as deemed appropriate by the Administrator of DEA. For example, it does not inhibit the exchange of information between governmental officials concerning the use and abuse of controlled substances as provided for by section 503(a)(1) of the Controlled Substances Act (21 U.S.C. 873(a)(1)).

§ 0.104 Redelegation of authority.

The Administrator of the Drug Enforcement Administration is authorized to redelegate to any of his subordinates any of the powers and functions vested in him by this Subpart R.

§ 0.132 [Amended]

7. Paragraph (c) of § 0.132 of Subpart W is revoked.

§§ 0.138—0.146, §§ 0.149—0.155 and § 0.159 [Amended]

8. Subpart X is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of the Bureau of Narcotics and Dangerous Drugs" each place the latter appears in §§ 0.138, 0.139, 0.140, 0.141, 0.142, 0.143, 0.144, 0.145, 0.146, 0.149, 0.150, 0.151, 0.152, 0.153, 0.154, 0.155, and 0.159.

§ 0.147 [Amended]

9. Section 0.147 of Subpart X is amended by substituting "for the Drug Enforcement Administration, the Director of Administration and Management" for "for the Bureau of Narcotics and Dangerous Drugs, the Assistant Director for Administration."

§ 0.148 [Amended]

10. Section 0.148 of Subpart X is amended by substituting "for the Drug Enforcement Administration, the Administrator" for "for the Bureau of Narcotics and Dangerous Drugs, the Director."

§ 0.172 [Amended]

11. Section 0.172 of Subpart Y is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of the Bureau of Narcotics for Dangerous Drugs," and by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§ 0.175 [Amended]

12. Paragraph (a) § 0.175 of Subpart Z is amended by substituting the word "Administration" for "Bureau."

13. Paragraph (c) of § 0.175 is amended by substituting "Administrator of the Drug Enforcement Administration" for "Director of the Bureau of Narcotics and Dangerous Drugs," and by substituting the word "Administration" for "Bureau."

§ 0.176 [Amended]

14. Paragraph (a) of § 0.176 of Subpart Z is amended by substituting "Administrator of the Administration" for "Director of the Bureau."

§ 0.178 [Amended]

15. Paragraph (b) of § 0.178 of Subpart Z is revised to read as follows:

(b) The Administrator of the Drug Enforcement Administration is authorized to redelegate the authority delegated by this subpart to the Deputy Administrator of DEA, to be exercised solely during the absence of the Administrator from the City of Washington.

PART 9—REMISSION OR MITIGATION OF CIVIL FORFEITURES

§ 9.1 [Amended]

16. Section 9.1 of Part 9 of Chapter I of Title 28, Code of Federal Regulations, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

§ 9.4 [Amended]

17. Paragraph (a) of § 9.4 is amended by substituting "Administrator of the Drug Enforcement Administration, (DEA)" for "Director of the Bureau of Narcotics and Dangerous Drugs (BNDD)," and by substituting "regional administrator of DEA" for "regional director of BNDD."

18. Paragraph (b) of § 9.4 is amended by substituting "regional administrator of DEA" for "regional director of BNDD," and by substituting "Administrator of DEA" for "Director of BNDD."

19. Paragraph (c) of § 9.4 is amended by substituting "Administrator of DEA" for "Director of BNDD" and by substituting "DEA" for "BNDD."

20. Paragraph (e) of § 9.4 is amended by substituting "Administrator of DEA" for "Director of BNDD."

PART 9a—CONFISCATION OF PROPERTY, INCLUDING MONEY, USED IN AN ILLEGAL GAMBLING BUSINESS

§ 9a.7 [Amended]

21. Paragraph (b) of § 9a.7 of Part 9a, relating to confiscation of property, including money, used in an illegal gambling business, is amended by substituting the following for the list of officials under "Duties comparable to those of—

Administrator of the Drug Enforcement Administration.
Regional Administrator of the Drug Enforcement Administration.
Office of the Chief Counsel, Drug Enforcement Administration.
Chief Counsel or Deputy Chief Counsel, Drug Enforcement Administration.

22. All internal delegations, regulations, directives, and instructions in effect on June 30, 1973, with respect to the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement and the Office of National Narcotics Intelligence shall remain in effect until revoked or modified by the Administrator of the Drug Enforcement Administration or other responsible Department official.

This order shall be effective as of July 1, 1973.

Dated: June 29, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-13644 Filed 7-9-73;8:45 am]

[Directive 73-1]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Drug Enforcement Administration

APPENDIX; REDELEGATION OF FUNCTIONS

By virtue of the authority vested in me by the Attorney General in Order 520-73, the Appendix to Subpart R is hereby rescinded and replaced with the following:

Appendix to Subpart R

[Directive 73-1]

REDELEGATION OF FUNCTIONS

SEC. 1. *Scope of authority.* The authority delegated by this Directive is applicable to all officers and employees of the Drug Enforcement Administration. All regulations or other action made, prescribed, issued, granted or performed in respect of or by the agencies or functions affected by section 1 of Reorganization Plan No. 2 of 1973 shall, until rescinded, modified, superceded, or made inapplicable, have the same effect as if the reorganization had not been made. Except, that until further consideration may be given to establishing the course and methods by which the Drug Enforcement Administration's procedural, administrative and operational functions are channeled and carried out, all of the procedures, guidelines, regulations, manuals, papers, documents, forms, and reports previously utilized by the former Bureau of Narcotics and Dangerous Drugs shall be applicable to the functions of all units and employees of the Drug Enforcement Administration.

SEC. 2. *Supervisors and administrators.* All persons having supervisory and administrative authority in the agencies from which functions were transferred to the Drug Enforcement Administration by Order 520-73, will continue to exercise those authorities with full force and effect until further notified.

SEC. 3. *Enforcement officers.*

(a) All criminal investigators (series 1811 under Civil Service Commission regulations) are authorized to exercise all of the powers of enforcement personnel granted by 21 U.S.C. 876, 878 and 879; to serve subpoenas, administer oaths, examine witnesses, and receive evidence under 21 U.S.C. 875; to execute administrative inspection warrants under 21 U.S.C. 880; and to seize property under 21 U.S.C. 881.

(b) All compliance investigators (series 1810 under Civil Service Commission regulations) are authorized to administer oaths and serve subpoenas under 21 U.S.C. 875; to execute administrative inspection warrants under 21 U.S.C. 878(2) and 880; and to seize property incident to compliance and registration inspections and investigations under 21 U.S.C. 881.

(c) All Regional Administrators are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876; to conduct enforcement hearings under 21 U.S.C. 883 with the concurrence of the Acting Chief Counsel; and to take custody of and dispose of seized property in accordance with directions from the Administrator under 21 U.S.C. 881.

SEC. 4. *Legal functions.* The Acting Chief Counsel is authorized to exercise all necessary functions with respect to decisions on petitions under 19 U.S.C. 1618 for remission or mitigation of forfeitures incurred under 21 U.S.C. 881; to execute under seal any certification required to authenticate any documents pursuant to § 0.146 of title 28, Code of Federal Regulations; to adjust, determine, compromise, and settle any claims involving the Drug Enforcement Administration under 28 U.S.C. 2672, relating to tort claims where the amount of the proposed adjustment, compromise, settlement or award does not exceed $2,500; to formulate and coordinate the proceedings relating to the conduct of hearings under 21 U.S.C. 875, including the signing and issuance of subpoenas, examining of witnesses and receiving evidence; and to conduct enforcement hearings under 21 U.S.C. 883.

SEC. 5. *Import and export permits.* The Acting Chief, Registration and Audit Division is authorized to perform all

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functions with respect to the issuance of importation and exportation permits for controlled substances under 21 U.S.C. 952 and 953, and all functions in regard to transshipments and in-transit shipments of controlled substances under 21 U.S.C. 954.

Dated July 1, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-13704 Filed 7-9-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-188]

PART 153—ANTIDUMPING

Synthetic Methionine from Japan

JULY 3, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that synthetic methionine from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of February 15, 1973 (38 FR 4525).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on May 14, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of synthetic methionine from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of May 18, 1973 (38 FR 13065).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to synthetic methionine from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Synthetic Methionine	Japan	73-188

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-14122 Filed 7-9-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE FACILITIES

Proposed Revision in Specification for Telephone Station Protectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by P.L. 93-32, REA proposes to issue REA Bulletin 345-39 to announce a revision in REA Specification PE-42 for telephone station protectors. On issuance of REA Bulletin 345-39, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of PE-42 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revision of REA Specification PE-42 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-39 announcing the revision of the specification is as follows:

REA BULLETIN 345-39

SUBJECT: REA SPECIFICATION FOR TELEPHONE STATION PROTECTORS, PE-42

I. *Purpose.* To announce a revision in Paragraph 3.01 *Arrester Breakdown* of REA Specification for Telephone Station Protectors, PE-42.

II. *General.* The basic changes to the specification include the addition of surge voltage breakdown test requirements and a circuit diagram for use in dc breakdown tests.

III. *Availability of specification.* Copies of the revision of PE-42 will be furnished by REA upon request. Questions concerning the revision may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3173.

Dated: July 3, 1973.

H. A. SCHAFER, JR.,
Acting Assistant Administrator—Telephone.

[FR Doc.73-14001 Filed 7-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Amount of Disability Insurance Benefit Reduction

Correction

In FR Doc. 73-12917 appearing at page 16911 in the issue of Wednesday, June 27, 1973, the effective date in the last line of the second paragraph, now reading "June 27, 1973", should read "July 27, 1973".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Hartford, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All Communications received on or before August 9, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Hartford Municipal Airport, Hartford, Wisconsin. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Hartford, Wisconsin. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

HARTFORD, WISC.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Hartford Airport (latitude 43°20'55"N., longitude 88°23'30"W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on June 12, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-13872 Filed 7-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-36]

VOR AIRWAYS AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several VOR Federal Airways in the vicinity of Oklahoma City, Okla., and revoke those airways determined to be unnecessary.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P. O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 9, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Realign V–272 in part from Oklahoma City, Okla., direct to McAlester, Okla.

2. Extend V–210 from Oklahoma City to Okmulgee, Okla., via INT Oklahoma City 109°T (100°M) and Okmulgee 244°T (236°M) radials.

3. Revoke V–15W between Ardmore, Okla., and Okmulgee.

4. Revoke V–163E between Ardmore and Oklahoma City.

Modification of the airway structure in the Oklahoma City Terminal Area will permit more flexible air traffic control, simplify flight planning and increase safety.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D. C., on June 29, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–13877 Filed 7–9–73;8:43 am]

[14 CFR Part 71]

[Airspace Docket No. 72–GL–54]

TRANSITION AREA

Withdrawal of Designation

On page 21855 of the FEDERAL REGISTER dated October 14, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Monticello, Indiana.

The proponent of the non-federal NDB is not able to establish the facility at this time. Consequently, the proposed designation is withdrawn.

Issued in Des Plaines, Ill., on June 22, 1973.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.73–13873 Filed 7–9–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–WA–14]

LAS VEGAS, NEVADA, TERMINAL CONTROL AREA

Proposed Establishment

The Federal Aviation Administration (FAA) is considering the adoption of a Group II terminal control area for Las Vegas, Nev. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular AC No. 91–30 dated 6/11/70, Subject: Terminal Control Areas (TCAs).

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Chief, Air Traffic Division, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before September 10, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69–41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69–41 and is not within the scope of this Notice. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Las Vegas, Nev.

On March 13, 1973, the Federal Aviation Administration held a meeting in Las Vegas with airspace user group representatives to consider their operational requirements. There were many objections expressed concerning Nellis AFB activity, the desire for a VFR corridor to provide free transit between North Las Vegas Airport and Lake Mead, possible future changes in transponder requirements, and the need for a TCA at Las Vegas. After considerable discussion on individual user objections and requirements, it was evident that an acceptable compromise on the TCA configuration could not be reached at this meeting. It was concluded that the Las Vegas TRACON, Nellis AFB, and other airspace users should each review their airspace requirements and attempt to develop changes that would be acceptable to all concerned. As a result of these reviews, the TRACON developed a revised proposal which reduced the size of the TCA by eliminating several portions along the perimeter, thus providing additional free airspace near North Las Vegas and Sky Harbor Airports.

A profile of approach and departure procedures at McCarran Airport and Nellis AFB was prepared to evaluate the feasibility of a VFR corridor. However, due to the runway configuration, the concentration of arrival and departure routes, and the altitudes involved, it is not practical nor realistic to include a VFR corridor through the Las Vegas TCA.

The local user groups held two meetings—March 20 and March 29, 1973—to discuss the TCA. At the March 29 meeting they discussed in detail the TRACON's revised proposal. The chairman of the group advised that the new proposal was acceptable. Subsequent to the meetings, it was determined that the high terrain north of Las Vegas made it impractical to include the area around Hayford Peak within the TCA. Therefore, this area has been deleted from the proposal submitted to the user groups.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to 71.401 (b) Group II Terminal Control Areas.

LAS VEGAS, NEV., TERMINAL CONTROL AREA

PRIMARY AIRPORT

McCarran International Airport (Latitude 36°04'48"N., Longitude 115°09'08"W.).

Las Vegas VORTAC (Latitude 36°04'48" N., Longitude 115°09'08"W.)

Boundaries (Based on Las Vegas VORTAC (LAS) arcs, DME distances, and radials).

1. *Area A.* That airspace extending upward from the surface to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005°T (350°M) radial, thence clockwise via the 15-mile arc to the 022°T (007°M) radial, thence direct to the 20-mile DME point on the 033°T (018°M) radial, thence northeast along the 033°T (018°M) radial to and southeast along the 22-mile arc to and southwest along the 046°T (031°M) radial to and south along the 10-mile arc to and northwest along the 150°T (135°M) radial to and counterclockwise along the 2-mile radius circle of Henderson Sky Harbor Airport (Lat. 35°58'35"N., Long. 115°07'55" W.) to and south along the 180°T (165°M) radial to and north along the 8-mile arc to and counterclockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal (Lat. 36°12'17"N., Long. 115°11'42"W.) to and north along the 005°T (350°M) radial to the point of beginning.

2. *Area B.* That airspace extending upward from 4,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 075°T (060°M) radial thence clockwise along the 15-mile arc to and northwest along the 115°T (100°M) radial to and counterclockwise along the 10-mile arc to and east along the 075°T (060°M) radial to the point of beginning.

3. *Area C.* That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile point on the LAS 046°T (031°M) radial thence clockwise along the 15-mile arc to and west along the 075°T (060°M) radial to and counterclockwise along the 10-mile arc to and northeast along the 046°T (031°M) radial to the point of beginning.

4. *Area D.* That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 20-mile DME point on the LAS 055°T (040°M) radial thence clockwise along the 20-mile arc to and west along the 115°T (100°M) radial to and counterclockwise along the 15-mile arc to and northeast along the 055°T (040°M) radial to the point of beginning.

5. *Area E.* That airspace extending upward from 6,000 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 10-mile DME point on the LAS 150°T (135°M) radial thence northwest along the 150°T (135°M) radial to and counterclockwise along the 2-mile radius circle of the Henderson Sky Harbor Airport to and south along the 180°T (165°M) radial to and counterclockwise along 15-mile arc to and northwest along the 115°T (100°M) radial to and clockwise along the 10-mile arc to the point of beginning.

6. *Area F.* That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 155°T (140°M) radial thence southeast along the 155°T (140°M) radial to and clockwise along the 20-mile arc to and north along the 200°T (185°M) radial to and counterclockwise along the 15-mile arc to the point of beginning.

7. *Area G.* That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 8-mile DME point on the LAS 180°T (165°M) radial thence south along the 180°T (165°M) radial to and clockwise along the 15-mile arc to and northeast along the 235°T (220°M) radial to and counterclockwise along the 8-mile arc to the point of beginning.

8. *Area H.* That airspace extending upward from 5,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 8-mile DME point on the LAS 275°T (260°M) radial thence counterclockwise along the 8-mile arc to and southwest along the 235°T (220°M) radial to and clockwise along the 15-mile arc to and east along the 275°T (260°M) radial to the point of beginning.

9. *Area I.* That airspace extending upward from 4,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 15-mile DME point on the LAS 005°T (350°M) radial thence south along the 005°T (350°M) radial to and clockwise along the 2.5-mile radius circle of North Las Vegas Air Terminal to a point on U.S. Highway 95 2.5 miles northwest of North Las Vegas Air Terminal thence northwest along U.S. Highway 95 to and clockwise along a 15-mile arc to the point of beginning.

10. *Area J.* That airspace extending upward from 6,500 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 20-mile DME point on the LAS 033°T (018°M) radial thence direct to the 15-mile DME point on the LAS 022°T (007°M) radial thence west along the 15-mile arc to and northwest along U.S. Highway 95 to and clockwise along the 20-mile arc to the point of beginning.

11. *Area K.* That airspace extending upward from 7,500 feet MSL to and including 9,000 feet MSL bounded by a line beginning at the 36-mile DME point on the LAS 033°T (018°M) radial thence southwest along the LAS 033°T (018°M) radial to and counterclockwise along the 20-mile arc to U.S. Highway 95 direct to the 36-mile DME point on the 005°T (350°M) radial thence clockwise along the 36-mile arc to the point of beginning.

12. *Area L.* That airspace extending upward from 7,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 36-mile DME point on the LAS 055°T (040°M) radial thence southwest along the 055°T (040°M) radial to and counterclockwise along the 15-mile arc to and northeast along the 046°T (031°M) radial to and counterclockwise along the 28-mile arc to and northeast along the 033°T (018°M) radial to and clockwise along the 36-mile arc to the point of beginning.

13. *Area M.* That airspace extending upward from 5,000 feet MSL to and including 9,000 feet MSL within an area bounded by a line beginning at the 28-mile DME point on the LAS 046°T (031°M) radial thence southwest along the 046°T (031°M) radial to and counterclockwise along the 22-mile arc to and northeast along the 033°T (018°M) radial to and clockwise along the 28-mile arc to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U. S. C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U. S. C. 1655(c)).

Issued in Washington, D.C., on July 2, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–13878 Filed 7–9–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–EA–50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Bradford, Pa., control zone (38 FR 360) and transition area (38 FR 453).

Revision of the NDB and ILS instrument approach procedures for Bradford Regional Airport and a review of the terminal airspace requirements for the Bradford, Pa. terminal area indicates that alteration of the control zone and transition area will be required to provide controlled airspace in consonance with Terminal Instrument procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 9, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bradford, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bradford, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 41°-48'09" N., 78°38'27" W. of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford, Pa. VORTAC 139° radial, extending from the VORTAC to 10 miles southeast of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bradford, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°48'09" N., 78°38'27" W., of Bradford Regional Airport, Bradford, Pa.; within 3.5 miles each side of the Bradford Regional Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 5 miles each side of the Bradford, Pa. VORTAC 139° radial, extending from the VORTAC to 11.5 miles southeast of the VORTAC; within 5 miles each side of the Bradford, Pa. VORTAC 316° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 20, 1973.

R. M. BROWN,
Acting Director, Eastern Region.

[FR Doc.73–13879 Filed 7–9–73;8:45 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 73–SO–6]

CONTROL AREAS AND JET ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate three new over-water jet routes within the offshore area along the Atlantic Coast between North Carolina and southern Florida.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, and arguments as they may desire. Communications should identify the airspace docket number and be submitted in trip-

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licate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 9, 1973 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace rule making actions:

1. a. Designate a numbered control area from the Carolina Beach, N.C., radio beacon direct to the Rubin radio beacon at Palm Beach, Fla., including the airspace within parallel lines 5 nautical miles each side of the centerline and the airspace between lines diverging at 5 degree angles from the centerline from each side of the radio beacons, extending to their point of intersection 300 NM south-southwest of the Carolina NDB; excluding the airspace at and below 23,000 feet MSL north of—and below 2,000 feet south of—the Orlando, Fla., VORTAC 071°T (071°M) radial, and above FL 450.

b. Designate Jet Route No. 141 from the Rubin radio beacon at Palm Beach, Fla., to the Carolina Beach, N.C., radio beacon to the Wilmington, N.C. VORTAC.

c. Use of this route will be based on military/Federal Aviation Administration agreements (joint-use airspace concept), since a portion of the route is within parts of several warning areas.

2. a. Designate a numbered control area from Bimini, Bahamas NDB direct toward Lat. 34°42'28'' N., Long. 77°08'11'' W. (approximate location of proposed NDB) until intercepting a 290°T bearing to the Ashley, S.C., NDB, thence direct to Lat. 34°44'00'' N., Long. 77°36'00'' W. (approximate location of proposed VORTAC); including the airspace within 5 nautical miles each side of the centerline and the airspace between lines diverging at 5 degree angles from the centerline from the Bimini NDB extending northward to the point of intersection of 5 degree angle lines from the proposed NDB at Lat. 34°42'28'' N., Long. 77°08'11'' W., and the airspace between these lines northward to the point of intersection of a 290°T bearing to the Ashley NDB, and the airspace between 4.5 degree lines projected southward from the proposed VORTAC location at Lat. 34°44'00'' N., Long. 77°36'00'' W., and the airspace between these lines northward to a point 51 nautical miles south of the proposed VORTAC, and from this point the airspace 4 nautical miles each side of the route centerline to the proposed VORTAC. Exclude the airspace below 7,000 feet MSL within the Nassau, Bahamas, control area and at and below 23,000 feet MSL north of—and below 2,000 feet MSL south of—the Orlando, Fla., VORTAC 071°T (071°M) radial, and above FL 450.

b. Designate a jet route that begins at Lat. 27°00'00''N., on a line direct between the Bimini NDB toward the proposed NDB location to a point 290°T bearing to Ashley NDB; then direct to the proposed VORTAC location in N.C.

c. Use of altitudes FL 300 and below on this route north of the 290°T bearing to Ashley NDB will be based on military/Federal Aviation Administration agreement (joint-use airspace concept), since a portion of this route segment is within W–122.

3.a. Designate a numbered control area that begins at Lat. 27°00'00''N., extending north along a line direct between the Nassau, Bahamas NDB and Lat. 34°42'28''N., Long. 77°08'11''W. (approximate location of proposed NDB) until intercepting a 290°T bearing to the Ashley, S.C. NDB, thence direct to Lat. 34°44'00''N., Long. 77°36'00''W. (approximate location of proposed VORTAC); including the airspace between lines diverging at 5 degree angles from the centerline from the Nassau NDB extending northward to the point of intersection of 5 degree angle lines extending south from the proposed NDB at Lat. 34°42'00''N., Long. 77°07'30''W., and the airspace between these lines northward to the point of intersection of a 290°T bearing to the Ashley NDB and the airspace between 4.5 degree lines projected southward from the proposed VORTAC location at Lat. 34°44'00''N., Long. 77°36'00''W. and the airspace between these lines northward to a point 51 nautical miles south of the proposed VORTAC, and from this point the airspace 4 nautical miles each side of the route centerline to the proposed VORTAC. Exclude the airspace at and below 23,000 feet MSL north of—and below 2000 feet MSL south of—the Orlando, Fla., VORTAC 071°T (071°M) radial, and above FL 450.

b. Designate a jet route that begins at Lat. 27°00'00''N., extending north along a line direct between the Nassau NDB and the proposed NDB location, and north along that line to a point 290°T bearing to Ashley NDB; then direct to the proposed VORTAC location in N.C.

c. Use of altitudes FL 300 and below on this route north of the 290°T bearing to Ashley NDB will be based on military/Federal Aviation Administration agreement (joint-use airspace concept), since a portion of this route segment is within W–122.

4. Redesignate a portion of Jet Route No. 79 to align it from Norfolk, Va., VORTAC direct to the proposed VORTAC at Lat. 34°44'00''N., Long. 77°36'-00''W., direct to the Wilmington, N.C. VORTAC.

The proposed airspace actions are designed to improve and expedite movement of the increased volume of high altitude air traffic operating between southern Florida and northern terminals. The route proposed between Palm Beach, Fla., and Wilmington, N.C., would be used in conjunction with the route proposed between Bimini, Bahamas, the proposed VORTAC (east of Wilmington, N.C.) and would provide dual segregated routes from southern Florida to North Carolina. When the first route of this pair is not available, then the route between Nassau, Bahamas and the proposed VORTAC (east of Wilmington, N.C.) would be used in conjunction with present route Control 1150. This will provide dual segregated routes from southern Florida to North Carolina and serve as an alternative pair of routes.

Related nonrulemaking actions proposed would:

1. Establish on-request reporting points, as necessary, on the three routes proposed.

2. Establish appropriate radar/nonradar jet advisory service areas to serve the three routes when affected portion(s) of a route(s) are not being used by the military users.

3. Redefine W–122B, and W–122C to exclude—from the surface to unlimited—the airspace overlapped by the two proposed routes that would be based on the proposed VORTAC (east of Wilmington, N.C.).

4. Establish new W–122D, from the surface to and including FL 300, using airspace identical to the airspace proposed for exclusion from W–122B and W–122C.

5. Extend the eastern boundaries of W–122A, W–122B, and W–122C ten nautical miles to the southeast.

6. Establish new W–177B as the airspace bounded on the north by existing W–177; on the east by Control 1150; on the south by existing warning areas W–132, W–133 and W–134; on the west by a line 3 nautical miles from and parallel to the shoreline and extending vertically from the surface to and including FL 500.

7. Change existing W–177 to W–177A.

8. Move the New York and Miami Oceanic CTA/FIR boundaries (on the 77° meridian) eastward so as to include the numbered control area portion lying east of the 77° meridian of the proposed route between Nassau NDB and the proposed VORTAC in N. C.

Proposed nonrulemaking actions 3, 4, and 5 will not be made effective until the proposed new NDB and VORTAC facilities have been flight checked and commissioned, and the new routes have been established.

The two routes based on the proposed VORTAC would use appropriate altitudes above FL 300 up to and including FL 450 on a full-time basis. Altitudes FL 240–FL 300, inclusive, would be used consistent with the military/Federal Aviation Administration joint-use airspace concept.

Proposed W–177B will be operated similar to existing military/Federal Aviation Administration joint-use agreements for operation of W–158B and coinciding Control 1153.

Transition routes will be developed by air traffic control to shorten the southern portion of the route based on Bimini NDB and also for the route based on Nassau NDB. These transition routes will effect reductions in overall route distance for flights operating on these routes.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 2, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-13880 Filed 7-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1107]

[Ex. Parte No. 298]

RAILROAD RATE ADJUSTMENT ACT OF 1973

Requirements and Procedures

Notice of proposed rulemaking and order.[1] At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of July 1973.

This proceeding is instituted in accordance with the provisions of subsection (4)(a) of section 15a of the Interstate Commerce Act (the act), added by the Railroad Rate Adjustment Act of 1973. Thereunder this Commission is directed to establish on or before August 1, 1973, requirements for the filing of petitions for adjustment of interstate rates of common carriers subject to part I of the Interstate Commerce Act to reflect increases in the expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, which occur on or before January 1, 1975, or as the result of the enactment of the Railroad Retirement Amendments of 1973. Such requirements are to be established pursuant to section 553 of the Administrative Procedure Act (5 USC 553), regarding notice and opportunity to participate, with time for comment limited so as to meet the required date for establishment of such requirements, and subject to future amendment or revocation.

Accordingly, the following requirements and procedures are proposed: That a new part 1107 be added as follows:

PART 1107—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD RATE ADJUSTMENT ACT OF 1973

Sec.
1107.1 Requirements.
1107.2 Notice.
1107.3 Commission order.

§ 1107.1 Requirements.

Petition or petitions filed by common carriers subject to part I of the Interstate Commerce Act under the provisions of subsection (4)(a) of section 15a of the act, for adjustment of their interstate rates when increases in the expenses of such carriers have or will result from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as the result of the enactment of the Railroad Retirement amendments of 1973, shall be verified and shall disclose[2]:

(a) The amount of increases in expenses of such carriers resulting from any increases in taxes under the Railroad Retirement Tax Act, as amended, occurring on or before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973, by showing—

(1) For the 12-month period ending sixty (60) days prior to the filing date of the petition, separated between freight and passenger operations, with the further separation between intercity and commutation service,

(i) The mid-month number of employees,

(ii) The total service hours by operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iii) The total compensation paid for operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iv) The retirement tax rates, and

(v) Retirement taxes paid;

(2) For the last quarter of 1973 and for each quarter of 1974, separated between freight and passenger operations, with the further separation between intercity and commutation service,

(i) The estimated mid-month number of employees,

(ii) The estimated total service hours by operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iii) The estimated total compensation paid for operating and other employees, as reported in I.C.C. Wage Statistics, Forms A and B,

(iv) The retirement tax rates,

(v) The estimated retirement taxes paid, and, in addition,

(vi) The dollar amount of tax increase resulting from the increased tax rates.

(b) The amount needed in increases in the general level of interstate rates by showing—

(1) For the 12-month period ending sixty (60) days prior to the filing of the petition, and separated between interstate and intrastate traffic, with the in-

[1] This notice and order of proposed rulemaking has been prepared although the Railroad Rate Adjustment Act of 1973 had not at the time been signed by the President. As indicated in the notice and order, under the terms of that Act, this Commission must establish on or before August 1, 1973, the requirements which are the subject of this proceeding.

[2] The data furnished should be individually by carrier, summarized by district, and nationwide; the methods used to derive the estimates must be reflected, including assumptions used, and all underlying work papers must be made available to the Commission upon request.

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terstate traffic summarized by interterritorial and territorial movements (official, southern, and western), and the intrastate traffic summarized by State,

(i) The freight revenue ton-miles,

(ii) The freight revenues based on rate levels in effect at the time of the filing of the petition:

(2) For the last quarter of 1973 and for each quarter of 1974, separated between interstate and intrastate traffic, with the interstate traffic summarized by interterritorial and territorial movements (official, southern, and western), and the intrastate traffic summarized by State.

(i) The estimated freight revenue ton-miles.

(ii) The estimated freight revenues based on rate levels in effect at the time of the filing of the petition, and

(iii) The estimated freight revenues to be obtained from the increases proposed, including the effect on the movement of the traffic.

(c) The availability of means other than a rate increase by which carriers might absorb or offset such increases in expenses, identifying the means considered.

§ 1107.2 Notice.

Notice of the filing of such a petition will be given to the general public by publication of such a notice in the Federal Register.

§ 1107.3 Commission order.

Upon consideration of the evidence presented in such a verified petition, and in accordance with the provisions of subsection (4)(b) of section 15a, within 30 days of the filing of the petition, the Commission shall issue an order (a) permitting the establishment of interim increases in the general level of the interstate rates (across-the-board) in an amount approximating that needed to offset the increases in expenses attributable to the increases in taxes referred to above, (b) requiring the publication in the tariffs establishing the interim increase of a rule requiring the carriers to pay refunds, with interest, to the extent that the increase ultimately approved under the provisions of subsection (4)(c) of section 15a is less than that approved on an interim basis, (c) requiring publication of the said order in the FEDERAL REGISTER, and (d) providing for notification to this Commission by all persons who are interested in participating in the subsequent hearings to be held under the provisions of subsection (4)(c) of section 15a.

It is ordered, That a proceeding be, and it is hereby, instituted with the objective of establishing the above requirements and procedures.

It is further ordered, That all common carriers subject to part I of the act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony, but that the respondents or any other interested parties may participate in this proceeding by submitting written statements of verified facts, views, or arguments regarding the proposed requirements and procedures.

It is further ordered, That the said statements shall be filed on or before July 18, 1973, and that no requests for extension of that date will be entertained, and that no reply statements will be permitted, in cognizance of the statutory requirement that such requirements be established no later than August 1, 1973.

And it is further ordered, That a copy of this notice and order be served on each respondent, each party to the proceeding in Ex Parte No. 281, and all known consumer groups and environmental groups, that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14123 Filed 7-9-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-13960, *infra*.

Internal Revenue Service

[Order No. 138]

AUTHORITY OF KEY DISTRICTS FOR STABILIZATION FUNCTION

Delegation Order

1. The authority granted the Commissioner of Internal Revenue by Cost of Living Council Orders Number 15, 15A, 15B, 15C, and 19 is hereby delegated to the Key District Directors shown below, to exercise in and for the related Associate Districts. The Key District Directors will exercise functional supervision over Stabilization activities in the related Associate Districts.

KEY DISTRICTS	*ASSOCIATE DISTRICTS*
Boston	Augusta
	Burlington
	Portsmouth
Brooklyn	NONE
Buffalo	Albany
Hartford	Providence
Manhattan	NONE
Baltimore	NONE
Richmond	NONE
Newark	NONE
Philadelphia	Wilmington
Pittsburgh	NONE
Atlanta	Birmingham
Jacksonville	NONE
Greensboro	Columbia
Nashville	Jackson
Cincinnati	Louisville
Indianapolis	NONE
Cleveland	Parkersburg
Detroit	NONE
Chicago	NONE
St. Louis	Springfield
Des Moines	Omaha
St. Paul	Aberdeen
	Fargo
Milwaukee	NONE
Austin	New Orleans
Dallas	Albuquerque
Oklahoma City	Cheyenne
	Denver
	Little Rock
	Wichita
Los Angeles	Honolulu
	Phoenix
San Francisco	Reno
	Salt Lake City
Seattle	Anchorage
	Boise
	Helena
	Portland

2. This authority may be redelegated by the District Directors of Key Districts and may not be further redelegated.

Effective Date: July 2, 1973.

Dated: July 2, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-13999 Filed 7-9-73;8:45 am]

Office of the Secretary

NATURAL RUBBER THREAD FROM ITALY

Amendment of Antidumping Proceeding Notice

JULY 3, 1973.

An "Antidumping Proceeding Notice" with respect to natural rubber thread from Italy was published in the FEDERAL REGISTER of February 26, 1973 (38 FR 5195, FR Doc. 73-3627).

That notice is hereby amended to include synthetic rubber thread from Italy within the scope of the investigation.

Accordingly, the "Antidumping Proceeding Notice" referred to above is amended by changing the caption to read "Rubber Thread from Italy" and by deleting the word "natural" in the fifth line of the first paragraph.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-14121 Filed 7-9-73;8:45 am]

DEPARTMENT OF JUSTICE

[Order 521-73]

FEDERAL LAW ENFORCEMENT OFFICERS

Authorization To Request the Issuance of Search Warrants

On March 19, 1973, a list of agencies with law enforcement personnel authorized to request the issuance of a search warrant was published in the FEDERAL REGISTER. (38 FR 7244). The list included the Bureau of Narcotics and Dangerous Drugs, which agency is abolished effective July 1, 1973, and its functions transferred to the Drug Enforcement Administration.

Accordingly, effective July 1, 1973, Order No. 510-73 of March 12, 1973, listing agencies with law enforcement personnel authorized to request the issuance of a search warrant, is amended by substituting "Drug Enforcement Administration" for "Bureau of Narcotics and Dangerous Drugs."

Dated: June 29, 1973.

ELLIOT RICHARDSON,
Attorney General.

[FR Doc.73-13645 Filed 7-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Establishment and Charter

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and advises of the establishment of the National Capital Memorial Advisory Committee. The Charter for the committee containing information prescribed by section 9(c) of Public Law 92-463 is published below.

CHARTER

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

A. The official designation of the committee is the National Capital Memorial Advisory Committee.

B. The purposes of the committee are as follows: Prepare and recommend to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues.

Examine each memorial proposal for adequacy and appropriateness, and make recommendations to the Secretary with respect to site location on Federal land in the National Capital region.

Serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

In order to effectuate its purposes, the committee will be composed of seven *ex officio* members as follows:

Director, National Park Service
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor-Commissioner of the District of Columbia
Commissioner, Public Buildings Service

Each of the foregoing *ex officio* members may designate an alternate to attend meetings and vote in his place. The Director of the National Park Service or his designee shall serve as Chairman.

In view of the fact that the vast majority of Federal lands within the National Capital region which may be deemed suitable for memorialization are under the jurisdiction of the National Park Service, this committee will render advice and assistance in connection with the performance of duties imposed on the Department of the Interior by law, and

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it is in the public interest to obtain the advice of this committee.

C. In view of the goals and purposes of the committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewal as required by section 14 of Public Law 92–463.

D. The committee will file its reports and minutes with the Secretary of the Interior, Washington, D.C.

E. Support for the committee is provided by the National Park Service, Department of the Interior.

F. The duties of the committee are solely advisory and are as stated in "B" above.

G. The estimated annual operating costs for the committee are approximately $100, and involve approximately one-twelfth man-year of time.

H. The committee will meet approximately four times a year.

I. The committee will terminate on December 31, 1974 unless prior to that date renewal action is taken as described in paragraph "C" above.

The Secretary of the Interior has made a written determination that creation of this advisory committee is in the public interest. The committee is established effective 30 days after publication of this notice in the FEDERAL REGISTER. Additional information regarding the National Capital Memorial Advisory Committee may be obtained from Mr. Robert M. Landau, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, telephone—202/343–8953.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 2, 1973.

[FR Doc.73-13893 Filed 7-9-73;8:45 am]

OUTER CONTINENTAL SHELF OFF FLORIDA

Request for Comments Regarding Possible Oil and Gas Leasing

The Department of the Interior is preparing a draft environmental impact statement concerning possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343) of certain tracts lying seaward of Mississippi, Alabama, and Florida. No determination can be made to offer these tracts for leasing until completion of all procedures required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347). In addition, certain of the tracts lying in two specific areas off Florida discussed below are in areas where critical Department of Defense high and low level air test and training activities are carried out. In the interest of national defense, it is important that any lease of these tracts be on a basis of minimizing interference with these critical Defense activities by limiting the density of surface structures (rigs or platforms) simultaneously in the areas concerned. Interior desires, therefore, to secure information as to means and impact of accomplishing such minimization in the areas concerned.

LEASING MAP PENSACOLA SOUTH NO. 1
(NH 16–8)

N682–E115; N682–E116; N682–E117; N683–E115; N683–E116; N683–E117; N684–E115; N684–E116; N684–E117; N685–E115; N685–E116; N685–E117

Any leasing in this area will be on the basis of compulsory unitization of the entire area. Leases may not be issued on the above-named 12 tracts unless development is determined to be technologically and economically feasible and unless essential defense testing can continue under the following conditions: (a) Use of not more than one fixed or mobile surface structure for exploration, development, or production for each twenty-seven square miles of the leased area; (b) all other development by subsea well completion techniques.

For this area, therefore, the Department of the Interior wishes to obtain the views of all interested parties on the technological and economic aspects of this proposal. Any comments on the environmental aspects of the proposal should be submitted to the Director, Bureau of Land Management, (Attn: 390), Washington, D.C. 20240, only in conjunction with the draft environmental impact statement which will describe the environment of the area and the defense activities. Comments on the technological and economic aspects of the proposal should be sent to the Director, Geological Survey, Washington, D.C. 20244, with copies to the Director, Bureau of Land Management (Attn: 390), Washington, D.C. 20240, to be received not later than the close of business on Monday, August 6, 1973.

In particular, attention is directed to the following questions:

1. Is efficient development of oil and gas deposits underlying the described tracts by the use of subsea well completion techniques feasible at the present time? If it is not feasible at the present time, when is it expected to become feasible?

2. Is the technology needed to implement such development currently available throughout the industry? How many potential lessees or operators have the necessary technology at the present time? How many have access to it?

3. How many mobile and fixed exploration, development, and production structures would be needed for efficient development under the methods usually employed on the OCS?

4. Within how many years after the issuance of a lease (a) can initial production be achieved (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using methods usually employed on the OCS? (b) can peak production be obtained (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using the methods usually employed on the OCS? (c) would production terminate (i) under the proposed conditions? (ii) under similar conditions, but with a requirement of not more than one surface structure for each thirteen and one-half square miles? (iii) using methods usually employed on the OCS?

5. What are the comparative costs of exploration, development, and production in the area of the twelve tracts by using (a) one surface structure for each twenty-seven square miles and subsea well completion techniques, (b) one surface structure for each thirteen and one-half square miles and subsea well completion techniques, and (c) methods usually employed on the OCS?

6. Can as much oil and gas be ultimately produced economically under the proposed conditions as by methods usually employed on the OCS? What would be the proportionate difference in ultimate production between the two methods?

7. What other technological and economic information should be considered in order to determine the feasibility of offering the twelve tracts for lease under the proposed conditions?

In responding to the seven questions, it should be considered that the proposed conditions contemplate a limitation of the size of each surface structure to a horizontal area no larger than 200′ by 200′ and a vertical limit no higher than 400′ above the surface of the water.

LEASING MAP PENSACOLA SOUTH NO. 1
(NH 16–8)

N681–E123; N681–E124; N682–E118; N682–E119; N682–E120; N682–E121; N682–E122; N682–E123; N682–E124; N683–E118; N683–E119; N683–E120; N683–E121; N683–E122; N683–E123; N683–E124; N684–E118; N684–E119; N684–E120; N684–E121; N684–E122; N684–E123; N684–E124; N685–E118; N685–E119; N685–E120; N685–E121; N685–E122; N685–E123; N686–E118; N686–E119; N686–E120; N686–E121; N687–E118; N687–E119.

Any leases which may be offered for the above-named tracts will be on the basis of taking all reasonable measures to minimize the number of surface structures (rigs or platforms) simultaneously in the area concerned. It is expected that such development may also involve unitization and undersea well completion techniques, as well as any other procedures for accomplishing the objective of effecting minimization. The Department of the Interior wishes to receive recommendations as to the development of these tracts. If it is required that a surface structure exceed 200′ by 200′ in horizontal area or a height greater than 400′, this should be indicated.

Interested parties are requested to submit their comments as soon as possible and in any event by the close of business on August 6, 1973. Any proprietary information submitted, and so identified by the respondent, will be treated on a confidential basis.

JOHN P. WHITAKER,
Under Secretary of the Interior.

JULY 9, 1973.

[FR Doc.73-14154 Filed 7-9-73;9:09 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

IOWA INSPECTION POINT

Grain Standards

Statement of considerations. On April 23, 1973, there was published in the FEDERAL REGISTER (38 FR 10028) a notice announcing that: (1) The Davenport Grain Exchange, Inc., Davenport, Iowa, had requested that its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate as an official grain inspection agency in Dubuque, Iowa, be transferred to another agency or person; and (2) that applications for the designation had been received from the following agencies:

Cedar Rapids Chamber of Commerce Grain Service, Inc. Cedar Rapids, Iowa
Dubuque Area Chamber of Commerce Dubuque, Iowa
Eastern Iowa Grain Inspection Service, Inc. Muscatine, Iowa

The three agencies are located in eastern Iowa.

Interested persons were given until May 23, 1973, to submit application for the designation, and to submit written data, views, or arguments as to which agency or person the designation should be transferred.

No further applications were submitted. A total of 20 comments were submitted as to which agency the designation should be transferred.

Seven of the comments recommended that the designation be transferred to the Cedar Rapids Chamber of Commerce Grain Service, Inc. The seven comments were from users of the grain inspection service in the Cedar Rapids grain market. The Cedar Rapids Chamber of Commerce Grain Service, Inc., is currently designated to operate as an official grain inspection agency in Cedar Rapids, Iowa.

Ten of the comments recommended that the designation be transferred to the Dubuque Area Chamber of Commerce. The ten comments were from nonusers of the grain inspection service in the Dubuque grain market. The Dubuque Area Chamber of Commerce is not currently designated to operate as an official grain inspection agency in any location.

Two of the comments recommended that the designation be transferred to the Eastern Iowa Grain Inspection Service, Inc. Both comments were from one of the principal users of the grain inspection service in the Dubuque grain market. No comments were submitted by the other users of the service in Dubuque. The Eastern Iowa Grain Inspection Service, Inc., is currently designated to operate as an official grain inspection agency in Muscatine, Iowa. (Note: The chief grain inspector for the Eastern Iowa Grain Inspection Service, Inc., is also the chief grain inspector for the Davenport Grain Exchange, Inc., in Davenport, Iowa and in Dubuque, Iowa.)

One of the comments did not recommend that the transfer be made to a particular agency or person, but it did recommend that the transfer be based on experience and competency.

It is the Department's policy, in designating an agency or person to operate as an official grain inspection agency, to give priority first to State grain inspection agencies and then to currently operative grain inspection agencies. None of the applicants is a State agency. Two of the applicants, as indicated above, are currently operative.

All applicants for the transfer were found to have met the prerequisites for designation set forth in § 26.96 of the regulations (7 CFR 26.96), and to have filed a proper application for designation as specified in § 26.97 of the regulations (7 CFR 26.97). The Eastern Iowa Grain Inspection Service, Inc., was found to be qualified and competent. In addition, its application for the transfer was supported by one of the principal users of the service in Dubuque. Therefore, after due consideration of all submissions made pursuant to the notice of April 23, 1973, and all other relevant matters, the designation to operate as an official grain inspection agency in Dubuque is hereby transferred from the Davenport Grain Exchange, Inc., Davenport, Iowa, to the Eastern Iowa Grain Inspection Service, Inc., Muscatine, Iowa.

(Secs. 3 and 7, 39 Stat. 482, as amended, 82 Stat. 762 and 764; 7 U.S.C. 75(m) and 79(f); 37 F.R. 28464 and 28476)

Effective date. This notice shall become effective July 10, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

JULY 3, 1973.

[FR Doc.73-13998 Filed 7-9-73;8:45 am]

RICE STANDARDS

Proposed Changes

Statement of considerations. Notice is hereby given that the Agricultural Marketing Service is considering changing the United States grade standards for rough rice so the standards will better reflect the presence of "weed seeds" and "heat-damaged kernels" in the total milled rice produced from the rough rice, and so the standards will better correlate with the United States grade standards for milled rice.

This notice identifies the changes that are being considered in the United States standards for rough rice, and invites interested persons to review the proposed changes, submit comments and recommendations on the proposed changes, and submit other suggested changes in the standards.

Background. In determining the grade of rough rice under the United States standards, a sample of the rice is cleaned, hulled, and milled. In the cleaning process, three sieves are used to separate the readily removable foreign material, including the weed seeds, if any, from the rough rice. The foreign material that is separated is called dockage and is discarded.

In the hulling process, the outer hull or husk is removed from the kernels. The removed hulls, or husks, are discarded.

In the milling process, practically all of the germs and the bran layers are removed from the kernels, and whole kernels, large broken kernels, and medium and small broken kernels are produced. The removed germs and bran layers are discarded.

Whole kernels, large broken kernels, and medium and small broken kernels are defined as follows:

Whole kernels are unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

Large broken kernels (commonly referred to as "second head") are broken kernels that pass over a 6 plate (southern production) or broken kernels remaining on a 6 sieve (western production).

Medium and small broken kernels (commonly referred to as "screenings and brewers") are broken kernels removed by a 6 plate (southern production) or broken kernels that pass through a 6 sieve (western production).

In the grading process the percentage of whole kernels, and the total milled rice (milling yield) is determined. After the milling yield is determined, the large broken kernels and the medium and small broken kernels are discarded and the grade of the rough rice is determined on the basis of the whole kernel portion only.

In the commercial milling process the large broken kernels and the medium and small broken kernels are removed for blending with the whole kernels according to grade or contract specifications, or are removed and retained for sale.

The recommendations that have been received indicate that by using three sieves for cleaning, and by determining the grade of the rough rice on the whole kernel portion only, the resulting grades do not accurately reflect the quality of the rough rice, especially when the rough rice contains weed seeds or heat-damaged kernels. It is also indicated that since the grades do not reflect the true quality of the rough rice, the grades do not correlate with the grades for the rice which is produced from the rough rice in commercial milling.

Proposed changes. Three recommendations to correct the situation have been received:

Proposal 1. A. Use only one sieve instead of three sieves in the laboratory cleaning of the rough rice. This could result in less weed seeds being removed as dockage and in an increase in milling yield.

B. Determine the number of weed seeds and heat-damaged kernels in a combination of the whole kernel and the large broken kernel portions, instead of the whole kernel portion only. This could result in a finding of more weed seeds and heat-damaged kernels. It could also increase inspection time and costs.

C. Increase the limits for objectionable seeds and heat-damaged kernels per 500 grams of sample from 1, 2, 5, 15, 25, 75, and over 75 in grades Nos. 1 through Sample grade to 10, 25, 40, 65, 95, 95, and over 95, respectively. This increase would

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tend to offset the increase in weed seeds and heat-damaged kernels resulting from item "A" and "B" above.

Proposal 2. Determine the grade of the whole kernel, the large broken kernel, and the medium and small broken kernel portions separately; using the present grade limits for the classes of rough rice and the classes Second Head Milled Rice and Brewers Milled Rice, respectively, instead of grading the whole kernel portion only. This would involve separating each portion mechanically, and could result in a finding of more weed seeds and heat-damaged kernels. It would increase inspection time and costs.

Proposal 3. A. Determine the number of weed seeds and heat-damaged kernels in a combination of the whole kernel and the large broken kernel portions, instead of on the whole kernel portion only. This could result in a finding of more weed seeds and heat-damaged kernels. It could also increase inspection time and costs.

B. Mechanize the grading by defining "whole and large broken kernels" as kernels and all other material that (1) passes over a 6 plate (southern production) or (2) remains on top of a 6 sieve (western production), and provide that no handpicking of the separations shall be performed. This would make the determination of whole kernels and large broken kernels more objective and would help minimize a possible increase in inspection time and costs.

C. Delete the heading "Seeds and heat-damaged kernels" and the subheadings "Total (singly or combined)" and "Heat-damaged kernels and objectionable seed (singly or combined)" in the present grade table for rough rice and provide one heading for "Seeds" and one heading for "Heat-damaged kernels." Establish limits per 500 grams for both factors, as follows: "Seeds"—1, 5, 15, 25, 40, 60, and over 60 in grades Nos. 1 through Sample grade. "Heat-damaged kernels"—1, 2, 5, 15, 25, 75, and over 75 in grades Nos. 1 through Sample grade. These limits would tend to offset the increase in weed seeds and heat-damaged kernels resulting from item "A" above.

Comments. The Agricultural Marketing Service intends to study the three proposals during the 1973 rice marketing season and to obtain data and comments in anticipation of proposing a specific revision of the rough rice standards. Such a revision would be contingent, in part, upon a "typical" 1973 rice growing season. Interested persons are invited to study the three proposals and submit comments to the Hearing Clerk on the following:

1. Do the present rough rice standards accurately reflect the quality of rough rice with respect to "seeds" and "heat-damaged" kernels?
2. Do the present rough rice standards correlate with the present "milled" rice standards with respect to "seeds" and "heat-damaged" kernels?
3. Do the present rough rice standards correlate with the present "milled" rice standards with respect to other grading factors such as "red rice," "damaged kernels," and "chalky kernels"?
4. If changes are desired and needed in the rough rice standards, which of the three proposals would be most practicable and meaningful to producers, driers, millers, merchandisers, and consumers?
5. Are other changes in the rough, brown rice for processing, or milled rice standards desired and needed?

Interested persons are invited to submit written data, views, comments or recommendations concerning proposed changes in the standards for rough rice, in duplicate, to the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250. Any person who wishes to present oral comments should notify the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 [telephone (301) 436-87761 so that arrangements may be made for such presentations. Copies of the current rice standards may also be obtained through the Director, Communications should be received by December 1, 1973, to assure proper consideration.

Done at Washington, D.C., on: July 3, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-13959 Filed 7-9-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-319]

TEXAS SUGARCANE AREA

Notice of Hearing on Sugarcane Wages in Texas and Designation of Presiding Officers

Correction

In FR Doc. 73-12091 appearing on page 15859 of the issue for Monday, June 18, 1973 the third line, reading "of section 301(c)(1) of the act, whether", should be deleted and "of 1948, as amended (61 Stat. 929; 7" substituted therefor.

Forest Service

COMBINED TIMBER MANAGEMENT PLAN AND FOREST ROAD PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Combined Timber Management Plan & Forest Road Program, Forest Service Report Number USDA-FS-DES (Adm) 73-76.

The environmental statement concerns the general effects of two interrelated and strongly dependent proposals on the Nezperce National Forest: (1) The interim adjustment to the Forest Timber Management Program, (2) the Forest Three Year Road Program. A draft statement on the Three Year Road Program was first submitted on May 25, 1972. A final statement will not be submitted. This statement will take its place. The change has been necessitated by the responses to the first draft which questioned the relationship of the road program to the timber management program, and also by recent agency restriction in "Forest, Roads and Trails Funding" which on this Forest will limit all new construction and reconstruction to timber access roads.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
200 East Broadway, Room 3077
Missoula, Montana 59801.

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Robert O. Rehfeld, Forest Supervisor
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert O. Rehfeld, Forest Supervisor, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by Aug. 16, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 3, 1973.

[FR Doc.73-13956 Filed 7-9-73;8:45 am]

LITTLE SLATE CREEK UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Little Slate Creek Unit Plan, Forest Service Report Number USDA-FS-DES(Adm) 7378.

The environmental statement concerns the proposed action to implement the Little Slate Creek Unit Plan which calls for multiple use management of 43,690 acres of National Forest land in the Little Slate Creek Drainage, Slate Creek Ranger District, Nezperce National Forest, Idaho County, Idaho. The Little Slate Creek Unit Plan identifies alternatives and specifies management guidance for key values of timber management, historic and recreational interest, elk calving and breeding grounds and high areas. It specifies access road location and probable timber sale development while outlining numerous guidelines for the protection and/or development of other resources.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request to:

Robert O. Rehfeld, Forest Supervisor
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319 East Main
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Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert O. Rehfeld, Forest Supervisor, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by August 16, 1973 in order to be considered in the preparation of the final environmental statement.

JULY 3, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-13958 Filed 7-9-73;8:45 am]

MULTIPLE USE PLAN—NORTH BRIDGER PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—North Bridger Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) 73-77.

The environmental statement concerns a proposed Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest, in Gallatin County, Montana. The total area is about 60,000 acres, 42,000 of which are National Forest land. The plan calls for building a new road, a trail, improving other roads, harvesting timber on some areas, and maintaining other areas in a roadless condition. The plan also outlines direction for managing domestic livestock wildlife populations and ranges, and the Fairy Lake area.

This draft environmental statement was filed with CEQ on July 2, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
200 East Broadway, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Gallatin National Forest
Federal Building
Bozeman, Montana 59715

A limited number of single copies are available upon request to:

Lewis E. Hawkes, Forest Supervisor
Gallatin National Forest
P.O. Box 130
Bozeman, Montana 59715

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Lewis E. Hawkes, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Montana 59715. Comments must be received by Aug. 16, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 3, 1973.

[FR Doc.73-13957 Filed 7-9-73;8:45 am]

Packers and Stockyards Administration

NELSON LIVESTOCK AUCTIONS, INC.; PRESCOTT, ARIZ., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AZ-105 Nelson Livestock Auctions, Inc., Prescott, Arizona
MS-150 Prentiss Stockyards, Prentiss, Mississippi
MO-233 McDonald County Livestock Market, Jane, Missouri
NC-143 Union County Livestock Auction, Inc., Monroe, North Carolina
NC-144 Carolina Stock Yards Co., Silver City, North Carolina

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, on or before July 25, 1973.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 5th day of July, 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-14002 Filed 7-9-73;8:45 am]

CLEBURNE COUNTY LIVESTOCK AUCTION SALE, HEBER SPRINGS, ARKANSAS, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7

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U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., Name, and Location of Stockyard; Date of Posting

ARKANSAS

AR-148 Cleburne County Livestock Auction Sale, Heber Springs, April 15, 1973

GEORGIA

GA—176 Tri-County Feeder Pig Sales, Broxton, May 16, 1973
GA-177 Longhorn Livestock Auction, Inc., Poulan, May 1, 1973

KENTUCKY

KY-158 Louisa Stockyards, Louisa, January 17, 1973

NORTH CAROLINA

NC-142 Albemarle Marketing Association, Inc., Edenton, April 30, 1973

SOUTH CAROLINA

SC-126 Greer Livestock Company, Greer, April 25, 1973

TEXAS

TX-303 Caldwell Livestock Commission Company, Inc., Caldwell, May 2, 1973

WASHINGTON

WA-127 Puget Sound Horse and Mule Auction, Olympia, May 30, 1973

Done at Washington, D.C., this 2d day of July, 1973.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.73-14003 Filed 7-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

DIETER BUSCH AND DIETER BUSCH INDUSTRIEVERTRETUNGEN

[File No. 23(72)-14]

Order Denying Export Privileges for an Indefinite Period

In the matter of Dieter Busch and Dieter Busch Industrievertretungen D8 Munich 23 Trautenwolfstrasse 6 Federal Republic of Germany.

The Director, Compliance Division, Office of Export Control, Bureau of East-West Trade, U.S. Department of Commerce, has applied for an order denying to the above named respondents, all export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations. (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Hearing Commissioner, Bureau of East-West Trade, who, after consideration of the evidence, has recommended that the application be granted. The report of the Hearing Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Deiter Busch owns and operates the firm Dieter Busch Industrievertretungen, in Munich, Federal Republic of Germany; the firm is engaged in trading in electronic testing equipment and electronic components; its activities include importing and exporting such commodities. The evidence further shows that in December 1971 and April 1972 respondents received from a U.S. supplier strategic electronic items (transistors and diodes) valued in excess of $5000. The respondents have acknowledged that they reexported these items to Austria.

The Compliance Division is conducting an investigation to ascertain to whom respondents exported the above mentioned commodities and to learn what was their end-use. It is impracticable to subpoena the respondents and, pursuant to § 388.15 of the Export Control Regulations, relevant and material interrogatories were served on them inquiring as to the names of the party or parties to whom they sold the commodities and also requesting respondents to furnish pertinent documents regarding the sales and deliveries. The respondents failed to answer the interrogatories or to furnish the documents requested. They have not shown good cause for such failure.

I find that an order denying export privileges to said respondents for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969, as amended.

Accordingly, *It is hereby ordered*

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondents or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of Section 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on June 15, 1973.

RAUER H. MEYER,
Director, Office of Export Control Bureau of East-West Trade.

Dated May 15, 1973.

[FR Doc.73-13892 Filed 7-9-73;8:45 am]

Domestic and International Business Administration

LOUISIANA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 72-00254-01-77095. Applicant: Louisiana State University, Department of Chemistry, Baton Rouge, La. 70803. Article: Spectrophotometer, Model JRS-S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of the following materials:

a. Pure solid, liquid and gaseous organic compounds,
b. Solid ionic and covalent inorganic and organometallic compounds,
c. Transition metal organometallic and coordination complexes,
d. Gaseous molecular compounds (e.g. PF_5), and
e. Aqueous solutions of ionic salts.

Experiments to be conducted involve routine spectral analysis, temperature variation of band intensities, pressure broadening in gaseous samples, solvent-solute interactions and depolarization measurements. The article will also be utilized to teach undergraduates the use of analytical instruments and the design of sophisticated analytical experiments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of automatic depolarization measurement. The most closely comparable domestic instrument is the Model 700 Raman spectrometer manufactured by Beckman Instruments, Inc. (Beckman). The Beckman Model 700 does not provide automatic depolarization measurement. Non-automatic depolarization ratio measurements conventionally require the observation of two spectra with different polarizations and a calculation of the depolarization ratio from the observed intensities of the two spectra. This is a time-consuming and difficult procedure that limits the number of measurements that can be made. The automatic feature permits the student to make useful measurements without requiring an excessively long time for him to become accustomed to using the spectrometer; further, many more students may be accommodated. Accordingly, the National Bureau of Standards (NBS) advises in its memorandum dated June 15, 1973 that the automatic depolarization measurement feature of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model 700 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. NBS further advises that it knows of no domestically manufactured instrument of equivalent scientific value to the foreign article for the applicant's intended use.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13925 Filed 7-9-73;8:45 am]

N.Y. LEAGUE FOR THE HARD OF HEARING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00441-99-03400. APPLICANT: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. ARTICLE: Seven Suvag Vibar, Model 73, 16 OHMS with holders and three extra holders. MANUFACTURER: SEDI, France. INTENDED USE OF ARTICLE: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article has the capacity for extended low frequency response. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that this characteristic is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable domestic instrument matching the pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13923 Filed 7-9-73;8:45 am]

N.Y. LEAGUE FOR THE HARD OF HEARING

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00440-99-03400. APPLICANT: New York League for the Hard of Hearing, 71 West 23rd Street, New York, N.Y. 10010. ARTICLE: Three Suvag II (Auditory trainers) and One Suvag II (Auditory trainer). MANUFACTURER: SEDI, France. INTENDED USE OF ARTICLE: The article is intended to be used in a research project involving the aural health care and educational training of hearing impaired people.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides an operating frequency range of 0.5 to 500 cycles. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 14, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-13924 Filed 7-9-73;8:45 am]

UNIVERSITY OF ILLINOIS ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry

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of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 30, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73–00557–00–77040. APPLICANT: University of Illinois-Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Illinois 61801. ARTICLE: Combination Field Desorption-Field Ionization-Electron Impact Ion Source Device. MANUFACTURER: Varian MAT GmBH, West Germany. INTENDED USE OF ARTICLE: The articles are accessories to an existing mass spectrometer to be used for studies of organic compounds and mixtures of interest in biology and medicine to determine their molecular weights and molecular formulas. The article will also be used for educational purposes in various Chemistry courses. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: May 25, 1973.

DOCKET NUMBER: 73–00558–33–46040. APPLICANT: V.A. Hospital, Holland Avenue, Albany, N.Y. 12208. ARTICLE: Electron Microscope, Model EM 300. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for the training of post-doctoral personnel, resident pathologists, medical students and Ph.D. candidates and college students aspiring to the bachelor's degree in biology in electron microscopy techniques. The article will also be used to provide a diagnostic service in electron microscopy on specimens derived from surgical and autopsy specimens from patients at the Hospital. In addition the article will be used for research in blood vessel pathology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73–00559–01–09500. APPLICANT: Environmental Protection Agency, Transportation Section, Research Triangle Park, N.C. 27711. ARTICLE: Type 350 Centrifuge. MANUFACTURER: I. Kruger A/S, Denmark. INTENDED USE OF ARTICLE: The article is intended to be used for studies of waste sludges from wastewater treatment plants to ascertain the suitability of centrifugal processing of sludges. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73–00560–33–46040. APPLICANT: University of California, School of Medicine, Department of Human Anatomy TB 171, Davis, California 95616. ARTICLE: Electron Microscope, Model Corinth 275. MANUFACTURER: AEI Scientific Apparatus Inc., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for several projects which include the following:

(1) Study of the ultrastructures of breast tumor from women cancer patients.

(2) Cardiovascular Research.

(a) Study of the developing and differentiating tissue elements from the ultrastructural point of view.

(b) Study of the heart muscle to determine the effect of alcohol and other drugs on the structural integrity of the heart muscle, and

(c) Hypertension studies.

(3) Fundamental research in Muscular Dystrophy in man and animals, and

(4) Investigation of the effect of some commonly used pesticides on the brain tissue and other neural elements.

In addition, the article will be used (1) to teach graduate students its use as an aid to research and (2) in introductory courses in electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: MAY 29, 1973.

DOCKET NUMBER: 73–00561–90–73610. APPLICANT: Cornell University, NYS Agricultural Experiment Station, Department of Plant Pathology, Geneva, New York 14456. ARTICLE: Recording Volumetric Spore Trap. MANUFACTURER: Burkard Manufacturing Co. Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in studies of fungus spores to determine the type and quantity of spores in the air in relation to weather conditions. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 8, 1973.

DOCKET NUMBER: 73–00564–33–46040. APPLICANT: California Institute of Technology, 1201 E. California Blvd., Pasadena, California 91109. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments, NVD., The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for investigations of cellular membranes and research on the organization of genetic material in various organisms. The following projects will be carried out with this instrument:

(1) Studies on the structure of cellular membranes,

(2) Studies on the organization of the nervous system,

(3) Investigations of the mode of formation of intercellular contacts in hepatoma cells, and

(4) Investigations of the arrangement of genes on DNA molecules will be carried out by electron microscope methods.

In addition, the article is intended to be used in the courses: *Bi 133—Biophysics of macromolecules laboratory*, designed to provide an intensive training in the techniques for the characterization of biological macromolecules, and *Bi 136—Optical Methods in biology laboratory* which presents the practice of operation of various types of light and electron microscopes. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 11, 1973.

DOCKET NUMBER: 73–00565–33–46500. APPLICANT: University of Wisconsin-Madison, Madison, Wisconsin 53706. ARTICLE: Ultramicrotome, Model LKB 8800–NM.

MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to prepare sections of laboratory animal tissues for purposes of studying spontaneous diseases of laboratory animals. Experiments will be on lungs of rabbits and upper respiratory tract tissues of laboratory rats to detect, and determine location of, mycoplasma organisms. The article will also be used as a teaching aid in Veterinary Science 350 (Diseases of Fishes), Veterinary Science 360 (Laboratory Animal Diseases) and Veterinary Science 760 (Advanced Veterinary Pathology) to acquaint graduate students with the mechanisms of actions of the agents causative of disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73–00566–33–46500. APPLICANT: Mayo Foundation, 200 First Street Southwest, Rochester, Minnesota 55901. ARTICLE: Ultramicrotome, Model LKB 8800A.

MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended for studies of biological materials consisting of human and experimental animal tissues both normal and pathological as well as mammalian cells grown in tissue culture under a variety of experimental conditions. The experiments to be conducted will include an examination of the normal behavior and structure of cells in culture and tissues; the localization of specific subcellular sites of interaction of inducing or transforming chemicals; and an examination of the induced acute and long-term functional and structural alterations. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73–00567–99–46500. APPLICANT: San Joaquin Delta College, 3301 Kensington Way, Stockton, California 95204. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used in a program in electron microscopy to train electron microscopy technicians. Students will be trained in all phases of biological specimen preparation for the EM including fixation, embedding, staining and thin sectioning of samples. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73–00568–33–46500. APPLICANT: Mayo Foundation, Department of Physiology, Rochester, Minnesota 55901. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of jellyfish tissue, mammalian muscle and nerve preparations, amphibian muscle preparations plus isolated subcellular particles from various tissues of these organisms to determine the structural correlates of various features of the function of excitable tissues. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73–00569–01–01100. APPLICANT: Yale University School of Medicine, 333 Cedar Street, New Haven, Conn. 06510. ARTICLE: Sequence Analyzer, Model JAS–47K. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to determine the sequence of peptides associated with the active binding site of various immunoglobulins such as MOPC 315 and MOPC 460, among others, using the subtractive Edman-Dansyl method of detection. The active peptides will be separated from the whole molecule using affinity labelling techniques. The end result will be determination of the sequential arrangement of the amino acids involved in the active binding site of these immunoglobulins. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 13, 1973.

DOCKET NUMBER: 73–00571–75–47500. APPLICANT: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, California 94550. ARTICLE: Two (2) Monochrometers type THRP with Photomultiplier attachment type PMB 6256.

MANUFACTURER: Jobin - Yvon, France. INTENDED USE OF ARTICLE: The article is intended to be used in a laser isotope separation program to make spectroscopic measurements on atomic and molecular vapor samples. The materials to be studied include europium and other rare metals, uranium, uranium hexafluoride and other uranium compounds. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 11, 1973.

DOCKET NUMBER: 73–00572–33–46070. APPLICANT: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Massachusetts 02115. ARTICLE: Scanning Electron Microscope, Model JSM 50A. MANUFACTURER: JEOL Ltd., Japan.

INTENDED USE OF ARTICLE: The article is intended to be used in a system which is to be used to perform high spatial resolution microanalysis of calcifying tissues obtained from mammalian species such as the rat and rabbit and from embryonic chick. Analysis of intracellular structures, extracellular matrixes and macromolecular aggregations located in thin sections of developing bones, cartilage and teeth will be performed for the presence of calcium, phosphorous and other biologically important inorganic elements. In addition, the article will be available to selected postdoctoral and research fellows for training in the proper applications of the techniques used in the above research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 14, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–13922 Filed 7–9–73;8:45 am]

UNIVERSITY OF NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 73–00448–60–02300. Applicant: University of Nebraska North Platte Station, Route No. 4, Box 429, North Platte, Nebr. 69101. Article: Electronic individual animal feeder. Manufacturer: Calan Electronics Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the effect of supplementing energy to yearling cattle grazing pasture and measurement of the ad libitum intake of supplement consumed by individual animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of allowing individual animals to feed at their own feeding station without interference or use by other members of the herd. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that this capability is pertinent to the applicant's feeding experiments. HEW further advises that it knows of no domestic instrument or apparatus which provides the pertinent characteristic of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–13926 Filed 7–9–73;8:45 am]

Maritime Administration

CONSTRUCTION OF TWO 265,000 DWT TANKERS

Filing of Application for Construction-Differential Subsidy

Notice is hereby given pursuant to title V of the Merchant Marine Act, 1936, as amended, that First Pennsylvania Tanker I, Inc. and First Pennsylvania Tanker II, Inc. Filed on June 19, 1973, applications for construction-differential subsidy to aid in the construction of two 265,000 deadweight ton tankers to be operated in the worldwide liquid bulk trade carrying crude oil throughout the world.

The vessels will be constructed in accordance with the plans and specifications previously approved by the Maritime Administration for the three vessels presently under construction for the MFC-Boston Tanker Companies, Inc., which plans and specifications are described in the material prepared by Bethleham Steel Corporation and titled "Specifications—265,000 DWT Tanker, Design PR–2856, Edition Av, June 1972."

Interested parties may inspect this proposal in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, N.W., Washington, D.C. 20230.

Date: July 3, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–14012 Filed 7–9–73;8:45 am]

CONSTRUCTION OF THREE 390,000 DWT TANKERS

Filing of Application for Construction-Differential Subsidy

Notice is hereby given pursuant to Title V of the Merchant Marine Act, 1936, as amended, that Zapato Bulk Transport, Inc. filed on June 22, 1973, an application for construction-differential subsidy to aid in the construction of three approximately 390,000 deadweight ton tankers to be dedicated to foreign-to-U.S. crude oil transportation service, to support a substitute natural gas project currently being developed as a proposed joint venture by Texas Eastern Transmission Corporation and Zapata Corporation, through its subsidiary Zapata Fuels, Inc.

Interested parties may inspect this application in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, N.W., Washington, D.C. 20230.

Dated: July 3, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–14013 Filed 7–9–73;8:45 am]

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[Docket No. S-365]

PACIFIC FAR EAST LINE, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Pacific Far East Line, Inc. has applied for approval, pursuant to Section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Approximate Cruise Dates 1974	Itinerary
SS MARIPOSA.	Mar. 22-May 5...	San Francisco, Los Angeles, Honolulu, Yokohoma, Kobe, Chilung (Keelung), Hong Kong, Manila, Guam, Honolulu, San Francisco, Los Angeles
	May 6-May 26...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	May 27-June 17..	San Francisco, Los Angeles, San Diego, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	June 18-July 1..	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco, Los Angeles
	July 2-July 19...	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	July 20-July 30..	San Francisco, Los Angeles, Honolulu, San Francisco, Los Angeles
	July 31-Aug. 17..	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Aug. 18-Aug. 29..	San Francisco, Los Angeles, Honolulu San Francisco, Los, Angeles
	Aug. 30-Oct. 12..	San Francisco, Los Angeles, Honolulu, Yokohoma, Kobe, Chilung (Keelung), Hong Kong, Manila, Guam, Honolulu, San Francisco, Los Angeles
	Oct. 13-Nov. 1..	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Dec. 14-Jan. 3 1975.	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
SS MONTEREY.	Apr. 6-Apr. 26..	Los Angeles, San Francisco, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, Los Angeles, San Francisco
	May 3-July 13...	San Francisco, Los Angeles, San Diego, Puerto Vallarta, Balboa, Cristobal, Port-au-Prince (Haiti), Hamilton (Bermuda), Southampton (London), Zeebrugge (Belgium), Amsterdam, Hamburg, Kiel Canal, Gdynia, Leningrad, Helsinki, Stockholm, Kobenhavn (Copenhagen), Oslo, Bergen, Geiranger, Trondheim, Hammerfest (Norway), Nordkapp (North Cape), Edinburgh (Scotland), Ponta Delgada (Azores), St. Thomas (Virgin Islands), Cristobal, Balboa, Los Angeles, San Francisco (each cruise)
SS MONTEREY—Continued	July 14-July 27..	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Sitka, Victoria, San Francisco, Los Angeles
	July 28-Aug. 10	
	Aug. 11-Aug. 23	
	Aug. 24-Sept. 6	
	Sept. 7-Sept. 26..	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles
	Nov. 14-Dec. 1..	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco, Los Angeles

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on July 23, 1973.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: July 5, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14014 Filed 7-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

NATIONAL ADVISORY COMMITTEE

Notice of Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of July 1973:

Committee Name	Date/Time/ Place	Type of Meeting and/or Contact Person
National Advisory Council on Regional Medical Programs	7/17, 9:00 a.m.... Parklawn Building Conference Room G 5600 Fishers Lane Rockville, Maryland	Open Contact Mr. Kenneth Baum Room 11-19 Parklawn Building 5600 Fishers Lane Rockville, Maryland Code 301-443-1511

Purpose. The Council advises and assists the Secretary in the preparation of regulations for, and as to policy matters arising with respect for grants under Title IX, and recommends to the Secretary with respect to approval of applications for, and the amounts of, grants under this Title.

Agenda. The Council will discuss policy matters and conduct other business, and the meeting shall be open to the public.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact person listed above.

Dated: June 29, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management Health Services and Mental Health Administration.

[FR Doc.73-13886 Filed 7-9-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on July 26, 1973, from 8:00 p.m. to 10:00 p.m., local time, and on July 27, 1973, from 9:00 a.m. to 5:00 p.m., local time, at the L'enfant Plaza Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

Report on response from the Government Accounting Office to NACVE requests for legal rulings.
Discussion of plans for public hearing in Pittsburgh, Pennsylvania.
Report on the implementation of guidelines for Title 10 of the Education Amendments of 1972.
Report on the staffing of the Bureau of Occupational and Adult Education, USOE.
Committee Reports.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 852, 425-13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on July 3, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-13945 Filed 7-9-73;8:45 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority; Correction

In FR Doc. 73-11519 appearing at page 15379 in the issue of Monday, June 11, 1973, the functional statement for the Office of Research and Statistics, Social Security Administration, should read as follows: "*Office of Research and Statistics* (ORS). Conducts and directs SSA's research and statistical programs. Conducts research relating to retirement age, methods of financing, redistributional effects of social security and supplemental security payments, and adequacy of supplemental security, cash, and health benefits. Studies and makes recommendations concerning problems of poverty, insecurity, and health costs, and the contributions that social insurance, supplemental security income, and related programs can make toward their solution. Conducts national surveys of the aged, the disabled, and families with children. Provides continuing evaluation of national policies and procedures for effectiveness in meeting program goals. Publishes statistical data and research findings. Represents SSA on matters of research and statistics with DHEW, other agencies, universities, research centers, and international organizations."

Dated: July 2, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73-13909 Filed 7-9-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-73-240]

CHIEF PROPERTY OFFICER; FLINT, MICH., SERVICE OFFICE

Redelegation of Authority With Respect to Property Disposition

The Chief Property Officer, Flint, Michigan, Service Office (Region V) is authorized to exercise the power and authority redelegated to each Chief, Property Disposition Branch, in Area Offices as published in the FEDERAL REGISTER at 35 FR 16106, October 14, 1970, as amended at 36 FR 13854, July 27, 1971, 36 F.R. 21539, November 10, 1971, and 37 FR 10408, May 20, 1972 (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971).

Effective date. This redelegation of authority is effective as of May 21, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-13980 Filed 7-9-73;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-73-181; OILSR No. 0-1049-03-36; File No. Z-162]

LAKE FOREST ESTATES

Order of Suspension

Notice is hereby given that: On April 16, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

1. Lake Forest Developers, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision located in Arkansas (OILSR No. 0-1049-03-36), which became effective on April 13, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on April 16, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of July 10, 1973. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., July 5, 1973.

By the Secretary,

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-14015 Filed 7-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

JULY 6, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safe-

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guards' Working Group on Peaking Factors will hold a meeting on July 17, 1973, in Room 1062, 1717 H Street, NW., Washington, DC. The subjects scheduled for discussion are calculational techniques and plant operating conditions related to peaking factors.

The Subcommittee is meeting to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b), and in addition, the discussion will involve information from certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close the meeting to protect the free interchange of internal views and such privileged information and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-14116 Filed 7-9-73;8:45 am]

[Docket No. 50-411]

GULF OIL CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on January 31, 1973 (38 FR 3000) and the Atomic Energy Commission having found that:

(a) The application filed by Gulf Oil Corporation, Docket No. 50-411, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-91 to Gulf Oil Corporation, authorizing the export of a pool-type research reactor to the Institute of Nuclear Technologies, Romanian State Committee for Nuclear Energy, Pietesti, Romania.

This export to Romania is within the purview of the "Agreement Between The Government Of The United States Of America And The International Atomic Energy Agency: Cooperation In Peaceful Applications," which entered into force on August 7, 1959.

Dated at Bethesda, Maryland this 2d day of July 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-13903 Filed 7-9-73;8:45 am]

[Docket No. 50-431]

MITSUBISHI INTERNATIONAL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 30, 1973 (38 FR 10660) and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50-431, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-92 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 1,650 magawatts to the Kyushu Electric Power Co. Fukuoka-shi, Japan.

The export of the reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 2nd day of July 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13902 Filed 7-9-73;8:45 am]

[Docket No. 50-428]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10034-10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-428, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR-88 to Westinghouse Electric Corporation, authorizing the export of two pressurized water reactors, each with a thermal power level of 2,696 magawatts, to the Central Nuclear de Almaraz, Madrid, Spain, (Almaraz site).

The export of these reactors to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13906 Filed 7-9-73;8:45 am]

[Docket No. 50-430]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-430, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-90 to Westinghouse Electric Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 2,696 megawatts to the Fuerzas Electricas de Cataluna S.A., Barcelona, Spain (Asco site).

The export of the reactor to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13908 Filed 7-9-73;8:45 am]

[Docket No. 50-429]

WESTINGHOUSE ELECTRIC CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 23, 1973 (38 FR 10035) and the Atomic Energy Commission having found that:

(a) The application filed by Westinghouse Electric Corporation, Docket No. 50-429, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactors proposed to be exported are utilization facilities as defined in said Act and regulations,

the Commission has issued License No. XR-89 to Westinghouse Electric Corporation, authorizing the export of two pressurized water reactors, each with a thermal power level of 2,696 megawatts, to the Hidroelectrica Iberico Iberduero S.A., Gardoqui, Spain (Lemoniz site).

The export of these reactors to Spain is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 26th day of June 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials Directorate of Licensing.

[FR Doc.73-13907 Filed 7-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25315]

AIRPORT SECURITY CHARGES PROPOSED BY VARIOUS SCHEDULED AIR CARRIERS

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 2, 1973, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge E. Robert Seaver.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before September 14, 1973, and the other parties on or before September 25, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 3, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-14007 Filed 7-9-73;8:45 am]

[Docket No. 25441; Order 73-7-7]

AIRLINE TARIFF PUBLISHERS, INC.

Application To Engage in Carrier Discussions on Joint Fares; Order Approving Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July 1973.

Airline Tariff Publishers, Inc. (ATP) as agent for carrier participants in its Joint Passenger Fares Tariff, C.A.B. No. 190, has filed an application requesting that the Board approve carrier discussions directed toward improving present procedures for filing joint fares, and developing standards to be applied in automating publication of joint fares.

In support of its petition, ATP states that the present joint fares tariff contains over 152,000 routings and, under present procedures, it is the individual carrier's responsibility to propose additions, deletions, or revisions in the tariff. Such proposals are submitted to other participants in the joint routing, who must concur in the proposal before it can be implemented by a tariff filing. ATP contends that the number of proposals, concurrences to proposals, counter-proposals and concurrences thereto is virtually endless and that, with each reissue of the tariff, it has received and acted upon up to ten thousand sheets of paper as a result of this procedure.

ATP contends that one purpose of the discussions is to eliminate as much of this paperwork as possible, and to automate at least the routine additions of, and adjustments to, joint fares. Far more important, however, is the alleged potential for improving the tariff itself through the elimination of errors and prompt publication of the latest revisions. ATP alleges that errors and omissions cannot be corrected in a timely fashion by a system which requires each carrier to review the 152,000 published fares and the thousands of potential fares, to submit proposals involving corrections and additions to other carriers, and to await their concurrences. A method of identifying these situations and of reacting to them through the use of computer facilities must be devised and, in order to do so, carriers must meet and agree upon the standards under which the computer is to function. ATP states that, if an agreement for the orderly publication and revision of joint fares can be reached by the carriers and approved by the Board, the public, the Board, and the carriers will all benefit.

The National Air Transportation Conferences, Inc. (NATC) has filed an answer in support of ATP's request, subject, however, to the condition that commuter air carrier representatives be given notice of and be provided an opportunity for participation in any such discussions.

Upon consideration of the application, the Board has decided to permit the carriers to meet for the purposes requested, subject to the conditions discussed below. As a matter of general policy, the Board permits carrier discussion of matters relating to domestic fares only when two basic considerations are met. First, the intended purpose of the discussions must appear, *per se*, in the public interest. Second, the intended result must be one that could not readily be achieved by individual carrier action. In our opinion, ATP's proposal meets both these tests.

Automation of the joint fares tariff should materially assist in achieving both an error free, up-to-date tariff, and publication of additional joint fares. To the extent this will in turn result in diminishing the incidence of fare misquotations, the discussions would appear clearly in the public interest. The Board has repeatedly urged the specific publication of additional joint fares as one of the more meaningful ways of alleviating the misquotation problem. Although the carriers have responded favorably, errors in quotation persist and more extensive publication of joint fares continues to be necessary. On the other hand, we are persuaded that individual carrier action cannot be relied upon to accomplish this objective on an expeditious basis. ATP has demonstrated the complex and time-consuming nature of present joint fare filing procedures, requiring as they do proposals by individual carriers and individual concurrences by the various other carriers concerned.

We note that the authority requested is rather broadly described, and that the application repeatedly speaks of revising existing joint fares. While the precise intention is not specifically set forth, it appears to contemplate adjustments to correct errors in publication and to keep revisions in competitive fares current. The effect would be to create a "clean" tariff, which would be kept up-to-date by the automated system that carriers seek to develop. It seems entirely probable that a limited number of fare increases will be the incidental result of implementing a uniform automated system, and we are not prepared to foreclose discussions on this account. However, we emphasize that the authority here granted does not extend to discussion of fare increases beyond this scope.

We will also limit the carriers' authority so as to preclude any discussion of modification in or cancellation of the fare construction rules as presently published. Finally, we will require that the discussions encompass at a minimum publication of the joint first-class, coach, and single-class fares for all routings which have appeared in three of the last four quarterly origin and destination surveys.[1]

We will deny, however, NATC's request that the discussion authority be granted subject to conditions requiring notice to and opportunity for participation by commuter air carrier representatives. At the present time no joint fares between commuter and certificated carriers are published by ATP, and whether or not they will be in the future is speculative. We are concerned that participation by the commuter carriers at this time may more likely result in unnecessary delay than improve the system.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof,

It is ordered, That: 1. Air Canada, Air West, Alaska Airlines, Inc., Alle-

[1] We would also urge the carriers to take this opportunity to discuss the complicated and confusing nature of tariffs in general. In our view, a great deal of the complexity is unnecessary and could be diminished with very little carrier effort. As an example, the fare designations for the same type fare often vary needlessly from carrier to carrier. Such discussions should, of course, not encompass matters pertaining to fare level.

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gheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Airlines Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Wien Consolidated Airlines, Inc., and Western Air Lines, Inc., may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from the date of this order to discuss subject to the limitations set forth above the joint fare matters set forth in the petition of Airline Tariff Publishers, Inc., in Docket 25441;

2. The request of the National Air Transportation Conferences, Inc., insofar as it would condition the discussions authorized in ordering paragraph 1 above on the opportunity for participation by commuter air carrier representatives is denied;

3. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

4. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than two weeks after the close of the discussions;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

6. This order shall be served upon Air Canada, Air West, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Canadian Pacific Airlines Limited, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Wien Consolidated Airlines, Inc., Western Air Lines, Inc., Airline Tariff Publishers, Inc., and the National Air Transportation Conference, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14005 Filed 7-9-73;8:45 am]

[Docket Nos. 21866-6A, 25587; Order 73-7-6]

CONTINENTAL AIR LINES, INC. AND UNITED AIR LINES, INC.

Order Regarding Fare Reductions in the Chicago-Los Angeles Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of July, 1973.

By Order 73-6-4, June 1, 1973, the Board dismissed a complaint filed by Continental Air Lines, Inc. (Continental) and permitted United Air Lines, Inc. (United) to reduce by $10.00 (including tax) its coach and economy fares applicable on non-lounge wide-body aircraft between Chicago and Los Angeles. At the same time, the Board suspended Continental's companion proposal to match the fare reduction while retaining its lounges. On June 6, 1973, Continental filed a motion requesting the Board to reconsider its decision and permit the suspended fares to become effective pending investigation. Should the Board decline to grant that request, Continental requests the Board to stay that portion of Order 73-6-4, which ordered the suspension of its fares pending a decision by the court on an appeal Continental intends to file.[1]

Subsequent to the filing of Continental's petition and the answers thereto, described hereinafter, the Board issued its Opinion and Order on Reconsideration in Phase 6A of the *Domestic Passenger-Fare Investigation*, Docket 21866-6A.[2] With regard to coach lounges, the Board modified its previous findings (Order 72-5-101) to provide that "(1) any such carrier who converts from a lounge to a non-lounge service may do so at a lower fare which is reasonably related to the cost savings where it appears that the risk of adverse competitive impact would otherwise inhibit such conversion, and such lower fare may be matched by a lounge operator only upon a showing of special or unusual circumstances; and (2) upon a showing of adverse competitive impact, a non-lounge operator may establish a lower fare at the level necessary to meet such competition, and which may not be matched by a lounge operator except upon the showing enumerated in subparagraph (1) above."

In support of its petition Continental alleges that no carrier can afford to be frozen at a higher fare than that charged by its competitors for any period of time, much less the six months covered by the Board's suspension power. From this, Continental reasons that the practical effect of the Board's action is to prescribe the Chicago-Los Angeles fare without an investigation; that it is pointless to argue that the Board merely exercised its suspension power pending the outcome of the investigation; and that unless the Board permits Continental's fares to be effective pending investigation, it will suffer irreparable injury.

Continental further alleges that there is no evidence to support the Board's conclusion that other carriers would not have a reasonable opportunity to remain competitive with a lounge operator absent a price advantage; and that it would be impossible to find such evidence given the fact that the other carriers have so much more beyond traffic feed than does Continental. Continental also alleges that permitting its fares pending investigation will benefit the public at no cost to Continental; that although the lounge unquestionably offers a higher value of service there is no reason to force the public to pay more when it costs Continental nothing to offer the lounge; and finally, that the Board could cite no evidence bearing upon the cost of the lounge and its relation to the current fare.

The United States Department of Justice (Justice) has filed an answer in support of Continental's petition. Justice is concerned with what it believes to be anti-competitive implications of Order 73-6-4. Justice alleges that the arguments advanced by Continental's opponents, and the implicit reasoning of Order 73-6-4, lead to the conclusion that Continental is giving the public too much for its money, and must be forced to give less; that the Board's suspension of Continental's tariff is without any evidentiary basis and encroaches on Continental's individual competitive discretion.

The Puget Sound Traffic Association (Puget Sound) has answered the petition, alleging that application of a lower fare between Chicago-Los Angeles than between Chicago-Seattle is unjust, unreasonable and discriminatory. Puget Sound requests the Board to reconsider its decision in Order 73-6-4 and either require United to maintain its present level of coach fares between Chicago and Los Angeles or, in the alternative, require United to immediately publish a similar fare reduction between Chicago and Seattle.

American, TWA, and United have answered in opposition to Continental's petition. In summary, one or more of these carriers allege that Continental has not based its request on new matter but reargues earlier claims which have already been considered and rejected by the Board; that Continental's claim of irreparable injury is vitiated by its own admission that unquestionably a lounge offers a higher value of service to the public; and that it is entirely reasonable for the Board to allow a carrier providing a lesser value of service to charge less. It is contended that Continental's alleged inability to reduce its Chicago-Los Angeles frequency is destroyed by its admission that its current coach load factors are in the mid-30 percent range; that the claim that it should be protected by the Board when operating at such uneconomic load factors does not deserve serious consideration; and that it is the long term economic drain on other carriers from having to meet Continental's lounge competition that constitutes irreparable injury, not the alleged temporary competitive impact upon Continental.

The carriers go on to allege that the order in and of itself does not force Continental to remove its lounges as it contends, but merely permits a lower fare for non-lounge aircraft; and that if Continental as a matter of marketing judgment feels that the lounge is a significant marketing tool—rather than a wasteful frill, it now has the opportunity to test its theory in the market place. If Continental finds it necessary to remove the lounge, this will allegedly demonstrate that the traveling public itself, when given a free choice in the marketplace, concludes that it does not in fact place a sufficiently high value on the lounge to warrant paying for it. Finally, these carriers allege that the Board could not regulate the industry in any rational way if it were to let low load factors on one particular route determine whether or not such frills as lounges are indeed wasteful of the valuable resource of aircraft capacity; and that Continental's attempt to analogize the suspension of its tariff with the *Moss* case fails since there have been no *ex parte* meetings and the Board has made no proposal of its own with respect to fares. Rather, the Board has adhered to the statutory procedures, refusing to suspend one tariff, and suspending another pending investigation.

Upon consideration of the pleadings, the Board finds that the petition does not establish that the risk of adverse competitive impact is insufficient to inhibit United's conversion from a lounge to non-lounge service and does not show any special or unusual circumstances which warrant permitting Continental to match United's lower fare. Accordingly, the petition for reconsideration of Order 73-6-4 will be denied.[3] The Board further concludes, on the basis of the information before it, that a stay of Order 73-6-4 should not be granted.

The underlying basis of Continental's position is that, in view of facts peculiar to it in this particular market, there is no economic reason for it to discontinue its coach lounges. This may or may not be true. However, we believe the lounge must be treated within the framework of the industry as a whole. The Board's rate regulation is on the basis of industry needs and, while it may be true that Continental can provide the lounge without economic penalty to it at the present time, available data indicates that this is not or shortly will not be true in the case of other carriers.

Service segment data filed with the Board pursuant to ER-586 reveal that during the past year both American and United operated in the Chicago-Los Angeles market with average overall load factors on particular wide-body flights in excess of 60 percent during a number of months. In fact, United operated one flight with an average monthly overall load factor exceeding 70 percent in three months, and exceeding 80 percent in two other months. Such load factors suggest the likelihood of substantial traffic peaking on certain days of the week, and that the lounge may now be causing pressure on capacity. On the other hand, during this period Continental operated rather consistently at load factors in the low to mid 30's, and contends that this is due to its lack of traffic feeding into its Chicago-Los Angeles service from points east and its inability to reduce frequencies if it is to remain competitive in the market. In effect, Continental seems to be suggesting that it should be permitted a service advantage over its competitors to compensate for an alleged disadvantage in market opportunity. In our opinion, this has little if anything to do with the lawfulness of fares for a particular service, and does not constitute an unusual circumstance which would warrant permitting Continental to match United's lower fare for loungeless service. We do not disagree with Continental's allegation that it should be given leeway in tailoring its services to suit its particular route and operating circumstances. By the same token, however, other carriers whose circumstances are different should likewise be permitted to initiate a reasonable competitive response tailored to those circumstances. In a situation such as this, we believe the Board must opt in favor of the solution most economically favorable for the system as a whole.

We believe it pertinent in this connection to point out that Continental is not without the opportunity to tailor its capacity in this market more closely to traffic demand without reducing frequencies, by greater use of narrow-body aircraft. The traffic volume which generates a 30-percent load factor on a B-747 would provide an approximate 80-percent load factor on one of its B-707 aircraft. On the other hand, Continental provides all of its westbound nonstop service with wide-body equipment, the only carrier which does so. It operates the same number of such flights as United, and as many as American and TWA together. Whether or not Continental's service in the market is the result of an excess number of wide-body aircraft and an inability to utilize the fleet as efficiently elsewhere on its system need not be resolved here. The fact is, however, that for whatever reason the quantum of capacity appears excessive for the market and should not be allowed as a valid consideration in support of its petition.

Nor are we persuaded that the Board's action will cause Continental irreparable injury. The cost of reconversion, of course, need not be incurred at this time if, in fact, the seats would not be used by the public as alleged, since Continental could elect to simply rope-off its lounge pending investigation. On the other hand, at such time as the additional capacity could be used we would expect the carrier to willingly sustain the cost in its own self-interest and, indeed, Continental has so stated.

Continental alleges that it cannot compete effectively against a lower fare and that the result will be a loss in its market share. Whether or not this is true is, of course, a matter which can only be determined by actual test. To the extent this does prove to be the case, the Board's view that the lounge is a wasteful frill would be supported. It does not follow, however, that the Board would be forcing this result on Continental but rather that public demand, or more accurately the lack of it, caused elimination of lounges. Stated differently, grant of Continental's petition could likely impose a costly service upon the carriers which the public generally wants only if it can be had free of charge. For it seems clear that the carriers, if not wholly convinced, are sufficiently wary that it is an effective competitive device that lounge and non-lounge services will not be operated against each other at the same price. To the extent a question of irreparable injury is raised here, we believe it lies more in the long-term economic inefficiency of continued lounge service throughout the system, than in any possible short-term competitive impact upon Continental.

Continental argues that Order 73-6-4 is unlawful in that it has no meaningful choice but to eliminate its lounge service, and that the order therefore prescribed fares without a legally required hearing.[4]

The Board's decision to permit United to charge a lower fare for a lesser value of service was made in a manner wholly consistent with the statutory rate-making scheme. Thus, contrary to

[1] On June 26, 1973, Continental did file a petition in the Court of Appeals for the District of Columbia seeking review of Order 73-6-4.

[2] Order 73-6-102, June 26, 1973.

[3] Puget Sound's filing, which amounts to a late-filed petition for reconsideration, will be denied. Puget Sound is essentially concerned with the fact that the Board's action resulted in de-common faring Seattle and Los Angeles. While it is true that west coast points have historically been common fared to Chicago and points east, this has been permitted but not required. The question of common fares is at issue in Phase 9 of the *Domestic Passenger Fare Investigation*, Docket 21866-9, which is now before the Board for decision.

[4] Justice contends that Order 73-6-4 is inconsistent with Order 73-6-5, which suspended a proposal of American to reduce fares in markets where TWA provides a carry-on baggage service, reasoning that both TWA's baggage bin and Continental's lounge replaced slightly more than three percent of cabin capacity. A more appropriate comparison is the 37 seat (12 percent) difference between United's wide-body aircraft with and without lounges (United's loungeless configuration would have 47 seats more than Continental's lounge configured aircraft). Moreover, Justice fails to acknowledge the Board's conclusion that the TWA carry-on option is a means of satisfying the carriers' obligation to accommodate baggage, as opposed to a service having no direct connection with the provision of air transportation. Also, with the passengers carrying their own baggage aboard there should be some offsetting baggage handling cost savings to the carriers.

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Justice's contention, the effect of the Board's action is to provide the public a choice of services depending upon its willingness to pay a reasonable price differential. As was stated in our previous order, the $10.00 differential proposed by United and permitted by the Board appears to be reasonable, notwithstanding that the same differential was earlier permitted in the longer haul New York-Los Angeles market (Order 73-1-69). The fare reduction involved is approximately eight percent. By comparison, the seating capacity of Continental's competitors will be increased something more than 10 percent as a result of eliminating the lounge. Nevertheless, because of the interrelationship between the filings of the two carriers, we will order United's fare reduction investigated along with Continental's.[5]

Accordingly, *it is ordered*, That: 1. The motion for stay and reconsideration of Order 73-6-4, filed by Continental Air Lines, Inc., be and it is hereby denied;

2. An investigation be instituted to determine whether the fares and provisions described in Appendix A filed as part of the original document, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

3. The proceeding ordered herein shall be consolidated into Docket 25587; and

4. This order shall be served upon American Airlines, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Department of Justice, and Puget Sound Traffic Association, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14006 Filed 7-9-73;8:45 am]

[Docket No. 21950; Order 73-7-11]

UNITED AIR LINES, INC.

Order Authorizing Expanded Discussions on Petition Concerning Chicago Midway Airport

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of July, 1973.

In monitoring the discussions authorized in Order 72-10-85, the Board observers have noted that at least some of the discussants feel that among the mix of considerations that enters into the construction of a workable and useful pattern of service at Midway is the impact of the service to and from Chicago offered through O'Hare International Airport. Thus some discussants seek to explore in discussions the effect of a limitation or ceiling on total movements at O'Hare on the building of a viable service pattern at Midway. However, discussion of such carrier-imposed ceilings on O'Hare operations is prohibited by the last textual paragraph in Order 72-10-85.

It is apparent from the discussions held to date that the construction of a useful pattern of service at Midway is not going to be accomplished with ease. Yet, as the Board has stated several times in the past, the construction of a comprehensive service pattern at Midway is in the public interest. See Order 72-10-85 and orders cited therein. Without determining what action the Board might take in respect to an agreement which effects, through joint carrier action, a limitation of service at O'Hare, it appears desirable, and possibly necessary to fulfillment of the goals stated in Order 72-10-85, that the discussants be allowed to consider how such a limitation would or could be used as a tool in fashioning the desired improvement in the Midway pattern.

Accordingly, it is ordered, That Order 72-10-85 be and it hereby is amended to include within the authorized scope of the discussions matters which deal with the limitation of the quantity of service which the discussants will offer through O'Hare International Airport as a means to enhance the pattern of service which will be operated through Midway Airport.[1]

This order shall be served as stated in ordering paragraph 2 of Order 72-10-85, and shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14004 Filed 7-9-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Tuesday, July 17, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-13948 Filed 7-9-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Thursday, July 19, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc. 73-13947 Filed 7-9-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Securities and Exchange Commission to fill by noncareer executive assignment in the excepted service the position of Executive Director, Office of the Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-13953 Filed 7-9-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity and services to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 7210
Bedspread, Beige, Navy
7210-408-2800

SERVICES

INDUSTRIAL CLASS 7349
Janitorial/Custodial
Peru, Illinois
Janitorial/Custodial
Boise, Idaho

Comments and views regarding these proposed additions may be filed with the Committee not later than August 9, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-13904 Filed 7-9-73;8:45 am]

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on October 19, 1971 (36 FR 20260).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 8465
Bag, Sleeping, Firefighter's, M-1971 (IB)

	PRICE
8465-081-0798 ---------- EA.	$5.11

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-13905 Filed 7-9-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 25; Amdt. No. 1]

ADMINISTRATOR, OFFICE OF PRICE MONITORING, ET AL.

Delegation of Authority

On May 15, 1973 the Cost of Living Council published order No. 25 (38 FR 12775) which, among other things, delegated to the Administrator, Office of Price Monitoring, the authority to make decisions and issue orders with respect to individual requests for exception from the regulations and orders governing price matters. In order to effectively implement the price freeze established by Executive Order 11723 it is necessary that the authority to take action with respect to requests for relief from the provisions of the meat ceiling regulations be transferred to the Director, Special Freeze Group and a separate order is being issued to transfer this authority. To avoid any confusion as to the continuing authority of the Administrator, Office of Price Monitoring, in this connection, Cost of Living Council Order No. 25 is amended in section 1(d) to read as follows:

1(d) Make decisions and issue orders with respect to individual requests for exception from the regulations and orders governing price matters except this authority does not extend to the provisions of 6 CFR Part 130, Subpart M.

This amendment shall be effective June 14, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-13985 Filed 7-5-73;3:49 pm]

[Cost of Living Council Order No. 32]

EXCEPTION REQUESTS WITH RESPECT TO SUBPART M

Delegation of Authority

Pursuant to the authority vested in me by Cost of Living Council Order No. 14 there is delegated to the Deputy Director of the Cost of Living Council/Director, Special Freeze Group (hereinafter, the Deputy Director) subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council the authority to make decisions and issue orders with respect to individual requests for exception from the provisions of 6 CFR Part 130, Subpart M and authority to consider and decide requests for reconsideration of denials and partial approvals of such requests for exception.

The Deputy Director is authorized to redelegate any or all of the authorizations set out in this order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

This order is effective June 14, 1973.

JOHN T. DUNLOP,
Director, Cost of Living Council.

[FR Doc.73-13986 Filed 7-5-73;3:49 pm]

[Special Freeze Group Order No. 1]

ASSOCIATE DIRECTOR, OPERATIONS, ET AL.

Special Freeze Group; Delegations of Authority

Pursuant to the authority vested in me as Director of the Special Freeze Group by Cost of Living Council Order No. 30, and subject to the general policy guidance of and in coordination with the Director of the Special Freeze Group, and the regulations and rulings of the Special Freeze Group, it is hereby ordered as follows:

1. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the Associate Director, Operations, authority to direct the support operations of the Internal Revenue Service.

2. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the General Counsel, authority to:

(a) Represent the Special Freeze Group and make recommendations to the Department of Justice with respect to litigation in which the Special Freeze Group is a party;

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of all other court proceedings relating to the regulations and orders of the Special Freeze Group;

(c) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Special Freeze Group and the laws relating thereto.

3. In implementing the price freeze established by Executive Order 11723 and the regulations issued thereunder in 6 CFR Part 140, there is delegated to the Associate Director, Policy Review, the authority to issue orders with respect to individual requests for exceptions from regulations and orders governing price freeze matters.

4. Each official to whom authority is delegated by this order may redelegate that authority upon approval of the Director, Special Freeze Group.

5. This order is effective June 14, 1973.

JAMES W. MCLANE,
Director, Special Freeze Group.

[FR Doc.73-13984 Filed 7-5-73;3:49 pm]

ENVIRONMENTAL PROTECTION AGENCY

WATER QUALITY PROGRAMS AND IMPLEMENTATION PLANS

Notice of Proposed Agreements

Notice is hereby given that the Administrator of the Environmental Protection Agency proposes to enter into agreements with the Secretary of Agriculture, the Secretary of the Army and the Secretary of the Interior pursuant to section 304(j) of the Federal Water Pollution Control Act Amendments of 1972. That section provides that the Administrator shall enter into agreements with those Secretaries to provide for maximum utilization of the appropriate programs authorized under other Federal law to be carried out by those Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under section 208 of the Act. The proposed agreement provides that:

1. EPA will require recipients of planning grants under section 208 to provide for the creation of an advisory committee and recommend that the planning agency invite those Departments to participate if they deem appropriate.

2. Programs of the Departments which may implement portions of approved section 208 plans will be utilized as provided in the agreement.

3. The Administrator may employ funds authorized under section 304(j) to supplement related programs of the Departments as provided in the agreement.

[5] We are also ordering matching tariffs of American and TWA investigated.

[6] Dissent by member Murphy filed as part of original document.

[1] Any discussion on flight limitations at O'Hare shall deal only with aggregate movements, not focusing on any market or segment.

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The agreement will be effective on the date of signature of the parties. Prior to signature, consideration will be given to comments, suggestions, or objections which may be submitted in writing within 30 days after the date of this notice to Chief, Planning and Standards Branch, Water Planning Division, Office of Air and Water Programs, Environmental Protection Agency, Washington, D.C. 20460.

Dated: July 5, 1973.

ROBERT W. FRI,
Acting Administrator.

AGREEMENT FOR IMPLEMENTATION OF SECTION 304(j) OF FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972 (P.L. 92-500)

Purpose. Section 304(j) of P.L. 92-500 states that the Administrator of the Environmental Protection Agency, hereinafter identified as the Administrator, shall enter into agreements with the Secretary of Agriculture, the Secretary of the Army and the Secretary of the Interior to provide for maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through appropriate implementation of plans approved under Section 208 of this Act. It is understood that other agreements may be developed between the Administrator and the individual Secretaries delineating areas of mutual interest and specific agency responsibilities under this and other statutory authorities.

Goal. The goal of this Agreement is to implement the intent of Congress as expressed in section 304(j).

Planning assistance. In each planning area under section 208(a)(2) the EPA will, as a condition of the grant proposal under Section 208(f)(3), require that the planning agency provide for the creation of an advisory committee and recommend that the planning agency invite the Departments of Agriculture, Army and Interior to participate by designating representation. Each Department may or may not participate as it deems appropriate. Participation by these Departments will serve as a means of providing for the experience and programs of the individual Departments to be made available, as resources permit, to assist the areawide planning agency in plan development and to assure that relevant Federal and State agency programs and the areawide plan are compatible.

Implementation assistance. The Departments of Agriculture, Army and Interior have various authorized programs that can implement portions of plans approved under section 208. These programs extend to both private and Federal land ownership. These programs shall be utilized to the degree that resources may be available through the agency programs, or be made available supplementally through section 304(j) to achieve and maintain water quality as provided for in plans developed under section 208. The Environmental Protection Agency will coordinate with the appropriate Secretary or Secretaries to insure that their individual programs supplement and complement the implementation of approved section 208 plans. Where feasible the Secretaries of Agriculture, Army and Interior, or their representatives may enter into collective or individual agreements with the waste treatment management agencies designated under section 208(c) to implement provisions of the approved plan.

Fund transfer. The Administrator is authorized to supplement from funds available under section 304(j)(3) any otherwise appropriated funds available to Agriculture, Army and/or Interior to carry out programs provided for in approved section 208 plans. The Administrator can transfer funds to the Secretaries for individual program accelerations and/or modifications. Program accelerations and modifications will be conditioned upon implementation needs set forth in the approved section 208 plans. Arrangements for transfer of funds from EPA which may be appropriated under section 304(j)(2) will be developed as an amendment to this agreement at the time areawide plans are available for implementation.

Effective date. This agreement will be effective on signature of the parties. The parties to this agreement are the Administrator of the Environmental Protection Agency and the Secretaries of Agriculture, Army and the Interior.

Conditions. Nothing in this Agreement for implementation of section 304(j) is to be construed as intending to limit the activities of the Secretaries to only section 208 activities nor to relinquish any of the authorities and responsibilities granted to the Secretaries in the Federal Water Pollution Control Act Amendments of 1972. Failure of the Administrator to act under the authority of section 304(j)(2) will not be construed as affecting, other than by non-receipt of supplemental funds, the programs of the Departments of Agriculture, Army, or Interior.

Amendment of this Agreement will be possible by mutual consent of all parties, signatory of this document. Such amendments may be initiated by any signatory to the agreement.

Secretary of Agriculture	Secretary of the Interior
Secretary of the Army	Administrator, Environmental Protection Agency

[FR Doc.73-14016 Filed 7-9-73;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Conditions as of the close of business June 30, 1973, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 486[1], and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. East insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 208[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 104[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973.[1] The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman,
Federal Deposit Insurance Corporation.

JUSTIN T. WATSON,
Acting Comptroller of the Currency.

GEORGE W. MITCHELL,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.73-13960 Filed 7-9-73;8:45 am]

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. NFD-101]

ALABAMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated June 1, 1973, and published June 7, 1973 (38 FR 14987) and amended June 11, 1973, and published June 15, 1973 (38 FR 15748) is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 29, 1973:

The County of:
Etowah

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13919 Filed 7-9-73;8:45 am]

[Docket No. NFD-102]

ALABAMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Alabama, dated June 1, 1973, and published June 7, 1973 (38 FR 14987) and amended June 11, 1973, and published June 15, 1973 (38 FR 15748) is hereby further amended. Notice is hereby given that on June 29, 1973, the President amended his declaration of a major disaster of May 29, 1973, for Alabama, as follows:

I hereby amend my May 29, 1973, declaration of a "major disaster" in the State of Alabama to read as follows:

I have determined that the damage in certain areas of the State of Alabama from severe storms and flooding, beginning about May 8, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Alabama. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance only for DeKalb County for damage on May 8; only for DeKalb, Jackson, and Marshall Counties for damage on May 19-20; and for DeKalb, Jackson, and Marshall Counties, as well as previously designated counties and those areas which you subsequently determine to be eligible for Federal disaster assistance, for damage during the period May 27-28.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13920 Filed 7-9-73;8:45 am]

[Docket No. NFD-103]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 13, 1973, and published June 19, 1973 (38 FR 15995) and amended June 14, 1973, and published June 20, 1973 (38 FR 16113) and amended June 28, 1973, is hereby further amended. Notice is hereby given that on June 29, 1973, the President amended his declaration of a major disaster of June 13, 1973, for Oklahoma as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a tornado occurring on June 18, 1973, is of sufficient severity and magnitude to warrant amendment of my June 13, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment.

In order to provide Federal assistance, you are hereby authorized to extend the incidence period to include that time period, as requested by Governor Hall, and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 3, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-13921 Filed 7-9-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

GOLDEN WEST FINANCIAL CORP.

Notice of Receipt of Application for Approval of Acquisition of Control of Madera Guarantee Savings and Loan Association

JULY 5, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Golden West Financial Corporation, Oakland, California, a unitary savings and loan holding company, for approval of acquisition of control of the Madera Guarantee Savings and Loan Association, Madera, California, an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of substantially all the assets and properties of Madera Guarantee Savings and Loan Association by Golden West Savings and Loan Association, an insured subsidiary of the applicant, in exchange for shares of Golden West Financial Corporation. Following said exchange Madera Guarantee Savings and Loan Association will be merged into Golden West Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 9, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-13983 Filed 7-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document pertaining to the joint call for report of condition of insured banks, issued jointly by the Federal Deposit Insurance Corporation, the Federal Reserve System, and the Comptroller of the Currency, see FR Doc. 73-13960, *supra.*

CHEMICAL NEW YORK CORP.

Order Denying Acquisition of CNA Nuclear Leasing, Inc.

Chemical New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire voting shares of CNA Nuclear Leasing, Inc. ("Company"), Boston, Massachusetts, a company that is engaged in full-payout leasing of personal property and equipment. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(6)). Applicant has also applied for authority of Company to engage in financing the acquisition of coal piles and other natural resource financings as an activity closely related to the business of banking pursuant to 12 CFR 225.4(a)(1).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (29 F.R. 8099). The time for filing comments and views has expired, and all those received have been considered.

Applicant, the fourth largest banking organization in New York, controls four banks with aggregate domestic deposits of $9.8 billion, representing approximately 9 per cent of the total deposits in commercial banks in the State. (All banking data are as of December 31, 1972.) Applicant also has a nonbanking subsidiary engaged in extending short-term land development and construction loans to borrowers and providing advisory and loan servicing facilities to Applicant.

Company, organized in 1969, is presently engaged in leasing nuclear fuel cores and capital equipment, including production machinery, fleets of trucks and automobiles, electronic data processing equipment and noncommercial aircraft. Company generally leases such equipment for a noncancellable term of one year, with monthly renewals thereafter.[1] It appears that such leases would not be in compliance with the Board's leasing regulation and interpretation, which require the lessor to recover in full its acquisition cost of leased equipment through rentals, estimated salvage value, and estimated tax benefits during the

[1] No opinion has been obtained from the Internal Revenue Service that these leases would be characterized as a "lease" rather than a "conditional sale" for tax purposes. However, since Company does not take accelerated tax depreciation on its leased property and the investment tax credit for such property is passed through to the lessees, it is represented that the Company's federal income tax liability would appear to be substantially identical whatever the characterization. Furthermore, even if viewed as a "conditional sale" the activity would be permitted under § 225.4(a)(1) of Regulation Y.

[1] Filed as part of original document.

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initial term of the lease (12 CFR 225.4 (c)(6) and 225.123(d). However, Company's leases further provide that in the event the lease is terminated prior to full-payout recovery, the equipment is sold and the lessee is obligated to reimburse Company for any deficiency between the sale price and the unrecovered portion of the acquisition cost of the leased equipment. Where there is such an unconditional obligation, guaranteeing full-payout recovery, by a bona-fide lessee which clearly has the financial resources to meet such obligation, as in the case of Company's lessees, the Board will permit reliance on such obligation in determining whether a lease transaction meets the full-payout requirement of the Board's leasing regulation and interpretation.

Company also proposes to engage in coal and other natural supply financing agreements whereby company would purchase coal or other natural resources at the direction of a utility company and the utility company would, each month, pay Company the amount of the acquisition cost of the coal or other natural resources estimated to be consumed by the utility during the month plus a financing charge, adjusted to reflect any excess or deficiency between the amount estimated to be consumed and the amount actually consumed in the preceding month. Based on the foregoing and other conditions contained in the agreement the Board considers such coal or other natural resource agreements to be a form of extension of credit permissible under § 225.4(a)(1) of Regulation Y.

Applicant, through its lead subsidiary bank, is engaged in personal property leasing activities primarily in the metropolitan New York area and also nationwide. Company is engaged in leasing equipment nationwide. Although there is some competitive overlap between Company's leasing business and that of Applicant's lead subsidiary bank, the Board finds that consummation of this proposal would not eliminate any significant existing or potential competition due to the somewhat different nature of the leasing activities engaged in by Applicant's lead subsidiary bank and Company, the relatively low barriers to entry into this business, the large number of competitors, and the small market shares held by Applicant and Company.

In its consideration of an application to acquire a nonbanking company under section 4(c)(8) of the Act, the Board is required to consider whether performance of the activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

Company has grown rapidly since its inception, increasing its total assets from approximately $35 million at year-end 1970 to approximately $210 million at year-end 1972. However, Company has a very high level of debt in relation to equity capital. As of December 31, 1972 total liabilities were 74 times total equity. Because of its low equity capital base and consequent severe limitations on its capacity to absorb any losses, the investment community has apparently been unwilling to finance Company's operations at the prime commercial paper rate without the guarantee of its parent, CNA Financial Corporation.[2] As of December 31, 1972, the total amount of Company's outstanding commercial paper so guaranteed was $175 million. Upon acquisition by Applicant, Applicant would advance funds to Company to finance its existing lease portfolio as Company's outstanding commercial paper matures.

These advances would be financed on a short term basis by the issuance of Applicant's own commercial paper. Applicant estimates that Company's lease portfolio would grow from $205 million to $250–$300 million during 1973. By the end of 1974, at which time Company projects its lease portfolio will have grown to $350–$400 million, Applicant anticipates that it will reduce its direct financial support to Company. Applicant expects that Company will be free of all need for financial support from Applicant within eight years, by which time its lease portfolio could expand to as much as $750 million. Even assuming Applicant's favorable projections, it is clear that the acquisition of Company would require Applicant to commit substantial and continuing amounts of funds to support Company's growth.

The proposal involves a method of financing comparatively long-term assets with short-term debt. As discussed above, due to the low equity base of Company, the market will not finance its commercial paper obligations at a rate which makes the proposal economically viable without a guarantee. In fact, Company is being sold by its present parent due to the large amounts of financing required, limitations on the amount of commercial paper it could issue, and the cost of back-up bank lines of credit to support such paper. Thus, success of the proposal requires directly the backing of the assets of Applicant and indirectly the strength and reputation of its major subsidiary, Chemical Bank.

The Board has on numerous occasions stated that one of the primary purposes of a holding company is to serve as a source of financial strength for its subsidiary banks. In the Board's judgment a proposal such as the present to acquire an extremely leveraged company with very heavy requirements for funds could seriously impair that ability. With respect to the instant application, Company's need for funds, even assuming no growth, will require Applicant to increase its short-term borrowing by a substantial amount, i.e. to the point where Applicant's current liabilities would exceed current assets by a considerable margin if subsidiary banks are not consolidated. Chemical Bank has experienced rapid growth. Between year-end 1970 and year-end 1972 its assets increased from $11.0 billion to $15.3 billion. Even assuming that there is little growth in nonbanking activities in its system, such growth in the future will require Applicant to supply additional capital to its banks. An application such as the present, which substantially reduces the margin between debt use and debt capacity, would impair the ability to provide such capital.

The Board recognizes the public benefits that attach to the availability of suitable financing for nuclear fuel cores. However, the Board finds that there are a number of firms presently offering nuclear core financing and that there are no reasonably expected public benefits in this particular case such as greater convenience, increased competition, or gains in efficiency that outweigh the aforementioned possible adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest benefits that the Board is required to consider under section 4(c)(8) do not outweight possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[3]

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13967 Filed 7-9-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor to a merger of Texas Bank & Trust Company of Dallas, Dallas, Texas ("Texas Bank"), with New Texas Bank & Trust Company of Dallas, Dallas, Texas, a newly organized bank not in operation. The banks would merge under the charter and name of Texas Bank which is a member of the Federal Reserve System. Applicant has filed separate applications for approval to acquire a minority interest in each of the following banks in Texas: 24.2 percent of the voting shares of First Bank & Trust of Richardson, Richardson; 21.3 percent of the voting shares of First Bank & Trust Company, Cedar Hill; 18.1 percent of the voting shares of Central Bank and Trust Company, Farmers Branch; and 10 percent of the voting shares of Commercial National Bank of Dallas, Dallas (hereinafter referred to as "minority banks"). Each of said blocks of shares is presently held by

[2] The risk involved is that of default and liquidity since the payments on the leases vary with the interest rate on the commercial paper.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.
effective June 29, 1973.

Texas Fiduciary, a trusteed affiliate of Texas Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 13 banks with aggregate deposits of approximately $1.7 billion, representing about 5.6 per cent of the aggregate deposits of commercial banks in Texas, and is the third largest banking organization and second largest multi-bank holding company in Texas.[1] Applicant also has interests in each of 13 other banks, ranging from .02 to 14.3 per cent of voting shares. Acquisition of control of Texas Bank ($239 million in deposits) and the interests in minority banks (whose deposits aggregate $57 million) would increase Applicant's share of Statewide deposits by only one percentage point and would not result in a significant increase in the concentration of banking resources in Texas. Applicant's ranking as a banking organization and bank holding company would remain unchanged.

Texas Bank is the fifth largest of 110 banks located in the Dallas banking market, which is approximated by the Dallas RMA,[2] and controls 3.7 per cent of the total deposits in commercial banks in that market. The percentage of deposits held by the minority banks is less than 1 per cent. There is no significant existing competition between Bank or any of the minority banks and any of Applicant's subsidiary offices. Applicant's banking subsidiary closest to downtown Dallas (First National Bank in Arlington) is 18 miles away in Arlington (Texas) which is between Dallas and Fort Worth, somewhat closer to Fort Worth, and that subsidiary controls less than 1 per cent of the market, on the basis of deposits. Upon consummation of the acquisition of control of Bank and the interests in minority banks,[3] Applicant's share of the Dallas RMA market would be increased to 5.6 per cent of deposits there. Applicant's lead bank is in Houston where Applicant controls 19 per cent of aggregate deposits in commercial banks.

Applicant's entry into the downtown Dallas area can be expected in view of Applicant's intention to expand into major markets across the State, and the existing ratio of persons per banking office and deposits per capita in the Dallas market, which conditions make this market attractive for expansion by Applicant. The method of entry to be used by Applicant can be either through acquisition of an existing bank or de novo. Applicant could enter the Dallas market through acquisition of a bank smaller than Texas Bank. Acquisition of a bank of the size of Texas Bank eliminates a possible vehicle for the formation of an additional Dallas-based bank holding company. Although these competitive considerations are not favorable to approval, other relevant considerations provide a basis for approval of the proposal herein.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. Concerning Texas Bank, however, in past years the financial condition and managerial resources of that bank have been cause for concern. Bank has a low liquidity position, and Bank's capital position lacks strength. Applicant has committed itself to an immediate injection of equity capital into Texas Bank, and the affiliation would make available to Bank a source of management personnel and expertise in banking services; and should enable Bank to provide more vigorous competition to the three largest banks in the Dallas market. Thus, consummation of the proposal herein should enhance substantially the prospects for Texas Bank and improve its financial conditions and competitive strength. It is the Board's judgment that considerations relating to the financial and managerial resources of Texas Bank lend substantial weight in favor of approval of the subject applications.

A strengthening of Bank through affiliation with Applicant should provide an additional source for sophisticated banking services in the Dallas area as well as added convenience for some customers in the area. Convenience and needs factors are consistent with and add some weight toward approval of the applications. It is the Board's judgment that consummation of the proposal would be in the public interest and the applications should be approved. However, the Board conditions its approval on Applicant's disposing of shares of Dart Oil (over 5 per cent) within two years from date of acquisition of shares of Texas Bank.

Consummation of its acquisition of Texas Bank would give Applicant control of all of the shares of Dart Oil, a wholly-owned subsidiary of Texas Bank's trusteed affiliate, Texas Fiduciary. The Board has been advised that Dart Oil shares originally were acquired by Texas Bank through a loan foreclosure. However, Dart Oil is engaged in an activity that is impermissible for a holding company under the provisions of the Bank Holding Company Act; and the Act does not provide for an indefinite holding of shares so acquired. Rather, the Act expressly provides for a limited period for holding shares acquired through a debt previously contracted. Accordingly, Applicant is required to dispose of the shares of Dart Oil (over 5 per cent) within the prescribed period.

On the basis of the record, the applications are approved for the reasons summarized above[4] and on condition that Applicant dispose of shares of Dart Oil (over 5 per cent) within two years from date of acquisition of shares of Texas Bank. The transaction shall not be consummated (a) before July 30, 1973, or (b) later than October 1, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13972 Filed 7-9-73;8:45 am]

FIRST NATIONAL AGENCY OF AITKIN, INC.

Formation of Bank Holding Company and Proposed Retention of Insurance Agency

The First National Agency of Aitkin, Inc., Aitkin, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of The First National Bank of Aitkin, Aitkin, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The First National Agency of Aitkin, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of The First National Agency of Aitkin, Inc., Aitkin, Minnesota. Notice of the application was published on June 6, 1973, in the Aitkin Independent Age, a newspaper circulated in Aitkin, Minnesota.

Applicant states that it engages in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding com-

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1973.

[2] Dallas RMA is the Dallas Ranally Metro Area, which is defined as including all of Dallas County, the southwest portion of Collin County, the southeast portion of Denton County, the northern quarter of Ellis County, the eastern quarter of Tarrant County, and the northwest corner of Kaufman County.

[3] The Board's action herein does not constitute a determination that any of the minority banks is or may become a subsidiary of Applicant nor does the action herein indicate that the Board would in the future permit Applicant to acquire, directly or indirectly, any additional shares of any of said banks. Moreover, the determination herein does not preclude the Board from determining that Applicant exercises a controlling influence over the management or policies of any of said banks within the meaning of section 2(a) of the Act.

[4] Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System or to the Federal Reserve Bank of Dallas.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

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panies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal under section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minnesota.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13975 Filed 7-9-73;8:45 am]

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Aliquippa Finance Corp., Ellwood Finance Corp., and Beaver Falls Consumer Discount Company, Inc.

First Pennsylvania Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied in three separate applications for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to require all of the voting shares of (1) Aliquippa Finance Corporation, Aliquippa, Pennsylvania ("Aliquippa"); (2) Ellwood Finance Corporation, Ellwood City, Pennsylvania ("Ellwood"); and (3) Beaver Falls Consumer Discount Company Inc., Beaver Falls, Pennsylvania ("Beaver Falls"), companies held under common ownership and engaged in the activities of making, acquiring, and servicing consumer loans, and the sale of credit insurance directly related to such loans. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of these applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 4368). The time for filing comments and views has expired, and none has been timely received.

Applicant (assets of $4.9 billion) controls one bank (First Pennsylvania Banking and Trust Company, Bala Cynwyd, Pennsylvania ($2.6 billion of deposits as of June 30, 1972), which is the second largest bank in Pennsylvania and the largest in the Philadelphia banking market, controlling approximately 8 per cent of the total deposits of commercial banks in the State. Applicant also has nonbanking subsidiaries engaged principally in mortgage banking, consumer financing, data processing, personal property and equipment leasing and in providing investment advisory services. The three finance companies Applicant proposes to acquire are all located in the far western portion of the State.

Aliquippa Finance Corporation and its subsidiary, Aliquippa Consumer Discount Company, Inc., operate one consumer finance office located in Aliquippa, Pennsylvania.

Aliquippa (assets of $830,000) operates in the Pittsburgh personal loan market, comprising all of Allegheny County and portions of Beaver, Westmoreland and Washington Counties. At least 48 consumer finance companies and approximately 40 commercial banks operate in this market.

Beaver Falls (assets of $671,000) operates a consumer finance business from one office located in Beaver Falls, Pennsylvania, also in the Pittsburgh personal loan market. Both Aliquippa and Beaver Falls finance companies have an insignificant share of the consumer loan business in this market.

Ellwood (assets of $1.1 million) and its subsidiary, Ellwood Consumer Discount Company, Inc. operate as consumer finance companies in Ellwood City, Pennsylvania. These companies operate in the New Castle, Pennsylvania personal loan market (which includes Lawrence County and portions of Beaver, Mercer and Butler Counties in Pennsylvania). At the present time, at least 10 consumer finance companies and nine commercial banks compete in this market with Ellwood for consumer loan business.

Neither of Applicant's finance company subsidiaries nor its banking subsidiary compete in either the Pittsburgh or New Castle personal loan markets. Therefore, consummation of these proposals will not eliminate any existing competition between Applicant and the companies sought to be acquired. In view of the large number of remaining competitors in the relevant markets, the many potential entrants in addition to Applicant, and the relevant case of entry into the consumer finance business, consummation of these transactions is not likely to have an adverse effect on future or potential competition. Moreover, because of the relatively small size and limited financial resources of the companies sought to be acquired, Applicant would not, upon consummation, have a significant share of either the Pittsburgh or New Castle markets. The proposed affiliations would make available to Beaver Falls, Aliquippa, and Ellwood finance companies Applicant's considerable financial resources, thereby permitting these companies to increase their lending activities—to the benefit of residents in their respective markets.

There is no evidence in the record that consummation of the proposed acquisitions would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

The proposed transactions are expected to be consummated by means of an exchange by Applicant of its shares for all of the shares of the three finance companies. For the past few years, Applicant has engaged in a vigorous expansion program through the acquisition of many consumer finance companies throughout the United States. These acquisitions have been effected through acquisitions either by Applicant directly or by acquisition by one of Applicant's consumer finance subsidiaries. Two of Applicant's consumer finance subsidiaries, Investors Loan Corporation and Industrial Finance and Thrift Corporation were acquired by Applicant in 1970, and under the provisions of § 4(a)(2) of the Act, Applicant may not retain ownership of these companies beyond December 31, 1980, without Board approval. Applicant has not yet filed applications to retain shares of these companies, nor has the Board, in its consideration of the instant proposal, passed on the merits of such retention. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of Beaver Falls, Ellwood, and Aliquippa finance companies on the condition that Applicant maintain the assets of these three consumer finance companies separate and apart from those of either Investors Loan Corporation or Industrial Finance & Thrift Corporation, and, upon consummation of these acquisitions, operate Beaver Falls, Ellwood and Aliquippa as separate business entities. This condition may be lifted at such time as the Board has an opportunity to make a determination on any application subsequently filed to retain the shares of Investors Loan or Industrial Finance corporations.

Accordingly, these applications are hereby approved on the condition that Applicant maintain the assets of Beaver Falls Consumer Discount Company, Inc., Aliquippa Finance Corporation, and Ellwood Finance Corporation, and their respective subsidiaries separate and apart from those of Investors Loan Corporation and Industrial Finance and Thrift Corporation and operate the companies sought to be acquired as separate business entities. This determination is further subject to the conditions as set forth in § 225.4(c) of Regulation Y and the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the conditions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] effective June 29, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-13973 Filed 7-9-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

FIRST SECURITY CORP.

Order Approving Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First Security Bank of Murray, N.A., Murray, Utah ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Utah with deposits of $620 million and controls 29.0 per cent of commercial bank deposits in the State. (All banking data are as of June 30, 1972.) Bank is a proposed de novo bank and its proposed office is on State Street and is the old downtown Murray branch of one of Applicant's subsidiaries. That subsidiary, First Security Bank of Utah, N.A., with approval from the Comptroller of the Currency, recently moved its downtown Murray office two miles south on State Street to a new shopping center.

Applicant controls $295 million, or 23 per cent, of the deposits in commercial banks in the relevant market area approximated by Salt Lake and Davis Counties, and thereby ranks first in size. Within a submarket encompassing the area within a two mile radius of Murray, Applicant is fourth in size and controls approximately 11 percent of the deposits in commercial banks in the submarket and operates two offices, one of which is two miles north of the proposed site of Bank, and the other of which is two miles south.

The town of Murray is situated three miles south of the city limits of Salt Lake City. The main street running north to Salt Lake is State Street. The present population of Murray is about 24,000 up from 21,000 at the 1970 census. The population is almost evenly divided between the north half (downtown Murray), and the south half (near the shopping center site of First Security Bank of Utah, N.A.). Murray is developing as a "bedroom community" along with the adjacent unincorporated area to the east. Commercial Security Bank, and Walker Bank and Trust Company, the seventh and second largest banking organizations in the State, respectively, compete in downtown Murray. Commercial Security controls approximately 40 percent of the deposits in commercial banks in the Murray submarket, and Walker Bank and Trust controls about 25 percent of deposits there. Valley Bank and Trust Company also competes in the submarket, and holds about 15 percent of the deposits there. Valley Bank has total Statewide deposits of about $88 million. In addition, a new unit bank, the United Bank of Utah, has been approved by the State Bank Commissioner and will be located about 1½ miles south of the proposed Murray Bank. If Applicant's proposal is granted, Applicant will operate three of the seven offices in the submarket (including the new United Bank). All of Applicant's offices will be on State Street, the main thoroughfare of Murray.

The Board notes that the three largest banks in Utah control 60 per cent of the commercial bank deposits in the State and 65 percent of the commercial bank deposits in the Salt Lake and Davis County market. In such markets, the Board is cognizant of the possibility that a holding company may be seeking to strengthen its position at the expense of a competitor, unduly raise the barriers to entry, or preempt a site. In this case, particularly in view of the expanding submarket in and around Murray, and the fact that at least one other bank has sought entry into the market, the Board is satisfied that such undesirable effects are unlikely to occur. Applicant's proposal to establish a new bank in Murray would eliminate no present or future competition between any of Applicant's subsidiaries and Bank, and there would be no immediate increase in banking concentration in the area. Based on the record, the Board finds that consummation of the proposal would have no adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks appear satisfactory. Bank, which would at least initially be dependent upon assistance from Applicant, also has presented facts tending to show satisfactory financial and managerial resources and future prospects. Bank would serve as a more convenient source of banking for those residents who formerly banked downtown at the branch of First Security Bank of Utah, N.A. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 1, 1973, or (b) later than October 2, 1973, and (c) First Security Bank of Murray, N.A., Murray, Utah, shall be opened for business not later than January 2, 1973. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 2, 1972.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-13974 Filed 7-9-73;8:45 am]

[1] Voting for this action: Chairman Burns, and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

PATAGONIA CORPORATION

Determination Regarding "Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments of the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to § 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, inter alia, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purpose of the Act, the Board determines that such action is necessary to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a two year period.

Notice of the Board's proposed review of the grandfather privileges of Patagonia Corporation, Tuscon, Arizona, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in § 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. Patagonia Corporation ("Registrant"), Tucson, Arizona, became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act, by virtue of Registrant's ownership of all of the voting shares of Great Western Bank & Trust, ("Bank"), Phoenix, Arizona (assets of about $164 million, as of December 31, 1970). Registrant was a one-bank holding company prior to June 30, 1968. Bank had total deposits of approximately $177 million as of June 30, 1972, representing about 4 percent of the total deposits in commercial banks in Arizona and, in view of its size, Bank is not regarded as a significant competitor in the markets it serves.

Bank's management, financial condition, and prospects are regarded as satisfactory and the Board has found no evidence of unsound banking practices.

Registrant, a bank holding company

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with about $312 million in assets as of December 31, 1971, is engaged directly in no activity other than holding stock in its banking subsidiary and in nonbanking companies.[1] Registrant owns 100 per cent of the Navajo Insurance Agency, Inc. ("Agency"), Phoenix, Arizona, (acquired in October, 1968, pursuant to a binding written agreement entered into on February 28, 1968) a company offering insurance primarily in connection with loans made by Bank. As of December 31, 1970, Agency had $38,000 in assets and a net income of $1,600; and its present activities appear to be limited to servicing previously issued policies. The insurance activities of Agency appear to be eligible for grandfather benefits.

Registrant acquired (in December, 1969) 100 per cent of the voting shares of Pioneer Bancorporation ("Pioneer"), Phoenix, Arizona, a company engaged in acting as fire and casualty insurance underwriter and a lessor of office equipment to Bank. Since the interest in Pioneer was not acquired until after June 30, 1968, Registrant must reduce its holdings in Pioneer to 5 per cent or less of the outstanding voting shares by December 31, 1980, or secure Board approval under section 4(c)(8) to retain those shares.[2]

Registrant now owns 100 per cent of Pima Savings and Loan Association ("Prima"), Tucson, Arizona, the fifth largest savings and loan association in Arizona with savings deposits of about $101 million as of May 31, 1972. However, on June 30, 1968, Registrant held only 20.005 per cent of the stock of Pima; Registrant purchased the remaining shares of Pima during the period from June 30, 1968, to December 31, 1970. Accordingly, on the basis of grandfather benefits, Registrant may retain indefinitely its 20.005 per cent interest in Pima, and must reduce its holdings in Pima to that level by December 31, 1980, or secured Board approval under section 4(c)(8) of the Act to retain the additional shares of Pima.[3]

Registrant owns also 6.9 per cent of the voting shares of UB Financial Corporation, Phoenix, Arizona, a one-bank holding company that controls the United Bank of Arizona, Phoenix, Arizona, and was acquired after June 30, 1968. The activities of the company are limited to those of managing or controlling banks and other subsidiaries authorized under the Act or of furnishing services to or performing services for its subsidiaries. Registrant is not required to divest its interest in UB Financial.

Two indirect subsidiaries of Registrant, namely, Great Western Insurance Company, and Great Western Insurance Agency, both of Phoenix, are wholly-owned subsidiaries of Bank, but were acquired after June, 1968. On this basis, the companies are not entitled to indefinite grandfather benefits, but may be eligible for retention on the basis of being operation subsidiaries of the bank and § 225.4(e) of the Board's Regulation Y, provided they meet the definition of operation subsidiary.[4]

On the basis of the foregoing and all the facts before the Board, it appears that the volume, scope, and nature of the activities of Registrant and its grandfathered subsidiaries do not demonstrate an undue concentration of resources, decreased or unfair competition, conflicts of interest, nor unsound banking practices; and, accordingly, there appears to be no reason to require Registrant to terminate its grandfather interests. However, this determination is not authority to enter into any activity that was not engaged in on June 30, 1968, and continuously thereafter, nor any activity that is not the subject of this determination.

A significant alteration in the nature or extension of Registrant's activities or a change in location thereof (significantly different from any described in this determination) will be cause for a re-evaluation by the Board of Registrant's activities under the provisions of § 4(a)(2) of the Act, that is, whenever the alteration or change is such that the Board finds that a termination of the grandfather privileges is necessary to prevent an undue concentration of resources or any of the other evils at which the Act is directed. No merger, consolidation, acquisition of assets other than in the ordinary course of business, nor acquisition of any interest in a going concern, to which the Registrant or any nonbank subsidiary thereof is a party, may be consummated without prior approval of the Board. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970.

The determination herein does not preclude a later review by the Board of Registrant's nonbank activities and a future determination by the Board in favor of termination of grandfather benefits of Registrant.[5] The determination herein is subject to the Board's authority to require modification or termination of the activities of Registrant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By determination of the Board of Governors,[6] effective June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13968 Filed 7-9-73;8:45 am]

PATAGONIA CORP.

Order Approving Acquisition of Western American Mortgage Company

Patagonia Corporation, Tucson, Arizona, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Western American Mortgage Company, Phoenix, Arizona ("Western Mortgage"), a company that engages in the activities of originating residential mortgages and mortgages on commercial real estate for sale to permanent investors; servicing of mortgages for permanent investors; and interim lending for land development and construction financing where the loan will be sold to a permanent investor. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 3013). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).[1]

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[1] The discussion herein relates only to Registrant's interests as of December 31, 1970, and does not include acquisitions that may have been consummated pursuant to a Board order under § 4(c)(8) of the Act.

[2] Leasing office equipment to Bank appears to be permissible on the basis of § 4(c)(1)(C) of the Act.

[3] Operation of a savings and loan association is not currently on the Board's list of permissible activities for a bank holding company.

[4] Section 225.4(e) of Regulation Y provides in part that, so far as Federal law is concerned, a State bank or a subsidiary thereof may ". . . acquire or retain all (but, except for directors' qualifying shares, not less than all) of the shares of a company that engages solely in activities in which the parent bank may engage, at locations at which the bank may engage in the activity, and subject to the same limitations as if the bank were engaging in the activity directly."

[5] Statement of Governor Brimmer Concurring in Part and Dissenting in Part filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, Bucher, and Holland. Concurring in part and dissenting in part: Governor Brimmer.

[1] The published notice of this application included notice of a related application to acquire Western American Insurance Agency, Phoenix, Arizona, and thereby to engage in certain insurance agency activities; however, in light of objections to these insurance activities, Applicant requested that the Board consider the applications separately. Accordingly, the Board's Order herein deals only with the proposed acquisition of Western American Mortgage Company. Applicant's request for Board approval to acquire Western American Insurance Agency is still pending.

Applicant's banking subsidiary, Great Western Bank & Trust ("Great Western"), is the fifth largest bank in Arizona with aggregate deposits of approximately $207 million representing 4 per cent of total commercial bank deposits in the State.[2] Applicant also has nonbanking subsidiaries engaged principally in consumer finance activities, leasing of personal property and equipment, and operating a savings and loan association. Great Western and Applicant's savings and loan association subsidiary, Pima Savings & Loan Association, Tucson, Arizona ("Pima") ($113 million in savings deposits as of December 31, 1972), are engaged in extending mortgage loans. Neither Great Western nor Pima services loans for others.

Western Mortgage originated approximately $29 million of mortgage loans during the first six months of 1972 and based upon a mortgage servicing portfolio of approximately $245 million (as of June 30, 1972), Western ranks as the 96th largest mortgage firm in the country. Consummation of the proposal will eliminate some existing competition between Applicant's subsidiaries (Great Western and Pima) and Western Mortgage in the one-four family residential mortgage origination product market in Maricopa and Pima Counties. In Maricopa County, Applicant's subsidiaries held 0.5 per cent of mortgage originations ($4 million) and Western Mortgage originated 3.3 per cent ($27.7 million) of such mortgages. In Pima County, Applicant's subsidiaries accounted for 3.5 per cent ($13.1 million) of such mortgages and Western Mortgage's share was 1.7 per cent ($6.3 million).[3]

There are over 40 mortgage lending and servicing competitors in Maricopa County; over 27 in Pima County. Included in both markets are offices of the four largest banks in Arizona. Also present in Maricopa County are offices of seven of the ten largest mortgage companies in the country, which companies have aggregate annual mortgage servicing volume in excess of $13 billion. Three of the ten largest mortgage companies in the country are represented in Pima County, including the largest in the country. Twenty-four of the over 40 mortgage banking competitors in Maricopa County also originate permanent one-four family residential mortgage loans; in Pima County, over 20 of the mortgage banking competitors also originate such mortgage loans. Due to the large number of competitors in both markets and the localized nature of Western Mortgage's business, it is concluded that consummation of the proposal would have no significant adverse effects on existing or potential competition.

Arizona's need for an increasing supply of mortgage funds, including financing of large scale developments, seems clear. During the decade of the '60's, Arizona's population increased approximately 36 per cent (against a national average of slightly more than 13 per cent), while Maricopa County's increase was about 45 per cent, and Pima County grew by 32 per cent. The rate in Arizona is expected to continue at high levels. Applicant proposes to immediately increase Western Mortgage's capital by about $700,000 and consummation of the proposed acquisition would provide Western Mortgage with continued access to financial and other resources of Applicant that would enable it to provide more effectively for those needs resulting from growth and at the same time enable it to compete more effectively for large commercial and construction loans in the State.

In its consideration of this case the Board has taken into account Applicant's commitment to increase the equity capital of its banking subsidiary. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved.[4] This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[5] effective June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13969 Filed 7-9-73;8:45 am]

STATE STREET BOSTON FINANCIAL CORPORATION

Order Approving Acquisition of Bank

State Street Boston Financial Corporation, Boston, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Union National Bank, Lowell, Massachusetts ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a one-bank holding company and is the fourth largest banking organization and bank holding company in Massachusetts, with aggregate deposits of $988 million representing 8.5 per cent of total deposits of commercial banks in the State.[1] Consummation of the proposed acquistion of Bank (deposits of approximately $153 million) would increase Applicant's share of commercial bank deposits in Massachusetts by only 1.3 percentage points and its ranking would be unchanged. The proposed acquisition represents Applicant's initial move outside Suffolk County.

Bank is the largest of ten banks competing in the Lowell banking market which includes the Lowell SMSA and several surrounding towns, and controls 67.7 per cent of market deposits. Bank has six offices in the City of Lowell and an additional ten branches are scattered throughout its banking market. Bank's dominant share of deposits overstates its competitive position in the market. The second and third largest bank holding companies in the State have banking subsidiaries in the market accounting for ten banking offices. One of these, Baystate Corporation, has branch offices of two subsidiary banks represented in the market controlling in the aggregate 17 per cent of market deposits. Each of these banks is larger than Bank and the holding company subsidiaries in the market are clearly competitive with Bank. Additionally, taking into account particular product lines, Bank's competitive position is also overstated. For example, taking into account the savings banks in the market, Bank's market share of deposits is only approximately 29 per cent. Finally, as discussed later, considerations related to the financial and managerial resources of Bank diminish its competitive ability.

Applicant's present subsidiary bank's closest banking office to Bank is about 18 miles away. Applicant's present subsidiary operates 18 banking offices in the separate but adjoining Boston SMSA banking market. There is no significant existing competition between Bank and

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[2] All banking data are as of December 31, 1972.

[3] Maricopa County and Pima County market share data are as of year-end 1972.

[4] Western American Realty & Investment Co. and Thunderbird Country Club, Inc., both wholly-owned subsidiaries of Western Mortgage, will not be acquired by Applicant, but will be spun off prior to Applicant's acquisition of Western Mortgage.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

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any of Applicant's subsidiary offices. Applicant's banking subsidiary, State Street Bank and Trust Company ("State Street"), is primarily a wholesale bank, as evidenced by the fact that of its commercial and industrial loan accounts, 90 per cent are accounts over $100,000 and 70 per cent of its total deposits and 67 per cent of its total IPC demand deposits were comprised of accounts in excess of $100,000. Bank, on the other hand, is primarily a retail bank. State Street derives 2.6 per cent of its IPC demand deposits and 0.5 per cent of its savings deposits from the Lowell market. A similar insignificant amount of Bank's deposits are derived from the Boston SMSA. Accordingly, it is the Board's opinion that consummation of this proposal will not eliminate significant existing competition.

In its consideration of this matter, the Board has taken into account the comments of the United States Department of Justice, which concluded that the proposal would have a significantly adverse effect on potential competition in the Lowell banking market and in Massachusetts generally. This recommendation was due to the Department's view that the Lowell market is attractive for entry either de novo or by a foothold entry. The Department was also of the view that consummation of the proposal would eliminate the possibility that Bank would be a significant participant in a new Statewide holding company.

While the population of the Lowell market increased 30 per cent between 1960 and 1970 it is presently experiencing high levels of unemployment. This is due to a decline in the textile and aerospace industries and is expected to remain a problem in the near future. In view of this, the Board cannot conclude that the area is attractive enough for de novo entry so that Applicant is a probable de novo entrant. However, it does appear that there are two smaller organizations in the market which could provide foothold entry either for Applicant or the largest banking organization in the State and in the absence of the considerations related to Bank discussed below, the Board would consider the proposal as having an adverse effect on potential competition in the market. With respect to the effect on probable future competition in the Commonwealth of Massachusetts, the Board does not regard Bank, because of its condition, as a likely significant participant in a newly formed holding company.

The financial and managerial resources and prospects of Applicant and its existing subsidiary bank are satisfactory and consistent with approval of the application. The financial and managerial resources of Bank are considered to be poor. Bank has experienced substantial loan losses since 1967 and in every year except 1969 these losses have increased. Due to these losses and deposit growth over the five year period, Bank's capital to deposit ratio has declined and it is presently in need of capital. Bank's President is beyond retirement age and there does not appear to be a likely successor. Further, in view of Bank's recent difficulties, management is in need of strengthening. In view of Bank's present situation and the economic decline of the Lowell area, the Board regards Bank's prospects, absent the acquisition, as poor. The Comptroller of the Currency has advised that:

> It is clear that if Union National Bank is to solve its present problems it must merge or associate with a banking organization substantially larger than itself.

Applicant proposes to strengthen Bank's equity capital base by a minimum of $2.0 to $2.5 million within six months of consummation. Further, it will immediately strengthen management. Prospects of Bank with Applicant's assistance appear to be favorable and these considerations provide strong weight toward approval of the application.

There is no evidence on the record that any major banking needs of the market are presently going unserved. However, Bank is not presently competitive in providing many services. Bank has limited hours, does not offer credit cards, free checking accounts and certain forms of deposit accounts. It also does not seem to be seeking new business accounts. Applicant will update Bank's services, making them more responsive to the needs of its customers. These considerations provide weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before July 30, 1973, or (b) later than October 1, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13970 Filed 7-9-73;8:45 am]

TEXAS BANK & TRUST COMPANY OF DALLAS

Order Approving Application for Merger of Banks

Texas Bank & Trust Company of Dallas, Dallas, Texas, a State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828 (c)) of the merger of that bank with New Texas Bank & Trust Company of Dallas, Dallas, Texas, under the charter and title of Texas Bank & Trust Company of Dallas.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of First City Bancorporation of Texas, Inc., to acquire Texas Bank & Trust Company of Dallas, provided that said merger shall not be consummated (a) before July 30, 1973, or (b) later than Oct. 1, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-13971 Filed 7-9-73;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given that the Frequency Management Advisory Council will meet at 10:00 a.m. on Wednesday, July 18, 1973, in Room 712, 1800 G Street, NW., Washington, D.C.

The principal agenda items will be (a) a discussion of a proposed study of telecommunications growth over the past 20–30 years, (b) the development of an FMAC study program in support of its advisory role to this Office; (c) a briefing on optical spectrum technology; and (d) an exchange of views of biological effects of certain transmitting fields.

The meeting will be open to the public; any member of the public may file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: July 3, 1973.

W. DEAN, Jr.,
Assistant Director for Frequency Management.

[FR Doc.73-13900 Filed 7-9-73;8:45 am]

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher and Holland. Voting against this action: Governor Brimmer who issued a dissenting statement which is filed as part of the original document. Absent and not voting: Chairman Burns.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

SMALL BUSINESS ADMINISTRATION

[Disaster Loan Area 978; Amdt. 4]

ARKANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Benton, Bradley, Chicot, Columbia, Fulton, Howard, Madison, Montgomery, Union and Washington.

Applications may be filed at the:

Small Business Administration
District Office
600 West Capital Avenue
Little Rock, Arkansas 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 20, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13888 Filed 7-9-73;8:45 am]

[Disaster Loan Area 966; Amdt. 4]

MISSISSIPPI

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a major disaster area following heavy rains and flooding beginning on or about March 14, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Montgomery. (See 38 FR 8700, 38 FR 9626, 38 FR 10339 and 38 FR 14316)

Applications may be filed at the:

Small Business Administration
District Office
Petroleum Building
Pascagoula & Amite Streets
Jackson, Mississippi 39205

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 20, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13887 Filed 7-9-73;8:45 am]

[Disaster Loan Area 995; Amdt. 1]

OKLAHOMA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the small Business Administration from flood victims in the following additional county: Canadian. (See 38 FR 16813)

Applications may be filed at the:

Small Business Administration
District Office
30 North Hudson
Oklahoma City, Oklahoma 73102

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than August 13, 1973.

Dated: June 26, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-13889 Filed 7-9-73;8:45 am]

[License No. 03/03-5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Greater Philadelphia Venture Capital Corporation, Inc. (licensee), 225 South 15th Street, Philadelphia, Pennsylvania 19102, a small business investment company licensed under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration an application for exemption from the provisions of 13 CFR 107.1004 (1973).

Licensee proposes to make a 10-year loan in the principal amount of $150,000 to Broadcast Enterprises Network, Inc. (BENI), a corporation recently organized for the purpose of acquiring and operating radio and television stations. The loan will include warrants for licensee to acquire 10 percent of BENI's capital stock. Licensee's proposed loan is only a minor part of the total financing being raised, of which $2,525,000 will be from banks and approximately $375,000 from individual sources.

The proposed financing comes within the purview of 13 CFR 107.1004 (1973) by virtue of the fact that Mr. Ragan A. Henry, secretary and director of the licensee, will invest in and acquire approximately 51 percent of the common stock of BENI.

Notice is hereby given that any person may, not later than July 25, 1973, submit comments to SBA on the proposed transaction. Any such comments should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Notice is further given that any time after said date, SBA may dispose of the application on the basis of the information set forth therein and other relevant data.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

Dated: June 28, 1973.

[FR Doc.73-13890 Filed 7-9-73;8:45 am]

[License No. 05/05-5094]

INDEPENDENCE CAPITAL FORMATION, INC.

Issuance of License To Operate as a Small Business Investment Company

On May 31, 1973, a notice was published in the FEDERAL REGISTER (38 FR 14317) stating that Independence Capital Formation, Inc., 6072 14th Street, Detroit, Michigan 48202, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1973) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business June 15, 1973, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/05-5094 to Independence Capital Formation, Inc., pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: June 29, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-13891 Filed 7-9-73;8:45 am]

TARIFF COMMISSION

[TEA-F-53]

BGS SHOE CORP.

Petition for Determination; Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the BGS Shoe Corporation, Manchester, New Hampshire, the United States Tariff Commission, on July 3, 1973, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear (of the types provided for in items 700.20, 700.43, 700.45, 700.53, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10:00 a.m., e.d.t. on July 27, 1973, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. Requests for appear-

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ances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C., no later than noon, Friday, July 20, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 5, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-14008 Filed 7-9-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

JOHNSON SHOES, INC.; MANCHESTER, N.H.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of April 20, 1973, the U. S. Tariff Commission made a report of the results of its investigation (TEA-W-186) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884)in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers of Johnson Shoes, Inc., Manchester, New Hampshire. In this report, the Commission, being equally divided, made no finding with respect to whether articles like or directly competitive with the footwear for women produced by Johnson Shoes, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause unemployment or underemployment of a significant number or proportion of the workers of such firm, or an appropriate subdivision thereof. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930, as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 15484; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Johnson Shoes, Inc. increased substantially. Beginning in 1968 the exclusive buyer of Johnson Shoes Inc.'s output increased its imports of women's footwear and reduced purchases from Johnson Shoes, Inc. The company was able to offset to a large extent the loss of sales to its major buyer by aggressively seeking and obtaining new accounts. In the period 1969-72 Johnson Shoes, Inc.'s major buyer as well as some newer customers turned increasingly to imports. Selling and administrative expenses rose sharply and the company sustained increasing losses as a consequence of efforts to maintain sales levels through the servicing of many small accounts. Reductions in employment levels directly related to import competition began in the latter part of May 1972 and continued through October 1972 when the firm was liquidated. After due consideration I make the following certification:

All hourly, piecework, and salaried employees of Johnson Shoes, Inc., Manchester, New Hampshire, who became unemployed or underemployed after May 26, 1972 and before October 27, 1972 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 29th day of June 1973.

JOEL SEGALL, *Deputy Under Secretary for International Affairs.*

[FR Doc.73-14010 Filed 7-9-73;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON NOISE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, August 9, 1973, Friday, August 10, 1973, and Saturday August 11, 1973, starting at 9:00 a.m. each day in the Given Auditorium, Bixler Building, Colby College, Waterville, Maine.

The agenda provides for discussion of Working Draft II with a view towards making recommendations on the final draft of a revised occupational safety and health standard on noise.

The meeting shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary by August 1, 1973. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, no later than August 1, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

Communications should be addressed as follows:

Executive Secretary
Standards Advisory Committee on Noise, OSHA-OSMC
Railway Labor Building—Room 509
U.S. Department of Labor
Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of July 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-14011 Filed 7-9-73;8:45 am]

CONSTRUCTION SAFETY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Construction Safety Advisory Committee, established under section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656), will meet on Wednesday, July 25, 1973, starting at 9 a.m. in Room 216 A, B, C, and D, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. The meeting shall be open to the public.

The Committee will continue its consideration of proposed amendments to 29 CFR 1926.602(a)(5) and (8) that require the installation of fenders on pneumatic-tired earthmoving haulage equipment. The Committee will also continue its consideration of the proposed amendments to the standards for tunnels and shafts (subpart S, 29 CFR 1926.800) and proposed standards for personnel and material chimney hoists. Copies of the draft papers are available for inspection and copying in the Executive Secretary's office at the address given below.

Written comments in addition to those already submitted to the Committee in response to a previous notice (38 FR 14991, June 7, 1973) may be submitted to to the Executive Secretary not later than July 17, 1973.

No opportunity for oral comments will be provided in the scheduled meeting. Such an opportunity was provided in the Committee's June 19 meeting on these subjects.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committee, OSHA-OSMC
Railway Labor Building—Room 509
U.S. Department of Labor
Washington, D.C. 20210

Signed at Washington, DC. this 6th day of July, 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-14188 Filed 7-9-73;11:35 am]

STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on the following dates: Thursday, July 12, 1973 and Friday, July 13, 1973; Thursday, July 19, 1973, and Friday, July 20, 1973; and Wednesday, July 25, 1973, and Thursday, July 26, 1973. All of the above listed meetings will be held in Hearing Room B, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, D.C. and starting time on each of these dates will be 9:00 a.m.

The Committee will hear from witnesses invited by the Occupational Safety and Health Administration at the request of the Committee to make oral presentations concerning their knowledge of carcinogens.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary up to the close of business on July 25, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

Oral comments from persons other than the invited witnesses may be made to the extent that the committee permits. Persons wishing to make oral comments should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary as soon as is practical before the beginning of the first day of each two-day meeting. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentation will be allowed, and, if so, under what conditions.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive Secretary
Standards Advisory Committees, OSHA-OSMC
Railway Labor Building, Room 509
U.S. Department of Labor
Washington, D.C. 20210

Signed at Washington, D.C. this 9th day of July 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-14214 Filed 7-9-73;12:12 pm]

INTERSTATE COMMERCE COMMISSION

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Car Distribution Direction Amendment

Amdt. No. 1 to Car Distribution Direction No. 93 under Rev. S. O. No. 1002.

TO: Atlanta and West Point Railroad Company Carolina, Clinchfield and Ohio Railway Georgia Rail Road & Banking Company, Louisville and Nashville Railroad Company, Seaboard Coast Line Railroad Company and the Western Railway of Alabama.

Upon further consideration of Car Distribution Direction No. 93 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 93 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This direction shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 27, 1973.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-13990 Filed 7-9-73;8:45 am]

[Notice No. 292]

ASSIGNMENT OF HEARINGS

JULY 5, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB-1 Sub 11, Chicago & North Western Transportation Company Abandonment between Hayfield and Austin, In Dodge and Mower Counties Minnesota, now assigned July 12, 1973, at Austin, Minn., is postponed indefinitely.

AB-1 Sub 9, Chicago and North Western Transportation Company Abandonment Between Wren, Iowa, and Iroquois, South Dakota, in Sioux and Plymouth Counties, Iowa, and Union, Lincoln, Turner, McCook, Miner and Kingsbury Counties, South Dakota, now assigned continued hearings on July 17, 1973, at Salem, S. Dak., July 18, 1973, at Hawarden, Iowa, and July 19, 1973, at Beresford, S. Dak., all hearings postponed indefinitely.

AB-5 Sub 138, George P. Baker, Richard C. Bond, and Jervis Langdon, JR., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Operations Portion Fort Wayne Branch Between Lynn and Ridgeville, Randolph County, Indiana, AB-5 Sub 139, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Operations Portion Ridgeville, Secondary Track Between Portland and Monroe, Jay Adams Counties, Indiana, now assigned July 25, 1973, at Portland, Ind., is postponed indefinitely.

AB-1 Sub 6, Chicago and North Western Transportation Company Abandonment Between Tekamah and Lyons, Bert County, Nebraska, now assigned July 30, 1973, at Omaha, Nebr., is postponed indefinitely.

MC-138991 Sub 1, Southeastern Tank Lines, Inc., application is dismissed.

I&S-M-26629, Classification Ratings on Collapsible Metal Tubes, Nationwide, now assigned July 18, 1973, at Washington, D.C., is postponed to August 23, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8051, Larry M. Hays, DBA Larry Hays Trucking Company—Investigation and revocation of certificates—, now assigned September 6, 1973, at Oklahoma City, Okla., is cancelled.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-13988 Filed 7-9-73;8:45 am]

[Exemption No. 45; Ex Parte No. 241]

NORFOLK AND WESTERN RAILWAY CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

To: Norfolk and Western Railway Company and Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees.

It appearing, That the Norfolk and Western Railway Company (N&W) and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387, issued by W. J. Trezise, or successive issues thereof, or having mechanical designations "GA", "GD", "GE", "GH", "GRA", "GS", "GT", and "GW" which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and the PC without regard to the requirements of Car Service Rules 1 and 2.

N&W	Reporting Marks: PC	
NKP	B&A	PCA
P&WV	BWC	PCE
VGN	CASO	P&E
WAB	NH	PRR
	NYC	TOC

Effective July 1, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., June 29, 1973.

INTERSTATE COMMERCE COMMISSION, [SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-13989 Filed 7-9-73;8:45 am]

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[Rev. S.O. No. 974; ICC Order No. 88, Amdt. No. 2]

PENN CENTRAL TRANSPORTATION CO. ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 26, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13991 Filed 7-9-73;8:45 am]

[Rev. S.O. No. 994; ICC Order No. 101, Amdt. No. 1]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 101 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 101 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 28, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-13991 Filed 7-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1596]

PUBLIC UTILITIES; MULTIPLE DIRECTORSHIPS

Notice of Applications

JULY 3, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Docket No.	Name of Applicant	Date Filed	Name of Company
1596	Russell W. Britt	5/29/73	Wisconsin Electric Power Company Wisconsin Michigan Power Company
1614	William H. Dieckhaner	5/18/73	The Cincinnati Gas & Electric Company The Union Light, Heat and Power Company Miami Power Corporation
1690	Alice Dee Blanes	6/13/73	Connecticut Valley Electric Company, Incorporated
1697	Herman M. Dieckamp	5/23/73	Jersey Central Power and Light Company Metropolitan Edison Company New Jersey Power and Light Company Pennsylvania Electric Company

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13916 Filed 7-9-73;8:45 am]

[Docket No. CI73-900]

ADOBE OIL CO.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, Adobe Oil Company (Applicant), 601 Gihls Tower East, Midland, Texas 79701, filed in Docket No. CI73-900 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from the Rock Tank (Morrow) Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it will have commenced the sale of natural gas by June 20, 1973, within the contemplation of §157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 8,000 Mcf of gas per day at 54.25 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protest and petitions to intervene. Therefore,

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13913 Filed 7-9-73;8:45 am]

[Docket No. E-8286]

ALCOA GENERATING CORP.

Notice of Amendment of Agreement

JULY 3, 1973.

Take notice that Alcoa Generating Corporation (Alcoa) on June 21, 1973, tendered for filing, proposed changes to Alcoa-Supplement No. 4 to Rate Schedule FPC No. 1. The proposal requests the changes be retroactively effective as of April 9, 1973.

Alcoa states that the proposal will extend the life of Supplement No. 4 of Rate Schedule FPC No. 1 from its prior expiration date of April 13, 1973, to run concurrently with the life of Alcoa-Rate Schedule FPC No. 2. The latter agreement is terminable at the will of any of the parties to it.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13941 Filed 7-9-73;8:45 am]

[Docket No. CI73-758]

BASIN PETROLEUM CORP.

Order Setting Matter for Hearing, Permitting Intervention, Prescribing Procedures and Fixing Date of Hearing

JUNE 26, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the National Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. sections 717c, 717d, 717f, 717g, 717l, and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of a reliable and adequate service as present natural gas supplies and capacities will permit.

Basin Petroleum Corporation (Basin) has filed, in the above-entitled Docket No. CI73-758, an application, pursuant to section 7(c) of the Natural Gas Act and Order No. 431 in Docket No. 418, for a limited-term certificate of public convenience and necessity with pregranted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Texas Eastern Transmission Corporation (Texas Eastern).

The limited-term certificate application provides that Basin sell approximately 5,000 Mcf per day for a term of six (6) months. The contractually agreed rate is 50.0¢ at 15.025 psia, subject to upward Btu adjustment from a base of 1000 Btu's.

In Order 431, the Commission amended part 2, subchapter A, General Rules, chapter I, title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389-A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need . . .

Paragraph 12 of R-389-A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumer nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Pursuant to the notice of the instant application, Texas Eastern and Algonquin Gas Transmission Company (Algonquin) filed petitions to intervene.

The Commission finds: (1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit Texas Eastern and Algonquin, which filed timely petitions, to intervene in this proceeding.

The Commission orders: (A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI73-758 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing, July 26, 1973, at 10:00 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Texas Eastern Transmission Corporation and Algonquin Gas Transmission are hereby permitted to become intervenors, subject to the Rules and Regulations of the Commission: *Provided, however*, That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the supporting intervenors shall, on or before July 10, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13928 Filed 7-9-73;8:45 am]

[Docket No. RI73-316]

BELCO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 28, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds.

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until

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date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73-316	Belco Petroleum Corp.	6	[1] 16	El Paso Natural Gas Company (Big Piney Field, Sublette and Lincoln Counties, Wyoming, Uinta—Green River Basin)	----------	5-29-73	6-29-73	Accepted [4]	27.2025	----------	RI73-171
		----------	17		$7,858	5-29-73	6-29-73	Accepted [4 5] 11-29-73 [7]	[3] 20.6538	[3 6] 27.2025	
		----------	18		559	5-29-73	6-29-73	Accepted [4 5] 11-29-73 [7]	[3] 23.908	[3 6] 27.2025	
		11	18		----------	5-29-73	6-29-73	Accepted [4]	----------	----------	
		13	16		----------	5-29-73	6-29-73	Accepted [4]	----------	----------	

[1] Unless otherwise stated, the pressure base is 15.025 psia.
[2] Contract agreement dated 12-26-72.
[3] Includes 1.0c per Mcf for delivery into an 860 lb. gathering system.
[4] Effective rate under Belco's Rate Schedule No. 11.
[5] Increase to contract rate under Belco's Rate Schedule No. 6.
[6] Effective rate under Belco's Rate Schedule No. 13.
[4] Accepted insofar as proposed rate does not exceed area ceiling rate established in Opinion No. 658.
[7] Date suspended until for portion of rate exceeding area ceiling rate in Opinion No. 658.
[5] Accepted to be effective as of the date shown in the "Effective Date" column.

By agreement dated December 26, 1972, between Belco Petroleum Corporation and El Paso Natural Gas Company, (Buyer), Belco proposes to cancel its FPC Gas Rate Schedule Nos. 11 and 13 and dedicate the acreage previously covered thereunder to its FPC Gas Rate Schedule No. 6 in addition to that previously dedicated under the latter rate schedule.

Belco also filed proposed rate increases with regard to sales previously made under FPC Gas Rate Schedule Nos. 11 and 13 to the 27.2025¢ per Mcf contract price under its FPC Gas Rate Schedule No. 6. The 27.2025¢ rate for sales currently being made under Belco's FPC Gas Rate Schedule No. 6 became effective subject to refund under Docket No. RI73-171 on June 1, 1973. Belco requests waiver of notice so that the instant increases can also become effective on the same date. Good cause has not been shown for granting such request and it is denied.

Since the current rates are below the area ceiling rate established in Opinion No. 658 and the proposed rates exceed that area ceiling rate as well as the rate limit for one day suspensions, that part exceeding the ceiling rate is suspended for five months and that part not exceeding ceiling rate is accepted.

FPC Gas Rate Schedule Nos. 11 and 13 are canceled, and all sales thereunder are deemed covered under FPC Gas Rate Schedule No. 6.

Belco's proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Nothing contained in this order shall relieve the respondent of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-13778 Filed 7-9-73;8:45 am]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

Notice of Issuance of Annual License

JUNE 18, 1973.

On February 10, 1969, Consolidated Water Power Company, Licensee for Stevens Point Project No. 2110 located in Portage County, Wisconsin, on the Wisconsin River filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 2110 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Consolidated Water Power Company for continued operation and maintenance of Project No. 2110.

Take notice that an annual license is issued to Consolidated Water Power Company (Licensee) under Section 15 of the Federal Power Act for the period of July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stevens Point Project No. 2110, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13934 Filed 7-9-73;8:45 am]

[Docket No. E-7769]

DELMARVA POWER AND LIGHT CO.

Notice of Extension of Time

JULY 3, 1973.

On June 21, 1973, Staff Counsel filed a motion for an extension of the service dates fixed by the order issued March 2, 1973 in the above-designated matter. The motion states that Delmarva, the City of Seafood, Delaware, and Accomack-Northampton Electric Cooperative, et al. have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff Service Date, July 6, 1973
Interveners' Service Date, July 20, 1973

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13918 Filed 7-9-73;8:45 am]

[Docket No. CP73-330]

DISTRIGAS CORP.

Notice of Application

JULY 2, 1973.

Take notice that on June 14, 1973, Distrigas Corporation (Applicant), 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP73-330 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of liquefied natural gas (LNG) in interstate commerce from Applicant's Everett, Massachusetts, deepwater terminal to 4 gas distribution companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 2.2 billion Btu equivalent of LNG imported from Algeria, as authorized by the Commission in Opinion No. 613, issued March 9, 1972, in Docket No. CP70-196, to The Brooklyn Union Gas Company over a period of 4 months commencing on July 1, 1973, at a rate of $1.052 per million Btu. Applicant also proposes to sell approximately 1.9 billion Btu equivalent of LNG from Algeria, upon receipt of import authorization in Docket No. CP73-78, to The Brooklyn Union Gas Company, Providence Gas Company, Southern Connecticut Gas Company, and Valley Gas Company over a 2-year period commencing July 1, 1973, at a rate of $1.014 per million Btu for LNG delivered in the summer months and $1.614 per million Btu for LNG delivered in the winter months. An additional charge is proposed for vaporization or barge delivery.

The stated purpose of the proposed sales is to meet the immediate needs of Applicant's customers for supplemental peak shaving supplies during the proposed period.

Deliveries to The Brooklyn Union Gas Company will be accomplished by cryogenic barge during the summer of 1973; to Providence Gas Company in vapor form by displacement, through the facilities of Algonquin Pipeline Company and Boston Gas Company during the winter heating season 1973–1974, and by cryogenic barge during the remainder of the term through 1975; and to Southern Connecticut Gas Company and Valley Gas Company by truck. Deliveries by truck will be FOB, the Everett terminal. Southern Connecticut Gas Company and Valley Gas Company will arrange for truck transportation from Everett to their own facilities at Milford, Connecticut, and Cumberland, Rhode Island, respectively. The delivery points by barge will be Green Point, Brooklyn, New York and Providence, Rhode Island. Applicant states that no certificate authority is requested respecting the barge deliveries since the Commission ruled in Docket No. R-377 on May 4, 1973, that it does not have jurisdiction over barge transportation of LNG. However, Applicant expresses its willingness to accept the certificate herein requested conditioned subject to the outcome of any application for rehearing or appeals from that May 4 order.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13932 Filed 7-9-73;8:45 am]

[Docket No. RP73-109]

EL PASO NATURAL GAS CO.

Order Accepting for Filing, and Suspending, Proposed Increased Rates, and Providing for Hearing Procedures

JUNE 22, 1973.

El Paso Natural Gas Company (El Paso) on May 25, 1973, tendered for filing Twelfth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 3. The filing constitutes a proposed change in rates for natural gas service rendered by El Paso's Northwest Division. The proposed effective date of the increased rates is June 25, 1973.

El Paso maintains that the principal reason for the filing is to compensate it for increases in all items of cost, including increased costs of capital, labor, materials, supplies, and taxes. El Paso seeks a current overall rate of return of 9.15 percent. The company states that its current Northwest Division System jurisdictional rates, which became effective subject to refund as of April 1, 1973, are deficient by some $3,427,112 annually, based on a test year ended January 31, 1972, as adjusted for known and measurable changes through October 31, 1973.

The filing was noticed June 8, 1973, with protests and petitions to intervene due on or before June 18, 1973.

Our review of the subject rate filing indicates that the proposed rates have not been shown to be just and reasonable, and that they may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The proposed increase raises issues which may require development in a public hearing.

The Commission finds: (1) El Paso's above listed revised tariff sheet should be accepted for filing as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC Gas Tariff, proposed to be amended in this docket and that the revised sheet be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders: (A) El Paso's above mentioned tariff sheets are accepted for filing and suspended for the full statutory period of five months until November 25, 1973, or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act (particularly sections 4 and 5 thereof) the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held, commencing with a prehearing conference on November 29, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in El Paso's above mentioned proposed tariffs.

(C) At the prehearing conference on November 29, 1973, El Paso's prepared testimony (Statement P) together with its entire rate filing shall be submitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the intent and purpose of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure.

(D) On or before November 15, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before December 12, 1973. Any rebuttal evidence by El Paso shall be served on or before December 21, 1973. The public hearing herein ordered shall convene on January 8, 1974, at 10:00 a.m., e.s.t.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-13929 Filed 7-9-73;8:45 am]

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[Docket No. CI73-886]

EMERALD PRODUCING CORP., ET AL.

Notice of Application

JULY 3, 1973.

Take notice that on June 13, 1973, Emerald Producing Corporation (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI73-886 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company from the Diamond Field, Plaquemines Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 37,500 Mcf of gas per month for one year at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13910 Filed 7-9-73;8:45 am]

[Docket No. CP73-343]

GULF ENERGY & DEVELOPMENT CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 22, 1973, Gulf Energy & Development Corporation (Applicant), 508 Broadway National Bank Building, 1177 N. E. Loop 410, San Antonio, Texas 78209, filed in Docket No. CP73-343 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from a point in Zapata County, Texas, to a point in Starr County, Texas, for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the gathering and transportation of natural gas on May 10, 1973, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and proposes to continue said service, for the period in which United's gas purchase contracts for such gas with Pennzoil Producing Company and others are in effect, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It is stated that Applicant will gather and transport gas from the Haynes Estate Lease, Zapata County, Texas, to a point of interconnection between Applicant's facilities and Tennessee Gas Pipeline Company's (Tennessee) pipeline in Starr County, Texas. Tennessee will receive such gas for United and deliver equivalent volumes to United in St. Mary Parish, Louisiana. Applicant proposes to gather and transport approximately 6,000 Mcf of gas per day at 5.42 cents per Mcf at 14.65 psia, subject to a Btu adjustment of 45.0 cents per million Btu for the heat content variance between the gas delivered to Applicant and that received by Tennessee.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13917 Filed 7-9-73;8:45 am]

[Docket No. CI73-716]

GULF OIL CORP.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 29, 1973.

On April 26, 1973, Gulf Oil Corporation (Gulf) filed an application in Docket No. CP73-716 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Transwestern Pipeline Company (Transwestern) from Gulf's interest in the Burton Flats Well Nos. 1, 2 and 3 located in Eddy County, New Mexico (Permian Basin).

Specifically, Gulf proposes to sell approximately 300,000 Mcf of gas per month to Transwestern for twenty-two months pursuant to a letter agreement dated February 6, 1973. The proposed rate of 52¢ per million Btu for the first ten months and 54¢ per million Btu for the last twelve months exceeds the current ceiling price of 27¢ per Mcf for the area.

A timely petition to intervene in support of the application was filed by Transwestern on May 17, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The commission finds: (1) The intervention of Transwestern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) Transwestern is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 6, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Gulf in the application filed April 26, 1973.

(C) On or before July 16, 1973, Gulf and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13927 Filed 7-9-73;8:45 am]

[Docket Nos. RI71-961, RI71-962, RI71-1036, RI71-1037]

GULF OIL CORP. AND WARREN PETROLEUM CO.

Notice of Motion To Terminate Suspension Proceedings Pursuant to Commission's Opinion No. 639

JUNE 29, 1973.

Take notice that on June 11, 1973, Gulf Oil Corporation and Warren Petroleum Company filed a motion to terminate the above-entitled suspension proceedings which involve sales of gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., from the Texas Gulf Coast area under Gulf's FPC Gas Rate Schedule No. 28 and Warren's FPC Gas Rate Schedule No. 49 at rates not in excess of the new gas ceiling prescribed in Opinion No. 595. The motion filed by Gulf and Warren is based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639 issued December 12, 1972.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13938 Filed 7-9-73;8:45 am]

[Docket Nos. E-8243, E-8244, E-8245]

HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Purchase Agreement and Rate Schedule; Correction

JULY 2, 1973.

The notice issued June 13, 1973, for the Hartford Electric Light Company (HELCO) Docket No. E-8243, et al., appearing at 38 FR 16271, June 21, 1973, includes Docket Nos. E-8244 and E-8245.

In the notice issued June 13, 1973, two of the three proposed effective dates of HELCO's customer contracts, FPC Docket Nos. E-8243, E-8244, and E-8245 were incorrectly stated. Concerning the purchase agreement contracts with respect to Middletown Unit No. 4, the correct proposed effective dates are as follows:

United Illuminating Company, Docket No. E-8243—correct as originally stated.

Public Service Company of New Hampshire, Docket No. E-8244—HELCO states that the rate schedule is proposed to become effective at 11:59 on the last day of the month in which the Middletown Unit No. 4 is declared to be in commercial operation, which is expected to be June 30, 1973.

Vermont Electric Power Company, Docket No. E-8245—HELCO states that the rate schedule is proposed to become effective at 11:59 on the last day of the month in which the Middletown Unit No. 4 is declared to be in commercial operation, which is expected to be June 30, 1973.

Any person desiring to be heard or to protest Docket Nos. E-8243, E-8244, or E-8245 should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13934 Filed 7-9-73;8:45 am]

[Docket No. CI73-899]

H. L. HUNT, ET AL.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, H. L. Hunt (Operator), et al. (Applicant), 1401 Elm Street, Dallas, Texas 75202, filed in Docket No. CI73-899 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Grosse Isle Field, Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of gas on June 12, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue such sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 4,000 Mcf of gas per day at 50.0 cents per Mcf of gas at 15.025 psia, subject to upward and downward Btu adjustment. Estimated monthly sales are 124,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the

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public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13915 Filed 7-9-73;8:45 am]

[Docket No. CI73-66]

KERR-McGEE CORP.

Notice of Amendment to Application

JULY 3, 1973.

Take notice that on June 22, 1973, Kerr-McGee Corporation (Kerr-McGee) Kerr-McGee Building, Oklahoma City, Oklahoma 73102, filed in Docket No. CI73-66 an amendment to its pending application in said docket pursuant to section 7(c) of the Natural Gas Act by deleting therefrom and adding thereto requests for authorization to sell natural gas from certain acreage in the S. E. Buffalo Wallow Area, Hemphill and Wheeler Counties, Texas, to El Paso Natural Gas Company (El Paso), all as more fully set forth in the amendment to the application which is on file with the Commission and open to public inspection.

On July 26, 1972, Kerr-McGee filed an application in the subject docket for a certificate of public convenience and necessity authorizing the sale of natural gas from certain acreage in the SE. Buffalo Wallow Area and on October 30, 1972, was issued a temporary certificate for such sale. On March 29, 1973, Kerr-McGee filed a notice of withdrawal of its application in the subject docket and filed an application for a certificate in Docket No. CI73-653 authorizing the subject sale under the Commission's optional gas pricing procedure (18 CFR 2.75). On April 27, 1973, the Commission denied Kerr-McGee permission to withdraw its application with respect to the sale of gas from its Holt No. 1 Well.

Kerr-McGee states that inasmuch as it requested reconsideration of the Commission's order denying in part permission to withdraw its application and that said motion now appears to be denied since no action was taken thereon during the 30-day period following filing, Kerr-McGee has reconsidered its position and has filed concurrently with this amendment a notice of withdrawal of its optional gas pricing certificate application in Docket No. CI73-653.

Kerr-McGee seeks authorization herein for the sale of natural gas from the S. E. Buffalo Wallow Field from certain additional acreage and deletes certain properties from the originally proposed sale pursuant to an amendment dated April 3, 1973. Kerr-McGee states that the deletion results from a determination that certain properties described in Exhibit "A" to the July 19, 1972, basic contract are subject to prior contractual commitment and, therefore, were erroneously included.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it, in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13914 Filed 7-9-73;8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

JULY 2, 1973.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on June 21, 1973, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1, consisting of the following revised tariff sheet:

Fourth Revised Sheet No. 3a

Mid Louisiana states that purpose of the filing is to reflect a Purchased Gas Cost Adjustment to Mid Louisiana's E-1 rate effective July 1, 1973.

Sections 19.7 and 19.10 of Mid Louisiana's Tariff (PGA Clause—Rate Schedule E-1) provide that current adjustments to rate schedule E-1 shall be determined by the change in the unit cost of gas purchased from United Gas Pipe Line Company (United) and filed with an effective date which coincides with the effective date of the change by United. Mid Louisiana states that this filing is being made pursuant to these tariff provisions.

Mid Louisiana asserts that copies of this filing were served on interested customers and state commissions.

Any persons desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13942 Filed 7-9-73;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Accepting and Suspending Proposed Tariff Sheets, Providing for Hearing and Granting Interventions

JUNE 29, 1973.

On May 31, 1973, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in FPC Gas Tariff as follows:

Third Revised Volume No. 1
Tenth Revised Sheet No. 5
Third Revised Sheet No. 119
Second Revised Sheet No. 120-A
Second Revised Volume No. 2
Sixth Revised Sheet No. 220

The proposed increase in rates provide for an increase of $61,600,000 in jurisdictional revenues over the rates currently in effect subject to refund in Docket No. RP72-132 and an increase of $63,900,000 over proposed settlement rates in that docket.[1] The proposed increase in revenues is based on a test year ended February 28, 1973, as adjusted.

Natural states that the principal reason for its proposed rate increase is to recover the costs incurred above those included in its filing in Docket No. RP 72-132. In support of its proposed increase, Natural requests an overall rate of return of 9.14 percent which would permit a return on equity of 13 percent, and an increased depreciation rate from 3.5 percent to 4.28 percent.

Approximately $6.7 million of the proposed increase relates to Natural's pending petition for a Commission order in Docket No. RP73-63 under which it is proposed to price gas produced from leases acquired prior to October 7, 1970, at the applicable area rates instead of at the cost of service basis at which such gas is now priced. Natural states that in the event the filing at Docket No. RP73-63 has not been approved by December 1, 1973, the company will file alternate tariff sheets designed to eliminate the effect of methods proposed in that proceeding. Waiver of the Commission's regulations, to the extent necessary to permit this procedure, is requested.

Natural has also included approximately $14.3 million of facility costs in its rate base which were not certified at the time of filing, and therefore, requests waiver of § 154.63(c)(2)(ii) of the regulations to permit inclusion of such costs. Authorization for facilities in Docket Nos. CP73-217, CP73-222 and CP73-276 is still pending. In the event these facilities are not certified and placed in service prior to December 1, 1973, Natural shall file revised tariff sheets adjusting its rates to reflect elimination of such facilities and shall also file supplemental cost and revenue data which reflects the elimination of these non-certificated facilities from its section 4(e) application in these proceedings.

[1] Both the refund rates and proposed settlement rates include a Purchased Gas Adjustment filed to become effective June 1, 1973.

The filing was noticed on June 4, 1973, with letters of protest and petitions to intervene due on or before June 19, 1973. The following parties filed timely petitions to intervene or notices of intervention:

Iowa State Commerce Commission
City of Chicago
Illinois Power Company
Iowa Southern Utilities Company
Iowa Electric Light and Power Company
Iowa Power and Light Company
Mississippi River Transmission Corporation
North Central Public Service Company
Peoples Gas Light and Coke Company
North Shore Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company
United Cities Gas Company
Northern Illinois Gas Company
Associated Natural Gas Company

Our review of the filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increase in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period.

The Commission finds: (1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Natural's FPC Gas Tariff as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above named persons in this proceeding may be in the public interest.

(5) The requested waiver of § 154.63 (e)(2)(ii) of the regulations should be granted as conditioned below.

The Commission orders: (A) Natural's tariff sheets as filed May 31, 1973, are accepted for filing as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly section 4 and 5 thereof, the Commission's rules of practice and procedure and the regulation under the Natural Gas Act (18 CFR Chapter I), a public hearing shall be held commencing with a prehearing conference on November 6, 1973, at 10:00 a.m. (est), in a hearing room of the Federal Power Commission, 825 N. Capitol St., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classification, and service contained in Natural's FPC Gas Tariff, is proposed to be amended.

(C) At the prehearing conference on November 6, 1973, Natural's prepared testimony (Statement P) together with its entire rate filing shall be offered for admission to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceedings.

(D) On or before October 26, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 15, 1973. Any rebuttal evidence by Natural shall be served on or before November 29, 1973. Cross examination on the evidence filed with commence December 11, 1973.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending such hearing and decision thereon Natural's proposed revised tariff sheets are hereby suspended and the use thereof is deferred until December 1, 1973, and until such time as they are made effective in the manner provided in the Natural Gas Act: *Provided*, That if approval in Docket No. RP73-63 has not been granted by December 1, 1973, Natural must file appropriate substitute rates to reflect the continuation of the cost of service basis for pricing gas, and appropriate rates reflecting only those facilities subject of Docket Nos. CP73-217, CP73-222, CP73-276 certified and in service on or before December 1, 1973.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognitions that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(H) Waiver of § 154.63 (e)(2)(ii) of our regulations is hereby granted.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13933 Filed 7-9-73;8:45 am]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 2, 1973.

Take notice that Northern Natural Gas Company on May 29, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2. The changes are incorporated in the following proposed revised tariff sheets:

Original Volume No. 2

Fifth Revised Sheet No. 1a Table of Contents
First Revised Sheet No. 369 Notice of Cancellation X-27
Original Sheet Nos. 509-521 Rate Schedule X-35
Original Sheet Nos. 522-532 Rate Schedule X-36

Third Revised Volume No. 1

Eighth Revised Sheet No. 3 Table of Contents

The filing is described in the company's transmittal letter as follows:

Fifth Revised Sheet No. 1a and Eighth Revised Sheet No. 3 contain revisions to the Table of Contents for Volumes 1 and 2 of Northern's Tariff to reflect the addition of Rate Schedules X-35 (Permian Area Service) and X-36 (Dumas Area Service) and the Cancellation of Rate Schedule X-27.

Rate Schedules X-35 and X-36 supersede and cancel Northern's currently effective Rate Schedule X-27 on file with the Federal Power Commission.

Original Sheet Nos. 509 through 521 contain Northern's Rate Schedule X-35. This Schedule consists of a true and complete copy of a Sales Agreement dated April 1, 1973 between Northern and Pioneer Natural Gas Company (Pioneer). This Agreement provides for the continuation of service as now provided in the "Permian Area" under Rate Schedule X-27 for a term of five years and thereafter until cancelled by either party on six months prior written notice.

This Agreement provides for the sale to Pioneer of a maximum daily "Firm" volume of 3,500 Mcf per day. During the period between April 1 and October 1 of each year, Northern will deliver up to 25,000 Mcf per day inclusive of the 3,500 Mcf of firm gas. Northern is not obligated to deliver an annual volume in excess of 2,500,000 Mcf.

The proposed effective date of Rate Schedules X-35 and X-36 and related tariff sheets is June 1, 1973. Pursuant to 18 CFR 154.51 of the Commission's Regulations, Northern respectfully requests the Commission to waive the notice requirements of 18 CFR 154.22 to permit the requested effective date.

Pioneer shall pay Northern twenty-nine and one-half cents (29.5¢) per Mcf for gas sold and delivered under Rate Schedule X-35 and X-36 which is the currently effective rate under Rate Schedule X-27.

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Northern states that a copy of this filing has been mailed to Pioneer Natural Gas Company and that a copy of this filing is also available for public inspection in a convenient form and place at Northern's office in Omaha, Nebraska.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13931 Filed 7-9-73;8:45 am]

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Tariff Changes, Providing for Hearing, and Establishing Procedures

ISSUED JUNE 28, 1973

On May 15, 1973, Panhandle Eastern Pipe Line Company tendered for filing in Docket No. RP73-108 a proposed general increase in its rates for jurisdictional natural gas service amounting to $36,887,332 annually based on a test year ending January 31, 1973, as adjusted. The proposed rate increase is incorporated in Seventh Revised Sheet No. 3-A, and Second Revised Sheet Nos. 43-2, 43-3, and 43-4 to Panhandle's FPC Gas Tariff, Original Volume No. 1. Panhandle requests the proposed rate increase be permitted to become effective on July 1, 1973.

Panhandle states the principal reasons for the proposed rate increase are (1) increased costs associated with new gas supply facilities, (2) increased operating costs, (3) the need for higher depreciation rates, and (4) increased costs of capital and taxes.

Notice of Panhandle's filing was issued on May 23, 1973, providing for protests or petitions to intervene to be filed on or before June 15, 1973. Any action required in connection with comments filed in response to the notice will be taken by separate order.

Our review of Panhandle's rate increase filing indicates the issues raised therein require development in an evidentiary hearing. The proposed rates have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, the proposed increase in rates will be suspended for the full statutory period of five months and set for hearing.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Panhandle's FPC Gas Tariff, as proposed to be amended in this docket, and that the revised tariff sheets filed herein be suspended, and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, and the Commission's rules and regulations a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in Panhandle's FPC Gas Tariff, as proposed to be amended herein, commencing with a prehearing conference to be held on November 20, 1973.

(B) Pending such hearing and decision thereon, Panhandle's revised tariff sheets as hereinbefore designated are suspended and the use thereof deferred until December 1, 1973, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the prehearing conference on November 20, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before November 13, 1973, the Commission's staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of other parties shall be served on or before December 4, 1973. Any rebuttal evidence by Panhandle shall be served on or before December 21, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on January 7, 1974, in a hearing room of the Federal Power Commission.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Natural Gas Act, the Commission's rules and regulations, are the terms of this order.

Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13930 Filed 7-9-73;8:45 am]

[Docket No. CI72-681]

PENNZOIL CO.

Notice of Petition To Amend

JULY 3, 1973.

Take notice that on June 22, 1973, Pennzoil Company (Petitioner), 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI72-681 a petition to amend the Commission's order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the sale for resale and delivery of natural gas in interstate commerce for one additional year to Texas Eastern Transmission Corporation from the Kildare Field Area, Cass County, Texas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order of May 26, 1972, in said docket, Petitioner's predecessor in interest, Pennzoil United, Inc., was authorized to sell approximately 75,000 Mcf of gas per month at 35.0 cents per Mcf at 14.65 psia for one year expiring on June 5, 1973. Petitioner states that it continued the sale of gas on June 6, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year after the expiration of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Petitioner proposes to sell the same volumes of gas at the same rate as that previously authorized in said docket.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13911 Filed 7-9-73;8:45 am]

[Docket No. CP73-338]

PROVIDENCE GAS CO.

Notice of Application

JULY 2, 1973.

Take notice that on May 25, 1973, The Providence Gas Company (Applicant), 100 Weybosset Street, Providence, Rhode Island 02903, filed in Docket No. CP73-338 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States from Canada liquefied natural gas (LNG) purchased from Gaz Metropolitan, Inc., Montreal, P.Q., Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that between July 15, 1973, and September 15, 1973, it intends to purchase from Gaz Metropolitan, Inc., 1,375,032 U.S. gallons of LNG at 13.09 cents per U.S. gallon, equivalent to approximately 120 billion Btu at a price of $1.50 U.S. per million Btu. Deliveries will be made to Applicant on a monthly basis, with each monthly delivery equal to the total contracted quantity divided by the number of months in the delivery period deemed to commence when LNG is first delivered but not later than July 15, 1973. Applicant proposes to transport the LNG from Montreal to its LNG storage facilities at Exeter, Rhode Island, by contract motor carrier in cryogenic trailers.

Applicant states that it is required to import LNG as proposed in the instant application as a result of curtailments of deliveries by Algonquin Gas Transmission Company, Applicant's supplier of vaporous gas. Applicant states further that it expects a gas deficiency of 600 to 800 million Mcf during the winter season of 1973-74 without the proposed importation.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to the taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13944 Filed 7-9-73;8:45 am]

[Docket No. CI73-922]

SHENANDOAH OIL CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 25, 1973, Shenandoah Oil Corporation (Applicant), 1500 Commerce Building, Fort Worth, Texas 76102, filed in Docket No. CI73-922 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Cimarron County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 500 Mcf of gas per day for one year at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that it expects to sell approximately 15,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13912 Filed 7-9-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 2, 1973.

Take notice that South Georgia Natural Gas Company (South Georgia) on June 7, 1973, tendered for filing substitute revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 to become effective July 1, 1973. The tendered tariff sheets are in substitution for revised tariff sheets tendered on May 15, as modified on May 21, 1973. Pursuant to the Purchased Gas Adjustment Clause (PGA Clause) provision contained in its tariff, South Georgia proposes to increase its rates $114,397 for the purpose of tracking a rate increase filing by Southern Natural Gas Company (Southern) by letter dated June 1, 1973, which would increase South Georgia's cost of gas $257,789, annually.

While Southern's filing increases South Georgia's total purchased gas costs, demand and commodity levels are changed substantially, with a resulting decrease in costs allocated to jurisdictional sales.

Copies of the June 7, 1973, filing have been mailed to jurisdictional customers and to interested parties and State commissions.

Any person desiring to comment or to protest said application should file such comment or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.10). Any such comments or protests should be filed on or before July 11, 1973. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13939 Filed 7-9-73;8:45 am]

[Docket No. RP73-114]

TENNESSEE GAS PIPELINE CO.

Notice of Filing of Proposed Purchased Gas Adjustment Clause

JUNE 29, 1973.

Take notice that on June 15, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff to be effective on July 16, 1973, consisting of the following revised tariff sheets:

Original Sheet Nos. 12A, 12B, 213A, 213B, 213C and 213D
First Revised Sheet Nos. 32 and 213
Second Revised Sheet Nos. 50, 52, 53 and 58
Fourth Revised Sheet Nos. 54 and 59
Sixth Revised Sheet Nos. 14, 20, 26, 30, 33, 36, 41, 46, 51, 56 and 57

Tennessee states that the sole purpose of such revised tariff sheets is to include a purchased gas adjustment (PGA) provision in Tennessee's tariff applicable to its jurisdictional sales and to make necessary conforming changes in related tariff provisions. Tennessee further states that the proposed PGA is in full compliance with § 154.38(d)(4) of the Commission's regulations and that copies of the filing were served on all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

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are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13936 Filed 7-9-73;8:45 am]

[Project No. 20]

UTAH POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 29, 1973.

On June 26, 1970, Utah Power and Light Company, Licensee for Soda Project No. 20 located on the Bear River in Caribou County, Idaho, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Soda Project No. 20 was issued effective July 5, 1923, for a period ending July 4, 1973. The order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Soda Project No. 20.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee), under Section 15 of the Federal Power Act for the period July 5, 1973, to July 4, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Soda Project No. 20 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13937 Filed 7-9-73;8:45 am]

[Docket No. CI73-749]

WESTERN OIL PRODUCERS, INC.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 29, 1973.

On May 3, 1973, Western Oil Producers, Inc., (Western) filed an application in Docket No. CI73-749 for a limited term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's regulations under the Natural Gas Act, for the sale of gas to El Paso Natural Gas Company (El Paso) from the Osudo Morrow Field, Lea County, New Mexico (Permian Basin).

Specifically, Western and El Paso have entered into a letter agreement dated April 11, 1973, providing for delivery of an estimated 2,000 Mcf of gas per day from the subject Osudo Morrow Field at a price of 52.0 cents per Mcf at 14.65 psia subject to Btu adjustment. The justification for the rate, as well as other public interest issues should be presented on a full evidentiary record. Accordingly, we will set this matter for a formal expeditious hearing.

A timely petition to intervene in favor of the application was received from El Paso on May 23, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds: (1) The intervention of El Paso in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders: (A) El Paso is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 17, 1973 at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Western in its application filed herein on May 3, 1973.

(C) On or before July 9, 1973, Western and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff their testimony and exhibits in support of their positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13935 Filed 7-9-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT COMPANY

Order Accepting for Filing and Suspending Proposed Increase in Rates, Providing for Hearing, Establishing Procedures, and Permitting Interventions

Issued June 26, 1973

On April 27, 1973, Wisconsin Power and Light Company, a public utility subject to the jurisdiction of this Commission, tendered for filing a proposed increase in its wholesale electric rates. The increase totals $926,000 annually based on test year 1972. Wisconsin requests that the increased rates be permitted to become effective on July 1, 1973.

Notice of Wisconsin's rate increase application was issued on May 10, 1973, providing for protests or petitions to intervene to be filed on or before May 22, 1973. This date was extended to and including June 5, 1973, by notice of the Commission's Secretary issued on May 23, 1973. On May 23, 1973, the Municipal Wholesale Power Group, an unincorporated association of municipal electric customers of Wisconsin, petitioned to intervene herein, and requested that the proposed increase in rates be suspended for the maximum statutory period and set for hearing. On May 24, 1973, a joint protest and petition to intervene was filed by Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperate, Columbus Rural Electric Cooperative, Rock County Electric Cooperative, and Wanshara Electric Cooperative. The cooperatives also request that Wisconsin's proposed rate increase be suspended and set for hearing. On May 21, 1973, the City of Stoughton, Wisconsin filed a protest to the proposed increased rates, and stated its intention to intervene.

A review of Wisconsin's rate filing and the petitions to intervene indicates that the company's proposed rate increase should be accepted for filing and suspended, that the petitions to intervene should be granted, and that the issues raised by the pleadings should be resolved on the basis of an evidentiary hearing. Accordingly, the company's proposed rate increase will be suspended for a period of sixty days, and when placed into effect after the suspension period it will be subject to refund of all amounts found by the Commission after hearing not to be justified, together with interest on any amount refunded.

It appears that under Wisconsin's proposed fuel price adjustment clause, Wisconsin's own system fuel cost would be applied to power which it purchases. Such procedure is inconsistent with

Commission Opinion No. 633, "New England Power Company," Docket No. E-7541, issued October 30, 1972. Accordingly, this feature of the proposed fuel clause should be eliminated.

This Commission finds: (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Wisconsin Power and Light Company's proposed rate schedules W-2 and W-3, and that such rate schedules be suspended as herein provided.

(2) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of Wisconsin Power and Light Company's proposed rate schedules W-2 and W-3 commencing with a prehearing conference to be held on November 8, 1973.

(B) Pending such hearing and decision thereon, Wisconsin's proposed rate schedules W-2 and W-3 are hereby accepted for filing, suspended, and the use thereof deferred until September 1, 1973.

(C) At the prehearing conference on November 8, 1973, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before November 1, 1973, the Commission's staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of the intervenors shall be served on or before November 23, 1973. Any rebuttal evidence by Wisconsin shall be served on or before December 13, 1973. Cross-examination of the evidence filed shall commence at 10:00 A.M. on December 18, 1973, in a hearing room of the Federal Power Commission.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the petitions to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order issued by the Commission in this proceeding.

(F) Any future change in rates resulting from application of the tax clause of the proposed rate schedule W-2 shall be filed by Wisconsin as a change in rates pursuant to § 35.13 of the Commission's regulations under the Federal Power Act.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(H) Within 30 days from the date of this order, Wisconsin shall file an amendment to its fuel price adjustment clause in compliance with the requirements of Commission Opinion No. 633, as hereinbefore described.

(I) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-13940 Filed 7-9-73;8:45 am]

[Docket No. CI73-898]

BALLARD & CORDELL CORP.

Notice of Application

JULY 3, 1973.

Take notice that on June 18, 1973, The Ballard & Cordell Corporation (Applicant), Box 52151-Oil Center Station, Lafayette Louisiana 70501, filed in Docket No. CI73-898 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) from the Bonus Field Area, Wharton County, Texas all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized by the Commission's order of August 23, 1972, in Docket No. CI72-853 to sell gas to Texas Eastern for one year ending August 5, 1973, in volumes of up to 6,000 Mcf per day from said field at 35.0 cents per Mcf at 14.65 p.s.i.a. Applicant proposes to continue said sale for one year beginning August 5, 1973, within the contemplation of Section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas at 50.0 cents per Mcf at 14.65 p.s.i.a. Applicant estimates that monthly sales will total 90,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14017 Filed 7-9-73;8:45 am]

[Docket No. E-8282]

GULF STATES UTILITIES CO.

Notice of Application

JULY 5, 1973.

Take notice that on June 15, 1973, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $50,000,000 principal amount of First Mortgage Bonds.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's Regulations under the Federal Power Act. The Applicant proposes to invite bids on or about July 18, 1973, for the purchase of the new securities,

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The proceeds from the sale of the new securities will be used to pay off part of the Company's outstanding commercial paper and short-term bank loans previously authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14018 Filed 7-9-73;8:45 am]

[Dockets Nos. RI73-317, etc.]

RATE CHANGES

Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

JUNE 29, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf[4] Rate in effect	Cents per Mcf[4] Proposed increased rate	Rate in effect subject to refund in dockets No.
RI73-317	Getty Oil Company	193	1	Colorado Interstate Gas Co. (Antelope Field, Sweetwater County, Wyoming)	$18	6-4-73	8-5-73		[1] 23.16	[1] 23.162	
RI73-318	Midwest Oil Corporation	59	3	Transwestern Pipeline Co. (New Mexico State "C" No. 1 Chaves Co., New Mexico, Permian Basin)	159	6-4-73	8-5-73		[2] 26.75	[2] 27.0	RI72-253
RI73-319	Hunt Oil Company	72	2	El Paso Natural Gas Company (San Dunes (Penn) Fld, Eddy Co, New Mexico, Permian Basin)	131	6-4-70	12-2-73		27.0	30.0	
RI73-320	Mobil Oil Corporation	17	[3] 26	Northern Natural Gas Company (Blinebry & Tubb Fields, Lea Co, New Mexico, Permian Basin)		6-6-73	7-7-73	Accepted [5]	16.9170		RI73-225
			[7]		52,046	6-6-73		8-7-73	16.9170	[6] 20.8	RI73-225

[2] Unless otherwise stated, the pressure base is 14.65 psia.
[3] Subject to upward Btu adjustment.
[4] Subject to Btu adjustment.
[5] Amends pricing provisions for certain wells involved in recompletion and reworking program.
[6] Applicable to wells involved in recompletion and reworking program as set forth in Supp. No. 26.
[7] Not used.
[8] Accepted to be effective as of the date shown in the "Effective Date" column.

The proposed increases of Getty Oil Company, Midwest Oil Corporation and Mobil Oil Corporation do not exceed the rate limit for a one day suspension and, are, therefore, suspended for one day.

The proposed increase of Hunt Oil Company exceeds the rate limit for a one day suspension and is suspended for five months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970. (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-13867 Filed 7-9-73;8:45 am]

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 499 ..... Pub. L. 93–56 Commission on the Bankruptcy Laws of the United States, term extension (July 1, 1973; 87 Stat. 140)

H.J. Res. 636..... Pub. L. 93–52 Continuing appropriations, 1974 (July 1, 1973; 87 Stat. 130)

H.R. 8410.... ..... Pub. L. 93–53 Public debt limit, continuation of temporary increase (July 1, 1973; 87 Stat. 134)

H.R. 9055 .... Pub. L. 93–50 Second Supplemental Appropriations Act, 1973 (July 1, 1973; 87 Stat. 99) (H.R. 7447, Second Supplemental Appropriations Act, 1973 was vetoed. See below.)

S. 1201 ..... Pub. L. 93–54 Historic properties preservation program, extension (July 1, 1973; 87 Stat. 139)

S. 1386 ..... Pub. L. 93–51 Saline water conversion program, appropriation authorization (July 1, 1973; 87 Stat. 129)

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S. 1501..... Pub. L. 93–55 Water Resources Planning Act, appropriation authorization (July 1, 1973; 87 Stat. 140)

The President vetoed H.R. 7447, Second Supplemental Appropriations Act, 1973. Message dated June 27, 1973; Weekly Compilation of Presidential Documents, Vol. 9, No. 26.

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Definition of "Security"

The purpose of this amendment is to redefine "securities" in the freeze regulations.

In the Special Freeze Group Questions and Answers No. 13, of June 29, 1973, it was explained that financial or net leases as defined in section 163(d)(4)(a) of the Internal Revenue Code have characteristics sufficiently similar to a security so that they, like securities, are exempt.

In order to make this clarification explicit in the regulations, the definition of "Security" in § 140.2 of the Cost of Living Council's freeze regulations is amended to include financial or net leases as defined in section 163(d)(4)(a) of the Internal Revenue Code.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the current price freeze, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 92-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

In consideration of the foregoing, Part 140 of Chapter I of Title 6 of the Code of Federal Regulations is amended as set forth below, effective 9:00 p.m., e.d.t., June 13, 1973.

Issued in Washington, D.C., on July 6, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

The definition of "Security" in § 140.2 is amended by adding the words, "or any financial or net leases as defined in § 163(d)(4)(a) of the Internal Revenue Code," after the words, "or other mineral rights,".

[FR Doc.73-14074 Filed 7-6-73;1:32 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 13

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 92-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on June 29, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP QUESTIONS AND ANSWERS NO. 13

1. Q. A firm in the mail order business ordered the printing of a new catalog prior to the start of the freeze. The catalog will show many prices which are higher than freeze prices. What steps must the firm now take to comply with the freeze?

A. Because of the time required for printing new catalogs or inserts in contrast to the limited duration of the freeze, mail order retailers are not required to change their catalogs to conform the price lists with their freeze prices. However, these firms remain fully subject to the freeze. Whenever an order is received during the freeze for goods priced in the catalog higher than the freeze price, the firm may charge no more than the freeze price for goods shipped during the freeze and, if payment is included with the order, must refund to the purchaser the difference between the listed price and the freeze price.

2. Q. Are international air fares and other international transportation charges subject to the freeze?

A. When a U.S. purchaser contracts with a foreign flag air or ocean carrier the transaction is considered to be the import of a service. The foreign carrier may, therefore, increase its rates to U.S. purchasers. Transactions between U.S. carriers and U.S. purchasers are not imports of services and, therefore, are fully subject to the freeze.

3. Q. In Phase II and Phase III, "products sold to a domestic purchaser who certifies that the product is for export" were specifically included within the definition of exports and were therefore exempt. Under the new freeze regulations, the export exemption states that, "Prices charged for exports are exempt." Does the old "Products certified for Export" rule apply under the freeze?

A. No. Only the price charged in the actual export sale is exempt. The price charged to a domestic purchaser who subsequently exports the item is not exempt.

4. Q. "A" is a jeweler who sells and repairs jewelry in leased space in "B's" department store. Must "A" post a sign in his department stating that information on freeze prices is available by filling out a Freeze Price Information Request Form?

A. Yes. Each individual seller must post a sign at his place of business stating that freeze price information is available. He must also provide Freeze Price Information Request Forms and respond in writing to any request within 48 hours.

5. Q. Are financial or net leases as defined in section 163(d)(4)(a) of the Internal Revenue Code, subject to the freeze?

A. No. Net leases are defined in section 163(d)(4)(a) have characteristics sufficiently similar to a security so that they, like securities, are exempt.

6. Q. Can travel agents increase prices on tours abroad?

A. The travel agent can increase prices to the extent that the costs of foreign services are increased. The travel agent is considered to be an importer of services and can pass on the higher costs of foreign services on a dollar-for-dollar basis. These services include transportation purchased from a foreign firm, hotel rates, restaurant meals, etc. The agent cannot increase prices on any services provided by U.S. domestic firms nor can he consider the increased costs of foreign services in calculating his markup for overhead and profit. The agent's records must clearly establish that each increase meets this test and if he cannot so demonstrate, this exemption will not apply to his increase.

7. Q. During the freeze base period a company was selling its product at a reduced price pursuant to a Cost of Living Council order issued during Phase II or Phase III. The order expires during the freeze. Upon expiration of the order, may the company raise its prices to the level at which it was selling its product before the Cost of Living Council order was issued?

A. No. The company must sell its product during the freeze period at a price no higher than its freeze price. A discount in effect during the freeze base period may not be excluded from the calculation of the freeze price.

[FR Doc.73-14075 Filed 7-6-73;1:32 pm]

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Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-SO-47; Amdt. 39-1684]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Models G-159 and G-1159

There have been cracks of the aft fuselage pressure dome on a G-1159 airplane that could result in pressure dome rupture with attendant rapid decompressurization and possible serious consequences to both passengers and aircraft. Since this condition is likely to exist or develop in other airplanes of the same or similar type design, an airworthiness directive is being issued to require inspection for cracks and modification of the structure, as required, on Grumman Models G-159 and G-1159 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION (GAAC). Applies to all G-159 airplanes, and to G-1159 airplanes, Serial Numbers 1 through 129 and 775, certificated in all categories.

Compliance required as indicated.

To detect fuselage aft section pressure dome cracks and prevent further cracking, accomplish the following:

(a) Within 200 hours time in service after the effective date of this AD or 90 days, whichever is the sooner, unless already accomplished, permanently remove all interior lining attachments other than fabric, carpeting, etc., from the fuselage aft section pressure dome assembly, Part No. 1159B21372 (G-1159), Part No. 159B10252 (G-159) and inspect for cracks in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159), dated June 18, 1973 or later FAA approved revisions placing emphasis on those areas as defined in paragraph (b).

(b) Mark the exact location on the dome and record the geometric configuration of items removed in accordance with paragraph (a), noting the location of any discontinuities, particularly in radially running attachment strips. The FAA would appreciate receiving sketches and descriptive data of both the attachment location and geometric configurations. Sketches and descriptive data may be sent to the Chief, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320.

(c) For aircraft found to have no attachments on the dome, no further action is required.

(d) For aircraft having attachments, reinspect for cracks at intervals not to exceed 400 landings since the last inspection, in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159).

(e) Repair all cracks detected during the inspections conducted in accordance with (a) or (d). Repair in accordance with GAAC Customer Bulletins 167 (G-1159) or 240 (G-159), before further flight.

(f) For the purpose of complying with paragraph (d) of this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hour's time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(g) Airplanes having cracked domes may be flown to a base for repairs in accordance with FAR 21.197 either:

(1) Unpressurized, or

(a) With limited pressurization with the concurrence of the FAA, Chief, Engineering and Manufacturing Branch, Southern Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

This amendment becomes effective July 16, 1973.

Issued in East Point, Ga. on June 29, 1973.

W. J. MCGILL,
Acting Director,
Southern Region.

[FR Doc.73-14026 Filed 7-10-73;8:45 am]

[Airspace Docket No. 73-RM-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 4, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14694) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Conrad, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on July 3, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (38 FR 435), add the following transition area.

CONRAD, MONT.

That airspace extending upward from 700 ft above the surface within a 9-mi radius of the Conrad Airport (lat. 48°10'10" N., long. 111°58'30" W.); within 3.5 mi each side of the 053° bearing from the Conrad RBN (lat. 48°11'12" N., long. 111°55'31" W.), extending from the 9-mile-radius area to 12 mi. northeast of the RBN, and that airspace extending upward from 1,200 ft above the surface within 9.5 mi northwest and 4.5 mi southeast of the 053° bearing from the Conrad RBN extending from the RBN to 18.5 mi northeast of the RBN.

[FR Doc.73-14027 Filed 7-10-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethephon

A petition (PP 3F1325) was filed by Amchem Products, Inc., Ambler, PA 19002, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities apples and pineapple foliage at 6 parts per million and pineapples at 2 parts per million.

Subsequently, the petitioner amended the petition by (a) reducing the tolerances requested for residues of ethephon in or on apples and pineapple foliage from 6 parts per million to 5 parts per million and 3 parts per million respectively, and (b) changing "pineapple foliage" to read "pineapple fodder and forage."

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The plant regulator is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.300 is amended by (a) deleting the paragraph, "0.1 part per million • • •", (b) adding the new paragraph "3 parts per million • • •" after the paragraph "5 parts per million • • •", and (c) revising the paragraphs "5 parts per million • • •" and "2 parts per million • • •", as follows:

§ 180.300 Ethephon; tolerances for residues.

• • • • •

5 parts per million in or on apples and cranberries.

3 parts per million in or on pineapple fodder and forage.

2 parts per million in or on cantaloupes, pineapples, and tomatoes.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before August 10, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 11, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 6, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14098 Filed 7-10-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revised Fees

On February 12, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 4272) proposed amendments to its regulations in 10 CFR Part 170 which would change fees charged for facilities and materials licenses. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by April 13, 1973.

The fees set out in the notice of proposed rulemaking covered costs associated with the Commission's licensing and health and safety compliance and inspection program, taking into account additional costs incurred by the implementation of the National Environmental Policy Act of 1969 and by the antitrust review of nuclear power reactor applications. Costs related to rulemaking, development of standards, codes, criteria, and regulatory guides, safeguards activities and administration of the Agreement States program were not included in the proposed fee schedules. Costs associated with licenses exempt from fees were identified and excluded. The notice proposed to eliminate the exemption from payment of fees for licenses authorizing: (1) Possession, but not operation, of production or utilization facilities, (2) human use of byproduct material, source material, or special nuclear material, and (3) use of byproduct material, source material, or special nuclear material for civil defense purposes only.

The notice also proposed separate fee categories for certain types of licenses to provide a greater degree of equity in assessing fees. New fee categories include licenses for: (1) Byproduct material for processing or manufacturing quantities or items for commercial distribution where no product safety evaluation is required, (2) byproduct material for industrial radiography operations limited to one location, (3) byproduct material in quantities of less than 10,000 curies for irradiation of materials, (4) waste disposal where burial is not authorized, (5) distribution of exempt quantities of byproduct material, (6) distribution of exempt timepieces, hands and dials, containing hydrogen 3 or promethium 147, (7) byproduct material for research and development, and (8) uranium mills and uranium conversion plants.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed Fee Category 5A has been modified to amendments with certain modifications discussed below.[1]

Paragraph 170.12(c) has been revised to clarify the due date for payment of license fees. Payment of prescribed fees for those licenses that have not been subject to fees prior to the amendments to Part 170 herein will be required within 30 days after the effective date. In the case of licenses that have been subject to fees prior to promulgation of these amendments, the next annual fee will be payable one year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after the promulgation of these amendments, annual fees are payable one year following the date of issuance and annually thereafter.

Footnote 4 has been added to § 170.31 to provide for waiver of the annual fee where an application for license cancellation has been filed prior to the due date of the annual fee, and for reduction of the annual fee where an application to reduce the scope of the license has been filed prior to the due date of the annual fee. The fees will be affected only when the application contains adequate information to enable the Commission to complete the requested action.

[1] Commissioner William O. Doub's approval is based on the understanding that there is a legal question as to the scope of an agency's authority to impose certain fees under Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a), but that the Commission's imposition of the revised fees is consistent with Office of Management and Budget guidance in Circular A-25 pending resolution of the legal question in litigation now before the U.S. Supreme Court, whose decision may not be handed down until next spring.

Footnote 5 has been added to § 170.31 so that persons possessing special nuclear material in the form of sealed sources, in addition to other physical forms of special nuclear material, are not required to pay an additional fee under Category 1E when they have paid a fee under Categories 1A through 1D. make clear that it is intended to cover licenses for tracer studies and for all well logging and well surveys.

In addition, minor editorial revisions have been made in fee Categories 1D, 1E, 2C, 3I, 3K, and 3L.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, are published as a document subject to codification to be effective on August 10, 1973.

§ 170.11 [Amended]

1. Subparagraphs (6) and (7) of § 170.11(a) are deleted.

2. In § 170.12, paragraph (c) is revised to read as follows:

§ 170.12 Payment of fees.

• • • • •

(c) *Annual fees.* All licenses outstanding on August 10, 1973, are subject to payment of the annual fee prescribed by this Part 170, as amended, within 30 days after August 10 1973, and annually thereafter: *Provided however,* That in the case of licenses which have been subject to license fees prior to August 10, 1973, the next annual fee will be payable 1 year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after August 10, 1973, annual fees are payable 1 year following the date of issuance of the license and annually thereafter.

• • • • •

3. Section 170.21 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below.

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit	Construction [2] permit fee	Operating [4] license fee	Annual fee after issuance of operating license
(1) Power reactor [3]	$125,000	$250,000+ $170/Mw(t)	$250,000+ $185/Mw(t)	$65/Mw(t) [5] ($20,000 minimum)
(2) Testing facility	3,900	10,500	15,200	13,000
(3) Research reactor	600	2,300	3,500	5,500
(4) Other production or utilization facility	100,000	160,000	250,000	215,000
(5) Possession but not operation of production or utilization facility				600

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications or amendments increasing capacity requiring a higher fee will not be accepted for filing unless accompanied by the prescribed fee, which shall be determined by multiplication of the change in power level, expressed in megawatts thermal, by $185.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $250,000+ $170/Mw(t) and $50,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $250,000+$185/Mw(t) for the first reactor and $150,000+$120/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3800 Mw(t), the fee will be computed on a maximum power level of 3800 Mw(t).

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4. Section 170.31 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses [1]	Application fee [2]	Annual fee [2] [3]
1. Special nuclear material [4]:		
A. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, or plutonium, or any combination thereof, as defined in § 170.4(r) of this chapter, licenses for storage only, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$10,000+$10 per kilogram (maximum fee $85,000)	$10,000+$10 per kilogram (maximum fee $85,000)
B. Licenses for quantities of special nuclear material in plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter.	$135,250	$135,250
C. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233, or plutonium, or any combination thereof, for licenses authorizing storage only of special nuclear material in sealed sources excluding fuel elements.	$2,440	$2,440
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium 235, uranium 233, or plutonium, or any combination thereof, for storage only, licenses covered by Categories 4A, 4B, 5A, or 6A, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements.	$3.50/gram (maximum fee $4,000)	$3.50/gram (maximum fee $4,000)
E. All other specific byproduct material licenses, except those in Categories 4F, 5A, 6A, 7A, 7B, 7C, and 9A.	$200	$200
2. Source material:		
A. Licenses for source material for use in milling operations and licenses for possession and use of source material in quantities greater than 15 tons (counted in any consecutive 12 month period) for use in research and development activities.	$10,000	$10,000
B. Licenses for source material in quantities greater than 15 tons except licenses for storage only and licenses for use only of source material in counterweights.	$150	$150
C. All other specific source material licenses, except those licenses covered by Categories 4A, 4B, 6A, 7A, 7B, 7C, or 9A.	$80	$80
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution that require product safety evaluation.	$2,000	$2,000
B. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material, or for initial commercial distribution of byproduct material for commercial distribution except exempt quantities as defined in § 30.18 of Part 30 of this chapter.	$1,000	$1,000
C. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations.	$275	$275
D. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography operations at more than one location.	$550	$550
E. Licenses for possession and use of byproduct material in quantities of less than 10,000 curies in sealed sources for irradiation of materials.	$90	$90
F. Licenses for possession and use of byproduct material in quantities greater than 10,000 curies in sealed sources for irradiation of materials.	$150	$150
G. Licenses issued pursuant to Subpart B of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Parts 31 and 32 of this chapter, or equivalent regulations of an Agreement State, or to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items listed in § 32.18 of this chapter to persons generally licensed under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	$335	$335
H. Licenses issued pursuant to Subpart A of Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except (1) §§ 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items listed in § 32.18 of this chapter to persons generally licensed under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials.	$510	$510

[1] Amendments based on applications filed after the due date of the annual license fee, reducing the scope of a licensee's program or cancelling a license, may entitle the licensee to a partial refund of an annual fee that has been paid by the licensee for the year in which such amendment or cancellation occurs; in such cases, the refund shall be computed on a quarterly basis, reflecting the quarter in which the application for amendment or cancellation is received. *Provided however*, That no refund will be made for $35 or less, and no partial payment of less than $35 will be accepted. The licensee must apply for the refund or reduced payment. Applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee for the higher fee category, less any annual fee already paid for the lower fee category.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

[3] Payment of the prescribed annual fee does not automatically renew the license for which the fee is paid. Renewal applications must be filed in accordance with the requirements of Parts 30, 40, or 70 of this chapter. If the Commission's program or cancelling a license, may entitle the licensee to a partial refund of an annual fee that has been paid by the licensee for the year in which such amendment or cancellation occurs; in such cases, the refund shall be computed on a quarterly basis, reflecting the quarter in which the application for amendment or cancellation is received. *Provided however*, That no refund will be made for $35 or less, and no partial payment of less than $35 will be accepted. The licensee must apply for the refund or reduced payment. Applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee for the higher fee category, less any annual fee already paid for the lower fee category.

[4] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

[5] Payment of the prescribed annual fee does not automatically renew the license for which the fee is paid. Renewal applications must be filed in accordance with the requirements of Parts 30, 40, or 70 of this chapter. If the Commission's program or cancelling a license, may entitle the licensee to a partial refund of an annual fee that has been paid by the licensee for the year in which such amendment or cancellation occurs; in such cases, the refund shall be computed on a quarterly basis, reflecting the quarter in which the application for amendment or cancellation is received. *Provided however*, That no refund will be made for $35 or less, and no partial payment of less than $35 will be accepted. The licensee must apply for the refund or reduced payment. Applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee for the higher fee category, less any annual fee already paid for the lower fee category.

[6] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

[7] The annual fee will be waived where an application is filed to cancel the license prior to the due date of the annual fee, and the amount of the annual fee will be reduced where an application is filed to amend the license to reduce its scope of activity prior to the due date of the fee. This waiver or reduction of fee will be granted only if the request for the application filed prior to the due date of the fee contains all the information necessary to permit the Commission to complete the requested action.

[8] Licensees required to pay fees under Categories 1A through 1D are not required to pay a fee under Category 1E for sealed sources.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown Md., this 3rd day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-13901 Filed 7-10-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the following three positions in the Office of Management and Budget are excepted under Schedule C: One Secretary to the Assistant to the Director for Public Affairs and one Private Secretary to each of two Associate Directors.

Effective on July 11, 1973, paragraph (a) (6) is amended and paragraph (a) (14) is added under § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* • • •

(6) One Private Secretary to each of three Associate Directors.

• • • • • •

(14) One Secretary to the Assistant to the Director for Public Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14109 Filed 7-10-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that two positions of Special Assistant to the Assistant Secretary for Administration are excepted under Schedule C.

Effective on July 11, 1973, § 213.3314 (a) (29) is added as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(29) Two Special Assistants to the Assistant Secretary for Administration

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14108 Filed 7-10-73;8:45 am]

PROMOTION, EVALUATION, AWARDS, ABSENCE AND LEAVE, AND SEPARATIONS, DEMOTIONS, AND FURLOUGHS

Miscellaneous Amendments

Part 335 is amended by deleting from § 335.103 certain specific requirements for inclusion in a promotion program.

Part 430 is amended by incorporating Subparts C and D into a revised Subpart B, deleting the requirement for approval of the Commission in establishing boards of review in revised § 430.201, deleting the requirement that members and alternate members of boards of review be members of the branch of Government in which the agency is located, deleting any reference to stenographic report of a hearing, and providing for rehearings when the board believes the correctness of its original decision is doubtful.

Part 451 is amended by deleting from § 451.201 the requirement that incentive awards be used as an integral part of supervision and management, deleting the standards for cash awards for tangible benefits from § 451.302, deleting § 451.303 which contained the standards for cash awards for intangible benefits, deleting § 451.303a which established an award scale for job performance and renumbering the remaining sections.

Part 630 is amended by providing in § 630.206 that a minimum charge of less than 1 hour may be established through negotiations and providing in § 630.506 for transfers of leave between agencies in whole hour units.

Part 715 is amended by deleting from § 715.202 the provision that a resignation once submitted is binding on the employee.

Chapter I of Title 5 of the Code of Federal Regulations is amended as set forth below:

PART 335—PROMOTION AND INTERNAL PLACEMENT

1. Part 335 is amended by revising § 335.103 as set out below:

§ 335.103 Agency promotion programs.

Except as otherwise specifically authorized by the Commission, an agency may make promotions under § 335.102 only to positions for which the agency has adopted and is administering a program designed to insure a systematic means of selection for promotion according to merit. The promotion program shall conform with the standards and requirements of the Commission.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

PART 430—PERFORMANCE EVALUATION

2. Part 430 is revised in its entirety as set out below:

Subpart A—General Provisions

Sec.
430.101 Definitions

Subpart B—Performance Rating Appeals

430.201 Establishment of boards of review
430.202 Members of boards
430.203 Appeals
430.204 Hearings
430.205 Board decisions

AUTHORITY: 5 U.S.C. 4308.

Subpart A—General Provisions

§ 430.101 Definitions.

In this part:

(a) "Agency" and "employee" have the meanings given them by section 4301 of title 5, United States Code;

(b) "Board" means Performance Rating Board of Review established under Subpart B of this part; and

(c) "Days" means calendar days and not workdays.

Subpart B—Performance Rating Appeals

§ 430.201 Establishment of boards of review.

The head of each agency shall establish one or more boards to consider and pass on the merits of performance ratings assigned under rating plans established under chapter 43 of title 5, United States Code. The boards may be established as standing boards and/or on a case by case basis. The jurisdiction of each board shall be specific and exclusive of that of any other board.

§ 430.202 Members of boards.

Each board is composed of a chairman designated by the Commission, an employee member designated in a manner approved by the Commission, and an agency member designated by authority of the agency head. Any alternate members are designated in the same manner as their principals.

§ 430.203 Appeals.

(a) *Unsatisfactory rating.* An employee with an unsatisfactory rating may obtain within his agency the one impartial review provided by law, or he may appeal directly to an appropriate board of review, or he may appeal to the board after obtaining the impartial review.

(b) *Satisfactory or better rating.* An employee with a satisfactory or better rating may obtain within his agency the one impartial review provided by law, or he may appeal to an appropriate board, but he may not do both.

(c) *Filing an appeal.* An appeal to a board shall be filed in writing in a manner designated in the applicable performance rating plan. The plan may specify that the appeal be filed directly to the chairman of the appropriate board or to an agency designee. If an agency designee receives the appeal, he shall promptly notify the chairman of the board that the appeal has been filed and shall submit all documents pertinent to the appeal.

(d) *Time limits on appeals.* Unless otherwise specified in the appropriate performance rating plan, the appeal shall be filed within:

(1) Thirty days after the employee receives notice of his rating; or

(2) Fifteen days after the employee withdraws his request for the impartial review within the agency, when more than thirty days have elapsed since he received notice of his rating; or

(3) Thirty days after the employee receives his agency's decision on the impartial review of an unsatisfactory rating.

(e) *Extension of time limits.* Boards may extend the time limits in paragraph (d) for good and sufficient reasons.

§ 430.204 Hearings.

(a) *Oral hearing.* The chairman of a board presides at an oral hearing held to obtain information needed to determine

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the merits of an appealed rating, and rules on questions arising at the hearing.

(b) *Conduct of hearing.* The appellant and the representatives of the appellant and the agency, may attend the hearing. These parties may submit any information the board finds pertinent and may hear, examine, and reply to information received by the board. The board shall find pertinent the record of the impartial review of an appealed rating under paragraph (a) of section 430.203. The board may not consider information not directly related to the rating.

(c) *Hearing waived.* With the appellant's consent, the board may consider his appeal on the basis of written information submitted by both parties without oral hearing.

§ 430.205 Board decisions.

(a) *The decision.* The board shall consider the pertinent facts in an appeal and by majority vote either (1) increase the appealed rating or (2) sustain the rating without change.

(b) *Notice of decision.* The board's decision shall be in writing and contain a summary statement of the facts on which it is based. The board sends copies of the decision to the appellant and to the agency representative.

(c) *Effect of decision.* When an agency receives notice of a board's increase in an employee's rating, the agency shall correct all records of the original rating, reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust those administrative actions to conform to the corrected rating.

(d) *Rehearings.* Rehearings on decided cases may be granted by a board, by majority vote, only on receipt from the party seeking a rehearing of information which convinces the board that the correctness of the decision is doubtful.

PART 451—INCENTIVE AWARDS

3. Part 451 is amended by revising § 451.201(a) and all of Subpart C as set out below:

§ 451.201 Agency plans.

(a) *Establishment and change.* The head of each agency shall establish and operate an incentive award plan, and shall submit any new plan or a change in a plan to the Commission within 30 days of the effective date of the plan or the change.

• • • • •

Subpart C—Awards

§ 451.301 Basic requirements.

An agency may not grant an incentive award before the contribution has been approved by the benefiting agency. The contribution must have been made while the contributor was a Government employee, and must be described in writing.

§ 451.302 Award over $5,000.

An agency head may not grant a cash award above $5,000 without prior approval of the Commission. The maximum award is $25,000.

§ 451.303 Effect of an award on pay.

(a) *Pay.* A cash award under this part is in addition to the regular pay of the recipient.

(b) *Further claim.* The acceptance of a cash award under this part constitutes an agreement that the use by the Government of a contribution, idea, method or device for which an incentive award is made does not form the basis of a further claim of any nature against the Government by the employee, his heirs, or his assigns.

§ 451.304 Honorary award.

An agency may grant an honorary award for a contribution. An honorary award may be granted in addition to a cash award.

§ 451.305 Group awards.

(a) *The award.* When a contribution is made by more than one employee, each contributing employee, including a supervisor, may share in the award.

(b) *Cash award shares.* An agency may grant the employees a cash award in equal shares, or in shares proportionate to each employee's participation in the contribution.

(c) *Amount of cash award.* The total amount of a cash award to a group may not exceed the amount that would be authorized if the contribution had been made by one individual, except that an agency head for special reasons may decide a different amount is justified. He must document his reasons in support of the different amount.

§ 451.306 Presidential award.

Each agency shall submit any recommendation for a Presidential award in accordance with instructions issued by the Distinguished Civilian Service Awards Board.

§ 451.307 Interagency award.

The head of an agency in which a contribution originates may grant an incentive award for a contribution that also may benefit another agency. The initial award is based on the benefit to the originating agency before consideration of additional benefits to another agency.

§ 451.308 Interagency referral.

(a) *Originating agency.* The head of each agency in which a contribution originates shall establish a procedure that requires that the contribution be referred to other agencies which may benefit from it. The referral to other agencies shall be made only after consideration of the applicability of the contribution in the originating agency.

(b) *Referral to one agency.* When the agency in which a contribution originates determines that only one other agency is responsible for acting on the contribution, it shall refer the contribution to that agency. The agency to which the contribution is referred shall notify the originating agency of the action on the contribution and shall send a copy of the notification to the Commission.

(c) *Referral to Commission.* When the originating agency determines that more than one other agency is responsible for acting on the contribution, it shall refer the file to the Commission, with information on the activities in other agencies that may benefit from the contribution.

(5 U.S.C. 4506)

PART 630—ABSENCE AND LEAVE

4. Part 630 is amended by revising § 630.206(a) and by adding a new § 630.506 as set out below:

§ 630.206 Minimum charge.

(a) Unless an agency establishes a minimum charge of less than one hour, or establishes a different minimum charge through negotiations, the minimum charge for leave is one hour, and additional charges are in multiples thereof. If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the agency, for adequate reason, may excuse him without charge to leave.

• • • • •

§ 630.506 Minimum unit.

(a) When an employee moves between positions under subchapter I of chapter 63 of title 5, United States Code, in different agencies, only his leave in whole hour units may be transferred.

(b) When an employee moves between positions under subchapter I of chapter 63 of title 5, United States Code, covered by different leave charging systems within the same agency, his leave is transferable in accordance with paragraph (a) of this section, unless the agency establishes a different policy making fractions of an hour of leave transferable.

(5 U.S.C. 6311)

PART 715—NONDISCIPLINARY SEPARATIONS, DEMOTIONS, AND FURLOUGHS

5. Part 715 is amended by revising § 715.202(b) as set out below:

§ 715.202 Resignation.

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(b) *Withdrawal of resignation.* An agency may permit an employee to withdraw his resignation at any time before it has become effective. An agency may decline a request to withdraw a resignation before its effective date only when the agency has a valid reason and explains that reason to the employee. A valid reason includes, but is not limited to, administrative disruption or the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings is not a valid reason.

(5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, 3 CFR 1954–58 Comp., p. 218; E.O. 11222, 3 CFR 1964–65 Comp., p. 306)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14107 Filed 7-10-73;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—SCHOOL LUNCH PROGRAM

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Pursuant to the authority contained in the Child Nutrition Act of 1966, as amended (42 U.S.C. 1771 et seq.) regulations for the operation of the Special Supplemental Food Program for Women, Infants and Children are hereby issued.

Public Law 92–433, approved September 26, 1972, added a new section 17 to the Child Nutrition Act of 1966 (86 Stat. 729). This section authorized the establishment of a Special Supplemental Food Program. The Department has chosen to call this the Special Supplemental Food Program for Women, Infants and Children (WIC program) to prevent confusion with the supplemental food program which is currently being operated as an adjunct of the Food Distribution Program (7 CFR 250.14).

The WIC program is established on a pilot basis through June 30, 1974. Although the WIC program will supply nutritious foods to participants, a major object of the program is the collection and evaluation of data which will medically identify benefits of this food intervention program. In addition, data will be collected and analyzed to measure the administrative efficiencies of various methods of making food available to participants.

To achieve the maximum amount of information in a minimum period of time, the Department is encouraging diversity in the design and operation of the WIC program in individual localities. A minimum number of requirements are imposed. Local health clinics are required to demonstrate that they serve low income populations considered to be at nutritional risk and that they have the necessary facilities and other resources to effectively carry out the WIC program. State departments of health (by whatever name identified) must accept the responsibility for the system of making foods available to participants and for supervising all participating health clinics in the State.

Interested health clinics must apply to their State department of health but FNS will select those which will participate in the WIC program. The criteria for selection fall in two general categories: Demonstrated need for the program and the ability to meet program objectives.

Pregnant or lactating women, infants and children under age four are eligible to participate if they live in an approved low income area served by an approved health clinic, are eligible for reduced cost medical treatment from that clinic and are determined by professionals on the staff of the clinic to need the supplemental foods.

The Department has prescribed the foods and the maximum monthly quantities of each food which are to be made available to participating individuals. These foods are intended to supplement the regular diet of participants—not to be a complete diet in themselves. However, they are nutritious and are especially high in those nutrients known to be lacking in diets of people who are eligible for the WIC program.

Infants can receive over 100 percent of the Recommended Dietary Allowances (RDA) of the National Research Council of the National Academy of Sciences for protein, calcium, iron and Vitamin C and about 90 percent of the RDA for Vitamin A from the authorized supplemental foods. Calories will also be fully supplied up to about age 3 months and will be about three-fourths of RDA thereafter. Children one year of age, but less than four years of age can receive more than 100 percent of RDA for protein, calcium, iron, and Vitamins A and C, and about two-thirds for calories. Pregnant or lactating women can receive about one-fourth of RDA for calories and between 60 percent to over 100 percent of RDA for the nutrients mentioned above.

It is the policy of the Department to publish a notice of proposed rulemaking and afford interested persons 30 days to submit comments before final rules and regulations are formulated for Food and Nutrition Service Programs. However, in view of the need for issuing final regulations for the WIC program on or before July 6, 1973, as ordered by the U.S. District Court for the District of Columbia on June 20, 1973, it is hereby determined that it is impractical, unnecessary and contrary to the public interest to give notice of proposed rulemaking. Although public comment was not solicited, these regulations were formulated after discussions with members of the Department of Health, Education and Welfare and with medical consultants.

Applications for participation in the pilot WIC program will be accepted immediately. Any inquiries should be directed to the appropriate FNS Regional Office listed in § 246.15 of this part.

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AUTHORITY: Sec. 10, 80 Stat. 889, as amended; sec. 9, 86 Stat. 729; 42 U.S.C. 1786.

§ 246.1 General purpose and scope.

(a) This part announces the policies and prescribes the general regulations for a pilot Special Supplemental Food Program for Women, Infants and Children (WIC program). Under the WIC program the Department shall provide cash grants to the health department or comparable agency of a State to enable such agency to make nutritionally desirable foods available to pregnant or lactating women, infants and children through local public or nonprofit private health agencies. The WIC program shall operate through June 30, 1974, in selected States and areas.

(b) The Department shall also collect data to evaluate the effect of food intervention upon populations which are at nutritional risk. Further, the Department shall evaluate WIC program operations for administrative effectiveness and efficiency.

§ 246.2 Definitions.

For the purposes of this part and of all contracts, instructions, forms, and other documents related hereto, the term:

(a) "Adequate medical records" means those records listed under § 246.11(d).

(b) "Administrative costs" means all costs, except expenditures for food, directly attributable to WIC program operations and also means costs indirectly attributable to the WIC Program (those costs shared with other programs) if such costs are allocated under an approved cost allocation plan as described in the Office of Management and Budget Circular A–87.

(c) "Birth weight" means weight of an infant in grams determined within two hours of birth.

(d) "Children" means persons at least one year of age but less than four years of age.

(e) "Competent professionals" means physicians, nutritionists, registered nurses, dietitians, or State or local medically trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.

(f) "Department" means the United States Department of Agriculture.

(g) "Designated evaluation visit" means a visit to the local agency during which participants selected in accordance with FNS instructions will complete the tests needed to obtain the information required for the FNS evaluation of the effect of food intervention.

(h) "FNS" means the Food and Nutrition Service of the Department.

(i) "FNSRO" means the appropriate Food and Nutrition Service Regional Office.

(j) "Infants" means persons under one year of age.

(k) "Lactating women" means women for a period of six weeks post partum

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and also means women who are breast-feeding an infant.

(l) "Local agency" means a health clinic which is operated by the State agency, a political subdivision of the State, or a private, nonprofit organization.

(m) "Low birth weight" means a birth weight less than 2,500 grams.

(n) "Low income" means an income below the poverty level as determined by the 1970 U.S. Census subject to annual revision for changes in the cost of living.

(o) "Nutritional risk" means one or more of the following:

(1) For pregnant or lactating women—

(i) Known inadequate nutritional patterns;

(ii) High incidence of anemia;

(iii) High rates of prematurity or miscarriage; or

(iv) Inadequate patterns of growth (underweight, obesity, or stunting).

(2) For infants and children—

(i) Deficient patterns of growth (when compared to the standards for height and weight established by H. C. Stuart and published by Waldo E. Nelson, et al., in the Textbook of Pediatrics, 9th Edition, 1969, W. B. Saunders Co., Phila., Pa.);

(ii) High incidence of nutritional anemia; or

(iii) Known inadequate nutritional patterns.

(p) "Participants" means persons to whom food is made available under the WIC program.

(q) "Pregnant women" means persons determined by competent professionals to have one or more fetuses *in utero*.

(r) "Project area" means a geographic subdivision within a State determined by the local agency as the area to be served by the WIC program.

(s) "Secretary" means the Secretary of the United States Department of Agriculture or his authorized representative.

(t) "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam or American Samoa.

(u) "State agency" means the State health department or comparable agency of the State government.

(v) "Supplemental food" means any food authorized to be made available under the WIC program.

(w) "WIC program" means the Special Supplemental Food Program for Women, Infants and Children authorized by section 17 of the Child Nutrition Act of 1966, as amended.

§ 246.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in administering the WIC program.

(b) Within the States, the State agency shall be responsible for the operation of the WIC program within the State. The State agency shall accept applications from local agencies which desire to participate in the WIC program. The State agency shall be responsible for the design and operation of the system for making supplemental foods available to participants, including adequate safeguards against misuse. The State agency shall be responsible for forwarding to FNSRO those applications from local agencies which demonstrate the capability of operating under the WIC program in accordance with this part and all instructions issued hereinunder. The State agency shall monitor all program activities by local agencies and shall promptly notify FNSRO of any problems, program irregularities or illegal activity discovered thereby. The State agency shall account to FNSRO for all funds granted under the WIC program and shall be responsible for allocating the funds available for administrative costs between the State agency and local agencies.

§ 246.4 Use of funds.

(a) Federal funds made available to any State agency for the WIC program shall be used by the State agency or by local agencies either to purchase supplemental foods for participants or to redeem vouchers issued for that purpose, except that an amount not to exceed 10 per centum of the total funds so made available may be used for State and local agency administrative costs.

(b) The use of funds for administrative costs shall be subject to the following conditions:

(1) Applicant local agencies and State agencies shall submit budgets for administrative costs with the WIC program applications;

(2) The formula, if any, for allocating these funds between the State agency and local agencies shall be determined by the State agency;

(3) The aggregated administrative costs of the State agency and all local agencies shall not exceed 10 per centum of the total amount of the WIC program funds made available to the State agency.

(c) Funds shall not be used for any purposes by or on behalf of a local agency until a WIC program agreement has been completed between the State agency and such local agency.

(d) Upon demand by FNS, the State agency shall promptly return to FNS any funds which have not been used for the WIC program.

§ 246.5 Eligibility of local agencies.

A local agency is eligible to apply for participation in the WIC program if:

(a) It provides health services to residents of an area in which a substantial proportion of the persons have low incomes;

(b) It serves a population of women, infants or children which is at nutritional risk;

(c) Its staff includes competent professionals who interview or examine persons receiving health services;

(d) It has the personnel and expertise, and its facilities include the equipment necessary for performing the measurements, tests and data collection specified by FNS for the WIC program; and

(e) It maintains or is able to maintain adequate medical records.

§ 246.6 Application by local agencies.

Any eligible local agency interested in participating in the WIC program shall file a written application with its State agency. Applications need not be in any particular form, unless otherwise required by the State agency, but must include the following:

(a) The name, address and telephone number of the health clinic; the name of the official who shall be responsible for supervising WIC program operations at the local level; the name and address of the organization which sponsors the health clinic, if any, and the sources of funding for the health clinic. A private nonprofit organization must also include the number of the certificate issued by the Internal Revenue Service granting tax-exempt status.

(b) The types and numbers of competent professionals on the staff, by field of specialization, who will examine or interview persons to determine eligibility for the WIC program.

(c) The types of health services offered by the health clinic to pregnant or lactating women, infants and children; and a brief description of the financial, residential and other socio-economic criteria applied to determine the eligibility of such individuals for each type of health service, including treatment.

(d) Description of type of laboratory facilities available and a statement indicating whether or not blood, serum or plasma can be processed for transportation to a designee of FNS.

(e) A list specifying which of the following data are presently maintained on pregnant or lactating women, infants and children: height; weight; head circumference (infants only); hemoglobin; hematocrit; serum or plasma concentrations of iron, albumin, vitamin A, and ascorbic acid; and percent saturation of transferrin. Also, indicate any other laboratory tests routinely performed and any other pertinent medical data routinely recorded.

(f) The boundaries of the geographic subdivision which the local agency proposes as the project area.

(g) An estimate of the total population of the proposed project area.

(h) Data showing the percentage of the population of the proposed project area with low incomes and any other significant information on economic conditions affecting the proposed project area.

(i) Data which indicates the rate of nutritional risk within the proposed project area including information such as the incidence of nutritional anemia; the number and rate of pregnancies, especially teenage pregnancies; the incidences of prematurity and miscarriage; the percent of low birth weight infants, infant morbidity and mortality rates; and the incidence of any additional health problems known to exist among women, infants and children in the proposed project area.

(j) An estimate of the number of pregnant or lactating women, infants, or children which the local agency expects to serve monthly under the WIC program with an indication of the racial and ethnic composition of the expected participants.

(k) A brief description of the method which the local agency recommends to the State agency for making supplemental foods available to expected participants.

(l) A description of any feeding program of a similar nature which is already in operation. Include number of participants served by age group or other category, costs and items of food provided, delivery system used, administrative costs, and an explanation of the expected relationship between the current program and the WIC program.

(m) The estimated monthly cost of purchasing supplemental foods for expected participants and a brief description of the estimating techniques employed to calculate this figure;

(n) The estimated monthly administrative costs of the health clinic by general type of expenditure, a brief justification for each such budgeted expenditure and, if the total administrative costs exceed the funds which will be made available for such costs, the sources and amounts from each source which shall be used to fund such costs.

(o) A statement that the information furnished in the application is true and accurate to the knowledge of the signer.

(p) The signature of the official in the local agency who shall be responsible for supervising local WIC program operations.

§ 246.7 State agency action on applications.

(a) The State agency shall transmit to FNSRO each application from a health clinic which demonstrates the capability of operating under the WIC program. The transmittal shall include the following information:

(1) The name and address of the State agency and the name and telephone number of the person within the State agency who shall be responsible for the WIC program;

(2) A listing of the WIC program operation duties to be performed by the State agency and those to be performed by the local agency;

(3) A description of the techniques which shall be used to monitor the activities of the local agency and the frequency with which they shall be employed;

(4) The estimated administrative costs of the State agency and a brief justification for each of the budgeted expenditures;

(5) If the 10 per centum of the WIC program budget which may be used for administrative costs are to be divided between the State agency and local agency, specify the method by which these funds shall be allocated;

(6) If estimated administrative costs exceed 10 per centum of the estimated total WIC program budget, including such administrative costs, the source of additional funds above the 10 per centum shall be specified and the amounts to be provided by each source shall be indicated;

(7) A description of the method or delivery system selected by the State agency for making supplemental foods available to participants;

(8) A description of any activities which shall be carried out as an adjunct of or concomitant to the WIC program (for example, any nutrition education effort) and such activities shall be separately identified in the budget;

(9) Any other information which the State agency wishes to include; and

(10) The signature of the official in the State agency who shall be responsible for all WIC program operations within the State.

(b) The State agency shall promptly notify in writing each local agency whose application is not transmitted to FNSRO of the reasons therefor.

§ 246.8 Selection of local agencies.

(a) *General.* FNS shall select local agencies for participation in the WIC program on the basis of information contained in each application and in the accompanying transmittal of the State agency. Each application and the accompanying transmittal shall be thoroughly appraised and, for the initial selection, shall be ranked among all applications received by FNSRO as of August 15, 1973. Local agencies shall be selected which, in the judgment of FNS, are most suited to the accomplishment of the purposes of this part. The number of local agencies selected shall be dependent upon the funds available to FNS.

(b) *Criteria for selection.* In selecting local agencies for participation in the WIC program, FNS shall consider:

(1) The severity of nutritional risk and other health problems which affect residents of the proposed project area;

(2) The percentage of residents in the proposed project area with low incomes and other factors which could affect the ability of such residents to secure adequate nutrition;

(3) The number of expected participants in each category of eligible persons and any demographic characteristics which could affect the WIC program evaluation;

(4) The expertise which the health clinic has in conducting necessary anthropometric measurements, in performing hemoglobin tests, and in processing blood, serum, or plasma for transportation to a designee of FNS.

(5) The experience of the health clinic with similar feeding programs and the expertise of its staff in managing programs in addition to the normal health care programs.

(6) The feasibility of the proposed method of making food available to participants, the acceptability of the monitoring system, and the utility of both systems for program evaluation;

(7) The adequacy and suitability of the manner in which grant funds will be handled and administered and program activities monitored by the State agency.

(c) *Notification.* Each State agency shall be notified in writing by FNS of the action taken on each application transmitted by that State agency. The notification shall list the amount of funds which FNS shall make available to the State agency. In addition, FNS shall publicly announce all selected local agencies and the amount of funds made available to each State agency.

§ 246.9 Agreements.

(a) The State agency shall enter into a written agreement with the Department before any funds are made available by FNS under this part. The agreement shall incorporate, by reference or otherwise, the terms and conditions set forth in this part. The agreement shall be executed by the appropriate State agency official and by the Administrator of FNSRO on behalf of the Department. The original and two copies of the agreement shall be forwarded to FNS. The agreement shall include:

(1) *Opening statement.* An expression of the willingness of the State agency to administer the WIC program until June 30, 1974.

(2) *Identification.* The name of the State agency charged with primary responsibility for the WIC program.

(3) *Applications.* An assurance that the WIC program shall be operated only by local agencies selected by FNS and that such operations shall conform to the methods stated in applications and transmittals which were approved by FNS.

(4) *Records.* An assurance that all required records shall be maintained and retained in accordance with the requirements of this part and shall be made available as required by this part.

(5) *Reports.* An agreement to submit to FNS on a regular and timely basis any reports, including a report of expenditures, as required by this part and any instructions issued hereunder.

(6) *Safeguards of information.* An affirmation that information concerning individual participants will be released only to persons directly connected with the WIC program.

(7) *Public information.* A statement that WIC program regulations, instructions, and other documents which do not pertain to individual participants shall be made available to the public upon request.

(8) *Nondiscrimination.* An assurance that the State agency shall comply with the requirements of the Department's regulations respecting nondiscrimination (Part 15 of this title) to the end that no person shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the WIC program and a further assurance that no person shall

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be subjected to any discrimination under the WIC program because of creed, political beliefs or sex.

(9) *Fair hearing.* An assurance that persons aggrieved by any determination of a local agency shall be afforded a prompt opportunity for a fair hearing as specified in this part.

(10) *Program promotion.* A guarantee of assistance to the Department in its efforts towards WIC program promotion and nutrition education.

(11) *Compliance.* An agreement to comply with the provisions of this part and the instructions issued hereunder including the requirement that WIC program funds be withdrawn from a Federal Reserve Bank only in amounts necessary to meet actual current disbursement needs.

(12) *Miscellaneous.* Any additional provisions that are required by law or may be necessary for WIC program administration, operation or evaluation.

(b) The State agency shall enter into an agreement with each local agency in the State selected for participation in the WIC program. The agreement shall be in writing and shall contain such terms as the State agency deems necessary to insure that:

(1) The local agency operates in conformity with the methods stated in the application and transmittal which were approved by FNS;

(2) The actions of the local agency will be in accordance with this part; and

(3) Data will be collected by the local agency and made available as required this part.

§ 246.10 Payments to States.

FNS will issue a Letter of Credit to the appropriate Federal Reserve Bank in favor of each State agency having an agreement with the Department under this part to administer the WIC program. The State agency shall obtain funds needed through presentation by designated officials of a Payment Voucher on Letter of Credit to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by FNS and approved by the U.S. Treasury Department. Withdrawals (advances) against the Letter of Credit shall be made only in amounts necessary to meet actual current disbursement needs. The advanced funds shall be used without delay to pay the currently approved costs. Advances made by the State agency to local agencies shall conform to the same standards of timing and amount as apply to advances by FNS to the State agency.

§ 246.11 Records and reports.

(a) *General.* All records relating to the WIC program shall be retained for three years following the end of the applicable Federal fiscal year or the termination of the program, whichever is sooner. However, the Department may, by written notice, require retention of any records deemed by it to be necessary for resolution of an audit or of any litigation. If the Department deems any of the program records to be of historical interest, it may require the State or local agency to forward such records to the Department whenever such agency is disposing of them. All food records, fiscal records and medical records shall be available during normal business hours for representatives of the Department and of the General Accounting Office of the United States to inspect, audit and copy, provided that medical case records of individual participants shall remain confidential.

(b) *Financial records.* Each State and local agency shall keep complete and accurate records of all amounts received and disbursed for the WIC program. All of the cost allocation data shall also be maintained.

(c) *Food records.* Each local agency shall keep a file of the food authorizations issued each month to each participant. If a local agency actually dispenses food to participants, the agency shall keep accurate and complete records of the receipt, disposal and inventory of such foods.

(d) *Medical records.* The local agency shall record during each designated evaluation visit, at a minimum, the following data: height (first visit only for pregnant or lactating women); weight, head circumference (infants only); and hemoglobin determinations. In addition, the following information is to be recorded at the local agency after delivery of an infant: The duration of the pregnancy and birth weight of the infant. If birth weight is not determined within two hours of delivery, the weight in grams may be determined within 5 days, but the interval between birth and weighing must be specifically noted. It may also be required at each designated evaluation visit that blood be drawn and processed for transportation to a designee of FNS.

(e) *Reports.* State agencies and local agencies shall submit monthly reports on forms specified by FNS. Such reports shall be submitted on or before the 20th of the month following the month for which data are reported. Reports shall be mailed in accordance with instructions from FNS. Reports shall concern the use of funds received under this part, the participation in the WIC program, and the data necessary to permit evaluation of administrative performance and of the effect of food intervention upon participants.

§ 246.12 Eligibility of persons.

Pregnant or lactating women, infants and children shall be eligible for the WIC program if:

(a) They reside in an approved project area;

(b) They are eligible for treatment at less than the full charge customarily made for such services by the local agency which serves the project area wherein they reside; and

(c) They are determined by a competent professional on the staff of the local agency to need the supplemental foods described in § 246.13.

§ 246.13 Supplemental foods.

(a) The following kinds and specifications of foods shall be available under the WIC program:

(1) For infants:

(i) Iron fortified infant formula with at least 10 milligrams of iron per liter of formula at standard dilution (which supplies 67 kilocalories per 100 milliliters, i.e., 20 kilocalories per fluid ounce).

Substitute

Whole fluid milk fortified with 400 International Units of Vitamin D per quart, or evaporated milk fortified with 400 International Units of Vitamin D per reconstituted quart, may be substituted for iron fortified infant formula for infants after six months of age.

(ii) Infant cereal which contains a minimum of 90 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit juice which contains at least 30 milligrams of vitamin C per 100 milliliter.

(2) For children and pregnant or lactating women:

(i) Whole fluid milk fortified with 400 International Units of vitamin D per quart; or evaporated milk; or skim milk, low fat milk or non-fat dry milk. All milk products other than whole fluid milk must be fortified with 400 International Units of vitamin D and at least 1500 International Units of vitamin A per fluid quart.

(ii) Cereal (hot or cold) which contains a minimum of 30 milligrams of iron per 100 grams of dry cereal.

(iii) Fruit or vegetable juice, or both, which contains a minimum of 30 milligrams of vitamin C per 100 milliliters.

(iv) Cheese (natural cheddar or pasteurized processed American).

(v) Eggs.

(b) Supplemental foods shall be made available in amounts up to the following maximum quantities:

Foods	Units [a]	Maximum Number of Units Per Month: Infants	Maximum Number of Units Per Month: Children & Pregnant or Lactating Women
Iron fortified infant formula	13 fl. oz. can of conc. liquid [b]	31	
Whole fluid milk	fluid quart	(*)	31
Evaporated milk	13 fl. oz. can	May be substituted for whole fluid milk at the rate of one can per quart of whole fluid milk.	
Skim or low fat milk	fluid quart		May be substituted for whole fluid milk on a quart-for-quart basis.
Non-fat dry milk	4 lb. pkg		One package may be substituted for each 20 quarts of whole fluid milk.
Cheese	pound		May be substituted for whole fluid milk at the rate of one pound per three quarts.
Eggs	dozen		2½ [d]
Infant cereal	8 oz. pkg	3	
Cereals (hot or cold)	8 oz. pkg		4
Juice, single strength	46 fl. oz. can [e]	2 [f]	6

[a] Different size units may be made available provided that the total volume or weight per month remains the same.
[b] Dry or ready-to-use forms may be made available in equivalent amounts.
[*] May be substituted for formula beginning at age six months at the rate of one quart per can of concentrated formula.
[d] An equivalent amount of dried egg mix (two pounds) may be substituted.
[e] Frozen, concentrated fruit juices may be made available in 12 oz. cans at the same rate or in an equivalent volume in other size cans.
[f] 15-4 oz. cans of infant juices may be substituted.

§ 246.14 Fair hearing procedure.

Each State agency participating in the WIC program shall establish a hearing procedure under which a person or his or her parent or guardian can appeal from a decision made by the local agency respecting the eligibility of such person for supplemental foods. Such hearing procedure shall provide:

(a) A simple, publicly announced method for a person to make an oral or written request for a hearing;

(b) An opportunity for the person to be assisted or represented by an attorney or other person in presenting the appeal;

(c) An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal;

(d) That the hearing shall be held with reasonable promptness and convenience to the person and that adequate notice shall be given to the person as to the time and place of the hearing;

(e) An opportunity for the person to present oral or documentary evidence and arguments supporting his or her position without undue interference;

(f) An opportunity for the person to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;

(g) That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal;

(h) That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record:

(i) That the person and any designated representative shall be notified in writing of the decision of the hearing official;

(j) That a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and

(k) That such written record of each hearing shall be preserved for a period of 3 years and shall be available for examination by the person's representative at any reasonable time and place during such period.

§ 246.15 Miscellaneous.

(a) Any State agency or any local agency may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If FNS determines that any part of the money received by a State agency, or food purchased or vouchers redeemed with WIC program funds were, through State agency or local agency negligence or fraud, misused or otherwise diverted from the WIC program purposes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the food or vouchers so misused or diverted. Further, if FNS determines that any part of the money received by a State agency, or food purchased or vouchers redeemed with WIC program funds, were lost as a result of thefts, embezzlements, or unexplained causes, the State agency shall, on demand by FNS, pay to FNS a sum equal to the amount of the money or the value of the food or vouchers so lost. The State agency shall have full opportunity to submit evidence, explanation or information concerning alleged instances of noncompliance or diversion before a final determination is made in such cases.

(b) Requests for information or assistance on the WIC program and all applications, transmittals, agreements or other documents required by this part shall be sent to the FNSRO serving the State as listed below:

(1) Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia: U. S. Department of Agriculture, FNS, Northeast Region, 707 Alexander Road, Princeton, New Jersey 08540.

(2) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands: U. S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street NW., Atlanta, Georgia 30309.

(3) Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin: U. S. Department of Agriculture, FNS, Midwest Region, 536 South Clark Street, Chicago, Illinois 60605.

(4) Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wyoming: U. S. Department of Agriculture, FNS, West-Central Region, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202.

(5) Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory, Washington: U. S. Department of Agriculture, FNS, Western Region, 550 Kearney Street, Room 400, San Francisco, California 94108.

(c) FNS shall issue instructions or procedures to implement the provisions of this part.

(d) Nothing contained in this part shall prevent a State agency from imposing additional requirements for participation in the WIC program which are not inconsistent with the provisions of this part.

NOTE: The reporting and/or record keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This part shall become effective on July 13, 1973.

Signed at Washington, D.C., on July 6, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-14024 Filed 7-6-73;11:35 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETNG QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

MISCELLANEOUS AMENDMENTS

The regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years, 33 FR 19159, as amended, are being amended to set forth changes for the 1973 crop year as follows:

1. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), federally-owned land will be ineligible for participation in the program.

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To the extent that the leasing arrangement permits the production of extra long staple cotton, this prohibition will not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

2. The 1973 price support payment factor and price support payment rate are announced.

3. Beginning with the 1973 crop, a reduction will be made in the payment otherwise computed for a farm in cases where the producer, in good faith, submits incorrect production data.

On January 8, 1973, notice of proposed rule making regarding determinations with respect to the 1973 crop of extra long staple cotton was published in the FEDERAL REGISTER (38 FR 1053). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days after publication of the notice. The comments received have been duly considered.

Pursuant to section 101(f) of the Agricultural Act of 1949, as amended, Part 722 is amended as follows:

1. Section 722.703(b) is amended by adding a new subparagraph (4) to read as follows:

§ 722.703 Requirements for eligibility.

* * * * *

(b) *Farm requirements.* * * *

(4) Land owned by the Federal Government shall be inelegible for participation in the program if the land is (i) leased subject to restrictions prohibiting the production of extra long staple cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (ii) occupied without a lease, permit, or other right of possession, (iii) in a national wildlife refuge, or (iv) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

2. Section 722.704 is amended by adding a new paragraph (d) to read as follows:

§ 722.704 Price support payment factor.

* * * * *

(d) For 1973, the price support payment is 0.6914.

3. Section 722.709 is amended by adding a new sentence at the end of paragraph (a) and by adding a new paragraph (c). The amended language reads as follows:

§ 722.709 Price support payment.

(a) * * * For 1973, the price support payment rate shall be 16.01 cents per pound.

* * * * *

(c) Notwithstanding any other provision of this subpart, where the county committee determines that (1) a producer submitted incorrect production data under § 722.705, (2) the difference between the actual production and the amount of production represented by the incorrect data is small in relation to the actual production, and (3) the producer made a good faith effort to supply the correct data, a reduction shall be made in the payment otherwise computed for the farm in accordance with instructions issued by the Deputy Administrator.

4. Section 722.715 is amended to read as follows:

§ 722.715 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date. July 11, 1973.

Signed at Washington, D.C., on July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14067 Filed 7-10-73;8:45 am]

[Amdt. 3]

PART 722—COTTON

Subpart—Upland Cotton Set-Aside Program for Crop Years 1971–73

MISCELLANEOUS AMENDMENTS

The regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73, 36 FR 15516, are being amended to set forth changes for the 1973 crop year as follows:

1. No acreage is required to be set aside.

2. A reduction will be made in the 1973 payments otherwise computed for the farm in cases where the producer, in good faith, submits incorrect production data for 1972.

3. The provisions of the regulations regarding the misrepresentation of facts are being amended so as not to require a forfeiture of payments made under the wheat or feed grain set-aside program.

4. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), Federally-owned land will be ineligible for participation in the program. To the extent that the leasing arrangement permits the production of upland cotton, this prohibition will not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

In addition, the regulations are being corrected to make it clear that the payments which would otherwise be made to producers on small farms are to be increased by 30 per centum.

Pursuant to section 103 of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Part 722 is amended as follows:

1. Section 722.804 is amended by revising paragraph (b)(6) to read as follows:

§ 722.804 Requirements for eligibility.

* * * * *

(b) *Farm requirements.* * * *

(6) Land owned by the Federal Government shall be ineligible for participation in the program if the land is (i) leased subject to restrictions prohibiting the production of upland cotton, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (ii) occupied without a lease, permit, or other right of possession, (iii) in a national wildlife refuge, or (iv) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

2. Section 722.805 is amended by revising paragraph (c) to read as follows:

§ 722.805 Set-aside acres.

* * * * *

(c) For 1973, the set-aside requirement shall be zero.

3. Section 722.808 is amended by correcting paragraph (b)(2) to read as follows:

§ 722.808 Farm yield and payment rates.

* * * * *

(b) *Payment rates.* * * *

(2) The small farm payment rate shall be 30 per centum of the preliminary payment rate as established in accordance with subparagraph (4) of this paragraph: *Provided,* That the small farm payment rate shall be 30 per centum of the regular payment rate as established in accordance with paragraph (b)(3) of this section if the regular payment rate is greater than the preliminary payment rate.

4. Section 722.812 is amended by adding a new paragraph (l) at the end thereof to read as follows:

§ 722.812 Payments.

* * * * *

(l) Notwithstanding any other provision of this subpart, where the county committee determines that (1) a producer submitted incorrect 1972 production data for purposes of establishing the farm yield under § 722.808(a), (2) the difference between the actual production and the amount of production represented by the incorrect data is small in relation to the actual production, and (3) the producer made a good faith effort to supply the correct data, the farm yield shall be corrected and a reduction shall be made in the payments otherwise computed for the farm in accordance with instructions issued by the Deputy Administrator.

5. Section 722.817 is amended to read as follows:

§ 722.817 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

(Sec. 103, 84 Stat. 1374, 7 U.S.C. 1444)

Effective date. Since farmers are completing their plans for the 1973 crop year, it is essential that this amendment be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on July 11, 1973.

Signed at Washington, D.C., on July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14070 Filed 7-10-73;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Amdt. 1 to determination which became effective October 23, 1972; Docket No. SH-307]

PART 864—SUGARCANE: LOUISIANA

Fair and Reasonable Wage Rates

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 864 of Title 7 of the Code of Federal Regulations, published October 23, 1972 (37 FR 21795), is amended by revising paragraph (a) of § 864.23 to read as follows:

§ 864.23 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in § 864.24, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 1, 1972, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of Worker	Rate per hour
Harvest Work:	
Harvester, loader and transfer loader operators	1.95
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	1.90
All other harvesting workers	1.80
Production and Cultivation Work:	
Tractor drivers	1.85
All other production and cultivation workers	1.80

* * * * *

(Secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153)

Statement of bases and considerations. The redetermined effective date contained herein is issued as a result of the April 30, 1973 Order of the United States District Court for the District of Columbia in the case of Huey Freeman, et al. v. the United States Department of Agriculture, et al., Civil Action No. 1490–72, in which the court required the Department to publish and make effective an annual Louisiana wage determination on or before the beginning of the Louisiana sugarcane harvest for the 1971–72 crop. The order further declared that all Louisiana wage determinations should be effective before the start of the harvest each year, and this amendment is in accord with that declaration of the court with respect to the determination applicable to the 1972–73 crop.

Effective date. This amendment shall become effective July 10, 1973.

Signed at Washington, D.C., on July 3, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14069 Filed 7-10-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1973-Crop Peanut Warehouse Storage Loans

On page 4408 of the FEDERAL REGISTER of February 14, 1973, there was published a notice of proposed rule making relating to a Loan and Purchase Program for 1973 crop peanuts. The notice stated that the Department was giving consideration to: (a) Eliminating the sheller purchase program, (b) making peanuts with visible Aspergillus flavus mold of the type that produces aflatoxin ineligible for price support, and (c) requiring producers to assume storage, handling and inspection costs on peanuts placed under warehouse storage loans. Interested persons were given until March 9, 1973, to submit in writing data, views and recommendations regarding the proposed determinations. About 600 signed responses were received. None of the responses related to the level of support. All were concerned with one or more of the three proposed changes and were almost unanimously opposed to any retrenchment from the 1972 crop program. After consideration of all data, views and recommendations three important changes have been made in the 1973–crop regulations as follows: (a) The sheller purchase program is eliminated, (b) farmers stock peanut with visible Aspergillus flavus mold (a mold that produces aflatoxin) will be eligible for price support at a $50 per ton discount, and (c) producers will be required to assume a charge for storage, handling and inspection costs on peanuts placed under warehouse storage loans. The following regulations reflect this determination.

The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 FR 9950 as amended) are hereby superseded but remain effective with respect to the 1967 through 1972 crops of peanuts.

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GENERAL

Sec.
1446.1 General statement.
1446.2 Administration.
1446.3 Definitions.

WAREHOUSE STORAGE LOANS

1446.4 Availability of warehouse storage loans.
1446.5 Producer indebtedness.
1446.6 Eligible producer.
1446.7 Eligible peanuts.
1446.8 Applicability.
1446.9 National average support value.
1446.10 Average support value by types.
1446.11 Calculation of support values.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421.

GENERAL

§ 1446.1 General statement.

(a) *Scope.* This subpart sets forth support prices for 1973 crop farmers stock peanuts and the terms and conditions under which eligible producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain price support on their eligible 1973 crop farmers stock peanuts.

(b) *Price support advances.* Eligible producers may obtain price support through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Grower Cooperative Marketing Association, Franklin, Va. Each association will make price support advances on eligible peanuts delivered to it by eligible producers at warehouses operating under peanut receiving and warehouse contracts with the association. CCC will make a loan (referred to in this subpart as a "warehouse storage loan") to the association. Such loan will be secured by the eligible peanuts upon which the association has made advances to eligible producers.

(c) *Farm storage loans; purchases from producers.* Regulations containing the terms and conditions under which CCC will make farm storage loans directly to producers on, and purchases directly from, producers of 1973 crop farmers stock peanuts will be published separately in the FEDERAL REGISTER.

§ 1446.2 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") will administer this subpart.

(b) *Limitation of authority.* County Executive Directors, State and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.3 Definitions.

As used in this subpart, and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *ASCS.* The Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(b) *CCC.* The Commodity Credit Corporation, an agency and instrumentality of the United States within the Department of Agriculture.

(c) *County office.* The office of the ASC county committee where records for the farm are kept.

(d) *Effective farm allotment.* The effective farm peanut acreage allotment for 1973 crop of peanuts, as defined in the marketing quota regulations.

(e) *Farm.* A farm, as defined in the Regulations Governing Reconstitution of Farm, Allotments, and Bases, as amended, Part 719 of this title, which in general define a farm as all adjoining or nearby farmland which is operated by one person.

(f) *Farmers stock peanuts.* Picked or threshed peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(g) *Final acreage.* The final 1973 crop acreage of peanuts on a farm determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(h) *Form MQ–94.* Inspection Certificate and Sales Memorandum for farmers stock peanuts.

(i) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(j) *Lot.* That quantity of farmers stock or shelled peanuts for which one Form MQ–94 or other inspection certificate is issued. In the case of farmers stock peanuts delivered to the association for a price support advance, a lot shall consist of not more than the content of one vehicle or approximately 20,000 pounds when delivered by more than one vehicle.

(k) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for Peanuts of the 1972 and subsequent crops, as amended, issued by the Administrator, ASCS, Part 729 of this title.

(l) *Marketing year.* The period beginning on August 1, 1973 and ending on July 31, 1974.

(m) *Net weight.* That weight of farmers stock peanuts obtained by multiplying the gross scale weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas, and 8 percent in the Virginia-Carolina area.

(n) *Peanut receiving and warehouse contract.* Form CCC–1028 Identity Preserved, or Form CCC–1028–A Commingled Storage.

(o) *Producer advance value.* The support value of eligible farmers stock peanuts less an amount equivalent to $15.00 per net ton. The producer advance value of any lot of peanuts pledged to CCC as collateral for a loan to an association shall be computed on the basis of weight, quality and type of such peanuts in the lot and the loan advance schedule for such type issued by CCC. The $15.00 deduction is made to provide funds to pay inspection, storage and handling costs on such peanuts.

(p) *Peanut Segregations*—(1) *Segregation 1.* Farmers stock peanuts which (i) have at least 99 percent peanuts of one type, (ii) have not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold. (2) *Segregation 2.* Farmers stock peanuts which (i) have less than 99 percent peanuts of one type, or (ii) have more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay, and (iii) are free from visible Aspergillus flavus mold. (3) *Segregation 3.* Farmers stock peanuts which have visible Aspergillus flavus mold.

(q) *Sound mature kernels.* Kernels which are free from "damage" and "minor defects," as defined in the U.S. Standards for the applicable type of peanuts effective on the date of the inspection, and which will not pass through screens with the following openings:

(1) 15/64 by 3/4-inch in the case of Spanish and Valencia type peanuts.

(2) 15/64 by 1-inch screen in the case of Virginia type peanuts.

(3) 16/64 by 3/4-inch in the case of Runner type peanuts.

(r) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having 21.5/64-by 1-inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(s) *Type.* The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(t) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts containing not more than 25 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(u) *Within quota card.* Form MQ–76 (Peanuts), 1973 Peanut Within Quota Marketing card issued pursuant to the marketing quota regulations.

(v) *Compliance regulations.* The Regulations Governing Acreage and Compliance Determinations for Farm Marketing Quotas, Acreage Allotments, and Related ASCS Programs, as amended, issued by the Administrator, ASCS, and effective for the 1973 crop, Part 718 of this title.

WAREHOUSE STORAGE LOANS

§ 1446.4 Availability of warehouse storage loans.

(a) *Loans to associations.* CCC will make warehouse storage loans to the associations specified in § 1446.1 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts, make advances to eligible producers on such peanuts, and use such peanuts as collateral for loans to be obtained from CCC. Such loans will mature on demand.

(b) *Areas.* Price support advances will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Where available.* Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with the association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from an ASCS State or county office. The associations shall pledge to CCC all eligible peanuts upon which they have made price support advances as security for loans obtained pursuant to agreements with CCC.

(d) *Time.* Price support advances to eligible producers will be available from time of harvest through January 31, 1974, or such later date as may be established by the Executive Vice President, CCC. If the final date of availability falls on a nonworkday for the association, the applicable final date shall be the next workday.

(e) *Inspection.* The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association.

(f) *Producer agreement.* To obtain a price support advance the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan, and relinquish any right to redeem or obtain possession of such peanuts.

(g) *Advance to producer.* For each lot of eligible peanuts received, the association will make a price support advance to the producer in an amount equal to the producer advance value of such peanuts, except that, in addition to the deductions specified in § 1446.5, the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes imposed by State law, and the Southwestern Peanut Growers Association will, upon the prior agreement of the producer, deduct from such advance an amount approved by CCC, not to exceed 50 cents per net weight ton of peanuts upon which such advance was made, to be used in payment for its peanut activities outside the price support program.

(h) *Fraud of producer.* The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such advance and for all costs which CCC would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 12 percent per annum: *Provided,* That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.5 Producer indebtedness.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lienholders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under this subpart, after deduction of amounts due prior lienholders and on farm storage facilities or drying equipment, shall be applied to such indebtedness as provided in the Secretary's Setoff Regulations, Part 13 of this title.

(c) *Producer's right.* Compliance with the provisions of this section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.6 Eligible producer.

(a) *Requirements.* An eligible producer is an individual, partnership, association, corporation, estate, trust or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper on a farm on which it is determined (1) that the final acreage does not exceed the effective farm allotment, or (2) if the final acreage exceeds the effective farm allotment, that the producer did not knowingly exceed such allotment. Determinations under paragraphs (1) and (2) of this section shall be made pursuant to the marketing quota regulations and the compliance regulations. No producer on a farm in a certification county for which the farm operator fails timely to file a certification of crop or land use acreages as required by Part 718 of this title shall be eligible for price support unless the late filed certification was accepted by the county committee.

(b) *Estates and trust.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward of incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(c) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

§ 1446.7 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support advances shall be 1973 crop farmers stock peanuts which were produced in the United States by an eligible producer, and

(1) Which contain not more than 10 percent moisture, and which if they have been mechanically dried, contain at least 6 percent moisture;

(2) Which contain not more than 10 percent foreign material;

(3) Which were not produced in violation of a restrictive lease on federally owned land, or on land owned by the Federal Government which was occupied

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by the producer without lease, permit, or other right of possession;

(4) Which are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(5) In which the beneficial interest is in the producer who delivers them to the association and has always been in him or in him and a former producer whom he succeeded before they were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether his interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the ASC County Committee all pertinent information which will permit a determination with respect to succession to be made by CCC.

(6) Which are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2 bushel capacity.

§ 1446.8 Applicability.

The support values specified in this subpart apply to 1973-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under this subpart. The support values announced in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1973, and the parity price on that date indicates a higher price.

§ 1446.9 National average support value.

The national average support value for 1973-crop peanuts is $310.50 per ton.

§ 1446.10 Average support values by type.

The support values by type per average grade ton of 1973-crop peanuts are:

Type	Dollars per ton
Virginia	$317.05
Runner	313.58
Southeast Spanish	305.18
Southwest Spanish	301.45
Valencia, in the Southwest area suitable for cleaning or roasting	317.05

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

§ 1446.11 Calculation of support values.

The support value per ton for 1973-crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	4.403
Runner	4.364
Southeast Spanish	4.364
Southwest Spanish	4.364
Valencia:	
Southwest area—suitable for cleaning and roasting	4.817
Southwest area—not suitable for cleaning and roasting	4.364
Areas other than Southwest	4.364

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discounts.* For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount
1 through 4 percent	None
5 percent	$1.00
6 percent	1.60

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton.

(f) *Discount for aspergillus flavus mold.* Peanuts found by the Federal-State Inspection Service to have visible aspergillus flavus mold shall be discounted at the rate of $50 per net ton.

(g) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.100 percent sound mature and sound split kernels.

(h) *Mixed type discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support value.

(i) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $10 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(j) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at 34/64 inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

Effective date: July 11, 1973.

Signed at Washington, D.C. on July 3, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-14068 Filed 7-10-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 71—GENERAL PROVISIONS

Interstate Movement

Statement of consideration. No provisions now exist whereby anaplasmosis reactors may be moved interstate, for any purpose including slaughter. Since accurate diagnostic tests are now available for anaplasmosis and treatments are also available which cure animals of the carrier state, an increasing number of livestock owners are freeing their herds of this disease. In some cases it is economically preferable for them to sell their carrier animals to slaughter. In many such cases the trade area slaughtering establishments are located across State lines and interstate movements would be involved.

Anaplasmosis is not transmissible directly from cow to cow nor does it produce the disease in man. There would, therefore, be no danger of disease spread in movement of anaplasmosis reactors interstate to slaughter. In addition, there may be cases where it would be safe and even desirable to move anaplasmosis carriers interstate for other purposes. Such movements could be permitted under § 71.3(d)(6) where the Deputy Administrator, Veterinary Services, and the appropriate livestock sanitary officials of the receiving State concur that such movements can be made under conditions which he may prescribe to prevent the spread of disease.

The purpose of this amendment is to permit the interstate movement of anaplasmosis reactors for immediate slaughter and to provide for the Deputy Administrator, Veterinary Services, to approve movements of such reactors, other than direct to slaughter, under such conditions as he may prescribe to prevent the spread of the disease with the concurrence of appropriate livestock sanitary officials of the States involved in any such action.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a–1, 115–117, 120–126, 134b), Part 71, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 71.3(d), in subparagraph (1) the word anaplasmosis is added after the reference to "actinobacillosis."

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, as amended; secs. 1–4, 33 Stat. 1264, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–114, 114a, 114a–1, 115, 117, 120, 121–126, 134b; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 11, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of livestock diseases, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14118 Filed 7-10-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Advertising Credit Terms

1. Effective November 1, 1973, §§ 226.2(u), 226.6(a), 226.10(c) and 226.10(d) of Regulation Z are amended to read as set forth below. The amendments will, in large part, simplify and clarify the advertising restrictions of the regulation. For example, the amount of information which must be included in an open end credit advertisement once a specific "triggering" term is used has been reduced and the prohibition against use of the "add-on" or "discount" rate in advertisements has been clarified. Among other changes, the amendments add the "period of repayment" as a "triggering" term in open and credit which requires additional disclosures. The amendments clarify the fact that the amount of downpayment, either in dollars or percentages, triggers full disclosure.

§ 226.2 Definitions and rules of construction.

* * * * *

(u) *"Periodic rate"* means a percentage rate of finance charge which is or may be imposed by a creditor against a balance for a period. (See also § 226.5(a)(3).)

* * * * *

§ 226.6 General disclosure requirements.

(a) *Disclosures; general rule.* The disclosures required to be given by this Part shall be made clearly, conspicuously, in meaningful sequence, in accordance with the further requirements of this section, and at the time and in the terminology prescribed in applicable sections. Except with respect to the requirements of § 226.10, where the terms "finance charge" and "annual percentage rate" are required to be used, they shall be printed more conspicuously than other terminology required by this Part and all numerical amounts and percentages shall be stated in figures and shall be printed in not less than the equivalent of 10 point type, .075 inch computer type, or elite size typewritten numerals, or shall be legibly handwritten.

* * * * *

§ 226.10 Advertising credit terms.

* * * * *

(c) *Advertising of open end credit.* No advertisement to aid, promote, or assist directly or indirectly the extension of open end credit may set forth any of the terms described in paragraph (a) of § 226.7, the Comparative Index of Credit Cost, or that a specified downpayment or periodic payment is required (either in dollars or as a percentage), the period of repayment or any of the following items, unless it also clearly and conspicuously sets forth all the following items in terminology prescribed under paragraph (b) of § 226.7:

(1) An explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge may be imposed.

(3) The method of determining the amount of the finance charge, including the determination of any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year and, where there is more than one corresponding annual percentage rate, the range of balances to which each is applicable.[1]

(d) *Advertising of credit other than open end.* No advertisement to aid, promote, or assist directly or indirectly any credit sale including the sale of residential real estate, loan, or other extension of credit, other than open end credit, subject to the provisions of this Part, shall state

(1) The rate of the finance charge except as an "annual percentage rate," using that term. No other rate of finance charge may be stated, except that:

(i) Where the total finance charge includes, as a component, interest computed at a simple annual rate, the simple annual rate may be stated in conjunction with, but not more conspicuously than, the annual percentage rate, or

(ii) Where the finance charge is computed solely by the application of a periodic rate to an unpaid balance, the periodic rate may be stated in conjunction with, but not more conspicuously than, the annual percentage rate.

(2) That no downpayment is required, or the amount of the downpayment or of any instalment payment required (either in dollars or as a percentage), the dollar amount of any finance charge, the number of instalments or the period of repayment, or that there is no charge for credit, unless it also

[1] A creditor imposing minimum charges is not required to adjust the disclosure of the range of balances to which each rate would apply in order to reflect the range of the balances below which the minimum charge applies. If a creditor does not impose a finance charge when the outstanding balance is less than a certain amount, the creditor is not required to disclose that fact or the balance below which no such charge will be imposed.

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clearly and conspicuously sets forth all of the following items in terminology prescribed under § 226.8:

(i) the cash price or the amount of the loan, as applicable.

(ii) in a credit sale, the amount of the downpayment required or that no downpayment is required, as applicable.

(iii) the number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(iv) the amount of the finance charge expressed as an annual percentage rate. The exemptions from disclosure of an annual percentage rate permitted in paragraph (b)(2) of § 226.8 shall not apply to this subdivision.

(v) except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price in a credit sale, or the total of payments in a loan or other extension of credit which is not a credit sale, as applicable.

2. These amendments are promulgated pursuant to section 105 of the Truth in Lending Act (15 U.S.C. § 1604). Notice of proposed rule making was published on December 29, 1972, (37 FR 28765). After consideration of all relevant matter submitted by interested parties, the range of balances to which annual percentage rates apply was reinserted in the information required to be shown under § 226.10(c)(4) once the full advertisement of open end credit terms is triggered. A technical change was made to § 226.2(u).

3. The amendments are designed to stimulate the competitive advertising of specific open end credit terms within the constraints of the statute. They also harmonize the separate requirements for open and closed end credit, where appropriate. The amendments make numerous technical changes to the existing provisions.

4. Section 226.6(a) has been clarified to provide that the requirement that the "annual percentage rate" and "finance charge" be shown more conspicuously than other terminology does not apply to advertising since such a requirement may be either impractical (eg. in radio advertisements) or inequitable (where a creditor wishes to emphasize a favorable term for competitive purposes). However an addition has been made to § 226.10(d) specifying that all required disclosures must be made "clearly and conspicuously." This requirement (which is already contained in § 226.10(c) with respect to open end credit) would prevent the advertiser from burying the required disclosures with insufficient emphasis in the text of the advertisement.

5. The amendments simplify § 226.10(c) by deleting the present requirements of showing a number of items in open end credit advertisements once a specific credit term is advertised. The deleted terms are the periodic rates, the conditions under which other charges may be imposed, the method by which the other charges will be determined, and the minimum periodic payment required. Such advertisements must still include the annual percentage rate(s), any free ride period, and the method of determining finance charges and the balances on which they are imposed. "No downpayment" has been removed as a specific term which triggers full disclosure since the term is implied in almost any statement about an open end credit plan e.g., "charge it with your credit card."

6. The "period of repayment" has been added to § 226.10(c) as one of the specific terms requiring full disclosure. This harmonizes the requirements of open end credit with those presently applicable to closed end credit regarding the "period of repayment." For example, "up to 24 months to pay" would be a triggering term regardless of whether the credit plan involved open or closed end credit.

7. Section 226.10(d)(1) clarifies the fact that any expression of the finance charge on an annual basis in closed end credit must be solely as an "annual percentage rate" and not in conjunction with, for example, the add-on rate. With regard to the use of oral quotations of add-on or discount rates in response to consumer inquiries about the cost of credit, the Board has issued a concurrent interpretation (§ 226.101) indicating that the annual percentage rate and not the add-on or discount rate should be used in such circumstances. Under the amendment the simple interest component of the finance charge could be shown along with the annual percentage rate. For example, the interest rate on a home mortgage could also be advertised where points may result in a higher annual percentage rate. Likewise, where finance charges are computed based upon the application of a periodic rate (for example by credit unions), that rate may be shown in conjunction with the annual percentage rate—e.g., a monthly periodic rate. These additional rates could not, however, be shown more conspicuously than the annual percentage rate.

8. Sections 226.10(c) and 226.10(d)(2) have been clarified to provide that advertisement of the amount of the downpayment or other payment, either in dollars or percentages, will trigger the full disclosure requirements (whether or not the cash price is also given). The requirement for closed end credit that the amount of the downpayment must be given once full disclosure is otherwise triggered has been clarified to refer only to credit sales. (§ 226.10(d)(2)(ii)). However, statements as to downpayments remain "triggering" terms under § 226.10 (c) and (d)(2) for loans as well as credit sales. Where, for example, full disclosure is triggered by a lender's statement such as "95% loans," examples of typical extensions of credit may be used pursuant to interpretation § 226.1001 "Advertising of Credit Terms in Other Than Open End Credit" (issued 4/22/69) to comply with the full disclosure requirements. Section 226.10(d)(2)(v) has also been modified to specify that the "deferred payment price" disclosure is required in a credit sale, while the "total of payments" is required in a loan or other non-sale transaction.

By order of the Board of Governors, June 29, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14143 Filed 7-10-73;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Use of "Annual Percentage Rate" In Oral Communications

The interpretation is designed to make it clear that in responding to oral inquiries from consumers about the cost of consumer credit, the creditor should quote the cost in terms of the annual percentage rate and not the add-on or discount rate.

Part 226 is amended by adding § 226.101 as set forth below.

§ 226.101 Use of "annual percentage rate" in oral communications.

(a) Under § 226.1(a)(2), a stated purpose of the Truth in Lending Act and Regulation Z is to assure that every customer who has need for consumer credit is given meaningful information with respect to the cost of that credit so that he may readily compare the various credit terms available to him from different sources and avoid the uninformed use of credit. Under § 226.6(a), a creditor is required to make disclosures using certain prescribed terminology, including the "annual percentage rate." The question arises as to the propriety of a creditor quoting annual rates other than "annual percentage rate" in response to consumer inquiries about the cost of credit, where such other rates could not be used in an advertisement under the proscriptions of § 226.10.

(b) The Truth in Lending Act and Regulation Z are intended to facilitate "shopping" between competitive credit plans. If a customer inquires about the cost of credit and the creditor responds by quoting an add-on or discount rate, he may mislead the customer since the use of such rates is prohibited in consumer credit advertising and such rates are significantly lower than the annual percentage rate which must be shown on the creditor's disclosure statement. The quotation of these rates can frustrate the stated purpose of the Act and prevent the customer from making an informed use of credit.

(c) In response to any oral inquiry by a customer about the cost of credit, a creditor when quoting annual rates should use only those rates permitted to be used in advertisements under § 226.10. Irrespective of the method used by the creditor to compute finance charges, the annual rate of the creditor's total finance charges should be quoted only in terms of the "annual percentage rate."

(Interprets and applies 15 U.S.C. 1663 and 15 U.S.C. 1664)

By order of the Board of Governors, June 29, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14144 Filed 7-10-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-927]

PART 526—LIMITATIONS ON RATE OF RETURN

Rates of Return

JULY 6, 1973.

The Federal Home Loan Bank Board, after consulting with the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation, considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) in order to revise the limitations on rates of return contained therein.

The following chart summarizes the revisions:

Type of Account		Previous Maximum Rate	New Maximum Rate
1. Regular Passbook Account		5.00	5.25
2. 90-Day Notice Account		5.26	5.75
3. Certificates of Deposit	*Minimum*** *Balance*		
Maturity			
a. 30 days	None	*	5.25
b. 90 days	$1,000	*	5.75
c. 1-2 years	$1,000	5.75	6.50
d. 2 years	$5,000	6.00	6.50
e. 30 months	$5,000	6.00	6.75
f. 4 years	None	*	6.75
g. 4 years	$1,000	*	No Maximum Rate
h. Any CD of $100,000 or more		No Maximum Rate	No Maximum Rate

*New CD Classification.
**No Maximum Specified.

Under revised § 526.5(a)(5)(ii) no member institution may pay a return at a rate in excess of 6.75 percent on a certificate account of $1,000 or more (but less than $100,000) if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent, would exceed 5 percent of the institution's total savings accounts outstanding as of the end of its most recent distribution period for regular passbook accounts.

In addition to the 5 percent of total savings accounts limitation in said revised § 526.5(a)(5)(ii), under revised § 526.5–1(b) no member institution may pay a return at a rate in excess of 6.75 percent on any certificate account of $100,000 or more if, as a result of the issuance of such certificate account, the total of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts. The effect of § 526.5(a)(5)(ii) and § 526.5–1(b) is that a member institution may have a total of 10 percent of total savings accounts in certain certificate accounts for which no maximum rate of return is prescribed.

Accordingly, the Federal Home Loan Bank Board hereby amends 12 CFR Part 526 as set forth below effective July 6, 1973.

Since affording notice and public procedure on the above amendments would delay them from becoming effective for a period of time and since it is in the public interest that such amendments become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby finds that publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary since they relieve restrictions; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

1. Section 526.3 is revised to read as follows:

§ 526.3 Maximum rate of return payable on regular accounts.

A member institution may pay a return at a rate not in excess of 5.25 percent per annum on any regular account.

2. Section 526.4 is revised to read as follows:

§ 526.4 Maximum rate of return payable on notice accounts.

A member institution may pay a return at a rate not in excess of 5.75 percent per annum on any notice account.

3. Section 526.5 is revised to read as follows:

§ 526.5 Maximum rates of return payable on certificate accounts of less than $100,000.

(a) *Maximum rates*—(1) *Maximum rate of 5.25 percent.* Except as is otherwise provided in § 526.5–1, a member institution may pay a return at a rate not in excess of 5.25 percent per annum on any certificate account having a fixed or minimum term or qualifying period of not less than 30 days.

(2) *Maximum rate of 5.75 percent.* Except as is otherwise provided in this section or in § 526.5–1, a member institution may pay a return at a rate not in excess of 5.75 percent per annum on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 90 days.

(3) *Maximum rate of 6.50 percent.* Except as is otherwise provided in this section or in § 526.5–1, a member institution may pay a return at a rate not in excess of 6.50 percent per annum on—

(i) Any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 1 year but less than 2 years; and

(ii) Any certificate account of $5,000 or more having a fixed or minimum term or qualifying period of not less than 2 years.

(4) *Maximum rate of 6.75 percent.* Except as is otherwise provided in this section or in § 526.1, a member institution may pay a return at a rate not in excess of 6.75 percent per annum on—

(i) Any certificate account of $5,000 or more having a fixed or minimum term or qualifying period of not less than 30 months; and

(ii) Any certificate account having a fixed or minimum term or qualifying period of not less than 4 years.

(5) *No prescribed maximum rate.* (i) Subject to the percentage limitation contained in paragraph (a)(5)(ii) of this section and except as is otherwise provided in this section or § 526.5–1, no maximum rate of return is prescribed on any certificate account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 4 years.

(ii) No member institution may pay a return at a rate in excess of 6.75 percent per annum on a certificate account of $1,000 or more (but less than $100,000) if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent per annum, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(b) *Exceptions as to minimum amount.* (1) If the home office of a member institution is located in a Standard Metropolitan Statistical Area, or county not in such Area, as to which the regional Federal Home Loan Bank has determined that a mutual savings bank having an office located therein is paying a return at a rate in excess of 5.25 percent per annum on any deposit having a minimum amount lower than the corresponding minimum amount prescribed in paragraph (a) of this section for certificate accounts of the same maturity, such member institution may issue certificate accounts of the same maturity in such lower minimum amount.

(2) If the home office of a member institution is located in a State as to which the regional Federal Home Loan Bank has determined (i) that the total amount of savings capital attributable to mutual savings banks exceeds 30 percent of the total amount of savings capital attributable to mutual savings banks, savings and loan associations, building and loan associations, homestead associations, and cooperative banks and (ii) that a mutual savings bank having an office located in such State is paying a return at a rate in excess of 5.25 percent per annum on any deposit having a minimum amount lower than the corresponding minimum

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amount prescribed in paragraph (a) of this section for certificate accounts of the same maturity, such member institution may issue certificate accounts of the same maturity in such lower minimum amount.

(3) With respect to certificate accounts issued under a monthly payment bonus plan providing for the payment of a bonus if regular monthly payments are made by the saver for a period of not less than 12 months, a member institution may pay a return as permitted by paragraph (a) of this section without regard to the minimum amount requirements contained in such paragraph.

4. Section 526.5–1 is revised to read as follows:

§ 526.5–1 Certificate accounts of $100,000 or more.

(a) *Rate of return.* Subject to the limitation contained in paragraph (b) of this section, no maximum rate of return is prescribed on any certificate account of $100,000 or more with a fixed or minimum term or qualifying period of not less than 30 days.

(b) *Percentage limitation.* No member institution may pay a return at a rate in excess of 6.75 percent per annum on any certificate account of $100,000 or more if, as a result of the issuance of such certificate account, the total amount of all such certificate accounts then outstanding, on which a return is being paid at a rate in excess of 6.75 percent per annum, would exceed 5 percent of the institution's total savings accounts outstanding at the end of its most recent distribution period for regular accounts.

(c) *Geographic exception.* In the case of certificate accounts issued by a member institution whose home office is located in the Commonwealth of Puerto Rico, the minimum amount requirement specified in paragraph (a) of this section shall be $50,000 intead of $100,000, and the percentage limitation contained in paragraph (b) of this section shall apply to certificate accounts of $50,000 or more with a return at a rate in excess of 6.75 percent per annum: *Provided*, That no such institution may advertise or promote any such account outside of the Commonwealth of Puerto Rico.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91–151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–14130 Filed 7–10–73;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73–925]

PART 545—OPERATIONS

Savings Accounts

JULY 6, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 545.1–4, 545.3 and 545.3–1 of Part 545 of the rules and regulations for the Federal Savings anl Loan System (12 CFR Part 545) in order to revise certain of the terms upon which Federal associations may accept savings accounts. Accordingly, the Board hereby amends paragraph (c)(3) and subdivisions (i) and (ii) of paragraph (f)(1) of said § 545.1–4, paragraph (b)(4) of said § 545.3, and subdivisions (i) and (ii) of paragraph (c)(3) of said § 545.3–1 to read as set forth below, effective July 11, 1973.

Paragraph (c)(3) of § 545.1–4 is revised in order to reduce the minimum permissible maturity for fixed-term savings deposits from 60 days to 30 days.

Subdivisions (i) and (ii) of paragraph (f)(1) of § 545.1–4, paragraph (b)(4) of § 545.3, and subdivisions (i) and (ii) of paragraph (c)(3) of § 545.3–1 set forth minimum penalty provisions for early withdrawals from fixed-term savings deposits, fixed-balance bonus accounts, and savings accounts evidenced by certificates. The present amendments revise those minimum penalty provisions for Federal associations so that in the event of withdrawal of all or any portion of such an account prior to the expiration of the fixed or minimum term or qualifying period of such an account, the account holder shall receive interest from the beginning of the term or period on the amount withdrawn at a rate not in excess of the rate then being paid on passbook savings accounts. In addition, the account holder shall also pay a penalty in an amount not less than the lesser of the interest at such rate for 90 days on the amount withdrawn or all interest at such rate (since issuance or renewal of the account) on the amount withdrawn. These revisions are made by the Board in coordination with the Federal Reserve Board and the Federal Deposit Insurance Corporation so that the penalty provisions prescribed by the Board and those two agencies will be uniform.

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

Part 545 of Title 12 of the Code of Federal Regulations is amended as follows.

1. Section 545.1–4 (c)(3) and (f)(1)(i) and (ii) is revised to read as follows:

§ 545.1–4 Other savings deposits.

* * * * * *

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

* * * * * *

(3) Accept any fixed-term savings deposit for a term of less than 30 days or more than 10 years: *Provided*, That any savings deposit may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

* * * * * *

(f) *Withdrawal prior to expiration of term.* (1) In the event of withdrawal of all or any portion of a fixed-term savings deposit prior to the expiration of its term—

(i) The depositor shall receive interest from the beginning of the term of such savings deposit on the amount withdrawn at a rate not in excess of the rate then being paid on savings deposits accepted for an indefinite period of time.

(ii) The depositor shall also pay a penalty in an amount not less than the lesser of (*a*) the interest at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest at such rate (since issuance or renewal of the deposit) on the amount withdrawn.

* * * * * *

2. Section 545.3(b)(4) is revised to read as follows:

§ 545.3 Bonus on monthly-payment and fixed-balance accounts.

* * * * * *

(b) *Fixed balance accounts.* * * *

(4) In the event of withdrawal of all or any portion of any such bonus account prior to the expiration of such qualifying period, the account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid, and shall pay a penalty in an amount not less than the lesser of (i) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (ii) all earnings at such rate on the amount withdrawn. If any earnings have been distributed to the account holder prior to such withdrawal, a deduction shall be made from the amount withdrawn to adjust for the penalty applicable to such earnings.

* * * * * *

3. Section 545.3–1(c)(3)(i) and (ii) is revised as follows:

§ 545.3–1 Distribution of earnings at variable rates.

* * * * * *

(c) *Form of certificate.* * * *

(3) In the event of withdrawal of all or any portion of any certificate account, issued pursuant to subparagraph (3) of paragraph (b) of this section, prior to completion of the time eligibility period set forth in the certificate evidencing such account—

(i) The account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all earnings at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73–14128 Filed 7–10–73;8:45 am]

[No. 73–891]

PART 545—OPERATIONS

Applications by Federal Savings and Loan Associations for Branch Offices, Mobile Facilities or Satellite Offices

JUNE 27, 1973.

Certain provisions in Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) regarding branch offices (12 CFR 545.14), mobile facilities (12 CFR 545.14–4) and satellite offices (12 CFR 545.14–5) limit the number of applications by the same Federal savings and loan association for permission to establish branch offices, mobile facilities or satellite offices that the Federal Home Loan Bank Board will consider and process at the same time. It has been pointed out to the Board that certain State supervisory authorities apply more liberal provisions to such applications by State-chartered thrift institutions or commercial banks for permission to establish similar types of offices.

The Board considers it advisable to amend the appropriate provisions in said Part 545 for the purpose of providing, in substance, that the Board will consider and process at the same time as many of such applications by a Federal association as the appropriate State authority of the State in which the applicant's home office is located will consider and process at the same time for the same savings and loan association, savings bank or similar institution or commercial bank of such State. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising §§ 545.14(b)(1)(i), 545.14–4(b)(4), and 545.14–5(c)(5) thereof to read as set forth below, effective July 11, 1973.

Since the above amendments relieve restriction, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

Part 545 of 12 CFR Chapter V is amended as follows:

1. Section 545.14(b)(1)(i) is revised as follows:

§ 545.14 Branch office.

* * * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof; except that the limitations of this subdivision (i) shall not prohibit the consideration and processing at the same time of (*a*) both an application in which the applicant proposes, under the provisions of paragraph (j)(1) of this section, that the office applied for be a limited facility branch office and an application in which it does not so propose or (*b*) more than one branch office or more than one limited facility branch office application of the same association to the extent that the appropriate State authority of the State in which the applicant's home office is located considers and processes at the same time more than one branch office application or more than one limited facility branch office application of the same savings and loan association, savings bank or similar institution or commercial bank of such State.

* * * * * *

2. Section 545.14–4 (b)(4) is revised as follows:

§ 545.14–4 Mobile facility.

* * * * * *

(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

* * * * * *

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending, except that the association may have on file more than one mobile facility application to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time more than one mobile facility application of the same savings and loan association, savings bank or similar institution or commercial bank of such State; or

* * * * * *

4. Section 545.14–5(c)(5) is revised as follows:

§ 545.14–5 Satellite office.

* * * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * * *

(5) A Federal association may not operate more than 5 satellite offices at any one time, and may not file applications for more than 2 such offices in any 12-month period, except that a Federal association may file in the same 12-month period more than two satellite office applications to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time more than two satellite office applications of the same savings and loan association, savings bank or similar institution or commercial bank of such State. An application which has been disapproved shall be disregarded in determining compliance with the preceding sentence.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR., *Assistant Secretary.*

[FR Doc.73–14111 Filed 7–10–73;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73–926]

PART 563—OPERATIONS

Savings Accounts

JULY 6, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 563.3–1 and 563.3–2 of Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) in order to revise certain provisions regarding savings accounts accepted by institutions insured by the Federal Savings and Loan Insurance Corporation. Accordingly, the Board hereby amends paragraph (b)(4) and subdivisions (i) and (ii) of paragraph (d)(1) of said § 563.3–1 and paragraph (b)(4) and subdivisions (i) and (ii) of paragraph (d)(1) of said § 563.3–2 to read as set forth below, effective July 11, 1973.

Paragraph (b)(4) of § 563.3–1 and paragraph (b)(4) of § 563.3–2 are each revised in order to reduce the minimum maturity for fixed-rate, fixed-term accounts and certificates evidencing other accounts from 60 days to 30 days.

Subdivisions (i) and (ii) of paragraph (d)(1) of § 563.3–1 and subdivisions (i) and (ii) of paragraph (d)(1) of § 563.3–2 set forth minimum penalty provisions for early withdrawals from fixed-rate,

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fixed-term accounts and certificates evidencing other accounts. The present amendments revise those minimum penalty provisions for insured institutions so that in the event of withdrawal of all or any portion of such an account prior to the expiration of its term or completion of its eligibility term, the account holder shall receive interest from the beginning of such term on the amount withdrawn at a rate not in excess of the rate then being paid on passbook savings accounts. In addition, the account holder shall also pay a penalty in an amount not less than the lesser of the interest at such rate for 90 days or all interest at such rate (since issuance or renewal of the account) on the amount withdrawn. These revisions are made by the Board in coordination with the Federal Reserve Board and the Federal Deposit Insurance Corporation so that the penalty provisions prescribed by the Board and those two agencies will be uniform.

Since affording notice and public procedure on the above amendments would delay such amendments from becoming effective for a period of time and since it is in the public interest that such amendments become effective without such delay, the Board hereby finds that notice and public procedure as to such amendments are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendments would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that such amendments shall be come effective as hereinbefore set forth.

Part 563 of 12 CFR Chapter V is amended as follows:

1. Paragraphs (b)(4) and (d)(1)(i) and (ii) of § 563.3–1 are revised as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(b) *Limitations.* In issuing certificates evidencing fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) Accept any fixed-rate, fixed-term account for a term of less than 30 days or more than 10 years: *Provided*, That any fixed-rate, fixed-term account may provide for renewal at the option of the institution, for successive periods not exceeding 10 years for each renewal.

* * * * *

(d) *Withdrawal prior to expiration of term.* (1) Each certification issued by an insured institution for a fixed-rate, fixed-term account shall provide that, in the event of withdrawal of all or any portion of such account prior to the expiration of its term—

(i) The account holder shall receive interest from the beginning of the term of such account on the amount withdrawn at a rate not in excess of the rate then being paid on savings accounts accepted for an indefinite period of time.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the interest at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest at such rate (since issuance or renewal of the account) on the amount withdrawn.

* * * * *

2. Paragraphs (b)(4) and (d)(1)(i) and (ii) of § 563.3–2 are revised as follows:

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(b) *Limitations.* In issuing certificates pursuant to the approval contained in paragraph (a) of this section, no insured institution shall:

* * * * *

(4) Issue any certificate account with a time eligibility period of not less than 30 days or more than 10 years; or

* * * * *

(d) *Provisions relating to early withdrawal.* (1) Each certificate issued by an insured institution for a certificate account shall provide that, in the event of withdrawal of all or any portion of such account prior to completion of its time eligibility period—

(i) The account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all earnings at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON, *Secretary.*

[FR Doc.73-14129 Filed 7-10-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2407]

PART 13—PROHIBITED TRADE PRACTICES

Miro Inc., et al.

Subpart—Advertising falsely or misleading: § 13.73 *Formal regulatory and statutory requirements:* § 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Miro Inc., et al., Jersey City, N.J., Docket No. C-2407, May 29, 1973]

In the Matter of Miro Inc., Herald Modes Inc., Empire Fashions, Inc., Rain-Ette Fashions Inc., and Suz-Ette Fashions Inc., Corporations, and Robert Mincow, Individually and As An Officer of Said Corporations

Consent order requiring several Jersey City, New Jersey, manufacturers and sellers of women's and misses' wearing apparel, among other things to cease misbranding its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Miro Inc., Herald Modes Inc., Empire Fashions Inc., Rain-Ette Fashions Inc., and Suz-Ette Fashions Inc., corporations, their successors and assigns, and their officers, and Robert Mincow, individually and as an officer of said corporations, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile product, which has been advertised or offered for sale in commerce, or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, as forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of this Order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

Issued: May 29, 1973.

By the Commision.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14148 Filed 7-10-73;8:45 am]

[Docket C-2406]

PART 13—PROHIBITED TRADE PRACTICES

Pay Less Drug Stores Northwest, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170–70 Preventive or protective; § 13.195 *Safety:* 13.195–60 Product; § 13.210 *Scientific tests.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Pay Less Drug Stores Northwest, Inc., et al., Portland, Oregon, Docket C-2406, May 25, 1973]

In the Matter of Pay Less Drug Stores Northwest, Inc., a Corporation, House of Values, Incorporated, House of Values of Bremerton, Inc., Pay Less Drug Store of Mt. Vernon, Inc., Corporations Doing Business As House of Values, Eureka Pay Less for Drugs Company, Pay Less Drug Store of Coos Bay, Inc., Pay Less Drug Store of Pendleton, Inc., and Pay Less for Drugs, Inc., Corporations, Doing Business As Pay Less Drug Stores

Consent order requiring a Portland, Oregon, based operator of 45 retail stores in four Northwestern states, among other things to cease making deceptive safety helmets and requiring respondent to make cash refunds to deceived purchasers who return the helmets.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Pay Less Drug Stores Northwest, Inc., House of Values, Incorporated, House of Values of Bremerton, Inc., Pay Less Drug Store of Mt. Vernon, Inc., Eureka Pay Less For Drugs Company, Pay Less Drug Store of Coos Bay, Inc., Pay Less Drug Store of Pendleton, Inc., and Pay Less For Drugs, Inc., corporations, their successors and assigns, and their officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of safety helmets do forthwith cease and desist from representing, orally, in writing, or in any other manner, directly or by implication, that the Lear-Siegler "El Dorado 77 (S–80 Spoiler)," the PIP (Pacific Interchange Parts) "GP–2," the American Safety Equipment Corporation "Titan" or any other safety helmet is the world's safest or is safer than any other safety helmet, or words of similar import or meaning, or that any such product is effective in protecting the head from injury, unless respondents have a reasonable basis for such representation at the time it is made, including documentation of scientific tests or other scientific data.

It is further ordered, That respondents shall cause dissemination of clear and conspicuous public notice not less than two columns in width and of the same length and content as Exhibits A through H annexed hereto[1] in the publications noted therein. Said public notices shall be published in an equal number of issues as the original advertisements on dates approved by the Seattle Regional Office.

It is further ordered, That respondents immediately refund the respective purchase price in cash to any person who, within thirty (30) days of the date of publication of said public notices tenders a safety helmet of the type described in Exhibits A through H annexed hereto and asserts that said helmet was purchased as a result of the original false and misleading advertisement.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: May 25, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING, *Acting Secretary.*

[FR Doc.73-14149 Filed 7-10-73;8:45 am]

[1] Exhibits A through H filed as part of the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Diethylcarbamazine Citrate Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (93–512V) filed by E. R. Squibb & Sons, Inc., Georges Rd., New Brunswick, N.J. 08902, proposing the safe and effective use of diethylcarbamazine citrate tablets for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by revising § 135c.86 to read as follows:

§ 135c.86 Diethylcarbamazine citrate tablets.

(a)(1) *Specifications.* Diethylcarbamazine citrate tablets contain 50 or 400 milligrams of diethylcarbamazine citrate per tablet.

(2) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is used as an aid in the treatment of ascarids in dogs and cats and for the prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

(ii) For the treatment of ascarids in dogs and cats, the tablets are administered orally or pulverized and given in the feed or water at a dosage level of 25 to 50 milligrams of diethylcarbamazine citrate per pound of body weight. A repeat dose should be given in 10 to 20 days to remove immature worms which may enter the intestine from the lungs after the first dose.

(iii) For the prevention of heartworm disease in heartworm endemic areas dogs should be given a daily dose of 3 milligrams of diethylcarbamazine citrate per pound of body weight.

(iv) Dogs with established heartworm infections should not receive the drug until they have been converted to a negative status.

(v) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b)(1) *Specifications.* Diethylcarbamazine citrate tablets contain 100 milligrams of diethylcarbamazine citrate per tablet.

(2) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used in dogs for the prevention of infection with *Dirofilaria immitis* (heartworm disease) and as an aid in the treatment of ascarid infections (*Toxocara canis* and *Toxascaris leonina*) in dogs.

(ii) For the prevention of heartworm disease in dogs the drug is given orally once a day at a dosage rate of 3 milligrams of diethylcarbamazine citrate per pound of body weight. Young dogs may

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be started on the prevention program at 2 months of age. For treatment of ascarid infection in dogs, the drug is given orally at a dosage rate of 25 to 50 milligrams of diethylcarbamazine citrate per pound of body weight. A repeat dose should be given in 10 to 20 days to remove immature worms which may enter the intestines from the lungs after the initial treatment.

(iii) Use of the drug is not recommended in dogs with active *D. immitis* infections.

(iv) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Effective date. This order shall be effective July 11, 1973.

Dated: July 3, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-14056 Filed 7-10-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Emergency Temporary Standard for Exposure to Organophosphorous Pesticides

Correction

In FR Doc. 73-13071 appearing at page 17214 in the issue of Friday, June 29, 1973, in § 1910.267a(c)(2), the 19th line should be deleted, and the following substituted: "respirator approved by either the U.S.".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19653; FCC 73-732]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations in Gregory, S. Dak.

Report and order. In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations. (Gregory, South Dakota) Docket No. 19653, RM-1759.

1. The Commission here considers the notice of proposed rule making in this docket, adopted November 29, 1972 (FCC 72-1086; 37 FR 26134; extension of time for comments published at 38 FR 1941), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) as concerns possible assignment of either Channel 260 or 268 to Gregory, South Dakota. The parties filing formal comments are the petitioner, West Central Investment Co., Inc. (WCI); and Midwest Radio Corporation (Midwest), licensee of Stations KWYR (daytime-only) and KWYR-FM (Channel 229), Winner, South Dakota, Ranchland Broadcasting Co., Inc. (Ranchland), licensee of AM Station KBRX (daytime-only) and applicant for FM Channel 224A at O'Neill, Nebraska (BPH-8171), filed informal comments. Midwest and Ranchland oppose assignment of a channel other than a Class A to Gregory.

2. As stated in the Notice, WCI seeks the assignment of either Channel 260 or 268 to Gregory, South Dakota. Gregory, population 1,756, is the largest community in Gregory County, population 6,710.[1] There is no FM channel assignment to the community nor is there a standard broadcast station licensed in the county. WCI states that a maximum Class A facility at Gregory would (based on assumed reasonable facilities for other stations) serve 5,229 persons and an area of 680 square miles within its 1 mV/m contour, and would bring a first FM service to 357 persons and a second FM service to 4,872 persons. In contrast with this, WCI states that if a Class C channel is assigned to Gregory it would apply for its use with facilities of 100 kW E.R.P. and antenna height of 500 feet A.A.T. With such facilities, it states that its 1 mV/m contour would contain 4,300 square miles and a population of 23,874 persons, and that 45 percent of this area would receive a first FM service (11,132 persons), and 49.7 percent of the area (12,085 persons) a second FM service.[2] These computations, prepared before the Winner station was activated, assumed that such a station would operate with 75 kW power and an antenna height of 500 feet A.A.T., and used 1960 census figures. Station KWYR-FM has since gone on the air at Winner with 100 kW, power and an antenna height of 560 feet A.A.T. Midwest contends that considering the present facilities of KWYR-FM, and using 1970 Census figures, the total population within the 1 mV/m contour of a Gregory station would be 21,104, and a first FM service would be provided to only 4,670 persons. Midwest has not calculated the population that would be provided with a second FM service. However, if we accept the figure of 4,670 persons receiving a first FM service, it appears that about 15,300 persons would be receiving a second.

3. Midwest opposes the proposed assignment on the grounds that Gregory merits only a Class A channel under Commission criteria. Midwest relies on the following: A detailed showing that Gregory and its county are not as important as Winner (population 3,789) and Tripp County (population 8,171) to the area (the counties adjoin and the cities are 25 miles apart). Midwest also claims that the assignment of either Channel 260 or 268 should be denied because of the substantial preclusionary effect: 24 communities are precluded from using Channel 260 if that channel is assigned to Gregory, while 22 communities would be precluded from using Channel 268 if it is assigned there. In this respect, Midwest also asserts that the more logical assignment for Channel 260 would be at Ord, Nebraska (population 2,439), the seat of Valley County (population 5,783); and for Channel 268 would be at Redfield, South Dakota (population 2,943), the seat of Spink County (population 10,595). Midwest also contends that in determining the areas to which a Gregory station would bring a first FM service, the 50 uV/m service of other FM stations should be taken into account because of the rural nature of the Gregory area, and so should AM service.

4. We disagree with Midwest's contentions. While the assignment of either Channel 260 or 268 would preclude use of other FM stations should be taken into as Midwest claims, the number of FM channels available for assignment in the area is ample for assignment to these communities.[3] In this connection, we note that sixteen communities are subject to preclusion by either channel, and, therefore, would not be completely precluded by assigning the other channel to Gregory. Moreover, four of the 16 communities, all with populations of less than 10,000, have FM assignments; Midwest's contention as to preclusion here is that the three with Class A channels could use Class C channels and the other one with a Class C channel (in use) could use a second Class C channel.[4] Midwest's suggestion that the channels more appropriately might be assigned to Ord and Redfield are not considered as counterproposals, because it is not usual to assign a channel to a community with less than 10,000 population unless there is a showing that someone is willing and able to apply for the channel and, if assigned, to build a station if the application is granted; this also applies to other precluded communities including those in which Midwest feels the FM channel class should be changed or a second FM assignment is made. Midwest's contention that a 50 uV/m signal might provide service to rural areas (see § 73.315(b)) has no bearing for the standard as to making FM assignments is the 1 mV/m contour which is considered an FM station's predicted service contour; indeed, this very contention made by Midwest was raised and rejected in the Roanoke Rapids-Goldsboro decision, 9 F.C.C. 2d at 675-6. Midwest's reliance on service

[1] All population information is from the 1970 Census unless otherwise indicated.

[2] This comports with the so-called Roanoke Rapids-Goldsboro criteria for allocating a higher Class FM channel to a community that normally merits only a Class A channel (9 F.C.C. 2d 672, 673 (1967)). The Notice sets forth certain further information relied on by the petitioner to show the sociology, governmental activities, and economics of Gregory. We need not repeat this data here.

[3] In the circumstances, a preclusion study (see Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967)) was deemed unnecessary.

[4] Similar contentions are made with respect to three of the other eight communities precluded by Channel 260 and two of the other six communities precluded by Channel 268.

of AM stations to Gregory is not well taken; six of the 13 AM stations are daytime-only, three are Class IV stations which operate with 250 watts power at night, and the other four operate with 5 kW power and directional antennas at night. Since the nighttime operation of AM stations is severely limited by interfering signals, it is doubtful that any of the AM stations operating at night could serve an area where an FM station at Gregory would serve at night; the nearest is AM Station WNAX, Yankton, South Dakota, 105 miles from Gregory.

5. Ranchland's contention is that a Gregory station would serve the area it proposes to serve with its FM station (BPH-8171). The distance between O'Neill, Nebraska, and Gregory is 65 miles. The 1 mV/m contour of the O'Neill station would extend approximately 15 miles, while that of a Gregory station (with 100 kW and antenna height of 500 feet A.A.T.) would extend approximately 37 miles. In the circumstances, there is no overlap of service of the protected service contours.

6. Accordingly, we find that the public interest, convenience, and necessity would be served by assigning Channel 268 to Gregory, South Dakota. The rationale is that followed in assigning Channel 229 to Winner, South Dakota (5 F.C.C. 2d 188, 189-190), namely, that there is a basis for departure from our policy of making Class A assignments to smaller communities in Class B and C to metropolitan areas and larger cities where the small community is in a sparsely settled rural area located far from any metropolitan areas or population centers and assignment of the higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not. In this respect, there appears to be a substantial number of persons who have no FM service or are in a "grey" area. As noted in paragraph 2 above, assuming a 100 kW-500 foot Gregory station, the populations in the unserved and grey areas respectively are 4,670 and about 15,300 persons, which are quite substantial as compared to the total to be served by a Class C station at Gregory. While WCI discussed a facility of 100 kW power and 500 feet antenna height, it did not commit itself to applying for such a facility if either Channel 260 or 268 is assigned to Gregory. Further, there may be some other applicant. Thus, in order to assure reasonable first FM service, we are conditioning operation of a station on the channel with at least 75 kW E.R.P. and 500 feet A.A.T. antenna height or equivalent, which would cover an area with a slightly lesser radius. As to the choice between Channels 260 and 268, we have selected 268 for assignment to Gregory because it precludes a lesser number of and less populated communities. This assignment meets our spacing requirements.

7. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered,* That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective August 20, 1973, as concerns Gregory, South Dakota, as follows:

City	Channel No.
Gregory, South Dakota	268*

*Any application for this channel must specify at least an effective radiated power of 75 kW and antenna height of 500 feet above average terrain or equivalent.

9. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14095 Filed 7-10-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 29th day of June 1973.

It appearing, that an acute shortage of boxcars, gondola cars, and covered hopper cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of these types of freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty day's notice.

It is ordered, That:

§ 1033.1124 **Service Order No. 1124 (Demurrage and free time on freight cars).**

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(i) Application. (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) *Exception.* This order shall not apply to cars with inside length 69 ft. 0 in. and over.

(iv) *Exception.* This order shall not apply to cars held at, or outside of ocean, Great Lakes, or river ports, while subject to the provisions of Service Order No. 1121—Demurrage and Free Time at Ports—or revisions thereof.

(v) *Exception.* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas	Douglas, Arizona
Laredo, Texas	Naco, Arizona
Eagle Pass, Texas	Nogales, Arizona
Presidio, Texas	Calexico, California
El Paso, Texas	

(vi) *Exception.* This order shall not apply to cars subject to Freight Tariff 8-O, I.C.C. H-30, issued by B. B. Maurer, supplements thereto, or re-issues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vii) *Exception.* The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply to cars subject to this order.

(x) The term "holiday" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or re-issues thereof.

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(2) Free time. (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in paragraph (i) of this section, the free-time periods, if any, provided in such tariffs shall apply.

(3) Demurrage, detention, or storage charges—cars not subject to average demurrage basis. (i) After the expiration of the free-time period described in paragraph (a)(2) of this section, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days
$20.00 per car per day, or fraction of a day, for each of the next two days
$30.00 per car per day, or a fraction of a day, for each of the next two days
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m. or expires at or before 11:59 p.m. of the day immediately prior to the Saturday, Sunday, or holiday.

(4) Cars subject to average demurrage basis. (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car, per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading. Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying Part (iv) of this paragraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in Paragraph (2) herein.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) Notices of arrival, constructive placement, etc. (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or trans-shipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or re-issues thereof, shall apply.

(b) Rules and regulations suspended. The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) Notification of shipper required. (i) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(ii) If a notice described in paragraph (i) of this section has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(iii) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station or point from which sent.

(iv) Failure of a carrier to send and preserve copies of the notices required by Part (i) of this section shall not be deemed as nullifying the requirements of Sections (2) or (3) of this order.

(d) Effective date. This order shall become effective at 7:00 a.m., July 1, 1973.

(e) Expiration date. This order shall expire at 6:59 a.m., Oct. 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14132 Filed 7-10-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 63]

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Monitoring Exports and Anticipated Exports of Cotton

Section 376.3 is amended to read as set forth below and Supplement No. 1 to Part 376 is amended to add a new Group X, as set forth below.

Effective date: July 6, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

In order to assist the Department of Commerce in monitoring, on a current basis, the exports of and foreign demand for cotton, the Export Control Regulations are revised to require each U.S. exporter to file, no later than Friday, July 13, 1973, a report of all anticipated exports of more than $250 of each commodity defined below. Such report will provide the number of pounds (and running bales, if specified in Schedule B) of such anticipated exports as of close of business July 5, 1973. The commodities subject to the reporting requirement set forth herein shall be listed by the appropriate numbers in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, which are set forth below, and in the case of cotton classified under Sch. B No. 263.1031, also by staple length[2], by country of ultimate destination and by month of scheduled or anticipated export.

For optional sales, the report shall include that portion of the sale expected to be exported from the United States or in the case of optional class or kind of cotton the report shall include the particular class or kind of cotton expected to be exported.

A report shall be filed on Form DIB–634P–j[1], "Anticipated Exports" for the cotton commodities listed below.

Subsequent Reports. On July 16, 1973, and on the first business day of each week thereafter, each U.S. exporter shall file a report on Form DIB–634P–j setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth below. Such report shall be made on the same basis as and shall contain all data required above for the July 13 report. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such cancelled orders were accepted on or before July 5, 1973 or accepted after that date; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before July 5, 1973 or against orders accepted after that date; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of commodity expected to be exported from the U.S. Such reconciliation shall be filed on Form DIB–635P–j[1]. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but Form DIB–634P–j shall nevertheless be submitted with the statement "no change" entered on its face; in such case, Form DIB–635P–j need not be filed. If there are changes, even though these do not result in changes in the aggregates because they are offsetting, Form DIB–635P–j shall be filed showing such changes.

Manner of reporting. All reports must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

Date of export. For purposes of this reporting requirement only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

Corrections. If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to the proceding paragraph are found to have been incorrect, such facts shall be set forth on Form DIB–635P–j and corrected data shall thereafter be set forth on the appropriate Form DIB–634P–j.

Who shall file reports. For purposes of this reporting requirement only, in order to prevent duplication as well as to insure complete and adequate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

The term "anticipated export(s)" as used herein and in the Reporting Forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exporter's own account on the basis of an order from an exporter's foreign affiliate or agent. It does not include merely hoped-for orders or volume commitments without fixed price or fixed basis for price.

Possibility of quota restrictions. U.S. exporters are advised that if controls are imposed on exports of these commodities, all unshipped export orders may be fully subject to such controls, whether the order was entered into before, on, or after July 5, 1973. In addition, exports made after July 5, 1973, may be deducted from whatever export quotas are established.

The cotton commodities subject to this reporting requirement are defined as follows:

Schedule B Number	*Commodity Description*
263.1011	American-Egyptian and Sea Island domestic raw cotton.
263.1021	Upland domestic raw cotton, staple length 1 1/8 inches and over (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1 inch (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1 1/32 inches (U.S. official standard).
263.1031	Upland domestic raw cotton, staple length 1 1/16 up to 1 1/8 inches (U.S. official standard).
263.1041	Upland domestic raw cotton, staple length under 1 inch (U.S. official standard).
263.1051	Raw cotton, foreign, re-exported.
263.3020	Cotton card strips.
263.3030	Cotton comber waste.
263.4000	Cotton, carded or combed (laps, silver, and roving).

Exporters are advised that this reporting requirement may be revised and expanded if the Department determines that information being received is not sufficient for accurate monitoring of anticipated exports.

Accordingly, § 376.3 of the Export Control Regulations is amended as set forth below and Supplement No. 1 to Part 376 is amended to add a new Group X, as set forth below.

1. Section 376.3 is amended to read as follows:

§ 376.3 Agricultural commodities requiring reports.

(a) *Exports and anticipated exports of certain agricultural commodities.* (1) *Initial report of unfilled orders.* (i) No later than the date shown in Column D of Supplement No. 1 to this Part 376, each U.S. exporter shall file a report of all anticipated exports (as hereinafter defined) of more than $250 of each separate agricultural commodity listed in Supplement No. 1. Such report will provide the tonnage (in metric tons) of such anticipated exports as of the close of business on the date shown in Column C, of Supplement No. 1, unless other unit of quantity is specified in Supplement No. 1. The commodities subject to the reporting requirement set forth herein

[1] The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] Report separately staple length 1 inch; 1 1/32 inches; and 1 1/16 up to 1 1/8 inches.

[1] Copies of the forms may be obtained from all U.S. Department of Commerce District Offices and from the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230.

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shall be listed by the appropriate number in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, U.S. Bureau of the Census, as set forth in Supplement No. 1, and in the cases of wheat and cotton also by the separate classes set forth in Supplement No. 1; by country of ultimate destination; and by month of scheduled or anticipated export. For optional sales, the report shall include that portion of the sale expected to be exported from the United States, or in the case of optional class or kind of commodity, the report shall include the particular class or kind of commodity expected to be exported.

(ii) A separate report shall be filed on the appropriate form DIB–634P (a) through (j) "Anticipated Exports" for each of the agricultural commodity groupings listed in Supplement No. 1. Form DIB–634P is promulgated in series (a) through (j) inclusive, so that each of the commodity groupings has its own particular form, designated by color coding.

(2) *Subsequent reports.* On the date shown in Column E of Supplement No. 1, and on the first business day of each week thereafter, each U.S. exporter shall file a report on the appropriate Form DIB–634P setting forth as of the close of business the preceding Friday all anticipated exports of more than $250 for each separate commodity set forth in Supplement No. 1. Such report shall be made on the same basis as and shall contain all data required under paragraph (a) (1) of this section. Such report shall also have attached a reconciliation of all changes from the prior report which will show in aggregate form all new anticipated exports of more than $250; all cancellations of, or changes in, orders previously reported; a breakdown showing whether such canceled orders were accepted on or before the date shown in Column C of Supplement No. 1 or accepted after that date; all exports made since the closing date of the prior report, whether or not such exports were made against reported or accepted orders; a breakdown of exports showing whether they were against orders accepted on or before the date shown in Column C of Supplement No. 1, or against orders accepted after that date; any changes in the quantities to be exported to particular countries; any changes in the month of scheduled or anticipated export; and in the case of optional sales any change in the particular class or kind of commodity expected to be exported from the U.S. Such reconciliation shall be filed on Form DIB–635P which is also promulgated in series (a) through (j) inclusive. If there are no changes on a line of information from the prior report, the information contained in the prior report shall not be repeated but Form DIB–634P shall nevertheless be submitted with the statement "no change" entered on its face; in such case, Form DIB–635P need not be filed. If there are any changes, even though these do not result in changes in the aggregates because they are offsetting, Form DIB–635P shall be filed showing such changes. If the date in Column C of Supplement No. 1 is different from that shown in the heading or any item of Form DIB–634P or DIB–635P, the dates on the forms should be corrected accordingly.

(3) *Reporting requirements.* (i) Manner of reporting: All reports required under this Part 376 must be filed in an original and one copy with the Office of Export Control (Attn: 547), U.S. Department of Commerce, Washington, D.C. 20230. Such reports shall be deemed filed when actually received by the Office of Export Control.

(ii) Date of export: For purposes of this section only, a commodity shall be considered as scheduled for export on the date the exporting carrier is expected to depart from the United States.

(iii) Corrections: If, because of a carrier's earlier or delayed departure or for other reasons, data reported pursuant to (ii) above are found to have been incorrect, such facts shall be set forth on Form DIB–635P (a) through (j) and corrected data shall thereafter be set forth on the appropriate Form DIB–634P (a) through (j).

(iv) Who shall file reports: For purposes of Section 376.3 only, in order to prevent duplication as well as to insure complete and accurate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or delivers the material to a carrier for export out of the country.

(v) The term "anticipated export(s)" as used herein and in the Reporting Forms means exports expected which are based upon accepted orders which are unfilled in whole or in part or upon other firm arrangements, such as exports for the exports own account on the basis of an order from the exporter's foreign affiliate or agent. It does not include merely hoped for orders or volume commitments without fixed price or fixed basis for price.

* * * * *

2. Supplement No. 1 to Part 376 is amended to add the following commodities:

Supplement No. 1 to Part 376

AGRICULTURAL COMMODITIES SUBJECT TO MONITORING

A. Schedule B Number	B. Commodity Description	C. Report Unfilled Orders as of:	D. Initial Report Due By:	E. Subsequent Reports Beginning:
	GROUP X - OTHER AGRICULTURAL COMMODITIES			
263.1011	American - Egyptian and Sea Island domestic raw cotton (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1021	Upland domestic raw cotton, staple length 1 1/8 inches and over (U.S. official standard) (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 inch (U.S. official standard) (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 1/32 inches (U.S. official standard) (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1031	Upland domestic raw cotton, staple length 1 1/16 up to 1 1/8 inches (U.S. official standard) (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1041	Upland domestic raw cotton, staple length under 1 inch, (U.S. official standard) (Report both running bales (Rba) and pounds (Lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.1051	Raw cotton, foreign, reexported (identify by staple length and country of origin) (Report both running bales (Rba) and pounds (Lb.)	July 5, 1973	July 13, 1973	July 16, 1973
263.3020	Cotton card strips (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.3030	Cotton comber waste (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973
263.4000	Cotton, carded or combed (laps, sliver, and roving) (report in pounds (lb.))	July 5, 1973	July 13, 1973	July 16, 1973

[FR Doc.73–14317 Filed 7–10–73;11:29 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 308]

BARBITURIC ACID DERIVATIVES AND SALTS

Proposed Transfer From Schedule III to Schedule II; Extension of Comment Period

A notice was published in the FEDERAL REGISTER on May 31, 1973 (28 FR 14289) proposing the transfer of amobarbital, butabarbital, cyclobarbital, heptabarbital, pentobarbital, probarbital, secobarbital, talbutal, and vinbarbital, and their salts, from Schedule III to Schedule II of the Controlled Substances Act.

Due to a delay in publication of the notice, less than 30 days was provided during which interested persons could comment. In order to correct this situation, the Director of the Bureau of Narcotics and Dangerous Drugs ordered an extension of time for filing comments to July 3, 1973. Because of additional delays in publication, a notice of extension was not published in the FEDERAL REGISTER until July 3, 1973, thereby rendering the extension ineffective. In order to provide adequate time for additional comments, the Administrator of the Drug Enforcement Administration, successor agency to the Bureau of Narcotics and Dangerous Drugs, hereby extends the time for filing until July 18, 1973.

All comments, objections, or requests for hearings must be received no later than July 18, 1973. In the event a hearing is held, the date of the hearing will be August 2, 1973, at 10:00 a.m., in Room 1210, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: July 6, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73–14216 Filed 7–10–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rulemaking

This notice invites written comments relative to the continuation of Pear Regulation 3 (§ 917.432; 38 FR 17182). This regulation requires that all California Bartlett Max-Red Bartlett, Red Bartlett, anl Rosired Bartlett variety pears shipped in interstate commerce grade at least U.S. Combination, with not less than 80 percent grading U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size, except that not to exceed 5.263 percent may be smaller but not smaller than 180 size, and provides that containers of such pears shall be marked with the variety name or the words "unknown variety". The Pear Commodity Committee, in proposing continuance, reflected that in order to assure consumers of an appropriate supply of quality fruit during 1973 such regulation should encompass the entire shipping and harvesting season for California Bartletts.

Consideration is being given to the following proposal, submitted by the Pear Commodity Committee, established pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 917.432 (Pear Regulation 3; 38 FR 17182) to continue the effective period of such regulation through July 31, 1974. Unless so amended the regulation would end August 4, 1973.

As proposed to be amended § 917.432 paragraph (a) would read as follows:

§ 917.432 Pear Regulation 3.

(a) *Order.* During the period July 5, 1973 through July 31, 1974, no handler shall ship:

* * * * *

Dated: July 5, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–14072 Filed 7–10–73;8:45 am]

Commodity Exchange Authority

[17 CFR Part 1]

CONTRACT MARKET RULE ENFORCEMENT

Proposed Requirements

Notice is hereby given in accordance with administrative procedure provisions of 5 U.S.C. 553 that the Secretary of Agriculture, pursuant to the authority of Sections 5a and 8a of the Commodity Exchange Act (7 U.S.C. 7a and 12a), is considering adding a new § 1.51 to Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to read as set forth below. The purpose of the proposed regulation is to set forth the requirements for programs by the contract markets for enforcement of the provisions of the Act specified below and of their bylaws, rules, regulations, and resolutions referred to therein. Some contract markets are maintaining a passive attitude toward such enforcement while others are failing to diligently seek out violations in certain areas.

§ 1.51 Contract market program for enforcement.

(a) Each contract market shall use due diligence in maintaining a continuing affirmative action program to secure compliance with all of the provisions of sections 5, 5a, 5b, 6(a) and 6b of the Act (7 U.S.C. 7, 7a, 7b, 8, 13a) and with all of the contract market's bylaws, rules, regulations and resolutions referred to therein. Such program shall include:

(1) Surveillance of market activity for indication of possible congestion or other market situation conducive to possible price distortion;

(2) Surveillance of trading practices on the floor of such contract market;

(3) Examination of the books and records kept by contract market members relating to their business of dealing in commodity futures and cash commodities;

(4) Investigation of complaints received from customers concerning the handling of their accounts or orders;

(5) Investigation of all other alleged or apparent violation of such bylaws, rules, regulations and resolutions; and

(6) Such other surveillance, record examination and investigation as is necessary to enforce such bylaws, rules, regulations and resolutions; and

(7) A procedure which results in the taking of prompt, effective disciplinary action for any violation which is found to have been committed.

(b) Each contract market shall keep full, complete, and systematic records which will clearly set forth all action taken as a part of, and as a result of, its program required under paragraph (a) of this section.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before August 27, 1973.

Written statements with reference to the subject matter of this proposal may be submitted by an interested person. Such statements should be mailed to the

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Administrator of the Commodity Exchange Authority prior to August 27, 1973.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: July 5, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-14071 Filed 7-10-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NW-10]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration.

The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A new RNAV Runway 20 straight-in approach has been developed for the Burley Municipal Airport, Burley, Idaho. In order to provide controlled airspace to protect aircraft executing this procedure, it is necessary to alter the Burley, Idaho control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In § 71.171 (38 FR 351) the description of the Burley, Idaho control zone is amended by adding the following: "• • • and within 1.5 miles each side of the 036 degree bearing from the Burley Municipal Airport extending from the 5-mile radius zone to 8 miles northeast of the airport."

In § 71.181 (38 FR 435) the description of the Burley, Idaho transition area is amended to read as follows:

BURLEY, IDAHO

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121 degree radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292 degree radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 344 degree radial extending to the north edge of V-500; and within 2.5 miles southeast and 6 miles northwest of the 036 degree bearing from the Burley Municipal Airport, extending to 9.5 miles north of the Burley Municipal Airport; and that airspace extending upward from 1200 feet above the surface within 8 miles south of the Burley VORTAC 074° radial extending from the VORTAC 19 miles east; within 10 miles southeast of the 223° radial extending from the VORTAC 19 miles southwest; that airspace southeast of Burley bounded on the north by V-4, on the southeast by a 33.5 mile arc centered on the Burley Airport, on the southwest by northeast edge V-101, that airspace northeast of Burley bounded on the north by V-500, on the east by an arc of a 23 mile radius circle centered on Pocatello, Idaho VORTAC, on the south by V-269 and on the west by V-365; and that airspace north of Burley bounded on the west by a line parallel to and 8 miles northwest of the centerline of V-365 extending from the Burley VORTAC to the south edge of V-500.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(v)).

Issued in Seattle, Wash., on July 2, 1973.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.73-14028 Filed 7-10-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sheboygan, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public VOR instrument approach procedure has been developed for the Sheboygan County Memorial Airport. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Sheboygan, Wisconsin transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Regulations as hereinafter set forth:

In § 71181 (38 FR 435), the following transition area is amended to read:

SHEBOYGAN, WISC.

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Sheboygan County Memorial Airport (latitude 43°46'18" N., longitude 87°51'08" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on June 28, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.14029 Filed 7-10-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Wilmington, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications on or before August 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new public use instrument approach procedure has been developed for the Wilmington Industrial Airport, Wilmington, Ohio based on a non-federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Wilmington, Ohio. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

WILMINGTON, OHIO

That airspace extending upward from 700 feet above the surface within a 10 mile radius of the Wilmington Industrial Airport (latitude 39°25'45" N., longitude 83°48'00" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on June 22, 1973.

HAROLD W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-14030 Filed 7-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[Docket No. 25592; EDR 248-A]

FOREIGN AIR CARRIERS

Priority Rules, Denied Boarding Compensation Tariffs and Reports of Unaccommodated Passengers

The Board, by circulation of notice of proposed rule making EDR-243, dated June 4, 1973 (38 FR 15085, June 8, 1973), gave notice that it had under consideration the adoption of amendments to Part 250 of the Economic Regulations (14 CFR Part 250) to expand the part so as to encompass foreign air carriers holding a permit issued by the Board pursuant to section 402 of the Act. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before July 9, 1973.

Counsel for Iberia Airlines and Alitalia have requested an extension of the time for filing comments until July 23, 1973, and counsel for British Overseas Airways Corporation has requested an extension until July 30, 1973. These requests state that the carriers are presently considering the Board's proposed rule, but that they require additional time beyond the present deadline.

The undersigned finds that good cause has been shown for an extension of time for filing comments until July 23, 1973.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 23, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.73-14112 Filed 7-10-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1005]

[Ex parte 263 (Sub-No. 2)]

LOSS AND DAMAGE CLAIMS

Net Weights for Determining Losses

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of June, 1973.

By notice dated March 19, 1973, and published in the FEDERAL REGISTER on March 28, 1973 (38 FR 8108), it was stated that a petition had been filed by Louis Padnos Iron & Metal Company seeking the institution of an investigation into the lawfulness of the practice of certain railroads in utilizing a comparison of gross weights to determine the extent of loss on shipments of scrap iron and steel. The petition was docketed for administrative handling as No. 35767, Louis Padnos Iron & Metal Co.—Petition for Investigation of Practices of Rail Carriers Respecting Handling of Loss Claims on Scrap Iron and Steel. As stated below, we have decided to institute an investigation as requested; however, we have also decided to consider the advisability of prescribing rules and regulations governing the voluntary disposition of loss claims. Therefore, we have docketed the proceeding with the number and title captioned above.

In the notice, we advised that petitioner asserts that it is entitled to reimbursement of its "full and actual loss", pursuant to section 20(11) of the Interstate Commerce Act and that such loss lawfully should be measured by the difference between origin and destination net weights. Petitioner states that it is the practice of certain railroads to pay only those claims for loss established by a comparison of gross weights.

In the past, we have had occasion to consider several matters which are necessarily connected with this petition. For example, as long ago as 1913, In re Weighing of Freight by Carrier, 28 I.C.C. 7, it was noted that inaccuracies in weighing can result in discrimination between shippers as much as do differences in rates themselves. Cognizance was taken there of the fact that accuracy in the matter of weight in connection with claims for loss becomes of increasing importance in proportion to the value of the article being transported. A prolific source of error in ascertaining correct weights was found to be improper tare weights stenciled upon cars, but it was also stated to be of great importance that cars were being delivered for loading which contain foreign substances (thereby increasing the "light" weight of the car.)

More recently, in Consignees' Obligation to Unload, 340 I.C.C. 405, we found that Rule 27 of the Uniform Freight Classification imposes upon consignees the obligation of unloading railcars with exceptions. The carriers are on notice that cars not completely unloaded must either be left on demurrage or pulled under rates for the transportation of refuse. However, petitioner has, in other representations before this Commission, given reason to believe that such is not always the case with respect to cars used for the movement of scrap iron and steel.

In Loss and Damage Claims, 340 I.C.C. 515, we determined that we have the requisite authority to prescribe rules and regulations governing the voluntary processing of loss and damage claims. While we could proceed to consider the advisability of detailed rules with respect to weighing and to completion of unloading, we believe that, if warranted, a simple rule requiring the settlement of loss claims to be based upon a comparison of net weights will best accomplish the protection of the public interest. However, if it should later appear that the proceeding should be broadened for the consideration of more detailed rules, we will take under advisement the possibility of prescribing a net-weight rule on an interim basis pending the completion of more detailed proceedings.

Wherefore, and for good cause:

It is ordered, That, to the extent indicated below, the petition be, and it is hereby, granted; and that, in all other respects the petition be, and it is hereby, denied.

It is further ordered, That, upon petition and the Commission's own motion, pursuant to the authority of the National Transportation Policy (49 U.S.C. proceeding section 1) parts I, II, III, and IV of the Interstate Commerce Act (49 U.S.C. 1, 301, 901, and 1001, et seq.), including more specifically sections 1, 2, 3, 6, 12, 13, 15, and 20; 204, 208, 216, 217, 218, 219, and 220; 304, 305, 306, 307, 313, 315, and 316; 403, 404, 405, 406, 409, 412, 413, and 417; and as may be applicable, sections 553, 556, 557, and 599 of the Administrative Procedure Act (5 U.S.C. § 551, et seq.): (a) an investigation be, and it is hereby, instituted into the lawfulness of the practice of common

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carriers of determining their liability for the loss of scrap iron and steel by a comparison of gross weights at origin and destination; and (b) a rulemaking proceeding be, and it is hereby, instituted for the purpose of considering the following addition to the Commission's rules and regulations governing the voluntary disposition of loss and damage claims and processing salvage, 49 CFR Part 1005, et seq.:

§ 1005.7 Weight as a measure of loss.

Where weight is used as a measure of loss, the settlement of claims shall be based upon a comparison of net weights at origin and destination.

It is further ordered, That all common carriers subject to the Interstate Commerce Act be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person other than those who responded to the notice issued in connection with No. 35767 intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C., 20423, on or before July 31, 1973, an original and one copy of a statement of his intention to participate; and that a revised service list shall then be prepared and made available to persons responding to this order and to the notice issued in connection with No. 35767, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That notice of this proceeding be given by posting a copy in the office of the Commission's Secretary for public inspection and by delivering a copy to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Evironmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14131 Filed 7-10-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-43]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 31, 1973, at 9:30 a.m. in the theatre (first floor), COMSAT Building, 950 L'Enfant Plaza South, SW., Washington, D.C. Study Group 8 studies matters relating to systems of radio communications and radiodetermination for the mobile services. The agenda for the meeting will include consideration of draft documents being developed as proposed contributions by the U.S. to the international meeting of Study Group 8 in 1974.

Members of the general public who desire to attend the meeting on July 31 will be admitted up to the limit of the capacity of the meeting room. Entry to the COMSAT Building will be facilitated if arrangements are made in advance of the meeting. Therefore, it is suggested that prior to July 31, 1973, members of the general public who plan to attend the meeting should inform their name, affiliation and address to Mr. Raymond E. Simonds (Chairman, U.S. Study Group 8), RCA Frequency Bureau, 2000 L Street, NW., Washington, D.C. 20036; the telephone number is Area Code 202, 659-3320.

Dated July 2, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.73-14034 Filed 7-10-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Order No. 175-5]

OFFICE OF INDUSTRIAL ECONOMICS

Transfer to Assistant Secretary for Tax Policy

Correction

In FR Doc. 73-11979 appearing on page 15741 in the issue of Friday, June 15, 1973, the Treasury Order Number should read as set forth above in brackets.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PROVISIONAL OUTER CONTINENTAL SHELF LEASING

Proposed Schedule

JULY 5, 1973.

Pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331-1343) and the regulations issued thereunder (43 CFR 3301.2), notice is hereby given that a proposed schedule of provisional Outer Continental Shelf (OCS) oil and gas lease sales has been prepared by the Department of the Interior. A copy of this schedule follows.

The revised proposed sale schedule provides for three sales per year and mainly consists of sales in the Gulf of Mexico. In accordance with the President's April 18, 1973, Energy Message to Congress, sales offshore California and beyond the 200 meter isobath have also been included.

This schedule is intended to give notice to all interested parties of possible leasing actions. A decision whether to hold any of the lease sales listed will not be made until completion of all necessary studies of the environmental impact and the holding of public hearings; as a result of the environmental, technical and economic studies employed in the decision-making process, a decision may, in fact, be made not to hold any sale shown on this schedule. Moreover, the holding of the Cook Inlet Sale will be contingent upon the outcome of pending litigation with Alaska regarding jurisdiction of this area.

Copies of the proposed leasing schedule may be obtained from (1) the Director, Bureau of Land Management (Attn: 393), Washington, D.C. 20240, or from (2) the Manager, Gulf OCS Office, Bureau of Land Management, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113.

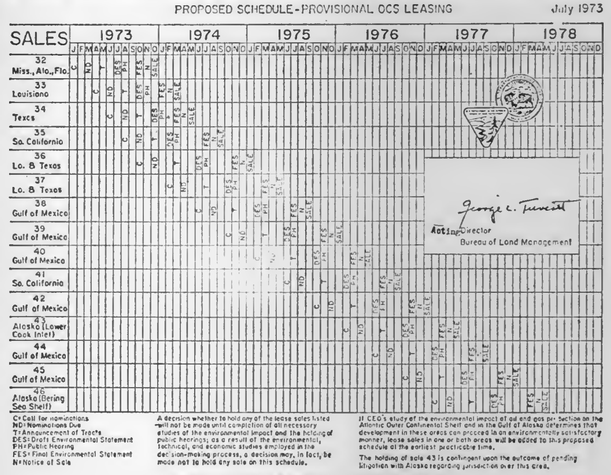
Interested parties may submit comments concerning the tentative schedule to the Director, Bureau of Land Management (Attn: 393), Washington, D.C. 20240.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved:

JOHN C. WHITAKER,
Acting Secretary of the Interior.

PROPOSED SCHEDULE-PROVISIONAL OCS LEASING July 1973



C-Call for nominations
ND-Nominations Due
T-Announcement of Tracts
DES-Draft Environmental Statement
PH-Public Hearing
FES-Final Environmental Statement
N-Notice of Sale

A decision whether to hold any of the lease sales listed will not be made until completion of all necessary studies of the environmental impact and the holding of public hearings; as a result of the environmental, technical, and economic studies employed in the decision-making process, a decision may, in fact, be made not to hold any sale on this schedule.

If C.E.Q.'s study of the environmental impact of oil and gas per Section 20 the Atlantic Outer Continental Shelf and in the Gulf of Alaska determines that development in these areas can proceed in an environmentally satisfactory manner, lease sales in one or both areas will be added to this proposed schedule at the earliest practicable time.

The holding of sale 43 is contingent upon the outcome of pending litigation with Alaska regarding jurisdiction over this area.

[FR Doc.73-14076 Filed 7-10-73;8:45 am]

V 38-132 JUL 11 73 XUM

Office of the Secretary

[INT FES 73-34]

PROPOSED CARSON CITY-LAKE TAHOE POWER TRANSMISSION LINE

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Outdoor Recreation of the Department of the Interior has prepared a final environmental statement on the proposal by Sierra Pacific Power Company to construct 16 miles of 120KV power transmission line from Carson City, Nevada to Incline Village, Lake Tahoe, through Nevada', Lake Tahoe State Park. Because the park is a federally assisted Land and Water Conservation Fund project, the approval of the Secretary of the Interior is needed for conversion of certain parklands to a non-related park use.

Copies of the statement are available for inspection at the following locations:

Office of Communications, Department of the Interior, Room 7229, Washington, D.C. 20240, Telephone (202) 343-9383

Office of Information, Bureau of Outdoor Recreation, Department of The Interior, Room 4225, Washington, D.C. 20240, Telephone (202) 343-6020

Office of the Regional Director, Bureau of Outdoor Recreation, 450 Golden Gate Avenue, San Francisco, California 94102

State Clearinghouse, Chief, Budget Division, Department of Administration, Blasdel Building, Carson City, Nevada 89701

Metropolitan Clearinghouse, Washoe County Regional Planning Commission, P.O. Box 1286, Reno, Nevada 89504

Regional Clearinghouse, Tahoe Regional Planning Agency, P.O. Box 869, South Lake Tahoe, California 95705

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: July 3, 1973.

LAURENCE E. LYNN Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-14077 Filed 7-10-73;8:45 am]

[INT FES 73-35]

WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT REGULATIONS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a final environmental statement on the proposed regulations for the management of wild free-roaming horses and burros on national resource lands.

Review copies of the statement are available for inspection in Room 5643 of the Interior Building, 18th and C Streets NW., Washington, D.C., and in all State and District Offices of the Bureau of Land Management. A limited supply of sale copies is also available at $3.00 per copy, from the Director (130), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. Other copies will be placed on sale when printed by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price to be announced.

LAURENCE E. LYNN Jr.,
Assistant Secretary of the Interior.

JULY 3, 1973.

[FR Doc.73-14078 Filed 7-10-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BRYANT SWAMP WATERSHED PROJECT, N.C.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Bryant Swamp Watershed Project, Bladen County, North Carolina, USDA-SCS-ES-WS-(ADM)-73-19(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, 22.9 miles of channel modification and 6 grade-control structures.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 544, Federal Building, New Bern Avenue, Raleigh, North Carolina 27611

Copies of the draft environmental Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.50.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, P.O. Box 27307, Federal Building, New Bern Avenue, Raleigh, North Carolina 27611.

Comments must be received on or before August 28, 1973, to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated June 29, 1973.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-14082 Filed 7-10-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FLORIDA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 37-00294-01-59800. Applicant: Florida State University, Department of Chemistry, Tallahassee, Fla. 32306. Article: Flash Photolysis Apparatus Type FP-2R. Manufacturer: Northern Precision Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used in flash-kinetic-spectroscopy studies of the triplet decay characteristics of flexible organic molecules. The functioning of those molecules as acceptors and donors of triplet excitation is to be determined using the same technique. In these experiments a very intense flash of light is used to excite the molecules to higher electronically excited states. The article will also be used in undergraduate and graduate level courses to introduce students to advanced laboratory techniques in specialized areas of chemistry as well as to supervise independent and original research by students as part of the requirements for graduation with honors at the BA and BS level and the obtention of Masters or Ph.D. degrees.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's study of triplet excited states of flexible organic molecules at liquid nitrogen temperatures requires a minimum flash duration, highest flash energy and a vertical geometry to accommodate the dewar flask cooling the sample cell. The foreign article provides a 30 microsecond flash width at half peak height at an energy of 1000 joules and the needed vertical cell geometry. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated June 8, 1973 that the combination of capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14079 Filed 7-10-73;8:45 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00377-01-77030. Applicant: University of California, at San Diego, Department of Chemistry, Post Office Box 109, La Jolla, CA 92037. Article: NMR Spectrometer system, Model PS-100 with variable temperature controller, automatic "Y" gradient control unit, and Carbon-13 Fourier transform system. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for physical, chemical, dynamic and structural studies on organic, inorganic and polymeric materials. Nmr studies of ^{1}H, ^{19}F, ^{13}C and ^{31}P will be carried out, including the following projects:

(a) Measurements of chemical shifts and coupling constants as functions of temperature, concentration, and solvent.

(b) Temperature dependent studies of both T_1 and T_2 for the above nuclei, including 180-t-90 and Carr-Purcell pulse sequences.

(c) Determination of reaction rates by lineshape analysis as a function of temperature.

(d) Broadline nmr studies on polymeric solids to determine linewidths, second moments, and lineshapes as a function of temperature.

(e) Nuclear Overhauser experiments as an aid to spectral analysis and a quantitative measure of spin-lattice cross relaxation.

(f) Measurement of very small coupling constants, ca. 0.05 Hz, by spin echo spectroscopy (Fourier transformation of modulated Carr-Purcell spin echo decays).

(g) Studies of transverse cross relaxation and its effect on the pulse spacing dependence of apparent T_2 value in Carr-Purcell experiments.

(h) Generation and testing of new pulse sequences, such as the phase alternated θ pulse sequence, which yields spectra with scaled chemical shifts.

(i) Extension of studies to ^{14}N relaxation as soon as economically feasible.

The article will also be used to train graduate and postdoctoral students in both FT and CW nmr spectroscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus or equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for variable radio frequency (rf) phase. The most closely comparable domestic instrument, the Model XL-100 System, manufactured by Varian Associates (Varian) does not provide the capability for variable rf phase. The National Bureau of Standards advised in its memorandum dated June 8, 1973 that the capability for variable rf phase is pertinent to the applicant's intended research purposes.

For these reasons, we find the Model XL-100 System is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14080 Filed 7-10-73;8:45 am]

National Oceanic and Atmospheric Administration

FOUKE CO.

Economic Hardship Exemption Application and Hearing

Notice is hereby given that the following named corporation has filed an application for exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by Section 101(c) of the Act, and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the importation of marine mammal skins as hereinafter described for the purposes stated.

The Fouke Company, Route 1, P.O. Box 168, Whitehorse Road, Greenville, South Carolina 29611, seeks to import from the Republic of South Africa as many as 70,000 raw skins of Cape seals (*Arctocephalus pusillus*) for processing and subsequent sale at public auction.

The applicant states, inter alia, that: (1) The skins would be from animals taken during June, July and August, 1973 in the Republic of South Africa during the annual harvest from seal herds managed under conservation programs administered by the Government of the Republic of South Africa, and would be imported into the United States between the time of taking and October 21, 1973.

(2) The skins would be processed into finished fur seal pelts for sale to professional fur buyers at the Applicant's facility in Greenville, South Carolina.

(3) If the exemption is not granted, the Applicant will suffer undue economic hardship in that he will be deprived of over 50 percent of his business for the year. An immediate result of this would be a higher unit cost to the Applicant for the processing of skins for other suppliers which would jeopardize existing contracts with those suppliers. Longer range results would be the loss of the South African source of supply and, consequent upon the significant diminution of the Appplicant's business, the loss of all or a considerable portion of its peculiarly skilled work force. Cumulatively, these occurrences could force the Applicant out of business in the reasonably immediate future.

In order to solicit comments from the interested members of the public, notice is hereby given that a hearing will be held on the application described above beginning at 10:00 a.m. local time July 24, 1973, in the East Board Room, Greenville Chamber of Commerce, 24 Cleveland Street, Greenville, South Carolina.

Individuals and organizations may submit written comments for the official record to the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543 or to the Regional Director, National Marine Fisheries Service, Southeast Region, William C. Cramer, Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141. Written comments will be accepted for the official record provided they are postmarked or received by midnight on August 7, 1973.

Documents submitted in connection with this application, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. and in the Office of the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida. Any person wishing to comment on this application may write to either or both of these offices.

All statements and opinions contained in this notice in support of the application are those of the Applicant.

Dated: July 6, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-14073 Filed 7-10-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

V 38 1132 JUL 11 73 XUM

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION
Assistant General Counsel for Patents
Washington, D.C. 20545
PAT-APPL-157 139
Method for Measuring the Amount of Cold Working in a Stainless Steel Sample
Filed 28 June 71
PC$3.00/MF$0.95
PATENT—3,678,446
Coaxial Cable Connector
Filed 2 June 70, Patented 18 July 72
Not available NTIS
PATENT—3,698,890
Aluminum Alloy
Filed 13 Aug 70, Patented 17 Oct 72
Not available NTIS
PATENT—3,701,061
Radiofrequency Window Assembly Having Shielded Solder Joints and Reweldable Replacement Flanges
Filed 20 Oct 70, Patented 24 Oct 72
Not available NTIS
PATENT—3,702,420
Electrical Surge Diverting Connector
Filed 21 Dec 71, Patented 7 Nov 72
Not available NTIS

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
National Institutes of Health
Chief, Patent Branch
Westwood Building
Bethesda, Maryland 20014
PAT-APPL-354 099
A Topical Agent for Control of Post-Burn Evaporative Water and Calorie Losses
Filed 24 Apr 73
PC$3.00/MF$1.45
PATENT—3,726,597
Controlled Environment Culture System for Light Microscopy
Filed 9 Mar 72, Patented 10 Apr 73
Not available NTIS

U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Street, N.W.
Washington, D.C. 20240
PATENT—3,730,781
Method of Improving Creep-Resistance of Alloys
Filed 8 Dec 71, Patented 1 May 73
Not available NTIS
PATENT—3,729,306
Purification of Rare-Earth Metals
Filed 28 Apr 69, Patented 24 Apr 73
Not available NTIS

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Assistant General Counsel for Patent Matters
NASA—Code GP-2
Washington, D.C. 20546
PAT-APPL-350 250
Refractory Porcelain Enamel Passive Thermal Control Coating for High Temperature Alloys
Filed 11 Apr 73
PC$3.00/MF$1.45

[FR Doc.73-14025 Filed 7-10-73;8:45 am]

Office of the Secretary

ESTIMATES OF VOTING AGE POPULATION; JULY 1, 1972

In accordance with the requirements of the Federal Election Campaign Act of 1971 (P.L. 92-225), notice is hereby given that the population of voting age on July 1, 1972, for States, Congressional Districts, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the Virgin Islands is as shown in the following table.

FREDERICK B. DENT,
Secretary of Commerce.

ESTIMATES OF THE POPULATION OF VOTING AGE FOR STATES, CONGRESSIONAL DISTRICTS, AND SELECTED OUTLYING AREA: JULY 1, 1972

(IN THOUSANDS)

State and Congressional District	Population 18 and over
UNITED STATES	139,172
Alabama	2,249
1	315
2	326
3	326
4	348
5	320
6	333
7	325
Alaska	194
Arizona	1,262
1	326
2	323
3	313
4	299
Arkansas	1,326
1	315
2	336
3	356
4	319
California	13,910
1	340
2	338
3	327
4	323
5	348
6	345
7	347
8	322
9	316
10	309
11	323
12	346
13	317
14	309
15	324
16	320
17	424
18	319
19	289
20	341
21	296
22	306
23	320
24	322
25	278
26	382
27	302
28	353
29	318
California—Con.	
30	342
31	307
32	355
33	320
34	287
35	304
36	300
37	322
38	298
39	337
40	346
41	307
42	348
43	333
Colorado	1,560
1	317
2	315
3	300
4	318
5	310
Connecticut	2,083
1	356
2	348
3	352
4	342
5	344
6	341
Delaware	369
District of Columbia	527
Florida	5,087
1	302
2	318
3	297
4	336
5	372
6	392
7	317
8	341
9	304
10	366
11	357
12	356
13	337
14	358
15	334
Georgia	3,067
1	292
2	296
3	289
4	321
5	305
6	322
7	316
8	302
9	321
10	303
Hawaii	526
1	264
2	262
Idaho	487
1	252
2	235
Illinois	7,508
1	301
2	299
3	315
4	309
5	302
6	336
7	273
8	307
9	373
10	316
11	338
12	297
13	303
14	300
15	311
16	296
17	306
18	316
19	309
20	319
21	323
22	323
23	298
24	337
Indiana	3,477
1	300
2	323
3	315
4	313
5	316
6	307
7	339
8	322
9	314
10	318
11	311
Iowa	1,924
1	322
2	312
3	318
4	327
5	330
6	316
Kansas	1,538
1	300
2	319
3	307
4	295
5	317
Kentucky	2,191
1	324
2	307
3	309
4	302
5	318
6	320
7	310
Louisiana	2,348
1	294
2	309
3	285
4	301
5	294
6	298
7	283
8	284
Maine	683
1	345
2	338
Maryland	2,697
1	332
2	342
3	345
4	333
5	328
6	349
7	314
8	335
Massachusetts	3,937
1	334
2	318
3	318
4	335
5	310
6	327
7	329
8	365
9	320
10	326
11	327
12	331
Michigan	5,876
1	307
2	317
3	313
4	313
5	304
6	320
7	293
8	303
9	305
10	320
11	326
12	302
13	299
14	320
15	306
16	312
17	317
18	298
19	301
Minnesota	2,542
1	312
2	322
3	299
4	312
5	342
6	314
7	324
8	319
Mississippi	1,426
1	278
2	273
3	284
4	288
5	303
Missouri	3,223
1	294
2	305
3	320
4	333
5	319
6	333
7	349
8	332
9	315
10	322
Montana	468
1	239
2	229
Nebraska	1,021
1	349
2	336
3	336
Nevada	347
New Hampshire	513
1	254
2	259
New Jersey	4,986
1	327
2	362
3	328
4	325
5	323
6	329

State and Congressional District	Population 18 and over
New Jersey—Con.	
7	323
8	334
9	342
10	317
11	351
12	335
13	322
14	341
15	326
New Mexico	657
1	339
2	318
New York	12,626
1	307
2	295
3	294
4	295
5	321
6	337
7	340
8	365
9	361
10	347
11	318
12	267
13	364
14	295
15	339
16	343
17	335
18	398
19	322
20	369
21	257
22	368
23	332
24	329
25	318
26	312
27	324
28	327
29	322
30	313
31	321
32	316
33	307
34	314
35	306
36	307
37	315
38	311
39	316
North Carolina	3,468
1	305
2	303
3	301
4	333
5	322
6	319
7	304
8	314
9	310
10	324
11	333
North Dakota	411
Ohio	7,130
1	313
2	301
3	312
4	304
5	307
6	307
7	306
8	309
9	312
10	323
11	296
12	316
13	300
14	314
15	325
16	311
17	305
18	320
Ohio—Continued	
19	316
20	305
21	294
22	320
23	315
Oklahoma	1,797
1	297
2	313
3	291
4	298
5	308
Oregon	1,487
1	385
2	366
3	362
4	374
Pennsylvania	8,174
1	326
2	318
3	309
4	344
5	328
6	339
7	318
8	317
9	323
10	338
11	342
12	327
13	328
14	331
15	337
16	319
17	333
18	327
19	326
20	314
21	323
22	330
23	333
24	323
25	320
Rhode Island	668
1	335
2	334
South Carolina	1,719
1	283
2	302
3	294
4	292
5	291
6	256
South Dakota	444
1	225
2	219
Tennessee	2,710
1	346
2	354
3	336
4	348
5	334
6	325
7	343
8	325
Texas	7,614
1	334
2	347
3	309
4	328
5	315
6	330
7	358
8	228
9	313
10	348
11	338
12	304
13	317
14	308
15	294
16	297
17	325
Texas—Continued	
18	297
19	312
20	305
21	325
22	299
23	303
24	323
Utah	690
1	344
2	345
Vermont	304
Virginia	3,182
1	312
2	303
3	322
4	302
5	317
6	329
7	334
8	309
9	329
10	322
Washington	2,310
1	341
2	322
3	331
Washington—Con.	
4	329
5	348
6	328
7	311
West Virginia	1,209
1	303
2	312
3	295
4	298
Wisconsin	2,965
1	320
2	339
3	339
4	333
5	339
6	327
7	331
8	319
9	316
Wyoming	226
OUTLYING AREAS	
Puerto Rico	1,619
Guam	45
Virgin Islands	42

[FR Doc.73-13896 Filed 7-10-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-640]

DIAMOND LABORATORIES, INC.

Tetracycline Hydrochloride Capsules; Notice of Drugs Deemed Adulterated

In an announcement in the FEDERAL REGISTER of July 8, 1970 (35 FR 10966, DESI 0012NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Tetrazon Capsules (marketed under the Myzon Laboratories label), Tetracycline Hydrochloride Capsules (marketed under the Trans-World label) and Tetra-D Capsules; marketed by Diamond Laboratories, Inc., 2358 Southeast 43d Street, Des Moines, IA 50304.

Said announcement provided the manufacturer and all interested parties a 6 month period in which to submit new animal drug applications for the above named products. Diamond Laboratories, Inc. submitted no new animal drug applications for these products.

Therefore, based on the information before him, the Commissioner concludes that the above named products are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Notice is given to Diamond Laboratories, Inc. and all interested persons that effective July 23, 1973, all stocks of the above named drugs for use in animals within the jurisdiction of the Federal Food, Drug, and Cosmetic Act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14060 Filed 7-10-73;8:45 am]

[Docket No. FDC-D-639; NADA No. 9-370V]

NORDEN LABORATORIES, INC.

Purified Oxytocic Principal (Double Strength); Notice of Withdrawal of New Animal Drug Application

In the FEDERAL REGISTER of February 13, 1969 (34 FR 2146), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Purified Oxytocic Principal (Double Strength), new animal drug application (NADA) No. 9-370V; marketed by Norden Laboratories, Inc., 601 West Cornhusker Highway, Lincoln, NB 68501.

Norden Laboratories, Inc. requested that approval of NADA No. 9-370V be withdrawn.

Based on the grounds set forth in said announcement and the firm's request, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-370V, including all amendments and supplements thereto, is hereby withdrawn effective on July 23, 1973.

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14059 Filed 7-10-73;8:45 am]

MANUFACTURERS AND DISTRIBUTORS OF PRESCRIPTION DRUGS

Drugs for Human Use Affected by Drug Efficacy Study Implementation; Permission for Certain Drugs to Remain on the Market

A notice was published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623) informing manufacturers and distributors of prescription drugs for human use of the future schedule for implementation of the drug efficacy study. That notice listed certain drugs, together with the justification of their medical need, which may remain on the market pending completion of scientific studies to determine effectiveness, and provided for future additions to or deletions from that list.

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The notice of December 14, 1972 did not provide for any controlled release preparations to remain on the market pending completion of scientific studies. The Commissioner of Food and Drugs has been petitioned, as provided by said notice, to permit a controlled release form of the coronary vasodilator pentaerythritol tetranitrate to remain on the market pending completion of such studies. The Commissioner concludes that controlled release forms of peripheral and coronary vasodilators may remain on the market, on a product-by-product basis, pending completion of scientific studies which show, by appropriate methodology, that the product is released in a defined manner which would then permit well controlled clinical trials to determine effectiveness to be performed. It is required that the data from studies concerning product release be submitted to the Food and Drug Administration no later than November 1, 1973, in order to receive consideration under paragraph XIV of the court order prior to the date by which the Commissioner is required by paragraph V of the court order to take the next step in implementing the Drug Efficacy Study. Protocols for studies concerning product release may be discussed with the Division of Clinical Research (BD–220), Office of Scientific Coordination, Bureau of Drugs.

In the notice of December 14, 1972, paragraph 3, Group II PERIPHERAL VASODILATORS listed oral forms of cyclandelate, nicotinyl tartrate, dioxyline phosphate, and nylidrin hydrochloride as peripheral vasodilator which may remain on the market provided that scientific studies are undertaken. Other peripheral vasodilators were published as possibly effective July 11, 1972 (37 FR 13565) (DESI 6403); i.e., parenteral and standard oral forms of tolazoline hydrochloride, parenteral and standard oral forms of isoxsuprine hydrochloride, parenteral nylidrin hydrochloride, standard oral form of azapetine phosphate, and standard oral form of phenoxybenzamine hydrochloride. They were inadvertently omitted from the notice of December 14, 1972. The lists of coronary and peripheral vasodilators are amended to read as follows:

I. CORONARY VASODILATORS (ANTI-ANGINAL DRUGS) (SINGLE ACTIVE DRUG ENTITY)

Isosorbide dinitrate (sublingual forms and standard oral forms)
Mannitol hexanitrate (standard oral forms)
Trolnitrate phosphate (standard oral form)
Pentaerythritol tetranitrate (standard oral form)
Dipyridamole (standard oral form)

II. PERIPHERAL VASODILATORS (SINGLE ACTIVE DRUG ENTITY)

Cyclandelate (standard oral forms)
Nicotinyl tartrate (standard oral forms)
Nicotinyl alcohol (standard oral form)
Dioxyline phosphate (standard oral form)
Nylidrin hydrochloride (parenteral and standard oral forms)
Tolazoline hydrochloride (parenteral and standard oral forms)
Isoxsuprine hydrochloride (parenteral and standard oral forms)
Azapetine phosphate (standard oral form)
Phenoxybenzamine hydrochloride (standard oral form)

On or before September 10, 1973, persons interested in conducting clinical studies to determine effectiveness of coronary or peripheral vasodilators are required to notify the Administration of such intent and the date when such studies are expected to begin; and in the case of peripheral vasodilators, to submit protocols.

In the FEDERAL REGISTER of September 18, 1970 (35 FR 14629) (DESI 8173), the Food and Drug Administration published its conclusions concerning Benoquin (monobenzone) Lotion and Ointment stating that monobenzone was regarded as possibly effective for its labeled indications as a depigmenting agent. The Commissioner concludes that this drug should remain on the market pending additional scientific studies. Accordingly, a new section is added to the list of drugs which may remain on the market, to read as follows:

XIII. MONOBENZONE

A FEDERAL REGISTER announcement published September 18, 1970 (35 FR 14629) (DESI 8173) stated that Benoquin (monobenzone) Lotion and Ointment were regarded as possibly effective for their recommended uses in depigmentation. The NAS/NRC panel commented that the products should not be generally used in the conditions for which they are labeled; however that they may be of value in some patients who have small cosmetically disfiguring defects, and should be available to them. Since no alternative depigmenting agents are available, these preparations may remain on the market pending additional clinical studies to determine effectiveness.

Every manufacturer or distributor of monobenzone lotion or ointment who intends to, but has not already begun studies required to determine effectiveness, or who has begun studies but has not yet discussed the protocols with the Food and Drug Administration, is required to communicate with the Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs on or before September 10, 1973, to discuss and agree to undertake the studies necessary to justify continued marketing of the product.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052–1053, as amended; 21 U.S.C. 355, 371), the Administrative Procedure Act (5 U.S.C. 553, 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14061 Filed 7-10-73;8:45 am]

SCIENCE ADVISORY BOARD OF THE NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), the Food and Drug Administration announces the establishment by the Secretary, DHEW, on June 2, 1973, of the following public advisory committee:

Designation. Science Advisory Board of The National Center for Toxicological Research.

Purpose. The board will (1) advise the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities; and (2) provide the extra-agency review in assuring that research programs and methodology development at National Center for Toxicological Research are scientifically sound and pertinent to environmental problems.

Authority for this board will expire June 2, 1974, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: July 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14058 Filed 7-10-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463) that the National Advisory Council on Indian Education will hold two meetings in July, 1973. Firstly, the National Council subcommittee on Talent Search will be held at the Cosmopolitan Hotel, 18th and Broadway, Denver, Colorado on July 12, 13, and 14 from 8:00 a.m. to 5:00 p.m. daily, local time. Secondly, the full membership of the National Council will be held at the San Francisco Hilton Hotel, Mason and O'Farrell, San Francisco, California on July 26, 27 and 28 from 8:00 a.m. to 7:00 p.m. daily, local time.

This Council was established on June 23, 1972, by the Indian Education Act, title IV, section 442(a) of Public Law 92–318, the Education Amendments of 1972. The Council is to advise the Commissioner of Education with respect to the administration of any programs in which Indian children or adults participate or from which they can benefit; review applications for assistance and make recommendations to the Commissioner with respect to their approval; evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations; provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations; assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants; and submit to the Congress an annual report of its activities.

The meeting of the Council or subcommittees thereunder, shall be open to the public. The agenda for the proposed meeting of the Subcommittee Talent Search involves the reviewing of applications and interviewing candidates for the Executive Directorship position of the Council, and setting up procedures for selecting a list of nominees for Deputy Commissioner of Indian Education position to submit to the Council in preparation to making recommendations to the U.S. Commissioner of Education.

The agenda of the National Council meeting involves reports of the Talent Search Committee, budget committee, legislative committee on 1974 funding, location of the National Council Headquarters and an overall Council review of the system for reviewing proposals by Council members.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, room 4032, U.S. Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202, phone 202–963–4894.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education temporarily located at the Washington address above.

Signed at Washington, D.C. on July 6, 1973.

FRANK B. MCGETTRICK,
Acting Deputy Commissioner on Indian Education.

[FR Doc.73-14103 Filed 7-10-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–104]

ILLINOIS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Illinois, dated April 27, 1973, and published May 3, 1973 (38 FR 11013), amended May 4, 1973, and published May 10, 1973 (38 FR 12260); amended May 14, 1973, and published May 18, 1973 (38 FR 13063); and amended May 30, 1973, and published June 5, 1973 (38 FR 14800), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1973:

The County of:
Johnson

Dated: July 5, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14066 Filed 7-10-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ARKANSAS NUCLEAR ONE, UNIT ONE, SUBCOMMITTEE MEETING

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Arkansas Nuclear One, Unit One, will hold a meeting on July 26, 1973, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application of the Arkansas Power and Light Company for a license to operate Unit One, which is located near Russellville, Arkansas.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, JULY 26, 1973, 9:30 A.M.–3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and Arkansas Power and Light Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security, nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommedations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 19, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Librarian, Arkansas River Valley Regional Library, Dardanelle, Arkansas 72834.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m., and 3:00 p.m. on the day of the meeting, July 26, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 24, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately five days at the Arkansas

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River Valley Regional Library, Dardanelle, Arkansas 72834. Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 24, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14297 Filed 7-10-73;10:54 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON LOFT

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232(b), the Advisory Committee on Reactor Safeguards' Subcommittee on LOFT will hold a meeting on July 25, 1973 in the Basement Conference Room of the AEC Idaho Operations Office at Holmes Avenue and Second Street, Idaho Falls, Idaho. The LOFT facility is located on the National Reactor Test Site in Idaho.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JULY 25, 8:30 A.M.-3:30 P.M.

The Subcommittee will hear presentations by representatives of Aerojet Nuclear Company regarding the LOFT facility and the associated experimental program and discussions of safety related items will be held with Aerojet and cognizant AEC Program Division personnel.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:00 a.m. which will involve a discussion of its preliminary views and an exchange of opinions of individual Subcommittee members present and internal deliberations for the purpose of identifying items to be emphasized or pursued further in the discussions to follow. I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive session at the beginning of the meeting will consist of an exchange of opinions and, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 18, 1973 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon information pertinent to the LOFT facility and associated experimental program on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 23, 1973 to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 25, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14298 Filed 7-10-73;10:54 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, THREE MILE ISLAND NUCLEAR STATION, UNIT 1, SUBCOMMITTEE MEETING

Notice of Meeting

JULY 9, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Three Mile Island Nuclear Station will hold a meeting on July 25, 1973 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application of the Metropolitan Edison Company and Jersey Central Power and Light Company for a license to operate Unit 1 which is located in Londonderry Township of Dauphin County, approximately 10 miles southeast of Harrisburg, Pennsylvania.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, JULY 25, 1973, 9:30 A.M.-3:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and Metropolitan Edison Company, Jersey Central Power and Light Company, and their consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to plant security, nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of the recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 18, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be

based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and through the Government Publications Section, State Library of Pennsylvania, Education Building, Box 1601, Harrisburg, Pennsylvania, 17126.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting, July 25, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 23, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. local time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately five days at the Government Publications Section, State Library of Pennsylvania, Education Building, Harrisburg, Pennsylvania, 17126.

Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after September 25, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee, Management Officer.

[FR Doc.73-14296 Filed 7-10-73;10:54 am]

[Docket Nos. 50-324 and 50-325]

CAROLINA POWER & LIGHT CO.

Availability of Applicant's Amendments to Environmental Report and AEC Draft Environmental Statement; Correction

The FEDERAL REGISTER notice of availability (38 FR 15543) issued on June 13, 1973, indicated that two addresses were given incorrectly. The first address given incorrectly was for the State Clearinghouse. The correct address for the State Clearinghouse should be Office of Planning Coordinator, Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603 and the second address given incorrectly was for Cape Fear Council of Governments. The correct address for the Cape Fear Council of Governments is One North Third, Suite 206, Wilmington, North Carolina 28401.

Dated at Bethesda, Md., this 5th day of July 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.73-14065 Filed 7-10-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, The Cleveland Electric Illuminating Company and the Toledo Edison Company (the applicants), for construction permits for two boiling water nuclear reactors designated as the Perry Nuclear Power Plant, Units 1 & 2 (the facilities), each of which is designed for initial operation at approximately 3579 thermal megawatts with a net electrical output of approximately 1205 megawatts. The proposed facilities are to be located near Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland, Ohio, and 21 miles southwest of Ashtabula, Ohio. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission) or the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended. 1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA).

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine

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(1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties at a time and place to be set by the Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicants.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held at such time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a. Notice of the special prehearing conference will be published in the FEDERAL REGISTER.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference, after discovery has been completed, or within such other time as may be appropriate, at a time and place to be set by the Board for the purpose of dealing with the matters specifield in 10 CFR 2.752.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been compiled with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated March 28, 1973, and amendments thereto, and the applicants' Environmental Report dated March 28, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents will also be made available at the Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081 for inspection by members of the public between the hours of 12 noon to 8 p.m. Monday through Friday and from 12 noon to 5 p.m. on Saturday. As they become available, a copy of the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on environmental considerations, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation and the Commission's final detailed statement on environmental considerations, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than August 10, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., not later than August 10, 1973. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicants to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants not later than July 31, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and Gerald Charnoff, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW, Washington, D.C. 20006, attorney for the applicants.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of July 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14084 Filed 7-10-73;8:45 am]

[Docket No. PRM-50-7]

GENERAL ELECTRIC CO.

Notice of Filing of Petition for Rule Making

Notice is hereby given that General Electric Company, Vallecitos Nuclear Center, Pleasanton, California, by letter dated June 15, 1973, has filed with the Atomic Energy Commission a petition for rule making to amend the Commission's regulation Licensing of Production and Utilization Facilities, 10 CFR Part 50.

The petitioner requests that the Commission amend the exception to the definition of "production facility" set out in § 50.2(a)(3)(iii). The exception in § 50.2(a)(3)(iii) applies to facilities in which processing of irradiated materials containing special nuclear material is conducted pursuant to a license issued under Parts 30 and 70 of the Commission's regulations, or equivalent regulations of an Agreement State, for the receipt, possession, use, and transfer of irradiated special nuclear material, which authorizes the processing of the irradiated material on a batch basis for the separation of selected fission products and limits the process batch to "not more than 15 grams of special nuclear material." The petitioner requests that the process batch limit be changed to "not more than 100 grams of special nuclear material."

The exception set out in § 50.2(a)(3)(iii) was issued by the Commission on April 16, 1970 (35 FR 6175) in response to an earlier petition for rule making (PRM-50-3) filed by the General Electric Company. The petitioner in the current petition states that the earlier petition was based on a series of planned experiments and operations envisaged at that time and that the petitioner recognized that the 15-gram special nuclear material limit, which it requested as one of the limitations of the exception, was arbitrary. The petitioner states also that the 15-gram limitation was considered to be well within a quantity range several orders of magnitude below that which would require the "production facility" classification contemplated by subsection 11 v. of the Atomic Energy Act of 1954, as amended.

The petitioner states further that it has conducted activities involving the processing of irradiated material on a batch basis, has developed and demonstrated sound procedures and practices for the separation of selected fission products from special nuclear material, and that plans are being made for continuation of those operations which would require the incorporation of modest increases, up to 100 grams in the batch sizes of special nuclear material.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 on or before September 10, 1973.

Dated at Germantown, Md., this 5th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14100 Filed 7-10-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25080]

GAC CORP.

Proposed Approval of Application

Application of GAC Corporation pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 25080.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until July 19, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 5, 1973.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

[Docket 25080]

GAC CORP.

ORDER OF APPROVAL

Issued under delegated authority.

GAC Corporation (GAC), Modern Air Transport, Inc. (Modern) and GAC Properties, Inc. (Properties)[1] request approval, pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), whereby Properties,[2] a wholly-owned subsidiary of GAC, will organize a property development association to be known as River Ranch Airpark Association (Association)[3] to sell homesite lots on land adjacent to an airfield now owned by Properties[4] at River Ranch Shores, a Properties community development in Florida.

The applicants submit that the airfield and adjacent homesites will be developed so that Association property owners will have access to the airfield for the purpose of operating small propeller aircraft.

The applicants further state that eventual control of the Association including the airfield, will pass from Properties to the Association membership when property owner membership reaches a sufficient number to permit them to elect a majority of the officers and directors in the Association.

In support of their request, applicants state that Modern has not had, and will not have, anything whatever to do with the Association airfield, and no officer or director of Modern will serve as an officer or director of the Association.

No comments relative to the application have been received.

Notice of intent to dispose of the application without hearing has been published in the Federal Register and a copy of such notice has been furnished by the Board to the Attorney General not later than one day following such publication both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that GAC is a person controlling an air carrier (Modern) and that the Association will be a person engaged in a phase of aeronautics, both within the meaning of section 408 of the Act, and that the indirect control of the Association by GAC through its wholly-owned subsidiary, Properties, is subject to section 408(a)(6) thereof.[5] It has been further concluded that the control relationships do not affect the control of an air carrier directly engaged in the operations of aircraft in air transportation, do not result in creating a monopoly and thereby tend to restrain competition, nor do they appear to jeopardize any other air carrier. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved relationships involving the control of airport facilities by an air carrier[6] and the instant application does not appear to raise new substantive issues. Under the circumstances it does not appear that the control relationships described herein will be inconsistent with the public interest or that the requirements of section 408 will be otherwise unfulfilled.

[1] The Board previously approved the acquisition of Modern, a certificated supplemental carrier, by Gulf American Corp. (now Properties) in 1968 pursuant to Order E-23825. Gulf American was itself acquired by GAC in 1969, the Board disclaiming jurisdiction over the transaction in Order 69-2-110. As a result of a 1972 corporate reorganization approved by Board Order 72-3-24, Modern became a direct subsidiary of GAC.

[2] The principal business of Properties is the development of communities and the sale of homesites and other real property.

[3] According to the applicants the Association will be a Florida corporation not for profit. Furthermore, the Association will not issue any shares of stock and membership in the Association will be based on ownership of Association homesites.

[4] The applicants state that the airport is licensed by the state of Florida as a restricted airport site and is currently used for non-paying passengers and company personnel of Properties.

[5] Jurisdiction is asserted by virtue of the common control by a person (GAC) of an air carrier (Modern), on the one hand, and a person (Properties) controlling a person engaged in a phase of aeronautics (the Association), on the other hand. See 49 USC 1378(a)(6).

[6] Pan American World Airways, Inc. Farmingdale and Teterboro Airport Operation, Dockets 19045 and 19046, Order 68-9-120, September 25, 1968.

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Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved without a hearing pursuant to the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

The control relationships described herein between GAC Corporation, Modern Air Transport, Inc., GAC Properties, Inc. and River Ranch Airpark Association be and they hereby are approved under section 408 of the Act.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14113 Filed 7-10-73;8:45 am]

[Docket No. 25063]

LAKER AIRWAYS LTD.

Postponement of Hearing Regarding Enforcement Proceeding

At the request of Counsel for Laker Airways Limited, looking toward a settlement equitably of the issues in this proceeding, and Counsel for the Bureau of Enforcement concurring, hearing in the above-styled proceeding is postponed indefinitely, and further procedural matters shall be held in abeyance.

Dated at Washington, D.C., July 5, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-14114 Filed 7-10-73;8:45 am]

COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

NOTICE OF MEETINGS

The Commission on the Bankruptcy Laws of the United States will meet on July 16 and 17, 1973, in Room 2226 of the Rayburn House Office Building between the hours of ten o'clock in the morning and five o'clock in the afternoon to consider the final draft of its report on the Bankruptcy Act.

FRANK R. KENNEDY,
Executive Director.

[FR Doc.73-14033 Filed 7-10-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[Dockets No. 145 etc.]

ALDRIN AND DIELDRIN; REGISTRATIONS AND TOLERANCES OF PESTICIDES

Notice of Hearing

Notice is hereby given, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.*), as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973), that a public hearing in the consolidated proceedings thereunder involving the cancellation of registrations of pesticides containing aldrin and dieldrin will begin on Tuesday, August 7, 1973, at 9:30 a.m., local time, in Davenport, Iowa. The place of hearing will be announced later. Subsequently, the hearing will move to various locations, including Indianapolis, Indiana, Kansas City, Missouri, Texas and Florida, before convening in Washington, D.C.

Notice is further given that this hearing is also for the purpose of receiving evidence in connection with the petitions filed by Shell Chemical Company (34 FR 1274; 34 FR 2215; 36 FR 2824) for additional tolerances for residues of aldrin and dieldrin in meat, milk, eggs, and certain other food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and the petition of Environmental Defense Fund, Inc. (36 FR 21223) for setting, in effect, a zero tolerance for residues of aldrin and dieldrin under section 408 of the Federal Food, Drug, and Cosmetic Act and for establishing tolerances under section 406 thereof (21 U.S.C. 346) providing for a systematic reduction of residue tolerances consistent with declining residues which would result from cancellation of the registrations of these pesticides, which petitions were consolidated into these proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act by the December 7, 1972 Determination and Order of the Administrator. (37 FR 26463).

Comments or objections to the petition of Environmental Defense Fund, Inc. were filed by American National Cattlemen's Association, Denver, Colorado (requesting at least 0.3 parts per million of aldrin and dieldrin in the fat of meat); William E. Tomlinson, Jr., Agricultural Experiment Station, Cranberry Station, East Wareham, Massachusetts (objects to repeal of established finite tolerances for residues of dieldrin on cranberries); Libby, McNeil & Libby, Janesville, Wisconsin (stepwise lowering of tolerances more reasonable than immediate zero tolerance); Joe Capizzi, Oregon State University and W. H. Kosesan, Oregon State Department of Agriculture (certain uses of aldrin and dieldrin, primarily preplant, ornamental or structural pest control uses, essential to effective pest control in Oregon); J. E. Legates, North Carolina State University (continuing essential need for aldrin and dieldrin in the production of apples and corn, the protection of wooden structures and the control of the Japanese and Whitefringed beetle); Northrup, King and Company, Minneapolis, Minnesota (essential use of aldrin and dieldrin on seed); Industry Committee on Citrus Additives and Pesticides, Inc., Claremont, California (oppose zero tolerance for any agricultural chemical); Environmental Defense Fund, Inc. (iterates request for zero tolerances); and Shell Chemical Company (deny proposal for repeal of tolerances at this time).

Appearances pursuant to section 180.16 of the rules of practice under section 408 of the Federal Food, Drug, and Cosmetic Act (40 CFR 180.16) may be filed with the Hearing Clerk, Environmental Protection Agency, Room E-1019, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460, by August 2, 1973. Opportunity for additional appearances later in the hearing will be afforded interested persons.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JULY 6, 1973.

[FR Doc.73-14096 Filed 7-10-73;8:45 am]

N,N-BIS-(PHOSPHONOMETHYL) GLYCINE

Notice of Extension of Temporary Tolerance

The Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis MO 63166, was granted a temporary tolerance for residues of the plant regulator *N,N*-bis-(phosphonomethyl) glycine in or on sugarcane at 1.5 parts per million on July 24, 1972, in connection with Pesticide Petition No. 2G1233 (notice was published in the FEDERAL REGISTER of July 29, 1972 (37 FR 15340)).

The firm has requested a 1-year extension to obtain additional experimental data. It is concluded that such extension will protect the public health. A condition under which this temporary tolerance is extended is that the plant regulator will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Monsanto Co., name.

As extended, this temporary tolerance expires July 24, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: June 6, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14097 Filed 7-10-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 655]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 2, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9568-C2-P-73 Mobilfone of Boston (KCA240) C.P. to change antenna location #3 to Nobscot Hill, Framingham, Massachusetts operating on 454.050 MHz.

9570-C2-P-73 Telephone Answering Service of Fayetteville, Inc. (New) C.P. for a new 1-way signaling station to operate on 152.24 MHz at 727 McGilvary Street, Fayetteville, North Carolina.

9571-C2-P-73 Bennett Radio Paging Service (New) C.P. for a new 1-way signaling station to operate on 152.24 MHz at 511 Fort Street, Port Huron, Michigan.

9572-C2-P-73 South Central Bell Telephone Company (KIC344) C.P. to change antenna system, replace transmitter and to change power at 201 Court Avenue, Memphis, Tennessee on frequencies: 157.77 157.86 157.89 and 157.98 MHz (Test)

9573-C2-P-(3)-73 Arrowhead Business Radio, Inc. (KFJ901) C.P. add control frequency: 454.350 MHz at 3189 Miller Trunk Highway, Duluth, Minnesota.

9580-C2-P-(2)-73 Intra State Telephone Company (KSJ807) C.P. to change antenna system, location and to replace transmitter, operating on 152.51 and 152.75 MHz at 100 North Cherry Street, Galesburg, Illinois.

9582-C2-P-(4)-73 Radio Paging, Inc. (KKI-4945) C.P. to add transmitters, operating on 35.58 MHz at Loc. #2: 1100 E. Holcomb Blvd, Houston, Texas, Loc. #3: 910 West Belt Drive North, Houston, Texas, Loc. #4: 9300 Airline Drive, Houston, Texas, Loc. #5: 401 Mayo Shell Road, Galena Park, Texas.

9584-C2-P-73 Edwards Radio Common Carrier (New) C.P. for a new 2-way station to operate on 152.12 MHz at Hwy. 55, 1.25 miles SE of Rocksprings, Texas.

9585-C2-P-73 Mobile Radio Communications (KSV904) C.P. to change antenna system, and location to 6500 Tower Drive Platte Woods, Missouri, operating on 158.70 MHz. (1-way signalling, Loc. #2)

9587-C2-TC-73 Euclid Telecommunications, Inc. (KQC880) Consent to Transfer of Control from Herbert Fitzgerald, TRANSFEROR to D.M.G., Inc., TRANSFEREE. Station: KQC880 Euclid, Ohio.

Renewals of Licenses expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

The Concord Telephone Company, Inc	KFL872
Same as above	KFL871
Hamilton Telephone Company	KOP325
Leaco Rural Telephone Coop., Inc.	KLB782
Same as above	KLB783
Project Mutual Telephone Cooperative Association, Inc.	KOH281
Quincy Telephone Company	KIY727

Major Amendments

1743-C2-P-73 (New) Gulf Central Communications and Electronics, Inc. Amend to Substitute Gulf Central Communications and Electronics, Inc. for Lafayette Radiofone. Change location from 1302 Maude St., Abbeville, Louisiana, to the KATC-TV tower, 5.8 miles West of Kaplan, Louisiana.

Corrections

9092-C2-TC-(2)-73 Phone Depots, Inc., d/b/as Mobilefone Radio System. Amend to change name of first transferor from Levey to Levy and to add names of transferees: Fanye Ettlinger, William Lloyd, Harry, Daniel D., and Max I. Lefcort and Abraham Friedman, also changing call signs from KCA743 and KCA748 to KCA748 and KEA254. All other particulars to remain as reported on Public Notice 653 dated June 18, 1973. Southwestern Bell Telephone Company. Correct to add the following call signs missing from the renewal list of Public Notice 653 dated June 18, 1973:

KAA690	KDT208
KAA692	KKA833
KAA698	KLB572
KAA890	KLB576
KAQ635	KLB772
KAQ640	KLB798
KAQ642	KLB805
KBM510	KLB606
KDN411	

Indiana Bell Telephone Company. Correct to add KSD326 and correct sign KIB622 from the renewal list on Public Notice No. 650 dated May 29, 1973.

Wisconsin Bell Telephone Company. Omitted call sign KQZ766 from the renewal list on Public Notice No. 653 dated June 18, 1973.

RURAL RADIO SERVICE

9588-C6-P-73 The Mountain States Telephone and Telegraph Company (New) C.P. for a new rural subscriber station to operate on 158.01 MHz at 44.2 Miles E. of Gobernador, New Mexico.

9589-C6-P-73 Pacific Northwest Bell Telephone Company (WOG82) C.P. to change antenna and to add unguyed pole for antenna support, operating on 157.95 MHz at 9.8 miles East of McKenzie Bridge, Lane, Oregon.

9590-C6-P-73 Same as above (New) C.P. for a new rural subscriber station to operate on 157.86 MHz at 6.9 Miles West of Huntington, Oregon.

POINT-TO-POINT MICROWAVE RADIO SERVICE

9354-C1-P-73 The Offshore Telephone Company (New) Block 269, South Marsh Island Area, Gulf of Mexico. Lat. 29 07 52 N.—Long. 91 53 33 W. C.P. for a new station on freq. 2162.0V MHz toward Block 63, Eugene Island Area, Gulf of Mexico.

9355-C1-P-73 Same (New) Block 63, Eugene Island Area, Gulf of Mexico. Lat. 29 10 27 N.—Long. 91 32 01 W. C.P. for a new station on freq. 2112.0V MHz toward Block 269, South Marsh Island, Gulf of Mexico.

9356-C1-P-73 Same (New) Block 250, Eugene Island Area, Gulf of Mexico. Lat. 28 31 18 N.—Long. 91 38 42 W. C.P. for a new station on freq. 2128.0H MHz toward Block 296B, South Marsh Island, Gulf of Mexico.

9357-C1-P-73 Same (New) Block 306A, Eugene Island, Gulf of Mexico. Lat. 28 19 23 N.—Long. 91 36 25 W. C.P. for a new station on freq. 2118.4V MHz toward Block 296B, South Marsh Island, Gulf of Mexico.

9358-C1-P-73 Same (New) Block 296A, Eugene Island Area, Gulf of Mexico. Lat. 28 20 48 N.—Long. 91 33 34 W. C.P. for a new station on freq. 2115.2H MHz toward Block 296B, Eugene Island.

9359-C1-P-73 Same (New) Block 306B, Eugene Island Area, Gulf of Mexico. Lat. 28 17 45 N.—Long. 91 35 13 W. C.P. for a new station on freq. 2121.6H MHz toward Block 296B, Eugene Island.

9360-C1-P-73 Same (New) Block 296B, Eugene Island Area, Gulf of Mexico. Lat. 28 20 33 N.—Long. 91 32 15 W. C.P. for a new station on freq. 2168.4H MHz toward Block 296A; freq. 2168.4V MHz toward Block 306A; freq. 2168.4H MHz toward Block 306B; freq. 2178.0V MHz toward Block 250.

9361-C1-P/ML-73 American Telephone & Telegraph Company (KEL79) 811 10th Avenue, New York, New York. Lat. 40 45 59 N.—Long. 73 59 27 W. C.P. and Mod. of License to add (2) Western Electric, TD-2 transmitters on freq. 3990 4070 MHz toward Roslyn Harbor, N.Y. & add freq. 3990H 4070H MHz toward Roslyn Harbor, N.Y.

9362-C1-P/ML-73 Same (KYS89) Roslyn Harbor, 0.1 Mile N.E. of Roslyn, New York. Lat. 40 45 59 N.—Long. 73 59 27 W. C.P. and Mod. of License to add (4) Western Electric, TD-2 transmitters on freq. 3950 4030 MHz toward Huntington, N.Y. & New York, N.Y. and add freq. 3950V 4030V MHz toward Huntington, N.Y.; freq. 3950H 4030H MHz toward New York, N.Y.

JULY 2, 1973

9363-C1-P/ML-73 American Telephone and Telegraph Company (KOB95) 1.9 Miles East of Huntington, New York. Lat. 40 49 48 N.—Long. 73 21 12 W. C.P. and Mod. of License

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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to add (2) Western Electric, TD-2 transmitters on freq. 3990 4070 MHz toward Roslyn Harbor, N.Y. and add freq. 3990V 4070V MHz toward Roslyn Harbor, N.Y.

9364-C1-ML-73 Same (KAC62) 1 Mile West of Broomfield, Colorado. Lat. 39 54 48 N.—Long. 105 05 57 W. Mod. of License to change the polarization from Horizontal to Vertical on freqs. 3730 3810 3970 4050 4130 MHz toward Brooks Tower Building, Denver, Colo. via Passive Repeater.

9366-C1-ML-73 Lafourche Telephone Company, Inc. (KLH71) Leeville, Louisiana. Lat. 29 14 48 N.—Long. 90 12 27 W. Mod. of License to change antenna system on freq. 5974.8V 6093.5V MHz toward Golden Meadow, La.

9367-C1-P-73 General Telephone Company of Kentucky (KYS40) 0.4 Mile NNW of Finley, Kentucky. Lat. 37 28 03 N.—Long. 85 20 25 W. C.P. to add freq. 11365V MHz toward new point of communication at Lebanon, Ky.

9368-C1-P-73 Same (New) 144 East Main Street, Lebanon, Kentucky. Lat. 37 34 12 N.—Long. 85 15 03 W. C.P. for a new station on freq. 10915V MHz toward Finley, Ky.

9369-C1-P-73 St. Joseph Telephone and Telegraph Company (New) 502 Fifth Street, Port St. Joe, Florida. Lat. 29 48 42 N.—Long. 85 18 02 W. C.P. to change freq. from 6204.7 6382.6 MHz to freq. 5945.2V MHz toward Mitchell, Fla.

9370-C1-P-73 Same (New) 8 Miles from Apalachicola Airport, East Point, Florida, Lat. 29 44 11 N.—Long. 84 53 7 W. C.P. for a new station on freq. 2162.4H MHz toward Carabelle, Fla.

9371-C1-P-73 Same (New) One Mile North, Alligator Point, Florida. Lat. 29 54 56 N.—Long. 84 22 11 W. C.P. for a new station on freq. 2167.2V MHz toward Carabelle, Fla.

9372-C1-P-73 Same (KJB36) Avenue H at Commerce Street, Appalachicola, Florida. Lat. 29 43 48 N.—Long. 84 59 11 W. C.P. to change antenna system and add freq. 2112.4H MHz toward new point of communication at East Point, Fla.

9373-C1-P-73 Same (KJB38) First and Curtice Streets, Carabelle, Florida. Lat. 29 51 01 N.—Long. 84 39 37 W. C.P. to change antenna system and add freq. 2117.2V MHz toward new point of communication at Alligator Point, Fla.

9374-C1-P-73 St. Joseph Telephone and Telegraph Company (KJB41) Tyndall Air Force Base near Hwy. 98, San Blas, Florida. Lat. 30 05 21 N.—Long. 85 36 39 W. C.P. to change antenna system, power, replace transmitter and change freq. from 6189.8 6367.7 MHz to freq. 6404.8V MHz toward new point of communication at Lullwater Beach, Fla., Repeater Site.

9375-C1-P-73 Same (KJB39) Near State Hwy. 386, Mitchell, Florida. Lat. 30 02 55 N.—Long. 85 17 18 W. C.P. to change antenna system, power, replace transmitter and change freq. from 5967.4 6145.3 MHz to 6256.5V MHz toward new point of communication at Mule Creek, Fla.; change freq. from 5952.6 6130.5 MHz to 6197.2H MHz toward Port St. Joe, Fla.

9376-C1-P-73 Same (KJX25) Tyndall Air Force Base, Near Hwy. 98, San Blas, Florida. Lat. 30 04 33 N.—Long. 85 33 32 W. C.P. to change antenna system on freq. 6004.5 6063.8 MHz toward Panama City, Fla. via Passive Reflector.

9377-C1-MP-73 MCI Telecommunications Corporation (WPY73) 4.9 Miles SE of Riley, New Mexico. Lat. 34 19 47 N.—Long. 107 10 06 W. Mod. of C.P. to change station location, radio path azimuth toward Red Mesa and Victorino to 98° 6' and 312° 40', respectively.

9378-C1-MP-73 Same (WPY74) Victorino, 6.2 Miles NW of Field, New Mexico. Lat. 34 35 59 N.—Long. 107 31 24 W. Mod. of C.P. to change radio path azimuth toward Riley to 132° 28'.

9379-C1-P-73 Same (New) 5.9 Miles SSW of Scholle, New Mexico. Lat. 34 20 44N.—Long. 106 27 06 W. C.P. for a new station on freq. 6404.8V MHz toward Red Mesa, and 6404.8V MHz toward Dalies.

9380-C1-P-73 Same (New) 3.2 Miles NNE of Dalies, New Mexico. Lat. 34 48 58 N.—Long. 106 50 27 W. C.P. for a new station on freq. 6152.8V MHz toward Scholle and 6152.8V MHz toward Albuquerque, N. Mex.

9381-C1-P-73 Eastern Microwave, Inc. (New) Salem, 2.3 Miles SSW of Salem, Ohio. Lat. 40 51 30 N.—Long. 80 52 15 W. C.P. for a new station on freq. 11425.0H 11585.0H MHz toward new point of communication at Aliquippa Tower, Pa. on azimuth 124° 50'.

9382-C1-P-73 Same (New) Aliquippa Tower, 3.5 Miles SSW of Aliquippa, Pennsylvania. Lat. 40 34 14 N.—Long. 80 19 51 W. C.P. for a new station on freq. 10975.0H 11135.0H MHz toward new point of communication at Pittsburgh, Pa. on azimuth 113° 51'; freq. 10975.0V 11135.0V MHz toward new point of communication at Aliquippa, Pa. on azimuth 50° 17'; and freq. 10975.0H 11135.0H MHz toward new point of communication at Ellwood City, Pa. on azimuth 5° 57'.

9383-C1-P-73 Eastern Microwave, Inc. (New) Pittsburgh, 2850 Berthoud Street, Pittsburgh, Pennsylvania. Lat. 40 26 46 N.—Long. 79 57 51 W. C.P. for a new station on freq. 11665.0V 11345.0V MHz toward a new point of communication at Bell Point Hill, Pa. on azimuth 74° 53'; freq. 11665.0H 11345.0H MHz toward new point of communication at Bethel Park, Pa. on azimuth 203° 37'; freq. 11665.0H 11345.0H MHz toward new point of communication at Carnegie, Pa. on azimuth 250° 36'; freq. 11665.0H 11345.0H MHz toward new point of communication at Etna, Pa. on azimuth 18° 35'; freq. 11665.0V 11345.0V MHz toward new point of communication at McKees Rocks, Pa. on azimuth 288° 53'; freq. 11665.0V 11345.0V MHz toward new point of communication at Mt. Lebanon, Pa. on azimuth 213° 49'; freq. 11665.0H 11345.0H MHz toward a new point of communication at Universal, Pa. on azimuth 80° 46'; and freq. 11665.0V 11345.0V MHz toward a new point of communication at Westview, Pa. on azimuth 321° 32'.

9384-C1-P-73 Same (WDD82) Bell Point Hill, 0.9 Mile SE of Bell Point, Pennsylvania. Lat. 40 32 03 N.—Long. 79 31 59 W. C.P. to add freq. 10735.0H 10895.0H MHz toward new point of communication at Scottdale, Pa. on azimuth 185° 56'.

9385-C1-P-73 Same (New) Bethel Park, 2 Miles S. of Bethel Park, Pennsylvania. Lat. 40 17 36 N.—Long. 80 03 05 W. C.P. for a new station on freq. 10735.0V 10895.0V MHz toward new point of communication at Glassport, Pa. on azimuth 78° 23'; freq. 10735.0V 10895.0V MHz toward new point of communication at McKeesport, Pa. on azimuth 80° 08'; freq. 10735.0H 10895.0H MHz toward new point of communication at Monongahela, Pa. on azimuth 131° 18'; freq. 10735.0H 10895.0H MHz toward a new point of communication at Washington, Pa. on azimuth 220° 32'; and freq. 10735.0H 10895.0H MHz toward new point of communication at West Homestead, Pa. on azimuth 46° 17'.

9413-C1-P-73 Florida Telephone Corporation (New) Howey, Florida. Lat. 28 42 47 N.—Long. 81 46 29 W. C.P. for a new station on freq. 2178.0V MHz toward Leesburg, Fla.

9414-C1-P-73 Same (KIO66) 425 North Third St., Leesburg, Florida. Lat. 28 48 54 N.—Long. 81 52 38 W. C.P. to change antenna system and add freq. 2128.0V MHz toward new point of communication at Howey, Fla.

9415-C1-P-73 Central Telephone Company, Inc. (KRR53) Alvord, Texas. Lat. 33 21 28 N.—Long. 97 41 41 W. C.P. to change antenna system and add freq. 6019.3V 6137.9V MHz toward Chico, Tex.; freq. 6063.8H MHz toward new point of communication at Sunset, Tex.

9416-C1-P-73 Same (New) Montague, Texas. Lat. 33 39 52 N.—Long. 97 43 15 W. C.P. for a new station on freq. 5974.8H MHz toward Saint Jo, Tex.

9417-C1-P-73 Same (New), Saint Jo, Texas. Lat. 33 43 42 N.—Long. 97 31 38 W. C.P. for a new station on freq. 5974.8H MHz toward Sunset, Tex.; freq. 6004.5H MHz toward Montague, Tex.

9418-C1-P-73 Central Telephone Company, Inc. (New) Sunset, Tex. Lat. 33 27 19 N.—Long. 97 45 56 W. C.P. for a new station on freq. 6063.8H MHz toward Alvord, Tex.; freq. 6256.5H MHz toward Saint Jo, Tex.

9420-C1-MP-73 Thru 9467-C1-MP-73 American Telephone and Telegraph Company. It is proposed that the outstanding construction permits for the following stations be modified to change the type of authorized transmitters from FM4000KA-01 to FM4000KA-02 and to increase output power from 1.0 to 1.5 watts and 3.0 watts when used in a protected configuration. (All other particulars same as reported in Public Notice, dated 12-27-72, File Nos. 966-982-C1-P-73, 1243-1244-C1-P-73; Public Notice, dated 1-2-73, File Nos. 1285-1305-C1-P-73; Public Notice, dated 4-3-73, File No. 3452-C1-73; Public Notice, dated 5-24-73, File Nos. 4618-4626-C1-MP-73.

9574-C1-P-73 KHC Microwave Corporation (New) 2.5 Miles North of Flatwoods, Louisiana. Lat. 31 25 09 N.—Long. 92 52 18 W. C.P. for a new station on freqs. 5974.8H 6034.2H MHz toward Wheeling, La. on azimuth 13° 27'.

9575-C1-P-73 Same (New) 14 Miles East of Wheeling, Louisiana. Lat. 31 44 59 N.—Long. 92 46 45 W. C.P. for a new station on freqs. 6197.2V 6256.5V MHz toward Oshkosh, La. on azimuth 326°15'.

9576-C1-P-73 Same (New) 0.5 Miles NW of Oshkosh, Louisiana. Lat. 32 02 06 N.—Long. 93 00 11 W. C.P. for a new station on freqs. 5945.2V 6004.5V MHz toward Jordan Mountain, La. on azimuth 13° 20'.

9577-C1-P-73 Same (New) Jordan Mountain, 3.5 Miles North of Liberty Hill, Louisiana. Lat. 32 23 17 N.—Long. 92 54 16 W. C.P. for a new station on freqs. 6226.9H 6286.2H MHz toward Noles Landing, La. on azimuth 288° 12'.

9578-C1-P-73 Same (New) 4 Miles North of Noles Landing, Louisiana. Lat. 32 29 59 N.—Long. 93 18 27 W. C.P. for a new station on freqs. 5945.2V 6004.5V MHz toward Bossier City, La. on azimuth 272°17'.

9579-C1-P-73 Video Service Company (New) 3.0 Miles SW of Anderson, Indiana. Lat. 40 04 41 N.—Long. 85 43 27 W. C.P. for a new station on freq. 11465.0H 11625.0H MHz toward Muncie, Ind.; freq. 11465.0V MHz toward New Castle, Ind.

9591-C1-P-73 Andrew Tower Rental, Inc. (KLN79) 6.5 Miles WNW of Comanche, Texas. Lat. 31 54 54 N.—Long. 98 42 08 W. C.P. to add point of communication on freqs. 6197.2H 5934.5H MHz toward Rising Star, Tex. on azimuth 312° 20'.

9592-C1-P-73 General Telephone Company of Kentucky (KYC58) 151 Walnut Street, Lexington, Kentucky. Lat. 38 02 45 N.—Long. 84 29 39 W. C.P. to add freqs. 11325V 11565H MHz toward Centerville, Ky.

9593-C1-P-73 Eastern Microwave, Inc. (KZA86) Tyrone Mountain, 6.0 Miles NW of Tyrone, Pennsylvania (Lat. 40 43 56 N.—Long. 78 19 33 W.): C. P. (a) to change frequencies to 10775.0H MHz and 10935.0H MHz toward Little Flat Tower (WDD79), Pennsylvania, on azimuth 87 degrees/04 minutes and (b) to add frequency 11095.0H MHz toward same point of communication (Little Flat Tower).

9594-C1-P-73 Same (WDD79) Little Flat Tower, 2.2 Miles SE of Boalsburg, Pennsylvania (Lat. 40 45 11 N.—Long. 77 45 18 W.): C. P. (a) to change frequencies to 11385.0V MHz and 11545.0V MHz toward Lewistown, Pennsylvania, on azimuth 128 degrees/18 minutes, and (b) to add frequency 11225.0V MHz toward same point of communication (Lewistown). See file nos. 8001 and 8002-C1-P-73.

9595-C1-P-73, United Video, Inc. (WAY25) Joplin, Missouri (Lat. 37 04 49 N.—94 33 25 W.): C. P. to change transmitters and to increase output power to 5.0 watts (power split toward Miami, Oklahoma; Pittsburg, Kansas; and Neosho, Missouri) on existing frequencies. (NOTE: United has requested Special Temporary Authority.)

8814-C1-P/ML-73 American Television Relay, Inc. (KNK38) Blue Ridge Mountain, California (Lat. 34 21 09 N.—Long. 117 40 26 W.): C. P. to change frequency to 6019.3H MHz toward Barstow and Victorville, California.

9596-C1-MP-73 Penn Service Microwave Company (WQQ37) Wyoming Mountain, 4.0 Miles SSE of Wilkes-Barre, Pennsylvania (Lat. 41 11 52 N.—Long. 75 49 22 W.): Mod. of C. P. (a) to relocate receive site to 2.0 Miles East of Idestown (Lat. 41 20 45 N.—Long. 76 01 08 W.), Pennsylvania, on azimuth 313 degrees/30 minutes and (b) to replace transmitting equipment.

9597-C1-P-73 American Television Relay, Inc. (KRW88) 1.0 Mile West Silver City, New Mexico (Lat. 32 46 25 N.—Long. 108 18 34 W.): C. P. to relocate receive site at Hurley, New Mexico, to Lat. 32 42 49 North—Long. 108 08 27 West.

9598-C1-P-73 Tower Communications Systems Corp. (New) Fremont, Ohio (Lat. 41 21 16 N.—Long. 83 05 29 W.): C. P. for new station—frequencies 11225.0V MHz and 11465.0V MHz toward Bellevue, Ohio, on azimuth 117 degrees/50 minutes.

9599-C1-P-73 Same (New) 3.5 Miles West of Bellevue, Ohio (Lat. 41 16 49 N.—Long. 82 54 19 W.): C. P. for new station—frequencies 10735.0H MHz and 10975.0H MHz toward Hartland, Ohio, on azimuth 1009 degrees/12 minutes.

9600-C1-P-73 Same (New) Hartland, 4.5 Miles SW of Clarksfield, Ohio (Lat. 41 10 13 N.—Long. 82 29 26 W.): C. P. for new station—frequencies 11265.0V MHz and 11505.0V MHz toward Litchfield, Ohio, on azimuth 94 degrees/10 minutes.

9601-C1-P-73 Same (New) Litchfield, 6.5 Miles West of Medina, Ohio (Lat. 41 08 31 N.—Long. 81 59 42 W.): C. P. for new station—frequencies 10735.0V MHz and 10975.0V MHz toward Akron, Ohio, on azimuth 104 degrees/20 minutes.

9618-C1-P-73 Southwestern Bell Telephone Company (New) 5.7 Miles SSW of Davis, Oklahoma. Lat. 34 25 04 N.—Long. 97 08 56 W. C.P. for a new station on freq. 5945.2H MHz toward Ardmore, Okla.

9619-C1-P-73 Same (New) 126 "C" Street, NW, Ardmore, Oklahoma. Lat. 34 10 32 N.—Long. 97 07 51 W. C.P. for a new station on freq. 6197.2H MHz toward Davis, Okla.

9620-C1-P-73 South Central Bell Telephone Company (KJW75) 217 West Second Street, Paintsville, Kentucky. Lat. 37 48 52 N.—Long. 82 48 38 W. C.P. to add freq. 11075V MHz toward Hagerhill, Ky.

9621-C1-P-73 Same (KIV68) Approximately 1.5 Miles SE of Paintsville, Kentucky. Lat. 37 47 45 N.—Long. 82 48 05 W. to change power and change freq. from 6234.3 MHz to 6271.4V MHz toward Louisa, Ky.; add freq. 6390.0V MHz toward Louisa, Ky.; correct azimuth on freq. 11525V MHz toward Paintsville, Ky. to 338° 39'.

9622-C1-P-73 Same (KVH96) Approximately 0.4 Mile SW of Louisa, Kentucky. Lat. 38 08 36 N.—Long. 82 36 36 W. C.P. to change power, replace freq. 5982.3 with freq. 6019.3V MHz toward new point of communication at Hagerhill, Ky.; add freq. 6137.9V MHz toward Hagerhill, Ky.

9625-C1-P-73 New England Telephone and Telegraph Company (KCL84) South Uncanoonuc Mountain, Goffstown, New Hampshire. Lat. 42 59 00 N.—Long. 71 35 23 W. C.P. to change antenna system & power on freq. 11545.0H MHz toward Littleton, Mass.

9626-C1-P-73 Same (KTF47) 1.6 Miles South of Littleton, Massachusetts. Lat. 42 31 29 N.—Long. 71 27 49 W. C.P. to change power on freq. 11135.0H MHz toward Goffstown, N.H.

9627-C1-P-73 Interdata Communications, Inc. (WOG70) 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40 03 33 N.—Long. 75 14 20 W. C.P. to add freq. 6256.5V MHz toward Chester.

9628-C1-MP-73 Same (WIU91) Mod. of C.P. to change station location to 3.0 Miles WNW of Chester, Pennsylvania. Lat. 39 50 51 N.—Long. 75 29 45 W. Change freq. toward new point of communication at Roxborough to 6034.2V MHz and to change freq. toward North East to 5945.2H MHz.

9629-C1-MP-73 Same (WIU90) 2.8 Miles NE of North East, Maryland. Lat. 39 37 13 N.—Long. 75 53 37 W. Mod. of C.P. to change point of communication for freq. 6256.5H from Five Points to Chester.

Major Amendments

766-C1-P-73 MCI Telecommunications Corporation (Formerly MCI Texas-Pacific, Inc.) (WPY72) Red Mesa, 11.8 Miles S. of Blue Springs, New Mexico. C.P. to add freq. 6152.8V MHz toward new point of communication at Scholle. Delete Albuquerque and Monticello as points of communication.

6375-C1-P-70 Same (New) 505 Marquette, N.W., Albuquerque, New Mexico. C.P. to add freq. 6404.8H MHz toward new point of communication at Dalies. Delete Red Mesa as a point of communication. (All other particulars same as reported on Public Notices, dated 4-20-70 and 8-14-72.)

7470-C1-P-73 Microwave Communications Corp. (KNM53) St. John Mtn., 27.0 Miles West of Willow, California. Lat. 39 26 05 N.—Long. 122 41 32 W. Application amended to change from Horizontal to Vertical the polarity of freq. 6063.8 MHz toward Mtn. Sanhedrin, Calif. on azimuth 284°43'.

7002-C1-MP-73 Data Transmission Company (WKR35) 7220 N. Stemmons Freeway, Dallas, Texas. Change freq. toward Cedar Hill to 6197.2V MHz.

7003-C1-MP-73 Same (WKR36) 4 Miles East of Rosser, Texas. Change freq. toward Cedar Hill to 6404.8H MHz. (All other particulars same as reported on Public Notice, dated 4-2-73.)

[FR Doc.73-13979 Filed 7-10-73;8:45 am]

[FCC 73-685]

BROADCASTING OF INFORMATION CONCERNING HORSE RACES

Memorandum Opinion and Order In Regard Clarification

1. The Commission has before it a request filed May 3, 1973, by Harness Tracks of America (HTA), that the Commission clarify its Memorandum Opinion and Order of April 3, 1973, "In the Matter of Broadcasting of Information Concerning Horse Races" (FCC #73-355) (38 FR 9531), for the purpose of "making it clear beyond any doubt that the nature of the advertising permitted O.T.B. (New York City Off-Track Betting Corporation) will be equally acceptable for advertising the pari-mutuel tracks which are licensed by the states for the same purposes that O.T.B. has been authorized." HTA specifically requests the Commission to add the words "pari-mutuel tracks" to its Memorandum Opinion and Order of April 3rd in order to make it expressly applicable to pari-mutuel betting. HTA states that it represents substantially all of the principal pari-mutuel Harness tracks in this country and Canada.

2. We think it is clear from a reading of the three principal Commission documents in this area, i.e. the 1964 Policy Statement,[1] the 1971 Declaratory Ruling,[2] and the previously mentioned April 3, 1973 Memorandum Opinion and Order,[3] that the Commission is using the same standard in issuing guidance to legalized on and off-track betting, and that legalized pari-mutuel betting may be advertised in the same manner as legalized off-track betting.

In the 1964 Policy Statement, which remains the basic expression of Commission policy in this area, it was clearly stated that the Commission did not intend to:

> • • • inhibit the broadcasting of appropriate news, publicity and advertising concerning horseracing. Horseracing and parimutuel betting at racetracks are, of course, permitted in many States. Indeed, the revenues derived from such legal parimutuel betting are of considerable significance to many States. These factors underscore the established role of horseracing, a role which the Commission recognizes and one which we do not wish to disturb.[4]

3. The 1971 Declaratory Ruling and the April 3, 1973, ruling were directed to OTB advertising because both rulings had been requested by OTB and were concerned with specific questions raised by OTB in regard to its advertising and promotional programs. It should be additionally noted that both rulings were interpretations of the 1964 Policy Statement. In the April 3, 1973 ruling we pointed out: "The revised ruling forbids advertising which directly aids or encourages illegal gambling. It permits advertisements which only induce people to follow the State's legalized betting course."[6] We think it is apparent from that statement, along with other expressions of Commission policy in this area, that the Commission's stated policy regarding broadcasting of horseracing information is currently applicable to the "State's legalized betting course," whether that course be limited to pari-mutuel tracks or includes off-track betting facilities such as New York's OTB.

4. *Accordingly, it is ordered*, That the Request to Clarify Memorandum Opinion and Order filed by Harness Tracks

[1] 36 FCC 1571.
[2] 32 FCC2d 705.
[3] FCC 73-355.
[4] 36 FCC 1571, 1573
[5] FCC 73-355 at para. 13.

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of America is granted to the extent set forth herein.

Adopted: June 27, 1973.

Released: June 29, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-14093 Filed 7-10-73;8:45 am]

CABLE TELEVISION FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Steering Committee Meetings

JUNE 5, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on July 12 and 13, 1973 at 9:30 a.m. The meetings will be held in Room 6331 of the Cable Television Bureau offices located at 2025 M Street, NW., Washington, D.C.

The agenda for the meetings will be a discussion with members of the CTAC Steering Committee on two issues to be included in the final report and a discussion on the two drafts of Part II of the report.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14094 Filed 7-10-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.:	Owner, Operator and Vessels
01033---	Britain Steamship Company Limited: Westminister Bridge
01055---	Farrell Lines Incorporated: African Lighting African Planet
01072---	Kommanditselskabet AF 26.9 9. 1966 (Komplementar: P.F.S. Heering): Heering Elsie
01092---	Thor Dahls Hvalfangerselskap A/S: Thorstind
01094---	St. Andrews Shipping Co. Ltd.: Dunblane
01095---	British Steam Shipping Co. Ltd.: Duncraig Sir Andrew Duncan
01125---	N.V. Ubem S.A. (Union Belge D'Enterprises Maritimes): Marly II
01173---	H. Clarkson and Company Limited: Belines Binsnes
01181---	Smith Sorensen Tankrederi A/S: Orator
01190---	A/S Gerrards Rederi & A/S Gerrards Rederi II: Gervalla
01431---	The Bolton Steam Shipping Co., Ltd.: Ribera
01519---	Rederi-Aktieselskabet "Myren" Copenhagen: Angantyr
01533---	Henry Nielsen OY/AB: White Rose
01574---	Fearnley & Eger: Fernland
01637---	Siarma Societa Italiana Di Armemento S.p.A.: Lazzaro Mocenigo
01641---	The Bank Line Limited: Nesebank
01861---	BP Tanker Company, Ltd.: British Honor
01891---	Canal Barge Line: CKC 51 CKC 54
01904---	Waterman Steamship Corporation: Topa Topa
01950---	E.M.J. Colocotronis C/O J. Colocotronis & Others: Katingo
01986---	Aktiebolaget Transmarin: URSA
02003---	Rederiet for M/S "Canadia": Canadia
02022---	C. T. Gogstad & Co.: LIDO
02167---	Sartori & Berger: Oilhoern
02246---	Blue Star Line Ltd.: Newcastle Star
02260---	Caribaldi Soc. Cooperativa Di Navigazione A Responsabilita, Limitata: Bonmar
02295---	The Great Eastern Shipping Co. Ltd.: Jag Shanti
02388---	Canahamas Corporation Limited: Cabatern
02501---	Standard Oil Co. of California: Recoverer
02581---	Aber Marine Corporation: Paterelias
02728---	Societe Ivoirienne De Transport Maritime: Bambara
02846---	Heritage Navigation Company, Ltd.: Mekari
02862---	Ocean Shipping & Enterprises, Ltd.: Ocean Splendour
02870---	Isthmian Lines, Inc.: Steel Designer
02872---	States Marine International, Inc.: Gopher State
02892---	Maljoy Transportation Company, Inc.: GWG 202
02911---	Sig. Bergesen D.Y. & Company: Berge Siglion
02959---	Kokuyo Kaiun Kaisha: Sachikawa Maru
02961---	Kobe Kisen Kabushiki Kaisha: Shinsei Maru No. 5
03004---	Rederi AB Soya: Soya-Baltic
03034---	Swansea Marine Panama S.A.: Olympic Breeze
03145---	Zepagas Shipping Corporation: Archontas
03281---	Northern Lines, Corporation: Don Salvador
03441---	Japan Line K.K.: Asia Maru No. 2
03482---	Ryutsu Kaiun Kabushiki Kaisha: Ryujinmaru
03489---	Sanwa Shosen K.K.: Yamaoki Maru
03576---	Aktieselskapet Vigra: Anco Star
03673---	Naysika Compania Naviera S.A.: Nausica
03742---	Bauer Dredging Co. Inc.: ST-6
03980---	Morgan Towing & Transportation Co., Inc.: Seaboard 32 Signal Hill
04002---	Compagnie Des Messageries Maritimes: Indus
04019---	Nord-Transport Strandheim & Stens: Hanseat
04050---	A/S Uglands Rederi: Margarita
04172---	Ekiof Marine Corp.: Esso Barge No. 15
04210---	Anderson Petroleum Transportation Co. Inc.: Propane
04228---	Compagnie Maritime Belge (Lloyd Royal) S.A.: Lusambo
04284---	Oil Base Inc.: #320 #324
04324---	San Cecilio Compania Naviera S.A.: Kythnos Sifnos
04337---	Zephyr Shipping Corporation: Anemos
04433---	Allied Chemical Corporation: MG 20 MG 22 MG 25 ARC 80 ARC 82 JN 101 JN 102
04601---	American Tunaboat Association: Conquest
04659---	Big Star Barge & Boat Company: Star Sun
04834---	Tidewater Barge Lines Inc.: "6"
04865---	Naviera De Castilla S.A.: Pielagos
04939---	Panocean Ship Management Limited: Post Challenger Post Ranger Postrover Postrunner
05114---	N.V. Stoomvaartmaatschappij "De Maas": Pooldrecht
05283---	Peter Pan Seafoods, Inc.: Aldebaran
05292---	N.V. Scheepvaart-Handelmij "Westerpark": Ketty
05379---	River Lines Company: Barge Placer Barge Sonoma

Certificate No.:	Owner/Operator and Vessels
05520---	Union Carbide Corporation: PC-2902 Wasson No. 1 Wasson No. 5 Wasson No. 8
05686---	M/V Cabrillo: Cabrillo
05854---	Levin Metals Corporation: DE-433
06082---	Tramontana Shipping Corporation: Tramontana
06148---	First Omega Shipping Inc.: Omega
06233---	Kabushiki Kaisha Nikko: Nikko Maru No. 15
06314---	Fukumaru Gyogyo Kabushiki Kaisha: Fuku Maru No. 5 Fuku Maru No. 38
06490---	Jorgen J. Lorentzen: Thomas
06528---	Sirius Navigation Corporation: Pola N
06535---	Kommandittselskapet A/S Quinarius & Co.: Quin Duchess
06776---	Nelson Seeschiffahrts-Agentur & Reedereiges mbH: Salzachtal
07281---	Styico Compania Naviera S.A.: Brothers
07287---	Charles Barge Corp.: ST-107
07297---	Armadora Hidalga S.A.: Angelmar
07597---	F. A. M. Flota Argentina Mineralera S.A. De Navegacion C.I.F.M.I.: Punta Indio
07640---	Exxon Company, U.S.A.: Exxon Miami

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14125 Filed 7-10-73;8:45 am]

[Independent Ocean Freight Forwarder License 712]

JOHN H. FAUNCE, INC.

Order of Revocation

John H. Faunce, Inc., 721 Chestnut Street, Philadelphia, Pennsylvania 19106 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 712 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04 (f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 712 be and is hereby revoked effective June 20, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served upon John H. Faunce, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14126 Filed 7-10-73;8:45 am]

[Independent Ocean Freight Forwarder License 24]

E. D. SHERMAN STEAMSHIP CO. AND AGENCY

Order of Revocation

On June 20, 1973, the Federal Maritime Commission received notification that Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency, 19 Congress Street, Boston, Massachusetts 02109 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 24 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 24 of Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 24 be and is hereby revoked effective June 20, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Edward D. Sherman, d/b/a E. D. Sherman Steamship Company and Agency.

AARON W. REESE,
Managing Director.

[FR Doc.73-14127 Filed 7-10-73;8:45 am]

U.S. GULF/COLOMBIA NORTHBOUND AND SOUTHBOUND FREE ACCESS AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 31, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lloyd Strickland, Vice President
Lykes Bros. Steamship Co., Inc.
Lykes Center
300 Poydras Street
New Orleans, Louisiana 70130

Agreement No. 10064, between Flota Mercante Grancolombiana S.A. and Lykes Bros. Steamship Co., Inc., provides for the establishment of a regular coordinated service between the parties in the trade between United States Gulf of Mexico ports and ports in Colombia. The intent is that the lines will (1) have free access to the total import/export cargoes available without any governmental restrictions; (2) become associate companies upon approval of the agreement; and (3) mutually collaborate to have cargo not carried by one party to be carried by the other party.

Agreement No. 10064 will remain in effect indefinitely unless earlier canceled as provided therein.

Dated: July 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14124 Filed 7-10-73;8:45 am]

FEDERAL POWER COMMISSION

MAJOR PIPELINE COMPANIES

Schedule of Meetings on 1973–74 Operations

The Commission's staff wishes to meet with the senior officials of the major gas pipelines to discuss the capability of these companies to serve their anticipated requirements during the coming year. The pattern will be similar to previous years' meetings with groups of companies having some community of interest meeting at the same time. Some companies have operations extending across two or more groups and accordingly are requested to send representatives to more than one meeting.

The purpose of the meetings is to anticipate, if possible, emergency situations in the coming winter and possible problems in filling storage this summer. These conferences are not intended to affect the resolution of issues pending in any Commission proceedings. The conferences will be open to the public and all interested parties are encouraged to attend. To this end notice will be placed in the Commission's calendar of events and in the FEDERAL REGISTER.

At these meetings we would like to discuss, both on an individual company and on a regional basis, such subjects as current supply availability, present and projected levels of storage, anticipated supply additions—both of a short term and long term nature, anticipated requirements, and other related matters. Of

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particular concern will be any indication of curtailment projections by or to a pipeline and other operational adjustments that may become necessary.

Replies to my letter of April 10, 1973, requesting historical and projected supply and requirements for the period April 1972 through March 1974 will provide a useful basis for our discussions.

These meetings will be held in the offices of FPC at 10:00 a.m. on the days indicated in the schedule below.

FRANK C. ALLEN,
Acting Chief, Bureau of Natural Gas.

SCHEDULE OF PIPELINE COMPANY MEETINGS ON 1973–74 OPERATIONS TO BE HELD AT 10:00 A.M. ON DATE INDICATED

GROUP 1—JULY 17, 1973

Arkansas Louisiana Gas Company
Cities Service Gas Company
Lone Star Gas Company

GROUP 2—JULY 20, 1973

El Paso Natural Gas Company
Colorado Interstate Gas Company
Mountain Fuel Supply Company
Pacific Gas Transmission Company
Transwestern Pipeline Company

GROUP 3—JULY 24, 1973

Michigan Wisconsin Pipe Line Company
Midwestern Gas Transmission Company
Natural Gas Pipeline Company of America
Northern Natural Gas Company
Panhandle Eastern Pipe Line Company
Trunkline Gas Company

GROUP 4—JULY 31, 1973

United Gas Pipe Line Company
Mississippi River Transmission Corporation
Natural Gas Pipeline Company of America
Southern Natural Gas Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation

GROUP 5—AUGUST 2, 1973

Algonquin Gas Transmission Company
Columbia Gas Transmission Corporation
Consolidated Gas Supply Corporation
Tennessee Gas Pipeline Company
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation

[FR Doc.73-14295 Filed 7-10-73;10:54 am]

[Docket Nos. CP 72-223, etc.]

NATURAL GAS PIPE LINE COMPANY OF AMERICA AND TEXACO INC.

Notice of Further Postponement of Procedural Dates

JULY 2, 1973.

Notice is hereby given that the procedural dates set by the order issued May 23, 1973, as modified by notices issued June 13, 1973, June 22, 1973, and June 28, 1973, are further modified as follows:

Service of evidence by applicants and persons in support of the applications, July 17, 1973.
Service of answering evidence by applicants and interveners, July 27, 1973.
Commencement of hearing, August 7, 1973.

Action on the request for a prehearing conference will be by subsequent order.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14019 Filed 7-10-73;8:45 am]

FEDERAL RESERVE SYSTEM

ASB INVESTMENT CO.

Acquisition of Bank

ASB Investment Company, Flint, Michigan, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire between 10.9 and 12.2 percent of the voting shares of Great Lakes Bancorp, Inc., Kalamazoo, Michigan, and thereby acquire, indirectly, 90 per cent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo, The Owosso Savings Bank, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14083 Filed 7-10-73;8:45 am]

ALABAMA BANCORPORATION

Order Approving Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to J. C. Jacobs Banking Company, Inc., Scottsboro, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Alabama, controlling five banks with total deposits of $972.6 million, representing 14.3 percent of total deposits of commercial banks in Alabama.[1] Acquisition of Bank (deposits of $17.7 million) would not significantly increase the concentration of banking resources in Alabama.

There are four banking organizations with three banks and one branch in Jackson County (the relevant market). Bank is the second largest organization in the market, holding 27.8 percent of total market deposits as of June 30, 1972. The largest bank in Jackson County controls over 40 percent of the deposits in the market as of the same date. A subsidiary of the second largest holding company in the State has a branch in the market. It is unlikely that approval of the proposed transaction would lead to domination of the area's other banks by Bank.

Applicant's subsidiary closest to Bank is located 64 miles distant, and there is no existing competition between this subsidiary or any of Applicant's other subsidiary banks and Bank. Moreover, Applicant's mortgage banking subsidiary, Engel Mortgage Company, has not originated mortgage loans in Jackson County for several years and does not presently compete with Bank. It does not appear likely that meaningful competition between Bank and Applicant would develop in the future in view of Alabama's restrictive banking laws and the limited prospects of the market for de novo entry.[2] On the basis of the record before it, the Board concludes that consummation of the proposal herein will not result in any significant increase in concentration of banking resources in Alabama nor have any adverse effect on competition in any relevant area.

Considerations relating to the managerial and financial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. Considerations relating to the needs of the community to be served lend some weight for approval of the application since Applicant's acquisition of Bank will enable the latter to expand its services within the market. The Board finds that approval of the application is in the public interest.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14081 Filed 7-10-73;8:45 am]

[1] All banking data are as of December 31, 1972 except where otherwise noted, and represent bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] Income levels in Jackson County are significantly below those of the State as a whole, while the population per banking office (3,700) relative to the State average (6,300) makes Scottsboro an unattractive location for de novo entry.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns and Governors Daane and Brimmer.

AMERICAN BANCSHARES, INC.

Acquisition of Bank

American Bancshares, Incorporated, North Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Executive Bank of Fort Lauderdale, Fort Lauderdale, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14082 Filed 7-10-73;8:45 am]

CONTINENTAL BANKSYSTEM, INC.

Order Denying Formation of Bank Holding Company

Continental Banksystem, Inc., St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) for formation of a bank holding company through acquisition of 60 percent or more of the voting shares of St. Anthony Park State Bank, St. Paul, Minnesota ("St. Anthony Park"); 53 percent or more of the voting shares of Roseville State Bank, Roseville, Minnesota ("Roseville Bank"); 59 percent or more of the voting shares of Peoples National Bank, Mora, Minnesota ("Mora Bank"); and 70 percent or more of the voting shares of Citizens State Bank of Montgomery, Montgomery, Minnesota ("Montgomery Bank").

At the same time Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire a majority of the voting shares of Peoples Credit Company of Mora, Minnesota, Inc., Mora, Minnesota ("Peoples Credit Company"), a company which engages in the activities of a non-real estate agricultural credit corporation. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(2)).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with sections 3 and 4 of the Act (38 FR 11011, 11034). The time for filing comments and views has expired, and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant was organized in 1970 for the purpose of becoming a bank holding company and has no operating history. The four banks to be acquired have aggregate deposits of $49 million representing .5 percent of the total commercial bank deposits in Minnesota.[2] Applicant would become the tenth largest bank holding company and the twelfth largest banking organization in the State.

St. Anthony Bank (deposits of $10.3 million) and Roseville Bank (deposits of $15 million) are located about three miles apart in a northwestern section of St. Paul, Minnesota and an adjacent northern suburb respectively. There is a small amount of service area overlap between the two banks and some competition would be eliminated by this proposed transaction. The Twin Cities market, however, is highly concentrated with the two largest banking organizations holding 70 percent of the market deposits. In view of this concentration and the large number of commercial banking alternatives (75) in the market and the fact that by this proposed transaction both banks may become more viable competitors to the dominant banking organizations in the market, the slight elimination of competition is not a signficant adverse factor.

Mora Bank (deposits of $13.5 million) is located in rural area of Kanabec County, Minnesota, 60 miles north of St. Paul. Montgomery Bank (deposits of $10 million) is located in a rural area of La Sueur County, Minnesota, 50 miles southwest of St. Paul. Neither of these banks compete with the other or with St. Anthony Bank or Roseville Bank. In view of the distances involved and the Minnesota prohibition against branching it is unlikely that any such competition would develop in the future.

Peoples Credit Company (outstanding loans of $1.3 million) originates and services non-real estate agricultural loans in the same market area serviced by Mora Bank. Since Mora Bank is affiliated with Peoples Credit Company, St. Anthony Bank and Roseville Bank do not make agricultural loans, and Montgomery Bank is 110 miles away, there is no elimination of competition through this acquisition. The proposed acquisitions will not produce any adverse competitive effects and may be slightly procompetitive if they result in a holding company capable of offering new competition to the dominant banking organizations in the State.

While Applicant proposes to offer additional services and improve the facilities and increase the hours of operation of the banks to be acquired, the Mora, Montgomery and Twin City markets are being adequately served at present. Considerations relating to the convenience and needs of the communities to be served are consistent with and lend slight weight for approval.

While the above considerations are consistent with approval, section 3(c) of the Bank Holding Company Act directs the Board to take into consideration the financial and managerial resources and future prospects of Applicant and banks to be acquired; these give rise to serious questions in connection with this proposal. Even if successful in completing a private equity offering of $2 million, which must be effected prior to the consummation, Applicant will still have acquisition debt remaining equal to 66 per cent of equity capital accounts. Applicant's plan to eliminate this debt by a public or private placement equity offering of $2 million during 1975 is questionable under conditions the Applicant projects. Earnings prospects as projected by the Applicant are essentially dependent on earnings of the proposed subsidiaries, and these do not appear sufficient to service the debt in the interim period and still maintain a viable organization. This strain on earnings in turn will make the projected 1975 placement more questionable. Applicant has failed to show alternative plans or ability to meet its debt should its 1975 equity offering fail or become impossible to complete.

The Board has on many occasions stated that a holding company should be a source of strength for its subsidiary banks rather than vice versa. Applicant, however, will be required to use bank earnings to support its acquisition debt and will be unable to provide additional capital funds should the need arise. In addition, the acquisition of the majority interest of one of the banks contemplates the payment of $125,000 in deferred compensation over five years to the majority shareholder in return for his services as chief executive officer of the bank and for making himself available part-time to perform services for Applicant. Since the bank already has an adequately compensated chief executive officer, and the majority shareholder is principally involved in operating his own construction firm, there appears to be no economic justification for this compensation arrangement. The capital position of this bank is at present only marginally satisfactory, and the proposed compensation agreements would adversely affect its financial position and future prospects.

The Board concludes that the excessive debt to be incurred by Applicant in this proposed transaction, the consequent strain on subsidiary bank earnings to service the debt, and the reliance without alternative plans on an uncertain public placement to repay his debt present adverse circumstances bearing on financial condition, managerial responsibility and future prospects of the Applicant and banks. These circumstances are not outweighed by any procompetitive factors or by considerations relating to convenience and needs of the communities to be served. Accordingly, the Board is of the opinion that approval of this application is not in the public interest and should be denied.

[1] In view of the Board's Order denying the formation of the bank holding company, action with respect to the § 4(c)(8) application has been rendered moot.

[2] All banking data are as of June 30, 1972 and reflect bank holding company formations and acquisitions through April 30, 1973.

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On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective July 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14145 Filed 7-10-73;8:45 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 per cent of the voting shares of the following banks: Madeira Beach Bank, Madeira Beach, Florida; and First Gulf Beach Bank and Trust Company, St. Petersburg, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14084 Filed 7-10-73;8:45 am]

FIRST NATIONAL STATE BANCORPORATION

Acquisition of Bank

First National State Bancorporation, Newark, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mechanics National Bank of Burlington County, Burlington Township, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 18, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14146 Filed 7-10-73;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

HAWKEYE BANCORPORATION

Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 79 per cent or more of the voting shares of Farmers Savings Bank, Grundy Center, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 29, 1973.

Board of Governors of the Federal Reserve System, July 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14147 Filed 7-10-73;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Cape State Bank and Trust Company, Cape Girardeau, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than July 23, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14063 Filed 7-10-73;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First Professional Bank, National Association, Houston, Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas and the largest in the Houston banking market (approximated by the Houston SMSA), controls 15 banks with total deposits of $1,812.5 million, which represents 5.96 per cent of total commercial bank deposits in the State, and 20.04 per cent of all such deposits in the Houston market.[1] In addition, Applicant owns voting shares in 13 other banks with aggregate deposits of $372.9 million—which represents an additional 1.22 per cent of the State's total commercial bank deposits.[2] Consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits either in Texas or in the Houston market. Applicant's nearest present subsidiary, Highland Village State Bank, is located six miles away, outside Bank's proposed service area. Within that service area, Bank will face significant competition from three other commercial banks, including the tenth largest banking organization in the Houston market. Accordingly, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources of Applicant, its present subsidiary banks, and Bank are satisfactory. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval, since Bank will be located near the rapidly expanding Texas Medical Center and will provide an additional source of services to customers in or near this complex. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) First Professional Bank, National Association, Houston, Texas, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be

[1] Banking data are as of June 30, 1972, adjusted to reflect holding company acquisitions and formations approved through May 31, 1973.

[2] The Board's Order of January 4, 1973, conditions approval of Applicant's acquisitions of Highland Village State Bank, Houston, Texas, and of First State Bank of Clear Lake City, Clear Lake City, Texas, upon divestiture of direct or indirect control of all voting shares in excess of five per cent of both South Main Bank and Heights State Bank, both of Houston, Texas. The figures above do not reflect any such divestiture.

extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14085 Filed 7-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Odessa, Odessa, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the second largest bank holding company in Texas, controls two banks[1] with aggregate deposits of approximately $1.7 billion,[2] representing 5.6 percent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by .17 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $52 million in deposits) is the third largest of nine banks in the Midland-Odessa SMSA and accounts for 11.7 per cent of the commercial bank deposits in the market. The first and second largest banks in the market account for 42 and 18 per cent of the commercial bank deposits, respectively. Consummation of the proposal herein would constitute Applicant's initial entry into the Midland-Odessa SMSA.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[2] All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

Applicant's subsidiary bank closest to Bank is located in Dallas, more than 300 miles away. There is no meaningful present competition between Applicant's subsidiary banks and Bank. Furthermore, in view of the distances involved and Texas' restrictive branching law, there is little probability that any significant amount of competition would develop in the future between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a substantially adverse effect on potential competition because Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other holding companies entering the market. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory; and Applicant intends to increase Bank's equity capital upon consummation of the transaction. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14086 Filed 7-10-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Harlingen, Harlingen, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, presently the largest bank holding company in Texas, controls two banks[1] with aggregate deposits of approximately $2.1 billion,[2] representing 6.1 per cent of the total commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by 0.2 per cent and would not result in a significant increase in the concentration of banking resources in the State.

Bank (approximately $62 million in deposits) is the second largest of nine banks in the Brownsville-Harlingen-San Benito SMSA and accounts for 22.8 per cent of the commercial bank deposits in the market. The first and third largest banks in the market account for 24.3 and 17.3 per cent of the commercial bank deposits, respectively. Consummation of the proposal herein would constitute Applicant's initial entry into this market.

Applicant's subsidiary closest to Bank is located in Houston, approximately 300 miles away, and there is no meaningful present competition between Applicant's subsidiary banks and Bank. In view of the distances involved and Texas' restrictive branching law, there appears to be little likelihood for the development of any significant amount of future competition between these institutions. Although Applicant could enter the market de novo or through the acquisition of a smaller bank, Applicant's acquisition of Bank is not regarded as having a substantially adverse effect on potential competition because size disparity among the top banks is narrow enough so that Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other holding companies entering the market. The Board concludes,

[1] In addition to its two subsidiary banks, Applicant indirectly owns interests of between 5 and 25 per cent in 13 banks. Applicant states that it intends to acquire five of these banks, and to divest its minority interest in each of the remaining eight banks.

[2] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through May 31, 1973.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

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therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory; and Applicant intends to increase the equity capital of Bank upon consummation of the transaction. Considerations relating to the banking factors are consistent with approval of the application. Although the major banking needs of the residents in the area are being adequately served at the present time, the proposed affiliation is likely to result in expansion of the range of services presently offered by Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14087 Filed 7-10-73;8:45 am]

FIRST & MERCHANTS CORP.

Order Approving Acquisition of Bank

First & Merchants Corp., Richmond, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the Peoples Bank of Stafford, Falmouth, Virginia ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of $1,011 million, representing 9.4 per cent of the total commercial bank deposits in Virginia, and is the third largest banking organization in the State. (All banking data is of December 30, 1972.) Bank has four offices and controls $15.7 million in deposits, representing .15 per cent of the commercial bank deposits in Virginia. Bank ranks third in its market. Consummation of the proposed acquisition will not significantly increase concentration of banking resources in the State.

The market area of Bank includes the city of Fredericksburg, Stafford County, and Spotsylvania County. There is no significant competition between Applicant's banking subsidiaries and Bank at the present time, and the possibility of future competition is remote because Virginia law prevents Applicant's subsidiary banks from branching *de novo* into the market. Bank is the third largest of four banks located in the market and is considerably smaller than the two leading banks. Applicant's acquisition of Bank would not result in Applicant's gaining a dominant share of the market's banking resources, nor would it appear to preclude the possibility of other bank holding companies entering the market.

Applicant's subsidiary, First Mortgage Corporation, Richmond, Virginia, does compete directly with Bank for loans secured by new one-to-four family residential properties. That competition is not substantial at present, nor does the Board believe that it would likely attain significant proportions in the future, if the application were not approved.

Consummation of the proposed acquisition would not appear, therefore, to eliminate or foreclose significant existing or potential competition between Applicant or any of its subsidiaries and Bank, and the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are generally satisfactory. Applicant has agreed to add capital to Bank and Bank's management appears satisfactory. Future prospects for Applicant and Bank are considered good. Applicant plans to make Bank more aggressive in its investments and loans (and Bank will have a larger lending limit) by financing dealer floor plans, by purchasing installment paper, and by more aggressive retail banking in general. Hence, factors relating to convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14088 Filed 7-10-73;8:45 am]

GREAT LAKES HOLDING CO.

Acquisition of Bank

Great Lakes Holding Company, Kalamazoo, Michigan, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire between 28.6 and 31.8 per cent of the voting shares of Great Lakes Bancorp, Inc., Kalamazoo, Michigan and thereby acquire, indirectly, 90 per cent or more of the voting shares of Industrial State Bank & Trust Company, Kalamazoo, The Owosso Savings Banks, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14090 Filed 7-10-73;8:45 am]

GREAT LAKES BANCORP, INC.

Formation of Bank Holding Company

Great Lakes Bancorp, Inc., Kalamazoo, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares and 90 per cent or more of the preferred nonvoting shares of Industrial State Bank & Trust Company, Kalamazoo, and 90 per cent or more of the voting shares of The Owosso Savings Bank, Owosso, and Alpena Savings Bank, Alpena, all in Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14089 Filed 7-10-73;8:45 am]

PHILADELPHIA NATIONAL CORP.

Proposed Retention of Congress Factors Corporation

Philadelphia National Corporation (formerly PNB Corporation), Philadelphia, Pennsylvania, has applied, pursuant to §§ 4(c)(8) and (13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and (13) and § 225.4(b)(2) of the Board's Regulation Y, for permission to transfer and retain voting shares of Congress Factors Corporation, Philadelphia, Pennsylvania. Those shares are presently held by The Philadelphia National Bank, a wholly-owned (except for directors' qualifying shares) subsidiary of Philadelphia National Corporation. Congress Financial Corporation, Philadelphia, Pennsylvania, and Congress Credit Corporation, Philadelphia, Pennsylvania, are both subsidiaries of Congress Factors Corporation. Notice of the application was published on April 17, 1973 in The New York Times, a newspaper circulated in New York City, New York; on April 17, 1973, in the Miami Herald, a newspaper circulated in Miami, Florida; on April 18, 1973, in The Philadelphia Daily News, a newspaper circulated in Philadelphia, Pennsylvania; and on April 19, 1973 in El Mundo, a newspaper circulated in the island of Puerto Rico, in each of which locations Congress Factors Corporation and/or one or more of its subsidiaries maintains offices.

Applicant states that Congress Factors Corporation engages in the activities of factoring, that is, the purchasing, principally on a non-recourse basis, of accounts receivable, and commercial financing, that is, the making of loans to commercial customers, secured by accounts receivable, inventory, equipment, and/or real estate; Congress Financial Corporation and Congress Credit Corporation engage in the activity of commercial financing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14091 Filed 7-10-73;8:45 am]

RAILROAD RETIREMENT BOARD

ACTUARIAL ADVISORY COMMITTEE

Notice of Public Meeting Regarding Railroad Retirement Accounts

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee with respect to the Railroad Retirement Accounts will hold a meeting on July 26 and 27, 1973, at the offices of the Chief Actuary of the Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois. The agenda for the meeting will include a review of the results of the twelfth actuarial valuation of the railroad retirement system, a review of the draft of the report on the valuation, and the drafting of the Committee's report to the Railroad Retirement Board.

The meeting will be open to the public. Persons wishing to submit written statements or to make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611.

Dated: July 3, 1973.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-14031 Filed 7-10-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5361]

ALABAMA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds

JULY 2, 1973.

Notice is hereby given, that Alabama Power Company ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $100,000,000 principal amount of its First Mortgage Bonds, — percent Series, having a term of not less than 5 years and not more than 30 years. Alabama will decide on the terms of the bonds prior to the filing of the registration statement. The interest rate (which shall be a multiple of ⅛%) and the price, exclusive of accrued interest, to be paid to Alabama (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of August 1, 1973, which includes a prohibition until August 1, 1978 against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Alabama proposes to use the proceeds from the sale of the bonds together with: (1) cash contributions to capital of $65,000,000 by The Southern Company ($27,000,000 of which had been received through May 31, 1973) heretofore authorized by the Commission (Holding Company Act Release No. 17824), (2) proceeds from the sales of additional first mortgage bonds ($75,000,000 principal amount) and 300,000 shares of preferred stock (par value $30,000,000), which Alabama proposes to issue later in 1973; and (3) cash on hand in excess of operating requirements, interest and dividends, to finance its 1973 construction program (estimated at $364,710,000), to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose, and for other lawful purposes. Alabama estimates that no additional financing will be required for construction purposes during 1973, except for the issuance and sale of short-term bank notes and commercial paper notes authorized by the Commission (Holding Company Act Release No. 17824). It is estimated that approximately $7,000,000 of notes payable will be outstanding at December 31, 1973.

It is stated that the Alabama Public Service Commission has approved the proposed issuance and sale of the bonds by Alabama. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than July 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest; the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary,

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Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulation promulgated under the Act, or the Commission may grant exemption from such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14044 Filed 7-10-73;8:45 am]

CLOROX CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

The Clorox Company ---------- File No. 7-4414

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14036 Filed 7-10-73;8:45 am]

[File No. 500-1]

GREAT REPUBLIC FINANCIAL CORP.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Great Republic Financial Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. June 29, 1973 through July 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14052 Filed 7-10-73;8:45 am]

HUGHES TOOL CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Hughes Tool Co. ---------- File No. 7-4413

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14037 Filed 7-10-73;8:45 am]

[812-3473]

IDS NEW DIMENSIONS FUND, INC.

Application for Exemption

JULY 3, 1973.

Notice is hereby given that IDS New Dimensions Fund, Inc. (the "Fund"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, which is registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22c-1 under the Act to permit a public offering of shares of the Fund in Japan to Japanese and other non-United States nationals in accordance with Japanese law and regulations, but under terms and with sales charges which differ from the terms and charges described in the prospectus of the Fund that is used in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) of the Act provides, in substance, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus. The current public offering price includes the sales charge, if any, and is subject to the terms and options, such as rights of accumulation, automatic withdrawal, and purchases under a letter of intent, as are described in the prospectus.

Rule 22c-1 under the Act provides, in pertinent part, that a redeemable security may be sold only at a price based on the current net asset value of the security which is next computed after receipt of an order to purchase such security.

Yamaichi Securities Co. Ltd. ("Yamaichi"), a Japanese securities dealer, proposes to purchase at least $10,000,000 of shares of the Fund for the purpose of reselling such shares in Japan to Japanese and other non-United States nationals by means of a block offering to be completed within a short period of time either by Yamaichi directly or by selected dealers. Yamaichi proposes to purchase such shares at the net asset value computed in accordance with Rule 22c-1, plus an underwriting commission of 1 percent to be paid to Investors Diversified Services, Inc. ("IDS"), the investment adviser of, and principal underwriter for, the Fund. This arrangement would ensure that the Fund would receive full net asset value for its shares as required by the Act. However, resale of such shares in Japan would be subject to Japanese regulation and Japanese marketing practices which require, as a practical matter, that the block offering be made pursuant to terms different from those described in the Fund's United States prospectus.

For the purpose of computing the sales prices of shares in the initial block offering, the net asset value of the Fund would be the lesser of the net asset value paid by Yamaichi or that next computed after the receipt by Yamaichi or a selected dealer of a purchase order. After the initial block offering, Yamaichi intends to make additional shares available in Japan at prices based on net asset values of the Fund computed in accordance with Rule 22c-1, but with sales loads as described herein. Further block offerings might be made in the same manner as the proposed initial block offering, depending on market reception to the Fund.

Shares of the Fund would be sold in Japan according to a schedule of sales charges different from the one used in the United States. The respective schedules set different break points and provide, generally speaking, for lower sales loads in Japan on smaller purchases and higher sales loads in Japan for larger purchases. Applicant represents that the proposed different schedule of sales charges to be used in Japan is necessary because permissible sales charges in Japan are determined by the various securities dealers' associations as a matter of self-regulation and that such associations have an understanding among themselves tantamount to a requirement that sales commissions to be charged in Japan in connection with the sale of foreign investment company securities should be somewhat closely related to those sales charges currently prevailing with respect to the sale of shares of Japanese investment trusts with similar objectives. Applicant also states that the sales charges to be imposed in Japan are more or less similar to those charged by other foreign investment trusts marketing shares in Japan and that it would be competitively impossible to charge higher rates.

The Japanese regulation and marketing practices also require certain other variations from the terms of offering contained in the Fund's United States prospectus. Such options as rights of accumulation, systematic withdrawal, aggregation of purchases by "any person" under Rule 22d-1, purchases under a letter of intent, and exchange of shares of the Fund for shares of other investment companies in the IDS complex would not be available under the proposed offering in Japan because they are not consistent with the present practice in that country. Because the terms and sales charges pursuant to which shares of the Fund would be required to be sold in Japan would differ from the terms and sales charges described in the current prospectus of the Fund that is used in the United States, the public offering price in Japan would differ from the public offering price described in the Fund's current prospectus.

Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the Rules and Regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Fund represents that the exemptions requested from the provisions of section 22(d) of the Act and Rule 22c-1 under the Act, pursuant to section 6(c), so as to permit the sale of its securities in Japan, are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 23, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14043 Filed 7-10-73;8:45 am]

KELLOGG CO.

Applications for Unlisted Trading Privileges and Opportunity for Hearing

JULY 3, 1973.

In the matter of applications of the Midwest Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Kellogg Company ---------- File No. 7-4415

Upon receipt of a request, on or before July 19, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14041 Filed 7-10-73;8:45 am]

[File No. 500-1]

MADJAC DATA COMPANY, INC.

Order Suspending Trading

JUNE 29, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Madjac Data Company, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

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10:00 a.m. (EDT) on June 29, 1973 and continuing through July 8, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14051 Filed 7-10-73;8:45 am]

[811-2185]

MASSACHUSETTS BAY INCOME SHARES

Proposal To Terminate Registration

JULY 3, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Massachusetts Bay Income Shares ("Fund"), 441 Stuart Street, Boston, Massachusetts 02116, registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Fund was organized as a Massachusetts corporation on December 31, 1970, and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on April 19, 1971.

Fund presently has no assets or shareholders and has no intention of making a public offering of its shares. Its Registration Statement under the Securities Act of 1933 was declared abandoned by the Commission on November 1, 1972.

Section 8(f) of the Act, provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion when appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 27, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated herein, unless an order for a hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14042 Filed 7-10-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 per value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14035 Filed 7-10-73;8:45 am]

[File No. 500-1]

PACE INDUSTRIES, INC.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pace Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (EDT) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14047 Filed 7-10-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 5, 1973 through July 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14039 Filed 7-10-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value and all other securities of Photon, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14038 Filed 7-10-73;8:45 am]

[70-5357]

POTOMAC EDISON CO. ET AL.

Proposed Issue and Sale of Short-Term Notes

JULY 2, 1973.

Notice is hereby given that Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554, The Potomac Edison Company ("PE"), Downsville Pike, Hagerstown, Maryland 21740, and West Penn Power Company ("West Penn") 800 Cabin Hill Drive, Greensburg, Pennsylvania 15601, public utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Monongahela, PE, and West Penn request permission to issue and sell short-term notes to banks and to dealers in commercial paper from time to time for the period July 31, 1973, to December 31, 1974. Monongahela, PE, and West Penn also request that from the date of this application to December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to each of them by the first sentence of section 6 (b) of the Act be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the following amounts: Monongahela $35,000,000; PE—$40,000.00; and West Penn—$60,000,000.

Monongahela, PE, and West Penn propose to issue, reissue, sell, and renew from time to time short-term notes to banks and to dealers in commercial paper prior to December 31, 1974, provided that in no case shall any of such notes mature later than June 30, 1975. The proceeds from the issuance and sale of such notes will be used by each of the companies to reimburse its corporate treasury for past expenditures made in connection with its construction program, to pay part of the cost of future construction, and for other corporate purposes. The estimated gross construction expenditures for 1973, 1974, and 1975 are estimated to total $135.8 million in the case of Monongahela, $121.9 million in the case of PE, and $224.6 million in the case of West Penn.

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at the prime or comparable interest rate of the bank from which the borrowing is made, in effect at the time of issuance or in effect from time to time, and will be prepayable at any time without premium or penalty. The names of the banks from which such borrowings are proposed to be effected and the maximum amount of borrowings outstanding at any one time are as follows:

MONONGAHELA	
First National City Bank	$36,900,000
Mellon National Bank & Trust Company	35,000,000
	$71,900,000
PE	
First National City Bank	$67,000,000
Chemical Bank	35,000,000
Manufacturers Hanover Trust Company	2,500,000
	$104,500,000
WEST PENN	
First National City Bank	$65,000,000
Mellon National Bank & Trust Company	35,000,000
Pittsburgh National Bank	6,000,000
The Chase Manhattan Bank N.A	5,000,000
	$111,000,000

The maximum amount of short-term notes outstanding at any one time will not, when taken together with any commercial paper outstanding, be in excess of $35,000,000 in the case of Monongahela or $60,000,000 in the case of West Penn and in the case of PE will not, when taken together with any commercial paper outstanding and any long-term unsecured debt outstanding, be in excess of $40,000,000 in each case including any notes which may be outstanding pursuant to prior orders of the Commission. It is stated that Monongahela, PE, and West Penn maintain balances to meet regular operating requirements at these banks which vary in amount from time to time. If average balances were maintained solely to fulfill compensating balance requirements of major banks, approximately 20 percent, the effective interest costs to each of the companies issuing and selling the notes on the basis of a prime commercial credit or comparable rate of 7.5 percent would be 9.375 percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer or dealers in commercial paper, designated by post-effective amendment by each of the companies, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity. The dealer or dealers may reoffer the commercial paper at a discount of ⅛ of 1 percent per annum less than the discount rate to Monongahela, PE, or West Penn. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Monongahela, PE, or West Penn, as the case may be, is able to borrow the same amount from banks at that time. Such dealer or dealers will reoffer the commercial paper notes to not more than 200 of its or their customers identified and designated in a list for each company (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the customers to maturity, but if the customers wish to resell prior to maturity, the dealer or dealers, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

Monongahela, PE, and West Penn requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. Each applicant also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

The application states that total fees and expenses related to the proposed transactions are estimated not to exceed $9,900, including credit rating fees in the amount of $2,500 for each company, and that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 26, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof. For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-14045 Filed 7-10-73;8:45 am]

[File No. 500-1]

R. D. PHILPOT INDUSTRIES

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of R. D. Philpot Industries being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (EDT) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.73-14046 Filed 7-10-73;8:45 am]

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[File No. 500–1]

SCIENTIFIC CONTROL CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.20 par value, and all other securities of Scientific Control Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:05 a.m. (e.d.t.) on June 28, 1973 through July 7, 1973.

By the Commission.

[SEAL] RONALD L. HUNT, *Secretary.*

[FR Doc.73–14050 Filed 7–10–73;8:45 am]

[File No. 500–1]

SILVER REEF MINES, LTD.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.02 par value, and all other securities of Silver Reef Mines, Limited being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:15 p.m. (e.d.t.) on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–14049 Filed 7–10–73;8:45 am]

[File No. 500–1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–14048 Filed 7–10–73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

[TEMPORARY INSTRUCTION NO. 601–1]

Issued: June 29, 1973

Subject: State Operational Issuances

Chapter 601 of the RPM requires that state operational issuances to local boards concerning matters covered in the RPM be issued under a new system as either State Temporary Instructions or State Supplements. Therefore, it will be necessary that all current state operational issuances be revised to conform to this new system.

Each State Director shall review all state operational issuances which are currently in effect in his state. After the review, all issuances which he desires to remain effective shall be forwarded to National Headquarters, Operations Division, Attention: OOPR, for approval in accordance with Sections 601.8 and 601.9. Those issuances shall be rewritten in accordance with Section 601.4; all other operational issuances shall be cancelled. Issuances forwarded for approval must reach National Headquarters not later than July 31, 1973.

This Temporary Instruction will terminate upon completion of the required actions.

[TEMPORARY INSTRUCTION NO. 631–12]

ISSUED: June 29, 1973

SUBJECT: Extension of Temporary Instruction No. 631–11, Assignment to Priority Selection Groups

Temporary Instruction No. 631–11, issued June 1, 1973, and originally scheduled to terminate on July 1, 1973, is amended to terminate on September 1, 1973.

This Temporary Instruction will terminate September 1, 1973.

BYRON V. PEPITONE, *Director.*

JULY 5, 1973.

[FR Doc.73–14055 Filed 7–10–73;8:45 am]

TARIFF COMMISSION

[337–L–63]

PRESET VARIABLE RESISTANCE CONTROLS

Notice of Complaint Received; Correction

In FR Doc. 73–12188, appearing on page 16002, in the issue of June 19, 1973, in the sixth line of the first paragraph, change "Ill." to read "Ind."

Issued: July 6, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73–14062 Filed 7–10–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 293]

ASSIGNMENT OF HEARINGS

JULY 6, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now being assigned hearing September 10, 1973 (2 days), at Houston, Texas, in a hearing room to be later designated.

I&S No. 8863, Switching and Minimum Carload Charges, Houston, Texas, now being assigned hearing September 12, 1973 (3 days), at Houston, Texas, in a hearing room to be later designated.

I&S No. 8865, T. O. F. C. Service, Between New York, N.Y., and New England Points, now being assigned hearing September 12, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC–C–8020, Archie's Motor Freight, Inc. and Darby Transfer, Inc.—Investigation and Revocation of Certificates, now assigned August 14, 1973, at Washington, D. C., is cancelled.

MC–71459 Sub 30, O. N. C. Freight Systems, now assigned September 10, 1973, at Salt Lake City, Utah, is postponed to October 1, 1973 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 119789 Sub 152, Caravan Refrigerated Cargo, Inc., now assigned September 13, 1973, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC–71459 Sub 29, O. N. C. Freight Systems, now assigned September 24, 1973, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC–C–6980 Sub 1, Joe Jones, Jr., Dba Joe Jones Trucking Co., Revocation of Permit—, now being assigned hearing September 10, 1973 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC–F–11613, Brown Transport Corp—Control—Harper Motor Lines, Inc., now being assigned September 24, 1973, at Atlanta, Georgia, in a hearing room to be later designated.

F.D. 27338, Harper Motor Lines, Inc., Notes, now being assigned September 24, 1973, at Atlanta, Georgia, in a hearing room to be later designated.

MC 115841 Sub 441, Colonial Refrigeration Transportation, Inc., now being assigned hearing September 12, 1973 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 107012 Sub 170, North American Van Lines, Inc., now being assigned hearing September 17, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC–29886 Sub 285, Dallas & Mavis Forwarding Co., Inc., and MC–124947 Sub 17, Machinery Transports, Inc., now assigned August 8, 1973, will be held in Room 1086A, McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–118468 Sub 33, Umthun Trucking Co., now assigned August 6, 1973 will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–118989 Sub 90, Container Transit, Inc., now assigned August 7, 1973, will be held in Room 1086A Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC–F–11796, Canada Steamship Lines, Limited—Control—Strickland Transportation Co., Inc., now being assigned hearing September 17, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC 105566 Sub 92, Sam Tanksley Trucking, Inc., now being assigned September 10, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 134599 Sub 53, Interstate Contract Carrier Corporation, now being assigned September 11, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC 119632 Sub 56, Reed Lines, Inc., now being assigned September 13, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MC–F–11758, Sun Investment, Inc.—Purchase—Dieckbrader Express, Inc., now being assigned September 17, 1973 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–14133 Filed 7–10–73;8:45 am]

[Rev. SO No. 994; I.C.C. Order No. 106]

CANADIAN PACIFIC LTD.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Canadian Pacific Limited is unable to transport traffic over its line between Lyndonville, Vermont and Wells River, Vermont, because of flood damage.

It is ordered, That:

(a) The Canadian Pacific Limited, being unable to transport traffic over its line between Lyndonville, Vermont, and Wells River, Vermont, because of flood damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 a.m., July 3, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 7, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 3, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73–14140 Filed 7–10–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 26, 1973.

FSA No. 42710—*Soda Ash from Wyandotte, Michigan.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3039), for interested rail carriers. Rates on soda ash, dense, in bulk, in covered hopper cars, as described in the application, from Wyandotte, Michigan, to Oakdale, Georgia.

Grounds for relief—Rate relationship.

Tariff—Supplement 171 to Traffic Executive Association-Eastern Railroads, Agent, tariff C/S–128–E, I.C.C. No. C–611. Rates are published to become effective on August 5, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–14141 Filed 7–10–73;8:45 am]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

NO. MC–2866 (Deviation No. 13), EDWARDS MOTOR TRANSIT COMPANY,

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56 East 3rd St., Williamsport, Pa. 17701, filed June 18, 1973. Carrier's representative: Robert E. Goldstien, 8 West 40th St., New York, N.Y. 10018. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) from junction U.S. Highway 219 and New York Highway 242 north of Ellicottville, N.Y., over U.S. Highway 219 to junction New York Highway 39 near Springville, N.Y., and (2) from junction U.S. Highway 219 and New York Highway 277 at North Boston, N.Y., over New York Highway 277 to junction New York Highway 240 near Orchard Park, N.Y., thence over New York Highway 240 to junction U.S. Highway 20–A, thence over U.S. Highway 20–A to junction Interstate Highway 90 (Interchange No. 55), thence over Interstate Highway 90 to junction Interstate Highway 190, thence over Interstate Highway 190 to Buffalo, N.Y. (Interchange No. 7) (New York Highways 277 and 240 and U.S. Highway 20–A described above to be new U.S. Highway 219), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and same property, over a pertinent service route as follows: from Lantz Corners, Pa., over U.S. Highway 219 via Bradford, Pa., and Salamanca, N.Y., to junction New York Highway 242 (formerly U.S. Highway 219), thence over New York Highway 242 to junction New York Highway 240 (formerly U.S. Highway 219), thence over New York Highway 240 to junction New York Highway 39, thence over New York Highway 39 via Springville, N.Y., to junction U.S. Highway 219, thence over U.S. Highway 219 to Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y. (also from Springville, N.Y., over New York Highway 39 to junction New York Highway 240, thence over New York Highway 240 to Buffalo, N.Y.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14135 Filed 7-10-73;8:45 am]

[Notice 311]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 31, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74283. By order of June 28, 1973 the Motor Carrier Board approved the transfer to Chelsea Storage Warehouse Corp., Chelsea, Mass., of the operating rights in Certificate No. MC–38232 issued December 17, 1969, to J. K. McKeown Co., Inc., Arlington, Mass., authorizing the transportation of building materials, between Medford, Mass., and points in Massachusetts within 5 miles thereof, on the one hand, and, on the other, points in Massachusetts; and household goods, between Medford, Mass., and points in Massachusetts within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New York, Vermont, Rhode Island, New Jersey, Maryland, Pennsylvania, and the District of Columbia. George C. O'Brien, 15 Court Square, Boston, Mass. 02108 Attorney for applicants.

No. MC–FC–74230. By order of June 26, 1973 the Motor Carrier Board approved the transfer to Robert Krebs and Janet Krebs McCamley, a partnership, doing business as Krebs Brothers Transfer Company, Clearfield, Pa., of the operating rights in Certificates Nos. MC–21567, MC–21567 (Sub-No. 2), MC–21567 (Sub-No. 3), and MC–21567 (Sub-No. 4), issued October 14, 1943, June 7, 1946, September 5, 1947, and August 19, 1954, respectively, to Mrs. Gwennie Krebs, Robert Krebs, and Janet Krebs McCamley, a partnership, doing business as Krebs Bros. Transfer Co., Clearfield, Pa., authorizing the transportation of household goods, radially, between points in Clearfield, Jefferson, and Centre Counties, Pa., and points in Maryland, Virginia, Ohio, Michigan, Kentucky, Indiana, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia; general commodities, between Clearfield, Pa., and Curwensville, Pa., subject to restrictions; and general commodities, with exceptions, between Clearfield, Pa., and Houtzdale and Sandy Ridge, Pa., subject to restrictions, and from Clearfield, Du Bois, and Philipsburg, Pa., to points in Clearfield, Centre, and Jefferson Counties, Pa., and Tyrone, Pa. John K. Reilly, Jr., Keystone Building, Clearfield, Pa. 16830 Attorney for applicants.

No. MC–FC–74352. By order of June 28, 1973, the Motor Carrier Board approved the transfer to Maldon L. Plank, doing business as Hauke Transit Line, Marshfield, Wis., of the operating rights in Certificate No. MC–128768 issued October 27, 1967, to Walter Hauke, doing business as Hauke Transit Line, Marshfield, Wis., authorizing the transportation of rafters and insulation used in the manufacture of mobile homes, from Marshfield, Wis., to points in the Upper Peninsula of Michigan and points in Minnesota. Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. Attorney for applicants.

No. MC–FC–74389. By order of June 26, 1973 the Motor Carrier Board approved the transfer to Curtin's Airfreight, Inc., P.O. Box 4084, San Rafael, Calif. 94903 of the operating rights in Certificate No. MC–128587 (Sub-No. 1) issued December 13, 1967, to Joseph Edgar Curtin, doing business as Curtin's Airfreight, P.O. Box 4084, San Rafael, Calif. 94903, authorizing the transportation of general commodities, with exceptions, between San Francisco International Airport, San Francisco, Calif., on the one hand, and, on the other, points in Marin County, Calif. and those in a specified part in Sonoma County, Calif. The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement by aircraft.

No. MC–FC–74431. By order of June 29, 1973, the Motor Carrier Board approved the transfer to Blue Motor Coach Co., Inc., Louisville, Ky., of Certificate No. MC–110265 issued November 8, 1971 to Kentucky Bus Lines, Inc., Louisville, Ky., authorizing the transportation of: Passengers and their baggage, and express and newspapers in the same vehicle, over specified regular routes, between named points in Kentucky. George M. Catlett, Attorney, 703 McClure Bldg., Frankfort, Ky. 40610.

No. MC–FC–74464. By order entered June 26, 1973 the Motor Carrier Board approved the transfer to Green Transfer & Storage Co., Portland, Ore. of the operating rights set forth in Certificate No. MC–135371, issued November 24, 1972, to Pacific Inland Transport Inc., (Internal Revenue Service—Successor in Interest), Spokane, Wash., authorizing the transportation of heavy machinery, building and road contractors' equipment and supplies, between points in Oregon (except Portland and points within its commercial zone as defined by the Commission) and Washington; and machinery, building and road contractors' equipment and supplies, the transportation of which require special equipment, between Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington. John G. McLaughlin, 620 Blue Cross Bldg., 100 S.W. Market St., Portland, Ore. 97201, attorney for applicants.

No. MC–FC–74497. By order of June 29, 1973, the Motor Carrier Board approved the transfer to Angelo Bolla, dba Bolla Freightlines, San Francisco, Calif., of Certificate of Registration No. MC–99980 (Sub-No. 1), issued July 7, 1972, to Svane and Company, a corporation, San Francisco, Calif., evidencing a right to engage in interstate or foreign commerce in the transportation of Property solely within the State of California. Robert M. Cole, Attorney, P.O. Box 250, Davis, Calif. 95616.

No. MC–FC–74523. By order of June 29, 1973 the Motor Carrier Board approved the transfer to B. R. Scholl & Sons, Inc., Perkasie, Bucks County, Pa., of Certificate No. MC–116503, and No. MC–116503 (Sub-No. 4), issued February 24, 1959, and August 17, 1966, respectively, to Benjamin R. Scholl, Perkasie, Pa., authorizing the transportation of: Coal, from points in Luzerne and Carbon Counties, Pa., to points in specified parts of Maryland and Delaware; calcium chloride, in bulk, in dump trucks, from Solvay, N.Y., to points in New Jersey (except points in seven named counties) and Pennsylvania; calcium chloride (dry), in bulk, from Solvay, N.Y., to points in Pennsylvania (except Towanda). Harry J. Liederbach, Attorney, 539 Street Road, Southampton, Pa. 18966.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14142 Filed 7-10-73;8:45 am]

[Notice 24]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 6, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC–730 (Deviation No. 41), PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 958, Oakland, Calif. 94604, filed June 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, Mo., over Interstate Highway 29 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 136, thence over U.S. Highway 136 to Auburn, Nebr., thence over U.S. Highway 73 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 75 at or near Fairview, Kans., thence over U.S. Highway 75 to Omaha, Nebr., and return over the same route.

NO. MC–2542 (Deviation No. 16), ADLEY EXPRESS COMPANY, P.O. Box 7268, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed June 20, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 93 to junction U.S. Highway 3 near Woodstock, N.H., thence over U.S. Highway 3 approximately 13 miles to junction Interstate Highway 93, thence over Interstate Highway 93 to Littleton, N.H., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Boston, Mass., over U.S. Highway 1 to Portsmouth, N.H., thence over U.S. Highway 4 to junction New Hampshire Highway 16, thence over New Hampshire Highway 16 via Dover to Berlin, N.H., (2) from Berlin, N.H., over New Hampshire Highway 16 to Dover, N.H., thence over New Hampshire Highway 108 to the New Hampshire-Massachusetts State line, thence over Massachusetts Highway 108 to Harerhill, Mass., thence over Massachusetts Highway 125 to junction unnumbered highway southwest of North Andover, Mass., thence over Massachusetts Highway 28 to Somerville, Mass., thence over city streets to Cambridge, Mass., thence over irregular routes to points in the Boston, Mass., Commercial Zone, as defined by the Commission, (3) from Berlin, N.H., over New Hampshire Highway 16 to Gorham, N.H., thence over U.S. Highway 2 to Lunenburg, Vt., thence over unnumbered highway to the Vermont-New Hampshire State line, thence over unnumbered highway to Whitefield, N.H., thence over New Hampshire Highway 116 to Littleton, N.H., and return from Littleton over U.S. Highway 302 to junction U.S. Highway 3, thence over U.S. Highway 3 to Carroll, N.H., thence over New Hampshire Highway 115 to junction U.S. Highway 2, thence over U.S. Highway 2 via Jefferson Highland, N.H., to Gorham, N.H., thence over New Hampshire Highway 16 to Berlin, (also from Littleton over U.S. Highway 302 to Glen, N.H., thence over New Hampshire Highway 16 to Berlin), and (4) from Gorham, N.H., over U.S. Highway 2 to Lancaster, N.H., thence over U.S. Highway 3 to Whitefield, N.H., and return over the same routes.

NO. MC–65916 (Deviation No. 2), WARD TRUCKING CORP. 2nd Avenue and 7th St., Altoona, Pa. 16603, filed June 18, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 119 and 422 (near Indiana, Pa.), over U.S. Highway 422 to junction Pennsylvania Highway 8 (near Butler, Pa.), thence over Pennsylvania Highway 8 to junction Interstate Highway 80, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Johnstown, Pa., over Pennsylvania Highway 56 to junction U.S. Highway 119 (near Homer City), thence over U.S. Highway 119 to junction Pennsylvania Highway 36 (at Punxsutawney), thence over Pennsylvania Highway 36 to junction Interstate Highway 80 (near Brookville), thence over Interstate Highway 80 to junction Pennsylvania Highway 8 (near Barkeyville), thence over Pennsylvania Highway 8 to Barkeyville, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14136 Filed 7-10-73;8:45 am]

[Notice 53]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 6, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

SPECIAL REPUBLICATION NOTICE

Nos. MC–F–11436, MC–136343, and MC–134776 (Sub-No. 20)—related proceedings.

No. MC–F–11436—Application filed January 12, 1972 by MILTON TRANSPORTATION, INC., of Milton, Pa., to purchase the operating rights of MILTON TRUCKING, INC., of Milton, Pa., and for the acquisition of Ray B. Bowersox of control of such rights through the purchase;

V 38-132 JUL 11 73 XUM

No. MC-136343—Application filed January 11, 1972 by MILTON TRANSPORTATION, INC., for conversion and extension of the authority set forth in paragraphs 28 through 41 of the description of the authority in MC-136343. This corresponds to the contract carrier applications dismissed by the Commission as moot in No. MC-96098 (Sub-No. 55) and in No. MC-134776 (Sub-Nos. 3, 4, 5, 11, 12, 14, 15, 16 and 17) and considered to be superseded by No. MC-136343;

No. MC-134776 (Sub-No. 20)—Application filed June 22, 1972 by MILTON TRUCKING, INC. seeking common carrier extension—paper.

A Report and Order served April 4, 1973 on a Prehearing Conference by Administrative Law Judge Morton B. Margulies held February 13, 1973, requires that the matters encompassed in the three applications referenced immediately above be republished in the Federal Register in such a manner as would precisely and clearly apprise the public of the matters involved in each of the applications and their interrelations. The following republication indicates: (1) applicant's purchase and common control request; (2) all related authorities presently held by applicants and the corresponding conversion request; and (3) applicant's request for common carrier extension.

Applicants' representative: George A. Ilsen 69 Tonnele Avenue Jersey City, NJ 07306 (A) No. MC-F-11436. Authority sought for purchase by MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847, of the operating rights of MILTON TRUCKING, INC., Post Office Box 207, Milton, PA 17847, and for acquisition by RAY BOWERSOX, also of Milton, PA., of control of such rights through the purchase. Operating rights sought to be transferred: Foodstuffs (except in bulk) as a contract carrier over irregular routes from Milton, PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine; pulpboard, from the plantsite of National Gypsum Co., near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia; scrap paper and materials and supplies used in the manufacture and distribution of pulpboard, from points in the above named destination States and the District of Columbia, to the plantsite of National Gypsum Co., near New Columbia, PA., with restrictions. Vendee is authorized to operate as a contract carrier in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Iowa, Kentucky, Missouri, North Carolina, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b). (B) No. MC-136343 filed January 11, 1972.

Applicant: MILTON TRANSPORTATION, INC. P.O. Box 207 Milton, PA 17847 (1) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton, limited to service to be performed under special and individual contracts with persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) who are engaged in manufacturing or the distribution of such merchandise as is dealt in by food canning and processing plants, for the transportation of the commodities indicated and in the manner specified as follows: *Such merchandise* as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., to Milton. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from the facilities of American Home Foods, Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, West Virginia, Virginia, and the District of Columbia, within 350 miles of Milton, PA., and *such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, from points in the above specified states within 350 miles of Milton, PA., to Milton, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(2) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *prepared food products*, from Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton, limited to service to be performed under special and individual contracts with persons (as defined in section 203(a)(1) of the Interstate Commerce Act) who are engaged in manufacturing or the distribution of such merchandise as is dealt in by food canning and processing plants, for the transportation of the commodities indicated and in the manner specified as follows: *Such merchandise* as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., to Milton. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of prepared food products, from the facilities of the Great Atlantic & Pacific Tea Co., Inc., National Dairy Division, at Milton, PA., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia and the District of Columbia, within 350 miles of Milton, PA. as follows: *Such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials*, and *supplies*, used in the conduct of such business, from points in the above-specified states within 350 miles of Milton, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(3) (a) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of Salt, in containers, from Rittman and Morton, Ohio, to Philadephia and Scranton, PA., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, of Philadelphia, PA.; *Salt*, from Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized; *Salt*, in containers from Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, PA.) with no transportation for compensation on return except as otherwise authorized; *Salt*, in bulk, from Rittman and Morton, Ohio, to points in New Jersey, and points in that part of Pennsylvania east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties, with no transportation for compensation on return except as otherwise authorized; *Pepper*, in packages in mixed shipments with salt, from Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized; and from Rittman, Ohio, to points in New Jersey, and points in that part of Pennsylvania on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, PA.), with no transportation for compensation on return except as otherwise authorized; the operations authorized under the four commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, Division of Morton International, Inc., of Chicago, IL., and/or Silver Springs, NY.; and (b) In Sub-No. 38- *Salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, NY to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Morton Salt Company, Division of Morton International, Inc., of Chicago, IL. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, in containers, from the facilities of Morton Salt Company at Rittman and Morton, Ohio to points in New Jersey and points in that part of Pennsylvania, on, east and south of U.S. Highway 220 with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Salt*, in bulk, from the facilities of Morton Salt Company at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Salt* and *Pepper*, in packages in mixed shipments with salt, from the facilities of Morton Salt Company at Silver Springs, NY., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, PA., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Salt*, from the facilities of Morton Salt Company, Division of Morton International, Inc., at Milo, NY to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(4) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products* and *asphalt*, all in containers, from Claymont, Del., to the facilities of M. L. Clasters at Bellefonte, Bloomsburg, Lock Haven, Lewiston, Milton, Sunbury, and Williamsport, Pa., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (5) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products, antifreeze*, and *asphalt*, all in containers, from Bayonne, N.J., to Bellefonte, Bloomsburg, Lewiston, Lock Haven, Milton, Sunbury, and Williamsport, Pa., and *Empty Containers*, for the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Petroleum and petroleum products, antifreeze*, and *asphalt*, all in containers, from the facilities of Texaco, Inc., at Bayonne, N.J. to Bellefonte, Bloomsburg, Lewiston, Lock Haven, Milton, Sunbury, and Williamsport, Pa., and *Empty Containers*, for the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J., restricted to the transportation of shipments originating at the designated origin and destined to the designated points.

(6) (a) Present contract carrier authority of Milton Transportation, Inc. in No. MC-96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, and *Gummed paper sealing tape*, from Troy, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC-96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC-96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC-96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC-96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(7) (a) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 seeks transportation of *Printing paper*, from Urbana, Franklin, and Dayton, Ohio to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized; (b) Present contract carrier application of Milton Transportation, Inc. in No. MC-96098 Sub-No. 45 seeks transportation, in interstate or foreign commerce, over irregular routes, of *Paper*, from Stamford, Conn., to Urbana, Ohio, with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Company; and (c) Petition filed for additional shippers pending of Milton Transportation, Inc. in No. MC-96098 Sub-No. 46 seeks transportation of *Printing paper, gummed paper, gummed paper tape*, and *paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with St. Regis Paper Company, of New York, N.Y.; Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC-136434 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper, gummed paper, and paper backed with aluminum foil*, from the facilities of St. Regis Paper Company at Troy, Ohio to points in Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

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Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; *Printing paper*, for the account of Howard Paper Mills, Inc., over irregular routes, from Stamford, Connecticut, to Urbana, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated points; and *Paper*, for the account of Howard Paper Mills, Inc., from Stamford, Connecticut to Dayton, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated points.

(8) (a) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Printing paper* (other than newsprint, not printed or imprinted), and *wrapping paper*, (other than oiled, waxed, or vegetable parchment, printed or imprinted), from the plantsite of Hammermill Paper Company, at Lock Haven, (Clinton County), PA. to points in New York (except Rochester and Buffalo, NY.), New Jersey, and Connecticut, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the Hammermill Paper Company; *Paper scrap or waste* (no sensitized), *woodpulp*, not powdered, *cores*, *chocks*, and *canvas covers*, *machinery* and *machinery parts*, *papermill rolls*, *flour*, (cassava, sago, or tapioca), except in bulk, in tank vehicles, *oil and grease*, except in bulk in tank vehicles, and *chemicals*, *chemical products*, and *constituents* used in the manufacture of woodpulp and paper or the processing thereof, except in bulk, in tank vehicles, from points in New York, New Jersey, and Connecticut, to manufacturing plants of the New York and Pennsylvania Company, Inc., at Johnsonburg, Pa., and Hammermill Paper Company at Lock Haven, PA., with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of commodities which, because of size, shape, or weight, require the use of special equipment to load, unload, or transport the same, and limited to a transportation service to be performed under a continuing contract, or contracts, with the following shippers: Penntech Papers Inc., Philadelphia, PA., and Hammermill Paper Company, of Erie, PA.; *Chemicals*, *chemical products*, and *constituents* used in the manufacture or processing of Paper and paper products, except commodities in bulk, from Marcus Hook, PA., and Claymont, Del., to Lock Haven, Castanea, and Johnsonburg, PA., with no transportation for compensation on return except as otherwise authorized; and (b) In Sub-No. 29-*Printing paper*, (except newsprint), from Lock Haven, PA., to points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract, or contracts, with Hammermill Paper Company. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Paper, paper products*, and *materials, equipment*, and *supplies*, used or useful in the manufacture and sale of paper products, (except commodities in bulk) between the facilities of Hammermill Paper Company, Lock Haven, PA., on the one hand, and, on the other, points in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Delaware, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, New York (except Buffalo and Rochester, NY.), New Jersey, Connecticut, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(9) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 32 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, PA., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *Machinery, equipment, materials*, and *supplies* used in the operation of papermills (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, PA limited in (9) above to a transportation service to be performed, under a continuing contract or contracts with Penntech Papers, Inc., of Johnsonburg, PA. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and *Machinery, equipment, materials* and *supplies* used in the operation of papermills (except commodities in bulk and commodities the transportation of which because of size and weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(10) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 37 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, (except in bulk), from Akron, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia (except points in that part of West Virginia on and north of U.S. Highway 60), with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with the Diamond Crystal Salt Co., of St. Clair, Michigan. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Salt*, (except in bulk) from the facilities of Diamond Crystal Salt Co., at Akron, Ohio to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia, (except points in that part of West Virginia on and north of U.S. Highway 60) with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (11) Present contract carrier authority of Milton Transportation, Inc. in No. MC–96098 Sub-No. 39 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Containers* and *container closures*, from Milton, PA., to LaPorte, Inc., and South Bend, Ind., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Continental Can Company, Inc. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. 136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Container* and *container closures*, from the facilities of Continental Can Company, Inc., at Milton, PA., to points in LaPorte and South Bend, Ind., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(12) Present contract carrier authority of Milton Trucking, Inc. in No. MC–134776 Sub No. 2 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Foodstuffs* (except in bulk), from Milton, PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, with no transportation for compensation on return except as otherwise authorized; limited to a transportation service to be performed, under a continuing contract, or contracts, with American Home Products Corporation of New York, N.Y. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Foodstuffs*, (except in bulk), from the facilities of American Home Foods, Division of American Home Products Corporation at Milton PA., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states; (13) Present contract carrier authority of Milton Trucking, Inc. in No. MC–134776 Sub-No. 9 authorizes transportation, in interstate or foreign commerce, over irregular routes, of *Pulpboard*, from the plantsite of National Gypsum Company, near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia; and *Scrap paper* and *materials* and *supplies* used in the manufacture and distribution of pulpboard, from points in the above named destination states and the District of Columbia, to the plantsite of National Gypsum Company, near New Columbia, PA., restricted against the transportation of chemicals, in bulk, from Bainbridge, NY., Sayreville, NJ., Point Pleasant, WV., Springfield, Mass., and points in Essex, Middlesex, Norfolk, and Suffolk Counties, Mass., to the above-named plantsite, and limited to a transportation service to be performed under a continuing contract, or contracts, with National Gypsum Company. Applicant seeks to convert the immediately above-described authority to common carrier authority in No. MC–136343 to authorize transportation, in interstate or foreign commerce, over irregular routes, of *Pulpboard*, from the facilities of National Gypsum Company, near New Columbia, PA., to Portsmouth, NH., and points in Ohio, West Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, Virginia, and the District of Columbia; and *Scrap paper* and *materials* and *supplies* used in the manufacture and distribution of pulpboard, from points in the above named destination states and Rhode Island to the plantsite of National Gypsum Company, near New Columbia, PA., restricted against the transportation of chemicals, in bulk, from Bainbridge, NY., Sayreville, NJ., Point Pleasant, WV., Springfield, MA., and points in Essex, Middlesex, Norfolk and Suffolk Counties, MA., to the above named plantsite, and further restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states. The common carrier extension requests immediately next are filed concurrently with the above-described conversion requests in No. MC–136343, by MILTON TRANSPORTATION, INC. Authority sought to operate as a common carrier, over irregular routes in interstate or foreign commerce, of:

(1) *Spheres, highway marking strip glass, ballotini and glass, crushed, ground* and *powdered*, from the facilities of Potters Industries, Inc., Cleveland, Ohio to points in Maryland, Pennsylvania, New York, Illinois, Indiana and Michigan;

(2) *Materials*, and *supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Cleveland, Ohio, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(3) *Spheres, highway marking strip glass, ballotini and glass, crushed ground* and *powdered*, from the facilities of Potters Industries, Inc., Carlstadt, New Jersey, to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, and North Carolina;

(4) *Materials and supplies* used in the manufacture and sale of glass spheres (except in bulk in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Carlstadt, New Jersey, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(5) *Spheres, highway marking strip glass, ballotini and glass, crushed, ground* and *powdered*, from the facilities of Potters Industries, Inc., Apex, N.C. to points in Maryland, Pennsylvania, New York, and New Jersey;

(6) *Materials* and *supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the above named states to the facilities of Potters Industries, Inc., Apex, NC., restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(7) *Chemicals* (except in bulk) for the account of Avis Chemical Co., Avis, PA. from Brooklyn, Niagara Falls, and Solvay, New York; Midland, Michigan; Barberton, Ohio; Belle, Charleston, and Nitro, West Virginia, to points in McKean, Elk, Cameron, Potter, Clinton, Clearfield, Center, Union, Snyder, Lycoming, Tioga, Bradford, Sullivan, Montour, Northumberland, Columbia, Wyoming, Lackawanna, Luzerne and Susquehanna Counties, PA., restricted to the transportation of shipments originating at the designated origin and destined to the designated counties;

(8) *Foodstuffs, confectioneries* (except in bulk), (a) from the facilities of Beech Nut, Inc., at Canajoharie, New York, to points in Pennsylvania, Maryland, Ohio, Indiana, and Michigan, and (b) from the facilities of Beech Nut, Inc., at Holland, Michigan, to the facilities of Beech Nut, Inc., at Canajoharie, New York, restricted in (a) and (b) above to the transportation of shipments originating at the designated origin and destined to the designated points;

(9) *Paper and paper articles*, from the facilities of Finch Pruyn & Co., Inc., at Glens Falls, New York, to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Maryland, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(10) *Such commodities* as are sold, used, or dealt in by mail order business houses, between the facilities of Bevis Industries, Inc., and its subsidiaries at Baltic, Conn., Webster, Mass., and White Plains, NY., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Georgia and Texas, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(11) *Foodstuffs*, canned or preserved, not cold packed or frozen, (a) from plantsites and storage facilities of Comstock Foods, Borden, Inc., Div., from Waterloo, Rushville, Egypt, Fairport, Red Creek, Newark, Lyons and Syracuse, NY., to points in Pennsylvania, Ohio, Indiana, Michigan, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets, and (b) from the plansites and storage facilities of Comstock Foods, Borden, Inc., Div., in Crosswell, Edmore, Lexington and Saginaw, Michigan, to points in Pennsylvania, New York, New Jersey, Ohio, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets, restricted in (a) and (b) above to the transportation of shipments originating at the designated origin and destined to the designated destination states;

(12) *Paper, paper bags* and *plastic bags*, between the facilities of Duro Paper Bag Manufacturing Co., and its subsidiaries at Covington, KY., and Ludlow, KY., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states. (C) No. MC–134776 (Sub No. 20) MILTON TRUCKING,

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INC., Extension—Paper. Authority sought to operate as a common carrier, over irregular routes, in interstate or foreign commerce, of *Paper, paper products, and plastic products and equipment, materials and supplies* used or useful in the manufacture and sale of paper and plastic products (except commodities in bulk), between the U.S. Envelope Co., Williamsburg, PA., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky and Tennessee, restricted to the transportation of shipments originating at the designated origin and destined to the designated destination states.

(D) GENERAL RESTRICTION: The separately stated authorities contained herein in the entire application shall not be tacked or joined one to another for the purpose of performing any through transportation service. Any repetition in the statement of authority granted herein shall not be construed as conferring more than one operating right. Note: Any interested person or persons desiring to participate in this proceeding and the carriers who have already entered appearances in opposition in this proceeding should file or refile protests to the granting of the requests in this proceeding within 30 days from the date of this publication in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. Special precaution should be taken by each protestant to indicate the precise segment or segments of the requests for authority it seeks to oppose, by referring to the appropriate character preceeding each segment as indicated in this FEDERAL REGISTER publication.

No. MC 3255 (Sub-No. 11) (REPUBLICATION) filed October 3, 1972, published in the FR issue of October 27, 1972, and republished this issue. Applicant: PEP TRUCKING CO., INC. 386 Henderson Street Jersey City, N.J. 07302 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 A supplemental Order of the Commission, Operating Rights Board, dated June 1, 1973, and served July 2, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *flour*, in bulk, in tank vehicles, from Clifton and Jersey City, N.J., and the Brooklyn Eastern District Terminal at Brooklyn, N.Y., to Elmont, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that an appropriate certificate should be issued. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 60430 (Sub-No. 20) (REPUBLICATION) filed February 29, 1972, published in the FEDERAL REGISTER issue of April 6, 1972, and republished this issue. Applicant: FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue Wilkes-Barre, Pa. 18702. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 1, dated June 14, 1973, and served June 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *general commodities* (except articles of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) between points in that portion of the New York, N.Y., commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, points in Suffolk County, N.Y.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate authorizing such operation should be granted. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition in intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

TRANSFER APPLICATIONS UNDER SECTION 212(b) OF THE ACT WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC–FC–74065. Riteway Transport, Inc., Phoenix, Ariz., transferee, and Padre Freight Lines, a corporation, Long Beach, Calif., transferor. The application was the subject of an order of the Commission, Motor Carrier Board, entered December 6, 1972, which approved and authorized the transfer of the operating rights of transferor in Certificate No. MC–121338 (Sub-No. 2) to transferee, Riteway Transport, Inc.

No. MC–FC–74299. Riteway Transport, Inc., Phoenix, Ariz., transferee, and Cibola Freight Lines, a corporation, Phoenix, Ariz., transferor. The application was the subject of an order of the Commission, Motor Carrier Board, entered March 13, 1973, which approved and authorized the transfer of the operating rights in Certificates Nos. MC–99142, MC–99142 (Sub-No. 1), and MC–99142 (Sub-No. 3) to transferee, Riteway Transport, Inc.

Upon consideration of the records in the above-numbered proceedings, and petitions for consideration of the subject orders above-referenced, a notice to the parties was entered in each proceeding under dates of January 13, and April 26, 1973, respectively, advising that such orders have been stayed pursuant to Section 17(8) of the Act, pending disposition of the petitions filed in each proceeding.

By order of Appellate Division 3, entered June 28, 1973, the approval orders of the Commission, Motor Carrier Board, entered in each proceeding on December 6, 1972 and March 13, 1973 have been vacated and set aside, and both proceedings, Nos. MC–FC–74065 and MC–FC–74299, have been assigned for oral hearing at a time and place to be hereafter fixed, primarily on the issue of the fitness of transferee, Riteway Transport, Inc., and the parties in control thereof to receive additional authority.

The Bureau of Enforcement has been directed to participate as a party in such proceedings.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11563. (Amendment) (ROSS TRUCK LINES, INC.—PURCHASE (PORTION)—ROBERT FOLTZ), published in the June 14, 1972, issue of the Federal Register, on page 11818. By petition filed July 2, 1973, for substitution of parties. KENNETH F. CROCKETT, receiver of the bankrupt estate, is being substituted in lieu of ROBERT LOUIS FOLTZ.

No. MC–F–11857. (2nd Correction) (MICROTRON INDUSTRIES, INC.—CONTROL—UFT TRANSPORT COMPANY), published in the May 9, 1973, issue of the Federal Register on Page 12190, and corrected in the June 6, 1973, issue of the Federal Register, on pages 14899 and 14900. Correction should have read: Between points in Angelina and Nacogdoches Counties, Tex., and points in New Mexico, Kansas (excluding Kansas City and points in its commercial zone as defined by the Commission), Missouri (excluding Kansas City and points in its commercial zone as defined by the Commission), Tennessee (excluding Memphis and points in its commercial zone as defined by the Commission, and points in Hamblen County), Mississippi (excluding Jackson, Natchez, Vicksburg, Gulfport, and points in their commercial zone as defined by the Commission), *and Oklahoma*.

No. MC–F–11901 (ALL-AMERICAN, INC.—PURCHASE (PORTION)—HANSON TRANSFER, INC.), published in the June 13, 1973, issue of the Federal Register on page 15571. Application filed June 27, 1973, for temporary authority under section 210a(b).

No. MC–F–11919. Authority sought for purchase by MORRISON MOTOR FREIGHT, INC., 1100 Jenkins Blvd., Akron, OH 44306, of the operating rights of ALL INDUSTRIAL CARTAGE COMPANY, 1945 W. 112th St., Cleveland, OH 44103, and for acquisition by MARMAC INSURANCE AGENCY, INC., HELKEN, INC., both of 135 S. La Salle St., Chicago, IL 60603, and DECATUR CARTAGE CO., WALTER F. MULLADY, both of 30 N. Michigan Ave., Chicago, IL 60602, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97451 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Kansas, Missouri, New York, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: MC–59728 (Sub-No. 25) is a directly related matter.

No. MC–F–11920. Authority sought for purchase by YALE TRANSPORT CORP., 100 Pennsylvania Ave., So. Kearny, NJ 07032, of the operating rights and property of JOSEPH LUCARELLI, TRUSTEE FOR TRIPLE "M" TRANSPORT CO., 6600 Blvd., E., West New York, NJ, and for acquisition by YALE EXPRESS SYSTEM, INC., also of So. Kearny, NJ 07032, of control of such rights and property through the purchase. Applicants' attorneys: David Axelrod, 39 S. LaSalle St., Chicago, IL 60603, Cerreto & La Penna, and Wm. J. Hanlon, both of 60 Park Place, Newark, NJ 07102, and Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, alcoholic beverages, coke, coke breeze, coke dust, coke screenings, hard asphalt, liquid asphalt, liquid flux, linseed oil, vegetable and kindred oils, inedible vegetable oils, silks, tobacco products, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Connecticut, Maryland, Massachusetts and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11921. Authority sought for purchase by DART TRANSIT COMPANY, 780 N. Prior St., St. Paul, MN 55104, of the operating rights of CHICAGO FREIGHT LINES, INC., P.O. Box 46362, Springdale OH 45246, and for acquisition by EARL O. OREN, ADELINE L. OREN, DONALD G. OREN, AND DIANNE O. KOUGHAN, all of 780 N. Prior St., St. Paul, MN 55104, of control of such rights through the purchase. Applicants' attorneys: James C. Hardman, 127 N. Dearborn St., Chicago, IL 60602, and A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Paper mill products and supplies*, as a *common carrier* over irregular routes, between Hamilton, Ohio, Hammond, Ind., and Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, Illinois, Michigan, Nebraska, Kansas, Missouri, Montana, Florida, Georgia, Indiana, Kentucky, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Maryland, New Hampshire, Connecticut, Delaware, Vermont and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11922. Authority sought for purchase by ECKLAR-MOORE EXPRESS, INC., 147 So. Forbes Rd., Lexington, KY 40505, of the operating rights and property of W. C. DAVENPORT, E. B. DAVENPORT AND J. A. DAVENPORT, doing business as DAVENPORT'S TRANSFER, 125 E. Broadway Harrodsburg, KY 40330, and for acquisition by GARRETT JOHNSON, WILLIAM H. TEATER, JOHN S. MARLIN, all of Lexington, KY 40505 and HARRY V. McCHESNEY, 605 Kingfisher Lane, Sarasota, FL 33577, of control of such rights and property through the purchase. Applicants' attorney: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40601. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Louisville and Danville, Ky., serving all intermediate points between Graefenburg and Danville, including Graefenburg; and the off-route point of Bondville, Ky., between Perryville, and Burgin, Ky., serving to and from the intermediate points of Harrodsburg, and Nevada, Ky. Vendee is authorized to operate as a *common carrier* in Ohio and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11923. Authority sought for purchase by CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll IA 51401, of the operating rights of MAX W. TUNKS AND MAXIE LEE TUNKS, doing business as CIRCLE M TRUCK LINE, P.O. Box 415, King City, MO 64463, and for acquisition by PAUL E. CROUSE, also of Carroll, IA 51401, of control of such rights through the purchase. Applicants' attorney: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–96969 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Missouri. Vendee is authorized to operate as a *common carrier* in Iowa, Nebraska, Missouri, Kansas, Indiana, Illinois, Michigan, Kentucky, Minnesota, North Dakota, Ohio and South Dakota. Application has been filed for temporary authority under section 210a(b). NOTE: MC–123389 (Sub-No. 16) is a matter directly related.

No. MC–F–11924. Authority sought for purchase by D'AGATA NATIONAL TRUCKING CO., 3222–40 So. 61st St., Philadelphia, PA 19153, of the operating rights of (B) D'AGATA TRANSPORTATION, INC., 1104 York Road, Cherry Hill, NJ 08034 and (BB) BEER TRANS, INC., 1064 2d St., Philadelphia, PA, and for acquisition by VINCENT D'AGATA, 805 Tasker St., Philadelphia, PA, of control of such rights through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M St., N.W., Washington, DC 20036. Operating rights sought to be transferred: (B) Malt beverages, as a *contract carrier* over irregular routes, from Latrobe, Pa., to points in New Jersey; *malt beverages*, in cans, bottles, and kegs, from Reading, Pa., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont, with restrictions; (BB) *malt beverages*, as a *common carrier*, over irregular routes,

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from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, Virginia and the District of Columbia; *empty malt beverage containers* from points in Delaware, Maryland and New Jersey to Philadelphia, Pa.; *empty containers* and *returned shipments* of malt beverages, from points in Virginia and the District of Columbia, to Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, New York, Pennsylvania, Delaware, West Virginia, Ohio, New Jersey, Connecticut, Wisconsin, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-118929 (Sub-No. 3) is a directly related matter.

F.D. No. 27423, Filed June 20, 1973 CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, 400 West Madison Street, Chicago, Illinois 60606, represented by Mr. Stuart F. Gassner, of the same address, hereby gives notice that it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement authorizing trackage rights of the CNW over tracks of the Soo Line Railroad Company between Wisconsin Rapids and Nekoosa, Wisconsin, all in Wood County, Wisconsin, a distance of approximately 4.35 miles, beginning at milepost 0.6 and extending to milepost 3.6 and commencing again at milepost 4.6 and extending to milepost 6.1 (Soo Line mileposts 26.59–29.59 and 30.47–31.82). CNW and Soo Line currently maintain parallel tracks between Wisconsin Rapids and Nekoosa, Wisconsin. CNW alleges that no shippers or receivers will be adversely affected. The trackage rights to be operated lie between Wisconsin Rapids and Port Edwards and Port Edwards and Nekoosa. In the opinion of the applicant, the Commission's action requested, i.e., approval of the trackage rights, will not have any significant impact and will not significantly adversely affect the quality of the human environment. Rather applicant alleges that elimination of duplicate facilities will have a beneficial effect on the environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present the statement shall include such information relating to the facts set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14118 Filed 7-10-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 6, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53337 (AMENDMENT) filed June 18, 1973, published in the FR issue of June 7, 1972, and republished, as amended, this issue. Applicant: CALIFORNIA CARTAGE COMPANY, INC., 20021 Susana Road, Compton, Calif. 90221. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between all points and places within the Los Angeles Basin Territory, as described in Note A. (2) Between all points and places within the San Diego Territory, as described in Note B. (3) Between the San Diego Territory and the Los Angeles Basin Territory, inclusive, serving all intermediate points on Interstate 5 and 15 and U.S. Highway 395, and all points within 15 miles of said highways, including all points in the Los Angeles Basin Territory. (4) Between all points and places in Paragraphs 1, 2 and 3 above, and Sacramento, inclusive, serving all intermediate points on Interstate 5 and State Highways 14, 58 and 99 and on U.S. Highway 101, Interstate 80 and State Highways 4 and 99, and all points within 15 miles of said highways, and including all points in the San Francisco Territory, as described in Note C. (5) Carrier may operate over all accessible public highways between all of said termini, intermediate and off route points, in combination, one with the other. (6) Through routes and joint rates may be established between any and all points described above and with other certificated carriers at convenient points of interchange. Applicant shall not transport any shipments of: Livestock, uncrated used household goods and office furniture, commodities requiring special equipment, commodities in bulk, articles of extraordinary value, dangerous explosives, and commodities injurious or contaminating to other lading. Note A: LOS ANGELES BASIN TERRITORY includes that area embraced by the following boundary:

Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean, thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to State Highway No. 99; northwesterly along State Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County Road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

Note B: SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Romona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning. Note C: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14137 Filed 7-10-73;8:45 am]

[F.D. 26241]

PENN CENTRAL TRANSPORTATION COMPANY REORGANIZATION

There being under consideration a plan of reorganization filed July 5, 1973, pursuant to the order of the United States District Court for the Eastern District of Pennsylvania, dated July 3, 1973, in proceeding No. 70-347, pending therein for reorganization of the Penn Central Transportation Company, debtor, under the provisions of section 77 of the Bankruptcy Act, as amended (11 USC 205), directing the trustees of the said debtor (Penn Central) to file with this Commission a plan of reorganization for the debtor and requesting that this Commission certify to the said court, by October 1, 1973, an approved plan for the reorganization of the debtor, or a preliminary step thereof; and a plan of reorganization of the said debtor filed June 27, 1973 by the Trustees of the property of the New York, New Haven and Hartford Railroad Company (also a debtor in reorganization under section 77 of the Bankruptcy Act, but at the same time a creditor of Penn Central); and

It appearing, that under the provisions of section 77(d) of the Bankruptcy Act this Commission must determine whether any such plan filed is prima facie impracticable, and the two plans thus far filed and their attendant circumstances make it appropriate that preliminary hearings be undertaken for such determination; and that the scope of the plans are such as to warrant a prehearing pursuant to Rule 68 of the Commission's General Rules of Practice;

It further appearing, that in order to make the preliminary determinations under the said section 77(d) and such other determinations as may be appropriate within the time limitations envisioned by the above-cited court order, expedited hearings and special procedures are necessary, and the matter should be assigned to an Administrative Law Judge for prehearing conference and hearing;

It further appearing, that due to the critical time element involved, the Commission's rules of practice relating to petitions for leave to intervene to become parties of record should be waived and all parties desiring to participate in the proceeding who appear at the prehearing conference should be granted leave to intervene without further filings with this Commission;

It further appearing, that the Penn Central Trustees' plan is in essence a plan for a shut down of the Penn Central railroad system before winter, phasing the cessation over a 10-week period beginning October 31, 1973, to be followed by a liquidation of the properties for the purpose of satisfying claims of the creditors (among which are the United States, State and local taxing authorities, employees, security holders and others); and the New Haven Trustee's plan provides for a structure which includes, among other things, separate corporations to operate passenger service in the area between Boston, Mass., and Washington, D.C., and rail freight service over a network of approximately 11,000 miles; to liquidate unutilized Penn Central properties, and to conduct an investment business;

It further appearing, that the plans involve a phasing, with general proposals and certain elements to be certified to the Reorganization Court by the Commission in the initial steps, while other elements are left for hearing, definition and approval in subsequent steps;

It further appearing, that section 77 (d) of the Bankruptcy Act authorizes the Commission to approve a plan "which may be different from any which has been proposed", and in view thereof, consideration should be given to the possibility of reorganization contemplating scaled-down operations (of 11,000 or 15,000 miles, as previously suggested by the Penn Central trustees, or of some other configuration) and further contemplation scaled-down tax claims and other debt;

It is ordered, That the Plan filed with the Commission July 5, 1973, by the Trustees of the property of Penn Central Transportation Company, Debtor, and the Plan filed June 27, 1973 by the Trustee of the property of The New York, New Haven and Hartford Railroad Company, Debtor, be, and they are, hereby

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set down for pre-hearing conference in accordance with Rule 68 of the Commission's General Rules of Practice, on Monday, July 16, 1973, before an Administrative Law Judge, at 9:30 o'clock A.M. EDST at the offices of the Interstate Commerce Commission, Washington, D.C., for the purposes, among others as set out in said Rule 68, of crystallizing issues, establishing special procedures and schedules for additional hearings, exploring the feasibility and practicableness of the two plans, investigating possibilities for additional reorganization plans and determining, to the extent possible, questions regarding the kinds and amounts of evidence needed, determining issues arising out of the assumptions upon which the plans of the trustees are based, seeking agreement on special rules of evidence, and undertaking such other matters as the administrative law judge may deem appropriate, giving due regard to the time limitations envisioned in the above cited July 3, 1973, order of the Penn Central Reorganization Court.

It is further ordered, That the Commission's General Rules of Practice relating to intervention be, and they are hereby, waived, and all parties desiring to intervene for the purpose of becoming parties to this proceeding shall do so by entering their appearance at either the pre-hearing conference or at such time in the subsequent hearings as the Administrative Law Judge may determine; and that this Commission will issue an appropriate service list as soon as practicable after the hearings begin;

It is further ordered, That the due and timely execution of this Commission's function in this proceeding requires the omission of an initial decision by the Administrative Law Judge and that the record be certified to the Commission for the initial report.

It is further ordered, That the Secretary serve copies of this order and the attached notice in the manner provided in the Rules of Practice, upon the Debtor, the Trustees, all other parties before the Commission in this proceeding, the Governors of each State in which Penn Central Transportation Company operates, and the Mayor of the District of Columbia;

And it is further ordered, That the trustees of the debtor publish the said notice within 5 days from the date hereof in one or more daily newspapers of general circulation of the District of Columbia and each of the States in which the debtor operates and including the Wall Street Journal and the New York Times.

Dated at Washington, D.C., on this 6th day of July, 1973.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.D. 26241]

PENN CENTRAL TRANSPORTATION COMPANY REORGANIZATION

The above entitled proceeding is assigned for prehearing conference on Monday, July 16, 1973, before an administrative law judge at 9:30 o'clock a.m., EDST at the office of the Interstate Commerce Commission at Washington, D.C.

The prehearing conference will be for the purposes set out in Rule 68 of the Commission's General Rules of Practice, including among others, the clarifying of issues necessary to determining the feasibility or the prima facie practicability of plans of reorganization filed, pursuant to the provisions of section 77(d) of the Bankruptcy Act, (11 U.S.C. 205), by the Trustees of the property of the Penn Central Transportation Company and the Trustee of the property of the New York, New Haven and Hartford Railroad Company, such determination, and others relating to the merits of the plans, to be made after a hearing upon a date and time to be later fixed.

The receipt of this notice and the accompanying order does not constitute permission to participate in the proceeding. However, the Commission's general rules of practice relating to intervention will be waived, so that persons wishing to become parties to this proceeding may seek intervention by entering their appearance at the prehearing conference, or, as the administrative law judge may deem appropriate, at the hearing to be later held.

Any person (other than a party of record in the proceeding) who wishes to be notified of the hearing schedule or any change in the time or place of the hearing (at his own expense if telegraphic notice becomes necessary) should promptly transmit request therefor to the Interstate Commerce Commission, Washington, D.C. 20423.

[FR Doc.73-14134 Filed 7-10-73;8:45 am]

[Ex Parte No. 295]

TARIFF SCHEDULES

Increased Freight Rates and Charges, 1973, Nationwide

JULY 3, 1973.

The railroads have filed, on statutory notice, tariff schedules providing for a general increase in freight rates and charges. The tariff bears an effective date of July 29, 1973, but a supplement has been filed by the carriers postponing the effective date until August 13, 1973, in accordance with price stabilization requirements.

As stated in the Commission's Notice of June 11, 1973:

These tariffs will be received subject to protest, suspension or rejection. Protests to be considered in this connection must be received by the Commission twelve (12) days before the effective date as provided in the Commission's rules of practice. For the Commission's use, the original and 24 copies should be sent to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.[1] If any parties believe the considered proposal will significantly affect the quality of the human environment, they are invited to comment on this matter in their protests.

One copy of each protest shall be served upon the petitioning railroads, and, for this purpose, may be addressed to James L. Tapley, American Railroads Building, 1920 "L" Street, NW., Washington, D.C. 20036.[2]

[1] A lesser number of copies may be filed upon a showing of good cause.

[2] All parties able to do so shall send twenty-five (25) copies to the petitioning railroads.

Replies heretofore filed in response to the petition will be considered a part of the record in this proceeding, and the parties may rely thereon in lieu of filing protests in this matter.

In view of the notice previously accorded the parties and in order to provide flexibility, the Commission has determined that protests shall be filed twelve (12) days before the original effective date of the tariff, or on or before July 17, 1973.

The railroads have the right to reply to all protests and they are required to serve their replies promptly on the respective protestants. To receive consideration, such replies should be filed and served not later than July 20, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14139 Filed 7-10-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, July 18, 1973, at 2025 M Street, NW., Washington, D.C.

The agenda will be a consideration of cases for decision, future wage policy and other business.

Since the above stated meeting will consist of discussions of cases for decision, future wage policy and other business, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 10, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-14303 Filed 7-10-73;10:39 am]

COMMISSION ON CIVIL RIGHTS

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the United States Commission on Civil Rights, that a factfinding meeting of the Ohio State Advisory Committee will convene at 9:00 a.m. on July 13, 1973, in Room 2, State Office Building, 65 South Front Street, Columbus, Ohio 43215, and reconvene at 9:00 a.m. on July 14, 1973. This meeting shall be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Ohio with special emphasis on the conditions in Ohio penal institutions as they relate to the civil rights of inmates; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as there pertain to Ohio penal institutions as they relate to the civil rights of inmates; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to Ohio penal institutions and the civil rights of inmates of these institutions; and to related areas.

A planning meeting of the Ohio State Advisory Committee will convene at 10:00 a.m. on July 12, 1973, at the Christopher Inn, 300 East Broad Street, Columbus, Ohio 43215. Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office, Room 1428 at 219 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting shall be to hold a final briefing session in preparation for the July 13–14, 1973, factfinding meeting on the Ohio penal institutions.

A closed or executive session of the Ohio State Advisory Committee will convene at 8:00 a.m. on July 13, 1973, and reconvene at 8:00 a.m. on July 14, 1973, in Room 2, State Office Building, 65 South Front Street, Columbus, Ohio 43215. At these sessions, Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals and as such these sessions are not open to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 6, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee
Management Officer.

[FR Doc.73-14232 Filed 7-11-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ADULT EDUCATION

Special Projects and Teacher Training Under Adult Education Act; Proposed Rulemaking

No. 132—Pt. II——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 167]

ADULT EDUCATION; SPECIAL PROJECTS AND TEACHER TRAINING UNDER ADULT EDUCATION ACT

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-318) and pursuant to the authority contained in section 309 of the Adult Education Act, as amended, 20 U.S.C. 1208, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 167 of the Code of Federal Regulations to read as set forth below. The Commissioner also proposes to establish guidelines for this program, which are set forth following the text of the proposed regulation.

1. *Program purpose.* Section 309 of the Adult Education Act provides for special experimental demonstration project grants and teacher training grants and contracts.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with or affecting the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the programs under section 309 of the Adult Education Act. Upon publication of revised Part 167 and the proposed guidelines in final form, after comments and hearing, all preceding rules, regulations, guidelines, interpretations, and orders issued in connection with or affecting Part 167 (as amended by the General Provisions Regulations; see the notice of proposed rule making at 38 FR 10388) will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 167 and which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rule making in the FEDERAL REGISTER at 38 FR 10386-10430, in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed Part 100a of Title 45 CFR, containing general provisions for direct project assistance, which would be applicable to the programs under section 309 of the Adult Education Act.)

4. *Guidelines.* Guidelines for the programs have not previously been published in the FEDERAL REGISTER. The guidelines proposed below essentially contain recommendations and suggestions for program management and operation and are designed to incorporate all materials covered by section 503 of the Education Amendments of 1972 not otherwise reflected in the regulation. When finally published in the FEDERAL REGISTER in accordance with section 503(d), the guidelines will be stated separately in the general notice section of the FEDERAL REGISTER.

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines. The hearing will take place at the U.S. Office of Education on September 20, 1973, in the auditorium of the Regional Office Building Three (ROB-3) located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m. The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 5717 at the above address: Attention: Mr. Herbert C. Duffy, Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance No. 13.401, Adult Education—Special Projects and No. 13.402, Adult Education—Teacher Education.)

Date: June 6, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: June 27, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 167—SPECIAL PROJECTS AND TEACHER TRAINING IN ADULT EDUCATION

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167.1 Applicability.
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AUTHORITY: Section 309 of the Adult Education Act, as amended, unless otherwise noted (84 Stat. 163; 20 U.S.C. 1201-1211).

§ 167.1 Applicability.

(a) The regulations in this part apply to grants by the Commission for special experimental demonstration projects in adult education under subsection (b), and adult education personnel training under subsection (c), of section 309 of the Adult Education Act. The Commissioner is also authorized to provide adult education personnel training (directly or by contract) under section 309(c).

(20 U.S.C. 1208)

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this Chapter (relating to fiscal, administrative, property management and other matters).

(20 U.S.C. 1208)

CROSS-REFERENCE: The regulations in Part 166 apply to grants to States for adult basic education and adult education programs pursuant to section 304(b) of the Act.

§ 167.2 Definitions.

(a) The terms "adult," "adult education," "adult basic education," "Commissioner," "local educational agency," "State," "State educational agency" and "academic education" are defined in section 303 of the Act.

(b) As used in this part:

(1) "Act" means the Adult Education Act, as amended.

(20 U.S.C. 1201-1211)

(2) "Institution of higher education" means an educational institution in any State which—

(i) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(ii) is legally authorized within such State to provide a program of education beyond high school;

(iii) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(iv) is a public or other nonprofit institution; and

(v) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 881; 20 U.S.C. 1202(1))

§ 167.4 Eligible projects.

Funds available under section 309 of the Act may be used by the Commissioner for the following purposes:

(a) Grants for special experimental demonstration projects to be carried out in furtherance of the purposes of the Act, and which—

(1) involve the use of innovative methods, systems, materials or programs which the Commissioner determines may have national significance or may be of special value in promoting effective programs under the Act, or

(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

(b) Grants and contracts to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

(20 U.S.C. 1208)

§ 167.5 Eligible applicants.

(a) *Special projects.* The following categories of agencies and institutions are eligible for grants under this part for special experimental demonstration projects:

(1) Local educational agencies; and

(2) Other public or private nonprofit agencies, including educational television stations.

(20 U.S.C. 1208(b))

(b) *Teacher training.* The following categories of agencies and institutions are eligible for grants and contracts under this part for teacher training:

(1) Institutions of higher education;

(2) State educational agencies;

(3) Local educational agencies; and

(4) Other appropriate public or private nonprofit agencies and organizations.

(20 U.S.C. 1208(c))

(c) *Ineligible applicants.* The following are not eligible for any grants under this part:

(1) Individuals;

(2) Any school or department of divinity; and

(3) Institutions organized for profit.

(20 U.S.C. 1208, 1210)

§ 167.6 Preapplications and applications for grants.

(a) *General.* (1) Assistance under this part will be made available only upon submission of preapplications and applications in accordance with this section. A separate preapplication and application must be submitted for each proposed project, except as provided in § 167.6(b)(1). Preapplication and application forms may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(2) Preapplications and applications for grants shall be submitted in accordance with procedures and forms contained in Attachment M of Office of Management and Budget (OMB) Circular No. A-102, as supplemented by the Commissioner.

(20 U.S.C. 1208; OMB Circular No. A-102)

(3) If an applicant wishes to have an application which was not approved reconsidered for approval during a subsequent fiscal year, a preapplication and application must be resubmitted.

(20 U.S.C. 1208)

(b) *Preapplications.* (1) Each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. An applicant applying for support to continue an ongoing multi-year project need not resubmit a preapplication; however, such applicants must complete and submit the appropriate application for Federal assistance form in each year for which assistance is requested.

(2) Preapplications will be reviewed and rated in accordance with current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The applicant will be notified of the results of such review in accordance with Attachment M of OMB Circular No. A-102.

(c) *Applications.* (1) Each applicant who submits a preapplication will be advised as to whether the submission of an application is recommended. Applications will be evaluated and, if approved, will be funded on the basis of current priorities (which will be published periodically in the FEDERAL REGISTER) and the criteria described in §§ 167.8 and 167.9. The number of grant awards will be determined by the availability of funds.

(2) Each application shall contain an assurance that no fees or charges will be collected from students as a condition of enrollment in, participation in, or completion of any training or instruction offered in the project.

(3) A local educational agency submitting an application shall attach a letter to such application providing evidence of cooperation with the State educational agency. Any applicant which is not a local educational agency shall attach a letter to such application describing the extent to which the proposed project has been discussed with appropriate local and State adult education officials.

(4) The fact that a particular application resulted in a grant in an earlier year provides no assurance that a later submission will result in a new grant.

(5) Applications requesting support for the continuation of an ongoing multi-year project will be reviewed (i) in the light of the availability of funds; (ii) to determine if the grantee has complied with the grant terms and conditions, the Act, and applicable regulations in order to decide whether continuation of the grant would be in the best interests of the government.

(20 U.S.C. 1208; OMB Circular No. A-102)

§ 167.8 Special project criteria.

In evaluating applications for special project grants, in addition to considering the factors stated in § 100a.26(b) of this Chapter, the Commissioner will give consideration to such factors as:

(a) Whether and to what extent the project involves the use of innovative

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methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under the Act;

(b) Whether and to what extent the project is to be carried out in cooperation with other federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies;

(c) Whether and to what extent the project has unusual promise in establishing or improving adult education;

(d) Whether and to what extent the project is related to and is carried out in conjunction with appropriate teacher training, whether or not assisted under the Act;

(e) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of adult education programs.

(f) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources in order to strengthen the project and prevent duplication of effort;

(g) Whether and to what extent the project provides for cooperation and continuation by the State; and

(h) Whether and to what extent the project will meet the needs of persons with particular educational deficiencies.

(20 U.S.C. 1208(b))

§ 167.9 Teacher training project criteria.

In evaluating applications for teacher training grants, in addition to considering the factors stated in § 100a.26(b) of this chapter, the Commissioner will consider such factors as:

(a) Whether and to what extent the project will include training in the utilization of innovative methods, systems, materials, or programs;

(b) Whether and to what extent the project will meet local needs for adult education personnel;

(c) Whether and to what extent the project can be expected to meet needs for adult education personnel beyond the geographic region in which the applicant is located;

(d) Whether and to what extent the applicant proposes to make periodic, systematic, and objective reviews and evaluations of the adult education personnel training project;

(e) Whether and to what extent the project is coordinated with any special experimental demonstration projects which may be operating in the geographic area served by the applicant;

(f) Whether and to what extent the project is coordinated with adult education programs being sponsored in the State in which the applicant is located or with any other State from which trainees are drawn or to which trainees may be expected to return;

(g) Whether and to what extent the project is to be carried out in cooperation with other federally-assisted State or local programs;

(h) Whether and to what extent the project provides for cooperation and coordination with business and industry, labor and other agencies, institutions, and community resources to strengthen the project and prevent duplication;

(i) Whether and to what extent the project provides for cooperation and continuation by the State; and

(j) Whether and to what extent the criteria for eligibility for participation in the project include, in addition to educational background, previous preparation and experience in adult education programs.

(20 U.S.C. 1208(c))

§ 167.10 Grantee contribution to special experimental demonstration projects.

Recipients of grants for special experimental demonstration projects will be required, whenever feasible, to contribute an amount equal to at least 10 percent of the cost of the project. The total amount of such required non-Federal contribution will be stated in the grant award document and will be determined on the basis of the resources of the grantee, the size and scope of the project and such factors bearing on either the cost of the project or the ability of the grant recipient to contribute to such projects as the Commissioner may determine to be relevant.

(20 U.S.C. 1208(b))

§ 167.12 Selection of participants for teacher training projects.

(a) The grantee shall establish its own criteria for admission to teacher training projects based on the terms and conditions of the grant award and the goals of the adult education program. Selection of participants will be the responsibility of the grantee. However, no person shall be declared ineligible to participate in the program solely for the reason that he or she does not possess an academic degree.

(b) The criteria to be used in the final selection of participants from among the applicants shall be clearly stated in the application. If academic credit will be given for participation in the project, this shall also be clearly stated in the application.

(20 U.S.C. 1208(c))

§ 167.13 Duration of teacher training projects.

Teacher training projects shall be not less than one week nor less than 40 hours of instruction in duration.

(20 U.S.C. 1208)

§ 167.14 Program evaluation procedures.

Each program or project proposal shall, where appropriate, as determined by the Commissioner, include an evaluation plan to be carried out by a third party for the purpose of evaluating the effectiveness of the program or project. If such plan is included, it should describe the steps by which the grantee will

(a) Determine the extent to which the objectives of the program or project have been accomplished;

(b) Determine what factors either enabled or precluded the accomplishment of these objectives; and

(c) Promote the inclusion of the successful aspects of the program or project into adult education programs supported with funds other than those provided under the grant.

(20 U.S.C. 1208)

§ 167.15 Allowable costs.

(a) Allowable costs shall be in accordance with § 100a.50 of this Chapter, and with the terms and conditions contained in the grant or contract award document.

(20 U.S.C. 1208)

(b) With respect to teacher training programs pursuant to section 309(c) of the Act, there may be included in direct costs for payments to training program participants only those allowances provided for in § 167.16.

(20 U.S.C. 1208(c))

§ 167.16 Stipends and travel allowances for teacher training participants.

(a) Subject to the conditions set forth therein, the grant award document may provide that teacher training participants will, upon application therefor, receive subsistence allowances from the grantee, which shall not exceed:

(1) The sum of $75 per week in the case of a training program lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in the case of a training project lasting longer than 8 weeks; plus

(2) The sum of $15 per week for each dependent of a trainee attending a training program lasting no longer than 8 weeks. If the training period exceeds 8 weeks, the amount of the dependency allowance must be in accordance with the grant terms and conditions and requirements established by the Commissioner. For purposes of this part, a dependent shall be deemed to be an individual who receives, or is treated for Federal income tax purposes as having received, one-half or more of his support from the trainee and is either (i) his spouse or (ii) a person who qualifies as a dependent for Federal income tax purposes.

(b) Any amounts received under any other Federal grant program (except veterans, widows, and war orphans' educational assistance under title 38, United States Code) shall be set off against the amount which a trainee would be otherwise eligible to receive under this program. A trainee shall not be precluded from receiving a loan that is made, insured, or reinsured under any Federal educational loan program; and neither the amount of such loan nor any Federal interest payment made during the period covered by his traineeship award shall be deducted from the amount a trainee is entitled to receive under this part.

(c) Allowances may also be paid for participant travel cost for one round trip between each participant's home and the place at which the training program is conducted. Such allowance shall not exceed 11 cents per mile by private transportation or the tourist air or coach rail rate by common carrier, but the total cost of travel by private conveyance may not exceed the common carrier cost of such travel.

(d) Participants will be paid such stipend and travel allowances by the grantee from funds provided for the support of the project.

(20 U.S.C. 1208(c); 26 U.S.C. 151; 38 U.S.C. 1781)

§ 167.17 Reports.

(a) *General.* The grantee shall submit reports in accordance with the regulations contained in this part and at 45 CFR 100a.279 and 100a.280 and shall submit such other reports as may be provided for in the grant or contract award document or as may be required by the Commissioner from time to time in order to carry out his responsibilities under the Act. All such reports and materials relating thereto shall be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202. Appropriate forms, as described in this section, may be obtained from the same address.

(b) *Required reports.* The following reports must be submitted:

(1) *Performance reports.* Three copies of performance reports are required, in accordance with the schedule for submission of such reports contained in the grant or contract award document and in accordance with Attachment I of OMB Circular No. A-102. Such report shall include a brief description of the actual accomplishments during the reporting period and any unanticipated problems.

(2) *Financial status reports.* Financial status reports shall be submitted in accordance with OMB Circular No. A-102, Attachment H, and in accordance with the schedule for submission of such reports contained in the grant or contract award document.

(3) *Final project report.* (i) The final project report shall be submitted 90 days after the expiration or termination of the grant or contract. The grantee shall submit the required number of copies of such report, as specified in the grant or contract award document. (ii) Such report shall include (*a*) a final financial status report in accordance with Attachment H of OMB Circular No. A-102, and (*b*) a final performance report in accordance with Attachment I of OMB Circular No. A-102 and in sufficient detail to enable a reader to replicate the program. Such final performance report must include (*1*) a summary of findings, recommendations and conclusions; (2) a brief abstract, describing the methodology and operation of the program; (c) a final report of any instructional materials developed for use in the project; and (*d*) a description of any salable items developed as a result of the project.

(4) *Special reports.* (i) Special reports shall be submitted upon request from the Office of Education. (ii) The grantee shall issue appropriate press releases and announcements concerning the availability of Federal assistance under the Act. (iii) For teacher training projects, a brochure or circular must be developed by the grantee in order to provide potential participants with sufficient information to submit applications for participation in the project. Three copies of each such announcement shall be sent to the Division of Adult Education.

(5) *Independent evaluation.* The Division of Adult Education shall be provided with a copy of any independent evaluations of the project (including its operation, objectives and conclusions) or any studies of a similar nature, in accordance with the requirements contained in the grant or contract award document.

(20 U.S.C. 1208; OMB Circular No. A-102)

GUIDELINES
ADULT EDUCATION PROGRAMS
Title III, P.L. 91-230 Section 309
SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS
TEACHER TRAINING PROJECTS

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PART 1—INTRODUCTION

§ 1.1 Scope of guidelines.

(a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under section 309 of the Adult Education Act of 1966, as amended. The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1208; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*. 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 309(b) of the Act (20 U.S.C. 1208(b)), and the guideline affects § 167.7 of the regulations (45 CFR 167.7(b)), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1208(b); 45 CFR 167.7). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

§ 1.2 Applicable statutes and regulations.

Special experimental demonstration and teacher training projects are to be proposed and conducted in accordance with applicable Federal statutes and regulations. Pertinent provisions include the Adult Education Act (20 U.S.C. 1201-1211), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Adult Education Regulations (45 CFR Part 167), the General Provisions for Office of Education Programs (45 CFR Part 100), and Office of Management and Budget Circular No. A-102. Persons interested in initiating a project should familiarize themselves with the provisions of these documents before undertaking the preparation of a proposal.

(20 U.S.C. 1201-1211; 20 U.S.C. 1221 et seq.; 45 CFR Part 167; 45 CFR Part 100a; and OMB Circular No. A-102)

PART 2—TEACHER TRAINING PROJECTS

§ 2.1 Operation of teacher training projects.

(a) Support of participants. Teacher training participants may, upon application therefor, receive stipend and travel allowances from the grantee in accordance with the provisions set forth in the Regulations at 45 CFR 167.16.

(20 U.S.C. 1208(c); 45 CFR 167.16)

(b) *Payment of participants.* The estimated amount of grant funds available for stipends, dependency allowances, and travel will be stated in the budget contained in the grant or contract award document.

(20 U.S.C. 1208(c))

(c) *Academic credit.* Academic credit is often important to participants and to the development of the profession. However, the Office of Education does not require that credit be granted. In the case of college or university sponsorship, the Director of the project and the appropriate official of the institution may determine the amount of and the basis upon which academic credit is to be given. Some institutions may wish to allow full credit for participation in the program. In such cases, the project staff, working as a committee, may evaluate the progress of an individual and allow for credit accordingly.

(20 U.S.C. 1208(c); 45 CFR 167.12(b))

(d) *Applications for project participation.* Each grantee is responsible for

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providing potential applicants of the teacher training program with participant application forms. In order to clarify this fact, the grantee may wish to include in all brochures, participant applications and other appropriate materials, a statement along the following lines:

Requests for application forms and other inquiries should be sent to the address listed below. [List address of grantee] Selection of participants will be the responsibility of the grantee. The Office of Education does not select the participants and does not provide information relating to deadlines or to the criteria for selection of participants by specific organizations.

(20 U.S.C. 1208(c); 45 CFR 167.12)

PART 3—ADMINISTRATIVE REQUIREMENTS

§ 3.1 Compliance with Civil Rights Act of 1964.

No application for Department of Health, Education, and Welfare assistance will be approved unless the applicant has on file with the Department an accepted assurance of compliance with the Civil Rights Act of 1964, in accordance with Section 100a.160 of the General Education Provision Regulations.

(42 U.S.C. 2000d; 45 CFR 100a.160, 100a.100)

§ 3.2 Grant award.

An applicant submitting an application which is approved for funding will be advised by receipt of a grant or contract award document upon completion of negotiations. The grant or contract award document will include an approved budget and terms and conditions which will be binding upon the grantee.

(20 U.S.C. 1208; 45 CFR 100a.40)

§ 3.3 Duration of projects.

The length of the project period should be determined on the basis of the length of time required to complete the project. An applicant may wish to phase the development of a proposed project by beginning with a planning or pilot period which will be followed by an operational period.

(a) Projects short term in nature are generally less than eighteen months in duration;

(b) Projects may be approved for multi-year support. Approval of such projects constitutes a commitment to fund the project in succeeding budget periods, subject to the availability of funds, only if the Commissioner determines that continued funding is in the best interest of the Government pursuant to § 167.6(c)(5) of the regulations. Projects approved for multi-year support are funded in annual increments which may be referred to as budget periods.

(20 U.S.C. 1208; 45 CFR 167.6, 167.13)

§ 3.4 Report requirements of grantee.

(a) All materials and reports relating thereto may be submitted to the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(b) The reports required of the grantee are set forth in the regulations at section 167.17 and in OMB Circular No. A–102. Compliance with such requirements will be taken into consideration in any evaluation of the project.

(c) Final project report:

(1) *Content.* Because of the diversity of projects supported, it is not possible to prescribe the length nor the most desirable arrangement of content for a final report. Such reports must, however, comply with requirements contained in § 167.17(b)(3) of the regulations.

(2) *Abstract.* In most instances the abstract of the report should not exceed six hundred (600) words in length.

(3) *Format.* The final report should be duplicated on standard white paper (8½" x 11"), bound with an inexpensive, but durable, paper cover. Unless special binding is required, side stitching is recommended.

(20 U.S.C. 1208; 45 CFR 167.17; OMB Circular No. A–102)

§ 3.5 Publications and presentations.

In order to assist individuals in obtaining further information relating to the project, the following information may also be included: the title of the publication or presentation; the title by which the project is known; the name of the Project Director; the name and the complete address of the grantee; the U.S. Office of Education Grant Number; and acknowledgment of support under the Adult Education Act of 1966, as amended.

(20 U.S.C. 1208)

PART 4—PREPARATION OF PREAPPLICATIONS AND APPLICATIONS

§ 4.1 Procedures.

(a) *Forms.* Preapplication and application forms and other materials relating thereto may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, U.S. Office of Education, Washington, D.C. 20202.

(b) *Submission of preapplications and applications.* One copy of the preapplication or application cover sheet should bear the signature(s) of the official(s) authorized to submit the proposal. On the remaining copies, the name(s) need only be typed.

(c) *When to submit preapplications and applications.* Preapplications (Exhibit M–1 of OMB Circular No. A–102 and its supplements) requesting Federal assistance for adult education projects may be submitted to the Office of Education at any time. However, the Commissioner may announce, through publication in the FEDERAL REGISTER, closing dates for receipt of preapplications and applications for consideration for support during a particular period.

(20 U.S.C. 1208; 45 CFR 167.6; OMB Circular No. A–102)

§ 4.2 Preapplications for Federal assistance.

(a) *Requirements.* As described in § 167.6 of the regulations, each applicant seeking initial support for a special experimental demonstration project or a teacher training project must submit a preapplication for Federal assistance. The preapplication form consists of the following four parts:

(1) *Part I—preapplication for Federal assistance.* The first part of the preapplication will be Part I of the preapplication for Federal assistance, as described on pages 1 and 2 of Exhibit M–1, Attachment M, OMB Circular No. A–102. This part will serve as the preapplication cover sheet and no other cover need be superimposed.

(2) *Part II—preapplication for Federal assistance.* The second part of the preliminary proposal will be Part II of the preapplication for Federal assistance, as described on pages 3 and 4 of Exhibit M–1, Attachment M, OMB Circular No. A–102. This part of the preapplication provides selected data regarding State and local coordination of the project, environmental impact, and target groups and individuals to be served by the proposed project.

(3) *Part III—preapplication for Federal assistance—project budget.* The third part of the preapplication will be Part III of the preapplication for Federal assistance, as described on pages 3 and 4 of Exhibit M–1 of Attachment M, OMB Circular No. A–102. This part of the preapplication provides estimates of the total amount of Federal funds requested for the project and proposed cost sharing, if any. If the application requests approval for a multi-year project, separate annual budget estimates should be provided for each year of the project.

(4) *Part IV—program narrative statement.* The fourth part of the preapplication will be Part IV of the preapplication for Federal assistance, as described on page 4 of Exhibit M–1 of Attachment M of OMB Circular No. A–102. This part of the preapplication provides a statement describing the project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the feasibility of the concept, the scope of the project and its methodology. The narrative description should also explain how each of the evaluation criteria which are set forth in the regulations (45 CFR 167.8 and 167.9) will be fulfilled by the project. The program narrative statement should be typewritten, double spaced on one side of standard size (8½" x 11" or 8" x 10½") unruled white paper.

(b) *Notice of preapplication review action.* Each applicant submitting a preapplication will be notified of the results of the review as set forth in § 167.6(c)(1) of the regulations. Those applicants who (based on the results of the preapplication review) are invited to submit a formal application will receive the required application for Federal assistance form along with the notice of the results of the preapplication review.

(20 U.S.C. 1208; 45 CFR 167.6, 45 CFR 100a.31; OMB Circular No. A–102)

§ 4.3 Applications for Federal assistance.

To be eligible for consideration for funding, each applicant must complete and submit the application for Federal assistance form as described in § 167.6 of the regulations.

The application for grant consists of the following five parts:

(a) *Part I—application for Federal assistance.* The first part of the application will be Part I of the application for Federal assistance form. A copy of the prescribed form and its instructions appears on pages 1 and 2 of Exhibit M–3, Attachment M, OMB Circular No. A–102. When completed, Part I will serve as the application cover sheet and no other cover need be superimposed.

(b) *Part II—project approval information.* The second part of the proposal will be Part II of the application for Federal assistance, as described on pages 3 and 4 of Exhibit M–3, Attachment M of OMB Circular No. A–102. This part of the application provides selected data on State and local coordination efforts, environmental impact, and target groups and individuals to be served by the project.

(c) *Part III—budget information.* The third part of the application will provide budget information regarding the project. A copy of the prescribed form and its instructions for Part III of the application appears on pages 5 through 8 of Exhibit M–3, Attachment M of OMB Circular No. A–102.

(d) *Part IV—program narrative statement.* The fourth part of the application will be Part IV of the application for Federal assistance form, as described on page 9 of Exhibit M–3, Attachment M, OMB Circular No. A–102.

For purposes of review, uniformity in presentation is important. Therefore, it is helpful if applicants organize their narrative statement as indicated in the instructions to Part IV.

(1) The merit of the application will be judged in large measure on the basis of the narrative description of the project. It is, therefore, important that the narrative statement contain all information required for an effective review. It should describe the project in sufficient detail to enable the reviewers to know what is planned at every stage and to make a tentative judgment as to the probable success of the proposed effort.

(2) The program narrative statement should be typewritten, double-spaced on one side of standard (8½" x 11" or 8" x 10½") unruled white paper.

(e) *Part V—assurances.* The fifth part of the application will be Part B of the application for Federal assistance, as described on page 10 of Exhibit M–3, Attachment M, OMB Circular No. A–102. This part should appear as the last page of the application.

(20 U.S.C. 1208; 45 CFR 167.6; OMB Circular No. A–102)

APPENDIX A

APPLICANT CHECKLIST

SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING PROJECTS IN ADULT EDUCATION

Before submitting a proposal under the provisions of Section 309 of the Adult Education Act, a review for inclusion of the following items is suggested:

1. If the proposal is for a special experimental demonstration project, it involves (1) the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this Act, or (2) programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

2. If the proposal is for a teacher training project, it focuses on the provision of training for persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this Act.

3. The program or procedures to be utilized appear to be practical and feasible for wide application in adult education.

4. Evidence of cooperation and coordination with the State educational agency has been provided.

PLAN OF OPERATION

1. The objectives and sub-objectives of the project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and include a design for measurement.

2. The procedures for achieving the objectives are appropriate, technically sound, and explained in detail.

3. The proposal includes provisions for an adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished.

4. The proposal is internally consistent; it presents a direct, straight-line relationship between the objectives, the procedures, and the evaluation.

PERSONNEL AND FACILITIES

1. The person proposed as Project Director has a strong background of educational qualifications and relevant experience.

2. The proposed staff consists of individuals who are skilled and knowledgeable concerning the type of program represented in the proposal.

3. The proposal provides, where appropriate, for the use of outside consultants and for the involvement of specialists from disciplines other than education.

4. The facilities and equipment available for carrying out the program are adequate.

5. Any necessary cooperative use of the facilities of other schools, agencies, or organizations has been worked out in advance and such cooperation has been assured.

ECONOMIC EFFICIENCY

1. The budget is realistic and the budget items are related specifically to the procedures that are to be followed.

2. The estimated cost of the program is reasonable in relation to the anticipated results.

3. The proposal should provide for cost sharing, if applicable, to insure its continuation beyond the developmental phase.

[FR Doc.73–14104 Filed 7–10–73;8:45 am]

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July 12, 1973—Pages 18525–18634

federal register

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WASHINGTON, D.C.

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7281]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Stock Dividends

By a notice of proposed rule making appearing in the FEDERAL REGISTER for March 18, 1971 (36 FR 5221) and by a second notice of proposed rule making appearing in the FEDERAL REGISTER for March 8, 1972 (37 FR 4964) revising certain provisions of the first notice, amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform such regulations to the provisions of section 305 of the Internal Revenue Code of 1954 as amended by section 421(a) of the Tax Reform Act of 1969 (83 Stat. 614) concerning the treatment of distributions of stock and stock rights. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the proposed amendments of the regulations except for certain changes of which the following are the most significant are adopted by this Treasury decision. In addition, the regulations under sections 306 and 368 of the Internal Revenue Code are amended by this Treasury decision in order to conform to section 305 as amended.

The final regulations expand the definition of reasonable redemption premium set forth in the first notice of proposed rule making. The proposed regulations provide that if preferred stock may be redeemed after a specified time at a price higher than its issue price, the difference between the redemption price and the issue price will be treated as being distributed over the period during which the stock cannot be called for redemption. However the rule in the proposed regulations does not apply to the extent the redemption premium (i.e., the amount the redemption price exceeds the issue price) is reasonable.

Under the expanded definition of the final regulations a redemption price will be considered reasonable if it is in the nature of a penalty for a premature redemption of the preferred stock, and if such premium does not exceed the amount the corporation would be required to pay for the right to make such premature redemptions under market conditions existing at the time of issuance. The final regulations do not change the "safe harbor rule" provided in the proposed regulations, i.e., that a redemption premium not in excess of 10 percent of the issue price of stock which is not redeemable for 5 years from the date of issue is considered reasonable.

It was considered necessary to define in this document the issue price of preferred stock in the case where such stock is distributed as a stock dividend on common stock. The issue price is defined (for purposes of determining whether the redemption premium of such stock is reasonable under § 1.305–5(b)) as the fair market value of the preferred stock immediately following its distribution as a stock dividend. The reason for making this revision is to make it clear that preferred stock distributed as a dividend on common stock has an issue price and is subject to the redemption premium provisions under §§ 1.305–5(b) and 1.305–7(a).

The final regulations add a new paragraph to the proposed regulations to explain in more detail the application of section 305(c) to recapitalizations.

Under this new paragraph, a recapitalization will result in a deemed distribution under section 305(c), if it is pursuant to a plan to periodically increase a shareholder's proportionate interest in the assets or earnings and profits of the corporation or if a shareholder owning stock with dividends in arrears exchanges his stock for other stock and, as a result, increases his proportionate interest. A rule is set forth in the final regulations which provides that where the fair market value or the liquidation preference, whichever is greater, of the stock received in exchange exceeds the issue price (or with respect to stock issued before July 12, 1973, the liquidation preference (not including dividends in arrears) if greater than the issue price) of the preferred stock surrendered, the amount of the excess shall be deemed under section 305(c) to be a distribution of stock on the preferred stock surrendered to which sections 305(b)(4) and 301 apply. However, the amount of the distribution shall not exceed the amount of the dividends in arrears on the preferred stock surrendered.

On March 18, 1971, a notice of proposed rule making to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 305 of the Internal Revenue Code of 1954, as amended by section 421(a) of the Tax Reform Act of 1969 (83 Stat. 614), was published in the FEDERAL REGISTER (36 FR 5221). On March 8, 1972, a second notice of proposed rule making, which revised certain provisions of the first notice, was published in the FEDERAL REGISTER (37 FR 4964). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the following regulations are hereby adopted.

Section 1.30(c) of the regulations as hereby adopted supersedes § 13.10 of the temporary Income Tax Regulations under the Tax Reform Act of 1969 (T.D. 70–39) as published in the FEDERAL REGISTER for May 2, 1970 (35 FR 7012).

PARAGRAPH 1. Sections 1.305 through 1.305–3 are deleted and the following substituted therefor:

§ 1.305 Statutory provisions; distributions of stock and stock rights.

SEC. 305. *Distributions of stock and stock rights*—(a) *General rule.* Except as otherwise provided in this section, gross income does not include the amount of any distribution of the stock of a corporation made by such corporation to its shareholders with respect to its stock.

(b) *Exceptions.* Subsection (a) shall not apply to a distribution by a corporation of its stock, and the distribution shall be treated as a distribution of property to which section 301 applies—

(1) *Distributions in lieu of money.* If the distribution is at the election of any of the shareholders (whether exercised before or after the declaration thereof), payable either—

(A) In its stock, or

(B) In property.

(2) *Disproportionate distributions.* If the distribution (or a series of distributions of which such distribution is one) has the result of—

(A) The receipt of property by some shareholders, and

(B) An increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation.

(3) *Distributions of common and preferred stock.* If the distribution (or a series of distributions of which such distribution is one) has the result of—

(A) The receipt of preferred stock by some common shareholders, and

(B) The receipt of common stock by other common shareholders.

(4) *Distributions on preferred stock.* If the distribution is with respect to perferred stock, other than an increase in the conversion ratio of convertible preferred stock made solely to take account of a stock dividend or stock split with respect to the stock into which such convertible stock is convertible.

(5) *Distributions of convertible preferred stock.* If the distribution is of convertible preferred stock, unless it is established to the satisfaction of the Secretary or his delegate that such distribution will not have the result described in paragraph (2).

(c) *Certain transactions treated as distributions.* For purposes of this section and section 301, the Secretary or his delegate shall prescribe regulations under which a change in conversion ratio, a change in redemption price, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder

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shall be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by such change, difference, redemption or similar transaction.

(d) *Definitions*—(1) *Rights to acquire stock.* For purposes of this section, the term "stock" includes rights to acquire such stock.

(2) *Shareholders.* For purposes of subsections (b) and (c), the term "shareholder" includes a holder of rights or of convertible securities.

(e) *Cross references.* For special rules—

(1) Relating to the receipt of stock and stock rights in corporate organizations and reorganizations, see part III (section 51 and following).

(2) In the case of a distribution which results in a gift, see section 2501 and following.

(3) In the case of a distribution which has the effect of the payment of compensation, see section 61(a)(1).

[Sec. 305 as amended by sec. 421(a), Tax Reform Act 1969 (83 Stat. 614)]

§ 1.305–1 Stock dividends.

(a) *In general.* Under section 305, a distribution made by a corporation to its shareholders in its stock or in rights to acquire its stock is not included in gross income except as provided in section 305(b) and the regulations promulgated under the authority of section 305(c). A distribution made by a corporation to its shareholders in its stock or rights to acquire its stock which would not otherwise be included in gross income by reason of section 305 shall not be so treated merely because such distribution was made out of Treasury stock or consisted of rights to acquire Treasury stock. See section 307 for rules as to basis of stock and stock rights acquired in a distribution.

(b) *Amount of distribution.* (1) In general, where a distribution of stock or rights to acquire stock of a corporation is treated as a distribution of property to which section 301 applies by reason of section 305(b), the amount of the distribution, in accordance with section 301(b) and § 1.301–1, is the fair market value of such stock or rights on the date of distribution. See example (1) of § 1.305–2(b).

(2) Where a corporation which regularly distributes its earnings and profits, such as a regulated investment company, declares a dividend pursuant to which the shareholders may elect to receive either money or stock of the distributing corporation of equivalent value, the amount of the distribution of the stock received by any shareholder electing to receive stock will be considered to equal the amount of the money which could have been received instead. See example (2) of § 1.305–2(b).

(3) For rules for determining the amount of the distribution where certain transactions, such as changes in conversion ratios or periodic redemptions, are treated as distributions under section 305 (c), see examples (6), (8), (9), and (15) of § 1.305–3 (e).

(c) *Adjustment in purchase price.* A transfer of stock (or rights to acquire stock) or an increase or decrease in the conversion ratio or redemption price of stock which represents an adjustment of the price to be paid by the distributing corporation in acquiring property (within the meaning of section 317(a)) is not within the purview of section 305 because it is not a distribution with respect to its stock. For example, assume that on January 1, 1970, pursuant to a reorganization, corporation X acquires all the stock of corporation Y solely in exchange for its convertible preferred class B stock. Under the terms of the class B stock, its conversion ratio is to be adjusted in 1976 under a formula based upon the earnings of corporation Y over the 6-year period ending on December 31, 1975. Such an adjustment in 1976 is not covered by section 305.

(d) *Definitions.* (1) For purposes of this section and §§ 1.305–2 through 1.305–7, the term "stock" includes rights or warrants to acquire such stock.

(2) For purposes of §§ 1.305–2 through 1.305–7, the term "shareholder" includes a holder of rights or warrants or a holder of convertible securities.

§ 1.305–2 Distributions in lieu of money.

(a) *In general.* Under section 305(b)(1), if any shareholder has the right to an election or option with respect to whether a distribution shall be made either in money or any other property, or in stock or rights to acquire stock of the distributing corporation, then, with respect to all shareholders, the distribution of stock or rights to acquire stock is treated as a distribution of property to which section 301 applies regardless of—

(1) Whether the distribution is actually made in whole or in part in stock or in stock rights;

(2) Whether the election or option is exercised or exercisable before or after the declaration of the distribution;

(3) Whether the declaration of the distribution provides that the distribution will be made in one medium unless the shareholder specifically requests payment in the other;

(4) Whether the election governing the nature of the distribution is provided in the declaration of the distribution or in the corporate charter or arises from the circumstances of the distribution; or

(5) Whether all or part of the shareholders have the election.

(b) *Examples.* The application of section 305(b)(1) may be illustrated by the following examples:

Example (1). (i) Corporation X declared a dividend payable in additional shares of its common stock to the holders of its outstanding common stock on the basis of two additional shares for each share held on the record date but with the provision that, at the election of any shareholder made within a specified period prior to the distribution date, he may receive one additional share for each share held on the record date plus $12 principal amount of securities of corporation Y owned by corporation X. The fair market value of the stock of corporation X on the distribution date was $10 per share. The fair market value of $12 principal amount of securities of corporation Y on the distribution date was $11 but such securities had a cost basis to corporation X of $9.

(ii) The distribution to all shareholders of one additional share of stock of corporation X (with respect to which no election applies) for each share outstanding is not a distribution to which section 301 applies.

(iii) The distribution of the second share of stock of corporation X to those shareholders who do not elect to receive securities of corporation Y is a distribution of property to which section 301 applies, whether such shareholders are individuals or corporations. The amount of the distribution to which section 301 applies is $10 per share of stock of corporation X held on the record date (the fair market value of the stock of corporation X on the distribution date).

(iv) The distribution of securities of corporation Y in lieu of the second share of stock of corporation X to the shareholders of corporation X whether individuals or corporations, who elect to receive such securities, is also a distribution of property to which section 301 applies.

(v) In the case of the individual shareholders of corporation X who elect to receive such securities, the amount of the distribution to which section 301 applies is $11 per share of stock of corporation X held on the record date (the fair market value of the $12 principal amount of securities of corporation Y on the distribution date).

(vi) In the case of the corporate shareholders of corporation X electing to receive such securities, the amount of the distribution to which section 301 applies is $9 per share of stock of corporation X held on the record date (the basis of the securities of corporation Y in the hands of corporation X).

Example (2). On January 10, 1970, corporation X, a regulated investment company, declared a dividend of $1 per share on its common stock payable on February 11, 1970, in cash or in stock of corporation X of equivalent value determined as of January 22, 1970, at the election of the shareholder made on or before January 22, 1970. The amount of the distribution to which section 301 applies is $1 per share whether the shareholder elects to take cash or stock and whether the shareholder is an individual or a corporation. Such amount will also be used in determining the dividend paid deduction of corporation X and the reduction in earnings and profits of corporation X.

§ 1.305–3 Disproportionate distributions.

(a) *In general.* Under section 305(b)(2), a distribution by a corporation of its stock or rights to acquire its stock is treated as a distribution of property to which section 301 applies if the distribution (or a series of distributions of which such distribution is one) has the result of (1) the receipt of money or other property by some shareholders, and (2) an increase in the proportionate interests of other shareholders in the assets or earnings and profits of the corporation. Thus, if a corporation has two classes of common stock outstanding and cash dividends are paid on one class and stock dividends are paid on the other class, the stock dividends are treated as distributions to which section 301 applies.

(b) *Special rules.* (1) As used in section 305(b)(2), the term "a series of distributions" encompasses all distributions of stock made or deemed made by a corporation which have the result of the receipt of cash or property by some shareholders and an increase in the proportionate interests of other shareholders.

(2) In order for a distribution of stock to be considered as one of a series of distributions it is not necessary that such distribution be pursuant to a plan to distribute cash or property to some shareholders and to increase the proportionate interests of other shareholders. It is sufficient if there is an actual or deemed distribution of stock (of which such distribution is one) and as a result of such distribution or distributions some shareholders receive cash or property and other shareholders increase their proportionate interests. For example, if a corporation pays quarterly stock dividends to one class of common shareholders and annual cash dividends to another class of common shareholders the quarterly stock dividends constitute a series of distributions of stock having the result of the receipt of cash or property by some shareholders and an increase in the proportionate interests of other shareholders. This is so whether or not the stock distributions and the cash distributions are steps in an overall plan or are independent and unrelated. Accordingly, all the quarterly stock dividends are distributions to which section 301 applies.

(3) There is no requirement that both elements of section 305(b)(2) (i.e., receipt of cash or property by some shareholders and an increase in proportionate interests of other shareholders) occur in the form of a distribution or series of distributions as long as the result of a distribution or distributions of stock is that some shareholders' proportionate interests increase and other shareholders in fact receive cash or property. Thus, there is no requirement that the shareholders receiving cash or property acquire the cash or property by way of a corporate distribution with respect to their shares, so long as they receive such cash or property in their capacity as shareholders, if there is a stock distribution which results in a change in the proportionate interests of some shareholders and other shareholders receive cash or property. However, in order for a distribution of property to meet the requirement of section 305(b)(2), such distribution must be made to a shareholder in his capacity as a shareholder, and must be a distribution to which section 301, 356 (a)(2), 871(a)(1)(A, 881(a)(1), 852(b), or 857(b) applies. For example if a corporation makes a stock distribution to its shareholders and, pursuant to a prearranged plan with such corporation, a related corporation purchases such stock from those shareholders who want cash, in a transaction to which section 301 applies by virtue of section 304, the requirements of section 305(b)(2) are satisfied. In addition, a distribution of property incident to an isolated redemption of stock (for example, pursuant to a tender offer) will not cause section 305(b)(2) to apply even though the redemption distribution is treated as a distribution of property to which section 301, 871(a)(1)(A), 881(a)(1), or 356(a)(2) applies.

(4) Where the receipt of cash or property occurs more than 36 months following a distribution or series of distributions of stock, or where a distribution or series of distributions of stock is made more than 36 months following the receipt of cash or property, such distribution or distributions will be presumed not to result in the receipt of cash or property by some shareholders and an increase in the proportionate interest of other shareholders, unless the receipt of cash or property and the distribution or series of distributions of stock are made pursuant to a plan. For example, if, pursuant to a plan, a corporation pays cash dividends to some shareholders on January 1, 1971 and increases the proportionate interests of other shareholders on March 1, 1974, such increases in proportionate interests are distributions to which section 301 applies.

(5) In determining whether a distribution or a series of distributions has the result of a disproportionate distribution, there shall be treated as outstanding stock of the distributing corporation (i) any right to acquire such stock (whether or not exercisable during the taxable year), and (ii) any security convertible into stock of the distributing corporation (whether or not convertible during the taxable year).

(6) In cases where there is more than one class of stock outstanding, each class of stock is to be considered separately in determining whether a shareholder has increased his proportionate interest in the assets or earnings and profits of a corporation. The individual shareholders of a class of stock will be deemed to have an increased interest if the class of stock as a whole has an increased interest in the corporation.

(c) *Distributions of cash in lieu of fractional shares.* (1) Section 305(b)(2) will not apply if—

(i) A corporation declares a dividend payable in stock of the corporation and distributes cash in lieu of fractional shares to which shareholders would otherwise be entitled, or

(ii) Upon a conversion of convertible stock or securities a corporation distributes cash in lieu of fractional shares to which shareholders would otherwise be entitled, provided the purpose of the distribution of cash is to save the corporation the trouble, expense, and inconvenience of issuing and transferring fractional shares (or scrip representing fractional shares), or issuing full shares representing the sum of fractional shares, and not to give any particular group of shareholders an increased interest in the assets or earnings and profits of the corporation. For purposes of paragraph (c)(1)(i) of this section, if the total amount of cash distributed in lieu of fractional shares is 5 percent or less of the total fair market value of the stock distributed (determined as of the date of declaration), the distribution shall be considered to be for such valid purpose.

(2) In a case to which subparagraph (1) of this paragraph applies, the transaction will be treated as though the fractional shares were distributed as part of the stock distribution and then were redeemed by the corporation. The treatment of the cash received by a shareholder will be determined under section 302.

(d) *Adjustment in conversion ratio.* (1)(i) Except as provided in subparagraph (2) of this paragraph, if a corporation has convertible stock or convertible securities outstanding (upon which it pays or is deemed to pay dividends or interest in money or other property) and distributes a stock dividend (or rights to acquire such stock) with respect to the stock into which the convertible stock or securities are convertible, an increase in proportionate interest in the assets or earnings and profits of the corporation by reason of such stock dividend shall be considered to have occurred unless a full adjustment in the conversion ratio or conversion price to reflect such stock dividend is made. Under certain circumstances, however, the application of an adjustment formula which in effect provides for a "credit" where stock is issued for consideration in excess of the conversion price may not satisfy the requirement for a "full adjustment." Thus, if under a "conversion price" antidilution formula the formula provides for a "credit" where stock is issued for consideration in excess of the conversion price (in effect as an offset against any decrease in the conversion price which would otherwise be required when stock is subsequently issued for consideration below the conversion price) there may still be an increase in proportionate interest by reason of a stock dividend after application of the formula, since any downward adjustment of the conversion price that would otherwise be required to reflect the stock dividend may be offset, in whole or in part, by the effect of prior sales made at prices above the conversion price. On the other hand, if there were no prior sales of stock above the conversion price then a full adjustment would occur upon the application of such an adjustment formula and there would be no change in proportionate interest. Similarly, if consideration is to be received in connection with the issuance of stock, such as in the case of a rights offering or a distribution of warrants, the fact that such consideration is taken into account in making the antidilution adjustment will not preclude a full adjustment. See paragraph (b) of the example in this subparagraph for a case where the application of an adjustment formula with a cumulative feature does not result in a full adjustment and where a change in proportionate interest therefore occurs. See paragraph (c) for a case where the application of an adjustment formula with a cumulative feature does result in a full adjustment and where no change

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in proportionate interest therefore occurs. See paragraph (*d*) for an application of an antidilution formula in the case of a rights offering. See paragraph (*e*) for a case where the application of a noncumulative type adjustment formula will in all cases prevent a change in proportionate interest from occurring in the case of a stock dividend, because of the omission of the cumulative feature.

(ii) The principles of this subparagraph may be illustrated by the following example.

Example. (*a*) Corporation S has two classes of securities outstanding, convertible debentures and common stock. At the time of issuance of the debentures the corporation had 100 shares of common stock outstanding. Each debenture is interest-paying and is convertible into common stock at a conversion price of $2. The debenture's conversion price is subject to reduction pursuant to the following formula:

(Number of common shares outstanding at date of issue of debentures times initial conversion price)
plus
(Consideration received upon issuance of additional common shares)
divided by
(Number of common shares outstanding at date of issue of debentures)
plus
(Number of additional common shares issued)

Under the formula, common stock dividends are treated as an issue of common stock for zero consideration. If the computation results in a figure which is less than the existing conversion price the conversion price is reduced. However, under the formula, the existing conversion price is never increased. The formula works upon a cumulative basis since the numerator includes the consideration received upon the issuance of all common shares subsequent to the issuance of the debentures, and the reduction effected by the formula because of a sale or issuance of common stock below the existing conversion price is thus limited by any prior sales made above the existing conversion price.

(*b*) In 1972 corporation S sells 100 common shares at $3 per share. In 1973 the corporation declares a stock dividend of 20 shares to all holders of common stock. Under the antidilution formula no adjustment will be made to the conversion price of the debentures to reflect the stock dividend to common stockholders since the prior sale of common stock in excess of the conversion price in 1972 offsets the reduction in the conversion price which would otherwise result, as follows:

$$100\times\$2+\$300\div100+120=\frac{\$500}{220}=\$2.27$$

Since $2.27 is greater than the existing conversion price of $2 no adjustment is required. As a result, there is an increase in proportionate interest of the common stockholders by reason of the stock dividend and the additional shares of common stock will be treated, pursuant to section 305(b)(2), as a distribution of property to which section 301 applies.

(*c*) Assume the same facts as above, but instead of selling 100 common shares at $3 per share in 1972, assume corporation S sold no shares. Application of the antidilution formula would give rise to an adjustment in the conversion price as follows:

$$100\times\$2+\$0\div100+20=\frac{\$200}{120}=\$1.67$$

The conversion price, being reduced from $2 to $1.67, fully reflects the stock dividend distributed to the common stockholders. Hence, the distribution of common stock is not treated under section 305(b)(2) as one to which section 301 applies because the distribution does not increase the proportionate interests of the common shareholders as a class.

(*d*) Corporation S distributes to its shareholders rights entitling the shareholders to purchase a total of 20 shares at $1 per share. Application of the antidilution formula would produce an adjustment in the conversion price as follows:

$$100\times\$2+20\times\$1\div100+20=\frac{\$220}{120}=\$1.83$$

The conversion price, being reduced from $2 to $1.83, fully reflects the distribution of rights to purchase stock at a price lower than the conversion price. Hence, the distribution of the rights is not treated under section 305(b)(2) as one to which section 301 applies because the distribution does not increase the proportionate interests of the common shareholders as a class.

(*e*) Assume the same facts as in (*b*) above, but instead of using a "conversion price" antidilution formula which operates on a cumulative basis, assume corporation S has employed a formula which operates as follows with respect to all stock dividends: The conversion price in effect at the opening of business on the day following the dividend record date is reduced by multiplying such conversion price by a fraction the numerator of which is the number of shares of common stock outstanding at the close of business on the record date and the denominator of which is the sum of such shares so outstanding and the number of shares constituting the stock dividend. Under such a formula the following adjustment would be made to the conversion price upon the declaration of a stock dividend of 20 shares in 1973:

$$200\div200+20=\frac{200}{220}\times\$2=\$1.82$$

The conversion price, being reduced from $2 to $1.82, fully reflects the stock dividend distributed to the common stockholders. Hence, the distribution of common stock is not treated under section 305(b)(2) as one to which section 301 applies because the distribution does not increase the proportionate interests of the common shareholders as a class.

(2) (i) A distributing corporation either must make the adjustment required by subparagraph (1) of this paragraph as of the date of the distribution of the stock dividend, or must elect (in the manner provided in subdivision (iii) of this subparagraph) to make such adjustment within the time provided in subdivision (ii) of this subparagraph.

(ii) If the distributing corporation elects to make such adjustment, such adjustment must be made no later than the earlier of (*a*) 3 years after the date of the stock dividend, or (*b*) that date as of which the aggregate stock dividens for which adjustment of the conversion ratio has not previously been made total at least 3 percent of the issued and outstanding stock with respect to which such stock dividends were distributed.

(iii) The election provided by subdivision (ii) of this subparagraph shall be made by filing with the income tax return for the taxable year during which the stock dividend is distributed—

(*a*) A statement that an adjustment will be made as provided by that subdivision, and

(*b*) A description of the antidilution provisions under which the adjustment will be made.

(3) Notwithstanding the preceding subparagraph, if a distribution has been made before July 12, 1973, and the adjustment required by subparagraph (1) or the election to make such adjustment was not made before such date, the adjustment or the election to make such adjustment, as the case may be, shall be considered valid if made no later than 15 days following the date of the first annual meeting of the shareholders after July 12, 1973, or July 12, 1974, whichever is earlier. If the election is made within such period, and, if the income tax return has been filed before the time of such election, the statement of adjustment and the description of the antidilution provisions required by subparagraph (2)(iii) shall be filed with the Internal Revenue Service Center with which the income tax return was filed.

(4) See § 1.305–7(b) for a discussion of antidilution adjustments in connection with the application of section 305(c) in conjunction with section 305(b).

(e) *Examples.* The application of section 305(b)(2) to distributions of stock and section 305(c) to deemed distributions of stock may be illustrated by the following examples:

Example (*1*). Corporation X is organized with two classes of common stock, class A and class B. Each share of stock is entitled to share equally in the assets and earnings and profits of the corporation. Dividends may be paid in stock or in cash on either class of stock without regard to the medium of payment of dividends on the other class. A dividend is declared on the class A stock payable in additional shares of class A stock and a dividend is declared on class B stock payable in cash. Since the class A shareholders as a class will have increased their proportionate interests in the assets and earnings and profits of the corporation and the class B shareholders will have received cash, the additional shares of class A stock are distributions of property to which section 301 applies. This is true even with respect to those shareholders who may own class A stock and class B stock in the same proportion.

Example (*2*). Corporation Y is organized with two classes of stock, class A common, and class B, which is nonconvertible and limited and preferred as to dividends. A dividend is declared upon the class A stock payable in additional shares of class A stock and a dividend is declared on the class B stock payable in cash. The distribution of class A stock is not one to which section 301 applies because the distribution does not increase the proportionate interests of the class A shareholders as a class.

Example (*3*). Corporation K is organized with two classes of stock, class A common, and class B, which is nonconvertible preferred stock. A dividend is declared upon the class A stock payable in shares of class B stock and a dividend is declared on the class B stock payable in cash. Since the class A shareholders as a class have an increased interest in the assets and earnings and profits of the corporation, the stock distribution is treated as a distribution to which section 301 applies. If, however, a dividend were declared upon the class A stock payable in a new class of preferred stock that is subordinated in all respects to the class B stock, the distribution would not increase the proportionate interests of the class A shareholders in the assets or earnings and profits of the corporation and would not be treated as a distribution to which section 301 applies.

Example (*4*). (i) Corporation W has one class of stock outstanding, class A common. The corporation also has outstanding interest paying securities convertible into class A common stock which have a fixed conversion ratio that is not subject to full adjustment in the event stock dividends or rights are distributed to the class A shareholders. Corporation W distributes to the class A shareholders rights to acquire additional shares of class A stock. During the year, interest is paid on the convertible securities.

(ii) The stock rights and convertible securities are considered to be outstanding stock of the corporation and the distribution increases the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation. Therefore, the distribution is treated as a distribution to which section 301 applies. The same result would follow if, instead of convertible securities, the corporation had outstanding convertible stock. If, however, the conversion ratio of the securities or stock were fully adjusted to reflect the distribution of rights to the class A shareholders, the rights to acquire class A stock would not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and would not be treated as a distribution to which section 301 applies.

Example (*5*). (i) Corporation S is organized with two classes of stock, class A common and class B convertible preferred. The class B is fully protected against dilution in the event of a stock dividend or stock split with respect to the class A stock; however, no adjustment in the conversion ratio is required to be made until the stock dividends equal 3 percent of the common stock issued and outstanding on the date of the first such stock dividend except that such adjustment must be made no later than 3 years after the date of the stock dividend. Cash dividends are paid annually on the class B stock.

(ii) Corporation S pays a 1 percent stock dividend on the class A stock in 1970. In 1971, another 1 percent stock dividend is paid and in 1972 another 1 percent stock dividend is paid. The conversion ratio of the class B stock is increased in 1972 to reflect the three stock dividends paid on the class A stock. The distributions of class A stock are not distributions to which section 301 applies because they do not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation.

Example (*6*). (i) Corporation M is organized with two classes of stock outstanding, class A and class B. Each class B share may be converted, at the option of the holder, into class A shares. During the first year, the conversion ratio is one share of class A stock for each share of class B stock. At the beginning of each subsequent year, the conversion ratio is increased by 0.05 share of class A stock for each share of class B stock. Thus, during the second year, the conversion ratio would be 1.05 shares of class A stock for each share of class B stock, during the third year, the ratio would be 1.10 shares, etc.

(ii) M pays an annual cash dividend on the class A stock. At the beginning of the second year, when the conversion ratio is increased to 1.05 shares of class A stock for each share of class B stock, a distribution of 0.05 shares of class A stock is deemed made under section 305(c) with respect to each share of class B stock, since the proportionate interests of the class B shareholders in the assets or earnings and profits of M are increased and the transaction has the effect described in section 305(b)(2). Accordingly, sections 305(b)(2) and 301 apply to the transaction.

Example (*7*). (i) Corporation N has two classes of stock outstanding, class A and class B. Each class B share is convertible into class A stock. However, in accordance with a specified formula, the conversion ratio is decreased each time a cash dividend is paid on the class B stock to reflect the amount of the cash dividend. The conversion ratio is also adjusted in the event that cash dividends are paid on the class A stock to increase the number of class A shares into which the class B shares are convertible to compensate the class B shareholders for the cash dividend paid on the class A stock.

(ii) In 1972, a $1 cash dividend per share is declared and paid on the class B stock. On the date of payment, the conversion ratio of the class B stock is decreased. A distribution of stock is deemed made under section 305(c) to the class A shareholders, since the proportionate interest of the class A shareholders in the assets or earnings and profits of the corporation is increased and the transaction has the effect described in section 305(b)(2). Accordingly, sections 305(b)(2) and 301 apply to the transaction.

(iii) In the following year a cash dividend is paid on the class A stock and none is paid on the class B stock. The increase in conversion rights of the class B shares is deemed to be a distribution under section 305(c) to the class B shareholders since their proportionate interest in the assets or earnings and profits of the corporation is increased and since the transaction has the effect described in section 305(b)(2). Accordingly, sections 305(b)(2) and 301 apply to the transaction.

Example (*8*). Corporation T has 1,000 shares of stock outstanding. C owns 100 shares. Nine other shareholders each owns 100 shares. Pursuant to a plan for periodic redemptions, T redeems up to 5 percent of each shareholder's stock each year. During the year, each of the nine other shareholders has 5 shares of his stock redeemed for cash. Thus, C's proportionate interest in the assets and earnings and profits of T is increased. Assuming that the cash received by the nine other shareholders is taxable under section 301, C is deemed under section 305(c) to have received a distribution under section 305(b)(2) of 5.25 shares of T stock to which section 301 applies. The amount of C's distribution is measured by the fair market value of the number of shares which would have been distributed to C had the corporation sought to increase his interest by 0.47 percentage points (C owned 10 percent of the T stock immediately before the redemption and 10.47 percent immediately thereafter) and the other shareholders continued to hold 900 shares (i.e.,

(a) $\frac{100}{955}=10.47\%$ (percent of C's ownership after redemption);

(b) $\frac{100+x}{1000+x}=10.47\%$; $x=5.25$ (additional shares considered to be distributed to C)).

Since in computing the amount of additional shares deemed to be distributed to C the redemption of shares is disregarded, the redemption of shares will be similarly disregarded in determining the value of the stock of the corporation which is deemed to be distributed. Thus, in the example, 1,005.25 shares of stock are considered as outstanding after the redemption. The value of each share deemed to be distributed to C is then determined by dividing the 1,005.25 shares into the aggregate fair market value of the actual shares outstanding (955) after the redemption.

Example (*9*). (i) Corporation O has a stock redemption program under which, instead of paying out earnings and profits to its shareholders in the form of dividends, it redeems the stock of its shareholders up to a stated amount which is determined by the earnings and profits of the corporation. If the stock tendered for redemption exceeds the stated amount, the corporation redeems the stock on a pro rata basis up to the stated amount.

(ii) During the year corporation O offers to distribute $10,000 in redemption of its stock. At the time of the offering, corporation O has 1,000 shares outstanding of which E and F each owns 150 shares and G and H each owns 350 shares. The corporation redeems 15 shares from E and 35 shares from G, F and H continue to hold all of their stock.

(iii) F and H have increased their proportionate interests in the assets and earnings and profits of the corporation. Assuming that the cash E and G receive is taxable under section 301, F will be deemed under section 305(c) to have received a distribution under section 305(b)(2) of 16.66 shares of stock to which section 301 applies and H will be deemed under section 305(c) to have received a distribution under section 305(b)(2) of 38.86 shares of stock to which section 301 applies. The amount of the distribution to F and H is measured by the number of shares which would have been distributed to F and H had the corporation sought to increase the interest of F by 0.79 percentage points (F owned 15 percent of the stock immediately before the redemption and 15.79 percent immediately thereafter) and the interest of H by 1.84 percentage points (H owned 35 percent of the stock immediately before the redemption and 36.84 percent immediately thereafter) and E and G had continued to hold 150 shares and 350 shares, respectively (i.e.,

(a) $\frac{150}{950}+\frac{350}{950}=52.63\%$ (percent of F and H's ownership after redemption);

(b) $\frac{500+y}{1000+y}=52.63\%$; $y=55.52$ (additional shares considered to be distributed to F and H);

(c) (1) $\frac{150}{500}\times55.52=16.66$ (shares considered to be distributed to F);

(2) $\frac{350}{500}\times55.52=38.86$ (shares considered to be distributed to H)).

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Since in computing the amount of additional shares deemed to be distributed to F and H the redemption of shares is disregarded, the redemption of shares will be similarly disregarded in determining the value of the stock of the corporation which is deemed to be distributed. Thus, in the example, 1,055.52 shares of stock are considered as outstanding after the redemption. The value of each share deemed to be distributed to F and H is then determined by dividing the 1,055.52 shares into the aggregate fair market value of the actual shares outstanding (950) after the redemption.

Example (10). Corporation P has 1,000 shares of stock outstanding. T owns 700 shares of the P stock and G owns 300 shares of the P stock. In a single and isolated redemption to which section 301 applies, the corporation redeems 150 shares of T's stock. Since this is an isolated redemption and is not a part of a periodic redemption plan, G is not treated as having received a deemed distribution under section 305(c) to which sections 305(b)(2) and 301 apply even though he has an increased proportionate interest in the assets and earnings and profits of the corporation.

Example (11). Corporation Q is a large corporation whose sole class of stock is widely held. However, the four largest shareholders are officers of the corporation and each owns 8 percent of the outstanding stock. In 1974, in a distribution to which section 301 applies, the corporation redeems 1.5 percent of the stock from each of the four largest shareholders in preparation for their retirement. From 1970 through 1974, the corporation distributes annual stock dividends to its shareholders. No other distributions were made to these shareholders. Since the 1974 redemptions are isolated and are not part of a plan for periodically redeeming the stock of the corporation, the shareholders receiving stock dividends will not be treated as having received a distribution under section 305(b)(2) even though they have an increased proportionate interest in the assets and earnings and profits of the corporation and whether or not the redemptions are treated as distributions to which section 301 applies.

Example (12). Corporation R has 2,000 shares of class A stock outstanding. Five shareholders own 300 shares each and five shareholders own 100 shares each. In preparation for the retirement of the five major shareholders, corporation R, in a single and isolated transaction, has a recapitalization in which each share of class A stock may be exchanged either for five shares of new class B nonconvertible preferred stock plus 0.4 share of new class C common stock, or for two shares of new class C common stock. As a result of the exchanges, each of the five major shareholders receives 1,500 shares of class B nonconvertible preferred stock and 120 shares of class C common stock. The remaining shareholders each receives 200 shares of class C common stock. None of the exchanges are within the purview of section 305.

Example (13). Corporation P is a widely-held company whose shares are listed for trading on a stock exchange. P distributes annual cash dividends to its shareholders. P purchases shares of its common stock directly from small stockholders (holders of record of 100 shares or less) or through brokers where the holders may not be known at the time of purchase. Where such purchases are made through brokers, they are pursuant to the rules and regulations of the Securities and Exchange Commission. The shares are purchased for the purpose of issuance to employee stock investment plans, to holders of convertible stock or debt, to holders of stock options, or for future acquisitions. Provided the purchases are not pursuant to a plan to increase the proportionate interest of some shareholders and distribute property to other shareholders, the remaining shareholders of P are not treated as having received a deemed distribution under section 305 to which section 305(b)(2) and 301 apply, even though they have an increased proportionate interest in the assets and earnings and profits of the corporation.

Example (14). Corporation U is a large manufacturing company whose products are sold through independent dealers. In order to assist individuals who lack capital to become dealers, the corporation has an established investment plan under which it provides 75 percent of the capital necessary to form a dealership corporation and the individual dealer provides the remaining 25 percent. Corporation U receives class A stock and a note representing its 75 percent interest. The individual dealer receives class B stock representing his 25 percent interest. The class B stock is nonvoting until all the class A shares are redeemed. At least 70 percent of the earnings and profits of the dealership corporation must be used each year to retire the note and to redeem the class A stock. The class A stock is redeemed at a fixed price. The individual dealer has no control over the redemption of stock and has no right to have his stock redeemed during the period the plan is in existence. U's investment is thus systematically eliminated and the individual becomes the sole owner of the dealership corporation. Since this type of plan is akin to a security arrangement, the redemptions of the class A stock will not be deemed under section 305 (c) as distributions taxable under sections 305 (b) (2) and 301 during the years in which the class A stock is redeemed.

Example (15). (i) Corporation V is organized with two classes of stock, class A common and class B convertible preferred. The class B stock is issued for $100 per share and is convertible into class A at a fixed ratio that is not subject to full adjustment in the event stock dividends or rights are distributed to the class A shareholders. The class B stock pays no dividends but it is redeemable in 10 years for $200. There are no facts to indicate that a call premium in excess of 10 percent of the issue price is reasonable. Under sections 305(c) and 305(b)(4), $90 of the redemption price (i.e., the excess of the redemption price over the sum of the issue price and a reasonable call premium) is deemed to be a distribution of preferred stock on preferred stock which is taxable as a distribution of property under section 301. This amount is considered to be distributed ratably over the 10-year period. During the year, the corporation declares a dividend on the class A stock payable in additional shares of class A stock.

(ii) The distribution on the class A stock is a distribution to which sections 305(b)(2) and 301 apply since it increases the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and the class B stockholders have received property (i.e., a ratable share of the $90 excessive call premium deemed distributed pursuant to sections 305(c) and 305(b)(4) and taxable as a distribution of property under section 301). If, however, the conversion ratio of the class B stock were subject to full adjustment to reflect the distribution of stock to class A shareholders, the distribution of stock dividends on the class A stock would not increase the proportionate interests of the class A shareholders in the assets and earnings and profits of the corporation and such distribution would not be a distribution to which section 301 applies.

§ 1.305–4 Distributions of common and preferred stock.

(a) *In general.* Under section 305(b)(3), a distribution (or a series of distributions) by a corporation which results in the receipt of preferred stock whether or not convertible into common stock) by some common shareholders and the receipt of common stock by other common shareholders is treated as a distribution of property to which section 301 applies. For the meaning of the term "a series of distribution," see subparagraphs (1) through (6) of § 1.305–3(b).

(b) *Examples.* The application of section 305(b)(3) may be illustrated by the following examples:

Example (1). Corporation X is organized with two classes of common stock, class A and class B. Dividends may be paid in stock or in cash on either class of stock without regard to the medium of payment of dividends on the other class. A dividend is declared on the class A stock payable in additional shares of class A stock and a dividend is declared on class B stock payable in newly authorized class C stock which is nonconvertible and limited and preferred as to dividends. Both the distribution of class A shares and the distribution of new class C shares are distributions to which section 301 applies.

Example (2). Corporation Y is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized class B preferred stock which is convertible into class A stock no later than 6 months from the date of distribution at a price that is only slightly higher than the market price of class A stock on the date of distribution. Taking into account the dividend rate, redemption provisions, the marketability of the convertible stock, and the conversion price, it is reasonable to anticipate that within a relatively short period of time some shareholders will exercise their conversion rights and some will not. Since the distribution can reasonably be expected to result in the receipt of preferred stock by some common shareholders and the receipt of common stock by other common shareholders, the distribution is a distribution of property to which section 301 applies.

§ 1.305–5 Distributions on preferred stock.

(a) *In general.* Under section 305(b)(4), a distribution by a corporation of its stock (or rights to acquire its stock) made (or deemed made under section 305(c)) with respect to its preferred stock is treated as a distribution of property to which section 301 applies unless the distribution is made with respect to convertible preferred stock to take into account a stock dividend, stock split, or any similar event (such as the sale of stock at less than the fair market value pursuant to a rights offering) which would otherwise result in the dilution of the conversion right. For purposes of the preceding sentence, an adjustment in the conversion ratio of convertible preferred stock made solely to take into account the distribution by a closed end regulated investment company of a capital gain dividend with respect to the stock into which such stock is convertible shall not be considered a "similar event." The term "preferred stock" generally refers to stock which, in relation to other classes of stock outstanding, enjoys certain limited rights and privileges (generally associated with specified dividend and liquidation priorities) but does not participate in corporate growth to any significant extent. The distinguishing feature of "preferred stock" for the purposes of section 305(b)(4) is not its privileged position as such, but that such privileged position is limited, and that such stock does not participate in corporate growth to any significant extent. However, a right to participate which lacks substance will not prevent a class of stock from being treated as preferred stock. Thus, stock which enjoys a priority as to dividends and on liquidation but which is entitled to participate, over and above such priority, with another less privileged class of stock in earnings and profits and upon liquidation, may nevertheless be treated as preferred stock for purposes of section 305 if, taking into account all the facts and circumstances, it is reasonable to anticipate at the time a distribution is made (or is deemed to have been made) with respect to such stock that there is little or no likelihood of such stock actually participating in current and anticipated earnings and upon liquidation beyond its preferred interest. Among the facts and circumstances to be considered are the prior and anticipated earnings per share, the cash dividends per share, the book value per share, the extent of preference and of participation of each class, both absolutely and relative to each other, and any other facts which indicate whether or not the stock has a real and meaningful probability of actually participating in the earnings and growth of the corporation. The determination of whether stock is preferred for purposes of section 305 shall be made without regard to any right to convert such stock into another class of stock of the corporation. The term "preferred stock", however, does not include convertible debentures.

(b) *Redemption premium.* (1) If a corporation issues preferred stock which may be redeemed after a specified period of time at a price higher than the issue price, the difference will be considered under the authority of section 305(c) to be a distribution of additional stock on preferred stock which is constructively received by the shareholder over the period of time during which the preferred stock cannot be called for redemption.

(2) Subparagraph (1) of this paragraph shall not apply to the extent that the difference between issue price and redemption price is a reasonable redemption premium. A redemption premium will be considered reasonable if it is in the nature of a penalty for a premature redemption of the preferred stock and if such premium does not exceed the amount the corporation would be required to pay for the right to make such premature redemption under market conditions existing at the time of issuance. Such an amount can be established by comparing call premium rates on comparable stock paying comparable dividends. However, for purposes of this subparagraph, a redemption premium not in excess of 10 percent of the issue price on stock which is not redeemable for 5 years from the date of issue shall be considered reasonable.

(c) *Cross reference.* For rules for applying the purposes of section 305(b)(4) and 305(c) to recapitalizations, see § 1.305–7(c).

(d) *Examples.* The application of sections 305(b)(4) and 305(c) may be illustrated by the following examples:

Example (1). (i) Corporation T has outstanding 1,000 shares of $100 par 5-percent cumulative preferred stock and 10,000 shares of no-par common stock. The corporation is 4 years in arrears on dividends to the preferred shareholders. The issue price of the preferred stock is $100 per share. Pursuant to a recapitalization under section 368(a)(1)(E), the preferred shareholders exchange their preferred stock, including the right to dividend arrearages, on the basis of one old preferred share for 1.20 newly authorized class A preferred shares. Immediately following the recapitalization, the new class A shares are traded at $100 per share. The class A shares are entitled to a liquidation preference of $100. The preferred shareholders have increased their proportionate interest in the assets or earnings and profits of corporation T since the fair market value of 1.20 shares of class A preferred stock ($120) exceeds the issue price of the old preferred stock ($100). Accordingly, the preferred shareholders are deemed under section 305(c) to receive a distribution in the amount of $20 on each share of old preferred stock and the distribution is one to which sections 305(b)(4) and 301 apply.

(ii) The same result would occur if the fair market value of the common stock immediately following the recapitalization were $20 per share and each share of preferred stock were exchanged for one share of the new class A preferred stock and one share of common stock.

Example (2). Corporation A, a publicly held company whose stock is traded on a securities exchange (or in the over-the-counter market) has two classes of stock outstanding, common and cumulative preferred. Each share of preferred stock is convertible into .75 shares of common stock. There are no dividend arrearages. At the time of issue of the preferred stock, there was no plan or prearrangement by which it was to be exchanged for common stock. The issue price of the preferred stock is $100 per share. In order to retire the preferred stock, corporation A recapitalizes in a transaction to which section 368(a)(1)(E) applies and each share of preferred stock is exchanged for one share of common stock. Immediately after the recapitalization the common stock has a fair market value of $110 per share. Notwithstanding the fact that the fair market value of the common stock received in the exchange (determined immediately following the recapitalization) exceeds the issue price of the preferred stock surrendered, the recapitalization is not deemed under section 305(c) to result in a distribution to which sections 305(b)(4) and 301 apply since the recapitalization is not pursuant to a plan to periodically increase a shareholder's proportionate interest in the assets or earnings and profits and does not involve dividend arrearages.

Example (3). Corporation V is organized with two classes of stock, 1,000 shares of class A common and 1,000 shares of class B convertible preferred. Each share of class B stock may be converted into two shares of class A stock. Pursuant to a recapitalization under section 368(a)(1)(E), the 1,000 shares of class A stock are surrendered in exchange for 500 shares of new class A common and 500 shares of newly authorized class C common. The conversion right of class B stock is changed to one share of class A stock and one share of class C stock for each share of class B stock. The change in the conversion right is not deemed under section 305(c) to be a distribution on preferred stock to which sections 305(b)(4) and 301 apply.

Example (4). Corporation X issues preferred stock for $100 per share. The stock is redeemable in 5 years or any time thereafter for $110. The redemption price at no time exceeds 10 percent of the issue price. The difference between redemption price and issue price is not deemed under section 305(c) to be a distribution on preferred stock to which sections 305(b)(4) and 301 supply.

Example (5). Corporation W issues preferred stock for $100 per share. The stock pays no dividends but is redeemable at the end of 5 years for $185 with yearly increases thereafter of $15. There are no facts to indicate that a call premium in excess of $10 is reasonable. Since the difference between redemption price and issue price exceeds the reasonable call premium to the extent of $75 that amount is considered to be a distribution of additional stock on preferred stock which is constructively received over the 5-year period. Therefore, the shareholder is deemed under section 305 (c) to receive on the last day of each year during the 5-year period a distribution on his preferred stock in an amount equal to 15 percent of the issue price. Each $15 increase in the redemption price thereafter is considered to be a distribution on the preferred stock at the time each such increase becomes effective.

Example (6). Corporation A, a publicly held company whose stock is traded on a securities exchange (or in the over-the-counter market) has two classes of stock outstanding, common and preferred. The preferred stock is nonvoting and nonconvertible, limited and preferred as to dividends, and has a fixed liquidation preference. There are no dividend arrearages. At the time of issue of the preferred stock, there was no plan or prearrangement by which it was to be exchanged for common stock. In order to retire the preferred stock, corporation A recapitalizes in a transaction to which section 368(a)(1)(E) applies and the preferred stock is exchanged for common stock. The transaction is not deemed to be a distribution under section 305(c) and sections 305(b) and 301 do not apply to the transaction. The same result would follow if the preferred stock was exchanged in any reorganization described in section 3 (a)(1) for a new preferred stock having substantially the same market value and having no greater call premium or liquidation preference than the old preferred stock, whether the new preferred stock has voting rights or is convertible into common stock of corporation A at a fixed ratio subject to change solely to take account of stock dividends, stock splits, or similar transactions with respect to the stock into which the preferred stock is convertible.

Example (7). Corporation R has only common stock outstanding. Corporation R distributes to the common shareholders on a pro rata basis, newly authorized 2-percent preferred stock. Such stock has a par value of $100 per share and is redeemable at the end of 5 years for $105 per share. At the time of the distribution, the fair market value of the preferred stock is $50 per share. There are no facts to indicate that a call premium in excess of $5 is reasonable. Since the difference between redemption price and issue price (i.e., the fair market value of the

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preferred stock immediately following its distribution as a stock dividend) exceeds the reasonable call premium to the extent of $50, that amount is considered to be a distribution of additional stock on preferred stock which is constructively received over the 5-year period. Therefore, each shareholder is deemed under section 305(c) to receive each year during the 5-year period a distribution in the amount of $10 on his preferred stock to which sections 305(b)(4) and 301 apply.

Example (8). Corporation Q is organized with 10,000 shares of class A stock and 1,000 shares of class B stock. The terms of the class B stock require that the class B have a preference of $5 per share with respect to dividends and $100 per share with respect to liquidation. In addition, upon a distribution of $10 per share to the class A stock, class B participates equally in any additional dividends. The terms also provide that upon liquidation the class B stock participates equally after the class A stock receives $100 per share. Corporation Q has no accumulated earnings and profits. In 1971 it earned $10,000, the highest earnings in its history. The corporation is in an industry in which it is reasonable to anticipate a growth in earnings of 5 percent per year. In 1971 the book value of corporation Q's assets totalled $100,000. In that year the corporation paid a dividend of $5 per share to the class B stock and $.50 per share to the class A. In 1972 the corporation had no earnings and in lieu of a $5 dividend distributed one share of class B stock for each outstanding share of class B. No distribution was made to the class A stock. Since, in 1972, it was not reasonable to anticipate that the class B stock would participate in the current and anticipated earnings and growth of the corporation beyond its preferred interest, the class B stock is preferred stock and the distribution of class B shares to the class B shareholders is a distribution to which sections 305(b)(4) and 301 apply.

Example (9). Corporation P is organized with 10,000 shares of class A stock and 1,000 shares of class B stock. The terms of the class B stock require that the class B have a preference of $5 per share with respect to dividends and $100 per share with respect to liquidation. In addition, upon a distribution of $5 per share to the class A stock, class B participates equally in any additional dividends. The terms also provide that upon liquidation the class B stock participates equally after the class A receives $100 per share. Corporation P has accumulated earnings and profits of $100,000. In 1971 it earned $75,000. The corporation is in an industry in which it is reasonable to anticipate a growth in earnings of 10 percent per year. In 1971 the book value of corporation P's assets totalled $5 million. In that year the corporation paid a dividend of $5 per share to the class B stock, $5 per share to the class A stock, and it distributed an additional $1 per share to both class A and class B stock. In 1972 the corporation had earnings of $82,500. In that year it paid a dividend of $5 per share to the class B stock and $5 per share to the class A stock. In addition, the corporation declared stock dividends of one share of class B stock for every 10 outstanding shares of class B and one share of class A stock for every 10 outstanding shares of class A. Since, in 1972, it was reasonable to anticipate that both the class B stock and the class A stock would participate in the current and anticipated earnings and growth of the corporation beyond their preferred interests, neither class is preferred stock and the stock dividends are not distributions to which section 305(b)(4) applies.

§ 1.305–6 Distributions of convertible preferred.

(a) *In general.* (1) Under section 305(b)(5), a distribution by a corporation of its convertible preferred stock or rights to acquire such stock made or considered as made with respect to its stock is treated as a distribution of property to which section 301 applies unless the corporation establishes that such distribution will not result in a disproportionate distribution as described in § 1.305–3.

(2) The distribution of convertible preferred stock is likely to result in a disproportionate distribution when both of the following conditions exist: (i) The conversion right must be exercised within a relatively short period of time after the date of distribution of the stock; and (ii) taking into account such factors as the dividend rate, the redemption provisions, the marketability of the convertible stock, and the conversion price, it may be anticipated that some shareholders will exercise their conversion rights and some will not. On the other hand, where the conversion right may be exercised over a period of many years and the dividend rate is consistent with market conditions at the time of distribution of the stock, there is no basis for predicting at what time and the extent to which the stock will be converted and it is unlikely that a disproportionate distribution will result.

(b) *Examples.* The application of section 305(b)(5) may be illustrated by the following examples:

Example (1). Corporation Z is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized class B preferred stock which is convertible into class A stock for a period of 20 years from the date of issuance. Assuming dividend rates are normal in light of existing conditions so that there is no basis for predicting the extent to which the stock will be converted, the circumstances will ordinarily be sufficient to establish that a disproportionate distribution will not result since it is impossible to predict the extent to which the class B stock will be converted into class A stock. Accordingly, the distribution of class B stock is not one to which section 301 applies.

Example (2). Corporation X is organized with one class of stock, class A common. During the year the corporation declares a dividend on the class A stock payable in newly authorized redeemable class C preferred stock which is convertible into class A common stock no later than 4 months from the date of distribution at a price slightly higher than the market price of class A stock on the date of distribution. By prearrangement with corporation X, corporation Y, an insurance company, agrees to purchase class C stock from any shareholder who does not wish to convert. By reason of this prearrangement, it is anticipated that the shareholders will either sell the class C stock to the insurance company (which expects to retain the shares for investment purposes) or will convert. As a result, some of the shareholders exercise their conversion privilege and receive additional shares of class A stock, while other shareholders sell their class C stock to corporation Y and receive cash. The distribution is a distribution to which section 301 applies since it results in the receipt of property by some shareholders and an increase in the proportionate interests of other shareholders.

§ 1.305–7 Certain transactions treated as distributions.

(a) *In general.* Under section 305(c), a change in conversion ratio, a difference between redemption price and issue price, a redemption which is treated as a distribution to which section 301 applies, or any transaction (including a recapitalization) having a similar effect on the interest of any shareholder may be treated as a distribution with respect to any shareholder whose proportionate interest in the earnings and profits or assets of the corporation is increased by such change, difference, redemption, or similar transaction. In general, such change, difference, redemption, or similar transaction will be treated as a distribution to which sections 305(b) and 301 apply where—

(1) The proportionate interest of any shareholder in the earnings and profits or assets of the corporation deemed to have made such distribution is increased by such change, difference, redemption, or similar transaction; and

(2) Such distribution has the result described in paragraphs (2), (3), (4), or (5) of section 305(b).

Where such change, difference, redemption, or similar transaction is treated as a distribution under the provisions of this section, such distribution will be deemed made with respect to any shareholder whose interest in the earnings and profits or assets of the distributing corporation is increased thereby. Such distribution will be deemed to be a distribution of the stock of such corporation made by the corporation to such shareholder with respect to his stock. Depending upon the facts presented, the distribution may be deemed to be made in common or preferred stock. For example, where a redemption price in excess of a reasonable call premium exists with respect to a class of preferred stock and the other requirements of this section are also met, the distribution will be deemed made with respect to such preferred stock, in stock of the same class. Accordingly, the preferred shareholders are considered under sections 305(b)(4) and 305(c) to have received a distribution of preferred stock to which section 301 applies. See the examples in §§1.305–3(e) and 1.305–5(d) for further illustrations of the application of section 305(c).

(b) *Antidilution provisions.* (1) For purposes of applying section 305(c) in conjunction with section 305(b), a change in the conversion ratio or conversion price of convertible preferred stock (or securities), or in the exercise price of rights or warrants, made pursuant to a bona fide, reasonable, adjustment formula (including, but not limited to, either the so-called "market price" or "conversion price" type of formulas) which has the effect of preventing dilution of the interest of the holders of such stock (or securities) will not be considered to result in a deemed distribution of stock. An adjustment in the conversion ratio or price to compensate for cash or property distributions to other shareholders that are taxable under section 301, 356(a)(2), 871(a)(1)(A), 881(a)(1), 852(b), or 857(b) will not be considered as made pursuant to a bona fide adjustment formula.

(2) The principles of this paragraph may be illustrated by the following example:

Example. (i) Corporation U has two classes of stock outstanding, class A and class B. Each class B share is convertible into class A stock. In accordance with a bona fide, reasonable, antidilution provision, the conversion price is adjusted if the corporation transfers class A stock to anyone for a consideration that is below the conversion price.

(ii) The corporation sells class A stock to the public at the current market price but below the conversion price. Pursuant to the antidilution provision, the conversion price is adjusted downward. Such a change in conversion price will not be deemed to be a distribution under section 305(c) for the purposes of section 305(b).

(c) *Recapitalizations.* (1) A recapitalization (whether or not an isolated transaction) will be deemed to result in a distribution to which section 305(c) and this section apply if—

(i) It is pursuant to a plan to periodically increase a shareholder's proportionate interest in the assets or earnings and profits of the corporation, or

(ii) A shareholder owning preferred stock with dividends in arrears exchanges his stock for other stock and, as a result, increases his proportionate interest in the assets or earnings and profits of the corporation. An increase in a preferred shareholder's proportionate interest occurs in any case where the fair market value or the liquidation preference, whichever is greater, of the stock received in the exchange (determined immediately following the recapitalization), exceeds the issue price of the preferred stock surrendered.

(2) In a case to which subparagraph (1)(ii) of this paragraph applies, the amount of the distribution deemed under section 305(c) to result from the recapitalization is the lesser of (i) the amount by which the fair market value or the liquidation preference, whichever is greater, of the stock received in the exchange (determined immediately following the recapitalization) exceeds the issue price of the preferred stock surrendered, or (ii) the amount of the dividends in arrears.

(3) For purposes of applying subparagraphs (1) and (2) of this paragraph with respect to stock issued before July 12, 1973, the term "issue price of the preferred stock surrendered" shall mean the greater of the issue price or the liquidation preference (not including dividends in arrears) of the stock surrendered.

(4) For an illustration of the application of this paragraph, see example (12) of § 1.305–3(e) and examples (1), (2), (3), and (6) of § 1.305–5(d).

(5) For rules relating to redemption premiums on preferred stock, see § 1.305–5(b).

§ 1.305–8 Effective dates.

(a) *In general.* Section 421(b) of the Tax Reform Act of 1969 (83 Stat. 615) provides as follows:

(b) *Effective dates.* (1) Except as otherwise provided in this subsection, the amendment made by subsection (a) shall apply with respect to distributions (or deemed distributions) made after January 10, 1969, in taxable years ending after such date.

(2) (A) Section 305(b)(2) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to a distribution (or deemed distribution) of stock made before January 1, 1991, with respect to stock (i) outstanding on January 10, 1969, (ii) issued pursuant to a contract binding on January 10, 1969, on the distributing corporation, (iii) which is additional stock of that class of stock which (as of January 10, 1969) had the largest fair market value of all classes of stock of the corporation (taking into account only stock outstanding on January 10, 1969, or issued pursuant to a contract binding on January 10, 1969), (iv) described in subparagraph (C)(iii), or (v) issued in a prior distribution described in clause (i), (ii), (iii), or (iv).

(B) Subparagraph (A) shall apply only if—

(i) The stock as to which there is a receipt of property was outstanding on January 10, 1969 (or was issued pursuant to a contract binding on January 10, 1969, on the distributing corporation), and

(ii) If such stock and any stock described in subparagraph (A)(i) were also outstanding on January 10, 1968, a distribution of property was made on or before January 10, 1969, with respect to such stock, and a distribution of stock was made on or before January 10, 1969, with respect to such stock described in subparagraph (A)(i).

(C) Subparagraph (A) shall cease to apply when at any time after October 9, 1969, the distributing corporation issues any of its stock (other than in a distribution of stock with respect to stock of the same class) which is not—

(i) Nonconvertible preferred stock,

(ii) Additional stock of that class of stock which meets the requirements of subparagraph (A)(iii), or

(iii) Preferred stock which is convertible into stock which meets the requirements of subparagraph (A)(iii) at a fixed conversion ratio which takes account of all stock dividends and stock splits with respect to the stock into which such convertible stock is convertible.

(D) For purposes of this paragraph, the term "stock" includes rights to acquire such stock.

(3) In cases to which Treasury Decision 6990 (promulgated January 10, 1969) would not have applied, in applying paragraphs (1) and (2) April 22, 1969, shall be substituted for January 10, 1969.

(4) Section 305(b)(4) of the Internal Revenue Code of 1954 (as added by subsection (a)) shall not apply to any distribution (or deemed distribution) with respect to preferred stock (including any increase in the conversation ratio of convertible stock) made before January 1, 1991, pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(5) With respect to distributions made or considered as made after January 10, 1969, in taxable years ending after such date, to the extent that the amendment made by subsection (a) does not apply by reason of paragraph (2), (3), or (4) of this subsection, section 305 of the Internal Revenue Code of 1954 (as in effect before the amendment made by subsection (a)) shall continue to apply.

(b) *Rules of application.* (1) The rules contained in section 421(b)(2) of the Tax Reform Act of 1969 (83 Stat. 615), hereinafter called "the Act", shall apply with respect to the application of section 305(b)(2), section 305(b)(3), and section 305(b)(5). Thus, for example, section 305(b)(5) of the Code will not apply to a distribution of convertible preferred stock made before January 1, 1991, with respect to stock outstanding on January 10, 1969 (or which was issued pursuant to a contract binding on the distributing corporation on January 10, 1969), provided the distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969.

(2) (i) For purposes of section 421(b)(2)(A), (B)(i), and (C) of the Act, stock is considered as outstanding on January 10, 1969, if it could be acquired on such date or some future date by the exercise of a right or conversion privilege in existence on such date (including a right or conversion privilege with respect to stock issued pursuant to a contract binding, on January 10, 1969, on the distributing corporation). Thus, if on January 10, 1969, corporation X has outstanding 1,000 shares of class A common stock and 3,000 shares of class B common stock which are convertible on a one-to-one basis into class A stock, corporation X is considered for purposes of section 421(b)(2)(A), (B)(i), and (C) of the Act to have outstanding on January 10, 1969, 4,000 shares of class A stock (1,000 shares actually outstanding and 3,000 shares that could be acquired by the exercise of the conversion privilege contained in the class B stock) and 3,000 shares of class B stock.

(ii) For the purposes of section 421(b)(2)(A) (other than for the purpose of determining under section 421(b)(2)(A)(iii) that class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation), (B)(i), and (C) of the Act, stock will be considered as outstanding on January 10, 1969, if it is issued pursuant to a conversion privilege contained in stock issued, mediately or immediately, as a stock dividend with respect to stock outstanding on January 10, 1969.

(3) If, after applying subparagraph (2) of this paragraph, the class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation is a class of stock which is convertible into another class of nonconvertible stock, then for purposes of section 421(b)(2)(C)(ii) of the Act stock issued upon conversion of any such convertible stock (whether or

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not outstanding on January 10, 1969) into stock of such other class shall be deemed to be stock which meets the requirements of section 421(b)(2)(A)(iii) of the Act.

(4) For purposes of section 421(b) of the Act, stock of a corporation held in its treasury will not be considered as outstanding and a distribution of such stock will be considered to be an issuance of such stock on the date of distribution. Stock of a parent corporation held by its subsidiary is not considered treasury stock.

(5) The following stock shall not be taken into account for purposes of applying section 421(b)(2)(B)(i) of the Act: (i) Stock issued after January 10, 1969, and before October 10, 1969 (other than stock which was issued pursuant to a contract binding on January 10, 1969, on the distributing corporation); (ii) stock described in section 421(b)(2)(C)(i), (ii), or (iii) of the Act; and (iii) stock issued, mediately or immediately, as a stock dividend with respect to stock of the same class outstanding on January 10, 1969. For example, if on June 1, 1970, corporation Y issues additional stock of that class of stock which as of January 10, 1969, had the largest fair market value of all classes of stock of the corporation, such additional stock will not be taken into account for the purpose of meeting the requirement under section 421(b)(2)(B)(i) of the Act that the stock as to which there is a receipt of property must have been outstanding on January 10, 1969, and thus subparagraph (A) of section 421(b)(2) of the Act will not, where otherwise applicable, cease to apply.

(6) Section 421(b)(2)(A) of the Act, if otherwise applicable, will not cease to apply if the distributing corporation issues after October 9, 1969, securities which are convertible into stock that meets the requirements of section 421(b)(2)(A)(iii) of the Act at a fixed conversion ratio which takes account of all stock dividends and stock splits with respect to the stock into which the securities are convertible.

(7) Under section 421(b)(4) of the Act, section 305(b)(4) does not apply to any distribution (or deemed distribution) by a corporation with respect to preferred stock made before January 1, 1991, if such distribution is pursuant to the terms relating to the issuance of such stock which were in effect on January 10, 1969. For example, if as of January 10, 1969, a corporation had followed the practice of paying stock dividends on preferred stock (or of periodically increasing the conversion ratio of convertible preferred stock) or if the preferred stock provided for a redemption price in excess of the issue price, then section 305(b)(4) would not apply to any distribution of stock made (or which would be considered made if section 305(b)(4) applied) before January 1, 1991, pursuant to such practice.

(8) If section 421(b)(2) is not applicable and, for that reason, a distribution (or deemed distribution) is treated as a distribution to which section 301 applies by virtue of the application of section 305(b)(2), (b)(3), or (b)(5), it is irrelevant that, by reason of the application of section 421(b)(4) of such Act, section 305(b)(4) is not applicable to the distribution.

§ 1.306–3 [Amended]

PAR. 2. Paragraph (c) of § 1.306–3 is amended by striking out all but the first sentence.

PAR. 3. Section 1.368–2 is amended by revising paragraph (e)(5) to read as follows:

§ 1.368–2 Definition of terms.

* * * * *

(e) * * *

(5) An exchange is made of an amount of a corporation's outstanding preferred stock with dividends in arrears for other stock of the corporation. However, if pursuant to such an exchange there is an increase in the proportionate interest of the preferred shareholders in the assets or earnings and profits of the corporation, then under § 1.305–7(c)(2), an amount equal to the lesser of (i) the amount by which the fair market value or liquidation preference, whichever is greater, of the stock received in the exchange (determined immediately following the recapitalization) exceeds the issue price of the preferred stock surrendered, or (ii) the amount of the dividends in arrears, shall be treated under section 305(c) as a deemed distribution to which sections 305(b)(4) and 301 apply.

* * * * *

PAR 4. Section 1.1036–1 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 1.1036–1 Stock for stock of the same corporation.

(a) * * * See paragraph (e)(5) of § 1.368–2 for certain transactions which result in deemed distributions under section 305(c) to which sections 305(b)(4) and 301 apply.

* * * * *

(Sec. 305(c) (83 Stat. 614; 26 U.S.C. 305(c)) and section 7805 (68A Stat. 917; 26 U.S.C. 7805), Internal Revenue Code of 1954)

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 5, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.73-14110 Filed 7-11-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that 30 positions of investigator for special assignments have been transferred from the Internal Revenue Service to the Bureau of Alcohol, Tobacco, and Firearms.

Effective on July 12, 1973, paragraph (e)(1) is amended and paragraph (g) is added under § 213.3105 as set out below.

§ 213.3105 Treasury Department.

* * * * *

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

* * * * *

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) Thirty positions of investigator for special assignments.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14248 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

National Commission on Productivity

Section 213.3199 is amended to show that the Schedule A authority covering positions at grade GS–15 and below on the staff of the National Commission on Productivity is extended from June 30, 1973, to June 30, 1974.

Effective July 1, 1973, § 213.3199(n)(1) is amended as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(n) *National Commission on Productivity.* (1) Until June 30, 1974, positions in grade GS–15 and below on the staff of the Commission.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14246 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Secretary to the Director, Bureau of International Scientific and Technological Affairs, is excepted under Schedule C.

Effective on July 12, 1973, § 213.3304(x) is added as set out below.

§ 213.3304 Department of State.

* * * * *

(x) *Office of the Director, Bureau of International Scientific and Technological Affairs.* (1) One Secretary to the Director.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14245 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Special Assistant to the Assistant Secretary for International Affairs is excepted under Schedule C.

Effective on July 12, 1973, § 213.3305(a)(46) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(46) Special Assistant to the Assistant Secretary for International Affairs

* * * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14247 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to reflect a reorganization in the Department of the Interior.

Effective on July 12, 1973, § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(3) Seven Special Assistants (Field Representatives).

* * * * *

(5) Three Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks, and one Confidential Assistant (Administrative Assistant) to each of three Assistant Secretaries for Energy and Minerals, Land and Water Resources, and Fish and Wildlife and Parks.

* * * * *

(30) One Special Assistant to the Assistant Secretary for Management.

(31) One Confidential Assistant to the Assistant Secretary for Management.

* * * * *

(33) One Assistant to the Assistant Secretary for Management.

(34) Two Staff Assistants to the Assistant Secretary for Program Development and Budget.

(35) One Special Assistant to the Director, Office of Communications.

(36) One Confidential Assistant to the Assistant Secretary for Program Development and Budget.

(37) One Special Assistant to the Assistant Secretary for Energy and Minerals.

(38) One Staff Assistant to the Assistant Secretary for Energy and Minerals.

(39) One Staff Assistant to Director, Office of Communications.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14243 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Special Assistant to the Secretary for Consumer Affairs is excepted under Schedule C.

Effective on July 12, 1973, § 213.3313(a)(34) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary* * * *

(34) One Special Assistant to the Secretary for Consumer Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14242 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Department of Labor

Section 213.3315 is amended to reflect the following title changes: (1) From one Private Secretary to one Assistant to the Deputy Under Secretary; and (2) from Staff Assistant to the Special Assistant for Legislative Liaison to Special Assistant to Deputy Under Secretary for Legislative Affairs.

Effective on July 12, 1973, paragraphs (a)(21) and (a)(29) of § 213.3315 are amended as set out below.

§ 213.3315 U.S. Department of Labor.

(a) *Office of the Secretary.* * * *

(21) One Assistant to the Deputy Under Secretary.

* * * * *

(29) One Special Assistant to Deputy Under Secretary for Legislative Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14249 Filed 7-11-73;8:45 am]

PART 213—EXCEPTED SERVICE

Securities and Exchange Commission

Section 213.3330 is amended to show that one position of Secretary to the General Counsel and one Secretary to the Chief Accountant are excepted under Schedule C.

Effective on July 12, 1973, § 213.3330(f) and § 213.3330(g) are added as set out below.

§ 213.3330 Securities and Exchange Commission.

* * * * *

(f) One Secretary to the General Counsel.

(g) One Secretary to the Chief Accountant.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14244 Filed 7-11-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas Quarantined

This amendment quarantines a portion of Webb County and additional portions of Nueces and Duval Counties in Texas because of the existence of splenetic or tick fever. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of cattle and certain materials from or through quarantined areas as contained in 9 CFR Part 72, as amended, will apply to the quarantined areas.

Pursuant to the provisions of sections 1–4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4–7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f), § 72.5 of Part 72, Title 9, Code of Federal Regulations which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

In § 72.5, paragraph (i) is amended and a new paragraph (j) is added to read:

§ 72.5 Areas quarantined in Texas.

* * * * *

(i) That portion of Duval, Webb, Kleberg, McMullen, Nueces, Live Oak, and Jim Wells Counties bounded by a line

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beginning at the junction of U.S. Highway 59 and State Highway 16 at Freer in Duval County; thence, following U.S. Highway 59 in a northeasterly direction to Farm Road 624 in McMullen County; thence, following Farm Road 624 in an easterly, then southeasterly direction to the Jim Wells-Nueces County line; thence, following the Jim Wells-Nueces County line in a southwesterly direction to an unnamed caliche county road which connects Farm Road 70 with the Jim Wells-Nueces County line; thence, following the unnamed caliche county road in an easterly direction to Farm Road 70 in Nueces County; thence, following Farm Road 70 in a southerly, then easterly direction to Farm to Market Road 1355; thence, following Farm to Market Road 1355 in a southerly direction to the northern city limits of the city of Kingsville in Kleberg County; thence, following the Kingsville City limits in a westerly, then southerly direction to State Highway 141; thence, following State Highway 141 in a northwesterly direction to U.S. Highway 281 in Jim Wells County; thence, following U.S. Highway 281 in a southwesterly direction to the Jim Wells-Brooks County line; thence, following the Jim Wells-Brooks County line in a westerly direction to the junction of the Brooks-Jim Wells-Duval County lines; thence, following the Brooks-Duval County line in a westerly direction to State Highway 339; thence, following State Highway 339 in a northwesterly direction to Farm to Market Road 2295, at Benavides in Duval County; thence, following Farm to Market Road 2295 in a westerly direction to State Highway 16; thence, following State Highway 16 in a northern direction for approximately 4 miles to the southeast corner of the Peters Ranch on the west side of State Highway 16; thence, following the south fence line of the Peters Ranch in a westerly direction for approximately 2 miles to the southeast corner of the Hamilton Ranch; thence, following the south fence line of the Hamilton Ranch in a westerly direction for approximately 2¾ miles to the southeast corner of the Viggo Gruy Perez Pasture; thence, following the southwest boundary of the Viggo Gruy Perez Pasture in a westerly, then northerly, then westerly, then northerly direction to the south fence boundary of the south pasture of the Peal Ranch; thence, following the south fence line of the south pasture of the Peal Ranch in a westerly direction to the Webb-Duval County line; thence, following the Webb-Duval County line in a northerly direction to the southeast corner of the north pasture of the Peal Ranch in Webb County; thence, following the fence line of the north pasture of the Peal Ranch in a westerly, then northerly, then easterly direction to the Webb-Duval County line; thence, following the Webb-Duval County line in a northern direction to to the north fence line of the north pasture of the Peal Ranch in Duval County; thence, following the north fence line of the north pasture of the Peal Ranch in an easterly direction for approximately 1¾ miles to the western boundary of the Duval Ranch; thence, following the western boundary of the Duval Ranch in a generally northeasterly direction for approximately 1¾ miles to the northeast corner of the north fence line of the Duval Ranch; thence, following the north fence line of the Duval Ranch in a southeasterly direction to the Jarita Pasture of the O. C. Deviller Ranch; thence, following the western, then northern, then eastern fence line of the Jarita Pasture of the O. C. Deviller Ranch in a generally southeasterly direction for approximately 4 miles to the northeast corner of the Dougherty Ranch; thence, following the northeast boundary of the Dougherty Ranch (north of the Burro and Pital Pastures) in a southerly direction for approximately 1¾ miles to State Highway 16; thence, following State Highway 16 in a northerly direction to its junction with U.S. Highway 59 at Freer in Duval County.

(j) That portion of *Neuces County* bounded by a line beginning at the junction of the San Fernando Creek and the southeast boundary fence of the Oliver Till Farm; thence, following the San Fernando Creek in a northwesterly direction to the southwest boundary of the Oliver Till Farm; thence, following the western boundary of the Oliver Till Farm in a northeasterly, then southeasterly direction to the northwest corner of the Gibson Farm; thence, following the northern boundary of the Gibson Farm in a southeasterly, then southwesterly direction to the northeastern boundary of the A & I Pasture; thence, following the eastern boundary of the A & I Pasture in a southwesterly direction to its junction with the southeastern boundary of the Oliver Till Farm; thence, following the south eastern boundary of the Oliver Till Farm in a southerly direction to its junction with the San Fernando Creek.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendment shall become effective July 12, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of Texas (splenetic) fever in cattle, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–14207 Filed 7–11–73;8:45 am]

[Docket No. 73–521]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

This amendment quarantines portions of Hamilton and Tipton Counties in Indiana because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, a new paragraph (e) (1) relating to the State of Indiana is added to read:

§ 76.2 Notice relating to existence of the contagious or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication states; free states.

* * * * *

(e) * * *

(1) *Indiana.* The adjacent portions of Hamilton and Tipton Counties, bounded by a line beginning at the junction of State Highway 19 and the Jackson-Noblesville Township line in Hamilton County; thence, following the Jackson-Noblesville Township line in a westerly direction to the junction of the Jackson-Noblesville-Washington-Adams Township lines; thence, following the Adams-Washington Township line in a westerly direction to State Highway 38; thence, following State Highway 38 in a northwesterly direction to Jerkwater Road; thence, following Jerkwater Road in a northerly direction to Secondary Road 1100 W in Tipton County; thence, following Secondary Road 1100 W in a northerly direction to Secondary Road 400 S; thence, following Secondary Road 400 S in an easterly direction to Secondary Road 700 W; thence, following Secondary Road 700 W in a southerly direction to Secondary Road 450 S; thence, following Secondary Road 450 S in an easterly direction to Secondary Road 500 W; thence, following Secondary Road 500 W in a northerly direction to Secondary Road 400 S; thence, following Secondary Road 400 S in an easterly direction to State Highway 19; thence, following State Highway 19 in a southeasterly, then southerly direction to its junction with the Jackson-Noblesville Township line in Hamilton County.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 6, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of July, 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–14208 Filed 7–11–73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Penalty on Payment of Time Deposits Before Maturity

1. Section 329.4 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.4) provides that no time deposit may be paid before maturity except as authorized by paragraph (d) of that section. Paragraph (d) permits the payment of all or part of a time deposit prior to maturity only where the depositor signs a statement that he is in need of the funds in his deposit account and forfeits accrued and unpaid interest for a period of not less than three months on the amount withdrawn.

The Board of Directors of the Federal Deposit Insurance Corporation has decided to revise paragraph (d) so as to eliminate the requirement for a statement of need. Under the revision, an insured State nonmember bank may pay any time deposit prior to maturity so long as the rate of interest on the amount withdrawn does not exceed the maximum rate which the bank may pay on savings deposits on the date of withdrawal. In addition, the depositor must forfeit all interest on the amount withdrawn (calculated at the savings deposit rate) for a period of three months, or for the length of time the funds have been on deposit if less than three months.

The provisions regarding loans upon the security of time deposits which formerly appeared in paragraph (d) are now separately stated in a new paragraph (e).

2. Section 329.4 is amended by revising paragraph (d) and adding a new paragraph (e). As amended, § 329.4 reads as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* In the event of withdrawal of all or any portion of a time deposit before the maturity thereof, the depositor may not receive interest from the date of deposit on the amount withdrawn at a rate in excess of the maximum rate which may be paid on savings deposits by the depository bank on the date of withdrawal under § 329.6(c) or § 329.7(b)(1), and the depositor shall forfeit all interest, calculated at such savings deposit rate, whether accrued and unpaid, or paid to or for the depositor's account, on the amount withdrawn for a period of three months or for the period since the date of the deposit, whichever is less. Where necessary to comply with this requirement, interest already paid to or for the account of the depositor shall be deducted from the amount requested by the depositor to be withdrawn.[11b]

(e) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to the depositor upon the security of his time deposit. The rate of interest on such loan, however, shall be not less than 2 percent per annum in excess of the rate of interest on the time deposit.

(Sec. 9, 18(g), 64 Stat. 881–82, Pub. L. No. 93–63, sec. 1 (July 6, 1973); 12 U.S.C. 1819, 1828(g),)

3. The requirements of sections 553 (b) and (d) of Title 5, United States Code, and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that the public interest compelled it to make the action immediately effective.

4. *Effective date.* The effective date of this amendment is July 1, 1973.

By order of the Board of Directors, July 5, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73–14150 Filed 7–11–73;8:45 am]

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest

1. Sections 329.6 and 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6 and 329.7) establish maximum interest rates that insured State nonmember banks (including FDIC-insured mutual savings banks) may pay on time and savings deposits.

The Board of Directors of the Federal Deposit Insurance Corporation has decided to amend §§ 329.6 and 329.7 by establishing new interest rate structures for consumer-type deposits in insured nonmember commercial and mutual savings banks. The amendments, effective July 1, 1973, (1) authorize insured nonmember banks to increase the maximum rate of interest they may pay on passbook savings deposits; (2) authorize insured nonmember banks to increase the maximum interest rates payable on most categories of time deposits; and (3) establish a new category of time deposits on which there is no interest rate ceiling. Deposits in this latter category must mature in not less than four years and must be in amounts of $1,000 or more.

2. Section 329.6 is amended to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.[12]

(a) *Single maturity time deposits*—(1) *Deposits of $100,000 or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $100,000 or more.

(2) *Deposits of less than $100,000.* Except as provided in paragraph (a)(3) of this section, no insured nonmember bank shall pay interest on any single

[11b] This amendment applies to all time deposit contracts entered into after July 5, 1973 and to all existing time deposit contracts which are renewed or extended after such date: *Provided, however,* That any time deposit contract which is automatically renewed after July 5, 1973, without any change in the interest rate payable thereon or the maturity thereof, shall be subject instead to the restrictions in effect prior to this amendment which allowed withdrawal only in the event of need and required the forfeiture of not less than three months' accrued and unpaid interest. This amendment also applies to all existing time deposits upon which interest is paid on or after July 1, 1973 at a rate in excess of the maximum rate payable on such deposits as of June 30, 1973.

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

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maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(3) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $1,000 or more with a maturity of 4 years or more.

(b) *Multiple maturity time deposits.* No insured nonmember bank shall pay interest on a multiple maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity intervals	Maximum percent per annum
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(c) *Savings deposits.* No insured nonmember bank shall pay interest at a rate in excess of 5 percent on any savings deposit.

3. Section 329.7 is amended to read as follows:

§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.[1]

(a) *Definition.* For the purposes of this section, the term "mutual savings bank" includes any mutual savings bank and any guaranty savings bank which operates in the State of New Hampshire substantially under and pursuant to the laws of that State pertaining to mutual savings banks so long as such guaranty savings bank does not engage in commercial banking.

(b) *Maximum rates payable—(1) General.* Except as provided in paragraphs (b) (2), (3), (4), and (5) of this section and paragraph (e) of this section, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5¼ percent per annum on any deposit. Section 329.3(b) relating to modification of deposit contracts to conform to regulations shall apply to insured nonmember mutual savings banks.

(2) *Single maturity time deposits of $100,000 or more.* There is no maximum rate of interest or dividends presently prescribed on any single maturity time deposit of $100,000 or more.

(3) *Single maturity time deposits of less than $100,000.* Except as provided in paragraph (b) (4) of this section, no insured nonmember mutual savings bank shall pay interest or dividends on any single maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
90 days or more but less than 1 year	5¾
1 year or more but less than 30 months	6½
30 months or more	6¾

(4) *Single maturity time deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $1,000 or more with a maturity of 4 years or more.

(5) *Multiple maturity time deposits.* No insured nonmember mutual savings bank shall pay interest on a multiple maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity intervals	Maximum percent per annum
90 days or more but less than 1 year	5¾
1 year or more but less than 30 months	6½
30 months or more	6¾

(c) *Compounding interest.* In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded.

(d) *Grace periods in computing interest.* An insured nonmember mutual savings bank may pay interest or dividends on a deposit received during the first 10 calendar days of any calendar month at the applicable maximum rate prescribed in paragraph (b) of this section calculated from the first day of such calendar month until such deposit is withdrawn or otherwise ceases to constitute a deposit upon which interest or dividends are payable; and an insured nonmember mutual savings bank may pay interest or dividends on a deposit withdrawn during the last 3 business days of any calendar month ending a regular quarterly or semiannual or dividend period at the applicable maximum rate prescribed in paragraph (b) of this section calculated to the end of such calendar month.

(e) *Systematic savings account deposits in insured nonmember mutual savings banks in Massachusetts.* No insured nonmember mutual savings bank located in the Commonwealth of Massachusetts shall pay interest or dividends on any systematic savings account deposit, as defined in section 22B of chapter 168 of the General Laws of the Commonwealth of Massachusetts, at a rate in excess of the applicable rate under the following schedule:

Minimum period	Maximum percent per annum
48 months	5½
96 months	5¾

(f) *Time deposits.* The provisions of this Part 329 with respect to time deposits, except the provisions of § 329.6, shall apply to all such deposits in insured nonmember mutual savings banks.

(Sec. 9, 18(g), 64 Stat. 881–82, Pub. L. No. 93–63, § 1 (July 6, 1973); 12 U.S.C. 1819, 1828(g).)

4. The requirements of sections 553(b) and (d) of Title 5, United States Code, and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because the Board found that the public interest compelled it to make the action immediately effective.

5. *Effective date.* The effective date of the amendments is July 1, 1973.

By order of the Board of Directors, July 5, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73-14151 Filed 7-11-73;8:45 am]

[1] The maximum rates of interest payable by insured nonmember mutual savings banks as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12987; Amdt. No. 872]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective August 23, 1973.*

Alton, Ill.—Civic Memorial Arpt., VOR–A, Amdt. 2
Buffalo, N.Y.—Greater Buffalo Int'l Arpt., VOR Rwy 32, Amdt. 15
Carlsbad, Calif.—Palomar Arpt., VOR–A, Amdt. 2
Carlsbad, Calif.—Palomar Arpt., VOR/DME–B, Orig.
Danville, Ill.—Vermilion County Arpt., VOR/DME Rwy 3, Amdt. 3
Danville, Ill.—Vermilion County Arpt., VOR Rwy 21, Amdt. 5
Jonesboro, Ark.—Jonesboro Municipal Arpt., VOR Rwy 23, Amdt. 2
Kent, Ohio—Andrew W. Paton of Kent State University Arpt., VOR–A, Amdt. 7
Newberry, Mich.—Luce County Arpt., VOR Rwy 11, Amdt. 2
Newberry, Mich.—Luce County Arpt., VOR Rwy 29, Amdt. 2
Newton, Kan.—Newton-City-County Arpt., VOR/DME Rwy 35, Amdt. 2
Pasco, Wash.—Tri-Cities Arpt., VOR–A, Amdt. 3
South Haven, Mich.—South Haven Municipal Arpt., VOR Rwy 22, Amdt. 3
Terre Haute, Ind.—Sky King Arpt., VOR–A, Amdt. 1

• • • *effective July 19, 1973.*

Beatrice, Neb.—Beatrice Municipal Arpt., VOR Rwy 13, Amdt. 8
Owensboro, Ky.—Owensboro-Daviess County Arpt., VOR Rwy 35, Amdt. 8

• • • *effective July 2, 1973.*

Bryce Canyon, Utah—Bryce Canyon Arpt., VOR–A, Amdt. 3

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective August 23, 1973.*

Columbus, Ohio—Port Columbus Int'l Arpt., LOC (BC) Rwy 10R, Amdt. 10
Columbus, Ohio—Port Columbus Int'l Arpt., LOC (BC) Rwy 28R, Amdt. 1
Jacksonville, Fla.—Jacksonville Int'l Arpt., LOC (BC) Rwy 31, Orig.
Middletown, Ohio—Hook Field Municipal Arpt., LOC Rwy 23, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective August 23, 1973.*

Bellingham, Wash.—Bellingham Int'l Arpt., NDB–B, Amdt. 1
Bellingham, Wash.—Bellingham Int'l Arpt., NDB Rwy 16, Orig.
Buffalo, N.Y.—Greater Buffalo Int'l Arpt., NDB Rwy 5, Amdt. 7
Buffalo, N.Y.—Greater Buffalo Int'l Arpt., NDB Rwy 23, Amdt. 11
Carroll, Iowa—Arthur N. Neu Arpt., NDB Rwy 31, Amdt. 3
Columbus, Ohio—Port Columbus Int'l Arpt., NDB Rwy 10L & 10R, Amdt. 5, Canceled
Columbus, Ohio—Port Columbus Int'l Arpt., NDB Rwy 10L, Orig.
Columbus, Ohio—Port Columbus Int'l Arpt., NDB Rwy 10R, Orig.
Columbus, Ohio—Port Columbus Int'l Arpt., NDB Rwy 28L, Amdt. 6
Ft. Scott, Kan.—Ft. Scott Municipal Arpt., NDB Rwy 17, Amdt. 2
Knoxville, Tenn.—McGhee Tyson Arpt., NDB Rwy 4L, Amdt. 25, Canceled
Knoxville, Tenn.—McGhee Tyson Arpt., NDB Rwys 4L & 4R, Orig.
Newton, Kan.—Newton-City-County Arpt., NDB Rwy 17, Amdt. 2
Middletown, Ohio—Hook Field Municipal Arpt., NDB Rwy 5, Amdt. 8
Middletown, Ohio—Hook Field Municipal Arpt., NDB Rwy 23, Amdt. 3
Paragould, Ark.—Paragould Municipal Arpt., NDB Rwy 5, Amdt. 4
San Diego, Calif.—San Diego Int'l/Lindbergh Field, NDB Rwy 9, Amdt. 13
Shawnee, Okla.—Shawnee Municipal Arpt., NDB Rwy 17, Amdt. 1

• • • *effective July 19, 1973.*

NDB Rwy 13, Orig.
Beatrice, Nebr.—Beatrice Municipal Arpt., Owensboro, Ky.—Owensboro-Daviess County Arpt., NDB Rwy 35, Amdt. 5, Canceled
Owensboro, Ky.—Owensboro-Daviess County Arpt., NDB Rwy 35, Orig.

• • • *effective June 28, 1973.*

Huntingburg, Ind.—Huntingburg Arpt., NDB Rwy 27, Amdt. 2

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective August 23, 1973.*

Buffalo, N.Y.—Greater Buffalo Int'l Arpt., ILS Rwy 5, Amdt. 8
Buffalo, N.Y.—Greater Buffalo Int'l Arpt., ILS Rwy 23, Amdt. 22
Columbus, Ohio—Port Columbus Int'l Arpt., ILS Rwy 10L, Amdt. 6
Columbus, Ohio—Port Columbus Int'l Arpt., ILS Rwy 28L, Amdt. 18
Knoxville, Tenn.—McGhee Tyson Arpt., ILS Rwy 4L, Amdt. 29
Richmond, Va.—Richard Evelyn Byrd Int'l Arpt., ILS Rwy 33, Amdt. 2

• • • *effective July 19, 1973.*

Owensboro, Ky.—Owensboro-Daviess County Arpt., ILS Rwy 35, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective August 23, 1973.*

Buffalo, N.Y.—Greater Buffalo Int'l Arpt., RADAR–1, Amdt. 9
Columbus, Ohio—Port Columbus Int'l Arpt., RADAR–1, Amdt. 12

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective August 23, 1973.*

Buffalo, N.Y.—Greater Buffalo Int'l Arpt., RNAV Rwy 32, Amdt. 2
Miami, Fla.—Miami Int'l Arpt., RNAV Rwy 9L, Amdt. 3

Correction. In Docket No. 12882, Amendment 867, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated June 7, 1973, on page 14916, under Section 97.25, effective July 19, 1973, change effective date of Sarasota (Bradenton), Fla.—Sarasota-Bradenton Arpt., LOC (BC) Rwy 13, Orig., to July 26, 1973.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on July 5, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-14155 Filed 7-11-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Records

The Commission announces the following amendment to Chapter I of Title 16 of the Code of Federal Regulations. This amendment which deals with records which may be obtained without charge upon request to the Secretary of the agency, is effective on July 12, 1973.

Section 4.9(c)(3) is revised to read as follows:

§ 4.9 Public records.

• • • • • •

(c) • • •

(3) Cease-and-desist orders and orders of divestiture, industry guides, digests of advisory opinions and compliance advice believed to be of interest to the public generally, and other administrative interpretations;

• • • • • •

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated July 3, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-14209 Filed 7-11-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Sulfaethoxypyridazine

The Commissioner of Food and Drugs has evaluated a new animal drug appli-

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cation (47-033V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing the safe and effective use of controlled release sulfaethoxypyridazine tablets for the treatment of cattle. The application is approved.

The tolerance for residues of sulfaethoxypyridazine in food is being revised to establish a negligible tolerance for residues of sulfaethoxypyridazine in the uncooked edible tissues of cattle.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135g are amended as follows:

1. Part 135c is amended in § 135c.14 by adding a new item 2. to Table 2 in paragraph (e) as follows:

§ 135c.14 Sulfaethoxypyridazine.

* * * * * *

(e) * * *

TABLE 2.—IN TABLETS

	Amount	Limitations	Indications for use
1. * * *	* * *	* * *	* * *
2. Sulfaethoxypyridazine	15 gram controlled release tablets.	For cattle; administer 100 milligrams per pound of body weight; do not treat within 16 days of slaughter; as sole source of sulfonamide; not for use in lactating dairy cows; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	Treatment of foot rot and respiratory infections (shipping fever and pneumonia) caused by sulfonamide-susceptible pathogens (*E. coli*, streptococci, staphylococci, *Sphaerophorus necrophorus* and Gram-negative rods including *Pasteurella*); for use prophylactically in cattle during periods of stress for reducing losses due to sulfonamide sensitive disease conditions.

2. Part 135g is amended by revising § 135g.35 to read as follows:

§ 135g.35 Sulfaethoxypyridazine.

Tolerances for residues of sulfaethoxypyridazine in food are established as follows:

(a) Zero in the uncooked edible tissues of swine and in milk.

(b) 0.1 part per million (negligible residue) in uncooked edible tissues of cattle.

Effective date. This order shall be effective on July 11, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 3, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-14057 Filed 7-11-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-140R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Pascagoula River, Miss.

The amendment adds regulations for the U.S. 90 drawbridge across the Pascagoula River to permit overhaul of operating machinery. These regulations will begin on October 8, 1973 and end on January 4, 1974.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding the following statement to § 117.495 to read as follows:

§ 117.495 Pascagoula River, Mississippi U.S. 90 bridge.

* * * From October 8, 1973 through January 4, 1974 from 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m., Mondays through Fridays except national holidays, the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall be effective from October 8, 1973 through January 4, 1974.

Dated: July 5, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-14224 Filed 7-11-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER I—OFFICE OF ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—EMPLOYMENT AND BUSINESS OPPORTUNITY

[Docket No. R-73-111]

PART 130—EQUAL EMPLOYMENT OPPORTUNITY UNDER HUD CONTRACTS AND HUD ASSISTED CONSTRUCTION CONTRACTS

Contracts With State or Local Government

Pursuant to section 201 of Executive Order 11246 and 41 CFR 60-1.6(c) the Department is amending Equal Employment Opportunity regulations under 24 CFR Part 130. The amendment eliminates the exemption of State and local government educational institutions and medical facilities from the requirement of filing an annual compliance report and maintaining affirmative action programs. Unlike other State and local agencies, these institutions and facilities are required by the amendment to file annual compliance reports and maintain affirmative action programs when they participate in work under a HUD contract containing the equal opportunity clause.

In the FEDERAL REGISTER on January 19, 1973, at page 1932, the Department of Labor published a revision of the Office of Federal Contract Compliance regulations at 41 CFR 60-1.5(a)(4) to achieve the above result regarding all contracts under its jurisdiction. The HUD regulations affected here have, before the OFCC amendment, paralleled the scope of exemptions to State and local agencies under the OFCC regulations. The purpose of the Department in amending its regulation is to conform to the change in the OFCC regulation.

FHA contracts have been affected automatically by the OFCC amendment because the contents of the amended OFCC section are incorporated by reference in FHA regulations in § 200.425(d). Hence the present amendment has no effect on FHA contracts.

Because the Department of Labor regulations to which this amendment conforms have already been subjected to public comment before publication in their final form, and because the amendment was submitted to the Director of OFCC prior to issuance and approved as prescribed under 41 CFR § 60-1.6(c), comment and public procedure are unnecessary, and good cause exists for making these changes effective on August 13, 1973.

Paragraph (a)(4) of § 130.20 is amended to read as follows:

§ 130.20 Exemptions.

(a) * * *

(4) *Contracts with State or local governments.* The requirements of the equal opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, any agency, instrumentality or subdivision of such government, except for educational institutions and medical facilities, is exempt from the requirements of filing the annual compliance report provided for by § 130.50 and maintaining a written affirmative action compliance program prescribed in §§ 130.30 and 130.35.

* * * * * *

(Sec. 201, Executive Order 11246, 30 FR 12319; 41 CFR 60-1.6(c))

Effective date. This amendment shall be effective August 13, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-14210 Filed 7-11-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-167]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Glenwood, Village of.				July 9, 1973, Emerg.
Pennsylvania	Allegheny	Coraopolis, Borough of.				Do.
Do.	Clinton	Lamar, Township of.				Do.
Do.	Lackawanna	Ransom, Township of.				Do.
Do.	Bucks	Sellersville, Borough of.				Do.
Do.	Blair	Tyrone, Borough of.				Do.
Do.	Northampton	West Easton, Borough of.				Do.
Do.	Lancaster	West Lampeter, Township of.				Do.
Do.	Berks	Union, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 6, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14101 Filed 7-11-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER L—LEASING AND PERMITTING

PART 132—PRESERVATION OF ANTIQUITIES

Issuance of Archeological Permits

The authority to issue regulations on Indian Affairs is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 132, Subchapter L, Chapter I, of Title 25 of the Code of Federal Regulations is amended by revising §§ 132.2 and 132.5 and deleting § 132.4. This revision and deletion is being made to reflect the transfer of authority to grant archeological permits on Indian land from the Commissioner of Indian Affairs to the Director, National Park Service. The revision and deletion are made under the authority contained in sections 3 and 4 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432).

Amendment 95 to Secretarial Order 2508 revoked the delegation made to the Commissioner in section 13(k) of Secretarial Order 2508 of authority to grant archeological permits on Indian land. Amendment 95 was published on page 5514 of the March 16, 1972, FEDERAL REGISTER (37 FR 5514). Since the regulations are being revised to reflect the revocation of authority already made by the Secretary and currently in effect, advance notice and public procedure thereon are deemed unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the regulations are being revised to reflect the revocation of authority already in effect, the 30-day deferred effective date would only delay this revision unnecessarily. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective on July 12, 1973.

Part 132 of Subchapter L, Chapter I, Title 25 of the Code of Federal Regulations is amended as follows:

1. Section 132.2 is revised to read as follows:

§ 132.2 Permits.

The Departmental Consulting Archeologist may grant permits for the examination of ruins, the excavation of archeligical sites, and the gathering of objects of antiquity on Indian tribal lands or on individually owned trust or restricted Indian lands. Permit application forms may be obtained from the Departmental Consulting Archeologist, National Park Service, Interior Building, Washington, D.C. 20240. Completed applications should be directed to the Departmental Consulting Archeologist who will grant permits to reputable museums, universities, colleges or other recognized scientific or educational institutions, or to their duly authorized agents, subject to the regulations in this Part and 43 CFR Part 3. Copies of these regulations will be attached to the permit. Permits may be granted only after obtaining the consent of the Indian landowners, who may impose special conditions for inclusion in the permit, and the concurrence of the Bureau of Indian Affairs official having immediate jurisdiction over the property. Said Bureau official should not permit any excavation or explorations except as granted to the holders of permits.

§ 132.4 [Deleted]

2. Section 132.4 is deleted from this Part.

3. Section 132.5 is revised to read as follows:

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§ 132.5 **Restoration of land after work completed.**

After the work is completed, institutions and persons receiving permits for excavation shall restore the lands upon which they have worked to their customary condition, to the satisfaction of the Indian owners and the Bureau of Indian Affairs official having immediate jurisdiction over said lands.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

JULY 5, 1973.

[FR Doc.73-14181 Filed 7-11-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 145—PERMIT IMPRINTS

Revocation

Regulations dealing with the use of permit imprints are amended to state certain grounds for revocation of the permit. Accordingly, § 145.1 is amended on July 12, 1973, by the addition of paragraph (b) as follows:

§ 145.1 **Permit.**

* * * * *

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for non-use during any consecutive 12 months, or for any non-compliance with the regulations governing the use of permit imprints. The method of revoking a permit is described in § 144.2(c)(1) of this chapter.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

JULY 6, 1973.

[FR Doc.73-14225 Filed 7-11-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbaryl

A petition (PP 3F1330) was filed by Union Carbide Corp. 1730 Pennsylvania Avenue, NW., Washington DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an interim tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) and its metabolite 1-naphthel, calculated as 1-naphthyl *N*-methylcarbamate, in eggs at 0.5 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the interim tolerance is being established.

2. Residues of this insecticide in eggs will not exceed the proposed interim tolerance, and residues of this insecticide in the meat and fat of poultry will not exceed the established tolerance.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs 408(d)(2), 68 Stat. 512; 21 U.S.C. 436a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

1. In § 180.169, by revising the last paragraph "Zero in eggs * * *" to read as follows:

§ 180.169 **Carbaryl; tolerances for residues.**

* * * * *

Zero in or on the grains of barley, oats, rye, and wheat.

2. In § 180.319, by revising the item "Carbaryl * * *" in the table to read as follows:

§ 180.319 **Interim tolerances.**

* * * * *

Substance	Use	Tolerance in parts per million	Raw agricultural commodity
* * *	* * *	* * *	* * *
Carbaryl (1-naphthyl *N*-methylcarbamate and its metabolite 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate).	Insecticide	0.5	Eggs and potatoes.
* * *	* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 13, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective July 11, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated July 6, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-14099 Filed 7-11-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

MISCELLANEOUS AMENDMENTS

This amendment (i) deletes from this chapter the instructions concerning price certifications, which are now prescribed in FPR Temporary Regulation 32, (ii) clarifies instructions for the distribution of amendments to solicitations when copies of the basic solicitation were furnished to a prospective bidder by the Business Service Center, and (iii) adds a notice to be included in solicitations to prospective bidders concerning copies of solicitations.

PART 5A–1—GENERAL

The table of contents for Part 5A–1 is amended to delete §§ 5A–1.321 thru 5A–1.321–8.

Subpart 5A–1.3—General Policies

Subpart 5A–1.3 is amended to delete §§ 5A–1.321 thru 5A–1.321–8.

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended to delete §§ 5A–2.203–72 and 5A–2.204, and to add the following new entry:

Sec.
5A–2.203–70 Solicitation Copies clause.

Subpart 5A–2.2—Solicitation of Bids

1. Section 5A–2.203–1 is amended as follows:

§ 5A–2.203–1 **Mailing or delivering to prospective bidders.**

* * * * *

(d) Prior to mailing or otherwise furnishing solicitations to prospective bidders, procuring activities shall prepare a handlist of all active bidders; i.e., current contractors and bidders that responded to recent similar solicitations. The names on this handlist shall be checked against the bidders mailing list printout to see whether these names are also listed on the printout. If not, action shall be taken in accordance with § 5A–76.306(i)(2).

(e) Addressees on the bidders mailing list printout shall be furnished one copy of the solicitation. Active bidders (see paragraph (d) of this section) shall be furnished complete bid sets (normally, and unless otherwise justified, three copies of the solicitation of which two are to be submitted with the bid and one to be retained for the bidder's own record). Where active bidders are also listed in the bidders mailing list printout, procuring activities shall void this printout label or take such other actions necessary to ensure that active bidders will not receive BOTH the single copy of the solicitation AND the complete bid set, but only the latter. Procuring activities shall manually prepare the required gummed addressed labels or addressed envelopes for the active bidders and furnish them to the local printing and distribution activity.

(f) A complete bid set will be mailed or otherwise furnished by the Business Service Centers to prospective bidders who request bid sets in response to announcements such as in the Commerce Business Daily. Procuring activities shall respond expeditiously to all requests from Business Service Centers for required solicitation copies.

(g) All solicitations for offers shall contain the Solicitation Copies clause set forth in § 5A–2.203–70.

(h) Contracting officers are responsible for ensuring that all amendments to solicitations and related notices are furnished promptly to addressees which were previously furnished solicitations by the contracting officer and by the Business Service Center (see § 5–2.204).

2. Section 5A–2.203–70 is added as follows:

§ 5A–2.203–70 **Soliciation Copies clause.**

The following clause shall be included in all solicitations for offers:

SOLICITATION COPIES

To reduce costs, only a single copy of this solicitation is mailed to addressees on our bidders mailing list, except active bidders who are being furnished a complete bid set. Active bidders are bidders who responded to previous similar solicitations from this office. If you did not receive this solicitation in more than one copy and you wish to bid, *you must submit your bid in the original and one copy* by the date specified in the solicitation. You may reproduce the required additional copies yourself, provided they are complete in every respect, or you may obtain them from ----------

•Enter address of local Business Service Center or other address, as indicated by the issuing office.

§§ 5A–2.203–72 and 5A–2.204 [Deleted]

3. Sections 5A–2.203–72 and 5A–2.204 are deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: June 28, 1973.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.73-14199 Filed 7-11-73;8:45 am]

COST OR PRICING DATA

The following change implements the instructions in FPR 1–3.807–3, concerning requirements for cost or pricing data.

PART 5A–3—PROCUREMENT BY NEGOTIATION

Subpart 5A–3.8—Price Negotiation Policies and Techniques

Section 5A–3.807–3 is revised as follows:

§ 5A–3.807–3 **Requirements for cost or pricing data.**

(a) When contract pricing is to be based on established catalog or market prices of commercial items sold in substantial quantities to the general public, contracting officer shall include in solicitations the "Basis for Price Negotiation Provision" prescribed in § 5A–73.121(a) in the format prescribed in § 5A–76.313. However, when this format is used in solicitations for other than multiple-award Federal Supply Schedule contracts, it must be appropriately modified to delete material pertinent only to multi-award contracts.

(b) Whenever a contractor refuses to provide cost or pricing data, the matter shall be referred to the Assistant Commissioner for Procurement (FP). (See §§ 1–3.807–3(b) and 1–3.807–6.)

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.121(a) is amended as follows:

§ 5A–73.121 **Basis for price negotiation of multiple award schedule contracts.**

(a) The following provisions shall be included in all solicitations for multiple-award schedule contracts. (See § 5A–3.807–3 for use of this provision in other than multiple-award solicitations where prices are based on established catalog or market prices.)

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: July 3, 1973.

M. J. TIMBERS,
Commissioner, Federal Supply Service.

[FR Doc.73-14227 Filed 7-11-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5348]

[Wyoming 34551]

WYOMING

Correction of Public Land Order No. 5345

That part of paragraph 1 following the land descriptions is changed to read as follows: The areas described aggregate 10,950.34 acres in Johnson and Washakie Counties.

JACK O. HORTON,
Secretary of the Interior.

JULY 6, 1973.

[FR Doc.73-14157 Filed 7-11-73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Dependent Children of Unemployed Fathers

Notice of proposed regulations regarding the definition of unemployed father in the program of Aid to Families with Dependent Children was published in the FEDERAL REGISTER of January 3, 1973 (38 FR 49). The notice presented two alternatives relating to the inclusion of fathers who are on strike or otherwise disqualified for unemployment compensation:

A: Give States option as to including or excluding;

B: Establish hours of work as the sole criterion, thus precluding exclusion of strikers otherwise eligible.

Thousands of comments were received, coming from all States. As could be expected, most of the responses were from management and labor; there were also many from private citizens and a number from Congressmen.

It is apparent from these comments that no one solution is going to satisfy all those who wrote. There was a fully predictable, although relatively close, division.

After consideration of the conflicting views presented, the Department has adopted alternative "A", leaving the States free to determine whether or not those on strike qualify for AFDC–UF. This is the only course fully consistent with the "New Federalism" policies of this Administration. This permits States wide flexibility in the administration of Federal/State programs, so that they may determine the best course of action in the light of their individual situations and varying circumstances. A Federal mandate either to include or exclude strikers would be undue interference with States' decisions on the extent of the program. If such a mandate is desired it should be set by Congress through the customary legislative process. Accordingly, alternative "A" is considered the acceptable alternative and is reflected in the amended regulation.

Section 233.100(a)(1), Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 233.100 **Dependent children of unemployed fathers.**

(a) *Requirements for State plans.* * * *

(1) Include a definition of an employed father which shall apply only to families determined to be needy in accordance with the provisions in § 233.20 of this chapter. Such definition must include any father who:

(i) Is employed less than 100 hours a month; or

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(ii) Exceeds that standard for a particular month, if his work is intermittent and the excess is of a temporary nature as evidenced by the fact that he was under the 100-hour standard for the prior 2 months and is expected to be under the standard during the next month;

except that, at the option of the State, such definition need not include a father whose unemployment results from participation in a labor dispute or who is unemployed by reason of conduct or circumstances which result or would result in disqualification for unemployment compensation under the State's unemployment compensation law.

• • • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. The regulations in this section shall be effective on July 12, 1973.

Dated: July 6, 1973.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: July 9, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-14304 Filed 7-11-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-743]

PART 0—COMMISSION ORGANIZATION

Authentication of Licensing Documents by Commission Seal Only

Order. In the matter of amendment of Part 0 of the Commission's rules to provide for authentication of licensing documents by Commission seal only.

The purpose of this order is to delete from the rules the statement that the signature of the Secretary appears on license forms issued by the Commission. Effective July 1, 1973, such forms have been authenticated solely by the seal of the Commission and by the signature of an official of the issuing bureau or office, when such a signature is required on the authorizing document. To avoid application processing delays, the Commission will continue to use forms bearing the signature of the former Secretary of the Commission until new forms are available.

Accordingly, Part 0 of the Commission's rules is amended to reflect this change. Authority for the attached amendment is contained in sections 4(i) and 303(r) of Communications Act of 1934, as amended. Because the amendment relates to internal Commission organization and internal procedure, the prior notice and effective date provisions of section 4 of the Administrative Procedures Act (5 U.S.C. 553) do not apply.

In view of the foregoing: *It is ordered*, Effective July 1, 1973, That Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 6, 1973.

Released: July 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Acting Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.204(c)(6) is revised to read:

§ 0.204 The exercise of delegated authority.

• • • • • •

(c) • • •

(6) With the exception of license forms requiring the signature of an appropriate official of the issuing bureau or office, license forms bear only the seal of the Commission.

• • • • • •

[FR Doc.73-14219 Filed 7-11-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Erie National Wildlife Refuge, Pa.; Correction

Special regulations governing public access, use, and recreation on Erie National Wildlife were originally published as Doc. 73-238 on page 879 of the January 5, 1973 issue of the FEDERAL REGISTER.

The third sentence of the original regulation is amended to read: Use of the picnic area is permitted on Saturdays and Sundays from 6:00 a.m. to 9:30 p.m. May 30 to October 15 and on weekdays by reservation.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 5, 1973.

[FR Doc.73-14200 Filed 7-11-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

Section 7 of the Fishermen's Protective Act, as amended, (22 U.S.C. 1971–1977) authorizes, among other things, the Secretary of Commerce to from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under section 7 of the Act. These fees are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of section 7 of the Act. Section 7 of the Act guarantees to the owners of vessels entering into agreements payment of certain costs and losses resulting from the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience. The purpose of the following amendment to § 258.5 of Fishermen's Protective Act Procedures is to establish fees for the present agreement year (July 1, 1973, through June 30, 1974). Although fees for the present agreement year are now being established without an increase above those previously established for the last agreement year, such an increase is being considered (presently, only for tuna vessels) and the fees now being established may be adjusted upward in the near future. Such an increase is being considered because the number of seizures of vessels owned by agreement holders during the last agreement year was higher than during any other agreement year since inception of the Fishermen's Guarantee Fund. When and if such an adjustment occurs, all parties will be notified and the adjusted fees will be payable in accordance with § 258.5(c) of Fishermen's Protective Act Procedures.

All parties whose agreements for the last agreement year were extended through June 30, 1974, by Amendment Number 2 must submit their fees in accordance with § 258.5(b) of the following amendment. Failure to do so will result in termination of those Agreements in accordance with the terms and conditions of Amendment Number 2.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 553). In addition, the amendment makes no substantive change in the program's conduct. This amendment is hereby adopted and will become effective on July 12, 1973.

Section 258.5 of Fishermen's Protective Act Procedures (50 CFR Part 258) is hereby amended by deleting the present section and substituting therefor the following:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by applicants for, or holders of, guarantee agreements executed (by amendment or otherwise) for the period beginning July 1, 1973, and terminating June 30, 1974, shall be as follows: For each vessel, $60 plus $1.80 per gross ton as listed on the vessel's document (fractions of a ton are not included). Although fees are due on July 1, 1973, all parties holding guarantee agreements as of July 1, 1973, (by amendment or otherwise) for the period terminating June 30, 1974, shall have until August 1, 1973, (midnight, local time) to pay the fees established herein.

(c) No return of a fee or portion of a fee will be made after a guarantee agreement is executed by the Secretary. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the guarantee agreement.

(d) A guarantee agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

Dated: July 6, 1973.

By order of the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-14161 Filed 7-11-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Procedures for Requesting Exemptions and Exceptions

The purpose of these amendments is to add Subpart H to Part 140 of Chapter I of Title 6 of the Code of Federal Regulations to set forth procedural regulations for seeking exceptions or exemptions from the freeze regulations. In addition, § 140.40 is amended to provide that it is a violation to take retaliatory action against any person who exercises his rights under the Economic Stabilization Act. Subpart F is amended to add a new section which provides that a District Director of Internal Revenue may refer to the Attorney General any matter involving noncompliance with a remedial order. Technical and clarifying amendments have been made in §§ 140.1, 140.42 and 140.56.

Prior to this amendment, § 140.1(d) provided that the Cost of Living Council Phase II procedures as set forth in Part 105 of Chapter I of Title 6 of the Code of Federal Regulations govern the submission of a request for an exception or an exemption. This amendment adds a Subpart H which sets forth procedures for initial requests for exception and exemption from the provisions of Part 140 and reconsideration of denials or partial denials of such requests. Exceptions and exemptions are granted for purposes of preventing or correcting serious hardship or gross inequity which results from application of the freeze regulations. A person will not be considered to have exhausted his administrative remedies until he has filed a request for reconsideration of a denial of an exemption or exception. The mandatory reconsideration requirement differs from the Part 105 procedures where a person whose request for exemption was denied in whole or in part could either request reconsideration or wait 30 days and seek judicial review of the Council's action.

All requests for exemption or exception are initiated pursuant to Part 401 of Chapter IV of Title 6 of the Code of Federal Regulations, which requires that requests be filed with the appropriate District Director of Internal Revenue. The initial action on all such requests will be by the Special Freeze Group of the Cost of Living Council. After consideration of the request, the Special Freeze Group will issue a decision in writing including the basis therefor directed to the person filing the request.

The particulars of the procedures for initial requests and reconsiderations are set forth in Subpart H.

Because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Special Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

In consideration of the foregoing, Part 140 of Chapter I of Title 6, Code of Federal Regulations is amended as follows, effective July 10, 1973.

Issued in Washington, D.C., on July 10, 1973.

JAMES W. MCLANE,
Director, Special Freeze Group.

Part 140 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Paragraph (d) of § 140.1 of Title 6 of the Code of Federal Regulations is amended to read as follows:

§ 140.1 Purpose and scope.

• • • • • •

(d) The Cost of Living Council may permit any exceptions or exemptions that it considers appropriate with respect to the requirements prescribed in this part. Requests for exceptions or exemptions from the requirements of this Part shall be submitted in accordance with the provisions of Subpart H of this part.

• • • • • •

2. Subpart E is amended in § 140.40 to add a new paragraph (b) to read as follows:

§ 140.40 Violations.

• • • • • •

(b) No person may take retaliatory action against any other person who files or manifests an intent to file a complaint of alleged violation of, or who otherwise exercises any rights conferred by, the Economic Stabilization Act of 1970, as amended, any provision of this part, or any order issued under this part. For the purposes of this paragraph, "retaliatory action" includes any refusal to continue to sell or lease, any reduction in quantity of services or products customarily available for sale or lease, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

3. Subpart E is further amended in § 140.42 to read as follows:

§ 140.42 Injunctions and other relief.

Notwithstanding any other provision of this Part, whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices which constitute particularly flagrant violations of any order or regulation issued under this title, the Council may immediately request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

4. Subpart F of Part 140 of Title 6 of the Code of Federal Regulations is amended in § 140.56 to read as follows:

§ 140.56 Who may request modifications or rescission of an order issued under § 140.55.

The person to whom an order is issued under § 140.55, other than an order issued after temporary suspension of an order pursuant to § 140.60(c), may file a request for modification or rescission of that order.

5. Subpart F of Part 140 of Title 6 of the Code of Federal Regulations is further amended to add a new § 140.61 to read as follows:

§ 140.61 Noncompliance.

If the recipient of a remedial order fails to comply with the terms and conditions of any order or regulation issued under this Part, the District Director may refer the matter to the Attorney General for the initiation of proceedings in a U.S. District Court pursuant to section 208 or section 209 of the Act.

6. Part 140 of Title 6 of the Code of Federal Regulations is amended to add a new Subpart H to read as follows:

Subpart H—Procedures—Exceptions and Exemptions

Sec.
140.80 Purpose and scope.
140.81 Initiation of request.
140.82 Initial action by Council.
140.83 Reconsideration requests.
140.84 Hearing.
140.85 Decision by Council.

AUTHORITY: Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38

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FR 15765; Cost of Living Council Order No. 30, 38 FR 16267.

Subpart H—Procedures—Exceptions and Exemptions

§ 140.80 Purpose and scope.

(a) This part establishes procedures for initial actions on requests for exceptions and exemptions from the provisions of Part 140 of this Title and reconsideration of denials of such requests in whole or in part.

(b) An exception or exemption will be granted by the Council for purposes of preventing or correcting a serious hardship or a gross inequity resulting from application of Part 140 of this Title.

(c) The Council will not consider that an applicant has exhausted his administrative remedies upon a request for an exception or an exemption until it has filed a request for reconsideration under § 140.83 and final action thereon has been taken by the Council under § 140.85.

§ 140.81 Initiation of request.

Requests for exceptions and exemptions are initiated pursuant to Subpart D of Part 401 of this Title.

§ 140.82 Initial action by Council.

Initial action on a request for an exception or exemption will be taken by the Council. After considering the record, the Council will issue a decision in writing including the basis therefor directed to the person filing the request for exception or exemption.

(a) If the Council grants a request for an exception or exemption, it will serve upon the applicant a copy of its decision.

(b) If the Council refuses to grant an exception or exemption, in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision;

(2) Advise him that he may request reconsideration of the Council's denial pursuant to the provisions of § 140.83 of this Title.

§ 140.83 Reconsideration requests.

(a) *Who may file request.* Any person whose request for an exception or exemption was denied by the Council pursuant to § 140.82(b) in whole or in part may request reconsideration.

(b) *Where to file request.* A request for reconsideration shall be filed with the Special Freeze Group, Cost of Living Council, 2025 M Street, N.W., Washington, D.C. 20508.

(c) *When to file.* A request for reconsideration must be filed within 30 days of service of the decision refusing to grant the exception or exemption in whole or in part.

(d) *Contents of request.* A request for reconsideration shall—

(1) Be in writing and signed by appellant;

(2) Be designated clearly as a request for reconsideration;

(3) Contain a concise statement of the grounds for reconsideration and the requested relief;

(4) Be accompanied by briefs, if any; and

(5) Be marked on the outside of the envelope: "Reconsideration."

(e) *Review by council.* (1) The Council will reconsider its decision and order denying an exception or exemption in whole or in part if a request for reconsideration:

(i) Is made by a person whose request for exception or exemption was denied by the Council in whole or in part:

(ii) It is timely: and

(iii) Makes a prima facie showing that the Council's initial action was erroneous in fact or in law.

(2) The Council may summarily dismiss a request for reconsideration which is not timely or which was filed by a person other than the one whose request for exception, or exemption was denied in whole or in part.

(3) The Council may summarily dismiss a request for reconsideration which fails to make a prima facie showing that the Council's initial action was erroneous in fact or in law, in which case it will notify the appellant of its action. Such appellant may seek judicial review under the Act.

(4) When a petition for reconsideration meets the requirements set forth in paragraph (e)(1) of this section, the Council will proceed in accordance with §§ 140.84 and 140.85.

(5) The Council on its own motion may consider any additional evidence that it deems relevant and which in its opinion the party did not have a reasonable opportunity to present previously.

§ 140.84 Hearing.

(a) If the Council in its discretion deems that a hearing is advisable, it will, as expeditiously as possible after receiving the request for reconsideration, direct that a hearing be held before a Hearing Officer, or where the Council deems it appropriate, before the Council in the first instance.

(b) When a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted not less than 10 days after written notice has been served on the appellant, at such time and place as the Council may direct.

(c) When a hearing is conducted in accordance with this Section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer allows.

(d) Where administratively feasible, within 10 days after the close of the hearing, the Hearing Officer will submit to the Council a report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 140.85 Decision by Council.

When administratively feasible, within 30 days of receipt of a request for reconsideration or within 30 days of a Hearing Officer's report when a hearing has been directed, the Council will issue a decision in writing including the basis therefor directed to the person filing the request for reconsideration.

(a) If the Council grants the reconsideration requested, it will serve upon the applicant a copy of its decision.

(b) If the Council refuses to grant the reconsideration requested, in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision;

(2) Advise him that he has exhausted his administrative remedies.

[FR Doc.73-14319 Filed 7-10-73;12:24 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 17

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 9, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 17

1. Q. A, a brick manufacturer, has had a long term contract to supply B, a builder, with 100% of B's brick requirements at 5¢/brick from July 1, 1972, to June 30, 1973. A's freeze price for bricks to all other purchasers is 7¢/brick. None of the other purchasers has a long term contract, but many of these customers have been purchasing their entire supply of bricks from A, and buy the same quantity B buys. A has notified B that, effective July 1, 1973, A will supply B with 50% of his requirement under a new contract at the 5¢ price. The remaining 50% will be sold to B in over the counter transactions at the price of 7¢. May A lawfully charge B 7¢/brick in over the counter transactions?

A. No. B is a separate class of purchaser for purposes of the freeze regulations because he took deliveries under a long term contract with a fixed price during the freeze base period. A is not required to renew the old contract with B, but he may not transfer B to another class of purchaser which has a higher freeze price in order to avoid the freeze price rules. As long as A continues to supply B during the freeze, whether by contract or over the counter, A may charge no higher than 5¢/brick.

2. Q. Since May 1, 1973, a hardware store has sold lead pipe according to a fixed, 3-step pricing formula. In the first step, a price is found on a pricing table which contains 100 prices based on 10 length sizes and 10 diameter sizes of the product offered. The price of each size is based on weight times a uniform price per pound for lead pipe. After the price is determined according to the desired length and diameter, it is multiplied by a grade factor (both a superior quality "A" and a standard quality "B" is offered). Finally, a quantity discount is offered for high-volume purchases.

Q. All sales of lead pipe were made under this 3-step pricing formula during the freeze base period including at least one high-volume and one regular volume transaction in both the quality "A" and "B" categories, but the store did not have a transaction in each, of the 400 different pricing categories possible under the formula. May the formula be used to determine freeze prices for all sizes, grades, and quantities offered or only for those for which a transaction occurred during the freeze base period?

A. The formula establishes freeze prices for all sizes, grades and quantities of lead pipe offered during the freeze base period. The freeze price is the highest price at or above which at least 10% of the items were priced in transactions with the class of purchaser concerned during the freeze base period. The class of purchaser is determined according to customary price differentials, and this includes price distinctions based on quality (Step 2) and volume (Step 3). In this case, there are no customary price differentials involved in Step 1 because the same over-all unit price per pound is charged. The pricing formula used creates price differentials in only four different categories. Therefore, only four classes of purchaser exist. Because transactions occurred with each of the four classes of purchasers during the freeze base period, freeze prices were established for all items priced under the formula. Since there were no price changes during the freeze base period for any of these classes of purchasers, the 10% transactions test is met.

3. Q. During the freeze base period, a manufacturer sold product X to a retailer with a promotional allowance of 10¢ per item to compensate the retailer for local advertising of the product. The retailer also reduced the price of product X 10¢ to his customers during this time but was not reimbursed for this reduction. When the retailer ceased advertising product X during the freeze, the manufacturer raised his price 10¢ to reflect the elimination of the promotional allowance in accordance with the Answers Sheet No. 4. May the retailer now also increase the price to his customers by 10¢?

A. No. The freeze price includes a special sale, deal or allowance in effect during the freeze base period. The manufacturer in this example is permitted to eliminate its promotional allowance on the basis that it is no longer receiving in exchange services of value equal to the allowance. The ultimate consumer has not been performing any promotional service such as providing advertising material or facilities for the retailer. Therefore, the retailer's sale price to the consumer may not be increased during the period of the freeze.

4. Q. Does the exemption for the sale of agricultural products which retain their original physical form and have not yet been processed apply to mixed plant seeds and to seedlings for planting?

A. Yes.

5. Q. Company A sells 10 categories of screws at different prices which are not determined by formula pricing. On June 1 Company A put a 5% price increase in effect for all 10 categories of screws. During the period June 1 through June 8 Company A sold screws from 6 of the 10 categories, but had no sales of screws in the other 4 categories. May Company A sell all of its screws at the higher announced prices since the screws are similar commodities or must the firm calculate a freeze price for each category of screws?

A. Freeze prices must be calculated for each sale of a commodity to each class of purchaser. A class of purchaser is composed of all purchasers to whom a person has charged a comparable price for comparable property or service during the freeze base period pursuant to customary price differentials between these purchasers and other purchasers. Customary price differentials include price distinctions based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

Because each category of screws is sold at a different price not determined by formula pricing, a customary price differential exists between purchasers buying one category of screw and purchasers who buy another category. Therefore, each category of screw is sold to a separate class of purchaser and Company A must calculate a freeze price for each category. For the four categories which were not sold during the June 1 through June 8 period, Company A must calculate the freeze price by going back in 7-day time blocks until there was a sale in each of the categories.

6. Q. During the freeze, a wheat grower sells his wheat to a grain storage concern which in turn sells the wheat to an export terminal operator. The latter exports some of the wheat and sells the rest to a domestic flour miller. Which of these transactions are exempt?

A. All of them. Under the raw agricultural products exemption, all sales of agricultural products which retain their original physical form and have not been processed, other than those products sold for ultimate consumption in their original physical form, are exempt. This includes the first, second and any subsequent sales in a chain of market transactions involving the same raw agricultural product.

6. A. For agricultural products which are of a type sold for ultimate consumption in their original physical form, such as tomatoes and apples, only the first sale is exempt. Wheat, however, is not a product of this type.

The export sale of the wheat is exempt under both the raw agricultural products exemption and the export exemption.

7. Q. A firm had been selling its product in the Northeast and on April 1, 1973, it began marketing its product in the Southwest. At the time of entering the Southwest market the firm decided to offer a 3% discount for four months to purchasers in the Southwest in order to test the Southwest's market demand for its product. The product has been well received in the Southwest, and pursuant to its original plan the firm wishes to eliminate its 3% discount on July 15, 1973. May the firm raise the prices 3% in the Southwest during the freeze?

A. No. The freeze price rule provides that no person may charge to any class of purchaser a price for any commodity which exceeds the freeze price charged in transactions with the same class of purchaser during the freeze base period. The purchasers in the Southwest would be a separate class of purchaser because the firm has implemented a customary price differential of 3% between purchasers in the Northeast and purchasers in the Southwest based on the location and type of purchasers (old versus new). The price charged customers in the Southwest during the freeze base period is the freeze price for the Southwest. The fact that there was a 3% discount for market testing in the Southwest during the freeze base period does not permit the firm to increase the prices at the time when the firm planned to discontinue the discount. The definition of freeze price specifically provides that in computing the freeze price a seller may not exclude any temporary special sale, deal or allowance in effect during the freeze base period.

8. Q. A farmer grows peanuts. He delivers and sells them to a peanut sheller who takes title to the nuts. The sheller then shells the peanuts and sells them to manufacturers. Is the sale of the shelled peanuts from the sheller to the manufacturer subject to the freeze?

A. No. Shelling is not considered a processing activity for the purpose of the raw agricultural products exemption. Roasting or salting, however, is a processing activity and the sale of roasted or salted peanuts is subject to the freeze.

9. Q. A firm in the mail order business wishes to print and mail during the freeze a catalog for the 1973 Christmas season. How should such a retailer price the items in his catalog?

A. Prices for goods sold after the freeze will be subject to the rules of Phase IV. Whenever an order is received for shipment after the freeze for goods priced in the catalog higher than the price permitted under Phase IV, the firm may charge no more than the Phase IV price, and if payment is included with the order, must refund to the purchaser the difference between the listed price and the Phase IV price. Firms preparing such catalogs are encouraged to include a prominent statement of this requirement.

10. Q. May U.S. flag vessels increase their shipping rates to foreign customers during the freeze?

A. Yes. The carriage service provided by a U.S. flag vessel to a foreign purchaser is considered an export of a service and is therefore exempt from the freeze. The sale of the service to a foreign purchaser is considered an export whether or not the sale takes place through a U.S. agent. Transactions between U.S. ocean carriers and U.S. purchasers are not exports of services and, therefore, are fully subject to the freeze.

[FR Doc.73-14318 Filed 7-10-73;12:24 pm]

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 16

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 5, 1973.

ANDREW T. H. MUNROE,
General Counsel,
Special Freeze Group.

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Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP

QUESTIONS AND ANSWERS

No. 16

The following is a list of questions asked most frequently by consumers about obtaining freeze price information and freeze price posting requirements.

1. Q. Are all stores, regardless of size, obligated to provide information on their freeze prices?

A. Yes, as of 11:59 pm, e.s.t., June 24, 1973, *every* seller of goods or services (retailer, wholesaler, manufacturer, and service organization), regardless of size of the business, must provide freeze prices, or ceiling prices, for its products or services. There are no exemptions in the freeze for small businesses.

2. Q. How can I obtain freeze price information?

A. In every place of business, you should see a prominent sign measuring no less than 22" by 28" which tells you how to obtain freeze price information.

3. Q. Does the seller have to tell me the freeze price on the spot?

A. With the exception of certain large food retailers who have more stringent requirements, any seller of goods or services must provide the customer with a Freeze Price Information Request Form. This form must have provisions for the item, the price, the style number, the department, and the requesting customer's name and address. The seller then has 48 hours in which to forward the freeze price information to the customer by mail.

4. Q. How do requirements for the large food retailers differ?

A. Any food retail outlet owned by a firm which derives $25 million or more in food sales must comply with a requirement to post, in each department, a sign announcing the availability and location of a freeze price inspection list within the department. This list must show the freeze price for the 40 items in that department which had the highest dollar sales during the last fiscal year ending prior to June 13, 1973, *or*, those items which accounted for at least 50 percent of the total dollar sales of the department—whichever is less. In addition, the store must have Freeze Price Information Request Forms available for freeze price requests on items not included in the inspection lists.

Note: These stores have the option instead to maintain one centrally located list of freeze prices for all of their items and to post a sign announcing the availability and location of this list.

5. Q. Do sellers of meat have special posting regulations?

A. Yes. Retail sellers of meat must comply with Phase III regulations to post the ceiling price for meat items available for sale. This list must be posted in a prominent place where the majority of meat items are sold. (Note: meat ceiling prices are determined in accordance with Phase III meat ceiling price regulations effective 9 pm, e.s.t., March 29, 1973.)

6. Q. What if I do not see a freeze price information sign or I receive no response to requests for information?

A. If you see no sign, or if a seller either refuses or is unable to give you freeze price information, contact your nearest local IRS office with your complaint.

7. Q. What if I suspect that the freeze price I am quoted is higher than it should be?

A. Again, file a complaint with your nearest local IRS office.

[FR Doc.73-14153 Filed 7-9-73;9:02 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 440]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 13–19, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.740 Valencia Orange Regulation 440.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is generally steady.

Prices f.o.b. averaged $3.13 per carton on a sales volume of 453 carlots during the week ended July 5, 1973, compared with $3.16 per carton on sales of 513 carlots a week earlier.

Track and rolling supplies at 273 cars were down 30 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 13, 1973, through July 19, 1973, are hereby fixed as follows:

(i) District 1: 94,000 cartons;

(ii) District 2: 385,000 cartons;

(iii) District 3: 71,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 11, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73-14420 Filed 7-11-73;12:24 pm]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

This document states that the expenses of the Washington Apricot Marketing Committee for the 1973–74 season will be $3,311, and, to obtain such funds, prescribes a rate of assessment of $2.00 per ton, payable by each handler.

On June 22, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16363) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded interested persons until July 6, 1973, to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Apricot Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 922.213 Expenses and rate of assessment.

(a) *Expense.* Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $3,311.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 922.41, is fixed at $2.00 per ton of apricots.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of apricots grown in designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable apricots handled during the aforesaid period; and (3) such period began on April 1, 1973 and said rate of assessment will automatically apply to all such apricots beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 9, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14261 Filed 7-11-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt. 64]

PART 377—SHORT SUPPLY CONTROLS

Hardship Licensing and Increase of Shipping Tolerance for Ferrous Scrap

Hardship licensing of exports of commodities subject to validated licensing requirements under Part 377; increase of shipping tolerance allowance for exports of ferrous scrap.

Section 377.4(d) and Supplement No. 1 to Part 377 are amended and a new § 377.5 is established, to read as set forth below.

Effective date: July 10, 1973.

RAUER H. MEYER,
Director, Office of Export Control.

I. *Licensing of Hardship Situations.* Notwithstanding the terms of the validated licensing requirements imposed under Part 377 of the Export Regulations, in cases of special hardship, the Office of Export Control may issue validated licenses for exports of any of the commodities listed in Supplement No. 1 to Part 377.

II. *Increase Shipping Tolerance Allowance for Exports of Ferrous Scrap.* The FEDERAL REGISTER issuance of July 3, 1973, which established a licensing system for exports of ferrous scrap, reduced the shipping tolerance allowance for licenses issued thereunder to 2½ percent. This allowance is now increased to 5 percent.

Accordingly, § 377.4(d) and Supplement No. 1 to Part 377 are amended and a new § 377.5 is established, to read as set forth below.

1. In § 377.4, paragraph (d) is amended to read as follows:

§ 377.4 Ferrous scrap.

* * * * *

(d) Section 386.7(b)(1) of the Export Control Regulations states, in part, that commodities listed in Supplement No. 1 to Part 377 are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.4(d) are accordingly shown in Supplement No. 1 to Part 377.

2. A new § 377.5 is established to read as follows.

§ 377.5 Hardships.

A U.S. exporter who believes the provisions of this Part 377 work a unique hardship on his operations may file a request for an exception to or waiver of any of its provisions. The request shall be by letter and shall be submitted with the related export license application. In the event the application is already on file in the Office of Export Control, the request shall cite the applicant's reference number (Item 6 on Form FC–419) and BEWT Case Number, if known. The letter should explain in full the circumstances that the exporter believes justify the exception or waiver.

3. Supplement No. 1 to Part 377 is amended by revising the shipping tolerance allowances to read as follows:

Supplement No. 1 to Part 377

Supplement No. 1—Commodities Subject to Short Supply Quota Controls

Schedule B Number	*Ferrous Scrap* *Commodity Description*	*Shipping Tolerance Allowance*
282.0010	No. 1 heavy-melting steel scrap, except stainless	5%
282.0020	No. 2 heavy-melting steel scrap, except stainless	5%
282.0030	No. 1 bundles steel scrap, except stainless	5%
282.0040	No. 2 bundles steel scrap, except stainless	5%
282.0050	Borings, shoveling and turnings, iron or steel, except stainless	5%
282.0060	Stainless steel scrap	5%
282.0065	Shredded steel scrap	5%
282.0078	Other steel scrap, including tin-plated and terne-plate	5%
282.0080	Iron scrap, except borings, shoveling and turnings	5%
282.0090	Rerolling material of iron or steel	5%

[FR Doc.73-14459 Filed 7-11-73;2:22 pm]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 29]

LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS

Extension of Time for Comments

In FR Doc. 73-10435, 38 FR 13894, May 25, 1973, the deadline for written data, views, and arguments was stated as June 25, 1973.

An additional period is allowed for comments. Accordingly, interested persons may submit written data, views, and arguments to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, on or before July 25, 1973.

Dated at Washington, D.C., July 6, 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-14215 Filed 7-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 273]

BIOLOGICAL PRODUCTS

Proposal Regarding Testing and Potency Requirements for Poliovirus Vaccine, Live, Oral

The Commissioner of Food and Drugs is proposing revisions in certain of the biological products regulations that appear under Subpart B—Additional Standards for Viral Vaccines as they pertain to Poliovirus Vaccine, Live, Oral. The proposal concerns amendments to four sections of the regulations, §§ 273.1024(b)(2), 273.1025, 273.1026(c) and 273.1027 (21 CFR 273.1024, 273.1025, 273.1026, and 273.1027). The intent of the proposal is to clarify some of the testing and potency requirements and to incorporate knowledge gained in this field since the present regulations were promulgated. The proposed revision of the current regulations deletes reference to 50 percent end-point titration calculation ($TCID_{50}$) to clearly allow performance of the Test for virus titer and Potency test using either $TCID_{50}$ or a plaque test and provide for the subparagraph on *Dose* to include infectivity as measured by $TCID_{50}$ and plaque tests.

As presently worded, § 273.1024(b) appears to restrict testing to a $TCID_{50}$ titration system even though the subparagraph does allow for a test of demonstrated equivalent sensitivity. The new language in the proposed revision clearly permits other tests such as the test for virus titer using either $TCID_{50}$ or a plaque test. In addition, it includes a statement to assure that the requirement for performing a parallel test on the reference virus is not interpreted as a means of adjusting the titer of the lot of poliovirus vaccine but is intended to validate the test system.

The proposed revision of § 273.1025 is intended, as with the Test for virus titer, to clearly reflect provision for other tests and assure there is no improper use of parallel reference titration results. In a further change, the final sentence concerning concentration of each type of live virus contained in a lot of vaccine has been deleted from this section and requirements as to how vaccines shall be constituted relative to infectivity titer has been set forth under § 273.1026(c).

The Commissioner proposes to revise § 273.1026(c) to broaden the statement on required concentration of virus for monovalent and trivalent vaccines so as to provide for infectivity titer limits as measured by $TCID_{50}$ or a plaque test. In addition, he proposes to establish a lower limit of potency for Type 1 Virus.

Since sufficient data and experience have been accumulated to indicate that tests for the measurement of neutralizing antibody may be of variable sensitivity, there is little need to specify certain required antibody levels in order to determine the antigenicity of the vaccine. Thus, the Commissioner proposes to amend § 273.1027 to eliminate the requirement that type specific neutralizing antibody must rise from less than 1:4 before vaccine treatment to 1:16 or greater after treatment in a specified percentage of individuals. Based upon data submitted by each manufacturer requesting licensure and comparative testing by the Food and Drug Administration, it is the intent of the Commissioner to establish the requisite antibody levels indicating seroconversion which must be met by the manufacturer.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to amend Part 273 (21 CFR Part 273) as follows:

1. By revising § 273.1024(b)(2) to read as follows:

§ 273.1024 Test for safety.

* * * * *

(b) * * *

(2) *Test for virus titer.* The concentration of living virus in each monovalent virus pool or lot expressed as infectivity titer/ml for cell cultures shall be determined using the Reference Poliovirus, Live, Attenuated of the same type as a control. A titration of the monovalent virus pool or lot shall not constitute a valid test unless the titration of the reference virus when tested in parallel is within ± 0.5 $\log_{10}$ of its established titer. The titration of the parallel reference is intended to validate the test system and shall not be used to adjust the titer of the lot under test.

* * * * *

2. By revising § 273.1025 to read as follows:

§ 273.1025 Potency test.

The virus content expressed as infectivity titer/ml for cell cultures shall constitute the potency measurement. The accuracy and validity of the titration used to determine the concentration of live virus in the lot tested shall be confirmed by performing the titration with a Reference Poliovirus, Live, Attenuated of the appropriate type. The reference titration, when tested in parallel, shall be ± 0.5 $\log_{10}$ of its established titer, and shall not be used to adjust the titer of the lot under test.

3. By revising § 273.1026(c) to read as follows:

§ 273.1026 General requirements.

* * * * *

(c) *Dose.* Each monovalent vaccine shall be constituted to have an infectivity titer of not less than $10^{6.0}$ nor greater than $10^{6.9}$ per human dose. The human dose of vaccines containing all three virus types shall be constituted to have infectivity titers in the final container material of $10^{6.0}$ to $10^{6.4}$ for Type I, $10^{5.8}$ to $10^{6.3}$ for Type II, and $10^{6.3}$ to $10^{7.3}$ for Type III.

4. By revising § 273.1027 to read as follows:

§ 273.1027 Clinical trials to qualify for license.

To qualify for license, the antigenicity of the vaccine shall have been determined by clinical trials of adequate statistical design. Such clinical trials shall be conducted with five consecutive lots of poliovirus vaccine which have been manufactured by the same methods, each of which has shown satisfactory results in all prescribed tests. Type specific neutralizing antibody shall be induced in 80 percent or more of susceptibles when administered orally as a single dose, or in 90 percent or more of susceptibles when administered orally after a series of doses. A separate clinical trial shall

have been conducted for each monovalent and each polyvalent vaccine for which a license application is made.

Interested persons may, on or before September 10, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: July 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14217 Filed 7-11-73;8:45 am]

Office of Education

[45 CFR Part 102]

STATE VOCATIONAL EDUCATION PROGRAMS—INDUSTRIAL ARTS, VOLUNTEER FIREMEN

Notice of Proposed Rule Making

Pursuant to the authority contained in the Vocational Education Act of 1963, 82 Stat. 1064-1091 as amended (20 U.S.C. 1241 to 1391), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 102 of Title 45 of the Code of Federal Regulations by revising §§ 102.3 and 102.4 as set forth below. The proposed revisions are made for the purpose of implementing the amendments made by section 202 (a) and (b) of Public Law 92-318 which add industrial arts education to the definition of vocational education and include volunteer firemen in those programs designed to prepare individuals for gainful employment.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed revisions to the Commissioner of Education. Attention: Deputy Commissioner, Bureau of Occupational and Adult Education, U.S. Office of Education, Room 5130, Seventh and D Streets, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m., E.d.t. All relevant material received on or before August 13, 1973, will be considered.

(Catalog of Federal Domestic Assistance Nos. 13.493, 13.496-13.502, Vocational Education)

Dated: June 18, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 9, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Part 102 of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 102.3 is amended by adding a new paragraph (q) and redesignating current paragraphs (q) through (aa) as (r) through (bb). New paragraph (q) is amended to read as follows:

§ 102.3 Definitions.

* * * * *

(q) "Industrial arts education programs" means those education programs (1) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about the technical, consumer, occupational, recreational, organizational, managerial, social, historical, and cultural aspects of industry and technology including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes which provide opportunities for creativity and problem solving; and (2) which the Commissioner has determined, pursuant to § 102.4(b)(5), will accomplish or facilitate one or more of the purposes of the first sentence of section 108(1) of the Act.

(20 U.S.C. 1248(1))

2. Section 102.4 is amended by revising paragraph (b)(1)(i), by adding new paragraphs (b)(5) and (b)(6), by adding a new paragraph (j) and by redesignating current paragraph (j) as paragraph (k), as follows:

§ 102.4 Vocational instruction.

* * * * *

(b) *Objective of instruction.* (1) Vocational instruction shall be designed to—

(i) Prepare individuals for gainful employment, including volunteer firemen, as semiskilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations, or

* * * * *

(5) Industrial arts education instructional programs with the objectives specified in subparagraph (1) of this paragraph shall be designed to:

(i) Assist individuals in the making of informed and meaningful occupational choices in industry and technology. In order to accomplish or facilitate this purpose, such programs shall:

(*a*) Provide occupational information and instruction pertaining to a broad range of occupations, including training requisites, working conditions, salaries or wages, and other relevant information;

(*b*) Provide exploratory experiences in shops, laboratories, and observations in business or industry to acquaint students with jobs in the occupations included in this purpose;

(*c*) Provide guidance and counseling for students enrolled in the industrial arts program under § 102.4(b)(5) of this part to assist them in making informed and meaningful choices in selected occupational fields; and

(*d*) Employ industrial arts teachers who have qualifications as provided in the State plan pursuant to § 102.38; or

(ii) Prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs. In order to accomplish or facilitate this purpose, such programs shall:

(*a*) Provide individuals with occupational information and exploratory experience to meet the specific requirements for enrollment in such programs;

(*b*) Provide occupational information and exploratory experiences directly related to current practices in industry; and

(*c*) Be conducted in an institution approved by the State Board of Vocational Education and by industrial arts teachers and guidance and counseling personnel who have qualifications as provided in the State plan pursuant to § 102.38.

(6) Instruction for volunteer firemen with the objectives specified in paragraph (b)(1)(i) of this section, whether or not such firemen are paid for services performed, shall include instruction of the type described in subparagraph (2) of this paragraph.

(20 U.S.C. 1248(1))

(j) *Industrial arts youth organizations.* Industrial arts education programs may provide for students to participate in club activities as an integral part of the instruction which are offered as indicated by § 102.4 and which are supervised by industrial arts personnel.

(20 U.S.C. 1248(1))

[FR Doc.73-14229 Filed 7-11-73;8:45 am]

Public Health Service

[42 CFR Part 57]

HEALTH PROFESSIONS STUDENT LOANS

Notice of Proposed Rule Making

Sections 740 and 744 of the Public Health Service Act authorize the Secretary of Health, Education, and Welfare to enter into agreements with health professions schools for the establishment of student loan funds from which loans are to be made to their students.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations set forth in tentative form below.

The proposed regulations would implement four major statutory changes made by section 105 of the Comprehensive Health Manpower Training Act of 1971 (P.L. 92-157): (1) An increase in the maximum amount of loan to a student for any academic year to $3,500; (2) an elimination of the five year tolling limitation for advanced professional training for those loans made after November 17, 1971; (3) a provision whereby an individual is eligible for repayment of a percentage of his educational loans if

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he signs an agreement with the Secretary to practice for at least two years in an area designated as having a shortage of and need for persons trained in his profession; and (4) a new provision whereby the Secretary may repay all or any portion of an individual's educational loans when he determines that the individual has failed his studies leading to the first professional degree and is not expected to resume such studies within two years, is in exceptionally needy circumstances and comes from a low-income or disadvantaged family. There are also several technical and clarifying changes.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed and data, views and arguments relating to the proposed regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, Building 31, Room 5 C 12, 9000 Rockville Pike, Bethesda, MD 20014. All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, Building 31, Room 5 B 36, 9000 Rockville Pike, Bethesda, MD 20014, on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m. All relevant material received on or before August 13, 1973, will be considered.

It is therefore proposed to repeal Subpart C of Part 57 and to substitute in lieu thereof a new Subpart C as set forth below.

Dated: February 12, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

Approved: July 9, 1973.

CASPAR W. WEINBERGER,
Secretary.

Amend Part 57 as follows:

(1) Revise Subpart C of the table of contents to read as follows:

Subpart C—Health Professions Student Loans

Sec.
57.201 Applicability.
57.202 Definitions.
57.203 Eligibility of schools.
57.204 Application by school.
57.205 Agreement for Federal Capital Contributions and Federal Capital Loans
57.206 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.
57.207 Federal Capital Loan Promissory Note.
57.208 Health Professions Student Loan Funds.
57.209 Nondiscrimination.
57.210 Eligibility and selection of health professions student loan recipients.
57.211 Maximum amount of health professions student loan.
57.212 Evidence of student indebtedness—promissory note; security.
57.213 Payment of health professions student loans.
57.214 Repayment and collection of health professions student loans.
57.215 Cancellation of health professions student loans for disability and death.
57.216 Repayment or cancellation of loans for practice.
57.217 Repayment of loans made subsequent to November 17, 1971, for failure to complete course of study.
57.218 Records, reports, inspection and audit.
57.219 Additional conditions.
57.220 Noncompliance.

AUTHORITY: Sec. 215, 58 Stat. 690; as amended, 42 U.S.C. 216.

(2) Revise Subpart C to read as follows:

Subpart C—Health Professions Student Loans

§ 57.201 Applicability.

The regulations of this subpart are applicable to Federal Capital Contributions and Federal Capital Loans made by the Secretary to public or other nonprofit health professions schools under Subpart I of Part C of Title VII of the Public Health Service Act (42 U.S.C. 294–294f), and to loans made to students by such schools pursuant thereto.

§ 57.202 Definitions.

As used in this subpart, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study, or a portion thereof, which leads respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or an equivalent degree, or doctor of veterinary medicine or an equivalent degree, and which is accredited as provided in section 721(b)(1)(B) of the Act.

(d) "State" means a State, the District of Columbia, Puerto Rico or the Virgin Islands.

(e) "Health Professions Student Loan Fund or Funds" means a fund established at a school pursuant to Subpart I of Part C of Title VII of the Act, either with Federal Capital Contributions together with Institutional Capital Contributions, or with Federal Capital Loans. Where a school receives monies from both methods of payment, reference is made to Funds.

(f) "Federal Capital Contribution" means the capital portion allotted by the Secretary to a school for deposit in a Health Professions Student Loan Fund pursuant to section 742 of the Act.

(g) "Institutional Capital Contribution" means the money provided by a school, in an amount not less than one-ninth of the Federal Capital Contribution, and deposited in a Health Professions Student Loan Fund.

(h) "Federal Capital Loan" means a loan made by the Secretary to a school pursuant to section 744(a) of the Act, the proceeds of which are to be deposited by such school in a Health Professions Student Loan Fund.

(i) "Health professions student loan" means the amount of money advanced to a student by a school from a Health Professions Student Loan Fund under a properly executed promissory note.

(j) "Educational loan" means a health professions student loan as defined in paragraph (i) of this section or the amount of money provided to a student under any other bona fide loan which the Secretary determines was reasonably necessary for meeting the student's costs of attending a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry, taking into account the tuition, fees, books, equipment, living expenses and such other expenses as the Secretary determines were reasonably necessary to enable an individual to attend such school.

(k) "Full-time student" means a student who is enrolled in a school and pursuing a course of study which constitutes a full-time academic workload, as determined by the school, leading to a degree specified in paragraph (c) of this section.

(l) "Date upon which a student ceases to be a full-time student" means the first day of the month which is nearest to the date upon which he ceases to be a full-time student as defined in paragraph (k) of this section.

(m) "Academic year" means the traditional, approximately 9-month September to June annual session. For the purpose of computing academic year equivalents for students who, during a 12-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of 9 months' duration.

(n) "Fiscal year" means the Federal fiscal year commencing on the first day of July and ending on the 30th day of June.

(o) "Permanently and totally disabled" means the inability to engage in any substantial gainful activity because of a medically determinable impairment, which impairment is expected to continue for a long and indefinite period of time, or to result in death.

(p) "Uniformed service" means the Army, Navy, Air Force, Marine Corps, Coast Guard, National Ocean Survey, and the U.S. Public Health Service.

(q) "National of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (8 U.S.C. 1101(a)(22)).

(r) "State health authority" means the Director of the agency responsible for administering or supervising the administration of the State plan for health services under section 314(d) of the Act.

§ 57.203 Eligibility of schools.

To be eligible for a Federal Capital Contribution or a Federal Capital Loan under this subpart, the applicant school shall meet the applicable requirements of section 740(a) and 744(a) of the Act.

§ 57.204 Application by school.

(a) Each school desiring a Federal Capital Contribution or a Federal Capital Loan under the Act shall submit an application in such form and at such time as the Secretary may require.[1] The application shall be executed by an official authorized to act for the applicant school and to assume on behalf of the applicant school the obligations imposed by the terms and conditions of any Federal Capital Contribution or Federal Capital Loan, including the regulations of this subpart.

(b) Each application shall be reviewed to determine institutional eligibility and the reasonableness of the amount of Federal support requested. When necessary to these ends, the Secretary may require the submission of additional data.

§ 57.205 Agreements for Federal Capital Contributions and Federal Capital Loans.

(a) *Federal capital contribution agreements.* No application for a Federal Capital Contribution shall be approved unless there is in effect an agreement between the Secretary and the applicant school for Federal Capital Contributions pursuant to section 740 of the Act.

(b) *Federal capital loan agreements.* No application for a Federal Capital Loan shall be approved unless there is in effect an agreement between the Secretary and the applicant school for Federal Capital Loans containing the terms required by section 744(b) of the Act and such additional terms and conditions, consistent with the applicable provisions of section 740 of the Act, as the Secretary deems appropriate.

§ 57.206 Allotment and payment of Federal Capital Contributions and Federal Capital Loans.

(a) *Annual allotment.* At a time determined by him, the Secretary shall make allotments to each school with which he has entered into an agreement pursuant to § 57.205. If the total of the amounts requested for any fiscal year by all schools for Federal Capital Contributions and Federal Capital Loans exceeds the amount of Federal funds determined by the Secretary at the time of such allotment to be available for such purposes for such fiscal year, the allotment to each such school, whether in the form of Federal Capital Contributions or Federal Capital Loans or a combination of both, shall be reduced to whichever of the following is the smaller: (1) The amount requested in the application or (2) An amount which bears the same ratio to the total amount of Federal funds determined by the Secretary at the time of such allotment to be available for such fiscal year for the Health Professions Student Loan Program as the number of full-time students estimated by the Secretary to be enrolled in such school bears to the estimated total number of full-time students in all such schools during such year. Amounts remaining after such allotment shall be reallotted in accordance with subparagraph (2) of this paragraph among schools whose applications requested more than the amounts so allotted to them, but with such adjustments as may be necessary to prevent the total allotted to any school from exceeding the total requested by it.

(b) *Supplementary allotment from revolving fund only.* From funds which become available during any fiscal year for payment to schools from the revolving fund established by section 744(a) of the Act after the allotments pursuant to paragraph (a) of this section for such fiscal year have been made, the Secretary may, in his discretion and at such time as he shall determine, make supplementary allotments to schools with which he has Federal Capital Loan Agreements and whose requests for funds for such fiscal year exceed the amounts allotted to them pursuant to paragraph (a) of this section. If the total need for supplementary funds exceeds the amounts determined by the Secretary to be available for supplementary allotments, the supplementary allotment to each school shall be reduced to whichever of the following is the smaller: (1) The supplementary amount requested or (2) an amount which bears the same ratio to the amount determined by the Secretary to be available for supplementary allotment as the number of full-time students estimated by the Secretary to be enrolled in such school bears to the estimated total number of full-time students enrolled for such year in all schools which request supplementary allotments. Any amounts remaining after such supplementary allotment may be allotted among schools in such manner as the Secretary determines will best carry out the purposes of the Act.

(c) *Payment.* The allotment of Federal Capital Contributions and/or Federal Capital Loans to a school shall be paid in such amounts, at such times, and in such installments as will not result in unnecessary accumulation of money in any Health Professions Student Loan Fund.

§ 57.207 Federal Capital Loan Promissory Note.

Each Federal Capital Loan shall be made subject to the terms of a promissory note which shall be executed by an authorized official on behalf of the borrowing school. Each such note shall include such terms with respect to the payment of interest and the repayment of principal as are consistent with the provisions of section 744 of the Act, and shall include such other terms as the Secretary finds reasonably necessary to protect the financial interests of the United States and to promote the purposes of the applicable provisions of the Act.

§ 57.208 Health Professions Student Loan Funds.

(a) *Funds established with Federal Capital Contributions.* Any fund established by a school with Federal Capital Contributions shall be deposited and carried in a special account of such school. There shall be in such fund at all times monies representing the Institutional Capital Contribution, equal to at least one-ninth of the amount of the balance of the Federal Capital Contributions in such fund.

(1) Except for funds transferred as provided for in subparagraph (2) of this paragraph, such fund shall be used by such school only for (i) health professions student loans to full-time students; (ii) capital distribution as provided in section 743 of the Act or as agreed to by the school and the Secretary; and (iii) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of health professions student loans.

(2) Not to exceed 20 per centum of the amount paid to any such school from the appropriation for any fiscal year for Federal Capital Contributions may be transferred to the sums available to the school for scholarship awards under section 780 of the Act, to be used for the same purpose as such sums: *Provided, however,* That where the Secretary finds in a particular case that a school has demonstrated an unusual need for scholarship funds, he may approve the transfer of an amount in excess of 20 per centum of the amount so paid. In the case of any transfer pursuant to this subparagraph, the proportionate amount of the Institutional Capital Contribution (i.e., one-ninth of the amount so transferred) may be withdrawn by the school from such fund.

(b) *Funds established with Federal Capital Loans.* Any funds established by a school with Federal Capital Loans shall be deposited and carried in a special account of such school, and shall be used by such school only for (1) health professions student loans to fulltime students; (2) repayments of principal and interest on Federal Capital Loans; and (3) costs of litigation and, to the extent specifically approved by the Secretary, other collection costs that are in excess of the usual expenses incurred in the collection of health professions student loans.

§ 57.209 Nondiscrimination.

(a) No eligible applicant shall be denied a health professions student loan on the grounds of sex or creed.

(b) Attention is called to the requirements of section 799A of the Act and the regulations issued by the Secretary pursuant thereto (45 CFR Part 83), which together provide that the Secretary may not enter into a contract under Title VII of the Act with any

[1] Applications and instructions are available from the Division of Physician and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, Building 31, 9000 Rockville Pike, Bethesda, MD 20014.

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entity unless he receives satisfactory assurances that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(c) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to Federal Capital Contributions and Federal Capital Loans made under Subpart I of Part C, Title VII of the Act, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

§ 57.210 Eligibility and selection of health professions student loan recipients.

(a) *Eligibility.* Health professions student loans from any fund may be made only to students who are:

(1) Nationals of the United States or permanent residents of the Trust Territory of the Pacific Islands or who are in the United States, Puerto Rico, the Virgin Islands, or Guam for other than temporary purposes and intend to become permanent residents thereof.

(2) Enrolled, or accepted for enrollment in the school as full-time students; and

(3) In need of the amount of the loan to pursue a full-time course of study at the school.

(b) *Selection of health professions student loan recipients and determination of need.* It shall be the responsibility of the school to select qualified applicants and to make a reasonable determinations of need. In determining whether a student is in need of a health professions student loan to pursue a full-time course of study at the school, the school shall take into consideration:

(1) The financial resources available to the student; and

(2) The costs reasonably necessary for the student's attendance at the school, including any special needs and obligations which directly affect the student's ability to attend the school on a full-time basis.

(c) *Records of approval or disapproval.* The records of the school shall indicate the basis for approval or disapproval of all or any part of each student application for a health professions student loan.

§ 57.211 Maximum amount of health professions student loan.

Effective on November 18, 1971, the total of the health professions student loans made from the Fund or Funds to any student for an academic year may not exceed $3,500. The maximum amount loaned during a 12-month period to any student enrolled in a school which provides a course of study longer than the 9-month academic year may be proportionately increased.

§ 57.212 Evidence of student indebtedness—promissory note; security.

(a) *Evidence of indebtedness—promissory note.* Each health professions student loan to a student from any Fund or Funds shall be evidenced by a promissory note, executed by the student borrower in such form as shall be approved by the Secretary.

(1) Any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Secretary prior to the making of any loan evidenced thereby, except that a school which elects to require security or endorsement in cases permitted under paragraph (b) of this section may include a provision reflecting such election without prior approval.

(2) Each promissory note shall include a provision stating that the loan evidenced thereby shall bear interest, on the unpaid balance of such loan, computed only for periods during which repayment of the loan is required, at the rate of 3 percent per year.

(3) A copy of each executed note shall be supplied by the school to the student maker thereof.

(b) *Security.* Neither security nor endorsement shall be required except that if the borrower is a minor and if under the applicable State law the note executed by him would not create a binding obligation, then the school is permitted to require security or endorsement.

§ 57.213 Payment of health professions student loans.

(a) Health professions student loans from any Fund or Funds shall be paid to or on behalf of student borrowers in such installments as are deemed appropriate by the school, except that no school shall pay to or on behalf of any borrower more during any given installment period (e.g., semester, term, or quarter) than the school determines he needs for such period.

(b) No payment shall be made from any Fund or Funds to or on behalf of any student borrower if at the time of such payment such borrower is not a full-time student as defined in § 57.202(k).

§ 57.214 Repayment and collection of health professions student loans.

(a) *Repayment of health professions student loans.* Subject to the provisions of this paragraph any health professions student loan, including interest accrued thereon, shall be repayable in equal or graduated periodic installments in amounts calculated on the basis of a 10-year repayment period. Except as otherwise provided in this paragraph, repayment of all such loans made after June 30, 1969, shall begin 1 year after the student ceases to be a full-time student.

(1) When a borrower, within such 1-year period, reenters the same or another school as a full-time student, the date upon which interest accrual and the repayment period begin shall be related to and determined by the date on which he last ceases to be a full-time student at any such school.

(2) The following periods shall be excluded from the 10-year repayment period: (i) All periods of up to a total of 3 years of active duty performed by the borrower as a member of a uniformed service; (ii) all periods of up to a total of 3 years of service as a volunteer under the Peace Corps Act; and (iii) all periods of advanced professional training: *Provided*, That, with respect to health professions student loans made prior to November 18, 1971, but subsequent to June 30, 1969, such periods of advanced training may not exceed a total of 5 years: *Provided further*, That, with respect to student loans made before July 1, 1969, all periods up to a total of 5 years of advanced professional training after June 30, 1969, may be excluded from such repayment period where so agreed by the school which made the loan and the Secretary, except that in no such case may the total of the periods of advanced professional training so excluded from the repayment period and the period between the date on which the borrower ceases to be a full-time student and the date on which, under the terms of the promissory note evidencing such loan, the repayment period is to begin, exceed 6 years. For purposes of this subdivision advanced professional training shall include only (i) internship and residency programs or (ii) full-time training beyond the first professional degree of at least 1 academic year which is provided by an accredited institution or an affiliate thereof, and which will advance the borrower's knowledge of and strengthen his skills in the health profession for the study of which he received the loan.

(3) Each student borrower may (subject to the provisions of paragraph (b)(3) of this section) choose the repayment schedule which he prefers from those in use by the school and approved by the Secretary, but a student borrower may, at his option and without penalty, prepay all or part of the principal and accrued interest at any time.

(b) *Collection of health professions student loans.* (1) Each school at which a Fund is established shall exercise due diligence in the collection of all health professions student loans due the Fund. The school shall use such collection practices as are generally accepted among institutions of higher education and which are at least as extensive and effective as those used in the collection of other student loan accounts due the school.

(2) With respect to any health professions student loan made after June 30, 1969, the school may assess a charge for failure of the borrower to pay all or any part of an installment when it is due, and, in the case of a borrower who is entitled to deferment benefits under section 741(c) of the Act, or cancellation benefits or repayment under section 741(f) of the Act for any failure to file timely and satisfactory evidence of such entitlement. The amount of such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The school may elect to add the amount of such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

(3) With respect to any health professions student loan made after June 30, 1969, the school may provide that during the repayment period of such loan, payments of principal and interest by the borrower with respect to all the outstanding loans made to him from any Health Professions Student Loan Fund shall be at a rate equal to not less than $15 per month.

§ 57.215 Cancellation of health professions student loans for disability and death.

(a) *Permanent and total disability.* Determinations as to whether or not a student borrower is entitled to a cancellation of indebtedness in accordance with section 741(d) of the Act on the basis of permanent and total disability as defined in § 57.202(o) shall be made by the Secretary on the recommendation of the school to whose fund the borrower is indebted, supported by such medical certifications as the Secretary may require relating to the borrower's disability.

(b) *Death.* The determination as to whether or not a student borrower is entitled to a cancellation of indebtedness in accordance with section 741(d) of the Act because of the death of the borrower shall be made by the school to which the borrower is indebted on the basis of a certification of death or such other official proof as is conclusive under State law.

§ 57.216 Repayment or cancellation of loans for practice.

(a) *Practicing in a shortage area.* (1) Subject to the provisions of section 741(f) of the Act and of this paragraph, any person who has obtained a degree specified in § 57.202(c) and who obtained any educational loan as defined in § 57.202(j), and who enters into an agreement with the Secretary to spend all or substantially all of his professional time (as a member of the National Health Service Corps or otherwise) for a period of at least two consecutive years practicing his profession in, and helping to meet the need for professional services of the population of an area in a State designated under section 329(b) of the Act, or otherwise determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for persons trained in his profession, is entitled to have a portion of such loan repaid by the Secretary as follows:

(i) Upon completion by the borrower of the first year of practice as specified in the agreement, the Secretary shall pay 30 percent of the principal of, and the interest on, each such loan which was unpaid as of the date the borrower began such practice.

(ii) Upon completion by the borrower of the second year of such practice the Secretary shall pay another 30 percent of the principal of, and the interest on, each such loan which was unpaid as of the date the borrower began such practice.

(iii) Upon completion by the borrower of a third year of such practice, the Secretary shall pay another 25 percent of the principal of, and interest on, each such loan which was unpaid as of the date the borrower began such practice.

(2) Notwithstanding the requirement in subparagraph (1) of this paragraph of completion of such practice, the Secretary shall, on or before the due date thereof, pay any loan or loan installment which may fall due within the period of practice for which the borrower is eligible to receive such payments. Such payments will be contingent upon a declaration by the borrower at such time and in such manner as the Secretary may prescribe that the borrower is then engaged in practice eligible for such payments and will continue to be so engaged for the period required (in the absence of this paragraph) to entitle the borrower to have such payments made: *Provided*, That not more than 85 percent of the principal of any such loan which was unpaid on the date the borrower began such practice shall be paid by the Secretary pursuant to this paragraph.

(3) A borrower who fails to complete two years of practice pursuant to the agreement entered into with the Secretary shall be liable to reimburse the Secretary for any payments made pursuant to such agreement.

(4) A borrower who fails to complete a third year of practice shall be liable to reimburse the Secretary for any payments made pursuant to subparagraph (2) of this paragraph in consideration of such practice.

(5) In accordance with section 741(f) of the Act, an area in a State, other than one designated under section 329(b) of the Act, may be determined by the Secretary, after consultation with the State health authority, to have a shortage of and need for persons trained in the health professions, based upon consideration of, among other pertinent factors: (i) The latest reliable statistical data available to him regarding numbers of health professions practitioners and the population to be served by such practitioners; (ii) inaccessibility of medical services to the residents of the area; and (iii) particular local health problems. A list of areas in which practice will qualify a borrower for repayment under this paragraph shall be promulgated periodically by the Secretary and published in the Federal Register together with the methodology used in determining such areas.

(b) *Continuation of provisions for cancellation of loans made prior to November 18, 1971.*—(1) *Practicing in a shortage area.* Any person who obtained prior to November 18, 1971, one or more loans from a Fund or Funds established under Part C of Title VII of the Act, and who engages in the practice of medicine, dentistry, optometry, or osteopathy in an area having a shortage of and need for physicians (M.D. and D.O.), dentists, or optometrists and whose practice is certified by the State health authority (as designated for purposes of section 314(d) of the Public Health Service Act) as helping to meet the shortage of and need for such professional services, shall be entitled, upon compliance with the statute, regulations, and instruction, to have a portion of such loans canceled as follows: 10 per centum of the total of such loans (plus accrued interest on such amount) which is unpaid as of the date that such person's professional services begin in such area, for each year of such practice thereafter, up to 50 per centum of the total of such unpaid amount, plus accrued interest thereon.

(i) For purposes of subparagraph (1) of this paragraph, the State health authority may designate as areas in the State in which there is a shortage of and need for physicians, dentists, or optometrists any county (or established comparable political subdivision in those States in which there are no counties) in which the ratio of practicing physicians, dentists, or optometrists, respectively, to the most recent available estimated population in the county is lower than the following ratios:

Physicians (M.D. and D.O.)	1:1,500
Dentists	1:3,000
Optometrists	1:15,000

Provided, That the State health authority may, with the approval of the Secretary, designate as shortage areas: (a) Geographical areas other than counties where he finds that the use of another classification of areas of the State will better reflect the health manpower needs of the State as related to particular administrative, geographical, or other factors, and (b) those counties or other geographical, areas in which the ratio of such professional personnel to population is equal to or greater than the ratios specified above in special circumstances such as (1) inaccessibility of medical services to the residents of the area, (2) age or incapacity of professionals rendering service, and (3) particular local health problems.

(ii) For purposes of subparagraph (1) of this paragraph, in determining whether the practice of a physician, dentist, or optometrist in a shortage area helps to meet the shortage of and need for such professional services in the area, the State health authority shall take into consideration the amount of time which the practitioner devotes to serving the health needs of persons living in the area; the extent to which his services are generally available to residents of the area; and such other factors as will permit the State health authority to determine that the physician, dentist, or optometrist is substantially helping to

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meet the shortage of and need for professional services for residents of the area.

(iii) For purposes of subparagraph (1) of this paragraph, a year of practice in a shortage area means any 12-month period of continuous practice (*a*) after the date the person begins practice in such area if the area is at that time designated as an area in which there is a shortage of and need for physicians, dentists, or optometrists, or (*b*) after the date the area is designated a shortage area if the area was so designated subsequent to the date that such person began practicing in such area: *Provided*, That, when an area's designation is changed, after a practitioner would otherwise be eligible for cancellation of a portion of his loan by practicing in such area, so that such area is no longer a shortage area, such change in designation shall not affect the eligibility of such practitioner to have a portion of his loan canceled for any year in which he continues to practice his profession in such area.

(iv) For the purposes of subparagraph (1) of this paragraph, the State health authority shall certify to the Secretary in such form and at such times as the Secretary may prescribe: (*a*) The areas of his State which he has determined to be shortage areas and (*b*) the names of loan recipients whose practice in such areas he has determined helps to meet the shortage of and need for the designated area in accordance with physicians, dentists, or optometrists in the criteria prescribed in this paragraph.

(v) A list of areas in which practice will qualify borrowers for cancellation under the provisions of this paragraph will be promulgated by the Secretary and published in the FEDERAL REGISTER.

(2) *Practicing in a rural shortage area characterized by low family income.* Any person who obtained prior to November 18, 1971, one or more loans from a C of Title VII of the Act and who en-Fund or Funds established under Part gages in the practice of medicine, dentistry, optometry, or osteopathy in an area which has been determined by the Secretary pursuant to this paragraph to be a rural shortage area characterized by low family income, and whose practice is certified by the State health authority pursuant to subparagraph (1) of this paragraph as helping to meet the shortage of and need for such professional services, shall be entitled, upon compliance with the statute, regulations, and instructions, to have a portion of such loans canceled as follows: 15 per centum of the total of such loans (plus accrued interest on such amount) which is unpaid as of the date that such person's professional services begin in such area, for each year of such practice thereafter, up to 100 per centum of the total of such unpaid amount (plus accrued interest thereon).

(i) For purposes of subparagraph (2) of this paragraph, the Secretary, after consultation with the appropriate State health authority, may determine an area to be arural shortage area characterized by low family income if the area has been designated as a shortage area pursuant to subparagraph (1) of this paragraph and is an area in which (*a*) at least 50 per centum of the total population is rural (as determined in accordance with the most recent available data of the U.S. Bureau of the Census), or there is no municipality of more than 10,000 population, and (*b*) at least 30 per centum of all persons have an income of less than 125 per centum of the poverty level as determined in accordance with the most recent available data of the U.S. Bureau of the Census.

(3) Nothing in this paragraph shall be construed to prevent any person from entering into an agreement with the Secretary under section 741(f) of the Act, as amended by the Comprehensive Health Manpower Training Act of 1971 (P.L. 92–157), as provided in paragraph (a) of this section.

§ 57.217 Repayment of loans made subsequent to November 17, 1971 for failure to complete program of study.

In the event the Secretary undertakes to repay educational loans pursuant to section 741(*l*) of the Act, he shall utilize the following criteria in making his determination as to each applicant's eligibility:

(a) An applicant will be considered to have failed to complete the course of study leading to his first professional degree for which an eligible educational loan was made upon certification by a health professions school that the individual ceased to be enrolled in such school subsequent to November 17, 1971;

(b) An applicant will be considered to be in exceptionally needy circumstances if, upon comparison of the income and other financial resources of the applicant with his expenses and financial obligations, the Secretary determines that repayment of such loan would constitute a serious economic burden on the applicant. In making such determination the Secretary shall take into consideration the net financial assets of the applicant and the relationship of the income available to the applicant to the low-income levels published annually by the Secretary pursuant to paragraph (c) of this section;

(c) An applicant will be considered to be from a low-income family if the applicant comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index and multiplied by a factor to be determined by the Secretary for adaptation to this program, and the family has no substantial net financial assets. Such factor and income levels as adjusted will be published annually by the Secretary in the FEDERAL REGISTER.

(d) An applicant will be considered to be from a disadvantaged family if the individual comes from a family in which the annual income minus unusual expenses which contribute to the economic burdens borne by the family does not exceed the low-income levels published by the Secretary pursuant to paragraph (c) of this section and the family has no substantial net financial assets;

(e) An applicant will be considered as not having resumed his health professions studies within two years following the date the individual ceased to be a student upon a certification so stating from the applicant; and

(f) An applicant will be considered as not reasonably expected to resume his health professions studies within two years following the date upon which he terminated such studies based upon consideration of the reasons for the applicant's failure to complete these studies, taking into account such factors as academic, medical, or financial difficulties.

Provided however, That the Secretary shall only repay educational loans made subsequent to November 17, 1971.

§ 57.218 Records, reports, inspection and audit.

(a) *Records and reports.* (1) Each Federal Capital Contribution and Federal Capital Loan shall be subject to the condition that the school shall maintain such records, and file with the Secretary such reports relating to the operation of its Health Professions Student Loan Fund or Funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. Where any school has both a Fund established with Federal Capital Contributions and a Fund established with Federal Capital Loans, records shall be kept separately for each Fund. All records shall be retained until such time as agreed upon with the Secretary that there is no further need for retention.

(2) The following individual student records not related to the operation of the Fund or Funds must be retained for five years after the individual student has ceased to be a full-time student:

(i) Approved and disapproved student applications for assistance;

(ii) Documentation of the financial need of applicants;

(iii) Reasons for approval or disapproval of applications; and

(iv) Such other records as the Secretary may prescribe.

Such individual student records may be destroyed at the end of such five-year period, except that in all cases where questions have arisen as a result of Federal audit, such records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a Federal Capital Contribution or a Federal Capital Loan shall constitute the consent of the applicant school to inspection and fiscal audit by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives of the fiscal and other records of the applicant school which relate to such Contribution or Loan.

§ 57.219 Additional conditions.

The Secretary may with respect to any agreement entered into with any school pursuant to § 57.205, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the purposes of the agreement, the interest of the public health or the conservation of funds awarded.

§ 57.220 Noncompliance.

Whenever the Secretary finds that a participating school has failed to comply with the applicable provisions of the Act or the regulations of this subpart, he may, on reasonable notice to the school withhold further payments of Federal Capital Contributions or Federal Capital Loans, and take such other action, including the termination of any agreement, as he finds necessary to carry out the purposes of the applicable provisions of the Act and regulations. In such case no further expenditures shall be made from the Health Professions Student Loan Fund or Funds involved until the Secretary determines that there is no longer any such failure of compliance.

[FR Doc.73–14231 Filed 7–11–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73–139P]

COOPER RIVER, S.C.

Proposed Drawbridge Operation Regulations

At the request of the Seaboard Coast Line Railroad, the Coast Guard is considering amending the regulations for its bridge across the Cooper River near Cordesville to require that the draw open on signal from 7 a.m. to 12 noon and from 1 p.m. to 4 p.m. The present requirement is that the draw open on signal from 8 a.m. to 4 p.m. This change is being considered because of an increase in vessel traffic between 7 a.m. and 8 a.m. and fewer requests for openings between 12 noon and 1 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 S.W. 1st Avenue, Miami, Florida, 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before August 14, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraph (17) of paragraph (g) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(g) * * *

(17) Cooper River, S.C., Seaboard Coast Line Railroad bridge near Cordesville. The draw shall open on signal from 7 a.m. to 12 noon and from 1 p.m. to 4 p.m. At all other times the draw shall open on signal if at least 24 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: July 5, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73–14223 Filed 7–11–73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–WA–3]

HOUSTON, TEXAS, TERMINAL CONTROL AREA

Proposed Adoption

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Houston, Tex. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular 91–30, Terminal Control Areas (TCAs), dated 6/11/70.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69–41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69–41 and is not within the scope of this Notice. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Houston, Tex.

On January 31, 1973, the Federal Aviation Administration held an FAA/Industry meeting in Houston, Tex., with representatives of airspace user groups to consider their operational requirements. The proposal contained herein reflects a revision to the TCA configuration presented at the meeting.

The proposed TCA floor in the vicinity of David Hooks Airport has been adjusted to allow earlier turn-ons to the ILS course for aircraft landing to the east at Houston Intercontinental Airport. This revised configuration has been coordinated with the owners of the David Hooks Airport.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

HOUSTON, TEX., TERMINAL CONTROL AREA

Primary Airport. Houston Intercontinental Airport. (Lat. 29°59'08"N., Long. 95°20'46" W.)

Boundaries. Humble VORTAC (IAH) (Lat. 29°57'24"N., Long. 95°20'44"W.)

1. *Area A.* That airspace extending upward from the surface to and including 7,000 feet MSL, within 8-miles of the IAH VORTAC excluding that airspace within and underlying Area D, hereinafter described.

2. *Area B.* That airspace extending upward from 1,800 feet MSL to and including 7,000

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feet MSL, within a 15-mile radius of the IAH VORTAC, excluding Area A, previously described, that airspace within and underlying Areas C and D described hereinafter and that airspace south of an east-west line extending from the IAH VORTAC 124°T (117°M) radial 20-mile DME point to the IAH VORTAC 232°T (225°M) radial 20-mile DME point.

3. *Area C.* That airspace northwest of IAH extending from 3,000 feet MSL to and including 7,000 feet MSL, bounded on the northeast by the IAH VORTAC 312°T (305°M) radial, on the east by the 8-mile DME arc of the IAH VORTAC, on the south by a line 2 miles north of and parallel to the IAH Runway 8L centerline extended, and on the west by the 15-mile DME arc of the IAH VORTAC.

4. *Area D.* That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15 and 20-mile radii of the IAH VORTAC and that airspace southwest of the IAH VORTAC bounded on the east by the 7-mile DME arc of the IAH VORTAC, on the southeast by the 214°T (207°M) radial of the IAH VORTAC, on the west by the 15-mile DME arc of the IAH VORTAC, and on the north by the 257°T (250°M) radial of the IAH VORTAC. Excluding that airspace within a 2-mile radius of Lakeside Airport (Lat. 29°49'02"N., Long. 95°40'29"W.) and that airspace south of an east-west line extending from the IAH VORTAC 124°T (117°M) radial 20-mile DME point to the IAH VORTAC 232°T (225°M) radial 20-mile DME point.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 5, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-14156 Filed 7-11-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 3-3; Notice 7]

FLAMMABILITY OF INTERIOR MATERIALS

Proposed Covered Components

This notice proposes an amendment of the list of components that must meet the requirements of Motor Vehicle Safety Standard No. 302, "Flammability of Interior Materials" (49 CFR 571.302), substituting "mattresses" for "mattress covers" in Paragraph S4.1 of the standard.

The enumeration of "mattress covers" as a component subject to the requirements of Standard 302 is inconsistent with the naming of similar components such as "seat backs" and "seat cushions". Since a procedure has been established in the standard for testing any materials within one-half inch of the surface (with amendments proposed on May 10, 1973, 38 FR 12934), it appears desirable to apply this procedure to mattresses, and not just their covers, in the same manner that it is applied to components such as seat cushions.

In light of the above, it is proposed that S4.1 of Motor Vehicle Safety Standard No. 302, 49 CFR 571.302, be amended by substituting "mattresses" for "mattress covers".

Interested persons are invited to submit comments on the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the address above, both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: August 13, 1973.

Proposed effective date: September 1, 1973.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 38 FR 12147)

Issued on July 3, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14196 Filed 7-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18979; FCC 73-695]

TELEVISION BROADCAST STATIONS IN KERRVILLE-FREDERICKSBURG, TEXAS

Proposed Table of Assignments; Terminating Proceeding

Memorandum opinion and order terminating proceeding. In the matter of amendment § 73.606(b), *Table of assignments*, Television Broadcast Stations. (Kerrville - Fredericksburg, Texas), Docket No. 18979, RM-1387.

1. The Commission has before it for consideration the petition for reconsideration filed by United-Tecon, a joint venture, on July 20, 1972, directed against the Commission's Report and Order released on June 13, 1972, (FCC 72-504, 35 F.C.C. 2d 510) and published at 37 FR 16554, August 16, 1972, which denied the United-Tecon request for the assignment of Channel 2 to Kerrville-Fredericksburg, Texas, as a hyphenated assignment. An opposition to the petition for reconsideration was filed by Kingstip Communications, Inc., licensee of UHF Station KHFI-TV, Austin, Texas.

2. The United-Tecon proposal assumed the use of a highly directionalized antenna with a maximum to minimum radiation ratio in the horizontal plane of 60 dB in order to minimize impact on UHF service in nearby areas. The maximum ratio permitted for VHF stations under § 73.685(e) of the Rules is 10 dB, so that use of such an antenna would have required a waiver. In the Report and Order, the Commission observed that it could not evaluate the antenna proposal with specificity until it was before it in the application stage; that there was no assurance that the petitioner would be the successful applicant for the channel if it was assigned; that in the past the greatest deviation that had been permitted by waiver of § 73.685(e) was 39.4 dB; that United-Tecon stated its proposed directional antenna was based on test facility measurements; that such measurements were acceptable under ordinary conditions but unacceptable for the great deviation proposed and that the only proof of the proposal would be by measurement under actual operating conditions; that since this could not be done the proposal was an unreasonable one and the requested waiver would be denied; and hence, since the proposal was not technically feasible, the requested channel assignment would not be made.

3. Although the decision turned on lack of technical feasibility, the Commission also treated the "UHF impact" issue and was of the opinion that economic factors would likely cause the operation of a Channel 2 station in Kerrville-Fredericksburg to be marginal at best. It indicated that there was a likelihood that the operator of such a station would seek to modify its highly directional operation to an omnidirectional one in order to gain additional revenues, and that a significant impact on UHF development in Austin (which has one VHF and two UHF stations) and possibly in other nearby areas might result from this.

4. United-Tecon, in its petition for reconsideration, contends (1) that the Commission's holding with respect to the request for waiver of § 73.685(e) was wholly inconsistent with the relevant facts, and (2) the Commission's "dictum" with respect to UHF impact totally ignores the facts that should be controlling on that question.

5. Specifically, United-Tecon claims that the Commission's finding with respect to the waiver of § 73.685(e) was based on two premises:

(a) That "the greatest deviation thus far permitted by waiver of § 73.685(e) has been 39.4 db • • •" and

(b) That the measurements of a test antenna, "while acceptable under ordinary conditions, cannot be relied on where • • • a vast departure from (the Commission's) rule is involved."

United-Tecon asserts that the first determination as to the size of the departure from the permissible dB ratio is factually incorrect, because the WWVU-TV antenna (Morgantown, West Virginia) has a maximum to minimum ratio of 46 dB, and the KZAZ(TV) antenna (Nogales, Arizona) has a ratio of 56.5 dB.[1] It then avers that the latter two suppressions are "clearly well within the current state of the art," and that such departures have been authorized and are being employed by operating stations.

6. As to the Commission's finding that reliance cannot be placed on the measurements of a test antenna, United-Tecon contends that it flies in the face of the basic laws of science, because the validity of measurement data does not turn on the question of whether the data being measured falls within the parameters of a rule (or a minor departure therefrom). United-Tecon then contends that, assuming the validity premise to be true, it does not mean that its proposal cannot be effectuated. After construction, it claims, the operation can be measured by recognized techniques to insure that the specified radiation is not being exceeded. Thus, it is contended that the waiver of § 73.685(e) should have been granted.

7. Concerning the "UHF impact" question, United-Tecon contends that such impact must be judged on its directionalized proposal and not in the context of an assumed omnidirectional operation. Secondly, it is contended that the Commission ignored the fact that the three Austin stations have primary network affiliations which assure their viability.

8. United-Tecon points out that the Commission conceded that there is a need for television service at Kerrville-Fredericksburg and that Channel 2 is available for assignment there. It strongly urges the Commission to take into account the fact that the two Austin UHF stations are network affiliated and this factor is far more important than exclusion of VHF competition. Finally, it points out that the Commission, in accordance with the WCOV case,[2] must balance its UHF impact policy against competing policies and that the Court noted that the policy is not to be looked upon as an inflexible across-the-board barrier to a VHF assignment. Based on the foregoing, United-Tecon concludes that its proposed assignment should be made rather than waste the VHF frequency since the need for television service has been shown.

9. The Kingstip opposition states that the holdings in the Commission's Report and Order were eminently reasonable with regard to the two technical grounds that United-Tecon set forth in its Petition for Reconsideration and which it contends were not a sound basis for denying the waiver. Kingstip notes that of two waivers of § 73.685(e) heretofore granted for over 40 dB ratio, neither was as great as 60 dB, and most waivers have been for less than 40 dB. It also notes that scale model measurements are inconclusive in such critical situations. Kingstip also states that the Commission's assessment of the facts concerning UHF impact was reasonable because the Commission necessarily had to consider the economic viability of the proposed VHF station.

10. The Commission has considered the petition for reconsideration filed by United-Tecon and is of the opinion that its Report and Order should be reaffirmed. The Commission has carefully analyzed the waivers granted for UHF Station WWVU-TV and VHF Station KZAZ (TV) and has concluded that, based on best available data, the WWVU-TV ratio is 30 dB and the KZAZ(TV) ratio is 46 dB. The permissible ratios for UHF and VHF stations as contained in § 73.685(e) are 15 dB and 10 dB respectively; thus the respective departures are 15 dB (WWVU-TV) and 36 dB (KZAZ(TV)). The departure in this case would be 50 dB, which is a much more significant departure because the radiated signal multiplies much greater than as in an arithmetic progression as the size of the departure from the ratios permitted by the rules increases. To illustrate the latter principle, the magnitude of the departure of the rules is that departures of 15, 36 and 50 dB represent multiplying the allowed radiated signal intensity by factors of 6, 63 and 316, respectively. As to the United-Tecon contention that rejection of scale model data flies full in the face of the basic laws of science, all that need be said is that the Commission must satisfy itself that such an antenna suppression ratio can be maintained. Where a departure is so great, as here, such data are inconclusive.

11. The WCOV case, which is cited by United-Tecon, involved a situation whereby a VHF station was expanding its Grade B contour so that it involved a 3 percent increase in Grade B overlap. The Commission found that this increase in overlap was minimal, the station expanding its radiation was a weaker station (much weaker than WCOV, the complaining UHF station), the two stations had different network affiliations, and that although the complaining UHF station had suffered losses in the past, it was now in fairly stable financial condition. Based on these circumstances, the Commission found that there was not sufficient adverse impact on UHF Station WCOV to invoke the UHF impact policy. The Court affirmed the Commission's finding stating: "The UHF impact doctrine is, of course, a creation of the Commission and the Commission is free to give it such weight as it chooses, provided it is not arbitrary or irrational • • •" (citing WLVA, Inc. v. F.C.C., 459 F. 2d 1286 (1972)). In its consideration of the UHF impact question as it affected the Austin UHF stations, the Commission necessarily had to consider the possible economic viability of the proposed highly suppressed Channel 2 operation at Kerrville-Fredericksburg, Texas. Past history of small market television stations is such that when those operations face financial difficulties that result in a marginal or a loss condition, the stations will seek to serve new areas. Directionalized television antennas can be modified for omnidirectional operation with relative ease and low expense especially when such an eventuality is taken into account prior to fabrication. A licensee on Channel 2 at Kerrville-Fredericksburg would be no exception to this possibility if it became apparent that survival could be achieved only by changing to omnidirectional to serve the city of Austin. Thus, based on the factors presented in this case, the Commission's action was reasonable and in no way arbitrary or irrational.

12. In view of the foregoing: *It is ordered*, That the petition for reconsideration of the Report and Order in this proceeding (Docket No. 18979) is denied.

13. *It is further ordered*, That the termination of this proceeding is affirmed.

Adopted: June 27, 1973.

Released: July 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-14220 Filed 7-11-73;8:45 am]

[1] This claim was originally made in the reply pleading filed by United-Tecon on February 9, 1971. A further analysis of the claim does indicate that we had previously authorized a departure of 46 dB for the KZAZ antenna, as more fully set forth in paragraph 10, infra.

[2] WCOV, Inc. v. F.C.C., 464 F. 2d 812 (1972).

[3] Chairman Burch abstaining from voting; Commissioner Johnson dissenting; Commissioners H. Rex Lee, Reid, and Wiley concurring in the result.

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

The Board of Governors is considering further implementation of its regulatory authority under section 4(c)(8) of the Bank Holding Company Act to permit bank holding companies to perform management consulting services for nonaffiliated banks. Such activities are of the type presently performed through correspondent banking relationships. The proposal would permit such activities to be performed by a nonbank subsidiary of a holding company or the holding company directly, would require explicit pricing for such services, and would foster competition for such services.

In the proposal, the Board takes into account the possibility that the management consulting arrangement involved could be used as a device to control a bank that is not part of the same holding company system, contrary to the purposes of the Act. In order to guard against such a result, such services would not be permitted to be furnished to a

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non-affiliated bank if the bank holding company or any of its subsidiaries owned or controlled any equity securities in such bank, or any officer, director, or employee of the bank holding company or any of its subsidiaries serves at the same time in a similar capacity with the recipient bank. Such conditions are minimum safeguards only and in an appropriate case the rebuttable presumption of control specified in § 225.2(b)(3) of Regulation Y may still be applied. Further, in order to minimize possible conflicts of interests, a consultant company furnishing services pursuant to this authority would be required to disclose to each potential client bank the names of banks with which the consultant is affiliated and the names of all other client banks located in the same market area as the client bank.

The Board has previously determined that, except for general management consulting services that are expressly authorized by statute to be furnished by bank holding companies to its affiliates, a bank holding company may not engage in general management consulting. (12 CFR 225.126; 1972 Federal Reserve Bulletin 571.) The present proposal relates to the furnishing of management consulting services to non-affiliated banks and arises, in part, from a pending application by The Citizens & Southern Corporation, Charleston, South Carolina, for permission to perform for non-affiliated banks, through a proposed subsidiary, Bank Management Advisory Services, Inc., Charleston, South Carolina, management consulting services of a type similar to that which would be authorized by the proposed regulation. Thus, the proposed amendment is limited to management consulting services for non-affiliated banks and does not contemplate the furnishing of such services by a bank holding company to unaffiliated, non-banking companies. The proposed bank management consulting activity and the application of The Citizens & Southern Corporation are subject to the procedures of § 225.4(b) of Regulation Y.

Accordingly, the Board proposes to amend § 225.4(a) of Regulation Y to permit bank holding companies, subject to the procedures of § 225.4(b), to perform management consulting services for banks only. The text of the proposed amendment reads as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be a proper incident thereto:

* * * * * *

(11) providing management consulting services for non-affiliated banks, including, but not limited to, site planning and evaluation, advice regarding bank mergers and the establishment of new branches, personnel recruitment and training, marketing, capital adequacy and planning, accounting procedures, investment advice (as authorized in paragraph (a)(5) of this section), and computer operations: *Provided*, That (i) neither the bank holding company nor any of its subsidiaries own or control any equity securities in the client bank; (ii) no officer, director, or employee of the bank holding company or any of its subsidiaries serves as an officer, director, or employee of the client bank; (iii) the services are performed on an explicit fee basis without regard to correspondent balances maintained by the client bank at any subsidiary bank of the bank holding company; and (iv) disclosure is made to each potential client bank of (*a*) the names of all banks which are affiliates of the consulting company and (*b*) the names of all other client banks located in the same market area as the client bank.

* * * * * *

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or argument. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 31, 1973. Such material will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information. The application of The Citizens and Southern Corporation may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14180 Filed 7-11-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

SUBCOMMITTEE ON CODE OF CONDUCT FOR LINER CONFERENCES

Notice of Meeting

A meeting of the Subcommittee on the Code of Conduct for Liner Conferences will be held at 10 am on Thursday, July 19, 1973, in Room 1207, Department of State, to discuss the results of the second session of the Preparatory Committee on the UN Conference for a Code of Conduct for Liner Conferences held at Geneva, June 4–29, 1973. The Subcommittee will also consider its future preparations for the UN Conference of Plenipotentiaries on the Code, which is scheduled to be held at Geneva, November 12 to December 15, 1973.

For further information regarding the meeting, contact Mr. Richard K. Bank, Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. 20520, telephone (area code 202) 632-0704.

Dated: July 6, 1973.

RONALD A. WEBB,
Chairman,
Shipping Coordinating Committee.

[FR Doc.73-14162 Filed 7-11-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adkins, George C., Route 1, Box 125, Fultondale, Alabama, convicted on June 10, 1936, in the United States District Court for the Northern District of Alabama, and on September 18, 1939, in the Alabama Circuit Court, Jefferson County, Birmingham, Alabama.

Apostolo, Albert P., 5 Mastick Court, Alameda, California, convicted on June 20, 1969, by the Alameda County Superior Court, California.

Bara, Martin D., 1208 East Third Street, Austin, Texas, convicted on March 21, 1940, November 3, 1943, February 2, 1954, and August 8, 1960, in the Superior Court of the State of California in and for the County of Los Angeles.

Barnette, Sidney Atmar, P.O. Box 190, Granbury, Texas, convicted on November 5, 1962, in District Court Lubbock County, Texas.

Bentley, Ephriam, 136 North Second Street, Saginaw, Michigan, convicted on April 26, 1954, by the Oakland County Circuit Court, Michigan.

Broadus, Harry K., 20444 Washburn Street, Detroit, Michigan, convicted on or about September 30, 1931, in General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina.

Brown, James R., 1010 South Wayside #712, Houston, Texas, convicted on March 28, 1969, by the Criminal District Court, Hannis County, Texas, and on January 24, 1969, by the Criminal District Court, Jefferson County, Texas.

Campbell, William D., 11609 Scottwood Avenue, Cleveland, Ohio, convicted June 26, 1957, in Recorders Court for the City of Detroit, Detroit, Michigan.

Doyle, Dennis C., 1700 Glendon Road, Salem, Virginia, convicted on July 2, 1964, by the Roanoke County Court, Roanoke County, Virginia.

Dupris, Joseph W., Jr., West 1204 Alice Avenue, Spokane, Washington, convicted on June 12, 1970, in the Superior Court of the State of Washington for Whitman County.

Edwards, George, 8065 Central Avenue, Detroit, Michigan, convicted on April 13, 1938, in the Recorders Court for the City of Detroit, Michigan.

English, James J., 3401 Gaviota Avenue, Long Beach, California, convicted on April 26, 1941, in the District Court of Howard County, Texas.

Epperson, James W., 523 Jackson Street, Bristol, Tennessee, convicted on February 1, 1937, in the United States District Court, Western Division, Virginia.

Gullett, John A., 830 Glastonbury Road, Apartment 309, Nashville, Tennessee, convicted on February 28, 1969, United States District Court for the Middle District of Florida.

Hamilton, Louis E., 3031 W. Acapulco Lane, Phoenix, Arizona, convicted on July 29, 1969, in Superior Court, Maricopa County, Arizona.

Harris, Harold A., 4148 West Church, Springfield, Missouri, convicted on or about October 31, 1941, in McDonald County, Missouri, February 22, 1943, in the Circuit Court of Wright County, Missouri, December 5, 1945, in the Circuit Court of Atchison County, Missouri, October 13, 1955, in the Greene County, Missouri, Circuit Court, and on July 6, 1955, in the Polk County, Missouri, Circuit Court.

Hostetler, Duane H., 438 South Illinois Street, Wichita, Kansas, convicted on October 10, 1955, in District Court, Harper City, Kansas.

Howard, Warren L., 6520 Fourth Avenue, N.W., Seattle, Washington, convicted on June 7, 1932, in the Superior Court for the State of Washington for the County of King, on September 8, 1933, in the Circuit Court of the State of Oregon in and for the County of Coos, and on January 9, 1935, in Superior Court of the State of Washington in and for the County of Pierce.

Hurst, Joseph D., Route 1, Box 213, Lot E, Portsmouth, Virginia, convicted on May 27, 1963, in the Court of Hustings, Portsmouth, Virginia.

Isbell, John T., 103 7th Place North East, Arab, Alabama, convicted on or about November 24, 1959, in the United States District Court for the Middle Division of the Northern District of Alabama, and on January 26, 1960, in the Marshall County, Alabama, Circuit Court, Albertville Division.

Jayroe, Richard S., 1808 Nelva Street, Waco, Texas, convicted on June 30, 1969, in the 54th District Court of McLennan County, Texas.

Jones, Wiley F., Route 4, Box 406A, Snohomish, Washington, convicted on October 21, 1966, in the Superior Court for the State of Washington, King County.

Lee, William F., Jr., 3930 Madrid Avenue, Dayton, Ohio, convicted on December 7, 1965, in the Montgomery County Common Pleas Court (Criminal Division), Dayton, Ohio.

Lenz, Joseph J., 121 Benzel Avenue South, Madelia, Minnesota, convicted on February 23, 1971, in the 5th District Court, Blue Earth County, Minnesota.

Lobban, Jimmy R., Route 1, Box 318, Mabank, Texas, convicted on January 6, 1970, in the United States District Court for the Northern District of Oklahoma.

Marshall, Robert E., Sr., 981 East 100th Place, Chicago, Illinois, convicted on January 26, 1948, in the United States District Court, Western District of Tennessee.

Messmann, David E., 2065 McCloud Avenue, Reno, Nevada, convicted on November 5, 1970, in the Second Judicial District Court of the State of Nevada, in and for the County of Washoe.

Mettler, Maynard M., 4801 Fairview Drive, Des Moines, Iowa, convicted on June 1, 1955 by the Polk County District Court, Des Moines, Iowa.

Mitchell, Bruce E., 1519 Hinton Trail North, Lake Elmo, Minnesota, convicted on December 2, 1970, in the District Court, Second Judicial District, County of Ramsey, State of Minnesota.

Morales, Rudy P., 2835 S.E. Washington Street, Milwaukee, Oregon, convicted on May 6, 1960, in the Circuit Court of the State of Oregon for Umatilla County.

Naig, Melvin W., 105 East 37th Street, Minneapolis, Minnesota, convicted on July 9, 1955, in the District Court, Eighteenth Judicial District, County of Wright, State of Minnesota.

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Paige, Herbert M., 11715 NW. 25th Street, Vancouver, Washington, convicted on March 17, 1972, in the United States District Court, Western District of Washington.

Pitts, Robert L., 247 East Bridge Street, Westbrook, Maine, convicted on March 18, 1963, in the Superior Court of San Diego, California.

Ramos, Rueben E., 3811 South Rutland Avenue, St. Francis, Wisconsin, convicted on March 9, 1970, in the United States District Court, Eastern Judicial District of Wisconsin.

Sheputis, Stanley P., 2810 South Christian, Chicago, Illinois, convicted on November 4, 1955, in the Criminal Court of Cook County, Illinois.

Sherek, Wilfred J., Lankin, North Dakota, convicted on December 17, 1952, in the United States District Court, District of North Dakota.

Smith, W., William, 2412 East Grant, Fresno, California, convicted on January 19, 1951, in the Circuit Court, Winnebago County, Illinois.

Speakman, James T., 127 East Palmer, Taylorville, Illinois, convicted on January 8, 1953, in the United States District Court, Southern District of Illinois.

Stoe, Dale R., 712 Pine Street, Crookston, Minnesota, convicted on July 14, 1960, by the District Court, Ninth Judicial District, Roseau County, Minnesota, convicted on March 12, 1964, by the District Court, Ninth Judicial District, Roseau County, Minnesota.

Theriault, David T., 58½ Spring Street, Rockville, Connecticut, convicted on December 2, 1969, in Aroostook County Superior Court, Houlton, Maine.

Thompson, Bobby L., Route 5, Box 173–2, Joplin, Missouri, convicted on January 18, 1956, in the District Court of Finney County, Garden City, Kansas.

Tonnar, Michael E., 109 East Lincoln Street, Carrollton, Missouri, convicted on April 19, 1962 by the Charlton County Court, Keytesville, Missouri.

Vassar, Daniel, 7217 Girard Court, Spokane, Washington, convicted on October 31, 1962, by the Supreme Court of Spokane, Washington.

White, Hilliard H., 13984 Archdale, Detroit, Michigan, convicted on May 19, 1954, by the United States District Court, Detroit, Michigan.

Williams, John C., 18010 Anglin Street, Detroit, Michigan, convicted on January 16, 1931, in the Detroit Recorder's Court, Detroit, Michigan.

Zerelli, Anthony J., 5505 West Wrightwood, Chicago, Illinois, convicted on September 10, 1956, in the Circuit Court of DuPage County, Wheaton, Illinois.

Signed at Washington, D.C., this 28th day of June 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-14258 Filed 7-11-73;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings

Notice is hereby given, pursuant to section 10 of Public Law 92–463, that meetings will be held in Washington on July 24 and 25, 1973, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on July 24, separate deliberations by the two committees on July 24, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of July 25.

A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73-14257 Filed 7-11-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Advisory Committee Meeting

The Department of Defense Advisory Group on Electron Devices (Working Group on Lasers) will meet in closed session at the Stanford Research Institute, Menlo Park, California, August 6–7, 1973.

The purpose of the DoD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective Research and Development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92–463, section 10d, the Director of Defense Research and Engineering has determined, on February 28, 1973, that the meetings of the Advisory Group are matters which fall within policies analogous to those recognized in section 552(b) of Title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of Subsection (a)(1) and Subsection (b) of section 10, Public Law 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JULY 9, 1973.

[FR Doc.73-14189 Filed 7-11-73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COMMITTEE AND ITS COMMITTEES

Notice of Meeting

Notice is hereby given that the Private Security Advisory Committee and its Committees to the Law Enforcement Assistance Administration will be meeting on July 26, and 27, 1973, at the Decathlon Athletic Club, 7800 Cedar Avenue South, Bloomington, Minnesota.

The meeting will be open to the public. Any interested person may file a written statement with the council for its consideration.

Statements may be sent to or information requested from Robert Macy, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20530.

JACK A. NADOL,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.73-14218 Filed 7-11-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Additions: Hesston Corp., PPG Industries.
(3) No change.
(4) No change.

This statement is made as of June 11, 1973.

Dated: June 11, 1973.

EARL D. DYER.

[FR Doc.73-14191 Filed 7-11-73;8:45 am]

ELMER HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 21, 1973.

Dated: May 21, 1973.

ELMER HALL.

[FR Doc.73-14192 Filed 7-11-73;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 21, 1973.

Dated: May 21, 1973.

FREDERICK L. PETERSEN.

[FR Doc.73-14193 Filed 7-11-73;8:45 am]

JOHN R. VOGEL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 25, 1973.

Dated: May 25, 1973.

JOHN R. VOGEL.

[FR Doc.73-14196 Filed 7-11-73;8:45 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 24, 1973.

Dated: May 24, 1973.

HUGH C. VAN HORN.

NOTE: This statement also includes the period July 1, 1972 thru December 31, 1972.

[FR Doc.73-14195 Filed 7-11-73;8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None
(2) None
(3) None
(4) None

This statement is made as of May 21, 1973.

Dated: May 21, 1973.

KEITH E. SPENCER.

[FR Doc.73-14194 Filed 7-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

U.S. MEAT ANIMAL RESEARCH CENTER ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972, (Public Law 92–463, 86 STAT. 770–776), notice is hereby given that a public meeting of the U.S. Meat Animal Research Center Advisory Committee will be held on July 25 and 26, 1973, at the Research Center, Clay Center, Nebraska. The meetings will convene at 8:30 p.m. on both days in the auditorium. The meeting is open to the public.

The purpose of the meeting is to bring committee members up to date on the research being carried out at the center, as well as future plans for research.

Further information concerning these meetings may be obtained by contacting the Director, U.S. Meat Animal Research Center, P.O. Box 166, Clay Center, Nebraska 68933. Interested persons may file written statements with the Committee before or after the meeting.

Done at Washington, D.C., this 2d day of July 1973.

T. W. EDMINISTER,
Administrator, Agricultural Research Service.

[FR Doc.73-14201 Filed 7-11-73;8:45 am]

Forest Service

MOOSE CREEK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Multiple Use Plan—Moose Creek Planning Unit, Forest Service Report Number USDA–FS–FES (Adm) 73–4.

The environmental statement concerns implementation of a revised Multiple Use Plan for the Moose Creek Planning Unit, Sula Ranger District, Bitterroot National Forest, in Ravalli County, Montana. About 20,000 acres of National Forest lands are impacted, of which approximately 15,700 acres are currently roadless and essentially undeveloped. The plan is intended to provide the District Ranger with more detailed management guidance for the unit. The unit is zoned into eight subunits (management units) of similar resource problems and potential, with key value(s) identified in each subunit.

This final environmental statement was filed with CEQ July 3, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Bitterroot National Forest
316 North Third Street
Hamilton, Montana 59840

A limited number of single copies are available upon request to:

Orville L. Daniels, Forest Supervisor
Bitterroot National Forest
316 North Third Street
Hamilton, Montana 59840

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JULY 5, 1973.

[FR Doc.73-14202 Filed 7-11-73;8:45 am]

PERENOSA TIMBER SALE REVISION

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the revision of the Perenosa Timber Sale. USDA–FS–DES (Adm) 73–80.

The environmental statement concerns a proposed action to revise a timber sale made in 1968 to include resource/environmental modifications.

This draft environmental statement was filed with CEQ on 7–3–73.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service South Agriculture Bldg., Room 3230 12th St. & Independence Ave., SW Washington, D.C. 20250

USDA, Forest Service Suite 205 121 West Fireweed Lane Anchorage, Alaska 99503

A limited number of single copies are available upon request to Forest Supervisor, Chugach National Forest, Suite 205, 121 W. Fireweed Lane, Anchorage, Alaska 99503.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the

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name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Chugach National Forest, Suite 205, 121 W. Fireweed Lane, Anchorage, Alaska 99503. Comments must be received by August 17, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON
Deputy Chief,
Forest Service.

JULY 5, 1973.

[FR Doc.73-14203 Filed 7-11-73;8:45 am]

SALMON RIVER, ROARING RIVER LAND USE PLAN, MT. HOOD NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Salmon River-Roaring River Land Use Plan, Mt. Hood National Forest, Oregon USDA-FS-DES-Adm 73-82.

The environmental statement concerns a proposed plan for the management of 81,700 acres in the Mt. Hood National Forest, including portions of two inventoried roadless areas. The proposal allocates land use and establishes management direction for eight subunits which are identified as being suitable for multiple-use, back country, landscape management zones or special interest areas.

This draft environmental statement was filed with CEQ 7-3-73.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

USDA Forest Service
Mt. Hood National Forest
340 N.E. 122nd Avenue
Portland, Oregon 97216

A limited number of single copies are available upon request to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, P.O. Box 16040, Portland, Oregon 97216. Comments must be received by August 17, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 5, 1973.

[FR Doc. 73-14204 Filed 7-11-73;8:45 am]

TARGHEE NATIONAL FOREST, IDAHO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the purpose of identifying and evaluating the effects of implementing the proposed plan for the Centennial Mountain Planning Unit. The Forest Service Report Number is USDA-FS-DES(Adm.). 73-81.

The environmental statement concerns a proposed land use plan governing the management of lands on the Targhee National Forest. Proposed management includes timber harvesting, forage utilization by domestic livestock, watershed improvement practices, maintenance of suitable wildlife habitat, provision for minerals extraction, recreation, road construction, protection of esthetic values, and other uses which are available from the National Forests.

This draft environmental statement was filed with CEQ July 3, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
Federal Office Building, Room 2025
324 25th Street
Ogden, Utah 84401
Forest Supervisor's Office
Targhee National Forest
420 North Bridge Street
St. Anthony, Idaho 83445
District Ranger's Office
Dubois Ranger District
Dubois, Idaho 83423
District Ranger's Office
Island Park Ranger District
Island Park, Idaho 83429

A limited number of single copies are available upon request to Robert H. Tracy, Forest Supervisor, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151 at a cost of $7.00 per copy. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445. Comments must be received by August 17, '73 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 5, 1973.

[FR Doc.73-14206 Filed 7-11-73;8:45 am]

WINTER PARK MANAGEMENT UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for the Winter Park Management Unit of the Arapaho National Forest, Forest Service Report Number USDA-FS-DES (Adm) 73-83.

The Environmental Statement concerns implementation of management direction for the Winter Park Management Unit that (A) protects its suitability for winter sports activities, and (B) permits expansion of the existing winter sports area.

The Draft Environmental Statement was filed with CEQ on 7-3-73.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250
Regional Forester
Bldg. 85, Denver Federal Center
Denver, Colorado 80225
Acting Forest Supervisor
% Roosevelt National Forest
Federal Building
301 So. Howes Street
Fort Collins, Colorado 80521

A limited number of single copies are available upon request to W. K. Kelso, Acting Forest Supervisor, in care of Roosevelt National Forest, Federal Building, 301 So. Howes Street, Fort Collins, Colorado 80521.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from the State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to W. K. Kelso, Acting Forest Supervisor, % Roosevelt National Forest, Federal Building, 301 So. Howes Street, Fort Collins, Colorado 80521. Comments must be received by 8-17-73, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 5, 1973.

[FR Doc.73-14205 Filed 7-11-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-50]

PAN-ALASKA FISHERIES, INC.

Supplementary Notice of Hearing

JULY 9, 1973.

Pan-Alaska Fisheries, Inc., has applied for permission to transfer the operations of the 267.4' registered length Royal Sea (ex Seafreeze Pacific), constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for bottomfish, hake and herring in the North Pacific Ocean and the freezing and transportation of salmon in the North Pacific Ocean to the fishery for bottomfish, hake and herring in the North Pacific Ocean and the freezing and transportation of salmon in the North Pacific Ocean and the catching, processing and transporting of snow crab (Tanner crab) in the Bering Sea.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (Public Law 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing on the above entitled matter will be held on August 13, 1973, at 10 a.m., e.d.s.t., in the Penthouse of Page Building 1,, 2001 Wisconsin Avenue, N.W., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If a petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

The foregoing notice supersedes a notice on this same subject which appeared in 38 FR 16925, dated June 27, 1973.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-14237 Filed 7-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions and Delegations of Authority

In the statement of organization, functions, and delegations of authority of the Department, Chapter 1N, entitled Office of the Assistant Secretary for Health (38 FR 7271-72), should be deleted and the following statement added:

Section 1N.00 Mission.—The Assistant Secretary for Health is the principal advisor and assistant to the Secretary on health policy and all health-related activities in the Department. He is responsible for the direction of the health agencies of the Department, for providing leadership and policy guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health.

Section 1N.10 Organization.—The Office of the Assistant Secretary for Health consists of the following principal operating components:

1. *General Functions*
   Office of Administrative Management
   Office of Policy Development and Planning
   Office of Program Operations
   Office of Regional Operations
2. *Special Functions*
   Regional Health Administrators
   Executive Secretariat
   Office of Public Affairs
   Office of Professional Standards Review
   Office of International Health
   Office of Population Affairs
   Office of Drug Abuse Prevention
   Office of Nursing Home Affairs

Section 1N.20 Functions. A. The Assistant Secretary for Health: (1) Directs the activities of the Public Health Service and its several operating agencies; and (2) as the Secretary's principal advisor on health, provides leadership and guidance on all health and health-related activities, including research and development; education and training; organization financing and delivery of health care services; and problems of public and environmental health. In addition, he is responsible for the direction of nursing home affairs throughout the Department; the coordination of drug abuse activities throughout the Department which includes providing the principal point of contact within the Department with the Special Action Office for Drug Abuse Prevention; and exercising specialized responsibilities in the areas of population affairs, international health, and transportation and disposition of certain hazardous materials. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested.

B. The principal components of the Office of the Assistant Secretary for Health, operating under the general direction and supervision of the Assistant Secretary, have the following functions and responsibilities:

1. *General Functions.* a. *Office of Administrative Management.* The Director of the Office of Administrative Management advises and assists the Assistant Secretary for Health and the Executive Officer on internal management priorities and policies.

Develops health-wide policy and provides leadership and coordination of agency activities in the area of financial management, contracts and grants, personnel management, organization, management systems and studies, operational planning, administrative services, ADP management and facilities management.

Participates in program and legislative planning and analyzes program operations, in collaboration with the Assistant Secretary for Health staff and agencies, to identify management implications and to ensure responsible administrative planning.

Provides leadership and review of agency administrative management activities for the purpose of assuring compliance with laws, regulations, procedures, sound management policies, and Health-wide management policies, goals and plans.

Furnishes selected supporting and staff services in fiscal management, personnel management, management analysis, and administrative services.

Provides selected centralized common services, including service provided on a fee-for-service basis as authorized by law.

Serves as the principal liaison with the Office of the Secretary, the health agencies, and other government agencies on administrative management activities and as appropriate represents the Assistant Secretary for Health.

(1) *Administrative Services Center.* For the agencies located in and around the Parklawn Building, the Director of the Administrative Service Center plans, coordinates, and administers the provision of technical and administrative services.

Provides administrative operations, such as general services, procurement support, library services, and building and facilities services.

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Provides administrative support to accomplish these functions and serves as liaison with GSA and other components within the Department for technical and administrative services related to the health agencies.

(2) *Office of Organization and Management Systems.* The Director of the Office of Organization and Management Systems serves as the principal advisor on all Health organization and management activities.

Develops and disseminates Health-wide policies for organization, computer, and management systems and evaluates or directs the review of agency management systems, procedures and activities.

Serves as the focal point for coordinating agency management activities with the Office of the Secretary and other Federal agencies and offices.

Provides leadership and direction for the development and implementation of (a) agency cross-servicing arrangements (b) compatible organization, computer and management systems, and (c) procedures designed to improve efficiency and economy of operations in the Health establishment.

Fosters the efficient management of Health manpower through a manpower utilization program.

(3) *Office of Personnel Management.* The Director of Personnel Management is the principal advisor in Health for personnel management and training activities.

Develops personnel management objectives for Health activities and the policies and standards necessary to advance these objectives; and provides leadership and direction for coordinated personnel management programs embracing the Commissioned Corps and Civil Service personnel in Health activities.

Plans, develops, and administers the Commissioned Corps personnel system; provides centralized operating personnel services for the health agencies located at Parklawn; and conducts evaluation studies of all Health Personnel activities to assure performance in accordance with standards and policies established by the Public Health Service, the Department, and the Civil Service Commission.

Coordinates the personnel management activities of the Health agencies with the Department, the Civil Service Commission, the Office of Management and Budget, the Department of Defense, the Veterans Administration, and the Congress on matters of common concern.

(4) *Office of Resource Management.* The Director of the Office of Resource Management serves as principal resource within the Public Health Service on all phases of financial management inherent in the operation of the Health agencies; plans, directs, coordinates, and evaluates financial management activities for the Health agencies to assure effective utilization and control of management resources; formulates policies for, and makes the official fiscal allocation of, resources for Health activities in accordance with priorities based on program goals and objectives; directs an integrated operational planning process for Health activities; serves as focal point for overall policy and fiscal management of contracts and grants activities; provides leadership and direction to the Health agencies for the development of resource management systems; monitors financial, operational planning, and contracts and grants programs of Health activities to assure a coordinated effort toward achieving the goals and objectives established by the Assistant Secretary for Health; serves as principal resource within the Department on all phases of facility management inherent in the operation of the Health agencies; furnishes consultant services to program officials on health facility needs; and maintains liaison with the Office of the Secretary on resource management activities.

b. *Office of Policy Development and Planning.* The Director of the Office of Policy Development and Planning serves as the principal advisor to the Assistant Secretary for Health concerning the development of a national health policy and strategy.

Directs or conducts the health policy development and research, planning, and program evaluation activities of the Public Health Service.

Provides guidance for policy analysis and research, planning, and program evaluation activities within the health agencies and with respect to health and health-related issues.

(1) *Office of Planning and Evaluation.* The Director of the Office of Planning and Evaluation provides staff advice on matters of national policy planning and evaluation of health programs in the Department of Health, Education, and Welfare.

Conceives and directs a process of planning leading to development of national and Departmental policies and strategies for Health.

Manages and oversees the total program planning process, developing forward plans for resource allocation decisions in cooperation with health agencies and the Office of Regional Operations.

Cordinates implementation of forward plans and budgets consistent with health policies in cooperation with the Office of Administrative Management, the Office of Regional Operations, and other staff offices.

Assures a continuing evaluation of health program goals, policies, and operations by health agencies and the Office of Regional Operations by providing general guidance, assistance where necessary, and review of general plans and strategies for consistency with overall policy.

Conducts special program evaluations which are of particular relevance to the Assistant Secretary for Health and which impact on national health policies.

Provides liaison with all health agencies to assure adoption of standardized data elements and formats for reporting.

(2) *Office of Policy Analysis and Research.* The Director of the Office of Policy Analysis and Research provides indepth analytical and research capability in health and related fields in order to conduct, support, manage, and oversee policy analyses and research, thus developing and facilitating policy formulation and decisions.

Directs and conducts analyses of health policy issues, including cost/benefit analyses of health policy alternatives.

Develops and oversees execution of the Department's health services research plan.

Coordinates and directs interagency research and experimentation in health services.

Provides analyses of current and prospective developments and findings from research which may impact health policies.

Maintains liaison with the National Center for Health Services Research and Development and with other public and private health services research programs and policy institutes.

c. *Office of Program Operations.* The Director of the Office of Program Operations serves as the principal advisor to the Assistant Secretary for Health concerning resolution of operating problems, monitoring implementation of program policies and objectives, and coordination of legislative activities.

Analyzes medical and scientific implication of both current and proposed health policies and programs to (a) determine and recommend need for changes; (b) interpret interaction of health components and HEW officials; and (c) review and recommend approval of new or revised regulations.

Coordinates and reviews Congressional correspondence, reports, legislative initiatives, and Congressional testimony.

Coordinates committee management activities for Health.

Provides a focal point for public interaction in such areas as patent appeals, freedom of information, special interest groups, environmental health and health and scientific liaison.

Serves as a focus for the Department's responsibilities relating to hazardous materials.

Plans systems to determine data intelligence requirements and utilizes data input from the agencies and Office of Regional Operations for program coordination.

Responds to special requests from the health agencies for consultative assistance relating to aspects of national health and scientific policy.

Analyzes the medical and scientific aspects of Health programs, assessing the implications of current policies and priorities and provides advice on findings.

(1) *Office of Policy Coordination and Review.* The Director of the Office of Policy Coordination and Review resolves problems and issues identified in the process of reviewing operating matters and tracking selected program objectives.

Appraises selected health activities for mission effectiveness, including interagency policy reviews to streamline operations.

Provides leadership to the health agencies in implementing specific policies and new legislative initiatives and monitors results.

Reviews and approves program statistical reports prepared by the agencies and the Office of Regional Operations for the Office of the Secretary, other Federal agencies, and the Congress.

Reviews and clears new or revised regulations.

Provides final clearance for responses to Congressional correspondence, and assures responsiveness and conformance to established policies and objectives.

(2) *Office of Legislative Coordination.* The Director of the Office of Legislative Coordination reviews and assists in the presentation of testimony on proposed legislative matters for Congressional hearings.

Serves as a consultant on legislative activities of the Health agencies.

Participates with the Assistant Secretary for Legislation and health agencies in the formulation of a position on selected legislative proposals.

Develops policies for and reviews agency reports requested by the Congress.

(3) *Office of Health Liaison.* The Director of the Office of Health Liaison maintains liaison with allied health and environmental groups within the elements of the Department, with other Departments, and with major health organizations.

Provides medical-managerial talent to represent the Assistant Secretary for Health at appropriate health and health-related meetings in the governmental and private sectors.

Provides health policy and procedures for the establishment, operation, appointment thereto, and termination of Public Advisory Committees, and reviews agency activity in this area.

Serves as a focal point for public interaction in such areas as patent and freedom of information appeals.

(4) *Office of Special Health Projects.* The Director of the Office of Special Health Projects provides a small cadre of medical-managerial talent to stimulate, plan, and direct highly significant special studies of discrete health and scientific problems which cut across organizational lines and require the direction and coordination of DHEW-wide resources and efforts.

Evaluates selected data from the health agencies, utilizing special task forces made up of agency representatives and/or outside experts and consultants.

Recommends new health and scientific initiatives and approaches.

Serves as a focus for the Office's responsibilities relating to the health implications of environmental health factors working, as necessary, with representatives of other departments and interested groups.

d. *Office of Regional Operations.* The Director of the Office of Regional Operations serves as the principal staff advisor to the Assistant Secretary for Health on matters pertaining to the operation of Regional Offices.

Participates in the development of, and is responsible for interpreting and ensuring implementation of health programs, policies, and operational guidelines to the Regions.

Provides an overview of the interrelated activities of the health agencies conducted at the regional level and assures avoidance of program duplication and overlap.

Resolves policy problems and priorities among regions and between regional offices, headquarters agencies, Assistant Secretary for Health staff, and the Office of the Secretary.

Reviews and approves operating plans, budgets, and staffing requirements, and allocates funds and position to regional offices to assure compliance with national plans and strategy.

Evaluates the overall management performance and resources capabilities of the regional offices.

Initiates actions, in cooperation with Office of the Assistant Secretary for Health staff and the health agencies, to develop training activities and career development programs for regional personnel.

Establishes and implements a Regional Office reporting and management information system.

Works with the staff offices in the Assistant Secretary for Health and the health agencies to insure Regional Office input and participation in policy planning and budget formulation.

Serves as the focal point for managing health-wide decentralization activities.

(1) *Office of Management Assistance.* The Director of the Office of Management Assistance serves as the focal point for assisting Regional Health Administrators in the provision of day-to-day administrative support for resolving special problems in the areas of budget, fiscal, personnel, and other administrative services.

Works with health personnel in Regional Offices, staff of the Regional Directors, the Office of Administrative Management, and the Office of Deputy Under Secretary for Regional Affairs to identify and provide solutions to administrative needs and problems of Regional Offices.

Advises and assists Regional Offices in improving their management capability for organizing, directing and evaluating Regional operations.

Participates in the evaluation of Regional Offices with special emphasis on management capability and performance.

(2) *Office of Planning and Resource Allocation.* The Director of the Office of Planning and Resource Allocation coordinates the development of planning guidelines for regional operations.

Reviews and recommends approval of regional plans, budget, and staffing proposals in light of national health plans and strategies determined by the Assistant Secretary for Health and the health agencies.

Establishes and implements a regional office reporting and management information system.

Allocates funds and positions to regional offices.

Monitors regional office performance in meeting established goals, recommends corrective action as needed, and assists in the implementation of recommended action.

Identifies and initiates, in cooperation with staff offices of the Assistant Secretary for Health and the health agencies, actions to meet training and career development needs of regional personnel.

(3) *Office of Regional Program Implementation.* The Director of the Office of Regional Program Implementation exercises prime responsibility for assuring that regional office operational policy is established in accordance with national priorities and objectives.

Serves as the focal point within the Office of Regional Operations for review and coordination of all health policy statements which will affect Regional programs, assuring that proposed policies are consistent with both national priorities and regional needs and capabilities.

Cooperates with health agency program officials in development and interpretation of program guidelines and priority directives to Regional Offices.

For new and emerging program efforts, especially those involving several health agencies, assembles and directs *ad hoc* task forces to develop recommended policy statements for the Assistant Secretary for Health relating to Regional Office implementation.

Based on knowledge of regional operations, identifies need for new or revised policy statements and recommends appropriate action.

Works with staff offices in the Office of the Assistant Secretary for Health and the Health Agencies to insure continual Regional Office input and participation in policy development and to insure avoidance of program duplication and overlap.

Participates in evaluation of Regional Office performance.

2. *Special Functions.* a. *Regional Health Administrators.* Each Regional Health Administrator is responsible for directing all Regional Office health programs and activities in order to assure a coordinated regional effort in tune with national policies and State and local needs with their region.

Interprets national policies and guidelines, establishes regional goals and objectives, monitors progress and accomplishments, and evaluates and redirects the regional effort accordingly.

Develops the overall regional budget proposal (funds and positions) based on national priorities and regional work plans.

Determines types of personnel needed, recruits and selects, and evaluates performance of regional staff.

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Cooperates with the Regional Director in coordinating health programs with other Department of Health, Education, and Welfare programs and with programs of other agencies impacting upon the needs of people.

Awards health grants and contracts in accord with national policies and guidelines and State and local needs.

b. *Executive Secretariat.* The Executive Secretariat has responsibility for reporting on meetings of the Assistant Secretary for Health and following up on action items that result from these meetings; for developing meeting agendas and minutes; for correspondence policies, processing, followup and clearance; and for maintaining Health files.

Assigns, controls, coordinates, follows-up, and provides substantive review of the Office of the Assistant Secretary for Health communications, including memoranda, reports, staff papers, as well as priority correspondence addressed to the President, the Secretary, the Assistant Secretary, and the Surgeon General, and letters from members of Congress.

Establishes procedures for the preparation and management of written communications involving the Office of the Assistant Secretary for Health.

Prepares replies to correspondence when appropriate.

Manages system of rapid communication between the Office of the Assistant Secretary for Health and the health agencies; in collaboration with both groups, produces the Weekly Activity Report to the Secretary and other reports, such as a weekly Current Issues List for the Assistant Secretary and key staff.

Maintains the official files of the Assistant Secretary for Health.

c. *Office of Public Affairs.* The Director of the Office of Public Affairs advises and assists the Assistant Secretary for Health on communications with the various publics served by the Public Health Service, and coordinates the public affairs activities of the five health agencies with policy directives of the Assistant Secretary for Health, and with the overall public affairs policies of the Department of Health, Education, and Welfare.

d. *Office of Professional Standards Review.* The Director of the Office of Professional Standards Review serves as the Department's focal point for managing professional standards review organization (PSRO) activities and directs and coordinates PSRO activities in both the health and non-health agencies.

e. *Office of International Health.* The Director of the Office of International Health provides assistance and guidance on, and coordinates, the international health activities of the Department.

Prepares analyses of selected international health policies and programs for the Department of State.

Maintains liaison with international institutions and organizations and other departments and agencies on international health matters.

Arranges international technical assistance in the health field at the request of other departments and agencies.

f. *Office of Population Affairs.* The Deputy Assistant Secretary for Population Affairs advises on programs of national importance in the fields of population dynamics, fertility, sterility, and family planning and directs population and family planning activities within the five health agencies of the Department.

g. *Office of Drug Abuse Prevention.* The Special Assistant for Drug Abuse Prevention serves as the principal Departmental contact with the Special Action Office for Drug Abuse Prevention, receiving, referring, and following up on all major Special Action Office for Drug Abuse Prevention requests.

Coordinates all intra-DHEW staff work on major drug abuse issues and, with the Assistant Secretary for Health, brings directly to the attention of the Secretary major issues requiring Secretarial decision.

h. *Office of Nursing Home Affairs.* The Director of the Office of Nursing Home Affairs serves as the Departmental focal point for managing nursing home affairs and directs and coordinates nursing home activities in both the health and non-health agencies.

. . . . . .

Dated: July 3, 1973.

CASPAR W. WEINBERGER,
Secretary, Health Education and Welfare.

[FR Doc.73-14228 Filed 7-11-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-105]

VERMONT

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on July 6, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Vermont from severe storms, flooding, and landslides, beginning about June 26, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Vermont. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. John F. Sullivan, HUD Region 1, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Vermont to have been adversely affected by this declared major disaster:

The Counties of:

Addison	Lamoille
Bennington	Orange
Caledonia	Orleans
Chittenden	Rutland
Essex	Washington
Franklin	Windham
Grande Isle	Windsor

Dated: July 9, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14239 Filed 7-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ARIZONA

Notice of Proposed Action Plan

The Arizona Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Arizona Highway Department
206 South 17th Avenue
Phoenix, Arizona 85007
2. Arizona Division Office
3500 North Central Avenue, Suite 201
Phoenix, Arizona 85012
3. Federal Highway Administration, Region 9
450 Golden Gate Avenue, Box 36096
San Francisco, California 94102
4. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building, Room 3246
400 7th Street S.W.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 6, 1973.

Issued on July 5, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-14159 Filed 7-11-73;8:45 am]

WEST VIRGINIA

Notice of Proposed Action Plan

The West Virginia Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. West Virginia Department of Highways
1900 Washington Street East
Charleston, West Virginia 25305

District Headquarters, West Virginia Department of Highways:

2. District One
1334 Smith Street
Charleston, West Virginia 25305
3. District Two
2224 Fifth Avenue
Huntington, West Virginia 25701
4. District Three
Depot Street
Parkersburg, West Virginia 26101
5. District Four
Perry Mine, Route 19
Clarksburg, West Virginia 26301
6. District Five
92 North Mineral Street
Moundsville, West Virginia 26041
7. District Six
Third & Jefferson Streets
Moundsville, West Virginia 26014
8. District Seven
Depot Street
Weston, West Virginia 26425
9. District Eight
Davis Avenue
Elkins, West Virginia 26211
10. District Nine
122 North Court Street
Lewisburg, West Virginia 24901
11. District Ten
Scott Street
Princeton, West Virginia 24740

Regional Council Offices as noted:

12. Region One Planning and Development Council
Suite 201 Blair Building
Beckley, West Virginia 25801
13. KYOVA Interstate Planning Commission
Room 305
Cabell County Courthouse
Huntington, West Virginia 25701
14. B-C-K-P Regional Intergovernmental Council
410 Kanawha Boulevard, East
Charleston, West Virginia 25301
15. Region Four Planning and Development Council
City Hall
Fayetteville, West Virginia 25840
16. Region Five Planning and Development Council
275 Fourth Street
Parkersburg, West Virginia 26101
17. Region Six Planning and Development Council
City Building
Fairmont, West Virginia 26554
18. Region Seven Planning and Development Council
Upshur County Courthouse
Buckhannon, West Virginia 26201
19. Region Eight Planning and Development Council
1 Virginia Avenue
Petersburg, West Virginia 26847
20. Eastern Panhandle Regional Planning and Development Council
108 West Burke Street
Martinsburg, West Virginia 25401
21. Bel-O-Mar Interstate Planning Commission
2177 National Road
Wheeling, West Virginia 26003
22. B-H-J Interstate Planning Commission
3600 Mailand Heights Road
Weirton, West Virginia 26062

Office of the Clerk of County Court at the Court House in the following County Seats:

23. Beckley, West Virginia
24. Berkeley Springs, West Virginia
25. Buckhannon, West Virginia
26. Charleston, West Virginia
27. Charles Town, West Virginia
28. Clarksburg, West Virginia
29. Clay, West Virginia
30. Elizabeth, West Virginia
31. Elkins, West Virginia
32. Fairmont, West Virginia
33. Fayetteville, West Virginia
34. Franklin, West Virginia
35. Glenville, West Virginia
36. Grafton, West Virginia
37. Grantsville, West Virginia
38. Hamlin, West Virginia
39. Harrisville, West Virginia
40. Hinton, West Virginia
41. Huntington, West Virginia
42. Keyser, West Virginia
43. Kingwood, West Virginia
44. Lewisburg, West Virginia
45. Logan, West Virginia
46. Madison, West Virginia
47. Marlington, West Virginia
48. Martinsburg, West Virginia
49. Middlebourne, West Virginia
50. Moorefield, West Virginia
51. Morgantown, West Virginia
52. Moundsville, West Virginia
53. New Cumberland, West Virginia
54. New Martinsville, West Virginia
55. Parkersburg, West Virginia
56. Parsons, West Virginia
57. Petersburg, West Virginia
58. Pineville, West Virginia
59. Philippi, West Virginia
60. Point Pleasant, West Virginia
61. Princeton, West Virginia
62. Ripley, West Virginia
63. Romney, West Virginia
64. Spencer, West Virginia
65. St. Marys, West Virginia
66. Summersville, West Virginia
67. Sutton, West Virginia
68. Union, West Virginia
69. Wayne, West Virginia
70. Webster Springs, West Virginia
71. Welch, West Virginia
72. Wellsburg, West Virginia
73. Weston, West Virginia
74. West Union, West Virginia
75. Wheeling, West Virginia
76. Williamson, West Virginia
77. Winfield, West Virginia
78. West Virginia Division, FHWA
500 Quarrier Street
Charleston, West Virginia 25301
79. FHWA Regional Office—Region 3
31 Hopkins Plaza
Baltimore, Maryland 21201
(Room 1615)
80. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building, Room 3246
400 7th Street S.W.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 10, 1973.

Issued on July 5, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-14160 Filed 7-11-73;8:45 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS

Notice of Issuance

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during June 1973:

Special Permit No.	Issued to—Subject	Mode or Modes of Transportation
6731	The U.S. Department of Defense, Washington, D.C., to ship chemical kits containing minute quantities of various hazardous materials.	Highway, Cargo-only Aircraft
6733	Shippers registered with this Board to ship solid methane and solid ammonia in a cryogen cooler overpacked in a non-DOT specification container.	Highway, Cargo-only Aircraft
6754	Eaton Corporation, Troy, Mich., to ship a compressed inert gas mixture in non-refillable, welded, steel pressure vessels (toroidal shaped).	Highway, Rail Cargo-only Aircraft, Cargo Vessel
6765	Shippers registered with this Board to ship liquefied helium & liquefied hydrogen in an insulated, containerized portable tank.	Highway, Cargo Vessel
6769	Shippers registered with this Board to ship trifluoromethane in insulated DOT Specification MC-331 cargo tanks, and DOT Specification 105A600W tank cars.	Highway, Rail

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Special Permit No.	Issued to—Subject	Mode or Modes of Transportation
6770	BASF Wyandotte Corp., Parsippany, N.J., to ship certain flammable liquids in, foreign-made non-DOT specification open-head steel drums equal to DOT-17H drums.	Highway Rail Cargo Vessel
6771	Shippers registered with this Board to ship large quantities of radioactive materials, n.o.s. in the Suntac Waste Shipping Container Model No. SN-1.	Highway, Rail Cargo Vessel
6772	Shippers registered with this Board to ship certain corrosive liquids, and poisonous liquids, in inside glass or plastic bottles not exceeding 1-gallon capacity overpacked in a DOT Specification 17H steel drum.	Highway
6773	Shippers registered with this Board to ship vinylidene fluoride in DOT Specification 105A600W tank cars.	Rail
6774	Shippers registered with this Board to ship helium in non-DOT specification cylinders complying with DOT Specification 3HT except as otherwise provided.	Highway
6775	Shippers registered with this Board to ship certain Class II poisonous liquids (organic phosphate compounds and mixtures thereof) in MC-331 tank motor vehicles via private carriage.	Highway
6776	Shippers registered with this Board to ship helium in an inside non-DOT specification welded cylinder having a maximum capacity of 60 cubic inches.	Highway, Rail Cargo-only Aircraft.
6777	Shippers registered with this Board to ship liquefied hydrogen in non-DOT specification insulated, steel portable tank.	Highway

ALAN I. ROBERTS,
Secretary.

[FR Doc.73-14102 Filed 7-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-400, 50-402, 50-403]

CAROLINA POWER & LIGHT CO.

Notice of Hearing

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits" dated September 21, 1972 (37 FR 20,344) and in accordance with the Commission's rules of practice (10 CFR Part 2), a public hearing will be held commencing at 10:00 a.m. e.d.t. August 6, 1973 in Courtroom 2, U.S. District Court, 7th Floor, New Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611.

This evidentiary hearing before an Atomic Safety and Licensing Board designated by the U.S. Atomic Energy Commission is for the purpose of considering the application of the Carolina Power and Light Company (the Applicant) for construction permits for four pressurized water nuclear reactors, described as the Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4, each of which is designed for initial operation at 2775 thermal megawatts and 915 megawatts electric. The proposed facilities would be located on the Applicant's site approximately 20 miles southwest of Raleigh, North Carolina, in Wake and Chatham Counties.

The Atomic Safety and Licensing Board (Board) to hear the evidence in this proceeding was designated by the Atomic Energy Commission in a notice published in the FEDERAL REGISTER on November 18, 1972, 37 FR 24,697.

There have been two prehearing conferences held in this proceeding, a Special Prehearing Conference on January 30, 1973 and a regular Prehearing Conference on July 2, 1973, at which times key issues were identified, matters in controversy were determined, and stipulations, scheduling and other procedural matters were discussed with attorneys for all the parties.

This evidentiary hearing will concern the radiological health and safety matters and environmental matters set forth in the Commission's September 21, 1972 Notice of Hearing, supra, and the specific contentions or matters in controversy identified in the Board's Special Prehearing Conference Orders dated February 14 and February 26, 1973.

The hearing will continue daily from 9:30 a.m. to 5:00 p.m. the week of August 6-11, 1973, including Saturday, if necessary to complete the proceedings. Monday's session (August 6) will commence at 10:00 a.m. e.d.t. Persons making limited appearances will be heard early on the first day of the hearing. Limited appearance statements may also be presented in writing, without the necessity of personality appearing at the hearing itself, and all such statements will be seriously considered by the Board. Such written limited appearances may be mailed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

All interested members of the public are invited to attend the hearing.

Issued at Washington, D.C., this 6th day of July 1973.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.73-14190 Filed 7-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25595; Order 73-7-21]

CONTINENTAL AIR LINES, INC.

Order of Approval To Engage in Capacity Reduction Discussions in Specific Markets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1973.

Continental Air Lines requests authorization to engage in intercarrier discussions looking towards an agreement on mutual capacity limitations in the Chicago-Los Angeles and Chicago-Denver markets.[1] The cities of Chicago and Denver, and American, Trans World, United, Braniff and Frontier have filed answers.

Upon consideration of the pleadings and other relevant facts, we have decided to authorize the discussions requested by Continental for the same reasons as those advanced in prior, related proceedings.[2] Among the matters that we have previously emphasized[3] is the potentially favorable effect of capacity agreements on fuel conservation (and, consequently, the environment). We remind the carriers of the Board's previous statement that "capacity agreements should provide for both a reasonable schedule spread and flights properly timed to accommodate the needs of the markets concerned." Order 73-4-98 at page 5. While the desirability of building flexibility into any ensuing agreement is self-evident, nevertheless we feel that the agreement should directly in terms demonstrate its accommodation to these criteria.

We have also considered requiring the submission of certain additional information as suggested in the comments by one of the respondents.[4] The Board's staff representative will submit, and make publicly available at the first discussion session, service segment data for each carrier in the instant markets for the two most recent calendar years in respect to passenger, cargo, and mail data. The purpose of such data is to facilitate an evaluation of the possible impact any agreement resulting from the capacity reduction discussions approved herein may have on the affected communities, the public, and other carriers party to the discussions.

In addition, United Air Lines has expressed concern in a related proceeding[5] with regard to the lack of authority of some carrier representatives and their inability to make commitments as to their company's position during capacity reduction meetings. With this in mind, we urge all participating carriers to these discussions to select responsible representatives with the authority to establish the positions of their companies.[6]

Accordingly, it is ordered, That: 1. The application for approval of discussions regarding capacity reductions in the below-specified city-pairs,[7] be and it hereby is approved subject to the following conditions:

(a) Discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in ordering paragraph 2 at least three business days prior to such meetings;

(b) Participation in the discussion shall be limited to carriers certificated to provide single-plane scheduled service in the market under discussion;

(c) Representatives of the Civil Aeronautics Board and any other local, state or Federal Government Agency; civic, trade, or consumer association, group or representative; or air carrier expressing an interest shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and two copies of said transcript shall be filed with the Board within three days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within seven days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in ordering paragraph 2 within the same period; *Provided,* That no agreement shall be implemented without having been previously approved by the Board;

(f) Comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within 14 days from the date of the filing of such agreements with the Board;

(g) Comments in reply to any previously filed document authorized to be filed in paragraphs (e) and (f) shall be filed within ten days of the date of filing of such document;

(h) The relief granted herein shall expire within 90 days of the date of this order and may be revoked or amended at any time in the discretion of the Board;

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation; and

(j) The Board's staff representative will submit, and make publicly available at the first discussion session, service segment data for each carrier for the city-pairs authorized herein for the two most recent calendar years.[8]

2. Copies of this order shall be served on the Departments of Defense, Justice and Transportation; the U.S. Postal Service; the Cities of Chicago, Denver and Los Angeles; all certificated and supplemental air carriers; the Environmental Defense Fund; and ALPA; and

3. To the extent not granted herein, all outstanding requests be and they hereby are dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14241 Filed 7-11-73;8:45 am]

[1] Capacity reduction discussions and resultant agreements have been previously approved by the Board, see Order 73-4-98, April 24, 1973, and previous orders referred to therein. American Airlines, Continental Air Lines, Trans World Airlines, and United Air Lines serve Chicago-Los Angeles; Continental Air Lines, Trans World Airlines and United Air Lines serve Chicago-Denver.

[2] See Order 73-4-98. With regard to the Chicago-Denver market we note that in 1972 Approximately 971,000 passengers were carried by carriers with an average load factor for this market of 49.9 percent.

[3] Order 73-4-98.

[4] The City of Chicago has requested that civic parties to be affected by capacity reduction discussions be served with segment traffic data for the two most recent calendar years.

[5] See application of Trans World Airlines, Docket 25604.

[6] Frontier's request to establish procedural safeguards to protect non-agreement markets from operation of excessive capacity is more appropriately dealt with in the context of the Board's review of any resulting agreement.

[7] The authorized city-pairs are: Chicago-Los Angeles and Chicago-Denver.

[8] The data will include by month the following: passengers on board, available seat miles, revenue passengers, revenue passenger miles, load factor and number of departures.

[Dockets 22670 and 22500; Order 73-7-20]

LOS ANGELES AIRWAYS, INC.

Order Concerning Applications for Continuation of Temporary Suspension of Service and for Exemption Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July, 1973.

By Order 70-12-146, dated December 28, 1970, Los Angeles Airways, Inc. (LAA) was authorized to temporarily suspend service on its route 84 for a period of one year. By Order 72-2-79, dated February 22, 1972, LAA was authorized to continue its suspension of service ". . . for two years or until sixty days after final Board action in the *Golden West/Los Angeles Airways Acquisition Agreement*, Docket 23652, whichever occurs first." By Order 73-3-20, dated March 8, 1973, the Board dismissed the application at issue in Docket 23652.

On May 4, 1973, LAA filed an application requesting continuation of its temporary suspension of service for an indefinite period.[1] In support of its request, the carrier states, inter alia, that it is presently in bankruptcy pursuant to Chapter XI of the Bankruptcy Act; that its affairs are subject to the jurisdiction of the United States District Court for the Central District of California; that counsel for the debtor LAA is under Court instructions to file a plan of arrangement with creditors on or before June 4, 1973, with hearings to be held subsequent thereto; and that it would be an undue burden on LAA to submit periodic applications to the Board for extension of its suspension authority.

The City of Newport Beach, California, filed a response to LAA's application in which it states that it neither supports nor opposes that application, but wishes the record to reflect that the LAA terminal point in Newport Beach has been abandoned and the lease therefor terminated by order of the United States District Court on March 24, 1972.

Upon consideration of the pleadings and all relevant facts, we have decided to deny LAA's application for further suspension authority and will order that LAA shall resume service in conformity with the terms and conditions of its certificate within ninety days from the date of this order. LAA filed a petition under Chapter XI of the Bankruptcy Act on October 6, 1970, and its Court-appointed receiver determined the following day that its operations had to be suspended. No scheduled route service has been provided by LAA since that time. Further, in seeking the extension of its suspension authority in 1972, LAA stated that it was unable to resume operations, and in Order 72-2-79, in granting an extension, we referred to the carrier's "financial and operational difficulties." There is still no sign that LAA will be able to resume operations in the near future. Against this background, serious questions are raised as to the necessity and desirability of continuing the effectiveness of LAA's certificate. Consequently, finding that such action is required in the public interest, we shall deny LAA's application for an indefinite extension of its suspension authority and order that it shall resume service over route 84 in conformity with the terms and conditions of its certificate within ninety days from the effective date of this order. We are hereby instituting an investigation, to be set down for hearing after the expiration of the ninety-day period, for the purpose of determining whether, if operations are not resumed within the ninety-day period, LAA's authority should be suspended, or whether the Board should direct that LAA's certificate cease to be effective under § 401(f) of the Act[2], or whether some

[1] The carrier also invoked the continuation of authority clause of 5 U.S.C. § 558(c) and requested a waiver of the timeliness requirements of Sec. 377.10 of the Board's Special Regulations. By Order 73-5-39, dated May 8, 1973, LAA was granted the requested waiver, thus continuing the suspension authority granted by Order 72-2-79 pending the Board's final determination of the instant application on the merits.

[2] Section 401(f) of the Federal Aviation Act and section 205.10 of the Board's Economic Regulations provide, in part, that if, for a period of ninety days, any service authorized by a certificate is not operated, the Board may, by order entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

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other appropriate action (including revocation under § 401(g)) should be taken by the Board.[3]

Accordingly, it is ordered, that: 1. The period beginning with the effective date of this order and terminating October 4, 1973, be and it hereby is designated as the period within which Los Angeles Airways, Inc. shall resume service over route 84 in accordance with the authorization contained in its certificate of public convenience and necessity;

2. An investigation, to be set for hearing at a time and place to be hereafter designated, be and it hereby is instituted to determine whether, in the event that Los Angeles Airways, Inc. does not resume service in accordance with the terms of paragraph "1", above, the Board shall (a) grant temporary suspension of Los Angeles Airways, Inc.'s authority on route 84; or (b) direct that Los Angeles Airways, Inc.'s certificate of public convenience and necessity for route 84 shall cease to be effective under section 401(f) of the Act or shall be revoked under section 401(g).

3. The investigation instituted by paragraph "2" above should also determine whether the application by Los Angeles Airways, Inc., in Docket 22500, for renewal of the "area" exemption authority granted in Order E–22798 and amended in Order 69–4–82, should be renewed, and Docket 22500 be and it hereby is consolidated with Docket 22670;

4. Los Angeles Airways, Inc. and its receiver in bankruptcy are hereby made parties to such proceeding;

5. The application of Los Angeles Airways, Inc., in Docket 22670, for continuation of temporary suspension be and it hereby is denied;

6. Copies of this order shall be served on Los Angeles Airways, Inc., its receiver in bankruptcy, and the Mayor of the City of Newport Beach.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14240 Filed 7-11-73;8:45 am]

[3] On August 24, 1970, LAA filed, in Docket 22500, an application requesting that the "area" exemption authority granted to it in Order E–22798, dated October 25, 1965, and amended in Order 69–4–82, dated April 17, 1969, be renewed for an indefinite period, or for such other period as may be deemed appropriate by the Board. The requested exemption would continue LAA's authority to engage in air transportation within a 50-mile radius of the Post Office Terminal Annex Building in downtown Los Angeles, California, and between such points and the additional point San Bernardino, California. An answer in opposition to LAA's application was filed by Golden West Airlines, Inc. LAA filed a reply to Golden West's answer. We have decided, in view of our action herein, that it would be appropriate to include the question of the renewal of LAA's area exemption in the investigation which we shall order instituted.

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of Legislative Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14234 Filed 7-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Strategic Business Studies, Assistant Secretary for Domestic and International Business.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14250 Filed 7-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Director, National Marine Fisheries Services, National Oceanic and Atmospheric Administration.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14251 Filed 7-11-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant to the Secretary for Public Affairs, Office of Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14253 Filed 7-11-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Planning and Management Grants, Office of Assistant Secretary for Community Planning and Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14256 Filed 7-11-73;8:45 am]

COST OF LIVING COUNCIL

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of General Counsel, Price Commission, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14252 Filed 7-11-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant General Counsel, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14255 Filed 7-11-73;8:45 am]

COST OF LIVING COUNCIL

[Order No. 15F]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Compliance Functions

Pursuant to the authority delegated to the Director by the Cost of Living Council Order Number 14 (38 FR 1489, January 12, 1973) it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of the Internal Revenue, subject to the policy guidance and direction of the Director of the Cost of Living Council, the authority to

(a) Compromise civil penalties with respect to late filing of Form CLC–2 by price recordkeeping firms, due June 30, 1973, as required by § 130.9(b);

(b) Compromise civil penalties with respect to late filing of Form CLC–2 by price reporting firms, due June 21, 1973, as required by § 130.21 in those cases referred to the Internal Revenue Service by the Associate Director for Operations, Cost of Living Council.

2. The Commissioner may redelegate to any official of the Internal Revenue Service the authority under this order.

3. The authority hereby delegated is in addition to the authority delegated to the Commissioner by previous Council Orders.

Issued in Washington, D.C., on July 9, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

[FR Doc.73-14230 Filed 7-9-73;3:14 pm]

[Order No. 15E]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority

Pursuant to the authority delegated to the Director by the Cost of Living Council Order Number 14 (38 FR 1489, January 12, 1973) it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of the Internal Revenue, subject to the policy guidance and direction of the Director of the Cost of Living Council, the authority to perform the following compliance functions with respect to profit margin violations by price Category III firms (as defined in 6 CFR 101.15(a)) for the last fiscal year ending before January 11, 1973:

a. Review cases referred by the Cost of Living Council to determine whether there has been any violation of any regulation, decision or order issued under Chapter III of Title 6 of the Code of Federal Regulations;

b. Determine the appropriate corrective action to be taken with respect to each such violation; and

c. Issue appropriate determinations, findings, and orders necessary to correct each such violation.

2. The Commissioner may redelegate to any official of the Internal Revenue Service any authority under this Order.

3. The authority hereby delegated is in addition to the authority delegated to the Commissioner by previous Council Orders.

Issued in Washington, D.C., on July 6, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

[FR Doc.73-14197 Filed 7-9-73;11:46 am]

ENVIRONMENTAL QUALITY COUNCIL

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the council from June 25 through June 29, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447–7803
Forest Service

Draft *Date*
Multiple-Use Plan, Bitterroot National Forest 06/05

Montana
County: Ravalli
The proposed action is the implementation of a revised multiple use plan for the Skalkaho-Gird and Sleeping Child Planning Units of the Bitterroot National Forest. A total of 121,820 acres of National Forest land will be affected. The plan calls for unroaded management of 17,880 acres, roaded management of 83,940 acres and timber harvesting. Impacts stemming from the project are: increased siltation and water pollution caused by logging and road construction; reduction of domestic livestock grazing on the unit; loss of or increased danger to fish and wildlife habitat (especially to deer and elk populations); and increased air pollution. (83 pages)

(ELR ORDER # 30951) (NTIS ORDER # EIS 73 0951D)

Gee Creek Eastern Wilderness, Cherokee N.F. 06/15
Tennessee
County: Polk
Proposed is the designation of 1,069 acres of the Cherokee National Forest in Polk County, Tennessee as the Gee Creek Eastern Wilderness, a unit of the Eastern Wilderness Preservation System. Increased recreation will probably result in sanitary and littering problems. (21 pages)

(ELR ORDER # 31011) (NTIS ORDER # EIS 73 1011D)

Weyerhaeuser Company—Gifford Pinchot N.F. 06/05
Washington
County: several
The statement is concerned with the proposed land ownership adjustment plan between Weyerhaeuser and the Forest Service. Three exchanges are involved. Weyerhaeuser is offering 11,569 acres of its land to the Forest Service in exchange for 11,847 acres of National Forest Lands. The exchange will consolidate public and private lands. Adverse impacts of the exchanges are: reduction in Forest Service annual sell of board; loss of 84 jobs affecting 311 families; extensive logging by Weyerhaeuser on the lands they will own; and loss of lands which outdoor groups have proposed be included in a National Monument. (43 pages)

(ELR ORDER # 30952) (NTIS ORDER # EIS 73 0952D)

Final *Date*
Kirkwood Winter Sports Complex, El Dorado N.F. 06/28
California
County: Alpine Amador El Dorado
The statement refers to the proposed development of the Kirkwood Winter Sports Complex in the forest. The development will include 13 ski lifts, a day lodge, support facilities, and commercial and residential construction to accommodate 2,500 living units (including some year round units). Some wildlife habitat will be lost; species particularly affected will be the pine marten and the Columbian black-tailed deer. Major impact will be upon soil, water qualities, and aesthetics. (201 pages)

COMMENTS MADE BY: EPA DOI COE HEW (ELR ORDER # 91080) (NTIS ORDER # EIS 73 1080F)

St. Louis Peaks, Arapahoe National Forest 06/27
Colorado
County: Grand Clear Creek
The statement considers land use management of the St. Louis Peaks roadless area of the Arapahoe National Forest. Being considered is the development for key resources of 8,000 of 21,000 acres. Included would be the construction of roads. Also involved is the construction of a 115 kV transmission line from Henderson East to Portal Substation. The line will provide the necessary reliability for mining and milling molybdenum. There will be disruption of scenic values, and an adverse impact to air, water, and noise qualilevels. (96 pages)

COMMENTS MADE BY: USDA DOI EPA (ELR ORDER # 31063) (NTIS ORDER # EIS 73 1063F)

RURAL ELECTRIFICATION ADMINISTRATION

Draft *Date*
Milton R. Young—Center Station North Dakota Minnesota 06/21
The statement refers to the construction of a 400 MW coal-fired steam electric unit as an addition to existing facilities near Center, North Dakota. Also involved is construction of 456 miles of 250 kV transmission line. Counties affected include Oliver, Burleigh, Kidder, Stutsman, Barnes, Cass, Ranson, and Richland in North Dakota, and Wilkin, Ottertail, Becker, Wadena, Hubbard, Crow Wing, Cass, Aitkin, and St. Louis in Minnesota. The boiler will discharge through a 600' stack; cooling will be by water pumped from Lake Nelson and returned at 18 degrees above ambient. (3 volumes)

(ELR ORDER # 31039) (NTIS ORDER # EIS 73 1039D)

SOIL CONSERVATION SERVICE

Draft *Date*
Mush Creek Watershed 06/27
Alabama
County: Dallas Lowndes
Proposed is the development of a watershed protection project. Included are land treatment measures and floodwater retarding structures. Flood protection will be provided on 3,062 acres of flood plain lands. Approximately 1,450 acres of forest land will be converted to agricultural use with concommitant effect to wildlife; 614 acres will be committed to flood pools. (22 pages)

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(ELR ORDER # 31062) (NTIS ORDER # EIS 73 1062D)
Crawford Creek, Little Sioux River 06/27
Iowa
County: Ida
Proposed is a protection project in Crawford Creek Subwatershed, Little Sioux River Watershed. Approximately 1020 acres will be protected from gully erosion; floodwater damage will be reduced by 90 % on 45 acres; sediment will be reduced; a 250 acre public area will be created. Crop production will be lost on 246.7 acres; pasture production will be lost on 24.4 acres. One hundred and twenty-five acres of land and 5.9 miles of ephemeral stream channel (including 3.5 miles of wildlife travel lanes), will be inundated. (19 pages)

(ELR ORDER # 31061) (NTIS ORDER # EIS 73 1061D)
North Fork Nolin River Watershed 06/25
Kentucky
County: Larue
Proposed is a watershed protection project on the 34,610 acre watershed. Project features include land treatment measures, two single purpose structures and two multiple purpose structures. The project is intended to reduce erosion and sedimentation, and provide flood control protection, water supply, and recreation opportunities. Adverse impact will include 840 acres committed to project measures, 7 miles of inundated stream, and relocation of five families and two farms. (25 pages)

(ELR ORDER # 31053) (NTIS OREDR # EIS 73 1053D)
Final *Date*
Pennsylvania
County: Luzerne
The statement refers to the watershed protection and flood protection project for the 50,880 acre watershed. Land treatment measures will be used on 11,500 acres in order to control erosion and reduce stream sedimentation; special measures will be used on 360 severely eroded acres, an 830 acre recreation acres of land, along with 28 residences, 3 lake will be created. Approximately 3500 farms, and 2 businesses will be acquired for the project. Five miles of trout stream and 830 acres of wildlife habitat will be inundated. (49 pages)

COMMENTS MADE BY: COE HEW DOI EPA
(ELR ORDER # 31075) (NTIS ORDER # EIS 73 1075F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:
Mr. Robert J. Catlin, Director,
Division of Environmental Affairs
Washington, D.C. 20545
(202) 973-5391
For Regulatory Matters:
Mr. A. Giambusso, Deputy Director
for Reactor Projects, Directorate
of Licensing
(202) 973-7373
Washington, D.C. 20545

Draft *Date*
Millstone Nuclear Power Station, Unit 3 06/28
Connecticut
Proposed is the issuance of a construction permit to the Millstone Point Company for Unit 3, a 3579 MWt, 1209 MWe (gross) pressurized reactor unit. (Two other units at the site produce 2011 MWt, 642.1 MWe, net, and 2700 MWt, 820 MWe, net, respectively.) Exhaust steam from the Station will be condensed by a once-through flow of water from Niantic Bay, which will be discharged through a quarry pond to Long Island Sound. Some marine life will be lost on water intake screens. (250 pages)

(ELR ORDER # 31069) (NTIS ORDER # EIS 73 1069D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 967-4335

Draft *Date*
Conservation and Management of Fisheries 06/27
The statement refers to bill S. 1069, which would provide authority for the Secretary of Commerce to promulgate regulations for the management and conservation of the nation's fisheries over U.S. vessels seaward of the territorial sea, and over foreign vessels, pursuant to international agreements. (27 pages)

(ELR ORDER # 31092) (NTIS ORDER # EIS 73 1092D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft *Date*
Savannah Harbor, Sediment Basin Project 06/01
The proposed project is the construction of a sediment basin and tide-gate structure in Back River, Savannah Harbor, and construction of a fresh-water diversion system for the Savannah National Wildlife Refuge and adjacent areas. Adverse impacts stemming from the project are lowering of water quality, upstream advancement of the salt water wedge in Middle and Back Rivers, and the use of abandoned rice fields as spoil areas. (24 pages)

(ELR ORDER # 30939) (NTIS ORDER # EIS 73 0939D)
Transmission Line, Delaware River, Supplement 06/29
The document provides supplemental information to a final environmental impact statement that was filed with the Council on May 4, 1973, 500 kV Transmission Line, Delaware River, Deemer's Beach to Kelly Point (ELR Order # 00758, NTIS Order # ELS 73 0785F). (39 pages)

(ELR ORDER # 31093) (NTIS ORDER # EIS 73 1093F)
Closure of Academy Creek Brunswick Harbor 06/01
Georgia
The proposed project is the construction of a dam across East River, a dam across Academy Creek, a canal to connect the upper reach of Academy Creek with the upper reach of East River and a dike along the west side of Academy Creek. The project will cause the destruction of 7 to 8 acres of marsh and the elimination of the benthic community in the immediate area of the Academy Creek Closure dam. There will be an increase in water turbidity. (33 pages)

ELR ORDER # 30038) (NTIS ORDER # EIS 73 0938D)
Providence River and Harbor 06/01
Rhode Island
Proposed is navigtion improvement to remove shoals in the Providence River. The dump site is an ocean disposal site 4.6 miles from Brenton Reef Light. Adverse impacts resulting from the project are disruption of benthic communities and increased water pollution. (39 pages)

(ELR ORDER # 30937) (NTIS ORDER # EIS 73 0937D)
Final *Date*
Guadalupe River 06/28
Texas
County: Victoria Calhoun Refugio
The statement refers to the proposed removal of 4 major log jams on the river, in order to prevent flooding and improve navigation. Shelter for aquatic species will be eliminated and wildlife habitat on 15 acres of right-of-way will be disturbed. The burning of the logs will create air pollution. (82 pages)
COMMENTS MADE BY: USDA HEW HUD DOI DOT EPA
(ELR ORDER # 91076) (NTIS ORDER # EIS 72 1076F)

DEPARTMENT OF DEFENSE

SUPPLY AGENCY

Final *Date*
Procurement of Coal for Military Installations 06/15
The proposed action relates to procurement of coal by the Defense Supply Agency for Military and Federal Government activities in the United States. The coal procurement will necessitate the mining of coal by underground and/or surface mining operations, in the following states: Alabama, Alaska, Colorado, Illinois, Indiana, Kentucky, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Utah, Virginia, West Virginia, and Wyoming. The mining operations will increase air, noise and water pollution. Other adverse effects of the action are: waste disposal, reclamation of surface-mined lands, soil erosion, contamination of streams and lakes, and fires in coal refuse banks. COMMENTS MADE BY: USDA ARC DOI, EPA TVA concerned states

(ELR ORDER # 31014) (NTIS ORDER # EIS 73 1014F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers
Director, Office of Federal Activities
Room 3630 Waterside Mall
Washington D.C. 20460
(202) 755-0940

Supplement
Bethany Beach Sewage, Supplement 06 25
Delaware
County: Sussex
The document supplements a final environmental impact statement which was filed on January 2, 1973 (ELR Order No. 0002; NTIS Order # EIS 73 0002F). The document is intended to expand and clarify the final statement. (173 pages)
(ELR ORDER # 31056) (NTIS ORDER # EIS 73 1056F)
Draft *Date*
Upper Thompson Sanitation District 06/28
Colorado
The statement refers to a proposed project of the Upper Thompson Sanitation District, near Estes Park. Intercepter Sewers would be constructed in the major subdrainages of the Big Thompson River above Olympus Dam. Sewage would be transported to a proposed tertiary treatment plant to be located on lands administered by the Bureau of Reclamation. Effluent would be discharged to the Big Thompson River below Olympus Dam. There will be construction disruption. Population growth will significantly change the character of the area and cause localized pressures on use of Rocky Mountain National Park and Roosevelt National Forest.

(ELR ORDER # 31068) (NTIS ORDER # EIS 73 1068D)
Final *Date*
Treatment Facility, City of Santa Cruz 06/26
California
The statement refers to the proposed consolidation and expansion of existing waste water treatment facilities. The capacity of the treatment plant of the City of Santa Cruz will be expanded from 7 to 21 MGD; the existing plant at East Cliff will be abandoned; the flows from East Cliff and Capitola Sanitation Districts will be diverted to the enlarged plant. Discharge to Monterey Bay will be eliminated; discharge at Point Santa Cruz will increase. (290 pages) COMMENTS MADE BY: DOC DOD DOI
(EL ORDER # 31057) (NTIS ORDER # EIS 73 1057F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger
Acting Administrator
GSA-AD
Washington, D.C. 20405
(202) 343-6077

Final *Date*
Edward A. Garmatz Building 06/29
Maryland
County: Baltimore
The proposed project is the construction of a ten-story, 440,450 gross square feet Courthouse and Federal Office Building in the City of Baltimore. The facility will house approximately 700 employees and provide parking space for 68 vehicles. Dust, noise and equipment traffic will create adverse effects during construction. (The draft statement referred to the building as the Courthouse and Federal Office Building.) (54 pages)

COMMENTS MADE BY: EPA HUD AHP OEO
(ELR ORDER # 91090) (NTIS ORDER # EIS 73 1090F)
Richard H. Poff Federal Building, Roanoke 06/29
Virginia
County: Roanoke
The statement refers to the proposed construction of a 14-story, 307,806 gross square feet Federal Office Building and Courthouse in the City of Roanoke. The building will house postal service facilities, courtrooms, and other government offices; parking will be provided for 210 vehicles. Noise and dust pollution will occur during construction. (52 pages)

MOMMENTS MADE BY: AHP HUD EPA
(ELR ORDER # 91091) (NTIS ORDER # EIS 73 1091F)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

BUREAU OF OUTDOOR RECREATION

Final *Date*
Spirit Mountain Recreation Area 06/25
Minnesota
County: St. Louis
The project is the proposed development of public outdoor recreational facilities in the City of Duluth. A 100-unit campground plus support facilities is proposed for funding with Land and Water Conservation Fund assistance. A ski facility, which will include nine ski runs, three lifts, a central recreation building, and support facilities and utility lines, is proposed with Economic Development Administration and Upper Great Lakes Regional Commission grants. The purpose of the project is to provide economic stimulation and recreation opportunities. (101 pages)

COMMENTS MADE BY: DOC DOT DOI USDA COE
(ELR ORDER #31051) (NTIS ORDER #EIS 73 1051F)
Cuyahoga Valley 06/25
Ohio
County: Cuyahoga Summit
The statement refers to the proposed acquisition by the Ohio Department of Natural Resources, of 14,500 acres of land. This would be maintained as open space and will provide public outdoor recreation opportunities. Adverse effects of the action will be the loss of tax base, the relocation of 29 residences, the restriction of land uses, and an expected influx of visitors. (206 pages)

COMMENTS MADE BY: EPA FPC HUD DOT USDA DOI
(ELR ORDER # 31050) (NTIS ORDER # EIS 73 1050F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL AVIATION ADMINISTRATION

Valdez Airport 06/28
Alaska
The proposed project is the construction of a new runway, parking apron, three connecting taxiways, lighting and fencing. An increase in noise pollution levels will occur. (15 pages)

(ELR ORDER # 31074) (NTIS ORDER # EIS 73 1074D)
Goodnews Bay Airport 06/29
Alaska
Proposed is the construction of a new airport and access road, which will replace two existing airstrips at Goodnews Bay. Adverse impacts include the loss of vegetative cover and possible silt contamination of the Goodnews River. (12 pages)

(ELR ORDER # 31088) (NTIS ORDER # EIS 73 1088D)
Gould Peterson Municipal Airport, Tarkio 06/28
Maryland
County: Atchison
The proposed project includes the acquisition of an unspecified amount of land; extending runway 17/25 to 75' x 1000' and ultimately constructing and extending Runway 12/30 to 75' x 3200'; installing VASI and constructing parallel taxiways for the runways. Adverse effects are increased air and noise pollution. (22 pages)

(ELR ORDER # 31072) (NTIS ORDER # EIS 73 1072D)
Creighton Municipal Airport 06/28
Nebraska
County: Knox
Proposed is the acquisition of land for airport development, including construction of a primary runway (3100' x 500'), an apron (150' x 250'), taxiways, parking area and an access road; installation of segmented circle, wind cone, and perimeter and safety fencing; and preparation of an airport layout plan. Approximately 39 acres will be committed to the project. Temporary increases in air and water pollution will occur. (16 pages)

(ELR ORDER # 31071) (NTIS ORDER # EIS 73 1071D)
Houston International Airport 06/28
Texas
The proposed project is the construction, marking and lighting of a 4000' x 150' extension to existing Runway 14-32, including taxiways, a safety area, and clear zones, and the relocation of service roads. Increases in noise pollution will occur. (34 pages)

(ELR ORDER # 31073) (NTIS ORDER # EIS 73 1073D)
Final *Date*
Marshfield Municipal Airport 06/25
Wisconsin
County: Wood
The proposed project involves constructing and marking a 1900' x 100' northwesterly extension to the NW/SE runway; rebuilding, overlaying and expanding the apron area; constructing a 30' wide taxiway; and installing medium intensity runway lights (MIRL). Approximately 27 acres of land (23 acres—fee; 4 acres—easement) will be acquired for airport development and clear zones. (87 pages)

COMMENTS MADE BY: USDA EPA DOI
(ELR ORDER # 31052) (NTIS ORDER # EIS 73 1052F)

FEDERAL HIGHWAY ADMINISTRATION

Draft *Date*
I-75, Zilwaukee Bridge 06/28
Michigan
County: Saginaw
The statement refers to the proposed reconstruction of the Zilwaukee Bridge over the Saginaw River. Length of the project is 2.3 miles. Section 4(f) land from the Zilwaukee City Recreation Area and the Crow Island State Game Area may be encroached upon. Approximately 120 acres will be acquired for right of way. Adverse impacts include possible lowering of water quality in the Saginaw River, loss of tax base, and increased noise and air pollution levels. (147 pages)

(ELR ORDER # 31079) (NTIS ORDER # EIS 73 1079D)
Routes 752 and I-229, Missouri 06/26
Missouri
County: Buchanan
Proposed is the construction of a new roadway on new alignment between Route 371 and Interstate 229 in St. Joseph. Length of the project is 1.0 mile. Approximately 20 acres of undeveloped residential land will be acquired for right of way; one family will be displaced. Noise and air pollution levels will increase. (13 pages)

(ELR ORDER # 31058) (NTIS ORDER # EIS 73 1058D)
Route 141, Missouri 06/26
Missouri
County: Jefferson St. Louis
The statement refers to the proposed improvement of 6.9 miles of Route 141 from Fenton to Route I-55. The facility will be a four-lane divided highway constructed on new alignment within a 250' right-of-way. A total of 306.17 acres of right-of-way will be acquired; 145 families and 26 commercial establishments will be relocated. The natural channel of several creeks and an overflow ditch will be disturbed. (20 pages)

(ELR ORDER # 31059) (NTIS ORDER # EIS 73 1059D)

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Whipple Avenue (State Route 297), Ohio 06/28
Ohio
County: Stark
The statement refers to the proposed improvement of 5.5 miles of Whipple Avenue (State Route 297). The improvement consists of reconstructing a four and five lane roadway to replace the existing two lane roadway, constructing a new underpass of the Penn Central Railroad and constructing a trunk storm sewer. Seven residences, seven mobile homes and two businesses will be displaced. (47 pages)

(ELR ORDER = 31077) (NTIS ORDER = EIS 73 1077D)

Monroe Boulevard Extension, Ogden 06 20
Utah
County: Weber
The proposed project is the initial 1.6 mile extension of Monroe Boulevard and a future 1.2 mile extension to the route. The facility will displace five homes. Increases in air, noise, and water pollution will occur; soil erosion and siltation to the Ogden River will affect fish life. (177 pages)

(ELR ORDER = 31030) (NTIS ORDER = EIS 73 1030D)

I-91, Vermont 06 28
Vermont
County: Caledonia
The proposed project is the completion of 24 miles of I-91. Right-of-way acquisition will include approximately 2608 acres of land, 98 residential units, 6 businesses and 2 farms. Approximately 1200 acres of woodland with water storage properties and wildlife will be lost. Other adverse effects stemming from the project are increased soil erosion causing siltation in surrounding streams and increased air and noise pollution levels. (150 pages)

(ELR ORDER = 31078) (NTIS ORDER = EIS 73 1078D)

Interstate Route 595, Virginia 06 28
Virginia
County: Arlington
Proposed is the upgrading of Primary Route 1 (Jefferson Davis Highway), to a six to eight-lane divided facility to meet Interstate standards. The project will begin at the Airport Connection and extend 0.772 mile north to 12th Street where it will tie in with I-95. Adverse effects of the action are increased ambient noise levels, displacement of 15 businesses, loss of two "green-space" areas, and temporary loss of parking in the project area. (108 pages)

(ELR ORDER = 31066) (NTIS ORDER = EIS 73 1066D)

Airport Spur, I-94 to General Mitchell Field
Wisconsin
County: Milwaukee
The statement refers to the proposed construction of a freeway connection directly linking General Mitchell Field with Interstate Route 94. The 1.5 mile facility will be constructed as a four-lane divided freeway and is designed to improve ingress and egress from Mitchell Field. Adverse impacts include the acquisition of land for right of way, the displacement of families and businesses, and increased noise and air pollution. (133 pages)

(ELR ORDER = 31054) (NTIS ORDER = EIS 73 1054D)
County: Houston

Final	*Date*
Project F-170, (US 84)	06/28
Alabama	

Project F-170(7) is the construction of U.S. 84 from a point one mile east of the Dothan Traffic Circle easterly to a connection with U.S. 84 near Gordon. Length of the project is 16.538 miles. Eighteen businesses and 69 families will be displaced by the project. Adverse impacts include minor water pollution, noise and dust during construction and increased traffic volumes. (39 pages)

COMMENTS MADE BY: USDA DOI EPA DOT COE HUD
state agencies

(ELR - ORDER # 31067) (NTIS ORDER # EIS 73 1067F)

Kentucky-18 06 28
Kentucky
County: Boone
The proposed project is the widening of existing KY-18 from a 2-lane to a 4-lane road. Project length is 1.35 miles. Displacements will include 29 families and 4 businesses. (48 pages)

COMMENTS MADE BY: USDA DOI DOT EPA
(ELR ORDER # 31064) (NTIS ORDER # EIS 73 1064F)

I-895 06 27
New Jersey Pennsylvania
County: Bucks Burlington
Proposed construction of I-895, beginning at I-95 in Pennsylvania and ending with a connection to I-295 in New Jersey. The total project length is 6 miles, including a bridge over the Delaware River. Approximately 73 to 332 families and 20 to 21 businesses will be displaced for right-of-way. An unspecified amount of land will be acquired for right of way. The project will increase air and noise pollution levels. (168 pages)

COMMENTS MADE BY: USDA USA USCG DOC DOI DOT EPA HEW
(ELR ORDER # 31060) (NTIS ORDER # EIS 73 1060F)
Argonne Road Interchange, Washington 06 25
Washington
County: Spokane
The proposed project is the improvement of the existing Argonne Road interchange located on Interstate 90, (SR 90), 3.5 miles east of Spokane. The action will involve major ramp revisions and a new 3-lane freeway crossing tying the the interchange into the one-way County Road Couplet. Adverse impacts are the taking of land (including one business) for right of way and increased noise and air pollution resulting from increased traffic volumes. (32 pages)

COMMENTS MADE BY: USDA COE EPA HUD
state agencies

(ELR ORDER # 31055) (NTIS ORDER # EIS 73 1055F)

I-79 06 28
West Virginia
County: Kanawha
The statement contains a location study for construction of a portion of I-79 beginning near Charleston and ending near the community of Big Chimney. The number of families and businesses displaced will depend upon the alternate selected Adverse impacts include increases in air, noise and water pollution and temporary erosion and siltation during construction. (188 pages)

COMMENTS MADE BY: USDA EPA OEO DOI EPC
(ELR ORDER # 31070) (NTIS ORDER # EIS 73 1070F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-14117 Filed 7-11-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

BOISE CASCADE CORPORATION

Notice of Application for Exemption To Use a Pesticide Containing DDT

Notice is hereby given of the receipt of application from the Law Firm of Davies, Biggs, Strayer, Stoel, and Boley, Portland, Oregon, representing the Boise Cascade Corporation for exemption from the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended by the Federal Environmental Pesticide Control Act (P.L. 92-516), to allow the use of a pesticide containing DDT on Douglas-fir and associated firs to control the Douglas-fir tussock moth on 56,000 acres of Boise, Cascade Corporation land in north eastern Oregon for a period of not more than 30 days.

Notice is given in order that any Federal agency or other interested party may comment in writing with respect to this request, and solely as a matter of information. It should not be construed as indicating a decision by this Agency on the application. Please address comment to the Director, Registration Division, Office of Pesticides Programs, EPA, Washington, D.C. 20460, and refer to DDT-Tussock Moth.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.73-14263 Filed 7-11-73;8:45 am]

MEASURES FOR RESTORATION AND ENHANCEMENT OF QUALITY OF FRESHWATER LAKES

Notice of Availability of Report

The Environmental Protection Agency report "Measures for the Restoration and Enhancement of Quality of Freshwater Lakes", has been completed in accordance with section 304(i), PL 92-500. A limited number of copies will be available from the Office of Public Inquiries, Environmental Protection Agency, Washington, D.C. 20460. Copies will be available in approximately six weeks from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

JULY 6, 1973.

[FR Doc.73-14262 Filed 7-11-73;8:45 am]

NATIONAL COTTON COUNCIL

Notice of Request for Use of DDT on Cotton

Notice is hereby given that the National cotton Council, together with other grower groups, has requested this Agency to permit the use of DDT-containing products on cotton during the 1973 growing season, in view of the emergency conditions resulting from adverse weather conditions this winter and spring.

Notice is given in order that any Federal agency or other interested party may comment in writing with respect to this request, and solely as a matter of information. It should not be construed as indicating a decision by this Agency on the application. Please address comment to the Director, Registration Division, Office of Pesticides Program, EPA, Washington, D.C. 20460, and refer to DDT-Cotton.

Dated: July 3, 1973.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.73-14264 Filed 7-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11227, etc.; FCC 73R-247]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

Memorandum Opinion and Order Enlarging Issues

In regard applications of City of New York Municipal Broadcasting System (WNYC) New York, New York, Docket No. 11227, Filed No. BSSA-266, for special service authorization to operate additional hours from 6 A.M. (EST) to sunrise, New York, New York, and from sunset, Minneapolis, Minnesota; City of New York Municipal Broadcasting System (WNYC), New York, New York, Docket No. 17588, File No. BP-16148; Midwest Radio-Television, Inc. (WCCO), Minneapolis, Minnesota, Docket No. 19403, File No. BP-19151, for construction permits.

1. Before the Review Board is a petition to enlarge issues,[1] filed January 24, 1973, by Midwest Radio-Television, Inc. (WCCO), requesting the addition of the following issues against the City of New York Municipal Broadcasting System (WNYC):

(a) To determine whether the transmitter site proposed by the City of New York Municipal Broadcasting System is actually available to it.

(b) To determine whether the City of New York Municipal Broadcasting System has failed to keep its application current as required by § 1.65 of the Commission's rules.

(c) To determine whether the City of New York Municipal Broadcasting System has misrepresented its proposal for the location of its antenna site to the Commission, to the public, or to any other official, government agency, body or representative.[2]

2. In March, 1964, WNYC filed an application to move from its present antenna site to a 50-acre portion of the Seaview Hospital Grounds on Staten Island in order to increase power and to accommodate a six-tower directional array. WCCO contends that during a November 14, 1972, hearing session, public witnesses made certain disclosures which indicate that the antenna site proposed by WNYC is not available for that use and that WNYC has failed to keep the Commission fully and accurately apprised of the status of its proposed site.[3] In support of its request for a site availability issue, WCCO first alleges that on April 24, 1970, New York City (City) leased a part of the proposed antenna site at Seaview to the Jewish Community Center (Center) for a campsite and other recreational purposes for a 75-year term. According to petitioner, the lease contains a covenant for quiet enjoyment which would prohibit the necessary encroachment of the proposed ground system on the Center's property.[4] Second, WCCO notes that in June, 1970, the City leased its hospitals and facilities to the New York City Health and Hospital Corporation, including the remainder of WNYC's proposed site, for an indefinite term. Petitioner asserts that according to its enabling statutes,[5] the directors of the Hospital Corporation must approve every disposition of the corporation's real estate, and that no such approval has yet been given with respect to WNYC's proposed antenna site.[6] Finally, noting that the New York City Site Selection Board is responsible for selecting sites for all capital projects of the City, petitioner alleges that in the almost nine years since its application was filed, WNYC has not obtained Site Selection Board approval of the Seaview property for its proposed antenna site.[7] In view of these actions by the City, which WCCO alleges are inconsistent with WNYC's proposal, petitioner asserts that it is incumbent upon WNYC to offer something more than mere assurances from the applicant that the site will be available. Petitioner cites WATR, Inc., 28 FCC 2d 501, 21 RR 2d 675 (1971) in support of its request. As a related matter, WCCO argues that since WNYC has failed to report these developments which, it contends, consttiute "a substantial change as to • • • [a] • • • matter which may be of decisional significance • • •", a § 1.65 issue is warranted. Finally, in support of its contention that WNYC has not been prosecuting its antenna site proposal in good faith, WCCO argues that the City's conveyance of its antenna site to non-City organizations without any reservation of use for WNYC is not consistent with a continuing intent to use the property for WNYC's site. Moreover, petitioner claims that certain City officials have been representing to City governing bodies and to the public that the City was not committed to the use of the Seaview site and might actually use another.[8] These representations, petitioner contends, give rise to a serious question whether the licensee "has misrepresented its proposal for the location of its antenna site to the Commission or to any other official governmental agency, body or representative" and an appropriate issue is therefore warranted.[9]

3. The Broadcast Bureau first contends that WCCO's petition is grossly untimely, that good cause for the late filing has not been shown, and consequently, that WCCO has not met the test enunciated in The Edgefield-Saluda Radio Co., supra. With respect to the merits of the request for a site availability issue, the Bureau is of the opinion that approval by the site Selection Board and/or the Board of Estimate is roughly analogous to seeking approval from the local zoning authority and, absent some specific information that either Board has denied WNYC authority to use the property, the request for a site availability issue should be denied, citing Edward G. Atsinger, III, 29 FCC 2d 443, 21 RR 2d 1039 (1971). Moreover, giving due consideration to the local opposition to the use of the site, the Bureau contends that

[1] First published at 37 FR 28211, December 21, 1972.

[2] Also before the Board for consideration are: (a) Broadcast Bureau's comments, filed February 2, 1973; (b) opposition, filed February 6, 1973, by WNYC; and (c) reply, filed February 16, 1973, by WCCO.

[3] The Board is constrained to point out that WCCO's petition is predicated, in large part, on facts which have been available for a considerable length of time. However, in view of the serious nature of the allegations raised by the petitioner, the requests for additional issues will, nevertheless, be examined on their merits. See The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

[4] Although it would have been preferable for petitioner to have submitted copies of the leases in question, the Board will consider the sections relied upon by petitioner since they are quoted and are not disputed.

[5] Petitioner refers to, but does not quote Hospital Corporation Law, § 7385.6, 7387.4.

[6] The Board of Estimate must also consent to the transfer of the proposed antenna site from the Hospital Corporation to WNYC.

[7] In this regard, petitioner relies upon hearsay information alleging that the Chairman of the Site Selection Board stated at the Site Selection Board hearing in October, 1972, that the Board had not approved the Seaview site for the WNYC antenna system. This information represents unacceptable hearsay which does not conform to the requirements of § 1.229(c) of the rules.

[8] In support of this contention, petitioner submits the testimony of Mrs. Bokert (who is connected with the PTA of Wagner High School located adjacent to the proposed site), in which she states that Deputy Mayor Morrison explained in a letter addressed to her that the WNYC proposal "was not really predicated upon this particular site"; a statement of Norman Redlich, Corporation Counsel and Counsel to WNYC, to the City's Board of Estimate on April 20, 1972, which includes the following, "Now as to the specific location of the tower in the event we win our proceeding before the FCC, I think as I said, while it is in the Borough of Richmond, the question of specific location is one that will have to await future determination"; and the statement of Mr. Garelik, President of the City Council, which provides in pertinent part, "I was assured by the Administration at that time that this in no way committed the City to any one specific site and that it was a formality needed to prevent the FCC from foreclosing consideration of the application."

[9] In support, WCCO cites Eastern Broadcasting System, Inc., FCC 62-133, 22 RR 961, 962 (1962); cf. Fine Music, Inc., 8 FCC 2d 123, 9 RR 2d 1273 (1967).

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the mere fact that difficulty might be encountered in obtaining either Site Selection Board or Board of Estimate approval is not a sufficient basis for enlarging the issues.[10] Similarly, the Bureau believes that there is little basis for questioning whether WNYC has kept the Commission fully informed of significant and material changes in conditions and circumstances relating to the proposed antenna site because WNYC has been and is still actively prosecuting its application for the Seaview site. Finally, the Bureau argues that the allegations relating to statements allegedly made by City officials lack the supporting documentation required by § 1.229(c) and, therefore, cannot support the requested enlargement.[11]

4. In its opposition, WNYC first contends that WCCO's petition to enlarge is untimely and without merit. In support of its claim that there is reasonable assurance that the Seaview site is available to it, applicant submits an affidavit of Ira Duchan, Commissioner of Real Estate of the City of New York and Deputy Administrator of the Municipal Service Administration, which attests to the fact that the leases entered into with the Jewish Center and the Hospital Corporation are not irreversible. WNYC also submits an affidavit of Norman Redlich, Corporation Counsel of the City of New York, in which he states that the City has the power to regain those portions of the proposed site leased to the Center and the Hospital Corporation through purchase, condemnation or otherwise whenever required for a public or municipal use or purpose. Additionally, applicant contends that none of the events relied upon by WCCO in its petition are of decisional significance because they would not preclude construction of the proposed WNYC facility at that site.[12] Finally, in response to the request for a misrepresentation issue, WNYC asserts that, contrary to WCCO's assertion, the testimony of public witnesses clearly shows the intention of the City to construct on the Seaview site. In this regard, applicant charges that Deputy Mayor Morrison never made the statement attributed to him by Mrs. Bokert, but rather said just the opposite of what Mrs. Bokert claims he said.[13] Furthermore, applicant argues that WCCO's reliance upon the representation by Norman Redlich before the Board of Estimate on April 20, 1972, is likewise without merit to show lack of good faith; as explained by Redlich in an attached affidavit, although he was generally familiar with the facts of the WNYC application at the time he made the statement, he was not apprised of the particular day-to-day developments, and his statement to the Board was simply a reference to the fact that the WNYC transmitter site would have to be approved by the Site Selection Board. Finally, WNYC submits the affidavit of Sheldon Hoffman, Director of the City of New York Municipal Broadcasting System, who attests to WNYC's firm intention to construct the facility at the Seaview site, if the construction permit is granted. In view of the foregoing, the applicant concludes that no misrepresentation by City officials has been or can be shown by WCCO.

5. In reply, WCCO alleges that in view of the leases executed by the City and the Jewish Center and Hospital Corporation, the Center and Hospital—and not the City—have the right to the immediate and future use of the WNYC site. Even assuming the leases may be reversible, petitioner contends that there is no showing that they will be reversed; thus, there is no showing that the City has taken the internal steps necessary which would indicate that it would exercise its alleged power to acquire interests in property by purchase, condemnation or otherwise under these circumstances.[14]

In this connection, petitioner alleges that there is a substantial question as to whether the City can condemn the lease to the Jewish Center in view of the express covenant for quiet enjoyment contained in the lease; and in addition, that the only mention in the lease of "condemnation" is in reference to a "body having a power of eminent domain superior to that of the landlord [the City]". Moreover, WCCO notes, the City agreed to subordinate its fee to any leasehold mortgage by the Center. Finally, petitioner notes the heavy financial burdens and protracted length of time which would necessarily be involved in acquiring property by condemnation. Given the above, petitioner contends with respect to the § 1.65 issue, that WNYC failed to report matters of "decisional significance" concerning the availability of its site. Finally, with regard to the misrepresentation issue, petitioner asserts that Mr. Redlich's statements before the Board of Estimate had a plain factual meaning beyond legal advice that the Seaview site required Site Selection Board approval; the plain meaning was that though the site would be on Staten Island, the specific location was not yet fixed and would "await future determination."[15]

6. It is well established that the Commission will not attempt to prejudge actions pertaining to land planning which are within the jurisdiction of local authorities, absent a showing indicating that the applicant will be unable to obtain approval of proposed site plans from local authorities.[16] Accordingly, but for the leases executed between the City and the Hospital Corporation and the Jewish Community Center, the Board would refrain from adding an issue inquiring into whether WNYC could obtain appropriate City approval for its proposed site. In the Board's view, however, WCCO has raised a substantial question as to whether the City has entered into leasehold agreements which may be impediments to utilization of the proposed site by WNYC.[17] Thus, there is no indication that there is a provision in the Hospital Corporation lease which provides for repossession of the proposed site,[18] or a letter from the Hospital Corporation indicating an intention to discuss the retransfer of the property leased to that organization,[19] or some other indication that the Hospital Corporation would have no objection to restoring possession of the property to the City. Nor is it clear from the pleadings that the City can condemn a portion of the property leased to the Jewish Community Center, especially in view of the provisions of the lease cited by WCCO. Moreover, even assuming there was no question concerning the City's right to condemn property leased to the Center (or to the Hospital Corporation), condemnation necessarily presents problems of time and expense that could very well be pertinent to the availability of the site. Therefore, under the circumstances as presented, we believe that there is sufficient doubt as to whether reasonable assurance exists as to the availability of WNYC's proposed site to warrant enlargement of the issues as requested by the petitioner. In view of this conclusion, WNYC's failure to report the City's alienation of its proposed site warrants addition of a § 1.65 issue. Finally, the Board believes that petitioner's allegations are inadequate to support addition of the requested misrepresentation issue. Aside from the fact that WCCO's allegations in this regard do not comport with the provisions of § 1.229(c) requiring affidavits of a person or persons having personal knowledge of the facts alleged,[20] there is no basis for assuming that the statements made by City officials to which WCCO refers are more than the expression of individual opinion. See Edward G. Atsinger, III, supra. Finally, we have no reason to doubt the sworn affidavit of Mr. Redlich explaining what he meant in his statement to the Board of Estimate concerning the proposed site. Therefore, we are unable to conclude that a serious question has been raised warranting a misrepresentation issue against WNYC.

7. *Accordingly, it is ordered*, That the petition to enlarge issues filed January 24, 1973, is granted to the extent indicated below, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether the City of New York Municipal Broadcasting System, has reasonable assurance of the availability of its proposed transmitter site.

(b) To determine whether the City of New York Municipal Broadcasting System has kept the Commission fully informed of significant and material changes in conditions and circumstances relating to its proposed antenna site and, if not, the effect thereof on the basic or comparative qualifications of the applicant to be a Commission licensee.

9. *It is further ordered*, That the burden of proceeding with the introduction of the evidence and the burden of proof under issue (a) added herein shall be on the City of New York Municipal Broadcasting System; and that the burden of proceeding with the introduction of evidence under issue (b) added herein shall be upon Midwest Radio-Television, Inc., and the burden of proof under issue (b) shall be upon the City of New York Municipal Broadcasting System.

Adopted: July 2, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[21]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14221 Filed 7-11-73;8:45 am]

[Docket No. 19568, 19569; FCC73R-248]

LEXINGTON COUNTY BROADCASTERS, INC. AND WILLIAM D. HUNT

Memorandum Opinion and Order Enlarging Issues

In regard to applications of Lexington County Broadcasters, Inc. Cayce, South Carolina Docket No. 19568, File No. BPH-7605, and William D. Hunt, Cayce, South Carolina Docket No. 19569, File No. BPH-7658, for construction permits.

1. This proceeding involves the mutually exclusive applications of Lexington County Broadcasters, Inc. (Lexington County) and William D. Hunt (Hunt) for authorization to construct a new FM broadcast station in Cayce, South Carolina (38 FR 8554). It was designated for a comparative hearing by Order, released August 15, 1972.[1] Now before the Review Board is a petition to enlarge issues, filed by Hunt on December 11, 1972, requesting the addition of issues to determine whether Lexington County, as licensee of standard broadcast Station WCAY, Cayce, South Carolina, has misrepresented its commercialization and news practices in its renewal applications for Station WCAY, and whether it has complied with the fairness doctrine and personal attack rule in connection with the operation of that station.[2]

TIMELINESS

2. Hunt concedes that his petition is filed late, but contends that good cause exists to warrant its acceptance. In support, petitioner maintains that a "substantial portion" of the materials supporting his petition consist of Station WCAY's program logs which were not obtained by petitioner until November 24, 1972, "after no small resistance from Lexington."[3] The Broadcast Bureau contends that the petition should be accepted and considered on its merits for the reasons set forth by petitioner and also because of the public interest considerations underlying the allegations in the petition. Lexington County opposes the petition, arguing that good cause does not exist for its acceptance because the petition is predicated upon information that was available to petitioner before the period specified by § 1.229(b) of the Rules expired. In reply, Hunt acknowledges that some of the information contained in his petition was available prior to the expiration of the time for filing the instant request, but contends that the program logs provide evidence necessary to support his petition. The Board believes that the data contained in the program log is essential to petitioner's request.[4] Though untimely, the request was filed within a reasonable time after petitioner obtained WCAY's program logs. In these circumstances, good cause exists for consideration of the petition on the merits. Cf. United Television Co., Inc. (WFAN-TV), 33 FCC 2d 424, 23 RR 2d 644 (1972); Folkways Broadcasting Co., Inc., 27 FCC 2d 619, 21 RR 2d 163 (1971).

MISREPRESENTATION OF COMMERCIALIZATION AND NEWS PRACTICES

3. In support of petitioner's request for the addition of an issue to determine whether Lexington County made misrepresentations to the Commission regarding its commercialization practices, Hunt asserts that copies of WCAY program logs[5] and tape transcriptions of WCAY programming in 1972[6] reveal discrepancies between the station's promises regarding its commercial practices and its performance. Petitioner notes that Lexington County proposed in WCAY's 1969 license renewal application to restrict its commercial broadcasting for the 1969–72 period to a maximum of 30 percent of its broadcast time between 6:00 a.m. and 6:00 p.m., and 25 percent during all broadcast hours. Petitioner maintains that Lexington County stated in this application that it would not exceed its proposed maximum level of commercialization of 22 minutes an hour and that excesses would not occur during any more than 5 percent of the hours in any week. Petitioner contends that, in spite of this representation, WCAY engaged in excessive commercialization on six of the 12 days for which it had program logs during this renewal period. Specifically, Hunt contends that WCAY broadcast more than 18 commercial minutes per hour during 21 one-hour broadcast periods between 6:00 a.m. and 6:00 p.m., which represents 13.2 percent of the hourly segments in the logs for this period. Hunt contends, moreover, that WCAY broadcast more than 20 minutes of commercials during eight of these 21 one-hour segments, and more than 22 minutes during one of these segments. In addition, petitioner asserts, tape recordings of WCAY's programming during specified dates in 1972 disclose that WCAY broadcast in excess of 18 minutes of commercials during five one-hour segments, four of these containing in excess of 22 commercial minutes. Regarding WCAY's 1966–69 renewal period, petitioner notes that Lexington County proposed in WCAY's 1966 renewal application to broadcast commercial matter during only 31.7 percent of all broadcast hours and that the applicant had stated

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[10] Citing John Hutton Corp., 27 FCC 2d 214, 20 RR 2d 1159 (1971); Lester H. Allen, 20 FCC 2d 478, 17 RR 2d 914 (1969); and HGR Broadcasting Co., 3 FCC 2d 658, 6 RR 2d 1698 (1966).

[11] In this connection, the Bureau submits the letter sent to Mrs. Bokert from Deputy Mayor Morrison which directly controverts Mrs. Bokert's statement.

[12] In this connection, WNYC argues that considering the long pendency of this proceeding, interim utilization of this land for public purposes can hardly be deemed unreasonable.

[13] In support thereof, WNYC also attaches a copy of the letter that Deputy Mayor Morrison sent Mrs. Bokert and which formed the basis for Mrs. Bokert's testimony.

[14] WCCO argues that the functions of the Site Selection Board and Board of Estimates may not be characterized as local intragovernmental actions, roughly analogous to local zoning authorities; rather than being quasi-judicial bodies, the two city agencies are legislative and political in character, petitioner asserts.

[15] Petitioner concedes that Mrs. Bokert's testimony was in error in ascribing the Deputy Mayor's reassurance that Seaview would not be used in a letter she received from him; however, WCCO attaches to its reply an affidavit by Mrs. Bokert allegedly showing that her understanding was based on a conference with the Deputy Mayor.

[16] See Massillon Broadcasting Co., FCC 61-1102, 22 RR 95 (1961); Eastside Broadcasting Co., FCC 63R-528, 1 RR 2d 763 (1963); El Camino Broadcasting Corp., 14 FCC 2d 361, 13 RR 2d 1260 (1968).

[17] Cf. Marvin C. Hanz, 21 FCC 2d 420, 18 RR 2d 310 (1970); Michael S. Rice, 8 FCC 2d 15, 9 RR 2d 1254 (1967); and Azalea Corp., 38 FCC 2d 95, 25 RR 2d 975 (1972).

[18] See Seaborn Rudolph Hubbard, 19 FCC 2d 630, 17 RR 2d 177 (1969).

[19] See Marvin C. Hanz, supra.

[20] See Wilkes County Radio, 10 FCC 2d 175, 11 RR 2d 341 (1967); Eastern Broadcasting Corp., 29 FCC 2d 472, 21 RR 2d 1147 (1971).

[21] Board Member Nelson not participating.

[1] The Order issued by the Chief of the Broadcast Bureau, acting under delegated authority of the Commission, was published in the Federal Register on August 19, 1972, 37 FR 16820.

[2] Also before the Review Board are: (a) The Broadcast Bureau's comments, filed January 9, 1973; (b) reply to (a) by Hunt, filed January 19, 1973; (c) opposition by Lexington County, filed February 1, 1973; and (d) reply to (c) by Hunt, filed February 13, 1973.

[3] Initially, petitioner requested these logs in a motion for the production of documents, filed September 1, 1972. Their production was ordered by the Administrative Law Judge in an oral Order issued October 25, 1972. A petition by Lexington County for leave to appeal or modify that Order was denied by Memorandum Opinion and Order, FCC 72M-1401, released November 10, 1972.

[4] See paras. 3 and 8, *infra*.

[5] The WCAY program logs upon which Hunt bases the arguments in his petition are the composite week logs from 1967 to 1971, consisting of fourteen days of program logs in 1967–1969, and twelve days of program logs in 1970 and 1971. However, petitioner only submitted two days of program logs with his enlargement request.

[6] The recorded portions of WCAY programming, transcripts of which were attached to the petition along with a supporting affidavit, were recorded on June 30 and July 6, 7 and 22, 1972.

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that the maximum amount of commercial matter WCAY would broadcast in any one-hour segment would be 19 minutes. However, Hunt contends, the program logs in his possession reveal that during this period WCAY broadcast more than 19 commercial minutes during 31 one-hour segments. In addition, petitioner contends, nine of these hourly segments contained more than 22 minutes of commercial broadcasts. In support of his request regarding the purported misrepresentation by Lexington County of WCAY's news broadcasting, petitioner notes that Lexington County proposed during WCAY's 1969–72 renewal period to devote 15 percent of WCAY's news to matters local in content, and that it proposed to devote during WCAY's 1966–69 renewal period one-half of the total news coverage to local and regional news. Petitioner maintains that, in spite of these representations, there is no indication from the program logs in Hunt's possession that any local or regional news was broadcast by WCAY during this period.

4. The Broadcast Bureau supports addition of the requested issues conditioned upon Hunt's submission of all the logs in his possession together with an affidavit of a person who has examined them. As additional support for enlargement, the Bureau notes that, in a letter dated November 8, 1972, the Commission requested a full explanation from Lexington County of discrepancies between Station WCAY's proposed commercial policy and the station's practices which were revealed in its 1972 renewal application. In reply, Hunt submits a copy of all WCAY program logs in his possession as well as a supporting affidavit. The affidavit modifies slightly the original allegations, stating that the WCAY program log of September 12, 1967, indicates that 8½ minutes of local news was broadcast that day.

5. In opposition, Lexington County contends that the affidavits which were furnished by petitioner do not satisfy the requirements of § 1.229(c) because they only verify the accuracy of the transcription of WCAY program recordings and not the tapes themselves. With specific regard to alleged overcommercialization, Lexington County contends that spot checks of one of the daily program logs relied upon by petitioner (December 13, 1968) reveal five errors in petitioner's calculations of commercial time broadcast by WCAY. Furthermore, Lexington County contends that there were only occasional departures from its "self-imposed" hourly commercial limits; that it stayed well within the bounds of its overall commercial limits;[7] that it has disclosed to the Commission all variances between its commercial broadcast proposals and its actual performance during the composite week; that its commercial policy was adopted in good faith and modified only when necessary to serve the public interest by providing local merchants an opportunity to promote sales when most advertising time had been purchased in advance; and that it has taken affirmative steps to eliminate any further departures from its hourly commercial limits.[8] Lexington County also denies that any misrepresentations were made in WCAY's 1966 and 1969 renewal applications in connection with the amount of local and regional news it intended to broadcast. Lexington County maintains that the 15 percent figure in WCAY's 1969 renewal application represents an estimate of the amount of local news broadcast during the 1966–69 period, not an estimate of local and regional news to be carried during the next renewal period. Furthermore, Lexington County contends that petitioner fails to take into account WCAY's broadcast of weather reports which may, it maintains, be classified as news. The general absence of separate logging notations, it asserts, results, not from the fact that the station did not cover such matter, but from the fact that past coverage of local and regional news was often interspersed in regularly scheduled programs.[9] Lexington County concludes that no misrepresentation issue is warranted.

6. In reply, Hunt asserts that there is no basis for the objective by Lexington County that petitioner has not furnished an affidavit verifying the accuracy of the tapes when it is apparent from the tapes themselves that they are recordings of WCAY programming, and when the transcripts of the tapes have been verified. Furthermore, petitioner contends, calculations by Lexington County of its commercial broadcasts on December 13, 1968, were erroneous because they failed to account for the commercials broadcast during the network news programs which WCAY aired.[10] Petitioner disputes Lexington County's argument that WCAY stayed well within the bounds of its overall commercial limits since Lexington County's promises in its renewal applications were framed in terms of the amount of advertising to be broadcast in each one-hour segment. Petitioner also argues that Lexington County does not adequately explain in its opposition the absence of notations in its program logs indicating the broadcast of local and regional news and notes that Lexington County's assertions concerning its practice of interspersing local and regional news in other programs was made without specifying the frequency of such broadcasts. Finally, petitioner contends, Lexington County fails to provide supporting affidavits from persons who provide the station with the "Hot-Line" phone tips.

7. In the opinion of the Review Board, although Hunt has adequately verified the materials underlying the allegations in the petition, he has not raised a substantial question of misrepresentation by Lexington County of WCAY's commercialization and news broadcast practices. With respect to commercialization, the Board finds no support for Hunt's allegations that statements made in WCAY's renewal applications concerning such practices were intended to mislead the Commission. Lexington County disclaims such intent and the affidavit of its president explains the variations between the proposed and actual amounts of commercial time in terms of errors in judgment, as well as the need to modify its proposals in order to serve its community. This explanation is not inherently improbable and any intent to misrepresent is further belied by the fact that WCAY operated well within its overall commercial limits. In these circumstances, we will not add a misrepresentation of commercialization practices issue. See Southern Broadcasting Co. (WGHP–TV), 31 FCC 2d 661, 22 RR 2d 929 (1971). Cf. Chicago Federation of Labor, and Industrial Union Council, 38 FCC 2d 417, 25 RR 2d 1147 (1972). Likewise, Hunt has not adequately substantiated his claim that the news estimates contained in WCAY's renewal applications represented wilfull misstatements of the licensee's intentions. However, the apparent variances between the amounts of local and regional news and the amounts of commercial matter promised in the applications, and that actually programmed, are significant and raise a serious question as to the reliability of Lexington County's present proposal. While a licensee's prerogative to exercise flexibility and discretion in its programming is well established, a licensee retains the duty to substantially carry out the programming policies embodied in its renewal proposal or, in the alternative, justify substantial variations to the Commission. KORK, Inc., 31 FCC 85, 21 RR 781 (1961). Such justification is not present here. Although Lexington County asserts that WCAY has remained faithful to its news programming proposals contained in these renewal applications, it has not specifically shown that WCAY's programming logs support its position or that WCAY has carried the percentages of local and regional news it proposed. Moreover, whether the statement made by Lexington County in its 1969 renewal application concerning news broadcasts was intended as a proposal for programming during the renewal period or as a comment concerning WCAY's performance during 1966–1969 is unclear and must be explored at the hearing as well. Finally, Lexington County concedes that it broadcast more commercial matter than it had proposed, and in some instances the amount of commercial matter broadcast substantially exceeded the specific amount proposed. While neither the alleged discrepancy in local news nor commercial matter, standing alone, would be sufficient to raise a substantial question as to Lexington County's qualifications, the Board is of the view that, considered together, they do raise such a question thereby warranting an evidentiary inquiry. Therefore, the Board will add an issue to determine whether the Commission can rely upon Lexington County to operate the FM station as proposed. See Southern Broadcasting Co. (WGHP–TV), 26 FCC 2d 998, 20 RR 2d 689 (1970); Regal Broadcasting Corp. (WHRL–FM), 14 FCC 2d 845, 14 RR 2d 407 (1968).

FAIRNESS DOCTRINE AND PERSONAL ATTACK RULE VIOLATIONS

8. In support of his request for the addition of an issue to determine whether Lexington County has complied with the fairness doctrine and personal attack rule in connection with the operation of Station WCAY, petitioner cites portions of four WCAY broadcasts recorded during June and July, 1972, which dealt with capital punishment, the food stamp program, proposals for the value-added tax, and the flying of the Confederate flag.[11] Petitioner contends that only one side of each of these "plainly controversial" topics was ever presented, and notes that none of the WCAY program logs in his possession contain any indication that discussion programs or editorials were ever broadcast by WCAY which may have presented opposing viewpoints. Petitioner concludes that "[w]hile it is not within Hunt's power to establish conclusively that WCAY never broadcast any viewpoints opposing those of Mr. Dekel's on controversial issues, nonetheless, the logs and tapes in his possession serve as an adequate threshhold demonstration that Lexington has violated its Fairness obligation." The alleged personal attack violation arose, petitioner contends, out of WCAY's failure to comply with § 73.123(a) of the Commission's rules[12] following a comment made by Mr. Dekel during the broadcast of the program concerning the flying of the Confederate flag in which he referred to the American Civil Liberties Union (ACLU), as a "known Communist outfit" having "Communist ties" going back many years. In support, petitioner furnishes a copy of an affidavit signed by the president and the executive secretary of the ACLU of South Carolina stating that that organization has not received a transcript of the statements allegedly made during the broadcast or an offer to respond to those statements.

9. The Bureau contends that petitioner has not adequately established that Lexington County violated the fairness doctrine, even if it is assumed that the four broadcasts cited dealt with controversial issues of public importance. The Bureau notes that the logs relied upon by petitioner to show that WCAY had only presented one side of controversial issues of public importance predate the broadcasts referred to in the petition by more than a year; and, even if petitioner had program logs for the periods subsequent to the broadcasts, nothing in these logs would indicate whether WCAY ever presented views contrasting Mr. Dekel's. The Bureau contends that the fairness doctrine only requires that the licensee offer a reasonable opportunity for presentation of contrasting views and that there is evidence from the transcripts of WCAY recordings of at least one such offer being made. Regarding the alleged broadcast of the personal attack, the Bureau argues that, even if WCAY did not comply with the personal attack rule, the addition of an issue would be unwarranted because petitioner fails to show that the attack was more than an isolated incident. Lexington County agrees with the Bureau and adds that it has never received complaints that WCAY's programming on any issue was one-sided and unfair. Furthermore, Lexington County contends, it is its policy to make time available to responsible spokesmen to express views on the air opposing those of Station WCAY and that such offers have been made on the "Friendly Ben Show". Lexington County also states that the WCAY management was totally unaware of the purported personal attack at the time it allegedly occurred and that the WCAY staff "has been warned that any violation of § 73.123 is cause for dismissal."

10. In reply to the Bureau, Petitioner maintains that adoption of the Bureau's position would excuse Lexington County's "shadow compliance" with the fairness doctrine and would significantly dilute that doctrine. Hunt maintains that, by using the only means available at his disposal (WCAY program logs) to document his allegations, he has made a sufficient showing to warrant the addition of the requested issue, and that it would be unfair to require petitioner to prove with certainty that WCAY never presented contrasting views. Petitioner also contends that the alleged personal attack broadcast by WCAY should not be considered as an isolated incident because the personal attack rule is a part of the fairness doctrine, which petitioner maintains Lexington County has also violated. In response to Lexington County, Hunt submits copies of three complaints which the Commission has received concerning Station WCAY and contends that these complaints demonstrate that WCAY makes no provision for the broadcast of opposing views.[14] Petitioner also maintains that it "defies common sense" to think that the only instance of a personal attack broadcast on WCAY occurred during the short time when Hunt monitored the station's programming, and that it may be presumed that other such attacks have occurred frequently. Finally, petitioner argues that Ben Dekel's invitations for contrasting viewpoints "effectively intimidates the public and chills any desire to oppose Mr. Dekel on his own program * * *."

11. The Review Board will not add an issue to determine whether Lexington County has complied with the fairness doctrine and personal attack rule in connection with WCAY's operation. First, petitioner's showing that WCAY has presented only one side of controversial issues of public importance is inadequate. Although broadcasters are required to provide a reasonable opportunity for each side of such issues to be presented, the Commission requires the complainant, inter alia, to set forth reasonable grounds for concluding that the licensee in his overall programming has not attempted to present opposing views on the issues presented. Applicability of the Fairness Doctrine in Handling of Controversial Issues of Public Importance, 40 FCC 598, 2 RR 2d 1901 (1964). It is the policy of the Commission that fairness doctrine complainants assume the burden of coming forward with evidence which will show a basis for the complaint. The Meredith Corp., 37 FCC 2d 551, 25 RR 2d 428 (1972); Federation of Citizens Association of the District of Columbia, 21 FCC 2d 12, 17 RR 2d 1113 (1969). Here, petitioner's attempt to show that WCAY did not include in its programming views opposing those presented on the "Friendly Ben Show", and did not afford the opportunity for the presentation of opposing views on that or other shows, is insufficient to justify the addition of the issue. There is no substantiation or logic to the charge that offers made during the "Friendly Ben Show" inviting contrasting views were in fact intimidating, nor is there any evidence from the three complaints attached to petitioner's reply pleading to show that WCAY does not broadcast opposing views. With regard to the alleged personal attack, even accepting that such a personal attack was made against the ACLU during a WCAY broadcast, and although there is no indication that WCAY complied with the provisions of § 73.123

[7] In this regard, Lexington County contends that it proposed in the WCAY renewal applications to limit broadcast of commercials during WCAY's 1966 renewal period to no more than 31.7 percent of the station's total programming each week, and to no more than 30 percent of the weekly programming during the 1969 renewal period. Lexington County maintains that composite week figures for 1969 and 1972 indicate that for the earlier period only 16.5 percent of WCAY's total programming contained commercial matter, and that this rate rose to only 20.9 percent during the latter period.

[8] In an affidavit attached to the opposition, J. Olin Tice, Jr., president of Lexington County, states that Lexington County proposed a more flexible commercialization proposal in WCAY's 1972 renewal application in order to avoid miscalculations in the future.

[9] Lexington County contends that WCAY periodically broadcasts telephone reports from the Cayce police and fire departments and "Hot-Line" phone tips from listeners. Lexington County also submits that two regular broadcast programs, Bulletin Board and Lexington Show, often cover material "readily classifiable" as news.

[10] Petitioner attaches to his pleading Exhibit 6 of WCAY's 1969 renewal application consisting of the Mutual Network logs for the 1968 composite week, and contends that these logs reveal that 1½ to 2 minutes of commercials were broadcast during each network news broadcast.

[11] The broadcasts petitioner refers to were part of the "Friendly Ben Show" hosted by Mr. Ben Dekel every weekday from 6–9 a.m. on WCAY.

[12] Section 73.123(a) of the rules provides that if a personal attack is made during presentation of views on a controversial issue of public importance, the licensee shall within one week thereof notify the person so attacked of the date, time and identification of the broadcast, provide a script or tape of the attack, and offer a reasonable opportunity to respond over the licensee's facilities.

[14] All three complaints concerned the "Friendly Ben Show". The first concerned a broadcast purportedly racist in content which the complainant found offensive; the second concerned WCAY's failure to air a public service announcement prepared by a federal agency; and the third concerned broadcasts allegedly encouraging disobedience to laws.

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(a) of the Rules afterwards, petitioner has failed to substantiate his contention that "other such attacks have frequently occurred." Because there is no indication that the violation was anything other than an isolated incident, and in light of the fact that Lexington County has warned the staff of WCAY that such acts are grounds for their dismissal, the addition of this issue is not warranted.[16] Cf. Regal Broadcasting Corp., 27 FCC 2d 694, 21 RR 2d 61 (1971).

12. *Accordingly, it is ordered*, That the petition to enlarge issues, filed December 11, 1972, by William D. Hunt, is granted to the extent indicated below, and is denied in all other respects; and

13. *It is further ordered*, That the issues in this proceeding are enlarged to include the following:

To determine the extent to which Station WCAY, Cayce, South Carolina, licensed to Lexington County Broadcasters, Inc. has in operation deviated from proposals made in its 1966 and 1969 renewal applications concerning its commercial and news practices and the effect of such deviation on the requisite and comparative qualifications of Lexington County Broadcasters, Inc. to be a Commission licensee.

14. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Lexington County Broadcasters, Inc.

Adopted: July 2, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[17]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14222 Filed 7-11-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-691]

ATLANTIC RICHFIELD CO.

Order Setting Matter for Formal Hearing, Permitting Intervention, Prescribing Procedures and Fixing Date of Hearing

JULY 2, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. section 717c, section 717d, section 717f, section 717g, section 717i, and section 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

Atlantic Richfield Company (Arco) has filed, in the above-entitled Docket No. CI73-691, an application, pursuant to section 7(c) of the Natural Gas Act and Order No. 431 in Docket No. R-418, for a limited-term certificate of public convenience and necessity with pre-granted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Trunkline Gas Company (Trunkline).

The limited-term certificate application provides that Arco sell approximately 75,000 Mcf per day for a term of six (6) months. The contractually agreed rate is 50.0¢ at 14.65 psia, subject to upward Btu adjustment from a base of 1000 Btu's.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need • • •

Paragraph 12 of R-389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Pursuant to the notice of the instant application, Trunkline Gas Company filed a petition to intervene.

The Commission finds.

(1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit Trunkline Gas Company, which filed a timely petition, to intervene in this proceeding.

The Commission orders.

(A) The application for limited-term certificate for sale of natural gas filed in Docket No. CI73-691 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing July 19, 1973, at 10:00 a.m., e.d.t. at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Trunkline Gas Company of America is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission: *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene: *And, provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, Trunkline, shall, on or before July 10, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14023 Filed 7-10-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Order Modifying Prior Order

JULY 2, 1973.

Consumers Power Company (Consumers), on June 4, 1973, filed a motion for reconsideration of the Commission's order issued herein on May 22, 1973, and a supplement to the motion on June 12, 1973. In the May 22 order we granted a request by the Cities/Coops group[1]: *And provided*, That the anticompetitive issues raised in this proceeding be tried in advance of the other issues, but that the Administrative Law Judge issue a single initial decision in this proceeding based upon the entire evidentiary record. The procedural dates as to other issues had been extended by Notice of the Secretary issued on May 4, 1973.

Consumer's bases its motion for reconsideration on the fact that they intend to present evidence on the anticompetitive aspects of this proceeding and our order separating this issue for early consideration does not allow them sufficient time to proceed with their own discovery and evidentiary presentation in this matter.

We also note that in a Cities/Coops' letter to all parties accompanying their testimony on this issue filed June 5, 1973, the intervenors state that they intend to put "additional testimony concerning anticompetitive, as well as other rate issues, • • • with our cost-of-service presentation." Furthermore, from their response to Consumers' motion, which Cities/Coops filed on June 14, 1973, it is apparent that Cities/Coops seeks only to litigate the "price squeeze" issue in the early phase of the hearing.

Since our order separating the anticompetitive aspects of this proceeding for early hearing was designed to provide a full and complete hearing on the entire anticompetitive issue, and since neither Consumers nor Cities/Coops appear able to go forward with this issue at that hearing, we shall amend our order of May 22, 1973, to provide for trial of the anticompetitive issue together with the other issues in accordance with the procedural dates contained in the Notice of the Secretary, issued May 4, 1973. This will give all parties the opportunity to present full and complete evidence on the anticompetitive issue as well as all other issues at the same hearing.

The Commission finds.

Good cause has been shown to amend our order of May 22, 1973, as hereinafter set forth.

The Commission orders.

(A) Consumer's Motion for Reconsideration filed on June 4, 1973, is hereby granted.

(B) The revised schedule of procedural dates for *all* issues in this proceeding is as follows:

Staff Testimony July 24, 1973
Intervenor's Testimony August 8, 1973
Prehearing Conference August 22, 1973
Applicant's Rebuttal September 12, 1973
Hearing September 19, 1973

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14021 Filed 7-10-73;8:45 am]

[Docket No. CI73-918]

STEPHENS PRODUCTION CO.

Notice of Application

JULY 3, 1973.

Take notice that on June 22, 1973, Stephens Production Company (Applicant), 115 North 12th Street, Fort Smith, Arkansas 72901, filed in Docket No. CI73-918 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to the Arkansas Louisiana Gas Company from the Mathers Ranch Field, Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 75,000 Mcf of gas for one year at 45.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14020 Filed 7-10-73;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Order Rejecting Stipulation and Agreement and Remanding for Further Proceedings

JUNE 28, 1973.

On April 13, 1973, the Presiding Administrative Law Judge in this proceeding certified to the Commission for its consideration a Revised Stipulation and Agreement proposing to settle the issues in this proceeding, together with statements of the parties with respect to such Agreement, all of which were made a part of the record at a hearing held on April 11, 1973. This Revised Stipulation and Agreement is essentially the same as the Original Stipulation and Agreement which had been previously certified to us and which we remanded to the Presiding Administrative Law Judge by our order issued March 5, 1973, except for a provision which permits the tracking of advance payments and an increase in the commodity charge to reflect increased curtailments anticipated for the year commencing in March 1973.

While the revised rates reflect an increase in the commodity component of 2.6¢ per Mcf over that those now in effect subject to refund,[3] the evidence submitted in support of such rates indicates that the revenue resulting from the zone commodity charges falls short of that which would result from the application of unmodified Seaboard[4] rates by approximately $28,125,000.

In our March 5, 1973, remand order we stated:

In our order in this docket issued August 9, 1972, Accepting Revised Tariff Sheets With Conditions, we stated that we intended to review our pricing mechanism of Texas Eastern, including cost classification, allocation and rate design in Docket No. RP72-98. The arguments advanced by counsel and testimony presented on the record by witnesses in this proceeding in support of the settlement rate design has not convinced us that the proposed rate design is just and reasonable and in the public interest, or that any departure from the principles enunciated in Opinion No. 600-A[4] is warranted. Accordingly we shall remand the proceeding to the Administrative Law Judge for further proceedings with encouragement to the parties to reopen discussions which may lead to the Agreement, modified to reflect, in the design of rates, classification of costs in accordance with the unmodified Seaboard method.

The rates contained in the Revised Stipulation and Agreement now before us are not in conformity with that instruction and the record as made before the Presiding Judge on remand has not convinced us that the rate design therein contained is just and reasonable and in the public interest or that any departure from unmodified Seaboard rates is warranted. Further we note that while the Revised Stipulation and Agreement provides for a trial of the rate design issue if the Commission finds the settlement design unacceptable, the parties have stipulated that such rate design as the Commission may find appropriate after hearing and final decision may be effective prospectively only. In the interim Texas Eastern would continue to sell gas based on modified Seaboard rates.

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[16] The circumstances surrounding Lexington County's alleged violation of Section 73.123(a) of the Rules, however, may, upon a prima facie showing to the Judge of "unusually poor" past broadcast record, be investigated in connection with WCAY's past programming during the comparative phase of the hearing.

[17] Board Member Nelson not participating. Board Member Berkemeyer dissenting in part and voting to add requested issue on fairness and personal attack. Board Member Kessler dissenting in part and voting to add a comparative issue only with respect to over-commercialization.

[1] The Cities of Bay City, Charlevoix, Coldwater, Harbor Springs, Hillsdale, Marshall, Petoskey, St. Louis and Union City, The Village of Chelsea and the Northern Michigan Electric Cooperative, Inc., The Southeastern Michigan Rural Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc.

[3] The increase in commodity component results in a decrease in the demand component of the rate of 82¢ per Mcf below that in the currently effective rates.

[4] Atlantic Seaboard Corp., et al., 11 FPC 43 (1952).

[4] El Paso Natural Gas Company, —— FPC ——, Opinion No. 600-A, Docket No. RP69-6, et al., issued May 8, 1972.

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We strongly disapprove of further delay in the establishment of unmodified Seaboard rates. The settlement procedure proposed would frustrate implementation of a rate design which we have already found to be the minimum acceptable. (See Michigan-Wisconsin Pipe Line Company, order issued April 10, 1973, in Docket No. RP72-118). Acceptance of the proposed procedure would allow continuation of a tilted rate design which serves to encourage off peak industrial sales of gas at less than compensatory Seaboard rate levels. For the aforestated reasons, we find the propsed settlement rate design unacceptable and we shall remand the proceeding to the Presiding Judge for trial. In this connection, we reiterate the caveat in our August 9, 1972, order setting this case for hearing that "to the extent that the commodity component of Texas Eastern's two part rates and its straight rates claimed in Docket No. RP72-98 do not recover fully allocated costs, as may be determined after hearing and decision therein, Texas Eastern may be required to absorb the impact of any undercollection under these rates as may have occurred."

Further, we note that the record before us is devoid of any evidence with respect to the propriety of the conjunctive billing practices on the Texas Eastern system. We intend to review and reevaluate the merits of conjunctive billing as it relates to Texas Eastern and request the parties including our Staff to address themselves to this issue in the remanded proceedings.

Because the test period utilized in the rate increase filing was the twelve months ended September 30, 1971, as adjusted, we will afford the parties an opportunity to substitute actual data for any estimates which may have been utilized in such test period and submit evidence on the issue of conjunctive billing. Accordingly, we will establish procedural dates for the service of evidence and provide a date for hearing.

The Commission finds.

For the reasons stated above, the Revised Stipulation and Agreement as certified to us on April 13, 1973, by the Presiding Administrative Law Judge, may not be in the public interest and should be remanded to the Presiding Judge as hereinafter provided.

The Commission orders.

(A) The aforesaid Stipulation and Agreement is hereby rejected and the subject docket is hereby remanded to the Presiding Judge for further proceedings consistent with this order.

(B) Evidence of actual experience during the test period and evidence on conjunctive billing which the parties may desire that the Presiding Judge and the Commission consider in determining just and reasonable rates for Texas Eastern shall be filed pursuant to the following schedule:

1. Texas Eastern, on or before August 1, 1973.
2. Commission Staff and Intervenors on or before August 21, 1973.
3. Texas Eastern's Rebuttal Evidence, on or before September 5, 1973.

(C) A hearing with respect to this matter shall be held commencing at 10:00 a.m., (e.d.t.), on September 18, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. at which time such evidence, subject to proper motions, shall be made a part of the record and immediately be subject to cross examination.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14022 Filed 7-10-73;8:45 am]

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENVIRONMENTAL RESEARCH

Agenda of Meeting

Sixth Meeting of the Technical Advisory Committee on Research and Development Task Force on Environmental Research to be held at the Federal Power Commission Offices Union Center Plaza Building 825 North Capitol Street, N.E. Washington, D.C.; 1:00 p.m., July 19, 1973, Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Approval of minutes of previous meeting.
3. Objectives and purposes of meeting.
A. Review and Discussion of Second Drafts of Report
1. Energy Production, Conversion and Transmission
2. Control Technology
3. Health Welfare & Ecology
4. Transportation Process
5. Instrumentation
6. Monitoring
7. Implementation Research
8. Long Term Environmental Studies
B. Assignments for Final Editing
C. Other Business
D. Date of next meeting (if needed).
4. Adjournment

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14238 Filed 7-11-73;8:45 am]

FEDERAL RESERVE SYSTEM

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares of The First National Exchange Bank of Montgomery County, Blacksburg, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 19, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14165 Filed 7-11-73;8:45 am]

FIRST BANCSHARES, INC.

Formation of Bank Holding Company

First Bancshares, Incorporated, Bartlesville, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Bartlesville, Bartlesville, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 16, 1973.

Board of Governors of the Federal Reserve System, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14174 Filed 7-11-73;8:45 am]

FIRST & MERCHANTS CORP.

Proposed Acquisition of Security-Atlantic Life Insurance Company

First & Merchants Corporation, Richmond, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Security-Atlantic Life Insurance Company, Phoenix, Arizona, a proposed new company. Notice of the application was published on May 24, 1973 in the Richmond Times-Dispatch, a newspaper circulated in Richmond, Virginia, and on May 26, 1973 in the Arizona Republic and Phoenix Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage de novo in the business of reinsuring credit life and credit accident and health insurance risks on certain credit customers of Applicant's banking and non-banking subsidiaries.

Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14173 Filed 7-11-73;8:45 am]

FIRST NEWTON BANKSHARES, INC.

Formation of Bank Holding Company

First Newton Bankshares, Inc., Topeka, Kansas has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Newton, Newton, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 16, 1973.

Board of Governors of the Federal Reserve System, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14176 Filed 7-11-73;8:45 am]

FORT WORTH NATIONAL CORP.

Acquisition of Bank

The Fort Worth National Corporation, Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Levelland State Bank, Levelland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 17, 1973.

Board of Governors of the Federal Reserve System, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14175 Filed 7-11-73;8:45 am]

FORT WORTH NATIONAL CORP.

Acquisition of Bank

Fort Worth National Corporation, Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Commercial Bank and Trust Company, Midland, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14163 Filed 7-11-73;8:45 am]

FORT WORTH NATIONAL CORP.

Acquisition of Bank

Fort Worth National Corporation, Fort Worth, Texas has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of First State Bank of Stratford, Stratford, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 28, 1973.

Board of Governors of the Federal Reserve System, July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14164 Filed 7-11-73;8:45 am]

FULTON NATIONAL CORP.

Proposed Acquisition of Assets of Martin & Bazzel Insurance Agency, Inc.

Fulton National Corporation, Atlanta, Georgia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain insurance renewal premiums and rights related thereto of Martin & Bazzel Insurance Agency, Inc., Atlanta, Georgia. Notice of the application was published on March 1, 1973 in the Atlanta Journal, a newspaper circulated in Atlanta, Georgia.

Applicant proposes to engage in certain insurance agency activities by virtue of the proposed acquisition. Martin & Bazzel Insurance Agency, Inc. previously served the mortgage loan customers of Martin and Bazzel, Inc. (a mortgage banking corporation purchased by Applicant's banking subsidiary) by acting as insurance agent with respect to homeowners, builders risk, and fire and extended coverage related to mortgages owned or serviced by Martin & Bazzel, Inc. Certain insurance agency activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 25, 1973.

Board of Governors of the Federal Reserve System, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14168 Filed 7-11-73;8:45 am]

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MIDWESTERN FINANCIAL CORP.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request by Midwestern Financial Corporation, Denver, Colorado ("MFC"), for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended.

MFC, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), by virtue of its ownership of 98.7 percent of the issued and outstanding voting shares of The First National Bank in Golden, Golden, Colorado ("Bank"), seeks to terminate said status as a bank holding company as a result of transferring all of its shares of Bank to First Golden Bancorporation, Golden, Colorado ("FGB").[1]

MFC seeks a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended, that notwithstanding an interlocking director relationship between MFC and FGB, MFC will not be capable of controlling the transferee of the shares of the aforementioned Bank. Mr. John L. Tracy, Chairman of the Board of Directors of MFC, is also a Director of FGB.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1966, by any bank holding company to a transferee that has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, are deemed to be indirectly owned or controlled by the transferor unless the Board of Governors of the Federal Reserve System, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

MFC has submitted to the Board documentary evidence to support its contention that MFC does not in fact control FGB.

Notice of an opportunity for hearing with respect to MFC's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12628). The time provided for requesting a hearing expired on June 4, 1973. No such request has been received by the Board, nor has any evidence been received to show that MFC is in fact capable of controlling FGB.

It is hereby determined that MFC is not in fact capable of controlling FGB. This determination is based upon the evidence of record in this matter, including (1) a certified copy of a resolution passed by the Board of Directors of MFC on June 4, 1973, to the effect that MFC does not now and will not in the future control or attempt to control, or exert or attempt to exert a controlling influence over, FGB through the common directorship of Mr. John L. Tracy, and that Mr. Tracy was not selected by the Board of Directors of MFC or otherwise on behalf of MFC, to represent MFC's interest on the FGB Board of Directors; (2) an affidavit of May 22, 1973, by Mr. Tracy stating, in essence, that in acting as a director of FGB, he is not acting pursuant to any agreement of understanding with or under any instructions from MFC, that he will not be reporting to MFC the actions taken at directors' meeting of FGB, that he will not be reporting to FGB the actions taken at directors' meetings of MFC, that in acting in his capacity as director of FGB he is not and will not be subject to control by MFC; and (3) a letter of May 23, 1973, from Counsel for MFC containing an analysis of the legal and factual implications of potential corporate control arising from the subject interlocking directorate, and a statement that there are no contractual restrictions on the transferability of FGB and MFC shares and there is no tying of FGB and MFC shares for sale purposes.

Accordingly, it is ordered, That the request of MFC for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR 265.2), June 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14171 Filed 7-11-73;8:45 am]

OLD KENT FINANCIAL CORP.

Order Approving Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to the First National Bank of Cadillac, Cadillac, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank with deposits of $636 million, representing 2.7 percent of the total deposits in commercial banks in Michigan, and is the seventh largest banking organization in the State.[1] Consummation of the proposed acquisition of Bank, with deposits of $14.4 million, would neither significantly increase Applicant's share of commercial bank deposits in Michigan nor result in any significant increase in concentration of banking resources in any section of the State.

Bank is the smaller of two banks headquartered in Cadillac and the third largest of four banking organizations on the basis of deposits within the Cadillac area. Bank's sole office[2] is located approximately 100 miles from the nearest office of any of Applicant's present or proposed banking subsidiaries.[3] There is no meaningful competition between Bank and any of Applicant's present or proposed banking subsidiaries, nor does it appear likely that such competition will develop in the future in light of distances involved and Michigan's restrictive branching laws.

In connection with its review of the proposal herein, the Board's attention has been called to the fact that Applicant intends to withdraw Bank from membership in the Federal Reserve System. In its Order of January 5, 1973, approving the application of Hamilton Bancshares, Inc. to acquire voting shares of Hardeman County Savings Bank (1973 Federal Reserve *Bulletin* 109), the Board expressed concern over the practice of large holding companies converting subsidiary banks from member to nonmember status, thereby shunning their public responsibilities to be a part of and to support the policies of the nation's central bank. The Board wishes to reaffirm its earlier views on this practice which it considers to be a matter of some concern. The question of whether the Board should recommend to Congress that membership in the Federal Reserve System be required for subsidiary banks of bank holding companies remains under active study.

The financial and managerial resources of Applicant, its subsidiary bank and Bank are satisfactory and support approval of the application, particularly in view of Applicant's commitment to increase the capital accounts of Bank by $425 thousand. Applicant also proposes to assist Bank in providing new or improved services with respect to such areas as commercial lending, trust services, and mortgage lending. While it appears that the banking needs of the area are being adequately served, the improved and expanded services would provide customers with an additional alternative source of such services. Considerations relating to the convenience and needs of the communities involved are thus regarded as consistent with approval. It is the Board's judgment that the proposed transaction is, on balance, in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[4] The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14166 Filed 7-11-73;8:45 am]

[1] FGB has filed an application for approval of the Board to become a bank holding company, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956.

[1] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through April 30, 1973.

[2] Bank is in the process of building a drive-in office.

[3] Applicant has a pending application before the Board to acquire Peoples State Bank of Holland, Holland, Michigan.

[4] Concurring Statement of Governor Bucher filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Absent and not voting: Governors Daane and Sheehan.

PANNATIONAL GROUP INC.

Order Approving Acquisition of Bank

PanNational Group Inc., El Paso, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Metro Bank of Dallas, Dallas, Texas.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant[1] is the thirteenth largest bank holding company in the State of Texas and controls two banks with aggregate deposits of $294 million, or less than one percent of total deposits in commercial banks in the State. (All banking data are as of December 31, 1972.) Bank ranks 50th among 110 commercial banks in the Dallas RMA and controls approximately $18 million in deposits. Consummation of the proposal would not change Applicant's rank in the State, nor result in a significant increase in the concentration of banking resources.

None of Applicant's subsidiary banks is located in the Dallas RMA. Applicant's closest subsidiary to Bank is 636 miles away and there is no significant existing competition between Bank and any of Applicant's subsidiaries. Consummation of the proposal is not likely to have any adverse effect on existing competition, nor any adverse effect on competing banks. On the facts of record, notably Texas' restrictions against branching, the numerous banking alternatives available in the Dallas market, and the sizes of other banks in the areas intervening between Bank and Applicant's subsidiaries, the consummation of the proposal herein is unlikely to foreclose any significant potential competition between Bank and any of Applicant's subsidiaries. Affiliation with Applicant may enable Bank to compete more effectively with the larger banks in the market. On the basis of the record before it, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear generally satisfactory. Bank has had certain past problems, including frequent management changes, heavy loan losses, strain on its capital account, an excessive volume of classified assets, and a suit by the SEC. Under new management dating from 1972, Bank has improved its asset position, even though further improvement in capital, depth of management and overall condition of Bank are desirable. Consummation of the proposal should enable Applicant to serve as a source of capital and provide managerial strength to Bank for growth and for service to the relevant area. Considerations relating to the banking factors weigh in favor of approval. Although there is no evidence that the needs of the Dallas RMA are not well served, considerations relating to convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14172 Filed 7-11-73;8:45 am]

[1] In connection with PanNational's 3(a)(1) application of February 29, 1972, the Board ordered that divestiture of PanNational's 28.4 per cent interest in Charles Bassett Inc. (a nonbanking subsidiary engaged in shopping center development) take place within two years. Applicant has advised that divestiture of Charles Bassett, as well as Applicant's approximate 10 per cent interest in Darbyshire Steel, Inc. (acquired through loan foreclosure in 1972) will take place by February 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

PHILADELPHIA NATIONAL CORP.

Proposed Retention of Colonial Associates, Inc.

Philadelphia National Corporation (formerly PNB Corporation) Philadelphia, Pennsylvania has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Colonial Associates, Inc., Sherman Oaks, California. Notice of the application was published on April 19, 1973 in the Van Nuys News and Valley Green Sheet, a newspaper circulated in Van Nuys News and has been published or is in the process of publication in newspapers of general circulation in Walnut Creek, California; Covina, California; Atlanta, Georgia; San Jose, California; Phoenix, Arizona; Sacramento, California; Santa Ana, California; Reno, Nevada; San Diego, California; Inglewood, California; Tucson, Arizona; Monterey, California; and Sherman Oaks, California. The proposed subsidiary maintains an office in each enumerated community. Applicant states that the proposed subsidiary would engage in the activity of origination of residential mortgage loans for re-sale to certain of its affiliates. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or grains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 24, 1973.

Board of Governors of the Federal Reserve System, June 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14169 Filed 7-11-73;8:45 am]

PHILADELPHIA NATIONAL CORP.

Proposed Acquisition of Colonial Mortgage Service Company and Colonial Mortgage Service Co. of California

Philadelphia National Corporation (formerly PNB Corporation), Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8))

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and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Colonial Mortgage Service Company and of Colonial Mortgage Service Co. of California, both of Philadelphia, Pennsylvania. The shares to be acquired are presently owned by the Philadelphia National Bank, Philadelphia, Pennsylvania, a wholly-owned (except for directors' qualifying shares) subsidiary of Philadelphia National Corporation. Notice of the applications has been published or is in the process of publication in newspapers of general circulation in Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; Columbus, Ohio; Walnut Creek, California; Kensington, Maryland; York, Pennsylvania; Wilmington, Delaware; Haddonfield, New Jersey; Denver, Colorado; San Diego, California; Atlanta, Georgia; and Sherman Oaks, California. One or the other of the proposed subsidiaries maintains an office in each enumerated community.

Applicant states that the proposed subsidiaries would engage in the activities of originating, selling, and servicing mortgage loans and generally conducting a mortgage banking business. Colonial Advisers, Inc., a subsidiary of Colonial Mortgage Service Company, engages in the provision of investment advice and management to PNB Mortgage and Realty Investors, a publicly-owned real estate investment trust. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 24, 1973.

Board of Governors of the Federal Reserve System, June 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14170 Filed 7-11-73;8:45 am]

TRINITY DEVELOPMENT CO.

Formation of Bank Holding Company

Trinity Development Company, Liberty, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 22.9 percent of the voting shares of The First Liberty National Bank, Liberty, Texas, a bank in which Trinity Development Company already holds 22.9 percent of the voting shares. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 18, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14167 Filed 7-11-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2369]

CARDINAL INCOME SECURITIES, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Cardinal Income Securities, Inc. ("Applicant"), One Jefferson First Union Plaza, Room 1200, Charlotte, North Carolina 28202, a Maryland corporation registered as a closed-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

On March 30, 1973, Applicant filed a Notification of Registration on Form N-8A pursuant to Section 8(a) of the Act. On that same date, Applicant also filed a Registration Statement on Form N-8B-1 pursuant to Section 8(b) of the Act, and a Registration Statement on Form S-4 pursuant to the Securities Act of 1933 ("1933 Act"). Applicant's 1933 Act Registration Statement has never been declared effective and Applicant has requested that the Registration Statement be withdrawn.

Applicant represents, among other things, that it has no shareholders, no assets, and due to adverse market conditions it does not now intend to offer or sell any of its securities to the public.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 30, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after that date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14178 Filed 7-11-73;8:45 am]

[811-1626]

COMMODORE GROWTH FUND, INC.

Notice of Filing of Application Pursuant to Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Commodore Growth Fund, Inc. ("Applicant"), 1200 Washington Building, Tacoma, Washington 98402, a Washington corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant registered under the Act on March 22, 1968, by filing a Form N-8A Notification of Registration under the name of Great Republic Growth Fund, Inc. Its name was changed on October 29, 1971. A Registration Statement under the Securities Act of 1933 on Form S-5 and Pre-Effective and Post-Effective Amendments thereto registering the shares of common stock of Applicant sold to the public have been filed and in due course ordered or declared effective.

The Applicant represents that at a meeting of its Board of Directors held on December 18, 1972, the Board determined unanimously, after considering the various options available to the Applicant, that it was in the best interests of its stockholders to liquidate and dissolve the Applicant. At that same meeting the Board suspended the further offering of shares of the Applicant. On February 16, 1973, the stockholders voted in favor of liquidation and dissolution, and the initial procedural and substantive steps have been taken to dissolve the Applicant.

The Applicant further represents, among other things, that on March 9, 1973, the first (and probably only) liquidating dividend in the amount of $4.87 per share, which dividend was equal to the net asset value per share as of the close of business on March 9, 1973, was distributed to the shareholders of record. It is the intention of the Board of Directors of the Applicant, and its investment adviser, to maintain the corporate existence of the Applicant only so long as is necessary to complete those steps incident to the formal dissolution of the Corporation.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 30, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14179 Filed 7-11-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 12-A; Rev. 1]

DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCE, ET AL

Redelegation on Financial Assistance

Delegation of Authority No. 12-A (37 FR 24715) is superseded by Delegation of Authority No. 12-A (Revision 1). Revision 1 reflects proper delegations of authority emanating from the Associate Administrator for Finance and Investment rather than from the previous organizational title which became nonexistent effective as of February 2, 1973, the date the Civil Service Commission approved the change. (38 FR 3187)

This document also (1) provides for the redelegation of authority relating to claims owed to sureties on defaulted surety bond guarantees (I.F.8.b and I.H.4.b) as well as all other authorities previously redelegated by Delegation of Authority No. 12-A; and (2) revised I.A.1 to reflect appropriate change of title.

Delegation of Authority No. 12-A (Revision 1) reads as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Finance and Investment in Delegation of Authority No. 12 (38 FR 13063), as amended (38 FR 16001), the following authority is hereby delegated to the specific positions as indicated herein:

A. *Deputy Associate Administrator for Finance.* 1. To perform any and all acts which I, as Associate Administrator for Finance and Investment, am authorized to perform under the aforementioned Delegation of Authority within the financial assistance program.

B. *Director, Office of Financing.* 1. To approve or decline business, economic opportunity, and all types of disaster loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, economic opportunity, and all types of disaster loan applicants.

C. *Chief, Program Operations Division.* 1. To approve or decline business, economic opportunity, and all types of disaster loan applications, including reconsiderations thereof, and to execute authorizations and amendments pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully or partially undisbursed loans.

3. To determine eligibility of business, economic opportunity, and all types of disaster loan applicants.

D. *Director, Office of Loan Administration.* 1. To take all necessary action in connection with the servicing, administration, collection and liquidation of all loans, other obligations and acquired property, with the exception of those loans classified as in litigation, but is not authorized:

(a) To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

(b) To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

(c) To deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under Section 8(a) of the Small Business Act, as amended.

E. *Chiefs, Operations Assistance Division and Program and Systems Division.* 1. To take all necessary action in connection with the servicing, collection or liquidation of fully disbursed loans not in litigation and other obligations and acquired property within all loan programs of the Small Business Administration, but is not authorized:

a. To sell any primary obligation or other evidence of indebtedness, exclusive of property acquired, owed to the Agency for a sum less than the total amount due thereon.

b. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

c. To deny liability of the Small Business Administration under the terms of

V 38 133 JUL 12 73 XUM

a participation or guaranty agreement, or the initiation of suit for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

2. To take all necessary actions in connection with the liquidation of SBIC's and EDA loans for the Department of Commerce.

3. To take all necessary actions in connection with the servicing (financial aspects) of certificates of competency and, as appropriate, financial aspects of contracts let by SBA under section 8(a) of the Small Business Act, as amended.

F. *Director, Office of Community Development.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully undisbursed loans.

3. To determine eligibility of development company loan lease guarantee, and surety bond applicants.

4. To approve or decline applications for the guarantee of the payment of rents under a lease where aggregate rentals do not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

5. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

6. To approve or decline applications for reinsured guarantees received from participating insurance companies for the payment of rents under a lease where the SBA share of such participation does not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

7. To approve the investment of moneys in the Lease Guarantee revolving fund not needed for the payment of current operating expenses for the payment of claims arising under the Lease Guarantee program, in bonds or other obligations guaranteed as to principal and interest by the United States.

8. a. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment or performance bonds on contracts up to $500,000.

b. To approve or decline all claim reimbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.

9. To make size determinations for the purpose of the lease guarantee and surety bond programs.

G. *Chief, Development Company Loan Division.* 1. To approve or decline development company (sections 501 and 502) loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for fully undisbursed loans.

3. To determine eligibility of development company loan applicants.

H. *Chief, Underwriting Division.* 1. To approve or decline applications for the guarantee of the payment of rents under a lease where aggregate rentals do not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

2. To enter into reinsurance agreements with participating insurance companies and to modify and revise the same whenever necessary.

3. To approve or decline applicants for reinsured guarantees received from participating insurancee companies for the payment of rents under a lease where the SBA share of such participation does not exceed the lesser of $15,000 per month or $2,500,000 over the term guaranteed.

4. a. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment of performance bonds on contracts up to $500,000.

b. To approve or decline all claim reimbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.

5. To determine eligibility of lease guaranty and surety bond applicants.

I. *Central Office Claims Review Committee.* 1. This committee shall consist of the Director, Office of Loan Administration, acting as chairman; Director, Office of Financing; and Associate General Counsel, Office of Litigation.

2. This committee shall meet and consider reasonable and properly supported compromise proposals and make the final decision to accept or reject such proposals, provided the decision of the committee is unanimous.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting in that position.

Effective date: February 2, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-14186 Filed 7-11-73;8:45 am]

[Delegation of Authority No. 30-VII, Amdt. 3]

REGION VII

Delegation of Authority to Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-VII (37 FR 17616), as amended (38 FR 6110) and (38 FR 14897), is further amended to include authority for Chief, Regional Community Economic Development Division, to guarantee sureties of small businesses, Part III Section C 2. is revised to read as follows:

• • • • • •

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

• • • • • •

SEC. C. *Lease guarantee approval authority.* • • •

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

(1) Chief, Regional CED Division.

• • • • • •

Effective date—July 1, 1972.

C. I. MOYER,
Regional Director, Region VII.

[FR Doc.73-14187 Filed 7-11-73;8:45 am]

[Notice of Disaster Loan Area 996]

NORTH CAROLINA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of North Carolina as a major disaster area following severe storms and flooding beginning on or about May 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Ashe, Buncombe, Clay, Haywood, Iredell, Jackson, Macon, McDowell and Watauga.

Applications may be filed at the:

Small Business Administration
District Office
222 South Church Street
Charlotte, North Carolina 28202

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than August 28, 1973.

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14182 Filed 7-11-73;8:45 am]

[Notice of Disaster Loan Area 998]

TENNESSEE

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following severe storms and flooding beginning on or about May 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Bledsoe, Campbell, Coffee, Cumberland, Grundy, Morgan, Roane, Scott, Van Buren and Warren.

Applications may be filed at the:

Small Business Administration
District Office
500 Union Street
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than August 28, 1973.

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14183 Filed 7-11-73;8:45 am]

[Notice of Disaster Loan Area 997]

TEXAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following severe storms and flooding beginning on or about March 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Jefferson, Orange, Red River and Upshur.

Applications may be filed at the:

Small Business Administration
District Office
Niels Esperson Building, Room 1210
808 Travis Street
Houston, Texas 77002

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than August 28, 1973.

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14184 Filed 7-11-73;8:45 am]

[Declaration of Disaster Loan Area 999]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Virginia;

Whereas, the Small Business Administration has investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Roanoke City, Roanoke County, Pulaski County, and Giles County in the State of Virginia suffered damage or destruction resulting from flooding caused by extreme heavy rains occurring May 27 and May 28, 1973. Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration
District Office
Federal Building, Room 3015
400 North Eighth Street
Richmond, Virginia 23240

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14185 Filed 7-11-73;8:45 am]

[License Application No. 02/02-5300]

KESER CAPITAL CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Keser Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Charles Kofman, President, General Manager, Director, 1551 47th Street, Brooklyn, New York 11219.
Chani Kofman, Secretary-Treasurer, Director, 1551 47th Street, Brooklyn, New York 11219.
Isaac Pinter, Director, 4910 15th Avenue, Brooklyn, New York 11219.

The applicant, a New York corporation, with its principal place of business located at 745 Fifth Avenue, New York, New York 10022, will begin operations with a combined paid-in capital and paid-in surplus of $525,000, derived from the sale of 5,250 shares of common stock to Charles Kofman.

According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under that management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before July 27, 1973, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City.

Dated: July 3, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-14158 Filed 7-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 294]

ASSIGNMENT OF HEARINGS

JULY 9, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 108207 Sub 364, Frozen Food Express, Inc., now assigned August 8, 1973, at Dallas, Tex., will be held in Room 5A15-17, Federal Office Building, 1100 Commerce Street.
FD 26241, Penn Central Transportation Company Reorganization, now being assigned pre-hearing conference July 16, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC-127042 Sub 111, Hagen, Inc., application dismissed.
MC 138213, Redi Lease Co., now being assigned hearing September 10, 1973, at St. Louis, Mo., in a hearing room to be later designated.
MC 107515 Sub 820, Refrigerated Transport Co., Inc., now being assigned hearing September 12, 1973, at St. Louis, Mo. in a hearing room to be later designated.
MC 127042 Sub 102, Hagen, Inc., now being assigned continued hearing September 17, 1973, at St. Louis, Mo., in a hearing room to be later designated.
MC 87720 Sub 131, Bass Transportation Co., Inc., now being assigned hearing September 19, 1973, at St. Louis, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14234 Filed 7-11-73;8:45 am]

[Notice 312]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

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Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 1, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74282. By order of July 2, 1973, the Motor Carrier Board approved the transfer to Austin Tupler Trucking, Inc., Fort Lauderdale, Fla., of Certificate No. MC-134771 issued June 23, 1971, to Tupler Trucking, Inc., Fort Lauderdale, Fla., authorizing the transportation of scrap metal from points in Monroe, Dade, Broward and Collier Counties, Fla., to Port Everglades and Miami, Fla., restricted to the transportation of traffic having a subsequent movement by water. Richard B. Austin, P.O. Box 7488, Miami, Fla. 33155, Attorney for applicants.

No. MC-FC-74349. By order of July 2, 1973, the Motor Carrier Board approved the transfer to Dennis W. Jamieson, D/B/A Jamieson Trucking, Ouray, Colorado, of Certificate of Registration No. MC-57806 (Sub-No. 1) issued November 13, 1963, to Oliver Fellin, Olliver L. Fellin, Jr., Administrator, and Angelo J. Fellin, D/B/A Fellin Brothers, Ouray, Colorado, evidencing a rights to engage in transportation corresponding in scope to Certificate of Public Convenience and Necessity No. 871, issued by the Public Utilities Commission of the State of Colorado. Victor T. Roushar, Petrie, Woodrow, Roushar & Weaver, P.O. Box 327, Montrose, Colo. 81401, attorney for applicants.

No. MC-FC-74471. By order of June 26, 1973, the Motor Carrier Board approved the transfer to Wayne Daniel Truck, Inc., Mount Vernon, Mo. of the operating rights in Permits Nos. MC-134494 (Sub-No. 1), MC-134494 (Sub-No. 2), and MC-134494 (Sub-No. 4) issued October 29, 1971, April 14, 1972, and June 18, 1973, respectively, to Wayne Daniel, doing business as Wayne Daniel Truck, Mount Vernon, Mo., authorizing the transportation of confectioneries, from St. Louis, Mo. to points in Nevada, California, and Oregon, limited to Sunline, Inc.; candy and confectioneries, sandboxes, blackboards, chalkboards, and furniture, from St. Louis, Mo., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada, limited to Beatrice Foods Company, and its divisions Switzer Licorice Co., and A. W. Schwab Co.; and confectionery, from the plant sites of L. S. Heath & Sons, Inc., at Robinson, Ill., and Fred W. Amend Co., at Danville, Ill., to points in the above-named destination States, subject to restrictions. Frederick J. Coffman, 521 South 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501., attorney for applicants.

No. MC-FC-74477. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Westport Trucking Company, a Missouri corporation, Paola, Kansas, of the operating rights in Certificates No. MC-126822 (Sub-No. 2), MC-126822 (Sub-No. 32), MC-126822 (Sub-No. 33) and MC-126822 (Sub-No. 38) issued January 4, 1972, August 21, 1972, April 4, 1972 and May 31, 1972 respectively to National Expressways, Inc., Kansas City, Kansas, authorizing the transportation of various commodities from, to and between various named points and areas in the United States. David A. Wette, 1020 Commerce Tower, Kansas City, Mo., 64105, attorney for transferee, John E. Jandera, 641 Harrison St., Topeka, Kansas, 66603, attorney for transferor.

No. MC-FC-74537. By order of June 29, 1973, the Motor Carrier Board approved the transfer to Oliver Ratliff, Dale Ratliff and Richard Leaf, a partnership Doing Business As Ratliff Bros. & Co., Kewanee, Ill. 61443, of Certificates No. MC-119380 (Sub-No. 2) and No. MC-119380 (Sub-No. 4) issued May 11, 1961, and June 15, 1965, respectively, to Richard Leaf, Dale Ratliff, Oliver Ratliff and Damon Barritt, a partnership Doing Business As Ratliff Bros. & Co., Kewanee, Ill. 61443, authorizing the transportation of: Rock salt, in dump vehicles, from Buffalo, Iowa, to points in a described part of Illinois; rock salt, in dump vehicles, from Davenport, Iowa, and points within 25 Miles thereof, in Iowa, to points in a described part of Illinois; and coal, in dump vehicles, from points in Henry and Knox Counties, Ill., to points in six named counties in Iowa, George S. Mullins, Registered Practitioner, 4704 W. Irving Park Road, Chicago, Ill. 60641.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14235 Filed 7-11-73;8:45 am]

[Notice 90]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 3, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 78 TA) filed June 22, 1973 Applicant: TAJON, INC. P.O. Box 146 R.D. #5 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 700 World Center Building 918 Sixteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, solid, crushed or granular, in dump vehicles, from Perth Amboy, N.J., to West Elizabeth, Pa.; Le Roy, N.Y.; and East Liverpool, Ohio, for 180 days. Note: Applicant intends to tack with MC 5470. SUPPORTING SHIPPER: Witco Chemical Corporation, 277 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 26396 (Sub-No. 79 TA) filed June 20, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Wayne Waggoner (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixer feeders, manure spreaders, horse trailers, small flat bed trailers, tanks, waterers, and feeders*, from the plant sites of B. J. Manufacturing Co., Inc., Dodge City, Kans.; Oswalt Division Butler Manufacturing Co., Garden City, Kans.; W. W. Trailers, Madill, Okla.; Plains Manufacturing Co., Sidney, Nebr.; National Manufacturing and Stamping Co., Jefferson, Iowa; Trojan Division, Ritchie Manufacturing, Conrad, Iowa, Top Hand Production, Inc., Hutchinson, Kans.; and Arkfeld Manufacturing and Distributing Co., Inc., Norfolk, Nebr., to Great Falls and Billings, Mont., for 180 days. SUPPORTING SHIPPER: Western Ranch Supply, 303 North 13th Street, Billings, Mont. 59101. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 323 TA) filed June 25, 1973 Applicant: SCHNEIDER TRANSPORT, INC. 2661 South Broadway P.O. Box 2298 (Box zip 54306) Green Bay, Wis. 54304 Applicant's representative: Neil DuJardin (same address as above) Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from Colony, Wyo., to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Delta Oil Products Corporation, 6263 North Teutonia Avenue, Milwaukee, Wis. 53209 (James F. Crawford, Vice President—Purchasing). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 96818 (Sub-No. 3 TA) filed June 20, 1973 Applicant: SOUTHERN MARYLAND TRANSPORTATION CO., INC. 4112 Dewmar Court Kensington, Md. 20795 Applicant's representative: Thomas M. Auchincloss, Jr. 918 Sixteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods, commodities in bulk, and commodities requiring special equipment), restricted to the transportation of shipments having a prior or subsequent movement by aircraft, between the Naval Air Station, Norfolk, Va., on the one hand, and, on the other, the Naval Weapons Station, Yorktown, Va.; the Naval Weapons Laboratory, Dahlgren, Va.; Patuxent Naval Air Station, Patuxent, Md.; the Naval Ordnance Station, Indianhead, Md.; and the Navy Yard, Washington, D.C., for 180 days. SUPPORTING SHIPPER: Curtis L. Wagner, Jr., Special Assistant to The Judge Advocate General and Chief, Regulatory Law Office, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 102616 (Sub-No. 877 TA) filed June 25, 1973 Applicant: COASTAL TANK LINES, INC. 215 East Waterloo Road P.O. Box 7211 Akron, Ohio 44319 Applicant's representative: James Annand (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry terephthalic acid*, in bulk, in tank vehicles, from the facilities of E. I. Dupont de Nemours & Company at or near Wilmington, N.C., to Joliet, Ill., for 180 days. SUPPORTING SHIPPER: E. L. Du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 118431 (Sub-No. 12 TA) filed June 25, 1973 Applicant: DENVER SOUTHWEST EXPRESS, INC. 605 South 14th Street P.O. Box 2028 Lincoln, Nebr. 68501 Applicant's representative: David R. Parker P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wire and cable*, (a) from Perth Amboy and New Brunswick, N.J., to Lincoln, Nebr.; (b) from Perth Amboy, N.J., to Tampa, Fla.; (c) from Tampa, Fla., to Erie, Pa.; (d) from Monticello, Ill., to Tampa, Fla.; and (e) from Bonham, Tex., to Indianapolis, Ind. and Lincoln, Nebr., (2) *Wire cable and scouring pads*, from Brandon, Miss., to points in the United States (except Mississippi), and (3) *Wire cable and power cord*, from Williamstown and North Adams, Mass. and Pownal, Vt., to points in Illinois in and north of Will, Grundy, LaSalle, Bureau, Henry, and Rock Island Counties, for 180 days. SUPPORTING SHIPPER: James K. McConnell, General Cable Corporation, 26 Washington Street, Perth Amboy, N.J. 08862. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 123233 (Sub-No. 48 TA) filed June 25, 1973 Applicant: PROVOST CARTAGE INC. 7887 2nd Avenue Ville d'Anjou 437, Que., Canada Applicant's representative: J. P. Vermette (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the Port of Entry on the International Boundary Line between the United States and Canada located at or near Highgate Springs, Vt., to Winooski, Vt., for 180 days. RESTRICTION: Restricted to traffic having a prior movement in foreign commerce. SUPPORTING SHIPPER: Canadian Industries Limited, 630 Dorchester Blvd. West, Montreal 101, Que., Canada. SEND PROTESTS TO: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 134776 (Sub-No. 22 TA) filed June 7, 1973 Applicant: MILTON TRANSPORTATION, INC. RD 1, P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and paper, equipment, materials and supplies* used or useful in the manufacture and sale of paper and plastic products (excepts commodities in bulk), between the facilities of U.S. Envelope Co., Williamsburg, Pa., on the one hand, and, on the other, points in Georgia, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Ohio, Maryland, Virginia, Delaware, Indiana, Illinois, Michigan, Iowa, Kentucky, Tennessee, Nebraska, Missouri, West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: U.S. Envelope Co., Memorial Industrial Park, Box 3300, Springfield, Mass. 01101. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 134783 (Sub-No. 5 TA) filed May 29, 1973 Applicant: DIRECT SERVICE, INC. P.O. Box 786 Dimmett Highway West Plainview, Tex. 79072 Applicant's representative: Charles J. Kimball 2310 Colorado State Bank Bldg. Denver, Colo. 80202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products and snack foods*, from the plantsites and storage facilities of Midwest Biscuit Company at or near Burlington, Iowa, to points in Oklahoma and Texas, for 180 days. SUPPORTING SHIPPER: Gil McClung, Wholesale Sales Manager, Midwest Biscuit Company, Box 888, Burlington, Iowa 52601. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134875 (Sub-No. 3 TA) filed June 25, 1973 Applicant: JOHN W. SMOOT Box 124 Mount Jackson, Va. 22840 Applicant's representative: M. Bruce Morgan 201 Azar Building Glen Burnie, Md. 21061 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Basic liquid fertilizer solutions, basic liquid feed solutions and granular fertilizer*, in bags and bulk, from Mount Jackson, Va., to points in Maryland, West Virginia, Pennsylvania, Washington, D.C., New Jersey, Delaware, North Carolina, South Carolina, Connecticut, Rhode Island, Vermont, and New York, for 180 days. SUPPORTING SHIPPER: Valley Fertilizer & Chemical Co., Inc., P.O. Box 443, Mount Jackson, Va. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 138805 (Sub-No. 1 TA) filed June 25, 1973 Applicant: S. & L. SERVICES, INC. R.D. #1 Milton, Pa. 17847 Applicant's representative: S. Berne Smith P.O. Box 1166 Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages* (except in bulk), moving on commercial bills of lading, from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to the township of West Chillisquaque, Northumberland County, Pa., and Carlisle and Williamsport, Pa., for 180 days. SUPPORTING SHIPPER: Lycoming Beverage Co., 757 Arnold Street, Williamsport, Pa. 17701; Edwin H. Kleckner, Inc., Montandon, Pa. 17850; and Harold H. Blosser, 222 East High Street, Carlisle, Pa. 17013. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations,

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Interstate Commerce Commission, 508 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138845 TA filed June 25, 1973 Applicant: DAYTON TRANSPORT CORPORATION P.O. Box 338 Dayton, Va. 22821 Applicant's representative: Francis J. Ortman 1100 Seventeenth Street, N.W. Suite 613 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed structural and architectural concrete products*, from the plant site of Formigli Corporation in Spotsylvania County, Pa., to points in Delaware, Kentucky, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, West Virginia, Tennessee, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Formigli Corporation, P.O. Box F, Berlin, N.J. 08009. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, SW., Roanoke, Va. 24011.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14236 Filed 7-11-73;8:45 am]

[Notice No. 54]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 6, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2229 (Sub-No. 177) filed May 14, 1973 Applicant: RED BALL MOTOR FREIGHT, INC. 3177 Irving Blvd. P.O. Box 47407 Dallas, Tex. 75247 Applicant's representative: Douglas Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities which because of size or weight require the use of special equipment), Between Fort Smith, Ark. and Shreveport, La., as an alternate route for operating convenience only in connection with applicant's regular-route operations serving Texarkana, Tex. for the purpose of joinder only: From Fort Smith, Ark., over U.S. Highway 71 to Shreveport, La., and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Washington, D.C.

No. MC 2860 (Sub-No. 123) filed May 7, 1973 Applicant: NATIONAL FREIGHT, INC. 57 West Park Avenue Vineland, N.J. 08360 Applicant's representative: W. Randall Tye 1500 Candler Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials; plastic products and materials; asphalt and asbestos and asphalt and asbestos products; and materials, supplies and equipment* used in the production and installation of the commodities named above, in straight or mixed shipments, between the plant site of Owens-Corning Fiberglas Corporation at or near Fairburn, Ga., and points in Arkansas. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 3854 (Sub-No. 23) filed May 14, 1973 Applicant: BURTON LINES, INC. P.O. Box 11306 East Durham, Station Durham, N.C. 27703 Applicant's representative: Edward G. Villalon 1032 Pennsylvania Building Pennsylvania Ave. & 13th St., N.W. Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia; and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., restricted in (1) and (2) above against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 5227 (Sub-No. 6) (CLARIFICATION) filed April 5, 1973, published in FEDERAL REGISTER issue May 24, 1973 and republished as clarified this issue. Applicant: ECONOMY MOVERS, INC. P.O. Box 201 Mead, Nebr. 68041 Applicant's representative: Gailyn L. Larsen P.O. Box 80806 521 So. 14th Street Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, pumps, water systems, component parts for water systems, tanks, and towers, and parts for agricultural implements and pumps*, between Beatrice, Nebr., Springfield, Mo., Morton, Ill. and Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *Equipment, materials and supplies* used in the manufacture or distribution of the above-named commodities (except commodities in bulk), from points in the United States, (except Alaska and Hawaii), to Beatrice, Nebr., Springfield, Mo., Morton, Ill., and Amarillo, Tex.; and (3) *Experimental and show display agricultural implements, pumps, water systems, component parts for water systems tanks and towers, and parts for agricultural implements, and pumps*, between points in the United States (except Alaska and Hawaii). Note: The purpose of this republication is to show that tacking possibilities exist with applicant's existing commodity authority of contractor's equipment, machinery and supplies at points in Colorado, Kansas or Iowa to provide a through service to the destination states named herein. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 6607 (Sub-No. 12) filed May 11, 1973 Applicant: J. J. MINNEHAN, INC. P.O. Box 433 Scarborough, Maine 04074 Applicant's representative: Frederick T. O'Sullivan 622 Lowell Street Peabody, Mass. 01960 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, from Boston, Mass., to points in New Hampshire, Vermont, Rhode Island, that part of Maine bounded by a line beginning at the New Hampshire-Maine State line and extending in an easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine, thence in an easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43, thence along the western shore of the Penobscot River and the Penobscot Bay to the Atlantic Ocean, thence in a southwesterly direction along the Atlantic Ocean to the Maine-New Hampshire State line, and thence along the Maine-New Hampshire State line to the point of beginning, including points on the above-described boundary lines, and that part of Connecticut on and east of a line beginnning at the Connecticut-Massachusetts State line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the intersection of Interstate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5 to New Haven, Conn.; and (2) *sugar and blends of sugar with other sweeteners*, from Boston, Mass., to points in the destination areas described in (1) above, under contract with Amstar Corporation, Revere Sugar Refinery, and Boston Molasses Co., Div. SU Crest Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 11220 (Sub-No. 131) filed May 11, 1973 Applicant: GORDONS TRANSPORTS, INC. 185 West McLemore Ave. P.O. Box 59 Memphis, Tenn. 38101 Applicant's representative: W. F. Goodwin (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles setup on wheels, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Chicago, Ill. and Indianapolis, Ind. as an alternate route for operating convenience only in connection with applicant's regular-route operations and serving Indianapolis, Ind. for the purpose of joinder only: From Chicago over Interstate Highway 94 to junction Interstate Highway 65 near Gary, Ind., thence over Interstate Highway 65 to Indianapolis and return over the same route. RESTRICTION: The authority described above is restricted to the transportation of traffic moving from, to or through points in Tennessee. Note: Applicant states that the purpose of this application is to enable applicant to operate over interstate highways for the entire distance between Chicago and Indianapolis in connection with the transportation of traffic moving from, to or through Tennessee. Note: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn. or Washington, D.C.

No. MC 14702 (Sub-No. 51) filed May 23, 1973 Applicant: OHIO FAST FREIGHT, INC. P.O. Box 808 Warren, Ohio 44482 Applicant's representative: Paul F. Beery 88 East Broad Street, Suite 1660 Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, (except commodities in bulk), between the plantsite of Reynolds Metal Company at or near Rooseveltown, N.Y., on the one hand, and, on the other, points in Indiana, the lower Peninsula of Michigan, and the Chicago, Illinois Commercial Zone. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 22182 (Sub-No. 22) (CORRECTION) filed May 4, 1973. Published in the FEDERAL REGISTER issue of June 21, 1973, and republished as corrected this issue. Applicant: NU-CAR CARRIERS, INC. 950 Haverford Road P.O. Box 172 Bryn Mawr, Pa. 19010 Applicant's representative: Gerald K. Gimmel 805 McLachlen Bank Building 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, from points in the Norfolk, Va., and Portsmouth, Va., Commercial Zones, to points in Kentucky and Tennessee, restricted to the transportation of traffic originating at the plant sites and facilities of Toyo Kogyo Company located in Japan, and Ford of Europe Incorporated located in England, Germany, and Italy. Note: The purpose of this republication is to indicate applicant's plant site restriction which was previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30319 (Sub-No. 141) filed May 7, 1973 Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation 7600 South Central Expressway Dallas, Tex. 75216 Applicant's representative: Lloyd M. Roach 1517 West Front Street Tyler, Tex. 75701 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), Between Del Rio, Tex. and junction of U.S. Highway 277 and Texas Highway 131 (approximately five miles south of Normandy, Tex.), as an alternate route for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points: From Del Rio, Tex., over U.S. Highway 277 to junction Texas Highway 131 and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 30844 (Sub-No. 463) (AMENDMENT) filed April 30, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as amended this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street P. O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton The 1650 Grant Street Bldg. Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Waterloo, and Columbus Junction, Iowa to points in Missouri on and north of U.S. Highway 40 (except Joplin and Kansas City), and points in Oklahoma (except Henrietta, Muskogee, Oklahoma City, Okmulgee, and Tulsa). Note: The purpose of this republication is to indicate that applicant seeks to perform operations to points in Missouri on and north of U.S. Highway 40, rather than south of U.S. Highway 40. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 33641 (Sub-No. 102) filed June 7, 1973 Applicant: IML FREIGHT, INC. 2175 South 3270 West Salt Lake City, Utah 80217 Applicant's representative: Carl L. Steiner 39 South La Salle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, (other than grain and livestock feed), and commodities requiring special equipment), serving the plant site of Pacific International Freeport Center, located in Tooele County, Utah, as an off route point in connection with carrier's regular-route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 35320 (Sub-No. 138) filed May 29, 1973 Applicant: T.I.M.E.–DC, INC. 2598-74th Street P.O. Box 2550 Lubbock, Tex. 79408 Applicant's representative: Robert D. Schuler One Woodward Avenue—Suite 1700 Detroit, Mich. 48226 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and facilities of Niedermeyer-Martin Co. at or near Ridgefield, Wash., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Portland, Oreg. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., Seattle, Wash. or Portland, Oreg.

No. MC 52657 (Sub-No. 706) filed May 29, 1973 Applicant: ARCO AUTO CARRIERS, INC. 2140 West 79th Street Chicago, Ill. 60620 Applicant's representative: A. J. Bieberstein 121 West Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hoists and cranes*, (2) *refuse containers and packers*, and (3) *materials, supplies, and parts* (except commodities in bulk), used in the manufacture, assembly, and servicing of the commodities in (1) and (2) above, when moving in mixed loads with such commodities, from Richmond, Va., to points in the United States, including Alaska (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 52657 (Sub-No. 707) filed June 11, 1973 Applicant: ARCO AUTO CARRIERS, INC. 2140 West 79th Street Chicago, Ill. 60620 Applicant's representative: A. J. Bieberstein 121 West Doty Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle bodies, hoists including freight gates, lift gates, tail gates, winches, packers, compactors, and containers*, and (2) *materials, supplies* (except commodities in bulk), *and parts* used in the manufacture, assembly or servicing of commodities described in (1) above, when moving with such commodities, (a) from points in Union Township (Licking County), Ohio, to points in the United States, including Alaska, (but excluding Hawaii), and (b) from Enterprise, Ala., to points in Union Township (Licking County), Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 52709 (Sub-No. 319) (CORRECTION) filed March 28, 1973, and published in the FEDERAL REGISTER issue of June 1, 1973, and republished as corrected, this issue. Applicant: RINGSBY TRUCK LINES INC. P.O. Box 192 5773 South Prince Street Littleton, Colo. 80120 Applicant's representative: J. Maurice Andren P.O. Box 1631 Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), Between Sioux City, Iowa and Chicago, Ill., serving the intermediate points of Freeport and Rockford, Ill. for purposes of joinder or interchange only: From Sioux City, Iowa over U.S. Highway 20 to Chicago, Ill. and return over the same route. Note: The purpose of this republication is to correct: (1) *regular routes*, in lieu of irregular routes; (2) eliminate the restriction in the commodity description "and those injurious or contaminating to other lading"; and (3) properly set forth the route description as indicated above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 52883 (Sub-No. 3) filed May 11, 1973 Applicant: TAKIN BROTHERS TRANSFER AND STORAGE COMPANY, a Corporation 326 Sycamore Street Waterloo, Iowa 50703 Applicant's representative: Robert L. Marsch (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unaccompanied baggage and household goods*, between points in Iowa, restricted to the transportation of shipments moving in interstate commerce. Note: Applicant states that the requested authority can be tacked to serve points between Waterloo, Iowa, and points within 35 miles thereof, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, North Dakota, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 73165 (Sub-No. 327) filed June 12, 1973 Applicant: EAGLE MOTOR LINES, INC. 830 North 33rd Street, P.O. Box 11086 Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, and slabs, and non ferrous metals* for recycling purposes, from the plantsite of Culp Smelting & Refining Co. at or near Steele, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74321 (Sub-No. 81) filed May 23, 1973 Applicant: B. F. WALKER, INC. 650 - 17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, from the plantsites of H. K. Porter Company, Inc., located at Wellsville, Hammondsville, and Irondale, Ohio, to points in Illinois, Indiana and Kentucky. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 78228 (Sub-No. 41) filed May 24, 1973 Applicant: J MILLER EXPRESS, INC. 152 Wabash Street Pittsburgh, Pa. 15220 Applicant's representative: Henry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission, from the plant site of H.K. Porter Company, Inc., at Huntington, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and West Virginia. Note: Common control was approved in MC–F–11070. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 78228 (Sub-No. 42) filed May 24, 1973 Applicant: J MILLER EXPRESS, INC. 152 Wabash Street Pittsburgh, Pa. 15220 Applicant's representative: Henry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories*, from the plantsite of Universal Refractory Co.

at or near Wampum and Greenville, Pa., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, and West Virginia. Note: Common control was approved in MC–F–11070. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 100666 (Sub-No. 246) filed May 24, 1973 Applicant: MELTON TRUCK LINES, INC. P.O. Box 7666 Shreveport, La. 71107 Applicant's representative: Wilburn L. Williamson 3535 N.W. 58th 280 National Foundation Life Bldg. Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, mouldings, valves and fittings, compounds joint sealer, bonding cement, primer, coating, thinner, vinyl building products and accessories and hand tools* used in the installation of such products, from Louisville, Ky., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority can be tacked with its existing authority but in no instance would it permit service to territory which it cannot already serve. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 106398 (Sub-No. 664) filed May 21, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, composition board, molding and accessories* used in the installation thereof, from Chesapeake, Va., to points in South Carolina, Georgia, and Florida. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 355) filed May 21, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products and frozen potatoes*, from the plant site of the Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Kentucky, Maryland, North Carolina, New Jersey, New York, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia; and (2) *materials, supplies, and equipment* used in the manufacture, processing and distribution of potato products, from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin to the plant site of the Western Potato Service, Inc., at or near Grand Forks, N. Dak. Note: Common control may be involved. Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 108676 (Sub-No. 53) filed May 23, 1973. Applicant: A. J. METLER HAULING & RIGGING, INC. 117 Chicamauga Ave., N.E., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation which, because of size or weight, requires the use of special equipment or special handling, and, when moving in connection therewith, *related commodities*, the transportation which, because of size or weight, does not require the use of special equipment or special handling, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, between Knoxville, Tenn., and points within 75 miles of Knoxville, on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 109124 (Sub-No. 16) (CORRECTION) filed April 9, 1973, published in the FEDERAL REGISTER issue of June 1, 1973, and republished, as corrected, this issue. Applicant: SENTLE TRUCKING CORPORATION 210 Alexis Road Toledo, Ohio 43612 Applicant's representative: John M. Nader P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulation materials, composition board, and gypsum products, and materials* used in the installation thereof, from the plant site of the Celotex Corporation located in Lockland (Cincinnati), Ohio, to points in the Lower Peninsula of Michigan; those in Indiana on and north of a line beginning at the intersection of Interstate Highway 70 with the Indiana-Ohio State Boundary Line; thence along Interstate Highway 74 to Indianapolis, and thence along Interstate Highway 74 to the Indiana-Illinois State Boundary Line; those in Illinois on, north, and east of Interstate Highway 74; those in Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State Boundary Line and extending along U.S. Highway 40 to its intersection with the Pennsylvania-Maryland State Boundary Line, thence eastward along the Pennsylvania-Maryland State Boundary Line to its intersection with U.S. Highway 219, thence northward along U.S. Highway 219 to the Pennsylvania-New York Boundary Line; and those in New York on and west of a line beginning at the New York-Pennsylvania State Boundary Line and extending northward along U.S. Highway 219 to its intersection with U.S. Highway 20, thence northward along U.S. Highway 20 to its intersection with New York Highway 78, and thence along New York Highway 78 to Lake Ontario. Note: The purpose of this republication is to indicate the territorial description in which applicant seeks to perform the requested operations, which was inadvertantly previously published in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 111375 (Sub-No. 69) filed May 14, 1973 Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC. P.O. Box 3358 Madison, Wis. 53704 Applicant's representative: Charles E. Dye (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food ingredients, and advertising material and specialties, and related equipment and supplies*, when moving with foodstuffs and food ingredients, from points in California, to points in Illinois, Indiana, Iowa, Ohio, Michigan, Minnesota and Wisconsin; and (2) *returned and rejected shipments* of the above-described commodities, from the destination States named in (1) above to points in California. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 111401 (Sub-No. 389) filed June 7, 1973 Applicant: GROENDYKE TRANSPORT, INC. 2510 Rock Island Boulevard P.O. Box 632 Enid, Okla. 73701 Applicant's representative: Alvin J. Melklejohn, Jr. Suite 1600 Lincoln Center 1660 Lincoln Center Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corporation at Sterlington, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming, restricted to traffic originating at the above named plant site. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 111729 (Sub-No. 386) filed May 2, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, N.Y. 11040 Applicant's representative: Russell S. Bernhard 1625 K Street, N.W. Washington, D.C. 20423 Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds, and advertising material* moving therewith; (a) between Philadelphia, Pa. and Greenwich, Conn.; (b) between New York, N.Y. and York, Pa.; (c) between Brazil and Frankfort, Ind., on the one hand, and, on the other, Champaign and Danville, Ill.; (d) between Valparaiso, Ind., on the one hand, and, on the other, points in Berrien, Cass, Kalamazoo, St. Joseph and Van Buren Counties, Mich.; and Cook, Iroquois, Kankakee, and Will Counties, Ill.; (e) between Peoria, Ill., on the one hand, and, on the other, Milwaukee and Madison, Wis.; (f) between Louisville, Ky., on the one hand, and on the other, Nashville, Tenn.; (g) between Mishawaka, Ind., on the one hand, and, on the other, Port Clinton, Ohio; (h) between Newark, Del., on the one hand, and, on the other, Baltimore, Md.; District of Columbia; points in Delaware, Montgomery, and Philadelphia Counties, Pa.; Essex and Morris Counties, N.J.; Arlington, Fairfax, Loudoun, and Prince William Counties, Va.; (2) *business papers, records, audit and accounting media of all kinds, engineering drawings, and specifications, and small industrial parts* moving therewith, restricted against the transportation of packages or articles weighing in the aggregate more than 50 lbs. from one consignor to one consignee on any one day, between Angola, Ind., on the one hand, and, on the other, Cleveland, Milan, and Napoleon, Ohio; Detroit, Mich.; and Chicago, Ill.; (3) *business papers, records, audit and accounting media of all kinds, and business machines, office equipment and accessories* thereto, limited to articles and packages not to exceed 50 lbs. from one consignor to one consignee on any one day, between Fort Wayne, Ind., on the one hand, and, on the other, Quincy, Mich., and St. Louis, Mo. Note: Applicant holds contract carrier authority in MC 112750 and Subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 114045 (Sub-No. 383) filed May 11, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, frozen and other than frozen, in vehicles equipped with mechanical refrigeration, from Downingtown, (Chester County), Pa., to points in California and Texas. Note: Common control was approved in MC–F–8619. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 114045 (Sub-No. 384) filed May 11, 1973. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222 Applicant's representative: J. B. Stuart (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, in vehicles equipped with mechanical refrigeration, from King of Prussia, (Montgomery County), Pa., to points in California. Note: Common control was approved in MC–F–8619. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 114106 (Sub-No. 99) filed May 14, 1973 Applicant: MAYBELLE TRANSPORT COMPANY a Corporation P.O. Box 849 Lexington, N.C. 27292 Applicant's representative: Russell E. Stone P.O. Box 90408 Nashville, Tenn. 37209 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Charlotte, N.C., to points in Georgia, South Carolina, and Virginia. Note: Applicant holds contract carrier authority under MC 115176 and Subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention of tacking and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 112963 (Sub-No. 40) filed May 18, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in New York (except those in the New York, N.Y. Commercial Zone), on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont and Maine. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Philadelphia, Pa.

No. MC 114211 (Sub-No. 200) filed May 24, 1973 Applicant: WARREN TRANSPORT, INC. 324 Manhard Street

Waterloo, Iowa 50704 Applicant's representative: Daniel Sullivan 327 South La Salle St. Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Self-propelled vehicles*, (b) *equipment, materials and supplies* designed for use in conjunction with self-propelled vehicles (except tank semi-trailers) and (c) *parts and attachments* for the commodities named in (a) and (b) above; from points in Genesee County, N.Y., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of the commodities described in (1)(a) thru (c) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Genesee County, N.Y. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 114211 (Sub-No. 201) filed May 25, 1973 Applicant: WARREN TRANSPORT, INC. 324 Manhard St. P.O. Box 420 Waterloo, Iowa 50704 Applicant's representative: Daniel Sullivan 327 South La Salle Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, parts for cooling towers and fluid coolers, and lumber*, from points in Sonoma County, Calif., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* used or useful in the manufacture, sale or distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to points in Sonoma County, Calif. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 114552 (Sub-No. 80) filed May 14, 1973 Applicant: SENN TRUCKING COMPANY, a Corporation P.O. Drawer 220 Newberry, S.C. 29108 Applicant's representative: William P. Jackson, Jr. 919 18th Street NW., Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* useful in the manufacture and distribution of roofing and roofing materials, gypsum and gypsum products, composition boards, urethane and urethane products (except commodities in bulk) from points in North Carolina, South Carolina, Virginia and the District of Columbia to the facilities of The Celotex Corporation located in Wayne County, N.C. Note: Applicant states that the requested authority can be tacked with its existing authority at MC 114552 and Subs thereunder, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Tampa, Fla.

No. MC 115092 (Sub-No. 24) filed May 14, 1973 Applicant: WEISS TRUCKING, INC. P.O. Box "O" Vernal, Utah 84078 Applicant's representative: Mark K. Boyle 345 South State Street Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, processed clay, foundry molding sand treating compounds, lignite coal, treated lignite and boards, water impedance*, from the plant site and warehouse facilities of American Colloid Company at or near Belle Fourche, S. Dak.; Upton and Lovell, Wyo.; and Gascoyne, N. Dak., to points in Washington, Oregon, Idaho, Utah, Nevada, California, Arizona, Colorado, New Mexico, Oklahoma, Louisiana and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Salt Lake City, Utah.

No. MC 115092 (Sub-No. 25) filed May 21, 1973 Applicant: WEISS TRUCKING, INC. P.O. Box O Vernal, Utah 84078 Applicant's representative: William S. Richards P.O. Box 2465 Salt Lake City, Utah 84110 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Arizona, California, Colorado, Illinois, Indiana, Nevada, Oregon, Texas, Utah, Washington and Wisconsin. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Amarillo, Tex.

No. MC 115162 (Sub-No. 275) filed May 21, 1973 Applicant: POOLE TRUCK LINE, INC. Post Office Drawer 500 Evergreen, Ala. 36401 Applicant's representative: Robert E. Tate (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cable and wire*, from the plantsite of Kaiser Aluminum & Chemical Corp. at or near Bay Minette, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and (2) *Materials and supplies* used in the manufacture of cable and wire from the destinations in (1) above, to the named plantsite facilities in (1) above. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala. or New Orleans, La.

No. MC 115162 (Sub-No. 274) filed May 18, 1973 Applicant: POOLE TRUCK LINE, INC. Post Office Drawer 500 Evergreen, Ala. 36401 Applicant's representative: Robert E. Tate (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic conduit, plastic or iron fittings and connections, valves, hydrants and gaskets* (except Oil Field Commodities as defined in *Mercer-Extension*—Oil Field Commodities, 74 M.C.C. 459), from the plant site and storage facilities of the Clow Corporation at Columbia, Mo., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *Commodities* (except in bulk) used in the manufacture of plastic pipe and conduit, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plant and warehouse facilities of Clow Corporation at Columbia, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 115594 (Sub-No. 16) filed June 11, 1973 Applicant: HOLLOWAY MOTOR EXPRESS, INC. P.O. Box 2337 East Gadsden, Ala. 35903 Applicant's representative: W. Randall Tye 1500 Candler Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric, winding cores, wrapping material and dunnage bags*, between the plant sites, warehouses, and facilities of Goodyear Tire & Rubber Company located at or near Scottsboro, Ala., and Topeka, Kans. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Montgomery, Ala.

No. MC 116497 (Sub-No. 2) filed May 24, 1973 Applicant: CLANCY BROS TRANSPORTATION CO., INC. 84 Bengal Terrace Rochester, N.Y. 14610 Applicant's representative: S. Michael Richards 44 North Avenue, Webster, N.Y. 14850 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and packing house products*, in vehicles equipped with mechanical refrigeration, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, to points in Monroe County, N.Y.; and (2) *packing house products*,

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from points in Monroe County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia, under continuing contracts with Rochester Independent Packer, Inc. and Monroe Packing, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Buffalo or Syracuse, N.Y.

No. MC 116763 (Sub-No. 255) filed May 23, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay* (except in bulk), from Quincy, Fla., and points in Thomas County, Ga., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 116935 (Sub-No. 13) filed June 7, 1973 Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC. 222 Middlesex Street Harrison, N.J. 07029 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and supplies*, between the facilities of Commercial Furniture Distributors, Inc., at Harrison, N.J., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut and Delaware. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 117765 (Sub-No. 162) filed May 18, 1973 Applicant: HAHN TRUCK LINE, INC. 5315 N.W. Fifth Street Oklahoma City, Okla. 73107 Applicant's representative: R. E. Hagan (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal products, chemicals, wood chips and charcoal starter*, in containers, (1) from Jacksonville, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, and Tennessee; and (2) from Lewisville, Ark., to points in Alabama, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119407 (Sub-No. 6) (CORRECTION) filed May 14, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished as corrected this issue. Applicant: ASHLINE TRUCKING, INC. 14 Beech Street Corinth, N.Y. 12822 Applicant's representative: W. Norman Charles 80 Bay Street Glens Falls, N.Y. 12801 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from South Colton, N.Y., and points in Fulton and Saratoga Counties, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont. Note: The purpose of this republication is to indicate applicant's origin point at South Colton, N.Y., in lieu of South Corinth, N.Y. which was inadvertantly previously published in error. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119864 (Sub-No. 53) filed May 18, 1973 Applicant: HOFER MOTOR TRANSPORTATION CO., a Corporation 26740 Eckel Road Perrysburg, Ohio 43551 Applicant's representative: Dale K. Craig (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Bryan, Ohio, to points in Wisconsin; (2) from Bryan and Coldwater, Ohio, to points in Illinois, Indiana, and St. Louis, Mo.; (3) from Wayland, St. Joseph, and Paw Paw, Mich., to points in Indiana, Illinois, and St. Louis, Mo.; and (4) from Greenville, Ill., to Chicago, Ill. and St. Louis, Mo.; and to points in that part of Michigan south of Michigan Highway 21, and that part of Ohio bounded by a line beginning at the Ohio-Indiana State line and extending east along U.S. Highway 36 to Delaware, Ohio, thence northeast along U.S. Highway 42 to Cleveland, Ohio, thence west along the shore of Lake Erie to the Ohio-Michigan State line thence west along the Ohio-Michigan State line to the Ohio-Indiana State line, and thence south along the Ohio-Indiana State line to the point of beginning, including points on the indicated portions of the highways specified, restricted against shipments of bulk and to traffic originating from the plantsite or warehouses of Pet, Inc., located at the above-described origin points and destined to the specified points. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 124211 (Sub-No. 228) filed June 4, 1973 Applicant: HILT TRUCK LINE, INC. P.O. Box 988, Downtown Station Omaha, Nebr. 68101 Applicant's representative: Thomas L. Hilt (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular products* and *commodities* used in the manufacture, distribution and installation thereof, between points in Fairfield and New Haven Counties, Conn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124511 (Sub-No. 15) filed May 25, 1973 Applicant: JOHN F. OLIVER an Individual E. Highway 54 P.O. Box 223 Mexico, Mo. 65265 Applicant's representative: Ernest A. Brooks, II Suite 1302–411 North 7th Street St. Louis, Mo. 63101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings and accessories* (except such article which because of size or weight require special equipment), from the plantsite and storage facilities of Johns-Manville Products Corporation at or near Wilton Jct., Iowa, to points in Illinois, Iowa, Indiana, Missouri, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Denver, Colo.

No. MC 124920 (Sub-No. 12) filed May 24, 1973 Applicant: LaBAR's, INC. 310 Breck Street Scranton, Pa. 18505 Applicant's representative: L. Agnew Myers, Jr. Suite 506–07 Walker Building 734 15th Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plastic containers* and *materials and supplies* used in the manufacture of plastic containers, between points in Columbia, Luzerne and Lackawanna Counties, Pa.; Savage, Md.; Westbrook, Maine; and Gardner, Mass.; and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Coshocton and Cleveland, Ohio; Central Falls, R.I.; Marshall, Starlington and Winchester, Va.; and Bridgeport, Morgantown, New Creek and Wheeling, W. Va. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., or Washington, D.C.

No. MC 125010 (Sub-No. 13) filed June 11, 1973 Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33rd Street Terre Haute, Ind. 47808 Applicant's representative: Warren C. Moberly 777

Chamber of Commerce Building Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from Calvert City, Ky., to Pontiac, Mich. and Defiance, Ohio, under a contract with Airco Alloys, Division of Airco, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 125123 (Sub-No. 5) filed May 24, 1973 Applicant: MARY DICK AND HOLLIS A. DICK doing business as, H. O. DICK TRANSFER CO. Bethany, Ill. 69194 Applicant's representative: Robert T. Lawley 300 Reisch Building Springfield, Ill. 62701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom fabricated metal tanks, vessels, machinery, dryers, condensers, exchangers, rotary processing equipment, rotocels, reactors, towers, columns, process equipment related items and repair parts*, from the plantsite of Superior Welding Company at Decatur, Ill., to points in Alabama, Arkansas, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin under a contract with Superior Welding Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., St. Louis, Mo., or Springfield, Ill.

No. MC 125952 (Sub-No. 19) filed May 29, 1973 Applicant: INTERSTATE DISTRIBUTOR CO. a Corporation 8311 Durango S.W. Tacoma, Wash. 98499 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery establishments (except frozen foods and commodities requiring temperature control) from points in California, to Salem, Oreg., under a continuing contract with West Coast Grocery Co. Note: Applicant currently holds common carrier authority in its Certificate MC 117201, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126346 (Sub-No. 12) filed May 24, 1973 Applicant: HAUPT CONTRACT CARRIERS, INC. P.O. Box 842 Wausau, Wis. 54401 Applicant's representative: Charles W. Singer 2440 E. Commercial Blvd. Fort Lauderdale, Fla. 33308 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressors and pumps, parts and accessories* for compressor and pumps, and *materials, equipment and supplies* used in the manufacture and distribution of compressors and pumps (except commodities in bulk), between Bristol, Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). RESTRICTION: The operations proposed above will be limited to a transportation service to be performed under a continuing contract, or contracts, with Sundstrand Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126851 (Sub-No. 3) filed May 21, 1973 Applicant: C. H. HOOKER TRUCKING, CO. a Corporation 1475 Roanoke Avenue Uhrichsville, Ohio 44683 Applicant's representative: James W. Muldoon 50 West Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are used in the repair, construction, or assembly of railroad cars, between Dennison, Ohio and Imperial, Pa., on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii), under contracts with Briggs & Turivas, Inc. and Depeco Corporation. Note: Applicant currently holds common carrier authority in No. MC 87379 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Pittsburgh, Pa.

No. MC 127099 (Sub-No. 19) filed May 23, 1973 Applicant: ROBERT NEFF & SONS, INC. 132 Shawnee Avenue Zanesville, Ohio 43701 Applicant's representative: John L. Alden 50 West Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copying and/or duplicating machines*, crated and uncrated, and *materials and supplies* used therewith, from Columbus and Cleveland, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania and West Virginia, under a contract with A.B. Dick Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., Columbus, Ohio or Washington, D.C.

No. MC 127834 (Sub-No. 90) filed May 29, 1973 Applicant: CHEROKEE HAULING & RIGGING, INC. 540–42 Merritt Avenue Nashville, Tenn. 37203 Applicant's representative: John M. Nader P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Switch gears, circuit breakers, bus bar systems, and rectifiers;* and (2) *parts* for the commodities named in (1) above, from Camden, N.J., and Philadelphia, Pa., to points in the United States including Alaska (but excluding Hawaii), restricted to traffic originating at the plant sites, storage and shipping facilities of General Electric Company at Camden, N.J. and Philadelphia, Pa. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128527 (Sub-No. 40) filed May 21, 1973 Applicant: MAY TRUCK-ING COMPANY, a Corporation P.O. Box 398 Payette, Idaho 83661 Applicant's representative: C. Marvin May (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, compressed automobile bodies and parts for recycling*, from points in Idaho south of the southern boundary of Idaho County, to McMinnville, Oreg., San Francisco, Calif., and Seattle, Wash. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128633 (Sub-No. 9) filed June 5, 1973 Applicant: LAUREL HILL TRUCKING COMPANY a Corporation 614 New County Road Secaucus, N.J. 07094 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, from points in the New York, N.Y. Commercial Zone as defined by the Commission, on the one hand, and, on the other, Dearborn, Detroit, Lincoln Park, Pontiac and Roseville, Mich.; and Akron, Belford, Cleveland, Cuyahoga Falls, Middleburg Heights, Rocky River, Tallmadge and Wickliffe, Ohio under a contract with Atlantic Department Stores, Inc. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 129129 (Sub-No. 5) filed May 18, 1973 Applicant: JACK-LEONARD TRANSPORTATION CO., INC. 67–12 73rd Place Middle Village, N.Y. 11379 Applicant's representative: Robert B. Pepper 168 Woodbridge Avenue Highland Park, N.J. 08904 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House furnishings* (other than furniture), and *utensils*, from points in the New York Harbor Area as defined in 49 CFR 1070.1(a), to Hauppauge, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Newark, N.J.

No. MC 129645 (Sub-No. 44) filed May 21, 1973 Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER doing business as, SMEESTER BROTHERS TRUCKING 1330 South Jackson Street Iron Mountain, Mich. 49801 Applicant's representative: John M. Nader P.O. Box E Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels;* plain or finished with decorative or protective materials; *furniture stock panels*, wooden with or without veneer facings; *moldings; particle board; and hardboard and composition board* (except lumber, rough or dressed), from the plant and warehouse facilities of The Iron Wood Products Corporation at

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Bessemer, Mich., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not indicate the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133114 (Sub.-No. 3) filed April 27, 1973 Applicant: UNITED TOWING SERVICE, INC. 11530 Ryerson Avenue Downey, Calif. 90241 Applicant's representative: Eldon M. Johnson 650 California Street, Suite 2808 San Francisco, Calif. 94108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* (except passenger automobiles or trailers designed to be drawn by passenger vehicles), *and replacement vehicles for wrecked or disabled motor vehicles*, in truckaway service, between points south of the northern-most boundary lines of San Luis Obispo, Kern and San Bernardino, Counties, Calif. (except points in Los Angeles and Orange Counties), and points in Arizona, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Texas and Utah. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133119 (Sub-No. 19) filed May 11, 1973 Applicant: HEYL TRUCK LINES, INC. 235 Mill Street Akron, Iowa 51001 Applicant's representative: A. J. Swanson 521 So. 14th Street P. O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), (a) from Schuyler and Fremont, Nebr., and Spencer, Cherokee, and Hartley, Iowa, to the ports of entry on the International Boundary line between the United States and Canada, located in Montana, North Dakota, Minnesota, Michigan, and New York, restricted to traffic originating at the facilities of or utilized by Spencer Foods, Inc. at or near the above origins and restricted to traffic moving in foreign commerce; (b) from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho; Phelps City, Mo.; Friona and Plainview, Tex., to the ports of entry on the International Boundary line between the United States and Canada, located in Montana, North Dakota, Minnesota, Michigan, and New York, restricted to traffic moving in foreign commerce; and (c) from Dakota City, Omaha, and West Point, Nebr.; Wichita and Emporia, Kans.; LeMars, Ft. Dodge, Denison, Mason City, and Cherokee, Iowa; Luverne and Worthington, Minn.; to the ports of entry on the International Boundary line between the United States and Canada, located in Montana, North Dakota, and Minnesota, restricted to traffic originating at the facilities of or utilized by Iowa Beef Processors, Inc., and restricted to traffic moving in foreign commerce; and (2) *Meats, meat products and meat byproducts* (except commodities in bulk), from Fargo and West Fargo, N. Dak.; Sioux City, Iowa; Omaha, Nebr.; and Rock Island County, Ill., to the ports of entry on the International Boundary line between the United States and Canada located in Michigan and New York, restricted to traffic moving in foreign commerce. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133478 (Sub-No. 8) (AMENDMENT) filed April 26, 1973, published in the FEDERAL REGISTER issue June 14, 1973, and republished, as amended, this issue. Applicant: HEARIN TRANSPORTATION, INC. 8565 SW Beaverton-Hillsdale Highway Portland, Oreg. 97225 Applicant's representative: Nick I. Goyak 404 Oregon National Building 610 S.W. Alder Street Portland, Oreg. 97205 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood, particleboard, and wood beams*, between points in Oregon, Washington and California, under a continuing contract with Hearin Forest Industries, Inc.; and (2) *particleboard*, from Albany, Oreg., to Santa Ana, Calif., under a contract with Hearin Products, a division of D. G. Shelter Products, Inc. Note: The purpose of this republication is to extend the scope of authority originally requested to include Part (2). If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg. or Seattle, Wash.

No. MC 133689 (Sub-No. 27) (AMENDMENT) filed May 10, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished as amended this issue. Applicant: OVERLAND EXPRESS, INC. 651 1st Street, S.W. P.O. Box 2667 New Brighton, Minn. 55112 Applicant's representative: Daniel C. Sullivan 327 South La Salle Street Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such businesses (except commodities in bulk), from Johnathon Industrial Park at or near Chaska, Minn., and the plantsites and storage facilities of Super-Valu Stores, Inc. at Minneapolis-St. Paul, Minn. and points in their Commercial Zone, to Bismarck, N. Dak. Note: The purpose of this republication is to clarify applicant's origin point which was originally filed in error. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds a motor contract carrier permit in No. MC-76025 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 135751 (Sub-No. 5) filed May 13, 1973. Applicant: ATLANTIC CARRIERS, INC., P.O. Box 284, Atlantic, Iowa 50022. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) from Shenandoah, Iowa, to Wooster, Ohio; and (2) from Shenandoah, Iowa to Corsicana, Tex., under contract with Farmaster Division, The Wickes Corporation, Shenandoah, Iowa. Note: If a hearing is deemed necessary, applicant requests it be held at either (1) Kansas City, Mo.; (2) Minneapolis, Minn.; or (3) Chicago, Ill.

No. MC 136343 (Sub-No. 13) filed May 25, 1973 Applicant: MILTON TRANSPORTATION, INC. P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and paper equipment, materials and supplies* used or useful in the manufacture and sale of paper and plastic products (except commodities in bulk), between the facilities of U.S. Co., at or near Williamsburg, Pa., on the one hand, and, on the other, points in Georgia, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Maryland, Virginia, Delaware, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Iowa, Nebraska, Missouri, West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, and the District of Columbia. Note: Common control may be involved. Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136453 (Sub-No. 2) filed January 18, 1973 Applicant: MARTIN TRANSIT, INC. Rural Route 30 and Walnut Street Rock Falls, Ill. 61071 Applicant's representative: William J. Boyd 29 South LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: ***Meats, meat products, and meat by-products,*** *and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sterling, Ill., to Chicago, Ill., restricted to the transportation of traffic having an immediately subsequent movement by rail to destinations outside of Illinois under a continuing contract with Armour Food Company at Phoenix, Ariz. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136753 (Sub-No. 2) filed May 21, 1973 Applicant: EASTERN WASHINGTON DISTRIBUTING CO., INC. 1208 North First Street Yakima, Wash. 98901 Applicant's representative: Philip G. Skofstad 3076 E. Burnside Portland, Oreg. 97214 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, from points in the Chicago, Ill., Commercial Zone, to points in Washington; and (2) *spoiled or refused shipments of wine*, from points in Washington to points in the Chicago, Ill., Commercial Zone. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136786 (Sub-No. 6) filed May 18, 1973 Applicant: ROBCO TRANSPORTATION INC. 3033 Excelsior Blvd. Minneapolis, Minn. 55416 Applicant's representative: Val M. Higgins 1000 1st National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed-by meat packinghouses*, from Albert Lea, Minn., to points in Georgia, Tennessee, North Carolina and South Carolina, restricted to traffic originating at the plantsite and storage facilities of Wilson & Company, Albert Lea, Minn. and destined to the named destination states. Note: Common control was approved in MC-F-11576. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or St. Paul, Minn.

No. MC 138106 (Sub-No. 1) filed May 15, 1973 Applicant: TIDWELL MOTOR CARRIERS, INC. Route 5 Haleyville, Ala. 35565 Applicant's representative: E. Stephen Heisley 805 McLachlen Bank Building 666 Eleventh St., N.W. Washington, D.C. 20001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, when moving on their own undercarriages, and *modular homes*, when moving on their own or removable undercarriages, from points in Tippah County, Miss., Rowan County, N.C., Midland County, Tex., and Madison County, Ala., to points in the United States, (including Alaska, but excluding Hawaii); and (2) *returned, disabled, wrecked, and repossessed trailers*, designed to be drawn by passenger automobiles, *buildings*, in sections, when moving on their own undercarriages, and *modular homes*, when moving on their own or removable undercarriages, from points in the United States, (including Alaska, but excluding Hawaii), to points in Tippah County, Miss., Rowan County, N.C., Midland County, Tex., and Madison County, Ala. RESTRICTIONS: (a) The operations authorized in (1) above are restricted to the transportation of traffic originating at the facilities and plantsites of Tidwell Industries, Inc., its divisions, and/or subsidiaries located in the named counties; and (b) the operations in (2) above are restricted to the transportation of traffic destined to the plantsites and facilities of Tidwell Industries, Inc., its divisions and/or subsidiaries located in the named counties, and (c) the operations authorized in (1) and (2) above are restricted to the transportation of traffic moving under a continuing contract or contracts with Tidwell Industries, Inc., its divisions and/or subsidiaries. Note: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 138229 (Sub-No. 2) (CORRECTION) filed April 13, 1973, published in the FEDERAL REGISTER issue of May 24, 1973, and republished as corrected this issue. Applicant: P & M TRANSPORT, INC. P.O. Box 518 Morrisville, Vt. 05661 Applicant's representative: John P. Monte 61 Summer St. Barre, Vt. 05641 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc, talc tailings and asphalt filler*, in bags and in bulk, (1) from Johnson, Vt., to Burlington and St. Johnsbury, Vt., restricted to traffic having prior or subsequent out-of-state movement by rail, under contract with Eastern Magnesia Talc Company; and (2) from Johnson, Vt., to points in the United States (excluding Hawaii and Alaska) west and south of points in the area bounded as described below: Beginning at a point on the Pennsylvania-New York State line where said line intersects Lake Erie; thence southerly and easterly along the border of Pennsylvania and New York to the intersection of the New York-Pennsylvania State line with U.S. Highway 15 at Lawrenceville, Pa.; thence southerly along U.S. Highway 15 to Harrisburg, Pa. (excluding Erie County and Harrisburg, Pa.); thence southerly along Interstate Highway 83 to its intersection with the Pennsylvania-Maryland State line; thence easterly on the Maryland-Pennsylvania State line to its intersection with the Delaware State line; thence southerly and easterly along the Maryland-Delaware State line to its intersection with the shores of the Atlantic Ocean, under contract with Eastern Magnesia Talc Company. Note: The purpose of this republication is to clarify applicant's requested territorial description. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt. or Boston, Mass.

No. MC 138398 (Sub-No. 2) filed May 28, 1973 Applicant: CHARTER EXPRESS, INC. 1959 E. Turner Street P.O. Box 3772 Springfield, Mo. 65804 Applicant's representative: Warren H. Sapp Suite 910 Fairfax Building 101 W. 11th Street Kansas City, Mo. 64105 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthenware*, from Dundee, Monmouth and Morton, Ill.; East Liverpool and Wellsville, Ohio; York, Pa.; and Clarksburg, W. Va.; to Hannibal, Kansas City, Sedalia and Sweet Springs, Mo.; and (2) *Coil and sheet coil*, from Portage, Ind.; Warren, Yorkville and Youngstown, Ohio; Bakerstown and Pittsburgh, Pa.; Weirton, W. Va.; to Hannibal, Kansas City, Sedalia and Sweet Springs, Mo., under a continuing contract or contracts with Rival Manufacturing Company of Kansas City, Mo. Note: Applicant currently holds common carrier authority in No. MC 134755 and Sub-No. 31, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, or Springfield, Mo.

No. MC 138598 (Sub-No. 2) filed May 29, 1973 Applicant: ROBERT D. MOORE doing business as, MOORE TRUCKING 243 N. Hillside Wichita, Kans. 67214 Applicant's representative: Earl C. Moore (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, soy bean pellets, soy bean meal*, from points in Sedgwick County, Kans., to points in Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton and McDonald Counties, Mo. Note: If a hearing is deemed necessary, applicant requests it be held at either Wichita or Topeka, Kans. or Kansas City, Mo.

No. MC 138575 (Sub-No. 2) filed June 11, 1973 Applicant: GWINNER OIL CO., INC. Gwinner, N. Dak. 58040 Applicant's representative: James B. Hovland 425 Gate City Building Fargo, N. Dak. 58102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from the plantsite and facilities of Clark Equipment Co.—Melroe Division at Fort Benton, Mont., to the ports of entry on the International Boundary line between the United States and Canada located in Montana, under a continuing contract with Clark Equipment Co.—Melro Division. Note: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak. or St. Paul, Minn.

No. MC 138740 (CORRECTIONS) filed May 8, 1973, published in the FEDERAL REGISTER issue of June 21, 1973 as MC-183740, and republished in part, as corrected, this issue. Applicant: PULL'EMS, INC. Route 3 Russellville, Ala. 35653 Applicant's representative: E. Stephen Heisley 805 McLachlen Bank Building 666 Eleventh Street, N.W. Washington, D.C. 20001. Note: The purpose of this correction is to indicate applicant's correct docket number as MC-138740 in

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lieu of MC-183740 which was previously published in error. The rest of the application remains as previously published.

No. MC 138774 filed May 10, 1973 Applicant: AA TRIANGLE TRANSFER AND WAREHOUSE CO., INC. 300 N. E. 67th Street Miami, Fla. 33138 Applicant's representative: Bernard C. Pestcoe 511 Biscayne Building 19 West Flagler Street Miami, Fla. 33130 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, restricted to traffic having a prior or subsequent movement beyond the points authorized, and further restricted to the performance of a pickup and delivery service in connection with packing, crating or containerization, or unpacking, uncrating or decontainerization of such traffic, between points in Citrus, Hernando, Lake Marion, Sumter, Pasco, Pinellas, Flagler, Volusia, Orange, Osceola, Hardee, Palm Beach, Monroe, Broward, Brevard, Seminole, Indiana River, Martin, Okeechobee, St. Lucie, Charlotte, Collier, Glades, Hendry, and Lee Counties, Fla. Note: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 138796 filed May 11, 1973 Applicant: NELSON, INC. Box 38 Deerwood, Minn. 56444 Applicant's representative: James E. Knutson 314 Minnesota Building St. Paul, Minn. 55101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood crating*, from Aitkin, Minn., to Hudson, Wis., under a contract with Woodland Container. Note: If a hearing is deemed necessary, applicant requests it be held at Brainerd or St. Paul, Minn.

No. MC 138797 filed May 11, 1973 Applicant: NORTH STAR TRANSPORT LTD. 1840 Ontario Avenue North Saskatoon, Saskatchewan, S7K 1T4, Canada Applicant's representative: Ray F. Koby 314 Montana Building Great Falls, Mont. 59401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsion*, in bulk, in tank vehicle, from the ports of entry on the International Boundary line between the United States and Canada in that part of N. Dak. adjoining the Saskatchewan Province Boundary line, to points in N. Dak., under a continuing contract or contracts with Pounder Emulsion Ltd. of Saskatoon, Saskatchewan, Canada. Note: If a hearing is deemed necessary, applicant requests it be held at any point in Montana or North Dakota.

No. MC 138798 (Sub-No. 1) filed May 10, 1973 Applicant: KEN L. POLLOCK Route 11 Hunlock Creek, Pa. 18621 Applicant's representative: Edward Schmeltzer 1140 Connecticut Avenue, N. W. Suite 1100 Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Automobiles;* limited to automobiles whose passengers are transported by the applicant's buses to the same destinations as the automobiles, and further limited such that the transportation of any automobile on applicant's auto transporters will not be provided unless the passenger (or passengers) arriving at the applicant's terminal in the automobile is carried by the applicant's buses to the same destination as the automobile and the passenger agrees to pick up the automobile upon arrival at the destination: (1) From applicant's terminal located in the Metropolitan Washington, D.C. area to applicant's terminal located at St. Augustine, Fla., over Interstate Highway 95; and return over the same route; (2) From applicant's terminal located in the Boston Metropolitan area to applicant's terminal located at St. Augustine, Fla., commencing over Interstate Highway 95 to the entrance to the New Jersey Turnpike, thence over the New Jersey Turnpike to its Exit No. 1 located near Pennsville, N. J., thence over Interstate Highway 295 to its junction with Interstate Highway 95 near Wilmington, Del., thence over Interstate Highway 95; and return over the same routes; and (3) From Applicant's terminal located in the Chicago Metropolitan area to Applicant's terminal located at St. Augustine, Fla., commencing over Interstate Highway 80 to its junction with Interstate Highway 65 in the vicinity of Gary, Ind., thence over Interstate Highway 65 to its junction with Interstate Highway 24 at or near Nashville, Tenn., thence over Interstate Highway 24 to its junction with Interstate Highway 75 at or near Chattanooga, Tenn., thence over Interstate Highway 75 to its junction with Interstate Highway 10 in the vicinity of Lake City, Fla., thence over Interstate Highway 10 to its junction with Interstate Highway 95 at Jacksonville, Fla., thence over Interstate Highway 95; and return over the same routes. Note: If a hearing is deemed necessary, applicant requests it be held at Wilkes Barre or Harrisburg, Pa.

No. MC 138800 filed May 29, 1973 Applicant: THREE BROTHERS, INC. 40 "B" Street South Boston, Mass. 02127 Applicant's representative: Frederick T. O'Sullivan 622 Lowell Street Peabody, Mass. 01960 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement and repossessed motor vehicles and trailers*, between points in Suffolk, Middlesex, Norfolk, Plymouth, Essex and Worcester Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island and New York. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No MC 138801 filed May 7, 1973 Applicant: THRU CONCO, INC. 3720 W. Tompkins Avenue Las Vegas, Nev. 89103 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, restricted to traffic having a prior or subsequent movement in containers and further restricted to pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, between points in Clark, Lincoln, Nye Counties, Nev.; Mojave County, Ariz.; and Washington, Iron and Beaver Counties, Utah. Note: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 138822 filed May 14, 1973. Applicant: ROY GERNER & SONS, INC. R.D. #1 Cabot, Pa. 16023 Applicant's representative: Kenneth R. Davis 999 Union Street Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from Denison, Cedar Rapids, Ottumwa, and Estherville, Iowa, points in Kentucky and points in the New York, New York Commercial Zone as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas* 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203(b)(8) of the Act (the "exempt" zone), to the facilities of Kress-Doblin Co., Inc. at Pittsburgh, Pa. Note: Applicant states that the purpose of this application is to convert its Permit in MC 129970 into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 138836 filed May 18, 1973. Applicant: MICHAEL C. NARO, 310 Jones Street, Dunmore, Pa. 18512 Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products and anti-freeze preparations*, in containers, from the plant site of Texaco Co., at Bayonne, N.J., to Scranton, Wilkes-Barre, Dallas, Nanticoke, and Honesdale, Pa., and (2) *empty containers* for the above-named commodities, from Scranton, Wilkes-Barre, Dallas, Nanticoke, and Honesdale, Pa., to the plantsite of Texaco Co., at Bayonne, N.J. Note: Applicant currently holds contract carrier authority in MC 66832 which duplicates the authority requested herein, and states it will submit that portion for revocation if the instant application is granted. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

MOTOR CARRIER OF PASSENGERS

No. MC 138671 filed April 20, 1973 Applicant: PARKINSON COACH LINES LIMITED 10 Kennedy Road North Brampton, Ontario, Canada Applicant's representative: S. Harrison Kahn Suite 733 Investment Building Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter and special operations, in round-trip sightseeing and pleasure tours, beginning and ending at the ports of entry on the International Boundary line between the United States and Canada, and extending to points in the United States including Alaska, (but excluding Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Buffalo, New York.

No. MC 138780 filed May 18, 1973 Applicant: KANKAKEE AUTOMOBILE LEASING CO. a Corporation 350 North Schuyler Avenue Kankakee, Ill. 60901 Applicant's representative: James C. Hardman 127 North Dearborn Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* and *baggage of passengers*, in charter operations, in round-trip movements, from points in Kankakee, Will, Iroquois, Livingston, Macon, Sangamon, Logan, DeWitt, Pratt, Moultrie, Shelby, Coles, Christian, Woodford, McLean, Ford, Tazewell, Champaign, Grundy, and Douglas Counties, Ill., to points in the United States (except Alaska and Hawaii), and return. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138799 filed May 21, 1973 Applicant: PENINSULA CHARTER LINES, INC. 1841 Bay Road Palo Alto, Calif. 94303 Applicant's representative: Eldon M. Johnson 650 California Street Suite 2808 San Francisco, Calif. 94108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in special or charter operations, in round-trip sightseeing or pleasure tours, beginning and ending at points in San Mateo County, Calif., and Palo Alto, Calif. and extending to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Note: If a hearing is deemed necessary, applicant requests it be held at Redwood City or San Francisco, Calif.

No. MC 138806 filed November 20, 1972 Applicant: JAMES B. CHISOLM an Individual 819 East Henry Street Savannah, Ga. 31401 Applicant's representative: Robert R. Cook 139 Whitaker Street Savannah, Ga. 31401 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage*, in charter operations, beginning and ending at Savannah, Ga., and extending to points in Georgia, Florida, South Carolina and North Carolina. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Jacksonville, Fla.

APPLICATION FOR FILING BROKERAGE LICENSES

No. MC 130201 filed April 2, 1973 Applicant: JOHNSTOWN HOLIDAY TRAVEL AGENCY, INC. 140 Park Place Johnstown, Pa. 15901 Applicant's representative: Gary C. Horner United States National Bank Building Johnstown, Pa. 15907 For a license (BMC-5) to engage in operations as a *broker* at Johnstown, Pa., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and groups of passengers, together with their baggage*, in special and charter operations, in round-trip tours, beginning and ending at Johnstown, Pa., and extending to points in the United States, including Alaska and Hawaii.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14119 Filed 7-11-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

Medical Assistance Program

Standards and Provider Certification

No. 133—Pt. II——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Parts 205, 249, 250]

MEDICAL ASSISTANCE PROGRAM

Standards and Provider Certification

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement sections 239, 246 and 249A of P.L. 92-603, Social Security Amendments of 1972. These provisions relate to Medicaid State plan requirements concerning standard-setting for participating institutions, use of State licensing agencies for certain functions, uniform standards for skilled nursing facilities under Medicare and Medicaid, and certification of skilled nursing facilities under Medicaid. The regulations also conform the Medicaid certification process for intermediate care facilities with that for skilled nursing facilities.

Until these regulations are issued in final form, the provisions of 45 CFR 249.10(b)(4)(i) and 249.33 will continue to apply with respect to skilled nursing facilities, except that provider agreements may be executed in accordance with the new provisions of § 249.33(a)(5)(iv)(B)(2) of the proposed regulations with respect to skilled nursing facilities completing the second of two successive agreements under certification provisions in effect prior to July 1, 1973. In addition, the provisions of proposed 20 CFR 405.1121(c), Independent Medical Evaluation and (e) Institutional Planning, are effective immediately since these are statutory requirements.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201 on or before August 13, 1973. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

Dated: June 29, 1973.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: July 5, 1973.

CASPAR W. WEINBERGER,
Secretary.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Chapter II, Title 45, Code of Federal Regulations is amended as set forth below.

1. Section 205.190 is amended by revising the introductory words to paragraph (a) to read as set forth below, and by deleting the reference to medical assistance in paragraph (a)(2)(i), and the last sentence of paragraph (a)(2):

§ 205.190 Standard-setting authority for institutions.

(a) *State plan requirements.* If a State plan under title I, X, XIV, or XVI, of the Social Security Act includes aid or assistance to individuals in institutions as defined in § 233.60(b)(1) and (2) of this chapter, the plan must:

(1) Provide for the designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions;

(2) Provide that the State agency will keep on file and make available to the Social and Rehabilitation Service upon request:

(i) A listing of the types or kinds of institutions in which an individual may receive financial assistance;

(ii) A record naming the State authority(ies) responsible for establishing and maintaining standards for such types of institutions;

(iii) The standards to be utilized by such State authority(ies) for approval or licensing of institutions including, to the extent applicable, standards related to the following factors:

(*a*) Health (continuing physician and nursing services, dietary standards, drug controls, and accident prevention);

(*b*) Human treatment;

(*c*) Sanitation;

(*d*) Types of construction;

(*e*) Physical facilities, including space and accommodations per person;

(*f*) Fire and safety;

(*g*) Staffing, in number and qualifications, related to the purposes and scope of services of the institution;

(*h*) Patient records;

(*i*) Admission procedures;

(*j*) Administrative and fiscal records;

(*k*) The control by the individual, or his guardian or protective payee, of the individual's personal affairs.

* * * * *

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. Section 249.33 is revised to read as follows:

§ 249.33 Standards for payment for skilled nursing facility and intermediate care facility services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that the single State agency will, prior to execution of an agreement with any facility for provision of skilled nursing facility services and making payments under the plan obtain certification from:

(i) The agency designated pursuant to § 250.100(c) of this chapter that the facility meets the standards set forth under section 1861(j) of the Act; or

(ii) The Secretary, pursuant to section 1910 of the Act, that the facility has been determined to qualify as a skilled nursing facility under title XVIII of the Act; or

(iii) The Secretary, pursuant to section 1905 of the Act, in the case of a facility located in the State on an Indian reservation that it meets the requirements of section 1861(j) of the Act.

(2) Provide that the single State agency will, prior to execution of an agreement with any facility (including hospitals and skilled nursing facilities) for provision of intermediate care facility services and making payments under the plan, obtain certification from the agency designated pursuant to § 250.100(c) of this chapter that the facility meets the conditions set forth under § 249.10(b)(15); except that in the case of an intermediate care facility determined to have deficiencies under the requirements for environment and sanitation (§ 249.12(a)(11)[1] or § 249.13(a)(5) and (8)(v)[1] or of the Life Safety Code (§ 249.12(a)(13)[1] or § 249.13(a)(3)[1]) it may be recognized for certification as an itermediate care facility over a period not exceeding 2 years following the date of such determination provided that:

(i) The institution submits a written plan of correction acceptable to the survey agency which contains:

(A) The specific steps that it will take to meet all such requirements; and

(B) A timetable not exceeding 2 years from the date of the initial certification after publication of these regulations detailing the corrective steps to be taken and when correction of deficiencies will be accomplished;

(ii) The survey agency makes a finding that the facility potentially can meet such requirements through the corrective steps and they can be completed during the 2 year allowable period of time;

(iii) During the period allowed for corrections, the institution is in compliance with existing State fire safety and sanitation codes and regulations;

(iv) The institution is surveyed by qualified personnel at least semiannually until corrections are completed and the survey agency finds on the basis of such surveys that the institution has in fact made substantial effort and progress in its plan of correction as evidenced by supporting documentation, signed contracts and/or work orders, and a written justification of such findings is maintained on file; and

(v) At the completion of the period allowed for corrections, the intermediate care facility is in full compliance with the Life Safety Code (NFPA, 21st Edition 1967), and the requirements for environment and sanitation set forth under § 249.12(a)(11) or § 249.13(a)(5) and (8)(v), except for any provisions waived in accordance with § 249.12 or § 249.13.

(3) Provide that any intermediate care facility receiving payments under the plan must supply to the licensing agency

[1] Not published as final rule. Proposal published at 38 FR 5974, March 5, 1973.

of the State full and complete information, and promptly report any changes which would affect the current accuracy of such information, as to the identity,

(i) Of each person having (directly or indirectly) an ownership interest of 10 percent or more in such facility,

(ii) In case a facility is organized as a corporation, of each officer and director of the corporation, and

(iii) In case a facility is organized as a partnership, of each partner;

Certification by the State licensing agency or the Secretary, as provided for in subparagraphs (1) and (2) of this paragraph shall be regarded as final evidence that the facility so certified meets the standards and requirements except that the single State agency may, for good cause based on adequate and documented evidence, elect not to execute a contract or cancel a contract for participation by a facility certified under the State plan.

(4) Provide that the survey agency designated pursuant to § 250.100(c) of this chapter will:

(i) Review information contained in medical review and independent professional review team inspections made pursuant to State plan provisions under section 1902(a)(26) and (31) of the Social Security Act;

(ii) Review statements obtained from each facility setting forth (from payroll records) the average numbers and types of personnel (in full-time equivalents) on each shift during at least 1 week of each quarter, such week to be selected by the survey agency and to occur irregularly in each quarter of the year;

(iii) Evaluate such reports and statements and take appropriate action to achieve compliance or withdraw certification as appropriate; and

(iv) Perform, with qualified personnel, on-site inspections at least once during the term of a provider agreement or more frequently if there is a question of compliance.

(5) Provide that the single State agency agreement with a facility for payments under the plan may not exceed a period of one year and that the effective date of such agreement may not be earlier than the date of certification. Notwithstanding the provisions of the previous sentence, the single State agency may extend such term for a period not exceeding two months where the survey agency has notified the single State agency in writing prior to the expiration of a provider agreement that the health and safety of the patients will not be jeopardized thereby, and that such extension is necessary to prevent irreparable harm to such facility or hardship to the individuals being funrished items or services or that it is impracticable within such provider agreement period to determine whether such facility is complying with the provisions and requirements under the program. Execution of an agremeent shall be contingent upon certification in accordance with the provisions of paragraph (a)(1) and (2) of this section and subject to the following conditions and exclusions:

(i) In the case of skilled nursing facilities not in compliance with all standards set forth under section 1861(j) of the Social Security Act, or in the case of intermediate care facilities not in compliance with all standards set forth under sections 1905(c) and (d) of the Act, the single State agency may enter into a provider agreement if:

(A) The deficiencies noted, individually or in combination, do not jeopardize the health and safety of patients and a written justification of such a finding is maintained on file by the survey agency; and

(B) The facility provides in writing a plan of correction acceptable to the survey agency;

(ii) In the case of a public institution (or distinct part thereof) for the mentally retarded or persons with related conditions, the single State agency will, prior to the execution of an agreement for the provision of intermediate care facility services, obtain a written agreement from the State or political subdivision responsible for the operation of such public institution that the non-Federal expenditures in any calendar quarter prior to January 1, 1975, with respect to services furnished to patients in such institution (or distinct part thereof) in the State will not, because of payments made under the plan, be reduced below the average amount expended for such services in such institution in the four quarters immediately preceding the quarter in which the State in which such institution is located elected to make such services available under its approved plan;

(iii) In the case of a skilled nursing facility not in compliance with all of the standards set forth under section 1861(j) of the Act or in the case of an intermediate care facility not in compliance with all of the standards set forth under sections 1905(c) and (d) of the Act, the term of an agreement shall be for the period of certification recognized by the survey agency; however, based upon such adequate and documented factors as medical review of independent professional review team reports, certification data, the nature of deficiencies and the degree of progress displayed by the facility in correcting prior deficiencies, the single State agency may elect to execute a provider agreement for:

(A) A term related to a facility's plan of correction; or

(B) The full certification period recognized by the survey agency but subject to a provision for automatic cancellation 60 days following the scheduled date for correction(s) unless the survey agency finds and notifies the State agency that all required corrections have been satisfactorily completed, or unless the survey agency finds and notifies the State agency that, on the basis of documented evidence derived from a survey, the facility has made substantial progress in correcting such deficiencies and has resubmitted in writing a new plan of correction acceptable to the survey agency. Such notification is to be made a part of the contract and the facility so notified.

(iv) No second provider agreement under the condition specified in paragraph (a)(5)(i) of this section may be executed if:

(A) The standard found deficient was in compliance during the previous certification period, except where the survey agency has made a determination based upon documented evidence that the facility despite intensive efforts or for reasons beyond its control was unable to maintain compliance and despite the deficiency(ies) the facility is making the best use of its resources to render adequate care; or

(B) The standards found deficient are the same as those which occasioned the prior agreement, except:

(*1*) In a case where a facility can document to the State survey agency's satisfaction that it achieved compliance with a previously unmet standard during the period of certification but for reasons beyond its control and despite, in the judgment of the survey agency, a good faith effort to maintain compliance with the standard, was again out of compliance by the time of the next survey; or

(*2*) In the case of a skilled nursing facility completing the second of two successive agreements under provisions for certification in effect prior to July 1, 1973 and having the same deficiency(ies) which occasioned the two agreements, the survey agency will review the performance of such facility (which may be limited to a review of the documentation of record) in providing safe and adequate patient care and in progressing toward correction of such deficiency(ies). On the basis of its evaluation, the survey agency will advise the single State agency that:

(*i*) No provider agreement may be executed with such facility,

(*ii*) A new provider agreement may be executed for a period related to the time required to correct such deficiencies, but not to exceed six months; or

(*iii*) A new provider agreement may be executed for a period of twelve months but subject to a provision for automatic cancellation 60 days following the scheduled date for correction unless the survey agency finds and notifies the State agency that all required corrections have been satisfactorily completed. If the facility continues to be out of compliance with the same standard(s) at the end of the term of the agreement, a new agreement may not be executed.

(v) Notwithstanding the foregoing provisions, in the case of skilled nursing facilities certified under the provisions of title XVIII of the Social Security Act, the term of an agreement shall be subject to the same terms and conditions and coterminous with the period of approval of eligibility specified by the Secretary pursuant to that title.

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(vi) Upon notification that an agreement with a facility under title XVIII of the Act has been terminated or cancelled, the single State agency will take appropriate action to terminate the facility's participation under the plan. A facility whose agreement has been cancelled or otherwise terminated may not be issued another agreement until the reasons which cause the cancellation or termination have been removed and reasonable assurance provided the survey agency that they will not recur.

For the purposes of this subparagraph (5), waivers granted pursuant to section 1902(a)(28) of the Act or § 249.12 or § 249.13 are not considered deficiencies.

(6) Provide that facilities which do not qualify under this section are not recognized as skilled nursing facilities or intermediate care facilities for purposes of payment under title XIX of the Act.

(b) *Federal financial participation.* (1) Federal financial participation is available at 75 percentum in expenditures of the single State agency for compensation (or training) of its skilled professional medical personnel and staff directly supporting such personnel, which are necessary to carry out these regulations.

(2) Federal financial participation at applicable rates is also available for the single State agency to enter into a written contract (under the supervision of the Medical Assistance Unit) with the survey agency designated pursuant to § 250.100(c) of this chapter as necessary to carry out its responsibilities under these regulations. Such Federal financial participation is available only for those expenditures of the survey agency which are not attributable to the overall cost of meeting responsibilities under State law and regulations for establishing and maintaining standards but which are necessary and proper for carrying out these regulations.

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

3. A new § 250.100 is added to Part 250 as set forth below:

§ 250.100 Establishment and maintenance of State and Federal standards.

State plan requirements. A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide for the designation of the State health agency or other appropriate State medical agency (whichever is utilized by the Secretary for purposes of title XVIII of the Act as specified in the first sentence of section 1864(a) of the Act) as the State authority responsible for establishing and maintaining health standards for private or public institutions, excluding Christian Science sanatoria operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts, in which recipients of medical assistance under the plan may receive care and services. The State plan must describe these standards and such standards must be kept on file and made available to the Social and Rehabilitation Service upon request;

(b) Provide for the designation of the single State agency or other appropriate State authority or authorities which shall be responsible for establishing and maintaining standards other than those relating to health for public and private institutions in which recipients of medical assistance under the plan may receive care or services. The State plan must describe these standards and such standards must be kept on file and made available to the Social and Rehabilitation Service upon request; and

(c) Provide that the agency referred to in paragraph (a) of this section or such other State agency as is responsible for licensing health institutions in the State will, in accordance with a written agreement (or other written formal arrangement) with the single State agency, determine whether institutions and agencies, excluding Christian Science sanatoria operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts, meet the requirements for participation in the program as set forth elsewhere in this chapter; and that the staff of the agency making such determinations is the same staff responsible for such determinations for institutions or agencies participating under title XVIII or, if the State elects to employ different staff, a written justification is submitted for approval by the Secretary that such election is consistent with economy and efficiency of administration. Written agreements (or other written formal arrangements) between the single State agency and the agency in the State responsible for licensing, for purposes of this paragraph, must specify and provide:

(1) The Federal standards and the forms, methods and procedures to be used in determining provider eligibility and certification under the program;

(2) That copies of reports and inspections are completed by inspectors surveying the premises with notations indicating whether each requirement for which inspection is made is or is not satisfied, with documentation of deficiencies; and

(3) That all information and reports used in determining whether Federal requirements for participating are maintained on file access by the Department of Health, Education, and Welfare, and the single State agency as may be necessary to meet other requirements under the plan and for purposes consistent with that agency's effective administration of the program.

[FR Doc.73-14105 Filed 7-11-73;8:45 am]

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

Federal Health Insurance for the Aged

Skilled Nursing Facilities

No. 133—Pt. III——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Skilled Nursing Facilities

The proposed amendments to regulations set forth herein principally:

(1) Provide a common set of standards for skilled nursing facilities under titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act and a single policy for determining compliance with the standards; and also implement provisions of the Social Security Amendments of 1972 (P.L. 92-603) affecting skilled nursing facilities relating to institutional planning, time limited agreements, and the furnishing of social services;

(2) Set out the basic provisions for implementing the provider agreement provisions of the Social Security Amendments of 1972 and additional guidelines relating to provider agreement responsibilities (20 CFR 405.601 et seq.) under the provisions of section 1866 of the Social Security Act; and

(3) Set forth proposed modifications in the provider appeals procedures (20 CFR 405.1501 et seq.) which relate specifically to skilled nursing facilities.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before August 13, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

During the period from July 1, 1973, to the date the proposed regulations are published in final in the FEDERAL REGISTER, the existing regulations in Subpart K of Social Security Administration regulations No. 5, "Conditions of Participation; Extended Care Facilities" (20 CFR 405.1101-405.1137) will be applicable. In addition, during the same period, conditions of participation set forth in § 405.1121, paragraphs (a), (c), and (e) of this document, required by P.L. 92-603 will also be applicable.

The proposed amendments are to be issued under the authority contained in sections 1102, 1814, 1861, 1863, 1865, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 313-327, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated: June 29, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 5, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

Subpart F—Agreements, Elections, Contracts, Nominations, and Notices

1. The heading for Subpart F is revised to read as set forth above.

§ 405.601, 405.602 [Amended]

2. In §§ 405.601 and 405.602, the words "extended care facility" are revised to read "skilled nursing facility."

3. A new § 405.604 is added to read as follows:

§ 405.604 Term agreements with skilled nursing facilities.

Effective with respect to provider agreements accepted for filing on or after October 30, 1972, an agreement with a skilled nursing facility shall be for a specified term and such term will be determined by the Secretary in the following manner—

(a) (1) The term of an agreement may be for a period of 12 full calendar months where the facility is found to be in compliance with all standards contained in Subpart K or Regulations No. 5.

(2) Where the facility is not in compliance with all standards contained in Subpart K of Regulations No. 5 the term of an agreement may:

(i) Be restricted to a term corresponding to the full period of time (not to exceed 12 full calendar months) specified in a written plan which the Secretary has approved providing for the correction of deficiencies in its qualification in meeting the requirements for participation; or

(ii) Provide a conditional term of 12 full months, subject to an automatic cancellation clause that the agreement will terminate on a predetermined date which shall be no later than the 60th day following the end of the time period specified for the correction of deficiencies unless the Secretary determines that all required corrections have been satisfactorily completed or that the facility has made substantial effort and progress in correcting such deficiencies and has resubmitted in writing a plan of correction acceptable to the Secretary.

(b) (1) Where the Secretary determines that the health and safety of program beneficiaries will not be jeopardized thereby, the term of an agreement may be extended for a period of 2 full calendar months, if the Secretary finds that such extension is necessary to:

(i) Prevent irreparable harm to such facility, or

(ii) Prevent hardship to the program beneficiaries being furnished items and services by such facility; or

(2) If the Secretary finds it impracticable within such term to determine whether such facility is complying with the provisions of the Act and regulations issued thereunder.

(c) (1) Except as provided in paragraph (b) of this section, the term of an agreement may not be extended and such agreement shall terminate at the end of its specified term and will not be automatically renewable from term to term. In the case of the termination of an agreement which has been automatically cancelled, the "end of its specified term" shall be the end of the calendar date on which such cancellation is effective.

(2) The termination of an agreement under the conditions described in this section shall not be a termination of the agreement by the Secretary pursuant to the provisions discussed in § 405.614. A determination by the Secretary not to accept such facility for participation following the end of such term will be an initial determination relating to the facility's qualifications as a provider of services for the period immediately following such term and the facility shall be entitled to a hearing with respect to such determination. (See Subpart O of this part.)

(3) Where the Secretary determines that he will not accept an agreement with a skilled nursing facility for the period immediately following the end of the term of such facility's existing agreement, the Secretary shall give notice of such determination to the facility and the public at least 30 days before the end of such term. Each notice by the Secretary shall state the reasons for such determination, the effective date for the termination of the existing agreement, and the applicability of such termination as it relates to the services of the facility.

(d) Notwithstanding the preceding provisions of this section, an agreement filed by an extended care facility (now defined as a skilled nursing facility) which was accepted by the Secretary prior to October 30, 1972, and which was in effect on such date, shall be for a specified term ending at the close of December 31, 1973.

4. Section 405.605 is revised to read as follows:

§ 405.605 Provider of services; scope of term.

As used in section 1866 of the Act and this Part 405, the term "provider of services" (or "provider") refers only to a hospital, a skilled nursing facility, or a home health agency (see Subparts J, K, and L of this part) and, for the limited purposes of furnishing outpatient physical therapy services or speech pathology,

a clinic, rehabilitation agency, or public health agency (see Subpart Q of this part).

5. Section 405.606 is amended by revising paragraph (b), and adding a new paragraph (c) to read as follows:

§ 405.606 Acceptance of provider as a participant.

* * * * *

(b) If the provider wishes to participate in the program, both copies of the agreement must be signed by an authorized official of the organization and filed with the Secretary and, upon acceptance for filing by the Secretary, a copy of such agreement shall be returned to the provider with the Secretary's written notice of acceptance. Such notice shall indicate the date on which the agreement was signed by the authorized official of the provider and the date on which the agreement was accepted by the Secretary; specify the effective date of the agreement; and, in the case of an agreement filed by a skilled nursing facility, the term of such agreement as determined in accordance with the provisions of § 405.604.

(c) The participation of a hospital, skilled nursing facility, or home health agency which voluntarily files an agreement to participate in the health insurance program contemplates that such hospital, facility, or agency will accept program beneficiaries for care and treatment. If a participating hospital, facility, or agency has any restrictions on the types of services it will make available and/or the type of health conditions that it will accept, or has any other criteria relating to the acceptance of persons for care and treatment, it is expected that such restrictions or criteria, if made applicable to program beneficiaries, will be applied in the same manner in which they are applied to all other persons seeking care and treatment by such hospital, facility, or agency. A provider's admission policies and practices that are inconsistent with the provider agreement objectives set forth in this paragraph (c) may be the basis for termination of participation by the Secretary pursuant to § 405.614(a)(1).

6. Paragraph (a) of § 405.613 is revised to read as follows:

§ 405.613 Termination by provider of services.

(a) A provider may terminate a section 1866 agreement (and in the case of a skilled nursing facility, prior to the end of the specified term of such agreement—see § 405.604) by filing with the Secretary a written notice of its intention to terminate such agreement. The notice of intent to terminate should state the date for the termination of the agreement (the date must be the first day of a month). The Secretary may accept the termination date stated in the notice or he may set a different date. If the notice of termination does not specify the date for the termination of the agreement, the date is to be set by the Secretary. However, if the termination date is set by the Secretary, such date shall not be more than 6 months from the date the notice is filed. In addition to giving notice to the Secretary, the provider should also give at least 15 days notice to the public by publishing in one or more local newspapers a statement of the date of termination of the provider agreement with the Secretary. The notice also should inform the public of the applicability of termination (see § 405.615) as it relates to services of the provider.

* * * * *

7. Paragraph (a) of § 405.614 is revised to read as follows:

§ 405.614 Termination by the Secretary.

(a) *Cause for termination.* The Secretary may terminate an agreement (and in the case of a skilled nursing facility, prior to the end of the specified term of such agreement—see § 405.604) if the Secretary determines that the provider of services:

(1) Is not complying substantially with the provisions of title XVIII and this Part 405, or with the provisions of the agreement entered into pursuant to § 405.606; or

(2) No longer meets the appropriate conditions of participation necessary to qualify as a hospital (see Subpart J of this part), skilled nursing facility (see Subpart K of this part), or home health agency (see Subpart L of this part), as the case may be; or

(3) Fails to furnish information as the Secretary finds to be necessary for a determination as to whether payments are due or were due under this Part 405 and the amounts thereof; or

(4) Refuses to permit examination of its fiscal or other records by, or on behalf of, the Secretary as may be necessary for verification of information furnished as a basis for payment under the health insurance benefits program.

* * * * *

8. Paragraph (a) of § 405.615 is revised to read as follows:

§ 405.615 Applicability of termination.

A termination of an agreement under the conditions described in § 405.613 or § 405.614 shall be applicable:

(a) In the case of inpatient hospital services (including inpatient tuberculosis hospital services and inpatient psychiatric hospital services), or posthospital extended care services furnished to any individual after the effective date of such termination, except that, payment may be made for up to 30 days with respect to such services furnished to any individual who was admitted to the hospital or skilled nursing facility prior to the effective date of the termination.

* * * * *

9. Section 405.616 is amended to read as follows:

§ 405.616 Reinstatement of provider as participant after termination.

(a) Subject to the provisions of paragraph (b) of this section, where an agreement between a provider of services and the Secretary is terminated by the Secretary under the conditions described in § 405.614, such institution or agency may not file another agreement to participate in the health insurance benefits program unless the Secretary finds that the reason for the termination of the prior agreement has been removed and that there is reasonable assurance that it will not recur.

(b) Where an agreement between a provider of services and the Secretary is terminated under conditions described in § 405.604, § 405.613, or § 405.614, such institution or agency may not file another agreement to participate in the health insurance benefits program unless the Secretary finds that such institution or agency has fulfilled (or has made arrangements satisfactory to the Secretary to fulfill) all of the contractual and statutory responsibilities of its prior agreement with the Secretary.

Subpart K—Conditions of Participation; Skilled Nursing Facilities

10. Subpart K is amended by revising the heading as set forth above and §§ 405.1101 and 405.1120 through 405.1137 to read as follows:

Sec.

405.1101 Definitions.
* * * * *
405.1120 Compliance with Federal, State, and local laws.
405.1121 Governing body and management.
405.1122 Patient care policies.
405.1123 Physician services.
405.1124 Nursing services.
405.1125 Dietetic services.
405.1126 Specialized restorative services.
405.1127 Pharmaceutical services.
405.1128 Laboratory and radiologic services.
405.1129 Dental services.
405.1130 Social services.
405.1131 Patient activities.
405.1132 Medical records.
405.1133 Transfer agreement.
405.1134 Physical environment.
405.1135 Environmental services.
405.1136 Disaster preparedness.
405.1137 Utilization reviews.

§ 405.1101 Definitions.

As used in this subpart, the following definitions apply:

(a) *Administrator of skilled nursing facility.* A person who:

(1) Is licensed as required by State law; or

(2) If the State does not have a Medicaid program, and has no licensure requirement, is a high school graduate (or equivalent), has completed courses in administration or management approved by the appropriate State agency, and has 1 year of supervisory management experience in a skilled nursing facility or related health program; or

(3) If the administrator of a hospital-based distinct part skilled nursing facility, meets the requirements of § 405.1021 (f), Subpart J of this Part 405.

(b) *Approved drugs and biologicals.* Only such drugs and biologicals as are:

(1) In the case of Medicare:

(i) Included (or approved for inclusion) in the United States Pharmacopoeia, National Formulary, or United States Homeopathic Pharmacopoeia; or

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(ii) Included (or approved for inclusion) in AMA Drug Evaluations or Accepted Dental Therapeutics, except for any drugs and biologicals unfavorably evaluated therein; or

(iii) Not included (nor approved for inclusion) in the compendia listed in partgraphs (a) and (b) of this section, may be considered approved if such drugs:

(*a*) Were furnished to the patient during his prior hospitalization, and

(*b*) Were approved for use during a prior hospitalization by the hospital's pharmacy and drug therapeutics committee (or equivalent), and

(*c*) Are required for the continuing treatment of the patient in the facility.

(2) In the case of Medicaid, included in a listing approved by the State Title XIX agency.

Drugs and biologicals (including identical, similar, or related drugs and biologicals) for both the Medicare and Medicaid programs are not considered approved if the Food and Drug Administration has made an initial determination published in the Federal Register that there is a lack of substantial evidence of effectiveness for all indications, except that drugs and biologicals may be considered approved and their administration found reasonable and necessary where they are contained on the list filed by the Food and Drug Administration with the United States District Court for the District of Columbia and which therefore may remain on the market pending completion of scientific studies to determine effectiveness because there is a compelling justification of the medical need for the drug; or Lack substantial evidence of efficacy but are used in the pursuit of approved clinical research projects.

(c) *Charge nurse.* A person who is licensed by the State in which practicing as a:

(1) Registered nurse; or

(2) Practical (vocational) nurse who:

(i) Is a graduate of a State-approved school of practical (vocational) nursing; or

(ii) Has 2 years of appropriate experience following licensure by waiver as a practical (vocational) nurse, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency will not apply with respect to persons initially licensed by a State or seeking initial qualifications as a practical (vocational) nurse after December 31, 1977, and

(3) Is experienced in nursing service administration and supervision and in areas such as rehabilitative or geriatric nursing, or acquires such preparation through formal staff development programs.

In the case of skilled nursing facility services in an institution for the mentally retarded or in an institution for those with mental diseases, or a distinct part thereof, a person licensed in another category of health care discipline who has special training in the care of such patients may serve as charge nurse provided that such person is licensed in such category by the State following completion of a course of training which included at least the number of classroom and practice hours in all the nursing subjects included in the program of a State-approved school of practical (vocational) nursing, as evidenced by a report on comparison of the courses in the respective curricula to the State agency by the agency(ies) of the State responsible for the licensure of such personnel. (An institution primarily engaged in the care of the mentally retarded or an institution primarily engaged in the treatment of mental diseases, cannot qualify as a participating skilled nursing facility under Medicare.)

(d) *Controlled drugs.* Drugs subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513).

(e) *Dietetic service supervisor.* A qualified dietitian; or a graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association; or a graduate of another course that provided 90 or more hours of classroom instruction in food service supervision and has experience as a supervisor in a health care institution with consultation from a dietitian.

(f) *Dietician.* A person who:

(1) Meets the requirements for registration by the American Dietetic Association; or

(2) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, has 1 year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

(g) *Director of nursing services.* A registered nurse who is licensed by the State in which practicing, and has 1 year of additional education or experience in nursing service administration, as well as additional education or experience in such areas as rehabilitation or geriatric nursing.

(h) *Drug administration.* An act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container) verifying it with the physician's orders, giving the individual dose to the proper patient, and recording the time and dose given.

(i) *Drug dispensing.* An act entailing the interpretation of an order for a drug or biological and, pursuant to that order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological for a patient or for a service unit of the facility.

(j) *Licensed nursing personnel.* Registered nurses or practical (vocational) nurses licensed by the State in which practicing.

(k) *Medical record administrator.* A person who:

(1) Is a registered record administrator (RRA), or an accredited record technician (ART), designations obtained by satisfactory completion of a qualifying examination given by the American Medical Record Association; or

(2) Is a graduate of a school of medical record science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Medical Record Association.

(l) *Occupational therapist.* A person who:

(1) Is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or

(2) Is eligible for the National Registration Examination of the American Occupational Therapy Association; or

(3) Has 2 years of appropriate experience as an occupational therapist, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency will not apply with respect to persons initially licensed by a State or seeking initial qualifications as an occupational therapist after December 31, 1977.

(m) *Occupational therapy assistant.* A person who:

(1) Meets the requirements for certification as an occupational therapy assistant established by the American Occupational Therapy Association; or

(2) Has 2 years of appropriate experience as an occupational therapy assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency will not apply with respect to persons initially licensed by a State or seeking initial qualification as an occupational therapy assistant after December 31, 1977.

(n) *Patient activities coordinator.* A person who:

(1) Is a therapeutic recreation specialist qualified at least by way of definitions in paragraph (v) (4) or (5) of this section; or

(2) Has completed 36 hours (within a 3-month period) of a curriculum designed specifically to train patient activities coordinators; or

(3) Has 2 years of experience in a social or recreational program, within the last 5 years, 1 year of which was full-time in a patient activities program in a health care setting; or

(4) Is a qualified occupational therapist or occupational therapy assistant.

(o) *Pharmacist.* A person who:

(1) Is licensed as a pharmacist by the State in which practicing, and

(2) Has training or experience in the specailized functions of institutional pharmacy, such as residencies in hospital pharmacy, seminars on hospital pharmacy, and related training programs.

(p) *Physical therapist.* A person who is licensed as a physical therapist by the State in which practicing, and

(1) Has graduated from a physical therapy curriculum approved by the American Physical Therapy Association, or by the Council on Medical Education and Hospitals of the American Medical Association, or jointly by the Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966, was admitted to membership by the American Physical Therapy Association, or was admitted to registration by the American Registry of Physical Therapists, or has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or

(3) Has 2 years of appropriate experience as a physical therapist, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service except that such determinations of proficiency will not apply with respect to persons initially licensed by a State or seeking qualification as a physical therapist after December 31, 1977; or

(4) Has licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States, was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy, meets the requirements for membership in a member organization of the World Confederation for Physical Therapy, has 1 year of experience under the supervision of an active member of the American Physical Therapy Association, and has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(q) *Physical therapist assistant.* A person who is licensed as a physical therapist assistant, if applicable, by the State in which practicing, and

(1) Has graduated from a 2-year college-level program approved by the American Physical Therapy Association; or

(2) Has 2 years of appropirate experience as a physical thrapist assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency will not apply with respect to persons initially licensed by a State or seeking initial qualification as a physical therapist assistant after December 31, 1977.

(r) *Social worker.* A person who is a graduate of a school of social work accredited by the Council on Social Work Education, and has 1 year of social work experience in a health care setting.

(s) *Speech pathologist or audiologist.* A person who:

(1) Meets the education and experience requirements for a Certificate of Clinical Competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association; or

(2) Meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

(t) *Supervision.* Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant-level qualifications specified in these conditions.

(u) *Therapeutic recreation specialist.* A person who is licensed or registered, if applicable, by the State in which practicing, and

(1) Meets the requirements for registration or certification of competency in therapeutic recreation from a national or State professional recreation society; or

(2) Possesses a masters degree, with a major in therapeutic recreation or in a general recreation or allied field (music, drama, physical education, psychology), and has 6 months of full-time experience in a therapeutic recreation program; or

(3) Possesses a baccalaureate degree, with a major in therapeutic recreation including a supervised internship, a general recreation major and has 1 year of full-time experience in a therapeutic recreation program, or an allied field major and has 2 years of full-time experience in a therapeutic recreation program; or

(4) Possesses an associate of arts degree, with a major in recreation and has 3 years of supervised full-time experience in a therapeutic recreation program, or an allied field major and has 4 years of supervised full-time experience in a therapeutic recreation program; or

(5) Has 2 years of supervised full-time experience in a therapeutic recreation program in a health care setting, and has 60 hours of specialized training in therapeutic recreation techniques.

§ 405.1120 Condition of participation—compliance with Federal State, and local laws.

The skilled nursing facility is in compliance with applicable Federal, State, and local laws and regulations.

(a) *Standard: Licensure.* The facility, in any State in which State or applicable local law provides for licensing of facilities of this nature:

(1) Is licensed pursuant to such law; or

(2) If not subject to licensure, is approved by the agency of the State or locality responsible for licensing skilled nursing facilities as meeting the standards established for such licensing, and

(3) Except that a facility which formerly met fully such licensure requirements, but is currently determined not to meet fully all such requirements, may be recognized for a period specified by the State standard-setting authority.

(b) *Standard: Licensure or registration of personnel.* Staff of the facility are licensed or registered in accordance with applicable laws.

(c) *Standard: Conformity with other Federal, State, and local laws.* The facility is in conformity with all Federal, State, and local laws relating to fire and safety, sanitation, communicable and reportable diseases, post-mortem procedures, and other relevant health and safety requirements.

Italicized sections of conditions of participation and standards are statutory, and the facility must be in full compliance with them.

§ 405.1121 Condition of participation—governing body and management.

The skilled nursing facility has an effective governing body, or designated persons so functioning, with full legal authority and responsibility for the operation of the facility. The governing body adopts and enforces rules and regulations relative to health care and safety of patients, to the protection of their personal and property rights, and to the general operation of the facility. The governing body develops a written institutional plan that reflects the operating budget and capital expenditures plan.

(a) *Standard: Disclosure of ownership.* The facility supplies full and complete information to the survey agency as to the identity (1) of each person who has any direct or indirect ownership interest of 10 per centum or more in such skilled nursing facility or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such skilled nursing facility or any of the property or assets of such skilled nursing facility, (2) in case a skilled nursing facility is organized as a corporation, of each officer and director of the corporation, and (3) in case a skilled nursing facility is organized as a partnership, of each partner; and promptly reports any changes which would affect the current accuracy of the information so required to be supplied.

(b) *Standard: Bylaws.* The governing body adopts effective administrative and patient care policies and bylaws governing the operation of the facility, in accordance with legal requirements. Such bylaws are in writing, dated, and made available to all members of the governing body which ensures that they are operational, and reviews and revises them as necessary.

(c) *Standard: Independent medical evaluation.* The governing body cooperates in an effective program which provides for a regular program of independ-

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ent medical evaluation and audit of the patients in the facility to the extent required by the programs in which the facility participates (including medical evaluation of each patient's need for skilled nursing facility care at least annually).

(d) *Standard: Administrator.* The governing body appoints a full-time qualified administrator who is responsible for the overall management of the facility, enforces the rules and regulations relative to the level of health care and safety of patients, and to the protection of their personal and property rights, and plans, organizes, and directs those responsibilities delegated to him by the governing body. Through meetings and periodic reports, the administrator maintains ongoing liaison among the governing body, medical and nursing staffs, and other professional and supervisory staff of the facility, and studies and acts upon recommendations made by the utilization review and other committees.

(e) *Standard: Institutional planning.* The institutional plan:

(1) Provides for an annual operating budget which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items (except that nothing in this paragraph shall require that there be prepared, in connection with any budget, an item-by-item identification of the components of each type of anticipated expenditure or income);

(2) Provides for a capital expenditures plan for at least a 3-year period (including the year to which the operating budget described in paragraph (1) of this section is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objectives of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment, and the replacement, modernization, and expansion of the buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

(3) Provides for review and updating at least annually; and

(4) Is prepared, under the direction of the governing body of the institution, by a committee consisting of representatives of the governing body, the administrative staff, and the organized medical staff (if any) of the institution.

(f) *Standard: Personnel policies and procedures.* The governing body, through the administrator, is responsible for implementing and maintaining written personnel policies and procedures that support sound patient care and personnel practices. Personnel records are current and available for each employee and contain sufficient information to support placement in the position to which assigned. Written policies for control of communicable disease are in effect to ensure that employees with symptoms or signs of communicable disease or infected skin lesions are not permitted to work, and that a safe and sanitary environment for patients and personnel exists and incidents and accidents to patients and personnel are reviewed to identify health and safety hazards. Employees are provided, or referred for, periodic health examinations, and treated, or referred for treatment, as necessary.

(g) *Standard: Staff development.* An ongoing educational program is planned and conducted for the development and improvement of skills of all the facility's personnel, including training related to problems and needs of the aged and disabled. Each employee receives appropriate orientation to the facility and its policies, and to his position and duties. Inservice training includes at least prevention and control of infections, fire prevention and safety, accident prevention, confidentiality of patient information, and preservation of patient dignity, including protection of his privacy and personal property rights. Records are maintained which indicate the content of, and attendance at, such staff development programs.

(h) *Standard: Use of outside resources.* If the facility does not employ a qualified professional person to render a specific service to be provided by the facility, there are arrangements for such a service through a written agreement with an outside resource—a person or agency that will render direct service to patients or act as a consultant. The responsibilities, functions, and objectives, and the terms of agreement, including financial arrangements and charges, of each such outside resource are delineated in writing and signed by an authorized representative of the facility and the person or the agency providing the service. The financial arrangements provide that the outside resource bill the facility for covered services (either Part A or B for Medicare beneficiaries) rendered directly to the patient, and that receipt of payment from the program(s) to the facility for the services discharges the liability of beneficiary or any other person to pay for the services. The outside resource, when acting as a consultant, apprises the administrator of recommendations, plans for implementation, and continuing assessment through dated, signed reports, which are retained by the administrator for follow-up action and evaluation of performance. (See requirement under each service—§§ 405.1125 through 405.1132.)

(i) *Standard: Notification of changes in patient status.* The facility has appropriate written policies and procedures relating to notification of the patient's attending physician and other responsible persons in the event of significant change in the patient's physical, mental, or emotional status, or patient charges, billings, and related administrative matters. Except in a medical emergency, a patient is not transferred or discharged, nor is treatment altered radically without consultation with the patient or, if he is incompetent, without prior notification of next of kin or sponsor.

§ 405.1122 Condition of participation—patient care policies.

The skilled nursing facility has written policies to govern the continuing skilled nursing care and related medical or other services provided.

(a) *Standard: Development and review of patient care policies.* The facility has policies, which are developed with the advice of (and with provision for review of such policies from time to time, but at least annually, by) a group of professional personnel including one or more physicians and one or more registered nurses, to govern the skilled nursing care and related medical or other services it provides. The policies, which are available to admitting physicians and sponsoring agencies, reflect awareness of, and provision for, meeting the total medical and psychosocial needs of patients, including discharge planning and the protection of their personal and property rights. Medical records and minutes of staff and committee meetings reflect that patient care is being rendered in accordance with the written patient care policies, and that utilization review committee recommendations regarding the policies are reviewed and necessary steps taken to ensure compliance.

(b) *Standard: Execution of patient care policies.* The facility has a physician, a registered nurse, or a medical staff responsible for the execution of such policies. If the responsibility for day-to-day execution of patient care policies has been delegated to a registered nurse, the facility makes available an advisory physician from whom she or he receives medical guidance.

§ 405.1123 Conditions of participation—physician services.

Patients in need of skilled nursing or rehabilitative care are admitted to the facility only upon the recommendation of a physician, and they remain under the care of a physician.

(a) *Standard: Medical findings and physicians' orders at time of admission.* There is made available to the facility, prior to or at the time of admission, patient information which includes current medical findings, diagnoses, rehabilitation potential, a summary of the course of prior treatment, and orders from a physician for immediate care of the patient.

(b) *Standard: Patient supervision by physician.* The facility has a requirement that the health care of every patient must be under the supervision of a physician who, based on a medical evaluation of the patient's immediate and long-term needs, prescribes a planned regimen of total patient care. The patient's total program of care (including medications and treatments) is reviewed and revised by the attending physician at least once every 30 days, or more often as needed by the patient, and a progress note is written and signed by the physician at the time of each visit. All of the physician's orders are signed by the physician.

(c) *Standard: physician visits.* Each patient is seen by a physician at least every 30 days, or more often as needed, except that, after 90 days following admission, this requirement may be deemed to be met in those specific instances where the attending physician has furnished adequate medical justification in the patient's medical record for an alternative schedule of visits, and provided that (1) the facility notifies the State Medicaid agency, when appropriate, and (2) the utilization review committee or medical review team has promptly reevaluated such patient's need for monthly physician visits as well as his continued need for skilled nursing facility services.

(d) *Standard. Availability of physicians for emergency patient care.* The facility has written procedures, available at each nurses station, that provide for having a physician available to furnish necessary medical care in case of emergency.

§ 405.1124 Condition of participation—nursing services.

The skilled nursing facility provides 24-hour service by licensed nurses, including the services of a registered nurse at least during the day tour of duty 5 days a week. There is an organized nursing service with a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients.

(a) *Standard: Director of nursing services.* The director of nursing services is a qualified registered nurse employed full-time who has administrative authority, responsibility, and accountability for the functions and activities of the nursing services staff, and serves only one facility in this capacity. If the director of nursing services has other institutional responsibilities, a qualified registered nurse serves as her assistant so that there is the equivalent of a full-time director of nursing services on duty each day. The director of nursing services is responsible for the development and maintenance of nursing service objectives, standards of nursing practice, nursing policy and procedure manuals, written job descriptions for each level of nursing personnel, methods for coordination of nursing services with other patient services, and for recommending the number and levels of nursing personnel to be employed.

(b) *Standard: Charge nurse.* A registered nurse, or a qualified licensed practical nurse, is designated as charge nurse by the director of nursing services for each tour of duty, and is responsible for each tour of duty. The director of nursing services does not serve as charge nurse in a facility with an average daily occupancy of 50 or more patients. The charge nurse delegates responsibility to nursing personnel for the direct nursing care of specific patients during each tour of duty, on the basis of staff qualifications, size and physical layout of the facility, characteristics of the patient load, and the emotional, social, and nursing care needs of patients.

(c) *Standard: Twenty-four-hour nursing service.* The facility provides 24-hour nursing service which is sufficient to meet nursing needs in accordance with the policies developed as provided in § 405.1122(a) on patient care policies. The policies ensure that each patient receives treatments, medications, and diet as prescribed, and restorative nursing care as needed; receives proper care to prevent decubitus ulcers and deformities, and is kept comfortable, clean, well-groomed, and protected from accident and injury; and encouraged, assisted, and trained in self-care and group activities. Nursing personnel, including at least one registered nurse on the day tour of duty 5 days a week, licensed practical nurses, nurse aides, orderlies, and ward clerks, are assigned duties consistent with their education and experience, and based on the characteristics of the patient load and the kinds of nursing skills needed to provide care to the patients. Weekly time schedules are maintained and indicate the number and classification of nursing personnel, including relief personnel, who worked on each unit for each tour of duty.

(d) *Standard: Patient care plan.* In coordination with the other patient care services to be provided, a written patient care plan for each patient is developed and maintained by the nursing service consonant with the attending physician's plan of medical care, and is implemented upon admission. The plan indicates care to be given and goals to be accomplished and who is to give each element of care. The patient care plan is reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the patient.

(e) *Standard: Restorative nursing care.* The facility has an active program of restorative nursing care which is an integral part of nursing service and is directed toward assisting each patient to achieve and maintain an optimal level of self care and independence. Restorative nursing care services are performed and recorded daily.

(f) *Standard: Supervision of patient nutrition.* Nursing personnel are aware of the nutritional needs and food and fluid intake of patients and assist promptly where necessary in the feeding of patients. A procedure is established to inform the dietetic service of physicians' diet orders and of patients' dietetic problems. Food and fluid intake of patients is observed, and deviations from normal are recorded and reported to the charge nurse and the physician.

(g) *Standard: Administration of drugs.* Drugs are administered in compliance with State and local laws. Procedures are established to ensure that drugs are checked against physicians' orders, that the patient is identified prior to administration of a drug, and that each patient has an individual medication record and that the dose of drug administered to that patient is properly recorded therein by the person who administers the drug. Drugs and biologicals are administered as soon as possible after doses are prepared, and are administered by the same licensed person who prepared the doses for administration.

(h) *Standard: Conformance with physicians' drug orders.* Drugs are administered in accordance with written orders of the attending physician. Drugs, not specifically limited as to time or number of doses when ordered, are controlled by automatic stop orders or other methods in accordance with written policies. Physicians' oral orders for drugs are given only to a licensed nurse, pharmacist, or physician and are immediately recorded and signed. (Oral orders for Schedule II drugs are permitted only in the case of a bona fide emergency situation.) Such orders are countersigned by the attending physician within 48 hours. The attending physician is notified of an automatic stop order prior to the last dose so that he may decide if the prescription is to be renewed.

(i) *Standard: Storage of drugs and biologicals.* Drugs and biologicals in all areas of the facility are securely stored and maintained. Procedures for storing and disposing of drugs and biologicals are established by the pharmaceutical services committee. All drugs and biologicals, including those that require refrigeration, are stored in locked compartments, and only authorized personnel have access to the keys. Separately locked, permanently affixed compartments are provided for storage of controlled drugs listed in Schedule II in the Comprehensive Drug Abuse Prevention & Control Act of 1970, and other drugs subject to abuse, except under single unit package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected. An emergency medication kit approved by the pharmaceutical services committee is kept readily available.

§ 405.1125 Condition of participation—dietetic services.

The skilled nursing facility provides a hygienic dietetic service that meets the daily nutritional needs of patients, ensures that special dietary needs are met, and provides palatable and attractive meals. A facility that has a contract with an outside food management company may be found to be in compliance with this condition provided the facility and/or company meets all the standards listed herein.

(a) *Standard: Staffing.* Overall supervisory responsibility for the dietetic service is assigned to a full-time qualified dietetic service supervisor. If the dietetic service supervisor is not a qualified dietitian he functions with frequent, regularly scheduled consultation from a person so qualified. (See § 405.1121(h).) In addition, the facility employs sufficient supportive personnel competent to carry out the functions of the dietetic service. Food service personnel are on duty daily over a period of 12 or more hours. If consultant dietetic services are used, the consultant's visits are at appropriate times, and of sufficient duration and frequency to provide continuing liaison with medical and nursing staffs, advice to the administrator, patient counseling, guidance to the supervisor and staff of the dietetic service, approval of all menus, and participation in development or revision of

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dietetic policies and procedures and in planning and conducting inservice education programs.

(b) *Standard: Menus and nutritional adequacy.* Menus are planned and followed to meet nutritional needs of patients in accordance with physicians' orders and, to the extent medically possible, in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences.

(c) *Standard: Therapeutic diets.* Therapeutic diets are prescribed by the attending physician. Therapeutic menus are planned in writing, and prepared and served as ordered, with supervision or consultation from the dietitian and advice from the physician whenever necessary. A current therapeutic diet manual, approved jointly by the dietitian and medical staff, is readily available to attending physicians and nursing and dietetic service personnel.

(d) *Standard: Frequency of meals.* At least three meals or their equivalent are served daily, at regular times, with not more than a 14-hour span between substantial evening meal and breakfast. To the extent medically possible, bedtime nourishments are offered routinely to all patients.

(e) *Standard: Preparation and service of food.* Foods are prepared by methods that conserve nutritive value, flavor, and appearance, and are attractively served at the proper temperatures and in a form to meet individual needs. If a patient refuses food served, appropriate substitutes of similar nutritive value are offered.

(f) *Standard: Hygiene of staff.* Dietetic service personnel are free of communicable diseases and practice hygienic food-handling techniques. (See § 405.1121 (f).)

(g) *Standard: Sanitary conditions.* Food is procured from sources approved or considered satisfactory by Federal, State or local authorities, and stored, prepared, distributed, and served under sanitary conditions. Waste is disposed of properly. Written reports of inspections by State and local health authorities are on file at the facility, with notation made of action taken by the facility to comply with any recommendations.

§ 405.1126 Condition of participation—specialized restorative services.

In addition to restorative nursing (§ 405.1124(e)), the skilled nursing facility provides, or arranges for, under written agreement, specialized restorative services by qualified personnel (i.e., physical therapy, speech pathology and audiology, and occupational therapy) as needed by patients to improve and maintain functioning. These services are provided upon the written order of the patient's attending physician. Safe and adequate space and equipment are available, commensurate with the services offered. If the facility does not offer such services directly, it does not admit nor retain patients in need of this care unless provision is made for such services under arrangement with qualified outside resources under which the facility assumes professional and financial responsibilities for the services rendered. (See § 405.1121(k).)

(a) *Standard: Organization and staffing.* Specialized restorative services are provided, in accordance with accepted professional practices, by qualified therapists or by qualified assistants or other supportive personnel under the supervision of qualified therapists. Written administrative and patient care policies and procedures are developed for restorative services by appropriate therapists and representatives of the medical, administrative, and nursing staffs.

(b) *Standard: Plan of care.* Restorative services are provided under a written plan of care, initiated by the attending physician and developed in consultation with appropriate therapist(s) and the nursing service. Therapy is provided only upon written orders of the attending physician. A report of the patient's progress is communicated to the attending physician within 2 weeks of the initiation of specialized restorative services. The patient's progress is thereafter reviewed regularly, and the plan of restorative care is reevaluated as necessary, but at least every 30 days, by the physician and the therapist(s).

(c) *Standard: Documentation of services.* The physician's orders, the plan of restorative care, services rendered, evaluations of progress, and other pertinent information are recorded in the patient's medical record, and are dated and signed by the physician ordering the service and the person who provided the service.

(d) *Standard: Qualifying to provide outpatient physical therapy services.* If the facility provides outpatient physical therapy services, it meets the applicable health and safety regulations pertaining to such services as are included in Sub-Part Q of this Part.

§ 405.1127 Condition of participation—pharmaceutical services.

The skilled nursing facility provides appropriate methods and procedures for the dispensing and administering of drugs and biologicals. Whether drugs and biologicals are obtained from community or institutional pharmacists or stocked by the facility, the facility is responsible for providing such drugs and biologicals for its patients, insofar as they are covered under the programs, and for ensuring that pharmaceutical services are provided in accordance with accepted professional principles and appropriate Federal, State, and local laws.

(a) *Standard: Supervision of services.* The pharmaceutical services are under the general supervision of a professionally competent staff for developing, coordinating, and supervising all pharmaceutical services. The pharmacist (if not a full-time employee) devotes a sufficient number of hours during a regularly scheduled visit to carry out these responsibilities. The pharmacist reviews the drug regimen of each patient at least monthly, and reports any irregularities to the attending physician. The pharmacist submits a written report on the status of the facility's pharmaceutical service and staff performance at least quarterly.

(b) *Standard: Control and accountability.* The pharmaceutical service has procedures for control and accountability of all drugs and biologicals throughout the facility. Only approved drugs and biologicals are used in the facility, and are dispensed in compliance with Federal and State laws. Records of receipt and disposition of all controlled drugs are maintained in sufficient detail to enable an accurate reconciliation. The pharmacist determines that drug records are in order and that an account of all controlled drugs is maintained and reconciled.

(c) *Standard: Labeling of drugs and biologicals.* The labeling of drugs and biologicals is based on currently accepted professional principles, and includes the appropriate accessory and cautionary instructions, as well as the expiration date when applicable.

(d) *Standard: Pharmaceutical services committee.* A pharmaceutical services committee (or its equivalent) develops written policies and procedures for safe and effective drug therapy, distribution, control, and use. The committee is comprised of at least the pharmacist and one physician. The committee oversees pharmaceutical service in the facility, makes recommendations for improvement, and monitors the service to ensure its accuracy and adequacy.

§ 405.1128 Condition of participation—laboratory and radiologic services.

The skilled nursing facility has provision for promptly obtaining required laboratory, X-ray, and other diagnostic services.

(a) *Standard: Provision for services.* If the facility provides its own laboratory and X-ray services, these meet the applicable conditions established for certification of hospitals that are contained in §§ 405.1028 and 405.1029. If the facility itself does not provide such services, arrangements are made for obtaining these services from a physician's office, a participating hospital or skilled nursing facility, or a portable X-ray supplier or independent laboratory which is approved to provide these services under the program. All such services are provided only on the orders of the attending physician, who is notified promptly of the findings. Signed and dated reports of a clinical laboratory, X-ray, and other diagnostic services are filed with the patient's medical record.

(b) *Standard: Blood and blood products.* Blood handling and storage facilities are safe, adequate, and properly supervised. If the facility itself provides for maintaining and transfusing blood and blood products, they meet the conditions established for certification of hospitals that are contained in § 405.1028(j). If the facility does not provide its own facilities but does provide transfusion services alone, it meets at least the requirements of § 405.1028(j)(1), (3), (4), (6) and (9).

§ 405.1129 Condition of participation—dental services.

The skilled nursing facility has satisfactory arrangements to assist patients to obtain routine and emergency dental care (See § 405.1121(h).) (The basic Hospital Insurance Program does not cover the services of a dentist in a skilled nursing facility in connection with the care, treatment, filling, removal, or replacement of teeth or structures supporting the teeth; and only certain oral surgery is included in the Supplemental Medical Insurance Program.)

(a) *Standard: Advisory dentist.* An advisory dentist participates in the staff development program for nursing and other appropriate personnel and recommends oral hygiene policies and practices for the care of patients.

(b) *Standard: Arrangements for outside services.* The facility has a cooperative agreement with a dental service, and maintains a list of dentists in the community for patients who do not have a private dentist. The facility assists the patient, if neecssary, in arranging for transportation to and from the dentist's office.

§ 405.1130 Condition of participation—social services.

The skilled nursing facility has satisfactory arrangements for identifying the medically related social and emotional needs of the patient. It is not mandatory that the skilled nursing facility itself provide social services in order to participate in the program. If the facility does not provide social services, it has procedures for referring patients in need of social services to appropriate social agencies. If social services are offered by the facility, they are provided under a clearly defined plan, by qualified persons, to assist each patient to adjust to the social and emotional aspects of his illness, treatment, and stay in the facility.

(a) *Standard: Social service functions.* The medically related social and emotional needs of the patient are identified and services provided to meet them, either by qualified staff of the facility, or by referral, based on established procedures, to appropriate social agencies. If financial assistance is indicated, arrangements are made promptly for referral to an appropriate agency. The patient and his family or responsible person are fully informed of the patent's personal and property rights.

(b) *Standard: Staffing.* If the facility offers social services, a member of the staff of the facility is designated as responsible for social services. If the designated person is not qualified social worker, the facility has a written agreement with a qualified social worker or recognized social agency for consultation and assistance on a regularly scheduled basis. (See § 405.1121(h).) The social service also has sufficient supportive personnel to meet patient needs. Facilities are adequate for social service personnel, easily accessible to patients and medical and other staff, and ensure privacy for interviews.

(c) *Standard: Records and confidentiality of social data.* Records of pertinent social data about personal and family problems medically related to the patient's illness and care, and of action taken to meet his needs, are maintained in the patient's medical record. If social services are provided by an outside resource, a record is maintained of each referral to such resource. Policies and procedures are established for ensuring the confidentiality of all patients' social information.

§ 405.1131 Condition of participation—patient activities.

The skilled nursing facility provides for an activities program, appropriate to the needs and interests of each patient, to encourage self care, resumption of normal activities, and maintenance of an optimal level of psychosocial functioning.

(a) *Standard: Provision for patient activity.* A member of the facility's staff is designated as responsible for the patient activities program. If he is not a qualified patient activities coordinator, he functions with frequent, regularly scheduled consultation from a person so qualified. (See § 405.1121(h).)

(b) *Standard: Patient activities program.* Provision is made for an ongoing program of meaningful activities appropriate to the needs and interests of patients, designed to promote opportunities for engaging in normal pursuits, and approved by the patient's attending physician as not in conflict with the treatment plan. The activities are designed to promote the physical, social, and mental well-being of the patients.

§ 405.1132 Condition of participation—Medical records.

The facility maintains clinical (medical) records on all patients in accordance with accepted professional standards and practices. The medical record service has sufficient staff, facilities, and equipment to provide medical records that are completely and accurately documented, readily accessible, and systematically organized to facilitate retrieving and compiling information.

(a) *Standard: Staffing.* Overall supervisory responsibility for the medical record service is assigned to a full-time employee of the facility. The facility also employs sufficient supportive personnel competent to carry out the functions of the medical record service. If the medical record supervisor is not a qualified medical record administrator, this person functions with consultation from a person so qualified. (See § 405.1121(h).)

(b) *Standard: Protection of medical record information.* The facility safeguards medical record information against loss, destruction, or unauthorized use.

(c) *Standard: Content.* The medical record contains sufficient information to identify the patient clearly, to justify the diagnosis and treatment, and to document the results accurately. All medical records contain the following general categories of data: Documented evidence of assessment of the needs of the patient, of establishment of an appropriate plan of treatment, and of the care and services provided; authentication of hospital diagnoses (discharge summary, report from patient's attending physician, or transfer form), identification data and consent forms, medical and nursing history of patient, report of physical examination(s), diagnostic and therapeutic orders, observations and progress notes, reports of treatments and clinical findings, and discharge summary including final diagnosis and prognosis.

(d) *Standard: Physician documentation.* Only physicians enter or authenticate in medical records opinions that require medical judgment (in accordance with medical staff bylaws, rules, and regulations, if applicable). Each physician signs his entries into the medical record.

(e) *Standard: Completion of records and centralization of reports.* Current medical records and those of discharged patients are completed promptly. All clinical information pertaining to a patient's stay is centralized in the patient's medical record.

(f) *Standard: Retention and preservation.* Medical records are retained for a period of time not less than that determined by the respective State statute, the statute of limitations in the State, or 5 years in the absence of a State statute.

(g) *Standard: Indexes.* Patients' medical records are indexed according to name of patient and final diagnoses to facilitate acquisition of statistical medical information and retrieval of records for research or administrative action.

(h) *Standard: Location and facilities.* The facility maintains adequate facilities and equipment, conveniently located, to provide efficient processing of medical records (reviewing, indexing, filing, and prompt retrieval).

§ 405.1133 Condition of participation—Transfer agreement.

The skilled nursing facility has in effect a transfer agreement with one or more hospitals approved for participation under the programs, which provides the basis for effective working arrangements under which inpatient hospital care or other hospital services are available promptly to the facility's patients when needed. (A facility that has been unable to establish a transfer agreement with the hospital(s) in the community or service area after documented attempts to do so is considered to have such an agreement in effect.)

(a) *Standard: Patient transfer.* A hospital and a skilled nursing facility shall be considered to have a transfer agreement in effect if, by reason of a written agreement between them or (in case the two institutions are under common control) by reason of a written undertaking by the person or body which controls them, there is reasonable assurance that:

(1) Transfer of patients will be effected between the hospital and the skilled nursing facility, ensuring timely admission, whenever such transfer is medically appropriate as determined by the attending physician; and

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(2) There will be interchange of medical and other information necessary or useful in the care and treatment of individuals transferred between the institutions, or in determining whether such individuals can be adequately cared for otherwise than in either of such institutions.

Any skilled nursing facility which does not have such agreement in effect, but which is found by a State agency (of the State in which such facility is situated) with which an agreement under section 1864 is in effect (or, in the case of a State in which no such agency has an agreement under 1864, by the Secretary) to have attempted in good faith to enter into such an agreement with a hospital sufficiently close to the facility to make feasible the transfer between them of patients and the information referred to in paragraph (a)(2) of this section, shall be considered to have such an agreement in effect if and for so long as such agency (or the Secretary, as the case may be) finds that to do so is in the public interest and essential to assuring skilled nursing facility services for persons in the community who are eligible for payments with respect to such services under the programs.

§ 405.1134 Condition of participation—Physical environment.

The skilled nursing facility is constructed, equipped, and maintained to protect the health and safety of patients, personnel, and the public.

(a) *Standard: Life safety from fire.* The skilled nursing facility meets such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to nursing homes; except that, in consideration of a recommendation by the State survey agency, the Secretary may waive, for such periods as deemed appropriate, specific provisions of such Code which, if rigidly applied, would result in unreasonable hardship upon a skilled nursing facility, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of such Code shall not apply in any State if the Secretary finds, in accordance with applicable provisions of section 1861 of the Social Security Act, that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in skilled nursing facilities. Where the State agency has permitted by waiver the participation of an existing facility of two or more stories which is not of at least 2-hour fire resistive construction, blind, nonambulatory, or physically handicapped patients are not housed above the street level floor unless the facility is of 1-hour protected noncombustible construction (as defined in National Fire Protection Association Standard No. 220), fully sprinklered 1-hour protected ordinary construction, or fully sprinklered 1-hour protected woodframe construction. Nonflammable medical gas systems, such as oxygen and nitrous oxide, installed in the facility comply with applicable provisions of National Fire Protection Association Standard No. 56B (Standard for the Use of Inhalation Therapy) 1968 and National Fire Protection Association Standard No. 56F (Nonflammable Medical Gas Systems) 1970.

(b) *Standard: Emergency power.* The facility provides an emergency source of electricity necessary to protect the health and safety of patients in the event the normal electrical supply is interrupted. The emergency electrical power system must supply power adequate at least for lighting in all means of egress; equipment to maintain fire detection, alarm, and extinguishing systems; and life support systems. Where life support systems are used, emergency electrical service is provided by an emergency generator located on the premises.

(c) *Standard: Facilities for physically handicapped.* The facility is accessible to, and functional for, patients, personnel, and the public. All necessary accommodations are made to meet the needs of persons with semiambulatory disabilities, sight and hearing disabilities, disabilities of coordination, as well as other disabilities, in accordance with the American National Standards Institute (ANSI) Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped.

(d) *Standard: Nursing unit.* Each nursing unit has at least the following basic service areas: Nurses station, storage and preparation area(s) for drugs and biologicals, and utility and storage rooms that are adequate in size, conveniently located, and well lighted to facilitate staff functioning. The nurses station is equipped to register patients' calls through a communication system.

(e) *Standard: Patient rooms and toilet facilities.* Patient rooms are designed and equipped for adequate nursing care and the comfort and privacy of patients, and have no more than four beds. Single patient rooms measure at least 100 square feet, and multipatient rooms provide a minimum of 80 square feet per bed. Each room is equipped with, or is conveniently located near, adequate toilet and bathing facilities. Each room has direct access to a corridor and outside exposure, with the floor at or above grade level.

(f) *Standard: Facilities for special care.* Provision is made for isolating patients as necessary in single rooms ventilated to the outside, with private toilet and handwashing facilities. Procedures in aseptic and isolation techniques are established in writing and followed by all personnel. Such areas are identified by appropriate precautionary signs.

(g) *Standard: Dining and patient activities rooms.* The facility provides one or more attractively furnished rooms of adequate size designated for patient dining and for patient activities. These areas are well-lighted and well-ventilated. If a multipurpose room is used for dining and patient activities, there is sufficient space to accommodate all activities and prevent their interference with each other.

(h) *Standard: Kitchen and dietetic service areas.* The facility has kitchen and dietetic service areas adequate to meet food service needs. These areas are properly ventilated, and arranged and equipped for sanitary refrigeration, storage, preparation, and serving of food as well as for dish and utensil cleaning and refuse storage and removal.

(i) *Standard: Other environmental considerations.* The facility provides a functional, sanitary, and comfortable environment for patients, personnel, and the public. Provision is made for adequate and comfortable lighting levels in all areas, limitation of sounds at comfort levels, maintaining a temperature of at least 75° F., procedures to ensure water to all essential areas in the event of loss of normal water supply, and adequate ventilation through windows or mechanical means or a combination of both.

§ 405.1135 Condition of participation—Environmental services.

The skilled nursing facility establishes an infection control committee of representative professional staff with responsibility for overall infection control in the facility. All necessary housekeeping and maintenance services are provided to maintain a sanitary and comfortable environment and to help prevent the development and transmission of infection.

(a) *Standard: Infection control committee.* The infection control committee, composed of members of the medical and nursing staffs, administration, and other services, establishes policies and procedures for investigating, controlling, and preventing infections in the facility, and monitors staff performance to ensure that the policies and procedures are executed.

(b) *Standard: Aseptic and isolation techniques.* Written effective procedures in aseptic and isolation techniques are followed by all personnel.

(c) *Standard: Housekeeping.* The facility employs sufficient housekeeping personnel and provides all necessary equipment to maintain a safe, clean, orderly, and attractive interior. Nursing personnel are not assigned housekeeping duties.

(d) *Standard: Linen.* The facility has available at all times a quantity of linen essential for proper care and comfort of patients. Linens are handled, stored, processed, and transported in such a manner as to prevent the spread of infection.

(e) *Standard: Pest control.* The facility is maintained free from insects and rodents through operation of a pest control program.

(f) *Standard: Maintenance of equipment, building, and grounds.* The facility establishes a written preventive maintenance program to ensure that equipment is operative and that the interior and exterior of the building are clean, orderly, and attractive. All essential mechanical, electrical, and patient care equipment is maintained in safe operating condition.

§ 405.1136 Condition of participation—disaster preparedness.

The skilled nursing facility has a written plan, periodically rehearsed, with procedures to be followed in the event of an internal or external disaster and for the care of casualties (patients and personnel) arising from such disasters.

(a) *Standard: Disaster plan.* The facility has an acceptable written plan in operation, with procedures to be followed in the event of fire, explosion, or other disaster. The plan is developed and maintained with the assistance of qualified fire, safety, and other appropriate experts, and includes procedures for prompt transfer of casualties and records, instructions regarding the location and use of alarm systems and signals and of fire-fighting equipment, information regarding methods of containing fire, procedures for notification of appropriate persons, specifications of evacuation routes and procedures, and frequency of fire drills.

(b) *Standard: Staff training and drills.* All employees are trained, as part of their employment orientation, in all aspects of preparedness for any disaster. The disaster program includes orientation and ongoing training and drills for all personnel in all procedures so that each employee promptly and correctly carries out his specific role in case of a disaster. (See § 405.1121(g).)

§ 405.1137 Condition of participation—utilization review.

The skilled nursing facility carries out utilization review of the services provided in the facility at least to inpatients who are entitled to benefits under the program(s). Utilization review has as its overall objectives both the maintenance of high quality patient care and assurance of appropriate and efficient utilization of facility services. The Secretary may waive the requirements of this section upon demonstration by the Medicaid single State agency that it has in operation utilization review procedures that are more effective than those required by this section.

(a) *Standard: Written plan of utilization review activity.* The facility has a written, currently applicable utilization review plan, approved by the governing body and the medical director or organized medical staff (if applicable), which includes at least the following: (1) procedures for medical care evaluation studies, and for dissemination and followup of study findings and committee recommendations; (2) definition of the period(s) of extended duration and procedures for review of individual cases of extended duration; (3) a method for identifying patients other than by name (e.g., medical record number); and (4) provision for maintaining written records of committee activities.

(b) *Standard: Composition and organization of utilization review committee.* The committee or group responsible for utilization review is composed of two or more physicians and, optionally, other professional personnel. All medical determinations are made by the physician members of the committee. The committee may be one or more staff committees within the facility, a group outside the facility which is established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a group established in a manner approved by the Secretary; or, if required by the Secretary, a utilization review mechanism carried out by the State Medicaid agency as provided in section 1903(i)(4) of the Social Security Act. No physician committee member has a financial interest, direct or indirect, in the facility unless the Secretary finds that the financial interest held by such physician is not significant and presents no conflict of interest, or, for an interim period of time, utilization review cannot be made in any alternative manner because of the nonavailability of other physicians to serve as members of the committee. No physician reviews any case in which he was professionally involved.

(c) *Standard: Medical care evaluation studies.* Medical care evaluation studies are performed to insure the medical necessity of services, and to promote the most effective and efficient use of available health facilities and services consistent with patient needs. Studies, which could include assessment of findings resulting from periodic medical review, emphasize identification and analysis of patterns of patient care and changes indicated to maintain consistent high quality of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and serves as the basis for recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to, admissions, durations of stay, and professional services (including drugs and biologicals) furnished. At least one study is in progress at any given time.

(d) *Standard: Review of cases of extended duration.* Periodic review is made of each current inpatient skilled nursing facility beneficiary case of continuous extended duration, the length of which is defined in the utilization review plan, to determine whether further inpatient stay is necessary. Reviews may also be applied to patients not covered by the program, and/or to cases where duration of stay has not yet reached the definition(s) of extended duration. The plan may specify a different number of days for different diagnostic classes of cases, or may use the same number of days for all cases. In any event, the period(s) specified bears a reasonable relationship to current average length-of-stay statistics, and in no event exceeds 21 days from admission. In cases for which advance approval of payment has been made, the period(s) of extended duration may be defined as that period for which payment has been approved. If the initial review of a case indicates that the patient needs further inpatient stay, subsequent reviews for medical necessity are made no more than 30 days later and every 30 days thereafter. A review is made and a final determination regarding the patient's further care is reached no later than 7 days following the time period specified as the period of extended duration in the utilization review plan.

(e) *Standard: Admission or further stay not medically necessary.* Final determination regarding the necessity for admission or for further stay, including stay beyond the period of extended duration, is limited to physician members of the committee, and may be made by the full physician complement, a subcommittee, or a single committee physician. When a single committee physician has decided that admission is not medically necessary or is inappropriate, or that further stay is no longer medically necessary, further concurrence is obtained as specified in the plan (to include at least a second committee physician when possible) within the 7-day period. If committee members determine, from an extended duration review or a medical care evaluation study, that further stay is not medically necessary, the attending physician is consulted or given the opportunity for consultation, and notification is made in writing within 48 hours by the committee to the administration, the attending physician, and the patient or his representative.

(f) *Standard: Administrative responsibilities.* The administrative staff of the facility is kept directly and fully informed of committee activities to facilitate support and assistance. The administrator studies and acts upon recommendations made by the committee, coordinating such functions with appropriate staff members.

(g) *Standard: Utilization review records.* Written records of committee activities are maintained. Appropriate reports, signed by the committee chairman, are made regularly to the medical staff, administrative staff, governing body, and sponsors (if any). Minutes of each committee meeting are maintained and include at least:

(1) Name of committee;

(2) Date and duration of meeting;

(3) Names of committee members present and absent;

(4) Description of activities presently in progress to satisfy the requirements for medical care evaluation studies, including the subject and reason for study, dates of commencement and expected completion, summary of studies completed since the last meeting, conclusions, and followup on implementation of recommendations made from previous studies; and

(5) Summary of extended duration cases reviewed, including the number of cases, case identification numbers, admission and review dates, and decisions reached, including the basis for each determination and action taken for each case not approved for extended care.

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Subpart O—Providers of Services, Independent Laboratories, and Suppliers of Portable X-ray Services; Determinations and Appeals Procedures

11. Section 405.1501 is revised to read as follows:

§ 405.1501 Providers of services, emergency service hospitals, independent laboratories, and suppliers of portable X-ray services; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, skilled nursing facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this Part, as appropriate; whether an institution is a hospital, as such term is included in section 1861(e) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658); the termination of the Secretary's agreement with a provider of services for cause (see § 405.614); whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; and whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part).

(b) Any institution, facility, agency, or clinic dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services may request a reconsideration of that determination (see § 405.1510). If dissatisfied with the reconsidered determination, or with an initial determination terminating the Secretary's agreement with it for cause, an institution, facility, agency, or clinic is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

(c) Any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination (see § 405.1502) that its services do not meet the condition for coverage (see Subparts M and N of this Part 405) may request a reconsideration of that determination (§ 405.1510). If dissatisfied with the reconsidered determination or where a determination had been made that an independent laboratory's or portable X-ray supplier's services met the respective conditions for coverage, with an initial determination thereafter that its services no longer meet the respective conditions for coverage, a laboratory or portable X-ray supplier may request a hearing thereon (see § 405.1530), and if dissatisfied with the decision of the hearing examiner may request Appeals Council review. A laboratory or portable X-ray supplier is not entitled to judicial review of the Secretary's final decision after such hearing and review.

(d) To be a participating provider of services, eligible for payment, a provider must be in compliance with Title VI of the Civil Rights Act of 1964 and must enter into an agreement with the Secretary under section 1866 of the Social Security Act (see Subpart F of this Part 405). The provisions of this Subpart O do not govern in any respect the adjudication of issues related to the compliance of an institution or agency with Title VI of the Civil Rights Act of 1964, or the implementing regulation (45 CFR Part 80) issued by the Secretary of Health, Education, and Welfare.

(e) Any institution which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year, may request a reconsideration of that determination (see § 405.1510). If dissatisfied with the reconsidered determination, or where the institution's election to claim payment for all such services furnished in a calendar year has been accepted for filing, with an initial determination thereafter of its failure to remain in compliance with the qualifications for claiming such payments for such calendar year, the institution is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

§§ 405.1502, 405.1510, 405.1513, 405.1514, 405.1515, 405.1518, 405.1542 [Amended]

12. In §§ 405.1502, 405.1510, 405.1513, 405.1514, 405.1515, 405.1518, and 405.1542 (a), the word "Administration" is changed to "Secretary."

13. Paragraph (b) of § 405.1502 is amended by revising subparagraph (2) to read as follows:

§ 405.1502 Initial determinations.

The Secretary will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

* * * * *

(b) * * *

(2) Whether an independent laboratory or supplier of portable X-ray services continues to meet the appropriate conditions for coverage of its services; and

* * * * *

14. Section 405.1503 is revised to read as follows:

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to whether an institution is or is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act; or with respect to the termination of an agreement for cause; or with respect to whether an institution continues to remain in compliance with the qualifications for claiming emergency services reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; or with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1510 and 405.1530).

15. Section 405.1505 is revised to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

(a) The finding that an institution, facility, agency or clinic determined to be a provider has deficiencies with respect to one or more conditions of participation, or that an independent laboratory or supplier of portable X-ray services, determined to be in substantial compliance with the conditions, has deficiencies with respect to one or more conditions for coverage of services of independent laboratories or suppliers of portable X-ray services.

(b) The finding that an institution, facility, or agency does not meet the conditions for participation as set out in Subparts J, K, or L of this Part, as appropriate, but only where such institution, facility, or agency is nevertheless approved as a provider of services on the basis of a special access certification.

(c) The finding that the services of a laboratory are covered under the health insurance program because the laboratory is not independent of a hospital for purposes of section 1861(s) (10) and (11) of the Act and the laboratory meets the health and safety standards prescribed for such laboratories.

(d) The finding that laboratory services are physician's services for the reason that the laboratory is being maintained primarily for the physician's patients, and such physician's services are covered under the supplementary medical insurance program.

(e) The refusal by the Secretary to accept for filing an agreement submitted by an institution, facility, agency, or clinic under the terms of section 1866 of the Social Security Act where such institution, facility, agency, or clinic:

(1) Is not in compliance with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); or

(2) Has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending under such law.

(f) The finding that, pursuant to § 405.616, a provider may not file another agreement, where such provider's agreement has been terminated under the conditions described in §§ 405.604, 405.613, or 405.614.

(g) The finding that an institution is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act, if such findings are not made in accordance with the provisions of §§ 405.1502(d) (1) or (2) and 405.1503.

(h) The refusal to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658), where such institution has previously charged an individual or other person for emergency hospital services furnished to the individual in such calendar year.

(i) The refusal to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year.

(j) The finding that, pursuant to § 405.659, an institution is not eligible to file an election to claim emergency services reimbursement after its failure to continue to comply.

16. Paragraph (b) of § 405.1511 is revised to read as follows:

§ 405.1511 Time and place of filing request for reconsideration.

* * * * *

(b) The request for consideration must be filed within 6 months after the date of the mailing of the notice of the initial determination unless the time for filing is extended as provided in § 405.1518. The request is to be filed with the Secretary or with an employee of the Department of Health, Education, and Welfare authorized to accept such requests at a place other than such office. A request for reconsideration which has been timely filed with the State agency that performed the survey and certification function will be considered to have been filed with the Secretary.

17. Section 405.1519 is revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, or that an institution qualifies to elect to claim payment for all emergency hospital services furnished in a calendar year, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Secretary upon his own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination (see § 405.1520).

18. Section 405.1531 is revised to read as follows:

§ 405.1531 Filing a request for a hearing; time and manner of filing.

The request for a hearing shall be made in writing, signed by a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Department of Health, Education, and Welfare or with an Administrative Law Judge (formerly called "hearing examiner") or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502(b)(2), (c), or (d)(2), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

19. Section 405.1532 is revised to read as follows:

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the prior determination (see §§ 405.1502(b)(2), (c), and (d)(2), 405.1514, and 405.1519) and the Bureau of Health Insurance as representing the Secretary. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

§§ 405.1537, 405.1545 [Amended]

20. In §§ 405.1537 and 405.1545, the words "Bureau of Health Insurance" are changed to "Secretary."

21. Paragraph (b) of § 405.1542 is revised to read as follows:

§ 405.1542 Hearing on new issues.

* * * * *

(b) On the application of either party, or on his own motion, in lieu of considering any new issue to the manner described in the preceding paragraph, the Administrative Law Judge may remand the case for consideration of the new issue and, where appropriate, a determination. Where necessary the Administrative Law Judge may direct that the case be returned to him for further proceedings. See also § 405.1560.

22. Section 405.1544 is revised to read as follows:

§ 405.1544 Subpoenas.

When reasonably necessary for the full presentation of a case, the Administrative Law Judge may upon his own motion, or upon the request of a party to the hearing, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. A party which desires the issuance of a subpoena shall, not less than 5 days prior to the time fixed for a hearing, file with the Administrative Law Judge a written request therefor, designating the witnesses or documents to be produced, and describing the address and location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witnesses or documents and whether such facts could be established by other evidence without the use of a subpoena. A subpoena issued under the provisions of this section shall be issued in the name of the Secretary who shall pay the cost of the issuance and the fees and the mileage of any witnesses so subpoenaed, as provided in section 205(d) of the Act.

23. Section 405.1550 is revised to read as follows:

§ 405.1550 Waiver of right to appear and present evidence.

If the institution, facility, agency, clinic, laboratory, or portable X-ray supplier waives its right to appear before the Administrative Law Judge and present testimony, it shall not be necessary for the Administrative Law Judge to give notice of and conduct an oral hearing. A waiver of this right shall be made in writing and filed with the Administrative Law Judge. A waiver may be withdrawn by an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, for good cause shown, at any time prior to the mailing of notice of the decision in the case. Even though an institution, facility, agency, clinic, laboratory, or portable X-ray supplier has filed a waiver of a hearing before an Administrative Law Judge, the Administrative Law Judge may nevertheless give notice of a time and place and conduct a hearing if he believes that testimony of the representatives of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier or other persons is needed to clarify the facts in issue, or on a showing of good cause by the Bureau of Health Insurance as representing the Secretary of the need to present oral evidence. When such a waiver has been filed and no testimony received, the Administrative Law Judge shall make a record of the relevant written evidence, including applications, written statements, certificates, affidavits, reports, and other documents which were considered in connection with the initial, reconsidered, or revised determination (see §§ 405.1502, 405.1514, and 405.1519), and whatever additional relevant and material evidence was submitted by the parties for consideration by the Administrative Law Judge. Any additional evidence submitted by either party shall be furnished to the other party and that party shall be given a reasonable opportunity to submit further evidence in rebuttal. The parties may submit briefs or other written statements of evidence and/or proposed findings of fact or conclusions of law, copies of which shall be sent in accordance with § 405.1595. After the Administrative Law Judge sets the case for oral hearing and gives notice of the time and place set for the hearing, the request for hearing shall be dismissed in accordance with § 405.1552 where the institution, facility, agency, clinic, laboratory, or portable X-ray supplier fails to appear without good cause.

24. Section 405.1560 is revised to read as follows:

§ 405.1560 Remand by the Administrative Law Judge.

At the request of the Bureau of Health Insurance representing the Secretary and with the written or on-the-record concurrence of the other party to the hear-

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ing, the Administrative Law Judge may remand any case properly before him for a determination satisfactory to such other party. Such remand may be made at any time after the request for hearing and before mailing of the notice of decision.

25. Section 405.1563 is revised to read as follows:

§ 405.1563 Action by the Appeals Council on request for review.

The review or denial of the Administrative Law Judge's decision shall be conducted by a panel of at least two members of the Appeals Council designated by the Chairman or Deputy Chairman and one person from the U.S. Public Health Service designated by the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, or his delegate. Except as provided in § 405.1568, the Appeals Council shall review the Administrative Law Judge's decision or dismissal where an institution, facility, agency, clinic, laboratory, or portable X-ray supplier, files a request for review. The Appeals Council may dismiss, deny or grant a request for review filed by the Bureau of Health Insurance as representing the Secretary. If the review is granted, the Appeals Council may either modify, affirm, or reverse the Administrative Law Judge's decision. Notice of the action by the Appeals Council shall be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier and the Bureau of Health Insurance.

§§ 405.1590, 405.1591 [Amended]

26. In §§ 405.1590 and 405.1591, the words "Social Security Administration" are changed to "Secretary."

Subpart T—Certification Procedure for Providers and Suppliers of Services

27. Subpart T is added to read as follows:

Sec.
405.1901 The certification process.
405.1902 Certification by State Agency.
405.1903 Documentation of findings.
405.1904 Periodic certification of compliance and approval.
405.1905 Certification of noncompliance.
405.1906 Determining compliance.
405.1907 Providers or suppliers with deficiencies.
405.1908 Special requirements applicable to skilled nursing facilities with deficiencies.
405.1909 Special requirements applicable to independent laboratories.
405.1910 Special hospital certification.

AUTHORITY: Secs. 1102, 1814, 1861, 1865, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 249, as amended, 79 Stat. 313–327, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.1901 The certification process.

(a) A prospective provider or supplier of services which meets the applicable statutory definitions contained in section 1861 (e), (f), (g), (j), (o), (p) (4), (s) (3) or (s) (10) of the Social Security Act and which is found to be in compliance with each of the conditions where applicable prescribed by the Secretary may agree to become a provider or supplier of services upon acceptance by the Secretary. Health and safety requirement prescribed by the Secretary are set forth in the conditions of participation for hospitals, skilled nursing facilities, home health agencies, rehabilitation agencies, clinics, and public health agencies (see Subparts J, K, L, and (Q), and in the conditions for coverage of independent laboratories and portable X-ray suppliers (see Subparts M and N).

(b) Hospitals currently accredited by the Joint Commission on Accreditation of Hospitals or by the American Osteopathic Association are deemed to meet all of the conditions of participation, except the requirements for utilization review as described in section 1861(e)(6) of the Act and any standard promulgated by the Secretary which is higher than the requirements for accreditation as specified in section 1861(e)(9) of the Act, and, in the case of tuberculosis and psychiatric hospitals, the additional staffing and medical records requirements considered necessary for the provision of intensive care. Notwithstanding that a hospital is accredited by the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association, it may be subject to a survey by State and/or Federal survey personnel. In such cases a copy of the latest JCAH or AOA survey report will be released to the Secretary (on a confidential basis) with the hospital's concurrence. If the hospital declines to authorize such release, it will lose its deemed status and will be subject to the regular State agency survey procedure. Such surveys will be conducted on a sample basis to validate the JCAH and AOA accreditation process or in response to substantial allegations or evidence of a condition adverse to the health and safety of patients in an accredited hospital. If such a survey reveals noncompliance with one or more statutory or regulatory requirements, the hospital must come into compliance with the Health Insurance for the Aged and Disability Program requirements.

(c) The Secretary may, at the request of a State, approve higher health and safety requirements for that State. Also, where a State or political subdivision imposes higher requirements as a condition for the purchase of health services under a State plan approved under titles I, XVI, or XIX of the Social Security Act, the Secretary is required to impose like requirements as a condition to the payment for services under title XVIII in such institutions or agencies in the State or subdivision.

(d) Attention is invited to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance (section 601), and to the implementing regulations issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 405.1902 Certification by State agency.

(a) Section 1864(a) of the Social Security Act provides that the services of State agencies, operating under agreements with the Secretary, will be used by the Secretary in determining whether providers or prospective providers meet the conditions of participation or suppliers meet the conditions for coverage. Pursuant to these agreements, State agencies will survey each provider and supplier and certify to the Secretary as to whether they are found to be in compliance with the conditions of participation and/or coverage.

(b) In the case of skilled nursing facilities completing the second of two successive agreements of provisions for certification in effect under title XIX prior to July 1, 1973, and having the same deficiencies which occasioned the two agreements, the State survey agency will review the performance of such facility (which may be limited to a review of the documentation of record) in providing safe and adequate patient care and in completing correction of deficiencies. On the basis of such evaluation, the State survey agency will recommend to the Secretary that:

(1) Termination proceedings under title XVIII should be initiated; or

(2) Recertification issued by the Secretary should be continued for a period of up to 6 months from the date of the expiration of the second 6-month agreement under title XIX, by which time the facility must have corrected the standards that have been out of compliance through two such successive agreements; or

(3) Recertification issued by the Secretary should be continued for a period of no longer than 12 months from the date of the last title XVIII recertification subject to a cancellation clause that the certification will expire on a predetermined date which is no later than the 60th day following the end of the time period specified for the correction of deficiencies, unless the Secretary has determined all standards out of compliance though two such successive agreements have been corrected.

(c) The certifications by the State agency represent recommendations to the Secretary. The Secretary, on the basis of such certifications by the State agency will determine whether a provider or supplier is eligible to participate in the Health Insurance for the Aged Program. Notice of determination of eligibility or noneligibility will be sent to the provider or supplier.

§ 405.1903 Documentation of findings.

(a) The findings of the State agency with respect to each of the conditions of participation or conditions for coverage shall be adequately documented. Where the State agency certifies to the Secretary that a provider or supplier is not in compliance with the conditions, such documentation includes, in addition to the description of the specific deficiencies which resulted in the agency's recommendation, a report of all consultation which has been undertaken in an effort to assist the provider or supplier to comply with the conditions, a report of the provider's or supplier's responses with respect to the consultation, and the State agency's assessment of the prospects for such improvements as to enable the provider or supplier to achieve compliance with the conditions within a reasonable period of time. (See § 405.1907.)

(b) If a provider or supplier is certified by the State agency as in compliance with the conditions or as meeting the requirements for special certification (see § 405.1910), with deficiencies not adversely affecting the health and safety of patients, the following information will be incorporated into the finding:

(1) A statement of the deficiencies which were found, and

(2) A description of further action which is required to remove the deficiencies, and

(3) A time-phased plan of correction developed by the provider and supplier and concurred with by the State agency, and

(4) A scheduled time for a resurvey of the institution or agency to be conducted by the State agency within 90 days following the completion of the survey.

(c) If, on the basis of the State certification, the Secretary determines that the provider or supplier is eligible to participate, the information described in paragraph (b) of this section will be incorporated into a notice of eligibility to the provider or supplier.

§ 405.1904 Periodic certification of compliance and approval.

(a) Initial certifications and recertifications by the State agency to the effect that a provider or supplier is in compliance with all the conditions of participation will be for a period of 12 months. (See paragraph (b) of this section for periods of certification applicable to skilled nursing facilities.) State agencies. State agencies may visit or resurvey providers or suppliers more frequently where necessary to evaluate correction of deficiencies, ascertain continued compliance, or to accommodate to periodic or cyclical survey programs. A State finding and certification to the Secretary that a provider or supplier is no longer in compliance will supersede the State's previous certification.

(b) Periods of certification and approval applicable to skilled nursing facilities. A certification of a skilled nursing facility shall be for a period of up to 12 months, subject to the provision that any agreement filed by a skilled nursing facility with the Secretary under section 1866 of the Social Security Act and accepted by him prior to October 30, 1972, shall be deemed to be for a specified period ending December 31, 1973. A certification for less than 12 months may be issued in appropriate situations, based on such factors as the nature of deficiencies which may exist and the degree of progress achieved in correcting prior deficiencies. An agreement with a skilled nursing facility may, at the option of the Secretary, also be subject to automatic cancellation based upon a failure to correct deficiencies. (See § 405.604.) (See § 405.1908 where a standard is not met during the period of a certification.)

§ 405.1905 Certification of noncompliance.

(a) The State agency will certify that a provider or supplier is not or is no longer in compliance with the conditions of participation or conditions for coverage where the deficencies are of such character as to substantially limit the provider's or supplier's capacity to render adequate care or which adversely affect the health and safety of patients, or

(b) If it is determined by the Secretary that an institution or agency is not in compliance with the conditions of participation or that an institution or agency is no longer in compliance and the participation agreement is terminated under the conditions described in § 405.614, the institution or agency has the right to request that the determination be reviewed.

§ 405.1906 Determining compliance.

The decision as to whether there is compliance with a particular condition of participation or condition for coverage will depend upon the manner and degree to which the provider or supplier satisfies the various requirements contained in the standards applicable to such condition. Evaluation of a provider's performance against these standards will enable the State survey agency to document the nature and extent of deficiencies, if any, with respect to a particular function, and to assess the need for improvement in relation to the prescribed conditions.

§ 405.1907 Providers or suppliers with deficiencies.

(a) If a provider or supplier is found to be deficient with respect to one or more of the standards in the conditions of participation or conditions for coverage, it may participate in or be covered under the Health Insurance for the Aged Program only if the facility has submitted an acceptable plan of correction for achieving compliance within a reasonable period of time acceptable to the Secretary. The existing deficiencies must not be of such character as to seriously limit the capacity of the provider to render adequate care or to adversely affect the health and safety of patients. (See § 405.1908 for special requirements applicable to skilled nursing facilities.)

(b) If it is determined during a survey that a provider or supplier is not in compliance with one or more of the standards, it will be granted a reasonable time to achieve compliance. The amount of time will depend upon the nature of the deficiency and the State survey agency's judgment as to the capabilities of the facility to provide adequate and safe care. Ordinarily a provider or supplier will be expected to take the steps needed to achieve compliance within 60 days of being notified of the deficiencies but the State survey agency may recommend that additional time be granted by the Secretary in individual situations, if in its judgment it is not reasonable to expect compliance within 60 days, e.g., a facility must obtain the approval of its governing body, or engage in competitive bidding.

§ 405.1908 Special requirements applicable to skilled nursing facilities with deficiencies.

(a) Where the facility is not in compliance with all standards contained in Subpart K of Regulations 5, the period of certification shall:

(1) Be restricted to a period corresponding to the full period of time (not to exceed 12 full calendar months) specified in a written plan which the Secretary has approved providing for the correction of deficiencies in its qualifications in meeting the requirements for participation; or

(2) Provide a conditional period of 12 full months, subject to an automatic cancellation clause, the certification will expire on a predetermined date which is no later than the 60th day following the end of the time period specified for the correction of deficiencies unless the Secretary determines that all required corrections have been satisfactorily completed or that the facility has made substantial effort and progress in correcting such deficiencies and has resubmitted in writing a plan of correction acceptable to the Secretary.

(b) If the facility continues to be out of compliance with the same standard(s) at the end of the term of the agreement, a new agreement may not be executed.

(c) When an agreement with a skilled nursing facility is terminated at the end of its specified term (including the automatic cancellation of agreement), see § 405.604(c) for public notice and the right to request review.

(d) If the latest survey discloses that a skilled nursing facility that had standards out of compliance during the last survey is no longer in compliance with a standard that was previously met, a new period of certification may be approved only if, in the judgment of the Secretary, the new deficiency(ies) has occurred:

(1) Despite adequately documented intensive efforts or for reasons beyond its control, the skilled nursing facility was unable to maintain compliance and

(2) Despite the deficiency the facility is making the best use of its resources to render adequate care.

(e) If a skilled nursing facility can document to the State's satisfaction that it achieved compliance with a previously unmet standard during the period of certification but for reasons beyond its control, e.g., loss of key staff member, was found out of compliance by the time of the next survey, this may be treated as a

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new deficiency instead of a carry-over deficiency unless in the judgment of the Secretary the facility did not make a good faith effort to maintain compliance with the standard.

§ 405.1909 Special requirements applicable to independent laboratories.

(a) The services of a qualified independent laboratory for which reimbursement may be made under the supplementary medical insurance program relate only to diagnostic tests performed in an independent laboratory as defined in § 405.1311(a). Diagnostic laboratory tests for purposes of section 1861(s) (10) and (11) of the Act and for purposes of this Subpart T shall include only those clinical and anatomical pathology diagnostic tests and procedures defined in § 405.1311(b). Diagnostic tests furnished by out-of-hospital physicians whose primary practice is directly attending patients and/or consultation as defined in § 405.1311(f), even though conducted partly through diagnostic procedures, are considered physicians' services rather than clinical laboratory services.

(b) A laboratory that requests an initial certification, or recertification by reason of a change in a director, but which meets all other requirements of Subpart M, except whose directory qualifies solely under the provisions of § 405.1312(b)(4) can be certified provided such laboratory requests approval based on such director's qualifications no later than 1 year following the date of publication of these regulations.

(c) Independent laboratories previously found in compliance, but which have had their approval revoked in total or in a specialty or subspecialty because of unsatisfactory performance in proficiency testing, may subsequently be certified by the State agency and determined by the Secretary to be in compliance with the conditions where:

(1) After a 6-month period, an appraisal of the laboratory's performance in a proficiency testing program as defined in § 405.1311(c) reflects satisfactory test results on at least two sets of specimens, or

(2) After a 3-month period, the State agency's assessment of the laboratory's performance in examining proficiency test samples, analyzed during at least two State agency onsite visits, establishes the laboratory's competency.

(d) A laboratory which meets the requirements of § 405.1907 or paragraph (c) of this section may continue to be certified by the State agency and determined by the Secretary to be in compliance with these conditions where it (1) timely reports a change in ownership, location, directors or supervisors, or (2) it permits a State agency to conduct an onsite visit or survey at any time during the laboratory's regular hours of operations.

§ 405.1910 Special hospital certification.

(a) *General.* Where, by reason of factors such as isolated location or absence of sufficient facilities in an area, the failure to approve a hospital would seriously limit the access of beneficiaries to needed inpatient care, a hospital may under special conditions and upon recommendation by the State agency, be approved by the Secretary as a provider of services. Such approvals will be granted only when there are no deficiencies of such character and seriousness as to place health and safety of individuals in jeopardy. A hospital receiving this special approval shall furnish information showing the extent to which it is making the best use of its resources to improve its quality of care.

(b) *Minimum compliance requirements.* Each case will have to be decided on its individual merits, and while the degree and extent of compliance will vary, the institution must, as a minimum, meet all of the statutory conditions in section 1861(e)(1)–(8), in addition to meeting such other requirements as the Secretary finds necessary under section 1861(e)(9) except for emergency services by a nonparticipating hospital (see Subpart D of these regulations). (For further information relating to the exception in section 1861(e)(5) of the Act, see paragraph (b) of this section.)

(c) *Waiver of 24-hour registered nurse requirement.* For a period ending January 1, 1976, the Secretary is authorized to waive the requirement contained in section 1861(e)(5) that a hospital must provide 24-hour nursing service rendered or supervised by a registered nurse. Such a waiver may be granted for any 1-year period upon acceptance by the Secretary of findings adequately documented and certified by the State agency, that the following criteria are met:

(1) The hospital complies with all other requirements for special certification outlined above.

(2) At least one registered nurse is employed full-time and sufficient other registered nurses are employed to assure that the day tour of duty is covered by a registered nurse 7 days a week.

(3) The hospital has in charge, on all tours of duty not covered by a registered nurse, a licensed practical (vocational) nurse who is a graduate of a State-approved school of practical (vocational) nursing or one who has passed a proficiency examination when such examinations are available and approved by the Secretary. Until such time as this examination is available, waivered licensed practical (vocational) nurses may serve as charge nurses.

(4) The hospital is located in a rural area and the supply of hospital services in such area is not sufficient to meet the needs of individuals residing therein and the failure to qualify as a participating hospital would seriously reduce the availability of such services to such individuals.

(5) The hospital has made and continues to make a good faith effort to comply with section 1861(e)(5), but such compliance is impeded by the lack of qualified nursing personnel in such area.

[FR Doc.73-14106 Filed 7-11-73;8:45 am]

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Early Withdrawals

The Board of Governors has amended its rules on the payment of time deposits by member banks prior to maturity. Formerly, a time deposit could be paid before maturity only in an emergency where it was necessary to prevent great hardship to the depositor. Under the new rules, a member bank is permitted to pay a time deposit before maturity, but in such event the bank can pay interest on the amount withdrawn at a rate not to exceed the maximum rate prescribed for a savings deposit during the period the funds have remained on deposit, less three months.

Effective immediately, the Board has amended § 217.4(d) of its Regulation Q (12 CFR Part 217) to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty for early withdrawals.* Where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that currently prescribed in § 217.7 for a savings deposit: *Provided*, That the depositor shall forfeit three months of interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited. Where necessary to comply with the requirements of this paragraph, any interest already paid to or for the account of the depositor shall be deducted from the amount requested to be withdrawn.

* * * * *

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e).

By order of the Board of Governors, July 5, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14328 Filed 7-12-73;8:45 am]

[REG. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

The Board of Governors has increased the maximum rates of interest that a member bank may pay on time and savings deposits. The Board also suspended, for the time being, the limitations on the rates of interest which may be paid by a member bank on a single maturity time deposit of $1,000 or more with a maturity of 4 years or more. Both actions were taken pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits in member banks.

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2 (e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective July 1, 1973, § 217.7 of the Board's Regulation Q is amended to read as follows.

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates [1] of interest per annum payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Single maturity time deposits.*—(1) *Deposits of $100,000 or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $100,000 or more.

(2) *Deposits of less than $100,000.* Except as provided in subparagraph (3) of this paragraph, no member bank shall pay interest on any single maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum per cent
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(3) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $1,000 or more with a maturity of 4 years or more.

(b) *Multiple maturity time deposits.* No member bank shall pay interest on a multiple maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity intervals	Maximum per cent
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(c) *Savings deposits.* No member bank shall pay interest at a rate in excess of 5 per cent on any savings deposit.

By order of the Board of Governors, July 5, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14329 Filed 7-12-73;8:45 am]

[1] The limitations on rates of interest payable by member banks of the Federal Reserve System on time and savings deposits, as prescribed herein, are not applicable to any deposit which is payable only at an office of a member bank located outside the States of the United States and the District of Columbia.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NE-8; Amdt. 39-1687]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Model JT3D Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the inspection of the turbine nozzle case on JT3D engines for missing lugs within 1,000 hours time in service and at 1,000 hour intervals thereafter was published on page 7812 of the FEDERAL REGISTER for March 26, 1973 (38 FR 7812).

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received which, while concurring with the initial 1,000 hour inspection, objected to the required repetitive inspection at 1,000 hour intervals on the basis that the one confirmed failure at 1,100 hours was insufficient justification for a repetitive inspection interval of less than 1,500 hours. The Federal Aviation Administration does not

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agree. In addition to the data available to the agency at the time of the publishing of the Notice, there have been two additional confirmed lug failures with time in service of less than 1,500 hours. In view of the additional incidents as well as the other data previously relied on in formulating the Notice, the Federal Aviation Administration is of the opinion that the 1,000 hour repetitive inspection interval must be retained in the AD to assure continued airworthiness of the JT3D engines.

The same commentator also suggested that the AD provide for adjustment of repetitive inspection intervals based upon unique operating procedures, inspection procedures and other factors, subject to approval of the FAA. This suggestion is considered to have merit and an additional paragraph providing for such adjustment has been added to the AD. Finally, it was requested that the AD provide for ferry flights in accordance with § 21.197 of the Federal Aviation Regulations since adequate engine operating restrictions can be established to assure that such operation is not hazardous. The agency does not consider that a specific reference in the AD is a legal prerequisite for such ferry operation. Rather, all procedures and requirements are outlined in § 21.197 and the ferry flights referred in the comment may be legally conducted under the authority of that section provided there is compliance with all of its requirements.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PRATT & WHITNEY—Applies to all JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3 and JT3D-3B model engines containing turbine nozzle case Part Numbers 399065, 436859, 570618, 626669, 669047, 694937, 694938, 399197, 694935 and 691326 incorporating vented 2nd stage outer airseals.

Compliance required as follows:

To preclude possible turbine blade or disc failures resulting from turbine case lug failures, inspect the turbine nozzle case for missing lugs by performing Ultrasonic, Isotope or Visual inspection at the time intervals specified below.

First inspection, 1,000 hours time in service after the effective date of this AD unless already accomplished.

(a) If there are no missing lugs, repeat the inspection every 1,000 hours time in service thereafter.

(b) If one lug is found missing, repeat the inspection every 100 hours time in service.

(c) If two or three lugs are found missing, remove the engine within the next 50 hours time in service.

(d) If four or more lugs are missing, remove from service immediately.

Turbine cases may be repaired in accordance with the procedures outlined in the Overhaul Manual, Section 72-51-2, or replaced.

Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

NOTE: Pratt & Whitney Service Bulletin 3993, or later FAA approved revisions pertain to this same subject.

This amendment becomes effective August 18, 1973.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on July 6, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc 73-14401 Filed 7-12-73;8:45 am]

[Airspace Docket No. 72-AL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 6831) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would amend the Dillingham, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Two comments were received, and both objected to the proposed enlargement of the control zone extensions.

As a result of these comments, a re-evaluation of the applied instrument approach airspace criteria was conducted. It was determined that adjustments were possible to the proposed control zone and transition area extension widths as follows:

The width of the north and south control zone extensions can be reduced from the proposed 7 miles to 4 miles. The width of the north and south 700-foot transition areas can be reduced from the proposed 8 and 7 miles to 5 and 4 miles respectively.

Since these changes are minor in nature and will reduce the burden on the public, further notice and public procedure hereon are unnecessary. Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. September 13, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351) the Dillingham, Alaska, control zone is amended to read:

DILLINGHAM, ALASKA

Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N, longitude 158°30'28"W); within 2 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile radius zone to 13.5 miles northeast of the Dillingham VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile radius zone to 9 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435) the Dillingham transition area is amended to read:

DILLINGHAM, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Dillingham Airport (latitude 59°02'30"N, longitude 158°30'28"W); and that airspace within 2.5 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5 mile radius zone to 15.5 miles northeast of the VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 8.5 mile radius zone to 9 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18 mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14278 Filed 7-12-73;8:45 am]

[Airspace Docket No. 73-AL-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 2, 1973, a Notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 5657) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would amend the Iliamna, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. September 13, 1973, as hereinafter set forth.

1. In § 71.171 (38 F.R. 351) the Iliamna, Alaska, control zone is amended to read:

ILIAMNA, ALASKA

Within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N, longitude 154°-54'54" W); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius zone to 9.5 miles southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435) the Iliamna transition area is amended to read:

ILIAMNA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N, longitude 154°54'54" W); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius area to 9.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5.5 miles northwest and 9.5 miles southeast of the 029° and 209° bearings from the Iliamna RBN, extending from 7 miles northeast to 18.5 miles southwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14280 Filed 7-12-73;8:45 am]

[Airspace Docket No. 73-AL-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Yakataga, Alaska, transition area.

This action is based on the need to convert the Yakataga low frequency range to a nondirectional radio beacon. The Yakataga RR is currently advertised as unreliable because of shifting courses and multiple course signals. Reliable repairs are impracticable since standard parts are no longer available.

Furthermore, on March 1, 1971, the Federal Aviation Administration issued a notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

For reasons stated above, the Yakataga low frequency range will be permanently converted to a nondirectional radio beacon effective August 16, 1973.

Since this amendment involves a change only in the type of navigational aid on which the airspace is described and makes no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435) the Yakataga transition area is redesignated as follows:

YAKATAGA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga airport (latitude 60°04' 57" N, longitude 142°29'30" W); within 2 miles each side of the 242° bearing from the Yakataga RBN, extending from the 5-mile radius area to the INT of the 242° bearing from Yakataga RBN and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RBN 242° bearing, extending from 7 miles northeast to 13 miles southwest of the INT of the 242° bearing from the Yakataga RBN and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RBN 152° bearing extending from the RBN to the INT of the 152° bearing from the Yakataga RBN and the west course of the Yakutat, Alaska, RR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14279 Filed 7-12-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2413]

PART 13—PROHIBITED TRADE PRACTICES

Felco Sports Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; 13.30–100 Wool Products Labeling Act; § 13.45 *Content;* § 13.73 *Formal regulatory and statutory requirements:* 13.73–70 Wool Products Labeling Act; 13.73–90 Textile Fiber Products Identification Act; § 13.130 *Manufacture or preparation;* 13.130–50 Textile Fiber Products Identification Act; 13.130–80 Wool Products Labeling Act; § 13.192 *Retraction advertisement.* Subpart—Failing to maintain record: §13.1051 *Failing to maintain records:* 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1200 *Content;* § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590–70 Textile Fiber Products Identification Act; 13.1590–90 Wool Products Labeling Act; § 13.1605 *Content;* § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–80 Textile Fiber Products Labeling Act; 13.1623–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–70 Textile Fiber Products Identification Act; 13.1845–80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act; § 13.1865 Manufacture or preparation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717 secs. 2–5, 54 Stat. 1128–1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Felco Sports Products, Inc., et al., New York, N.Y., Docket No. C-2413, June 8, 1973]

In the Matter of Felco Sports Products, Inc., a corporation, Felco Athletic wear Company, Inc., a corporation and Hatillo Apparel Corporation, a corporation, and Nathan Katz, individually and as an officer of said corporation.

Consent order requiring three affiliated manufacturers of athletic and recreational apparel in New York City, and Hatillo, Puerto Rico, among other things to cease misrepresenting the fiber content of their prdoucts and to run a retraction in their catalogs concerning the garments that were deceptively advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, and Hatillo Apparel Corporation, a corporation, that successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile product, which has been advertised or offered for sale in commerce; and in connection with the sale, offering for sale, advertising delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Indentification Act.

2. Failing to affix labels showing the respective fiber content and other required information to samples, swatches or specimens of textile fiber products

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subject to the aforementioned Act which are used to promote or effect sales of such textile fiber products.

3. Failing to set forth separately and distinctly the fiber content of any linings, interlinings, fillings or paddings if incorporated in the textile fiber products for warmth rather than for structural purposes, or if any express or implied representations are made as to their fiber content.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It Is Further Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, Hatillo Apparel Corporation, a corporation their successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary division or other device, in connection with the introduction, manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It Is Further Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, Hatillo Apparel Corporation, a corporation, their successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of coats, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from falsely and deceptively advertising or misrepresenting in any manner, or by any means the character or amount of constituent fibers contained in such products.

It is Further Ordered, That respondents shall publish in their catalogs distributed over the twelve month period from the effective date of this order a retraction on the same pages, or in the same portions of the catalogs as will appear the textile fiber products previously deceptively advertised in the catalogs, or if the previously deceptively advertised textile fiber products do not appear in said catalogs then the retraction shall appear on the same pages or in the same portions of the catalogs as are advertised similar products as that of the previously deceptively advertised textile fiber products, or if no similar products are advertised then in a part or portion of the catalogs of at least equal prominence to the part or section of the catalogs where the deceptively advertised textile fiber products had been previously deceptively advertised, in print of equal size and prominence as that of the original false, misleading and deceptive advertisements; and said retraction shall include a statement that identifies the deceptively advertised fiber products, sets forth that these fiber products were previously misleading and deceptively advertised by the respondents as all wool or as all wool melton, and accurately describes what the true fiber content of these products were at the time they were misleadingly and deceptively advertised.

It Is Further Ordered, That respondents shall send by registered mail a copy of this order to each of their customers who have purchased any of the above misleadingly and deceptively advertised fiber products during the three year period prior to the effective date of this order.

It Is Further Ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It Is Further Ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is Further Ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It Is Further Ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with this order.

Issued: June 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14294 Filed 7-12-73;8:45 am]

[Docket No. 8874o]

PART 13—PROHIBITED TRADE PRACTICES

Corning Glass Works

Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.290 *Aiding, assisting and abettng unfair or unlawful act or practice;* Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance;* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully;* Subpart—Maintaining resale prices: § 13.1115 *Black listing;* § 13.1125 *Combination;* § 13.1130 *Contracts and agreements;* § 13.1145 *Discrimination;* § 13.1145–20 Distributive channels and outlets generally; § 13.1155 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Corning Glass Works, Corning, New York, Docket 8874o, June 5, 1973]

In the Matter of Corning Glass Works, a corporation.

Order and opinion requiring a Corning, New York manufacturer, advertiser, seller and distributor of Pyrex, Corning Ware, and Corelle Livingware brands of glass household products for food preparation, serving, and storage, among other things, in connection with any fair trade programs of those products to cease illegal price-fixing and refusal-to-deal activities. The respondent is also required to abrogate Wholesaler Fair Trade Contracts where resale is in free trade jurisdictions, and to abrogate fair trade contracts with retailers in signer-only states which were obtained by wholesalers in free trade states subject to the illegal boycott provision.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That, except for Paragraph 1 (p. 3 of the Initial Decision) and that the last two sentences of Paragraph 16 (p. 14), the Findings of Fact contained in the Initial Decision up to and including Paragraph 17 are adopted as Findings of Fact of the Commission as supplemented by the findings and conclusions contained in the accompanying Opinion.

It is further ordered, That the remainder of the Initial Decision, except for Paragraph I of the Conclusions which is hereby adopted, be vacated and the appeal of complaint counsel be granted as to Count II of the complain. Counts III and V are dismissed for the reasons set forth in the accompanying Opinion.

In accordance with the stipulation of the parties filed October 17, 1972, Counts I and IV need not be litigated, but the relief proposed as to these counts, as well as Count II, shall be entered.

Accordingly, the following cease-and-desist order is hereby entered:

Order. I. *It is ordered*, That Respondent, Corning Glass Works, a corporation, directly or indirectly, through its officers, agents, representatives, employees, subsidiaries, successors, licensees, or assigns, or through any reseller or any other corporate or other device, in connection with the manufacturer, advertising, offering for sale, sale, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Pyrex, Corning Ware, and Corelle brand commodities, or of any other commodity which bears, or the label or container of which bears, any other trade-mark, brand, or name owned by Respondent, with respect to which commodity Respondent has now established, or in the future may establish, any fair trade program, shall forthwith cease and desist from:

1. Maintaining or enforcing any existing understanding, contract, or agreement, or entering into, maintaining, or enforcing any future understanding, contract, or agreement, with any reseller located within, or applicable to resales occurring within, any state which is, or henceforth shall become, a free trade state [1]—

(a) Which contains any provision which establishes, is intended to establish, or may be construed by the reseller to establish, any stipulated or minimum price at which resales shall be made; or which contains any circumstance or condition under which any such provision shall become applicable to any resale; or

(b) Which contains any provision which restricts, is intended to restrict, or may be construed by the reseller to restrict, the reseller's right to deal with any customer, whether for subsequent resale or otherwise, in any state; or which otherwise imposes, is intended to impose, or may be construed by the reseller to impose, any qualification, precondition, or other limitation or said right; or which contains any circumstance or condition under which any such provision shall become applicable to any resale.

2. Maintaining or enforcing any existing understanding, contract, or agreement, or entering into, maintaining, or enforcing any future understanding, contract or agreement, with any reseller located within any state which is, or henceforth shall become a free trade state, which requires, is intended to require, or may be construed by the reseller to require, as a precondition to any resale or as a qualification or other limitation on the right to resell, that said reseller—

(a) Obtain from any customer or potential customer in any state any understanding, contract, or agreement by which said customer or potential customer agrees with Respondent to maintain the fair trade price of the commodity to be resold; or

(b) Refuse to deal with any customer or potential customer in any state unless such customer or potential customer has agreed to maintain the fair trade price of the commodity to be resold.

3. (a) Circulating to any free trade state reseller any list ("blacklist") of retailers who have advertised, offered for sale, or sold any of Respondent's fair traded commodities at less than the fair trade prices established therefor, or who have not signed a fair trade contract, or whose retailer contracts have been terminated; or in any other manner communicating the names of such retailers to any free trade state resellers; or (b) taking any other action which is intended to, or which may in fact, prevent or have a tendency to prevent any retailer from obtaining any such commodity: *Provided, however*, That nothing in (b) of this subparagraph 3 shall apply to any action taken by virtue of the breach of a signed contract, lawfully obtained and entered into pursuant to a fair trade law which is valid as of the time of both the breach and the action taken; or to any action taken to enforce any right against a nonsigner created by a fair trade law or provision thereof which is enforceable as of the time of the action taken.

4. Imposing, by refusing to deal, termination, or any other unilateral action, or by contract, combination or conspiracy, any limitation, qualification, or precondition not expressly permitted by sections 5(a)(2) and 5(a)(3) of the Federal Trade Commission Act, on any reseller's right or ability to purchase or sell any fair traded commodity—

(a) Where the purpose or effect thereof is, or is likely to be, adherence to resale prices or any course of conduct established, required, or suggested by Respondent, by any reseller whose resale prices or conduct are not, or cannot be, lawfully controlled by Respondent; or

(b) Where the purpose or effect thereof is, or is likely to be, the unavailability, through normal channels of distribution, of Respondent's commodities to, or any discrimination with respect thereto against, any such reseller due to his failure or unwillingness to adhere to said resale prices or course of conduct.

5. Suggesting, for three (3) years from the date on which this order becomes final, or upon a showing by Respondent pursuant to a petition filed after two (2) years from said date, that price competition in the resale of its goods has been created, any resale price whatsoever, by price list, discount schedule, invoicing procedure, prepricing of commodities or their containers, or by any other means, to any reseller whose resale prices are not or cannot lawfully be controlled by Respondent in the manner prescribed by law and this order.

II. *It is further ordered*, That Respondent, directly or indirectly, through its officers, agents, representatives, employees, subsidiaries, successors, licensees, or assigns, or through any reseller or any other corporate or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any commodity, shall forthwith cease and desist from entering into, maintaining, or enforcing any contract, combination or conspiracy which imposes any limitation, qualification, or precondition not expressly permitted by applicable state law and granted immunity by section 5(a)(2) of the Federal Trade Commission Act, on any reseller—

1. Where the purpose or effect thereof is, or is likely to be, adherence to resale prices or any course of conduct established, required, or suggested by Respondent, by any reseller whose resale prices or conduct are not, or cannot be lawfully controller by Respondent; or

2. Where the purpose or effect thereof is, or is likely to be, the unavailability through normal channels of distribution of Respondent's commodities to, or any discrimination with respect thereto against, any such reseller due to his failure or unwillingness to adhere to said resale prices or course of conduct.

III. *It is further ordered*, That Respondent shall:

1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts for, copies of this order to—

(a) Every reseller who was either under fair trade contract on March 1, 1971 or who was placed under such contract thereafter, and to whom neither subparagraph 1(b) nor 1(c) of this Paragraph III applies;

(b) Every reseller whose fair trade contract has been terminated by Respondent since January 1, 1966; and

(c) Every reseller whose name has appeared on any blacklist since January 1, 1966.

2. Within sixty (60) days from the date on which this order becomes final, and every three (3) months for a period of two (2) years thereafter, mail or deliver, and obtain signed receipts for, notices, in forms submitted to and approved by the Commission prior to mailing or delivery, which clearly inform—

(a) All resellers in free trade states to whom subparagraph 1(a) of this Paragraph III applies—

(i) That all provisions of their contracts relating to fair trade are (or in the case of subsequent notices, have been) cancelled;

(ii) That such provisions cannot lawfully, nor will they therefore, be enforced;

(iii) That said free trade state resellers may and are encouraged to sell Respondent's goods to any customer at such price as may be individually determined by each such reseller;

(iv) That said free trade state resellers may and are encouraged to sell Respondent's goods to any customer, whether for subsequent resale or otherwise, without restriction or precondition, and irrespective of whether the customer is located within, or may resell the goods within, any fair trade state;

(v) That the exercise by said free trade state resellers of any of their rights previously subject to the fair trade provisions of Respondent's fair trade contracts shall in no way prejudice said resellers' ability

[1] The definitions of terms contained in Part I.A. of the Commission's Opinion in this matter shall apply to this order.

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to obtain or to continue to obtain Respondent's merchandise; and

(vi) That any free trade state reseller who believes that Respondent is violating any provision of this order, either directly or indirectly (through its wholesalers or otherwise), should set forth the facts and circumstances believed relevant and submit them to

Assistant Director,
Division of Compliance,
Bureau of Competition,
Federal Trade Commission,
Washington, D.C. 20580

(b) All retailers in signer-only states to whom subparagraph 1(a) of this Paragraph III applies, and whose retailer contracts were submitted by any free trade state wholesaler at a time when the submitting wholesaler's contract with Respondent contained any provision which required said wholesaler to deal only with resellers who had agreed with Respondent to maintain Respondent's fair trade prices—

(i) That all provisions of their retailer contracts relating to fair trade are (or in the case of subsequent notices, have been) cancelled;

(ii) That with respect to all resales of Respondent's goods made since the date on which this order became final, said retailers have been deemed non-signers of Respondent's retailer contracts, and that unless and until any of said retailers re-execute retailer contracts they shall continue to be so deemed;

(iii) That said retailers are under no legal duty to re-enter into such agreements, and that their failure to do so will in no way prejudice said retailers' ability to obtain or to continue to obtain Respondent's merchandise;

(iv) That unless and until said retailers enter into new retailer contracts, said retailers may, and are encouraged to, sell Respondent's merchandise to any customer and at such prices as may be individually determined by each such non-signer retailer;

(v) That no resellers in any free trade state may be required to refuse to deal with any other reseller due to the other reseller's failure or unwillingness to sign any fair trade contract; and that no free trade state wholesaler or retailer is now directly or indirectly required to refuse to deal with any customer in any state; and

(vi) That any non-signer retailer in any signer-only state who places an order for Respondent's goods with any free trade state reseller which is not filled due to the retailer's failure or unwillingness to become a signer of a retailer contract, or due to the retailer's having advertised, offered for sale, or sold such goods at less than the stipulated or minimum fair trade price, should immediately notify Respondent in writing of the name and address of the free trade state reseller so refusing to deal;

(vii) Each of the notices required to be mailed or delivered by this subparagraph 2 shall be accompanied by a list of the names and addresses (arranged by state) of all free trade state wholesalers of Respondent's goods. Said list shall contain a clear and conspicuous statement that all wholesalers listed therein are free to sell to any retailer in any state without qualification, limitation or precondition;

(viii) Upon the voluntary re-execution of a retailer contract pursuant to Paragraph IV. 3. of this order by any retailer to whom this subparagraph 2(b), applies, the further mailing or delivery of notices to said retailer pursuant to this subparagraph shall not be required; and upon such re-execution, said retailer shall be given the notice required by Paragraph IV. 2. of this order.

3. Within sixty (60) days from the date on which, by virtue of any legislative or judicial action, any fair trade state (which is a fair trade state on the date this Order becomes final) becomes a free trade state, and every three (3) months for a period of two (2) years thereafter, mail or deliver, and obtain a signed receipt for, the notices required by subparagraph 2(a) of this Paragraph III.

4. Within sixty (60) days from the date on which this Order becomes final and every month for a period of six (6) months thereafter, mail or deliver, and obtain a signed receipt for, the wholesaler list described in subparagraph 2(b)(vii) of this Paragraph III, and a notice, in a form submitted to and approved by the Commission prior to mailing or delivery, which clearly informs all retailers to whom either subparagraph 1(b) or 1(c) of this Paragraph III applies that they are free to and are encouraged to submit their orders for Respondent's merchandise to any wholesaler of their choosing whose name appears on the accompanying list; that they need not sign any retailer contract in order to obtain such merchandise from any of said wholesalers; that none of Respondent's wholesalers appearing on said list lawfully may be required to refuse to deal with any of said retailers because of their failure or unwillingness to sign a retailer contract or because of any past or future advertising, offering for sale, or sale of Respondent's merchandise at less than the stipulated or minimum fair trade price; and that Respondent should be notified immediately in writing of any listed wholesaler so refusing to deal.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt for, a written offer of reinstatement to—

(a) Any free trade state wholesaler who was terminated by Respondent since January 1, 1966 for failure to comply with the refusal-to-deal provision of his wholesaler contract, and

(b) Any free trade state wholesaler who was terminated by Respondent since January 1, 1966 for failure to comply with the resale price maintenance provision of his wholesaler contract;

and reinstate forthwith, any such wholesaler who within thirty (30) days thereafter requests reinstatement. Said offer of reinstatement shall be accompanied by a copy of this Order and any notice which would have been required to be sent to such wholesaler under subparagraph 2(a) of this Paragraph III had no termination occurred.

6. Immediately upon receipt, take such action as is necessary to ensure correction of all complaints received pursuant to any provision of this Paragraph III, and retain such complaints and records of all corrective action taken thereon for a period of five years from the date on which each complaint is received. Reports of said complaints and of corrective action shall be included in reports to the Commission required by Paragraph VI. 1. of this order.

IV. *It is further ordered,* That Respondent shall:

1. Fully acquaint all appropriate present and future personnel with the provisions and requirements of this Order.

2. Mail or deliver to all future resellers, and obtain a signed receipt for, a copy of this order, together with an appropriate notice in a form submitted to and approved by the Commission prior to its use explaining the limitations hereby imposed on Respondent's resale price maintenance programs and contracts.

3. Revise the fair trade provisions of its wholesaler and retailer contracts to conform with the requirements and intent of this order and submit said revised contracts to and obtain the approval of the Commission prior to their use; and neither execute nor obtain the execution of any new fair trade contract or provision thereof which is required to be cancelled by this order on any contract or form which has not been submitted to and approved by the Commission pursuant to this subparagraph. 3. In no event, however, shall any new fair trade agreement be obtained by or on behalf of Respondent from any signer-only state retailer to whom subparagraph 2(b) of Paragraph III applies, before thirty (30) days following the second mailing or delivery of notices required by said subparagraph.

V. *It is further ordered,* That except as may be required by Paragraph III.2 (b) and 3, this order shall not be construed to apply to any provision of any fair trade contract which Respondent now has or may enter into with resellers located in states which were or are at the time of the making of such contract fair trade states, which requires said resellers to refuse to deal with non-signer retailers in any fair trade state, or which requires said resellers to enter into or obtain resale price maintenance agreements with their vendee retailers in fair trade states as a precondition to resales to said retailers: *Provided, however,* That nothing in this order shall be construed to permit Respondent to engage in any conduct prohibited by, or otherwise relieve Respondent of any of its obligations under, any of the Antitrust Acts, the Federal Trade Commission Act, or any State law, now or hereafter in effect as such Acts and State laws have been or may be enacted, amended, repealed or construed.

VI. *It is further ordered,* That Respondent shall:

1. Within sixty (60) days from the date on which this order becomes final, and annually each year for a period of five (5) years thereafter, submit to the Commission a written report setting forth in full detail the manner in which Respondent is complying with each requirement of this order, accompanied by such documents, forms, contracts, receipts, or other material as is necessary to constitute proof that Respondent is in full and faithful compliance herewith.

2. Notify the Commission at least ninety (90) days in advance of any proposed change in its method of sale or distribution of fair traded commodities or in its contracts or agreements relating thereto.

3. Notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

4. Retain all receipts required to be obtained by this order for a period of five (5) years from the date of each said receipt.

Issued: June 5, 1973.

By direction of the Commission.[1]

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-14286 Filed 7-12-73;8:45 am]

[Docket No. C-2412]

PART 13—PROHIBITED TRADE PRACTICES

Ladzin Novelty Co., Inc., and Seymour Ladzin

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Ladzin Novelty Co., Inc., et al., New York, N.Y., Docket No. C-2412, June 4, 1973]

In the matter of Ladzin Novelty Co., Inc., a Corporation, and Seymour Ladzin, Individually and as an Officer of said Corporation

Consent order prohibiting a New York City manufacturer and distributor of feather fabrics from marketing products which fail to conform to an applicable standard of flammability or regulation established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended.

[1] Statement filed as part of the original document.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Ladzin Novelty Co., Inc., a corporation, its successors and assigns and its officers, and Seymour Ladzin, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from the importation, manufacture for sale, sale, offering for sale, shipment, distribution, transportation, or causing to be transported of feather fabrics or any other similar feather products of a highly flammable nature, in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless such feather fabrics or other similar feather products conform to the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1954, and identified as "Flammability of Clothing Textiles, Commercial Standard 191–53" when tested under the conditions and in the manner prescribed by such Standard except that the position of the stop cord described in Paragraph 4.2.7 of the Standard shall be modified by raising said stop cord 1.5 centimeters above the top of the thread guides used in tests under Commercial Standard 191–53. In the event, however, that respondents import, manufacture for sale, sell, offer for sale, ship, distribute, and transport or cause to be transported any product subject to an applicable standard of flammability established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended, said products must conform to the said applicable standard rather than Commercial Standard 191–53 as modified.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the first paragraph of this Order, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this Order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this Order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April, 1970 and (6) any action taken or proposed to be taken to bring said products into conformance with the first paragraph of this order, or to destroy said products, and the results of such action. Respondents will submit with their report samples of not less than six feet in length of each color and style of their current inventory of feather fabrics.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 4, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-14287 Filed 7-12-73;8:45 am]

[Docket No. C-2409]

PART 13—PROHIBITED TRADE PRACTICES

Francis Ford, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or actions owed;* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1855 *Neglecting, unfairly or deceptively, to make material disclosure;* § 13.880 *Old, used, or reclaimed as unused or new;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* Subpart—Offering unfair, improper and

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deceptive inducements, to purchase or deal: § 13.1980 *Guarantee, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Francis Ford, Inc., et al., Portland, Oregon, Docket C-2409, May 29, 1973]

In the Matter of Francis Ford, Inc., a corporation, and William T. Murphree, and C. Edwin Francis, individually and as officers of said corporation.

Consent order requiring a Portland, Oregon automobile dealership, among other things to cease representing that its Lifetime Warranty is free; misrepresenting their guarantees; misrepresenting used motor vehicles as new; misrepresenting the particular accessories, equipment or features available on sale priced new motor vehicles; failing to refund deposits; and preparing final contracts in different terms than agreed to by the customer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Francis Ford, Inc., a corporation, its successors and assigns, and its officers, and William T. Murphree and C. Edwin Francis, individually and as officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of automobiles, pickup trucks or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, orally or in any other manner, directly or by implication, from:

1. Representing that respondents' Lifetime Warranty or any other new car warranty offered in addition to the manufacturer's warranty is free;

2. Representing that any of respondents' motor vehicles are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; provided that this inhibition shall not apply to advertisements which merely advise the availability of a manufacturer's new car warranty;

3. Failing to clearly and conspicuously disclose that a used motor vehicle available for sale at a specified price is not new; representing that a used motor vehicle is new;

4. Representing that a new motor vehicle available for sale at a specified price possesses particular accessories, equipment, or features for the specified price when such motor vehicle is not so equipped for the specified price;

5. Failing to clearly and conspicuously disclose that a new motor vehicle of a particular type or description advertised for sale at a specified price is a one-of-a-kind item; failing to disclose respondents' inventory stock number for such motor vehicle;

It Is Further Ordered, That respondents forthwith cease and desist from:

1. Failing to return the prospective customer's deposit immediately upon his request, if requested prior to consummation of the sale;

2. Failing to provide a prospective customer with a receipt or written notice at the time he makes a deposit. The following statement shall be included on the face of said receipt or written notice in clear and conspicuous terms:

NOTICE

This deposit does not consummate a sale or obligate you to purchase an automobile from Francis Ford. In the event you decide not to purchase from Francis Ford, you are entitled to an immediate refund of your deposit.

It Is Further Ordered, That respondents forthwith cease and desist from preparing the final retail installment contract in terms different from those previously agreed to by the customer; or misrepresenting, in any manner, either before or after the consummation of the sale, the amount of the sale price or trade-in allowance or the amount of finance charge to be imposed in a related credit transaction.

It Is Further Ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or sale of any product, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It Is Further Ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It Is Further Ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment, provided that with respect to C. Edwin Francis, notification shall only be required if he becomes affiliated with a new automobile dealership or other seller of automobiles. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It Is Further Ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14292 Filed 7-12-73;8:45 am]

[Docket Nos. C-1897, C-1898]

PART 13—PROHIBITED TRADE PRACTICES

McDonald's Corp., et al.

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Order reopening proceedings, McDonald's Corporation, et al., D'Arcy Advertising Company, et al., Docket C-1897, Docket C-1898, June 5, 1973] with separate concurring statement by Commissioners Dixon and Jones]

In the Matter of McDonald's Corporation and McDonald's System, Inc., corporations. In the Matter of D'Arcy Advertising Company, a corporation, et al.

Order reopening proceedings, vacating and setting side orders to cease and desist, 78 F.T.C. 606 and 616 (36 F.R. 11,289 and 11,284) and dismissing proceedings against a major chain of hamburger restaurants and its advertising agency which charged them with unfair methods of competition and unfair and deceptive acts and practices in their use of a "sweepstakes" sales promotion device.

The order reopening proceedings, setting aside cease and desist orders and ruling petition to stay, is as follows:

ORDER REOPENING PROCEEDINGS, SETTING ASIDE CEASE AND DESIST ORDERS AND RULING ON PETITION TO STAY

McDonald's Corporation and McDonald's System, Inc. by a petition filed on March 26, 1973, and D'Arcy-MacManus & Masius, Inc., successor to D'Arcy Advertising Company by a petition filed on March 29, 1973, request, pursuant to § 3.72(b)(2) of the Commission's rules of practice, that the Commission reopen these proceedings and set aside the orders to cease and desist against them which have become final.

Respondent D'Arcy-McManus & Masius, Inc., has also filed a petition to stay all further requests for compliance reports pending the Commission's consideration of its petition.

The Acting Director of the Bureau of Consumer Protection and complaint counsel have filed answers to the petitions to reopen. In the answers, it is stated that complaint counsel joins with respondents in urging that the orders to cease and desist be set aside by the Commission.

The two cases have been consolidated by the Commission for the purpose of ruling on the petitions. The basis for the requests to reopen the proceedings and set aside the cease and desist orders is the Commission's action in D. L. Blair Corp., 3 Trade Reg. Rep. ¶ 20,223 (D. 8837, 1973). There, the Commission after the hearing and initial decision by the Administrative Law Judge, concluded that the facts did not demonstrate a violation of section 5 of the Federal Trade Commission Act. Respondents in the instant proceedings were participants in the same activities involved in the D. L. Blair Corp., matter and were initially named in the complaint. The respondents, however, instead of litigating the allegations in the complaint signed consent agreements which resulted in the cease and desist orders.

In view of the decision in the D. L. Blair Corp. matter and the identity of the facts as they relate to respondents, it is determined by the Commission that it is not in the public interest to continue the orders here. Accordingly,

It is ordered, That the proceedings be, and they hereby are, reopened and the orders to cease and desist heretofore entered in these matters be, and they hereby are, vacated and set aside and the proceedings be, and they hereby are, dismissed.

It Is Further Ordered, That the petition by respondent D'Arcy-MacManus & Masius, Inc., to stay any further requests to file compliance reports is dismissed as moot.

Issued: June 5, 1973.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14289 Filed 7-12-73;8:45 am]

[Docket No. 8779]

PART 13—PROHIBITED TRADE PRACTICES

Papercraft Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order, The Papercraft Corporation, Pittsburgh, Penn., Docket 8779, June 6, 1973]

In the Matter of The Papercraft Corporation, a Corporation

Order modifying an earlier order dated June 30, 1971, 36 FR 15662, 78 F.T.C. 1352, as modified September 9, 1971, 70 F.T.C. 420, which required a major manufacturer and distributor of gift wrapping paper and ribbons with headquarters in Pittsburgh, Penn., to divest itself of an acquired gift wrapping firm, by deleting Paragraph IX of the modified order which prohibited the divesting company from selling to any direct customers of the divested company for a three-year period.

[1] Commissioners Dixon and Jones concurring and issuing a statement, which is filed as part of the original document.

The modified order to cease and desist, including further order requiring report of compliance, is as follows:

Respondent having filed in the United States Court of Appeals for the Seventh Circuit a petition to review the order to cease and desist issued herein on June 30, 1971, and modified by the Commission on September 9, 1971; and the Court on January 25, 1973, having rendered its decision, and on February 22, 1973, having entered its final order affirming and enforcing the Commission's order with modification by the deletion of paragraph IX; and the time in which to file a petition for certiorari having expired without either party having filed such a petition;

Now therefore, it is ordered, That the aforesaid order to cease and desist be modified, in accordance with said final order of the Court of Appeals, to read as follows:

I. *It Is Ordered*, That respondent, The Papercraft Corporation, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by The Papercraft Corporation as a result of its acquisition of CPS Industries, Inc., together with all additions and improvements thereto, of whatever description, made since the acquisition.

II. *It is further ordered*, That none of the assets, properties, rights or privileges described in paragraph I of this Order shall by such divestiture be transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of The Papercraft Corporation, or to anyone who is not approved in advance by the Federal Trade Commission.

III. If respondent divests the assets, properties, rights and privileges, described in paragraph I of this Order, to a new corporation or corporations, the stock of each of which is wholly owned by The Papercraft Corporation, and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of The Papercraft Corporation, in proportion to their holdings of The Papercraft Corporation stock, then paragraph II of this order shall be inapplicable, and the following paragraphs IV and V shall take force and effect in its stead.

IV. No person who is an officer, director, or executive employee of The Papercraft Corporation, or who owns or controls, directly or indirectly, more than one (1) percent of the stock of The Papercraft Corporation, shall be an officer, director or executive employee of any new corporation or corporations described in paragraph III, or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph III.

V. Any person who must sell or dispose of a stock interest in The Papercraft Corporation or the new corporation or corporations, described in paragraph III, in order to comply with paragraph IV of this Order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of The Papercraft Corporation.

VI. *It Is Further Ordered*, That no method, plan or agreement of divestiture to comply with this Order shall be adopted or implemented by respondent save upon such terms and conditions as shall first be approved by the Federal Trade Commission.

VII. *It Is Further Ordered*, That pending divestiture, respondent shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the company to be divested which may impair its present capacity or market value, unless such capacity or value is restored prior to divestiture.

VIII. *It Is Further Ordered*, That for a period of ten (10) years from the date of service of this Order upon it respondent shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any concern engaged in the manufacture, production, sale or distribution of any decorative gift wrap product, nor shall respondent enter into any arrangement with any such concern by which respondent obtains the market share, in whole or in part, of such concern.

IX. As used in this Order, the acquisition of assets includes any arrangement by The Papercraft Corporation with any other party, pursuant to which such other party discontinues manufacturing any of the products described in paragraph VIII of this Order under a brand name or label owned by such other party and thereafter distributes any of said products under any of Papercraft's brand names or labels.

X. As used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

Issued: June 6, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14290 Filed 7-12-73;8:45 am]

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[Docket No. C-2410]

PART 13—PROHIBITED TRADE PRACTICES

Russ Vento Chevrolet, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act; Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act: Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Russ Vento Chevrolet, Inc., Denver, Colorado, Docket C-2410, May 31, 1973]

In the Matter of Russ Vento Chevrolet, Inc., a corporation, and Russ Vento, individually and as an officer of said corporation, and Robert J. Hall, individually and as general sales manager of said corporation.

Consent order requiring a Denver, Colorado, new and used car and motor home vehicle dealer, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Russ Vento Chevrolet, Inc., a corporation, and its officers, and Russ Vento, individually and as an officer of said corporation, and Robert J. Hall, individually and as general sales manager of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of automobiles, motor homes, campers, travel trailers, or other products or services, as "advertisement" and "consumer credit" are defined in regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement, as "advertisement" is defined in regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate, and

e. The deferred payment price.

2. Failing to print the term "annual percentage rate" more conspicuously than other terminology required by Regulation Z, when that term is required to be used by Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all the disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It Is Further Ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It Is Further Ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It Is Further Ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

Issued: May 31, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14291 Filed 7-12-73;8:45 am]

[Docket No. C-2411]

PART 13—PROHIBITED TRADE PRACTICES

Sales Marketing Services, Inc., et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation: § 13.800 *Buyer's agents;* § 13.810 *Buyer's corporate or other agent;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49, Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sales Marketing Services, Inc., et al., New Orleans, La., Docket C-2411, May 31, 1973]

In the Matter of Sales Marketing Services, Inc., a corporation, Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Sales Marketing Services, Inc., Kitchenaides, Inc. a corporation, Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Kitchenaides, Inc.

Consent order prohibiting a broker of nonfood grocery products and a wholesaler of these items in New Orleans, La., from receiving unlawful brokerage payments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Sales Marketing Services, Inc., a corporation, its successors and assigns, and its officers and Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Sales Marketing Services, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in or in connection with the purchase or sale of nonfood products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of nonfood products for respondents' own account or where respondents are the agent, representative or intermediary acting for, or in behalf of, or subject to the direct or indirect control of, any buyer.

It Is Further Ordered, That Kitchenaides, Inc., a corporation, its successors and assigns, and its officers and Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Kitchenaides, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in or in connection with the purchase or sale of nonfood products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting, directly or indirectly, anything of value from Sales Marketing Services, Inc., or any other broker, in connection with the purchase of nonfood products, when such broker, agent, representative or intermediary is receiving or accepting anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof from the seller while acting for or in behalf of or subject to the direct or indirect control of the respondents.

2. Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of nonfood products for respondents' own account.

It Is Further Ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It Is Further Ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It Is Further Ordered, That the respondents herein shall, within sixty (60) days after service upon them, of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 31, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14293 Filed 7-12-73;8:45 am]

[Docket No. C-2414]

PART 13—PROHIBITED TRADE PRACTICES

Sonotone Corp.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670–20 Federal Trade Commission Act; Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods;* Subpart—Enforcing dealings or payments wrongfully; § 13.1045 *Enforcing dealings or payments wrongfully;* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sonotone Corporation, Elmsford, New York, Docket C-2414, June 19, 1973]

In the Matter of Sonotone Corporation, a corporation.

Consent order requiring an Elmsford, New York, manufacturer, distributor, and repairer of hearing aids, among other things to cease imposing customer and territorial restrictions and exclusive dealing requirements on its dealers; price-fixing activities; requiring its dealers to furnish names and addresses of customers; and failing to include and deliver any express product warranty.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Sonotone Corporation, and its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the manufacturing, distribution, advertising, offering for sale, sale or repair of its own brand name or trademark hearing aids, or related products, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, preserving, or enforcing by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, or in any other manner, any arrangement or method of doing business with a dealer of hearing aids and/or accessories which has the purpose or effect of precluding or preventing a dealer from selling the product of one or more other hearing aid manufacturers;

2. Refusing to make available promptly upon request

(a) A hearing aid, accessory or any written materials necessary to fit and sell such hearing aid or accessory, to any dealer engaged in the sale of hearing aids, if respondent makes such products available to any other dealer located within 100 miles of the requesting dealer, or

(b) A repair or replacement part or any written materials necessary to repair or replace such hearing aid, to any person engaged in the repair of hearing aids when requested for such purpose, if respondent makes repair or replacement parts available to any dealer for such purpose;

Provided, however, That if no other provision of this Order is violated thereby:

(1) Respondent may require as a condition to the availability directly from it of any of its products that the dealer or person referred to in 2(a) or (b) above has received instruction or met standards necessary for the fitting, servicing and/or repairing of respondent's hearing aids which are required at that time of all then existing dealers of respondent's products or all persons then engaged in the repair of respondent's products, so long as such instruction, if made available to any dealer or person, is made available by respondent on reasonable terms and conditions to all dealers or persons wanting to deal in or repair respondent's product,

(2) Respondent may refuse to make available directly from it any of its products to any dealer or person if such requesting dealer or person is able promptly to obtain the product from another dealer or distributor at respondent's price to dealers for a single unit plus a reasonable handling charge, and

(3) Respondent may refuse to make available directly from it any of its products to any dealer or person on other grounds related to that dealer's or person's professional competence or ethical conduct, so long as such refusals are uniformly made where such grounds exist;

3. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, report of sale, warranty limitation, use of names or addresses of a dealer's customers, or in any other manner, any arrangement or method of doing business which has the purpose or effect of restricting or limiting

(a) The territory or area in which a dealer of respondent's hearing aids advertises, offers for sale, sells or repairs such products, or

(b) The persons with whom a dealer of respondent's hearing aids deals;

4. Failing to return any hearing aid submitted to respondent for repair directly to the person who submitted such product for repair, unless otherwise instructed in writing by such person;

5. Fixing, establishing, stabilizing, maintaining or suggesting the prices at which a dealer of respondent's hearing aids may or shall advertise, offer for sale, or sell to the public, or a person repairing respondent's hearing aid may repair, such products: *Provided, however,* That nothing in this Order shall prohibit respondent after ten years from the date of entry of this Order from exercising any lawful rights it may then have under the Miller-Tydings Act, 50 Stat. 693 (1937) and the McGuire Act, 66 Stat. 632 (1952) with respect to hearing aids;

6. Requiring that a dealer participating in respondent's cooperative advertising program must not state or imply, in such cooperative advertisements, that the dealer also deals in other brands of hearing aids: *Provided, however,* That respondent may continue to prohibit in such cooperative advertisement the stating of other brand names of hearing aids;

7. Requiring that a dealer of the respondent's hearing aids submit to respondent any name or address of any customer of such dealer, or maintaining, using, publishing or disseminating for any purpose any name or address of any customer of a dealer of the respondent's hearing aids obtained from such dealer after the date of this order without securing a prior written consent of such dealer for such purpose;

8. Preventing any dealer from using respondent's product (brand) name in connection with the advertising, offering for sale, sale or repair of any of respondent's products, except that respondent may protect its rights in such name recognized at law;

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9. Failing to include and deliver with any of respondent's hearing aids sold by respondent any express product warranty for such product provided by respondent to the user.

II. *It Is Further Ordered*, That respondent shall:

(a) Forthwith distribute a copy of this order to each of its operating divisions, to its present corporate officers and to its present sales and repair personnel, and shall secure from each such officer, employee or other person, a signed statement acknowledging receipt of said order;

(b) Within thirty (30) days after service upon it of this Order, distribute a copy of the letter appended to this Order and made a part hereof as Appendix A to each of its existing hearing aid dealers and to every person known to be engaged in the repair of respondent's products;

(c) Within sixty (60) days after service upon it of this Order, place a full-page advertisement in a trade journal or publication with circulation among hearing aid dealers, which advertisement shall clearly and conspicuously disclose the provisions of Part I of this Order;

(d) Within one hundred and twenty (120) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, including a list of all dealers and other persons on whom it has served a copy of Appendix A, and a copy of the publication which includes respondent's advertisement required by this Order;

(e) For a period of ten (10) years from the date hereof establish and maintain a file of all records referring or relating to respondent's refusal to sell to any hearing aid dealer, or person engaged in the business of repairing hearing aids, which file must contain a record of a communication to such dealers or persons explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice and annually, for a period of five (5) years from the date hereof, submit a report to the Commission listing the names of all dealers or persons with whom respondent has refused to deal over the preceding year, a description of the reason for the refusal, and the date of the refusal;

(f) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Issued: June 19, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

APPENDIX A

(LETTER TO HEARING AID DEALERS)

(Official Stationery of Sonotone Corporation)

Dear

Sonotone Corporation has entered into a consent order agreement with the Federal Trade Commission which obligates the company not to impose various restrictions upon dealers or to engage in certain other practices. This agreement is for settlement purposes only and does not constitute an admission by the company that it has engaged in any unlawful conduct.

A copy of the pertinent provisions of the consent order is enclosed for your careful examination. If in the future you believe that any of its terms have been violated, the details may be reported in writing to:

Federal Trade Commission,
Bureau of Competition,
Washington, D.C. 20580

Under the consent order Sonotone can, and expects to, continue to deal with you as the dealer in your area to whom we look for effective sales, service and promotion of our products. In addition, we invite you to serve as a distributor of Sonotone products to other hearing aid dealers. Under the consent order, Sonotone is obliged to sell directly to other qualified dealers only if they are unable to purchase Sonotone products from a dealer such as yourself promptly and at a price which does not exceed Sonotone's price to dealers for a single unit plus a reasonable handling charge.[1]

We look forward to continuing our association with you consistent with the letter and spirit of the consent order agreement.

Very truly yours,

(Name),
President,
Sonotone Corporation.

[FR Doc.73-14288 Filed 7-12-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specified exceptions, State plans for implementation of the national ambient air quality standards. That portion of the Louisiana State Implementation Plan that applies to the review of new sources and modifications was not approved. The plan did not contain legally enforceable procedures to prevent construction or modification of a source which would interfere with attainment or maintenance of the national standards as required by 40 CFR 51.18. Thus, Federal regulations were proposed on June 14, 1972 (37 FR 11826) and promulgated on October 28, 1972 (37 FR 23085) to correct this deficiency. On April 17, 1973, Louisiana held a public hearing and adopted a regulation to meet the requirements of 40 CFR 51.18. This information was submitted to EPA by Governor Edwards on April 25, 1973. The Administrator has determined that the supplemental submission meets the requirements of 40 CFR 51.18; thus, the previous disapproval is revoked below.

This approval action is effective on July 13, 1973. The agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. The implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enable the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: July 10, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is revised to read as follows:

§ 52.970 Identification of plan.

* * * * * * *

(c) Supplemental information was submitted on:

(1) February 28, and May 8, 1972, by the Louisiana Air Control Commission, and

(2) July 17, 1972, April 25, 1973.

§ 52.976 [Revoked]

2. Section 52.976 is revoked.

[FR Doc.73-14393 Filed 7-12-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbaryl

Correction

In FR Doc. 73-13026 appearing at page 17003 in the issue of Thursday, June 28, 1973, in the second complete paragraph in the third column, the last five lines should read as follows: "5 parts per million in or on filberts (hazelnuts) * * *" and (2) by adding a new paragraph after the paragraph "5 parts per million in or on corn * * *" as follows:".

[1] The foregoing paragraph may be omitted at respondent's option.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-168]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New York	Broome	Union, Town of				July 11, 1973. Emerg.
Pennsylvania	Erie	Corry, City of				Do. Emerg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14212 Filed 7-12-73;8:45 am]

[Docket No. FI-169]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Jo Daviess	Galena, City of	I 17 085 3250 01 through I 17 085 3250 02.	Dept. of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Dept., 525 W. Jefferson St., Springfield, Ill. 62702.	Public Works Office, City Hall, 312½ North Main St., Galena, Ill. 61036.	August 27, 1971. Emerg. July 20, 1973. Reg.
Minnesota	Houston	La Crescent, Village of.	I 27 055 3850 01 through I 27 055 3850 02.	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, 317 Main Street, La Crescent, Minn. 55947.	February 11, 1972. Emerg. July 20, 1973. Reg.
New York	Erie	East Aurora, Village of.	I 36 029 1630 01	New York State Dept. of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038, and, 324 State St., Albany, N.Y. 12210.	Village Hall, 571 Main Street, East Aurora, N.Y. 14052.	December 23, 1971. Emerg. July 20, 1973. Reg.
Pennsylvania	Luzerne	Leham, Township of.				July 10, 1973. Emerg.
Wisconsin	Lincoln	Merrill, City of	I 55 069 3010 01 through I 55 069 3010 02	Dept. of Natural Resources, P.O. Box 450, Madison, Wisc. 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City of Merrill, City Clerk's Office 717 E. 2nd. St., Merrill, Wisc. 54452.	April 9, 1973. Emerg. July 20, 1973. Reg.

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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14211 Filed 7-12-73;8:45 am]

[Docket No. FI-170]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on July 13, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Jo Daviess	Galena, City of	H 17 085 3250 01 through H 17 085 3250 02.	Dept. of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Dept., 525 W. Jefferson St., Springfield, Ill. 62702.	Public Works Office, City Hall, 312½ North Main St., Galena, Ill. 61036.	July 20, 1973.
Minnesota	Houston	La Crescent, Village of.	H 27 055 3850 01 through H 27 055 3850 02.	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, 317 Main Street, La Crescent, Minn. 55947.	Do.
New Jersey	Monmouth	Manalapan, Township of.	H 34 025 1798 01 through H 34 025 1798 03.	Bureau of Water Control, Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Township of Manalapan, Box 15, Tennent, New Jersey 07763.	Do.
Do	Morris	Mendham, Township of.	H 34 027 0454 01 through H 34 027 0454 07.	do	Township of Mendham, Township Hall, Mendham, N.J. 07945.	Do.
New York	Erie	East Aurora	H 36 029 1030 01	New York State Dept. of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038 and 324 State St., Albany, N.Y. 12210.	Village Hall, 571 Main Street, East Aurora, N.Y. 11052.	Do.
Pennsylvania	Perry	Duncannon, Borough of.	H 42 099 2100 01	Dept. of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of Duncannon, 115 Hickory Street, P.O. Box 9, Duncannon, Pa. 17020.	Do.
Do	Bucks	Bristol, Township of.	H 42 017 4408 01 through H 42 017 4408 05.	do	Bristol Borough Manager's Office, Pond & Mulberry Sts., Bristol, Pa. 19007.	Do.
Do	Adams	Hamilton, Township of.	H 42 001 2835 01 through H 42 001 2835 05.	do	Planning Commissioner, Hamilton Township, 637 A Frederick Street, Hanover, Pennsylvania 17331.	Do.
Do	Luzerne	Plains, Township of.	H 42 079 6615 01 through H 42 079 6615 05.	do	Plains Township, 126 N. Main Street, Plains, Pennsylvania 18705.	Do.
Do	Mifflin	Lewistown, Borough of.	H 42 087 4430 01 through H 42 087 4430 02.	do	Office of the Borough Manager, Municipal Building, Two East Third Street Lewistown, Pa. 17044.	Do.
Do	Westmoreland	Scottdale, Borough of.	H 42 129 7450 01	do	Borough of Scottdale, P.O. Box 67, Scottdale, Pa. 15683.	Do.
Wisconsin	Lincoln	Merrill, City of	H 55 069 3010 01 through H 55 069 3010 02	Dept. of Natural Resources, P.O. Box 450, Madison, Wisc. 53701. Wisconsin Insurance Dept., 212 N. Hassett St., Madison, Wisc. 53703.	City of Merrill, City Clerk's Office 717 E. 2nd. St., Merrill, Wisc. 54452.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14213 Filed 7-12-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

Regulations as to mail addressed to military post offices overseas are amended to reflect increased weight limits for SAM (space available mail) and airlift service for certain second class publications mailed outside the 48 contiguous states. In addition, a roster of military post offices is amended to reflect openings and closings as well as changes in the conditions applicable to mail addressed thereto.

Accordingly, the following amendments are effective on July 13, 1973.

1. Paragraph (e)(2) and (4) of § 126.1 is amended to read as follows:

§ 126.1 Preparation and mailing.

* * * * * *

(e) * * *

(2) Parcels of any class paid at surface postage rates not exceeding the weight and size limits in (e)(2)(i) and (ii) of this section are airlifted to, from or between overseas military post offices outside the 48 contiguous States. These parcels must be marked with the large letters SAM (space available mail) on the address side, preferably below the postage and above the name of the addressee. Postal employees will place these letters on all such parcels at the time of acceptance.

(i) When mailed from the 48 contiguous States, the weight and size limits are not more than 15 pounds in weight and not more than 60 inches in length and girth combined.

(ii) When mailed from an APO or FPO outside the 48 contiguous States, the weight and size limits are not more than 70 pounds in weight and not more than 100 inches in length and girth combined.

* * * * * *

(4) Second class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public, which are mailed at or addressed to any Armed Forces post office outside the 48 contiguous States, will be given the airlift service provided in paragraph (e)(2) or this section.

3. Section 126.2 is amended to read as follows:

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09001	B-C-I [1]	09045	B-C-D	09075	A-B*-C
09002	B-C-I [1]	09046	B-C-D	09078	B-C-D
09007	B-C-D	09047	B-C-D	09079	B-C-D
09008	B-C-D	09048	B*-C	09080	B-C-D
09009	B-C-D	09050	B-C-D[1]	09081	B-C-D
09011	B-C	09051	A-B-F-I	09082	B-C-D
09012	B-C-D	09052	B-C-D	09085	
09013	B-C-D	09053	B-C-D	09086	B-C-D
09019	B-C-I [1]	09054	B-C-D	09088	B*
09020	B	09055	B*	09090	B-C-D
09023		09056	B-C-D	09091	B-C-D
09025	B-C-D	09057	B-C-D	09093	B-C-D
09026	B-C-D	09058	B-C-D	09095	B-C-D
09028	B-C-D	09059	B-C-D	09098	B-C-D
09029	B-C-D	09060	B-C-D	09099	B-C-D
09031	B-C-D	09061	B-C-D	09101	B-C-D
09033	B-C-D	09062	B-C-D	09102	B-C-D
09034	B-C-D	09066	B-C-D	09107	B-C-D
09035	B-C-D	09067	B-C-D	09108	B-C-D
09036	B-C-D	09068	B-C-D	09109	B-C-D
09038	B-F-I-R	09069	B-C-D	09111	B-C-D
09039	B-C-D	09070	B-C-D	09114	B-C-D
09040	A-B-F-I	09074	B-C-D	09120	B*-C

See footnotes at end of table.

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Military post office number	See footnotes
09121	
09123	B-C-D
09127	B*-C
09128	B-C-D
09130	B-C-D
09131	B-C-D
09132	B-C-D
09133	A-B-F-I
09137	B-C-D
09138	B-C-D
09139	B-C-D
09140	B-C-D
09141	B-C-D
09142	B-C-D
09144	B-C-D
09146	B-C-D
09150	B*-C
09154	B-C-D
09155	A-B
09159	B-C
09160	B-C-D
09161	B-C-I [1]
09162	B-C-D
09164	B-C-D
09165	B-C-D
09166	B-C-D
09168	B-C-I [1 2]
09169	B-C-D
09170	C-D-N
09171	B-C-D
09172	B-C-D
09173	B-C-D
09175	B-C-D
09176	B-C-D
09177	B-C-D
09178	B-C-D
09179	B*-C
09180	B-C-D
09184	B-C-D
09185	B-C-D
09189	B-C-D
09193	B*-C
09194	B*-C
09205	A-B
09210	B*-C
09218	B*-C
09220	B-C-D
09221	B-C-I [1 2]
09223	A
09224	A-B-F-I
09227	B-C-D
09238	B*-C
09240	B—C—I [1]
09245	B-C-D
09252	B-C-D
09253	A
09254	A-B-F-I
09277	B-C-D
09281	B-C-D
09282	
09283	
09284	
09285	
09286	
09289	A-B-F-I
09291	A
09292	B-C
09293	B-C-I [1]
09294	A-B-F-I

See footnotes at end of table.

Military post office number	See footnotes
09305	B-C-D
09319	B-C-D-I [1]
09320	A-B-F-I
09322	B-C-D
09324	A-B-F-I
09326	B-C-D
09330	B-C-D
09332	B-C-D
09333	B-C-D
09351	B-C-D
09352	B-C-D
09353	B-C-D
09360	B-C-D
09378	B*-C
09380	B-F-I
09401	
09403	B-C-D
09405	B*-C
09406	
09407	B-C-D
09411	B-C-D
09451	B-C-D
09452	
09454	B-C-D
09458	B-C-D
09501	
09502	
09505	O
09510	B*-C-J
09511	B*-C-J
09512	B*-C-J
09513	A-C-D
09514	A-C-D
09515	A-B*-C-J
09516	A-B*-C-I-J
09517	A-C-D
09518	A-B*-C-J
09520	A-C-I
09521	A-C-I [1]
09522	A-C-I [1]
09523	A-C-I [1]
09524	A-C-I [1]
09525	A
09526	
09527	A-N
09528	A
09529	A-C-I [1]
09530	
09531	A-B-C-F-M
09532	A
09540	
09544	A-B-C-E
09546	
09550	
09551	
09552	
09553	
09554	
09555	
09556	
09558	
09559	
09560	
09571	
09580	B
09584	B
09585	B
09593	
09597	

See footnotes at end of table.

Military post office number	See footnotes
09598	
09607	B*-C
09611	B-C-D
09616	B-F-I-R
09633	B-C-D
09659	B*-C
09662	
09664	N
09666	B-C-D
09667	B*
09670	B-C-I [1]
09672	
09676	B-C-M
09677	
09678	B-I-N
09684	B-C-D
09689	B-C-I [1]
09690	A
09692	B-C-D
09693	A
09696	B-C-D
09697	B-F-I-R
09701	B-C-D
09702	B-C-D
09710	B-C-D
09742	B-C-D
09743	B-C-D
09751	B-C-D
09755	B*-C
09757	B-C-D
09777	A-B-C-E
09794	B-C-I [1]
09801	B-C-D
09807	B-C-D
09825	B
09826	B
09827	B
09829	B
09832	B
09834	B
09837	B
09843	B-C-D-I [1]
09845	
09851	
09860	B-C-D
09862	N
09865	B-I-M
09867	M
09869	B-C-F-I-M-N
09870	C-D-N
09871	B-I-L-M-N
09872	B-C-D
09875	B-M
09879	H-I-M-N
09880	A-B-F-I-L
09881	I-M
09883	B-I-M-N
09885	M
09887	B-D-F-I-M-N
09889	B-I-M-N
09891	B-M-N
09892	A-B-F-I
09893	C-F-H-I-M-N
09895	B-I-M
09897	I-L
09899	B-I-M
96208	A-B
96209	A-B-H
96210	A-B-M
96212	A-B
96213	A-B
96217	A-F
96218	A-B

See footnotes at end of table.

Military post office number	See footnotes
96220	A-B
96224	A-B
96230	L
96231	A-B
96232	
96233	
96234	A-B-F
96235	A-B-M
96236	F [1]
96237	
96239	A-B-M
96243	A-B-F
96245	
96248	A-B-M
96251	A-B
96259	A-B
96261	
96263	F [1]
96264	A-B
96267	A-B-M
96271	A-B
96272	
96274	K
96276	A-B
96277	K
96280	F [1]
96281	A-B-M
96286	K-L
96287	A-B-H
96288	
96290	F [1]
96293	F [1]
96298	K
96299	A-B-M
96301	A-B
96302	A-B
96303	
96304	
96305	
96310	
96313	B-H-M
96315	
96319	F [1]
96322	P
96323	A-B-M
96324	A-B
96325	A-F
96327	L
96328	A-B-M
96330	
96331	A-B-M
96333	M
96334	
96335	A-B
96336	A-B-M
96338	A-B-M
96339	
96340	F [1]
96341	
96343	A-B-M
96346	
96347	A-F
96351	P
96352	
96356	
96358	A-B
96360	F [1]
96364	N-P
96365	

See footnotes at end of table.

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
98716		98761	A-B-M	98777	
98723		98762	A-B-M	98781	A-B-M
98731		98764	A-B-M	98782	A-B-M
98732		98765	A-B-M	98790	
98733		98766	A-B-M	98791	
98736		98767	A-B-M	98792	
98737		98768	A-B-M	98793	
98742		98769	A-B	98794	
98745		98770	A-B-M	98795	
98746		98771		98796	
98747		98772	A-B-M	98798	
98748		98773	A-B-M	98799	
98749		98774			
98750		98775			
98760	A-B-M	98776			

FOOTNOTES

A. No mail of any class may contain securities or currency. Precious metals in their raw, unmanufactured state are also prohibited. Official shipments are exempt from these restrictions.

B. Customs Declaration form required, except that prepaid mail from a contractor, addressed to a military post office, may bear a Customs Declaration (Form 2966) but must be endorsed "Contents For Official Use—Exempt from Customs Regulations." Official mail from Government agencies DOES NOT require customs declaration or exemption endorsement.

C. Parcels are liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. With respect to a parcel meet these requirements, the mailer should place a certificate similar to the following on the customs form under the heading—"Description of Contents": "Certified to be bona fide gift, personal effects or items for personal use of military personnel and dependents thereof."

D. Cigarettes and other tobacco products prohibited.

E. Coffee prohibited.

F. Mail may not contain: 1. Medicines or vaccines not conforming to French laws. 2. Noxious, filthy articles, and publications prohibited on account of their political character or immoral contents.

G. Mail of all classes may not contain firearms of any type. See definition of firearms in 124.5.

H. No mail of any class may contain privately-owned weapons addressed to an individual.

I. To be printed at a later date.

J. Meats, including preserved meats, whether hermetically sealed or not, are prohibited.

(Continued)

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
96369	A-B-H-Q	96488	A-B	96615	
96376	A-F	96501		96617	
96381	A-F	96502	A-B-M	96620	A-B-F
96386		96503	A-B-M	96630	
96390	A-B-M	96504	A-B-M	96637	
96392	A-F	96515		96650	F-K
96393	A-B-F	96519	A-B-M	96651	F-K
96397	A-B	96525	A-B-M	96652	F-K
96401		96528	K	96654	F-K
96403	A-B-H	96545		96656	F-K
96404	A-B-H	96553		96658	F-K
96405	A-B-H	96555	M	96659	
96409	N,	96556		96660	A-B-H-Q
96411	A-B-M	96557		96685	
96421		96558		96690	B-H
96430		96570	A-B	96692	
96431	K	96571	A-B	96699	A-F
96432	K	96594	A-B-M	98703	
96435	F[1]	96601		98704	
96436	A-B	96602		98706	
96437	A-B	96605	O	98709	
96438		96610		98710	
96455	A-B	96611		98711	
96460	B-C-D	96612		98713	
96668		96613		98715	
96483	A-B	96614			

[1] See footnotes at end of table.

I. Mail of all classes may not exceed the following dimensions:

Length	
42"	72" length and girth combined.
Over 42" to 44"	24" girth.
Over 44" to 46"	20" girth.
Over 46" to 48"	16" girth.
Maximum length 48".	

[1] Provisions of this footnote are not applicable to registered mail.

[2] Provisions of this footnote are not applicable to airmail nor to official Government mail marked MOM.

J. Weight for other than registered mail is restricted to 50 pounds.

K. Mail which includes in the address the words "Dependent Mail Section" may consist only of letter mail, newspapers, magazines and books. No parcel of any class containing any other matter may be mailed to Dependent Mail Section. This footnote is not applicable if the address does not include the words "Dependent Mail Section."

L. All official mail prohibited.

M. Fruits, animals, and living plants are prohibited.

N. No registered mail accepted.

O. Personal mail addressed to vessels using this number is limited to unregistered airmail, unregistered first-class mail, and certified mail. Other classes of mail may not be accepted.

P. APO will be used for the receipt and dispatch of official mail only.

Q. Mail may not exceed 66 pounds and size is limited to 42 inches maximum length and 72 inches maximum length and girth combined.

R. All alcoholic beverages, including those mailable under part 123.3 are prohibited.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14226 Filed 7-12-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 2; Amdt. 7-7]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Document Inspection Facility

The purpose of this amendment to Part 7 is to indicate that records of the Office of the Secretary are available from the Director of Public Affairs (formerly, the Assistant Secretary for Public Affairs), and to describe in greater detail the document inspection facility for the Office of the Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure there on are unnecessary, and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective on July 13, 1973, Appendix A of Part 7 of Title 49, Code of Federal Regulations, is amended as follows:

1. Paragraph 2 is revised to read as follows:

2. *Document inspection facility.* The document inspection facility for the Office of the Secretary is maintained by the Director of Public Affairs, Room 10106, Nassif Building, 400 Seventh Street, SW., Washington, D.C. This facility is open to the public from 9:00 a.m. to 5:30 p.m. local time, Monday through Friday except Federal holidays.

2. The first clause of paragraph 3 is revised to read as follows:

3. *Records available at the document inspection facility.* The following records are available at the document inspection facility:

• • • • •

3. The first sentence of paragraph 4 is revised to read as follows:

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Director of Public Affairs, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

• • • • •

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); sec. 1.59(m) of the regulations, Office of the Secretary of Transportation, 49 CFR 1.59(m))

Issued in Washington, D.C., on July 9, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-14285 Filed 7-12-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fifth Rev. S. O. 1043]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3d day of July, 1973.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1043 Service Order No. 1043.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Company
Reporting marks: B&O
Bessemer and Lake Erie Railroad Company
Reporting marks: B&LE.
The Chesapeake and Ohio Railway Company
Reporting marks: C&O
Louisville and Nashville Railroad Company
Reporting marks: L&N, NC, and MON
Norfolk and Western Railway Company
Reporting marks: N&W, NKP, P&WV, VGN, and WAB
Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees
Reporting marks: PRR, PC, NYC, NH, B&A, BWC, P&E, and TOC
The Pittsburgh and Lake Erie Railroad Company
Reporting marks: P&LE[1]

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(3) The following companies will be considered as one railroad in the application of paragraphs (a)(1) and (b) of this section: [1]

Penn Central Transportation Company
George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees
The Pittsburgh and Lake Erie Railroad Company

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT" in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387 issued by W. J. Trezise, or reissues thereof.

(e) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

[1] Addition.

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(f) Effective date: This order shall become effective at 12:01 a.m., July 3, 1973.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1973, unless otherwise modified, changed or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT S. OSWALD,
Secretary.

[FR Doc.73-14358 Filed 7-12-73;8:45 am]

[Corrected Third Rev. Se. O. 1121]

PART 1033—CAR SERVICE
Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1973.

It appearing, that an acute shortage of covered hopper cars, gondola cars, and boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars, gondola cars, and boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 387, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates designated as export or as rail-water, or moved on rates also applicable to other traffic.

(iv) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of rail cars and the loading and unloading of vessels.

(v) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(vi) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vii) The terms "loading", "unloading", and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) Exception: Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) Exception: This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(xi) Exception: This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the United States Government.

(2) *Free Time.* (i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in paragraph (a) (1) (ii) of this section at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or though port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in paragraph (a) (1) (ii) of this section are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (a) (2) (i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.*[1] (i) After the expiration of the free-time period described in paragraph (a) (2) of this section, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in Demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m. or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars Subject to Average Demurrage Basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of the free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, $30.00 per car per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

[1] Correction.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable cerdits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying paragraph (a) (4) (iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Records of detention and computation of demurrage charges on cars subject to this order shall be separate from records of detention and computation of demurrage charges on cars not subject to this order.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, the giving of arrival or constructive placement notice on freight destined for unloading or trans-shipment at the ports shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1973.

(d) *Expiration date.* This order shall expire at 6:59 a.m., October 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14359 Filed 7-12-73;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE
1969 and Succeeding Years

APPENDIX; DISCONTINUATION OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

Correction

In FR Doc. 73–13314 appearing on page 17437 in the issue for Monday, July 2, 1973, in the list of counties in Mississippi, insert "De Soto".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING ((AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 594]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA
Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 15–21, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.894 Lemon Regulation 594.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated

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in the order. The committee further reports the demand for lemons is strong for first grade fruit and is somewhat weaker for second grade fruit. Demand for 165's and smaller continues strong while being steady on 140's. Markets and auctions are generally adequately supplied for both this week and next, and hot, humid weather in the East is helping clear auction markets of considerable poor condition fruit. Average f.o.b. price was $5.04 per carton the week ended July 7, 1973, compared to $5.29 per carton the previous week. Track and rolling supplies at 215 cars were down 57 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 15, 1973, through July 21, 1973, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14512 Filed 7-12-73;11:24 am]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 15–July 21, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.404 Lime Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes appears to be stabilizing following two weeks of decline in prices. Prices currently range $1.35 to $1.55 per 10 pound container. Fresh shipments for the weeks ended July 7, 1973, and June 30, 1973, were 15,815 bushels and 35,113 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of limes, retaining the same effective date, and such information is being disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act; to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 15, 1973, through July 21, 1973, is hereby fixed at 24,600 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 12, 1973.

CHARLES R BRADDER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14513 Filed 7-12-73;11:25 am]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment for Fiscal 1973–74

This document fixes the expenses of the Washington Fresh Peach Marketing Committee for the 1973–74 season at $7,790 and prescribes that handlers pay $0.80 per ton to defray such expenses.

Notice was published in the June 19, 1973, issue of the FEDERAL REGISTER (38 FR 15969) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1974, under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.213 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1973, and ending March 31, 1974, will amount to $7,790;

(b) *Rate of assessment.* The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at eighty cents ($0.80) per ton of fresh peaches; and

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14384 Filed 7-12-73;8:45 am]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On June 27, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16878) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in designated counties in Washington. This notice allowed interested persons 9 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $17,681.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $0.90 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such cherries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14385 Filed 7-12-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1973 Crop Soybean Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Soybean Loan and Purchase Program

Correction

In FR Doc. 73–11985 appearing at page 15826 of the issue for Monday, June 18, 1973, the following changes should be made in § 1421.393:

1. In § 1421.393(a) under "Wisconsin", "Ozaukei" should read "Ozaukee".

2. In § 1421.393(b), "12.3 through 13.0" should read "12.8 through 13.0".

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1973 CROP—FLUE-CURED TOBACCO, ADVANCE SCHEDULE

On June 8, 1973, there was published in the FEDERAL REGISTER (38 FR 15081) a notice of proposed rule making setting forth the proposed price support advance rates for 1973-crop flue-cured tobacco. Interested parties were given the opportunity to submit, not later than July 8, 1973, data, views and recommendations regarding the advance rates.

No unfavorable comments have been received, and the proposed advance rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

Effective date: July 13, 1973.

Signed at Washington, D.C., on July 9, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

§ 1464.16 1973 crop—flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	99.25	B3FR	84.25
A2F	97.25	B4FR	81.25
B1L	93.25	B5FR	78.25
B2L	88.25	B6FR	74.25
B3L	85.25	B3R	73.25
B4L	83.25	B4R	69.25
B5L	81.25	B5R	64.25
B6L	77.25	B6R	60.25
B1F	93.25	B3K	80.25
B2F	88.25	B4K	77.25
B3F	85.25	B5K	74.25
B4F	83.25	B6K	70.25
B5F	81.25	B3LV	83.25
B6F	77.25	B4LV	79.25
B1FR	92.25	B5LV	76.25
B2FR	87.25	B3FV	83.25

[1] The advance rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the advance rates listed plus 12½ cents per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer and only if produced by a cooperator.

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Grade	Advance Rate	Grade	Advance Rate
B4FV	79.25	C1L	94.25
B5FV	76.25	C2L	92.25
B3LS	79.25	C3L	90.25
B4LS	76.25	C4L	88.25
B5LS	73.25	C5L	86.25
B6LS	67.25	C1F	94.25
B3FS	77.25	C2F	92.25
B4FS	75.25	C3F	90.25
B5FS	72.25	C4F	88.25
B6FS	66.25	C5F	86.25
B3KL	73.25	C4LV	85.25
B4KL	71.25	C4FV	85.25
B5KL	68.25	C4LS	83.25
B6KL	63.25	C5LS	80.25
B3KF	72.25	C4KL	83.25
B4KF	70.25	C4KF	83.25
B5KF	67.25	C4KM	83.25
B6KF	62.25	C4KR	85.25
B3KM	76.25	X1L	90.25
B4KM	74.25	X2L	88.25
B5KM	71.25	X3L	86.25
B6KM	66.25	X4L	84.25
K3KR	79.25	X5L	80.25
B4KR	76.25	X1F	90.25
B5KR	73.25	X2F	88.25
B4KV	73.25	X3F	86.25
B5KV	68.25	X4F	84.25
B6KV	64.25	X5F	80.25
B5RR	61.25	X3LV	83.25
B4GL	75.25	X4LV	80.25
B5GL	72.25	X3FV	83.25
B6GL	67.25	X4FV	80.25
B4GF	74.25	X3LS	82.25
B5GF	70.25	X4LS	78.25
B6GF	66.25	X3FS	80.25
B4GR	68.25	X4FS	77.25
B5GR	62.25	X4KL	79.25
B6GR	57.25	X4KF	79.25
B4GK	70.25	X4KV	76.25
B5GK	65.25	X3KM	82.25
B6GK	61.25	X4KM	78.25
B5RG	58.25	X4KR	82.25
B4GG	60.25	X4G	75.25
B5GG	57.25	X5G	70.25
H1L	93.25	X4GK	74.25
H2L	90.25	P2L	85.25
H3L	88.25	P3L	82.25
H4L	86.25	P4L	80.25
H5L	83.25	P5L	76.25
H6L	79.25	P2F	85.25
H1F	93.25	P3F	82.25
H2F	90.25	P4F	80.25
H3F	88.25	P5F	76.25
H4F	86.25	P4G	72.25
H5F	83.25	P5G	66.25
H6F	79.25	N1L	69.25
H3FR	86.25	N1XL	73.25
H4FR	83.25	N1K	68.25
H5FR	80.25	N1R	58.25
H6FR	77.25	N1GL	62.25
H4K	82.25	N1GF	61.25
H5K	79.25	N1GR	54.25
H6K	75.25	N1GG	50.25

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

[FR Doc.73-14312 Filed 7-12-73;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-29; Notice 3]

PART 1230—HIGHWAY SAFETY PROGRAM STANDARDS—APPLICABILITY TO FEDERALLY ADMINISTERED AREAS

In a notice of proposed rulemaking published on October 26, 1972 (37 FR 22876), the National Highway Traffic Safety Administration and the Federal Highway Administration requested public comment on a proposal to apply the highway safety program standards published in 23 CFR Ch. II to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The purpose of this notice is to issue a new 23 CFR Part 1230, Highway Safety Program Standards—Applicability to Federally Administered Areas.

Comments were received from most of the land-holding Federal agencies, generally indicating that compliance with the highway safety program standards presents only budgetary problems. There were, however, several comments from agencies discussing particular program difficulties relating to their activities, which, taken together, highlight the need for flexibility in implementation of this aspect of the national highway safety program. For example, the Forest Service, Department of Agriculture, pointed out legislative restrictions established in its 1897 Act, providing that administration of and jurisdiction over persons within the National Forests remain with the States. The Department of Defense also raised questions relating to the applicability of Standard No. 7, Traffic Courts, to unit commanders' on base authority under the Uniform Code of Military Justice.

Several private organizations and States also commented on the proposal, generally expressing support. These comments, too, pointed out particular problems relating to the specific program efforts of the agencies. Logging and paper companies, for example, raised questions about the applicability of the proposal to private roads and existing property rights. Concern was also expressed about the possible impact of applying the highway safety program standards on environmental and recreational needs in the park system, the National Forest System and the National Wildlife Refuge System.

There are 141 Federal agencies, each of which has statutory responsibilities and substantive programs that interface with the Highway Safety Act in a large variety of ways. It is not the intent of the proposal to interfere with the statutory responsibilities of the various Federal agencies, or to cause unnecessarily detrimental impacts on the environment in natural and historic areas. However, the legislative history of the Highway Safety Act clearly establishes the mandate of the Act to attack highway safety problems on all of the Nation's highways. The stated purposes and requirements of this Act should be read in conjunction with the other statutory proscriptions.

It is believed, therefore, that the best way to ensure a meaningful implementation of the highway safety program standards in federally administered areas is to review the standards on a program-by-program basis with each agency. For this reason the new part will establish the basic principle that the standards apply to federally administered areas, and impose reporting and program planning requirements. Details of the interaction of specific programs with specific standards will be covered in the planning and review process. Clarification of standard requirements and technical assistance will be available through the staff offices of the FHWA and NHTSA. It is expected that guidelines for submission and review of planning documents will be issued within 180 days of the effective date of this part. The guidelines will include requirements for review of the environmental impact in preparing programs. In view of this intention to clarify the program specifics at a later date, it is the judgment of the FHWA and the NHTSA that no significant environmental impact will directly result from issuance of this notice.

A few agencies have raised a question as to the meaning given to the phrase "open to public travel." This language is based on the indication in the legislative history that the Act is designed to develop programs for protecting the traveling public from the hazards of traffic crashes on the Nation's highways. "Open to public travel" is therefore intended to cover highways and road systems that are open to travel by the general public. It is not intended to apply to roads where access to the general public is restricted, although a requirement for identification to gain access to a road would not necessarily exclude it from the public road category. For example, on military bases, roads on firing ranges where members of the public are not permitted would not be included, but roads on the base where dependents, visitors and other members of the public are permitted access would be included. The process of submission and review of plans required by the new part is designed to resolve the question of what roads are open to public travel as it relates to specific programs.

Some agencies also raised questions about the need for various reports, arguing that a Comprehensive Plan and Annual Report would be sufficient to provide the Department with information to review compliance of the agencies with the standards. The FHWA and NHTSA recognize the need to keep reports and paperwork to a minimum. It has been determined, therefore, that a Comprehensive Plan should be submitted by each agency, detailing its planned efforts for implementing the highway safety program standards in their jurisdictions. An Annual Report reviewing the year's accomplishments would also be submitted. The requirement for submission of an Annual Work Program has been deleted.

In consideration of the foregoing, 23 CFR Ch. II is amended by adding a new Part 1230—Highway Safety Program Standards—Applicability to Federally Administered Areas, in Subchapter B, to read as set forth below.

Effective date: August 15, 1973.

Issued on: July 6, 1973.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs, National Highway Traffic Safety Administration.

Sec.
1230.1 Scope.
1230.2 Purpose.
1230.3 Applicability.
1230.4 Requirements.

AUTHORITY: 23 U.S.C. 402, 38 FR 12147, 49 CFR 1.48.

§ 1230.1 Scope.

This part establishes requirements for implementation by Federal departments or agencies of highway safety program standards set out in this chapter, in federally administered areas where a Federal department or agency controls highways open to public travel or supervises traffic operations.

§ 1230.2 Purpose.

The purpose of this part is to ensure that uniform standards established to regulate highway safety activities apply uniformly throughout the United States to those highways and activities administered by a Federal agency.

§ 1230.3 Applicability.

Pursuant to 23 U.S.C. 402, the highway safety program standards set forth in this chapter are applicable to Federal departments and agencies that control highways open to public travel within federally administered areas or supervise traffic operations on such highways, to the extent that they engage in activities covered by the highway safety program standards set out in this chapter.

§ 1230.4 Requirements.

(a) Each department or agency shall implement the highway safety program standards, to the extent that they are relevant to the activities of the department or agency. Implementation activities shall include but not be limited to:

(1) In cooperation with the FHWA and NHTSA, review of the department's or agency's activities to determine which are covered by the highway safety program standards.

(2) Review of the current status of those activities with regard to the relevant requirements of the standards.

(3) Development, submission to the FHWA and NHTSA, and periodic updating and implementation of a multiyear Comprehensive Plan for highway safety in accordance with the highway safety program standards.

(b) Each department or agency shall submit annually to the Secretary of Transportation a comprehensive report on the administration of its highway safety program for the preceding calendar year. The report shall be suitable for inclusion in the report to the President for transmittal to the Congress as required by section 202(a) of the Highway Safety Act of 1966 (P.L. 89-564), and shall include but not be limited to:

(1) Thorough statistical data on fatal, injury and property damage accidents which occurred within its federally administered area.

(2) The scope of observance of applicable Federal standards.

(3) The effectiveness of its highway safety programs.

[FR Doc.73-14335 Filed 7-12-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Issuance of Permits To Obtain Scientific and Research Specimens

Pursuant to the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the references to the name "area supervisor" in § 314.9 are changed to "inspector in charge."

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This docket will amend the regulations to place the issuance of the permit for removal of biological and scientific specimens at the plant level. Prior to the reorganization, this permit (MP-403-10) was issued by the officer in charge who, in most cases, was located in close proximity to the plant. Following the reorganization, the regulations were amended en masse to require the area supervisor to issue the permit. Since this permit is valid only for a specified establishment, good cause is found for authorizing the inspector in charge at each plant to issue this permit. Such permits that are issued would be reviewed by the circuit supervisor.

These amendments are organizational in nature. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective July 13, 1973.

Done at Washington, D.C., on: July 6, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14260 Filed 7-12-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE HEALTH AND SAFETY

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740 (1970)). Order No. 2953 transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration the functions of mine health and safety, assessment and compliance, and education and training. The functions of energy, metallurgical and mining research and development, mine health and safety research, and mineral supply are retained in the Bureau of Mines. In order to provide for necessary changes in nomenclature to conform to the foregoing Secretarial Order, Subchapters N and O of Chapter I, Title 30, Code of Federal Regulations, are hereby amended, as set forth below.

As the amendments relate to matters of internal Department organization and practice, the prior notice and public procedure provisions of 5 U.S.C. section 553 are inapplicable.

The amendments shall be effective on July 16, 1973.

JULY 10, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

(Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740) and Sec. 508, Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 957))

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 55.2, 55.3-13, 55.4-4, 55.4-24, 55.5-5, 55.6-94, 55.6-94, 55.6-100, 55.12-47, 55.13-32, 55.24-1, 55.24-2, 55.24-5, 55.24-6, 55.24-7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
55.3-13
55.4-4
55.4-24(e)
55.5-5
55.6-94
55.6-100
55.12-47

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Sec.
55.13–32
55.24–2
55.24–5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
55.24–1
55.24–2
55.24–5
55.24–6
55.24–7

3. In § 55.24–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 55.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 56.2, 56.3–13, 56.4–1, 56.4–24, 56.5–5, 56.6–94, 56.6–100, 56.12–47, 56.13–32, 56.24–1, 56.24–2, 56.24–5, 56.24–6, 56.24–7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
56.3–13
56.4–4
56.4–24(e)
56.5–5
56.6–94
56.6–100
56.12–47
56.13–32
56.24–2
56.24–5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
56.24–1
56.24–2
56.24–5
56.24–6
56.24–7

3. In § 56.24–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 56.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 57.2, 57.3–13, 57.4–4, 57.4–24, 57.5–5, 57.6–94, 57.6–100, 57.12–47, 57.13–32, 57.21–95, 57.21–96, 57.21–100, 57.24–1, 57.24–2, 57.24–5, 57.24–6, 57.24–7, 57.25–1, 57.25–2, 57.25–3, 57.25–7, 57.25–8, 57.25–9 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
57.3–13
57.4–4
57.4–24(e)
57.5–5
57.6–94
57.6–100
57.12–47
57.13–32
57.21–96
57.24–2
57.24–5
57.25–3
57.25–7(a)

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted where it appears and the word "Administrator" is substituted therefor:

Secs.
57.24–1
57.24–2
57.24–5
57.24–6
57.24–7
57.25–1
57.25–2(c)
57.25–3
57.25–7
57.25–8
57.25–9

3. In §§ 57.24–1 and 57.25–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 57.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

5. In § 57.21–95 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines" where such words first appear, and where the words "Bureau of Mines" last appear in that section those words are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

6. In § 57.21–100 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines."

PART 58—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES AND OCCUPATIONAL ILLNESSES IN METAL AND NONMETAL MINES

Part 58 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 58.1, 58.2, 58.10, 58.12, 58.20, 58.21, 58.22, 58.30, 58.31, 58.32, 58.33 [Amended]

1. In the heading of Subpart D and the sections specified below the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor, and the word "Bureau" is deleted wherever it appears and the word "Administration" substituted therefor:

Secs.
58.1
58.2(k)
58.10
58.12
58.20
58.21
58.22(a)(1)
58.30
58.31
58.32
58.33

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

Part 70 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 70.204 [Deleted]

1. Section 70.204 is deleted in its entirety.

§§ 70.223, 70.261, 70.271, 70.504–2, 70.510 [Amended]

2. In §§ 70.223, 70.261, 70.271, 70.504–2 and 70.510(b)(2) the term "Bureau of Mines" is deleted and the term "Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.260 [Amended]

3. In § 70.260(a), the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

4. Section 70.272 is revised to read as follows:

§ 70.272 Report and certification of conditions in active mine workings.

Each operator of a coal mine shall, on or before June 30, 1970, and annually thereafter on the anniversary date of each initial report and certification, report and certify to the Secretary the conditions relative to dust control which exist in the active workings of all mines operated. Such reports shall be submitted on Mining Enforcement and Safety Administration Form No. 6–1497. Report forms may be obtained from any Coal Mine Health and Safety District Office of the Mining Enforcement and Safety Administration. Reports shall be submitted to the District Manager of the Coal Health and Safety District in which the mine is located.

§§ 70.305–1, 70.400–1, 70.505 [Amended]

5. In §§ 70.305–1, 70.400–1, 70.505, the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "approved by the Bureau of Mines."

§ 70.504 [Amended]

6. In § 70.504 the term "Director, Bureau of Mines" is deleted and the term "Administrator, Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.504–1 [Amended]

7. In § 70.504–1 the terms "Bureau of Mines" and "Bureau" are deleted and the terms "Mining Enforcement and Safety Administration" and "Administration" are respectively substituted therefor.

§§ 70.507, 70.508, 70.509 [Amended]

8. In §§ 70.507, 70.508, and 70.509, the address "Assistant Director, Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240" is deleted and the address "Division of Automatic Data Processing, Mining Enforcement and Safety Administration, Building 53, Denver Federal Center, Denver, Colo. 80225" is substituted therefor, and the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" substituted therefor.

§ 70.510 [Amended]

9. In § 70.510(b)(3) the words "Assistant Director, Coal Mine Health and Safety, Bureau of Mines" are deleted and the words "Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration" are substituted therefor.

PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Part 71 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 71.200, 71.402, 71.500 [Amended]

1. In §§ 71.200, 71.402, and 71.500 the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

§ 71.111 [Amended]

2. In § 71.111 the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Part 75 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 75.100, 75.150, 75.155, 75.301–7, 75.301–8, 75.303–2, 75.503–1, 75.517–2, 75.1103–2, 75.1712–6, 75.1721, 75.1800, 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1807 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

Secs.
75.100(c)(1)
75.150(b)(2)
75.155(c)
75.301–7(c)(2)
75.301–8(c)(1)
75.303–2(c)
75.503–1
75.517–2(d)
75.1103–2(b)
75.1712–6
75.1721(b)(1)
75.1800
75.1801
75.1802
75.1803
75.1804
75.1805
75.1806
75.1807

§§ 75.151, 75.1703–1, 75.1714–1 [Amended]

2. In §§ 75.151, 75.1703–1, and 75.1714–1 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

§ 75.153 [Amended]

3. In § 75.153(e) the word "Bureau" is deleted and replaced by the word "Administration."

§ 75.506 [Amended]

4. In § 75.506(a) the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 7 thereof.

§§ 75.523–1, 75.1710–1 [Amended]

5. In §§ 75.523–1(c) and 75.1710–1(f) the words "Assistant Director—Technical Support, Bureau of Mines" are deleted and the words "Assistant Administrator—Technical Support, Mining Enforcement and Safety Administration" are substituted therefor.

§§ 75.803–3, 75.902–3 [Amended]

6. Sections 75.803–3 and 75.902–3 are deleted entirely.

§ 75.1107–17 [Amended]

7. In § 75.1107–17 the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 6 thereof; and the words "Bureau of Mines" in line 11 thereof are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Part 77, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 77.100, 77.101, 77.102, 77.103, 77.105, 77.413, 77.1000–1, 77.1108–1, 77.1303, 77.1900, 77.1902–1, 77.1914 [Amended]

1. In the sections specified below, the term "Bureau of Mines" is deleted wherever it appears and the term "Mining Enforcement and Safety Administration" is substituted therefor.

Secs.
77.101(b)(2)
77.102
77.105(b)
77.413
77.1000–1
77.1108–1(b)(4)
77.1303(m)
77.1900

2. In §§ 77.100(b)(2), 77.1902–1, and 77.1914(c) the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

3. In § 77.103(e) the word "Bureau" is deleted and the word "Administration" is substituted therefor.

PART 80—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS

§§ 80.10, 80.11, 80.12, 80.23, 80.24, 80.31, 80.32, 80.33 [Amended]

Part 80, Chapter I of Title 30, Code of Federal Regulations is amended by deleting the word "Bureau" in § 80.10 and inserting in lieu thereof the word "Administration"; and by deleting the words "Bureau of Mines" in the heading of Subpart D and in the sections specified below, and inserting in lieu thereof the words "Mining Enforcement and Safety Administration."

Secs.
80.10
80.11
80.12
80.23
80.24
80.31
80.32
80.33

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PART 81—PROCEDURES FOR IDENTIFICATION OF REPRESENTATIVES OF MINERS AT MINES

Part 81, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Director, Bureau of Mines", "Bureau of Mines", and "Bureau" wherever they appear and by substituting respectively therefor the words "Administrator, Mining Enforcement and Safety Administration", "Mining Enforcement and Safety Administration", and "Administration."

PART 82—NOTIFICATION OF LEGAL IDENTITY

Part 82, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Bureau of Mines" wherever they appear and substituting therefor the words "Mining Enforcement and Safety Administration."

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Part 90, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§ 90.1 [Amended]

1. In § 90.1 the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor.

2. In § 90.2, paragraph (b) is revised as follows:

§ 90.2 Definitions.

• • • • • •

(b) "Administrator" means the Administrator, Mining Enforcement and Safety Administration, U.S. Department of the Interior.

• • • • • •

§§ 90.10, 90.20, 90.30, 90.31, 90.32, 90.35 [Amended]

3. In §§ 90.10, 90.20, 90.30, 90.31(a), 90.32, 90.33(b), the heading of Subpart E, and Figure 1 the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor; and the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

[FR Doc.73-14475 Filed 7-12-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512), approved October 20, 1972, the Department of the Treasury hereby amends the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, effective April 5, 1973 (38 FR 9132) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto.

These amendments are intended primarily to clarify the language of certain provisions of the regulations. Because the purpose of these amendments is to provide immediate guidance to the states and local units of governments as to procedures applicable after December 31, 1972, in order that the requirements of the Act be complied with, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

The foregoing amendments are issued under authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342). These amendments shall become effective when filed with the Federal Register and are applicable to entitlement periods beginning on or after January 1, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved July 11, 1973.

EDWARD C. SCHMULTS,
General Counsel.

Section 51.3 is amended to read as follows:

§ 51.3 Procedure for effecting compliance.

(a) *In general.* If the Secretary determines that a recipient government has failed to comply substantially with any provision of this part, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government pursuant to Subpart F of this part, the Secretary shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(b) *Determination to delay payment.* Whenever the Secretary determines that a recipient government has failed to comply with the communication requirement period until such time as the ment of entitlement funds to such recipient. A determination to delay payment of entitlement funds shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect only for such time as is necessary to effect compliance.

The first sentence of § 51.5 is amended to read as follows:

§ 51.5 Transfer of funds to secondary recipients.

Those prohibitions and restrictions set forth in subpart D of this part which are applicable to a recipient government's entitlement funds continue to be applicable to such funds if they are transferred to another governmental unit or private organization. • • •

§ 51.11 [Amended]

The second sentence of § 51.11(b) is amended by deleting the words "and the balance of the trust fund as of the date of the report's submission" and inserting a period after the word "period". As amended, the second sentence of § 51.11 (b) reads: "Such report also shall state any interest earned on entitlement funds during the period."

The third sentence of § 51.11(b) is amended by adding the phrase "including its balance" after the word "fund". As amended, the third sentence of § 51.11 (b) reads: "Such reports shall show the status of the trust fund including its balance as of June 30 and shall be filed with the Secretary on or before September 1 of each calendar year."

Section 51.24(a) is amended to read as follows:

§ 51.24 Waiver of entitlement; nondelivery of checks; insufficient data.

(a) *Waiver.* Any unit of local government may waive its entitlement for any entitlement period: *Provided,* The chief executive officer with the consent of the governing body of such unit notifies the Secretary that the entitlement payments for a past, current, or the next beginning entitlement period are being waived. In the event that an entitlement payment is returned or a notice of waiver is executed which is not in accordance with this procedure, the chief executive officer will be so notified by the Secretary and, unless the attempted waiver is rescinded within 30 days of the date of such notice, it shall be given effect. However, in no event will a notice of waiver be given effect for an entitlement period which is subsequent to the next beginning entitlement period. The entitlement waived shall be added to and shall become a part of the entitlement of the next highest unit of government eligible to receive entitlement funds in that State in which the unit of government waiving entitlement is located. However, if the governing body of an Indian tribe or Alaskan native village waives its entitlement for any period, the rules relating to distributions within county areas (pursuant to section 108(b)(4) of the Act) are to apply to the distribution within a county area as if such tribe or village were not in existence for that period. A waiver of entitlement by a unit of local government or Indian tribe or Alaskan native village shall be deemed irrevocable for the entitlement period or periods to which it relates.

• • • • • •

Paragraph (a) of § 51.25 is amended by deleting the second sentence and inserting a new sentence, and the second

sentence of paragraph (b) is revised, all to read as set forth below.

§ 51.25 Reservation of funds and adjustment of entitlement.

(a) • • • Such reserve shall be known as the Obligated Adjustment Reserve and amounts remaining in that reserve will accumulate until the liabilities of the Trust Fund are discharged or sufficiently diminished to permit an allocation to recipient governments. • • •

(b) • • • In such case the Secretary may demand that the funds received by the recipient government in excess of its entitlement be immediately repaid to the Trust Fund of the Department of the Treasury.

The final sentence of § 51.26(a) is amended by inserting the phrase "debt proceeds and" after the word "including." As amended, the final sentence of § 51.26(a) reads:

§ 51.26 State must maintain transfers to local government.

(a) • • •

• • • The phrase "own sources" means all sources of State revenue (including debt proceeds and the State's revenue sharing entitlement funds) but excluding intergovernmental revenues received from the Federal government.

[FR Doc.73-14469 Filed 7-12-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Notice of Proposed Rule Making

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), it was proposed to revise and restructure subchapter B of Chapter One of this title.

It is determined that § 20.21(i)(2), as previously proposed should be further revised. The revision of § 20.21(i)(2) which is being proposed at this time would change the language of the baiting regulation with respect to hunting doves.

Enforcement of the baiting regulation for doves has been a recurring problem for years. The wording of the regulation contributes to the problem. The difficulty seems to arise from the phrase "valid agricultural operations or procedures" in the regulation. The validity of agricultural operations varies by time and geography presenting a very difficult problem of definition. The situation at present is very difficult for both the hunter and enforcement personnel.

It is desirable to make the definition of illegal baiting as clear as possible. Accordingly, it is proposed to revise subpart C, § 20.21(i)(2) as proposed in the FEDERAL REGISTER of April 25, 1973, as follows:

Subpart C—Taking

§ 20.21 Hunting methods.

* * * * *

(i) * * *

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of *bona fide* agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

Interested persons are invited to submit written comments, suggestions, or objections, concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by August 10, 1973, will be considered.

(Migratory Bird Treaty Act, Section 3, 40 Stat. 755 (16 U.S.C. 704))

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 10, 1973.

[FR Doc.73-14191 Filed 7-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment for Fiscal 1973–74 and Carryover of Unexpended Funds

This notice states that the anticipated expenses of the Idaho-Malheur County, Oregon, Fresh Prune Marketing committee for the 1973–74 season will amount to $5,180. The proposed rate of assessment is ½ cent per 30-pound carton or equivalent quantity of prunes.

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

§ 925.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, during the period July 1, 1973, through June 30, 1974, will amount to $5,180.

(b) That there be fixed, at $0.005 per one-half bushel 30-pound container or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(c) That unexpanded assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1973, be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 23, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14386 Filed 7-12-73;8:45 am]

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Limitation of Handling

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop of Washington potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (37 FR 13699) through July 31, 1973, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, not later than July 18, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 946.328 Handling regulation.

During the period August 1, 1973, through July 31, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) through (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade—All varieties*—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50 pound cartons shall be U.S. No. 1, or better grade.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in paragraph (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in paragraph (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided:* That shipments pursuant to paragraph (d)(7) of this section shall comply with inspection requirements of (e)(2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a manufacturer of potato products.

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of

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Potatoes (§§ 51.1540–51.1566 of this title (37 FR 2745)), including the tolerances set forth therin. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a susbtantial change. The act of peeling, cooling, slicing, or dicing or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: July 9, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 73-14315 Filed 7-12-73;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Expenses, Rate of Assessment and Late Payment Charges

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 30, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 947.326 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $37,181.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period: *Provided*, That seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (P.L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges of $1.00 per month or one percent per month, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(e) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14388 Filed 7-12-73;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written exceptions, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, before August 13, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.270 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1974, will amount to $3,625.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.007 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14387 Filed 7-12-73;8:45 am]

[7 CFR Part 1030]

[Docket No. AO 361-A8]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Madison, Wisconsin, April 11–12, 1973, pursuant to notice thereof issued on March 29, (38 F.R. 8518).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 12, 1973 (38 FR 15730) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under Issue 1(b), "Pool plant performance requirements for supply plants", paragraph six is revised, and one new paragraph is added following paragraph six.

2. Issue 4(a), "Limits on diversion of producer milk", is revised in its entirety.

3. Issue 6, "Emergency action", is revised in its entirety.

The material issues on the record relate to:

1. Pool plant performance requirements for supply plants.
2. Dairy farmer for other markets.
3. Receipt of producer milk at a reload facility.
4. Limits on diversion of producer milk.
5. Location adjustments to producers.
6. Emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant performance requirements for supply plants.*—The provisions of the order pertaining to supply plant performance requirements should be modified as follows:

(i) The minimum amount of Grade A milk receipts from dairy farmers that a supply plant must ship to pool distributing plants to qualify as a pool plant should be not less than 40 percent during the months of September, October, and November and 30 percent in all other months. However, any plant that is a pool plant during each of the months of August through December, need ship only 20 percent during each of the following months of January, February, and March and such plant shall retain its pool plant status for each of the following months of April through July irrespective of whether any shipments are made during such months.

(ii) Each supply plant in a unit must ship at least 20 percent of its Grade A receipts to distributing plants during each of the months of September, October, and November, 15 percent of such receipts during each of the months of August and December, and 10 percent of such receipts during each of the months of January, February, and March. If for any month a plant does not meet the individual shipping percentage, that plant shall be excluded from the unit and shall not be pooled. The unit as a whole must meet the shipping requirements established for individual plants not in a unit.

(iii) For the purpose of measuring a supply plant's shipping performance, milk or skim milk that is transferred during the month from a distributing plant to a pool supply plant or to a nonpool plant as Class II milk (except transfers of receipts of producer milk from the distributing plant on Saturdays and holidays), shall be deducted from the qualifying shipments to such distributing plant.

A supply plant presently qualifies for pooling by shipping 35 percent of its Grade A receipts to pool distributing plants during September, October, and November, 25 percent in August, and 30 percent in all other months. A supply plant that demonstrates its association with the market during the period of seasonally low production by qualifying during each of the months of August through December, may retain pool plant status during the following 7 months of January through July regardless of shipments.

Individual plants in a unit under the current order are not required to ship any specific volume of milk as long as the unit as a whole meets the shipping requirements established for individual plants not in a unit.

The current order also provides that only that volume of milk transferred from a distributing plant back to a pool supply plant or nonpool plant on the same day of receipt from a supply plant will be "netted out" in determining such supply plant's shipping performance.

The recommended changes set forth above were proposed by a group of operating cooperatives serving the Federal order 30 market. Witnesses for these associations testified that they were experiencing difficulty in obtaining needed milk supplies from supply plants for fluid use in the Chicago metropolitan segment of the market. Sufficient quantities of milk are being produced in the milkshed, but such milk is not all being made available for fluid uses. Witnesses contended that production decreases last fall and the increased demand for milk going into cheese has made the operators of supply plants reluctant to give up milk for fluid use, since they find it more profitable to put milk into cheese at the Class II price, and draw from the pool the difference between the blend and the Class II price, than to ship milk for fluid uses.

Proponents stated that this has been a problem for many months but has become particularly acute beginning with the month of January when supply plants that had been pool plants since the prior August are not required by the order to ship any milk for pooling purposes through the month of July.

While other plants and units have shipped very little milk or none at all, their plants have shipped 100 percent of their supplies on certain days of each week for several months. Many orders for milk by distributing plant operators have not been adequately or timely fulfilled because of proponents' inability to obtain needed additional supplies of milk from other supply plants.

Proponents contended that in order to correct the problem and make the milk available for fluid uses not only should the shipping percentages be increased and the performance period required for gaining automatic pool plant status be extended through January, February, and March, but also each plant participating in a unit should be required to ship some milk to the market if it is to be identified with the market and share in the marketwide proceeds.

(a) If a supply plant shares in the market's Class I proceeds, it should be required to perform to the needs of the market. If it does not ship milk when it is needed, it is not fulfilling a true supply plant function even though it may be meeting the minimum requirements specified in the order. In such case the performance requirements of the order should be set so as to induce delivery of sufficient milk to meet the needs of the market. It is reasonable that the burden of supplying the fluid market be borne equitably by all supply plants that are entitled to share in the proceeds resulting from Class I sales.

Few markets rely on shipments from supply plants to the extent that distributing plants in the Chicago metropolitan area do. While distributing plants in the Wisconsin segment of this marketing area receive only about 35–40 percent of their milk from supply plants, distributors in the densely populated Chicago metropolitan segment of the marketing area depend on supply plants for 70–80 percent of their fluid milk requirements. During the months of August through December 1972, distributing plants in the Chicago metropolitan area received about 739 million pounds of milk from supply plants, while all other distributing plants in the market received only about 292 million pounds through supply plants.

Consequently, the primary purpose of a supply plant in this market is to stand ready to ship qualified milk to handlers in the Chicago metropolitan segment of the marketing area when needed. If it cannot or does not wish to supply such milk, then it should not share in the Class I proceeds of this market. To share in the returns of this market without making milk available to handlers for fluid use when needed dissipates the returns from the Class I sales in the market to the point that the resultant price to producers is not competitive with alternative market outlet prices, thus inhibiting the function of the Class I price to attract an adequate supply of milk for fluid use.

Supply plant shipping requirements are necessary to insure that sufficient volumes of supply plant milk will be made available to handlers for fluid (Class I) use and serve as a means of identifying those plants (producers) that are actually serving the market. If these percentage requirements are set too high, some plants (and producers) that have been regular suppliers of the market will not be able to meet the requirements and thus not be pooled. Dairy farmers delivering milk to such plants would not be assured of a share in the proceeds of the market on the same basis as producers delivering milk to pool plants. Consequently, such milk supplies might not be available in the next low production season when such supplies may be needed.

If the percentage requirements are too low, as in the present case, milk can be easily attached to the pool and share in the proceeds of such, but insufficient, quantities of milk will be made available for fluid use since very little will be required to be shipped for pooling purposes. This is particularly true when the alter-

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native market, cheese, is demanding more milk as it is at the present time.

Shipping percentages must be changed as conditions in the marketing area change. On the basis of a May 31, 1972 hearing record the supply plant shipping percentages applicable during August through November were decreased 5 percentage points to maintain pool status for the increasing volume of receipts at pool supply plants at that time that was expected to prevail also for the ensuing fall and winter months. However, as a result of bad weather and crop conditions, the production level declined in the fall of 1972 and the actual percentage of supply plant milk shipped by proponents to handlers for fluid use each month was from 4 to 10 percentage points higher than projected. For the months of August 1972 through March 1973, proponent cooperative supply plants shipped the following respective percentages of their receipts to distributing plants: 35.7, 43.1, 47, 51, 44.5, 44.7, 41.3, and 36.8. With the new lower shipping requirements, however, other plants needed to ship only the minimum and many supply plants actually put most of their milk (100 percent in January, February, and March) through their manufacturing facilities while still sharing in the returns of the marketwide pool.

In conjunction with the above is the added factor of a definite decrease in shipments of milk direct from farms to distributing plants in the Chicago metropolitan area. From August 1972 through February 1973, direct shipments from farms to plants located within 70 miles of Chicago decreased in amounts ranging from 10 to 17 million pounds per month as compared to the same months a year earlier. With a fairly steady demand, Chicago metropolitan area distributing plants had to draw more of their supplies from supply plants.

For the market as a whole the proportion of pool supply plant milk shipped to pool distributing plants during the months of August through December 1972, averaged as follows: August, 37.7 percent; September, 43.4 percent; October, 45.7 percent; November, 47.9 percent; and December, 42.2 percent. While the shipping percentages adopted herein are somewhat less than those that prevailed for the corresponding months of last year, these percentages along with the additional shipping requirements placed on individual plants in units as discussed below should bring forth an adequate supply of milk for fluid uses.

In addition to increasing the supply plant shipping percentages during the months of shortest production, the performance period for obtaining automatic pool plant status should be extended from the current August to December period to include January, February, and March. Distributing plants in the Chicago metropolitan segment of the market continue to rely heavily on shipments from supply plants during these months. Shipments from supply plants during January, February, and March of this year to distributing plants serving Chicago decreased less than 5 percent from the immediately preceding October, November, and December. In contrast, such shipments to all other distributing plants under the order decreased 59 percent during the same period.

The proportion of pool supply plant receipts shipped to all distributing plants during January, February, and March 1972, and January and February of this year averaged almost 33 percent. In this circumstance, a shipping requirement of as much as 30 percent would provide little flexibility in the level of shipping percentages as among supply plants, since all such plants would have to ship at about such minimum level in order for all of them to be able to pool.

During the months of January through March average daily production of milk increases seasonally from the lowest level in November to the peak level in May or June. In such circumstance, those supply plants serving Chicago metropolitan area distributing plants will likely begin to have more milk receipts than are needed to serve the fluid milk requirements of such distributing pants. Some such supply plants are located closer to Chicago than others. Thus, it would be possible to realize some savings in milk transfer costs if the needed milk shipments were obtained first from the closer-in supply plants. To accommodate this, the minimum supply plant shipping requirements would need to be somewhat below 30 percent, yet the unit pooling provision tends to accommodate this situation for those handlers operating two or more supply plants. Not all supply plants in the distant zones are included in units. Accordingly, it is appropriate to set the minimum shipping requirement significantly below the 33-percent average level of shipments from all supply plants during these months in the past 2 years.

It is concluded that a shipping requirement of 20 percent, as proposed, in each of the months of January, February, and March should be a reasonable standard since it would tend to allow for some flexibility in the shipping percentage among supply plants, yet still insure that milk is being made available to distributing plants serving the city of Chicago.

(b) Two or more supply plants can form a unit under order 30 and, as such, no specific shipping requirements need apply to any individual plant within the unit. The only shipping requirement is that the unit as a whole meet the percentages prescribed in the order for individual plants not in a unit. This provision was adopted in the order basically to accommodate efficiency in the assembly and processing of milk supplies associated with the market.

It is now clear that this provision allows excessive volumes of milk that are never intended for shipment to the fluid market to attach to the pool and share in pool proceeds. For example, in October 1972, one of the low production months, 37 plants having over 48 million pounds of milk shipped only 500,000 pounds to distributing plants not serving the city of Chicago, and made no shipments to plants serving Chicago. With respect to supply plants serving distributing plants with distribution in the city of Chicago, seven other supply plants shipped only 6.5 million of the 48 million pounds at these plants in October 1972. This is only token performance and is not fulfilling the role of supplying milk when the milk is needed. While many of these plants were qualifying in a unit by shipping as little as 1 percent, or even none, of their receipts, other plants were taking up the slack by shipping 40–70 percent of their receipts.

If plants in a unit are to be considered as serving the needs of the fluid market and thereby eligible to associate milk with the pool, they should be required individually to meet some minimum performance standard. Once again, setting such standard too low would serve no useful purpose and would continue, to an extent, the free-ride aspect of the current provisions. Yet, too high a shipping percentage would tend to require all plants in a unit to perform at the same level and would completely negate the purpose of the unit pooling provisions.

Consequently, it is reasonable to require each plant in a unit to ship each month at least half of the amount required of plants not in a unit provided the unit as a whole meets the minimum shipping requirements established for individual plants outside units.

There is a provision currently in the order, sometimes referred to as the "call" provision, under which the Director of the Dairy Division may increase or decrease the August through December supply plant shipping percentage figures up to 10 percent. Conforming changes should be made to this provision to include the January through March period and to specify that the shipping requirements of individual plants within a unit shall not exceed 50 percent of the requirements for plants not in a unit.

In their exceptions to the recommended decision, a group of proprietary operators of manufacturing plants objected to the shipping requirements adopted for individual plants within a unit on the basis that such requirements were unnecessary and would cause uneconomic movements of milk. On demonstration that milk shipped pursuant to these requirements is excessive and unnecessary, the Director of the Dairy Division, by use of the call provision mentioned above, is authorized to decrease the minimum shipping percentage by up to 10 points, including that for plants in a unit, during the months of January, February and March as well as for other months. This should provide sufficient flexibility in the requirements to avoid uneconomic movements.

The provisions relating to unit pooling should be further amended to provide that a plant must be a pool plant before it may be included in a unit. Under the current provision a handler or cooperative establishing a unit must notify the market administrator prior to August 1 each year of the plants to be included in the unit. In practice some plants have been included in units even

though they were not put in operation until some later date during the month of August. In such circumstance, the plant did not perform a supply plant function for the complete August through December qualifying period. Moreover, such practice creates an administrative problem for the market administrator in checking on whether the plant actually is functioning as such in the month of August.

Certain cooperatives proposed that a plant be required to be a pool plant before it is included in a unit. Such proposal should be adopted to assure that a newly added plant performs for the entire August–March period. If it so performs, it will be accorded automatic pool plant status for the following months of April–July.

A proposal to permit two or more proprietary handlers to form a unit on the basis of a written contractual agreement between them should not be adopted.

Under the current order provisions plants operated by proprietary handlers may be formed into a unit only if such plants are owned or fully leased by the operator establishing the unit. Cooperative associations, however, nave the additional option of forming a unit on the basis of a written contractual agreement obligating each plant of the unit to ship milk as directed by the agreement.

An association of cheesemakers proposed that two or more proprietary handlers be permitted to form a unit on the basis of a contractual agreement in order that they may pool supply plants on the same basis as cooperatives.

The establishment of a supply plant unit system by contractual arrangement was purposely limited to cooperatives when the unit pooling system was promulgated. Cooperative associations as a group have incentive to make their milk supplies available for Class I use since it is this market outlet that enhances the blend price to be paid to producers. On the other hand, proprietary operators have their primary interest in using milk in those products that return them the greatest net margin irrespective of the class of use.

Currently, certain Class II uses obviously provide a greater net margin than Class I use since many supply plant operators are reluctant to make milk available for Class I use. Because of this it is found necessary to tighten up the unit pooling option in an effort to assure that sufficient milk supplies will be made available for fluid use. Proponents offered no testimony to indicate that the proposal was designed to, or would, facilitate their making more milk available for fluid use. In these circumstances it is concluded that the proposal would not contribute to orderly marketing and therefore is denied.

(c) For the purpose of measuring actual shipping performance by a supply plant, only "net" receipts at a distributing plant from a supply plant (i.e., receipts less any Class II transfers from the distribution plant) should be counted.

Exception should be made, however, for a distributing plant that has direct receipts of producer milk to transfer such producer milk as necessary to manufacturing outlets on Saturdays and holidays, without such transfers being subtracted from shipments by supply plants during other days of the month.

On evidence that some supply plants were shipping only for the purpose of pool plant qualification and in so doing were "back-hauling" milk for Class II disposition, the order was amended in 1971 to "net out" receipts at a distributing plant from supply plants any shipments back from the distributing plant to supply plants (or to nonpool plants) on the same day. The purpose of the amendment was to discourage such back-hauling practices.

In practice the amendment is being circumvented, however. Milk may be brought into a distributing plant shortly before midnight on one day and be shipped back to the supply plant or to a nonpool plant for Class II use shortly after midnight. While the provisions of the order may not be violated by such practice, the intent of the provisions is circumvented.

Milk moved in this manner obviously is not intended to be used by the operator of the distributing plant to meet his Class I needs. Milk is so moved only for the purpose of qualifying the supply plant as a pool plant. The operator of such supply (manufacturing) plant thus is enabled to obtain supplies of milk for strictly manufacturing purposes at the Class II price and draw the blend price from the pool for payment to producers. The blend price to all producers is thereby lowered by the presence of milk in the pool that is, in effect, predestined for manufacturing use.

The order should be amended as set forth herein to provide that basically all milk shipped to a distributing plant must remain there to count towards pool qualification of the shipping supply plant. To accommodate handlers who must transfer direct receipts of producer milk to manufacturing outlets on Saturdays and holidays, however, it was proposed that this provision should not be effective on any Saturday or on Labor Day, Thanksgiving Day, Christmas, and New Year's Day during the 8-month performance period adopted herein. This will facilitate disposition of the inevitable weekend excesses over fluid requirements due to daily bottling schedules.

Regular supply plants do not have any need or incentive to backhaul milk during the automatic qualifying months April-July. The "net receipts" provision, however, should remain in effect in the event new supply plants qualify during the months of April through July. In this event during April through July transfers from the distributing plant of receipts of milk directly from producers on any Saturday or on Memorial Day and the Fourth of July should not be offset against receipts from supply plants during the month.

Some distributing plants follow a practice of clearing all bulk milk supplies out of their plants on Saturdays and holidays. In addition to the receipt of producer milk on those days, such plants may have some bulk milk supplies on hand at the end of the previous day that are transferred to manufacturing plants on a Saturday or holiday. It is intended that transfers to be excepted from the computation of "net receipts" at a distributing plant shall not exceed the volume of milk received directly from producers on such Saturday or holiday plus supplies left in the plant on the preceding day.

It would not be appropriate in determining net shipments simply to except the volume of producer receipts at the distributing plant on Saturdays and holidays. Otherwise a distributing plant that processes milk on such days could increase its direct receipts of producer milk on such days only for the purpose of enabling it to pool an equivalent quantity of supply plant milk that would be brought into the plant and backhauled to a manufacturing plant. Accordingly, this exception should not apply on Saturdays or holidays when the distributing plant is also receiving milk on the same day from a supply plant.

Also, if a distributing plant were to divert its producer milk on a Saturday or holiday, the volume of milk diverted from the plant on such day similarly would not be counted for offset purposes.

In light of the above considerations, it is concluded that the transfers of direct receipts of producer milk to be excluded from the computation of "net receipts" should not exceed an amount during the month computed as follows: Multiply the average daily receipts of producer milk at the plant during the previous month by the number of Saturdays and holidays in the current month; add 20 percent of such amount (to accommodate (1) transfers of any milk remaining in the plant at the end of the previous day, and (2) variations in the level of producer receipts at the plant); and subtract the quantity of producer milk diverted from the plant on such Saturdays and holidays. The average daily producer receipts during the previous month is employed in the computation in order that a distributing plant operator may know the amount of his excepted transfers at the time he transfers milk for manufacturing use. If a plant did not have receipts of producer milk during the previous month, average daily receipts during the current month should be used in lieu of the previous month.

Witnesses in opposition to the above proposals contended that sufficient supply-plant milk would be provided if the operators of distributing plants in Chicago were willing to pay supply-plant operators a higher handling fee for the milk. They claimed that supply plants should not be expected to give up milk for fluid use, with the plant realizing a

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lower return than if the milk were manufactured into cheese. In effect, such witnesses were contending that if fluid handlers want the milk they should pay more for it to attract it away from the cheese plants.

No doubt more milk would be forthcoming from supply plants if fluid handlers were to pay supply-plant operators a handling fee in an amount that exceeds the return they realize from processing milk into cheese. The order Class I price, however, is substantially above the prices being paid for milk being put to cheese at unregulated plants in the milkshed. By drawing moneys from the pool, and sharing in the class I proceeds of the market, such milk enjoys the same return as that milk actually serving the fluid market.

The primary purpose of the Federal order is to insure an adequate and orderly supply of milk to the fluid market. The overall Class I utilization in this market has been about 42–43 percent in the past 2 years. This means that some 57–58 percent of the pooled milk supplies have been surplus to the needs of the fluid market in total. The problem at present is not an inadequate supply of milk for the market as a whole but the unavailability of sufficient supplies to meet the needs of that segment of the market, the Chicago metropolitan area, which must depend so greatly on supply-plant milk to meet its needs. It is not unreasonable, therefore, to fix shipping performance standards in a manner to induce the needed shipments from supply plants.

2. *Dairy farmer for other markets.*—The order should be amended to provide that a dairy farmer who was a producer during any "payback" month under another Federal order having provisions for a seasonal incentive "takeout-payback" (Louisville) plan shall not be a producer under this order during the following months of January through July.

Currently, any dairy farmer producing Grade A milk may be a producer under this order during any month by delivering to a pool plant.

A proprietary handler proposed that the milk of a producer that is received at a handler's pool plant under this order during the months of January through July not be pooled if milk of the same producer was received at another order plant operated by the same handler during any of the preceding months of August through December. Proponent stated that the purpose of this proposal was to prevent producers from transferring during the fall months to other Federal orders having Louisville plans, and then shifting back to this market during the flush production months.

Under orders having this type of seasonal incentive production plan, the otherwise applicable uniform price is reduced variously by 20–30 cents per hundredweight during the flush production season, usually April, May, June, and July.

In the fall months when production is seasonally at its lowest level, usually August through December, the money that was deducted during the previous spring is added to the uniform price. Such price may be increased by 25–35 cents per hundredweight as a result of the payback. The plan is designed to encourage a more even production pattern throughout the year, thus inducing more milk to be delivered in the fall when most needed. The Chicago Regional order does not contain provisions of this type, but the Chicago supply area and the supply areas of such other markets (Indiana, Central Illinois, Southern Illinois) overlap in Wisconsin.

There have been cases in which producers on the Chicago market became pooled under nearby orders that have the Louisville plan during the fall payback months, thus sharing in the payback moneys generated by that plan. The same producers then shifted back to the Chicago market after the payback months to avoid the period when deductions are made in the computation of the uniform price pursuant to the Louisville plan under the nearby orders. Producers should not be able to shift to other markets in the fall merely to take advantage of the payback period, then pool their milk on the Chicago order during the flush production months.

If another market is to have the availability of such supplies during the fall when milk is needed there, the Chicago market should not have the burden of such milk as surplus during the flush production months when there is no need for it in the other market. Producers participating in the moneys paid back pursuant to the Louisville plan under other orders should not be afforded an easy opportunity to shift back to the Chicago Regional order merely to avoid payment into the pool of the other order pursuant to the Louisville plan. This practice takes supplies of milk away from the Chicago market at a time when they are needed and then reassociates such supplies at a time when they are not needed, thereby depressing the uniform price and the returns to all producers. This is not conducive to orderly marketing.

Under the provisions adopted herein, the milk from such producers would be identified as other source milk and allocated to Class II. As such, this milk would be classified and priced in a manner similar to receipts of milk from producer-handlers, exempt distributing plants, and fluid milk products from a Government agency that has elected nonproducer status for the month. While not prohibiting or limiting the marketing of milk in this market by such producers, these provisions should discourage the disruptive pooling of neighboring markets' reserve milk supplies to avoid contributing to the seasonal incentive plans in such markets.

It was proposed that a producer not be pooled under this order if his milk were pooled at a plant operated by the same handler under any other order during the previous August–December period. To limit the application of these provisions to producers who delivered to plants operated by the same handler under the other order would not correct the problem described herein. Under these circumstances, Chicago order producers could arrange to deliver to the plant of any other handler in a neighboring market in the fall, then shift back to this market in the spring and be pooled. To correct the problem fully, the milk of producers who delivered during the payback months to a plant of any handler under another order containing provisions for a Louisville plan should not be pooled under this order during the following January through July.

These provisions should not apply to producers who may have shipped to an other Federal order market during the previous low production season where no seasonal incentive payment plan is employed. The problem is between the Chicago Regional order and those markets having Louisville plans. Accordingly, these provisions should be applied only to the milk of those producers pooled previously under orders having the Louisville-type seasonal incentive payment plan.

3. *Receipt of producer milk at a reload facility.*—The "plant" and "supply plant" definitions should be modified to further delineate what constitutes a receipt of milk at a bulk tank truck reload facility.

A cooperative association proposed to discontinue the current requirement that milk be commingled in a second tank truck with other milk at a reload facility to be deemed a receipt at such a plant. As proposed by the cooperative, any milk moved from the farm in a tank truck and transferred at a plant to an empty tank truck (without adding other milk to the load) would be deemed a receipt of producer milk at the plant.

Proponent stated that the purpose of the proposal was to avoid the need to continue a milk commingling practice it engages in at a reload facility to qualify producer milk for pooling. Presently, the cooperative often brings two tank trucks partially filled with milk picked up at farms into a reload facility. The milk in one tank truck is pumped into the other tank truck; then all of the milk is pumped back into the first tank truck. Thus, the milk on each truck is commingled and transferred to another tank truck to meet the letter of the present definition of a receipt of milk at a reload operation.

The requirement that milk be commingled with other milk in another tank truck at a reload facility is for the purpose of determining that such plant performed a supply function with respect to such milk.

The normal function of a bulk tank truck reload operation is to assemble milk from farm bulk tank truck routes into a larger over-the-road tank truck for transshipment to a distant distributing plant. Generally, such practice is a more economic means of assembling distant supplies of milk for distributing plants than for the smaller farm tank trucks to deliver milk directly to distributing plants. Reload facilities are located throughout the supply area in Wisconsin, which extends some 300 miles from distributing plants in the Chicago metropolitan area.

When a reload facility performs a supply plant function of assembling milk into larger loads for transshipment, the milk transshipped through such a plant would be commingled with other milk in another tank truck.

If a partially loaded tank truck stops at a reload facility to take on additional milk (from another tank truck), only that quantity of milk added should be considered a receipt and transshipment of milk from such plant. The milk already on the tank truck should be treated as a receipt at the plant at which it is actually unloaded. No supply function is performed by the reload facility with respect to the milk already in the truck on arrival there.

Similarly, if milk leaves a reload facility on the same tank truck that it arrived there in, it should not be considered a receipt at or transshipment from the facility since no true supply plant function is performed with respect to such milk. Accordingly, if milk is simply pumped into another tank truck and then pumped back into the original tank truck and moved to another plant, it should not be considered as received at or transshipped from the reload facility, since no supply plant function takes place with respect to such milk.

Definitiveness of what constitutes a receipt of milk at a reload facility, and a transshipment from the facility, is necessary to insure that a supply function takes place as opposed to operation of such a facility only for the purpose of transferring milk from truck to truck so that it will be considered a receipt at a pool plant for pooling when it is destined for a nonpool manufacturing plant. The latter operation only serves to circumvent the intent of the limits on diversion of milk to nonpool plants.

Milk handling at a reload station should serve a useful supply plant function as a condition of such a facility being deemed a pool supply plant with respect to the milk received and transshipped from the plant. Accordingly, the proposed amendment should be denied. Moreover, to fully effect the intent of the present order language describing a receipt and transshipment from a reload facility, it should further be specified that milk be transshipped in a tank truck other than the one it arrived there in to be considered a receipt at the plant.

4. *Diversions.*—The provisions relating to diverted milk should be modified as follows:

(a) Each producer should be required to deliver at least 30 percent of his milk to pool plants during the months of January, February, and March to qualify such producer's milk for pooling under the order.

Currently, a producer pooled under the order during the previous August–December period by delivering at least 50 percent of his milk to pool plants may divert all of his milk to nonpool plants during the following January–July.

It was proposed at the hearing that if the shipping performance period for supply plants were extended from the current August–December period to include the months of January, February, and March, the limitations on diverted milk applicable during August–December likewise should be extended. It was contended that if supply plants are to be required to make milk available for the fluid market during these additional months, individual producers also should be required to perform additionally during this period.

Elsewhere in this decision it is provided that the shipping performance period for regular supply plants be extended from the current August–December period to include the months of January, February, and March. In view of this extension of the performance period for supply plants desiring to participate in this market, it is concluded that producers individually as well as supply plants should be required to perform additionally during these months. As stated earlier, distributing plants rely heavily on supply plant milk during these months. Producers, therefore, should be required to make the milk available to pool plants instead of diverting the major portion of it to nonpool manufacturing plants.

The recommended decision provided that not more than 50 percent of a producer's milk could be diverted to nonpool plants in such months. In the exceptions to be recommended decision representatives of a farmers' organization and a group of proprietary handlers operating manufacturing plants excepted to a 50 percent delivery requirement by the individual producer in January, February, and March on the basis that this would be excessive when supply plants were being required to ship only 20 percent of their milk to distributing plants during this period. After consideration of the exceptions, it is concluded that while some additional delivery requirement is appropriate, it need not be as high as 50 percent of deliveries. Accordingly, the volume of milk required to be delivered to pool plants by the individual producer during any month January through March is lowered from the 50 percent level to 30 percent of his milk deliveries. This will be more closely in line with the aggregate delivery requirement on the plant.

(b) The provision limiting the quantity of a new producer's milk that may be diverted to the quantity of such producer's milk received in pool plants during the first full month of his association should be made to apply in the months of April, May, June, and July. Only those producers who are on the market during the low production months of August–December should be accorded unlimited diversion privilege during the subsequent April–July period.

Currently under the order, the quantity of milk of a new producer that may be diverted is limited to an amount equal to the quantity of such producer's milk received in a pool plant only until after the "first full month" of association with the market. This provision only applies to a producer whose first full month of delivery is during any of the months of January through July. After the first full month of association during such 7-month period the milk of such producer may be diverted to nonpool plants on an unlimited basis as for any other producer.

Two proposals were made to amend the current order language so as to use the terms "30 days" rather than "full month" when limiting the diversions of a new producer. The witness for one of the proponents testified that under the current wording of the order a new producer coming on the market any time after the first day of a month cannot attain unlimited diversion privileges (during January–July) as a regular producer until after the end of the following month (i.e., in some instances almost 2 full months). The witness contended that 30 days of association by a producer would adequately qualify his milk for pooling under the order.

The other proponent of this change, as contained in the hearing notice, modified his proposal at the hearing so as to provide that a new producer coming on the market during the months of January through July would have to make only one delivery to a pool plant to be eligible for full diversion thereafter. The only reason given by the witness in support of this proposed order change was that it would treat new producers on the market the same as producers who change from a pool plant of one handler to a pool plant of another handler.

The diversion privilege is intended primarily to obtain efficiency in the disposition of that milk temporarily not needed at a pool plant. The operators of distributing plants typically associate a sufficient supply of milk with their operations by receipts from dairy farmers and supply plants to cover their requirements on peak bottling days during the period of seasonally low production. Consequently, there are substantial quantities of milk produced on the other days of the week during the low production season, as well as throughout the period of seasonally high production, that must be moved to plants where it can be utilized in manufacturer dairy products. The diversion provisions allow this temporary surplus production to be moved directly from the farm to nonpool manufacturing plants and still remain pooled under the order.

During the fall and winter months, the low production season, diversions of producer milk are limited in an effort to assure that the milk associated with the market is available to pool plants. Then, during the spring and summer months, the heavy production season, these limitations are removed to enable the milk of producers regularly supplying the market to be efficiently marketed to nonpool manufacturing plants when it is not needed at pool plants.

The diversion privilege, however, is not a concept designed to aid in the qualification of new producers on the market,

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particularly when such limits are lifted during the flush production season and additional supplies are not needed on the market.

The utilization of milk in the Chicago Regional market during the short production months has been about 50 percent Class I. During the flush production months the Class I utilization has ranged from about 34 to 40 percent. Clearly, during the flush production months there is no need to induce additional supplies of milk to be pooled on this market.

Deletion of the provisions limiting the diversions for new producers would make it very easy to associate new supplies of milk with the market. As proposed, the milk of new producers would have to be delivered only once to pool plants during the months of January through July to qualify for pooling and diversion. Thus, substantial additional quantities of milk could be essential with the pool, share in the uniform price, and never be made available to the fluid market. This would not be in the interest of orderly marketing.

The effects of a depressed uniform price are particularly acute in the more distant zones of the Chicago milkshed where such price competes with the prevailing prices being paid for manufacturing grade milk. Prices being paid for milk used to produce cheese at certain unregulated plants during March 1973 ranged from $5.75 to over $6 per hundredweight. In March 1973, the uniform price in Zone 18 was $5.73. One distributing plant operator testified at the hearing that in the recent past his company has lost over 2 million pounds of milk a month to cheese plants that are sharing in the pool but not making the milk available for fluid use. The witness claimed the only way they could have kept this milk was to pay above the order uniform price to these producers.

The association of additional supplies of milk with the pool, thus depressing the uniform price further, would aggravate a milk procurement situation that is already difficult for fluid milk handlers.

As stated previously, the milk of producers regularly supplying the market may be diverted currently during the months of January through July. (This period is being shortened to April to July as adopted hereinbefore.) These producers have demonstrated their association with, and desire to serve, the market when their milk is needed most. New producers coming on this market other than during the August to December period when milk is most needed, therefore, should do so only in response to a need for the milk and should be required to demonstrate their intent to truly serve the needs of the market. Only by making significant shipments to pool plants can new producers demonstrate their association with and intention of serving the fluid market. If new producer wish to come on during this period, however, and the plants through which they will be pooled want the milk, such plants should receive at least 50 percent of the milk from these producers in each month. The order provisions should be written to reflect this purpose.

Since the diversion provisions are tightened as set forth above, the proposal to change the words "full month" to read "30 days", which would relax diversion limits for new producers, is denied.

(c) A producer who supplies the market during any of the months of August through December and who subsequently fails to maintain continuous producer status should not be required to requalify as a new producer for diversion purposes during the following months April to July, unless he is off the market more than 30 consecutive days.

It was proposed at the hearing that in situations where, for example, a producer is off the market for less than 30 days as a result of his farm being degraded that, upon reinstatement of his health permit, such producer not be required to requalify as a new producer. Proponents contended that in most cases such problems are corrected in a few days and the producer resumes his delivery to a pool plant. They claimed that additional transportation costs are incurred in having to requalify as a new producer, unnecessarily reducing returns to such producer.

This particular diversion provision would only have applicability to diversion limits during April to July. During other months of the year there would be no differentiation for diversion as between new and regular producers.

There have been cases where producers' farms have been degraded and they could not deliver to the Grade A market for a few days. After reinstatement of their health permits such producers were in the category of a new producer and thus were required under the order to deliver at least 50 percent of their producer milk to pool plants during the first full month of delivery commencing with their return to the market. This situation has occurred during the months when diversion limits are relaxed with respect to regular producers and has resulted in additional transportation and handling costs to requalify a producer who had demonstrated his association with the market.

As is provided for elsewhere, all producers are required to demonstrate their association with the market by shipping their producer milk to pool plants during each of the months of August through March. To require additional shipments of milk to pool plants during the flush production months by producers who have demonstrated their association during the previous period of low production, but for one reason or another were unable to deliver their milk for a limited number of days, is an undue hardship and serves no useful purpose.

This noncancellation of regular producer status should not be limited to cases where a producer loses his health approval. It is intended to apply equally in any reasonable circumstances whereby a producer is unable to deliver his milk for a few days as a result of events or actions not of his own choosing. This will allow for other eventualities such as severe storms, accidents, or other situations that might hamper a producer's ability to deliver milk as producer milk for a limited number of days.

5. *Location adjustments to producers.* The proposal to adjust the uniform price applicable to producers according to the county in which the producer's farm is located should not be adopted on the basis of this record.

As association of cheesemakers located in Wisconsin proposed that the uniform price to producers be adjusted according to the location of the farm, by counties, as opposed to the current adjustment procedure; i.e., according to the location of the plant to which the milk is delivered. Proponent stated, however, that its proposal be limited only to the uniform price for milk delivered to supply plants. The current location adjustments apply at all types of plants and to both class I and uniform prices.

Proponent witness stated that its proposed amendment would encourage each producer to deliver his milk to the supply plant located closest to his farm. He contended that this would result in a lesser transportation allowance credited under the order for assembling milk through supply plants. To demonstrate the impact of the proposal, proponent witness cited the case of producers located near his plant in Zone 18 who are delivering milk to a supply plant located in Zone 12 (a 12-cent higher price zone). Under the proposal, the plant in Zone 12 would not be credited at any higher uniform price than the plant in Zone 18 for milk received from such producers.

Under the current order provisions Class I and uniform prices are adjusted to reflect the added transportation cost of delivering milk to the market center (Chicago) compared to plants nearer the production area in Wisconsin.

The adjustments apply uniformly at any given plant location. For milk moved to the market center through a pool plant the handler operating the transferee plant receives a transfer credit in the amount of the location adjustment applicable at the transferor plant location. If milk is moved directly to the market center from the farm rather than through a plant closer to his farm a higher uniform price is applicable at the market center.

The monetary inducement to move milk to the market center is virtually the same for a producer to ship the milk directly from the farm as it is for a handler to first assemble the milk at a plant in the production area. Moreover, the monetary incentive to move milk to the market center under the current Class I and uniform price location adjustment provisions is the same when milk is moved to the market center through a supply plant located near a producer's farm as it is through a supply plant located closer to the market center.

In the case cited by proponent the transfer credit for milk assembled at a supply plant in Zone 18 exceeds the transfer credit applicable to milk assembled at a supply plant in Zone 12 by the same amount that the uniform price at the plant in Zone 12 exceeds the uniform price at a plant in Zone 18.

With respect to milk produced near proponent witness' plant in Zone 18 but assembled at a supply plant in Zone 12, the proposal would reduce the uniform price for such milk by 12 cents (to the Zone 18 price rather than the Zone 12 price). Since producers pay for hauling their milk from farm to plant, such producers could be expected to seek a pool plant outlet closer to their farms in Zone 18. But for milk assembled at Zone 18 rather than Zone 12 the transfer credit would be 12 cents higher. Thus, if such producer milk is moved to the market center through a Zone 18 supply plant rather than a Zone 12 supply plant, there would not be any savings in milk assembly costs resulting from the location adjustment provisions.

Such proposal may in certain circumstances result in increased milk assembly costs. For example, producers whose farms are located in Zone 15 equidistant from a supply plant in Zone 12 and proponent witness' plant in Zone 18 would receive the same price irrespective of the plant to which they deliver. Such producers' farm-to-plant hauling cost would tend to be the same for delivery to the Zone 12 plant and the Zone 18 plant. However, if the milk were assembled at the Zone 18 plant, the transfer credit for moving the milk to the market center would be 12 cents greater than if it were assembled at the Zone 12 plant.

Since proponent limited the application of its proposal to only milk delivered to pool supply plants, the current location adjustment provisions would continue to apply to milk delivered to other types of plants. This would tend to result in different uniform prices for milk delivered to plants similarly located, since many supply plants in the market are located near pool distributing plants.

The type of plant-milk is received at does not have a bearing on the cost of moving milk to such plant from the farm. Consequently, type of plant does not provide an appropriate basis for adjusting prices for location, since it would not provide uniformity of prices among producers delivering milk to all plants at similar location relative to the market center.

In view of the above considerations, it is concluded that the proposed amendment to the location adjustment provisions should not be adopted.

6. *Emergency action.* The decision by the Deputy Administrator to deny the request for emergency action and/or suspension of the automatic and unit pooling provisions, with the reasons therefor, is affirmed herein.

Rulings on proposed findings and conclusions.—Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions, and the evidence in the record, were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Chicago Regional marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

February 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chicago Regional marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 9, 1973.

Clayton Yeutter,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Chicago Regional marketing area.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 12, 1973, and published in the FEDERAL REGISTER on June 15, 1973 (38 FR 15730) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in §§ 1030.11(b)(6) and 1030.16(e)(1).

1. In § 1030.10 paragraphs (a) and (c) are revised to read as follows:

§ 1030.10 Plant.

(a) "Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment: (1) that has facilities adequate for cleansing tank trucks, is approved by an appropriate health authority, and at which milk moved from the farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (2) at which milk is received from dairy farmers, or (3) at which milk is processed and packaged or manufactured. If a portion of the building is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the approved portion, such unapproved portion shall not be considered as meeting the terms of this definition.

• • • • • •

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except that no storage capacity shall be maintained in a plant described in paragraph (a)(1) of this section. Any plant located on the premises of a pool distributing plant pursuant to § 1030.11(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant.

2. In paragraph (b) of § 1030.11 subparagraphs (4), (5), (6), and (7) are revised to read as follows:

§ 1030.11 Pool plant.

• • • • • •

(b) • • •

(4) Such percentage shall be not less than 40 for each of the months of September, October, and November, and 30 for all other months, except that a plant that was a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 for each of the following months of January, February, and March. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such month and any subsequent month through July, provided it does not otherwise qualify as a pool plant.

(5) For the purpose of determining the percentages specified in subparagraphs (4) and (7) of this paragraph, the quantity of fluid milk products moved from a supply plant pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant(s), but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph (if fluid milk products are received from more than one supply plant, such net quantity assignable shall be prorated among supply plants in accordance with the total receipts from such plants).

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than:

(*a*) Transfers classified pursuant to § 1030.41(b)(4); and

(*b*) Transfers on any Saturday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, or Christmas, that no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.16(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.16(d) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used in lieu of the prior month for computing the transfers to be excepted by this subdivision; and

(ii) If milk is diverted from the pool distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

(6) The percentages specified in subparagraph (4) and/or in subparagraph (7)(iii) of this paragraph applicable during the months August–March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments, except that the percentages specified in subparagraph (7)(iii) shall not exceed 50 percent of those specified in subparagraph (4). Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) or subparagraph (7)(iii) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit and such plants shall have been pool plants the month prior to being included in a unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit ships or transships to plants specified in subparagraph (1) of this paragraph the following percentages of its producer milk: 20 in each of the months of September, October, and November; 15 in each of the months of August and December; and 10 in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

• • • • • •

3. In § 1030.15 delete the "and" at the end of paragraph (b), delete the period at the end of paragraph (c) and add "; and," and add a new paragraph (d) to read as follows:

§ 1030.15 Producer.

• • • • • •

(d) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year under an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

4. In § 1030.16 paragraph (e) is revised to read as follows:

§ 1030.16 Producer milk.

• • • • • •

(e) Diverted from a pool plant to a nonpool plant, subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.11, milk so diverted shall be considered as received in the pool plant from which diverted. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except that in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of a pool plant or a cooperative association pursuant to § 1030.13(d) that during the months of April through December does not exceed the quantity of such producer's milk received in the pool plant from which diverted, and during the months of January, February and March does not exceed 70 percent of such producer's milk received in or diverted from such pool plant: *Provided*, That during the months of April through July such limits shall not apply for a producer who delivered to a pool plant any time during the prior August–December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

(2) To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31(b)(4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

• • • • • •

(a) • • •

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except that during the months of April through July no such separate statement need be made if receipts from supply plants are only from plants that were pool plants during the prior months of August through March;

• • • • • •

6. In paragraph (b) of § 1030.31 delete the term "and" at the end of subparagraph (4), add the term "and" at the end of subparagraph (5), and add a new subparagraph (6) to read as follows:

§ 1030.31 Other reports.

• • • • • •

(b) • • •

(6) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk for at least 30 consecutive days, shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

• • • • • •

7. In § 1030.46(a)(3) delete the term "and" at the end of subdivision (iv), change the period at the end of subdivision (v) to a semicolon, add the term "and" at the end of subdivision (vi), and add a new subdivision (vii) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

• • • • • •

(a) • • •

(3) • • •

(vii) Receipts of fluid milk products from persons described in § 1030.15(d);

• • • • • •

[FR Doc.73-14311 Filed 7-12-73;8:45 am]

[7 CFR Part 1140]

[Docket No. AO 376]

MILK IN THE FRONTIER MARKETING AREA

Notice of Rescheduling of Hearing on Proposed Marketing Agreement and Order

A notice was issued on May 11, 1973 (38 FR 12986) giving notice of a public hearing to be held at the U.S. Courthouse, Old Federal Building (Courtroom 1), 111 South Wolcott Street, Casper, Wyoming, beginning at 10 a.m., local time, on June 26, 1973, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Frontier marketing area.

A second notice was issued on June 18, 1973 (38 FR 16363) postponing the hearing until a date to be announced at a later time.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that said hearing is rescheduled to be held at the U.S. Courthouse, Old Federal Building, (Courtroom 1), 111 South Wolcott Street, Casper, Wyoming, beginning at 10 a.m. local time, on August 7, 1973.

Copies of this notice of rescheduling of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 10, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-14383 Filed 7-12-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 381]

4-D POULTRY PRODUCT

Transportation and Handling

Pursuant to the authority in the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection

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Service is proposing an amendment to Part 381, Subpart S, of the poultry products inspection regulations (9 CFR 381.94, 381.224) to set forth requirements and restrictions on the handling and movement of 4–D poultry.

Statement of considerations. Section 11(d) of the Poultry Products Inspection Act authorizes the Secretary to regulate the transactions, transportation in commerce, or importation of any dead, dying, disabled, or diseased (otherwise known as 4–D) poultry or any parts of any carcass of poultry that died otherwise than by slaughter. To administer the provisions of said section of the Act, the poultry products inspection regulations would be amended by adding a new § 381.194 in Subpart S. This new section spells out the requirements and restrictions on the handling and movement of so-called 4–D poultry to insure it is not diverted into food channels. Generally, the requirements would prohibit the movement of 4–D poultry to destinations other than animal food manufacturers, renderers, or Federal or State inspected establishments; it prohibits unloading of such poultry en route except for emergencies; and prohibits hauling such poultry in vehicles with healthy poultry or wholesome poultry product.

The language of this proposal is very similar to that in § 325.20 of the meat inspection regulations.

Part 381, Subpart S, of the poultry products inspection regulations would be amended as follows:

1. The Table of Contents would be amended by adding a new § 381.194 as follows:

Sec.
381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

2. The proposed new § 381.194 would read as follows:

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (b) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) Load into any means of conveyance containing any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, while in the course of importation or other transportation in commerce any poultry or parts of carcasses not within the foregoing description or any other products or other commodities.

3. Section 381.224 would be amended by adding a regulation reference to § 381.194 along with "Act, 11(d)" in the table as follows:

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Paragraphs of act and regulations	Classes of operators	State	Effective date
•	•	•	•
Act, 11(d); § 381.194.			

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 21, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: July 10, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14389 Filed 7-12-73;8:45 am]

[9 CFR Parts 318, 325]

TREATMENT OF PORK AND PORK PRODUCTS

Additional Product Sealing Methods

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service proposes to amend the meat inspection regulations (9 CFR Parts 318 and 325) to permit additional sealing methods for transportation of certain restricted meat products.

Statement of considerations. The current regulations specify that certain restricted meat products may be transferred in vehicles sealed with official program seals, or in closed containers sealed by cording and affixing thereto official program wing seals or sealing with wax impressed by an official program metal brand.

The two methods of closing containers approved by the regulations are no longer applicable since the program has discontinued issuing wing seals and wax seals are seldom used. Other control methods have not been permitted. However, this proposal does specify a sealing method for boxed products and proposes to give the Administrator authority to approve additional sealing measures.

Therefore, § 318.10(c)(2)(vi) would be amended to read as follows:

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

• • • • • •

(c) • • •
(2) • • •

(vi) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, for use in the preparation of product covered by paragraph (b) of this section. Such vehicles and containers shall be sealed and transported between official establishments in accordance with § 325.7 of this subchapter.

• • • • • •

Further, § 325.7(b) would be amended as follows:

§ 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.

• • • • • •

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers as hereinafter provided. Containers shall be sealed by firmly applying a pressure sensitive tape around each container in two directions and stamping the intersection of the tape with the marking device described in § 312.2(a) of this subchapter for use on burlap, muslin, etc. (2½-inch rubber brand). Such tape must possess the adhesive property to actually remove a portion of the container surface when the tape is removed. Such restricted product shall be marked "U.S. passed for cooking" or "pork product ----"F.----days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked. For each consignment there shall be promptly issued and forwarded by the inspector to the inspector in charge at destination, a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are restricted. A duplicate copy shall be retained in the program files.

• • • • •

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 14, 1973.

Persons desiring an opportunity for oral presentation of views should address such requests to the Inspection Standards and Regulations Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views presented pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that disclosure of the material submitted could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 9, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14313 Filed 7-12-73;8:45 am]

[9 CFR Part 319]

MEATBALLS AND SIMILAR PRODUCTS

Proposed Standard of Composition

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), proposes to amend Part 319 of the meat inspection regulations (9 CFR Part 319) to provide for standards of composition for meatballs and similar products.

Statement of considerations. The proposed amendment identifies minimum formula requirements for meatballs and similar products. Standards of composition or identity promulgated on the basis of the Federal Meat Inspection Act usually specify the ingredients and/or other distinctive characteristics or details that have been customarily associated with the products designated with common or usual names.

Information of principal importance to this proposed amendment was derived from observations by USDA employees of industry practices, product formula information submitted to USDA together with label approval applications, and recommendations from members of the meat industry and State government officials. The proposed standard is consistent with the current regulation of the Department in the matter of farinaceous materials as ingredients of "Meatballs." (See 9 CFR 319.306).

Subpart M of Part 319 would be amended by adding the following:

§ 319.314 Meatballs and similar products.

(a) "Meatballs" are the raw or cooked meat food products which are spherical in form and prepared from meat or meat and any of the optional ingredients listed in paragraph (b) of this section.

(1) "Meat" shall constitute not less than 65 percent of the total weight of the product formula.

(2) The term "Meat" used in this paragraph shall apply to boneless and skinless skeletal muscle that otherwise conforms to the definitions in § 301.2(tt) of this subchapter and which does not contain more than 30 percent fat.

(b) Meatballs may contain any of the following optional ingredients:

(1) Water, meat broth, milk, reconstituted skim milk, or tomato juice, singly or collectively, in an amount not to exceed 8 percent of the total weight of the product formula.

(2) One or more of the following which, singly or collectively, does not exceed 12 percent of the total weight of the product formula.

(i) Bread or bread crumbs, crackers, cracker crumbs or cracker meal.

(ii) Calcium reduced dried skim milk, dried milk, dried whey or nonfat dry milk.

(iii) Cereal, wheat flour or corn flour.

(iv) Soy flour, soy protein concentrate, isolated soy protein or textured vegetable product.

(3) Spices and flavorings.
(4) Salt.
(5) Eggs.
(6) Cheese.
(7) Tomatoes or tomato products.
(8) Peppers.
(9) Onions.
(10) Mushrooms.
(11) Water chestnuts.
(12) Sugar, dextrose, corn syrup, corn syrup solids, glucose syrup.

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(c) If the products are cooked or partially cooked, the composition of the raw mix from which they are prepared shall be used in determining whether they meet the requirements of paragraph (a) and (b) of this section.

(d) Products labeled "Swedish Style Meatballs" shall consist of beef or beef combined with pork or veal, or both pork and veal, and one or more of the following: chopped onions, eggs, milk, bread crumbs, nutmeg, allspice; and shall comply with paragraphs (a) and (b) of this section.

(e) Products labeled "Meat and Cheese Balls" must contain not less than 15 percent cheese of the total weight of the product formula and comply with all other provisions of this section.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 14, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 9, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14314 Filed 7-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

PRIOR-SANCTIONED POLYVINYL CHLORIDE RESIN

Extension of Time for Filing Comments

In the FEDERAL REGISTER of May 17, 1973 (38 FR 12931) the Commissioner of Food and Drugs published a proposal recognizing a prior sanction for polyvinyl chloride resin and proposing that such resin meeting certain criteria not be used as a component of food packaging material for use in contact with alcoholic foods.

The preamble to the notice of proposed rule making set forth the basis for the Commissioner's conclusion that the use of polyvinyl chloride for packaging alcoholic foods may cause such foods to be adulterated.

Interested persons were given 60 days to file written comments regarding this proposal.

The Commissioner has received a request that a 90-day extension of the comment period be granted so that the plastic industry can complete work on data which they believe will be of significance to the Food and Drug Administration in the final consideration of this matter. By virtue of the fact that the Bureau of Alcohol, Tobacco, and Firearms of the Treasury Department has stopped the use of PVC containers for alcoholic beverages until there is final action by the Food and Drug Administration on the proposal, the Commissioner finds that there are reasonable grounds for granting the request for extension of time for filing comments. Therefore, the time for filing of such comments is extended to October 15, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1042, 1046–1047 as amended, 1049, 1055; 21 U.S.C. 321(s), 342, 348, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14275 Filed 7-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72-CE-34-AD]

BEECH MODELS 50, 65, 65-80 AND 70 SERIES AIRPLANES

Proposed Airworthiness Directives

On December 29, 1972, an Advance Notice of Proposed Rule Making was published in the FEDERAL REGISTER (37 FR 28763, 28764) soliciting comments regarding Proposed Rule Making action to detect and control infilght fires in Beech Model 65 and 65–80 series airplanes by the installation of fire containment provisions and fire detection systems on these aircraft.

The Advance Notice stated consideration would be given all comments received on or before February 27, 1973. Approximately 42 comments were received. These comments did not establish a definite field consensus on the action which should be taken. Approximately 40 percent of those commenting agreed to a mandatory requirement for installation of the fire detection systems. Approximately 38 percent of the commentators concurred with mandatory installation of the fire seal kit. About 50 percent were opposed to both proposals with the remaining commentators expressing no strong opinion. A substantial portion of those commenting felt that good maintenance practices would prevent fires and thus obviate the necessity for further fire containment or detection provisions in these aircraft. Also numerous commentators stated that the cost of the proposed modifications was not justified on the basis of the airworthiness risk involved. Unreliability and resulting operational incidents were also cited as reasons for opposing the installation of the fire detection systems.

Of particular interest was the suggestion by some commentators that Beech Model 50 series airplanes should also be included in any rule making action involving this problem. The owners of aircraft having engine installations per STC SA444SW (Excaliber modification) and the STC holder also expressed the opinion that this configuration should be exempted from the AD, if adopted.

The FAA agrees that good maintenance practices will reduce the possibility of inflight fires, but service experience indicates that it cannot completely eliminate the problem. Accordingly, this argument cannot be accepted as a valid basis for negating regulatory action. Agency recognition of the modifications cost burden contributed appreciably to the decision to issue the Advance Notice of Proposed Rule Making soliciting comments rather than proceeding directly with rule making action. The cost-benefit ratio of both proposed installations in the Advance Notice has been considered and the FAA believes the action to be proposed in this Notice has the most favorable possible ratio when considered in light of the safety objectives which must be achieved. It is noteworthy that commentators who had experienced an inflight or ground incident of the type contemplated by the proposal did not express significant concern as to the costs involved.

Further analysis of the fire detection systems indicates that its advantages can be partially offset by false indications and increased maintenance problems. One inflight fire incident preceded by an explosion in the cowl was described by the pilot as so sudden that by the time he scanned the instrument panel once after the explosion the fire was burning fiercely. In cases such as this, which are a major area of concern, a fire detection system would have provided the pilot no additional advanced warning. Also, one aircraft involved in an infilght fire and wing separation had a fire detection system and one-shot fire extinguisher system installed which did not preclude an uncontrolled disastrous fire. Therefore, the agency believes that installation of the fire detection systems should remain on a voluntary basis and not be made the subject of rule making action at this time.

Analysis of the comments received and comparison of the design features on Beech Model 50 and 65 series aircraft confirms that the Model 50 series aircraft should be included in proposed rule making action. In addition, the Beech Model 70 aircraft is of similar design and should be included.

The FAA also believes there may be merit to the proposal that aircraft modified by STC SA444SW (Excaliber modification) should be exempted from this AD action and the agency is conducting further investigation to justify exemption of this modification. Any adopted rule making will include the results of this investigation.

One commentator's account of an inflight explosion within the cowl and structural and fire damage observed on the aircraft after it was landed indicates similarities between this incident and occurrences during the inflight fires resulting in wing separations and accidents. In the aircraft which was safely landed, the severest fire damage was on the nacelle aft of an area of the cowl which was ruptured and failed outward by the explosion. Similar evidence of cowl rupture was present in the wreckage of the airplanes involved in the wing separation accidents. Installation of fireproof neoprene cloth per Beech Kit 65-9008-01 will provide additional fire protection for the critical area of the nacelle behind the portion of the cowl vulnerable to explosive rupture.

After careful analysis the FAA concludes that installation of the fire seal kit should be made mandatory in the interest of safety. If a fire occurs on one of the aircraft involved in this proposal, this kit will contain the fire and provide desirable additional time for the pilot to detect the fire, evaluate the situation and take appropriate action. Accordingly, an AD is being proposed requiring within 100 hours' time in service after the effective date thereof, installation of Beech Nacelle Interior Fire Seal Kit No. 65-9008-1 on Beech Model 50, 65, 65-80 and 70 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 13, 1973, will be considered before action is taken upon the proposed Rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH: Applies to Model 65 (Serials L-1, L-2, L-6, LF-7 and up, and LC-1 through LC-239); Model A-65 and A65-8200 (Serials LC-240 through LC-335); Model 65-80 (Serials LD-1 through LD-150 [except LD-34 and LD-46]; Model 65-A80 and 65-A80-8800 (Serials LD-34, LD-46, LD-151 through LD-269); Model 65-B80 (Serials LD-270 and up); Model 65-88 (Serials LP-1 and up [except LP-27 and LP-29]; Model 70 (Serials LB-1 and up); Model E50 (Serials EH-1 through EH-70); Model F50 (Serials FH-71 through FH-96 [except FH-94]); Model G50 (Serials GH-94; GH-97 through GH-119); Model H50 (Serials HH-120 through HH-149); Model J50 (Serials JH-150 and up) airplanes.

Compliance: Required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of an inflight fire penetrating critical areas of the aircraft wing and nacelle, accomplish the following or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

Install Beech nacelle interior fire seal kit no. 65-9008-1, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Issued in Kansas City, Missouri, on July 5, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14283 Filed 7-12-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Brownfield, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 13, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arranagements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added.

BROWNFIELD, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brownfield, Tex., Terry County Airport (latitude 33°10'29" N, longitude 102°11'29" W) and within 3.5 miles each side of a 200°T (190°M) bearing from the Brownfield nondirectional beacon (latitude 33°10'45" N, longitude 102°11'30" W) extending from the 5-mile radius area to 8 miles south of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Terry County Airport, Brownfield, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 3, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14281 Filed 7-12-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Pleasanton, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort

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Worth, Texas 76101. All communications received on or before August 13, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 F.R. 435), the following transition area is added.

PLEASANTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (latitude 28°57'00" N., longitude 98°31'20" W.) and within 3 miles each side of the 175°T (166° M) bearing from the Pleasanton NDB extending from the 5-mile radius to 8 miles south of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB–A (original) approach procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on July 3, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73–14282 Filed 7–12–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Low Emission Vehicles

Section 212 of the Clean Air Act (42 U.S.C. 1857f–6e) established a process under which the Federal Government will pay premium prices for motor vehicles whose emissions control performance is significantly better than that required by the Federal standards in effect at the time of their procurement. To be eligible for these premium prices, a motor vehicle must first be classified as a "low emission vehicle" by EPA, and then approved by the inter-Agency Low Emission Vehicle Classification Board as a suitable replacement for some class or model of vehicles that the Federal Government is then purchasing.

As presently defined in the regulations, a "low emission vehicle" is one that meets statutory 1975/1976 emissions standards before their effective date. This definition is now obsolete since it is clear that the 1975 model year will have arrived before any low emission vehicle (other than the vehicle for which an application has already been received), as defined by the current regulations, could be tested, certified, and purchased. Accordingly, it is proposed to revise subpart Q of 40 CFR Part 85 to define "low emission vehicle", in terms of attainment of standards significantly below statutory 1975 and 1976 Federal emission standards.

The proposed regulations would also set emission standards which must be met by heavy duty vehicles in order to qualify as "low emission vehicles". The Agency had delayed proposal of these standards until the corresponding basic standards under Section 202 of the Clean Air Act were in effect. The Agency will propose low emission vehicle standards for light duty trucks after Federal emission standards are promulgated for this class of vehicle. In the interim, applications will be accepted for light duty trucks to meet light duty low emission vehicle standards.

Finally, the proposed regulations would revise the details of the low emission vehicle determination procedure to make that procedure parallel more closely the process of certification testing of vehicles under Section 206 of the Act. If significant portions of the established test procedures are to be considered irrelevant or impractical for the testing of the vehicle, the publication of the notice of intent will discuss these procedures and invite comments as to their applicability to the testing of the vehicle.

The revised subpart Q would become effective 30 days after promulgation and would be applicable to "low emission vehicles" purchased in 1975 and subsequent model years. The current regulations which appear in 40 CFR Part 85 have expired, except for the vehicle for which an application has already been received, as of December 31, 1972.

Interested persons may participate in this rule making by submitting written data, views, or arguments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received not later than September 11, 1973, will be considered.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 4th and M Streets, SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f–6e), 84 Stat. 1676.

Dated: July 10, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart Q of Part 85 of Title 40 is proposed to be as follows:

Subpart Q—Low Emission Vehicles

§ 85.1601 Definitions.

(a) As used in this subpart, the term:

(1) "Motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat or tactical purposes.

(2) "Inherently low-polluting propulsion system" means a propulsion system that does not require control devices for exhaust emissions that are external to the energy releasing activities of the propulsion system.

(3) "Light duty vehicle" means both any light duty vehicle as defined in §§ 85.002(a)(5) and 85.102(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a light duty vehicle used by agencies of the Federal Government.

(4) "Heavy duty vehicle" means both any heavy duty vehicle as defined in §§ 85.702(a)(5), 85.802(a)(5), and 85.902(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a heavy duty vehicle used by agencies of the Federal Government.

(5) "Board" means the Low Emission Vehicle Certification Board established by Section 212 of the Act.

(6) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the Government of the District of Columbia.

(7) "Low emission vehicle" means either a low emission light duty vehicle or a low emission heavy duty vehicle.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in this part.

§ 85.1602 Low emission vehicles.

(a) A "low emission light duty vehicle" is a light duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA and indicating that such a vehicle

(1) Meets all emission standards then in effect under Section 202 of the Act for light duty vehicles, and

(2) Meets the requirements of paragraph (c) of this section, and

(3) For vehicles purchased in model year 1975, does not exceed the given level of one or more of the following pullutants:

(i) Hydrocarbons—0.08 grams per vehicle mile (gms/mile)

(ii) Carbon monoxide—0.7 gms/mile

(iii) Oxides of nitrogen—0.3 gms/mile, and

(4) for vehicles purchased in model year 1976 and beyond, does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons—0.08 gms/mile

(ii) Carbon monoxide—0.7 gms/mile

(iii) Oxides of nitrogen—.16 gms/mile

(b) A "low emission heavy duty vehicle" is a heavy duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA and indicating that such a vehicle

(1) Meets all emissions standards then in effect under section 202 of the Act for heavy duty vehicles, and

(2) Meets the requirements of paragraph (c) of this section and

(3) Does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons plus oxides of nitrogen—2.1 grams per brake horsepower-hour (gms/bhp-hr.)

(ii) Carbon monoxide—1 gm/bhp-hr.

(c) No vehicle shall be considered to be a low emission vehicle unless the Administrator finds, and states in his determination, that it will not significantly increase the emissions of any air pollutant not subject to an emission standard under Section 202 of the Act by comparison to the emissions of such pollutant by any class or model of motor vehicles for which the applicant vehicles may be a suitable substitute.

§ 85.1603 Notice of intent to submit an application for certification.

(a) Any person desiring certification of a test vehicle under Section 212 of the Act shall submit to the Administrator a notice of intent to submit a certification application with respect to such vehicle. The notice of intent shall contain a description of the vehicle, including the propulsion system and the fuel used by it, and such other information as the Administrator may request.

(b) The Administrator shall, immediately upon receipt of the notice of intent, transmit a copy to the Board and publish in the FEDERAL REGISTER a notice of the receipt of the notice of intent, the name of the applicant, a brief description of the propulsion system and fuel used by the applicant vehicle, and information concerning the method by which the public may have access to data relating to the emission characteristics of the applicant vehicle. The FEDERAL REGISTER notice shall request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle described in the notice of intent. If the Administrator subsequently determines that the vehicle is a low emission vehicle, the comments will be transmitted to the Board to be used in making their determination whether the vehicle is a suitable substitute for any class or models of vehicles presently being purchased by the Federal Government for use by its agencies.

§ 85.1604 Test procedures.

(a) Unless the Administrator determines otherwise under paragraph (b) of this section, the test procedures for determining whether a vehicle meets the standards specified in § 85.1602(a) for classification as a low emission light duty vehicle shall be the applicable 1975 Federal Test Procedure, and the test procedures for determining whether a vehicle meets the standards specified in § 85.1602 (b) for classification as a low emission heavy duty vehicle shall be the applicable 1974 Federal Test Procedure.

(b) As soon as practicable after receipt of a notice of intent to submit a certification application for a low emission vehicle, the Administrator shall determine whether the relevant test procedures referred to in paragraph (a) of this section would result in satisfactory testing of that vehicle. If he determines that such test procedures would not, he shall, as soon as practicable after making the determination, promulgate new procedures to govern the testing of that vehicle.

§ 85.1605 Selection of test vehicles.

Unless the Administrator determines otherwise, the applicant shall test or cause to be tested two durability data vehicles of each engine-system combination and four emission data vehicles of each engine family described in the notice of intent. The test vehicles shall be selected by the Administrator upon receipt of the notice of intent and after consultation with the Board to determine the models or classes of vehicles for which the test vehicle may be a suitable substitute.

§ 85.1606 Testing.

All procedures specified in this part for obtaining a Certificate of Conformity under section 206 of the Act shall be applicable to low emission vehicles unless the Administrator determines that portions of the procedures are not relevant or practical as applied to the vehicle for which application is made.

§ 85.1607 Application for certification.

(a) After completion of required testing of all test vehicles in accordance with applicable test procedures, the person desiring certification shall submit to the Administrator a written application signed by an authorized representative of the applicant. The application shall be in such form as the Administrator and the Board may require, and shall contain both (1) all emission data from the tests of the emission data and durability test vehicles and (2) data required by the Board under § 400.4 of this title relative to the vehicle characteristics referred to therein.

(b) In addition to the information required under this section, and under § 400.4 of this title, the Administrator may require the applicant to submit any other information which the Administrator deems necessary in determining whether the test vehicle is a low emission vehicle. The application for certification may be considered incomplete unless all such information has been submitted.

§ 85.1608 Administrator's determination.

(a) The Administrator will, within 90 days after receipt of a completed application for certification, determine whether the applicant vehicle meets the applicable requirements of § 85.1602.

(b) The Administrator will, upon making the determination required in paragraph (a) of this section, publish in the FEDERAL REGISTER notice of receipt of the formal low emission vehicle application, his determination whether the vehicle is a low emission vehicle, and the reasons therefor. If the Administrator determines the vehicle to be a low emission vehicle, he will state precisely the time period for which that vehicle will continue to qualify as a low emission vehicle under the emissions standards applicable to present and future model years.

(c) As long as a determination under paragraph (a) of this section is in effect for a vehicle, vehicles which are in all respects of the same design as the test vehicle as described by the required information in the application for certification will also be deemed low emission vehicles for all purposes of section 212 of the Act.

(d) Each determination under paragraph (a) of this section will serve as EPA certification of a vehicle under Section 206 of the Act and will be made on the terms specified in § 85.075–30(a)(2), § 85.175–30(a)(2), § 85.775–30(a)(2), § 85.875–30(a)(2), or § 85.975–30(a)(2) for certificates of conformity.

(e) Each determination under paragraph (a) of this section shall be revocable whenever, owing to a change in emission standards, vehicles covered by it no longer meet the requirements of § 85.-1602.

§ 85.1609 Inherently low emitting propulsion system.

Whenever the Administrator makes a determination for a vehicle under § 85.1608, he will recommend to the Board whether or not, in his opinion, the vehicle is powered by an inherently low polluting propulsion system.

§ 85.1610 Postcertification testing.

The Administrator will, at the request of the Board, test the emissions from vehicles certified under Section 212 of the Act and purchased by the Federal Government. If these tests show that the emissions from such vehicles exceed the relevant standards contained in § 85.1602 and applicable at the time such vehicles were procured, the Administrator will notify the Board.

[FR Doc.73–14395 Filed 7–12–73;8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19692]

ANTENNA MONITORS IN STANDARD BROADCAST STATIONS WITH DIRECTIONAL ANTENNAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to establish standards for the design and installation of sampling systems for antenna monitors in standard broadcast stations with directional antennas, Docket No. 19692.

1. On February 21, 1973, the Commission adopted a Notice of Inquiry and notice of proposed rule making in the above-captioned proceeding and publication in the FEDERAL REGISTER was given on March 2, 1973 (38 F.R. 5666). Comment and reply comment dates have been previously extended by an Order of April 17, 1973, to July 6 and July 20, 1973, respectively, and published in the issue of Thursday, April 26, 1973 (38 FR 10276).

2. The Association of Federal Communications Consulting Engineers (AFCCE), on July 2, 1973, filed a petition for extension of time for a period of one month, to and including August 10, 1973. AFCCE states that at its Annual Meeting in April, 1973, a motion was adopted to file comments in Docket 19692. Since that time a new rules and Standards Committee has been formed and it has been working on the preparation of comments on behalf of AFCCE. However, the additional time is necessary in order for the Committee to circulate a draft of the comments to the membership and to finalize them after receiving replies from the members.

3. On July 3, 1973, counsel for the Association For Broadcast Engineering Standards, Inc. (ABES) also filed a request for an extension of time in which to file comments and reply comments to and including October 22, 1973, and November 22, 1973, respectively. Counsel states that the extension would permit ABES to send a questionnaire to selected directional AM stations to determine the impact of the proposals and of possible alternatives on their operations and also to analyze the results of the questionnaire and prepare comments. The lengthy extension would also permit the ABES members who will attend the IEEE–AFCCE meetings on September 20 and 21, 1973, to decide on the presentation to be made to the Commission in this proceeding, and also allow sufficient time for drafting of its comments.

4. Although the Commission feels that it would have been helpful had we been advised sooner of the need for more time in which to file meaningful comments, the Commission does desire the benefit of significant comments from the industry and the public. However, the Commission feels that an extension of time in which to file comments and reply comments to and including October 1, 1973, and October 15, 1973, respectively, will be sufficient to allow the formulation of comments in this proceeding.

5. Accordingly, we are of the view that the public interest would be served by extending the time for filing comments and reply comments. *Therefore, it is ordered*, That the time for filing comments and reply comments in this proceeding are extended to and including October 1, 1973, and October 15, 1973, respectively.

6. *It is further ordered*, That the petition of the Association of Federal Communications Consulting Engineers is granted to the extent indicated above, and the petition of the Association For Broadcast Engineering Standards, Inc., is granted to the extent indicated above and denied in all other respects.

7. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 5, 1973.

Released: July 6, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-14340 Filed 7-12-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19785; FCC 73-733]

TV BROADCAST STATIONS IN FORT WALTON BEACH, FLA.

Proposed Table of Assignments

In the matter of amendment of § 73.606 (b), *Television Table of assignments*, TV Broadcast Stations (Fort Walton Beach, Florida), Docket No. 19785, RM–2156.

1. On March 8, 1973, Panhandle Broadcasting Company, Inc. (Panhandle), permittee of Station WDTB, Channel 13, Panama City, Florida, filed a petition requesting the Commission to assign Channel 17 to Fort Walton Beach, Florida.

2. Fort Walton Beach, population 19,994,[1] is located in Okaloosa County, population 88,187, in the Florida panhandle approximately 40 miles from Pensacola and approximately 60 miles from Panama City. Panhandle states that Fort Walton Beach has no local television service and receives only one predicted television Grade B signal or better, this coverage provided by Station WEAR–TV, Channel 3 (ABC), Pensacola, Florida. According to Panhandle a local cable television system, TV Cable Co. of Fort Walton Beach, carries stations which provide the three major networks' programming and also educational programming. Panhandle points out that this CATV service is a supplement and not a replacement for regular broadcast service available to all. It describes an area of 420 square miles with a population of 92,987 which lacks any Grade B or better NBC affiliate network programming service. If the channel is assigned, Panhandle states that it will apply for a construction permit to operate a station on Channel 17 as a satellite of its own Station WDTB, Channel 13, Panama City, which is an NBC affiliate. Panhandle avers that with operating parameters of 50 kW ERP and 600 feet above average terrain it can provide the unserved NBC area with a Grade B or better signal covering 95 percent of the area and 98 percent of the population in the area.

3. We have carefully examined the Fort Walton Beach assignment area and find that Channel 17 can be assigned to Fort Walton Beach in conformance with the minimum mileage separation requirements of the Commission's rules. Since Channel 17 is one of the lower seven UHF channels which are permitted to be shared by the land mobile service in the top-ten markets, we looked further into this aspect since in a projected sharing study looking into the next 15 largest urbanized areas Channel 17 was selected for land mobile sharing in New Orleans, Louisiana. However, in the event that Channel 17 is subsequently permitted for sharing, a Channel 17 assignment at Fort Walton Beach would not have to be frozen. If a station operated on Channel 17 at Fort Walton Beach it would not limit the shared use of Channel 17 by the land mobile services in the New Orleans urbanized area.[2] As a drop-in channel, Channel 17 will not require any other changes in the table. It is the most efficient channel assignment for Fort Walton Beach and will have the least preclusionary effect of the channels available for assignment.

4. Panhandle has shown the need for a television broadcast channel assignment to Fort Walton Beach. Therefore we believe a rule making proceeding is warranted to explore the possibility of making an assignment. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, by assigning Channel 17 to Fort Walton Beach, Florida.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 20, 1973, and reply comments on or before August 30, 1973. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be presented the Commission. A copy of all pleadings filed in this proceeding will be available for public inspection in the Public Reference Room at the Commission's headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14351 Filed 7-12-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19784; FCC 73-730]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MD.

Of Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Grasonville, Leonardtown, and Lexington Park, Maryland), Docket No. 19784, RM–1995, RM–2036.

1. Notice of proposed rule making is hereby given concerning proposed amendments of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to conflicting proposals for the assignment of Channel 276A to Grasonville, Maryland (RM–1995), and Lexington Park, Maryland (RM–2036). In RM–1995, by a petition filed June 14, 1972, Edward Mason De Maso (De Maso) proposed to assign Channel 276A to Grasonville; it was asserted that this assignment could be made without change elsewhere. In RM–2036, Sound Media, Inc. (Sound Media), licensee of daytime-only AM Station WKIK, Leonardtown, Maryland, by a petition filed August 11, 1972, requested that Channel 276A be assigned to Leonardtown and that Channel 249A be reassigned from Leonardtown to Lexington Park in order to resolve mutually exclusive applications for Channel 249A.[1]

2. The petitions are considered together, since assignment of Channel 276A may not be made to both Grasonville and Leonardtown because of mileage requirements. The required separation is 65 miles (§ 73.207(a)), but the distance between the communities is only 50 miles. The 1970 Census populations for the three communities involved, their respective counties, and populations are as follows:

Community	Population	County	Population
Grasonville	1,182 (unincorporated).	Queen Annes.	18,422
Leonardtown	1,406	St. Marys	47,388
Lexington Park-Patuxent River.[4]	9,136 (unincorporated).	St. Marys	47,388

[4] The 1960 Census reported a population for only Lexington Park. Informal information obtained from the Tri-County Council for Southern Maryland, located at Waldorf, Maryland, is that the 1970 Census includes persons from the family housing area and bachelor officers' quarters at the Patuxent River Naval Air Station thus accounting for the different designation in the 1970 Census.

3. *RM–1995.* De Maso, in support of his petition for assignment of a channel to Grasonville, sets forth a certain amount of detailed information as to the nature of that community. Grasonville, which is 16 miles east of Annapolis, is located on the Maryland Eastern Shore, that is, that portion of Maryland east of Chesapeake Bay. It is a center for agriculture and seafood production. Grasonville is "bisected" by U.S. 301 and Maryland Route 50 en route between the Chesapeake Bay Bridge (Bay Bridge) and popular ocean summer resorts (including Ocean City, Maryland, and Rehoboth Beach, Delaware) and other points to the north and south. Grasonville is also a summer resort on Chesapeake Bay whose prospects in this respect, along with the surrounding part of the country, are expected to increase with the completion of the parallel Bay Bridge in the summer of 1973. De Maso claims that the population of Queen Annes County, which stretches from Chesapeake Bay to the Delaware border, triples during the summer and the county serves as a "bedroom community" for Baltimore and Washington commuters. Grasonville (formerly Winchester), we are told, is the most important one of eight unincorporated towns in the county. It is alleged that in recent years Grasonville has become one of the area's largest seafood packing house complexes with eight packing houses. There are many thriving businesses and resort facilities in Grasonville; it is the location of a Delmarva Power Light Company base, a State Roads Commission field office, a branch of the Queenstown bank; and there are many other indicia of community life.

4. De Maso also alleges that Grasonville and its county is without means of local expression. There are two weekly county newspapers. There is also some circulation of newspapers from Annapolis and Baltimore, but these devote little if any coverage to Eastern Shore affairs. There are no broadcast stations in the county, and De Maso claims that the nearest stations in Delaware, Annapolis, and Baltimore are unable (in any event do not attempt) to meet the needs of the residents of Queen Annes County. At the time of the petition, as shown by the engineering statement supporting the De Maso petition, Channel 276A could have been assigned to Grasonville without conflict with any other FM channel assignment. De Maso expressed his intention to apply for a station, if the channel is assigned to Grasonville, and to build the station, if his application is granted. In the latter respect, he has contacted leaders and members of the community including the County Commissioners, the president of Chesapeake College, the Chamber of Commerce, various social organizations, and others, all of whom vigorously support the establishment of a broadcast facility at Grasonville.

5. *RM–2036.* As already noted, Sound Media filed its petition in order to obviate the need for a comparative hearing with Key Broadcasting for Channel 249A, assigned to Leonardtown, Maryland (Docket Nos. 19410 and 19411). Sound Media, licensee of AM Station WKIK (daytime-only) there, would use the channel at the city of assignment, while Key Broadcasting, licensee of AM Station WPTX, Lexington Park has applied for that channel for use at Lexington Park under the 10-mile rule (§ 73.203(b) of the Commission's rules and regulations). Leonardtown is the seat of St. Marys County; Lexington Park is an unincorporated community also located in the same county. According to Sound Media's petition, a station at either Leonardtown or Lexington Park would provide a first nighttime aural service to substantial areas and populations as well as "grey" areas. Indeed, a station at both communities would provide service to substantial unserved and grey areas at night. The engineering showing in support of Sound Media's petition is to the effect that with maximum facilities at both cities, a Leonardtown station would provide a first FM service to an area of 52 square miles with a population of 2,461 and a second FM service to 3,838 persons in a 66 square mile area, while a Lexington Park station would similarly provide service to an unserved area of 68 square miles with a population of 9,515 and a grey area of 5 square miles and a population of 416.

6. Sound Media urges that Lexington Park is a community of sufficient importance to warrant an FM channel assignment. Reliance is placed on population (the largest community in St. Marys County), the fact that Lexington Park has a standard broadcast station, and other indicia of being a community. We are told that Lexington Park has a newspaper, the *St. Marys Enterprise* (although there is no indication whether daily or weekly), county government offices (including the Metropolitan Commission, the Board of Education, and Health Department), a post office, and a branch of the county library; and that it is the site of one of the largest U.S. Naval Air Stations (the Patuxent River NAS). Other evidence of commercial and civic life is typical of towns of the same size including churches of six Christian denominations, a community church, and a Baha'i meeting place; an elementary school; a motel; a CATV system; voluntary organizations (Volunteer Fire Department, Rotary Club, Chamber of Commerce, Boy Scouts, and garden

[1] Populations are from the 1970 U.S. Census. Panhandle states that the Fort Walton Beach Chamber of Commerce estimates the present population to be 21,000.

[2] In 1968 there was a proposal to assign Channel 18 to Front Royal, Va. At that time Channel 18 was *proposed* for land mobile sharing in the Washington, D.C. area. Channel 18 was not assigned to Front Royal because of this even though it met all assignment standards of the rules.

[1] Sound Media is the applicant for Channel 249A at Leonardtown (BPH–6886) and Key Broadcasting Corporation (Key Broadcasting), licensee of Station WPTX, Lexington Park, Maryland, is the applicant for use of Channel 249A at Lexington Park under the "10-mile" provision of § 73203(b) (BPH–6540). These applications are in hearing: see Docket Nos. 19410 and 19411. Key Broadcasting is also the licensee of Stations WBMD(AM), Baltimore, Maryland, and WKTK–FM, Catonsville, Maryland.

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clubs); many grocery, appliance and drug stores, gas stations, laundromats, movers, barber shops, and other usual types of commercial establishments. Sound Media concludes that since Lexington Park has a larger population, more commercial establishments, and civic organizations that many communities with FM stations, an FM channel should be assigned there.

7. De Maso opposes Sound Media's petition with a priority of petition argument.[3] As more relevant to our action here, De Maso advances a proposal which would permit channel assignments to both Grasonville and Lexington Park. He suggests the assignment of Channel 240A to Lexington Park in lieu of the Sound Media's proposal for Leonardtown and Lexington Park. Sound Media in its reply to De Maso's opposition urges that its proposal for use of Channel 276A (assignment to Leonardtown and reassignment of Channel 249A from Leonardtown to Lexington Park) is more meritorious, but it agrees that De Maso's counterproposal might be considered as an alternative proposal. As to the merits, Sound Media states that its proposal would provide service to substantial unserved and grey areas while Grasonville and the area within the 1 mV/m contour of an FM station there receives ample service considering only existing AM and FM stations at Annapolis (about 16 miles west of Grasonville).

8. It would appear that a sufficient showing has been made that the public interest, convenience, and necessity would be served by considering the petitions for FM channel assignments at Grasonville, Leonardtown, and Lexington Park, as well as the counterproposal. In this respect, Sound Media has alleged a dearth of FM service at both Leonardtown and Lexington Park from existing facilities. Such a showing more appropriately should include assignments as well as stations and there are assumptions as to power and height. The criteria are: (i) Estimated FM 1 mV/m contours; (ii) assuming reasonable facilities for all existing stations, maximum for Class A, and 30 kW at 300 feet A.A.T. for Class B, or greater in the event the station already has such operating facilities; and (iii) all unoccupied channels in the area with the same facilities as in (ii). See and compare Roanoke Rapids-Goldsboro, North Carolina, 9 FCC 2d 672, 673 (1967).[4]

9. *Showings required.* Comments are invited upon the proposals referred to above. As indicated, there are questions raised by the conflict between the basic proposals (Plan I vs. Plan II), the population of Lexington Park as a community, and the appropriate type of engineering showing to support the claims of unserved area and grey area for FM stations at Leonardtown and Lexington Park. It would be helpful if Key Broadcasting Corporation participated, for it is clear that the assignment of a channel to Lexington Park would benefit it to the extent of obviating the need for a comparative hearing as concerns its application (BPH-6540) and that of Sound Media (BPH-6686).[5] De Maso and Sound Media are expected to affirm their respective intentions to apply for the channels, if assigned, and, if authorized, to promptly build on the channels for their respective communities. Failure to make the requested showings may result in denial of the proposals and/or counterproposal.

10. In view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns the communities named, as follows:

PLAN I

City	Channel No. Present	Channel No. Proposed
Grasonville, Maryland		276A

or

PLAN II

Leonardtown, Maryland	249A	276A
Lexington Park, Maryland		249A

or

PLAN III

Grasonville, Maryland		276A
Lexington Park, Maryland		249A

11. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if they are advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 20, 1973, and reply comments on or before August 30, 1973. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14352 Filed 7-12-73;8:45 am]

[3] We need not to discuss this, since there is no such doctrine. The test in this respect is the "cut-off" procedure referred to in paragraph 11 below.

[4] That case deals with determining service to unserved and grey areas when one seeks a Class B or C channel for a community entitled to only a Class A channel. However, the same test has been applied when one relies on a lack of service argument of the type that in part bottoms Sound Media's petition.

[5] As already noted, such a hearing is under way; see Docket Nos. 19410 and 19411.

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Investment Contract Securities

Pursuant to authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) notice is hereby given that the Board of Governors proposes to add paragraph (l) to § 220.6 of Regulation T, "Credit by Brokers and Dealers" (12 CFR 220.6) to provide that credit extended on any part of an investment contract will be deemed to be extended on the whole security. The proposed new paragraph is set forth below:

§ 220.6 Certain technical details.

• • • • •

(l) *Investment contract securities.* Credit for the purpose of purchasing or carrying any part of an investment contract security (for example, the cattle ownership portion of a program to own and feed cattle, or the condominium ownership part of a program to own and rent a unit through a rental pool) shall be deemed to be credit on the entire security.

The purpose of the proposed amendment is to negate previous Board interpretations which stated that broker/dealers would not be deemed to be arranging credit which they could not extend, as prohibited by § 220.7(a), when they sold investment contracts which included credit extended solely on the real estate or chattel part of the contract.

If adopted, this amendment will provide uniform treatment, for credit purposes, of every security as an indivisible whole in a manner consistent with that followed by the Securities and Exchange Commission in its area of regulation.

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14330 Filed 7-12-73;8:45 am]

[12 CFR Part 222]

BANK HOLDING COMPANIES

Nonbanking Activities and Interests

Pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), the Board proposes to amend § 225.4(a)(4) of its Regulation Y to clarify the boundaries upon deposit-taking activities that are properly incidental to trust company activities which the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, and to provide that the kinds of activities authorized under § 225.4(a)(4) include those performed not only by trust company subsidiaries that are State-chartered, but also by any such subsidiaries that may operate as limited purpose trust companies under national bank charters and that do not both accept demand deposits and make commercial loans.

The definition of boundaries upon deposit-taking activities by trust company subsidiaries of bank holding companies under § 225.4(a)(4) is especially significant in the case of multi-State operations. Section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)) prohibits the Board from approving any application under section 3 which will permit any bank holding company to acquire, directly or indirectly, additional banks located outside of the State in which the operations of its banking subsidiaries are principally conducted, unless any such acquisition is specifically authorized by the laws of the State in which such additional bank is located. In some cases, trust companies are chartered as banks, but intend to limit their operations to trust activities and not to engage in commercial banking. The policy of section 3(d) would not apply to holding company subsidiaries of this type. The proposed amendment would delineate the scope of deposit-taking activities that could be engaged in by trust company subsidiaries consistently with nonbank status under the Bank Holding Company Act.

Under the proposal, a trust company subsidiary that is not a "bank" within the meaning of the Bank Holding Company Act would be permitted to accept deposits that are generated out of funds received under trust instruments. It would not have authority to receive deposits generated out of funds received in the capacity of agent or custodian, except as expressly permitted in an exception for functions as agent or custodian for an issuer of, or investor in, securities. The Board notes that the New York Banking Department has determined to permit qualified out-of-State bank holding companies to acquire limited purpose trust companies in New York to furnish stock transfer and related services for institutional customers and to receive deposits incidental thereto. The proposed amendment is intended to facilitate bank holding companies' acquisitions of this type of limited purpose trust company.

Both commercial banks and trust companies act as agents or custodians for their customers. Deposit transactions incidental to agency or custodian functions are normally characteristic of commercial banking. However, the proposed deposit-taking activities incidental to payments upon or transfers of securities would appear to be properly incidental to a trust company business.

The Comptroller of the Currency has granted a national bank charter to a trust company organized for the purpose of carrying on the general business of a commercial bank trust department and to engage in such activities as are necessary, incident or related to such business. Trust companies that do not engage in the business of making commercial loans would not be "banks" within the meaning of section 2(c) of the Bank Holding Company Act (12 U.S.C. 1841(c)), even though chartered as national banks. The proposed amendment would permit bank holding companies to acquire under section 4(c)(8) of the Act federally chartered trust companies that are not "banks", and such trust companies would be governed by the same Regulation Y limitations on deposit-taking as would apply to State-chartered trust companies acquired under that section.

The proposed amended paragraph (a)(4) of § 225.4 of Regulation Y would read as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* • • •

(4) performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency, or custodian nature), in the manner authorized by federal or State law, so long as the institution does not both accept demand deposits and make commercial loans, and does not accept deposits other than (i) deposits that are generated from trust funds not currently invested and are properly secured to the extent required by law or (ii) deposits representing funds received for a special use in the capacity of an agent or custodian for an issuer of, or investor in, securities, such as paying and dividend disbursing agent, securities clearing agent, and similar capacities, and not employed by or for the account of a customer in the manner of a general purpose checking account or bearing interest.

• • • • •

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or argument. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 9, 1973.

By order of the Board of Governors, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14331 Filed 7-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-88]

DETENTION OF MOTOR VEHICLES—NATIONWIDE

Notice of Proposed Rulemaking and Order; Correction [1]

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on this 22d day of May 1973.

The failure of motor common carriers of property to provide uniform vehicle detention rules, including prearranged schedules, has given rise to shipper and carrier complaints alleging unjust and unreasonable practices, unjust discrimination, preference and prejudice, as well as unlawful concessions and rebates.

A number of inquiries have also been received as to whether arrangements for prearranged schedules may be made without provisions therefor being published in applicable tariffs lawfully on file with this Commission.

In view thereof, this proceeding is being initiated to examine and consider: (1) The need for requiring all motor common carriers of property subject to the jurisdiction of this Commission to publish and maintain their tariffs and file with this Commission uniform rules—nationwide—to govern the assessment and collection of vehicle detention charges applicable on interstate shipments moving subject to volume, truckload, less-than-truckload, or any quantity rates; (2) the need for requiring the publication of provisions therein requiring prearranged schedules to be established for the pickup and delivery of such shipments as a part of uniform vehicle detention rules; (3) if prearranged schedules are necessary, whether such provisions are necessary with respect to

[1] Line 4 paragraph 3 inadvertently omitted in original notice.

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(a) volume shipments, (b) truckload shipments, (c) less-than-truckload shipments, and (d) any quantity shipments, or any one or more of these four categories of shipments; (4) the lawfulness of carriers and shippers or receivers entering into voluntary prearranged schedules for the pickup or delivery of interstate shipments without tariff provisions authorizing such arrangements having first been published in tariffs lawfully on file with this Commission; and (5) the level of vehicle detention charges to be assessed and collected for such service.

It is the duty of this Commission under the Interstate Commerce Act to require that motor common carriers provide lawful, non-discriminatory, reasonable and adequate service and reasonable rates and charges. Therefore, the purpose of this rulemaking proceeding is to discourage undue delays of carriers' vehicles at origins, stopoff points, and destinations at the same time to assure lawful, nondiscriminatory, non-preferential, nonprejudicial, reasonable and adequate service, and reasonable vehicle detention rates and charges with respect to all classes, types and sizes of shippers and receivers of interstate freight shipments, nationwide.

Additionally, it is timely and otherwise appropriate and desirable to facilitate the simplification of carrier tariff provisions regarding vehicle detention so as to effect maximum utilization of automated systems techniques in the publication, application, and policing of detention rules and charges by carriers and shippers alike.

Precedent exists for the prescription of uniform detention rules and charges. In Docket 33434, "Detention of Motor Vehicles—Middle Atlantic and New England Territory," 325 ICC 336, decided April 23, 1965, this Commission prescribed uniform detention rules, with certain exceptions, to govern truckload shipments and all respondents thereto were required to establish appropriate tariff provisions within 60 days of the date that order became effective. At page 343, thereof, we stated:

> We find that a uniform detention rule, except as otherwise set forth herein, is necessary for economical and efficient transportation service by the respondents, and is in the public interest, and that the detention rule set forth in appendix E hereto is just and reasonable, and should be established and maintained by respondents, as set forth in the appended order.

The exceptions permitted thereunder were household goods, commodities transported in bulk in tank trucks, commodities transported by heavy haulers, and articles picked up from or delivered to railroad cars, and certain palletized shipments subject to Rule 15 of Middle Atlantic Conference, Agent, tariff 10 series, or other rules of similar character in other tariffs.

Accordingly, proposed uniform vehicle detention rules, including provisions for prearranged schedules, are set forth in the appendices hereto, for nationwide application.

It is for these purposes that the instant rulemaking proceeding is instituted.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) including sections 204(b), 208(a), 216 (b) and (d), 217 (a), (b), and (d), and 222(c), thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations set forth in the appendices A through C to this notice, or other regulations of similar purport applicable to motor common carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of property operating in interstate or foreign commerce within the United States, and subject to the Interstate Commerce Act, except those transporting exclusively, (1) household goods, (2) commodities in bulk in tank trucks, (3) heavy and specialized commodities or articles, requiring special handling, and (4) articles picked up from or delivered to railroad cars having prior or subsequent transportation by rail, be, and they are hereby made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before August 8, 1973, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy hereof shall be served on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this order to the Governor of every State having jurisdiction over transportation, that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection, and that a copy thereof be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Paragraph (e) is added to § 1307.35 to provide as follows:

§ 1307.35 Terminal and special services.

* * * * *

(e) *Proposed vehicle detention rule.* This item applies when carriers' vehicles (Note A) are delayed or detained at premises of consignor, consignee, or other places designated by consignor or consignee, subject to the following provisions:

(1) *General provisions.* (i) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. If the shipment is moving on a rate subject to a stated minimum weight of 12,000 pounds or more; and such rate is not designated as a truckload rate, it will be considered a truckload rate for the purpose of applying this item.

(ii) This item applies only when vehicles are delayed or detained at the places of pick up or delivery and only when such delay or detention is attributable to consignor, consignee, or others designated by them.

(iii) Free time for each vehicle will be as provided in section 3.

(iv) After the expiration of free time as herein provided, charges as provided in section 4 will be assessed against the shipment.

(v) When section 7 of the Bill of Lading is executed, carrier will not deliver the shipment to consignee unless detention charges, if accrued, are guaranteed.

(2) *Computation of time.* (i) The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee at the place of pick up or delivery of the arrival of the vehicle for loading or unloading, as the case may be, either on the premises designated by the consignor or consignee, or as close thereto as conditions on said premises will permit, and shall end upon completion of loading or unloading and receipt by the driver of a signed Bill of Lading or receipt for delivery, as the case may be, except as provided in paragraph (b) of this section. Time, if any, necessary to prepare a vehicle for loading or unloading, as the case may be, will be excluded from the computation of time. Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

Exception—When carrier makes a prearranged schedule with consignor or consignee, or others designated by them at place of pick up or delivery for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(ii) Computations of time are subject to, and are to be made within the normal business (shipping or receiving) day at the designated premises at place of pick up or delivery, except, if carrier is permitted to work beyond this period, such working time shall also be included. When loading or unloading is not completed at the end of such day, time will be resumed at the beginning of the next such day, or when work the next day is actually begun by carrier, if earlier. When loading or unloading carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time.

(3) *Free time.* Free time shall be as follows:

Column A		Column B	
Actual weight in pounds per vehicle	Free Time in minutes	Actual weight in pounds per vehicle stop	Free Time in minutes per vehicle stop
Less than 24,000	240	Less than 10,000	90
24,000 and less than 36,000	300	10,000 and less than 20,000	180
36,000 or more	360	20,000 and less than 24,000	240
		24,000 and less than 36,000	300
		36,000 or more	360

Column A. Applies to vehicle containing truckload shipments requiring only one vehicle, or to fully loaded vehicles containing truckload shipments requiring more than one vehicle, except as provided in Column B.
Column B. Applies to last vehicle used in transporting overflow truckload shipments requiring two or more vehicles, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(4) *Charges.* When the delay per vehicle beyond free time is:

	The charge per vehicle will be:
1 hour or less	$
Over 1 hour but not over 75 minutes	
Over 75 minutes but not over 90 minutes	
Over 90 minutes but not over 105 minutes	
Over 105 minutes but not over 120 minutes	
Over 120 minutes but not over 135 minutes	
Over 135 minutes but not over 150 minutes	
Over 150 minutes but not over 165 minutes	
Over 165 minutes but not over 180 minutes	
Over 180 minutes	

(5) *Records.* A record of the following information must be maintained by the carriers and kept available at all times:

(i) Name and address of consignor, consignee, or other party at whose place of business freight is loaded or unloaded.

(ii) Identification of vehicles tendered for loading or unloading.

(iii) Date and time of notification of the arrival of the vehicle for loading and unloading.

(iv) Date and time loading or unloading begins.

(v) Date and time loading or unloading is completed.

(vi) Date and time vehicle is released for departure by consignor, consignee, or by other party at place of pick up or delivery after loading or unloading is completed.

(vii) Total actual weight of shipment loaded or unloaded.

(viii) Whether vehicles are tendered under a prearranged schedule for loading or unloading.

(ix) When vehicles are tendered under a prearranged schedule for loading or unloading, date and time specified therefor.

Nothing in this item shall require a carrier to pick up or deliver freight at hours other than such carrier's normal business hours.

NOTE A: "Vehicles" as used in this item means straight trucks or tractor-trailer combinations, except that this item will not apply to trailers without power units left by carrier at place of pick up or delivery of consignor, consignee, or other party designated by them. (See Items and series when trailers without power units are left by carrier).

When equipment is available, carrier may spot empty or loaded vehicles at consignor's or consignee's premises for loading or unloading in full possession of the consignor or consignee, unattended by carrier's employees and unaccompanied by power unit, subject to the following conditions and charges:

(6) *Loading or unloading.* (i) Loading or unloading will be performed by consignor or consignee and in the case of spotting for loading the Bill of Lading must show "Shipper load and count".

(ii) Carrier's responsibility for shipments loaded in trailers which are spotted under provisions of this item shall begin when loading has been completed and possession thereof is taken by the carrier. Carrier's responsibility for shipments delivered in trailers which are spotted under the provisions of this item will cease at the time the trailer is spotted at or on the place of delivery designated by the consignee.

(7) Free Time, After 7:00 a.m., on the day following that on which the vehicle is spotted:

(i) On vehicles spotted for unloading, 8 hours.

(ii) On vehicles spotted for loading, 8 hours, when the vehicles is placed at consignor's platform.

(8) Computation of time:

(i) Consignor or consignee will notify carrier when loading or unloading is in fact completed and trailer is available for pick up and the trailer will be deemed to be held until the time the carrier is so notified.

NOTE A: Notification means advice to consignor by carrier in connection with loading, or advice to carrier by consignee in connection with unloading, by mail or telegraph that trailer is loaded or unloaded as the case may be. If convenient and practicable, advice may be given by telephone, confirmed, however, in writing.

(ii) In computing time, Sundays and legal holidays (national, state or municipal) will in all cases be excluded.

(iii) Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

	Charge
(9) *Charges*—(i) *Loading.* After expiration of free time the charge per trailer for each 24 hours or fraction thereof that the trailer is held will be NOTE A	$
(ii) *Loading.* After expiration of free time the charge per trailer shall be:	
(a) For each of the first three 24 hour periods or fraction thereof that the trailer is held	
(b) For the fourth 24 hour periods or fraction thereof that the trailer is held	
(c) For the fifth and each succeeding 24 hour period or fraction thereof that the trailer is held	

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(10) *Pick up of trailer.* No charge will be made for picking up trailers spotted under this item when such pick up can be performed in 30 minutes after arrival of driver and power unit at consignor's or consignee's premises. Where a delay of more than 30 minutes is encountered, detention charges as specified in Item —— will be assessed.

(11) *Spotting of trailers.* Carriers will not spot trailers equipped with temperature control except that such equipment may be spotted at the charge provided for in this item for pickup or delivery of freight which does not require temperature control.

(12) *Strike interference.* When because of a strike of its employees, it is impossible for consignor or consignee to make available for movement by carrier, loaded or empty vehicles detained on consignor's or consignee's premises, a charge of $???? per day or fraction thereof will be made for such detention (NOTES A and B)

NOTE A: No charge will be assessed for empty trailers not constructively placed for loading. Carrier reserves the right to remove such trailers at any time.

NOTE B: Not applicable to vehicle furnished by water carriers or by the railroads.

(13) *General provisions.* (i) Except as otherwise specifically provided, when the loading or unloading of freight (Note A) is delayed, and such delay is attributable to the consignor, consignee or other designated by them, beyond the free time authorized in section 3, computed in accordance with SEC. 2, charges in section 4 will be assessed against the consignor (Note B), if the delay occurs at his premises and against the consignee (Note B), if the delay occurs at his premises (See Exception).

(ii) When Section 7 of the Bill of Lading is executed, carrier will not deliver the shipment to consignee unless detention charges, if accrued, are guaranteed.

(iii) Not applicable on LTL or AQ shipments loaded on same vehicle in multiple tender or unloaded from same vehicle in multiple delivery with shipments subject to truckload rates or subject to a stated minimum weight of 12,000 pounds or more. Apply provisions of Item ——.

(14) *Computation of time.* (i) The time consumed in loading or unloading freight shall be computed from the time of arrival until the time of departure of the vehicle, either on the premises of the consignor or consignee, or as close thereto as conditions on such premises (for under the control of consignor or consignee) will permit, including waiting time in reaching or leaving loading or unloading location. The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee that the vehicle is available for loading or unloading as the case may be. If the consignor or consignee refuses to sign carrier's record, the time specified by the driver of the vehicle shall be binding.

(a) The computation of time under this item begins and ends with the business hours of consignor or consignee. When loading or unloading is not completed at the end of a business day, the computation of the time will be resumed at the beginning of the next business day. When loading or unloading vehicle carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time.

(b) Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading, provided at least 10,000 pounds are offered for pickup by consignor making such request or at least 10,000 pounds are available for delivery to consignee making such request (See Exception).

Exception. When carrier makes a prearranged schedule with consignor or consignee, or others designated by them, at place of pick up or delivery for the arrival of the vehicle for loading or unloading and carrier is unable, for any reason, to maintain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(ii) In case of multiple shipments subject to LTL or AQ rates received from one shipper or delivered to one consignee at one time on the vehicle, time will be computed on the aggregate weight of the multiple shipments so received or delivered. Where there is more than one payor, charges will be prorated on the basis of the weight of each individual shipment. Where either a single shipment or such multiple shipments subject to LTL or AQ rates exceed the carrying capacity of one vehicle, free time for each vehicle shall be computed separately.

(15) *Free time.* Free time for the loading or unloading of freight will be allowed as follows:

For the first 1,750 lbs. or less	30 minutes (Note C)
For each additional 1,750 lbs. or fraction thereof	15 minutes (Note C)

(16) *Charges.* When the loading or unloading of freight is delayed beyond free time, charge per vehicle for each 15 minutes or fraction for time consumed for such delay shall be.

(17) *Redelivery.* The foregoing provisions of this item shall apply to an original delivery or tender of delivery of the shipment as well as to any redelivery or subsequent tender of delivery.

(18) *Collection (pick up) or delivery provisions in this or other tariffs.* The provisions of this item do not change or prevent the application of other items in this or other tariffs lawfully on file with the Interstate Commerce Commission covering pick up or delivery of freight. Nothing in this item shall require a carrier to pick up or deliver freight at hours other than such carrier's normal hours.

NOTE A: If shipments are refused when offered for delivery Item —— will apply.

NOTE B: The amounts due the carrier under the provisions of this rule shall be assessed against the consignor in case of loading, and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect.

NOTE C: In the case of multiple shipments received from one shipper or delivered to one consignee at one time on the vehicle, free time will be increased 5 minutes for each shipment subject to a maximum of 30 minutes additional free time.

[FR Doc.73-14233 Filed 7-12-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4721]

CALIFORNIA

Order Providing for Opening of National Resource Lands

Correction

In FR Doc. 73-13028, appearing at page 17025 in the issue of Thursday, June 28, 1973, in the first line under the Mount Diablo Meridian, the reference to "SW.," should read "8W.,".

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., e.s.t., on Friday, July 20, 1973, at the Indiana Dunes National Lakeshore building, Chesterton, Indiana.

The purpose of the Indiana Dunes National Lakeshore Advisory Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Indianapolis, Indiana
Mr. Harry W. Frey
Michigan City, Indiana
Mrs. Ione F. Harrington
Chesterton, Indiana
Mr. John A. Hillenbrand II
Batesville, Indiana
Mr. Ed Maslulis
Beverly Shores, Indiana
Mr. Harold G. Rudd
Portage (Ogden Dunes), Indiana
Mr. John R. Schnurlein
Valparaiso, Indiana

The matters to be discussed at this meeting include:

1. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
2. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
3. Discussion of the Beach Erosion Status to date.
4. Discussion of the West Beach Highway Entrance.
5. Discussion of the Five-Year Development Program for Indiana Dunes National Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, at 219-926-7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: June 19, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14455 Filed 7-12-73;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held between 1 p.m. and 5 p.m. on Friday, July 27, 1973 at the Leland Lodge, Leland, Michigan.

The Commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. John B. Daugherty (Chairman)
Frankfort, Michigan
Mr. William B. Bolton
Empire, Michigan
Mr. Verrol Conklin
Honor, Michigan
Mr. Frank C. MacFarlane
Cedar, Michigan
Mr. John Stanz
Glen Arbor, Michigan
Mr. Noble Travis
Leland, Michigan
Mr. Louis F. Twardzik
East Lansing, Michigan
Mrs. Charles R. Williams
Traverse City, Michigan
Mr. Carl T. Johnson
Cadillac, Michigan
Mr. Charles Yeates
Allegan, Michigan

The purpose of the meeting is to report on the status of land acquisition and related activities, and to bring the commission members up to date on management programs and plans and to swear in the new advisory commission members. These items will be presented by the staff of Sleeping Bear Dunes National Lakeshore. Committee reports and discussions include, status of the State of Michigan activities in transferring state lands to the National Park Service for inclusion in the national lakeshore; status of the proposed tax relief by the State of Michigan to provide assistance to the counties in lieu of taxes lost due to acquisition and inclusion of lands in the national lakeshore; and review of proposed marina facilities within the national lakeshore boundaries; and review of the State of Michigan Waterways Commission proposal to construct a launching facility in Good Harbor Bay.

The meeting is open to the public. It is expected that 30 persons will be able to attend the session in addition to the advisory commission members and the national lakeshore staff.

Any member of the public may file with the Commission a written statement concerning matters to be discussed. Further information concerning this meeting may be obtained from J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan at 616-352-9611. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Superintendent, 400½ Main Street, Frankfort, Michigan.

Dated: July 2, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14456 Filed 7-12-73;8:45 am]

Office of the Secretary

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Notice of Establishment

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act. Order No. 2953 transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration the functions of mine health and safety, assessment and compliance, and education and training. The functions of energy, metallurgical and mining research and development, mine health and safety research, and mineral

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supply are retained in the Bureau of Mines.

Notice is hereby given that on July 16, 1973, the Mining Enforcement and Safety Administration will become operative.

In order to provide for a continuing and orderly transfer of the functions assigned to the Mining Enforcement and Safety Administration notice is hereby given that:

1. All designations and appointments of duly authorized representatives of the Secretary of the Interior heretofore made pursuant to and for the purposes of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act shall continue in force and effect. Such duly authorized representatives will be transferred to the Mining Enforcement and Safety Administration. Identification cards issued to such authorized representatives bearing any reference to "Bureau of Mines" shall be deemed to refer to "Mining Enforcement and Safety Administration."

2. The principal officials of the Mining Enforcement and Safety Administration are—

Administrator, Mining Enforcement and Safety Administration
Deputy Administrator, Mining Enforcement and Safety Administration
Assistant Administrator, Coal Mine Health and Safety
Assistant Administrator, Metal and Nonmetal Health and Safety
Assistant Administrator, Education and Training
Assistant Administrator, Technical Support
Deputy Assistant Administrator, Coal Mine Health and Safety

Persons filling a position designated as a "Deputy Director" or as an "Assistant Director" in the Bureau of Mines will be transferred to the Mining Enforcement and Safety Administration and are designated to fill the comparable position as a "Deputy Administrator," or as an "Assistant Administrator" and to perform the duties assigned to them until otherwise changed or assigned by the Administrator.

3. All District and Subdistrict offices, both Coal Mine Health and Safety and Metal and Nonmetal Mine Health and Safety, established by the Bureau of Mines are hereby redesignated as District and Subdistrict offices of the Mining Enforcement and Safety Administration, and all persons designated as District and Subdistrict Managers of the Bureau of Mines shall be District and Subdistrict Managers of the Mining Enforcement and Safety Administration.

4. All Notice and Order forms in use shall continue to be used by the Mining Enforcement and Safety Administration for the purpose of enforcement of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act irrespective of any reference therein to the Bureau of Mines or an office of the Bureau of Mines and such references shall be deemed to refer to the Mining Enforcement and Safety Administration or an office of such Administration.

5. Inasmuch as no changes have been made in the geographical or jurisdictional boundaries of the respective Coal Mine Health and Safety Districts or the Metal and Nonmetal Mine Health and Safety Districts operators shall continue to contact the respective District and Subdistrict Offices in which the mine is located. All reports, plans, maps, or other documents required to be filed by operators or other persons under any standard or regulation promulgated by the Secretary under the authority of the Federal Coal Mine Health and Safety Act of 1969 or the Federal Metal and Nonmetallic Mine Safety Act shall continue to be filed at such offices designated in such regulations and shall be deemed to have been filed with the Mining Enforcement and Safety Administration if required to be filed with that Administration irrespective if the address or designated office is referred to as that of the Bureau of Mines.

Concurrently with the publication of this Notice there appears in the Rules and Regulations section of this issue of the FEDERAL REGISTER (page 18665) amendments of standards and regulations promulgated by the Secretary of the Interior under authority of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act. These amendments reflect the transfer of functions under the two Acts and Secretary's Order No. 2953 from the Bureau of Mines to the Mining Enforcement and Safety Administration.

6. Until further notice "Permissible" equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which has been issued by the Bureau of Mines, and which is maintained in "permissible" condition, shall be deemed "permissible" for all purposes by the Mining Enforcement and Safety Administration.

Persons seeking to have equipment to be used in a coal mine or a metal mine approved as "permissible" shall file applications with Approval and Testing, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

7. The Mining Enforcement and Safety Administration is substituted in lieu of the Bureau of Mines in all proceedings pending before the Office of Hearings and Appeals of the Department of the Interior in which the Bureau of Mines is named as the Petitioner or Respondent.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

JULY 10, 1973.

[FR Doc.73-14474 Filed 7-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH FORK YAAK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—South Fork Yaak Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) 73-84.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest and located in Lincoln County, Montana. The proposal affects approximately 47,000 acres of National Forest lands which have been stratified into six management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ July 6, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Kootenai National Forest
418 Mineral Avenue
Libby, Montana 59923

A limited number of single copies are available upon request to George A. Mahrt, Forest Supervisor, Kootenai National Forest, Box AS, Libby, Montana 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor George A. Mahrt, Box AS, Libby, Montana 59923. Comments must be received by August 20, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 6, 1973.

[FR Doc.73-14309 Filed 7-12-73;8:45 am]

SOUTH BOISE-WOOD RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Boise-Wood River Planning Unit Land Use Plan, USDA-FS-DES (Adm) 73-85.

The draft environmental statement identifies and evaluates the probable effects of a proposed land use plan for the South Boise-Wood River area, on the Sawtooth National Forest in south-central Idaho. The plan sets forth the allocation of land to resource uses and activities; establishes objectives; documents management direction, decisions, and necessary coordination between resource uses; and provides for the protection, use, and development of the various resources within the unit. The mix of uses provided for includes moderate levels of consumptive resource uses, a moderate but growing level of recreation use, and significant areas to remain undeveloped with the options for future management remaining open.

This environmental statement was filed with CEQ on July 6, 1973.

Copies are available for inspection during regular working hours at the following locations:

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324-25th Street
Ogden, Utah 84401

District Forest Ranger
Fairfield Ranger District
Sawtooth National Forest
Fairfield, Idaho 83327

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

District Forest Ranger
Ketchum Ranger District
Sawtooth National Forest
Ketchum, Idaho 83340

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

A limited number of single copies are available upon request from the Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301. Comments must be received by August 20, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 6, 1973.

[FR Doc.73-14310 Filed 7-12-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY MEDICAL COLLEGE AND UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00478-33-46040. APPLICANT: Cornell University Medical College, 1300 York Avenue, New York, N.Y. 10021. ARTICLE: Electron microscope, model EM 301. MANUFACTURER: Philips Electronic Instruments, NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for ultrastructural studies of platelets in order to determine whether morphologic changes become apparent in them and on their surface during the process of blood coagulation. Particular interest will be paid to the nature of changes induced in the outer membranes of platelets by the action of complement during blood clotting. Further studies of complement-induced ultrastructural changes in cell membranes will, in addition, lead to a better understanding of the structure and function of cell membranes. Experiments will also be conducted in which the electron microscope will be used to study the localization of certain key glycoproteins in the membrane of platelets utilizing ferritin conjugated monospecific antisera to the isolated glycoprotein. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: April 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 22, 1973.

DOCKET NUMBER: 73-00486-33-46040. APPLICANT: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98195. ARTICLE: Model JEM-100B electron microscope, MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for examination of biological specimens which include tissues, cells, cell components and viruses. Several of the research projects are as follows:

(1) Studies relating to the nature of the atherosclerotic plaque to identify the types of cells and the relationship of various cell types and extracellular material at various levels within the atherosclerotic plaque.

(2) Studies of selective myocardial cell necrosis induced by a variety of metabolic means such as isoproterenol, hyprokalemia or central nervous system stimulation;

(3) Studies of lymph node stimulation with adjuvant in conjunction with experimental allergic encephalitis, to identify accurately the specific architectural components of the lymph node that respond to the stimulus;

(4) Other studies which include studies of amyloid fibrils, the structure of collagen, components of elastic fibers, protein synthesis in virus assembly, membrane structure and fusion, and studies involving the passage of substances of different molecular size through cell membrane junctions.

In addition the article will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: April 24, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 22, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the

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foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14338 Filed 7-12-73;8:45 am]

IIT RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00277-90-14200. APPLICANT: IIT Research Institute, 10 West 35th Street, Chicago, IL 60616. ARTICLE: Image Analysing Computer System, Model Quantimet 720. MANUFACTURER: Metals Research Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to characterize particulate matter which may be from any source: ambient air suspended particles, air pollutants, life science specimens, materials science specimens, powders, pharmaceuticals, slurries pastes, pigments, etc. The properties investigated are particle number, particle size, size distribution, particle shape and shape distribution.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides the capability for shape classification (i.e., the foreign article measures both area and perimeter for single features and, with the accessories ordered by the applicant, produces a classification based on the generally accepted shape sensitive parameter A/P^2, where A=area and P=perimeter). The most closely comparable domestic instrument, the Model QMS, manufactured by Bausch and Lomb does not provide the capability for shape classification. The National Bureau of Standards (NBS) advised in its memorandum dated June 8, 1973 that the capability for shape classification is pertinent to the applicant's intended investigation of particle shape distributions.

For these reasons, we find the Model QMS is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73-14341 Filed 7-12-73;8:45 am]

MICHIGAN STATE UNIVERSITY, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Nitrogen Analyzers

The following is a consolidated decision on applications for duty-free entry of Nitrogen Analyzers pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq). (See especially Section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Specal Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00275-01-01100. APPLICANT: Michigan State University, East Lansing, Mich. 48823. ARTICLE: Solid State Nitrogen-15 Analyzer. MANUFACTURER: Breda, Holland. INTENDED USE OF ARTICLE: The article is intended to be used for the following nitrogen studies:

(1) Quantitatizing and maximizing denitrification in land disposal systems for animal wastes.

(2) To assess the quantities of nitrogen being fixed by microorganisms in aquatic environments in order to determine their contribution to the nitrogen pollution of lakes.

(3) To quantitate the fate of nitrogen in fertilizers used in agriculture in order to evaluate their contribution to the nitrogen pollution of rivers and streams.

(4) To trace nitrogen metabolism in crop plants.

(5) To quantitatively evaluate the amount of nitrate being dentrified in the natural soil ecosystem.

(6) To study the effects of photorespiration inhibitors on nitrogen fixation by soybeans.

(7) To study the metabolism and cycling of nitrogen through soil microfauna in the forest litter.

The article will also be used for educational purposes in laboratories in Soil Microbiology and Soil Biochemistry to acquaint students with the use of ^{15}N as a tracer in studies on nitrogen cycles in soil, on nitrogen related pollution problems and on nitrogen metabolism in plants.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1972. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

DOCKET NUMBER: 73-00311-01-01100. APPLICANT: Graduate Hospital of University of Pennsylvania, Clinical Research Center, 19th and Lombard Streets, Philadelphia, PA 19146. ARTICLE: Nitrogen 15 Analyzer. MANUFACTURER: Breda, Holland. INTENDED USE OF ARTICLE: The article is intended to be used for a research program on Protein Metabolism in Surgical Patients in the General Clinical Research Center at the Graduate Hospital of the University of Pennsylvania. ^{15}N will be analyzed using an optical method. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 20, 1972. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

DOCKET NUMBER: 73-00431-01-01100. APPLICANT: University of Missouri-Columbia, Columbia, Mo 65201. ARTICLE: Nitrogen 15 analyzer, NOI-5. MANUFACTURER: Isocommerz, the Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in the study of nitrogen metabolism, especially in ruminants. Several compounds containing 15/N will be used, including NH_4Cl, urea, glycine and other amino acids as they are available. Experiments planned include:

(1) The incorporation of ^{15}N into histidine of human subject depleted of histidine.

(2) The incorporation of ^{15}N into serum amino acids of sheep deprived of exogenous amino acids.

(3) The kinetics of disappearance of intravenously administered labelled amino acids.

The article will also be used in the courses animal husbandry 490 and 450 and nutrition 490 and 450 to provide research experience to graduate students. The students will be taught the operation of the instrument and use it for their individual research projects under the supervision of the major professor. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides basically simple, non-destructive analysis by means of emission spectrometry wherein nitrogen is excited to emission by a 27 megaherz radio frequency field. We are advised by the Department of Health, Education, and Welfare (HEW), in the respectively cited memoranda, that the characteristics described above are pertinent to the purposes for which each foreign article is intended to be used. HEW further advices that it knows of no instrument or apparatus of equivalent scientific value to any of the articles to which the foregoing applications relate.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14342 Filed 7-12-73;8:45 am]

NORTH DAKOTA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00467-33-46040. APPLICANT: North Dakota State University, Fargo, N. Dak. 58102. ARTICLE: Electron Microscope, Model Corinth 275. MANUFACTURER: AEI Scientific Apparatus Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for investigation of several types of specimens including: (1) Insect nerve tissue; (2) chloroplasts of wheat; (3) bacteria and bacteriophage; (4) liver cells, and (5) plant and animal viruses.

Experiments to be conducted vary with the specimen and include:

(1) Examination of the neurosecretory processes in brains and ganglia of the tobacco hornworm and cockroach.

(2) Study of chloroplasts of wheat to determine the effects of water stress on germination and early seedling development.

(3) Studies on bacteria and bacteriophage consisting of identifying host specific bacteriophage to potentially pathogenic bacteria found in livestock water ponds.

(4) Investigation by electron microscopy of the livers of rats treated with various concentrations of insecticides and drugs to determine the effect of such compounds on liver functions, and

(5) Identification of specific plant and animal viruses.

In addition, the article is to be used in the following courses to (1) teach technique and applications of electron microscopy in biological sciences; and (2) to expose students to applications of electron microscopy and interpretation of cell structure:

Botany 540—Techniques in Electron Microscopy.
Botany 102—Organismic Botany.
Zoology 411—Cytology.
Zoology 461—Cell Physiology.
Pharmacy 340—Physiological Processes Affected by Drugs.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States at the time the article was ordered (February 23, 1973).

REASONS: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. At the time of order the most closely comparable domestic instrument available was the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 22, 1973 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14339 Filed 7-12-73;8:45 am]

PROVIDENCE HOSPITAL-RCR CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 2, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00573-33-43780. APPLICANT: Providence Hospital-RCR Center, 500 17th Avenue, Seattle, Washington 98122. ARTICLE: Regulator For Automatic Aspiration. MANUFACTURER: Collin Gentile Drapler S.A., France. INTENDED USE OF ARTICLE: The article is intended to be used for regulation of the suction system pressure during open heart operations thus preventing damage to the blood cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00574-33-46040. APPLICANT: University of Missouri Medical Center, 807 Stadium Road, Columbia, Missouri 65201. ARTICLE: Electron Microscope, Model SM-300S. MANUFACTURER: Philips Electronic Instruments, NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used as part of an interdisciplinary program to study the ultrastructure and function of the mammalian lung, particularly injury and repair related to human lung disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00575-90-46070. APPLICANT: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. ARTICLE: Scanning Electron Microscope, Model S4-10. MANUFACTURER: Cambridge Scientific Instruments Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in carrying out varied research projects such as the following:

(a) Conodont studies involving surface micromorphology, internal structure, and composition;

(b) Partial semiquantitative chemical analyses of individual dust particles from ice cores at Byrd Station, Antarctica;

(c) Distribution of Na, K, Ca, Mg and Al in plagioclase phenocrysts by means of x-ray analytic unit interfaced with the SEM and to obtain maps showing

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the distribution within the phenocrysts of the elements cited;

(d) Studies of Pleistocene pollen grains;

(e) Studies of thin films of various magnetic materials, surface spin waves, and metals at very low temperatures;

(f) Investigation of the influence of neuro-secretory cell activity in the brain on the rate of aging in insects and other animals;

(g) Study of the pathogenic effects of various strains of fungi on mosquitoes;

(h) Studies of ion transport across membranes involving various specimens, including mitochondria of insect sperm, various parasite organs and tissues, and plant cells and their organelles that can be placed under experimental conditions of salt concentration; and

(i) Relationship between dietary intake of DDT, parathyroid function, and production of thin eggshells in birds.

In addition the article is to be used regularly by students enrolled in various courses in:

Geology and Minerology
Physics
Chemistry
Entomology
Biophysics
Zoology

DOCKET NUMBER: 3-005 6-33-46040. APPLICANT: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida, 33612. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used to examine specimens of cartilage and joint synovia taken from rabbits and human patients to determine whether subcellular changes consequent to virus infection resemble changes in rheumatoid arthritis. Specimens of hamster bronchial epithelium taken from exposure of the animals to airborne pollutants will be studied to define the pathology and functional changes which such pollutants evoke in lung tissue. Livers and spleen taken from Venezuelan equine encephalitis virus infected animals will also be studied for ultrastructural changes related to the enhanced immune responsiveness and protection against bacterial endotoxin which follows such infection. In addition to these studies, the article will be employed in teaching medical students and M.D. post doctoral fellows. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00578-33-46040. APPLICANT: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida 33612. ARTICLE: Electron Microscope, Model EM 301. MANUFACTURER: Philips Electronic Instruments, NVD The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used to enhance the diagnostic speed and accuracy of a variety of lesions, particularly those affecting the kidneys, liver, small vessels and connective tissues; to enhance the recruitment of well qualified staff pathologists and to build up and modernize the residency training in pathology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00579-33-46040. APPLICANT: Creighton University, College of Dentistry, 2500 California Street, Omaha, Nebraska 68131. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD., The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for studies of biological cells during inflammation and after pharmacologic manipulation; reticulo-endothelial cells producing immunoglobulins; mast cells and cultured cells involved in bone resorption and the ultrastructural effects of dental materials on mammalian cells. In addition, the article will be used in the course *Advanced Oral Biology* where senior dental students and graduate students in dental specialty programs will learn research applications of electron microscopy and basics of electron microscopic methods. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1973.

DOCKET NUMBER: 73-00580-33-46040. APPLICANT: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. ARTICLE: Electron Microscope, Model Elmiskop 102. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the investigation of the following phenomena: (1) Organization and activity of dissociated cells from either exocrine or endocrine glands; (2) survey of the effects of different components of culture or maintenance media upon the organization and function of dissociated cells; (3) survey of experiments designed to maintain such cells in activity over reasonably long periods of time *in vitro*. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1973.

DOCKET NUMBER: 73-00581-33-46040. APPLICANT: Vassar College, Raymond Avenue, Poughkeepsie, New York 12601. ARTICLE: Electron Microscope, Model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in investigations of the mesonephric kidney of the chick embryo with the following objectives in mind: (1) to correlate the ultrastructure with cellular and general kidney function during the differentiation function and degeneration phases of the organs' life span; (2) to study the origin and function of lysosomes during the period of initiation of function of the proximal tubule; (3) to study the ultrastructure of the degeneration granules (lipofucin) and the role of lysosomes in mesonephric involution; and (4) to describe the structure of the glomerulus during differentiation and functional period and to correlate this with surface ultrastructure revealed by the SEM studies. The article will also be used in an instructional program involving electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 19, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14343 Filed 7-12-73;8:45 am]

UNIVERSITY OF SCRANTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00454-99-46040. APPLICANT: University of Scranton, Monroe Avenue, Scranton, Pa. 18510. ARTICLE: Electron microscope, model JEM T-8. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to study the effects of a variety of experimental agents on cultured nervous tissue from various parts of the central peripheral nervous system; study the myelin sheath of the central and peripheral nervous systems; and aid in the analysis of the fine structure of the nervous system.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 29, 1972).

REASONS: The applicant requires an electron microscope which is suitable for instruction in th basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that the relative

simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14344 Filed 7-12-73;8:45 am]

UNIVERSITY OF TEXAS MEDICAL BRANCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00458-33-46500. APPLICANT: University of Texas Medical Branch, UMED 3-17641, Purchasing Department, Galveston, Tex. 77550. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke, Austria. INTENDED USE OF ARTICLE: The article is intended to be used for studies of mammalian central nervous system (brainstem) tissues derived from both unlesioned and lesioned experimental animals (primarily cats). Specific experiments to be conducted include continued investigation of the normal ultrastructural organization (synaptology) of the cat lateral cuneate nucleus and the morphologic alterations produced in this nucleus by destroying its various inputs (deafferentation).

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of June 14, 1973 that cutting speeds in excess of 4mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of quivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs.

[FR Doc.73-14340 Filed 7-12-73;8:45 am]

National Bureau of Standards

STANDARDS FOR HARDBOARD PRODUCTS

Circulation for Acceptance

In accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970), the National Bureau of Standards is giving public notice and circulating for acceptance the following three Recommended Voluntary Product Standards:

TS 168a, Basic Hardboard
TS 207a, Prefinished Hardboard Paneling
TS 208, Hardboard Siding

The purpose of these Voluntary Product Standards is to establish nationally recognized quality requirements for the products covered and to provide producers, distributors, and users with a basis for common understanding of the characteristics of these products.

Copies of TS 168a, TS 207a, and TS 208a may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning these standards should be addressed to the Office of Engineering Standards Services on or before August 27, 1973.

Dated: July 9, 1973.

R. S. WALLEIGH,
Acting Director.

[FR Doc.73-14337 Filed 7-12-73;8:45 am]

National Oceanic and Atmospheric Administration

QUINLAN MARINE ATTRACTIONS

Partial Withdrawal of Undue Economic Hardship Application

Notice is hereby given that on June 22, 1973, Mr. Ralph Quinlan, doing business as Quinlan Marine Attractions, Lincolnton, N.C., was granted without prejudice, a requested amendment to his application for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship (see 38 FR 12839, May 16, 1973). The amendment consists of the deletion of the request to take four bottlenose dolphins (*Tursiops truncatus*) to be displayed in Carowinds Park, Charlotte, N.C.

Copies of the original application and the letter granting the amendment to the application are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices. The Regional offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141; Northwest Region, Lake Union Building, 1700 West Lake Avenue North, Seattle, Washington 98109, telephone, 206-442-7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

Dated: July 9, 1973.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-14284 Filed 7-12-73;8:45 am]

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Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on July 19, 1973, in Room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 24 members representing exporting firms and three trade associations, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in Export Markets.
3. Impact of European Free Trade Area.
4. Export Trade Promotion.
5. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14334 Filed 7-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3A2892]

NALCO CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3A2892) has been filed by Nalco Chemical Co., 180 N. Michigan Ave., Chicago, IL 60601, proposing that § 121.1088 *Boiler water additives* (21 CFR 121.1088) be amended to provide for the safe use of sodium metabisulfite as a boiler water additive to be used in the preparation of steam that will contact food.

Dated: July 3, 1973.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.73-14276 Filed 7-12-73;8:45 am]

[DESI 6258; Docket No. FDC-D-621; NDA 5-812]

SUPPOSITORIES CONTAINING AMINOPHYLLINE WITH PENTOBARBITAL AND BENZOCAINE

Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of April 9, 1973 (38 FR 9037) extending to G. D. Searle & Co., PO. Box 5110, Chicago, Illinois 60680 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 5-812 for Aminophylline with Pentobarbital and Benzocaine Supposicones. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 5-812 and all amendments and supplements thereto is withdrawn effective on July 23, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will be unlawful.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14277 Filed 7-12-73;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR

Delegation of Authority

Part 1, section 1E-40, Part C, *Delegations of Authority*, of the Department of Health, Education, and Welfare Statement of Organization, Functions, and Delegations of Authority is hereby amended to delete *Child Development* and is changed to read as follows:

Human Development. 1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 222 (a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make, amend, suspend, and cancel the grants and contracts authorized in "a." and "b." above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: July 6, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-14307 Filed 7-12-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-183; Administrative Division Docket No. 73-41]

MESCAL LAKES, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Mescal Development Company, James C. Witty, General Partner, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated May 16, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Mescal Lakes, located in Cochise County, Arizona, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received June 5, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Administrative Law Judge Miles Brown, in room 2253, Department of HUD Building, 451 7th Street, SW, Washington, D.C. on July 18, 1973, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 10, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 9, 1973.

By the Secretary.

JOHN R. McDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-14321 Filed 7-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Transportation

HAWAII'S PROPOSED ACTION PLAN

Notice of Availability

The Hawaii Highways Division has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Hawaii Highways Division
   Planning Branch
   600 Kapaiolani Avenue, Room 301
   Honolulu, Hawaii 96813
2. Design Branch
   869 Punchbowl Street
   Honolulu, Hawaii 96813
3. Hawaii District Office
   50 Makaala Street
   Hilo, Hawaii 96720
4. Maui District Office
   962 Keaoolu Street
   Kahului, Maui 96732
5. Kauai District Office
   State Office Building
   3060 Elwa Street
   Lihue, Kauai 96766
6. Office of Environmental Quality
   550 Halekauwila Street
   Honolulu, Hawaii 96813
7. Hawaii Division Office
   677 Ala Moana Blvd., Suite 1002
   Honolulu, Hawaii 96813
8. Federal Highway Administration, Region 9
   450 Golden Gate Avenue, Box 36096
   San Francisco, California 94102
9. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street, S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 6, 1973.

Issued on July 6, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-14333 Filed 7-12-73;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73-6; Notice 1]

AUTO SPORT IMPORTERS

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Edward Felbin T/A Auto Sport Importers, a Pennsylvania proprietorship, has applied for temporary exemptions for its Squire SS 100 passenger car from certain safety standards on grounds of substantial economic hardship.

Auto Sport did not manufacture any vehicles in 1972. It intends to manufacture between 50 and 100 vehicles in 1973. Named the Squire SS 100, the vehicle would be a replica of the 1936 Jaguar SS 100 roadster. It requests the exemptions for a period of 3 years, which would begin on the date the exemptions are granted. The exemptions would be from the wiped area requirements of Standard No. 104, the head form impact requirements of Standard No. 201, and the standards on windshield mounting (No. 212) and fuel system integrity (No. 301).

In support of its petition Auto Sport states that in its opinion it does meet Standards Nos. 201, 212, and 301. It bases this belief for Standards Nos. 201 and 301 upon its "use of materials that are currently being used by manufacturers who have done tests and certified compliance" and its "contemporary construction and installation methods that are at least equal to other manufacturers who have tested and certified compliance". Similarly with respect to Standard No. 212, it reports that the Squire's "windshield is mounted in a detachable steel frame assembled in a manner similar to other windshield installations that have been certified". However, it considers that the cost of testing to verify conformance with Standard No. 201, and a crash test to verify Standards Nos. 212 and 301, would cause it substantial economic hardship, though it does not supply any actual cost figures.

The problems with the wiped area requirements of Standard No. 104 are caused by the vehicle's design; "Because the glass is attached in a somewhat more forward position than modern automobiles and the width of the car is considerably narrower than contemporary automobiles, the percentage of area viewed by the 95 percentile drive (sic) is greater than the actual area of glass; thus, even if a wiper could be designed to wipe 100 percent of the glass, this section of the standard would still not be met". Petitioner intends to use three wiper arms to wipe the greatest percentage possible of the windshield. It has not submitted a list of items that would have to be modified to meet the standard or estimated conformance costs, as to comply with Standard No. 104 would require modification of the whole car. Because such a modification would change the character and appeal of the car, Auto Sport does not intend to comply with Standard No. 104 upon termination of the exemption. Failure to obtain the exemptions will cause petitioner a loss of $500,000. Balance sheets as of the end of 1970, 1971, and 1972 have been submitted, as well as an interim balance sheet as of April 30, 1973, and a projected balance sheet as of December 31, 1973 showing the estimated effects of the denial of the petition.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Auto Sport described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date

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indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: August 13, 1973.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 F.R. 12147.)

Issued on July 9, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14336 Filed 7-12-73;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

PHILATELIC ADVISORY PANEL

Notice of Meeting

JULY 16, 1973.

Notice is hereby given, pursuant to Executive Order 11671, that the following American Revolution Bicentennial Commission Philatelic Advisory Panel meeting will be held on July 16, 1973:

The Philatelic Advisory Panel will hold an open meeting (with the exception of the closed portions of the meeting asterisked below) on July 16, 1973 at 736 Jackson Place, N.W., Washington, D.C. 20276 at 10:00 a.m.

The Panel is composed of 16 leaders and authorities in the philatelic community who advise the Commission on matters pertaining to this commemoration of the Bicentennial. The agenda items to be discussed are:

Relationship of Interphil '76 and the Bicentennial
Stamp issues for 1974 and 1975*
Bicentennial Philatelic Awards
Bicentennial Philatelic Brochures
Bicentennial Philatelic Exhibit
Stamp Club participation in the Bicentennial

Dated: July 6, 1973.

HUGH A. HALL,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.73-14332 Filed 7-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Availability of Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Indian Point Unit No. 1, Environmental Report and Benefit Cost Analysis" and Appendices thereto, dated June 1973, submitted by the Consolidated Edison Company of New York, Inc., is available in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, New York 10548. The report and appendices thereto is also being made available to the public at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Tri-State Regional Planning Commission, 100 Church Street New York, New York 10007.

The report and appendices thereto discusses environmental considerations related to conversion of a provisional operating License to full-term operating License for the Indian Point Nuclear Generating Unit No. 1, located in the Town of Buchanan, Westchester County, New York.

After the report and appendices have been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a notice of availability of the draft environmental statement. The notice will request comments from interested persons on the proposed action and on the draft environmental statement. The notice will also contain a statement to the effect that the comments of Federal agencies and Sate and local officials and interested persons thereon will be available when received.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief Environmental Projects Branch #1 Directorate of Licensing.

[FR Doc.73-14300 Filed 7-12-73;8:45 am]

[AECPR-Temporary Reg. 3]

STABILIZATION OF PRICES, RENTS, WAGES, AND SALARIES

Cancellation of AECPR Temporary Regulation 2

JULY 3, 1973.

1. *Purpose.* This regulation cancels AECPR Temporary Regulation 2, dated September 22, 1972, dealing with Stabilization of Prices, Rents, Wages, and Salaries. FPR Temporary Regulation 32, dated June 19, 1973, is deemed to require no further implementation.

2. *Effective date.* This regulation is effective July 13, 1973.

ROBERT A. KOHLER,
Acting Director, Division of Contracts.

JULY 3, 1973.

[FR Doc.73-14299 Filed 7-12-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25110]

APPLE VALLEY DELETION CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 14, 1973, at 10:00 a.m. (local time) in the City Council Chambers, Victorville City Hall, 14343 Civic Drive, Victorville, California, before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 73-4-33, dated April 5, 1973, setting the application for hearing, the prehearing conference report, served June 5, 1973, the supplemental prehearing conference report, served June 18, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 10, 1973.

ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-14380 Filed 7-12-73;8:45 am]

[Docket No. 25098; Order 73-7-22]

PIEDMONT AVIATION, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1973.

By application and petition filed on January 9, 1973, Piedmont Aviation, Inc. (Piedmont), requests that the Board issue an order directing interested persons to show cause why Piedmont's certificate of public convenience and necessity for route 87 should not be amended or modified to the extent necessary to realign the carrier's route system by consolidating the existing 14 segments into one segment, and by eliminating certain restrictions.[1]

In support of its request Piedmont asserts, inter alia, that its 14-segment route system is "now outmoded in the age of nonstop service and limited-stop service" since many of the carrier's flights must be scheduled to stop at route junction points. Such stops, it is alleged, impose an unnecessary cost on Piedmont and unnecessarily inconvenience the traveling public. In addition, Piedmont contends that other restrictions which no longer serve useful purposes limit the carrier's ability to schedule its aircraft in the most economical and most efficient manner.

Piedmont states that the proposed route realignment would afford the carrier greater operational flexibility in

[1] A map showing the realigned system is filed as part of the original document.

scheduling and would eliminate inconvenience to the traveling public. In addition, the carrier claims that if the proposed relief is granted, there will be a reduction in airport and air traffic congestion by the elimination of unnecessary stops; substantial cost savings; time and fare savings for the traveling public resulting from the elimination of unnecessary mileage; and long-range route strengthening and subsidy reduction for Piedmont.

Answers were filed by Allegheny Airlines, Inc. (Allegheny), Delta Air Lines, Inc. (Delta), Northwest Airline, Inc. (Northwest), and Southern Airways, Inc. (Southern). These carriers indicate that they have no objection to the issuance of a show cause order proposing to amend Piedmont's certificate as the carrier requests, so long as certain operating restrictions in enumerated markets are retained.[1a] The Louisville and Jefferson County Air Board also filed an answer in which it opposes any improved authority for Piedmont in the Louisville-Washington market pending disposition of its petition for review of the Board's decision in the Piedmont/Eastern Transfer Case, Order 72-11-22, dated November 7, 1972. In addition, answers in support of the application were filed by the Cities of Chicago and Cincinnati. Finally, Piedmont filed a reply together with a motion for leave to file an otherwise unauthorized document.[2] Therein, Piedmont agrees to accept certain additional restrictions in order to meet the objections raised by some of the parties.

As stated in the recent Texas International and Airwest route realignments[3] it has been Board policy to realign the route systems of local service carriers in order to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. The ultimate objectives of the Board's route realignment policy are to reduce subsidy payments to local service carriers while, at the same time, improving air service to the public.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that Piedmont's route realignment and certificate amendment proposal, as modified herein, is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from the realigned route system.[4]

It is our tentative view that the proposed realignment and certificate amendments offer Piedmont the potential for significant route strengthening and for a substantial reduction in the carrier's subsidy need and subsidy payments. Such reductions should be reflected for fiscal 1975, assuming the carrier takes full advantage of the operational benefits made available by the realignment, and conducts its operations in a manner which produces maximum economic improvements in terms of cost efficiency and traffic development. Thus, consolidating Piedmont's existing 14-segment route system into one segment and modifying or eliminating unnecessary and burdensome conditions as proposed by the carrier, will allow Piedmont to provide new or improved service in numerous markets in which such service is presently restricted as a result of either the arbitrary segmentation of the carrier's route or outmoded certificate restrictions. Full implementation of the potential operational and scheduling flexibility offered by the realigned system should also increase the carrier's average length of hop and passenger haul, and thus lower its unit costs.[4a]

Piedmont has proposed a number of restrictions on its realigned system in order to lessen the competitive impact on other carriers. In general, no restrictions have been proposed which would give Piedmont less authority than it presently possesses while meaningful existing long-haul restrictions have, for the most part, been retained. In non-competitive markets, no restrictions have been proposed, and, in competitive markets where Piedmont now holds one-stop authority via a junction point, a one-stop restriction is proposed. In competitive markets involving significant amounts of traffic where another carrier has nonstop authority, a one-stop restriction is proposed. Finally, in competitive markets where no significant traffic is involved, unrestricted authority is proposed unless there was a specific rationale for restricted authority or the market is served by another local service carrier.

The Board tentatively finds and concludes that the conditions contained in Piedmont's proposed certificate, subject to the modifications discussed below, are sufficient to maintain the regional characteristics of Piedmont's local service route system, preserve the competitive balance in key markets, and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that elimination or modification of the operating restrictions as proposed by Piedmont is consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.[5]

Finally, the Board tentatively finds and concludes that all new nonstop authority in markets where traffic generation is large enough to support a finding that such operations are economically feasible, will be made ineligible for subsidy assistance.[6]

With regard to the objections raised by Allegheny, Southern, and Northwest, we have tentatively determined to impose the following restrictions:

Market	*Restriction*
Baltimore-Cincinnati	Single-plane prohibition
Baltimore-Columbus	Single-plane prohibition
Baltimore-Huntington	One-stop
Parkersburg-Louisville	One-stop
Charleston-New York (via Dulles)	Single-plane prohibition
Atlanta-Charlotte	Two-Stop
Atlanta-Chicago	Two-Stop
Atlanta-New York	One-stop
Atlanta-Washington	One-stop
Chicago-Memphis	Two-Stop[7]
Chicago-Nashville	Two-Stop[7]
Chicago-New York	Two-Stop
Chicago-Washington	Two-Stop

In this regard, we have tentatively accepted those restrictions urged by Allegheny, Southern and Northwest, with the exception of the Atlanta-Washington/New York markets. In these markets, Southern has objected to the imposition of a one-stop restriction and has requested that the present two-stop restriction be maintained. Southern is currently subject to a single-plane restriction in these markets and is an applicant for one-stop authority in the markets via Greenville/Spartanburg. Southern, unlike Piedmont, is not presently an incumbent in these markets.

[1a] Allegheny opposes improved authority for Piedmont in the Baltimore-Cincinnati, Baltimore-Columbus, and Charleston-New York markets. Allegheny also objects to granting Piedmont improved authority in the Baltimore-Huntington and Louisville-Parkersburg markets, noting that it did not seek improved authority in these markets in its realignment in order to avoid encroachment upon Piedmont. Pending final Board action on the Allegheny Route Realignment, Docket 24576, we will maintain the status quo of a one-stop restriction in these two markets. Delta opposes the award of nonstop authority in the Augusta-Louisville market and the operation of through service by Piedmont in the Augusta-Louisville-Columbus/Cincinnati markets. Northwest objects to the modification of present restrictions in the Chicago-Washington and Chicago-New York markets. Finally, Southern objects to the grant of one-stop authority in the Chicago-Memphis, Chicago-Nashville, Atlanta-Charlotte, Atlanta-New York, and Atlanta-Washington markets.

[2] The motion will be granted.

[3] Orders 73-1-47, January 15, 1973, and 72-4-140, April 26, 1972.

[4] See Orders 73-1-47, January 15, 1973, 72-9-58, September 14, 1972, 72-4-140, April 26, 1972, 71-4-113, April 16, 1971, 71-2-12, February 2, 1971, 68-11-74, November 18, 1968, 68-7-63, July 12, 1968, and E-26868, June 4, 1968.

[4a] We would, of course, expect the carrier to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved pattern of operations resulting from the realignment.

[5] We further find that Piedmont is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. In addition, we tentatively find and conclude that the proposed realignment of Piedmont's route 87 is required by the public convenience and necessity.

[6] Appendix A contains a revised list of subsidy-ineligible operations, and is filed as part of the original document.

[7] Only if London/Corbin is served; otherwise a one-stop restriction.

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The impact of the modification of Piedmont's two-stop restriction upon Southern would, therefore, be deminimis. In addition, the grant of one stop authority to Piedmont would in no way preclude grant of Southern's application and, moreover, Piedmont has specifically proposed an additional restriction in the Atlanta-Greenville-Washington/New York markets to avoid any possible conflict with Southern's application.[9] Under these circumstances, imposition of an additional restriction would appear unwarranted.

As far as Delta's objection is concerned, Piedmont, in its reply, agreed that the exclusion of a one-stop restriction in the Augusta-Louisville market was in error and has corrected its proposed certificate to reflect this restriction.

Lastly, the Louisville and Jefferson County Air Board opposes any improvement in Piedmont's one-stop Louisville-Washington authority pending the outcome of its appeal of the Board's decision in the Piedmont/Eastern Transfer Case, wherein the Louisville parties argued that the transfer of Louisville-Washington one-stop authority from Eastern to Piedmont would prejudice applications pending in the Louisville-Washington Service Investigation, Docket 21318. As we have previously stated, the transfer does not, in our view, exclude the authorization of competitive nonstop service in the market or otherwise prejudice any applicant in the pending proceeding.[9a] In addition, it is our view that the one-stop authority to be awarded herein in no way changes that conclusion or compromises the legal position of the Louisville parties should the petition for review be succesful. In any event, the continuing effectiveness of the Board's earlier award will be governed by the disposition by the United States Court of Appeals of the appeal now pending before that court. We shall not, therefore, further restrict Piedmont's Louisville-Washington authority at this time.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Piedmont to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.25(a) (2) of the Board's regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Piedmont's certificate in the manner set forth in the accompanying proposed certificate:

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix B attached hereto a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[9]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. A copy of this order shall be served on Piedmont, which is hereby made a party to this proceeding;

6. A copy of this order shall be served upon all persons listed in Appendix; [10] and

7. The motion of Piedmont Aviation, Inc., for leave to file an otherwise unauthorized document, be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14381 Filed 7-12-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee to this Commission will convene at 12 noon on July 13, 1973, at the Young Women's Christian Association, 908 King Street, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting shall be to assess the June 1–2, 1973, open meeting on the conditions in the Delaware Adult Corrections System as they relate to the civil rights of inmates.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 3, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-14497 Filed 7-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CERTAIN PESTICIDE CHEMICALS

Notice of Intent To Cancel Registration

This notice is a continuation of the phaseout of no residue, or zero tolerance, registrations. Previous actions in this regard were based on the statement of implementation in the FEDERAL REGISTER of April 13, 1966, (31 FR 5723), and amended statement of implementation in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18550).

In FEDERAL REGISTER notices August 30 and December 2, 1972 (37 FR 17554, 25716), interim tolerances were established for a number of pesticides for which petitions for tolerances were submitted prior to December 31, 1970. These tolerances provide a basis for the registration only until the processing of the pending petition is completed and action is taken thereon.

Pesticide use patterns involving food or feed which are not supported by finite tolerances, exemptions, or interim tolerances are listed below: Although petitions to establish tolerances for residues resulting from these use patterns were pending at the end of 1970, petitions are not now pending.

a. *S*[[(*p*-Chlorophenyl) thio]methyl]-*O,O*-dimethyl phosphorodithioate—cotton.

b. Endosulfan—soybeans.

c. 4 - (2,4 - Dichlorophenoxy) butyric acid—barley, oats, wheat.

d. 6- Methyl - 2,3 - quinoxalinedithiol cyclic *S,S*-dithiocarbonate-apples, apricots, cantaloupes (including seed crops), cherries, cucumbers, melons (including seed crops), nectarines, peaches, pears, plums, prunes, squash (including seed crops).

e. Streptomycin—hops.

f. Simazine—pineapples.

The registered uses of the foregoing pesticides on the crops listed would reasonably be expected to result in residues in or on harvested food or feed. The presence of such residues in or on food or feed would constitute adulteration under the Federal Food, Drug, and Cosmetic Act (sec. 402(a) (1), (2), 52 Stat. 1046; 21 U.S.C. 342(a) (1), (4)). Thus, products bearing directions for use on food or feed are not considered to be adequate for the protection of the public.

Therefore, in accordance with the provisions of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92–516 (86 Stat. 984), products containing such pesticides which are registered under the Act bearing directions for such uses are no longer considered to be in compliance with the provisions of the Act. The registration of such products will be canceled effective 30 days following the publication of this note, or from receipt by the registrant of a copy of this notice, whichever is later, unless all directions for such uses are immediately deleted from the labels of such products or other procedure is invoked as provided in section 6.

Five copies of corrected labeling must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, if continued registration is desired.

Dated: July 9, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14397 Filed 7-12-73;8:45 am]

LOS ANGELES TRANSPORTATION CONTROL PLAN

Notice of Public Hearing

A revised transportation control plan was proposed for the Metropolitan Los Angeles Intrastate Air Quality Control Region on June 15, 1973, and published in the FEDERAL REGISTER on July 2, 1973, 38 FR 17683.

Notice is hereby given that a public hearing on this revised proposal will be held on August 9, 1973, at the Los Angeles Convention Center, 1201 South Figueroa Street, Los Angeles, California 90015. The hearing will take place from 9:30 a.m. to 12:00 Noon and 1:30 p.m. to 4:30 p.m. If witnesses indicate that they can only attend an evening session, or if adequate time is not available during the day sessions to hear all witnesses, an evening session will be held from 7:00 p.m., lasting until all witnesses have been heard.

Persons wishing to give testimony at this hearing may do so by stating such intent at the hearing. Athough it is not required, persons planning to submit testimony should submit a copy of the testimony prior to the hearing date to the Regional Administrator, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

Dated: July 9, 1973.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-14392 Filed 7-12-73;8:45 am]

[9] We would note, in this connection, that Southern's request for a two-stop restriction is wholly unsupported by any factual or evidentiary matter, and it seems clear that the application in Docket 24778 does not depend on traffic in the Atlanta-Washington/New York markets.

[9a] Order 72-11-22, at 4.

[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[10] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Report 656]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 9, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9623–C2–P–73 Telcom Corporation (New) C. P. for a new 2-way station to operate on 152.06 MHz at 1950 feet South of Old Albany Road, Shelburne, Massachusetts.

9624–C2–P–73 Carolina Telephone and Telegraph Company (KIJ363) C. P. for additional facilities and to add points of communications, operating on 152.81 MHz at 1.8 miles SE of Rocky Mount, North Carolina.

9760–C2–P–73 All Services, Inc. (KLF484) C. P. for additional facilities, operating on 152.06 MHz at 2104 Mt. Pleasant Street, Charleston, South Carolina.

9781–C2–P–(3)–73 The Mountain States Telephone and Telegraph Company (KOA607) C. P. to change antenna system, power and additional facilities, operating on 152.75 MHz at Loc. #1: 7.5 miles South of Phoenix, Arizona and Loc. #2: 12403 North 15th Avenue, Phoenix, Arizona, also to add frequency: 158.01 MHz at 228 West Adams St., Phoenix, Arizona (test facility)

Renewals of Licenses expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

LICENSEE	*Licensee Call Sign*
The Conestoga Tel. & Tel. Co	KGI771
Filer Mutual Tel. Co	KLF466
Ganado Telephone Co., Inc	KLB600
Gulf Tel. Co	KIB528
Intra State Tel. Co	KSJ807
Merchants & Farmers Tel. Co	KFQ942
Northern Tel. Coop., Inc	KLF525
Peoples Tel. Co., Inc	KIM913
Pioneer Tel. Coop. Inc	KLB669
Same	KLB670
Same	KLB671
Same	KOK340

Corrections:

Public Service Associates, Inc. (New) Correct file number to read 2343–C2–P–73. All other particulars to remain as reported on Public Notice #653 dated June 18, 1973.

3984–C2–P–73 Radiofone Corporation of New Jersey (KEA256) Neptune, New Jersey. Should read: Major Amendment to application file no. 625–C2–P–73. All other particulars are to remain as reported on PN #628 dated 12–11–72.

Mass.-Conn. Mobile Telephone Co. Hartford, Conn. Correct file number to read 7250–C2–P–(2)–72. All other particulars to remain as reported on PN #654 dated June 25, 1973.

Arrowhead Business Radio, Inc. (KFJ901) Correct entry to read: C. P. to change antenna system and additional facilities at base location and adding repeater and control facilities. Base and repeater location: 1306 Windsor Avenue, Duluth, Minnesota, and control location: 3189 Miller Trunk, Duluth, Minnesota. File number: 9573–C2–P–(3)–73.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

MAJOR AMENDMENTS

8553–C1–MP–73 Microwave Transmission Corp. (WBO58) Squak Mountain, 1.8 Miles SW of Issaquah, Washington. Lat. 47 30 17 N.—Long. 122 02 43 W. Mod. of C.P. (3394–C1–P–73) to change from vertical to horizontal the polarity of frequency 11625 MHz toward Ravens Roost (KPR32), Washington on azimuth 134°00′

[FR Doc.73-14345 Filed 7-12-73;8:45 am]

[DOCKET NO. 19325]

ITU WORLD ADMINISTRATIVE RADIO CONFERENCE FOR MARITIME MOBILE TELECOMMUNICATIONS

Order Extending Time

1. On June 13, 1973, the Commission adopted its third notice of inquiry in this proceeding (38 F.R. 16673), preparatory to a World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC–MAR) to be convened April 22, 1974, and requested comments to be filed on or before July 16,

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

V38-1347 JUL 13 73 XUM

1973, and reply comments on or before July 25, 1973.

2. The Commission has been petitioned by the Radio Technical Commission for Marine Services (RTCM) to extend the comment and reply comment deadline dates, taking into account that the Third Notice was released only three days prior to the RTCM Executive Meeting and, consequently, the necessary study and possible action on the Third Notice cannot be completed by RTCM Special Committees and submitted to the RTCM Executive Meeting for approval on June 21st.

3. The purpose of the third notice of inquiry is to obtain the greatest number and variety of comments in this proceeding; noting that it is the last opportunity to do so prior to the preparation of the final U.S. proposals, the filing period is being extended insofar as practicable, but limited by the deadlines imposed to meet international commitments.

4. Accordingly, the date for filing comments in this proceeding is extended from July 16th to July 23rd, and reply comments from July 25th to August 1, 1973. Authority for this action is taken pursuant to Section 0.251(b) of the Commission's Rules.

Adopted: July 5, 1973.

Released: July 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.73-14346 Filed 7-12-73;8:45 am]

[Docket No. 19743]

SUBSCRIPTION AGREEMENTS BETWEEN RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Extension of Time for Filing Comments and Reply Comments

1. On May 17, 1973, the Commission adopted a notice of inquiry in the above-captioned proceeding (38 F.R. 18268). Publication was given in the FEDERAL REGISTER on May 29, 1973, 38 Fed. Reg. 14124. Comment and reply comment dates have been extended by previous Order to July 5 and July 19, 1973, respectively.

2. On June 27, 1973, counsel for the National Citizens Committee for Broadcasting (NCCB) filed a Petition for Enlargement of Time for Submitting Public Comments. It requests an extension of time in which to file comments for 60 days, to and including August 28, 1973. NCCB states that the requested extension is necessitated by the need to make a full in-depth assessment of the questions enumerated by the Commission in its Notice of Inquiry and its lack of adequate personnel to complete this task. They state that this problem, however, has been solved and that since additional personnel are now available the detailed research has begun.

3. Although we believe that we should have been advised sooner of NCCB's need for additional time, it is our desire to have the full benefit of views of the various segments of the industry and the public. Therefore, we feel that the public interest would be served by extending the time for filing comments and reply comments. Accordingly, *it is ordered*, That the time for filing comments and reply comments in this proceeding are extended to and including August 28, 1973, and September 11, 1973, respectively. No further extensions of time are contemplated in this proceeding.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 5, 1973.

Released: July 6, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-14347 Filed 7-12-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 158]

FIRST FINANCIAL GROUP, INC.

Receipt of Application To Acquire Control of the Standard Savings and Loan Co.

JULY 9, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Financial Group, Inc., Newark, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of The Standard Savings and Loan Company, Columbus, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said company by First Financial Group, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 13, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-14306 Filed 7-12-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-98]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

JULY 3, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 8, 1973, tendered for filing proposed changes[1] in its FPC Gas Tariff, Original Volume No. 1.

The proposed changes are the substitution of a demand-commodity form of rate for a straight line rate of $1.80 per Mcf, and a minimum monthly bill which relates to the demand-commodity type rate proposed. The Company says that the rates and charges proposed in this filing are supported by the cost and revenue data set forth in the original filings in Docket Nos. CP69-41 and CP72-35. Algonquin maintains that the revised rate is necessitated by a rapid increase in the cost of naphtha and propane feedstocks.

Algonquin requests an effective date of one day after the initial SNG rates, also tendered for filing on June 8, 1973, become effective. Algonquin has estimated that service under the initial SNG rates will begin October 16, 1973. The Company requests waiver of the Commission's notice requirements to allow the revised rates to be tendered at this time.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14372 Filed 7-12-73;8:45 am]

[1] First Revised Sheet Nos. 11-C and 11-D to supersede Original Sheet Nos. 11-C and 11-D.

[Docket No. E-8142]

ARKANSAS POWER & LIGHT CO.

Order Accepting Proposed Rate Increase for Filing and Instituting Investigation of Debt Adjustment Provision

JULY 3, 1973.

On April 18, 1973, as completed on June 4, 1973, Arkansas Power & Light Company (Arkansas) tendered for filing a supplement to a Power Coordination, Interchange, and Transmission Agreement (Agreement) dated April 20, 1972,[1] which Agreement was accepted for filing by a Commission letter order dated August 10, 1972. The Agreement provides for the sale of Additional Power Requirements by Arkansas to AECC commencing on June 1, 1973. However the letter order accepting the Agreement for filing stated that the sale of Additional Power Requirements to AECC would "constitute a rate schedule change requiring a timely filing." Arkansas states that this filing would raise Arkansas's capacity charge from $1.60/kW shown in the original Agreement to $1.68/kW in this Supplement No. 2, which results from an increase under an automatic embedded debt cost adjustment provision from a base embedded debt cost of 5.254 percent to 6.138 percent. The filing was noticed on May 8, 1973, but no comments were received.

Our review of Arkansas's filing indicates that the rate level contained therein has been fully suported and that the filing should be accepted for filing and made effective on June 1, 1972, without suspension as proposed. However, our review of the embedded debt cost adjustment provision indicates that it has not been shown to be just and reasonable. Therefore, we shall institute an investigation under section 206 of the Federal Power Act to determine whether the provision is in the public interest.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that:

(1) Arkansas's filing of April 18, 1973, as completed on June 4, 1973, be accepted for filing and made effective as hereafter ordered.

(2) The embedded debt cost adjustment provision should be set for investigation under section 206 of the Federal Power Act.

The Commission orders:

(A) Arkansas's filing of April 18, 1973, as completed on June 4, 1973, is hereby accepted for filing to become effective June 1, 1973, as proposed.

(B) An investigation into the justness and reasonableness of the debt adjustment provision in the Additional Power Requirements section of the Agreement is hereby instituted under section 206 of the Federal Power Act.

(C) On or before September 4, 1973, Arkansas shall file its prepared testimony and exhibits in this proceeding. The prepared testimony of Staff and any/and all intervenors shall be filed on or before October 2, 1973. Any rebuttal evidence by Arkansas shall be served on or before October 16, 1973. Cross-examination of the evidence filed will commence on October 30, 1973, before a Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) beginning at 10 a.m., EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) Nothing contained in this order shall relieve this applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by an Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14360 Filed 7-12-73;8:45 am]

[1] Designated as Arkansas Power & Light Company FPC No. 67. This filing is designated as Supplement No. 2 thereto.

[Docket No. CP73-340]

COLORADO INTERSTATE CORP.

Notice of Application

JULY 6, 1973.

Take notice that on June 25, 1973, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP73-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to construct and operate a gas pipeline, a compressor station, and a pipeline loop facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate:

Approximately 216 miles of 20-inch pipeline extending from the northern terminus of Applicant's pipeline in the Big Horn Basin Area of Wyoming and Montana to the Bearpaw Mountain Area in north central Montana,

A new compressor station having approximately 4,800 horsepower and a dehydration plant located at the northern terminus of the proposed 20-inch pipeline, and

Approximately 73 miles of 20-inch pipeline loop on Applicant's existing 12-inch pipeline extending from the Rawlins Compressor Station to the Madden Field in the Wind River Basin of Wyoming.

Applicant estimates the total cost of the proposed facilities will be $29,300,000, and plans to spend an additional $5,100,000 on new gathering facilities in the Bearpaw Mountain Area in 1974 and 1975. Applicant plans to finance the proposed construction on an interim basis through funds from operations, short-term bank borrowings, and commercial paper or long-term senior securities. Applicant states that it plans permanently to finance the proposed construction by the issuance of $50,000,000 of debt securities.

It is stated that on May 21, 1973, Applicant signed a gas purchase agreement with Gas Producing Enterprises, Inc., and Colorado Oil and Gas Corporation dedicating to Applicant all of the new natural gas produced from their respective leases, and leases that may subsequently be acquired, in the Bearpaw Mountain Area. Applicant contemplates a total of 252 wells on the subject acreage to which it attributes 139 million Mcf at 14.65 psia of proven gas reserves and an estimated 586 million Mcf at 14.65 psia of probable and possible reserves of natural gas. Under said contract Applicant is obligated to pay 40.0 cents per Mcf of gas at 14.65 psia, subject to Btu adjustment, for up to 40 million Mcf of proven reserves, with an escalation of 1.0 cent for each additional 40 million Mcf of gas developed. For wells drilled below 15,000 feet the price increases, with the same quantity escalations as to the amount of gas developed; and there is a 1.0 cent per year escalation for all gas delivered after December 31, 1975. Applicant expects to take daily into its system through the proposed facilities from the proved and probable reserves of the Bearpaw Mountain Area approximately 23,000 Mcf of gas in 1974-75, 39,700 Mcf in 1975-76, 53,600 Mcf in 1976-77, 65,600 Mcf in 1977-78, and 77,900 Mcf in 1978-79.

The stated purpose of the proposed facilities is to augment Applicant's ability to serve its customers future requirements through development of the Bearpaw Mountain Area gas reserves. Applicant states that beginning in 1974-75 it expects to have a 101,000 Mcf peak-day deficiency of gas which will grow to be 384,000 Mcf by 1976-77 without deliveries from the said area. Even with the deliveries through the proposed facilities the estimated peak-day deficiency will be 78,000 Mcf of gas in 1974-75 and 330,000 Mcf in 1976-77.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14377 Filed 7-12-73;8:45 am]

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[Docket No. RI69-835]

BETA DEVELOPMENT CO.

Motion for Disbursement of Escrowed Funds

JULY 6, 1973.

Take notice that on May 3, 1973, Beta Development Company (Petitioner), P.O. Box 1659, Midland, Texas 79701, filed a motion pursuant to § 1.15(b) of the Commission's rules of practice and procedure for an order directing disbursement of escrowed funds in Docket No. RI69-835. The natural gas sales involved in the above-entitled proceeding are made from the San Juan Basin Area, San Juan County, New Mexico, to El Paso Natural Gas Company (El Paso).

In accordance with a Commission order issued June 26, 1969, an escrow agreement was executed on November 9, 1970, by Petitioner, as respondent, and The First National Bank of Fort Worth, as escrow agent. Into this escrow account was placed a one-cent per Mcf rate increase (from 14¢ to 15¢) as required by Commission order. The annual payments into the escrow account approximated $140,000.

On April 11, 1973, the Commission issued Opinion No. 658, Area Rate for the Rocky Mountain Area, in Docket No. R-425. This opinion establishes area rates for the Rocky Mountain Area, including the San Juan Basin Area, at a maximum of 24¢ per Mcf at 14.73 psia. In addition, the opinion prescribed a minimum rate of 14¢ per Mcf at 14.73 psia, or 15.3¢ per Mcf at 15.025 psia. Petitioner states that the one-cent rate increase to 15¢ per Mcf (at 15.025) it paid into the escrow account represents an increase in rate to a level less than the minimum rate prescribed by the Commission in Opinion No. 658.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14374 Filed 7-12-73;8:45 am]

[Docket No. CI73-921]

CRA, INC.

Notice of Application

JULY 3, 1973.

Take notice that on June 25, 1973, CRA, Inc. (Applicant), P.O. Box 7305, Kansas City, Missouri 64116, filed in Docket No. CI73-921 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company (Northern) from Section 82, Block 1, H&TC Railway Company Survey, Irion County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Applicant states that it, as successor-in-interest to Brooks Gas Corporation, is authorized by the Commission's order of July 14, 1960, in Docket No. G-1934 (23 FPC 961), as amended by the order of November 6, 1968, in said docket, to sell residue gas to Northern, pursuant to a gas purchase agreement dated August 7, 1959, from the Mertzon Gasoline Plant operated by Applicant in Irion County at 13.25 cents per Mcf of gas at 14.65 psia. Applicant purchases raw gas from wells drilled by Thunderbird Oil Corporation (Thunderbird) in Irion County and processes the gas at the Mertzon Plant prior to sale to Northern.

Applicant proposes, pursuant to an amendatory agreement of December 5, 1972, to the contract of August 5, 1959, to sell to Northern for 20 years approximately 3,000 Mcf of residue gas per month at 31.0 cents per Mcf at 14.65 psia, subject to upward Btu adjustment, from wells drilled by Thunderbird in said acreage after processing at the Mertzon Plant. Initial upward Btu adjustment is estimated at 1.7 cents per Mcf. The contract provides for a price escalation of 0.25 cent per year.

Applicant states that the gas offered for certification pursuant to the agreement with Northern has not been previously sold in the interstate market and is from wells commenced after April 6, 1972, and that no application has been previously filed with the Commission for certification of the sale of such gas.

Applicant asserts that the instant sale at the proposed initial rates will make additional gas available to the interstate market where shortages currently exist. Applicant further asserts that the gas is needed to augment Northern's current system-wide supply and the expected peak and average day three-year requirements of its customers. Applicant notes that proposed and authorized rates for emergency sales of gas and purchases of liquefied natural gas exceed that proposed herein. It is stated that Thunderbird refused to develop the subject acreage for gas production at the former contract rate of 14.25 cents per Mcf because that rate would not cover the cost of drilling the new wells.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14373 Filed 7-12-73;8:45 am]

[Docket No. CI73-456, etc.]

ECEE, INC. ET AL.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

JULY 3, 1973.

In the matter of Ecee, Inc., Docket No. CI73-456; Pinto, Inc., Docket No. CI73-455; Texas Production Co., Docket No. CI73-454; Pennzoil Offshore Gas Operators, Inc., Docket Nos. CI73-477 & CI73-546; The Offshore Co., Docket No. CI72-773; and Southern Natural Gas Co., Docket No. CP72-259.

The above-named Applicants have each filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On December 26, 1972, Ecee, Inc. (Ecee) filed in Docket No. CI73-456 an application for the sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Block 270, East Cameron Area, and Block 330, Eugene Island Area, offshore Louisiana, at an initial price of 35.0¢ per Mcf at 15.025 psia, subject to upward and downward BTU adjustment. The basic contract with United Gas Pipeline Company[4] provides for reimbursement to the sellers for 100 percent of any new taxes, for price escalations of 2.5¢ per Mcf every 36 months after the date of initial delivery, and for a contract term to extend until January 1, 1993.

Identical applications for similar sales to Sea Robin were filed by Pinto, Inc. (Pinto) in Docket No. CI72-455 and Texas Production Company (TPC) in Docket No. CI73-454. All three of these applications were noticed together with a return date for interventions or protests of February 5, 1972; the joint notice was published in the FEDERAL REGISTER (38 FR 1765) on January 18, 1973.

Each of the three parties (Ecee, Pinto, and TPC) filed a Gas Purchase Contract with United, an Agreement, and a Letter Agreement; all were dated October 1, 1972.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Sea Robin Pipeline Company
United Gas Pipeline Company
Southern Natural Gas Company (late)

On January 15, 1973, Pennzoil Offshore Gas Operators, Inc. (POGO) filed in Docket No. CI73-477 an application for the sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Block 295, Eugene Island Area, offshore Louisiana, at an initial price of 35.0¢ per Mcf at 15.025 psia, subject to upward and downward BTU adjustment, for a period of twenty years. The basic contract, dated April 20, 1972, provides for a 2.5¢ per Mcf escalation every thirty-six months.

POGO was issued a temporary certificate for this sale on May 17, 1972, in Docket No. CI72-693, and a permanent certificate was issued on October 17, 1972, conditioned to the applicable provisions of Opinion Nos. 598 and 598-A, in Amoco Production Company (Operator), et al., Docket Nos. G-4904, et al. POGO further states that the optional pricing procedure was not available at the time of the original certificate application. Deliveries were commenced pursuant to § 2.75n on February 21, 1973.

POGO's application was noticed January 26, 1973, and all protests and petitions to intervene were due on or before February 20, 1973. Notice was published in the FEDERAL REGISTER (38 FR 3218) on February 2, 1973.

A notice of intervention and timely petitions to intervene were filed by:

Associated Gas Distributors
The Public Service Commission for the State of New York
Mississippi Valley Gas Company
Sea Robin Pipeline Company
United Gas Pipe Line Company
Southern Natural Gas Company

On February 16, 1973, POGO filed its application in Docket No. CI73-546 seeking certification for the sale of natural gas to Sea Robin from Block 270, East Cameron Area, and Block 330, Eugene Island Area, both offshore Louisiana. The contract terms are identical to those contained in POGO's application for a sale to Sea Robin from Block 292 of the Eugene Island Area in Docket No. CI73-477. Deliveries were commenced on February 21, 1973, pursuant to § 2.75n (18 CFR 2.75n).

POGO was issued temporary certificates authorizing sales of its gas from the acreage covered by this application on October 17, 1972, in Docket Nos. CI72-692, CI72-693, and CI72-694. Deliveries had not commenced under those certificates as of the date of filing this application, and POGO states that certification is sought for all wells in Block 295 of the Eugene Island Area (all wells in this area were commenced after April 6, 1972) and only those wells in Eugene Island Block 330 and East Cameron Block 270 which were commenced after April 6, 1972.

POGO is affiliated with Sea Robin and states that the 35.0¢ per Mcf price is the same as the contract price that Sea Robin pays to certain non-affiliated producers.

POGO's application was noticed on February 28, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973, (38 FR 6232). Timely protests or petitions to intervene were due on or before March 30, 1973. Timely petitions to intervene were filed by the following parties:

Public Service Commission for the State of New York (Notice of Intervention)
United Gas Pipe Line Company
Alabama Gas Corporation
Sea Robin Pipeline Company
Mississippi River Transmission Corporation
American Public Gas Association
Associated Gas Distributors

On February 20, 1973, The Offshore Company (Offshore) filed its application in Docket No. CI72-773 for certification of a sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Ship Shoal Block 225, offshore Southern Louisiana.

Pursuant to the optional procedure, Offshore filed its contract with Sea Robin dated April 27, 1972. This contract had been previously accepted for filing with Offshore's application for a temporary certificate which was issued in this docket on June 9, 1972. Offshore accepted the temporary certificate, but did not commence deliveries under that authorization. Offshore further fails to state whether the wells involved in this application were commenced before or after April 6, 1972 (See § 2.75b(5)).

The basic contract provides for a term of twenty (20) years, an initial rate of 35.0¢ per Mcf with 2.5¢ per Mcf escalations every three years. The pressure base is psia, and the price is subject to upward and downward BTU adjustments. The contract further provides for 100 percent reimbursement to the seller for any new or additional taxes.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on May 4, 1973.

Offshore is affiliated with Sea Robin and states that the 25.0¢ per Mcf price is the same as the contract prices that Sea Robin pays to certain non-affiliated producers.

Offshore's application was noticed on March 2, 1973, and the notice was published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6435). Timely petitions to intervene or protests were due on or before March 26, 1973. Timely petitions to intervene were filed by the following parties:

American Public Gas Association
Public Service Commission for the State of New York
Sea Robin Pipeline Company
United Gas Pipeline Company
Associated Gas Distributors

On February 20, 1973, Southern Natural Gas Company (Southern) filed its application in Docket No. CP72-259 for certification of a sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Ship Shoal Block 225, offshore Southern Louisiana.

Southern's position with respect to this sale is the same as The Offshore Company; this sale was previously the subject of a temporary certification, and Southern also seeks to withdraw the previous application and to amend the previous application to permit certification pursuant to § 2.75.

Southern commenced deliveries pursuant to § 2.75n (18 CFR 2.75n) on May 4, 1973.

Southern's application was noticed on March 1, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973 (38 FR 6232). Timely protests or petitions to intervene were due on or before March 26, 1973. Timely petitions were filed by the following parties:

Alabama Gas Corporation
American Public Gas Association
Atlanta Gas Light Company
Public Service Commission for the State of New York
Sea Robin Pipeline Company
United Gas Pipeline Company
Associated Gas Distributors

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rates are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certi-

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[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 C.F.R. 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, -- F.P.C. --- (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

[4] United Gas Pipeline assigned all of its rights under the subject contract to Sea Robin as of October 1, 1972.

[4] Opinion and Order Issuing Certificate of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).

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fication is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[6]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[6] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated.

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R–371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Sea Robin's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Sea Robin's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require Sea Robin to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Sea Robin at any rate lower than the rates proposed in these applications.

The six-month period during which a producer under § 2.75o (18 CFR 2.75o) may not collect a rate in excess of the prevailing area ceiling rate will expire on August 21, 1973, for TPC in Docket No. CI73–454, for Pinto in Docket No. CI73–455, for Ecee in Docket No. CI73–456, and for POGO in Docket Nos. CI73–477 and CI73–546. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that these sales be certified and whether the rates sought are just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 17, 1973, and conclude not later than July 20, 1973.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[7] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

(2) It is desirabie and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), Docket Nos. CI73–456, CI73–455, CI73–454, CI73–477, CI73–546, CI72–773, and CP72–259 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing July 17, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, and shall be completed on or before July 20, 1973.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before July 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The record in the Belco case, Docket Nos. CI73–293, et al., is incorporated by reference into the subject consolidated procedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) The Administrative Law Judge's decision shall be rendered on or before August 10, 1973.

(J) All briefs on exceptions shall be due on or before August 17, 1973.

By the Commission.[8]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14371 Filed 7-12-73;8:45 am]

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[5] Opinion No. 659, slip op. at para. 11, p. 5.

[6] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, and (6) supply and demand. Opinion No. 659, supra.

[7] Opinion No. 659, supra.

[8] Chairman Nassikas concurring in part issued a separate statement, filed as part of the original document.

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 CFR 2.75.

[3] Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R–441, — F.P.C. — (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C. No. 72–1837 (D.C. Cir.).

[Dockets Nos. CI73–593 and CI73–656]

GETTY OIL CO. AND CITIES SERVICE GAS RESOURCES CO.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

JULY 6, 1973.

The above-named Applicants have each filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On March 8, 1973, Getty Oil Company (Getty) filed its application in Docket No. CI73–593 for certification of a sale of natural gas to Cities Service Gas Company (Cities) from the Locke (Brown Dolomite) Field, Roberts County, Texas (Hugoton-Anadarko Area).

Pursuant to the optional procedure, Getty filed its contract dated February 20, 1973, with the application. The basic contract provides for an initial rate of 40¢ per Mcf with 1.0¢ per year at 14.65 psia, subject to upward and downward BTU adjustment. The contract term is twenty (20) years and further provides for reimbursement of 87.5 percent of all new or additional taxes to the seller. The price is to be reduced by 1.5¢ per Mcf for compression if required and performed by the buyer. Getty also seeks pre-granted abandonment of the sale upon expiration of the contract.

Deliveries were commenced pursuant to Section 2.75n on April 26, 1973.

Getty's application was noticed on March 16, 1973, and the notice was published in the FEDERAL REGISTER on March 23, 1973 (38 FR 7586). Timely protests or petitions to intervene were due on or before April 9, 1973. Timely petitions were filed by the following parties:

Associated Gas Distributors
Cities Service Gas Company

On April 2, 1973, Cities Service Gas Resources Company (Resources) filed its application in Docket No. CI73–656 for certification of a sale of natural gas to Cities Service Gas Company (Cities) from the Canadian East Douglas Field, Hemphill County, Texas (Hugoton-Anadarko Area). Resources application covers its forty (40) percent interest in the gas produced from this field. The remaining sixty (60) percent interest is sold to Cities by North American Royalty Inc. under its small producer certificate.

Resources' contract was filed concurrently with the application pursuant to the optional procedure. The basic contract provides for an initial rate of 40.0¢ per Mcf at 14.65 psia, subject to upward and downward BTU adjustment, and price escalations of 1.0¢ per Mcf every year. The contract term is for twenty years continuing thereafter as long as gas can be produced in commercial quantities. The contract further provides for reimbursement to the seller for 87.5 percent of all new taxes levied after the date of initial delivery.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on April 3, 1973.

Resources is affiliated with Cities and states that the 40.0¢ per Mcf price is the same as the contract prices that Cities pays to certain non-affiliated producers.

Resources' application was noticed on April 17, 1973, and the notice was published in the FEDERAL REGISTER on April 25, 1973 (38 FR 10177). Timely protests or petitions to intervene were due on or before May 11, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
Public Service Commission for the State of New York (notice of intervention)
Cities Service Gas Company (late)
American Public Gas Association (late)

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rates are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the Section 2.75 procedures; that matter is now before the Court of Appeals. (See n. 2, supra.) This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under Section 2.75 for determining the justness and reasonableness of the rate sought,[6] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 3, page 21)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from Belco, et al., proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas Docket No. R–371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al., v. F.P.C., 428 F. 2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Cities' need for the additional natural gas supplies that will be available to it as a result of these purchases. We note from Cities' filing that it has experiencel large curtailments of service on its systems, and that it is making emergency and limited-term purchases in order to reduce curtailments as much as possible. Accordingly, the hearing provided for herein should not explore any issues related to Cities' need for additional supplies of natural gas. However, we shall require Cities to present evidence as to whether or not a comparable supply of natural gas is available to Cities at any rate lower than the rates proposed in these applications.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[7] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), Docket Nos. CI73–593 and CI73–656 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing August 20, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and shall be completed on or before August 24, 1973.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 3, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony by August 10, 1973.

(F) All rebuttal testimony and evidence shall be served on or before August 15, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the

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[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corp., Agent, et al., Docket Nos. CI72–293, et al., — F.P.C. —, —(issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion No. 659, slip op. at para. 11, p. 5.

[6] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[7] Opinion No. 659, supra.

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Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) The Administrative Law Judge's decision shall be rendered on or before September 14, 1973.

(J) All briefs on exceptions shall be due on or before September 21, 1973, and all replies shall be due on or before September 28, 1973.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14362 Filed 7-12-73;8:45 am]

LONG ISLAND LIGHTING CO.

Change in Electric Fuel Adjustment Clause

JULY 5, 1973.

Take notice that on June 19, 1973, Long Island Lighting Company (LILCO) tendered for filing a change in the electric fuel adjustment applicable to the Electric Power Contract between LILCO and the Incorporated Village of Freeport, New York (Freeport). LILCO states that the proposed change has already been accepted by the Public Service Commission of the State of New York and by Freeport. The company submits that three changes are involved: base cost of fuel has been increased and changed in nomenclature from 31.3¢ per million b.t.u. (approximately 0.32¢ per kWh) to 0.465¢ per kWh, cost of fuel used to generate electricity for sale to utilities not subject to the fuel adjustment clause is eliminated from the average cost of fuel, and the cost of economy energy purchased by the Company for sale to its customers is included in the average cost of fuel. An effective date of June 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14369 Filed 7-12-73;8:45 am]

[1] Chairman Nassikas concurring in part filed a separate statement, filed as part of the original document.

[Docket No. CP73-341]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 5, 1973.

Take notice that on June 25, 1973, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP73-341 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from Block 287, South Marsh Island Area, offshore Louisiana, to a point near Lake Arthur, Louisiana for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport approximately 5,000 Mcf of gas per day for twenty years which Natural intends to purchase from Chevron Oil Company. It is stated that Applicant will take said gas into its system at a point of interconnection between its 12-inch pipeline and Natural's gathering line in the South Marsh Island Area and deliver equivalent volumes of gas to Natural at the point of interconnection of Applicant's and Natural's pipelines near Lake Arthur, Cameron Parish, Louisiana. Applicant proposes to charge initially 4.34 cents per Mcf for gas delivered to it plus 1.74 cents for gas redelivered to Natural.

Applicant states that it filed on November 14, 1972, as supplemented on February 12, 1973, in Docket No. CP73-114 an application for authorization to construct and operate, among other things, two 12,000 horsepower compressor units at its North Tepetate Station, Louisiana, which will facilitate the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14370 Filed 7-12-73;8:45 am]

MID LOUISIANA GAS CO.

Notice of Exchange Agreement

JULY 5, 1973.

Take notice that on June 22, 1973, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing the following tariff sheets as a part of First Revised Volumes No. 1 and 2 of its FPC Gas Tariff:

First Revised Volume No. 1	*Supersede Sheets*
Fourth Revised Sheet No. 1	Third Revised Sheet No. 1
First Revised Volume No. 2	
Second Revised Sheet No. 1	First Revised Sheet No. 1
Original Sheets Nos. 58 through 65	

Mid Louisiana states that the proposed tariff sheets are for the purpose of filing a new Rate Schedule X-6 as part of Mid Louisiana's FPC Gas Tariff, First Revised Volume No. 2 to reflect the exchange agreement between Mid Louisiana and Mississippi River Transmission Corporation dated September 22, 1972. The Company submits that by Order issued June 1, 1973, in Docket No. CP73-83 the Commission granted a Certificate of Public Convenience and Necessity authorizing the exchange of natural gas in accordance with this agreement. The company further states that no charge in rate level to its customers is proposed by these tariff sheets. An effective date of August 1, 1973, is proposed.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 19, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14375 Filed 7-12-73;8:45 am]

[1] The tariff sheets are designated as follows: First Revised Sheet No. 23; and First Revised Sheet No. 23A through 23H.

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Filing of Proposed Curtailment Plan

JULY 6, 1973.

Take notice that on June 14, 1973, Mississippi River Transmission Corporation (MRT) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan pursuant to the stipulation and agreement approved by the Commission's order of December 20, 1972. That agreement provided for the filing, by MRT, of a permanent curtailment program between May 1 and June 15, 1973. MRT requests that its tendered sheets be made effective November 1, 1973.

In summary, MRT's proposed permanent curtailment plan provides:

(1) The division of MRT's resale customers into two categories: Participating Buyers, which are those having contract demands under MRT's Rate Schedule CD-1 of 5,000 Mcf or more, and Partial Participating Buyers, which are those having contract demands of less than 5,000 Mcf.

(2) Curtailment to be applied in the following order: (a) MRT's direct interruptible industrial deliveries; (b) Deliveries under MRT's Rate Schedule PI-1; (c) Deliveries to Participating Buyers to the extent of estimated interruptible industrial service volumes of customers having a requirement of 1.5 MMcf/d or more, down to 1.5 MMcf/d; (d) MRT's deliveries to Participating Buyers to the extent of interruptible industrial service volumes of customers having requirements of less than 1.5 MMcf/d plus those volumes left in (c); (e) The release of gas by Participating Buyers to offset further curtailment of MRT's firm industrial customers; (f) MRT's direct firm industrials buying 1 MMcf/d or more to the extent of their standby capacity; (g) Deliveries to Laclede and Illinois Power to the extent of standby capacity of their firm industrials; (h) MRT's direct firm industrials buying 1 MMcf/d or more with no standby capacity; (i) Deliveries to Laclede's and Illinois Power's firm industrial sales greater than 1 MMcf/d or more with no standby capacity; (j) MRT's and Participating Buyer's remaining firm industrials; (k) Remaining sales by Participating and Partial Participating Buyers.

In addition to the tariff sheets, MRT also submitted a Statement of Reasons explaining the nature and reasons for the filing and certain end use data with respect to MRT's customers.

The above described permanent curtailment plan is the same plan under which MRT has been operating since its approval December 20, 1972, except that a new section has been added authorizing MRT to dispense supplemental supplies of gas, in an emergency situation, to any customer being curtailed in order to forestall irreparable injury to life or property. The curtailment plan approved December 20 will continue in effect until October 31, 1973.

MRT's permanent curtailment plan is on file with the Commission and is available for public inspection.

MRT states that copies of its filing have been mailed to its jurisdictional and direct sale customers and to the appropriate state regulatory agencies. Additionally, MRT states that copies of this filing are available for public inspection during regular business hours in its office in St. Louis, Missouri.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 19, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14363 Filed 7-12-73;8:45 am]

[Docket Nos. G-16026, G-18148, G-18149, RP60-5, RP61-8]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Motion Renewing Motion for Approval of Settlement Agreement

JULY 6, 1973.

Take notice that Natural Gas Pipeline Company of America (Natural) on June 27, 1973, filed a motion renewing on April 3, 1972, motion for Commission approval of a settlement agreement relative to the consolidated effective tax rate issues concerned in the docket numbers above. The settlement agreement arose from a petition filed by Natural on May 19, 1970, requesting the Commission to issue an order finding and declaring that Natural had no liability under the "consolidated effective tax rate" conditions of previously approved settlement agreements. Natural's petition also requested Commission approval of use of that interpretation of the consolidated effective tax rate issue in future rate proceedings before the Commission.

The settlement agreement which Natural wishes approved relies on the Commission ruling in Florida Gas Transmission Company, Opinion No. 611, February 16, 1972. Under the provisions of the settlement agreement, Natural would have no refund obligation in the cases docketed above with regard to the consolidated effective tax rate conditions and such conditions are terminated. Also, if Peoples Gas (parent of Natural), through its own operations or those of any company other than Natural in which People owns 50 percent or more of the stock, shall suffer tax losses or create a "loss company" in the system, such result will not and may not be used to reduce the rate of Natural below the level they otherwise would be.

Comments or objections to the proposed Agreement as to the Disposition of the Consolidated Effective Tax Issue may be filed with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. on or before July 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14364 Filed 7-12-73;8:45 am]

[Docket No. E-7895 etc.]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION ET AL.

Notice of Application

JULY 6, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before July 31, 1973, file with the Federal Power Commission Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not

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serve to make the protestants parties to the proceeding. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No.	Filing Date	Name of Applicant
E-7895	5/21/73	Pennsylvania-New Jersey-Maryland Interconnection

Applicant filed Schedule 1.05 to the Interconnection Agreement between the Allegheny Power System Power Group and the Pennsylvania-New Jersey-Maryland Group, dated December 22, 1971, and replacing Schedule 1.05 dated April 26, 1965. Schedule 105 contains an amendment which adds a delivery and metering point at the Doubs-Conastone 500 KV Line. The amended schedule to become effective December 22, 1971.

Docket No.	Filing Date	Name of Applicant
E-8150	5/7/73	Puget Sound Power & Light Company

Applicant filed May 4, 1973, Certificate of Concurrence in the rate schedule which Pacific Power and Light Company has filed with the Commission.

Docket No.	Filing Date	Name of Applicant
E-8258	6/15/73	Consumers Power Co.

Applicant filed Certificate of Concurrence, dated June 11, 1973, in reference of the filing of Amendment No. 3 dated July 1, 1973, to the Operating Agreement dated March 1, 1966 between Indiana & Michigan Electric Company, Consumers Power Company and the Detroit Edison Company, and filed with the Commission by the American Electric Power Service Corporation by letter dated May 31, 1973.

Docket No.	Filing Date	Name of Applicant
E-8262	6/8/73	Duke Power Company

Applicant filed June 5, 1973 supplement to its contract with the York Electric Cooperative, Inc. This contract has been on file with the Commission and designated Duke Power Company Rate Schedule FPC No. 146. This filing provides for an increase in designated KW demand at each of the following five (5) delivery points in the State of South Carolina: Bethany, Lesslie, Filbert, Tirzah and Ogden. Applicant's filing also indicates that the Van Wyck, South Carolina delivery point has received Southeastern Power Administration allocation of customers preference. Filed documents are to become effective June 20, 1973.

Docket No.	Filing Date	Name of Applicant
E-8263	6/8/73	Duke Power Company

Applicant filed June 5, 1973 supplement to its contract with Little River Electric Cooperative, Inc. This contract has been on file with the Commission and designated Duke Power Company Rate Schedule FPC No. 145. This filing provides for an increase in designated KW demand at each of the following three (3) delivery points in the State of South Carolina: Donald, from 2,800 to 3,400; Latimer, from 750 to 1,200; and Abbeville (Secession Avenue), from 2,200 to 2,700. This filing also reflects Southeastern Power Administration reallocation at two of the Abbeville (Rocky River and "Penny Delivery") delivery points. Filed documents are to become effective June 20, 1973.

Docket No.	Filing Date	Name of Applicant
E-8265	6/8/73	Wisconsin Public Service Corporation

Applicant filed June 5, 1973, an Amendment to the Master Interconnection Agreement with the Wisconsin Power and Light Company dated January 5, 1966, designated Wisconsin Public Service Corporation Rate Schedule FPC No. 17, Wisconsin Power and Light Company Schedule FPC No. 14. Filed Appendix C (Revision No. 2) effective on or about December 15, 1973, modifies the agreement to provide for interconnections to be located where the Wisconsin Public Service Corporation's existing 69 KV transmission lines (extending westerly from its Harrison Street Substation) intersect with the Wisconsin Power and Light Company's existing 69 KV transmission lines, and at a point 8.5 miles east of the Harrison Street Substation on the proposed Wisconsin Public Service Corporation 69 KV transmission line. This interconnection will be known as the Waupaca Interconnection. Filed Appendix I, effective on or about November 1, 1973, modifies the agreement to provide for interconnection of the two systems at the new Wisconsin Public Service Corporation Little Wolf River 115/69 KV Substation and shall be known as the Little Wolf River Interconnection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14361 Filed 7-12-73;8:45 am]

[Docket No. CI73-202]

PENNZOIL CO.

Order Granting Interventions and Fixing Date for Hearing

JULY 3, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On February 15, 1973, Pennzoil Company (Pennzoil) filed in Docket No. CI73-202 its application for the sale of natural gas to Northern Natural Gas Company (Northern) from the Quito Area, Ward County, Texas (Permian Basin Area).

Pennzoil, pursuant to the optional procedure, filed its contract with Northern dated August 11, 1972, with its application for a temporary certificate. Pennzoil accepted that temporary certificate, conditioned to an initial rate of 27.0¢ per Mcf on October 17, 1972. No deliveries were commenced under that certificate, and all of the wells herein involved were commenced after April 6, 1972.

The contract extends for a term of twenty years, and provides for an initial rate of 37.0¢ per Mcf at 14.65 psia, upward and downward BTU adjustment, and a 1.0¢ per year escalation. The contract further provides for reimbursement to the seller of ninety percent of all new or additional taxes. The contract also provides for an initial advance payment of $500,000, and additional advance payments until an additional maximum advance payment is made; recoupment will be made within five years.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on February 23, 1973.

Pennzoil's application was noticed on February 28, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973, (38 FR 6321). Timely protests and petitions to intervene were due on or before March 30, 1973. Petitions to intervene were filed by the following parties:

Northern Natural Gas Company
American Public Gas Association

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in these proceedings to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate

[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 CFR 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C., No. 72-1837 (D. C. Cir).

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21).

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under Section 2.75 will be so considered * * *.

No intervenor has questioned Northern's need for the additional supplies of natural gas that will be available to it as a result of this purchase. Accordingly, the hearing hereinafter provided for should not explore any issues related to Northern's need for additional supplies of natural gas. However, we shall require Northern to present evidence as to whether or not a comparable supply of natural gas is available to Northern at any rate lower than the rate proposed in this application.

The six-month period during which a producer under § 2.75o (18 CFR 2.75o) may not collect a rate in excess of the prevailing area ceiling rate will expire on August 23, 1973. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that this sale be certificated and whether the rate sought is just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 17, 1973, and conclude not later than July 20, 1973.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing July 17, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before July 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission. *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before August 17, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before August 17, 1973.

By the Commission.[6]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14379 Filed 7-12-73;8:45 am]

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[6] Chairman Nassikas concurring in part filed a separate statement filed as part of the original document.

[Docket No. CI73-930]

RAINS & WILLIAMSON OIL CO., INC.

Notice of Application

JULY 6, 1973.

Take notice that on June 28, 1973, Rains & Williamson Oil Co., Inc. (Applicant), 435 Page Court, 220 West Douglas, Wichita, Kansas 67202, filed in Docket No. CI73-930 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Meade County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell, until the first day of the month following expiration of two years from the date of initial delivery, approximately 60,000 Mcf of gas at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Initial upward Btu adjustment is estimated at 5.7 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

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unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14368 Filed 7-12-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Postponement of Prehearing Conference and Hearing

JULY 6, 1973.

On June 29, 1973, Sea Robin Pipeline Company filed a motion for an extension of the dates for the prehearing conference and the hearing fixed by the notice issued June 21, 1973. The motion states that there is no obligation by any party to the request.

Upon consideration, notice is hereby given that the dates of the prehearing conference and the hearing are further modified as follows:

Prehearing Conference (10 a.m., EDT)	August 7, 1973
Hearing (10:00 a.m., EDT)	August 21, 1973

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14365 Filed 7-12-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Proposed Tariff Changes

JULY 5, 1973.

Take notice that Southern Natural Gas Company (Southern) on June 21, 1973, tendered for filing Rate Schedule X-22 containing original tariff sheets 1A, 162, 163, 164, 165, 166, and 167 to its FPC Gas Tariff, Original Volume No. 2 to become effective July 21, 1973. Southern states that the Rate Schedule X-22 tariff sheets contain an agreement dated August 15, 1972, for the exchange of natural gas between Southern and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

Southern states that this filing is being made pursuant to Commission order dated June 1, 1973 issuing certificates of public convenience and necessity in Docket No. CP73-84 to construct and operate certain facilities for an emergency interconnection in St. Mary Parish, Louisiana, for the transportation and exchange of natural gas.

The company states that copies of the filing have been mailed to Michigan Wisconsin and are on file with the Commission and are available for public inspection.

Any person desiring to comment upon or to protest said filing may file such comment or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 19, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14376 Filed 7-12-73;8:45 am]

[Docket No. CS71-383]

TEXASGULF INC.

Notice of Redesignation

JULY 6, 1973.

By a letter dated May 25, 1973, Texasgulf Inc., has advised the Commission that it has undergone a corporate name change from Texas Gulf, Inc., to Texasgulf Inc.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS71-383 to Texas Gulf, Inc., is redesignated as that of Texasgulf Inc. and the name of the respondent in the proceedings pending in Docket Nos. RI65-475 and RI71-642 is changed to Texasgulf Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14367 Filed 7-12-73;8:45 am]

[Project 2334]

WESTERN MASSACHUSETTS ELECTRIC CO.

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for a change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Western Massachusetts Electric Company (Correspondence to: Mr. Leon E. Magluthin, Jr., Vice-President-Operations, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089) for the Gardners Falls Project, located on Deerfield River in the towns of Buckland and Shelburne in Franklin County, Massachusetts.

The application seeks Commission approval of a proposed easement to be granted by Western Massachusetts Electric Company to the Town of Buckland, Massachusetts. The easement (20 feet in width and about 100 feet long) is for the purpose of constructing a 12 inch cast iron effluent pipe into the Deerfield River. The outfall will extend from a sewage treatment plant being constructed by the town.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14366 Filed 7-12-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of First Trust Company of Ohio, National Association, Columbus, Ohio, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14324 Filed 7-12-73;8:45 am]

FIRST BANC GROUP, INC.

Acquisition of Bank

First Banc Group, Inc. Creve Coeur, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Citizens Bank of Gerald, Gerald, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Banc Group, Inc. is also engaged in the following nonbank activities: land ownership and data processing activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14325 Filed 7-12-73;8:45 am]

STOCKGROWERS STATE BANK COMPANY, INC.

Order Approving Retention of Bank

Stockgrowers State Bank Company, Inc., Worland, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to retain [1] 92.6 per cent of the voting shares of The Stockgrowers State Bank ("Bank"), Worland, Wyoming.

Notice of the application and a substantive amendment thereto, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant was organized in 1971 for the primary purpose of becoming a bank holding company with respect to Bank. As Applicant does not have any banking subsidiaries at this time, this transaction eliminated neither existing nor potential competition.

Bank ($13.2 million in deposits), located in the city of Worland, Wyoming (population approximately 5,055), is the smaller of two banks in Washakie County and controls 49.7 per cent of total commercial deposits in the county and 1.2 per cent of total commercial deposits in the State.[2] The Board concludes that consummation would not have an adverse effect on any other banking institution or result in the concentration of banking resources in any relevant area. It also appears that community needs for banking services are presently being served and that approval of this proposal would have no immediate effect thereon; however, provisions of trust services, anticipated under Applicant's management, would enhance Bank's ability to meet the future needs and convenience of the community.

Under Applicant's original ownership and management, Bank's condition deteriorated rapidly as a result of an overly-aggressive lending and investment philosophy, loose loan administration, and absentee management. In October, 1972, a group of Worland residents acquired Applicant, and the quality of Bank's assets has improved substantially since that time. Bank is now in adequate financial condition apparently as a result of recent improvements achieved through Applicant's new management and ownership. Bank has satisfactory prospects under its present management, which is believed to be capable. Applicant's financial condition, management, and future prospects are considered satisfactory. Although Applicant's new owners have significantly improved Applicant's condition by lowering its acquisition debt, Applicant's ratio of debt to equity remains high, but now apparently is manageable, and it appears that Applicant will be able to service its acquisition debt without placing an undue strain on the resources of Bank. The Board is of the opinion that the present management of Applicant has demonstrated both its ability and willingness to provide Bank with the leadership required to return it to a viable condition. Therefore, banking factors lend some weight toward approval of this application.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[3] effective June 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14327 Filed 7-12-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Broomfield Bank, Broomfield, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14326 Filed 7-12-73;8:45 am]

[1] On March 15, 1971, Applicant without prior Board approval acquired the shares of Bank which shares it has applied to retain. On June 22, 1971, the Board, in order to avoid impositions of undue hardship, ordered that any company which acquired a bank between December 31, 1970 and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by August 31, 1971. Applicant apparently lacked knowledge of the requirements of the Act at the time it acquired the shares of Bank, and subsequently filed an application with the Federal Reserve Bank of Kansas City.

[2] Bank deposit data are as of December 31, 1972.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

WELLS FARGO & CO.

Proposed Acquisition of Wells Fargo Mortgage Company

Wells Fargo & Company, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Wells Fargo Mortgage Company, San Francisco, California, a newly organized company. Notice of the application was published in newspapers of general circulation as follows:

Fresno, California.	The Daily Real Estate. Report and Abstract of Records.	May	9, 1973
San Diego, California.	San Diego Daily Transcript.	May	8, 1973
San Francisco, California.	The Recorder	May	8, 1973
Santa Anna, California.	Orange County Reporter.	May	9, 1973
San Jose, California.	San Jose Post-Record.	May	9, 1973
Sacramento, California.	The Daily Recorder	May	9, 1973
Santa Rosa, California.	The Press Democrat	May	9, 1973
San Bernardino, California.	The Sun	May	14, 1973
Walnut Creek, California.	Contra Costa News Register.	May	15, 1973
Los Angeles, California.	The Los Angeles, California.	May	25, 1973

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account or for the account of others, mortgage loans and other extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14177 Filed 7-12-73;8:45 am]

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FEDERAL TRADE COMMISSION

QUARTERLY FINANCIAL STATISTICS PROGRAM

Resolution Requiring Quarterly Financial Statistics and Related Information From Corporations

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution:

RESOLUTION REQUIRING QUARTERLY FINANCIAL STATISTICS AND RELATED INFORMATION FROM CORPORATIONS

Whereas, it is necessary for the proper functioning of the government that there be available to the President, the Congress, government agencies, and the business community, continuing and current financial data and statistics from corporations within the various industries and lines of commerce of the United States; and

Whereas, the Federal Trade Commission, acting pursuant to the authority vested in it by Section 6 of the Federal Trade Commission Act, is engaged in the collection of annual and special reports from corporations engaged in commerce and the compilation and publication of the results thereof in combined statistical form for the purposes of said Act; and

Whereas, certain responsibilities and functions of the Securities and Exchange Commission in the collection of information as to costs, profits and related financial data from registered corporations for the Quarterly Financial Report publication series has been transferred to the Federal Trade Commission:

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the powers vested in it by section 6 of the Federal Trade Commission Act (38 Stat. 721; 15 U.S.C.A., section 46), and with the aid of any and all powers conferred upon it by law and any and all compulsory processes available to it, do forthwith proceed to collect information, for the purposes herein stated, in the form of reports or otherwise, regarding the financial position and financial results of business operations, including, but not limited to balance sheets and statements of income and retained earnings, together with such other facts as may be necessary for the classification and interpretation thereof, from such corporations as may be designated by the Commission pursuant to general or special order;

It is further resolved that the reports and the data relating to an individual company contained therein obtained as a result of this resolution shall be received in and afforded confidential status and shall not be available for use in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings, as more fully spelled out in the "Rules and Procedures for the Use of Confidential Individual Company Data Collected Under the FTC's Quarterly Financial Statistics Program" adopted by the Commission and attached hereto.

By direction of the Commission dated June 28, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

RULES AND PROCEDURES FOR THE USE OF CONFIDENTIAL INDIVIDUAL COMPANY DATA COLLECTED UNDER THE FTC'S QUARTERLY FINANCIAL STATISTICS PROGRAM

Data collected under the Quarterly Financial Statistics Program are gathered for the purpose of preparing statistical compilations, consistent with the confidentiality strictures contained herein. Under no conditions are the individual company reports to be inspected or otherwise used for "taxation, regulation or investigation" or in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.[1] While the Commission intends to utilize tabulations of QFR data in FTC merger statistical reports, the FTC series on aggregate concentrations, rates of return in selected manufacturing industries, and such other statistical and economic reports as are authorized by the Commission, no individual company data contained in the QFR Reports will be revealed in these reports prepared by the FTC. However, these FTC reports may be utilized in connection with any Commission adjudication or any investigation for the purpose of initiating adjudicative proceedings.

The names of companies, financial data and all other information which are obtained from respondent companies in connection with the Federal Trade Commission's Quarterly Financial Statistics Program are confidential, as pledged in the cited Commission Resolution, and persons authorized to have access to this information may not release, discuss or in any way provide access to such information to anyone not authorized to have access. Further, all such QFR data are considered to be exempt from the disclosure provisions of the Feedom of Information Act. Penalties under Section 10 of the Federal Trade Commission Act provide for fines up to five thousand dollars ($5,000), or imprisonment not exceeding one year for unauthorized release of such information.

Authorized access and use. Access to and use of individual company data is restricted to members of the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section, both of which are part of the Bureau of Economics and both of which have no involvement in any investigative or regulatory functions of the Federal Trade Commission. Access by members of the Division of Management is authorized only during and for the purpose of electronic processing of such data.

[1] Except where the latter relate to legal action initiated by the refusal of a respondent company to file a timely and acceptable QFR report.

The Division of Financial Statistics is a statistics-gathering unit which prepares for publication the Quarterly Financial Report. The QFR presents selected balance sheet and income statement data aggregates for industrial corporations, classified by industry groups and by asset size classes. All mailing of reporting forms and correspondence relating to individual QFR companies (except for correspondence involving legal action for failure to submit reports) will be under the supervision of the Chief of the Division of Financial Statistics. That division is responsible for reviewing, editing and coding all individual company reports and for requesting such tabulations and listings of individual company data from the Division of Management as needed to prepare the Quarterly Financial Report. The Financial Statistics Division is responsible for the selection and maintenance of the QFR sample panel, in accordance with accepted scientific sampling methodology and Federal statistical standards. It requests such other tabulations as may be needed to insure the statistical reliability and consistency of the QFR published data series. It prepares preliminary estimates and such other special tabulations relating to the QFR as requested by the Department of Commerce and the Federal Reserve Board, or as may be directed by the Office of Management and Budget. The Chief of the Division of Financial Statistics is responsible for the development and implementation of disclosure analysis procedures applied to all QFR data. He shall certify to the Director of the Bureau of Economics that he has reviewed and approved all disclosure analysis procedures used in the QFR publication tables and all other tabulations involving QFR source data.

The Statistical Reports Unit is a statistical research and economic analysis unit in the Office of the Director, Bureau of Economics, and is responsible for: The preparation of FTC merger statistical reports, the annual FTC statistics on aggregate concentration, the FTC report on rates of return in selected manufacturing industries, and other statistical and economic reports authorized by the Commission. The head of the Statistical Reports Unit shall request from the Division of Financial Statistics such access to individual company QFR data as is needed to complete these Bureau of Economics reports, after receiving concurrence from the Chief of Financial Statistics Division that the table plans and disclosure analysis procedures to be used in preparing these FTC reports are consistent with the QFR procedures and adequate to protect against direct or residual disclosure that could result from such additional tabulation of QFR data. He will certify to the Director of the Bureau of Economics that he has subjected all tables in these reports which in any way used QFR data to the above-described disclosure analysis.

The Director of the Bureau of Economics will not have access to the individual QFR schedules nor the derived data listings for individual companies utilized by these statistical units. He shall, however, have supervisory responsibility and authority with respect to the units. Such responsibility and authority shall include approving any reports prepared by them, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to the individual QFR data.

Under no conditions may the individual company data reported on the QFR schedule be used for, or in the course of, any enforcement action or enforcement investigation. Therefore, all persons not on the staffs of the Statistical Reports Unit or Division of Financial Statistics will not be granted access to individual company information in the QFR files or data records; nor will personnel from either of these two units engage in any activity of the Commission which involves regulation or investigation, nor prepare any reports utilizing QFR data for such purposes while assigned to those units. Any employee who transfers into or out of either of the units will be formally notified in writing that he is subject to Section 10 of the Federal Trade Commission Act, the above-cited Commission Resolution, and these Rules, which prohibit disclosure, discussion, or release of these data to any unauthorized person.

Security of individual company QFR data. All individual company QFR schedules and data records at the Federal Trade Commission must at all times be under the security and supervision of the staff of either the Statistical Reports Unit or the Division of Financial Statistics, except during electronic data processing when the Chief, Division of Management, shall be responsible for their security.

All rooms containing individual company QFR data will be locked except when occupied. The individual company data will be stored in secured drawers, files, etc., except when being used.

The Chief of the Commission's Division of Management shall be responsible for the security of the original QFR schedules and all derived punched cards and computer records being processed. All punched cards, tapes, printouts, and containers for same, will be conspicuously marked "confidential." The Chief of the Division of Management will be responsible for the security of data in his possession and will personally approve all storage locations and security procedures, subject to concurrence of the Chief, Financial Statistics Division. He will not permit any special tabulations or listings of QFR data except those specifically approved by the Director of the Bureau of Economics, and for which disclosures analysis procedures have been reviewed and concurred in by the Chief of the Financial Statistics Division for consistency with existing QFR disclosure analysis procedures. Except for magnetic storage media used in processing, all cards, tapes, and printouts containing individual company QFR data will be sent to the Division of Financial Statistics for secure storage, along with the original QFR schedules.

All persons having use or possession of individual company data will be personally responsible for securing the confidentiality of those data and for following the rules set forth above. Any violation of these rules, either through neglect or otherwise, will result in prosecution to the full extent of the law or any other legal action decided on by the Chairman of the Commission.

[FR Doc.73-14400 Filed 7-12-73;8:45 am]

TARIFF COMMISSION

[TEA-W-205]

J. P. STEVENS AND CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Hannah Pickett and Martha Baum plants, Rockingham, North Carolina, of J. P. Stevens and Co., Inc., Greenville, South Carolina, the United States Tariff Commission, on July 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with woven fabrics of wool (of the types provided for in item 336.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 23, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued July 10, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-14390 Filed 7-12-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Adams Food Villa, food store; 8989 River Road, Destrehan, LA; 5-14-74.

Anton Alkek Grocery & Market, food store; 714 South Bridge Street, Victoria, TX; 4-25-74.

Ashcraft Market, food store; 202 East Cedar Street, Galdwin, MI; 5-7-74.

Baconia Plantation, Inc., agriculture; Cary, MS; 5-11-74.

Billups Farms, agriculture; Route 2, Indianola, MS; 5-16-74.

Bone Superette, food store; 609 First Street, Bald Knob, AR; 4-10-74.

Buehler Market, food stores, 4-26-74: 90 Broad Street, Atlanta, GA; 104 Georgia Avenue Southeast, Atlanta, GA; 1553 Gordon Street Southwest, Atlanta, GA.

C & S Supermarket, food store; North Sparkman Street, Hartselle, AL; 5-2-74.

Casey Drug and Jewelry Co., drug store; Chamberlain, SD; 4-24-73 to 4-16-74.

Cedar Center Pharmacy, drug store; 13922 Cedar Road, University Heights, OH; 5-14-74.

Central Community Hospital, hospital; Elkader, IA; 5-22-74.

Ceo Music Company, Inc., music store; 1004 Main Street, Wheeling, WV; 5-12-74.

Channel Pharmacy, drug store; No. 2, Channelview, TX; 4-30-74.

Charlie's I.G.A., food store; 181 Clay Street, Tecumseh, NE; 4-30-74.

City Meat Market, food store; Humphrey, NE; 4-27-74.

Colonial Manors, Inc., nursing home; Randolph, NE; 5-16-74.

Covey Livestock Co., agriculture; Cokeville, WY; 5-25-74.

Crest Pharmacy, Inc., drug store; 1836 Brodhead Road, Aliquippa, PA; 4-29-74.

Dalton Grocery, food store; 3408 North Whitehall Road, North Muskegon, MI; 5-20-74.

Dillon Companies, Inc., food stores: No. 40, El Dorado, KS, 4-23-74; No. 51, Great Bend, KS, 5-1-74.

Downs Pharmacy, drug store; 120 North Independence, Enid, OK; 5-17-74.

East State Pacemaker Food Store, food store; 5830 East State Street, Rockford, IL; 5-16-74.

Egremont Plantation, agriculture; Cary, MS; 5-7-74.

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The Ellsworth County Veterans' Memorial Hospital, Inc., hospital; 30 Kingsley, Ellsworth, KS; 5–17–74.

Engle's Grocery and Market, food store; 311 West Main, Madison, KS; 5–18–74.

E. H. Finlayson & Son, Inc., agriculture; Route 2, Greenville, FL; 5–16–74.

Fitzgerald's HWI Hardware, Inc., hardware store; 970 West Maple Road, Walled Lake, MI; 4–28–74.

Frank Lockage's Store for Men, apparel store; 2761 Peck Street, Muskegon Heights, MI; 5–20–74.

Gerardo's Grocery, food store; Toluca, IL; 5–6–74.

Good Samaritan Center, nursing home; St. Ansgar, IA; 5–19–74.

Grebe's Bakeries, Inc., food store; 601 West Mitchell Street, Milwaukee, WI; 5–8–74.

H & K Drive-In Pharmacy, Inc., drug store; 520–530 Harding Way West, Galion, OH; 4–25–74.

Handy Andy, Inc., food store; No. 30, San Antonio, TX; 4–7–74.

Hardee's, restaurant; 5322 Troost, Kansas City, MO; 4–30–74.

Hermanson's Food Market, food store; 1415 Mount Rushmore Road, Rapid City, SD; 4–24–73 to 4–16–74.

The Historic Sheridan Inn, restaurant; Fifth and Broadway, Sheridan, WY; 6–21–74.

L. D. Holmes & Sons, agriculture; Johnston, SC; 6–6–74.

C. A. House Co., Inc., music store; 10th and Main Streets, Wheeling, WV; 5–12–74.

Howard Nelson Kraker, agriculture; 11921 68th Avenue, Allendale, MI; 4–22–74.

Ignacio Food Store, Inc., food store; Ignacio, CO; 4–26–74.

Jacob Wagenmaker & Son, agriculture; 1243 East Norton Road, Muskegon, MI; 5–9–74.

Jerry's Markets, food stores, 5–1–74; 2809 Lincoln Avenue, Evansville, IN; 1115 Main Street, Evansville, IN; 2101 West Franklin, Evansville, IN.

John Vantimmeren, agriculture; R. R. # I, Allendale, MI; 4–21–74.

Kay Baum, Inc.; apparel stores, 4–30–74; 125 East Grand River, East Lansing, MI; Northland Shopping Center, Southfield, MI.

Kentucky Fried Chicken, restaurant; 890 Wadsworth, Lakewood, CO; 4–23–74.

Kings Food Host, restaurants, 4–30–74; 1748 North Main, Longmont, CO; 101 North East Vivion Road, Kansas City, MO.

League Ranch, agriculture; 906 Esperson Building, Houston, TX; 4–10–74.

Leepers Retail Outlet, food store; Star Route, Mount Pleasant, PA; 5–18–74.

Liberty Super Market, food store; No. 99, Grenada, MS; 4–27–74.

Lineville IGA Food Store, food store; Lineville, AL; 4–30–74.

Lippett Pharmacy, Inc., drug store; 103 West Main Street, Lowell, MI; 4–30–74.

Lynndale Planting Co., Inc., agriculture; Cary, MS; 5–11–74.

Martori Bros. Distributors, agriculture; Glendale, AZ; 4–30–74.

May's Drug Store, drug stores, 5–1–74, except as otherwise indicated: No. 167, Cedar Falls, IA (4–30–74); Nos. 161, 166, and 170, Cedar Rapids, IA; No. 204, Dubuque, IA; No. 184, Marion, IA; No. 197, Ottumwa, IA; No. 181, Waterloo, IA (4–30–74).

W. H. McLeod & Son, agriculture; Seabrook, SC; 5–20–74.

Men's Quality Shop, Inc., apparel stores: 24–30 East Broughton Street, Savannah, GA, 5–17–74; Oglethorpe Mall, Savannah, GA, 5–7–74.

Mid-Nebraska Lutheran Home, nursing home; Newman Grove, NE; 5–8–74.

Milton Grocery Co., food store; 1531 South 13th Place, Birmingham, AL; 4–21–74.

Mount Arbor Nurseries, agriculture; 400 North Center Street, Shenandoah, IA; 5–9–74.

Myers Drumstick Restaurants, Inc., restaurant; 2700 Georgia Street, Amarillo, TX; 5–7–74.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, MI; 5–12–74.

Newman's Superthrift, food store; Fairfield, PA; 5–14–74.

Park Pacemaker Food Store, food store; 8010 North Second Street, Rockford, IL; 5–1–74.

Park 'N Shop Supermarket, food stores; 107 East Jefferson, Culver, IN 5–12–73 to 4–30–74; Lincolnway at Beech Road, Osceola, IN, 5–12–73 to 4–30–74; 54977 Mayflower Road, South Bend, IN, 5–12–73 to 4–30–74.

Parkview Gardens Care Center, nursing home; 310 Upland Drive, Waterloo, IA; 5–10–74.

Payne's Furniture & Appliance, Inc., furniture store; Caddo Mills, TX; 4–15–74.

Pepper Shop Rite, food store; Walnut Cove, NC; 5–22–74.

Perry's IGA Foodliner, food store; Wedowee, AL; 4–30–74.

Piggly Wiggly, food stores, 3–21–74, except as otherwise indicated: No. 24, Arkadelphia, AR; Nos. 15 and 16, Hot Springs, AR; 200–204 Southwest Front Street, Walnut Ridge, AR (3–31–74); 10th Street, DeFuniak Springs, FL (5–11–74); North Lake Drive, Prestonsburg, KY (5–18–74); Nos. 1 and 2, Minden, LA; 110 North Pine Street, Vivian, LA.

Pinecrest Medical Care Facility, nursing home; Powers, MI; 4–21–74.

The Poor Sisters of Nazareth, Inc., nursing home; 814 Jackson Street, Stoughton, WI; 4–27–74.

S. & S. Postville Food Center, Inc., food store; Postville, IA; 4–20–74.

Poteau Food Market, Inc., food store; No. 3, Poteau, OK; 4–16–74.

Poyntz Avenue Pantry, Inc., food store; 1522 Poyntz, Manhattan, KS; 5–3–74.

Randall's, food stores: Nos. 1 and 2, Houston, TX, 3–22–74; No. 3, Houston, TX, 3–26–74.

Ream's Inc., food stores: No. 8, Magna, UT, 5–31–74; 890 West Center Street, Provo, UT, 5–10–74.

Reeble Food Market, food stores, 5–14–74: Nos. 1 and 2, Emporia, KS.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, MN; 5–19–74.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, MI; 5–4–74.

Rockton Avenue Pacemaker Food Store, food store; 3133 North Rockton Avenue, Rockford, IL; 5–1–74.

Rosefield Food Center, Inc., food store; Route 40, Richerville, PA; 5–15–74.

St. Vincent General Hospital, hospital; West Fourth and Washington, Leadville, CO; 4–30–74.

Schensul's Cafeteria, Inc., restraurant, 333 South Burdick Street, Kalamazoo, MI; 4–24–74.

Shakertown at Pleasant Hill, Inc., restaurant; Route 4, Harrodsburg, KY; 4–22–74.

Shoe Fair Stores, Inc., shoe stores; 5872 West Fort Street, Detroit, MI; 5–9–74.

Sirloin Corral, restaurant; 1001 Boomer Road, Stillwater, OK; 4–30–74.

O. P. Skaggs-Skagway, food store; 620 West State Street, Grand Island, NE; 4–21–74.

Sloan's Super Market, food store; 108 North Wallace Street, San Sara, TX; 4–31–74.

S. L. Spotto Co., hardware store; 805 West Crawford Avenue, Connellsville, PA; 5–8–74.

Summit Mercantile Co., food store; Blackduck, MN; 4–20–74.

Super Drive-In, food store; No. 7, Clarksville, TN; 5–9–74.

Tom's Super Market, Inc., food store; Front Street at Kellner Boulevard, Rensselaer, IN; 5–14–74.

Tony and Luigi's, Inc., restaurant; 5140 O Street, Lincoln, NE; 5–9–74.

222 Food Markets, Inc., food store; R. D. No. 2, Fleetwood, PA; 5–12–74.

The Village Scene, apparel store; 2446 Miracle Lane, Mishawaka, IN; 4–30–74.

Village Vista, nursery home; 1941 Benmar Drive, Lancaster, PA; 4–30–74.

Walter P. Rawl & Sons, agriculture; Route 1, Gilbert, SC; 5–18–74.

Ward-Brodt Music Co., music store; 315 North Henry Street, Madison, WI; 5–14–74.

The Washington Hospital, hospital; 155 Wilson Avenue, Washington, PA; 5–11–74.

West Side Market, food store; 133 North Walker, Montgomery City, MO; 5–28–74.

Whittaker Foods, Inc., food store; 6353 North MacArthur, Oklahoma City, OK; 5–25–74.

William G. Cain, food store; Main and High Street, St. Paris, OH; 5–11–74.

Wm. A. Lewis Clothing Co., apparel store; 1330 Winston Plaza, Melrose Park, IL; 5–14–74.

Wright's Foodliner, food stores: 713 Elm Street, Union City, IN, 4–24–74; Aukerman and Decatur, Eaton, OH, 5–12–74.

Zarda Bros. Dairy, Inc., food store; No. 9, Overland Park, KS; 4–30–74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 13, 1973.

Signed at Washington, D.C. this 6th day of July 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrative.

[FR Doc.73–14322 Filed 7–12–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 295]

ASSIGNMENT OF HEARINGS

JULY 10, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

FD–27346, Missouri Pacific Railroad Corp., Securities, now being assigned hearing August 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–14357 Filed 7–12–73;8:45 am]

[Rev. S. O. 994; I.C.C. Order 105]

CENTRAL VERMONT RAILWAY, INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Central Vermont Railway, Inc. is unable to transport traffic over its line between Bethel, Vermont, and White River Junction, Vermont, because of track damage from flooding.

It is ordered, That:

(a) The Central Vermont Railway, Inc., being unable to transport traffic over its line between Bethel, Vermont, and White River Junction, Vermont, because of track damage from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 p.m., July 2, 1973.

(g) Expiration date. This order shall expire at 11:59 p.m., July 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER
Agent.

[FR Doc.73–14353 Filed 7–12–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42711—*Hot Topping Compounds from Philadelphia, Pa.* Filed by Southwestern Freight Bureau, Agent, (No. B–420), for interested rail carriers. Rates on hot topping compounds, in carloads, as described in the application, from Philadelphia, Pa., to Shreveport, La.

Grounds for relief—Rate relationship.

Tariff—Supplement 65 to Southwestern Freight Bureau, Agent, tariff 58–E, I.C.C. No. 4994. Rates are published to become effective on August 13, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–14355 Filed 7–12–73;8:45 am]

[Ex Parte 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES—1968

Directing Special Procedure

Upon consideration of the record, the reports herein (of which 343 I.C.C. 49 is the most recent), petitions for reconsideration and the various orders, including the order of April 24, 1973, reopening the proceeding for reconsideration of six specific matters[1] and assigning the matter for prehearing conference held June 5, 1973;

It appearing, that at the prehearing conference several petitioners renewed their requests that the proceeding be reconsidered in toto, rather than specifically on the six issues outlined in the Commission's order of April 24, 1973, on the grounds urged in prior written petitions;

It further appearing, that oral requests that the proceeding be reconsidered in toto have already been considered by the Commission in connection with the orders entered on April 24, May 25, May 31, and July 6, 1973, wherein such written requests were denied;

It further appearing, that a majority of those present at the prehearing conference of June 5, 1973, favored the adoption of special procedure for the purpose of expediting resolution of the matters involved; and for good cause shown:

It is ordered, That on or before August 13, 1973, parties to the proceeding shall file with the Commission an original and 15 copies of verified statements of position in writing, verified statements of witnesses, together with studies, if any, designed to support their respective positions with a statement of where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in the Appendix attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before July 27, 1973. All rail carriers filing such statements shall include data listing monies collected, monies paid out, amounts spent (indicating the purposes therefor) and amounts held in escrow, all in compliance with the Commission's prescribed incentive per diem

[1] The order stated: "*It is ordered,* That this proceeding be, and it is hereby; reopened for reconsideration for the purposes of (1) determining whether the funds now earmarked for boxcars should be permitted to be drawn down for the acquisition of other types of cars in demand, like covered hoppers, and whether such modification would increase the number of boxcars available for general use, (2) determining whether the existing test period average should be modified in any respect, (3) determining whether a specified period should be prescribed within which incentive funds must be expended or committed to the acquisition of general service boxcars, (4) determining whether carriers which fail to acquire their normal complement of such cars and, consequently, are unable to draw down the incentive funds within a specified period, should be required to return the funds collected to the debtor carriers, (5) determining other methods to facilitate the use of the accrued incentive per diem funds for the purchase, building, or rebuilding of general service, unequipped boxcars, and (6) determining whether any group of carriers should be exempt from the payment of incentive per diem."

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rules and regulations. In order that the parties may assist the Commission in determining what relief, if any, is warranted on this record and in conformity with the six specified issues noted above, among other factors, respondents should also show, to the extent possible, how they contemplate to utilize any unexpended or uncommitted incentive per diem funds in conformity with the present rules and regulations.

It is further ordered, That on or before September 17, 1973, any party to the proceeding wishing to file a reply to a verified statement shall file with the Commission an original and 15 copies of such reply verified statements in writing, verified statements of witnesses, and at the same time, serve a copy of such prepared material upon all parties listed in the Appendix attached hereto and any additional parties who make known their desire to actively participate in the proceeding on or before July 27, 1973.

It is further ordered, That any additional parties who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before July 27, 1973, as well as all parties listed in the Appendix.[2]

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before October 3, 1973, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on October 15, 1973, 9:30 o'clock a.m. United States Daylight Savings Time at the Office of the Interstate Commerce Commission, Washington, D.C., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and any such other pertinent evidence which the presiding Administrative Law Judge deems necessary to complete the record.

It is further ordered, That a copy of this order be served upon all parties to this proceeding listed in the Appendix,[1] that a copy be filed in the Office of the Secretary of this Commission and in each field office; and that a copy of this order and of the Appendix hereto be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, initial and reply statements filed by the parties participating herein shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation—Natl. Environmental Policy Act, 1969, 340 I.C.C. 431 (1972).

And it is further ordered, That to avoid future unnecessary service upon parties who may have participated in the earlier proceeding and who are not actively participating in the reopened proceeding, subsequent service herein of notices and orders of the Commission will be limited to those parties who:

(1) Have appeared at the prehearing conference, or

(2) Have specifically made written request to the Secretary of the Commission to be included on the service list to actively participate and to receive copies of the material to be served as outlined herein.

Dated at Washington, D.C., this 9th day of July, 1973.

By the Commission, Commissioner Rupert L. Murphy.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14356 Filed 7-12-73;8:45 am]

[Notice 313]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 2, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74165. By order of July 9, 1973, the Motor Carrier Board approved the transfer to Wagner Household Vans, Incorporated, Maryville, Mo., of the operating rights in Certificate No. MC-136948 issued May 10, 1973, to Harvey Williams, Maryville, Mo., authorizing the transportation of household goods, as defined by the Commission, between points in Atchison and Holt Counties, Mo., on the one hand, and, on the other, points in Nebraska, Kansas, and Iowa; and between points in Buchanan County, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, and Illinois. Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106 Attorney for applicants.

No. MC-FC-74219. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Seigle's Express, Inc., North Arlington, N.J., of a portion of Certificate No. MC-35858 issued May 2, 1972, to Paramus Delivery Service, Inc., New York, N.Y., authorizing the transportation of Gas ranges, electric materials, paints and raw materials (shoddy), between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey (except Newark, N.J., and points in New Jersey within 10 miles of Newark), New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, Applicants' Representative.

No. MC-FC-74391. By order of July 5, 1973, the Motor Carrier Board approved the transfer to New England Bus Company, Inc., Acushet, Mass., of Certificate No. MC-9598 (Sub No. 2) issued to Union Street Railway Company, a corporation, New Bedford, Mass., authorizing the transportation of: Passengers and their baggage, in special operations, beginning and ending at New Bedford, Mass., and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Frank Daniels, Attorney, 15 Court Square, Boston, Mass. 02108 Edward F. Harrington, Attorney, 190 William St., New Bedford, Mass. 02740.

No. MC-FC-74466. By order entered July 2, 1973, the Motor Carrier Board approved the transfer to Storer Transportation Service, Inc., Modesto, Calif., of the operating rights set forth in Certificate No. MC-15401, issued April 13, 1942, to Willis M. Kleinenbroich, doing business as Modesto Riverbank Oakdale Stage Line, Modesto, Calif., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a regular route, between Modesto, Calif., and Oakdale, Calif., from Modesto over unnumbered highway to Oakdale, and return over the same route, servicing all intermediate points. Edward M. Lacy, 1024 J. Street, Suite 420, P.O. Box 3150, Modesto, CA 95353, attorney for applicants.

No. MC-FC-74539. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Peters Truck Lines, a corporation, Yreka, California, of Certificates of Registrations Nos. MC 97710 (Sub-No. 5), issued April 7, 1965, to Walter F. Peters, Doing Business As Peters Truck Lines, Yreka, California, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate of Public Convenience and Necessity granted in Decision No. 60602, dated August 23, 1960, as transferred by Decision No. 66733, dated February 4, 1964 and MC 97710 (Sub-No. 6), issued April 6, 1970, evidencing a right to engage in transportation in interstate commerce, corresponding in scope to Certificate of Public Convenience and Necessity granted in Decision No. 61589, dated February 28, 1961, as amended by Decision No. 74082, dated May 7, 1968 and transferred by Decision No. 74473, dated July 30, 1968, issued by the California Public Utilities Commission. Marshall G. Berol, Esq., Loughran, Berol & Hegarty, 100 Bush Street, San Francisco, Calif. 94104 Attorney for applicants.

No. MC-FC-74572. By order dated July 6, 1973, the Motor Carrier Board approved the transfer to Campo's Express, Inc., Stafford Springs, Conn., 06076, of the operating rights set forth in Certificate No. MC-49318, issued May 27, 1941, authorizing the transportation of general commodities, with usual exceptions, between Stafford, Conn., and Springfield, Mass., over specified routes; and general commodities with usual exceptions, from Springfield, Mass., to Williamantic, Conn., and between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and, one the other, Stafford, Conn., and points in Connecticut within 15 miles of Stafford. Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14354 Filed 7-12-73;8:45 am]

[1] Filed as part of the original document.

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FRIDAY, JULY 13, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 134

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY PROGRAM

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in Subpart 1 of Part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following Regulations under Part 190 of Title 45 of the Code of Federal Regulations, covering the general definitions, procedures for applying for a determination of the expected family contribution, method of award determination and the allowable educational costs for the Basic Educational Opportunity Grant Program. Regulations covering the determination of the expected family contribution for both dependent and independent students have been previously published (38 FR 15418, June 11, 1973).

Subpart A of the proposed regulation sets forth the scope and definitions, Subpart B sets forth the application procedures for determining expected family contributions, Subpart E sets forth the allowable costs of attendance criteria, and Subpart F sets forth the procedures for the determination of Basic Grant awards.

The appendix to this notice, which will not be part of the regulations, includes an explanation and rationale for the provisions in each proposed subpart.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Peter K. U. Voigt, Acting Coordinator, Basic Educational Opportunity Grants, U.S. Office of Education; Room 4010, Federal Office Building No. 6; 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before August 13, 1973. Comments received will be available for public inspection at the above office Monday through Friday between 8:00 a.m. and 4:30 p.m.

(20 U.S.C. 1070a)

Dated: June 29, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 9, 1973.

CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare.

Subpart A—Scope, Purpose and General Definitions

Sec.
190.1 Scope and purpose.
190.2 General definitions.
190.3 Eligible student.

Subpart A—Scope, Purpose and General Definitions

§ 190.1 Scope and purpose.

The purpose of the Basic Educational Opportunity Grant Program is to assist in making available the benefits of postsecondary education to eligible students by providing assistance in meeting the cost of such education.

(20 U.S.C. 1070a)

§ 190.2 General definitions.

For purposes of this part,

(a) "Academic year" means a period of time of not less than 8 months which occurs during a 12 month period beginning July 1 and ending June 30 of the subsequent year, and in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, 30 semester hours, 30 trimester hours, 45 quarter hours, or 900 clock hours of instruction.

(20 U.S.C. 1088(c)(1))

(b) "Act" means Title IV–A–1 of the Higher Education Act of 1965, as amended.

(c) "Clock hour" means a period of time which is the equivalent of either (1) a 50 to 60 minute class, lecture or recitation, (2) two hours of laboratory, shop training, or internship requiring outside preparation, (3) 2 hours of outside preparation related to (1) and (2), or (4) 3 hours of laboratory, shop training, or internship not requiring outside preparation.

(d) "Commissioner" means the U.S. Commissioner of Education or his designee.

(e) "Eligible program" means a program of training at an institution of higher education which (1) leads to a degree or certificate, (2) is of at least six months duration, and (3) admits as regular students only those persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(20 U.S.C. 1141(a)(1); 20 U.S.C. 1088(b)(3))

(f) "Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to a minimum of 12 semester hours or 12 quarter hours per academic term for institution utilizing trimesters, semesters or quarter hour systems, or which consists of a program requiring a minimum of 25 clock hours per week for those institutions that do not utilize such systems, and (2) the tuition and fees customarily charged for full-time study by the institution.

(20 U.S.C. 1088(c)(2))

(g) "Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in part-time study, and which amounts to a minimum of 6 semester hours or 6 quarter hours for institutions utilizing trimesters, semesters or quarters, or which consists of a program requiring a minimum of 13 clock hours per week for those institutions which do not utilize such systems, and (2) the tuition and fees customarily charged for half-time study by the institution. All students engaged in a program of study by correspondence which is offered as requiring at least 12 hours of preparation a week shall be considered half-time students for purposes of this part.

(h) "Good standing" means the eligibility of a student to continue in attendance in accordance with the standards and practices of the institution in which he is enrolled.

(i) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraph (i) (1), (2), (4), and (5) of this section, and any proprietary institution of higher education as defined in paragraph (j) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b))

(j) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(k) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(l) "State" includes, in addition to the several States of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(m) "Undergraduate course of study" means a regularly prescribed course of study for an undergraduate student at an institution of higher education.

(n) "Undergradute student" means a student who (1) is in attendance at an institution of higher education, (2) has not earned his first baccalaureate or professional degree, and (3) is not enrolled in a program that leads to (i) a first professional degree when at least three years of study at the postsecondary level are required for entrance into the program leading to such a degree, or (ii) a degree beyond the bachelor's degree or a first professional degree. Such term does not include any student who is enrolled in that portion of a program that involves study beyond the fourth year of study at the postsecondary level unless such program is designed to extend for a period of five years.

(20 U.S.C. 1070a unless otherwise noted)

§ 190.3 Eligible student.

(a) A student is eligible to receive a Basic Educational Opportunity Grant under this part if he:

(1) Was not enrolled as a regular student at any institution of higher education prior to July 1, 1973,

(2) Is accepted for enrollment or is enrolled in good standing as a full-time undergraduate student at an institution of higher education,

(3) Is enrolled in an eligible program as defined in § 190.2(e), and

(4) Is a citizen or national of the United States or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof; or is a permanent resident of the Trust Territory of the Pacific Islands.

(b) For purposes of paragraph (a) of this section a student shall be deemed not to have been enrolled as a regular student at any institution of higher education where such student (1) was enrolled in a program of remedial study, whether or not for credit, (2) was enrolled in a preparatory program, whether or not for credit, designed to enable the student to meet the requirements for enrollment at an institution of higher education, or (3) was enrolled on less than a full-time basis and had not yet received a high school degree or its equivalent.

(20 U.S.C. 1070a; 1088; P.L. 93–35)

Subpart B—Application Procedures for Determining Expected Family Contribution

Sec.
190.11 Application.
190.12 Certification of information.
190.13 Deadline for filing applications.
190.14 Notification of expected family contribution.
190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.
190.16 Extraordinary circumstances affecting the expected family contribution determination.

Subpart B—Application Procedures for Determining Expected Family Contribution

§ 190.11 Application.

In order to have the expected family contribution calculated for any academic year, a person shall submit to the Commissioner a form, approved by the Commissioner for that purpose, containing such information as the Commissioner may from time to time prescribe, unless the Commissioner specifically provides an alternative method of receiving such information.

(20 U.S.C. 1070a(b)(2))

§ 190.12 Certification of information.

An applicant, and where relevant, the applicant's parents or spouse, shall authorize the Commissioner to obtain from the Internal Revenue Service a copy of the Federal Income Tax Return(s) of the applicant, parent or spouse for the base year in order to verify the information disclosed on the application form. In addition, the applicant, and where relevant, the applicant's parents or spouse shall provide, if requested, any other documentation necessary to verify information discolsed on the application form.

(20 U.S.C. 1070a(b)(2))

§ 190.13 Deadline for filing applications.

The Commissioner will from time to time establish cut-off dates for filing of applications for determining expected family contributions for any academic year.

(20 U.S.C. 1070a(b)(1))

§ 190.14 Notification of expected family contribution.

The Commissioner will send to each eligible student a "Family Contribution Analysis Report" which states the amount of the applicant's expected family contribution for the academic year for which a Basic Educational Opportunity Grant is requested and certain basic information used in the computation of that amount.

(20 U.S.C. 1070a)

§ 190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.

An applicant may request a recomputation of his expected family contribution if he believes a clerical or arithmetic error has occurred. The applicant requesting such a recomputation must submit his request for recomputation to the Commissioner no later than five (5) weeks after the date indicated on the "Family Contribution Analysis Report". Such requests are to be made in such form as the Commissioner will specify.

(20 U.S.C. 1070a(b)(2))

§ 190.16 Extraordinary circumstances affecting the expected family contribution determination.

Where:

(1) Either a parent or a spouse whose income was included in the calculation of expected family contribution as determined in § 190.33 or § 190.44 has died in the base year or the tax year subsequent to the base year,

(2) Either a parent or a spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) Either an applicant, parent, or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has been unable to pursue normal income-producing activities by reason of disability or natural disaster for a period of at least ten (10) weeks during the tax year subsequent to the base year,

the applicant may submit an application, or if an application has been previously submitted, a new application which shall use the tax year subsequent to the base year as the base year. Such an application shall include the annual adjusted family income received to the date of application or reapplication and an estimate of the annual adjusted family income for the remainder of that year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V))

Subpart E—Costs of Attendance

Sec.
190.51 Costs of attendance.

Subpart E—Costs of Attendance

§ 190.51 Costs of attendance.

(a) For the purposes of this part only the following expenses (and allowances

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in lieu of expenses) shall be recognized as a student's cost of attendance.

(1) *Tuition and fees.* The amount charged the student for tuition and fees that is generally charged to all students or that is generally charged to a particular class of students of which the applicant student is a member.

(2) *Room and board.* (i) The actual amount charged by the institution pursuant to a contract entered into with the student under which both room and board are provided by the institution; or,

(ii) The actual amount charged by the institution pursuant to such a contract entered into for room but not board, plus an allowance of $550; or,

(iii) The actual amount charged by the institution pursuant to such a contract entered into for board but not room, plus an allowance of $400; or,

(iv) Where no such contract is entered into for either room or board, an allowance of (1) $950 if the student does not live with a parent or parents, or (2) $750 if the student lives with a parent or parents.

(3) *Books, supplies, and miscellaneous expenses.* An allowance of $350.

(b) For the purpose of this section, tuition and fees may not include any amounts related to the cost of travel, except such travel within the United States, other than travel from the student's residence to the institution, as is required in connection with a particular course of study.

(c) In the case of students engaged in a program of study by correspondence, only the costs of tuition and fees determined in accordance with paragraph (a) of this section shall be recognized as a student's cost of attendance for the purposes of this part.

Subpart F—Determination of Basic Educational Opportunity Grant Awards

Sec.

190.61 Submission of "Family Contribution Analysis Report" for purposes of basic educational opportunity grant calculation.

190.62 Calculation of basic educational opportunity grant awards at full-funding.

190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

190.64 Calculation of basic educational opportunity grant awards for less than an academic year.

190.65 Applicability of family contribution schedules and payment schedules.

Subpart F—Determination of Basic Educational Opportunity Grant Awards

§ 190.61 Submission of "Family Contribution Analysis Report" for purposes of basic educational opportunity grant calculation.

The applicant shall submit a "Family Contribution Analysis Report" to the institution(s) of higher education he wishes to attend in order to have the amount of his Basic Grant award determined. The Commissioner will from time to time establish cut off dates for any academic year for the filing of "Family Contribution Analysis Reports".

(20 U.S.C. 1070a(b)(2))

§ 190.62 Calculation of basic educational opportunity grant awards at full-funding.

When funds are available to satisfy such payments, the Commissioner will pay to each eligible applicant for any academic year a Basic Educational Opportunity Grant in an amount equal to $1400 minus his expected family contribution, except that no award will be made (a) which is in excess of 50 percent of the applicant's actual cost of attendance at the institution of higher education in which the applicant is enrolled, (b) which exceeds the difference between the expected family contribution of the applicant and his actual cost of attendance at the institution in which he is enrolled, or (c) which is less than $200.

(20 U.S.C. 1070a(2))

§ 190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

When funds are not available to fully satisfy all Basic Educational Opportunity Grant awards, each grant awarded to an eligible applicant determined under § 190.72 shall be reduced in accordance with the provisions of section 411(b)(3) of the Act. The amount to be reduced in accordance with section 411(b)(3) will be the remainder of $1400 less the applicant's expected family contribution. No award will be made if the amount of such award after the application of the provisions of section 411(b)(3) of the Act is less than $50, nor may an award be made under this Section to an applicant whose award was calculated to be less than $200 under § 190.62.

(20 U.S.C. 1070a(a)(2)(b)(iii))

§ 190.64 Calculation of basic educational opportunity grant awards for less than an academic year.

In the event that an applicant is enrolled as a full-time student during an academic year for a period of time which is less than a full academic year, the amount of his grant shall be reduced in the same proportion as that period of time bears to eight months.

(20 U.S.C. 1070a(a)(2))

§ 190.65 Applicability of family contribution schedule and payment schedules.

The Basic Educational Opportunity Grant award will be calculated on the basis of the costs of attendance as determined in Subpart E, the Family Contribution Schedules, and the Payment Schedule in effect for the academic year in which the award is made.

(20 U.S.C. 1070a(a)(2); 20 U.S.C. 1070a(b)(3))

APPENDIX

The following discussion is intended to provide additional information and explanation of the preceeding proposed regulations. The reference number which appears before each explanation corresponds to the number of the proposed regulation.

SUBPART A

Section 190.2(a) *Academic year.* The proposed definition of academic year provides for an academic year which corresponds to the Federal fiscal year, July 1 to June 30 of the subsequent year. Also, the definition provides for an academic year which is at least 8 months but no longer than 12 months in length.

The primary reason for proposing that an academic year must fall within the Federal fiscal year is to assure that all student awards are determined based on the same Family Contribution Schedules and payment schedule which are in effect for a particular fiscal year. By adopting this type of definition of academic year, we have precluded the situation where two students from similar economic backgrounds who are attending the same institution simultaneously would have different awards calculated because they initiated their academic year at different times.

Another reason for defining the academic year as the fiscal year is to provide a closing date for fiscal purposes. To determine the total expenditures from the fiscal year's appropriation, it is necessary to establish this cut-off date in order that final data on fiscal activity be easily and effectively processed.

Of course, there will be legitimate instances where an individual student's academic year would, in fact, span two fiscal years. When these situations occur, these awards will be calculated in the following manner:

1. At the time that the student initiates his academic year (i.e., April), his award is calculated on the basis of the Family Contribution Schedules and payment schedules in effect for that fiscal year. The award would be calculated for a full academic year.

2. The student's award would be disbursed to him in installments in proportion to the number of months remaining until June 30. A student who enrolled in April would then receive a payment equal to 3 months of his total award.

3. In order to receive an award after July 1, the student would submit an Application for Determination of Expected Family Contribution for the subsequent fiscal year.

4. Upon receipt of the new expected family contribution, the institution will calculate the student's award based on the payment schedule effective for that fiscal year.

5. The student's award will then be disbursed on the basis of the months remaining in the student's academic year.

The provision that the academic year is at least 8 months but not longer than 12 months accommodates the traditional 8½ to 9 month academic year as well as the academic years at many of the non-traditional types of institutions.

Only one Basic Grant can be awarded a student during one academic year. Students enrolled in accelerated courses of study leading to a certificate or degree in less than the customary length of time required to obtain such a certificate or degree, often attend on a continuous basis. For purposes of the Basic Grant Program, these students will only receive *one* award for use in the academic year. For instance, if a student enrolled in September and completed one year of study in May, he would receive one Basic Grant for that period. If this student immediately initiated the second year of study, he could not receive a second award until after July 1.

Section 190.2(c) *Clock hour.* While many institutions utilize such academic units as semesters, trimesters, and quarters, a large number of schools measure progress toward a certificate or degree in terms of clock hours.

In order to accommodate these types of institutions, the proposed definition of clock hour recognizes and establishes minimum standards upon which a student's progress can be equated with traditional academic units.

The proposed definition would establish one clock hour as (1) a 50 to 60 minute class, lecture or recitation, (2) two hours of laboratory, shop training, or internship requiring outside preparation, (3) two hours of outside preparation for every 50 to 60 minute class, lecture or recitation, (4) two hours of outside preparation for every two hours of laboratory, shop training, or internship requiring outside preparation, or (5) three hours of laboratory, shop training or internship not requiring outside preparation. Further, this proposed definition of clock hours is consistent with that presently used for the Federally Insured Student Loan Program.

Section 190.2(e) *Eligible program.* The proposed definition of eligible program serves the purpose of establishing those types of educational courses of study within an eligible institution in which a student must be enrolled in order to receive a Basic Grant. The requirements for determining institutional eligibility are specified by law. The term eligible program for purposes of Basic Grants applies these statutory provisions to the programs of study within these eligible schools. In this way we seek to assure that students receiving Basic Grants are attending educational programs which meet certain minimum standards and which are postsecondary in nature.

Section 190.2(f) *Full-time student.* In the first year of operation, Basic Grant eligibility is restricted to students who are beginning their postsecondary education and who are attending on a full-time basis. Generally, traditional types of institutions consider 15 credit hours to be a full-time academic work load. However, while many students average 15 credit hours per academic term, in practice students often vary their work load between 12 and 18 credits per term. Therefore, 12 credit hours has been traditionally recognized as the minimum full-time schedule. The proposed definition is designed not to exclude those students who are temporarily taking less than the number of credit hours generally recognized to be a full-time academic work load.

In the event that the institution uses clock hours rather than semester or quarter hours, 25 clock hours a week can be shown, as illustrated below, to be the approximate equivalent of 12 semester, trimester or quarter hours.

It is customarily assumed that a student spends 1 to 3 hours of study or laboratory work outside of class for each hour spent in class. At a minimum, therefore, a student enrolled for a course of study of 12 semester, trimester or quarter hours devotes at least 1 hour of outside study for each classroom hour of study.

His total study load would, therefore, be at least 24 clock hours. Since most students spend more than one hour of laboratory work or study for an hour of class work, the one hour of difference between 24 and 25 clock hours does not seem significant. In addition, a student who is enrolled for 25 clock hours a week would complete 100 clock hours of work in a month and 900 clock hours in a year, which is a traditional definition of a full academic year for institutions using clock hours.

In addition to meeting the work load criteria, a full-time student must also be charged the tuition and fees normally charged by the institution to a student who is taking a full-time course load.

By establishing both of these eligibility criteria, it can be assured that only truly full-time students are receiving Basic Grants.

Section 190.2(g) *Half-time student.* Although half-time students are not eligible to receive Basic Grants in the 1973–74 academic year, a definition of half-time student is necesary for purposes of the multiple student adjustment in the determination of expected family contribution. The proposed definition parallels that for full-time student. The definition further indicates that all students engaged in a program of study by correspondence at institutions of higher education will be considered to be half-time students or less depending on the number of required clock hours of preparation per week. Such consideration is consistent with the existing regulations of the Federally Insured Student Loan Program.

Section 190.2 (j) *Institution of higher education.* The definition of institution of higher education (including proprietary institutions of higher education) reflects the statutory requirements for institutional eligibility and is the standard defintion used by many of the existing Federal student financial aid programs.

Inquiries and communications relating to institutional eligibility should be addressed to the Accreditation and Institutional Eligibility Staff, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

Section 190.2(n) *Undergraduate student.* The proposed definition of undergraduate student generally reflects the criteria used by institutions of higher education in determining the status of an undergraduate student. For purposes of Basic Grants, however, any student who has already earned his first baccalaureate degree is not considered to be an undergraduate student even if he is enrolled in an undergraduate course of study. For example, a student who has earned on Associate of Arts degree and who is enrolled in a program of study leading to a baccalaureate degree, would be considered to be an undergraduate student. On the other hand, a student who has already earned any baccalaureate degree and who is enrolled in a program which is designed to lead to a baccalaureate degree would *not* be considered to be an undergraduate student for purposes of Basic Grants.

Students who are enrolled in a program of study which is designed to lead to both a bachelor's degree and an advanced degree over a five-year or longer period, will be considered to be an undergraduate student for only the first four years of that program. Of course, students who are enrolled in a program of study leading to a *first* baccalaureate degree, designed by the institution to extend over 5 academic years, will be considered to be undergraduate students for the length of the program.

For purposes of Basic Grants, students who are enrolled in a program of study leading to a first professional degree which requires at least 3 years of study at the undergraduate level prior to entrance into such a program, will be considered to be undergraduate students for only that period of required undergraduate study.

Section 190.3 *Eligible student.* Students who are eligible to receive Basic Grants during the first year of operation (academic year 1973–74), must be beginning their postsecondary education after July 1, 1973 and be enrolled in an eligible program in an institution of higher education on a full-time basis.

Any students enrolled as regular students in an institution of higher education prior to July 1, 1973 will not be eligible to receive Basic Grants.

High School students who take college-level courses while still in secondary schools are not considered to have been enrolled as regular students. These students are then, therefore, eligible to receive Basic Grants.

Another group of students who are not considered to have been enrolled as regular students in institutions of higher education prior to July 1, 1973, are those persons who were enrolled in remedial or preparatory programs of study, whether or not for credit, before that date. These special programs must be designed specifically for the purposes of assisting students who require such remedial or preparatory study in order to successfully pursue postsecondary education.

This proposed provision is to assure that students participating in Upward Bound, Student Special Services, and other special programs, sponsored by Federal, State, or private organizations will not be excluded from participation in the Basic Grant Program.

SUBPART B

Subpart B establishes the application procedures for Basic Grants.

Section 190.11 *The application for determination of expected family contribution.* "Application for Determination of Expected Family Contribution" forms for the 1973–74 academic year will be widely distributed to students through student financial aid officers at institutions of higher education, high school guidance counselors, post offices, Talent Search Projects, Upward Bound Projects, and other organizations and agencies located in areas easily accessible to students.

For the first year of operation completed forms will be submitted to the American College Testing Program which has a contract with the Commissioner to calculate expected family contributions for the Basic Grant Program according to the appropriate Regulations issued by the Office of Education.

Section 190.12 *Certification of information.* The determination of expected family contribution is based on data supplied by the applicant relating to the financial strength of his family. Since several of the data items requested on the application form reflect information provided by the applicant (and where relevant his parents or spouse) for Federal Income Tax purposes, the student may be requested to submit to the Commissioner the IRS returns for the base year as well as other documentation necessary to verify the information provided. In addition, when the applicant (and where relevant, his parents or spouse) signs the application form, he authorizes the Commissioner to obtain copies of the Federal Income Tax Returns for the base year.

Section 190.15 *Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.* Applicants will be notified of the amount of their expected family contributions by the Commissioner on a "Family Contribution Analysis Report". In addition to the amount of the expected family contribution, the notification will include certain key data items taken from the applicant's application which were used in calculating the contribution. The applicant should compare these data items with those submitted on his application form and, should there be any discrepancy, he may request a recomputation of his expected family contribution. Such a request for recomputation must be made within five weeks of the date indicated on the "Family Contribution Analysis Report".

Section 190.16 *Extraordinary circumstances affecting the expected family contribution determination.* For purposes of determining expected family contribution for the Basic

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Grant Program it was determined that the most accurate indicator of annual adjusted family income is the amount reported on the Federal Income Tax Return for the year preceding the year for which aid is requested. However, it was recognized that extraordinary circumstances could occur which would substantially affect the expected family contribution which was calculated on the basis of the preceding year's income. Therefore, this proposed regulation establishes the conditions under which an applicant may request a determination of expected family contribution which uses the current tax year as the base year and reflects these extraordinary circumstances.

In the event of the death of the applicant's parent(s) or spouse whose income was included in the determination of expected family contribution, the applicant may immediately request that his expected family contribution be calculated using the current tax year as the base year.

A different situation exists in those cases where the parent or the spouse of the applicant suffers a loss of employment. Unemployment may be for a brief period only, and reemployment may permit the family to enjoy the same level of income as that before the wage earner became unemployed.

A similar situation occurs when the applicant, and where relevant the applicant's parent or spouse whose income was included in the determination of expected family contribution, is unable to pursue normal income-producing activities due to disability or natural disaster.

For applicants who experience such situations as described above, there will be a requirement of a 10-week waiting period before the applicant can request a calculation of expected family contribution using the current tax year as the base year.

In all cases where a request is made to vary from the standard base year, the applicant will be required to submit the amount of income received to the date of the request and an estimate of the amount of income to be received for the remainder of that year as well as any other pertinent information the Commissioner may require.

SUBPART E

Subpart E establishes the allowances for the costs of attendance for students seeking Basic Grants. The legislation defines the "actual cost of attendance" as the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books and an additional allowance for other expenses that the Commissioner determines to be reasonable for students attending an institution of higher education. Certain costs, such as tuition, fees, and dormitory charges, can be precisely known at the time of enrollment. Other costs, such as those for off-campus living expenses, books or miscellaneous expenses, can only be estimated at the time a student's Basic Grant is calculated. Therefore, it was determined that standard allowances would be established for this second group of costs.

No allowance is made for the cost of room and board, or books, supplies, and miscellaneous expenses of the student engaged in a program of study by correspondence. In the case of books and supplies, these expenses are generally part of the tuition of the correspondence student. The room and board costs and miscellaneous expenses which the student engaged in correspondence study incurs are seen as fixed costs that the student would assume whether or not he was enrolled in postsecondary education.

Subpart E of the regulations states which costs are accepted as they are charged the student, and those costs which require an allowance. The reference numbers which appear before each item refer to the numbers of the Regulations.

Section 190.51(a)(1) *Tuition or fees.* Since such costs as tuition and fees are definite, the institution can determine the actual amount charged for tuition and fees for each student. For both tuition and fees, only those charged to all students within a certain class of study or those required of a certain class of students for educational purposes will be allowed.

For example, a parking fee, which is a discretionary item, would not be allowed since it is not required of all students or of all students within a certain curriculum. However, a laboratory fee charged to all chemistry students would be allowed since it is a fee required all students taking such a course.

The "out of State" or "out of county" tuition or fees charged by State and county public educational institutions are allowable since they are charged an entire class of students. No travel costs, including the cost of travel for study outside the United States, are allowed since these costs are not authorized by the enabling legislation. However, the costs of travel within the United States, which are charged as a course fee or included in tuition charges by the institution of higher education, and are required of all students taking such course, are allowed.

Section 190.51(a)(2) *Room and board.* Separate standard allowances were established for those students who did not contract for room and board with the institution, and for students who resided with their parents.

The $950 allowance for the student who does not enter into a contract for room and board facilities at the institution is the combination of a $531 allowance for board and a $412 allowance for room. The $531 allowance for board costs was determined by multiplying the U.S. Department of Agriculture's monthly moderate cost food plan for boys between 15 and 20 years old by 12 to determine annual costs. The one month cost for January 1973 was $63.20.[1] The 12 month cost would then be $758.40. Since most students are in attendance at institutions of higher education for only 36 weeks or 70% of the year, this $758.40 was multiplied by .70 to produce a board cost of $531.

The room cost was derived from the Bureau of Labor Statistics estimate of housing expenses for the lower budget level in Autumn 1971. This figure, $1516,[2] was increased by 5% as an estimate for inflation, and then adjusted by .37[3] which is the BLS Index of the difference between the four member family which is the base for the lower budget level estimate and the one member household. The adjustment above would produce an annual housing cost of $589. This figure was then further reduced to account for the fact that the student is generally only in an institution of higher education for 70 percent of the year. Such a reduction brings these costs to $412. The combined room and board figure is therefore $943 which has been rounded to $950.

The separate allowances for room and board are derived by this same process.

The allowance of $750 is proposed for the student living with his parents. The cost of living at home for a year may be approximated by determining the difference in the Family Size Offset for a family of a given size and the family one member smaller. The table below presents the $700 average difference in the family size allowance.

AVERAGE FAMILY SIZE OFFSET[4]

Family	Family Size Offset	Difference
2	2800	
3	3350	550
4	4300	950
5	5050	750
6	5700	650
7	6300	600
		3500
		5
		700
		Average Difference

[4] The Family Size Offset figures are taken from Subpart D, § 190.44(c)(1) of the proposed Regulations for the Basic Educational Opportunity Grant Program as published February 2, 1973, in the FEDERAL REGISTER.

The average costs determined above reflect the cost of supporting a student for the entire year. Since most students are in attendance at institutions of higher education for only 36 weeks or 70 percent of the year, it is appropriate to utilize only 70 percent of the average difference to determine the costs of supporting the student which are related to the student's education. 70 percent of the $700 average is $490.

In addition to the room and board costs, some transportation allowance must be made for the commuting student since the Act specifies the "expenses related to reasonable commuting" are to be included.

The cost for transportation for commuting students was determined by averaging the cost for commuting students at public and private institutions as shown in the table below. The average is $259.

AVERAGE TRANSPORTATION COSTS OF STUDENTS AT PUBLIC AND PRIVATE INSTITUTIONS[5]

Type of Institution	*Transportation Costs*
Public 4-year	$236
Public 2-year	307
Private 4-year	236
	$779
	3
Average transportation costs	$259

[5] Haven and Horch, "How College Students Finance their Education: A National Survey of Educational Interest, Aspirations, and Finances of College Sophomores in 1969–70", The College Scholarship Service, Princeton, New Jersey, 1972.

The combined cost of room, board, and reasonable commuting expenses is, therefore, $490 plus $259 or $749 which has been rounded to $750.

Section 190.51(a)(3) *Books, supplies and miscellaneous expenses.* $150 has been used for other Federal financial aid programs as a reasonable standard allowance for books and supplies and it is anticipated that such an amount would therefore be reasonable for this program. An additional standard allowance for miscellaneous expenses of $200 is proposed to provide for expenses incurred by a student which are not covered in the room and board allowances. The total of $350 is, therefore, the allowance to be made for these purposes.

SUBPART F

Subpart F establishes the procedures for the determination of Basic Grant awards.

[1] U.S. Department of Agriculture, "Cost of Food at Home Estimated for Food Plans at Three Costs Levels, January 1973, U.S. Average," Washington, D.C.

[2] U.S. Department of Labor, "Autumn 1972 Urban Family Budgets and Geographical Comparative Indexes", USDL–72–240. Washington, D.C.

[3] U.S. Department of Labor, "Revised Equivalence Scale for Estimating Equivalent Incomes or Budget Costs by Family Type", Bulletin No. 1570–2, P. 14.

The section does not include procedures for the reduction of Basic Grant awards for less than full-time students since during the first year of operation (academic year 1973–74) only full-time students are eligible for the program.

Section 190.61 *Submission of "Family Contribution Analysis Reports" for purposes of basic educational opportunity grant calculation.* Students attending institutions of higher education having an effective Terms of Agreement with the Commissioner will submit the "Family Contribution Analysis Report" to the institution which will calculate the amount of the student's award based on the allowable cost criteria and payment schedule issued by the Office of Education. The institution will also act as the Commissioner's agent in disbursing funds to students. In the event that the institution the student wishes to attend does not choose to act as the Commissioner's agent, the student will submit the "Family Contribution Analysis Report" directly to the Commissioner following the procedures contained in regulations which will be published subsequent to these proposed regulations.

Section 190.63 *Calculation of basic educational opportunity grants at "less than full funding".* The Office of Education will make an estimate of the amount required to extend grants at the full-funding level to all eligible students during any fiscal year. When an appropriation is available for a fiscal year, the Office of Education will calculate whether the amount appropriated is sufficient to extend full-funding to all eligible students, or whether awards must be made on the basis of less than full-funding. If awards are to be at less than full funding, the Office will determine which of the various reduction provisions of section 411 (b)(3) of the Act will be in effect. The Office will then publish a simple table of student award payments which will specify the amount of the Basic Grant for that academic year which will be made to a student with a given family contribution and cost of education.

Section 190.64 *Calculation of basic educational opportunity grant award for less than an academic year.* An eligible program must be at least 6 months in length. At the same time, an academic year must be at least 8 months in length. In order for a student to receive the full amount of his grant he must be in attendance for a full academic year.

Those students who are enrolled in programs which are at least 6 months but less than 8 months in length will not receive a full grant. The amount of their grants will be calculated as if they were in attendance for an academic year, but will be reduced in the same proportion as the length of the program bears to 8 months.

For instance, if a student is enrolled in an eligible program which is 6 months in length, his grant would be first calculated for the full academic year. However, he would only be awarded six-eighths or three-quarters of that amount initially calculated.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATIONS DECISIONS

Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the orgial Area Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New General Wage Determination Decisions No. AQ–1 for the State of Missouri.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Alabama:	
AP–195; AP–197; AP–198; AP–199; AP–1101; AP–1102	June 8, 1973
Illinois:	
AP–689; AP–692; AP–695; AP–698; AP–1005; AP–1008; AP–1010	June 8, 1973
AP–1012; AP–1013; AP–1016	June 1, 1973
Indiana:	
AP–648; AP–649; AP–650; AP–651; AP–652; AP–653; AP–654; AP–655; AP–656; AP–657; AP–658; AP–659; AP–660; AP–661; AP–662; AP–664; AP–665; AP–666; AP–667	May 18, 1973
Iowa:	
AP–2,458	Aug. 25, 1973
Kentucky:	
AP–170	Mar. 23, 1973
Louisiana:	
AP–735	June 1, 1973
Massachusetts:	
AP–470	Feb. 16, 1973
AP–814; AP–815	May 11, 1973
Mississippi:	
AP–158	Feb. 16, 1973
New York:	
AP–800	Mar. 30, 1973
AP–807; AP–808	May 11, 1972
AP–844	June 8, 1973
AP–852	Dec. 15, 1972
AP–853	Dec. 22, 1973
Pennsylvania:	
AP–404	July 28, 1972
AP–462; AP–489	Mar. 9, 1973
AP–817; AP–819; AP–820; AP–821; AP–824; AP–825	May 18, 1973
Rhode Island:	
AP–484	Mar. 16, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded):

Arkansas:	
AP–703(AQ–2)	Feb. 16, 1973
California:	
AP–255(AQ–1,002); AP–256(AQ–1003)	Dec. 29, 1972
New York:	
AM–1,728(AQ–2001)	Aug. 11, 1971
North Dakota:	
AP–267(AQ–1000)	Mar. 9, 1973
Pennsylvania:	
AP–429(AQ–2000)	Oct. 6, 1972

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

The following general wage determination decisions are cancelled: AP–176; Alachua, Dixie, Gilchrist, Lafayette, Levy, Marion and Union Counties; and AP–177, Baker, Clay, Duval, Nassau, Putnam, St. Johns and Suwannee Counties, all in the State of Florida. Agencies with projects pending in these counties should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR 1.5).

CORRECTION

The Index to the Federal Register published July 6, 1973, was current as of June 1, 1973, rather than June 29, 1973, as indicated.

Signed at Washington, D.C., this 6th day of June 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

V 38-134 JUL 13 73 XUM

NEW DECISION

STATE: Missouri

COUNTIES: Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Clair, St. Francois, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright

DECISION NO.: MO-1

DATE: Date of Publication

DESCRIPTION OF WORK: Highway Construction

MO-1 P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS & PILEDRIVERMEN:						
Franklin and Jefferson Counties	$8.21	.25	.30		.03	
Lincoln, Pike, St. Francois, Warren & Washington Counties	8.21	.25	.30		.03	
Lafayette County	8.17	.23	.15		.03	
Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties	7.37	.23	.15		.03	
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	7.20	.25	.30		.03	
Boone, Cooper & Howard Counties	7.55	.20			.03	
Adair, Audrain, Benton, Callaway, Chariton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Pike, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	7.52	.23			.03	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	7.32	.23			.03	
CEMENT MASONS:						
Bates, Carroll and Lafayette Counties	7.075	.10	.15			
Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington Counties	8.20	.60	.40			

MO-1 P. 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MASONS: (Cont'd)						
Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00	$6.95	.60	.40			
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties	6.05	.55		.20		
Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties	6.45					
Dent, Phelps, Pulaski and Texas Counties	6.30					
Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties	7.225					
Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole, Cooper, Gasconade, Howard, Knox, Linn, Macon, Maries, Miller, Moniteau, Monroe, Montgomery, Osage, Randolph, Shelby and Sullivan Counties	7.50					
Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties	6.00					
Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties	7.00					
ELECTRICIANS						
Adair, Audrain (that part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:						
Electrical contracts over $5,000.00	8.05	4%	1%	6-1/2%+5%		
Electrical contracts $5,000.00 and under	6.75	4%	1%	6-1/2%+5%		

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS: (Cont'd)						
Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:						
Electrical contracts over $5,000.00	8.30	.20	1% + .25	.70	.03	
Electrical contracts $5,000.00 and under	7.80	.20	1% + .25	.70	.03	
Carroll, Cooper, Morgan and Saline Counties:						
Electrical contracts over $5,000.00	8.30	.20	1% + .25	.70	.03	
Electrical contracts $5,000.00 and under	7.25	.20	1% + .25	.70	.03	
Franklin, Jefferson, Lincoln and Warren Counties	7.76	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington and Wayne Counties:						
Electrical contracts over $5,000,00	7.76	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Cape Girardeau, Perry, St. Francois and Ste. Genevieve Counties:	5.66	5%				
Electrical contracts $5,000.00 and under	5.66	5%	1% + 5½%	11%+4½%	1%	
Iron, Madison, Reynolds, Washington, and Wayne Counties:						
Electrical contracts $5,000.00 and under	5.54	5%	1% + 5½%	11%+4½%	1%	
Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:						
Electrical contracts $5,000.00 and under	5.43	5%	1% + 5½%	11%+4½%	1%	
Dunklin and Pemiscot Counties:						
Electrical contracts $5,000.00 and under	5.31	5%	1% + 5½%	11%+4½%	1%	
Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas Webster and Wright Counties	8.02	.30	1%	6%	.01	

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ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Pulaski County	$ 8.47	.30	1%	6%	.01	
Andrew, Buchanan, Clinton and DeKalb Counties	7.85	.25	1%	7%	.01	
Caldwell, Daviess, Gentry, Holt and Nodaway Counties:						
Electrical contracts over $10,000.00	8.08	.25	1%	7%	.01	
Electrical contracts $10,000.00 and under	7.85	.25	1%	7%	.01	
Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:						
Electrical contracts over $10,000.00	8.44	.25	1%	7%	.01	
Electrical contracts $10,000.00 and under	7.85	.25	1%	7%	.01	
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties:						
Electricians	7.10	.25	1%		.005	
Cable splicers	7.45	.25	1%		.005	
Audrain (except Cuivre Township), Boone, Callaway, Camden, Carter, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties:						
Electricians	7.70	.25	1%	6% + .25	1/4%	
Cable splicers	7.95	.25	1%	5% + .25	1/4%	
IRONWORKERS:						
Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Francois, Ste. Genevieve, Texas, Warren, Washington and Wright Counties:						
Structural; ornamental, & reinforcing	8.325	.40	.55		.05	
Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll,						

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IRONWORKERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Cedar, Chariton, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Polk, Putnam, Randolph, St. Clair, Saline, Sullivan, Vernon and Worth Counties:						
Structural; ornamental; & reinforcing	$8.50	.40	.40	.50	.05	
Christian, Dade, Douglas, Greene and Webster Counties:						
Structural; ornamental; & reinforcing	8.375	.40	.40	.50	.05	
Barry, Lawrence, McDonald, Newton and Stone Counties:						
Structural; ornamental; & reinforcing	7.44	.30	.25		.04	
Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:						
Structural; ornamental; & reinforcing	7.25	.30	.30			
Howell, Oregon, Ozark and Taney Counties:						
Structural; ornamental; & reinforcing	6.58	.25	.25		.02	
Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties:						
Structural; ornamental; & reinforcing	7.70	.30	.35		.125	
LINE CONSTRUCTION:						
Bates, Benton, Carroll, Henry, Johnson, Lafayette, Pettis and Saline Counties:						
Lineman	7.95	.15	1% + .15		1/2%	
Lineman Operator	7.50	.15	1% + .15		1/2%	
Lineman Mechanic	6.37	.15	1% + .15		1/2%	
Groundman Powderman	5.47	.15	1% + .15		1/2%	
Groundman	5.19	.15	1% + .15		1/2%	
Groundman (1st year)	4.79	.15	1% + .15		1/2%	

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties:						
Lineman	$7.60	.15	1% + .15		1/2%	
Lineman Operator	7.60	.15	1% + .15		1/2%	
Lineman Mechanic	6.01	.15	1% + .15		1/2%	
Groundman Powderman	5.21	.15	1% + .15		1/2%	
Groundman	4.83	.15	1% + .15		1/2%	
Groundman (1st year)	3.95	.15	1% + .15		1/2%	
Crawford, Franklin, Iron, Jefferson, Reynolds, St. Francois and Washington Counties:						
Lineman & Cable Splicers	8.07	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	6.03	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.83	3%	1%	12 1/4%	1/2%	
Equipment operator	7.25	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.73	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.92	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	5.37	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.83	3%	1%	12 1/4%	1/2%	
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties:						
Lineman & Cable Splicers	7.80	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	5.68	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.40	3%	1%	12 1/4%	1/2%	
Equipment Operator	7.01	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.23	3%	1%	12 1/4%	1/2%	

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties: (Cont'd)						
Groundman - next 12 mos.	$4.43	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.96	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.41	3%	1%	12 1/4%	1/2%	
Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties:						
Lineman	8.41	.25	1%		.25%	
Groundman - Class I	7.18	.25	1%		.25%	
Groundman - Class II	5.88	.25	1%		.25%	
Groundman - Class A	5.36	.25	1%		.25%	
Groundman - 1st 6 mos.	5.12	.25	1%		.25%	
PAINTERS:						
Jefferson County	6.83	.12	.30	.21		
Bates, Caldwell, Carroll, Clinton, Daviess, Grundy, Harrison, Henry, Johnson, Lafayette, Livingston and Mercer Counties:						
Brush	7.77	.30	.35			
Spray	8.77	.30	.35			
Bollinger, Cape Girardeau, Dunklin, Scott, Stoddard, Mississippi, New Madrid and Pemiscot Counties:						
Brush	5.50					
Spray	6.25					
Lincoln and Pike Counties:						
Brush	6.05					
Spray and Sandblasting	6.35					

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties:						
Brush or roller	$6.00	.35	.20			
Spray, Structural steel and Sandblasting	9.00	.35	.20			
Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties:						
Brush	5.25					
Spray	6.25					
Taping machine; Swing Stages; Window Jacks; Storage bins & storage tanks under ground or above ground over 40 ft. in depth; Sandblasting; All work performed on bridges	6.00					
Bridges 75 ft. in height	6.25					
All structural steel over 50 ft. in height	6.00					
Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties:						
Brush	6.47	.18	.20			
Spray	7.22	.18	.20			
Structural steel 30 ft. or more	6.87	.18	.20			
Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties:				a		
Brush	5.25					
Spray	5.75					
Contracts under $35,000.00:						
Brush	3.25					
Spray	3.60					
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties	5.95	.15				
Audrain, Boone, Callaway, Charlton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties:						
Brush	6.35		.20			
Spray	6.85		.20			

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties:						
Brush; bridge & construction steel	$6.85					
Spray	7.35					

FOOTNOTE:

a. Includes 4% Holiday Fund

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
General Labor: Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$6.975	.40	.40		.10	
First Semi-Skill: Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	7.125	.40	.40		.10	
Second Semi-Skill: Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River	7.275	.40	.40		.10	

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
Third Semi-Skill: Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and fills.	7.475	.40	.40		.10	
Fourth Semi-Skill: Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.725	.40	.40		.10	

AQ-1 P. 13

LABORERS:	Basic hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties						
General Labor Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 5.875	.40	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgia Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	6.025	.40	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

AQ-1 P. 14

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties						
Second Semi-Skill (Cont'd) Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Cofier Dams for Bridge Piers and Footings in the River.	6.175	.40	.40		.10	
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters: Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Man on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man, Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.375	.40	.40		.10	
Fourth Semi-Skill Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.625	.40	.40		.10	

AQ-1 P. 15

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
General Labor Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 5.125	.40	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	5.275	.40	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

AQ-1 P. 16

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
Second Semi-Skill (Cont'd) Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	5.425	.40	.40		.10	
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operator; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Man; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	5.625	.40	.40		.10	
Fourth Semi-Skill Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	5.875	.40	.40		.10	

AQ-1 P. 17

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
General Labor Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 6.525	.30	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	6.675	.30	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man: Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck						

AQ-1 P. 18

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
Second Semi-Skill (Cont'd) Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.825	.30	.40		.10	
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	7.025	.30	.40		.10	
Fourth Semi-Skill Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.275	.30	.40		.10	

AQ-1 P. 19

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties						
General Labor Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$ 5.825	.30	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	5.975	.30	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of						

AQ-1 P. 20

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties						
Second Semi-Skill (Cont'd) Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.125	.30	.40		.10	
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.325	.30	.40		.10	
Fourth Semi-Skill Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.575	.30	.40		.10	

AQ-1 P. 21

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$ 5.525	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	5.675	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Better Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile						

AQ-1 P. 22

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Steddard, Sullivan, Texas and Wayne Counties						
Second Semi-Skill (Cont'd)						
Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	5.825	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Block Caulkers; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting end Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.025	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.275	.30	.40		.10	

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AQ-1 P. 23

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Asphalt finishing machine & Trench Widening Spreader, Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	8.00	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader, Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.80	.35	.40		.02	

AQ-1 P. 24

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Kig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination boiler & Booster); Asphalt Plant Firemen (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.60	.35	.40		.02	
Oiler	7.10	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.25	.35	.40		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.50	.35	.40		.02	

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AQ-1 P. 25

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Others
Buchanan, Clinton and Lafayette Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	9.10	.40	.40		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	8.90	.40	.40		.05	

AQ-1 P. 26

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Others
Buchanan, Clinton and Lafayette Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	8.70	.40	.40		.05	
Oiler	7.95	.40	.40		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	9.35	.40	.40		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	9.60	.40	.40		.05	

AQ-1 P. 27

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Others
Christian, Greene, Lawrence and Taney Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.50	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.15	.40	.25		.02	

AQ-1 P. 28

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice Training	Others
Christian, Greene, Lawrence and Taney Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	6.95	.40	.25		.02	
Oiler	6.20	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.75	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.00	.40	.25		.02	

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AQ-1 P. 29

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apps. Tr.	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties	...					
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 8.15	.40	.40		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.80	.40	.40		.05	

AQ-1 P. 30

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apps. Tr.	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties	...					
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Bonster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, nor hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	$ 7.60	.40	.40		.05	
Oiler	7.10	.40	.40		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.40	.40	.40		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.65	.40	.40		.05	

AQ-1 P. 31

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apps. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties	...					
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.55	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine;						

AQ-1 P. 32

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apps. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties	...					
Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.20	.35	.40		.02	
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.00	.35	.40		.02	
Oiler	6.25	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.80	.35	.40		.02	

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AQ-1 P. 33

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties						
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.05	.35	.40		.02	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sidebeam Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.65	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt plant Man; Asphalt Plant Mixer Operator; Backfiller Operatnr; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.30	.40	.25		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distribucor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.10	.40	.25		.02	
Oiler	6.35	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.90	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.15	.40	.25		.02	

AQ-1 P. 36

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin and Jefferson Counties						
Flat bed trucks - single axle	$ 8.10					
Flat bed trucks - tandem axle	8.25					
Station wagons	8.10					
Pickup trucks	8.10					
Material trucks - single axle	8.10					
Material trucks - tandem axle	8.25					
Semi and/or pole trailers	8.32					
Winch, fork and steel trucks	8.32					
Distributor drivers and operators	8.32					
Agitator and transit mix trucks	8.21					
Tank wagon - single axle	8.10					
Tank wagon - semi-trailer	8.32					
Tank wagon - tandem axle	8.25					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.32					
A-frame and derrick trucks	8.32					
Float or low boy	8.32					
Warehouseman	8.00					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Lincoln and Warren Counties						
Flat bed trucks - single axle	$ 7.55					
Flat bed trucks - tandem axle	7.70					
Station wagons	7.55					
Pickup trucks	7.55					
Material trucks - single axle	7.55					
Material trucks - tandem axle	7.70					
Semi and/or pole trailers	7.77					
Winch, fork and steel trucks	7.77					
Distributor drivers and operators	7.77					
Agitator and transit mix trucks	7.66					
Tank wagon - single axle	7.55					
Tank wagon - semi-trailer	7.77					
Tank wagon - tandem axle	7.70					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.77					
A-frame and derrick trucks	7.77					
Float or low boy	7.77					
Warehouseman	7.45					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
Flat bed trucks - single axle	$7.33	.50	.50			
Flat bed trucks - tandem axle	7.48	.50	.50			
Station wagons	7.33	.50	.50			
Pickup trucks	7.33	.50	.50			
Material trucks - single axle	7.33	.50	.50			
Material trucks - tandem axle	7.48	.50	.50			
Semi and/or pole trailers	7.55	.50	.50			
Winch, fork and steel trucks	7.55	.50	.50			
Distributor drivers and operators	7.55	.50	.50			
Agitator and transit mix trucks	7.44	.50	.50			
Tank wagon - single axle	7.33	.50	.50			
Tank wagon - semi-trailer	7.55	.50	.50			
Tank wagon - tandem axle	7.48	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.55	.50	.50			
A-frame and derrick trucks	7.55	.50	.50			
Float or low boy	7.55	.50	.50			
Warehouseman	7.23	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Johnson County						
Flat bed trucks - single axle	$ 7.33	.50	.50			
Flat bed trucks - tandem axle	7.48	.50	.50			
Station wagons	7.33	.50	.50			
Pickup trucks	7.33	.50	.50			
Material trucks - single axle	7.33	.50	.50			
Material trucks - tandem axle	7.48	.50	.50			
Semi and/or pole trailers	7.55	.50	.50			
Winch, fork and steel trucks	7.55	.50	.50			
Distributor drivers and operators	7.55	.50	.50			
Agitator and transit mix trucks	7.44	.50	.50			
Tank wagon - single axle	7.33	.50	.50			
Tank wagon - semi-trailer	7.55	.50	.50			
Tank wagon - tandem axle	7.48	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.55	.50	.50			
A-frame and derrick trucks	7.55	.50	.50			
Float or low boy	7.55	.50	.50			
Warehouseman	7.23	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Henry, Howard, Linn, Livingston, Pettis and Saline Counties						
Flat bed trucks - single axle	$6.58	.50	.50			
Flat bed trucks - tandem axle	6.73	.50	.50			
Station wagons	6.58	.50	.50			
Pickup trucks	6.58	.50	.50			
Material trucks - single axle	6.58	.50	.50			
Material trucks - tandem axle	6.73	.50	.50			
Semi and/or pole trailers	6.85	.50	.50			
Winch, fork and steel trucks	6.85	.50	.50			
Distributor drivers and operators	6.85	.50	.50			
Agitator and transit mix trucks	6.74	.50	.50			
Tank wagon - single axle	6.58	.50	.50			
Tank wagon - semi-trailer	6.85	.50	.50			
Tank wagon - tandem axle	6.73	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.85	.50	.50			
A-frame and derrick trucks	6.85	.50	.50			
Float or low boy	6.85	.50	.50			
Warehouseman	6.48	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Clinton County						
Flat bed trucks - single axle	$ 6.58	.50	.50			
Flat bed trucks - tandem axle	6.73	.50	.50			
Station wagons	6.58	.50	.50			
Pickup trucks	6.58	.50	.50			
Material trucks - single axle	6.58	.50	.50			
Material trucks - tandem axle	6.73	.50	.50			
Semi and/or pole trailers	6.85	.50	.50			
Winch, fork and steel trucks	6.85	.50	.50			
Distributor drivers and operators	6.85	.50	.50			
Agitator and transit mix trucks	6.74	.50	.50			
Tank wagon - single axle	6.58	.50	.50			
Tank wagon - semi-trailer	6.85	.50	.50			
Tank wagon - tandem axle	6.73	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.85	.50	.50			
A-frame and derrick trucks	6.85	.50	.50			
Float or low boy	6.85	.50	.50			
Warehouseman	6.48	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Barton, Bollinger, Boone, Callaway, Camden, Cape Girardeau, Carter, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Douglas, Gasconade, Greene, Hickory, Iron, Laclede, Lawrence, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties						
Flat bed trucks - single axle	$ 6.60	.50	.50			
Flat bed trucks - tandem axle	6.75	.50	.50			
Station wagons	6.60	.50	.50			
Pickup trucks	6.60	.50	.50			
Material trucks - single axle	6.60	.50	.50			
Material trucks - tandem axle	6.75	.50	.50			
Semi and/or pole trailers	6.87	.50	.50			
Winch, fork and steel trucks	6.87	.50	.50			
~~Distributor drivers and operators~~	~~6.87~~	~~.50~~	~~.50~~			
Agitator and transit mix trucks	6.76	.50	.50			
Tank wagon - single axle	6.60	.50	.50			
Tank wagon - semi-trailer	6.87	.50	.50			
Tank wagon - tandem axle	6.75	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.87	.50	.50			
A-frame and derrick trucks	6.87	.50	.50			
Float or low boy	6.87	.50	.50			
Warehouseman	6.50	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Barry, Butler, Clark, Dunklin, Howell, Knox, Lewis, McDonald, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone and Taney Counties						
Flat bed trucks - single axle	$ 5.85	.50	.50			
Flat bed trucks - tandem axle	6.00	.50	.50			
Station wagons	5.85	.50	.50			
Pickup trucks	5.85	.50	.50			
Material trucks - single axle	5.85	.50	.50			
Material trucks - tandem axle	6.00	.50	.50			
Semi and/or pole trailers	6.12	.50	.50			
Winch, fork and steel trucks	6.12	.50	.50			
Distributor drivers and operators	6.12	.50	.50			
Agitator and transit mix trucks	6.01	.50	.50			
Tank wagon - single axle	5.85	.50	.50			
Tank wagon - semi-trailer	6.12	.50	.50			
Tank wagon - tandem axle	6.00	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.12	.50	.50			
A-frame and derrick trucks	6.12	.50	.50			
Float or low boy	6.12	.50	.50			
Warehouseman	5.75	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Sullivan and Worth Counties						
Flat bed trucks - single axle	$ 5.83	.50	.50			
Flat bed trucks - tandem axle	5.98	.50	.50			
Station wagons	5.83	.50	.50			
Pickup trucks	5.83	.50	.50			
Material trucks - single axle	5.83	.50	.50			
Material trucks - tandem axle	5.98	.50	.50			
Semi and/or pole trailers	6.10	.50	.50			
Winch, fork and steel trucks	6.10	.50	.50			
Distributor drivers and operators	6.10	.50	.50			
Agitator and transit mix trucks	5.99	.50	.50			
Tank wagon - single axle	5.83	.50	.50			
Tank wagon - semi-trailer	6.10	.50	.50			
Tank wagon - tandem axle	5.98	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.10	.50	.50			
A-frame and derrick trucks	6.10	.50	.50			
Float or low boy	6.10	.50	.50			
Warehouseman	5.73	.50	.50			

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1105 - Mod. #1 (38 FR 15597 - June 13, 1973) Jefferson County, Alabama						
Change:						
Building Construction:						
Electricians	$7.80	.30	1%		1%	
Cable splicers	8.05	.30	1%		1%	
Tile setters and terrazzo workers	6.40					

Modifications P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-195 - Mod. #1 (38 FR 15227 - June 8, 1973) Alachua County, Florida						
Change:						
Carpenters:						
Carpenters	$6.65	.39	.20	.15	.03	
Acoustical workers	6.65	.39	.20	.15	.03	
Millwrights	7.43	.39	.20	.15	.03	
Piledrivermen	6.65	.39	.20	.15	.03	
Soft floor layers	6.65	.39	.20	.15	.03	
DECISION #AP-197 - Mod. #1 (38 FR 15231 - June 8, 1973) Brevard and Volusia Counties, Florida (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only)						
Change:						
Plumbers and pipe fitters	$7.40	.25	.35		.05	
Sheet metal workers	7.69	.30	.25		.03	
DECISION #AP-198 - Mod. #1 (38 FR 15233 - June 8, 1973) Dade County, Florida						
Change:						
Ironworkers:						
Structural and ornamental	8.55	.55	.40		.03	
Reinforcing	8.55	.55	.40		.03	
Power Equipment Operators:						
Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination	8.65	.35	.35			
Draglines, backhoes, Gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hopto machine, air compressor (above 125 CFM, more than one pump or combination of other equipment up to 5), winch trucks	7.96	.35	.35			
Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers	7.11	.35	.35			

Modifications P.3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-198 (cont'd)						
Power Equipment Operators (cont'd)						
Rollers, finishing machines, tractors, oilers and drivers, mechanic helpers	$6.56	.35	.35			
Oiler on crawler cranes	5.56	.35	.35			
DECISION #AP-199 - Mod. #2 (38 FR 15235 - June 8, 1973) Duval County, Florida						
Change:						
Carpenters:						
Carpenters	$6.65	.39	.20	.15	.03	
Millwrights	7.43	.39	.20	.15	.03	
Piledrivermen	6.65	.39	.20	.15	.03	
Soft floor layers	6.65	.39	.20	.15	.03	
Acoustical workers	6.65	.39	.20	.15	.03	
Electricians	7.25	.30	1%+5.5%	4%	1%	
DECISION #AP-1101 - Mod. #1 (38 FR 15239 - June 8, 1973) Hillsborough County, Florida						
Change:						
Carpenters	$6.865	.30	.20	.10	.02	
Millwrights	7.37	.45	.45		.04	
Piledrivermen	7.115	.30	.20	.10	.02	
Soft floor layers	6.865	.30	.20	.10	.02	
DECISION #AP-1102 - Mod. #1 (38 FR 15241 - June 8, 1973) Leon County, Florida						
Change:						
Carpenters:						
Carpenters	$5.45				.01	
Soft floor layers	5.45				.01	

Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-689 - Mod. #1 (38 FR 15247 - June 8, 1973) Champaign County, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers	$8.06	.30	.50		.08	
Millwrights & Piledrivermen	8.41	.30	.50		.08	
DECISION #AP-692 - Mod. #1 (38 FR 15260 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Electricians & Line Construction:						
Northern ½ of County						
Electricians	9.30	3%	4%	6%	.5 of 1%	
Plumbers & Steamfitters:						
Vicinity of Elgin	8.95	.28	.20	.34	.02	
DECISION #AP-695 - Mod. #1 (38 FR 15270 - June 8, 1973) Peoria & Tazewell Counties, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers						
East Peoria (Tazewell County) & Remainder of Peoria County	8.01	.30	.40		.02	
Remainder of Tazewell County	7.87	.33	.25		.02	
Millwrights & Piledrivermen						
East Peoria (Tazewell County) & Remainder of Peoria County	8.31	.30	.40		.02	
Remainder of Tazewell County	8.12	.33	.25		.02	
Cement Masons	7.85	.35	.30		.05	
Electricians	8.27	.25	1%+.30		1%	
Ironworkers	8.15	.40	.375			
Line Construction:						
Groundmen Truck Driver W/Winch	5.85	.25	1%		.25%	
Marble Setters, Terrazzo Workers & Tile Setters	8.10	.35	.30		.02	
Plasterers	8.20	.35	.30			
Plumbers & Steamfitters:						
Peoria County & North of Hwy. #98 (Tazewell County)	8.375	.24	.60		.09	
Remainder of Tazewell County	8.205	.24	.60		.06	

Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-698 - Mod. #1 (38 FR 15284 - June 8, 1973) Sangamon County, Illinois						
CHANGE:						
Carpenters & Soft Floor Layers	$7.80	.35	.45		.02	
Millwrights & Piledrivermen	8.30	.35	.45		.02	
Cement Masons	8.28				.02	
ADD:						
Bricklayers & Stonemasons	7.20	.35	.30	.20	.02	
DECISION #AP-1005 - Mod. #1 (38 FR 15309 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Electricians & Line Construction:						
Northern ½ of County						
Electricians	9.30	3%	4%	6%	.5 of 1%	
Plumbers & Steamfitters:						
Vicinity of Elgin	b.95	.28	.20	.34	.02	
DECISION #AP-1008 - Mod. #1 (38 FR 15319 - June 8, 1973) Peoria & Tazewell Counties, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers						
East Peoria (Tazewell County) & Remainder of Peoria County	8.01	.30	.40		.02	
Remainder of Tazewell County	7.87	.33	.25		.02	
Millwrights & Piledrivermen						
East Peoria (Tazewell County) & Remainder of Peoria County	8.31	.30	.40		.02	
Remainder of Tazewell County	8.12	.33	.25		.02	
Cement Masons	7.85	.35	.30		.05	
Electricians	8.27	.25	3%+.30		1%	
Ironworkers	8.15	.40	.375			
Line Construction:						
Groundmen Truck Driver W/Winch	5.85	.25	1%		.25%	
Marble Setters, Terrazzo Workers & Tile Setters	8.10	.35	.30		.02	
Plasterers	8.20	.35	.30			
Plumbers & Steamfitters:						
Peoria County & North of Hwy. #98 (Tazewell County)	8.375	.24	.60		.09	
Remainder of Tazewell County	8.305	.24	.60		.06	

Modifications P. 6

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1010 - Mod. #1 (38 FR 15203 - June 8, 1973) Sangamon County, Illinois						
ONLY:						
Carpenters & Soft Floor Layers	$7.48	.30	.40		.02	
Millwrights & Piledrivermen	7.98	.30	.40		.02	
CHANGE:						
Cement Masons	8.28				.02	
ADD:						
Carpenters (4 Story Dwellings)	6.45	.35	.45		.05	
Bricklayers & Stonemasons	7.20	.35	.30	.20	.02	
DECISION #AP-1012 - Mod. #1 (38 FR 14552 - June 1, 1973) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois						
ADD:						
Pile Cap for Power Equipment Operators in Boone & Dekalb Counties						
DECISION #AP-1012 - Mod. #2 (38 FR 14552 - June 1, 1973) Bureau, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois						
CHANGE:						
Carpenters & Piledrivermen:						
Carroll, JoDaviess, Lee & Stephenson Counties	7.98	.25				
Whiteside County	7.93	.30				
Rock Island, Henry & Ogle County (Oregon & South Thereof)	7.58	.35	.30			
Winnebago County; & Ogle County (North of Oregon)	7.48	.25	.30	.20		

DECISION #AP-1012 (Cont'd)

Modifications P. 7

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	O
CLASS I						
Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck-mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco & machines of a like nature, derrick boats, derricks, traveling, dredges, euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-1, 2 & 3 drum, locomotives all, mucking machine 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill-crane type, slip-form paver, stiff-saddle buggies, tractor w/boom, tractaire (w/attachments), trenching machines, underground boring and/or mining machines 5' in diameter & over tunnel, etc. underground boring and/or mining machine under 5', wheel excavator, widener (apsco)	$9.15	.40	.50	.20	.02	
CLASS II						
Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 7S series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete form grader, pull grader, sub-grader, highlift shovels or front endloader, hydraulic boom trucks (all attachments) locomotives dinky, pump cretes, squeeze cretes, screw type pumps, gypsum bulker & pump, rock drill (self propelled), roto-tiller, seaman, etc., scraper, tractor, push, pulling						

Modifications P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1016 - Mod. #1 (38 FR 14573 - June 1, 1973) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois						
CHANGE:						
Carpenters & Piledrivermen: Remainder of District #6	$9.80	.35	.45		.05	

Modifications P. 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-648 - Mod. #1 (38 FR 13195 - May 18, 1973) Allen County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Electricians	$8.40	.25	1%+.30		.04	
Under Laborers Schedule "Group E" to Group "D"						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	
DECISION #AP-649 - Mod. #2 (38 FR 13168 - May 18, 1973) Bartholomew County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Ironworkers	8.40	.40	.55		.03	
Under Laborers Schedule "Group E" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	
DECISION #AP-650 - Mod. #1 (38 FR 13171 - May 18, 1973) Benton & Tippecanoe Counties, Indiana)						
OMIT: Under Laborers Schedule Group "D"						
CHANGE: Under Laborers Schedule						
Group "E" to Group "D"						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	

Modifications P. 10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-651 - Mod. #1 (38 FR 13174 - May 18, 1973) Dearborn County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Under Laborers Schedule "Group E to "Group D"						
Group A	$5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	
DECISION #AP-652 - Mod. #2 (38 FR 13177 - May 18, 1973) Delaware County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Under Laborers Schedule						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	
DECISION #AP-653 - Mod. #2 (38 FR 13180 - May 18, 1973) Grant County, Indiana						
CHANGE: Common Laborer	5.70	.30	.25		.07	
Air Tool Op; (Jackhammer, Vibrator)	5.90	.30	.25		.07	
Mason Tenders; (Brick-Stone & Mortar)	6.00	.30	.25		.07	
Sewer Layers	5.50	.30	.25		.07	
Plasterer Tenders	6.00	.30	.25		.07	
Power Driven Wheelbarrow, Core Drill Operator	5.90	.30	.25		.07	
Dynamite Men	6.70	.30	.25		.07	

Modifications P. 11

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-654 - Mod. #1 (38 FR 13182 - May 18, 1973) Lake County, Indiana						
OMIT: Under Laborers Schedule Group "D"						
CHANGE: Under Laborers Schedule						
Group "E" to Group "D"						
Group A	$6.60	.30	.30		.07	
Group B	6.80	.30	.30		.07	
Group C	6.90	.30	.30		.07	
Group D	7.60	.30	.30		.07	
DECISION #AP-655 - Mod. #1 (38 FR 13186 - May 18, 1973) LaPorte County, Indiana						
OMIT: Under Laborers Schedule Group "D"						
CHANGE: Under Laborers Schedule						
Group "E" to Group "D"						
Group A	6.40	.30	.30		.07	
Group B	6.60	.30	.30		.07	
Group C	6.70	.30	.30		.07	
Group D	7.40	.30	.30		.07	
DECISION #AP-656 - Mod. #2 (38 FR 13193 - May 18, 1973) Marion County, Indiana						
OMIT: Under Laborers Schedule Group "D"						
CHANGE: Under Laborers Schedule						
Group "E" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-657 - Mod. #1 (38 FR 13196 - May 18, 1973) Monroe County, Indiana						
CHANGE: Electricians	$8.25	.25	1%		.1%	
Laborers: Building Laborers	5.85	.30	.25		.07	
Air Tool Op.,(Jackhammer, Vibrator) Tile Layers (Sewer or Field) Cement Handlers (Bulk or Bag)	6.05	.30	.25		.07	
Dynamite Men	6.85	.30	.25		.07	
DECISION #AP-658 - Mod. #1 (38 FR 13199 - May 18, 1973) Porter County, Indiana						
OMIT: Under Laborers Schedules "Group D"						
CHANGE: Under Laborers Schedules						
Group "E" to Group "D"						
North of U.S. Hwy. #20						
Group A	6.60	.30	.30		.07	
Group B	6.80	.30	.30		.07	
Group C	6.90	.30	.30		.07	
Group D	7.60	.30	.30		.07	
South of U.S. Hwy. #20						
Group A	6.40	.30	.30		.07	
Group B	6.60	.30	.30		.07	
Group C	6.70	.30	.30		.07	
Group D	7.40	.30	.30		.07	

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-659 - Mod. #1 (38 FR 13203 - May 18, 1973) St. Joseph County, Indiana						
OMIT: Under Laborers Schedule "Group "D"	...					
CHANGE: Electricians	$8.60	2.8%	5%	4%	.2%	
Glaziers	7.25	.35		4%	4%	
Under Laborers Schedule Group "B" to Group "D"						
Group A	6.40	.30	.25		.07	
Group B	6.60	.30	.25		.07	
Group C	6.70	.30	.25		.07	
Group D	7.40	.30	.25		.07	
DECISION #AP-660 - Mod. #1 (38 FR 13208 - May 18, 1973) Vanderburgh County, Indiana						
OMIT: Under Laborers Schedule Muckers in Tunnels & Shafts (Free Air)	6.20	.18	.25		.07	
Painters Schedule Issued						
CHANGE: Cement Masons	7.33	.40	.20			
Concrete Structures Using Scaffold: Machine Operator & High Work up to 50'	7.58	.40	.20			
Work 50' to 75'	7.83	.40	.20			
Work 75' to 100'	8.08	.40	.20			
Work over 100'	8.58	.40	.20			
Laborers: Building Laborers	5.85	.30	.25		.07	
Air Tool Operators (Vibrators)	6.05	.30	.25		.07	
Plasterer & Mason Tenders, Mortar Mixers, Scaffold Builders	6.15	.30	.25		.07	
Dynamite Men	6.85	.30	.25		.07	
ADD: Painters: Commercial & Residential Brush & Roller	6.85	.45	.20			
Spray, Sandblasting & Power Tools	7.60	.45	.20			
Industrial - Bridges Brush	8.00	.45	.20			
Spray, Sandblasting & Power Tools	8.75	.45	.20			

Modifications P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-661 - Mod. #3 (38 FR 13211 - May 18, 1973) Vigo County, Indiana						
OMIT: Under Laborers Schedule Group "D"	...					
CHANGE: Carpenters	$6.93	.35	.40		.02	
Millwrights & Piledrivermen	7.18	.35	.40		.02	
Cement Masons	6.60	.45	.25			
Under Laborers Schedule Group "B" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.05	.30	.25		.07	
Plumbers & Steamfitters	8.55	.30	.60	.60	.10	
DECISION #AP-662 - Mod. #2 (38 FR 13214 - May 18, 1973) Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben & Whitley Counties, Indiana						
CHANGE: Carpenters: Remainder of Counties	8.02	.40	.40		.05	
DECISION #AP-663 - Mod. #3 (38 FR 13221 - May 18, 1973) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
CHANGE: Carpenters: Remainder of Counties	8.08	.40	.40		.05	

Modifications P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-664 - Mod. #2 (38 FR 13227 - May 18, 1973) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana	...					
CHANGE: Carpenters: Rush & Shelby Counties	$7.88	.35	.35		.05	
Remainder of Counties	8.08	.40	.40		.05	
DECISION #AP-665 - Mod. #2 (38 FR 13232 - May 18, 1973) Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo & Warren Counties, Indiana						
CHANGE: Carpenters: Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vigo, Vermillion, Warren, Owen(North of White River)	8.08	.40	.40		.05	
Morgan County, Owen County(South of White River) & Remainder of Counties	7.88	.35	.35		.05	
DECISION #AP-666 - Mod. #2 (38 FR 13237 - May 18, 1973) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland & Washington Counties, Indiana						
CHANGE: Carpenters: Bartholomew (Camp Atterbury)	8.08	.40	.40		.05	
Bartholomew (Except Camp Atterbury) & Remainder of Counties	7.88	.35	.35		.05	

Modifications P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-667 - Mod. #2 (38 FR 13244 - May 18, 1973) Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties, Indiana						
CHANGE: Carpenters: All Counties	... $7.88	.35	.35		.05	
DECISION #AN-2,458 - Mod. #6 (36 FR 16830 - August 25, 1971) Webster County (Fort Dodge), Iowa						
Change Mod. #3 (38 FR 17337 - June 29, 1973) to Read Mod. #4.						
DECISION #AP-170 - Mod. #2 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change: Elevator constructors: Elevator constructors	$8.08	.17	.185	4%+a+b	.005	
Lead burners	8.25	.30		d	.01	

Modifications P. 17

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-735 - Mod. #4 (38 FR 15555 - June 1, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change Mod. #2 (38 FR 17341 - June 29, 1973) to Read Decision #AP-735.						
DECISION #AP-470 - Mod. #4 (38 FR 4017 - February 16, 1973) Hampden County, Massachusetts						
Change: Electricians:						
Holyoke, Chester	$8.55	.35	1¾+.20		.01	
Remainder of County	8.47	.30	1¾+.15	.43	b	
Ironworkers, structural & ornamental	7.81	.45	1.30		.09	
Ironworkers, reinforcing	7.81	.45	1.30		.09	
Painters, brush	5.525	.30	.25			
Plumbers	8.47	.45	.50		.01	
DECISION #AP-814 - Mod. #4 (38 FR 12550 - May 11, 1973) Middlesex County, Massachusetts						
Change: Electricians:						
Bedford	8.52	.25	1¾+.20		.02	
DECISION #AP-815 - Mod. #3 (38 FR 12554 - May 11, 1973) Suffolk County, Massachusetts						
Change: Sprinkler fitters	9.68	.30	.50		.02	

Modifications P. 18

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-158 - Mod. #2 (38 FR 4630 - February 16, 1973) Hinds County, Mississippi						
Change:						
Lathers	$6.25				.01	
Plasterers	6.05	.25			.01	
Roofers	5.85					
Helpers	4.15					

Modifications P. 19

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-452 - Mod. #2 (37 FR 26732 - December 15, 1972) Albany County, New York						
Change: Carpenters, Heavy & Highway	$7.67	.50	.45		.025	
Omit: Laborers, Heavy & Highway Construction						
Add: Laborers, Heavy & Highway Construction						

Modifications P. 20

NY-1-LAB-2-3- H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$6.26	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.46	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.66	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.86	.50	.65	a		
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTE: a. Holidays A through F, providing the employee works the day before and after the holiday.						

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Modifications P. 21

DECISION #AP-800 - Mod. #2
(38 FR 8804 - March 30, 1973)
Erie County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Building Construction						
Bricklayers:						
Tonawanda and Grand Island Twps:						
Bricklayers & stone masons	$9.20	.55	1.00			
Terrazzo workers & tile setters	8.84	.55	1.00			
Marble setters	8.925	.55	1.00			
Carpenters, Building:						
Remainder of County	8.50	1.05	1.00			
Soft floor layers	7.95	1.05	1.00			
Piledrivermen, etc:						
Piledrivermen, dock carpenters & divers tenders	8.50	1.05	1.00			

DECISION #AP-845 - Mod. #1
(38 FR 13965 - June 8, 1973)
Orange County, New York

Change:						
Building Construction						
Electricians	$8.25	.33	1%+.56	.50	3%	

DECISION #AP-837 - Mod. #1
(37 FR 28380 - December 22, 1972)
Monroe County, New York

Change:						
Building Construction						
Carpenters & piledrivermen-Heavy & Highway	$7.62	.70	.30		.025	
Marble, tile setters & terrazzo-workers	9.60					
Marble, tile setters & terrazzo-workers' helpers	8.40					
Sheet metal workers	9.88	.50	.40		.025	

Modifications P. 22

DECISION #AP-807 - Mod. #1
(38 FR 12282 - May 11, 1973)
Jefferson County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters:						
Heavy & Highway:						
Carpenters & Piledrivermen	$7.82	.40	.40		.025	
Glaziers	6.65	.50			.01	
Omit:						
Laborers, Heavy & Highway Construction						
Add:						
Laborers, Heavy & Highway Construction						

Modifications P. 23
N.Y. 23-1A3-2-3- F

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
LABORERS:						
Laborers and driller helpers	$ 6.31	.40	.45	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete buotsen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, ball float, tamper, pipelayers	6.51	.40	.45	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.71	.40	.45	a		
Blasters, form setters, stone or granite curb setters	6.91	.40	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

Modifications P. 24

DECISION #AP-808 - Mod. #1
(38 FR12537 - May 11, 1973)
Onondaga County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters & piledrivermen, Heavy & Highway	$7.72	.45	.45		.025	
Electricians:						
Remainder of County	8.80	.32	1%+.55		.05	
Omit:						
Laborers, Heavy & Highway Construction						
Add:						
Laborers, Heavy & Highway Construction						

Modifications P. 25

N. Y. F. 7-1 C

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers, and driller helpers Concrete aggregate bin, mortar mixer, hand or machine vibrator, gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	$6.31	.55	.55	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.51	.55	.55	a		
Blasters, form setters, stone or granite curb setters	6.71	.55	.55	a		
	6.91	.55	.55	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

Modifications P. 26

DECISION #AP-844 - Mod. #1
(38 FR 15341 - June 8, 1973)
Oneida County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Bricklayers, etc.: Twps. of Remsen, Trenton, Marcy, Deerfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirkland & Whitestown & Forestport: Bricklayers, cement masons, plasterers and stone masons	$7.45	.30	1.50			
Omit:						
Laborers, Heavy and Highway Construction						
Add:						
Laborers, Heavy and Highway Construction						

Modifications P. 27

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	$6.41	.50	.50	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.61	.50	.50	a		
Blasters, form setters, stone or granite curb setters	6.81	.50	.50	a		
	7.01	.50	.50	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

Modifications P. 28

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-404 - Mod. #5 (37 FR 15229 - July 28, 1972) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania						
Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-819 - Mod. #2 (38 FR 13286 - May 18, 1973) Montgomery County, Pennsylvania						
Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-820 - Mod. #2 (38 FR 13289 - May 18, 1973) Philadelphia County, Pennsylvania						
Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-821 - Mod. #2 (38 FR 13292 - May 18, 1973) Delaware County, Pennsylvania						
Change: Power Equipment Operators Schedule (Matte attached)						

XUM

Modifications P. 30

DECISION NOS. AP-[illegible], AP-810, AP-820, AP-821 (Cont'd.)

PA-51-PEO-1 - E 1 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnels; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

Modifications P. 30

DECISION NOS. AP-808, AP-810, AP-820, AP-821 (Cont'd.)

PA-51-PEO-1 - E 2 of 2

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP IV						
Concrete finishing machines Rollers Machines similar to the above	8.40	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
All Bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Screen pulverizing mixer Welders and Maintenance Engineers Tireman on Rotary Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Conveyors (Building) Welding Machines Heaters Well points Farm Tractors Farm line graders Road finishing machines Pumps Power Brooms (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
Fireman	7.40	4.6%	9.5%	a	1.2%	
WAGE GROUP VIII						
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

Modifications P. 31

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-462 - Mod. #1 (38 FR 6620 - March 9, 1973) Lackawannna County, Pennsylvania						
Change: Asbestos workers Electricians Power Equipment Operators Schedule (Matte attached)	$8.00 7.10	.50 .35	.35 1%+.50	.50	.01 .10	
DECISION #AP-824 - Mod. #1 (38 FR 13299 - May 18, 1973) Dauphin County, Pennsylvania						
Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-825 - Mod. #1 (38 FR 13301 - May 18, 1973) Cumberland County, Pennsylvania						
Change: Power Equipment Operatbrs Schedule						

Modifications P. 32

DECISION NOS. AP-462, AP-824, AP-825 (Cont'd.)

PA-22-PEO-1 D

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, ferg line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, screen pulverizing mixer, power brooms, seeding spreaders, tireman (for rotary equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.): 100 ft. and over 150 ft. and over 200 ft. and over	9.69 9.94 10.94	4.6% 4.6% 4.6%	9.5% 9.5% 9.5%	a a a	1.2% 1.2% 1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

Modifications P. 33

DECISION #AP-489 - Mod. #1
(38 FR 6622 - March 9, 1973)
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (Heavy Construction) - See attached matte

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

Modifications P. 34

DECISION #AP-489 (Cont'd.)

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

PA-22-HEO-1-2 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machine doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a		1.2%
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 1-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a		1.2%
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all [illegible] over 3/4 cu. yds., rock scarifier, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a		1.2%
WAGE GROUP IV						
Welder, mechanic, well points, compressors, pumps, heaters, farm tractors, fine grades, fine grade machines, road finishing machines, concrete [illegible], oilers, oil or greasing, valves, pipe [illegible], tenders (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a		1.2%
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a		1.2%
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a		1.2%
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.69	4.6%	9.5%	a		1.2%
150 ft. and over	9.94	4.6%	9.5%	a		1.2%
200 ft. and over	10.94	4.6%	9.5%	a		1.2%

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

Modifications P. 35

DECISION #AP-817 - Mod. #2
(38 FR 13279 - May 18, 1973)
Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

Change:
Power Equipment Operators Schedule (Mattes attached)

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

Modifications P. 36

DECISION NO. AP-817 (Cont'd.)

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

PA-51-HEO- 2 - E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tander scrapers; Tower type crane operation, erec[illegible], dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Rollers (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

DECISION NO. AP-817 (Cont'd.) Modifications P. 37

51-PEO-3-E 2 of 2

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete loading machines					
Rollers					
Machines similar to the above	8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All Bulldozers under D-7					
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.					
Seaman pulverizing mixer					
Welders and Maintenance Engineers					
Tireman on Power Equipment					
Maintenance Engineer (Power Boat)					
Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (building)					
Welding Machines					
Rollers					
Pellgrinders					
Compressors					
Farm Tractors					
Farm line graders					
Road finishing machines					
Pumps					
Power Brush (Self contained)					
Seed Spreader					
Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

DECISION NO. AP-817 (Cont'd.) Modifications P. 38

51-PEO-3-E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Building, [illegible] in connection with construction work; Concrete breaking machines; Crushing plant operators; Mechanics similar to the above	$9.50	4.6%	9.5%	a	1.2%
WAGE GROUP V					
Engineers, marine (all deck hands); Dragline operators; All types of cranes; All types of backhoes; Cable operators; Keystone; All types of shovels, over 2½ cu. yds.; Power pavers; Graders, front end loaders over 2 cu. yds; Boat captains; Pipe line machines; Tunnel work; Tunnel boring machine operators, erecting, and setting; Jumbo operators; Drill rig, truck mounted (drill-master type); Derrick (2 to 3 cu. yds.); Motor Patrol (all types); Heavy Plant mechanics; Mechanics similar to the above	9.28	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Caryville Scrapers, Tournapulls, Asphalt plant [illegible]	8.63	[illegible]	9.5%	a	1.2%
Conveyors (dock); Bulldozers under D-7 rating, tractors including rubber-tired type with front end, under 2 cu. yds. overhead loaders; Screedmen; Tenders, tires (grade full stone loads); Welders and Maintenance Engineers; Concrete Breaking Machines; & other machines similar to the above	8.13	[illegible]	9.5%	a	1.2%
WAGE GROUP V					
Farm line grader; Line grade machine; Farm tractors; Road finishing, Concrete spreading; Operators; Farm brush, self-contained; Seed Spreader; Pumps; Drill rigs truck mounted; Welding machines; Power brush; Service engineers; [illegible] Mechanics similar to the above	7.76	[illegible]	9.5%	a	1.2%

DECISION NO. AP-817 (Cont'd.)

HIGHWAY CONSTRUCTION

Modifications P. 39

51-PEO-3-E 2 of 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Wage Group VI						
Fireman	$ 7.40	4.6%	9.5%	a	1.2%	
Wage Group VII						
Oilers and Deck Hands (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

Modifications P. 40

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-484 - Mod. #3 (38 FR 7199 - March 16, 1973) Newport County, Rhode Island						
Change:						
(Building construction) Electricians: Little Compton, Tiverton	$7.85	4%	1%	4%	½%	
(Heavy, Highway & Marine Construction) Electricians: Little Compton, Tiverton	7.85	4%	1%	4%	½%	

XUM

SUPERSEDES DECISION

STATE: Arkansas
DECISION NO.: AR-2
Supersedes Decision No. AR-70, dated February 16, 1973, in 38 FR 4642.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Union
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.25	.15				
Boilermakers	6.80	.30	.50		.02	
Bricklayers	6.35					
CARPENTERS:						
Carpenters	5.70	.25			.02	
Millwrights & piledrivermen	6.20	.25			.02	
Cement masons	5.10	.15				
ELECTRICIANS:						
Electrical contracts $20,000 or less:						
Electricians	7.00		1%		1/4%	
Cable splicers	7.30		1%		1/4%	
Electrical contracts over $20,000:						
Electricians	7.70		1%		1/4%	
Cable splicers	8.00		1%		1/4%	
IRONWORKERS:						
Western half of County including the city of El Dorado	6.40	.30	.25		.04	
Eastern half of County	6.50	.30	.25		.04	
Laborers, unskilled	4.29	.10	.20			
Plasterers	5.74					
Plumbers-Pipefitters	7.40		.30		.05	
Roofers	5.60		.05			
Sheet metal workers	6.67	.30	.25		.02	
Truck Drivers	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AO-2 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION						
Electrical Contracts $20,000 or less:						
Lineman	$7.09		1%		1/4%	
Operator	6.75		1%		1/4%	
Truck Drivers (Pickups & Jeeps)	5.90		1%		1/4%	
Groundman	5.90		1%		1/4%	
Electrical Contracts over $20,000:						
Lineman	7.70		1%		1/4%	
Operator	7.45		1%		1/4%	
Truck Drivers (Pickups & Jeeps)	6.45		1%		1/4%	
Groundmen	6.45		1%		1/4%	

AO-2 P. 3

ARK - 1 - PEO - 1 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.04	.25	.25			
GROUP II Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders. Dischmith	6.30	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS All Bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator	5.99	.25	.25			

AO-2 P. 4

ARK - 1 - PEO - 1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)	$5.04	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	4.70	.25	.25			

SUPERSEDEAS DECISION

STATE: California

COUNTY: San Diego

DECISION NO.: AQ-1, 9C

PAIE: Date of Publication

Superseds Decision AF-220 dated December 10, 1972, in 37 FR 28808.

DESCRIPTION OF WORK: Building Construction (Including single family houses and garden type apartments up to and including 3 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$4.47	.68	.72		.045	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS: Stonemasons	8.25	.62	.80		.05	
BRICK, BLOCK AND STONEMASONS' TENDERS	6.21	.35	.45	.40		
CARPENTERS:						
Carpenters	7.06	.56	.75	.50	.02	
Pile driverman	7.19	.56	.75	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.31	.56	.75	.50	.02	
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75	.045	
Cement masons color work-curb machine operater	6.865	.55	.96	.75	.045	
Composition, plastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045	
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04	
ELECTRICIANS:						
[illegible]	8.75	.20	1% & 23			
Cable splicer	9.05	.20	1% & 23			
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	9.05					
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.79	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%	
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50		
LATHERS (Remainder of County)	8.03	.30	.50		.02	
LINE CONSTRUCTION:						
Groundmen	6.74	.20	1% & 23			
Linemen	8.75	.20	1% & 23			
Cable splicers	9.05	.20	1% & 23			
MARBLE SETTERS	6.96	.40	.55	.60		
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60		
PAINTERS:						
Brush	7.43	.49	.39	.60	.03	
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03	
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

AQ-1,002 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (cont'd)						
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator; Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	$5.10	.20	.20	b		
Helper (Traffic surface Sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.88	.20	.20	b		
PLASTERERS	8.15	.45	.75		.06	
PLASTERERS' TENDERS	6.70	.25	.25	.25		
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%	
ROOFERS	6.64	.40	.25	1.00		
SHEET METAL WORKERS	8.53	.69	1.15			
SOFT FLOOR LAYERS	7.85	.45	.30	.60	.05	
SPRINKLER FITTERS	11.30	.30	.50		.05	
TERRAZZO WORKERS	6.96	.40	.45	.60		
TILE SETTERS	6.96	.40	.45	.60		
TILE SETTERS' HELPERS	5.69	.20	.45	.60		
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.33	.35	.45	.40	.05	
CUTTING TORCH OPERATOR (demolition); Scaler	5.38	.35	.45	.40	.05	
GUINEA CHASER	5.41	.35	.45	.40	.05	
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.43	.35	.45	.40	.05	
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.455	.35	.45	.40	.05	
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.46	.35	.45	.40	.05	
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.48	.35	.45	.40	.05	
CESSPOOL DIGGER AND INSTALLER	5.51	.35	.45	.40	.05	
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.52	.35	.45	.40	.05	
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.54	.35	.45	.40	.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROCK SLINGER; Scaler (using bos'n chair or sagety belt or power tools)	$5.59	.35	.45	.40	.05	
DRILLERS, all others where drilling is for use of explosives	5.62	.35	.45	.40	.05	
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.64	.35	.45	.40	.05	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.67	.35	.45	.40	.05	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.69	.35	.45	.40	.05	
STEEL HEADERBOARD MAN	5.775	.35	.45	.40	.05	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.78	.35	.45	.40	.05	
POWDERMAN, BLASTERS	5.815	.35	.45	.40	.05	
HEAD ROCK SLINGER	5.85	.35	.45	.40	.05	

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TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
BULL GANG; Concrete crew (incls. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen or tunnel work)	$4.515	.25	.25	.25		
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	4.615	.25	.25	.25		
GROUT GUNMEN	4.715	.25	.25	.25		
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (Wood or steel); Steel form raisers and setters	4.765	.25	.25	.25		
SHAFT AND RAISE MINER	5.015	.25	.25	.25		
GUNITE WORKERS:						
Nozzlemen and Rodmen	5.56	.25	.25	.25		
Gunmen	5.24	.25	.25	.25		
Reboundmen	4.825	.25	.25	.25		

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2-5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02	
GROUP III Elevator (inside); Ford Ferguson w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power-driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler	7.51	.75	1.20	.30	.02	
GROUP IV Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP V A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipe-lining machine; Skiploader (wheel or track type over 3/4 yd up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor; Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type); Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1½ yds. up to and incl. 6½ yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. HRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII Crane (over 75 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 4 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6-1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VIII Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tried scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading 2 or more units); Tandem equipment (2 units); Tandem equipment (2 units only); Tandem tractor (Quad 9 or similar type) (Art. XV-V.10.); Tunnel mole boring machine	$8.15	.75	1.20	.30	.02	
GROUP IX Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)	8.50	.75	1.20	.30	.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DREDGING (Hydraulic Suction Dredges)						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCHMAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	6.79	.75	1.20	.30	.015	
DREDGING (Clam Shell Dredges)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: AQ-1,003 DATE: Date of Publication
Supersedes Decision #AP-246 dated December 29, 1972 in 37 FR 28814.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05	
BRICK, BLOCK AND STONEMASONS' TENDERS	6.21	.35	.45	.40		
CARPENTERS:						
Carpenters	7.06	.56	.75	.50	.02	
Piledriverman	7.19	.56	.75	.50	.02	
Millwright, Pneumatic nailer; Hardwood floorlayers	7.31	.56	.75	.50	.02	
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75	.045	
Cement mason color work-curb machine operator	6.865	.55	.96	.75	.045	
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045	
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04	
ELECTRICIANS:						
Electricians	8.75	.20	1% & .23			
Cable splicer	9.05	.20	1% & .23			
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	9.05					
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%	
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50		
LATHERS (Remainder of County)	8.03	.30	.50		.02	
LINE CONSTRUCTION:						
Groundmen	6.74	.20	1% & .23			
Linemen	8.75	.20	1% & .23			
Cable splicers	9.05	.20	1% & .23			
MARBLE SETTERS	6.96	.40	.55	.60		
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60		
PAINTERS:						
Brush	7.43	.49	.39	.60	.03	
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03	
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
Parking Lot Striping Work and/or Highway Markers: Traffic delineating device applicator Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	$5.10	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.88	.20	.20	b		
PLASTERERS	8.15	.45	.75		.06	
PLASTERERS' TENDERS	6.70	.25	.25	.25		
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%	
ROOFERS	6.64	.40	.25	1.00		
SHEET METAL WORKERS	8.53	.69	1.15			
SOFT FLOOR LAYERS	7.85	.45	.30	.60	.05	
SPRINKLER FITTERS	11.30	.30	.50		.05	
TERRAZZO WORKERS	6.96	.40	.45	.60		
TILE SETTERS	6.96	.40	.45	.60		
TILE SETTERS' HELPERS	5.69	.20	.45	.60		
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.33	.35	.45	.40	.05	
CUTTING TORCH OPERATOR (demolition); Scaler	5.38	.35	.45	.40	.05	
GUINEA CHASER	5.41	.35	.45	.40	.05	
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.43	.35	.45	.40	.05	
LAYERER (packing rod steel and pans); Tank scaler and cleaner	5.455	.35	.45	.40	.05	
DRILLER'S HELPER (Caisson) incl. bellowers, Boring machine	5.46	.35	.45	.40	.05	
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadsen)	5.48	.35	.45	.40	.05	
CRIBBER BRICK AND INSTALLER	5.51	.35	.45	.40	.05	
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (jet tender); Signal or marker man, coating, grouting, [illegible] of joints, [illegible] incl. rubber gasket joints; Painting and any and all other services	5.52	.35	.45	.40	.05	
ASPHALT RAKER, IRONER, SPREADER; Buggy-mobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.54	.35	.45	.40	.05	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	$5.59	.35	.45	.40	.05	
DRILLERS, all others where drilling is for use of explosives	5.62	.35	.45	.40	.05	
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.64	.35	.45	.40	.05	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.67	.35	.45	.40	.05	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.69	.35	.45	.40	.05	
STEEL HEADERBOARD MAN	5.775	.35	.45	.40	.05	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.78	.35	.45	.40	.05	
POWDERMAN, BLASTERS	5.815	.35	.45	.40	.05	
HEAD ROCK SLINGER	5.85	.35	.45	.40	.05	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II Concrete mixer, skip type; Conveyors; Fireman; Generator, pump or compressor, 2-5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02	
GROUP III Elevator (inside); Ford Ferguson-w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power-driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler	7.51	.75	1.20	.30	.02	
GROUP IV Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive [illegible] tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipe-lining machine; Skiploader (wheel or track type over 3/4 yd up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Oth
GROUP XI Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); belt spliter or vulcanizer; Bill Lane Road Packer, Wagner Factor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Cru hing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty lubrigram; Hoist (single drum-buck hoist-chicago boom and similar type); Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Litt slab machine (Wagtberg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Prescrete, Prescwell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. Gaisen type); Rubber-tired earth moving equipment (single engine, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 10-0 and similar single unit); Skiploader (wheel or track type, over 1½ yds. up to and incl. 6½ yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. BRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Oth
GROUP VII Crane (over 25 tons up to and incl. 100 ton BRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6-1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. BRC); Welder (heavy duty repairman) combination; Wood raker and other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Oth
GROUP VIII Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tried scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem equipment (2 units only); Tandem tractor (Quad 9 or similar type) (Art. XV-V.10.); Tunnel mole boring machine	$8.15	.75	1.20	.30	.02	
GROUP IX Canal liner operator: Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Shovel excavator operator (over 750 cy.)	8.50	.75	1.20	.30	.02	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Oth
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

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TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C·
LW 10's, LW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
~~DUMP (50 yds. and under 65 yds.)~~	~~6.33~~	~~.65~~	~~.65~~	~~.90~~		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: NASSAU

DECISION NO: AQ-2,001 DATE: Date of Publication

Supersedes Decision No. AM-1,728 dated August 11, 1971 in 36 FR 14945

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.50	13.1%	9%	12%		
Boilermakers	8.88	5%	5%+10%	7%	.01	
Bricklayers	8.70	.78	.87+a	.30		
Carpenters, Building:						
South of the Southern State Parkway in Hempstead Borough:						
Carpenters and soft floor layers	8.90	.80	1.45	.50	.02	
Dock builders and Pieldrivermen	8.90	.80	1.45	.50	.02	
Remainder of County:						
Carpenters, piledrivermen and soft floor layers	8.85	1.05	.94	-	.11	
Carpenters, Heavy:						
Carpenters	8.85	.80	1.14	.80	.11	
Dock and wharf carpenters	8.85	.80	1.14	.80	.11	
Piledrivermen	8.85	.80	1.14	.80	.11	
Cement masons	8.10	.845	.695+.50		.01	
Electricians and linemen	9.35	6%	.135	5%	5/8of1%	
Elevator Constructors	8.68	.075	.125+b	c+d	.015	
Elevator Constructors' helpers	6.51	.075	.125+b	c+d	.015	
Elevator Constructors' helpers (prob.)	4.34					
Elevator Constructors modernization	7.91	.075	.125+b	c+d	.015	
Elevator Constructors modernization helpers	5.93	.075	.125+b	c+d	.015	
Elevator Constructors repair	7.06	.075	.125+b	c+d	.015	
Elevator Constructors repair helpers	5.29	.075	.125+b	c+d	.015	
Glaziers	7.30	6%	6%+1.20	5%		
Ironworkers, structural	9.58	.60	.96+1.00	1.06+p	.04	
Ironworkers, reinforcing	8.40	.655	.655+1.00	.70	.01	
Ironworkers, ornamental finishers	8.10	.60	.65+1.235	.73	.03	
Laborers: (building)						
Laborers, building	7.15	.62	.83	.66		
Mason tenders	7.15	.62	.83	.66		
Plasterers' helpers	7.05	.125		1.00		
Mortar mixers	7.15	.62	.83	.66		
Lathers, metal	8.40	.665	.655+1.00	.70	.01	
Lathers, nail-on	7.80	11%+.08	.20+1.15	1.05		
Lead burners	8.25	.15		e	.01	
Marble:						
cutters	7.40	.63	.66+q			
Carvers	7.55	.63	.66+q			
Setters	7.40	.63	.66+q			
Sawyers, rubbers, polishers	7.17	.63	.66+q			
Derrickmen	6.93	.63	.66+q			
Helpers, crane operator	6.93	.63	.66+q			
Millwrights	8.90	.80	1.45	.50	.02	
Painters:						
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. Rockaway, part of Oceanside part of Lynbrook, part of						

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Rockville Center, Atlantic Beach, Long Beach, Lindo Beach, Point Lookout, Gibson and part of Valley Stream:						
Interior	6.85	6.5%	6.5%+f	3%		
Interior and exterior swing scaffold	8.32	6.5%	6.5%+f	3%		
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:						
Structural steel	7.50	8%	11%			
Structural steel, spray	8.50	8%	11%			
Remainder of County:						
Painters	6.75	.49	1.05	.44		
Painters, spray	7.71	.49	1.05	.44		
Painters, open structural steel swing scaffold rolling scaffolds 18' or over	7.71	.49	1.05	.44		
Plasterers	7.55	8			.01	
Plumbers	8.80	.53	.62	.88	.18	
Riggers	8.10	5½%	12%+.55	6½+.15		
Roofers:						
Comp., damp, and waterproofing	7.95	.50	.55+1.00	1.10	.01	
Slate and tile	6.45	8%	.50	5%		
Slate and tile helpers	5.13	8%	.50	5%		
Sheet metal workers	9.05	3%+.10	4%+.40	3%+.55	½ of 1%	
Steam fitters	8.115	7%+.50	13%	10%	.03	
Stone masons	7.25	4%		.50		
Stone derrickmen and riggers	8.87	7%+.01	7%+.79		.01	
Sprinkler fitters	8.115	7%+.50	13%	10%	.03	
Terrazzo workers	8.40	.66+.45	.63			
Terrazzo machine operatnr	7.68	.475+.45	.475			
Terrazzo workers' helpers	7.43	.475+.45	.475			
Tile setters	7.01	.45	.355+.75			
Tile setters' helpers	6.96	.40	.27+.30			
Truck drivers:						
Ready-mix concrete, Sand gravel and asphalt	5.23	.44-k	.55-k	h + f		
Euclid and Turnapull operator	5.383	.44-k	.55-k	h		
Demolition and Wrecking:						
Straight jobs	4.76	k	m	n		
Trailers	5.01	k	m	n		
Tuck pointers:						
tuck-pointers and waterproofers	5.20	.38	.53			
Steam cleaners	5.35	.38	.53			
Sandblasters	5.90	.38	.53			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $1.00 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.00 per day contribution for each man to special annuity fund.

g. Employer contributes $2.35 per hour combined to the Welfare, Pension and Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

k. Employer contributes $28.86 per month to Health and Welfare Fund.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Armistice Day and Election Day.

o. Holidays: A through F; Election Day and Washington's Birthday.

p. Holidays: A and F, provided the employee works a full half day preceding the holiday.

q. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity Fund

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		[illegible]	[illegible]	[illegible]	[illegible]
Laborers:					
Concrete & curb form setters, asphalt rakers	$6.05	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and [illegible]tenders, asphalt tampers	6.45	10%	10%	.75+a	
Jackhammers, & drill men, hopper men, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plants (batchers & hopper men)	6.05	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS:						
Backhoe, dragline, gradall, piledriver, shovel	$10.605	7%	.85	a	.15	
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.505	7%	.85	a	.15	
Bending machine, generator (small), vibrator (1 to 5)	9.155	7%	.85	a	.15	
Boiler, bullgozer, compressor (on crane), compressor (pilework), compressor (stone setting), concrete breaker, conveyor, dinky locomotive, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stene or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic), pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.155	7%	.85	a	.15	
Boom truck, crane (crawler or truck), conveyor-mulch, plant engineer, stone spreader (self-propelled)	10.355	7%	.85	a	.15	
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	9.905	7%	.85	a	.15	
Boom truck (setting structural steel or stone)	10.73	7%	.85	a	.15	
Bulldozer (used for excavation), fireman loading machine, powerbroom, scoop (carry-all scraper), vac-all	9.78	7%	.85	a	.15	
CMI or maxim spreader, concrete spreader derrick, sideboom tracter	10.705	7%	.85	a	.15	
Compressor (structural steel)	10.305	7%	.85	a	.15	
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.405	7%	.85	a	.15	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
POWER EQUIPMENT OPERATORS (CONT'D):						
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	$10.10	7%	.85	a	.15	
Dredge	10.48	7%	.85	a	.15	
Elevator, forklift, hoist (1 drum)	10.53	7%	.85	a	.15	
Forklift (walk-behind, power operated)	10.32	7%	.85	a	.15	
Grader	9.93	7%	.85	a	.15	
Hoist (2 and 3 drum)	10.58	7%	.85	a	.15	
Hoist (multiple platform)	13.20	7%	.85	a	.15	
Mechanical compactors (hand operated), trench machine (hand)	8.78	7%	.85	a	.15	
Hoist tandem platform	11.58	7%	.85	a	.15	
Hydra-hammer, ridge cutter	9.32	7%	.85	a	.15	
Lead engineer	11.805	7%	.85	a	.15	
Oiler, stump chipper	8.805	7%	.85	a	.15	
Power baggies	9.03	7%	.85	a	.15	
Roller	10.405	7%	.85	a	.15	
Sideboom tractor (used in tank work)	10.865	7%	.85	a	.15	
Striping machine	9.83	7%	.85	a	.15	
Tank work	10.63	7%	.85	a	.15	
Tower crane (engineer)	11.16	7%	.85	a	.15	
Tower crane (oiler)	8.655	7%	.85	a	.15	
Trench machine	10.405	7%	.85	a	.15	
Welding machine, structural steel	10.38	7%	.85	a	.15	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, self-propelled	$10.33	7%	.85	a	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	10.70	7%	.85	a	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	10.555	7%	.85	a	.15	
Bending machine, mechanical compacters (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.08	7%	.85	a	.15	
Boiler	8.73	7%	.85	a	.15	
Boring machine (post holes)	9.17	7%	.85	a	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tender crane), vac-all, welding and burning	8.42	7%	.85	a	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	8.975	7%	.85	a	.15	
Compressor (2 or more in battery)	8.65	7%	.85	a	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	9.115	7%	.85	a	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	8.045	7%	.85	a	.15	

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip), mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 7.33	7%	.85	a	.15	
Dredge	8.065	7%	.85	a	.15	
Generator	8.34	7%	.85	a	.15	
Generator (small)	7.015	7%	.85	a	.15	
Grader	8.635	7%	.85	a	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	9.445	7%	.85	a	.15	
Lead engineer	11.33	7%	.85	a	.15	
Mechanic	7.035	7%	.85	a	.15	
Mechanic helper	6.695	7%	.85	a	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	8.77	7%	.85	a	.15	
Oiler, root cutter, stump chipper, tower (oiler), track tamper (2 engineers, each)	7.02	7%	.85	a	.15	
Portable heaters	8.595	7%	.85	a	.15	
Powerbroom	7.415	7%	.85	a	.15	
Pump (concrete)	8.69	7%	.85	a	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	9.855	7%	.85	a	.15	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

NOTICES

SUPERSEDEAS DECISION

STATE: North Dakota
DECISION NUMBER: AQ-1,000
Supersedes Decision Number AP-267 dated March 9, 1973, in 38 FR 6612
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

1-NO. DAK-LAB 2-3 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Cement Masons	$4.00					
Electricians:						
Fargo (Cass County); Grand Forks (Grand Forks County)	7.15	.20	1%	6%	1½%	
Bismark (Burleigh County); Minot (Ward County)	7.00	.20	1%	6%	1½%	
Laborers:						
Group I General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	2.95					
GROUP II Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirc)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water), Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer	3.15					
GROUP IV Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

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2-NO. DAK. -PEO-2-3- n (1-3)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Hole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.45	.35	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.30	.35	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Loading Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

NOTICES

AQ-1,000 P. 3 2-NO. DAK.-PEO-2-3-n (2-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O -
Attachment (Gator Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over, Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Tornapull Operator, (or similar type)	$6.10	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Batch Plant Operator and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Belt Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Vibrator Units, Power Chord Attachments (Over 6 Units); Power Actuated Nailers & Jacks Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 H.P.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer, Soil Cement Stabilizer	5.85	.35	.25			
[illegible] (Power Operated); Fire Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Power Shovel Mixer or similar; Tractor Type Dozer under D-6; Truck Mounted	5.62	.35	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (haul road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Point Engineer (Power); Hydro Crane Operator Lowerman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.69	.35	.25			

AQ-1,000 P. 4 2-NO. DAK.-PEO-2-3- n (3-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
CRAWLER TYPE TRACTOR PULLING COMPACTOR OR AERATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$4.54	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.44	.35	.25		
LOCATOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Aerating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25			

AQ-1,000 P. 5 1-NO.DAK-TD-2-3-k (1-1)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Single axle	$4.37	.35				
Tandem	4.47	.35				
Agitator dumpcrete	4.57	.35				
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.72	.35				
Euclid, over 20 yds.	5.35	.35				

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: AP-2,000
Supersedes Decision No. AP-429, dated October 6, 1972, in 37 FR 21255.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Berks County
DATE: Date of Publication

AP-862 P. 2

6-PA-1-G — 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.83	.30	.30		.01	
Boilermakers	8.85	.50	1.00		.01	
Bricklayers	7.60	.40	.50			
Carpenters	7.43	.42	.35		.20of1%	
Cement masons	7.965		.155			
Electricians:						
Berford, Longswamp & Washington Twps., portion of Maxatawny, Twp. east of Saucony Creek	8.575	.20	1%			
Marion, Tulpehocken & Bethel Twps.	7.81	.20	1%		½of 1%	
Remainder of County	8.74	.28	1%		.03	
Elevator Constructors	8.30	.345	.23	2%a+b	.015	
Elevator constructors' helpers	5.81	.345	.23	2%a+b	.015	
Elevator constructors' helpers (prob.)	4.15					
Glaziers	7.32	.25	.10		.01	
Ironworkers, structural & ornamental, Bridge	8.29	f			.01	
Ironworkers, reinforcing	8.29	f			.01	
Laborers:						
Blasters	6.06	.15	.10			
Caisson (below 10'), tunnel free air & workers	5.89	.15	.10			
Handling & usage cut ing or burning torches in wrecking of buildings, plasterer tenders, scaffold builders & removal for plasterers	6.00	.15	.10			
Jackhammer, vibrators paving breakers other pneumatic tools, & mechanical tools, laying of all clay, Terra Cotta, flagstone, vitrified concrete or non-metallic pipe & the making of joints for same, & wagon drill operators	5.84	.15	.10			
Laborers, unskilled	5.61	.15	.10			
Mason tenders, scaffold builders & removal for masons	6.04	.15	.10			
Lathers	7.83		.15		.01	
Lead burners	8.25	.30		a	.01	
Line construction:						
Cable splicers	8.55	.15	1%		.75%	
Groundman	5.13	.15	1%		.75%	
Linemen	8.55	.15	1%		.75%	
Winch truck operator	5.99	.15	1%		.75%	

6-PA-1-G — 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
Marble setters	$6.84	.30	.60			
Millwrights	7.83	.42	.35		.20of1%	
Painters:						
Brush	6.86	.45	.26			
Bridge, tower, stacks and tanks	8.31	.45	.26			
Spray and steel	7.91	.45	.26			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers	8.00		.155		.01	
Plumbers	8.42	.57	.92			
Roofers:						
Albany, Maxatawny and Windsor Composition and slate	8.05	.40	.30		.02	
Remainder of County						
Composition, damp and waterproof	8.425	.375	.10	d		
Precast slabs	9.225	.375	.10	d		
Slate, tile and asbestos	8.425	.375	.10	d		
Sheet metal workers	7.95	.30	.50			
Soft floor layers	7.33	.42	.35		.20of1%	
Sprinkler fitters	8.75	.30	.50		.05	
Steam fitter	8.42	.51	.92		.05	
Stone masons	7.60	.60	.70			
Terrazzo workers	6.44	.25	.35			
Tile setters	6.45	.40	.20			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. 8 paid holidays, A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holiday: C

AP-862 P. 3

6-PA.-1-G — 3 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers:						
Truck drivers	$5.88	g	h			
Truck drivers' helpers	5.83	g	h			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holiday: C and July 4th.

f. Employer contributed $1.50 to a combined Health and Welfare and Pension Fund.

g. Employer contributes $58.37 per month.

h. Employer contributes $39.00 per month.

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PA-22-HEO-1 — D

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

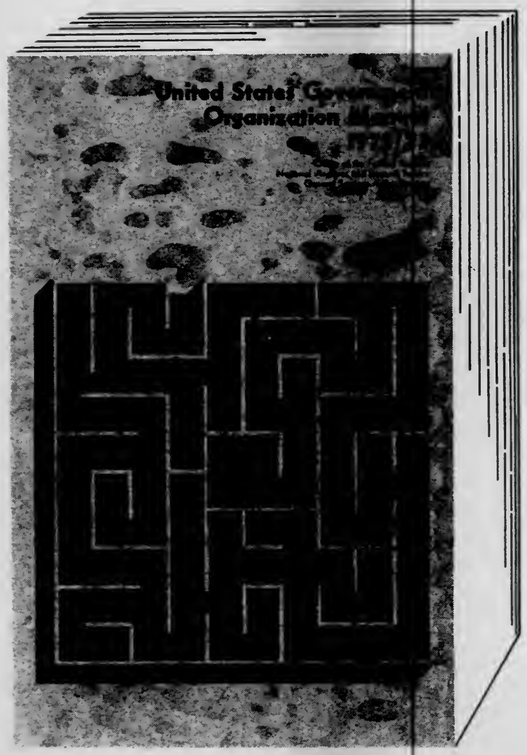
	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	Apprentice Training	C
WAGE GROUP I						
Backhoes doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. life and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor grader, 6,211 helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Oilers - tractors, well points, compressors, pumps, Pettibone, fork tractors, fork lifts, oilers to the engines, road finishing - oilers, oilers to backhoes, oilers to scrapers, fireman-greasers, mixer, power buggy, feeding operator, oilers to (if power equipped), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.69	4.6%	9.5%	a	1.2%	
150 ft. and over	9.94	4.6%	9.5%	a	1.2%	
200 ft. and over	10.94	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc.73-14152 Filed 7-12-73;8:45 am]

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federal register

July 16, 1973—Pages 18855–19000

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WASHINGTON, D.C.

Volume 38 ■ Number 135

Pages 18855–19000



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Title 3—The President

EXECUTIVE ORDER 11728

Amending Section 104(b)(1) of Executive Order No. 11157, As It Relates to Incentive Pay for Hazardous Duty Involving Aerial Flight

By virtue of the authority vested in me by section 301(a) and (f) of title 37, United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, section 104(b)(1) of Executive Order No. 11157 [1] of June 22, 1964, as amended, is amended to read as follows:

"(1) During one calendar month: 2 hours of aerial flight; however, hours of aerial flight performed during the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the aerial flight requirement for that month."

Richard Nixon

THE WHITE HOUSE,
July 12, 1973.

[FR Doc.73-14657 Filed 7-13-73;12:21 pm]

[1] 29 FR 7973; 3 CFR, 1964–1965 Comp., p. 200.

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EXECUTIVE ORDER 11729

Amending Executive Order No. 11710 of April 4, 1973, Relative to the National Commission for Industrial Peace

By virtue of the authority vested in me as President of the United States of America and pursuant to the Economic Stabilization Act of 1970, as amended, the Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770), and section 301 of title 3 of the United States Code, section 4 of Executive Order No. 11710 [1] of April 4, 1973, is amended to read as follows:

"SEC. 4. The Department of Labor, the Department of Commerce, and the Cost of Living Council, to the extent permitted by law, shall provide support and technical assistance for the Commission. The Cost of Living Council shall perform such other functions with respect to the Commission as may be required by the provisions of the Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770)."

Richard Nixon

THE WHITE HOUSE,
July 12, 1973.

[FR Doc.73–14658 Filed 7–13–73;12:22 pm]

[1] 38 FR 9071; Apr. 10, 1973.

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Handling

This regulation, designed to promote orderly marketing of Idaho-Eastern Oregon potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation, to be made effective under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945) regulating the handling of Irish potatoes grown in designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER June 26, 1973 (38 FR 16782). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than July 3, 1973.

The manager of the Idaho-Eastern Oregon Potato Committee filed an exception stating that the committee unanimously recommended that all 50-pound cartons be U. S. No. 1 grade or better. The proposed regulation as published, inadvertently required only 50-pound containers marked with a count, size or similar designation to be U. S. No. 1 grade or better. Accordingly, the regulation is hereby corrected.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the Idaho-Eastern Oregon Potato Committee reflect its appraisal of the crop and prospective market conditions and are consistent with the marketing policy it unanimously adopted. Shipments of new crop potatoes from the production area are expected to begin July 15, however, storage potatoes from last year's crop will be also shipped during July.

Intended planted fall acreage is forecast at 1,067.9 million acres, about 1 percent more than 1972. Prospective plantings in Idaho and Malheur County, Oregon, for 1973 are 337,000 acres, slightly more than the 320,000 acres planted last year.

As usual, yields and timeliness of harvest will have an important influence on potato supplies. However, total supplies in 1973–74 are expected to be at least as large as in 1972–73 when prices for Idaho potatoes averaged approximately $2.47 per hundredweight, which was about 70 percent of parity. Therefore, average prices to Idaho farmers for 1973 crop potatoes are not expected to exceed parity.

The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (37 FR 13632) through July 31, 1973, are necessary to prevent potatoes of low quality, undesirable sizes and of lesser maturities from being distributed in the fresh market channels of commerce. They will promote orderly marketing and standardize the quality of the potatoes shipped from the production area, in order to provide the consumer with a more acceptable product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements (1) in order to permit growers to make test diggings without loss of the potatoes so harvested or (2) if, after regrading, a lot meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, maturity and pack requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes such shipments are exempt. Certified seed and seed pieces cut from stock eligible for certification as certified seed are so exempted because requirements for this outlet differ greatly from those for fresh market. Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while the standard quality requirements are desired in foreign outlets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of 1973–74 crop potatoes grown in the production area will shortly be made and the regulation should become effective at the time herein provided to maximize the benefits to producers. The Idaho-Eastern Oregon Potato Committee held an open meeting on June 8, 1973, to consider recommendations for a handling regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of potatoes in the production area; and compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

§ 945.332 Handling regulation.

During the period July 16, 1973, through July 31, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (g) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section.

(a) *Minimum quality requirements*—(1) *Grade—All varieties*—U.S. No. 2 or better grade.

(2) *Size*—(i) *Round red varieties*—1⅞ inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*. Size B if U.S. No. 1 or better grade.

(3) *Cleanliness—All varieties*—"generally fairly clean."

(b) *Minimum maturity requirements*.—(1) *White Rose and red skin* varieties: Beginning the effective date hereof through December 31, 1973, "moderately skinned"; thereafter, no maturity requirements.

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(2) *All other varieties.* "Slightly skinned."

(3) *Exceptions.* (i) Subject to compliance with paragraph (b)(3)(iii) of this section any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regarding, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided,* That the handler complies with paragraph (b)(3)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack.* (1) When 50 pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

Count	Range: Average Count* (10 percent over or under)	Range: Average Count* (5 percent over or under)	Range: Weight (15 oz. or larger)
Larger than 50 count			
50 "	45–55	48–53	12–19
60 "	54–66	57–63	10–16
70 "	63–77	67–73	9–15
80 "	72–88	76–84	8–13
90 "	81–99	86–95	7–12
100 "	90–110	95–105	6–10
110 "	99–121	105–116	5–9
120 "	108–132	114–126	4–8
130 "	117–143	124–137	4–8
140 "	126–154	133–147	4–8
Smaller than 140 "	10 percent over or under	5 percent over or under	

*Applicable to lots.

The following tolerances by weight, are provided for potatoes in any lot which fail to meet the weight range for the designated count:

(*a*) Not to exceed 5 percent for undersize; and

(*b*) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade.

(d) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;

(ii) Certified seed;

(iii) Seed pieces cut from stock eligible for certification as certified seed;

(iv) Experimentation; and

(v) Canning, freezing and "other processing" as hereinafter defined: *Provided,* That shipments of potatoes for the purpose specified in paragraph (d)(1)(v) of this section shall be exempt from inspection requirements specified in § 945.65 and paragraph (g) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanliness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Export. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling. Provided,* That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility or Oregon Utility grade.

(e) *Safeguards.* (1) Each handler making shipments of potatoes for charity, certified seed, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (d) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appears on the committee's current list of approved manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(g) *Inspection.* (1) During the period beginning the effective date hereof through July 31, 1974, no handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraphs (d), (e), or (f) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (§§ 51.1540–51.1566 of this title effective September 1, 1971, as amended February 5, 1972, 37 FR 2745), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 of this title (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural

form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meaning as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 *Import regulations* (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, cleanliness and maturity requirements specified in paragraphs (a) and (b) of this section.

§ 945.331 [Superseded]

This new § 945.332 supersedes § 945.331 which is hereby terminated.

Effective date. This regulation will become effective July 16, 1973.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: July 10, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–14316 Filed 7–13–73;8:45 am]

PART 958—ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Handling

This regulation, designed to promote orderly marketing of Idaho-Eastern Oregon onions, imposes minimum quality standards and requires inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation to be effective under Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, was published in the June 29, 1973, issue of the FEDERAL REGISTER (38 FR 17238). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunty to file data, views, or arguments pertaining thereto not later than July 6, 1973. None was filed.

Findings. After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to the said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season. Harvesting of onions is expected to begin about mid-July.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Shipments may be made to certain special purpose outlets without regard to the grade, size, quality, pack and inspection requirements, provided that safeguards are met to prevent such onions from reaching unauthorized outlets.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of onions grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous season, has been made available to producers and handlers in the production area, (4) compliance with this regulation will not require any special preparation by handlers which cannot be completed by the effective date, and (5) notice of the proposed regulation was published in the FEDERAL REGISTER of June 29, 1973.

§ 958.318 Handling regulation.

During the period July 16, 1973, through April 30, 1974, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements*—(1) *Yellow varieties.* U.S. No. 1, 2¼ inches minimum diameter; or U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U.S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality.

(2) *White varieties.* U.S. No. 1, 1½ inches minimum diameter; or U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, 1½ inches minimum diameter; or U.S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) and (e) of this section.

(c) *Special purpose shipments.* The minimum grade, size, quality, pack and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting;
(2) Livestock feed;
(3) Charity;
(4) Dehydration;
(5) Canning; and
(6) Freezing.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office, and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning except for sizes of grades regulated as when used in the "United States Standards for Grades of Onions," as amended (§§ 51.2830–51.2854 of this title; 36 F.R. 19243). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 11, 1973, to become effective July 16, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–14488 Filed 7–13–73;8:45 am]

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Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

In recognition of the forthcoming independence of the Bahama Islands on July 10, 1973, the Administrator of the Bureau of Security and Consular Affairs, Department of State, in an order dated June 28, 1973, with the concurrence of the Acting Commissioner, Immigration and Naturalization, amended 22 CFR 41.6(a) to clarify that the waiver of visa privilege provided by that section will apply to nationals of the Bahamas after it becomes an independent country. A minor technical amendment was made in 22 CFR 41.6(e)(1) to delete the words "Soviet Zone of Germany" formerly used in referring to the German Democratic Republic. In the light of the aforementioned order of the Department of State, corresponding amendments to §§ 212.1(a) and 212.1(e)(1) in Part 212, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Section 212.1 is amended in the following respects: In paragraph (a), the heading is amended and the third sentence is amended to clarify that the waiver of visa privilege is applicable to nationals of the Bahamas upon the independence of the country; and in paragraph (e)(1), the last sentence is amended by deleting the words "Soviet Zone of Germany" formerly used in referring to the German Democratic Republic. As amended, §§ 212.1(a) and 212.1(e)(1) read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands.* A visa is not required of a Canadian national, and a passport is not required of such a national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his residence in Canada or Bermuda, and a passport is not required of such an alien except after a visit outside of the Western Hemisphere. A visa and a passport are required of a Bahamian national or a British subject who has his residence in the Bahamas except that a visa is not required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas, that he is clearly and beyond a doubt entitled to admission in all other respects. A visa is not required of a British subject who has his residence in, and arrives directly from, the Cayman Islands or the Turks and Caicos Islands and who presents a current certificate from the Clerk of Court of the Cayman Islands or the Turks and Caicos Islands indicating no criminal record.

* * * * *

(e)(1) *Direct transits—(1) Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I-426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea"), North Vietnam ("Democratic Republic of Vietnam"), or the German Democratic Republic and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia ("Mongolian People's Republic"), People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments to §§ 212.1(a) and 212.1(e)(1) conform Service regulations to corresponding regulations promulgated by the Department of State.

Effective date. This order shall become effective July 10, 1973.

Dated: July 10, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73-14442 Filed 7-13-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 322—EXPORTS

Clearance of Vessels and Exceptions to Prohibition of Transportation Without Certificate

On April 1, 1972, there was published in the FEDERAL REGISTER (37 FR 6694), in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rulemaking under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), to amend the regulations governing Federal meat inspection (9 CFR, Chapter III, Subchapter A) for the purpose of limiting the amount of federally inspected meat and meat food products that may be exported without an official export certificate, and clarifying the requirements with respect to exports of inedible product. Interested persons were given 30 days in which to submit written data, views, or arguments concerning the proposed amendment. No response was received.

Therefore, on the basis of all relevant information before the Department, the proposed amendment to the regulations is hereby adopted as set forth below.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This amendment shall become effective August 20, 1973.

Done at Washington, D.C., on: May 24, 1973.

CLAYTON YEUTTER,
Assistant Secretary, Marketing and Consumer Service.

§ 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any products, unless and until an official export certificate covering the same has been issued and delivered as provided in this part; except in the case of inspected and passed ship stores and not more than 50 pounds of inspected and passed product for the exclusive personal use of the consignee and not for sale or distribution, and except for exempted product eligible for exportation under the provisions of the Act and the regulations in this subchapter and inedible product that is not capable of use as human food and is eligible for exportation under other provisions of said regulations.

[FR Doc.73-14490 Filed 7-13-73;8:45 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCT REGULATIONS

Clarification of Date When Federal Provisions Apply in Any Designated State or Territory

Statement of considerations. Section 301(c) of the Federal Meat Inspection Act (FMIA) and section 5(c) of the Poultry Products Inspection Act (PPIA) set forth the provisions for designating any State as being subject to the provisions of titles I and IV, FMIA, or sections 1–4, 6–10, and 12–22, PPIA. Section 301(c), FMIA, and section 5(c), PPIA, provide that the Secretary shall publish such a designation in the FEDERAL REGISTER, and upon the expiration of 30 days after such publication, said provisions shall apply to operations and transactions and to persons, firms, and corporations engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce.

Upon promulgation of 9 CFR Part 331, of the Federal meat inspection regulations, and 9 CFR Part 381, of the poultry products inspection regulations, the heading over the column of calendar dates used is "Effective date of designation" in §§ 331.2 and 381.221. However, these dates are the dates on which the provisions of the FMIA and PPIA, referred to above, became applicable in the specified States. In order to avoid confusion and clarify the meaning of the headings over the column of calendar dates in §§ 331.2 and 381.221, those headings are changed to read "Effective date of application of Federal provisions."

This amendment is made to clarify the regulations. It does not appear that other information could be brought to the Department's attention which would substantially affect this matter. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This amendment shall become effective July 13, 1973.

Done at Washington, D.C., on July 10, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14491 Filed 7-13-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Requirements

The Board of Governors has increased reserve requirements on all but the first $2 million of net demand deposits at member banks by one-half of one percentage point. This action was taken in an effort to restrain continuing excessive expansion in money and credit.

There is no notice, public participation, or deferred effective date with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective July 19, 1973, § 204.5(a)(1)(iii) and (2)(iii) of the Board's Regulation D is amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

* * * * *

(iii) (*a*) 8 per cent of its net demand deposits if its aggregate net demand deposits are $2 million or less, (*b*) $160,000 plus 10½ per cent of its net demand deposits in excess of $2 million if its aggregate net demand deposits are in excess of $2 million but less than $10 million, (*c*) $1 million plus 12½ per cent of its net demand deposits in excess of $10 million if its aggregate net demand deposits are in excess of $10 million but less than $100 million, or (*d*) $12,250,000 plus 13½ per cent of its net demand deposits in excess of $100 million.

* * * * *

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

* * * * *

(iii) $52,750,000 plus 18 per cent of its net demand deposits in excess of $400 million.

* * * * *

By order of the Board of Governors, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14416 Filed 7-13-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PUBLIC WORKS, BUSINESS DEVELOPMENT, AND FINANCIAL ASSISTANCE PROGRAMS

Miscellaneous Amendments

On January 23, 1973, the Economic Development Administration completely revised Title 13, Chapter III of the Code of Federal Regulations. That revision expanded, reorganized, and brought current the rules and regulations of the Economic Development Administration.

The purpose of these amendments is to correct certain omissions in the revised regulations as they pertain to the Economic Development Administration's public works and development facilities program; business development program; general requirements for financial assistance; in programs funded by the Economic Development Administration.

Therefore, Parts 305, 306, and 309 of Title 13 of the Code of Federal Regulations are amended as follows:

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAMS

1. Section 305.5(b)(3)(v), (vi) and (vii) is revised to read as follows:

§ 305.5 Supplementary grants.

* * * * *

(b) * * *

(3) * * *

(v) Projects located in areas designated under Title I or Title IV of the Act in which the median annual family income is $3,743 or below or the annual unemployment rate is 12 percent or higher	80
(vi) Projects located in areas designated under Title I or Title IV of the Act in which the median annual family income is $3,744 to $4,094 or the annual average unemployment rate is 10 percent to 11.9 percent	70
(vii) Projects located in areas designated under Title I or Title IV of the Act in which the median annual family income is $4,095 to $4,445 or the annual average unemployment rate is 8 percent to 9.9 percent	60

* * * * *

PART 306—BUSINESS DEVELOPMENT PROGRAM

2. Section 306.8(a) is revised to read as follows:

§ 306.8 Financing.

* * * * *

(a) Letters from at least two lending institutions declining to lend to the applicant on terms which, in the opinion of the Assistant Secretary, would permit accomplishment of the project. Letter(s) from the lending institution providing loan(s) secured by a lien senior to EDA's security interest declining to lend the EDA share or to participate with EDA will satisfy this requirement.

* * * * *

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

3. Section 309.10(a) is revised to read as follows:

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§ 309.10 Assurance of job opportunities for the unemployed.

(a) Applicants for business development loans under section 202 of the Act and direct and substantial beneficiaries of EDA assisted public works projects must submit to EDA assurances of compliance with the EDA policy of assuring job opportunities for the unemployed and underemployed, unless in the case of business development loans under section 202 of the Act, EDA determines that the applicant shall obtain for EDA such assurances from other parties. The assurances shall indicate the intention of the applicant to give preferential consideration for employment, wherever possible, to the long term unemployed and underemployed residing in the project area, in connection with the project assisted by EDA.

. . . . . .

4. A new § 309.25 is added to read as follows:

§ 309.25 Procedures in disaster areas.

In disaster areas the Assistant Secretary may waive or modify those EDA administrative procedural conditions which are non-statutory in character relating to grants, loans, or contracts which would otherwise prevent the giving of assistance if the inability to meet such procedures is a result of the disaster.

WILLIAM W. BLUNT, JR.,
Acting Assistant Secretary for Economic Development

[FR Doc.73-14476 Filed 7-13-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12173; Amdt. 39-1688]

PART 39—AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault Fan Jet Falcon Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD), applicable to Avions Marcel Dassault Fan Jet Falcon airplanes, was published in the FEDERAL REGISTER on September 1, 1972 (37 FR 17856). It was proposed to require repetitive inspections of—(1) the studs which retain the SEMCA coupling on pipe, P/N MY20-721-28-1 for scoring or bending, (2) the holes receiving those studs for stretching or elongation, and (3) the weld beads and adjoining areas at the junction of the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, for cracks. In addition, it was also proposed to require the replacement of aluminum alloy pipes, P/N's MY20-721-28-1 and MY20-721-61-1, if defects are found during an inspection, and either the repetitive replacement of those pipes with pipes of the same part number or replacement with pipes made from stainless steel.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No objections were received; however, based upon further review by the FAA the proposed AD has been revised as follows:

(1) Proposed paragraph (a) has been clarified by referencing the applicable manufacturer's service bulletins; and

(2) Proposed paragraph (d) has been revised by deleting the requirement that subparagraph (a)(2) be complied with for replacement pipes and to require the initial inspection in accordance with subparagraph (a)(1) within 200 hours' time in service after installation.

Since these changes impose no additional burden on any person, further notice and public procedure hereon is unnecessary.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT. Applies to Fan Jet Falcon airplanes, Serial Numbers 1 through 111, which have aluminum alloy air conditioning pipes, P/N's MY20-721-28-1 and MY 20-721-61-1, installed.

Compliance is required as indicated.

To prevent the leakage of very hot air into the rear compartment, accomplish the following, unless already accomplished:

(a) Within the next 100 hours' time in service after the effective date of this AD, comply with subparagraphs (1) and (2), and thereafter comply with subparagraph (1) at intervals not to exceed 200 hours' time in service from the last inspection.

(1) Visually inspect the studs which retain the SEMCA coupling on pipe, P/N MY20-721-28-1, for scoring or bending, and inspect the holes receiving those studs for stretching or elongation, in accordance with Dassault Service Bulletin No. 430 (21-30) dated February 16, 1972, or an FAA-approved equivalent.

(2) Inspect the weld beads and adjoining areas at the junction of the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, for cracks using a magnifying glass of 5 power or greater and a dye penetrant, in accordance with Dassault Service Bulletin No. 430 (21-30) dated February 16, 1972, or an FAA-approved equivalent.

(b) Within the next 100 hours' time in service after the effective date of this AD or before the accumulation of 600 hours' time in service on an aluminum alloy air conditioning pipe, P/N MY20-721-28-1 or MY20-721-61-1, whichever occurs later—

(1) Replace the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, with pipes of the same part number and thereafter continue to replace aluminum alloy pipes before the accumulation of 600 hours' time in service thereon and comply with paragraph (d); or

(2) Replace the pipes, P/N's MY20-721-28-1 and MY20-721-61-1, with stainless steel pipes, P/N's MY20-721-28-2 and MY20-721-61-2, in accordance with Dassault Service Bulletin No. 442 (21-31) dated February 16, 1972, or an FAA-approved equivalent.

(c) If scoring or bending of the studs or stretching or elongation of the holes are found during an inspection specified in paragraph (a)(1) or cracks are found during an inspection specified in paragraph (a)(2) before further flight comply with subparagraph (1) or (2) of paragraph (b).

(d) For aluminum alloy pipes installed as replacement in accordance with subparagraph (1) of paragraph (b)—

(1) Before the accumulation of 200 hours' time in service thereon, inspect in accordance with subparagraph (1) of paragraph (a); and

(2) Thereafter, inspect in accordance with subparagraph (1) of paragraph (a) at intervals not to exceed 200 hours' time in service from the last inspection.

(e) Operators who have not kept records of hours' time in service on pipes, P/N's MY20-721-28-1 and MY20-721-61-1, shall substitute airplane hours' time in service in lieu thereof.

(f) The inspections required by paragraphs (a) and (d) and the replacements specified in subparagraph (1) of paragraph (b) may be discontinued when the aluminum alloy air conditioning pipes, P/N's MY20-721-28-1 and MY20-721-61-1, are replaced with stainless steel pipes, P/N's MY20-721-28-2 and MY20-721-61-2, in accordance with Dassault Service Bulletin No. 442 (21-31), dated February 16, 1972, or an FAA-approved equivalent.

This amendment becomes effective August 15, 1973.

Issued in Washington, D.C., on July 5, 1973.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

[FR Doc.73-14404 Filed 7-13-73;8:45 am]

[Airspace Docket No. 73-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 13566 of the FEDERAL REGISTER for May 23, 1973, the Federal Aviation Administration published proposed regulations which would alter the Philadelphia, Pa., control zone (38 FR 411) and Philadelphia, Pa., (38 FR 555) and Pitman, N.J., transition areas (38 FR 557).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation regulations by deleting the description of the Philadelphia, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 39°52'31" N., 75°14'20" W. of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 264° bearing to a 011° bearing from the airport; within 2 miles each side of the New Castle, Del., VORTAC 055° radial extending from 18.5 miles northeast to 22.5 miles northeast of the VORTAC; within 1.5 miles each side of the Philadelphia International Airport Runway 9L ILS localizer course, extending from the 5-mile-radius zone to 1.5 miles each of the Chester OM.

2. Amend § 71.181 of part 71 of the Federal Aviation regulations by deleting the description of the Philadelphia, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 39°52'31" N., 75°14'20" W. of Philadelphia International Airport, Philadelphia, Pa., extending clockwise from a 256° bearing to a 016° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 016° bearing to a 045° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 045° bearing to a 136° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within 4.5 miles north and 6.5 miles south of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east of the Claymont OM to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa., VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W. of Bridgeport Airport, Bridgeport, N.J.; within 2 miles each side of the Woodstown, N.J., VORTAC 350° radial extending from the 5.5-mile-radius area to the Woodstown, N.J., VORTAC, excluding the portion which coincides with the Wilmington, Del., transition area.

3. Amend § 71.181 of part 71 of the Federal Aviation regulations by deleting the description of the Pitman, N.J., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 39°45'15" N., 75°08'30" W. of Pitman Airport, Pitman, N.J.; and within 2 miles each side of the Woodstown, N.J., VORTAC 047° radial, extending from the 5.5-mile-radius area to 1 mile northeast of the VORTAC, excluding the portion within the Philadelphia, Pa., transition area. This transition area is effective from sunrise to sunset, daily.

[FR Doc.73-14406 Filed 7-13-73;8:45 am]

[Airspace Docket No. 73-CE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 10461 and 10462 of the FEDERAL REGISTER dated April 27, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Iowa Falls, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on June 26, 1973.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (38 FR 435) the following transition area is added:

IOWA FALLS, IOWA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Iowa Falls Municipal Airport (lat. 42°28'10" N.; long. 93°16'00" W.); and within 3 miles on each side of the 154 degree bearing from the airport reference point extending from the 6.5 mile radius 8.5 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the west by V13, on the north by V100, on the east by the Waterloo 29 DME arc and on the south by a 20 mile arc of the Iowa Falls Airport.

[FR Doc.73-14408 Filed 7-13-73;8:45 am]

[Airspace Docket No. 73-EA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 13657 of the FEDERAL REGISTER for May 24, 1973, the Federal Aviation Administration published a proposed rule which would alter the Sidney, NY, transition area (38 FR 579).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71, Federal Aviation regulations by deleting the text of the Sidney, N.Y. 700-foot floor transition area and substituting the following in lieu thereof:

SIDNEY, N.Y.

That airspace extending upward from 700 ft above the surface within a 12.5-mile radius of the center, lat. 42°18'22" N., long. 75°-24'57" W. of Sidney Municipal Airport, Sidney, N.Y.; within a 16-mile radius arc from the center of the airport extending clockwise from a 080° bearing to a 215° bearing from the airport excluding the airspace within a 2-mile radius area of the Harmony Crest Airpark (lat. 42°13'56" N., long. 75°38'00" W.).

[FR Doc.73-14407 Filed 7-13-73;8:45 am]

[Airspace Docket No. 73-EA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 13566 of the FEDERAL REGISTER for May 23, 1973, the Federal Aviation Administration published a proposed rule which would alter the Cambridge, Md., transition area (38 FR 457).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 2, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Cambridge, Md., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 ft above the surface within a 6.5-mile radius of the center, 38°32'16" N., 76°01'47" W. of Cambridge Municipal Airport, Cambridge, Md.; and within 3 miles each side of the 145° bearing from the Cambridge, Md., RBN, 38°32'17" N., 76°01'56" W., extending from the 6.5-mile-radius area to 8.5 miles southeast of the RBN.

[FR Doc.73-14405 Filed 7-13-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-456; Order 486]

UNIFORM SYSTEM OF ACCOUNTS

Specialized Training Costs

JULY 3, 1973.

On October 2, 1972, the Commission issued a notice of proposed rulemaking in this proceeding (37 FR 21181, October 6, 1972) proposing to amend:

(A) Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

(B) Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

(C) Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

(D) Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

The purpose of this rulemaking is to establish uniform accounting procedures for the costs of training employees to operate or maintain new and unique facilities. We recognize that training costs

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of this type are becoming increasingly significant in amount and the existing Uniform Systems of Accounts do not clearly specify whether such costs are to be capitalized or charged to expense currently. The new facilities referred to are those which are constructed under a non-conventional technology where new training is required for their operation and maintenance, and include nuclear power generating plants and other new type generating facilities.

The Commission recognizes that during the construction of such facilities it is necessary that company employees be trained to a degree of competence so as to be able to operate and maintain the facilities when they are ready for service. It is also recognized that the training required under such circumstances usually involves the investment of a considerable amount of time and money.

We proposed to clarify the accounting by one of two methods referred to hereinafter as Proposal A and Proposal B. Proposal A would expense all training costs as a current operational expense item, with the exception of those large significant amounts associated with unique type facilities that are not now conventional in nature which would be capitalized. This capitalized expense would be amortized over the period of its expected benefit, not to exceed five years. Proposal B would treat all training costs, regardless of their relationship to new type facilities as current operational expense items.

Proposal A envisioned that the cost invested in employee training associated with non-conventional facilities which is new to the companies operations is similar to other costs invested in plant which are subject to recovery after the plant is placed in service. To match the recovery of the training costs, under Proposal A, the costs would be spread over the period during which the benefits from such training will be realized. This proposal was based on the belief that such training costs should be capitalized as an intangible asset includible in the rate base just like any other element of plant in service, and amortized to expense over the period of expected benefit from the training received by the related employees. We noted, further, that unlike other plant elements, training costs are related to human resources and trained personnel are subject to reassignment or replacement during the service life of a new type facility. Therefore, training costs capitalized under Proposal A would be recovered by amortization charges to operating expenses over a reasonable period not to exceed five years.

Proposal B envisioned expensing all training costs as a current operational expense. This proposal was based on the premise that such training costs will be common in companies' operations hereafter and that for the foreseeable future there will be increasing changes in technology that will cause continued training for new type plants. Under this premise, therefore, such costs should be expensed currently since they cannot be deemed to be nonrecurring or unusual.

All data, views, comments or suggestions concerning the rulemaking proposals were to be submitted not later than November 16, 1972. An extension of time was requested on October 12, 1972, by the American Gas Association, and an extension to February 14, 1973, was granted on October 27, 1972. A total of forty-one comments and suggestions were received. (Appendix A) A conference was not requested by any respondent.

We found in our review of the comments that all the respondents were in favor of the general purpose of the proposed rulemaking to recognize and make provision for training costs associated with non-conventional facilities. There was also general agreement among the majority that Proposal A was far more reasonable than Proposal B if one or the other was to be imposed, but an overwhelming majority registered disapproval and advocated modification of Proposal A for various reasons. A few of the respondents were actually opposed to the implementation of either proposal as stated.

The major criticisms of Proposal A went to the vague definitions of "normal," "excess," and "non-conventional," and to the selection of a 5-year amortization period as arbitrary. Many respondents expressed the opinion that training costs are an integral part of the operation of new facilities, and should therefore be capitalizable as plant cost to be depreciated over the life of the plant. It was pointed out that in the case of nuclear units some employees are trained and licensed for a specific unit.

Those respondents who advocated capitalization and depreciation of specialized training costs over the life of the plant suggested this treatment only for the original personnel. Costs of training future personnel would be expensed. They commented that the arbitrary 5-year period ignored the permanency of training efforts in that some trained personnel remain available to train new employees, and therefore the original training benefits the life of the plant. It was also suggested that any treatment of specialized training costs not be limited to non-conventional facilities.

Proposal B, although not presenting the definitional problems of Proposal A, was rejected by all but a few of the respondents. The main objection was that charging all or most training costs to current expenses would inevitably result in a distortion of earnings. One respondent, Public Service Commission of New York, did suggest the adoption of Proposal B, albeit with an important modification. It urged that distorting amounts be deferred in a specific account and then amortized over a period determined by the Commission. This would allow the Commission to decide whether the costs were really unusual and nonrecurring.

We think that it is reasonable and desirable to implement the general purpose of the proposed rulemaking. We agree, however, with the majority of respondents who expressed the belief that neither of the two proposals adequately treat the problem of specialized training costs. It appears to us that those training costs associated with new or non-conventional facilities are in the nature of a pre-operating cost, and are therefore properly capitalizable as an integral cost of the facility (includable in rate base). This cost would be recoverable through depreciation over the useful life of the facility, and therefore not subject to an artificial amortization period.

Obviously, newly-trained personnel are subject to the same attrition factors as all employees. However, we think that the benefits of the original training in operation and maintenance of the facility provide an input that lasts throughout the life of the project. The original training is as essential to the first year of operation as any other element of the physical plant. This concept incorporates the cost of replacement training being charged to current operations.

In implementing this accounting for specialized training costs, we also adopt the suggestion that this treatment not be restricted to non-conventional facilities, i.e., nuclear generating plants, but expanded to include any conventional facilities that are altogether new to the utility's operations.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, or views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Parts 101 and 104 of the Commission's Uniform Systems of Accounts for Public Utilities and Licensees, prescribed by Chapter I, Title 18 of the Code of Federal Regulations, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to Parts 201 and 204 of the Commission's Uniform System of Accounts for Natural Gas Companies, prescribed by Chapter I, Title 18 of the Code of Federal Regulations, are necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h), and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

(A) The Commission's Uniform Systems of Accounts for Class A, B, and C Public Utilities and Licensees prescribed by Parts 101 and 104, and for Natural Gas Companies prescribed by Parts 201 and 204, Chapter I, Title 18 of the Code of Federal Regulations, are revised and amended as follows:

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

1. The Electric Plant Instructions are amended by:

a. Adding a new item (19) entitled, (19) Training to instruction "3. *Components of Construction Cost.*"

b. Adding a new instruction 17 entitled, "17. Training Costs," immediately following "16. Nuclear Fuel Records Required."

As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * *

3. *Components of construction cost.*

* * * * *

(19) "Training." (See Electric Plant Instruction 17).

* * * * *

17. *Training costs.*

When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature, or are new to the company's operations, these costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized shall be amortized over the estimated useful life of the related plant from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease and subsequent training costs shall be expensed. (See Operating Expense Instruction 4.)

2. The Operating Expense Instructions are amended by:

a. Amending item 7 of the instruction "1. Supervision and Engineering."

b. Adding a new instruction 4. *Training Costs* to the instructions.

As amended, this portion of the Operating Expense Instructions reads:

Operating Expense Instructions

1. *Supervision and engineering.*

* * * * *

ITEMS

Labor

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7. * * * (See Electric Plant Instruction 17.)

* * * * *

4. *Training costs.*

When it is necessary that employees be trained to specifically operate or maintain plant facilities that are being constructed, the related costs shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, then see Electric Plant Instruction 17, for accounting.

3. Account "303, Miscellaneous Intangible Plant," of the Electric Plant Accounts is amended by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As amended account 303 reads:

Electric Plant Accounts

1. INTANGIBLE PLANT

* * * * *

303 Miscellaneous intangible plant.

* * * * *

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 111, Accumulated Provision for Amortization of Electric Utility Plant, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. Amortization from this account shall be debited to account 404, Amortization of Limited-term Electric Plant, and account 111, Accumulated Provision for Amortization of Electric Utility Plant, shall be credited. (See Electric Plant Instruction 17.)

D. [Recodified from "C" without change in text.]

* * * * *

4. Account "404, Amortization of Limited-term Electric Plant," of the Income Accounts is amended by revising the first sentence. As amended, this portion of account 404 reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

* * * * *

B. The Uniform System of Accounts for Class C and Class D Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Electric Plant Instructions are amended by adding a new plant instruction entitled "14. Training costs." As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * *

14. *Training costs.*

When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to the company's operations, these costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized shall be amortized over the estimated useful life of the related plant from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease, and subsequent training costs shall be expensed. (See Operating Expense Instruction 3.)

2. The Operating Expense Instructions are amended by adding a new instruction 3 entitled "3. Training costs." As amended, the Operating Expense Instructions read:

Operating Expense Instructions

* * * * *

3. *Training costs.*

When it is necessary that employees be trained to specifically operate or maintain plant facilities that are being constructed, the related costs shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, then see Electric Plant Instruction 14, for accounting.

3. Account "303, Miscellaneous Intangible Plant," of the Electric Plant Accounts is amended by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As amended account 303 reads:

Electric Plant Accounts

1. INTANGIBLE PLANT

* * * * *

303 Miscellaneous intangible plant.

* * * * *

B. When any item included in paragraph A above in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. Amortization from this account shall be debited to account 404, Amortization of Limited-term Electric Plant, and account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant, shall be credited. (See Electric Plant Instruction 14.)

D. [Recodified from "C" without change in text].

* * * * *

4. Account "404, Amortization of Limited-term Electric Plant," of the Income Accounts is amended by revising the first

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sentence. As amended, this portion of account 404 reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * * *

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interest in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

* * * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

C. The Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by:

a. Adding a new item (19) entitled "(19) Training" to instruction "3. Components of construction cost."

b. Adding a new instruction 16 entitled, "16. Training costs," immediately following "15. Fees for applications filed with the Commission." As so amended, this portion of the Gas Plant Instructions reads:

Gas Plant Instructions

* * * * * *

3. *Components of construction cost.*

* * * * * *

(19) "Training." (See Gas Plant Instruction 16).

* * * * * *

16. *Training costs.*

When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to the company's operations, these costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized shall be amortized over the estimated useful life of the related plant from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease, and subsequent training costs shall be expensed. (See Operating Expense Instruction 4.)

2. The Operating Expense Instructions are amended by:

a. Amending item 7 of the instruction "1. Supervision and engineering."

b. Adding a new instruction 4. "Training costs." As amended, this portion of the Operating Expense Instructions reads:

Operating Expense Instructions

1. *Supervision and engineering.*

* * * * * *

ITEMS

Labor:

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7. * * * (See Gas Plant Instruction 16.)

* * * * * *

4. *Training costs.*

When it is necessary that employees be trained to specifically operate or maintain plant facilities that are being constructed, the related costs shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, then see Gas Plant Instruction 16, for accounting.

3. Account "303, Miscellaneous intangible plant" of the Gas Plant Accounts is amended by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As amended account 303 reads:

Gas Plant Accounts

1. INTANGIBLE PLANT

* * * * * *

303 Miscellaneous intangible plant.

* * * * * *

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 111, Accumulated Provisions for Amortization and Depletion of Gas Utility Plant, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. Amortization from this account shall be debited to account 404.3, Amortization of Other Limited-term Gas Plant, and account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant in Service, shall be credited. (See Gas Plant Instruction 16.)

D. [Recodified from "C" without change in text.]

* * * * * *

4. Account "404.3, Amortization of other limited-term gas plant" of the Income Accounts is amended by revising the first sentence. As amended, this portion of account 404.3 reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * * *

404.3 Amortization of other limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

* * * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

D. The Uniform System of Accounts for Class C and Class D Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. The Gas Plant Instructions are amended by adding a new plant instruction entitled "15. Training costs." As amended, this portion of the Gas Plant Instructions reads:

Gas Plant Instructions

* * * * * *

15. *Training costs.*

When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to the company's operations, these costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized shall be amortized over the estimated useful life of the related plant from the time the related plant is placed in or ready for service. Once plant is placed in service, the Capitalization of training costs shall cease, and subsequent training costs shall be expensed. (See Operating Expense Instruction 3.)

2. Amend the Operating Expense Instructions by adding a new instruction 3 entitled, "3. Training costs." As amended the Operating Expense Instruction reads:

Operating Expense Instructions

* * * * * *

3. *Training costs.*

When it is necessary that employees be trained to specifically operate or maintain plant facilities that are being constructed, the related costs shall be accounted for as current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, then see Gas Plant Instruction 15, for accounting.

3. Account "303, Miscellaneous intangible plant" of the Gas Plant Accounts is amended by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As amended account 303 reads:

Gas Plant Accounts

1. INTANGIBLE PLANT

* * * * * *

303 Miscellaneous intangible plant.

* * * * * *

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. Amortization from this account shall be debited to account 404, Amortization of Limited-term Gas Plant, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant, shall be credited. (See Gas Plant Instruction 15.)

D. [Recodified from "C" without change in text.]

* * * * * *

4. Account "404, Amortization of limited-term gas plant" of the Income Accounts is amended by revising the first sentence. As amended, this portion of account 404 reads:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * * *

404 Amortization of limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land other than land rights held for the production of natural gas expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

* * * * * *

(B) The amendments and revisions adopted herein shall be effective January 1, 1974.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A—LIST OF RESPONDENTS

[Docket No. R-456]

ACCOUNTING FIRMS

Arthur Andersen Company
Haskins and Sells

ELECTRIC UTILITIES

American Electric Power System Companies
Arkansas Power and Light Company
Arizona Public Service Company
Baltimore Gas and Electric Company
Central Vermont Public Service Corporation
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Consumers Power Company
Detroit Power Company
Duke Power Company
Florida Power Corporation
Central Public Utilities Corporation
Georgia Power Company
Long Island Lighting Company
Louisiana Power and Light Company
Nebraska Public Power District
Northeast Utilities
Northern States Power Company
Otter Tail Power Company
Pacific Gas and Electric Company
Pacific Power and Light Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
Public Service of Indiana
Sacramento Municipal Utility District
Utah Power and Light Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

GAS UTILITIES (JURISDICTIONAL)

Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation
Southern Natural Gas Company
Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Texas Eastern Transmission Corporation and Transwestern Pipeline Company
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation

GAS UTILITIES (NON-JURISDICTIONAL)

Southern California Gas Company

STATE COMMISSIONS

New York Public Service Commission

FEDERAL AGENCIES

United States Department of Agriculture

[FR Doc.73-14378 Filed 7-13-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Stay of Effective Date for Labeling Requirement

In the FEDERAL REGISTER of March 7, 1973 (38 FR 6258) the Commissioner of Food and Drugs published a final order implementing regulations for the Drug Listing Act of 1972. This order provided for an effective date of March 7, 1973, except that § 132.8(b)(3) was not effective for labeling bearing a National Drug Code number printed prior to July 1, 1973.

In the FEDERAL REGISTER of July 6, 1973 (38 FR 18041), the Commissioner proposed that § 132.8(b)(3) not be effective until printing plates are revised in the normal course of business or until July 1, 1975, whichever occurs first. All interested persons were invited to file, on or before September 4, 1973, with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments regarding this proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1053, as amended, 1055 as amended; 21 U.S.C. 360, 371(a)), and the Drug Listing Act of 1972 (Public Law 92-387; 865 Stat. 559-562) and under authority delegated to the Commissioner (21 CFR 2.120), the July 1, 1973 effective date for § 132.8(b)(3), as published in the FEDERAL REGISTER on March 7, 1973, is hereby stayed until a decision is reached on the July 6, 1973 proposal.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14445 Filed 7-13-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dep. Reg. 108.689]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

In recognition of the forthcoming independence of the Bahama Islands on July 10, 1973, Part 41 Chapter I, Title 22 of the Code of Federal Regulations is amended to insert the words "A Bahamian national" in the third sentence of § 41.6(a) to make it clear that the waiver of visa privilege provided by this sentence will apply to nationals of the Bahamas after it becomes an independent country. A minor technical amendment has been made in § 41.6(e)(1) to delete the words "Soviet Zone of Germany" formerly used in referring to the German Democratic Republic.

1. The heading and the third sentence of paragraph (a) and the last sentence of paragraph (e)(1) of § 41.6 are amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards.

* * * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, Bahamian nationals or British subjects resident in Bahamas, Cayman Islands, and Turks and Caicos Islands.* * * * A Bahamian national or a British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. * * *

(e) *Aliens in immediate transit.*—(1) *Aliens in bonded transit.* * * * This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea"), North Viet-Nam ("Democratic Republic of Viet-Nam"), or the German Democratic Republic, and is a resident of one of the said countries, and is on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia,

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Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I-426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective July 10, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to the notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: June 23, 1973.
For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator Bureau of Security and Consular Affairs, Department of State.
JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization, Immigration and Naturalization Service Department of Justice.

[FR Doc.73-14444 Filed 7-13-73;8:45 am]

Title 37—Patents, Trademarks and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Lawful Use for Supplemental Register and Size of Facsimiles

The Patent Office is revising §§ 2.47 and 2.57 of the trademark rules of practice. Section 2.47 is being revised to set forth that the year's use which is the basis for registration on the Supplemental Register must be lawful use. Existing § 2.47 states that the year's use for the Supplemental Register must be "continuous use," whereas section 23 of the Trademark Act of 1946 specifies that such use must be "lawful use." The purpose of this revision is to conform the wording of § 2.47 to the wording of the statute. This revision does not effect any change in practice, as in applying the rule the term "continuous use" has been treated as having the same meaning as the term "lawful use" in the statute.

Section 2.57 is being revised to set forth that facsimile-specimens are not to exceed 8½ inches wide and 13 inches long. Existing § 2.57 states that facsimiles shall be not larger than specified for the drawing. That statement is now incorrect due to a recent amendment of the drawing length to 11 inches. The purpose of this revision is to correct the wording of § 2.57, and to conform the wording of rule 2.57 to the wording of § 2.56 (Specimens) which has already been amended to specify that specimens are not to exceed 8½ inches wide and 13 inches long.

Since these revisions impose no burden on any person, notice and public procedures thereon are deemed unnecessary.

Therefore, pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123), and section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6, as amended October 5, 1971, 85 Stat. 364), Part 2 of Chapter I of Title 37 of the Code of Federal Regulations is hereby revised as follows:

1. Section 2.47 is revised to read as follows:

§ 2.47 Supplemental register.

In an application to register on the Supplemental Register, the application shall so indicate and shall specify that the mark has been in lawful use in commerce, specifying the nature of such commerce, by the applicant for the preceding year, if the application is based on such use. When an applicant requests registration without a full year's use of the mark, in accordance with the last paragraph of section 23 of the act, the showing required must be separate from the application.

(Sec. 23, 60 Stat. 435; 15 U.S.C. 1091)

2. Section 2.57 is revised to read as follows:

§ 2.57 Facsimiles.

When, due to the mode of applying or affixing the trademark to the goods, or to the manner of using the mark on the goods, or to the nature of the mark, specimens as above stated cannot be furnished, five copies of a suitable photograph or other acceptable reproduction, not to exceed 8½ inches wide and 13 inches long, and clearly and legibly showing the mark and all matter used in connection therewith, shall be furnished.

Effective date. These revisions shall become effective on July 16, 1973.

Dated: July 5, 1973.

RENE D. TEGTMEYER,
Acting Commissioner of Patents.

Approved:

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.73-14453 Filed 7-13-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1142]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of July 1973.

It appearing, that the Chicago, Rock Island and Pacific Railroad Company (RI) is unable to operate over its line between Herrington, Kansas, and Salina, Kansas, because of track damage; that RI operations to and from Salina can be accomplished by use of the Missouri Pacific Railroad Company (MP) between Herrington and Salina, a distance of approximately 36 miles; that the MP has consented to use of such tracks by the RI; that operation by the RI over the aforementioned tracks of the MP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1142 Service Order No. 1142.

(a) *Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Missouri Pacific Railroad Company.* The Chicago, Rock Island and Pacific Railroad Company (RI) be, and it is hereby, authorized to operate over tracks of the Missouri Pacific Railroad Company (MP) between Herrington, Kansas, and Salina, Kansas, a distance of approximately 36 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the RI over tracks of the MP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the RI over these tracks of the MP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., July 11, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14473 Filed 7-13-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-171]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Colorado	Adams	Westminster, City of.				July 13, Emergency.
Connecticut	New Haven	North Haven, Town of.				Do.
Michigan		Saginaw, Township of.				Do.
North Carolina	Durham	Durham, City of				Do.
Pennsylvania	Potter	Coudersport, Borough of.				Do.
Do	Carbon	Lehighton, Borough of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 9, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-14320 Filed 7-13-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 525-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart G-1—Office of Watergate Special Prosecution Force

DELEGATION OF AUTHORITY TO DESIGNATE ATTORNEYS TO CONDUCT LEGAL PROCEEDINGS

The Office of Watergate Special Prosecution Force was established effective May 25, 1973. (38 FR 14688). The purpose of this order is to make clear that the Special Prosecutor has full authority to exercise the Attorney General's authority under 28 U.S.C. 515(a) to designate attorneys to conduct legal proceedings, including grand jury proceedings.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, Subpart G-1 of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.38 at the end thereof:

§ 0.38 Designation of attorneys.

The Special Prosecutor is authorized to designate attorneys to conduct legal proceedings, including grand jury proceedings.

Dated: July 8, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73-14443 Filed 7-13-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 156—RURAL SERVICE

Approved Manufacturers of Rural Mailboxes

The list of approved manufacturers and suppliers of rural and contemporary style suburban mailboxes is amended by deleting the names of firms which are no longer engaged in such business, and by correcting the name of one listed firm. Accordingly paragraph (a)(5) of § 156.5 is amended, effective on July 16, 1973, as follows:

1. The Deshler Mail Box Company, 101 East Maple Street, Deshler, OH 43516 and the Northern Fabricators Corp., Post Office Box 89, Worthington, OH 43085 are hereby deleted, together with notations as to the types of mailboxes manufactured or supplied;

(2) The reference to "The Parker Co." is hereby changed to "Parker Mailboxes, Inc.". The address of the firm and the notations as to the types of mailboxes manufactured or supplied remain the same.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 73-14465 Filed 7-13-73;8:45 am]

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PART 171—MONEY ORDERS

Caution in Use of Tables

Tables of foreign currencies published in this title may not reflect current exchange rates, because of fluctuations in exchange rates.

Accordingly, paragraph (b)(2) of § 171.2 is amended, on July 16, 1973, by adding a new subdivision (iv) to read as follows:

§ 171.2 International money orders.

• • • • • •

(b) • • •

(2) *Caution in use of tables.* • • •

(iv) Due to possible fluctuations in exchange rates, international money order exchange rates quoted in the following tables may not reflect the current exchange rates used by postal employees in carrying out money order transactions.

• • • • • •

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14271 Filed 7-13-73;8:45 am]

PART 171—MONEY ORDERS

Change in Monetary Conversion Rate for Money Orders Payable in Canada

Existing Table No. 1, under § 171.2 *International money orders*, is based upon a conversion rate of American and Canadian money which is no longer applicable. Since March 8, 1973, the conversion rate has been $1.01 in United States dollars for $1.00 in Canadian dollars. Accordingly, Table No. 1 is revised to read as follows:

TABLE No. 1 2-7

(Rate: U.S. dollar equals .99 Canadian money)

FROM 1 CENTS TO 100 DOLLARS

United States money	Canadian money	United States money	Canadian money	United States money	Canadian money	United States money	Canadian money
Cents	Cents	Cents	Cents	Dollars	Dollars	Dollars	Dollars
1	.01	51	.50	1.00	.99	51.00	50.49
2	.02	52	.51	2.00	1.98	52.00	51.48
3	.03	53	.52	3.00	2.97	53.00	52.47
4	.04	54	.53	4.00	3.96	54.00	53.46
5	.05	55	.54	5.00	4.95	55.00	54.45
6	.06	56	.55	6.00	5.94	56.00	55.44
7	.07	57	.56	7.00	6.93	57.00	56.43
8	.08	58	.57	8.00	7.92	58.00	57.42
9	.09	59	.58	9.00	8.91	59.00	58.41
10	.10	60	.59	10.00	9.90	60.00	59.40
11	.11	61	.60	11.00	10.89	61.00	60.39
12	.12	62	.61	12.00	11.88	62.00	61.38
13	.13	63	.62	13.00	12.87	63.00	62.37
14	.14	64	.63	14.00	13.86	64.00	63.36
15	.15	65	.64	15.00	14.85	65.00	64.35
16	.16	66	.65	16.00	15.84	66.00	65.34
17	.17	67	.66	17.00	16.83	67.00	66.33
18	.18	68	.67	18.00	17.82	68.00	67.32
19	.19	69	.68	19.00	18.81	69.00	68.31
20	.20	70	.69	20.00	19.80	70.00	69.30
21	.21	71	.70	21.00	20.79	71.00	70.29
22	.22	72	.71	22.00	21.78	72.00	71.28
23	.23	73	.72	23.00	22.77	73.00	72.27
24	.24	74	.73	24.00	23.76	74.00	73.26
25	.25	75	.74	25.00	24.75	75.00	74.25
26	.26	76	.75	26.00	25.74	76.00	75.24
27	.27	77	.76	27.00	26.73	77.00	76.23
28	.28	78	.77	28.00	27.72	78.00	77.22
29	.29	79	.78	29.00	28.71	79.00	78.21
30	.30	80	.79	30.00	29.70	80.00	79.20
31	.31	81	.80	31.00	30.69	81.00	80.19
32	.32	82	.81	32.00	31.68	82.00	81.18
33	.33	83	.82	33.00	32.67	83.00	82.17
34	.34	84	.83	34.00	33.66	84.00	83.16
35	.35	85	.84	35.00	34.65	85.00	84.15
36	.36	86	.85	36.00	35.64	86.00	85.14
37	.37	87	.86	37.00	36.63	87.00	86.13
38	.38	88	.87	38.00	37.62	88.00	87.12
39	.39	89	.88	39.00	38.61	89.00	88.11
40	.40	90	.89	40.00	39.60	90.00	89.10
41	.41	91	.90	41.00	40.59	91.00	90.09
42	.42	92	.91	42.00	41.58	92.00	91.08
43	.43	93	.92	43.00	42.57	93.00	92.07
44	.44	94	.93	44.00	43.56	94.00	93.06
45	.45	95	.94	45.00	44.55	95.00	94.05
46	.46	96	.95	46.00	45.54	96.00	95.04
47	.47	97	.96	47.00	46.53	97.00	96.03
48	.48	98	.97	48.00	47.52	98.00	97.02
49	.49	99	.98	49.00	48.51	99.00	98.01
50	.50			50.00	49.50	100.00	99.00

(39 U.S.C. 401(2), 404(b))

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14272 Filed 7-13-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts and Rhode Island

On April 30, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The Act requires that the primary standards protect the public health with an adequate margin of safety and that the secondary standards protect the public welfare from any known or anticipated adverse effects. Under section 110 of the Act, States are required to prepare and submit to the Administrator plans for implementing the national ambient air quality standards in each air quality control region in the State. The Administrator published on May 31, 1972, his initial approvals and disapprovals of the State implementation plans developed and submitted under these provisions of Federal law.

On April 11, 1973, the United States Court of Appeals for the First Circuit decided the cases of "Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency," Case Nos. 72-1219 and 72-1224. These cases were filed pursuant to section 307(b)(1) of the Act and challenged the Administrator's approval of certain portions of the Massachusetts and Rhode Island implementation plans. The Court ordered that the Administrator disapprove several portions of these plans.

The Court first found that the Rhode Island plan did not expressly provide for revision after public hearings on the occasions and under the circumstances described in section 110(a)(2)(H) of the Clean Air Act. The Rhode Island plan is disapproved below insofar as it does not contain such provisions.

The Court also found that both Massachusetts and Rhode Island had variance statutes which allowed the State air pollution agencies to grant variances even after the mandatory dates for attainment of the national ambient air quality standards established in section 110 of the Clean Air Act. The Clean Air Act was interpreted to preclude States from granting variances after such dates except as provided in section 110(f) of the Clean Air Act. The Court held that the provisions of the Clean Air Act "not only empower, but also require, the Administrator to disapprove State statutes and regulations, or portions thereof, which are not in accordance with the requirements of the Clean Air Act." Accordingly, the Massachusetts and Rhode Island State variance statutes and the State regulations implementing that authority are herein disapproved insofar as they permit the granting of variances beyond the statutory attainment dates, without the approval of the Administrator, and under conditions inconsistent with the Court's opinion.

The authority of the Rhode Island State air pollution Director to issue abatement orders was also challenged and the Court applied the same interpretation of the Clean Air Act to this part of the Rhode Island law as it did to the variance procedure. That portion of the Rhode Island statutes is also disapproved below.

With respect to the Massachusetts plan provisions relating to reporting of emission data and the public availability of such data, the Court held that the discretionary aspect of the Massachusetts reporting requirements, which would require reports only upon a request by the State, should have been disapproved since the Clean Air Act provides that the State plan must require periodic reporting.

Finally, the Court found that the Massachusetts statute which prohibits the release of certain information obtained during inspections suggested that the State does not have the authority to compel public disclosure of emission data, requiring disapproval by the Administrator.

In addition to the disapprovals required by the Court order which are published below, the Administrator must promulgate regulations to replace the disapproved sections of the two State plans. Those regulations are published elsewhere in this issue of the FEDERAL REGISTER. The amendments set forth below are effective from the date of publication in the FEDERAL REGISTER since they are made pursuant to the Court order which requires the Administrator to disapprove these portions of the Massachusetts and Rhode Island State implementation plans.

(42 U.S.C. 1857c-5)

Dated July 11, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Subpart W is amended by adding new §§ 52.1129, 52.1130, and 52.1131, as follows:

§ 52.1129 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met because G.L. c. 111 section 2B and G.L. c. 111 § 142B prevent the State from compelling public disclosure of emission data. These two statutory provisions are therefore disapproved to the extent they preclude the release of emission data.

§ 52.1130 Source surveillance.

(a) The reporting requirements of the Massachusetts plan are not adequate because Regulation 14 of the Department of Public Health Regulations for the Control of Air Pollution in the Berkshire Air Pollution Control District, Central Massachusetts Air Pollution Control District, Merrimack Valley Air Pollution Control District, Metropolitan Boston Air Pollution Control District, Pioneer Valley Air Pollution Control District and Southeastern Massachusetts Air Pollution Control District does not require periodic reports. Reports on emissions are only required by Regulation 14 if requested by the State, and it is therefore disapproved to that extent.

§ 52.1131 Variances.

(a) Regulations 50.1 and 2.4 of the Massachusetts Department of Public Health Regulations for the Control of Air Pollution in the Berkshire Air Pollution Control District, Central Massachusetts Air Pollution Control District, Merrimack Valley Air Pollution Control District, Metropolitan Boston Air Pollution Control District, Pioneer Valley Air Pollution Control District and Southeastern Massachusetts Air Pollution Control District are disapproved insofar as they permit the granting of variances (1) beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

Subpart OO—Rhode Island

2. Subpart OO is amended by adding new §§ 52.2077, 52.2078, and 52.2079 as follows:

§ 52.2077 Revisions.

(a) The revision procedures of the Rhode Island plan are not adequate since the plan does not expressly provide for revisions at the times and under the conditions set forth in § 51.6 of this chapter.

§ 52.2078 Enforcement.

(a) Sections 23-25-5(h) and 23-25-8(a) of the General Laws of Rhode Island are disapproved insofar as they permit the Rhode Island Director of the Department of Health to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

§ 52.2079 Variances.

(a) Chapter 23-25-15 of the General Laws of Rhode Island is disapproved insofar as it permits the granting of variances (1) beyond the dates required for attainment of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

[FR Doc.73-14479 Filed 7-13-73;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts and Rhode Island

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions State plans for implementation of the national ambient air quality standards. On April 11, 1973, the United States Court of Appeals for the First Circuit decided the cases of the "Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency," Case Nos. 72-1219 and 72-1224. The Court ordered the disapproval of certain portions of the Massachusetts and Rhode Island implementation plans, which had been approved by the Administrator on May 31, 1972. That formal disapproval is published in this issue of the FEDERAL REGISTER. The Court also required the Administrator to promulgate regulations amending the two plans in accordance with the terms of its order.

The regulations set forth below prescribe requirements in the Massachusetts plan for periodic reporting and public availability of emission data reported by sources in the State. Regulations setting forth revision requirements for the Rhode Island plan are also prescribed.

With respect to both the Massachusetts and Rhode Island plans, regulations are promulgated which specify the procedures and circumstances under which each State will be authorized to issue variances to sources subject to the provisions of its implementation plan. With respect to the Rhode Island plan, a similar provision is also set forth with respect to its enforcement authority.

Should Massachusetts or Rhode Island, following publication of these regulations, adopt identical or equivalent regulations, the Administrator will make an appropriate modification of his determination with respect to approvability of the affected portion of the State's plan and will rescind the pertinent Federal regulation.

The amendments set forth below are effective from the date of publication in the FEDERAL REGISTER since they are made to comply with the Court order.

(42 U.S.C. 1857c-5)

Dated: July 11, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1130 is amended by adding paragraph (b) as follows:

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§ 52.1130 Source surveillance.

(a) • • •

(b) *Regulation for source recordkeeping and reporting.* (1) The owner or operator of any stationary source in the State of Massachusetts shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Massachusetts Department of Health to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be reported to the Department every six (6) months on June 30 and December 31 of each year. The information shall be submitted on such forms as the Department may prescribe.

(3) Information recorded by the owner or operator and copies of the reports submitted to the Department shall be retained by the owner or operator for two (2) years after the date on which the report is submitted.

2. Section 52.1131 is amended by adding paragraph (b) as follows:

§ 52.1131 Variances.

• • • • •

(b) *Regulation limiting variances.* (1) No variance from any requirement of the Massachusetts Implementation Plan shall be granted which does not meet the following requirements:

(i) A variance must require compliance with the plan requirement within the times and under the conditions specified in §§ 51.15(b) (1) and (2) of this chapter.

(ii) A variance may not defer compliance beyond the last date permitted by § 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) A variance shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15 (b) and (c), and, if applicable, § 51.32(a)–(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, a variance may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such variance may not extend for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

3. A new § 52.1132 is added as follows:

§ 52.1132 Public availability of emission data.

Emission data obtained from owners or operators of stationary sources pursuant to § 52.1130(b) shall be correlated with applicable emissions limitations and other control measures. All such emission data and correlations shall be available during normal business hours at the office of the Division of Environmental Health, Room 320, 600 Washington Street, Boston, Massachusetts, and/or at such other places as the Department shall specify.

Subpart OO—Rhode Island

4. Section 52.2077 is amended by adding paragraph (b) as follows:

§ 52.2077 Revisions.

• • • • •

(b) *Regulation for plan revisions.* (1) The Rhode Island implementation plan shall be revised:

(i) When necessary to take account of a revision of the national primary or secondary ambient air quality standard which it implements;

(ii) When improved or more expeditious methods of attaining a national standard which it implements become available;

(iii) When the Administrator finds that the plan is substantially inadequate to attain or maintain the national standard which it implements and issues notice of such finding pursuant to § 51.6 of this chapter.

(2) The Rhode Island implementation plan may be revised from time to time to the extent such revisions are consistent with the requirements applicable to implementation plans set forth in this chapter and the Act.

(3) No revision shall be effective until the hearing requirements of § 51.4 of this chapter have been satisfied.

5. Section 52.2078 is amended by adding paragraph (b) as follows:

§ 52.2078 Enforcement.

• • • • •

(b) *Regulation limiting administrative abatement orders.* (1) No order deferring compliance with a requirement of the Rhode Island Implementation Plan shall be issued by the Director of the Department of Health which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the times and under the conditions specified in § 51.15(b)(1) and (2) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by § 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in § 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.6, 51.8 51.15(b) and (c), and, if applicable, 51.32(a)–(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

6. Section 52.2079 is amended by adding paragraph (b) as follows:

§ 52.2079 Variances.

• • • • •

(b) *Regulation limiting variances.* (1) No variance from any requirement of the Rhode Island Implementation Plan shall be granted which does not meet the following requirements:

(i) A variance must require compliance with the plan requirement within the times and under the conditions specified in § 51.15(b)(1) and (2) of this chapter.

(ii) A variance may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) A variance shall not be effective until it has been submitted and approved by the Administrator in accordance with §§ 51.6, 51.8, 51.15(b) and (c), and, if applicable, 51.32(a)–(e) of this chapter.

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, a variance may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such variance may not extend for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[FR Doc.73-14480 Filed 7-13-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15–16—PROCUREMENT FORMS

Subpart 15–16.7—Forms for Negotiated Architect-Engineer Contracts

ADDITIONAL GENERAL PROVISIONS

On pages 8458, 8459, 8460, and 8461 of the FEDERAL REGISTER dated April 2, 1973, there was published a notice of rule making to issue an amendment to 41 CFR Ch. 15, by adding a new § 15–16.701–50, Additional General Provisions to U.S. Standard Form 253, to Part 15–16. Interested persons were given until June 1, 1973, to submit written comments or objections to the proposed amendment. One comment was received which resulted in the substitution of the Government Rights (Unlimited) clause for the clause entitled "Drawings and other Data to Become the Property of the Government." The amendment is adopted with this one change.

Dated: July 10, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15–16.7—Forms for Negotiated Architect-Engineer Contracts

Sec.
15-16.701-50 Additional General Provisions to U.S. Standard Form 253.

AUTHORITY: 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15–16.701–50 Additional general provisions to U.S. Standard Form 253.

14. METHOD OF PAYMENT

(a) Estimates shall be made monthly of the amount and value of the work and services performed by the Architect-Engineer under this contract, such estimates to be prepared by the Architect-Engineer and accompanied by such supporting data as may be required by the Contracting Officer.

(b) Upon approval of such estimate by the Contracting Officer payment upon properly certified vouchers shall be made to the Contractor as soon as practicable of 90 percent of the amount as determined above, less all previous payments: *Provided, however,* That if the Contracting Officer determines that the work is substantially complete and that the amount of retained percentages is in excess of the amount considered by him to be adequate for the protection of the Government, he may at his discretion release to the Architect-Engineer such excess amount.

(c) Upon satisfactory completion by the Architect-Engineer of the work called for under the terms of this contract, and upon acceptance of such work by the Contracting Officer, the Architect-Engineer will be paid the unpaid balance of any money due for such work, including the retained percentages relating to this portion of the work.

(d) Upon satisfactory completion of the construction work and its final acceptance, the Architect-Engineer shall be paid the unpaid balance of any money due hereunder. Prior to such final payment under the contract, or prior settlement upon termination of the contract, and as a condition precedent thereto, the Architect-Engineer shall execute and deliver to the Contracting Officer a release of all claims against the Government arising under or by virtue of this contract, other than such claims, if any, as may be specifically excepted by the Architect-Engineer from the operation of the release in stated amounts to be set forth therein.

15. INTEREST

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Architect-Engineer to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract, (ii) the date of the first demand for payment, consistent with the contract including demand consequent upon default termination, (iii) the date of a supplemental agreement fixing the amount, or (iv) if this contract provides for revision of prices, the date or written notice to the Architect-Engineer stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

16. GRATUITIES

(a) The Government may by written notice to the Architect-Engineer, terminate the right of the Architect-Engineer to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Architect-Engineer, or any agent or representative of the Architect-Engineer, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or making of any determinations with respect to the performing of such contract: *Provided,* That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Architect-Engineer as it could pursue in the event of a breach of the contract by the Architect-Engineer, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Architect-Engineer in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this caluse shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

17. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Architect-Engineer has knowledge that any actual or potential situation is delaying or threatens to delay the timely performance of this contract, the Architect-Engineer shall within ten (10) days give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

18. COMPOSITION OF CONTRACTOR

If the Architect-Engineer hereunder is comprised of more than one (1) legal entity, each such entity shall be jointly and severally liable hereunder.

19. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50–250 if this contract is for $10,000 or more and will generate 400 or more man-days of employment.)

(a) The Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this clause, shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment the number of individuals who were hired during the reporting period and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment service system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply (1) to the listing of employment openings which occur outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and (2) to contracts with State and local governments.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000 per year. This term includes full-time employment, temporary employment of more than three days' duration, and part-time employment.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement," means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and parent companies) or outside of a special hiring arrangement which is part of the customary and traditional employment relationship which exists between the Contractor and representatives of his employees and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists or from union hiring halls.

(4) "Man-day of employment" means any day during which an employee performs more than one (1) hour of work.

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(h) The Contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract directly under this contract.

20. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Architect-Engineer agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

21. AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000.00 was accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Architect-Engineer agrees to insert this clause, including this paragraph (b), in all subcontracts hereunder when entered into exceed $100,000.00, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer;" and to add, at the end of (a) above, the words: "*Provided*, That, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds $100,000.00, the Contractor shall insert the following clause:

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000.00 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000.00.

22. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.00.)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Architect-Engineer, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

NOTE—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Architect-Engineer may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Architect-Engineer. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

23. SUBCONTRACTOR COST AND PRICING DATA

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.00.)

(a) The Architect-Engineer shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, change or other modification, the price of which is expected to exceed $100,000.00; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000.00 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000.00, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Architect-Engineer shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Architect-Engineer shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000.00 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000.00, the Architect-Engineer shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000.00. The requirements of this clause shall be limited to such price adjustments.

(b) The Architect-Engineer shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000.00; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000.00, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000.00, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Architect-Engineer shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Architect-Engineer shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.00.

24. NOTICE OF MAXIMUM PERMISSIBLE ESCALATION IN WAGE AND PRICE STANDARDS

Offerors are advised of standards established under Executive Orders 11615, 11627, and 11640 setting maximum permissible percentage of escalation in wage rates and price increases. Such standards call for wage rate increases of no more than 5.5 percent per annum unless specific exceptions have been granted by the Pay Board. The price standard established by the Price Commission has the objective of holding economy-wide price increases to 2.5 percent per annum (three percent (3%) per annum in the case of small business firms). To achieve this target, firms are allowed to increase prices to reflect allowable costs incurred since the last price increase or since January 1, 1971, whichever was later, and such costs as firms are continuing to incur, adjusted to reflect productivity gains. These price increases may not result in profit margins on sales which exceed the firm's profit margins for the highest two of the last three fiscal years ending before August 15, 1971. Average productivity gains are estimated to be 3 percent or higher for the economy annually for 1972 and 1973.

25. PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies (1) that he is in compliance and will continue to comply with the requirements of Executive Order 11640, January 26, 1972, or (2) that he is a small business concern (as determined in accordance with the regulations of the Cost of Living Council in 6 CFR 101.51.37, FR 8939, May 3, 1972) and as such is exempt from wage and price controls (except where health services or construction are involved).

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted one of the following certifications, as appropriate:

I hereby certify that the amounts invoiced herein do not exceed the lower of (1) the contract price, or (2) maximum levels established in accordance with Executive Order 11640, January 26, 1972.

I hereby certify that I am a small business concern employing 60 or fewer employees (as determined in accordance with the regulations of the Cost of Living Council in 6 CFR 101.51.37 FR 8939, May 3, 1972, and any subsequent amendments) and as such am exempt from wage and price controls as provided by the Council's regulation.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

26. PRICING ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations (41 CFR Part 1–15) or section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

27. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the disputes clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction, or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a board of contract appeals.

(b) Notwithstanding (a), above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

28. ALTERATIONS

The following alterations are made in Standard Form 253:

Clause eight (8), Examination of Records, is deleted and the following clause substituted in lieu thereof:

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Architect-Engineer agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under this contract or such lesser time specified in either appendix M of the Armed Services Procurement Regulations or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Architect-Engineer involving transactions related to this contract.

(c) The Architect-Engineer further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three (3) years after final payment under the subcontract or such lesser time specified in either appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500.00 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General, or any of his duly authorized representatives, shall continue until such appeals, litigations, claims, or exceptions have been disposed of.

The following alterations are made in Standard Form 19–B, Representations and Certifications (Construction Contract) October 1969 Edition:

1. Change the title of the form to read: Representations and Certifications (Construction and Architect-Engineer Contracts) (for use with Standard Forms 19, 21, and 252).

2. Change the Reference block to read: Reference (Enter same No.(s) as on SF 19, 21, and 252).

3. Change (c) of paragraph 1, Small Business, to read:

(c) Had average annual receipts for the preceding three (3) fiscal years not exceeding $7,500,000.00 for construction contracts, $1,000,000.00 for Architect-Engineer contracts primarily architectural, and $5,000,000.00 for Architect-Engineer contracts primarily engineering.

[FR Doc.73-14394 Filed 7-13-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2346]

PART 3540—USE PERMITS

Subpart 3541—Mineral Collection Permits

On page 1591 of the FEDERAL REGISTER dated January 16, 1973, there was published a notice and text of a proposed amendment to Subpart 3541 of Title 43, Code of Federal Regulations. The purpose of the amendment is to incorporate into the regulations provisions for authorizing mineral collectors to enter upon acquired National Forest System lands, within areas herein designated, to collect mineral specimens under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety. Presently there are no regulations providing such authority, and rock-hounding on the acquired lands is not permitted.

Interested persons were given until February 19, 1973, to submit comments, suggestions, or objections to the proposed amendment. One hundred and sixty-seven comments were received. One hundred and sixty-five commenters favored adoption of the regulations and offered suggestions for the permit form. The two comments received in opposition to the proposal objected to collection of fees for rock collecting on the designated areas. One of those indicated a preference for awaiting action by Congress. The desirability of opening the lands to rockhounders and the need to manage this use militates against further delay.

Two changes in the proposed regulations have been made for the purpose of clarity. The description of the Emerald Creek Garnet Area and the Moat Mountain Smoky Quartz Area in § 3541.1 has been changed to reflect their proximity to the U.S. Forest Service Ranger Districts where permits may be obtained.

In § 3541.2, the last sentence has been changed to indicate that permits must be secured from the appropriate District Ranger. Permits will not be available from the Forest Supervisor as indicated in the proposed rulemaking.

The areas involved are relatively small. Rockhounding in the areas will be closely controlled to minimize environmental impacts. Heavy equipment, explosives, and other destructive agents will be forbidden. It is hereby determined that the publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The proposed amendment is hereby adopted with the above indicated changes, and is set forth below. This

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amendment shall become effective August 13, 1973.

A new subpart is added to Part 3540 to read as follows:

Subpart 3541—Mineral Collection Permits

Sec.

3541.0–1 Purpose.
3541.0–2 Objectives.
3541.0–5 Definitions.
3541.1 Lands to which applicable.
3541.2 Permit requirements.
3541.3 Fees for issuance of permits.
3541.4 Terms and conditions of permits.
3541.5 Penalty for violations.
3541.6 Trespass.

AUTHORITY: Act of March 4, 1917 (16 U.S.C. 520).

Subpart 3541—Mineral Collection Permits

§ 3541.0–1 Purpose.

The purpose of the regulations in this Subpart 3541 is to authorize mineral collectors to enter upon lands pursuant to § 3501.2–6(d) of this chapter for the purpose of searching for and removing mineral specimens.

§ 3541.0–2 Objectives.

The objective is to make certain acquired lands within the National Forest System available to mineral collectors at a reasonable fee and under terms and conditions necessary for the conservation of natural resources, multiple use of National Forest System lands, equitable distribution of recreation privileges, and public safety.

§ 3541.0–5 Definitions.

For purposes of the regulations in this Subpart 3541,

(a) "Chief" is the Chief of the Forest Service or his delegate.

(b) "Fee" is a user charge for searching for and removing mineral specimens. It includes a reasonable amount to defray the cost of rehabilitation and revegetation of the lands.

(c) "Permit" is the authorization issued upon payment of a fee to a permittee to search for or remove mineral specimens.

(d) "Permittee" is the holder of a permit.

§ 3541.1 Lands to which applicable.

The acquired lands for which a permit may be obtained are clearly identifiable by boundary markings and corner monuments at each site and by a boundary map available for public inspection in the offices of the Forest Supervisor and District Ranger in charge of the lands. Areas designated for mineral collecting are described as follows:

EMERALD CREEK GARNET AREA

On the East Fork of Emerald Creek, St. Maries Ranger District, St. Joe National Forest, Idaho, about 8 airline miles south of Fernwood and 4 miles west of Clarkia.

MOAT MOUNTAIN SMOKY QUARTZ AREA

About 1,000 feet south of Thompson Falls on Elm Brook, Town of Hales location, on the Saco Ranger District, White Mountain National Forest, N.H., and about 5 miles northwest of Ranger District headquarters in Conway.

§ 3541.2 Permit requirements.

Any individual who desires to search for or remove mineral specimens on acquired National Forest System lands must first have a permit to do so on the lands involved, signed by the authorized representative of the Bureau of Land Management. Permits can be secured in person from the District Ranger in charge of the area.

§ 3541.3 Fees for issuance of permits.

Fees will be determined by the Director and will be based on charges for comparable privileges on private and State lands, including recognition of the costs of supervising the activities of permittees, maintaining and providing improvements, and rehabilitating and revegetating the lands disturbed by mineral collecting.

§ 3541.4 Terms and conditions of permits.

The permit will contain terms and conditions which are deemed necessary by the Director and by the Chief to achieve the objectives of the regulations in this subpart, including, but not limited to, the following:

(a) Limits on the amount of material that may be taken by a permittee per day, calendar year, or other period of time, and the total number of days per calendar year any permittee shall be permitted to collect on any site.

(b) Prohibition or restriction of the use of explosives.

(c) Specifications as to the type of tools and equipment which may be used.

(d) Measures to be taken to prevent destruction of other natural resources or antiquities, to rehabilitate the land after removal of mineral specimens, and to protect the environment in any other respect deemed desirable.

(e) Use of fire.

(f) Cleanup.

(g) Avoidance of hazards.

§ 3541.5 Penalty for violations.

Permits are subject to immediate cancellation if any of the terms and conditions are violated. In such case no portion of the fee will be refunded. The Director may refuse to issue a permit to any individual who violated the terms and conditions of any prior permit.

§ 3541.6 Trespass.

Removal of mineral specimens from any National Forest System lands described in § 3541.1 without, or in violation of, a permit issued under the regulations in this subpart is a trespass against the United States. Trespassers will be liable in damages to the United States and may be subject to criminal prosecution.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.73–14457 Filed 7–13–73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGO

[CGD 72–229R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Metal Borings, Shavings, Turnings, Cuttings

The purpose of this amendment to the Dangerous Cargo Regulations is to improve the requirements applicable to bulk shipments by barge or vessel of the hazardous article currently listed as metal borings, shavings, turnings, cuttings.

In the December 6, 1972 issue of the FEDERAL REGISTER (37 FR 25957) a notice of proposed rulemaking was published concerning this amendment. Interested persons were given 40 days in which to submit written comments and a public hearing was held on January 11, 1973. Eleven written and five oral comments were received. Several commenters indicated the need for additional time in which to prepare more comprehensive comments. In the January 19, 1973 issue of the FEDERAL REGISTER (38 FR 1937) the deadline for written comments was extended from January 15, 1973 to March 1, 1973. An additional seven written comments were received.

Several commenters strongly urged that barge shipments of the material in bulk, especially those made entirely on the navigable waters of the United States, should be completely exempted from the proposed conditions for bulk shipments. It was argued that barge shipments made entirely on the navigable waters are either of such short duration or of such close proximity to a port of refuge that the requirements would be unnecessary. Therefore, the requirements are not applicable to bulk shipments of the material by barges in cases when the entire voyage involved in such a shipment is conducted or is to be conducted on the waters of the United States.

Several commenters requested that coastwise or Great Lakes' shipments of the bulk material by cargo vessel be exempted from the proposed conditions for bulk shipments. Again, it was argued that these shipments are either of such short duration or of such close proximity to a port of refuge that many of the requirements, if not all, would be unnecessary. It was especially desired by most of the commenters that the specific temperature requirements to meet prior to the sailing of the vessel be relaxed in the case of a short-duration voyage of the vessel to another port for the purposes of loading more of the material in bulk. It was suggested that a short-duration voyage be considered one of 12 hours underway-time or less and that the vessel be permitted to sail when the temperature of the bulk material was less than 190°F and showing a downward trend. In view of the fact that cargo vessel shipments are manned shipments the blanket exemption for Great Lakes' or coastwise shipments is not considered appropriate. On the other hand, the suggestions pertaining to short-duration shipments are considered practical and acceptable. Therefore, the amendment contains somewhat relaxed requirements regarding the conditions for sailing for certain short-duration voyages.

Several commenters objected to the proposed restrictions concerning when a vessel may sail upon the completion of loading of the bulk material. The proposed conditions reflect the conditions under which approximately 100 shipments of the bulk material were conducted over a five-year period without any known incident, casualty or damage attributed to the heating of the material. Only one comprehensive suggestion was received regarding alternative sailing conditions. However, since April 1, 1973, two vessels transporting the bulk material reported severe heating in the material (emergency action and delay of the vessel were required); and since the vessels each left a United States port under conditions consistent with those suggested as an alternative to the proposed sailing conditions, the suggested alternative sailing conditions are considered unacceptable. Therefore, the amendment contains conditions for sailing as originally proposed except as previously indicated for certain short-duration voyages.

One commenter pointed out that combustible material should not be permitted in holds containing the bulk material. It was indicated that combustible material could contribute to the spontaneous heating properties of the bulk material even if the proposed conditions for the loading of other cargo were met. Therefore, the amendment prohibits the stowage of combustible material in holds containing the bulk material.

Several commenters indicated the conditions for the loading of other cargo in holds containing the bulk material were unnecessarily restrictive. One commenter desired conditions analogous to the sailing conditions. Since the loading of other cargo in a hold containing the bulk material could seriously hinder any emergency operations and may even camouflage increases in temperature, the specified temperature of the proposed conditions is considered the most acceptable. It is agreed, however, that the conditions should reflect only the temperature of the bulk material upon the completion of loading. Therefore, the amendment requires all temperatures in the hold containing the bulk material to be less than 130°F at the time the loading of the other cargo takes place and must not have shown any increase for at least eight hours prior to such loading.

Several commenters indicated the commonly used temperature-measuring devices are only eight inches in length. Therefore, the depth that temperatures must be taken in the bulk material has been revised to include depths of eight inches.

All other comments received consisted of suggestions for editorial changes for clarity. These comments have been incorporated into the amendment as determined appropriate.

In consideration of the foregoing, Part 146 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By amending Subpart 146.27 by adding a new § 146.27–28 to read as follows:

§ 146.27–28 Metal borings, shavings, turnings and cuttings.

(a) *Applicability.* This section applies to the stowage and transportation in bulk of the hazardous article described as metal borings, shavings, turnings and cuttings on board cargo vessels and barges, except any barge on which the article is stowed for or transported on a voyage entirely on the navigable waters of the United States.

(b) *Conditions for stowage and transportation.* Metal borings, shavings, turnings and cuttings may be stowed and transported in bulk on board cargo vessels or barges to which this part applies if the following conditions are met:

(1) Each hold in which the article is stowed must have a fire extinguishment system that uses carbon dioxide or an equivalent to carbon dioxide with respect to fire extinguishing capability. Temporary systems are acceptable.

(2) All wooden sweat battens and dunnage and debris must be removed from the hold before the article is loaded.

(3) During loading and transporting, the bilge of each hold in which the article is stowed or is to be stowed must be as dry as practicable.

(4) During loading, the article must be compacted in the hold as frequently as practicable with a bulldozer or means that provides equivalent surface compaction. Upon completion of loading, the article must be trimmed to eliminate peaks or mounds and compacted.

(5) Other cargo may be loaded in a hold containing the article if—

(i) The cargo to be loaded in the same hold with the article is not another hazardous material as defined in this Part or combustible material;

(ii) The loading of the article is completed first; and

(iii) The temperature of the article in the hold is 130°F or less and has not increased within at least eight hours prior to the loading of the other cargo.

(6) During loading, the temperature of the article in the pile being loaded must be less than 130°F.

(7) Upon completion of loading, the cargo vessel or barge may not leave the port unless—

(i) The temperature of the article in each hold is less than 150°F and, if the temperature of the article in a hold has been more than 150°F during loading, the temperature of the article has shown a downward trend below 150°F for at least eight hours after completion of loading of the hold; or

(ii) The cargo vessel or barge intends to sail directly to another port that is no further than twelve hours sailing time for the vessel concerned for the purpose of loading more of the article in bulk or to completely off-load the article, and the temperature of the article is less than 190°F and has shown a downward trend for at least eight hours after completion of loading.

(c) *Temperature of article.* For the purposes of each temperature requirement of this section, the temperature of the article is the highest temperature taken between eight and fourteen inches below the surface at ten-foot intervals over its length and width.

(d) *Duties of master and person in charge.* The following rules apply to the master or person in charge of each cargo vessel or barge that is loading and transporting the article:

(1) The master or person in charge of a cargo vessel or barge that is loading or transporting the article shall ensure that the temperature of the article is taken—

(i) Before loading;

(ii) During loading, in each hold and in the pile being loaded at least every twenty-four hours and, if the temperature is rising, as often as necessary to ensure the conditions in this section are met; and

(iii) After loading in each hold at least every twenty-four hours.

(2) During loading, if the temperature of the article in a hold is 200°F or higher, the master or person in charge of the cargo vessel or barge shall notify the Coast Guard Captain of the Port and suspend loading until the temperature of the article is less than 190°F.

(3) After loading—

(i) If the temperature of the article is 150°F or above, the master or person in charge shall notify the Captain of the Port and ensure that the cargo vessel or barge remains in the port area until the conditions of paragraph (b)(7)(i) of this section are met; or

(ii) In the case of a short-duration voyage to which paragraph (b)(7)(ii) of this section applies, if the temperature of the article in a hold is 190°F or above, the master or person in charge shall notify the Captain of the Port and ensure that the cargo vessel or barge remains in the port area until the conditions of paragraph (b)(7)(ii) of this section are met.

(4) Except for shipments of the article in bulk which leave the port of loading under the conditions specified in paragraph (b)(7)(ii) of this section, after the cargo vessel or barge leaves the port, if the temperature of the article hold rises above 149°F, the master shall notify the nearest Coast Guard Captain of the Port as soon as possible of—

(i) The name, nationality, and position of the vessel or barge;

(ii) The most recent temperature taken;

(iii) The length of time that the temperature has been above 149° F and the rate of rise, if any;

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(iv) The port where the article was loaded and the destination of the article;
(v) The last port of call of the vessel or barge and its next port of call;
(vi) What action has been taken; and
(vii) Whether any other cargo is endangered.

(5) The master of a cargo vessel or barge that is transporting the article shall ensure that each temperature taken to meet the conditions of this section is recorded.

2. By amending Subpart 146.27 by completely revising the second column of § 146.27–100 for the article metal borings, shavings, turnings, cuttings as follows:

• • • Characteristic properties, cautions	
• • • markings required	
Small pieces of metal scrap which may be mixed with cutting oils and combustible waste. The scrap when shipped is subject to spontaneous heating and ignition. Excessive amounts of cast iron borings or organic materials may encourage such heating. The scrap should be protected from moisture prior to and after loading. During loading, vessels' or barges' compartments should be closed or otherwise protected during inclement weather to keep the material dry; water, particularly sea water, should not be applied to the material except in the case of extreme emergency. Holds containing the scrap may have a reduced oxygen content; personnel should take precautions against possible asphyxiation prior to entering such holds.	Do not stow explosives in a hold above, below or adjacent to holds used for the stowage of metal scrap. Do not stow metal scrap in the same hold or compartment with any other hazardous materials cargo. Bulk shipments on board cargo vessels and certain barges must be made under the conditions prescribed in § 146.27–28.

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Effective date. This amendment is effective on October 19, 1973.

(R.S. 4472, as amended, sec. 1, 19 Stat. 252; sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: July 9, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.73–14454 Filed 7–13–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19530; FCC 73–735]

PART 1—PRACTICE AND PROCEDURE
PART 73—RADIO BROADCAST SERVICES
International Broadcasting Stations

Report and order. In the matter of amendment of § 1.574 and Part 73, Subpart F, of the Commission's rules and regulations relating to international broadcasting stations, Docket No. 19530.

1. On June 27, 1972, the Commission released a notice of proposed rulemaking in the above-entitled proceeding (FCC 72–540, 37 FR 12969 and 37 FR 18632) in which it proposed broad revisions of its rules which govern international broadcasting. Comments and reply comments having been duly filed, the matter is ready for decision.[1]

INTRODUCTION

2. In addition to licensing and regulating domestic broadcasting stations (AM, FM, TV), the Commission also licenses and regulates international broadcasting stations located in the United States. Whereas the signals of the former are intended to be received by the public in this country, those of the latter are intended to be received directly by the general public in foreign countries. The Voice of America (VOA) also operates international broadcasting stations in this country but, as is the case with other governmental radio operations, they are neither licensed nor regulated by the Commission.[2]

3. International broadcasting stations, both those of Commission licensees and those of the VOA, operate in seven bands between 5,950 kHz and 26,100 kHz. These bands, which are allocated to the broadcasting service by the Radio Regulations annexed to the International Telecommunications Convention (Montreux 1965), are also used by other countries throughout the world for international broadcasting. The propagation characteristics of frequencies in these bands vary greatly with the time of day, season of the year, and the sunspot number. Because of this, unlike licenses of domestic broadcasting stations which always specify the frequency or channel of operation of the station, licenses of international broadcasting stations specify no frequency. Instead, four times each year, as the seasons change, the Commission assigns each licensee specified frequencies to be used by it (using directional arrays) for transmission of signals to specified areas of the world during specified times of the day. These assignments of frequencies are called seasonal schedules. When a seasonal schedule is issued, it becomes an attachment to the license, replacing the preceding schedule.[3]

4. The rule revisions proposed in the notice covered a variety of matters: (1) Placing a ceiling on frequency usage by private international broadcasters; (2) conforming seasonal schedule application procedures to those required by international agreement; (3) amending the technical requirements concerning station operation; and (4) other topics, e.g., proposing that fees be charged in connection with the processing of applications for seasonal schedules, changing the length of license period, and inquiring whether common ownership of more than one international broadcast station should be permitted.

FREQUENCY USAGE

5. The notice pointed out that between the years of 1950 and 1970 the number of short-wave transmitters in the international broadcasting service throughout the world more than tripled and the number of frequency-hours used daily by international broadcasters in the entire world increased from 4,000 to 10,000. This increase has made it more and more difficult for international broadcasters to obtain frequencies that will provide satisfactory service. The Notice also mentioned that VOA frequency-hour usage had increased over the years and that it had averaged 440 frequency-hours per day for the previous five years for its transmitters located in the continental United States. On the other hand, it stated, private international broadcasters licensed by the Commission had been using about 75 frequency-hours per day in recent years and only 45 in the previous two years. It noted that while increased budgets of VOA demonstrate Congressional support of the proliferating VOA broadcast activities, the Smith-Mundt Act[4] (which expresses the policy that the government shall not have a monopoly of international broadcasting) shows Congressional approval of private international broadcasting as well.

THE FREQUENCY USAGE PROPOSAL

6. Taking into account existing and anticipated frequency congestion throughout the world, existing and anticipated VOA usage, and the policy contained in the Smith-Mundt Act, we proposed to amend our rules to provide that private international broadcasters as a group could use not more than 100 frequency-hours per day. This, we believed, represented a reasonable balance of the pertinent factors bearing on the matter of frequency usage. It was a ceiling that appeared both to allow for some growth of private international broadcasting and to be reasonably related to existing and expected frequency usage.

7. Although we do not here repeat all the details of the proposal, essentially it provided the following: (1) The Commission would not license more than a total of 10 operating main transmitters for all international broadcasting stations; (2) each licensee would be entitled to 10 frequency-hours per day for each such transmitter it was licensed to operate; (3) if the total number of frequency-hours requested by all licensees was less than 100 per day, the request of each licensee would be granted (even if more than 10 frequency-hours per transmitter were requested), but if the total exceeded 100, the frequency-hours would be divided in proportion to the number of transmitters each licensee had. Under the proposed rule, each licensee had the responsibility of making all technical studies to show that frequency-hours requested by it were available and suitable for use as proposed.

8. Comments on the proposal vary from those of VOA which feels that the 100-frequency-hour proposal is not stringent enough, to those of parties who believe that there should be no limitations whatsoever on frequency-hour usage by private international broadcasters so long as licensees can demonstrate that the frequencies they request each season are available and suitable. Between these extremes are comments which suggest that there be no ceiling on frequency-hour usage by Commission licensees for a specified period, e.g., 3 years or 5 years, and that the Commission then review the matter in the light of experience as to actual demand for frequency-hours by private international broadcasters. Also lying between the extremes are comments which concede implicitly or explicitly that there may be a need for a ceiling but that the one proposed by the Commission is too low.

ARGUMENTS AGAINST THE PROPOSAL

9. A composite of some of the principal points made by opponents of the proposal follows. Article 10 of the Radio regulations annexed to the International Telecommunications Convention (Montreux, 1965), which has been ratified by the United States, contemplates coordination between countries as to their frequency-hour usage, and an amicable working out of their difference on the basis of past usage, need, and availability of frequencies. The radio regulations set no limit on frequency-hour usage by international broadcasters. Establishing a ceiling will not help to relieve frequency congestion because the frequencies that Commission licensees are not allowed to use will be allocated to other users at coordinating conferences. Availability of frequencies (which depends on many variables such as time of operation, target area, sunspot number) should be the governing standard rather than an artificial limitation which has little or no relation to the frequencies available to a U.S. international broadcaster. Such an approach would be self-policing because licensees would not wish to spend money to broadcast over frequencies unless they believed that they had selected frequencies over which the programming would get through to the target area. If the United States unilaterally restricts its frequency usage, it will be the only nation that does so, and for no compelling reason. Moreover, having a fixed ceiling deprives private international broadcasters of the use of additional frequencies that become available during periods of increased sunspot activity.

10. Present private international broadcasting from the United States is done mostly from the east coast. Many important areas of the world, such as Australia, China, New Zealand, Indonesia, Japan, Micronesia, Russia, and Southeast Asia do not presently receive service from Commission licensees. If the proposed ceiling of 100 frequency-hours is adopted, provision should be made to "stretch" it if a showing is made that a presently unserved area is proposed to be served. Or, the ceiling provisions should not apply to proposals for international broadcasting stations in states or territories outside the continental forty-eight states which intend to provide service to target areas not served by private international broadcasters. In other words, the usage of frequency-hours should be based not only on availability of frequencies, as mentioned above, but also on need for service.

11. The Smith-Mundt Act, as modified by Reorganization Plan No. 8 of 1953,[5] provides that the Director of the USIA shall reduce government information activities whenever corresponding private information dissemination is found to be adequate, and that nothing in the Act shall be construed to give the USIA (of which the VOA is a branch) a monopoly in the production or sponsorship on the air of short-wave broadcasting programs. To set a ceiling on private international broadcasters that would give them less than one-fifth of the frequency-hours used by the U.S.-based stations of VOA borders on being contrary to this mandate.

12. A credibility gap attaches to governmental broadcasting. Broadcasting by private stations is often more effective because it has a greater credibility. Having no ceiling on frequency-hours usage will promote more private international broadcasting and thus give a greater quantity of credible programming to target areas abroad. Moreover, the increase in number of private international broadcasting stations will make for competition among them and result in their providing a better service.

13. If a ceiling is adopted, it should be higher than that proposed so that it can accommodate anticipated private international broadcasting. Thus, it should, for example, be 120 to 150 frequency-hours and 12 to 15 transmitters; or, it should be half the number of frequency-hours used by VOA and half the number of their transmitters; or, perhaps 15 frequency-hours for 1 transmitter, 20 for 2, 25 for 3 or more; or, a maximum number of frequency-hours without regard to number of transmitters; on 100 frequency-hours with a 10 percent increase each year and no limit on the number of transmitters.

DECISION AS TO FREQUENCY USAGE

14. In its comments VOA states that while it would have preferred having a rule that restricted Commission licensees to having not more than three frequencies assigned simultaneously in any single band, it views our proposal for 100 frequency-hours as sufficiently limiting the impact of additional stations in broadcast bands that were already saturated. We believe that limiting private international broadcasters as a group to only three frequencies in a band would be far too severe a restraint. Not only would this generally lessen the ability of licensees to find adequate frequencies, but during periods of low sunspot number when usable frequencies are concentrated more and more in the lower regions of the spectrum it would mean that it might at times be almost impossible for them to satisfy their frequency needs.

15. On the other hand, we continue in the view that establishing some sort of ceiling represents a reasonable balance of present and anticipated frequency congestion in the entire world, existing and anticipated VOA usage, and the policy enunciated in the Smith-Mundt Act. Accordingly, we adopt a ceiling in this proceeding, but the rule imposing that ceiling differs from that which we proposed in the notice.

16. The rule adopted today provides a limit of 100 frequency-hours per day for all private international broadcasters as a group. However, whereas the proposal provided that each licensee would be entitled to 10 frequency-hours per day for each operating main transmitter that it had, the rule adopted is in no way tied to the number of transmitters. Moreover, although under the proposal the Commission would not have licensed more than a total of ten operating main transmitters for all private international broadcasting stations, the rule adopted has no limit whatsoever on the total number of transmitters that will be licensed, and issuance of authorizations for them will be dealt with on a case-by-case basis. The number of frequency-hours allocated to any licensee will depend on past usage, availability, and need. In other words, at the Commission

[1] Comments were filed by the three stations presently authorized by the Commission to engage in international broadcasting, by potential licensees for such operations, by the Voice of America, and by others, as follows: Paul R. Bartlett; Family Stations, Inc., and Radio New York Worldwide, Inc. (jointly); Far East Broadcasting Company, Inc.; Billy Graham Evangelistic Association; Clarence C. Moore; E. H. Munn, Jr.; Lowell Perry; Robert W. Seaburg; Trans World Radio and Trans World Radio Pacific; World International Broadcasters, Inc.; and World Radio Missionary Fellowship, Inc. Reply comments were filed by Family Stations, Inc., and Radio New York Worldwide, Inc. (jointly), and Far East Broadcasting Company, Inc.

[2] Since international broadcasting stations licensed by the Commission are operated by private parties, their service is sometimes referred to as private international broadcasting to distinguish it from international broadcasting of the VOA. The service of either is often called short-wave or high-frequency broadcasting.

[3] A seasonal schedule is the same for each day of the season. For example, it may authorize a station to broadcast each day of the coming season on frequency A to area X between 1 and 3 p.m.; on frequency B to area X between 3 and 5 p.m.; on frequency C to area Y between 5 and 7 p.m.; and on frequency D to area Z between 7 and 8:30 p.m. A frequency used for one hour is called a frequency-hour. In the foregoing example, the station would be using 7½ frequency-hours per day.

[4] United States Information and Educational Exchange Act of 1948, 62 Stat. 6, codified in scattered sections of 22 U.S.C. (1964).

[5] 67 Stat. 642, 22 U.S.C. 1461 (1964).

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level we shall have, in a sense, a microcosm of the Article 10 approach;[6] yet the existence of a ceiling will serve as a warning that authorizations for frequency-hours are not available without limit. Under the rule adopted (as was the case under the rule proposed in the notice), each licensee will have the responsibility of making all technical studies to show that the frequency-hours requested by it are available and suitable for the use proposed.

17. The rule, although providing a ceiling of 100 frequency-hours per day for all licensees as a group, also contains a provision that permits exceeding the ceiling under certain circumstances. It does this by providing that if for a forthcoming season the total of the requests for daily frequency-hours of all licensees exceeds 100, each licensee upon making an adequate showing that good cause exists for not having its request reduced may be authorized the frequency-hours requested. This type of rule is like others which have been established in different contexts and which have proved helpful in dealing with special types of problems.[7]

18. This rule will allow for a reasonable amount of growth and expansion of the private international broadcast service before frequency-hour usage by all licensees as a group (presently 45 frequency-hours per day) reaches the 100 frequency-hour ceiling, and conceivably for some thereafter. Nor does it seem unduly restrictive, for as one commenting party puts it, realistically there are only about a half dozen existing and potential licensees. As another party states, we may not expect a great rush into international broadcasting since it is not a financially remunerative activity.

19. We believe this rule to be a compromise between the rule that was proposed in the notice and the various proposals made in the comments. The decision here has not been easy. On the one hand, we cannot shut our eyes to the policy of Smith-Mundt. But on the other hand it appears the Congress does support an active VOA program and may be expected to continue doing so. We believe it fruitless to debate whether VOA's having four-fifths of the frequency-hours constitutes a monopoly, or whether private broadcasting is more credible than governmental. The accommodation which we have arrived at appears to us a reasonable one.

Seasonal Schedule Application Procedures

20. The proposed rule amendments to bring seasonal schedule processing procedures into line with Article 10 requirements (paras. 7–8, 21–22 of the notice) met with no opposition; nor was any expected. Accordingly, no discussion of these amendments is deemed necessary here. Several helpful suggestions were submitted and are incorporated in the rules adopted today. One, for example, points out that the proposed processing procedures contain no provision for making frequency changes after the start of a season, and suggests that although the present rules contain no such provision, it might be helpful to insert in the new rules language to govern situations of this kind. In support of the suggestion it is stated that often it is necessary to make frequency changes in mid-season because propagation conditions do not always turn out to be as expected. Moreover, on occasion unanticipated interference problems arise and a move to another frequency becomes necessary in order to increase effectiveness. The suggested language to cover this problem, made by the commenting party, is as follows and will be adopted:

> If after the start of a season the licensee submits a request for changes in the manner of operation as authorized, the request will be considered only if accompanied by statements showing good cause therefor, and will be honored only if conditions permit.

Technical Standards

21. The proposed technical revisions in the notice cover a variety of matters. Since some of the proposals met with no opposition, no discussion of them is deemed necessary and they are adopted as proposed. Others, however, require discussion and are treated below.

Spurious Emission

22. One party opposes the adoption of proposed § 73.756(b)(1) which reads as follows:

> Any emission appearing on a frequency removed from the carrier frequency by between 5 kHz and 10 kHz, inclusive, shall be attenuated at least 25 decibels below the level of the unmodulated carrier.

Its contention is that for the audio to be down 25 decibels at 5 kHz from the carrier frequency, the process would have to begin at below 4kHz and would eliminate valuable presence of voice frequencies, thereby hindering the effectiveness and intelligibility of signals to listening areas. Therefore, this party recommends, in the interest of fidelity of transmitted signals, the reference to "between 5 kHz and 10 kHz" should be changed to read "between 6.5 kHz and 10 kHz."

23. As reflected in our proposed rule, normally our approach is to consider that the highest significant frequency in the modulating signal would be 5 kHz. However, as indicated in the comments to the notice and by Report 297–2 of the International Radio Consultative Committee (CCIR), it is frequently the practice in international broadcasting to process the modulation signal by some form of predistortion which emphasizes the higher audio components to add "presence" to that signal and to increase its ability to overcome interference. Accordingly, we are being guided by this factor and are modifying our proposed rule to provide that sideband emissions extending between 6.4 kHz and 10 kHz each side of the carrier frequency must be at least 25 db below the output power of the transmitter. This is in line with the practice reported by the CCIR and responds essentially to the recommendation submitted. It should be noted that this limitation refers to the power at spurious side frequencies under conditions of operation. It is not a specification of transmitter response.

Modulation and Bandwidth

24. Proposed § 73.766 specifies that percentage of modulation shall in no case exceed 100 percent on positive or negative peaks of frequency recurrence. One party suggests that this be changed to provide that in no case shall the percentage of modulation exceed 125 percent on positive peaks of frequent recurrence, or 100 percent on negative peaks of frequent recurrence. It urges that "this change would simply bring the rules into conformance with the standard broadcast rules."

25. It should be noted that in stipulating both positive and negative peaks be held within a 100 percent ceiling, the proposed rule only particularizes the intent of the existing rule, which, in effect, requires that peaks of frequent recurrence (regardless of polarity) not exceed 100 percent. Hence, no change in the existing mode of station operation in this respect is contemplated.

26. The situation existing in the standard broadcast band before the recent amendment of § 73.55 was quite different. Prior to its amendment, § 73.55 placed no limit on the positive degree of modulation, and advantage was being taken of this omission by many stations in employing asymmetrical techniques to produce extremely high levels of positive modulation, with attendant distortion and the potentiality for increased cochannel and adjacent channel interference to other stations. The principal reason for amending § 73.55 was to limit these abuses by placing a ceiling on positive modulation peaks. The ceiling was set at 125 percent (this is an absolute ceiling, not for "peaks of frequent recurrence" as the commenting party would interpret it) rather than at 100 percent as a compromise measure in the light of evidence that very many standard broadcast stations presently utilize moderate degrees of asymmetrical modulation with some benefit, and a finding that the adverse effects resulting from modulation not exceeding a 125 percent positive ceiling were not so severe as to warrant a disruption of widely employed and accepted operating practices.

27. International broadcast stations have operated subject to the 100 percent positive modulation limit for many years, and the kind of accommodation adopted in view of the existing situation in the standard broadcast service is neither necessary nor desirable for international broadcasting. Accordingly, we shall not adopt the change in § 73.766 suggested above.

Field Strength in Zone or Area of Reception

28. The Notice (para. 24) invited comments on whether the present requirement of a minimum permissible median field strength to be delivered to desired target areas by private international broadcasting stations (43.5 decibels above one uv/m (dBu), either measured or calculated) should be deleted or modified, and reasons therefor. One party, the VOA, contends that the signal strength of 43.5 dBu was never viewed as a standard for satisfactory service, since at the Mexico City Conference (1949) it was considered as the minimum signal which would be afforded protection.[8] Therefore, the VOA strongly recommends that this provision be changed to require a delivered median strength of at least 54 dBu in designated reception areas which is the same level of signal intensity required for rural secondary skywave coverage of a standard broadcasting (medium wave) station licensed by this agency.

29. Two parties, filing jointly, express the view that the 54 dBu requirement recommended by the VOA is excessive and unrealistic since it implies that the same standards should be set for both medium and short-wave propagation predictions. These parties contend that the two media are significantly different—propagation characteristics are different, receiver capabilities are different, and distances to reception areas are different. They state that during daytime hours, medium-wave propagation is limited to the ground wave, and usable signals are generally limited to less than 100 miles for transmitter powers of 50 kilowatts and below. They also say that during the nighttime hours, the secondary skywave coverage on medium wave for the same power is of the order of several hundred miles, and propagation is via the lower regions of the ionosphere, whereas short-wave propagation is via the ionosphere both day and night, and is generally intended for areas thousands of miles away. It is further contended that perhaps the major propagation difference between medium and short wave involves atmospheric noise levels, which are considerably higher on medium wave than on short wave. Since a satisfactory signal is one that is high enough above the noise to be heard, it is their contention that it follows that higher signal levels are required on medium wave to produce a signal that is the same level above the noise as on short wave. We are in essential agreement with the argument of these parties and do not adopt the VOA proposal.

30. In contrast to the VOA proposal, all other parties commenting on the question of whether the 43.5 dBu standard should be deleted or modified favor deletion. Most of these parties state that experience shows that even though there are periods of time when the calculated value of median field strength falls somewhat below the value now specified in our rule, such operations are capable of rendering satisfactory service to substantial portions of desired areas of reception. They point out that the private international broadcaster is motivated to have its programming received because the possibility of non-reception wastes operational costs. If the programming is not received at the intended zone or area of reception, they say, the loss is borne by the broadcaster; moreover, if the signal does not arrive, it does not create interference. Two commenting parties state that over the past ten years participants in the co-ordinating procedures have learned that assignments which appear impossible on paper often work out in practice. They also state that at the present time there is no completely satisfactory method of predicting delivered field strength.

31. It appears that the technical standards adopted by the IFRB for short-wave service have been overlooked by the commenting parties. The IFRB has adopted specific minimum field strengths to be protected for this service as specified in IFRB Technical Standards, Series A (and amendments thereto) for application in their technical examinations of notified assignments. These values are stated to have been derived from pertinent recommendations of various reports of the CCIR. Therefore, consistent with our announced intention in the notice to bring the international broadcasting rules into conformance with the Radio regulations, we are persuaded that our rules should, as nearly as practicable, be consistent with the technical standards on which the IFRB bases its technical examination of notified frequency assignments in this service.

32. On the other hand, we find merit in the above-mentioned arguments for deleting the present 43.5 dBu requirement for field strength to be delivered to desired areas of reception. We have therefore decided to adopt rules which encourage compliance with the technical standards adopted by the IFRB but with provisions permitting lesser values of median field strengths in which it will be emphasized that no protection from interference will be provided by the IFRB if their technical examination of notifications with lesser values reveals incompatabilities with other notified assignments fully complying with IFRB technical standards.[9] Therefore, licensees proposing frequency-hour assignments in this category are forewarned of the risk factor involved in such proposals. In any event, we are requiring that licensees submit, with their seasonal frequency-hour requests, all pertinent technical data with reference to the frequencies and hours of operation which should be so chosen that a given frequency will provide the largest period of reliable transmission to selected areas of reception as practicable. The data should also include the predicted median field strength at the desired zone or area of reception even though we are deleting the 43.5 dBu field strength requirement.

Power Requirement

33. Proposed § 73.751 would require licensees to have transmitter equipment with a rated carrier power of not less than 50 kW. One party suggests that this proposal be modified to provide for the use of 10 kW transmitters under some circumstances rather than have an arbitrary 50 kW minimum permissible power requirement. It urges that no amount of power is effective when a high frequency band is "not open," and that conversely, little is required when conditions are favorable. This party points to its experience with 10 kW transmitters on the 21 meter band which indicated that under certain conditions such stations could provide good service. It should be noted that this suggestion does not request an across-the-board minimum permissible standard of 10 kW. However, one party, in response to the suggestion that 10 kW be permitted under some circumstances, stated that it opposed an across-the-board standard of 10 kW, and gave supporting reasons.

34. Having considered the matter, we are of the view that with a minimum permissible transmitter power of 50 kW, usable signals are more likely to be delivered to the zones and areas of reception which licensees serve. It was this fact that partly entered into our decision to delete the requirement of a 43.5 dBu minimum permissible delivered field strength. Accordingly, we do not adopt the suggestion mentioned above.

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[6] As proposed in the notice, we are deleting present § 73.702 which provides for resolution of conflicting requests for frequency-hours by designating them for hearing because the normal delays in the hearing process prevent it from dovetailing with the coordination process contemplated by Article 10. Hearings are also similarly inappropriate for the Commission level activities in microcosm.

[7] An example of such a rule is § 73.613 which provides that the main studio location of a television broadcasting station shall be located in the principal community to be served. However, the rule also provides that if an adequate showing is made that good cause exists for locating a main studio outside the principal community to be served and that to do so would be consistent with the operation of the station in the public interests, the Commission will permit the studio to be located elsewhere.

[8] This recommendation was adopted at the Mexico City Conference (1949). However, the United States did not sign the Mexico City Agreement, primarily because of a decision that the plan therein did not satisfactorily meet the frequency-hour requirements of this country as compared with other countries. This recommendation of the Mexico City Conference has since been superseded by International Frequency Registration Board (IFRB) Technical Standards, Series A (and amendments thereto). These standards specify minimum field strengths to be protected for various radio services (including HF broadcasting) and the values vary considerably depending upon the type of transmission, frequency, season, time of day, and noise figures according to the location of receiving points.

[9] In accordance with the procedures of the International Telecommunication Union (ITU) under Article 10, about 4 months before the start of a new season each administration is required to notify the International Frequency Registration Board in Geneva of the schedules of operation each proposes to use during that season. The IFRB examines these notifications and, using its Technical Standards, Series A, determines conflicting proposals. These conflicts are reported to the administrations involved for resolution before the season commences.

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OPTIMUM WORKING FREQUENCY (FOT)

35. Proposed § 73.702(g) provides that frequencies requested for assignment must be as near as possible to the FOT for the zone or area of reception for the period and path of transmission, and should be so chosen that a given frequency will provide the largest period of reliable transmission to the selected zone or area of reception. One party opposes any unwavering requirement that the requested frequency be as near as possible to the FOT. It states that there are times when the frequency nearest to the FOT is actually in the 17, 21 or 26 megahertz bands where there are so few short-wave receivers and thus listeners, that adequacy of coverage is sacrificed for a theoretical improvement in signal already known to be satisfactory.

36. Although it is the contention of other parties filing comments regarding this matter that, in general, the FOT will provide the strongest signal and the highest reliability at any given time, we are of the opinion that the point raised has sufficient merit to warrant consideration in special cases. Therefore, the rule which we adopt will permit some flexibility to licensees, upon sufficient justification, to select frequencies that are not as near as possible to the FOT.

TABLE OF REFERENCE POINTS

37. The notice proposed to delete present § 73.703 which contains latitude and longitude reference points of target areas used in field strength calculations. Comments were invited on whether such a table is needed in the rules (whether or not the 43.5 dBu delivered field strength requirement was modified or deleted) and on what the reference points should be if such points are to be retained in the rules. Only one party commented on this subject stating that the reference points are not needed since it appears that almost any point could be selected within the zone or area of reception. It is further stated that although the reference points in the present rules, being on whole degrees of latitude and longitude, were convenient, using computer programs to calculate the propagation predictions as is normally done today makes the handling of decimal parts of latitude and longitude no problem at all. In addition it is said that the antennas used in this service are of such beam width that from any distance that one would use a short-wave transmitter, the entire area of reception normally is covered; hence any reference point taken within the zone would be satisfactory.

38. Our decision in this matter is not to have a table of latitude and longitude reference points. It is noted that specific reference points are not listed in the ITU Radio regulations. However, calculations of propagation predictions to zones or areas of reception shown on the map in new § 73.703 adopted today should be based on transmission paths from transmitter location to a convenient point in the desired zones or areas of reception.

FIELD STRENGTH PROTECTION RATIOS

39. In the notice (para. 25), we proposed to delete the present provisions of § 73.702(g) and (h) which provide that international broadcasting stations must provide minimum co-channel and adjacent channel delivered median field strength protection ratios of 40 db and 11 db, respectively, to the transmissions of other international broadcasting stations at the target area which, in the opinion of the Commission, have priority of assignment. In lieu thereof, we proposed a broad general requirement—without specific standards—that licensees shall provide protection to the transmissions of other stations (at the target areas of those other stations) which the Commission considers to have priority of assignment. Parties commenting on this matter favor our proposal.

40. Specific signal/interference protection ratios have been adopted by the IFRB for application in their technical examinations of notified assignments. IFRB Technical Standards, Series A, section A–1, page 8, (Note 2) reads as follows:

> In the application of the procedure prescribed in Article 10 of the Radio regulations, a calculated protection ratio of less than 23 db is taken by the Board to indicate an apparent incompatibility.

Since licensees will not normally have the necessary information to make such determinations until after notifications from all high-frequency broadcasters have been received by the IFRB from season to season and tentative seasonal schedules have been published, we are of the opinion that the broad general requirement that we proposed should be adopted. However, the technical standards of IFRB will be applied upon notification by the IFRB of apparent incompatibilities, which may require adjustments of operating schedules.

OTHER MATTERS

MULTIPLE OWNERSHIP

41. The notice (paras. 39–40) invited comments on whether the rules should restrict the number of private international broadcasting stations that a party may own, operate, or control. It also noted that a licensee having more than one transmitter, under a single license, each of which beams to a different target area has, in effect, more than one station when compared to a licensee having only a single transmitter (and directional array). Comments were therefore requested on the topic of whether a limit should be imposed on the number of transmitters a party might have under a single license. We also inquired whether if licensees are permitted to have more than one transmitter under a single license, the transmitters should be required to be located at the same place or be permitted to be situated at different locations.

42. In response to the foregoing, parties variously state the following. A multiple ownership rule is unnecessary, at least at the present time. However, if the Commission believes otherwise, it would be no burden if a rule provided for common ownership of not more than two stations with eight main transmitters. This, it is suggested, would permit present licensees to expand their operations if they could afford it, but they could not dominate the field. Limiting ownership to but a single station appears to be too stringent and actually self-defeating to the objectives of this country if one considers the paucity of organizations that might engage in international broadcasting.

43. Multiple ownership rules may be desirable for domestic broadcasting stations in order to promote, for example, diversity of viewpoints within a single market and to prevent undue concentration of control in those markets. However, such rules are unnecessary for international broadcasting because the air is filled with short-wave transmissions carrying programming and newsworthy information from nearly every country in nearly every language and representing nearly every ideology; and there is thus no danger that a single licensee in the United States might acquire undue control of this great communications medium.

44. As to transmitters, neither the Commission nor any other party has shown that owning and operating more than one transmitter under a single license has caused injury either in this country or abroad. As private international broadcasting develops there may be reason to limit the number of transmitters but there appears to be no present reason to do so. Additionally, rules should not be adopted which prevent a licensee from having one or more antenna or transmitter sites. The important consideration is that a station be able to provide the best and most efficient short-wave service to its authorized zones or areas of reception, and it might best do this by having multiple transmitter locations. From the point of view of the listener overseas who is tuning in to a short-wave station located in the United States, the important thing is that the station is in the United States and not that the transmitter is located at one site or another.

45. Of the foregoing arguments, we believe that the view that there are presently so many short-wave stations broadcasting from so many countries that no one party in the United States could acquire control of the medium misses the point. The objective of multiple ownership rules for international broadcasting would be to assure a diversity of programming and views emanating from the United States, not to assure that a single licensee would not control the medium internationally. However, aside from that, we find merit in the views set forth above, and do not now adopt any rules limiting the number of stations that a single party may own, operate, or control, the number of transmitters that a single licensee may have, or the number of sites at which transmitters of a single station may be located. All of these matters will be handled on a case-by-case basis.

LICENSE PERIOD

46. Presently the rules provide for a license period of one year for private international broadcasting stations. The notice (para. 27) stated that the Commission saw no reason why the term should not be three years as is the case for other broadcast services. Generally the comments are silent on this matter. However, at least one party endorses the proposal. Another, stating that the present term of one year is unrealistic and that a three-year term would not encourage new stations, suggests a license term of ten years. Such a term, however, cannot be considered in view of Section 307 (d) of the Communications Act which limits broadcast license terms to three years. We adopt the proposed three-year term.

FEES

47. In a Notice of Proposed Rule Making in Docket No. 19658, 37 F.R. 28574 (Dec. 27, 1972), the Commission began a proceeding to make broad revisions of its present fee schedule. Paragraph 28 of that notice referred to the fact that the present rule making proceeding was pending and that the matter of fees for the international broadcasting service would be treated herein. Although comments concerning such fees have been duly filed in this docket, we believe, on further consideration, that it is best to defer final decisions on this subject until such time as decisions are reached in Docket No. 19658.

MISCELLANEOUS TOPICS

48. *Multiple frequency operation.* Present § 73.702(f) reads as follows:

> Not more than one frequency will be authorized for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one target area and the intended target areas cannot be served by a single frequency.

The notice proposed to amend that section to read:

> Not more than one frequency will be assigned for use at any one time for any one program transmission to any single zone or area of reception in a specific band.

49. There seems to be confusion as to the meaning of the present rule. Many parties state that the rule recognizes the fact that certain target areas require simultaneous operation on more than one frequency to assure adequate coverage of the area. They also state that it has been common practice for VOA, Armed Forces Radio Service, and other international broadcasters to engage in such simultaneous multiple transmissions. However, the rule means what its clear language says, namely, that at any particular time only one frequency may be used to transmit any one program to one target area. Only if a station is beaming the same program to more than one target area at the same time may it use more than one frequency. The purpose of the rule is to avoid frequency congestion. It is true that many international broadcasters do broadcast in tandem on multiple frequencies to the same target area at the same time, but our rule does not permit licensees to do this.

50. The rule which we proposed has also been misinterpreted in the comments. For some reason, the same parties who misconstrue our present rule have also misconstrued our proposal as prohibiting broadcasting the same program to the same zone or area of reception on multiple frequencies at the same time. Such was not the purpose. It was the intent of the proposal to permit such operations, but only if the frequencies used were in different bands. In other words, we were willing to recognize tandem operation as a fact of life, even though it causes frequency congestion, but were restricting it to usage of a single frequency in any one band.

51. Parties who made this double misconstruction urge that we not adopt the proposal and that we retain the present rule. On further considering the matter, we believe it best to retain the old rule but to add to it a proviso that on a showing of good cause a licensee may be authorized such multiple frequency operation.

52. *Rebroadcast consent.* The Notice proposed deletion of paragraph (c) of § 73.790 governing rebroadcasting. That paragraph reads:

> A licensee of an international broadcast station may authorize the rebroadcast of its programs by any station outside the limits of the North American continent without permission from the Commission: *Provided*, That the station rebroadcasting the programs cannot be received consistently in the United States.

Of the two parties commenting on this proposal, one supported it. The other opposed it if deletion meant that a private international broadcasting station might not under any circumstances authorize the rebroadcast of its programs by stations outside North America. It based its position of the fact that much of its programming was directed to Latin America and that stations there rebroadcast its programs because of their quality, a practice of which the commenting party approved because it viewed this as a worthwhile way to cement good relations between countries. We assure that party that the intent of the deletion is such that it need have no concern on this score, and paragraph (c) of § 73.790 is accordingly deleted. Paragraphs (a) and (b) of this section have been redrafted to clarify them and to relax some of the present provisions.

53. *Contract operation.* Present rules permit a licensee to enter into contracts with an agency of the United States Government to broadcast programming subject to Governmental control as to content, target areas to be covered, and time of broadcast. In view of the fact that the VOA no longer enters into such agreements, we proposed to delete provisions pertaining to contract operation. It has been suggested in the comments that the provisions be retained since at some time in the future, VOA, Radio Free Europe, Radio Liberty, AFRTS or some other governmental agency might have reason to desire to use the facilities of Commission licensees, and no purpose is served by deletion. As stated previously (para. 12), some parties urge that one of the reasons private international broadcasting is important is that overseas listeners find it to be more credible than that of governmental agencies. Without making a judgment on this question, we observe that to permit governmental agencies to broadcast over private facilities could be confusing to the foreign listener who might not know whether the programs heard were private or governmental. In any event, as stated, government agencies are not now making use of contract operation. Should they desire to do so in the future, we believe it best to handle such requests on a case-by-case basis rather than under a general rule. Accordingly the contract provisions of the present rules will be deleted as proposed.

54. *Commercial or sponsored programs.* Present § 73.788(b) contains rules governing commercial continuities. Among other things, they provide that such continuities may give no more than the name of the sponsor of the program and the name and general character of the commodity. Although we did not propose to modify this section, one party suggested its deletion, stating that it is unnecessary and a harmful restriction of private international broadcasters because advertisers are not interested in buying time on a purely institutional basis. The rule was originally adopted because it appeared that institutional advertising would create a better impression of the United States. Only a single party has suggested deletion, and we do not believe that the arguments mentioned above constitute a showing sufficient to overcome the original reasons for adoption.

55. *Change in transmitter location.* The proposed amendment to § 1.574 concerning processing of international broadcasting applications stated that a change in transmitter location, other than local, would be viewed as a major change. Similar language appears in the present rule. One party suggested that "local" be defined either in the rule or in this Report and Order in terms of mileage, community, county or state boundaries or in some other fashion. Our intent is that a local change in transmitter location means a change of transmitter location in the immediate vicinity of the existing antennas of the station, and the language of the rule is being amended accordingly.

56. In addition to all of the amendments discussed above, we note that a variety of other amendments were suggested in the Notice. They are not discussed here because they were unopposed in the comments, and are adopted

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as proposed or with minor modifications.

Orders. 57. In view of the foregoing: *It is ordered*, That, effective August 20, 1973, Parts 1 and 73 of the Commission rules and regulations are amended as set forth below. Authority for this action is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

58. *It is further ordered*, That this proceeding is terminated except for the matter of fees to be charged in the international broadcasting service, and as to that matter the proceeding is not terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 3, 1973.

Released: July 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 1, Subpart D—Broadcast Applications and Proceedings, of the Commission's rules and regulations, is amended as follows:

1. Paragraph (a) of § 1.574 is amended to read as follows:

§ 1.574 Processing of international broadcasting applications.

(a) Applications for international broadcasting facilities are divided into two groups.

(1) In the first group are applications for new stations, or for major changes in the facilities of authorized stations. A major change is (i) any change in or addition to authorized zones or areas of reception, (ii) any change in transmitter location other than one in the immediate vicinity of existing antennas of the station, or (iii) any change in power, or antenna directivity: *Provided, however*, That the Commission may, within 15 days after the acceptance for filing of any other application for modification, advise the applicant that such application is considered to be one for a major change and therefore is subject to the provisions of §§ 1.580 and 1.1111 pertaining to major changes.

(2) The second group consists of applications for licenses and all other changes in the facilities of authorized stations.

* * * * *

Part 73, Subpart F—International Broadcasting Stations, of the Commission's rules and regulations, is amended as follows:

1. Section 73.701 is amended to read as follows:

DEFINITIONS AND ALLOCATION OF FACILITIES

§ 73.701 Definitions.

The following definitions apply to terminology employed in this subpart:

(a) *International broadcasting stations.* A broadcasting station employing frequencies allocated to the broadcasting service between 5,950 and 26,100 kHz, the transmissions of which are intended to be received directly by the general public in foreign countries. (A station may be authorized more than one transmitter.) There are both government and non-government international broadcasting stations; only the latter are licensed by the Commission and are subject to the rules of this subpart.

(b) *Transmitter-hour.* One frequency used on one transmitter for one hour.

(c) *Frequency-hour.* One frequency used for one hour regardless of the number of transmitters over which it is simultaneously broadcast by a station during that hour.

(d) *Multiple operation.* Broadcasting by a station on one frequency over two or more transmitters simultaneously. If a station uses the same frequency simultaneously on each of two (three, etc.) transmitters for an hour, it uses one frequency-hour and two (three, etc.) transmitter-hours.

(e) *Day.* Any twenty-four hour period beginning 0100 G.m.t. and ending 0100 G.m.t.

(f) *Sunspot number.* The 12-month running average of the number of sunspots for any month as indicated in the U.S. Department of Commerce Telecommunications Research and Engineering Report No. 13—available from the Superintendent of Documents, Washington, D. C. 20402. The sunspot number varies in an approximate 11-year cycle.

(g) *March season.* That portion of any year commencing 0100 G.m.t. on the first Sunday in March and ending at 0100 G.m.t. on the first Sunday in May.

(h) *May season.* That portion of any year commencing at 0100 G.m.t. on the first Sunday in May and ending at 0100 G.m.t. on the first Sunday in September.

(i) *September season.* That portion of any year commencing at 0100 G.m.t. on the first Sunday in September and ending at 101 G.m.t. on the first Sunday in November.

(j) *November season.* That portion of any year commencing at 0100 G.m.t. on the first Sunday in November and ending at 0100 G.m.t. on the first Sunday in March.

(k) *Seasonal schedule.* An assignment, for a season, of a frequency or frequencies, and other technical parameters, to be used by a station for transmission to particular zones or areas of reception during specified hours.

(l) *Reference month.* That month of a season which is used for determining predicted propagation characteristics for the season. The reference month is January, April, July, or October, as related to the season in which it occurs.

(m) *Maximum usable frequency (MUF).* The highest frequency which is returned by ionospheric radio propagation to the surface of the earth for a particular path and time of day for 50 percent of the days of the reference month.

(n) *Optimum working frequency (FOT).* The highest frequency which is returned by ionospheric radio propagation to the surface of the earth for a particular path and time of day for 90 percent of the days of the reference month.

NOTE: The international abbreviation for optimum working frequency, FOT, is formed with the initial letters of the French words for "optimum working frequency" which are "frequence optimum de travail."

(o) *Zone of reception.* Any geographic zone indicated in § 73.703 in which the reception of particular programs is specifically intended and in which broadcast coverage is contemplated.

(p) *Area of reception.* Any geographic area smaller than a zone of reception in which the reception of particular programs is specifically intended and in which broadcast coverage is contemplated, such areas being indicated by countries or parts of countries.

(q) *Delivered median field strength, or field strength.* The field strength incident upon the zone or area of reception expressed in microvolts per meter, or decibels above one microvolt per meter, which is exceeded by the hourly median value for 50 percent of the days of the reference month.

(r) *Carrier power.* The average power supplied to the antenna transmission line by a transmitter during one radio frenquency cycle under conditions of no modulation.

2. Section 73.702 is amended to read as follows:

§ 73.702 Assignment and use of frequencies.

(a) Frequencies will be assigned by the Commission prior to the start of each season to authorized international broadcasting stations for use during the season at specified hours and for transmission to specified zones or areas of reception, with specified power and antenna bearing. Six months prior to the start of each season, licensees and permittees shall by informal written request, submitted to the Commission in triplicate, indicate for the season the frequency or frequencies desired for transmission to each zone or area of reception specified in the license or permit, the specific hours during which it desires to transmit to such zones or areas on each frequency, and the power, antenna gain, and antenna bearing it desires to use. Requests will be honored to the extent that interference and propagation conditions permit and that they are otherwise in accordance with the provisions of this section.

(b) After necessary processing of the requests required by paragraph (a) of this section, the Commission will notify each licensee and permittee of the frequencies, hours of use thereof to specified zones or areas of reception, power, and antenna bearing which it intends to authorize for the season in question. After receipt of such notification, the licensee or permittee shall, in writing, not later than two months before the start of the season in question, inform the Commission either that it plans to operate in accordance with the authorization which

the Commission intends to issue, or that it plans to operate in another manner. If the licensee or permittee indicates that it plans to operate in another manner, it shall furnish explanatory details.

(c) If after submitting the request required under the provisions of paragraph (a) of this section, but before receipt of the Commission's notification referred to in paragraph (b) of this section, the licensee or permittee submits a request for changes of its original request, such requests will be accepted for consideration only if accompanied by statements showing good cause therefor and will be honored only if conditions permit. If the information required to be submitted by the licensee or permittee under the provisions of paragraph (b) of this section indicates that operation in another manner is contemplated, and the explanatory details contain a request for change in the originally proposed manner of operation, and requests will be accepted for consideration only if accompanied by statements showing good cause therefor and will be honored only if conditions permit. If after the licensee or permittee submits the information required under the provisions of paragraph (b) of this section, but before the start of the season in question, the licensee or permittee submits a request for changes in its manner of operation for the season in question, the request will be accepted for consideration only if accompanied by statements showing good cause therefor and will be honored only if conditions permit. If after the start of a season the licensee or permittee submits a request for changes in the manner of operation as authorized, the request will be considered only if accompanied by statements showing good cause therefor, and will be honored only if conditions permit.

(d) The provisions of paragraphs (a), (b), and (c) of the section shall apply to licensees, to permittees operating under program test authority, and to permittees who anticipate applying for and receiving program test authority for operation during the specified season.

NOTE: Permittees who during the process of construction wish to engage in equipment tests shall by informal written request, submitted to the Commission in triplicate not less than 30 days before they desire to begin such testing, indicate the frequencies they desire to use for testing and the hours they desire to use those frequencies. No equipment testing shall occur until the Commission has authorized frequencies and hours for such testing. Such authorizations shall be only for one season, and if it is desired to continue equipment testing in a following season, new requests for frequencies and hours must be submitted at least 30 days before it is desired to begin testing in the following season.

(e) Within 14 days after the end of each season, a report shall be filed with the Commission by each licensee or permittee operating under program test authority who has been issued a seasonal schedule for that season. The report shall state whether the licensee or permittee has operated the number of frequency-hours authorized by the seasonal schedule to each of the zones or areas of reception specified in the schedule. If such operation has not occurred, a detailed explanation of that fact shall also be submitted which includes specific dates, frequency-hours not used, and reasons for the failure to operate as authorized. The report shall also contain information that has been received by the licensee or permittee as to reception or interference, and conclusions with regard to propagation characteristics of frequencies that were assigned for the season in question.

(f) Frequencies assigned by the Commission shall be within the following bands which are allocated exclusively to the international broadcasting service:

5,950–6,200 kHz
9,500–9,775 kHz
11,700–11,975 kHz
15,100–15,450 kHz
17,700–17,900 kHz
21,450–21,750 kHz
25,600–26,100 kHz

The carrier frequencies assignable shall begin 5 kHz above the frequency specified above for the beginning of each band and shall be in successive steps of 5 kHz to and including 5 kHz below the frequency specified as the end of each band.

(g) Frequencies requested for assignment must be as near as practicable to the optimum working frequency (unless otherwise justified) for the zone or area of reception for the period and path of transmission, and should be chosen so that a given frequency will provide the largest period of reliable transmission to the selected zone or area of reception. Moreover, at the zone or area of reception frequencies shall provide protection to the transmissions of other broadcasting stations which, in the opinion of the Commission, have priority of assignment.

NOTE 1: Requests for frequency-hours shall be accompanied by all pertinent technical data with reference to the frequencies and hours of operation, including calculated field strengths delivered to the zones or areas of reception.

NOTE 2: It is preferable that calculated field strengths delivered to zones or areas of reception be equal to or greater than those required by I.F.R.B. Technical Standards, Series A (and supplements thereto), in order for the I.F.R.B. to afford the notified assignment protection from interference. Nevertheless, calculated field strengths less than those required by the I.F.R.B. standards for protection will be acceptable to the Commission. However, licensees should note that if such lesser field strengths are submitted no protection from interference will be provided by the I.F.R.B. if their technical examination of such notifications show incompatibilities with other notified assignments fully complying with I.F.R.B. technical standards.

NOTE 3: Licensees are permitted to engage in multiple operation as defined in § 73.701 (d).

NOTE 4: Seasonal requests for frequency-hours will be only for transmissions to zones or areas of reception specified in the basic instrument of authorization. Changes in such zones or areas will be made only on separate application for modification of such instruments.

(h) Not more than one frequency will be assigned for use at any one time for any one program transmission except in instances where a program is intended for reception in more than one zone or area of reception and the intended zones or areas cannot be served by a single frequency: *Provided, however*, That on a showing of good cause a licensee may be authorized to operate on more than one frequency at any one time to transmit any one program to a single zone or area of reception.

(i) Any frequency assigned to a licensee or permittee shall also be available for assignment to other licensees or permittees.

(j) All assignments of frequencies and the hours during which they will be used will be made with the express understanding that they are subject to immediate cancellation or change without hearing whenever the Commission determines that interference or propagation conditions so require and that each frequency-hour assignment for a given seasonal schedule is unique unto itself and not necessarily available for use during a subsequent season.

(k) The total maximum number of frequency-hours which will be authorized to all licensees of international broadcasting stations during any one day for any season is 100. The number of frequency-hours allocated to any licensee will depend on past usage, availability, and need. If for a forthcoming season the total of the requests for daily frequency-hours of all licensees exceeds 100, all licensees will be notified and each licensee that makes an adequate showing that good cause exists for not having its requested number of frequency-hours reduced and that operation of its station without such reduction would be consistent with the public interest may be authorized the frequency-hours requested.

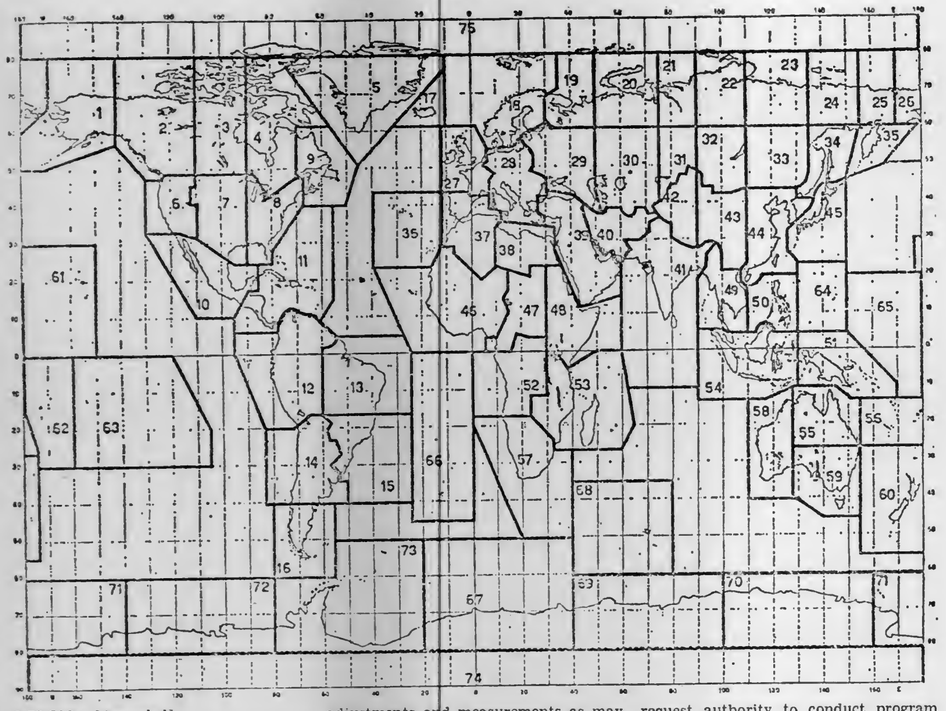
NOTE: The provisions of this paragraph are not to be construed to mean that a total of 100 (or more) frequency-hours per day is assured licensees. Frequency-hours will only be assigned to the extent that they are available. It is the responsibility of each licensee to make all technical studies to show that frequency-hours requested by it are available and suitable for use as proposed.

3. Sections 73.703 and 73.704 are deleted, and § 73.792 is redesignated § 73.703 and amended by adding introductory language thereto and substituting a new map for the old map therein as follows:

§ 73.703 Geographical zones and areas of reception.

The zones or areas of reception to be served by international broadcasting stations shall be based on the following map, and directive antennas shall be employed to direct transmissions thereto:

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§ 73.710 [Amended]

4. Section 73.710 is amended by adding the following note at the end thereof:

NOTE: Information required by these rules but not required by the application forms specified in Subpart D of Part 1 of this chapter shall be submitted as a supplement to the application and will be considered as a part thereof. Applications for renewal of license shall be accompanied by copies of program logs for the composite week designated by the Commission.

§ 73.711 [Deleted]

5. Section 73.711 is deleted.

§ 73.712 [Redesignated]

6. Section 73.712 is redesignated § 73.711.

7. Section 73.716 is redesignated § 73.712, and paragraphs (a) and (c) thereof are amended to read as follows:

§ 73.712 Equipment tests.

(a) During the process of construction of an international broadcasting station, the permittee, having obtained authorization for frequencies and hours as set forth in the Note to § 73.702(d), and having thereafter notified the Engineer in Charge of the radio district in which the station is located may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations. Such tests shall use voice identification and test tones only. No programming shall be conducted during equipment tests.

* * * * *

(c) Equipment tests may be continued so long as the construction permit shall remain valid: *Provided, however,* That the procedure set forth in paragraph (a) of this section must be repeated prior to the conducting of such tests in each season after the season in which the testing began.

* * * * *

8. New § 73.713 is added as follows:

§ 73.713 Program tests.

(a) Upon completion of construction of an international broadcasting station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and the applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee may request authority to conduct program tests: *Provided,* That such request shall be filed with the Commission at least ten (10) days prior to the date on which it is desired to begin such operation and that the Engineer in Charge of the radio district in which the transmitter(s) is located is notified. (All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application.)

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, program test authority continues valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) All operation under program test authority shall be in strict compliance with the rules governing international broadcasting stations and in strict accordance with representations made in the application for license pursuant to which the tests were authorized.

(e) The granting of program test authority shall not be construed as approval by the Commission of the application for station license.

§ 73.718 [Redesignated]

9. Section 73.718 is redesignated § 73.733 and amended to read as follows:

§ 73.733 Normal license period.

All international broadcasting station licenses will be issued so as to expire at the hour of 3 a.m. local time and will be issued for a normal license period of 3 years expiring November 1.

10. Section 73.731 and headnote are amended to read as follows:

§ 73.731 Licensing requirements.

(a) A license for an international broadcasting station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That there is a need for the international broadcasting service proposed to be rendered.

(2) That the necessary program sources are available to the applicant to render the international service proposed.

(3) That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.

(4) That the applicant is legally, technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.

(5) That the public interest, convenience and necessity will be served through the operation of the proposed station.

11. New § 73.732 is added to read as follows:

§ 73.732 Authorizations.

Authorizations issued to international broadcasting stations by the Commission will be authorizations to permit the construction or use of a particular transmitting equipment combination and related antenna systems for international broadcasting, and to permit broadcasting to zones or areas of reception specified on the instrument of authorization. The authorizations will not specify the frequencies to be used or the hours of use. Requests for frequencies and hours of use will be made as provided in § 73.702. Seasonal schedules, when issued pursuant to the provisions of § 73.702, will become attachments to and part of the instrument of authorization, replacing any such prior attachments.

12. Section 73.751 is amended to read as follows:

§ 73.751 Power requirement.

No international broadcasting station will be authorized to install, or be licensed for operation of, transmitter equipment with a rated carrier power of less than 50 kilowatts.

§ 73.752 [Deleted]

13. Section 73.752 is deleted.

14. Section 73.753 is amended to read as follows:

§ 73.753 Antenna.

All international broadcasting stations shall operate with directional antennas. Such antennas shall be designed and operated so that the radiated power in the maximum lobe toward the specific zone or area of reception intended to be served shall be at least 10 times the average power from the antenna in the horizontal plane. Radiation in all other directions shall be suppressed to the maximum extent technically feasible. In order to eliminate or mitigate harmful interference, the direction of the maximum lobe may be adjusted upon approval of the Commission.

15. Section 73.756 is amended to read as follows:

§ 73.756 Required transmitter performance.

(a) *Design.* The construction, installation, operation, and performance of the international broadcasting transmitter system shall be in accordance with good engineering practice.

(b) *Spurious emission.* (1) Any emission appearing on a frequency removed from the carrier frequency by between 6.4 kHz and 10 kHz, inclusive, shall be attenuated at least 25 decibels below the level of the unmodulated carrier. Compliance with the specification will be deemed to show the occupied bandwidth to be 10 kHz or less.

(2) Any emission appearing on a frequency removed from the carrier frequency by more than 10 kHz and up to and including 25 kHz shall be attenuated at least 35 decibels below the level of the unmodulated carrier.

(3) Any emission appearing on a frequency removed from the carrier frequency by more than 25 kHz shall be attenuated at least 80 db below the level of the unmodulated carrier.

(4) In the event spurious emissions cause harmful interference to other stations or services, such additional steps as may be necessary to eliminate the interference must be taken immediately by the licensee.

(c) *Frequency control.* The transmitter shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within 0.0015 percent of the assigned frequency.

16. Section 73.759 is amended to read as follows:

§ 73.759 Changes in equipment and antenna systems.

Specific authority, upon filing formal application (FCC Form 309) therefor, is required for any of the following changes:

(a) Change involving an increase or decrease in the power rating of the transmitters.

(b) A replacement of the transmitters as a whole.

(c) Change in the location of the transmitting antenna.

(d) Change in location of main studio, if it is proposed to move the main studio to a different city from that specified in the license.

(e) Change in the power delivered to the antenna.

(f) Change in frequency control and/or modulation system.

(g) Change in direction or gain of antenna system.

Other changes, not specified above in this section, may be made at any time without the authority of the Commission: *Provided,* That the Commission shall be immediately notified thereof and such changes shall be shown in the next application for renewal of license.

17. Section 73.761 is amended to read as follows:

§ 73.761 Time of operation.

(a) All international broadcasting stations shall operate in accordance with the times indicated on their seasonal schedules.

(b) In the event that causes beyond a licensee's control make it impossible to adhere to the seasonal schedule or to continue operating, the station may limit or discontinue operation for a period of not more than 10 days, without further authority from the Commission. However, in such cases, the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing of such limitation or discontinuance of operation and shall subsequently be notified when the station resumes regular operation.

(c) In the event that causes beyond a licensee's control make it impossible to adhere to the seasonal schedule or to continue operating for a temporary period of more than ten days, the station may not limit or discontinue operation until it requests and receives specific authority to do so from the Commission. When the station subsequently resumes regular operation after such limited operation or discontinuance of operation, it shall notify the Commission and the Engineer in Charge of the radio district in which the station is located.

18. Section 73.763 and headnote are amended to read as follows:

§ 73.763 Station license and seasonal schedules, posting of.

The original of each station license and of the current seasonal schedule shall be posted in the transmitter room.

19. Section 73.765 and headnote are amended to read as follows:

§ 73.765 Operating power; how determined and maintained.

The operating power specified in § 73.751 shall be determined by use of a calibrated dummy load or by any other method specified by the licensee and accepted by the Commission. Such method

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may subsequently be used by the licensee to maintain the authorized operating power.

20. Section 73.766 and headnote are amended to read as follows:

§ 73.766 Modulation and bandwidth.

The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice. In no case shall it exceed 100 percent on positive or negative peaks of frequent recurrence. It should not be less than 85 percent on peaks of frequent recurrence. The range of modulation frequencies shall be so controlled that the authorized bandwidth of the emission shall not be exceeded under all conditions of modulation. The highest modulating frequency shall not exceed 5 kHz.

21. Section 73.769 is amended to read as follows:

§ 73.769 Discontinuance of operation.

The licensee of each station shall notify the Commission in Washington, D.C., and the Engineer in Charge of the radio district where such station is located of permanent discontinuance of operation at least two days before operation is discontinued. The licensee shall, in addition, immediately forward the station license and other instruments of authorization to the Washington, D.C. office of the Commission for cancellation.

§ 73.787 [Amended]

22. Section 73.787 is amended by deleting paragraph (c) thereof.

23. Section 73.788(c) is amended to read as follows:

§ 73.788 Service; commercial or sponsored programs.

* * * * *

(c) The geographic areas to be served by international broadcasting stations are the zones and areas of reception shown in § 73.703.

* * * * *

24. Section 73.790 is amended to read as follows:

§ 73.790 Rebroadcast.

(a) No international broadcasting station shall rebroadcast the program, or any part thereof, of another United States broadcasting station without the express authority of the originating station. A copy of the written consent of the licensee originating the program shall be kept by the licensee of the station rebroadcasting such program and shall be made available to the Commission upon request. The broadcasting of a program relayed by a remote pick-up broadcast station (§ 74.401 of this chapter) is not considered a rebroadcast.

(b) The retransmission of point-to-point messages originated by government or privately owned non-broadcast stations must be authorized by the Commission prior to retransmission; requests for such authority may be submitted informally (by letter) accompanied by the written consent of the originating station.

§ 73.791 [Deleted]

25. Section 73.791 is deleted.

§ 73.792 [Deleted]

26. Section 73.792 is deleted.

[FR Doc.73-14448 Filed 7-13-73;8:45 am]

[FCC 73-731]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations, Woodstock and Rutland, Vermont

Memorandum opinion and order. In the matter of amendments of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Woodstock and Rutland, Vermont) RM-1913.

1. The Commission has before it a proposal to reassign Channel 246 from Rutland, Vermont to Woodstock, Vermont. The petition, filed by White Mountain Broadcasting Company ("White Mountain"), has been opposed by Vermont Radio, Incorporated.

2. At present, Rutland, Vermont, has two Class B FM channel assignments. One, Channel 251, is already in use, and Vermont Radio's opposition is based on its desire to operate on Channel 246 in Rutland, not Woodstock. On behalf of its proposal to reassign the channel, White Mountain points to Woodstock's lack of a broadcast facility and asserts that this situation is compounded by the lack of dependable signals from stations located in other area communities. In particular, White Mountain contends that Woodstock receives only "spotty" FM service from the White River Junction FM station 10 miles away. White Mountain asserts that by making the proposed assignment service could be brought to extensive areas now receiving either no FM signal or just one FM signal. Petitioner urges us to proceed to give this community of 2,608 (said to reach 3,500 in the tourist season) its first local facility. No showing has been provided on the preclusionary impact, if any, the proposal would have, but as to the proposal itself, petitioner has shown that the channel could be used in Woodstock and meet all applicable technical requirements.

3. Vermont Radio urges us to leave the assignment in Rutland, a community of 20,900, so that it might use the channel there. According to Vermont Radio, the assignment of a Class B channel to a community as small as Woodstock is inappropriate and in conflict with Commission policy. Rather, it sees a need for the channel in Rutland.

4. The question before us is easy to state, albeit harder to resolve: is there sufficient information on hand to indicate that the channel might be better used at Woodstock than Rutland, so as to warrant the commencement of a rulemaking proceeding? No substitute channel has been mentioned for Rutland and our study does not reveal that one is available. The same holds true for Woodstock. Thus we must choose, for there appears to be no way to respond to the urgings of both parties.

5. The desire for a local facility in Woodstock, while understandable, is not in itself compelling, considering the small size of the community. This is all the more true when recognition is given to the fact that it is a Class B channel under consideration. To grant the proposal would be to provide equal treatment to communities having an eightfold difference in population. White Mountain's argument about being able to provide service to unserved or underserved areas raises a significant point, but utilizing its own engineering data, it appears that if the station were located in Rutland instead, using the same facilities as White Mountain proposes, it would provide a strong signal to Woodstock and to most of the very areas that all now lack FM service. The only exception would be a small area south of Wentworth, New Hampshire. Depending on site and facilities, the unused Plymouth, New Hampshire, assignment could bring a second service to some or even all of this area.

6. Under these circumstances, we believe the public interest would be better served by leaving the channel assigned to Rutland. However, our conclusion is premised on the use of the channel in Rutland at maximum facilities. Otherwise service in the unserved or underserved areas would be significantly reduced. Any such reduction would require us to reexamine our determinations and draw the balance anew. Accordingly, we are amending the FM Table to include a footnote requiring use of this channel with maximum facilities or equivalent. The application now pending does not propose such facilities, but Vermont Radio (or any other applicant) will be afforded an opportunity to specify maximum facilities or their equivalent. If no applicant is prepared to proceed on this basis, White Mountain may resubmit its proposal based on the situation then obtaining.

7. *Accordingly, it is ordered,* That the White Mountain proposal is denied. And in view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and because the prior notice of section 4 of the Administrative Procedures Act (5 U.S.C. 553) does not apply: *It is further ordered,* That effective August 24, 1973, FM Assignments, § 73.202(b), is amended by the addition of the following footnote to the channel 246 assignment at Rutland, Vermont: Any application for this channel must specify an effective radiated power of 50 kW and antenna height of 500 feet above average terrain or their equivalent.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: July 3, 1973.

Released: July 10, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14466 Filed 7-13-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 223]

SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Notice of Proposed Rule Making

The Department of the Treasury is considering amending its regulations governing surety companies doing business with the United States, at 31 CFR Part 223 (also appearing as Department Circular No. 297, Revised). These amendments will provide a surety company with an opportunity for a hearing to explain and justify its reasons for not settling claims made against it by Federal agencies, prior to a determination by the Secretary of the Treasury to revoke its certificate of authority to do business with the United States for failure to perform its obligations to such agencies. The provisions concerning the revocation of a company's certificate of authority for not complying with other requirements of 6 U.S.C. 6–13 and these regulations are not affected by this amendment.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering amending Part 223, Subchapter A, Chapter II of Title 31 of the Code of Federal Regulations by: (1) Amending the table of contents; (2) amending § 223.6; (3) retitling and renumbering § 223.17 as § 223.18; (4) renumbering § 223.18 as § 223.17 and § 223.19 as § 223.22, and (5) adding new §§ 223.19, 223.20 and 223.21.

More specifically: (1) As amended, the table of contents for §§ 223.17 through 223.22, would read:

Sec.
223.17 Revocation.
223.18 Performance of agency obligations.
223.19 Informal hearing on agency complaints.
223.20 Final decisions.
223.21 Reinstatement.
223.22 Schedule of fees.

(2) As amended, § 223.6 would read:

§ 223.6 Requirements applicable to surety companies.

Every company now or hereafter authorized to do business under the act of Congress referred to in § 223.1 shall be subject to the regulations contained in this part.

§§ 223.17, 223.18 [Redesignated]

(3) Section 223.18 would be redesignated as § 223.17; § 223.17 would be redesignated as § 223.18 and the heading changed to read as follows: § 223.18 *Performance of agency obligations.*

(4) As newly added, §§ 223.19 through 223.21 would read:

§ 223.19 Informal hearing on agency complaints.

(a) *Request for informal hearing.* If a company determines that the opportunity to make known its views, as provided for under § 223.18(b), is inadequate, it may, within 20 business days of the date of the notice required by § 223.18(b), request, in writing, that the Secretary of the Treasury convene an informal hearing.

(b) *Purpose.* As soon as possible after a written request for an informal hearing is received, the Secretary of the Treasury shall convene an informal hearing, at such time and place as he deems appropriate, for the purpose of determining whether revocation of the company's certificate of authority is justified.

(c) *Notice.* The Company shall be advised, in writing, of the time and place of the informal hearing and shall be directed to bring all documents, records and other information as it may find necessary and relevant to substantiate its refusal to settle the claims made against it by the Federal agency making the report under § 223.18(a).

(d) *Conduct of hearings.* The hearing shall be conducted by a hearing officer appointed by the Secretary. The company may be represented by counsel and shall have a fair opportunity to present any relevant material and to examine the agency's evidence. Formal rules of evidence will not apply at the informal hearing.

(e) *Report.* Within 30 days after the informal hearing, the hearing officer shall make a written report to the Secretary setting forth his findings, the basis for his findings, and his recommendations. A copy of the report shall be sent to the company.

§ 223.20 Final decisions.

If, after review of the case file, it is the judgment of the Secretary that the complaint was unfounded, the Secretary shall dismiss the complaint by the Federal agency concerned and shall so notify the company. If, however, it is the judgment of the Secretary that the company has not fulfilled its obligations to the complainant agency, he shall notify the company of the facts or conduct which indicate such failure and allow the company 20 business days from the date of such notification to demonstrate or achieve compliance. If no showing of compliance is made within the period allowed, the Secretary shall either preclude renewal of a company's certificate of authority or revoke it.

§ 223.21 Reinstatement.

If, after one year from the date of the expiration or the revocation of the certificate of authority, as the case may be, a company can show that the basis for the non-renewal or revocation has been eliminated and that it can comply with the requirements of 6 U.S.C. 6–13 and the regulations in this part, a new certificate of authority shall be issued without prejudice.

(5 U.S.C. 301; 6 U.S.C. 8.)

Prior to the adoption of the proposed amendments, consideration will be given to written views or arguments submitted to the Commissioner of Accounts, U.S. Department of the Treasury, Washington, D.C. 20226, and received not later than August 15, 1973. Pursuant to 31 CFR 1.4(b), 36 FR 13835, comments submitted in response to this notice of proposed rule making are available to the public upon request therefor unless confidential status for the submission has been requested and approved.

Dated: July 10, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.73-14452 Filed 7-13-73;8:45 am]

Internal Revenue Service

[26 CFR 301]

TIME FOR PERFORMANCE OF ACTS WHERE LAST DAY FALLS ON A LEGAL HOLIDAY

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 15, 1973. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions

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who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 15, 1973. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) in order to conform such regulations to the changes made by P.L. 90–363, 82 Stat. 250, which amended 5 U.S.C. 6103 (a) (1964), regarding the observance of certain legal holidays on Monday. Such amendment was effective on January 1, 1971.

The proposed amendment to the regulations is designed to conform § 301.7503–1(b)(1) to the present District of Columbia law regarding the date of observance of legal holidays. The District of Columbia now observes Washington's Birthday on the third Monday in February, Memorial Day on the last Monday in May, Veterans' Day on the fourth Monday in October, and Thanksgiving on the fourth Thursday in November. Columbus Day is also considered a legal holiday in the District of Columbia for all calendar years after 1970, and is observed on the second Monday in October. Under the proposed amendment of the regulations, the dates of observance of these holidays for purposes of the Internal Revenue Code of 1954 will correspond to the dates of observance of these holidays in the District of Columbia. So that the proposed amendments to the regulations will not adversely affect certain taxpayers who relied on the current regulations, for the calendar years 1971, 1972, and 1973, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February and Memorial Day as falling on either May 30 or the last Monday in May. For the calendar years 1971 and 1972, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Veterans' Day as falling on either November 11 or the fourth Monday in October. The option is denied to taxpayers in those cases where the performance of an act relates to the jurisdiction of a court in order to be consistent with "William M. Winkler," 56 T.C. 844 (1971), where the United States Tax Court held that in computing the 150-day filing requirement of section 6213(a), Monday, February 15, 1971, was a legal holiday (Washington's Birthday) in the District of Columbia. The Tax Court made no mention of the availability of an option in cases where the performance of an act relates to the jurisdiction of a court.

Amendment to regulations. Section 7503 of the Internal Revenue Code of 1954 provides rules for the time for performance of acts where the last day for performance falls on a legal holiday. In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under section 7503 to the changes made by P.L. 90–363, 82 Stat. 250, which amended 5 U.S.C. 6103 (a) (1964), regarding the observance of certain legal holidays on Monday, paragraph (b) (1) of § 301.7503–1 of such regulations is amended to read as follows:

§ 301.7503–1 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

* * * * *

(b) *Legal holidays.* (1) For the purpose of section 7503, the term "legal holiday" includes the legal holidays in the District of Columbia. Such legal holidays found in D.C. Code Ann. § 28–2701 (1967) and 5 U.S.C. 6103 (a), as enacted and made effective by the Act of June 28, 1968 (82 Stat. 250), are—

(i) January 1, New Year's Day,

(ii) January 20, when such day is Inauguration Day,

(iii) Third Monday in February, Washington's Birthday,

(iv) Last Monday in May, Memorial Day,

(v) July 4, Independence Day,

(vi) First Monday in September, Labor Day,

(vii) Second Monday in October, Columbus Day,

(viii) Fourth Monday in October, Veterans' Day,

(ix) Fourth Thursday in November, Thanksgiving Day,

(x) December 25, Christmas Day.

When a legal holiday in the District of Columbia falls on a Sunday, the next day is a legal holiday in the District of Columbia (see D.C. Code Ann. § 28–2701 (1967)). For the purpose of section 7503, when a legal holiday in the District of Columbia (other than Inauguration Day) falls on a Saturday it shall be treated as falling on the preceding Friday. For calendar years prior to 1971, Washington's Birthday will be treated as falling on February 22, Memorial Day on May 30, and Veterans' Day on November 11. For calendar years 1971, 1972, and 1973, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February, and Memorial Day as falling on either May 30 or the last Monday in May. For calendar years 1971 and 1972, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Veterans' Day as falling on either November 11 or the fourth Monday in October. Columbus Day is not a legal holiday in the District of Columbia in any calendar year prior to 1971.

* * * * *

[FR Doc.73–14496 Filed 7–13–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Proposed Handling Limitations

This proposal, designed to promote orderly marketing of Colorado Area No. 3 potatoes, would impose minimum quality standards and would require inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the Area Committee for Area No. 3, Colorado, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop in Area No. 3 and of the marketing prospects for this season. Harvesting is expected to begin on or about August 1 so the regulation should become effective on that date. The grade, size, and maturity requirements provided herein are necessary to prevent potatoes of lesser maturities, undesirable sizes, or low quality from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Potatoes for prepeeling may be handled without regard to maturity requirements since skinning of such potatoes is of no consequence.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in four copies, with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 23, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.369 Handling regulation.

During the period August 1, 1973, through June 30, 1974, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (e) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (f) and (g) of this section.

(a) *Grade and size requirements.—All varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter: *Provided,* That Size B may be handled if U.S. No. 1, or better grade: *Further Provided,* That long varieties may, in lieu of such minimum diameters, be 4 ounces minimum weight.

(b) *Maturity (skinning) requirements—All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (e) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing; and "other processing" as hereinafter defined; and

(iv) Certified seed potatoes (§ 948.6)

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (c) of this section shall,

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable buyer or receiver.

(e) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Grades of Potatoes §§ 51.1540–51.1566 of this title, as amended, effective September 1, 1971) including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, "Import regulations" (§ 980.1 of this chapter), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1973, through June 4, 1974, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: July 11, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–14486 Filed 7–13–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

Proposed Amendments Concerning Waivers of Ineligibility

In the administration of the Emergency School Aid Act it was determined that in some cases major metropolitan school districts, because of their size, were unable to satisfy the requirements for eligibility or waiver contained in 45 CFR 185.43(b)(2) and 185.44(d)(3) which deal with discrimination in faculty assignment. These districts were able to demonstrate serious need for the assistance provided by ESAA; had submitted proposals which were rated at a level which would have permitted funding but for their ineligibility; and had demonstrated a commitment to the elimination of discrimination in faculty assignment.

In order to meet the critical needs for assistance demonstrated by these districts and to allow such districts to qualify for assistance under the Act, it is proposed to amend the regulations to permit districts which are unable to alter the faculty assignment patterns within the existing time constraints a longer period in which to complete corrective action.

The proposed revision of the regulations is to amend the provision for waiver of ineligibility resulting from discrimination in faculty assignment to permit districts to show that policies of teacher assignment which resulted in ineligibility have been changed and that corrective action to eliminate the results of past discrimination in assignment is being taken through implementation of a plan which will accomplish the complete elimination of such discrimination within a prescribed time frame.

In addition a change is proposed in § 185.95(b) (1) and (3) *Reservation of funds* to make the maximum amount authorized by the Act available to the Assistant Secretary for special projects under subpart J of this part. The amount of funds available for educational television projects under subpart H of this part is reduced to the level authorized by the Act.

Part 185 of Title 45 of the Code of Federal Regulations is hereby amended by revising §§ 185.44(d)(3) and 185.95(b)(1) and (3) to read as follows:

§ 185.44 Waiver of ineligibility.

* * * * *

(d) Demotion or dismissal of minority group personnel:

* * * * *

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has adopted and implemented a nondiscriminatory

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assignment policy. In the case of a local educational agency implementing a plan described in § 185.11(a), such evidence shall indicate that such agency is complying with the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such evidence shall include at a minimum:

(i) Adoption by such agency of a policy of nondiscriminatory assignment of faculty and staff members;

(ii) Determination of all faculty and staff assignments made after the date of application for waiver in a manner which does not contribute to or reinforce the racial or ethnic identifiability of any school operated by such agency;

(iii) Adoption of a plan to eliminate all full-time teaching faculties composed exclusively of members of a single racial or ethnic group no later than the end of the period for which assistance is to be awarded; and

(iv) Adoption of a plan for assignment of faculty and staff members which will eliminate all racially or ethnically identifiable faculties at schools operated by such agency within a reasonable period of time but in no event later than the commencement of the 1975–76 academic year. In the case of school districts in which the percentage of minority group members on the full-time teaching faculty is less than the percentage of minority group members in the student body, such plans shall include a plan of affirmative action to increase the percentage of minority group members on the full-time teaching faculty of such agency.

. . . . .

§ 185.93 Reservation of funds.

. . . . .

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 5 percent of the sums appropriated under the Act for any fiscal year for the purpose of special projects under subpart J of this part;

. . . . .

(3) An amount equal to 3 percent of the sums so appropriated for the purposes of educational television projects under subpart H of this part; and

. . . . .

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulation to Dr. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity, Room 2029, 400 Maryland Avenue, S.W., Washington, D.C. 20202, on or before August 6, 1973. Comments received in response to this notice will be available for public inspection at Room 2029, 400 Maryland Avenue, S.W., Washington, D.C. between 8 a.m. and 4:30 p.m. Monday through Friday.

Dated: July 12, 1973.

S. P. MARLAND, Jr.,
Assistant Secretary for Education.

Approved: July 12, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.73-14384 Filed 7-13-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Parts 1910, 1927]

EMERGENCY TEMPORARY STANDARD FOR CERTAIN CARCINOGENS

Commencement of Rulemaking Proceeding

On May 3, 1973, an emergency temporary standard on certain carcinogens was published in the FEDERAL REGISTER at 38 FR 10929. Section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) provides that upon the publication of an emergency temporary standard, a rulemaking proceeding in accordance with section 6(b) of the Act shall be commenced, and that the emergency temporary standard as published shall also serve as a proposed rule for the proceeding. Accordingly, pursuant to sections 6(b) and 6(c) of the Act, it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations, by adopting as a "permanent" standard § 1910.93c (38 FR 10929).

In addition to the proposal with respect to § 1910.93c, it is also proposed to adopt additional rules dealing with the subjects and issues contemplated by section 6(b)(7) and by section 8(c)(3) of the Act. These are described below. Further, Chapter XVII of Title 29, Code of Federal Regulations, would be amended by adding thereto a new Part 1927 setting forth a permit procedure to be used after December 31, 1975, in order to afford more particularized protection for employees than would be practicable under general standards when there is potential exposure to any of the substances listed in § 1910.93c.

Interested persons are invited to submit written data, views, or arguments with four copies thereof concerning the proposals not later than September 5, 1973, to the Office of Standards, U.S. Department of Labor, 400 First Street, N.W., Room 504, Washington, D.C. 20210. The written submissions will be available for public inspection and copying, except as to matters the disclosure of which is prohibited by law, at the Office of Standards, U.S. Department of Labor, 400 First Street, N.W., Room 507, Washington, D.C. 20210.

Oral data, views, and arguments will be heard before an administrative law judge to be designated later, at an informal hearing beginning at 10:00 a.m. on September 11, 1973.

Persons desiring to appear at the hearing must file with the Office of Standards, U.S. Department of Labor, 400 First Street, N.W., Room 504, Washington, D.C. 20210 a written notice of intention to appear, together with two copies, postmarked no later than August 31, 1973. The notice must state the name and address of the person wishing to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules. A notice of intention to appear not complying with the above rules will be unacceptable and may be returned with indication of deficiencies thereof and reasons for nonacceptance and return.

Beginning at 9:30 a.m. on September 11, 1973, the presiding administrative law judge will hold a prehearing conference in order to establish the order and time for the presentations, and in order to settle any other matter relating to the proceeding.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted for the record at the hearing should be submitted in triplicate (original and two copies).

The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceeding;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed standard;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to permit cross-examination of any witness; and

(f) In his descretion, to keep the record open for a reasonable stated time to receive written recommendations, and supporting reasons, and additional data, views, and argument: from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding officer shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health. Upon consideration of the record of the hearing, together with any other written data, views, or arguments received in response to this notice, the Assistant Secretary may adopt the proposal with or without changes, or determine to revoke the existing emergency temporary standard in whole or in part.

A draft environmental impact statement on the proposed standard for certain carcinogens has been filed with the Council on Environmental Quality (38 FR 15650, June 14, 1973) and distributed to the appropriate Federal and State agencies. An environmental consideration will be an issue in this proceeding. When the final environmental impact statement is prepared, it will be filed as part of the record in this proceeding.

A standards advisory committee on carcinogens has been formed and is scheduled to have its first meetings on June 25, 26, 27, 1973 (38 FR 16002), and on subsequent dates as will be noticed in the FEDERAL REGISTER. The recommendations of the standards advisory committee on carcinogens will be part of the record in this rulemaking proceeding. When made, the recommendations will be available for public inspection, and notice of such availability will be made in the FEDERAL REGISTER.

1. It is hereby proposed to adopt as a "permanent" standard § 1910.93c of Title 29, Code of Federal Regulations (38 FR 10929) reading as follows:

§ 1910.93c Carcinogens.

(a) *Scope and application.*—This section applies to any activity in which a carcinogen is manufactured, processed, used, repackaged, released, handled, or otherwise present in any manner.

(b) *Definitions.*—(1) "Carcinogen" means any of the substances listed below, or compositions containing such substances, but does not include compositions containing less than 1 percent by weight of the listed carcinogens:

Compound No.	Chemicals	Chemical abstracts registry No.
1	2-Acetylaminofluorene	53963
2	4-Aminodiphenyl	92671
3	Benzidine (and its salts)	92875
4	3,3'-Dichlorobenzidine (and its salts).	91941
5	4-Dimethylaminoazobenzene	60117
6	alpha-Naphthylamine	134327
7	beta-Naphthylamine	91598
8	4-Nitrobiphenyl	92933
9	N-Nitrosodimethylamine	62759
10	beta-Propiolactone	57578
11	bis-Chloromethyl ether	542881
12	Methyl Chloromethyl ether	107302
13	4,4'-Methylene(bis)-2-chloroaniline.	101144
14	Ethyleneimine	151564

(2) "Controlled area" means an area to which access is restricted and controlled by the employer.

(3) "Decontamination" means the removal or chemical neutralization of a carcinogen to a form that is either nontoxic or not capable of easy absorption into the body.

(4) "Present" includes manufactured, processed, used, repackaged, released, handled, or otherwise present.

(c) (1) *Controlled areas.*—(i) Any area in which any carcinogen is present shall be deemed a controlled area.

(ii) An area shall not be deemed a controlled area if the presence of a carcinogen results only from a transshipment in sealed packages.

(2) *Open-process vessels and open containers.*—Open-process vessels and open containers of a carcinogen shall be permitted only at container filling points and at points where contents of containers are charged into process vessels, and only to the extent necessary to permit transfer of contents. Such transfers shall be under continuous local exhaust ventilation which shall prevent the dispersion of the carcinogen into any work area. The transfer facilities shall have provision to confine any spills to the area served by the ventilation system.

(3) *Toilet facilities and drinking fountains.*—No toilet facilities and no drinking fountains shall be used inside a controlled area.

(4) *Food and beverage.*—No food or beverage shall be permitted within a controlled area.

(5) *Smoking.*—No smoking or smoking materials shall be allowed within a controlled area.

(d) (1) *Access to controlled areas.*—Except as provided in subparagraph (2) of this paragraph, any controlled area may be connected with an uncontrolled area only by means of change rooms and shower rooms to arranged that an employee, in order to enter or leave the controlled area, must go through the following procedures:

(i) In order to enter, an employee must undress completely in a clean change room outside the controlled area, and put on clean protective clothing and equipment; he may enter the controlled area through an entrance designed to prevent the escape of carcinogens from the controlled area to the change room;

(ii) In order to leave a controlled area, an employee must enter a separate dirty change room where he must undress completely and leave every item of clothing and equipment, then he must shower in an adjacent room which he may enter through an entrance designed to prevent the escape of carcinogens from the dirty change room to the shower room. Thereafter, he must enter the clean change room where his street clothes are in his locker.

(iii) A physical layout which would conform to this subparagraph is illustrated below:



(2) A controlled area may also be connected with an uncontrolled area by means of emergency exits which may only be used in case of emergency, such as fire.

(3) Appropriate instructions and signs shall be posted to inform employees of the procedures that must be followed in entering and leaving a controlled area.

(4) The clean change room shall have individual storage facilities for storage of street clothes and clean protective clothing and equipment.

(5) (i) Shower rooms shall be provided in accordance with § 1910.141.

(ii) Shower supplies may be introduced into a shower room only through a noncontaminated area such as a clean change room.

(6) The employer shall provide all protective clothing, equipment and shower supplies including towels.

(e) (1) *Operations of known exposure.*—(i) This subparagraph applies to any operation where there is a direct exposure of an employee to a carcinogen, including, but not limited to: (A) An opening for any purpose of equipment which contains, or has contained, a cacinogen; (B) any cleanup of leaks or spills of a carcinogen; (C) any decontaminating of equipment, surfaces, or clothing which are known, or which should be reasonably expected to be known, to be contaminated with a carcinogen; (D) the performing of any work which results in the release of a carcinogen; (E) any work in any area containing open equipment which contains a carcinogen, or which has contained a carcinogen and has not been decontaminated; or (F) any work on any area known, or reasonably expected to be known, to be contaminated with a carcinogen.

(ii) Every employee engaged in any operation described in subdivision (i) of this subparagraph shall: (A) Be provided with a clean full impervious pressurized air-supplied suit; (B) be required to put on the suit before entering an affected area and engaging in an affected operation; (C) be required to wear the suit in such an area and during the operation; and (D) be decontaminated before leaving the areas and before removing the suit.

(iii) Every area which is known, or which should be reasonably expected to be known, to be contaminated with a carcinogen, including every area where work described in subdivision (i) of this subparagraph is to be done, shall be posted with legible danger signs bearing the legend:

CANCER-PRODUCING AGENT
EXPOSED IN THIS AREA

FULL IMPERVIOUS PRESSURIZED AIR-SUPPLIED SUIT REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iv) Contaminated equipment, material, and clothing shall not be removed from a controlled area, unless it is either decontaminated or sealed in impervious containers bearing the legend:

DANGER
Contaminated with
CANCER—PRODUCING AGENT

(2) *Decontamination.*—Decontamination processes shall be established and implemented to remove carcinogens on surfaces of equipment, materials, and the decontamination facility.

(3) *Waste disposal.*—Waste disposal methods and processes shall be established and implemented which do not permit carcinogens to be introduced into noncontrolled areas.

(4) *Posting.*—Controlled areas shall be posted at all entrances with legible danger signs bearing the legend:

V 38 I 135 JUL 16 73 XUM

CANCER-PRODUCING AGENT
in this area
AUTHORIZED PERSONNEL ONLY

(5) *Medical surveillance programs.*—Each employer subject to this section shall report in writing to the Occupational Safety and Health Administration, Office of Standards, room 504, 400 First Street NW., Washington, D.C. 20210, information as to any kind of medical surveillance program that has been voluntarily instituted, or will be voluntarily instituted by the employer.

(6) *Monitoring.*—All employers subject to this section shall report in writing to the same office information as to the type of monitoring system that has been instituted.

(7) *Ventilation.*—Every controlled area shall be under constant mechanical ventilation and negative air pressure with respect to the surrounding areas, including change rooms. Air withdrawn from a controlled area shall be decontaminated before being released into any area where employees may enter.

(8) *Cleanup.*—(i) Controlled areas shall be cleaned thoroughly not less than once each working day.

(ii) Employees shall be provided, and shall be required to wear, impervious protective equipment, including trousers, jacket, headgear, boots, and gloves. Employees shall be required to wash down carefully before removing protective equipment.

(9) *Employee identification.*—Each employer shall establish and maintain a list of employees entering a controlled area. The list shall be made available on request to authorized representatives of the Secretary of Labor.

(10) *Reporting.*—Every employer subject to this section shall report in writing to the Occupational Safety and Health Administration, Office of Standards, the following information:

(i) The address of each of his controlled areas;

(ii) The name and other identifying information as to the particular carcinogens present in each of his controlled areas;

(iii) The approximate number of employees entering each of his controlled areas during a representative week of normal operations in the controlled area; and

(iv) The manner in which the carcinogens are present in each of his controlled areas, e.g., whether a carcinogen is manufactured, processed, used, repackaged, released, or otherwise handled.

(Sec. 6, Public Law 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary's Order No. 12-71 (36 FR 8754).))

2. Section 6(b)(7) of the Occupational Safety and Health Act requires that any standard thereunder be addressed to specified subjects that are in addition to or supplement those included in the emergency temporary standard forming the main part of this proposal. The requirement under section 6(c)(3) for prompt publication of a notice commencing this proceeding obviously does not contemplate necessarily fashioning the terms of proposed rules dealing with the subjects and issues specified in section 6(b)(7). A description of the substance of the proposed rules or of the subjects and issues involved meeting the notice requirements of 5 U.S.C. 553 would seem to be adequate for the purpose of prompt commencement of the rulemaking proceeding. In addition, section 8(c)(3) provides for related rulemaking concerning the monitoring of toxic substances.

The substance of the proposals under section 6(b)(7) and section 8(c)(3) or of the subjects and issues involved are as follows:

(a) It is proposed to require employers to provide at no cost to employees an opportunity for medical examinations to determine any adverse effects of exposure of employees to the listed carcinogens. The medical examinations would be required not less often than annually.

(b) Reports of the medical examinations would be submitted to the employee and the employer, and made available for inspection by representatives of the Occupational Safety and Health Administration and the National Institute of Occupational Safety and Health. The employer would be required to maintain reports of medical examinations throughout the employment of the employees involved. The reports would be treated as confidential.

(c) The employer would be required to report orally or in writing to the Occupational Safety and Health Administration any conditions or incidents resulting in direct exposure of employees to any of the listed carcinogens. The report would be made within 24 hours of the first occurrence of the exposure. The employer would be then required to notify promptly each employee of his exposure, and of any corrective action being taken to prevent further exposure. Further, the employer would be required to keep accurate records of any exposures of employees to any of the listed carcinogens. Each employee, and former employee, would have reasonable access to the records.

(d) Appropriate testing of carcinogen containers for susceptibility to rupture or leaking of any of the listed carcinogens resulting from normal handling would be required.

(e) The labelling of containers containing carcinogens would be in a form suitable for informing employees of the contents, the precautions to be taken in handling, the symptoms resulting from any exposure to the substances, and any appropriate emergency treatment for exposure.

(f) Controlled areas would be carefully monitored by appropriate means for the presence of any of the listed substances in areas where employees are present.

3. It is hereby proposed to amend Title 29 of the Code of Federal Regulations by adding a new Part 1927. The proposed new part concerns permits for use of carcinogens and would prohibit the use by employers of the listed carcinogens in § 1910.93c, except under the permit system after December 31, 1975.

The new part is proposed to read as follows:

PART 1927—PERMITS FOR USE OF CARCINOGENS

Subpart A—Granting and Denying Permits

Sec.
1927.1 Purpose and scope.
1927.2 Who must apply.
1927.3 When to apply.
1927.4 To whom to apply.
1927.5 Contents of application.
1927.6 Effect of application.
1927.7 Factors considered in issuance of permits.
1927.8 Issuance of permits.
1927.9 Terms and conditions.
1927.10 Investigation; informal hearing.
1927.11 Denial of application.

Subpart B—Suspension and Revocation of Permits

1927.15 Suspension; revocation.
1927.16 Opportunity to demonstrate or achieve compliance.
1927.17 Publication of final decisions.

AUTHORITY: Secs. 6(b), 8(c)(3), 8(g), Pub. L. 91-596, 84 Stat. 1593, 1599, 1600 (29 U.S.C. 655, 657).

Subpart A—Granting and Denying Permits

§ 1927.1 Purpose and scope.

(a) This part prescribes the rules of practice for processing permits for employers using any of the substances listed in § 1910.93c of this chapter to which employees may be potentially exposed. It is the purpose of the permit process to provide for effective regulation of conditions and practices concerning potential exposure to the listed substances in a manner that is more effective than the application of more general standards may permit.

(b) The terms and conditions of any permit shall comprise an occupational safety and health standard within the meaning of section 3(8) of the Act.

§ 1927.2 Who must apply.

Any employer wishing to use after December 31, 1975, any of the substances listed in § 1910.93c of this chapter and having any employee potentially exposed to any of such substances must apply for a permit from the Occupational Safety and Health Administration.

§ 1927.3 When to apply.

Any application for an existing use must be submitted no sooner than July 1, 1975, and no later than September 1, 1975.

§ 1927.4 To whom to apply.

Each application shall be sent to the Director, Office of Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

§ 1927.5 Contents of application.

Any application for a permit shall contain the following information.

(a) The name and address of the applicant.

(b) The name and address of each place of employment for which application is made.

(c) A full description of how the substance would be used under the permit. The description shall include the conditions, practices, means, methods, operations, and processes that would be used for protecting employees from potential exposure to the substance involved. The application shall include information in each of the factors listed in § 1927.7.

(d) A certification that the employer has informed his employees of the application by giving a copy to their authorized representative, if any; and posting a statement giving a summary of the application at a place where employee notices are usually found, and specifying where a copy may be examined.

(e) Such additional information as the Director, Office of Standards, may direct. A failure to provide any requested information within a specified time may constitute grounds for rejection of the application. This paragraph may include any information relating to the question of whether an environmental impact statement is required under the National Environmental Policy Act (42 U.S.C. 4332), and any information that may be sought when an environmental impact statement is required.

§ 1927.6 Effect of application.

An application filed in good faith within the time prescribed in § 1927.3 shall be considered temporarily approved pending its processing, so long as the requirements of § 1910.93c are met.

§ 1927.7 Factors considered in issuance of permits.

(a) To the extent feasible, on the basis of the best available evidence, the Director shall determine that no employee will suffer material impairment of health or functional capacity as a result of exposure to any of the carcinogens listed in § 1910.93c of this chapter.

(b) For the purpose of making the determination required by paragraph (a) of this section, the Director shall determine that:

(1) Appropriate engineering and administrative controls will be used to assure that no employee is subjected to harmful exposure;

(2) Industrial hygiene surveillance will be implemented whenever appropriate;

(3) Medical surveillance will be implemented whenever appropriate, and include provisions for annual examinations of employees who are subject to confirmed or suspected harmful exposure;

(4) Special measures are to be taken in the event of confirmed, suspected, and potential harmful exposures;

(5) Labels and other appropriate forms of warning are provided to inform employees of actual and potential hazards of the substances involved, relevant symptoms, and appropriate emergency treatment, and proper conditions and precautions of safe use;

(6) Appropriate personal protective equipment is provided to protect employees from the hazards involved;

(7) There is appropriate monitoring or measuring of the exposure of employees to the hazards involved, and adequate records of such monitoring and measuring are made and maintained;

(8) The employees or their representatives have an opportunity to observe the monitoring or measuring, and to have access to the records thereof;

(9) Procedures are established whereby the employer shall promptly notify any employee who has been, or is being exposed, to the substances involved, of such exposure. The procedures shall further provide that the employer shall notify such employees of any action taken to eliminate his exposure; and

(10) Each employee and former employee shall have access to such records as will indicate his own exposure to the substances involved.

§ 1927.8 Issuance of permits.

If the information examined indicates that the requirements of § 1927.7 are met, the Director shall grant the permit. Otherwise, the Director shall propose to deny the permit.

§ 1927.9 Terms and conditions.

Each permit shall be subject to the special terms and conditions prescribed therein.

§ 1927.10 Investigation; informal hearing.

(a) The Director shall provide an opportunity to the employer and the affected employees for an informal hearing, before issuing a permit.

(b) The Director may conduct a physical inspection of the workplace. If a physical inspection of the workplace is made, representatives of the employer and his employee shall be given an opportunity to accompany the investigator during the inspection for the purpose of aiding in the fact-gathering process. The investigator shall have authority to resolve all disputes as to who is the representative authorized by the employer and the employees for the purpose of this section.

(c) If an informal hearing is held, in his discretion, the Director may provide an opportunity to interested persons in addition to the employer and affected employees to present data and views on the permit application.

(d) If no investigation is made of the workplace or no hearing is held, the Director shall otherwise afford the affected employees an opportunity to comment on the application.

§ 1927.11 Denial of application.

Upon the basis of the information before him, if the Director finds that the granting of a permit will not provide safe and healthful employment in light of the factors listed in § 1927.7, the Director shall so notify the applicant in writing. The notice shall be given by registered mail.

Subpart B—Suspension and Revocation of Permits

§ 1927.15 Suspension; revocation.

The Assistant Secretary may suspend or revoke any permit of an employer when the employer fails to comply with the terms and conditions thereof or otherwise violates the Occupational Safety and Health Act when the violation is relevant to compliance with the terms and conditions of the permit.

§ 1927.16 Opportunity to demonstrate or achieve compliance.

(a) Except when the safety or health of employees requires differently, before instituting proceedings for suspension or revocation of a permit, the Assistant Secretary or his delegate shall notify by mail the employer holding the permit of the alleged facts that may warrant suspension or revocation. The notice shall fix a time and place for a conference at which the employer shall be afforded an opportunity to show that no cause for suspension or revocation exists, or that the employer has achieved compliance with the terms and conditions of the permit.

(b) The employer shall cause a copy of the notice to be served personally or by mail upon the authorized representative of the employees, if any, and to post a copy of the notice at the place or places where employee notices are normally posted.

(c) The notice described in paragraph (a) of this section shall indicate that employees shall be entitled to representation at the conference described therein. When there is no authorized representative of employees, an appropriate spokesman may be designated to represent employees seeking participation in the conference.

(d) If, as a result of the conference, the Assistant Secretary is satisfied that the employer has either demonstrated or achieved compliance, no proceedings for suspension or revocation shall be instituted.

§ 1927.17 Proceedings for suspension or revocation. [Reserved.]

§ 1927.18 Publication of final decision.

The Assistant Secretary shall publish, or cause to be published, in the FEDERAL REGISTER each final decision rendered under this part. The decision shall be accompanied by a statement of the reasons therefor.

Signed at Washington, D.C. this 9th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14382 Filed 7-13-73;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WA-12]

TERMINAL CONTROL AREA

Proposed Adoption

Correction

In FR Doc. 73-13088 appearing at page 17250 in the issue for Friday, June 29, 1973, in the description of Area G on page 17251, the 12th and 13th lines should be reversed.

[14 CFR Part 71]

[Airspace Docket No. 73-WA-5]

TERMINAL CONTROL AREA

Proposed Adoption

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Denver, Colo. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular 91-30, Terminal Control Areas (TCAs), dated 6/11/70.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before September 14, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 F.R. 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice 69-41 and is not within the scope of this notice. This notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Denver.

On April 25, 1973, the FAA held an FAA/industry meeting in Denver, Colo., to consider user operational requirements in designing the Denver Terminal Control Area.

A proposed configuration was presented at the meeting. Generally comments were favorable. The U.S. Air Force representative contended that Buckley ANG Base should be included in the TCA as a primary Airport.

A working group was established to conduct a feasibility study regarding future inclusion of the Buckley ANG Base within the TCA. The military agreed to the configuration proposed in this docket with the understanding that possible future action would be taken to make Buckley a part of the TCA, if the study indicates such action is feasible.

The TCA floors proposed herein have been established at altitudes which will offer the least inconvenience to satellite airports and yet provide the necessary vectoring airspace and maneuvering area for traffic landing and departing Stapleton Airport.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

DENVER, COLORADO, TERMINAL CONTROL AREA

Primary Airport. Denver-Stapleton International (Lat. 39°45'55" N., Long. 104°52'46" W.)

Boundaries. 1. *Area A.* That airspace extending upward from the surface to and including 11,000 feet MSL within an area bounded by a line beginning at the Denver VORTAC (Lat. 39°51'39"N., Long. 104°45'-08"W.) thence south via the Denver VORTAC 180°T (167°M) radial to and counterclockwise along the western boundary of Area B to and west along Colfax Avenue to and south along a line 2.5 miles east of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L to and clockwise along a 9-mile radius arc of the Stapleton International Airport to and south along the 360°T (347°M) radial of the Denver VORTAC to the point of beginning and that airspace north of Denver between the 9 and 11-mile radius arcs of Stapleton International Airport bounded on the east by the Denver VORTAC 360°T (347°M) radial and on the west by a line 6 miles west of and parallel to the extended centerline of Stapleton International Airport Runway 17R/35L, excluding Prohibited Area P-28.

2. *Area B.* That airspace extending upward from 6400 feet MSL to and including 11,000 feet MSL within a 2-mile radius circle centered at latitude 39°46'30"N., longitude 104°-44'40"W., excluding that area south of Colfax Avenue.

3. *Area C.* That airspace extending upward from 8,000 feet MSL to and including 11,000 feet MSL within a 15-mile radius of Stapleton International Airport excluding Areas A, B, and D.

4. *Area D.* That airspace extending upward from 7,000 feet MSL to and including 11,000 feet MSL bounded on the north by the Denver VORTAC 093°T (070°M) radial, on the west by Denver VORTAC 180°T (167°M) radial, on the south by Colfax Avenue, on the east by a 15-mile radius arc of Stapleton International Airport, excluding that airspace within Area B.

5. *Area E.* That airspace extending upward from 10,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport, excluding Area F.

6. *Area F.* That airspace extending upward from 9,000 feet MSL to and including 11,000 feet MSL between the 15-mile and 20-mile radius circles centered on Stapleton International Airport bounded on the north by the Denver VORTAC 093°T (070°M) radial and on the south by Interstate Highway 70.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 9, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-14409 Filed 7-13-73;8:45 am]

Federal Highway Administration

[49 CFR Part 391]

[Docket No. MC-49; Notice No. 73-18]

MEDICAL EXAMINATIONS OF COMMERCIAL VEHICLE DRIVERS BY CHIROPRACTIC PHYSICIANS

Advance Notice of Proposed Rule Making

The purpose of this notice is to invite comments from interested persons on a petition for rulemaking filed by the Idaho Association of Chiropractic Physicians. In its petition, the Association asks the Director of the Bureau of Motor Carrier Safety to amend § 391.43(a) of the Motor Carrier Safety Regulations, 49 CFR 391.43(a), to permit the periodic medical examination of commercial vehicle drivers to be performed by chiropractic physicians. Under § 391.45 of the regulations (49 CFR 391.45), drivers of commercial motor vehicles used for the transportation of passengers or property in interstate commerce must have a complete physical examination at least once every 24 months. The purpose of the examination is to ascertain whether the driver is afflicted with any medical condition that would disqualify him to drive a commercial truck or bus under criteria set out in § 391.41 of the regulations, 49 CFR 391.41. Section 391.43(a) provides that, with the exception of tests for visual acuity (which may be performed by optometrists), "the medical examination shall be performed by a licensed doctor of medicine or osteopathy." The quoted language excludes chiropractic physicians, and the Bureau will not now accept as valid a driver's medical certificate signed by a chiropractic physician.

As noted above, the pending petition by the Idaho Association of Chiropractic Physicians seeks to change this situation so that a chiropractic physician may give the required physical examination and, based upon his findings, may certify a driver as being physically qualified to drive under the cited provisions of the Regulations. The petitioner claims that persons who hold licenses to practice chiropractic in the State of Idaho are qualified to give the examination and to issue the required certificate. It says that (1) doctors of chiropractic are now approved for coverage under the United States Medicare Program; (2) in the State of Idaho, doctors of chiropractic are now qualified to administer blood tests; (3) the Idaho Attorney General has ruled that State law permits doctors of chiropractic to reduce bone fractures; (4) doctors of chiropractic in Idaho bear the same responsibility for reporting infectious and contagious diseases as doctors of medicine; (5) Idaho chiropractors are authorized to call themselves physicians; and (6) under the Idaho workmen's compensation laws, chiropractic physicians are in a position equivalent to that of the other practitioners of the healing arts, both in terms of the number of visits authorized for an injured person and the compensation to be paid for the services they render. Finally, the petition asserts that the existing rule invidiously discriminates against doctors of chiropractic by restricting the performance of drivers' medical examinations to doctors of medicine and doctors of osteopathy.

The Motor Carrier Safety Regulations do not require the examining physician to treat any disease or disorder he discovers when he performs a medical examination of a driver. The objective of the Regulations is to have drivers examined by medical examiners who are capable of diagnosing diseases, injuries, abnormalities, or other conditions which may affect the ability to drive a heavy commercial motor vehicle safely. Hence, the Director is primarily concerned with the diagnostic training and capabilities of chiropractic physicians. In disposing of the pending petition, the Bureau must, in the final analysis, determine whether chiropractic physicians as a group are trained and skilled to diagnose those conditions which would disqualify a person from serving as a commercial vehicle driver under the criteria and procedures in §§ 391.41 and 391.43 of the Motor Carrier Safety Regulations.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendment sought by the petitioner. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on December 31, 1973 will be considered. Comments will be available for examination by any interested person in the public docket of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW, Washington, D.C. both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on July 9, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-14411 Filed 7-13-73;8:45 am]

Federal Railroad Administration

[49 CFR Part 213]

[Docket No. RST-1B; Notice 1]

TRACK SAFETY STANDARDS

Maximum Operating Speeds; Notice of Public Hearing

The Federal Railroad Administration (FRA) is considering an amendment to Part 213, Track Safety Standards, to permit maximum operating speeds of more than 110 m.p.h.

On June 7, 1972, the National Railroad Passenger Corporation (Amtrak) filed a petition (Docket No. RST-1; Pet No. 2) requesting that § 213.9 be amended to provide higher speed limits for passenger trains operating over classes 1 through 6 track. On the basis of this petition, FRA initiated a rule-making proceeding (Docket No. RST-1A) which resulted in issuance of an amendment establishing higher speeds for passenger trains operating over classes 1 through 5 track (38 FR 873, 1508). However, the portion of the petition requesting trains on class 6 be increased to 120 m.p.h. was denied by FRA for failure to show a relationship between high speed specialized equipment and class 6 track which would support a safe increase in the maximum allowable speed.

The proposed amendment would permit maximum operating speeds of more than 110 m.p.h. only after prior approval by the FRA. To obtain FRA approval, a petition must be filed in accordance with § 211.11 of the FRA rulemaking procedures (49 CFR 211.11). In addition to providing the information required by § 211.11, each petition for FRA approval of maximum operating speeds of more than 110 m.p.h. must provide sufficient information to establish that the track and equipment involved can safely sustain the proposed speed.

Interested persons are invited to participate in making these proposed amendments by submitting written data, views, or comments. Communications should identify the docket number and notice number, and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before August 16, 1973, will be considered by the Federal Railroad Administrator before final action is taken on the proposed amendments. Comments received after that date will be considered so far as practicable. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

In addition to insure that all interested persons have an opportunity for oral presentation, the FRA will conduct a public hearing at 10:00 a.m. on August 16, 1973, in Room 5332, 400 Seventh Street, SW., Washington, D.C. The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their initial oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing oral presentation, the FRA will conduct a public hearing at 10:00 a.m. on written statements at the hearing. All statements will be made a part of record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, before August 16, 1973, stating the amount of time required for his initial statement.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

In consideration of the foregoing it is proposed to amend Part 213 of Title 49 of the Code of Federal Regulations as set forth below

Issued in Washington, D.C. on July 9, 1973.

JOHN W. INGRAM,
Administrator.

1. In § 213.9, it is proposed to amend paragraph (a) and add a new paragraph (c) as follows:

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§ 213.9 Classes of track: operating speed limits.

(a) Except as provided in paragraphs (b) and (c) of this section and §§ 213.57(b), 213.59(a), 213.105, 213.113 (a) and (b), and 213.137 (b) and (c), the following maximum allowable operating speeds apply:

Over track that meets all of the requirements prescribed in this part for—	*The maximum allowable operating speed for freight trains is—*	*The maximum allowable operating speed for passenger trains is—*
Class 1 track	10 m.p.h.	15 m.p.h.
Class 2 track	25 m.p.h.	30 m.p.h.
Class 3 track	40 m.p.h.	60 m.p.h.
Class 4 track	60 m.p.h.	80 m.p.h.
Class 5 track	80 m.p.h.	90 m.p.h.
Class 6 track	110 m.p.h.	110 m.p.h.

* * * * *

(c) Maximum operating speed may not exceed 110 m.p.h. without prior approval of the Federal Railroad Administrator. Petitions for approval must be filed in the manner and contain the information required by § 211.11 of this chapter. Each petition must provide sufficient information concerning the performance characteristics of the track, signaling, grade crossing protection, trespasser control where appropriate, and equipment involved and also concerning maintenance and inspection practices and procedures to be followed, to establish that the proposed speed can be sustained in safety.

[FR Doc.73-14274 Filed 7-13-73;8:45 am]

[49 CFR Part 221]

[Docket No. PC-1; Notice 1]

PASSENGER TRAIN VISIBILITY

Proposed Rulemaking and Notice of Hearing

The Federal Railroad Administration (FRA) is considering an amendment to Title 49 of the Code of Federal Regulations to require markings on the rear end of passenger trains to enhance their visibility and protect against rear end collisions. The proposed rules would apply to trains operated in intercity rail passenger service and to trains operated in rapid transit, commuter, or other short-haul passenger service in an urban, suburban, or metropolitan area.

Because of its role in the area of railroad safety, it is the duty of the Federal Railroad Administration to seek more effective means of preventing the loss of life and property damage which results from rear-end train collisions. One means of contributing to this goal is enhancement of the visibility of the rear end of passenger trains. The train marking system being proposed is not intended as a substitute for existing signal systems and operating rules. Rather, the markings would serve as a back-up or secondary aid to warn the crew of an approaching train of the presence of a stopped or slow moving passenger train ahead on the same track.

At present the many types of passenger cars are generally unpainted or painted in dark colors which tend to blend with the typical range of railroad surroundings. Such a car is difficult to distinguish when viewed from the operating compartment of an approaching train on the same track. If the marking patterns proposed by this notice are adopted, the rear end of passenger trains will be rendered attention-getting and distinguishable against typical railroad backgrounds. Uniformity of size and configuration of markings will also aid the crew of an approaching train in judging distance and closing rate between that train and a passenger train ahead on the same track.

The proposed new part contains several sections covering fluorescent panels, retroflectors, and flashing lamps, including technical specifications and procedures for measuring color, luminance, and reflectivity. A railroad that operates a passenger train would have the duty of marking and maintaining the last car on the train in compliance with the proposed requirements. For example, under the proposed § 221.13, a panel painted with fluorescent material would have to be repainted whenever the peak reflectance of the material deteriorates to 100 percent of that of pure white. The rate of deterioration and frequency of repainting would depend in each case on the type and amount of fluorescent material that is used and the operating environment of the car on which it is applied.

In accordance with the Federal Railroad Safety Act of 1970, each violation of the proposed regulations would result in assessment of a civil penalty of not less than $250 nor more than $2500, subject to compromise by the Federal Railroad Administrator.

Compliance with the proposed requirements could be achieved by a variety of methods. It would not be necessary for each car operated in passenger service to be marked as proposed, since only the last car of a train carrying passengers would have to meet the requirements. A railroad that operates passenger trains could designate a certain percentage of its passenger equipment as "rear end cars". These cars could be permanently marked and maintained in compliance with the proposed rules, and operated at the rear end of every passenger train.

It would also be possible for an operator of passenger equipment to fit each car with mountings for a system of removable panels, retroflectors, and battery operated lamps. The car at the rear end of a passenger train would be fitted with the equipment necessary to comply with the requirements.

A railroad would not be limited to either of the above systems of implementation, but would be free to develop and employ any approach to implementation which is consistent with the rules being proposed.

The proposed rules are as follows:

PART 221—PASSENGER TRAIN VISIBILITY

Sec.
221.1 Scope of part.
221.3 Application.
221.5 Civil penalty.
221.7 Waivers.
221.9 Rear end panels; general.
221.11 Rear end panels; plan for spacing.
221.13 Rear end panels; deterioration.
221.15 Specifications for fluorescent substance.
221.17 Location of retroflectors.
221.19 Specifications for retroflectors.
221.21 Number and location of lamps.
221.23 Specifications for lamps.
221.25 Operation of lamps.

§ 221.1 Scope of part.

This part prescribes standards for the marking of the rear end of trains transporting passengers.

§ 221.3 Application.

(e) Except as provided in paragraph (b) of this section, this part applies to trains engaged in—

(1) Intercity rail passenger service; and

(2) Rapid transit, commuter, or other short haul rail passenger service in an urban, suburban or metropolitan area, including passenger service provided by an intrumentality of a State or political subdivision thereof.

(b) This part does not apply to trains consisting of historic or antiquated equipment which are operated for excursion, educational, or recreational purposes.

§ 221.5 Civil penalty.

Any railroad that operates a passenger train to which this part applies in violation of any requirement prescribed in this part is liable to a civil penalty of at least $250 but not more than $2500.

§ 221.7 Waivers.

(a) Any railroad may petition the Federal Railroad Administrator for a permanent or temporary waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by § 211.11 of this chapter.

(c) Each petition received is processed in the manner prescribed in Part 211 of this chapter.

(d) If the Administrator finds that a waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver. Notice of each waiver granted is published in the FEDERAL REGISTER together with a statement of the reasons therefor.

§ 221.9 Rear end panels; general.

(a) Except as provided in § 221.11, the rear end of the last car of each train to which this part applies must display three clean panels coated with the yellow-orange fluorescent substance described in § 221.15 and affixed in conformity with the following dimensions and spacing:

(1) One square panel measuring 36 inches on each side must be positioned at each lower corner of the rear end so that the inside edges of the two panels are parallel at least 42 inches but not more than 54 inches apart, and the bottom edges of the two panels are in a horizontal plane at least 36 inches but not more than 48 inches above the level of the tops of the rail heads on tangent track.

(2) One rectangular panel 12 inches high extending across the entire width of the car must be positioned near the top of the car so that the bottom edge of the panel is parallel with and at least 48 inches but not more than 72 inches above the top edges of the panels positioned under paragraph (a)(1) of this section.

(b) A panel must consist of—

(1) Any durable material which will not warp; or

(2) An area on the surface of the rear end of the car which meets the dimensions and spacing requirements prescribed in paragraph (a) of this section.

(c) Holes may be made in panels to accommodate fixed lamps, train identification indicators, receptacles for electrical connections, and other fixtures.

§ 221.11 Rear end panels; plan for spacing.

If the configuration of the rear end of a passenger car makes compliance with the requirements of § 221.9(a) (1) or (2) impractical, that car may display panels in accordance with a plan of dimensions and spacing proposed by the railroad concerned and approved by the Federal Railroad Administrator. Each plan submitted for approval must be accompanied by a statement of the reasons why compliance with the applicable requirements would be impractical, including a diagram where appropriate. Each panel displayed in accordance with a plan must be permanently and legibly marked with a statement that the panel complies with a plan approved by the Federal Railroad Administrator in accordance with this section.

§ 221.13 Rear end panels; deterioration.

When the peak reflectance of the fluorescent substance applied to a panel under § 221.9 deteriorates to 100 percent of that of a flat magnesium oxide surface (pure white) as determined by comparing the apparent brightness of the panel under indirect daylight with the various color squares on a color tolerance chart, a new coat of the yellow-orange fluorescent substance described in § 221.15 must be applied to the panel. The color chart used to determine peak reflectance must consist of three rows of yellow-orange hues within the range specified in § 221.15(c), with each row containing four color squares measuring 2 inches on a side, and the squares in each row respectively characterized by a peak reflectance of 200 percent, 125 percent, 100 percent, and 75 percent of that of a flat magnesium oxide surface. The color chart must be enclosed in an opaque protective reuseable container when not in use to guard against deterioration over time.

§ 221.15 Specifications for fluorescent substance.

The coat of yellow-orange fluorescent substance applied to panels under §§ 221.9 and 221.13 must have the following characteristics when subjected to a 150-watt high pressure xenon compact arc lamp with an unmodified spectrum at an angle of incidence of 45°, and when viewed from an observation angle of 90°:

(a) A peak reflectance which is at least 200 percent of that of a flat magnesium oxide surface (pure white);

(b) A relative luminance factor not less than 50 percent of that of a flat magnesium oxide surface; and

(c) When expressed in terms of the International Commission on Illumination 1931 colormetric system, chromaticity coordinates which lie within the region bounded by the spectrum locus and the lines defined by the following equations:

Boundary	*Equation*
Yellow	$y=0.17+0.47$
White	$x+y=0.92$
Red	$y=0.37$

§ 221.17 Location of retroflectors.

Four yellow-range retroflectors, each circular in shape and at least six inches but not more than 12 inches in diameter, must be affixed to the rear end of the last car of each train to which this part applies as follows:

(a) One retroflector must be affixed in the lower outside corner of each panel positioned under § 221.9(a)(1) so that the edge of the retroflector is six inches from the outside and bottom edges of the panel measured perpendicularly to the respective edge.

(b) One retroflector must be affixed in the left side and one in the right side on the lateral axis of the panel positioned under § 221.9(a)(2) so that the outside edge of each retroflector is six inches from the respective left edge or right edge of the pannl, measured perpendicularly to that edge.

§ 221.19 Specifications for retroflectors.

(a) When tested in accordance with paragraph (b) of this section, the yellow-orange reflective material used for each retroflector applied under § 221.17 must have, at a minimum, for an observation angle of 0.1 degree, a specific intensity of 100 candlepower per foot-candle of incident illumination at an entrance angle of zero degrees, and a specific intensity of 40 candlepower per foot-candle of incident illumination for an entrance angle of 10 degrees.

(b) Test the yellow-orange reflective material as follows:

(1) Use a lamp with a tungsten filament operating at 2,854° Kelvin color temperature as the source of illumination.

(2) Place the source of illumination 100 feet from the reflective material.

(3) Measure the incident illumination at the retroflector and the reflected intensity from the retroflector, then determine the total candlepower per incident foot candle of the yellow-orange reflective material at the entrance and observation angles specified in paragraph (a) of this section.

§ 221.21 Number and location of lamps.

Two flashing incandescent lamps or two strobe lamps must be affixed to the rear end of the last car of each train to which this part applies on the lateral axis of the panel positioned under § 221.9(a)(2). One lamp must be placed in the left side and the other in the right side of the panel, so that the outside edge of each lamp is six inches from the inside edge of the retroflector affixed to the respective side under § 221.17(b), measured along the lateral axis of the panel.

§ 221.23 Specifications for lamps.

(a) Each lamp affixed under § 221.21 must have—

(1) A clear lens;

(2) With respect to the longitudinal axis of the car, a minimum plus or minus 15 degree horizontal beam, and a minimum plus of minus 5 degree vertical beam; and

(3) An effective minimum intensity of 4000 candela at the centre of its beam.

(b) When actuated, each lamp must flash in unison at least 45 but not more than 75 times per minute.

§ 221.25 Operation of lamps.

The lamps affixed to the rear end of the last car of a train as required by § 221.21 must be actuated whenever the train is engaged in passenger service.

Interested persons are invited to participate in the making of these standards by submitting written data, views, or comments. Communications should identify the regulatory docket number and notice number, and should be submitted in triplicate to the Docket Clerk, Office of the Chief Council, Federal Railroad Administration, Attention: Docket No. P.C. 1, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before August 30, 1973 will be considered by the Federal Railroad Administrator before taking final action on the proposed rules. All comments received will be available for examination by interested persons at any time during the regular working hours in Room 5428, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposals contained in this notice may be changed in light of comments received.

In addition, to ensure that all interested persons have an opportunity for oral presentation, the FRA will conduct a public hearing at 10 a.m. on August 30, 1973, in Room 5332, 400 7th Street, S.W., Washington, D.C.

The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for hearing. Interested persons will then have an opportunity to present their oral

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statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting the hearing will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590, before August 30, 1973, stating the amount of time required for his initial statement.

This notice is issued under the authority of the Federal Railroad Safety Act of 1970 (84 Stat. 971 et seq.; 45 U.S.C. 421 et seq.) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C. on July 6, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-14273 Filed 7-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Procedures for Receiving and Opening Packages; Extension of Time for Comments

On May 18, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 13033) proposed amendments to 10 CFR part 20 which would include a requirement that licensees who pick up packages of radioactive material at the carrier's facility do so expeditiously and that all labelled packages of radioactive material in other than "special form" be monitored on receipt for significant, removable, external contamination. The period for public comment on these proposed amendments was specified as ending on July 2, 1973. In response to a request from the Society for Nuclear Medicine, the Commission has extended the comment period on the proposed amendments to August 2, 1973. Copies of comments received may be examined in the Commission's public document room at 1717 H Street NW, Washington, D.C.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Maryland this 10th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14449 Filed 7-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 64]

[Docket No. 19777; FCC 73-718]

DOMESTIC TELEGRAPH SPEED OF SERVICE STUDIES

Notice of Proposed Rule Making

In the matter of amendment of Subpart B of Part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies, docket No. 19777.

1. Notice is hereby given of proposed rulemaking looking to revision of the sections of Subpart B of Part 64 of the Commission's rules and regulations governing the conduct and reporting of domestic telegraph speed of service studies. The proposed amended rules as set forth in Appendix A below will replace the present text of §§ 64.201 through 64.295.

2. The revisions appear desirable because of changes in operating methods and service objectives of The Western Union Telegraph Company. The company has recently replaced its multiple reperforator switching centers with a single computer switching complex, many company-operated offices have been converted to agency operation, telephone recording of messages has been consolidated into three centralized telephone bureaus, and former service performance goals have been superseded by delivery standards set forth in its tariffs.

3. The proposed new rules provide essentially that Western Union shall make service measurements on every 200th full rate message or money order transiting its switching computer from time of filing to time switched to the destination office or direct to Telex or TWX subscribers over the 24-hour period daily. A monthly summary report will be produced to show the volumes handled, by time interval in 15 minute segments. Terminal handling speed of service (telephone, tieline and messenger deliveries) at local offices will be sampled one day each week using procedures now prescribed in the rules, at the 25 largest telegraph centers. Service performance studies at agency offices are also prescribed, and the new rules provide for telephone speed of answer studies over the 24-hour period at the three centralized telephone bureaus.

4. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before August 20, 1973 and reply comments on or before August 30, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. All relevant and timely comments and replies will be considered by the Commission before final action is taken in the proceeding. In reaching its decision on the proposed rules, the Commission may, in addition to the specific comments invited by this notice and any replies thereto, take into account other relevant information before it.

5. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

7. Authority for the amendments herein proposed is contained in section 4(i) of the Communications Act of 1934.

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX A

Part 64, Subpart B, of Chapter I of Title 47 of the Code of Federal Regulations is revised to read as follows:

Subpart B—Domestic Telegraph Speed of Service Studies

DEFINITIONS

Sec.

64.202 Filing time.
64.203 Time delivered.
64.204 First attempt.
64.205 Tieline.
64.210 Identifying wire numbers.
64.212 Messenger route.
64.214 Time routed out.
64.215 Time returned.
64.216 Terminal handling speed of service.
64.218 Filing time to computer output speed of service.
64.220 Speed of answer—Central Telephone Bureaus (CTB).
64.221 Agency speed of service.

INSTRUCTIONS FOR THE CONDUCT OF TERMINAL HANDLING SPEED OF SERVICE STUDIES

GENERAL PROVISIONS

64.230 Offices and locations to be studied.
64.231 Types of messages to be tallied.
64.232 Exclusion of messages from tally.
64.233 Hours to be included and selection of study date.
64.234 Tallies; when made.
64.235 Suspension of tallying.
64.236 Volume of messages to be tallied.
64.237 Selection of offices for tallying.
64.238 Selection of messages for tallying.

MESSAGES DELIVERED BY TELEPHONE

64.261 Selection and tally.

MESSAGES DELIVERED BY TIELINE

64.271 Selection and tally.

MESSAGES DELIVERED BY MESSENGER

64.281 Route record data.
64.282 Selection and tally.

INSTRUCTIONS FOR THE CONDUIT OF FILING TIME TO COMPUTER OUTPUT SPEED OF SERVICE STUDIES

64.285 Procedures.

[1] Commissioners Johnson and Hooks concurring in the result.

INSTRUCTIONS FOR THE CONDUCT OF CENTRAL TELEPHONE BUREAU SPEED OF ANSWER STUDIES

Sec.

64.288 Procedures.

INSTRUCTIONS FOR THE CONDUCT OF AGENCY SPEED OF SERVICE STUDIES

64.290 Source of data.
64.291 Method of tallying.

GENERAL PROVISIONS

64.297 Company instructions to offices making studies.
64.298 Summary reports.

AUTHORITY: Sec. 4(i), Communications Act of 1934.

Subpart B—Domestic Telegraph Speed of Service Studies

DEFINITIONS

§ 64.202 Filing time.

The time a message is first accepted at an office for transmission, except as otherwise provided in this section.

(a) In the case of messages filed or corrected over the telephone, the time the transaction with the sender is completed shall be the time filed.

(b) In the case of messages filed over manually terminated teleprinter, TWX or Telex tielines, the filing time shall be the acknowledgment or stamped received time, whichever is earlier. Where messages are filed over a telefax tieline, the filing time shall be the stamped received time placed on the message upon removal from the recorder. Where messages are filed over TWX, Telex or Info-Com directly with the ISCS computer, the filing time shall be the acceptance time placed on the message by the computer. In the case of manually terminated tieline, if the sender is called back to verify a questionable part of the message, the original filing time shall be used unless a correction is made by the sender, in which case a new filing time consisting of the time the correction is received shall be placed on the message.

(c) In the case of messages received in an office by messenger, the time the messenger returns to the office from the pickup run shall be the time filed.

(d) In the case of messages filed at the counter, the time the transaction with the sender is completed shall be the time filed.

§ 64.203 Time delivered.

The time delivery of a telegram is completed to the addressee (or to a person authorized to receive the telegram for the addressee), except as otherwise provided in this section.

(a) For speed of service purposes the first attempt to deliver a telegram shall be considered to be the time of delivery.

(b) When delivery is made by telephone, the time delivered is the time reading of a telegram is completed, or the time the first attempt to deliver is made.

(c) When delivery is made by manual teleprinter tieline (or manually by Telex/TWX) or by tieline switching equipment, the time delivered is the time transmission of a telegram is completed, or the time of the first attempt to deliver.

(d) When delivery is made by telefax tieline, the time delivered or time of first attempt is two minutes later than the time a facsimile transmitter is connected to the customer's line for transmission of the message.

(e) When delivery is made by messenger, the time delivered or the time of the first attempt to deliver for each message on the route shall be the time routed out plus one-half of the interval from the time routed out to the time returned.

(f) In the case of Domestic Full Rate Money Orders, the time delivered shall be the time the money order is paid or the payee is notified.

§ 64.204 First attempt.

(a) In the case of telephone delivery, the time the addressee's telephone is reported to be busy or not answered, or reported out of order, or the addressee or someone authorized to accept the message is not available to receive the message.

(b) In the case of tieline delivery, the time of first attempt is the time transmission is attempted but could not be made because the addressee did not answer or, having answered, requested later transmission. Two minutes later than such time is the time of first attempt for facsimile tieline messages.

(c) In the case of messenger delivery, messages returned to the office undelivered for any reason when first routed out are "first attempts." The time of the first attempt to deliver shall be the time routed out plus one-half of the interval from the time routed out to the time returned.

(d) In all such cases there shall be noted on the message and delivery sheet the "first attempt" time and the reason for non-delivery.

(e) If unsuccessful attempts to deliver by one method result in transfer to another method for delivery, the messages shall not be tallied in the second method, but shall be tallied as a first attempt in the original method in those cases when it is practicable to do so.

(f) Messages delayed in delivery due to special instructions of the sender or addressee shall be excluded from tally as provided in § 64.232.

§ 64.205 Tieline.

A direct circuit connecting a telegraph company's office with a customer's office by teleprinter, telefax, TWX, Telex or Info-Com for the purpose of accepting and/or delivering telegrams.

§ 64.210 Identifying wire numbers.

A number assigned to messages sent over each channel each day at office of origin.

§ 64.212 Messenger route.

A continuous trip of a messenger for the physical delivery or pickup of telegrams entered on a Route Call Record.

§ 64.214 Time routed out.

The time a messenger is dispatched on route.

§ 64.215 Time returned.

The time a messenger returns to the office after completing a route.

§ 64.216 Terminal handling speed of service.

The elapsed time from the time transmission is started from the computer to the destination Western Union office until time delivered or first attempt. For purposes of this measurement, messages sent to agents shall be measured to the time transmission to the agent is completed.

§ 64.218 Filing time to computer output speed of service.

The elapsed time from filing time to the time transmission is started to the destination terminal (Western Union office, TWX station or Telex station).

§ 64.220 Speed of answer—Central Telephone Bureaus (CTB).

The elapsed time on an incoming telephone call from the start of ringing at the CTB until the call is answered by a recording operator.

§ 64.221 Agency speed of service.

The elapsed time in agency handling on:

(a) Originating messages—from filing time to time transmitted to control office.

(b) Terminating messages—from time transmission to the agent is completed to time routed out for messenger delivery or time telephoned or first attempt.

INSTRUCTIONS FOR THE CONDUCT OF TERMINAL HANDLING SPEED OF SERVICE STUDIES

GENERAL PROVISIONS

§ 64.230 Offices and locations to be studied.

The Western Union Telegraph Company shall conduct weekly terminal handling studies, in accordance with the instructions contained herein, in the following cities and locations:

Atlanta, Ga.
Baltimore, Md.
Boston, Mass.
Chicago, Ill.
Cincinnati, Ohio
Cleveland, Ohio
Dallas, Tex.
Denver, Colo.
Detroit, Mich.
Houston, Tex.
Indianapolis, Ind.
Kansas City, Mo.
Los Angeles, Calif.
Miami, Fla.
Minneapolis, Minn.
New Orleans, La.
New York, N.Y. (All Public Message Centers)
Philadelphia, Pa.
Portland, Ore.
San Francisco, Calif.
St. Louis, Mo.
Washington, D.C.
Central Tel. Bureaus
Moorestown, N.J.
Bridgeton, Mo.
Reno, Nev.
(Telephone diys only)

§ 64.231 Types of messages to be tallied.

Of the messages selected as hereinafter provided, the following shall be tallied by time intervals on speed of service tally sheets: Domestic Full Rate including Government and CAK, Domestic Full Rate Money Order, CND and Full Rate International (INTL). (For purposes of this instruction, "Domestic" shall include messages originating in Canada and Mexico as well as other "domestic" points outside the United States.

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§ 64.232 Exclusion of messages from tally.

Messages other than those specified in § 64.231 shall not be tallied. These messages include among others: Service, Wire, Press, Personal Opinion Messages (POM), Overnight Telegrams, Deadhead, confirmation copies of messages previously delivered, messages delayed in delivery due to special instructions of the sender or adressee, and messages delayed due to closed hours of the addressee.

§ 64.233 Hours to be included and selection of study date.

Speed of service studies shall be made on messages received at delivery office between the hours of 9 a.m. and 6 p.m. local time, on one designated day each week, except as provided in §§ 64.235 and 64.282. The day to be designated each week, for each of the listed offices in § 64.230, shall be selected at a central point, from a random number table, and the date so determined shall not be communicated to the office involved prior to 4 p.m. local time at that office on the designated date.

§ 64.234 Tallies; when made.

Speed of service tallies shall be made after 7:00 p.m. of the day of transmission but not later than the day following transmission, except any tally thus scheduled to be made on a holiday or a Saturday may be postponed until the following business day.

§ 64.235 Suspension of tallying.

(a) Speed of service tallies shall not be taken with respect to messages handled on the following holidays: New Year's, Washington's Birthday, Valentine's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas; and on the last business day preceding each of these holidays.

(b) In the event of a serious and unusual communication emergency such as that caused by flood, earthquake, strike by respondent's employees, or fire, tallying may be suspended at the offices affected by such emergency. In the event of suspension of tallies during an emergency, messages handled during the emergency need not be tallied.

§ 64.236 Volume of messages to be tallied.

At each city studied (in New York City, each PMC), there shall be sampled for each method of delivery (telephone, tieline and messenger) not less than 50 messages in each delivery method (or all available messages).

§ 64.237 Selection of offices for tallying.

(a) Sampling for terminal handling speed of service in each method shall be limited to those offices in each city which deliver an average of 50 or more messages daily by telephone, tieline or messenger: *Provided, however*, That if none of the offices in a city deliver 50 or more messages daily in a particular method of delivery, then each such office shall be considered as delivering an average of 50 messages per day in that method and as qualifying under this section for tallying.

(b) The volume to be sampled at each office shall be determined as follows:

(1) Where there are no branch offices in a city, the entire sample of 50 messages (or all available messages) in each delivery method shall be taken at the main office.

(2) Where there are one or more delivery branches in a city, the sample of 50 messages in each delivery method shall be divided between the main office and any branches delivering by that method in the proportion that each office load bears to the total delivered load in that method.

(3) The sample of 50 messages in the tieline method shall be divided between teleprinter (including TWX and Telex) and telefax in the ratio of the respective total city loads in these methods.

§ 64.238 Selection of messages for tallying.

(a) The selection of individual messages to be tallied from the delivered message file of any method at any office shall be determined from the identifying wire number, as follows:

(1) A set of ten cards shall be prepared, each card bearing one of the digits 0 to 9;

(2) The ten cards shall be thoroughly shuffled face down followed by a cut of the deck. The digit appearing on the top card after completion of the cut shall determine selection of the messages to be tallied. Messages in the files of the types named in § 64.231, received at delivery office between 9 a.m. and 6 p.m., local time, on which the identifying wire number ends in the digit selected shall be withdrawn from tallying until the quota for the day has been obtained.

(b) Offices shall select individual messages from the files for each method in the following manner:

(1) Where delivered messages are filed alphabetically, a card for each letter of the alphabet shall be prepared. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the letter of the alphabet drawn for individual messages of the types named in § 64.231 whose identifying wire number ends in the digit drawn. If, after complete search of the file for messages received at delivery office between 9 a.m. and 6 p.m., local time, the quota for tallying is not obtained, the succeeding alphabet card or cards shall be drawn and used in the order of their appearance in the pack from the top down.

(2) Where delivered messages are filed in sent number sequence or in delivered time order or route records are filed in route out or return time order, a set of 9 cards shall be prepared, each card bearing one of the hours 9 a.m. to 10 a.m. through 5 p.m. to 6 p.m. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the hour drawn for individual messages whose identifying wire number ends in the digit drawn. If after complete search of the file for messages of the types named in § 64.231 received at delivery office between 9 a.m. and 6 p.m., local time, the quota for tallying is not obtained, another digit shall be selected in accordance with § 64.238 (a)(2).

MESSAGES DELIVERED BY TELEPHONE

§ 64.261 Selection and tally.

(a) Offices and messages selected for tallying in any city shall be determined in accordance with §§ 64.236 to 64.238.

(b) Each selected message of the type described in § 64.231 which was received at delivery office between the hours of 9 a.m. and 6 p.m., local time, shall be tallied.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or time of the first attempt.

MESSAGES DELIVERED BY TIELINE

§ 64.271 Selection and tally.

(a) For messages delivered by telefax and manual teleprinter, TWX or Telex, offices and messages for tallying in any city shall be determined in accordance with §§ 64.236 to 64.238.

(b) For messages delivered by tieline switching equipment, the following method for selection of messages to be tallied shall be used:

(1) Each roll of monitor tape, on which are recorded copies of messages delivered by tieline switching equipment shall be designated with a separate number;

(2) A number card shall be prepared for each numbered roll of monitor tape. The entire set of cards, representing an equal number of monitor rolls, shall be thoroughly shuffled face down daily and the deck cut. The required number of cards shall be withdrawn from the top of the deck after completion of the cut to determine the monitor roll or rolls from which tallies will be made. These cards shall be withdrawn and used in the order of their appearance in the pack from the top down;

(3) A digit shall be selected, as outlined in § 64.238(a).

(4) Each message of the types named in § 64.231 in the selected monitor tape rolls received at delivery office between 9 a.m. and 6 p.m., local time, on which the identifying wire number ends in the digit selected shall be tallied, until the quota is obtained.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or time of the first attempt.

MESSAGES DELIVERED BY MESSENGER

§ 64.281 Route record data.

At all offices in the cities enumerated in § 64.230 where tallies are required to be made, the following shall be entered on route records: (a) The identifying wire number of each message; (b) the computer output time for each message of the types named in § 64.231 except for confirmation copies of messages previously delivered; (c) the time a messenger is dispatched on each route carrying messages; and (d) the time of return from the route.

§ 64.282 Selection and tally.

(a) Offices and messages selected for tallying in any city shall be determined in accordance with §§ 64.236 through 64.238.

(b) Each message of the type described in § 64.231 which was received at delivery office between the hours of 9 a.m. and 6 p.m., local time, shall be tallied, except that messages delivered by telephone and subsequently dispatched for physical delivery by messenger need not be tallied.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or to the time of the first attempt (see §§ 64.203 and 64.204).

INSTRUCTIONS FOR THE CONDUCT OF FILING TIME TO COMPUTER OUTPUT SPEED OF SERVICE STUDIES

§ 64.285 Procedures.

Continuous studies shall be made of the elapsed time from filing time to computer output time on full-rate and money order traffic transiting the computer. The monthly report of sampled traffic will be based upon every 200th full rate message or money order transiting the computer and will include messages which originate as Teleprinter Computer Service (TCS) inputs by Telex, TWX and Info-Com customers as well as those originating at Western Union offices.

INSTRUCTIONS FOR THE CONDUCT OF CENTRAL TELEPHONE BUREAU SPEED OF ANSWER STUDIES

§ 64.288 Procedures.

Continuous studies will be made of the speed of answer at the three Central Telephone Bureaus, Moorestown, New Jersey, Bridgeton, Missouri and Reno, Nevada. Monthly reports shall be made for each of the bureaus showing the percentage of calls answered within 20 seconds and also the percentage of calls answered within 50 seconds.

INSTRUCTIONS FOR THE CONDUCT OF AGENCY SPEED OF SERVICE STUDIES

§ 64.290 Source of data.

Agency speed of service studies shall be prepared from summary data contained in Western Union's Agency Inspection Guide List, Form WU 16, for Class 9–C and Class 11–B agencies, which forms shall be collected and maintained at the Company's Washington, D.C. headquarters.

§ 64.291 Method of tallying.

(a) As inspection forms are received during the month to be studied, such forms shall be sorted and filed in:

(1) chronological order, and

(2) administrative area order.

(b) At the close of the study month the forms shall be held in a separate file from those received in the ensuing month for speed of service sampling.

(c) The forms for each administrative area shall be studied on a random sampling basis as follows:

(1) The number of forms for each area under study shall be determined;

(2) Based upon the number of forms received for each area, the number of forms to be sampled shall be determined from the following incremental sampling table:

Number of forms in given area (population)	Sample size	Sample selection
20 or less	all items	all items
21–25	17	random number table
26–30	19	random number table
31–35	23	random number table
36–40	25	random number table
41–45	27	random number table
46–50	30	random number table
51–60	33	random number table
61–75	37	approximately 1 of 2, random start
76–100	42	approximately 1 of 2, random start
101–150	49	approx. every 3rd item, random start
151–200	54	approx. every 4th item, random start
201–250	57	approx. every 5th item, random start
251–300	59	approx. every 6th item, random start
301–500	64	approx. every 9th item, random start
501–750	67	approx. every 10th item, random start
751–1000	69	approx. every 15th item, random start

(3) The sampling process will begin and proceed based upon selection from a random number table.

(4) The speed of service data from each inspection form selected shall be tallied on the prescribed form, using a separate form or series of forms for each administrative area.

(d) Each form shall be summarized in the lower portion of the prescribed form, utilizing the last page of a series for the purpose.

(e) The study and summary forms shall be submitted to the Commission in "work paper" form upon completion of the studies for all administrative areas.

GENERAL PROVISIONS

§ 64.297 Company instructions to offices making studies.

Two copies of all general instructions (and of any amendments thereto) issued to field offices for the purpose of complying with § 1.804 of this chapter and §§ 64.201 to 64.298 shall be filed with the commission upon issuance.

§ 64.298 Summary reports.

The following reports shall be submitted monthly in quadruplicate, on designated forms, no later than the 25th of the month following the month under report:

(a) The results of the studies of terminal handling speed of service at the cities and installations indicated in § 64.230.

(b) The results of the computer analysis of filing time to computer output speed of service as described in § 64.285.

(c) The results of speed of answer studies at the three Central Telephone Bureaus, as described in § 64.288.

(d) The results of agency speed of service studies as described in § 64.291.

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Monthly Summary of Terminal Handling Speed of Service
(Computer Output Time to Time Delivered)

The Western Union Telegraph Company

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Month

Location	Telephone Deliveries		Tieline Deliveries		Messenger Deliveries	
	Number Messages	Average Speed (Mins)	Number Messages	Average Speed (Mins)	Number Messages	Average Speed (Mins)
Central Telephone Burs						
Bridgeton						
Moorestown						
Reno						
Atlanta						
Baltimore						
Boston						
Chicago						
Cincinnati						
Cleveland						
Dallas						
Denver						
Detroit						
Houston						
Indianapolis						
Kansas City						
Los Angeles						
Miami						
Minneapolis						
New Orleans						
New York						
PMC 1						
PMC 2						
PMC 3						
PMC 4						
PMC 5						
PMC 6						
PMC 7						
Philadelphia						
Portland						
San Francisco						
St. Louis						
Washington, DC						

Monthly Speed of Service Summary
(Filing Time to Computer Output Time)

The Western Union Telegraph Company

_____
Month

Time in Minutes	Number of Full Rate Messages Sampled	Cumulative Percent Switched
00-15		
15-30		
30-45		
45-60		
60-75		
75-90		
90-105		
105-120		
120-135		
135+		

Monthly Summary of Telephone Speed of Answer
(Central Telephone Bureaus)

The Western Union Telegraph Company

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Month

Days of Week	Bridgeton, Mo.			Moorestown, N. J.			Reno, Nev.		
	Volume	Pct. Ans.		Volume	Pct. Ans.		Volume	Pct. Ans.	
		20 Sec.	50 Sec.		20 Sec.	50 Sec.		20 Sec.	50 Sec.
Sundays									
Mondays									
Tuesdays									
Wednesdays									
Thursdays									
Fridays									
Saturdays									

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Monthly Summary of Agency Speed of Service

The Western Union Telegraph Company

Area_____ Month_____

City	DELIVERY * Number of Messages		ORIGINATING ** Number of Messages	
	Tallied	Within 60 Minutes	Tallied	Within 30 Minutes

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-187]

FOREIGN CURRENCIES

Certification of Exchange Rates

JULY 5, 1973.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from June 25 through June 29, 1973. This table is published for the information and use of Customs officers and others concerned, and denotes those currencies which vary by 5 per centum or more from the quarterly rate published in T.D. 73-108.

[SEAL] JOHN D. ROBISON,
Acting Director, Appraisement and Collections Division.

Country	Currency	June 25	June 26	June 27	June 28	June 29
Australia	Dollar	q	q	q	q	q
Austria	Schilling	$0.0532	$0.0530	$0.0538	$0.0546	*
Belgium	Franc	.026775	.026640	.027150	.027609	.027621
Canada	Dollar	q	q	q	q	q
Ceylon	Rupee	.1655	.1660	.1655	q	q
Denmark	Krone	.1720	.1720	.1745	.1770	.1765
Finland	Markka	q	q	q	q	.2065
France	Franc	.2363	.2361	.2375	.2401	.2410
Germany	Deutsche Mark	.3915	.3900	.3972	.4045	.4115
India	Rupee	q	q	q	q	q
Ireland	Pound	q	q	q	q	q
Italy	Lira	q	q	q	q	q
Japan	Yen	q	q	q	q	q
Malaysia	Dollar	q	q	q	q	q
Mexico	Peso	q	q	q	q	q
Netherlands	Guilder	.3691	.3711	.3749	.3790	.3815
New Zealand	Dollar	q	q	q	q	q
Norway	Krone	.1840	.1835	.1860	.1890	.1890
Portugal	Escudo	.0426	.042000	.0427	.0429	*
Republic of S. Africa	Rand	1.4900	1.4880	q	1.4890	1.4890
Spain	Peseta	q	q	q	q	q
Sweden	Krona	.2383	.2380	.2415	.2454	.2465
Switzerland	Franc	.3279	.3257	.3296	.3310	.3315
United Kingdom	Pound	q	q	q	q	q

q Use quarterly rate published in T.D. 73-108, daily rate did not vary by 5 per centum or more.
*No quote.

[FR Doc.73-14323 Filed 7-13-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

INDUSTRY ADVISORY COMMITTEE ON MARITIME POLICY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that the Industry Advisory Committee on Maritime Policy will meet in open session at 9:30 a.m. on July 25, 1973, in Room 1E 801, Pentagon, Washington, D.C. 20301.

The meeting will be devoted to a discussion of the quantitative justification for and structure of an ocean cargo allocation system.

With respect to public participation the following requirements shall apply:

(a) Individuals desiring to submit written statements may do so by mailing ten copies thereof no later than July 20, 1973, if possible, to the Recorder, Industry Advisory Committee on Maritime Policy, Office of the Assistant Secretary of Defense (Installations and Logistics), Washington, D.C. 20301. The minutes will be kept open for ten days for the receipt of written statements for the record.

(b) Those individuals submitting a written statement in accordance with (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement.

(c) Requests for the purpose of making an oral statement shall be ruled on by the Chairman of the Committee who is empowered to apportion the time available during a period of not more than 30 minutes between 11:00 AM and 12:00 Noon. Information concerning the Chairman's ruling on requests for the opportunity to make an oral statement can be obtained by a prepaid telephone call to the Recorder of the Committee (202-697-1903) between 9:00 a.m. and 5:00 p.m. Eastern Time, on July 23, 1973.

(d) Questions may be asked only by members of the Committee and staff.

(e) Seating for the public is limited and will be available on a first-come-first-served basis. Because of building security requirements, anyone wishing to attend the meeting must advise the Recorder of the Committee in advance of the meeting at telephone 202-697-1903.

Dated: July 11, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.73-14402 Filed 7-13-73;8:45 am]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. MIKIYE MORIKAWA

Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after August 15, 1973 the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	*Property and Location*
Mrs. Mikiye Morikawa, 2250 Miyajima - guchi, Onocho, Saikigun, Hiroshima - ken, Japan	$19,244.70 in the Treasury of the United States.

Claim No. 64041
Vesting Order Nos. 3696 and 11002

Executed at Washington, D.C., on July 11, 1973.

For the Attorney General.

HARLINGTON WOOD, JR.,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[FR Doc.73-14464 Filed 7-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CHALLIS NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Challis National Forest Livestock Advisory Board will meet at 1:00 p.m. July 27, 1973, at the Challis National Forest Supervisor's Office, Challis, Idaho.

This will be the annual meeting of the Advisory Board. The duties of the board are solely advisory and pertain generally to the regulations and/or instructions relating to the use of National Forest lands affecting the administration of grazing in the area represented by the Board. There are no specific topics identified as yet. We will generally be discussing the past year's range management activities and the planned activities for Fiscal Year 1974.

The meeting will be open to the public. Persons who wish to attend should notify Bill Paddock, secretary, at the Challis National Forest Superisor's Office (208-879-2285).

Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after the meeting.

To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

Dated: July 5, 1973.

RICHARD O. BENJAMIN,
Forest Supervisor.

[FR Doc.73-14458 Filed 7-13-73;8:45 am]

Soil Conservation Service

TWELVE MILE CREEK WATERSHED PROJECT, IOWA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U. S. Department of Agriculture, has prepared a draft environmental statement for the Twelve Mile Creek Watershed Project, Union, Adair and Ringgold Counties, Iowa, USDA-SCS-ES-WS(ADM)-74-6 (D).

The environmental statement concerns a plan for watershed protection, flood prevention and municipal and industrial water supply. The planned works of improvement provide for land treatment, 11 grade stabilization structures, 22 floodwater retarding structures, and one multi-purpose reservoir with capacity for floodwater retarding and municipal and industrial water.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Indepednence Avenue, S.W., Washington, D.C. 20250.
Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U. S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building 210 Walnut Street, Des Moines, Iowa 50309.

Comments must be received on or before September 20, 1973, to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: July 9, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-14489 Filed 7-13-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

YELLOWFIN TUNA FISHING IN EASTERN PACIFIC OCEAN BY PURSE SEINE VESSELS

Reversion of Incidental Catch Rate

Notice of reversion is hereby given pursuant to § 280.7(b)(2), Title 50, Code of Federal Regulations, as follows:

At 0001 hours, local time, on July 16, 1973, the incidental catch rate of yellowfin tuna for purse seine vessels of 400 short tons carrying capacity or less will revert to fifteen percent (15%). On the basis of the catch and present catch rate, as of that date, the amount of yellowfin tuna caught during the closed season by purse seine vessels of 400 short tons carrying capacity or less will have reached 4,400 short tons as provided in § 280.7(b)(2), Title 50, Code of Federal Regulations.

Issued at Washington, D.C., and dated July 13, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.73-14593 Filed 7-13-73;10:25 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notices of Meeting

Corrections

In FR. Doc. 73-12764, appearing at page 16792 in the issue for Tuesday, June 26, 1973, in the eleventh line of the fifth paragraph of the second column on page 16793, the word which now reads "candidate" should read "candid".

PANEL ON REVIEW OF CONTRACEPTIVES AND OTHER VAGINAL DRUG PRODUCTS

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the establishment by the Secretary, DHEW, on June 27, 1973, of the following Public Advisory Committee:

Designation. Panel on Review of Contraceptives and Other Vaginal Drug Products.

Purpose. The Panel will (1) advise the Commissioner of Food and Drugs on the safety and effectiveness of currently marketed non-prescription drug products for human use containing contraceptives or other vaginal drug products; (2) review and evaluate available data on these products, the adequacy of their labeling; (3) advise on the promulgation of monographs establishing conditions under which these over-the-counter-drug products are generally recognized as safe and effective and not misbranded; and (4) serve as a forum for the exchange of views regarding the prescription and non-prescription status of these various active ingredients and combinations thereof.

Authority for this committee will expire June 27, 1975, unless the Secretary, DHEW, formally determines that continuance is in the public interest.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14446 Filed 7-13-73;8:45 am]

Public Health Service

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to reflect the reorganization of contracts and grants management activities: Section 6B is amended as follows:

SEC. 6B *Organization.* * * *

* * * * *

(c) *Office of the Associate Commissioner for Science.* Functions as the principal advisor to the Commissioner on scientific matters which impact on FDA policy and direction and long-range program goals.

Provides leadership and direction on scientific and environmental matters and stimulates scientific and technological achievement in FDA. Participates with the Division of Contracts and Grants Management in the development of FDA policy concerning the use of grants and contracts; develops scientific policy for the acquisition of scientific data and/or innovative scientific equipment and instrumentation under the grants and contracts mechanism.

Serves as the focal point for pre-award coordination and scientific review of FDA's extramural research, training, and fellowship activities; for the development of Agency scientific research

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and environmental impact policies and procedural guidelines; and for technical liaison activities concerning scientific matters, environmental impact, research grants, and science oriented contracts.

Chairs an internal science advisory council, composed of scientists representing the Bureaus, which advises the Agency on scientific policy and environmental impact of Agency actions.

Appraises the technical aspects and relative contributions of FDA's intramural and extramural science programs. Evaluates the adequacy of scientific resources available to the Agency. Initiates action as appropriate to enhance the FDA scientific posture by promoting optimum utilization of the grants and contracts mechanism, inter-agency agreements, and international scientific collaboration under Public Law 480 and related statutes. Provides a focal point for committee management activities within FDA.

. . . . . .

(f) *Office of the Associate Commissioner for Administration.* Serves as principal advisor to the Commissioner on all phases of management inherent in the operations of FDA.

Responsible for the effective utilization of all management resources and the implementation of operating programs by coordinating the funding, manpower, facilities, and equipment needs of the Agency.

Provides leadership and direction to administrative management including budget, finance, personnel, organization, methods, grants and contracts, procurement and property, records, and similar supporting activities. Assures that conduct of these efforts effectively supports program operations.

Develops and coordinates the Agency's Operational Planning System. Develops policy and procedures necessary to maintain the integrity of trade secrets and other privileged information submitted by industry to FDA; formulates Agency-wide security policy and investigates and recommends action concerning security problems.

Develops data systems policy and procedures necessary to coordinate all FDA information and data retrieval systems and ADP equipment; operates FDA's central computer facility; and provides systems analysis and programming services.

. . . . . .

(f-2) *Division of General Services.* Provides leadership and guidance to headquarters staff offices, headquarters operating activities, and field activities for all general services programs, including: procurement, personal property management and accountability, real property management, space management and utilization, construction and engineering services, communications, printing and reproduction, microform management, and mail and files.

Responsible for maintaining effective liaison with the Government Printing Office, and for the centralized clearance and coordination of all printing and publication services.

Coordinates the development of Agency-wide policies and procedures for such services; and plans, executes, evaluates, and adjusts efforts in these activities.

. . . . . .

(f-6) *Division of Contracts and Grants Management.* Provides leadership, direction, and staff advisory services for the FDA negotiated contracting and grants management programs. Coordinates activities of FDA Bureaus and Offices to insure proper development of grants and contracts program requirements.

Plans, develops, and coordinates the issuance of FDA-wide negotiated contracting policies and procedures.

Participates with the Associate Commissioner for Science in the development of FDA policy concerning the use of research grants and grants funds. Serves as the Agency focal point for developing, coordinating, and implementing FDA policies and procedures pertaining to grants management; serves as the primary point of liaison with the management staff of grantee institutions for the general interpretation of grants management policies.

Directs and coordinates all administrative functions associated with grants management after technical review and approval are complete. Directs and conducts negotiations with grantee institutions.

Executes all negotiated contracts and grant awards.

Analyzes, evaluates, and reports selected statistical and financial data pertaining to the grants and contracts program.

Maintains liaison with the Office of the Assistant Secretary for Administration and Management on contracts and grants management policy procedural and operating matters. Serves as FDA focal point for the processing of audit reports and for liaison with DHEW Audit Agency.

Provides price/cost analysis and related services for contracts and grants.

. . . . . .

Date: July 9, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-14405 Filed 7-13-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-106]

COLORADO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on July 6, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Colorado resulting from severe flooding and landslides caused by heavy rains and snowmelt runoff beginning on or about March 28, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Colorado. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Donald G. Eddy, HUD Region 8, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Colorado to have been adversely affected by this declared major disaster:

The Counties of:

Archuleta	Mineral
Conejos	Montezuma
Costilla	Montrose
Delta	Ouray
Dolores	Rio Grande
Gunnison	San Juan
Hinsdale	San Miguel
La Plata	

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 9, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14461 Filed 7-13-73;8:45 am]

[Docket No. NFD-107]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on July 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Texas resulting from severe storms and flooding beginning on or about June 11, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Texas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Texas to have been adversely affected by this declared major disaster:

The Counties of:

Brazoria	Liberty
Galveston	Montgomery
Hardin	Polk
Harris	San Jacinto
Jasper	Tyler

Dated: July 11, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14495 Filed 7-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RSI-1]

SAFETY OF PENN CENTRAL RAIL COMMUTER OPERATIONS IN THE STATES OF NEW YORK AND CONNECTICUT

Notice of Public Hearing

Notice is hereby given that the Federal Railroad Administration (FRA) will hold a public hearing concerning safety of Penn Central rail commuter operations on its Harlem, Hudson and New Haven lines in the States of New York and Connecticut. The hearing will commence at 9:30 a.m. Saturday, July 28, 1973, in the Little Theater of the Westchester County Center, Central Avenue at Bronx River Parkway, White Plains, New York.

Interested persons are invited to attend and participate in this hearing. The hearing will be an informal one, not a judicial or evidentiary type of hearing. There will be no cross-examination of persons making statements. A staff member of the FRA will make an opening statement outlining the matter set for a hearing. Interested persons will then have an opportunity to present their initial oral statements. At the completion of all initial oral statements, those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statements. Additional procedures for conducting hearings will be announced at the hearing.

Interested persons may present oral or written statements at the hearing. All statements will be made a part of the record of the hearing and be a matter of public record. Persons who wish to make oral statements at the hearing should notify the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, before July 27, 1973, stating the amount of time required for the initial statement.

This notice is issued under the authority of section 208, 84 Stat. 974, 45 U.S.C. 437; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C., on July 12, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.73-14516 Filed 7-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—GENERAL ELECTRIC SUBCOMMITTEE

Notice of Meeting

JULY 12, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the General Electric Company will hold a meeting on August 1 and 2, 1973, at the Holiday Inn, 1355 N. 4th Street in San Jose, California. The purpose of this meeting will be to review various topics applicable to General Electric Company designed boiling water reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, August 1, 1973, 9:30 a.m.-5:00 p.m.—Review of various topics generic to boiling water reactors (presentations by the AEC Regulatory Staff and GE will be made and discussions with these groups will be held.) If it becomes necessary to carry over the public session to August 2, an announcement will be made at the close of the public session on August 1, 1973.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. on August 1, 1973, which will involve a discussion of its preliminary views, and an executive session at the end of the day on August 2, 1973, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition, on August 2, the Subcommittee will hold a closed session with the Regulatory Staff and GE to discuss privileged information relating to plant design and corporate research.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session will be held to discuss certain privileged information under exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule. If it is necessary to continue the public session on August 2, an announcement to that effect will be made at the close of the public session on August 1.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 24, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon GE topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on August 1, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on July 30, 1973, to the office of the executive secretary of the

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Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available within approximately 24 hours at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. Copies of the minutes of the meeting will be made available, on request, at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, on or after October 1, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-14600 Filed 7-13-73;10:46 am]

[Docket No. RM-50-1]

ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS

Resumption of Hearing (Environmental Phase)

In the matter of rulemaking hearing, acceptance criteria for emergency core cooling systems for light-water-cooled nuclear power reactors.

According to Board telegraphic order, dated July 9, 1973,[1] hearing sessions in the above captioned proceeding will reconvene on Monday, July 23, 1973, in the hearing room at 8120 Woodmont Avenue, Bethesda, Maryland. The session on July 23 will begin at 10:00 a.m.; on subsequent days the hearings will convene at 9:00 a.m. The hearings will run five (5) days a week until completed, Monday through Friday, inclusive.

Issued at Washington, D.C., this 11th day of July, 1973.

NATHANIEL H. GOODRICH,
Chairman,
ECCS Hearing Board.

[FR Doc.73-14462 Filed 7-13-73;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated July 9, 1973, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR-96 to Jersey Central Power & Light Company for the construction of the Forked River Nuclear Generating Station, Unit 1, a pressurized water reactor, on the applicant's site in Ocean County, New Jersey. The reactor is being designed for initial operation at 3390 megawatts thermal.

The Initial Decision and Construction Permit No. CPPR-96 are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and in the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. Copies of the construction permit may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 10th day of July 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors, Branch No. 3, Directorate of Licensing.

[FR Doc.73-14463 Filed 7-13-73;8:45 am]

[Docket Nos. 50-324; 50-325]

CAROLINA POWER AND LIGHT CO.

Reconstitution of Board

In the matter of Carolina Power and Light Company (Brunswick Steam Electric Plant, Units 1 and 2) Docket Nos. 50-324, 50-325.

Dr. J. V. Leeds, Jr., was a member and Dr. Forrest J. Remick was an alternate member of the Atomic Safety and Licensing Board established to consider the above application. Neither Dr. Leeds nor Dr. Remick is able, because of schedule conflicts, to serve on this Board.

Accordingly, Dr. Frank F. Hooper, whose address is School of Natural Resources, University of Michigan, Ann Arbor, Michigan 48104, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Washington, D.C. this 10th day of July 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-14450 Filed 7-13-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Company, 435 Sixth Avenue, Pittsburgh, Pennsylvania 15219, Ohio Edison Company, 47 North Main Street, Akron, Ohio 44308, Pennsylvania Power Company, One East Washington Street, New Castle, Pennsylvania 16103, The Cleveland Electric Illuminating Company, P.O. Box 5000, Cleveland, Ohio 44101, and Toledo Edison Company, 300 Madison Avenue, Toledo, Ohio 43652 (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on June 25, 1973, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors. The application was tendered on March 28, 1973. Following a preliminary review for completeness, it was rejected on May 2, 1973, for lack of sufficient information. The applicants submitted additional information on June 6, 1973 and the application was accepted for docketing.

The proposed nuclear facility, designated by the applicants as the Perry Nuclear Power Plant, Units 1 & 2 is located near Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio and is designated for initial operation at approximately 3579 megawatts (thermal) with a net electrical output of approximately 1205 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 7, 1973. The request should be filed in connection with Docket 50-440A & 50-441A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated March 28, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Perry Nuclear Power Plant, Units 1 & 2 is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street—2nd Floor, Columbus, Ohio 43215 and at the Northeast Ohio Areawide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44114.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 28th day of June 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing.

[FR Doc.73-13656 Filed 7-5-73;8:45 am]

KERR-McGEE CORP.

Notice of Hearing

The Kerr-McGee Corporation, Kerr-McGee Building, Oklahoma City, Oklahoma ("the licensee") is the holder of Source Material License No. SUB-1010 issued by the Atomic Energy Commission ("the Commission"). The license, issued on February 20, 1970, authorizes the use of source material in the production of uranium hexafluoride under certain conditions specified therein, and expires on February 28, 1975. On April 10, 1970, the licensee requested a license amendment which would permit, among other things, subsurface disposal of certain liquid radioactive wastes. By letter dated October 15, 1970, the Deputy Director for Fuels and Materials ("Deputy Director") advised the licensee that the requested amendment had been denied and specified the reasons therefor. During the thirty day period provided for in the letter within which the licensee could request a hearing, the licensee requested to be permitted to withdraw its application without prejudice. By letter dated March 18, 1971, the Deputy Director approved the licensee's request.

On May 10, 1972, the licensee again requested a license amendment which would authorize subsurface disposal of certain liquid radioactive wastes. The amendment requested would permit the licensee to utilize deep well disposal of raffinate wastes generated from its solvent extraction uranium purification process at its Sequoyah facility. By letter dated September 29, 1972, the Deputy Director advised the licensee that its amendment request had been denied and specified the reasons therefor. After consideration of additional information submitted by the licensee, the Deputy Director, by letter dated March 14, 1973, affirmed the denial of September 29, 1972. On April 5, 1973, the licensee requested a hearing on the matter of the denial, pursuant to the provisions of 10 CFR 2.103.

The Deputy Director, pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 40, denied the application of May 10, 1972 after determining that issuance of the license amendment would not conform with the requirements set forth in 10 CFR 40.32(c) and (d) because:

1. Existing information is not adequate to demonstrate the presence, location, or nature of the faults that are purported to provide barriers to movement of fluid from the disposal formation, nor is there adequate information to demonstrate that known faults will act as barriers to such movement during continued operation of the proposed well.

2. The complexity of the geologic formation is such that there is no assurance as to the migration paths of the radioactive wastes and the brines which would be displaced.

3. The complexity of the geologic and hydrologic system effectively precludes emergency recovery of the injected radioactive waste.

In view of the above determination with respect to matters of radiological health and safety, no findings were made by the Deputy Director with respect to whether, pursuant to 10 CFR 40.32(e), any applicable requirements in regard to environmental matters as set out in Appendix D of 10 CFR Part 50 had been satisfied.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, rules of practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board ("the Board") to consider the May 10, 1972 application for amendment of Source Material License No. SUB-1010 held by the licensee. The Board will be designated by the Chairman of the Atomic Safety and Licensing Board Panel. Notice as to its membership will be published in the FEDERAL REGISTER.

The Board will consider and initially decide, as the issues in this proceeding, whether, pursuant to the Atomic Energy Act of 1954, as amended, and in accordance with 10 CFR 40.32(c) and (d):

1. The licensee's equipment, facilities, and procedures proposed for use pursuant to the requested amendment are adequate to protect health and minimize danger to life or property; and

2. The issuance of the amendment will be inimical to the health and safety of the public.

If, upon consideration of the record developed in this proceeding, the Board makes an affirmative finding with respect to Item 1 and a negative finding with respect to Item 2, the application shall be remanded to the Deputy Director for such further action on environmental matters as may be required by 10 CFR 40.32(e).

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the licensee not later than August 6, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to its membership will be published in the FEDERAL REGISTER.

Dated at Germantown, Maryland this 10th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-14451 Filed 7-13-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice and Agenda of Meeting

1. *Notice of meeting.* Notice is hereby given that meetings of the Effluent Standards and Water Quality Information Advisory Committee ("the Committee") established under section 515 of the Federal Water Pollution Control Act ("the Act": 33 U.S.C. 1373; Public Law 92-500), will be held beginning at 9 a.m. on each day, July 23, 1973 through July 27, 1973, in Room 1112, Crystal City, Building 2, Arlington, Virginia. These are regularly scheduled meetings of the Committee.

During the week of July 23, 1973 through July 27, 1973, the Committee intends to consider scientific and technical information pertinent to the determination required to be made by the Administrator of the Environmental Protection Agency when proposing regulations providing effluent limitations guidelines and standards of performance for new sources under the Act, including guidelines and standards for the following categories of sources: pulp and paper mills; paperboard, builders paper and board mills; meat product and rendering processing; dairy product processing; grain mills; canned and preserved fruits and vegetables processing; canned and preserved seafood processing; sugar processing; textile mills; inorganic chemicals manufacturing; soap and detergent manufacturing; fertilizer manufacturing; petroleum refining; nonferrous metals manufacturing; phosphate manufacturing; steam electric powerplants; ferroalloy manufacturing; leather tanning and finishing; glass and asbestos manufacturing; and rubber processing.

The meetings will be open to the public. The Committee does not intend to receive oral statements or hold informal workshops. However, written statements may be submitted to the Committee in

[1] See also "Order for resumption of hearing sessions and related matters including questioning of additional direct testimony" filed July 10, 1973.

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accordance with the procedures outlined below. Any member of the public planning to attend or wishing to obtain additional information should contact Dr. Martha Sager, Chairman, ES&WQIAC at 703/557-7390. Any changes in the above planned schedule will be announced at the Committee meetings.

2. *Written statements.* Section 515(b)(3) of the Act provides that scientific and technical information in the Committee's possession, including that which is presented at public hearings, is to be transmitted by the Committee to the Administrator and "shall constitute a part of the administrative record and comments on my proposed regulations or standards as information to be considered with other comments and information in making any final determinations." When public hearings are held by the Committee, transcripts of these hearings will be prepared and included within the administrative record. Minutes of Committee meetings will also be prepared and included in the record; however, verbatim transcripts of the discussions at such meetings will not be prepared.

A public hearing will not be held during the July 23 through July 27, 1973 meetings. Parties desiring to submit scientific and technical information to the Committee should submit such information in writing to the Committee, rather than rely upon minutes of the Committee meetings for the transmission of such information. (The Committee, of course, does not view this as the sole means of inclusion of public comments in the administrative record. See, e.g., Administrative Procedure Act, 5 U.S.C. 553 and 706.) Written statements or comments may be transmitted to the Committee at any meeting of the Committee or by mail to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

JULY 9, 1973.

[FR Doc.73-14478 Filed 7-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

EQUIPMENT STANDARDS FOR NON-BARRIER PBX TASK GROUP

Notice of Meeting

JULY 10, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Equipment Standards for Non-Barrier PBX Task Group of the PBX Standards Advisory Committee. The meeting is to be held on July 23, and 24, 1973, at the Franklin D. Roosevelt Post Office Building, G.T.E. office, 23rd Floor at 909 Third Avenue, New York, New York. The meeting will start on July 23 at 1:00 p.m.

1. *Purpose.* The purpose of the PBX Standards Advisory Committee is to prepare recommended standards to permit the interconnection of customer provided and maintained PBX equipment to the public switched network. The purpose of this Task Group is to prepare recommendations to the PBX Standards Advisory Committee regarding Equipment Standards for the Non-Barrier repeat coil PBX. The results of this meeting will supply material to be included in the Advisory Committee's August status report.

2. *Activities.* As at prior meetings, Task Group members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered as part of the Equipment Standards.

3. *Agenda.* The agenda for the July 23, 24, 1973 meeting will be as follows:

a. Update of the Equipment Standards based upon the recent changes in Interface Criteria

b. Review of Hazardous voltages

4. *Public participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14467 Filed 7-13-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary American Great Lakes-Mediterranean Eastbound Freight Conference 10, Place de la Joliette (2me) Marseilles, France

Agreement No. 9000-6 among member lines of the above-named conference adds a provision to the basic agreement providing that member lines may charter tramp vessels within the scope of the conference to Black Sea ports, for full homogeneous cargo, excluding relief cargo. In addition it adds Black Sea Canada Line as a conference member and deletes from membership Zim Israel Navigation Co., Ltd.

By order of the Federal Maritime Commission.

Dated: July 10, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14484 Filed 7-13-73;8:45 am]

HENRY E. KLOCH & CO., INC., ET AL.

Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573

Henry E. Kloch & Co., Inc.
327 So. LaSalle Street
Chicago, Illinois 60604

Officers. Henry E. Kloch, President Sandra V. Kloch, Secretary/Treasurer Gerald T. Nawrock, Exec. Vice President Hermilo Mendoza, Vice President

Peter J. Caputo
107 Washington Street
New York, New York 10006

Yusen Air & Sea Service (U.S.A.), Inc.
60 East 42nd Street
New York, New York 10017

Officers and directors. Morio Saegusa, President Susumu Yamashita, Exec. Vice President/Secretary Yusuke Nakano, Vice President/Treasurer Itaru Takatori, Director Toshio Okamura, Director

By the Commission.

Dated: July 9, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14483 Filed 7-13-73;8:45 am]

ITALPACIFIC LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert H. Huey, Esq.
Mudge Rose Guthrie & Alexander
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Agreement No. 9557-2 among the member corporations of the above joint service agreement provides for withdrawal of Rubystone Shipping Corporation, Lodestone Shipping Corporation, Coralstone Shipping Corporation and Pearlstone Shipping Corporation, collectively known as the New Stone Corporations, from the agreement.

By order of the Federal Maritime Commission.

Dated: July 10, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14485 Filed 7-13-73;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., room 1015 or at the field offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C. 20573, on or before August 6, 1973. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

The member lines of the Japan-Atlantic & Gulf Freight Conference (Agreement No. 3103, as amended) have filed with the Commission under Section 146 an application to modify its approved Dual Rate Contract, which has been assigned Federal Maritime Commission Number 3103 DR-3. The application adds currency devaluation to those governmental activities contained in Article 15(a) of the contract which, if occur, permits the conference to suspend, or in lieu of suspension, to increase rates under the contract on not less than 15 days written notice to the merchant who retains the right to notify the conference in writing of his intent to suspend the contract insofar as such increase is concerned.

By order of the Federal Maritime Commission.

Dated: July 9, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14481 Filed 7-13-73;8:45 am]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 6, 1973, of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. D. Day, Jr., Chairman
Pacific Westbound Conference
635 Sacramento Street
San Francisco, California 94111

Agreement No. 57-99, entered into by the member lines of the Pacific Westbound Conference, amends the approved agreement of that conference to (1) provide that all changes in the Rules and Regulations, appended to and made a part of the conference agreement, shall be by two-thirds vote of the member lines entitled to vote; (2) delete subparagraph 1, Article 10, of the Appendix entitled "Rates to Major Ports"; (3) change the designation of sub-paragraph 2, Article 10, entitled "Rates to Differential Ports" to sub-paragraph 1, "Foundation for Rates", and substitute new language with respect to the authority to establish rates and arbitraries to outports in Korea, the Philippines, Vietnam and Taiwan; (4) change the designation of sub-paragraph 3, Article 10, to sub-paragraph 2; (5) delete Article 11 of the Appendix entitled "Rates to Differential Ports"; and (6) designate present Articles 12 and 13 of the Appendix as Articles 11 and 12, respectively.

By order of the Federal Maritime Commission.

Dated: July 6, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-14482 Filed 7-13-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-292]

PENNZOIL OFFSHORE TRANSMISSION CO.

Amendment to Application

JULY 11, 1973.

Take notice that on July 3, 1973, Pennzoil Offshore Transmission Company

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(Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP72-292 an amendment to its application filed June 20, 1972, in said docket pursuant to section 7(c) of the Natural Gas Act providing for the construction and operation of facilities offshore and onshore Louisiana and to take into the proposed facilities volumes of gas in interstate commerce to be purchased from this area for resale and delivery to others, all as more fully set forth in the application as amended, which is on file with the Commission and open to public inspection.

The original application in this docket requested authorization to construct and operate approximately 10.6 miles of 30-inch pipeline extending from Block 587 in the West Cameron Area south addition, offshore Louisiana, to Block 548 in the same area; approximately 121.1 miles of 36-inch pipeline extending from a platform in Block 548 to a point onshore near Sweet Lake, Cameron Parish, Louisiana; and approximately 139 miles of 30-inch pipeline extending from Sweet Lake to a point near Clarence, Nachitoches Parish, Louisiana, all at a cost of $126,000,000. Applicant also requested authorization to transport through the proposed facilities and sell up to 40,000 Mcf of gas per day to United Gas Pipe Line Company (United) of which Applicant is a wholly owned subsidiary, at a monthly contract demand rate of $6.18 per Mcf and a commodity charge based on Applicant's average cost of purchased gas, subject to a 100 percent load factor and adjusted to reflect the effect of changes in the interest payable on its outstanding debt.

Applicant now proposes to construct and operate approximately 22.8 miles of 24-inch lateral pipeline extending from Blocks 532 and 533 in the West Cameron Area, South Addition, to a platform at Block 548 in the same area; approximately 11.2 miles of 30-inch pipeline from Block 590 in the West Cameron Area, South Addition, to a platform in Block 548 in the same area; approximately 10.6 miles of 30-inch pipeline from Block 587 in West Cameron Area, South Addition, to the platform in Block 548 in the same area; aproximately 120.8 miles of 36-inch pipeline from Block 548 to a point near Sweet Lake, Louisiana; and approximately 369 miles of 30-inch pipeline extending from Sweet Lake to a point in Allen Parish, Louisiana. Applicant also proposes to construct and operate a dehydration facility near Sweet Lake and certain measurement and regulation facilities.

Applicant also now proposes to sell for 20 years to United for delivery to others aproximately 400,000 Mcf of gas per day produced from Blocks 548, 572, 532, 533, and 590 all in the West Cameron Area, South Addition, upon completion of the proposed facilities pursuant to the June 15, 1972, agreement with United, as supplemented June 29, 1973. Applicant further proposes to deliver the sale gas through the proposed facilities, for United's account, in volumes of up to 150,000 Mcf per day to Transcontinental Gas Pipe Line Corporation and up to 250,000 Mcf of gas per day to Texas Eastern Transmission Corporation both delivered at points in Allen Parish, Louisiana. Applicant proposes to charge United a monthly contract demand rate of $5.51 per Mcf and a commodity charge based on Applicant's average cost of purchased gas. It is stated that Applicant has not yet been able to execute contracts for the purchase of gas from the West Cameron Area; therefore, throughout its application Applicant has assumed a price of 50.0 cents per Mcf for illustrative purposes. Based on that assumption Applicant estimates that the effect of adding 400,000 Mcf per day of sale gas on United's cost of gas will be 4.4 cents per Mcf.

Applicant states that the total cost of the proposed construction and operation is $113,000,000 which will be financed by United's purchase of approximately $20,000,000 of Applicant's common stock, the private or public sale of approximately $20,000,000 of non-voting, preferred stock bearing a probable 9 percent dividend rate, and the private or public sale of approximately $75,000,000 of long-term debt at an estimated 8.5 percent interest rate with a ten or twelve-year maturity date. Interim financing would be through short-term construction loans. Applicant proposes to establish a 10 percent depreciation rate.

Applicant states that the facilities for which authorization is sought will be designed and operated by or under the supervision of United pursuant to a service agreement between the parties. United will participate in the negotiation of any construction contracts and will supervise the construction on behalf of Applicant.

Any person desiring to be heard or, as amended, to make any protest with reference to said application should on or before July 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14399 Filed 7-13-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANCSHARES OF FLORIDA, INC.

Order Approving Acquisition of Bank

First Bancshares of Florida, Inc., Boca Raton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Fort Pierce, Fort Pierce, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixteenth largest banking organization in Florida, controls six subsidiary banks with aggregate deposits of $224.7 million, representing 1.1 per cent of the commercial bank deposits in the State. (Banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved by the Board through May 31, 1973.) Approval of the acquisition would increase Applicant's percentage share of State deposits by less than two-tenths of a percentage point.

Bank (deposits of $31.1 million) is the second largest of four banks located in St. Lucie County, the relevant market. The largest bank in the market holds approximately 54 percent of market deposits, while Bank and the third and fourth largest banks hold approximately 30, 14 and 2 per cent, respectively. The three competing banks are controlled by bank holding companies, including the third largest in the State. Applicant's closest banking office is located 15 miles south of Bank, and there is no significant competition between any of Applicant's subsidiary banks and Bank. Furthermore, in view of the distances separating the banks and the prohibition against branch banking in Florida, it appears unlikely that any meaningful competition would develop between these offices in the future. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future propsects of Applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval of the application, particularly in view of Applicant's commitment to inject additional equity capital into certain of its subsidiary banks. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 6, 1973 or (b) later than October 6, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14415 Filed 7-13-73;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1841(a)(3)) to acquire 90 percent or more of the voting shares of Commercial Bank of Lexington, Lexington, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with aggregate deposits of $693.9 million, representing 5 percent of the total commercial deposits in Missouri, and is the fourth largest bank holding company in the State.[1] Acquisition of Bank (deposits of $16.6 million) would increase Applicant's share of deposits in Missouri insignificantly and its ranking among banking organizations in the State would be unchanged.

Bank is the larger of two banks[2] in the city of Lexington, Missouri (population of 5,400) and holds 63 percent of total commercial deposits therein. It is the second largest of 11 banks in its relevant banking market (approximated by the southeastern portion of Ray County and the northwestern portion of Lafayette County) controlling 18.5 percent of deposits in that area. Applicant's nearest subsidiary and lead bank is located in Kansas City, Missouri, 55 miles west of Lexington. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries. Furthermore, it is not likely that significant future competition would develop in view of the distances involved, the numerous banking alternatives, and Missouri's restrictive branching laws. Competitive considerations are, therefore, consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank are regarded as satisfactory; future prospects for all are favorable. The banking needs in the Lexington area are, for the most part, being met; however, inasmuch as Applicant will offer expanded services, such as improvement of Bank's loan operations and management training programs, considerations relating to the convenience and needs of the community to be served are consistent with approval of this acquisition. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 6, 1973 or (b) later than October 6, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14419 Filed 7-13-73;8:45 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank

First Union, Incorporated, St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90.45 per cent or more of the voting shares of Bank of Kennett, Kennett, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Missouri, controls 14 banks with aggregate deposits of $1,059 million, representing 8.4 per cent of total deposits of commercial banks in the State. (Unless otherwise indicated, banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through March 30, 1973.)[1] Consummation of the proposed acquisition of Bank ($28.9 million of deposits as of December 31, 1972) would increase Applicant's share of deposits in commercial banks in the State by .2 percentage points and would not significantly increase concentration of banking resources in Missouri.

Bank is the largest of three banks in Kennett, Missouri, and is the largest of 17 banks in the Dunklin County banking market, which includes also portions of Pemiscot County and Clay County (Arkansas), controlling 18 per cent of deposits of commercial banks in this market area. Applicant's closest subsidiary bank is located approximately 100 miles north of Bank. No competition exists between Bank and any of Applicant's subsidiary banks. In view of the distances between Applicant's subsidiary banks and Bank and the restrictive Missouri branching laws, it is unlikely that significant competition would develop in the future.

The population of Dunklin County has declined in recent years. The population per banking office ratio of the county is approximately one-third less than the average for Missouri counties of comparable size. Although the city of Kennett is experiencing some increased economic growth in non-agricultural fields, it appears unlikely, in view of the declining population of the area in general, that Applicant would enter this area *de novo*. In addition, acquisition of Bank by Applicant would not have an adverse effect on present or future competition among banks in the Dunklin County banking market. Bank has consistently had a low percentage of loans to total assets.[2] Consummation of the proposal could result in greater aggressiveness on the part of Bank in seeking loan customers, thereby stimulating competition among financial institutions and economic growth in its market. The Board concludes that consummation of Applicant's proposal would not have an adverse effect on competition in any relevant area.

The financial condition, managerial resources and future prospects of Applicant, its subsidiaries and Bank appear generally satisfactory. Although there is no evidence in the record to indicate that the banking needs of the residents of the Dunklin County market are not currently being met, affiliation with Applicant would enable Bank to compete over a wider range of banking services, including trust and automatic teller services. In addition, acquisition by Applicant should provide Bank with a pool of experienced managerial resources necessary to provide additional and expanded banking services. These factors, as they

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[1] All banking data are as of December 31, 1972 and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] The smaller bank is a recently acquired subsidiary of the third largest multi-bank holding company in the State.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] On June 8, 1973, the Board announced its approval of Applicant's application to acquire Chesterfield Bank, Chesterfield, Missouri ($14.7 million of deposits).

[2] For example, as of June 30, 1972, Bank's percentage of loans to total deposits equalled 35.7 per cent compared with percentages of 56.7 and 58.6 per cent for the two other banks in Kennett.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

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relate to the convenience and needs of the communities to be served, lend some weight for approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 6, 1973, (b) later than October 6, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14418 Filed 7-13-73;8:45 am]

IRON CITY EAGLE COAL, INC.

Order Approving Formation of Bank Holding Company

Iron City Eagle Coal, Inc., Lockwood, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 87.49 per cent or more of the voting shares of The Gauley National Bank of Gauley Bridge, Gauley Bridge, West Virginia ("Bank").[1]

Notice of the application, affording opportunities for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant (wholly owned by its organizers) was incorporated in 1962 and has engaged in the business of mining coal and selling mining machinery and equipment. Such activities were discontinued in 1972 and its assets now consist entirely of cash.

Bank (deposits of approximately $11 million) is the only bank in Gauley Bridge and the third largest of five banks in the northern half of Fayette County, the relevant market, where it controls 15.6 per cent of market deposits.[2] As Applicant has no present operations or subsidiaries, the proposal essentially involves only a change from individual to corporate ownership. Therefore, consummation of the proposal herein would eliminate neither existing nor potential competition.

The management, financial condition, and prospects of Bank are all considered satisfactory. The management of Applicant is essentially the same as that of Bank; the financial condition of Applicant and its prospects, which will depend largely upon Bank, appear to be satisfactory. The ability of Bank to extend or improve the range of financial services for this area may be enhanced as a result of the flexibility afforded by the holding company structure. Hence, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 6, 1973 or (b) later than October 6, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14414 Filed 7-13-73;8:45 am]

MIDLANTIC BANKS, INC.

Acquisition of Bank

Midlantic Banks, Inc., Newark, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Midlantic National Bank of Somerset, Bernardsville, New Jersey, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 26, 1973.

Board of Governors of the Federal Reserve System, July 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14413 Filed 7-13-73;8:45 am]

UNION BANCSHARES COMPANY

Acquisition of Bank

JULY 6, 1973.

Union Bancshares Company, Steubenville, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The Peoples-Merchants Trust Company, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 25, 1973.

Board of Governors of the Federal Reserve System, July 6, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14412 Filed 7-13-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

PETER CAVE COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20404, PETER CAVE COAL COMPANY No. 1 Mine, USBM ID No. 15 02060 0, Lovely, Kentucky.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 Fed. Reg. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JULY 10, 1973.

[FR Doc.73-14410 Filed 7-13-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

[1] The issue of whether State law permits the formation of a bank holding company in West Virginia has not been raised with respect to this application. However, in its consideration of the instant application, the Board has noted, and relied upon, an opinion by the Attorney General of West Virginia issued September 25, 1972, to the effect that section 31A-8-12(b) of the West Virginia Code does not prohibit the formation of bank holding companies within the State.

[2] All banking data are as of December 31, 1972.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-54]

MEDICAL ISOTOPES ADVISORY SUBCOMMITTEE OF THE JOHNSON SPACE CENTER RADIATION SAFETY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Medical Isotopes Advisory Subcommittee will be held on July 20, 1973, from 2:00 p.m. to 3:30 p.m., in Room 120, Building 1, Johnson Space Center, Houston, Texas 77058.

This is the second meeting of the Subcommittee for calendar year 1973. The meeting agenda includes a review of changes to experiment protocols of the First Skylab Mission and a review of protocols for the Second Skylab Mission. The Subcommittee will formulate recommendations to the JSC Radiation Safety Committee.

The meeting will be open to the public; however, a limited number of seats will be available. Any member of the public wishing to attend the meeting should contact Mr. J. Vernon Bailey, Executive Secretary, 713/483-3419.

GEORGE M. LOW,
Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.73-14460 Filed 7-13-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10274]

CONSOLIDATED TAPE PLAN

Extension of Deadline for Response to Comments

The Securities and Exchange Commission has extended from July 10, 1973 until August 10, 1973 the deadline by which sponsors may respond to and interested parties may comment on the Commission's letter of comments, dated June 13, 1973 and published at 38 FR 15999, June 19, 1973, to the sponsors of the consolidated tape plan filed pursuant to Rule 17a-15 under the Securities Exchange Act of 1934.[1] Rule 17a-15 provides for the reporting of prices and volume of completed transactions in listed securities.

The Commission has received several requests for such an extension and has determined to extend the deadline in view of the complexity and importance of some of the relevant issues and its desire to afford sufficient time for all interested persons to respond thereto or comment thereon.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653, 15 U.S.C. 78j(b), 78o(c), 78q, 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 10, 1973.

[FR Doc.73-14447 Filed 7-13-73;8:45 am]

[1] The text of the Commission's letter was contained in Securities Exchange Act Release No. 10218 (June 13, 1973).

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 7, 1973 through July 16, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14428 Filed 7-13-73;8:45 am]

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 4, 1973 through July 13, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14434 Filed 7-13-73;8:45 am]

[70-5363]

AMERICAN NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPELINE CO.

Proposed Issue and Sale of First Mortgage Bonds

JULY 10, 1973.

Notice is hereby given that American Natural Gas Company (American Natural), 50 Rockefeller Plaza, Suite 4545, New York, N.Y. 10020, a registered holding company, and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, MI 48226, a wholly-owned subsidiary company of American Natural, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10 and 12(f) of the Act and Rules 43 and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of its First Mortgage Pipe Line Bonds ("New Bonds"), -- percent Series, due 1993. The interest rate on the New Bonds (which shall be a multiple of ⅛th of 1 percent) and the price to be received by Michigan Wisconsin for the New Bonds (which price, exclusive of accrued interest, shall be not less than 98½ percent of the principal amount and not more than 101½ percent of the principal amount) are to be determined by competitive bidding. The New Bonds will be issued under a Mortgage and Deed of Trust, dated as of September 1, 1948, as heretofore supplemented and as to be further supplemented by a Twenty-sixth Supplemental Indenture, to be dated as of August 15, 1973, between Michigan Wisconsin and First National City Bank and Peter A. Armenia, as Trustees ("Indenture"), which includes a prohibition until August 15, 1978 against refunding the New Bonds with the proceeds of funds borrowed at a lower effective interest cost. A sinking fund will be commenced on August 15, 1978 to retire the issue by maturity. The Indenture provides that sinking fund payments shall be accelerated under certain circumstances relating to annual reports which are required to be submitted to the Indenture Trustees regarding estimated dates of exhaustion of firm gas supply.

Michigan Wisconsin also proposes to sell, and American Natural proposes to acquire, an additional 400,000 shares of Michigan Wisconsin's common stock ("Common Stock"), par value $100 per share, for a cash consideration of $40,000,000. Accordingly, Michigan Wisconsin proposes to amend its Certificate of Incorporation to increase its authorized capital stock from 2,045,000 to 2,445,000 shares. Prior to or concurrently with the sale of the Common Stock, Michigan Wisconsin will pay to American Natural a special cash dividend in the amount of $15,000,000, the effect of the two transactions being to convert $15,000,000 of Michigan Wisconsin's existing retained earnings into common stock.

To provide the funds necessary for making the additional $25,000,000 investment in the Common Stock of Michigan

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Wisconsin, American Natural proposes to borrow from banks under lines of credit an aggregate of $22,000,000 on its promissory notes ("Notes") maturing July 1, 1974 and to utilize cash on hand. American Natural has obtained lines of credit from banks (herein collectively referred to as "Banks") providing for this borrowing. The Banks and their respective commitments are as follows:

First National City Bank, New York, N.Y.	$13,000,000
Manufacturers Hanover Trust Company, New York, N.Y.	9,000,000
	22,000,000

The Notes will be unsecured and will be issued on or about August 22, 1973. There is no commitment fee, closing or other related charges payable to the Banks in connection with the borrowing. The Notes may be prepaid at any time without penalty. The Notes will bear interest at the prime rate in effect at the lending bank on the date of borrowing and will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of the first borrowing and at maturity. As a condition of these lines of credit, American Natural is required to maintain compensating balances with the Banks. The effective interest cost is thereby increased by approximately one and one-half percent above the stated prime rate.

Michigan Wisconsin will apply the net proceeds from the proposed sale of the New Bonds and Common Stock to retire outstanding notes payable to banks under its $75,000,000 line of credit at the date of sale (See Holding Company Act Release No. 17679), and to pay, in part, 1973 construction costs (estimated at $100,400,000), and advance payments for gas.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. An estimate of the fees and expenses expected to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than August 2, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14431 Filed 7-13-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

JULY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:00 p.m. (EDT) July 3, 1973 through July 12, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14425 Filed 7-13-73;8:45 am]

[File No. 500-1]

BISI, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of BISI, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14440 Filed 7-13-73;8:45 am]

[File No. 500-1]

CHRIS McGUIRE, INC.

Order Suspending Trading

JULY 2, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Chris McGuire, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:30 p.m. July 2, 1973 through July 11, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14424 Filed 7-13-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JULY 5, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being trade on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 5, 1973 through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14437 Filed 7-13-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6% convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1973 through July 18, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14426 Filed 7-13-73;8:45 am]

[File No. 500-1]

DATAMEDIA INTERNATIONAL INC.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Datamedia International Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14441 Filed 7-13-73;8:45 am]

[File No. 500-1]

DISPLAY SCIENCES, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Display Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14436 Filed 7-13-73;8:45 am]

[811-1693]

DREXEL HEDGE FUND, INC.

Notice of Application

JULY 10, 1973.

Notice is hereby given that Drexel Hedge Fund, Inc. 1500 Walnut Street Philadelphia PA 19101 ("Applicant"), a diversified, open-end management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On February 6, 1973, the Board of Directors of Applicant approved an Agreement and Plan of Reorganization between Applicant and Standard & Poor's Intercapital Dynamics Fund, Inc. ("S&P"), a registered non-diversified, openend management investment company, and on May 3, 1973, the plan was approved by a majority of Applicant's shareholders. Pursuant to the plan, Applicant's portfolio securities and cash (except $18,000 in cash retained by Applicant to satisfy its liabilities and the expenses of dissolution) have been transferred to S&P in exchange for a number of shares of S&P having an aggregate adjusted net asset value equal to the adjusted value of the assets of Applicant so transferred, and the shares of S&P transferred to Applicant have been assigned to Applicant's shareholders on a pro rata basis. The shareholders of Applicant have thus become shareholders of S&P. The First Jersey National Bank, acting as transfer agent for S&P, is in the process of distributing these shares of S&P to Applicant's shareholders upon their surrender for cancellation of their shares of Applicant. Applicant is required to complete its dissolution within one year and to remit to S&P any portion of the retained cash not used by Applicant in winding up its affairs and settling its remaining liabilities.

Applicant states that, as a result of the execution and implementation of the plan, it presently has assets of less than $18,000 and is in the process of liquidating all shareholder interests in Applicant. For these reasons, it submits that it is no longer engaged in any activities which would bring it within any of the definitions of an investment company contained in section 3(a) of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14421 Filed 7-13-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP.

Order Suspending Trading

JULY 6, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities

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Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14438 Filed 7-13-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JUNE 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 5, 1973 through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14433 Filed 7-13-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

JULY 6, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14430 Filed 7-13-73;8:45 am]

[File No. 500-1]

GOODWAY INC.

Order Suspending Trading

JULY 6, 1973.

The common stock, $.10 par value of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 7, 1973 through July 16, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14429 Filed 7-13-73;8:45 am]

[File No. 500-1]

HETRA COMPUTER & COMMUNICATIONS INDUSTRIES, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Hetra Computer & Communications Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc. 73-14435 Filed 7-13-73;8:45 am]

[811-1390]

INDUSTRIES EXCHANGE FUND, INC.

Filing of Application

JULY 10, 1973.

Notice Is Hereby Given that Industries Exchange Fund, Inc. ("Applicant"), 711 Polk St., Houston TX 77002, a Texas corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Pursuant to an Agreement and Plan of Reorganization ("Plan"), dated July 10, 1972, between Applicant and Commerce Fund, Inc. ("Commerce"), which Plan was approved by the shareholders of Applicant on February 23, 1973, Applicant transferred substantially all of its assets to Commerce on April 2, 1973 in exchange for shares of Commerce's common stock, which shares were thereupon distributed to Applicant's shareholders.

Applicant represents that it has retained assets of $375.43 for payment of expenses incurred by Applicant in connection with the Plan and Applicant's subsequent dissolution. Applicant further represents that subsequent to the payment of such expenses, it will distribute any remaining assets to its shareholders and will file Articles of Dissolution pursuant to the Texas Business Corporation Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 3, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after that date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14423 Filed 7-13-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14432 Filed 7-13-73;8:45 am]

[File No. 500-1]

JEFFERSON NATIONAL TRUST

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Jefferson National Trust being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m. (EDT) on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14439 Filed 7-13-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 9, 1973 through July 18, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14427 Filed 7-13-73;8:45 am]

[811-1914]

WISCONSIN LIFE FUND, INC.

Filing of Application

JULY 10, 1973.

Notice is hereby given that Wisconsin Life Fund, Inc. ("Applicant"), 709 N. Segoe Rd., Madison WI 43705, a Maryland corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant has requested withdrawal of its registration statement on Form S-5 under the Securities Act of 1933 which it filed in 1969 and which has never become effective. Applicant represents that no securities have ever been offered or sold to the public, and that current business conditions do not warrant offering its securities at this time. Applicant further represents that it is a dormant corporation engaging in no business activities.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14422 Filed 7-13-73;8:45 am]

TARIFF COMMISSION

[AA1921-125]

GERMANIUM POINT CONTACT DIODES FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on June 26, 1973, that germanium point contact diodes from Japan are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on July 10, 1973, instituted investigation No. AA1921-125 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, N.W., Washington, D.C. 20436, beginning at 10 a.m., E.D.S.T., on Tuesday, August 14, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, August 9, 1973.

Issued: July 11, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-14477 Filed 7-13-73;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 296]

Assignment of Hearings

JULY 11, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 97310 Sub 11, Bell Transfer Company, Inc., MC 97310 Sub 12, Bell Transfer Company, Inc., now being assigned continued hearing August 13, 1973, at Department of Labor Conference Room, 2nd Floor, 908 South 20th Street, Birmingham, Ala.

MC 138185, F. Robert McDonald, Dba Auto Delivery Service, now assigned September 13, 1973, at San Francisco, Calif., is postponed indefinitely.

MC-1263 Sub 17, McCarty Truck Line, Inc., now assigned September 10, 1973, at Jefferson City, Mo., is cancelled and transferred to Modified Procedure.

MC 108411 Sub 5, Stearly's Motor Freight, Inc., Extension-Cranes, now assigned July 18, 1973, at Washington, D.C., is postponed indefinitely.

MC-113855 Sub 269, International Transport, Inc., now assigned August 13, 1973, at Washington, D.C., is postponed to October 29, 1973, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 135, Midwestern Express, Inc., now assigned July 24, 1973, at Washington, D.C., is postponed indefinitely.

MC 74321 sub 73, B. F. Walker, Inc., now assigned July 13, 1973, at Denver, Colorado, hearing is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14471 Filed 7-13-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 11, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 31, 1973.

FSA No. 42712—*Sulphuric and Spent Sulphuric Acid from and to Chicago, Illinois.* Filed by Louisville and Nashville Railroad Company (No. 1), for interested rail carriers. Rates on sulphuric acid and spent sulphuric acid, in tank-car loads, as described in the application, from Chicago, Illinois, to Lafayette, Indiana; also from Lafayette, Indiana, to Chicago, Illinois.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 77 to Louisville and Nashville Railroad Company tariff 203-A, I.C.C. No. 63 (Monon Series). Rates are published to become effective on August 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14472 Filed 7-13-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that meetings of the Food Industry Advisory Committee, created by section 7(b) of Executive Order 11695, will be held on July 23 and July 24, 1973, at 9 a.m., at 2000 M Street, NW., Washington, D.C.

The morning portion of the July 23 meeting, which will be open to the public, will be held in Room 2105 (Auditorium). The agenda will consist of a discussion of the new farm legislation and the feasibility of standardizing cuts of meat. This is subject to change depending on new developments in the future.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. In that event, only those persons will be admitted who have reserved a seat by phoning Mr. Michael Caughlin (202) 254-3008 prior to 5:30 P.M., Friday, July 20th. The seats will be reserved on a first-come, first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Michael Caughlin, Room 8014, 2000 M Street, NW., Washington, DC 20508.

Any statements received by Monday, July 23, will be made available to the Committee before it adjourns on July 24. Any statement over three pages in length should be submitted in twenty copies.

Since the afternoon portion of the July 23 meeting and the meeting on July 24 will be used to discuss sensitive policy issues and possible governmental actions in connection therewith, I have determined that the meeting will fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 13, 1973.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

[FR Doc.73-14594 Filed 7-13-73;10:25 am]

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federal register

MONDAY, JULY 16, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 135

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

AIR QUALITY IMPLEMENTATION PLANS

Proposed Rulemaking for Certain States

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

ALASKA

Approval and Promulgation of Implementation Plans

Background. On July 27, 1972 (37 FR 15080), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the State of Alaska implementation plan for attainment and maintenance of national ambient air quality standards. Specifically, the Administrator disapproved Alaska's plan for the attainment and maintenance of the national ambient air quality standards for carbon monoxide in the Northern Alaska Intrastate Air Quality Control Region. The State of Alaska was required to submit a transportation control plan to assure attainment and maintenance of the standards for the Northern Alaska Region to EPA by February 15, 1973.

On January 31, the U.S. Circuit Court of Appeals for the District of Columbia found that the Administrator did not strictly conform to the requirements of the Clean Air Act in his July 27, 1972, decision. The Court ordered that the required transportation control plans be submitted to EPA by April 15, 1973.

On February 20, 1973, William A. Egan, Governor of Alaska, requested assistance from the Administrator in developing the necessary transportation control measures for the Fairbanks area to achieve the national ambient air quality standards. The Governor felt that State and local resources were not adequate to accomplish this task by April 15, 1973.

SUMMARY

The State of Alaska has not held public hearings to consider alternative transportation and land use control strategies as part of their implementation plan for the Region, nor has the State indicated that it will submit a plan in compliance with EPA requirements. As a result, this notice of proposed rule making sets forth proposed regulations that in the Administrator's judgment can be implemented to attain the carbon monoxide standards in the Northern Alaska Intrastate Region.

If, prior to Federal promulgation, the State of Alaska submits a transportation control plan which will assure attainment of national standards by May 31, 1977, and which the Administrator determines is acceptable, these proposed Federal regulations will be withdrawn. If the State plan is submitted and determined to be approvable after promulgation of Federal regulations, then these regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain national standards in the Region be a State plan carried out by the State or by authorized local governments.

To the greatest extent feasible, the proposed Federal regulations are designed to implement transportation control measures that are acceptable to the State and/or that have received public support.

POLLUTION IN THE NORTHERN ALASKA REGION

The Northern Alaska Intrastate Region comprises the entire northern half of the State of Alaska from the Arctic Ocean to approximately the crest of the Alaska Range and along an irregular boundary extending westward to the delta of the Yukon River. The geographic and meteorologic characteristics of the Fairbanks portion of the Region in which the carbon monoxide problem exists contribute to the build-up of pollution. The encircling hills and frequent thermal inversions inhibit dispersion of pollutants; the rigorous winter climate complicates the use of ordinary modes of transportation.

Between October 1, 1972, and March 31, 1973, the 8-hour national ambient air quality standard for carbon monoxide of 9 parts per million (10 milligrams per cubic meter), not to be exceeded more than once per year, was exceeded on at least 112 days. The maximum 8-hour average concentration recorded in Fairbanks during the winter of 1972–73 was 28 parts per million. The highest 1-hour concentration of carbon monoxide, recorded at two locations, was 48 parts per million compared to the 1-hour ambient air quality standard of 35 parts per million.

The reductions in motor vehicle carbon monoxide emissions necessary to attain the carbon monoxide standards by 1975 were determined by forecasting the emission densities for that year using a proportional mathematical model and subtracting the allowable emission densities. The estimates of 1975 emissions were forecasted using data for traffic analysis districts in the Fairbanks North Star Borough. An estimated 65 percent reduction in motor vehicle carbon monoxide emissions, in addition to the reduction achieved by implementation of the Federal emission standards for new motor vehicles, is required to attain the 8-hour national ambient air quality standard for carbon monoxide in Fairbanks by 1975. The 8-hour carbon monoxide standard is the more restrictive of the two standards for that pollutant; attainment of the 8-hour standard will assure attainment of the 1-hour standard.

PROPOSED FEDERAL REGULATIONS

To attain national standards for carbon monoxide in the Northern Alaska Intrastate Region, Federal regulations are proposed to implement the following transportation control measures:

1. An annual inspection and maintenance program, using an idle emission test, to determine emissions from light-duty vehicles.

2. A retrofit program requiring installation of air bleed to intake manifold retrofit devices on vehicles of model years prior to 1968 and of oxidizing catalytic converters on vehicles of model years 1968 through 1974.

3. A parking management program that (a) requires a permit from the Administrator to construct, modify, or enlarge off-street parking facilities, (b) requires owners and operators of parking facilities to make provisions for heating vehicle engines and interiors, and (c) requires the prohibition of on-street parking on public streets in the Fairbanks central business district.

4. An idling limitation that restricts to 5 minutes the time vehicles are permited to idle following start-up.

These Federally proposed measures are necessary, in the absence of a State-adopted transportation control plan, to attain and maintain national standards for carbon monoxide in the Northern Alaska Intrastate Region. The proposed regulations take into account testimony and comments presented at EPA-sponsored public meetings held in Fairbanks on May 3 and June 13, 1973. Other measures are available to EPA and to the State that will, if implemented, assist in achieving a reduction in vehicle emissions equivalent to that resulting from the four proposed measures. The final selection of measures to be implemented will be based to the greatest extent possible on testimony presented at the public hearing held prior to Federal promulgation.

If the proposed inspection and maintenance program is implemented, exhaust emissions from all light-duty gasoline-powered vehicles will be analyzed yearly using an idle-mode emission test. The results of the test will be compared with a set of in-use vehicle emission standards. Those vehicles having emissions in excess of the standards will be required to have maintenance performed. Based on a cooperative study by the Fairbanks North Star Borough, the EPA Arctic Environmental Research Laboratory, and the Atlantic Richfield Company, an inspection and maintenance program can provide an effective means of reducing emissions at low (sub-freezing) ambient temperatures and will reduce vehicle carbon monoxide emissions in the Fairbanks area by at least 17 percent. The proposed regulation specifies that beginning in 1975 emissions from all vehicles will be inspected by an agency designated by the State and that any necessary maintenance will be performed. The State will not be permitted to register, nor will anyone be permitted to operate, any vehicle that has not undergone emission testing and met the established emission standards. The Administrator is continuing to assess the earliest practicable date on which the inspection and maintenance program can be fully implemented. He may revise this date based on results of this assessment.

The proposed retrofit program requires that two types of emission reduction devices be installed on motor vehicles registered in the Fairbanks North Star Borough. Installation of an air bleed to intake manifold retrofit device will be required on all vehicles of model years prior to 1968; oxidizing catalytic converters will be required on vehicles of model years 1968 through 1974. Although both the air bleed to intake manifold device and the oxidizing catalytic converter are believed to be technologically feasible by 1975, the Administrator recognizes that it will not be possible to implement a retrofit program in the Northern Alaska Intrastate Region by that date. Consequently, the Administrator proposes to grant an extension of approximately 1 year beyond the May 31, 1975, attainment date for requiring installation of the air bleed to intake manifold retrofit and an extension of 2 years beyond the attainment date for requiring the installation of oxidizing catalytic converters. By June 30, 1976, all vehicles of model years prior to 1968 will be required to be equipped with the air bleed to intake manifold devices. By May 31, 1977, all 1968 through 1974 model year vehicles must be equipped with oxidizing catalytic converters. A retrofit program employed in 1975 would reduce vehicle carbon monoxide emissions by about 23 percent. In 1977 the emission reduction attributable to retrofit is reduced to 16.6 percent because of the lesser number of vehicles of model years 1974 and earlier.

The proposed regulation requiring that a permit be obtained from the Administrator prior to the construction, modification, or enlargement of a parking facility is intended to stabilize the supply of parking in areas of the Northern Alaska Intrastate Region where transportation control measures are necessary for attainment of national standards. Existing or proposed parking facilities to which the regulation is applicable will be reviewed to ascertain whether modification/enlargement or construction of the respective facilities will prevent the attainment and/or maintenance of national standards.

A regulation is also proposed to require owners and operators of parking facilities to make provisions for heating vehicle engines and interiors. Implementation of this requirement will reduce the necessity for vehicle idling and the pollutant emissions resulting from the idling. The proposed regulation restricting on-street parking will encourage the use of heated off-street parking facilities. Removal of on-street parking will also assist in improving traffic flow. If the parking regulations are implemented, the cumulative reduction in carbon monoxide emissions will be approximately 11 percent.

The proposed idling limitation prohibits the idling of any vehicle for more than 5 minutes after start-up. Estimates of emission reductions range from 5 percent to 25 percent and perhaps higher. Data acquired from the idle test inspection control measure will help refine the estimated degree of emission reductions which occur as a result of the idle limitation.

Three transportation control measures in addition to those contained in the Federal proposal will, when implemented, provide significant carbon monoxide emissions reductions. These measures include traffic flow improvements, a system of public transportation, and the opening of a north-south bypass highway, referred to as the Steese cut-off. Emission reductions were attributed to these measures although they are not included among proposed Federal regulations. Implementation of these measures will assist in reducing emissions of carbon monoxide within the central business district of Fairbanks.

Traffic flow improvements will result from actions such as better traffic signal timing and institution of additional one-way couplets. These measures, when implemented, will provide an increase in average vehicular speed and, as a result, a decrease in carbon monoxide emissions. These improvements will also provide a significant reduction in traffic congestion. These measures can be implemented as early as mid-1975.

The development of a system of public transportation in Fairbanks is essential to mitigate the disruptions and inconveniences which may result from inhibiting automobile use. Any system of public transportation that is implemented must be tailored to the individual characteristics of Fairbanks. The design of the system must consider the extreme cold of the winter months, and the low and dispersed residential population densities must be considered.

The construction and opening of the proposed Steese cut-off will provide a bypass highway that will eliminate a portion of the traffic that now enters and leaves the central business district with no interim stops. If provision is made for no exits from the highway between Gaffney Road and the north side of the bridge across the Chena River, the highway will be used primarily for moderate speed traffic with destinations other than downtown Fairbanks. Switching this traffic from the downtown area should have a significant impact on air quality in the central business district. The long-term air quality impact of a bypass with and without exits to the central business district should be evaluated prior to construction. In either case, it may be difficult to complete construction of this facility by the end of 1976.

COMPILATION OF CONTROL STRATEGY EFFECTS (% REDUCTION)

	1975	1976	1977
Traffic flow + parking	6.8		
Idling	3.9		
Inspection/Maintenance	12.7		
Air Bleed Retrofit		6.2	
New Highway		8.2	
Oxidizing Catalyst Retrofit			16.6
Federal Motor Vehicle Control Program			17.1
Percent Reduction Attained	23.4	37.8	71.5
Percent Reduction Required	61.6	64.6	64.6

SOCIAL AND ECONOMIC IMPACTS

A quantitative assessment of the economic and social impacts of the proposed Federal transportation control measures on the Northern Alaska Intrastate Region has not been possible due to the short time available for development of the measures and the innate complexities of the issues involved. However, an attempt has been made to identify some of the more important impacts that will result if the proposed Federal measures are promulgated and implemented.

First, if the proposed inspection/maintenance and retrofit programs are implemented, vehicle owners will probably have to assume directly some of the costs of vehicle inspection, all of the costs of any vehicle maintenance required to meet the emission-inspection standards, and all of the costs of the purchase and installation of retrofit devices. If a failure rate of 50 percent is set for the inspection/maintenance program, the annual cost for each vehicle inspected is estimated to average $15. Owners of light-duty vehicles of model years earlier than 1968 will have to pay approximately $35 to $60 for purchase and installation of an air bleed to intake manifold retrofit device. Owners of light-duty vehicles of model years 1968 through 1974 will have to pay approximately $160 to $200 for the installation of oxidizing catalytic converters. The costs for inspection of vehicles for emissions, for performing the vehicle maintenance required to meet emission inspection standards, and for purchase and installation of retrofit devices will fall most heavily on low-income families because they will have to spend a larger percentage of their disposable incomes for inspection and any resultant maintenance.

The portion of the parking management program limiting development of additional off-street parking spaces will cause inconveniences to those traveling to downtown Fairbanks. The extent of the inconvenience will depend on the adequacy of the public transportation system developed. The portion of the program dealing with provision of electrical outlets and heating units will cause some increase in parking fees; however, this cost may be mitigated by the savings resulting from short idling periods. The removal of on-street parking will result in some loss of revenue to the City from short-term metered parking, but will result in increased utilization of off-street parking facilities and increased revenues for owners of both public and private parking facilities. The idling limitation will provide savings to the vehicle operator in reduced fuel consumption and engine maintenance.

EPA EFFORTS TO MITIGATE THE EFFECTS OF PROPOSED REGULATIONS

The proposed Federal regulations will eliminate the danger to human health and welfare that exists in the Northern Alaska Intrastate Region as a result of air pollution from motor vehicles. The regulations may, however, have adverse economic and social impacts. The Administrator will make every effort to mitigate the adverse effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments give special attention to the need for funding of programs necessary to offset any adverse effects resulting from the implementation of transportation control measures.

PUBLIC COMMENTS SOLICITED

The Administrator intends that any Federal regulations which must be pro-

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mulgated be as responsive as possible to the needs of the Northern Alaska Intrastate Region; he therefore desires to obtain the comments and suggestions of the public on the proposed regulations and on any other measures that may be taken by Federal, State, or local governments to strengthen, supplement, or replace the proposed measures. Public hearings will be held on this and any alternative proposals in Fairbanks at 7:30 p.m. on August 6, 1973. In any promulgation of regulations necessary, the Administrator will consider all comments and testimony he receives, as well as any additional strategies submitted by the State.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: Ms. Betty Weise. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the library of EPA Region X. The changes proposed by this notice, with appropriate modification, will be effective as noted. This notice of proposed rulemaking is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c et seq)

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart O—Alaska

1. Subpart O is amended by adding §§ 52.77, 52.78, 52.79, 52.80, 52.81, and 52.82 as follows:

§ 52.77 Idling limitations.

(a) Definition:

(1) "Idling" means the operation of a motor vehicle engine while the motor vehicle is attended or unattended, while not in the process of moving from one place to another.

(b) This regulation is applicable in the City of Fairbanks in the State of Alaska.

(c) Commencing May 31, 1975, the State of Alaska, Fairbanks North Star Borough, and the City of Fairbanks shall each prohibit for more than 5 minutes the idling of all motor vehicles while parked or operated on streets or highways within the City of Fairbanks over which each has ownership or control.

(d) After May 31, 1975, no person shall cause, permit, or allow for more than 5 minutes the idling of any motor vehicle where prohibited pursuant to paragraph (c) of this section.

(e) On or before October 1, 1973, the State of Alaska, Fairbanks North Star Borough, and the City of Fairbanks shall each submit a detailed compliance schedule showing the steps necessary to carry out the restrictions contained in paragraph (c) of this section. Such statement shall include:

(1) Identification of elements necessary to assure enforceability which may be a statement of present authority and implementing regulations, or, if needed, drafts of proposed legislation, ordinances, or regulations.

(2) Designation of agencies responsible for enforcing the prohibition.

(3) A program for State and local enforcement of the idling restrictions including but not limited to towing away those vehicles idling over 5 minutes in violation of a prohibition or subjecting the owner to a fine of up to $100, or both.

(f) Failure to comply with any provisions of this paragraph shall render such person or governmental entity in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.78 Regulation for an inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use gasoline-powered vehicles through identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish an inspection and maintenance program applicable to all light-duty gasoline-powered motor vehicles which operate on public streets or highways within the area defined in paragraph (b) of this section. No later than March 1, 1974, the State shall submit to EPA legally adopted regulations to establish such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty gasoline-powered motor vehicles at periodic intervals no more than 1 year apart by means of an idle emission test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by June 1, 1975, and completing it by December 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After December 31, 1975, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After December 31, 1975, no owner of a light-duty gasoline powered vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

(g) Failure to comply with any provisions of this paragraph shall render such person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule

when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.79 Off-street parking management.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Off-street parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(6) "Major off-street parking facility" means an off-street parking facility for 5 or more motor vehicles.

(b) This regulation is applicable in the City of Fairbanks.

(c) No person or governmental entity, after August 15, 1973, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of Part 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

(e) After October 1, 1974, no major off-street parking facilities shall be operated between October and April unless the following measures are taken by the owner or operator of the off-street parking facility:

(1) Electrical outlets are installed for each parking place for head bolt heaters or equivalent heating device.

(2) Heating units are provided for each parking place to heat vehicle interiors.

(3) No metering charges for heater or outlet are made above the standard parking charge for use of the off-street parking facility. These measures need not be taken if the interior of the building or structure is heated to at least 40°F, to remove the necessity for extended idling to warm either the vehicle or engine or passenger interior. One thermometer in working condition shall be prominently displayed for each 1200 square feet of parking space.

§ 52.80 On-street parking management.

(a) Definitions:

(1) "On-street parking" means stopping a motor vehicle on a street or sidewalk, whether or not a person remains in the vehicle.

(2) "Off-street parking facility" means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(3) "Central business district" means that area of downtown Fairbanks which is bounded by the Chena River on the north; Dunkle Street on the east; Fifth Avenue, Cushman Street, and Seventh Avenue on the south; and Barnette Street, Third Avenue, and Wickersham Street on the west.

(b) This section is applicable in the Fairbanks central business district.

(c) Beginning January 1, 1974, the City of Fairbanks, the Fairbanks North Star Borough, and the State of Alaska shall prohibit on-street parking on the streets or highways over which it has ownership or control within the Fairbanks central business district, with the exception that persons residing within the central business district shall be issued one permit per vehicle by the City of Fairbanks before January 1, 1974, to be prominently affixed to the vehicle if it can be demonstrated that there is no alternative off-street parking available. The prohibition shall state that vehicles parked in violation shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(d) On or before October 31, 1973, the Governor shall submit legally adopted regulations to EPA as provided for in paragraph (c) of this section and shall submit a detailed schedule showing the steps that will be taken and the respective implementation dates to effect the prohibition, exceptions, and penalties provided for in paragraph (c) of this section and to assure compliance by January 1, 1974. Such schedule shall include:

(1) Designation of the agency responsible for the administration and enforcement of the program.

(2) The procedures by which the designated agency will rule on exceptions for residents of the Fairbanks central business district and enforce the prohibition provided for in paragraph (c) of this section.

(e) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.81 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years prior

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to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, and completing the installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) A provision that starting no later than June 30, 1976, no vehicle of which retrofit is required under this section passes the annual emission tests provided for by § 52.78 unless it has been first equipped with an approved air bleed to intake manifold device which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and proposed procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 30, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption. The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.82 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the City of Fairbanks and the Fairbanks North Star Borough within the Northern Alaska Intrastate Air Quality Control Region in the State of Alaska.

(c) The State of Alaska shall establish a retrofit program to ensure that on or before May 31, 1977, gasoline-powered light-duty vehicles of model years 1968 through 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that provisions of paragraph (c) (3) of this section are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Alaska shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON (research octane number) gasoline to be retrofitted with an oxidizing catalytic converter. The installation shall be completed by May 31, 1977.

(4) Methods and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 1, 1977, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) The State of Alaska shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-14265 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

ARIZONA

Approval and Promulgation of Implementation Plans

Background. In accordance with an order of the U.S. Court of Appeals for the District of Columbia Circuit, several States were required to submit transportation control plans on April 15, 1973. Most State plans submitted on April 15 relied on extensive use of common control measures such as inspection/maintenance and installation of retrofit emission control devices. As a result of EPA evaluation of the State plans, applicability, effectiveness, and minimum time required for complete implementation of the control strategies on a nationwide basis were established. After reviewing the Arizona plan in light of the data consolidated from the evaluation of all State plans, the Administrator concluded that the plan was partially approvable. Namely, the strategy for attainment of the national standard for photochemical oxidants was approved while the attainment of the carbon monoxide standards was not approved. The evaluation of the Arizona plan is available for inspection at U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111, and the U.S. Environmental Protection Agency, Freedom of Information Center, Room 329, 401 M Street SW., Washington, D.C. 20460.

Since the Administrator disapproved a portion of the Arizona transportation plan, the Administrator is required, under section 110(c) of the Act, to propose and subsequently promulgate regulations setting forth a substitute portion of such plan. Proposed regulations for the attainment and maintenance of the national standards for carbon monoxide are herewith proposed.

PUBLIC HEARINGS

The Administrator will hold public hearings on the proposed regulations in order to provide the general public ample opportunity to comment. Two hearings will be held in Arizona as follows: in Phoenix on August 6, 1973, at 9:30 a.m. in the Phoenix Civic Plaza Flagstaff Room, 225 East Adams Street, and in Tucson on August 8, 1973, at 9:30 a.m. in the Tucson Community Center Theater, 260 Church Street. Persons wishing to participate in the hearing are requested (but not required) to submit three copies of their statements at least

five days prior to the date of the hearing to: Cassandra Dunn, Regional Counsel, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111.

SUMMARY

Studies by the Agency indicate that a reduction on the order of 54 percent would be necessary in projected 1975 emissions of carbon monoxide in order to attain the national primary ambient air quality standards in the Phoenix-Tucson Intrastate Region. It should be noted that a reduction of 68 percent would have been necessary to attain the standards in 1971. The difference in the needed reductions is due to control measures on stationary sources submitted by the State and already approved, and reductions achieved through reduced automobile emissions resulting from the Federal Motor Vehicle Control Program. The Administrator will herewith propose control measures to show attainment, but the Administrator has concluded that an extension of the deadline for achieving the standards to 1977, under section 110(e) of the Act, is justified because the necessary technology or other alternatives are not available and will not be available soon enough to permit full compliance. In reaching this conclusion, the Administrator has considered and applied as part of the plan reasonably available alternative means for attaining the primary standards. The control measures proposed herein reflect what EPA considers to be the most feasible approach for meeting the national standards in the Region. However, these measures are subject to change prior to promulgation as a result of written comments, testimony presented at the public hearings or further study by EPA.

The Administrator recognizes the commitment the State of Arizona has made to periodic vehicle inspection and retrofit of emission control devices for light-duty vehicles and commends the State's efforts and progress in their development. Even though the Administrator finds that the plan submitted by the State of Arizona does not provide sufficient emission reduction, these individual control measures are acceptable means for reducing vehicle emissions. Therefore, the Administrator is proposing these measures, in accordance with the schedule set forth in the State's plan, supplemented by additional controls. The additional controls include reasonable and apparently available means of reducing carbon monoxide. These means include bus/carpool lanes on freeways and major streets, reduction in off-street public parking, and limitations on the construction of additional parking facilities, supplemented by the required availability of computer-aided carpool and bus matching system. The intent of these measures is to reduce VMT (vehicle miles traveled) by discouraging individual use of private vehicles and encouraging use of carpools and existing transit systems, and to stimulate new and/or expanded transit systems. These control measures will be implemented prior to 1975. Less attractive and more severe measures are ultimately required to show attainment by 1977. These are also proposed and would be instituted in 1974 and fully implemented by May 31, 1977. These measures include a ceiling on further increases in gasoline consumption beyond 1973 levels accompanied by a limit on motorcycle registration to the projected 1975 level. The primary guideline the Agency has used in proposing these control measures for VMT reduction is that sufficient alternative transportation capacity is presently or potentially available in the metropolitan area of the Phoenix-Tucson Region to achieve a 10–15 percent VMT reduction by 1975 with an additional similar reduction by 1977.

The Agency also encourages close examination of such measures as replacement of on-street parking with bicycle lanes on major streets, fare reduction, provision of a jitney service and use of mini-buses, fringe parking lots for transfer to buses and carpools, special parking privileges for carpools, on-street parking prohibition for nonresidents, State taxes to encourage VMT reduction or to raise revenue to benefit mass transit, and provision of bus tokens in place of free parking privileges.

The Administrator encourages the State to adopt and resubmit transportation control strategies identical or equivalent to the strategies proposed below together with an adequately documented justification for an extension of the attainment date for the carbon monoxide standards.

STATE AND LOCAL IMPLEMENTATION OF CONTROL MEASURES

In order to preserve the intent of the Clean Air Act whereby local pollution problems will be dealt with primarily at the local level, the Agency will require State and local governments to take action wherever possible, and will not involve the Federal government in the administration of local programs and in direct enforcement against individual citizens. Requirements of this sort are applicable to bus/carpool lanes, motorcycle control, public parking facilties, inspection/maintenance, retrofit, and gas limitations. Appropriate governments will also be required to submit compliance schedules for these programs, with complete details for their implementation.

If the State submits adequate control measures or substitute control measures which will achieve comparable reductions in pollution, then the Administrator can approve the State's measures rather than promulgate his own. However, the requirement to submit adequate compliance schedules and take other actions will be enforced on a timely basis if the Agency's measures are promulgated. Therefore, it is suggested that plans to comply with these measures not be delayed.

REVISED CONTROL STRATEGIES

The State of Arizona is proceeding with a mandatory periodic vehicle inspection for light-duty vehicles which, if implemented as planned, will serve as an outstanding example of a loaded emission test for other States. In addition, the State has proposed to investigate mandatory inspections of motorcycles and heavy-duty vehicles. The proposal herein will require mandatory periodic vehicle inspection for light-duty vehicles only. EPA does not currently have information on the effectiveness or time required for implementation of an inspection program for heavy-duty vehicles and, therefore, cannot propose this control measure. Catalytic converters would be required in 1976–77 for many vehicles in the 1968 through 1974 model years. It is estimated that catalytic converters can only be retrofitted on 20 percent of the 1968–1970 vehicles and 75 percent of the 1971–1974 vehicles because of potential lubricity and octane problems associated with the use of 91 octane lead-free fuel. It cannot be concluded at present that the technology for retrofit converters has developed to the point that they could be installed effectively as retrofit devices in 1975. However, the Agency will monitor the status of development of this technology and accelerate the dates if feasible. This strategy was an acceptable control measure in the plan submitted by Arizona. Another retrofit control measure will be the requirement for retrofit of air bleed devices on many pre-1968 light-duty vehicles. This retrofit measure was also an acceptable control measure in the proposed Arizona plan.

The remainder of the strategies proposed are directed toward a 32 percent reduction in VMT by light-duty vehicles which would be accomplished by 1977. A 10–15 percent VMT reduction can be achieved by 1975 by increasing the occupancy factor for work-oriented trips by 50–75 percent. The present estimated occupancy factor is 1.2 persons per vehicle. The goal would be to raise this factor to between 1.8 and 2.1 persons per vehicle for work-oriented trips. (These estimates are based on the estimate that 40 percent of urban travel is work-oriented, as stated in the Maricopa Association of Government report, "Transit and the Phoenix Metropolitan Area.") This is proposed to be accomplished by bus/carpool lanes on freeways and major streets, reductions in off-street public parking, and limitations on the construction of additional parking facilities, supplemented by the required availability of computer-aided bus and carpool matching system. The measures proposed herein will require conversion of some motor vehicle lanes on all major streets and highways, and it is expected that a widespread network of bus/carpool lanes will provide substantial incentive to the use of buses and carpools while making private vehicle travel by single drivers relatively less attractive. Planning for specific motor vehicle lanes is expected to take place at the local level, under the overall requirements herein. Exceptions to or modifications of the broad requirements will be approved when specifically justified. Because sufficient numbers of buses are not presently available to carry

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the passengers currently using these lanes in private cars, these proposed regulations would reserve the use of these lanes for carpools with three or more persons in each vehicle.

To assist commuters who desire to form carpools, it is proposed to require the availability of a computer-aided bus/carpool matching system. Participation in this program would be voluntary. The system would provide each participant with a listing of names, home locations, and work phone numbers of all other participants whose working hours most nearly match theirs.

Publicly owned off-street parking facilities will be required to reduce their number of parking spaces in an effort to reduce the high number of low-occupancy private vehicles entering the central business districts and other congested areas, and to promote voluntary carpooling and the use of bus transit. Comment is invited on the possibility of extending this control to privately owned parking facilities, either by outright reductions in spaces or by imposing regulatory fees. Another provision would limit further construction of new parking facilities in the metropolitan area.

It is estimated that the above control measures can achieve a 10–15 percent VMT reduction by 1975. To assure that this VMT is achieved and to achieve an additional 15 percent reduction between 1975 and 1977, it is proposed to limit further increases in gasoline consumption beyond 1972–1973 levels accompanied by a limit on motorcycle registration to the projected 1975 level. Initiation of the gasoline limitation in mid-1974 is expected to have relatively light impact until 1975 due to the reduced demand for gasoline consumption resulting from the aforementioned VMT reduction measures. Subsequent to 1975, the continuing growth in VMT within the Region will be retarded by limiting the continued growth in gasoline consumption. Gasoline consumption has been increasing approximately 6.6 percent per year. It is proposed that distributors not be permitted to deliver to retail outlets any more gasoline than is distributed during the base year of July 1, 1972-June 30, 1975. No requirements will be placed on the individual motorist. The gasoline limitation and motorcycle registration limitation would be eliminated when they are no longer required to maintain the carbon monoxide standards. It is expected that this will occur during the 1977–1980 time period.

In addition, an overall ceiling on the increase in numbers of motorcycles and scooters is proposed to prevent counterproductive shifts from auomobiles to motorcycles as a result of gasoline limitation or parking bans. It should be noted that at the time the ceiling on motorcycle registrations would be implemented, motorcycle carbon monoxide emissions would be 14 to 20 times greater than the new 1976 automobile emissions on a grams-per-mile basis. Thus, any shift in usage from automobiles to motorcycles to counter gas limitations would result in a large increase in emissions.

In an attempt to remove the ceiling on motorcycle registration, the Agency will evaluate the feasibility of establishing emission standards for new motorcycles and will evaluate the availability of motorcycle emission control technology for meeting emission standards and for retrofit.

Compilation of Control Strategy Effects

Table I shows the relative importance of each control measure in 1977. Table II shows a compilation of control strategy effects. As can be seen, the national standards for carbon monoxide are attained by 1977.

Table I

	Percent
Percentage reduction needed for attainment in 1977	44.5
Amount attributed to control measures:	
Inspection/maintenance	8.0
Retrofit devices:	
Oxidizing catalytic converter	11.9
Air bleed	9.9
VMT reduction	9.7
Gasoline/motorcycle limitation	9.0
Percentage reduction attained	48.5

Table II

Source and Control Measures	Emissions and Reductions, tons/day		
	1975	1977	1980
Mobile Source Emissions without Proposed Control Measures	612.7	488.0	338.3
Expected Reductions: Inspection/Maintenance		−48.0	−33.8
Retrofit Devices			
Oxidizing Catalytic Converter		−72.5	−45.8
Air Bleed		−60.8	−39.0
VMT Reduction Measures	−73.6	−59.6	−40.6
Gasoline Limitation*		−54.7	
Motorcycles	14.0	14.0	18.6
Heavy-duty Vehicles	69.6	80.3	98.6
Other (Stationary, Aircraft, etc)	25.7	28.7	31.5
Total Emissions Remaining	648.4	314.6	327.8
Allowable Emissions for Attainment of CO Standards	333.1	333.1	333.1

*Gasoline limitation and motorcycle registration limitation are only required between 1974–1975 and 1977 to attain and maintain the CO standard.

Submittal of Written Comments

Interested persons may participate in this rule making by submitting written comments, preferably in tripicate, to the Regional Administrator, EPA, 100 California Street, San Francisco, California 94111. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection at the Regional Office. Copies of the proposal will also be available for inspection at the following locations: Arizona Division of Air Pollution Control, 1740 W. Adams Street, Phoenix, Arizona, 85007, and the Pima County Air Pollution Control Division, 151 West Congress Street, Tucson, Arizona 85701. The final promulgation of regulations for the Phoenix-Tucson Intrastate Region will take place on August 15, 1973. This notice of proposed rule making is issued under the authority of section 110(c) and section 301(a) of the Clean Air Act.

(42 U.S.C. 1857c-5)

Dated: July 6, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations as follows:

Subpart D—Arizona

1. Subpart D is amended by adding §§ 52.136, 52.137, 52.138, 52.139, 52.140, 52.141, 52.142, 52.143, and 52.144 as follows:

§ 52.136 Gasoline limitations.

(a) Definitions:

(1) The term "base year" means the consecutive 12-month period commencing on July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region), to all distributors of gasoline to any retail outlet in this area and to the owners or operators of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of Arizona shall implement regulations limiting the total gallonage delivered to retail outlets in the Region to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Region during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, including the total amount of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(e) The State of Arizona shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Region. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.137 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Region (hereafter referred to as the Region).

(c) The State of Arizona shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty motor vehicles at periodic intervals no more than one year apart by means of a loaded test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by July 1, 1975, and completing it by July 1, 1976.

(6) Designation of any agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After July 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.138 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a motor vehicle lane on a street or highway open only to buses (or buses and carpools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraphs (b)(4)(ii) or (iii) of this section.

(b) This regulation is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(1) Each incorporated city within the Region shall establish bus/carpool lanes on the major streets and highways over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(2) Each county within the Region shall establish bus/carpool lanes on the major streets and highways within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of Arizona shall establish bus/carpool lanes on the major streets and highways within the Region over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(4) Each of the governmental entities named in paragraph (b) of this section shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each major street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a major street or highway has four or more motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a major street or highway has three motor vehicle lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a major street or highway, or a motor vehicle lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the

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purpose of crossing a motor vehicle lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Of the bus/carpool lane mileage for each of the governmental entities, 25 percent must be established and needed signs must be installed by March 1, 1974; 50 percent by June 1, 1974; 75 percent by September 1, 1974; and 100 percent by December 1, 1974.

(vi) Bus carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee shall identify the sources and amounts of funds for all projects.

(5) Buses shall have the right-of-way whenever changing lanes on major streets and highways with bus lanes. This shall take effect as each bus/carpool lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.139 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a parking facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating the construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a requirement that before a permit may be issued, the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include, but shall not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area, the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a parking facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § Part 51.4 (b) of this chapter; and the Agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, that fact shall be noted prominently in the required notice of hearing.

§ 52.140 Limitation of public parking.

(a) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of 10 or more vehicles on a temporary basis.

(b) Each governmental entity or public agency owning or operating an off-street parking facility located within the Phoenix-Tucson Intrastate Air Quality Control Region shall, by October 1, 1973, report to the Administrator the number of parking spaces in each such facility under its ownership or control. The number used solely for the storage of vehicles of persons who reside within ¼ mile of the facility shall not be counted.

(c) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (b) of this section shall reduce the number of affected parking spaces in each such facility from the number in existence as of October 1, 1973, according to the following schedule:

By January 31, 1974—a reduction of 5 percent
By July 31, 1974—a reduction of 10 percent
By December 31, 1974—a reduction of 15 percent
By April 30, 1975—a reduction of 20 percent

(d) Each such owner or operator of an off-street parking facility subject to the requirements of paragraph (c) of this section shall submit to the Administrator, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for the marking in some manner obvious to the public (such as painting over, roping off, or the like) of the eliminated spaces on which parking is not permitted pursuant to this section.

(e) Failure to submit a compliance schedule as required by this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of an off-street parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section, or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.141 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two or three-wheeled motor vehicle capable of carrying one or more persons.

(2) "Registration" means the action of a State allowing a vehicle to be operated on the streets and highways in that State during a defined period of time.

(3) "Registration period" means that period of time for which a vehicle is allowed to be used within the State.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) As of January 1, 1975, or during any registration period which commences in the calendar year 1975, the State of Arizona shall not register in the Region more motorcycles than the total number of motorcycles projected for that period based on ordinary growth trends in the period 1971–1974. This requirement shall remain in effect until July 1, 1977.

(d) After July 1, 1974, no person shall operate on the streets and highways of the State within the Region any motorcycle which is not validly registered by the State of Arizona or by another State.

(e) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing the steps it will take to implement and enforce these requirements, and the text of needed statutory proposals and needed regulations which it will propose for adoption. Each schedule shall also include the following:

(1) A date by which the State will adopt procedures necessary to limit the number of motorcycles registered as required by paragraph (c) of this section.

(2) Proposed procedures to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(3) A date by which such procedures will go into effect. Such date shall be no later than July 1, 1974.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.142 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable to the Phoenix-Tucson Intrastate Air Quality Control Region.

(c) The State of Arizona shall establish a retrofit program to ensure that on or before May 1, 1977, gasoline-powered light-duty vehicles of model years 1968 through 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than October 30, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) A provision that starting no later than May 31, 1976, the State of Arizona shall require those light-duty vehicles of 1974 model year and earlier which are able to operate on 91 RON (research octane number) gasoline to be retrofitted with an oxidizing catalytic converter. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 1, 1977, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 1, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if its fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.143 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this section, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region.

(c) The State of Arizona shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years prior to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of any agency responsible for ensuring that the provisions of paragraph (c)(4) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, and installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) A provision that starting no later than June 30, 1975, no vehicle of which retrofit is required under this section passes the annual emission tests provided for by § 52.137 unless it has been first equipped with an approved air bleed to intake manifold device which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Method and proposed procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After June 30, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After June 30, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Arizona shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption.

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The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.144 Bus/carpool computer matching system.

(a) Definitions:

(1) "Bus/carpool matching" means assembling lists of commuters sharing similar travel needs. The number of commuters on each list identifies potential bus/carpools.

(2) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location.

(3) All other terms used in this section which are defined in Part 51, Appendix N, of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the Phoenix-Tucson Intrastate Air Quality Control Region (hereafter referred to as the Region).

(c) Beginning March 1, 1974, the State of Arizona shall establish a computer-aided bus/carpool matching system which is conveniently available to all employees in businesses having more than 10 employees within the Region who operate light-duty vehicles on streets or highways over which it has ownership or control. No later than December 1, 1973, the State shall submit legally adopted regulations to EPA establishing such a system. The regulations shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee receiving an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of time, origin, and destination, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and semi-rural region surrounding the Phoenix and Tucson metropolitan areas and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants; applications are currently available; and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the bus/carpool computer matching system.

(d) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

[FR Doc.73-14266 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

CALIFORNIA

Approval and Promulgation of Implementation Plans

This notice of proposed rulemaking sets forth transportation control plans for the following California Intrastate Regions (hereafter referred to also as Regions): San Francisco Bay Area, Sacramento Valley, San Diego, San Joaquin Valley, and Southeast Desert. A Federally proposed plan for the Los Angeles Intrastate Region was announced on January 15, 1973, and a revision of that plan was announced on June 15, 1973.

BACKGROUND

On May 31, 1972, the State of California was granted, pursuant to section 110(e) of the Act, an extension of 2 years for the attainment of the national standards for photochemical oxidants (hydrocarbons) in the San Francisco Bay Area, Sacramento Valley, and Southeast Desert Intrastate regions and for carbon monoxide in the Sacramento Valley Intrastate Region.

In accordance with the court decision on the NRDC v. EPA suit, this extension was rescinded and California was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. The court required each of the states that had originally been given an extension of time for submitting transportation control plans to submit such a plan by April 15, 1973, for each region that required it, and required the Administrator to approve or disapprove such plans by June 15, 1973. The court also ordered each of the 2-year extensions that had been granted for achieving the standards for automobile-related pollutants in these regions to be rescinded, with the proviso that they could be granted again if, on reexamination, EPA concluded that each of the statutory tests had been met.

In addition, California was directed to submit a transportation strategy for photochemical oxidants (hydrocarbon) in the San Diego and San Joaquin Valley Intrastate Regions and for carbon monoxide in the San Francisco Bay Area, San Diego, and San Joaquin Valley Intrastate Regions. The Administrator disapproved those portions of the California plan that were required to be submitted. That disapproval was announced on June 15, 1973, and published in the FEDERAL REGISTER on June 22, 1973. The disapproval was based solely upon the lack of timely submittal of California's plan. The Environmental Protection Agency, will, when the plan is received, acknowledge its receipt in the FEDERAL REGISTER and will provide opportunity for the public to comment on the plan. After evaluation of the plan that is to be submitted by the State and consideration of all comments, this notice of proposed rule making will be revised accordingly. A transportation control plan will be promulgated by the Administrator if the State fails to submit its own plan. Upon submission of an acceptable plan by the State, the EPA plan, or portions thereof, will be rescinded.

SUMMARY

Studies available to the Administrator at present indicate that a significant reduction of reactive hydrocarbons will have to occur in all regions covered by this proposal if the ambient air quality standards for photochemical oxidants are to be attained. In all cases, the controls proposed will affect the required reduction in reactive hydrocarbons; attainment of the oxidant standards will ensure attainment of the carbon monoxide and nitrogen oxide standards as well.

The proposed control measures reflect what EPA considers to be the most feasible approach for meeting the national standards in each region. However, these measures are subject to change prior to promulgation as a result of written comments, testimony presented at the public hearings, or further study conducted by EPA.

Much of the reduction in photochemical oxidant levels will result from measures submitted by the State and already approved, but these measures are not enough to meet the standards. The Administrator has concluded that an extension of the deadline for achieving the standards to 1977 under section 110(e) of the Act is justified because the necessary technology or other alternatives are not available and will not be available soon enough to permit full compliance. The extension applies to all Regions covered by this proposal for photochemical oxidants and for carbon monoxide. In reaching this conclusion, the Agency has considered, and applied as part of its plan, reasonably available alternative means of attaining the primary standard.

The plan set forth herein provides for the application of the requirements to all emission sources other than motor vehicles not later than May 31, 1975, as required by section 110(e)(2)(A), and provides for the application of reasonable interim measures for control of motor vehicle emissions prior to 1977.

Most of the plan utilizes reasonable and apparently available means of reducing photochemical oxidants, carbon monoxide, and nitrogen dioxide, including requirements for establishing bus and car-pool lanes on freeways and major streets. Other measures, to be required prior to 1975 in most cases, include: reductions in off-street public parking; limits on the construction of additional parking facilities; limitations on motorcycles; mandatory inspection and maintenance of light-duty vehicles; and the prevention of further increases in gasoline consumption.

Portions of the plan utilize measures which appear reasonable but do not appear to be applicable by 1975 because of technical problems related to devices such as catalytic retrofits. These measures will be required beginning in 1976, with full implementation to be achieved by 1977; they will be required earlier if they become available. Even if all the reasonable measures mentioned above are imposed, it is possible that the national standards for photochemical oxidants will not be met in the Regions by 1977 except in the San Joaquin Valley. Under the Clean Air Act, the Agency has no choice but to include in the plan a measure which can achieve the standards by 1977 even if it appears impractical and unworkable. Consequently gasoline limitations of whatever degree necessary have been included for 1977. If implemented, these limitations would achieve the standards for photochemical oxidants; however, the Agency will utilize every means available to avoid imposing impractical measures in order to meet the standards by 1977. It should be noted that grounds for a 1-year extension of the compliance date for certain sources under section 110(f) of the Clean Air Act may arise so that certain requirements of this plan may not be imposed until May 31, 1978.

NEED FOR MASS TRANSIT

The development of large-scale mass transit facilities in each Region is essential to any effort to reduce automotive pollution. The planning, acquisition, and operation of mass transit systems is and should remain a local responsibility. However, the automobile problem does not follow the boundaries of counties or cities. Current planning and operating agencies for mass transit do not appear to have sufficient authority to provide for adequate public transit with the notable exception of the San Francisco Bay Area's Metropolitan Transportation Commission. Consequently, the Environmental Protection Agency strongly endorses the concept of a region-wide transportation planning and operating authority.

The Agency also actively encourages the immediate large-scale purchase of additional public transportation facilities, specifically, additional buses, and encourages further examination of the feasibility of rail transit. To create conditions conducive to rapid bus transit, several of the measures in this plan give preferential treatment to buses. The Agency also encourages close examination of such measures as fare reductions; provision of jitney service; provision of more minibuses; fringe parking lots for buses and car pools; special parking privileges for car pools; on-street parking prohibition for nonresidents; State taxes to encourage reductions in vehicle miles of travel (VMT) while raising revenue to benefit mass transit; provisions for establishment of additional bicycle lanes throughout the metropolitan areas such as this proposal sets forth; and provisions for free bus tokens in place of free parking privileges.

STATE AND LOCAL IMPLEMENTATION OF CONTROL MEASURES

In order to preserve the intent of the Clean Air Act that pollution problems be dealt with primarily at the local level, the Agency will require State and local governments to take action wherever possible, and will not involve the Federal Government in the administration of local programs or in direct enforcement against individual citizens. Requirements of this sort are proposed with regard to expansion of a State motor vehicle retrofit program and establishment of bicycle lanes, bus/car-pool lanes, motorcycle control, public parking facilities, inspection/maintenance programs and gas limitations. Appropriate governmental entities will be required to submit compliance schedules for these programs with complete details on their implementation.

If the State submits adequate control measures in any of these areas or substitute control measures which will achieve comparable reductions in pollution, then the Administrator can approve the State's measures rather than promulgating his own. However, the requirements to submit adequate compliance schedules and take other actions will be enforced on a timely basis if the Agency's measures are promulgated. Therefore, it is suggested that plans to comply with these measures not be delayed.

PROPOSED MOBILE SOURCE CONTROLS

MODERATE VMT REDUCTIONS

EPA is proposing moderate VMT reduction measures in several regions to facilitate achievement of the standards.

The information available is incomplete. It is as true today as it was a year ago that, "states have had practically no experience with transportation control measures as a means of dealing with air quality problems." Nobody really knows what the public response to significant measures to reduce VMT will be. The studies that have been made on this point are inadequate and necessarily hypothetical until the measures have actually been put into effect. In addition, public attitudes in major urban areas appear to be changing and becoming less favorable to the continued use of automobiles on the present scale. Finally, even the question of the ability of different modes of transportation to accommodate the passengers diverted from automobiles as a result of significant VMT reductions will vary greatly with the individual region. No firm projection of what alternative transportation is available can be made without a detailed traffic study of each individual region, and, for the most part, such studies have not been made.

It is clear, however, that the authors of the Clean Air Act Amendments of 1970 anticipated that substantial VMT reductions might be necessary to achieve the standards. The Senate Report on the Act states that until the vehicle population is largely made up of cars that meet the 1975–76 standards, "as much as seventy-five percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill." It is also clear from the January 31, 1973, court of appeals opinion that if VMT reduction measures are "reasonably available" by 1975, and if the standards cannot be achieved without them, they must be put into effect. Consequently, it is proposed that the continuing growth in VMT within the air quality control regions covered by this proposal be stopped by limiting the continued growth in gasoline consumption. Gasoline consumption has been increasing by approximately 4.5 percent per year throughout the State of California. It is proposed that distributors not be permitted to deliver to retail outlets any more gasoline than is distributed during the period of July 1972 through June 1973. No rationing requirement will be placed on individual motorists unless the State of California chooses to do so.

Against this background, EPA has reexamined the question of VMT reduction and has arrived at some conclusions which have influenced the actions being taken. Comment on these is invited, both generally and with respect to specific regions. No significant reduction in the use of private automobiles can be expected to result from measures to increase the attractiveness of other means of transportation, such as buying more buses and improving bus service, building bicycle paths, and, in the long run, building new rail rapid transit systems. Reductions in VMT can only be assured through the use of some form of restraint on or disincentives to vehicle use.

A measure cannot be considered "reasonably available," however, if implementing it would cause severe economic and social disruption. Although some reduction in personal travel could certainly be absorbed without this result, to achieve a significant VMT reduction it will be necessary for the bulk of the travel displaced from single-passenger automobiles to be absorbed by such other modes of transportation as car pools, walking, bicycling, or public transit.

The only significant expansion of public transit facilities that can be accomplished by 1975 is the upgrading and physical expansion of bus services. Much,

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however, can be done in this regard. Scheduling and service can be improved and optimized. Individual lanes of freeways and other major roads can be set aside for the exclusive use of buses and/or car pools. Significant numbers of new buses can be purchased and put into service by 1975. According to Department of Transportation figures, 2,500 transit buses were sold in this country in 1972, but the transit industry's production capacity is estimated to be more than 6,000 buses a year by 1975. Financial assistance from the Department of Transportation will be available to most communities for improving public transit facilities.

In the California Regions, sufficient alternative transportation capacity is presently or potentially available by 1975 to make reasonable VMT reductions (on the order of 10 to 15 percent) available by 1975. In part, this capacity is contained in present mass transit facilities, or can be created through the expansion of bus service as outlined above. It is also a possibility that many short trips now made by car could be made by bicycle or walking. Car pooling, however, may be the only strategy for reducing VMT which is both implementable by 1975 and capable of substantially reducing emissions without restricting personal mobility. Private automobiles, which are designed to carry four to six persons, carry an average of one and one-half persons per trip in major urban areas, and thus represent the largest unused pool of transportation capacity currently available.

EPA cannot directly require the use of car pools. It can be expected, however, that as measures to make the use of private automobiles less convenient are imposed, increased reliance on car pools will develop naturally as a matter of private initiative. It is proposed herein that the State provide a bus- and car-pool computer matching system to assist employees in establishing bus and car pools.

The measure proposed herein will require conversion of some lanes on major streets and highways for the exclusive use of buses and car pools, and it is expected that such a widespread network of bus/car-pool lanes will provide substantial incentive for use of buses and car pools while making private vehicle travel by single drivers relatively less attractive. Identification of specific lanes is expected to be made at the local level under the overall requirements herein. Exceptions to or modifications of the broad requirements will be approved when specifically justified since it will take some time before sufficient buses are available to carry the passengers currently traveling these lanes in private cars. These proposed regulations would permit the use of the lanes by car pools with three or more persons in the vehicle.

Due to the very high pollution potential of the 2-stroke motorcycles, the regulations herein proposed essentially ban the use of such vehicles during daylight hours in the summer smog season. The average 2-stroke motorcycle emits approximately 31 times as much exhaust hydrocarbons per mile as will a new California 1975 automobile. Consequently, prevention of increases in the number of motorcycles is proposed to prevent counter-productive shifts from automobiles to motorcycles as a result of other elements of the control strategy. The Agency will evaluate the feasibility of establishing emission standards for new motorcycles and will evaluate the availability of motorcycle emission control technology, including retrofits, for meeting emission standards.

Governmental entities will be required to reduce the number of parking spaces in publicly owned off-street parking facilities in an effort to reduce the number of low-occupancy private vehicles entering the central business districts and other congested areas and to promote voluntary car-pooling and the use of bus transit. Comment is invited on the possibility of extending this control to privately owned parking facilities, either by outright reduction in spaces or by imposing regulatory fees.

INSPECTION AND MAINTENANCE PROGRAMS

Considerable reductions in motor vehicle emissions can be achieved by requiring all vehicles in an area to be tested annually for emissions, by failing those emitting pollutants that exceed a certain level, and by requiring maintenance on those which fail in order to bring them into compliance. This process is called "inspection and maintenance" throughout this proposal.

Three different types of tests are possible. The car can be tested while running in gear on a treadmill-like device called a "dynamometer" (a "loaded test"); it can be tested while running in neutral (an "idle test"); or certain emission-related engine components can simply be examined to make sure they are in good working order ("parameter" inspection). A loaded test is the most effective and most expensive; parameter inspection is the least effective and least expensive. Since an inspection and maintenance program cannot be expected to achieve maximum effectiveness in reducing emissions unless a loaded test is adopted, EPA is proposing its adoption.

The State of California is proceeding with a loaded mode inspection system which will result in emission reductions. The proposal herein will require that this inspection system be expanded to require mandatory inspection and maintenance of all light-duty motor vehicles in Regions covered by this proposal. The inspection and maintenance program which the State is currently evaluating and proposing will be applicable to the Los Angeles Intrastate Region only.

RETROFITS

Until recently, much of the discussion of transportation control strategies centered on whether it was feasible to require the installation ("retrofit") of additional pollution control devices on motor vehicles currently in use. The most controversial of these devices has been the catalytic converter.

In his decision of April 11, 1973, to suspend the 1975 automobile emission standards for 1 year, the Administrator concluded that the problems involved in attempting to scale-up production of catalytic converters for new cars from near zero to 10 million units in a single model year, combined with the problem of adapting assembly lines to do this work, would probably result in economic dislocation if catalytic retrofits were required. The problems that would be encountered in any attempt to retrofit large numbers of existing vehicles with catalytic mufflers by mid-1975 are far more formidable than those generated by the attempt to put them on new cars.

Far less developmental work has been done on catalytic retrofits than on catalysts for new cars. The construction of production facilities for new-car catalysts has been largely funded by the major auto companies under requirements contracts; no such support has been available where retrofits are concerned. Finally, and most important of all, new-car catalysts would be installed by a few major companies through addition of another process to their assembly lines. To retrofit large numbers of in-use cars, it would be necessary to get them off the road into many different repair shops and to train a considerable number of mechanics how to install the catalysts once the cars had been made ready to receive them. In light of these difficulties, it is unrealistic to expect that significant progress toward the catalytic retrofit of large numbers of cars can be made by May 31, 1975. Accordingly, EPA is not proposing the retrofit of any vehicles with catalytic mufflers prior to 1975.

Cars with catalysts must be run on lead-free gasoline if the catalyst is to retain its efficiency. Current EPA regulations set forth on January 10, 1973 (38 FR 1254), provide for such gasoline to be made generally available by the beginning of the 1975 model year, but only in a relatively low octane. It is not anticipated that higher octane gasoline with the extremely low lead levels that catalysts require will be generally available by 1977 even if EPA decides that lead in gasoline is a health hazard and should be phased out. Accordingly, it will only be feasible to retrofit catalysts on certain model year cars, since only these models have been designed to run on low-octane gasoline. Catalytic converters would be required in 1976–1977 for many pre-1975 vehicles. It cannot be concluded at present that the technology for retrofit converters has developed to the point that they could be installed effectively by 1975. However, the Agency will monitor the status of development of this technology and will accelerate the date if feasible.

It is proposed that the California nitrogen oxide reduction device program for used cars be expanded. This device consists of a vacuum spark advance disconnect and/or an exhaust gas recirculation system.

This regulation requires application of the State's present program for 1955–1965 model year vehicles to the Sacramento and San Joaquin Regions. The current State program exempts these regions from this retrofit program.

STATIONARY SOURCE CONTROLS

Even though in most of the regions covered by this proposal the automobile is by far the major source of hydrocarbon and carbon monoxide emissions, substantial amounts are also emitted by both major and minor stationary sources. Major sources include oil and gasoline storage facilities and refineries; minor sources, which may be important factors in air pollution because of their numbers, include dry-cleaning shops, gas stations, incinerators, and any place where solvent-based paints are used.

EPA looked first to the reductions that might be achieved by further control of stationary sources for a variety of reasons. The nature of the controls available, their cost, and their effectiveness are relatively well known, and both States and EPA have had significant experience in enforcing similar measures. It can be predicted with confidence that none of these measures will cause any noticeable economic or social disruption. Since almost without exception they will be limited to requiring commercial enterprises to make investments or changes in their modes of operation, the only effect is likely to be some rise in the price of the goods or services produced by the affected enterprises.

Regulations are herein proposed to further limit emissions from stationary sources. They include requiring installation of vapor recovery systems at gasoline stations (the San Francisco Bay Area and San Diego Regions already have such a regulation and therefore no such proposal is made for these areas); additional control of dry-cleaning emissions; elimination of certain industrial solvent compounds; improved control on painting operation solvent loss; and additional restrictions on the loss of organic solvents in general industrial use. The Federal regulations dealing with the development by the State of a "complex source" review procedure were promulgated June 11, 1973, by the Environmental Protection Agency. These regulations provide guidelines on the procedure by which the State must review the construction permits of such indirect emission sources as shopping centers, housing complexes, and sports arenas, which in themselves are not major sources of pollution but tend to increase the amount of vehicle traffic in areas where they are located, and therefore cause an increase in motor vehicle related emissions. The review procedure developed by the State must be submitted to the Environmental Protection Agency by August 15, 1973, for approval. This point source review currently being done by some local districts and the Environmental Protection Agency should further reduce growth-induced emissions.

CONTROL STRATEGY FOR THE SAN FRANCISCO BAY INTRASTATE AIR QUALITY CONTROL REGION

The San Francisco Bay Intrastate Region is comprised of all of seven counties, namely Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa, and portions of two others, southwestern Solano and southern Sonoma. Geographically, the region covers approximately 5,600 square miles and has within its bounds approximately 4.6 million people and 2.7 million motor vehicles. Air pollution control in the region falls under the jurisdiction of the Bay Area Air Pollution Control District created by the California Legislature in 1955. During 1971, the Region experienced numerous violations of both Federal and State air quality standards. Based upon a linear rollback model and a maximum 1-hour oxidant reading at San Leandro of 0.36 ppm, a 78 percent reduction in reactive hydrocarbon emissions is required a achieve the ambient air quality standards for photochemical oxidants. Of the total emissions in the Region, 58 percent of the hydrocarbons, 70 percent of the nitrogen oxides, and 96 percent of the carbon monoxide emissions come from mobile sources. Although mobile sources presently account for the majority of the emissions, their control alone will not be sufficient to allow for attainment of national ambient air quality standards. Table I below shows the impact the proposed measures will have on the total emissions in the Region.

TABLE I—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN SAN FRANCISCO BAY REGION IN 1977

Source of pollutant and control measures	*Emissions and reductions, tons/day of reactive hydrocarbons*
Stationary source emissions without control strategy.	225
Expected reductions	
1. Gasoline marketing vapor recovery.	−138
2. Surface coating improvements	−23
3. Dry-cleaning controls	−4
4. Degreasing controls	−10
Stationary source emissions remaining	50
Mobile source emissions without proposed control strategy.	201
Expected reductions	
1. Light-duty motor vehicle inspection and maintenance and catalytic converter retrofit.	−38
2. Motorcycle controls	−17
3. Reduction in private automobile use (20%).	−17
Mobile emissions remaining	129
Gasoline reduction (additional 64% VMT reduction).	−54
Total emissions remaining	125
Allowable emissions to attain standards.	125

Studies available to EPA indicate that a VMT reduction on the order of 20 percent can be achieved by means other than gas rationing. The remainder of the VMT reduction needed will be achieved through gas rationing.

It is hoped that in the process of developing a regional transportation plan, the Metropolitan Transportation Commission will be able to determine the effect of their plan upon the air quality generally, and specifically, upon the miles traveled by automobiles.

SOUTHEAST DESERT INTRASTATE AIR QUALITY CONTROL REGION CONTROL STRATEGY

The Southeast Desert Intrastate Region, also known as the Southeast Desert Air Basin, is located in the southeast portion of the State of California. It is comprised of all of Imperial County and the eastern portions of San Bernardino, Riverside, Kern, Los Angeles, and San Diego Counties. Geographically, this Region covers 33,600 square miles and is separated from the coastal regions by a series of mountain ranges. Elevations vary from 235 feet below sea level to 11,000 feet above sea level.

Air quality monitoring stations in the Region, in particular, those in the Coachella Valley, record photochemical oxidant levels up to five times the national ambient air quality standards. The overall 1971 maximum readings in the Region are 0.38 part per million oxidants (recorded in Palm Springs) and 17 parts per million carbon monoxide (recorded in Indio). Using simple rollback and assuming a linear relationship between reactive hydrocarbons and oxidant concentrations, the reductions required to achieve the national standards are 70 percent of the reactive hydrocarbons and 47 percent of the carbon monoxide.

There are significant data which support the hypothesis that air pollution from the Metropolitan Los Angeles Intrastate Region is transported to and contributes substantially to high oxidant levels in the desert areas east of Los Angeles. It is expected that the emission controls proposed by the Administrator, in addition to State and local emission controls for the Metropolitan Los Angeles Region will provide for attainment of the carbon monoxide and photochemical oxidant standards in the Southeast Desert Region by July 1977. Any delay experienced in attaining the oxidant and carbon monoxide standards in the Los Angeles Region will cause a corresponding delay in attainment of the standards in the Southeast Desert Region.

A discussion of studies relating the air quality in the Southeast Desert Region to that in the Los Angeles Region can be found in "Development of Emission Control Strategies for Reducing the Air Pollution in Critical California Air Quality Control Regions," prepared under contract for the Environmental Protection Agency and available from the EPA Region IX office at 100 California Street, San Francisco, California 94111.

Because of the dependence of air quality in the Southeast Desert Region upon that in the Los Angeles Region, and because of the very small impact that emissions in the Southeast Desert Region have upon air quality there, no transportation controls are proposed for this Region.

TRANSPORTATION CONTROL STRATEGY FOR SACRAMENTO VALLEY INTRASTATE AIR QUALITY CONTROL REGION

The Sacramento Valley Intrastate Region, also known as the Sacramento Valley Air Basin, lies in the center of Northern California, bounded on the west by the Coast Range, on the north and east by the Cascade Range and the Sierra-Nevada Range, and on the south by the San Joaquin Valley. This Region is comprised of portions of 15 counties. Geographically, the Region consists of 21,300 square miles, 1.2 million people, and

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840,000 motor vehicles. Air pollution control in the Region falls under the jurisdiction of the local air pollution control districts.

TABLE II—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN SACRAMENTO "REGIONAL AREA" IN 1977

Source of pollutant and control measures	Emissions and of reactive tons/day reductions, hydrocarbons
control strategy	40.6
Expected reductions	
1. Gasoline marketing vapor recovery	−26.0
2. Surface coating improvements	−1.1
3. Dry-cleaning controls	−0.7
4. Degreasing controls	−1.9
5. State limitations on burning	2.1
Stationary emissions remaining	8.8
Mobile source emissions without proposed control strategy	54.1
Expected reductions	
1. Catalyst retrofit	−5.2
2. Inspection/maintenance program	−4.1
3. Motorcycle controls	−5.9
4. Reduction in private auto use (20%)	−5.2
5. Vacuum spark advance program	−1.0
Mobile emissions remaining	32.7
Gasoline reduction (additional 29% VMT reduction)	−7.5
Total emissions remaining	34.0
Allowable emissions to attain standards for photochemical oxidants	34.5

As in the rest of the State, the local and regional organizations deal primarily with stationary source controls, leaving mobile source controls to the California Air Resources Board.

During the period 1970 to 1972, the Sacramento Valley Region experienced numerous violations of both Federal and State air quality standards. Photochemical oxidants are the predominant problem, and it appears from the limited data evaluated that the problem has increased in recent years, both in number of violations which occur and the maximum oxidant level experienced. Based on a 1-hour maximum oxidant reading during 1971 in Sacramento of 0.24 ppm and using a proportional rollback model, a 67 percent reduction in reactive hydrocarbons would be required to meet the national ambient air quality standards for oxidants. The annual arithmetic means for NO_2 from 1963 to 1971 show that the NO_2 standard has never been exceeded within the given time period. In Sacramento County, mobile sources account for 71 percent of the hydrocarbon, 89 percent of the nitrogen oxides, and 88 percent of the carbon monoxide. Since the air quality levels are most severe for Sacramento County, it appears appropriate to attempt to solve the airshed problem by developing a control strategy specifically for Sacramento County and its immediate vicinity. In the Sacramento Valley and San Joaquin Valley Regions, vast areas are sparsely populated but others are highly urbanized and have high emission densities in comparison with the rural areas.

The Agency has therefore determined that it is appropriate to reduce emissions from the urbanized areas which experience the high pollution levels. The Sacramento Region has been redefined to include only the 6 counties in the immediate vicinity of the City of Sacramento in an area which roughly approximates the Sacramento Regional Area Planning Commission. The following table summarizes the effects of the proposed control strategies. On the basis of very limited current information, no more than 20 percent VMT reduction could be expected to occur under the proposed VMT reduction measures. The remainder of the VMT reduction needed will be achieved through gasoline rationing.

TRANSPORTATION CONTROL STRATEGY FOR SAN JOAQUIN VALLEY INTRASTATE AIR QUALITY CONTROL REGION

The San Joaquin Valley Intrastate Region, also known as the San Joaquin Air Basin, consists of all of the Counties of Amador, Calaveras, Fresno, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tulare, and Tuolumne, and the western portion of Kern County. This Region lies in the southern portion of the Great Valley and extends into the neighboring mountain slopes. It is bounded on the west by the Coastal Range, on the east and south by the Sierra-Nevada and Tehachapi Mountains, respectively, and on the north by the Sacramento Valley Intrastate Region. The Region includes 30,200 square miles of land area and had a population of over 1.6 million people in 1970, which is a 16 percent increase since 1960. Although it contains 19 percent of the State's land area, the Region has only 8 percent of the State's population. National ambient air quality standards have been exceeded in seven cities in the San Joaquin Valley Region: Stockton, Fresno, Baketsfield, Modesto, Visalia, Parlier, and Five Point. Each of the areas surrounding the cities have unique characteristics with regard to air quality, meteorology, stationary sources, population distribution, and transportation. The transportation control strategy proposed herein recognizes this fact. A thorough analysis was made of Kern County (Bakersfield), Fresno County (Fresno), and San Joaquin County (Stockton). Insufficient data exist for an adequate analysis of Parlier and Five Point (both in Fresno County), but it is expected that the proposed transportation controls as applied to Fresno will be adequate for attainment of the national ambient air quality standards for photochemical oxidants in these two other cities as well.

The table below presents the maximum photochemical oxidant readings in the five counties of concern:

County	Maximum oxidant concentration, ppm
San Joaquin (Stockton)	0.20
Kern (Bakersfield)	0.22
Fresno (Fresno)	0.21
Tulare (Visalia)	0.19
Stanislaus (Modesto)	0.24

Reductions in emissions of reactive hydrocarbons of up to 65 percent (for Modesto) will be required in these counties by 1977 in order for the air quality standards to be met.

The table below shows the approximate effect that the proposed control strategies will have in Kern County.

TABLE III—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN THE KERN COUNTY PORTION OF THE SAN JOAQUIN VALLEY REGION IN 1977

Source and control measures	Emissions and reductions of reactive hydrocarbons, tons/days
Stationary source emission without proposed control strategy.	11.3
Expected Reductions	
1. Vapor recovery at gasoline stations.	−5.8
2. Surface coating restrictions, dry-cleaning controls, and degreasing controls.	−0.7
Stationary source emissions remaining.	4.8
Mobile source emissions without the proposed control strategy.	21.4
Expected reductions	
1. Catalyst retrofit, expansion of State NO_x program, and mandatory inspection and maintenance.	−4.2
2. Motorcycle limitations	−2.5
3. Reduction in auto usage (23%)	−2.4
Mobile emissions remaining	12.3
Total emissions remaining	17.1
Allowable emissions for attainment of standards for photochemical oxidants.	17.2

As can be seen from the table for Kern County, a 23 percent VMT reduction is necessary by 1977 for attainment of the standards. In Stanislaus County, a similar situation exists, with a corresponding need for VMT reduction. In Fresno County, present studies indicate that a 16 percent VMT reduction by 1975 would provide for attainment of the standards, with a zero VMT reduction necessary for 1977. In San Joaquin County, a 32 percent VMT reduction is necessary in 1975 for attainment of the standards, but only 8 percent in 1977.

TRANSPORTATION CONTROL STRATEGY FOR SAN DIEGO INTRASTATE AIR QUALITY CONTROL REGION

The San Diego Intrastate Region, also known as the San Diego Air Basin, is located in the southwest corner of the State and consists of the western two-thirds of San Diego County. It is bounded on the east by the summit of the Peninsular Range, on the north by Orange County, on the south and west by Mexico and the Pacific Ocean, respectively. The airshed has a land area of approximately 3,040 square miles, and, as of 1970, a population of some 1.24 million people. It is estimated that the motor vehicle population in 1972 was approximately 715,000. The Region's population is concentrated primarily in the City of San Diego and in the incorporated areas along the coast. The mountainous terrain and frequent inversions hold in pollutants, and the southern California climate provides ample sunshine to aid in the formation of photochemical oxidants. The automobile is presently the dominant mode of transportation, and accounts for the majority of the hydrocarbon and carbon monoxide emissions. Air pollution control in the Region is the local responsibility of the San Diego County Air Pollution Control District. Since the airshed is contained within one county, no additional regional coordinating council is required for stationary source controls. As in the rest of the State, mobile source emission controls are the responsibility of the California Air Resources Board.

The national ambient air quality standards for photochemical oxidants and carbon monoxide have been exceeded in the Region. In 1970, the maximum 1-hour oxidant reading recorded in the Region was 0.40 ppm at the Oceanside station. The use of this oxidant reading for air planning purposes was rejected on the basis that the reading was the result of a unique traffic stoppage caused by highway construction, combined with unusually heavy volume that day. In addition, there is some evidence of pollutant transport into the Region from the Los Angeles Region. The next highest 1-hour oxidant reading that occurred in the Region was 0.32 ppm at the Escondido Station in 1972, and this reading is being used for oxidant air planning purposes. A high 8-hour carbon monoxide reading of 18 ppm recorded in 1972 is being used for carbon monoxide air planning purposes. As in many areas of California, the predominant air pollution problem is photochemical oxidants. a review of air quality data for 1970–1972 shows that both oxidant and carbon monoxide standards were frequently exceeded. Both the frequency of violations and the maximum levels of oxidant experienced indicate the need for extensive mobile and stationary source control if the national air quality standards are to be achieved. The oxidant problem is the main obstacle to attainment of the standards.

Recent EPA analysis indicates that emissions must be lowered to the following levels to meet the photochemical oxidant and 8-hour carbon monoxide standards: the reactive hydrocarbon emissions must be lowered to 25 percent of 1972 emission levels in order to meet the oxidant standard, and the carbon monoxide emissions must be lowered to 50 percent of 1972 emission levels in order to meet the carbon monoxide standard, using proportional rollback.

The majority of the carbon monoxide and reactive hydrocarbon emissions in the Region are attributable to motor vehicles. Information available indicates that, in addition to stringent controls for stationary sources and requirements for limiting the emissions of motor vehicles, a reduction in VMT by gasoline-powered motor vehicles of 45 percent will have to be effected in order to meet the oxidant standard in 1977. It should be pointed out that it is estimated by EPA that one of the proposed technical strategies, catalyst retrofit, cannot be implemented before 1977.

Table IV shows the impact the proposed measures will have on total emissions in the San Diego Region.

TABLE IV—SUMMARY OF IMPACT OF CONTROL STRATEGIES IN THE SAN DIEGO REGION IN 1977

Source and control measures	Emissions and reductions of reactive hydrocarbons, tons/day
Stationary source emissions without proposed control strategy.	52.5
Expected reductions	
1. Vapor recovery at gasoline stations.	−31.9
2. Surface coating restrictions, dry-cleaning controls, and degreasing controls.	−15.8
Stationary emissions remaining	4.8
Mobile source emissions without proposed control strategy.	86.4
Expected reductions	
1. Catalyst retrofit, and mandatory inspection and maintenance.	−14.5
2. Motorcycle limitations	−5.8
3. Reduction in VMT (20%)	−8.9
Mobile emissions remaining	57.2
Gasoline reduction (additional 25% reduction).	−11.0
Total emissions remaining	51.0
Allowable emissions for attainment of standards for photochemical oxidants.	51.0

Studies available to EPA indicate that a VMT reduction on the order of 20 percent can be achieved by means other than gas rationing. The remainder of the VMT reduction needed will be achieved through gas rationing.

It is assumed by EPA, and is implicit in the control strategy calculations, that all Federal facilities will comply with State, local Air Pollution Control District, and EPA air pollution emission rules and regulations. Due to the extensive military activities in the San Diego Region and the significant harm to air quality that emissions from these activities could produce, it is particularly important that military vehicles, operations and facilities follow Presidential Executive Order 11507 by conforming to State, local, and EPA rules and regulations.

There is presently underway in the San Diego Region a study of possible strategies for meeting the national ambient air quality standards. This study is being conducted by Rand Corporation of Santa Monica, California, and is part of the San Diego Clean Air Project, "Regional Analysis for Meeting Air Quality Standards," being performed by the Integrated Environmental Development Agency under contract number 6704–0270–E. The Clean Air Project is supported by a grant to San Diego County from the Environmental Protection Agency and by a matching contribution from local sources. It is anticipated that the results of this study will be available in time to assist in promulgation of the final EPA plan for the San Diego Region.

The stationary source emissions of hydrocarbons and carbon monoxide projected for 1977 are EPA estimates based on Rand-IREM projections. The Rand-IREM projections used are those that take into account EPA evaluations of hydrocarbon reactivities where possible and the effects of strategies that are now in effect or will be implemented by 1975–77 under the State and San Diego APCD regulations and proposed EPA regulations. It is anticipated that the final Rand-IREM report analysis may provide a basis for the promulgation of more emission reductions and/or cost effective control strategies in the final EPA plan. EPA and representatives of the solvent and paint industries are currently investigating the adequacy of the local air pollution control district regulations exempting certain organic compounds from control. It is anticipated that these regulations (such as Rule 66 of San Diego County) will be reevaluated prior to 1975 after extensive additional experimental studies.

AIRCRAFT EMISSIONS

Emissions from aircraft engines in 1977 are expected to be approximately 30 percent less than the emissions projected by means of current emission factors. This reduction is due to lower-emission engines that are expected to replace and supplement engines currently in use. Although a reduction is anticipated, the emissions from aircraft are still quite significant. For example, in San Francisco, aircraft emissions are projected to account for 34 tons/day of reactive hydrocarbons in 1977. The total allowable emissions of reactive hydrocarbons from all sources must be less than 125 tons/day if the national standards for oxidants are to be achieved. Aircraft emissions therefore will account for 27 percent of the allowable emissions in 1977.

Studies have indicated that modification of ground and flight procedures can result in reduced emissions but, the Federal Aviation Administration asserts implementation of these procedures may affect safety. This requires further investigation, and EPA is funding on this matter. There are also other means for reducing aircraft emissions, such as limiting the number of takeoffs and landings and/or percentage of seats occupied on individual flights. The Administrator invites public comment on the potential for reducing aircraft emissions.

TECHNICAL SUPPORT DOCUMENT

A discussion of the transportation control strategies proposed for the San Diego, San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Air Quality Control Regions is contained in "Development of Emission Control Strategies for Reducing Emissions in the Air Quality Control Regions of California," prepared under contract to the Environmental Protection Agency and available from the EPA Region IX office at 100 California Street, San Francisco, California 94111.

PUBLIC HEARINGS AND SUBMITTAL OF WRITTEN COMMENTS

Public hearings will be held on the proposed transportation control strategies contained herein. Dates and places of the public hearings are:

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AUGUST 6, 1973

Fresno Convention Center,
700 M Street,
Exhibit Hall Wine Room,
Fresno, California.

AUGUST 7, 1973

California State Building,
1350 Front Street,
Room B109, Auditorium,
Basement,
San Diego, California.

AUGUST 8, 1973

Federal Building
450 Golden Gate Avenue
Ceremonial Court Room
19th Floor
San Francisco, California

AUGUST 10, 1973

Resources Building
1416 9th Street
Auditorium
Sacramento, California

Times. 9:30 a.m. to 12:00 a.m.; 1:30 p.m. to 4:30 p.m.; and 7:00 p.m. until all witness have been heard.

NOTE: Evening sessions will be held only if witnesses indicate that they can only attend evening sessions or if adequate time is not available during day sessions to hear all witnesses.

The Administrator's final promulgation of transportation controls for all affected air quality control regions in California will be profoundly influenced by the comments and testimony he receives. Persons wishing to give testimony at any of these hearings may do so by stating such intent at the hearing. Although it is not required, persons giving testimony should submit a copy of the testimony to the Region IX Office of the Environmental Protection Agency prior to the hearing date. Interested persons may also participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, 100 California Street, San Francisco, California 94111. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantial responses to individual comments will not be provided. Comments received and copies of the proposal will be available for public inspection at the Regional Office. Copies of the proposal will also be available for inspection at the following locations:

California Air Resources Board
1025 "P" Street
Sacramento, California 95814
Fresno Air Pollution Control District
515 South Cedar Avenue
Fresno, California 93702
San Diego Air Pollution Control District
1600 Pacific Highway
San Diego, California 92101
San Francisco Air Pollution Control District
939 Ellis Street
San Francisco, California 94109
Sacramento Air Pollution Control District
2221 Stockton Boulevard
Sacramento, California 95817
Kern County Air Pollution Control District
1700 Flower Street
P.O. Box 997
Bakersfield, California 93301
Stanislaus County Air Pollution Control District
902 Scenic Drive
Modesto, California 95350
San Joaquin County Air Pollution Control District
1601 East Hazelton Street
Stockton, California 95201
Tulare County Air Pollution Control District
County Civic Center
Visalia, California 93277

The final promulgation for the San Joaquin Valley, San Francisco Bay Area, San Diego, and Sacramento Valley Regions (as well as for the Metropolitan Los Angeles Region, which was covered under a separate proposal announcement) will take place on August 15, 1973. This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c-5)

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart F—California

1. Subpart F is amended by adding §§ 52.241 through 52.255 as follows:

§ 52.241 Gasoline limitations.

(a) Definition:

(1) The term "base year" means the consecutive 12-month period commencing July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline or diesel fuel between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline or diesel fuel is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (hereinafter referred to as the Regions), to all distributors of gasoline or diesel fuel to any retail outlet in this area, and to the owners of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of California shall implement regulations limiting the total gallonage of gasoline delivered to retail outlets in the Regions to the amount delivered to such outlets during the base year.

(d) Beginning May 31, 1977, the State of California shall implement regulations limiting the total gallonage of gasoline and diesel fuel delivered to retain outlets in all regions except the San Joaquin Valley to that amount which, when combusted, will not cause the ambient air quality standards for carbon monoxide and photochemical oxidants to be exceeded. The State shall by January 1, 1977, submit to the Administrator regulations for accomplishing this limitation, specifying the amount for limitation necessary.

(e) In order for the State to determine the amount of gasoline delivered during the base year and years during which control of gallonage is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Regions during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports it may deem necessary for the implementation of this section.

(f) The State of California shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (e) of this section, including:

(1) The text of needed statutory proposals and needed regulations which the State will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Regions. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementing and monitoring this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.242 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use vehicles through identifying vehicles which need emission-control-related maintenance and requiring that such maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (hereinafter referred to as the Regions).

(c) The State of California shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Provisions for inspection of all light-duty motor vehicles at periodic intervals no more than 1 year apart by means of a loaded (dynamometer) test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by June 1, 1975, and completing it by June 1, 1976.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After June 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After June 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which has not complied with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of California shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which the State will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.243 Bus/car-pool lanes.

(a) Definitions:

(1) "Car pool" means a vehicle containing three or more persons.

(2) "Bus/car-pool lane" means a lane on a street or highway open only to buses (or buses and car pools), whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraph (b) (4) (ii) and (iii) of this section.

(b) This regulation is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Intrastate Air Quality Control Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region.

(1) Each incorporated city within the Regions or portions thereof specified in paragraph (b) of this section shall establish bus/car-pool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(2) Each county within the Regions or portions thereof specified in paragraph (b) of this section shall establish bus/car-pool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(3) The State of California shall establish within the Regions or portions thereof specified in paragraph (b) of this section, bus/car-pool lanes on major streets and highways over which it has ownership or control, according to the schedule in paragraph (b) (4) (v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/car-pool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each major street and highway which will have bus-car-pool lanes must be identified and a schedule given for the establishment of the lanes.

(ii) If a major street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and car pools) at all times. If only one lane is open to buses (or buses and car pools) at all times, a second lane must be open only to buses (or buses and car pools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a major street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and car pools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or lane segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/car-pool lanes to be entered briefly by other vehicles for the purpose of crossing a motor vehicle lane or making a right turn) must be given in detail with the application.

(v) Bus/car-pool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Twenty-five percent of the lane mileage for each of the governmental entities must be established and needed signs must be installed by March 1, 1974; fifty percent by June 1, 1974; seventy-five percent by September 1, 1974; and one hundred percent by December 1, 1974.

(vi) Bus/car-pool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee which will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right-of-way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "no left turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to traffic lanes unless the effect will be to increase the number of bus/car-pool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless

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the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a governmental entity will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.244 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land for use as a facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Air Quality Control Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region.

(c) No person, after August 15, 1973, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator, or from an ageny approved by the Administrator, a permit stating that construction, modification, or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include, but not be limited to, a condition that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the proposed facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standands.

(3) Agency procedures provide that no permit for the construction, enlargement, or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. If notice of intent to participate is required, that fact shall be noted prominently in the required notice of hearing.

§ 52.245 Limitation of public parking.

(a) The term "off-street parking facility" means any land or building or portion of a building set aside for the purpose of storing a maximum capacity of ten or more vehicles on a temporary basis.

(b) Each governmental entity or public agency owning or operating an off-street parking facility located within the San Diego, San Francisco Bay Area, or San Joaquin Valley Intrastate Air Quality Control Regions, or in the Sacramento County portion of the Sacramento Valley Intrastate Air Quality Control Region shall, by October 1, 1973, report to the Administrator the number of parking spaces in each such facility under its ownership or control. The number used solely for the storage of vehicles of persons whose residence is within ¼ mile of the facility shall not be counted.

(c) Each such owner or operator of any off-street parking facility located within the area specified in paragraph (b) of this chapter shall reduce the number of affected parking spaces in each such facility from the number in existence as of October 1, 1973, according to the following schedule: by January 31, 1974, a reduction of 5 percent; by July 31, 1974, a reduction of 10 percent; by December 31, 1974, a reduction of 15 percent; and by April 30, 1975, a reduction of 20 percent.

(d) Each such owner or operator of an off-street parking facility subject to the requirements of paragraph (c) of this chapter shall submit to the Administrator, no later than October 31, 1973, a detailed compliance schedule showing the steps it will take to achieve the required reduction in parking spaces. Such schedule shall provide for marking in a manner obvious to the public (painting over, roping off, etc.) those spaces which are eliminated pursuant to this section and on which parking is no longer permitted.

(e) Failure to submit a compliance schedule as required by this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. Any owner or operator of a parking facility who allows any vehicle to be parked on any parking space which has been eliminated pursuant to this section or who fails to mark clearly those spaces which have been eliminated, shall likewise be in violation and subject to enforcement.

§ 52.246 Motorcycle limitation program.

(a) Definitions:

(1) "Motorcycle" means any self-propelled two- or three-wheeled motor vehicle capable of carrying one or more persons.

(2) "Two-stroke engine" means an internal combustion engine which requires two strokes of the engine's piston for a complete cycle of operation.

(3) "Registration" means the action of a State which allows a vehicle to be operated on the streets and highways in that State during a defined period of time.

(4) "Registration period" means that period of time that a vehicle is permitted to be used within the State.

(b) This section is applicable in the San Diego, San Francisco Bay Area, and San Joaquin Valley Intrastate Regions, and in the Sacramento County portion of the Sacramento Valley Intrastate Region.

(c) As of January 1, 1974, or during any registration period which commences in the calendar year 1974, the State of California shall not register in the Regions and portions thereof specified in paragraph (b) of this section more motorcycles than the total number registered in 1973.

(d) As of May 1, 1974, the State of California shall prohibit the operation of two-stroke-engine motorcycles in the Regions and portions thereof specified in paragraph (b) of this section between 6:00 a.m. and 8:00 p.m. during the months of May, June, July, August, September, and October.

(e) After January 1, 1974, no person shall operate any motorcycle on the streets and highways of the State within the Regions and portions thereof specified in paragraph (b) of this section which is not validly registered by the State of California or by another State.

(f) No later than October 1, 1973, the State shall submit a detailed compliance schedule showing the steps it will take to implement and enforce these requirements, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State will adopt procedures (or submit evidence that they are in existence) necessary to limit the number of motorcycles registered as required above, to restrict the operation of two-stroke motorcycles as required above, and to require the registration of all motorcycles operated as required above.

(3) Proposed procedures (or evidence that they are in existence) to ensure that no motorcycle will be registered by the State in a county other than that of the owner's legal residence.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to submit on time any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.247 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle.

(2) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, San Francisco Bay Area, San Joaquin Valley, and Sacramento Valley Instrastate Air Quality Control Regions.

(c) The State of California shall establish a retrofit program to ensure that on or before May 31, 1977, certain gasoline-powered light-duty motor vehicles of model years 1966 through 1974, which are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate oxidizing catalyst retrofit device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on motor vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of subparagraph (3) of this paragraph are enforced.

(3) A provision that starting no later than May 31, 1976, the State of California shall commence retrofitting oxidizing catalysts to those light-duty motor vehicles able to operate properly on unleaded 91 RON gasoline. The installation shall be completed by May 31, 1977.

(4) A method and proposed procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and that they will have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of California shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, and the text of needed statutory proposals and needed regulations which it will propose for adoption. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

(g) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to submit on time the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.248 Bus/carpool computer matching system.

(a) Definitions:

(1) "Bus/carpool matching" means assembling lists of commuters sharing similar travel needs. The number of commuters on each list identifies potential bus/carpools.

(2) "Time-origin-destination (TOD) information" means information that identifies a commuter's work schedule, home and work location.

(3) All other terms used in this section which are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This section is applicable in the San Diego, San Joaquin Valley, Sacramento Valley and San Francisco Bay Area Air Quality Control Regions (hereafter referred to as the Regions).

(c) Beginning March 1, 1974, the State of California shall establish a computer-aided bus/carpool matching system which is conveniently available to all employees in businesses having more than 10 employees within the Regions who operate light-duty vehicles on streets or highways over which it has ownership or control. No later than December 1, 1973, the State shall submit legally adopted regulations to EPA establishing such a system. The regulations shall include:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee receiving an application form with a cover letter describing the matching program.

(ii) Provisions on each application for applicant identification of time, origin, and destination, and the applicant's desire to drive only, ride only, or share driving.

(2) A computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and semi-rural region surrounding incorporated cities with a population greater than 50,000 and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants; applications are currently available; and the master list is periodically updated to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing and maintaining the bus/carpool computer matching system.

(d) Failure to comply with any provisions of this section shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act.

§ 52.249 Control of oxides of nitrogen, hydrocarbon and carbon monoxide emissions from in-use vehicles.

(a) The State of California retrofit program, authorized under section 39176 of the State of California Health and Safety Code and established by the California Air Resources Board for the purpose of controlling oxides of nitrogen, hydrocarbon, and carbon monoxide emissions from model years 1955 through 1965 light-duty motor vehicles, shall be extended to the San Joaquin Valley and Sacramento Valley Intrastate Air Quality Control Regions.

(b) Beginning January 1, 1974, the State of California sh ll commence the operation of this program in the San Joaquin Valley and Sacramento Valley Intrastate Air Quality Control Regions.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to

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comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.250 Control of dry cleaning solvent vapor losses.

(a) For the purpose of this paragraph, "dry cleaning operation" means that process by which an organic solvent is used in the commercial cleaning of garments and other fabric materials.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley and San Francisco Bay Area Intrastate Air Quality Control Regions. The requirements of this section shall be effective commencing on January 1, 1974.

(c) In addition to the present control regulations for organic solvent users, any dry cleaning establishment that uses solvents containing any organic material listed as reactive under paragraph (k) (1), (2), and (3) of § 52.253 shall in addition reduce the emissions of the remaining organics by 95 percent by use of activated carbon adsorption or other appropriate means.

(d) If incineration is used as a control technique, 95 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

(e) Dry cleaning operations using solvents considered nonreactive under paragraph (k) of § 52.253 are exempt from this section.

§ 52.251 Control of degreasing operations.

(a) For the purpose of this paragraph, "degreasing" means any operation using an organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating or any other process.

(b) This section is applicable in the San Diego, Sacramento Valley, San Joaquin Valley and San Francisco Bay Area Intrastate Air Quality Control Regions. The requirements of this section shall be effective commencing on January 1, 1974.

(c) No person shall use for degreasing any organic solvent other than perchloroethylene or saturated halogenated hydrocarbons.

§ 52.252 Organic solvent usage (Federal regulation adding to and replacing parts of Rule 66 of San Diego County).

(a) This section is applicable in that portion of San Diego County contained within the metropolitan San Diego Intrastate Air Quality Control Region. This section is effective as of January 1, 1975.

(b) Subdivision (1) of Rule 66 of San Diego County as contained in the local air pollution control district regulations for San Diego County is amended by replacing subparagraph (5) and adding in place thereof subparagraphs (5), (6), and (7). Additional subdivisions are added and identified as (m) and (r). The identities of subdivisions (m), (n), (o), and (p) in the present San Diego regulations are changed respectively to (n), (o), (p), and (q). The amendment is as follows:

(5) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e) if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said bulk content, and

(iii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e), if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(7) The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c), or (e) if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in subdivision (n), and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(m) All surface coating operations involving the application of surface coatings to metal objects shall, as of January 1, 1975, not be allowed the privilege of discharging into the atmosphere up to 40 pounds of organic material in any one day or 8 pounds in any one hour, as was previously allowed under subdivision (b) of this rule. The surface coating composition and its use must meet all other requirements of this rule.

(r) A person shall not during any one day dispose of a total of more than one and one-half gallons of any photochemically reactive solvent, as defined in subdivision (k) of this rule, or of any such photochemically reactive solvent, by any means which will permit the evaporation of such solvent into the atmosphere.

§ 52.253 Organic solvent usage.

(a) This section is applicable in all portions of all counties contained within the San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions.

(b) A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day or more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing continuous web, strip or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any one day or more than 8 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than those described in paragraph (b) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(d) A person shall not, after August 31, 1974, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day or more than 450 pounds in any one hour from any article, machine, equipment or other contrivance in which any nonphotochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials in using operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with

photochemically reactive solvent, as defined in paragraph (k) of this section, of any article, machine, equipment or other contrivance described in paragraphs (b), (c), or (d) of this section, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(f) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Absorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than subparagraph (1) or (2) of this paragraph.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solid used.

(i) The provisions of this section shall not apply to:

(1) The manufacture of organic solids, or the transport or storage of organic solids or materials containing organic solids.

(2) The use of equipment for which other requirements are specified by rules or which are exempt from air pollution control requirements by applicable rules affecting the storage of petroleum products, effluent oil-water separators, and the transfer of gasoline.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solids, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(7) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(j) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

(k) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(l) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(m) All surface coating operations involving the application of surface coatings to metal objects shall, as of January 1, 1975, not be allowed the privilege of discharging into the atmosphere up to 40 pounds of organic material in any one day or 8 pounds in any one hour. The surface coating composition and its use must meet all other requirements of this rule.

(n) Architectural coatings and their use shall conform to the following requirements:

(1) A person shall not sell or offer for sale or use in the areas in which this regulation applies, in containers of one-quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(2) A person shall not employ, apply, evaporate or dry in the areas in which this regulation applies, any architectural coating purchased in containers of one-quart capacity or larger containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(3) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in paragraph (k) of this section.

(4) For the purpose of this section, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or for industrial buildings.

(o) A person shall not during any one day dispose of a total of more than one and one-half gallons of any photochemically reactive solvent, as defined in paragraph (k) of this section, or of any material containing more than one and one-half gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(p) Compliance schedule: Except as provided in paragraph (q) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this section shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(q) Any owner or operator of a stationary source subject to paragraph (p) (1) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions in paragraph (p) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of final

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control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(r) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.254 Gasoline transfer vapor control.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in those portions of counties contained within Sacramento Valley and San Joaquin Valley Intrastate Air Quality Control Regions in the State of California.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 95 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight vapor return line from the storage container to the delivery vessel and a device that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 95 percent by weight of the organic compounds in the displaced vapor.

(2) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 95 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(d) The provisions of this paragraph (c) of this section shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (section 36000, et seq.) of the California Vehicle Code: *provided, however,* Said containers are equipped with submerged fill pipes.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this paragraph.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule: Except as provided in paragraph (f) of this section, the owner or operator of any source subject to this section shall comply with this section on or before January 31, 1974.

(1) Any owner or operator in compliance with this section on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this section.

(2) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(f) Any owner or operator of a source subject to paragraph (e) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions specified in paragraph (e) of this section as expeditiously as practicable but no later than June 30, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: submittal of final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(g) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

§ 52.255 Control of evaporative losses from the filling of vehicular tanks.

(a) The term "gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in those portions of counties contained within the Sacramento Valley and San Joaquin Valley Intrastate Air Quality Control Regions in the State of California.

(c) A person shall not transfer gasoline to an automotive fuel tank from gasoline dispensing systems unless the transfer is made through a fill nozzle designed to:

(1) Effect a vapor-tight fit between the fill nozzle and filler neck of the automotive fuel tank so as to prevent discharge of hydrocarbon vapors to the atmosphere.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 95 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank or to an adsorption, adsorption, incineration, or refrigeration-condensation system or equivalent.

(e) Components of the systems required by § 52.254 paragraph (c) can be used for compliance with paragraph (c) of this section.

(f) If demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of fill neck configuration, location, or other design features, the provisions of this paragraph shall not apply to tanks on vehicles existing at the time of promulgation of this regulation.

(g) The State of California shall divide all facilities subject to this section into two classes each of which taken as a whole emit approximately equal amounts of hydrocarbon materials. The classes shall be known as Class I and Class II.

(h) Except as provided in paragraph (j) of this section, the owner or operator of a source included in Class I shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1974.

(2) Initiation of onsite construction or installation of emission control equipment or process change must begin not later than July 31, 1974.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1975.

(4) Final compliance is to be achieved not later than May 31, 1975.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(i) The owner or operator of a source included in Class II shall comply with the increments contained in the following compliance schedule:

(1) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification not later than March 31, 1975.

(2) Initiation of onsite construction or installation of emissions control equipment or process change must begin not later than July 31, 1975.

(3) Onsite construction or installation of emission control equipment or process modification must be completed not later than March 31, 1976.

(4) Final compliance is to be achieved not later than May 31, 1976.

(5) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(j) Paragraphs (h) and (i) of this section shall not apply:

(1) To a source which is presently in compliance with paragraph (c) of this section and which has certified such compliance to the Administrator by September 15, 1973. The Administrator may request whatever information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by September 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975, in the case of Class I sources, and May 31, 1976, in the case of Class II sources. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(k) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[FR Doc.73-14267 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

ILLINOIS

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted by the State of Illinois for attainment of the primary national ambient air quality standards for carbon monoxide (CO) for the Illinois portion of the Metropolitan Chicago Interstate Region (hereafter referred to as the Region) was disapproved on June 15, 1973 (38 FR 16550) because the proper procedures were not followed and because it would not have provided strategies that have the total capacity for attaining and maintaining the national standards for carbon monoxide. This notice of proposed rule making sets forth a transportation control plan which in the Administrator's judgment could be implemented to attain and maintain the national standard for CO in the Region. This plan is patterned after the submitted State proposal; however, the strategies have been modified to the extent EPA deemed necessary based on calculations showing that the State plan would not provide for attainment of the standards by May 31, 1975, as required.

If a legally adopted State plan is submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. Similarly, if a legally adopted State plan is submitted and determined to be approvable after Federal promulgation, then the Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the CO standard in the Region be a State plan carried out by the State or its designated representative.

POLLUTION IN THE REGION

The Region consists of nine counties (Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will) in Illinois and two (Lake and Porter) in Indiana. The Indiana portion of the plan was approved on May 31, 1972 (37 FR 10842), and therefore is not considered in this proposal.

The national primary ambient air quality standards for carbon monoxide are 9 parts per million (ppm) maximum 8-hour concentration and 35 ppm maximum 1-hour concentration. Neither standard is to be exceeded more than once per year. It is the Administrator's judgment that attainment of the national standards for carbon monoxide will provide an adequate safety margin for the protection of public health and will guard against known and anticipated adverse effects on public welfare, as required by the Act.

The basis for determining the required carbon monoxide emission reduction in the Region was air quality data obtained during 1971 at the Continuous Air Monitoring Program (CAMP) Station located in the Chicago Central Business District (CBD). On June 4, 1971, an 8-hour concentration of 22.9 ppm was measured. This was the highest measurement in the base year of 1971. The next highest concentration in the base year occurred on June 1 and again on June 4, when 18.1 ppm of CO was measured for an 8-hour period. This concentration was twice the standard of 9 ppm. Assuming air quality concentrations to be directly proportional to emission rates, a reduction of 50 percent

$$\left[\frac{(18.1-9)}{18.1}\times 100\right]$$

in air quality concentration and therefore in emission rates is required between 1971 and 1975 in order to ensure that the standard will not be exceeded.

Based on data on VMT and average speeds from the Chicago Area Transportation Study (which divides the CBD into 12 approximately quarter-mile zones and the rest of the area into zones of 1 square mile or larger), the 1971 CO emission density of 31,800 kilograms/square mile-day for the CBD appears to be the highest of any place in the Region. Since a 50 percent reduction in the emission rate was determined to be necessary based upon the air quality data, a "safe emission density" (maximum emission rate that will allow attainment of the standards) for 1975 was calculated to be 15,900 kg/square mile-day. Again assuming that the CO concentration in a given area is directly proportional to the CO emission rate for that area and applying the same air quality concentration to emission rate ratio calculated for the CBD to all other zones, it appears that the Federal Motor Vehicle Control Program and the Chicago Vehicle Inspection Program will enable all zones except the CBD to achieve the CO standards by May 31, 1975, as these strategies will permit all non-CBD zones to fall below the calculated "safe emission density" by mid-1975.

Accordingly, this proposed plan relates primarily to reductions in CO concentrations in the CBD. Studies available to the Administrator indicate that a 37 percent reduction in 1971 CO emissions can be achieved by 1975 through the impact of the Federal Motor Vehicle Control Program. This estimate takes into account the impact of the 1975 interim emission standards as set forth by the Administrator on April 11, 1973. The additional 13 percent reduction of CO emissions that must occur between 1971 and 1975 must be accomplished by reducing by approximately 21 percent the 1975 CO emissions that would occur if no strategy were implemented. We believe this reduction can be achieved by the strategies described below.

SUMMARY OF PROPOSAL

The first proposal would cause a vehicle emission inspection system to be instituted for all vehicles both owned and operated in Cook, DuPage, and Lake Counties. In this way, more vehicles coming into the CBD will be in compliance with the applicable emission standards. The standards used will be those promulgated in the City of Chicago Ordinance, made effective June 1, 1973.

The second proposal would prohibit on-street parking in the CBD on one side of all one-way streets and on both sides of all two-way streets, except those streets in Grant Park where parking is currently permitted. This strategy will improve traffic flow or average vehicle speed in the CBD and thereby reduce CO emission rates. To counteract any increase in VMT as a result of the improved traffic flow, a regulation requiring a permit for construction of any off-street parking facility is proposed.

PROPOSED CONTROL STRATEGY

The State's proposed plan indicated that 60 percent of all vehicle miles traveled in the Chicago CBD are by Chicago-registered vehicles. As the Technical Support Document shows, a 10 percent reduction of carbon monoxide emissions could be expected from a vehicle inspection program applied to 100 percent of the vehicles. Since the Chicago program, if applied only to Chicago-registered vehicles as anticipated, will affect only 60 percent of the VMT in the CBD, implementation thereof can be

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expected to achieve only a 6 percent reduction in CO emissions.

The proposed strategy would extend the inspection system to all vehicles both owned and operated in Cook, DuPage, and Lake Counties. It is estimated that 90 percent of VMT in the Chicago CBD are due to vehicles owned and operated in these counties so that such extension would reduce 1975 CO emissions by approximately 9 percent on an annual basis in the CBD.

The State's proposed plan assumed that opening up an additional lane of traffic on one-way streets by prohibiting parking on one side would increase the average vehicle speed by 10 percent on those streets. The Environmental Protection Agency analysis indicates that this increase in average speed will reduce emissions by 10 percent on those streets. Since one-way streets comprise only about half of the CBD roadways, a 5 percent overall reduction in 1975 emissions can be anticipated. This conclusion, of course, assumes that vehicular traffic will not increase as the capacity of the CBD streets is increased.

To increase the effect of this strategy, it is proposed that parking be restricted on both sides of two-way streets as well. Traffic flow on all streets in the CBD should thus be improved, so that the total 1975 CO emission reduction can be expected to be 10 percent. This strategy will, coincidentally, remove parking spaces available for over 8,000 vehicles if no new off-street parking facilities are made available in the CBD.

To prevent an increase in VMT because of better traffic flow, the third proposal requires that no new parking facilities be allowed in the CBD without first receiving the approval of the Administrator of EPA, or of an authorized agency. The combination of parking restrictions is expected to reduce light-duty vehicle miles traveled by slightly more than 3 percent. Although the cumulative percentage is greater than the 21 percent required, the changing base factor requires a combination of all the above proposals to achieve the 21 percent reduction in 1975 CO emissions necessary to achieve the ambient air quality standards.

The strategies summarized above are similar to the State's proposal, but the scope has been extended. Each can be implemented by the time the standards must be attained. These are the chief reasons for their proposal at this time. However, other strategies that may be considered are special controls on taxi cabs, the designation of bus and carpool lanes on certain streets, reduction of off-street parking spaces, and other methods of reducing vehicle miles traveled.

Following is a compilation of the effects of the proposed strategies in the CBD.

		Calculated total emissions in the CBD	Calculated emission density in the CBD
1971	Uncontrolled emissions	103,000 kg/day	31,800 kg/mi²/day.
1975	Expected emissions with only Federal Motor Vehicle Control Program applied	65,000 kg/day	
	Expected emission reduction from on-street parking restrictions (increase in speed and coincidental reduction in VMT)	−8,400kg/day	
1975	Resulting emissions	56,600 kg/day	17,500 kg/mi²/day.
	Expected emission reduction from inspection/maintenance program	−5,100 kg/day	
1975	Resulting emissions	51,500 kg/day	15,900 kg/mi²/day.

Presently available information indicates that the proposed parking restrictions are needed to attain the standards by mid-1975. As the effects of the Federal Motor Vehicle Control Program assume a greater impact on the vehicle population because of replacement, continued implementation of the proposed parking prohibitions may not be warranted. Therefore, a periodic analysis of the extent of this impact will be made, and certain of such parking regulations may be rescinded as a result. In order to make this analysis, it will be necessary to obtain additional air quality data throughout the CBD as well as data regarding traffic responses to the regulations.

Additional technical information is contained in "Technical Support Document for the Proposed Transportation Control Plan for the Illinois Portion of the Metropolitan Chicago Interstate Air Quality Control Region," available in the Region V Office, U.S. Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois 60606, and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Social and Economic Impact of the Plan

The cost of the inspection system for Chicago-registered vehicles has already been passed on to the owners in the form of an increased vehicle registration fee. It is expected that the minimal cost of inspecting non-Chicago-registered vehicles will also be passed to the vehicle owner. Operating costs for the Chicago inspection system have been estimated to be approximately $2.00 per vehicle per year. This does not include the cost of the necessary maintenance.

The parking restrictions may cause some diminution in revenue from short-term parking meters. At the same time, additional resources will be needed to ensure local enforcement of the restrictions. Those who drive into the CBD and park on the streets will be required to locate off-street parking or use another mode of transportation, preferably mass transit. Deliveries and pick-ups will be required to be made off the street or at non-prohibited hours in order to keep the curb lane of the streets open to traffic. Because these social and economic impacts may be of comparatively short-term duration (see paragraph on proposed strategy above), it is concluded that they will not be too onerous.

Basis for Estimation of Strategy Effectiveness

The stringency of the strategies proposed herein are based on two conservative assumptions, which were made in the absence of conclusive substantiating data. If, prior to the scheduled date of implementation, it can be demonstrated that these assumptions are incorrect, the regulations may be modified accordingly.

The first such assumption concerns the overall degree of effectiveness of an inspection/maintenance system. The EPA position on the effectiveness of the Chicago inspection system is based on test data obtained by EPA in evaluating the initial emission reductions achieved when a fleet of pre-control and controlled light-duty vehicles were subjected to emission inspection tests and the vehicles failing the test were serviced in private maintenance garages. It is expected that in an actual inspection/maintenance program the average emission reductions achieved will be substantially less than the initial reductions observed in the study because of the deterioration of emission-related components and adjustments between periodic inspection and maintenance events. While the currently available data on such deterioration are inadequate to accurately predict the consequences of this effect, some allowance for deterioration is necessary. Therefore, considering the current frequency of voluntary maintenance and the emission reductions typically achieved by existing maintenance procedures, it has been assumed that linear deterioration to premaintenance emission levels will occur over the 12-month period following maintenance. Consequently, the average effectiveness for an annual inspection is estimated to be one-half of the initial effectiveness following maintenance. EPA is presently studying that effect to verify this assumption.

The second such assumption concerns the increase in vehicle speed that can be expected in the CBD from implementation of parking restrictions. It is known that CO emissions from gasoline-powered vehicles decrease with increases in average speeds. If a change in average speed is known, then the change in CO emissions can be approximated based on empirical data. However, it is difficult to predict the effect on average speed in the Chicago CBD produced by on-street parking restrictions. Typical speed/volume relationships have been ascertained for urban arterials and rural roads; however, differences in the functions and services of CBD streets cause major difficulties in attempting to effect a correlation to these relationships. It has been assumed that the parking restrictions proposed will result in a 10 percent increase in speed in the network. If a study on the effects of the proposed parking limitations in the Chicago CBD demonstrates that a greater increase in speed will result, the need for such stringent parking restrictions may be obviated. The proposed regulation allows time to evaluate the effects of the prohibition of parking on one-way streets prior to implementation of the total ban. However, in the absence of such information, the Agency is constrained currently to follow the conservative approach.

Public Comments Solicited

A public hearing will be held on this proposal on July 27, 1973, at 9:30 a.m. in the San Juan-Kingston Room, Sheraton Chicago Hotel, 505 North Michigan Avenue, Chicago, Illinois.

Interested persons may participate in this rule-making process by submitting oral or written comments at such hearing or written comments within 30 days of this publication addressed to the Hearing Officer on Transportation Control Plans for the State of Illinois, EPA, 1 North Wacker Drive, Chicago, Illinois 60606. All relevant comments will be considered by the Administrator, together with the remainder of the entire hearing record and the proposed plan. Receipt of written comments will be acknowledged. Substantive responses to individual comments will not be provided. The changes proposed by this notice of proposed rule making are issued under the authority of sections 110(c) and 301(a) of the 1970 Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: July 6, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart O—Illinois[1]

1. Subpart O is amended by adding §§ 52.731, 52.732, and 52.733 as follows:

§ 52.731 Regulation for the inspection and maintenance of vehicles.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Vehicles-for-hire" means any vehicle used solely for the purpose of providing transportation for a fee or charge such as taxicabs, limousine services and the like.

(3) "Spark ignition powered motor vehicle" means every self-propelled over-the-road vehicle that is powered by a spark ignition type of internal combustion engine, including but not limited to engines fueled by gasoline, propane, butane and methane compounds.

(4) All other terms used in this section that are defined in Part 51, Appendix N of this chapter, are used herein with the meanings so defined.

(b) This regulation is applicable in Cook, Du Page and Lake Counties.

(c) The State of Illinois shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways within Lake and Du Page Counties under its ownership or control. The City of Chicago shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways under its ownership and control. The County of Cook shall establish an inspection and maintenance program applicable to all light- and heavy-duty spark ignition powered motor vehicles both owned and operated on the streets, roads and highways outside the city limits of Chicago under the ownership and control of the county. No later than March 1, 1974, each governmental entity shall submit to the Administrator a legally enforceable inspection and maintenance program which shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than 1 year apart by means of an idle test, except that Chicago-registered vehicles-for-hire shall be inspected at intervals of no more than 4 months. Said provisions shall require that the inspection and maintenance necessary to achieve compliance of all motor vehicles subject to this section be completed on or before May 31, 1975.

(2) Provisions for inspection criteria based on those idle exhaust emission standards set forth in section 17-2A.2 of the Environmental Control Ordinance, Chapter 17 of the Municipal Code of Chicago, effective June 1, 1973, in the City of Chicago.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(d) After May 31, 1975, no governmental entity shall register, nor shall the State register or allow to operate on its streets or highways any motor vehicle subject to this section which does not comply with the applicable exhaust emission standards, as defined in paragraph (c)(2) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1975, no person shall cause, permit or allow the resale, rental, use or operation of any spark-ignition powered motor vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Illinois, Cook County, and the City of Chicago each shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section including:

(1) Identification of elements to assure enforceability which may be a statement of present authority and implementing regulations or, if needed, drafts of proposed rulemaking.

(2) The date by which necessary equipment will be ordered.

(3) An identification of the sources and amounts of funds for the program.

(4) Other necessary provisions to carry out the program.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.732 Regulation for restriction of on-street parking/standing.

(a) Definitions:

(1) "Chicago Central Business District" means that area within the City of Chicago bounded by and including Chicago Avenue on the North, Lake Shore Drive on the East, Roosevelt Road on the South, and Halsted Street on the West.

(2) "Standing of motor vehicle" means any stopping of a motor vehicle, except when necessary to load or unload passengers or to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control sign or signal.

(3) "Vehicles-for-hire" means any motor vehicle used solely for the purpose of providing transportation for a fee or charge such as taxicabs, limousine services and the like.

(b) This regulation is applicable within the Chicago Central Business District.

(c) The State of Illinois, the County of Cook, and the City of Chicago, shall each prohibit on-street parking and standing on the streets, highways, and roads over which it has ownership or control between the hours of 6:30 a.m. and 6:30 p.m., Mondays through Saturdays, on one side of each one-way street beginning on January 1, 1974, and on each side of two-way streets beginning on January 1, 1975. This shall not apply to streets in Grant Park where parking is permitted as of June 15, 1973.

(d) No person shall cause, permit, or allow the parking or standing of any motor vehicle where prohibited pursuant to paragraph (c) of this section.

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(e) On or before October 15, 1973, the City of Chicago shall submit a legally enforceable program for implementing the restrictions contained in paragraph (c) of this section. This program shall include:

(1) Designation of the side of one-way streets on which parking and standing shall be prohibited;

(2) Designation of limited areas where vehicles-for-hire and mail trucks may stand;

(3) Schedule for installing no-parking/no-standing signs as appropriate; and

(4) Program for State and local enforcement of the parking and standing prohibited including but not limited to towing away those vehicles parking or standing in violation of a prohibition or subjecting the owner to a fine of up to $100, or both.

(f) Failure to comply with any of the provisions of this paragraph shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.733 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction, modification or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot or portion thereof used primarily for temporary storage of motor vehicles.

(6) "Central Business District" means that area within the City of Chicago bounded by and including Chicago Avenue on the North, Lake Shore Drive on the East, Roosevelt Road on the South, and Halsted Street on the West.

(b) This regulation is applicable in the Chicago Central Business District.

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or the modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities that the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement, or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter, and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

[FR Doc.73-14268 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

UTAH

Approval and Promulgation of Implementation Plans

BACKGROUND. On May 31, 1972 (37 FR 19842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. On this date, the Governor of Utah was advised that in order to complete the requirements of §§ 51.11(b) and 51.14, a transportation and/or land use control strategy for the Wasatch Front Intrastate Air Quality Control Region (hereinafter, the Wasatch Front Region) was to be submitted to the Administrator by February 15, 1973.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit found that the Administrator did not conform to the strict requirements of the Clean Air Act of 1970 in permitting several States to delay submission of transportation control portions of their implementation plans until February 15, 1973, and in granting extensions until mid-1977 for attainment of the national primary ambient air standards without following the procedures established in section 110, 42 U.S.C. § 1857c-5(e). Accordingly, the court ordered that the Administrator rescind the extension granted the States for implementation of the transportation and/or land use control portion of their implementation plans. The affected States, including Utah, were required to submit a control plan by April 15, 1973. The plan was to show attainment of the national ambient air quality standards for photochemical oxidants (hydrocarbons) and carbon monoxide as expeditiously as possible but not later than May 31, 1975.

This proposal results from the failure of the State of Utah to submit an acceptable control plan for the attainment and maintenance of the national primary ambient air quality standard for carbon monoxide in the Wasatch Front Region by that date. It sets forth an emission control plan designed to reduce the expected 1975 emissions of carbon monoxide in the central business districts of the three principal cities located within the Wasatch Front Region by approximately one-half in order to meet the ambient air quality standards for carbon monoxide by May 31, 1975.

POLLUTION IN THE WASATCH FRONT REGION

The most densely populated area in the State of Utah, and consequently the area with the most extensive vehicular traffic, lies at the eastern edge of the Wasatch Front Region and consists roughly of an 80-mile north-south zone that centers on Salt Lake City and extends from Provo in the south to Ogden in the north. The western half of the Wasatch Front Region is sparsely populated, being dominated by the Great Salt Lake Desert. In 1970, approximately 80 percent of the population of this Region was distributed among the three principal cities as follows: Salt Lake City, 175,885; Ogden, 69,478; and Provo, 53,131.

The cities of Salt Lake, Ogden, and Provo all lie at the eastern edge of the Great Salt Lake Basin and are subject to the same large-scale meteorological systems. In addition, the topographical features of the area form a smaller natural basin extending from Salt Lake City to Provo, within which locally generated pollutants tend to be confined. This basin is bordered on the east by the Wasatch Mountain Range and on the west by the Oquirrh Mountain Range. Within this basin, Salt Lake City and Provo are separated topographically by

a line of low hills. At its northern end, the valley opens toward the northwest to the Great Salt Lake. Pollution problems associated with motor-vehicle-generated carbon monoxide become acute during the fall and winter seasons on occasions when the air becomes very stable so that the vertical transfer of pollutants is severely restricted and winds are generally light and variable. Typically, these conditions develop during periods when anticyclones become stationary over the region.

The primary national ambient air quality standard for photochemical oxidants is 160 $\mu g/m^3$ (0.08 part per million (ppm) average) for a 1-hour period not to be exceeded more than once per year. The standard, promulgated on April 30, 1971 (36 FR 8186), is intended to avoid the adverse effects on the visual and respiratory systems that have been observed on days when estimated hourly average concentrations of photochemical oxidants reached 0.10 ppm. A level of 0.08 ppm was therefore judged necessary by the Administrator to protect public health with an adequate margin of safety, as required by the Act.

The highest recorded 1-hour average concentration of oxidants in the Region was 0.118 ppm. This concentration was reached in Salt Lake City in 1970 and 1972, and in Ogden in 1970. The highest concentration reached in Provo was 0.101 ppm in 1970. The second highest levels were also 0.118 ppm in Salt Lake City (1970 and 1972) and Ogden (1970). The second highest level reached in Provo was 0.077 ppm in 1970.

The primary national ambient air quality standards for carbon monoxide are 35 ppm average for 1-hour and 9 ppm average for 8 hours, each to be exceeded no more than once per year. These standards are intended to prevent adverse effects caused by the absorption of carbon monoxide by blood hemoglobin.

The highest and second highest 1-hour and 8-hour carbon monoxide concentrations recorded in each of the three cities are shown in the following table. The second highest 8-hour concentrations listed in the table are based on non-overlapping 8-hour periods.

HIGHEST AND SECOND HIGHEST CARBON MONOXIDE CONCENTRATIONS

(ppm)

	Salt Lake City	Ogden	Provo
1-hour average:			
1970 highest	39		21
2nd highest	36		20
1971 highest	35	30	37
2nd highest	35	27	36
1972 highest	61	65	30
2nd highest	57	47	28
8-hour average:			
1970 highest	23		13
2nd highest	22		9
1971 highest	24	18	21
2nd highest	20	17	20
1972 highest	41	34	18
2nd highest	21	14	16

SUMMARY OF CONTROL REQUIREMENTS

The best information available to the Administrator indicates that the anticipated decrease in motor vehicle hydrocarbon and carbon monoxide emissions due to the on-going Federal Motor Vehicle Control Program (FMVCP) will be insufficient to permit meeting the national standards by May 31, 1975. This information indicates further that additional control measures adequate to ensure meeting the 8-hour carbon monoxide standard will automatically ensure meeting both the 1-hour carbon monoxide standard and the standard for photochemical oxidants. Accordingly, the additional control measures proposed herein are evaluated in terms of the reductions in carbon monoxide emissions that will be reluired to meet the 8-hour carbon monoxide standard.

Studies have indicated that, with the exception of freeway traffic, the density of emissions from motor vehicles falls off sharply outside the downtown areas of the three cities. On this basis, it was decided that the most critical areas requiring the development of control plans were the central business districts of the cities. These are also the ones being monitored for air quality. In these downtown areas, in addition to the reductions obtained from the FMVCP, it will be necessary to further reduce emissions in order to meet the 8-hour standard by May 31, 1975. The reductions required for the three cities are shown in the following table. In arriving at these estimates the year in which the highest second-highest 8-hour average carbon monoxide concentration occurred was used as the base year.

SUMMARY OF EMISSION PROJECTIONS

CARBON MONOXIDE

(kg/8-hr/mi²)

	Salt Lake City	Ogden	Provo
Base year (Salt Lake City, 1970; Ogden and Provo, 1971)	10,984	7,160	6,152
May 31, 1975, with existing regulations (FMVCP)	9,765	7,036	5,698
Maximum allowable emissions	4,493	3,791	2,768
Required reduction from May 31, 1975, projection, %	54%	46%	51%

Emission density maps indicate that ambient concentrations of carbon monoxide in the Region outside of these areas either now meet the 8-hour standard or will do so by May 31, 1975, as a result of the anticipated decrease in motor vehicle emissions resulting from the FMVCP and from controls proposed herein for the general reduction of emissions from older vehicles.

The requirements for additional emission reductions are not so severe as to preclude the existence of a variety of control strategies for effecting such reductions, so that the Administrator has had some freedom to choose strategies on the basis of their cost-effectiveness and their impact on other aspects of life in the Wasatch Front area. The strategies that follow have been chosen to be, insofar as possible, in consistent conformance with the expressed policies and preferences of the Division of Health of the State of Utah. No control plan will be promulgated in final form, however, until the opportunity for public participation and debate, including public hearings, has taken place. The measures being proposed today are subject to change, although they represent EPA's best judgment of the most reasonable methods currently available to meet air quality standards; however, they may be amended, other measures may be added, or entirely new measures may be chosen in their place if the comments received on this Notice, or EPA's own reexamination of the problem, indicate that such a course would be desirable.

TRANSPORTATION CONTROL ALTERNATIVES

The emissions of carbon monoxide affecting ambient concentrations within the areas of concern come almost entirely from motor vehicle sources, so that reductions required beyond those provided by the FMVCP will need to be effected by transportation controls that reduce total motor vehicle emissions. The two general types of transportation controls available are those that reduce the average emissions per mile of vehicle travel, and those that reduce the number of vehicle miles traveled (VMT).

Vehicle emission reductions include an inspection and maintenance system to ensure the adequate performance of vehicle emission controls and the provision for requiring control devices on pre-1975 light-duty vehicles. These general controls are supplemented by programs for improving traffic flow within selected areas. The VMT-reducing strategy recommended is the continued development of public transportation systems coupled with steps to encourage their public acceptance and use, including parking changes, a limitation on gasoline sales, a conversion of certain lanes of major streets to bus and car pool use, and a ban on parking lot construction. Although the proposed date for full implementation of the high altitude efficiency modification program and air bleed program is July 1, 1976, the possibility of accelerating both programs will be actively explored before final promulgation.

PROPOSED CONTROLS ON MOBILE SOURCE EMISSIONS

The following controls to reduce emissions from a vehicle-mile of travel are proposed.

All light-duty gasoline-powered vehicles registered within the Region will be required to be inspected twice a year by means of an idle-mode emission test, which is a relatively inexpensive testing procedure. Vehicle owners will be required to obtain any maintenance necessary to ensure that all pollution control devices on the vehicle work properly and that the vehicle operates at low pollution levels.

The installation of an intake manifold air bleed device will be required on all pre-1968 model year light-duty gasoline-powered vehicles registered within Weber, Davis, Salt Lake, and Utah Counties. This type of device increases the air fuel ratio by metering additional air to the intake manifold in accordance with intake manifold vacuum.

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The installation of an approved high altitude efficiency modification device will be required on all 1968–1974 light-duty gasoline-powered vehicles registered within Weber, Davis, Salt Lake, and Utah Counties.

Further reductions in emissions per VMT will be achieved by traffic flow improvements. The State of Utah is in the process of installing a computer-operated central signal system to improve traffic flow as part of its plan to meet air quality standards within downtown Salt Lake City. It is assumed that this system will be fully operational by May 31, 1975.

To improve traffic flow in Provo, angle parking will be prohibited on Center Street from 500 West Street to 100 East Street. This restriction will allow traffic to move in two lanes in each direction and will also provide left turn lanes, thus increasing average vehicle speed, which, in turn, decreases emissions of carbon monoxide.

Although EPA proposes the installation of emissions control devices on all pre-1975 gasoline powered light-duty vehicles within the Region, a possible alternative control strategy for these vehicles would be to ban their operation from certain defined areas unless they were equipped with the required control devices.

Proposed Reductions in VMT

Some reductions in VMT throughout the three cities are expected to be achieved in part by increased use of public transportation systems. Since the carbon monoxide problem has been identified principally with the downtown areas of Salt Lake City, Ogden, and Provo, the VMT-reducing controls proposed to effect the balance of the reductions required are directed toward limiting traffic in these specific areas.

To accomplish these reductions, the proposed regulations provide for parking restrictions within critical areas during peak traffic hours, conversion of certain motor vehicle lanes of major streets to the exclusive use of buses and car pools, gasoline limitations, and a ban on parking lot construction.

It is anticipated that the completion of a bypass in 1974 will result in a decrease of VMT within the business district of Ogden. The estimated effect of this decrease in VMT on emissions has been incorporated into the control strategies for this area.

Other VMT reduction measures, for which no regulatory language has been included, will also be considered as part of this rule making proceeding. In particular, the advisability of limiting or reducing the number of parking spaces in central business districts will be explored.

The final promulgation may include these or other measures not explicitly proposed today, if at the time of final promulgation they appear to be the most practical ways of achieving air quality standards.

The Administrator recognizes that there must be adequate alternative transporation if the controls on vehicle use are in fact to have a beneficial effect rather than become a burden. The Administrator is not proposing regulations to specifically assure such alternatives because, on the basis of studies presently available, it appears that the best alternatives are among those not appropriately established by Federal regulations, and because plans to improve transit service and to increase free shuttle bus service in downtown Salt Lake City are already underway. It is also anticipated that the restraints will prompt a variety of private decisions relative to work hours, car pooling, and similar matters that will operate to ameliorate their adverse impact.

Summary of the Effect of Transportation Controls

The following table is a summary of the effect of each of the proposed controls on emissions in the downtown areas of Salt Lake City, Ogden, and Provo.

Compilation of control strategy effects on carbon monoxide emissions in 1976

Control Strategy	Reduction in 1970 Carbon Monoxide Emissions Attainable in 1975, in addition to the Federal Motor Vehicle Control Program (Percent)		
	Salt Lake City	Ogden	Provo
1. Inspection/Maintenance	14	14	14
2. Air Bleed (Pre-1968)[1]	17	17	17
3. High Altitude Modification (1968–1974)[1]	13	13	13
4. Traffic Flow Improvements			
a. Computerized signal system	7		
b. Curb parking restrictions	3		
c. By-pass		1	
d. Change from diagonal to parallel parking			7
5. VMT Reductions			
a. Mass transit system	1	1	1
b. Bus/car pool lanes	4	1	1
c. Gasoline limitations	6	6	6
Total Reductions	65	53	59
Reductions Required	54	46	51

[1] Fully implemented by July 1, 1976; therefore, VMT reductions are needed as reasonably available alternatives by 1975.

Thus the regulations proposed herein, as their effects are presently projected, appear adequate on the basis of current knowledge for meeting the national ambient air quality standards for carbon monoxide and oxidants (hydrocarbons) by June 30, 1976. The Agency proposes to grant a 13-month extension for the air bleed and high altitude modification strategies.

Additional technical information is contained in "Technical Support Document for the Proposed Transportation Control Strategy for the Wasatch Front Intrastate Air Quality Control Region," available from the Region VIII Office, Environmental Protection Agency, Suite 900, 1870 Lincoln Street, Denver, Colorado 80203, and the Freedom of Information Center, EPA, 401 M Street, S.W., Washington, D.C. 20460.

Economic and Social Impact of the Transportation Control Plan

Congress recognized that achievement of the goals of the Clean Air Act would have a significant impact on many urban areas. A thorough quantitative assessment of the impact of the plan on the economic and social fabric of the community has not been possible due to the lack of time and the innate complexity of the issues. The following discussion attempts to describe the type of impacts which would occur. First, vehicle owners may have to assume the direct costs of emission abatement equipment required to bring their vehicles into compliance.

Second, reduction in the mobility of workers and consumers could have some impact on the economic fabric of the community. Third, interferences with the ability of citizens to move as freely as before may alter the life style of the Region slightly. Obviously, the severity of the impact depends on the degree of vehicle use restrictions, on the manner in which direct costs of abatement equipment are financed, and the degree to which the effects can be ameliorated by improvement of the transit system.

Since it is not possible to effect sufficient VMT reductions to meet the standards without use of other controls, all the possible combinations of controls that were considered included an inspection and maintenance program and some degree of additional emission control equipment for existing vehicles. The combination proposed requires what is believed to be the least expenditure by the individual light-duty vehicle owner that will accomplish the necessary emission reductions. No increase in gasoline consumption is anticipated as a result of the installation of the proposed control devices. The annual cost of the required inspection will probably be about $5.00, with an additional $15.00 to $25.00 required if maintenance is needed. The maintenance is, of course, desirable on its own merit, and is not viewed as a serious burden.

The installed cost of the intake manifold air bleed device is about $60.00, and the installed cost of possible options for the high altitude efficiency modification is estimated to be $20.00 to $35.00. If these costs fall directly on the individual light-duty vehicle owner, however, the specific burden will weigh more heavily on the low-income families who tend to own the older cars.

Effect on the Economic and Social Fabric of the Community

Any direct or indirect effects of the plan on the economy of the area are primarily dependent on the extent of the necessary reduction in VMT. Since the degree of restriction is relatively small, it is expected that the principal effects will be more a matter of social adjustments than of serious economic consequences.

EPA Efforts To Mitigate the Effects of Proposed Regulations

The combined effect of these proposed regulations, together with the Utah Implementation Plan, will eliminate the air pollution danger to human health and welfare that exists in the Wasatch Front area. They may, however, have adverse economic and social impacts, and the Administrator will make every effort

possible to mitigate the effects of his final promulgation. He will be in contact with the Department of Transportation and with other departments as necessary. The Administrator of EPA will request that the departments and agencies give special attention to the need for funding to provide adequate mass transit to replace the automobile travel eliminated by the proposed controls.

Public Comments Solicited

The Administrator intends that the finally adopted plans be as responsive as possible to the needs of the Wasatch Front area; he therefore desires to obtain the comments and suggestions of the public on the problems of achieving the ambient air quality standards. Comments are particularly invited pertaining to other measures that may be taken by Federal, State, or local authorities to support or supplement these measures, and pertaining to the comparative social and economic effects of alternative pollution control measures.

A public hearing will be held on this proposal on July 27 at 10:00 a.m. in Salt Lake City at the Highway Department Auditorium.

The Administrator's final promulgation of transportation controls for the Wasatch Front Region will be influenced by the comments and testimony he receives, as well as by any further approvable strategies submitted by the State as part of the Utah Implementation Plan. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

Submittal of Written Comments

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region VIII Office and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. The changes proposed by this notice with appropriate modification will be effective as noted.

This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857 et seq.)

Dated: July 6, 1973.

Robert W. Fri,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart TT—Utah

1. Subpart TT is amended by adding §§ 52.2337, 52.2338, 52.2339, 52.2340, 52.2341, 52.2342, 52.2343, and 52.2344 as follows:

§ 52.2337 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles which need emission control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this Section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This regulation is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish an inspection and maintenance program applicable to all light-duty vehicles which operate on streets or highways over which it has ownership or control. No later than March 1, 1974, the State shall submit legally adopted regulations to the Environmental Protection Agency establishing such a program. The regulations shall include:

(1) Provisions for inspection of all motor vehicles at periodic intervals no more than 6 months apart by means of an idle test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the failure of 50 percent of the vehicles in strategy. These criteria shall include the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning of the first inspection cycle by June 1, 1975, and completing it by December 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After December 31, 1975, the State shall not register or allow to operate on its streets or highways any light- or heavy-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After December 31, 1975, no owner of a light-duty vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c).

(f) The State of Utah shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation will be submitted.

(g) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, the State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2338 Air bleed to intake manifold retrofit.

(a) Definitions:

(1) The term "air bleed to intake manifold retrofit" as used in this section means a device in the intake system of the vehicle which enables the air/fuel ratio to be increased by metering additional air to the intake manifold in accordance with intake manifold vacuum advance to reduce emissions of hydrocarbons and carbon monoxide to the atmosphere.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish a retrofit program to ensure that on or before June 30, 1976, all gasoline-powered light-duty vehicles of model years

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prior to 1968, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate air bleed to intake manifold device. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) Provisions for beginning the installation of the air bleed devices by July 1, 1975, with installation of the devices on all vehicles subject to this section no later than June 30, 1976.

(4) Procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of retrofit components.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After July 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards and procedures implementing this section.

(f) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of statutory proposals and regulations which the State proposes for adoption. The compliance schedules shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2339 Regulation for high-altitude efficiency modification.

(a) Definitions:

(1) "High-altitude efficiency modification" means the provision of increased air flow, restricted fuel flow, or other modification having the effect of compensating for the adverse effects on combustion efficiency of decreased air density at high altitudes.

(2) All other terms used in this section which are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings so defined.

(b) This section is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) The State of Utah shall establish a program to ensure that on or before July 1, 1976, all gasoline-fueled light-duty vehicles of model years 1968 to 1974, subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section, are equipped with an appropriate high-altitude efficiency modification. No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) Provisions for beginning the installation of the modifications by July 1, 1975, and installation of the modifications on all vehicles subject to this section no later than June 30, 1976.

(4) Procedures for ensuring that those making modifications have the training and ability to perform the needed tasks satisfactorily and will have an adequate supply of components.

(d) After July 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After July 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle which does not comply with the applicable standards implementing this section.

(f) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce a modification program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and regulations which the State proposes for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

(g) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. A State will be considered to have failed to comply with the requirements of this regulation if it fails to timely submit the required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2340 Bus/carpool lanes.

(a) Definitions:

(1) "Carpool" means a vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses or buses and carpools, whether constructed specially for that purpose or converted from existing lanes.

(3) "Major street or highway" means any street or highway which meets the criteria given in paragraphs (b)(4)(ii) and (iii) of this section.

(b) This regulation is applicable in Davis, Salt Lake, Utah, and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region (hereafter referred to as the Region).

(1) Each incorporated city within Davis, Salt Lake, Utah, and Weber Counties shall establish bus/carpool lanes on the major streets and highways (as defined herein) over which it has ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(2) Davis, Salt Lake, Utah, and Weber Counties shall establish within the Region over which they have ownership or control, according to the schedule in paragraph (b)(4)(v) of this section.

(3) The State of Utah shall establish bus/carpool lanes on the major streets and highways (as defined herein) within Davis, Salt Lake, Utah, and Weber Counties over which it has ownership or control, according to the schedule in paragraph (d)(4)(v) of this section.

(4) Each of the governmental entities named in the previous three subparagraphs shall submit no later than October 1, 1973, a detailed compliance schedule showing the steps which it will take to establish these bus/carpool lanes and to enforce the limitations on their use, with each schedule to include the following:

(i) Each street and highway which will have bus/carpool lanes must be identified with a schedule for the establishment of the lanes.

(ii) If a street or highway has four or more traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) at all times. If only one lane is open to buses (or buses and carpools) at all times, a second lane must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iii) If a street or highway has three traffic lanes in one direction, at least one of these lanes must be open only to buses (or buses and carpools) from 6:30 a.m. to 9:30 a.m. and from 3:30 p.m. to 6:30 p.m.

(iv) In unusual situations, a street or highway, or lane or segment thereof, may be exempt from these requirements if an approval of the exemption is obtained from the Administrator. The application for exemption shall not be submitted and will not be accepted after September 1, 1973. Special circumstances justifying the need for an exemption or modification (such as inappropriateness of use by buses, designation of bicycle lanes instead, or desire to allow bus/carpool lanes to be entered briefly by other vehicles for the purpose of crossing a lane or making a right turn) must be given in detail with the application.

(v) Bus/carpool lanes must be prominently indicated by overhead signs at least once every mile, and at each intersection or entry ramp. Of the lane mileage for each of the governmental entities, 25 percent must be established and needed signs must be installed by March 1, 1974; 50 percent by June 1, 1974; 75 percent by September 1, 1974; and 100 percent by December 1, 1974.

(vi) Bus/carpool lanes must be prominently indicated by distinctive painted lines, pylons, or physical barriers.

(vii) A signed statement by the chief executive officer of each governmental entity or his designee will identify the sources and amounts of funds for all projects.

(5) Buses shall have the right of way whenever changing lanes on streets and highways with bus lanes. This shall take effect as each lane is established and identified.

(6) Buses shall be permitted to make left turns whether or not the intersection is posted for "No Left Turn" (except when a one-way street would be entered from the wrong direction). This shall take effect January 1, 1974.

(7) None of the governmental entities named in paragraph (b) of this section shall convert existing on-street parking spaces to use as motor vehicle traffic lanes unless the effect will be to increase the number of bus/carpool lanes on the affected street beyond the number otherwise required by paragraph (b) of this section, or unless the effect will be to create a bicycle lane in place of the parking spaces.

(c) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. A governmental entity will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

§ 52.2341 Management of parking supply.

(a) Definitions:

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as such facility.

(2) "Modification" means any change to a parking facility which increases the motor vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the motor vehicle capacity of such facility.

(4) "Commenced" means that an owner or operator has undertaken a continuous program of construction modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof, used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in Davis, Salt Lake, Weber, and Utah Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region.

(c) No person, after August 15, 1973 shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator, or from an agency approved by the Administrator, a permit stating that construction, modification or enlargement of such facility will not interfere with the attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and facilities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of VMT within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of 40 CFR 51.4(b); and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.2342 Regulations for limitation of on-street parking in Salt Lake City.

(a) Definitions:

(1) The term "on-street parking" means stopping and leaving a vehicle on a street or sidewalk whether a person is in the vehicle or not.

(2) The "Salt Lake City core area" means the area bounded by and including the following streets: South Temple, 2nd East, 500 South, and West Temple.

(b) On-street parking limitations:

(1) Beginning January 1, 1974, the City of Salt Lake shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, and legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(2) Beginning January 1, 1974, the County of Salt Lake shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, or legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(3) Beginning January 1, 1974, the State of Utah shall prohibit on-street parking on the streets or highways within the Salt Lake City core area over which it has ownership or control during the hours of 6:00 to 10:00 a.m. and 4:00 to 6:00 p.m. on any day other than Saturdays, Sundays, or legal holidays. The prohibition shall state that vehicles parked in violation of the prohibition shall either be towed away, or the owner shall be subject to a fine of up to $100, or both.

(c) Each governmental entity shall by October 1, 1973, submit to the Administrator for his approval a detailed statement of the steps to be taken to post notices and otherwise effect the requirements of paragraph (b), and a schedule for their implementation that provides for full effectiveness no later than January 1, 1974.

(d) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of

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an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2343 Regulation of on-street parking in Provo.

(a) Definitions:

(1) The term "on-street parking" means stopping and leaving a vehicle on a street or sidewalk whether a person is in the vehicle or not.

(2) The "Provo core area" means the area bounded by and including the following streets: 300 North, 100 East, 400 South, and 600 West.

(b) Beginning January 1, 1974, the City of Provo shall prohibit the parking of any motor vehicle on Center Street, Provo, between 500 West Street and 100 East Street, unless such vehicle is parked parallel with the roadway in such a manner that it projects no further than 9 feet from the edge of the roadway.

(c) The City of Provo by October 1, 1973, shall submit to the Administrator for his approval a detailed statement of the steps to be taken to post notices, delineate traffic lanes, and otherwise effect the requirements of paragraph (b) of this section, and a schedule for their implementation that provides for their full effectiveness no later than January 1, 1974.

(d) Failure to comply with any provision of this section shall render each person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2344 Gasoline limitations.

(a) Definitions:

(1) The term "base year" means the consecutive 12-month period commencing on July 1, 1972, and ending June 30, 1973.

(2) The term "distributor" means any corporation, partnership, or sole proprietorship which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(3) The term "retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable within Davis, Salt Lake, Utah and Weber Counties, which constitute the urban portion of the Wasatch Front Intrastate Air Quality Control Region (hereafter referred to as the Region), to all distributors of gasoline to any retail outlet in this area and to the owners or operators of all retail outlets in this area.

(c) Beginning July 1, 1974, the State of Utah shall implement regulations limiting the total gallonage delivered to retail outlets in the Region to the amount delivered to such outlets during the base year.

(d) In order for the State to determine the amount of gasoline delivered during the base year and years during which control is in effect, all distributors to which this section applies shall provide the State with a detailed accounting of the amount of gasoline delivered to each retail outlet in the Region during the base year and years during which control is in effect. For each year during which control is in effect, the owner or operator of each retail outlet to which this section applies shall provide the State with a detailed accounting of gasoline received from each distributor, the total amount of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year. The State may require any other reports as it may deem necessary for the implementation of this section.

(e) The State of Utah shall submit no later than October 1, 1973, a detailed compliance schedule showing steps it will take to establish and enforce the limitation program specified in paragraphs (c) and (d) of this section, including:

(1) The text of needed statutory proposals and needed regulations which it will propose for adoption.

(2) A date by which the State shall adopt procedures to ensure that no more than the amount of gasoline specified in paragraph (c) of this section is delivered to retail outlets in the Region. Such date shall be no later than March 30, 1974.

(3) A date by which any report necessary for establishing such procedures will be furnished to the State by the distributors. Such date shall be no later than January 1, 1974.

(4) Designation of an agency responsible for implementation and monitoring of this program.

(f) Failure to comply with any provisions of this section shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under section 113 of the Clean Air Act. With regard to compliance schedules, a State will be considered to have failed to comply with the requirements of this section if it fails to timely submit any required compliance schedule, or if the compliance schedule when submitted does not contain in satisfactory form each of the elements it is required to contain.

[FR Doc.73-14269 Filed 7-13-73;8:45 am]

[40 CFR Part 52]

WASHINGTON

Approval and Promulgation of Implementation Plans

Background. The transportation control plan submitted to EPA on April 16, 1973, by the State of Washington for attainment of the primary national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Puget Sound Intrastate Air Quality Control Region and for carbon monoxide in the Washington portion of the Eastern Washington-Northern Idaho Interstate Region was approved with certain exceptions on June 15, 1973 (38 FR 16550). This Notice of Proposed Rule Making sets forth regulations that in the Administrator's judgment can be implemented in addition to the approved portions of the Washington transportation control plan to attain national standards in the two regions by May 31, 1975.

If, prior to Federal promulgation, the State of Washington submits transportation control plan revisions which will assure attainment of national standards by May 31, 1975, and which the Administrator determines are acceptable, these proposed Federal regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after promulgation of Federal regulations, then those regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain national standards in both Regions be a State plan carried out by the State or by authorized local governments. To the greatest extent feasible, the Federal regulations proposed are designed to implement transportation control measures that are acceptable to the State and/or that received public support at the State hearings held on April 11 and 12, 1973, or that were contained in the comments submitted to EPA following EPA receipt of the State transportation control plan.

Pollution in the Puget Sound Intrastate Region

The Puget Sound Intrastate Region encompasses the four counties of King, Pierce, Snohomish, and Kitsap. In this Region, an urbanized corridor containing over a million people and including the cities of Everett, Seattle, and Tacoma stretches the length of a north-south basin lying between the Olympic Mountains to the west and the Cascade mountains to the east. The highest valid carbon monoxide concentration measurements taken in the Puget Sound Region were recorded in the Seattle central business district during 1972. The transportation control strategy submitted by Washington, therefore, deals principally with the Seattle portion of the Region. In 1972 the 8-hour national ambient air quality standard for carbon monoxide of 9 parts per million (10 milligrams per cubic meter), not to be exceeded more than once per year, was exceeded on 107 days. The maximum 8-hour concentration recorded in Seattle in 1972 was 22 parts per million. The highest 1-hour concentration of carbon monoxide was 38 parts per million, compared to a 1-hour national ambient air quality standard of 35 parts per million. The State forecasts that by 1975 the emission reductions resulting from implementation of Federal emission standards for new cars will be sufficient to prevent the 1-hour carbon monoxide standard from being exceeded and will reduce to approximately 37 the number of days the 8-hour standard will be exceeded. In December 1972, EPA began monitoring carbon monoxide concentrations at two locations in the Seattle central business district to acquire data for use in validating a carbon monoxide dispersion model. Based on the measurements recorded thus far, concentrations higher than those recorded by the State do occur. The ambient carbon monoxide data collected by EPA are now being evaluated; the results will be forwarded to the State upon completion of the evaluation.

The 1-hour national ambient air quality standard for photochemical oxidants of 0.08 part per million (160 micrograms per cubic meter), not to be exceeded more than once per year, was exceeded seven times during 2 days in 1972. The maximum 1-hour oxidant concentration measured was 0.14 part per million. The State indicates, but has not adequately demonstrated, that by 1975 no reductions in hydrocarbon emissions beyond those resulting from implementation of the Federal emission standards for new motor vehicles will be necessary to meet national ambient air quality standards for photochemical oxidants.

Pollution in the Eastern Washington-Northern Idaho Interstate Region

The Washington portion of the Eastern Washington-Northern Idaho Interstate Region encompasses the counties of Spokane, Lincoln, Grant, Adams, Whitman, Columbia, Garfield, and Asotin. The City of Spokane is the major urbanized area in the Region and the only location where a carbon monoxide problem has been identified. In terms of meteorological factors influencing air pollution levels, the Spokane area is protected from Pacific storms by the Cascade Mountains to the west and from Canadian storms by the Rocky Mountains to the east. The topographical features and dry climate of the area favor the formation of stable, stagnant air masses and the accumulation of air pollutants.

The highest 8-hour carbon monoxide concentration measured in Spokane was 22 parts per million, recorded during 1972. That year the 8-hour national ambient air quality standard for carbon monoxide was exceeded on 59 days. The highest 1-hour carbon monoxide concentration recorded was 40 parts per million. Based on information submitted by the State, the reduction in carbon monoxide emissions resulting from implementation of Federal emission standards for new cars will be sufficient to prevent the 1-hour carbon monoxide standard from being exceeded and will reduce to approximately 25 the number of days the 8-hour standard is exceeded.

Summary of State Plans

The measures adopted by the State for implementation in the Seattle portion of the Puget Sound Intrastate Region and in the Spokane portion of the Eastern Washington-Northern Idaho Interstate Region and submitted to EPA on April 16 include (1) annual inspection to determine emissions from and maintenance required for gasoline-powered light-duty vehicles; (2) exclusion of gasoline-powered heavy-duty vehicles from the central business districts through regulation of the hours for loading and unloading; (3) traffic-signal optimization programs to improve vehicle low; and (4) intermittent exclusion of gasoline-powered light- and heavy-duty vehicles from the central business districts as an alternative measure if the State is unsuccessful in obtaining the legal authority and funding to implement its inspection/maintenance program. Two additional measures, an "accelerated" transit plan that will include satellite parking facilities, and second-level sidewalks that will improve vehicle flow through reduction of pedestrian-vehicle conflicts, are included in the strategy for the Spokane portion of the Eastern Washington-Northern Idaho Region.

State Emission Density Calculations

In developing the transportation control strategies it submitted, the State used a proportional mathematical model to establish the maximum emission densities allowable if the 8-hour national ambient air quality standard for carbon monoxide is to be attained and maintained in the Puget Sound Intrastate and the Eastern Washington-Northern Idaho Interstate Regions. The reductions in motor vehicle carbon monoxide emissions necessary to attain the ambient carbon monoxide standard by 1975 were determined by forecasting the emission densities for that year and subtracting the allowable emission densities established by means of the proportional model. Estimates of 1975 emissions were calculated on a square mile basis for areas with high traffic densities in both Regions. Based on these calculations the State determined that the only locations where the 8-hour ambient carbon monoxide standard will be exceeded are the central business districts of Seattle and Spokane. An estimated 41 percent reduction in motor vehicle carbon monoxide emissions, in addition to the reductions achieved by implementation of the Federal emission standards for new motor vehicles, is required to attain the 8-hour national ambient air quality standard in Seattle by 1975. A 36 percent reduction in carbon monoxide emissions is required in Spokane to attain the standard.

Tabular Summary—Control Strategy Effects

The following tables summarize the effect of each of the control measures included in the strategies adopted by the State of Washington on the overall emission reductions necessary in the Puget Sound Intrastate and Eastern Washington-Northern Idaho Interstate Regions. The State estimates that the 8-hour standard for carbon monoxide can be met in the central business district of Seattle by reducing the emission density per 8-hour period to 5786 kilograms per square mile. The emission density forecast for 1975 is 9823 kilograms per square mile. The 1975 estimate takes into account the reduction in emissions from the Federal standards for new motor vehicles and assumes implementation of the transit plan adopted by the Municipality of Metropolitan Seattle.

The emission density that the State estimates will enable the attainment of the 8-hour carbon monoxide standard in Spokane is 3729 kilograms per square mile. The estimated 1975 emission density, again taking into account the reduction in emissions resulting from the Federal standards for new motor vehicles, is 5845 kilograms per square mile.

The emission reductions needed in the Seattle and Spokane central business districts can be achieved by combining either the inspection and maintenance of light-duty vehicles (alternative 1), or the intermittent exclusion of light- and heavy-duty vehicles (alternative 2) with the other emission reduction measures included in the strategy for each area. The State indicates that the intermittent exclusion procedures can be varied so that this measure alone will achieve the emission reductions required to meet the national standards for carbon monoxide.

Compilation of Control Strategy Effects of State Plans on May 31, 1975

Seattle central business district

Transportation control measure	Carbon monoxide reductions			
	Alternative 1		Alternative 2	
	kg/mi²-8 hr	%	kg/mi²-8 hr	%
Traffic-signal optimization	−518	5.3	−518	5.3
Exclusion of heavy-duty vehicles	−1331	13.5	−1331	13.5
Inspection and maintenance of light-duty vehicles	−2338	23.8	----------	
Intermittent exclusion of light- and heavy-duty vehicles	----------		−3893	39.6
Total	−4187	42.6	−5742	58.4
Motor vehicle emissions forecast in 1975	9823	------	9823	------
Motor vehicle emissions remaining	5636	------	4081	------
Maximum emissions allowable to attain standard	5786	------	5786	------

Compilation of Control Strategy Effects of State Plans on May 31, 1975

Spokane central business district

Transportation control measure	Carbon monoxide reductions			
	Alternative 1		Alternative 2	
	Federal standards for new motor vehicles, kg/mi²-8 hr	%	kg/mi²-8 hr	%
Traffic-signal optimization	−170	2.9	−170	2.9
Exclusion of heavy-duty vehicles	−476	8.1	−476	8.1
Inspection and maintenance of light-duty vehicles	−1417	24.2	----------	
Intermittent exclusion of light- and heavy-duty vehicles	----------		−2034	34.8
Accelerated transit plan	−58	1.0	−58	1.0
Second-level sidewalks	−18	0.3	−18	0.3
Total	−2139	36.5	2756	58.4
Motor vehicle emissions forecast in 1975	5845	------	5845	------
Motor vehicle emissions remaining	3706	------	3089	------
Maximum emissions allowable to attain standard	3729	------	3729	------

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Control Measures Required in Tacoma

In preparing the transportation control strategy for the Puget Sound Intrastate Region, the State did not evaluate, subsequent to the rescinding of the 2-year extension by EPA, the need for additional measures to meet standards for carbon monoxide in Tacoma by 1975. The implementation plan submitted by the State in January 1972 indicated that in the central business district of Tacoma an additional 24 percent reduction in carbon monoxide emissions, beyond the reductions achieved by implementation of the Federal emission standards for new motor vehicles, is needed to attain the national ambient air quality standards for carbon monoxide by 1975. The measured concentrations upon which the need for the additional 24 percent reduction is based may be influenced by stationary sources of carbon monoxide and may not be entirely the result of motor vehicle emissions. EPA has requested the State to better define the nature of the carbon monoxide problem in Tacoma, to submit an assessment of the problem to EPA, and to submit a timetable for developing additional motor vehicle emission reduction measures if they are required.

Deficiencies in State Plans

Although the types of transportation control measures adopted by the State of Washington to attain national standards are generally acceptable to the Administrator, the manner of implementation proposed for some of the measures appears questionable. Consequently, the implementation and enforcement procedures for the intermittent exclusion of light- and heavy-duty vehicles must be explicit in any resubmission to obviate promulgation of EPA proposals. Proposed surveillance procedures to determine and monitor the effectiveness of all the adopted measures must be provided by the State.

The percentage reductions in carbon monoxide emissions claimed for the traffic-signal optimization programs appear optimistic and attainable only if the forecasted improvements in traffic flow can be achieved and maintained. There is no demonstration by the State that the traffic-signal optimization programs will not eventually result in increased traffic volumes sufficient to increase carbon monoxide emissions. The Seattle Engineering Department indicates that such programs are experimental and that the reductions in vehicle stops and starts gained through implementation of the programs may be short-lived. The State did not propose any surveillance procedures to monitor the efficacy of the traffic-signal optimization programs in improving traffic flow and reducing motor vehicle carbon monoxide emissions.

The hours proposed (10 a.m. to 6 p.m.) for excluding heavy-duty vehicles from the central business districts of Seattle and Spokane do not include the period of morning peak traffic. Emissions from heavy-duty vehicles could account for a significant portion of the pollutants emitted during the period of morning peak traffic (particularly if increased heavy-duty vehicle traffic occurs during the morning peak). Loading and unloading vehicles during the period of morning peak traffic could also hinder traffic flow and increase emissions from through traffic. The regulations and administrative policies implementing this strategy must be submitted by the State to EPA no later than December 30, 1973.

There are many uncertainties associated with the intermittent exclusion of gasoline-powered motor vehicles from the central business district. As with all intermittent control systems, the exclusion measure will, if implemented, provide significant improvement in air quality, but will not provide positive assurance that the national ambient air quality standards for carbon monoxide will be attained and maintained. A prediction accuracy of 80 to 90 percent in forecasting days when ambient standards may be exceeded could still result in four to seven violations of the 8-hour standard for carbon monoxide in Seattle and four to five violations of the standard in Spokane. The ability of the State to develop a model for predicting the days when a potential for exceeding ambient standards exists is obviously the element critical to the successful implementation of the intermittent exclusion measure.

The type of inspection system the State intends to implement is not indicated in sufficient detail, nor is the geographical area identified to which the requirement for inspection will apply. A schedule detailing specific milestones, such as securing necessary funding, acquiring land and equipment, and constructing facilities, is not included in the State's submittal. It appears unlikely that the inspection system can be implemented by the State by May 31, 1975.

Proposed Federal Regulations

Because of the lack of specificity of the administrative and enforcement procedures for implementing the State program for emission inspection and maintenance of light-duty vehicles, the uncertainty concerning the emission reductions that will result from traffic flow improvements and the potential difficulties in developing a forecast capability sufficiently accurate to make intermittent exclusion of vehicles a viable control measure, Federal regulations are proposed to implement the following transportation control measures:

1. An inspection and maintenance program, using an idle emission test, for light-duty vehicles. No retrofitting is proposed as part of this measure.

2. A parking management program that will (a) immediately stabilize the amount of parking available in the portions of the Regions where there is not sufficient assurance that national standards will be attained by May 31, 1975; (b) prevent increases in parking elsewhere within the Region where such a parking increase might result in an increase in motor vehicle emission sufficient to cause national standards to be exceeded.

3. Selective exclusion of vehicles from portions of the Puget Sound Intrastate and the Eastern Washington-Northern Idaho Interstate Regions where there is not sufficient assurance that national standards will be attained by May 31, 1975, through implementation of the measures contained in the State transportation control plan.

These Federally proposed measures are intended to strengthen and supplement, not wholly replace, State-adopted transportation control measures.

A more stringent selective vehicle-use exclusion program could be implemented that would, by itself, achieve the needed reductions in motor vehicle emissions. The more stringent program would necessitate those entering the central business districts of Seattle and Spokane to find alternative means of transportation, other than their own automobiles, approximately once every week rather than once every two weeks as would be necessary under the currently proposed program.

Other measures are available to EPA and to the State that will, if implemented, assist in achieving a reduction in motor vehicle emissions equivalent to that resulting from the three proposed measures. In the State of California, for example, EPA is proposing regulations that will require the establishment of a system of traffic lanes for the exclusive use of buses and car pools. The proposed regulations require that, for streets having four or more traffic lanes in one direction, at least one lane must be designated for use only by buses or by buses and car pools with an additional lane during rush hours. In the case of a street or highway with only three lanes in one direction, at least one of the lanes must be open only to buses or buses and car pools from 6:30 to 9:30 a.m. and from 3:30 to 6:30 p.m.

If Federal promulgation of any of the regulations is necessary, the selection of the measures to be implemented will be based to the greatest extent possible on testimony presented at the public hearing held prior to Federal promulgation. The first two Federally proposed measures, the inspection and maintenance program and the parking management program, did receive support in testimony presented at the public hearings held by the State. Although the third measure, a selective vehicle use exclusion program, was not discussed at the public hearings, it is a measure that should strengthen other State-adopted measures, such as traffic flow improvement and transit patronage increases, that did receive public support.

The inspection and maintenance program proposed by the State was disapproved because administrative and enforcement procedures were not specified in the plan, nor was a schedule of dates submitted by which significant steps in the inspection program will be implemented. The Administrator is continuing to assess the earliest practicable date on which the inspection and maintenance program can be fully implemented. He may revise this date based on results of this assessment. Under the Federally proposed inspection program, emission limits for light-duty vehicles with no emission control systems will not be set at a level which would necessitate retrofitting.

Because the State may not be able to develop the forecasting capability necessary to successfully implement the intermittent exclusion measure, and because of the uncertainty of the emission reductions resulting from the State-adopted programs for traffic-signal optimization, exclusion of heavy-duty vehicles, improvement of public transit, and construction of second-level sidewalks, Federal regulations are also proposed for the establishment and implementation of a parking management program and a selective vehicle-use exclusion program.

The proposed parking management programs are intended to stabilize immediately the supply of parking in areas where transportation control measures are necessary for attainment of national standards. In addition to helping assure the success of the State-adopted programs for traffic flow improvement and increased transit patronage, management of the parking supply should also encourage car pooling.

The selective vehicle-use exclusion program will provide for metering the amount of traffic entering those areas of Seattle and Spokane where air quality standards are presently not being met. To implement the program, portions of the Puget Sound and Eastern Washington-Northern Idaho Regions where national standards are presently being exceeded will be designated as "vehicle-limited zones." The areas now proposed for such designation are the central business districts of Seattle and Spokane. The exact boundaries of these areas are identified in the proposed regulations.

Traffic entering the vehicle-limited zones will be metered to limit the vehicle miles of travel within the zone so that the resultant motor vehicle emissions will not cause national standards to be exceeded. To meter the amount of traffic entering a zone, the State will be required to issue an "access certificate" to each vehicle registered within certain counties of the affected Regions. The certificate will be affixed in a prominent place on the vehicle. On specified days of the week, vehicles displaying designated certificates will be prohibited from operating or parking in vehicle-limited zones between 7 a.m. and 5 p.m. The number of categories of access certificates to be prohibited each weekday will be determined by the State no later than the time of submittal to EPA of the November 1974 semiannual report of progress on implementation of the State plan for achieving national standards. This determination will be based upon the effectiveness of other State and/or Federal motor vehicle emission reduction programs.

Two alternative transportation control strategies that could be implemented in Seattle and Spokane, should the State be unable to implement an intermittent exclusion program, are presented in the following tables.

Compilation of State/Federal Transportation Control Strategy Effects on May 31, 1975

Seattle Central Business District

Transportation control measures	Carbon monoxide reductions: EPA Proposal kg/mi[1] −8 hr	%	EPA Alternative kg/mi[1] −8 hr	%
Traffic-signal optimization [1]	−518	5.3	−518	5.3
Exclusion of heavy-duty vehicles [1]	−1331	13.6	−1331	13.6
Inspection and maintenance of light-duty vehicles (no retrofit) [1]	−982	10.0		
Selective vehicle-use exclusion [2]	−1206	12.2	−2188	22.2
Parking management [2]				
Total	−4037	41.1	−4037	41.1
Motor vehicle emissions forecast in 1975	9823		9823	
Motor vehicle emissions remaining	5786		5786	
Maximum emissions allowable to attain standard	5786		5786	

[1] State-adopted transportation control measure.
[2] EPA-proposed transportation control measure.

Compilation of State/Federal Transportation Control Strategy Effects on May 31, 1975

Spokane Central Business District

Transportation control measures	Carbon monoxide reductions: EPA Proposal kg/mi[1] 8 hr	%	EPA Alternative kg/mi[1] 8 hr	%
Traffic-signal optimization [1]	−170	2.9	−170	2.9
Exclusion of heavy-duty vehicles [1]	−476	8.1	−476	8.1
Accelerated transit plan [1]	−58	1.0	−58	1.0
Second-level sidewalks [1]	−18	0.3	−18	0.3
Inspection and maintenance of light-duty vehicles (no retrofit) [1]	−585	10.0		
Selective vehicle-use exclusion [2]	−809	13.9	−1394	23.9
Parking management [2]				
Total	2116	36.2	2116	36.2
Motor vehicle emissions forecast in 1975	5845		5845	
Motor vehicle emissions remaining	3729		3729	
Maximum emissions allowable to attain standard	3729		3729	

[1] State-adopted transportation control measure.
[2] EPA-proposed transportation control measure.

The alternative strategies shown assume that the State's estimates of the emission reductions resulting from the traffic-signal optimization and heavy-duty vehicle exclusion programs are achievable. Alternative 1, the current Federal proposal, indicates the additonal carbon monoxide emission reductions that will be achieved through the implementation of the selective vehicle-use exclusion and parking management programs together with State-adopted measures. No reduction in motor vehicle emissions is attributed to the parknig management program. The parking management program is proposed to assure the efficacy of other control measures and to assist in the maintenance of national standards. Alternative 2 indicates the emission reductions that will result if only the selective vehicle-use program is used to supplement the State-adopted measures.

Social and Economic Impacts of Proposed Federal Transportation Control Measures

A quantitative assessment of the economic and social impacts of the proposed Federal transportation control measures on the two Regions in the State of Washington has not been possible due to the short time available for development of the measures and the innate complexities of the issues involved. However, an attempt has been made to identify some of the more important impacts that will result if the proposed Federal measures are promulgated and implemented.

First, if the proposed inspection/maintenance program is implemented, vehicle owners will probably have to assume directly some of the costs of vehicle inspection and all of the costs of any vehicle maintenance required to meet the inspection emission standards. If a failure rate of 50 percent is set for the inspection/maintenance program, the annual cost for each vehicle inspected is estimated to average $15.

Second, reductions in the accessibility of the Seattle and Spokane central business districts could result if automobile use is restricted through either selective vehicle exclusion or parking management and no adequate alternative mode of transportation is provided. If the central business districts become less convenient to workers and shoppers, the economies of these districts may be adversely affected. Property values could fall and private profits and government revenues could decline. The extent of adverse economic effects and the degree to which these effects can be ameliorated through providing alternatives to travel by automobile are difficult to estimate. However, economic losses in the central business districts may be offset by gains elsewhere within the Regions.

EPA Efforts To Mitigate the Effects of Proposed Regulations

The proposed Federal regulations, together with the State-adopted measures, will eliminate the danger to human health and welfare that exists in the Puget Sound Intrastate Region and the Washington portion of the Eastern Washington-Northern Idaho Interstate Region as a result of air pollution from motor vehicles. The regulations may, however, have adverse economic and social impacts. The Administrator will make every effort to mitigate the adverse effects of his final promulgation. He will be in contact with the Department of Transportation and other departments as necessary. The Administrator will request that these departments give special attention to the need for funding of programs necessary to offset any adverse effects resulting from the implementation of transportation control measures.

Public Comments Solicited

The Administrator intends that any Federal regulations which must be promulgated be as responsive as possible to the needs of the Puget Sound Intrastate and Eastern Washington-Northern Idaho Interstate Regions; he therefore desires to obtain the comments and sug-

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gestions of the public on the proposed regulations and on any other measures that may be taken by Federal, State, or local governments to strengthen, supplement, or replace the proposed measures.

Public hearings will be held on this and any alternative proposals in Seattle at the Orcas Room, Coliseum Northwest, Seattle Center, at 7:30 p.m., on July 31, 1973, and in Spokane at the Rennaissance Room, Gonzaga University, at 7:30 p.m. on July 30, 1973.

In any promulgation of regulations necessary, the Administrator will consider all comments and testimony he receives, as well as any additional strategies submitted by the State.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attention: A. J. Frankel. All relevant comments received within 30 days of this date will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region X library. The changes proposed by this notice, with appropriate modifications, will be effective as noted. This notice of proposed rule making is issued under the authority of sections 110(c) and 301(a) of the Clean Air Act.

(42 U.S.C. 1857c et seq.)

Dated July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, of the Code of Federal Regulations as follows:

Subpart WW—Washington

1. Subpart WW is amended by adding §§ 52.2485, 52.2486, and 52.2487 as follows:

§ 52.2485 Inspection and maintenance program.

(a) Definitions.

(1) "Inspection and maintenance program" means a program for reducing emissions from in-use gasoline-powered vehicles through identifying vehicles which need emission-control-related maintenance and requiring that maintenance be performed.

(2) All other terms used in this section which are defined in Part 51, Appendix N, of this chapter are used herein with the meanings so defined.

(b) This regulation is applicable in all the counties which constitute the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) The State of Washington shall establish an inspection and maintenance program applicable to all light-duty gasoline-powered vehicles which operate on public streets or highways within the applicable counties. No later than March 1, 1974, the State shall obtain necessary authority and shall adopt regulations to establish such a program. The regulations shall include:

(1) Provisions for inspection of all gasoline-powered light-duty motor vehicles at periodic intervals no more than 1 year apart by means of an idle-mode emission test.

(2) Provisions for inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy. These criteria shall include failure of 50 percent of the vehicles in the first inspection cycle.

(3) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. These shall include sanctions against individual owners and repair facilities; retest of failed vehicles following maintenance; use of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledge to perform the tasks satisfactorily; and use of such other measures as may be necessary or appropriate.

(4) A program of enforcement to ensure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This enforcement program might include spot checks of idle adjustments and/or a suitable type of physical tagging.

(5) Provisions for beginning the first inspection cycle by January 1, 1975, and completing it by May 31, 1975.

(6) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) After May 31, 1975, the State shall not register or allow to operate on public streets or highways any light-duty gasoline-powered vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1975, no owner of a light-duty gasoline-powered vehicle shall operate or allow the operation of such vehicle which does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(f) The State of Washington shall submit, no later than October 1, 1973, a detailed compliance schedule showing the steps it will take to establish and enforce an inspection and maintenance program pursuant to paragraph (c) of this section, including:

(1) The text of needed statutory proposals and of regulations which it will propose for adoption.

(2) The date by which the State will recommend needed legislation to the State legislature.

(3) The date by which necessary equipment will be ordered.

(4) A signed statement from the Governor or his designee identifying the sources and amounts of funds for the program. If funds cannot legally be obligated under existing statutory authority, the text of needed legislation shall be submitted.

(g) Failure to comply with any provisions of this paragraph shall render such person or governmental entity failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

§ 52.2486 Management of parking supply.

(a) Definitions

(1) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land to use as a facility.

(2) "Modification" means any change to a parking facility which increases the vehicle capacity of such facility.

(3) "Enlargement" means any physical change or addition to a parking facility which increases the vehicle capacity of such facility.

(4) "Commenced" means the owner or operator has undertaken a continuous program of construction, modification, or enlargement.

(5) "Parking facility" (also called "facility") means any facility, building, structure, or lot, or portion thereof, used primarily for temporary storage of motor vehicles.

(b) This regulation is applicable in all counties included in the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Washington-Northern Idaho Interstate Air Quality Control Region (hereafter referred to as the Regions).

(c) No person, after the date of this regulation, shall commence construction of any new parking facility or modification or enlargement of any existing parking facility until he has first received from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification or enlargement of such facility will not interfere with attainment or maintenance of applicable Federal air quality standards.

(d) In order for any agency to be approved by the Administrator for purposes of issuing permits for construction of any new parking facility or any modification or enlargement of any existing parking facility, such agency shall demonstrate to the satisfaction of the Administrator that:

(1) Requirements for permit applications and issuance have been established. Such requirements shall include but not be limited to a requirement that before a permit may be issued the following findings of fact or factually supported projections must be made:

(i) The location of the facility.

(ii) The total motor vehicle capacity before and after the construction, modification, or enlargement of the facility.

(iii) The normal hours of operation of the facility and the enterprises and activities which it serves.

(iv) The number of people using or engaging in any enterprises or activities which the facility will serve.

(v) The number of motor vehicles using the proposed facility on an average hourly basis and a peak hour basis.

(vi) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projections shall include data concerning the availability of public transit from such areas.

(2) Criteria for issuance of permits have been established and published. Such criteria shall include but not be limited to:

(i) Full consideration of all facts contained in the application.

(ii) Provisions that no permit shall be issued if such permit will result in the increase of vehicle miles of travel within any area the air quality of which fails to meet applicable Federal air quality standards.

(3) Agency procedures provide that no permit for the construction, enlargement or modification of a facility covered by this section shall be issued without notice and opportunity for public hearing. The public hearing may be of the legislative type; the notice shall conform to the requirements of § 51.4(b) of this chapter; and the agency rules of procedure may provide that if no notice of intent to participate in the hearing is received from any member of the public (other than the applicant) prior to 7 days before the scheduled hearing date, no hearing need be held. Such a requirement, if imposed, shall be noted prominently in the required notice of hearing.

§ 52.2487 Selective vehicle-use exclusion.

(a) Definitions:

(1) "Selective vehicle-use exclusion program" means a program whereby use of light- and heavy-duty vehicles within a specified area is selectively prohibited in a manner equitable for all vehicle operators.

(2) "Seattle central business district" means an area enclosed by Yesler Way, the I–5 freeway, Eighth Street, Virginia, and the Alaska Way Viaduct. Traffic on I–5 and the Alaska Way Viaduct is not included.

(3) "Spokane central business district" means an area enclosed by Trent, Monroe, Third Street, and Division. Traffic on Division is not included.

(4) "Vehicle-limited zone" means the geographic area to which a selective vehicle-use exclusion program applies.

(b) On or before October 1, 1973, the Governor of the State of Washington shall submit to the Administrator for his approval a compliance schedule containing the text of proposed procedures for designating and issuing up to 10 primary categories of access certificates for vehicles registered, beginning no later than January 1, 1975, in all the counties included within the Puget Sound Intrastate Air Quality Control Region and in the counties of Spokane, Lincoln, Adams, and Whitman in the Eastern Washington-Northern Idaho Interstate Air Quality Control Region and for selectively restricting vehicle use in vehicle-limited zones consisting of the Seattle and Spokane central business districts. The procedures shall include:

(1) Provisions to assure that multiple-vehicle owners or households receive no more than one category of access certificate.

(2) Provisions that additional categories of access certificates may be issued for vehicles the use of which is deemed essential by the State of Washington, including, but not limited to, police and fire vehicles, ambulances, and public transit vehicles.

(3) Prohibitions of vehicles bearing specified certificates from being operated or parked on public streets within designated vehicle-limited zones. These prohibitions shall provide for excluding vehicles bearing one or more types of the primary categories of access certificates from the vehicle-limited zones between 7:00 a.m. and 5:00 p.m. on specific workdays. The number of categories excluded each day shall be specified no later than the semiannual report to be submitted to EPA by the State of Washington in November 1974.

(4) Provisions that certificates of access will be distributed to vehicle owners during the motor vehicle registration period beginning no later than January 1, 1975. However, all such certificates shall be issued by March 31, 1975.

(5) Designation of an agency or agencies which shall be responsible for administration and enforcement of this program.

(6) An explanation of procedures necessary to implement and enforce this program (such as establishing spot-check locations at major intersections and issuing citations to those driving on prohibited days).

(7) Provisions that actual exclusion will begin as expeditiously as practicable; however, this exclusion shall begin no later than May 31, 1975.

(c) No later than March 1, 1974, the State shall submit legally adopted regulations to EPA establishing such a vehicle use exclusion program specified in paragraph (b) of this section.

(d) Beginning no later than January 1, 1975, the State of Washington shall not register any motor vehicle subject to the provision of subparagraph (b) of this section without issuing suitable access certificates to vehicle owners.

(e) Beginning no later than March 31, 1975, no owner or operator of a vehicle subject to the provisions of paragraph (b) of this section shall operate or allow the operation of his vehicle unless an access certificate is prominently affixed to that vehicle.

(f) Failure to comply with any provisions of this paragraph shall render a person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

FEDERAL HEALTH INSURANCE FOR AGED

Conditions of Participation for Home Health Agencies

No. 135—Pt. III——1

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Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965)

Subpart L—Conditions of Participation; Home Health Agencies

On September 18, 1971, there was published in the FEDERAL REGISTER (36 FR 18696) a notice of proposed rule making which set forth proposed amendments to regulations relating to the conditions of participation for home health agencies.

Interested parties were given the opportunity to submit within 30 days data, views, or arguments with regard to the proposed amendments.

Comments were received from many persons (including representatives of national, State, and local organizations) concerned with home care and with the qualifications and duties of health care personnel rendering services under Medicare. The comments received reflected a variety of concerns. Some advocated retention of the biennial program evaluation requirements. Some urged inclusion in the regulations of qualification requirements for nutritionists, and expansion of home health services to include nutritional services. Some recommended a regulation on pharmaceutical consultation. There were recommendations for and against permitting the physical therapist assistant to provide physical therapy services. There were objections to the hospital-based home health agency's certification being separate from that of the hospital. There were suggestions that some of the regulations be changed for the sake of clarity. All the comments have been carefully considered.

The amendments as announced under the notice of proposed rule making (36 FR 18696) are adopted with the following changes:

(a) All factors and some standards have been omitted for conciseness;

(b) Section 405.1201(a) has been revised to incorporate an amendment to section 1861(o) of the Social Security Act made by Public Law 92–603;

(c) The last sentence of § 405.1201(b) and §§ 405.1201(c) through 405.1208 (which set forth certification procedures common to all providers of services) have been omitted, pending further revision and incorporation into Subpart F (Agreements, Elections, Contracts, Nominations, and Notices);

(d) Definitions applicable to home health agencies have been included in the section now designated as § 405.1202;

(e) Section 405.1209 has been redesignated as § 405.1230;

(f) Sections 405.1222 and 405.1223 have been combined with § 405.1221 under the new title *Organization, services, administration;*

(g) Section 405.1224 has been redesignated as § 405.1222 and retitled *Group of professional personnel;*

(h) Sections 405.1225 and 405.1226 have been redesignated as §§ 405.1223 and 405.1224, respectively;

(i) Sections 405.1227 through 405.1229 have been combined, redesignated as § 405.1225, and retitled *Therapy services;*

(j) Sections 405.1230 through 405. 1233 have been redesignated as §§ 405.1226 through 405.1229, respectively;

(k) Higher requirements which are applicable in certain States have been relocated in the Appendix;

(l) The provisions relating to qualification requirements of health care personnel have been amended to permit qualification through proficiency testing until December 31, 1977, as required by section 241 of Public Law 92–603.

Effective date. These amendments shall be effective July 13, 1973.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated: June 14, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart L of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart L—Conditions of Participation; Home Health Agencies

Sec.
405.1201 General.
405.1202 Definitions.
405.1220 Condition of participation: Compliance with Federal, State, and local laws.
405.1221 Condition of participation: Organization, services, administration.
405.1222 Condition of participation: Group of professional personnel.
405.1223 Condition of participation: Acceptance of patients, plan of treatment, medical supervision.
405.1224 Condition of participation: Skilled nursing service.
405.1225 Condition of participation: Therapy services.
405.1226 Condition of participation: Medical social services.
405.1227 Condition of participation: Home health aide services.
405.1228 Condition of participation: Clinical records.
405.1229 Condition of participation: Evaluation.
405.1230 Condition of participation: Qualifying to provide outpatient physical therapy services.
Appendix—Addenda for Several States Incorporating Conditions of Participation Higher Than Those Imposed by the Health Insurance for the Aged Program.

AUTHORITY: Secs. 1102, 1842, 1862, 1870, 1871, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331, 81 Stat. 846–847; 42 U.S.C. 1302, 1395 et seq.

Subpart L—Conditions of Participation; Home Health Agencies

§ 405.1201 General.

(a) In order to participate as a home health agency in the health insurance program for the aged, an institution must be a "home health agency" within the meaning of section 1861(o) of the Social Security Act. This section of the law states a number of specific requirements which must be met by participating home health agencies and authorizes the Secretary of Health, Education, and Welfare to prescribe other requirements considered necessary in the interest of health and safety of beneficiaries. Section 1861 (o) of the Act provides:

(o) The term "home health agency" means a public agency or private organization, or a subdivision of such an agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services;

(2) Has policies, established by a group of professional personnel (associated with the agency or organization), including one or more physicians and one or more registered professional nurses, to govern the services (referred to in paragraph (1)) which it provides, and provides for supervision of such services by a physician or registered professional nurse;

(3) Maintains clinical records on all patients;

(4) In the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing agencies or organizations of this nature, as meeting the standards established for such licensing;

(5) Has in effect an overall plan and budget that meets the requirements of subsection (z); and

(6) Meets such other conditions of participation as the Secretary may find necessary in the interest of the health and safety of individuals who are furnished services by such agency or organization; except that such term shall not include a private organization which is not a nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 (or a subdivision of such organization) unless it is licensed pursuant to State law and it meets such additional standards and requirements as may be prescribed in regulations; and except that for purposes of Part A such term shall not include any agency or organization which is primarily for the care and treatment of mental diseases.

(b) The requirements included in the statute and the additional health and safety requirements prescribed by the Secretary are set forth in the conditions of participation for home health agencies.

§ 405.1202 Definitions.

As used in this subpart, the following definitions apply:

(a) *Administrator, home health agency.* A person who:

(1) Is a licensed physician; or

(2) Is a registered nurse; or

(3) Has training and experience in health service administration and at least 1 year of supervisory or administrative experience in home health care or related health programs.

(b) *Bylaws or equivalent.* A set of rules adopted by a home health agency for governing the agency's operation.

(c) *Branch office.* A location or site from which a home health agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision, and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.

(d) *Clinical note.* A dated written notation by a member of the health team of a contact with a patient containing a description of signs and symptoms, treatment and/or drug given, the patient's reaction, and any changes in physical or emotional condition.

(e) *Nonprofit agency.* An agency exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954.

(f) *Occupational therapist.* A person who:

(1) Is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association; or

(2) Is eligible for the National Registration Examination of the American Occupational Therapy Association; or

(3) Has 2 years of appropriate experience as an occupational therapist, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking initial qualification as an occupational therapist after December 31, 1977.

(g) *Occupational therapy assistant.* A person who:

(1) Meets the requirements for certification as an occupational therapy assistant established by the American Occupational Therapy Association; or

(2) Has 2 years of appropriate experience as an occupational therapy assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking initial qualification as an occupational therapy assistant after December 31, 1977.

(h) *Parent home health agency.* The agency that develops and maintains administrative controls of subunits and/or branch offices.

(i) *Physical therapist.* A person who is licensed as a physical therapist by the State in which practicing, and

(1) Has graduated from a physical therapy curriculum approved by

(i) The American Physical Therapy Association, or

(ii) The Council on Medical Education and Hospitals of the American Medical Association, or

(iii) The Council on Medical Education of the American Medical Association and the American Physical Therapy Association; or

(2) Prior to January 1, 1966,

(i) Was admitted to membership by the American Physical Therapy Association, or

(ii) Was admitted to registration by the American Registry of Physical Therapists, or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education; or

(3) Has 2 years of appropriate experience as a physical therapist, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking qualification as a physical therapist after December 31, 1977; or

(4) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which services were rendered under the order and direction of attending and referring physicians; or

(5) If trained outside the United States,

(i) Was graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy.

(ii) Meets the requirements for membership in a member organization of the World Confederation for Physical Therapy,

(iii) Has 1 year of experience under the supervision of an active member of the American Physical Therapy Association, and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

(j) *Physical therapist assistant.* A person who is licensed as a physical therapist assistant, if applicable, by the State in which practicing, and

(1) Has graduated from a 2-year college-level program approved by the American Physical Therapy Association; or

(2) Has 2 years of appropriate experience as a physical therapist assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking initial qualification as a physical therapist assistant after December 31, 1977.

(k) *Physician.* A doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which such function or action is performed.

(l) *Practical (vocational) nurse.* A person who is licensed as a practical (vocational) nurse by the State in which practicing.

(m) *Primary home health agency.* The agency that is responsible for the service rendered to patients and for implementation of the plan of treatment.

(n) *Progress note.* A dated, written notation by a member of the health team summarizing facts about care and the patient's response during a given period of time.

(o) *Proprietary agency.* A private profit-making agency licensed by the State.

(p) *Public agency.* An agency operated by a State or local government.

(q) *Public health nurse.* A registered nurse who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or post-registered nurse study which includes content approved by the National League for Nursing for public health nursing preparation.

(r) *Registered nurse.* A graduate of an approved school of professional nursing, who is licensed as a registered nurse by the State in which practicing.

(s) *Social work assistant.* A person who:

(1) Has a baccalaureate degree in social work, psychology, sociology, or other field related to social work, and has had at least 1 year of social work experience in a health care setting; or

(2) Has 2 years of appropriate experience as a social work assistant, and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a State or seeking initial qualification as a social work assistant after December 31, 1977.

(t) *Social worker.* A person who has a master's degree from a school of social work accredited by the Council on Social Work Education, and has 1 year of social work experience in a health care setting.

(u) *Speech pathologist or audiologist.* A person who:

(1) Meets the education and experience requirements for a Certificate of Clinical Competence in the appropriate area (speech pathology or audiology) granted by the American Speech and Hearing Association; or

(2) Meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

(v) *Subdivision.* A component of a multi-function health agency, such as the home care department of a hospital

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or the nursing division of a health department, which independently meets the conditions of participation for home health agencies. A subdivision which has subunits and/or branches is regarded as a parent agency.

(w) *Subunit.* A semi-autonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the parent agency is judged incapable of sharing administration, supervision, and services on a daily basis with the parent agency and must, therefore, independently meet the conditions of participation for home health agencies.

(x) *Summary report.* A compilation of the pertinent factors from the clinical notes and progress notes regarding a patient, which is submitted as a summary report to the patient's physician.

(y) *Supervision.* Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise provided in this subpart, the supervisor must be on the premises if the person does not meet qualifications for assistants specified in the definitions in this section.

§ 405.1220 Condition of participation: Compliance with Federal, State, and local laws.

The home health agency and its staff are in compliance with all applicable Federal, State, and local laws and regulations. If State or applicable local law provides for the licensure of home health agencies, an agency not subject to licensure must be approved by the licensing authority as meeting the standards established for such licensure. A proprietary organization which is not exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954 must be licensed as a home health agency pursuant to State law. If no State law exists for the licensure of a proprietary home health agency, it cannot be certified for participation in the health insurance program.

§ 405.1221 Condition of participation: Organization, services, administration.

Organization, services provided, administrative control, and lines of authority for the delegation of responsibility down to the patient care level are clearly set forth in writing and are readily identifiable. Administrative and supervisory functions are not delegated to another agency or organization and all services not provided directly are monitored and controlled by the primary agency, including services provided through subunits of the parent agency. If an agency has subunits, appropriate administrative records are maintained for each subunit.

(a) *Standard: Services provided.* Part-time or intermittent skilled nursing services and at least one other therapeutic service (physical, speech, or occupational therapy; medical social services; or home health aide services) must be made available, on a visiting basis, in a place of residence used as a patient's home. A public or nonprofit home health agency must provide at least one of the qualifying services directly through agency employees but may arrange with another public or nonprofit agency or organization to provide the second qualifying service and any additional services. A proprietary agency, however, must provide all services directly, through agency employees.

(b) *Standard: Governing body.* A governing body (or designated persons so functioning) assumes full legal authority and responsibility for the operation of the agency. The governing body appoints a qualified administrator, arranges for professional advice (see § 405.1222), adopts and periodically reviews written bylaws or an acceptable equivalent, and oversees the management and fiscal affairs of the agency. The name and address of each officer, director, and owner are disclosed. If the agency is a corporation, all ownership interests of 10 percent or more (direct or indirect) are also disclosed.

(c) *Standard: Administrator.* The administrator, who may also be the supervising physician or registered nurse (see paragraph (d) of this section), organizes and directs the agency's ongoing functions; maintains ongoing liaison among the governing body, the group of professional personnel, and the staff; employs qualified personnel and ensures adequate staff education and evaluations; ensures the accuracy of public information materials and activities; and implements an effective budgeting and accounting system. A qualified person is authorized in writing to act in the absence of the administrator.

(d) *Standard: Supervising physician or registered nurse.* The skilled nursing and other therapeutic services provided are under the supervision and direction of a physician or a registered nurse (who preferably has at least 1 year of nursing experience and is a public health nurse). This person, or similarly qualified alternate, is available at all times during operating hours and participates in all activities relevant to the professional services provided, including the developing of qualifications and assignments of personnel.

(See Connecticut, Massachusetts, New Jersey, and Rhode Island Addenda in the Appendix.)

(e) *Standard:* Personnel policies. Personnel practices and patient care are supported by appropriate, written personnel policies. Personnel records include job descriptions, qualifications, licensure, performance evaluations, and health examinations, and are kept current.

(f) *Standard: Personnel under hourly or per visit contracts.* (1) If personnel under hourly or per visit contracts are utilized by the home health agency, there is a written contract between such personnel and the agency clearly designating:

(i) That patients are accepted for care only by the primary home health agency,

(ii) The services to be provided,

(iii) The necessity to conform to all applicable agency policies including personnel qualifications,

(iv) The responsibility for participating in developing plans of treatment,

(v) The manner in which services will be controlled, coordinated, and evaluated by the primary agency,

(vi) The procedures for submitting clinical and progress notes, scheduling of visits, periodic patient evaluation, and

(vii) The procedures for determining charges and reimbursement.

(g) *Standard: Coordination of patient services.* All personnel providing services maintain liaison to assure that their efforts effectively complement one another and support the objectives outlined in the plan of treatment. The clinical record or minutes of case conferences establish that effective interchange, reporting, and coordinated patient evaluation does occur. A written summary report for each patient is sent to the attending physician at least every 60 days.

(h) *Standard: Services under arrangements.* Services (see paragraph (a) of this section) provided under arrangement with another public or nonprofit agency must be subject to a written contract conforming with the requirements specified in paragraph (f) of this section.

§ 405.1222 Condition of participation: Group of professional personnel.

(a) A group of professional personnel, which includes at least one physician and one registered nurse (preferably a public health nurse), and with appropriate representation from other professional disciplines, establishes and annually reviews the agency's policies governing scope of services offered, admission and discharge policies, medical supervision and plans of treatment, emergency care, clinical records, personnel qualifications, and program evaluation. At least one member of the group is neither an owner (§ 405.1221(b)) nor an employee of the agency.

(b) *Standard:* Advisory and evaluation *function.* The group of professional personnel meets frequently to advise the agency on professional issues, to participate in the evaluation of the agency's program, and to assist the agency in maintaining liaison with other health care providers in the community and in its community information program. Its meetings are documented by dated minutes.

(See New Jersey Addendum in the Appendix.)

§ 405.1223 Condition of participation; Acceptance of patients, plan of treatment, medical supervision.

Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence. Care follows a written plan of treatment established and periodically reviewed by a physician, and care continues under the supervision of a physician.

(a) *Standard: Plan of treatment.* The plan of treatment developed in consultation with the agency staff covers all pertinent diagnoses, including mental status, types of services and equipment required, frequency of visits, prognosis, rehabilitation potential, functional limitations, activities permitted, nutritional requirements, medications and treatments, any safety measures to protect against injury, instructions for timely discharge or referral, and any other appropriate items. If a physician refers a patient under a plan of treatment which cannot be completed until after an evaluation visit, the physician is consulted to approve additions or modifications to the original plan. Orders for therapy services include the specific procedures and modalities to be used and the amount, frequency, and duration. The therapist and other agency personnel participate in developing the plan of treatment.

(b) *Standard: Periodic review of plan of treatment.* The total plan of treatment is reviewed by the attending physician and home health agency personnel as often as the severity of the patient's condition requires, but at least once every 60 days. Agency professional staff promptly alert the physician to any changes that suggest a need to alter the plan of treatment.

(c) *Standard: Conformance with physician's orders.* Drugs and treatments are administered by agency staff only as ordered by the physician. The nurse or therapist immediately records and signs oral orders and obtains the physician's countersignature. Agency staff check all medicines a patient may be taking to identify possibly ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindicated medication, and promptly report any problems to the physician.

§ 405.1224 Condition of participation: Skilled nursing service.

The home health agency provides skilled nursing service by or under the supervision of a registered nurse and in accordance with the plan of treatment.

(See Connecticut, Massachusetts, and Rhode Island Addenda in the Appendix.)

(a) *Standard: Duties of the registered nurse.* The registered nurse makes the initial evaluation visit, regularly reevaluates the patient's nursing needs, initiates the plan of treatment and necessary revisions, provides those services requiring substantial specialized nursing skill, initiates appropriate preventive and rehabilitative nursing procedures, prepares clinical and progress notes, coordinates services, informs the physician and other personnel of changes in the patient's condition and needs, counsels the patient and family in meeting nursing and related needs, participates in inservice programs, and supervises and teaches other nursing personnel.

(b) *Standard: Duties of the licensed practical nurse.* The licensed practical nurse provides services in accordance with agency policies, prepares clinical and progress notes, assists the physician and/or registered nurse in performing specialized procedures, prepares equipment and materials for treatments observing aseptic technique as required, and assists the patient in learning appropriate self-care techniques.

§ 405.1225 Condition of participation: Therapy services.

Any therapy services offered by the home health agency directly or under arrangement are given by a qualified therapist or by a qualified therapist assistant under the supervision of a qualified therapist in accordance with the plan of treatment. The qualified therapist assists the physician in evaluating level of function, helps develop the plan of treatment (revising as necessary), prepares clinical and progress notes, advises and consults with the family and other agency personnel, and participates in inservice programs.

(a) *Standard: Supervision of physical therapist assistant and occupational therapy assistant.* Services provided by a qualified physical therapist assistant or qualified occupational therapy assistant may be furnished under the supervision of a qualified physical or occupational therapist. A physical therapist assistant or occupational therapy assistant performs services planned, delegated, and supervised by the therapist, assists in preparing clinical notes and progress reports, and participates in educating the patient and family, and in inservice programs.

(b) *Standard: Supervision of speech therapy services.* Speech therapy services are provided only by or under supervision of a qualified speech pathologist or audiologist.

§ 405.1226 Condition of participation: Medical social services.

Medical social services, when provided, are given by a qualified social worker or by a qualified social work assistant under the supervision of a qualified social worker, and in accordance with the plan of treatment. The social worker assists the physician and other team members in understanding the significant social and emotional factors related to the health problems, participates in the development of the plan of treatment, prepares clinical and progress notes, works with the family, utilizes appropriate community resources, participates in discharge planning and inservice programs, and acts as a consultant to other agency personnel.

§ 405.1227 Condition of participation: Home health aide services.

Home health aides are selected on the basis of such factors as a sympathetic attitude toward the care of the sick, ability to read, write, and carry out directions, and maturity and ability to deal effectively with the demands of the job. Aides are carefully trained in methods of assisting patients to achieve maximum self-reliance, principles of nutrition and meal preparation, the aging process and emotional problems of illness, procedures for maintaining a clean, healthful, and pleasant environment, changes in patient's condition that should be reported, work of the agency and the health team, ethics, confidentiality, and recordkeeping. They are closely supervised to assure their competence in providing care.

(See Connecticut and Oregon Addenda in the Appendix.)

(a) *Standard: Assignment and duties of the home health aide.* The home health aide is assigned to a particular patient by a registered nurse. Written instructions for patient care are prepared by a registered nurse or therapist as appropriate. Duties include the performance of simple procedures as an extension of therapy services, personal care, ambulation and exercise, household services essential to health care at home, assistance with medications that are ordinarily self-administered, reporting changes in the patient's conditions and needs, and completing appropriate records.

(b) *Standard: Supervision.* The registered nurse, or appropriate professional staff member, if other services are provided, makes a supervisory visit to the patient's residence at least every 2 weeks, either when the aide is present to observe and assist, or when the aide is absent, to assess relationships and determine whether goals are being met.

(See Massachusetts Addendum in the Appendix.)

§ 405.1228 Condition of participation: Clinical records.

A clinical record containing pertinent past and current findings in accordance with accepted professional standards is maintained for every patient receiving home health services. In addition to the plan of treatment (see § 405.1223(a)), the record contains appropriate identifying information; name of physician; drug, dietary, treatment, and activity orders; signed and dated clinical and progress notes (clinical notes are written the day service is rendered and incorporated no less often than weekly); copies of summary reports sent to the physician; and a discharge summary.

(a) *Standards: Retention of records.* Clinical records are retained for 5 years after the month the cost report to which the records apply is filed with the intermediary, unless State law stipulates a longer period of time. Policies provide for retention even if the home health agency discontinues operations. If a patient is transferred to another health facility, a copy of the record or abstract accompanies the patient.

(b) *Standards: Protection of records.* Clinical record information is safeguarded against loss or unauthorized use. Written procedures govern use and removal of records and conditions for release of information. Patient's written consent is required for release of information not authorized by law.

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§ 405.1229 Condition of participation: Evaluation.

The home health agency has written policies requiring an overall evaluation of the agency's total program at least once a year by the group of professional personnel (or a committee of this group), home health agency staff, and consumers, or by professional people outside the agency working in conjunction with consumers. The evaluation consists of an overall policy and administrative review and a clinical record review. The evaluation assesses the extent to which the agency's program is appropriate, adequate, effective, and efficient. Results of the evaluation are reported to and acted upon by those responsible for the operation of the agency and are maintained separately as administrative records.

(a) *Standard: Policy and administrative review.* As a part of the evaluation process the policies and administrative practices of the agency are reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective, and efficient. Mechanisms are established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons, and total staff days for each service offered.

(b) *Standard: Clinical record review.* At least quarterly, appropriate health professionals, representing at least the scope of the program, review a sample of both active and closed clinical records to assure that established policies are followed in providing services (direct services as well as services under arrangement). There is a continuing review of clinical records for each 60-day period that a patient receives home health services to determine adequacy of the plan of treatment and appropriateness of continuation of care.

§ 405.1230 Condition of participation: Qualifying to provide outpatient physical therapy services.

Section 1861(p) of the Social Security Act provides in pertinent part as follows:

> (p) The term "outpatient physical therapy services" means physical therapy services furnished by a provider of services, a clinic, rehabilitation agency, or a public health agency, or by others under an arrangement with, and under the supervision of, such provider, clinic, rehabilitation agency or public health agency to an individual as an outpatient * * *

As a provider of services, a home health agency may qualify to provide outpatient physical therapy services if such agency meets the statutory requirements of section 1861(o) of the Act and complies with other health and safety requirements prescribed by the Secretary for home health agencies, and, additionally, is in compliance with applicable health and safety requirements pertaining to rendition of outpatient physical therapy services. The applicable health and safety requirements pertaining to outpatient physical therapy services are included in the conditions of participation in Subpart Q of this part. (See §§ 405.1719, 405.1720, 405.1722, 405.1724, and 405.1725.)

APPENDIX—ADDENDA FOR SEVERAL STATES INCORPORATING CONDITIONS OF PARTICIPATION HIGHER THAN THOSE IMPOSED BY THE HEALTH INSURANCE FOR THE AGED PROGRAM

ADDENDA TO § 405.1221(d)

Pursuant to the provisions of section 1863 of title XVIII of the Act, there are approved the following higher conditions of participation relating to agency supervision applicable in those States identified below:

CONNECTICUT

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or nursing supervisor to supervise the agency's performance in providing home health services in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by the physician. The following qualifications apply to the supervisor and director.

(a) *Supervisor.* The minimum qualifications of the nursing supervisor are a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(b) *Director.* When a unit through which home health services are provided reaches a total nursing staff of nine to 12, depending upon the number of towns involved and area served, a qualified public health nursing director shall be employed in addition to the nursing supervisor.

(1) *Preferred.* A master's degree with a major in public health nursing administration or supervision from a university program approved by the National League for Nursing, or a master's degree in public health from a university program approved by the American Public Health Association, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

(2) *Acceptable.* A baccalaureate degree from a university program in nursing approved by the National League for Nursing, for public health nursing preparation supplemented by approved courses in public health nursing supervision and administration, and at least 5 years of experience in public health nursing, including 2 years under qualified supervision and 3 years as a supervisor.

MASSACHUSETTS

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nursing director and/or supervisor to direct the agency's services. In the event that a physician is the administrator of the home health agency, the nursing service shall be under the direction of a registered professional nurse qualified as a public health nursing director and/or supervisor. All home health services shall be provided in accordance with the orders of a physician responsible for the care of the patient and under a plan of treatment established by such physician.

(a) *Public Health Nursing Director—qualifications.* The public health nursing director is currently licensed to practice professional nursing by the State and meets the following requirements:

A master's degree with a major in public health nursing administration or supervision from a program approved by the National League for Nursing or a master's degree in public health from a program approved by the American Public Health Association, and at least 5 years of progressively responsible experience in public health nursing or community health nursing, some of which should be in supervision, teaching, and/or consultation.

(b) *Public Health Nursing Supervisor—qualifications.* The public health nursing supervisor meets the following minimum requirements:

A master's degree in nursing from a program approved by the National League for Nursing and 1 year of experience in a family-centered public health nursing program which included supervisory responsibilities, or a baccalaureate degree from a program approved by the National League for Nursing for public health nursing preparation and 2 years of the above-described experience.

NEW JERSEY

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director or supervisor to supervise the agency's performance in providing home health services in accordance with orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician. In the event that a physician is designated to supervise the agency's services, the nursing service shall be under the direction of a registered professional nurse qualified as a public health nurse director or supervisor. The following are the requirements for qualifying as a public health nurse director or supervisor:

(a) *Director.* A public health nurse director has completed:

(1) A master's degree program accredited by the National League for Nursing with a nursing major in supervision, teaching, consultation or administration and advanced study in a clinical specialty; or a master's program in public health in an institution accredited by the American Public Health Association; and

(2) Five years of experience in public health nursing, 1 year of which shall have been in a supervisory experience.

(b) *Supervisor.* A public health nurse supervisor has completed:

(1) A baccalaureate degree program approved by the National League for Nursing for public health nursing preparation or postbaccalaureate study which includes content approved by the National League for Nursing for public health nursing preparation; and

(2) Three years of experience in public health nursing under qualified nursing supervision.

RHODE ISLAND

Agency supervision—condition. The home health agency designates a physician or registered professional nurse qualified as a public health nurse director to direct the agency's services. In the event that a physician is the administrator of the home health agency, the nursing service shall be under the direction of a registered professional nurse qualified as a public health nurse director. All home health services shall be provided in accordance with the orders of the physician responsible for the care of the patient and under a plan of treatment established by such physician.

(d) It is desirable for the group to include lay persons knowledgeable in health affairs and also to have a wide range of professional representatives such as social worker; nutritionist; speech, physical, and occupational therapists.

ADDENDA TO § 405.1224

Pursuant to the provisions of section 1863 of title XVIII of the Act, there are approved the following higher conditions of participation relating to skilled nursing services in those States identified below:

CONNECTICUT

Skilled nursing service—condition. Skilled nursing service is provided by or under the supervision of a public health nursing supervisor currently licensed by the State.

(a) *Professional nursing services—duties.* (The provisions of § 405.1224(a) are applicable.)

(b) *Public Health Nursing Supervisor—qualifications.* The public health nursing supervisor must have a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation, and a minimum of 2 years of experience in a public health nursing program under qualified nursing supervision which included supervisory responsibilities.

(c) *Registered Professional Nurse—qualifications.* (See § 405.1202.)

(d) *Public Health Nurse—qualifications.* (See § 405.1202.)

(e) *Practical nursing—duties.* (The provisions of § 405.1224(b) are applicable.)

(f) *Practical Nurse—qualifications.* (See § 405.1202.)

MASSACHUSETTS

Skilled nursing service—condition. Skilled nursing service is provided by or under the supervision of a qualified public health nursing director and/or supervisor. (See § 405.1221(d) regarding qualifications.)

RHODE ISLAND

Skilled nursing service—condition. Skilled nursing service is provided by or under the supervision of a qualified public health nursing supervisor currently licensed by the State.

(a) *Professional nursing services—duties.* (The provisions of § 405.1224(a) are applicable.)

(b) *Public Health Nursing Supervisor—qualifications.* A public health nursing supervisor is currently licensed to practice professional nursing by the State and has a baccalaureate degree from a university program in nursing approved by the National League for Nursing for public health nursing preparation and preferably with additional academic preparation in supervision and with experience in a public health nursing program under qualified nursing supervision for a minimum of 2 years.

(c) *Registered Professional Nurse—qualifications.* (See § 405.1202.)

(d) *Public Health Nurse—qualifications.* (See § 405.1202.)

(e) *Practical nursing—duties.* (The provisions of § 405.1224(b) are applicable.)

(f) *Practical nursing—qualifications.* (See § 405.1202.)

ADDENDA TO § 405.1227

Pursuant to the provisions of section 1863 of title XVIII of the Act, there are approved the following higher conditions of participation relating to home health aides in those States identified below:

CONNECTICUT

Training of Home Health Aides—condition. The home health agency determines that home health aides receive or have received a basic training program for home health aides approved by the Connecticut State Department of Health.

MASSACHUSETTS

Supervision of Home Health Aides—condition. The qualified nursing supervisor should provide direct supervision as necessary and is readily available at other times by telephone. The supervisor should be constantly evaluating the home health aide in terms of the aide's ability to carry out assigned duties, to relate well to the homebound patient, and to work effectively as a member of a team of health workers.

OREGON

Home Health Aide Services—condition. When a home health agency provides home health aide services, the home health aides are selected, trained, assigned and supervised.

Selection—Home health aides are currently registered with the State Board of Health as proof of qualification for employment as a home health aide.

Training—Home health aides complete an approved basic educational course for home health aides. All programs for home health aide training must be approved by the State Advisory Committee for Home Health Aide Programs.

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PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

PREVENTION OF SIGNIFICANT AIR QUALITY DETERIORATION

Proposed Rulemaking

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Prevention of Significant Air Quality Deterioration

Notice is hereby given that the Administrator of the Environmental Protection Agency (EPA) intends to issue regulations setting up a mechanism for preventing significant deterioration of air quality in areas where air pollution levels currently are below the national ambient air quality standards (40 CFR Part 50). These regulations would be issued under the Clean Air Act and would prescribe steps to be taken by the States. This notice sets forth four proposed plans reflecting various approaches to defining and preventing significant deterioration. It is the Administrator's intention not only to receive written comments on these proposals but also to hold public hearings in various places in order to provide the greatest possible opportunity for public involvement in this rule-making. Certain questions on which public comment is specifically invited are identified in the concluding section of this preface.

Publication of this notice is related to a suit filed May 24, 1972, in which the Sierra Club and other groups sought a declaratory judgment and injunction requiring the Administrator to disapprove all State implementation plans which did not contain procedures for preventing significant deterioration in any portion of any State where air quality is superior to national standards. On May 30, 1972, the District Court for the District of Columbia granted the plaintiffs' motion for a preliminary injunction and issued a preliminary injunction requiring the Administrator, within four months thereafter, to review all State plans and "disapprove any portion of a State plan which fails to effectively prevent significant deterioration of existing air quality." The preliminary injunction also required the Administrator to promulgate regulations "as to any State plan which he finds, on the basis of his review, either permits the significant deterioration of existing air quality in any portion of any State or fails to take the measures necessary to prevent such significant deterioration." On November 1, 1972, the decision of the District Court was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit on the basis of an opinion filed by the District Court on June 2, 1972. Subsequently, the U.S. Supreme Court stayed the effect of the District Court's decision pending its consideration and disposition of the case on application for a writ of certiorari. On June 11, 1973, the Supreme Court, by an equally divided court, affirmed the judgment of the Court of Appeals; no opinion was issued.

Each State plan has been reviewed in accordance with the preliminary injunction issued by the District Court. Although many State plans included regulations which have the potential for resulting in the attainment of air quality better than that required by the national standards, and although some State plans contained general policy statements indicating an intent to prevent or minimize deterioration of air quality, none was found to contain explicit and enforceable regulations for implementing such a policy. Accordingly, all State plans were disapproved by the Administrator on November 9, 1972 (37 FR 23836), insofar as they failed to provide for the prevention of significant deterioration. This disapproval did not affect the status of any previously or subsequently approved regulations designed to provide for the attainment and maintenance of national ambient air quality standards. Furthermore, in the absence of Federal regulations prescribing requirements for prevention of significant deterioration the Administrator's disapproval was necessarily based on a generalized assessment of the State plans. To the extent that any State plan is determined to meet any of the requirements ultimately established as a result of this rulemaking proceeding, the Administrator's disapproval will be appropriately modified.

In EPA's view, there has been no definitive judicial resolution of the issue whether the Clean Air Act requires prevention of significant deterioration of air quality. When the issue was presented to the Supreme Court, the Court was equally divided. The Court's action had the effect of permitting to stand the judgment of the Court of Appeals for the District of Columbia Circuit, which was entered in the procedural context of the issuance of a preliminary injunction.

In the absence of a definitive judicial decision on the issue, the Administrator adheres to the view that Section 110 of the Clean Air Act requires EPA to approve State implementation plans that will attain and maintain the national ambient air quality standards, and that the Act does not require EPA or the States to prevent significant deterioration of air quality. The proposed alternative regulations set forth herein would establish a mechanism for preventing significant deterioration pursuant to the preliminary injunction issued by the District Court.

Public Policy Issue

The question raised by the Sierra Club suit was a legal issue, i.e., interpretation of the language and legislative history of the Clean Air Act. Thus, the courts were asked to determine that the Act requires the Administrator to ensure that State implementation plans will not permit significant deterioration of air quality. What the courts were not asked to determine is what constitutes significant deterioration and exactly how it will be prevented.

A national policy of preventing significant deterioration, however defined and implemented, will have a substantial impact on the nature, extent, and location of future industrial, commercial, and residential development throughout the United States. It could affect the utilization of the Nation's mineral resources, the availability of employment and housing in many areas, and the costs of producing and transporting electricity and manufactured goods. Without implying any judgment as to the general acceptability of any of the effects of a "no significant deterioration" policy, the Administrator believes that they are potentially so far-reaching that the question of how such a policy should be defined and implemented cannot properly be addressed, much less decided, on narrow legal grounds. Rather, it is a question that must be discussed, debated, and decided as a public policy issue, with full consideration of its economic and social implications. To approach the question in any other manner would be much too simplistic. There is, perhaps, no other environmental issue that imposes upon the Administrator, and the public, a greater obligation to formulate and objectively evaluate a range of possible solutions. The usual rulemaking procedure of putting forth a single proposal clearly is inadequate in this case. Accordingly, this notice sets forth four alternative sets of proposed regulations based upon different philosophies and administrative approaches to defining and preventing significant deterioration.

Current Constraints on Deterioration

It is important to recognize that many State plans, as well as certain rule making actions already completed under provisions of the Clean Air Act, will have the effect of attaining or maintaining air quality significantly better than the national secondary standards in many places, and that these actions will have the effect of generally improving air quality nationwide. The following paragraphs summarize the more significant of these actions, and there is no intent that the alternatives proposed herein should in any way mitigate the impact of these actions.

1. The Administrator has promulgated (36 FR 8186) national primary and secondary ambient air quality standards. In accordance with the Act, the primary standards were set at a level that provides an adequate margin of safety for protection of the public health, and secondary standards were set at a level that protects the public welfare from any known or anticipated adverse effects. All States have submitted implementation plans to attain and maintain these standards. In many areas of the country, air quality was not sufficient to meet these standards and, hence, in these areas, the State plans will ensure that deterioration cannot occur because the regulations require specific improvements in air quality.

2. Emission control actions to be taken by the States, in accordance with their plans to implement the National Ambient Air Quality Standards in heavily polluted areas, will reduce air pollution concentrations in the periphery of such areas. For example, the annual average sulfur dioxide concentration in Mercer County, New Jersey, is expected to drop from about 25 micrograms per cubic meter to about 10 micrograms per cubic meter (as compared to the national secondary standard of 60 micrograms) as a result of emission reductions in and around Philadelphia.

3. Emissions reductions to be achieved under State plans in major urban and industrial centers will significantly affect total national emissions and thereby lower the background pollutant concentrations in rural areas. Thus a 25 percent reduction in the background concentration of particulate matter (from about 40 micrograms per cubic meter to about 30 micrograms) in rural areas in the Northeast is anticipated.

4. Emission limitations and other regulations, including restrictions on the sulfur content of fossil fuels as prescribed by many State plans, go beyond what is minimally necessary for attainment of the national standards. In many instances, emission control regulations necessary for attainment of national standards in the most polluted area(s) of a State have been applied statewide. For sulfur dioxide, this has occurred in 33 States. Although implementation of these regulations may be deferred in some clean areas in order to make available low sulfur fuels for use in heavily polluted areas, these regulations will eventually result in further improvement in air quality in many areas where the secondary standards were not exceeded.

5. Federal emission standards for new motor vehicles will result in a steady decrease in motor vehicle emissions in all parts of the Nation through the 1970's and well into the 1980's, as new automobiles equipped to meet these emission standards replace older models which were subject to less restrictive emission standards or none at all. For example, 1974 model automobiles will have emission reductions (per mile) of approximately 80% for carbon monoxide, 70% for hydrocarbons, and 35% for oxides of nitrogen, as compared to vehicles sold prior to 1969. This trend is a result of the Federal emission standards already in effect; it will be accelerated by the even more stringent emission standards due to take effect in the 1975 and 1976 model years.

6. Control of sulfur dioxide, nitrogen oxides, and hydrocarbon emissions to meet national ambient air quality standards and/or Federal emission standards for new stationary sources and motor vehicles can be expected to inhibit atmospheric reactions involving these pollutants and thereby reduce ambient air concentrations of particulate matter such as sulfates, nitrates, and organics. Current State implementation plans generally do not consider this secondary reduction of particulate levels.

It can be seen that there are very strong regulatory measures in existence to prevent any deterioration of air quality in regions where the national standards are currently exceeded. Strong regulatory measures also exist to insure that air quality in currently clean areas cannot deteriorate sufficiently to subject the public health or welfare to any currently quantifiable adverse effects. Although the effect of these regulations is to mitigate any deterioration in most sections of the country, the alternatives presented herein are intended to prevent, in accordance with the District Court's preliminary injunction, any significant deterioration of air quality in any portion of any State.

Conceptual Issues

Section 109 of the Clean Air Act requires the Administrator to establish national primary ambient air quality standards "to protect the public health" and national secondary ambient air quality standards, "to protect the public welfare from any known or anticipated adverse effects," including, as specified by section 302(h), "effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being." Such national standards must be based on air quality criteria which, under section 108, must "reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health and welfare which may be expected from the presence [of air pollutants] in the ambient air, in varying quantities." Thus, standard-setting under section 109 is necessarily limited to demonstrable or predictable adverse effects which can be quantitatively related to pollutant concentrations in the ambient air.

The basis for preventing significant deterioration therefore lies in a desire to protect aesthetic, scenic, and recreational values, particularly in rural areas, and in concern that some air pollutants may have adverse effects that have not been documented in such a way as to permit their consideration in the formulation of national ambient air quality standards. Pending the development of adequate scientific data on the kind and extent of adverse effects of air pollutant levels below the secondary standards, significant deterioration must necessarily be defined without a direct quantitative relationship to specific adverse effects on public health and welfare. It should be emphasized that defining significant deterioration in this way does not imply a judgment by EPA on the question of whether it is sound public policy to define "deterioration" as any increment above existing air pollution levels and to attempt to define "significant" deterioration in the absence of documentation on the adverse effects thereof. Furthermore, it is possible, indeed probable, that even when there are additional data, it will be evident that there are levels below which some of the pollutants covered by national standards do not have effects that can be considered adverse to public health and welfare.

To the extent that the Act provides any basis for defining significant deterioration, it does so only in section 101(b)(1), which declares that one of the purposes of the Act is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population". Additional guidance is available from the legislative history; specifically, the Report of the Senate Committee on Public Works (Report No. 91–1196, dated September 17, 1970) contained the following statement:

> In areas where current air pollution levels are already equal to; or better than, the air quality goals, the Secretary should not approve any implementation plan which does not provide, to the maximum extent practicable, for the continued maintenance of such ambient air quality.

Though the Report also suggested that it might be possible to prevent all deterioration, it is apparent that the measures necessary for that purpose would bring growth and development virtually to a standstill in many areas and therefore are incompatible with protecting the "productive capacity" of the Nation's population.

Clearly, it is not within the province of EPA, under either the Clean Air Act or any other statute, to impose limitations on the Nation's growth. Neither the Sierra Club nor any of the States or organizations that filed amicus curiae briefs with the Supreme Court in support of the Sierra Club's position argued that the District Court's preliminary injunction means that EPA must limit economic growth, as such, in order to prevent significant deterioration of air quality. To the contrary, it was agreed that growth could and would continue, albeit with the restrictions necessary to prevent significant deterioration.

The Sierra Club, for example, made the following statement:

> The development of rural areas will not be prevented by a prohibition against significant deterioration of air quality. Such a prohibition on its face does not prevent all increases in pollution. If the best available technological developments are utilized and if numerous pollution producing sources are not concentrated in one place, most industry can enter clean areas without causing significant deterioration. (p. 94)

And the State of California made the following statements:

> Prevention of significant deterioration of air quality does not foreclose the construction in clean air basins and partially polluted air basins of well-planned and well-disbursed fossil fuel power plants and other polluting industries which utilize, on a continuing basis, the best available technology. 'No significant deterioration' simply means that certain large and inaedquately controlled pollution sources will not be permitted. (pp. 1–2) Of course, economic and social factors may well require some degradation of air quality in certain areas. But this case does not involve any question of prohibiting growth or prohibiting *any* deterioration of air quality. It is not a 'non-degradation' case. (p. 28)

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There is, therefore, a consensus that the definition of significant deterioration is intended to represent some level above zero deterioration. An upper bound can also be established on the definition of significant deterioration by recognizing that existing regulations prevent deterioration to levels in excess of the secondary air quality standards.

Hence, any quantitative definition of significant deterioration must fall between the levels of zero deterioration and deterioration up to the secondary standards. Any quantitative definition within this range must be essentially subjective, because, within this range, data are not available with which to quantify any adverse impact on either public health or welfare.

Nationally, the steady deterioration in air quality over the last several decades has already been reversed by existing regulations, and air quality generally has begun to improve in the last few years. Further, this improvement will continue for the foreseeable future. The following table summarizes the expected reductions in total national emissions by 1980. The percentages shown are based on the national emissions of 1970, and include (i.e. "absorb") the growth in sources anticipated for the 1970–1980 period.

Pollutant:	*Percent Reduction in Emissions*
Particulates	40
Sulfur Dioxide	70
Carbon Monoxide	80
Oxides of Nitrogen	40
Hydrocarbons	60

However, even though the nationwide trend in emissions and air quality is favorable, in many local areas which are now quite clean there is the possibility that deterioration could occur. This is because trends in the nationwide averages are predominately influenced by severe emission controls being applied in the large urban areas to attain and maintain the national ambient air quality standards. These controls could drive major polluters into the semi-urban and rural areas, thereby degrading air quality in those areas to a degree that could approach (but not exceed) the secondary standards. Additionally, the growth patterns throughout the country are continually changing, and the normal economic expansion can be expected to lead to increased emissions in some local areas which previously were undeveloped. In some of these areas, the public may feel that the improved economic conditions do not justify the resulting environmental deterioration, even though that deterioration is insufficient to cause a quantifiable adverse impact on either the health or welfare of the population.

However, the future nationwide reduction in emissions, and hence in pollutant concentrations, will be significant. Although much of this reduction is being accomplished in highly industrialized urban areas in order to attain and maintain the national standards, a considerable reduction is also being accomplished in semi-urban areas already well below the standards. Depending upon the plan selected with which to prevent significant deterioration, much of this latter reduction could be used to accommodate future growth without significant deterioration. Further improvements in emission control technology would allow additional growth without causing significant deterioration. The proposed plans would serve to stimulate such improvements.

Nevertheless, it is not possible to rely solely on improved emission control technology to offset the increased emissions attendant to population and economic expansion and redistribution. Many areas of the country have virtually no man-made emissions. To establish a policy that new emissions can only be introduced to the extent that current emissions are reduced would forever relegate these areas to an essentially undeveloped status. This feature would, in turn, require that new pollution sources be located only in the semi-urban and urban areas of the country in which improved control technology would have the greatest impact. This would force the majority of the new emissions into these areas in which the majority of the Nation's population resides.

The relative significance of air quality versus economic growth may be a variable dependent upon regional conditions. For example, relatively minor deterioration of the aesthetic quality of the air may be very significant in a recreational area in which great pride (and economic development) is derived from the "clean air." Conversely, in areas with severe unemployment and little recreational value, the same level of deterioration might very well be considered "insignificant" in comparison to the favorable impact of new industrial growth with resultant employment and other economic opportunities. Accordingly, the definition of what constitutes significant deterioration must be accomplished in a manner to minimize the imposition of inequitable regulations on different segments of the Nation.

Many States have expressed the desire that federal regulations be promulgated in a manner which would permit all States to prevent significant deterioration without placing any individual states in unfairly advantageous or disadvantageous positions for attracting new industry. It is therefore desirable to insure that industry is provided with no incentive to "shop" for areas in which efforts to prevent significant deterioration are deliberately relaxed. Because the competition for new industry is extremely keen among many States, this would require that the philosophy for preventing significant deterioration be enforced uniformly throughout the Nation, even though the definition of what constitutes significant deterioration could include regional variations.

The problem of preventing significant deterioration can be somewhat simplistically, stated as that of reducing emissions to the lowest practicable level, and then distributing those residual emissions in a manner in which they do the least harm. The four alternative plans discussed herein would accomplish this at requiring application of best available control technology to all new or significantly modified major sources regardless of any expected level of deterioration. In addition, each plan is based upon a different type of decision criterion which would be used to determine whether a proposed new or significantly modified source would be permitted to commence construction in any specific location. The four decision criteria would be based upon (1) definition of "significant deterioration" as a constant increment in air quality applicable nationwide, (2) definition of "significant deterioration" as the greater of either a percentage increase in emissions or an emission increment, (3) definition of "significant deterioration" on a case-by-case basis by the public in the local area affected, and (4) definition of "significant deterioration" as one of two air quality increments depending upon land use projections by the State. Each of these plans are discussed in subsequent sections. However, all four plans contain several common features which are worthy of consolidated discussion.

Pollutants Subject to Deterioration Control

Each of the alternative proposals set forth below would require, as a minimum, that best available control technology be applied to certain categories of new sources of sulfur dioxide, particulate matter, carbon monoxide, hydrocarbons, and nitrogen oxides. Thus, this requirement would apply directly or, in the case of photochemical oxidents, indirectly to all pollutants covered by national ambient air quality standards.

The second basic requirement is a review to determine that individual new sources within the specified source categories will not cause significant deterioration. This requirement would applied only to particulate matter and sulfur dioxide. The other pollutants covered by national standards are related primarily or substantially to motor vehicle emissions. As a result of the application of EPA's emissions standards for new motor vehicles, total motor vehicle emissions are decreasing and will continue decreasing well into the future. Accordingly, the purpose of preventing significant deterioration related to carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants is in the Administrator's judgment, adequately served by the proposed additional requirement for applying best available technology to new stationary sources.

Furthermore, the formation of photochemical oxidants from hydrocarbons and nitrogen oxides and the formation of nitrogen dioxide from nitric oxides involve complex photochemical processes which are time-dependent and related to atmospheric conditions and the interaction of emissions from a variety of sources. It is not possible to relate a specific isolated point source of hydrocarbons or nitrogen oxides to a specific ambient concentration of photochemical oxidents or nitrogen dioxide because the techniques and assumptions that permit correlation of emissions with ambient air quality in multiple-source areas generally are not valid for application to point sources in relatively clean areas.

Sources Subject to Review

All the proposals set forth below would require preconstruction review of certain types of stationary sources. The proposed preconstruction review procedures are similar to those already required by State implementation plans. These procedures require that source owners or operators submit data to the State and apply for approval to construct, and that the State approves or disapproves the request based on specific criteria. In relation to air quality deterioration, the criteria for this "yes or no" decision are inherent in each plan proposed herein, and are described in the section on each plan.

The initial list of sources proposed for this specific review in each plan represents the Administrator's best judgment as to which sources, in and of themselves, have the potential for causing "significant deterioration" as defined by the four alternative plans. The proposed regulations contain sixteen source categories which currently account for approximately 30 percent of the particulate matter and 75 percent of the sulfur dioxide emitted into the atmosphere each year nationwide, and account for essentially all of these pollutants emitted in clean areas. The regulations also require that any other sources emitting more than 4000 tons of sulfur dioxide or particulate matter annually be subjected to this review.

It is important to note that under the three alternative plans which place a ceiling on pollutant concentrations or emissions from an area, this initial list of sources will be subject to revision as an area approaches its ceiling.

The list of source categories has been restricted in the proposed regulations because it is considered unwise and unnecessary to divert available resources from other air pollution control activities in order to review new sources which do not have the potential to violate the proposed decision-making criteria. It may eventually be necessary to establish a mechanism for making advance assessments of the aggregate air quality impact of smaller sources. Such a mechanism is likely to involve projections of future growth and estimates of air quality impact, similar to those required by the recently promulgated amendments (38 FR 15834, dated June 18, 1973) to new source review requirements applicable to State implementation plans.

Best Available Control Technology

Each of the plans proposed herein would require, as a minimum, application of "best available control technology" (BACT) to specified categories of new sources. The proposed regulations specify that control systems adequate to comply with new source performance standards (NSPS) promulgated under section 111 of the Clean Air Act generally will be considered BACT (with the exception noted below). The proposed regulations also specify that until such time as new source performance standards (NSPS) are promulgated, BACT for a particular source will be determined by considering: reasonably available control technology [as defined in Appendix B to the Administrator's regulations for the preparation, adoption, and submittal of state implementation plans (40 CFR Part 51)]; the processes, fuels, and raw materials to be employed by an affected source; the engineering aspects of the application of various types of control techniques; and the cost of employing the available control techniques, including hardware and alterantive processes, fuels, and raw materials. However, all specified sources are expected to be covered by NSPS within 18 to 24 months and, because NSPS generally represent the lowest practicable level of emissions, the attainment of NSPS will generally be compatible with application of BACT.

The proposed exception to this equivalency of NSPS to BACT exists with respect to sulfur dioxide emissions from fossil fuel-fired steam electric plants. The levels of emissions from these plants have an extremely wide range due to the varying amounts of sulfur in fuels available in different parts of the country. Current NSPS are set at a level which requires use of a control system on plants burning high sulfur coal. However, in some regions, coal with sulfur content low enough to meet the NSPS is readily available and would be used even in the absence of emission limitations. In these situations, use of the low sulfur regional coal with no additional efforts to control sulfur dioxide emissions would not automatically constitute application of BACT. This use of NSPS as a maximum emission limitation, with the possibility of requiring additional control on a case-by-case basis, is being proposed because the NSPS are designed for uniform application nationwide, whereas significant deterioration is essentially a local or regional issue. Therefore, each of the proposed regulations requires that a case-by-case analysis of fossil fuel-fired electric plants be conducted to determine if emissions can and should be further reduced.

Alternatively, control systems adequate to meet NSPS could be considered BACT in all cases where NSPS exist, including the case of fossil fuel-fired electric generating plants. Since NSPS are required to reflect "the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated," they could be considered to represent a sufficient degree of emission control to prevent significant deterioration "to the maximum extent practicable," in all areas. This alternative definition of BACT is not specifically included in the proposed regulations but since it is arguably consistent with the District Court's preliminary injunction, it is described herein and specifically called to the attention of all interested parties so that there will be an adequate opportunity for public comment thereon.

Baseline for Measuring Deterioration

Most of the plans which have been considered for preventing significant deterioration require that an identifiable level of air quality or emissions be established as a baseline from which to measure deterioration. The three principal alternatives which have been considered are the level existing in 1970 (to correspond to passage of the Clean Air Act), the level existing in 1972 (to correspond to the litigation to which these proposals are related), and the level existing in 1973 (to correspond to these proposed regulations.)

The use of 1970 as a nationwide baseline would present several practical problems. Foremost among these is that in the interim between 1970 and the current time, growth patterns have changed sufficiently that, although the nationwide air quality has improved substantially, in some (particularly non-urban) areas the air quality has already deteriorated—in some places to the extent that the deterioration could be considered significant under some alternative plans. The status of sources which have received prior authorization to construct in these areas would become questionable. Yet, it does not appear equitable to withdraw that authorization due to newly promulgated regulations. In many other areas, air quality could have improved so dramatically that use of 1970 as a baseline would render any deterioration regulations virtually meaningless.

In addition, the availability of air quality data from which to measure deterioration represents a severe problem. Generally, air monitoring has been most intensive in heavily polluted areas. There has been only scattered monitoring in relatively clean areas. However, it is in these relatively clean areas that the deterioration issue is most critical, and to effectively apply most deterioration plans it is essential that relatively precise baseline data be available. Even today, the precise air quality or emission levels in many of these areas are unknown; this, problem is compounded if baseline requirements are extended into the past.

However, the use of 1973 as a baseline year is also impractical, because the baseline must be established upon data for an entire year. Since annual data for 1973 could not be made available in sufficient time for initial application of these regulations, the use of 1973 would require that all data be estimated.

For these reasons, those plans discussed herein which require establishment of a baseline air quality or emission level are developed around the measured or estimated data for 1972. This minimizes, but does not eliminate, the problems associated with lack of data. It also tends to minimize many inequities associated with use of prior year baselines. It does, however, retain the problem regarding treatment of new or modified sources which

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have already been approved for construction by the appropriate air pollution agency, but whose emissions and impact on air quality would not be included in the 1972 data base. Because it does not appear equitable to withdraw the construction approval from these sources, the 1972 baseline as defined in the proposed regulations consists of the measured or estimated air quality (or emissions) existing in 1972 as modified by the estimated impact of any source approved (prior to date of this proposal) for construction.

The selection of 1972 as the baseline year also introduces potential problems for a number of growth-oriented regions which improved their air quality in the period 1970–1972 to levels substantially superior to the national standards in anticipation of using that full increment to accommodate future economic expansion. The proposed regulations could substantially reduce that flexibility. The use of 1972 also tends to benefit those areas which were comparatively slow to implement emission reductions. These areas may now implement reductions in the future, and use the resulting air quality or emission increment for future economic expansion. Although this feature appears to penalize growth-oriented regions which implemented stringent controls to achieve air quality substantially superior to the national standards, the disadvantages of the alternative baseline concepts appear to be more significant. Hence, in all plans proposed herein requiring a baseline year, the year 1972 is used.

One or, possibly, some combination of the following four alternatives to prevent significant deterioration will be promulgated as Federal regulations to be enforced by the States until such time as each State possesses authority to enforce similar State regulations.

I. Air Quality Increment Plan

This section discusses a plan to prevent significant deterioration by establishing, for nationwide application, a maximum allowable increment in air quality above the baseline air quality. It is based upon the premise that "significant" deterioration can be defined as a finite increment in air quality, and that the resulting quantitative definition is appropriate for all sections of the country regardless of socio-elonomic conditions, and regardless of the current level of air quality (so long as national ambient air quality standards or other limitations are not exceeded). In addition to establishing this allowable increment, which is applicable to sulfur dioxide and particulate matter, the plan also incorporates the requirement common to all plans that all new or modified sources employ best available control technology.

Regulations which would implement this plan are proposed as the first set of alternative regulations in this notice. The regulations list the sixteen source categories for which deterioration review must be conducted, and also require the review of additional sources with potential emissions in excess of 4000 tons per year.

The definition of significant deterioration on which this plan is based consists of specific allowable increments to be added to the baseline air quality level. These increments are specified in the proposed regulations as:

For particulate matter:
- 10 $\mu g/m^3$ (annual average)
- 30 $\mu g/m^3$ (24 hour average)

For sulfur dioxide:
- 15 $\mu g/m^3$ (annual average)
- 100 $\mu g/m^3$ (24 hour average)
- 300 $\mu g/m^3$ (3 hour average)

The averaging times have been selected to be compatible with the existing secondary standards for these pollutants, and the times would be revised to be compatible with any revisions to the standards. This use of compatible time periods is necessary to insure maximum availability of baseline data, and also to facilitate incorporation of the deterioration review procedures into the existing new source review procedures.

Although there are no quantitative data to support the choice of any specific increment below the national standards, the increments proposed represent the Administrator's best judgment of increments which would prevent significant deterioration of currently clean areas, and yet not totally prevent the economic development of selected areas if that development were in the public interest.

If this proposed regulation were implemented, it would limit future development to the level of light industrial and residential complexes, or a very small amount of heavy industry such as stringently controlled power plants. For example, a recently constructed large apartment complex (15,375 units) in New York City is estimated to increase the 3-hour SO_2 concentration by 70 $\mu g/m^3$. This type of development would be allowed. A single well controlled large (1000–1500 MW) coal fired power plant can be expected to increase 24-hour SO_2 from 50 to 200 $\mu g/m^3$ depending on terrain conditions, the emission height and the dispersive characteristics of the atmosphere. The lower numbers represent typical values associated with construction in areas of good dispersion and relatively level terrain; a power plant of this type could be constructed to operate within the proposed criteria. The large increases represent plant construction in non-level terrain or areas of limited dispersion capability: If a plant were to locate in these areas a reduction in emissions beyond NSPS would be required. In general, most other types of sources would have a smaller impact on sulfur dioxide concentrations than a coal fired power plant and, if well controlled, could probably be constructed in most areas. However, in most areas if a source such as a power plant were constructed, the influence of emissions from this source would possibly raise the pollutant concentration over a large area (as great at 700 sq. miles) to a level which would be incompatible with any additional significant development.

The examples cited above assume that emission levels would be comparable to New Source Performance Standards. However, if a coal fired power plant used, for example, 80 percent efficient stack gas cleaning in addition to low sufur (approximately 0.7 percent) coal, the 24-hour SO_2 increase could be limited to 10–40 $\mu g/m^3$, thus permitting construction of several sources. This example further emphasizes that prevention of significant deterioration need not necessarily prevent significant economic development so long as major emphasis is placed on improving emission reduction techniques.

The proposed regulations for this plan would require that all applicable new or modified sources submit comprehensive data to the State describing the source, the type and amount of projected emissions, the type of controls planned, the impact that the new or modified source would have on air quality, and an estimate of the existing air quality in the vicinity of the source. This information would be used by the State, subject to the Administrator's approval, to determine if the source would exceed the allowable air quality or emission limitations and to insure that the source plans to apply best available control technology. Prior to making this determination, the State would be required to provide opportunity for public comment on all information available.

In addition, the proposed regulations require that, unless the State determines that there is already an adequate air quality monitoring network in the vicinity, the source install a minimum of two continuous air quality monitoring instruments and one meteorological instrument in the areas of expected maximum concentration. This feature would assist in developing adequate air quality information for monitoring of the source's impact, and for analysis of the potential impact of proposed future sources to insure that the deterioration ceiling is not exceeded.

Unfortunately, the type of air quality data needed to accurately establish the baseline air quality is not currently available in many clean areas of the country. It would therefore become necessary to initially estimate this information by use of diffusion modeling and other appropriate techniques.

Despite the problems generated by lack of data in most very clean areas, this alternative has some generally desirable features. The increments proposed would not totally prevent economic development of all currently clean areas, but they would force large sources to employ increasingly effective control techniques, would provide the incentive for strong control technology research and development, would prevent construction in difficult terrain areas such as valleys or mountainous areas with poor dispersion characteristics, and would also prevent clustering of large sources with the potential for high localized pollutant concentrations.

The impact of this alternative on currently developed regions is more difficult to assess. As time progresses, improved control technology will cause significant

improvements in the air quality of currently developed areas and these areas will therefore be capable of absorbing more new development than the currently clean areas. This plan would therefore cause currently clean areas to remain relatively clean, but only at the expense of forcing new sources back into the more highly developed and populated areas.

A basic problem of this plan is the land use implications implied with no provisions to insure that they are in the best interests of the public or compatible with public desires. Inherent in any plan with a single deterioration definition applied nationally is the arbitrarily equal treatment of all equally clean areas. It may not be wise to restrict the development of waste lands to the same degree that a scenic national park is restricted, particularly if that restriction forces additional air quality deterioration on the heavily populated regions of the nation.

II. Emission Limitation Plan

This section discusses an alternative plan to indirectly prevent significant deterioration of air quality by preventing significant increases in emissions. Although the correlation between emissions and air quality is often difficult to establish, control of emissions may result in the same effects as are intended by preventing significant deterioration of air quality. Although the national ambient air quality standards are intended to adequately protect the public health and welfare from adverse effects, there are suspected effects that may be related more closely to total atmospheric loading than to specific ambient concentrations. These effects include visibility reduction; reduction in solar radiation reaching the ground; acidification of rain, lakes, and streams; conversion of sulfurous and nitrogenous emissions into sulfates and nitrates; and increases in "background" concentrations. None of these effects have been quantified to the extent that a precise relationship between pollutant emissions, pollutant concentrations, and the degree of adverse effects can be stated. There is, however, at least a qualitative basis for the prevention of significant increases in the load of pollutants carried by the atmosphere.

Atmospheric loading is poorly indicated by ground level concentration measurement due to the influence of meteorological dispersion and source location. Emission density (regional emissions/regional area) is an excellent indicator of atmospheric loading. Furthermore, emission data are more readily available and easier to acquire than air quality distribution data. Thus, emission density is a relevant and practical measure of, and means of control for, types of ambient air deterioration not presently limited by ambient air quality standards.

The calculation of emission density requires the choice of an area over which emissions are to be averaged. The regulations proposed for this plan specify an Air Quality Control Region (AQCR) as this area. There are several reasons for this choice. The AQCR is an established geographical subdivision for purposes of air quality analysis. Considerable data are available on this basis. Furthermore, an area of median AQCR size is necessary in order to provide the kind of development flexibility required with currently available technology. If the averaging area is too small, then no large source of source cluster could locate within it without violating the emission ceiling. A larger averaging area allows the location of a few such large sources because the total emission increase can be allocated to a small portion of the land (thus assuring that the remaining area will remain at low emission density).

It is recognized that AQCRs differ in size and that rigid adherence to the AQCR subdivision could lead to inequitable development opportunity; therefore it is anticipated that, if this proposal is promulgated, States would develop procedures to permit subdivision of large AQCRs and aggregation of small ones. This would also permit relatively pollution free portions of Priority I and II AQCRs to be included in the regions covered by this plan during the AQCR size adjustment process. As the proposed regulations are currently written, this plan would apply only to Priority IA and III AQCRs.

Given the size of an AQCR or averaging region, the baseline annual emissions of sulfur dioxide and particulate matter can be determined. A ceiling emission rate is then calculated by adding either 20% to the baseline emissions, or by calculating a ceiling based on emission density, whichever is larger. This establishes the emission limits for the region. Implementation of this plan would then consist of insuring that the total annual emissions from the region remained below the established emission ceiling.

The incremental increase is difficult to select due to a deficiency of relevant data and theory on the relationship between emission density, atmospheric loading, and the effects to be limited. The emission density factors included in the proposed regulations are 10 tons/year/sq. mile for sulfur dioxide and 3 tons/year/sq. mile for particulates. No AQCR with sulfur dioxide emission densities below these has exhibited air quality poorer than secondary national standards. Particulate emission densities display no general correlation of this type. However, most relatively clean areas have manmade particulate emissions below this level. It should be noted, however, that sulfur dioxide emission densities as high as 200 tons/year/sq. mile may be compatible with Priority III status. The poor correlation between emission density and measured air quality is due to the effect of meteorological factors and source location, as mentioned earlier.

Given the size of the region the allowable emission density factor or percentage increase and the baseline emissions, the emission ceiling for each region can be calculated. The resulting ceilings apply to *all* emitters in the region. For practical reasons, only the large sources included in the proposed regulations must be given formal review, but the contributions of new and existing small sources to the total emissions must also be inventoried.

The regulations proposed for this plan would require each new or modified major source to provide information necessary for the determination of the probable emission rate, compliance with BACT, siting analysis under current new source review procedures, and for public information on which to base comments.

This plan would allow each region considerable flexibility on the selection and location of new emitting sources. The amount of new development possible under the emission ceiling depends critically on the degree of emission control applied to both new and existing sources. The ground level air quality at a given point in the region depends on the distribution of sources about that point. It is possible that the development of small residential and commercial sources could be limited because the available emission increment is used by a few large new emitters. It is also possible that ground level air quality could increase to secondary standards in one or more places due to large new sources or source clusters (although this would insure that air quality in the rest of the region would have no deterioration).

The determination of how emission density is to be distributed in each region would be the State's prerogative, and the Administrator would accept any distribution provided that the emission ceiling and national ambient air quality standards are observed. It is strongly recommended, however, that the allowable regional emissions be distributed in some rational and equitable manner so that the best available ground level air quality is maintained, development is balanced between industry, commerce, and residences, and that the review and approval of the sources specified in this regulation precludes the possibility that a few large sources usurp all of the available air resources of the region.

As an example of how this plan operates, assume that an AQCR of 10,000 square mile area has baseline emissions of 40,000 tons/year of sulfur dioxide. The applicable emission ceiling in this case would be 100,000 tons/year. Assume also that existing sources are expected to reduce emissions from 40,000 to 20,000 tons/year by 1980, and that small source growth is expected to equal 10,000 tons/year. The net available emissions through 1980 would amount to 70,000 tons/year. A coal fired power plant of 1,000 megawatt capacity which meets NSPS will emit about 50,000 tons of sulfur dioxide per year. Such a plant could be located in this AQCR, but it would use a large proportion of the available emission allowance. The State would have to balance its need for electricity against other anticipated emission increases to determine if such a power plant was desirable,

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if this type of plant was necessary, or if the emissions from the plant should be reduced below NSPS by applying lower sulfur coal and/or more efficient stack gas cleaning equipment.

III. Local Definition Plan

One of the major problems in defining significant deterioration is that the level at which air quality deterioration becomes "significant" is essentially subjective, and is often logically dependent upon a large number of factors which vary from location to location. Accordingly, the proposed regulations supporting this alternative plan would ensure that the rate of deterioration is minimized in all areas and requires State decision-making, with public participation, on the question of whether the deterioration resulting from particular sources would be considered "significant." In order to accomplish this, the regulations incorporate the following four features:

All major new or modified sources would be required to incorporate Best Available Control Technology, as defined previously, thus insuring that deterioration by any major source is held to the lowest practicable minimum regardless of the air quality in the surrounding area.

Any proposed source would be required to submit detailed information to the State concerning the amount and type of emissions anticipated, and the projected impact of those emissions on the air quality in the surrounding areas. The requirement for this type of information is intended to insure that adequate information is available on which to base an objective assessment regarding the significance of any resulting deterioration. Although not specifically required by the proposed regulations, it is anticipated that in many cases the State or local agency would analyze this information in relation to other sources impacting on air quality in the area. This would permit identification of existing sources which could be candidates for additional emission control capable of minimizing or offsetting the potential deterioration attributed to the proposed new source. In any event, the analysis of this type of information would insure that the decisions regarding the significance of any projected deterioration would be based upon the best information available.

The State would be required to make full disclosure of all pertinent information and solicit public participation in the determination of what constitutes significant deterioration. As a minimum, the State would serve public notice of the proposed construction or modification, would make full disclosure of source and State generated information, and would allow at least 30 days for public comment. However, the regulations for this alternative would not preclude the holding of public hearings if the proposal is of sufficient public interest. The intent of this requirement is to insure that the definition of significant deterioration is based upon all pertinent air quality data, the attitudes and goals of the affected population, and the socio-economic conditions and requirements of the affected area.

The State would then determine whether the source would create significant deterioration of air quality. The regulations would provide sufficient legal authority for all States to prohibit construction or modification which could result in significant deterioration of air quality, but pertinent information would also be submitted to the Environmental Protection Agency for review. The Administrator could disapprove the State's determination of what constitutes Best Available Control Technology, or could disapprove the procedures by which the determination of significant deterioration was made, but so long as the required procedures were followed the Administrator would not have authority to reverse the State's judgment of what constitutes significant deterioration in any specific location.

Under this alternative, sufficient information, procedures, and legal authority would be provided to make a valid determination of what constitutes significant deterioration, in the view of the affected public, and to enforce the prevention of that deterioration regardless of any unique circumstances surrounding any individual case. However, sufficient safeguards would be included to insure that a State's determination that the resulting deterioration was not significant could not be used to circumvent other requirements dealing with National Ambient Air Quality Standards, New Source Performance Standards, State emission limitations, or any other legal requirements designed to protect the quality of the ambient air.

This approach has the major advantage that the governmental units and citizens most affected by decisions on maintenance of air quality would make those decisions, based upon conditions existing at that time, thereby ensuring that local requirements and preferences with regard to matters such as land use, economic development, and use of natural resources are taken into consideration. Thus, economic growth would not be arbitrarily restricted to conform to national views on nationwide deterioration, but, rather, would be subjected to State and local decisions as to the form, direction, extent, and distribution of such growth and as to the conditions to be imposed on the construction or modification of facilities which could have a significant impact on air quality.

A somewhat modified version of this plan is currently in restricted use in portions of several States. In these cases, the States have established extremely low ambient air quality standards for selected regions within their boundaries, in most cases to protect State parks, national forests, scenic vistas, etc. This is, of course, within the rights of all States, but many States do not currently have adequate legal authority to prevent construction or modification unless the national ambient air quality standards are threatened. It would, therefore, be necessary to promulgate Federal regulations of the type presented herein to give all States the required legal authority until they can pass suitable State legislation.

Although this alternative is intuitively attractive for a variety of reasons, it is not without drawbacks. There is some justifiable concern that State and local agencies and populations could be subjected to undue pressure exerted by industries desirous of locating within a particular area, and that this pressure could cause definitions of "significant" which might not be in the best long-range interests of these populations. Additionally, the local definition plan uses what is essentially a "sliding baseline" in that deterioration is always measured relative to the current air quality. Hence, there is no control over the ultimate level of deterioration, which could progress in finite increments up to the level of the secondary standards. A final major disadvantage of this alternative is that the long range impact of deterioration is not completely restricted to the local area. The proposed regulations associated with this plan require public comment from within "the area significantly affected by the potential emissions." However, it is entirely possible that the cumulative effects of a large number of "growth-oriented" regions could have a significant impact on the air quality of neighboring "clean-air oriented" regions, and these neighboring regions would thereby lose control over their own environment. Although the feature that the State, rather than the local population, has final authority for the definition of significant tends to mitigate this concern, it nevertheless remains a problem which could lead to inequitable treatment of some areas.

IV. Area Classification Plan

One of the major problems associated with the previously discussed Air Quality Increment Plan involves the possible inequities resulting from establishment of a single air quality increment applicable nationwide. The fourth alternative proposed herein partially alleviates this problem by defining two nationwide air quality increments which would be applied to the appropriate areas of the State compatible with the long range growth patterns and development objectives associated with each of those areas. The application of this proposed alternative would be similar to that of the Air Quality Increment Plan except for the features noted herein.

The proposed regulations would require each State to identify each area of its territory as belonging to one of the two "zones" of allowable deterioration. The following table presents the proposed zones with their associated deterioration increments.

Permissible Deterioration Increments (μg/m³)

	Particulate Matter		Sulfur Dioxide		
	Annual	24 Hour	Annual	24 Hour	3 Hour
Zone I	5	15	2	5	25
Zone II	10	30	15	100	300

Deterioration above the Zone II levels would constitute, in the Administrator's judgment, a significant deterioration in most areas of the country. This level is identical to that of the Air Quality Increment Plan and, as discussed under that Plan, would permit a reasonable amount of growth potential so long as well developed air pollution control strategies are applied. This increment would provide a strong incentive for improved control technology, would prevent construction of new sources in locations conducive to higher than normal ground level concentrations, would prevent clustering of major new sources, and would require that both new and existing sources employ increasingly effective control technology in order to maintain a reasonable growth capability for the region. The proposed regulations specify that the Zone II criteria would become effective nationwide upon promulgation of these regulations.

Zone I represents an extremely stringent deterioration criteria, and application of this increment would prohibit the introductoin of even one small fossil fuel fired power plant, municipal incinerator, medium apartment complex (assuming oil heating), or any other medium scale residential or commercial development using normal emission control techniques. However, this does not necessarily mean that development would be totally prohibited: It means only that new emissions would be permitted only to the degree that current emissions are reduced. Strong incentives are therefore inherent for improved emission control technology and introduction of low-pollution development. Although Zone I could be applied to a semi-urban or urban area in which it was desired to inhibit further development; it is anticipated that Zone I would normally be applied to those ultra-clean areas such as national and state forests and parks, and other recreational areas in which it is desired to maintain essentially no deterioration of air quality.

The regulations proposed in support of this plan also contain provisions for exceptions to the required deterioration increments in special circumstances. It could be in the public interest to permit some isolated areas a higher increment in circumstances under which the resulting deterioration would not be considered significant. Each of these cases would require public hearings in the areas involved, and would require specific approval by the Administrator. It is expected that these cases would exist infrequently, but they might occur due to the unusual availability of raw materials in the area; or in order to support comprehensive, long-range development plans; or to avoid the necessity for locating relatively pollution-prone industries near populated areas where a larger deterioration increment might be available. As further insurance that the State's request for an exception is justified, the administrator would consider the extent to which the State has applied Zone I criteria as an expression of good faith efforts to comply with the intent of the proposed regulations.

The proposed regulations require that States accomplish initial zoning within six months from the date of promulgation of these regulations. Retention of the Zone II criteria in an area would be considered the norm, and the degree of public participation would be at the State's discretion. Assignment of Zone I would require that public hearings be held in the region affected due to the severe growth restrictions inherent in the Zone I criteria. If any State fails to submit the required plan, all areas of the State would remain under the Zone II criteria as assigned upon promulgation of these regulations.

Subsequent to submittal of the initial zoning plan, changes in the plan could be accomplished to accommodate changes in growth patterns and development plans; such proposed changes would be presented at public hearings in each of the affected areas.

It is important to note that the proposed regulations would not allow the Administrator to disapprove any assignment of zones made by the State so long as the required procedures are carried out. By requiring the establishment of these zones, and specifying the maximum allowable deterioration associated with each zone, it is not the Administrator's intention to establish how the land in any particular area should be used, nor to establish any particular relationship between current air quality and assigned zoning. Areas assigned to Zone I could retain an option for significant growth capability: The very stringent air quality criteria require only that any growth be restricted to a form which has a low air pollution potential. Use of the land is the prerogative of the State and local population, and hence complete flexibility is provided, consistent with prevention of significant deterioration as appropriate for each zone. In making the determinations necessary to implement this alternative, the States would be encouraged to consider many factors, including but not limited to; growth projections and local land use plans; existing land use; location of raw materials and markets; and existing constraints on land use imposed by other State, local, and Federal requirements.

Unfortunately, as with the Air Quality Increment Plan, the type of air quality data needed to accurately establish the baseline air quality for this alternative is not currently available in many clean areas of the country. It would therefore become necessary to estimate this information by use of diffusion modeling and other appropriate techniques. To eventually alleviate these problems, the plan would establish additional air quality monitoring requirements around new major sources.

Despite the data availability problems, this alternative has some very attractive features. Unlike the other ceiling plans proposed herein, this plan ensures that future developmental patterns can be based on rational planning rather than on previous growth patterns which form the basis for most other ceiling approaches. This alternative also seems superior to the "local definition" plan, in that it is not based on case-by-case local projections of growth patterns which may not be desirable from an overall point of view, but requires that the State establish long range growth patterns and goals. In essence, this plan puts emphasis on longer range strategic planning as opposed to short range case-by-case decisions. The plan also gives States the flexibility needed to meet their long range growth goals without the imposition of arbitrary constraints.

This alternative also has some drawbacks. The proposed regulations require that the State make very difficult and comprehensive decisions impacting on land use in a tight time frame. The results of these State decisions would have far reaching implications on the future of many States. There are no firm criteria which a State may use to make its decisions and as a result, the decisions would be somewhat subjective in nature. The required decisions also would force the States to exercise great care in establishing the boundaries between zones so that the effect of a source in a Zone II does not cause the air quality in a Zone I to increase more than allowed. This problem becomes more severe along State boundaries and would require cooperation among States. Nevertheless, of the available alternatives for preventing significant deterioration, this plan appears to be superior in many, if not all, respects.

Other Plans of Interest

Although the preceding plans (including variations and combinations of these) represent the more feasible alternatives for preventing significant deterioration, the Administrator has given a variety of other plans careful consideration. Two of the more interesting are based upon a volumetric emission density restriction, and application of an emission charge or penalty.

The application of a volumetric emission density restriction is the essential feature of a plan proposed by the Sierra Club. Under this plan, significant deterioration for most pollutants would be defined as either a small incremental increase, or a percentage increase in pollutant concentration, averaged either over that volume of air within one km of the source, or that ground level area within one km of the source, whichever gives the higher value. Although the impact of this criteria is highly dependent upon the instantaneous local meteorological conditions, the philosophy is essentially similar to that of more conventional air quality and emission limitation plans.

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The fundamental difference is that the Sierra Club plan considers an exceptionally small area (or volume) on which to base the deterioration criteria. This requires that, in order to restrict regional deterioration to reasonable levels, the allowable increment applied to the one km baseline area must be very small. The result is that this plan would permit a large number of small sources to be uniformly distributed throughout the region, but would completely prohibit construction of conventional coal fired power plants and other major sources of the type listed in the proposed regulations, unless those sources were located in areas in which major improvements in air quality had been accomplished after the baseline level had been established. This feature would tend to drive all new major sources of air pollution into the more heavily populated sections of the country. This anomaly is the result of choosing too small an area (or volume) over which to average the emissions, and is no more a failure of the volumetric averaging technique than any technique in which emission density restrictions are applied to an excessively small area. Conversely, if too large an area is chosen, then the peak concentrations in a local area may become excessive even though total atmospheric loading is reduced. However, the volumetric averaging plan is not proposed herein primarily because the computation technique is unnecessarily complex and is only indirectly representative of the physical characteristics of pollution sources, the baseline data required (particularly for particulates) is largely nonexistent, the monitoring and control costs would be excessive, and simpler plans could be developed to achieve substantially the same results without the practical application problems inherent in the volumetric averaging concept.

A second type of plan containing interesting ramifications but which had to be rejected for practical reasons was one based on the imposition of emission charges. The general reasoning behind such a plan is that secondary NAAQS comprise adequate upper limits on pollutant concentrations, but air quality superior to those limits is desirable. The emission charge would provide a continuous incentive for sources to seek and apply emission controls to minimize their emission charges. The collective effect of these individual cost minimizations would be to maintain air quality at levels superior to NAAQS in most areas. The level of air quality maintained would be a function of the emission charge rate, the development potential of the area, and the state-of-the-art of emission control.

The major advantages of this plan are that the cost of emitting would be "internalized", i.e., it would be taken into consideration in the normal economic appraisal of plant design and location alternatives. Sources would have numerous options as to control method, cost, and degree of control from which to make the optimum choice. The state-of-the-art of emission control would be continuously advanced. Finally, the means of enforcement would be charge collection for which there is ample precedent and experience.

Unfortunately, several problems attend such a plan, particularly in view of the requirement that "significant deterioration" be prevented in any portion of any State. If significant deterioration of air quality is to be prevented by the emission charge, some relationship between the charge rate and the resultant air quality must be found. Such a relationship is not presently available. Even if this relationship were available, the emission charge rate would have to vary from place to place to offset the variation in developmental potential offered by different land areas and the variable capacity of the air to disperse waste under different meteorological and topographical conditions. But most important, an emission charge would not guarantee that significant deterioration could not take place in some portions of some States. Consequently, the emission charge, while possessing some desirable attributes, does not appear to be a practical means of preventing significant deterioration of air quality.

PROBLEMS COMMON TO ALL DETERIORATION PLANS

Jurisdictional Ambiguities—There is a potential jurisdictional problem associated with all plans proposed to prevent significant deterioration. The problem could arise whenever a source in one State is degrading the air quality of a second State. The problem is compounded when small deterioration increments or ceilings are established because a relatively small external source may "use up" a large portion of the growth potential available to the neighboring regions. The region in question would have no apparent resource, and its own growth potential would thereby be curtailed. The recent court order has established the Administrator's authority to prevent significant deterioration regardless of the source's location, but the Administrator has no criteria by which he can dictate whether the allowable deterioration should be allocated to an internal or external source. Hence, in cases such as this, any allowable deterioration increment would have to be allocated on a "first come, first served" basis, regardless of the location of the source.

De Facto Land Use Decisions—It has been pointed out previously that all currently practical plans to prevent significant deterioration essentially impose restrictions on the use of the air resource, and hence, use of land. Depending upon the plan selected, these restrictions would be imposed by local, State, or Federal decisions. However, in all cases, there is a certain amount of flexibility inherent in the regulations regarding land use, and the States are encouraged to exploit this flexibility in order to make most effective use of the available resources. This exploitation is expected to take the form of State legislation permitting State determination of the type and amount of developmental growth authorized to "use" the allowable air quality increment. Complimentary to enactment of this legislation would be long range planning actions to determine the type of growth desired, any constraints on this growth in addition to air quality deterioration constraints, and any additional means for air quality improvements which might, in turn, make possible additional growth. In the absence of such State action, it can be anticipated that the allowable deterioration increment will be used up quite rapidly in many areas, and that this use would be made on a "first come—first served" basis without regard for the longer range requirements and goals of the region. In effect, Federal promulgation of any of the alternatives proposed herein will force States to develop and implement additional land use planning activities through which the available air resource can be allocated for the optimum purposes. These activities will be actively encouraged by the Administrator, and it is planned that eventually the prevention of significant deterioration will be accomplished solely through State Implementation Plan procedures, although such SIPs would have to be in accordance with Federal guidelines.

The Impact of Urban Sprawl—This problem refers to the characteristic trend of most urban areas to spread in to the surrounding countryside thereby creating gradual air quality deterioration due to residential heating and associated small but numerous sources of emission. There is no adequate deterioration plan which can automatically accommodate this deterioration, and yet urban sprawl can use up a large portion of any allowable deterioration increment. The periodic development of emission inventories, and routine air quality sampling, will track the effect of this sprawl, but it must also be projected into the future in order to insure that its impact, in addition to the impact of new major sources, does not violate the deterioration restrictions. For this reason, it may become desirable to include requirements for growth projections in the proposed regulations in a manner similar to those of the recently promulgated complex source regulations.

The Impact of Fuel Switching—Many sources have the capability to switch among various types of fuel—i.e., natural gas, low and high sulfur oil, low and high sulfur coal, etc.—thus altering their emission levels. Although there is generally sufficient low sulfur fuel available, in conjunction with other emission reduction techniques, to attain and maintain the national standards nationwide, there is not currently sufficient fuel of this type (particularly low sulfur coal) to satisfy all potential users. Accordingly, it may become necessary for some sources in relatively clean areas to temporarily switch to higher sulfur fuel in order to make available additional low sulfur fuel for use in areas in which the ambient air quality could have an adverse impact on public health. Because pollutant emissions are approximately proportional to the sulfur content of the fuel (i.e., a switch from 1 percent to 3 percent sulfur coal would approximately triple sulfur oxides emissions) this procedure would tend to temporarily degrade air quality in clean areas. A preliminary review indicates that most plans to prevent deterioration could accommodate this temporary increase in emissions. However, it is conceivable that there may be unusual cases, as where a source might have to switch from natural gas to coal, which could not be accommodated within some proposed deterioration limits. The Administrator solicits all available information concerning cases of this type, and is interested in comments on the advisability of including variance procedures in the proposed regulations to accommodate temporary emission increases of this type.

The Right of Regional Self-Sufficiency—It is desirable that all participants in this rulemaking carefully consider the full impact of deterioration restrictions, particularly as they would influence relatively clean areas in which the allowable deterioration increments might be very small. Due impart to the threat to the NAAQS, most large urban areas can no longer provide enough electrical power to supply their own needs; their power must come from non-urban, relatively clean, areas. However, in the future it may develop that even non-urban areas will not be able to supply their own power needs due to the threat of significant deterioration. For example, Iowa can be considered as a typical agricultural State with only nominal heavy industry. It is estimated that by 1980, the rural areas of Iowa will require approximately 1,700 megawatts of additional power per year. The production of that power, with application of best available control technology and regionally available fuel, would produce approximately 160,000 tons of sulfur dioxide per year, or an approximately fifty percent increase in emissions over the 1970 levels for those areas. Any deterioration plan must consider factors such as these to insure that the impact on each individual region can be tolerated and is consistent with the public interest.

OPPORTUNITY FOR PUBLIC PARTICIPATION

The Administrator solicits widespread public involvement in all aspects of the significant deterioration issue, and interested indivduals and groups are encouraged to actively participate in this rulemaking. In order to assist in the development of objective comments and debate, the Environmental Protection Agency's Office of Public Affairs and the Regional Offices will have available sets of technical documentation summarizing types and sizes of typical sources, typical emissions, estimated costs of emission controls, breakouts of total national emissions by type and type source, distribution of current emissions by AQCR, and associated data of value in assessing the impact of alternative deterioration plans. Copies of this information will be made available to the public upon request. Requestors should reference this issue of the FEDERAL REGISTER.

There are several questions on which EPA is particularly interested in receiving public comments and relevant data. One of the most important involves the concepts of "deterioration of air quality" and "significant deterioration of air quality." With respect to the term "deterioration," the question arises as to what type of change in ambient air quality represents "deterioration." With respect to "significant deterioration," questions arise as to whether it should be interpreted in the absolute or relative sense, and whether it should be determined on a national, State, or regional basis. Attention is therefore expressly directed to, and public comment requested on, the questions of what might appropriately be considered "deterioration" and, further, what degree of deterioration might appropriately be considered "significant."

Other questions on which public comment and relevant data are particularly requested include: whether, if an Air Quality Increment Plan or Emission Limitation Plan is adopted, the specific increments or limitations proposed herein are appropriate to prevent significant deterioration without severely disrupting growth and development; whether it is necessary and appropriate to require application of best available control technology as a minimum requirement of any plan for preventing significant deterioration; and whether the proposed definition of best available technology is appropriate. EPA also requests information which would explicitly define the possible economic impact of each of the proposed alternatives. Finally, the fact that four alternatives are specifically presented does not preclude interested parties from offering others for consideration.

Public hearings on these proposals are scheduled as follows:

Washington, D.C.: August 27 and 28
Time and place to be announced.
Atlanta: September 4 and 5; 10:00 a.m.
Civic Center
395 Piedmont Avenue, N.E.
Dallas: September 5 and 6; 9:00 a.m.
Environmental Protection Agency
Suite 1000
Conference Rooms A and B
1600 Patterson Street
Denver: September 5 and 6; 9:00 a.m.
U.S. Post Office Auditorium
Room 269
1823 Stout Street
San Francisco: September 5 and 6; 9:00 a.m. to 5:00 p.m.
Hyatt Regency Hotel
Seacliff Room
Embarcadero Center

Written comments in triplicate may also be submitted to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Mr. Padgett. All relevant comments received not later than 90 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged but substantive responses will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

These alternative amendments are being proposed pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of Sierra Club, et al., V. Administrator of EPA, case No. 72–1528. This notice of proposed rulemaking is issued under the authority of section 301(a) of the Clean Air Act as amended (42 U.S.C. 1857, et seq.).

Dated: July 12, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Subpart A, Part 52, Chapter I, Title 40, Code of Federal Regulations, is proposed to be amended by adding to § 52.21 a new paragraph (b) and one of the paragraphs herein designated (c), (d), (e), and (f):

§ 52.21 Significant deterioration of air quality.

(a) Subsequent to May 31, 1972, the Administrator reviewed State implementation plans to determine whether or not the plans permit or prevent significant deterioration of air quality in any portion of any State where the existing air quality is better than one or more of the secondary standards. The review indicates that State plans generally do not contain regulations or procedures specifically addressed to this problem. Accordingly, all State plans are disapproved to the extent that such plans lack procedures or regulations for preventing significant deterioration of air quality in portions of States, where air quality is now better than the secondary standards. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part.

(b) For purposes of this section:

(1) The term "baseline air quality concentration" means the maximum air quality concentrations measured or estimated in an area in which the proposed source has a significant effect representative of the year 1972 plus the estimated increase in those concentrations caused by all sources granted approval for construction prior to the date of proposal of this section in the FEDERAL REGISTER but not operating during the year 1972.

(2) The term "baseline emissions" means the annual emissions for the year 1972 plus the estimated emissions from

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all sources granted approval for construction prior to the date of proposal of this section in the FEDERAL REGISTER but not operating during the year 1972.

(3) The term "potential emission rate" means the total weight rate at which sulfur dioxide or particulate matter, in the absence of any air cleaning device, would be emitted from a stationary source when such source is operated at its rated capacity. Total weight rates shall be those actually expected for a specified source but in the absence of such information, it shall be estimated on the basis of the emission factors specified in "Compilation of Air Pollution Emission Factors," Office of Air Programs Publication No. AP-42, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, February 1972.

(4) The term "air cleaning device" means any article, machine, equipment, or other contrivance, chemical or process, the use of which may eliminate, reduce or control the emission of air pollutants into the atmosphere.

(c) *Regulation for preventing significant deterioration of air quality through application of an air quality increment.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(*a*) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(*b*) Coal Cleaning Plants (thermal dryers).

(*c*) Kraft Pulp Mill Recovery Furnaces.

(*d*) Portland Cement Plants.

(*e*) Primary Zinc Smelters.

(*f*) Iron and Steel Mill Metallurgical Furnaces.

(*g*) Primary Aluminum Ore Reduction Plants.

(*h*) Primary Copper Smelters.

(*i*) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(*j*) Sulfuric Acid Plants.

(*k*) Petroleum Refineries.

(*l*) Lime Plants.

(*m*) Phosphate Rock Processing Plants.

(*n*) By-Product Coke Oven Batteries.

(*o*) Sulfur Recovery Plants.

(*p*) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants:

(*a*) Particulate matter.

(*b*) Sulfur dioxide.

(*c*) Nitrogen oxides.

(*d*) Hydrocarbons.

(*e*) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(*a*) That the effect on air quality of the source or modification of the source considered with the effect on air quality of existing, new or modified sources, will not cause the air quality to be increased above the baseline air quality concentration by more than any of the following:

(*1*) 10 $\mu g/m^3$ of particulate matter, annual geometric mean.

(*2*) 30 $\mu g/m^3$ of particulate matter, 24-hour maximum.

(*3*) 15 $\mu g/m^3$ of sulfur dioxide, annual arithmetic mean.

(*4*) 100 $\mu g/m^3$ of sulfur dioxide, 24-hour maximum.

(*5*) 300 $\mu g/m^3$ of sulfur dioxide, 3-hour maximum.

(*b*) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator approves the State's determination under subdivision (i) of this subparagraph.

(3) In making the determinations required by subparagraph (2)(i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, measurements or estimates of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(4)(i) In determining best available control technology, the following shall be considered:

(*a*) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(*b*) The process, fuels, and raw materials employed,

(*c*) The engineering aspects of the application of various types of control techniques,

(*d*) Process and fuel changes, and

(*e*) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(iii) In the case of sources identified at subparagraph (1)(i)(*a*) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

(5) Subject to subdivision (x) of this subparagraph, the owner or operator of a source subject to the provisions of subparagraph (2) of this paragraph shall install, or cause to be installed, a minimum of two continuous ambient air quality monitoring instruments for sulfur dioxide and/or two intermittent ambient air quality monitoring instruments for particulate matter.

(i) The State shall specify which pollutant(s) the source shall monitor.

(ii) When source, meteorological and/or terrain conditions warrant, the State may require additional samplers above the minimum number specified in this paragraph.

(iii) Such systems shall include one site equipped to monitor wind speed and wind direction.

(iv) The instruments shall meet the performance and operating specifications of § 51.17(a)(1) of this chapter.

(v) The locations of such instruments shall be located in areas of expected maximum concentrations determined by meteorological diffusion modeling or best judgment.

(vi) The instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturer of such instrument(s) and other procedures consistent with good engineering practice.

(vii) The owner or operator of the source subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be summarized monthly and reported to the State semi-annually, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31, with the initial reporting period starting as indicated in subdivision (viii) of this subparagraph.

(viii) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable 6 months after initial start-up of the source.

(ix) Information collected pursuant to this subparagraph shall be made available to the Administrator upon his request.

(x) The State may demonstrate to the Administrator that the existing air quality surveillance system in the area in which a source is to be constructed or modified meets the requirements of this subparagraph.

(6)(i) Prior to making the determinations required by subparagraph (2)(i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the State's analysis of the effect of such construction or modification on ambient air quality. Opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality,

(*b*) a 30-day period for submittal of public comment, and

(*c*) a notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2)(i), and (3) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2)(i) of this paragraph, together with:

(*a*) Copies of all information prepared by the State under subparagraph (2)(i) of this paragraph; (*b*) a copy of the public notices issued in conformity with subdivision (i) of this subparagraph and (*c*) a statement that the State has complied with the requirements of this paragraph.

(7)(i) The Administrator will notify the State of his determination and the reasons for any disagreement under subparagraph (2)(ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (6)(ii) of this paragraph.

(ii) The State will notify the owner or operator in writing of the approval or denial to construct or modify a source within 120 days of the owner or operator's submission of the information required under subparagraph (3) of this paragraph.

(8) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(9) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(d) *Regulation for preventing significant deterioration of air quality through application of an emission ceiling.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced in any Air Quality Control Region (AQCR) classified Priority Ia or III with respect to sulfur dioxide and/or particulate matter, after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(*a*) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(*b*) Coal Cleaning Plants (thermal dryers).

(*c*) Kraft Pulp Mill Recovery Furnaces.

(*d*) Portand Cement Plants.

(*e*) Primary Zinc Smelters.

(*f*) Iron and Steel Mill Metallurgical Furnaces.

(*g*) Primary Aluminum Ore Reduction Plants.

(*h*) Primary Copper Smelters.

(*i*) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(*j*) Sulfuric Acid Plants.

(*k*) Petroleum Refineries.

(*l*) Lime Plants.

(*m*) Phosphate Rock Processing Plants.

(*n*) By-Product Coke Oven Batteries.

(*o*) Sulfur Recovery Plants.

(*p*) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants:

(*a*) Particulate matter.

(*b*) Sulfur dioxide.

(*c*) Nitrogen oxides.

(*d*) Hydrocarbons.

(*e*) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(*a*) That the source or modified portion of the source considered with the cumulative effect on emission levels of all existing, new or modified stationary sources will not cause the maximum allowable emissions as determined by subparagraph (9) of this paragraph to be exceeded.

(*b*) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator approves the State's determination under subdivision (i) of this subparagraph.

(3) In making the determinations required by subparagraph (2)(i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, and the cost of control.

(4)(i) In determining best available control technology, the following shall be considered:

(*a*) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(*b*) The process, fuels, and raw materials employed,

(*c*) The engineering aspects of the application of various types of control techniques,

(*d*) Process and fuel changes, and

(*e*) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1)(i)(*a*) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(5)(i) Prior to making the determinations required by subparagraph (2)(i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's review of such information. Opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of such information.

(*b*) A 30-day period for submittal of public comment, and

(*c*) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2)(i), and (3) of this paragraph.

(ii) Within 60 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2)(i) of this paragraph, together with:

(*a*) A copy of the public hearing notices issued in conformity with subdivision (i) of this subparagraph and

(*b*) A statement that the State has complied with the requirements of this paragraph.

(6)(i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (2)(ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (5)(ii) of this paragraph. (ii) The State will notify the

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owner or operator in writing of the approval or denial to construct or modify a source within 90 days of an owner or operator's submission of the information required under subparagraph (3) of this paragraph.

(7) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(8) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(9) The maximum allowable emissions for an Air Quality Control Region shall be the following:

(i) For particulate matter the product of the area (square miles) for an AQCR and 3 tons of particulate matter/year/square mile or 120 percent of the baseline emissions for particulate matter, whichever is greater.

(ii) For sulfur oxides the product of the area (square miles) of an AQCR and 10 tons of sulfur dioxide/year/square mile or 120 percent of the baseline emissions for sulfur dioxide, whichever is greater.

(10) The State shall make available to the Administrator upon his request:

(i) The baseline emission inventory for particulate matter and sulfur dioxide, and

(ii) An annually updated emission inventory for each affected AQCR for all pollutants to which this paragraph is applicable.

(e) *Regulation for preventing significant deterioration of air quality through a local definition of significant deterioration.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(*a*) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(*b*) Coal Cleaning Plants (thermal dryers).

(*c*) Kraft Pulp Mill Recovery Furnaces.

(*d*) Portland Cement Plants.

(*e*) Primary Zinc Smelters.

(*f*) Iron and Steel Mill Metallurgical Furnaces.

(*g*) Primary Aluminum Ore Reduction Plants.

(*h*) Primary Copper Smelters.

(*i*) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(*j*) Sulfuric Acid Plants.

(*k*) Petroleum Refineries.

(*l*) Lime Plants.

(*m*) Phosphate Rock Processing Plants.

(*n*) By-Product Coke Oven Batteries.

(*o*) Sulfur Recovery Plants.

(*p*) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants.

(*a*) Particulate matter.

(*b*) Sulfur dioxide.

(*c*) Nitrogen oxides.

(*d*) Hydrocarbons.

(*e*) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(*a*) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(*b*) That particulate matter and sulfur dioxide emissions from the source when controlled by best available control technology will not cause significant deterioration in air quality;

(ii) The Administrator approves the State's determination under subdivision (i) (*a*) of this subparagraph.

(iii) The Administrator approves the procedure employed by the State in making the determination required by subdivision (i) (*b*) of this subparagraph.

(3) No owner or operator shall operate a source to which this paragraph applies unless the emission control system determined to constitute best available control technology and approved by the Administrator under this paragraph is fully installed and properly functioning.

(4) No determination or approval under this paragraph shall relieve any source from compliance with any local, State or Federal requirement which is part of the implementation plan, including any standard of performance under Part 60 of this chapter.

(5) (i) In determining best available control technology, the following shall be considered:

(*a*) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(*b*) The process, fuels, and raw material employed,

(*c*) The engineering aspects of the application of various types of control techniques,

(*d*) Process and fuel changes, and

(*e*) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) Except as provided in subdivision (iii) of this subparagraph a system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1) (i) (*a*) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(6) In making the determinations required by subparagraph (2) (i) of this paragraph, the State shall, as a minimum, require the source to submit: site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, an estimate of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(7) (i) Prior to making the determinations required by subparagraph (2) (i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality. Opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality.

(*b*) A 30-day period for submittal of public comment, and

(*c*) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2) (i), and (3) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2) (i) of this paragraph, together with: (*a*) copies of all information prepared by the State under subparagraph (2) (i) of this paragraph; (*b*) a copy of the public notices issued in conformity with subdivision (i) of this subparagraph and (*c*) a statement that the State has complied with the requirements of this paragraph.

(8) (i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (2) (ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (6) (ii) of this paragraph.

(ii) The State will act within 120 days on an owner or operator's submission of the information required under subparagraph (6) of this paragraph and will notify the owner or operator in writing of the approval or denial to construct or modify a source.

(9) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(f) *Regulation for preventing significant deterioration of air quality through application of area classification.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(*a*) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(*b*) Coal Cleaning Plants (thermal dryers).

(*c*) Kraft Pulp Mill Recovery Furnaces.

(*d*) Portland Cement Plants.

(*e*) Primary Zinc Smelters.

(*f*) Iron and Steel Mill Metallurgical Furnaces.

(*g*) Primary Aluminum Ore Reduction Plants.

(*h*) Primary Copper Smelters.

(*i*) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(*j*) Sulfuric Acid Plants.

(*k*) Petroleum Refineries.

(*l*) Lime Plants.

(*m*) Phosphate Rock Processing Plants.

(*n*) By-Product Coke Oven Batteries.

(*o*) Sulfur Recovery Plants.

(*p*) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants:

(*a*) Particulate matter.

(*b*) Sulfur dioxide.

(*c*) Nitrogen oxides.

(*d*) Hydrocarbons.

(*e*) Carbon monoxide.

(2) For purposes of this paragraph areas of a State classified as Zone I or Zone II shall be limited to increases in pollutant concentrations shown below:

AREA CLASSIFICATION

Pollutant	Zone I	Zone II
Particulate matter:		
Annual geometric mean	5	10
24-hour maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hour maximum	5	100
3-hour maximum	25	300

(3) (i) All areas of all States are classified as Zone II as of the effective date of this regulation.

(ii) The State may, within six (6) months subsequent to the effective date of this regulation:

(*a*) Submit to the Administrator, after a public hearing has been held, a designation showing certain areas of the State which are classified Zone I.

(*b*) Submit for the Administrator's approval plans showing certain limited areas of the State which may be allowed to increase concentrations of particulate matter and sulfur dioxide up to the national ambient air quality standards provided that:

(*1*) Public hearings are held,

(*2*) Appropriate documentation is submitted to justify such a request. This documentation shall include an explanation of the special characteristics of the area which demonstrates why this area should be allowed to increase in concentration up to the national standard. This explanation shall include such materials as developmental plans, location of raw materials such as mineral deposits, markets, growth and economic projections. In addition, the State must demonstrate that they considered classifying as Zone I areas of he State of recreational, ecological, and scenic value.

(4) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(*a*) That the effect on air quality concentrations of the source or modification considered with the effect on air quality concentrations of all other existing, new, and modified sources will not cause the baseline air quality concentration in any zone of the State to be increased above the limits shown in subparagraph (2) of this paragraph.

(*b*) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator shall approve the State's determination under subdivision (i) of this paragraph.

(5) In makng the determinations required by subparagraphs (4) (i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, an estimate of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(6) (i) In determining best available control technology, the following shall be considered:

(*a*) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(*b*) The process, fuels, and raw materials employed.

(*c*) The engineering aspects of the application of various types of control techniques,

(*d*) Process and fuel changes, and

(*e*) The cost of the application of the control techniques process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1) (i) (*a*) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(7) The owner or operator of a source subject to the provisions of subparagraph (4) of this paragraph shall install, or cause to be installed, a minimum of two continuous ambient air quality monitoring instruments for sulfur dioxide and/or two intermittent ambient air quality monitoring instruments for particulate matter.

(i) The State shall specify which pollutant(s) the source shall monitor.

(ii) When source, meteorological and/or terrain conditions warrant, the State may require additional samplers above the minimum number specified in this paragraph.

(iii) Such systems shall include one site equipped to monitor wind speed and wind direction.

(iv) The instruments shall meet the performance and operating specifications of § 51.17(a) (1) of this chapter.

(v) The locations of such instruments shall be located in areas of expected maximum concentrations determined by meterological diffusion modeling or best judgment or in any other area specified by the State.

(vi) The instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturer of such instrument(s) and other procedures consistent with good engineering practice.

(vii) The owner or operator of the source subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be summarized monthly and reported to the State semi-annually, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30, July 1–December 31, with the

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initial reporting period starting as indicated in subdivision (viii) of this subparagraph.

(viii) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable six months after initial start-up of the source.

(ix) Information collected pursuant to this subparagaraph shall be made available to the Administrator upon his request.

(x) The State may demonstrate to the Administrator that the existing air quality surveillance system in the area in which the source is to be constructed or modified meets the requirements of this subparagraph.

(8) (i) Prior to maikng the determinations required by subparagraphs (4) (i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality. Opportunity for public comment shall include, as a minimum:

(*a*) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality.

(*b*) A 30-day period for submittal of public comment, and

(*c*) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraph (4) (i) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (5) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determination under subparagraph (4) (i) of this paragraph, together with:

(*a*) Copies of all information prepared by the State under subparagraph (4) (i) of this paragraph,

(*b*) A copy of the public notices issued in conformity with subdivision (1) of this subparagraph, and

(*c*) A statement that the State has complied with the requirements of this paragraph.

(9) (i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (4) (ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (8) (ii) of this paragraph. (ii) The State will notify the owner or operator in writing of the approval or denial to construct or modify a source within 120 days of the owner or operator's submission of the information required under subparagraph (5) of this paragraph.

(10) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if the construction work is suspended for one year.

(11) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

[FR Doc.73-14601 Filed 7-13-73;10:49 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1973)

Title 18—Conservation of Power and Water Resources (Parts 1–149) ---------- $4.00

Title 19—Customs Duties ---------- 5.00

Title 21—Food and Drugs (Parts 10–129) ---------- 5.50

[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]

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July 17, 1973—Pages 19001–19103

TUESDAY, JULY 17, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 136

Pages 19001–19103

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PROCLAMATION 4229

Captive Nations Week, 1973

By the President of the United States of America

A Proclamation

As a nation we seek no imposition of our beliefs. But as human beings, we must always keep alive the hope that our great heritage of freedom will one day be enjoyed throughout the world.

As we make progress toward world peace and security, let us continue to show our sympathies for others who aspire to liberty and self-determination. In support of this sentiment, the Eighty-Sixth Congress on July 17, 1959, by a joint resolution, authorized and requested the President to proclaim the third week in July in each year as Captive Nations Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 15, 1973, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the high purpose of individual liberty for all men.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-14724 Filed 7-16-73;9:42 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Minimum Quality Standards and Inspection Requirements

This regulation, designed to promote orderly marketing of Oregon-California potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, was published in the FEDERAL REGISTER July 2, 1973 (38 FR 17500). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than July 9, 1973. None was filed.

Findings. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, it is hereby found and determined that this handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The grade, size, quality, maturity and pack requirements as provided herein are necessary to prevent potatoes of quality or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overal quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets.

Shipments for use as livestock feed within the production area or to specified adjacent areas are exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirement would cause unreasonable hardship to growers in the area.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers and consumers. The Oregon-California Potato Committee, after due notice, held an open meeting June 13, 1973, to consider recommendations for a handling regulation, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendations by the committee, which are similar to those in effect during the previous season, has been disseminated among the growers and handlers of potatoes in the production area; and compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

Termination of regulations. Limitation of shipments § 947.331 effective July 24, 1972, through October 15, 1973 (37 FR 14754–14756) shall be terminated upon the effective date of this section.

§ 947.332 Handling regulation.

During the period July 18, 1973, through October 15, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (i) of this section, or unless such potatoes are handled in accordance with paragraphs (f), (g), (h), and (j) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all of the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—2 inches minimum diameter, or 4 ounces minimum weight: *Provided,* That U.S. No. 1 potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound cartons must be U.S. No. 1 or better grade.

(f) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, and maturity requirements set forth in paragraphs (a), (b), (c), (d), and (e) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Certified seed, subject to applicable safeguard requirements of paragraph (g) of this section.

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(2) Livestock feed: *Provided*, That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (g) of this section.

(3) Planting: *Provided*, That potatoes may not be shipped for this purpose to points outside of the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (g) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two districts without regard to the safeguard requirements of paragraph (g) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, subject to the safeguard provisions of paragraph (g) of this section.

(5) Charity: *Provided*, That shipments for charity may not be resold if they do not meet the requirements of the marketing order: *And further provided*, That shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (g) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(g) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to subparagraph (1), of paragraph (f) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to paragraphs (f) (2), (4) (i), (4) (iii), and (5) of this section shall obtain a Certificate of Privilege from the committee, and shall:

(i) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(ii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(iii) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(iv) Bill each shipment directly to the applicable receiver.

(3) Each handler making shipments pursuant to paragraph (f) (7) of this section may ship such potatoes to persons or firms designated as manufacturers of potato products by the committee and shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of approved manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(4) Each receiver of potatoes for processing pursuant to paragraph (f) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(h) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided*, That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), and (d) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(i) *Inspection.* (1) Except when relieved by paragraphs (f) or (h) of this section, or by subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Shipments originating in Modoc or Siskiyou Counties of California, from points over 40 airline miles from Merrill, Oregon, are not required to obtain Federal-State inspection: *Provided*, That shippers agree to meet safeguard procedures of the committee.

(3) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60 (c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of such regrading, resorting, or repacking the potatoes.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title as amended February 5, 1972, (37 FR 2745)) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated July 12, 1973, to become effective July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14580 Filed 7-16-73;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS: ONIONS

Establishment of Minimum Quality Requirements

This regulation will establish minimum quality requirements for imported onions.

Notice of rulemaking regarding proposed requirements on the importation of onions into the United States to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the June 29, 1973, FEDERAL REGISTER (38 FR 17238).

The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than July 6, 1973. None was filed.

Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which will become effective July 16, 1973, under Marketing Order No. 958 for onions grown in Idaho and Malheur County, Oregon. It is not contemplated that any other marketing order will have concurrent grade, size, quality and maturity provisions in effect regulating onions until the spring of 1974.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and Malheur County, Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the June 29, 1973, FEDERAL REGISTER (38 FR 17238), and such notice is determined to be reasonable.

§ 980.112 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 20, 1973, and continuing through April 30, 1974, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size, and maturity requirements*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e of the act (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Puerto Rico points.	Darrell McNeal, P.O. Box 10163, Santurce Santurce, Puerto Rico 00908 (Phone 809-783-2230 or 4116)	2 days
New York City..	Frank J. McNeal, Rm. 28A Hunts Point Market Bronx, New York 10474 (Phone 212-991-7669-7668)	1 day
New Orleans....	Pascal J. Lamarca, 5027 Federal Office Building 701 Loyola Avenue New Orleans, Louisiana 70113 (Phone 504-527-6741-6742)	1 day
All other points..	D. S. Matheson, Fruit and Vegetable Division, AMS Washington, D.C. 20250 (Phone 202-447-5870)	3 days

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant; Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Ports	Office	Advance Notice
All Texas points..	L. M. Denbo, P.O. Box 107 San Juan, Texas 78589 (Phone 512-787-4091 or 6881)	1 day
All Arizona points	B. O. Morgan, P.O. Box 1614 Nogales, Arizona 85621 (Phone 602-287-2902)	1 day
All California points	D. P. Thompson, 784 S. Central Avenue Room 266 Los Angeles, California 90021 (Phone 213-622-8756)	3 days
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation 1428 S. King Street Honolulu, Hawaii 96814 (Phone 808-941-3071)	1 day

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Dated July 11, 1973, to become effective July 20, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14487 Filed 7-16-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16878) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of July and August 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1063.14, the proviso which reads:

"Provided, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."

Statement of consideration. The suspension action will permit unlimited diversion of producer milk under the Quad Cities-Dubuque order during July and August 1973.

The suspension is requested by Mississippi Valley Milk Producers Association, Inc., Land O'Lakes, Inc., and Mid American Dairymen, Inc., to accommodate the handling of reserve milk on the market. The seasonal increase in milk production in conjunction with a decline in Class I sales has created a surplus milk disposal problem in this market. Without the suspension much of the reserve milk on the market would have to be moved from farms to pool plants and then reshipped to manufacturing plants in order to remain pooled instead of being moved directly from farms to manufacturing plants. The additional labor and hauling costs involved with such milk movements would adversely affect the economic handling of milk in excess of fluid requirements. This suspension will allow more economic handling of the market's reserve milk while the dairy farmers involved, retain producer status.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling the market's reserve milk supply is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling during July and August 1973, while the dairy farmers involved retain producer status;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1973.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date: July 17, 1973.

Signed at Washington, D.C., on July 12, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-14582 Filed 7-16-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Permitted Dips

The purpose of this amendment is to lower the concentration at which approved proprietary brands of Dioxathion (Delnav®) may be used as a permitted dip in official dipping for interstate movement.

Statement of consideration. The Environmental Protection Agency has recommended a change in the proposed use pattern for Dioxathion (Delnav®) when used on beef cattle, horses, sheep and goats which would reduce the maximum concentration at which this product may be used from 0.160 percent to 0.150 percent. Such a concentration is within the effective range for disinfection purposes.

Therefore, to conform with the Environmental Protection Agency's proposed use pattern and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), § 72.13(b)(2) is amended to read as follows:

§ 72.13 Permitted dips and procedures.

* * * * *

(b) * * *

(2) Approved proprietary brands of a Dioxathion (Delnav®) emulsifiable concentrate used at a concentration of 0.125 to 0.150 percent.[2]

* * * * *

(Secs. 1, 2, 32 Stat. 791-792, as amended; secs. 4-7, 23 Stat. 32, as amended; secs. 1-4, 33 Stat. 1264, 1265, secs. 3 and 11, 76 Stat. 130, 132 as amended; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 17, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of Texas fever ticks and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of July 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14581 Filed 7-16-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Fracture Toughness and Surveillance Program Requirements

On July 3, 1971 the Atomic Energy Commission published in the FEDERAL REGISTER (36 FR 12697) proposed amendments to its regulations in 10 CFR Part 50 which would add new appendices entitled, "Appendix G, Fracture Toughness Requirements," and "Appendix H, Reactor Vessel Material Surveillance Program Requirements."

Interested persons were invited to submit written comments within 60 days. Upon consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications in the form set forth below.

Significant differences in Appendix G from the amendments published for comment are:

(1) Terminology was changed to be consistent with that of the ASME Code.[1]

(2) The method of combining the results of the Charpy and dropweight tests to get a combined measure of toughness was changed.

The proposed rule would have required characterization of the fracture toughness of the ferritic materials in the reactor coolant pressure boundary in terms of the temperature dependence of two quantities: (a) Energy absorbed in Charpy V-notch impact tests (ASTM[2] Standard A-370) and (b) the nil-ductility transition (NDT) temperature obtained from dropweight tests (ASTM Standard E-208). Charpy tests were to be run at appropriate temperatures to characterize the transition from fully ductile, "upper shelf," behavior to low-energy, "brittle," behavior. To obtain a toughness characterization that depended on both types of tests, the "Charpy curve" was to be adjusted upward on the temperature scale to make the 15 ft. lb. level correspond to the NDT temperature from the dropweight tests.

These amendments continue the requirement contained in the proposed rule that fracture toughness be measured by the Charpy test and the dropweight test. However, to reflect comments urging consistency with the ASME Code, fracture toughness of the material is characterized by its reference temperature, RT_{NDT}. This temperature is the higher value of the NDT temperature from the dropweight test or the temperature that is 60° F below the temperature at which Charpy test data meet a specified toughness level (50 ft. lbs. and 35 mils lateral expansion).

The concept of a lowest pressurization temperature given in the proposed rule was changed to a concept based on fracture mechanics that allows a continuous buildup of pressure as a function of temperature and wall thickness.

The proposed rule would have required a "thickness correction" whereby the Charpy curve was to be shifted up the temperature scale 7°F per inch of material thickness. The thickness correction would have been added to the shift required for consistency between the two types of toughness tests to obtain a curve of "adjusted fracture energy" versus temperature. Fracture control would have been achieved by requiring the "lowest pressurization temperature" at which system pressure could exceed 25 percent of normal operating pressure, or at which the rate of temperature change could exceed 50°F/hr., to be the temperature at which the adjusted fracture energy exceeded a certain level, which was higher for thick material than for thin.

Many of the comments questioned the validity of the dependence placed on the Charpy test by the proposed rule. The thickness correction was considered excessive for thick sections and inadequate for thin sections. Other comments asked that the rules treat stresses more quantitatively to take account of the operators' ability to control pressure and rate of temperature change and the designers' ability to calculate pressure and thermal stresses. Specifically, they urged the adoption of the approach that now appears in the 1972 Summer Addenda to the ASME Code. The proposed rules were also revised to reflect these comments. As required by these amendments, fracture control is achieved by requiring that stress in the pressure boundary be limited as a function of the metal temperature relative to the reference temperature, RT_{NDT}, and as a function of material thickness according to the "K_{IR} curve" given in the ASME Code. Taken from fracture mechanics, the term "stress intensity factor" (K) defines a quantity that is proportional to the product of gross stress and the square root of crack depth, and includes factors to account for crack shape and for the manner of loading. Critical values of K, determined from tests in which precracked specimens are loaded to failure, are a convenient measure of fracture toughness, because differences in crack size and shape and differences in manner of loading between specimen and component can be treated quantitatively. The K_{IR} curve in the ASME Code gives allowable values of fracture toughness as a function of temperature relative to RT_{NDT}. The curve is based on data obtained from tests of large specimens in the HSST[3] program. Rather than require the estimation of maximum expected flaw size, these amendments require that in areas of the reactor vessel remote from discontinuities, the assumed flaw size be proportional to wall thickness. Thus, from the value of K_{IR} at a given temperature, allowable stress values are obtained that are inversely proportional to the square root of wall thickness.

(4) Fracture control procedures described in paragraph (3), above, are supplemented in these amendments by a requirement that whenever the core is critical, the metal temperature of the reactor vessel shall exceed specified values dependent on the concurrent stress level.

(5) The Charpy V-notch upper-shelf energy requirements for beltline region materials was set at 75 ft. lbs. for all cases, without distinction as to the predicted amount if irradiation damage.

(6) Fracture toughness requirements for the various components of the pressure boundary were separated to reflect comments suggesting that the rules fit the anticipated severity of service to which the component might be subjected.

(7) The definition of "beltline region of the reactor vessel" was broadened to include more shell material above and below the core.

Significant differences in Appendix H from the amendments published for comment are:

(1) Terminology was changed to be consistent with that of Appendix G and the ASME Code. In particular, the adjustment for irradiation effects is described in these amendments as an adjustment of the reference temperature, RT_{NDT}, and the amount of temperature shift is determined by a slightly different treatment of the Charpy data than that given in the proposed amendment.

(2) Provision was made for accelerated irradiation capsules and for modification of capsule withdrawn schedules based on results of tests of specimens that received the accelerated irradiation.

(3) A general provision for an integrated surveillance program was substituted for the specific requirements given in the proposed rule. It appeared from comments that it would be impractical to meet the requirements of the proposed rule for commonality of multiple reactors.

Appendices G and H are intended to implement General Design Criterion 31, "Fracture Prevention of Reactor Coolant Pressure Boundary," of 10 CFR Part 50, Appendix A, "General Design Criteria for Nuclear Power Plants," to the extent described below. The margin of safety against brittle fracture will be controlled more quantitatively by these amendments than by the proposed rule, particularly with regard to specific guidelines for the treatment of heatup and cooldown conditions. Appendices G and H track the language of the ASME Code and have adopted certain of its requirements but also include several key supplemental requirements. For the vessel beltline, inservice requirements are based on the reference temperature as adjusted to account for irradiation damage. There is also an additional fracture toughness requirement in the form of shelf energy values from the Charpy curve for the material in its unirradiated condition.

Although the requirements of Appendices G and H become effective on August 16, 1973, the Commission recognizes that there may be an interim period when, for plants now under construction, the method of compliance with certain provisions may be determined on a case-by-case basis. For

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[2] Care is required when treating animals and in maintaining required concentration of chemicals in dipping baths. Detailed information concerning the use of, criteria for, and names of proprietary brands of permitted dips for which specific permission has been granted, and concerning the use of compressed air, vat management techniques, and vatside tests, and other pertinent information may be obtained from the U.S. Department of Agriculture, APHIS, Veterinary Services, Hyattsville, Maryland 20782.

[1] American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section III, "Rules for the Construction of Nuclear Power Plant Components," 1971 Edition, and addenda through the Winter, 1972 Addenda.

[2] American Society for Testing and Materials.

[3] Heavy Section Steel Technology Program, conducted at Oak Ridge National Laboratory.

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example, if the test data needed to establish certain fracture control requirements are not available because they were not required at the time material sampling was done, estimated values that are appropriately conservative may be acceptable.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective on August 16, 1973.

1. In § 50.55a of 10 CFR Part 50, the existing paragraph (i) is redesignated paragraph (j), a new paragraph (i) is added, and subdivision (a)(2)(i) and the prefatory language in paragraph (a)(2) are amended to read as follows:

§ 50.55a Codes and standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

(a)(1) • • •

(2) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), (f), (g), and (i) of this section shall meet the requirements described in those paragraphs, except that the American Society of Mechanical Engineers (hereinafter referred to as ASME) Code N-symbol need not be applied, and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (h) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction permit that:

(i) Design, fabrication, installation, testing, or inspection of the specified system or component, is to the maximum extent practical, in accordance with generally-recognized codes and standards, and compliance with the requirements described in paragraphs (c) through (i) of this section or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety; or

• • • • •

(i) Fracture toughness requirements: Pressure-retaining components of the reactor coolant pressure boundary shall meet the requirements set forth in Appendices G and H to this part.

(j) Power reactors for which a notice of hearing on an application for a provisional construction permit or a construction permit has been published on or before December 31, 1970, may meet the requirements of paragraphs (c)(1), (d)(1), (e)(1), and (f)(1) of this section instead of paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) of this section, respectively.

2. New Appendices G and H are added to Part 50 to read as follows:

APPENDIX G—FRACTURE TOUGHNESS REQUIREMENTS

I. INTRODUCTION AND SCOPE

This appendix specifies minimum fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of water cooled power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

The requirements of this appendix apply to the following materials:

A. Carbon and low-alloy ferritic steel plate, forgings, castings, and pipe with specified minimum yield strengths not over 50,000 psi.

B. Welds and weld heat-affected zones in the materials specified in section I.A.

C. Materials for bolting and other types of fasteners with specified minimum yield strengths not over 130,000 psi.

Adequacy of the fracture toughness of other ferritic materials shall be demonstrated to the Commission on an individual case basis.

II. DEFINITIONS

A. "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section III, "Rules for the Construction of Nuclear Power Plant Components" (unless another section is specified), 1971 Edition, and addenda through the Winter, 1972 Addenda.[1]

B. "Ferritic material" means carbon and low-alloy steels, higher alloy steels including all stainless alloys of the 4xx series, and maraging and precipitation hardening steels with a predominantly body-centered cubic structure.

C. "System hydrostatic tests" means all preoperational system leakage and hydrostatic pressure tests and all system leakage and hydrostatic pressure tests performed during the service life of the pressure boundary in compliance with the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Reactor Coolant Systems."

D. "Specified minimum yield strength" means the minimum yield strength (in the unirradiated condition) of a material specified in the construction code under which the component is built pursuant to § 50.55a.

E. "Lowest service temperature" means the lowest service temperature as defined by paragraph NB–2332 of the ASME Code.

F. "Reference temperature" means the reference temperature, RT_{NDT}, as defined in paragraph NB–2331 of the ASME Code.

G. "Adjusted reference temperature" means the reference temperature as adjusted for irradiation effects (see Appendix H) by adding to RT_{NDT} the temperature shift in the Charpy V-notch curve for the irradiated material relative to that for the unirradiated material, measured at the 50 ft lb level or measured at the 35 mil lateral expansion level, whichever temperature shift is greater.

H. "Beltline region of reactor vessel" means the shell material (including welds and weld heat-affected zones) that directly surrounds the effective height of the fuel element assemblies and any additional height of shell material for which the predicted adjustment of reference temperature at end of service life of the reactor vessel exceeds 50° F.

I. "Material surveillance program" means the provisions for the placement of reactor vessel beltline material specimens in the reactor vessel, and the program of periodic withdrawal and testing of such specimens to monitor, over the service life of the vessel, changes in the fracture toughness properties of the beltline as a result of exposure to neutron irradiation and the thermal environment.

J. "Integrated surveillance programs" means the combination of individual material surveillance programs as applied to one or more reactor vessels to yield results which serve to monitor the changes in fracture toughness properties for a group of vessels.

III. FRACTURE TOUGHNESS TESTS

A. To demonstrate compliance with the minimum fracture toughness requirements of sections IV and V of this appendix, ferritic materials shall be tested in accordance with the ASME Code, section NB–2300, "Fracture toughness requirements for materials." Both unirradiated and irradiated ferritic materials shall be tested for fracture toughness properties by means of the Charpy V-notch test specified by paragraph NB–2321.2 of the ASME Code. In addition, when required by the ASME Code, unirradiated ferritic materials shall be tested by means of the dropweight test specified by paragraph NB–2321.1 of the ASME Code. Provision shall be made for supplemental tests in crucial situations such as that described in Section V.C.

B. Charpy V-notch impact tests and dropweight tests shall be conducted in accordance with the following requirements:

1. Location and orientation of impact test specimens shall comply with the requirements of paragraph NB–2322 of the ASME Code.

2. Materials used to prepare test specimens shall be representative of the actual materials of the finished component as required by the applicable rules of the construction code under which the component is built pursuant to § 50.55a, except that ferritic materials intended for the reactor vessel beltline region shall comply with the additional requirements of section III.C. of this appendix.

3. Calibration of temperature instruments and Charpy V-notch impact test machines used in impact testing shall comply with the requirements of paragraph NB–2360 of the ASME Code.

4. Individuals performing fracture toughness tests shall be qualified by training and experience and shall have demonstrated competency to perform the tests in accord with written procedures of the component manufacturer.

5. Fracture toughness test results shall be recorded and shall include a certification by the licensee or person performing the tests for the licensee that:

a. The tests have been performed in compliance with the requirements of this appendix,

b. The test data are correctly reported and identified with the material intended for a pressure-retaining component,

c. The tests have been conducted using machines and instrumentation with available records of periodic calibration, and

d. Records of the qualifications of the individuals performing the tests are available upon request.

C. In addition to the test requirements of section III.A. of this appendix, tests on materials of the reactor vessel beltline shall be conducted in accordance with the following minimum requirements:

1. Charpy V-notch (C_V) impact tests shall be conducted at appropriate temperatures over a temperature range sufficient to define the C_V test curves (including the upper-shelf levels) in terms of both fracture energy and lateral expansion of specimens. Location and orientation of impact test specimens shall comply with the requirements of paragraph NB–2322 of the ASME Code.

2. Materials used to prepare test specimens for the reactor vessel beltline region shall be taken directly from excess material and welds in the vessel shell course(s) following completion of the production longitudinal weld joint, and subjected to a heat treatment that produces metallurgical effects equivalent to those produced in the vessel material throughout its fabrication process, in accordance with paragraph NB–2211 of the ASME Code. Where seamless shell forgings are used, or where the same welding process is used for longitudinal and circumferential welds in plates, the test specimens may be taken from a separate weldment provided that such a weldment is prepared using excess material from the shell forging(s) or plates, as applicable, the same heat of filler material, and the same production welding conditions as those used in joining the corresponding shell materials.

IV. FRACTURE TOUGHNESS REQUIREMENTS

A. The pressure-retaining components of the reactor coolant pressure boundary that are made of ferritic materials shall meet the following requirements for fracture toughness during system hydrostatic tests and any condition of normal operation, including anticipated operational occurrences:

1. The materials shall meet the acceptance standards of paragraph NB–2330 of the ASME Code, and the requirements of sections IV.A.2, 3 and 4 and IV.B. of this appendix.

2. For vessels, exclusive of bolting or other fasteners:

a. Calculated stress intensity factors shall be lower than the reference stress intensity factors by the margins specified in the ASME Code Appendix G, "Protection Against Non-Ductile Failure". The calculation procedures shall comply with the procedures specified in the ASME Code Appendix G, but additional and alternative procedures may be used if the Commission determines that they provide equivalent margins of safety against fracture, making appropriate allowance for all uncertainties in the data and analyses.

b. For nozzles, flanges and shell regions near geometric discontinuities, the data and procedures required in addition to those specified in the ASME Code shall provide margins of safety comparable to those required for shells and heads remote from discontinuities.

c. Whenever the core is critical, the metal temperature of the reactor vessel shall be high enough to provide an adequate margin of protection against fracture, taking into account such factors as the potential for overstress and thermal shock during anticipated operational occurrences in the control of reactivity. In no case when the core is critical (other than for the purpose of low-level physics tests) shall the temperature of the reactor vessel be less than the minimum permissible temperature for the inservice system hydrostatic pressure test nor less than 40°F above that temperature required by section IV.A.2.a.

d. If there is no fuel in the reactor during the initial preoperational system leakage and hydrostatic pressure tests, the minimum permissible test temperature shall be determined in accordance with paragraph G2410 of the ASME Code except that the factor of safety applied to each term making up the calculated stress intensity factor may be reduced to 1.0. In no case shall the test temperature be less than $RT_{NDT}+60°F$.

3. Materials for piping (i.e., pipe, tubes and fittings), pumps, and valves (excluding bolting materials) shall meet the requirements of paragraph G3100 of the ASME Code.

4. Materials for bolting and other fasteners with nominal diameters exceeding 1 inch shall meet the minimum requirements of 25 mils lateral expansion and 45 ft lbs in terms of Charpy V-notch tests conducted at the preload temperature or at the lowest service temperature, whichever temperature is lower.

B. Reactor vessels beltline materials shall have minimum upper-shelf energy, as determined from Charpy V-notch tests on unirradiated specimens in accordance with paragraphs NB–2322.2(4) and 2322.2(6) of the ASME Code, of 75 ft lbs unless it is demonstrated to the Commission by appropriate data and analyses based on other types of tests that lower values of upper shelf fracture energy are adequate.

C. Reactor vessels for which the predicted value of adjusted reference temperature exceeds 200°F shall be designed to permit a thermal annealing treatment to recover material toughness properties of ferritic materials of the reactor vessel beltline.

V. INSERVICE REQUIREMENTS—REACTOR VESSEL BELTLINE MATERIAL

A. The properties of reactor vessel beltline region materials, including welds, shall be monitored by a material surveillance program conforming to the "Reactor Vessel Material Surveillance Program Requirements" set forth in Appendix H.

B. Reactor vessels may continue to be operated only for that service period within which the requirements of section IV.A.2. are satisfied, using the predicted value of the adjusted reference temperature at the end of the service period to account for the effects of irradiation on the fracture toughness of the beltline materials. The basis for the prediction shall include results from pertinent radiation effects studies in addition to the results of the surveillance program of section V.A.

C. In the event that the requirements of section V.B. cannot be satisfied, reactor vessels may continue to be operated provided all of the following requirements are satisfied:

1. An esentially complete volumetric examination of the beltline region of the vessel including 100 percent of any weldments shall be made in accordance with the requirements of Section XI of the ASME Code.

2. Additional evidence of the changes in fracture toughness of the beltline materials resulting from exposure to neutron irradiation shall be obtained from results of supplemental tests, such as measurements of dynamic fracture toughness of archive material that has been subjected to accelerated irradiation.

3. A fracture analysis shall be performed that conservatively demonstrates, making appropriate allowances for all uncertainties, the existence of adequate margins for continued operation.

D. If the procedures of section V.C. do not indicate the existence of an adequate safety margin, the reactor vessel beltline region shall be subjected to a thermal annealing treatment to effect recovery of material toughness properties. The degree of such recovery shall be measured by testing additional specimens that have been withdrawn from the surveillance program capsules and annealed under the same time-at-temperature conditions as those given the beltline material. The results shall provide the basis for establishment of the adjusted reference temperature after annealing. The reactor vessel may continue to be operated only for that service period within which the predicted fracture toughness of the beltline region materials satisfies the requirements of section IV.A.2., using the values of adjusted reference temperature that include the effects of annealing and subsequent irradiation.

E. The proposed programs for satisfying the requirements of sections V.C. and V.D. shall be reported to the Commission for review and approval on an individual case basis at least 3 years prior to the date when the predicted fracture toughness levels will no longer satisfy the requirements of section V.B.

APPENDIX H—REACTOR VESSEL MATERIAL SURVEILLANCE PROGRAM REQUIREMENTS

I. INTRODUCTION

The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of water cooled power reactors resulting from their exposure to neutron irradiation and the thermal environment. Under this program, fracture toughness test data are obtained from material specimens withdrawn periodically from the reactor vessel. These data will permit the determination of the conditions under which the vessel can be operated with adequate margins of safety against fracture throughout its service life.

II. SURVEILLANCE PROGRAM CRITERIA

A. No material surveillance program is required for reactor vessels for which it can be conservatively demonstrated by analytical methods, applied to experimental data and tests performed on comparable vessels, making appropriate allowances for all uncertainties in the measurements, that the peak neutron fluence (E 1MeV) at the end of the design life of the vessel will not exceed 10^{17} n/cm².

B. Reactor vessels constructed of ferritic materials which do not meet the conditions of section II.A. shall have their beltline regions monitored by a surveillance program complying with the American Society for Testing and Materials (ASTM) Standard Recommended Practice for Surveillance Tests for Nuclear Reactor Vessels, ASTM Designation: E–185–73,[1] except as modified by this appendix.

C. The surveillance program shall meet the following requirements:

1. Surveillance specimens shall be taken from locations alongside the fracture toughness test specimens required by section III of Appendix G. The specimen types shall comply with the requirements of section III.A. of Appendix G (except that drop weight specimens are not required).

2. Surveillance capsules containing the surveillance specimens shall be located near but not attached to the inside vessel wall in the beltline region, so that the neutron flux received by the specimens is at least as high but not more than three times as high

[1] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. N.W., Washington, D.C.

[1] Effective March 1, 1973. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103, either as a separate or (when available) as part of the 1973 Annual Book of ASTM Standards, Part 30 and also in Part 31. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. NW., Washington, D.C.

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as that received by the vessel inner surface, and the thermal environment is as close as practical to that of the vessel inner surface. The design and location of the capsules shall permit insertion of replacement capsules. Accelerated irradiation capsules, for which the calculated neutron flux will exceed three times the calculated maximum neutron flux at the inside wall of the vessel, may be used in addition to the required number of surveillance capsules specified in section II.C.3.

3. The required number of surveillance capsules and their withdrawal schedules are as follows:

a. For reactor vessels for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steel, making appropriate allowances for all uncertainties in the measurements, that the adjusted reference temperature established in accordance with section IV.B. will not exceed 100°F at the end of the service lifetime of the reactor vessel, at least three surveillance capsules shall be provided for subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—One-fourth service life
Second capsule—Three-fourths service life
Third capsule—Standby

In the event that the surveillance specimens exhibit, at one-quarter of the vessel's service life, a shift of the reference temperature greater than originally predicted for similar material as recorded in the applicable technical specification, the remaining withdrawal schedule shall be modified as follows:

REVISED
WITHDRAWAL SCHEDULE

Second capsule—One-half service life
Third capsule—Standby

b. For reactor vessels which do not meet the conditions of section II.C.3.a. but for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels that the adjusted reference temperature will not exceed 200°F at the end of the service lifetime of the reactor vessel, at least four surveillance capsules shall be provided for the subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—At the time when the predicted shift of the adjusted reference temperature is approximately 50°F or at one-fourth service life, whichever is earlier.
Second capsule—At approximately one-half of the time interval between first and third capsule withdrawal.
Third capsule—Three-fourths service life.
Fourth capsule—Standby.

c. For reactor vessels which do not meet the conditions of section II.C.3.b., at least five surveillance capsules shall be provided for subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—At the time when the predicted shift of the adjusted reference temperature is approximately 50°F or at one-fourth service life, whichever is earlier.
Second and third capsules—At approximately one-third and two-thirds of the time interval between first and fourth capsule withdrawal.
Fourth capsule—Three-fourths of service life.
Fifth capsule—Standby.

d. Provision shall also be made for additional surveillance tests to monitor the effects of annealing and subsequent irradiation.

e. Withdrawal schedules may be modified to coincide with those refueling outages or plant shutdowns most closely approaching the withdrawal schedule.

f. If accelerated irradiation capsules are employed in addition to the minimum required number of surveillance capsules, the withdrawal schedule may be modified, taking into account the test results obtained from testing of the specimens in the accelerated capsules. The proposed modified withdrawal schedule in such cases shall be approved by the Commission on an individual case basis.

g. Proposed withdrawal schedules that differ from those specified in paragraphs a. through f. shall be submitted, with a technical justification therefor, to the Commission for approval. The proposed schedule shall not be implemented without prior Commission approval.

4. For multiple reactors located at a single site, an integrated surveillance program may be authorized by the Commission on an individual case basis, depending on the degree of commonality and the predicted severity of irradiation.

III. FRACTUAE TOUGHNESS TESTS

A. Fracture toughness testing of the specimens withdrawn from the capsules shall be conducted in accordance with the requirements of section III of Appendix G, "Fracture Toughness Requirements."

B. The adjusted reference temperatures for the base metal, heat-affected zone, and weld metal shall be obtained from the test results by adding to the reference temperature the amount of the temperature shift in the Charpy test curves between the unirradiated material and the irradiated material, measured at the 50 foot-pound level or that measured at the 35 mil lateral expansion level, whichever temperature shift is greater. The highest adjusted reference temperature and the lowest upper-shelf energy level of all the beltline materials shall be used to verify that the fracture toughness requirements of section V.B. of Appendix G are satisfied.

IV. REPORT OF TEST RESULTS

A. Each capsule withdrawal and the results of the fracture toughness tests shall be the subject of a summary technical report to be provided to the Commission. The report shall include a schematic diagram of the capsule locations in the reactor vessel, identification of specimens withdrawn, the test results, and the relationship of the measured results to those predicted for the reactor vessel beltline region.

B. The report shall also include the dosimetry measurements performed at each specimen withdrawal, analyses of the results which yield the calculated neutron fluence which the reactor vessel beltline region has received at the time of the tests, and comparisons with the originally predicted values of fluence.

C. The operating pressure and temperature limitations established for the period of operation of the reactor vessel between any two surveillance specimen withdrawals shall be specified in the report, including any changes made in operational procedures to assure meeting such temperature limitations.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 11th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register on May 29, 1973.

[FR Doc.73-14531 Filed 7-16-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	7	July 2, 1973
New York	7	July 2, 1973
Philadelphia	7	July 2, 1973
Cleveland	7	July 2, 1973
Richmond	7	July 2, 1973
Atlanta	7	July 2, 1973
Chicago	7	July 2, 1973
St. Louis	7	July 2, 1973
Minneapolis	7	July 2, 1973
Kansas City	7	July 2, 1973
Dallas	7	July 2, 1973
San Francisco	7	July 2, 1973

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of	Rate	Effective
Boston	7-½	July 2, 1973
New York	7-½	July 2, 1973
Philadelphia	7-½	July 2, 1973
Cleveland	7-½	July 2, 1973
Richmond	7-½	July 2, 1973
Atlanta	7-½	July 2, 1973
Chicago	7-½	July 2, 1973
St. Louis	7-½	July 2, 1973
Minneapolis	7-½	July 2, 1973
Kansas City	7-½	July 2, 1973
Dallas	7-½	July 2, 1973
San Francisco	7-½	July 2, 1973

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston[1]	9	July 2, 1973
New York	9	July 2, 1973
Philadelphia	9	July 2, 1973
Cleveland	9	July 2, 1973
Richmond[1]	9	July 2, 1973
Atlanta[1]	9	July 2, 1973
Chicago[1]	9	July 2, 1973
St. Louis[1]	9	July 2, 1973
Minneapolis[1]	9	July 2, 1973
Kansas City[1]	9	July 2, 1973
Dallas[1]	9	July 2, 1973
San Francisco	9	July 2, 1973

[1] A rate of 7 percent was approved, effective on the indicated dates on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, July 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14417 Filed 7-16-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[Docket No. 73-852]

PART 500—ORGANIZATION AND CHANNELLING OF FUNCTIONS

PART 501—OPERATIONS

Organization and Channelling of Functions

JUNE 20, 1973.

The Federal Home Loan Bank Board has periodically published in the FEDERAL REGISTER statements of the general course and method by which its functions are channelled and determined. The last such statement was FR Doc. 67-7146 which was published in the June 24, 1967 issue of the FEDERAL REGISTER (32 FR 9041). These statements are not codified as part of the Board's codified regulations.

The Board considers it advisable to make certain minor changes and to codify its current rules on organization and channelling of functions. Also, the Board considers it advisable to include in such codification a list of certain forms which are available at the Federal Home Loan Banks. Accordingly, on the basis of such considerations, the Federal Home Loan Bank Board hereby (1) rescinds FEDERAL REGISTER Document 67-7146 which was published in the FEDERAL REGISTER on June 24, 1967 (32 FR 9041), (2) redesignates § 500.10 of the general regulations of the Federal Home Loan Bank Board (12 CFR 500.10) as § 501.2 of said regulations (12 CFR 501.2), and (3) amends Part 500 of said regulations (12 CFR Part 500) to read as set forth below, effective July 17, 1973.

1. The headings and the text of amended Part 500 are as follows:

Subpart A—Functions and Responsibilities of the Board

Sec.
500.1 General statement and statutory authority.
500.2 The Federal Home Loan Bank System.
500.3 The Federal savings and loan system.
500.4 The Federal Savings and Loan Insurance Corporation.
500.5 District of Columbia savings and loan associations.

Subpart B—General Organization

500.10 The Board.
500.11 Secretary to the Board.
500.12 Congressional Liaison Officer.
500.13 Director of the Office of Management Systems and Administration.
500.14 Director of the Office of Economic Research.
500.15 Director of the Office of Audits.
500.16 Director of the Office of Communications.
500.17 The General Counsel.
500.18 Director of the Office of Examinations and Supervision.
500.19 Director of the Office of Industry Development.
500.20 Director of the Office of the Federal Savings and Loan Insurance Corporation.
500.21 Director of the Office of the Federal Home Loan Banks.
500.22 Director of the Office of Housing and Urban Affairs.

Subpart C—Procedures

500.30 General statement concerning procedures and forms.
500.31 Forms.
500.32 Offices of the Board; information and submittals.

AUTHORITY: Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

Subpart A—Functions and Responsibilities of the Board

§ 500.1 General statement and statutory authority.

The Federal Home Loan Bank Board (referred to in this subchapter as "Board") is responsible for the administration and enforcement of the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, Title IV of the National Housing Act, and with respect to institutions subject to provisions of the foregoing acts and title, the Bank Protection Act of 1968, the Truth in Lending Act, and the Fair Credit Reporting Act. The members of the Board constitute the Board of Directors of the Federal Home Loan Mortgage Corporation, which was created by Title III of the Emergency Home Finance Act of 1970.

§ 500.2 The Federal Home Loan Bank system.

The Board supervises the Federal Home Loan Banks created by the Federal Home Loan Bank Act and issues regulations and orders for carrying out the purposes of the provisions of that Act. Savings and loan associations and other institutions specified in section 4 of the Federal Home Loan Bank Act that make long-term home mortgage loans are eligible to become members of a Federal Home Loan Bank. The functions of the Board with respect to the Banks and their members include, but are not limited to, the following: prescribing the conditions upon which a Federal Home Loan Bank is authorized to make advances to its members and to nonmember borrowers; prescribing rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by Bank members, other than those members the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act; prescribing rules and conditions upon which a Federal Home Loan Bank shall be authorized to borrow, to pay interest upon its borrowings, and to issue obligations; issuing upon such conditions as the Board may prescribe consolidated Federal Home Loan Bank bonds or debentures which are the joint and several obligations of all Federal Home Loan Banks; requiring examination of each Federal Home Loan Bank at least annually; appointing four directors to the board of directors of each Bank and conducting the election of the remaining directors by the members; approving dividends paid by each Federal Home Loan Bank; and acting on applications for Bank membership.

§ 500.3 The Federal savings and loan system.

The Board is authorized under such rules and regulations as it may prescribe to provide for the organization, incorporation, examination, operation, and regulation of Federal savings and loan associations. Under this authority, the Board's functions include, but are not limited to, regulation of the corporate structure of such associations, regulation of the distribution of their earnings, regulation of their lending and other investment powers, acting upon their applications for branch offices, mobile facilities, and satellite offices, the regulation of mergers, conversions, and dissolutions involving such associations, the appointment of conservators and receivers for such associations, and the enforcement of laws, regulations, or conditions against such associations or the officers or directors thereof by proceedings under section 5 of the Home Owners' Loan Act of 1933, as amended.

§ 500.4 The Federal Savings and Loan Insurance Corporation.

The Federal Savings and Loan Insurance Corporation is under the direction of the Federal Home Loan Bank Board. The Corporation insures the accounts of all Federal savings and loan associations and of other building and loan, savings and loan, and homestead associations and cooperative banks that are eligible for insurance and the applications of which have been approved by the Corporation. The Corporation regulates and examines insured institutions within the authority conferred by Title IV of the National Housing Act and is authorized to enforce applicable laws, regulations, or conditions against insured institutions or the officers or directors thereof by proceedings under section 407 of the National Housing Act, as amended. The Corporation also regulates and supervises savings and loan holding companies pursuant to the provisions of section 408 of the National Housing Act, as amended.

§ 500.5 District of Columbia savings and loan associations.

The Board exercises supervisory and regulatory authority over all building and

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loan or savings and loan associations and similar institutions of or doing business in or maintainig offices in the District of Columbia.

Subpart B—General Organization

§ 500.10 The Board.

The Board is composed of three members, not more than two of whom are members of the same political party. The members are appointed by the President with the advice and consent of the Senate for four year terms. The Chairman is designated by the President and is the chief executive officer of the Board. Executive and administrative functions of the Board were transferred to the Chairman by Reorganization Plan No. 6 of 1963. The Board is assisted by a staff that includes eleven Offices.

§ 500.11 Secretary to the Board.

The Secretary to the Board is responsible for the secretarial functions of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. The Secretary to the Board is responsible for the preparation and maintenance of the Minute Record of all official actions of the Board and for the authentication of documents. The Office of the Secretary provides general record services for the Board through the Files and Docket Section, which is under the direction and supervision of the Secretary to the Board. The Secretary to the Board is Liaison Officer to the FEDERAL REGISTER. The same person may be the Secretary to the Board and the Director of an Office at the same time.

§ 500.12 Congressional Liaison Officer.

The Congressional Liaison Officer is responsible to the Chairman for ensuring appropriate co-ordination and communication with Congress.

§ 500.13 Director of the Office of Management Systems and Administration.

The Director of the Office of Management Systems and Administration is the Executive Assistant to the Chairman. The Director is responsible for the supervision and administration of the Office of Management Systems and Administration, which is divided into four divisions: The Comptroller's Division, the Administration and Methods Division, the Personnel Management Division, and the Information Systems Division.

(a) The Comptroller's Division is responsible for the administration and management of the internal financial operations of the Board and the Federal Savings and Loan Insurance Corporation, including budgeting, accounting, the receipt and disbursement of funds, the control, processing, and payment of expenses, and the maintenance of pay and leave records. This Division is also responsible for the preparation of the Board's annual budget submissions to the Office of Management and Budget and to the Congress.

(b) The Administration and Methods Division is responsible for internal management reports and studies, records and forms control, and the maintenance of a manual of procedures. The Board's emergency planning program for the continuity of operations and relocation of the agency in the event of an emergency is also a function of this Division. The Division is responsible for conducting purchase and supply operations, sorting, receiving, and distributing mail, maintenance, transportation, acquiring and allocating space, contract administration and other housekeeping functions for the Board. The Management Information Center is maintained as part of this Division. A printing and reproduction plant is operated by this Division, as authorized by the Congressional Joint Committee on Printing.

(c) The Personnel Management Division is responsible for the development and execution of the personnel management program of the Board. The program includes recruitment, placement and staffing; position classification and wage administration; employee development and training; employee-management relations; health; and incentive awards. The Director of the Personnel Management Division is also responsible for carrying out the purposes of Executive Order No. 10450, as amended, as Personnel Security Officer of the Board.

(d) The Information Systems Division compiles and distributes information essential in measuring the operations of the members of the Federal Home Loan Bank System, as well as that information necessary to the internal operations of the Board itself. The Division is responsible for the planning, design, programming, operation, and maintenance of Electronic Data Processing systems for the Board and for furnishing technical advice and assistance to other Offices and Divisions in connection with Electronic Data Processing operations.

§ 500.14 Director of the Office of Economic Research.

The Director of the Office of Economic Research is the principal economic adviser to the Board and is responsible for the analysis of economic data, including but not limited to the conditions and operations of savings and loan institutions, financial intermediaries, mortgage and housing markets, and real estate matters generally. The Director selects and conducts economic studies that he determines to be of need and value of the Board. The Director has joint responsibility with the Director of the Office of Management Systems and Administration for the collection and internal use of savings and loan data and is responsible for the dissemination of such data in statistical form outside the Board. He is responsible for the economic analysis of merger applications with respect to possible impact on competition; and for assisting and co-ordinating the work and programs of Federal Home Loan Bank economists.

§ 500.15 Director of the Office of Audits.

The Director of the Office of Audits is responsible for the continuing audit of the operations of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. The Director is also responsible for an annual examination of each Federal Home Loan Bank.

§ 500.16 Director of the Office of Communications.

The Director of the Office of Communications is responsible for the communication of Board actions and policy to the public and news media and for the preparation of responses to inquiries of a general nature respecting such actions and policy.

§ 500.17 The General Counsel.

The General Counsel is the chief legal officer of the Board and has, among other functions, those set forth below. He is responsible for the representation of the Board and the Federal Savings and Loan Insurance Corporation in judicial proceedings in which the Board or the Corporation is involved as a party or as amicus curiae and in administrative proceedings under the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and Title IV of the National Housing Act. He is responsible for advising the Board with respect to interpretations involving questions of law, for the preparation of legislation submitted by the Board to Congress, for the preparation of Board comments to Congress upon pending legislation, and for the preparation of regulations. He is also responsible for dealing with general problems arising under the Administrative Procedure Act and for dealing with legal problems arising under applications to the Board and the Federal Savings and Loan Insurance Corporation.

§ 500.18 Director of the Office of Examinations and Supervision.

The Director of the Office of Examinations and Supervision is responsible for the performance of the responsibilities of the Board and the Federal Savings and Loan Insurance Corporation with respect to the examination and supervision of Federal savings and loan associations under the Home Owners' Loan Act of 1933 and of State-chartered insured institutions, savings and loan holding companies, and subsidiaries of savings and loan holding companies under Title IV of the National Housing Act. The Director is also responsible for advising the Board with respect to matters of policy decision, legislation, and regulation to which his functions of supervision and examination are related. The Director is responsible for the management of the examination process and the development and improvement of examination techniques and for the direction of supervisory and enforcement activities of the staff and agents of the Board and the Federal Savings and Loan Insurance Corporation. This Office supervises the security programs of insured institutions required by the Bank Protection Act of 1968 and the enforcement of the Truth in Lending Act and the Fair Credit Reporting Act.

§ 500.19 Director of the Office of Industry Development.

The Director of the Office of Industry Development is responsible for the processing, review, and evaluation of certain applications to the Board and the Federal Savings and Loan Insurance Corporation, except for those instances in which such applications are approved by an agent or officer of the Board pursuant to delegated authority. Applications for which the Director is responsible concern the following matters: permission to organize a Federal savings and loan association; a branch office, limited facility branch office, satellite office, or mobile facility of an existing Federal savings and loan association; insurance of accounts; conversion from Federal to State or from State to Federal charter; membership in the Federal Home Loan Bank System; a merger involving a Federal savings and loan association; voluntary dissolution of a Federal savings and loan association; an increase in accounts of an insurable type through merger, consolidation, or purchase of bulk assets; investment in a service corporation by a Federal savings and loan association; a change in office location; investment in an office building; waiver or modification of a condition for insurance of accounts or issuance of a Federal charter; release of pledged savings accounts or escrowed stock; extension of a lending area; approval of designation of a reserve account as part of the Federal insurance reserve; approval of amendments to charter, bylaws, or security forms; permission to issue subordinated debt securities; and other applications for which the Director of this Office may be assigned responsibility. The Director of this Office is also responsible for planning and coordinating new programs to stimulate the development of the savings and loan industry by encouraging financially sound restructuring.

§ 500.0 Director of the Office of the Federal Savings and Loan Insurance Corporation.

The Director of the Office of the Federal Savings and Loan Insurance Corporation is responsible for advising the Board with respect to the policies and operations of the Corporation. In co-ordination with the General Counsel and the Director of the Office of Examinations and Supervision, the Director is responsible for the development and implementation of plans of financial assistance to prevent the default of insured institutions. He is also responsible for the implementation and settlement of the Corporation's insurance obligations and for the management and liquidation of assets acquired by the Corporation as receiver or otherwise.

§ 500.21 Director of the Office of the Federal Home Loan Banks.

The Director of the Office of the Federal Home Loan Banks is responsible for reviewing the activities of the Banks and for directing and co-ordinating their operating procedures to ensure conformity with the goals and objectives of the Board. The Director is responsible for establishing standards of accounting, reporting, and financial analysis for the Banks and for providing advice and assistance to the Banks in their operations, including but not limited to, data processing, planning, and community activity. He is also responsible for advising the Board with respect to policy decisions respecting the Banks and making recommendations concerning such matters as budgets, the elections of officers and counsel, salaries, dividends, and bylaw amendments.

§ 500.22 Director of the Office of Housing and Urban Affairs.

The Director of the Office of Housing and Urban Affairs is responsible for advising the Board on the subject of housing, urban problems, and minority affairs and for recommending policies pertaining thereto. This Office develops and implements programs in low- and moderate-income housing, inner-city housing investment and rehabilitation, preventing discrimination in lending and employment by the savings and loan industry, and assisting minority groups who apply for Federal charters or insurance of accounts. The Center for Executive Development is maintained as part of this Office.

Subpart C—Procedures

§ 500.30 General statement concerning procedures and forms.

(a) Rules and procedures of the Board and the Federal Savings and Loan Insurance Corporation are published in Chapter V of Title 12 of the Code of Federal Regulations and in supplementary material published in the Federal Register. The statutes administered by the Board and the rules and regulations promulgated pursuant to such statutes prescribe the course and method of the formal procedures to be followed in proceedings of the Board or the Federal Savings and Loan Insurance Corporation. These are supplemented where practicable by informal procedures designed to aid the public and facilitate the execution of the Board's functions. The informal procedures of the Board consist principally in the rendering of advice and assistance to members of the public dealing with the Board. Opinions expressed by members of the staff do not constitute an official expression of the views of the Board, but do represent views of persons working with the provisions of the statute or regulation involved.

(b) Information with respect to procedures, forms, and instructions of the Board and the Federal Savings and Loan Insurance Corporation is available to the public at the headquarters of the Board or at the offices of the Federal Home Loan Banks. Forms of concern to the public consist principally of periodic financial reports and of applications to the Board or the Federal Savings and Loan Insurance Corporation. The Board and the Federal Savings and Loan Insurance Corporation may from time to time require the completion by individuals or institutions of miscellaneous forms, questionnaires, reports, or other papers. In each instance, the individual or institution is given actual and timely notice of the scope and contents of the papers in question.

§ 500.31 Forms.

(a) The following forms, which are available at the offices of agents of the Board and the Federal Savings and Loan Insurance Corporation at the Federal Home Loan Banks, shall be used for the purposes indicated.

(1) Forms with permanent numbers, excepting Savings and Loan Holding Company forms in the H and HC series:

Form	
93	Confidential Report of Security Information and Protection Devices: Report P–1 (Insured institution)
94	Confidential Report of Crimes Against Insured Institutions: Report P–2 (Insured institution)
107	Monthly Report of Selected Financial Data (Insured institution)
138	Application for Permission to Organize a Federal Savings and Loan Association
138(IS)	Outline of Information to be Submitted in Support of an Application for Permission to Organize a Federal Savings and Loan Association
139	Confidential Biographical and Financial Report (Certain applications)
140	Application for Insurance of Accounts (State-chartered applicant)
140(IS)	Outline of Information to be Submitted in support of an Application for Insurance of Accounts or a Request for a Commitment to Insure Accounts of a State-chartered institution
141	Request for a Commitment to Insure Accounts (State-chartered institution)
142	Proposed Operating Budget (Insured institution)
159	Preliminary Application for Conversion into a Federal association—Exhibit J
186	Application for Insurance of Accounts (Federal Savings and Loan Association and State-chartered applicant for Conversion)
241	Emergency and Disaster Preparedness Measures (Insured institution)
297	Affidavit (Pursuant to §§ 556.2 and 571.5)
300	Reserve Agreement (Applicant for Federal charter or insurance of accounts)
303	Statement of Condition (Federal Savings and Loan Association)
443	Report of Liquidity Deficiency (Bank member)
450	Application for Membership and Subscription to Stock in Federal Home Loan Bank
457	Dividend Agreement—Exhibit A (State-chartered applicant for Insurance of Accounts)

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Form	
458	Stockholder's Affidavit (State-chartered institution)
601	Pledge & Escrow Agreement (New Federal Savings and Loan Association)
602	Pledge & Escrow Agreement (Converted Association)
603	Pledge & Escrow Agreement (Insurance of Accounts)
631	Depositary and Interlock Report (Insured institution)
638	Dividend Agreement (Applicant for a Charter for a Federal Savings and Loan Association)
646	Lender's Application for Borrower Approval and Firm Commitment of Housing Opportunity Allowance (Bank member)
647	Lender's Schedule of Housing Opportunity Allowance Programs (Bank member)
660	Confidential Biographical and Financial Report (Holding Company)
700	Application for Permission to Establish a Branch Office (Federal Savings and Loan Association)
700(IS)	Applicant Instructions for a Branch Office (Federal Savings and Loan Association)
709	Application for Permission to Increase Accounts of an Insurable Type (State-chartered institution)
710	Application for Merger (Pursuant to §§ 546.1, 546.2, and 556.2)
709 710 (IS)	Applicant Instructions for Preparation of Merger Applications (Pursuant to §§ 546.2 and 563.22)
712	Statement of Condition (Submitted with Form 709 or 710)
713	Comparative Operating Statement (Submitted with Form 709 or 710)
714	Part I & Part II—Report of Officers and Directors In Institution "C" (Submitted with Form 709 or 710)
718	Report of Permanent Stock (Voting Shares) (Submitted with Form 709 or 710)
719	Part I & Part II—Report of Advisory Board or Committee and Consultants for Institution "C" (Submitted with Form 709 or 710)
720	Report of Assets, Savings and Mortgages (Submitted with Form 709 or 710)
721	Institution Address List (Submitted with Form 709 or 710)
722	Random Sampling of Savings Accounts Outstanding (Submitted with Form 709 or 710)
723	Report of Mortgage Loans Made (Submitted with Form 709 or 710)
724	Report of Mortgage Recordings (Submitted with Form 709 or 710)
741	Pertinent Financial Ratios (Submitted with Form 709 or 710)
742	Financial Footnotes and Commentary (Submitted with Form 709 or 710)
743	Application for Final Approval of Exact Location of Authorized Branch Office (Federal Savings and Loan Association)
754	Checklist of Supporting Documents for Branch Office Application (Federal Savings and Loan Association)
756	Checklist of Supporting Documents for Permission to Organize (Federal Savings and Loan Association)
774a	Semiannual report: Statement of Condition—Assets (Insured institution)
774b & c	Semiannual report: Statement of Condition—Liabilities, Net Worth (Insured institution)
775	Semiannual report: Income and Expense (Insured institution)
776	Semiannual report: Slow loans and Scheduled Items (Insured institution)
777	Semiannual report: Supplemental Data (Insured institution)
850	Application for Permission to Change Location of an Office (Federal Savings and Loan Association)
861	Application for Permission to Establish a Satellite Office (Federal Savings and Loan Association)
873	Application for Permission to Establish a Limited Facility Office (Federal Savings and Loan Association)
893	Determination of Compliance with Insurance Regulation 563.13

(2) Savings and Loan Holding Company forms (described more fully in § 584.10 of this chapter):

Form	
H-(b)3	Registration Statement (Corporation as trustee)
H-(b)4	Registration Statement (Creditor as savings and loan company)
H-(b)5	Registration Statement (Voting Trust)
H-(b)10	Registration Statement
H-(b)11	Annual Report
H-(b)12	Current Report
H-(d)1	Application (Pursuant to § 584.3(a)(4))
H-(d)2	Application (Pursuant to § 584.3(a)(6))
H-(e)1	Application under § 584.4
H-(e)2	Application under § 584.4
H-(e)3	Application under § 584.4
H-(f)	Dividend Notification
H-(g)	Application under § 584.6
HC-F	Instructions: Form and Content of Financial Statements of Savings and Loan Associations Required in Filings Pursuant to Section 408 of the National Housing Act, as amended

(3) Forms with temporary numbers:

Form	
1-T	Application for Authorization to Invest in Office Building (Federal Savings and Loan Association)
2-T	Application for Permission to Establish and Operate a Mobile Facility (Federal Savings and Loan Association)
3-T	Application for Conversion into a Federal Association (Charter K revised)
4-T	Application for Conversion into a Federal Association (Charter N)
6-T	Petition for Charter (Charter K revised)
7-T	Petition for Charter (Charter N or K)
8-T	Agreement for Operating Policies (Insured institution)
9-T	Outline of Information to be Submitted in Support of an Application for Permission to Establish and Operate a Mobile Facility (Federal Savings and Loan Association)
10-T	Subscription to Capital (Federal Savings and Loan Association)
11-T	Dividend Agreement (Uninsured State-chartered Applicants for Conversion)
12-T	Affidavit of Transferor (Permanent stock)
13-T	Affidavit of Transferee (Permanent stock)
14-T	Escrow of Permanent Stock—Resolution of Institution Directors (under Exhibit "X"); Certification
15-T	Escrow Agreement—Exhibit "X" (Permanent stock)
16-T	List of Stockholders
17-T	Escrow of Permanent Stock—Resolution of Institution Directors (under Exhibit "W"); Certification
18-T	Escrow Agreement—Exhibit "W" (Permanent stock)
19-T	Substitute Stock Escrow Agreement
20-T	Applicant's Instructions for Extension of Lending Area (Pursuant to § 563.9(b))
21-T	Escrow of Permanent Stock—Form of Receipt

(b) The following forms, which are available at the offices of the Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D.C. 20552, are prescribed for use by members of the public:

Form	
400	Notice of Default (Loans)
681	Affidavit as to Ownership interest in Non-qualifying Joint Accounts
683	Agreement to Indemify (Payment of Claim for Insurance)
844	Affidavit for Lost Passbook or Certificate Claim for Insurance and Assignment of Insured Account

§ 500.32 Offices of the Board; information and submittals.

(a) The headquarters of the Federal Home Loan Bank Board is located at 101 Indiana Avenue, NW, Washington, D.C. 20552. General information concerning the Federal Home Loan Bank Board, the Federal Home Loan Bank system, the Federal savings and loan system, or the Federal Savings and Loan Insurance Corporation may be obtained in person at that location or by written request addressed to the Secretary to the Federal Home Loan Bank Board, 101 Indiana Avenue, NW, Washington, D.C. 20552.

(b) Sections 501.10 and 501.11 of the general regulations of the Federal Home Loan Bank Board set forth the purposes for which the President of a Federal Home Loan Bank or officer or employee of a Federal Home Loan Bank when designated by the Board may be agents of the Board and the Federal Savings and Loan Insurance Corporation. General information concerning the Board, the Federal Home Loan Bank System, the Federal savings and loan system, or the Federal Savings and Loan Insurance Corporation may be obtained from agents of the Board and the Federal Savings and Loan Insurance Corporation at the offices of the Federal Home Loan Banks. Submittals to the Board or the Federal Savings and Loan Insurance Corporation should be made to the President of the Federal Home Loan Bank of the district in which the submitting person or institution resides or is located. The Federal Home Loan Banks and their districts are as follows:

(1) Federal Home Loan Bank of Boston
One Union Street, Boston, Massachusetts 02108
District 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

(2) Federal Home Loan Bank of New York
60 Broad Street, New York, New York 10004
District 2: New Jersey, New York, Puerto Rico, Virgin Islands

(3) Federal Home Loan Bank of Pittsburgh
Eleven Stanwix Street, Fourth Floor, Gateway Center
Pittsburgh, Pennsylvania 15222
Philadelphia Branch Office
Three Parkway Building
16th and Benjamin Franklin Parkway, Philadelphia, Pennsylvania 19102
District 3: Delaware, Pennsylvania, West Virginia

(4) Federal Home Loan Bank of Atlanta
Coastal States Building
260 Peachtree Street, N. W.
Atlanta, Georgia 30303
District 4: Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia

(5) Federal Home Loan Bank of Cincinnati
2500 DuBois Tower
Cincinnati, Ohio 45202
District 5: Kentucky, Ohio, Tennessee

(6) Federal Home Loan Bank of Indianapolis
2900 Indiana Tower
One Indiana Square
Indianapolis, Indiana 46204
District 6: Indiana, Michigan

(7) Federal Home Loan Bank of Chicago
111 East Wacker Drive
Chicago, Illinois 60601
District 7: Illinois, Wisconsin

(8) Federal Home Loan Bank of Des Moines
Federal Home Loan Bank Building
Second at Center
Des Moines, Iowa 50309
District 8: Iowa, Minnesota, Missouri, North Dakota

(9) Federal Home Loan Bank of Little Rock
1400 Tower Building
Little Rock, Arkansas 72201
District 9: Arkansas, Louisiana, Mississippi, New Mexico, Texas

(10) Federal Home Loan Bank of Topeka
Federal Home Loan Bank Building
Seventh and Harrison Streets
Topeka, Kansas 66601
District 10: Colorado, Kansas, Nebraska, Oklahoma

(11) Federal Home Loan Bank of San Francisco
The Crown Zellerbach Building
One Bush Street
San Francisco, California 94104
Los Angeles Branch Office
615 South Flower Street
Los Angeles, California 90017
District 11: Arizona, California, Nevada

(12) Federal Home Loan Bank of Seattle
600 Stewart Street
Seattle, Washington 98101
District 12: Alaska, Hawaii and Guam, Idaho, Montana, Oregon Utah, Washington, Wyoming

(c) A Chief Examiner in charge of a staff of field examiners and office personnel is stationed in each of the Federal Home Loan Bank districts. Under the direction of the Director of the Office of Examinations and Supervision, each Chief Examiner is responsible for examinations conducted in his district. The address of the district office and, where it exists, of any branch office of a Chief Examiner may be obtained from the President of the Federal Home Loan Bank serving the Chief Examiner's district.

(d) The field offices of the Federal Savings and Loan Insurance Corporation are as follows:

900 Wilshire Boulevard
Suite 840
Los Angeles, California 90017
10001 West Roosevelt Road
Westchester, Illinois 60153

2. The heading and the text of § 501.2, formerly § 500.10, are as follows:

§ 501.2 Assessments.

Beginning with the assessment for the last half of calendar year 1972, each semiannual assessment under the provisions of subsection (b) of section 18 of the Federal Home Loan Bank Act, as amended, to meet the estimated expenses of the Board shall be made on the following basis: Each Federal Home Loan Bank will be assessed such amount as may be necessary to meet the Board's expenses, such assessment to be upon the several Banks in the same proportion as the total paid-in value of capital stock of the respective Banks bears to the total paid-in value of capital stock of all the Banks at the same point in time. For the assessment for the first half of a calendar year, total paid-in value of capital stock shall be determined from information contained in the reports of the respective Banks as of November 30; and for the assessment for the last half of the calendar year, such determination shall be made from information contained in the reports of the respective Banks as of May 31.

* * * * *

(Secs. 17, 18, 47 Stat. 736, 737, as amended; 12 U.S.C. 1437, 1438. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-14557 Filed 7-16-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6]

PART 120—BUSINESS LOAN POLICY

On March 9, 1973, the Small Business Administration published in the FEDERAL REGISTER (38 FR 6409) a notice of proposed rulemaking which consolidated revision 5 and its several amendments. It also deleted policy relating to disaster loans, which policy has been added to Part 123 of these regulations, effective July 1, 1973. It also proposed changes relating to refusals by lending institutions prior to SBA approval of direct loans, gambling activities involving the sale of official State lottery tickets, and the one-time guaranty fee. The public was invited to comment by March 29, 1973. Such comment has been received and considered, and the proposed revision is adopted with minor modifications. This Revision 6 is effective as of July 1, 1973, as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of business loans and guarantees.

AUTHORITY: 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634 (b)(6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance for business loans to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in § 120.3(c).

§ 120.2 Business Loans and Guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the

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amount that the lender normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than 2 financial institutions for direct loans in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from other sources, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such lending institutions.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management, or principal shareholders of the applicant;

(iv) Through other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution.

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

(1) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects indicate ability to repay the loan and other obligations. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(2) Where the purpose of the loan application is to effect a change in the ownership of the applicant small business concern, the loan may usually be approved where there is a reasonable justification for the change in ownership on the ground that the change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical, or social disadvantages, or because of disadvantages in the business or residential locations.

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment distribution, or as a loan to owners, partners, or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(3) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns. An otherwise eligible small business concern will not become ineligible because it is owned in whole or in part by a nonprofit organization.

(4) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, film production company, or similar enterprise;

(5) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities, except in those cases where an otherwise eligible small business concern obtains less than one-third of its gross income from its income or commission from the sale of official state lottery tickets under a state license.

(6) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment;

(8) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(9) Generally, if the financial assistance would be used primarily in agricultural activities. Agricultural activities include, but are not limited to, the production of food and fiber. Where the applicant is engaged in an agricultural activity and financial assistance has been formally declined by an Agency of the Federal Government or an agricultural credit service supervised by the Farm Credit Administration, such applicant may be eligible for financial assistance from SBA: *Provided, however,* That an activity will not be eligible for financial assistance if it (i) produces (or in the last growing season produced) one or more crops currently eligible for U.S. Department of Agriculture support payment or production loan; (ii) is engaged in the production of livestock or poultry, including eggs, except for (*a*) the operation of a hatchery for the production of baby chicks for sale to others, provided that the hatchery purchases from others more than 50 percent of its eggs; or (*b*) the operation of a commercial feed yard for cattle or hogs where its income is derived from the service operation of housing and feeding animals, either owned by others or purchased from producers solely for the purpose of fattening and resale prior to slaughter; or (*c*) the operation of a commercial poultry feed yard where its income is derived from the service operation of housing and feeding poultry owned by others, even when such operation results in the production of eggs; or (iii) is engaged in the production of fish, unless the production process or type of fish is novel, innovative, or experimental in nature.

(10) Generally, if the financial assistance to be provided is for use in multi-level sales distribution plans.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of constructing facilities may have a maturity not in excess of 15 years.

(b) *Charges and interest rates*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in the Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-fourth of 1 percent per annum of the portion of the loan which SBA has guaranteed, for guarantees approved prior to January 1, 1973. Effective January 1, 1973, the guaranty charge is set on a one-time basis at 1 percent of the amount of the authorized guaranteed portion of the loan, and is payable at first disbursement by the participating lender. For loans made under a revolving line of credit with a maturity of up to 12 months, the guaranty charge is one quarter of one percent of the guaranteed portion payable initially by the participating lender at the time of SBA approval of the line of credit. Longer maturities, or extensions, will be pro-rated on the basis of one quarter of one percent per annum, payable to SBA at the time of approval of the extension of maturity.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis.

(ii) Direct loans: Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable.

(iv) Except as provided in subdivision (iii) of this subparagraph, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances under the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan.

(vi) From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs.

(3) *Service fees.* In immediate participation loans, and guaranteed loans where SBA has purchased its portion, made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan: *And provided,* That such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-fourth of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

(c) *Eligible loan participant.* SBA is authorized by appropriate enabling legislation to make participation loans to small concerns in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. In order to serve as an eligible loan participant in a particular loan transaction with SBA, the financial institution must—

(1) *Capacity to service loan.* Have the continuing capacities for processing; evaluating, disbursing, and servicing commercial term, and other loans authorized to be made by SBA to small concerns.

(2) *Capital structure and financial standing.* Have an adequate capital structure aggregating not less than $200,000, which must be so unimpaired or of such tangible nature to be considered sound (except that the $200,000 minimum shall not apply to institutions which are subject to supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority) and, together with its existing or proposed directors, officers, other employees, and other persons connected with its organization and operations, possess good character as well as general standing and reputation in the community based on their lending and other established financial ability and experience.

(3) *Qualified management.* Have and maintain in charge of operations qualified management which shall be available to the public during regular business hours, and hold itself out to the public as engaged in the making of commercial, industrial and other loans of the type authorized to be made by SBA to eligible small concerns.

(4) *Supervisory and examining authority.* Be operating subject to applicable supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority, or, in the absence of such control, be authorized to and shall enter into a written agreement with SBA to submit appropriate financial reports to SBA or to make available for SBA examination its books, records, accounts and affairs deemed necessary and appropriate by SBA to the protection of its interest in the transaction.

(5) *Absence of other financial or self-dealing interest in borrower concern.* Not possess, nor may any of its officers, directors, stockholders owning ten (10) or more percent of any class of shares, investment advisers, or other associates or affiliates, possess any interest directly or indirectly, in the small business concern (or in the case of a loan to a Local Development Company, the small business concern to be assisted) by reason of a stock or warrants position, or as a result of financing its own sales or business operations (except that any such interest in the borrower by a small business investment company, duly licensed by SBA, associated or affiliated with a loan participant shall not disqualify such otherwise eligible loan participant). Concerns operating as a subsidiary or affiliate engaged primarily in lending for the purpose of financing the sale of products or services or other business operations of an affiliate or parent concern are not considered eligible. In the event the borrower shall be required to obtain personal insurance coverage (as contrasted with hazard insurance to protect collateral), it shall be only in such minimum amounts and costs as are necessary to protect the loan. Such insurance coverage shall be limited to declining term policies, providing a decrease in coverage

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consistent with the decreasing loan balance outstanding.

(6) *Ineligibility of SBIC's.* Not operate as a small business investment company duly licensed by SBA.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: July 1, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73–14508 Filed 7–16–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–NE–20; Amdt. 39–1686]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61 Helicopters

Amendment 39–1216, AD 71–11–7, requires visual inspection of the fuselage hinge fittings of specified Sikorsky S–61 helicopters for cracks. After issuing Amendment 39–1216, reports have been received by the FAA indicating the occurrence of corrosion of certain of the fuselage hinge fittings and the pylon hinge fitting lugs which could result in failure of these hinge fitting assemblies. Since this condition is likely to exist or develop in other aircraft of the same type design, an AD is being issued superseding AD 71–11–7 which will require an inspection of the fuselage hinge fittings and pylon hinge fittings for corrosion in accordance with a revised Sikorsky Service Bulletin No. 61B20–6A, dated June 18, 1973. The visual inspection of the fuselage hinge fittings required in AD 71–11–7 is being retained with the modification that the previous compliance interval of 120 days is being changed to 150 hours time in service so as to make this inspection coincide with the new inspection for corrosion.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

SIKORSKY AIRCRAFT—Applies to all S–61A, S61D, S–61E, S–61V and S–61L Helicopters certificated in all categories.

Compliance required as indicated.

To prevent fatigue failures of the rear fuselage and pylon hinge fitting assemblies, accomplish the following:

(a) For aft fuselage upper and lower hinge fitting assemblies S6120–65118–3, S6120–65118–4, S6120–65118–34, S6120–65121–0, S6120–75702–1 and S6120–75702–2:

(1) Within the next 15 hours time in service after the effective date of this AD, unless already accomplished, inspect the hinge fittings in accordance with Section 2A of Sikorsky Service Bulletin No. 61B20–6A dated June 18, 1973 or later approved revisions or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration New England Region;

(2) Thereafter, on a daily basis inspect the hinge fitting assemblies in accordance with Section 2C of said Bulletin or later approved revisions or an equivalent method approved as above; and

(3) At each 150 hours time in service after the initial inspection described in (a) (1) or approved equivalent period inspection, inspect the hinge fitting assemblies in accordance with Section 2G of said bulletin or later approved revisions or an equivalent method approved as above.

(b) For aft fuselage upper and lower hinge fitting assemblies and upper and lower pylon hinge fitting assemblies S6120–65118–3, S6120–65118–4, S6120–65118–34, S6120–65121–0, S6120–75702–1, S6120–75702–2, S6120–66117–0, S6120–66117–2, S6120–66120–0, S6120–66120–2:

(1) Within the next 15 days after the effective date of this AD, unless already accomplished, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2B of Sikorsky Service Bulletin No. 61B20–6A dated June 18, 1973 or later approved revisions or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

(2) Thereafter, at intervals not to exceed 50 hours time in service from the last inspection, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2D of said Bulletin, or later approved revisions, or an equivalent inspection method approved as above; and

(3) At each 150 hours time in service after the initial inspection described in (b) (1) or approved equivalent period inspection, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2F of said Bulletin, or later approved revisions or an equivalent inspection method as approved above.

(c) If a crack is found, remove and replace the hinge fitting prior to further flight.

(d) These inspections are not required on the steel upper hinge fitting assemblies or on any hinge fitting assemblies in the T73 condition. (This supersedes AD–71–11–7)

This amendment becomes effective July 27, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1345(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts on July 6, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73–14501 Filed 7–16–73;8:45 am]

[Docket No. 12326, Amdt. No.91–118]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Large and Turbine-Powered Multiengine Airplanes: Charges for Certain Operations

The purpose of these amendments to Subpart D of Part 91 of the Federal Aviation Regulations is to clarify and more specifically prescribe those items that may be charged under § 91.181.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice 72–28) issued on October 20, 1972, and published in the FEDERAL REGISTER on October 25, 1972 (37 FR 22798). Due consideration has been given to all comments presented in response to the notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 72–28.

The FAA received over 35 comments in response to Notice 72–28. All but one favored adoption of the proposed amendments to Subpart D of Part 91. However, most of the commentators favoring adoption recommended that the list of permissible charges in proposed § 91.181 (d) be changed so as to specifically permit charging for expenses that could be attributed to a particular flight, although they are not incurred as a direct result of that flight in that they are incurred irrespective of whether or not the flight is conducted. Such expenses include (1) salaries of flight crews employed by the aircraft operator, (2) aircraft depreciation, (3) insurance premiums (hull and liability), (4) crew training costs, and (5) maintenance costs. In this regard, a number of means were suggested by commentators whereby these expenses could be recovered as charges for a particular flight.

With respect to the proposal in the notice that a charge equal to 100 percent of the cost of the fuel for the flight be allowed instead of a specific computation of these expenses, a number of commentators contended that such a provision would not, in many cases, permit recovery of all of the expenses resulting from the operation of the aircraft. However, the FAA believes, based on the information available to it, that the allowance of such a charge would provide for the recovery by the operator of an amount that would reasonably approximate expenses not incurred as a direct result of a particular flight, but appropriately attributed thereto. This would, at the same time, relieve the FAA of the administrative burden of verifying in detail the various methods used by operators to compute those expenses, in order to ensure that a profit is not made. Accordingly, § 91.181(d)(10), as adopted, allows an additional charge equal to 100 percent of the expenses listed in § 91.181(d)(1), and does not provide for authorization by the Administrator of any other charge.

It should be noted that, although the FAA does not foresee compliance with § 91.181(d) causing an unreasonable burden on any operator, individual operators who believe that the uniqueness of their particular situation justifies a specific charge not provided for in subparagraph (d) may, of course, petition for an appropriate exemption in accordance with the procedures contained in Part 11.

The National Air Transportation Conferences, Inc., in its comment on the notice, suggested that the word "registered" be inserted before the word "owners" in proposed § 91.181(c)(3), in order to prevent abuse of this provision through attempts to conceal the sale of air transportation under the guise of temporary ownership of an aircraft. The FAA agrees with this comment. Section 47.3(b)(1) provides that no person may operate an aircraft that is eligible for registration under section 501 of the Federal Aviation Act of 1958, unless that aircraft has been registered by its owner. Accordingly, proposed § 91.181(c)(3), as adopted, is clarified by inserting the word "registered" before the words "joint owners" wherever they appear.

(Secs. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

In consideration of the foregoing, and for the reasons given in Notice 72–28, Part 91 of the Federal Aviation Regulations is amended, effective August 16, 1973, as follows:

1. Section 91.181 is amended as follows:

a. By amending subparagraphs (3) through (5), and subparagraph (7) of paragraph (b);

b. In paragraph (b)(9), by amending the parenthetical phrase "other than transportation" to parenthetically read "other than transportation by air";

c. By amending paragraph (c); and by

d. Adding a new paragraph (d) to read as follows:

§ 91.181 Applicability.

* * * * * * *

(b) * * *

(3) Flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in paragraph (d) of this section;

(4) Flights conducted by the operator of an airplane for his personal transportation, or the transportation of his guests when no charge, assessment, or fee is made for the transportation;

(5) The carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of that company or a subsidiary of the parent, when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, except that no charge of any kind may be made for the carriage of a guest of a company, when the carriage is not within the scope of, and incidental to, the business of that company.

* * * * * * *

(7) The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage is within the scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in paragraph (d) of this section;

* * * * * * *

(c) As used in this section

(1) A "time sharing agreement" means an arrangement whereby a person leases his airplane with flight crew to another person, and no charge is made for the flights conducted under that arrangement other than those specified in paragraph (d) of this section;

(2) An "interchange agreement" means an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane, and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating, and maintaining the two airplanes;

(3) A "joint ownership agreement" means an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flight crew for that airplane and each of the registered joint owners pays a share of the charges specified in the agreement.

(d) The following may be charged, as expenses of a specific flight, for transportation as authorized by paragraphs (b) (3) and (7) and (c)(1) of this section:

(1) Fuel, oil, lubricants, and other additives.

(2) Travel expenses of the crew, including food, lodging, and ground transportation.

(3) Hangar and tie-down costs away from the aircraft's base of operations.

(4) Insurance obtained for the specific flight.

(5) Landing fees, airport taxes, and similar assessments.

(6) Customs, foreign permit, and similar fees directly related to the flight.

(7) In flight food and beverages.

(8) Passenger ground transportation.

(9) Flight planning and weather contract services.

(10) An additional charge equal to 100 percent of the expenses listed in subparagraph (1) of this paragraph.

Issued in Washington, D.C., on July 9, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73–14502 Filed 7–16–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

By publication in the FEDERAL REGISTER of January 20, 1972 (37 FR 889), notice was given that a petition (FAP 2B2759) had been filed by Weston Chemical Inc., 103 Spring Road, Montavale, NJ 07645, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of distearyl pentaerythritol diphosphite as an antioxidant and/or stabilizer in the manufacture of polyolefin plastics intended for food contact use.

The Commissioner of Food and Drugs, having evaluated the data in the petition, and other relevant material, concludes that the proposal should be adopted for the petitioned additive under the preferred chemical nomenclature, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * * *

(b) List of substances:

	Limitations
* * *	* * *
Cyclic neopentanetetrayl bis (octadecyl phosphite); the phosphorus content is in the range of 7.8–8.2 weight percent.	For use only at levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501 (c), items 1.1 or 2.1.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 16, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 17, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14572 Filed 7–16–73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Copper Naphthenate Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new ani-

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mal drug application (12-991V) filed by Ayerst Laboratories, Div. of American Home Products Corp., 685 Third Ave., New York, NY 10017, proposing the safe and effective use of copper naphthenate solution, veterinary for the treatment of horses, cattle, swine, sheep, goats, and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.51 Copper naphthenate solution, veterinary.

(a) *Specification.* The drug contains 37.5 percent copper naphthenate in a suitable solute.

(b) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in the treatment of lesions in horses, cattle, swine, sheep, goats, and dogs including footrot, ringworm, wounds, for drying up superficial sores, for drying necrotic material for subsequent removal, to keep open lesions clean, and for treating udder sores. It is used in cattle for treating heal cracks, hoof punctures, and dehorning wounds. It is used in horses for treating thrush, scratches, and for toughening hooves (spongy). It is used in dogs for treating cracked skin over elbows and for toughening foot pads.

(2) Necrotic material should be removed prior to application if damage is extensive. The drug is applied daily. If a scab is present, the drug should be applied once a day until the scab is easily removed; then the drug is applied every other day until fully healed. After dehorning, the drug is applied to the open wound with a swab.

(3) Do not use on teats of lactating dairy animals.

Effective date. This order shall be effective July 17, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 11, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-14573 Filed 7-16-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7282]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Declaration of Estimated Tax by Individuals and Waiver of Penalty for Underpayment by Individuals of 1971 Estimated Income Tax

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, March 23, 1973 (38 FR 7567), amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to the provisions of sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), relating to declaration of estimated tax by individuals and waiver of penalty for underpayment by individuals of 1971 estimated income tax. No comments were presented by interested persons regarding the notice of proposed rule making. The proposed amendments of the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) are adopted by this document.

The new regulations conform to the changes made in section 6015(a) of the Code by section 209 of the Revenue Act of 1971. Under paragraph (a) of the revision to § 1.6015(a)-1, the income level at which a declaration of estimated tax must be filed is increased over that under prior law to amounts in excess of $20,000 for a single person, a head of household, a surviving spouse, or a married individual whose spouse does not receive wages and amounts in excess of $10,000 for a married individual where both spouses receive wages. The income level remains at amounts in excess of $5,000 for a married individual if either spouse is a nonresident alien, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. A declaration is also required if gross income is expected to include more than $500 of income from sources other than wages. However, no declaration is required if the estimated tax can reasonably be expected to be less than $100. These amounts were increased over those under prior law. All of these changes are effective for taxable years beginning after December 31, 1971.

New § 1.6654-4 provides, pursuant to section 207 of the Revenue Act of 1971, that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654-1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. Generally, those taxpayers for whom the penalty is waived are single persons (or married persons not entitled to file a joint return) whose gross income does not exceed $10,000, heads of households and surviving spouses if their gross income does not exceed $20,000, and married individuals entitled to file a joint return whose aggregate gross income does not exceed $20,000. However, the waiver does not apply if the taxpayer had more than $200 ($400 in the case of married taxpayers entitled to file a joint return) in income from sources other than wages.

Adoption of amendments to the regulations. On Friday, March 23, 1973, notice of proposed rule making with respect to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6015 and 6654 of the Internal Revenue Code of 1954 to conform such regulations to sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), relating to declaration of estimated tax by individuals and waiver of penalty for underpayment by individuals of 1971 estimated income tax, was published in the FEDERAL REGISTER (38 FR 7567). No comments were presented by interested persons regarding the rules proposed. The regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 11, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the provisions of sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 1.6015(a) Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

[Sec. 6015(a) as amended by sec. 5, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1000); sec. 103(j)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 803(d)(7), Tax Reform Act 1969 (83 Stat. 684); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 2. Section 1.6015(a)-1(a) as amended by revising the caption of subparagraph (1) and so much of such subparagraph as precedes subdivision (i) thereof, by redesignating such revised subparagraphs (1) and (2) as subparagraphs (2) and (3) respectively, by inserting immediately before such redesignated subparagraph (2) a new subparagraph (1), and by revising paragraphs (c) and (e). These revised, redesignated, and added provisions read as follows:

§ 1.6015(a)-1 Declaration of estimated income tax by individuals.

(a) *Requirement*—(1) *Taxable years beginning after December 31, 1971.* With respect to taxable years beginning after December 31, 1971, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)-1 from the requirements of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $20,000, in the case of—

(*1*) A single individual including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(2) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(*b*) $10,000, in the case of a married individual entitled under section 6015(b) to file a joint declaration with his spouse, if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(c) $5,000, in the case of a married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(ii) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

(2) *Taxable years beginning after December 31, 1966, and before January 1, 1972.* With respect to taxable years beginning after December 31, 1966, and before January 1, 1972, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)-1 from the requirement of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(2) A married individual entitled under section 6015(b) to file a joint declaration with his spouse; or

(3) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of household (as defined in section 1(b)(2) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(2) A surviving spouse (as defined in section 2(b)) and his gross income can reasonably be expected to exceed $20,000, he is required to file a declaration of estimated tax for 1972. Since it was not reasonable to assume that H's gross income for 1972 would exceed $20,000 until July 1972 (after June 1 and before September 2), H is not required to file a declaration until September 15, 1972. However, if H's estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100, he is not required to file a declaration of estimated tax. See section 6073 and §§ 1.6073-1 to 1.6073-4, inclusive, for rules as to when a declaration must be filed.

(ii) The gross income can reasonably be expected to exceed $200 from sources other than wages (as defined in section 3401(a)).

(c) *Exemption of spouse.* For the purpose of determining whether a declaration of estimated tax is required under the provisions of paragraph (a)(3) of this section, a married person filing a separate declaration may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income, or is reasonably expected to be the dependent of another taxpayer for the taxable year.

(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). H maintains as his home a household which is the principal place of abode of himself and his two dependent children. H's wife died in 1970 and he has not remarried. H and his wife filed a joint return for 1970. H's salary from January 1 to June 30, 1972, is at the annual rate of $18,000. However, effective July 1, 1972, his annual salary is increased to $24,000, and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1972 will remain unchanged and that his total salary for the year will, therefore, be $21,000. Since H is a surviving spouse (as defined in section 2(a)) and his gross income can reasonably be expected to exceed $20,000, he is required to file a declaration of estimated tax for 1972. Since it was not reasonable to assume that H's gross income for 1972 would exceed $20,000 until July 1972 (after June 1 and before September 2), H is not required to file a declaration until September 15, 1972. However, if H's estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100, he is not required to file a declaration of estimated tax. See section 6073 and §§ 1.6073-1 to 1.6073-4, inclusive, for rules as to when a declaration must be filed.

Example (2). H, a taxpayer making his return on the calendar year basis, has an annual salary of $12,000 in 1972. W, H's wife, received wages (as defined in section 3401(a)) in December 1972. W did not receive wages prior to December. Assuming that H and W are entitled to file a joint declaration of estimated tax under section 6015(b), H would not be required to file a declaration for 1972 until January 15, 1973, since prior to December 1972 W had not received wages. Since W received wages after September 1, 1972, H must file a declaration on or before January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(*b*) of this section, H's gross income could reasonably be expected to exceed $10,000 for 1972. However, no declaration would be required if H's estimated tax (as defined in section 6015(c)) could reasonably be expected to be less than $100. No declaration is required prior to January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(*a*)(2) of this section, H's gross income for 1972 could not reasonably be expected to exceed $20,000.

Example (3). P is a taxpayer making his return on the calendar year basis. P is engaged in the practice of his profession on his own account and has gross income of $2,000 from such profession for the 2 months of January and February 1972. He reasonably expects that his gross income from his

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profession will continue to average $1,000 each month throughout the year and that he will have no income from any other source during 1972. Since P has gross income which does not constitute wages subject to withholding, he is required to file a declaration of estimated tax for that year since he has income of more than $500 from sources other than wages, unless he reasonably expects his estimated tax to be less than $100.

Example (4). S, a married taxpayer, has been regularly employed for many years. As of January 1, 1972, his weekly wages are $305. For many years, S has also owned stock in a corporation which has regularly paid him annual dividends ranging from $575 to $600. Because his gross income can reasonably be expected to include more than $500 from sources other than wages, S is required to make a declaration of estimated tax for 1972, unless he reasonably expects his estimated tax to be less than $100.

* * * * *

PAR. 3. Immediately after the historical note of § 1.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954 (relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b) of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401 (a) of such Code) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 4. Section 1.6654–2 is amended by revising so much of paragraph (a) as follows subparagraph (4) to read as follows:

§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* * * *

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of subparagraphs (3) and (4) of this paragraph, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For the rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e.g., 13 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see paragraph (a)(5) of § 1.6655–2. See § 1.6654–4 for certain cases where the imposition of the addition to the tax prescribed by section 6654(a) shall not apply with respect to taxable years beginning after December 31, 1970, and ending before January 1, 1972.

PAR. 5. Section 1.6654–4 is redesignated as § 1.6654–5.

PAR. 6. The following section is inserted immediately following § 1.6654–3:

§ 1.6654–4 Waiver of penalty for underpayment of 1971 estimated tax by an individual.

(a) *In general.* Section 207 of the Revenue Act of 1971 provides that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654–1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. The penalty shall be waived only if the taxpayer meets one of the gross income requirements contained in paragraph (b) of this section and if the limitation contained in paragraph (c) of this section is not applicable.

(b) *Gross income requirement.* Except as provided in paragraph (c) of this section, the waiver provided in paragraph (a) of this section shall be applicable only—

(1) If the gross income for the taxable year does not exceed $10,000 in the case of—

(i) A single individual who is neither a head of a household (as defined in section 2(b)) nor a surviving spouse (as defined in section 2(a)), or

(ii) A married individual not entitled under section 6013 to file a joint return for the taxable year, or

(2) If the gross income for the taxable year does not exceed $20,000 in the case of—

(i) A head of a household (as defined in section 2(b)) or

(ii) A surviving spouse (as defined in section 2(a)), or

(3) If the aggregate gross income for the taxable year does not exceed $20,000 in the case of a married individual (entitled under section 6013 to file a joint return for the taxable year) and his spouse.

(c) *Limitation.* Notwithstanding any other provision of this section, the waiver provided in paragraph (a) of this section shall not be applicable if, in the taxable year, the taxpayer has income from sources other than wages (as defined in section 3401(a)) in excess of $200 ($400 in the case of a husband and wife entitled to file a joint return for the taxable year under section 6013). Thus, for example, even if the aggregate gross income of a husband and wife (entitled under section 6013 to file a joint return for the taxable year) does not exceed $20,000, the waiver of the penalty for underpayment of estimated tax shall not apply if the husband and wife have, in the aggregate, income from sources other than wages in excess of $400.

PAR. 7. Section 301.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

* * * * *

[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Public Law 87–682, 76 Stat. 575); sec. 102 (a) and (d), Tax Adjustment Act 1966 (80 Stat. 38); sec. 301(j), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 301(b)(12), 803(d)(7), and 944, Tax Reform Act 1969 (83 Stat. 586, 684, 729); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 8. Immediately after the historical note of § 301.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954 (relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b)

of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401 (a) of such Code) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 9. Section 301.6654–1 is amended to read as follows:

§ 301.6654–1 Failure by individual to pay estimated income tax.

For regulations under section 6654, see §§ 1.6654–1 to 1.6654–5, inclusive, of this chapter (Income Tax Regulations).

[FR Doc.73–14585 Filed 7–16–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 529–73]

PART 50—STATEMENTS OF POLICY

Consent Judgments in Actions To Enjoin Discharges of Pollutants

This order establishes a policy of the Department of Justice of affording an opportunity for public comment before the Department consents to a proposed judgment in an action to enjoin discharges of pollutants into the environment.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 50 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following § 50.7 at the end thereof:

§ 50.7 Consent judgments in actions to enjoin discharges of pollutants.

(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to enjoin discharges of pollutants into the environment only after or on condition that an opportunity is afforded persons (natural or corporate) who are not named as parties to the action to comment on the proposed judgment prior to its entry by the court.

(b) To effectuate this policy, each proposed judgment which is within the scope of Paragraph (a) of this section shall be lodged with the court as early as feasible but at least 30 days before the judgment is entered by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider, and file with the court, any written comments, views or allegations relating to the proposed judgment. The Department shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (2) to oppose an attempt by any person to intervene in the action.

(c) The Assistant Attorney General in charge of the Land and Natural Resources Division may establish procedures for implementing this policy. Where it is clear that the public interest in the policy hereby established is not compromised, the Assistant Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require a period shorter than 30 days or a procedure other than stated herein.

Dated: July 11, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73–14518 Filed 7–16–73;8:45 am]

[Order No. 528–73]

PART 50—STATEMENTS OF POLICY

Policy Regarding Criteria for Discretionary Access to Investigatory Records of Historical Interest

Under and by virtue of the authority vested in me by section 509 of Title 28 of the United States Code, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section:

§ 50.8 Policy with regard to criteria for discretionary access to investigatory records of historical interest.

(a) In response to the increased demand for access to investigatory files of historical interest that were compiled by the Department of Justice for law enforcement purposes and are thus exempted from compulsory disclosure under the Freedom of Information Act, the Department has decided to modify to the extent hereinafter indicated its general practice regarding their discretionary release. Issuance of this section and actions considered or taken pursuant hereto are not to be deemed a waiver of the Government's position that the materials in question are exempted under the Act. By providing for exemptions in the Act, Congress conferred upon agencies the option, at the discretion of the agency, to grant or deny access to exempt materials unless prohibited by other law. Possible releases that may be considered under this section are at the sole discretion of the Attorney General and of those persons to whom authority hereunder may be delegated.

(b) Persons outside the Executive Branch engaged in historical research projects will be accorded access to information or material of historical interest contained within this Department's investigatory files compiled for law enforcement purposes that are more than fifteen years old and are no longer substantially related to current investigative or law enforcement activities, subject to deletions to the minimum extent deemed necessary to protect law enforcement efficiency and the privacy, confidences, or other legitimate interests of any person named or identified in such files. Access may be requested pursuant to the Department's regulations in 28 CFR Part 16A, as revised February 14, 1973, which set forth procedures and fees for processing such requests.

(c) The deletions referred to above will generally be as follows:

(1) Names or other identifying information as to informants;

(2) Names or other identifying information as to law enforcement personnel, where the disclosure of such information would jeopardize the safety of the employee or his family, or would disclose information about an employee's assignments that would impair his ability to work effectively;

(3) Unsubstantiated charges, defamatory material, matter involving an unwarranted invasion of privacy, or other matter which may be used adversely to affect private persons;

(4) Investigatory techniques and procedures; and

(5) Information the release of which would deprive an individual of a right to a fair trial or impartial adjudication, or would interfere with law enforcement functions designed directly to protect individuals against violations of law.

(d) This policy for the exercise of administrative discretion is designed to further the public's knowledge of matters of historical interest and, at the same time, to preserve this Department's law enforcement efficiency and protect the legitimate interests of private persons.

Dated: July 11, 1973.

ELLIOTT L. RICHARDSON,
Attorney General.

[FR Doc.73–14517 Filed 7–16–73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

REGIONAL ADMINISTRATOR; CHANGE IN TITLE

Pursuant to section 8 (g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657), 29 CFR 1911.5, and Secretary of Labor's Orders Nos. 12–71 (36 FR 8754) and 13–73, Chapter XVII of Title 29 of the Code of Federal Regulations is hereby amended to replace in all instances the term "Regional Administrator" with the term "Assistant Regional Director."

Signed at Washington, D.C., this 10th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–14520 Filed 7–16–73;8:45 am]

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PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Fire Extinguishers; Approval

On page 15317 of the FEDERAL REGISTER of July 29, 1972, there was published a notice of proposed rulemaking regarding amendments to §§ 1910.157 and 1910.160 of Title 29, Code of Federal Regulations. Interested persons were given 30 days in which to submit written objections, data, views, and arguments concerning the proposed amendments, and to request a hearing, if desired. No objections have been received, and no hearing has been requested. The proposed amendments are hereby adopted, for the reasons set forth in the July 29 notice, without change and are set forth below.

Effective date. These amendments shall become effective on August 17, 1973.

1. In § 1910.157, paragraph (b)(1) is revised to read as follows:

§ 1910.157 Portable fire extinguishers.

* * * * *

(b) *Selection of extinguishers*—(1) *General.* The selection of extinguishers for a given situation will depend upon the character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors. The number of extinguishers required shall be determined by reference to paragraph (c) of this section. Approved fire extinguishers shall be used to meet the requirements of this section.

* * * * *

2. In § 1910.160, paragraphs (b)(1) and (c)(1)(iv) are revised to read as follows:

§ 1910.160 Fixed dry chemical extinguishing systems.

* * * * *

(b) *Alarms and indicators*—(1) *General.* Alarms and/or indicators are used to indicate the operation of the system, hazard to personnel, or failure of any supervised device or equipment. The devices may be audible or visual. The type, number, and location of the devices shall be such that their purpose is satisfactorily accomplished.

* * * * *

(c) *Inspection and maintenance*—(1) *Inspection and tests.* * * *

(iv) Between the regular annual inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a predetermined schedule.

* * * * *

(Sec. 6, Public Law 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754))

Signed at Washington, D.C., this 10th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14519 Filed 7-16-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 121—PACKAGING

Regulations dealing with the packaging of matter to be mailed have been revised as to requirements and criteria for containers, cushioning, closure, reinforcement, and marking.

Publication of the revisions in the FEDERAL REGISTER is effective immediately.

Sec.
121.1 Packaging adequacy.
121.2 Definitions.
121.3 Packaging for mailing.
121.4 Marking.
121.5 Mailability.

AUTHORITY: 39 U.S.C. 401.

§ 121.1 Packaging adequacy.

Articles accepted for mailing shall be prepared according to the general criteria and regulations specified herein.

§ 121.2 Definitions.

(a) *Types of loads.* In the transportation industry there are three recognized types of loads. They are determined by the contents, degree of protection, and the strength of the package. The types of loads are:

(1) *An easy load.* Items of moderate density, which completely fill the container, or items packaged in interior containers which completely fill the outer mailing container. Easy loads are not readily damaged by puncture or shock and do not shift or otherwise move within the package or present a hazard to other parcels.

(2) *An average load.* Moderately concentrated items, which are packed directly into a shipping container or which may be subjected to an intermediate stage of packing, and which provide partial support to all surfaces of the container. Average loads may be prepackaged by wrapping or by positioning in partitions or paperboard boxes or by other means which provide some support to the faces of the package.

(3) *A difficult load.* Items which require a high degree of protection to prevent puncture, shock or distortion either to themselves or the package. Fragile items, delicate instruments, high density, small bulk items, etc., which do not support the mailing container are not acceptable in paperboard or fiberboard boxes or bags or wraps of any type.

(b) *Other definitions.* The "Glossary of Packaging Terms" also defines terms frequently used in the packaging field. This joint Government-industry developed document may be obtained from the Packaging Institute Inc., 342 Madison Avenue, New York, NY 10017. Federal Government agencies may obtain it as the current revision of Federal Standard 75 from established distribution points.

§ 121.3 Packaging for mailing.

(a) *Preservation.* It is the responsibility of the mailer to provide protection against deterioration or degradation of the contents. Preshipment testing is practiced by the airline carriers and by many company managers to determine the effectiveness of their packaging as well as the durability and the quality of their product. The mailer should be aware of the characteristics of the item he is mailing, the transit time, and the mail handling and transportation environment. Postmasters and customer services representatives will keep customers advised on service and transit times for parcel post.

(b) *Containers acceptable for mailing*—(1) *Boxes.* (i) Paperboard boxes, similar to suite boxes, are acceptable for easy and average loads up to 10 pounds.

(ii) Metal-stayed paperboard boxes are acceptable for easy and average loads up to 20 pounds.

(iii) Solid and corrugated fiberboard boxes are acceptable for easy and average loads up to the following weight limits:

(A) 175 pound test board up to 20 pounds.

(B) 200 pound test board up to 45 pounds.

(C) 275 pound test board up to 70 pounds.

(iv) Wood, metal or plastic boxes are acceptable for all types of loads depending on the adequacy of their construction, their ability to withstand the forces of shock and pressure, and their potential as a source of damage to other items. Boxes with difficult loads to out of town destinations will be reinforced with banding about every six inches in each of the two directions around the package.

(v) The size of the box must be adequate to contain the item(s) and provide enough extra space for cushioning material. If the box is too large and the load is not properly blocked and cushioned, the contents will shift in transit. If it is too small, the cushioning will not be effective and container failure is liable to occur.

(vi) Good, rigid used boxes with all flaps intact are acceptable. If a box of the desired size cannot be found, a larger one may be cut down as shown in Illustration 1. Bend the four sides over the articles which have been cushioned in the box and close and band as in illustration 7. Illustration 2 shows a method of making an acceptable container by using two boxes of the same general dimensions from which the flaps have been removed.

(2) *Outside wraps for boxes.* Paperboard and fiberboard boxes may be wrapped as shown in Illustration 3. Closure and reinforcement may be accomplished by the use of tape, twine, or cord.

See paragraph (d) of this section. Although wrapping paper equivalent to a regular large grocery bag, 60 pounds basis weight, may be used as an outside cover for boxes, it is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container.

(3) *Bags, bales, bundles and wraps.* Bags, bales, bundles and wraps shall not be accepted with difficult loads. The contents in bags, bales, bundles and wraps will be compressed whenever possible:

(i) Paper bags and wraps are acceptable for easy loads of up to five pounds when they are at least 60 pounds basis weight, the strength of the average large grocery bag, and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 60 pounds is not acceptable (e.g. three plies of 20 pound basis weight paper). Reinforced bags are acceptable for easy and average loads of up to 10 pounds. Nonreinforced loose-fill padded bags are not acceptable as exterior containers, except when the exterior ply is at least 60 pounds basis weight.

(ii) Plastic bags shall, as a minimum, be at least four mil thick polyethylene or equivalent for easy loads up to five pounds and six mil for easy loads up to 10 pounds. Experience indicates that plastic bags, which will stretch and resist puncturing, are more durable than most nonreinforced paper bags and provide a high degree of waterproofness. However, the ordinary plastic bag is to be avoided.

ILLUSTRATION 1

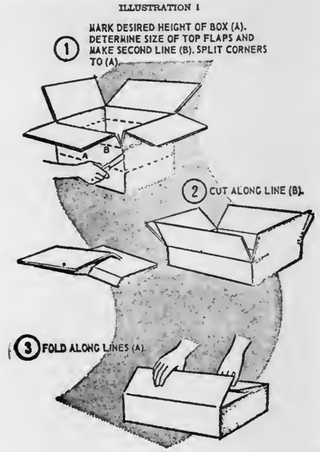
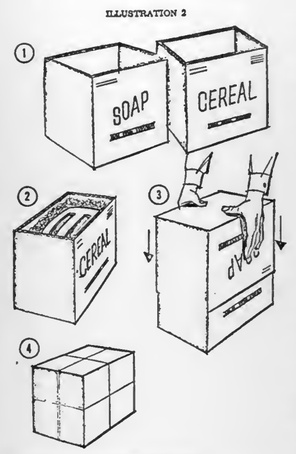
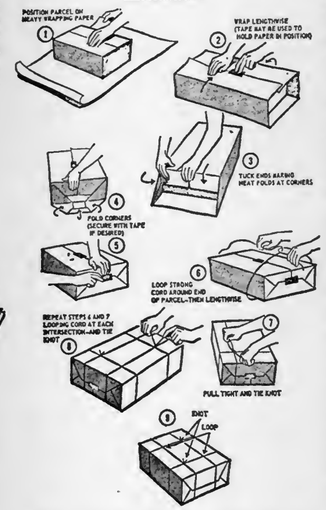


ILLUSTRATION 2



The usual point of fracture is at the taped corners.

ILLUSTRATION 3



(iii) Cloth bags are acceptable for easy and average loads of up to 10 pounds provided their seams are equivalent in strength to the basic material.

(iv) Bales and bundles are acceptable within postal weight limits provided they are adequately compressed and reinforced to contain the material.

(4) *Envelopes.* Envelopes are acceptable as containers for stationery, publications, and similar material up to one pound in weight and one inch in thickness. Many other items may be mailable in large envelopes or flats if stiffeners provide a flat and stable surface. Pens, bottle caps, and similar items are not acceptable in letter size envelopes because they could burst the envelope and damage mail processing equipment or injure employees.

(5) *Fiberboard Tubes and Similar Long Packages.* Fiberboard tubes and similar long packages are acceptable providing their length does not exceed 10 times their girth. As a minimum, the strength of the tube ends must be equal to the tube sidewall strength, except when the contents are lightweight rolled items. Crimped, masking, or cellophane taped end closures are not acceptable for other than lightweight, rolled items. Tape must completely encircle the seams on friction slide closures of mailing tubes.

(6) *Cans and drums.* Cans and drums are acceptable with positive closures. Generally, friction closures by themselves are not acceptable. Protruding devices, such as locking rings, shall be shielded by padding to prevent injury to Postal employees, equipment or other mail.

(c) *Cushioning.* (1) Cushioning absorbs and distributes forces caused by shock and vibration. Examples of cushioning materials are foamed plastics, rubberized hair, corrugated fiberboard, and loose fill material, such as polystyrene, excelsior and shredded newspapers. Illustrations 4, 5 and 6 show ways of using cushioning material for packaging odd shaped items, picture frames, fragile ceramic articles and electronic equipment.

(2) Loose fill cushioning must overfill the container prior to closure to hold the item and prevent its movement to an outside surface of the container or to other items in the package, but the cushioning should not distort the container. Combinations of several types of cushioning should not distort corrugated fiberboard pads and less dense, loose fill material are most effective in force distribution. Shock and pressure forces must be dissipated over as much of the surface of the item as possible.

(3) When several items are within a package they must be protected from each other as well as from external

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forces. Concentrated heavy items must not be packaged with fragile items unless extreme care is exercised to separate the items from each other. Heavy items must be adequately blocked and braced.

(d) *Closure and reinforcement*—(1) *General.* Closure and reinforcement of packages are primary considerations in the preparation and acceptability of any parcel. The principal methods of closure and reinforcement employ gummed and pressure sensitive tapes, adhesives, strapping, twine and cord;. staples for boxes and bags; and various friction closures, screw caps and locking devices for cans and similar containers.

ILLUSTRATION 4



ILLUSTRATION 5

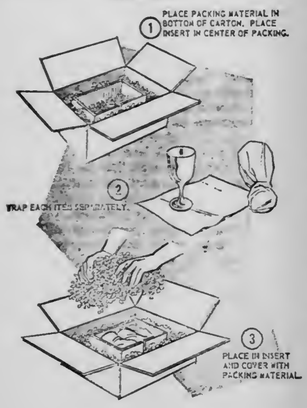
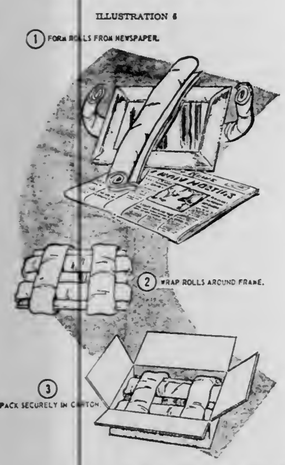


ILLUSTRATION 6



(2) *Tape.* (i) Tape is used for closure, sealing and reinforcement of containers. Cellophane and masking tape shall not be used for closure or reinforcement of packages, but may be used to augment adhesive closures on envelopes or to cover staples on bags. Pressure sensitive, filament reinforced tape is recommended.

(ii) Gummed paper tape must be at least 60 pounds basis weight kraft. This tape is widely used for closure and sealing, but is not adequate for reinforcement. Reinforced kraft paper tape is considerably more durable than plain kraft tape, and takes less time and tape for an equal closure. The adhesives on gummed tapes must be adequately dissolved prior to application, by the use of warm water with a wetting agent, and must be firmly applied with the tape extending at least three inches over the adjoining side of the box. Improper application results when the gummed adhesive is not activated or when the water is absorbed by the fibrous container. The tape must be kept from freezing for at least an hour. Care should be taken when extremely cold temperatures are anticipated. Even properly applied gummed tapes tend to crack under these conditions.

(iii) Pressure sensitive tapes come with various paper, cloth or plastic backings, both plain and reinforced, and may be readily applied at any temperature above freezing. Application, especially in below freezing temperature, requires that the tape be rubbed down well to assure adhesion. Pressure sensitive tape should be used on the container in the same way as gummed tapes.

(iv) Illustration 7 shows proper and improper methods of applying reinforced and gummed paper tapes and reinforced pressure sensitive tapes. Tapes can also be used to close other types of packages not illustrated, including those of irregular shapes and soft wrapped items. Packages properly closed with reinforced tape are substantially stronger than are parcels closed with nonreinforced paper tape.

(3) *Adhesive.* Adhesive is a general term covering cement, glue, mucilage, paste, thermoplastic adhesive, etc. An adhesive must cover at least 50% of the box flaps and should be applied not more than ¼ inch from the ends of the box flaps.

(4) *Strapping, twine, and cord.* When nonpressure sensitive strapping, twine, or cord is used for closure and reinforcement, it should encircle the package at least once girthwise and lengthwise over the sides, ends and tops of rectangular containers and bundles. Twine and cord must be at least 20 pounds tensile strength and must be secured at an intersection at least once on each side. Strapping includes both metallic and nonmetallic banding and pressure sensitive filament tape. Loose strapping, especially metal, is not acceptable because it constitutes a hazard to employees and equipment and does not reinforce the container.

(5) *Staples and steel stitching.* Staples and steel stitching are acceptable providing they are spaced not more than 2½ inches apart and not more than 1¼ inches from the ends of the box. Boxes that do not meet these requirements may be made acceptable by application of a strip of three-inch-wide tape in the gap between the staples or by strapping to compensate for the gap in the staple closure. Illustration 8 shows staple and augmented staple closures.

ILLUSTRATION 7

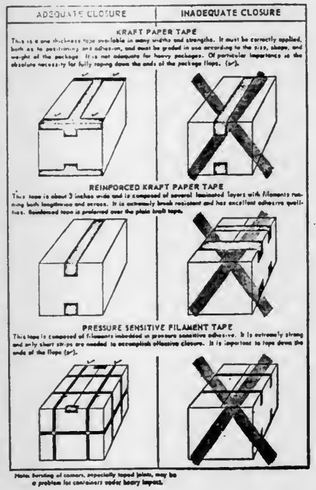
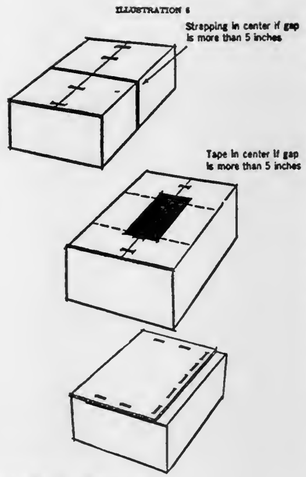


ILLUSTRATION 8



§ 121.4 Marking.

(a) *General.* Marking by the mailer must be by a material which is not readily water soluble of which can easily be rubbed off or smeared and will be sharp and clear at a distance of two feet. It is recommended that the name and address of the sender and addressee also be inserted within the package to aid in delivery if the address on the package is defaced.

(b) *Special markings.* Special markings as identified shall be placed in an area below the postage and above the name of the addressee:

(1) Fragile markings shall be applied to any package containing delicate items such as glass and electrical appliances. Identification of contents is not required.

(2) Perishable markings shall be applied to any package which will degrade or decompose rapidly such as meat, produce, plants, or certain chemical samples.

(3) Handling markings, such as *DO NOT BEND,* should be used only when contents are protected with stiffeners.

(4) Words implying expedited handling, such as *RUSH DO NOT DELAY,* shall not be used on any package except those intended for shipment as special delivery or special handling mail.

(5) Unauthorized labels which do not designate the address, nature of contents, or handling are not permitted. Obsolete markings will be obliterated. Containers improperly identified as to contents are not acceptable; e.g., a box marked as containing seafood which contains dry goods.

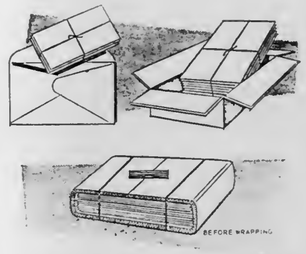
(c) *Marking surfaces.* Marking methods or surfaces shall be of such type as to permit postal endorsements to be made by hand stamp, ball point pen, or Number 2 grade pencil. Package surfaces which will not retain an adhesive stamp, postage meter impression, ball point pen or pencil markings are not acceptable.

§ 121.5 Mailability.

(a) *Acceptability.* Acceptability of packaging is a principal criteria of mailability. No item shall be packaged so that its contents may harm mail handling personnel or equipment. Fragile items must be packaged to withstand the mail processing and transportation environment. Heavy items must be braced and cushioned to prevent damage to other mail. Some general classes of items which cause a continuing problem due to packaging deficiencies are described in this section. Further information may be obtained from parcel post window clerks, dock foremen, and mailing requirements personnel. Requests for exceptions to the prohibitions set forth herein shall be submitted for a ruling to the Office of Mail Classification, Finance Department, U.S. Postal Service, Washington, D.C. 20260.

(b) *Publications.* Publications and stationery-type items ranging from packages of several single sheets to hard back books weighing several pounds each constitute a major source of *loose-in-the-mail* items. Problems occur because of unrestrained, concentrated or shifting contents, and the use of containers, internal packaging, closures and reinforcements which are inadequate. Publications and stationery-type items exceeding one inch in depth or one pound in weight should not be accepted in envelopes. Publications in packages must be unitized by tying or banding or through the use of partitions or close fitting interior containers to prevent shifting. Illustration 9 gives several examples of unitizing this type material. Boxes of publications must be adequately closed and should be reinforced with metal, nonmetallic or tape strapping.

(c) *Liquids.* Liquids, particularly gallon containers with friction top closures, are a source of loss and damage to other mail and Postal equipment. As a general rule, containers of liquid with only friction top closures are not acceptable. Screw caps, soldering, clips or other means must be employed to effect closure. Glass and other breakable containers with a capacity of over 4 fluid ounces must be cushioned with an absorbent material sufficient to take up all leakage in case of breakage inside a sealed waterproof container. Containers of liquid with a capacity of over 32 fluid ounces shall not be acceptable for mailing unless cushioned as above and packaged within another sealed waterproof container, such as a can or plastic bag. The outer shipping container must be of sufficient strength to provide physical protection to the contents. Exceptions to this procedure must be submitted for a mailability ruling as prescribed in § 123.8 of this title.



(d) *Aerosols.* Aerosol containers with inadequate friction cap closures, or other nonpositive means to prevent accidental discharge of contents, are a source of loss of contents and contamination to other mail. These cans must be so constructed as to preclude accidental discharge of contents in the mail. This may be accomplished through the use of recessed valves, screw thread caps, tape closures or other means of preventing discharge.

ROGER P. CRAIG,
Deputy General Counsel.

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PART 144—POSTAGE METERS AND METER STAMPS

Postage Meters and Meter Stamps

Regulations codified under Part 144 with respect to postage meters, have been revised. Matters affected by this revision include but are not limited to prepayment of reply postage by postage meter stamps; payment of metered postage; failure to make required daily entries; use of fluorescent ink; appropriate dating of metered mail; deposits of mail in post office other than where meter is licensed.

Section 144.4(c) dealing with mandatory use of fluorescent ink for postage imprints on letter size metered mail took effect on July 1, 1973. This requirement was published as an amendment to § 144.4 in 37 FR 17830 as corrected in 37 FR 18466.

Part 144 has, as indicated above, already been revised by the Postal Service. Publication in the FEDERAL REGISTER is effective immediately.

Sec.
144.1 Postage meters.
144.2 Meter license.
144.3 Setting meters.
144.4 Meter stamps.
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144.7 Post office meters.
144.8 [Reserved]
144.9 Manufacture and distribution of postage meters.

AUTHORITY: 39 U.S.C. 401, 404.

§ 144.1 Postage meters.

(a) *Use of meter stamps.* (1) Postage may be paid by printing meter stamps

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with a postage meter on any class of mail. Metered mail is entitled to all privileges and subject to all conditions applying to the various classes of mail.

(2) Meter stamps may be used to prepay reply postage on letters and postcards under the following conditions:

(i) Meter stamps must be printed directly on the envelope or card that bears the return address of the meter license holder in an amount sufficient to prepay in full the first-class or airmail rate.

(ii) Any photographic, mechanical, or electronic process, or any combination of such processes, other than handwriting, typewriting, or handstamping, may be used to prepare the address side of reply mail prepaid by meter stamps. The address side must be prepared both as to style and content in the following form without the addition of any matter other than a return address:

(Meter stamp to be placed here)

NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

John Doe Company
123 Tremont Street,
New York, N.Y. 10010

(iii) Reply mail prepaid by meter stamps will be delivered only to the address of the meter license holder. If the address is altered, the mail will be held for postage.

(3) Postage meter stamps for zero postage shall not be affixed to items delivered by other carriers since this would give the impression of Postal Service delivery.

(b) *Description of meters.* Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and shows the balance of postage remaining in the meter, after the use of which it will lock. From time to time, mailers take the meter to the post office to have this counter set for additional postage, which is added to the balance remaining. Payment must be made for each additional setting.

(c) *Meter manufacturers.* (i) Postage meters may be leased from authorized manufacturers who are held responsible by the Postal Service for the control, operation, maintenance, and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(i) ADS-Anker Data Systems Midwest, Inc., Postalia Division, 2021 Swift Drive, Oak Brook, IL 60421.

(ii) National Cash Register Co., Dayton, OH 45409.

(iii) Pitney-Bowes, Inc., Pacific and Walnut Sts., Stamford, CT 06904.

(iv) The Singer Co., Business Machine Div., 2350 Washington Ave., San Leandro, CA 94577.

§ 144.2 Meter license.

(a) *Application.* A customer may obtain a license to use a postage meter by submitting Application for a Postage Meter License, Form 3601–A (or a form supplied by the manufacturer), to the post office where his metered mail will be deposited. No fee is charged. On approval, the postmaster will issue a license.

(b) *Responsibilities of licensee.* (1) After a meter has been delivered to a licensee, he must keep it in his custody until returned to the authorized manufacturer or to the post office. A customer may not have a meter in his possession unless it has been set, sealed, and checked into service by the Postal Service. Avoiding the payment of postage through tampering with or misusing a meter is punishable by law.

(2) The licensee must enter in the Daily Record of Meter Register Readings, Form 3602–A, the figures appearing in the ascending and descending registers each day the meter is operated. Failure to make such entries will be considered grounds for revocation of a meter license. If at any time the sum of the two figures does not equal the total entered in the Form 3602–A at the last setting, the meter should be taken immediately to the post office, station, or branch where it was set for examination. The post office will provide Form 3602–A when the meter is initially set. Additional copies will be provided as the forms are filed.

(3) The meters in the custody of the licensee and his records relating to meter transactions must be immediately available for examination and audit by the Postal Service upon request.

(4) If a meter is not reset within a 6-month period, it must be presented together with related Forms 3602–A for examination at the post office, station, or branch where it is regularly set.

(5) If the meter's printing or recording mechanism is in any way faulty, it shall be immediately taken to the post office, station, or branch where it is regularly set to be checked out of service. Under no circumstances, shall the faulty meter be used.

(c) *Revocation.* (1) A license may be revoked if a meter is used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any failure of the licensee to comply with the regulations governing the use of postage meters.

(2) The meter license holder will be notified by the postmaster if the license is to be canceled and the reasons for cancellation. Form 3604, Nonuse of Mailing Permit or Meter License, may be used if cancellation for nonuse is being considered. If no written statement of objection is filed by the license holder within ten days, the postmaster will cancel the license. If a written statement is filed, the appeal shall be referred by the postmaster to the Finance Department, Mail Classification Division, for resolution. The Mail Classification Division will notify the license holder of the decision through the postmaster. If a meter license is revoked, the postmaster will note the date and reason for cancellation on Form 3601–A (see paragraph (a) of this section).

§ 144.3 Setting meters.

(a) *Requirement.* A customer may not have any postage meter in his possession until it has been set, sealed, and checked into service by the Postal Service. The manufacturer will bring the meter to the post office where it is to be regularly set for setting and sealing prior to delivery to the customer.

(b) *Place.* Meter settings, including checking meters in and out of service, will be done only by designated employees at the post office, station, or branch where the metered mail will be deposited, except as provided for in paragraph (d)(5) of this section. Postal employees will not be sent out of the post office to set meters except under programs authorized by the regional mail classification branch. Contract stations and branches are not authorized to set meters.

(c) *Payment.* (1) Payment must be made for postage at the time the meter is set. Payment may be made by cash, check, money order, or by a withdrawal from a trust fund previously established with the post office for that purpose. See section 142, Fiscal Handbook F–1, regarding the acceptance of checks. Trust accounts may be established when the monthly mailing of a licensee is $500 or more. No activity in the account over a 60-day period shall be grounds for closing of the account by the post office and returning the trust funds to the mailer.

(2) Receipts for payment to a trust account shall be made on Form 3544, Post Office Receipt for Money. The original will be given to the customer, the duplicate sent to the office maintaining the cash book, and the triplicate retained by the employee setting the meter. Trust account transactions shall be recorded on Form 25, Trust Fund Account, kept on the individual account by the employee setting the meter. Daily totals of the money received for such trust funds shall be listed on the Daily Cash Report, Form 1412.

(3) Receipts for individual meter settings shall be made on Form 3603, Receipt for Postage Meter Settings, in accordance with paragraph (d)(2) of this section.

(d) *Examination and Setting.*—(1) *Examination.* (i) When meters are brought in for reset or examination in accordance with paragraph (b)(2) of this section, they shall be examined to determine if they operate properly or have been tampered with.

(ii) Meters not reset within a 6-month period shall be examined, if practicable, by an employee not assigned to setting postage meters.

(iii) Meters shall be examined to determine whether the seal, register windows, break-off screws, top cover, lock cover, or other visible parts, have been broken or tampered with, and whether the die hub or meter drum is locked in home position. If evidence of tampering or breakage is found, retain the meter and promptly notify the postal inspector in charge.

(iv) Serial numbers shall be checked to see that they agree with those listed on Form 3610, Record of Postage Meter Settings, and that the total of the two registers equals the last entry in column 8 of Form 3610. If the meter is not registering properly, it shall be checked out of service in accordance with paragraph (e) of this section.

(v) Instances where daily entries are obviously not being made should be brought to the attention of the supervisor for consideration of license revocation. An entry shall be made on Form 3610 when an examination (but no reset) has been made.

(2) *Setting.* (i) Prior to setting, meters shall be examined in accordance with subparagraph (1) of this paragraph.

(ii) Record descending and ascending register readings *before* reset and their sum on Form 3603, prepared in triplicate. Verify that the sum agrees with the last entry in column 8 of Form 3610 and column C of Form 3602–A.

(iii) Set the meter in accordance with the manufacturer's instructions.

(iv) Seal the meter using official USPS sealing pliers furnished by the manufacturer. Assure that the seal is properly affixed and thoroughly compressed. After sealing, the lead seal shall be checked to make sure it cannot move on the wire.

(v) Record readings of descending and ascending registers' readings (after setting) on Form 3603 and complete the form.

(vi) If payment is to be made by withdrawal from a trust account, record the transaction on Form 25 maintained for that account by the employee setting the meter.

(vii) Post information from Form 3603 to Form 3610 and complete the Form 3610 entry.

(viii) The original copy of Form 3603 shall be given to the customer with the meter and Form 3602–A. Copy 2 of Form 3603 shall be sent to the holder of the cash book, and copy 3 shall be kept in the receipt book by the meter setter.

(ix) When a meter manufacturer's representative brings in a meter for initial setting or withdrawal, or reports a meter lost, stolen, recovered or found, he shall provide a copy of an installation or withdrawal form. This shall be forwarded to the office where the meter files are kept (see paragraph (g) of this section.

(3) *Transfer of units.* When units are transferred from one meter to another, a note shall be made after the entries on Forms 3602–A for both meters and Form 3610 as required by subparagraph (2) of this paragraph, indicating the value of the units transferred and the serial number of the postage meter from (to) which the units were transferred. When additional units are purchased at the time of transfer, a receipt Form 3603 shall be prepared for the additional units purchased in accordance with subparagraph (2) of this paragraph.

(4) *Setting meter for use at another post office.* The postmaster who serves the place where a mailer is located may set a meter to be used in paying postage on mail presented at another post office when it will be a convenience to the mailer. Before doing so the following requirements must be met:

(i) The postmaster must obtain confirmation from the Regional Assistant Postmaster General, Mail Processing, in the region where the post office of mailing is located, that the post office of mailing has adequate facilities for handling the mail. This is intended to improve coordination between the Postal Service and the mailer as to which point of mailing can provide the best service by virtue of acceptance and transportation facilities. The postmaster shall request this confirmation by memorandum, describing the nature of the material to be mailed (letter size, flats, etc.), volume, classes and frequency of mailing, and the desired place of mailing.

(ii) The mailer must obtain a meter license from the post office where the mailing is to be presented. When the license is received, it must be presented to the mailer's local post office with the meter for setting. The license will be returned to the licensee.

(iii) The postmark die must show the name of the post office of mailing. A separate meter must be used for each post office.

(iv) Payment for each meter setting must be made by check or money order payable to the postmaster at the post office where mailings will be made. See section 142.1, Handbook F–1, regarding acceptance of checks. Checks must be presented to the local post office when the meter is set. Trust funds will not be utilized to pay for setting such meters.

(v) The employee setting the postage meter will complete Form 3618, Local Setting of Postage Meter Licensed at Another Office, in duplicate. The original of this form with the check and a stamped, self-addressed envelope (furnished by the mailer for return of Form 3603) will be sent in a post office penalty envelope to the postmaster where the mailings are to be made. The duplicate shall be retained by the employee setting the meter. A record of each setting shall be entered on Form 3610 at the office where the mailings are made and the completed Form 3603 will then be sent to the mailer.

(vi) Mail must be presented at a designated receiving point in the post office by the mailer's representative. It may not be consigned to the post office in bulk by freight, express, or other carrier. The postmaster may not act as the mailer's representative and the Postal Service has no responsibility for the articles until they are actually accepted in the mail.

(vii) Matter sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose. The total weight of containers such as cartons, crates, etc., which must be lifted by postal employees shall not exceed 70 pounds.

(viii) When the use of a meter is discontinued, the meter shall be presented to the post office where it was set, for checking out of service. Any postage adjustment will be made by the postmaster where the mailings have been made.

(5) *Changing place of setting meter.* (i) When the place of setting is changed to a different branch or station of the same post office, Form 3610 shall be retained by the office, branch, or station which previously set the meter. The readings on the registers and the office, branch, or station where future settings are to be made shall be recorded on Form 3610 and a horizontal line drawn under this last entry. Form 3610 shall be retained for 3 years.

(ii) A new Form 3610 will be prepared and sent to the office which will make future resets. It shall have one entry stating office, branch, or station which previously did resets and the register readings when transferred. When appropriate, the second office can obtain this information by telephone and prepare the new Form 3610.

(6) *Reporting receipts.* In filling out the Daily Cash Report (Form 1412 or 1412–A, as appropriate) stations, branches, and main office window unit personnel shall list the total of payments received for deposit in metered postage trust accounts as trust accounts receipts. The total of cash receipts for meter resets shall be listed as Metered Postage, A/C 40220. Duplicate copies of the corresponding Forms 3603 and 3544 shall be attached to the Daily Cash Report. Trust fund transactions shall be recorded on a Form 3083, Trust Accounts Receipts and Withdrawals, and forwarded with the Daily Cash Report to the chief accountant (or person designated to keep the cash book) with copies of corresponding Forms 3603.

(7) *Meter setting supplies.* The manufacturer furnishes the postmaster with instructions for setting various types of meters and provides keys to the locks on the recording mechanism, a stylus (used in setting meters), lead seals and a sealing device. Protect these items to prevent their use by unauthorized persons. Keep the instructions in the binder holding Forms 3610. Requisition additional copies of the manufacturer's setting instructions from the nearest branch or head-

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quarters office of the meter manufacturer. Requisition additional supplies of lead seals from the headquarters office of the meter manufacturer. Requisition the following forms from your supply office when the first application for a postage meter license is received at your office:

3083	Trust Accounts Receipts and Withdrawals.
3601–A	Application for a Postage Meter License.
3602–A	Daily Record of Meter Register Readings.
3603	Receipt for Postage Meter Settings.
3604	Nonuse of Mailing Permit or Meter License.
3610	Record of Postage Meter Settings.
3616	Report of Quarterly Verification of Metered Mail.
3619	Permit Number Record.
3977	Duplicate Key Envelope.

(8) *Custody of meter setting keys.* Accurate custody records of meter keys will be maintained by post offices. Duplicate keys will be kept in Duplicate Key Envelope, Form 3977, and safeguarded in accordance with the instructions on the envelope. A semiannual verification of keys will be made, with the entry for each key being initialed and dated as evidence of verification. The loss of any key shall be immediately investigated and reported to the regional mail classification branch and the meter manufacturer. If a key is subsequently recovered, promptly notify the regional mail classification branch and the manufacturer. Keys no longer required at an office and emergency requests for meter setting keys will be sent to the sectional center.

(e) *Checking meter out of service—*(1) *Checkout procedures.* (i) When a mailer brings in a meter which he no longer requires or in which the printing and recording mechanism fails to record its operations correctly, promptly check the meter out of service. Notify the manufacturer's representative to call for the meter, if the meter user has not notified him.

(ii) Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount in accordance with provisions of paragraph (e) of § 147.2 of this title if the total readings of the ascending and descending registers are equal to or less than the total settings shown on the Form 3610. If the total of the register readings of the defective meter exceeds the total settings, deduct excess from the amount shown in the descending register to determine the amount of postage to be refunded or transferred. When a meter fails to lock out and prints stamps in excess of the amount for which set, collect the additional amount due from the mailer in cash. Convert the collection into postage-due stamps of a high denomination, affix the stamps to a sheet of paper, cancel and deliver them to the meter user as a receipt for postage collected. Do not furnish any other receipt.

(iii) Clear the descending register to zero or to lowest possible setting.

(iv) Record on Form 3610 the date, reason, and whether unused units were transferred to another meter, including the number of the meter and the number and value of units transferred. When units of postage are refunded, show amounts and method of payment.

(v) Form 3602–A must be submitted by the user when the meter is checked out of service. Enter in the book, below the last entry, the readings of both registers before and after checkout, the amount of postage transferred, and the meter it was transferred to. Make an entry on Form 3602–A of the second meter indicating the amount of postage transferred and the meter it was transferred from. If the meter record book does not show the ascending and descending register readings, totals, and dates for the last three settings, enter these in the book from the information on Form 3610 and notify the supervisor. If Form 3602–A is not available, furnish a report to the manufacturer stating that fact, furnishing register readings, totals, and dates after each of the last three settings. State also the amount of postage transferred to another meter. Return Form 3602–A to the licensee unless the meter was faulty (see subparagraph (2) of this paragraph). The licensee shall keep Form 3602–A for at least one year after date of final entry.

(vi) Enter date of discontinuance on numerical file record card for each meter checked out of service.

(vii) Turn the meter over to the meter manufacturer's representative with the lock unsealed. Provide the manufacturer with Form 3602–A if the meter was faulty.

(2) *Checkout of faulty meter.* (i) When a meter is presented for checkout because of mechanical failure, follow the procedures in subparagraph (1) of this paragraph.

(ii) Upon request of the manufacturer, furnish a photostat copy of Form 3610 for any meter checked out because of faulty operation. Send the copy directly to the manufacturer.

(iii) After examination of a meter withdrawn because of apparent faulty operation affecting registration, the manufacturer will return the meter record book directly to the postmaster with a detailed statement explaining why the meter failed to function properly. The manufacturer may also recommend an appropriate postage adjustment. Determine from the manufacturer's report and other facts what postage adjustment, if any, is necessary. Return the meter record book to the meter user. In case of doubt regarding proper postage adjustment, report all facts to the Finance Department, Mail Classification Division, for instructions.

(f) *Refunds for unused meter stamps.* Refunds for unused meter stamps will be made in accordance with paragraph (e) of § 147.2 of this title.

(g) *Records—files.* Three basic files shall be kept for meters and meter licensees: an alphabetical file of licensed meter users, an alphabetical file of meter licensees and meters currently in use by them, and a numeric file of postage meters. These files will be maintained in the main post office. They shall not be duplicated at branches, stations, or other locations but shall be kept so that information is readily obtainable by telephone or other means. Additional information concerning accounting records for Postal Service owned meters is contained in § 144.7(d).

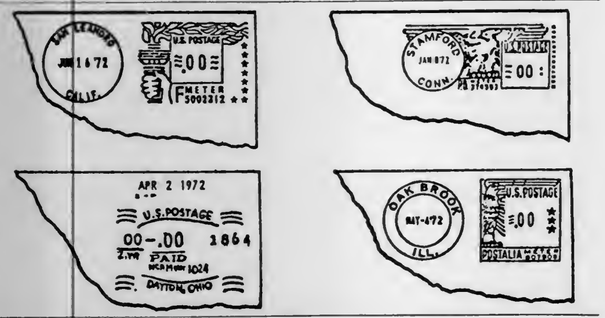
(1) *License file.* A central file shall be maintained of all currently licensed users of postage meters. This file shall consist of approved Forms 3601–A (top portion of form). Canceled licenses shall be maintained for a period of one year and then disposed of.

(2) *Meter user file.* This file consists of cards filed alphabetically by licensee, listing the manufacturer and serial number of meters in use. As meters are withdrawn, delete from the list by simply drawing a line through the serial number. This file and the numeric file shall be kept where they will be available for use any time the post office is open for business or mail is being processed.

(3) *Numeric file.* This file shall consist of cards for each meter set by post office, branch, or station. Cards shall contain the make, model, and serial number of the meter and list the name of the meter user, date of installation, and date when withdrawn or reported lost or stolen.

§ 144.4 Meter stamps.

(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Postal Service for manufacture. Only approved designs may be used. Some approved designs are illustrated below.



(b) *Legibility.* Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

(c) *Fluorescent ink.* The use of fluorescent ink will be mandatory for postage imprints on letter-size metered mail effective July 1, 1973. Failure to use fluorescent ink may result in the revocation of the meter license. Letter-size mail is defined as being from 4¼" to 11½" long, 3" to 6⅛" wide, and .006" to .25" thick.

(d) *Meter stamps on tape.* When meter stamps are printed on tape, only tape approved by the Postal Service may be used.

(e) *Position.* Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

(f) *Content.* Meter stamps must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multidenomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

(g) *Date of mailing.* (1) Dates shown in the meter postmark of any type or kind of mail shall be the actual date of deposit except when the mailing piece is deposited after the last scheduled collection of the day. When deposit is made after the last scheduled collection of the day, mailers are encouraged but not required to use the date of the next scheduled collection.

(2) The month, day, and year must be shown in the meter postmark on all first-class, airmail, and priority mail (heavy pieces), and on all registered, certified, insured, COD, special delivery, and special handling mail, except prepaid reply postage, whether the postmark is printed directly on the mailing piece or on a separate tape.

(3) The month and year must be shown on meter postmarks printed on a separate tape for second-, third-, and fourth-class pieces. The day may be omitted. Mailing pieces postmarked on a separate tape with only the month and year may be accepted during the month shown and through the third day of the following month when, in the judgment of the postmaster, the mailing was unavoidably delayed prior to its deposit with the Postal Service.

(4) The date (day, month, or year) is not required to be shown on meter postmarks printed directly on a second-, third-, or fourth-class mailing piece.

(5) The date shall not be shown on meter postmarks used to prepay reply postage in accordance with § 144.1(a)(2).

(h) *Hour of Mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

(i) *Meter Slogan and Ad Plates.* Licensees may print advertising matter simultaneously with meter stamps within space limitations. Licensees must obtain the plates for advertising from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Postal Service. The plates may not be used to print postal endorsements on mail. Slogans must not be objectionable or misleading.

§ 144.5 Mailings.

(a) *Preparation.* The mailer must bundle, box, or otherwise package mailings of 5 or more letter-type pieces with the addresses facing in one direction. This prevents the pieces from becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. Properly prepared metered mail can go directly to distribution and thereby be expedited in dispatch. Metered mail not properly bundled, boxed, or otherwise packaged as required will be reported by telephone or personal visit to the mailer or his authorized agent. A record of this action will be maintained by the postmaster on Form 3749, Irregularities in the Preparation of Mail Matter. If the mailer or his agent disregards such reports and irregularities are repeated, the mail will be retained by the postmaster and the mailer immediately notified by telephone so that the mailing can be picked up for proper preparation before acceptance and dispatch. Each class and denomination should be bundled separately. Special delivery and airmail should always be bundled separately or located on the top of a bundle.

(b) *Place of Mailing.* (1) Metered mail, other than bulk mailings of third-class mail may be deposited in any street collection box, mail chute, receiving box, cooperative mailing rack, or other place where mail is accepted, which is under the jurisdiction of the post office shown in the meter stamp. To secure faster dispatch, metered mail should be deposited at the main post office or a station or branch thereof.

(2) To expedite dispatch and as a convenience to meter users, limited quantities of airmail, special delivery, and other first-class mail may be deposited at offices other than the one which appears in the meter stamp. A limited quantity is considered to be the quantity of mail a secretary might deposit in a mail receptacle on the way home from work.

(c) *Handling of Metered Mail—*(1) *Mailed at stations and branches.* At stations and branches where mail is not processed, keep metered mail separate from other types of mail insofar as possible so that the advantages of the separation are not lost at the time of processing. When the quantity warrants, place metered mail in pouches, sacks, or hampers, labeled *Metered Mail.* When the quantities are too small be be separately pouched or sacked, tie the pieces securely in bundles, labeled *Metered Mail* so that they may be identified and promptly separated in the distributing unit from other types of mail.

(2) *Postmarking.* Do not postmark metered mail, except as required in 332.35 of the Postal Service Manual and subparagraph (4) of this paragraph.

(3) *Distribution.* Send metered mail to distribution points as soon as received. Distribute in order of priority of receipt regardless of time shown in postmarks or meter stamps.

(4) *Examination.* Examine mail while being routed for distribution to determine that it is properly prepared. This examination may be made by a selective check of the pieces as they are distributed. Metered mail bearing the wrong date of mailing see § 144.4(g) will be run through a canceling machine or otherwise postmarked to show the proper date. Form 3749 will be used by postmasters to call irregularities to the attention of the mailer. If the same irregularity is repeated, the postmaster will notify the head of the firm or his authorized agent in writing. If a mailer disregards such notices on dating of mail, the postmaster may refuse to accept the mail, or if the mail has already been accepted, he may return the mail with instructions to enclose it in new envelopes bearing the correct date in the meter stamp.

§ 144.6 Security.

(a) *Quarterly Verification.* (1) The postal data center provides each post office with a quarterly meter control list of postage meters used for mailings at that post office. These listings should be checked for accuracy in accordance with section 236.4, Handbook F–1.

(2) Area mail processing units and post offices which do initial distribution of originating mail will take a sampling of local originating metered mail (letters and parcels including those bearing Postal Service meter stamps) during a different day of each quarter. Sample sizes will depend on the number of meters under license at the office, the total volume of local originating metered mail, classes of metered mail, and the diversity of mailings. Five to twenty-five percent of the meters set at the office should be included in the sampling, with larger offices using the lower percentage figure and smaller offices the higher. This sampling is designed to:

(i) Detect use of unauthorized meters

(ii) Detect altered metered stamps

(iii) Detect improper metered mail procedures by mailers, especially incorrect postmarks.

(3) Employees making the sample shall be familiar with the requirements of part 144 and shall be provided with copies of Forms 3616 and 3749.

(4) Local originating metered mail with other than a local postmark shall be listed on a separate Form 3616, a separate Form 3616 being used for each postmark.

(5) Metered mail being sampled should also be examined for alterations or counterfeit impressions. Suspect impressions should be immediately reported to the supervisor. Alterations may be indicated by:

(i) Peculiar tint of ink.

(ii) Smudged or uneven impressions.

(iii) Digits which are out of line or vary in size.

(iv) Impressions which appear to have been altered manually by pen and ink or other means.

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(6) Metered mail being sampled should also be examined for improper mailing practices such as wrong date and improper preparation. Form 3749 shall be prepared for each irregularity observed.

(7) An employee who did not participate in the sampling shall check the Forms 3616 against the numeric listing of meters set by the post office. Discrepancies which cannot be resolved shall be reported to the regional mail classification branch.

(8) Forms 3616 for mail having other than local postmarks shall be forwarded to the appropriate postmaster to determine if they are authorized. These Forms 3616 shall be filed with Forms 3616 developed during that office's quarterly verification. Postmasters shall report use of unauthorized meters to the regional mail classification branch.

(9) The regional mail classification branch shall attempt to resolve reports of unauthorized meters by comparison with lists of stolen meters and by discussion with meter manufacturers. Meters that are unauthorized or which have previously been reported stolen shall be reported to the Inspection Service and to the manufacturer. The reporting post office shall be advised of any action taken.

(b) *Lost and stolen meters.* Report the loss, theft, or recovery of any lost or stolen meters immediately to the local postmaster, to the mail classification branch for the region in which the meter is licensed for use, and to the local police. Reports shall include the meter model and serial number; the date, location and details of the loss or theft; and a copy of the police report when applicable.

§ 144.7 Post office meters.

(a) *Criteria for use.* Omnidenomination postage meters are assigned to parcel post and registry windows and postage-due units at post offices and classified stations and branches meeting the criteria in section 641.444 of the Postal Service Manual. Post-office-owned meters are not assignable to contract stations or branches.

(b) *Requests for meters.* Requests for postage meters shall be made in accordance with section 641.444 of the Postal Service Manual.

(c) *Operation of meter*—(1) *Instructions by meter manufacturer.* A representative of the manufacturer will instruct employees how to operate the device at time of installation.

(2) *Keys.* (i) Two different keys are needed to operate a postage meter. One key is required to unlock the meter operating lever and must be used each day the machine is operated. A different key, which is the same as the key used to open customers' meters at time of setting, is required to open the meter unit to set an amount of postage in the device. The manufacturer will not furnish an additional meter setting key if you already have one.

(ii) Duplicate keys are provided for the meter operating lever of each machine. One key will be kept in custody of the designated supervisor except during the period the meter is assigned to the meter operator. The duplicate key will be recorded and retained in protective custody.

(3) *Settings.* Meters must be set by an employee authorized to set customer's meters. A meter machine operator must never set his own meter. Record initial setting and all other information called for on Form 3609–PO, *Control for Post Office Meter.* Set each meter at least once each 6 months. Limit settings to multiples of $100.00.

(4) *Conversion to postage due.* (i) Meters are converted to postage-due use by installing a snap-in die plate which imprints the words Postage Due to the left of the postmark circle. Dies are furnished by the Western Area Supply Center, Parts Section, Topeka, KS 66601. Requisition on Form 4984, Repair Parts Requisition. Include the model of meter with all requests.

(ii) Requisition a portable meter stand to move the meter between postage-due units and receiving windows when it is used in a dual capacity.

(iii) Meter operators assigned to receiving mail from the public may not also deliver postage due mail to window callers.

(5) *Affixing meter stamps.* Sell meter postage for packages or parcels of all classes, and for occasional letters presented by mailers of parcels. Affix meter stamps to the mail in presence of mailer. Do not use a meter for quantities of letters or circulars. Do not sell meter stamps to be taken from the post office to be put on parcels elsewhere. You may sell to collectors, stamps of meters installed at parcel post and registry receiving windows provided the stamps are for small amounts and are for philatelic purposes only. Do not issue stamps showing ".00" in the indicia or for less than 5 cents. Do not sell postage-due imprints except to collect postage-due. A meter operator should submit unused meter stamps daily that are printed in error with Form 3533, Application and Voucher for Refund of Postage and Fees, to postmaster for full refund. Do not hold these stamps longer than one week in any case.

(6) *Ink and tape.* Use only tape and red ink furnished by the Postal Service. Requisition from the supply center. Use green ink in meters used exclusively for postage-due mail. Green ink must be obtained from meter manufacturer or their local representative in accordance with local procurement authority in chapter 6 of the Postal Service Manual.

(7) *Protection of meter heads.* Remove meter heads and place in a safe or locked cabinet overnight and at other times when operator is temporarily absent from his station and adequate surveillance cannot be maintained over the meter head to prevent its misuse by unauthorized persons.

(8) *Repairs.* Postage meters are guaranteed against all defects in materials and workmanship for 1 year after installation. Request nearest authorized manufacturer's representative for free service during the 1-year guarantee. For other repairs see part 623 of the Postal Service Manual.

(9) *Slogan Ad Plates.* Except as provided in subparagraph (4) of this paragraph do not use slogan die plates in post-office owned meters.

(d) *Accounting*—(1) *Employees accountable.* (i) Designate a supervisor or other employee not assigned to operating the meter as responsible to check the daily accountability of postage printed by a meter. He shall check the meter in and out of service daily for the operator and see that it is protected as provided in paragraph (c) (7) of this section.

(ii) A meter operator is responsible for all postage printed by a meter while it is checked into his service; and for locking the machine and safeguarding the key during temporary absences. He shall use an informal receipt, or back of Form 3602–PO, when meter is turned over to a relief clerk during lunch or other short period.

(2) *Preparation and verification of accounting records.*—(i) *Form 3602–PO.* This is an accountable form, serially numbered, used daily to record meter register readings and remittance of cash. Each day the meter operator shall record the meter number, unit or station name, date, and ascending and descending register readings. The designated supervisor shall verify the readings of registers and then turn over the lever key to the operating clerk. At the end of his tour, the meter operator shall record the ascending and descending register readings. The difference between the beginning and ending readings represent postage for which the meter operator is accountable. The designated supervisor must verify readings and initial Form 3602–PO when checking a meter out of service or when transferring it to another operator.

(ii) *Form 3609–PO.* (A) Form 3609–PO shall be retained by the director, office of finance, chief accountant or the individual in charge of the office cash records. The first meter setting shall be recorded directly in Form 3609–PO. All other settings are reported on Form 3602–PO and posted to Form 3609–PO.

(B) A copy of Form 3602–PO must be kept with Form 3609–PO and the total amount of postage posted once each accounting period on Form 3609–PO. The numerical sequence of Forms 3602–PO must be verified.

(3) *Ascending register reversion.* The ascending register on reaching its maximum will revert to zero and start a new ascending record. When this occurs, the meter operator shall record the closing ascending register on Form 3602–PO as though it had not reverted by recording the carry-over digits in parentheses, as for example:

Descending register beginning	120000	Ascending register end	(1)0060000
Descending register end	40000	Ascending register beginning	9980000

Amount remitted: $800.00

When Form 3602–PO is received by the employee maintaining records on Form 3609–PO, appropriate notation of the date of reversion shall be made on the Form 3609–PO. Thereafter, readings of the ascending register will be recorded in the usual manner without addition of the digit in parentheses.

(4) *Remittance.* Money collected through postage meter operations must be remitted daily as near the end of the tour as possible. The original of Form 3602–PO must accompany Form 1412 or 1412–A Daily Cash Report. If Form 1412 or 1412–A is not used, send remittance with Form 3602–PO.

(e) *Use by contract stations and branches.*—(1) *Privately owned meters.* Although post-office-owned meters are not furnished to contract stations and branches, the contractor may at his own expense and option obtain a postage meter to collect postage on parcels presented by patrons.

(2) *Accountability.* (i) Settings of meters for contract stations shall be made at the post office or classified station or branch designated by the postmaster.

(ii) If meter is used exclusively for mailings of customers, follow instructions in paragraph (b) (3) of this section and reduce stamp credit. Furnish Form 3602–PO to contractor and require submission of form with daily remission of meter funds.

(iii) If meter is also used by contractor to pay postage on his own mail, require payment for each setting at the time meter is set. Contractor will reimburse himself for meter postage applied to customers' parcels.

(iv) Account for all settings of non-post-office owned meters used at contract stations in the same manner as customer meters. See Handbook F–1.

§ 144.8 [Reserved]

§ 144.9 Manufacture and distribution of postage meters.

(a) *Authorization to manufacture and lease*—(1) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 144.1(c) must qualify as follows:

(i) Satisfy the U.S. Postal Service as to its integrity and financial responsibility.

(ii) obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Finance and Administration Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Finance and Administration Department.

(iv) Have, or establish, and maintain adequate facilities for the control, distribution, and maintenance of postage meters and their replacement when necessary.

(2) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Finance and Administration Department, in person or in writing. On qualification and approval, the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Postal Service Manual.

(3) *Suspension.* The U.S. Postal Service may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine whether his authorization should be revoked and the Postal Service will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of part 144.

(b) *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the post office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination); or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multidenomination) or the currency value of the impressions made (omnidenomination). The printing die or dies, counters and counter-actuating mechanism must be inseparable in the unit brought to the post office for setting.

(3) In each postage meter, there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the post office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the post office by means of a door equipped with a suitable lock and with provision for a post office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism, except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Finance and Administration Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the denomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the U.S. Postal Service on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the U.S. Postal Service amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Finance and Administration Department, after being tested by the National Bureau of Standards, or the U.S. Postal Service Laboratory, at the expense of the manufacturer. A preliminary working model which meets the specifications in paragraph (b) of this section may be submitted for tentative approval. No meters of any model may be distributed or used for payment of

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postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Security examination.* Each model meter proposed for manufacturer will be examined to see that it incorporates all the mechanical features and safeguards required by paragraph (b) of this section and that it amply protects the U.S. Postal Service against loss of revenue.

(3) *Endurance test.* Each model of meter proposed for manufacture must pass without error or breakdown the following described printing cycle endurance test which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers:

(i) For meters that operate at 100 or more printing cycles per minute—4 million cycles.—For meters that operate at less than 100 printing cycles per minute (and cannot be used interchangeably on power base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(ii) For multi- and omni-denomination meters, postage value selection elements shall be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(iii) Balance register lockout operation shall be performed at the start of, at intervals during, and at the end of the printing cycle test.

(4) *Approval.* The U.S. Postal Service reserves the right before approval to require additional examination and testing as necessary to resolve any areas of doubt regarding the security or endurance characteristics of any meter which is proposed for manufacture.

(5) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Finance and Administration Department, and no changes affecting the basic features or safeguards may be made thereafter without Postal Service approval.

(6) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards, or the U.S. Postal Service, for test, at the expense of the manufacturer, as may be requested by the Finance and Administration Department, U.S. Postal Service.

(d) *Safeguards*—(1) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals, the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed daily.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the U.S. Postal Service to have them.

(e) *Distribution.*—(1) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control, and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Finance and Administration Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the U.S. Postal Service for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply only those meter slogan or ad plates that meet the requirements of the U.S. Postal Service for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters, or the recovery of any lost or stolen meters, immediately to the local postmaster, the local police, and the Regional Postmaster General for the region in which the meter is licensed for use.

(vii) Report to the appropriate postal data center of the U.S. Postal Service each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the U.S. Postal Service. These records may be destroyed 3 years after the meter is scrapped.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the U.S. Postal Service and remove his meter promptly.

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential preferably in the form of signed receipt cards. Report the loss or theft of any of his meter setting keys, or the recovery of lost or stolen keys, to the Regional Postmaster General.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the U.S. Postal Service the mechanical condition or fault which caused the failure. See § 144.3(d).

(xii) Submit such other reports to the U.S. Postal Service as may be required from time to time.

(f) *Maintenance*—(1) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate six-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. A specimen printing of .00¢ shall be run off and the ascending and descending registers checked to insure that they do not change. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office of setting before they are opened or any internal repairs are undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations in this Part 144, the U.S. Postal Service will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture or who may be interested in manufacturing postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14398 Filed 7-16-73;8:45 am]

PART 156—RURAL SERVICE

Custom Built Rural Mailboxes

Regulations dealing with approval by the Postal Service of the quality of rural mailboxes are amended to indicate the criteria for custom built boxes. Accordingly, paragraph (a) of § 156.5 *Rural boxes* is amended, effective July 17, 1973, by the addition of subparagraph (6) to read as follows:

§ 156.5 Rural boxes.

(a) • • •

(6) *Custom built rural mailboxes.* Postmasters are authorized to approve rural mailboxes constructed by individuals who for esthetic or other reasons do not wish to use an approved manufactured box. The custom built box must conform generally to the same requirements as approved manufactured boxes relative to the flag, size, strength and quality of construction.

• • • • •

(39 U.S.C. 401).

ROGER P. CRAIG,
Deputy General Counsel.

JULY 12, 1973.

[FR Doc.73-14526 Filed 7-16-73;8:45 am]

PART 164—INDEMNITY CLAIMS

previously designated "Payment for Losses," are now designated as "Indemnity Claims." The regulations have been rewritten to implement procedures to expedite the processing of insured mail (including c.o.d.) indemnity claims.

Publication of the revisions in the FEDERAL REGISTER is effective immediately.

Sec.
164.1 General instructions on filing an insured (including c.o.d.) mail claim.
164.2 Acceptance and preparation of insured mail claims.
164.3 Disposition of the damaged article.
164.4 Disposition of the claim.
164.5 Additional post office responsibilities (insured mail claims).
164.6 General instructions for filing registered mail claims.
164.7 Acceptance and initial preparation of registered mail claims.
164.8 Additional post office responsibilities (registered mail claims).

AUTHORITY: 39 U.S.C. 401.

§ 164.1 General instructions on filing an insured (including C.O.D.) mail claim.

(a) *Who may file.* A claim for loss or damage of insured (including c.o.d.) mail may be filed by either the mailer or the addressee.

(b) *How to file*—(1) *Domestic claims.* A customer may file a claim at any post office, classified branch, or station. Form 3812, *Request for Payment of Domestic Postal Insurance,* dated Nov. 1971 or later, is used to request payment for the loss or damage of insured mail. The form is a four-part snap-out set which includes two copies of Form 1510-A, *Inquiry for the Loss or Rifling of Mail Matter,* and one copy of Form 3841, *Post Office Record of Claim.* DO NOT COMPLETE A SEPARATE FORM 1510 or FORM 3841 FOR INSURED OR C.O.D. CLAIMS.

(2) *International claims.* Claims for international insured mail are to be handled in accordance with Parts 17–73 of this title.

(c) *When to file*—(1) *Loss claims.* Customers may not file a claim for loss until 30 days after the date of mailing.

(2) *Damage claims.* Customers may file damage claims immediately.

(3) *Insurance (including C.O.D.) claims.* Indemnity claims must be filed within one year from the date the article was mailed, unless the claimant can establish that the delay was not his fault. In case of doubt, accept the claim and outline the details for postal data center evaluation.

(d) *Information required*—(1) *Evidence of insurance.* The customer must submit evidence that the package was insured. Acceptable evidence includes either:

(i) The original insurance receipt issued at time of mailing. Business firms may annotate the appropriate line(s) in their firm mailing book *Claim filed on (date),* and submit a photocopy with the claim form.

(ii) The wrapper, if it has the name and address of both the mailer and the addressee and the appropriate insurance endorsement.

(2) *Evidence of value.* The customer (including Government agencies which have insured official mail) must submit evidence of value for claims of $50 or more. The Postal Service will not undertake to obtain estimates of value. Acceptable evidence may include any one of the following:

(i) Sales receipt.

(ii) Invoice.

(iii) Completion of item 13 of the claim form as to purchase price of the article, approximate year of purchase, indication of whether the article was new or used, or price of materials used and labor, if handmade.

(iv) Statement of value from a reputable dealer.

(v) Catalog value of a similar article.

(vi) Paid repair bills, estimates of repair costs, or appraisals.

(e) *Assignment of responsibilities.* (1) Post offices, classified stations and branches will:

(i) Accept claims when evidence of insurance, statement of value (if claim is for $50 or more), and required signatures are furnished.

(ii) Assist customers in preparation of Form 3812.

(iii) Complete post office portion of Forms 3812.

(iv) Route completed Forms 3812 in accordance with section 164.4.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic insured and c.o.d. mail claims.

§ 164.2 Acceptance and preparation of insured mail claims.

(a) *Filed by mailer.* (1) The accepting postal employee will complete items 1 through 10 on Form 3812. Type or print legibly with a ballpoint pen. Press hard.

Item 1. Check the appropriate block to indicate type of claim.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of *mailing post office* (not necessarily the post office where the claim is being filed). If the package was mailed at a station or branch, use the appropriate ZIP Code.

Item 6. Enter the date the package was mailed.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of *post office of address.*

Item 9. Enter amount of postage paid, including special fees such as special delivery or special handling.

Item 10. Enter amount of insurance fee paid.

(2) Assist the customer in completing items 11 through 14 and items 17 and 18 of Form 3812 to the extent possible as follows:

Items 11 and 12. Names and addresses of mailer and addressee. The mailer should indicate the payee by checking the payee block in either item 11 or 12. If payee is a third party, do not check either block; complete the customer portion of the Identification Slip to indicate payee.

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. Leave blank.

Item 16. Leave blank.

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Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Have the mailer sign and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *By*.

Item 19. Leave blank.

(3) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and wrapper *Claim Filed*, date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(i) If the mailer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(ii) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(iii) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the customer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with §164.3 of this title.

(4) Enter the following information on lower portion of Form 3812, *Postal Insurance Claim Identification.*

Mailer's Name and Address.
Addressee's Name and Address.
Other Identification (at option of customer).
Name and Address of Payee as Designated by Mailer.

(5) Review the claim form before the mailer leaves the post office to assure that:

(i) The mailer has designated the payee; signed the claim form; and completed the postal insurance claim identification portion of the form; and

(ii) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

(b) *Filed by addressee*

(1) The accepting postal employee will complete items 1 through 10 on Form 3812, as appropriate. Type or print legibly with a ballpoint pen. Press hard.

Item 1. Check the appropriate block to indicate type of claim.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of *mailing post office*, if known.

Item 6. Enter the date the package was mailed, if known.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of *post office of address.*

Item 9. Enter amount of postage paid.

Item 10. Enter amount of insurance fee paid, if possible.

(2) Assist the customer in completing the following items of Form 3812 to the extent possible:

Items 11 and 12. Names and addresses of mailer and addressee. Check the payee block in either item 11 or 12 *only if the claim is for repair of a partially damaged article.*

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form, if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. Complete for loss claims only.

Item 16. Complete for c.o.d. claims only.

Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Leave blank.

Item 19. Have the addressee sign and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled "By".

(3) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and/or wrapper *Claim Filed*, date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(i) If the customer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(ii) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(iii) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the customer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with section 164.3.

(4) Enter the following information on lower portion of Form 3812, *Postal Insurance Claim Identification*, only if the claim is for repair of a partially damaged article:

Mailer's Name and Address.
Addressee's Name and Address.
Other Identification (at option of customer).
Name and Address of Payee.

(5) Review the claim form before the addressee leaves the post office to assure that:

(i) The addressee has signed the claim form and completed the *Postal Insurance Claim Identification* portion of the form, if applicable; and

(ii) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

§ 164.3 Disposition of the damaged article.

(a) For a totally damaged article that will have little or no salvage value such as smashed glassware, allow the customer to retain the article if he so desires, otherwise destroy it. If the totally damaged article will have salvage value retain it for 60 days then forward it to your dead parcel post branch on the next weekly dispatch. Use Form 3831 *Receipt for Article(s) Damaged in Mails.* If customer's claim is denied, article is to be returned upon request.

(b) For partially damaged articles, return the article to the customer.

§ 164.4 Disposition of the claim.

(a) The accepting clerk should forward the partially completed claim form, with the available supporting documentation attached, to:

(1) The claims and inquiry section, if one exists, or

(2) The employee within the post office who has been designated to handle insurance claims.

(b) Final preparation of the claim form at the accepting post office (except APO/FPO claims and Canal Zone claims—See paragraph (d) of this section)—is completed as follows:

(1) Assign a nine-digit number in the space provided at the top of Form 3812. The claim number is composed of the six digit post office finance number and a three digit sequential number beginning with 001 and continuing through 999. When the total of claims initiated reaches 999, begin again with 001.

(2) *Forward to* block: Check the appropriate box to indicate to whom the claim form will be forwarded.

(3) Detach and file copy 4 of the claim form set (Form 3841, *Post Office Record of Claim*) alphabetically by mailer's name.

(4) Leave copies 2 and 3, Form 1510–A, attached to the claim form set.

(5) Select the appropriate form letter of instructions and attach it to the front of the claim form set as follows:

(i) Loss Claim Filed by Mailer, Form Letter 3861.

(ii) Damage Claim Filed by Mailer, Form Letter 3862.

(iii) Damage Claim Filed by Addressee, Form Letter 3863.

(6) Prepare a pre-addressed, penalty reply envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, Mo. 63180

Attach the envelope to the claim form set.

(c) Send the claim form set with the appropriate form letter and pre-addressed postal data center envelope as follows:

(1) Loss or c.o.d.—to the addressee.

(2) Damage claim—to the second customer (either mailer or addressee). See exceptions in paragraph (c) of this section.

(3) Exceptional damage claims.

(i) If the mailer has possession of the damaged article and submits proof that it was received by the addressee in a damaged condition, or that it was returned from the office of address as undeliverable, do not send the claim form to the addressee. Forward it directly to the St. Louis Postal Data Center for certification and payment.

(ii) If repairs to a partially damaged article have been paid for by the addressee, forward the claim directly to the St. Louis Postal Data Center without the statement or signature of the mailer, provided you can determine from the insurance endorsement on the wrapper that the insurance fee paid was sufficient to have purchased insurance to cover the cost of repairs. Otherwise forward to the mailer for his evidence of insurance in accordance with paragraph (b)(5)(iii) of this section and paragraph (c)(2) of this section.

(d) When preparing and forwarding APO/FPO and Canal Zone Claims:

(1) Determine whether or not the mailer is still in an overseas area. Frequently APO/FPO and Canal Zone claims can be settled locally without contacting the port post office and the claim form set can be forwarded directly to the St. Louis Postal Data Center.

(2) If the claim cannot be settled locally, prepare the claim form set as you would for ordinary domestic claims except do not enter a claim number and do not detach copy 4 (Form 3841).

(3) Select and attach the appropriate form letter and forward as follows:

(i) Overseas Military Mail—to the postmaster at the port post office identified in the mailer's or addressee's address.

(ii) Canal Zone Mail—to the Postmaster, New Orleans, LA 70113.

(e) Port post office responsibilities are:

(1) Upon receipt of an APO/FPO or Canal Zone claim initiated by another post office, take the following action:

(i) Enter your own claim number.

(ii) Detach and file copy 4 (Form 3841) of the claim form set.

(iii) Forward the claim form set on to the next contact point.

(2) When the claim form set is returned to your office:

(i) Annotate the Form 3841 appropriately.

(ii) Forward the claim form set to the St. Louis Postal Data Center for adjudication and payment.

§ 164.5 Additional Post Office responsibilities (insured mail claims).

(a) *General Assistance to Customers.*

(1) Completion of a claim form initiated at another post office.

If a customer comes into your office with any one of the form letters mentioned in § 164.4(b)(5) and a partially completed Form 3812, comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iii) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(2) *Verification of insurance receipt.* When the addressee has filed a damage claim and the amount of indemnity claimed exceeds $50, the mailer must present his insurance receipt for verification at any post office, classified station, or branch. Accept the insurance receipt, the partially completed Form 3812, and the form letter of instructions from the mailer. Comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Complete items 9 and 10 on Form 3812.

(iii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iv) Endorse the insurance receipt *Claim Filed*, date stamp and initial it. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(v) Date stamp and initial item 24 of Form 3812.

(vi) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(b) *Follow up on the status of a claim.* (1) Provided at least 30 days (75 days for surface APO/FPO and Canal Zone mail) have elapsed since the claim was initiated, process the customer's inquiry as follows:

(i) Forward Form Letter 3864, *Insurance Claim Follow-up*, and a penalty, pre-addressed return envelope direct to the second customer involved in the claim.

(ii) Annotate Form 3841 to show the date on which the follow up letter was sent.

(2) Depending upon the response from the second customer, proceed as follows:

(i) *If the second customer indicates nonreceipt of the initial Form 3812*, prepare and process a duplicate Form 3812 in accordance with § 164.5(c).

(ii) *If the second customer indicates that the claim has been completed and forwarded to the postal data center*, annotate the Form 3841 appropriately and inform the customer who initiated the inquiry.

(iii) *If the second customer does not respond within 15 days*, send Form Letter 3865 *Inquiry on Status of Indemnity Claim*, to the St. Louis Postal Data Center and annotate Form 3841.

(3) Depending upon the response from the postal data center, proceed as follows:

(i) *If the postal data center indicates that the claim has been received*, annotate the Form 3841 appropriately and inform the customer who initiated the inquiry.

(ii) If the postal data center has no record of the claim, prepare and process a duplicate Form 3812 in accordance with § 164.5(c).

(c) *Duplicate claims.* (1) The initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 3812 as possible. Enter the same claim number that appeared on the original Form 3812. The signature of the customer who initiated the claim and the supporting documents are not necessary.

(ii) Mark the top of the Form 3812 *Duplicate.*

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated. Do not detach the Form 3841 from the duplicate claim form set.

(iv) Select the appropriate form letter of instructions to the customer (see § 164.4(b)(5)) and attach it to the front of the claim form set.

(v) Prepare a pre-addressed, postage paid envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63180

Attach the envelope to the claim form set.

(vi) Complete Form Letter 3866, *Duplicate Insurance Claim*, and attach it to the front of the claim form set.

(vii) Forward the entire package to the post office which serves the second customer.

(2) Upon receipt of a duplicate claim form set, the post office which serves the second customer should read carefully and comply with the instructions in Form Letter 3866.

§ 164.6 General instructions for filing registered mail claims.

(a) *Who may file.* A claim for loss of registered mail may be filed only by the mailer. Claims for damage may be filed by either the mailer or addressee.

(b) *How to file*—(1) *Domestic Claims.* A customer may file a claim at any post office, branch, or station. At a first and second-class post office, branch or station, use Form 565, *Application for Indemnity for Registered Mail*, to file a claim. At a third or fourth-class post office, the postmaster must send a memorandum to the local Postal Inspector-in-Charge. This memorandum must identify the nature of the loss, the registration number, the address of both mailer and addressee, and the date of mailing.

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(2) *International claims.* Claims for international registered mail are to be handled in accordance with Parts 71–73 of this title.

(c) *When to file—(1) Loss claims.* Customers may not file a claim until a Form 1510, *Inquiry for the Loss or Rifling of Mail Matter*, has been processed.

(2) *Damage claims.* The sender or addressee may file claims for damage immediately.

(3) *Registered indemnity claims.* Must be filed within one year from the date the article was mailed, unless the claimant can establish that the delay was not his fault. In case of doubt, accept the claim and outline the details for postal data center evaluation.

(d) *Information required—(1) Evidence of registration.* The customer must submit evidence that the article was registered. Acceptable evidence includes either:

(i) The original registered mail receipt issued at the time of mailing.

(ii) The wrapper which must have the names and addresses of both the mailer and addressee and the appropriate registered mail endorsement.

(2) *Evidence of value.* The customer (including Government Agencies which have registered Official Mail) must submit evidence of value for registered claims. Acceptable evidence includes:

(i) Sales receipt.

(ii) Invoice.

(iii) Statement of value from a reputable dealer.

(iv) Paid repair bills, estimates of repair costs or appraisals.

(v) Statement of cost for duplication and premium for surety bond when claim is for loss of securities or certificates of stock.

(3) *Evidence of loss or damage.* (i) For loss claims, a Form 1510 must have been processed.

(ii) For damage claims, the article with the packaging must be presented either by the claimant or at the second post office.

(e) *Assignment of responsibilities.* (1) Post offices, stations and branches will accept and process claims upon presentation of the required information.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic registered mail claims.

§ 164.7 Acceptance and initial preparation of registered mail claims.

(a) *Filed by mailer.* (1) The accepting postal employee will complete items 2 through 23 and item 33 on Form 565. Type or print legibly with a ball point pen.

Item 2. Check appropriate block to indicate the type of claim.

Item 3. Indicate if the article was commercially insured. If yes, give the policy number, name and address of the insurance company and amount of deductible, if appropriate.

Item 4. Enter the name, address and ZIP Code of *the mailer.*

Item 5. Enter the name, address and ZIP Code of *the addressee.*

Item 6. List and describe the lost, missing or damaged articles. For damage claims, describe packing in detail.

Item 7. Fill in name and address of the payee.

Item 8. Enter the amount claimed.

Item 9 and 10. Have the mailer date and sign the claim form.

Item 11. Enter the name and ZIP Code of the post office where the claim is filed.

Item 12–20. Enter the required information. Use the mailer's copy of the registered mail receipt for this information. Verify this information against post office record. Endorse post office record *Claim Filed*, date and and initial.

Item 22. Enter date the claim is filed or the date the Form 1510 was initiated.

Item 23. Have the postmaster or his designated representative sign the form.

Item 33. Complete for damage claims.

(2) Complete lower portion of the form, *Registry Claim Identification.* (This information is to be identical to that contained in blocks 4, 5 and 7.)

(3) Record the claim on Form 3841 in duplicate. Show the amount of indemnity claimed. File the original by the name of the mailer and attach duplicate copy of the claim. Do not file with records of insurance claims.

(4) Send claim and accompanying Form 1510 (for loss claims) to the post office of address for completion of the claim form.

(b) *Filed by the addressee.* (1) The accepting employee will complete items 2 thru 6, if practicable and items 24 thru 28. Complete from your delivery records.

Item 29. Date signed by addressee.

Item 30. Obtain the necessary information from the customer. Make answer as complete as possible.

Item 31. Obtain signature of the addressee or owner.

Item 33. Complete for damage claims.

(2) Enter the following information on the lower portion of Form 565, *Registry Claim Identification:*

Mailer's Name and Address
Addressee's Name and Address
Other Identification (at option of customer)
Name and Address of Payee as designated by mailer.

(3) Record the claim on Form 3841 in duplicate. Show the amount of indemnity claimed. File the original by the name of the mailer and attach duplicate copy to the claim. Do not file with records of insurance claims.

(4) Send claim and accompanying Form 1510 (for loss claims) to the office of mailing for completion of the claim form.

§ 164.8 Additional Post Office responsibilities (registered mail claims).

(a) *Office of mailing.* (1) Request the mailer to appear with the necessary documentation. Do not release the claim form to the mailer.

(2) Complete claims for damaged registered articles received from the office of address. (See § 164.7(a).)

(3) Endorse registered mail receipt *Claim Filed*, date and initial. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(4) Enter on Form 3841 the date and disposition of claim. File by name of the mailer.

(5) Send the completed claim form and the necessary documentation to the local Postal Inspector-in-Charge.

(b) *Office of address.* (1) Request the addressee to appear. If addressee has possession of the damaged article, it must be presented for inspection.

(2) Complete claim form received from the office of mailing. (See § 164.7(b).)

(3) Enter on Form 3841 the date and disposition of claim. File by the name of the mailer.

(4) Forward completed Form 565 and documentation to the local Postal Inspector-in-Charge.

(c) *Follow up on the status of a claim.* (1) Provided at least 90 days have elapsed since the claim was initiated, process the customer's inquiry by sending a memorandum requesting status to the:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63180

The memorandum must identify the nature of loss, registration number, the address of both mailer and addressee, the date of mailing and date the claim was filed.

(2) Depending upon the response from the postal data center proceed as follows:

(i) If the postal data center indicates that the claim has been received, annotate the Form 3841, as appropriate, and inform the customer who initiated the inquiry.

(ii) If the postal data center has no record of the claim, they will provide further instructions.

(d) *Duplicate claims.* (1) Duplicate claims shall not be accepted or submitted unless requested by the St. Louis Postal Data Center or the Mail Classification Division, Finance Department, at Headquarters.

(2) When instructed, the initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 565 as possible. The signature of the customer who initiated the claim and the supporting documents are not necessary.

(ii) Mark the top of the Form 565 *Duplicate.*

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated.

(iv) Process through normal channels.

§ 164.9 Recovery of articles after payment, overpayments, erroneous or improper indemnity claim payments, or indemnity refunds.

(a) *Disposition of article.* When a lost, registered, insured, or c.o.d. article is recovered, the payee may accept the article and reimburse the Postal Service for the full amount paid if the article is undamaged, or such amount as may be determined equitable by the Postal Service if the article is damaged or has depreciated in value or if the contents are not intact.

(b) *Handling reimbursement.* If reimbursement is tendered representing an overpayment, erroneous or improper payment, or a voluntary indemnity refund, accept it and issue a receipt. Send all reimbursements to the St. Louis Postal Data Center with the applicable certifying office claim number and date of certification. Personal checks, money orders, or other negotiable instruments should be made payable to the Postal Service. If the instrument is made payable to the postmaster, he should sign his name and restrictively endorse it *Pay to Postal Service* and remit as above. Do not mark an entry in the cashbook.

(c) *Control over recovery claims.* When an overpayment, erroneous, or improper indemnity claim payment is disclosed and repayment is not tendered, report it to the Director, St. Louis Postal Data Center, by memorandum, to be placed under accounts receivable control.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73–14568 Filed 7–16–73;8:45 am]

CHAPTER III—POSTAL RATE COMMISSION

[Order 36]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Form and Number of Copies of Documents

JULY 12, 1973.

The Commission's rules of practice currently require persons filing documents to provide an original and 14 fully conformed copies to the Secretary (PRC rules of practice 10(c)). Our experience demonstrates that the filing of fourteen copies has proved to be insufficient to meet the needs of the Commission and its staff. Indeed, in the first postal rate proceeding and the pending mail case, the Chief Administrative Law Judge presiding at those proceedings found it necessary to order a greater number of copies to be filed (Postal Rate and Fee Increases, Tr. 4/508; Mail Classification Schedule, Tr. 1/135–36). The Commission Staff's need for 25 copies derives from two factors: (1) The size and complexity of rate increase and mail classification proposals submitted by the Postal Service and (2) each case is essentially a prototype regulatory proceeding. Accordingly, section 10 of the rules of practice is hereby amended to require the filing of 25 copies[1] as follows:

§ 3001.10 Form and number of copies of documents.

* * * * * *

(c) *Number of copies.* Except for correspondence or as otherwise required by the Commission, the Secretary, or the presiding officer in any proceeding, all persons shall file with the Secretary, an original and 24 fully conformed copies of each document required or permitted to be filed under this part. The copies need not be signed but shall show the full name of the person signing the original document and the certificate of service attached thereto.

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

[FR Doc.73–14527 Filed 7–16–73;8:45 am]

[1] In appropriate cases, the requirement for filing 25 copies could be modified, pursuant to Rule 22.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

VIABLE SPORES OF MICROORGANISM *Bacillus Thuringiensis* BERLINER; SPECIFICATION

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 30, 1973 (38 FR 10643), proposing that bacteriological and toxicological specifications set forth in § 180.1011 be amended to include a toxicity test to determine the presence of β-exotoxin to insure that *B. thuringiensis* products are free of this toxin.

One comment was received from Abbott Laboratories in favor of the proposal, noting that prior to the 1970's, U.S. manufacturers of *Bacillus thuringiensis* products used strains that did produce β-exotoxin and that such products did contain β-exotoxin. No requests for referrals to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1011(a) is amended by adding a new subparagraph (4), as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) * * *

(4) Spore preparations shall be free of the *Bacillus thuringiensis* β-exotoxin when tested with the fly larvae toxicity test ("Microbial Control of Insects and Mites," R.P.M. Bond et al., p. 280 ff., 1971). This specification can be satisfied either by determining that each master seed lot brought into production is a *Bacillus thuringiensis* strain which does not produce β-exotoxin under standard manufacturing conditions or by periodically determining that β-exotoxin synthesized during spore production is eliminated by the subsequent spore-harvesting procedure.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 16, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 17, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e))

Dated: July 11, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–14587 Filed 7–16–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Correction

In FR Doc. 73–12216 appearing at page 16316 in the issue of Thursday, June 21, 1973, the words "Proposed Rules" which appear at the top of each page should read "Rules and Regulations".

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program

Correction

In FR Doc. 73–11266 appearing at page 14829 in the issue of Wednesday, June 6, 1973, the section heading now designated "§ 18.7 *Validation and display of entrance permits*", should read "§ 18.7 *Fees for single-visit permits.*"

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

Officers

Chapter VII of Title 45 of the Code is amended by revising § 703.5(a) to read as set forth below. This amendment increases the minimum membership of the

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Commission's state advisory committees from 5 to 11.

§ 703.5 Officers.

(a) *Membership.* Subject to exceptions made from time to time by the Commission to fit special circumstances, the State committee shall consist of at least 11 members appointed by the Commission. Members of the State committee shall serve for a fixed term to be set by the Commission upon the appointment of a member, subject to the duration of advisory commitees as prescribed by the charter: *Provided*, That members of the State committee may, at any time, be removed by the Commission.

. . . . . .

Effective date. This amendment shall become effective on July 17, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73-14498 Filed 7-16-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-258 (Sub-No. 3)]

PART 1048—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

Order. At a session of the Interstate Commerce Commission, Review Board Number 2, held at its office in Washington, D.C., on the 1st day of June 1973.

It appearing, that on August 28, 1970, Review Board Number 3 entered its report and order, 112 M.C.C. 103, in this proceeding specifically defining the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

It further appearing, that by joint petition filed March 5, 1973, the Blue Springs Chamber of Commerce and Blue Springs Industry, Inc., seek redefinition and extension in certain respects of the Kansas City, Mo.-Kansas City, Kans., commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That § 1048.8 as prescribed in this proceeding on August 28, 1970 (49 CFR 1048.8), be, and it is hereby, vacated and set aside, and the revision set forth in the findings in the attached report is hereby substituted in lieu thereof. (49 Stat. 543, as amended 544, as amended, 546, as amended, 49 U.S.C. 302, 303, and 304.)

It is further ordered, That this order shall become effective on August 1, 1973, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-14559 Filed 7-16-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 18

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 14, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP QUESTIONS AND ANSWERS No. 18

1. Q. Are court costs covered by the freeze?

A. Yes. Court costs are considered fees or charges which state or local governments charge for services provided by them and may not be increased during the freeze. See Q & A No. 8, question 5.

2. Q. During the freeze may a dentist pass on the increased cost of gold used in fillings?

A. No. Under no circumstances may a dentist pass on increased costs of gold during the freeze period. Gold is subject to the freeze price rules. Therefore, the price of domestic gold may not increase. Furthermore, a dentist who purchases imported gold is considered to physically transform the gold when he uses it to make fillings. Consequently, any increases in the cost of imported gold may not be passed on.

3. Q. A law firm rents a suite of offices and five parking spaces in a commercial building. The landlord intends to increase the amount he charges for the use of the parking spaces. Is an increase in the amount charged for the use of a parking space subject to the freeze?

A. Generally the rental of a parking space is a sale of a service and is subject to the freeze. Thus, in instances where the rent of the parking space is determined separately from the rent for the commercial or residential property, the amount charged for the parking space is subject to the freeze. The separate determination may be made either by a distinct agreement or by a separate computation which is part of the lease for the commercial or residential property. However, when the parking space is rented as part of a residence or in conjunction with the rental of commercial space, it is exempt from the freeze as the rental of real property if the rent for the parking space is not determined separately from that for the commercial or residential space.

4. Q. An oil company owns gas stations and leases them to retail dealers. The historical practice has been to charge the dealers sent on the basis of the numbers of gallons of gasoline pumped by the dealer (e.g., 1.5¢ per gallon times number of gallons pumped equals the rent). May the oil companies raise the rent of the station to 2¢ per gallon?

A. Yes. Rentals of real property are not subject to the freeze.

5. Q. Company A acquires Company B and Company B becomes a division of Company A. The two companies had different prices for their products. What prices may be charged after the acquisition?

A. The price ceilings in force at the time of acquisition do not change. The ceilings that were applicable to the products of Company B continue to apply to sales made from that division of the merged Company.

[FR Doc.73-14747 Filed 7-16-73;10:58 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rule Making; Correction

In the notice of proposed rulemaking relative to the continuance of Pear Regulation 3 (§ 917.432; 38 FR 17182) the final date for the submission of data, views, or arguments pertaining to such action was omitted. Therefore, the following is added to said notice which appeared in the July 11, 1973 FEDERAL REGISTER (38 FR 18469):

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 23, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14577 Filed 7-16-73;8:45 am]

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Proposed Rule Making Regarding Approval of Expenses and Fixing of Rate of Assessment for 1973-74 Fiscal Period

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1973, through March 31, 1974, will amount to $55,215.

(b) That there be fixed, at five and one-half cents ($0.055) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

(c) Terms used in the marketing agreement and this part shall, when used herein have the same meaning as is given to the respective term in said marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated July 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14578 Filed 7-16-73;8:45 am]

[7 CFR Part 930]

CHERRIES GROWN IN CERTAIN STATES

Notice of Proposed Rulemaking Regarding Approval of Expenses and Fixing of Rate of Assessment for 1973-74 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comments relative to proposed expenses of $107,200 for administration of the marketing order activities for the 1973-74 fiscal period. It also proposes a $1.00 per ton assessment rate to be paid by each handler as his pro rata share in support of the marketing program. Both amounts were recommended unanimously by the Cherry Administrative Board.

Consideration is being given to the following proposals submitted by the Cherry Administrative Board, establish under Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof.

(1) That expenses that are reasonable and likely to be incurred by the Cherry Administrative Board, during the 1973-74 fiscal period, May 1, 1973 through April 30, 1974, will amount to $107,200.

(2) The rate of assessment for such period, payable by each first handler in accordance with § 930.41 to be fixed at $1.00 per ton of cherries.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended April 30, 1973, shall be carried over as a reserve in accordance with § 930.42(a) of said marketing order.

Terms used in the order shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds of raw cherries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 29, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14579 Filed 7-16-73;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO IN AREA NO. 2

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, before August 6, 1973. All

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written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.269 Expenses and rate of assessment.

The proposals are as follows:

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1974, will amount to $14,780.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: July 12, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-14576 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-28]

BELL MODEL 47 SERIES HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47 Series helicopters equipped with main rotor blade grips, P/N 47-120-135 or 47-120-252. There has been a fatigue failure of a grip where crack initiation was attributed to a sharp notch in the inboard thread relief groove and also a fatigue crack reported in the inboard threaded portion of the grip where crack initiation was attributed to a sharp notch in the thread root on Bell Model 47 Series helicopters. In addition, there has been a fatigue failure of a grip where a crack initiated from multiple sites along the root of a thread. Failure of the grip could result in loss of a main rotor blade. Since this condition is likely to exist or develop in other helicopters of the same type design that are equipped with main rotor grips, P/N 47-120-135 or 47-120-252, the proposed airworthiness directive would require a one-time inspection for sharp notches in the thread root and the thread relief groove on Bell Model 47 Series helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 15, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 47 series helicopters certificated in all categories that are equipped with main rotor blade grips, P/N 47-120-135-1, -2, -3 or P/N 47-120-252-1, -3.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent possible fatigue cracks from developing, accomplish the following for each main rotor blade grip:

(a) Inspect the grip thread relief fillet. The inboard radius and bottom of the fillet must have a smooth finish and be free of nicks or sharp tool marks (Ref. Figure 1-22 of Bell 47D-1 47G and 47G-2 Maintenance and Overhaul Instructions).

(b) Inspect the root radius of the 4½ inch diameter threads for sharp notches. The root radius must be smooth and free of sharp notches or grooves.

(c) In the grip thread relief fillet is not as specified in subparagraph (a) or has nicks or sharp tool marks, or if the thread root radius has a sharp notch or groove, replace the affected grip prior to next flight, except the helicopter may be flown in accordance with FAR 21.197 to a base where the grip may be replaced.

Issued in Fort Worth, Tex., on June 8, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14503 Filed 7-16-73;8:45 am]

[14 CFR Parts 121, 123, 127, 135]

[Docket Nos. 10012, 10033; Reference Notice 70-14]

SMOKING ON AIRCRAFT OPERATED BY AIR CARRIERS, AIR TRAVEL CLUBS, AND COMMERCIAL OPERATORS

Withdrawal of Advance Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70-14, published in the FEDERAL REGISTER March 25, 1970 (35 FR 5045), in which the Federal Aviation Administrator solicited comments on the need to further regulate the smoking of cigarettes, cigars, and pipes by persons in the passenger compartments of aircraft operated by air carriers, air travel clubs, and commercial operators. This action would involve amending Parts 121, 123, 127, and 135 of the Federal Aviation Regulations.

Notice 70-14 was issued in response to a petition filed on December 12, 1969, requesting the FAA to adopt a rule that would ban the smoking of cigarettes, cigars, and pipes on all passenger carrying flights, and to another petition filed on December 17, 1969, requesting the adoption of a rule requiring all domestic air carriers to effectively segregate smoking passengers from nonsmoking passengers. With respect to the assertion made by the petitioners, that tobacco smoke is deleterious to the health of passengers, the notice stated that the FAA considered that the matter warranted an in-depth exploration of the health hazard question as related to nonsmoking passengers. All other assertions of the petitioners were disposed of in Notice 70-14. The FAA issued Notice 70-14 to obtain wider public participation before undertaking formal rule making, to gather other relevant arguments, data, and evidence, and to give other interested persons an opportunity to put forward alternatives to the courses of action urged by the petitioners.

During its examination of the material docketed in connection with Notice 70-14 and other material bearing on the issue involved, the FAA found no persuasive evidence that exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates), is injurious to the health of nonsmokers. The material examined included: the medical evidence submitted by the petitioners; the comments and medical evidence submitted in response to Notice 70-14; the joint study conducted by the FAA and the Department of Health, Education, and Welfare (referred to in Notice 70-14) to measure the amount of tobacco-smoke contaminants in typical transport aircraft; the Surgeon-General's 1972 report titled "The Health Consequences of Smoking"; and other pertinent material in medical literature.

The FAA received approximately 3,600 comments in response to the notice. A large number of comments were not directly responsive to the notice, but merely expressed views for or against smoking on passenger carrying aircraft, without presenting reasons for those views. Others simply agreed with, repeated or, in some cases, rejected the reasons submitted by the petitioners for banning smoking. A number of commentators described their own physical reactions when exposed to tobacco smoke on aircraft, that ranged from no adverse reaction to simple annoyance, through various degrees of physical discomfort, to acute illness, sometimes lasting several days.

Approximately 150 comments were received from physicians, dentists, medical associations, health organizations and the like. Almost all of these recommended that the FAA restrict smoking in aircraft, generally basing their recommendations on the view that since smoking has been clearly shown to be injurious to the health of smokers, exposure to tobacco smoke is probably injurious to the health of nonsmokers. However, a number of those commentators conceded that as yet there is no conclusive medical evidence to support their contention.

The medical evidence submitted by petitioners and by commentators on the notice rests primarily on experiments conducted in either unventilated or poorly ventilated enclosures, or on survey studies which did not identify the tobacco smoke concentrations that were involved. The FAA sees no positive correlation between the environmental conditions that apparently prevailed during these experiments and those that actually prevail on modern transport aircraft in which the air in the passenger compartment is replaced approximately every three minutes during flight. Furthermore, the ventilation systems of today's transport aircraft are unique in that fresh air enters the passenger cabin through numerous openings in the ceiling and is vented out directly through the walls and floors of the cabin. Unlike the ordinary ventilation system that creates a flow of air throughout the entire room, air entering the passenger cabin through a ceiling opening takes the most direct route to the floor and walls.

A number of commentators suggested that in view of the lack of medical evidence as to the effects of smoking on nonsmokers in a well ventilated environment similar to today's modern transport aircraft, a decision on whether to further regulate passenger smoking should await the outcome of the joint FAA/HEW study mentioned in the notice. That study was conducted during 1970 and 1971, and a report entitled "Health Aspects of Smoking in Transport Aircraft," was issued in December 1971. Cabin air measurements were made during 20 long-range flights in B-707, DC-8, and B-747 aircraft, and during 8 short-range flights in B-727, B-737, DC-9, and BAC-111 aircraft. Seat occupancy was 100 percent on the long-range flights and averaged 60 percent on the short-range flights. About 50 percent of the passengers smoked during the long-range flights; 32 percent during the short-range flights. Four air-sampling locations (distributed along the length of the cabin) were used on the long-range flights; three on the short-range flights.

The results of that environmental sampling revealed very low levels of each contaminant measured, much lower than those recommended in occupational and environmental air quality standards (Threshold Limit Values of Airborne Contaminants, adopted by the American Conference of Governmental Industrial Hygienists, 1971; Ambient Air Quality Standards of the Environmental Protection Agency, March, 1970; and the standard for ammonia adopted in Ontario, Canada—no standard for ammonia existing in the United States). The report observed that these low concentrations of tobacco smoke contaminants "result from the rapid exchange of air aboard the aircraft (the equivalent of one complete air change each 3-4 minutes) and the relative pollution-free air entering the aircraft at cruising altitudes of the test flights." On the basis of the low levels of contaminants measured, the report concluded that "inhalation of the by-products from tobacco smoke generated as a result of passenger smoking aboard commercial aircraft does not represent a significant health hazard to nonsmoking passengers".

A significant number of persons among the commentators to the notice and the passengers abroad the test flights of the FAA/HEW study complained of adverse physical reactions (beyond mere annoyance) from exposure to tobacco. However, the problem created by smoking on passenger-carrying aircraft for persons suffering from allergies or from diseases which may be aggravated by the possible irritating effect of tobacco smoke is no greater than that which they must face in places open to the public such as restaurants and stores.

A number of commentators referred to the Surgeon General's 1972 report entitled "The Health Consequences of Smoking." However, that report did not contain evidence of any hazard to the health of nonsmokers from tobacco smoke generated in a well-ventilated environment. In fact, the Surgeon General stated publicly that he could not say with certainty that exposure to tobacco smoke is causing serious illness in nonsmokers since the long term research necessary for such a finding has not yet been done.

By reason of the foregoing, the FAA has determined the further rule-making action with respect to the smoking of cigarettes, cigars, and pipes by persons in passenger compartments of aircraft operated by air carriers, air travel clubs, and commercial operators would not be appropriate at this time, and that Notice 70-14 should be withdrawn. The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

It should be noted that the Civil Aeronautics Board has recently amended its regulation (14 CFR Part 252; 38 FR 12207), to require domestic airlines to provide designated "no-smoking" areas aboard their aircraft. The Board justified its action on the grounds that exposure to tobacco smoke in airline aircraft annoys and discomforts nonsmoking passengers to an unacceptable degree.

In consideration of the foregoing, the advance notice of proposed rulemaking published in the FEDERAL REGISTER on March 25, 1970 (35 FR 5045) and circulated as Notice 70-14, entitled "Smoking on Aircraft Operated by Air Carriers, Air Travel Clubs, and Commercial Operators," is hereby withdrawn.

(Sec. 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 9, 1973.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.73-14504 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-7, Notice 28; Docket No. 2-6, Notice 7]

OCCUPANT CRASH PROTECTION

Postponement of Effective Date

This notice proposes the postponement of the effective date of the requirements of Standards Nos. 208, Occupant Crash Protection, and 216, Roof Crush Resistance, applicable to the upcoming model year, from August 15, 1973, to September 1, 1973, in response to a petition by Chrysler Corporation.

Standard No. 208, 49 CFR 571.208, Occupant Crash Protection, contains requirements for vehicle occupant restraint systems in several time phases. These requirements were last amended on June 20, 1973, 38 FR 16072 (Docket No. 69-7, Notice 27). The next phase of requirements, which includes an option requiring starter interlocks, is to begin on August 15, 1973, as the rule presently stands. Standard No. 216, Roof Crush Resistance, is also presently scheduled to go into effect on that date.

Chrysler Corporation has petitioned for a 17-day postponement of the August 15 effective date with respect to both standards, to September 1, 1973. Chrysler states that factors beyond its control have threatened to delay the build-out of their 1973 models beyond the August 15 date. These factors are said to include "slow delivery and shortages of parts from suppliers, unscheduled plant shutdowns due to excessively warm weather and unauthorized labor disputes, short supplies of gasoline for plants due to the energy shortage and new Canadian import restrictions, supplier labor disputes, and several other equally uncontrollable factors." Chrysler said that inability to complete the 1973 model run before the changeover date required by the standard would result in "economic loss to Chrysler workers, suppliers, and to Chrysler Corporation and its stockholders". Chrysler also notes that several other new standards or amendments go into effect on September 1, 1973 (No. 124, Accelerator Control Systems. No. 217, Bus Window Retention and Release, No. 101, Control Location, etc., and No. 215, Exterior Protection).

The NHTSA recognizes that the August 15 date was chosen as approximately the end of the normal changeover period for much of the industry, and did not originally intend to restrict these changeover practices. Except for allowing a slightly delayed build-out of the current year's production, this agency is unaware

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of any substantial effect of the requested delay in the effective dates in question.

In light of the foregoing, it is proposed that Standard No. 208, Occupant Crash Protection, 49 CFR 571.208, be amended by changing the date of August 14, 1973, appearing in S4.1.1 to August 31, 1973, and by changing the date of August 15, 1973, appearing in S4.1.2 to September 1, 1973. It is further proposed that the effective date of Standard No. 216, 49 CFR 571.216, be changed from August 15, 1973, to September 1, 1973.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: August 5, 1973.

Proposed effective date: Date of publication of the amendment.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 38 FR 12147).

Issued on July 13, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-14725 Filed 7-16-73;9:55 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Proposed Emission Standards for In-Use Aircraft After January 1, 1983

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Regulations ensuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality in air quality control regions throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," was published on December 12, 1972, and copies are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

Final standards, which are being published in the FEDERAL REGISTER concurrently with this notice of proposed rule making, have specified limits on emissions from a variety of new and in-use aircraft engines. These standards were derived following extensive analysis of the comments submitted in response to the December 12, 1972 proposal. One change from the proposal was to adjust the emissions limits required for newly manufactured engines in 1979 upwards to levels which match the goals of research projects presently planned and in progress within the National Aeronautics and Space Administration and the United States Air Force. It can be concluded that these levels, though somewhat less stringent than those first proposed by EPA, have the advantage of being achievable by design approaches which do not significantly increase the space requirements of the combustor sections of existing engines. In fact some of this research is being carried on through contracts with two of the major manufacturers of aircraft gas turbine engines, and the contractural requirements include demonstration testing in full scale test rigs based on current engine types produced by these manufacturers.

Therefore, it appears entirely feasible to apply this developing pool of technology to retrofit of existing aircraft gas turbine engines, following the introduction of the revised standards applicable to newly manufactured engines in 1979.

The technology necessary to meet these standards is still in an early development stage. EPA intends to monitor closely the development of this technology through the NASA, Air Force, and other related programs and to reassess by January 1, 1976 the standards finally promulgated. This reassessment may result in additional rulemaking action to ensure that the best technology then available can be reflected in the standards.

Through the proposed retrofit program, the nation will benefit from the reductions in emissions from large commercial aircraft on the earliest schedule that is both technically and economically practicable. This will contribute to the maintenance of acceptable ambient air quality levels in and around major air terminals along with the other measures being promulgated concurrently with this proposal.

Though the exact costs of this program cannot be estimated accurately, since the technology is still undergoing development, it is expected to fall between 1 and 5 percent of the cost of complete new engines. (The cost of the engine makes up only a small fraction of the total cost of an airline ticket). The standards contained in this notice are being proposed after consultation with the Secretary of Transportation in order to assure appropriate consideration of aircraft safety. However, the Department of Transportation has advised that it is impossible to make conclusive judgments as to the effects of an emission standard on aircraft safety until engines designed to meet that standard have been developed, constructed, and tested. Therefore, there will be continuing consultation on this issue between this Agency and that Department, both prior to and after promulgation of the standards. Should the Secretary of Transportation determine at any point that an emission standard cannot be met within the specified time without creating a safety hazard, appropriate modifications will be made to that standard or its effective date.

40 CFR Part 87 as modified by this amendment would be applicable to in-use aircraft gas turbine engines of Class T2 and of rated power of 29,000 pounds of thrust or greater beginning January 1, 1983.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received on or before Sept. 17, 1973, will be considered.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets, SW., Washington, D.C. 20460.

This notice of proposed rule making is issued under the authority of Section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Date: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart D of Part 87 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

§ 87.31 Standards for exhaust emissions.

* * * * *

(d) Exhaust emissions from each in-use aircraft gas turbine engine of Class T2 and of rated power of 29,000 pounds of thrust or greater, beginning January 1, 1983, shall not exceed:

(1) Hydrocarbons—0.8 pound/1,000 pound-thrust-hours/cycle

(2) Carbon monoxide—4.3 pounds/1,000 pound-thrust-hours/cycle

(3) Oxides of nitrogen—3 pounds/1,000 pound-thrust-hours/cycle

(4) Smoke—Smoke number from Figure 1.

(e) The standards set forth in paragraphs (a), (b), (c), and (d) of this section refer to a composite gaseous emission sample representing the operating cycle set forth in the applicable sections of Subpart G of this part and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and measured and calculated in accordance with the procedures set forth in those subparts.

[FR Doc.73-14492 Filed 7-16-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 93-921]

FEDERAL SAVINGS AND LOAN SYSTEM

Real Estate Loan Percentage-of-Assets Limitations

JULY 3, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 545.6-6 and 545.6-7 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-6, 545.6-7) for the purposes described herein. By a companion document (Document No. 73-922; July 3, 1973) the Board proposes collateral amendments to §§ 561.22 and 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 561.22, 563.9).

Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) provides that Federal associations "shall lend their funds only * * * on the security of first liens on real property within 100 miles of their home office or within the State in which such home office is located * * * ." Pursuant to that language, the Board in § 545.6-6 has confined the "regular lending area" of a Federal association to the area within a radius of 100 miles from such an association's home office both within and without the State in which such home office is located and an additional area within a radius of 100 miles from each branch or agency of such an association to the extent that such additional area is also within the State in which the association's home office is located. (There is a further provision for additional lending area for Federal associations which have converted from State-chartered institutions). In so prescribing the regular lending area of Federal associations, the Board has not granted the full lending area available in section 5(c). This restriction on regular lending area is a basis for certain real estate loan percentage-of-assets restrictions in § 545.6-7.

Under paragraph (a) of § 545.6-7 a loan on the security of a single-family dwelling, a home or combination of home and business property is not subject to a percentage-of-assets limitation if such a loan, among other things, is made on the security of any such property located within the Federal association's "regular lending area". A loan on the security of such properties located beyond the association's regular lending area is subject to the "general" 20-percent-of-assets category of § 545.6-7(c)(1). As a result, a loan on the security of a single-family dwelling or on the security of a home or combination of home and business property which is located beyond the association's regular lending area but within the State in which the association's home office is located must be included within the general 20-percent-of-assets category. The Board proposes to increase "regular lending area" to include the entire State and the 100-mile radius from the home office whether within or without the State, and thereby remove loans on the security of such properties so located from the general 20-percent-of-assets category.

Under paragraph (c)(1)(i) of § 545.6-7 any loan on the security of other dwelling units (defined in § 541.10-3; generally multi-family apartment loans) falls within the general 20-percent-of-assets category without regard to the location of the security property. However, loans made on other dwelling units located within regular lending area also may be placed in the "special" 20-percent-of-assets category of § 545.6-7(c)(2) assuming that the other requirements of that category are met also. Again, a loan made on an apartment building located beyond regular lending area but within the State presently must be included within the general category and may not be included in the special category. If regular lending area included the entire State and the 100-mile radius from the home office whether within or without the State, then such an apartment loan could be included within the special category. The same result would apply to the type of security property described as "a combination of dwelling units, including homes, and business property involving only minor or incidental business use" (defined in § 541.11-1).

This same result would apply to certain participation loans. A participation interest in a loan on the security of a single-family dwelling, a home, or combination of home and business property located beyond regular lending area but within the State must be placed in either the general category or the "participation" 20-percent-of-assets category in § 545.6-7(c)(3). If regular lending area included the entire State and the 100-mile radius from the home office whether within or without the State, such participation loans could be made without percentage-of-assets limitations.

Section 545.6-7 provides an exception from the regular lending area requirement for insured loans secured by a single-family dwelling, a home, or combination of home and business property located more than 100 miles from an office of the Federal association but within the State in which the association's home office is located. These exceptions appear in § 545.6-7(a)(1)(i), (c)(1)(ii)(b), (c)(1)(iii)(b) and (c)(2)(i). If the Board adopts the proposed amendment increasing regular lending area, these insured loan exceptions would be unnecessary and would be deleted.

Section 545.6-7(c)(2)(iii) provides that otherwise qualifying loans secured by other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use may not be placed in the special category if, at the time the loan is allocated to that category, the Federal association's net worth is less than 5 percent of the average of the association's savings account balances as of the close of the three preceding calendar years. The Board proposes to amend § 545.6-7(c)(2)(iii) to provide that such loans may be placed in the special 20-percent-of-assets category if, at the time the loan is allocated to that category, the lending Federal association meets the net worth requirement set forth in Insurance Regulation 563.13.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said §§ 545.6-6 and 545.6-7(c)(2)(iii) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by August 15, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.6-6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within the State in which such association's home office is located; (b) within any portion of a circle with a radius of 100 miles from such association's home office which is outside of the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond the areas specified in paragraphs (a) and (b) of this section but within which area such association made loans while operating under State charter. Each converted association that desires to continue to make loans beyond the areas specified in paragraphs (a) and (b) of this section but in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond the areas specified in paragraphs (a) and (b) of this section while operating under State charter.

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§ 545.6–7 Percentage limitations on real estate loan investments.

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(c) *Percentage limitations for other loans.* Except as specified in paragraphs (a) and (b) of this section, no Federal association may make any investment in a real estate loan unless the amount of such investment can be allocated within one or more of the 3 percentage-limitation categories specified in this paragraph. In the case of a loan investment which is specified as allocable to more than one of the 3 categories, all or part of any allocation to any one of such categories may be reallocated at any time to another one of such categories, if applicable.

• • • • •

(2) *Special 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category: any loan, or participation interest in a loan, on the security of other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, if—

• • • • •

(iii) at the time of the allocation to this category, the association's net worth (as defined in § 561.13 of this chapter) meets the net worth requirement of § 563.13 of this chapter.

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(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1974, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–14558 Filed 7–16–73;8:45 am]

[12 CFR Parts 561, 563]

[No. 73–922]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Normal Lending Territory

JULY 3, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 561.22 and 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 561.22, 563.9) for the purposes described herein. By a companion document (Document No. 73–921; July 3, 1973) the Board proposes collateral amendments to §§ 545.6–6 and 545.6–7 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–6, 545.6–7).

By said Document No. 73–921, the Board proposes to amend § 545.6–6 in order to expand "regular lending area" for Federal associations. The Board proposes to make a similar expa-nsion of "normal lending territory" for all insured institutions. Normal lending territory is defined by the Board in Insurance Regulation 561.22 and is the same area as regular lending area, except that the 100-mile radius from an insured institution's principal office, branch office or agency office is reduced to 50 miles if the insured institution has scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets. Normal lending territory is used principally in § 563.9 (nationwide lending) and § 563.9–1 (participation loans). For example, an investment by an insured institution in a conventional whole loan secured by improved real estate located beyond normal lending territory but within the State in which the insured institution's principal office is located is a "nationwide loan" and is subject to the 15 percent-of-assets limitation of § 563.9 (e). The same is true under § 563.9–1(b) for the 40 percent-of-assets limitation on participation loan investments on the security of improved real estate located beyond normal lending territory but within the State.

The Board proposes to amend § 561.22 in order to expand normal lending territory to include the entire State in which an insured institution's principal office is located plus the territory within any portion of a circle with a radius of 100 miles which is outside of such State. The Board does not propose to change the provision for "grandfathered" normal lending territory or the reduction in normal lending territory caused by having a scheduled items ratio in excess of 4 percent.

Paragraph (b) of § 563.9 limits to 20 percent-of-assets the loans which an insured institution having a scheduled items ratio in excess of 4 percent may make on the security of real estate located between 50 and 100 miles from the principal, branch, agency or other approved office of the institution. In connection with expanding normal lending territory to include the entire State, the Board proposes to make a conforming change to § 563.9(b) to substitute the State-wide limitation for the 100-mile limitation.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said §§ 561.22 and 563.9(b) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by August 15, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 561.22 Normal lending territory.

(a) *Scheduled items not in excess of 4 percent.* "Normal lending territory" for an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 4 percent of its specified assets means the territory: (1) Within the State in which such institution's principal office is located; (2) within any portion of a circle with a radius of 100 miles from such institution's principal office which is outside of the State in which such institution's principal office is located; and (3) beyond (1) and (2) of this paragraph (a) but within which territory the institution was operating on June 27, 1934.

(b) *Scheduled items in excess of 4 percent.* "Normal lending territory" for an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets means the territory:

(1) Within the portion of the State in which the institution's principal office is located which is within a radius of 50 miles from such principal office or from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution; (2) within any portion of a circle with a radius of 50 miles from such institution's principal office which is outside of the State in which such institution's principal office is located; and (3) beyond 50 miles from such institution's principal office but within which territory the institution was operating on June 27, 1934.

(c) *Definitions.* For the purpose of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "territory" in which the institution was operating on June 27, 1934.

§ 563.9 Nationwide lending.

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(b) *Loans beyond normal lending territory when scheduled items exceed 4 percent.* Any insured institution may, to the extent that it has legal power to do so, make or purchase whole loans in an aggregate amount not exceeding 20 percent of its assets on the security of real estate located outside its normal lending territory but within the State in which its principal office is located.

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(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–14583 Filed 7–16–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154, 157]

JUST AND REASONABLE NATIONAL RATES FOR FUTURE SALES OF NATURAL GAS FROM CERTAIN WELLS

[Docket No. R–389–B]

Order Prescribing Procedures; Correction

APRIL 27, 1973.

In the Notice of Proposed Rulemaking and Order Prescribing Procedures, Issued April 11, 1973 and published in the FEDERAL REGISTER April 23, 1973 38 FR 10014: APPENDIX C, Tabulation, Under column headed "Interstate Volumes Rates" Over columns (n), (o), and (p) should be changed to read "Intrastate Volumes and Rates".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–14536 Filed 7–16–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

POLYPROPYLENE STRAPPING FROM JAPAN

Antidumping; Notice of Tentative Negative Determination

JULY 12, 1973.

Information was received on December 20, 1972, that polypropylene strapping from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 19, 1973, on page 1945.

I hereby make a tentative determination that polypropylene strapping from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Analysis of information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting inland freight from the f.o.b. purchaser's warehouse price.

The adjusted home market price was based on the delivered customers' premises price, with a deduction for inland freight. Adjustments were made for differences in the merchandise and, where appropriate, for diffifferences in packing.

Using the above criteria, purchase price was found to be higher than the adjusted home market price of such or similar merchandise.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 16, 1973.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc. 73-14709 Filed 7-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 73-37]

DEEPWATER PORTS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for deepwater ports and invites written comments on or before August 16, 1973.

The statement was developed for proposed legislation to authorize the Secretary of the Interior to license the construction and operation of deepwater port facilities located on the Outer Continental Shelf.

Copies of the draft statement are available for inspection at the following locations:

Office of Communications, Room 7218, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3171;

Office of Public Affairs, Bureau of Land Management, Room 5643, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-5717.

Single copies may be obtained by writing the Office of Public Affairs, Bureau of Land Management, Room 5643, Department of the Interior, Washington, D.C. 20240.

LAURENCE E. LYNN JR.,
Secretary of the Interior.

JULY 9, 1973.

[FR Doc.73-14500 Filed 7-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

1973 PEANUT CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts and the Terms and Conditions of Indemnification—1973 Crop Peanuts, which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts and the Terms and Conditions of Indemnification—1973 Crop Peanuts, be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1973 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts, and the Terms and Conditions of Indemnification—1973 Crop Peanuts are hereby approved.

Dated: July 11, 1973.

CHARLES R. BRADER,
Acting Deputy Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1973 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1973 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1973 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the tem "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable.

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may acquire seed peanut residuals from their custom seed shelling operations or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale to oil stock or crushing.

(f) *Oil stock.* Handlers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be bagged, red tagged and held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse storage facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1973 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner so as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1973 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1973 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material

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in U.S. splits and other edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Type	Screen Openings	
	Split & broken kernels	Whole kernels
Virginia	17_{64} inch round	14_{64} x 1 inch slot.
Runners	17_{64} inch round	14_{64} x $^3/_4$ inch slot.
Spanish & Valencia	16_{64} inch round	13_{64} x $^3/_4$ inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2.00 percent whole kernels which will pass through 15/64 x 3/4 slot screen and for Virginias a 15/64 x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) With more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample and for one 48-pound sample for aflatoxin assay. The 48-pound sample shall be ground by the Federal or Federal-State inspector, AMS or designated laboratories in a "sub-sampling mill" approved by Committee. Four sub-samples of a size specified by the Committee shall be drawn from the ground portion of the sample diverted by the "sub-sampling mill" during the grinding process. Two of the resulting sub-samples from the 48-pound sample shall be designated as "1–A" and "2–A". The two remaining sub-samples shall be designated as "1–B" and "2–B". The sub-samples designated "1–A" and "1–B" shall be sent as requested by the handler or buyer, for aflatoxin assay to an AMS laboratory or a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. The sub-samples designated as "2–A" and "2–B" shall be held as aflatoxin check-samples by the Federal or Federal-State Inspection Service, AMS or designated laboratories and shall be analyzed only in AMS or designated laboratories.

Sub-samples "1–A" and "1–B" shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay sub-samples shall be positive lot identified and sub-samples "2–A" and "2–B" held for 30 days, after delivery of sub-samples "1–A" and "1–B", and delivered for assay upon call of the laboratory or the Committee and at the Committee's expense. The cost of drawing the 48-pound sample and the preparation of the resultant sub-samples and postage for mailing the sub-samples "1–A" and "1–B" shall be borne by the handler. When the sub-samples "1–A" and "1–B" have not been analyzed within 30 days from date of delivery of the "1–A" and "1–B" sub-samples and a second set of "2–A" and "2–B" sub-samples must be drawn, the cost of drawing, grinding, preparation and mailing such sub-samples shall be for the account of the holder of the peanuts. Cost of the assay on the "1–A" and "1–B" sub-samples shall be for the account of the buyer of the lot and of the "2–A" and "2–B" sub-samples for the Committee's account. If the handler elects to pay for the assay of the "1–A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.

If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a re-inspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Until such time as procedures permitting all inter-plant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—16_{64} x $^3/_4$ inch; Spanish and Valencia—15_{64} x $^3/_4$ inch; Virginia—15_{64} x 1 inch; shall be disposed of only by sale as domestic oil stock or by crushing. Fall through and pickouts shall also be sold as domestic oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the terms "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U. S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors' in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of non-edible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pick-outs in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the Area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by the Agricultural Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for food use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1973 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

(h) *Peanuts failing quality requirements.* Handlers may sell to other handlers shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the Outgoing Quality Regulation requirements heretofore specified. Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the incoming quality regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore.

Handlers may blanch or cause to have blanched peanuts failing to meet specifications of the outgoing quality regulation because of excessive damage or minor defects. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet specifications for unshelled peanuts, damaged kernels, and minor defects as listed in the outgoing quality regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the incoming quality regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuls that meet requirements of the outgoing quality regulation may be disposed of by sale to human consumption outlets or to another handler and any portion not meeting such requirements shall be disposed of by sale to an oil mill for crushing or by crushing.

Terms and Conditions of Indemnification—1973 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1973 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight,

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less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1973 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as a aflatoxin, the idemnification payment shall be reduced by an additional 4 percent of the indemnification value multiplied by the original weight if the lot is declared for custom blanching. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committe determines that the custom blanched peanuts from such a lot has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1973 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Claims for indemnification on peanuts of the 1973 crop shall be filed with the Committee at least 60 days prior to December 31, 1974.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1973 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1973 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1973 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification and values for each category are as follows:

Cleaned inshell peanuts—

(1) U.S. Jumbos, 24 cents per pound (shelled basis)
(2) U.S. Fancy Handpicks, 24 cents per pound (shelled basis)
(3) Valencia—Roasting Stock, 24 cents per pound (shelled basis) [1]

U.S. Grade shelled peanuts—

(1) U.S. No. 1, 24 cents per pound
(2) U.S. Splits, 24 cents per pound
(3) U.S. Virginia Extra-Large, 26 cents per pound
(4) U.S. Virginia Medium, 24 cents per pound

Shelled peanuts "with splits"—

(1) Runners with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 16/64 x 3/4 slot screen, 24 cents per pound.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15/64 x 3/4 slot screen, 24 cents per pound.
(3) Virginias with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15/64 x 1 slot screen, 24 cents per pound.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (1) of the Outgoing Quality Regulation for 1973 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1973 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; and (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects.

[FR Doc.73-14506 Filed 7-16-73;8:45 am]

Forest Service

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY COMMITTEE

Notice of Meeting

The Nebraska National Forest Livestock Advisory Committee will meet at 8 P.M., CDT, July 26, 1973, at the Forest Service Office, Halsey, Nebraska.

The purpose of this annual meeting is to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the committee, either before or after the meeting.

JAMES A. LEES,
Acting Forest Supervisor.

JULY 9, 1973.

[FR Doc.73-14521 Filed 7-16-73;8:45 am]

OKANOGAN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Okanogan National Forest Multiple Use Advisory Committee will meet at 8:00 p.m. on July 31, 1973, in the second floor Conference Room of the Forest Supervisor's Office at 219 Second Avenue South, Okanogan, Washington.

The purpose of this meeting is to discuss land use planning and proposed trial and area restrictions for 1974.

The meeting will be open to the public. The Committee will accept comment from the public during the meeting and public members are encouraged to speak up at any time to express their views on land use planning and proposed trail and area restrictions for 1974.

Written statements may be filed with the Committee until August 10, 1973. Send them to Okanogan National Forest Supervisor, Post Office Box 950, Okanogan, WA 98840.

GERHART H. NELSON,
Forest Supervisor.

JULY 6, 1973.

[FR Doc.73-14514 Filed 7-16-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order 46-2, Amdt. 1]

BUREAU OF EAST-WEST TRADE

Organization and Functions

JUNE 1, 1973.

This order effective June 1, 1973 amends the material appearing at 38 FR 9329 of April 13, 1973.

DIBA Organization and Function Order 46-2, dated December 4, 1972, is hereby amended as follows:

1. In Section 8., *Office of Export Control*, section 8.06 is amended to read:

.06 The product/licensing divisions as stated below:

CAPITAL GOODS AND PRODUCTION MATERIALS DIVISION SCIENTIFIC AND ELECTRONIC EQUIPMENT DIVISION

Each division shall, for the products under its jurisdiction, administer export controls in accordance with the Export Administration Act and the Equal Export Opportunity Act and the policies and procedures established by the Office of Export Control; determine and take appropriate action on export license applications; conduct technical analyses of products, including potential end-use applications, to determine and recommend the extent of controls to be applied; and render assistance to industry and other Government agencies on export control problems within its jurisdiction.

The organization chart for the Bureau of East-West Trade, referenced in Section 2, is amended as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

STEVEN LAZARUS,
Director, Bureau of East-West Trade.

Approved:
JUDITH S. CHADWICK,
Director, Directorate of Administrative Management.

[FR Doc.73-14499 Filed 7-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-638; NADA No. 6-226V]

AMERICAN CYANAMID CO.

Led-O-San; Notice of Opportunity for a Hearing

In an announcement published in the FEDERAL REGISTER of September 5, 1970 (35 FR 14168, DESI 901V) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Led-O-San (a product which contains calcium polysulfide and hexachlorophene), new animal drug application (NADA) No. 6-226V; marketed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540.

The announcement invited the holder of said NADA and any other interested person to submit pertinent data on the drug's effectiveness. American Cyanamid Co. responded to the announcement by submitting revised labeling and manufacturing data. By letters of August 29, 1972 and February 21, 1973, the Food and Drug Administration requested additional manufacturing data and revised labeling. Such data have not been submitted.

Therefore, notice is given to the holder of the NADA and to any other interested person that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 6-226V and all amendments and supplements thereto on the grounds that new information before him with respect to the drug evaluated together with the evidence available to him at the time of approval of the application shows there is a lack of substantial evidence that the drug will have all of the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products not the subject of an approved new animal drug application are covered by the NADA reviewed. Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the NADA not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Bureau of Veterinary Medicine, Division of Compliance, 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 512 of the act and the regulations promulgated thereunder (21 CFR Part 135), the Commissioner hereby gives the applicant and any other interested person an opportunity for a hearing to show why approval of the NADA should not be withdrawn.

The applicant and any interested person is required to file, on or before August 16, 1973, with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election by August 16, 1973 will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before August 16, 1973, a written appearance requesting the hearing, giving the reasons why approval of the NADA should not be withdrawn, together with a well organized and full factual analysis of the data he is prepared to prove in support to his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 135.15(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating efficacy of the product for the labeling claims involved, the Commis-

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

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sioner will rescind this notice of opportunity for a hearing.

If review of the data in the application and the data submitted by the applicant or any other interested person in a request for a hearing, together with the reasoning and factual analysis warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new animal drug applicant or any other interested person, a hearing is justified, the issues will be defined, an administrative law judge will be named, and he shall issue, as soon as practicable after August 16, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the NADA will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearings contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 343–351; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14570 Filed 7-16-73;8:45 am]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Members

In his message to the Congress on consumer affairs on October 30, 1969, the President requested the Secretary of Health, Education, and Welfare, to determine the scope and nature of additional legislative controls to protect the public against unreasonable risk of injury or illness from medical devices. The Secretary established a Study Group on Medical Devices for this purpose under the chairmanship of Theodore Cooper, M.D., Director of the National Heart and Lung Institute. The Study Group completed its report, entitled "Medical Devices: A Legislative Plan," in September 1970. (The report of the Study Group is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, during regular working hours Monday through Friday, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.)

The Cooper committee recommended an immediate, systematic review of existing medical devices, and classification of these devices into three categories: (1) Those requiring premarketing clearance, (2) those for which standards would be appropriate, and (3) those which should be exempt from premarketing review and standards. The Secretary requested that the Commissioner of Food and Drugs immediately undertake an industry-wide inventory of existing medical devices, and their classification into the above three categories, pending introduction and enactment of appropriate new medical device legislation.

In 1972, an inventory of existing medical devices was developed. Information for this inventory was obtained by sending questionnaires to over 4000 addressees in the United States. From the approximately 2000 replies received, 1100 manufacturers in the United States were identified as supplying medical devices. From these manufacturers a list of approximately 8000 devices was developed.

The classification of devices which was requested by the Secretary has been initiated by dividing all devices into 14 separate categories generally based on medical specialties. These are: Orthopedics; cardiovascular; dental; anesthesiology; obstetrical and gynecology; gastroenterology and urology; radiology; neurological disease; ear, nose and throat; ophthalmology; plastic and general surgery; physical medicine; clinical pathology; and general and personal use.

The Commissioner has established the first four panels to review and classify devices that fall within their respective medical specialty areas. These panels are:

Orthopedics:
- Victor H. Frankel, M.D., Ph.D.
- Charles H. Epps, Jr., M.D.
- Floyd J. Jergesen, M.D.
- Jacquelin Perry, M.D.
- Albert H. Burstein, Ph.D.
- Horace Grover, Ph.D.

Cardiovascular:
- John J. Collins, Jr., M.D.
- Nina Starr Braunwald, M.D.
- Clarence Dennis, M.D.
- Jerome Liebman, M.D.
- Arthur Miller, Sc.D.

Dental:
- John W. Stanford, Ph.D.
- Garrett V. Ridgley, D.D.S.
- Robert B. Wolcott, D.D.S., M.S.
- W. Arthur George, D.D.S.
- George E. Myers, D.D.S.
- David B. Mahler, Ph.D.

Anesthesiology:
- Leslie Randell-Baker, M.D.
- James A. Meyer, M.D., LTC, MC
- Eugene L. Nagel, M.D.
- Stanley W. Weltzner, M.D.
- Penelope Cave Smith, M.B.
- Arnold St. J. Lee, B.A.

The curriculum vitae of each panel member is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner is forming two additional panels, for obstetrical and gynecological devices and for gastrointestinal and urology devices.

Notice is hereby provided for all interested persons to nominate qualified physicians, engineers, or scientists to serve on each of these two panels. Nominations for these qualified experts are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. Carl W. Bruch,
Food and Drug Administration,
Office of Medical Devices (CM–120),
5600 Fishers Lane,
Rockville, MD 20852.

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination. Nominees shall be qualified by training, education and experience in the field of medical devices and have particular expert knowledge in the specialty area concerned.

The Commissioner has concluded that each panel should also include one nonvoting representative of the consumer interests, and one non-voting representative of the regulated industry. Accordingly, any group or organization interested in participating in the selection of an appropriate representative of the consumer interests or of the regulated industry, for each of the six panels designated above, is requested to write to Dr. Bruch stating this interest. After receipt of all such letters, the Commissioner will request that the interested consumer groups and organizations and industry groups and organizations consult among themselves and each designate a single non-voting member for each panel. It will be the responsibility of the non-voting consumer and industry members of the panel to represent the consumer and industry interests in all deliberations.

To be considered, nominations of experts to serve on the two panels now being formed, and letters from consumer and industry groups and organizations expressing an interest in participating in the selection of a consumer and an industry non-voting member for each of the six panels, must be received on or before September 1, 1973.

The Commissioner has also determined that a procedure for the functioning of these panels should be published as a proposal for comment in the FEDERAL REGISTER. Such a procedure is now in preparation and will be published in the near future. Pursuant to this procedure, an opportunity will be provided for all interested persons to present information and views to the panels for their consideration in the classification process.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14571 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX73-3; Notice 2]

CITROEN

Petition for Temporary Exemption from Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to deny S. A. Automobiles Citroen an exemption of its SM model from compliance with the pendulum test requirements of Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*.

Notice of petition for the exemption was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12636), and an opportunity afforded for comment. Citroen applied for exemption pursuant to section 123(a)(1)(D) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410(a)(1)(D)) which requires it to demonstrate that to mandate compliance with Standard No. 215 would prevent [it] from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles.

In support of its petition Citroen listed several features of the SM vehicle for which exemption was sought. These were: (1) A self-leveling hydropneumatic suspension that provies constant vehicle height and exceptional dynamic stability (roadholding); (2) power steering with self-returning and self-centering capability; (3) high pressure power brakes with front-rear repartitioning; (4) very low center of gravity; and (5) a cruising speed in excess of 125 mi/h. Citroen also submitted figures intended to show that it exceeded the minimum requirements of several motor vehicle safety standards.

In order to achieve compliance, Citroen stated that the front and rear ends of the SM would have to be redesigned, at an estimated cost of $1,183,000. This figure does not include costs to redesign and retest the vehicle's cooling system. Because of the vehicle's low production, 19 units a day for all markets, Citroen stated that it had no plans to bring the SM into compliance with Standard No. 215. Failure to obtain an exemption would mean that Citroen would terminate its participation in the American market with respect to vehicles manufactured on or after September 1, 1973, since the SM is its only product currently offered for sale.

No comments were filed supporting the petition. Opposing the petition were the Center for Auto Safety and the State of Hawaii.

Section 123(e) of the Act and 49 CFR 555.6(d)(1) require a petitioner to provide a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles, including (§ 555.6(d)(1)(iv)) the results of any tests conducted on the vehicle demonstrating that its overall level of safety exceeds that which is achieved by conformance to the standards. No such analysis or test was submitted by Citroen. In fact, the petition provided no information at all on the overall level of safety of either the Citroen SM or of any nonexempted vehicles. In the judgment of this agency, listing features such as power steering and hydropneumatic suspension does not begin to satisfy the requirement of establishing an objective measure of a vehicle's overall level of safety. Indicating the margin by which the performance levels of individual standards are exceeded also adds little to the picture. In practical terms, all conforming vehicles must exceed those levels. The two central concepts of this statutory basis are (1) overall levels of safety, and (2) comparison of the vehicle in question with other vehicles. It is true that these concepts may be novel and complex, but Citroen made no attempt whatever to deal with them in its petition.

Although for the above reasons the petition must be denied, and further issues need not be reached, there appears to be serious doubt as to whether Citroen has adequately shown that requiring compliance would prevent the sale of the SM within the meaning of section 123(a)(1)(D). Given the evident size and competence of the petitioner, there is no question that it is financially and technologically capable of bringing the SM into conformity with the standard in question. Its position is that the cost of doing so is out of proportion with the quantity of vehicles produced and would be impossible to depreciate. Considering the wide variety of vehicles in all price ranges whose manufacturers are assuming the burden of achieving conformity, the situation presented by Citroen does not appear to be a standard preventing the sale of the SM, within the intended meaning of the statute.

The Citroen petition is accordingly denied.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 FR 12147).

Dated: July 3, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14528 Filed 7-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269A, etc.]

DUKE POWER CO.

Order on Motion To Amend, and Rescheduling of Prehearing Conference

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3; McGuire Units 1 and 2); Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

In view of motion filed by Applicant dated July 10, 1973, to amend paragraph (1) of Board Order of June 15, 1973, and the telephone conference calls between the Parties and the Board on July 10 and 11, at which time the Parties indicated support of the motion, and since the Parties have demonstrated substantial progress toward voluntary compliance of discovery, the scheduled time for the filing of certain second round discovery requests, previously set for July 20, 1973, is hereby suspended, pending further discussion at a prehearing conference to be held on August 2, 1973.

Accordingly, the prehearing conference now scheduled for July 24, 1973, is hereby postponed and rescheduled for August 2, 1973, at 9:30 a.m., local time, at the U.S. Tax Court, Room 2142, 1111 Constitution Avenue, NW, Washington, D.C. 20044.

It is so ordered.

The Atomic Safety and Licensing Board.

Issued at Washington D.C. July 11, 1973.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-14509 Filed 7-16-73;8:45 am]

[Dockets Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Establishment of Atomic Safety and Licensing Board

In the matter of Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., The Cleveland Electric Illuminating Co., The Toledo Edison Co.

On July 11, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 18481, a notice of hearing to consider the applications filed for construction permits for the Perry Nuclear Power Plant, Units 1 & 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Frank F. Hooper, Mr. Gustave A. Linenberger, and John B. Farmakides, Esq., Chairman. Dr. George A. Ferguson has been designated as a technically qualified alternate and John F. Wolf, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.
2. Dr. Frank F. Hooper, School of Natural Resources, University of Michigan, Ann Arbor, Michigan 48104.

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3. Mr. Gustave A. Linenberger, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

4. John F. Wolf, Esq., Alternate Chairman, Wolf, Sheehan & Wolf, 1015 18th Street, NW., Washington, D.C., 20005.

5. Dr. George A. Ferguson, Alternate, Professor of Nuclear Engineering, Howard University, Washington, D.C. 20001.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at: Washington, D.C., July 12, 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-14529 Filed 7-16-73;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Jersey Central Power & Light Co. (Forked River Nuclear Generating Station, Unit No. 1).

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: July 11, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-14530 Filed 7-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542; Order 73-7-41]

ATC BYLAWS INVESTIGATION AND AIR TRAFFIC CONFERENCE OF AMERICA

Order of Temporary Approval and Consolidation Regarding Non-member Participation in ATC Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1973.

The Air Traffic Conference of America (ATC) has filed with the Board, pursuant to section 412(a) of the Federal Aviation Act (49 U.S.C. 1382(a)) and Part 261 of the Board's Economic Regulations (14 CFR Part 261), amendments to the bylaws of ATC and a resolution entitled "Participation by Non-Members in Air Traffic Conference Meetings." These amendments and this resolution have been designated Agreement CAB 16485–A2, and the Agreement is, by its terms, to become effective 30 days after its approval by the Board.

The Agreement, briefly, would permit non-members of ATC to obtain copies of the agenda and minutes of ATC and of its standing committees, by subscription; to submit proposals to ATC for its consideration; to submit written views on matters pending before ATC and its standing committees; and, in limited circumstances, to appear in person at ATC meetings to present views. The Agreement also would permit action on ATC mail votes to be stayed, in certain circumstances, if certain non-members of ATC object to specific mail vote proposals. Agreement CAB 16485–A2 in its entirety, as well as the explanatory comments filed by ATC with this agreement, are attached hereto as an Appendix.

No objections to approval of this Agreement have been received.

At the present time the bylaws of ATC (Agreement CAB 16485) are under review in the "ATC Bylaws Investigation," Docket 23542. Public hearings have recently been concluded, briefs have been submitted to the Administrative Law Judge, and supplemental briefs were recently filed on June 29, 1973. Among the issues in the "Investigation" is the question of whether ATC procedures afford non-members adequate notice of pending ATC proposals and adequate opportunity for non-members to participate in ATC deliberations.

By motion filed June 12, 1973, the Conference has requested that the Board consolidate the Agreement with the "Investigation" since the Agreement represents a fundamental amendment of the ATC bylaws with respect to third-party participation which should be examined as part of an orderly completion of the Board's decision-making process in the "Investigation." The Conference argues further that the basic issues regarding the Agreement are already part of the "Investigation," that the same parties are involved, and that consolidation will be conducive to the proper dispatch of the Board's business and will not unduly delay the proceeding. Answers to the motion have been filed by the American Society of Travel Agents (ASTA), the National Passenger Traffic Association, and the Bureau. They do not oppose consolidating the agreement for final decision in the "Investigation" in view of the identity of the issues, but request that the Board approve the agreement on an interim basis so that consolidation does not result in delay. The National Air Transportation Conference (NATC) opposes the motion on the ground that consolidation would lead to significant delay and that there are no public interest considerations sufficient to warrant the requested consolidation. NATC nonetheless argues that the agreement represents a "constructive step" and that there need be no conflict between routine Board action under a non-hearing procedure and ultimate disposition of the "Investigation" by the Administrative Law Judge and the Board, including the question of what conditions should be ordered with respect to any approval of the ATC bylaws.

Upon consideration of the matters presented, the Board has decided to grant the motion for consolidation and to approve the Agreement on an interim basis. We believe that this approach will provide the Board with the fullest evidentiary record, provide for maximum decisional flexibility, and permit a decision on all facets of the ATC bylaws at the same time. We note, in this connection, that there are no objections to approval of the Agreement; on the contrary, those parties addressing themselves to the Agreement suggest that it represents a step in the right direction. Under all the circumstances, we find that approval of the agreement on an interim basis would be in the public interest. Our pendente lite approval, however, should not be construed as a prejudgment of any of the issues in the "Investigation" (including the proper extent of non-member participation in ATC deliberations) and such approval is expressly conditioned upon the Board's right to disapprove or otherwise modify the agreement at the end of the "Investigation." As conditioned, it is found that temporary approval of Agreement CAB 16485–A2 is in the public interest.

Accordingly, it is ordered, That:

1. The motion of ATC for consolidation be and it hereby is granted;

2. Agreement CAB 16485–A2 be and it hereby is temporarily approved; [1]

3. The approval granted in ordering paragraph 2 may be amended or revoked in the discretion of the Board without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

AIR TRAFFIC CONFERENCE RESOLUTION

NON-MEMBER PARTICIPATION IN ATC MATTERS

Resolved, that, Effective 30 days after approval by the Civil Aeronautics Board:

1. Subject to concurrence of the Board of Directors of the Air Transport Association, the By-Laws of the Air Traffic Conference are amended in the following respects:

A. Add the following language to the end of Article IX, paragraph A:

Provided, further, however, that if the Executive Secretary receives a timely written objection from any person who is permitted to appear in person before the Conference pursuant to regulations adopted by the Conference under the provisions of paragraph D of Article IX, stating in detail the reasons for such objection, the provisions of this paragraph allowing committee recommendations to become automatic Conference action shall be stayed until the Executive Committee reviews the objection. If in the opinion of the Executive Committee the objection should be discussed by the Conference, the resolution may be included on the Conference agenda for action, or discussion, at the discretion of the Executive Committee; otherwise the procedures allowing for automatic Conference action shall operate as if there had been no objection.

[1] Such approval shall continue only until 60 days after final Board action in the ATC Bylaws Investigation, Docket 23542.

B. Add the following new paragraph "D" to Article IX:

"D. *The Conference may establish by resolution procedures governing the conduct of its meetings including the method by which it will receive the views of persons outside of the Conference, and may, in accordance with Conference procedures, act upon matters presented by such persons during the course of Conference business.*"

2. The following resolution entitled "Participation by Non-Members in Air Traffic Conference Meetings" is adopted:

PARTICIPATION BY NON-MEMBERS IN AIR TRAFFIC CONFERENCE MEETINGS

The procedures contained in this resolution are in addition to and not in lieu of any existing resolutions which provide for participation by non-members in Air Traffic Conference meetings.

A. Any person shall have the right to receive copies of the agenda of any and all standing committees and the Conference, mail vote proposals and the decision reached, and the minutes of the standing working committees and the Conference. Provided, that documents requested under this paragraph shall be subject to those charges which may be promulgated and assessed by the Executive Secretary for the costs of production and distribution. The Executive Secretary shall send a reasonable number of copies of each and every document described in this paragraph to the Civil Aeronautics Board for its information and use.

B. Any person may submit a specific written proposal on any subject to the Executive Secretary who shall refer such proposal, where appropriate, to a standing working committee or the Conference within the terms of reference of such standing working committee or the Conference. A written response shall be provided to the proponent of the proposal upon request. Any person may submit written views on any matter pending before any standing working committee or the Conference. Provided, however, that any document submitted to the Executive Secretary for consideration by any standing working committee or the Conference shall become the property of the Members and may be used by any Member or Members in any manner desired.

C. Any air carrier having a Certificate of Public Convenience and Necessity from the Civil Aeronautics Board to perform scheduled route air transportation, any association composed substantially of carriers of passengers or cargo by air, any association representing travel agents on a national basis, or any association which previously demonstrates satisfactorily to the Executive Committee that it actually represents a substantial number of users of air transportation on a national basis shall have the right to appear in person subject to the approval of the Executive Committee, with or through counsel, at a Conference meeting for the express purpose:

(a) To present a proposal or proposals which could otherwise be properly before the Conference for action, and on subjects which could be discussed without the need for prior Civil Aeronautics Board approval to discuss, or,

(b) To present views on any pending matter which the Conference has on its agenda for action, *Provided, however,* Prior written showing is directed to the Executive Secretary of the Conference detailing how the matter in question will have a financial or property impact or will have an impact on the services rendered by or for such non-member.

The demonstration required above shall be made in part by a written statement containing the actual number of users such association represents, the names and addresses of its officers and directors and a showing of instances where it has represented users on aviation issues. With respect to the right to appear described in this paragraph, the following procedures shall be followed:

1. If an appearance is allowed under the terms of this paragraph for purposes of presenting a proposal or proposals, the non-member proponent of such proposal(s) must furnish the Executive Secretary with a written statement of his proposal(s) forty (40) days in advance of the Conference meeting at which such non-member is to appear.

2. If an appearance is allowed under the terms of this paragraph for the purpose of submitting views on a matter pending on the Conference agenda, the non-member submitting such views must furnish the Executive Secretary with a written statement outlining what such non-member intends to state in his appearance no later than fourteen (14) days in advance of the Conference meeting at which such non-member is to appear.

3. The written statements in 1 & 2 above must be in sufficient detail as to inform the Executive Committee and the Members of the substance of such proposal(s) or views.

4. The total time allotted to all appearances before a Regular Conference Meeting shall not exceed 25 percent of the aggregate time scheduled for such Conference or not to exceed four hours, whichever is less.

a. The apportionment of time for individual appearance shall be determined by the Executive Secretary: *Provided, however,* That no individual appearance shall exceed 30 minutes in any event, unless the Executive Committee extends such time upon a showing of need, or the Conference extends such time at its will.

b. The right to appear shall be limited to the representative(s) of the non-member in connection with and limited to his presentation or his statement of views. No other person shall have such a right.

Provided, however, That the Executive Committee of ATC, in its discretion, may schedule a Special Meeting of the Conference in lieu of above rights to appear at a Regular Conference Meeting in order to receive the proposal(s) or presentation of any non-member.

Adopted: Air Traffic Conference Meeting, May 3-4, 1973. By-law changes approved by ATA Board of Directors, May 16, 1973.

Effective: 30 days after approval of the Civil Aeronautics Board.

Filed with the Civil Aeronautics Board by letter dated May 29, 1973.

EXPLANATORY COMMENTS ATC RESOLUTION NON-MEMBER PARTICIPATION IN ATC MATTERS

These comments are offered in explanation of the provisions of the accompanying resolution of the Air Traffic Conference, adopted at the May 3-4, 1973 Conference meeting, which establishes formalized procedures for the participation by non-members in ATC matters. The resolution includes two amendments to the ATC By-laws, one of which provides procedures for the stay of effectiveness of unanimous recommendations of standing working committee upon the receipt of objection to such recommendations from certain parties. The other By-law amendment empowers the Conference to establish procedures for non-member participation in Conference matters. In addition, the resolution also includes the specific procedures for such non-member participation.

On May 16, 1973, the ATA Board of Directors approved the amendments to the Conference By-laws, as required by Article XIV of those By-laws. The entire resolution will become effective thirty (30) days after approval by the Civil Aeronautics Board.

As stated in the minutes of the November 16–17, 1972 meeting of the Air Traffic Conference, a special three man committee was appointed to consider non-member participation in Conference matters. The accompanying resolution emanates from recommendations of that committee.

Representatives of ARTA, ASTA, NATC and NPTA met separately with and presented their views to the committee during the developmental stage of the committee's recommendations. ABTB was invited to attend but its representative stated that their organization found the present means of coordination and input to be satisfactory. Representatives of AAA met separately with the ATC staff and their views were forwarded to the committee prior to the development of the committee's recommendations. In addition an appointment was made to meet with ACAP but its representative failed to keep the appointment.

Most of the parties wanted to be heard on matters affecting them, and wanted this to be done *before final Conference action.* The ATC adopted resolution on third party participation fulfills these desires, while still, hopefully, leaving the Conference with the flexibility it needs to carry on its work. In summary, the resolution, in addition to participation areas presently covered by other Conference resolutions including the travel agency dialogue meetings, provides for the following:

1. The agenda of the Conference and any of its standing working committees would be made available to the public prior to the meeting concerned on a subscription basis at a charge to cover the costs of production and distribution. The charge would be established by the Executive Secretary. Copies of these agenda would also be filed with the CAB for its use. (Copies of Conference agenda are presently sent to the CAB, but not prior to Conference meetings.)

2. The Conference and standing working committee minutes would be made available to the public also on a subscription basis. (Copies of Conference minutes are presently sent to the CAB.)

3. Written proposals could be made by any person to any standing working committee or to the Conference through a central point for decision as to where such proposals should be directed.

4. Written views could be made by any person on any matter pending before any standing working committee of the Conference also to a central point to allow for proper distribution.

5. Non-member representative bodies and air carriers, as specifically defined, may appear in person at Conference meetings to make proposals, or to comment on proposals pending before the Conference which would have a direct impact on such non-member. Procedural conditions on appearances were deemed essential and therefore written into the resolution so that on the one hand non-members having important contributions could be heard, while on the other hand the work of the Conference would not be unduly disrupted or unreasonably expanded.

We believe the action by the Conference adequately provides for appropriate input to the Conference from non-members.

[FR Doc.73-14574 Filed 7-16-73;8:45 am]

[Docket No. 23333; Order 73-7-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of July 1973.

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By Order 73-3-99, dated March 26, 1973 action was deferred on the subject portion of an agreement, adopted by the International Air Transport Association (IATA), dealing with revision of the basis upon which reduced-fare concessions for United States-based IATA cargo agents are allocated. The general effect of the revision is to establish an incentive program geared to agents' productivity in place of the present allocation of a fixed number of tickets for each agency location. Presently, each IATA-approved agency location receives two tickets annually, at a 75-percent discount from the otherwise applicable air fare. The new proposal entitles each agency registered in a particular country to two 75-percent discount tickets regardless of the number of locations it operates. The new productivity feature would allot two additional tickets at a 50-percent discount of the applicable first-class or normal economy fare for each 100 percent (or fraction thereof) by which an agent's total international sales exceed the annual average for the country of registration.[1] The maximum annual allowance of these tickets would be set at 40.

Action on the resolution was deferred for a 30-day period[2] in order to allow time for the carrier parties to submit data relating to the numbers of reduced-fare tickets issued under the existing system in 1972 and estimates of issuance had the proposed system been in effect, and to grant interested persons and parties an opportunity to comment on the resultant effect of the resolution on the number of reduced-fare tickets available to individual agents or on the cargo agency industry as a whole.

Data and/or comments have been received from Compagnie Nationale Air France (Air France); American Airlines, Inc. (American); Delta Air Lines, Inc. (Delta); Eastern Air Lines, Inc. (Eastern); The Flying Tiger Line Inc. (Flying Tiger); Lufthansa German Airlines (Lufthansa); Northwest Orient Airlines, Inc. (Northwest); Pan American World Airways, Inc. (Pan American); Trans World Airlines, Inc. (TWA); Seaboard World Airlines, Inc. (Seaboard); Air Express International Corporation (AEI); Air Freight Forwarders Association (AFFA); Emery Air Freight Corporation (Emery); International Air Freight Agents Association (IAAA); and the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA).

Pan American and TWA urge approval of the proposed agreement.[3] TWA claims the new program represents significant improvement over the present system, alleges that allocation of reduced-fare tickets by agency location is obsolete since IATA now registers its agents by country rather than by individual location and that in any event the number of locations is not a reliable index of growth and progress in air cargo sales. Both carriers contend that sales volume is more clearly related to the agent's actual travel requirements since it is a reliable index of productivity and that the instant agreement, since it is geared to cargo sales productivity, is an equitable system of allocating reduced-rate authorizations.

Pan American maintains that the amount of actual reduced-fare travel by cargo agents would not materially increase or decrease under the new agreement, since many multi-location agents are also among the most productive single location agents; that opportunities for such travel would increase somewhat for productive single location agents; and that the reduced discount available would not adversely affect the cargo agent's business travel plans, since business itineraries are generally brief and tightly scheduled thus preventing cargo sales agent use of discount fares available to tourists.

Seaboard opposes the agreement. While indicating that reduced-fare travel for cargo agents is an effective market development tool, Seaboard feels that the proposed agreement is inherently discriminatory and will penalize IATA agents selling for Seaboard since these sales will not be included in the productivity base for ticket allotment thus reducing Seaboard's sales and increasing sales of Seaboard's IATA competitors, and that its overall competitive position will be impaired. Seaboard also claims that the existing reduced-fare system is discriminatory since, as a non-IATA all-cargo carrier, it cannot itself provide reduced-fare passenger transportation for its sales agents and carriers able to perform such service are generally IATA members and will not honor Seaboard's requests for reduced-fare carriage, and alleges that past Board refusal to condition a reduced-fare resolution for transportation of foreign-based cargo agents to require IATA carriers to honor Seaboard requests for such carriage has hurt its westbound business.[4] The carrier, therefore, requests the Board to impose conditions requiring IATA carriers to honor reduced travel requests for transportation of its cargo sales agents and to prohibit basing reduced-fare ticket eligibility solely upon agent sales for IATA carriers.

AFFA opposes adoption of the proposed agreements as filed, and maintains in general that past Board policy towards foreign-based agents discriminates against U.S.-based cargo agents and forwarders and acts to promote imports and discourage exports contrary to national policy. AFFA asserts that a complete reversal of past Board decisions is needed to eliminate the competitive advantage accorded foreign-based cargo agents and forwarders and that U.S. and foreign-based cargo agents and forwarders should be put on an equal basis. Specifically, AFFA contends that the instant agreement is not prompted by a real need for change; that the changes proposed result from problems associated with IATA's internal administrative changes; that IATA carriers have arbitrarily reduced the discount to 50 percent for tickets awarded under the productivity feature; that the burden falls upon IATA to justify these changes; that the current system satisfied Board requirements that such fares for agents be related to their need for business travel and the likelihood of promoting air cargo traffic; that the new formula unjustly discriminates against cargo agents and forwarders in favor of passenger agents who receive more reduced-fare tickets under a different formula; and that the proposed formula would wreak great hardship on U.S. forwarder/agents due to decreased tickets received and discounts offered.

AFFA urges, at a minimum, retention of the status quo but recommends adoption of similar allocation procedures as afforded foreign cargo agents (except reduced-fare tickets for spouses). Alternatively, AFFA suggests two 75 percent discount tickets plus additional 75-percent discount tickets per each additional $500,000 gross billings; or two 75-percent discount tickets per qualified employee.

AEI, Emery, IAAA, and NCBFAA likewise express opposition to the instant agreement, citing objections and recommendations similar to those expressed by AFFA. Additionally, AEI and Emery especially advocate equal treatment for air freight forwarders vis-a-vis U.S. cargo agents. Specifically, Emery states that sales generated as an air freight forwarder will not count in their productivity base with consequent reduction in their reduced-fare tickets. Finally, NCBFAA alleges the proposed agreement discriminates against the small-volume agent in favor of the large-volume agent and will reduce the small agent's travel opportunity to expand cargo traffic; and therefore recommends that all U.S. cargo agents be given equal travel rights.

Upon consideration of the comments and data received, the Board reiterates its view that continuation of a program granting reduced-fare concessions to cargo agents is warranted. The productivity feature incorporated in the instant agreement seems to conform sufficiently with previously-stated Board policy that

[1] Country averages, as well as each agent's allotment, are to be determined by the IATA Agency Administrator on the basis of annual reports already required of each agent under terms of the IATA Cargo Agency Agreement. $1,000,000 would be used as the average for any country whose actual average exceeds that amount. Reports submitted for a given year would be used to calculate quotas for the following year.

[2] We shall also herein act upon an IATA resolution dealing with reduced-fare concessions for foreign-based IATA cargo agents. This resolution allows each agent registered for a specific country to be issued two 75-percent discount tickets by each carrier per year; a maximum of 40 75-percent discount tickets under the productivity feature, based upon commissionable sales; 20 additional 50-percent discount tickets; and includes reduced-fare travel provisions for spouses of IATA-approved cargo agents.

[3] American has filed comments in support of TWA's position.

[4] See Order 72-8-99, dated August 23, 1972 in which the Board disposed of Seaboard's petition to reconsider Order 72-5-59 approving reduced-fare transportation for foreign-based cargo agents.

a system of reduced-fare concessions should be closely related to actual business requirements of each agent in the promotion of air cargo transportation.

Turning first to claims by various parties that approval of the differing resolutions pertaining to U.S.-based cargo agents and to foreign-based cargo agents would discriminate against the former in favor of the latter, the Board has historically declined to exercise jurisdiction over foreign-based cargo agents noting that they operate under differing laws and that their activities are more appropriately the concern of their respective governments. The Board has also noted, to a lesser degree, the practical difficulties of enforcement. Moreover, to require more restrictive standards, with respect to travel into the United States, in order to achieve uniformity among agents moving in "air transportation" as defined by the Act could serve to create a greater incentive for the sale of cargo transportation between other countries and thus negatively affect U.S. interests. Therefore, we shall herein approve that portion of the agreement dealing solely with IATA cargo agents based outside the U.S., subject to standard conditions.

Nor are we persuaded that differences in the allocation of reduced-fare tickets between cargo sales and passenger sales agents constitute a discrimination. It would appear to us that such differences stem from variations between the two activities, in the nature of customers, businesses, and employees. We do not perceive any basis at this time on which to require identical allocation systems for IATA cargo sales and passenger sales agents.

As to the contention of NCBFAA that the agreement would discriminate against small agents, we believe that evaluation of data submitted by the airlines indicates that the reverse is more likely to occur. According to data submitted by the IATA carriers, the location allocation would afford approximately 355 agents two 75-percent tickets and 76 agents more than two tickets. Under the productivity concept 343 agents would receive two tickets while 88 agents would receive more than two. Moreover, the total number of tickets accorded agents registered by country is expected to increase from 1406 to 1484. We also note that of a total 1706 tickets authorized in 1972 (including 320 tickets for 160 agents still registered under the location concept) only 34.5 percent or 590 were actually used, indicating that U.S.-based IATA cargo sales agents are not utilizing all the tickets available to them under the present system.

Although TWA indicates that sales generated by an agent in his capacity as an air freight forwarder, which are not commissionable, would be included in the productivity base for purposes of allocating reduced-fare tickets, our examination of the agreement suggests otherwise. The agreement specifically states that determination of average sales must be in accordance with the provisions of IATA Resolution 821, Subparagraph (5) (e), which refers only to commissionable sales; therefore, air freight forwarder consolidations (under their own tariffs and waybills) would appear not eligible for inclusion in the productivity base. It has long been the Board's opinion that those acting in their own behalf as an air freight forwarder should not be granted free or reduced-rate transportation since such transportation would constitute an unlawful refund or remittance of valuable consideration to a special class of shipper.[5] We believe it consistent with this position that sales generated by an agent acting in this capacity should be excluded from the productivity base upon which reduced-fare tickets would be extended.

Seaboard urges that the Board require extension of the reduced-fare privileges granted IATA agents to agents acting on behalf of non-IATA carriers; specifically, we are requested to condition our approval of the resolution so as to require IATA carriers to honor Seaboard's requests for reduced-fare carriage for agents acting in its behalf and to require inclusion of sales by these agents in the productivity base for ticket allocation. We can perceive no basis from the comments received to go beyond the issue here before us, that is the issue of whether or not the IATA carriers' program for agents acting on their behalf is a reasonable one. Seaboard has not demonstrated injury and, in view of past usage of reduced-fare tickets, it does not appear that these privileges are of such significance as to create an unfair competitive situation vis-a-vis IATA carriers. In the last analysis, the agents' reward stems from commissions on their sales and profits from their activities. Moreover, we would think it irrational for IATA carriers to deny IATA-approved agents reduced-fare transportation because those agents also act in behalf of non-IATA carriers. Such practice would constitute a patent demonstration that the basic reduced-fare program is manipulated for purposes having nothing to do with the development of the air transportation cargo market, but instead represent a manipulable reward system contrary to Board policy. Nevertheless, in order to make explicit our understanding that an IATA agent who also holds appointments from non-IATA carriers shall not be excluded or limited from obtaining reduced-fare transportation on IATA carriers because of such appointment, we will attach appropriate conditions to our approval of the resolutions.

Finally we come to the question of the percentage discount to be offered. As indicated, the two regular tickets allocated annually to each agent on a country-of-registration basis are to be discounted 75 percent from the otherwise applicable fare. However, the tickets granted in proportion to an agent's productivity would be discounted only 50 percent, and that only from the full normal fare. Several objections specifically directed at this issue have been raised, and no U.S. carrier party to the agreement has provided rationale as to why the discounts and the fares upon which they would be based should vary.

Historically, all reduced-rate tickets have been authorized at a 75-percent discount from the otherwise applicable air fare. While it appears that the total allocation of reduced-fare tickets would not materially change under the new concept, the agents receiving reduced-rate tickets under the productivity aspect of the program would be required to pay more for their transportation than previously. In the absence of information from the carriers, we are unable to discern any circumstances which would warrant such an increase in total cost to the agent for what is essentially the same amount of reduced-rate travel. Accordingly we will condition our approval of the agreement to require that all tickets granted under the resolution shall be based on the same discount; *i.e*, 75 percent of the otherwise applicable fare.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
23516			
R-3	203a...	Reduced Fares for Cargo Agents (U.S.A. Only).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided that with respect to Resolution 203a:

(1) Free or reduced-rate transportation for United States-based agents shall be limited to the extent permitted by the provisions of Resolution 203a and shall not be provided under entertainment or instruction provisions of other cargo agency resolutions, e.g., Resolution 810b—Section J, and Resolution 811b—Paragraph (1) (e);

(2) All reduced-rate transportation authorized under the provisions of the resolution shall be provided at a discount of 75 percent of the otherwise applicable fare; and

(3) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Agreement C.A.B.	IATA No.	Title	Application
23516			
R-4.....	203c...	Reduced Fares for Cargo Agents (Except U.S.A.).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided, That with respect to Resolution 203c:

(1) Approval of the provisions embodied in said agreements, insofar as they

[5] International Airfreight Forwarder Investigation, 27 C.A.B. 658, 663–667, decided November 6, 1958.

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are applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said agreements;

(b) A determination as to whether a violation of Section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such agreements whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's Economic Regulations relating to tariffs for free or reduced-rate transportation; and

(2) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in their obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Accordingly, it is ordered, That:

Agreement C.A.B. 23516, R–3 and R–4, be and hereby is approved subject to the conditions stated herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14575 Filed 7-16-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from July 2 through July 6, 1973.

NOTE: At the head of the listing of statement received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T.C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447–7803
Forest Service

Draft *Date*
Northern Region's Slash Disposal Program 07/05
The statement discusses the Northern Region's Slash Disposal Program. Slash treatment options include: treatment with prescribed fire; mechanical treatment; isolation and or limited treatments; and no treatment. Adverse impact may occur to air quality and soil stability. (ELR ORDER # 31110) (NTIS ORDER # EIS 73 1110D)

Winter Park Management, Arapaho National Forest 07/05
Colorado
County: Grand
The statement refers to the management of the Winter Park Management Unit of the Arapaho National Forest, in order to protect its suitability for winter sports activities, and to expand its capacity. (44 pages)
(ELR ORDER # 31118) (NTIS ORDER # EIS 73 1118D)

Little Slate Creek, Nezperce National Forest 07/05
Idaho
Proposed is the implementation of the Little Slate Creek Unit Plan, which calls for multiple use management of 43,690 acres of the Little Slate Creek Drainage District, Nezperce National Forest. Recommended in the plan is development beginning with the harvest of 193 million board feet of mature timber over a 15 year period and the construction of a mid-elevation main access route through the drainage. Adverse impact will include the loss of roadless qualities, increases in soil disturbance, and increased hazard to water quality. (80 pages)
(ELR ORDER # 31121) (NTIS ORDER # EIS 73 1121D)

Multiple Use, North Bridger Mountains, Gallatin N.F. 07/05
Montana
County: Gallatin
Proposed is the implementation of a Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest. Total area is 60,000 acres, of which 42,000 acres is National Forest lands. Included will be construction of a new road and improvement of others, harvesting of timber, and maintaining roadless areas. Five thousand acres of roadless area will be lost; there will be a loss of game cover and increases in soil disturbance. (40 pages)
(ELR ORDER # 31116) (NTIS ORDER # EIS 73 1116D)

Final
Bitterroot National Forest 07/06
Montana
County: Ravalli
The statement considers the implementation of a revised Multiple Use Plan for the Moose Creek Planning Unit of the Forest. The plan considers the construction of roads and the cutting (including clearcutting) of timber in selected sections of 20,000 acres of Forest, and management for recreation in others. The plan will affect water and air quality (the latter due to the burning of log slash), natural landscapes, and wildlife habitat. (177 pages)
COMMENTS MADE BY: EPA
(ELR ORDER # 31130) (NTIS ORDER # EIS 73 1130F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:
Mr. Robert J. Catlin, Director,
Division of Environmental Affairs
Washington, D.C. 20545
(202) 973–5391
For Regulatory Matters:
Mr. A. Giambusso, Deputy Director
for Reactor Projects, Directorate
of Licensing
(202) 973–7373
Washington, D.C. 20545

Draft *Date*
Nine Mile Point Nuclear Station 07/05
New York
Proposed is the conversion of the current provisional operating license, held by the Niagara Mohawk Power Corporation, to a full term license. Unit 1 of the Station employs a boiling water reactor to produce 1850 MWt, from which 610 MWe (net) are generated. Exhaust steam is cooled by a once-through flow of water from Lake Ontario, with discharge at 6 degree above ambient. Transmission line right-of-way has required 1640 acres. (196 pages)
(ELR ORDER # 31109) (NTIS ORDER # EIS 73 1190D)

Final
Oak Ridge Consolidated Industrial Park 07/02
Tennessee
The statement refers to the proposed issuance of a full-term (5-year) special Nuclear Materials License to U.S. Nuclear, Inc. for the operation of a fuel element fabrication plant. The facility will have on site at any given time a maximum of 100kg of U–235. Only unirrigated uranium will be processed There will be discharge of small quantities of chemicals and uranium to the nearby environs. (135 pages)
COMMENTS MADE BY: AHP USDA COE DOC HEW HUD DOI DOT EPA FPC TVA
(ELR ORDER # 31095) (NTIS ORDER # EIS 73 1095F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Deputy Assistant Secretary for
Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 967–4335

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft *Date*
Yamhill County Bridge 07/03
Oregon
County: Yamhill
Proposed is the construction of a bridge and connecting approaches across the Willamette River at Mile 62.8. Approximately 84 acres of land will be committed to the project. (225 pages)
(ELR ORDER # 31108) (NTIS ORDER # EIS 73 1106D)

DEPARTMENT OF DEFENSE

Contact: Mr. Robert L. Gilliat
Office of General Counsel
Room 3E977
Department of Defense
The Pentagon
Washington, D.C. 20301
(202) OX 5–3272

Final *Date*
Air Installations Compatible Use Zones 07/02
The proposal is the publishing of a policy which would recognize the characteristics of air installations operations as incompatible with certain possible land uses in the vicinity of the installation. The policy would define the methods by which compatible use zones may be determined and delineated, and require that the Military Departments develop programs to establish compatible use zones. Methods would range from local zoning, through state legislation, and acquisition of restrictive easements or fee title by the Federal Government. The establishment of compatible use zones would promote the development of non-noise sensitive activities in the high noise area. (140 pages)
COMMENTS MADE BY: EPA DOC HEW HUD DOI DOT
(ELR ORDER # 31098) (NTIS ORDER # EIS 73 1098F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN–PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693–7168

Draft *Date*
Pottstown Flood Protection Project 07/03
Pennsylvania
The proposed project consist of 2 miles of channel improvements in the Schuykill River and removal of a construction in Manatawny Creek which exists under High Street Bridge. Loss of aquatic life will occur. (24 pages)
(ELR ORDER # 31105) (NTIS ORDER # EIS 73 1105D)

Hay Creek, Birdsboro 07/05
Pennsylvania
County: Berks
The proposed project is the construction of levees and floodwalls along portions of Hay Creek. East Main and First Street Bridges will be raised by 9 and 7 feet respectively, to accommodate the levees and floodwalls. An increase in water turbidity will occur. (32 pages)
(ELR ORDER # 31114) (NTIS ORDER # EIS 73 1114D)

Final
Tred Avon River, Maryland 07/05
Maryland
County: Talbot
The proposed project is the hydraulic dredging of a channel in the Tred Avon River for navigation purposes. The project will disturb or remove benthic organisms, such as oysters and clams; temporarily increase turbidity and silt load of the rivers; and remove 57 acres of agricultural land for spoil, thus destroying the wildlife habitat. Increases in noise will occur. (62 pages)
COMMENTS MADE BY: USDA USCG USN DOC EPA (ELR ORDER # 31122) (NTIS ORDER # EIS 73 1122F)

Willamette and Columbia Rivers 07/05
Washington Oregon
The statement refers to the proposed construction of a 40' deep navigation channel, (1600' wide), at Slaughters Bar; and a 40' x 1200' turning basin at Longview Bridge. Dredged spoil will be deposited at Lord Island, Slaughters Bar, and Howard Island (at 3.1 million cu. yds. initially and 450,000 cu. yds. annually thereafter). Approximately 509 acres of wildlife habitat will be lost to the project.
(68 pages)
COMMENTS MADE BY: USDA USCG DOI DOT EPA (ELR ORDER # 31123) (NTIS ORDER # EIS 73 1123F)

ENVIRONMENT PROTECTION AGENCY

Contact: Mr. Sheldon Meyes
Director, Office of Federal Activities
Room 3630 Waterside Mall
Washington D.C. 20460
(202) 755–0940

Draft *Date*
Sewage Treatment Plant, Fulton and Cobb Counties 07/06
Georgia
Counties: Fulton, Cobb
The statement refers to projects which have been funded or are proposed for funding. Included are interceptor sewers, pumping stations and force mains, and expansions to the existing Bay Creek sewage treatment plant. Sanitary sewage will be treated prior to discharge to the Chattahochee River. The primary adverse impact of the action is the stimulation of secondary effects caused by urban development, including a reduction of the aesthetic values of the Chattahochee River corridor. (105 pages)
(ELR ORDER # 31135) (NTIS ORDER # EIS 73 1135D)

Marion Sewage System 07/06
North Carolina
County: McDowell
The statement refers to the proposed construction of wastewater pumping stations, force mains, interceptor sewers, and a wastewater treatment plant with discharge to the Catawba River. Adverse impact will include construction disruption, the loss of flora, and soil erosion. (78 pages)
(ELR ORDER # 31133) (NTIS ORDER # EIS 73 1133D)

Final *Date*
Sewage System, Fort Lauderdale 07/02
Florida
County: Broward
The proposed action is the construction of a larger and more advanced sewage collection and treatment system. Total capacity will be expanded from 19.5 MGD to 38 MGD. Among the project measures are: multi-media filtration, nitrification, and breakpoint chlorination at the Port Everglades and Coral Ridge Plants; redirection of the flow from the Executive Airport Plant to north Broward; interconnection among several plants; and related work. Completion of the project will allow continued area population growth. (The statement "Ocean Outfalls and Other Methods of Treated Wastewater Disposal in Southeast Florida," NTIS # EIS 73 0491F, 3/22/73, should be considered part of the statement by reference.)
COMMENTS MADE BY: USDA HUD HEW DOI (ELR ORDER # 31100) (NTIS ORDER # EIS 73 1100F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger
Acting Administrator
GSA–AD
Washington, D.C. 20405
(202) 343–6077

Final *Date*
Dwight D. Eisenhower Library 07/05
Kansas
County: Dickinson
The proposal is for major improvements at the Dwight D. Eisenhower Library. Included are the acquisition of land; the construction of additional parking facilities; the construction of a Visitors' Center; and the completion of landscaping. These are intended to accommodate the increasing number of visitors. There will be adverse impact from construction disruption. (63 pages)

COMMENTS MADE BY: AEC USDA DOT EPA GSA HUD2 DOI (ELR ORDER # 31113) (NTIS ORDER # EIS 73 1113F).

Courthouse and Federal Office Building, Dayton 07/03
Ohio
The statement refers to the construction of a new Courthouse and Federal Office Building in Dayton. The building will accommodate the U.S. Courts, a postal station, and twelve other Federal agencies. The facility will have a gross area of approximately 162,000 square feet in nine stories and a basement, and will house approximately 440 employees. (60 pages)

COMMENTS MADE BY: AHP USDA AEC DOC EPA HEW HUD DOI DOT (ELR ORDER # 31102) (NTIS ORDER # EIS 73 1102F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343–3891

BUREAU OF LAND MANAGEMENT

Final *Date*
Wild Free-Roaming Horse and Burro Management 07/06
The statement refers to proposed regulations for the protection, management, and control of wild free-roaming horses and burros on land administered by BLM. The regulations would authorize a system of management which would enable maintenance of strong, health herds in a quality habitat. The dedication of habitat to horses and burros would limit availability of forage and habitat for other animals. (136 pages)
COMMENTS MADE BY: AEC DOD DOI (ELR ORDER # 31134) (NTIS ORDER # EIS 72 1134F)

BUREAU OF OUTDOOR RECREATION

Final *Date*
Transmission Line, Lake Tahoe State Park 07/03
Nevada
The proposed project is the construction of 16 miles of 120 kV overhead transmission line, from Carson City, across Lake Tahoe State Park, to Incline Village. The line will adversely affect the scenic and recreation values of the part. (95 pages)
COMMENTS MADE BY: USDA COE EPA DOI (ELR ORDER # 31107) (NTIS ORDER # EIS 73 1107F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466–4357

FEDERAL AVIATION ADMINISTRATION

Draft *Date*
Boston Logan International Airport 07/06
Massachusetts
The proposed project is to improve the instrumentation of Runway 15R by providing optimum siting for the electronic components of the Instrument Landing System (ILS) and to install additional visual and electronic navigational aides. The project will claim 40 acres of marsh and with it marinelife. An increase in water pollution will occur. (58 pages)
(ELR ORDER # 31131) (NTIS ORDER # EIS 73 1131D)

FEDERAL HIGHWAY ADMINISTRATION

Draft *Date*
County Highway 30 and Ala. Route 229 07/05
Alabama
County: Macon Elmore
Proposed is the continuation of Macon County Highway 30 to Milstead and the reconstruction of Alabama Route 229 from Milstead to Tallasee. Total length of the project is approximately 9.47 miles. Approximately 195 acres of agricultural land will be committed to the project; one tenant family will be displaced. (15 pages)
(ELR ORDER # 31120) (NTIS ORDER # EIS 73 1120D)

U.S. Highway 30, Nebraska 07/02
Nebraska
County: Dawson
The project involves the reconstruction of 1.84 miles of US 30 through the City of Lexington. The reconstruction involves substituting a storm sewer for existing open drainage ditches; constructing a 4-lane divided and undivided roadway section in place of the 2-lane rural roadway section; and providing a sidewalk, lighting and signalization. Two properties will be served to acquire additional right-of-way. Water and air pollution will occur during construction; the ambient noise level will increase. (12 pages)
(ELR ORDER # 31101) (NTIS ORDER # EIS 73 1101D)

Draft *Date*
U.S. Route 4, Vermont 07 03
Vermont
County: Rutland
Proposed is the construction of approximately 4.3 miles of US Route 4 on new location. The project will be a 4-lane divided, controlled-access facility and involves structures at five locations. Three hundred and nine acres are required for right-of-way. One residence, one vacant house and one wood products business will be displaced; two farm operations will be affected. (123 pages)
(ELR ORDER # 31103) (NTIS ORDER # EIS 1102D)

Final *Date*
Soda Springs Overpass 07/06
Idaho
County: Caribou
Three alternate routes for the construction of a highway railroad grade separation struc-

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ture on State Highway 34 are considered in this statement. Project length is 0.3 mile. The number of families and businesses displaced will depend upon the route selected. (40 pages)

COMMENTS MADE BY: AHP DOI EPA HUD HEW (ELR ORDER ≠ 31126) (NTIS ORDER ≠ EIS 73 1126F)

Railroad Grade Separation Replacement, Ohio 07/03
Ohio
County: Defiance
Proposed is the construction of a four-lane facility and grade separation to carry North Clinton Street (S.R. 15-18-66) over the Norfolk and Western Railroad. Three families, two businesses and two vacant dwellings will be displaced by the project. The noise level will increase with the increase in traffic volumes. (52 pages)

COMMENTS MADE BY: EPA state agencies (ELR ORDER ≠ 31104) (NTIS ORDER ≠ EIS 73 1104F)

U.S. 82 07/02
Texas
County: Grayson
The statement refers to the proposed construction of a connector between existing U.S. 82 and proposed U.S. 82. Project length is 1.4 miles. Adverse effects include acquiring additional grass and wooded area for right-of-way and displacing two homes. (65 pages)
COMMENTS MADE BY: USDA COE EPA (ELR ORDER ≠ 31099) (NTIS ORDER ≠ EIS 73 1099F)

State Route 193, Snake River Bridge 07 02
Washington
County: Asotin Whitman
Proposed is the construction of a highway bridge across the Snake River for State Route 193, in the vicinity of Clarkston. The structure will be 1,450 feet long and will span a section of the river scheduled for inundation in 1975 as part of the Lower Granite Dam Reservoir. Adverse effects may occur as a result of erecting piers within the reservoir area and constructing bridge approaches (116 pages)
COMMENTS MADE BY: EPA COE DOC HUD DOI DOT state and local agencies
(ELR ORDER ≠ 31094) (NTIS ORDER ≠ EIS 73 1094F)

U.S. COAST GUARD

Draft	*Date*
Route 18 Extension Fixed Highway Bridge	07/05

New Jersey
County: Middlesex
Proposed is the extension of existing Route 18 from north of New Street, New Brunswick to River Street in Piscataway Township. A fixed highway bridge will be constructed over the navigable water of the Raritan River. Adverse effects of the action are the elimination of a portion of the historic Delaware and Raritan Canal by filling in; loss of approximately 18 acres of Section 4(f) parkland; increased air and noise pollution; and encroachment on Ivy Hall, a registered historical site. (130 pages)
(ELR ORDER ≠ 31117) (NTIS ORDER ≠ EIS 73 1117D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-14494 Filed 7-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1973, and June 15, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: July 5, 1973.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Identifying Number	Title	General Nature of Comments	Source for Copies of Comments
Department of Agriculture			
D-AFS-61133-CO	St. Louis Peak Roadless Area, Henderson East, Colorado.	ER-2	I
D-AFS-65020-MT	Timber Management Plan on Kootenai National Forest, Montana.	LO-2	I
D-AFS-82067-NM	Vegetation Control with Herbicides in State of New Mexico.	LO-1	G
D-DOA-36249-MS	Sowashee Creek Watershed, Mississippi	ER-2	E
D-DOA-24054-MI	Application of Sewerage Sludge to Agriculture Land, Michigan.	LO-2	F
D-SCS-36259-TX	Paluxy River Watershed, Somervell County, Texas	LO-2	G
Department of Commerce			
D-DOC-63034-HI	Establishment of Synethetic Natural Gas Plant in Honolulu, Hawaii.	LO-1	J
D-EDA-28001-NC	Water System for New Community, Soul City, North Carolina.	ER-2	E
D-EDA-36025-IA	Rathbun Regional Rural Water System, Phase I, Iowa.	ER-2	H
Corps of Engineers			
D-COE-32011-ME	Scarboro River Navigation Project, Scarboro, Maine	LO-2	B
D-COE-31071-AL	Jones Bluff Lock and Dam, Alabama River Basin, Alabama.	ER-2	E
D-COE-35073-RI	Providence River and Harbor, Rhode Island	ER-2	B
D-COE-36211-LA	Red River below Denison Dam, West Agurs Levee, Louisiana.	LO-2	G
D-COE-36215-TX	Red River below Denison Dam, Days Creek, Arkansas and Texas.	LO-2	G
D-COE-36216-TX	Red River below Denison Dam, McKinney Bayou, Arkansas and Texas.	ER-2	G
D-COE-36264-CA	Wildcat and San Pablo Creeks Flood Control Study, California.	LO-1	J
D-COE-36366-OK	Deep Fork Lockjam Deep Fork River, Oklahoma.	ER-2	G
D-COE-36367-TX	Zacate Creek, Flood Control, Laredo, Texas	LO-2	G
D-COE-36277-NM	Rio Grande and Tributaries, Rio Puerco and Rio Salado, New Mexico.	LO-1	G
D-COE-8(130)-CA	San Francisco Bulk Mail Center, Sacramento, California.	LO-1	J
D-COE-36018-TX	Operation and Maintenance, Belton Lake, Texas	LO-2	G
Department of Defense			
D-USN-11037-00	Proposed Removal of Tower on Argus Island, Bermuda.	LO-1	A
Delaware River Basin Commission			
D-DRB-36021-PA	Trout Run Earthfill Dam, Berks County, Pennsylvania.	LO-2	D

The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-36032-VA	Four mile run local flood protection project, city of Alexandria and Arlington County, Virginia.	EPA concluded that the project as proposed not entail an unacceptable effect on aspects of environmental quality subject to its regulatory authority. However, the project fails to incorporate adequate measures which would minimize its positive contribution to environmental quality. These measures relate particularly to comprehensive planning of flood control in relation to future development and to preservation of wetlands.	D
F-COE-36014-PA	Covanesque lake project, Tioga County, Pennsylvania.	EPA has reservations concerning the environmental effects of the project as proposed in the draft statement. The draft statement does not clearly set forth the significance of the proposed reservoir is like. The proect plan incorporates use of chemical control alien growths; EPA believes mechanical methods should be used where possible. Water released from the dam may contain a reduced concentration of dissolved oxygen. There is no provision in the project plan to require downstream aeration facilities as a mitigation measure. EPA believes that the issues raised in our comments on the final statement be resolved before construction of the project is initiated.	D
F-COE-36001-HI:	Nawiliwili Small Boat Harbor, Kauai, Hawaii.	EPA found that the final statement adequately resolved the environmental concerns raised on the draft statement.	J
Tennessee Valley Authority			
F-TVA-36011-TN:	Dayton Ferry Nuclear Plant, units 1, 2, and 3, Tennessee.	EPA expressed environmental reservations with respect to the proposed project. The major concern centers on the environmental effects that could arise from the operations of the reactor cooling towers. EPA recommended that recommendations which will minimize the environmental effects created during operation.	A
Department of Transportation			
F-FHW-41760-TN:	SR-29 (Project F-031-1) Morgan County, Tennessee	The draft statement was not submitted to EPA for review. However, EPA has no objections to the proposed project as reflected in the final statement.	E
F-FHW-41702-KY:	Multi-Agency Open Cut, Pikeville, Pike County, Kentucky	EPA generally agrees with the proposed project. However, the final statement did not provide sufficient details needed for the evaluation of the control of seeps and springs which daylight in the proposed cut. Information was also absent on maintenance and inspection.	E
F-FHW-41859-WV:	West Virginia Route 56, Ravenswood connector to I-77, Jackson County, West Virginia	The final statement adequately resolves the issues raised by EPA on the draft statement.	D

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

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APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Agency	Title	General Nature of Comments	Source for copies of comments
Interstate Commerce Commission			
I. ICC-33(21-00:	Federal-aid Railroad Act of 1973.	EPA supports the intent of the proposed act. However, EPA is concerned over the exclusion from the act of environmental considerations beyond the general statement expressed under the congressional findings and declaration of purpose in title I.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Environmental Protection Agency
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Bldg., 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
Suite 300
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

G. Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

H. Director of Public Affairs
Region VI
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
Region VIII
Environmental Protection Agency
Lincoln Tower, Room 916
1860 Lincoln Street
Denver, Colorado 80203

J. Director of Public Affairs
Region IX
Environmental Protection Agency
100 California Street
San Francisco, California 94102

K. Director of Public Affairs
Region X
Environmental Protection Agency
1200 6th Avenue
Seattle, Washington 98101

[FR Doc.73-14396 Filed 7-16-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearings

Notice is hereby given of three public hearings to be held by the Effluent Standards and Water Quality Information Advisory Committee ("the Committee") established pursuant to section 515 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. section 1251 et seq. ("the Act"). The first hearing will be held on July 30, 1973 at 9:30 a.m. in Room D-23, O'Hare Inn, 6600 N. Mannheim Road, Rosemont, Illinois. The second hearing will be held on August 1, 1973 at 9:30 a.m. in Room 1750, Environmental Protection Agency, 26 Federal Plaza, New York, New York. The third hearing will be held on August 3, 1973 at 9:30 a.m. in Room 218, Environmental Protection Agency, 100 California Street, San Francisco, California. The hearings will be open to the public.

On Friday, July 8, 1973, the Acting Administrator of the Environmental Protection Agency published a proposed list of toxic pollutants in the FEDERAL REGISTER at pages 18044-45 in accordance with section 307(a)(1) of the Act. The proposed list consisted of the following pollutants:

LIST OF TOXIC POLLUTANTS

1. Aldrin (1, 2, 3, 4, 10, 10-hexachloro- 1, 4, 4a, 5, 8, 8a hexahydro- 1, 4, 5, 8 - endo-exodimethanonaphthalene) Dieldrin (1, 2, 3, 4, 10, 10-hexachloro- 6, 7- epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo, exo-5, 8-dimethanonaphthalene)
2. Benzidine and its salts (para-para'-diaminobiphenyl)
3. Cadmium and all cadmium compounds
4. Cyanide and all cyanide compounds
5. DDD(TDE) 1, 1- dichloro-2, 2-bis (para-chlorophenyl)-ethane DDE (dichlorodiphenyldichloroethylene) 1, 1- dichloro-2, 2-bis (para-chlorophenyl)- ethylene DDT (dichlorodiphenyltrichloroethane) 1, 1, 1-trichloro-2, 2-bis (para-chlorophenyl)- ethane
6. Endrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo-endo-1,8-dimethanonaphthalene)
7. Mercury and all mercury compounds
8. Polychlorinated biphenyls (PCB's)
9. Toxaphene (chlorinated camphene)

Pollutants chosen for inclusion on this initial list meet the following criteria:

1. There is evidence that, either directly or through transformation or bioaccumulation, they are toxic, as defined by section 502(13), at extremely low concentrations in water, and
2. They are discharged in significant amounts from point sources, and
3. Point source discharges are known to have resulted in incidents involving the types of adverse effects cited in section 502(13), and/or
4. There is a significant potential for the occurrence or recurrence of such incidents as a result of point source discharges, and
5. Standard setting under section 307(a) is necessary because the prospective timing and effectiveness of abatement action under other provisions of the Act are not commensurate with the nature and seriousness of the problems identified by the above criteria, and
6. Adequate data are available to establish an effluent standard meeting the requirements of the Act.

The purpose of the hearings noticed hereby will be to consider such scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing effluent standards for toxic pollutants.

The hearings may be adjourned to subsequent dates in order to obtain further information.

Additional information concerning the hearings may be obtained by writing Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460. The hearings will be held pursuant to the direction of the Chairman and in accordance with hearing procedures published in the FEDERAL REGISTER on Wednesday, April 11, 1973, at pages 9179-80. Certain persons or organizations may be invited by the Committee to appear and give oral testimony. Others desiring to appear and give oral testimony should contact the Committee at 703/557-7390 or may request the opportunity to appear by telegraphic notice or letter to Dr. Sager at the address listed above. Due to limitations of time, it may be necessary to limit the number of witnesses who may appear and give oral testimony. Witnesses will ordinarily be limited to 15-minute presentations to be followed by 15-minute periods of questions from the Committee.

Although the opportunity to appear and give oral testimony must necessarily be limited because of the short time available to the Committee to hold public hearings and obtain additional information pursuant to the provisions of section 515 of the Act, all persons desiring to submit written statements or testimony to the Committee are encouraged to do so. Such statements or testimony should clearly indicate the pollutant or pollutants concerned and should be addressed to the "Effluent Standards and Water Quality Information Advisory Committee" at the address listed above.

Statements presented at the hearings or otherwise submitted to the Committee will be available to the public pursuant to section 10(b) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), subject to the assessment of reasonable reproduction charges. Requests for such information should be directed to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

Dated July 11, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-14586 Filed 7-16-73;8:45 am]

HEARING ON COMPLIANCE SCHEDULES FOR THE STATE OF KENTUCKY

Cancellation Notice

The public hearing scheduled for Thursday, July 26, 1973, in Frankfort, Kentucky (38 FR 16187), is hereby cancelled. This hearing was to be held for the purpose of permitting public participation in the development of compliance schedules for certain air pollution sources subject to Kentucky's plan for implementing national ambient air quality standards. Cancellation is necessitated by the recent court decision in "East Kentucky Rural Electric Cooperative Corp., et. al. v. EPA," Case No. 72-1629 (6th Cir., June 28, 1973), and a related case (72-1632) which vacated the Administrator's approval of the Kentucky implementation plan. A hearing on proposed compliance schedules for Kentucky will be held at a future time which will be announced in the FEDERAL REGISTER.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

JULY 12, 1973.

[FR Doc.73-14602 Filed 7-16-73;8:45 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1408) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator succinic acid 2,2-dimethyl hydrazide in or on the raw agricultural commodities tomatoes at 40 parts per million and cranberries and pears at 20 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric procedure in which the residue is hydrolyzed with 50 percent sodium hydroxide. The resulting unsymmetrical dimethyl hydrazine is distilled and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5. The color is measured spectrophotometrically at 490 and 600 nanometers.

Dated: July 11, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14588 Filed 7-16-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7775]

APPALACHIAN POWER CO.

Change in Time

JULY 6, 1973

On July 2, 1973, the attorney for Bedford, et al. requested that the prehearing conference scheduled for July 10, 1973 at 10 a.m. by notice issued June 1, 1973, be changed to the afternoon.

Upon consideration, notice is hereby given that the time for the commencement of the prehearing conference on July 10, 1973 is changed to 2 p.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14537 Filed 7-16-73;8:45 am]

[Docket No. E-8294]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Agreement

JULY 10, 1973.

Take notice that Arizona Public Service Company (Arizona) on June 11, 1973, tendered for filing an extension of Arizona Public Service Company, Rate Schedule FPC No. 10 to an expiration date of July 31, 1974. Arizona states that the extension is necessary to prepare the physical plant necessary to effectuate the agreement contained in the rate schedule. Arizona also says that all parties to the agreement concur in the extension.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14538 Filed 7-16-73;8:45 am]

[Docket No. CI73-691]

ATLANTIC RICHFIELD CO.

Notice Changing Date and Time of Hearing

JULY 9, 1973.

On July 6, 1973, Atlantic Richfield Company requested that the hearing fixed by the order issued July 2, 1973, be rescheduled. The request states that Transwestern agrees with the request.

Upon consideration, notice is given that the time and date of the hearing in the above matter is changed to July 16, 1973, at 1:30 p.m. in a hearing room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14539 Filed 7-16-73;8:45 am]

[Docket No. CI73-691]

ATLANTIC RICHFIELD CO.

Notice of Application; Correction

MAY 8, 1973.

In the Notice of Application, Issued April 20, 1973 and published in the FEDERAL REGISTER April 26, 1973, 38 FR 10331: Second paragraph, last line: Substitute the number "2,250,000" for the number "75,000."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14532 Filed 7-16-73;8:45 am]

[Docket No. CI73-697]

C & K PETROLEUM, INC.

Postponement of Hearing

JULY 6, 1973.

On July 6, 1973, Staff Counsel requested that the hearing scheduled for July 9, 1973, by order issued May 29, 1973, in above-designated matter be postponed because of a conflict in the schedule of Administrative Law Judge Litt. The request states that all parties agree to the request.

Upon consideration, notice is hereby given that the date of the hearing is postponed to July 13, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14540 Filed 7-16-73;8:45 am]

[Docket No. E-8057]

COMISION FEDERAL DE ELECTRICIDAD

Application for Permit To Export Electric Energy

JULY 5, 1973.

Take notice that on February 28, 1973, Comision Federal de Electricidad (Applicant) filed with the Federal Power Commission, pursuant to Executive Order No. 10485, dated September 3, 1953, and the Commission's regulations thereunder, an application for a Presidential Permit authorizing the construction, operation, maintenance and connection of certain electric transmission facilities at the international border between the United States and Mexico. The facilities for which authorization is sought include one 3-phase electric power line operating nominally at 138,000 volts, 60 Hertz, and extending across the international border from a point near Laredo, Texas to Nuevo Laredo, Tampico, Mexico. Applicant has indicated to the Commission that the line will be used in the interchange of electric energy with an electric system in Mexico and that any transmission to Mexico will be in accordance with an authorization

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from the Commission, pursuant to Section 202(e) of the Federal Power Act, for transmission of electric power and energy across the international border for use in Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14541 Filed 7-16-73;8:45 am].

[Project No. 2681]

DUKE POWER CO.

Application for Withdrawal

JULY 6, 1973.

Public notice is hereby given that an application was filed July 3, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Duke Power Company (Correspondence to: Mr. Carl Horn, Jr., President, Duke Power Company, P.O. Box 2178, Charlotte, North Carolina 28201), for approval of withdrawal of application for minor license for Walnut Cove Project No. 2681, located on the Dan River in Stokes County, North Carolina. The cities of Greensboro, High Point, Reidsville, Thomasville, and Winston-Salem are within a radius of approximately 30 miles.

The project is comprised of a 427-foot long, 26-foot high concrete dam, with integral powerhouse, in the following sections: (a) A 60-foot long west bulkhead, (b) a 38-foot long powerhouse, (c) a 36-foot long sluice gate section with three 5-foot square sluiceways, (d) a 141-foot long spillway with 4-foot flashboards to elevation 638.33 feet, and (e) a 71-foot long spillway section at elevation 638.33 feet, and (f) an 81-foot long east abutment; a reservoir at elevation 638.33 feet covering approximately 44 acres; a concrete and brick powerhouse containing two generating units, each rated at 272 kw; and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14542 Filed 7-16-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Extension of Time, Postponement of Prehearing Conference and Hearing

JULY 5, 1973.

On June 29, 1973, ElectriCities of North Carolina, Piedmont Municipal Power Systems, and the municipalities of Easley, Gaffney, Greenwood, Greer, Laurens, Newberry, Prosperity, and Rock Hill, all of South Carolina, filed a motion to extend the procedural dates fixed by order dated May 23, 1973 in the above designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prehearing Conference September 11, 1973 (10 a.m., EDT)
Service of Testimony and Exhibits by Intervenors September 25, 1973
Service of Rebuttal Evidence by Duke October 9, 1973
Cross Examination October 23, 1973 (10 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14543 Filed 7-16-73;8:45 am]

[Docket Nos. RI73-81, *et al.*]

EXXON CORPORATION, ET AL.

Correction

JUNE 21, 1973.

In the Order Providing for Hearing on and Suspension of proposed changes in rates, and allowing rate changes to Become Effective subject to refund, Issued March 2, 1973 and published in the FEDERAL REGISTER March 12, 1973, 38 FR 6726: APPENDIX A Docket No. RI73-220, Skelly Oil Company Under column headed Supplement Number change 2 to 3.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14533 Filed 7-16-73;8:45 am]

[Project 1494]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for change in land rights was filed February 16, 1967, supplemented April 12, 1973, and April 19, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Grand River Dam Authority (Correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Oklahoma 74301) for constructed Project No. 1494, known as the Pensacola Project, located on the Grand River a navigable waterway of the United States, in Craig, Delaware, Mayes, Muskogee, Ottawa, Rogers, Tulsa, and Wagoner Counties, Oklahoma, and McDonald County, Missouri.

Applicant requests Commission approval of its proposal to sell 1.93 acres of land within the project boundary and of its revised project boundary to exclude this land from the Project. The tract involved would be used by the Town of Disney, Mayes County, Oklahoma as a public park. The tract is located 800 feet east of the end of Pensacola Dam and adjacent to lands previously conveyed to the Town of Disney on which a community recreation building has been constructed.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14544 Filed 7-16-73;8:45 am]

[Project 1494]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for change in land rights was filed June 1, 1970, under the Federal Power Act (16 U.S.C. 791a–825r) by the Grand River Dam Authority (Correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G., Vinita, Oklahoma 74301) for constructed Project No. 1494, known as the Pensacola Project, located on the Grand River, a navigable waterway of the United States, in Craig, Deleware, Mayes, Muskogee, Ottawa, Rogers, Tulsa and Wagoner Counties, Oklahoma, and McDonald County, Missouri.

Applicant requests Commission approval of its proposal to sell approximately 1.5 acres of land within the project boundary to Shangri-La Lodge. The proposed sale involved property on which Shangri-La Lodge has previously constructed an effluent holding basin. The holding basin is presently formed by a dike which would be elevated slightly above an elevation of 755.0 feet m.s.l. to prevent the treated effluent from running directly into Grand Lake the Project reservoir. The land involved is in Delaware County, southwest of Grove, Oklahoma.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14545 Filed 7-16-73;8:45 am]

[Project 2183]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for approval of change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Grand River Dam Authority (Correspondence to: Mr. L. M. Packard, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Oklahoma 74301) within the boundaries of Project No. 2183, known as the Markham Ferry Project, located in Mayes and Craig Counties, Oklahoma.

Grand River Dam Authority, Licensee for the Markham Ferry Project No. 2183, requests Commission approval for the sale of two parcels of land (totalling 10.96 acres) within the project boundary.

The first tract, comprising 2.46 acres, is located in the following described subdivision: Indian Meridian, T. 21 N., R. 20 E., Section 22 N½NE¼SW¼NE¼ Mayes County, Oklahoma. The owner has constructed on this tract a public use and recreational facility consisting of a marina, camping and picnic area, and trailer facilities for permanent and transient use.

The second tract, comprising 8.5 acres, is located in subdivision Indian Meridian, T. 21 N., R. 20 E., Section 22, S½NE¼SW¼NE¼ and that part of the S½NW¼SW¼NE¼ lying east of the K.O. & G. Railroad and above the 625 feet countour in Mayes County, Oklahoma. The transferee has constructed on a portion of the tract a water and septic system, a trailer court and has allowed placement of public utilities services.

Any person desiring to be heard or to make protests with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14546 Filed 7-16-73;8:45 am]

[Docket No. E-8256]

NEW YORK STATE ELECTRIC AND GAS CORP.

Amendment to Filing

JULY 5, 1973.

Take notice that on June 28, 1973, New York State Electric and Gas Corporation (New York) tendered for filing a letter agreement dated June 19, 1973, which constitutes an amendment to the agreement dated May 25, 1973, between New York and Central Hudson Gas and Electric Corporation (Central Hudson). New York states that the earlier agreement provides for the sale by New York to Central Hudson of 42,000 kilowatts of firm capability and associated energy for the period commencing on June 1, 1973, and terminating on June 30, 1973.

New York submits that the later agreement filed herewith extends the term of the earlier agreement to August 1, 1973, and also amends to provide for the sale of 45,000 kilowatts of firm capability and associated energy from July 1, 1973, through July 31, 1973, and 7,000 kilowatts of firm capability and energy from August 1, 1973, to August 31, 1973. Estimated revenues to be derived over the two month period from this amendment total $289,151. An effective date of July 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14547 Filed 7-16-73;8:45 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Further Extension and Postponement of Prehearing Conference and Hearing

JULY 6, 1973.

On July 2, 1973, Staff Counsel filed a motion for a further extension of the procedural dates set by the notice issued May 15, 1973 in the above-designated matter. The motion states that no party to the proceeding objects to the motion.

Upon consideration, notice is hereby given the procedural dates are further modified as follows:

Staff Service Date September 11, 1973
Intervener Service Date October 2, 1973
Northern Natural Rebuttal Service Date October 16, 1973 (10 a.m., EDT)
Prehearing Conference and Hearing Date November 6, 1973 (10 a.m., EST)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14548 Filed 7-16-73;8:45 am]

[Project 309]

PENNSYLVANIA ELECTRIC CO.

Application for Renewal

JULY 6, 1973.

Public notice is hereby given that application for approval to grant a renewal of a lease for 2.5 acres of project lands for recreational use to the Commonwealth of Pennsylvania on behalf of the Pennsylvania Fish Commission, has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pennsylvania Electric Company (Correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907) in Piney Project No. 309, located on the Clarion River in Clarion County, Pennsylvania.

The Licensee is currently operating the project under an annual license and will continue in that status until the Commission acts on the Licensee's application for a new license under section 15 of the Federal Power Act.

The application seeks approval of a proposed amendment to the original ten years lease agreement which expired June 1, 1972. The proposed amendment to the lease would reactivate the original lease on a year to year basis, with the period running from October 14, to October 13.

The present recreational site includes a picnic area, fishing access, and a boat ramp. The Pennsylvania Fish Commission intends to expand its present dock facilities and to sublease to a third party the right to operate a concession stand and boat livery. The License further

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states that the rights proposed to be granted will have no adverse affect on the operation of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14549 Filed 7-16-73;8:45 am]

[Docket No. CI73-762]

RICHARD H. FLEISCHAKER

Amendment to Application

JULY 6, 1973.

Take notice that on June 22, 1973, Richard H. Fleischaker (Applicant), Singer-Fleischaker Oil Company, P.O. Box 663, Oklahoma City, Oklahoma 73101, filed in Docket No. CI73-762 an amendment to the application filed on May 7, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Beaver County, Oklahoma, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In his application of May 7, 1973, Applicant stated that he intends to sell up to 2,000 Mcf of gas for one year at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant now proposes to sell gas at 45.0 cents per Mcf of gas at 14.65 psia subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14550 Filed 7-16-73;8:45 am]

[Docket No. RI73-313]

SKELLY OIL CO.

Notice of Petition

JULY 6, 1973.

Take notice that on May 29, 1973, Skelly Oil Company (Petitioner), P.O. Box 1650, Tulsa, Oklahoma 74102, filed, pursuant to section 4 of the Natural Gas Act and section 1.7(b) of the Commission's rules of practice and procedure, a petition for a clarification of the terms "dedication" or "commitment" to the interstate market or, in the alternative, for special relief in Docket No. RI73-313 pursuant to Commission Order No. 481, issued April 12, 1973. Petitioner requests the Commission to issue an order for a waiver of the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in Opinion No. 595, Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket Nos. AR64-2, *et al.*, 45 F.P.C. 674 (1971), appeal pending *subnom.* Public Service Commission for the State of New York, et al. v. F.P.C., No. 71-1828, (D.C. Cir.).

Petitioner, and other interested parties, drilled a well in 1969 which resulted in discovery of a substantial reserve of natural gas. On September 1, 1970, Petitioner entered into a contract for the sale of natural gas with Transcontinental Gas Pipe Line Corporation (Transco). Sales to Transco described in the application are made from Block A-76, Brazos Area, Federal Domain, Offshore Matagorda County, Texas.

On March 1, 1971, Petitioner requested and was granted a Temporary Certificate. Petitioner's acceptance of the temporary certificate was filed with the Commission on April 1, 1971. Deliveries of natural gas to Transco under the temporary certificate commenced on June 23, 1972, from the well drilled in 1969, in accordance with the contract dated September 1, 1970.

Commission Opinion No. 595, Texas Gulf Coast Area Rate, was issued May 6, 1971. Therefore, the date of issuance of Opinion No. 595 was prior to the initial delivery date of the natural gas, but subsequent to the dates of the contract between Petitioner and Transco, and to the issuance and acceptance of the temporary certificate.

In Ordering Paragraph (G) of Opinion No. 595, the Commission promulgated § 154.111 of the regulations under the Natural Gas Act and not § 154.107(d) as Petitioner states in its application. This regulation provides that subject to certain conditions, the applicable area rate may be exceeded or producer's refund obligation be discharged if, from May 6, 1971 to January 1, 1976, producers "dedicate" or "commit" reserves in Texas Gulf Coast Area to jurisdictional sales.

Petitioner requests that the reserve related to the contract between Petitioner and Transco be declared by the Commission as "dedicated" or "committed" as of the date of initial delivery and not as of the dates of either the contract between Petitioner and Transco or the issuance and acceptance of the temporary certificate under which it commenced deliveries.

In the alternative, Petitioner requests that the Commission grant special relief pursuant to § 2.76 of the Commission's general rules of practice and procedure promulgated in Commission Order No. 481, issued April 12, 1973. To support its request for special relief, Petitioner states that: "Skelly should not be penalized for signing the contract at an early date or seeking Commission approval both of which were far in advance of anticipated production * * *".

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 23, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14551 Filed 7-16-73;8:45 am]

[Docket No. E-7711]

SOUTHWESTERN ELECTRIC POWER CO.

Order Providing for Hearing: Correction

MARCH 21, 1973.

In the Order Providing for Hearing, Issued March 20, 1973 and published in the FEDERAL REGISTER March 26, 1973 FR 38(7849): Add Footnote [1]:

Tex-La has formally waived its right to such increase in a telegram to the Commission dated July 1, 1972. Under the circumstances, it is evident that waiver was conditioned upon cancellation of the Company's prior rate schedule being rejected, so Tex-La will not be precluded by this waiver from increasing its rates to the Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14534 Filed 7-16-73;8:45 am]

[Rate Schedule No. 9, etc.]

SUN OIL CO., ET AL.

Rate Change Filings

JULY 6, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 16, 1973, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing Date	Producer	Rate Schedule No.	Buyer	Area
6-18-73	Sun Oil Company, P.O. Box 2880, Dallas, Texas 75221.	9	Tennessee Gas Pipeline Company.	Texas Gulf Coast.
6-25-73	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	6	"	"
"	"	11	"	"
"	"	15	Texas Eastern Transmission Corporation.	"
"	"	34	United Gas Pipe Line Company	South Louisiana.
"	"	39	Southern Natural Gas Company	Other Southwest Area.

[FR Doc.73-14552 Filed 7-16-73;8:45 am]

[Docket No. CP73-339]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 21, 1973, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities in the East Cameron Block 33 Area, offshore Louisiana, and the transportation of natural gas for Continental Oil Company (Continental) and Cities Service Oil Company (Cities Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 0.4 mile of 16-inch pipeline extending from a Continental-Cities Service production platform to the end of Applicant's existing 16-inch pipeline in the said area of offshore Louisiana and approximately 14.42 miles of 16-inch pipeline extending from Applicant's pipeline in East Cameron Block 16 to a point of interconnection on Applicant's 26-inch line near the Grand Chenier Processing Plant in Cameron Parish. The total cost of the proposed facilities is $4,779,500 and will be financed from general funds and/or borrowings under the Applicant's revolving credit agreements.

It is stated that on November 14, 1972, Applicant signed gas purchase contracts with Continental and Cities Service dedicating one-half of the natural gas produced from their respective interests in Block 33 to it for 20 years or until the gas is depleted. On the same data, Applicant contracted with Continental and Cities Service to transport the other half of the natural gas produced from said area to a point onshore adjacent to Applicant's Sabine-Kinder pipeline. After very limited development of the area, Applicant presently estimates that 70 million Mcf of recoverable natural gas are available to it and plans to take into its own system through the proposed facilities approximately 50,000 Mcf of gas per day. Applicant also proposes to transport an estimated 25,000 Mcf of gas per day for Continental and an estimated 25,000 Mcf of gas per day for Cities Service through the proposed facilities at 4.39 cents per Mcf for 20 years or until the gas is depleted. It is stated that Continental and Cities Service have filed applications seeking Commission authorization for the proposed sale to Applicant in Docket Nos. CI73-744 and CI73-728, respectively.

Applicant states that it needs the deliverability and supply that the new gas source will provide in order to assure an uninterrupted supply of gas to itself and its customers and to offset declines in gas supplies from other sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14553 Filed 7-16-73;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 6, 1973.

Take notice that on June 25, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185 a petition to amend the Commission's order issued pursuant to section 7(c) of the Natural Gas Act on June 22, 1970 (43 FPC 937) in said docket so as to authorize Petitioner to sell gas to the Springfield Gas Light Company (Springfield) under Petitioner's CD-6 rate schedule, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission by order of May 31, 1973, in the subject docket, denied Petitioner's tender, pursuant to section 4 of the Natural Gas Act, of the gas purchase agreement of January 10, 1973, between Petitioner and Springfield, which changed the service previously authorized from that under Petitioner's G-6 rate schedule to that under Petitioner's CD-6 rate schedule. The Commission's order did not preclude Petitioner from seeking separate authority to change its service to Springfield pursuant to section 7 of the Natural Gas Act.

Petitioner requests herein that the Commission's order be amended to permit it to sell gas to Springfield under its CD-6 Rate Schedule in lieu of the G-6 rate schedule. It is stated that although the total annual volume of gas supplied

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to Springfield and the daily volume of 40,725 Mcf will not change, Petitioner does propose to increase the daily volume limit for delivery at the Agawam delivery point to 34,875 Mcf from the maximum daily quantity of 29,322 Mcf and the daily volume limit for delivery at the East Longmeadow delivery point to 16,875 Mcf from the maximum daily quantity of 11,403 Mcf, pursuant to the gas purchase agreement of June 1, 1973, between Petitioner and Springfield.

The purpose of the proposed service change is to enable Springfield, which is building a natural gas liquefaction, storage and vaporization facility at East Longmeadow, Massachusetts, to divert an estimated 1,000,000 Mcf of gas purchased from Petitioner during the summer months and store it for vaporization and sale during the winter to Springfield's high priority customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14554 Filed 7-16-73;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Order Establishing Hearing and Conference Procedures

JULY 9, 1973.

By order issued June 15, 1973, in this proceeding, the Commission suspended until June 18, 1973, certain proposed revised tariff sheets[1] to Texas Gas Transmission Corporation's (Texas Gas) FPC Gas Tariff, Third Revised Volume No. 1.[2] These revisions to Texas Gas' tariff pertain, among other things, to curtailment procedures, applicability of force majeure provisions to all failures of gas supply, recovery of demand charge adjustments resulting from curtailment, imposition of an overrun penalty, and extension of the presently effective Quantity Entitlements.

In our order of June 15, 1973, we found that the proposed tariff filing, except for future Quantity Entitlements by Texas Gas, should be suspended for one day and the use thereof deferred. A public hearing should now be held to test the validity of the objections raised to implementation of the priority-of-service categories for curtailment purposes set forth in Texas Gas' proposed curtailment procedure as well as to determine the reasonableness of Texas Gas' other revised tariff provisions under the Natural Gas Act. We will also set forth the procedures for that hearing.

Since Texas Gas' proposed curtailment procedures conform to the procedures set forth in our Statement of Policy, Order No. 467-B, issued March 2, 1973, in Docket No. R-469, we are of the view that interveners opposing the proposed procedures should be required to submit testimony and exhibits in support of any deviations therefrom, in Texas Gas' proposed curtailment plan, as well as in support of their objections to other tariff provisions contained in Texas Gas' filing of May 17, 1973. Texas Gas, on the other hand, should submit evidence supporting its revised tariff provisions other than those relating to priority of service during curtailed deliveries.

After distribution of the aforesaid evidence, we believe that a conference should be scheduled to endeavor to settle the issues raised in this proceeding. If the conference does not result in a settlement, we will hereinafter set forth the procedures to be followed for the trial of this proceeding.

The Commission finds.

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in Texas Gas' FPC Gas Tariff and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

The Commission orders.

(A) On or before August 13, 1973, Texas Gas and interveners shall file their cases-in-chief providing evidentiary support for their respective positions in regard to the issues herein which have been described heretofore in the recital above.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in this proceeding on September 5, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D.C., for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Administrative Law Judge will convene a conference for the purpose of endeavoring to settle the issues involved in this proceeding.

(C) In the event that a settlement of the issues does not result from said conference, the Presiding Administrative Law Judge will reconvene the hearing for the purpose of ruling on all data requests or any other relevant matters presented. Thereafter the hearing will be recessed, and on or before October 4, 1973, the parties shall file answering testimony and exhibits, if any. The hearing will then convene on October 24, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D.C., for the purposes of incorporating into the record the testimony and exhibits heretofore filed in this proceeding and of commencing cross-examination.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14556 Filed 7-16-73;8:45 am]

[Docket No. CP73-309]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CO.

Notice of Application; Correction

JUNE 19, 1973.

In the notice of application, issued June 11, 1973 and published in the FEDERAL REGISTER June 22, 1973, 38 FR 16435: CAPTION: Add United Gas Pipe Line Company

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14535 Filed 7-16-73;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANKSHARES INC.

Formation of Bank Holding Company

Citizens Bankshares Incorporated, St. Francis, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 96 percent or more of the voting shares of The Citizens State Bank, St. Francis, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than July 22, 1973.

Board of Governors of the Federal Reserve System, July 10, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14524 Filed 7-16-73;8:45 am]

[1] Designated as Original Sheet No. 92-C, First Revised Sheet Nos. 90, 91, 92-A, and 92-B, Second Revised Sheet No. 79 and Third Revised Sheet No. 92.

[2] Additionally, the Commission deferred decision on acceptance for filing of First Revised Sheet Nos. 148 through 152 of that Volume, pending disposition of the issue raised concerning the revised tariff provisions filed by Texas Gas on May 17, 1973.

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Athens, Athens, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 4, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14525 Filed 7-16-73;8:45 am]

SUBURBAN BANCORPORATION

Acquisition of Bank

Suburban Bancorporation, Hyattsville, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Farmers and Mechanics National Bank, Frederick, Maryland. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 4, 1973.

Board of Governors of the Federal Reserve System, July 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14523 Filed 7-16-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Public Meeting

Notice is hereby given, PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 1:00 p.m. July 26, 1973 through July 27, 1973 at 3:00 p.m. The location of the meeting will vary according to subcommittees.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress of the effectiveness of compensatory education to improve the educational attainment of disadvantaged Children.

The gathering is called to facilitate subcommittee sessions. The 6 individual subcommittees will have separate assignments and will meet in separate locations.

Because of limited space for the public meeting of subcommittees July 26 and 27, all persons wishing to attend should call for reservations at Area Code 202/632-5221 by July 23, 1973.

Further information regarding subcommittee sessions can be obtained from this office at the above number.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street, NW., Washington, D.C. 20006.

Signed at Washington, D.C. on July 11, 1973.

ROBERTA LOVEHEIM,
Executive Director.

[FR Doc.73-14522 Filed 7-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 311]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JULY 6, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call Letters	Location	Power kW	Antenna	Schedule	Class	Antenna Height (ft.)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (ft.)	
CJRP	Quebec, Quebec N 46 41 08 W 71 19 54 (Now in operation).	50D/10N	DA-2	*1060 kHz* U	II				
(New)	The Pas, Manitoba N 53 48 50 W 101 16 33	1D/0.5N	ND-175	*1540 kHz* U	IV	135	120	324	E.I.O. 6-7-74
CHAL	St. Pamphile, Quebec N 46 58 58 W 69 48 38 (Assignment of call letters).	1	DA-1	*1550 kHz* U	III				

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73-14468 Filed 7-16-73;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 297]

ASSIGNMENT OF HEARINGS

JULY 12, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. MC-113678, Sub 442, Curtis, Inc., No. MC-115841 Sub 412, Colonial Refrigerated Trans, & No. MC-117883 Sub 158, Subler Transfer, Inc., is continued to September 18, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114290 Sub 64, Exley Express, Inc., now being assigned hearing October 9, 1973 (1 day), at Olympia, Wash., in a hearing room to be later designated.

MC 20824 Sub 31, Commercial Motor Freight, Inc., now being assigned hearing September 17, 1973 (1 week), at Indianapolis, Indiana, in a hearing room to be later designated.

MC 134460 Sub 8, American Transport System, Inc., now being assigned hearing September 13, 1973 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14560 Filed 7-16-73;8:45 am]

[Ex Parte 241; Rule 19, 3rd Rev. Exemption 43]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Rock Island and Pacific Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company, Union Pacific Railroad Company.

It appearing, that there is a massive harvest of wheat in progress in the states of Kansas, Nebraska, and Oklahoma; that presents supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located to Kansas, Nebraska, and Oklahoma when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception. This exemption shall not apply to plain boxcars subject to Association of American Railroads Car Relocation Directive No. 44.

Effective 11:59 p.m., July 7, 1973.

Expires 11:59 p.m., July 18, 1973.

Issued at Washington, D.C., July 3, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14564 Filed 7-16-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 12, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42713—*Brewers' Grains and Malt Sprouts from, to and Between Points in IFA, Southwestern and WTL Territories.* Filed by Western Trunk Line Committee, Agent, (No. A-2686), for interested rail carriers. Rates on brewers' grains, dried, in bulk; also malt sprouts, in bulk or in bags, in carloads, as described in the application, from, to and between points in Illinois Freight Association, southwestern, and western trunk-line territories.

Grounds for relief—Revision in carload minimum weights.

Tariffs—Supplement 30 to Western Trunk Line Committee, Agent, tariff 120-L, I.C.C. No. A-4868, and other schedules named in the application. Rates are published to become effective on August 12, 1973, and later.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14561 Filed 7-16-73;8:45 am]

[Rev. S.O. 994, I.C.C. Order 104]

GREEN MOUNTAIN RAILROAD CORP.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Green Mountain Railroad Corporation is unable to transport traffic over its line between Gassetts, Vermont, and Rutland, Vermont, because of track damage from flooding.

It is ordered, That:

(a) The Green Mountain Railroad Corporation, being unable to transport traffic over its line between Gassetts, Vermont, and Rutland, Vermont, because of track damage from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:30 a.m. July 2, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-14563 Filed 7-16-73;8:45 am]

[Notice 314]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceeding on or before August 6, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 27297. By order entered July 5, 1973, the Motor Carrier Board approved the transfer to C-Line Forwarding Co., Inc., Warwick, Rhode Island, of that portion of Fourth Amended Permit and Order No. FF-96, issued September 6, 1972, to New England Forwarding Company, Inc., North Bergen, N.J., authorizing operations, in interstate commerce, as a freight forwarder of commodities generally, between New York, N.Y., points in Nassau, Westchester, and Rockland Counties, N.Y., and Passaic, Essex, Union, Hudson, Middlesex, and Bergen Counties, N.J., on the one hand, and, points in Philadelphia, Delaware, and Montgomery Counties, Pa., Camden and Gloucester Counties, N.J., Baltimore, Md., points in Baltimore, Anne Arundel, Prince George's, Montgomery, and Howard Counties, Md., Alexandria, Va., Arlington and Fairfax Counties, Va., and the District of Columbia, on the other; and between points in the areas above described, on the one hand, and, points in Rhode Island, and Bristol, Suffolk, Middlesex, Norfolk, Plymouth, Essex, and Worcester Counties, Mass., on the other, restricted against the transportation of traffic having a prior or subsequent movement in foreign commerce. Ronald N. Cobert, 1730 M St., N.W., Washington, D.C. 20036 and William J. Lippman, 1819 H St., N.W., Washington, D.C., attorneys for transferee and transferor, respectively.

No. MC-FC-74512. By order of July 5, 1973, Motor Carrier Board approved the transfer to H. and H. Hauling, Inc., 469 Main St., Brookville, Pa., 15825, of the operating rights in Certificate No. MC-128047 (Sub-No. 1), issued December 4, 1970, to Clark R. Ingram, R.D. #1, Weedville, Pa., 15868, authorizing the transportation of coal, from points in Huston Township (Clearfield County), Pa., and points in Elk County, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219 attorney for applicants.

No. MC-FC-74521. By order of July 11, 1973, the Motor Carrier Board approved the transfer to OC Transportation Co., Inc., Beverly, N.J., of the operating rights in Permits Nos. MC-114332, MC-114332 (Sub-No. 4), MC-114332 (Sub-No. 5), and MC-114332 (Sub-No. 6) issued January 12, 1968, May 19, 1971, December 23, 1969, and August 30, 1972, respectively, to Rayburn Trucking, Inc., Elizabeth, N.J., authorizing the transportation of (1) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies used in the conduct of such business, between points in a defined area of New Jersey, Delaware, and Pennsylvania; (2) fruits, vegetables, farm products, poultry, and sea food, from points in Delaware, New Jersey, and Pennsylvania, to points in the territory indicated above; (3) groceries and grocery store supplies, from Philadelphia, Pa., to Baltimore, Md., and points in New Jersey; (4) sugar, from Edgewater and Linden, N.J., to points in New York and New Jersey within 40 miles of Edgewater, and sugar and sugar products, in containers, from New York, N.Y., and Linden, N.J., to points in New Jersey (except Linden) and New York within 40 miles of Columbus Circle, New York, N.Y., and (5) wearing apparel and component parts used in the manufacture thereof, between New York, N.Y., and Elizabeth and Middlesex, N.J., on the one hand, and, on the other, Miami, Fla., restricted to the transportation of traffic in foreign commerce having a prior or subsequent movement by water or air, and limited to a transportation service performed under a continuing contract, or contracts, with Trade Wind Fashions, Ltd., of New York, N.Y. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102 Attorney for applicants.

No. MC-FC-74522. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Harry Charles Freeman, D/B/A New Basin Homing Pigeon Training, Brooklyn, N.Y. 11234, of Certificate No. MC-114556 issued May 18, 1971, to Walter Dittenheimer, Howard Beach, N.Y. 11414, authorizing the transportation of Homing pigeons, from Brooklyn and Queens Boroughs, N.Y., to Wilmington, Del., Aberdeen, Md., Charlottesville and Danville, Va., Washington, D.C., points in New Jersey, and those in that part of Pennsylvania east of the Susquehanna River. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicant.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14566 Filed 7-16-73;8:45 am]

[Notice 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 6, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 80 TA) filed June 25, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Wayne Waggoner (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat scraps, blood meal, bone meal*, in bulk and bags; and (2) *Bentonite*, in bulk and bags: (1) from the plant sites of Billings, Rendering, Midland Empire Packing Company, Pierce Packing, and Montana Beef Industries, at or near Billings, Mont.; Great Falls Meat Company, at or near Great Falls, Mont.; Western Montana By-Products, at or near Missoula, Mont.; and Miles City Rendering Company, at or near Miles City, Mont., to points in Minnesota, Iowa, South Dakota, North Dakota, Washington, and Oregon; (2) from the plant sites of American Colloid at or near Belle Fourche, S. Dak., to points in Minnesota, Iowa, South Dakota, North Dakota, Nebraska, Wisconsin and Illinois, for 180 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 52921 (Sub-No. 23 TA) filed June 26, 1973 Applicant: RED BALL, INC. 317 E. Lee (Collins Bldg.) P. O. Box 520 Sapulpa, Okla. 74066 Applicant's representative: Lewis C. Johnson 200 Law Bldg. 500 W. 7th Tulsa, Okla. 74119 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site and storage facilities of Olinkraft, Inc., Monroe and West Monroe, La., to points in

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Arkansas, Colorado, New Mexico, Oklahoma, Missouri and Texas, for 180 days. SUPPORTING SHIPPER: H. T. Nichols, Traffic Manager, Olinkraft, Inc., P. O. Box 488, West Monroe, La. 71291. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240-Old P. O. Bldg., Ft. Worth, Tex. 73102.

No. MC 100666 (Sub-No. 248 TA) filed May 31, 1973 Applicant: MELTON TRUCK LINES, INC. 1129 Grimmett Drive P. O. Box 7666 Shreveport, La. 71107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Rolla, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Some Industries, Inc., Pipe Div., Box 1235, Rolla, Mo. 65401, Mr. John L. Ellis, Customer Service Mgr. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107295 (Sub-No. 649 TA) filed June 22, 1973 Applicant: PRE-FAB TRANSIT CO 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, wooden, parts thereof and counter tops*, with or without vinyl covering or plastic, set up or knocked down, from the Boise Cascade Corporation facilities at Fendwick, Paw Paw and Moorefield, W. Va., and Berryville, Orange and Winchester, Va., to all points in the continental United States, for 180 days. SUPPORTING SHIPPER: Charles G. Wise, Mgr., Transportation Commerce, Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107496 (Sub-No. 900 TA) filed June 26, 1973 Applicant: RUAN TRANSPORT CORPORATION P.O. Box 855 (Box zip 50304) Keosauqua Way at Third St. Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *LPG*, in bulk, in tank vehicles, from Watertown, Wis., to points in Iowa, Illinois, and Minnesota, for 150 days. SUPPORTING SHIPPER: Hydrocarbon, Inc., 765 North Church Street, Watertown, Wis. 53094. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114552 (Sub-No. 85 TA) filed June 25, 1973. Applicant: SENN TRUCKING COMPANY, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: Terry P. Wilson, 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from the facilities of the Celotex Corporation at or near Elizabethtown, Ky., to points in Virginia, North Carolina, South Carolina, Georgia and Florida, for 180 days. SUPPORTING SHIPPER: The Celotex Corporation, Tampa, Fla. 33607. SEND PROTESTS TO: District Supervisor E. E. Strotheid, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 114606 (Sub-No. 6 TA) filed June 26, 1973. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First Street SW., P.O. Box 2766, New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 2280 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, other than liquid, in bulk, in tank vehicles, from Chaska, Minn., to Fremont, Nebr., for 180 days. SUPPORTING SHIPPER: American Crystal Sugar Company, P.O. Box 419, Denver, Colo. 80201. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114896 (Sub-No. 7 TA) filed June 26, 1973 Applicant: PUROLATOR SECURITY, INC. Suite 1001 1341 W. Mockingbird Lane Dallas, Tex. 75202 Applicant's representative: William E. Fullingim (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Chief, Contracts and Negotiations Branch, Washington, D.C. 20406. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116474 (Sub-No. 27 TA) filed June 26, 1973 Applicant: LEAVITTS FREIGHT SERVICE, INC. 3855 Marcola Road Springfield, Oreg. 97477 Applicant's representative: David C. White 2400 S.W. Fourth Avenue Portland, Oreg. 97201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products*, for the account of Rosboro Lumber Company, from Springfield, Oreg., to points in Arizona, for 180 days. SUPPORTING SHIPPER: Rosboro Lumber Company, P.O. Box 1098, Springfield, Oreg. 97477. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 119789 (Sub-No. 164 TA) filed June 27, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 1612 East Irving Blvd. Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Liberal, Kans., to points in Michigan and Ohio, for 180 days. RESTRICTION: Restricted to the transportation of traffic originating at the plant site and storage facilities of National Beef Packing Company, Inc., and destined to the named destinations. SUPPORTING SHIPPER: National Beef Packing Company, P.O. Box Q, Liberal, Kans. 67901. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123048 (Sub-No. 262 TA) filed June 26, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue P.O. Box A Racine, Wis. 53401 Applicant's representative: Carl S. Pope (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts therefor* when transported in same vehicle at the same time, from Milwaukee, Wis., to points in Illinois and Iowa, for 180 days. SUPPORTING SHIPPER: Deere & Company, Transportation Department, 400 19th Street, Moline, Ill. 61265, (S. H. Lane, Supervisor, Truck Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 125785 (Sub-No. 21 TA) filed June 25, 1973 Applicant: SATURN EXPRESS, INC. 8716 L Street Omaha, Nebr. 68127 Applicant's representative: Donald L. Stern 530 Univac Building Omaha, Nebr. 68106 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible corn products and pretzels*, from Terre Haute, Ind., to Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: Kitty Clover Division, Fairmont Foods Co., 24th & Martha Streets, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128343 (Sub-No. 25 TA) filed June 25, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks*, from Warwick, R.I., to Fitchburg, Harwich, Lexington and Lowell, Mass., for 180 days. SUPPORTING SHIPPER: Cinder Products Corporation, 399 Kilvert Street, Warwick, R.I. 02886. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 128659 (Sub-No. 3 TA) filed June 27, 1973 Applicant: ORBITAL TRANSPORT, INC. 2647 Karen Street Bellmore, N.Y. 11710 Applicant's representative: Arthur J. Piken One Lefrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass Bottles*, from Wharton, North Bergen, Millville and Freehold, N.J. and Orangeburg, N.Y., to Garden City and Patchogue, N.Y, under contract with PepCom Industries, Inc., for 180 days. SUPPORTING SHIPPER: PepCom Industries, Inc., Roosevelt Field, Garden City, N.Y. 11530. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134323 (Sub-No. 52 TA) filed June 26, 1973 Applicant: JAY LINES, INC. 720 N. Grand Street P.O. Box 4146 (Box zip 79105) Amarillo, Tex. 79107 Applicant's representative: Gailyn Larson, P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: N. L. Cummins, Vice President-Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134890 (Sub-No. 3 TA) filed June 18, 1973. Applicant: MARION'S TRANSPORT, INC. 2380 North 124th Street, Wauwatosa, Wis. 53226. Applicant's representative: Carlo Benvenuto (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese food products*, (1) from Hilbert, Wis. and Weyauwega, Wis., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and West Virginia and (2) from Somerville, Mass., to points in Connecticut, Delaware, District of Columbia, Illinois, Maryland, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, for the account of Churney Company, Inc., for 180 days. SUPPORTING SHIPPER: Churney Company, Inc., 39 Medford St., Somerville, Mass. 02143 (Paul R. McGee, Vice President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street Room 807—Milwaukee, Wis. 53203.

No. MC 136713 (Sub-No. 1 TA) filed June 26, 1973. Applicant: AERO LIQUID TRANSIT, INC. 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., 715 McKay Tower, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Kent County, Mich., to points in Indiana, for 180 days. SUPPORTING SHIPPER: Ben Gelb, Assistant Manager, A&E Transportation, Inc., 5010 N. Post Road, Indianapolis, Ind. 46226. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 138165 (Sub-No. 1 TA) filed June 25, 1973. Applicant: CANUCK CARRIERS, Ltd., 1514 Meridian Road, N.E., Calgary, Alberta, Canada. Applicant's representative: Joe Gerbase, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and component parts thereof, from Hesston, Kans. and Logan, Utah, to points on the International Boundary Line between the United States and Canada, at or near Pembina and Portal, N. Dak., and Sweetgrass, Mont., for 180 days. SUPPORTING SHIPPER: Hesston Industries, Ltd., 770 9th Avenue S.E., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138274 (Sub-No. 2 TA) filed June 25, 1973 Applicant: SHIPPERS BEST EXPRESS, INC. 1656 West 14600 South Riverton, Utah 84065 Applicant's representative: Chester A. Zyblut 1522 K Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Washington, California, Oregon, Nevada, Idaho and Utah, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101, (N. L. Cummins, Vice President—Physical Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 138760 TA filed June 27, 1973 Applicant: ABRAMS TRUCKING COMPANY 3011 San Rafael Tampa, Fla. 33609 Applicant's representative: N. W. Abrams (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk materials* in dump or side unloading compartmentized vehicles, from or to the plant site locations of Kerr-McGee Chemical Corp. in Alabama, Florida, Georgia, Mississippi, North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Okla. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th Street, Room 105, Miami, Fla. 33155.

No. MC 138765 (Sub-No. 1 TA) filed June 25, 1973 Applicant: YODER'S MILK TRANSPORT, INC. 8 Salisbury Street Meyersdale, Pa. 15552 Applicant's representative: Harold E. Miller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed milk and dairy products*, from Cumberland, Md., to (1) points in Allegany and Washington Counties, Md.; (2) points in Bedford, Blair, Cambria, Fulton, Huntington, Franklin, and Somerset Counties, Pa.; and (3) points in Monongalia, Preston, Taylor, Barbour, Randolph, Tucker, Hardy, Mineral, Hampshire, Morgan and Berkeley Counties, W. Va., for 180 days. SUPPORTING SHIPPER: Country Belle Cooperative Farmers, 1623 Saw Mill Run Boulevard, Pittsburgh, Pa. 15210. SEND PROTESTS TO: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 138847 TA filed June 27, 1973 Applicant: AINSWORTH TRUCK LINES, INC. Ainsworth, Iowa 52201 Applicant's representative: Kenneth F. Dudley P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyester resin panels*, from Williamsburg, Iowa, to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri,

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Nebraska, Nevada, Oklahoma, Oregon, Texas, Utah, Wisconsin, and Wyoming, and (2) *architectural crushed rock*, from points in the named destination states to Williamsburg, Iowa, for 180 days. SUPPORTING SHIPPER: Poly-Cast Systems, Inc., P.O. Box 660, Williamsburg, Iowa 52361. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138848 TA filed June 25, 1973 Applicant: MEDICAL DELIVERY SERVICE, INC. 630 West 26th Street New York, N.Y. 10001 Applicant's representative: Robert B. Pepper 168 Woodbridge Avenue Highland Park, N.J. 08904 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blood and urine samples, and supplies* for securing samples, and EDP (analysis) reports, in passenger automobiles, between the plantsite of Biochemical Procedures, Hillside, N.J.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y.; and points in Fairfield, New Haven, and Hartford Counties, Conn., for 180 days. SUPPORTING SHIPPER: Biochemical Procedures, 1350 Liberty Avenue, Hillside, N.J. 07207. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138850 TA filed June 21, 1973 Applicant: OHIO VALLEY TRANSPORT, INC. 762 Marion Road Cincinnati, Ohio 45215 Applicant's representative: Charles H. Schaffner 317 Scott Street Covington, Ky. 41011 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Florence, Ky., to all points in Ohio; (2) from Florence, Ky., to Hammond and Gary, Ind.; Chicago, Ill.; and Detroit, Mich.; and (3) from Cincinnati, Ohio, to Florence, Ky., for the account of Equitable Bag Co., Inc., for 180 days. SUPPORTING SHIPPER: Equitable Bag Co., Inc., 7600 Empire Drive, Florence, Ky. 41042. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14567 Filed 7-16-73;8:45 am]

[Rev. S.O. 994; Rev. I.C.C. Order 79, Amdt. 3]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 79 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 79 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 3, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 15, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 6, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-14565 Filed 7-16-73;8:45 am]

[Rev. S.O. 994, I.C.C. Order 103]

VERMONT RAILWAY, INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Vermont Railway, Inc., is unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage.

It is ordered, That:

(a) The Vermont Railway, Inc., being unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:00 a.m., July 2, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-14562 Filed 7-16-73;8:45 am]

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TUESDAY, JULY 17, 1973
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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

V 38 - 136 JUL 17 73 XUM

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Regulations ensuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," has been published and copies of the report are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

On December 12, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (Volume 37, Number 239) which described standards limiting emissions from aircraft and aircraft engines. As required by section 231 of the Act, the Administrator held public hearings with respect to the proposed aircraft emission standards. One was held in Boston, Massachusetts, on January 29, 1973, and another in Los Angeles, California on February 6, 1973. Testimony was presented at these hearings by twenty-two representatives of domestic and foreign manufacturers and operators of aircraft and aircraft engines and other interested parties. Additional detailed comments were provided subsequent to the hearings by thirty-one organizations.

Consideration has been given to all relevant material presented and a number of amendments have been made to the regulations as proposed.

Changes have been made in the engine classification system. A separate class was created for turboprop engines because, after considering the comments, the proposed equivalency between shaft horsepower and jet thrust was not considered acceptable for all operating conditions over the landing/take off (LTO) cycle. Except for the creation of special classes for the JT3d and JT8D engines, which was done in order to require smoke retrofits on separate schedules, turbine engines over 8,000 lbs. thrust which power subsonic aircraft have been put into one class. This over-8,000 lbs. thrust class represents essentially all turbines used in commercial air transportation, except for the supersonic aircraft to be introduced during the next few years.

Based on testimony and comments during the public hearings, the engines which power supersonic transport aircraft are not technically capable of achieving as low emissions levels as other large turbine engines by using equivalent combustor design technology. The reasons for this include the following:

(1) Some such engines employ afterburners for thrust augmentation during take off and acceleration at cruising speeds. This type of device involves combustion at relatively low pressures in the engine tailpipe and consequent greater loss of hydrocarbons and carbon monoxide to the atmosphere.

(2) All such engines known to EPA operate at compressor ratios much lower than engines designed for subsonic aircraft. This means that at low speed, low altitude conditions, where the "ram" pressure rise is small, these engines burn more fuel, and hence emit greater total quantities of hydrocarbons and carbon monoxide than do the high pressure ratio subsonic engines. Comments demonstrated that this is a necessary design tradeoff to ensure that these engines achieve maximum efficiency (best possible fuel consumption) throughout a complete flight.

(3) In addition, the supersonic engines do not employ the high bypass ratio turbofan principle which contributes to the excellent fuel economy and low pollutant emission capability of the engines which power most large subsonic engines, since the relatively large diameter (or frontal areas) of this type of engine would cause excessive aerodynamic drag in aircraft flying at mach 2-3 flight speeds.

A separate class has been established for engines which power supersonic aircraft. Exhaust emission standards for this class will be based on the best available combustor design technology expected in 1979 and later, but with due consideration for the inherently higher emission characteristics of supersonic aircraft engines under landing/takeoff cycle conditions, as discussed above. These standards will represent the same level of emissions reduction from current supersonic aircraft, through application of the same types of combustor design technology, as will be required of subsonic aircraft, though the absolute hydrocarbon and carbon monoxide levels will be several times higher. Standards will be proposed for this class of engines within 60 days.

Consideration will also be given to development of ground handling procedures specifically applicable to supersonic aircraft which would further reduce their inherently greater pollution characteristics during operations at large metropolitan airports.

It is recognized by the EPA that potential problems have been identified relating to upper atmosphere effects of supersonic aircraft and to a lesser extent subsonic aircraft operations. The work in progress under the Department of Transportation Climatic Impact Assessment Program will be closely monitored by the EPA, in order that the present regulations can be adjusted if necessary. The present regulations are based on the need to control emissions occurring under 3,000 feet, to protect ambient air quality in urban areas.

The effective date for the completion of the JT3D smoke control retrofit has been delayed until 1978 to allow time for the development of the necessary new combustor components. This deferral is based upon the manufacturers' comments that the additional time is necessary to solve problems relating to component durability.

The proposed 1976 standards applicable to carbon monoxide and hydrocarbon emissions from newly manufactured turbine engines have been deleted. Deletion of the 1976 standards is based upon the manufacturers' comments that insufficient lead time is available to allow introduction of changes in all newly manufactured engines to achieve these levels by that date. To relax the standards to levels which could be achieved this quickly would eliminate any useful impact which they might have on ambient air quality. It was concluded that efforts could be more effectively directed toward achieving substantially greater emissions reductions than those proposed at a later point in time, i.e., 1979.

Following a detailed study of the comments plus consultation with the National Aeronautics and Space Administration and the Air Force, the originally proposed 1979 standards applicable to gas turbine engines have been revised to become essentially equivalent to emission levels being used as design goals by these two agencies in planned and current research and development projects. A new set of standards, applicable to newly certified large engines only, has been set for January 1, 1981, to reflect the introduction of the same types of advanced combustor design technology originally expected in 1979. The technology necessary to meet these 1981 standards is in an early development stage. EPA intends to monitor closely the development of this technology through programs sponsored both by other federal agencies and by industry. If it should become evident that the standards as promulgated cannot be achieved by the technology approaches explored in these programs, additional rule making action will be considered to ensure that the best technology available is reflected in the standards. These two changes respond to the many comments received which stated that the emissions reductions originally proposed for 1979 could not be achieved this quickly using currently known technology. It is estimated that approximately 6 years are needed to translate combustion research findings into production engines which are fully certified and flight tested for safe usage in aircraft.

The method for specifying smoke limits has been changed to reflect a sliding scale of values chosen to be proportional to thrust for engines to be produced after 1979. It now represents a more flexible approach than specifying an absolute number for an entire class of engines and is fundamentally sounder for application to future engine designs whose

thrust characteristics are not known now. This change will better ensure that the actual visibility characteristics of the exhaust plumes from newly designed engines are within limits consistent with protection of the public welfare, i.e., protection of visibility and personal well-being.

The proposed standards controlling crankcase emissions from piston engine aircraft have been deleted because it has been concluded based on comments received that introduction of these systems could induce safety hazards and in any case would provide relatively little reduction in emissions. The exhaust emissions standards applicable to piston engines have been retained as proposed, effective for engines produced after December 31, 1979, to allow needed additional time for development. In addition, comments expressed concern over the safety of the measures expected to be used by the manufacturers of such engines to achieve the standards. Therefore, the EPA will monitor closely the development of the technology necessary to meet these 1980 standards. If it should become evident that the standards as promulgated cannot be achieved at that time by design techniques which are safe and in other respects airworthy, additional rule making action will be considered to ensure that the best technology available is reflected in the standards.

Many comments were received asking that EPA develop suitable correction factors for differences in ambient temperatures, pressures and humidity levels at locations where emissions testing would be carried out. The EPA is in agreement with the need to develop such factors, so as to allow for these influences, as is done in other EPA standards applicable to highway vehicles. Projects are being started to define these relationships so as to allow introduction of suitable correction factors as soon as possible.

In addition, the final rules contain other technical amendments and clarifying modifications to the testing and measurement procedures.

A number of additional basic criticisms of the proposed regulations were considered in the analysis which led to the revised standards, but were rejected for the reasons identified below:

Some commenters pointed out that the timing of the initially proposed standards was too late to be of any value to the states in their implementation plans aimed at meeting ambient air quality standards by 1975. However, consideration of other comments presented at the hearings plus information on the availability of emission reduction technology in the study accompanying the proposal, and consideration of the lead time necessary to introduce such technology into manufactured products and certify them for safety considerations, made it impossible to design standards to achieve meaningful air quality reductions which would be implemented any sooner than the regulations now specify.

Several commenters recommended that the Ringleman visual system for evaluating aircraft gas turbine smoke behavior should be substituted for the indirect filtration system described in the regulations, to facilitate direct correlation of the method used to certify engines with a technique which could be employed for enforcement purposes. Unfortunately, the Ringleman system is not suited to the precise evaluation of engine smoking characteristics. Moreover, during test cell operation, the plume cannot be viewed directly and its appearance is not the same as it would be under the conditions of altitude and visual contrast which exist in flight. Therefore the prescribed filter reflectance method and associated sampling systems have been retained.

Some commenters felt that the simulated landing/take-off cycle used as a basis for the numbers derived in the standards should be altered to make it more representative of an average LTO operation instead of reflecting peak traffic times at metropolitan air terminals. This comment was rejected, since the justification for the aircraft standards is largely based on protecting air quality in and around large metropolitan air terminals during adverse conditions. The short term National Ambient Air Quality Standards (40 CFR Part 50) are not written to be exceeded more than once per year. Thus the LTO cycle is based on typical adverse conditions.

Several commenters recommended that standards not be set at all for the 1979 and later period, pending the development of technology capable of achieving significant known emission reductions. EPA considers that the published standards will have a significant effect on stimulating the rate of progress of technological development and spur its rapid introduction into flight applications. The standards are based on NASA and Air Force-sponsored research already in progress, as well as engineering evaluations sponsored by EPA. The standards reflect reductions from present emission levels resulting from modified designs to existing engine components based on the application of known control technology. It should be emphasized that the standards set by EPA may reflect technology which may reasonably be obtained within a given time frame but which is not yet available. Section 231(b) of the Act expressly contemplates "*development* and application of the requisite technology" (emphasis added).

Commenters representing general aviation interests opposed the introduction of emission standards applicable to piston engine aircraft, on the grounds that compliance would require introductions of exhaust system reactors which would have drastic and costly effects on the configuration of the entire aircraft. The Agency has concluded that sufficient evidence is already available in the form of measured emissions data on current aircraft to indicate that the proposed standards can be met by improved fuel management and will not require exhaust system reactors.

A number of commenters felt that the report cited in the preamble to the proposed regulations had not adequately demonstrated a compelling need for emission standards applicable to aircraft. EPA does not feel that the minimal evidence offered by these commenters in support of their claim represents a valid basis for deciding that aircraft emissions do not contribute to air pollution endangering health or welfare in areas surrounding airports.

A new Part 87 of Title 40, Code of Federal Regulations, is hereby adopted and establishes:

(a) Fuel venting emission standards for new and in-use aircraft gas turbine engines.

(b) Exhaust emission standards for new and in-use aircraft gas turbine engines.

(c) Exhaust emission standards for new aircraft piston engines.

(d) Exhaust emission standards for new aircraft.

(e) Test procedures applicable to aircraft gas turbine engines and aircraft.

(f) A test procedure applicable to aircraft piston engines.

In judging the need for the regulations, the Administrator has determined (1) that the public health and welfare is endangered in several air quality control regions by violation of one or more of the national ambient air quality standards for carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants, and that the public welfare is likely to be endangered by smoke emissions; (2) that airports and aircraft are now, or are projected to be, significant sources of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides in some of the air quality control regions in which the national ambient air quality standards are being violated, as well as being significant sources of smoke; and therefore (3) that maintenance of the national ambient air quality standards and reduced impact of smoke emissions requires that aircraft and aircraft engines be subject to a program of control compatible with their significance as pollution sources. Accordingly, the Administrator has determined that emissions from aircraft and aircraft engines should be reduced to the extent practicable with present and developing technology. The standards proposed herein are not quantitatively derived from the air quality considerations discussed in the study report cited above but, instead, reflect EPA's judgment as to what reduced emission levels are or will be practicable to achieve for turbine and piston engines.

In general, the influence of the regulations, will be to contribute to the maintenance of the quality of the air in and around major air terminals throughout the post-1975 era in which air traffic is undergoing expansion. The timing of these standards is such that they will not make contributions to achievement of the ambient air pollution levels required by 1975 through the state implementation programs, although they will influence attainment of those levels where extensions until 1977 are granted for the ambient standards.

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The total cost of these requirements to the airline industry is estimated at 141 million dollars over a ten year period. This represents for newly designated commercial engines an increase in cost of at most 3 percent. All equipment costs (including engines) used in commercial air transport account for only 13 percent of the airline ticket dollar. Thus, it is believed that imposition of the schedule of standards set forth in this regulation is too small to have any impact on the continued growth of air transportation in a fashion healthy and beneficial to the economy.

The standards promulgated for piston type aircraft are expected to result in significant fuel savings. (29 million dollars over ten years). The technology expected to be used to achieve 1979 and 1981 standards for turbines is not expected to result in fuel consumption penalties. Similarly, there is no inconsistency or conflict presently envisioned between the imposition of the above standards and the compliance of aircraft with noise control regulations during the same period.

It is intended that the attainment of any standards proposed herein not result in the increased emission of any substance for which a standard is not proposed if such emission could endanger public health or welfare. The Administrator intends to remain informed throughout engine and aircraft development and certification programs to permit him to determine at the earliest possible time if the emissions of a substance are likely to endanger the public health or welfare. Therefore, the Administrator may subsequently publish in the FEDERAL REGISTER a list of those substances whose emissions are liable to increase as a result of the installation or incorporation of any system or component, including fuel additives, designed to enable an aircraft or aircraft engine to conform to any prescribed standard. In the event such a list of substances is so published, appropriate testing and sampling methods and/or analytical techniques will be proposed under the normal rule making procedures after consultation with the Department of Transportation.

The standards contained in this notice are being promulgated after consultation with the Secretary of Transportation in order to assure appropriate consideration of aircraft safety. However, the Department of Transportation has advised that it is impossible to make conclusive judgments as to the effects of an emission standard on aircraft safety until engines designed to meet that standard have been developed, constructed, and tested. Therefore, there will be continuing consultation on this issue between this agency and that Department, both prior to and after promulgation of the standards. Should the Secretary of Transportation determine at any point that an emission standard cannot be met within the specified time without creating a safety hazard, appropriate modifications will be made to that standard or to its effective date.

(Section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9))

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

In Title 40 of the Code of Federal Regulations, a new part, Part 87, is to be added as follows:

Subpart A—General Provisions

Sec.
87.1 Definitions.
87.2 Abbreviations.
87.3 General requirements.
87.4 Test conditions.
87.5 Special test procedures.
87.6 Aircraft safety.

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

87.10 Applicability.
87.11 Standard for fuel venting emissions.

Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)

87.20 Applicability.
87.21 Standards for exhaust emissions.

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

87.30 Applicability.
87.31 Standards for exhaust emissions.

Subpart E—Exhaust Emissions (New and In-Use Aircraft Piston Engines)

87.40 Applicability.
87.41 Standards for exhaust emissions (new aircraft piston engines).
87.42 Standards for exhaust emissions (in-use aircraft piston engines).

Subpart F—Exhaust Emissions (New and In-Use Aircraft)

87.50 Applicability.
87.51 Standards for exhaust emissions (new aircraft).
87.52 Standards for exhaust emissions (in-use aircraft).

Subpart G—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft and Aircraft Gas Turbine Engines)

87.60 Introduction.
87.61 Turbine fuel specifications.
87.62 Test procedure (propulsion engines).
87.63 Test procedure (auxiliary power units).
87.64 Sampling and analytical system for measuring exhaust emissions.
87.65 Information to be recorded.
87.66 Calibration and instrument checks.
87.67 Sampling procedures.
87.68 Test run.
87.69 Chart reading.
87.70 Calculations.
87.71 Compliance with emission standards.

Subpart H—Test Procedures for Engine Smoke Emissions (Aircraft Gas Turbine Engines)

87.80 Introduction.
87.81 Fuel specifications.
87.82 Sampling and analytical system for measuring smoke exhaust emissions.
87.83 Information to be recorded.
87.84 Calibration and instrument checks.
87.85 Test procedures.
87.86 Test run.
87.87 Determination of SN.
87.88 Calculations.
87.89 Compliance with emission standards.

Subpart I—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft Piston Engines)

87.90 Introduction.
87.91 Gasoline fuel specifications.
87.92 Test procedure.
87.93 Sampling and analytical system for measuring exhaust emissions.
87.94 Information to be recorded.
87.95 Calibration and instrument checks.
87.96 Sampling procedures.
87.97 Test run.
87.98 Chart reading.
87.99 Calculations.
87.100 Compliance with emission standards.

Appendix A—Instrumentation (Aircraft Gas Turbine Engine Measurements).
Appendix B—Instrumentation (Aircraft Piston Engine Measurements).

AUTHORITY: Sec. 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Subpart A—General Provisions

§ 87.1 Definitions.

(a) As used in this part, all terms not defined herein shall have meaning given them in the Act:

(1) "Act" means the Clean Air Act, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency to whom the authority involved may be delegated.

(3) "Aircraft" means any airplane for which a U.S. standard airworthiness certificate or equivalent foreign airworthiness certificate is issued.

(4) "Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

(5) "Aircraft gas turbine engine" means a turboprop, turbofan, or turbojet aircraft engine.

(6) "New aircraft gas turbine engine" means an aircraft gas turbine engine which has never been in service.

(7) "New aircraft piston engine" means an aircraft piston engine which has never been in service.

(8) "In-use aircraft gas turbine engine" and "in-use aircraft piston engine" mean an aircraft gas turbine engine or aircraft piston engine (as appropriate) which is in service.

(9) "Newly certified aircraft gas turbine engine" means an aircraft gas turbine engine which is originally type certified on or after the effective date of the applicable emission standard.

(10) "Rated power" means the maximum power/thrust available for takeoff at standard day conditions as approved for the engine by the Federal Aviation Administration.

(11) "Standard day conditions" means standard ambient conditions as described in the United States Standard Atmosphere, 1962, (i.e., temperature = 59 F, relative humidity = 0%, and pressure = 29.92 inches Hg).

(12) "Power setting" means the power output of an engine in terms of pounds thrust for turbojet and turbofan engines and shaft horsepower for turboprop and piston engines.

(13) "Pound-thrust/hr." means pounds of thrust for 1 hour.

(14) "Shaft horsepower" means only the measured shaft power output of an auxiliary power unit, turboprop, or piston engine.

(15) "Auxiliary power unit" means any engine installed in or on an aircraft exclusive of the propulsion engines.

(16) "Class T1" means all aircraft turbofan or turbojet engines except engines of Class T5 of rated power less than 8,000 pounds thrust.

(17) "Class T2" means all turbofan or turbojet aircraft engines except engines of Class T3, T4, and T5 of rated power of 8,000 pounds thrust or greater.

(18) "Class T3" means all aircraft gas turbine engines of the JT3D model family.

(19) "Class T4" means all aircraft gas turbine engines of the JT8D model family.

(20) "Class T5" means all aircraft gas turbine engines employed for propulsion of aircraft designed to operate at supersonic flight speeds.

(21) "Class P1" means all aircraft piston engines, except radial engines.

(22) "Class P2" means all aircraft turboprop engines.

(23) "Taxi/idle (in)" means those aircraft operations involving taxi and idle between the time of landing roll-out and final shutdown of all propulsion engines.

(24) "Taxi/idle (out)" means those aircraft operations involving taxi and idle between the time of initial starting of the propulsion engine(s) used for the taxi and turn onto duty runway.

(25) "Exhaust emissions" means substances emitted to the atmosphere from the exhaust discharge nozzle of an aircraft or aircraft engine.

(26) "Fuel venting emissions" means all raw fuel, exclusive of hydrocarbons in the exhaust emissions, discharged from aircraft gas turbine engines during all normal ground and flight operations.

(27) "Smoke" means the matter in exhaust emissions which obscures the transmission of light.

(28) "Smoke number (SN)" means the dimensionless term quantifying smoke emissions.

(29) "Oxides of nitrogen" means the sum of the amounts of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(30) "Calibration gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(31) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

§ 87.2 Abbreviations.

The abbreviations used in this part have the following meanings in both upper and lower case:

abs.	Absolute.
APU	Auxiliary power unit.
ASA	American Standards Association.
ASTM	American Society for Testing and Materials.
b.hp.	Brake horsepower.
c.f.h.	Cubic feet per hour.
c.f.m.	Cubic feet per minute.
C.	Centigrade.
cc.	Cubic centimeter.
CO_2	Carbon dioxide.
CO	Carbon monoxide.
EPR	Engine pressure ratio.
F.	Fahrenheit.
FAA	Federal Aviation Administration, Department of Transportation.
FID	Flame ionization detector.
H/C	Hydrogen to carbon atomic ratio.
HC	Hydrocarbon(s).
Hg	Mercury.
hp.	Horsepower.
hp.-hr.	Horsepower-hr.
hr.	Hour(s).
in.HgV.	Inches of mercury, vacuum.
I.D.	Inside diameter.
lb.	Pound(s).
LTO	Landing takeoff.
min.	Minute(s).
mm.	Millimeter(s).
N_1	First-stage rotor speed.
N_2	Second-stage rotor speed or nitrogen (as applicable).
N_3	Third-stage rotor speed.
NO	Nitric oxide.
NO_2	Nitrogen dioxide.
NO_x	Oxides of nitrogen, NO and NO_2.
NDIR	Nondispersive infrared analyzer.
O_2	Oxygen.
O_3	Ozone.
p.p.m	Parts per million by volume.
p.p.m.C	Parts per million carbon.
PT_7	Total pressure at station 7.
R.	Rankine.
r.p.m.	Revolutions per minute.
s.c.f.h.	Standard cubic feet per hour.
s.c.f.m.	Standard cubic feet per minute.
sec.	Second(s).
SHP	Shaft horsepower
SN	Smoke number.
TIM	Time in mode.
TT	Total temperature at station 7.
°	Degree.
%	Percent.

§ 87.3 General requirements.

(a) This part provides for the approval or acceptance by the Administrator or his agents of testing and sampling methods, analytical techniques, and related equipment not identical to those specified in this part. Before he approves or accepts any such alternate, equivalent, or otherwise nonidentical procedures or equipment, the Administrator shall consult with the Secretary of Transportation in determining whether or not the action requires rule making under sections 231 and 232 of the Clean Air Act, as amended, consistent with the Secretary's responsibilities under section 232 of the Act.

(b) Under section 232 of the Act, the Secretary of Transportation issues regulations to insure compliance with this part and all amendments thereof.

(c) With respect to aircraft of foreign registry, these regulations shall apply in a manner consistent with any obligation assumed by the United States in any treaty, convention or agreement between the United States and any foreign country or foreign countries.

§ 87.4 Test conditions.

The complete engine as configured for final acceptance testing, including all accessories which might reasonably be expected to influence emissions to the atmosphere excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed, shall be functional for all testing in this part.

§ 87.5 Special test procedures.

The Administrator may, upon written application by a manufacturer or operator of aircraft or aircraft engines, prescribe test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures set forth herein. Prior to taking action on any such application, the Administrator shall consult with the Secretary of Transportation.

§ 87.6 Aircraft safety.

The provisions of this part will be revised if at any time the Secretary of Transportation determines that an emission standard cannot be met within the specified time without creating a safety hazard.

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

§ 87.10 Applicability.

The provisions of this subpart are applicable to each new aircraft gas turbine engine of classes T2, T3, T4, and T5 manufactured on or after January 1, 1974, and all in-use aircraft gas turbine engines of classes T2, T3, T4, and T5 beginning January 1, 1974, and each new aircraft gas turbine engine of Classes T1 and P2 manufactured on or after January 1, 1975 and all in-use aircraft gas turbine engines of classes T1 and P2 beginning January 1, 1975.

§ 87.11 Standard for fuel venting emissions.

(a) No fuel venting emissions shall be discharged into the atmosphere from any new or in-use gas turbine engine subject to the subpart.

(b) Conformity with the standard set forth in paragraph (a) shall be determined by inspection of the method designed to eliminate these emissions.

Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)

§ 87.20 Applicability.

The provisions of this subpart are applicable to all aircraft gas turbine engines of the classes specified beginning on the dates specified.

§ 87.21 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T4 manufactured on or after January 1, 1974, shall not exceed: Smoke number of 30.

(b) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T2 and of rated power of 29,000 pounds thrust or greater, manufactured on or after January 1, 1976 shall not exceed: Applicable smoke number from Figure 1.

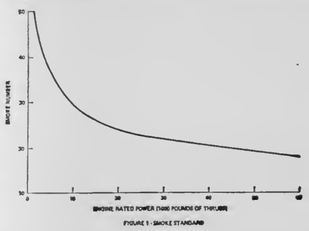


FIGURE 1—SMOKE STANDARD

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plicable to all in-use aircraft gas turbine engines certified for operation within the United States of the classes specified below and during the time periods specified:

(ii) Carbon monoxide	3 pounds/1,000 pound-thrust hours/cycle
(iii) Oxides of nitrogen	3 pounds/1,000 pound-thrust hours/cycle
(iv) Smoke	Smoke number from Figure 1.

§ 87.31 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T4, beginning January 1, 1974, shall not exceed: Smoke number of 30.

(b) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of class T2 and of rated power of 29,000 pounds thrust or greater, beginning January 1, 1976, shall not exceed: Applicable Smoke number from Figure 1.

(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of class T3, beginning January 1, 1978 shall not exceed: Smoke number of 25.

(d) The standards set forth in paragraphs (a), (b), and (c) of this section refer to exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and measured and calculated in accordance with the procedures set forth in this subpart.

(e) In addition to the requirements imposed by paragraphs (a), (b), and (c) of this section, each in-use aircraft gas turbine engine shall not exceed the level of the emissions applicable to such engine when it was new.

Subpart E—Exhaust Emissions (New and In-Use Aircraft Piston Engines)

§ 87.40 Applicability.

The provisions of this subpart are applicable to all aircraft piston engines of class P1 beginning on the date specified.

§ 87.41 Standards for exhaust emissions (new aircraft piston engines).

(a) Exhaust emissions from each new aircraft piston engine manufactured on or after December 31, 1979, shall not exceed:

(1) Hydrocarbons	0.0190 pound/rated power/cycle
(ii) Carbon monoxide	0.042 pound/rated power/cycle
(iii) Oxides of nitrogen	0.0015 pound/rated power/cycle.

(b) The standards set forth in paragraph (a) of this section refer to a composite gaseous exhaust emission sample representing the operating cycle set forth in the application sections of Subpart I of this part and measured and calculated in accordance with the procedures set forth in that subpart.

§ 87.42 Standards for exhaust emissions (in-use aircraft piston engines).

Exhaust emissions from each in-use aircraft piston engine manufactured on or after January 1, 1979, shall not exceed

(1) Hydrocarbons	0.4 pound/1,000 hp.-hr. of power output
(ii) Carbon monoxide	5 pounds 1,000 hp.-hr. of power output
(iii) Oxides of nitrogen	3 pounds/1,000 hp.-hr. of power output.

(b) The standards set forth in paragraph (a) of this section refer to exhaust emissions from new aircraft exclusive of the exhaust, crankcase, and fuel venting emissions from the propulsion engines mounted on such aircraft.

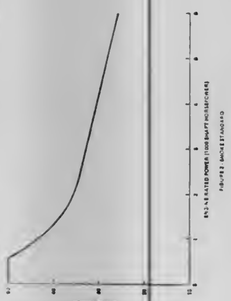
(c) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T3 manufactured on or after January 1, 1978 shall not exceed: smoke number of 25.

(1) Class T1:

(i) Hydrocarbons	1.6 pounds 1,000 pound-thrust hours cycle
(ii) Carbon monoxide	9.4 pounds 1,000 pound-thrust hours cycle
(iii) Oxides of nitrogen	3.7 pounds 1,000 pound-thrust-hours cycle
(iv) Smoke	Smoke number from Figure 1.

(2) Class T2, T3, or T4:

(i) Hydrocarbons	0.8 pound 1,000 pound-thrust-hours cycle
(ii) Carbon monoxide	4.3 pounds 1,000 pound-thrust hours cycle
(iii) Oxides of nitrogen	3 pounds 1,000 pound-thrust hours cycle
(iv) Smoke	Smoke number from Figure 1.



(3) Class P2:

(i) Hydrocarbons	4.9 pounds/1,000 horsepower-hours/cycle
(ii) Carbon monoxide	26.8 pounds/1,000 horsepower-hours cycle
(iii) Oxides of nitrogen	12.9 pounds/1,000 horsepower-hours cycle
(iv) Smoke	Smoke number from Figure 2.

(4) The smoke number for each engine shall be determined by obtaining the smoke number corresponding to the engine rated power from Figure 1 for turbofan or turbojet engines and Figure 2 for turboprop engines.

(d) Exhaust emissions from each aircraft gas turbine engine of the classes specified below manufactured on or after January 1, 1979, shall not exceed:

(1) Hydrocarbons	0.4 pound/1,000 pound-thrust hours/cycle

(f) The standards set forth in paragraphs (a), (b), (c), (d), and (e) of this section refer to a composite gaseous emission sample representing the operating cycles set forth in the applicable sections of Subpart G of this part, and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of subpart H of this part, and measured and calculated in accordance with the procedures set forth in those subparts.

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

§ 87.30 Applicability.

The provisions of this subpart are applicable to all aircraft beginning on the date specified.

§ 87.31 Standards for exhaust emissions (new aircraft).

(a) Exhaust emissions resulting from the generation of onboard power from each new aircraft manufactured on or after January 1, 1979, shall not exceed:

(1) Hydrocarbons	0.4 pound/1,000 hp.-hr. of power output
(ii) Carbon monoxide	5 pounds 1,000 hp.-hr. of power output
(iii) Oxides of nitrogen	3 pounds/1,000 hp.-hr. of power output.

(b) The standards set forth in paragraph (a) of this section refer to exhaust emissions from new aircraft exclusive of the exhaust, crankcase, and fuel venting emissions from the propulsion engines mounted on such aircraft.

(c) In determining conformity of aircraft with the standards set forth in paragraph (a) of this section, all auxiliary power units shall be operated under the conditions set forth in the applicable sections of Subpart G of this part and emissions measured and calculated in accordance with those procedures.

§ 87.52 Standards for exhaust emissions (in-use aircraft).

Exhaust emissions from each in-use aircraft manufactured on or after January 1, 1979, resulting from generation of onboard power shall not exceed the level of the emission standards applicable to such aircraft when it was new.

Subpart G—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft and Aircraft Gas Turbine Engines)

§ 87.60 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft gas turbine engines with the applicable standards set forth in this part. The procedures shall also be used to determine emissions from auxiliary power units in determining conformity of new and in-use aircraft with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer (for engines producing primarily shaft horsepower) or thrust measuring test stand (for engines producing primarily thrust). The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations and determine mass emissions and engine work output through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test for propulsion engines consists of at least the following five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emission and work output for the modes are combined to yield the reported values. The test for auxiliary power units consists of one mode: Full load.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning but excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed.

§ 87.61 Turbine fuel specifications.

For exhaust emission testing, fuel meeting the specifications, ASTM D1655-latest version-Jet A. shall be used. Nonmetallic additives as specified in ASTM D1655-latest version-Jet A. may be present. Additives used for the purpose of smoke suppression (such as organometallic compounds) shall not be present.

§ 87.62 Test procedure (propulsion engines).

(a) (1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates and work output.

Actual power setting, that when corrected to standard day conditions, corresponds to the following percentage of rated power.

Mode	Class T1 or P2	Class T2, T3, or T4
Taxi/idle (out)	See subparagraph (2) of this paragraph.	
Takeoff	100	100
Climbout	90	85
Approach	30	30
Taxi/idle (in)	See subparagraph (2) of this paragraph.	

(2) The taxi/idle operating modes shall be carried out at a power setting in accordance with applicable Federal Aviation Administration regulations, at the manufacturer's recommended power setting for idle.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

§ 87.63 Test procedure (auxiliary power units)

(a) In determining compliance with the aircraft emission standards under Subpart F of this part, each auxiliary power unit shall be tested at its maximum load condition as indicated by its power output, exhaust gas temperature, or turbine inlet temperature to determine its mass emission rate and work output. The work output shall be determined as a combination of shaft energy output and actual bleed air energy content. The bleed air equivalent horsepower for APU's shall be determined as follows:

Work Output = $0.341W\ (T_{bleed} - T_{in})$, where W = bleed airflow in lbs/sec, T_{bleed} = measured bleed air temperature in °F, and T = compressor inlet temperature in °F.

(b) Emission testing shall be conducted on warmed-up auxiliary power units which have achieved a steady operating temperature.

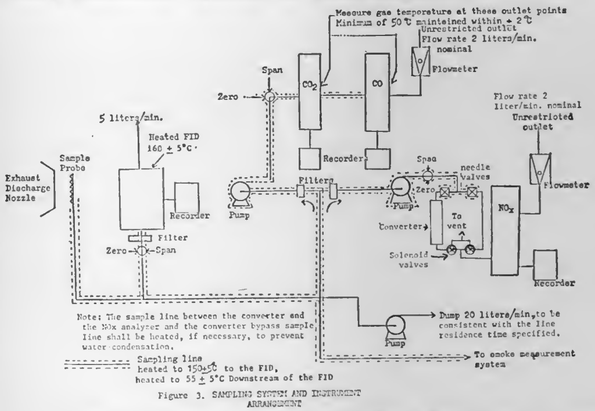


Figure 3. SAMPLING SYSTEM AND INSTRUMENT ARRANGEMENT

(c) In determining compliance with the aircraft emission standards under Subpart F of this part, auxiliary power units shall be tested prior to installation in aircraft.

§ 87.64 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* Figure 3 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems. Parallel installation of CO and CO_2 instruments are an acceptable alternate configuration of Figure 3.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation. NO_x instrument configuration must be such that condensation is avoided through the instrument. The extent of water vapor and carbon dioxide interference on the carbon monoxide analyzer shall be determined by passing a range of known concentrations of carbon dioxide and water vapor through the instrument and observing the response. If the effect is greater than 2 percent of measured CO levels, all subsequent measurements shall be corrected for these interferences.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust

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gas sampling system for testing under the regulations in this subpart.

(1) *Sampling probe.* (i) Probe design concept: The probe shall be made of stainless steel. If a mixing probe is used, all sampling holes shall be of equal diameter. Total probe orifice area shall be such that the principal pressure drop (at least 80 percent) through the probe assembly shall be taken at the orifice (or orifices).

(ii) Probe orientation and sampling location:

(*a*) A minimum of 12 sampling points shall be used. Either mixing or individual probes are acceptable.

(*b*) A minimum of three different radial positions shall be used in each of four sampling quadrants.

(*c*) If the minimum of 12 sampling points are used, the points in circumferentially adjacent sampling areas shall be separated in any direction by a distance less than 0.1 tailpipe radius or 0.1 annular height, as applicable. If the number of sampling points (n) is greater than 12, they shall be equal in number in each quadrant or sector and the minimum separations specified above shall be reduced by a factor = 12/n.

(*d*) The axial sampling plane shall be as close to the plane of the exit nozzle as engine performance parameters permit but in any case, shall be within one exit nozzle diameter of the exit plane.

(*e*) In all cases, the probe shall be designed to obtain a representative sample over the area of the entire exhaust nozzle, on both mixed fan engines and nonmixed fan engines as well as turbojets, turboprops and auxiliary power engines.

(*f*) The multipoint probe shall be designed to minimize the errors due to pollutant stratification, whether the stratification is due to combustor design, mixing or lack of mixing, or engine design such as mixing of fan and core air.

(2) *Sample transfer.* The sample shall be transferred from the probe to the analytical instruments through a heated sample line of either stainless steel or Teflon of 0.18- to 0.32-in. I.D. The sample lines shall be maintained at a temperature of 150°±5° C. Sample flow rate from the engine to the instruments is 2 sec. or less. The sample line length from the probe exit to the instruments shall be of minimum length, but in no case greater than 80 feet.

(d) *Component description (exhaust gas analytical system).* The following components shall be used in the exhaust gas analytical system for testing under the regulations in this subpart. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Appendix A of this part.

§ 87.65 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test.

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification, including H/C ratio and additives, if any.

(b) *Aircraft (in which engine will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(5) Engine installation position.

(c) *Engine description.* (1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Time since overhaul and other pertinent maintenance information.

(d) *Test data.* (1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Relative humidity.

(7) Sample line temperature. Line temperature shall be taken at a minimum of three locations, two of which shall be the probe outlet and instrumentation inlet.

(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.

(10) Recorder charts: Identify zero, span, exhaust gas sample traces, and operating mode.

(11) Date of most recent analytical assembly calibration and identification number, if any.

(e) *Operating mode data.* (1) Nominal power setting.

(2) Actual power setting (pounds, thrust, horsepower, etc.).

(3) N_1 speed, revolutions per minute.

(4) N_2 speed and N_3, if applicable, revolutions per minute.

(5) Measured fuel flow, pounds/hour.

(6) Air flow, pounds/second and method of determination.

(7) Bleed air flow, pounds/second and pressure (APU's only).

(8) PT_7.

(9) EPR.

(10) TT_7.

(11) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

§ 87.66 Calibration and instrument checks.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 0.1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 350 p.p.m. carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select desired attenuation scale of the HC analyzer and adjust the electronic gain control to give the desired full scale range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 30, 60, and 90 percent of full scale of each range used. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction. Log gain reading.

(6) Check the NO_x to NO converter efficiency by the following procedure. Use the apparatus described and illustrated in Figure 4.

(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C_2, the O_2 supply at C_1 and the analyzer inlet connection to the efficiency detector at C_3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

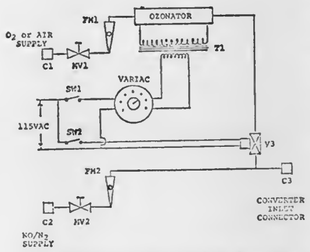
(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10%. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20% of (ii). NO_2 is now being formed from the NO+O_3 reaction. There must always

be at least 10% unreacted NO at this point. Record this concentration.

Figure 4 — NO_x CONVERTER EFFICIENCY DETECTOR



(v) When a stable reading has been obtained from (iv), place the NOx converter in the convert mode. The analyzer will now indicate the total NOx concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+02 is still passing through the converter. This reading is the total NOx concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NOx converter by substituting the concentrations obtained during the test into the following equation.

$$\% \text{ Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100\%$$

The efficiency of the conventer should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(viii) If the converter efficiency is not greater than 90 percent, the cause of the inefficiency shall be determined and corrected before the instrument is used.

(ix) The converter efficiency shall be checked at least once weekly and preferably once daily.

(b) Verifications and instrument checks shall be performed in accordance with § 87.67 on in-use systems. Verification and instrument checks shall be performed before and after each test, but not less than once per hour.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18- and 21-mole percent.

§ 87.67 Sampling procedures.

(a) *HC, CO, CO_2, and NOx measurements.* Allow a minimum of 2 hours warmup for the CO, CO_2, HC, and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas and replace or clean sample line filters.

(2) Introduce the zero grade gas at the same flow rates used to analyze the test samples and zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NOx analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Respan at least at end of test but not less than once per hour. Show actual concentrations on chart. Log gain readings.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph, if required.

(5) Check sample line temperature and sample residence time. To check sample residence time:

(i) Introduce HC span gas into sampling system at sample inlet and simultaneously start timer.

(ii) When HC instrument indication is 15 percent of span concentration, stop timer.

(iii) If elapsed time is more than 2.0 seconds, make necessary adjustments.

(iv) Repeat (i) through (iii) with CO, CO_2, and NO instruments and span gases.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder output. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in Section 87.70.

(8) Measure, HC, CO, CO_2, and NOx concentrations of the exhaust sample at the various modes called for in §§ 87.62 or 87.63, as appropriate.

(9) If individual probes are used, the number to be reported (for each component) shall be the arithmetic average of the values obtained at each sampling point. If mixing probes are used, the number to be reported shall be the average of the values of the several probes, giving each probe a weighting factor equal to the number of sample points in that particular probe.

(10) Recheck zero and span points at the end of the test and also at approximately one hour intervals during the test. If either has changed by ±2 percent of full scale, the test shall be rerun after instrument maintenance: *Provided*, That if it is impractical to repeat the test, a correction based on an interpolation which is linear with time is acceptable for corrections within ±4 percent.

(b) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back purge with air or an inert gas may be necessary to protect the probe and sample line from particulate buildup which could affect smoke and hydrocarbon readings. Check sample line for contamination each time the instrument zero and span points are checked. Use the following procedure to check the sample line:

(i) Immediately after instrument zero and span measurements and necessary adjustments are complete, introduce hydrocarbon zero gas near the sample probe. If the instrument zero reading increases by more than 5 percent of the scale in use, the sample line shall be purged or cleaned as required, to bring the zero within limits.

(ii) When the requirements of (i) have been met, introduce hydrocarbon span gas into the inlet of the sampling system. If the instrument span reading is different by more than ±5 percent from the correct setting for the scale in use, the sample line shall be purged or cleaned, as required, to bring the span within limits.

§ 87.68 Test run.

A test run shall consist of operating the engine in accordance with §§ 87.62 or 87.63, as applicable. During the test run the engine shall not be operate at a power setting above normal idle power before beginning the test sequence of § 87.62. The engine shall be operated in the sequence called for under these sections, unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted. If repeat runs at full takeoff power are necessary, they may be conducted after the last idle run in the test sequence.

§ 87.69 Chart reading.

Determine the HC, CO, CO_2, and NOx concentrations of the exhaust sample during the various modes from the instrument deflections or recordings, making use of appropriate calibration charts.

§ 87.70 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

(1) Hydrocarbon:

$$\text{HC pounds/1,000 pound-thrust-hrs. or 1,000 hp.-hr., as appropriate/cycle} = \frac{\text{Sum of the HC mass/mode of ea. mode}}{\text{Sum of the work output of ea. mode}}$$

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(3)

(i) M_{HC} = Molecular weight of methane, $M_{HC} = 16.04$.

(ii) M_{CO} = Molecular weight of carbon monoxide.

(iii) M_{NOx} = Molecular weight of nitrogen dioxide.

(iv) M_C = Atomic weight of carbon.

(v) M_H = Atomic weight of hydrogen, $M_H = 1.008$.

(vi) a = Atomic hydrogen-carbon ratio of fuel.

(4) For each operating mode:

(i) (HC) = Concentration of hydrocarbons in the exhaust sample in parts per million carbon equivalent, i.e., equivalent propane x 3.

(ii) (CO) = Concentration of carbon monoxide in the exhaust sample in parts per million by volume.

(iii) (CO_2) = Concentration of CO in the exhaust sample in volume percent.

(iv) (NO_x) = Concentration of oxides of nitrogen in the exhaust sample in parts per million by volume, $NO + NO_2$.

(v) F = Mass rate of fuel flow in pounds per hour.

(vi) TIM = Time in mode as specified in paragraph (d) of this section, divided by 60 to yield time in mode in hours.

§ 87.71 Compliance with emission standards.

Compliance with each emission standard by any aircraft or aircraft engine shall be determined by comparing the pollutant level in pounds/1,000 pound-thrust hours/cycle or pounds/1,000 hp.-hr./cycle as calculated in § 87.70(a) with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard.

Subpart H—Test Procedures for Engine Smoke Emission (Aircraft Gas Turbine Engines)

§ 87.80 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use gas turbine engines with the applicable standards set forth in this part. The test is essentially the same as that described in §§ 87.60-87.62, except that the test is designed to determine the smoke emission level at various operating points representative of engine usage in aircraft. Other smoke measurement systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 87.81 Fuel specifications.

Fuel having specifications as provided in Section 87.61 shall be used in smoke emission testing.

§ 87.82 Sampling and analytical system for measuring smoke exhaust emissions.

(a) *Schematic drawing.* Figure 5 is a schematic drawing of the exhaust smoke sampling and analytical system which shall be used in testing under the regulation in this subpart.

(b) *Component description.* The following components shall be used in the sampling and analytical system for testing under the regulations in this subpart.

(1) *Sample size measurement.* A wet or dry positive displacement meter shall be used to measure sample size to an accuracy of ±0.01 standard cubic foot. Pressure and temperature shall be measured immediately upstream of the meter. Accuracy shall be no less than ±0.10 in. Hg and ±4° F., respectively. If a dry type meter is used, it may be located between the filter holder and the vacuum pump.

(2) *Sample flow rate measurement.* Sample flow rate shall be measured with a rotameter with accuracy of no less than ±0.02 cubic foot per minute.

(3) *Filter holder.* The filter holder shall firmly clamp the filter material so that overall system leakage does not exceed that provided in § 87.84(c). The holder internal geometry shall be such that the variation of SN over the sample spot surface is not greater than two. Required elements of the filter holder design are given in Figure 6. The filter holder shall be made of corrosion resistant material.

(4) *Sampling probe.* The sample probe and procedure shall be the same as used to show compliance with § 87.64(c).

(5) *Sampling lines.* The sampling lines shall be straight through with no kinks or loops, and no bends having a radius of less than 10 line diameters. Sampling line inside diameter shall be within 0.18 to 0.32 inch. The sampling line section from the probe exit to valve A entrance shall be of minimum length, not greater than 75 feet, with a minimum of fittings or other breaks. Line material shall be such as to not encourage build-up of either particulate matter or static electric charge, such as stainless steel or copper.

(c) The emission rates for each mode shall be computed by use of the following formulas:

(1) HC emission rate = $\frac{(HC)_F}{Mac\left(\frac{10^6}{10^6}\right)}$

(2) CO emission rate = $\frac{(CO)_F}{Mco\left(\frac{(CO)}{10^6}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(3) NO_x emission rate = $\frac{(NO_x)_F}{M_{NOx}\left(\frac{(CO)}{10^6}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(d) The times in mode (TIM) shall be as specified below:

Time in mod (minutes)	Class T1 or T2	Class T2, T3 or T4
(1) Taxi/idle (out)	19	19
(2) Takeoff	0.5	0.7
(3) Climbout	2.5	1.0
(4) Approach	4.0	1.0
(5) Taxi/idle (in)	7.0	7.0

(e) Meaning of symbols:

(1) (i) HC mass/mode = Total mass of hydrocarbon emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this section.

(ii) CO mass/mode = Total mass carbon monoxide emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this section.

(iii) NO_x emission rate = Pounds/hour of nitrogen oxides emitted during an operational mode.

(2) (i) HC emission rate = Pounds/hour of exhaust hydrocarbons emitted during an operational mode.

(ii) CO emission rate = Pounds/hour of exhaust carbon monoxide emitted during an operational mode.

(iii) NO_x emission rate = Pounds/hour of exhaust oxides of nitrogen emitted during an operational mode.

(3) (i) M_{HC} = Sum of the (HC) mass/mode of eq. mode / Sum of the work output of eq. mode

(ii) M_{CO} = Sum of the (CO) mass/mode of eq. mode / Sum of the work output of eq. mode

(iii) M_{NOx} = Sum of the NO_x mass/mode of eq. mode / Sum of the work output of eq. mode

(b) The pollutant mass and work output per mode shall be computed by use of the following formulas:

(1) HC mass mode = HC emission rate x TIM.

(2) CO mass mode = CO emission rate x TIM.

(3) NO_x mass mode = NO_x emission rate x TIM.

(4) Work output of each mode = power (in 1000 pounds thrust or 1000 horsepower) x TIM.

(c) The emission rates for each mode shall be computed by use of the following formulas:

(1) HC emission rate = $\frac{(HC)_F}{Mac\left(\frac{10^6}{10^6}\right)}$

(2) CO emission rate = $\frac{(CO)_F}{Mco\left(\frac{(CO)}{10^6}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(3) NO_x emission rate = $\frac{(NO_x)_F}{M_{NOx}\left(\frac{(CO)}{10^6}+(CO_2)+\frac{(HC)}{10^4}\right)}$

(d) The times in mode (TIM) shall be as specified below:

Time in mod (minutes)	Class T1 or T2	Class T2, T3 or T4
(1) Taxi/idle (out)	19	19
(2) Takeoff	0.5	0.7
(3) Climbout	2.5	1.0
(4) Approach	4.0	1.0
(5) Taxi/idle (in)	7.0	7.0

(e) Meaning of symbols:

(1) (i) HC mass/mode = Total mass of hydrocarbon emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this section.

(ii) CO mass/mode = Total mass carbon monoxide emissions in pounds

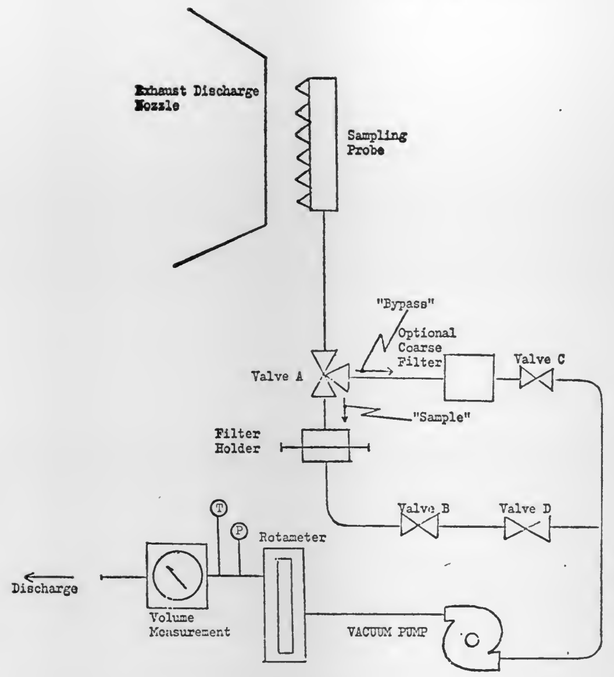


Figure 5 - SAMPLING SYSTEM SCHEMATIC DIAGRAM

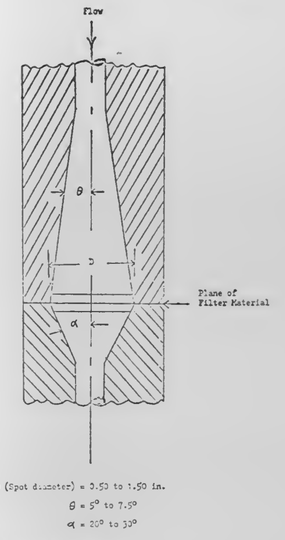


Figure 6 - FILTER HOLDER SCHEMATIC DIAGRAM

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(6) *Valving.* Four valve elements shall be provided. Valve A shall be a quick acting, full-flow, flow diverter with "closed," "sample," and "bypass" positions. Valve A may consist of two valves, provided that they are interlocked so that one of the pair cannot act independently of the other. Valves B and C shall be throttling valves used to establish a system flow rate. Valve D shall be a shutoff valve used in isolating the filter holder. All valves shall be made of corrosion resistant material.

(7) *Vacuum pump.* The vacuum pump shall have a no-flow vacuum capability of at least 22 in. Hg. V., and full-flow capacity of 1 s.c.f.m. minimum.

(8) *Reflectometer.* A reflectometer conforming to ASA standard for diffuse reflection density, number Ph2.17–1958, shall be used. The diameter of the reflectometer light beam on the filter paper shall be no more than one-half of "D," the diameter of the filter spot. The allowable range of "D" is given in Figure 6.

(9) *Filter material.* The filter material shall be Whatman No. 4 filter paper or equivalent approved by the Administrator.

§ 87.83 Information to be recorded.

The following information shall be recorded with respect to each test in addition to that information called for in § 87.65 (a) through (c).

(a) Sample temperature.

(b) Sample pressure.

(c) Actual sample volume at sampling conditions.

(d) Actual sample flow rate at sampling conditions.

(e) Leak and cleanliness checks substantiation as required by § 87.84 (b) and (c).

§ 87.84 Calibration and instrument checks.

(a) *Reflectometer calibration.* The reflectometer required by § 87.82(b)(8) shall be calibrated in accordance with manufacturer's specifications.

(b) *System maintenance.* The need for cleaning or replacement shall be determined by conducting the following cleanliness check:

(1) Full open valves B, C, and D.

(2) Use the vacuum pump and alternately set valve A to "bypass" and "sample" to purge the entire system with clean air for at least 5 minutes.

(3) Set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder. Open valve D.

(5) Set valve A to "sample," reset back to "bypass" after 1 standard cubic foot of air per square inch of filter area has passed through the filter material.

If the filter spot exhibits SN greater than 3, the system lines must be cleaned or replaced. The system shall not be used until this cleanliness requirement has been met.

(c) *Leak check.* The following procedure shall be used to leak check the system.

(1) Clamp clean filter material into the holder.

(2) Close valve A, full open valves B, C, and D.

(3) Run the vacuum pump for 5 minutes.

The system shall be satisfactory if no more than 0.20 standard cubic foot passed through the volume meter during 5 minutes. The system shall not be used until this requirement has been met.

§ 87.85 Test procedures.

(a) The engine shall be operated as provided in § 87.62. The leak check and cleanliness check requirements of § 87.84 shall be confirmed before and after each engine test. The test shall be repeated if the requirements of § 87.84 are not confirmed.

(b) Precautions: The material being measured is composed of low-micron and/or submicron size agglomerated particles. Precautions should be taken to assure that steady state conditions have been achieved prior to taking a sample. To prevent material accumulation, the system shall not be left in a no-flow condition when exhaust gas is contained.

(c) Sampling: Not less than 1 minute shall be allowed to assure that the system is fully charged with a representative gas sample. The sampling flow rate shall be maintained at 0.50±0.02 c.f.m. At least four sample sizes shall be taken within the range of 0.00765 to 0.115 lb. of exhaust gas per square inch of filter. Samples shall be taken both above and below 0.0230 lb. of exhaust gas per square inch of filter.

(d) Temperature control: The gas temperature from the sampling probe entrance to the filter material shall be above the dew point temperature. All lines and valves shall be lagged and/or heated as necessary to meet this requirement.

(e) Preparation for each power setting: The following shall be done to prepare the system at each power setting:

(1) Set valve A to "bypass," close valve D.

(2) Draw exhaust gas for 5 minutes minimum, then use valve C to set flow rate at 0.50±0.02 c.f.m.

(3) Clamp clean filter material into the holder.

(4) Open valve D.

(5) Set valve A to "sample" and use valve B to again set the flow rate to 0.50±0.02 c.f.m. This shall be done quickly before particulate buildup on the filter causes excessive pressure drop.

(6) Set valve A to "bypass" and close valve D.

(7) Clamp clean filter material into the holder.

(f) Sampling procedure: The procedure for smoke sampling at each power setting shall be as follows:

(1) With valve D closed and valve A set at the "bypass" position, charge the lines with exhaust gas for 1 minute minimum. Reestablish flow rate at 0.50±0.02 c.f.m. as required, using valve C.

(2) Open valve D.

(3) Set valve A to "sample," allow the chosen sample volume to pass, then set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder.

(5) Repeat subparagraphs (2) through (4) of this paragraph for at least three more sample sizes in accordance with paragraph (c) of this section.

§ 87.86 Test run.

With respect to engine operation, the test run shall be conducted in accordance with § 87.68.

§ 87.87 Determination of SN.

Smoke spot analysis shall be made with a reflectometer as specified in § 87.82(b)(8). The backing material shall be black with a maximum absolute reflectance of 3 percent. The reflectance reading of each spot shall be used to calculate SN by: $SN = 100\left(1 - \frac{Rs}{Rw}\right)$, where Rs=absolute reflectance of the sample spot. Rw=absolute reflectance of clean filter material.

§ 87.88 Calculations.

(a) *Calculation of W.* The sample weight (W) shall be calculated by: $W\ (lb.) = 1.326\frac{PV}{T}$, where P and T are sample pressure and temperature in units of inches of mercury absolute and degrees Rankine, respectively, measured immediately upstream of the volume meter. V is measured sample volume in cubic feet.

(b) *Calculation of W/A.* The sample weight in pounds per square inch of filter spot area (W/A) shall be calculated for each sample size taken.

(c) *Plotting SN versus W/A.* All SN shall be plotted versus W/A on semilog coordinates, with W/A as the logarithmic abscissa. A straight line shall be fitted to these points using the method of least squares. Such a line shall be produced for each power setting specified.

(d) *Plotting reporting values of SN versus power setting.* Values of SN shall be read from the straight line functions of paragraph (c) of this section for W/A=0.0230 lb/sq. in. These SN are the values to be reported and shall be presented by plotting them as ordinate versus power setting as abscissa on rectangular coordinates.

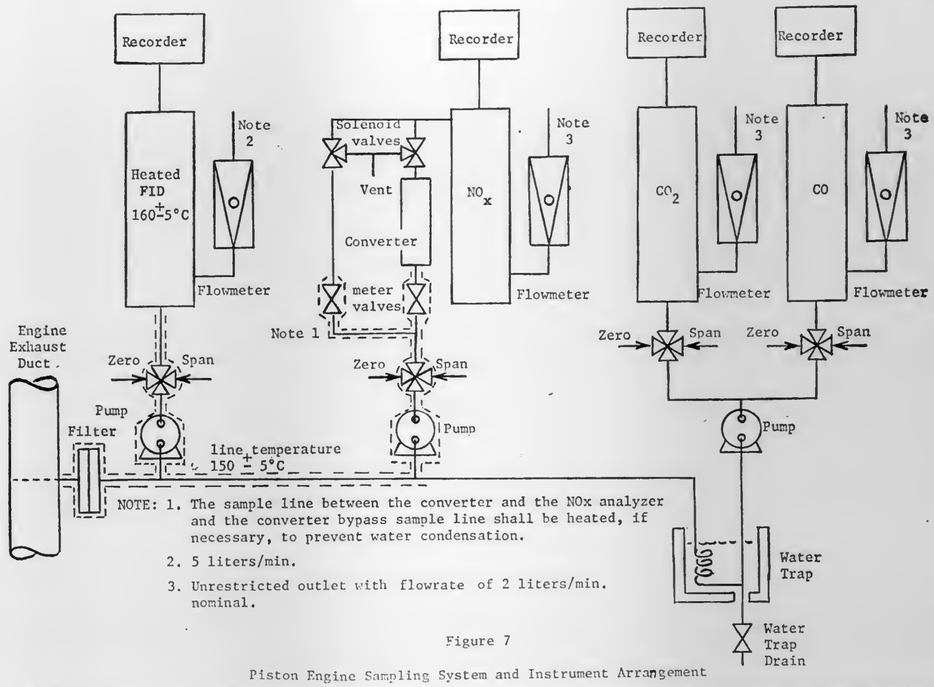


Figure 7

Piston Engine Sampling System and Instrument Arrangement

§ 87.89 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the plot of SN versus power setting from § 87.88 with the applicable emission standard under this part. The SN at every power setting shall not exceed the standard.

Subpart I—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft Piston Engines)

§ 87.90 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft piston engines with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer or test stand. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbon, carbon monoxide, and oxides of nitrogen concentrations and determine mass emissions through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test consists of five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emissions for the modes and engine rated power are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories, which might reasonably be expected to influence emissions to the atmosphere, installed and functioning.

§ 87.91 Gasoline fuel specifications.

For exhaust emission testing, fuel meeting the specifications of ASTM D910 latest version for grades 80/87 or 100/130 (as applicable) shall be used. The lead content and octane rating of the fuel shall be in the range recommended by the engine manufacturer.

§ 87.92 Test procedure.

(a) (1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates:

Mode	Power setting (percent of rated power)
Taxi/idle (out)	See subparagraph (2) of this paragraph
Takeoff	100 percent
Climbout	See subparagraph (3) of this paragraph
Approach	40 percent
Taxi/idle (in)	See subparagraph (2) of this paragraph

(2) The taxi/idle operating modes shall be conducted in accordance with the manufacturer's recommended power setting.

(3) The climbout operating mode shall be conducted in accordance with the manufacturer's recommended power setting: *Provided,* That the power setting shall be between 75 and 100 percent of rated power.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

§ 87.93 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* Figure 7 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional com-

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ponents such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation. Temperature control shall be provided for NOx sample lines, hardware and instrument to prevent water condensation.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust gas sampling system for testing under the regulations in this subpart:

(1) *Sampling probe.* The probe will be made of stainless steel of at least one-fourth inch outside diameter extending across the diameter of the engine exhaust duct. The gas sample will be drawn through a minimum of 5 holes in the sample probe distributed uniformly across the inside diameter of the engine exhaust duct. Where the engine has two or more exhaust pipes, the pipes shall be combined into a common exhaust pipe of sufficient length to provide for good mixing.

(2) *Sample transfer.* The sample shall be transferred from the probe to the analytical instruments through a stainless steel or Teflon sample line. Sample flow rate from the engine to the instruments shall be such that the transport time from exhaust pipe to instruments is 2 seconds or less.

(d) *Component description (exhaust gas analytical system).* The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See appendix B of this part.

§ 87.94 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test:

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification including H/C ratio and additives, if any.

(b) *Aircraft (in which engine will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(c) *Engine description.*—(1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Displacement.

(5) Type, manufacturer, and model of carburetion.

(6) Cylinder configuration.

(7) Turbocharger manufacturer and model, if applicable.

(d) *Test data.*—(1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Relative humidity.

(7) Sample line temperature.

(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.

(10) Recorder charts: Identify zero, span and exhaust gas sample traces.

(e) *Operating mode data.*—(1) Nominal power setting.

(2) Actual power setting, horsepower.

(3) Speed, revolutions per minute.

(4) Absolute manifold pressure, inches mercury.

(5) Measured fuel flow, pounds per minute.

(6) Air flow, pounds per minute and method of determination.

(7) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

§ 87.95 Calibration and instrument checks.

Calibration and instrument checks shall be performed in accordance with § 87.66 except that daily calibration and instrument checks shall be performed in accordance with § 87.96.

§ 87.96 Sampling procedures.

(a) *HC, CO, CO², and NOx measurements.* Allow a minimum of 2 hours warmup for the CO, CO_2, HC and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas.

(2) Introduce the zero grade gas at the same flow rates used to analyze the test samples and zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NO, anaylzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Respan at least at end of test but not less than once per hour. Show actual concentrations on chart. Log gain readings.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(5) Check sample line temperature and sample residence time. To check sample residence time:

(i) Introduce HC span gas into sampling system at sample inlet and simultaneously start timer.

(ii) When HC instrument indication is 15 percent of span concentration, stop timer.

(iii) If elapsed time is more than 2.0 seconds, make necessary adjustments.

(iv) Repeat (i) through (iii) with CO, CO_2, and NO instruments and span gases.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder ouput. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in § 87.99.

(8) Measure HC, CO, CO_2, and NOx concentrations of the exhaust sample at the various modes called for in § 87.92.

(9) Recheck zero and span points at the end of the test and also at approximately one hour intervals during the test. If either has changed by ±2 percent of full scale, the test shall be rerun after instrument maintenance: *Provided*, That if it is impractical to repeat the test, a correction based on interpolation linear with time is acceptable for corrections within ±4 percent.

(b) *Carbon balance.* As a test of representative sample collection, a carbon balance shall be calculated from air and fuel flow data. This balance shall be within ±5 percent of that calculated from exhaust gas constituents or the test will be invalidated. Fuel flow data shall be derived by measurement during the test for which emissions are to be calculated. Air flow data preferably is from direct measurement but if such measurement is impractical, the data shall be taken from air consumption curves generated for the particular model of engine under test.

(c) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back purge with air or an inert gas may be necessary to protect the probe and sample line from hydrocarbon buildup.

Check sample line for contamination each time the instrument zero and span points are checked. Use the following procedure to check the sample line:

(i) Immediately after instrument zero and span measurements and necessary adjustments are complete, introduce hydrocarbon zero gas near the sample probe. If the instrument zero reading increases by more than 5 percent of the scale in use the sample line shall be purged or cleaned as required, to bring the zero within limits.

(ii) When the requirements of paragraph (c)(2)(i) of this section have been met, introduce hydrocarbon span gas near the sample probe. If the instrument span reading is different by more than ±5 percent from the correct setting for the scale in use, the sample line shall be purged or cleaned, as required to bring the span within limits.

§ 87.97 Test run.

A test run shall consist of operating the engine in accordance with § 81.92. The engine shall be operated in the sequence called for under that section without intervening operating points unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted.

§ 87.98 Chart reading.

Determine the HC CO, CO_2, and NOx concentrations of the exhaust sample during the various modes from the instrument deflections or recordings making use of appropriate calibration charts. CO and CO_2 measurements shall be converted to a wet basis by multiplying the recorded concentrations by a conversion factor calculated in accordance with good engineering practices for rich or lean mixtures as appropriate from actual air and fuel flow measurements or from air consumption curves generated for the particular model of engine under test.

§ 87.99 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

(1) Hydrocarbon:

$$\text{HC pounds/rated power/cycle} = \frac{\text{Sum of the HC mass/mode of ea. of the modes}}{\text{Engine rated power (horsepower)}}$$

(2) Carbon monoxide:

$$\text{CO pounds/rated power/cycle} = \frac{\text{Sum of the CO mass/mode of each of the modes}}{\text{Engine rated power (horsepower)}}$$

(3) Oxides of nitrogen:

$$\text{NO}_x \text{ pounds/rated power/cycle} = \frac{\text{Sum of the NO}_x \text{ mass/mode of ea. of the modes}}{\text{Engine rated power (horsepower)}}$$

(b) The pollutant mass per mode shall be computed by use of the following formulas:

(1) HC mass/mode=HC emission rate x TIM.

(2) CO mass/mode=CO emission rate x TIM.

(3) NOx mass/mode=NOx emission rate x TIM.

(c) The emission rates shall be computed by use of the following formulas:

(1) HC emission rate $= \dot{v}$ exhaust × density HC × $\frac{\text{HC conc}}{1{,}000{,}000}$

(2) CO emission rate $= \dot{v}$ exhaust × density CO × $\frac{\text{CO conc}}{1{,}000{,}000}$

(3) NO_x emission rate $= \dot{v}$ exhaust × density NO_x × $\frac{NO_x \text{ conc}}{1{,}000{,}000}$

(d) The time-in-mode (TIM) shall be as specified below (in minutes):

(1) Taxi/idle (out)	12.0
(2) Takeoff	0.3
(3) Climbout	5.0
(4) Approach	6.0
(5) Taxi/idle (in)	4.0

(e) Meaning of symbols:

(1)(i) HC mass/mode=Total mass of hydrocarbons emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(ii) CO mass/mode=total mass of carbon monoxide emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(iii) NOx mass/mode=total mass of oxides of nitrogen emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(2)(i) HC emission rate=pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate=pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(iii) NOx emission rate=pounds/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3) V exhaust=Total engine exhaust volume flow rate in terms of cubic feet per hour at 68°F. and 760 mm. Hg pressure. V exhaust shall be calculated in accordance with good engineering practices from actual air and fuel flow measurements or from air consumption curves generated for the particular model of engine under test.

(4)(i) Density HC=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.0359 lb./cu. ft).

(ii) Density CO=Density of carbon monoxide in the exhaust gas in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.0726 lb./cu. ft.).

(iii) Density NOx=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.119 lb./cu. ft.).

(5)(i) HC conc.=hydrocarbon concentration of the exhaust sample in pounds per minute carbon equivalent, i.e., equivalent propaneX3.

(ii) CO conc.=Carbon monoxide concentration of the exhaust sample in parts per million by volume.

(iii) NOx conc.=Oxides of nitrogen concentration of the exhaust sample in parts per million by volume.

(6) TIM=Time in mode as specified in paragraph (d) of this section divided by 60 to yield time in mode in hours.

§ 87.100 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the pollutant level to pounds/rated power/cycle as calculated in accordance with § 87.99, with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard.

Appendix A—Instrumentation (Aircraft Gas Turbine Engine Measurements)

(a) *NDIR instruments.* Nondispersive infrared (NDIR) analyzers shall be used for the continuous monitoring of carbon monoxide and carbon dioxide.

The NDIR instruments operate on the principle of differential energy absorption from parallel beams of infrared energy. The energy is transmitted to a differential detector through parallel cells, one containing a reference gas, and the other, sample gas. The detector, changed with the component to be measured, transduces the optical signal to an electrical signal. The electrical signal thus generated is amplified and continuously recorded. The NDIR analyzer used in accordance with Subpart H of this part shall meet the following specifications:

(1) *Response time (electrical).* 90 percent full scale response in 0.5 second or less. Zero drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Span drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Repeatability—±1 percent of full scale. Noise—Less than 1 percent of full scale on most sensitive range. Cell temperature—Minimum 50° C. maintained within ±2° C.

(2) *Range and accuracy.*

Range	Accuracy excluding interferences
Carbon monoxide:	
0 to 100 p.p.m.	±2 percent of full scale
0 to 500 p.p.m.	±1 percent of full scale
0 to 2500 p.p.m.	±1 percent of full scale
Carbon dioxide:	
0 to 2 percent	±1 percent of full scale
0 to 5 percent	±1 percent of full scale

(3) All NDIR instruments shall be equipped with cells of suitable length to measure exhaust concentrations within the ranges encountered to the indicated accuracy. Range changes shall be accomplished either by the use of stacked sample cells or changes in the electronic circuitry, or both.

(b) *Total hydrocarbon analyzer* (1) General design specifications. The measurement of total hydrocarbon is made by an analyzer using a flame ionization detector (FID). With this type detector an ionization current, proportional to the mass rate of hydrocarbon entering a hydrogen flame, is established between two electrodes; the small current is

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measured by an electrometer amplifier and continuously recorded.

The analyzer shall be fitted with a constant-temperature oven housing the detector and sample-handling components. It shall maintain temperature within ±2°C. of the set point, which shall be within 155° to 165°C.

The detector and sample handling components shall be suitable for continuous operation at temperatures to 200°C.

(2) The FID analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—±1 percent of full scale on most sensitive range.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours on all ranges.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with ±2 percent over the range of 0 to 2,000 p.p.m C.

Accuracy:

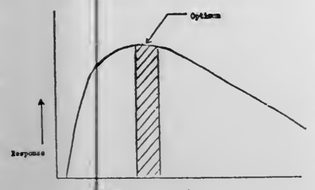
0 to 10 p.p.m.C--	±5 percent of full scale with propane calibration gas.
0 to 100 p.p.m.C-	±2 percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C ------	±1 percent of full scale with propane calibration gas.
0 to 2,000 p.p.m.C ------	±1 percent of full scale with propane calibration gas.

(3) Total hydrocarbon analyzer shall have an initial alignment as follows:

(i) *Optimization of detector response.* (*a*) Follow manufacturer's instructions for instrument startup and basic operating adjustment. Fuel shall be 60 percent helium, 40 percent hydrogen containing less than 2 p.p.m.C. hydrocarbon. Air shall be "hydrocarbon-free" grade containing less than 2 p.p.m.C.

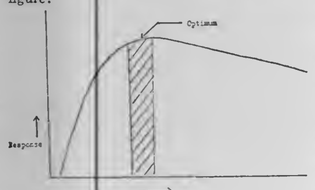
(*b*) Set oven temperature at 160°±5°C. and allow at least one-half hour after oven reaches temperature for the system to equilibrate. The temperature is to be maintained at set point ±2°C.

(*c*) Introduce a mixture of propane in air at a propane concentration of about 500 p.p.m.C. Vary the fuel flow to burner and determine the peak response. A change in zero may result from a change in fuel flow; therefore, the instrument zero should be checked at each fuel-flow rate. Select an operating flow rate that will give near maximum response and least variation in response with minor fuel-flow variations. A typical curve for response versus fuel flow is shown in the following figure.



RESPONSE VS. FUEL FLOW

(*d*) To determine the optimum air flow, use fuel flow setting determined above and vary air flow. A typical curve for response versus air flow is shown in the following figure:



RESPONSE VS. AIR FLOW

After the optimum flow settings have been determined these flows are to be measured and recorded for future reference.

(ii) *Oxygen effect.* Check the response of the detector with varied concentrations of oxygen in the sample following the steps outlined below; this test shall be made with oven temperature at the set point and with gas flow to the detector at optimum conditions, as determined in paragraph (b)(3)(i) of this section.

(*a*) Introduce nitrogen (N_2) zero gas and zero analyzer; check zero using hydrocarbon-free air; the zero should be the same.

(*b*) The following blends of propane shall be used to determine the effect of oxygen (O_2) in the sample.

Propane in N_2.

Propane in 10%±0.5% O_2 and balance N_2.

Propane in zero grade air (refer to 87.66 (c)).

The volume concentration of propane in the mixture reaching the detector should be about 500 p.p.m.C, and the concentration of both the O_2 and hydrocarbon should be known within ±1 percent of the absolute value. The zero shall be checked after each mixture is measured. If the zero has changed then the test shall be repeated.

The response to propane in air shall not differ by more than 3 percent from the response to propane in the 10 percent-O_2/90 percent-N_2 mixture, nor differ by more than 5 percent from the response to propane in nitrogen.

The difference between the response to propane in nitrogen and response to propane in diluent containing 10 percent O_2 shall not exceed 2 percent. If the 2 percent specification cannot be met by changing the sample flow rate or burner parameters, such as air and/or fuel-flow rate, the detector shall be modified or replaced.

(iii) Linearity and relative response.

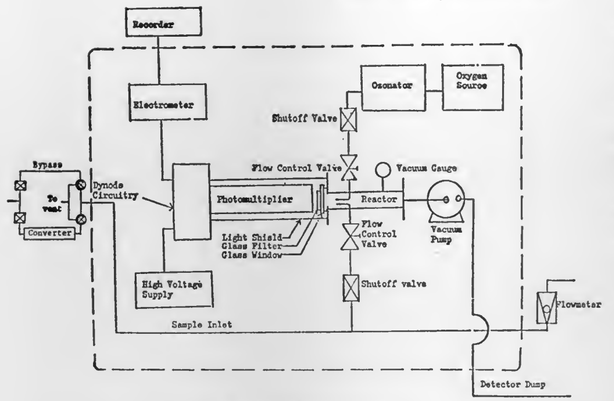
(*a*) With analyzer optimized in accordance with paragraph (b)(3)(i) of this section, the instrument linearity shall be checked for the ranges covering the range of analysis using propane in air at nominal concentrations of 30, 60, and 90 percent full scale of each range. The deviation of a best-fit curve from a least-squares best-fit straight line should not exceed 2 percent of the value at any point. If this specification is met, concentration values may be calculated by use of a single calibration factor. If the deviation exceeds 2 percent at any point, concentration values shall be read from a calibration curve prepared during this alignment procedure.

(*b*) A comparison of response to the different classes of compounds shall be made using (individually) propylene, toluene, n-hexane, and propane, each at 20 to 50 p.p.m.C concentration in air. If the response to propylene, toluene or n-hexane differs by more than 5 percent from the response to propane, check instrument operating parameters. Reducing sample flow rate improves uniformity of response.

(*c*) *Oxides of nitrogen analytical system.* The chemiluminescence method utilizes the principle that nitric oxide (NO) reacts with ozone (O_3) to give nitrogen dioxide (NO_2) and oxygen (O_2). Approximately 10 percent of the NO_2 is electronically excited. The transition of excited NO_2 to the ground state yields a light emission (600–2600 nanometer region) at low pressures. The detectable region of this emission depends on the PM-tube/optical filter being used in the detector. The intensity of this emission is proportional to the mass flow rate of NO into the reactor. The light emission can be measured utilizing a photomultiplier tube and associated electronics.

(1) The method also utilizes the principle that the thermal decomposition of NO_2 i.e., ($2NO_2 \rightarrow 2NO + O_2$), is complete at about 600°C. The rate constant for the dissociation of NO_2 at 600°C. is approximately 10^6 (liters/mole-second). A 6-foot length of one-eighth inch outside diameter, 0.028 inch wall thickness, flawless stainless steel tubing resistance heated using a low voltage, high current power supply to a temperature of 650°C. provides sufficient residence time at a sample flow rate of 700 cc. per minute (1.5 c.f.h.) for essentially complete conversion of nitrogen dioxide to nitric oxide. Other converter designs may be used if shown to yield equivalent results.

(2) The method permits continuous monitoring of NOx concentrations over a wide range. Response time (2 to 4 sec. is typical) is primarily dependent on the mechanical pumping rate at the operating pressure of the reactor. The following figure is a flow schematic illustrating one configuration of the major components required for the oxides of nitrogen analytical system.



OXIDES OF NITROGEN ANALYTICAL SYSTEM

(3) The oxides of nitrogen analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—Less than 1 percent of full scale.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Linear to within ±2 percent of full scale on all ranges.

Accuracy—±1 percent of full scale on all scales.

(d) The dynamometer test stand and other instruments for measurement of power output and the fuel flow measurement instrumentation in accordance with Subpart G of this part shall be accurate to within ±2 percent at all power settings.

APPENDIX B—INSTRUMENTATION (AIRCRAFT PISTON ENGINE MEASUREMENTS)

(a) The NDIR analyzers used for continuous monitoring of carbon monoxide and carbon dioxide in accordance with Subpart I of this part shall meet the following specifications:

(1) Response time (electrical—90 percent full scale response in 0.5 second or less. Zero drift—Less than ±1 percent full scale in 2 hours on most sensitive range. Span drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Noise—Less than 1 percent of full scale on most sensitive range.

(2) Range and accuracy:

Range	*Accuracy excluding interferences*
Carbon monoxide, 0–12 percent----	±1 percent of full scale.
Carbon dioxide, 0–15 percent------	±1 percent of full scale.

(b) The FID analyzer used for measurement of hydrocarbons in accordance with Subpart I of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—±1 percent of full scale on most sensitive range.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours on all ranges.

Span drift—Less than plus or minus of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with ±2 percent over the range of 0 to 20,000 p.p.m.C.

Accuracy:

0 to 100 p.p.m.C----	±5 percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C--	±2 percent of full scale with propane calibration gas.
0 to 10,000 p.p.m.C-	±1 percent of full scale with propane calibration gas.

(c) The oxides of nitrogen analyzer used for measurement of oxides of nitrogen in accordance with Subpart I of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise—Less than 1 percent of full scale.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Linear to within ±2 percent of full scale on all ranges.

Accuracy—±1 percent of full scale on all scales.

(d) The dynamometer, test stand, and other instruments for measurement of power output and air and fuel flow measurement instrumentation in accordance with Subpart I of this part shall be accurate to within ±2 percent at all power settings.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Correction

In F.R. Doc. 73–13518, appearing at page 17827 in the issue of Thursday, July 5, 1973, in the first line of the second paragraph the letter "(e)" in parenthesis in the section designation should read "(c)."

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3110 is amended to show that 154 positions of Special Agent for undercover work in the Bureau of Narcotics and Dangerous Drugs, excepted under Schedule A, are absorbed by the Drug Enforcement Administration.

Effective on July 18, 1973, the headnote of § 213.3110(c) is amended as set out below.

§ 213.3110 Department of Justice.

* * * * * * *

(c) *Drug Enforcement Administration.* * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–14651 Filed 7–17–73;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to reflect the following title change: from Private Secretary to an Assistant Director, Office of Management and Budget, to Private Secretary to an Associate Director, Office of Management and Budget.

Effective on July 18, 1973, paragraphs (a) (6) and (8) of § 213.3303 are amended as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

* * * * * * *

(6) One Secretary to each of four Associate Directors.

* * * * * * *

(8) One Private Secretary to each of three Assistant Directors.

* * * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–14652 Filed 7–17–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that three positions of Confidential Assistant to the Administrator, Rural Development Service, are excepted under Schedule C.

Effective on July 18, 1973, § 213.3313 (t) (1) is added as set out below.

§ 213.3313 Department of Agriculture.

* * * * * * *

(t) *Rural Development Administration.* (1) Three Confidential Assistants to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–14650 Filed 7–17–73;8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPER G—DETERMINATION OF PROPORTIONATE SHARES

[Docket No. SH–313]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms for 1974-Crop Sugarcane Not Required

The Sugar Act of 1948, as amended, requires the Secretary of Agriculture to determine for each crop year whether the production of sugar from any crop of sugarcane or sugarbeets will, in the absence of proportionate shares (acreage allotments), be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory for the calendar year during which the larger part of the sugar from such crop will be marketed. Such determination shall be made only after investigation and opportunity for interested persons to testify regarding the need for proportionate shares. A public hearing was held in Atlanta, Georgia, on April 13, 1973. The following determination is issued pursuant to section 302 of the Sugar Act of 1948, as amended.

§ 855.99 Proportionate shares for the 1974 crop of Mainland sugarcane not required.

It is determined for the 1974 crop of sugarcane in the Mainland Cane Sugar Area that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1975, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in the Mainland Cane Sugar Producing Area for the 1974 crop.

(Sec. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153).

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132), provides, in part, that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

General. Acreage restrictions have been in effect in the Mainland Cane Sugar Area each year since the 1965 crop, and are presently in effect for the 1973 crop. The desire of farmers to produce sugarcane up through the 1971 crop was so strong as to require acreage controls to prevent over-production. The 1971 amendments to the Sugar Act increased the quota of the Mainland Cane Sugar Area by 300,000 tons beginning in 1972, and the demand for cane acreage has largely been satisfied, especially in Louisiana where producers failed to plant all of the acreage available to them for the 1972 crop, and where 1973 acreage allotments have been underplanted by at least 60,000 acres. Indications are that Florida growers planted all of their 1972 and 1973 shares.

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Production from the just-completed 1972 harvest was considerably improved over the disappointing 1971 crop. About 1,620,000 tons of raw sugar were produced. Florida produced 960,562 tons of raw sugar (a record), as compared to 659,713 tons in Louisiana where the crop was plagued with heavy rains and power shortages. The processing season in Florida was extended two months to achieve its record production. As a result of the excellent Florida crop, output from the 1972 harvest will approximately equal the area's calendar 1973 quota, thus preventing a further draw down of stocks which are already at a low level. Effective inventory on January 1, 1973 was estimated at 860,000 tons or 54 percent of the area's 1973 marketing opportunity, thus requiring the Area to fill almost half its 1973 annual quota from new crop production in the last two months of the year.

Despite a 15 percent increase in proportionate shares for the year, the 1973 crop is growing on only about 6.7 percent more acreage and can be expected to produce about 1,650,000 tons of sugar based on 5-year average yields. If that estimate is achieved, production would again be roughly equal to the Area's probable 1974 marketing opportunity, again preventing any appreciable increase in working stocks.

Public hearing. An informal public hearing was held in Atlanta, Georgia on April 13 to obtain the views and recommendations of interested persons on matters relating to the establishment of 1974-crop proportionate shares. A spokesman, representing the American Sugar Cane League, the Florida Sugar Cane League, the Louisiana Farm Bureau Federation, the Florida Farm Bureal Federation, the Talisman Sugar Corporation, and the Glades Association of Independent Sugar Cane Growers, recommended that acreage controls remain in effect and that proportionate shares be increased about five percent over the shares presently in effect for the 1973 crop. His testimony and recommendations were supported and endorsed by all who appeared. The witnesses took the position that the appropriate level of effective inventory as indicated by legislative history in connection with the 1965 amendments to the Sugar Act—60 to 70 percent of the annual quota—is no longer appropriate or applicable; and that in the absence of acreage controls there would be serious over-production, resulting ultimately in hardship on both growers and processors if shares are reinstated for a subsequent crop. The witness acknowledged that actual plantings in Louisiana would be about 72,000 acres less than the total of shares resulting from his recommendation. The industry witness estimated that 1,683,000 tons of sugar would be produced from the 1973 crop of sugarcane. He further estimated that the Area would have an effective inventory on January 1, 1974 of 942,000 tons of sugar, or 57.9 percent of the Area's 1974 marketing opportunity. With respect to the 1974 crop, the witness estimated production (based on a five percent increase in proportionate shares) of 1,751,000 tons of sugar and effective inventory on January 1, 1975 of 1,076,000 tons of sugar, or 63 percent of the Area's likely marketing opportunity.

Determination. Legislative history of the Sugar Act in connection with the 1965 amendments indicates that an effective inventory (sugar on hand on January 1 plus sugar to be produced after that date from the prior year's crop) of 60 to 70 percent of the area's annual quota is desirable. The Mainland Cane Sugar Area's calendar 1974 quota will be on the order of 1,626,000 tons, raw value. If the Department's estimate of 1973-crop production is achieved—1,650,000 tons based on 5-year average yields—effective inventory on January 1, 1974 will be about 919,000 tons, or only 56.5 percent of the likely 1974 marketing opportunity. While the industry contends that the 60 to 70 percent standard no longer applies, more than 40 percent of the annual quota would have to be marketed during the last two months of the year (new crop sugar won't be available in Louisiana until about December 1), which could have the effect of depressing prices. The Department does not believe that such a situation is either a good business practice or in the best interest of sugarcane producers and processors. It would take 1973-crop production of nearly 1,710,000 tons in order to raise the Area's effective inventory on January 1, 1974 to 60 percent of their marketing opportunity, and a crop of 1,870,000 tons to raise the effective inventory to 70 percent. Production of 1,710,000 tons in 1973 is possible but unlikely; production of 1,870,000 tons is improbable.

In the absence of restrictions, acreage in Florida is likely to increase by about 10 percent to upwards of 300,000 acres. However, before this can take place existing processing facilities will have to be enlarged. Because of the very limited capacities of existing factories and a lack of suitable land, acreage in Louisiana will not likely increase to any significant degree (probably not more than 370,000 acres will be planted). A crop of that size would be expected to produce a combined total of about 1,740,000 tons of raw sugar, based on 5-year average yields, or only about 40,000 tons more than the Area's estimated marketing opportunity for 1975 (assuming no increase in quota under new legislation), keeping effective inventory as of January 1, 1975 at just over the 50 percent level. Therefore, in the absence of proportionate shares production of sugar from the 1974 crop of sugarcane in the Mainland Cane Sugar Area is not likely to exceed the Area's quota plus a normal carryover inventory.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: July 18, 1973.

Signed in Washington, D.C. on July 10, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14655 Filed 7-17-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-954]

PART 545—OPERATIONS

Loans on Other Dwelling Units; Correction

JULY 11, 1973.

The Federal Home Loan Bank Board hereby corrects FEDERAL REGISTER Document No. 73-812, which amended § 545.6-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-1), published in the issue dated June 20, 1973, at 38 FR 16029-16030, by changing the phrase "issuing or guaranteeing agency" in paragraph (b)(2)(i) of said § 545.6-1 to read "insuring or guaranteeing agency".

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-14691 Filed 7-17-73;8:45 am]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

[No. 73-952]

PART 584—REGULATED ACTIVITIES

Excepted Acquisitions

JULY 11, 1973.

The Federal Home Loan Bank Board, by Document No. 73-436, dated March 20, 1973, proposed to amend Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) governing acquisitions of insured institutions under section 408(e)(1)(B)(ii) of the National Housing Act. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on March 27, 1973, with an invitation for interested persons to submit written comments by April 30, 1973.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 584 by adding, immediately after § 584.4 thereof, a new section, § 584.4-1, to read as set forth below, effective August 17, 1973.

Under the amendment set forth below a company which proposes to acquire an insured institution without the prior written approval generally required under section 408(e) of the National Housing Act, because the company considers its acquisition to fall within the exception of section 408(e)(1)(B)(ii), is required prior to such acquisition to submit, on a form specified by the Corporation, satisfactory information pertaining to the acquisition. The acquisition may go forward without the prior written approval of the Corporation 60 days after receipt by the Director of the initial filing under § 584.4-1 unless the Corporation issues a ruling that the company has not shown that the acquisition falls within the exception. During this 60-day period the Corporation may find that a satisfactory showing has been made by an applicant or the Director or Supervisory Agent may request additional information. In this latter case the Corporation need not consider information received more than 45 days after the initial filing.

§ 584.4-1 Information filing required prior to excepted acquisition.

Any company, other than a savings and loan holding company, which proposes to acquire an insured institution without the prior written approval of the Corporation pursuant to paragraph (b)(2) of § 584.4 may do so only upon a showing as provided in this section that the acquisition falls within the exception to such prior written approval contained in that paragraph. This showing shall be made by satisfactory filing of information on a form prescribed by the Corporation. One original and one copy of all filings under this section shall be made with the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and concurrently two copies of all such filings shall be sent to the Supervisory Agent. The acquisition may be effected without the prior written approval of the Corporation pursuant to said exception, unless within 60 days after receipt by the Director of the initial filing the Corporation issues a ruling that the company has not shown that the acquisition falls within said exception. The Director or Supervisory Agent may request additional information from the company after receipt of the initial filing, but the Corporation need not consider additional information received by the Director more than 45 days after the initial filing.

(Sec. 402, 48 Stat. 1256, as amended, § 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended, 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-14692 Filed 7-17-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-EA-48; Amdt. 39-1689]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Lycoming HIO-360-D1A type aircraft engines installed on Hughes type 269C and 300C helicopters.

There have been reports that a component of the cushioned drive coupling for Bendix magneto part number 10349235-3 and -4 has, from service experience, a limited life of 300 hours. The loss of the component, the rubber drive plate grommet, could result in failure of the magneto. Since the foregoing deficiency can exist or develop in all engines of similar type design, an airworthiness directive is being issued which will require replacement of the grommet.

In view of the foregoing, a situation exists which requires expeditious adoption of this amendment. Thus notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to HIO-360-D1A model engines installed on Hughes Models 269C and 300C helicopters.

Compliance required within 300 hours time in service after the effective date of this AD and every 300 hours in service thereafter.

To prevent possible failures of the Bendix part numbers 10-349235-3 and 10-349235-4 magnetos, replace the part number 10-391315 rubber drive plate grommet in accordance with Lycoming Service Bulletin No. 364 or equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective July 23, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 11, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14606 Filed 7-17-73;8:45 am]

[Airspace Docket No. 73-SO-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On May 25, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 13748), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Dickson, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added.

DICKSON, TENN.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dickson Municipal Airport (Lat. 36°07'47" N, Long. 87°25'48" W).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-14609 Filed 7-17-73;8:45 am]

[Airspace Docket No. 73-SO-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to redesignate and revoke the Aguadilla, Puerto Rico, control zone.

The Aguadilla control zone is described in § 71.171 (38 FR 351) and is currently designated 24 hours daily. The USAF has reduced the hours of operation of the airport traffic control tower from 0600 to 2200 hours, local time, daily, and will decommission the control tower and discontinue weather observation and reporting service, effective July 31, 1973. It is necessary to alter the description to reflect the effective hours of the control zone to July 31, 1973, and to amend Federal Aviation Regulations Part 71 by revoking the Aguadilla control zone, effective July 31, 1973. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

Effective immediately, the Aguadilla, Puerto Rico, control zone, described in § 71.171 (38 FR 351) is amended as follows: "This control zone is effective from 0600 to 2200 hours, local time, daily." is added to the description.

Effective 0901 G.m.t., July 31, 1973, the Aguadilla, Puerto Rico control zone, described in § 71.171 (38 FR 351) is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 10, 1973.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-14610 Filed 7-17-73;8:45 am]

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SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 12989; Amdt. 95-235]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective August 16, 1973 as follows:

1. By amending Subpart C as follows:

§95.48 GREEN FEDERAL AIRWAY 8
is amended to read in part:

FROM	TO	MEA
Shemya, Alas. LF/RBN	Adak, Alas. LF/RBN	8000

§95.51 GREEN FEDERAL AIRWAY 11
is amended to delete:

FROM	TO	MEA
Shemya, Alas. LF/RBN	Amchitka, Alas. LF/RBN	6000
Amchitka, Alas. LF/RBN	Adak, Alas. LF/RBN	*8000
*7900—MOCA		
Adak, Alas. LF/RBN	Nikolski, Alas. LF/RBN	*9000
*8900—MOCA		
Nikolski, Alas. LF/RBN	Driftwood Bay, Alas. LF/RBN	*9000
*8900—MOCA		
Driftwood Bay, Alas. LF/RBN	Mordreinoff INT, Alas.	*9000
*8700—MOCA		
Mordreinoff INT, Alas.	*Cold Bay, Alas. LFR	6000
*5300—MCA Cold Bay LFR, SW-bound		
(VHF/UHF Communications available 8000 FT and above, HF only below 8000 FT)		
Cold Bay, Alas. LFR	Merlin INT, Alas.	4500

§95.115 AMBER FEDERAL AIRWAY 15
is amended to read in part:

FROM	TO	MEA
Barrows, Y.T. LFR	Northway, Alas. LFR	#9600
#For that airspace over U.S. territory		

§95.239 RED FEDERAL AIRWAY 39
is amended to read in part:

FROM	TO	MEA
Nenana, Alas. LFR	Fairbanks, Alas. LFR	*4000
*2600—MOCA		

§95.1001 DIRECT ROUTES—U.S.
is amended by adding:

FROM	TO	MEA
Morganton INT, Ga.	Hinch Mountain, Tenn. VOR	*6000
Via HCH 148 HRS 271		
*5300—MOCA		

§95.1001 DIRECT ROUTES—U.S.
is amended to read in part:

FROM	TO	MEA
Bakersfield, Calif. VOR	Pelican INT, Calif.	*3000
Via BFL R296		MAA—29000
*2500—MOCA		

DIRECT ROUTES—U.S.—cont'd.

FROM	TO	MEA
Pelican INT, Calif.	Los Banos, Calif. VOR	5500
Via BFL R296/LSN R116	COP 40NM LSN	MAA—29000
Ventura, Calif. VOR	*Int. 310 M rad Ventura VOR & 153 M rad Los Banos VOR	25000
		MAA—29000
*25000—MCA Int 310 M rad Ventura VOR & 153M rad Los Banos VOR		
Int. 310 M rad Ventura VOR & 153 M rad Los Banos VOR	Los Banos, Calif. VOR	18000
		MAA—29000

§95.1001 DIRECT ROUTES—U.S.
is amended to delete:

FROM	TO	MEA
Gorman, Calif. VORTAC	Los Banos, Calif. VOR	18000
		MAA—31000

Bahama Routes

§95.1001 DIRECT ROUTES—U.S.
1 Line is amended to read in part:

FROM	TO	MEA
Satellite, Fla. NDB	Grand Bahama, Bh. NDB	*2000
*1400—MOCA		
Grand Bahama, Bh. NDB	**Deep Water INT, Bp.	16000
*16000—MCA Grand Bahama NDB, SE-bound		
**15000—MCA Deep Water INT, NW-bound		
Deep Water INT, Bh.	Malcolm INT, Bh.	*2000
*1300—MOCA		
Malcolm INT, Bh.	Eleuthera, Bh. NDB	*2000
*1400—MOCA		

20 Line is amended to read in part:

Freeport, Bh. NDB	Satellite, Fla. NDB	*2000
*1400—MOCA		

Panama Routes

§95.1001 DIRECT ROUTES—U.S.
Amber 13 is amended to read in part:

FROM	TO	MEA
Mala INT, R.P.	Tobago Island, R.P. NDB	*3000
*2100—MOCA		
Tobago Island, R.P. NDB	Chilibre INT, R.P.	*3000
*2500—MOCA		
Chilibre INT, R.P.	Malma INT, R.P.	*5000
*4200—MOCA		

§95.5000 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J805R is amended to read in part:						
Lima, Mont. W/P Big Horn, Mont. W/P	150	75	Lima	071/251 to COP 075/255 to Big Horn	20000	45000
Ash Creek, S.D. W/P Sioux Falls, S.D. W/P	224	112	Ash Creek	086/266 to COP 093/273 to Sioux Falls	18000	45000
Sioux Falls, S.D. W/P West Union, Iowa W/P	224	112	Sioux Falls	090/270 to COP 099/279 to West Union	18000	45000
West Union, Iowa W/P Woodstock, Ill. W/P	153	77	West Union	099/279 to COP 103/283 to Woodstock	18000	45000
J806R is amended to read in part:						
Furnace, Pa. W/P Shilah, Ohio W/P	204	102	Furnace	284/104 to COP 276/096 to Shilah	18000	45000
Plant, Ind. W/P Morrison, Ill. W/P	115	57	Plant	279/099 to COP 275/095 to Morrison	18000	45000
Elberon, Iowa W/P Kamrar, Iowa W/P	70	35	Elberon	288/108 to COP 283/103 to Kamrar	18000	45000
Big Horn, Mont. W/P Lima, Mont. W/P	150	75	Big Horn	255/075 to COP 251/071 to Lima	20000	45000
J819R is amended to read in part:						
Vermontville, Mich. W/P Papi, Ill. W/P	132	50	Vermontville	265/085 to COP 261/081 to Papi	18000	45000
J820R is amended to read in part:						
O'Hare, Ill. W/P Wolverine, Mich. W/P	176	88	O'Hare	082/262 to COP 090/270 to Wolverine	18000	45000
J838R is amended to read in part:						
Crest, Ga. W/P Vienna, Ga. W/P	67			136/316 to Vienna	18000	45000
J855R is amended to read:						
Wichita Falls, Tex. VORTAC Crowell, Tex. W/P	59			269/089 to Crowell	18000	45000
Crowell, Tex. W/P Texico, N.M. VORTAC	154	48	Crowell	269/089 to COP 266/086 to Texico	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Texico, N.M. VORTAC Palma, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Palma	18000	45000
Palma, N.M. W/P Volcano, N.M. W/P	68	34	Palma	268/088 to COP 267/087 to Volcano	18000	45000
Volcano, N.M. W/P Defiance, N.M. W/P	125	62	Volcano	267/087 to COP 265/085 to Defiance	18000	45000
Defiance, N.M. W/P Peak, Ariz. W/P	108	54	Defiance	265/085 to COP 262/082 to Peak	18000	45000
Peak, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Peak	262/082 to COP 260/080 to Boulder City	18000	45000
Boulder City, Nev. VORTAC Lucky, Nev. W/P	47	24	Boulder City	258/078 to COP 256/076 to Lucky	18000	45000
Lucky, Nev. W/P Modesto, Calif. W/P	264	111	Lucky	276/096 to COP 273/093 to Modesto	18000	45000
J864R is amended to read in part:						
Front Royal, Va. W/P Herndon, Va. W/P	35			103/283 to Herndon	18000	45000
J866R is amended to read in part:						
North Star, Neb. W/P Shipley, Iowa W/P	209	83	North Star	067/247 to COP 073/253 to Shipley	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000
J881R is amended to read in part:						
Rosewood, Ohio VORTAC Minerva, Ky. W/P	95	47	Rosewood	177/357 to COP 174/354 to Minerva	18000	45000
J882R is amended to read in part:						
Dayton, Ohio W/P Milan, Mich. W/P	125			013/193 to Milan	18000	45000
J886R is amended to read in part:						
Morrison, Ill. W/P Elberon, Iowa W/P	111	56	Morrison	270/090 to COP 269/089 to Elberon	18000	45000
Danbury, Iowa W/P Dry Creek, Neb. W/P	124	62	Danbury	266/086 to COP 262/082 to Dry Creek	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J887R is amended to read in part:						
Dry Creek, Neb. W/P Kamrar, Iowa W/P	209	104	Dry Creek	077/257 to COP 083/263 to Kamrar	18000	45000
Kamrar, Iowa W/P Scales Mound, Ill. W/P	148	74	Kamrar	083/263 to COP 086/266 to Scales Mound	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000

§95.5500 HIGH ALTITUDE RNAV ROUTES

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J936R is amended to read in part:						
Phoenix, Ariz. VORTAC Fence, N.M. W/P	184	92	Phoenix	054/234 to COP 055/235 to Fence	18000	45000
J937R is amended to read in part:						
Dry Creek, Neb. W/P Kamrar, Iowa W/P	209	104	Dry Creek	077/257 to COP 083/263 to Kamrar	18000	45000
Kamrar, Iowa W/P Scales Mound, Ill. W/P	148	74	Kamrar	083/263 to COP 086/266 to Scales Mound	18000	45000
Scales Mound, Ill. W/P Woodstock, Ill. W/P	89	45	Scales Mound	085/265 to COP 090/270 to Woodstock	18000	45000
J940R is amended to read in part:						
Reva, S.D. W/P Turtle Creek, S.D. W/P	201	101	Reva	091/271 to COP 098/278 to Turtle Creek	18000	45000
Turtle Creek, S.D. W/P Heidy, Minn. W/P	121	61	Turtle Creek	098/278 to COP 100/280 to Heidy	18000	45000
J941R is amended to read:						
Greater Southwest, Tex. VORTAC Bridgeport, Tex. W/P	44	22	Greater Southwest	296/116 to COP 296/116 to Bridgeport	18000	45000
Bridgeport, Tex. W/P Crowell, Tex. W/P	114	33	Bridgeport	290/110 to COP 289/109 to Crowell	18000	45000

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FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Crowell, Tex. W/P Texico, N.M. VORTAC	154	48	Crowell	269/089 to COP 266/086 to Texico	18000	45000
Texico, N.M. VORTAC Palma, N.M. W/P	125	30	Texico	272/092 to COP 268/088 to Palma	18000	45000
Palma, N.M. W/P Volcano, N.M. W/P	68	34	Palma	268/088 to COP 267/087 to Volcano	18000	45000
Volcano, N.M. W/P Defiance, N.M. W/P	125	62	Volcano	267/087 to COP 265/085 to Defiance	18000	45000
Defiance, N.M. W/P Peak, Ariz. W/P	108	54	Defiance	265/085 to COP 262/082 to Peak	18000	45000
Peak, Ariz. W/P Boulder City, Nev. VORTAC	173	86	Peak	262/082 to COP 260/080 to Boulder City	18000	45000
J951R is amended to read:						
Front Royal, Va. W/P Henderson, W.Va. W/P	180	88	Front Royal	271/091 to COP 266/086 to Henderson	18000	45000
Henderson, W.Va. W/P Minerva, Ky. W/P	88	44	Henderson	272/092 to COP 266/086 to Minerva	18000	45000
Minerva, Ky. W/P Borden, Ind. W/P	100	70	Minerva	266/086 to COP 262/082 to Borden	18000	45000
Borden, Ind. W/P Centralia, Ill. W/P	148	113	Borden	262/082 to COP 260/080 to Centralia	18000	45000
Centralia, Ill. W/P Mounds, Ill. W/P	42			279/099 to Mounds	18000	45000
J958R is amended to read in part:						
Ritter, S.C. W/P Chester, Ga. W/P	122	61	Ritter	203/023 to COP 201/021 to Chester	18000	45000
J959R is amended to read in part:						
Andy, Fla. W/P Ponte Vedra, Fla. W/P	249	175	Andy	347/167 to COP 346/166 to Ponte Vedra	18000	45000
Ponte Vedra, Fla. W/P Augusta, Ga. W/P	204	150	Ponte Vedra	349/169 to COP 351/171 to Augusta	18000	45000
Augusta, Ga. W/P Rader, Tenn. W/P	160	80	Augusta	348/168 to COP 345/165 to Rader	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Rader, Tenn. W/P Minerva, Ky. W/P	162	81	Rader	345/165 to COP 342/162 to Minerva	18000	45000
Minerva, Ky. W/P Dayton, Ohio W/P	82	41	Minerva	342/162 to COP 343/163 to Dayton	18000	45000
J974R is amended to read:						
Front Royal, Va. W/P Henderson, W.Va. W/P	180	80	Front Royal	271/091 to COP 266/086 to Henderson	18000	45000
Henderson, W.Va. W/P Minerva, Ky. W/P	88	44	Henderson	272/092 to COP 266/086 to Minerva	18000	45000
Minerva, Ky. W/P Marine, Ill. W/P	280	172	Minerva	270/090 to COP 265/085 to Marine	18000	45000
Marine, Ill. W/P Hawk, Mo. W/P	50	25	Marine	264/084 to COP 264/084 to Hawk	18000	45000
Hawk, Mo. W/P Tightwad, Mo. W/P	126	63	Hawk	257/077 to COP 253/073 to Tightwad	18000	45000
Tightwad, Mo. W/P Wichita, Kans. W/P	188	94	Tightwad	253/073 to COP 248/068 to Wichita	18000	45000
Wichita, Kans. W/P Larrabee, Kans. W/P	149	70	Wichita	249/069 to COP 245/065 to Larrabee	18000	45000
Larrabee, Kans. W/P Sofia, N.M. W/P	176	98	Larrabee	245/065 to COP 243/063 to Sofia	18000	45000
Sofia, N.M. W/P Springer, N.M. W/P	38	19	Sofia	243/063 to COP 241/061 to Springer	18000	45000
Springer, N.M. W/P Defiance, N.M. W/P	219	109	Springer	245/064 to COP 242/062 to Defiance	22000	45000
Defiance, N.M. W/P Drake, Ariz. W/P	168	84	Defiance	247/067 to COP 246/066 to Drake	18000	45000
Drake, Ariz. W/P Chubbuck, Calif. W/P	114	57	Drake	244/064 to COP 242/062 to Chubbuck	18000	45000
Chubbuck, Calif. W/P Morraw, Calif. W/P	125	90	Chubbuck	242/062 to COP 241/061 to Morraw	18000	45000
J976R is amended to read in part:						
Coulee, Wash. W/P Mullan Pass, Ida. VORTAC	152	72	Coulee	072/252 to COP 076/256 to Mullan Pass	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
J981R is amended to read:						
Parker, Calif. W/P Prescott, Ariz. W/P	115	95	Parker	056/236 to COP 059/239 to Prescott	18000	45000
Prescott, Ariz. W/P Two Wells, N.M. W/P	184	50	Prescott	065/245 to COP 067/247 to Two Wells	18000	45000
Two Wells, N.M. W/P Mora, N.M. W/P	175	87	Two Wells	062/242 to COP 065/245 to Mora	22000	45000
Mora, N.M. W/P Canadian, Tex. W/P	173	86	Mora	067/247 to COP 071/251 to Canadian	18000	45000
Canadian, Tex. W/P Tangier, Okla. W/P	91	66	Canadian	072/252 to COP 074/254 to Tangier	18000	45000
Tangier, Okla. W/P Irwin, Mo. W/P	277	177	Tangier	068/248 to COP 073/253 to Irwin	18000	45000
Irwin, Mo. W/P Sprott, Mo. W/P	194	97	Irwin	074/254 to COP 079/259 to Sprott	18000	45000
Sprott, Mo. W/P Canter, Ky. W/P	222	111	Sprott	079/259 to COP 085/265 to Canter	18000	45000
Canter, Ky. W/P Rensford, W.Va. W/P	198	99	Canter	085/265 to COP 092/272 to Rensford	18000	45000
Rensford, W.Va. W/P Diane, W.Va. W/P	57			087/267 to Diane	18000	45000
J982R is amended to read:						
Parker, Calif. W/P Prescott, Ariz. W/P	115	95	Parker	056/236 to COP 059/239 to Prescott	18000	45000
Prescott, Ariz. W/P Two Wells, N.M. W/P	184	50	Prescott	065/245 to COP 067/247 to Two Wells	18000	45000
Two Wells, N.M. W/P Mora, N.M. W/P	175	87	Two Wells	062/242 to COP 065/245 to Mora	22000	45000
Mora, N.M. W/P Canadian, Tex. W/P	173	86	Mora	067/247 to COP 071/251 to Canadian	18000	45000
Canadian, Tex. W/P Tangier, Okla. W/P	91	66	Canadian	072/252 to COP 074/254 to Tangier	18000	45000
Tangier, Okla. W/P Wichita, Kans. W/P	139	70	Tangier	051/231 to COP 051/231 to Wichita	18000	45000

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION		TRACK ANGLE	MEA	MAA
Wichita, Kans. W/P Factory, Kans. W/P	134	60	Wichita	047/227 to COP 050/230 to Factory	18000	45000
J989R is amended to read in part:						
Wixom, Mich. W/P Vermontville, Mich. W/P	50	25	Wixom	278/098 to COP 277/097 to Vermontville	18000	45000
J993R is amended to read in part:						
Rescue, Va. W/P Surf City, N.C. W/P	179	55	Rescue	212/032 to COP 209/029 to Surf City	18000	45000
Surf City, N.C. W/P Azalea, S.C. W/P	104	20	Surf City	191/011 to COP 188/008 to Azalea	24000	45000
J994R is amended to read in part:						
Ritter, S.C. W/P Chester, Ga. W/P	122	61	Ritter	203/023 to COP 201/021 to Chester	18000	45000
Chester, Ga. W/P Jacksonville, Fla. VORTAC	26			190/010 to Jacksonville	18000	45000
J995R is amended to read in part:						
Azalea, S.C. W/P Surf City, N.C. W/P	104	84	Azalea	008/188 to COP 011/191 to Surf City	24000	45000
Surf City, N.C. W/P Flat Rock, Va. W/P	206	161	Surf City	006/186 to COP 008/188 to Flat Rock	18000	45000

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part

FROM		TO	MEA
Pecos, N.M. VOR		*Pearsall INT, Mex.	*7500
	*5000-MCA Pearsall INT, NE-bound		
	*7500-MCA		
	*7500		

§95.6004 VOR FEDERAL AIRWAY 8
is amended to read in part

FROM		TO	MEA
Chicago Heights, Ill. VOR		North Liberty INT, Ind.	*2600
	*2100-MCA		
North Liberty INT, Ind.		Goshen, Ind. VOR	*2600
	*2200-MCA		

§95.6009 VOR FEDERAL AIRWAY 11
is amended to read in part

FROM		TO	MEA
Concord INT, Ind.		Wilkat INT, Ind.	*2600
	*2100-MCA		
Wilkat INT, Ind.		Indianapolis, Ind. VOR	*2600
	*2100-MCA		

§95.6012 VOR FEDERAL AIRWAY 12
is amended to read in part

FROM		TO	MEA
Wilkat INT, Ind.		Ross INT, Ind.	*2600
	*2100-MCA		

§95.6026 VOR FEDERAL AIRWAY 26
is amended to read in part

FROM		TO	MEA
*Cadott INT, Wis.		Edgar INT, Wis.	3000
	*3200-MRA		MAA-14000

§95.6029 VOR FEDERAL AIRWAY 29
is amended to read in part

FROM		TO	MEA
Millinocket, Me. VOR		Caribou, Maine VOR	*3500
	*3700-MCA Big Lake VOR, NE-bound		
	**3300-MOCA		

§95.6034 VOR FEDERAL AIRWAY 34
is added to read:

FROM		TO	MEA
Brassfield, Miss. VOR		Ramsey, Miss. VOR	*3500
	*2500-MCA		

§95.6297 VOR FEDERAL AIRWAY 297
is amended to read in part

FROM		TO	MEA
Hartford, Conn. VOR		Pawling, Conn. VOR	*3600
	*2100-MOCA		

§95.6307 VOR FEDERAL AIRWAY 307
is amended to read in part

FROM		TO	MEA
Block Island, Mass. VOR		Sandy Island, Mass. VOR	2000

§95.6320 VOR FEDERAL AIRWAY 320
is amended to read in part

FROM		TO	MEA
Gold INT, Alas.		Fairbanks, Alas. VOR	2500
	*4800-MCA Gold INT, S-bound		

§95.7055 JET ROUTE NO. 55 is amended to read in part:

FROM		TO	MEA	MAA
Flat Rock, Va. VORTAC		Int. 065 M rad Gordonsville VORTAC	18000	45000
		& 077 M rad Flat Rock VORTAC		
Int. 065 M rad Gordonsville VORTAC & 031 M rad Flat Rock VORTAC		Int. 065 M rad Gordonsville VORTAC & 266 M rad Seal Isle VORTAC	18000	41000
Int. 065 M rad Gordonsville VORTAC & 266 M rad Seal Isle VORTAC		Seal Isle, N.J. VORTAC	18000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE FROM	
V-39 is amended to delete:			
Augusta, Me. VOR	Millinocket, Me. VOR	47	Augusta
V-221 is amended by adding:			
Bloomington, Ind. VOR	Shelbyville, Ind. VOR	15	Bloomington

§95.8005 JET ROUTES CHANGEOVER POINTS

J-35 is amended by adding:			
Jackson, Miss. VORTAC	Memphis, Tenn. VORTAC	106	Jackson

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on July 10, 1973.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.73-14607 Filed 7-17-73;8:45 am]

§95.6158 VOR FEDERAL AIRWAY 158
is amended to read in part

FROM		TO	MEA
Chicago Heights, Ill. VOR		North Liberty INT, Ind.	*2500
	*2700-MCA Big Lake VOR, NE-bound		
North Liberty INT, Ind.		Goshen, Ind. VOR	*2600
	*2300-MOCA		

§95.6159 VOR FEDERAL AIRWAY 159
is amended to read in part

FROM		TO	MEA
Chicago Heights, Ill. VOR		North Liberty INT, Ind.	*2500
	*2100-MOCA		
North Liberty INT, Ind.		Goshen, Ind. VOR	*2600
	*2300-MOCA		

§95.6159 VOR FEDERAL AIRWAY 159
is added to read:

FROM		TO	MEA
Ocala, Fla. VOR		Cross City, Fla. VOR	*2600
	*1300-MOCA		
Cross City, Fla. VOR		Greenville, Fla. VOR	*2500
	*1500-MOCA		

§95.6159 VOR FEDERAL AIRWAY 159
is amended to delete:

FROM		TO	MEA
Ocala, Fla. VOR		Gainesville, Fla. VOR	*2600
	*1500-MOCA		
Gainesville, Fla. VOR		Greenville, Fla. VOR	*2500
	*1500-MOCA		
Ocala, Fla. VOR		Cross City, Fla. VOR	*2500
	Via W alter.		
	*1300-MOCA		
Cross City, Fla. VOR		Greenville, Fla. VOR	*2500
	Via E alter.		

§95.6159 VOR FEDERAL AIRWAY 159
is amended to delete:

FROM		TO	MEA
Ocala, Fla. VOR		Gainesville, Fla. VOR	*2600
	*1500-MOCA		
Gainesville, Fla. VOR		Greenville, Fla. VOR	*2500
	*1500-MOCA		
Ocala, Fla. VOR		Cross City, Fla. VOR	*2500
	Via W alter.		
Cross City, Fla. VOR		Greenville, Fla. VOR	*2500
	Via E alter.		

§95.6171 VOR FEDERAL AIRWAY 171
is amended by adding:

FROM		TO	MEA
Grand Forks, N.D. VOR		Rugby, N.D. VOR	*2500
	*3500-MCA		

§95.6214 VOR FEDERAL AIRWAY 214
is amended by adding:

FROM		TO	MEA
Kokomo, Ind. VOR		Marion, Ind. VOR	*2500
	*2200-MOCA		
Marion, Ind. VOR		Muncie, Ind. VOR	*2500
	*2200-MOCA		
Muncie, Ind. VOR		Richmond, Ind. VOR	*2500
	*2200-MOCA		

§95.6221 VOR FEDERAL AIRWAY 221
is amended by adding:

FROM		TO	MEA
Battle Creek, Ill. VOR		Carlisle INT, Ind.	*2500
	*1800-MOCA		
Carlisle INT, Ind.		Bloomington, Ind. VOR	*2500
	*2100-MOCA		
Bloomington, Ind. VOR		Shelbyville, Ind. VOR	*2500
Shelbyville, Ind. VOR		Muncie, Ind. VOR	*2500
	*2200-MOCA		
Muncie, Ind. VOR		Ft. Wayne, Ind. VOR	*2500
	*2200-MOCA		

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8737]

PART 13—PROHIBITED TRADE PRACTICES

Golden Grain Macaroni Co. and Paskey DeDominico

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets;* 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Golden Grain Macaroni Company, et al., San Leandro, Calif., Docket No. 8737, June 26, 1973]

In the matter of Golden Grain Macaroni Company, a Corporation, and Paskey DeDominico, Individually and as an Officer of said Corporation.

Order modifying an earlier order dated January 18, 1971, 36 F.R. 5212, 78 F.T.C. 63, pursuant to order of December 20, 1972, of the United States Court of Appeals for the Ninth Circuit (Cert. denied on May 29, 1973), by deleting that part of the order requiring divestiture of Oregon Macaroni Company.

The modified order is as follows:

Modified order. Respondent Golden Grain Macaroni Company having filed in the United States Court of Appeals for the Ninth Circuit a petition to review and set aside the order issued herein on January 18, 1971; and the court on December 20, 1972, having rendered its decision and entered its judgment affirming and enforcing said order except for that part of the order requiring divestiture of Oregon Macaroni Company; and the United States Supreme Court having denied a petition filed by respondent for writ of certiorari to the court of appeals for review of said decision and judgment.

Now therefore, it is hereby ordered, That the order of January 18, 1971, be, and it hereby is, modified in accordance with the judgment of the court to read as follows:

It is ordered, That respondent, Golden Grain Macaroni Company, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests acquired by Golden Grain Macaroni Company, or its subsidiaries, in Porter-Scarpelli Macaroni Company, as a result of Golden Grain Macaroni Company's acquisition of Mission Macaroni Company.

It is further ordered, That respondent Golden Grain Macaroni Company, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within one (1) year from the date this order becomes final, divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all stock, assets, or other interests, including the option to purchase additional stock or other interests, in Major Italian Foods Company, Inc., as a result of Golden Grain Macaroni Company's acquisition of stock of Major Italian Foods Company, Inc.

It is further ordered, That none of the stock, assets, properties, rights or privileges to be divested be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee or agent of, or under the control or direction of, Golden Grain Macaroni Company or any of its subsidiaries or affiliates, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of voting stock of Golden Grain Macaroni Company, or any of its subsidiaries or affiliates.

It is further ordered, That for a period of ten (10) years respondent Golden Grain Macaroni Company shall cease and desist from acquiring, directly or indirectly, without prior approval of the Federal Trade Commission, the whole or any part of the share capital or other assets of any corporation engaged in the manufacture of dry paste products within the Pacific Northwest.

It is further ordered, That respondents shall, within sixty (60) days from the date of service of this order and every sixty (60) days thereafter until divestiture is fully effected, submit to the Commission a detailed report of their actions, plans, and progress in complying with the divestiture provisions of this order, and fulfilling their objectives. All reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the stock, assets, properties, rights or privileges to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

By the Commission.

Issued: June 26, 1973.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-14617 Filed 7-17-73;8:45 am]

[Docket No. C-2419]

PART 13—PROHIBITED TRADE PRACTICES

Radioear Corp.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670–20 Federal Trade Commission Act; Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods; Subpart*—Enforcing dealings or payments wrongfully; § 13.1045 Enforcing dealings or payments wrongfully; Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.115 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Ceased and desist order, Radioear Corporation, Canonsburg, Penn., Docket C-2419, June 26, 1973]

In the Matter of Radioear Corporation, a Corporation.

Consent order requiring a Canonsburg, Penn., manufacturer, distributor and repairer of hearing aids, among other things to cease imposing customer and territorial restrictions and exclusive dealing requirements on its dealers; price-fixing activities; requiring its dealers to furnish names and addresses of customers; and failing to include and deliver any express product warranty.

The order to cease and desist, including further order requiring report of compliance therewith, as well as Appendix A, is as follows:

It is ordered, That respondent Radioear Corporation, and its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the manufacturing, distribution, advertising, offering for sale, sale or repair of its own brand name or trademark hearing aids, or related products, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, or in any other manner, any arrangement or method of doing business with a dealer of hearing aids and/or accessories which has the purpose or effect of precluding or preventing a dealer from selling the product of one or more other hearing aid manufacturers;

2. Refusing to make available promptly upon request:

(a) a hearing aid, accessory or any written materials necessary to fit and sell such hearing aid or accessory, to any dealer engaged in the sale of hearing aids, if respondent makes such products available to any other dealer located within 100 miles of the requesting dealer, or

(b) a repair or replacement part or any written materials necessary to repair or replace such hearing aid, to any person engaged in the repair of hearing aids when requested for such purpose, if respondent makes repair or replacement parts available to any dealer for such purpose; *provided, however,* That if no other provision of this Order is violated thereby:

(1) respondent may require as a condition to the availability directly from it of any of its products that the dealer or person referred to in 2(a) or (b) above has received instruction or met standards necessary for the fitting, servicing

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and/or repairing of respondent's hearing aids which are required at that time of all then existing dealers of respondent's products or all persons then engaged in the repair of respondent's products, so long as such instruction, if made available to any dealer or person, is made available by respondent on reasonable terms and conditions to all dealers or persons wanting to deal in or repair respondent's product,

(2) respondent may refuse to make available directly from it any of its products to any dealer or person if such requesting dealer or person is able promptly to obtain the product from another dealer or distributor at respondent's price to dealers for a single unit plus a reasonable handling charge, and

(3) respondent may refuse to make available directly from it any of its products to any dealer or person on other grounds related to that dealer's or person's professional competence or ethical conduct, so long as such refusals are uniformly made where such grounds exist:

3. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, report of sale, warranty limitation, use of names or addresses of a dealer's customers, or in any other manner, any arrangement or method of doing business which has the purpose or effect of restricting or limiting.

(a) the territory or area in which a dealer of respondent's hearing aids advertises, offers for sale, sells or repairs such products, or

(b) the persons with whom a dealer of respondent's hearing aids deals;

4. Failing to return any hearing aid submitted to respondent for repair directly to the person who submitted such product for repair, unless otherwise instructed in writing by such person;

5. Fixing, establishing, stabilizing, maintaining or suggesting the prices at which a dealer of respondent's hearing aids may or shall advertise, offer for sale, or sell to the public, or a person repairing respondent's hearing aid may repair, such products; *provided, however,* That nothing in this Order shall prohibit respondent after ten years from the date of entry of this Order from exercising any lawful rights it may then have under the Miller-Tydings Act, 50 Stat., 693 (1937) and the McGuire Act, 66 Stat. 632 (1952) with respect to hearing aids;

6. Requiring that a dealer participating in respondent's cooperative advertising program must not state or imply, in such cooperative adveristments, that the dealer also deals in other brands of hearing aids; *provided, however,* That respondent may continue to prohibit in such cooperative advertisement the stating of other brand names of hearing aids;

7. Requiring that a dealer of the respondent's hearing aids submit to respondent any name or address of any customer of such dealer, or maintaining, using, publishing or disseminating for any purpose any name or address of any customer of a dealer of the respondent's hearing aids obtained from such dealer after the date of this Order without securing a prior written consent of such dealer for such purpose;

8. Preventing any dealer from using respondent's product (brand) name in connection with the advertising, offering for sale, sale or repair of any of respondent's products, except that respondent may protect its rights in such name recognized at law;

9. Failing to include and deliver with any of respondent's hearing aids sold by respondent any express product warranty for such product provided by respondent to the user.

II.

It is further ordered, That respondent shall:

(a) Forthwith distribute a copy of this Order to each of its operating divisions, to its present corporate officers and to its present sales and repair personnel, and shall secure from each such officer, employee or other person, a signed statement acknowledging receipt of said Order;

(b) Within thirty (30) days after service upon it of this Order, distribute a copy of the letter appended to this Order and made a part hereof as Appendix A to each of its existing hearing aid dealers and to every person known to be engaged in the repair of respondent's products;

(c) Within sixty (60) days after service upon it of this Order, place a full-page advertisement in a trade journal or publication with circulation among hearing aid dealers, which advertisement shall clearly and conspicuously disclose the provisions of Part I of this Order;

(d) Within one hundred and twenty (120) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, including a list of all dealers and other persons on whom it has served a copy of Appendix A, and a copy of the publication which includes respondent's advertisement required by this Order;

(e) For a period of ten (10) years from the date hereof establish and maintain a file of all records referring or relating to respondent's refusal to sell to any hearing aid dealer, or person engaged in the business of repairing hearing aids, which file must contain a record of a communication to such dealers or persons explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice and annually, for a period of five (5) years from the date hereof, submit a report to the Commission listing the names of all dealers or persons with whom respondent has refused to deal over the preceding year, a description of the reason for the refusal, and the date of the refusal;

(f) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Issued: June 26, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

APPENDIX A—LETTER TO HEARING AID DEALERS

(OFFICIAL STATIONERY OF RADIOEAR CORPORATION)

Dear _____

Radioear Corporation has entered into a consent order agreement with the Federal Trade Commission which obligates the company not to impose various restrictions upon dealers or to engage in certain other practices. This agreement is for settlement purposes only and does not constitute an admission by the company that it has engaged in any unlawful conduct.

A copy of the pertinent provisions of the consent order is enclosed for your careful examination. If in the future you believe that any of its terms have been violated, the details may be reported in writing to:

Federal Trade Commission,
Bureau of Competition,
Washington, D.C. 20580

The entry of this consent order does not affect Radioear's method of consignment selling, so long as no provision of this order is violated, and we may continue to rely on our group of existing dealers as primarily responsible for the effective distribution and service of Radioear products. We look forward to continuing such an association with you consistent with the letter and spirit of our consent order agreement.

Sincerely yours,

(Name),
President,
Radioear Corporation.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (Title 15, U.S.C. Section 41, et seq.) and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the party identified in the caption hereof, and more particularly described and referred to hereinafter as respondent, has violated the provisions of Section 5 of the Federal Trade Commission Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the interest of the public, hereby issues its complaint stating its charges as follows:

Paragraph one. Respondent Radioear Corporation (hereinafter sometimes referred to as "Radioear") is a corporation organized under the laws of the State of Delaware, with its principal office and place of business at 375 Valley Brook Road, Canonsburg, Pennsylvania 15317. Radioear Corporation is a subsidiary of the Esterline Corporation, New York, New York.

Paragraph two. Respondent is engaged in the business of manufacturing, distributing, selling and repairing of Radioear brand hearing aids. It distributes and sells to selected retail dealers located throughout the United States, who then resell to the general public.

Paragraph three. In the course and conduct of its business, respondent ships or causes to be shipped hearing aids from its facilities in the State of Pennsylvania to selected retail dealers throughout the United States. There is now and has been for several years a constant and substantial flow of respondent's hearing aids in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Paragraph four. Except to the extent that competition has been restrained by reason of the practices hereinafter alleged, respondent's selected retail dealers, in the course and conduct of their business of offering for sale and selling Radioear hearing aids, are in substantial competition in commerce with one another and with dealers engaged in the offering for sale and selling of other brands of hearing aids; and respondent is in substantial competition in commerce with others engaged in the manufacturing, distributing, selling and repairing of hearing aids.

Paragraph five. Trade and commerce in the United States in hearing aids is substantial. In 1970, the total value of shipments amounted to $50 million at the manufacturers' prices, and is estimated to have exceeded $175 million at retail prices. In 1970, about fifty domestic manufacturers, domestic subsidiaries of foreign manufacturers and domestic distributors of foreign manufacturers sold approximately 510,000 hearing aids through 5,000 retail dealers who employed over 10,000 salesmen.

Paragraph six. In 1970, the top four companies in the hearing aid industry accounted for approximately 50% of the dollar value of shipments; the top eight companies, including respondent Radioear, accounted for approximately 70% of such shipments; and the top twenty companies accounted for over 90% of the industry's shipments.

Paragraph seven. In 1970, respondent Radioear, which has manufactured hearing aids since 1924, had sales in excess of two million dollars, making it the seventh largest hearing aid manufacturer in the United States market.

Paragraph eight. Hearing aids are sold by the manufacturers directly to the retail dealers, who resell the hearing aids to members of the general public. Wholesalers are rarely used in the distribution process. The success of the established manufacturers in selling their products has been based primarily on their ability to secure the services of retaile dealers to sell their products to the hearing handicapped. Similarly, to be successful, new entrants into the market must secure distribution through established dealers.

Approximately 60% of the retail sales of hearing aids occur as a result of initial, direct contact between the hearing aid dealer and the hearing handicapped, while most of the remaining sales are made after the hearing handicapped are referred to dealers by medical doctors or hearing clinics. It is the practice among medical doctors and hearing clinics, after having determined that an individual may benefit from use of a hearing aid, to recommend a hearing aid to the patient by the brand name and model, rather than by its general performance characteristics. This is done on the basis of actual tests with hearing aids which have been placed with such doctors or clinics by either the manufacturers or dealers. Then, because the doctors and clinics do not sell hearing aids, the patient is referred to the hearing aid dealer in his locale who deals in the brand of hearing aid recommended. While the average price of a hearing aid to a dealer is about $100, the average retail price to the hearing handicapped is about $350. More than 50% of the persons with hearing impairment who purchase hearing aids are over 65 years of age.

Paragraph nine. In the distribution and sale of their hearing aids, a number of the manufacturers of hearing aids for many years have used and pursued parallel courses of business behavior.

Among such courses of business behavior are the following:

(1) distributing and selling their hearing aids directly to selected retail dealers, refusing to deal with all other dealers;

(2) entering into agreements or understandings with their dealers, which agreements:

(a) establish territories within which the dealers may advertise and sell their products;

(b) require exclusive dealing in the manufacturers' products;

(c) assign sale or purchase quotas to be met by their dealers;

(d) encourage or require the use of the manufacturers' brand name in the dealers' trade styles;

(e) restrict the classes of customers with whom their dealers may deal;

(f) require their dealers to submit the names and addresses of their customers to the manufacturers;

(g) permit the manufacturer to terminate such agreements without cause upon thirty days notice; and

(h) in the event of such termination permit the manufacturers to repurchase the terminated dealers' products purchased from such manufacturers;

(3) refusing to issue the express product warranties to consumers unless and until their dealers have reported the names and addresses of their customers to the manufacturers;

(4) encouraging or requiring their dealers to participate in cooperative advertising programs which preclude mention that the dealers offer competing brands of hearing aids for sale;

(5) engaging in extensive national brand advertising of their hearing aids;

(6) suggesting to their dealers retail prices for hearing aids which are often more than 300% above the manufacturers' prices to the dealers, with such dealers generally selling at such suggested retail prices; and

(7) selling repair parts and offering repair service only to their selected dealers, refusing to sell such parts to all others, including independent repairmen or repair centers, and refusing to offer repair service to all other dealers.

The effect of the aforesaid parallel courses of business behavior has been to eliminate intra-brand and to hinder or suppress inter-brand competition in the hearing aid industry, and, further, to aggravate the unfair and anticompetitive effect of the acts and practices of the respondent as alleged in paragraphs ten and eleven.

Paragraph ten. In the course and conduct of its business of manufacturing, distributing, selling and repairing Radioear hearing aids in commence, respondent Radioear pursues the following course of action:

A. It requires its selected dealers to sell Radioear hearing aids within assigned geographic territories;

B. It requires its selected dealers to deal exclusively in Radioear hearing aids;

C. It fixes, establishes, controls and maintains the retail prices at which its dealers sell Radioear hearing aids;

D. It prohibits its dealers from dealing with certain potential customers;

E. It prohibits others, not its dealers, from dealing in, or repairing Radioear hearing aids; and

F. It appropriates and uses for its own purposes the names and addresses of its dealers' customers.

Paragraph eleven. In furtherance of this course of action, respondent has been and now is engaged in the following acts and practices, among others:

(1) Respondent uses agreements or understandings which

(a) require a dealer to sell Radioear hearing aids within an assigned territory on penalty of forfeiting his sales profit to another Radioear dealer in whose territory sales would be made;

(b) require a dealer to deal exclusively in Radioear hearing aids within that assigned territory upon penalty of appointment of additional dealers in such territory;

(c) require a dealer to sell Radioear hearing aids only to customers found within the assigned territory;

(d) require a dealer to sell Radioear hearing aids at prices established by respondent;

(e) require a dealer to submit to the respondent the names and addresses of each customer who purchases Radioear hearing aids;

(f) condition the express product warranty on the submission of the names and addresses of each such customer to the respondent;

(g) prohibit a dealer from dealing with the United States Government, State Governments or agencies thereof; and

(h) allow for immediate termination of contract upon dealer's violation of any provision thereof;

(2) Respondent encourages or permits its dealers to use the Radioear brand name, in conjunction with a geographic identification of the dealers' locations, or otherwise, in the dealers' trade styles;

(3) Respondent issues to its dealers price lists in which the retail prices for Radioear hearing aids are set forth;

(4) Respondent offers to its dealers a cooperative advertising plan which provides that Radioear will not share the cost of any dealer advertisement which mentions in any way that the dealer also offers for sale other brands of hearing aids;

(5) Respondent refuses to ship additional merchandise to a dealer unless or until the dealer submits to Radioear the names and addresses of the purchasers of hearings aids previously shipped to the dealer;

(6) Respondent refuses to sell to all but a few dealers, selected in such a manner that each of such selected dealers enjoys territorial exclusivity so that he is not in competition with any other dealer selling Radioear hearing aids;

(7) Respondent refuses to sell Radioear repair parts or to provide schematics to all dealers, or to persons engaged in the business of repairing or servicing hearing aids;

(8) Respondent refuses to supply Radioear promotional and advertising materials, price lists, hearing aid specifications or performance information to all dealers;

(9) Respondent prohibits its selected dealers from selling Radioear hearing aids to other dealers of hearing aids;

(10) Respondent provides in its standard-form contract that Radioear has the right to terminate the contract, at any time, upon thirty days notice to the dealer; and

(11) Respondent provides in said contract that in the event of termination:

(a) a dealer is required to discontinue the use of Radioear brand name in his name, sign or advertising in connection with hearing aid business;

(b) a dealer is prohibited from receiving any mail addressed to him in a manner including the name Radioear in it, and he is to instruct the postmaster to forward such mail either to the respondent or to a person of respondent's choice;

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(c) a dealer is prohibited from using Radioear advertising material and must either destroy it or return it to respondent; and

(d) Radioear has the right to reacquire the terminated dealer's inventory of Radioear hearing aids.

Paragraph twelve. The acts and practices of respondent enumerated hereinabove in paragraphs ten and eleven, taken either individually or collectively, are oppressive, coercive, unfair and anticompetitive, and have the tendency and capacity of hindering, suppressing or eliminating competition, or constitute unfair methods of competition, or unfair acts or practices, with the following effects, among others:

(1) Competition between respondent and other manufacturers of hearing aids has been hindered and suppressed;

(2) Competition among dealers dealing in Radioear hearing aids has been eliminated;

(3) Such dealers have been deprived of their freedom to select their customers and otherwise to function as free and independent businessmen;

(4) Such dealers have been deprived of their ownership of, and freedom to maintain, confidential lists of their customers;

(5) Competition among dealers dealing in Radioear hearing aids and dealers dealing in other brands of hearing aids has been hindered and suppressed;

(6) Retail dealers of hearing aids have been deprived of their freedom to act in the best interests of the hearing-impaired public;

(7) Consumers have been deprived of their right to fair and impartial recommendations from dealers in the selection of hearing aids for the alleviation of their hearing impairment;

(8) Consumers have been deprived of the benefits of free competition; and

(9) Those engaged in the repairing or servicing of hearing aids in competition with respondent have been deprived of their right to repair or service Radioear hearing aids.

Paragraph thirteen. The aforesaid acts and practices of respondent have the tendency unduly to restrict and restrain competition and have injured, hindered, suppressed, lessened or eliminated actual or potential competition, are to the prejudice and injury of the public, and constitute unfair methods of competition in commerce and unfair acts and practices in commerce, in violation of Section 5 of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 26th day of June, A.D. 1973, issues this, its complaint, against said respondent.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-14616 Filed 7-17-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2A2743) filed by Betz Laboratories, Inc., Somerton Road, Trevose, PA 19047, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of sodium carboxymethylcellulose in the preparation of steam that will contact food. The additive is a grade of sodium carboxymethylcellulose which does not comply with food grade specifications. It is not violatile but minor amounts may be carried over with steam by entrainment in boiler operations and come in contact with steam-treated food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1088(c) is amended by alphabetically inserting a new item in the list of substances as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) List of substances:

	Limitations
* * *	* * *
Sodium carboxymethylcellulose	Contains not less than 95 percent sodium carboxymethylcellulose on a dry-weight basis, with maximum substitution of 0.9 carboxymethyl groups per anhydroglucose unit, and with a minimum viscosity of 15 centipoises for 2 percent by weight aqueous solution at 25° C.; such determinations to be made by methods prescribed in Food Chemicals Codex (Second Edition)[1] monograph for sodium carboxymethylcellulose.
* * *	* * *

* * * * *

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, D.C. 20037.

Any person who will be adversely affected by the foregoing order may at any time on or before August 17, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 18, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 11, 1973.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register July 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14603 Filed 7-17-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-232]

DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective July 1, 1973.

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the mortgage was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5¾	July 1, 1971	January 1, 1972.
5⅞	January 1, 1972	July 1, 1972.
5⅞	July 1, 1972	January 1, 1973.
5¼	January 1, 1973	July 1, 1973.
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5¾	July 1, 1971	January 1, 1972
5⅞	January 1, 1972	July 1, 1972
5⅞	July 1, 1972	January 1, 1973
5¼	January 1, 1973	July 1, 1973
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In 207.259 paragraph (e)(6) is amended to read as follows:,

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5¾	July 1, 1971	January 1, 1972.
5⅞	January 1, 1972	July 1, 1972.
5⅞	July 1, 1972	January 1, 1973.
5¼	January 1, 1973	July 1, 1973.
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semi-annually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the loan was endorsed for insurance, whichever rate is higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5¾	July 1, 1971	January 1, 1972
5⅞	January 1, 1972	July 1, 1972
5⅞	July 1, 1972	January 1, 1973
5¼	January 1, 1973	July 1, 1973
6	July 1, 1973	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of July 1, 1973.

WOODWARD KINGMAN,
Acting Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

VINCENT HEARING,
Acting Assistant Secretary for Administration.

[FR Doc.73-14511 Filed 7-17-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 50—STATEMENTS OF POLICY

[Order No. 530-73]

Policies With Regard to the Defense of Civil Actions Under the Freedom of Information Act and the Functions of the Freedom of Information Committee

Under and by virtue of the authority vested in me by section 509 of Title 28 of the United States Code, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section:

§ 50.9 Policies with regard to the defense of civil actions under the Freedom of Information Act and the functions of the Freedom of Information Committee.

(a) No civil action against a federal agency under the Freedom of Information Act, 5 U.S.C. 552, shall be defended by the Civil Division, the Tax Division or any other part of the Department of Justice unless the Department's Freedom of Information Committee has been consulted by the agency. This does not preclude the defense of a premature suit, brought before the agency's final denial of the materials at issue, provided that the agency as promptly as possible upon the filing of the suit brings the matter before the Committee.

(b) The Freedom of Information Committee referred to in this section is the committee of lawyers in the Office of Legal Counsel and in the Civil Division which was first established December 8, 1969. The functions and current membership of the Committee are noted in a memorandum from the Attorney General to the heads of all agencies issued at the time of the adoption of this section.

(c) The Committee is instructed to make every possible effort to advance the objective of the fullest responsible disclosure. To this end, in connection with its consultations with agencies that propose to issue final denials under the Act, the Committee shall, in addition to advising the agency with respect to the legal issues, invite the attention of the agency to the range of public policies reflected in the Act, including the central policy of the fullest responsible disclosure. The Committee may also request assistance and make studies and recommendations to carry out the intent of this paragraph.

Dated: July 11, 1973.

ELLIOT L. RICHARDSON,
Attorney General.

[FR Doc.73-14649 Filed 7-17-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Mailing of Switchblade Knives

Regulations dealing with the mailing of switchblade knives are amended to delete a requirement for special markings on the parcels containing such knives. Accordingly, § 124.6 *Switchblade knives* is amended as follows as of July 18, 1973.

1. Paragraph (b) *Marking of Parcels* is deleted from § 124.6.

2. Paragraph (c) *Identification of Addressee* of § 124.6 is redesignated as paragraph (b).

3. Paragraph (d) *Explanation of Mailing* of § 124.6 is redesignated as paragraph (c).

(39 U.S.C. 401, 3001).

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14660 Filed 7-17-73;8:45 am]

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PART 232—POSTAL LOSSES AND OFFENSES

Arrest and Subpoena Powers of Postal Inspectors

Regulations regarding arrest and subpoena powers of the Postal Inspectors are amended to conform to the language of 18 U.S.C. 3061, as amended by section 6(j)(38)(A) of the Postal Reorganization Act (P.L. 91-375, 84 Stat. 719). Section 6(j)(38) took effect on July 1, 1971. Inasmuch as the arrest and subpoena powers of the Postal Inspectors are statutory in nature, the current amendment to the Code of Federal Regulations should not be construed as affecting the exercise of such powers before publication of this amendment in the FEDERAL REGISTER.

Accordingly, paragraph (b) of § 232.5 is amended to read as follows:

§ 232.5 Arrest and subpena powers of postal inspectors.

* * * * *

(b) *Limitations.* The powers granted by paragraph (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the Postal Service, including property of the Postal Service, the use of the mails, and other postal offenses.

(39 U.S.C. 401; 18 U.S.C. 3061)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14661 Filed 7-17-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

Products or Services Presented for Procurement Consideration

A new subpart is added which contains applicable detailed procedures governing additions of new items (commodities and nonpersonal services) into Federal procurement programs.

PART 5A-1—GENERAL

Part 5A-1 is amended by the addition of new Subpart 5A-1.54, as follows:

Subpart 5A-1.54—Products or Services Presented for Procurement Consideration

Sec.
5A-1.5401 Policy.
5A-1.5402 [Reserved]
5A-1.5403 Initial referral of inquiries.
5A-1.5404 Processing of inquiries.
5A-1.5405 Processing of completed application forms.

Subpart 5A-1.54—Products or Services Presented for Procurement Consideration

§ 5A-1.5401 Policy.

(a) Consistent with the Government's general policy on being responsive to technological advances in industry by adopting, when appropriate, new and improved methods for performing services or new and improved articles into its system, the following policies, responsibilities, and procedures are prescribed.

(b) Generally, a person or concern wishing to present a new or improved article or new method of service to the Federal Supply Service will do so, or should be advised to do so, by presenting his case to any GSA Business Service Center (BSC). The presentation shall be in the form of an application. (See § 5A-1.5403.)

(c) The BSC will transmit the application to the Data Management Branch (FMSD), Standardization Division, Office of Standards and Quality Control, for initial processing. (See §§ 5A-1.5404 and 5A-1.5405.)

(d) If FMS finds the new or improved article or service adaptable for a try-out in the Federal Supply system, it will forward the application to the National Buying Center Division (FPN). (See § 5A-1.5405.)

(e) FPN will then take any one of the following actions, if the item is found suitable for introduction (see § 5A-1.5405(c)):

(1) Include the item in an existing Federal Supply Schedule;

(2) Include the item in the stock program;

(3) Include the item in a special New Item Introductory Schedule;

(4) Use one or more self-service stores for the test; or

(5) Use any other action to test the suitability of the new improved article or service for introduction into the system.

§ 5A-1.5402 [Reserved]

§ 5A-1.5403 Initial referral of inquiries.

Unsolicited written offers presented for procurement consideration by persons or firms to any Federal Supply Service activity and involving new or improved articles or services shall be transmitted promptly to the Business Service Center (BSC) serving the organizational element which received the offer. The original receiving activity shall acknowledge receipt of the offer and advise that the offer has been referred to the BSC for further action and that any further inquiries should be directed to the BSC (give full address and telephone number). If the presentation is made orally, the person making the presentation shall be referred to the BSC.

§ 5A-1.5404 Processing of inquiries.

(a) Upon receipt of an unsolicited offer for procurement consideration involving new or improved articles or services by the Business Service Center (BSC), the BSC will determine whether or not there is any possibility that the type of article or service would lend itself for procurement by GSA. If it is clear that the article or service would not in any way fit into the GSA procurement program, the BSC will advise the offeror accordingly and provide him with appropriate counseling with respect to the possibility that other agencies may have a procurement interest in the offer.

(b) When there is a possibility that the offered new or improved item or service would fit into the GSA procurement program, the BSC will provide the offeror with a minimum of four copies of GSA Form 1171, Application for Presenting New or Improved Articles, which the offeror is to complete and return to the BSC in triplicate. (For illustration of GSA Form 1171 and the applicable instructions for submitting GSA Form 1171, see § 5A-16.950-1171.) A copy of GSA Form 1171, Instructions for Submitting Applications for Presenting New or Improved Articles, will also be provided to the applicant.

§ 5A-1.5405 Processing of completed application forms.

(a) The Business Service Center (BSC) will (i) when completed GSA Form 1171 is received as a result of the consultation mentioned in § 5A-1.5404(b), above, review the application for completeness, or (ii) if the GSA Form 1171 is received without the above-mentioned consultation, review the application for completeness and from the aspects of acceptability of the products, as set forth in § 5A-1.5404(a), above, and (iii) promptly forward two copies of the acceptable application to Data Management Branch (FMSD), Standardization Division, Office of Standards and Quality Control. If the application is not acceptable, the BSC will advise the applicant accordingly (i) in accordance with § 5A-1.5404(a), above, or (ii) what corrective actions he needs to take to make the application acceptable.

(b) FMS shall evaluate each application and record its findings on GSA Form 6477, New Item Application Summary. (For illustration of GSA Form 6477, see § 5A-16.950-6477.)

(1) When FMS determines that the products or services presented in the application are not acceptable for inclusion in the GSA system, FMS will notify the applicant accordingly and furnish a copy of this notification to the BSC in (a), above. Procuring activities will normally not be consulted concerning these notifications.

(2) When the FMS evaluation recommends including certain products or services in the GSA system, or when it identifies applicant's products as being similar to GSA-managed items (items already carried in stock or on Federal Supply Schedules), FMSD shall forward one copy of GSA Form 1171, one copy of GSA Form 6477, and any related material to the National Buying Center Division (FPN) which will have final responsibility for edtermining the acceptability of the offered products or services.

(c) The National Buying Center Division (FPN) shall, upon receipt from FMSD of GSA Forms 1171 and 6477 and any related material, if the products are similar to GSA-managed items, advise applicant to apply for a Bidders Mailing List listing (see § 5A-76.306), or in all other cases:

(1) Establish a New Item case file;

(2) Prepare GSA Form 6220, Introductory Contractor's Record (for illustration see § 5A-16.950-6220), and include this form in the case file;

(3) Review the FMS recommendation to determine whether the offered new or improved article or service is still suitable for introduction into the procurement program or whether certain factors were uncovered during this review which indicate that an introduction would not be in the Government's best interest.

(i) If the review calls for rejecting the introduction into the system, FPN should contact FMS to obtain agreement on the rejection. (FPN is not required to make this contact since FPN has final responsibility for determining acceptability of the application, but may wish to do so to corroborate the decision to reject.)

(ii) The rejection shall be recorded on GSA Form 6477, mentioning FMS agreement, when appropriate. The New Item case file shall be closed out after including completed GSA Form 6477 and a copy of a letter from FPN to the applicant explaining why the application was rejected. A copy of this letter to the applicant shall be forwarded to FMSD and to the BSC in (a), above.

(4) If FPN finds the new or improved article or service suitable, a determination shall be made about the most appropriate method of procurement. This determination shall be entered on GSA Form 6477, including the reasons for the selection. The applicant shall be notified in writing (with copy to the BSC) when it has been determined to accept his product or service. Following is a guide for making selections for the method of procurement:

(i) *Use of existing Federal Supply Schedules.* If a new or improved item (commodity or service) is related to and is suitable for inclusion in an existing Schedule, it will be so assigned. If the item is to be procured competitively, a request for specification shall be initiated immediately.

(ii) *Use of stock system.* While, as a general rule, the New Item Introductory Schedule method is preferred for the initial introduction of a new item, there are circumstances which may justify its introduction directly into the stock system, if there is evidence of existing demand. Such demand must be sufficiently large to meet the criteria for inclusion in the stock program. Evidence of existing demand must be filed in the case file and may be in the form of statements from any Federal agency or FSS region. However, before an item can be placed into the stock system a specification must be developed in order to permit competitive procurement.

(iii) *New Item Schedule.* If the item is not suitable to warrant its inclusion in the stock program or in an existing Schedule, it may be considered for assignment to a "New Item Introductory Schedule" as described below.

(A) The New Item Introductory Schedule is to provide an economical and expeditious method for testing the demand for new items for which demand is unknown or uncertain. Procurement of items on the New Item Introductory Schedule will be on a proprietary brand name basis during the period of the testing of demand. (Authority: Section 302(c)(10) Federal Property and Administrative Services Act, as amended.)

(B) Noncompetitive procurement of these items will avoid the delay of preparing specifications and developing a list of bidders for items which may not result in sufficient demand to warrant their inclusion in a regular supply program. The New Item Introductory Schedule has the following characteristics:

(I) Covers all FSC classes;

(II) Mandatory for use by GSA and optional for use by all other Federal agencies;

(III) Remains continuously in effect with items added or deleted by subsequent cumulative issuances, representing a conglomerate of individual annual indefinite quantity negotiated contracts of brand name items with provision for annual renewals not to exceed a total period of 3 years;

(IV) Contains a provision for evaluation by the contracting officer with respect to demand at the end of 1 year to determine whether to (a) drop the item from further consideration, (b) incorporate the item in one of the regular supply programs on a competitive basis, or (c) continue under New Item Introductory Schedule for renewal but not to exceed a total of 3 years to obtain additional data.

(iv) *Pilot testing in self-service store.* As a supplementary method of establishing demand, a new item may be designated for demand testing in the self-service store system. In this event, necessary arrangements will be made with the Chief, Special Programs Branch (FSDP), Office of Supply Distribution, including the provision for a report of sales on the item from the self-service store.

(v) *Other actions.* Other actions may be taken to include an accepted item into the system as necessary. For example, this may be by the use of GSA Form 1303, Request for Federal Cataloging Action, procedure to obtain a Federal Stock Number, by registering the item and assigning an item status code, etc.

(d) For properly monitoring the new item program and as a management tool, organizational elements within the Federal Supply Service which are parties to any actions dealing with this program shall establish periodic monitoring and reporting procedures.

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to add the following new entries:

5A-16.950-1171	GSA Form 1171, Application for Presenting New or Improved Articles, and Instructions for Submitting the Form.
5A-16.950-6220	GSA Form 6220, Introductory Contractor's Record.
5A-16.950-6477	GSA Form 6477, New Item Application Summary.

NOTE: Copies of the forms illustrated in Part 5A-16 are filed with the original documents.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective on August 1, 1973.

Dated: July 2, 1973.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.73-14695 Filed 7-17-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

[Docket No. HM-22; Amdt. No. 171-19]

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

PART 171—GENERAL INFORMATION AND REGULATIONS

Matter Incorporated by Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to the addenda to sections VIII (division I) and IX of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code."

On April 23, 1973, the Board published a notice of proposed rule making, Docket No. HM-22; Notice No. 73-3 (38 F.R. 10014) proposing to make the above change. One comment was received which was in agreement with the proposal.

In consideration of the foregoing, Title 49, Part 171, is amended as follows:

In § 171.7, paragraph (d)(1) is amended to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1971 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through December 31, 1972.

* * * * *

This amendment is effective Sept. 30, 1973. However, immediate compliance with the regulations, as amended herein, is authorized.

(Sec. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472, 1655(c))

Issued in Washington, D.C. on July 12, 1973.

JAMES F. RUDOLPH,
Board Member for the
Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member for the
Federal Highway Administration.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

W. F. REA, III,
Rear Admiral, Board Member for
the United States Coast Guard.

[FR Doc.73-14680 Filed 7-17-73;8:45 am]

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CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1083; Amdt. 4]

PART 1033—CAR SERVICE

Southern Pacific Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1083 (36 FR 21203, 23803; 37 FR 12726; and 38 FR 876), and good cause appearing therefor:

It is ordered, That:

§ 1033.1083 *Service Order No. 1083* (Southern Pacific Transportation Company authorized to operate over tracks of the Texas and Pacific Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14715 Filed 7-17-73;8:45 am]

[Second Rev. S. O. 1117, Amdt. 1]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars or Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Second Revised Service Order No. 1117 (38 FR 7332), and good cause appearing therefor:

It is ordered, That:

§ 1033.117 *Service Order No. 1117* (Substitution of hopper cars for covered hopper cars or boxcars) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14713 Filed 7-17-73;8:45 am]

[S.O. 1125, Amdt. 1]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1125 (38 F.R. 6883), and good cause appearing therefor:

It is ordered, That:

§ 1033.1125 *Service Order No. 1125* (*St. Louis-San Francisco Railway authorized to operate over tracks of the Kansas City Southern Railway Company*) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14714 Filed 7-17-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 18, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kansas, is permitted from October 1, through November 25, 1973, inclusive, and from December 16, through December 31, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the office of the Regional Director, Bureau of Sports Fisheries and Wildlife, 10597 W 6th Ave, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

JULY 6, 1973.

[FR Doc.73-14647 Filed 7-17-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

NONQUOTA MARYLAND BROADLEAF TOBACCO, U.S. TYPE 32

Identification and Certification

Notice is hereby given that the U.S. Department of Agriculture has under consideration the issuance of regulations governing the identification and certification of nonquota Maryland Broadleaf tobacco, U.S. type 32, produced and marketed in quota areas, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration. Historically, Maryland Broadleaf tobacco, U.S. type 32, was generally produced under marketing quotas. This limited its production and sales without penalty to those growers issued acreage allotments under the quota system. Penalty assessments were made for all production outside quota allocation. Referendums are held in tobacco-growing areas to determine whether growers favor or disfavor marketing quotas. Beginning with the 1966 crop, growers of type 32 tobacco have consistently disapproved use of the quota system. The lifting of controls and penalties governing the production of type 32 tobacco resulted in increased production of this tobacco in the burley and flue-cured quota areas.

Official standard grades are in effect for the inspection and grading of all major tobacco types produced in the United States and Puerto Rico. About 95 percent of this production is sold at auction where inspection is mandatory. The tobacco is displayed for sale in warehouses in individual lots, piles, baskets, or sheets for inspection and grading. The remaining percentage is largely cigar leaf, most of which is purchased at the farm and the rest is marketed through tobacco cooperatives. Inspection service is provided upon request on a permissive basis.

Past certifications of nonquota Maryland tobacco produced and marketed in quota areas show the need for establishing procedures to follow in certifying such tobacco as to type. The proposed regulations would establish procedures to accomplish this purpose. They would apply to mandatory and permissive inspection as authorized or required under Sections 5 and 6 of The Tobacco Inspection Act.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 122 Administration Building, Washington, D.C. 20250, on or before August 17, 1973. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27 (b)).

The proposed regulations are as follows:

1. Part 29 is revised by designating §§ 29.9201 through 29.9400 as Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Maryland Broadleaf Tobacco, U.S. Type 32, Produced and Marketed in a Quota Area.

2. The proposed Subpart F would read as follows:

Subpart F—Policy Statement and Regulations Governing the Identification and Certification of Nonquota Maryland Broadleaf Tobacco, U.S. Type 32, Produced and Marketed in a Quota Area

DEFINITIONS

Sec.
29.9201 Terms defined.
29.9202 Certification.
29.9203 Crop-lot.
29.9204 Identification number (farm serial number).
29.9205 Inspection.
29.9206 Mandatory inspection.
29.9207 Nonquota tobacco.
29.9208 Permissive inspection.
29.9209 Receiving stations.
29.9210 Symbol "M–32."

POLICY STATEMENT

29.9221 Policy statement.

ADMINISTRATION

29.9231 Administration.
29.9232 Where inspection and certification are available.
29.9233 When certification will be made.
29.9234 Who may obtain inspection and certification.
29.9235 Responsibilities of interested parties.
29.9236 How to make application.
29.9237 Form of application.
29.9238 When application deemed filed.
29.9239 When application may be rejected.
29.9240 When application may be withdrawn.
29.9241 Accessibility of tobacco.

FEES AND CHARGES

29.9251 Fees for inspection and certification services performed under agreement.
29.9252 Fees and charges for inspection and certification services other than under an agreement.

INSPECTING AND CERTIFYING PROCEDURES

Sec.
29.9261 Procedure to be followed.
29.9262 Kinds of certificates.
29.9263 Tobacco classification certificate.
29.9264 Basket ticket.
29.9265 Forms.
29.9266 Disposition of certificate.
29.9267 Disposition of ticket.
29.9268 Changes or alterations.

PRECLUSION

29.9281 Preclusion.

AUTHORITY: Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.)

DEFINITIONS

§ 29.9201 Terms defined.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.9202 Certification.

The documentation of type, grade, class, weight, or other tobacco characteristics as required in § 29.9263.

§ 29.9203 Crop-lot.

The collective individual lots comprising the season's production of each kind or type of nonquota tobacco produced on an individual farm.

§ 29.9204 Identification number (farm serial number).

The serial number assigned to an individual farm by the appropriate office of the Agricultural Stabilization and Conservation Service.

§ 29.9205 Inspection.

The examination by an inspector of a lot or crop-lot of tobacco to make determinations necessary for proper certification.

§ 29.9206 Mandatory inspection.

Mandatory inspection consists of inspecting and certifying tobacco under the act on designated markets before it is offered for sale at auction.

§ 29.9207 Nonquota tobacco.

Any kind or type of tobacco not subject to production and/or marketing limitations or restrictions under regulations issued by the Agricultural Stabilization and Conservation Service.

§ 29.9208 Permissive inspection.

Permissive inspection consists of inspecting and certificating tobacco, upon the request of an interested party, on a cost basis as set forth in §§ 29.9251 and 29.9252.

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§ 29.9209 **Receiving stations.**

Approved tobacco auction warehouses on designated markets.

§ 29.9210 **Symbol "M–32".**

The designation used to identify Maryland Broadleaf tobacco, U.S. Type 32.

POLICY STATEMENT

§ 29.9221 **Policy statement.**

Nonquota Maryland tobacco, U.S. Type 32, is being produced and marketed in the burley and flue-cured areas. Both burley and flue-cured tobaccos are produced under the quota system. The official standard grades developed for all major tobacco types produced in the United States and Puerto Rico are adequate for inspection and grading at the market centers. However, these standards do not provide adequate procedure for certifying nonquota tobacco produced and marketed in quota areas. Accordingly, the regulations in this subpart contain a procedure to follow in the certification of nonquota Maryland tobacco, type 32, grown and marketed outside of the State of Maryland. Certification services shall be made available to an interested party or his authorized agent following receipt of appropriate application. These services will be provided at approved receiving stations during a 90-day period beginning April 15 of each calendar year. This will allow producers of such tobacco in a quota area adequate time to bring the tobacco to the normal stage of cure and moisture content before certification. Determinations with respect to certifications on nonquota type 32 tobacco shall be based on the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32.

ADMINISTRATION

§ 29.9231 **Administration.**

The Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, is charged with the supervision of the Division and the performance of all duties assigned thereto in the administration of the act. The conduct of all services and the licensing or employment of inspection/grading/sampling personnel under these regulations shall be accomplished without discrimination as to race, color, creed, sex, or national origin. Information concerning such administration may be obtained from the Director.

§ 29.9232 **Where inspection and certification are available.**

Nonquota tobacco may be inspected and certified by class or type, upon request of an interested party, when the tobacco is displayed at approved receiving stations under conditions that permit of its proper examination and where there is a sufficient volume of work to justify the stationing of an inspector.

§ 29.9233 **When certification will be made.**

Certification services for the nonquota tobacco shall be made available during a 90-day period beginning April 15 of each calendar year. This section shall not affect provisions of existing cooperative agreements with the various tobacco producing states or state agencies.

§ 29.9234 **Who may obtain inspection and certification.**

Inspection and certification of nonquota tobacco may be requested by an interested party, or his authorized agent, by filing an application in accordance with §§ 29.9236 and 29.9237.

§ 29.9235 **Responsibilities of interested parties.**

Any interested party requesting type certification of nonquota tobacco produced in a quota area, shall obtain from the appropriate county office of the Agricultural Stabilization and Conservation Service a certificate showing the acreage of nonquota tobacco grown on each affected farm and the identification number. It shall also be the responsibility of the person or persons or agents desiring type certification of this tobacco to: (a) Make available to the official inspector any or all information required by the inspector for completion of the Tobacco Classification Certificate, (b) display the tobacco in crop-lot arrangement on an approved tobacco auction floor, and (c) surrender to the inspector at time of certification a copy of the ASCS certificate.

§ 29.9236 **How to make application.**

Application for inspection and certification by class or type of nonquota tobacco shall be made to the Division the office of inspection, or as the case may be, to an official inspector, not less than 14 days before the date of certification. The application shall be in writing and signed by the applicant or applicants.

§ 29.9237 **Form of application.**

Application for inspection and certification of class or type of nonquota tobacco shall include the following information: (a) The date of the application; (b) the designation of the tobacco and the crop year of its production; (c) the name and post-office address of the applicant and of the person, if any, making the application as agent; (d) the financial interest of the applicant in the tobacco; (e) the exact nature of the service desired as (1) inspection and grading, and/or (2) inspection and certification by class or type; (f) a statement that the tobacco (1) is in commerce, as defined in the act, or (2) is to be inspected and certified in connection with its entering such commerce; and (g) such other necessary information as the Director may require.

§ 29.9238 **When application deemed filed.**

An application shall be deemed filed when delivered to the Division, the office of inspection, or according to the nature of the service requested, to an official inspector. When an application is filed, the date and time of filing shall be recorded by the official receiving it.

§ 29.9239 **When application may be rejected.**

An application may be rejected (a) for noncompliance with the act or the regulations in this subpart, or (b) when it is not practicable to provide the service. All expenses incurred in connection with an application rejected for noncompliance with the act or the regulations in this subpart shall be paid by the applicant as provided in § 29.124 of Subpart B of this part.

§ 29.9240 **When application may be withdrawn.**

An application may be withdrawn at any time before the requested service is rendered upon payment of expenses incurred in connection therewith as provided in § 29.124 of Subpart B of this part.

§ 29.9241 **Accessibility of tobacco.**

All tobacco to be inspected and certified by class or type upon application shall be made accessible by the applicant for proper examination, including any necessary display in proper light for determination of grade, class, type, or other characteristics or for drawing of samples. The tobacco shall be displayed on baskets or sheets in crop-lot arrangement at an approved receiving station. The baskets or sheets shall be arranged in rows 18 inches apart with the leaves of adjacent baskets or sheets not touching within the rows. Coverings shall be removed by the applicant in such manner as may be prescribed by the inspector.

FEES AND CHARGES

§ 29.9251 **Fees for inspection and certification services performed under agreement.**

The fees to be charged and collected for service performed under an agreement shall be those provided for by such agreement.

§ 29.9252 **Fees and charges for inspection and certification services other than under an agreement.**

Fees and charges for inspection and certification services at receiving points shall comprise the cost of travel expenses, per diem allowances, and salaries. Charges as computed in accordance with this part shall be increased by 8 percent to cover administrative expenses.

INSPECTING AND CERTIFYING PROCEDURES

§ 29.9261 **Procedure to be followed.**

In permissive or mandatory inspections and certifications of nonquota Maryland tobacco the inspector shall use the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32, to determine whether the crop-lot can or cannot be classified as and certified to be type 32. When the inspector determines that each individual pile, basket, or sheet in the crop-lot can be graded in one of the standard grades for type 32, he shall certificate the entire crop-lot to be that type. If the inspector determines that each individual pile, basket, or sheet in the crop-lot cannot be graded in one of the standard grades for type 32, he shall then establish which official standard grades are applicable and certify each pile, basket, or sheet to show the appropriate class and type.

§ 29.9262 **Kinds of certificates.**

A "Tobacco Classification Certificate" will be issued upon request of an interested party for the nonquota tobacco certified under mandatory or permissive inspection. The Tobacco Classification Certificate will be supplied by the inspection office. In addition to this certificate a basket ticket shall be provided by the interested party, or his agent or warehouseman, for each individual pile, basket, or sheet of tobacco in the crop-lot.

§ 29.9263 **Tobacco Classification Certificate.**

Each tobacco classification certificate shall show (a) the caption "Tobacco Classification Certificate"; (b) whether it is an original, first second, or other copy; (c) the number of the certificate; (d) the identification number; (e) the location of the tobacco at the time of inspection and certification; (f) the date of inspection and certification; (g) the class or type of the tobacco; (h) the number of baskets, piles, or sheets in the crop-lot; (i) the weight of the crop-lot; (j) the signature of the official inspector; also such additional information as may be required by the Director.

§ 29.9264 **Basket ticket.**

A basket ticket shall consist of a Tobacco Inspection Certificate made and issued in combination with an auction warehouse ticket in a form approved by the Director. The commissioned agent or warehouseman shall show (a) the producer's name; (b) the identification number; (c) the weight of the individual lot; also such additional information as may be required by the Director. The tobacco inspector shall then complete the basket ticket by entering the special symbol "M–32" for all tobacco determined to be Maryland Broadleaf, U.S. Type 32. If the inspector determines the lot cannot be graded in one of the official type 32 grades, he shall enter the appropriate grade or type designation, then initial and date.

§ 29.9265 **Forms.**

Each certificate issued under this regulation shall (a) show that it was issued under The Tobacco Inspection Act; (b) be in a form approved for the purpose by the Director, and (c) embody within its written or printed terms, with respect to the particular kind of service, all applicable information required by § 29.9263. Each certificate may also contain any information, not inconsistent with the act and the regulations in this subpart, as may be approved or required by the Director. The Director may, in his discretion, specify or limit the period in which a certificate shall be valid.

§ 29.9266 **Disposition of certificate.**

Distribution of the Tobacco Classification Certificate shall be limited to the provisions of this section. The original certificate and one copy shall be delivered or mailed to the applicant or his agent. One copy and the copy of the ASCS certificate shall be forwarded by the inspector to the Division or office of inspection.

§ 29.9267 **Disposition of ticket.**

One copy of the basket ticket shall be attached to, or placed on, the individual lot and all copies of such ticket shall become null and void when such identifying copy is removed from the lot. When and as requested by the Director, one copy of such ticket, showing (a) the certification of class, type, or grade; (b) the weight and other identification; and (c) the details of the sale at auction, shall be delivered by the interested party, or his agent or warehouseman, to the Division or the head inspector of the market.

§ 29.9268 **Changes or alterations.**

No change or alteration shall be made, in the weight or other identification of the lot, on a basket ticket or the Tobacco Classification Certificate after the certification of class, type, or grade by an official inspector, and any such change or alteration shall constitute and be construed as a change or alteration in the certificate issued or authorized under the act.

PRECLUSION

§ 29.9281 **Preclusion.**

The provisions of this subpart shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the act.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 12th day of July 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73–14700 Filed 7–17–73;8:45 am]

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Limitation of Handling

This notice sets forth the proposed grade, size and container requirements on the handling of fresh Idaho-Oregon prunes during the period August 1, 1973, through August 31, 1974. These proposed requirements are that the prunes grade at least U.S. 1, have a minimum size of 1¼ inches and prunes in containers other than the ½ bushel basket weigh less than 20 pounds or over 30 pounds.

Notice is hereby given that the Department is considering the following proposals of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Idaho-Oregon's 1973 prune crop is estimated at 600 cars. Fresh shipments are expected to start in early August, 1973, and total 565 cars. It is expected that ample supplies of desirable sizes and grades of fresh prunes will be available to fill fresh market needs. Such proposed regulation, with its grade and size requirements is desirable to prevent the handling on and after August 1, 1973, of lower quality and smaller size fresh prunes which do not provide consumer satisfaction and to provide orderly marketing in the interests of consumers and producers, consistant with the objectives of the act. The proposed container requirements would prevent deceptive packing practices.

§ 925.312 **Prune Regulation 11.**

(a) *Order.* During the period August 1, 1973, through August 31, 1974, no handler shall handle any lot of Italian prunes except Moyer Perfecto and Empress varieties, unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and size requirements.* Such prunes grade at least U.S. No. 1 and are a minimum size of 1¼ inches in diameter: *Provided,* That prunes which are affected by healed hail marks may be shipped if they otherwise grade at least U.S. No. 1.

(2) *Containers.* The net weight of prunes in any container, other than the one-half (½) bushel basket shall be either (i) less than 20 pounds, or (ii) more than 30 pounds.

(3) Notwithstanding any other provision of this regulation, any individual shipment of prunes which, in the aggregate, does not exceed 1,000 pounds net weight may be handled without regard to the restrictions specified in this paragraph (a) or in § 925.41 *Assessment* and § 925.55 *Inspection and certification.*

(4) The terms "U.S. No. 1", "diameter," and "hail marks" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and terms used in the marketing agreement and order, shall when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than July 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 13, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–14656 Filed 7–17–73;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 130, 146, 164]

REQUIREMENTS OF RESIDENCE OR PLACE OF BUSINESS OF AUTHORIZED AGENTS OF FOREIGN NEW DRUG APPLICANTS OR MANUFACTURERS

Proposed Definition of the Term "United States"

Sections 130.4(a) and 130.5(a)(6) (21 CFR 130.4, 130.5), require that an application, in order to be considered complete and to be filed as a new-drug application (NDA) within the meaning of section 505(b) of the Federal Food, Drug, and Cosmetic Act, must be countersigned by an attorney, agent, or other representative of the applicant, if the applicant does not reside or maintain a place of business within the United States. In such a case, the attorney, agent, or other representative of the applicant must reside or maintain a place of business within the United States and must be duly authorized to act on behalf of the applicant and to receive communications on matters pertaining to the application. In addition, §§ 146.2(a) and 164.2(a) (21 CFR 146.2, 164.2) require that a request for certification of a batch of an antibiotic or insulin, respectively, from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

The purpose of these requirements is to assure that there is a person residing or maintaining a place of business within the United States who is legally responsible for assuring that all of the conditions upon which approval of the new-drug application or antibiotic or insulin certification is based are met.

The Commissioner has recently received an inquiry as to whether an NDA from an applicant located in a United States territory or possession may be filed without being countersigned by an authorized agent who resides or maintains a place of business within the United States.

The term, "United States", as given in the Tariff Act of 1930 (19 U.S.C. 1401), includes all Territories and possessions of the United States except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam. The term, "Customs Territory of the United States", as used in the revised tariff schedules (19 U.S.C. 1202), includes only the 50 States, the District of Columbia and Puerto Rico.

To clarify policy and to preclude further inquiry of the kind related above, the Commissioner is proposing to amend Part 130, as well as Parts 146 and 164 of the regulations, to define the term "United States", as used in 21 CFR Parts 130, 146, and 164. The definition includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, but excludes the territories and possessions of the United States; namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa. It is in agreement with the term "Customs Territory of the United States."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(b), 506(b), 507(b), 701(a), 52 Stat. 1052–1053, 1055, as amended, 55 Stat. 851, 59 Stat. 463, as amended; 21 U.S.C. 355(b), 356(b), 357(b), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Parts 130, 146, and 164 be amended as follows:

PART 130—NEW DRUGS

1. In Part 130, by adding a new paragraph (n) to § 130.1 as follows:

§ 130.1 Definitions and interpretations.

* * * * *

(n) The term "United States" means the Customs Territory of the United States and is defined as including the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excluding the territories and possessions of the United States; namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

* * * * *

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

2. In Part 146, by revsing § 146.2(a) to read as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards; information and samples required.

(a) A request for certification of a batch shall be addressed to the Commissioner and shall be in a form specified by him. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides or maintains a place of business in the United States. The United States includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excludes the territories and possessions of the United States, namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

* * * * *

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

3. Part 164, by revising § 164.2(a) to read as follows:

§ 164.2 Requests for certification; samples; storage; approvals preliminary to certification.

(a) A request for certification of a batch shall be addressed to the Commissioner. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides or maintains a place of business in the United States. The United States includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, and excludes the territories and possessions of the United States, namely, the Virgin Islands, Panama Canal Zone, Pacific Trust Territories, Guam, Wake Island, Midway Island, Kingman Reef, Johnston Island, and American Samoa.

* * * * *

Interested persons are invited to submit written comments (preferably in quintuplicate) regarding this proposal. All such comments shall be filed on or before September 17, 1973, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14604 Filed 7–17–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–CE–13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Trenton, Missouri.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Trenton, Missouri, a new public-use instrument approach procedure is being developed for the Trenton Municipal Airport, Trenton, Missouri. Accordingly, it is necessary to alter the transition area at Trenton to adequately protect aircraft executing this new approach procedure. The present instrument approach procedure from the south is not affected by this alteration.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

TRENTON, MISSOURI

That airspace extending upward from 700' above the surface within a 5 mile radius of the Trenton Municipal Airport (latitude 40°05'03" N., longitude 93°35'26" W.); and within 3 miles either side of the 172° bearing from the MHW facility extending from the 5 mile radius to 8 miles south, and 3 miles either side of the 007° bearing from the MHW facility extending from the 5-mile radius to 8.5 miles north, and that airspace extending upwards from 1200 feet above the surface 5 miles west of and 9.5 miles east of the 007° bearing from the Trenton MHW facility extending to 18.5 miles north of the MHW facility and 5 miles west of and 9.5 miles east of the 172° bearing from the Trenton MHW facility extending to 18.5 miles south of the MHW facility.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 25, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73–14612 Filed 7–17–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SO–19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sebring, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Sebring transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sebring Air Terminal (Latitude 27°27'20" N, Longitude 81°20'30" W); within 3 miles each side of the 164° bearing from Sebring RBN (Latitude 27°27'37" N, Longitude 81°21'00" W), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Sebring Air Terminal. A prescribed instrument approach procedure to this airport, utilizing the Sebring (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 6, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73–14611 Filed 7–17–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SO–48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Clemson, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, PO. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whippie Street, East Point, Ga.

The Clemson transition area described in § 71.181 (38 F.R. 435) would be amended as follows:

"* * * east of the RBN * * *" would be deleted and "east of the RBN; within a 6.5-mile radius of Pickens County Airport (Latitude 34°48'55" N, Longitude 82°41'55" W); within 3 miles each side of the 219° bearing from Pickens RBN (Latitude 34°48'46" N, Longitude 82°-42'53" W), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Pickens County Airport, Pickens, S.C. A prescribed instrument approach procedure to this airport, utilizing the Pickens (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 3, 1973.

W. J. MCGILL,
Acting Director, Southern Region.

[FR Doc.73–14607 Filed 7–17–73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–SW–45]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Falfurrias, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, PO. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 17, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for

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examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

FALFURRIAS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brooks County Airport (latitude 27°12'15" N, longitude 98°07'15" W) and within 3 miles each side of the 171°T (163° M) bearing from the Brooks County RBN (latitude 27°12'23" N, longitude 98°07'24" W) extending from the 5-mile radius area to 8 miles southeast of the RBN.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 32 instrument approach procedure.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, TX., on July 11, 1973.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.73-14608 Filed 7-17-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

CALIFORNIA AIR QUALITY CONTROL

Approval and Promulgation of Implementation Plans; Correction

The proposed rule under the above heading in the July 2, 1973 issue of the FEDERAL REGISTER, page 17684 is corrected by changing the date for which all relevant comments are to be received from July 10, 1973 to August 4, 1973.

Dated: July 13, 1973.

ROBERT L. SANSOM,
Assistant Administrator
for Air & Water Programs.

[FR Doc.73-14708 Filed 7-17-73;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies

On June 15, 1973, pursuant to Section 110(a) of the Clean Air Act and 40 CFR Part 51, the Administrator announced his partial approvals and partial disapprovals of State transportation control plans for implementation of the national ambient air quality standards. This was published in the FEDERAL REGISTER on June 22, 1973 (38 FR 16550).

In accordance with the decision of the Court of Appeals for the District of Columbia Circuit in *Natural Resources Defense Council, Inc., et al. v. Environmental Protection Agency* (Civil Action No. 72-1522), the Administrator is required to promulgate a plan where a State plan is deficient, by August 15, 1973. If, prior to promulgation, a State has adopted and submitted a plan or revision which the Administrator determines to be in accordance with applicable requirements, the State plan will be approved in lieu of promulgation. Section 110(c) of the Clean Air Act.

In its order, the court stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the Governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary ambient air quality standard.

This notice is issued to advise the public that revisions for the proposed implementation plan for the States of Minnesota, Maryland, Virginia, and the District of Columbia have been received by the Environmental Protection Agency and that comments may be submitted on whether the proposed plans, as revised, should be approved or disapproved by the Administrator under section 110(a) of the Clean Air Act. Public comment is also solicited on whether the request by the Governors of Maryland, Minnesota and Virginia, and the Mayor of the District of Columbia or an extension of time for meeting the primary standards should be granted by the Administrator under section 110(e) of the Act. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment on State plans has been published previously on April 24, April 27, May 4, June 1, and June 22, 1973.

More detailed descriptions of the plans are set forth below.

MINNESOTA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide in the Minneapolis-St. Paul Intrastate Air Quality Control Region was submitted on June 15, 1973, by the Governor of Minnesota. It was adopted by the Minnesota Pollution Control Agency on June 11, 1973, after public hearings held on May 3, 1973, in Minneapolis.

The plan proposes to achieve the standards by May 31, 1975. The control strategy is designed to achieve a 40 percent reduction in carbon monoxide concentrations by construction of parking structures on the fringe of the central business district (CBD) served by mass transit, expanded mass transit facilities, completion of a freeway around the CBD, and traffic flow improvements.

Copies of the proposed plan are available at the Program Support Branch, Division of Air and Water Programs, Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois 60606, and at the Division of Air Quality, Minnesota Pollution Control Agency, 717 Delaware Street, SE, Minneapolis, Minnesota 55440.

DISTRICT OF COLUMBIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Mayor of the District of Columbia on April 20, 1973. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies has been received on July 9, 1973, including a request for a two-year extension of the date for attainment of the primary standards. The control strategy is designed to achieve reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the reduction of gas handling losses, elimination of dry cleaning losses, a ban on heavy duty deliveries during morning rush hours, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provision of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with Maryland and Virginia.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, EPA, 401 M Street, SW., Washington, D.C. 20460, and at the Bureau of Air and Water Quality Control, 25 K Street, NE., Washington, D.C.

MARYLAND

Control strategies for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the Baltimore and National Capital Interstate Air Quality Control Regions were submitted by the Governor of Maryland on April 16, 1973, including a request for a two-year extension for attainment of the primary standards. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). The absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the unlikely availability of others, precluded full approval.

Supplemental information to correct the deficiencies has been received on June 15, June 22, June 28, and July 10, 1973. The control strategy is designed to achieve reductions of 57 percent in carbon monoxide and 70 percent in hydrocarbons for Baltimore and reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the elimination of gas handling losses, elimination of dry cleaning losses, catalytic reduction converters for heavy duty vehicles, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provisions of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with the District of Columbia and Virginia.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and at the Bureau of Air Quality Control, 610 North Howard, Baltimore, Maryland.

VIRGINIA

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants in the National Capital Interstate Air Quality Control Region was submitted by the Governor of Virginia on April 11, 1973, including a request for a two-year extension of the date for attainment of the primary standards. The plan was approved in part on June 15, 1973. 38 FR 16550 (June 22, 1973). However, the absence of sufficient detail on regulatory, administrative, and enforcement aspects of some strategies, plus the need for some additional measures, precluded full approval.

Supplemental information to correct the deficiencies has been received on July 9, 1973. The control strategy is designed to achieve reductions of 56 percent in carbon monoxide and 67 percent in hydrocarbons by means of an inspection system, the elimination of gas handling losses, elimination of dry cleaning losses, the elimination of free parking in certain areas, the imposition of a two dollar per day surcharge on parking in certain areas, the establishment of a car pool locator system, the provision of a network of bus lanes, limitations on aircraft taxiing emissions, the expansion of the region-wide bus fleet by 750 buses in cooperation with the District of Columbia and Maryland.

Copies of the supplemental information are available for inspection at Room 213, Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, at Room 329, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and at the State Air Pollution Control Board, 7115 Leesburg Pike, Room 104, Falls Church, Virginia 22043.

Dated: July 12, 1973.

ROBERT L. SANSOM,
Assistant Administrator for
Air and Water Programs.

[FR Doc.73-14653 Filed 7-17-73;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[14 CFR Part 421]

RULES OF PRACTICE IN AIR SAFETY ENFORCEMENT PROCEEDINGS

Notice of Proposed Rule Making

Pursuant to 5 U.S.C. 553, the National Transportation Safety Board (NTSB) gives notice that it proposes to revise Part 421—Rules of Practice in Air Safety Enforcement Proceedings, Chapter III, Title 14, Code of Federal Regulations (14 CFR Part 421).

Section 5(b)(2) of the Department of Transportation Act (Public Law 89-673, 80 Stat. 935, 49 U.S.C. 1654(b)(2)) (DOT Act) authorizes the NTSB under the provision of section 602(b) Federal Aviation Act of 1958 (49 U.S.C. 1429) (The Act) to review, on petition, refusals by the Administrator of the Federal Aviation Administration (FAA) to issue or renew an airman certificate to an applicant therefor, and, under the provision of section 609, on appeal, to review orders amending, modifying, suspending, or revoking an airman certificate. The NTSB, pursuant to section 5(k) of the DOT Act now proposes a revision to the rules governing the above-described proceedings, which includes amending, modifying, revising, and republishing Part 421.

Provisions of sections 602(b) and 609 of The Act originally provided authority to the Civil Aeronautics Board (CAB) for these quasi-judicial proceedings. This authority was transferred to the NTSB by section 5(b)(2) (DOT Act). Prior to April 1, 1967, 14 CFR Part 301 governed proceedings based upon such reviews and appeals before the CAB. These rules, as amended and reissued, were continued by the NTSB, except for the elimination of the procedure for discretionary review and the institution of appeals from initial decisions as a matter of right. As so amended, Part 421, comprising the NTSB's procedural regulations for air safety proceedings, was issued, effective December 1, 1967, and it has remained unaltered since that date, notwithstanding statutory and regulatory changes, legal interpretations, and NTSB experience in operating under the rules.

The proposed revision reorganizes the rules by setting up sections covering general rules applicable to all reviews and appeals and special rules applicable to reviews, appeals, and emergency proceedings. Under this classification, duplication of provisions which formerly appeared, both in sections covering reviews and in sections covering appeals, is obviated.

Statutory changes, such as the change of title from "examiner" to "administrative law judge," and a requirement that transcripts of hearings be furnished parties upon payment of reasonable costs, are recognized.

The revised Part 421 updates the rules by deleting provisions which are no longer pertinent, such as a reference to Part 263 of the CAB Economic Regulations. Without such reference, proposed §421.6 permits intervention where there is a property or financial interest and a party may be bound by an order without adequate representation by the existing parties, provided that the intervention would not unduly broaden the issue or delay the proceedings.

Nine copies of certain documents have been required to be filed by the parties. This number of copies has proved to be excessive; therefore, the requirement is reduced to five in the interest of economy.

In a few instances, Part 421 was completely silent with respect to matters which would be better expressed, so that the proposed sections for example, on waivers, and on presumption of service, and the inclusion of "medical certificate" in the definition of "airman certificate," now fill the former gaps. Board experience, particularly with proceedings involving pro se respondents and petitioners, and the need to simplify, clarify, and present uniformity of expression prompted certain language changes. The sections covering burden of proof are now presented in the same format. The difference between an "appeal to the Board" and an "appeal from an initial decision" is stressed by spelling out the two phrases in each instance. The provision covering "computation of time" is clarified by expressing the method of calculation in positive rather than in negative terms.

The proposed revision also contains substantive changes by addition, deletion, or otherwise. NTSB experience has shown that the time within which appeal and reply briefs must be field is inadequate, so that the Board is deluged with requests for extensions of time. To obviate this situation, the time within which briefs are to be filed is doubled, except in the case of an appeal brief where there has been a written initial decision. In that case, the time has been increased from 20 to 30 days. The proposed revision provides the law judge with discretion, in cases where an answer to a complaint or a petition for review has not been timely filed, to permit a late answer or an answer at the hearing where good cause has been shown.

In many instances, petitions for reconsideration have been filed for the express purpose of delaying the effective date of a suspension or revocation. For that reason extensions of time to file such petitions will be granted only in extraordinary circumstances. Formrely, the date of filing documents with the Board depended upon the date of receipt of the document by the Board. This provision has not generally been understood. In addition, a party should not be penalized in the event that the mail has been unduly delayed. The proposed revision therefore makes uniform the date of filing with the Board and of serving documents upon parties and provides that

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in both cases the date of mailing shall be the pertinent date (or the date of personal delivery where that method is employed).

Litigation has ensued as a result of the misuse of the alternate methods by which the FAA Administrator may file his complaint. The proposal is made that the Administrator be required to file his order of suspension or revocation as his complaint, to simplify the procedures, and to preclude the type of procedural issues brought before the Board on appeals of this subject.

With regard to appeals from initial decisions in emergency proceedings, Part 421 provided for the simultaneous filing of the appeal and reply brief. This has proved to be inadequate for the party replying. Accordingly, provision is made for filing the reply brief within 5 days after receipt of the appeal brief.

Public comment is invited on these proposals. Two written copies thereof should be sent to the Office of General Counsel, National Transportation Safety Board, Washington, D.C., 20591. The comments should specify the section of the rules to which they pertain. All comments received within 30 days from the day of publication of this proposal in the FEDERAL REGISTER will be considered in formulating the final rules. Further, copies of this document and of all written comments received will be available for public inspection and copying between the hours of 8:30 and 5:00 p.m., e.d.t., Monday through Friday in the Board's Public Reference Room No. 806D, Federal Office Building 10A, 800 Independence Avenue, SW., Washington, D.C.

In consideration of the foregoing, it is proposed to revise Part 421, so that it will read as follows:

PART 421—RULES OF PRACTICE IN AIR SAFETY ENFORCEMENT PROCEEDINGS

GENERAL PROVISIONS

Sec.
421.1 Definitions.
421.2 Applicability and description of part.

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

421.3 Appearances and rights of witnesses.
421.4 Filing of documents with the Board.
421.5 Service of documents.
421.6 Intervention.
421.7 Computation of time.
421.8 Extension of time.
421.9 Amendment and withdrawal of pleadings.
421.10 Waivers.
421.11 Motions.
421.12 Motion to disqualify a Board Member.
421.13 Appeals from law judge's interlocutory rulings on motions.
421.14 Motions to dismiss.
421.15 Motion for more definite statement.
421.16 Depositions.
421.17 Subpenas, witness fees, and appearances of Board Members, officers or employees.
421.18 Official notice.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

421.19 Initiation of proceedings.
421.20 Burden of proof.
421.21 Motion to dismiss petition for review for lack of standing.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

421.22 Initiation of proceedings.
421.23 Complaint.
421.24 Burden of proof.
421.25 Motion to dismiss stale complaint.

LAW JUDGES

421.26 Assignment, duties, and powers.

HEARINGS

421.27 Notice of hearing.
421.28 Evidence.
421.29 Argument and submissions.
421.30 Record.
421.31 Certification to the Board.

INITIAL DECISION

421.32 Initial decision by law judge.
421.33 Effect of law judge's initial decision, and filing an appeal therefrom.

APPEALS FROM INITIAL DECISIONS

421.34 Notice of appeal.
421.35 Briefs and oral argument.
421.36 Issues on appeal.
421.37 Petitions for rehearing, reargument, reconsideration, or modification of an order of the Board.

RULES APPLICABLE TO EMERGENCY ORDERS

421.38 General.
421.39 Appeal, complaint, answer to the complaint, and motions.
421.40 Hearing and initial decision.
421.41 Notice of appeal from initial decision; briefs, issues, and petitions for reconsideration.

GENERAL PROVISIONS

§ 421.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958 (49 U.S.C. 1301, et seq.);

"Administrator" means the Administrator of the Federal Aviation Administration (FAA);

"Airman certificate" means any certificate issued by the FAA and shall include medical certificates;

"Appeal from an initial decision" means a request to the Board to review a law judge's decision;

"Appeal to the Board" means a request to the Board for the review of an order of the Administrator by a law judge;

"Board" means the National Transportation Safety Board;

"Certificate" means any certificate issued by the Administrator under Title VI of the Act;

"Chief Law Judge" means the administrative law judge in charge of the Office of Administrative Law Judges.

"Complaint" means an order of the Administrator from which an appeal to the Board has been taken pursuant to section 609 of the Act;

"Emergency order" means an order of the Administrator issued pursuant to section 609 of the Act, which recites that an emergency exists and that safety in air commerce or air transportation and the public interest require the immediate effectiveness of such order;

"Initial decision" means the law judge's decision on the issue remaining for disposition at the close of a hearing before him and/or an order granting a motion to dismiss in lieu of an answer, as provided in §§ 421.19 and 421.23, and terminating the proceeding, except that "initial decision" does not include cases where the record is certified to the Board, with or without a recommended decision, or orders partly granting a motion to dismiss and requiring an answer to any remaining allegation, or rulings by the law judge on interlocutory matters appealed to the Board under § 421.13;

"Law judge" means the administrative law judge assigned to hear and preside over the respective proceedings;

"Petition for review" means a petition filed pursuant to section 602(b) of the Act for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

"Petitioner" means a person who has filed a petition for review;

"Respondent" means the holder of a certificate who has appealed to the Board from an order of the Administrator amending, modifying, suspending, or revoking such certificate.

Terms defined in the Act are used as so defined.

§ 421.2 Applicability and description of part.

The provisions of this part shall govern all proceedings before a law judge upon petition for review, or upon appeal from any order of the Administrator amending, modifying, suspending, or revoking any certificate, and upon appeal to the Board from any order or decision of a law judge.

GENERAL RULES APPLICABLE TO PETITIONS FOR REVIEW, APPEALS TO THE BOARD, AND APPEALS FROM INITIAL DECISIONS

§ 421.3 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney or other representatives designated by him. No register of persons who may practice before the Board is maintained, and no application for admission to practice is required. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part, may be accompanied, represented, and advised by counsel and may be examined by his own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part, may procure a copy of any document submitted by him, or a copy of any transcript made of his testimony on payment of reasonable costs. Original documents or data or evidence may be retained by a party upon permission of the law judge or the Board, upon substitution of a copy therefor.

§ 421.4 Filing of documents with the Board.

(a) *Filing address, date of filing, and airmail.* Documents to be filed with the Board shall be filed with the Office of Administrative Law Judges, National Transportation Safety Board, Washington, D.C. 20591, by personal delivery or by mail and shall be deemed to be filed on the date of actual personal delivery or of mailing, as the case may be. Documents mailed to the Board from a point in the United States more than 800 miles from Washington, D.C., shall be sent by airmail.

(b) *Number of copies.* Unless otherwise specified, an executed original and three true copies of each document shall be filed with the Office of Administrative Law Judges. Copies need not be signed, but the name of the person signing the original shall be reproduced.

(c) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(d) *Form.* Petitions for review or appeals to the Board may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting. Appeals from initial decisions shall be in typewritten or printed form.

(e) *Subscription.* Every document filed shall be signed by the person filing it or his duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, request and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he assigns a law judge to preside over the proceeding.

§ 421.5 Service of documents.

(a) *Service by the Board.* The Board will serve orders, initial decisions, motions, and similar documents which it issues upon all parties to the proceeding by registered or certified mail.

(b) *Service by others.* Copies of all documents filed with the Board must be served upon all parties to the proceeding by the person filing them.

(c) *How service may be made.* Service may be made by personal delivery, by regular mail, by registered mail, or by certified mail, except as provided in paragraph (a) of this section. When service is made by mail upon a party located more than 800 miles distant from the party effecting service (from Washington, D.C., in the case of service effected by the Board) airmail shall be used.

(d) *Who may be served.* Service upon a party or person may be made upon a person designated in accordance with § 421.4(f) to receive service. If no such person is designated, service may be made upon the party or person himself, if he is an individual, or upon an officer of a corporation or association, a member of a partnership, or an agent of an air carrier designated under section 1005(b) of the Act.

(e) *Where service may be made.* Service by regular or registered or certified mail shall be made at the address of the person designated in accordance with § 421.4(f) to receive service, or, if no such person is designated, at the usual residence or principal place of business of the party or person, or, if not known, at the address last furnished by him to the Federal Aviation Administration, except that an agent designated by an air carrier under § 1005(b) of the Act shall be served only at his office or usual place of residence. Service by mail on the Administrator shall be made at the office of his designee to receive service, or, if none, at the Federal Aviation Administration, Office of the General Counsel, AGC–32, Washington, D.C. 20591. Personal service may be made on any of the persons described in paragraph (d) of this section wherever they may be found, except that an agent designated by an air carrier under section 1005(b) of the Act may be served only at his office or usual place of residence.

(f) *Certificate of service.* A certificate of service shall accompany all documents when they are tendered for filing and shall consist of a certificate of mailing executed by the person mailing the document.

(g) *Presumption of service.* There shall be a presumption of lawful service in the following instances:

(1) Where acknowledgment of receipt is made by a person who customarily receives mail or receives it in the ordinary course of business at either the residence or principal place of business of a person designated in accordance with § 421.4(f) to receive service; or

(2) Where there is no designee, acknowledgment of receipt at the residence or principal place of business of the party himself, by a person who customarily receives mail or receives it in the ordinary course of business; or

(3) Where a properly addressed envelope, indicating that it had been sent by registered or certified mail, has been returned marked "undelivered" or "unclaimed."

(h) *Date of service.* Whenever proof of the service by mail is made, the date of mailing shall be the date of service, and where personal service is made, the date of personal delivery shall be the date of service.

§ 421.6 Intervention.

Any person may move for leave to intervene in a proceeding and may become a party thereto, if the law judge finds that such person may be bound by the order to be entered in the proceeding, or that such person has a property or financial interest which may not be adequately represented by existing parties: *Provided,* That such intervention would not unduly broaden the issues or delay the proceedings. Except for good cause shown, no motion for leave to intervene will be entertained if filed less than 10 days prior to hearing.

§ 421.7 Computation of time.

In computing any period of time prescribed or allowed by this part, by notice or order of the Board or a law judge, or by any applicable statute, the date of the act, event, or default after which the designated period of time begins to run is not to be included in the computation. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. Saturdays, Sundays, and legal holidays for the Board shall be computed in the calculation of time in all emergency cases under § 421.38 of this part and shall be counted in the computation of time in all nonemergency cases where the period of time involves 7 days or more.

§ 421.8 Extension of time.

Upon written request filed with the Board and served upon all parties, and for good cause shown, the chief law judge, a law judge, or the Board, may grant an extension of time to file any document except a petition for reconsideration. Extensions of time to file petitions for reconsideration will be granted only in extraordinary circumstances.

§ 421.9 Amendment and withdrawal of pleadings.

(a) *Amendment.* At any time more than 15 days prior to the time of hearing, a party may amend his pleadings by filing the amended pleading with the Board and serving copies on the other parties. After that time, amendment shall be allowed at the discretion of the law judge. Where amendment to an answerable pleading has been allowed, the law judge shall allow the adverse party a reasonable opportunity to answer.

(b) *Withdrawal.* A party may withdraw his pleadings only upon approval of the law judge or the Board.

§ 421.10 Waivers.

Waivers of any rights provided by statute or regulation shall either be in writing, or by stipulation made at a hearing and entered into the record, and shall set forth their precise terms and conditions.

§ 421.11 Motions.

(a) *General.* An application to the Board or to a law judge for an order or ruling not otherwise specifically provided for in this part shall be by motion. Prior to the assignment of a law judge, all motions shall be addressed to the chief judge. Thereafter, and prior to the expiration of the period within which an appeal from the law judge's

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initial decision may be filed, or the certification of the record to the Board, all motions shall be addressed to the law judge. At all other times, motions shall be addressed to the Board. All motions not specifically provided for in any other section of this part shall be made at an appropriate time, depending upon the nature thereof and the relief requested.

(b) *Form and contents.* Unless made during a hearing, motions shall be made in writing, shall state with particularity the grounds for the relief sought and the relief sought, and shall be accompanied by affidavits or other evidence relied upon. Motions made during hearings, answers thereto, and rulings thereon, may be made orally on the record, unless the law judge directs otherwise.

(c) *Answers to motions.* Except when an answer is made during a hearing, any party may file an answer in support of or in opposition to a motion, accompanied by such affidavits or other evidence as he desires to rely upon, provided that the answer is filed within 7 days after the motion has been served upon him, or such other period as the Board or a law judge may fix. In the case of an answer to a motion made during a hearing, the answer and the ruling thereon may be made at the hearing, or orally or in writing within such time as the law judge may fix.

(d) *Oral argument; briefs.* No oral argument will be heard on motions unless the Board or the law judge otherwise directs. Written memoranda or briefs may be filed with motions or answers to motions, stating the points and authorities relied upon in support of the positions taken.

(e) *Disposition of motions.* Except as provided in paragraph (c) of this section for rulings on motions made at a hearing, the law judge shall pass upon all motions properly addressed to him, except that if he finds that a prompt decision by the Board is essential to the proper conduct of the proceeding, he may refer such motion to the Board for decision.

(f) *Effect of pendency of motions.* The filing or pendency of a motion shall not automatically alter or extend the time fixed in this part (or any extension granted thereunder) to take action.

§ 121.12 Motion to disqualify a Board Member.

A motion requesting a Board Member to disqualify himself shall be filed with the Board, supported by an affidavit setting forth grounds for disqualification. In nonemergency proceedings, where an appeal from an initial decision is filed, such motion shall be filed on or before the date on which the reply brief is due, pursuant to § 421.35. In emergency proceedings, where a notice of appeal has been filed, such motion shall be filed on or before the date the briefs are due, pursuant to § 421.41. Failure to file a timely motion shall be deemed a waiver of disqualification. Application for leave to file an untimely motion may be made accompanied by an affidavit setting forth in detail why the facts relied upon as grounds for disqualification were not known and could not have been discovered with reasonable diligence within the prescribed time.

§ 421.13 Appeals from law judge's interlocutory rulings and motions.

Ruling of law judges on motions may not be appealed to the Board prior to its consideration of the entire proceeding, except in extraordinary circumstances and with the consent of the law judge who made the ruling. An appeal shall be disallowed unless the law judge finds, either on the record or in writing, that the allowance of such appeal is necessary to prevent substantial detriment to the public interest or undue prejudice to any party. If an appeal is allowed, any party may file a brief with the Board within such time as the law judge directs. No oral argument will be heard unless the Board directs otherwise. The rulings of the law judge on motion may be reviewed by the Board in connection with its final action in the proceeding, irrespective of the filing of an appeal from the motion or any action taken thereon.

§ 421.14 Motions to dismiss.

(a) *General.* Motions to dismiss may be made within the time limitation for filing an answer, except as otherwise provided in paragraph (c) of this section. In case the motion is not granted in its entirety, the answer shall be filed within 10 days of service of the order on the motion.

(b) *Appeal of dismissal orders.* Where a law judge grants a motion to dismiss in lieu of an answer and terminates the proceeding without hearing, an appeal of such order to the Board may be filed pursuant to the provisions of §§ 421.19 and 421.22(a). Where a law judge grants a motion to dismiss in part, objections to such interlocutory order may be raised in an appeal only after the law judge has rendered his initial decision on the remaining issues, unless the law judge consents to an appeal to the Board in accordance with § 421.13.

(c) *Motions to dismiss for lack of jurisdiction.* A motion to dismiss on the grounds that the Board lacks jurisdiction may be made at any time.

§ 421.15 Motion for more definite statement.

The parties, in lieu of an answer, may file a motion requesting that the allegations in the complaint or the petition, as the case may be, be made more definite and certain. Such motion shall point out the defects complained of and the details desired. If the motion is granted and the law judge's order is not complied with within 15 days after notice, the law judge shall strike the allegation or allegations in any complaint or petition to which the motion is directed. If the motion is denied, the moving party shall file his answer within 10 days after the denial.

§ 421.16 Depositions.

After a petition for review or a complaint is filed, any party may file a motion with the chief law judge requesting permission to take the testimony of any person, including a party, by deposition, upon oral examination or written interrogatories. Service of a copy of the motion shall be made upon all other parties to the proceeding on 7 days' notice. If the motion is granted, the taking of the deposition shall be in compliance with the provisions of § 1004 of the Act.

§ 421.17 Subpenas, witness fees, and appearances of Board Members, officers, or employees.

(a) *Subpenas.* Subpenas requiring the attendance of witnesses or the production of documentary or tangible evidence for the purpose of taking depositions or at a hearing may be issued by the chief law judge prior to the assignment of a law judge, or by the law judge to whom the case is assigned, upon application by any party. The application shall show the general relevance and reasonable scope of the evidence sought. Any person upon whom a subpena is served may, within 7 days after service but in any event prior to the return date thereof, file with the chief law judge or the law judge, as the case may be, a motion to quash or modify the subpena, and such filing shall stay the subpena pending final action by the chief law judge or the law judge on the motion.

(b) *Witness fees.* Witnesses shall be entitled to the same fees and mileage as are paid to witnesses in the courts of the United States. The fees shall be paid by the party at whose instance the witness is subpenaed or appears.

(c) *Board Members, officers, or employees.* The provisions of paragraph (a) of this section are not applicable to Board Members, officers, or employees, or to the production of documents in their custody. Applications for the attendance of such persons or the production of such documents at a hearing or deposition shall be addressed to the chief law judge or the law judge, as the case may be, in writing, and shall set forth the need of the moving party for such evidence and its relevancy to the issues in the proceeding.

§ 412.18 Official notice.

Where any decision of the law judge or the Board rests on official notice of a material fact not appearing in the evidence in the record, any party shall, upon filing a petition within 10 days after notice thereof, be afforded a reasonable opportunity to show to the contrary.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 602(b) OF THE ACT

§ 421.19 Initiation of proceedings.

(a) *Petition for review.* Where the Administrator has denied an application for the issuance or renewal of an airman certificate, the applicant may file with the Board a petition for review of the Administrator's action. Such petition shall be filed within 60 days from the time of service on the petitioner of the Administrator's action. The petition shall contain a short, plain statement of the facts on which petitioner's case rests and a statement of the action requested. The petition may be filed in the form of a letter to the Board signed by the aggrieved party.

(b) *Filing petition with the Board.* In accordance with the provisions of § 421.4(a), a petition for review mailed to the Board shall be deemed timely if postmarked before the end of the time limitation therefor, provided that if mailed from a point in the United States more than 800 miles from Washington, D.C., it is sent by airmail.

(c) *Answer to petition.* The Administrator shall file an answer to the petition for review within 20 days of service upon him by the petitioner of the petition for review. Failure to deny the truth of any allegation or allegations of the petition may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.20 Burden of proof.

In proceedings under § 602(b) of the Act, the burden of proof shall be upon the petitioner.

§ 421.21 Motion to dismiss petition for review for lack of standing.

Upon motion by the Administrator within the time limitation for filing an answer, a petition for review shall be dismissed for lack of standing in either of the following instances:

(a) If the petitioner's certificate at the time of the denial or renewal thereof was under an order of suspension; or

(b) If the petitioner's certificate had been revoked within one year of the date of the denial or renewal thereof, unless the order revoking such certificate provided otherwise.

SPECIAL RULES APPLICABLE TO PROCEEDINGS UNDER SECTION 609 OF THE ACT

§ 421.22 Initiation of proceedings.

(a) *Appeal.* A certificate holder shall file with the Board an appeal from an order of the Administrator amending, modifying, suspending, or revoking a certificate. Such appeal shall be filed with the Board within 20 days from the time of service of the order, along with proof of service upon the Administrator.

(b) *Contents.* Each appeal shall contain a concise but complete statement of the facts relied upon and the relief sought. It shall identify the Administrator's order and the certificate affected and shall recite the Administrator's action from which the appeal is sought. It shall likewise contain proof of service upon the Administrator.

(c) *Effect of timely appeal with the Board.* Timely filing with the Board of an appeal from an order of the Administrator shall postpone the effective date of the order until final disposition of the appeal by the law judge or the Board, except in emergency proceedings.

§ 421.23 Complaint.

(a) *Filing, time of filing, and service upon respondent.* The order of the Administrator from which an appeal has been taken shall serve as the complaint and shall be filed by the Administrator with the Board within 5 days after service by the Board upon the Administrator of an appeal from his order, along with proof of service upon respondent by the Administrator.

(b) *Contents of complaint.* If the Administrator claims that respondent lacks qualification as an airman, the order filed as the complaint, or an accompanying statement shall recite on which of the facts pleaded this contention is based.

(c) *Answer to complaint.* The respondent shall file an answer to the complaint within 20 days of service of the complaint upon him by the Administrator. Failure to deny the truth of any allegation or allegations of the complaint may be deemed an admission of the truth of the allegation or allegations not answered.

§ 421.24 Burden of proof.

In proceedings under section 609 of the Act, the burden of proof shall be upon the Administrator.

§ 421.25 Motion to dismiss stale complaint.

Where the complaint states allegations of offenses which occurred more than 6 months prior to the Administrator's advising respondent as to reasons for proposed action under § 609 of the Act, respondent may move to dismiss such allegations pursuant to the following provisions:

(a) In those cases where a complaint does not allege lack of qualification of the certificate holder:

(1) The Administrator shall be required to show by answer filed within 7 days of service of the motion that good cause existed for the delay, or that the imposition of a sanction is warranted in the public interest, notwithstanding the delay or the reasons therefor.

(2) If the Administrator does not establish good cause for the delay or for imposition of a sanction notwithstanding the delay, the law judge shall dismiss the stale allegations and proceed to adjudicate only the remaining portion, if any, of the complaint.

(3) If the law judge wishes some clarification as to the Administrator's factual assertions of good cause, he shall obtain this from the Administrator in writing, with due service made upon the respondent, and proceed to an informal determination of the good cause issue without a hearing. A hearing to develop facts as to good cause shall be held only where the respondent raises an issue of fact in respect of the Administrator's good cause issue allegations.

(b) In those cases where the complaint alleges lack of qualification of the certificate holder:

(1) The law judge shall first determine whether an issue of lack of qualification would be presented if any or all of the allegations, stale and timely, are assumed to be true. If not, the law judge shall proceed as in paragraph (a) of this section.

(2) If the law judge deems that an issue of lack qualification would be presented by any or all of the allegations if true, he shall proceed to a hearing on the lack of qualification issue only, and he shall so inform the parties. The respondent shall be put on notice that he is to defend against lack of qualification and not merely against a proposed remedial sanction.

LAW JUDGES

§ 421.26 Assignment, duties, and powers.

(a) *Assignment of law judge and duration of assignment.* The chief law judge shall assign a law judge to preside over the proceeding. Until such assignment, motions, requests, and documents shall be addressed to the chief law judge. Thereafter, all such motions, requests, and documents shall be addressed to the law judge assigned. The authority of the law judge shall terminate upon certification of the record to the Board, or upon expiration of the period within which appeals from initial decisions may be filed, or upon the law judge's withdrawal from the proceeding upon considering himself disqualified.

(b) *Powers of law judges.* Law judges shall have the following powers:

(1) To give notice concerning, and hold, prehearing conferences and hearings;

(2) To administer oaths and affirmations;

(3) To examine witnesses;

(4) To issue subpenas and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course of the hearing;

(7) To hold conferences, before or during the hearing for the settlement or simplification of issues;

(8) To dispose of procedural requests or similar matters; and

(9) To make recommended and initial decisions.

(c) *Disqualification of a law judge.* A law judge shall withdraw from the proceedings if at any time he deems himself disqualified. If, prior to the initial decision, there is filed in good faith an affidavit of personal bias or disqualification, with substantiating facts, and the law judge does not withdraw, the Board will determine the matter as a part of the record and decision in the proceeding, if an appeal from the law judge's initial decision is filed. The Board will not otherwise consider any claim of bias or disqualification. The Board, in its discretion, may order a hearing on a charge of bias or disqualification.

HEARINGS

§ 421.27 Notice of hearing.

(a) *Notice.* The chief law judge or the law judge to whom the case is assigned

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shall set the date, time, and place for the hearing, at a reasonable date, time, and place, and shall give the parties adequate notice thereof and of the nature of such hearing.

(b) *Hearings in several sessions.* Where appropriate, the law judge may determine that a hearing will be held in one or more sessions at the same or different places.

§ 421.28 Evidence.

Every party shall have the right to present his case or defense by oral or documentary evidence, to submit evidence in rebuttal, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

§ 421.29 Argument and submissions.

At the hearing, the law judge shall give the parties adequate opportunity for the presentation of arguments in support of, or in opposition to, motions, objections, and exceptions to rulings. Prior to the initial decision, the parties shall be afforded a reasonable opportunity to submit for consideration proposed findings and conclusions and supporting reasons therefor.

§ 421.30 Record.

The transcript of testimony and exhibits, together with all papers, requests, and rulings filed in the proceeding shall constitute the exclusive record of the proceeding. The record shall also include any proceeding upon an affidavit of personal bias or disqualification of a law judge. Copies of the transcript may be obtained by any party upon payment of the reasonable cost thereof. A copy may be examined at the National Transportation Safety Board Public Reference Room No. 806D, at 800 Independence Ave., SW., Washington, D.C. 20591.

§ 421.31 Certification to the Board.

At any time prior to the close of the hearing, the Board may direct the law judge to certify any question or the entire record in the proceeding to the Board for decision, except an interlocutory ruling. In cases where the record is certified to the Board, the law judge shall not render an initial decision but shall only recommended to the Board a decision as provided in 5 U.S.C. 557 (Administrative Procedure).

INITIAL DECISION

§ 421.32 Initial decision by law judge.

(a) *Written or oral decision.* The law judge may render his initial decision orally at the close of the hearing, or he may render such decision in writing at a later date, except as provided in § 421.40(b).

(b) *Contents.* The initial decision shall include a statement of findings and conclusions, as well as the reasons or bases therefor, upon all material issues of fact (including credibility of witnesses, where such finding is material), law, or discretion, presented on the record, and the appropriate sanction or denial thereof.

(c) *Service of written decision and extension of time for appeal.* If the initial decision is in writing, it shall be served upon the parties. At any time before the date for filing an appeal from the initial decision has passed, the law judge or the Board may, for good cause shown, extend the time within which to file an appeal from the initial decision, and the law judge may also reopen the case for good cause upon notice to the parties.

(d) *Furnishing copy of oral decision and issuance date.* If the initial decision is rendered orally, a copy thereof, excerpted from the transcript of the record, shall be furnished the parties by the Office of Administrative Law Judges. Irrespective of the date of mailing of such copy, the issuance date of the decision shall be the actual date of the rendering of the oral decision.

§ 421.33 Effect of law judge's initial decision, and filing an appeal therefrom.

If no appeal from the initial decision is filed with the Board by either party within the time allowed, or no motion by the Board on its own initiative is made to review the initial decision, it shall become final, but shall not be deemed to be a precedent binding on the Board. The timely filing of such an appeal or motion shall stay the order in the initial decision.

APPEALS FROM INITIAL DECISIONS

§ 421.34 Notice of appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 421.5) a notice of appeal within 10 days after an oral initial decision has been rendered or a written decision has been served. Exceptions are not required.

§ 421.35 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 40 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by the filing with the Board and the serving on the other party of a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

(b) *Contents of appeal brief.* Each appeal brief shall set forth in detail the objections to the initial decision, and shall state whether such objections are related to alleged errors in the law judge's findings of fact and conclusions or alleged errors in his order. It shall also state the reasons for such objections and the relief requested.

(c) *Waiver of objections on appeal.* Any error contained in the initial decision which is not objected to may be deemed to have been waived. Where any objection is based upon evidence of record, such objection need not be considered by the Board unless specific record citations to the pertinent evidence are furnished in the appeal brief.

(d) *Reply brief.* A brief in reply to the appeal brief may be filed by the other party within 30 days after the appeal brief has been served upon him. A copy of the reply brief shall be served upon the party who has appealed from the initial decision. Where the reply brief relies upon evidence of record, specific record citations to the pertinent evidence shall be furnished in the reply brief.

(e) *Other briefs.* No further briefs may be filed, except upon specific leave of the Board upon a showing of good cause therefor.

(f) *Number of copies.* Five copies of briefs shall be filed with the Board.

(g) *Oral argument.* Oral argument before the Board will normally not be held in proceedings under this part. However, when need therefor appears, the Board may permit oral argument, either on its own initiative or on motion of a party.

§ 421.36 Issues on appeal.

On appeal, the Board will consider only the following issues:

(a) Is the finding of a material fact or facts erroneous?

(b) Is a necessary legal conclusion without governing precedent or a departure from or contrary to law, Board rules, or precedent?

(c) Is a substantial and important question of law, policy, or discretion involved?

(d) Has a prejudicial procedural error occurred?

If the Board determines that the law judge erred in any respect or that his order in his initial decision should be changed, the Board may make any necessary findings and may issue an order in lieu of the law judge's order, or may remand the case for such purposes as the Board may deem necessary. The Board on its own initiative may raise any issue, the resolution of which it deems important to a proper disposition of the proceedings, in which event a reasonable opportunity shall be afforded to the parties to submit argument thereon.

§ 421.37 Petitions for rehearing, reargument, reconsideration, or modification of an order of the Board.

(a) *General.* Any party to a proceeding may petition for rehearing, reargument, reconsideration, or modification of a Board order on appeal from an initial decision. Initial decisions which have become final because they were not appealed from shall not be deemed orders for this purpose.

(b) *Form and number of copies.* The petition shall be in writing. Five copies shall be filed with the Board and a copy shall be served upon each of the parties within 30 days after service of the Board's order on appeal from the initial decision.

(c) *Contents.* The petition shall state briefly and specifically the matters of record alleged to have been erroneously decided, the ground or grounds relied upon, and the relief sought. If the petition is based, in whole or in part, on allegations as to the consequences that would result from the order of the Board, the basis of such allegations shall be set forth. If the petition is based, in whole or in part, upon new matters, it shall set forth such new matter and shall contain affidavits of prospective witnesses, authenticated documents, or both, or an explanation why such substantiation is unavailable, and shall explain why such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted for decision.

(d) *Grounds for dismissal.* Repetitious petitions will not be entertained by the Board and will be summarily dismissed.

(e) *Reply to petition.* Within 10 days after the service of the petition upon an adverse party, he may reply thereto by filing a copy of the reply with the Board, with proof of service upon the petitioner.

(f) *Stay of effective date of order.* The filing of a petition under this section shall operate to stay the effective date of the Board order, unless it is otherwise ordered by the Board.

RULES APPLICABLE TO EMERGENCY PROCEEDINGS

§ 421.38 General.

(a) *Applicability.* This section shall apply to any order issued by the Administrator as an emergency order, or any order issued by the Administrator not designated as an emergency order, which is later amended to be an emergency order, as provided in § 609 of the Act, in cases where the respondent appeals or has appealed to the Board therefrom.

(b) *Effective date of emergency.* The procedure set forth in this section shall apply on the date when the Administrator's advice of the emergency character of his order has been received by the Office of Administrative Law Judges or by the Board.

(c) *Computation of time.* Time shall be computed in accordance with § 421.7, including the provision that Saturdays, Sundays, and legal holidays of the Board shall always be counted in the computation.

§ 421.39 Appeal, complaint, answer to the complaint, and motions.

(a) *Time within which to appeal.* Within 10 days after the service of the Administrator's emergency order on the certificate holder, he may file an appeal therefrom to the Board.

(b) *Form and content of appeal.* The appeal may be in the form of a letter to the Board signed by the aggrieved party. It shall identify the Administrator's order and the certificate affected, shall recite the Administrator's action from which the appeal is taken, and shall identify the issues of fact or law on which the appeal is based and the relief sought.

(c) *Complaint.* Within 3 days after receipt of the appeal from the Board, the Administrator shall file with the Board his emergency order as his complaint and severe a copy upon the respondent.

(d) *Answer to the complaint.* Within 5 days after service of the complaint upon respondent, he shall file his answer thereto. Failure to deny any allegation or allegations of the complaint may be deemed an admission of the allegation or allegations not answered.

(e) *Motion to dismiss and motion for more definite statement.* No motion to dismiss or for a more definite statement shall be made, but the substance thereof may be stated in the respondent's answer. The law judge may permit or require a more definite statement or other amendment to any pleading at the hearing, upon good cause shown and upon just and reasonable terms.

§ 421.40 Hearing and initial decision.

(a) *Notice of hearing.* Immediately upon the timely filing of the answer with the Board, or within the time set for such filing, the law judge shall set the date and place for hearing upon motion to the parties, not to exceed 7 days.

(b) *Initial decision.* The initial decision shall be made orally on the record at the termination of the hearing and after opportunity for oral argument. The provisions of § 421.32(b) and (d) shall be applicable, covering content, furnishing of a copy of the initial decision excerpted from the record, and issuance date.

(c) *Conduct of hearing.* The provisions of §§ 421.28, 421.29, and 421.30, covering evidence, argument and submissions, and record, shall be applicable.

(d) *Effect of law judge's initial decision.* If no appeal to the Board by either party, by motion or otherwise, is filed within the time allowed, the law judge's initial decision shall become final but shall not be deemed to be a precedent binding on the Board.

§ 421.41 Notice of appeal from initial decision, briefs, issues, and petitions for reconsideration.

(a) *Time within which to file a notice of appeal and content.* Within 2 days after the initial decision has been orally rendered, either party to the proceeding may appeal therefrom by filing with the Board and serving upon the other parties a notice of appeal. Exceptions are not required.

(b) *Brief and oral argument.* Within 5 days after the filing of the notice of appeal, the appellant shall file a brief with the Board and serve a copy upon the other parties. Within 5 days after service of the appeal brief, a reply brief may be filed with the Board and a copy served upon the other parties. The briefs shall comply with the requirements of § 421.35 (b), (c), (d), (e), (f), and (g), covering contents, waiver of objections on appeal, reply brief, other briefs, number of copies, and oral argument. Where oral argument is granted, the Board will give 3 days' notice of such oral argument.

(c) *Issues on appeal.* The provisions of § 421.36 shall apply to issues on appeal. However, the Board may on its own initiative raise any issue, the resolution of which it deems important to a proper disposition of the proceeding. In such case, not more than 2 days shall be afforded to the parties to submit argument thereon.

(d) *Petitions for reconsideration, rehearing, reargument, or modification of order.* The only petitions for reconsideration, rehearing, reargument, or modification of an order which the Board will entertain are petitions based on the ground that new matter has been discovered. Such petitions must set forth the following:

(1) The new matter;

(2) Affidavits of prospective witnesses, authenticated documents, or both, or an explanation of why such substantiation is unavailable; and

(3) A statement that such new matter could not have been discovered by the exercise of due diligence prior to the date the case was submitted to the Board.

Adopted by the National Transportation Safety Board at its office in Washington, D.C., on the 11th day of July 1973.

[SEAL] JOHN H. REED,
Chairman.

[FR Doc.73-14662 Filed 7-17-73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meetings

JULY 12, 1973.

The USAF Scientific Advisory Board Electronics Systems Division Advisory Group will hold a closed meeting on July 19, 1973, from 8 a.m. until 5 p.m., at the Command Management Center, Building 1606, L. G. Hanscom Field, Bedford, Massachusetts.

The committee will receive classified briefings on the Electronics Systems Division program.

The USAF Scientific Advisory Board Executive Committee will hold a closed meeting on July 31, 1973, from 8:30 a.m. until 5 p.m., at the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio.

The committee will receive classified briefings on Air Force Remotely Piloted Vehicles.

For further information on these meetings, contact the Scientific Advisory Board Secretariat at 202-697-4648.

JOHN W. FAHRNEY,
Colonel, USAF,
Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-14615 Filed 7-17-73;8:45 am]

Office of the Secretary of Defense

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of Section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve local Executive Committee and Advisory Council will be held on July 30, 1973, in the Institute for Defense Analysis Conference Room, 400 Army-Navy Drive, Arlington, Virginia.

The purpose of the meeting is to formulate plans for achieving the Committee goals in the District of Columbia, southern Maryland and northern Virginia areas.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army-Navy Drive, Arlington, Virginia 22202.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

JULY 13, 1973.

[FR Doc.73-14654 Filed 7-17-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIODS 1, 2, AND 3

Notice of Final Date Upon Which Determination of Allocations Has Been Made

Pursuant to § 51.22(a) of Title 31 of the Code of Federal Regulations (Part 51), promulgated under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512, 31 U.S.C.A. Chapter 24), and pursuant to notice of Availability of Entitlement Data published in the FEDERAL REGISTER for January 3, 1973 (38 FR 65), notice is hereby given that the final date for the determination of allocation and entitlements, including adjustments thereto, for Entitlement Periods 1, 2, and 3, for recipient governments, has been made as of July 1, 1973. This closing date will not be applicable for those recipient governments who have a request pending as of July 1, 1973, for substantiation or correction of data elements by the Office of Revenue Sharing, filed pursuant to the notice of January 3, 1973 (38 FR 65).

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.73-14648 Filed 7-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority of the Administrator, Animal and Plant Inspection Service, appearing at 7 CFR 2.7 and 2.51, the following Statement of Organization, Functions, and Delegations of Authority of Animal and Plant Health Inspection Service is made:

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* Animal and Plant Health Inspection Service, hereinafter referred to as "APHIS," was created by the Secretary of Agriculture on April 2, 1972, (37 F.R. 6327; March 28, 1972).

SEC. 2. *Central office.* The central office of APHIS is located at Washington, D.C. and consists of the Office of the Administrator, Associate Administrator, and five Deputy Administrators as follows:

Office of the Administrator
Operations Review Staff
Planning and Evaluation Staff
Information Division
Associate Administrator
Deputy Administrator, Plant Protection and Quarantine
Deputy Administrator, Meat and Poultry Inspection, Field Operations
Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services
Deputy Administrator, Veterinary Services
Deputy Administrator, Administrative Management

SEC. 3. *Field organizations.* The location of principal field offices is as follows for each major program:

PLANT PROTECTION AND QUARANTINE

Northeastern Region: Flynn Avenue and Park Boulevard Moorestown, New Jersey 08057
Western Region: Building 2-B, Room 103 620 Central Avenue Alameda, California 94501
Southeastern Region: 3505 25th Avenue Gulfport, Mississippi 39501
South Central Region: 400 Boca Chica Tower 2100 Boca Chica Boulevard Brownsville, Texas 78520
Mexico Region: Apartado Postal #815 Monterrey, N.L., Mexico

MEAT AND POULTRY INSPECTION, FIELD OPERATIONS

North Central Region: Room 419, United States Courthouse Building East 1st and Walnut Street Des Moines, Iowa 50309
Northeastern Region: 7th Floor 1421 Cherry Street Philadelphia, Pennsylvania 19102
Southeastern Region: Room 216 1718 Peachtree Street, N.W. Atlanta, Georgia 30309
Southwestern Region: Room 5-F41 1100 Commerce Street Dallas, Texas 75201
Western Region: Room 102, Building 2-C 620 Central Avenue Alameda, California 94501

MEAT AND POULTRY INSPECTION, SCIENTIFIC AND TECHNICAL SERVICES (LABORATORIES)

Room 612, Annex Building 12th & C Streets, S.W. Washington, D.C. 20250
Room 203, Stock Yards Section 4101 South Halsted Street Chicago, Illinois 60609
Room 417, Federal Building Kansas City, Kansas 66101
Room 1034 641 Washington Street, New York, New York 10014
Room 207, South Omaha Post Office 4730 South 24th Street Omaha, Nebraska 68107
941 United States Court and Customhouse Building 1114 Market Street St. Louis, Missouri 63101
630 Sansome Street, San Francisco, California 94111
Building 318 Agricultural Research Center Beltsville, Maryland 20705

Veterinary Services—Regional offices are not established for this program as supervision is provided by five regional directors, who are all located in the following rooms of 6505 Belcrest Road, Hyattsville, Maryland 20782:
North Central Region: Room 847
Northern Region: Room 841A
Southeastern Region: Room 847
South Central Region: Room 840
Western Region: Room 841A

SEC. 4. *The Office of the Administrator.*—(a) The Administrator. The Administrator of APHIS, under the direction of the Assistant Secretary for Marketing and Consumer Services, formulates, directs, and supervises the execution of APHIS policies, programs, and activities. The Administrator is authorized to execute any document, authorize any expenditure, and promulgate any rule, regulation, order or instruction required by law or deemed by him to be necessary and proper to the discharge of the functions assigned to APHIS and to delegate and provide for redelegation of his authority to appropriate officers and employees consistent with and with due regard to his personal responsibilities for the proper discharge of functions assigned to APHIS. Delegations and provision for redelegation are stated in section 13, 14, 15, 16, 17, and 18.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for the general direction and supervision of the programs and activities assigned to APHIS and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *Deputy Administrator, Plant Protection and Quarantine.* The Deputy Administrator, Plant Protection and Quarantine, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Plant Protection and Quarantine Program and related activities involving the Mexican Pink Bollworm Act, Sec. 102 of the Organic Act of 1944, as amended, the Act of April 3, 1937, as amended, the Mexican Border, Golden Nematode, Federal Plant Pest, Plant Quarantine, Terminal Inspection, Honeybee, and Halogeton Glomeratus Acts, and other related programs and activities. This program is carried out by two functional units, Program Development and Application, located in Hyattsville, Maryland, and the Training Facility located at Battle Creek, Michigan, and by regional and field offices; and

(3) Issuing regulations (including quarantines) pursuant to law relating to matters within his area.

(d) *Deputy Administrator, Meat and Poultry Inspection, Field Operations.* The Deputy Administrator, Meat and Poultry Inspection, Field Operations, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of al policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Meat and Poultry Inspection program and related activities involving the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and other related programs and activities. This program is carried out by three functional staffs, the Compliance Staff and Foreign Programs Staff which are located in Washington, D.C., and the Program Training Staff which is located in Denton, Texas, and by regional and field offices. The directors of regional offices of this program are responsible for granting, refusing, suspending, or withdrawing inspection service in accordance with applicable provisions of the law(s) under which such service is required; and

(3) Participating with the Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services, in the development of regulations relating to meat and poultry inspection.

(e) *Deputy Administrator, Meat and Poultry Inspection. Scientific and Technical Services.* The Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the establishment and maintenance of inspection standards and procedures, specifications for plant facilities and equipment, marking, labeling, and packaging of products, and providing chemical and biological laboratory services involving the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended. The program is carried out through the Scientific Services Staffs, Technical Services Staffs, and Statistical Services Staff, all of which are located in Washington, D.C.; and

(3) Participating with the Deputy Administrator, Meat and Poultry Inspection, Field Operations, develops regulations relating to meat and poultry inspection.

(f) *Deputy Administrator, Veterinary Services.* The Deputy Administrator, Veterinary Services, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the Veterinary Services Program and related activities involving Sec. 306 of the Tariff Act of June 17, 1930, as amended; Act of August 30, 1890, as amended; Act of May 29, 1884, as amended; Act of February 2, 1903, as amended; Act of March 3, 1905, as amended; Act of February 28, 1947, as amended; Act of June 16, 1948; Act of September 6, 1961; Act of July 2, 1962; Act of May 6, 1970, Horse Protection Act; Animal Welfare Act, as amended; 28-Hour Law, as amended; Export Animal Accommodation Act, as amended; Pure Bred Animal Duty Free Entry Provisions of Tariff Act of June 17, 1930, as amended; Virus-Serum-Toxin Act; Anti-Hog-Cholera Serum and Hog-Cholera Virus Act. This program is carried out by three functional units, Programs Development and Application, Professional Development Staff, and Emergency Program Staffs and by regional and field offices; and

(3) Issuing regulations pursuant to law relating to matters within his area.

(g) *Deputy Administrator, Administrative Management.* The Deputy Administrator, Administrative Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of APHIS; and

(2) Directing and coordinating the administration of the overall administrative management programs of APHIS including budget and finance, personnel, administrative services, management improvement, as necessary to meet the requirements of APHIS programs, and activities. These programs and activities are carried out by the Budget and Finance Division, Administrative Services Division, Personnel Division, and Management Improvement Division; and

(3) Coordination of civil rights in APHIS; and

(4) Coordination of General Accounting Office and Office of Inspector General audits; and

(5) The execution of cooperative agreements and Master Memoranda of Understanding; all agreements between APHIS and other agencies; all agreements which would require signature of more than one Deputy Administrator; and

(6) Approval for the Administrator of all foreign travel; and

(7) Approval for the Administrator of all attendance at international meetings.

SEC. 5. *Operations Review Staff.* The Operations Review Staff under the direction and supervision of the Administrator, is responsible for administrative reviews and line inspections of program operations to test implementation of policies, procedures, program administration, and accomplishment of program objectives.

SEC. 6. *Planning and Evaluation Staff.* The Planning and Evaluation Staff under the direction and supervision of the Administrator, is responsible for advising the Administrator in multiyear planning, programming, and evaluationg of APHIS activities toward stated goals.

SEC. 7. *Information Division.* The Information Division, under the direction and supervision of the Administrator, is responsible for planning and administering a public information program involving APHIS activities, and for cooperating with the Office of Communication in the overall information activities of the Department.

SEC. 8. *Plant Protection and Quarantine.* The units of the Program Development and Application and the Professional Development Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator

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for Plant Protection and Quarantine are responsible as follows:

(a) *Program Development and Application.* Program Development and Application is responsible for planning and administering the development and evaluation of programs; the establishment of standards, regulations, and model laws; development of methods and procedures; and other scientific and technical support for the Plant Protection and Quarantine programs.

(b) *Professional Development Staff.* The Professional Development Staff is responsible for:

(1) Identifying and evaluating development and training needs, and in the development and implementation of such programs for Plant Protection and Quarantine programs; and

(2) Developing and providing technical training in biological and related fields; and

(3) Providing training to foreign students; and

(4) Maintaining liaison with professional and technical institutions.

SEC. 9. *Meat and Poultry Inspection, Field Operations.* The Compliance, Program Training, and Foreign Programs Staffs under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Meat and Poultry Inspection, Field Operations are responsible as follows:

(a) *Compliance Staff.* The Compliance Staff is responsible for:

(1) Planning and conducting reviews of shipping, handling, and other allied industry engaged in the transportation, storage, and distribution of meat and poultry products in commerce to assure compliance with meat and poultry inspection laws, including monitoring of voluntary recalls of suspect meat and poultry products; and

(2) Planning and conducting technical evaluations of inspectional activities and operational practices, management attitudes, available facilities, and equipment of the meat and poultry processing industry; and

(3) Cooperating with States in the development of their compliance review programs and monitors their programs to assure they meet Federal requirements.

(b) *Program Training Staff.* The Program Training Staff is responsible for:

(1) Developing and implementing a program for training of Federal, State, and other personnel engaged in meat and poultry inspection programs; and

(2) Cooperating with APHIS personnel, State inspection officials, industry representatives, university officials, and others in planning and conducting training programs.

(c) *Foreign Programs Staff.* The Foreign Programs Staff is responsible for planning and conducting inspection of imported and exported meat and poultry products involving the review of foreign meat and poultry inspection systems and plants, followed by acceptance or rejection of these systems and plants for exporting meat and poultry products to the United States.

SEC. 10. *Meat and Poultry Inspection, Scientific and Technical Services.* The Scientific Services Staffs, Technical Services Staffs, and Statistical Services Staff under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator for Meat and Poultry Inspection, Scientific and Technical Services are responsible as follows:

(a) *Scientific Services Staffs.* The Scientific Services Staffs are responsible for directing, coordinating, and controlling activities in chemistry, microbiology, pathology, toxicology, parasitology, epidemiology, and related fields, and in residue evaluation and planning that guides and supports the Meat and Poultry Inspection Program.

(b) *Technical Services Staffs.* The Technical Services Staffs are responsible for directing, coordinating, and controlling activities concerned with the development of standards, regulations, procedures, and instructions that will guide and support the Meat and Poultry Inspection Program.

(c) *Statistical Services Staff.* The Statistical Services Staff is responsible for providing analytical and consultative services in the field of statistics in support of the Meat and Poultry Inspection Program.

SEC. 11. *Veterinary Services.* Programs Development and Application, Emergency Program Staff, and Veterinary Services Programs under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Veterinary Services, are responsible as follows:

(a) *Programs Development and Application.* The units of Program Development and Application are responsible for:

(1) Coordinating and controlling activities concerned with the development and evaluation of programs; and

(2) Establishing standards, regulations, and model laws; and

(3) Development of methods and procedures; and

(4) Providing scientific and technical support for the Veterinary Services programs.

(b) *Professional Development Staff.* The Professional Development Staff is responsible for:

(1) Identifying and evaluating staff development and training needs in veterinary services programs; and

(2) Developing and providing for technical training in veterinary medicine and related fields; and

(3) Administering veterinary accreditation program, including development of policies, procedures, and applicable regulations; and

(4) Providing training of foreign visitors; and

(5) Maintaining liaison with veterinary and other educational institutions.

(c) *Emergency Program Staffs.* The units of Emergency Program Staffs are responsible for:

(1) Directing an emergency program organization capable of controlling and eradicating outbreaks of foreign diseases and other hazards of animals; and

(2) Cooperating with certain foreign countries in the detection and control of animal diseases that are a potential hazard to the United States.

(d) *Veterinary Services Programs.* The Veterinary Services Programs are responsible for coordinating a regional program to protect the health of livestock, poultry, and other valued animal life through the:

(1) Detection, control and/or eradication of animal diseases and parasites; and

(2) Enforcement of quarantines governing the importation and exportation of live animals, semen, eggs, and other life animal tissues and specimens; and

(3) Enforcement of regulations governing the humane handling, care, and treatment of warm-blooded animals used for research, exhibition or held for sale as pets.

SEC. 12. *Administrative Management.* The Budget and Finance, Administrative Services, Personnel, and Management Improvement Divisions under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Administrative Management are responsible as follows:

(a) *Budget and Finance Division.* The Budget and Finance Division is responsible for operating budgetary and financial management services and assistance to APHIS managers and program leaders in the areas of budget formulation, obligation estimates, allotments, accounting, fund control, and financial reporting.

(b) *Administrative Services Division.* The Administrative Services Division is responsible for operating administrative services and assistance to APHIS managers and program leaders in the areas of real and personal property management and utilization, procurement, records management, contracts and agreements, and related activities.

(c) *Personnel Division.* The Personnel Division is responsible for operating personnel management services and assistance to APHIS managers and program leaders in the areas of organization, position management, position classification, wage administration, recruitment and placement, equal employment opportunity, safety, and employee relations.

(d) *Management Improvement Division.* The Management Improvement Division is responsible for:

(1) Operating administrative services and assistance to APHIS managers and program leaders in the area of management system design, and improvement, automated data processing systems, and directives management; and

(2) Reviewing and recommending approval of the acquisition of all electronic data processing equipment proposed for use within APHIS prior to purchase.

DELEGATIONS OF AUTHORITY

SEC. 13. *Associate Administrator.* The Associate Administrator is hereby delegated the authority to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator, including the power of redelegation except when prohibited, and including authority reserved to the Administrator outlined in Section 21 below. He is also authorized to act for the Administrator in his absence or from time to time when the Administrator is not available.

SEC. 14. *Deputy Administrators.* The Deputy Administrator, Plant Protection and Quarantine; the Deputy Administrator, Meat and Poultry Inspection, Field Operations; the Deputy Administrator, Meat and Poultry Inspection, Scientific and Technical Services; the Deputy Administrator, Veterinary Services; the Deputy Administrator, Administrative Management; and the officers they designate—with prior specific approval of the Administrator—to act for them, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Animal and Plant Health Inspection Service herein or hereafter assigned to him.

SEC. 15. *Assistant Administrator.* The Assistant Administrator who directs the Operations Review Staff, is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 16. *Director, Planning and Evaluation Staff.* The Director of the Planning and Evaluation Staff is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 17. *Director, Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 18. *Plant Protection and Quarantine, Meat and Poultry Inspection, Field Operations, Meat and Poultry Inspection, Scientific and Technical Services, Veterinary Services, Administrative Management.* The Directors of Program Development and Application, Professional Development Staff, Compliance Staff, Program Training, Foreign Programs Staff, Scientific Services Staffs, Technical Services Staffs, Statistical Services Staff, Programs Development and Application, Professional Development Staff, Emergency Program Staffs, Veterinary Services Programs are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise the functions and powers which are now, or which may hereafter be vested in the Administrator except the authorities reserved to the Administrator and Deputy Administrators. The Directors of Budget and Finance, Administrative Services, Personnel, and Management Improvement Divisions are hereby delegated authority in connection with the respective functions herein assigned to them, to perform all the duties and to exercise all the powers which are now, or which may be, vested in the Administrator except such authority as is reserved to the Administrator and Deputy Administrators.

SEC. 19. *Concurrent Authority and Responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator. The Officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions and Staffs or offices of the Agency or other Governmental or private organizations or groups.

SEC. 20. *Prior Authorizations and Delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 21. *Reservation of Authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the following:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law, except as provided in Section 4 (c) and (f).

(c) The transfer of functions between Deputy Administrators.

(d) The transfer of funds between Deputy Administrators.

(e) The transfer of funds between work projects within each Deputy Administrator's area, except those not exceeding five percent of base funds or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of (1) regional, state, area, and other field headquarters offices, and (2) any region or other program area that involves two or more States, or that crosses State lines, except Plant Protection and Quarantine districts and Meat and Poultry Inspection circuits which are under the authority of the respective Deputy Administrators.

(h) Authority to establish, consolidate, or change a location, or abolish any field office or change program area boundaries not included in (g) above.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and above.

(j) Authorization for foreign travel, and approval of attendance at international and foreign meetings including those held in the United States.

(k) Approval of all appointments, promotion, and reassignments of employees to foreign countries.

(l) Approval of budget estimates.

(m) Authority to issue subpoenas relating to the efficient administration and enforcement of the Federal Meat Inspection Act, as amended, and Poultry Products Inspection Act, as amended, pursuant to 15 U.S.C. 49 as authorized by 21 U.S.C. 677 and 21 U.S.C. 467d.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 22. *Availability of Information and Records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Agency should address his request to the appropriate Deputy Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of the Agency and its offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title 7, Chapter III, Part 370.

Issued at Washington, D.C., this 13th day of July, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14659 Filed 7-17-73;8:45 am]

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DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MAYO FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00470-01-06200. APPLICANT: Mayo Foundation, 200 First Street Southwest, Rochester, Minn. 55901. ARTICLE: Vickers multichannel 300 automated analysis system. MANUFACTURER: Vickers Ltd., Medical Engineering of Basingstoke, United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in a diagnostic clinical chemistry laboratory to perform quantitative analysis of plasma for chemical constituents, alteration of which are indicative of disease processes. In addition to the clinical use, the article will be used to support ongoing research and education programs at the Institution. COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The applicant's use in various clinical research projects such as correlations of biomedical data with studies of cancer and metabolic diseases requires high-speed automated blood chemical analysis system of very large capacity. The foreign article is capable of analyzing 300 samples per hour. The Department of Health, Education, and Welfare (HEW) advised in memorandum dated June 22, 1973 that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic analyzers do not match the pertinent specifications of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-14682 Filed 7-17-73;8:45 am]

MAYO FOUNDATION ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00480-33-46500. Applicant: Mayo Foundation, Mayo Medical School, and Mayo Graduate School of Medicine, 200 First Street SW., Rochester, Minn. 55901. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of muscle biopsy specimens from human and experimental muscle diseases to reveal the ultrastructural basis of the diseases that are being studied. In addition, the article will be used in training of independent investigators enrolled in the Mayo Graduate School of Medicine in research in muscle diseases. Application received by Commissioner of Customs: April 1973. Advice submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00482-33-46500. Applicant: University of Alabama Medical School, University Station, Birmingham, Ala. 35294. ARTICLE: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments concerned with calcification and resulting hardening of the arteries, as well as other related pathological conditions. The materials to be examined will be primarily the aorta and connective tissue proteins obtained from the aorta. Application received by Commissioner of Customs: April 20, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00483-33-46500. Applicant: University of Minnesota, Purchasing Department, 2610 University Avenue, St. Paul, Minn. 55114. ARTICLE: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly human tissue but also mammalian tissues derived from experimental animals. The investigations to be conducted include the study of (a) gingival inflammation, (b) immunological responses in the periodontal tissues to various bacteria and (c) dental plaque formation. Application received by Commissioner of Customs: April 20, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00487-33-46500. Applicant: Veterans Administration Hospital, 13000 North 30th Street, Tampa, Fla. 33612. Article: LKB 8800A. Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments which include experiments on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application Received by Commissioner of Customs: April 24, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-14685 Filed 7-17-73;8:45 am]

OHIO STATE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 7, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00589-98-20700. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, OH 43210. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The article is intended to be used as shower detectors to measure gamma rays from the reaction of interest in a high statistics study of *W*-Meson productions. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73-00590-98-20700. Applicant: Michigan State University, Physics Department, East Lansing, Michigan 48823. Article: 14 PEMG2 Lead Glass Blocks. Manufacturer: Ohara Glass, Japan. Intended use of article: The articles are to be used in high energy experiments to measure the energy of gamma rays. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73-00591-90-46500. Applicant: University of Wisconsin, Purchasing Department, 750 University Avenue, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to section a variety of materials including insects, fungi, vascular plants, algae, viruses, symbionts, bacteria, nematodes and diseased plant and animal (insect) specimens. These materials will be examined by the electron microscope in the following research areas:

(1) Ultrastructure of host-pathogen relationships,
(2) Characterization of the nature of virus induced inclusions,
(3) Localization and studies on sites of virus synthesis,
(4) Ultrastructure of receptor sites in insects, and
(5) Ultrastructure of fungi, e.g., microbodies, mitosis and meiosis.

In addition the article is to be used for the training of electron microscopists.

Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73-00592-33-46040. Applicant: The University of Texas Medical School at Houston, 243 John H. Freeman Bldg., Texas Medical Center, Houston, Texas 77025. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of Article: The article is intended to be used in experiments to be conducted which will include: differentiation of forms of glomerulonephritis by ultramicroscopic means, the classification and categorization of white cell granules, the classification for prognostic purposes of soft tissue neoplasms, tissue changes (transformation) induced by normally non-pathogenic viruses, subtle changes induced in cell organelles and enzyme distribution in the process of aging, intracellular localization of tagged antibody molecules and the fine detail of ribosome-membrane defects induced by lipid peroxidation and its prevention by biological antioxidants. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73-00593-33-43780. Applicant: UNC-CH, Carolina Population Center, International Fertility Research Program, NCNB Plaza, 136 East Rosemary Street, Chapel Hill, North Carolina 27514. Article: 10,000 Spring Coil IUD's, 1,000 Combination Sound/Dilators and 1 stainless steel mold. Manufacturer: Ekder Plastic Works, Hong Kong. Intended use of article: The articles are to be used in a study (1) to determine the most desirable IUD over a two-year period of time among persons without gynecologic abnormalities who have not previously used an intrauterine device and who are in one of the following categories:

(a) Immediate post-abortion period,
(b) Immediate post-delivery period,
(c) Not recently pregnant state (multigravida), or
(d) Nulligravida, and

(2) To profile the continuation rates and specific complications of each IUD. Application received by Commissioner of Customs: June 22, 1973.

Docket Number: 73-00594-01-20800. Applicant: University of Hawaii, Department Of Biochemistry and Biophysics, 1960 East West Road, Honolulu, Hawaii 96822. Article: Quartz Dewar. Manufacturer: Canamec Scientific Glassblowing Ltd., Canada. Intended use of Article. The article is intended to be used for studies of fluorescence polarization spectra of proteins and amino acids at low temperatures in the ultra-violet region to learn more of the conformational flexibility of proteins, which will aid in understanding better the mechanism of enzyme action. Application received by Commissioner of Customs: June 26, 1973.

Docket Number: 73-00595-65-46070. Applicant: University of Wisconsin, Department of Geology, Science Hall, Madison, Wisconsin 53706. Article: Scanning Electron Microscope, Model JSM-50A. Manufacturer: JEOL Ltd., Japan. The article is intended to be used in the study of clay minerals and other layer-lattice minerals (micas, chlorite) to determine on as fine a scale as possible the chemical and mineralogical homogeneity of these materials and the relationship of any variation to the physical form of crystallites. Another application of the article will be to study the relationship between composition and crystal imperfections in thin films of materials such as aluminum or gold. The article will also be used in the course, Geology 349, Electron Microprobe Analysis, to teach students and interested staff members how to use the electron probe to obtain elemental analysis data and how to handle the data collected to obtain quantitative results. Application received by Commissioner of Customs: June 15, 1973.

Docket Number: 73-00597-01-10100. Applicant: The Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Messanlagen Temperature-Jump Transient Spectrophotometer. Manufacturer: Messanlagen Studiengesellschaft mbH., West Germany. Intended use of article: The article is intended to be used to study the time course of the protein unfolding processes, and examine its implication to the conformational aspect of protein molecule. Fluorescence kinetic measurement will also be carried out in this study. The article will also be used for the instruction of rapid kinetic technique to graduate and medical students in the

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course entitled "Physical Biochemistry." Application received by Commissioner of Customs: June 27, 1973.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-14683 Filed 7-17-73;8:45 am]

YALE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 7, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00577-33-46040. Applicant: Yale University, Purchasing Department, New Haven, Connecticut 06520. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components in the investigation of the following phenomena: (1) structural aspects of capillary permeability in the heart, kidney, intestine and other organs; (2) changes introduced in the blood vessels by inflammation and degenerative vascular disease (arteriosclerosis); (3) pathway followed across the vessels' wall by particulate or molecular tracers. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: June 18, 1973.

Docket Number: 73-00586-33-46040. Applicant: University of Delaware, Newark, Delaware 19711. Article: (2) Two Electron Microscopes, Model EM 201 and (1) One Goniometer Stage. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The articles are intended to be used in experiments consisting of basic biological studies involving the preparation of material for (a) thin-section examination of lower vertebrate tumors, and of infectious processes in reptilian cell lines at varying temperatures, (b) morphological analysis of host-virus interaction in a blue-green algal system, (c) studying properties of cellular membranes during active intake and egestion of materials, (d) determining the content and purity of cell fractions, (e) training of students in use of high-resolution electron microscopy of biological materials. The articles will also be used in the course B-617, "Laboratory Techniques for Electron Microscopy." Application received by Commissioner of Customs: June 19, 1973.

Docket Number: 73-00587-33-46500. Applicant: Virginia Commonwealth University, Medical College of Virginia, Box 17, Room 530, MEB, Division of Neuropathology, Richmond, Virginia 23298. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in ultrastructural research on both animal and human (biological) material. Animal tissue is used in studies of experimentally produced diseases of the nervous system and in studies of subcellular fractions of brain prepared for use in neurochemistry experiments. Application received by Commissioner of Customs: June 20, 1973.

Docket Number: 73-00588-33-46500. Applicant: The University of Michigan, 1335 E. Catherine Street, Ann Arbor, Michigan 48104. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG., Austria. Intended use of article: The article is intended to be used to section areas of tissue which have been preselected from 1 micron-thick sections-serial thin sections of leukemic cells and other neoplastic tissue of the preselected areas will be cut for viewing in the electron microscope. The work to be carried out will be part of research projects involving the ultrastructure of the organelles of human leukemic and other neoplastic cells. The article will also be used to cut serial thin sections of renal biopsies from patients in the hospital and to cut thin sections of other tissue biopsies from patients. The article will also be used in a course for advanced medical students, graduate students, residents and faculty in the Department of Pathology and other departments. Application received by Commissioner of Customs: June 20, 1973.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-14684 Filed 7-17-73;8:45 am]

UNIVERSITY OF IOWA AND DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Consolidated Decision on Applications for Duty Free Entry of Image Analyzing Computers

The following is a consolidated decision on applications for duty-free entry of Image Analyzing Computers pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892) et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket Number: 73-00465-33-14200. Applicant: University of Iowa, College of Dentistry, Iowa City, Iowa 52242. Article: Image Analyzing Computer, Quantimet 720. Manufacturer: Image Analysing Computers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for quantitative image analysis in the following research projects:

(1) Distribution and Dynamics of Blood Flow in Gingiva,

(2) Patterns of Organization of Skin and Mucosa,

(3) Quantitative Microradiography of Enamel, Dentin and Bone, and

(4) Quantitative Ultrastructural studies. Application Received by Commissioner of Customs: April 9, 1973. Advice Submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Docket Number: 73-00474-33-14200. Applicant: Department of Health, Education, and Welfare, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505. Article: Image analyzing computer system, quantimet 720. Manufacturer: Metals Research Ltd., United Kingdom. Intended use of article: The article is intended to be used in the biological study of human lung specimens. This study includes quantitative measurements of the lung (which includes alveolar diameter, circumference, area, appropriate measurements of the airways, quantitative measurements of emphysematic lungs) and compare these with similar measurements made on standard specimens. The article will also be used for the explicit training of graduate and postdoctorate students from the University of West Virginia in pulmonary pathology, how these measurements are related to the function of the human lung and how the change in these features is significant in the course of various diseases, including coal workers; pneumoconiosis, asbestosis, emphysema, and others. Application received by Commissioner of Customs: April 16, 1973. Advice submitted by Department of Health, Education, and Welfare on: June 22, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article provides 720 line resolution and discriminates better than 30 levels in the grey scale from

black to white. The Department of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the characteristics described above are pertinent to the purposes for which each article is intended to be used. HEW further advises that domestic instruments do not match the pertinent specifications of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-14681 Filed 7-17-73;8:45 am]

GOVERNMENT-OWNED INVENTIONS

National Technical Information Service

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION
Assistant General Counsel for Patents
Washington, D.C. 20545
PATENT-3,678,512
Telemonitoring System
Filed 21 Oct 70, Patented 18 Jul 72
Not available NTIS

U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Streets, N.W.
Washington, D.C. 20240
PAT-APPL-350 444
Determination of Sulfate Using Ferric Ion-Selective Electrode
Filed 12 Apr 73
PC$3.00/MF$1.45
PAT-APPL-345 932
Production of Methane from Refuse and Sewage Sludge
Filed 29 Mar 73
PC $3.00/MF$1.45

[FR Doc.73-14510 Filed 7-17-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-648; NDA 2-133, Etc.]

BURROUGHS WELLCOME CO., ET AL.

New Drug Applications; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required, have advised the Food and Drug Administration that marketing of the drugs involved has been discontinued, and have requested withdrawal of approval of the new drug applications, thereby waiving opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 130.13 or § 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.31 and 130.35).

NDA Number	Drug Name	Applicant's Name and Address
2-133	Ryzamin-B Powder (thiamine chloride, riboflavin, vitamin B-6, and nicotinic acid)	Burroughs Wellcome Co. 3030 Cornwallis Road Research Triangle Park, North Carolina 27709
7-152	Dodecavite Injection (Crystalline vitamin B-12)	USV Pharmaceutical Corporation 1 Scarsdale Road Tuckahoe, New York 10707
9-379	Cortef Injection, Intravenous (hydrocortisone)	The Upjohn Company Kalamazoo, Michigan 49001
10-207	Dexserpine "5" Tablets (reserpine, dextroamphetamine sulfate)	USV Pharmaceutical Corporation 1 Scarsdale Road Tuckahoe, New York 10707
10-282	Reserpine Nyscaps (Timed Disintegration Capsules)	USV Pharmaceutical Corporation 1 Scarsdale Road Tuckahoe, New York 10707
10-316	C.S.A. Tablets (salicylamide, acetaminophen, caffeine citrate)	International Playtex Corporation 888 Seventh Avenue New York, New York 10019
10-583	Radio-Cobalt (Co^{60}) Interstitial Needles	Abbott Laboratories North Chicago, Illinois 60064
10-887	Resciunamine Tablets	USV Pharmaceutical Corporation 1 Scarsdale Road Tuckahoe, New York 10707
11-140	Delvex Tablets (dithiazanine iodide)	The Lilly Research Laboratories Eli Lilly and Company Indianapolis, Indiana 46206
16-169	Temp Tablets (dipyrone)	Bell Pharmacal Corporation Box 1968 Greenville, South Carolina 29602
16-171	Key-Pyrone (dipyrone)	Bell Pharmacal Corporation Box 1968 Greenville, South Carolina 29602

This order shall become effective on July 30, 1973.

Dated: July 10, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-14569 Filed 7-17-73;8:45 am]

[DESI 6902; Docket No. FDC-D-597; NDA 12-410]

ROCHE LABORATORIES

Capsules Containing Nicotinyl Alcohol as the Tartrate and Trimethobenzamide Hydrochloride; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of March 5, 1973 (38 FR 5920) extending to Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110 and to any interested person an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 12-410 for Tigacol Capsules (nicotinyl alcohol as the tartrate and trimethobenzamide hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 21, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355) and the Administrative Procedure Act (5 U.S.C. 554), and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

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Therefore, pursuant to the foregoing finding, approval of new drug application No. 12–410 and all amendments and supplements thereto is withdrawn effective on July 30, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will be henceforth unlawful.

Dated: July 11, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–14605 Filed 7–17–73;8:45 am]

National Institutes of Health

BLADDER-PROSTATE CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bladder-Prostate Cancer Advisory Committee, National Cancer Institute, July 24, 1973, 9:00 a.m. to 1:00 p.m., Conference Room, Massachusetts General Hospital, Boston, Massachusetts. This meeting will be closed to the public to review individual grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S.C., and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. Thomas J. King, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7194) will provide substantive program information.

Dated: July 7, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health.)

[FR Doc.73–14618 Filed 7–17–73;8:45 am]

BIOASSAY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Bioassay Segment Advisory Group, National Cancer Institute, July 19, 1973, 1:00 p.m. to 5 p.m. and July 20, 1973, from 9:00 a.m. to 4:30 p.m., National Institutes of Health, Landow Building, Conference Room 418C. This meeting will be open to the public from 1:30 p.m. to 4:30 p.m. on July 20, 1973, to discuss the Bioassay Program within the context of the Carcinogenesis Area, experimental design for proper bioassay, and the concept of a Bioassay Prime Contract, and closed to the public from 1:00 p.m. to 5:00 p.m. on July 19, 1973 and from 9 a.m. to 12:30 p.m. on July 20, 1973, for the review of three contracts in the fields of chemical and physical agents, in accordance with the provisions set forth in section 552(b) 4 of Title 5 United States Code and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James M. Sontag, Executive Secretary, Landow Building, Room B–304, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5472) will provide substantive program information.

Dated: July 7, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73–14619 Filed 7–17–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–108]

NEW HAMPSHIRE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on July 11, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New Hampshire from severe storms and flooding, beginning about June 26, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of New Hampshire. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. John F. Sullivan, HUD Region 1, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New Hampshire to have been adversely affected by this declared major disaster:

The Counties of:

Belknap	Hillsborough
Carroll	Merrimack
Cheshire	Rockingham
Coos	Strafford
Grafton	Sullivan

Dated: July 11, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

[FR Doc.73–14687 Filed 7–17–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON LOFT

Notice of Meeting

JULY 16, 1973.

The FEDERAL REGISTER notice published at 38 FR 18480 (July 11, 1973), announcing the July 25, 1973 meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on LOFT, is revised to change the location of the meeting from the Basement Conference Room of the AEC Idaho Operations Office at Holmes Avenue and Second Street in Idaho Falls to the Conference Room of the Ponderosa Inn at 888 North Holmes in Idaho Falls. There are no other changes to the July 11, 1973 Notice of Meeting.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73–14886 Filed 7–17–73;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Opportunity for Hearing

The Carolina Power and Light Company (the licensee) is the holder of Operating License No. DPR–23 (the operating license), issued by the Atomic Energy Commission on July 31, 1970. The operating license authorizes the licensee to possess, use, and operate a pressurized water nuclear reactor, designated as the H. B. Robinson Unit No. 2, at steady-state power levels up to a maximum of 2200 megawatts (thermal) at the licensee's site in Darlington County, South Carolina, in accordance with technical specifications appended thereto.

The facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970–September 9, 1971. Notice is hereby given, pursuant to the Commission's rules of practice, in 10 CFR Part 2, and Appendix D of 10 CFR Part 50, "Implementation of the National Environmental Policy Act of 1969," that the Commission is providing an opportunity for hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the existing full-term facility operating license should be continued, modified, terminated or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary of the Commission or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Atomic Energy Act of 1954, as amended ("the Act"), to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed either by mail with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than August 17, 1973. A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the consideration of those factors specified in 10 CFR 2.714(a).

For further details with respect to the matters under consideration, see (1) the licensee's Environmental Report dated November 5, 1971, and (2) the Commission's draft environmental statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated April 1973, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550.

The Commission's final detailed statement on environmental considerations will also be available at the above locations upon issuance. A copy of this item may be obtained when available by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

A. BURGER,
Acting Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.73–14302 Filed 7–17–73;8:45 am]

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issuance of Full-Term Facility Operating License and Opportunity for Hearing

On July 13, 1971, a notice of proposed issuance of a full-term operating license was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 FR 13051) in the captioned proceeding. That Notice provided an opportunity to intervene with respect to the proposed action specified in the Notice to persons whose interests may be affected by the proceeding. No request for a hearing by the applicant or petition for leave to intervene by any interested person was filed with the Commission pursuant to the notice.

The proposed full-term facility operating license would authorize Connecticut Yankee Atomic Power Company (the licensee) to possess, use and operate the Haddam Neck Plant (the facility), located in the town of Haddam, Middlesex County, Connecticut, at its presently licensed steady state power levels up to 1825 megawatts (thermal) in accordance with the provisions of the proposed facility license and the Technical Specifications appended thereto.

The proposed full-term operating license, which would bear the same number, would supersede the existing Provisional Operating License No. DPR–14, and be effective for a period of 40 years from the date of issuance of Construction Permit No. CPPR–14.

The full-term license will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The licensee has satisfied its obligation concerning indemnification as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations. Therefore, the license would only be issued upon the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D. The facility has been operated since June 30, 1967, under Provisional Operating License No. DPR–14.

Notice is hereby given, pursuant to 10 CFR Part 2, Rules of Practice, and Revised Appendix D of 10 CFR Part 50, Implementation of the National Environmental Policy Act of 1969, that the Commission is providing an opportunity for a hearing with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the proposed full-term operating license should be issued as proposed or appropriately conditioned to protect environmental values.

On or before August 17, 1973 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene with respect to the issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets

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forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention Chief, Public Proceeding Staff not later than August 13, 1973. Such requests or petitions may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition or request determine that the petitioner has made a substantial showing of good cause for failure to file on time and after consideration of those factors specified in 10 CFR 2.714(a).

This notice supersedes the notice of proposed issuance published on July 13, 1971, with respect to the matters which may be raised under Appendix D of 10 CFR Part 50, but does not provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security specified in the prior above-referenced notice of proposed issuance.

For further details pertaining to the matter under consideration, see the licensee's Environmental Report dated June 27, 1972, and the Commission's draft environmental statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated March 1973, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06487. When available, the Commission's final detailed statement on environmental considerations will also be available at the above locations.

A copy of the final detailed statement on environmental considerations may be obtained when available by request to the U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

A. BURGER,
Acting Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.73-14301 Filed 7-17-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER AND LIGHT CO.

Notice of Reconstitution of Board

Dr. Gerard A. Rohlich was a member of the Atomic Safety and Licensing Board established to consider the above application. Dr. Rohlich is unable to continue his service as a member of the Board.

Accordingly, Dr. J. V. Leeds, Jr., who was the technically qualified alternate, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Washington, D.C., this 13th day of July 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.14986 Filed 7-17-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 25151, 25206; Order 73-7-50]

FRONTIER AIRLINES, INC.

Order Denying Temporary Suspension and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Application of Frontier Airlines, Inc., for permission to suspend service at Moab, Utah, Docket 25151; application of Frontier Airlines, Inc., for the amendment of its certificate of public convenience and necessity for Route 37 so as to delete Moab, Utah therefrom, Docket 25206.

By applications filed on January 23, 1973, (Docket 25151), and February 12, 1973, (Docket 25206), Frontier Airlines, Inc., requests that its certificate of public convenience and necessity be amended so as to delete Moab, Utah, from Route 73, and, pending such deletion hearing, that it be permitted to suspend service at the community involved.

In support of its application, Frontier alleges, inter alia, that the subsidy paid it from 1968 to 1972 for serving marginal points fell far short of meeting its subsidy needs and resulted in an aggregate net loss to Frontier of $24 million for the period; that Moab has been a poor traffic-generating point,[1] resulting in a subsidy need per passenger at Moab of $38.89 or a figure 4.7 times greater than the average for Frontier's subsidy-eligible services; that in the absence of service at its own airport, Moab would not be isolated since the airport at Grand Junction, Colorado can be reached in one hour and 48 minutes driving time; [2] and that Moab's airport requires substantial renovations (estimated by Frontier at $412,000) which would be unwarranted in light of the high subsidy need of serving Moab and the alternate service at Grand Junction.

Three answers in opposition were filed to Frontier's application, by Yvonne and Bill McIntosh of Dallas, Texas; the City of Cortez, Colorado; and the Utah Agencies (Utah).[3]

The McIntosh's stress the need for service to Moab and to three national parks in the area. Cortez contends that the grant of Frontier's requests would remove a vital transportation link for the population centers in isolated areas of the Colorado plateau and points to forecasts for substantial growth in the area. Utah alleges that Frontier's own exhibits show that, after subsidy, the carrier presently realizes an operating profit of $37,000 in service to Moab; points to Moab's isolation from major communities of interest; argues that suspension and deletion of Frontier's service at Moab should be ordered only after an investigation of "more viable and less drastic" solutions; contends that Frontier's air service at Moab has been permitted to deteriorate in recent years, resulting in the depressed passenger statistics brought forward by Frontier, which statistics should, therefore, not be taken into account by the Board; and states that it hopes to present a petition to the Board for the institution of an investigation to determine the adequacy of service to the small communities of the West. Frontier filed a reply to Utah's answer.

Upon consideration of the pleadings and all the relevant facts, and in light of the objections of the civic parties, we have decided that Frontier's application for temporary suspension at Moab should be denied and that the carrier's application for deletion of Moab from its certificate should be set for hearing.

We believe that the issues presented by Frontier's application can most appropriately be explored in a full evidentiary hearing. Moreover, we shall not authorize a temporary suspension of service pending the outcome of that hearing. This action is similar to that which we have taken under comparable circumstances.[4]

Accordingly, it is ordered, That:

1. The application of Frontier Airlines, Inc. for permission to suspend service at Moab, Utah, pending a permanent deletion of Moab from the carrier's certificate of public convenience and necessity, be and it hereby is denied;

2. The application of Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity so as to delete Moab, Utah, from Route 73, in Docket 25206, be and it hereby is set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated; [5] and

3. A copy of this order shall be served upon Frontier Airlines, Inc.; Utah Agencies; Governor, Moab and Salt Lake City, Utah, and Grand Junction and Cortez, Colorado; Utah Aeronautics Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14697 Filed 7-17-73;8:45 am]

[Docket Nos. 23682, 25659; Order 73-7-45]

INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE

Order Denying Petition

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1973.

On Friday, June 29, 1973, the Board issued Order 73-6-119, instituting the above entitled investigation in Docket 25659 and reopening (as of Sunday, July 1, 1973) the final subsidy rate presently in effect for the local service carriers.[1] On that same date, Hughes Air West (Airwest) and Frontier Airlines, Inc. (Frontier), jointly filed a petition requesting that the Board refrain from reopening the local service class subsidy rate until it has prepared and is ready to place into effect a new class rate to succeed that which is presently effective, or, alternatively, that oral argument be held on the issue of whether such existing rate should be reopened.

Petitioners' request for relief is grounded on the contention that maintenance of the status quo—i.e., a closed-rate situation—pending establishment of the new class rate is necessary to protect petitioners against the "recognized disadvantages" of operating under an open rate and to afford the local carriers a fair opportunity to participate in the development of the new class rate without the "penalty" of remaining on an open rate while the new rate is being formulated. In support of this contention, petitioners argue, inter alia, that the order instituting this investigation and reopening the rate will raise numerous substantive issues concerning the final rate which will inevitably take many months to resolve; that during these months the local carriers, as well as various other interested parties, will be uncertain as to the composition of the final rate; and that this state of "uncertainty" will put the carriers in a weak position to follow all of the procedural steps needed to obtain thorough Board consideration of the aforementioned substantive issues. Petitioners also point to the recent report of the Senate Appropriations Committee relating to the Board's appropriation for fiscal 1973 [2] as evidencing a Congressional desire that the Board defer action on reopening Class Rate VI until it has constructed and promulgated Class Rate VII.

They further allege that the subsidy for the local industry has not changed significantly since 1971 (the base year for Class Rate VI) related to what is asserted to be the fact that improvements in operating incomes, which would decrease subsidy need, are roughly offset by larger income tax allowances, which would increase subsidy need. Thus, they say, there is at this time no compelling need to reopen the existing class rate.

In light of our action in Order 73-6-119, we find that the matters raised in the petition are moot, and, therefore, that it should be dismissed.

Moreover, we find nothing in the petition which would persuade us to depart from our determination to reopen Class Rate VI or to grant petitioners leave to present oral argument with respect to that determination. Boiled down to its essential ingredients, petitioners' argument is that we cannot, consistent with the requirements of procedural due process, reopen an existing subsidy rate unless we first allow the local service carriers to present their views on the appropriate structure of the new class rate, an argument which we find totally lacking in substance. It is clear that under the subsidy determining powers enumerated in section 406 of the Act, in conjunction with the broad investigatory powers embodied in section 1002(b) of the Act, the Board has discretion to open a subsidy rate on its own initiative without soliciting the advice of the local service industry or any other person on either the desirability of such action or the composition of the class rate to be ultimately established; indeed, it is at least noteworthy that the Board has reopened each of the class rates preceding Class Rate VI pending the establishment of their successor rates.

The Board's objective, under the class rate concept, is to effect timely adjustments to the subsidy need determination, as reflected in the class rate, of the local service carriers and each individual carrier. To implement this objective, it is imperative that we take prompt and decisive action to reopen the existing rate and establish a new rate when it appears that the present level of subsidy payments is significantly above or below the reasonable need of the carriers as expected by current information. As reflected in our order instituting this investigation, we found that the increasing subsidy need trend which had so long characterized the local industry had in recent months undergone a sharp reversal, with estimates of earnings and subsidy need through fiscal 1973 indicating a continuing strong financial picture, and we reopened the present class rate to reflect this apparent trend of decreasing subsidy need.

It may be true that for some of the time during which the rate is open the local carriers will be uncertain as to the structure of their new subsidy rate; yet, we fail to see how this "uncertainty" in and of itself results in making the entire procedure for establishing such rate unfair to these carriers. Although petitioners' document is replete with general averments concerning the "coercive effect" and "recognized disadvantage" of operating under an open rate, it is conspicuously silent as to any particular ways in which this situation will hamper the local carriers' ability to participate in the development of the new class rate. Moreover, the Board expects to formulate and issue the interlocutory and final orders necessary to establish the new class rate as expeditiously as possible, so that the time the carriers are required to spend on an open rate should be held to a minimum. In light of the foregoing, we have no present basis for concluding that placing the local carriers on an open rate will result in depriving them of a fair hearing in this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002(b) thereof,

It is ordered, That:

The joint petition of Hughes Air Corp. d/b/a Hughes Airwest and Frontier Airlines, Inc., in Docket 23682 to defer action on reopening the local service class subsidy rate be, and it hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14696 Filed 7-17-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption; Correction

JULY 12, 1973.

In FR Doc. 73-13543 appearing at page 17526 in the issue of Monday, July 2,

[1] 6.59 passengers per day and an average of 2.61 passengers per departure over the past four years.

[2] Frontier relies on the staff study of the Bureau of Operating Rights, Service to Small Communities (March 1972), which concluded that any community within 111 minutes driving time of Grand Junction was not isolated. That study further concluded, however, that Moab is a 2 hour and 5 minute drive from the Grand Junction airport—not the one hour, 48 minutes alleged by Frontier.

[3] Utah Agencies is an association comprised of the State of Utah, Salt Lake City Corporation, Salt Lake City Area Chamber of Commerce, and Pro-Utah, Inc. It answers in behalf of the State of Utah, the Board of Commissioners of Grand County, Utah, and the City Commissioners of Moab, Utah.

[4] See *e.g.*, Order 70-11-72, November 18, 1970, and Order 71-12-68, December 16, 1971.

[5] The hearing shall determine whether the public convenience and necessity require that Frontier's certificate be altered, amended, or modified so as to suspend or delete Moab. As an alternative to amending Frontier's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by Frontier, with or without conditions.

[1] Class Rate VI as established by Orders 72-6-72, June 16, 1972 and 72-7-82, July 25, 1972, Docket 23682.

[2] Report No. 92-865, 92nd Cong., 2d Sess. p. 32. This report states as follows: "Class rates are supposed to be prospective in order to avoid making the carriers operate under an open rate for an extended period of time. Notwithstanding this fact, during the past eleven months, an open rate has been in effect. The Committee desires that the CAB extend Class Rate VI until formulation and approval of Class Rate VII. It is imperative that the local service air carriers be provided forward visibility in forecasting their anticipated revenues so that business decisions can be intelligently and knowledgably made on matters such as debt management and budgeting for needed capital improvements."

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1973, both the document and the attached letter should have been dated June 29, 1973, instead of June 29, 1972. The date cited in line 2, paragraph 2 of the notice should also read June 29, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14846 Filed 7-17-73;8:45 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN BELIZE (FORMERLY BRITISH HONDURAS)

Entry or Withdrawal From Warehouse for Consumption; Correction

JULY 12, 1973.

In FR Doc. 73-13537 appearing at page 17760 in the issue of Tuesday, July 3, 1973, both the document and the attached letter should have been dated June 28, 1973, instead of June 28, 1972. The date cited in line 2, paragraph 2 of the notice should also read June 28, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14847 Filed 7-17-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Change in Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the meeting of the Food Industry Advisory Committee scheduled, as previously announced, on July 23 and 24, 1973 in Washington, D.C. has been cancelled.

Issued in Washington, D.C. on July 16, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-14830 Filed 7-16-73;4:13 pm]

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on July 25, 1973 and the meeting will be open to the public on a first-come, first-served basis at 10 a.m. in room 8009, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of health industry wage cases currently pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C. on July 16, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-14831 Filed 7-16-73;4:13 pm]

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by Section 6(b) of Executive Order 11695, will meet on July 23, 1973 at the Cost of Living Council offices, 2000 M Street, NW., Washington, D.C.

The morning portion of the meeting, which will be held from 10:00 a.m. to 12:30 p.m. in the second floor auditorium, will be open to the public. The meeting will be opened by introductory remarks by the Director, Cost of Living Council, followed by a discussion of possible coverage of the health industry under Phase IV.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street, N.W., Washington, D.C. 20508.

Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

The afternoon portion of the meeting, to run from 12:30 to 4:00 p.m., will be closed to the public. Since the afternoon meeting will be discussing the substance of Phase IV and other possible governmental actions therewith, I have determined that the meeting will fall within Exemption 5 of 5 U.S.C. 552(b) and it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 17, 1973.

WILLIAM N. WALKER,
General Counsel, Cost of Living Council.

[FR Doc.73-14902 Filed 7-17-73;10:58 am]

[Docket No. CI61-433, etc.]

FEDERAL POWER COMMISSION

AMERICAN NATURAL GAS PRODUCTION CO. ET AL.

Findings and Order After Statutory Hearing

JULY 11, 1973.

On May 19, 1973, American Natural Gas Production Company (American) filed in Docket Nos. CI61-433 and CI63-1046 a request that it be authorized to continue the sale of natural gas from its own interest in the Shuteston Field, St. Landry Parish, Louisiana, to Michigan Wisconsin Pipe Line Company, (Mich-Wis) all as more fully set forth in request in this proceeding.

American's interest of natural gas in the subject acreage has heretofore been sold under authorization granted to Falcon Seaboard, Inc., in Docket Nos. CI61-433 and CI63-1046 (temporary certificate). With the issuance of a small producer certificate to Falcon on February 29, 1972, in Docket No. CS72-503 [1] the certificates in Docket Nos. CI61-433 and CI63-1046 were terminated and the related rate schedules were cancelled. American requests that it be substituted as the certificate holder in Docket No. CI61-433 and that it be granted a permanent certificate in Docket No. CI63-1046 to permit it to cover its own interest in the subject acreage. The last effective rate under Falcon's rate schedules was 22.375 cents per Mcf effective subject to refund in Docket No. RI71-963.

Inasmuch as American and Mich-Wis are affiliated companies and the gas involved herein is produced from leases acquired before October 7, 1969,[2] the rate authorized herein will be made subject to refund pending a determination as to the proper rate.

After due notice by publication in the FEDERAL REGISTER no petition to intervene, notice of intervention or protest to the granting of the request has been filed.

At a hearing held on July 5, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the request and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, American Natural Gas Production Company, is engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

[1] Order issued in Docket No. CS71-68, *et al.*

[2] In Commission Opinion No. 568, *Pipeline Production Area Rate Proceeding (Phase I)*, Docket No. RP66-24, 42 FPC 738 (1969), the Commission determined that the just and reasonable area rates would be used to value gas produced by pipeline affiliates for on-system sales from leases acquired after October 7, 1969.

(2) The sale of natural gas hereinbefore described in Docket No. CI63-1046, as more fully described in the request in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations thereunder.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the Commission's order of February 29, 1972, in Docket No. CS72-503 should be vacated in part as hereinafter ordered.

(5) The sale of natural gas proposed to be made in Docket No. CI63-1046 by Applicant is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing a certificate of public convenience and necessity in Docket No. CI61-433 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American should be made a co-respondent in the proceeding pending in Docket No. RI71-963 and that said proceeding should be redesignated accordingly.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate schedules related to the authorizations granted in Docket Nos. CI61-433 and CI63-1046 should be redesignated as those of American Natural Gas Production Company.

The Commission orders:

(A) The Commission's order of February 29, 1972, in Docket No. CS71-68 *et al.*, is vacated insofar as it pertains to the termination on Docket Nos. CI61-433 and CI63-1046 and the cancellation of the related rate schedules, Falcon Seaboard, Inc. (Operator), *et al.*, FPC Gas Rate Schedule Nos. 8 and 15.

(B) A certificate of public convenience and necessity is issued in Docket No. CI63-1046 upon the terms and conditions of this order authorizing the sale by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(C) The certificate issued herein in Docket No. CI63-1046 is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the rules, regulations, and orders of the Commission.

(D) The grant of the certificate issued in paragraph (B) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by Section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(E) The order issuing a certificate of public convenience and necessity in Docket No. CI61-433 is amended by substituting American Natural Gas Production Company as the certificate holder in lieu of Falcon Seaboard, Inc. (Operator), *et al.*, and in all other respects said order shall remain in full force and effect.

(F) Within 90 days from the date of this order American shall file three copies of a rate scheduled quality-statement in the form prescribed in Commission Opinion No. 598 for both of the subject sales.

(G) The authorizations granted herein are subject to the Commission's findings and order accompanying Commission Opinion Nos. 598 and 598-A.

(H) American Natural Gas Production Company is made a co-respondent in the proceeding pending in Docket No. RI71-963 and said proceeding is redesignated accordingly. American shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(I) American shall charge and collect a rate of 22.375 cents per Mcf at 15.025 psia, subject to refund in Docket No. RI71-963, for the subject sales.

(J) The authorizations granted herein determine the rates which American Natural Gas Production Company may legally charge its affiliate, Michigan Wisconsin Pipe Line Company, under the subject authorizations, and are without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(K) The following rate schedule and rate schedule supplements are redesignated effective February 29, 1972:

Docket No.	Description of Instrument	Rate schedule designation: American Natural Gas Production Company FPC Gas Rate Schedule No.	Rate schedule designation: Supplement No.
CI61-433	Falcon Seaboard, Inc. (Operator) et al., FPC Gas Rate Schedule No. 8 and Supplement Nos. 1-5 thereto	6	1-5
CI63-1046	Falcon Seaboard, Inc. (Operator) et al., FPC Gas Rate Schedule No. 15 and Supplement Nos. 1-5 thereto	7	1-5

(L) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14664 Filed 7-17-73;8:45 am]

[Docket No. CI73-937]

ANADARKO PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 29, 1973, Anadarko Production Company (Applicant), P.O. Box 9317, Fort Worth, Texas 76107, filed in Docket No. CI73-937 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Cities Service "A" Well, Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 3,000 Mcf of gas per day at 40.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, for one year after the first day of the month following the date of initial deliveries, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the

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Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14592 Filed 7-17-73;8:45 am]

[Docket No. CI73-934]

ARKLA EXPLORATION CO. AND STEPHENS PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 28, 1973, Arkla Exploration Company (Arkla) and Stephens Production Company (Stephens), P. O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CI73-934 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natual gas in interstate commerce to Arkansas Louisiana Gas Company from the South West O'Keene Field, Blaine County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Arkla and Stephens propose to sell, from the Weber No. 1 Well in which each owns a 50 percent interest, approximately 60,830 Mcf of gas per month for one year at 45.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14590 Filed 7-17-73;8:45 am]

[Docket No. CI73-758]

BASIN PETROLEUM CORP.

Extension of Time

JULY 10, 1973.

On July 6, 1973, Basin Petroleum Corporation requested an extension of time to file the testimony required by the order issued June 26, 1973, in the above-designated matter. The request states that Texas Eastern Transmission Corporation has no objection to the extension.

Upon consideration, notice is hereby given that an extension is granted to and including July 13, 1973, within which to file the testimony required in the above matter. The hearing will be held at 10:00 a.m. (EDT) on July 26, 1973, as previously scheduled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14672 Filed 7-17-73;8:45 am]

[Docket No. CI73-920]

BRUNSON & McKNIGHT, INC. ET AL.

Notice of Application

JULY 10, 1973.

Take notice that on June 25, 1973, Brunson & McKnight, Inc. (Operator), *et al.* (Applicant), P.O Box 1039, Hobbs, New Mexico 88240, filed in Docket No. CI73-920 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from the South Carlsbad Area, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 17, 1973, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 40,000 Mcf of gas per month at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is 0.26 cent per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14596 Filed 7-17-73;8:45 am]

[Docket No. CP73-342]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JULY 11, 1973.

Take notice that on June 27, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP73-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of synthetic gas (SG), as mixed with natural gas, between Applicant and its subsidiary, Columbia LNG Corporation (Columbia LNG) and the construction of certain facilities at the Downingtown Compressor Station in Chester County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive and deliver certain volumes of SG which its customers have purchased from Columbia LNG. The SG will be produced by a subsidiary of Apco Oil Corporation at a reforming plant to be constructed in Delaware County, Pennsylvania, and will be transported by Applicant to its existing Downingtown Compressor Station for re-delivery to the purchasers at existing delivery points along its pipeline according to the monthly load factors represented by maximum monthly volumes for each customer as contained in Sheet Nos. 90 through 94 of Applicant's FPC Gas Tariff, Original Volume No. 1 or, for SGS customers, according to monthly estimates for the year ending October 1972. Applicant states that it is advised that approximately 43,125,000 Mcf of SG will be delivered annually at an average rate of 125,000 Mcf daily (for 345 days) beginning November 1, 1975, and will be sold to all CD, G, and SGS customers of Applicant on a pro rata basis depending on each customer's current delivery entitlements. Applicant proposes to charge SG purchasers approximately 13.0 cents per Mcf for the transmission and storage services rendered. It is stated that Applicant will not be obligated to deliver SG to a customer when the customer is receiving its total daily entitlement of gas under the applicable Rate Schedule in Applicant's FPC Gas Tariff, Original Volume No. 1, or the equivalent volumes of gas under Applicant's FPC Gas Tariff, Original Volume No. 2.

Applicant also proposes to construct interconnecting piping facilities, to replace regulating facilities, and to replace and/or modify existing compressor facilities at the Downingtown Compressor Station in order to facilitate the proposed exchange. The cost of the proposed facilities is $406,000 which will be financed from cash on hand.

The purpose of the proposed exchange service and construction and/or replacement is to augment Applicant's ability to meet its customers' requirements during the 1975-76 winter season and thereafter. It is stated that Applicant expects that its historic gas supply will be insufficient to meet existing levels of gas requirements beginning with said period and the proposed exchange will partially offset the estimated declines in deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14665 Filed 7-17-73;8:45 am]

[Docket No. E-8105]

CONNECTICUT POWER & LIGHT CO.

Order Accepting Initial Rate Schedule

JULY 10, 1973.

On April 2, 1973, the Connecticut Light and Power Company (CL&P) tendered for filing on behalf of the Northeast Utilities System (NU) a proposed Rate Schedule consisting of a Purchase agreement (Agreement) between the members of NU (CL&P, The Hartford Electric Light Company (Hartford) and Western Massachusetts Electric Company (Western Massachusetts)) as the renderers of service, and New Bedford Gas and Electric Light Company (New Bedford), as the receiver of service. CL&P's transmittal letter states that the Agreement provides for sales to New Bedford of specified percentages of capacity and energy from either eight or eleven gas turbine generating units, depending on the period, between March 1, 1973 to April 30, 1974, together with related transmission service. The Agreement is signed by representatives of the four parties and certificates of concurrence from Hartford and Western Massachusetts are included in the filing.

CL&P requests waiver of the Commission's thirty-day notice period in order to permit the rate schedule to become effective on March 1, 1973. However, subsequent to the filing a deficiency letter was issued which the Company responded to by a curative filing on May 31, 1973.

The filing was noticed on April 11, 1973, with petitions to intervene and protests due on or before April 23, 1973. No such petitions or protests were received.

The previous agreement among these parties is on file with this Commission and, although that agreement has expired by its own terms, notice of cancelation of the rate schedules thereunder has not been received. The rate formula under the prior rate schedules is identical to that being proposed in this filing. The instant agreement replaces the expired agreement and does not involve a change in rates. Therefore we will treat the filing as an initial filing. Accordingly, we shall deny the request for waiver, accept the proposed rate schedule for filing to become effective thirty days after the filing was completed or July 1, 1973. The proposed rates, according to CL&P, would include overall rates of return for CL&P, Hartford, and Western Massachusetts of 10.6 percent, 10.95 percent, and 8.73 percent respectively. Our review of the filing indicates that the proposed rates may not be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we will institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the filed rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon an investigation to determine if the rates and charges contained in CL&P's proposed Rate Schedule are in the public interest.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) The requested waiver of our notice requirement should be denied.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held, commencing with a prehearing conference on September 21, 1973, at 10:00 A.M., EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine if the rates,

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charges, classifications and services contained in CL&P's proposed Rate Schedule are in the public interest.

(B) At the prehearing conference on September 21, 1973, CL&P's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of section 1.18 of the Commission's rules of practice.

(C) On or before September 14, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before September 28, 1973. Any rebuttal evidence by CL&P shall be served on or before October 12, 1973. The public hearing herein ordered shall convene on October 24, 1973, at 10:00 a.m., EDT.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) CL&P's proposed rate schedule tendered on April 27, 1973, is accepted for filing to become effective July 1, 1973, thirty days after the official filing date and subject to the terms and conditions of this order, particularly ordering paragraph (F) hereof.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(G) The request for waiver of our notice regulations is denied and the rates are permitted to become effective July 1, 1973.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14668 Filed 7-17-73;8:45 am]

[Docket Nos. RP72-47; RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Request To Withdraw Tariff Sheets and Filing of Proposed Curtailment Plan

JULY 10, 1973.

Take notice that on June 14, 1973, Consolidated Gas Supply Corporation (Consolidated) filed a request in Docket No. RP72-47 to withdraw certain tariff sheets[1] from its FPC Gas Tariff, First Volume No. 1. The tariff sheets were originally filed June 21, 1972 and suspended until August 22, 1972. Consolidated has not moved to place the suspended sheets into effect.

On August 11, 1972, the Commission rejected some of the tariff sheets filed on June 21, 1972. Thereafter, Consolidated requested reconsideration of the order rejecting its tariff sheets. On March 15, 1973, the Commission issued an order deferring action on Consolidated's application for reconsideration in order to permit Consolidated to file tariff sheets conforming to the curtailment priorities set forth in Order 467-B. The March 15 order also provided that prior tariff sheets relating to curtailment could be withdrawn in the event Consolidated filed tariff sheets consistent with the priorities set forth in Order 467-B. Consolidated's request for withdrawal of the tariff sheets is in response to the March 15 order.

Take further notice that on June 14, 1973, Consolidated submitted for filing, in Docket No. RP73-115, revised tariff sheets[2] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan. Consolidated requests that its tendered sheets become effective sixty days from the date of the filing.

In summary, Consolidated's proposed permanent curtailment plan provides:

(1) Curtailment to be applied according to the priorities set forth in Order 467-B, except that Consolidated has included small volume industrial sales (up to 300 Mcf/d) in Category (2), separating them from the other industrial categories.

(2) An annual percentage curtailment for certain customers that receive a small fraction of their supply from Consolidated under Rate Schedules SG-2, CQ-2, CQ-3, SCQ-4, and ACR-4.

(3) An emergency provision to permit deliveries to lower priorities than would otherwise be delivered under the order of priorities specified, in order to prevent irreparable injury to life or property.

(4) Adjustment of rates to reflect curtailment, computed at the end of each calendar quarter on a rate schedule by rate schedule basis.

(5) General rules to be applied during curtailment under the proposed specific curtailment provisions.

Consolidated states that Consolidated and its customers make few interruptible sales that fall within Categories (6) through (9), as enumerated in Order 467-B, but that all of such categories were included to conform with that order.

Consolidated states that the above-described permanent curtailment plan was formulated to provide for end-use curtailment which conforms substantially to Order 467-B. The plan is on file with the Commission and is available for inspection.

Any person desiring to be heard or to make any protect with reference to this filing should on or before July 23, 1973, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's statement of policy implementing the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38) and Executive Order 11616 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14597 Filed 7-17-73;8:45 am]

[Docket No. CI73-914]

CRYSTAL OIL CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 25, 1973, Crystal Oil Company (Applicant), P.O. Box 1101, Shreveport, Louisiana 71163, filed in Docket No. CI73-914 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Louisiana-Nevada Transit Company (Louisiana-Nevada) from acreage in the Shongaloo Field, Webster Parish, Louisiana, and delivery of said gas to Beacon Gasoline Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 15, 1973, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sales for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 under the Commission's general policy and interpretation (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia. Applicant states that deliveries will initially be made at the Beacon Gasoline Plant in Webster Parish for transmission through Beacon Gasoline Company's 6-inch pipeline to Louisiana-Nevada's Haynesville Lateral pipeline. Apllcant further states that it is a small producer within the meaning of § 157.40 of the Regulations (18 CFR 157.40) and is filing the instant application solely to secure pre-granted abandonment authorization and does not intend to file a rate schedule for the proposed sale.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14599 Filed 7-17-73;8:45 am]

[Docket No. E-8189]

DAYTON POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Revised Tariff Sheets

JULY 9, 1973.

The Dayton Power and Light Company (Dayton) on May 11, 1973, tendered for filing revised tariff sheets to its FPC Electric Tariff, Original Volume No. 1, proposed to become effective July 10, 1973.[1] The revised tariff sheets, applicable to service to 13 municipalities for resale, include increased rates and charges which would increase annual revenues from jurisdictional sales and service approximately $371,045, based upon operations for the calendar year 1972.[2] The rate filing also includes changes to the fuel adjustment and tax adjustment clauses contained in the rate schedule.

In support of its proposed increased rates, Dayton claims that it is entitled to an 8.0 percent rate of return allowance and that on the basis of its 1972 cost of service study, the proposed rates would yield a return of 7.5 percent. The cost study includes the following adjustments to per books figures:

(i) annualized effect of wage increase effective October 29, 1972;

(ii) restated test period fuel cost to a level said to be based on fuel costs experienced in December 1972; and

(iii) restated depreciation expense to reflect application of depreciation accrual rates to average plant in service balances.

Copies of the rate filing were served upon Dayton's municipal resale customers. Notice of the filing was issued on May 30, and was published in the FEDERAL REGISTER on June 4, 1973 (38 FR 14716). The Villages of Jackson Center and Tipp City, Ohio, jointly, and the Villages of Versailles, New Knoxville, New Bremen, and Minister, Ohio, jointly, filed petitions for leave to intervene. The petitioners contend that the rate increase is not needed or justified and request that the filing be suspended for five months. Petitioners also contend that the proposed revisions to the fuel adjustment clause do not meet the standards in Section 35.14 of the Commission's regulations Under the Federal Power Act, and that the tax adjustment clause is neither provided for by regulation nor by the Act and appears to be in violation of Section 205 of the Act.

It appears that under Dayton's proposed fuel adjustment clause, the company's own fuel cost would be imputed to the cost of power it purchases. Such procedure is inconsistent with Commission Opinion No. 633, New England Power Company, Docket No. E-7541, issued October 30, 1972 (48 FPC —). Accordingly, this feature of the proposed fuel clause should be eliminated.

Our review of Dayton's filing, including the tax adjustment clause, and the pleadings indicates that the proposed increased rates and charges raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Dayton's FPC Electric Tariff, Original Volume No. 1, as proposed to be amended by the rate filing tendered by Dayton on May 11, 1973, and that the tendered revised tariff sheets be accepted for filing, suspended and their use deferred as hereinafter ordered and conditioned.

(2) The participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 206, 308 and 309 thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act, a public hearing shall be held, commencing with a prehearing conference on December 6, 1973, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates and charges contained in Dayton's FPC Electric Tariff, as proposed to be amended by the revised tariff sheets filed on May 11, 1973.

(B) The revised tariff sheets and the proposed increased rates and charges contained therein, filed by Dayton on May 11, 1973, as described above, are accepted for filing, pending hearing and final decision herein, and are suspended and the use thereof deferred until September 10, 1973.

(C) The Commission Staff shall serve its direct case on or before November 9. Intervenors shall serve their direct case on or before November 27. At the Prehearing Conference on December 6, Dayton's prepared testimony (Statement P), as its case-in-chief, together with its entire rate filing, and all testimony and exhibits served by other parties, shall be admitted to the record, subject to appropriate motions of the parties. Dayton may serve rebuttal evidence on or before December 21, 1973. Cross-examination of witnesses shall commence at 10:00 a.m., e.s.t., on January 9, 1974.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall preside at the hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, and the Federal Power Act.

(E) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such intervenors

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[1] Consolidated requests that the following sheets be withdrawn: Original Sheets Nos. 53-B, 53-C and 53-D. The aforementioned tariff sheets contain a list of industrial gas applications where natural gas is the only feasible form of energy.

[2] The tariff sheets are designated as follows: Third Revised Sheet No. 51; First Revised Sheet No. 51-A; First Revised Sheet No. 51-B; First Revised Sheet 51-C; Original Sheet No. 51-D.

[1] Second Revised Tariff Sheets Nos. 4 and 5.

[2] City of Celina and Villages of Arcanum, Eldorado, Jackson Center, Lakeview, Mendon, Minster, New Bremen, New Knoxville, Tipp City, Versailles, Waynesfield, and Yellow Springs, all of Ohio.

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shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(F) Any future change in rates resulting from application of the tax adjustment clause of Dayton's FPC Electric Tariff should be accompanied by appropriate data and computations showing the basis for the change in rate.

(G) Within 30 days from the date of this order, Dayton shall file an amendment to its fuel cost adjustment clause in compliance with the requirements of Commission Opinion No. 633, as described above.

(H) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14679 Filed 7-17-73;8:45 am]

[Docket No. E-8297]

DELMARVA POWER AND LIGHT CO.

New Facilities Agreement

JULY 11, 1973.

Take notice that on June 26, 1973, Delmarva Power and Light Company (DPL) tendered for filing an agreement to sell generation facilities to Philadelphia Electric Company (PE), becoming effective on July 28, 1973, and lasting until April 30, 1975.

DPL states that the agreement not only transfers one-half the generating capacity at its Edge Moor #5 unit, but also provides for (1) construction of an interconnection between the electrical supply systems of both companies; (2) carrying charges to be paid to DPL by PE for DPL's remaining investment in the unit and maintenance of the unit; and (3) carrying charges to be paid by both companies to each other for use of the interconnection.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C., in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 19, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14669 Filed 7-17-73;8:45 am]

[Docket No. CI73-940]

D. L. HANNIFIN AND JOE DON COOK

Notice of Application

JULY 11, 1973.

Take notice that on June 29, 1973, D. L. Hannifin, P.O. Box 182, Roswell, New Mexico 88201, and Joe Don Cook, P.O. Box 159, Roswell, New Mexico 88201, filed in Docket No. CI73-937 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the South Carlsbad Morrow Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas on June 9, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposed to continue said sale for 14 months from said date within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to sell approximately 210,000 Mcf of gas per month at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14589 Filed 7-17-73;8:45 am]

[Docket No. CP73-347]

LONE STAR GAS CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 29, 1973, Lone Star Gas Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CP73-347 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for the calendar year 1973, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $700,000 with no single project costing in excess of $175,000. These costs will be financed from working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14674 Filed 7-17-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Extension of Time

JULY 6, 1973.

On May 31, 1973, Intervenors, Alexandria Board of Public Works, et al., pursuant to an order of the Commission in this proceeding [1], filed its Status Report. On June 11, 1973, Alexandria filed a motion for Further Extension of Time; on June 18, 1973, a Joint Answer in Opposition to the Motion for Extension of Time was filed by participants; and on June 20, 1973, a response to the Joint Answer was filed by Alexandria. On June 25, 1973, pursuant to section 1.12(c) of the Commission's rules, Staff filed comments on these motions which supported Alexandria's request for an extension of time, provided the Presiding Administrative Law Judge has discretion to reduce the extension if he determines that such reduction is appropriate under the circumstances.

Alexandria, et al., contend that this docket should not proceed to hearing or that it should not be required to submit testimony until the outstanding matters of document production have been resolved. In light of the inability of Counsel to obtain a reasonable, voluntary agreement with respect to document production and inspection to be afforded the intervenors, Alexandria requests that resolution be had by formal application to Judge Fribourg and that Judge Fribourg be permitted to move these matters ahead in a timely manner. Alexandria, et al., therefore, moved that this Commission grant an extension of ninety (90) days for submission of its case in chief, with discretion vested in the Presiding Administrative Law Judge to reduce the requested extension if he determines it is appropriate to do so.[2]

The extension requested by Alexandria in its motion dated June 11, 1973 is intended to provide Judge Fribourg and the parties with reasonable time to resolve the present disagreement with respect to document production and afford an adequate period to conclude this phase of the proceeding including preparation of additional direct testimony.

Judge Fribourg is hereby ordered to set the matter for hearing and rule on the allowable scope of discovery and the relevancy of the requested documents. All other dates previously provided by the Commission for filing testimony and commencing hearing are hereby extended accordingly.

The Commission finds:

It is appropriate and in the public interest to grant intervenors a 90 day extension of time for the filing of prepared testimony.

The Commission orders:

(A) Alexandria, et al., are hereby granted a 90 day extension of time, for the additional filing of prepared testimony. Accordingly, all additional dates previously set by the Commission for filing of the Company's and Staff's testimony and the Commencement of Hearing will also be extended for 90 days.

(B) The extension of time granted by this Commission will be for a 90 day period, without prejudice to the Administrative Law Judge reducing the 90 day period if he in his discretion determines that amended testimony should be submitted earlier than the 90 day period.

(C) Alexandria, et al., shall file with the Commission a report on or before August 17, 1973, on the progress and status of the revisions of its request for documents with respect to that date and other steps that it has taken with respect to these proceedings.

(D) All requests not specifically granted by this order are hereby denied.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14666 Filed 7-17-73;8:45 am]

[Docket No. CP73-345]

MIDWESTERN GAS TRANSMISSION CO. AND PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-345 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between them and the construction and operation of certain facilities therefor, all as more fully set forth in the application which is on file with the Commssion and open to public inspection.

It is stated that Peoples Gas Light and Coke Company (Peoples), a customer of Midwestern, buys and sells natural gas for domestic, commercial, and industrial consumption in the City of Chicago, Illinois, and that Peoples has undertaken an underground storage exploration and testing program in Edgar County, Illinois. Peoples desires to have a portion of the gas purchased from Midwestern at Joliet, Illinois, delivered, instead, to it for testing purposes in Edgar County.

Panhandle and Midwestern, pursuant to an agreement dated June 5, 1972, as amended July 13, 1972, and April 19, 1973, propose to exchange up to 10,000 Mcf of gas per day for two years without monetary compensation. Panhandle proposes to deliver gas to Peoples at its existing 6-inch blow-off valve on its F-200 pipeline in Edgar County and receive equivalent volumes of gas from Midwestern at the interconnection of its and Midwestern's existing 24-inch pipeline in Edgar County. Midwestern states that it will reduce its current deliveries to Peoples at the Joliet delivery point by the quantity of gas delivered to Panhandle for redelivery to Peoples in Edgar County. The exchange agreement provides for deliveries on a volume basis without adjustment for the thermal content of the gas. Imbalances in deliveries will be corrected monthly.

It is stated that Peoples will either construct or reimburse Panhandle and Midwestern for the construction of certain taps, side valves, and gas measurement facilities at the point of interconnection between Panhandle's and Midwestern's pipelines and that upon completion of the proposed construction Panhandle and Midwestern will each own and operate the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.-10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

[1] Order Denying Indefinite Extension of Time and Granting a Ninety Day Extension of Time, April 30, 1973.

[2] However, in its response to the Joint Answer in opposition to the Motion for an extension of time, Alexandria, et al., stated that pursuant to the order of this Commission dated April 30, 1973, it is preparing direct testimony of several witnesses to be served on the parties to this proceeding by June 22, 1973. Direct testimony was served on the parties to the proceeding on June 25, 1973, but Alexandria, et al., reserved the right to serve testimony of additional witnesses or modify, revise or supplement such testimony as will be served under the present deadline.

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for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14673 Filed 7-17-73;8:45 am]

[Docket No. CP73-348]

NATURAL GAS PIPELINE OF AMERICA

Notice of Application

JULY 10, 1973.

Take notice that on June 29, 1973, Natural Gas Pipeline of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP73-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement of a portion of two parallel 30-inch pipelines with two parallel 36-inch pipelines on Applicant's Gulf Coast line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Commonwealth Edison Company (Commonwealth Edison) is constructing an electric generating plant and a 1990 acre cooling lake in Grundy County, Illinois, and said lake will inundate approximately 1.61 miles of Applicant's two existing 30-inch main pipelines in Grundy County. Applicant proposes to replace these portions of said pipelines with two 36-inch heavy wall pipelines that are properly weighted to provide sufficient negative buoyancy for the continued safe operation of the Gulf Coast line. The estimated cost of the replacement is $1,353,000 which will be financed from funds on hand. It is stated that Commonwealth Edison will reimburse Applicant $1,158,200 for the proposed replacement.

The Gulf Coast line presently consists of the two parallel 30-inch pipelines which are partially looped with a third 36-inch pipeline. The 36-inch line terminates approximately 15.3 miles upstream from the proposed area of replacement. Applicant states that should it be required at some future date to extend the 36-inch loop beyond the area of the cooling lake, construction would be significantly affected by the existance of the lake and that, therefore, Applicant has determined that the most economical and prudent solution would be to eliminate the need for an extension of the third loop line through the inundated area by using the 36-inch pipe at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14671 Filed 7-17-73;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Suspension of Proposed Rate Increase

JULY 6, 1973.

Southern California Edison Company (Edison) on May 8, 1973, tendered for filing 15 Supplements to its FPC Rate Schedules applicable to its seven small resale (R-1) and five large resale (R-2) customers.[1] The proposed rate changes which would become effective on July 7, 1973, would increase annual revenues from jurisdictional sales and service by an estimated $335,088 (46.6%) increase to R-1 customers, and $17,631,941 (51.2%) to R-2 customers, an overall increase of 51.1 percent, based upon sales forecasted for the twelve month period ending June 30, 1974. The proposed increase ranges from 23.9 percent to 49.3 percent for the R-1 customers and from 38.6 percent to 52.2 percent for the R-2 customers.[2]

The proposed changes in the R-1 schedule include increased demand charges in all blocks, elimination of a 40,000 kW block after 10,000 kW billing demand (which does not affect any customer at present), and increased energy charges in all blocks. Proposed changes in the R-2 schedule include increased demand charges in all blocks, elimination of the 40,000 kW billing demand block after the first 10,000 kW billing demand (which affects all customers on the R-2 rate) and increased energy charges in all blocks.

In addition to the changes in basic rates, Edison proposes to change the added facilities charge rule of the Description of Service, of both R-1 and R-2 rate schedules. This change would increase the monthly charge from 1.25 percent of "* * * the added investment as determined by the utility * * *", to 1.50 percent. At present, this change would only affect billings to the City of Azusa.

In support of the proposed rate increase, Edison states that its existing rates were made effective as of November 14, 1971, pursuant to Commission Opinion No. 654, issued March 19, 1973, in Docket No. E-7618, and that on the basis of the cost study for the year 1972, presented in its rate filing, Edison's earned rate of return was 0.6 percent, as adjusted. Edison states that the proposed increased rates would produce a rate of return of 5.7 percent, including 5.5 percent for common equity. The adjustments to jurisdictional cost of service reflected in the supporting statements include: increase in labor expense, cost of fuel, research and development. State and local taxes and exclusive use costs. Edison requests that if the rate filing be suspended, it be suspended for one day only, asserting that the proposed rates will yield a rate of return of only 5.7 percent, whereas, it claims, a rate of return of 8.3 percent is justified. Copies of the rate filing were served upon Edison's 12 jurisdictional customers and interested State commissions. The Commission issued notice of the filing on June 7 which was published in the FEDERAL REGISTER on June 14, 1973, (38 FR 15666).

Several petitions to intervene have been filed. These will be acted upon by subsequent order. Certain petitioners contend that the rate increase should be rejected for filing requirements deficiencies and some request that the proposed rates be suspended for the five-months statutory period.[3] Our review of the filing and the pleadings indicates that the filing satisfactorily complies with our filing requirements and that there is no justification for a five-month suspension.

Our review of Edison's rate filing and the pleadings filed indicates that the proposed increased rates and charges raise issues which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

[1] The subject rate filing and rate schedule supplements are more specifically described in Appendix A hereto.

[2] Percentages exclude the proposed increase in charge for "added facilities" of $1,476 to the City of Azusa, California.

[3] Numerous letters and telegrams have been received from citizens, school districts, and commercial and industrial interests, objecting to the rate increase and asking that the rates be suspended for five months.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Edison's FPC Electric Rate Schedules as proposed to be amended, and that the proposed rate schedule supplements described above be accepted for filing, suspended and their use deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act, (18 CFR, Chapter I) a public hearing shall be held, commencing with a prehearing conference, on November 29, 1973, at 10:00 A.M. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Edison's FPC Electric Rate Schedules, as proposed to be amended by the supplements described above.

(B) Pending hearing and decision thereon, Edison's proposed Rate Schedule Supplements, described above, and the rates and charges therein contained, as filed on May 8, 1973, are hereby suspended and the use thereof deferred until September 7, 1973.

(C) The Commission staff will serve its direct case on or before November 9, 1973. Intervenors will serve their direct case on or before November 23, 1973. At the Prehearing Conference on November 29, 1973, Edison's prepared testimony (Statement P), as its case-in-chief, together with its entire rate filing, and all testimony and exhibits served by the other parties shall be admitted to the record, subject to appropriate motions of the parties. Edison may serve rebuttal evidence on or before December 14, 1973. Cross-examination of witnesses shall commence at 10:00 A.M. (EST) on January 8, 1974.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, and the Commission's rules of practice and procedure, and the Federal Power Act.

(E) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX A

SOUTHERN CALIFORNIA EDISON COMPANY RATE FILING ON MAY 8, 1973

Designations	Service Schedule*	Customer
(1) Supplement No. 5 to Rate Schedule FPC No. 6	R-1	Arizona Public Service Co., Gilboa
(2) Supplement No. 8 to Rate Schedule FPC No. 11	R-1	U.S. Naval Ammunition Depot
(3) Supplement No. 6 to Rate Schedule FPC No. 13	R-2	City of Vernon, California
(4) Supplement No. 6 to Rate Schedule FPC No. 15	R-2 (66,000 volts)	City of Anaheim, California
(5) Supplement No. 7 to Rate Schedule FPC No. 15	R-2 (220,000 volts)	City of Anaheim, California
(6) Supplement No. 8 to Rate Schedule FPC No. 16	R-2	City of Azuza, California
(7) Supplement No. 6 to Rate Schedule FPC No. 17	R-2 (66,000 volts)	City of Riverside, California
(8) Supplement No. 7 to Rate Schedule FPC No. 17	R-2 (220,000 volts)	City of Riverside, California
(9) Supplement No. 4 to Rate Schedule FPC No. 19	R-1	Anza Electric Coop., Inc.
(10) Supplement No. 4 to Rate Schedule FPC No. 21	R-2	City of Banning, California
(11) Supplement No. 4 to Rate Schedule FPC No. 22	R-1	Sierra Pacific Power Co. (Mineral County Power Sys.)
(12) Supplement No. 4 to Rate Schedule FPC No. 29	R-1	Arizona Public Service Co. (Ehrenburg)
(13) Supplement No. 6 to Rate Schedule FPC No. 31	R-2	City of Colton, California
(14) Supplement No. 4 to Rate Schedule FPC No. 33	R-2	Southern Calif. Water Company (Gold Hill)
(15) Supplement No. 2 to Supplement No. 2 to Rate Schedule No. 33	R-1	Southern Calif. Water Company (Harnish)

*Schedule R-1, Resale Service; Schedule R-2, Resale Service-Large

[FR Doc.73-14555 Filed 7-17-73;8:45 am]

[Docket No. CI73-935]

STEPHENS PRODUCTION CO.

Notice of Application

JULY 11, 1973.

Take notice that on June 27, 1973, Stephens Production Company (Applicant), 115 North 12th Street, Fort Smith, Arkansas 72901, filed in Docket No. CI73-935 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company from the Mathers Ranch Field, Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 56,250 Mcf of gas per month for one year at 35.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14591 Filed 7-17-73;8:45 am]

[Docket No. CI73-912]

SUN OIL COMPANY

Notice of Application

JULY 10, 1973.

Take notice that on June 22, 1973, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI73-912 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the North Bayou Fer Blanc Field, LaFourche Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 13, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70

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of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 600 Mcf of gas per day at 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Applicant expects to sell approximately 20,000 Mcf per month. Applicant states it is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14595 Filed 7-17-73;8:45 am]

[Docket No. CI73-925]

TEXAS AMERICAN OIL CORP. ET AL.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Texas American Oil Corporation, *et al.* (Applicant), Suite 1012, 300 West Wall, Midland, Texas 79701, filed in Docket No. CI73-925 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas from acreage in the Lower Penn Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to commence the sale of natural gas, upon the completion of the construction of gathering line facilities, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.299) and proposes to continue said sales for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated at 2.25 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14598 Filed 7-17-73;8:45 am]

[Docket No. CP73-346]

TRUNKLINE GAS CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in CP73-346 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on the date of issuance of such certificate, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14670 Filed 7-17-73;8:45 am]

[Docket No. CI73-749]

WESTERN OIL PRODUCERS, INC.

Extension of Time and Postponement of Hearing

JULY 11, 1973.

On July 6, 1973, El Paso Natural Gas Company filed a motion for an extension of the procedural dates established by the order issued June 29, 1973, in the above-designated matter. The motion states that staff counsel does not oppose the request. On July 7, 1973, Western Oil Producers also requested an extension of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates are postponed as follows:

Service of testimony and exhibits July 30, 1973.
Hearing August 6, 1973 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14667 Filed 7-17-73;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANK OF POQUOSON

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Citizens Bank of Poquoson, Poquoson, Virginia ("Poquoson Bank"), a member State bank of the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with First Virginia Bank of the Peninsula ("Peninsula Bank"), also a member State bank of the Federal Reserve System, the resulting bank to continue as a member State bank under the charter of Poquoson Bank with the name of Peninsula Bank. As an incident to the merger, the existing office and approved but unopened branches of Peninsula Bank, along with an approved but unopened branch of Poquoson Bank, would become authorized branch offices of the resulting bank.

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Federal Reserve Bank of Richmond ("Reserve Bank") has considered the application and all comments and reports received in the light of the factors set forth in the Bank Merger Act, and finds that:

1. Both Poquoson Bank and Peninsula Bank are wholly-owned subsidiaries of First Virginia Bankshares Corporation, Falls Church, Virginia ("First Virginia"), a registered bank holding company. Poquoson Bank, originally organized in 1924, was acquired by First Virginia in January 1970; Peninsula Bank was opened in August 1971, as a subsidiary of First Virginia.

2. As of December 31, 1972, First Virginia, with deposits of $706 million, was the sixth largest banking organization in Virginia, holding 6.6 percent of total commercial bank deposits in the State.

3. Deposits of Poquoson Bank as of March 31, 1973, were $9,571,000. It has only one office at present, but has received approval to establish a branch in the city of Williamsburg, about 22 miles northwest of the location of its existing office. Peninsula Bank had deposits of $2,227,000 as of the same date, and operates a single office in the city of Hampton. Two branch offices have been approved to be located in the adjacent city of Newport News.

4. The relevant geographic market for purposes of the proposed merger is the Newport News—Hampton SMSA, which includes York County except for the extreme northern sections, in addition to the cities of Newport News and Hampton. Poquoson Bank and Peninsula Bank each operate one office in this area, and, as noted, Peninsula Bank has received permission to open two additional offices. Both banks are owned by First Virginia, and were acquired with prior approval of the Board of Governors. Combined, the two banks ranked eighth out of 12 banking organizations competing in the relevant market on June 30, 1972, accounting for only 2.7 percent of total deposits. The merger would have no adverse effect on banking competition.

5. The financial and managerial resources and the future prospects of the two banks proposing to merge and the resulting institution have been considered. There are some asset problems in Poquoson Bank of which First Virginia is aware and to which it is giving appropriate attention. With the addition of the experienced management of Peninsula Bank, it is believed that the condition of the resulting bank would be generally satisfactory. Economies to be derived from merger of the two banks should enhance the future prospects of the resulting institution.

6. Both the Newport News—Hampton SMSA and the city of Williamsburg are among the more rapidly growing areas of the State. Although the consolidated bank will not provide any new services, the convenience and needs of the communities will be equally as well served by the resulting bank as by the two separate institutions, and perhaps will be better served in light of the possible economies of scale that may result.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective June 28, 1973.

[SEAL] ROBERT P. BLACK,
First Vice President.

[FR Doc.73-14613 Filed 7-17-73;8:45 am]

FIRST COMMERCE CORP.

Order Approving Acquisition of Money, Inc.; E-Z Finance Plan of Biloxi, Inc., and E-Z Finance Plan of Gulfport, Inc.

First Commerce Corporation, New Orleans, Louisiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Money, Inc., New Orleans, Louisiana; E-Z Finance Plan of Biloxi, Inc., Biloxi, Mississippi; and E-Z Finance Plan of Gulfport, Inc., Gulfport, Mississippi ("Companies"). All of the companies engage in the activity of making or acquiring consumer loans or other extensions of credit. In addition, the Louisiana companies engage in the activity of acting as insurance agent or broker in the sale of credit life, accident and health insurance incident to extensions of consumer credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1),(9)). The Louisiana companies have not applied for permission to engage in the sale of property insurance; and the Mississippi companies are not presently engaged in any insurance activities.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 14203). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one banking subsidiary, First National Bank of Commerce, New Orleans, Louisiana ("Bank"), which is the second largest bank in the New Orleans SMSA. Bank's deposits of $573 million, represent approximately 20 per cent of the total deposits in commercial banks in this area. (All banking data are as of June 30, 1972.)

Money, Inc. is based and operates entirely in Louisiana, while the other two companies are based and operate entirely in Mississippi. The Mississippi companies have a total of six offices, while the Louisiana company has 11 offices, five of which are located in the banking market in which Bank is located. These five offices had $1.3 million in consumer loans outstanding in 1972; Bank had $8 million in consumer loans outstanding, representing approximately 12 per cent of the total bank-originated consumer loans in the SMSA.

Although Bank and Money, Inc. both compete for consumer loan business in New Orleans, it appears that consummation of the proposed acquisition would

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not have a significant effect on existing competition since Applicant's share of the consumer loan business in the market would be increased only slightly. Moreover, a substantial number of independent competitors would remain in the market. There are approximately 100 consumer finance companies which compete in the New Orleans area, and many of these companies have national affiliation. Those offices of Money, Inc. located outside of the New Orleans SMSA do not presently compete with any of Applicant's subsidiaries. Furthermore, it does not appear likely that significant competition would develop in the future between such offices and any of Applicant's subsidiaries.

None of Applicant's subsidiaries presently competes in any market in which offices of the Mississippi companies are located; nor does it appear likely that any significant competition would develop in the future, due to the distances involved. The Mississippi companies, combined, ranked seventeenth among the twenty largest consumer finance companies in Mississippi in 1971. Consummation of the transaction should increase the financial resources available to each of the companies. The introduction of management expertise and sophisticated operating systems by Applicant should enable the companies to better serve their respective markets. Accordingly, the Board concludes that competitive considerations and public interest factors are consistent with approval of the application.

The Louisiana companies also sell credit life insurance and accident and health insurance in connection with loans it originates. Due to the limited nature of its insurance activities it does not appear that Applicant's acquisition of such insurance activities would have any significant effect on either existing or potential competition.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective July 10, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14614 Filed 7-17-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 106; U-Calif-626-B]

PORTION, CASTROVILLE RADIO DIRECTION FINDER STATION CASTROVILLE, MONTEREY COUNTY, CALIF.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, San Francisco, California, Regional Office, dated June 27, 1973, the property comprising approximately 93.93 acres of fee land and 3.82 acres joint use easement improved with two water wells, a 6-car garage, an air raid shelter and a power substation, identified as a portion of the Castroville Radio Direction Finder Station, Castroville, Monterey County, California, has been transferred to the Department of the Interior.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provision of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: July 10, 1973.

LARRY F. ROUSH,
Acting Commissioner Public Buildings Service.

[FR Doc.73-14693 Filed 7-17-73;8:45 am]

[Wildlife Order 105; D-Calif-626-A]

CASTROVILLE AMPHIBIOUS TRAINING AREA MONTEREY COUNTY, CALIF.

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, San Francisco, California, Regional Office, dated June 27, 1973, the property comprising approximately 269.68 acres of fee land and 3.82 acres joint use easement, identified as Castroville Amphibious Training Area, Monterey County, California, was transferred to the Department of the Interior.

2. The above described property was transferred for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated July 10, 1973.

LARRY F. ROUSH,
Acting Commissioner, Public Buildings Service.

[FR Doc.73-14694 Filed 7-17-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 24, 9:30 a.m. on July 25, and 9:30 a.m. on July 26, 1973 at Snowmass at Aspen, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-14706 Filed 7-17-73;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 22, 1973 at Ignacio, Colorado, 9:30 a.m. on July 23, 1973 at Fair View Lodge at Mesa Verde, Colorado, and 9:30 a.m. on July 24, 1973 at Ignacio, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-14703 Filed 7-17-73;8:45 am]

FEDERAL-STATE SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Federal-State Special Projects Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 23, and 9:30 a.m. on July 24, 1973 in Aspen, Colorado.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-14705 Filed 7-17-73;8:45 am]

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on July 30, 1973 in Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation of the Arts and the Humanities.

[FR Doc.73-14707 Filed 7-17-73;8:45 am]

NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the National Council on the Arts will be held at 9:30 a.m. on July 29, 1973 at Denver, Colorado.

This meeting is for the purpose of Council review, discussion, evaluation, and recommendation on applications, for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of personnel and financial information given in confidence to the agency by grant applicants. Accordingly, it has been determined by the Chairman, by notice published in the Federal Register of January 10, 1973, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and Humanities.

[FR Doc.73-14704 Filed 7-17-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ALLEN GROUP, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the PBW Stock Exchange, Inc. for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

Allen Group, Inc., File No. 7-4417

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14645 Filed 7-17-73;8:45 am]

AMERICAN EDUCATIONAL SPECIALISTS ET AL.

Order Permanently Suspending Exemption

JULY 10, 1973.

In the matter of American Educational Specialists, Inc., 24FW-1569; Tronics Corporation, 24FW-1570; U.S. Environmental Systems, Inc., 24FW-1571; Erie-Niagara, Ltd., 24FW-1572; Med-Peds, Inc., 24FW-1573.

I. American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc., Nevada corporations incorporated on December 21, 1972, with offices located at 351 West Jefferson, Dallas, Texas, filed with the Commission

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

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on January 29, 1973, separate notifications on Form 1–A, with attached exhibits, including offering circulars, relating to an offering under each notification of 50,000 shares of 1-cent par value common stock at an offering price of $1.00 per share for an aggregate offering price to the public under each notification of $50,000 for the purpose of obtaining exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) of that Act and Regulation A promulgated thereunder. Amendments were filed naming Glendale Securities Corporation of Ridgewood, New York, as underwriter for each filing.

The Commission on April 19, 1973, temporarily suspended the Regulation A exemption of American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc., stating that it had reason to believe that the terms and conditions of Regulation A had not been complied with in that:

A. the notification and offering circulars were incomplete, inaccurate, and contained untrue statements of material facts and omitted to state material facts necessary to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. Disclosure of all promoters and affiliates.

2. The identity and background of undisclosed affiliates and promoters.

3. Disbarment proceedings pending against a promoter and affiliate who is also counsel for the underwriter in all of the proposed offerings except Tronics Corporation.

4. The fact that each of these companies is an affiliate of the other companies in that they are all under the common control of undisclosed affiliates.

B. The terms and conditions of Regulation A had not been complied with in that:

The Offering Circulars failed to include statements of Cash Receipts and Disbursements.

C. The offering proposed by each of the issuers if commenced would have been made in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by American Educational Specialists, Inc., Tronics Corporation, U.S. Environmental Systems, Inc., Erie-Niagara, Ltd., and Med-Peds, Inc. within thirty days after the entry of an order temporarily suspending the exemption of each of the Issuers under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of each of the Issuers under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of each of the Issuers under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14643 Filed 7-17-73;8:45 am]

[File No. 500-1]

ATREO MANUFACTURING CO., INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Atreo Manufacturing Co., Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14627 Filed 7-17-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stocks, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14622 Filed 7-17-73;8:45 am]

[File 500-1]

BBI, INC.

Order Suspending Trading

JULY 12, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14620 Filed 7-17-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14624 Filed 7-17-73;8:45 am]

CLOROX CO. (CALIFORNIA)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the Boston Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

The Clorox Company (California), File No. 7-4418

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14644 Filed 7-17-73;8:45 am]

CLOROX CO. (CALIFORNIA)

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 11, 1973.

In the matter of applications of the PBW Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following company, which securities is listed and registered on one or more other national securities exchanges:

The Clorox Company (California), File No. 7-4416

Upon receipt of a request, on or before July 27, 1973 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14646 Filed 7-17-73;8:45 am]

[File No. 500-1]

CREDIT SYSTEMS, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Credit Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14626 Filed 7-17-73;8:45 am]

[File No. 500-1]

DATA PACIFIC CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Data Pacific Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14628 Filed 7-17-73;8:45 am]

[File No. 500-1]

INTERNATIONAL SYSTEMS ASSOCIATES, LTD.

Order Suspending Trading

JULY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value and all other securities of International Systems Associates, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:15 p.m., e.d.t., July 11, 1973 through July 20, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14641 Filed 7-17-73;8:45 am]

[File No. 500-1]

MALAKER CORP.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Malaker Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14637 Filed 7-17-73;8:45 am]

[File No. 500-1]

MEDICHEK, INC.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Medichek, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m., e.d.t., July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14629 Filed 7-17-73;8:45 am]

[File No. 500-1]

MULTITECH, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Multitech, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 6, 1973, and continuing through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14639 Filed 7-17-73;8:45 am]

[File No. 500-1]

NATIONAL FILTRONICS INC.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of National Filtronics, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 5, 1973 and continuing through July 14, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14636 Filed 7-17-73;8:45 am]

[70-5362]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

JULY 12, 1973.

Notice is hereby given that New England Power Company, 20 Turnpike Road, Westborough, Massachusetts 01581 (NEPCO), an electric utility subsidiary company of New England Electric System, a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 9(a), 10, and 12 of the Act and Rules 42(a) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transaction.

NEPCO proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $40,000,000 principal amount of First Mortgage Bonds, Series S, ___ percent, due ____. The interest rate (which shall be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to NEPCO (which shall not be less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding. The Series S Bonds will bear interest from August 1, 1973. NEPCO will notify prospective bidders not later than 12 noon, on the second full business day prior to the time designated for the submission of bids (i) the date on which the Bonds shall mature, which date shall not be more than 30 years from August 1, 1973, and (ii) whether or not the Bonds shall be redeemable during the first five years of their term, or some lesser portion thereof, in connection with refunding at a lesser effective interest cost to NEPCO. The Bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, between NEPCO and New England Merchants National Bank (successor to the New England Trust Company), as Trustee, as amended and supplemented, and to be further supplemented by an Eighteenth Supplemental Indenture, dated as of August 1, 1973.

The net proceeds from the sale of the bonds will be used to reduce the amount of NEPCO's outstanding short-term promissory notes, which were issued to pay for capitalizable expenditures or to the reimbursement of its treasury therefor.

NEPCO states that The Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission and the Vermont Public Service Board have jurisdiction over the proposed transaction and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses related to the proposed transaction are estimated at $115,000, including New England Power Service Company expenses (at cost) of $40,000, Trustee's fees and expenses of $8,000 and accounting fees of $6,000. The fees and expenses of counsel for the bidders will be supplied by amendment and will be paid by the successful bidders, except as provided in the Purchase Agreement relating to purchase of the bonds.

Notice is further given that any interested person may, not later than August 6, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14621 Filed 7-17-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

JULY 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 11, 1973 through July 20, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14642 Filed 7-17-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14630 Filed 7-17-73;8:45 am]

[File No. 500-1]

PROGRESSIVE NATIONAL INDUSTRIES, INC.

Order Suspending Trading

JULY 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Progressive National Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on July 6, 1973 and continuing through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14638 Filed 7-17-73;8:45 am]

[File No. 500-1]

RADIATION SERVICE ASSOCIATES, INC.

Order Suspending Trading

JULY 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Radiation Service Associates, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 10, 1973 through July 19, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14632 Filed 7-17-73;8:45 am]

[File No. 500-1]

ROYAL ATLAS CORP.

Order Suspending Trading

JUNE 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1. par value, and all other securities of Royal Atlas Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:00 a.m., e.d.t., on June 28, 1973 and continuing through July 7, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14633 Filed 7-17-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JULY 11, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14640 Filed 7-17-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES, INC.

Order Amending Order Suspending Trading

JUNE 28, 1973.

The Commission having determined to amend its order of June 27, 1973 summarily suspending trading in the securities of Star-Glo Industries, Inc. for the period from June 28, 1973 through July 7, 1973;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the common stock, $.10 par value, and all other securities of Star-Glo Industries, Inc. being traded otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 28, 1973 through midnight, e.d.t., on July 1, 1973.

By the Commission.

SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14634 Filed 7-17-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14623 Filed 7-17-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JULY 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 6, 1973 through July 15, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14635 Filed 7-17-73;8:45 am]

[File 500-1]

TYCODYNE INDUSTRIES CORP.

Order Suspending Trading

JULY 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stocks, $1 par value, and all other securities of Tycodyne Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:15 a.m. (e.d.t.) July 12, 1973 through July 21, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14645 Filed 7-17-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JULY 12, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 13, 1973 through July 22, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Recording Secretary.*

[FR Doc.73-14631 Filed 7-17-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 16-73]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Delegation of Responsibility for Administration and Enforcement of Parts of the Federal Coal Mine Health and Safety Act

1. *Purpose.* This Order delegates authority and assigns responsibility to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B and C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, with the exception of those functions vested with the Benefits Review Board by Secretary's Order 38-72.

2. *Background.* Secretary's Order 13-71 delegated to the Assistant Secretary for Employment Standards responsibility for Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969. Secretary's Order 38-72 delegated to the Benefits Review Board responsibility for making appeals of decisions on claims for compensation or benefits under those portions of the Federal Coal Mine Health and Safety Act of 1969, as amended, administered by the Secretary of Labor.

3. *Redelegation of authority.* The Assistant Secretary may redelegate authority vested in him by this Order.

4. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the Federal Coal Mine Health and Safety Act of 1969, as amended.

(2) The bringing of legal proceeding under the Act, with the Solicitor of Labor to make the determination in each case whether such proceedings are appropriate.

b. Those functions of the Benefit Review Board as presently described in Secretary's Order 38-72 are reserved.

5. *Directives affected.* Secretary's Order 13-71 is modified accordingly.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 29th day of June, 1973.

PETER J. BRENNAN, *Secretary of Labor.*

[FR Doc.73-14702 Filed 7-17-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 298]

ASSIGNMENT OF HEARINGS

JULY 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc. Investigation of Operations, now assigned July 17, 1973, at Tampa, Fla., is cancelled.

No. 35839, Chelsea Milling Co., V. The Baltimore and Ohio Railroad Company, et al, now being assigned hearing September 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35659, Miller Oil Purchasing Co., V. Amerada-Hess Corp. et al, now being assigned pre-hearing conference, September 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35801 & No. 35808, United States Steel Corp., V. Penn Central Transportation Co., et al now being assigned pre-Hearing conference September 28, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110689 Sub 6, Airway Trucking Co., now being assigned hearing September 24, 1973 (1 week), at Los Angeles, Calif., in a hearing room to be later designated.

FD 20812, Railway Express Agency, Inc., Notes, now assigned continued pre-hearing conference on July 26, 1973, at Washington, D.C. is advanced to July 18, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99695 Sub 5, Atlas Transit, Inc., Extension-Lonoke, Ark., now assigned August 8, 1973, will be held in Room 5404, Federal Office Building, 700 West Capitol Street, Little Rock, Ark.

MC 106497 Sub 68, Parkhill Truck Company, now assigned August 7, 1973, at Washington, D.C., is postponed to August 28, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8587, Soybeans & Wheat, Arkansas & Louisiana to Louisiana Ports, now assigned July 16, 1973, at Washington D.C., is postponed to July 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14711 Filed 7-17-73;8:45 am]

CHANGE IN PUBLICATION SCHEDULE

The Interstate Commerce Commission motor carrier publications entitled: (1) Motor Carrier Applications and Certain Other Proceedings; (2) Notice of Filing of Motor Carrier Intrastate Applications; and (3) Motor Carrier Alternate Route and Deviation Notices will not appear in this Federal Register as usual. Instead, these publications will appear in the Federal Register issue of July 19, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14802 Filed 7-17-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 13, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 2, 1973.

FSA No. 42714—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd., (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in Taiwan, and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14710 Filed 7-17-73;8:45 am]

[Suspension Docket No. 8664 (Sub-No. 5)]

STABILIZATION OF RATES AND CHARGES, JUNE 1973

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of July 1973.

The President of the United States, by virtue of the authority vested in him by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799), as amended, has issued an Executive order dated June 13, 1973, providing for the freezing of prices for a maximum period of 60 days from the date of the said order at levels not greater than the highest of those pertaining to at least 10 percent of actual transactions by the seller during the period of June 1 to June 8, 1973, for like or similar commodities or services. The Executive order also provides, inter alia, that no seller shall charge and no purchase may pay a price for any commodity or service which exceeds the freeze price as defined in the Executive order.

It appearing, that there have been filed with the Interstate Commerce Commission schedules setting forth new increased rates, fares and charges and new rules, regulations and practices having the effect of increasing rates, fares and charges, applicable to movements in interstate or foreign commerce, to become effective July 14, 1973, through August 12, 1973;

And it further appearing, that the said schedules would, if permitted to become effective, result in rates, fares, charges, rules, regulations or practices which would result in price increases in violation of the Executive order described above; and good cause appearing therefor;

It is ordered, That the operation of the said schedules be and it hereby is suspended, and that the use thereof on interstate and foreign commerce be deferred for an indefinite period pending further order of this Commission, except that this paragraph does not apply to schedules voluntarily postponed prior to their effective date to a date not earlier than August 13, 1973.

It is further ordered, That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until further order of this Commission, except that rates, fares, charges, rules, regulations and practices may be changed if such change results in a reduction below the highest level which existed during the period of June 1 to June 8, 1973.

It is further ordered, That all carriers, respondents to this order, be, and they are hereby, directed to file with this Commission supplements containing notice of suspension of all increased rates, fares, charges, rules, regulations and practices which are subject to this order.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary and in the Section of Tariffs of the Interstate Commerce Commission and that a copy be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14716 Filed 7-17-73;8:45 am]

[No. 35766]

TRAFFIC EXECUTIVE ASSOCIATION EASTERN RAILROADS AND SOUTHERN FREIGHT ASSOCIATION

Investigation Regarding Transportation of Feed Grains to New England

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of June 1973.

By joint petition filed on February 8, 1973, the New England Governors' Conference and numerous other New England interests, as listed below, seek the institution of an investigation into the matter of the transportation of feed grains by all-rail and by lake-rail routes from certain midwestern origins to New England destinations. A statement in support of the petition was filed by the Secretary of Agriculture of the United States of America on March 5, 1973, and the eastern railroads filed a reply to the petition on March 2, 1973, urging that the petition be denied without prejudice to the filing of a formal complaint in accordance with the Commission's General Rules of Practice.

Prior to the filing of the said petition, this general subject was considered in an informal conference open to the public and attended by New England and other interests and conducted by staff members of the Commission, and thereafter on June 2, 1972, by notice headed "Feed Grains to New England", we declined to reconvene the informal conference upon request therefor, but stated:

Nevertheless—considering the extent of the interest shown; the importance of the particular transportation service to the economic welfare of an entire region of the nation, as demonstrated by the expressions of all the New England governors and their respective departments of agriculture in particular; and the innovative nature of the proposed operation, involving self-unloading vessels and "exploding" unit-trains, which holds a possibility of providing more efficient transportation by the joinder of the inherent advantages of two modes—we believe that the matter should not be precipitately terminated.

We concluded that we could not institute an investigation on our own motion and develop the record due to our limited resources, which, if committed to such a task, would interfere with the performance of our many other duties to the detriment of the general public interest, and noted that the Water Transport Association, one of the principal participants, had indicated the belief that the participants in the conference would be willing to develop the record.

We further concluded that if those interested in the matter were to file a petition requesting the institution of an investigation, we would tend to view it favorably, subject of course, to consideration of replies thereto, provided that the petitioners affirmatively indicated that they would be prepared to make the necessary record and bear the burden of proof, including more details concerning the proposed operation and data directed to such critical factors as:

1. The probative cost of all equipment and facilities required;
2. The probative cost of performing the present service over actual routes;
3. The probative cost of the proposed service over routes including all necessary carriers;
4. The economies accruing to the shippers, receivers, and ultimate consumers, if any; and
5. The environmental impact of the proposal; and

It appearing, that the request for the institution of an investigation contained in the joint petition filed February 8, 1973, rests on the following contentions:

(1) That existing rail rates for transporting Midwestern grain to New England producers are so high in comparison with rates applicable to such feed-grain movements from the same or similar origins to competing producers in the Southeast as to impose a severe and unduly prejudicial and disadvantageous burden upon the agriculture and industry of New England, contributing significantly to the economic distress of the region, and are therefore unjust and unreasonable;

(2) That these inequities can be most effectively remedied, and the provisions and objectives of the Interstate Commerce Act, including the national transportation policy, most effectively fulfilled by requiring the railroads to offer, for movement of grain to New England, railroad services of such types and at such rates as are comparable, cost considered, with the most efficient and expeditious services and accompanying rates applicable to grain movements from Midwest origins to other Northeastern points or

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to the Southeast; and [redacted] that the Commission should act to prevent the frustration of healthy intermodal transport competition and the denial of the benefits of such competition to the public by requiring that comparable rail services and rates be offered on the railroad segments of water-rail routes as well as on all rail routes from Midwest to New England and other Northeastern points.

It further appearing, that the petitioners state that they are—

prepared to make the necessary record, and to present relevant, detailed data reasonably available to them with regard to: (1) the nature of discriminations and inequities to which the New England region is subject in railroad services and rates for the movement of feed grains from the Midwest; (2) the prejudice and disadvantage to the competitive position of New England producers caused by such discriminations and inequities, and the resulting injury to the economy of the region; (3) the willingness and ability of New England receivers to accept terms and conditions of service applicable to grain movements from the Midwest to the Southeast, to Morrisville, or to Albany or Atlantic ports if comparable rates were offered to New England; and (4) the willingness and ability of Great Lakes carriers to provide efficient and economical transportation for the movement of midwestern feed grain by water for transshipment by railroad to New England and other Northeastern points in competition with present or proposed all-rail service.

It further appearing, that, however, the petitioners suggest that—

they should not be burdened with the necessity of establishing the costs of railroad service.

It further appearing, that the petitioners are willing to go forward in making a record, although not with respect to all of the matters set forth in the notice of June 2, 1972; that the evidentiary considerations set forth in that notice do not necessarily constitute the elements required to make a prima facie case on any particular issue, the notice being merely advisory in nature; and that, without deciding whether the evidence sought to be presented by the petitioners is sufficient to make a prima facie case on any issue, petitioners should be afforded an opportunity to present their evidence and contentions on a formal record; therefore,

It is ordered, That an investigation be, and it is hereby, instituted in this proceeding under the authority of sections 13 and 304 of the Interstate Commerce Act into the matters set forth in the said petition.

It is further ordered, That the railroads represented by the Traffic Executive Association-Eastern Railroads and by the Southern Freight Association be, and they are hereby, made respondents herein.

It is further ordered, That this proceeding will be referred to an Administrative Law Judge for hearing and the recommendation of an appropriate order thereon and pre-hearing conference shall be scheduled at a time and place to be designated in a subsequent order.

And it is further ordered, That a copy of this order shall be served upon all participants in the informal conference, that a copy be posted in the Office of the Secretary of this Commission for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication therein as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

The New England Governors' Conference
The Northeast Association of Commissioners of Agriculture
State of Maine, Department of Transportation, for itself and on behalf of the Department of Agriculture
Niagara Frontier Transportation Authority
New England Grain and Feed Council
Water Transport Association
Maine Farm Bureau Association
New Hampshire Farm Bureau Federation
Vermont State Farm Bureau
Rhode Island Farm Bureau Federation
Massachusetts Farm Bureau Federation
Connecticut Farm Bureau Federation
Farm Bureau Association
The New York-New England Dairy Cooperative Coordinating Committee
Maine Feed and Grain Cooperative
Merrimack Farmers Exchange
Central Connecticut Co-op
Farmers Agricultural Cooperative Trading Society
Northeastern Egg Marketing Association
United Cooperative Farmers
New Hampshire Poultry Growers Association
H. K. Webtser Co.
E. C. and W. L. Hopkins Co.
Maine Poultry Industries Association

[FR Doc.73-14712 Filed 7-17-73;8:45 am]

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WEDNESDAY, JULY 18, 1973
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Volume 38 ■ Number 137

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES E

Dept. Circular No. 653, 8th Rev., 5th Supp.

No. 137—Pt. II——1

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Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Redemption Values and Investment Yields

The purpose of this fifth supplement to Department of the Treasury Circular No. 653, Eighth Revision, dated December 12, 1969, as amended (31 CFR Part 316), is to show the redemption values and investment yields for the next extended maturity period for United States Savings Bonds of Series E bearing issue dates of December 1, 1943, through May 1, 1944; December 1, 1953, through March 1, 1954; April 1 through May 1, 1954, and December 1, 1966 through May 1, 1967. Accordingly, the tables to the circular are hereby supplemented by the addition of Tables 9–A, 34–A, 35–A and 79–A, as set forth below.

Dated: July 9, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 9–A

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1943, THROUGH MAY 1, 1944 [1]

Issue price	$18.75	$37.50	$75.00	$375.00	$750.00	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	500.00	1,000.00			
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — THIRD EXTENDED MATURITY PERIOD					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity
						Percent	*Percent*	*Percent*
First ½ year [2]	(12/1/73)	$53.99	$107.98	$215.96	$1,079.80	$2,159.60	0.00	5.48	5.50
½ to 1 year	(6/1/74)	55.47	110.94	221.88	1,109.40	2,218.80	5.48	5.52	5.50
1 to 1½ years	(12/1/74)	57.00	114.00	228.00	1,140.00	2,280.00	5.50	5.51	5.50
1½ to 2 years	(6/1/75)	58.57	117.14	234.28	1,171.40	2,342.80	5.50	5.50	5.50
2 to 2½ years	(12/1/75)	60.18	120.36	240.72	1,203.60	2,407.20	5.50	5.48	5.50
2½ to 3 years	(6/1/76)	61.83	123.66	247.32	1,236.60	2,473.20	5.50	5.50	5.50
3 to 3½ years	(12/1/76)	63.53	127.06	254.12	1,270.60	2,541.20	5.50	5.51	5.50
3½ to 4 years	(6/1/77)	65.28	130.56	261.12	1,305.60	2,611.20	5.50	5.49	5.50
4 to 4½ years	(12/1/77)	67.08	134.16	268.32	1,341.60	2,683.20	5.50	5.51	5.50
4½ to 5 years	(6/1/78)	68.92	137.84	275.68	1,378.40	2,756.80	5.50	5.48	5.50
5 to 5½ years	(12/1/78)	70.82	141.64	283.28	1,416.40	2,832.80	5.50	5.50	5.50
5½ to 6 years	(6/1/79)	72.76	145.52	291.04	1,455.20	2,910.40	5.50	5.50	5.50
6 to 6½ years	(12/1/79)	74.76	149.52	299.04	1,495.20	2,990.40	5.50	5.49	5.50
6½ to 7 years	(6/1/80)	76.82	153.64	307.28	1,536.40	3,072.80	5.50	5.50	5.50
7 to 7½ years	(12/1/80)	78.93	157.86	315.72	1,578.60	3,157.20	5.50	5.50	5.50
7½ to 8 years	(6/1/81)	81.10	162.20	324.40	1,622.00	3,244.00	5.50	5.52	5.50
8 to 8½ years	(12/1/81)	83.33	166.66	333.32	1,666.60	3,333.20	5.50	5.49	5.50
8½ to 9 years	(6/1/82)	85.63	171.26	342.52	1,712.60	3,425.20	5.50	5.50	5.51
9 to 9½ years	(12/1/82)	87.98	175.96	351.92	1,759.60	3,519.20	5.50	5.51	5.51
9½ to 10 years	(6/1/83)	90.40	180.80	361.60	1,808.00	3,616.00	5.50		
THIRD EXTENDED MATURITY VALUE (10 years from issue date)	(12/1/83)	92.89	185.78	371.56	1,857.80	3,715.60	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the third extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of December 1, 1943, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to third extended maturity date is 4.04 percent.

TABLE 34–A

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1953, THROUGH MARCH 1, 1954 [1]

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00	10,000			
Period after first extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year [2]	(8/1/73)	$39.46	$78.92	$157.84	$315.68	$789.20	$1,578.40	$15,784	0.00	5.52	5.50
½ to 1 year	(2/1/74)	40.55	81.10	162.20	324.40	811.00	1,622.00	16,220	5.52	5.47	5.50
1 to 1½ years	(8/1/74)	41.66	83.32	166.64	333.28	833.20	1,666.40	16,664	5.50	5.52	5.50
1½ to 2 years	(2/1/75)	42.81	85.62	171.24	342.48	856.20	1,712.40	17,124	5.51	5.47	5.50
2 to 2½ years	(8/1/75)	43.98	87.96	175.92	351.84	879.60	1,759.20	17,592	5.50	5.50	5.50
2½ to 3 years	(2/1/76)	45.19	90.38	180.76	361.52	903.80	1,807.60	18,076	5.50	5.53	5.50
3 to 3½ years	(8/1/76)	46.44	92.88	185.76	371.52	928.80	1,857.60	18,576	5.50	5.47	5.50
3½ to 4 years	(2/1/77)	47.71	95.42	190.84	381.68	954.20	1,908.40	19,084	5.50	5.49	5.50
4 to 4½ years	(8/1/77)	49.02	98.04	196.08	392.16	980.40	1,960.80	19,608	5.50	5.51	5.50
4½ to 5 years	(2/1/78)	50.37	100.74	201.48	402.96	1,007.40	2,014.80	20,148	5.50	5.52	5.50
5 to 5½ years	(8/1/78)	51.76	103.52	207.04	414.08	1,035.20	2,070.40	20,704	5.50	5.49	5.50
5½ to 6 years	(2/1/79)	53.18	106.36	212.72	425.44	1,063.60	2,127.20	21,272	5.50	5.50	5.50
6 to 6½ years	(8/1/79)	54.64	109.28	218.56	437.12	1,092.80	2,185.60	21,856	5.50	5.53	5.50
6½ to 7 years	(2/1/80)	56.15	112.30	224.60	449.20	1,123.00	2,246.00	22,460	5.50	5.49	5.50
7 to 7½ years	(8/1/80)	57.69	115.38	230.76	461.52	1,153.80	2,307.60	23,076	5.50	5.51	5.50
7½ to 8 years	(2/1/81)	59.28	118.56	237.12	474.24	1,185.60	2,371.20	23,712	5.50	5.50	5.50
8 to 8½ years	(8/1/81)	60.91	121.82	243.64	487.28	1,218.20	2,436.40	24,364	5.50	5.48	5.50
8½ to 9 years	(2/1/82)	62.58	125.16	250.32	500.64	1,251.60	2,503.20	25,032	5.50	5.50	5.50
9 to 9½ years	(8/1/82)	64.30	128.60	257.20	514.40	1,286.00	2,572.00	25,720	5.50	5.51	5.51
9½ to 10 years	(2/1/83)	66.07	132.14	264.28	528.56	1,321.40	2,642.80	26,428	5.50		
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date)	(8/1/83)	67.89	135.78	271.56	543.12	1,357.80	2,715.60	27,156	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of December 1, 1953, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to second extended maturity date is 4.38 percent.

TABLE 35–A

BONDS BEARING ISSUE DATES FROM APRIL 1, THROUGH MAY 1, 1954 [1]

Issue price	$18.75	$37.50	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	100.00	200.00	500.00	1,000.00	10,000			
Period after first extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year [2]	(12/1/73)	$39.77	$79.54	$159.08	$398.16	$795.40	$1,590.80	$15,908	0.00	5.48	5.50
½ to 1 year	(6/1/74)	40.86	81.72	163.44	326.88	817.20	1,634.40	16,344	5.48	5.53	5.50
1 to 1½ years	(12/1/74)	41.99	83.98	167.96	335.92	839.80	1,679.60	16,796	5.51	5.48	5.50
1½ to 2 years	(6/1/75)	43.14	86.28	172.56	345.12	862.80	1,725.60	17,256	5.50	5.52	5.50
2 to 2½ years	(12/1/75)	44.33	88.66	177.32	354.64	886.60	1,773.20	17,732	5.50	5.50	5.50
2½ to 3 years	(6/1/76)	45.55	91.10	182.20	364.40	911.00	1,822.00	18,220	5.50	5.49	5.50
3 to 3½ years	(12/1/76)	46.80	93.60	187.20	374.40	936.00	1,872.00	18,720	5.50	5.52	5.50
3½ to 4 years	(6/1/77)	48.09	96.18	192.36	384.72	961.80	1,923.60	19,236	5.50	5.49	5.50
4 to 4½ years	(12/1/77)	49.41	98.82	197.64	395.28	988.20	1,976.40	19,764	5.50	5.50	5.50
4½ to 5 years	(6/1/78)	50.77	101.54	203.08	406.16	1,015.40	2,030.80	20,308	5.50	5.48	5.50
5 to 5½ years	(12/1/78)	52.16	104.32	208.64	417.28	1,043.20	2,086.40	20,864	5.50	5.52	5.50
5½ to 6 years	(6/1/79)	53.60	107.20	214.40	428.80	1,072.00	2,144.00	21,440	5.50	5.49	5.50
6 to 6½ years	(12/1/79)	55.07	110.14	220.28	440.56	1,101.40	2,202.80	22,028	5.50	5.52	5.50
6½ to 7 years	(6/1/80)	56.59	113.18	226.36	452.72	1,131.80	2,263.60	22,636	5.50	5.48	5.50
7 to 7½ years	(12/1/80)	58.14	116.28	232.56	465.12	1,162.80	2,325.60	23,256	5.50	5.50	5.50
7½ to 8 years	(6/1/81)	59.74	119.48	238.96	477.92	1,194.80	2,389.60	23,896	5.50	5.52	5.50
8 to 8½ years	(12/1/81)	61.39	122.78	245.56	491.12	1,227.80	2,455.60	24,556	5.50	5.47	5.50
8½ to 9 years	(6/1/82)	63.07	126.14	252.28	504.56	1,261.40	2,522.80	25,228	5.50	5.52	5.50
9 to 9½ years	(12/1/82)	64.81	129.62	259.24	518.48	1,296.20	2,592.40	25,924	5.50	5.49	5.49
9½ to 10 years	(6/1/83)	66.59	133.18	266.36	532.72	1,331.80	2,663.60	26,636	5.50	5.50	5.50
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date)	(12/1/83)	68.42	136.84	273.68	547.36	1,368.40	2,736.80	27,368	35.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of April 1, 1954 enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to second extended maturity date is 4.41 percent.

TABLE 79–A

BONDS BEARING ISSUE DATES FROM DECEMBER 1, 1966 THROUGH MAY 1, 1967 [1]

Issue price	$18.75	$37.50	$56.25	$75.00	$150.00	$375.00	$750.00	$7,500	Approximate investment yield (annual percentage rate)		
Denomination	25.00	50.00	75.00	100.00	200.00	500.00	1,000.00	10,000			
Period after original maturity (beginning 7 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD								(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
									Percent	*Percent*	*Percent*
First ½ year [2]	(12/1/73)	$26.07	$52.14	$78.21	$101.28	$208.56	$521.40	$1,042.80	$10,428	0.00	5.52	5.50
½ to 1 year	(6/1/74)	26.79	53.58	80.37	107.16	221.32	535.80	1,071.60	10,716	5.52	5.45	5.50
1 to 1½ years	(12/1/74)	27.52	55.04	82.56	110.08	230.16	550.40	1,100.80	11,008	5.49	5.52	5.50
1½ to 2 years	(6/1/75)	28.28	56.56	84.84	113.12	236.24	565.60	1,131.20	11,312	5.50	5.52	5.50
2 to 2½ years	(12/1/75)	29.06	58.12	87.18	116.24	232.48	581.20	1,162.40	11,624	5.50	5.51	5.50
2½ to 3 years	(6/1/76)	29.86	59.72	89.58	119.41	238.88	597.20	1,194.40	11,944	5.50	5.49	5.50
3 to 3½ years	(12/1/76)	30.68	61.36	92.04	122.72	245.44	613.60	1,227.20	12,272	5.50	5.48	5.50
3½ to 4 years	(6/1/77)	31.52	63.04	94.56	126.08	252.16	630.40	1,260.80	12,608	5.50	5.52	5.50
4 to 4½ years	(12/1/77)	32.39	64.78	97.17	129.56	259.12	647.80	1,295.60	12,956	5.50	5.50	5.50
4½ to 5 years	(6/1/78)	33.28	66.56	99.84	133.12	266.24	665.60	1,331.20	13,312	5.50	5.47	5.50
5 to 5½ years	(12/1/78)	34.19	68.38	102.57	136.76	273.52	683.80	1,367.60	13,676	5.50	5.56	5.50
5½ to 6 years	(6/1/79)	35.14	70.28	105.42	140.56	281.12	702.80	1,405.60	14,056	5.50	5.46	5.50
6 to 6½ years	(12/1/79)	36.10	72.20	108.30	144.40	288.80	722.00	1,444.00	14,440	5.50	5.48	5.50
6½ to 7 years	(6/1/80)	37.09	74.18	111.27	148.36	296.72	741.80	1,483.60	14,836	5.50	5.50	5.50
7 to 7½ years	(12/1/80)	38.11	76.22	114.33	152.44	304.88	762.20	1,524.40	15,244	5.50	5.51	5.50
7½ to 8 years	(6/1/81)	39.16	78.32	117.48	156.64	313.28	783.20	1,566.40	15,664	5.50	5.52	5.50
8 to 8½ years	(12/1/81)	40.24	80.48	120.72	160.96	321.92	804.80	1,609.60	16,096	5.50	5.52	5.50
8½ to 9 years	(6/1/82)	41.35	82.70	124.05	165.40	330.80	827.00	1,654.00	16,540	5.50	5.47	5.49
9 to 9½ years	(12/1/82)	42.48	84.96	127.44	169.92	339.84	849.60	1,699.20	16,992	5.50	5.51	5.50
9½ to 10 years	(6/1/83)	43.65	87.30	130.95	174.60	349.20	873.00	1,746.00	17,460	5.50	5.50	5.50
EXTENDED MATURITY VALUE (17 years from issue date)	(12/1/83)	44.85	89.70	134.55	179.40	358.80	897.00	1,794.00	17,940	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of Dec. 1, 1966 enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to extended maturity date is 5.20 percent

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PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

Handbook of Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality

V 38 - 137 JUL 18 73 XUM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-73-182]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Procedures

On October 20, 1972 (37 FR 22673) the Council on Environmental Quality published HUD Circular 1390.1, "Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality" implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190). Although this Circular was issued as a draft on July 16, 1971, it was made effective immediately, pending issuance of final procedures.

The Department consulted with the Council on Environmental Quality on the procedures and considered comments from interested parties, including numerous Federal agencies. Major changes and improvements have been made, and the revised procedures are now being issued in the form of HUD Handbook 1390.1, "Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality." These new procedures will facilitate and promote the Department's implementation of the National Environmental Policy Act of 1969.

On May 2, 1973 (38 FR 10856) the Council on Environmental Quality published proposed revised guidelines on the preparation of environmental impact statements. These proposed guidelines provide that, after they are made effective, each Federal agency shall revise its procedures to respond to requirements imposed by the revised guidelines.

Since the Department's new procedures will substantially improve implementation of its environmental responsibilities and will soon be further revised to comply with the revised CEQ Guidelines, comment and public procedure would be unnecessary and contrary to the public interest and good cause exists for making HUD Handbook 1390.1 effective upon publication.

Interested parties are invited to submit written comments concerning the revised procedures to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d); sec. 102(2), National Environmental Policy Act of 1969; 42 U.S.C. 4332(2))

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[1390.1]

DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

HUD STAFF

Approved June 11, 1973.

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DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

CHAPTER I—GENERAL POLICY AND RESPONSIBILITIES

1. *Purpose and authority.* The National Environmental Policy Act of 1969 (P.L. 91-190) establishes new national policy, goals and procedures for protecting and enhancing environmental quality. The act, effective January 1, 1970, establishes the Council on Environmental Quality to set overall policies to implement the Act.

The National Environmental Policy Act (NEPA) directs the Federal government to use all practicable means, including financial and technical assistance, to implement the national policy. NEPA governs all Federal departments and agencies and requires systematic attention to the environmental consequences of all Federal activities

The purposes of this Handbook are to set forth departmental environmental policy, to assign responsibilities, and to provide procedural guidance to all headquarters and field offices for environmental clearances under NEPA. The Handbook applies to HUD legislative proposals, policy and guidance documents (including guides, regulations, handbooks, circulars, technical standards, etc.), and individual project approval actions on insurance, loans and grants, subsidies and demonstration projects.

This Handbook is based on authority provided in:

a. The Department of Housing and Urban Development (HUD) Act of 1965 (P.L. 89-174) which provides that the Secretary may make rules and regulations as may be necessary to carry out his functions, powers, and duties, and sets forth, as a matter of national purpose, the sound development of the Nation's communities and metropolitan areas;

b. The National Environmental Policy Act of 1969 (P.L. 91-190) which establishes a comprehensive policy for protection and enhancement of environmental quality by the Federal Government, creates the Council on

[1] Filed as part of the original document. See 83 Stat. 852, 42 U.S.C. 4321 note.
[2] Filed as part of the original document. See 35 FR 4247, March 7, 1970.
[3] Filed as part of the original document. See 36 FR 7724, April 23, 1971.
[4] Filed as part of the original document. See 37 FR 24146, November 14, 1972.
[5] Filed as part of the original document. See 36 FR 8921, May 15, 1971.

Environmental Quality (CEQ) in the Executive Office of the President and directs Federal Agencies to carry out the purposes of this Act;

c. Presidential Executive Order 11514, dated March 5, 1970, which directs heads of agencies to monitor, evaluate and control their agencies' activities so as to protect and enhance the quality of the environment (see Appendix J);

d. The Guidelines of the Council on Environmental Quality, dated April 23, 1971, which call for heads of agencies to establish agency procedures for implementing section 102(2)(C) of NEPA (see Appendix K);

e. Office of Management and Budget (OMB) Circular A-95, dated February 9, 1971, and amended March 8, 1972, which provides for inputs by State and local agencies authorized to develop and enforce environmental standards regarding the environmental impact of proposed projects for which Federal assistance is sought;

f. OMB Bulletin 72-6, September 14, 1971, which establishes procedures for environmental statements to accompany legislative proposals and provides for annual budget estimates to be accompanied by a list of specific actions which require preparation of an Environmental Impact Statement;

g. Section 106 of the National Historic Preservation Act of 1966 (P.L. 89-665) and Procedures for Compliance issued by the National Council on Historic Preservation (see Appendix L) and Presidential Executive Order 11593 (see Appendix M), dated May 13, 1971, which require heads of agencies to administer their programs so as to preserve the Nation's cultural environment, particularly sites on the National Register of Historic Places;

h. The Housing Act of 1949 (P.L. 81-171) which sets forth the national goal of "a decent home and a suitable living environment for every American family," affirmed by the Housing and Urban Development Act of 1968 (P.L. 90-448).

2. *Terminology*—a. *Environment.* Environment is not defined in NEPA or in the CEQ Guidelines. However, it is clear from section 102 of the Act and elsewhere that the term is meant to be interpreted broadly to include physical, social, cultural, and aesthetic dimensions. Examples of environmental considerations are: air and water quality, erosion control, natural hazards, land use planning, site selection and design, subdivision development, conservation of flora and fauna, urban congestion, overcrowding, displacement and relocation resulting from public or private action or natural disaster, noise pollution, urban blight, code violations and building abandonment, urban sprawl, urban growth policy, preservation of cultural resources, including properties on the National Register of Historic Places, urban design and the quality of the built environment, the impact of the environment on people and their activities.

b. *Major Federal actions significantly affecting the quality of the human environment.* Those actions taken by a Federal agency which require Environmental Impact Statements in accordance with section 102(2)(C) of the National Environmental Policy Act. As HUD processes between 15,000 and 20,000 applications per year at the project level, not including insurance actions on individual houses, the three level environmental clearance process defined in this Handbook shall be used to determine which action is a major Federal action significantly affecting the quality of the human environment.

c. *Significant environmental impact.* For the purposes of this Handbook, the term "significant environmental impact" is used to describe the consequences of an action significantly affecting the quality of the human environment. This term is defined to some extent in paragraph 5 of the CEQ Guidelines, but the definition in general is a matter of discretion delegated to agency heads for formulation of guidelines subject to the approval of CEQ.

d. *Environmental impact.* An environmental impact is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration. Assessment of the significance of the environmental impact generally involves two major elements: A quantitative measure of magnitude and a qualitative measure of importance. Such a determination is a matter of agency judgment and consensus; at the project level, this judgment shall be governed by HUD environmental policies and standards.

e. *HUD environmental policies and standards:* National, Departmental, and program objectives, policies, standards, and procedures. These include: (1) National environmental goals and policies as expressed in the National Environmental Policy Act, other statutes and Executive Orders listed in paragraph 1 above, and guidelines issued by the Council on Environmental Quality; (2) Department-wide standards and policies such as HUD Circular 1390.2; and (3) environmental considerations contained in program policy and guidance documents, including environment-related project selection criteria, minimum property standards, and environmental elements of program circulars, handbooks and other issuances. Further clarification will be provided with the revision of program policies, procedures, standards and criteria and/or issuance of the consolidated office-wide circulars or handbooks of environmental policies and standards as provided in paragraph 4.c.(2).

f. *Major amendatory.* For the purposes of this Handbook, a significant change in the nature, magnitude or extent of the action from that which was originally evaluated and which may have a significant affect on the quality of the human environment, such as an environmentally significant change in location or site, area covered, size or design in which case they require environmental clearance. An increase or decrease in cost is considered a major amendatory only when the increase or decrease reflects such an environmentally significant change in the project.

g. *Threshold.* A criterion of size or of environmental impact above which a Special Environmental Clearance is always required. The threshold is designed to screen out the more important HUD actions for special attention. HUD thresholds are set forth in Appendix A-1 of this Handbook.

h. *Decision points.* Those points of Federal commitment in the decision-making process before which prescribed environmental clearances must be completed. HUD decision points are set forth in Appendix A-1 of this Handbook.

i. *Finding of inapplicability (negative statement).* A determination by an authorized HUD official, under the authority of the HUD Guidelines approved by CEQ, which are issued in accordance with the CEQ Guidelines implementing NEPA, that no Environmental Impact Statement is required for the proposed HUD action under consideration. The Finding of Inapplicability for project level actions is a part of the Special Environmental Clearance. The format for the Finding of Inapplicability for policy actions is set forth in Appendix F.

j. *Comments.* Formal reactions by one Federal agency to the proposed action and the Draft Environmental Impact Statement of another Federal agency; also formal reactions of State and local agencies or of public or private groups to the proposed action. Each Federal agency, including HUD, is obliged to take these comments received on its Draft Environmental Impact Statement into account in the Final Environmental Impact Statement and in the approval or disapproval of the proposal. The HUD format for comments on Environmental Impact Statements of other agencies is set forth in Appendix G.

k. *Areas of jurisdiction by law or special expertise.* The areas in which one agency is asked to comment on major actions by another agency in accordance with NEPA and the CEQ Guidelines. Appendix II to the CEQ Guidelines provides CEQ views on those areas. HUD Draft Environmental Impact Statements shall be sent to those agencies listed under the appropriate areas to solicit their comments. HUD's areas of expertise in which HUD comment will be solicited are listed in Appendix H.

l. *Substantial rehabilitation.* Repair or rehabilitation of a structure which prolongs its useful life for twenty (20) years or more.

3. *General policy.* The national goal of "a decent home and a suitable living environment for every American family"—established by the Housing Act of 1949 and subsequently reaffirmed by Congress in 1968—is central to the mission of the Department of Housing and Urban Development (HUD). The National Environmental Policy Act (NEPA) furthers this goal. While recognizing that adverse environmental impacts are sometimes unavoidable in pursuing other goals, NEPA requires that environmental values be given appropriate consideration in decision-making along with economic and technical factors. The object is to achieve the optimum balance among competing needs and goals—not to stop the building of cities, but rather to build with foresight so that rational development is achieved with due regard for the capacity of natural and man-made systems and for the quality of life attained within the resulting environment.

In addition to the prevailing national emphasis on anti-pollution and conservation aspects, HUD is also concerned with the environment of urban areas and how it affects the quality of life. Efforts to improve the quality of the environment certainly involve the abatement and prevention of many annoying and threatening nuisances—air pollution, water pollution, land pollution, noise—which impinge on our daily living. But efforts to improve environmental quality also include more positive actions such as provision of open space, the development of aesthetically pleasing urban areas, provision of adequate access to employment and cultural opportunities, reductions in structural deficiencies, maintenance of high quality in new construction, and appropriate planning for the proper juxtaposition of spaces for various human activities.

a. It is the policy of the Department to reject proposals which have unacceptable environmental impacts, based on HUD environmental policies and standards, which cannot be avoided, and to encourage modification of project proposals or plans in order to enhance environmental quality and minimize environmental harm. At each stage of the environmental clearance HUD officials shall work with the applicant to seek means for avoiding adverse environmental impact, maximizing environmental quality, and considering superior alternatives.

b. When environmental clearances reveal conditions or safeguards which should be implemented once a project is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards shall be set forth as requirements in the contract, grant, or other documents which delineate the obligations of the recipient. The con-

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tractor's performance in meeting such conditions shall be monitored and evaluated as part of the normal project monitoring and evaluation.

c. Environmental impact shall be evaluated on as comprehensive a scale as is feasible, with a view to the overall cumulative impact of HUD actions and programs, as well as the project specific impacts of a particular proposal. Environmental factors shall be considered as early as possible in the review and decision-making process.

d. Section 102(2)(A) of the National Environmental Policy Act directs all agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment." When making determinations regarding environmental impacts: HUD officials shall consult HUD professional personnel, such as urban planners, landscape architects, civil engineers, sanitary engineers, architects, economists, demographers, sociologists, lawyers, and others who are qualified to provide advice on specialized and broad aspects of environmental concerns.

e. HUD officials shall continue to establish and review environmental policies, standards and procedures for administering HUD programs to promote environmental quality. HUD policies and procedures must be consistent with this Handbook.

4. *Office responsibilities for protection and enhancement of environmental quality.*—a. *Assistant Secretary for Community Planning and Development (CPD).* The Assistant Secretary for CPD is assigned the overall departmental responsibility for administering and coordinating the department-wide aspects of environmental policies and procedures set forth in this Handbook. He shall be assisted as appropriate by all HUD Assistant Secretaries, the General Counsel, the Federal Insurance Administrator, and the HUD Regional Administrators, and he shall have authority to delegate portions of the total responsibility as appropriate. The Assistant Secretary for CPD shall provide leadership in moving toward a unified departmental set of policies and standards to be applied to all HUD actions. He shall also be HUD's principal point of contact with the Council on Environmental Quality, the Advisory Council on Historic Preservation, the Environmental Protection Agency, other Federal agencies and State and local groups on environmental matters. He shall promulgate such additional internal HUD guidance as may be necessary for carrying out these functions and shall monitor and audit HUD activities pursuant to this policy. He may designate a senior staff member as the Departmental Environmental Clearance Officer (ECO) to act for him in carrying out responsibilities under this Handbook.

b. *General Counsel.* The General Counsel shall:

(1) Designate an Environmental Clearance Officer (ECO) who shall act as his principal advisor on environmental matters and establish environmental clearance procedures for his office;

(2) Require the preparation of the Environmental Impact Statement or Finding of Inapplicability for all new HUD legislative proposals which may have significant environmental impact;

(3) Require the preparation of a Draft Environmental Impact Statement or a Finding of Inapplicability prior to the publication of each notice of proposed rule making in the FEDERAL REGISTER, and a Final Environmental Impact Statement (where applicable) prior to the approval and promulgation of new regulations which may have a potential for significantly affecting the quality of the human environment (see paragraph 5.c.(2));

(4) Be provided the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions.

(5) Support the Assistant Secretary for CPD on matters relating to litigation, interpretation of statutory requirements and other areas as appropriate.

c. *Assistant Secretaries and Federal Insurance Administrator.* (1) Designate an Environmental Clearance Officer (ECO) a senior official (or staff director) who shall act as principal advisor on environmental matters, maintain an environmental reference file of appropriate background and resource material, oversee the development of environmental policies, standards and procedures for the office, monitor proposed policy actions and provide for environmental clearances for those which may have a potential for significantly affecting the quality of the human environment and maintain liaison with the Assistant Secretary for CPD;

(2) Revise existing program policies, procedures, standards, criteria, and application forms promulgated by his office to include provisions for environmental considerations and clearance requirements in accordance with departmental policies and procedures set forth in this Handbook; and/or issue a new document or environmental standards, criteria, and clearance procedures which shall govern all programs under his jurisdiction;

(3) Establish and maintain, in consultation with the Assistant Secretary for CPD, orderly procedures for environmental clearances for proposed policy actions which may have significant environmental impact. These shall provide for an Environmental Impact Statement or a Finding of Inapplicability for proposed legislation, new regulations, policy issuances, guidance documents or revisions to program policies and procedures which may have a potential for significantly affecting the quality of the human environment (see paragraph 5.c.(2));

(4) Assign sufficient qualified personnel to activities required to implement this Handbook and to address general issues of environmental protection and enhancement; and

(5) Provide to the Assistant Secretary for CPD a formal evaluation each year of progress in his program area in those activities specified in (2) through (4) above. This shall include a review of environmental clearances of programs and policy documents accomplished in the previous year and an assessment of what needs to be done in the upcoming year.

d. *Assistant Secretary for Administration.* The Assistant Secretary for Administration or his designee shall support the Assistant Secretary for CPD in budgetary process requirements set forth in OMB Bulletin No. 72-6.

e. *Regional Administrators.* Each Regional Administrator shall:

(1) Designate his Assistant Regional Administrator for CPD as the Regional Office Environmental Clearance Officer (RO–ECO), who shall act as principal advisor to the Regional Administrator on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances throughout the Region including compliance with the review requirements of Section 106 of the Historic Preservation Act, and provide training as necessary;

(2) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards, as directed by this Handbook;

(3) Provide the Assistant Secretary for CPD with a formal annual evaluation of the progress in implementing NEPA and this Handbook for all programs in the Region; and

(4) Bring to the attention of the Assistant Secretary for CPD significant policy issues which appear to require additional departmental guidance regarding their environmental aspects.

f. *Area Office and Insuring Office Directors.* The Area and Insuring Office Directors, shall:

(1) Designate, in the Area Office, the Assistant Director for Planning and Relocation as the Area Office Environmental Clearance Officer (AO–ECO) (a different senior official or staff director reporting directly to him or his deputy may be designated as the ECO with the approval of the RO–ECO and the Assistant Secretary for CPD), who shall act as principal advisor to the Area Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Area Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Area Director. For purposes of compliance with the special review requirements of section 106 of the Historic Preservation Act (see Appendix L), the AO–ECO shall also serve as the staff member responsible for compliance with section 106.

(2) Designate, in the Insuring Office, the Chief Underwriter as the Insuring Office Environmental Clearance Officer (IO–ECO), who shall act as principal advisor to the Insuring Office Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Insuring Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Area Director. For purposes of compliance with the special review requirements of section 106 of the Historic Preservation Act (see Appendix L), the IO–ECO shall also serve as the staff member responsible for compliance with section 106.

(3) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards, as directed in this Handbook;

(4) As directed by the Regional Administrator, provide for periodic evaluation of the progress in implementing NEPA and this Handbook; and

(5) Bring unresolved policy issues to the attention of the Regional Administrator.

CHAPTER 2—ENVIRONMENTAL CLEARANCES

5. *Environmental clearance policy on HUD actions.* The purpose of this section is to establish a procedure for determining whether a proposed HUD action is a "major Federal action significantly affecting the quality of the human environment", and whether the proposal should be accepted, rejected, or modified accordingly.

a. *General.* The procedure involves a three level environmental clearance process: Normal Environmental Clearance; Special Environmental Clearance; and Environmental Impact Statement Clearance.

Normal Clearance is essentially a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Special Clearance requires an environmental evaluation of greater detail and depth. Finally, an Environmental Impact Statement is the complete and fully comprehensive environmental evaluation, including formal review by other Federal, State and local agencies, as prescribed by section 102(2)(C) of NEPA.

Many HUD actions will be subject to a Normal Environmental Clearance. On the basis of that clearance, the proposed project shall be accepted, rejected, or modified accordingly. However, if, even after appropriate modification to mitigate environmental impacts, it is determined that there is potential significant environmental impact, Special Clearance procedures shall be initiated. If, after Special Clearance and the implementation of any changes mitigating environmental impacts, such impacts are still significant as a result of the action, an Environmental Impact Statement shall be prepared on the proposed action.

Not all proposed actions will undergo Normal Environmental Clearance. Some, because of their size or for other reasons, shall be processed directly through Special Clearance or Environmental Impact Statement Clearance. Projects which shall go directly through Special Clearance or Environmental Impact Statement Clearance are described in Appendices A and B–1.

All required environmental clearances shall be completed prior to the decision points described in Appendix A. The environmental clearance process is discussed further in Appendix B.

(1) *Exemptions.* Although HUD's general policy on environmental considerations applies to all HUD actions, the procedural requirements for environmental clearances set forth in this paragraph shall not apply to those HUD actions which have been determined not be "major Federal actions significantly affecting the quality of the human environment". These shall include an individual action on a one-to-four family dwelling, training grants, or rehabilitation and modernization projects which do not extend the life of a structure twenty (20) years or more. Exemptions from environmental clearances do not exempt these activities from the requirements of Section 106 of the National Historic Preservation Act of 1966 when a property is listed on, or nominated to, the National Register of Historic Places. (See Appendix L for Advisory Council on Historic Preservation procedures.)

Planning assistance projects (701 Comprehensive Planning Assistance grants and other planning loans and grants) are exempted from the procedural requirements, but in lieu thereof an environmental assessment of the final planning product shall be required as part of the proposed planning program.

With respect to disaster relief and emergency activities of the Department, procedures for environmental clearance shall not apply to actions designed to meet the temporary housing needs of the affected population. Disaster activities which provide permanent housing and other recovery efforts will follow the environmental clearance procedures. However, where required by the serious nature of the situation and upon the approval of the Assistant Secretary for CPD, activities such as disaster related early land acquisition, clearance of damaged structures and relocation efforts may take place prior to the completion of the environmental review.

Except for these exemptions, all HUD actions must undergo one or more environmental clearances.

(2) *Additional requirements.* The responsibilities and clearance requirements set forth in this paragraph represent minimum Departmental requirements. Regional Administrators and Area and Insuring Office Directors with the concurrence of the Regional Administrator have discretion to require such additional clearances and responsibilities as are deemed necessary for the effective implementation of this Handbook.

(3) *Controversy.* Decisions resulting from Normal or Special clearance shall give adequate consideration to existing or potential environmental controversy. Issues raised by opponents and supporters of the HUD actions shall be carefully examined to determine whether the project involves significant environmental impacts. Major controversy which appears to raise substantive environmental issues is a factor which should contribute to a decision to undertake a more comprehensive environmental clearance procedure than would otherwise be initiated. For example, in the case of projects which would ordinarily require only Normal Clearance, major environmental controversy should weigh heavily in the decision to undertake a Special Clearance. Likewise for projects which normally require only Special Clearance, major controversy on environmental issues should weigh heavily in the decision to undertake Environmental Impact Statement Clearance.

(4) *Retroactivity.* To the maximum extent practicable, environmental clearance shall be required for uncompleted projects which have never gone through an environmental clearance under NEPA, at such time as a subsequent significant HUD action, such as the next stage of program approval or approval of a major amendatory, is proposed. Where it is not practicable to reassess the basic course of action, major attention should be given to measures, which, given the stage of project completion, may reduce adverse environmental impact. It is also important in taking further action that account be taken of environmental consequences not fully evaluated at the outset of the project.

(5) *Evaluation of comprehensive activities.* Individual actions that are related either geographically or as logical parts in a composite of contemplated actions may be more appropriately evaluated in a single environmental clearance. For example, several subdivisions may form a large new development. Likewise, a comprehensive project may be composed of, or include, several interrelated activities, e.g., development of a new community or redevelopment of a center city area. In these cases, and where feasible, HUD offices should aggregate individual activities into a larger package and environmental evaluation shall concentrate on the broad and cumulative impacts of the larger activity, as well as the project specific impact of component activities to the extent known.

The comprehensive environmental evaluation will not satisfy the requirements of this Handbook, however, if it is superficial or limited to generalities. When all significant issues cannot be anticipated or adequately treated in connection with the comprehensive assessment as a whole, environmental clearances of more limited scope will be necessary on subsequent, individual actions in order to fulfill the requirements of this Handbook.

Impacts of individual activities may be singularly limited but cumulatively considerable. One purpose of this provision, therefore, is to stimulate a more comprehensive environmental evaluation. In addition, there may be environmental impacts which are common to all or most components of the larger activity. A secondary purpose, therefore, is to eliminate duplicative evaluative efforts where possible. In no case shall this provision be interpreted to avoid a detailed examination of environmental impacts.

(6) *Properties listed on, or nominated to, the National Register of Historic Places.* Any HUD action or undertaking which has an effect on a property listed on, or nominated to, the National Register of Historic Places will require Special Environmental Clearance and must comply with section 106 of the National Historic Preservation Act of 1966 and implementing procedures. (see Appendix L).

An undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates any change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

Adverse effects occur under conditions which include but are not limited to: (a) Destruction or alteration of all or part of a property; (b) isolation from or alteration of its surrounding environment; (c) introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting. Cases of adverse effect on a National Register property where the adversity cannot be satisfactorily removed or mitigated and where, therefore, no joint memorandum is executed will require the formal presentation of a report to the Advisory Council as described in their procedures, section B, 5, a and b. This section 106 Report should be included as part of the Draft EIS which is also required in these circumstances.

(7) *Environmental clearance forms.* The environmental clearance forms in Appendix C shall be used in conducting the required environmental clearance(s) for project level actions as directed in this Handbook. Form ECO–1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO–2 or Form ECO–3 or an Environmental Impact Statement shall be prepared. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decision-making process.

The Applicant's Environmental Information, Form ECO–1 (Appendix C–1), shall be required of applicants for all project proposals except those exempted in paragraph 5.a.(1). The applicant shall be provided with Form ECO–1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. HUD shall indicate to the applicant the initial level of environmental clearance required for the proposed project, using Appendix B–1. The completed Form ECO–1 shall accompany A–95 notification where required (see paragraph 5.a.(8)). It shall be submitted to HUD with the completed application.

After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO–1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO–1 as appropriate: if there is inadequate information, the applicant shall be asked to supplement Form ECO–1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO–1 accordingly. HUD shall

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then complete the appropriate environmental clearance worksheet, Form ECO–2 for Normal Clearance or Form ECO–3 for Special Clearance (Appendices C–2 and C–3), or shall prepare the Draft Environmental Impact Statement.

(8) *Relationship between A–95 procedures and environmental clearance procedures.* OMB Circular A–95 provides a mechanism for securing comments and views of State and local agencies regarding the impact, including environmental impact, of Federal and Federally-assisted projects. The A–95 requirements are coordinated, but not synonymous, with the requirements set forth in Handbook 1390.1. Those programs or projects which are not subject to A–95 requirements are nevertheless subject to environmental clearance requirements unless specifically exempted in paragraph 5.a.(1) above.

The requirements of HUD Handbook 1390.1 and OMB Circular A–95 shall be coordinated in the following manner:

(a) *Project Notification and Review System (PNRS).* The A–95 Project Notification and Review System requires that, for non-housing programs covered by Attachment D of the A–95 Circular, the applicant submit to the appropriate clearinghouses a notice of intent to file an application for Federal assistance. For housing projects exceeding A–95 thresholds listed in paragraph 7c of Attachment A and under programs listed Attachment D, HUD is required to send the application submitted by the applicant to the appropriate clearinghouses. Housing projects under A–95 thresholds are not subject to the A–95 requirements.

Environmental clearance procedures set forth in Handbook 1390.1 require that the applicant prepare Form ECO–1. For programs also covered by the A–95 Circular, such form shall accompany the A–95 submission.

(b) *Review of environmental impact statement.* If an Environmental Impact Statement is required, HUD shall notify the appropriate A–95 clearinghouses of HUD's intent to prepare and file the Draft Statement. When the Draft Statement is distributed, HUD shall send copies of the Statement to the appropriate clearinghouses for review and comment, regardless of whether or not the subject proposal is covered by OMB Circular A–95. The clearinghouses shall also receive copies of the Final Statement for their information.

(9) *Updating environmental clearances.* Environmental clearances shall be updated by revision, amendment or addendum to the original clearance under the following circumstances:

(a) Additional information with significant implications for environmental impact or additional environmental impacts not previously considered is discovered during the review process. Actions which went through Normal or Special Environmental Clearance shall be updated by revision, amendment or addendum to the original environmental clearance worksheet. A new finding shall then be made on the basis of all information, and action taken accordingly. For actions for which a Draft and Final Environmental Impact Statement were prepared and distributed, the Final Statement shall be revised and reissued, or an addendum to the Statement shall be prepared and distributed. Such revision or addendum shall be subject to the same review and comment procedures as was the original Final Statement.

(b) Major amendatories are proposed. For major amendatories, the type and extent of environmental clearance required shall depend on the type, size and scale of the proposed action as amended. If an Environmental Impact Statement is prepared for the amendatory, it shall be prepared and processed pursuant to section 5.d.

(c) HUD approval action is required for component activities whose environmental impacts were not addressed in sufficient detail in original environmental clearance for the larger action. Such clearance shall focus on the environmental impact of the specific project and site and need not treat the environmental impact on the more comprehensive level addressed in the original Environmental Impact Statement. A finding shall then be made as to the significance of the environmental impact of the specific project activity, and action taken accordingly. If an Environmental Impact Statement is prepared for the component activity, it shall be prepared and processed pursuant to section 5.d.

b. *Normal environmental clearance.* Normal Environmental Clearance shall be required for HUD actions for which it is not immediately evident that Special Environmental Clearance or Environmental Impact Statement Clearance is required.

Normal Environmental Clearance is a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Information shall be requested from the applicant on Form ECO–1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation on Form ECO–2.

(1) *Responsibility for clearance.* Responsibility for Normal Environmental Clearance shall rest with the Area/Insuring Office program staff. An information copy shall be sent to the ECO.

(2) *Action resulting from clearance.* (a) Even after appropriate modifications to the proposal there exist environmental impacts which are unavoilable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable. The proposal shall be rejected.

(b) There is no significant environmental impact. Processing of the proposal may proceed; conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document, as set forth in paragraph 3.b.

(c) Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact. Special Environmental Clearance or EIS, as appropriate, is required.

c. *Special environmental clearance.* Project level actions found to require Special Environmental Clearance by virtue of their size or scale (in relation to the thresholds in Appendix A–1) or other characteristics indicating significant environmental impact (as listed in Appendix B–1), or as a result of Normal Environmental Clearance, shall be subject to the requirements in subsection (1) below. Proposed legislation, regulations, policy issuances, guidance documents, and revisions to such regulations and documents, which may have significant environmental impact, shall be required to undergo the Special Environmental Clearance for policy actions as set forth in Subsection (2) below.

(1) *Project level actions.* Special Environmental Clearance for project level actions is a preliminary version of the analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant on Form ECO–1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation on Form ECO–3. On the basis of this assessment an environmental finding shall be made and accompany the application through the review process (see Appendix C–4).

(a) *Responsibility for clearance.* Special Environmental Clearance shall be conducted by the Area/Insuring Office Program staff. The environmental finding following this review shall incorporate the recommendation of the AO/IO–ECO and shall be certified by the Operations Director or the Insuring Office Director.

(b) *Action resulting from clearance.* (i) Even after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable. The proposal shall be rejected.

(ii) There is no significant environmental impact. A Finding of Inapplicability shall be made on the Special Environmental Clearance Worksheet. Processing may proceed; conditions or safeguards found to be necessary to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document, as set forth in paragraph 3.b.

(iii) Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact. Environmental Impact Statement Clearance is required.

(2) *Policy actions (legislation, regulations, policy and guidance documents).* Special Environmental Clearance for legislative proposals, proposed regulations, policy issuances such as handbooks, circulars, standards, and proposed revisions to existing program policies, procedures, standards, criteria and other guidance, consists of determining whether or not an Environmental Impact Statement shall be required.

Certain categories of policy and guidance documents and regulations which are clearly unrelated to environmental concerns need not undergo environmental clearance. These include internal administrative procedures, accounting and fiscal allocation instructions, brochures and pamphlets for public information, internal personnel policies and procedures, and other actions which, in the determination of the program Environmental Clearance Officer designated by the appropriate Assistant Secretary or Administrator, have no potential for significantly affecting the quality of the environment. These determinations are subject to post-audit by the Assistant Secretary for CPD.

For all other policy issuances and proposed legislation, either an Environmental Impact Statement or a Finding of Inapplicability shall be prepared. The decision as to whether an Environmental Impact Statement or a Finding of Inapplicability is required shall be made early in the process of drafting the proposed document, and shall be based on the actual or potential significance of the environmental impact of the proposed action. Responsibility for the decision shall be as follows:

Legislation. General Counsel with the approval of the Assistant Secretary for CPD.

Regulations. The program Environmental Clearance Officer with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

Policy and Guidance Documents. The program Environmental Clearance Officer, with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

If it is determined that an Environmental Impact Statement is not required, a Finding of Inapplicability shall be prepared with the concurrence of the Assistant Secretary for CPD and the General Counsel. With respect to regulations and policy and guidance documents, the Environmental Impact Statement or the Finding of Inapplicability shall be the responsibility of the initiating office director, and shall be written under the supervision of the program Environmental Clearance Officer. With respect to legislation, the Environmental Impact Statement or the Finding of Inapplicability shall be prepared under the supervision of the General Counsel's Environmental Clearance Officer by the HUD office having the principal programmatic interest in the proposal for legislation.

The Finding of Inapplicability or the Environmental Impact Statement shall be subject to the following:

Legislation. The Draft Environmental Impact Statement or the Finding of Inapplicability shall, subject to OMB and CEQ requirements, accompany the proposal through the regular review process. Wherever possible, the Final Environmental Impact Statement shall accompany the proposal to Congress.

Regulations. The Draft Environmental Impact Statement or the Finding of Inapplicability shall accompany proposed regulations through the regular review process, and for those regulations subject to OMB Circular A–85, through A–85 clearance with public interest groups. Notice of the availability to the public of the Draft Environmental Impact Statement or the Finding of Inapplicability shall be published in the FEDERAL REGISTER as part of the notice of proposed rule making. Notice of the availability of the Final Environmental Impact Statement (where applicable) to the public shall be published in the FEDERAL REGISTER along with the rule.

Policy and guidance documents. The Draft Environmental Impact Statement or the Finding of Inapplicability shall accompany the proposed document through the regular review process, including A–85 clearance where applicable. The Final Environmental Impact Statement, where applicable, shall accompany the document through the final clearance process.

d. *Environmental impact statement clearance.* Environmental Impact Statement Clearance shall be required for all major HUD actions significantly affecting the quality of the human environment. These include HUD actions described in Appendix A–2 and Appendix B–1 as requiring an Environmental Impact Statement, and those found to require such a Statement as a result of Normal or Special Clearance.

(1) *Environmental impact statement.* The Environmental Impact Statement is comprised of two stages, Draft and Final. The content of the Statement for policy actions and project level actions, the format for the one-page summary sheet prescribed by NEPA and CEQ Guidelines, and the cover page prescribed by the National Technical Information Service, are set forth in Appendix D.

(a) *Draft environmental impact statement.* Stage one involves the preparation of a Draft Environmental Impact Statement and the summary sheet. The Draft is sent to the CEQ (10 copies), circulated to Federal agencies whose areas of jurisdiction by law or special expertise are involved, OMB-designated A–95 clearinghouses (State and regional/metropolitan), the chief executive and planning agency of the appropriate local (county, city or town) government, appropriate local agencies, and groups with special interest in the proposed action, and made available to the public. Two (2) copies of the Draft Statement and the distribution list shall also be sent to the Assistant Secretary for CPD.

(b) *Final environmental impact statement.* The second stage is the Final Environmental Impact Statement, which takes into account and responds to the comments received as a result of circulating the Draft, and the revised summary sheet. The Final Statement, including the comments received and HUD's response, is filed with the CEQ (10 copies), sent to Federal agencies which commented on the Draft, A–95 clearinghouses, the chief executive and planning agency of the appropriate local government, appropriate local agencies, and groups with special interest in the proposed action, and made available to the public. Two copies of the Final Statement shall also be sent to the Assistant Secretary for CPD. The Final Statement shall accompany the recommendation of or report on the proposed action through HUD's review and decision-making process.

(2) *Timing.* (a) The Draft Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and to the public for a review period of thirty (30) days with a provision for fifteen (15) additional days upon request. The Draft must be on file at least ninety (90) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A for decision points). The ninety-day period begins on the date of receipt of the Draft Statement by CEQ.

(b) The Final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and to the public at least thirty (30) days prior to HUD approval of, or commitment to, the proposed action (see Appendix A for decision points). The thirty-day period begins on the date of receipt of the Final Statement by CEQ. After 30 days, and upon consideration of comments on the Final Statement, the initiating HUD Office may approve the project.

The 30-day period and the 90-day period may run concurrently to the extent that they overlap.

Exceptions to the 30 or 90 day time limits are permitted only under unusual circumstances. Exceptions must be approved by the Assistant Secretary for CPD, with the concurrence of the General Counsel and in consultation with the CEQ on a case by case basis.

(3) *Responsibility for clearance.* The Draft and Final Environmental Impact Statements shall be prepared and distributed by the initiating office or appropriate field office with program review responsibilities. Approval of the Statement and the proposed distribution list by the Regional Administrator (or his ECO) for field project level actions, and by the Assistant Secretary for CPD for policy actions and Central Office Project actions, is required prior to distribution.

The Regional or Area Counsel shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for field project level actions to determine whether there is compliance with the legal requirements of NEPA. This review shall be concurrent with other staff reviews. The General Counsel (or his ECO) shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions.

For Environmental Impact Statements requiring only the approval of the Regional Administrator, two (2) copies of the Draft Statement shall be sent to the Assistant Secretary for CPD when distribution is made to other agencies. The Assistant Secretary for CPD then has the option of requiring, in exceptional cases, that his concurrence be obtained prior to distribution of the Final Statement. If, in the judgment of the Regional Administrator (or his ECO), or the Assistant Secretary for CPD (or his ECO), there are issues of national significance, controversy or significant environmental policy issues involved, the Draft and/or Final Environmental Impact Statement shall be referred to the Assistant Secretary for CPD for concurrence prior to distribution.

In cases where an adverse impact on a National Register property is unavoidable, the proposal may be rejected. If such a proposal is not rejected, a full expanation of efforts to comply with the recommendations of the Advisory Council on Historic Preservation shall be incorporated as a part of the Final Environmental Impact Statement. For projects involving unresolved cases of adverse impact on a National Register property, the Draft and Final Environmental Impact Statement must be approved prior to distribution by the Assistant Secretary for CPD.

In order to facilitate review and utilize environmental expertise outside HUD to the fullest extent possible, agencies whose areas of jurisdiction by law or special expertise are involved in a proposed project shall be consulted during preparation of the Draft Environmental Impact Statement for such project, where such consultation is feasible and contributes to a more complete environmental evaluation.

If after the specified period of time for review of the Draft Statement, HUD has not received comments from those agencies (Federal, State, areawide, or local) whose input is considered important to the project's environmental evaluation, HUD may contact these agencies and request their comments.

(4) *Action resulting from clearance.* Based on the Environmental Impact Statement clearance, including comments and suggestions by other agencies and interested parties, HUD shall attempt to mitigate adverse environmental impacts to the extent practicable. If there remain adverse environmental impacts which are unavoidable, and based on HUD environmental policies and standards, such impacts are also considered unacceptable, the proposal shall be rejected. Otherwise, unavoidable adverse environmental impacts shall be weighed against benefits to be obtained from approval of the proposal. Where environmental costs which would be incurred outweigh such benefits, the proposal shall be rejected. Where benefits of the proposal outweigh environmental costs, processing may proceed; conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document, as set forth in paragraph 3.b.

6. *Public disclosure.* Draft and Final Environmental Impact Statements and Findings of Inapplicability shall be made available to the public in accordance with HUD policy pursuant to 24 CFR Part 15, Executive Order 11514 and the CEQ Guidelines "to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs."

Copies of Statements for project level actions shall be available for public reading in the appropriate Area/Insuring and Regional Offices. For policy actions, copies shall be available for public reading in the Program Information Division in the Central Office and all Regional Offices. Request for individual copies shall be referred to the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151, for purchase of retention copies by interested

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members of the public. Additional steps, such as use of local news media and mailing lists of organizations and groups interested in HUD projects in a given area, shall be taken as appropriate to inform the public and other agencies of HUD's intent to prepare and file an Environmental Impact Statement and of the availability of an Environmental Impact Statement once it is released.

CHAPTER 3—REVIEW OF OTHER AGENCIES ENVIRONMENTAL IMPACT STATEMENTS

7. *HUD Comments on environmental impact statements initiated by other Federal Agencies.* Environmental Impact Statements initiated outside HUD will we referred to the appropriate HUD office for jurisdiction by law or special expertise (see Appendix H). Comments shall be sent by the commenting HUD office to the initiating agency and the CEQ within 30 days of transmittal. The CEQ requires that ten (10) copies be mailed to the General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. HUD comments shall also be made available to the public upon request.

Environmental Impact Statements on project level actions initiated outside HUD shall be referred to the HUD Regional Administrator in whose jurisdiction the project falls, or to his designee, for comment. Comments recommending delay or rejection of a major undertaking may be referred to the Assistant Secretary for CPD for concurrence and for forwarding to the requesting agency and to the CEQ. Precedent-making comments of national significance shall be referred to the Assistant Secretary for CPD.

Environmental Impact Statements from other Federal agencies on legislative proposals, regulations, or policy documents shall be sent to the General Counsel and the Assistant Secretary for CPD, respectively, for comment.

Special attention should be given to Environmental Impact Statements for transportation projects which have impacts on parklands and are subject to review under section 4(f) of the Department of Transportation Act of 1966. Under section 4(f), approval rests with the Secretary of DOT, and HUD maintains an important advisory role. Particular care should be exercised in reviewing projects which use lands purchased with HUD Open Space funds and those for which adequate replacement provisions are lacking.

CHAPTER 4—[RESERVED]

Effective date. This document is effective July 1, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

PROPOSED HUD ACTIONS WHICH REQUIRE SPECIAL ENVIRONMENTAL CLEARANCE OR ENVIRONMENTAL IMPACT STATEMENT CLEARANCE

(For programs not listed, consult the Assistant Secretary for Community Planning and Development.)

APPENDIX A–1—PROJECT LEVEL ACTIONS SUBJECT TO THRESHOLD CRITERIA [1]

A Special Environmental Clearance is required for projects and major amendatories which meet or exceed one or more of the applicable thresholds. Thresholds shall apply to activities which have been aggregated for the purpose of environmental evaluation, both on the level of the comprehensive activity as well as on the level of individual component activities in accordance with paragraph 5.a.(5) and (9). All environmental clearances shall be completed before the applicable decision point.

[1] See Appendix A, page 6 for all footnotes to the Threshold Tables. For innovative programs or approaches such as Planned Variations and Annual Arrangements, an individual HUD-financed or assisted project proposal contained within a larger package or program shall be subject to Special Environmental Clearance if any of the applicable program thresholds is met or exceeded. In addition, environmental evaluation of the broad and cumulative impacts of the larger program shall be conducted prior to individual application processing when feasible (see paragraph 5.a.(5)).

Program	Decision points	Thresholds
Code Enforcement Program	Approval of application or major amendatory.	All new Concentrated Code Enforcement Areas.
Demonstration [1] Projects	Approval of application or major amendatory.	Cost totalling $500,000 (from all sources) in new construction.
Housing Assistance or Insurance: [1]		
New Construction of [1]		
—one-to-four family structures.	Issuance of feasibility letter or major change in letter or project (ASP-6).	50-lot subdivision.
—multifamily structures	Issuance of feasibility letter or major change in letter or project.	100-unit multifamily project (including scattered sites).
	Reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects.[4]	
—public housing	Letter of notification of tentative site approval or approval of major change.	100-unit public housing project (including scattered sites).
—college housing	Approval of fund reservation for college housing or major amendatory.	200-student project.
—mobile homes	Issuance of feasibility letter or major change in letter or project.	100-unit mobile home park.
—nursing homes	Issuance of feasibility letter or major change in letter or project.	100-bed nursing home.
—hospitals [4]	Issuance of feasibility letter or major change in letter or project.	100-bed hospital.
—group practice facilities	Issuance of feasibility letter or major change in letter or project.	Facilities with site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.
Housing Assistance or Insurance: Substantial rehabilitation or Property Disposition of		
—one-to-four family structures	1. For rehabilitation, feasibility determination.	50 contiguous or noncontiguous one-to-four-family structures.
—multifamily structures	2. For Project Rehab, submission of proposal to Central Office.	100-unit multifamily project (including scattered sites).
—college housing	3. For property disposition, approval of Disposition Program.	200-student project—college housing.
—mobile homes		100-unit mobile home park.
—nursing homes		100-bed nursing home.
—hospitals [4]		100-bed hospital.
—group practice facilities		Group practice facility with site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.
Model Cities	Approval of application for individual project within Model Cities program.[4,7]	See appropriate categorical program.
Neighborhood Facilities [8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	Site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.
Open Space Land [9]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	1. All sanitary landfill projects. 2. Impoundment of 2 surface acres or 25 acre feet of water. 3. 50 acres. 4. All conversions of open space land acquired with HUD assistance to non-open space uses not originally approved by HUD.
	Approval for conversion.	See Water and Sewer.
Public Facility Loans [9]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	All urban renewal projects.
Urban Renewal: [9] Conventional	Approval of Part I or approval of major amendatory.	1. All first year NDP's and conversions from conventional urban renewal to NDP. 2. Subsequent action years: To the extent that the urban renewal plan has not been previously evaluated and/or changes in area or plans.
Neighborhood Development Program.[9]	Approval of allocation order or approval subject to validation of funds, whichever is sooner.	

See footnotes at end of table.

APPENDIX A–2—OTHER HUD ACTIONS WITH SPECIAL REQUIREMENTS [1]

(Where special requirements are imposed in accordance with this appendix, thresholds set forth in Appendix A-1 do not apply.)

Program	Decision point	Thresholds
Water and Sewer	Approval of application or major amendatory.	1. All above ground reservoirs and stand pipes. 2. All source development projects including water river impoundments, raw water reservoirs, well fields, and treatment plants. 3. Treated water transmission or sewage collection lines, regardless of size through, are adjacent to, or serve undeveloped areas of 50 acres or more.
Flood & Disaster Insurance Program.	Issuance of special flood plain or mud-slide area designations. Community eligibility.	1. Listing from normal practice determined by FIA. 2. Variance of land use and control measures from established FIA criteria.

[1] All research projects resulting in new construction of 1,500,000 are included; other research projects are generally exempt unless it has been determined that the results of the effort, when implemented, will have a significant effect on the human environment.

[2] Project selection criteria are not a substitute for environmental clearance.

[3] Phase II and III housing projects are subject to environmental clearance procedures in the same way as other housing projects.

[4] Thresholds listed also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact of the construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.

[5] HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance of HUD assisted hospitals to the extent that such clearance is not satisfied by HEW conformance with Departmental policies and standards.

[6] See paragraph 5.a. (5) and (9). For Individual projects within the Model Cities program which receive Model Cities supplemental grants but which derive the majority of their Federal assistance from another agency, such as HEW or DEO, the other agency is considered the agency responsible for the environmental clearance. In cases where a project is financed entirely or most of its funding from Model Cities grants, HUD is responsible for the appropriate environmental clearance.

[7] For projects using supplementary funds which result in the construction or acquisition of capital facilities not included in HUD categorical programs, the appropriate environmental clearance shall be prepared prior to the award of the supplementary grant.

[8] Project selection systems are not a substitute for environmental clearance.

[9] For projects in the National Capital area refer to agreement between HUD and the National Capital Planning Commission.

(Where special requirements are imposed in accordance with this appendix, thresholds set forth in Appendix A-1 do not apply.)

Action	Decision point	Requirement
Title X Mortgage Insurance for Land Development.	Issuance of feasibility letter or major change in letter or project.	Environmental Impact Statement.
Any project which has an effect on a property listed on, or nominated to, the National Register of Historic Places.	Decision point stated in Appendix A-1.	Special Environmental Clearance.
Any project which has an adverse effect on a property listed on, or nominated to the National Register of Historic Places.	Decision point stated in Appendix A-1.	Environmental Impact Statement.
		Request review by Advisory Council on Historic Preservation.
Legislation	Departmental decision to sponsor legislation.	Finding of Inapplicability or Draft and Final Environmental Impact Statement;
Regulations which have potential for significantly affecting the quality of the human environment.	Publication in FEDERAL REGISTER of notice of proposed rule making.	Finding of Inapplicability or Draft Environmental Impact Statement;
	Promulgation	Final Environmental Impact Statement where applicable
Policy and guidance documents which have potential for significantly affecting the quality of the human environment.	A-95 clearance	Finding of Inapplicability or Draft Environmental Impact Statement;
	Promulgation	Final Environmental Impact Statement, where applicable

*Project actions affected by Circular 1390.2 require that projects located in the Unacceptable or Discretionary Normally Unacceptable noise exposure zone require special approvals and must incorporate noise attenuation measures.

ENVIRONMENTAL DECISION MAKING PROCESS FOR HUD PROJECT LEVEL ACTIONS

The following flowchart consists of two parts:

B-1. Initial Determination of Required Environmental Clearance for Project Actions.

B-2. Flowchart of Environmental Clearance Procedures.

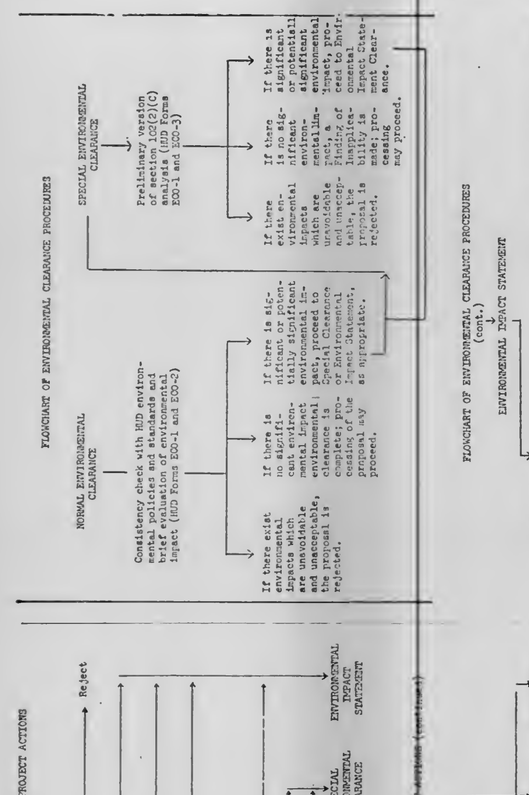
Appendix B–1 shall be utilized to determine the initial level of environmental clearance which is required of a proposed HUD project action. The questions should be asked in sequence. If a question is answered in the affirmative, a Special Environmental Clearance or Environmental Impact Statement Clearance is required as indicated. If a question is answered in the negative, the next question should be asked; if all questions are answered in the negative, a Normal Environmental Clearance is required.

Once the actual environmental clearance process is begun (utilizing the appropriate environmental clearance worksheets in Appendix C). Appendix B-2 shows the procedure for the three levels of environmental clearance.

Action	Decision point	Requirement
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in Unacceptable noise zone (Circular 1390.2)	Decision point stated in Appendix A-1.	Environmental Impact Statement.
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in Discretionary (Normally Unacceptable) noise zone (Circular 1390.2) or in new development in currently undeveloped area.	Decision point stated in Appendix A-1.	Environmental Impact Statement.
New construction or substantial rehabilitation of residential or other noise sensitive land uses in Discretionary (Normally Unacceptable) noise zone (Circular 1390.2), which is built in existing development.	Decision point stated in Appendix A-1.	Special Environmental Clearance.
New Communities: Debt Guarantee or Certification of Eligibility or Interest Loan.	Authorization by Community Development Corporation Board of Offer of Commitment or major change to approved plan.	Environmental Impact Statement.
New Communities: Special Planning Assistance Loan or Grant.	Authorization by Community Development Corporation Board of Loan or Grant.	Environmental assessment as part of planning product.

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FLOWCHART OF ENVIRONMENTAL CLEARANCE PROCEDURES



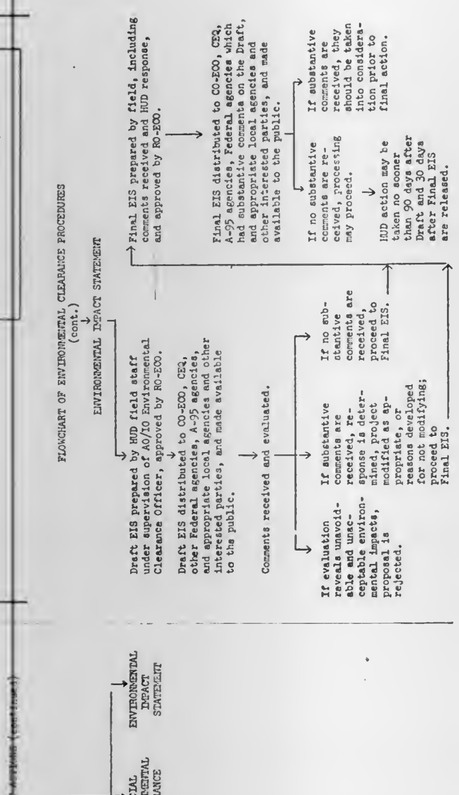
INITIAL DETERMINATION OF REQUIRED ENVIRONMENTAL CLEARANCE FOR PROJECT ACTIONS

Answer each question and follow the appropriate arrow:

Is it immediately evident that the proposed project has an unavoidable and unacceptable environmental impact? ..... Yes		Reject
Is it immediately evident that the proposed project has a significant environmental impact? ..... Yes		
Is the proposed project in an unacceptable noise zone (Circular 1390.2*)? ..... Yes		
Is the proposed project a New Community or a Title X Mortgage Insurance for Land Development project? ..... Yes		
Does the proposed project involve new construction or substantial rehabilitation in a discretionary (normally unacceptable) noise zone (Circular 1390.2*) which is:		
(1) new development in a largely undeveloped area? ..... Yes		
(2) infill in existing development? ..... Yes		
Is the proposed project above threshold (see Appendix A-1)? ..... Yes		
*Circular 1390.2 applies to construction and substantial rehabilitation of residential and other noise-sensitive uses such as nursing homes, hospitals, and group practice facilities.	NORMAL ENVIRONMENTAL CLEARANCE	SPECIAL ENVIRONMENTAL CLEARANCE

FLOWCHART OF ENVIRONMENTAL CLEARANCE PROCEDURES (cont.)

ENVIRONMENTAL IMPACT STATEMENT



ENVIRONMENTAL CLEARANCE FORMS

The following Environmental Clearance Worksheets shall be used in conducting the required environmental clearances for project level actions as directed in Paragraph 5 of this Circular:

Appendix C–1: Applicant's Environmental Information, Form ECO–1[1]

Appendix C–2: Normal Environmental Clearance Worksheet, Form ECO–2

Appendix C–3: Special Environmental Clearance Worksheet, Form ECO–3

Appendix C–4: Environmental Finding Resulting from Special Clearance

APPLICANT'S ENVIRONMENTAL INFORMATION

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region ---------- Area/Insuring Office ----------

A. Applicant/Sponsor.
B. Project Name and Location.
C. HUD Program.
D. OMB Circular A–95 Review.
Is proposed project subject to A–95 review? ( ) Yes ( ) No
Date submitted to clearinghouses: ----------
Check one: ( ) State/regional clearinghouse comments attached.
( ) No comments received after ---- days before clearinghouses.
E. Description of project.
F. Description of existing environment of the site and area.
1. *Existing physical environment (natural and man-made).*
a. *Land and climate.*
b. *Vegetation, wildlife and natural areas.*
c. *Surrounding land uses and physical character of area.*
d. *Infrastructure.*
e. *Air pollution levels.*
f. *Noise levels.*
g. *Water pollution levels.*
h. *Other.*
2. *Existing social environment.*
a. *Community facilities and services.*
b. *Employment centers and commercial facilities.*
c. *Character of community.*
d. *Other.*
3. *Existing aesthetic environment:* (Including properties listed on, or nominated to, the National Register of Historic Places)
G. How will the environment described in F affect the project?
1. *Physical environment.*
2. *Social environment.*
3. *Aesthetic environment.*
H. How will the project affect the environmental factors in F?
1. *Physical environment.*
2. *Social environment.*
3. *Aesthetic environment.*
I. Where appropriate describe the quality of the environment created by the project and its impact on the expected residents or users of the project.
1. *Physical environment.*
2. *Social environment.*
3. *Aesthetic environment.*
J. What alternatives to the proposed project were considered and why were they rejected: What additional alternatives can be considered to avoid adverse environmental impacts?
a. *Alternative locations or sites.*
b. *Alternative sizes and designs.*
K. Describe provisions of the proposal which were specifically designed to reduce adverse environmental impacts or to enhance environmental quality. Describe abatement measures which were rejected and the reasons for rejection (estimate costs). Describe measures other than those included in the project being taken or planned to enhance environmental quality or reduce adverse environmental impacts.
L. What are the known views of governmental bodies, private organizations, local citizens, etc., concerning the proposed project? Identify known or potential opposition groups and their views.
M. Certification: The applicant/sponsor identified in block A hereby certifies that the information furnished in this Applicant's Environmental Assessment is true and accurate to the best of his (its) knowledge.

Date ---------- Signature ----------
Title ----------

[1] Use of ECO–1 subject to approval by OMB.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

INSTRUCTIONS FOR COMPLETION OF FORM ECO–1 APPLICANT'S ENVIRONMENTAL INFORMATION

For non-housing programs, prepare in triplicate. Attach duplicates to A–95 notice on intent to apply for Federal assistance and send to appropriate clearinghouses; attach original to application and submit to HUD. *For housing projects over A–95 thresholds,* prepare in triplicate and send to HUD with application for transmittal to clearinghouses.

For housing projects under A–95 thresholds, prepare in original and send to HUD with application.

Attach additional sheets as necessary and identify project and item number on each. Reference may be made to information in application or project file.

A. Self-explanatory.
B. Self-explanatory.
C. Self-explanatory.
D. A HUD representative can advise you whether or not your project is subject to A–95 review.
E. Briefly describe the project. Include size or scale, design, type of facilities included, location, cost, and other descriptive features. Include minimum of two (2) maps: one showing location of project within the city, town, or metropolitan area, and another showing the relationship of the project to immediate area and distance from such major landmarks as an airport, highway and roads, parks, and CBD. Attach photo of site if available.
F. Identify positive and negative aspects of the existing environment of the site and area. Discuss under separate headings the environmental characteristics of the site and area:
1. *Physical environment (natural and man-made).*
a. *Land and Climate.*
—soil (general characteristics, load bearing capacity, existing and potential erosion, permeability);
—topography (general characteristics, slope grade of site—maximum, minimum, average);
—Subsurface conditions (geologic characteristics, geologic faults, aquifer recharge);
—Special conditions (flood plain, unique landscape, potential for mudslide, landslide, subsidence, or earthquake, aerial or underground transmission lines and right-of-way);
—Unusual climatic conditions (subject to very high rainfall, flashfloods, hurricanes or tornadoes, strong winds, extremes of temperature, etc.)
b. *Vegetation, wildlife and natural areas.* Extent and type of vegetation and wildlife; existence of on site or proximity to unique natural systems (stream systems, wildlife breeding areas, parks, etc.).
c. *Surrounding land uses and physical character of area.* Type of development (single family or high rise residential, industrial, commercial, open space, mixed); land use configuration (land use map); densities; building height and design; lot sizes; etc.
d. *Infrastructure.* Description (general description, location, responsible body, relation of capacity to existing demand), of water supply, sanitary sewage and solid waste disposal, storm sewers and drainage, energy, and transportation (roads, public transit, parking) facilities servicing site.
e. *Air pollution levels.* Extent of pollution (smog, dust, odors, smoke, hazardous emissions) in relation to local/State standards, and standards of health and safety (frequency or inversions, air pollution alert or emergency); in relation to the rest of the metropolitan area (conditions peculiar to the site and immediate area).
f. *Noise levels.* Source (nearby airport, railway, highway); noise levels in relation to HUD standards in Circular 1390.2 (include worksheet, if appropriate); vibrations.
g. *Water pollution levels.* Ground and surface water relevant to site and area (drainage basin, source of water supply, water bodies with implications for health and recreational uses, etc.).
h. Other—not included in above categories.
2. Existing Social Environment
a. *Community facilities and services.* Description (general description, location, responsible body, relation of capacity to existing demand) of school, park, recreational and cultural, police and fire and health facilities servicing the site and area.
b. Employment centers and commercial facilities servicing site and area.
c. *Character of community.* Socioeconomic and racial characteristics.
d. *Other.* Not included in above categories.
3. *Aesthetic environment.* General aesthetic characteristics; special features (natural or man-made) existence of on site or proximity to significant historic, archaeological, or architectural sites or property, including those listed on, or being considered for nomination to, the National Register or Historic Places, scenic areas, and view.
G. Discuss the quality of the environment of the area and its impact on the expected residents or users of the proposed project. Describe major contraints or opportunities presented by the existing environment which serve to limit or contribute to the viability of the proposed project. Concentrate on critical features described in F.
H. Discuss under each heading listed:
1. What is being impacted;
2. Sources of impact;
3. Degree or severity of impact;
4. Relationship to official local and area-wide planning.
I. Where appropriate (e.g., for urban renewal project, large multi-family housing project, new community or subdivision), discuss the relationship among the various components of the proposed project. Identify design and other features which will assure that a high quality of living environment will be created by the proposed project. Describe how the plans for the project contribute to such environmental factors as:
1. Physical environment—health, safety, comfort, functional quality.
2. Social environment—racial and economic composition
—opportunity for social interaction and privacy
—community life (places to meet, management, organized activities, etc.)
—security.
3. Aesthetic environment — pleasantness, interest, stimulation.
J. Indicate adverse environmental impacts which would be avoided or created by each alternative, and discuss briefly pros and cons of each alternative. Discuss under separate headings:
a. Alternative locations or sites which were considered. Indicate alternatives sites owned, controlled, or potentially available which

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would be investigated if the recommended site is unacceptable.

b. Major alternatives (at least one or two in each category) which were considered in terms of:

(1) *Size.* Anticipated resident/user population or density extent of coverage, etc.

(2) *Design.* Number and height of buildings and placement on site, architectural and design treatment, land uses, etc.

What additional alternatives, i.e., what modifications to the proposal's size or design plans, not previously considered could be investigated to reduce adverse environmental impacts?

K. Discuss measures that will be taken as part of the project to enhance environmental quality and reduce adverse environmental impacts. Examples of such measures include: Measures to reduce air pollution levels or excessive noise levels (air conditioning noise barriers, setbacks or greenbelts, insulation, etc.); erosion and siltation control measures; drainage systems capable of carrying 50-year frequency rainfall; on-site sewage or solid waste disposal facilities or contribution to establishment or expansion of local or regional system; preservation of natural areas or open space; landscaping and preservation of cover; screening; expansion or new construction of community facilities; discussion of impact with community groups; special architectural treatment; preservation or relocation of historic property; etc. Discuss abatement measures which were rejected and the reasons for rejection (estimate costs).

Discuss, also, measures other than those included in the proposal being taken or planned by local governmental bodies, State agencies, other Federal agencies, or private groups or individuals which will enhance environmental quality or reduce adverse environmental impacts of the project. These may include actions or plans by the locality to expand infrastructure and community facilities and services to meet the demand imposed by the project and by growth in the area; controls imposed by appropriate agencies or governmental bodies to prevent or ameliorate environmental harm; efforts by governmental bodies or private organizations to preserve natural areas, open space, or historic sites; plans to anticipate and cope with the long term impacts of the project specifically and growth in the area in general; efforts to reduce pollution levels in the area and prevent further pollution; public or private projects which will improve the environment of the area or meet the needs of the residents or users of the proposed project. Distinguish between actions underway, firm and tentative plans, and preliminary discussions.

L. Describe the position regarding the proposal of the local and State officials with jurisdiction over planning, zoning, building and subdivision controls and regulations, pollution control, public services needed by the project, conservation and recreation, historic preservation, etc., as appropriate. Does the project conflict with measures taken by governmental bodies to control growth, prevent adverse environmental impacts, or enhance environmental quality for the existing community (e.g., moratorium on building permits, preservation of open space or sites or property of historic, archaeological, architectural, or cultural value or significance, limit on traffic, limitation of load on sewage treatment facilities)?

Describe private organizations, community groups with special interest in the proposal, both for and against the project. Identify actual or potential opposition, issues involved in the opposition, and extent of controversy. Indicate the probability, if any, of litigation regarding the project and the probable grounds for such litigation.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NORMAL ENVIRONMENTAL CLEARANCE WORKSHEET

Region ---------- Area/Insuring Office ----------

Instructions. When completed, this form must show that HUD conducted an independent assessment of the environmental impacts of the proposal and that HUD has an adequate basis for its finding. Attach additional sheets as necessary. Reference may be made to factual information in the applicant's form or application file.

A. Applicant/Sponsor.
B. Project Name and Location.
C. HUD Program.
D. HUD Project No.

E. Have A–95 review requirements been met? ☐ Yes ☐ No ☐ Not Required
Do clearinghouse comments indicate significant environmental or regional impact, or any environmental problems? ☐ Yes ☐ No

F. How has HUD verified the accuracy and completeness of the information supplied by the applicant (e.g., site inspections, inquiries to local agencies and private groups, A–95 review, required local approval and public hearings, consultation with areawide/State/Federal agencies, etc.)? Provide additional information needed to supplement or clarify information supplied by the applicant in Form ECO–1.

G. Historic Preservation. (For further information regarding procedures for compliance with Section 106, See Appendix L)

Are there properties listed on, or nominated to, the National Register of Historic Places on the site, or in the vicinity of the proposed action? ☐ Yes ☐ No

If yes, does the HUD action have an effect on the properties? ☐ Yes ☐ No

How has this determination been made?

H. What are the major alternatives which would significantly alter the environmental impacts of the project? Evaluate alternative sites, sizes, and designs described in Form ECO–1 and the applicant's reasons for rejecting alternatives. Discuss additional alternatives from HUD's viewpoint which would alter the environmental impacts.

I. Have there been any modifications to the project or provisions added designed to enhance environmental quality or eliminate or reduce potential adverse environmental impacts? Discuss. How will HUD assure that such provisions will be implemented (inclusion as requirements in contract, grant, or other document) if project is approved?

J. Discuss the probable impact of the proposed project on the environment and of the environment on the project. Assess the significance of the environmental impact in terms of: (1) The magnitude of impact, and (2) the importance of the impact in the context of local/regional/State/HUD/national goals and concerns. Based on the information supplied by the applicant and gathered by HUD from other sources, is there evidence of actual or potential significant environmental impact or controversy as indicated by application of HUD environmental policies and standards? Discuss.

K. *Finding.* Based on the information derived from the review and evaluation of the above items and of supporting documentation, the following finding is made:

☐ The proposal should be rejected. Even after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, are also considered unacceptable.

☐ Special Environment Clearance is not required and processing of the proposal may proceed. There is no significant environmental impact.

☐ Special Environmental Clearance, or

☐ Environmental Impact Statement Clearance is required prior to HUD decision. Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact.

L. Discuss briefly the basis for the finding in K. above.

Date---------- Signature----------
Title ----------

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SPECIAL ENVIRONMENTAL CLEARANCE WORKSHEET

Region ---------- Area/Insuring Office

Instructions. When completed, this form must show that HUD conducted an independent assessment of the environmental impacts of the proposal and that HUD has an adequate basis for its finding. Attach additional sheets as necessary. Reference may be made to factual information in the applicant's form or application file.

A. Applicant/Sponsor.
B. Project Name and Location.
C. HUD Program.
D. HUD Project No.

E. Have A–95 review requirements been met? ☐ Yes ☐ No ☐ Not Required
Do clearinghouse comments indicate significant environmental or regional impact, or any environmental problems? ☐ Yes ☐ No

F. How has HUD verified the accuracy and completeness of the information supplied by the applicant (e.g., site inspections, inquiries to local agencies and private groups, A–95 review, required local approvals and public hearings, consultation with State/areawide Federal agencies, etc.)? Provide additional information needed to supplement or clarify information supplied by the applicant in Form ECO–1.

G. Historic Preservation. (For further information regarding procedures for compliance with Section 106, see Appendix L)

Are there properties listed on, or nominated to, the National Register of Historic Places on the site, or in the vicinity of the proposed action? ☐ Yes ☐ No

If yes, does the proposed HUD action have an effect on the properties? ☐ Yes ☐ No

How has this determination been made?

If a determination of effect has been made, have the State Liaison Officer and the Executive Director of the Advisory Council on Historic Preservation been consulted to determine whether or not the effect is adverse? ☐ Yes ☐ No

Through the above consultation, the following has been concluded.

☐ A Joint Memorandum acknowledging no adversity is attached.

☐ An adverse effect has been established; no alternative to resolve it can be agreed upon. Review by the Advisory Council on Historic Preservation will be requested and a 102(2)(C) will be prepared.

H. Based on information supplied by the applicant and gathered by HUD from other sources, evaluate and discuss under each heading the major environmental issues involved in the project. This evaluation must address the significance of impact of the project on the environment and the significance of impact of the environment on the project. Identify:

(1) Beneficial and adverse environmental impacts—discuss basis for judgment;

(2) Short-term (immediate impacts of short duration, such as during construction and initial use) and long-term (lasting beyond construction and initial use period, or with implications for secondary impacts in the future) impacts;

(3) Significance of impacts—quantitative measure of magnitude (degree, extent, or severity or impact), and qualitative measure of importance (in context of community needs and goals, areawide and State objectives and planning, HUD and national goals and concerns);

(4) HUD and other Federal, State, or local policies or standards which are in danger of being violated or ignored;

(5) Measures being taken or planned to reduce adverse environmental impacts and how HUD will assure that such measures will be implemented (inclusion as requirements in contract, grant or other document) if the project is approved.

a. *Physical environment (natural and man-made).*

b. *Social environment.*

c. *Aesthetic environment.*

I. What is the full array of possible alternatives to the proposal (including those beyond HUD's immediate control) which would significantly alter the environmental impacts of the project? Evaluate the alternative sites, sizes, and designs described by the applicant in Form ECO–1 and the applicant's reasons for rejecting alternatives. Discuss additional alternatives, including the alternative of not approving the project at all, as well as alternative locations, sizes, and designs, from HUD's viewpoint which would alter the environmental impacts. Compare and evaluate the costs and benefits of these alternatives with those of the proposed project, and discuss why they should be rejected or adopted.

J. Which of the potential adverse environmental impacts described in H. could and which could not be avoided by the selection of an alternative site?

K. Which of the potential adverse environmental impacts described in H. could and which could not be avoided by modification of the project in terms of size or design, at the proposed site location?

L. Will the project stimulate any long-term development or population distribution trends or result in any irretrievable commitment of important resources (e.g., loss of unique areas or properties of natural, social, cultural, or aesthetic value; commitment of community services and resources)? How do these impacts compare with goals and plans on the local, areawide, State, and national levels, as well as with principles of orderly growth? Discuss.

M. Is there evidence of actual or potential controversy on environmental issues as indicated by the applicant or by HUD inquiries? Describe the nature and degree of controversy.

Date ---------- Prepared by----------

APPENDIX C–4

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ENVIRONMENTAL FINDING RESULTING FROM SPECIAL CLEARANCE

Instructions. Attach this finding to the front of the completed ECO–3, Special Environmental Clearance Worksheet. These documents shall accompany the application through the review process.

Project Name ---------- Project Number --------

Based on the information derived from the review and evaluation of the attached items and of supporting documentation, the following finding is made:

☐ The proposal should be rejected. Even after appropriate modifications to the proposal there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, also are considered unacceptable.

☐ A Finding of Inapplicability is made and processing may proceed. There is no significant environmental impact.

☐ Environmental Impact Statement Clearance is required prior to HUD decision. Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains actual or potential significant environmental impact.

Discuss briefly the basis for the finding made above.

Recommendation of Environmental Clearance Officer.

Date ----------

Environmental Clearance Officer
Date ----------
Certified by---------
(Signature of Operations Director or Insuring Office Director)

ENVIRONMENTAL IMPACT STATEMENTS

The following outlines shall be used in the preparation of all HUD Environmental Impact Statements:

Appendix D–1. Outline of Content of Environmental Impact Statements for HUD Project Level Actions.

Appendix D–2. Outline of Content of Environmental Impact Statements for HUD Policy Actions.

Specific formats are prescribed by the CEQ and National Technical Information Service and must accompany both the Draft and Final Environmental Impact Statement. They are as follows:

Appendix D–3. Format of Summary Sheet of Environmental Impact Statement.

Appendix D–4. Format for Cover Page of HUD Environmental Impact Statement.

OUTLINE OF CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS FOR HUD LEVEL ACTIONS

(THE FORMAT, DERIVED FROM NEPA AND CEQ GUIDELINES, SHOULD BE FOLLOWED CLOSELY AND COMPLETELY FOR STATEMENTS FOR PROJECT LEVEL ACTIONS.)

The Environmental Impact Statement should be essentially a self-contained document with sufficient detail to fully inform readers with no prior knowledge of the project, of the environmental impact of the proposal. Supporting documentation, such as reports, studies, and specifications, which is too unwieldly to be included in the Statement should be listed and availability of these documents for reading should be explained. The conclusions and environmental implications of such documents, however, should be contained in the text of the Statement.

Cover Page (see Appendix D–4)
Summary Sheet (see Appendix D–3)
Table of Contents

1. *Description of the proposed action.* Summarize the nature and purpose of the proposed action, the HUD program involved and the process of decision-making, location, sponsor, size, cost, and other pertinent descriptive information. Briefly describe the site and surrounding area. Additional elements may include: (a) The place of the particular HUD action in a more comprehensive process or program; (b) a chronology of events; (c) views of local officials and citizens groups, A–95 agencies, State and Federal agencies concerning the proposal; (d) relationship of the proposal to official goals and plans, and to other relevant actions by HUD, other agencies, or the private sector.

2. *Probable environmental impact of the proposed action.* Discuss beneficial and adverse, short-term and long-term impacts on the physical (natural and man-made), social, and aesthetic environment. Discussion must cover both the impact of the proposed project on the environment and the impact of the environment on the project and should cover: (a) What will be impacted; (b) Sources of impact; (c) Significance of impact (magnitude and importance); (d) relationship to local/area-wide/State planning; (e) HUD and other Federal, State, or local policies or standards which are in danger of being violated or ignored.

3. *Alternatives to the proposed action.* Discuss the full array of alternatives (including no action and those beyond HUD's immediate control) which would significantly alter the environmental impacts of the proposed project, including alternatives which would reduce adverse impacts even though other objectives would be affected or partially sacrificed. Include alternative locations or sites, sizes and designs. Compare and evaluate the costs and benefits of these alternatives with those of the proposed project, and discuss why they were rejected.

4. *Probable adverse-environmental impacts which cannot be avoided should the proposal be implemented.* Discuss the seriousness of the adverse impacts resulting from the recommended action, and what has been done to minimize adverse environmental impact. Identify adverse impacts which: (a) could have been avoided were one of the alternatives adopted; (b) could not be avoided by any alternative; and (c) were avoided by choosing the recommended action. Discuss the costs of abatement measures, including those rejected. Describe why the action is being proposed in spite of adverse impacts (countervailing interests), and show how environmental aspects have been balanced against technical and cost considerations of the project's anticipated accomplishments. Describe any modifications to the project or provisions added designed to enhance environmental quality or eliminate or reduce potential adverse impact. Include a discussion of how HUD will assure that such provisions will be implemented if the project is approved, e.g., requirements in the contract, grant or other documents.

[1] 5. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Evaluate short-term and long-term, environmental and technical/economic costs and benefits. Discuss any future options foreclosed as a result of the recommended action and alternatives which avoid the foreclosure. Identify those who benefit and those who pay the costs over time.

[1] 6. *Any irreversible and irretrievable commitments of resources which would be involved.* Discuss implications for population distribution and land use and development trends, investment of resources such as land and community services, destruction of irreplaceable or unique resources such as historic property and unique natural areas. Identify the extent to which the action curtails the range of beneficial uses of the environment, including options for use of the site or area which are foreclosed.

7. [After circulation to other agencies for comment] *Discussion of problems and objections raised and HUD accommodation.* Show how substantive comments and recommendations of other Federal, State and local agencies and private parties have been incorporated into the project plans and the Environmental Impact Statement, and/or explain why recommendations have been re-

[1] These categories may be combined and reference may be made to other sections of the Statement when appropriate to avoid repetitiveness.

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jected (if Statement has been changed in response to a comment, reference to the page number of the revision may be sufficient). Annex comments received as appropriate.

8. *Recommended HUD action on proposal.* (one paragraph in Final Environmental Impact Statement *only*) Briefly state the finding made as to whether the proposed project should be approved or rejected based on the discussion contained in the Statement and comments received, and cite the major reasons for the finding.

9. *Appendices.* Include maps showing location (minimum of one map showing location of project within town, city, metropolitan area, or region, and one showing relationship of project to immediate area and distances from major landmarks), land use, infrastructure systems, etc., as appropriate. Additional tables, charts, diagrams, bodies and other documentation should be included as appropriate. Appendices may be helpful to summarize and present data in abbreviated form; however, they should not substitute for narrative evaluation in the text of the Statement.

Appendix D–2

OUTLINE OF CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS FOR HUD POLICY ACTIONS

(The format, derived from NEPA and CEQ guidelines, should be followed closely and completely for Statements for policy actions.)

The Environmetal Impact Statement should be essentially a self-cotained document with sufficient detail to fully inform readers with no prior knowledge of the action, of the environmental impact of the proposal. The proposed legislation, regulations, or policy or guidance document should be attached. The need for the reader to refer to the attached document while reading the Statement should be kept to a minimum. On the other hand, the Statement should not merely repeat standards, criteria, or policies, but instead should present and analyze the possible environmental consequences of implementing the proposal.

Cover Page (see Appendix D–4)

Summary Sheet (see Appendix D–3)

Table of Contents

1. *Description of the proposed action.* Summarize the nature and purpose of the proposed action, the HUD program involved, and the relationship of the proposal to related documents or actions and to national and Departmental goals and policies. Additional elements may include: (a) history of the proposal, (b) views of Congress, other agencies, public and private groups concerning the proposal.

2. *Probable environmental impacts of the proposed action.* Discuss beneficial and adverse, short-term and long-term impacts on the physical (natural and man-made), social, and aesthetic environment. For new programs, estimate expected levels of usage (high, medium, low) and discuss impacts given range of possible usage levels. For new standards or criteria, organize standards into functional or environmental impact categories. Discuss impacts both on the level of specific localized effects of specific standards, criteria or regulations, and on the level of broader, cumulative impacts of implementing the proposal, and cover: (a) What will be impacted; (b) Sources of impact; (c) Significance of impact (magnitude and importance)

3. *Alternatives to the proposed action.* Discuss the full array of alternatives which would significantly alter the environmental impacts of the proposed action, including:

(a) The alternative of not taking the proposed action and the beneficial and adverse impacts which would be avoided;

(b) alternatives which are beyond HUD's control but which may alter the environmental impacts of the proposed action;

(c) alternative ways of taking the action; because of the large number of alternative standards, criteria, and policies that are usually considered in developing and approving a policy action, it may be useful to organize discussion in terms of major alternatives which (1) provide for additional or more stringent standards, criteria, or approval procedures, and (2) provide for fewer or less stringent standards, criteria, or approval procedures. Discuss the extent to which each alternative would enhance or partially sacrifice other objectives. Compare and evaluate the costs and benefits (environmental and other) of these alternatives with those of the proposed project, and discuss why they were rejected.

4. *Probable adverse environmental impacts which cannot be avoided should the proposal be implemented.* Discuss the seriousness of the adverse impacts which would result from the recommended action, and what has been done to minimize adverse environmental impact. Identify adverse impacts which: (a) Could have been avoided were one of the alternatives adopted, (b) could not be avoided by any alternatives, and (c) were avoided by choosing the recommended action. Describe why the action is being proposed in spite of adverse impacts, and show how environmental aspects have been balanced against countervailing objectives and the actions anticipated accomplishments.

5. *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Evaluate short-term and long-term, environmental and technical economic costs and benefits. Discuss any future options which would be closed as a result of the recommended action and alternatives which would avoid the foreclosure. Identify those who would benefit and those who would pay the costs over time.

6. *Any irreversible and irretrievable commitments of resources which would be involved.* Discuss implications for population distribution and land use and development trends, investment of resources such as land and community services, destruction of irreplaceable or unique resources such as historic property and unique natural areas. Identify the extent to which the action, if implemented, would curtail the range of beneficial uses of the environment, including options for alternative uses or development courses which would be foreclosed.

7. [After circulation to other agencies for comment] *Discussion of problems and objections raised and HUD accommodation.* Show how comments and recommendations of other agencies and private parties have been incorporated into the proposed action and the Environmental Impact Statement, and/or explain why recommendations have been rejected (if Statement has been changed in response to a comment, reference to the page number of the revision may be sufficient.) (Annex comments received as appropriate.)

8. *Recommended HUD action on proposal.* (one paragraph—Final EIS *only*) Briefly state the finding made as to whether or not the proposed action should be implemented based on the discussion contained in the Statement, and cite the major reasons for the finding.

9. *Appendices.* Include reports, studies, tables, charts, diagrams, or other documentation as appropriate. Appendices may be helpful to summarize and present data in abbreviated form; however, they should not substitute for narrative evaluation in the text of the Statement.

Appendix D–3

CEQ FORMAT FOR SUMMARY SHEET OF ENVIRONMENTAL IMPACT STATEMENTS

(Content prescribed by CEQ and should not exceed one 8 x 10½ page)

Status: (Check one) ( ) Draft ( ) Final Environmental Statement

Subject: (Identify proposal and location)

Name of Responsible Federal Agency: Department of Housing and Urban Development (identify also issuing office in HUD).

1. *Name of Action:* (Check one) ( ) Administrative ( ) Legislative

2. *Brief Description of action:* indicate also States (and Counties) particularly affected.

3. *Summary of environmental impact and adverse environmental effects.*

4. *Alternatives Considered.*

5. (a) (For Draft Statements) *All Federal, State and local agencies from which comments have been requested.*

(b) (For Final Statements) *All Federal, State and local agencies and other sources from which written comments have been received.*

6. *Dates Statements made available to CEQ and public.*

Draft:

Final:

FORMAT FOR COVER PAGE OF HUD ENVIRONMENTAL IMPACT STATEMENTS

(Cover page is required by the National Technical Information Service.)

I. Report number ---------- HUD-R05-EIS-72-13F
Dept. of Housing & Urban Development
Regional Office 5 (for CO actions, use office designations: CD, CPD, HPMC, etc.)
Environmental Impact Statement
1972
Sequential number assigned by CO for CO actions, and by RO for field project actions (D = Draft or F = Final)

II. Title ---------- PARADISE APARTMENTS (236)
NIRVANA, MICHIGAN
Subtitle ---------- Final Environmental Impact Statement
Applicant name and address ---------- Heavens Development Co., Inc.
13 Mecca Avenue
Elysia, Michigan 48001
Date ---------- July 16, 1972

III. Agency name and address ---------- Prepared by:
Detroit Area Office
Chicago Regional Office
U. S. Department of Housing and Urban Development
300 South Wacker Drive
Chicago, Illinois 60606

Appendix E

FIELD RESPONSIBILITIES FOR ENVIRONMENTAL CLEARANCE

	Normal Environmental Clearance	Special Environmental Clearance	Draft Environmental Impact Statement (Draft EIS)	Final Environmental Impact Statement (Final EIS)
Applicant	Prepare HUD Form ECO-1	Prepare HUD Form ECO-1	Supply data as necessary....	Modify project plans as necessary.
AO/IO Program Personnel.	Prepare HUD Form ECO-2; sign-off.	Prepare HUD Form ECO-3; sign-off.	Prepare Draft EIS (and distribution list).	Review comments received, negotiate with applicant for modification; prepare Final EIS.
AO/IO ECO		Make recommendations prior to finding on ECO-3.	Provide guidance, review Draft EIS, return to originator for modifications as necessary and approve.	Provide guidance, review Final EIS, return to originator for modification as necessary, and approve.
RO ECO			Review, return to AO/IO for modification as necessary, and approve Draft EIS and distribution list.	Review, return to AO/IO for modification as necessary, and approve Final EIS.
CO ECO			In controversial or precedent-setting cases, review, return to RO for modification as necessary, and approve; return to RO for distribution.	In controversial or precedent-setting cases, review, return to RO for modification as necessary, and approve; return to RO for distribution.

Appendix F

FORMAT FOR FINDING OF INAPPLICABILITY FOR POLICY ACTIONS

Memorandum

To: (appropriate Assistance Secretary or Administrator)
From: (initiating office director)
Subject: Finding of Inapplicability for ---
It is the finding of this office that the subject HUD action does not have actual or potential significant environmental impact.

1. Briefly describe the proposed action.

2. State the reasons for determining that there is no environmental impact, or that the environmental impact is not significant. Identify the environmental impact, if any, of implementing the program proposal, regulations, or guidance document. Discuss actual and potential, direct and indirect, short-term and long-term environmental impacts, including physical, aesthetic, and social dimensions.

After appropriate concurrences as indicated below, this Finding of Inapplicability shall accompany the proposed action through the HUD review and decision-making process.

Concurrences (Use appropriate category) (proposed legislation) (proposed regulations) (proposed policy and guidance document)

(General Counsel)	(Program ECO)	(Program ECO)
(Assistant Secretary) for CPD	(Assistant Secrctary for CPD)	(Assistant Secretary for CPD)
	(General Counsel)	(General Counsel)

cc: Assistant Secretary for CPD (Attn: Environmental Clearance Officer) General Counsel (Attn: Environmental Clearance Officer)

Appendix G

OUTLINE OF CONTENT FOR HUD COMMENT ON ENVIRONMENTAL IMPACT STATEMENTS OF OTHER AGENCIES

1. *Cross reference to incoming inquiry.* A short summary of the proposal is optional.

2. *HUD Comment on the statement.* Identify HUD's concerns and give a general assessment of the adequacy of the Environmental Impact Statement in treating issues important to HUD. If information concerning issues important to HUD is not sufficient to support a conclusion concerning the existence of unacceptable adverse environmental impacts, the Draft Statement should be returned with a request for further information.

3. *HUD Reservations about the proposal.* Deficiencies in the proposal should be stated and possible solutions prescribed. Reservations should be numbered sequentially for convenient cross reference.

Originating agency may be requested to refer the Statement to local or areawide planning agencies and local executives for identification of issues and views.

Appendix H

HUD AREAS OF JURISDICTION BY LAW OR SPECIAL EXPERTISE (TAKEN FROM CEQ GUIDELINES, APRIL 23, 1971)

Energy. Environmental Aspects of Electric Energy Generation and Transmission (urban areas)

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Noise. Noise Control and Abatement (urban land use aspects, building materials standards).

Urban. Congestion in Urban Areas, Housing and Building Displacement; Environmental Effects with Special Impact in Low-Income Neighborhoods; Rodent Control; Urban Planning.

[FR Doc.73–14115 Filed 7–17–73;8:45 am]

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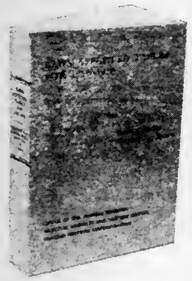
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July 19, 1973—Pages 19197–19352

federal register

THURSDAY, JULY 19, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 138

Pages 19197–19352

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(Part III begins on page 19333)

(Part IV begins on page 19341)

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 19

These "Questions and Answers", which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of Part 140. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 17, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP—QUESTIONS AND ANSWERS NO. 19

1. Q: Under Phase II, sellers of products and services through vending machines were permitted to determine their base prices by reference to customary pricing methods which were based on marketing areas rather than by reference to actual transactions at each machine during the 1971 Phase II base period. This special rule was promulgated because a considerable length of time is often required after a price increase decision is made to adjust vending machines to accept additional or different coins or to dispense items of different size or weight. Does the special rule apply in calculating the 1973 freeze price?

A: Yes.

2. Q: Company A imports and resells shirts. On June 15, 1973 Company A bought the shirts for $10 each and resold them for $15 each. It now costs Company A $12 to buy a shirt. May Company A raise the selling price of shirts entered into inventory after June 15 to $17 each to reflect the replacement cost?

A: No. Importers and resellers of imports may pass on increases in the landed cost for imported commodities incurred after June 12, 1973 on a dollar-for-dollar basis so long as the commodity is neither physically transformed by the seller nor becomes a component of another product. However, an importer may not use this rule to reprice his inventory on the basis of replacement costs. The cost allowed to be passed on by the import rule is actual cost, not replacement cost.

3. Q: A public utility bills customers each month for delivery of electrical services during the previous month. Under authority from its State regulatory commission, the utility calculates its overall rate by a formula in a fuel adjustment clause which allows an adjustment to represent changes in the cost of fuel between the third and fourth month prior to the billing month. This adjustment is figured as a percentage of the rate per kilowatt hour. When the service is delivered each month, the utility knows the amount it will charge per kilowatt hour and the percentage that will be added under the formula. May the utility continue to adjust its rates during the freeze under the fuel adjustment formula?

A: No. The fuel adjustment formula should not be treated differently than the rate per kilowatt hour. Under the rules of the freeze, a transaction occurs when a service is performed. Therefore, the overall rate in effect for electrical services delivered during June 1 through June 8, which would be reflected in the July billing, establishes the freeze price. The fact that the fuel adjustment formula is based on costs occurring before the freeze requires no different treatment because costs which are not reflected in a freeze price are not allowed to be passed through during the freeze except under the special rule for imports.

4. Q: A local government has provided free trash collection service during the past year. On July 1, the local government decided to begin charging a fee for the collection service. Can it implement this charge during the freeze?

A: No. Having provided the service free during June 1 through June 8, the local government is considered to have had transactions which established a zero freeze price. The government must continue to provide the trash collection service free of charge for the duration of the freeze.

5. Q: A bank operates a charge card service as a subsidiary. Merchants honoring the charge card pay for the service through a discount system. Under the discount, the charge card service retains 4% of every bill it handles, paying the rest to the participating merchant. The charge card service takes the risk of loss on all bad debts. Is the merchants' discount a fee for a service or a finance charge which is exempt?

A: The merchants' discount is a finance charge and is, therefore, not subject to the freeze. The merchants are paying for a faster receipt of payment on charged items and for protection against bad debts. In effect, they are paying interest on amounts received from the charge card service prior to collection of the bill by the charge card service.

6. Q: If an insurance company has implemented a rate revision for new business prior to the freeze base period in a particular coverage, e.g., private passenger automobiles in South Dakota, may those revised rates be used on renewal business even though the effective date for those renewals is subsequent to the freeze base period? All the business in the particular coverage written during the freeze base period was new business and was written at the new (higher) rate.

A: New business and renewal business are part of the same class of purchaser since the rates charged for comparable risks for both types of businesses are identical. The new business's effective date established a freeze price for both new and renewal business in that particular coverage since at least 10% (in this case, 100%) of the transactions in the particular coverage which occurred during the freeze base period were at the new (higher) rate.

7. Q: To what extent can firms change their business practices during the freeze?

A: Businesses may change their operating practices during the freeze, so long as the change in these practices does not result in a circumvention of the intent of the price freeze. The business must be able to document that freeze prices based on the changed practices are comparable to freeze prices charged for similar products and services during the freeze base period.

For instance, if a firm decides to change from selling only a finished product to selling raw materials and the service of processing raw materials, the firm must sell raw materials to anyone, not just those buying his processing service. The price for a raw material must be determined in accordance with the applicable freeze regulations.

If a firm changes from selling a finished product to selling the processing service, the price for the processing service must relate only to service actually being provided. For example, a firm sold a processed product for $150.00 per unit during the freeze base period and this price included $50.00 for the raw material, thus making the charge for the processing $100.00. During the freeze the price for that service would not be $100.00 per unit since the $150.00 per-unit price for the processed product included (in addition to the $50.00 per-unit purchase price for raw materials) brokerage, inventory-carrying, overhead and other services related to the raw materials. Hence the price for the processing service alone would be lower than $100.00 because the value of the services applied to the raw material cannot be included since the service is not provided.

[FR Doc.73-14942 Filed 7-17-73;3:09 pm]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 441]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 20-26,

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1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.741 Valencia Orange Regulation 441.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is steady to slightly better. Prices f.o.b. averaged $3.20 per carton on a sales volume of 508 carlots during the week ended July 12, 1973, compared with $3.13 per carton on sales of 453 carlots a week earlier. Track and rolling supplies at 272 cars were down one car from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 20, 1973, through July 26, 1973, are hereby fixed as follows:

(i) District 1: 98,000 cartons;

(ii) District 2: 425,000 cartons;

(iii) District 3: 52,000 cartons."

(2) As used in this section section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–14907 Filed 7–18–73;11:30 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Subpart C—Management and Sale of Acquired Real Estate

Subpart C of Part 1872, Title 7, Code of Federal Regulations (32 FR 8290; 37 FR 13159) is amended to reflect a change in title, "Management and Sale of Acquired Real Estate."

In accordance with 5 U.S.C. 553, these amendments are being published without prior rulemaking because it is impracticable to delay making available assistance provided by these amendments in that Realtors and Agents may be utilized to assist in the disposal of any acquired property expeditiously, thereby avoiding, to the greatest extent possible, damage to such property while it is in Government ownership, and more rapidly reduce the investment of FHA loan funds. The prospective buyer that cannot pay cash will be immediately provided the longer terms to which he is entitled under P.L. 92–419 for the purchase of surplus property. Updating the policies, procedures, and authorizations to conform to the Consolidated Farm and Rural Development Act (P.L. 92–419) is necessary to provide additional services to rural people. Accordingly, it is in the public interest that this subpart shall be effective on July 19, 1973.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rule-making 36 FR 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before August 20, 1973. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

These amendments are effective on July 19, 1973.

As amended, Subpart C of Part 1872 reads as follows:

Subpart C—Management and Sale of Acquired Real Estate

Sec.

1872.61 General.
1872.62 Handling acquired property during redemption.
1872.63 Management of acquired real estate.
1872.64 Disposition and sale of rights-of-way, easements, perishable items, mineral rights, water rights, and mineral, agricultural or other leases.
1872.65 Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.
1872.66 Sale of property that was security for Rural Housing loans only
1872.67 Additional requirements.

AUTHORITY: 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.

Subpart C—Management and Sale of Acquired Real Estate

§ 1872.61 General.

(a) *Purpose.* The purpose of this subpart is to delegate authority and prescribe policies and procedures for management and sale of farm and nonfarm real estate and related property or rights acquired in any manner by the Farmers Home Administration (FHA) for administration or disposal.

(b) *Definitions.*—(1) *Acquired real estate.* Acquired real estate includes any real estate and any growing crop which, according to the advice of the Office of the General Counsel (OGC) is acquired with the land and any improvements or appurtenances which would customarily pass with the land. Also, it includes any items of acquired personal, chattel, business inventory, and other property necessary to the efficient operation of the real estate or business enterprise and such items are to be sold with the real estate.

(2) *Date of acquisition.* The date of acquisition in case of voluntary conveyance will be the date the deed to the Government is filed for record. In all other cases, the date of acquisition will be the date title is vested in the Government. Usually this will be determined by the County Office. If there is any question about the actual date of acquisition, the determination will be made by the OGC.

(3) *Surplus property.* Surplus property is any acquired real estate which is suitable for sale to eligible applicants but not sold within three years from the date of acquisition, not suitable for sale to an eligible applicant under § 1872.65 or § 1872.66, or suitable but not practical for sale to an eligible applicant because of other reasons.

(4) *Taxes.* Taxes include all taxes, assessments, levies, irrigation and water changes, or other similar obligations against the real estate.

(5) *Association programs.* These programs include water and waste disposal, recreation, and loans to grazing associations, Indian tribal corporations, watershed sponsors, rural renewal organizations, irrigation and drainage organizations, timber development organizations, and economic opportunity cooperatives, resource conservation and development loans, and other community program loans.

(6) *Multiple housing.* These programs include rural rental and cooperative housing, farm labor housing, and rural housing site loans.

(7) *Caretaker.* A person who, under contract with FHA maintaining and protecting acquired real estate. If authorized by the contract he may also manage and operate the facility on the acquired real estate.

(c) *Basic policies.* The policy of the FHA is to manage and sell acquired real estate in accordance with the provisions of this Subpart to best accomplish the program goals and to protect the Government's financial interest and preserve the value of the real estate. Acquired real estate will be sold in accordance with the provisions of this Subpart as soon as practicable after it is acquired by the Government. The sale of acquired real estate will not be delayed for the purpose of obtaining a greater speculative recovery.

(1) Acquired real estate suitable for the Farm Ownership (FO), Recreation (RL), Labor Housing (LH), Multiple Housing, or Association programs will, whenever practicable, be sold on a credit basis to eligible applicants in accordance with the policies and authorizations for the type of FHA programs under which the property is being sold, § 1872.65 or § 1872.66, or when not clearly covered by this Subpart any special requirements issued by the National Office and when applicable, OGC. Acquired property may be reclassified by the State Director from suitable for program use to surplus or vice versa. When no interest in the property is shown by eligible applicants, it may be reclassified to surplus. Likewise, when a property cannot be sold as surplus but interest of eligible applicants is generated through the sale notices it may be reclassified for sale to eligible applicants. In making the reclassification, the files should be adequately documented to show the reasons for the change. Any property not sold within 3 years from the date of acquisition must be declared surplus and sold accordingly.

(2) Acquired property, other than that which secured only a Rural Housing (RH) loan, which is to be sold as surplus will be advertised for public sale, either by auction sale, or on a sealed bid basis provided the public is given an opportunity to be present at the bid opening sale. If the property is not sold at such a public sale, negotiations may be entered into with interested bidders and any others on the same terms and conditions outlined in the public sale notice.

(3) Acquired RH properties which are not suitable for program purposes will be sold in accordance with § 1872.66.

§ 1872.62 Handling of acquired property during redemption.

When acquired real estate is subject to redemption rights under State law, the State Director with the advice of OGC is responsible for giving instructions to County Supervisors for the care and management of such property during the redemption period. His instructions may be given in a State requirement or on an individual basis. In either case, the requirement will cover actions such as payment of taxes, leasing, and maintenance and repairs. If under State law the Government's interest may be sold during the period of redemption, the State Director is authorized to sell the Government's interest in accordance with §§ 1872.65 and 1872.66 subject to the following conditions:

(a) The sale price of the property is at least equal to the amount of the inventory debt.

(b) Such a sale would assist in accomplishing the purpose of the loan.

(c) The sale would not result in a financial loss to the Government if redemption was made.

(d) The following special conditions are met in connection with the sale:

(1) A determination must be made that there is no apparent likelihood of redemption being made during the period of redemption allowed by the State statute.

(2) Each applicant must sign a written statement acknowledging that he is buying a property that is subject to the State statutory redemption rights on terms which will be set forth in the statement; if the property should be redeemed, it would divest him of ownership and possession and might result in his loss of any additional investment by him in the property not recoverable under the State statute; and he desires to purchase the property under the conditions set forth. The signed original statement will be filed in the borrower's County Office case folder.

§ 1872.63 Management of acquired real estate.

The County Supervisor will manage acquired real estate in accordance with this Subpart. The State Director will determine, with the advice of OGC, the ownership of any growing crops and small business stocks, portable buildings or irrigation equipment and timber acquired as a part of the real estate and will provide the County Supervisor with any special requirements required for their care and disposition.

(a) *Costs.* When costs are to be paid by the Government to caretakers, prior lienholders or tax collectors, or maintenance and repairs, or for other costs to preserve the Government's interest, Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," will be used to make the necessary advance. The cost will be paid from the source of loan funds for the kind of FHA loan with the highest priority of lien before acquisition for which funds are then available except that when both FO and RH loans are involved on the same farm, priority will be given to the use of FO funds.

(b) *Posting the property.* The County Supervisor will display FHA posters "This Property for Sale" and "Warning" on acquired real estate to inform the public that the properties are for sale and that trespassers and perpetrators of acts of thievery, vandalism, or unauthorized entry will be subject to prosecution.

(c) *Reporting damage or theft.* If vandalism or theft occurs, the County Supervisor will handle the case in accordance with appropriate FHA requirements.

(d) *Removal and disposition of personal property not acquired by FHA.* Prior to implementing this paragraph the State Director will obtain the advice

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of the OGC as to any necessary changes for the state. If the FHA has acquired title to the property and the borrower has vacated the property but left items that did not pass with the real estate such as furniture, personal effects or chattel property not included in the FHA or any prior mortgage, the County Supervisor will handle the case in accordance with the following:

(1) After the property is acquired by the Government, he will notify the borrower in person or by telephone that the personal property should be removed from the premises within a specified time, usually 10 days. The County Supervisor will keep a written record of notification showing pertinent facts including date and time of contact.

(2) If the borrower or someone authorized to act for him does not remove the personal property within the specified period, the County Supervisor should check the appropriate public records to determine if a creditor has a lien on any of the personal property and, if so, notify the lienholder by registered letter that the property will be impounded and disposed of by the FHA if it is not removed from the premises in five days.

(3) If no lienholder can be located, the County Supervisor will notify the borrower by registered letter that unless the property is removed within five days, it will be impounded and disposed of by the FHA.

(4) If no response is received from the borrower or the lienholder after notification by registered mail, then, as a last resort the FHA will remove the property. This action will be taken only with the prior approval of the State Director with the advice of the OGC. If a decision is made to remove and dispose of the property, it will be appraised by the County Supervisor. If a reasonable amount can likely be realized from the sale of the property, the property may be sold at public sale and the net proceeds after deducting all expenses incurred by the Government applied to the deficiency, if any, on the borrower's loan. Otherwise, the net proceeds after deducting expenses incurred by the Government will be paid to the borrower with an itemized statement listing items sold and their sale price. If the property is not worth selling, authority may be given to the mover to take the property in exchange for his moving cost or, if necessary, payment by voucher can be made to take the property to the public dump for disposal.

(5) The owner may redeem the personal property prior to its sale by paying all expenses incurred by the United States in advertising, gathering, moving, impounding, storing, and otherwise caring for the property.

(e) *Leasing the property.* When acquired real estate cannot be sold immediately and its leasing is necessary to protect the Government's interest, property that was security for any type of FHA loan except Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS), Labor Housing (LH) or loans to RCH organizations, may be leased for a period not to exceed one year or one crop year at a time. RH nonfarm tracts usually should be leased on a monthly basis. Property that was security for an RRH, RCH, RHS, or LH loan to an organization may not be leased but will be handled in accordance with paragraph (f) of this section. However, an exception for the lease of such property may be granted with National Office approval. Real estate taxes, maintenance, repairs, other costs to preserve the security, and similar real estate expenses will be paid by the Government by voucher as authorized in this subpart. Such costs will be considered in establishing the amount of rentals payable to the Government under the lease. No lease agreement will require the Government to pay operating expenses. When it is customary in the area for a portion of the operating expenses of the property to be paid by the landlord, however, such items may be considered in establishing the amount of rentals payable to the Government under the lease.

(1) The County Supervisor will endeavor to locate a suitable lessee of the acquired property if it cannot be sold promptly. When the County Supervisor recommends the leasing of security property, he will determine the best terms available for the property and complete Form FHA 465–2, "Lease of Security Property," in an original and three copies. When the property involves a single family house or a farm, the County Supervisor may approve the lease. If the lease involves an association property, the County Supervisor will submit three copies of Form FHA 465–2 with a complete report on the situation and his recommendations to the State Office for approval.

(2) When the County Supervisor or State Director, as appropriate, approves a lease, he will forward the original and one conformed copy to the Finance Office which will assign it a contract number, insert the number on the original and conformed copy, and return the conformed copy to the approval official. The approval officials will place the contract number on the copies in accordance with the Forms Manual Insert for Form FHA 465–2.

(3) When the amount of the rent of a farm under a lease is based on a percentage of crop sales, Form FHA 465–17, "Advice of Crop Percentage Rental Charge (Acquired Real Estate)," will be prepared by the County Supervisor when crops are harvested. He will send it to the Finance Office for use in establishing the rental charge.

(4) Any lease of acquired farm property to a person not eligible for assistance from the FHA will contain a clause prohibiting the growing of price-supported crops determined by the Secretary of Agriculture to be in surplus supply. This restriction will not prohibit the growing of such surplus crops to be used for pasture or green manure or to be cut before maturity. The County Supervisor will report to the County Agricultural Stabilization and Conservation Service (ASCS) Office all land covered by leases which contain restrictive clauses on the growing of surplus crops. The report will describe in sufficient detail the land covered by the lease to permit the ASCS to identify the property and to preserve the allotments applicable to the farm involved. Subsequent changes in ownership or in the lease will be reported to the ASCS during the month in which they occur.

(f) *Caretaker.* (1) Ordinarily, acquired farm or nonfarm RH real estate will not be operated by the Government. However, when the property is not sold immediately or when a satisfactory lease is not obtained, the County Supervisor may obtain a caretaker and formalize the agreement on Form FHA 465–3, "Caretaker's Agreement (Real Property Only)," for the shortest period feasible, usually on a monthly basis, but in no case in excess of one year or one crop year at a time. The compensation and any other expense required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. However, in no case may the compensation or any other expense be paid from sales proceeds or other income derived from the acquired real estate, including growing crops.

(2) When a caretaker is necessary to preserve and maintain multiple housing properties not sold promptly or leased in accordance with (e) of this section, the County Supervisor with the prior approval of the State Director, may execute Form FHA 465–3, "Caretaker's Agreement (Real Property Only)." See forms and guides available in all FHA County Offices for the proper completion of Form FHA 465–3.

(i) The compensation and any other expenses required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. In no case will the clause concerning the termination of the agreement be altered or deleted.

(ii) In no case may compensation to the caretaker be paid from income derived from acquired real estate.

(iii) The compensation to the caretaker may not exceed the usual and customary charge for similar services in the area, as determined by the State Director, and may be set as a fixed fee or a percentage of any monthly income from the property.

(iv) The rental rates charged for units will be the same as before the property was acquired, unless the State Director determines that revised rates are justified. If the acquired property was previously operated under an Interest Credit Agreement or leased under Housing and Urban Development (HUD) Section 23 contract, any special problems in dealing with occupancy should be referred to the National Office for advice.

(v) The caretaker will obtain copies of any written leases the borrower may

have executed with the occupants of the housing. If there are no written leases or copies cannot be located, Form FHA 465–2, "Lease of Security Property," may be modified and used for this purpose with the concurrence of the OGC in accordance with the following:

(A) A statement that the rental agreement will be transferred to the purchaser when the property is sold.

(B) A statement that the lease period shall be for 30 days and is automatically renewed unless cancelled by the tenant or the Government after giving 30 days notice.

(C) A statement that the Government does not carry any insurance on the property or contents.

(D) Any other items deemed appropriate and necessary in the area.

(3) Ordinarily, acquired association property will not be operated by the Government. However, when the property is not sold promptly or when a satisfactory lease arrangement is not available, the State Director may authorize the County Supervisor to formalize a caretaker's agreement using Form FHA 465–3 in accordance with the following:

(i) The Caretaker's Agreement will cover the shortest feasible period, usually on a monthly basis, but in no case in excess of six months.

(ii) The compensation and any other expenses required under the Caretaker's Agreement will be paid by the Government as authorized in paragraph (a) of this section. However, in no case may the compensation or any other expenses be paid from sales proceeds or other income derived from the acquired real estate, including growing crops.

(iii) The compensation to the caretaker may not exceed the usual and customary charge for similar services in the area, as determined by the State Director, and may be set as a fixed fee or a percentage of any monthly income from the property.

(iv) The caretaker may also be authorized to manage the property.

(v) Form FHA 465–3 may be modified in accordance with the forms and guides available in all county offices to record the agreements between the caretaker and the Government.

(g) *Payments on liens.* When real estate is acquired subject to a lien, the State Director will determine whether the payment in satisfaction of the lien in full or the payment of any installments under the mortgage will be in the best interest of the Government and is agreeable to the lienholder. In making this determination, consideration will be given to whether making such payments will result in a substantially greater recovery on the Government's investment than can otherwise be obtained, or a sale of the property to an applicant eligible under § 1872.61 will be made feasible.

(1) The State Director is authorized to make such payment or payments not to exceed $40,000. Any payment or payments exceeding $40,000 may be made only with prior approval of the National Office.

(2) The advice of the OGC will be obtained with respect to paying any lien in full and getting the mortgage released or assigned to the Government. If the State Director approves the payment of installments, he will advise the County Supervisor and authorize him to make such payments. Payments to lienholders may include taxes or insurance premiums or maintenance costs paid by the lienholder under his mortgage to protect the security.

(3) When taxes or insurance premiums or maintenance costs are included in a payment, a receipt for the payment of such items will be obtained from the lienholder and furnished to the Finance Office.

(h) *Taxes.* Property acquired by the Government is subject to taxation by state, territory, district, and local public subdivisions, in the same manner and to the same extent as other property unless the state law specifically exempts taxation of Federal-Government owned real estate. When title to real estate is vested in the Government, the County Supervisor will notify the appropriate taxing authority in writing that title to the real estate has been acquired by the Government and that claims for taxes during the Government's ownership will be billed to the FHA at the County Office address. If taxes become due and payable during the period of the Government's ownership, the County Supervisor will pay the taxes by voucher unless the taxes are paid by a prior lienholder. When the real estate is sold either in whole or in part, the County Supervisor will advise the taxing authority of the sale and the purchaser's name and provide a description of the parcel sold.

(i) *Insurance.* Insurance on acquired real estate will not be maintained by the Government after the date it is acquired (whether or not subject to redemption), except that State Rural Rehabilitation Corporation (SRRC) property under 2(f) agreements will be insured as provided by Part 1806 of this chapter. Any insurance in force at the time the property is acquired by the Government will not be cancelled. However, except in the case of SRRC property, no additional premium will be paid. The original insurance policy may be returned to the innsuring company if notification of cancellation is received. Payments for insurance on SRRC property will be made from SRRC funds. If title to real estate is acquired subject to a prior lien, the lienholder will be advised that the Government will not carry insurance on the property. If the lienholder pays insurance as an advance under his lien, such insurance premiums may be included in payments made by the Government to the lienholder.

(j) *Maintenance and repairs.* Ordinarily, acquired real estate will be sold in the physical condition in which acquired. Maintenance and repairs may be made, however, when necessary to protect the real estate or to prevent a significant decrease in its value. No expenditures other than those necessary to immediately protect the Government's security, such as winterizing or securing the property, should be made until the final title opinion showing Government ownership of the property has been received. Also, prior authorization from the State Director is required for any maintenance or repair if redemption rights are involved.

(1) Expenditures up to $2,500 may be approved by the County Supervisor. Whenever expenditures will exceed $2,500, they may be authorized only by the National Office in accordance with Federal Procurement Regulations. Work approved by the County Supervisor will be done by contract on Form FHA 424–6, "Construction Contract," after obtaining at least two estimates for the cost of maintenance or repairs, except the County Supervisor is authorized to make such expenditures without contract or estimates if the cost will be $200 or less.

(2) The costs will be paid by voucher and charged as an expense item to the inventory account.

(3) Any maintenance and repair work will be properly considered in the appraisal report before the property is offered for sale.

(4) Acquired property may be cleaned up, repaired, and painted where necessary to put it in satisfactory condition for immediate sale or rental if a sale on an "as is" basis cannot be made within a reasonable period. Expenditures for such repairs and maintenance will be authorized in accordance with the limitations and conditions in paragraph (j)(1) of this section, subject to a further determination that the improvements will cause the value of the property to be increased by at least as much as the cost of the improvements.

(k) *Responsibility for loss or damage to property between date of acquisition by the Government and sale of property.* As a general rule, the Government is responsible for loss or damage to a property after the date of acquisition and prior to the sale. In case a sales contract has been entered into and loss or damage occurs, the State Director may either have the loss or damage replaced or repaired or make a compensating adjustment in the sale price. However, if the loss or damage is the result of negligence by a prospective buyer, no adjustment will be made in the sale price.

(l) *Evictions.* The County Supervisor will through the State Office seek the advice of the OGC in evicting any unauthorized person from acquired property if he refuses to move voluntarily.

§ 1872.64 Disposition and sale of rights-of-way, easements, perishable items, mineral rights, water rights, and mineral, agricultural or other leases.

(a) *Rights-of-way or easements.* The State Director is authorized to grant easements or fee title to rights-of-way to public bodies if he determines such grant is in the public interest and will not adversely affect the value of the property. Also, he may sell easements or fee title to rights-of-way for adequate

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cash consideration through negotiations with persons, corporations, or public bodies without giving public notices, provided the sale is not inconsistent with the public interest. When a sale or grant is made, the Finance Office will be furnished a copy of the conveyance instrument and the selling price along with the consideration, if any, received.

(b) *Crops or perishable goods.* The State Director may authorize the County Supervisor to sell any crops, except timber, or perishable goods for the best cash price obtainable by public sale or negotiations without giving public notice. When a sale is made, the Finance Office will be provided a copy of the conveyance instrument and the selling price along with the consideration.

(c) *Mineral rights, water rights, mineral leases including royalties, and agricultural and other leases.* Mineral rights or water rights acquired by the FHA, mineral lease interests, mineral royalty interests, and agricultural and other lease interests will be sold with the surface land and will not be sold separately. If the land is to be sold in separate parcels, any such rights or interest applicable to each parcel will be included with the sale of each parcel of land. When a sale is made, any lease or royalty interest sold will be assigned to the purchaser and the lessee or payee of the royalty interest will be advised of the assignment.

§ 1872.65 Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.

(a) *General.* This includes FO, RL, Soil and Water (SW), and Association loans and combinations of any type of RH loan with those loans. Acquired real estate which is now or can by subdivision or combination with other property be made suitable for a farm or association loan will be sold to eligible applicants in accordance with the following conditions:

(1) Priority will normally be given an applicant who proposes to use the property for the same purpose for which it was used before it was acquired. However, if it is in the best financial interest of the Government, the property may be subdivided and sold for different program purposes. As an example, grazing or golf course association property may be considered for subdivision into RH nonfarm tracts or farm tracts. Also, a farm property may be subdivided wholly or partially into RH nonfarm tracts.

(2) The applicant meets the eligibility requirements for the type of loan involved, and

(3) The property is sold on the basis of present market value.

(4) The amount of the credit sale will not be charged to any state allocation of funds.

(5) State Directors may authorize the use of realtors or Special Sales Agents to dispose of such property in accordance with paragraph (c)(4) of this section or § 1872.66(e).

(6) Where the property to be sold was subject to Title VI of the Civil Rights Act of 1964 and will be used for its original or a similar purpose, the applicant will sign Form FHA 400–4, "Nondiscrimination Agreement."

(b) *Processing.* The policies, procedures, authorizations, limitations, terms and conditions applicable to making, approving, and processing loans outlined in the FHA requirements pertaining to the type loan involved will be followed in making credit sales of acquired property to an eligible applicant. This will be done in accordance with the following:

(1) The docket forms will show the inventory property number and identify the credit sale as an initial loan unless the applicant already is indebted for the same type loan. A loan of the same type made simultaneously with the credit sale will be considered a subsequent loan. Separate Forms, "Record of Actions," Fund Analysis, and promissory notes, as appropriate, will be prepared for each transaction.

(2) Any cash downpayment collected at the time the sale is closed will reduce the amount due on the promissory note by the amount of such payment. The inventory advice number will be entered on the transmittal and the payment will be handled with all other payments for the day in accordance with Part 1862 of this chapter.

(3) The current insured loan interest rate for the type loan being made will be charged all eligible applicants.

(4) Form FHA 440–16, "Promissory Note (Insured Loan)" will be used for farm properties. Form FHA 440–22, "Promissory Note (Insured Loan to Non-Tax Exempt Association or Organization)," or other forms specified in OGC closing instructions will be used for association properties.

(5) Loan closing and title clearance for the credit sale and any additional loan to be closed simultaneously with the credit sale will be the same as for making a loan of the type involved except that:

(i) Form FHA 465–12, "Quitclaim Deed," as modified by OGC to meet the requirements of state law, if necessary, will be used. It will be executed by the State Director and acknowledged.

(ii) Any attorney or title insurance company costs and recording fees will be paid by the buyer.

(c) *Surplus property.* When it has been determined that farm or association property is not to be sold through credit sales to an eligible applicant, the State Director will declare the property surplus. He is then authorized to sell the surplus property to an ineligible applicant in accordance with the following:

(1) The State Director will establish the present market value of the property. This will be done by considering among other things, existing appraisal information on the property and, when necessary, he will request a new appraisal report to determine the present market value of the property. The appraisal will be made by an employee authorized to appraise real property.

(2) Farm property will be offered at public sale for cash or cash or terms of not less than a 10 percent cash downpayment and not to exceed 10 amortized payments of the balance of the purchase in accordance with paragraph (c)(3) of this section. The interest rate will be the rate being charged for Section 502 RH loans. When it has been definitely determined that a property cannot be sold on terms of 10 years or less because of conditions in the area, the State Director shall stop any negotiations and readvertise for a public sale on a longer term not to exceed 20 years.

(3) If OGC advised that it is legally permissible, association property will be offered for public sale for cash or cash or terms of not less than 10 percent cash downpayment with the remaining balance payable over not more than 15 years. The amount of each of the first 14 annual installments will not be less than the amount that would be required to be repaid annually if the outstanding balance was amortized over the maximum repayment period of the type of loan involved. The remaining balance will be due and payable at the end of the 15th year. The interest rate will be set forth in the "Rate to Lender Column (5–9 years)" of subpart A of part 1819 of this chapter plus .125 percent as of the date the property is offered for sale. If more liberal rates and terms are considered necessary because of the location or condition of the property or condition in the area, or for other pertinent reasons, the State Director may request authorization from the National Office to offer the property for public sale on more liberal rates and terms. However, the repayment period will not exceed the maximum repayment period of the type of loan involved or the useful life of the property, whichever is less. Complete documented justification for his request will be submitted to the National Office.

(4) Any principal balance will be secured by a first mortgage on the property unless it is sold subject to a prior lien.

(5) Property may be offered for sale as a whole or in such parcels as the State Director determines will aid in an expeditious sale and in obtaining the best price. This permits subdivision of the land or separate sales of portions of the property, such as timber, growing crops, business stock for small business enterprises, buildings, facilities, and similar items if it is believed that a better price for the entire property can be obtained by sale in this manner.

(d) *Sale by public notice.* Surplus property other than perishable items or growing crops, not including timber, must first be offered for sale to the public by public notice. If not sold in such a manner, the property may be sold by the method deemed appropriate by the State Director, including the use of a realtor or in the case of association property, another type of qualified sales specialists.

(1) An auction sale or sealed bids will be obtained for properties valued in excess of $2,500 by advertising in appropriate periodicals or newspapers in such number and types as the State Director determines to be adequate to inform interested parties of the sale, and in posted notices when the State Director determines that such notices will assist in the sale.

(2) Public sale by the method determined appropriate by the State Director, will be used for properties valued at $2,500 or less. Advertising will be accomplished by simple public notices posted in such number and locations as adequate to inform interested parties of the sale and when determined necessary by the State Director, periodicals and newspapers may also be utilized.

(3) The format of the advertisement or notice will be of a reasonable display type, but not legal notice style.

(i) The advertisement or notice will contain sufficient information to readily identify the property and will include a brief general description indicating its location and conveniences, terms of the sale, deposit required, the time property may be inspected by prospective bidders, and where additional information and bid forms can be obtained. If sealed bids are to be obtained, the advertisement or notice will contain a statement that opening of sealed bids will be public. It will show the place, hour, and date of the opening of the sealed bids or of sale, as appropriate. It will also show that the Government reserves the right to reject any or all bids.

(ii) The State Director, with the advice and approval of the OGC, will develop a standard form of advertisement to be used in the state. Any case to which the standard form is not applicable will be referred to the OGC for advice.

(4) Sealed bids will be made on Form FHA 465–10, "Invitation, Bid, and Acceptance—Sale of Real Property by the United States." The executed form will be accompanied by a deposit of cash, a cashier's or certified check, or money order of not less than 5 percent of the bid payable to the Treasurer of the United States. Successful bidders at an auction also will be required to make such a deposit. The highest offer received at a public sale will be reduced to writing on Form FHA 465–10 if it is determined to be the best price obtainable.

(i) Sealed bids will at all times be held in a secured file pending opening and proper disposition at the place and time specified in the advertisements. The bids will be opened in the presence of at least two FHA employees and any other interested persons who may desire to attend. When opened, each bid will be tabulated showing the name and address of the bidder, the amount of the bid, the amount and form of the deposit, and any other pertinent data. The tabulation of the information will be signed by an employee designated by the State Director and retained in the State Office files. Any bid which is not in compliance with the terms of the offer will be disqualified; however, such a bid may indicate the probability of obtaining a higher price than offered in qualified bids and may justify rejection of other bids.

(5) When the State Director or his authorized representative determines that the highest qualified bid represents the best price obtainable, the bid will be accepted by the State Director by execution of Form FHA 465–10. That form with an executed Standard Form 1036, "Statement and Certificate of Award," will be given to the successful bidder or his representative, if present, with appropriate documentation necessary to establish a binding contract or mailed to the successful bidder by certified mail, return receipt requested. The bidder will be requested to furnish information necessary for preparing the conveying instruments including the name(s) to which the property is to be conveyed. The deposit of the successful bidder will be transmitted immediately to the Finance Office with sufficient information to permit that office to identify the acquired property and process the deposit.

(6) If no satisfactory bid is received, the deposit of each bidder will be returned promptly by certified mail with a letter of explanation. Such a letter will advise each bidder with respect to any anticipated negotiations for the sale of the property. If a sealed bid is accepted the deposit of each unsuccessful bidder will be returned promptly with a letter of explanation as to why his bid was not accepted. If a satisfactory bid is not received at a public sale, it will be readvertised or the sale will be negotiated, if it is then known what action will be taken.

(e) *Negotiated sale.* If no sealed bid or bids at a public sale are accepted the State Director, after negotiating with interested parties including all previous bidders, may sell the property at the best price obtainable without further public notice, provided there are no indications that by readvertising the property for sale, additional interest will be created and likely will result in a higher price being obtained. A satisfactory offer received under such negotiations will be reduced to writing on Form FHA 465–10 and will be accepted and awarded in the same manner as provided in paragraph (d)(4) of this section. Such sales will be negotiated on the same terms as provided in the public notice and at a price not lower than the best qualified offer received as a result of the public notice unless otherwise authorized by the National Office. If a satisfactory sale cannot be negotiated within 30 days, all interested parties will be notified in writing that negotiations have been discontinued. He may then change the terms and conditions as appropriate and enter new negotiations. In negotiating a sale the State Director may solicit proposals by oral and written communications. In some instances it may be possible to assemble the persons interested in purchasing the property for open competitive bidding with the sale being made to the person making the best offer. If offers are solicited orally or by mail without such an assembled meeting, the invitation to negotiate should include notice of the place, date, and hour at which time the best offer will be determined and, if satisfactory, accepted. Such date and hour shall be rigidly adhered to and, if a satisfactory offer is obtained at that time, it will be accepted immediately and other offers or suggestions of future offers after that date will be declined. If an acceptable offer is not made on that date, a new date will be set. Other acceptable methods of negotiations may be followed but care should be taken to afford equal opportunity to each negotiator. Usually, the amount offered by one interested party will not be disclosed to any other interested parties. However, if other offers are disclosed to one negotiator, the same information will be given to all other negotiators. No offer on the basis of specified sum above the best alternative offer should be entertained. In connection with such negotiations it may be necessary to incur reasonable administrative expenses including cost of communications, postage, and similar items to consummate the sale. Such sales may be advertised in local newspapers provided the costs of such advertisement are reasonable.

(f) *Use of realtors or special sales agents to sell acquired farm or association properties.* If the County Supervisor has been unable to sell acquired property in accordance with paragraphs (d) and (e) of this section, he may submit to the State Director a detailed report of his efforts to sell the property and request authority to offer it through realtors. The State Director may authorize the use of realtors to sell acquired property only if the County Supervisor has made a diligent effort to sell such property and the State Director determines that the property cannot be sold under reasonable terms by FHA personnel.

(1) If the property is subject to redemption rights under law, the property may be sold only if the State Director determines the conditions of § 1872.62 (a), (b) and (c) can be met and the realtor is informed of those conditions.

(2) The County Supervisor or other FHA officials will attempt to locate an eligible purchaser for at least 60 days from the date of acquisition. If an eligible purchaser is not located, the State Director may authorize the use of realtors or special sales agents to sell the property to applicants who meet FHA's eligibility requirements.

(3) The State Director may authorize the use of realtors or special sales agents to sell surplus property to ineligible applicants only after the following have occurred:

(i) The State Director has declared the property surplus.

(ii) The property has been advertised for sale by public notice.

(iii) Negotiations have been discontinued and the file has been documented to this effect.

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(iv) No successful bidder has been obtained from the sale by public notice or subsequent negotiations.

(g) *Selection of realtors or special sales agents.* If the State Director authorizes the use of realtors or special sales agents, the County Supervisor or other appropriate FHA officials will give public notice that the FHA has certain properties for sale and that realtors are invited to participate in selling the property. The notice to be inserted in newspapers circulating in the primary market area in which the property is located will read substantially as follows:

PUBLIC NOTICE

The Farmers Home Administration has for sale the following properties:

18 Hole Golf Course with Clubhouse and other facilities located at the north edge of Anytown, Virginia

80 Acre Farm Located 3 Miles West of Anytown, Virginia

Licensed realtors or sales agents who are interested in listing these properties should contact the Farmers Home Administration County Office at_____ for detailed information before_____

(1) Any licensed realtor or sales agent who customarily handles real estate in the area in which the property is located will be given an opportunity to list and sell the property.

(2) The property will be handled by realtors on an open listing basis. The County Supervisor, or for association properties, Programs Specialist (Field), is authorized to sign a Form FHA 465–13, "Listing Agreement." The conditions of the relationship between FHA and the realtor are:

(i) Once authorization is received to use realtors or special sales agents and after the agreement for sale has been signed, FHA officials will not discuss the sale of the property with prospective buyers but will refer prospective buyers to all realtors or special sales agents who have signed agreements.

(ii) The property will be listed for a period not to exceed 90 days from the date of the first public notice. This period may be extended, if at the end of 90 days, it appears that a contract for sale can be obtained within 30 days. All agreements with realtors will terminate on the same date.

(iii) The fee for selling the property may not exceed the cost normally charged in the area for similar services. In the event the property is not sold, there will be no charge to the Farmers Home Administration for the services. Any realtors or special sales agent fees connected with a sale to an ineligible applicant will be paid from the proceeds of the sale. Such fees in connection with a sale to an eligible applicant will be paid by processing SF 1034 to pay the fees from the applicable insurance fund.

(iv) The property will be listed for its present market value as determined by the State Director. If a loan is made, the rates and terms will be as shown in this section and § 1872.66.

(v) Assurance of Equal Opportunity in Purchasing. In order to determine priority when offers are submitted by realtors or agents the following method will be used:

Any offers from prospective buyers received in the County Office will be considered in the order received and either accepted or rejected in that order. Each offer will be reviewed for compliance with the listed price, terms of sale, and qualifications of buyer if the sale is to be on the basis of a credit sale to an applicant eligible for an FHA loan. Those offers not qualifying will be rejected and returned immediately.

(h) *Processing sale of surplus farm property.* Upon acceptance of a bid or offer obtained by an FHA official or a realtor, the County Supervisor will advise the designated attorney or title company how to proceed with closing of the sale. Payments will be made in the form of currency and coin, U. S. Treasury check, cashier's check, certified check, money order, bank draft, or check issued by a responsible institution. When the transaction is closed, the County Supervisor will send to the Finance Office the original of Form 465–10, Standard Form 1036, "Statement and Certificate of Award," Form FHA 440–16, if a credit sale, and a conformed copy of the Quitclaim Deed.

(i) *Processing sale of surplus association property.* Upon acceptance of a bid or offer obtained by an FHA official, realtor, or a special sales agent, the State Director will forward the original Form FHA 465–10, Standard Form 1036, name or names to be placed in the deed, amount and terms of note and mortgage and other pertinent material to the OGC with the request that it provide legal instruments and instructions for closing the transaction. When the transaction is closed, and if the sale is made on secured credit terms, the State Director will send to the Finance Office the originals of Form FHA 465–10, Standard Form 1036, Form FHA 440–22, "Promissory Note," if a credit sale, and a conformed copy of the Quitclaim Deed. Upon receipt of the sales docket, if a credit sale is involved, the Finance Office will establish the account and advise the State Director and the appropriate County Supervisor accordingly.

§ 1872.66 Sale of property that was security for rural housing loans only.

(a) *General.* Acquired real estate which secured Rural Housing loans that is now or can by subdivision or combination with other properties be made suitable for an RH, RRH, RCH, RHS, LH, FO, RL, or Association loan will be offered to eligible applicants in accordance with paragraph (c) of this section. Acquired real estate not suitable for resale within the FHA programs will be offered for sale in accordance with paragraph (d) of this section.

(b) *Advertisement.* If an applicant or prospective purchaser eligible to buy the property is not available, the County Supervisor will always post notices in such number and locations as adequate to inform interested parties of the property for sale. The property will also be advertised in newspapers having general circulation in the area when the State Director determines that such advertisement will assist in the sale. The format of the advertisement or notice will be of reasonable display type, but not legal notice style and will contain sufficient information to readily identify the property and will include the kind of real estate for sale with a brief general description including its location and conveniences, terms of the sale, time property may be inspected by prospective buyers, where additional information can be obtained and a statement that the Government reserves the right to reject any or all offers. The State Director, with the advice and approval of the Office of the General Counsel, will develop a standard form of advertisement to be used in the state. Any case to which the standard form is not applicable will be referred to OGC for advice.

(c) *Property suitable for FHA programs.* Property suitable for resale within the FHA programs will be offered to eligible applicants in accordance with the following conditions:

(1) Priority will normally be given to such an applicant who proposes to use the property for the same purposes for which it was used before it was acquired; however, if it is in the best financial interest of the Government, the State Director may authorize the property to be sold for different program purposes. For example LH or RH farm property which is well located for residential purposes, may be considered for sale to an RHS applicant or for subdivision into RH nonfarm tracts if it is not practical to sell it as an RH or FO property. Detached dwellings of an RRH or LH project may be sold as individual RH units when such action would be to the Government's advantage. Also LH properties may be sold for RRH projects.

(2) The property is sold for not less than its market value.

(3) The amount of the credit sale will not be charged to any state allocation of funds.

(4) The policies, procedures, authorizations, limitations, terms, and conditions applicable to making, approving, and processing loans outlined in FHA requirements pertaining to the type of loan involved will be followed in making credit sales of the acquired property to an eligible applicant, except:

(i) The docket form will show the inventory advice number and identify the credit sale as an initial loan unless the applicant is already indebted for the same type of loan. A loan of the same type made simultaneously with the credit sale will be considered a subsequent loan. Separate Forms FHA 440–3, "Record of Actions," appropriate Fund Analysis, and Promissory Notes and other required forms will be prepared for the subsequent loan.

(ii) Any cash downpayment collected at the time the credit sale is closed will reduce the amount due on the Promissory Note by the amount of such payment. The inventory advice number will be entered on Form FHA 451–2, "Schedule of Remittances," and the payment will be handled in accordance with Part 1862 of this chapter.

(iii) The current insured loan interest rate for the type loan being made will be charged.

(iv) Form FHA 440–16, "Promissory Note," will be used for loans to individuals and Form FHA 440–22, "Promissory Note," will be used for loans to organizations.

(v) Loan closing and title clearance for the credit sale and any additional loan to be closed simultaneously with the credit sale will be the same as for making a loan of the type involved except that:

(A) Form FHA 465–12 as modified by OGC to meet the requirements of state law, if necessary will be used. It will be executed by the State Director and acknowledged.

(B) Any loan closing costs will be paid by the buyer unless they are included in a subsequent loan.

(5) Single family and up to two unit multiple housing properties not sold to an eligible applicant within 30 days after the date of acquisition, or within 30 days after they are made suitable for resale in those cases where maintenance and repairs to the property are made, may be offered for sale to eligible and ineligible applicants. Multiple housing property of more than two units not sold to eligible applicants within 90 days after date of acquisition, or within 90 days after they are made suitable for resale in those cases where maintenance repairs to the property are made may be offered for sale to eligible or ineligible applicants. Any sale to an ineligible applicant however, must be for cash or at rates and terms in accordance with paragraph (d) of this section.

(d) *Properties not suitable for FHA programs.* Rural housing properties not suitable for resale within the FHA programs will be offered as follows:

(1) Properties not suitable for FHA programs and those properties which are suitable but are not sold to an eligible applicant will be sold for cash, or cash or terms of not less than a 10 percent downpayment and usually not to exceed 10 amortized payments for the balance of the purchase price. When terms of more than 10 years are necessary because of the location of the property or conditions in the area, the State Director may authorize individual RH dwellings to be sold on longer terms but not to exceed 15 years and terms not to exceed 20 years for multiple housing properties. In no case, however, may the terms be longer than the remaining life of the property.

(2) The interest rate will be the rate set for above-moderate Section 502 RH loans.

(3) Any principal balance will be secured by a first mortgage on the property unless it is sold subject to a prior lien.

(e) *Use of realtors to sell acquired rural housing property.* If the County Supervisor has been unable to sell acquired property in accordance with paragraph (c) and (d) of this section, he may submit to the State Director a detailed report of his efforts to sell the property and request authority to offer it through realtors. The State Director may authorize the use of realtors to sell acquired property only if the County Supervisor has made a diligent effort to sell such property and the State Director determines that the property cannot be sold under reasonable terms by FHA personnel.

(1) If the State Director authorizes the use of realtors, the County Supervisor will give public notice that FHA has certain properties for sale and that realtors are invited to participate in selling the property. The notice is to be inserted in newspapers circulating in the primary market area in which the property is located and will read substantially as follows:

The Farmers Home Administration has for sale the following properties:

1. Ten unit rental complex located at 125 Main Street, Anytown, Virginia.
2. Home located 3 miles west of Anytown, Virginia.

Licensed realtors who are interested in listing these properties should contact the Farmers Home Administration County Office at _____ for detailed information before _____.

(2) *The conditions for listing property with realtors.* (i) The property will be handled by realtors on an open listing basis. Any licensed realtors who customarily handle real estate in the area in which the property is located will be given an opportunity to list and attempt to sell the property.

(ii) All realtors granted authority to sell acquired rural housing property will sign Form FHA 465–13. They will be informed of any redemption rights applicable to the property. The County Supervisor is authorized to sign Form FHA 465–13.

(iii) Once authorization is received to use realtors and the "Agreement for Sale of Rural Housing Property" has been signed, FHA officials will discontinue any attempts to sell the property but will inform prospective buyers of the names of all realtors who have signed agreements.

(iv) The property will be listed for a period not to exceed 90 days from the date of first public notice. This period may be extended, if at the end of the 90 days, it appears that a contract for sale can be obtained within 30 days. All agreements with realtors will terminate on the same date.

(v) The fee for selling the property may not exceed the cost normally charged in the area for similar services. In the event the property is not sold, there will be no charge to FHA for the services.

(vi) The property will be listed for its present market value as determined by the State Director. No offer from any prospective purchaser for less than the listed price will be accepted.

(vii) Property suitable for FHA programs will be offered for sale for cash, or cash or terms in accordance with paragraph (d) if the purchaser is not an eligible applicant, or terms in accordance with paragraph (c) of this section if the purchaser is an eligible applicant.

(viii) Properties not suitable for FHA programs will be offered for sale for cash or cash and terms in accordance with paragraph (d) of this section.

(ix) In order to determine priority when offers from prospective buyers are submitted by realtors, each offer will be considered in the order received in the County Office and either accepted or rejected in that order. Each offer will be reviewed for compliance with the listed price, terms of sale, and qualifications of the buyer if the sale is to be on the basis of a credit sale to an applicant eligible for an FHA loan. Those offers not qualifying will be rejected and returned immediately.

(x) Any realtor fees resulting from a sale to an ineligible applicant will be paid from proceeds of the sale. Such fees resulting from a sale to an eligible applicant will be paid by processing SF 1034. The cost will be charged to the Rural Housing Insurance Fund. Payment to a realtor will not be made until the transaction is closed.

(xi) Any downpayment collected from a prospective purchaser by a realtor, will not be accepted by the County Supervisor prior to the closing of the transaction. Any such monies collected must be returned to the prospective purchaser if the offer he submits is not accepted or if he applies as an eligible applicant and is determined to be not eligible for the requested loan. If, however, an offer is accepted and the prospective purchaser refuses to close the transaction, the FHA will not negotiate or intercede in negotiations between the realtor and the prospective purchaser concerning the disposition of funds paid as a downpayment.

§ 1872.67 Additional requirements.

Any property not disposed of in accordance with this subpart should be readvertised to get larger coverage in nearby city newspapers and in addition in farm magazines for farm properties. If this does not result in disposal of the property, the inventory file, advertisements, and a summary of the facts concerning the efforts to sell the property should be sent to the National Office for further instructions.

Dated July 11, 1973.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-14779 Filed 7-18-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Areas Quarantined

The amendment quarantines portions of Dimmit and Zavala Counties and additional portions of Maverick, Webb and Cameron Counties in Texas because of

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the existence of splenetic or tick fever. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of cattle and certain materials from or through quarantined areas as contained in 9 CFR Part 72, as amended, will apply to the quarantined areas.

Pursuant to the provisions of sections 1–4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4–7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f), § 72.5 of Part 72, Title 9, Code of Federal Regulations which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

1. In § 72.5, in paragraph (g) the reference to "ISWC levee" is changed to read "IBWC levee" wherever it appears; and paragraphs (a), (c), (f) and (h) are amended to read:

§ 72.5 Areas quarantined in Texas.

The following portions of the specified counties in Texas are quarantined:

(a) That portion of *Val Verde County* lying south and west of the following described line:

Beginning at a point on the south bank of the Devils River where the Amistad Dam Compound east fence intersects the water line and following this east fence of the compound in a southerly direction to the southeast corner of the Amistad Dam Compound, approximately 1¾ miles; thence, following the meanderings of this compound fence in a southwesterly direction to where it intersects the east right-of-way fence of the old railroad, approximately 3¼ miles; thence, following the old railroad right-of-way fence in a southeasterly direction to its intersection with the right-of-way fence of the present Southern Pacific Railroad, approximately 3⅛ miles; thence, following Southern Pacific Railroad in a southeasterly direction to a point directly north across a gravel road from the northeast corner of the Slover Field, approximately 5¾ miles; thence, south across this gravel road to the northeast corner of the Slover Field and following the meanderings of the east fence of the Slover Field in a southwesterly direction to where it intersects the northeast corner of the Woodson Field #1, approximately ¼ mile; thence, following the meanderings of Woodson Field #1 east fence in a southwesterly direction to the southwest corner of the same, approximately ¼ mile to the north fence of the Payne Pasture; thence, following the north fence of the Payne Pasture in a westerly direction to the northwest corner of the same, approximately 100 yards; thence, following the west fence of the Payne Pasture in a southeasterly direction across Cienegas Creek to its junction with Kite Road, approximately 100 yards; thence, following Kite Road in a southerly direction to where it intersects Garza Lane, approximately 7/10 mile; thence, following Garza Lane in a westerly direction to a corner, approximately ⅛ mile; thence, following Garza Lane in a southeasterly direction to where it intersects U.S. Highway 277 Spur, approximately 1⅛ mile; thence, following U.S. Highway 277 Spur in a southeasterly direction to its intersection with Hudson Drive, approximately ½ mile; thence, following Hudson Drive in a southeasterly direction to where it joins Rio Grande Drive, formerly called Silo Field Road, approximately 7/10 mile; thence, following the west fence of Rio Grande Drive in a southeasterly direction to where it joins the east fence of the Rudy Mota Vega,[1] approximately 7/10 mile; thence, following the east fence of the Rudy Mota Vega in a southeasterly direction to where it joins the San Felipe Creek, approximately 3/10 mile; thence, following the San Felipe Creek in a southwesterly direction to where it joins the new W. L. Moody double fence, approximately 3/10 mile; thence, following the new W. L. Moody double fence in a southwesterly direction to a corner, approximately 1 1/10 miles; thence, following the meanderings of the same double fence paralleling the Rio Grande River in a southeasterly direction to where it intersects the Val Verde-Kinney County line at Sycamore Creek, approximately 9½ miles.

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(c) That portion of *Maverick, Webb, Zavala and Dimmit Counties* lying generally west of the following described line:

Beginning at a point where the Maverick County Water District Main canal intersects the Kinney-Maverick County line and following this main canal in a southeasterly direction to where it intersects the west right-of-way fence of U.S. Highway 277, approximately 5⅝ miles; thence, following the west right-of-way fence of U.S. Highway 277 in a southerly direction to where it intersects Maverick County Water District Lateral #2, approximately ½ mile; thence, following the Maverick County Water District Lateral #2 in a southerly direction to where it intersects the north double fence of the J. R. Jones west field, approximately 1⅞ miles; thence, along the double fence of the J. R. Jones west field in a westerly direction to a corner, approximately ¼ mile; thence, along the west double fence of the J. R. Jones west field in a southerly direction to a corner, approximately ½ mile; thence, along the south double fence of the J. R. Jones west field in an easterly direction to where it intersects the Maverick County Water District Lateral #2, approximately ⅛ mile; thence, along the Maverick County Water District Lateral #2 in a southerly direction to where it intersects the north fence of the Calley property, approximately 3 miles; thence, east along the north fence of the Calley property to a corner, approximately 200 yards; thence, following the east fence of the Calley property in a southerly direction to the northeast corner of the Hal Bowles ranch, approximately ⅜ miles; thence, following the east fence of the Hal Bowles ranch in a southeasterly direction to where it intersects the north fence of the Lehman Brothers ranch, approximately ¾ mile; thence, in a southerly direction along the Maverick County quarantine fence which is the east fence of the C. O. Myers Lehman River Pasture to where it intersects the north fence of the Las Vegas Ranch, approximately ⅞ mile; thence, along the north fence of the Las Vegas Ranch in an easterly direction to the northeast corner of the same, approximately ¾ mile; thence, along the east fence of the Las Vegas Ranch in a southerly direction to where it intersects the northwest corner of the Shoftner property, approximately ⅛ mile; thence, along the west fence of the Shoftner property in a southeasterly direction to the southwest corner of the same, approximately ¼ mile; thence, along the south fence of the Shoftner property in an easterly direction to where it intersects the Maverick County quarantine fence or the east fence of the Las Vegas ranch, approximately ½ mile; thence, following the meanderings of the east fence of the Las Vegas Ranch in a southerly direction to where it intersects the north fence of the Alex Ritchie Farm, approximately 3½ miles; thence, along the north fence of the Alex Ritchie Farm in an easterly direction to where it intersects the Maverick County Water District main canal, approximately ⅜ mile; thence, following the meanderings of the Maverick County Water District main canal in a southerly direction to where it intersects the C. P. & L. Power Plant Road, approximately 3½ miles; thence, following the C. P. & L. Power Plant Road in an easterly direction to where it intersects the west fence of the Beer Joint Trap,[2] approximately 1⅜ miles; thence, following the west fence of the Beer Joint Trap in a southerly direction to the southwest corner of the same, approximately ⅝ mile; thence, following the meanderings of the south fence of the Beer Joint Trap in an easterly direction to where it intersects the west right-of-way fence of U.S. Highway 277, approximately ¾ mile; thence, following U.S. Highway 277 in a southerly direction into the city of Eagle Pass, Texas, and following the meanderings of U.S. Highway 277 in a southerly direction to its intersection with Church Street, approximately 8½ miles; thence, following Church Street in a westerly direction to its intersection with Commercial Street, approximately .5 mile; thence, following Commercial Street in a southerly direction to its intersection with Garrison Street, approximately .7 mile; thence, following Garrison Street in an easterly direction to its intersection with Adams Street, approximately .2 mile; thence, following the meanderings of Adams Street in a southerly direction to where it becomes Industrial Park Road and following the meanderings of Industrial Park Road in a southerly direction to where it joins the north fence of the Richmond Harper Pasture, approximately 1.7 miles; thence, following the north fence of the Richmond Harper Pasture in an easterly direction to where it intersects Eidson Drive Road, approximately 1½ miles; thence, following Eidson Drive Road in a northerly direction to its intersection with Farm Road 1021, approximately ¼ mile; thence, following Farm Road 1021 in a southeasterly direction to where it intersects a double fence at the junction of Arm Road 1021, and FM Road 2366, approximately 10¾ miles; thence, following this double fence in a southwesterly direction to the northeast corner of the Loma Linda Ranch, approximately 2½ miles; thence, following the same double fence in a westerly direction to a corner, approximately ⅝ mile; thence, following the same double fence in a northerly direction to a corner, approximately ¾ mile; thence, following the same double fence in a westerly direction to the northwest corner of the Loma Linda Ranch, approximately ⅞ mile; thence, following the meanderings of the same double fence in a southerly direction to a corner of the north fence of the W. D. Ranch, approximately 1½ miles; thence, following the same double fence along the north property line of the W. D. Ranch in a westerly direction to the northwest corner of the same, approximately ⅜ mile; thence, following the same double fence along the meanderings of the Rio Grande River in a southeasterly direction to the northwest corner of the El Indio Land Company Ranch, approximately 1 mile; thence, following the meanderings of the same double fence parallel to the Rio Grande River in a southeasterly direction to where it intersects the west fence of the Kiesling Rio Lado Farm, approximately 4 miles;

[1] A Vega is a flat lowland area.

[2] A trap is an area in which animals may be trapped.

thence, following the same double fence in a southeasterly direction to where it joins the west fence of the Stone Ranch Upper Pasture, approximately 1¼ miles; thence, following the meanderings of the Stone Ranch Upper Pasture west double fence in a northerly direction to a corner, approximately ½ mile; thence, following the same double fence along the north property line of the Stone Ranch Upper Pasture in a northeasterly direction to the east fence of the same, approximately ¾ mile to the Maverick County Quarantine fence; thence, following the Maverick County Quarantine fence in a southerly direction to the northwest corner of the Kiesling Lake Pasture, approximately 10¾ miles; thence, along the Kiesling Lake Pasture double fence in a southeasterly direction to where it intersects the north fence of the Dick Swartz Mansfield Pasture, approximately 1¾ miles; thence, following the meanderings of a double fence in a southeasterly direction paralleling the Rio Grande River to the south fence of the Swartz Ranch Mansfield Pasture, approximately 5 miles; thence, following the meanderings of the south fence of the Swartz Ranch Mansfield Pasture in a northeasterly direction to the Eagle Pass-Laredo River Road which will be called the Mines Road from this point south, approximately 4 miles to where the Eagle Pass-Laredo River Road (Mines Road) intersects the north fence of the Blakemore-Tovar Ranch; thence, following the meanderings of the Blakemore-Tovar Ranch north fence in a northeasterly direction to where it intersects the west fence of the Glass Ranch, approximately 10 miles; thence, following the Glass Ranch west fence in a northwesterly direction to a corner, approximately 3 miles; thence, following the same fence in a northeasterly direction to where it intersects the west fence of the Risinger Ranch, approximately 2¾ miles; thence, following the meanderings of the Risinger Ranch west fence in a northerly direction to Farm Market Road 2644, approximately ½ mile; thence, following Farm Market Road 2644 in an easterly direction crossing the Maverick-Dimmit County line and continuing along Farm Market Road 2644 in an easterly direction to the southeast corner of the Farias Ranch, approximately 4¾ miles; thence, following the meanderings of the Farias Ranch east fence in a northerly direction to U.S. Highway 277, approximately 12 miles; thence, following U.S. Highway 277 in an easterly direction to its junction with Farm Market Road 393, approximately 3¼ miles; thence, following Farm Market Road 393 in a northwesterly direction crossing the Dimmit-Zavala County line and continuing along the same road in a northwesterly direction to its junction with the Old Cometa Road (which is also Farm Market Road 393), approximately 3 miles; thence, following the meanderings of the Old Cometa Road (Farm Market Road 393) in an easterly direction to where it joins the west city limits boundary of Crystal City, Texas, approximately 11 miles; thence, around the north, the east and the south boundaries of the city limits of Crystal City, Texas, to U.S. Highway 83, approximately 5½ miles, to include Crystal City, Texas, in this quarantine; thence, following the meanderings of U.S. Highway 83 in a southerly direction crossing the Zavala-Dimmit County line to where it intersects the Carrizo Springs, Texas city limits, approximately 12 miles; thence, southeast and southwest around the city limits to U.S. Highway 83 to include Carrizo Springs, Texas, in this quarantine, approximately 2 miles; thence, following the meanderings of U.S. Highway 83 in a southeasterly direction to the town of Asherton, Texas, and following the meanderings of the town boundaries in an easterly and southerly direction to U.S. Highway 83, approximately 9 miles; thence, following U.S. Highway 83 in a southeasterly direction to the town of Catarina, Texas, and following the meanderings of the town boundaries in an easterly and southerly direction to U.S. Highway 83, approximately 12 miles; thence, following U.S. Highway 83 in a southeasterly direction crossing the Dimmit-Webb County line and continuing in a southeasterly direction along U.S. Highway 83 to the southeast corner of the Rettig Ranch, approximately 21 miles; thence, following the south fence of the Rettig Ranch in a westerly direction to where it intersects the Booth Ranch east fence, approximately 4½ miles; thence, following the east and south fences of the Booth Ranch in a southerly and westerly direction to the southeast corner of the D. Fuller Ranch, approximately 4½ miles; thence, following the south fence of the D. Fuller Ranch in a southwesterly direction to where it intersects the east fence of the La Mesa Ranch, approximately 3 miles; thence, following the meanderings of the east fence of the La Mesa Ranch to the south fence of the La Mesa Ranch, approximately 17 miles; thence, following the south fence of the La Mesa Ranch in a southwesterly direction to its junction with the Laredo-Eagle Pass River Road (Mines Road), approximately 7¾ miles; thence, following this road in a southeasterly direction to where it intersects the north double fence of the Las Minas Ranch, approximately 5 miles; thence, following the north double fence of the Las Minas Ranch in a westerly direction to the northwest corner of the same, approximately 1¼ miles; thence, following the west double fence of the Las Minas Ranch in a southerly direction to the southwest corner of the same, approximately 3¾ miles; thence, following the south double fence of the Las Minas Ranch in an easterly direction to where it intersects the Mines Road, approximately 2½ miles; thence, following the Mines Road in a southeasterly direction to its intersection with Del Mar Boulevard in north Laredo Townsite, approximately 16.3 miles; thence, crossing under Interstate Highway 35 at the underpass on Del Mar Boulevard in an easterly direction to the east access road, approximately 100 yards; thence, following the east access road in a southerly direction to its junction with Mann Road, approximately .6 mile; thence, following the Mann Road in an easterly direction to the northwest corner of the John Jacaman Pasture, approximately ½ mile; thence, following the John Jacaman Pasture west fence in a southerly direction to the north fence of the Rash Trap, approximately ¼ mile; thence, following the north fence of the Rash Trap in a northeasterly direction to the northeast corner of the same, approximately .6 mile; thence, following the east fence of the Rash Trap in a southerly direction to the southwest corner of the Trautmann Farm, approximately ¼ mile; thence, following the meanderings of the south property line of the Trautmann Farm in a northeasterly direction to where it intersects the south fence of the Alexander property, approximately .8 mile; thence, following the south fence of the Alexander Property in an easterly direction to where it intersects the north fence of the J. Jacaman Pasture, approximately ¼ mile; thence, following the north fence of the J. Jacaman Pasture in a westerly direction to a corner, approximately ¼ mile; thence, following the west fence of the J. Jacaman Pasture in a southerly direction to where it intersects the north fence of the Rash Trap, approximately ⅜ mile; thence, following the west fence of the Rash Trap in a southerly direction to where it joins the north fence of the Laredo Air Force Base, approximately ¼ mile; thence, following the meanderings of the fence enclosing the Laredo Air Force Base around the west side of the same to where it joins U.S. Highway 59 at the southwest corner of the Laredo Air Force Base, approximately 2¼ miles; thence, following the south fence of the Laredo Air Force Base in an easterly direction to a point directly north of the northwest corner of the P. Young Ranch, approximately 1.1 miles; thence, south across U.S. Highway 59 to the northwest corner of the P. Young Ranch, approximately 80 yards; thence, following the west fence of the P. Young Ranch in a southerly direction to the southwest corner of the same, approximately .9 mile; thence, following the south fence of the P. Young Ranch in an easterly direction to the west fence of the Ortiz Pasture, approximately .4 mile; thence, following the meanderings of the west fence of the Ortiz Pasture in a southwesterly direction to the southwest corner of the same, approximately .4 mile; thence, following the south fence of the Ortiz Pasture in an easterly direction to a corner (not shown on Fever Tick Buffer Zone Map) which is the northwest corner of the Mejia Perez Pasture, approximately .2 mile; thence, following the west fence of the Mejia Perez Pasture in a southerly direction to the southwest corner of the same at the Tex-Mex Railroad, approximately 3/16 mile; thence, following the Tex-Mex Railroad in an easterly direction to the northwest corner of the Chavana Ranch, approximately ½ mile; thence, following the meanderings of the west fence of the Chavana Property in a southerly direction to where it intersects the Chavana Road, approximately ½ mile; thence, following the Chavana Road in a westerly direction to a corner, approximately 3/16 mile; thence, following the Chavana Road in a southerly direction to where it intersects State Highway 359, approximately ⅜ mile; thence, south across State Highway 359 and Loop 20 at the intersection and to the north fence of the Bruni-Summers-Dickenson Property, approximately 100 yards; thence, following the north fence of the Bruni-Summers-Dickerson Property in a southwesterly direction to a corner, approximately ¼ mile; thence, south along the west fence of the Bruni-Summers-Dickenson Property to where it intersects the north fence of the S. Vasquez Ranch, approximately ¾ mile; thence, following the north fence of the S. Vasquez Ranch in a westerly direction to a corner, approximately .4 mile; thence, following the meanderings of the west fence of the S. Vasquez Ranch in a southwesterly direction to the north fence of the Dr. Wright Ranch, approximately 1¼ miles; thence, following same fence in a southerly direction across Wormser Road to a corner, approximately 1/16 mile; thence, west along the same fence to a corner, approximately 3/16 mile; thence, following same fence in a southerly direction to a corner, approximately ⅜ mile; thence, following same fence in a westerly direction to a corner, approximately ⅝ mile; thence, south along same fence to a corner, approximately 3/16 mile; thence, continuing along same fence in a westerly direction to where it intersects U.S. Highway 83, approximately ½ mile; thence, following U.S. Highway 83 in a southerly direction to where it intersects the north double fence of the A. W. Gates Santa Rita Farm, approximately 1¾ miles; thence, following the meanderings of the north double fence of the A. W. Gates Santa Rita Farm in a westerly direction to the northwest corner of the same, approximately 1¼ miles; thence, following the west double fence of the A. W. Gates Santa Rita Farm in a southerly direction to the southwest corner of the same, approximately 7/16 mile; thence, following the south double fence of the A. W. Gates Santa Rita Farm in an easterly direction to where it intersects

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U.S. Highway 83, approximately 1 mile; thence, following U.S. Highway 83 in a southerly direction to the northeast corner of the T. J. Yancey San Rafael Farm, approximately 3¾ miles; thence, following the north double fence of the T. J. Yancey San Rafael Farm in a westerly direction to the northwest corner of the same, approximately 1 mile; thence, southwest along the west double fence of the T. J. Yancey San Rafael Farm to the north single fence of the William McKendrick & Sons Santa Rosa Farm, approximately ⅝ mile; thence, continuing southwest along the William McKendrick & Sons Santa Rosa Farm's double fence to the southwest corner of the same, approximately ⅝ mile; thence, following the continuation of the same double fence paralleling the Rio Grande River in a southerly direction to where it joins the northwest corner of the H. B. Zachary Ranch double fence, approximately 5 miles; thence, following the meanderings of the H. B. Zachary west double fence in a southeasterly direction to a corner, approximately 4½ miles; thence, following same fence in an easterly direction to a corner, approximately ⅜ mile; thence, following same fence in a southerly direction to a corner, approximately ⅜ mile; thence, following the H. B. Zachary Ranch south double fence in an easterly direction to where it intersects U.S. Highway 83 at the Webb-Zapata county line, approximately 3⅝ miles.

* * * * *

(f) That portion of Starr County lying west and south of the following described line:

Beginning at a point where U.S. Highway 83 intersects the Zapata-Starr County line and following a fence along the Zapata-Starr County line in a southwesterly direction to where it intersects the east fence of the Falcon State Park, approximately 3¾ miles; thence, following the east fence of the Falcon State Park in a southeasterly direction to a corner, approximately 1 mile; thence, following the same fence in an easterly direction to a corner, approximately 100 yards; thence, following the same fence in a southerly direction to a corner, approximately 100 yards; thence, following the same fence in an easterly direction to a cattle guard at the entrance of Falcon State Park at Old U.S. Highway 83, approximately .4 mile; thence, across Park Road 46 at the entrance to Falcon State Park on Old U.S. Highway 83 and following the Park enclosure fence in a southerly direction to a corner, approximately 100 yards; thence, following Falcon State Park fence in a westerly direction to a corner, approximately .4 mile; thence, following the same fence in a southerly direction to where it intersects the north fence of the IBWC Compound, approximately .5 mile; thence, following the IBWC Compound north fence in an easterly direction to its intersection with Old U.S. Highway 83, approximately .4 mile; thence, following old U.S. Highway 83 also known as F.M. Road 2098, south and southeast to its junction with the present U.S. Highway 83, approximately 4¼ miles; thence, following U.S. Highway 83 in a southeasterly direction to the north city limits fence of Roma, Texas, which is the south fence of the M. Ramirez Pasture, approximately 9½ miles; thence, following the south fence of the M. Ramirez Pasture in a northeasterly direction to where it intersects the west fence of the G. Madrigal Ranch, approximately .4 mile; thence, following the meanderings of the west fence of the G. Madrigal Ranch in a southeasterly direction, around the east side of the R. Pena addition to the city of Roma, Texas, to a dirt road, approximately .9 mile; thence, following the same dirt road in a southerly direction to where it intersects U.S. Highway 83 at the Roma Grave Yard, approximately .3 mile; thence, following U.S. Highway 83 in an easterly direction to the southeast corner of the Fordyce Gravel Company fence, approximately 11¼ miles; thence, following the meanderings of the Fordyce Gravel Company east fence in a northerly direction to where it intersects the Rio Grande City west city limits road, approximately ½ mile; thence, following the Rio Grande City west city limits road in a northerly direction to the southeast corner of the Oscar Olivarez field, approximately ½ mile; thence, following the south fence of the Oscar Olivarez field in a westerly direction to the southwest corner of the same field, approximately 5/16 mile; thence, following the west fence of the Oscar Olivarez field in a northerly direction to the northwest corner of same field, approximately ½ mile; thence, following the north fence of the Oscar Olivarez field in an easterly direction to a corner, approximately 1/16 mile; thence, following same fence in a northerly direction to the southwest corner of the Gonzalo Tijerina Pasture, approximately 1/16 mile; thence, following the south fence of the Gonzalo Tijerina Pasture in an easterly direction to where it intersects the Rio Grande City west city limits road, approximately ⅜ mile; thence, following the south fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in a northerly direction to a corner, approximately 1/8 mile; thence, following the south fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in an easterly direction to the southeast corner of the Gonzalo Tijerina Pasture, approximately 3/16 mile; thence, following the east fence of the Gonzalo Tijerina Pasture along the Rio Grande City west city limits road in a northerly direction to where it intersects the El Sauz Road, approximately ½ mile; thence, across the El Sauz Road to the east fence of the same; thence, following the east fence of the El Sauz Road in a northwesterly direction to the southwest corner of the J. Casas East Pasture, approximately ¼ mile; thence, following the west fence of the J. Casas East Pasture in a northerly direction to the north fence of the same, approximately ⅓ mile; thence, following the north fence of the J. Casas east pasture in an easterly direction to where it intersects the west fence of the C. Laurel Pasture, approximately 3/16 mile; thence, following the west fence of the C. Laurel Pasture in a southerly direction to the southwest corner of the same, approximately ¼ mile; thence, following the south fence of the C. Laurel Pasture in an easterly direction to the northwest corner of the Jose Hinojosa Pasture, approximately ⅜ mile; thence, following the west fence of the Jose Hinojosa Pasture in a southerly direction to the southwest corner of the same, approximately ½ mile; thence, following the south fence of the Jose Hinojosa Pasture in an easterly direction to the southeast corner of the same, approximately 5/16 mile; thence, following the east fence of the Jose Hinojosa Pasture in a northeasterly direction crossing a county road at a cattle guard and continuing along same fence to the southwest corner of the A. Salinas Pasture, approximately ¼ mile; thence, following the south fence of the A. Salinas Pasture in an easterly direction to where it intersects the west fence of the Santana Carrera Ranch, approximately 3/16 mile; thence, following the west fence of the Santana Carrera Ranch in a southerly direction to the northwest corner of the S. Carrera Slaughter House Pasture, approximately ⅛ mile; thence, following the north fence of the S. Carrera Slaughter House Pasture in an easterly direction to a corner, approximately 3/16 mile; thence, following same fence in a northerly direction to a corner, approximately 1/16 mile; thence, following the same fence in an easterly direction to the northeast corner of the S. Carrera Slaughter House Pasture, approximately 1/16 mile; thence, following the east fence of the S. Carrera Slaughter House Pasture in a southerly direction to the southwest corner of the Lito Garcia Trap,[2] approximately 9/16 mile; thence, following the south fence of the Lito Garcia Trap in an easterly direction to where it intersects the west fence of the Doyno Trap, approximately 3/16 mile; thence, following the west fence of the Doyno Trap in a southwesterly direction to the southwest corner of the same, approximately ½ mile; thence, following the south fence of the Doyno Trap in a southeasterly direction to the southwest corner of the G. Tijerina Pasture, approximately ⅛ mile; thence, following the south fence of the G. Tijerina Pasture in a southeasterly direction to the southeast corner of the same, approximately 1/16 mile; thence, following the south fence of the Lito Garcia Pasture in a southeasterly direction to where it intersects the north right-of-way fence of F.M. Road No. 755 and continuing along this fence in an easterly direction crossing to the east side of the Los Olmos Creek, approximately ¼ mile; thence, following a fence that crosses under F.M. Road No. 755 at the Los Olmos Creek Bridge to the south right-of-way fence of F.M. Road No. 755; thence, following the south right-of-way fence of the F.M. Road No. 755 in an easterly direction to the northwest corner of the Benito Gomez Pasture, approximately ⅝ mile; thence, south along the west fence of the Benito Gomez Pasture to the north fence of the Rio Grande City air strip, approximately ¾ mile; thence, following the north fence of the Rio Grande City air strip in a southeasterly direction to the northeast corner of the same, approximately ⅛ mile; thence, following the east fence of the Rio Grande City air strip in a southerly direction to the M. P. Railroad right-of-way, approximately 5/16 mile; thence, across the M. P. Railroad right-of-way in a southerly direction to U.S. Highway 83, approximately 100 yards; thence, following U.S. Highway 83 in a southeasterly direction to the Starr-Hidalgo County line, approximately 16 miles.

* * * * *

(h) That portion of Cameron County lying south of the following described line:

Beginning at a point where the Hidalgo-Cameron County line intersects U.S. Highway 281, following U.S. Highway 281 in an easterly direction to where it intersects the Willacy County canal, approximately 200 yards; thence, following the Willacy County canal in a northerly direction to the C. P. & L. Company double pole power line, approximately ½ mile; thence, following the C. P. & L. Company double pole power line in an easterly direction to where it intersects F. M. Road No. 1479, approximately 7⅛ miles; thence, south on F. M. Road No. 1479 to where intersects a county road, approximately 50 yards; thence, following said county road in a southeasterly direction to where it intersects Ohio Station Road, approximately 1⅞ miles; thence, southwest on Ohio Station Road to where it intersects the Cameron County Water District drain ditch, approximately ¾ mile; thence, following the Cameron County Water District drain ditch around the San Benito Water District Reservoir in a northeasterly direction to the northeast corner to the San Benito Water District Reservoir, approximately 2½ miles; thence, continuing along the Cameron County Water District drain ditch in a northeasterly direction to where it joins the Resaca Rancho Viejo, approximately 5¼ miles; thence, south and east along the meanderings of the Cameron County Water District drain ditch to where it again joins the Resaca Rancho Viejo, approximately 3.2 miles; thence, following the meanderings of the Resaca Rancho Viejo in an easterly direction to where it intersects F. M. Road 1421, approximately ⅜ mile; thence, following F. M. Road No. 1421 in a southerly direction to where it intersects F. M. Road No. 1732, approximately ⅜ miles; thence, following F. M. Road No. 1732 in an easterly direction to where it intersects Carmen Avenue, approximately 1¾ miles; thence, following Carmen Avenue in a southerly direction to where it intersects the Resaca Rancho Viejo, approximately 1⅜ miles; thence, following the meanderings of the Resaca Rancho Viejo in an easterly direction to where it intersects the M. P. Railroad, approximately 5¼ miles; thence, following the M. P. Railroad in a southerly direction to where it intersects La Resaca de la Guerra, approximately 2⅜ miles; thence, following the meanderings of La Resaca de la Guerra in an easterly direction to where it intersects the Old Port Isabel Road, approximately 6 miles; thence, following the Old Port Isabel Road in a northeasterly direction to F. M. Road 802, approximately ⅜ mile; thence, following F. M. Road No. 802 in an easterly direction to where it intersects F. M. Road 511, approximately 4½ miles; thence, following F. M. Road No. 511 in a northerly direction to where it intersects Turning Basin Road, approximately ½ mile; thence, following Turning Basin Road in a northeasterly direction to the Turning Basin of the Brownsville ship channel, approximately ½ mile; thence, following the Brownsville ship channel in a northeasterly direction to where it intersects the Gulf of Mexico, approximately 17½ miles.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 19, 1973.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of Texas (splenetic) fever in cattle, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of July 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14777 Filed 7-18-73;8:45 am]

[2] A trap is an area in which animals may be trapped.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hazleton, Pa., control zone (38 FR 384) and transition area (38 FR 500).

The control zone and transition area are currently described, in part, by reference to the Weatherly (Hazleton, Pa.) radio beacon (RBN). The owner of this non-federal navigational aid plans to decommission the facility. Therefore, an alteration of the control zone and transition area to delete reference to the RBN in existing airspace assignments will be required.

Since the foregoing amendment is less restrictive, notice and public procedure are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. September 13, 1973, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa. Control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within a 5.5-mile radius of the center of the airport extending clockwise from a 040° bearing to a 090° bearing from the airport; within 1.5 miles each side of the Hazleton VOR 082° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Hazleton VOR 084° radial, extending from 7 miles east of the VOR to 13.5 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hazleton, Pa. transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (40°59'13" N., 75°59'36" W.) of Hazleton Municipal Airport, Hazleton, Pa.; within 3.5 miles each side of the Hazleton VOR 262° radial, extending from the 8.5-mile radius area to 11.5 miles west of the VOR; within 4.5 miles each side of the Hazleton VOR 084° radial, extending from the 8.5 mile radius area to 19 miles east of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14719 Filed 7-18-73;8:45 am]

[Airspace Docket No. 72-CE-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 10275 of the FEDERAL REGISTER dated April 26, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Mapleton, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 9, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

In § 71.181 (FR 435), the following transition area is added:

MAPLETON, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mapleton, Iowa Municipal Airport (lat. 42°10'36" N., long. 95°47'42" W.); and within 3½ miles each side of the 035° bearing from Mapleton Municipal Airport, extending from the 5-mile radius area to 11½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within the 4½ miles southeast and 9½ miles northwest of the 035° bearing from Mapleton Municipal Airport, extending to 18½ miles northeast of the airport excluding that portion that overlies Ida Grove, Iowa and Sioux City, Iowa transition areas.

[FR Doc.73-14718 Filed 7-18-73;8:45 am]

[Docket No. 12990, Amdt. No. 873]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and

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additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 30, 1973:

Perry, Ga.—Perry-Fort Valley Arpt., VOR-A, Amdt. 1
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., VOR/DME Rwy 22, Amdt. 2
Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 5

• • • effective August 23, 1973:

Concord, N.H.—Concord Municipal Arpt., VOR Rwy 12, Amdt. 9, Canceled

• • • effective August 16, 1973:

Superior, Wis.—Richard I. Bong Arpt., VOR Rwy 13, Orig.

• • • effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., VOR Rwy 11, Amdt. 3

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 2, 1973:

Ketchikan, Alas.—Ketchikan Arpt., LOC/DME Rwy 11, Orig.

• • • effective July 19, 1973:

Cleveland, Ohio—Cleveland Hopkins Int'l Arpt., LOC Rwy 23L, Amdt. 1

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 30, 1973.

Orangeburg, S.C.—Orangeburg Arpt., NDB-A, Amdt. 2

• • • effective August 2, 1973:

DeKalb, Ill.—Dekalb Municipal Arpt., NDB Rwy 27, Orig.
Ketchikan, Alas.—Ketchikan Arpt., NDB/DME Rwy 11, Orig.
Newark, N.J.—Newark Int'l Arpt., NDB Rwy 4L, Amdt. 4

• • • effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., NDB Rwy 4R, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 30, 1973:

Albany, N.Y.—Albany County Arpt., ILS Rwy 19, Amdt. 11
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., ILS Rwy 4, Amdt. 2

• • • effective August 9, 1973:

Westhampton Beach, N.Y.—Suffolk County Arpt., ILS Rwy 24, Orig.

• • • effective August 2, 1973:

Newark, N.J.—Newark Int'l Arpt., ILS Rwy 4L, Amdt. 4

• • • effective July 26, 1973:

Newark, N.J.—Newark Int'l Arpt., ILS Rwy 4R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective August 30, 1973:

Albany, N.Y.—Albany County Arpt., RADAR-1, Amdt. 6

• • • effective August 2, 1973:

Peoria, Ill.—Greater Peoria Arpt., RADAR-1, Orig.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective August 30, 1973:

Miami, Fla.—Miami Int'l Arpt., RNAV Rwy 27R, Orig.
San Angelo, Tex.—Mathis Field, RNAV Rwy 18, Amdt. 1
San Angelo, Tex.—Mathis Field, RNAV Rwy 36, Amdt. 1

• • • effective August 2, 1973:

Newark, N.J.—Newark Int'l Arpt., RNAV Rwy 11, Amdt. 3

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 12, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-14717 Filed 7-18-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8805]

PART 13—PROHIBITED TRADE PRACTICES

Great Lakes Carbon Corp. et al.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Order and Opinion, Great Lakes Carbon Corporation, et al., New York City, New York, Docket 8805, June 5, 1973]

In the Matter of Great Lakes Carbon Corporation, a Corporation; American Oil Company, a Corporation; Colorado Oil and Gas Corporation, a Corporation; Continental Oil Company, a Corporation; CRA Inc., a Corporation; Mobile Oil Company, a Corporation; Sun Oil Company, a Corporation; Suntide Refining Company, a Corporation; and, Texaco, Inc., a Corporation

Order and opinion requiring the nation's dominant processor and reseller of industrial quality petroleum coke headquartered in New York City, and eight refinery producers, among other things to execute amendments to existing long-term full-output contracts and in future contracts to limit the duration of the contracts to three years, and where new coking plants and more than 50 percent of production are involved to limit the contracts to five years or less. The order terminates and ceases to be effective twenty years from the date of entry.

The order, including further order requiring report of compliance therewith, is as follows:

This matter having been heard by the Commission on the exceptions of the respondents to the Administrative Law Judge's initial decision finding that certain of respondents' contracts for the purchase and sale of petroleum coke constitute unfair acts or practices or unfair methods of competition in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, and directing revisions in those contracts and supplemental relief; and

The Commission having determined that the Administrative Law Judge's findings of fact and conclusions of law, as modified and supplemented herein, should be adopted as the findings and conclusions of the Commission, and that the Administrative Law Judge's order should be modified, and as modified herein, adopted as the order of the Commission:

Now, therefore, it is ordered, That respondents' exceptions to the Administrative Law Judge's initial decision be, and they hereby are, denied;

It is further ordered, That the Administrative Law Judge's findings of fact and conclusions of law, as modified and supplemented herein, be, and they hereby are, adopted as the findings and conclusions of the Commission, and that the following cease and desist order be, and it hereby is, entered.

I.

It is ordered, That respondent Great Lakes Carbon Corporation, its successors and assigns, shall within sixty (60) days after the effective date of this Order, with each petroleum refiner with which it presently has a contract to purchase or market an amount in excess of fifty percent (50%) of the estimated annual production of the regular green industrial quality petroleum coke at a refinery in the United States extending more than three years beyond the effective date of this Order, execute an amendment reducing the term of such contract to a period no longer than three (3) years from the effective date of such amendment. As used in this Order the term regular green industrial quality petroleum coke (hereafter referred to as "petroleum coke") is as defined in the Complaint and does not include needle coke.

II.

It is further ordered, That respondent Great Lakes Carbon Corporation, its officers, directors, representatives or employees, successors and assigns, directly or through any corporation, subsidiary, or other device, in connection with the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of petroleum coke, do forthwith cease and desist from entering into any contract or agreement, express or implied, or entering into any commission contract or agreement, with any petroleum refiner to purchase or market an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke produced at any refinery in the United States unless the term of such contract or agreement shall be for five (5) years or less in the event a new calcining kiln or coking unit has been or is to be installed by either of the contracting parties and operating within twenty-four (24) months of the date the contract is entered into and unless any period thereof otherwise shall be for three (3) years or less. Great Lakes Carbon Corporation may meet in good faith any offers for longer periods of years made to petroleum refiners by other actual or prospective purchasers of petroleum coke for amounts up to the full amount of petroleum coke produced at a refinery; PROVIDED, HOWEVER, that when an offer is made by a new entrant into the petroleum coke business in the United States, who is not otherwise a user of petroleum coke and who requires such coke in connection with the initial construction and operation of a facility to calcine petroleum coke in the United States, Great Lakes Carbon Corporation may not meet the offer of such new entrant to purchase for a period in excess of five years petroleum coke produced at a refinery or refineries not designated in the Complaint. This proviso shall be in effect for a period of ten years from the entry of this Order, and shall be applicable to the offer or offers of any such new entrant for the production of any single such refinery, or of multiple refineries when necessary to assure such new entrant of not more than 200,000 tons plus or minus ten (10) percent of petroleum coke. Great Lakes Carbon Corporation may contract to purchase petroleum coke from any refinery, including respondents' refineries, in the quantities and for such period of years as are necessary to meet in good faith a competitive offer to supply Great Lakes Carbon Corporation's customers. Great Lakes Carbon Corporation may contract to purchase such coke for resale as fuel for the period of years necessary to fulfill a contract to supply petroleum coke for use as fuel substitute for coal, heating oil, or natural gas. In the event that Great Lakes Carbon Corporation enters into any such contract for more than three (3) years, it shall within thirty (30) days after the execution of such contract file a report with the Federal Trade Commission setting forth the circumstances relating thereto.

Nothing herein shall prohibit respondent Great Lakes Carbon Corporation from purchasing in excess of fifty percent (50%) of the estimated annual production of green industrial quality petroleum coke during any calendar year from any refinery producer at any individual refinery if said refinery producer at any individual refinery is unable to sell the additional production at that refinery to any other purchaser on substantially similar prices, terms, and conditions of sale as offered by respondent Great Lakes Carbon Corporation.

III.

It is further ordered, That respondent Great Lakes Carbon Corporation, its successors and assigns, shall not renew or extend any existing contract for the purchase or marketing of an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke at any refinery more than six (6) months prior to termination of the contract being renewed or extended.

IV.

It is further ordered, That within sixty (60) days from the effective date of this Order, respondent Great Lakes Carbon Corporation, its successors and assigns, shall submit to the Federal Trade Commission a report in writing setting forth in detail the manner in which it intends to comply with this Order and within thirty (30) days after the end of each year, shall file a report in writing, identifying each refinery in the United States with which Great Lakes Carbon Corporation entered into a contract to purchase more than fifty percent (50%) of estimated annual output of petroleum coke during the previous calendar year and specifying the period of years covered by any such contract. Within thirty (30) days after the end of each five (5) year period during which this Order is in effect Great Lakes Carbon Corporation shall file a report in writing listing the refineries with which it has a contract to purchase petroleum coke together with a copy of each such contract and the quantities and quality of petroleum coke purchased annually thereunder from each such refinery. Such 5-year reports shall not become a part of the public record, unless otherwise directed by the Commission.

V.

It is further ordered, That respondents, The American Oil Company, Colorado Oil and Gas Corporation, Continental Oil Company, CRA, Inc., Mobil Oil Corporation, Sun Oil Company, Suntide Refining Company, and Texaco, Inc. (hereinafter referred to as respondent oil companies), their successors and assigns, shall each, within sixty (60) days after the effective date of this Order[1] execute an amendment with respondent Great Lakes Carbon Corporation reducing to a period not in excess of three (3) years from the effective date of such amendment the term of any contract then in existence for the purchase of an amount in exces of fifty percent (50%) of the estimated annual production of petroleum coke produced at the refineries designated in the Complaint, to wit:

The American Oil Company, a Texas corporation:
Texas City, Texas refinery
Colorado Oil and Gas Corporation:
Wichita, Kansas refinery
Continental Oil Company:
Ponca City, Oklahoma refinery
CRA, Inc.:
Coffeyville, Kansas refinery
Mobile Oil Corporation:
Beaumont, Texas refinery, and
Torrance, California refinery
Sun Oil Company:
West Tulsa, Oklahoma refinery
Suntide Refining Company, subsidiary of Sun Oil Company:
Corpus Christi, Texas refinery
Texaco, Inc.:
Amarillo, Texas refinery; Casper, Wyoming refinery; Lockport, Illinois refinery; and Port Arthur, Texas refinery.

VI.

It is further ordered, That respondent oil companies, their officers, directors, representatives or employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from entering into any contract or agreement, express or implied, to sell or for the marketing of an amount in excess of fifty percent (50%) of the estimated annual production of petroleum coke produced at any refinery designated in the

[1] Amended in accordance with the Commission's Order dated June 27, 1973.

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Complaint unless the original term of such contract or agreement shall be for five (5) years or less in the event a new calcining kiln or coking unit has been or is to be installed by either of the contracting parties and operating within twenty-four (24) months of the date the contract is entered into and unless any period thereof otherwise shall be for three (3) years or less. Respondent oil companies may meet in good faith any offer by a non-respondent coke producer to supply up to a full amount of petroleum coke output from a refinery for a period of years longer than that provided for in this Order when such offer is made to a new entrant into the petroleum coke business in the United States, who is not otherwise a substantial user of petroleum coke and who requires such coke in connection with the initial construction and operation of a facility to calcine petroleum coke in the United States. This exception shall be applicable to the offer or offers to any such new entrant for the production of any single refinery or of multiple refineries when necessary to assure such new entrant of not more than 200,000 tons plus or minus ten percent (10%) of petroleum coke.

Nothing herein shall prohibit respondent oil companies from selling or marketing in excess of fifty percent (50%) of the estimated annual production at any refinery during any calendar year to Great Lakes Carbon Corporation or to any other individual purchaser if said respondent oil company is unable to sell or market the additional production of petroleum coke to any other purchaser on substantially similar prices, terms and conditions of sale as offered by respondent Great Lakes Carbon Corporation or any other purchaser.

In the event that any respondent oil company enters into any contract for sale of more than fifty percent (50%) of the estimated annual production of petroleum coke during any calendar year at any refinery designated in the Complaint to one purchaser, which contract covers more than three (3) years in duration, it shall file a report with the Federal Trade Commission setting forth the justification thereof satisfying the above provisions.

VII.

It is further ordered, That respondent oil companies, their successors and assigns, shall not renew or extend any existing contract for the sale or marketing of the production of petroleum coke (exceeding 50 percent of estimated annual production) at any refinery more than six (6) months prior the termination of the contract being renewed or extended. During the effective period of this Order, respondent oil companies shall submit to the Federal Trade Commission within thirty (30) days following execution of a copy of each new contract entered into and a copy of any agreement to renew an existing contract, and such copies shall not become part of the public record, unless otherwise directed by the Commission.

VIII.

It is further ordered, That, within sixty (60) days from the effective date of this Order, respondent oil companies, corporations, their successors and assigns, shall submit to the Federal Trade Commission a report in writing setting forth in detail the manner in which each intends to comply with this Order and within thirty (30) days after the end of each year, shall file a report in writing setting forth in detail the manner in which respondent is complying with each applicable requirement of this Order, accompanied by such documents as are necessary to constitute a showing that respondent is in full and faithful compliance herewith.

IX.

It is further ordered, That the provisions of this Order shall not apply to any contract relating to the sale of petroleum coke produced at the refineries designated in the Complaint when said coke is to be used as fuel substitute for coal, heating oil or natural gas.

X.

This Order shall terminate and cease to be effective twenty years from the date of entry of this Order.

By direction of the Commission, Chairman Engman not participating.

Issued: June 5, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-14789 Filed 7-18-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Nitrites and/or Nitrates Combined With Spices in Curing Premixes

In the FEDERAL REGISTER of November 3, 1972 (37 FR 23456), the Commissioner of Food and Drugs proposed to eliminate all nonessential uses of nitrites and nitrates previously approved by the Food and Drug Administration. Numerous comments were received in response to that proposal, on the basis of which the Commissioner is presently considering a final regulation.

In June 1973, the Health Protection Branch, Department of National Health and Welfare, Canada, informed the Food and Drug Administration that it had discovered nitrosopiperidine and nitrosopyrrolidine at levels ranging between 2.5 and 56 parts per million (ppm) in certain curing premixes. These premixes combined spices with nitrites and/or nitrates and are subsequently stored for an appreciable period of time prior to use.

The Food and Drug Administration and the United States Department of Agriculture met with industry representatives on June 11, 1973 to determine the extent to which these premixes are used in the United States. The industry representatives stated that, except for one type of buffered premix, the prevalent practice is not to package the spices and curing mix together in a premix, but rather to package them separately to be combined just prior to use.

On June 12, 1973, the Food and Drug Administration and the United States Department of Agriculture publicly announced discovery of this potential problem. Industry was advised that spices and curing mixes should not be mixed together until just prior to use except in a buffered premix. Both agencies stated that they would conduct investigations to determine whether nitrosamines can be detected in curing premixes marketed in the United States.

The United States Department of Agriculture has now discovered nitrosamines at levels ranging from 5.6 parts per billion (ppb) to 48.5 ppb in unbuffered curing premixes containing spices and nitrates and/or nitrates marketed in the United States. Accordingly, the Commissioner has concluded that nitrates and/or nitrates are no longer generally recognized as safe when combined in unbuffered premixes with spices, and that such use constitutes a potential health hazard that justifies immediate action. The Commissioner is therefore promulgating, effective immediately, a notice that all such uses result in the nitrites and/or nitrates being classified as food additives for which no food additive regulation has been approved. Until such time as adequate scientific data are obtained to demonstrate the safety of such uses, such unbuffered curing premixes may not lawfully be used.

One type of curing premix contains sodium carbonate as a buffering agent in order to prevent a reaction between the spices and the nitrites and/or nitrates. Neither the Canadian nor the United States analyses have detected nitrosamines in this buffered curing premix. Accordingly, the Commissioner has concluded that this type of buffered curing premix may continue to be used pursuant to an interim food additive regulation on the condition that adequate scientific data are obtained to demonstrate its safety. Both agencies will continue to monitor this type of product. If nitrosamines are detected, the interim food additive regulation will be revoked.

This action does not affect the use of spices and nitrites and/or nitrates when packaged separately or in a buffered premix. The United States Department of Agriculture has concluded that existing stocks of unbuffered curing premixes may no longer be used in cured meat and it is therefore unnecessary to recall or take other regulatory action against these products.

The Commissioner finds that notice, public procedure, and a delayed effective date are impracticable and contrary to the public interest because of the potential health hazard resulting from nitrosamines in unbuffered curing premixes. Accordingly, the Commissioner is making these regulations effective as of July 19, 1973. Comments on these regulations will be accepted until Sept. 17, 1973. Comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852. Any modifications in the regulations justified by such comments will be made at a later date.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. By adding the following new section to subpart A:

§ 121.13 Nitrites and/or nitrates in curing premixes; food additive status.

(a) Nitrites and/or nitrates are food additives when combined with spices in curing premixes.

(b) Nitrites and/or nitrates buffered with sodium carbonate may be combined with spices in curing premixes pursuant to § 121.4002 of this chapter.

2. By adding the following new section to subpart H:

§ 121.4002 Nitrites and/or nitrates in buffered curing premixes.

Nitrites and/or nitrates may be safely used in combination with spices in buffered curing premixes in accordance with the following prescribed conditions:

(a) The nitrites and/or nitrates comply with the specifications prescribed in the Food Chemicals Codex, 2nd Ed. (1972).[1]

(b) The curing premix is buffered with sodium carbonate (Na_2CO_3) so that when two grams of the premix are added to 100 grams of water a pH of not less than 7.5 is obtained as measured within 5 minutes after mixing.

(c) On or before September 17, 1973, any person interested in the continued marketing of such a buffered curing premix shall satisfy the Commissioner in writing that studies adequate and appropriate to demonstrate that nitrosamines are not formed in the buffered curing premix have been undertaken.

(d) On or before January 15, 1973, any person interested in the continued marketing of such a buffered curing premix shall submit a food additive petition pursuant to § 121.51 of this chapter establishing the safety of the nitrites and/or nitrates in combination with spices in the buffered curing premix.

Effective date. This order is effective July 19, 1973.

(Secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371)

Dated: July 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14945 Filed 7-18-73;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, D.C. 20037.

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Butonate Liquid Veterinary

The Commissioners of Food and Drugs has evaluated a supplemental new animal drug application (41-587V) filed by Thuron Industries, Inc., 12200 Denton Drive, Dallas, TX 75234, proposing an amendment to the regulation for butonate liquid, veterinary to provide for a revised chemical name reflecting current preferred chemical nomenclature. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.78 by revising paragraph (a) to read as follows:

§ 135c.78 Butonate liquid, veterinary.

(a) *Chemical name.* O,O-Dimethyl (2, 2,2-trichloro-1-n-butyryl-oxyethyl phosphonate.

* * * * *

Effective date. This order shall be effective July 19, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)).

Dated: July 12, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-14748 Filed 7-18-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-746; Docket No. 19719]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Public Coast Stations High Frequency Service

Amendment of Part 81 of the rules to delete requirements that Class II public coast stations in the Maritime Service apply for or provide very high frequency (VHF) service.

1. On April 16, 1973, we released a notice of proposed rule making in this Docket (38 FR 9836). The notice specified that the times for filing comments and reply comments were May 24 and June 4, 1973, respectively. Those dates have passed, and comments were filed by Marine Telephone Co., Inc. and American Institute of Merchant Shipping (AIMS).

2. The notice explained that we proposed to change our policy concerning the furnishing of very high frequency (Class III) public correspondence service by Class II stations operating in the medium and high frequencies. This policy was contained in §§ 81.303(c) and 81.304(e) of the rules and in paragraph 45 of the First Report and Order in Docket No. 18307 (23 FCC 2d 553), released June 16, 1970. Those rule sections required Class II station licensees, essentially, to apply for authority to furnish VHF service, and paragraph 45 in the cited Report and Order stated that in processing any such applications, account would be taken of existing VHF public stations only to the extent that electrical interference would be caused to existing VHF service. Paragraph 45 provided, in effect, preferential status to most applications by licensees of Class II stations for VHF authority as against other applications for VHF authority in a particular locality.

3. AIMS is in agreement with the Commission that VHF Maritime Service has reached a level of usage where it is not necessary to force Class II stations to provide VHF service as a means of ensuring adequate VHF coverage. AIMS feels, however, that combining the VHF and 2-4 MHz services in a single station wherever possible has operational advantages. In support of their position, they point out that persons ashore, who are placing a call to a ship equipped with both VHF and 2-4 MHz radiotelephone, may not know which to select. In many instances the vessel's position will not be known precisely enough to follow strictly geographical guidelines. If both services are provided by a single station, the station operator may select the best band based on the operator's knowledge of the coverage of each band and the estimated position of the ship. If he fails to make contact or has a poor link on the first band, then he may switch bands. If the services are separated, the person originating the call would have to try one service and then switch to the others if the call was not completed. There might be considerable delay encountered, as the stations would undoubtedly make several attempts to complete the call before suggesting it be placed via a competitor. As a ship nears port, such a delay in establishing communications can be very expensive.

4. The Commission recognizes that there are some operational advantages to one station having both facilities, and this rule making does not preclude such an operation. In any event, operational unity is certainly a factor that will be considered in conjunction with other circumstances in connection with action on any application. Such action will, of course, be consistent with the provisions of §§ 81.303 and 81.304 as amended herein.

5. Marine Telephone Company, Inc., the licensee of several Public Coast stations—Class III-B, fully supports adoption of the rule amendments proposed in the instant proceeding. Marine believes that the policy of previously granting preferential treatment to Class II Public Coast station licensees, insofar as new VHF facilities are concerned, was an appropriate course to adopt in 1970. However, it feels that the growth of VHF public correspondence coast facilities now makes it clear that there is no longer any requirement to continue such extreme preferences.

6. For the reasons set forth above and in the Notice of Proposed Rule Making, the policy will be changed and the rules will be amended as proposed and as set

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forth below. Applications for Class II stations to provide VHF Public Coast service now on file or hereafter received will be processed on the basis of the conditions specified in Section 81.303 of the rules that apply to all other applications for such service.

7. In view of the foregoing, *It is ordered*, That pursuant to the authority contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 81 of the rules is amended, effective August 24, 1973, as set forth below.

8. *It is further ordered*, That, the proceeding in this Docket is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 11, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.303(c) is amended to read as follows:

[1] Chairman Burch absent.

§ 81.303 Duplication of service.

• • • • • •

(c) Only one public coast station operating on frequencies below 27,500 kHz will be authorized to serve any area whose ship-shore communication needs can be adequately served by a single radio communication facility.

§ 81.304 [Amended]

2. Section 81.304(e) is deleted and designated as [Reserved]

[FR Doc.73-14812 Filed 7-18-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-172]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Georgia	Chatham	Vernonburg, Town of.	I 13 051 5696 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St., S.W., Rm. 707, Atlanta, Ga. 30334.	Chatham Co. Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31406.	Mar. 19, 1971. Emergency. July 27, 1973. Regular.
Illinois	Cook	Markham, City of.	I 17 137 5280 01 through I 17 137 5280 03.	Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334. Department of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	City of Markham, 16313 South Kedzie Parkway, Markham, Ill. 60426.	Apr. 14, 1972. Emergency. July 27, 1973. Regular.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14688 Filed 7-18-73;8:45 am]

[Docket No. FI-174]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Connecticut	New Haven	Madison, Town of.				July 19, 1973. Emergency.
New York	Steuben	Wayne, Town of.				Do.
Utah	Davis	Bountiful, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 11, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14690 Filed 7-18-73;8:45 am]

[Docket No. FI-173]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Georgia	Chatham	Vernonburg, Town of.	H 13 051 5696 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St., S.W., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Dept., State Capitol, Atlanta, Ga. 30334.	Chatham Co. Metropolitan Planning Commission, 2 East Bay St., Savannah, Ga. 31406.	July 27, 1973.
Illinois	Cook	Markham, City of.	H 17 137 5280 01 through H 17 137 5280 03.	Department of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	City of Markham, 16313 South Kedzie Parkway, Markham, Ill. 60426.	Do.
Minnesota	Polk	Crookston, City of.	H 27 119 1550 01 H 27 119 1550 02	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Clerk-Treasurer, City of Crookston, City Hall, P.O. Box 453, Crookston, Minn. 56716.	Do.
New Jersey	Bergen	Lodi, Borough of.	H 34 003 1750 01 H 34 003 1750 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Borough Vaults, Borough Of Lodi, Lodi, N.J. 07644.	Do.
Do	Merris	Chatham, Township of.	H 34 027 0468 01 through H 34 027 0468 04.	do	Township Hall, Township of Chatham, Chatham, N.J. 07928.	Do.
Pennsylvania	Northumberland	Sunbury, City of.	H 42 077 8270 01. H 42 097 8270 02	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	City of Sunbury, Municipal Bldg., 225 Market St., Sunbury, Pa. 17801.	Do.
Do	Tioga	Mansfield, Borough of.	H 42 117 4830 01	do	Borough Office, 19 East Wellsboro St., Mansfield, Pa. 16933.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14689 Filed 7-18-73;8:45 am]

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH EDUCATION AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 71—FOREIGN QUARANTINE

Radio Report of Illness; Correction

In FR Doc. 73-12862 appearing on page 16861 in the issue of Wednesday, June 27, 1973, in § 71.31(a)(1) change the period at the end thereof to a semicolon and add "OR".

Dated: July 13, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73-14794 Filed 7-18-73;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 25—JOHNNY HORIZON—USE OF NAME AND SYMBOL

On pages 8176 and 8177 of the FEDERAL REGISTER of March 29, 1973, there was published a notice of proposed rulemaking to amend the regulations governing the Johnny Horizon Program to recognize organizational changes and a change in the Johnny Horizon symbol, and to provide for additional noncommercial uses. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on August 20, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 6, 1973.

Part 25 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
25.0-1 Purpose.
25.0-2 Objectives.
25.0-3 Authority.
25.0-5 Definitions.
25.1 Commercial use.
25.2 Noncommercial use.
25.3 Contributions.
25.4 Unauthorized use.

AUTHORITY: 84 Stat 870; 18 U.S.C. 714.

§ 25.0-2 Objectives.

The objectives of these regulations are: (a) To maintain the integrity of the name and characterization of "Johnny Horizon"—the official symbol for a public service antilitter and environmental cleanup program; (b) to authorize the noncommercial use of the name or symbol; and (c) to provide for use or royalty fees for the manufacture, reproduction, or use of the name or symbol for commercial purposes.

§ 25.0-3 Authority.

The act of September 25, 1970 (84 Stat. 870), authorizes the Secretary of the Interior to establish and collect use or royalty fees for the manufacture, reproduction, or use of the "Johnny Horizon" name and symbol. The Act makes unauthorized manufacture, reproduction, and use a crime (18 U.S.C. 714). The Act also provides that royalty and use fees will be deposited in a special account and used for the purpose of furthering nationwide antilitter campaigns.

§ 25.0-5 Definitions.

As used in this part:

(a) The term "Johnny Horizon" means the name or characterization "Johnny Horizon" originated by the Bureau of Land Management, Department of the Interior, as the official symbol for a public service antilitter and environmental cleanup program, and as described in 18 U.S.C. 714, the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored), and who carries a backpack.

(b) "National Coordinator" means the National Coordinator, Johnny Horizon Program Office, or the person he delegates to act for him on matters pertaining to the "Johnny Horizon" Program.

(c) "Johnny Horizon Program" means those activities and supporting services conducted in furtherance of a public service antilitter and environmental cleanup campaign which uses the "Johnny Horizon" name or symbol.

(d) The "Johnny Horizon" symbol is one following the description of the term "Johnny Horizon," as defined herein, or the one portrayed below:



Let's Clean Up America For Our 200th Birthday

§ 25.1 Commercial use.

(a) *Licenses.* The "Johnny Horizon" name or symbol may be used for commercial purposes only under a license issued pursuant to the regulations in this part. Licenses will be granted to any individual, firm, or corporation if the National Coordinator determines that the proposed commercial use will promote the purposes of the "Johnny Horizon" Program and will not impair the integrity of the name or symbol.

(b) *Terms and conditions.* In order to maintain the integrity of the "Johnny Horizon" Program and to regulate the manufacture, importation, reproduction, or use of the "Johnny Horizon" name and symbol, licensees will be subject, but not limited, to the following terms and conditions:

(1) Payment of fair return shall be made to the United States for its property through negotiation of use or royalty fees.

(2) Licenses will be nontransferable.

(3) All proposed products, services, and programs including marketing and advertising programs which in any way make use of the name or symbol of "Johnny Horizon" must be approved by the National Coordinator prior to manufacture, importation, reproduction, or use by the licensee. Substances inherently dangerous to users shall not be used.

(4) All licenses shall contain Equal Employment Opportunity provisions in compliance with Executive Order 11246, as amended (30 FR 12319 (1965)), and regulations issued pursuant thereto (41 CFR Chapter 60 and Part 17 of this chapter).

(5) Alteration of artwork must first be approved by the National Coordinator.

(6) Licenses shall be subject to revocation by the National Coordinator at any time he finds that (i) the use involved is injurious to the characterization of "Johnny Horizon," or (ii) there has been a violation of the terms and conditions of the license.

§ 25.2 Noncommercial use.

(a) *Permitted uses.* Products or services using, or bearing the name or symbol of "Johnny Horizon," provided by the Government or acquired from licensed sources, may be used without a license or advance permission by any person or organization for the purpose of furthering antilitter and environmental cleanup campaigns, provided that no charge is made by the unlicensed user for the products or services.

(b) *Permits.* The National Coordinator may issue permits containing such terms and conditions as he may determine, for the use of the name or symbol of "Johnny Horizon" to any nonprofit organization for fund raising activities, which may include benefit shows, performances, and other activities at which admissions may be charged or contributions solicited: *Provided*, That any such permittee must agree that no funds so collected shall be expended for purposes contrary to the laws, regulations, or policies of the United States; and *Provided further*, That any funds so collected will be expended for the purpose of furthering antilitter and environmental cleanup efforts.

(c) *Technical advice.* To the extent possible, technical advice will be given to interested parties upon request to the National Coordinator.

(d) *Cooperation.* The National Coordinator may enter into cooperative agreements with other Federal and State agencies for use of the name or symbol of "Johnny Horizon." Agreements shall state the responsibilities of each agency pertaining to: (1) Manufacturing the integrity of the program; (2) supplying materials; (3) assisting other groups or organizations; (4) restrictions of uses of materials; (5) altering artwork; and (6) making arrangements with public personalities engaged in the program.

§ 25.3 Contributions.

The National Coordinator may accept contributions of money and personal property by any person or organization for use in the "Johnny Horizon" program.

§ 25.4 Unauthorized use.

Manufacture, importation, reproduction, or use of the "Johnny Horizon" name or symbol, except as provided for under these regulations in this part is prohibited (18 U.S.C. 714).

[FR Doc.73-14752 Filed 7-18-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1143]

PART 1033—CAR SERVICE

Georgia Rail Road & Banking Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D. C., on the 13th day of July 1973.

It appearing, that there is a critical shortage of plain boxcars throughout the country; that numerous shippers are unable to secure the plain boxcars required for transportation of their traffic; that one such car containing agricultural limestone has been held by the Georgia Rail Road & Banking Company (Ga) awaiting unloading since May 3, 1973; that the Ga has been unable to secure the unloading of this car by the consignee; and that there is need for this car by other shippers for use in transporting their products; that it is the opinion of the Commission that, because the existing rules, regulations, and practices of the railroads are inadequate, an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1143 Service Order No. 1143.

(a) *Georgia Rail Road & Banking Company shall unload certain car of limestone at Devereux,* Georgia. The Georgia Rail Road & Banking Company (Ga), its agents or employees, shall unload LN 9734 held for unloading at Devereux, Georgia, on or before July 20, 1973.

(b) The Ga, its agents or employees, shall notify the shipper and R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C., when it has completed the unloading of LN 9734. Such notice shall specify when, where, and by whom such unloading was performed.

(c) Application. The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(d) Rules and regulations suspended. The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(e) Effective date. This order shall become effective at 12:01 a.m., July 16, 1973.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 20, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14801 Filed 7-18-73;8:45 am]

V38-138 JUL 19 73 XUM

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Parts 14–3, 14–55]

PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICE

Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw the notice dated November 22, 1972, and published in the FEDERAL REGISTER of December 1, 1972, (37 FR 25526–25528) which proposed an amendment of the Interior Procurement Regulations to delete the present Subpart 14–3.8 and § 14–3.802 and to add a new Subpart 14–55.2 and §§ 14–55.20 through 14–55.207 to provide for procurement of architectural and engineering services.

Although the comments received in response to the notice were favorable and recommended only minor changes, the General Services Administration issued Federal Procurement Regulations Temporary Regulation 30, dated March 23, 1973, prescribing policies and procedures for obtaining architect-engineer services.

The Department of the Interior has determined that rulemaking action on the proposed amendments is not appropriate at the present time and that the notice should be withdrawn. The withdrawal of the notice, however, does not preclude Interior from issuing similar notices in the future or commit Interior to any course of action.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 25526–25528) on December 1, 1972, is hereby withdrawn.

(5 USC 301 and Sec. 205(c), 63 Stat. 390 (40 USC 486(c)).

JULY 13, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-14750 Filed 7-18-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Raisins Acquired Under Weight Dockage System

Notice is hereby given of a proposal to establish additional rules and regulations applicable to natural Thompson Seedless raisins acquired by handlers under a weight dockage system. Such additional rules and regulations would be established pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order regulates the handling of raisins produced from grapes grown in California and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was unanimously recommended by the Raisin Administrative Committee (hereinafter referred to as the "Committee") pursuant to § 989.58(a) of the order. Said section provides that a handler may acquire natural condition raisins which exceed a tolerance established for maturity under a weight dockage system established pursuant to rules and regulations recommended by the Committee and approved by the Secretary. The proposal would establish: The basis upon which free and reserve percentages would be applicable to acquisition by handlers of lots of natural Thompson Seedless raisins under a weight dockage system; the extent to which such lots may be set aside as reserve raisins; the basis for levying program assessments on such lots acquired as free tonnage by handlers; and the basis upon which payments would be made by the Committee to handlers for services performed on such lots held as reserve raisins.

At present, § 989.201 (37 FR 17723) contains, among other things, a weight dockage system (including a dockage table) and identification requirements relative to raisins acquired pursuant to a weight dockage system. It is proposed that these requirements be deleted from § 989.201 and included, with minor changes, in a new § 989.210. This is proposed in order that rules and regulations regarding acquisition of raisins under a weight dockage system will all be contained in one section.

The provisions of the weight dockage system currently contained in § 989.201 are applicable to "natural condition Thompson Seedless raisins" (i.e., the varietal types of natural Thompson Seedless, Golden Seedless, Sulfur Bleached, and Soda Dipped raisins). The provisions of the proposed dockage system would be applicable only to raisins of the natural Thompson Seedless varietal type.

The creditable weight of a lot of raisins containing immature raisins in excess of the permitted levels means that portion of such lot which would meet the applicable minimum grade and condition standards when the excess quantity of immature raisins have been removed from the lot. The creditable weight is determined by multiplying the net weight of the lot of raisins by a dockage factor. The dockage factor reflects the quantity of raisins in the total lot which would be within the permitted level for substandard raisins. The Committee has concluded that the creditable weight of such lot of raisins acquired pursuant to a weight dockage system is an appropriate basis for application of the aforesaid program requirements regarding free and reserve percentages, reserve tonnage set aside, assessments and service payments.

Paragraph A3 of § 989.201 regarding moisture requirements for Thompson Seedless raisins contains a reference to § 989.202. An action published in the FEDERAL REGISTER on May 22, 1973, deleted § 989.202. The aforesaid deletion obviates the need for paragraph A3 of § 989.201, because such moisture requirements are also contained in paragraph A3 of § 989.97 Exhibit B. Hence, in addition to removing provisions regarding the weight dockage system, it is proposed that paragraph A3 be deleted from the revised § 989.201.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend Subpart—Supplementary Orders Regulating Handling by revising § 989.201 and by adding a new § 989.210, as follows:

1. Section 989.201 is revised to read as follows:

§ 989.201 Changes in minimum grade and condition standards for natural condition raisins.

Pursuant to § 989.58(b), the following changes are hereby issued relative to paragraph A2 of § 989.97 *Exhibit B; minimum grade and condition standards for natural condition raisins:*

A. *Thompson Seedless raisins.*

* * * * *

2.a. Shall have a normal characteristic color, flavor, and odor of properly prepared raisins.

b. Shall contain not more than 8 percent, by weight, of substandard raisins (raisins that show development less than that characteristic of raisins prepared from fairly well-matured grapes).

2. A new § 989.210 is added, reading as follows:

§ 989.210 Handling of natural Thompson Seedless raisins acquired pursuant to a weight dockage system.

(a) *General.* Subject to prior agreement between handler and tenderer, a handler may acquire as standard raisins any lot of natural Thompson Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of such lot acquired shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable dockage factor from the dockage table prescribed in paragraph (g) of this section.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for natural Thompson Seedless raisins for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins any lot, or portion thereof, of natural Thompson Seedless raisins acquired pursuant to a weight dockage system: *Provided,* That, only the creditable weight of such lot, or portion thereof, may be applied by the committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage natural Thompson Seedless raisins acquired pursuant to a weight dockage system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of natural Thompson Seedless raisins acquired by a handler pursuant to a weight dockage system shall be so identified by the inspection service by affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of, an inspector of the inspection service or authorized Committee personnel.

(g) *Dockage table.*

% Substandard	Dockage Factor	% Substandard	Dockage Factor
8.0 or less	No dockage	15.1–15.5	.925
8.1–8.5	.995	15.6–16.0	.920
8.6–9.0	.990	16.1–16.5	.915
9.1–9.5	.985	16.6–17.0	.910
9.6–10.0	.980	17.1–17.5	.905
10.1–10.5	.975	17.6–18.0	.900
10.6–11.0	.970	18.1–18.5	.895
11.1–11.5	.965	18.6–19.0	.890
11.6–12.0	.960	19.1–19.5	.885
12.1–12.5	.955	19.6–20.0	.880
12.6–13.0	.950	20.1–20.5	.875
13.1–13.5	.945	20.6–21.0	.870
13.6–14.0	.940	21.1–21.5	.865
14.1–14.5	.935	21.6–22.0	.860
14.6–15.0	.930		

NOTE: Percentages in excess of 22 percent shall be expressed in the same increments as the foregoing, and the dockage factor for each such increment shall be .005 less than the dockage factor for the preceding increment.

Dated July 13, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-14701 Filed 7-18-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Inspection Intervals for Fire Extinguishers with Aluminum Shells

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to amend Table L–3 in 29 CFR 1910.157 d)(4)(iii) as set forth below.

Table L–3 in paragraph (d)(4)(iii) presently requires, among other things, that dry chemical extinguishers with aluminum shells, stainless steel shells or soldered-brass shells be hydrostatically tested at five year intervals. This table is derived from NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers. On May 18, 1973, the National Fire Protection Association revised its standard to place dry chemical fire extinguishers with aluminum shells in the same class with dry chemical extinguishers with brazed-brass shells and mild-steel shells, with the effect that the test interval for aluminum shells changes from five years to 12 years. (See 1973 NFPA Technical Committee Reports, Vol. B, P. 1273). In order to conform Table L–3 of § 1910.157(d)(4)(iii) to the revised NFPA Standard, it is proposed to revise Table L–3 so as to place dry chemical fire extinguishers with aluminum shells with fire extinguishers with brazed-brass shells and mild-steel shells and thus change the test interval for the former extinguishers from five years to 12 years.

All interested persons may submit written data, views and arguments concerning the proposal to the Office of Standards, Room 305, 400 First Street, NW., Washington, D.C. 20210 by August 18, 1973. The data, views, and arguments will be available for public inspection and copying at the Office of Standards located at the above address.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal, requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before August 18, 1973.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and,

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

In § 1910.157(d)(4)(iii), Table L–3 is proposed to be revised to read as follows:

§ 1910.157 Portable fire extinguishers.

* * * * *

(d) *Inspection, maintenance, and hydrostatic tests* * * *

(4) *Hydrostatic tests.* * * *

(iii) At intervals not exceeding those specified in Table L–3 and subdivision (iv) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.

TABLE L–3

HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS

Extinguisher type	*Test interval year*
Soda-acid	5
Cartridge-operated water and/or antifreeze	5
Storage-pressure water and/or antifreeze	5
Wetting agent	5
Foam	5
Loaded stream	5
Dry chemical extinguishers with stainless steel shells or soldered-brass shells	5
Carbon dioxide extinguishers	5
Dry chemical extinguishers with brazed-brass shells, mild-steel shells or aluminum shells	12
Bromotrifluoromethane	12
Dry powder extinguishers for metal fires	12

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

* * * * *

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655, Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C. this 12th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14823 Filed 7-18-73;8:45 am]

V 38 I 138 JUL 19 73 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

QUALITY STANDARD FOR CANNED CHERRIES

Proposed Revision of Blemish Limitation

Notice is given that a petition has been filed by the National Canners Association, 1133 20th St., NW., Washington, DC 20036, proposing that the standard of quality for canned cherries (21 CFR 27.31) be amended by:

(1) Changing the definition of a blemished cherry; and

(2) Increasing the aggregate area of the blemish from $\frac{1}{16}$ inch to $\frac{3}{32}$ inch in diameter.

Grounds set forth in the petition in support of the proposal are that: (1) The proposed change in the definition of a blemished unit would be consistent with objections received to an order, published in the FEDERAL REGISTER on February 23, 1971 (36 FR 3364) ruling on a proposed cherry pie standard of quality (21 CFR 28.2). These objections requested that the $\frac{1}{16}$ inch diameter limit for blemished units be changed to a $\frac{3}{32}$ inch diameter limit. The Commissioner of Food and Drugs granted this request in the FEDERAL REGISTER of June 13, 1973 (38 FR 15503).

(2) Mechanical harvesting and bulk handling in tanks of water have replaced the traditional hand picking and handling. As a result there has been a greatly increased problem with a mild form of discoloration known as "tank or water scald" which results in minor color variation but does not affect the tissues or eating quality or the cherries.

(3) Since the present standard was established 32 years ago, changes in cultural practices have resulted in the production of larger and softer cherries. Presently, there are as few as 100 to 110 cherries per pound as compared to 140 to 150 per pound when the standard was adopted. The larger, softer cherries have aggravated the blemish problem because they are more susceptible to blemishes and contain a greater surface area compared to the permitted area of skin discoloration.

(4) Increasing the area of the blemish to 9/32 inch would bring the quality standard for canned cherries (21 CFR 27.31) into agreement with the present voluntary U.S. Department of Agriculture standard for grades of frozen cherries.

(5) The proposed change will insure consumers a continued supply of canned cherries without significantly affecting the quality.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 27 be amended in § 27.31 by revising paragraph (a)(5) to read as follows:

§ 27.31 Canned cherries; quality; label statement of substandard quality.

(a) • • •

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding that of a circle 9/32 inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

• • • • •

Interested persons may, on or before September 17, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 20, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-14749 Filed 7-18-73;8:45 am]

[21 CFR Part 135]

COMPOUNDS USED IN FOOD-PRODUCING ANIMALS

Procedures for Determining Acceptability of Assay Methods Used for Assuring the Absence of Residues in Edible Products of Such Animals

The Federal Food, Drug, and Cosmetic Act requires that compounds administered to animals as food additives, color additives, or animal drugs be shown to be safe for use. The term "safe" refers to the health of man or animal under section 201(u) of the act. In evaluating the safety of such compounds used in food-producing animals, consideration must be given to the safety of possible residues in the products of those animals which are a source of food for man. When there is insufficient evidence to establish that a finite or negligible residue of the compound is safe in human food, or when the anticancer clauses contained in sections 409(c)(3)(A), 512(d)(1)(H), and 706(b)(5)(B) of the act are applicable, a zero tolerance (no residue) must be required. (Under the provisions of the anticancer clauses no compound may be administered to animals which are raised for food production if such compound has been shown to induce cancer when ingested by man or animal, unless such compound will not adversely affect the animal and no residues, as determined by methods of analysis prescribed or approved by the Secretary, are found in the edible products of such animals under conditions of use specified in labeling and reasonably certain to be followed in practice. A decision is then required as to whether a practicable method exists to determine the absence of such residues in food, under sections 409(b)(2)(D), 512(b)(7), and 706(b)(5)(A)(iv) of the act.

The Commissioner of Food and Drugs has determined that it would be in the public interest to set forth the principles involved in application of these safety provisions of the law with respect to the adequacy of the sensitivity of the required regulatory assay method for monitoring compounds which may be administered to food-producing animals, but for which no residue is permitted in human food. Therefore, a new regulation is proposed to establish the minimum standards for determining the acceptability of assay methods used to assure the absence of residues in edible products of such animals. These proposed regulations do not apply to drugs for which a finite or negligible residue is established as safe for human food.

The proposed new regulation will apply to two classes of compounds administered to food-producing animals: (1) Exogenous compounds, defined as those compounds which are not produced by the normal animal and are not required for normal animal body function (e.g., diethylstilbestrol), and (2) Endogenous compounds, defined as those compounds which are present in and produced by the normal animal and are not required from an exogenous source (e.g., estradiol).

In evaluation of the safety of compounds of both classes the initial testing must involve detailed metabolism studies in the target species. Radiotracer studies are usually the method of choice. The purpose of these studies will be to identify the metabolites of the compound, both qualitatively and quantitatively, and the concentrations of the compound and its metabolites in specific tissues ("tissues" include milk and eggs, if applicable). Another aspect of these studies will be the determination of the effect of the administration of the compound on tissue levels of related endogenous compounds.

For acceptable studies, it is necessary to follow the degradation of the compound and/or its metabolites after slaughter and during the period that the edible tissue would normally be held under storage conditions as well as to determine the impact of cooking at appropriate temperatures on the compounds in question.

EXOGENOUS COMPOUNDS

Determination as to whether an exogenous compound and/or its metabolites will require carcinogenicity testing will be based on the results of the metabolism studies, standard toxicity testing, structural relationships of the compound and/or its metabolites to known carcinogens, modes of physiological actions and interactions, and the intended use pattern of the compound. Tests for carcinogenicity will be routinely required for any new compound for which a priori knowledge is incomplete and which is intended to be used for disease prophylaxis and/or production purposes (e.g., increased rate of weight gain, estrus synchronization, etc.).

If it is determined that tests for carcinogenicity are not required, or if the results of such tests are negative, consideration leading to approval will be based on standard toxicological procedures. These procedures will include, in addition to subacute studies in a minimum of two species, such studies as multi-generation reproduction studies, teratological and any other special studies which may be indicated from the nature of the biological action of the compound, including life-time studies. These studies will involve collecting data from appropriately designed dose-response experiments that demonstrate a maximum "no harmful effect level" as well as a minimum "harmful effect level" in appropriate animal species.

Where a residue is permitted as safe in human food (either as a finite tolerance level or as a negligible residue of less than a specified level), the sensitivity of the assay method will be required to meet the specified level, and the other provisions of this proposed new regulation relating to the required sensitivity of the method will be inapplicable. Where no residue (zero tolerance) is permitted, the provisions of this proposed new regulation are fully applicable.

Under the proposed new regulation the dose-response slope estimated from the toxicological experiments will be used to extrapolate to the required level of sensitivity of the method using appropriate confidence interval techniques in accordance with the concepts underlying the Mantel-Bryan procedure discussed below. Where such extrapolation is not scientifically appropriate, e.g., if no dose-response slope can be estimated from the data, other conservative methods will be invoked to determine an appropriate safety margin based on a thorough evaluation of the quality of the experiments, their rigor as predictive tests and the nature and significance of the observed biological effects.

Where tests for carcinogenicity are required for a compound there are two basic objectives of the tests. The first is to determine whether or not the compound and/or its metabolites is a carcinogen. The second is to determine the relative potency of the compound and/or its metabolites with respect to both its carcinogenic and its noncarcinogenic but toxic effects, through appropriate oral dose-response experiments. Test systems will be selected which maximize sensitivity to detect a minimal dose which induces a carcinogenic effect. These systems will include a sufficiently stable control population to avoid false-positive indications of carcinogenesis.

There is a general lack of agreement within the scientific community regarding appropriate protocols for determining the dose-response relationship of carcinogenic compounds. Until they are revised, the guidelines for protocols set out by the Food and Drug Administration Advisory Committee on Protocols for Safety Evaluation: Panel on Carcinogenesis Report on Cancer Testing in the Safety Evaluation of Food Additives and Pesticides (Toxicology and Applied Pharmacology Vol. 20, pp 419–438, 1971) will be followed by the Food and Drug Administration.

If the results of the test for carcinogenicity establish that the compound or its metabolites will induce cancer in test animals, the required sensitivity of the regulatory assay method will be determined based on the Mantel-Bryan procedure described in the article entitled "Safety" Testing of Carcinogenic Agents (Journal of the National Cancer Institute, Vol. 27, pp 455–470, 1961). However, rather than assuming a dose-response relationship with a slope of one, as suggested in the reference, experimental data obtained from the carcinogenicity studies will be used to obtain a statistical estimate of the slope of the dose-response relationship. The lower 90 percent confidence limit of the estimated slope will be used for extrapolation to the required level of sensitivity of the regulatory assay method. If the data indicate that some linearizing transformation other than the probit-log transformation used in the modified Mantel-Bryan procedure better describes the observed response and has a biological rationale, then this other linearizing transformation may be used for such extrapolation. Examples of the application of this technique are given in the above reference.

Absolute safety can never be conclusively demonstrated experimentally. The level defined by the Mantel-Bryan procedure is an arbitrary but conservative level of maximum exposure resulting in a minimal probability of risk to an individual (e.g., 1/100,000,000), under those exposure conditions of the basic animal studies. Such test conditions generally involve continuous daily lifetime exposure to the compound in question. In contrast, many types of foods are consumed only intermittently, e.g., turkey or broiler kidneys, and therefore any drug residues contained in such foods will be consumed only intermittently. If the same procedure was used to determine the level of exposure for turkey kidneys as was used to determine the level of exposure for foods consumed more frequently, such as beef muscle, the population would not be equally protected in both situations. Consequently, it will be necessary to adjust the procedure for establishing the exposure level to account for usual as well as specific human consumption patterns. Any such adjustments initially will be made on a conservative basis. These adjustments will take into consideration the consumption expected by those who consume the greatest amounts of food, not the average consumption of the food. More definitive information is being complied on food consumption patterns by the Food and Drug Administration, and this information will be used to arrive at more refined adjustments as it becomes available.

It will also be necessary to modify the procedure for establishing the exposure level to account for drug usage, patterns, e.g., the administration of a drug in the treatment of diseased animals. As with consumption patterns, justified modifications will be made on a conservative basis. If a disease has a maximum incidence of 10 percent, then no more than 10 percent of the marketed animals would have been treated with the drug. Under these conditions, the probability of continuous daily exposure for an individual consumer could be very conservatively estimated as 0.10. In this situation, the true probability of risk for the individual consumer would then equal the probability of individual risk under conditions of continuous daily exposure to the drug multiplied by the probability of an individual actually experiencing continuous daily exposure to the drug. If a true exposure of 1/100,000,000 were deemed acceptable for an individual on the basis of risk-benefit considerations, this value could be held constant by assuming a continuous exposure risk of 1/10,000,000 (1/100,000,000=1/10,000,000 X 0.10) in the estimate of the Mantel-Bryan level. The true individual consumer risk would remain at 1/100,000,000 since the consumer is only intermittently exposed to residues of the compound in food.

The maximum level of exposure as estimated above, after standard adjustment for the differences between daily food intake per unit of body weight of the laboratory animal as compared with man, will be the required sensitivity of the assay method for a compound. In the event that both non-carcinogenic harmful effects and carcinogenic effects are observed during testing, the lowest level for the regulatory assay sensitivity as determined for the different effects will be adopted.

Withdrawal or post-medication periods for exogenous compounds shall be based on data obtained from tissue depletion studies. The compound must be administered to test animals for a sufficient time for concentration equilibrium to be achieved. On the basis of the developed assay and/or other suitable methods, a determination must be made as to the time when tissue levels of the parent compound and/or its metabolites and/or any affected endogenous compounds are below the required level of sensitivity for the regulatory assay method.

The withdrawal period shall be the longer of: (1) The number of days for tissue levels to be depleted to less than the maximum level of exposure extrapolated by the modified Mantel-Bryan procedure plus a safety factor to account for animal to animal variation (as determined by appropriate confidence interval techniques) or (2) the number of days for any affected endogenous compound to return to normal levels plus a safety factor to account for animal to animal variation. (The normal level of the affected endogenous compound will be established as described below for endogenous compounds.) For example, if excretion data indicate that the average depletion time for an exogenous compound is 72 hours with a safety factor of 27 hours, the withdrawal period becomes (72 hours+27 hours) ÷24 hours or, after

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rounding upward, 5 days. Current livestock management techniques must be considered in establishing the withdrawal period and may necessitate the lengthening of this period.

The provisions of the proposed new regulation govern the required level of sensitivity of the regulatory assay method for those compounds for which a zero tolerance (no residue) is established. If a regulatory assay method of lower sensitivity is later developed and validated, however, the Commissioner will adopt that more sensitive method and publish it in the FEDERAL REGISTER, even though its development was not required under the law.

ENDOGENOUS COMPOUNDS

It is proposed that animals shown to contain tissue levels of endogenous compounds above the normal due to the administration of such compounds will not be permitted to be marketed for human consumption. Thus, neither tests for carcinogenicity nor standard toxicity testing will be required for endogenous compounds.

Naturally occurring (background) tissue levels of endogenous compounds and/or their metabolites and/or other related endogenous compounds in the target species must be determined in studies designed to show the effect of geographical location, stage of estrus, age, etc., on normal animals receiving no external source of the endogenous compound. The tissue distribution of the levels of the compound and/or its metabolites and/or other related endogenous compounds will be estimated from these studies. This distribution will be used to establish the required sensitivity of the regulatory assay method. The required sensitivity will be that level of the tissue distribution which is exceeded by only one percent of the normal animals. Tissue samples from animals at slaughter will be considered suspect if a level is found above normal background. For example, if 99.0 percent of background tissue levels for a parent endogenous compound and/or its metabolites and/or other related endogenous compounds are below 16 ppt., then a tissue level greater than 16 ppt shall be considered suspect. The final determination with respect to regulatory action will be based on a field investigation to determine if the observed value was due to a misuse of the compound or if it was due to normal biological variability.

Withdrawal periods following the last dosage for endogenous compounds shall be established based on the time required for the level of the parent compound and/or its metabolites and/or other related endogenous compounds in the tissue to return to the median background level of contemporary controls. The maximum approvable level of the compound shall be administered to target animals for a period of time sufficient to establish equilibrium in tissues. The number of days required for tissue levels of any affected endogenous compounds to return to the median background level plus a safety factor to account for animal to animal variation (as determined by appropriate confidence interval techniques) shall be used to establish the required withdrawal period. Current livestock management techniques must be considered in establishing the withdrawal period and may necessitate the lengthening of this period.

ASSAY EVALUATION CRITERIA

Prior to approval, the accuracy and reliability of the regulatory assay must be determined by validation of the method in appropriate Food and Drug Administration laboratories and other laboratories. The objectives of the validation will be to determine the feasibility, specificity, accuracy, and precision of the method (including a determination of the amounts recovered as well as an estimation of the variation associated with the recovered amounts).

Prior to submission of a method for evaluation and subsequent validation, it is recommended that the method be reviewed and tested, both qualitatively and quantitatively, by independent laboratories. This evaluation should fulfill the objectives of the validation as listed above.

The required sensitivity of the regulatory assay method as previously defined will be the regulatory action level and will be published in the FEDERAL REGISTER. Since any "positive" finding reported at a level lower than the published level of sensitivity may actually be a false positive, regulatory action will be taken only at or above the published level. This is necessary in order to assure that a residue is in fact a true positive. In the past the lack of such a procedure has led to finding violative samples in one laboratory which could not be confirmed in a second laboratory.

The assay method will be published or referenced in the FEDERAL REGISTER and will include a definition of the response criteria unique for each method which represents a reliable positive finding based on the validation studies. The criteria will take into account adjustments based on the accuracy and precision of the method. If the method is not specific for the identification of the compound or there are reasons to suspect the occurrence of false positives due to interference, a practical confirmatory test must be provided which will identify the residue at the level of sensitivity required.

In summary, the development and validation of a regulatory assay method for monitoring purposes must consider the following criteria:

1. The method must be capable of reproducibly extracting, at the required level of sensitivity, the significant compounds from target tissues obtained from treated animals as well as from tissues containing known added amounts of the compounds.

2. The method must be capable of measuring residues with a sufficient degree of specificity, precision, and accuracy to preclude the occurrence of false negatives or false positives.

3. The equipment, reagents and compounds used in the assay must be commercially available. Any required specialization in terms of equipment or personnel must be consistent with that normally available in a modern well-equipped analytical control laboratory.

4. The time required for completion of the assay must not be so excessive as to delay regulatory action, when necessary.

5. The assay must offer minimal hazard in the laboratory.

It is proposed that the requirements contained in this regulation will be applicable to all NADA's and supplemental NADA's approved by the Food and Drug Administration after the effective date of the new regulation. In determining the applicability of the provisions of the regulation to already-existing new animal drug approvals, the Commissioner will first determine those drugs for which a zero residue requirement now exists but for which a finite or negligible residue should instead be permitted. The Commissioner recognizes that many of these zero tolerances were established several years ago, at a time when detection methodology was substantially less sensitive and the available toxicology information was not as extensive. For some of these zero tolerances, it may now be possible and consistent with protection of the public health, to establish a finite or negligible residue. Where a finite or negligible residue is established on the basis of adequate safety data, the provisions of the new regulation will not be applicable.

Where a zero tolerance is deemed necessary, either because of a determination of carcinogenicity or because the compound is a suspect carcinogen or is otherwise sufficiently toxic that a determination of a safe level of residue in human food cannot be made at this time, the provisions of the new regulation will be applicable. The Commissioner recognizes that these new requirements cannot be imposed immediately. Accordingly, a determination will be made with respect to each drug as to a reasonable amount of time within which compliance will be permitted. In those instances in which the Commissioner concludes that a health hazard may exist, or where there is a failure to undertake the requisitie studies, the Commissioner will proceed immediately to withdraw approval of the drug. Hence, the above approach will permit a reasonable transition to the new requirements without compromising the public health or disrupting the use of drugs for which there is no known health hazard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046–1048, 1055, 72 Stat. 1785–1788 as amended, 74 Stat. 399–404, 82 Stat. 343–351; U.S.C. 342, 343, 348, 706, 360b, 371(a), 376), and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended by adding the following new section:

§ 135.38 Compounds used in food-producing animals; procedures for determining the acceptability of assay methods used for assuring the absence of residues in edible products of such animals.

(a) The act provides that feed and drugs intended for animals shall be safe, that food produced from animals shall be safe, and that any compound administered to a food-producing animal which is found to induce cancer when ingested by man or animal is prohibited from the food supply, unless it can be determined by methods of examination prescribed or approved by the Secretary by regulation, that no residues of any such compound are found in the food produced from such animals under conditions of use reasonably certain to be followed in practice. Petitions for use of a compound in food-producing animals shall include data for determining the absence of residues of any unsafe compounds in the food produced from such animals. The provisions of this section shall determine the required level of sensitivity of the regulatory assay method for any compound for which the Commissioner of Food and Drugs has established a zero tolerance (no residue) in food.

(b) Exogenous compounds, defined as those compounds which are not produced by the normal animal and are not required for normal animal body function, are subject to the following requirements:

(1) Metabolism studies shall be conducted in the target species to identify and quantify metabolites of the parent compound and the concentrations of the compound and its metabolites in specific tissues ("tissues" to include milk and eggs, if applicable). The effect of the exogenous compound on tissue levels of related endogenous compounds also shall be determined.

(2) Degradation of the compound and/or its metabolites during the period of time after slaughter that edible tissue would normally be held under storage conditions and the impact of cooking on the compound and/or its metabolites in question shall be determined.

(3) Determination of whether an exogenous compound and/or its metabolites shall be subjected to appropriate testing for carcinogenicity will be based on the results of the metabolism studies, standard toxicity testing, structural relationships of the compound and/or its metabolites to known carcinogens, modes of physiological actions and interactions, and the intended use patterns of the compounds.

(4) If it is determined that carcinogenicity tests are not required or if the results of carcinogenic testing are negative, consideration for approval shall be based on standard toxicological procedures. These procedures shall include in addition to subacute studies in a minimum of two species, such studies as a multi-generation reproduction studies, teratology and any other special studies which may be indicated from the nature of the biological action of the compound, including lifetime studies. These studies shall involve collection of data from appropriately designed dose-response experiments that demonstrate a "maximum no harmful effect level" as well as a "minimum harmful effect level" in appropriate animal species.

(i) Where a finite or negligible residue of the parent compound and/or its metabolites is determined to be safe in food, the required level of sensitivity of the regulatory assay method will be the level of the tolerance published in the FEDERAL REGISTER and the remaining provisions of this paragraph shall be inapplicable.

(ii) Where no residue of the compound and/or its metabolites is determined to be safe in food, the dose-response slope estimated from the toxicological experiments will be used to extrapolate to the required level of sensitivity of the method using appropriate confidence interval techniques in accordance with the concepts underlying the Mantel-Bryan procedure described in paragraph (b)(6) of this section. Where such extrapolation is not scientifically appropriate, e.g., if no dose-response slope can be estimated from the data, other conservative methods shall be invoked to determine an appropriate safety margin based on a thorough evaluation of the quality of the experiments, their rigor as predictive tests and the nature and significance of the observed biological effects.

(5) If it is determined that testing for carcinogenicity is required, test procedures shall be used which maximize sensitivity to detect a minimal dose which induces a carcinogenic effect and with a sufficiently stable control population to avoid false positive indications of carcinogenesis. Appropriate dose-response experiments shall be conducted to (i) clearly establish whether or not the compound and/or its metabolites are carcinogens, and (ii) determine the relative potency of the compound and/or its metabolites with respect to both its carcinogenic and its other toxic effects.

(6) If it is determined that the compound is carcinogenic, the required sensitivity of the regulatory assay method shall be established according to a modification of the Mantel-Bryan procedure. (Mantel, N. and W. R. Bryan, "Safety" Testing of Carcinogenic Agents, Journal of the National Cancer Institute, Vol. 27, pp. 455–470, 1961).[1] This modification shall consist of using the lower 90 percent confidence limit of the experimentally determined dose-response slope from the carcinogenicity studies for extrapolation to a maximum exposure level with appropriate adjustments to account for drug usage and human consumption patterns and for the differences between daily food intake per unit of body weight of the laboratory animal and of man. (i) If the data indicate that some linearizing transformation other than the probit-log transformation used in the modified Mantel-Bryan procedure better describes the observed response and has a biological rationale, then this other linearizing transformation will be used for the extrapolation. (ii) In the event that both significant noncarcinogenic harmful effects and carcinogenic effects are observed during testing, the lowest level for the regulatory assay sensitivity as determined for the different effects shall be adopted.

(7) The sensitivity of the regulatory assay method as defined above, the method, and a definition of the criteria used to establish a reliable positive finding shall be published in the FEDERAL REGISTER.

(8) The withdrawal period for the compound shall be based, using the regulatory assay method and/or other suitable methods, on the time required after the last dosage for tissue levels of the parent compound and/or its metabolites and/or any affected endogenous compounds to fall below the required regulatory assay sensitivity.

(9) The withdrawal period shall be the longer of either (i) the number of days required for tissue levels to be depleted to less than the maximum exposure level plus a safety factor to account for animal to animal variation as determined by appropriate confidence interval techniques or (ii) the number of days required for any affected endogenous compound to return to a normal level plus a safety factor to account for animal to animal variation. Current livestock management techniques may justify a longer withdrawal period. The normal level of any affected endogenous compound shall be established as described in paragraph (c) of this section.

(10) Based on tissue depletion studies and animal management practices, conditions of use that are reasonably certain to be followed in practice shall be specified for the compounds so that, if followed, they assure that no residue shall occur in food produced from treated animals.

(11) Notwithstanding a determination pursuant to this paragraph of the required level of sensitivity of the regulatory assay method, if a regulatory assay method of lower sensitivity is later developed and validated the Commissioner will adopt that more sensitive method and publish it in the FEDERAL REGISTER even though its development was not required.

(c) Endogenous compounds, defined as those compounds which are present in and are produced by the normal animal and are not required from an external source, are subject to the following requirements:

[1] Copies may be obtained from: Director, Division of Nutritional Sciences (VM–100), Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

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(1) Metabolism studies shall be conducted in the target species to identify and quantify the metabolites of the parent compound and the concentrations of the compound and its metabolites in specific tissues ("tissues" include milk and eggs, if applicable). The effect of the endogenous compound on tissue levels of related endogenous compounds also shall be determined.

(2) Degradation of the compound and/or its metabolites during the period of time after slaughter that the edible tissue would normally be held under storage conditions and the impact of cooking on the compounds and/or its metabolites in question shall be determined.

(3) Animals containing tissue levels of endogenous compounds above the normal due to the administration of endogenous compounds may not be marketed for human consumption. Thus, neither tests for carcinogenicity nor standard toxicity testing shall be required for endogenous compounds.

(4) The naturally occurring or background tissue levels of endogenous compounds and/or their metabolites and/or other related endogenous compounds in the target species shall be determined in studies designed to show the effect of geographical location, stage of estrus, age, etc., on normal animals receiving no external source of the endogenous compound. The tissue distribution will be used to establish the required sensitivity of the regulatory assay method. The required sensitivity of the regulatory assay method will be that value of the distribution which is exceeded by only one percent of the normal animals.

(5) The sensitivity of the regulatory assay method as defined above, the method, and a definition of the criteria used to establish a reliable positive finding shall be published in the FEDERAL REGISTER.

(6) The withdrawal period for the compound shall be based, using the regulatory assay method and/or other suitable methods, on the time required after the last dosage for the tissue levels of the parent compound and/or its metabolites and or any affected other related endogenous compounds to return to the median background level of contemporary controls. The withdrawal period shall be the number of days required for tissue levels of any affected endogenous compounds to return to the median background level plus a safety factor to account for animal to animal variation as determined by appropriate confiidence in terval techniques. Current livestock management techniques may justify a longer withdrawal period.

(7) The characteristics of the distribution of tissue levels of the compound normally found in animals not exposed to external sources of the compound and the specified conditions of use shall be published in the FEDERAL REGISTER as part of the approval of any endogenous drug compound.

(8) Based on tissue depletion studies and animal management practices, a withdrawal period and conditions of use that are reasonably certain to be followed in practice shall be specified for the compound so that, if followed, they assure that no residue shall occur in excess of the established normal level in food from untreated animals.

(d) Prior to approval, the adequacy of the regulatory assay method shall be determined by validation of the method in appropriate Food and Drug Administration laboratories and other laboratories. The validation shall determine the feasibility, specificity, accuracy, and precision of the method. This validation of an assay method used for regulatory purposes shall be based on the following criteria:

(1) The method shall be capable of reproducibly extracting, at the required level of sensitivity, the significant compounds from target tissues obtained from treated animals, as well as from tissues containing known added amounts of the compounds.

(2) The method shall be capable of measuring residues with a sufficient degree of specificity, precision, and accuracy to preclude the occurrence of false negatives or false positives.

(3) The equipment, reagents and compounds used in the assay shall be commercially available. Any required specialization in terms of equipment or personnel shall be consistent with that normally available in a modern well-equipped analytical control laboratory.

(4) The time required for completion of the assay shall not be so excessive as to delay regulatory action.

(5) The assay shall offer minimal hazard in the laboratory.

(e) After publication in the FEDERAL REGISTER of an assay method in accordance with paragraphs (b) through (d) of this section, compliance shall be determined as follows:

(1) Samples of the food produced from appropriate animals will be routinely collected and evaluated using the regulatory assay method(s).

(2) Any sample subject to paragraph (b) of this section yielding a residue of the compound at or above the published level of sensitivity of the method will be liable to regulatory action.

(3) Any sample subject to paragraph (c) of this section yielding a residue of the compound at or above the published level of sensitivity of the method will be subject to investigation. Any such residue which is determined to be the result of improper use of the compound will be liable to regulatory action.

(4) No regulatory action may be based on the measurement of a value which is below the established level of sensitivity of the approved regulatory assay method(s) as published in the FEDERAL REGISTER.

(f) The provisions of this section shall be applicable to all new animal drug applications, including supplements, approved by the Food and Drug Administration subsequent to the effective date of the final regulation, except that supplemental applications meeting the requirements of § 135.13a(d) or that in the opinion of the Commissioner otherwise protect the public health will be permitted to be put into effect in accordance with § 135.13a(e) through (k).

(g) The provisions of this section shall be applicable to existing approvals of new animal drugs in accordance with the following priorities:

(1) The Commissioner will review existing zero tolerances (no residues) to determine whether the drugs involved should be the subject of finite or negligible residues. Those drugs for which finite or negligible residues are established are not subject to the provisions of paragraphs (b) or (c) of this section.

(2) Those drugs for which the Commissioner has determined the appropriateness of a zero tolerance (no residue) will be the subject of a notice published in the FEDERAL REGISTER or a letter to every holder of a new animal drug application establishing a time within which the provisions of this section shall be satisfied. Notices already published in the FEDERAL REGISTER and letters already sent by the Food and Drug Administration requiring additional studies and/or a more sensitive regulatory assay method for a drug subject to a zero tolerance shall remain in effect, and the provisions of this section shall be used in determining compliance with the requirements of the act pursuant to those notices and letters. The Commissioner will immediately proceed to withdraw approval of any drug on the basis of data or information indicating a health hazard or a failure to undertake studies necessary to comply with the provisions of this section.

Interested persons may, on or before September 17, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be viewed in the above office during working hours, Monday through Friday.

Dated: July 13, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-14746 Filed 7-18-73;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools, and for Volunteer Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amended regulations set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations are made pursuant to certain provisions of Public Law 92-603 (the Social Security Amendments of 1972) and statements of congressional intent contained in the Report of the Committee on Finance, United States Senate, Senate Report No. 92-1230. The proposed amendments provide (a) effective for hospital accounting periods that begin after June 30, 1973, a method for determining program payments to a hospital for patient care services of physicians in teaching hospitals; a method for determining the reasonable cost to a medical school where its faculty provides services to a hospital's patients; and a method for determining the reasonable cost of patient care services provided by voluntary physician staff and the payment of such costs to a fund designated by the organized medical staff of the hospital; and (b) effective for hospital accounting periods that begin after June 30, 1973, the proposed amendments provide that patient care services provided in participating hospitals with approved teaching programs will be reimbursable on the basis of reasonable charges only where the patient is a "private patient"; establish the elements required before a patient will be considered a private patient; provide that where the status of a patient is questionable, or in borderline cases, the patient will be considered to be a nonprivate patient; and specify situations where it can be presumed that all patients in a hospital or hospital setting are private patients.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before August 20, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833(a), 1842(b), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 297, 302, 322, and 331; 42 U.S.C. 1302, 1395 et seq.

(Catalogue of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 13, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 5, Subpart D of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (c) of § 405.402 is amended by adding paragraph (c)(9) to read as follows:

§ 405.402 Cost reimbursement; general.

* * * * * * *

(c) * * *

(9) Reasonable cost of physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) is reimbursable as a provider cost.

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2. Paragraph (b) of § 405.404 is revised to read as follows:

§ 405.404 Methods of apportionment under title XVIII.

* * * * * * *

(b) For cost reporting periods starting after December 31, 1971, the principles of reimbursement under title XVIII of the Act require certain providers described in § 405.452(c) to use the Departmental Method of apportionment as described in § 405.452(b)(1), and other providers to use the Combination Method of apportionment as described in § 405.452(b)(2) except that for cost reporting periods beginning after June 30, 1973, the reasonable cost of physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) is separately apportioned in accordance with the Aggregate Per Diem Method as described in § 405.452(b)(3). Use of the Departmental Method requires cost finding (see § 405.453) to determine the division of the provider's costs between general routine care, routine care in special care units, and each ancillary department that is revenue producing, i.e., departments furnishing services to patients for which charges are made. Use of the Combination Method necessitates cost finding (see § 405.453) to determine the division of the provider's total allowable cost between general routine care, routine care in special care units, and aggregate ancillary services. Use of the Aggregate Per Diem Method for apportioning cost of physicians' patient care services in a teaching hospital to nonprivate patients does not require cost finding as described in § 405.453. These costs are accumulated in separate cost centers prior to the cost finding process.

3. Paragraph (b) of § 405.451 is amended by adding subparagraphs (3), (4), (5), (6), and (7) to read as follows:

§ 405.451 Cost related to patient care.

* * * * * * *

(b) *Definitions.* * * *

(3) *Reasonable costs of patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital by physicians on the hospital staff.* For cost reporting periods beginning after June 30, 1973, physicians' patient care services rendered in a teaching hospital to nonprivate patients (see § 405.521 of Subpart E) are reimbursable as a provider service on a reasonable cost basis. For purposes of this paragraph, reasonable costs will be limited to direct salary, plus applicable fringe benefits. The costs of other covered provider services related to the services described in this paragraph are allowable subject to the requirements of all other provider services.

(4) *Reasonable costs incurred by a teaching hospital in reimbursing a medical school for the cost to the medical school in rendering services in a hospital.* For cost reporting periods beginning after June 30, 1973, an amount not in excess of the reasonable costs incurred by a teaching hospital in reimbursing a medical school for certain costs to the medical school in rendering patient care services (and supervision of interns and residents in the care of patients) to health insurance nonprivate patients are reimbursable to the hospital by the program. Also, for cost reporting periods beginning after June 30, 1973, reasonable costs incurred by a teaching hospital in reimbursing a medical school for certain costs to the medical school in rendering other than patient care services to health insurance patients by the medical school faculty are reimbursable to the hospital by the program. The allowable costs to the medical school may not exceed 105 percent of direct salary, plus applicable fringe benefits, that are incurred solely as a result of services to provider patients.

(5) *"Salary Equivalent" payments for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital to health insurance nonprivate patients by physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).* For cost reporting periods beginning after June 30, 1973, payments may be made to a fund as defined in § 405.466 for patient care services rendered on a regularly scheduled basis by physicians on the unpaid voluntary medical staff of the hospital (or medical school under arrangement with the hospital) to health insurance nonprivate patients. Such payments represent compensation for contributed medical staff time which, if not contributed, would have to be obtained through employed staff on a reimbursable basis. However, where a physician either on the hospital staff or on the medical school staff receives any compensation from either the hospital or the medical school, that compensation will be assumed to represent compensation for the physician's full range of services rendered in the hospital including patient care to nonprivate patients. Payments for volunteer services are determined by applying to the regularly scheduled contributed time an hourly rate not to exceed the equivalent of the average salary (exclusive of fringe benefits) paid to all full time, salaried physicians (other than interns and residents) on the hospital staff or, where the number of full time, salaried physicians is minimal in absolute terms

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or in relationship to the voluntary staff, at like institutions in the area. This "salary equivalent" is a single hourly rate, covering all physicians regardless of specialty and is applied to the actual time contributed by the physicians in rendering patient care services to nonprivate patients. The amount applicable to program beneficiaries and payable to a fund will be determined in accordance with the Aggregate Per Diem Method described in § 405.452(b)(3).

Health insurance payments to a fund will be used by the fund solely for improvement of care of hospital patients or for educational or charitable purposes (which may include but are not limited to medical and other scientific research). Contributions to the hospital made from such funds would not be recognized as a reimbursable cost when expended by the hospital nor would depreciation expense be allowed with respect to equipment or facilities donated to the hospital by such funds.

(6) *Requirements for reimbursement for physicians' patient care services in a teaching hospital.* (i) *Physicians on the hospital staff.* The requirements are the same as those applicable to all other covered provider services except that the costs of these services are separately determined and are not subject to cost finding as described in § 405.453.

(ii) *Physicians on the medical school staff.* Reimbursement will be made to a hospital by the health insurance program for the costs of these services, which are separately accumulated and are not subject to cost finding as described in § 405.453: *Provided,* That:

(A) There is a written agreement between the hospital and the medical school specifying the types and extent of services to be furnished by the medical school and specifying that the hospital must reimburse the medical school an amount not in excess of the reasonable cost (as defined in subparagraph (4) of this paragraph) of providing such services to health insurance nonprivate patients.

(B) Such costs are reimbursed to the medical school by the hospital not later than the date on which the cost report covering the period in which the services were rendered is due, and

(C) Payment for such services furnished under such arrangement would be made by the program to the hospital had such services been furnished directly by the hospital.

(iii) *Physicians on the voluntary staff of the hospital (or medical school under arrangement with the hospital).* Health insurance payments on a "salary equivalent" basis (as defined in subparagraph (5) of this paragraph) will be made to a fund provided that the conditions outlined in § 405.466 are met.

(7) *Requirements for reimbursement for medical school faculty services other than patient care services rendered in a teaching hospital.* (i) Reimbursement will be made to a hospital by the health insurance program for the costs of medical school faculty services other than patient care services rendered in a teaching hospital provided that the contractual requirements described in paragraph (b)(6)(ii) of this section are met. Where the hospital reimburses the medical school for the costs of these services rendered to all patients, these costs are subject to the cost finding and apportionment methods for all provider services (excepting physicians' patient care services rendered to nonprivate patients). On the other hand, where the hospital reimburses the medical school for these services rendered to only health insurance patients, then the costs which are reimbursed are not subject to cost finding and must not be included in the hospital's total allowable costs. Nevertheless, the health insurance program's portion must be determined on the basis of the health insurance ratio(s) used in the apportionment of all other provider costs (excepting physicians' patient care services rendered to nonprivate patients) applied to the total cost (as defined in paragraph (b)(4) of this section incurred by the medical school for the services rendered)

. . . . . .

4. Section 405.452 is amended by adding paragraphs (b)(3), (c)(4), (d)(11), (d)(12), (d)(13), and (e)(6) to read as follows:

§ 405.452 Determination of cost of services to beneficiaries.

. . . . . .

(b) *Principle for cost reporting periods starting after December 31, 1971.* * * *

(3) *Aggregate per diem method for physicians' patient care services (and supervision of interns and residents in the care of patients).* The cost of physicians' patient care services rendered in a teaching hospital to nonprivate patients for program beneficiaries is determined on the basis of a separate average cost per diem for physicians' patient care services to all nonprivate patients (see § 405.521 of Subpart E) in each of the following subcategories of services by physicians on the hospital staff and on the medical school staff:

(i) *Physicians on the hospital staff.* (A) Patient care services rendered by physicians excluding radiology and pathology.

(B) Radiology and pathology services.

(ii) *Physicians on the medical school staff.* (A) Patient care services rendered by physicians excluding radiology and pathology.

(B) Radiology and pathology services.

(c) *Availability of apportionment methods for cost reporting periods starting after December 31, 1971.* * * *

(4) *Teaching hospitals.* Teaching hospitals (see § 405.521(c)) incurring costs for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered to nonprivate patients must use the Aggregate Per Diem Method of Apportionment (as defined in paragraph (b)(3)) of this section for such costs.

(d) *Definitions.* * * *

(11) *Average cost per diem for physicians' patient care services (and supervision of interns and residents in the care of patients) rendered in a teaching hospital.* Average cost per diem for physicians' patient care services rendered in a teaching hospital to nonprivate patients in each subcategory of physicians' services on the hospital staff and the medical school staff described in paragraph (b)(3)(i) and (ii) of this section means the amount computed by dividing total costs of physicians' services in each subcategory by the total number of:

(i) Inpatient days of care (as defined in paragraph (d)(12) of this section) and,

(ii) Outpatient visit days (as defined in paragraph (d)(13) of this section).

(12) *Inpatient days of nonprivate patients.* Inpatient days of nonprivate patients will be determined during a cost reporting period by counting the day of admission as 3.5 days and each day subsequent to a patient's day of admission as 1 day. The weighted day of admission reflects the intensity of physicians' services rendered on that day.

(13) *Outpatient visit days of nonprivate patients.* Outpatient visit days of nonprivate patients will be determined during a cost reporting period by counting only one visit day for each calendar day that a nonprivate patient visits the outpatient department.

(e) *Application.* * * *

(6) *Aggregate per diem method for physicians' patient care services (and supervision of interns and residents in the care of patients) for cost reporting periods beginning after June 30, 1973.* The following illustrates how apportionment based on the Aggregate Per Diem Method for cost of physicians' patient care services rendered in a teaching hospital to nonprivate patients would be determined for cost reporting periods beginning after June 30, 1973.

TEACHING HOSPITAL Y

Statistical and financial data:

Total nonprivate inpatient days as defined in paragraph (d)(12) of this section and nonprivate outpatient visit days as defined in paragraph (d)(13) of this section ---------- 75,000
Total nonprivate inpatient part A days applicable to program beneficiaries-- 20,000
Total nonprivate inpatient part B days applicable to program beneficiaries where part A coverage has expired or is nonexistent ---------- 1,000
Total nonprivate outpatient part B visit days applicable to program beneficiaries-- 5,000
Total cost of patient care services rendered to all nonprivate patients by physicians on the hospital staff—no radiology or pathology services---------- $1,500,000
Total cost of patient care services rendered to all nonprivate patients by physicians on the medical school staff—no radiology or pathology services---------- $1,650,000
Computation of cost applicable to program for physicians on the hospital staff:
Average cost per diem for patient care services to nonprivate patients by physicians on the hospital staff:
$1,500,000 ÷ 75,000 = $20 per diem
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part A: $20 per diem x 20,000, $400,000
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part B: $20 per diem x 1,000- $20,000
Cost of physicians' services rendered to nonprivate outpatient beneficiaries covered under part B: $20 per diem x 5,000 ---------- $100,000
Computation of cost applicable to program for physicians on the medical school staff:
Average cost per diem for patient care services to nonprivate patients by physicians on the medical school staff:
$1,650,000 ÷ 75,000 = $22 per diem
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part A: $22 per diem x 20,000 ---------- $440,000
Cost of physicians' services rendered to nonprivate inpatient beneficiaries covered under part B: $22 per diem x 1,000 ---------- $22,000
Cost of physicians' services rendered to nonprivate outpatient beneficiaries covered under part B: $22 per diem x 5,000 ---------- $110,000

5. Section 405.466 is added to read as follows:

§ 405.466 Payment to a fund.

(a) *General.* Payment for services by physicians in teaching hospitals for nonprivate patients (as such services are described in § 405.521(d)) will be paid on a salary equivalent basis (as described in paragraphs (b)(5) and (b)(6)(iii, of § 405.451) subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, to a single fund (as defined in paragraph (b) of this section) designated by the organized medical staff of the hospital (or, where such services are furnished in such hospital by the faculty of a medical school, to such fund as may be designated by the faculty), if:

(1) The hospital (or medical school furnishing the services under arrangement with the hospital) incurs no actual cost in furnishing the services; and

(2) The hospital has an agreement with the Secretary under § 405.602; and

(3) The intermediary, or the Administration, as appropriate, has received written assurances that:

(i) The payment will be used solely for the improvement of care of hospital patients or for educational or charitable purposes; and

(ii) Neither the individuals who are furnished the services nor any other persons will be charged for the services (and if charged, provision will be made for the return of any monies incorrectly collected).

(b) *Definition of a fund.* For purposes of paragraph (a) of this section, a fund is an organization which has and retains exemption, as a governmental entity or under section 501(c) of the Internal Revenue Code (nonprofit educational, charitable, and similar organizations), from Federal taxation.

(c) *Status of a fund.* A fund approved for payment under paragraph (a) of this section has all the rights and responsibilities of a provider under title XVIII of the Act except that it does not enter into an agreement with the Secretary under § 405.602 and does not have the right and responsibilities arising out of such an agreement.

6. Section 405.520 is revised to read as follows:

§ 405.520 Reimbursement for services of interns, residents, and supervising physicians; general.

(a) Under the health insurance program, aged and disability social security beneficiaries have protection against hospital expenses; the great majority also have protection against medical expenses. This health insurance coverage is intended to provide a substantial measure of freedom to beneficiaries in selecting the hospital settings and physicians of their choice. Whatever the choice, beneficiaries are to be accorded the same status as other paying patients in the setting they choose in regard to the hospital and medical care they are provided.

(b) Many beneficiaries will choose to receive the care they need from hospitals with approved graduate medical education programs and from other institutions where services of interns and residents are provided. Many will receive care in these hospitals as patients of physicians who, in turn, will involve interns and residents in the care of their patients. The basis for reimbursement for such physicians' services depends on the circumstances under which the services are rendered and the nature of the financial obligation to pay for such services.

7. Section 405.521 is revised to read as follows:

§ 405.521 Services of physicians supervising interns and residents.

(a) Under certain circumstances, physicians' services rendered to beneficiaries in a teaching setting are covered under the supplementary medical insurance program and the payment for such services is on the basis of reasonable charges: Where such services are rendered in a hospital during a cost accounting period of the hospital that began prior to July 1, 1973, reasonable charge reimbursement will be provided if the physician was the patient's "attending physician" as that term is defined in paragraph (b) of this section. Where such services are rendered in a hospital during a cost accounting period that began on or after July 1, 1973, reasonable charge reimbursements will be provided only if the patient is the physician's "private patient" as that term is defined in paragraph (c) of this section. In part, it is the intent of these provisions to provide reasonable charge reimbursement in the typical community hospital and other teaching settings where the patients are part of their physicians' private practice, and it is customary for the patients to pay on this basis for the physicians' services they receive. The costs to a hospital for teaching services furnished by a physician in connection with an approved graduate medical education program and, in the case of cost accounting periods beginning on or after July 1, 1973, the costs to a hospital for physicians' patient care services to nonprivate patients and certain related actual and imputed patient care and teaching costs, are allowable in accordance with the principles of reimbursement for provider costs (see paragraph (d) of this section).

(b) In the case of physicians' services rendered to beneficiaries in a teaching setting during a hospital cost accounting period beginning prior to July 1, 1973, payment on the basis of reasonable charges is applicable to the professional services rendered to a beneficiary by his attending physician where the attending physician provides personal and identifiable direction to interns or residents who are participating in the care of his patient. In the case of major surgical procedures and other complex and dangerous procedures or situations, such personal and identifiable direction must include supervision in person by the attending physician. A charge should be recognized under the supplementary insurance program for the services of an attending physician who involves residents and interns in the care of his patient only if his services to the patient are of the same character, in terms of the responsibilities to the patient that are assumed and fulfilled, as the services he renders to his other paying patients. The carrying out by the physician of these responsibilities would be demonstrated by such actions as: Reviewing the patient's history and physical examination and personally examining the patient within a reasonable period after admission; confirming or revising diagnosis; determining the course of treatment to be followed; assuring that any supervision needed by the interns and residents was furnished; and by making frequent reviews of the patient's progress.

(c)(1) In the case of physicians' services rendered during a hospital cost accounting period that began on or after July 1, 1973, where the hospital has or is participating in an approved graduate medical education program, payment on the basis of reasonable charges is applicable to the patient care services rendered to a beneficiary if the beneficiary is a private patient. A private patient relationship is deemed to exist between a patient and his personal physician (i.e., a physician other than a consultant, and a physician in the field of pathology and diagnostic radiology) where the following requirements are met:

(i) If the patient was not admitted on an emergency basis, (A) the patient had been seen by a physician (not an intern or resident other than a "locum tenens," i.e., a resident in a family practice residency program who is practicing in a sponsoring physician's office which is independent of a hospital) prior to being hospitalized; and (B) such physician either served as the patient's personal

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physician in the hospital or referred the patient to the person who became his personal physician in the hospital because that physician was better qualified, by reason of his specialty, experience, or other professional reason, to deal with the patient's condition; and

(ii) The patient receives his principal physician services from his personal physician who performs, among other things, those activities enumerated in paragraph (b) of this section; and

(iii) The patient is billed charges for physicians' services in the setting, and reasonable efforts have been made to collect such charges, including applicable deductible and coinsurance amounts. The obligation to pay the billed charges is demonstrated by the fact that during the preceding hospital accounting period at least 50 percent of the physician's patients in the same setting (see paragraph (c)(5) of this section) paid all or a substantial part of his fees from sources other than public assistance programs. (A health insurance patient will be deemed to have paid fees from such private sources only if he paid his supplementary medical insurance deductible and coinsurance relative to those services in full or substantial part from private sources and no greater effort was made to collect the supplementary medical insurance deductible and coinsurance amounts than the amounts due from other patients.) It will be presumed that the requirements in this subparagraph are met with respect to patients who are admitted from a physician's private practice, which is conducted off hospital and medical school premises, where the physician is not compensated by a hospital, medical school, or other entity and he bills his patients and retains the collections.

(2) A private patient relationship will be deemed to exist between a patient and a consulting physician (and a physician in the field of pathology or diagnostic radiology) if the patient is the private patient of his personal physician or if the consulting physician meets the requirements of paragraph (c)(1)(iii) of this section.

(3) It will be presumed that all the patients in a hospital or hospital setting (see paragraph (c)(5) of this section) are private patients if the requirements set forth in either paragraph (c)(3)(i) or (ii) of this section are satisfied.

(i) All of a hospital's inpatients or outpatients will be deemed to be private patients if the hospital establishes that during the 2-year period ending December 31, 1967, and each year thereafter: (A) All the patients have been regularly billed fees by the hospital for services rendered by physicians; (B) reasonable efforts have been made to collect such fees in full from all patients; and (C) charges (including applicable deductibles and coinsurance) have been regularly collected in full or in substantial part from at least 50 percent of all patients.

(ii) All of the patients in a hospital or hospital setting will be deemed to be private patients during a hospital accounting year if: (A) At least 85 percent of the patients in the setting meet the requirements in paragraph (c)(1)(i) and (ii) of this section; (B) it can be shown that during a representative period of at least 4 consecutive months during the previous hospital accounting period, 50 percent or more of the patients in the setting paid the billed physician fees from sources other than public medical assistance programs; a health insurance patient will be deemed to have paid fees from such private sources only if he paid the part B deductible and coinsurance amounts with respect to such services in full or substantial part from private sources and no greater effort was made to collect the health insurance deductible and coinsurance amounts than the amounts due from other patients;

(C) Ability to pay was not a factor in deciding the status of the patients inside the setting or the services provided by various types of practitioners (for example, ability to pay had no bearing within the setting on the assignment of accommodations, or in the respective roles played by residents, interns, and the personal physician in patient care); and (D) assurance is provided that the foregoing requirements will continue to be met in subsequent accounting periods and appropriate arrangements have been made to notify the intermediary as soon as it appears that the foregoing requirements may not be met for any accounting period.

(4) A hospital may elect to be reimbursed exclusively on a reasonable cost basis for patient care services rendered in one or more settings during cost accounting periods beginning on or after July 1, 1973, even though some of its patients in these settings are private patients. The hospital may make this election to receive cost reimbursement only where: (A) the election would reduce the total of benefit payment and administrative costs for which the program would otherwise be liable had the cost option not been elected; and (B) all the physicians who might render patient care services to patients in the setting agree not to bill charges for such services. Such an election may also cover a cost accounting period that began prior to July 1, 1973, where the preceding requirements of this subparagraph are met if procedural difficulties have prevented determinations of the proper amount of fee-for-service reimbursement for the past period.

(5) The status of patients under paragraph (c)(1) and (2)(ii) of this section may be determined on a setting basis in recognition of the fact that in some hospitals patients are assigned geographically, according to their medical needs, ability to pay, or some other criteria that are generally applied by the institution. Quite often, the patients in one geographical setting are primarily private patients, while those in another setting in the same hospital are not. It will be necessary for intermediaries to recognize these differences in order to differentiate among: (i) settings in which all patients may be presumed to be private patients; (ii) settings in which all patients may be considered to be nonprivate patients; and (iii) settings in which private and nonprivate patients are mixed together. To be considered a distinct "setting," the area must be readily identifiable. It may take the form of a separate building, floor, department, unit, wing, treatment center, or room accomodations assigned under an established plan. For example, a hospital that usually serves nonprivate patients may have a special burn, poison, or trauma center that is used by the community at large. In such cases, the special center might qualify as a private patient setting even though the balance of the institution might be treated as a nonprivate patient setting. In other cases, a hospital that principally treats private patients may maintain a ward, an outpatient clinic, or other area for nonprivate patients where the involvement of residents and interns in the care of patients is relatively greater than in the rest of the hospital. Where such distinctions exist between patients in the same hospital, each setting should be considered separately in applying the requirements prescribed in paragraph (c)(1) and (2)(ii) of this section.

(d) It is recognized that there will necesarily be situations where a patient will receive medical services in the teaching setting for which payment on the basis of reasonable charges will not be applicable. For example, there will be instances where it will neither be necessary from the standpoint of the medical needs of the patient nor appropriate from the standpoint of the continuing development of the resident's competence for there to be a supervising physician who carries out the responsibilities referred to in paragraph (b) of this section. Whether or not a physician makes a charge recognized under the supplementary medical insurance program for services to patients which involve the participation of residents or interns, the hospital can receive reimbursement on a cost basis for an appropriate share of the compensation it pays its residents and interns. If the teaching program is an approved education activity of the hospital, reimbursement will also be available on a cost basis in recognition of the services rendered by physicians for which reasonable charge reimbursement is not applicable. In the case of accounting years that begin prior to July 1, 1973, reimbursement is provided on a cost basis to the hospital for an appropriate share of the compensation it pays to physicians for teaching services (as opposed to professional services which contribute to the diagnosis or treatment of the patient) and for other costs of educational programs conducted by the hospital. In the case of subsequent cost accounting periods, cost reimbursement may also be made for patient care services provided to nonprivate patients and, in addition, allowable costs of teaching and patient care may include salary equivalents where donated services are provided and certain medical school costs. These costs are allowable in accordance with the principles of reimbursement for provider costs (see § 405.451 of Subpart D).

(e) Where there is a question as to whether reimbursement for the services of physicians in a teaching setting should be made on the basis of costs or charges, reimbursement will be made on the basis of costs.

(f) Nothing in the foregoing restricts the disposition of payments for services received either from the health insurance program or from beneficiaries, in accordance with agreements between hospital and physicians.

[FR Doc.73-14795 Filed 7-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-53]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the Charleston, W. Va., Control Zone (38 FR 363).

A review of the requirements for the Charleston terminal area requires an alteration of the control zone to conform with the requirements of the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Charleston, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Charleston, W. Va. control zone and by substituting the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within a 6-mile radius of the center of the Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 2 miles each side of the extended centerline of Runway 5, extending from the 5.5-mile radius to 6.5 miles northeast of the lift-off end of Runway 5; within 1.5 miles each side of the extended centerline of Runway 14, extending from the 5.5-mile radius to 6.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Charleston VORTAC 081° radial, extending from the 5.5-mile radius to 2 miles east of the VORTAC; within 2 miles each side of the extended centerline of Runway 23, extending from the 5.5-mile radius to 6.5 miles southwest of the lift-off end of Runway 23 and within 2 miles each side of the extended centerline of Runway 32, extending from the 5.5-mile radius to 6.5 miles northwest of the lift-off end of Runway 32.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14720 Filed 7-18-73;8:45 am]

[Airspace Docket No. 73-EA-55]

[14 CFR Part 71]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Lakehurst, N.J., Control Zone (38 FR 392) and Wrightstown, N.J., Transition Area (38 FR 603).

Due to a revision of the TACAN instrument approach procedures for NAS Lakehurst, Lakehurst, N.J., the subject control zone and transition area will require revision.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Lakehurst, New Jersey, and Wrightstown, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Lakehurst, N.J. control zone and substituting the following in lieu thereof:

Within a 5-mile radius of the center 40°02'00" N., 74°21'00" W. of NAS Lakehurst, Lakehurst, N.J.; within 3 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to the description of the Wrightstown, N.J. transition area by deleting the following: "within a 12-mile radius of NAS Lakehurst (West Field) (Latitude 40°02'05" N., Longitude 74°21'05" W.)" and by substituting the following in lieu thereof:

• • • within a 9.5-mile radius of the center, 40°02'00" N., 74°21'00. W. of NAS Lakehurst, N.J.; within a 13-mile radius of the Navy Lakehurst TACAN, extending clockwise from the Navy Lakehurst TACAN 310° radial to the 148° radial; within 5 miles each side of the Coyle VORTAC 031° radial, extending from the Coyle VORTAC to 13 miles northeast; within 5 miles each side of the Robbinsville VORTAC 148° radial, extending from the Robinsville VORTAC to 18.5 miles southeast; within 3 miles southwest and five miles northeast of the Navy Lakehurst TACAN 148° radial, extending from the TACAN to 14 miles southeast; within 3.5 miles each side of the 050° bearing from the Navy Lakehurst UHF RBN, extending from the RBN to 11.5 miles northeast.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on July 9, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14722 Filed 7-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-54]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Coatesville, Pa., Transition Area (38 FR 464).

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A review of the airspace requirements for the Coatesville terminal area requires an alteration of the transition area to conform with the requirements of the Terminal Instrument Procedures (TERPS) criteria.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 20, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Coatesville, Pennsylvania, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Coatesville, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°58'40" N., 75°51'44" W., of Chester County G. O. Carlson Airport, Coatesville, Pa., extending clockwise from a 024° bearing to a 231° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 231° bearing to a 024° bearing from the airport; within 3.5 miles each side of a 283° bearing from the Coatesville RBN (39°59'32" N., 75°56'32" W.), extending from the 6-mile radius arc to 11.5 miles west of the RBN; within 4.5 miles south and 6.5 miles north of the Modena VORTAC 095° and 275° radials, extending from 11.5 miles east to 5.5 miles west of the VORTAC; within 5 miles each side of the Modena VORTAC 293° radial extending from the VORTAC to 11 miles northwest of the VORTAC, excluding the portion that coincides with the Toughkenamon, Pa. transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on July 10, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-14721 Filed 7-18-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter the transition area at Great Bend, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A study of the existing designated airspace to protect the NDB Runway 11 instrument approach to the Great Bend, Kansas Municipal Airport has recently been accomplished. Based on this review, it has been determined that alteration of the Great Bend, Kansas transition area is necessary to adequately protect aircraft executing this approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

GREAT BEND, KANSAS

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Great Bend Municipal Airport (latitude 38°20'50" N, longitude 98°51'47" W) and within 2 miles each side of the 301° bearing from the Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upwards from 1,200 feet above the surface within 5 miles NE and 9.5 miles SW of the 301° bearing from the airport extending from 6.5 miles SE to 16.5 miles NW of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348, and of section 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Kansas City, Missouri on June 27, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14723 Filed 7-18-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 128]

POLLUTANTS IN PUBLICLY OWNED TREATMENT WORKS

Pretreatment Standards

Pursuant to the authority delegated in section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), notice is hereby given that the Environmental Protection Agency proposes to issue standards for pretreatment of pollutants introduced into publicly owned treatment works.

Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) To protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Section 128.131 of the proposed regulations is designed to achieve the purpose of protecting the operation of publicly owned treatment works. Section 128.133 is designed to prevent the discharge of pollutants which pass through publicly owned treatment works inadequately treated. Section 128.133 is based on the premise that pollutants which pass through publicly owned treatment works in amounts greater than would be permitted if the user discharged directly to the receiving waters are inadequately treated. On the basis of this premise, § 128.133 requires users discharging incompatible pollutants to publicly owned treatment works to adopt best practicable control technology currently available, as defined by the Administrator pursuant to section 304(b) of the Act, subject to a credit for the percentage of removal to which the publicly owned treatment works is commited in its permit. To insure the basis for allowing such credit, a commitment with respect to percentage removal of an industrial pollutant will be included in the permit at the request of a municipality where a basis for such commitment can be demonstrated.

In some cases, these pretreatment standards may not be sufficient to protect the operation of a publicly owned treatment works or to enable the treatment works to comply with the terms of its NPDES permit. This may be the case, for example, when the terms of the permit for the publicly owned treatment works are dictated by water quality standards or toxic standards. In such cases, the State or municipality may have to impose more stringent pretreatment standards under State or local laws than are specified in these regulations to enable compliance with NPDES permits issued to publicly owned treatment works.

Pretreatment guidelines will be published, pursuant to section 304(f) of the Act, to assist the States and municipalities in establishing their own pretreatment requirements. When published, the guidelines will be made available through the Environmental Protection Agency Regional Offices.

Interested parties are encouraged to submit written comments, views, or data concerning the regulations proposed herein, to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions, received on or before September 4, 1973, will be considered prior to promulgation of final regulations. If, during the period for written submissions, it is deemed necessary that public hearings be held notice of such hearings will be published in the FEDERAL REGISTER.

ROBERT W. FRI,
Acting Administrator.

JULY 13, 1973.

PART 128—PRETREATMENT STANDARDS

Sec.

128.100 Purpose.
128.101 Applicability.
128.110 State or local law.
128.120 Definitions.
128.121 Compatible pollutant.
128.122 Incompatible pollutant.
128.123 Joint treatment works.
128.124 Major contributing industry.
128.125 Pretreatment.
128.130 Pretreatment standards.
128.131 Prohibitions.
128.132 Compatible pollutants.
128.133 Incompatible pollutants.
128.140 Time for compliance.

§ 128.100 Purpose.

The provisions of this part implement section 307(b) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) hereinafter referred to as "the Act".

§ 128.101 Applicability.

The standards set forth in § 128.131 apply to all non-domestic users of publicly owned treatment works. The standard set forth in § 128.133 applies only to major contributing industries.

§ 128.110 State or local law.

Nothing in this part shall affect any pretreatment requirement established by any State or local law not in conflict with any standard established pursuant to this Part. In particular cases, a State or municipality, in order to meet the effluent limitations in a NPDES permit for a publicly owned treatment works may find it necessary to impose pretreatment requirements stricter than those contained herein.

§ 128.120 Definitions.

Definitions of terms used in this part are as follows:

§ 128.121 Compatible pollutant.

For purposes of establishing Federal requirements for pretreatment pursuant to § 128.133, the term "compatible pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria.

§ 128.122 Incompatible pollutant.

The term "incompatible pollutant" means any pollutant which is not a compatible pollutant as defined in § 128.121.

§ 128.123 Joint treatment works.

Treatment works for both non-industrial and industrial wastewater.

§ 128.124 Major contributing industry.

A major contributing industry is one that: (a) Has a flow of 50,000 gallons or more per average work day; (b) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Act, or (d) is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

§ 128.125 Pretreatment.

Treatment of wastewaters from sources before introduction into the joint treatment works.

§ 128.130 Pretreatment standards.

The following sections set forth pretreatment standards for pollutants introduced into publicly owned treatment works.

§ 128.131 Prohibitions.

No discharge to publicly owned treatment works shall contain the following described materials:

(a) Wastes which create a fire or explosion hazard in the publicly owned treatment works.

(b) Wastes which will cause corrosive structural damage to treatment works, but in no case wastes with a pH lower than 5.0.

(c) Solid or viscous substances in amounts which would cause obstruction to the flow in sewers, or other interference with the proper operation of the publicly owned treatment works.

(d) Wastewaters at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.

§ 128.132 Compatible pollutants.

Except as required by § 128.131, pretreatment for removal of compatible pollutants is not required by these regulations. However, States and municipalities may require such pretreatment pursuant to section 307(b)(4) of the Act.

§ 128.133 Incompatible pollutants.

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

§ 128.140 Time for compliance.

Any owner or operator of any source to which the pretreatment standards required by this Part are applicable, shall be in compliance with such standards within three years from the date of promulgation of this part.

[FR Doc.73-14791 Filed 7-18-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 73-40]

COMMON CARRIERS BY WATER IN DOMESTIC OFFSHORE COMMERCE OF U.S.

Filing of Tariffs

Notice is hereby given that the Federal Maritime Commission is considering the revision of Part 531 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States.

Part 531 became effective October 4, 1963. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the domestic offshore commerce of the United States. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers name rates and charges applicable to cargo moving in containers.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553), section 18(a) and 43 of the Shipping Act, 1916 (46 USC 817a and 841(a)), and section 2 of the Intercoastal Shipping Act, 1933 (46 USC 843), notice is hereby given that the Federal Maritime Commission is considing amending § 531.5 by adding a new paragraph (j) reading as follows:

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§ 531.5 Contents of tariff publications.

• • • • •

(j) Tariffs which publish rates and/or charges on containerized cargo must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight rate tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff. Freight charges based upon a per container unit are subject to the container specifications provided in the rate item(s). Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charge shall be adjusted by either a formula or a conversion table. If a conversion table is published, the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minium capacity. The specifications of containers shall include the identification of the container by serial number or similar identification device, the dimensions of the container, viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 10, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 24, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1973.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-14844 Filed 7-18-73;8:45 am]

[46 CFR Part 536]

[Docket No. 73-39]

COMMON CARRIERS BY WATER IN FOREIGN COMMERCE OF U.S.

Filing of Tariffs

Notice is hereby given that the Federal Maritime Commission is considering the revision of Part 536 of this Chapter which contains the regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers.

Part 536 became effective July 1, 1965. The purpose of the Part was to provide regulations governing the contents of tariff publications by common carriers by water in the foreign commerce of the United States and by conferences of such carriers. The Commission has now had several years experience working with the tariffs filed under the existing rules, and has determined that due to containerization of cargo an additional rule is necessary to insure the propriety of payments to carriers when such carriers or conferences of such carriers name rates and charges applicable to cargo moving in containers.

Therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 USC 553) and sections 18(b) and 43 of the Shipping Act, 1916 (46 USC 817b and 841(a)), notice is hereby given that the Federal Maritime Commission is considering amending subparagraph (9) of § 536.4(b) by the addition of a new subdivision (x) reading as follows:

§ 536.4 Contents of tariffs.

(b) • • •

(9) • • •

(x) Tariffs which publish rates and/or charges on containerized cargo must provide that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) which are as shown on designated pages of the freight rate tariff, or that the rates and/or charges as published are subject to the container specifications of the carrier(s) owned or leased container(s) as listed in a governing tariff.

Freight charges based upon a per container unit are subject to the container specifications provided in the rate item(s). Where container(s) of a different specification than that provided in the rate item(s) are permitted, the unit freight charge shall be adjusted by either a formula or a conversion table. If a conversion table is published, the capacity increments must be of a reasonable size and may not be open ended as to either a maximum or minimum capacity.

The specifications of containers shall include the identification of the container by serial number or similar identification device, the dimensions of the container, viz: inside and outside, length, height and width and the cubic capacity stated in feet or meters as well as the light weight and maximum load weight stated in pounds or kilos. For the purpose of this rule a container shall also include trailer(s).

and quantify the metabolities of the par-

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before August 10, 1973, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Federal Maritime Commission, Bureau of Hearing Counsel, shall participate in the proceeding and shall file Reply to Comments on or before August 24, 1973, serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before September 3, 1973.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-14843 Filed 7-18-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-455]

STATEMENTS AND REPORTS

Imputed Rate of Return on Jurisdictional Rate Base; Termination of Rulemaking Proceeding

JULY 12, 1973.

Revisions to FPC Annual Report Form No. 2 to obtain allocation of costs between jurisdictional and non-jurisdictional pipeline operations to determine the imputed rate of return on jurisdictional rate base.

On September 21, 1972, the Commission issued in this docket a notice of proposed rulemaking proposing to amend FPC Annual Report Form No. 2 to require all reporting Class A and B pipelines to allocate total company costs and rate base between jurisdictional and non-jurisdictional operations (37 FR 20260, Sept. 28, 1972). The purpose of the proposed new reporting requirements was to permit the determination of an imputed rate of return earned by the reporting pipeline solely on its jurisdictional natural gas operations for each calendar year. In response to the rulemaking notice, a number of parties submitted comments for the Commission's consideration. Eleven potentially affected natural gas pipelines submitted comments in opposition to the proposed rulemaking.[1] Opposing comments were also filed by the American Gas Association and the Independent Natural Gas Association of America (INGAA). A majority of responding pipelines adopted the comments submitted by INGAA. The only response favorable to the proposed rulemaking was that submitted by the General Service Administration.

The numerous comments in opposition to the proposed rulemaking stress the fact that cost allocations based on unadjusted annual book data without normalizing or other necessary ratemaking adjustments would render the resulting imputed jurisdictional rate of return inaccurate and misleading. The parties further observe, quite correctly, that if the appropriate rate-making adjustments are made, the result would be to require the annual filing of a fully allocated and adjusted cost study essentially identical to that required in support of proposed rate increases under section 4 of the Natural Gas Act. In addition, the parties point out that pursuant to the requirements of Commission's Order Nos. 452 and 452-A and § 154.38 (d)(4) of the Commission's Regulations issued thereunder, each pipeline having an approved Purchased Gas Adjustment (PGA) clause is required to file with the Commission at least once every three years a complete cost-of-service study, including jurisdictional-nonjurisdictional allocations.

Upon review and further consideration of the additional reporting requirements proposed by this rulemaking, and giving consideration to the pertinent comments filed herein, we find that this proposed rulemaking should not be implemented. We agree that any attempt to determine an imputed jurisdictional rate of return without provision for necessary test year adjustments, elimination of nonrecurring cost items, or the proper annualization of expenses, revenues, and rate base items, would lead to misleading and inaccurate results. On the other hand, to require the necessary ratemaking adjustments would amount to requiring the filing of a complete rate case each year by every Class A and B pipeline, a result which we think is unreasonable and which we did not intend. Even if we were to require such an annual submittal via Form 2, such a filing would amount to nothing more than the reporting company's statement of its position on many complex and disputed allocation and test-year adjustment issues. We believe instead that the issues involving the allocation of costs and the determination of earned rates or return should continue to be considered in a rate-making context and on a case-by-case basis as such cases arise under sections 4 and 5 of the Natural Gas Act. We are also mindful of the fact that virtually all of the major interstate trunklines have approved PGA clauses[2] and are thus subject to the requirements of § 154.38(d)(4) of the Regulations requiring the filing of a complete cost of service at least once every three years. The reporting requirements proposed in this docket would be largely duplicative as to those pipelines having approved PGA clauses.

The General Services Administration, while supporting in general terms the overall objectives of the proposed rulemaking, does not address the fundamental issue concerning the reliability of the imputed rate of return data proposed to be required. As we have noted the proposed imputed rate of return data would be inaccurate and misleading in the absence of a comprehensive annual rate-type filing by each pipeline. We agree with the need to review and monitor the rates of return earned by pipelines on their jurisdictional operations, but believe, on balance, that such determination should be undertaken in the context of rate proceedings.

For the reasons stated, we find that the proposed rulemaking in this docket is not in public interest and should therefore not be implemented. Accordingly, the rulemaking will be terminated.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

(A) Effective upon issuance of this order, the proposed rulemaking in Docket No. R-455 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14850 Filed 7-18-73;8:45 am]

[1] Arkansas Louisiana Gas Company, Colorado Interstate Gas Company, Columbia Gas Transmission Corporation, El Paso Natural Gas Company, Iowa-Illinois Gas and Electric Company, Mississippi River Transmission Corporation, Northern Natural Gas Company, Pacific Gas Transmission Company, Southern Natural Gas Company, Tennessee Gas Pipeline Company, and United Gas Pipeline Company.

[2] Major interstate pipelines having approved PGA causes include Alabama-Tennessee Natural Gas Company, Cities Service Gas Company, Colorado Interstate Gas Company, Columbia Gas Transmission Corporation, El Paso Natural Gas Company, Florida Gas Transmission Company, Great Lakes Gas Transmission Company, Michigan Wisconsin Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Southern Natural Gas Company, Texas Eastern Transmission Corporation, Texas Gas Pipe Line Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, and United Gas Pipe Line Company.

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL POWER COMMISSION

[Docket No. G-13633, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications and Petitions [1]

JULY 9, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-13633..... D 2-12-73 [1]	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Monroe Field, Morehouse Parish, La.	(2)	.....
C160-87..... D 6-21-73	Fremont Oil Corp., P.O. Box 1855, Midland, Tex. 79701.	Transwestern Pipeline Co., Artesia Area, Eddy County, N. Mex.	(3)	.....
C161-1512..... E 6-5-73	Pecos Co. (successor to Northwest Production Corp.), El Paso Natural Gas Bldg., El Paso, Tex. 79901.	El Paso Natural Gas Co., Barnhart Gasoline Plant, Reagan County, Tex.	[4] 19.3278	14.65
C162-525..... D 6-22-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	Unproductive	.....
C168-676..... D 6-22-73	Mobile Oil Corp.....	El Paso Natural Gas Co., Flora Vista Field, San Juan County, N. Mex.	(4)	.....
C171-881..... C 6-11-73 [5]	Pioneer Gas Products Co., P.O. Box 511, Amarillo, Tex. 79103.	Lone Star Gas Co., Madill Plant, Marshall County, Okla.	18.0	14.65
C171-885..... D 6-22-73	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Parc Perdue Field, Vermilion Parish, La.	Unproductive	.....
C173-127..... C 6-25-73 [7]	Suburban Propane Gas Corp., P.O. Box 206, Whippany, N.J. 07981.	Northern Natural Gas Co., Davidson Ranch Area, Crockett County, Tex.	[8] 36.0	14.65
C173-730..... (C160-578) F 6-22-73 [9]	Herman Geo. Kaiser (Operator), et al. (successor to Exxon Corp.), 620 East 51st St., Tulsa, Okla. 74135.	Panhandle Eastern Pipeline Co., Mocane-Laverne Field, Beaver County, Okla.	[10] 19.8290	14.65
C173-737..... (C167-152) F 6-22-73 [9]	Herman Geo. Kaiser (Operator), et al. (successor to Sun Oil Co.).	Panhandle Eastern Pipeline Co., South Peek Field, Ellis County, Okla.	[10] 19.3331	14.65
C173-738..... (C167-343) F 6-22-73 [11]	Herman Geo. Kaiser (Operator), et al. (successor to Odessa Natural Corp.).	.....do.....	[10] 17.2933	14.65
C173-778..... (C164-921) F 6-7-73 [12]	Kenneth D. Luff (successor to Champlin Petroleum Co.), 520 Patterson Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	22.94	14.65
C173-881 (G-10660) F 6-11-73	Harry W. Brennan, Jr. (successor to Franklin Jones, Jr.), 508 Petroleum Bldg., Longview, Tex. 75601.	United Gas Pipe Line Co., Bethany Field, Panola and Harrison Counties, Tex.	[13] 12.37	14.65
C173-884 (G-11513) B 6-13-73	Lamar Hunt Trust Estate, 1401 Elm St., Dallas, Tex. 75202.	Natural Gas Pipeline Co., Twin (Morrow) Field, Hansford County, Tex.	Depleted	.....
C173-886..... (G-11035) B 6-11-73	Prudential Drilling Co., 5051 Westheimer, Houston, Tex. 77027.	Texas Gas Pipeline Corp., Marrs McLean and Gilbert Woods Fields, Jefferson County, Tex.	Depleted	.....
C173-890..... A 6-14-73	Jones & Pellow Oil Co., 2821 Northwest 50th St., Oklahoma City, Okla. 73112.	Michigan Wisconsin Pipe Line Co., Herbert East Unit, Major County, Okla.	[8] 28.0	14.65
C173-895..... (G-8664) B 6-15-73	Flora A. Maze Gas Co., C. W. & L. W. Beecher, agents, 6920 North 30th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Uneconomic	.....
C173-896..... (11-8287) B 6-15-73	C. W. Beecher & L. W. Beecher, 6920 North 16th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	Unproductive	.....
C173-897..... (G-6816) B 6-15-73	R.D. Nester Oil & Gas Co., C. W. & L. W. Beecher, agents, 6920 North 30th St., Omaha, Nebr. 68112.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	Uneconomic	.....
C173-905..... A 6-21-73 [14]	Fremont Oil Corp., P.O. Box 1855, Midland, Tex. 79701.	Transwestern Pipeline Co., Artesia Area, Eddy County, N. Mex.	[8] 35.0	14.65
C173-906..... (G-13043) B 6-22-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	United Gas Pipe Line Co., North Indian Hill Field, Montgomery County, Tex.	Depleted	.....
C173-908..... (C168-935) B 5-29-73	San Juan Exploration Co., P.O. Box 158, Harleton, Tex. 75651.	Texas Eastern Transmission Corp., H. A. Dunn Well No. 1, Harrison County, Tex.	Depleted	.....
C173-911..... (C168-513) B 6-18-73	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Co., North Kent Bayou Field, Terrebonne Parish, La.	Cessation of production	.....
C173-913..... A 6-22-73 [15]	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., McCaughtry Unit No. 1, Grady County, Okla.	[8] 21.315	14.65
C173-915..... (C162-203) F 6-18-73	Gill-Mac, Inc. successor to Seneca Oil Co.,) Box 316, Wakita, Okla. 73771.	Cities Service Gas Co., Wakita Eureka Field, Grant County, Okla.	15.0	14.65
C173-916..... (C164-1093) F 6-18-73	Gill-Mac, Inc (successor to Mineral Mining Co.).	.....do.....	15.0	14.65
C173-917..... (C165-689) B 6-18-73	Wova Oil Corp., 608 Main St., Hingham, Mass. 02043.	Consolidated Gas Supply Corp., Spring Creek District, Wirt County, W. Va.	Uneconomic	.....
C173-919..... A 6-25-73	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Cities Services Gas Co., Mathers Ranch Area, Hemphill County, Tex.	[8] 21.5	14.65
C173-923..... A 6-25-73	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Koon Gas Unit, La Plata County, Colo.	[8] 28.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This application was originally assigned docket No. C173-540 and noticed as an abandonment on May 16, 1973, in docket No. G-14116 et al. It is being renoticed to show that it is an application to delete acreage.
[2] Gas lease on acreage covered by contract has been released to land owner.
[3] Felmont proposes to delete acreage which is now covered by a new contract related to the authorization requested in docket No. C173-905. Felmont has agreed to participate in the drilling of a gas well on the subject acreage and Transwestern, in return, has canceled the original contract insofar as it covered said acreage and entered into a new contract.
[4] Rate in effect subject to refund in docket No. R170-62.
[5] Acreage assigned to J. Gregory Merrion and Robert L. Bayless.
[6] Applicant proposes to sell residue gas from gas purchased from producers who presently sell gas to Lone Star Gas Co. Lone Star has assigned its gas purchase contracts and gathering facilities to applicant and applicant will use the facilities to continue to gather gas. Lone Star has filed an application in docket No. CP73-30 for permission and approval to abandon the facilities. Applicant does not regard the facilities as being jurisdictional.
[7] This is an amendment to a pending certificate application.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Being renoticed to reflect a change in price. Originally noticed on May 18, 1973, in docket No. G-12094 et al.
[10] Subject to upward B.t.u. adjustment.
[11] Being renoticed to reflect a change in price. Originally noticed on June 25, 1973, in docket No. G-12101 et al.
[12] Being renoticed to reflect a change in price. Originally noticed on May 31, 1973, in docket No. G-8820 et al.
[13] Includes 3⅓ percent tax reimbursement.
[14] Felmont proposes to initiate sales of gas from acreage previously covered by authorization in docket No. C160-87. Felmont has agreed to participate in the drilling of a gas well on the subject acreage and Transwestern, in return, has canceled the original contract insofar as it covered said acreage and entered into a new contract.
[15] Applicant proposes to continue the sale of natural gas heretofore made under the contract, which has now expired, on file as its FPC Gas Rate Schedule No. 24.
[8] *Supra.*
[16] Applicant proposes to continue the sale of natural gas heretofore made under the contract, which has now expired, on file as its FPC Gas Rate Schedule No. 24.

[FR Doc.73-14677 Filed 7-18-73;8:45 am]

[Docket Nos. RI73-322, *et al.*]

RATE CHANGES

Hearing on and Suspension of Proposed Changes, and Allowing Changes To Become Effective Subject to Refund [1]

JULY 10, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the Date Suspended Until column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
R173-322..	Phillips Petroleum Co.....	65	21	El Paso Natural Gas Co. (Jal Field, Lea County, N. Mex., Permian Basin).	$5,744	6-6-73	.....	8-7-73	19.4368	19.9483	R172-265.
	.....do.....	151	16		911	6-6-73	.....	8-7-73	19.4368	19.9483	R172-265.
	.....do.....	315	10	El Paso Natural Gas Co., (Spraberry Field, Reagan County, Tex., Permian Basin).	25	6-6-73	.....	1-1-74	20.8536	21.3623	R172-265.
	.....do.....	309	17	El Paso Natural Gas Co., (Amneker-Tippett Field, Upton County, Tex., Permian Basin).	128	6-6-73	.....	8-7-73	17.8019	18.3105	R172-265.
	.....do.....	260	12	El Paso Natural Gas Co., (Neelke Field, Crockett County, Tex., Permian Basin).	81	6-6-73	.....	8-7-73	18.3105	18.8191	R172-265.
	.....do.....	47	[1] 18	El Paso Natural Gas C., (Jack Herbert Field, Upton County, Tex., Permian Basin).	503	6-6-73	.....	8-7-73	17.8019	18.3105	R172-265.
R173-323..	Cities Service Oil Co.....	382	[2] 7	El Paso Natural Gas Co., (Washington Ranch Morrow Pool, Eddy County, N. Mex., Permian Basin).	.....	6-11-73	7-12-73	[6] Accepted	[3] [4] 30.03	.....	R173-76, R173-99.
	.....do.....		[1] 8	.....do.....	1,124	6-11-73	.....	12-12-73	[3] 30.03	[3] 35.35	R173-76, R173-99.
R173-321..	Exxon Corp.....	276	10	Transwestern Pipeline Co., (Bell Lake Field, Lea County, N. Mex., Permian Basin).	3,186	6-11-73	.....	2-1-74	21.1016	23.6136	R170-870.
R173-325	Hunt Oil Co.....	71	1	Northern Natural Gas Co., (Elsmore Field, Pecos County, Tex., Permian Basin).	15,000	6-8-73	.....	1-1-74	27.0	28.25	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable to production from Dodson "B" No. 1 well and sold pursuant to provisions set forth in Phillips Rate Schedule No. 309 as provided by letter dated Nov. 2, 1972.
[2] Letter agreement providing that seller will construct facilities to connect Government "M" No. 1 well, which does not meet contract connection qualifications, to buyers gathering facilities with a corresponding 5 cents per Mcf increase for gas so delivered.
[3] Includes quality adjustment.
[4] Applicable only to production from Government "M" No. 1 well as set forth in supplemental No. 4.
[6] Accepted to be effective as of the date shown in the "Effective Date" column.

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APPENDIX A

The proposed increases of Phillips Petroleum Company under FPC Gas Rate Schedule No. 65, Cities Service Oil Company, Exxon Corporation and Hunt Oil Company exceed the rate limit for a one day suspension and, are, therefore, suspended for five months from the expiration of the statutory notice or the contractual effective date, whichever is later.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are suspended for one day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970. (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc 73-14675 Filed 7-18-73;8:45 am]

[Rate Schedule Nos. 8, *et al.*]

SUN OIL CO. et al.

Rate Change Filings

JULY 9, 1973.

Take notice that the producers listed in the Appendix below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 25, 1973	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	8	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
June 28, 1973	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	78	Tennessee Gas Pipeline Co.	Do.
Do	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	18	United Gas Pipeline Co.	Other southwest area.

[FR Doc.73-14678 Filed 7-18-73;8:45 am]

[Docket No. RI73-321]

UNION OIL COMPANY OF CALIFORNIA

Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 10, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the Date Suspended Until column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-321	Union Oil Co. of California	266	15	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex., Permian Basin).	$6,568	6-7-73	----------	1-21-74	[2] 26.85	[2] 27.20	RI73-7.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Applicable to Gomez Field only.
[2] Subject to B.t.u. adjustment.

The proposed increase of Union Oil Company of California exceeds the rate limit for one day suspension, and, is, therefore, suspended for five months from the contractual effective date.

Union's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, section 2.56).

Nothing contained in this order shall relieve respondent of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-14676 Filed 7-18-73;8:45 am]

[Docket No. ID-1704 and 1705]

WARREN A. GRETEN AND WALTER F. FEE

Notice of Applications

JULY 11, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1704	Warren A. Greten	June 18, 1973	The Connecticut Light and Power Company. The Hartford Electric Light Company. Western Massachusetts Electric Company. Holyoke Water Power Company. Holyoke Power and Electric Company.
1705	Walter F. Fee	June 18, 1973	The Connecticut Light and Power Company. The Hartford Electric Light Company. Western Massachusetts Electric Company. Holyike Water Power Company. Holyoke Power and Electric Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14729 Filed 7-18-73;8:45 am]

[Docket No. ID-1676 etc.]

JAMES E. GRIFFIN ET AL.

Notice of Applications

JULY 12, 1973.

Take notice that the following applications were filed on the stated dates, pursuant to section 305(b) of the Federal Power Act, for authority to hold the position of officer or director of more than one public utility, or the position of officer or director of a public utility and officer or director of a firm authorized to market utility securities, or the position of officer or director of a public utility and officer or director of a company supplying electric equipment to such public utility.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Name of applicant	Date filed	Name of company
1676	James E. Griffin	June 18, 1973	Central Vermont Public Service Corporation. Vermont Electric Power Company. Connecticut Valley Electric Company, Incorporated. Vermont Yankee Nuclear Power Corporation. Maine Yankee Atomic Power Company. Yankee Atomic Electric Company.
1698	Virginia S. Papineau	June 7, 1973	Central Vermont Service Corporation. Vermont Electric Power Company, Incorporated.
1703	Donald L. Rushford	June 18, 1973	Central Vermont Public Service Corporation. Vermont Electric Power Company, Incorporated. Connecticut Valley Electric Company, Incorporated.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14733 Filed 7-18-73;8:45 am]

[Docket No. CI73-456 etc.]

ECEE, INC. ET AL.

Extension of Time and Postponement of Hearing

JULY 11, 1973.

In the matter of Ecee, Inc., Pinto, Inc., Texas Production Company, Pennzoil Offshore Gas Operators, Inc., The Offshore Company, Southern Natural Gas Company; Docket No. CI73-456, Docket No. CI73-455, Docket No. CI73-454, Docket Nos. CI73-477 and CI73-456, Docket No. CI72-773, and Docket No. CP72-259.

On July 10, 1973, Ecee, Inc., Pinto, Inc., and Texas Production Company filed a joint telegram requesting an extension of the procedural dates set by order issued July 3, 1973, in the above-designated proceedings.

Upon consideration, notice is hereby given that the procedural dates in the above-designated proceedings are modified as follows:

Service of direct testimony and evidence by applicants and all intervenors supporting the applications July 13, 1973
Service of direct testimony and evidence by Commission Staff and all intervenors opposing the application July 17, 1973
Service of all rebuttal testimony and evidence July 20, 1973
Hearing July 23, 1973 (10:00 a.m., EDT)
Completion of Hearing On or before July 26, 1973

In accordance with the provisions of the order issued July 3, 1973, the Administrative Law Judge's decision shall be rendered on or before August 10, 1973.

All briefs on exceptions shall be due on or before August 17, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14731 Filed 7-18-73;8:45 am]

[Docket No. CI74-2]

EXXON CORP.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to United Gas Pipe Line Company from the Arp Field Area, Smith County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an average daily volume of up to 2,000 Mcf of gas for one year at 50.0 cents per Mcf at 14.65 psia within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Initial deliveries are estimated at 60,000 Mcf per month.

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It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14727 Filed 7-18-73;8:45 am]

[Docket No. CI74-3]

FRANKS PETROLEUM INC.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Franks Petroleum Inc. (Applicant), P.O. Box 7665, Shreveport, Louisiana 71107, filed in Docket No. CI74-3 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company and delivery of said gas to Beacon Gasoline Company from the Chalybeat Springs Field, Columbia County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell all the available gas at 46.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Initial deliveries are expected to be approximately 4,500 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14738 Filed 7-18-73;8:45 am]

[Docket No. E-8301]

IDAHO POWER CO.

Notice of Initial Rate Schedule

JULY 13, 1973.

Take notice that on July 2, 1973, Idaho Power Company (Idaho) tendered for filing an agreement between itself and Portland General Electric Company (Portland) dated September 25, 1972 as an initial rate schedule. Idaho states that the agreement provides that Idaho will stand ready to supply to Portland during light load hours surplus energy which Idaho will either generate as surplus energy on its own system or will be generated by Utah Power and Light Company and transmitted to Idaho. Idaho requests an effective date of October 1, 1973 and contemplates that the agreement will remain in effect until March 31, 1974.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14728 Filed 7-18-73;8:45 am]

[Docket No. CI73-931]

LONE STAR PRODUCING CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 28, 1973, Lone Star Producing Company (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CI73-931 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline of America from the E.R. Baden No. 1 Well, Beckham County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell up to 6,000 Mcf of gas per month as 42.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated January 15, 1973. Said contract provides for a 1.0-cent per Mcf price escalation each year, for tax reimbursement to the seller for all additional taxes which are being levied on the date of the contract, and for a term of 20 years.

Applicant states that the gas offered for certification pursuant to said contract has not been previously sold in the interstate market, nor have any applications been previously filed with the Commission for certification of the sale of such gas.

Applicant states that it spent $6,500,000 in drilling the world's deepest well in search for gas reserves and that the instant sale from said well is a salvage

operation to recover a portion of the large expenditures incurred therein. Applicant asserts that the instant sale at the proposed initial rates with escalations are reasonable in light of recently executed contracts for the sale of gas from the same area which call for prices of 50.0 cents per Mcf of gas, and that the cant also asserts that the price on the interstate market is in the neighborhood of 50.0 cents pe Mcf of gas, and that the instant sale will be less costly to consumers than synthetic natural gas from liquefied hydrocarbons and coal gasification and imported liquefied natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14730 Filed 7-18-73;8:45 am]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Approval of Non-Project Use of Project Lands

JULY 12, 1973.

Public notice is hereby given that application for approval of non-project use of project lands has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, Santee-Cooper, Moncks Corner, South Carolina 29461) in Project No. 199 located on the Santee River and the Cooper River. The project affects navigable waters of the United States.

Applicant has requested Commission approval of the development of 74-acre Pintail Island, located in Berkeley County at the lower tip of Lake Marion, adjacent to and south of the project diversion canal, into a low-density residential and recreational area. The development would include 92 single-family homesites, five public areas, a 30-foot-wide shoreline buffer zone, roadways, an access bridge-causeway to the mainland, and utilities.

The homesites (20,000 square foot minimum) would be leased from Applicant, and residential construction would be of a permanent type not smaller than 1,000 square feet. Utilities would include a waste treatment plant on an adjacent island northeast of the main island with a capacity for treating 40,000 G.P.D. of domestic sewage. Effluent from the plant would be discharged through an 800-foot-long submerged line into the deep water of the project diversion canal.

Public recreational areas would include boat ramps, docks and/or picnic areas. Applicant states that no commercial development or individual docks and boat launching at homesites would be permitted.

Any person desiring to be heard or to make protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14736 Filed 7-18-73;8:45 am]

[Docket No. CI73-936]

SOUTHLAND ROYALTY CO.

Notice of Application

JULY 12, 1973.

Take notice that on June 28, 1973, Southland Royalty Company (Applicant), 1600 First National Bank Building, Forth Worth, Texas 76102, filed in Docket No. CI73-936 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Mathers Ranch Field, Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 22, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 66,000 Mcf of gas per month at 45.00 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

PROVIDENCE GAS CO. AND BROCKTON TAUNTON GAS CO.

Notice of Conference

JULY 12, 1973.

Take notice that representatives of Providence Gas Company and Brockton Taunton Gas Company by telegram dated July 9, 1973, have requested a meeting with members of the FPC staff on Tuesday, July 17, 1973. The companies state that the purpose of the meeting is to seek staff guidance with regard to steps they should take to achieve appropriate regulatory approval, in a timely fashion, of a proposed purchase of Liquified Natural Gas (LNG) during the current summer period from the Philadelphia Gas Works. The meeting will be held at 10:00 a.m., e.d.t., in Room 7000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14726 Filed 7-18-73;8:45 am]

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Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14735 Filed 7-18-73;8:45 am]

[Docket No. CI74-1]

SUN OIL CO.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI74-1 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 20, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, but states that it is willing to accept a certificate conditioned to a rate of 45.0 cents per Mcf. Initial deliveries are estimated at 30,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14737 Filed 7-18-73;8:45 am]

[Docket No. CI74-4]

W. S. ETCHIESON AND J. B. WATKINS

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, W. S. Etchieson and J. B. Watkins (Applicants), P.O. Box 188, Borger, Texas 79007, filed in Docket No. CI74-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipeline Company from the West Panhandle Field, Carson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and propose to continue said sale for one year after the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicants propose to sell up to 3,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment with upward adjustment limited to 1,200 Btu per cubic foot. Sales volume is estimated at 60,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14732 Filed 7-18-73;8:45 am]

[Docket No. CI73-501]

LOUISIANA LAND & EXPLORATION CO.

Order Granting Intervention and Fixing Date for Hearing

Issued July 6, 1973.

Before Commissioners: John N. Nassikas, Chairman; Albert B. Brooke, Jr., and Rush Moody, Jr.

On January 22, 1973, Louisiana Land And Exploration Company (LALEXCO) filed in Docket No. CI73-501 an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75 [2] of the Commission's general policy statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) from the Caillou Island and Lake Raccourci Fields, Lafourche and Terrebonne Parishes, Louisiana.

LALEXCO, pursuant to the optional procedure, filed its contract with Texas Eastern dated December 27, 1972, concurrently as its FPC Gas Rate Schedule and submitted a Summary of Gas Purchase Contract with the application. The basic contract provides for an initial price of 50.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, and price escalations of 2.0 cents per Mcf every year starting January 1, 1974. The contract also provides for reimbursement to the seller (LALEXCO) of 100 percent of all new or increased taxes, and for 100 percent reimbursement of all compression and dehydration costs if LALEXCO elects to install compression and dehydration facilities. The contract term ends December 28, 1990, unless extended to make up volumes of deferred gas. The application also seeks pre-granted abandonment at the end of the contract term.

LALEXCO's application was noticed on February 1, 1973, and was published in the FEDERAL REGISTER on February 7, 1973 (38 FR 3550). Timely protests or petitions to intervene were due on or before February 26, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
Algonquin Gas Transmission Company
Philadelphia Gas Works
American Public Gas Association
Columbia Gas Transmission Corporation
Texas Eastern Transmission Corporation
The Public Service Commission For The State of New York

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in these proceedings to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated.

> We will, absent a showing a special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rate for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. "Austral Oil, et al. v. F.P.C.," 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered. . . .

No intervenor has questioned Texas Eastern's need for the approximately 9 billion cubic feet per year of natural gas that will be available as a result of this purchase. We note from the filings that Texas Eastern is currently curtailing deliveries to its customers pursuant to its curtailment plan approved in Docket Nos. RP71-130, et al., -- F.P.C. -- (issued December 1, 1972). Texas Eastern is currently making emergency purchases of natural gas under section 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) and Order No. 431 (18 CFR 2.70). A Texas Eastern subsidiary, Tecon Gasification Company, has filed an application (Docket No. CP72-100) to construct and operate a naphtha gasification plant and sell the output to Texas Eastern. Accordingly, the hearing provided for herein should not explore any issues related to Texas Eastern's need for additional supplies of natural gas. However, we shall require Texas Eastern to present evidence as to whether or not a comparable supply of natural gas is available to Texas Eastern at any rate lower than the rates proposed in this application.

The six month period during which a producer under § 2.75(o) (18 CFR 2.75(o)) may not collect a rate in excess of the prevailing area ceiling rate will expire on September 2, 1973. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that these sales be certificated and whether the rate sought is just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 31, 1973, and conclude not later than August 3, 1973.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[6] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) Good cause exists for the waiver of the intermediate decision procedure in view of the imminent expiration of the six-month period in this proceeding from the commencement of deliveries under section 2.75o.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing July 31, 1973, at 10:00 a.m. (e.d.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR s3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 20, 1973. All testimony

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[1] 15 U.S.C. § 717, *et seq.* (1970).

[2] 18 CFR § 2.75.

[3] "Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas," Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending, "John E. Moss, et al. v. F.P.C.," No. 72-1837 (D.C. Cir.).

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293 et al., -- F.P.C. --, -- (issued May 30, 1973, slip op. at Para. 21, p. 5).

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[6] Opinion No. 659, *supra.*

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and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before July 25, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(G) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before August 24, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before August 31, 1973.

By the Commission. Chairman Nassikas, concurring in part, filed a separate statement which is filed as part of the original document.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14851 Filed 7-18-73;8:45 am]

[Docket No. RI73-227]

AUSTRAL OIL COMPANY INC.

Notice of Hearing

JULY 12, 1973.

Notice is hereby given that by order of the Presiding Administrative Law Judge in the above-designated proceeding the hearing will commence at 10:00 a.m. (EDT) on August 21, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Cross-examination will begin at that time.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14872 Filed 7-18-73;8:45 am]

[Docket No. CP73-349]

CASCADE NATURAL GAS CORP.

Notice of Application

JULY 12, 1973.

Take notice that on June 29, 1973, Cascade Natural Gas Corporation (Applicant), 222 Fairview Avenue North, Seattle, Washington, 98109, filed in Docket No. CP73-349 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to transport natural gas in interstate commerce for others through its Colorado-Utah Division pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is engaged in the purchase, gathering, delivery and sale for resale of natural gas in interstate commerce and that it currently has approximately 38,000 to 40,000 Mcf of existing peak-day unused mainline capacity on its Colorado-Utah Division mainline, which extends between a point southeast of Rifle, Colorado, to Bonanza, Utah, which amount is expected to increase in the future. It is stated that Applicant is unable to obtain new gas reserves at competitive prices for resale under its fixed price contract.

Applicant proposes to render a transportation service to any qualified gas distributor or gas pipeline company pursuant to its proposed Rate Schedule T-1, FPC Gas Tariff, Original Volume No. 1, and the correspondingly proposed T-1 Service Agreement. Applicant therein proposes to charge 11.2 cents per Mcf of gas for the first 15 days of service, 4.4 cents per Mcf for the balance of the service time rendered, and 8.8 cents per Mcf for authorized overrun deliveries of gas. The proposed rate schedule prescribes a minimum annual bill consisting of the sum of the charges for a volume of gas corresponding to 75 percent load factor use of the weighted average maximum daily quantity for the contract year. Applicant states that it plans to install and operate measurement facilities at the points of receipt and delivery upon authorization by the Commission in future proceedings, subject to reimbursement by the other contracting party. It is stated that the proposed transportation service will not jeopardize Applicant's ability to meet other existing gas delivery obligations.

Applicant states that the purpose of the proposed transportation service is to utilize more fully the existing Colorado-Utah Division pipeline on which Applicant states that it incurred a net loss of $281,000 in 1972. Applicant further states that it makes this application only to obtain authorization to offer initially the transportation service and that there are no proposed facilities to be constructed or specific service to be authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14867 Filed 7-18-73;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in Rates and Charges

JULY 12, 1973.

Take notice that Cities Service Gas Company on July 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Pursuant to the Purchased Gas Cost Rate Adjustment provision of its tariff, the Company proposes to increase its rates in the amount of 0.82¢ per Mcf effective August 23, 1973, to reflect increased purchased gas costs. The Company states that this increase will produce an increase in the Company's jurisdictional revenues of $2,910,246 based on annual sales volumes for the twelve months ended May 22, 1973.

Copies of the company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 and RP72-142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14866 Filed 7-18-73;8:45 am]

[Docket No. RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JULY 12, 1973.

Take notice that Cities Service Gas Company (CSGC) on July 2, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Pursuant to the Purchased Gas Cost Rate Adjustment provision contained in Article 21 of its FPC Gas Tariff, the Company proposes to increase its rates effective August 23, 1973, to reflect increased purchased gas costs.

According to CSGC, the Fifth Revised Sheet PGA-1 included in Appendix A of the Company's filing reflects a rate increase of 0.82¢ per Mcf. This 0.82¢ per Mcf increase in rates will produce an increase in the Company's jurisdictional revenues of $2,910,246 based on annual sales volumes for the twelve months ended May 22, 1973.

CSGC submits that copies of the company's filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 and RP72-142.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14864 Filed 7-18-73;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Revised Tariff Sheets

JULY 12, 1973.

Georgia Power Company (Georgia) on April 30, 1973, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The filing consists of First Revised Sheets 1 and 26 through 33, Second Revised Sheets 23 and 24, and Third Revised Sheet 35. The proposed rate changes would increase Georgia's revenues from jurisdictional sales and services by approximately $17.5 million annually, based on 1972 usage and all wholesale delivery points under Rate Schedule WR-6.

The proposed effective date of the change was June 30, 1973. However, review of Georgia's filing found it to be deficient and the Commission Secretary by letter dated May 31, 1973, informed Georgia of the deficiency and that a filing date would not be assigned its submittal until the deficiency was cured. On June 12, 1973, Georgia submitted additional data which fulfills the filing requirements of the Commission's regulations. Therefore, we will assign an official filing date of June 12, 1973.

Georgia states that the proposed changes are designed to replace Rate Schedule WR-6 with a new Rate Schedule WR-7. Further, Georgia proposes several modifications to the terms and conditions of the present tariff which, Georgia asserts, are intended to update the tariff and incorporate proposals made by the wholesale customers and agreed to by Georgia in Docket No. E-7548. Georgia's Rate Schedule WR-6 is presently before the Commission in Docket No. E-7548.

In support of its filing, Georgia states that the principal reasons for the increased revenue requirement from wholesale service are the large construction program necessary to meet increasing demands and the increased unit cost of plant investment entailed in completing that program. Georgia asserts that increasing costs have not only caused a large increase in the revenue requirements from wholesale service, but also the resultant pressure of its earnings and on coverage for its securities has seriously threatened its financial integrity. Further, Georgia avers that its proposed rate of return, which produces an 8.73 percent return on municipal sales and 9.04 percent return on cooperative sales, is reasonable. Moreover Georgia states that the WR-6 rate was designed to produce a 7.71 percent rate of return while the rate actually produced a rate of return of 5.86 percent and 6.05 percent from the municipal and cooperative customers respectively based on 1971 operations.

This filing was noticed on May 8, 1973, with the period for protests or petitions to intervene ending on May 24, 1973. Petitions to intervene were timely filed by the Water, Light and Sinking Fund Commission, of the City of Dalton, Georgia (Dalton), The Georgia Electric Membership Corporation (GEMC) jointly with Mitchell Electric Membership Corporation (Mitchell), and the Power Section of the Georgia Municipal Association, Inc. jointly with forty-eight municipal cooperatives (Municipals).[1]

GEMC-Mitchell requests that the Commission reject Georgia's filing as defective on its face. These defects, GEMC-Mitchell asserts, are lack of an appropriate test year of 12 months' experienced cost data and a cost allocation derived from a competely different 12 months of experience. Further, GEMC-Mitchell asserts that Georgia antitrust conduct is a substantial issue in the pending Docket E-7548 and the proposed WR-7 rate exceed Georgia's industrial rate by about 5 percent to 20 percent for 5,000-20,000 KW levels which continues and augments such conduct to the extent that the Commission should not allow Georgia's filing until the antitrust issue has been finally resolved. In the alternative, GEMC-Mitchell and the other intervenors request a five month suspension.

Subsequent to GEMC-Mitchell filing of its petition to intervene Georgia has provided non-coincident and coincident demand data, for each month of the test period and for each delivery point. On June 28 Georgia also filed actual data for the last three months of its test period.

On July 3, 1973, the Municipals filed comments to Georgia's supplemental filings and made a further request for suspension of the proposed rates. The Municipals contend that since Georgia did not file data for 12 months of actual experience until June 28, 1973, the filing was not complete until then. There is nothing in the Commission's regulations under the Federal Power Act that requires the filing of 12 months of actual data. Since Georgia on June 12, 1973, cured the deficiency noted by Commission letter dated May 31, 1973, we will assign an official filing date of June 12, 1973.

By order issued May 31, 1973, in "Indiana and Michigan Electric Company," Docket No. E-7740 we set minimum standards for those who would raise anticompetitive issues. These standards are that the petition to intervene must clearly specify (1) the facts relied upon, (2) the anticompetitive practices challenged, and (3) the requested relief which is within this Commission's authority to direct. (mimeo p. 3). Our review of GEMC-Mitchell's petition to intervene indicates that it fails to specify the relief it seeks from this Commission. Accordingly, we shall limit GEMC-Mitchell's participation in this proceeding to matters other than the alleged anticompetitive activities. This action is without prejudice to GEMC-Mitchell's right to file an appropriate amended petition which sets forth the relief for the alleged anticompetitive conduct that is within this Commission's authority to grant.

Review of the rate filing and the pleadings indicate that issues are raised which require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we shall provide for hearing herein and shall suspend the proposed changes for the full statutory period.

[1] The Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Calhoun, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Dougleas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, and Whigham, Georgia.

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The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Georgia's FPC Electric Tariff, Original Volume No. 1, as proposed to be amended in this docket, and that the tendered revised tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held, commencing with a prehearing conference on November 27, 1973, at 10:00 a.m., edt, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Georgia's Electric Tariff as proposed to be revised herein.

(B) Pending hearing and a final decision in this proceeding, Georgia's proposed revised tariff sheets, originally tendered on April 30, 1973, and with an official filing date of June 12, 1973, are hereby accepted for filing, suspended and the use thereof deferred until December 12, 1973, or until such time as they are made effective in the manner provided in the Federal Power Act.

(C) At the prehearing conference on November 27, 1973, Georgia's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of the Commission's rules of practice.

(D) On or before October 23, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before November 6, 1973. Any rebuttal evidence by Georgia shall be served on or before November 20, 1973. Cross-examination of the evidence filed will commence on December 4, 1973, at 10.00 A.M.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, except that GEMC-Mitchell's participation is limited to matters other than alleged anti-competitive activities, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379), 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14868 Filed 7-18-73;8:45 am]

[Dockets Nos. CS71-878, CI73-431, CI73-558, CI61-1379, C173-578, CI73-558]

HURLEY PETROLEUM CORP.

Order To Show Cause

JULY 12, 1973.

By Commission Order issued October 21, 1971, in Docket No. CS71-878, Hurley Petroleum Corporation (Hurley) was granted a small producer certificate under which it sells natural gas to Car-Tex Producing Company (Car-Tex) from the Carthage Field, Panola County, Texas, at a contract price of 5.6580 cents per Mcf.[1] Car-Tex gathered, transported, compressed and resold Hurley's gas to Arkansas Louisiana Gas Company (ArkLa) at a contract price of 12.6323 cents per Mcf under certificate authorization issued in Docket No. CI61-1379. The volume of gas involved totals approximately 1,000 Mcf per day.

On December 13, 1972, Hurley filed in Docket No. CI73-431 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of gas to Car-Tex from the Carthage Field and on February 28, 1973, Car-Tex filed in Docket No. CI73-578 an application pursuant to section 7(b) of said Act for permission and approval to abandon its sale of the Hurley gas to Arkla. On February 26, 1973, Hurley filed in Docket No. CI73-558 an application, within the contemplation of Section 2.70 of the Commission's General Policy and Interpretation, for a one-year limited term certificate of public convenience and necessity authorizing the sale of gas, formerly sold to Car-Tex, to Texas Eastern Transmission Corporation (Texas Eastern), at a rate of 45.0 cents per Mcf.

On December 9, 1972, prior to the filing of the aforesaid abandonment applications, Car-Tex shut down its compression facilities used to deliver the gas into Arkla's line and Hurley terminated its gas deliveries from the Carthage Field to Car-Tex. Following the filing of the abandonment applications, but while they were still pending before the Commission, Car-Tex dismantled its compression facilities and Hurley, in order to avoid flaring gas, instituted a 60-day emergency sale of the gas involved to Texas Eastern pursuant to Section 157.29 of the Commission's Regulations. The 60-day period expired April 20, 1973.

In view of the foregoing, we are hereinafter directing Hurley and Car-Tex to show cause why they or either of them should not be found to be in violation of section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder for not having first secured the requisite authorization before abandoning jurisdictional sales of natural gas and related compression facilities as hereinbefore described.

By letter filed January 18, 1973, Hurley indicated that the compressors of Car-Tex are old, expensive to operate, and frequently closed down for several days during which time the subject gas was flared. Although this may be a factor which enters into a public interest determination, such allegation does not excuse a natural gas company from complying with Section 7(b) of the Natural Gas Act. In support of its request to abandon service to Arkla and the related compression facilities, Car-Tex states that the sales of gas have declined below economic limits for a three-stage compression operation and that it has accordingly cancelled its gas purchase contract with Hurley by letter of January 9, 1973. The Commission, however, has no documentary evidence before it establishing the adequacy or inadequacy of the compression facilities in relation to the sales proposed to be abandoned. Furthermore, economic hardship alone does not justify abandonment of previously certificated facilities and service without Commission consent and, despite such hardship, the reactivation of the facilities and service illegally abandoned may be ordered by the Commission. (*United Gas Pipeline Company* v. *FPC*, 385 U.S. 83 (1966).

In an addendum to its application for permission and approval to abandon the sale of gas to Car-Tex from the Carthage Field on grounds that the purchaser's compression facilities are inadequate to handle the purchase and resale of the gas, Hurley states that, in order to avoid flaring the gas longer than absolutely necessary, it contacted Texas Eastern who agreed to take the gas on an emergency basis until our [Hurley's] abandonment application is approved. Hurley states further that Texas Eastern also agreed to enter into a more permanent type contract with us once we [Hurley] have received approval of the abandonment of the [Car-Tex] sale * * *. Subsequently, Texas Eastern filed a petition to intervene in support of Hurley's limited-term application of February 26, 1973, for authorization to sell the gas to Texas Eastern pursuant to a one-year gas purchase contract between the parties, dated February 19, 1973. The record strongly suggests that Texas Eastern's actions in taking gas from Hurley on a 60-day emergency basis and in contracting with the latter for additional gas upon termination of the emergency period have been done with knowledge that such gas was and is still dedicated to Car-Tex. In view of these circumstances, we shall direct Texas Eastern, which has filed a petition to intervene in Docket No. CI73-558 and which we shall hereafter join as a party to these proceedings, to show cause why it should not be found in violation of the Natural Gas Act for operating facilities to take gas dedicated to another party and why it should not be required to make restitution of such gas purchased from Hurley.

By letter of March 27, 1973, filed with the Secretary of the Commission, Arkla indicated acquiesence in the unauthorized discontinuance of the delivery of natural gas as heretofore authorized by the Commission. Since Arkla may be a position to contribute significantly to a proper determination of the matter herein being set for formal hearing, we shall join Arkla as a party to these proceedings. It is noted that Arkla is purchasing natural gas at above ceiling rates within the contemplation of § 2.70.

In the public hearing that we shall hereinafter order for determination of the issues presented herein, we shall also consider the related question of the price at which the subject gas should be sold and purchased by the parties involved. If the aforesaid requests of Hurley and Car-Tex for abandonment of service are not granted, we should determine what would be a just and reasonable rate under current conditions at which Car-Tex should purchase the subject gas from Hurley and resell it to Arkla. On the other hand, if the proposed abandonments are approved, we should determine whether the public convenience and necessity support a price of 45.0 cents per Mcf at which Hurley proposes in its aforementioned application for a limited term certificate to sell the subject gas to Texas Eastern.

After due notice by publication in the FEDERAL REGISTER of the notice of applications, petitions for leave to intervene in the event of a formal hearing were filed by Texas Eastern and Algonquin Gas Transmission Company (Algonquin) in support of the application filed by Hurley in Docket No. CI73-558. No notice of intervention, protest to the granting of the applications, or further petitions to intervene have been filed. We shall hereinafter provide opportunity for the filing of petitions to intervene, notices of intervention or protests in the instant proceedings.

The Commission finds:

(1) It may be that Hurley, Car-Tex, and Texas Eastern are in violation of the Natural Gas Act and the Commission's Regulations thereunder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and issues presented in these proceedings as hereinbefore described.

(3) In order to maintain the integrity of the orders in Docket Nos. CS71-878 and CI61-1379 in which it was found that the public convenience and necessity required certification of the subject sale, Respondents, Hurley and Car-Tex should be ordered, pendante lite, to resume and continue their sales of natural gas.

(4) Participation by the petitioners to intervene in Docket No. CI73-558 may be in the public interest.

The Commission orders:

(A) Respondents Hurley and Car-Tex shall show cause, if any there be, at the hearing directed in paragraph (D) below, why they or each of them should not be held in violation of Section 7(b) of the Natural Gas Act and § 157.18 of the Commission's regulations thereunder for not having obtained authorization before abandoning jurisdictional sales and related facilities as hereinbefore described.

(B) Respondent Texas Eastern shall show cause, if any there be, at the hearing directed in paragraph (D) below, why it should not be held in violation of Section 7 (c) and (e) of the Natural Gas Act by operating facilities to take natural gas dedicated to Arkla and Respondent Car-Tex and why it should not be required to make restitution of the volumes of gas purchased from Hurley during the 60-day emergency period as hereinbefore described.

(C) It is directed that Arkla be joined as a party to these proceedings and be prepared to show at the formal hearing ordered herein why it has acquiesced in the abandonment by Car-Tex while making purchases of gas from others at above ceiling rates.

(D) Pending the hearing set by paragraph (D) below, and a decision in these proceedings, Respondents Hurley and Car-Tex shall resume the sale and delivery of gas as made under certificates issued in Docket Nos. CS71-878 and CI-1379.

(E) Pursuant to the authority of the Natural Gas Act, particularly Sections 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act [18 CFR, Chapter I], a public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C., commencing at 10:00 a.m., (EDST) on August 29, 1973. All Respondents and interveners shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties, all testimony and exhibits which they propose to offer at the hearing provided for above on or before August 10, 1973.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose [See Delegation of Authority, 18 CFR 3.5(d)], shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(G) Petitions to intervene, notices of intervention, or protests may be filed with the Commission in accordance with §§ 1.8 and 1.10 of the rules of practice and procedure on or before July 25, 1973.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14869 Filed 7-18-73;8:45 am]

[Docket No. E-8125]

KANSAS POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 26, 1973.

On June 21, 1973, the Kansas Power and Light Company filed a motion for a continuance of the prehearing conference scheduled for June 29, 1973, by order issued May 31, 1973, in the above designated matter. The motion states that the customers concur in the motion and staff counsel has no objection.

Upon consideration, notice is hereby given that the prehearing conference in the above designated matter is postponed to August 7, 1973. The other procedural dates are modified accordingly:

Service of Testimony and Exhibits by Staff.	August 21, 1973
Service of Testimony and Exhibits by Interveners.	September 4, 1973
Service of Rebuttal evidence by Kansas Power and Light Company.	September 11, 1973
Cross-examination ---	September 25, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-14852 Filed 7-18-73;8:45 am]

[Docket No. E-7565]

KENTUCKY POWER CO.

Filing of Proposed Rate Schedule Supplement

JUNE 26, 1973.

Take notice that Kentucky Power Company (Kentucky) on June 8, 1973, tendered for filing Amended Supplement No. 2 to Kentucky's Rate Schedule FPC No. 12 in purported compliance with Opinion No. 652 issued March 2, 1973, and Opinion No. 652-A issued April 27,

[1] Hurley previously sold this gas to Car-Tex under a contract, dated January 12, 1961, formerly on file with the Commission as Hurley's FPC Gas Rate Schedule No. 2, for which the related certificate authorization was issued in Docket No. CI61-1381. Such certificate was terminated by the small producer order of October 21, 1971, which also cancelled the above FPC Gas Rate Schedule No. 2.

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1973, in this docket. Kentucky states that Amended Supplement No. 2 contains a provision providing for the termination of service under the Rate Schedule on file with the Commission between Kentucky and Vanceburg Electric Light, Heat, and Power System, Vanceburg, Kentucky and that the filing became effective upon its being filed with the Commission. Kentucky further states that the filing was served upon all parties listed on the Commission's official service list in this docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14853 Filed 7-18-73;8:45 am]

[Docket No. CP74-3]

LOWELL GAS CO.

Notice of Application

JULY 11, 1973.

Take notice that on July 3, 1973, Lowell Gas Company (Applicant), 95 East Merrimack Street, Lowell, Massachusetts 01863, filed in Docket No. CP74-3 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States from Canada liquefied natural gas (LNG) purchased from Gaz Metropolitan, Inc., Montreal, P.Q., Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that before October 25, 1973, it intends to purchase from Gaz Metropolitan, Inc., 1,042,750 U.S. gallons of LNG at 13,788 cents per U.S. gallon, equivalent to approximately 91 billion Btu at a price of $1.58 per million Btu. Applicant states that it has first option to purchase additional quantities of LNG up to 2,291,720 U.S. gallons at a negotiated price not lower than that for the firm contract LNG, equivalent to approximately 200 billion Btu, from Gaz Metropolitan, Inc., should Gaz Metropolitan, Inc., have quantities of LNG in excess of 7,001,222 U.S. gallons for sale and delivery before December 31, 1973. It is also stated that Applicant has first option to purchase between January 1, 1974, and April 30, 1974, up to 3,437,580 U.S. gallons of LNG at a negotiated price not lower than that for the firm contract LNG, equivalent to approximately 300 billion Btu from Gaz Metropolitan, Inc., should such quantities be available for sale and delivery. Applicant proposes to transport the LNG from Montreal to its LNG storage facilities at Tewksbury, Massachusetts, by its motor carriers in cyrogenic trailers.

Applicant states that it is required to import LNG as proposed in the instant application as a result of the expected curtailments of gas deliveries by its suppliers during the winter period of 1973-1974 and its inability to secure additional supplies of natural gas needed to serve its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14870 Filed 7-18-73;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECRIC CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

JULY 11, 1973.

On June 27, 1973, the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California filed a motion for a further change in the procedural dates fixed by the notice issued June 21, 1973 in the above-designated matter. The motion states that no party has any objection to the request.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service Date	July 13, 1973
Prehearing Conference	August 21, 1973 (10:00 a.m., EDT)
Intervener Service Date.	August 28, 1973
Company Rebuttal Date.	September 11, 1973
Hearing	September 18, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14861 Filed 7-18-73;8:45 am]

[Docket No. CI73-706]

PHILLIPS PETROLEUM CO.

Further Extension of Time and Postponement of Hearing

JULY 12, 1973.

On July 11, 1973, El Paso Natural Gas Company filed a motion for a further change in the hearing date fixed by the notice issued June 14, 1973, in the above-designated matter. The motion states neither Staff Counsel nor Philips Petroleum Company objects to the motion.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to July 31, 1973, at 10:00 a.m. (edt) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14858 Filed 7-18-73;8:45 am]

[Docket No. CP73-344]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

JULY 12, 1973.

Take notice that on June 28, 1973, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73-344 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing July 1, 1973, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000 and the cost for any single project will not exceed $500,000. These costs will be financed from available funds and may at some later date be financed through the issuance of long-term debt or additional equity.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14865 Filed 7-18-73;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Proposed Curtailment Plan

JULY 11, 1973.

Take notice that on June 29, 1973, Transcontinental Gas Pipe Line Corporation (Transco) submitted for filing revised tariff sheets [1] to Transco's FPC Gas Tariff, First Revised Volume No. 1 constituting its permanent curtailment plan filed pursuant to the Commission's order of May 23, 1973. Transco represents that it will not make the subject tariff sheets effective prior to November 16, 1973.

In summary Transco's proposed permanent curtailment plan embodies *in haec verba* the end-use priorities established by the Commission in Order No. 467-B as modified in Opinion No. 647-A issued May 30, 1973 in *United Gas Pipeline Company* Docket Nos. RP71-29 and RP71-120. The proposed tariff sheets utilize the definitions of service propose by the Commission in Docket No. R-474.

Transco's proposed curtailment plan, however, deviates from Order No. 467-B in the following respects:

(1) Transco requests that its direct interruptible customers be completely curtailed prior to any other curtailment on its system.

(2) Customers which obtain more than the system average gas supply will pay $.25 per Mcf for such over supply of gas and customers which receive less than the system average gas supply will obtain a credit of $.25 per Mcf for the under supply.

[1] First Revised Sheet No. 136
Second Revised Sheet No. 138
Second Revised Sheet No. 139
Second Revised Sheet No. 140
Second Revised Sheet No. 141
Second Revised Sheet No. 142
First Revised Sheet No. 143
First Revised Sheet No. 144

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing are available for public inspection during regular business hours in its office in Houston, Texas.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 20, 1973, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14863 Filed 7-18-73;8:45 am]

[Docket No. RP73-101]

TRANSWESTERN PIPELINE CO.

Extension of Time

JULY 11, 1973.

On July 2, 1973, Transwestern Pipeline Company filed a motion for an extension of time for submission and service of end use data as required by the order issued May 31, 1973. The motion states that all parties agreed at the prehearing conference that an extension should be sought.

Upon consideration, notice is hereby given that an extension is granted to and including September 24, 1973, within which Transwestern shall submit end use data and serve it on all interveners.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14871 Filed 7-18-73;8:45 am]

[Docket No. E-8289]

UNION ELECTRIC CO.

Revised Service Schedule

JULY 11, 1973.

Take notice that on June 21, 1973, Union Electric Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, an application for revision of Service Schedule B, dated May 25, 1973, to the Interchange Service Contract between Applicant and the City of Columbia, Missouri (City), dated July 18, 1967, and designated in Applicant's Rate Schedule FPC No. 73. The application states that a portion of City's generating capacity is restricted by pollution regulations, and with the impending summer peaks the availability of emergency energy from Applicant is considered desirable in order to limit the use of such facilities.

The parties recognized that the existing rate under their Interchange Service Contract is inadequate, and through negotiations the proposed revision of Service Schedule B was agreed upon in order to compensate the supplying party for the cost of using peaking capacity and to make the rate comparable to emergency energy rates under other agreements between power suppliers in their area. Emergency Energy shall, at the option of the seller, be returned in kind, or paid for at the rate of 1.75 cents per kWh or, if out-of-pocket costs plus 10 percent exceed such rate, by the payment of such costs plus 10 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules.

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The application referred to above, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14862 Filed 7-18-73;8:45 am]

[Docket No. RP73-90]

UNION LIGHT, HEAT AND POWER CO.

Deferring Procedural Dates

JUNE 22, 1973.

On June 20, 1973, Staff Counsel filed a motion to terminate the proceedings in the above-designated matter. The motion also requested that the procedural dates set by the order issued April 27, 1973 be held in abeyance pending further action by the Commission.

Upon consideration, notice is hereby given that the procedural dates in the above matter are held in abeyance pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14856 Filed 7-18-73;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION INC.

Extension of Time

JULY 12, 1973.

On July 9, 1973, Staff Counsel filed a motion for an extension of the procedural dates set by the order issued May 14, 1973, in the above-designated matter. The motion states that no objections were raised by the interveners. By letter received July 11, 1973, Staff advised that Valley

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Gas Transmission Incorporated had no objection to the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Staff service of evidence	August 13, 1973
Intervener service of evidence.	August 23, 1973
Prehearing conference	September 5, 1973 (10:00 a.m., e.d.t.)
Company rebuttal evidence served.	September 14, 1973
Public hearing	September 20, 1973 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14859 Filed 7-18-73;8:45 am]

[Project No. 2058]

WASHINGTON WATER POWER CO.

Application for Change in Land Rights

JULY 12, 1973.

Public notice is hereby given that application was filed April 13, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by The Washington Water Power Company (Correspondence to: Mr. J. P. Buckley, Vice President and Secretary, The Washington Water Power Company, East 1411 Mission Avenue, Spokane, Washington 99202) for a change in land rights for constructed Project No. 2058, known as the Cabinet George Project, located on the Clark Fork River in Banner County, Idaho and Sanders County, Montana. Project transmission lines are located in Banner and Kootenai Counties, Idaho and Spokane County, Washington.

The Applicant proposes to sell approximately one acre of project land located within the right-of-way of the project Cabinet-Spokane 230 kv transmission line near the Beacon Substation in Spokane County, Washington. The land would be conveyed to the owners of an adjoining tract of land who cross the project land for access. The land would be conveyed with a restriction against the building of any structures and with a reservation of an easement for the transmission line.

Any person desiring to be heard or to make protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D. C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14860 Filed 7-18-73;8:45 am]

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Proposed Changes in Rates and Charges

JUNE 26, 1973.

On April 27, 1973, Wisconsin Public Service Corporation (WPS) tendered for filing a revision of its rate schedule for "Primary Resale Service" to its municipal customers, designated as 5th Revised Sheet No. 1, Schedule W–1. The company states that various blocks of the demand charge and the energy charge have each been increased by approximately 9.8 percent to produce added revenues of $300,427.06 based on test year 1972. WPS gives as its reason for the increase the necessity of meeting rising financial and operating costs. The Company's filing indicates that the proposed increase would yield an 8.7 percent overall rate of return and a 12.5 percent return on equity, based on a total capitalization of $344,117,354. The company states that its filing includes Statements A through P and testimonies and exhibits to serve as its case-in-chief. WPS proposes an effective date of June 27, 1973, for the rates contained in the filing.

The filing was noticed on May 9, 1973, with protests and petitions to intervene due on or before May 24, 1973. On May 21, 1973, six of WPS's customers filed a request for an extension of the time within which to file petitions. This request was granted on May 23, 1973, by the Acting Secretary and an extension was granted to and including June 5, 1973. On May 29, 1973, a petition to intervene was received from the Cities of Algoma, Eagle River, New Holstein, and Sturgeon Bay and the Village of Stratford, Wisconsin, and the City of Stephenson, Michigan. This petition states that the petitioners have not had sufficient time to investigate the WPS filing but they indicate several areas of disagreement based upon a preliminary review of the application. In view of our actions herein, it will not be necessary to discuss these allegations in detail. No other protests or petitions have been received.

Our review of the filing indicates that the proposed rate schedule changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

It appears that under WPS's proposed fuel adjustment clause impuits WPS' own fuel expense variations to its purchased power and net interchange receipts. Such procedure is inconsistent with Commission Opinion No. 633, "New England Power Company," Docket No. E–7541, issued October 30, 1972. Accordingly, this feature of the proposed fuel clause should be eliminated.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in WPS's Rate Schedule as proposed to be amended in this docket, and that the tendered Rate Schedule be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioners for intervention in this proceeding may be in the public interest.

(5) The proposed increased rate and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations Under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on August 17, 1973, at 10:00 a.m., edt, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in WPS's revised Rate Schedule as proposed to be revised herein.

(B) At the prehearing conference on August 17, 1973, WPS's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(C) On or before October 29, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before November 20, 1973. Any rebuttal evidence by WPS shall be served on or before December 10, 1973. The pubic hearing herein ordered shall convene on January 8, 1973, at 10:00 a.m., edt.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Pending hearing and final decision in this proceeding, WPS's revised rate schedule tendered on April 27, 1973, is suspended and the use thereof deferred until August 27, 1973 one day after the proposed effective date.

(F) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Secretary of the Commission shall cause prompt proclamation of this order in the Federal Register.

(I) Within 30 days from the date of this order, WPS shall file an amendment to its fuel price adjustment clause in compliance with the requirements of Commission Opinion No. 633, as herein described.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14855 Filed 7-18-73;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JUNE 26, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Alvin W. Vogtle, Jr., Chairman, Edison Electric Institution, Inc.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14854 Filed 7-18-73;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

IRON AND SPONGE IRON POWDERS (EXCLUDING ALLOY POWDERS) FROM CANADA

Antidumping; Withholding of Appraisement Notice

JULY 17, 1973.

Information was received on December 7, 1972, that iron powder (excluding alloy and sponge iron powders) from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of January 19, 1973, on page 1945. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Information received after publication of the "Antidumping Proceeding Notice" indicated that sponge iron powers from Canada were also being sold at less tha fair value within the meaning of the Act. Accordingly, an amendment to the "Antidumping Proceeding Notice" was published in the Federal Register of April 10, 1973, on page 9094, to include sponge iron powders from Canada within the scope of the investigation.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of iron and sponge iron powders (excluding alloy powders) from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of Reasons. The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be based on either an f.o.b. customer, duty and/or brokerage paid price or an f.o.b. plant, duty and/or brokerage paid price, with probable deductions for brokerage fees, U.S. duty, freight handling charges and a quantity discount, as appropriate.

Home market price will probably be based on either an f.o.b. customer or f.o.b. plant price with probable deductions for freight and quantity discounts, as applicable. An adjustment will probably be made for a packing differential when appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of iron and sponge iron powders (excluding alloy powders) from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office not later than July 30, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than August 20, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective July 19, 1973. It shall cease to be effective January 19, 1974, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secreary of the Treasury.

[FR Doc.73-14943 Filed 7-18-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

INDUSTRY ADVISORY COMMITTEE FOR TELECOMMUNICATIONS (CIACT)

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92–463(1972)], notice is hereby given that closed meetings of the Chief of Naval Operations Industry Advisory Committee for Telecommunications will be held on July 31, 1973, and August 1, 1973, at the Naval War College, Newport, Rhode Island. The agenda consists of discussions of classified information.

Dated: July 12, 1973.

MERLIN H. STARING,
Rear Admiral JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.73-14739 Filed 7-18-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ALASKA

Proposed Eligibility of Native Villages

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs by Subpart 2651.2(a)(2) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Pages 14222 and 14223 of the May 30, 1973, issue of FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92–203, 92nd Congress, 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, pursuant to the authority contained in said Act of December 18, 1971, and Subpart 2651.2 of said regulations, notice is hereby given that the following is a proposed decision determining the eligibility of certain Native villages in Alaska listed in sections 11(b)(1) and 16(a) of said Act.

This is to certify that investigations have been made and available records and other evidence having a bearing on the character of the following Native villages and their eligibility have been

V 38 I 138 JUL 19 73 XUM

examined and they appear to meet the eligibility requirement of the Act and Subpart 2651.2(b) of the regulations:

Name of Listed Native Village:	*Bureau of Land Management Serial Number*
Akhiok	AA–6645
Akiachak	F–14823
Akiak	F–14824
Akutan	AA–6647
Alakanuk	F–14825
Aleknagik	AA–6648
Allakaket	F–14827
Ambler	F–14828
Anaktuvuk Pass	F–14829
Andreafsey (Andreafsky)	F–14830
Angoon	AA–6978
Aniak	F–14831
Anvik	F–14832
Arctic Village	F–14833
Atka	AA–6649
Atmautluak	F–14835
Barrow	F–14836
Beaver	F–14837
Belkosky (Belkofski)	AA–6650
Bethel	F–14838
Birch Creek (near Fort Yukon)	F–14840
Brevig Mission	F–14841
Buckland	F–14842
Cantwell	F–14844/AA–7587
Chalkyitsik	F–14846
Chefornak	F–14848
Chevak	F–14849
Chignik	AA–6652
Chignik Lagoon	AA–6654
Chignik Lake	AA–6655
Chistochina	AA–6656
Circle	F–14989
Clark's Point	AA–6657
Copper Center	AA–6658
Craig	AA–6979
Crooked Creek	F–14990
Deering	F–14851
Dillingham	AA–6659
Dot Lake	F–14852
Eagle (Indian Village)	F–14853
Eek	F–14854
Egegik	AA–6660
Eklutna	AA–6661
Ekwok	AA–6663
Elim	F–14855
Emmonak	F–14856
English Bay	AA–6664
False Pass	AA–6665
Fort Yukon	F–14857
Galena	F–14858
Gambell	F–14859
Golovin	F–14861
Goodnews Bay (Mumtrak)	F–14862/AA–7726
Grayling	F–14863
Gulkana	AA–6667
Holy Cross	F–14865
Hoonah	AA–6980
Hooper Bay	F–14865
Hughes	F–14867
Huslia	F–14868
Hydaburg	AA–6981
Inalik (Diomede)	F–14869
Kake	AA–6982
Kaktovik	F–14870
Kalskag	F–14871
Kaltag	F–14872
Karluk	AA–6674
Kasigluk	F–14873
Kiana	F–14874
King Cove	AA–6675
Kipnuk	F–14875
Kivalina	F–14876
Klawock	AA–6984
Kobuk	F–14877
Kiukwan	AA–6985
Kokhanok (Kakhonak)	AA–6673
Kolganek	AA–6676
Kongiganok (Kongiganak)	F–14878
Kotlik	F–14879
Kotzebue	F–14880
Koyuk	F–14881
Koyukuk	F–14882
Kwethluk	F–14883
Kwigillingok	F–14884
Larsen Bay	AA–6677
Levelock	AA–6678
Lower Kalskag	F–14888
Manokotak	AA–6679
Marshall (Fortuna Ledge)	F–14892
Mekoryuk	F–14895
Mentasta Lake	F–18896/AA–6716
Minto	F–14897
Mountain Village	F–14898
Naknek	AA–6680
Napaklak	F–14901
Napaskiak	F–14902
Nelson Lagoon	AA–6681
Nenana	F–14903
Newhalen	AA–6682
New Stuyahok	AA–6683
Newtok	F–14904
Nightmute	F–14905
Nikolai	F–14906
Nikolski	AA–6684
Ninilchik	AA–6685
Noatak	F–14907
Nome	F–14908
Nondalton	AA–6686
Noorvik	F–14910
Northway	F–14912
Nulato	F–14913
Nunapitchuk	F–14914
Old Harbor	AA–6687
Oscarville	F–14916
Ouzinkie	AA–6688
Pedro Bay	AA–6690
Perryville	AA–6691
Pilot Point	AA–6692
Pilot Station	F–14918
Pitkas Point	F–14919
Platinum	F–14920
Point Hope	F–14921
Port Graham	AA–6695
Port Heiden	AA–6693
Port Lions	AA–6694
Portage Creek	AA–6717
Quinhagak (Kuinhagak)	F–14885
Rampart	F–14923
Red Devil	F–14924
Ruby	F–14925
Russian Mission (Kuskokwim)	F–14926
Russian Mission (Yukon)	F–14927
St. George	AA–6696
St. Mary's	F–14937
St. Michael	F–14938
St. Paul	AA–6697
Sand Point	AA–6699
Savoonga	F–14928
Saxman	AA–6986
Scammon Bay	F–14929
Selawik	F–14930
Shageluk	F–14931
Shaktoolik	F–14932
Sheldon's Point	F–14933
Shishmaref	F–14934
Shungnak	F–14935
Sleetmute	F–14936
South Naknek	AA–6747
Stebbins	F–14939
Stevens Village	F–14940
Stony River	F–14941
Tanacross	F–14943
Tanana	F–14944
Tatitlek (Tatilek)	AA–6703
Teller	F–14946
Tetlin	F–14947
Toglak	AA–6705
Toksook Bay	F–14948
Tuluksak (Tulusak)	F–14949
Tuntutuliak	F–14950
Tununak	F–14951
Twin Hills	AA–6706
Tyonek	AA–6707
Unalakleet	F–14952
Unalaska	AA–6709
Venetie	F–14953
Wainwright	F–14954
Wales	F–14955
White Mountain	F–14956
Yakutat	AA–6987

This proposed decision will be published in one or more newspapers of general circulation in Alsaka and a copy will be mailed to each affected village, all villages located in the Native region in which the affected village is located, all Native regional corporations within the State of Alaska, and the State of Alaska.

This proposed decision is subject to protest by any interested party by August 20, 1973. If no valid protest is received within the thirty-day period, this proposed decision shall become final and shall be published in the FEDERAL REGISTER. If the final decision is in favor of a listed village, the Director, Juneau Area Office, Bureau of Indian Affairs, will issue a certificate as to the eligibility of the village in question for land benefits under the Act, and certify the record and the decision to the Secretary. Copies of the final decisions and certificates of village eligibility will be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, and the State of Alaska.

Within thirty days from the date of publication of this proposed decision in the FEDERAL REGISTER, any interested party may protest a proposed decision as to the eligibility of a village. No protest shall be considered which is not accompanied by supporting evidence. The protest shall be mailed to the Director, Juneau Area Office, Bureau of Indian Affairs, P.O. Box 3-8000, Juneau, Alaska 99801. Upon receipt of a protest, the Director, Juneau Area Office, Bureau of Indian Affairs, will examine and evaluate the protest and supporting evidence required, together with his record of findings of fact and proposed decision and will render a decision on the eligibility of the Native village that is the subject of the protest. Such decision shall be rendered within thirty days from the receipt of the protest and supporting evidence by the Director, Juneau Area Office, Bureau of Indian Affairs. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, will be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based will be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary by a notice filed with the Ad Hoc Board as established in Section 2651.2(a)(5) of the regulations within thirty days of its publication in the FEDERAL REGISTER.

This is the first notice of proposed decisions and others will be made from time to time as soon as the eligibility of the other listed villages can be determined.

MORRIS THOMPSON,
Director.

JULY 13, 1973.

[FR Doc.73–14751 Filed 7–18–73;8:45 am]

Bureau of Land Management

[Group 366]

ARIZONA

Filing of Plat of Survey and Dependent Resurvey

JULY 13, 1973.

1. Plat of survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Arizona, and California State Office, Sacramento, California, effective at 10:00 a.m., on August 31, 1973:

Gila and Salt River Meridian, Arizona and California

T. 4 N., R. 22 W.,
The dependent resurvey of a portion of the south boundary of the Colorado River Indian Reservation and a portion of the subdivisional lines, and, the survey of accreted lands within the Colorado River Indian Reservation established by Executive Order 2273 dated November 22, 1915.

2. The above survey was executed to accommodate a request of the Bureau of Indian Affairs.

3. The above described lands were withdrawn by Executive Order 2273 dated November 22, 1915, as a part of the Colorado River Indian Reservation.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73–14753 Filed 7–18–73;8:45 am]

[Nev–055233]

NEVADA

Proposed Withdrawal and Reservation of Lands

JULY 12, 1973.

The Bureau of Land Management has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws or from disposal of materials under the Act of July 31, 1947, as amended, 30 U.S.C. secs. 601, 602.

The applicant desires the land as an addition to the Alkali Lake Wildlife Management Area.

On or before August 20, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 23 E.,
sec. 3, SW¼SW¼.

The area described contains 40 acres in Lyon County, Nevada.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.73–14784 Filed 7–18–73;8:45 am]

[N–7653]

NEVADA

Proposed Withdrawal and Reservation of Lands

JULY 12, 1973.

The Department of Agriculture, U.S. Forest Service has filed the above application for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land as an administrative site for the Toiyabe National Forest.

On or before August 20, 1973, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 S., R. 57 E.,
sec. 27: NE¼SW¼, NW¼SE¼.

The area described contains 80 acres in Clark County.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.73–14783 Filed 7–18–73;8:45 am]

VERNAL DISTRICT GRAZING ADVISORY BOARD, UTAH

Notice of Meeting

Notice is hereby given that the Vernal District Grazing Advisory Board will hold a meeting August 14 and 15, 1973 in the district office in the Cooper Building, Vernal, Utah, beginning at 9 a.m.

The meeting August 14 will be a field review of present and potential water developments in the district.

The meeting August 15 will be open to the public. Limited time will be available for comments from the public but persons desiring to make brief statements should contact in advance the Advisory Board Chairman, Nick Meagher, Jr., P.O. Box F, Vernal, Utah 84078. The agenda will include review of grazing license applications, review of other types of grazing use authorizations, preditor control program, West Tabyago allotment management plan, review of the district's annual work plan, status of proposed regulations concerning wild horses, progress report for land use planning, and the proposed antelope transplant by the Utah Division of Wildlife Resources on East Bench.

ROBERT E. ANDERSON,
Acting State Director.

[FR Doc.73–14754 Filed 7–18–73;8:45 am]

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[BLM Manual Supplement 1510]

JULY 5, 1973.

DISTRICT MANAGER, DILLON DISTRICT, MONT.

Delegation of Procurement Authority

A. Pursuant to delegation of authority delegated to me by State Director, Montana, BLM Manual supplement 15.10, Release 1-94, February 14, 1972, the Chief, Division of Administration, Dillon District is authorized:

1. *Open market purchases.* Authority to enter into contracts pursuant to section 302(c)(3) of the FPAS Act, as amended, for supplies, services, and rental of equipment and aircraft, not to exceed $2,500 per transaction, and for construction, not to exceed $2,000 per transaction; *Provided*, That the requirement is not available from established sources of supply.

2. *Established sources of supply.* Authority to procure necessary supplies and services available from established sources of supply regardless of amount.

JACK A. MCINTOSH,
District Manager.

Approved:
EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-14785 Filed 7-18-73;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, July 28, 1973, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Thomas W. Richards
Arlington, Virginia
Mr. John C. Lewis
Hamilton, Virginia
Hon. Joseph H. Manning
Annapolis, Maryland
Mr. Burton C. English
Berkeley Springs, West Virginia
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James Gifford
Frederick, Maryland
Dr. K. R. Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Justice Douglas
(Special Consultant)
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Donald Frush
Hagerstown, Maryland

The matters to be discussed at this meeting include:

1. Proposed rezoning of the Georgetown Waterfront District.

2. A report of the Cumberland Boundary.

3. The two Superintendents' reports on their major activities since the last Commission meeting.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Assistant Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, S.W., Washington, D.C.

Dated: July 11, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14934 Filed 7-18-73;8:45 am]

Office of Oil and Gas

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the following meeting: National Petroleum Council meeting, July 24, 1973, 9:00 a.m., Department of the Interior Auditorium, Washington, D.C. The agenda will include reports from the Nominating Committee and election of officers, factors affecting U.S. petroleum refining, and emergency preparedness.

The purpose of the National Petroleum Council is solely to advise, inform, and make recommendations to the Secretary of the Interior on any matter relating to petroleum or the petroleum industry.

This meeting is open to the public.

DUKE R. LIGON,
Director.

JULY 17, 1973.

[FR Doc.73-15005 Filed 7-18-73;11:20 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

PEANUT ADMINISTRATIVE COMMITTEE

Budget of Expenses and Rate of Assessment for the 1973 Crop Year

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 FR 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1973 and for the crop year beginning July 1, 1973, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1973, shall be in the total amount of $300,000, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determined to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1973 Crop Peanuts, effective July 1, 1973, are estimated at, but may exceed $4.0 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with section 48 of the marketing agreement, an assessment at the rate of $3.30 per net ton of farmers stock peanuts received or acquired other than those described in section 31(c) and (d) ($0.30 for administrative expenses and $3.00 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $3.00 rate and not expended in providing indemnification on 1973 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and

handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: July 16, 1973.

CHARLES R. BRADER,
Acting Deputy Director,
Fruit and Vegetable Division.

[FR Doc.73-14776 Filed 7-18-73;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-320]

DOMESTIC BEET SUGAR PRODUCING AREA

Hearing on Proportionate Shares for 1974 Crop

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, will conduct a hearing to receive the views and recommendations of interested persons on the need for establishing proportionate shares (farm acreage allotments) for the 1974 crop of sugarbeets in the Domestic Beet Sugar Area. Also, for use by the Secretary if he determines that proportionate shares are needed, views and recommendations are desired on all phases of the proportionate share program, including the level of the National Sugarbeet Acreage Requirement. The hearing will be conducted at Denver, Colorado, on August 9, 1973, in Room 1430 (ground floor), Federal Building, 1961 Stout Street, beginning at 10:00 a.m. local time.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended (7 U.S.C. 1132 (b)), the Secretary must determine for each crop year whether the production of sugar from any crop of sugarbeets will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

With the exception of the 1970 crop, proportionate shares have not been in effect since the 1966 crop. Acreage restrictions on 1970-crop plantings were established in October 1969 but were removed in April 1970 because of deficiencies in the 1969 crop. Latest estimates indicate that approximately 3,663,000 short tons, raw value, of sugar will be produced from 1972-crop plantings, and that 1973-crop acreage planted or to be planted will total about 1,280,455 acres.

Views and recommendations on the need for establishing proportionate shares and the details of the program may be presented orally at the hearing, preferably supported in writing by an original and two copies of the oral statement. Views and recommendations may also be submitted in writing (original and two copies) at the hearing without an oral presentation or they may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, postmarked not later than August 23, 1973. Oral and written proposals that proportionate shares be established for the 1974 crop in addition to the rationale should include recommendations as to the level of the National Sugarbeet Acreage Requirement and as to the details of a program. These would include such items as methods (formulae) of establishing State allocations, area allotments and farm bases, and the level of set-asides for new producers, appeals and adjustments.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 C.F.R. 1.27 (b)).

Signed at Washington, D.C. on July 13, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-14873 Filed 7-18-73;8:45 am]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

Notice to buyers. This Monthly Sales List for the fiscal year ending June 30, 1974, is issued pursuant to the policy of the Commodity Credit Corporation issued on October 12, 1954, and published in the FEDERAL REGISTER of October 16, 1954, (19 FR 6669), and amended on January 31, 1970, (35 FR 1273), and on June 3, 1970, (35 FR 107). This Monthly Sales List is effective with respect to Commodity Credit Corporation (CCC) commodity holdings, which are available for sale, beginning at 2:30 p.m., e.d.t., on June 29, 1973. Sales price transitions between successive months will be made at 2:30 p.m. (Washington, D.C.), on the last CCC business day of each month unless otherwise specified.

This Monthly Sales List reflects sales policy for the beginning month of the period covered by the list. This Monthly Sales List also projects the beginning sales policy as far as possible into the balance of the fiscal year by setting forth prices that will prevail in subsequent months if the beginning sales policy remains unchanged. The inclusion of projected prices for subsequent months is intended to minimize the repetitive publication of price information and shall not be construed as an annual sales policy commitment by CCC. This Monthly Sales List will be amended in the FEDERAL REGISTER from time to time during the fiscal year to reflect intramonth and end-of-month changes.

This Monthly Sales List sets forth the commodities available for sale, information concerning financing, and barter, the pricing basis on which sales will be made, and sources from which further information concerning matters described in this paragraph may be obtained. This list is issued for the purpose of public information and does not constitute an offer to sell by CCC or an invitation for offers to purchase from CCC.

1. *General.* (a) CCC will entertain offers from responsible buyers for the purchase of any commodity in this Monthly Sales List. Offers accepted by CCC will be subject to the terms and conditions prescribed by CCC. With certain exceptions such terms and conditions appear in published regulations and in pamphlets which are designated as announcements. The identity of such announcements are with certain exceptions, stated in this Monthly Sales List. The announcements may be obtained from the sources described herein.

(b) CCC reserves the right to refuse to consider an offer if CCC does not have adequate information of financial responsibility of the offeror to meet contract obligations of the type contemplated under the prospective contract. If a prospective offeror is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named to receive offers in the appropriate announcement or invitation prior to making an offer or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only on submission by offeror of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offeror will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of a performance bond or other security acceptable to CCC. Interest at 8 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

(c) Prices on deferred delivery sales of grain at origin locations will be in accordance with the CCC Monthly Sales List in effect at the time of sale with interest beginning for the account of the buyer the day after the date of sale. Such sales made on an in-store delivery basis will require storage to begin for the account of the buyer 10 days after the date of sale. Such sales made on an FOB origin basis will require storage for the account of the buyer beginning on the day after the date of sale. Storage charges will be in accordance with Uniform Grain Storage Agreement rates. Interest to date of payment will be at 8 percent. No cash advance will be required from responsible buyers, but buyers will be required to furnish CCC an irrevocable letter of credit covering the purchase price plus estimated storage and interest to the end of the delivery period. Specific terms for to-arrive sales

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will be enumerated with separate announcements.

(d) Financial coverage for commodities purchased shall be furnished before delivery, in cash or by irrevocable letter of credit. Corn, oats, barley, grain sorghum, wheat or rye, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price.

(e) CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

(f) Nonstorable commodities will be sold at not less than market price.

2. *Export commodities.* On sales for export, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon which service of judicial process may be had.

Prospective buyers for export should note that, generally sales to U.S. Government agencies, with minor exceptions, will constitute sales for domestic unrestricted use of the commodity.

CCC reserves the right, before making any sales, to define or limit export areas.

Exports to certain countries are regulated by the U.S. Department of Commerce. These restrictions also apply to any commodities purchased from CCC whether sold for restricted or unrestricted use. Countries and commodities are specifically listed in the U.S. Department of Commerce export control regulations. Additional information is available from the Bureau of International Commerce or from the field offices of the Department of Commerce.

In the case of export sales, the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Although a commodity may not be specifically listed for export sale, CCC reserves the right to make emergency sales of its stocks for export if unexpected trade opportunities develop or when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements and by amendments to the CCC Monthly Sales List.

3. *CCC binsite commodities.* Information on the availability of commodities stored in CCC binsites may be obtained from the Agricultural Stabilization and Conservation Service State offices shown at the end of this sales list.

4. *Odd lot quantities.* Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and, therefore, generally they do not appear in the monthly sales list.

5. *Definitions.* The following terms as used in this monthly sales list shall have the following meanings unless otherwise specifically stated:

(a) "Market price" means market price as determined by CCC.

(b) "Transit value" means transit value as determined by CCC.

(c) "Sales for unrestricted use and unrestricted sales" means sales which permit either domestic or export use.

(d) "Sales for export and export sales" means sales which require export of a commodity.

(e) "Designated terminals" are listed in grain price support regulations.

(f) "Export market price" means a price as determined by CCC and generally reflects the price at which commodities are being sold for export.

6. *Barter eligibility list.* Stocks of tobacco, under CCC loan, are available for new and existing barter contracts.

7–10. [*Reserved*].

11. *Wheat—unrestricted use sales—bulk-storable—basis grade 1 in-store.* The minimum price is the market price but not less than the formula price.

(a) Except as specified in paragraph (b) of this section:

(1) At designated terminals the formula price for the predominant class of wheat is the 1973 county loan rate where stored plus the monthly markup shown in this section plus the transit value or 4 cents per bushel whichever is higher. Adjustments for other classes will be established when necessary by CCC.

(2) Outside of designated terminal markets, the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

(3) Loan differentials will be applied in determining the formula price of other qualities at all locations.

MONTHLY MARKUPS IN CENTS PER BUSHEL

July 1973	25	Jan. 1974	31
August	25	February	33
September	25	March	35
October	25	April	37
November	27	May	37
December	29	June	37

(b) The July formula price of wheat at the west gulf is fixed at $1.83 per bushel. The minimum price for sales of Hard Red Winter wheat at points tributary to the gulf will be the higher of the market price, the formula price at point of sale, or the west gulf price of $1.83 backed off to point of sale. The foregoing fixed price of wheat at the west gulf will increase in accordance with the following monthly markup schedule:

MONTHLY MARKUP SCHEDULE

July 1973	0	Jan. 1974	6
August	0	February	8
September	0	March	10
October	0	April	12
November	2	May	12
December	4	June	12

12. [*Reserved*].

13. *Corn—Unrestricted use sales—Interior positions bulk—Storable—Basis grade 2 yellow corn 15.1–15.5 percent moisture—In-store.* The minimum price will be the market price but not less than the formula price. The formula price is the 1972 county loan rate where stored plus the monthly markup shown in this section plus transit value, if any.

MONTHLY MARKUPS—CENTS PER BUSHEL

July 1973	30½	Sept	30½
Aug	30½		

Loan differentials will be applied in determining the formula price of other grades or qualities.

14. *Corn—Unrestricted use sales—Port positions bulk—Storable—Basis grade 2 yellow corn 15.1–15.5 percent moisture—In-store.* The minimum price will be the market price but not less than $1.31 per bushel Duluth/Superior; $1.34 other Great Lake ports; $1.42 gulf, and $1.43 Atlantic plus markups for each month as follows:

MONTHLY MARKUPS—CENTS PER BUSHEL

July 1973	13½	Sept	13½
Aug	13½		

Loan differentials will be applied in determining the formula price of other grades or qualities.

15.–16. [*Reserved*].

17. *Grain sorghum—Unrestricted use sales (bulk—storable—basis grade 2 or better in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1972 county loan rate where stored plus the monthly markup shown in this section plus 7 cents per hundredweight or the transit value, whichever is higher.

Outside of designated terminals the formula price is the county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of other grades and qualities.

Monthly Markups—Cents Per Hundredweight

July 1973	49½	Sept.	49½
Aug.	49½		

18. [*Reserved*].

19. *Barley—unrestricted use sales (bulk-storable-basis grade 2 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher.

Outside of designated terminals, the formula price is the 1973 county loan rate where stored plus the monthly markup shown in this section plus the transit value, if any.

Loan differentials will be applied in determining the formula price of various classes and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1973		1974	
July	19	Jan.	25
Aug.	19	Feb.	27
Sept.	19	Mar.	29
Oct.	19	Apr.	31
Nov.	21	May	31
Dec.	23	June	31

20. [*Reserved*].

21. *Oats—unrestricted use sales (bulk—storable—basis grade 3 in-store).* The minimum price is the market price but not less than the formula price which is the 1973 base loan rate where stored plus the monthly markup shown in this section plus transit value, if any. Loan differentials will be applied in determining the formula price of other grades and qualities.

MONTHLY MARKUPS—CENTS PER BUSHEL

1973		1974	
July	13½	Jan	18
Aug	13½	Feb	19½
Sept	13½	Mar	21
Oct	13½	Apr	22½
Nov	15	May	22½
Dec	16½	June	22½

22. [*Reserved*].

23. *Rye—unrestricted use sales (bulk—storable—basis grade 2 in-store).* The minimum price is the market price but not less than the formula price.

At designated terminals the formula price is the 1973 base loan rate where stored plus the monthly markup shown in this section plus 4 cents per bushel or the transit value, whichever is higher. The formula price for rye stored outside of designated terminals is the 1973 base loan rate where stored plus the monthly markup shown in this section plus the transit value, if any. Loan differentials will be applied in determining the formula price of other qualities.

Monthly Markups—Cents Per Bushel

1973		1974	
July	20	Jan	26
Aug	20	Feb	28
Sept	20	Mar	30
Oct	20	Apr	32
Nov	22	May	32
Dec	24	June	32

24. [*Reserved*].

25. *Rice, rough—unrestricted use sales—F.O.B. warehouse.* The minimum price is the market price but not less than the formula price. The formula price for July 1973 is the 1972 loan rate plus 5 percent plus 59 cents per hundredweight. Basis of sale is f.o.b. warehouse as is, or at buyers option, basis outturn weights and grades with privilege of rejecting individual cars which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

26–29. [Reserved].

30. *Tung oil—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–TNO–1.

The quantity offered, storage location, and date bids are to be received and announced in invitations issued by the New Orleans ASCS Commodity Office.

Bids will include, and be evaluated on the basis of price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the announcement, refund to the buyer a "freight equalization" allowance.

Sales will be made by the New Orleans ASCS Commodity Office. Copies of the announcement and the applicable invitation may be obtained from that office.

31. [Reserved].

32. *Peanuts, shelled or farmers stock—restricted use sales.* When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association.	Camilla, Ga. 31730
Peanut Growers Cooperative Marketing Association.	Franklin, Va. 23851
Southwestern Peanut Growers' Association.	Gorman, Tex. 76454

Terms and conditions of sale are set forth in Announcement OC–10 (Revision 1), effective October 1, 1972, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 Grade may be purchased for foreign or domestic crushing.

2. Shelled graded peanuts equal to or exceeding requirements of U.S. grades may be purchased for export without limitations on their use.

3. Farmers Stock: Segregation 1 may be purchased and:

A. Milled to produce U.S. No. 1 or better grade shelled peanuts to be exported and the balance either crushed domestically or fragmented and exported.

B. Milled to remove the hulls and exported after fragmentation.

C. Exported as farmers stock with no warranty after delivery by CCC.

Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids submitted each Tuesday to the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250. 33–37 [*Reserved*].

38. *Cotton, extra long staple—unrestricted use sales.* Competitive offers under the terms and conditions of Announcement NO–C–6 (Revision 2), as amended. Extra long staple cotton may be acquired at the highest price offered, but not less than the higher of (1) the market price as determined by CCC, or (2) 115 percent of the 1973 loan rate for such cotton plus reasonable carrying charges for the month in which the sale is made.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Revised) (Sale of Special Condition Cotton). Any such cotton (below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

MONTHLY CARRYING CHARGES—POINTS PER POUND

July 1973	135	January	70
August	45	February	90
September	45	March	105
October	45	April	120
November	45	May	135
December	60	June	135

39—45 [Reserved].

46. *Flaxseed—unrestricted use sales (bulk—storable—basis grade 1 in-store Minneapolis and Duluth/Superior).* Market price but not less than $2.80 per bushel plus transit value. Minimum price at locations other than Minneapolis and Duluth/Superior will be adjusted, taking into consideration: (a) Cost of movement to these terminals, and (b) other market factors. Available from the Minneapolis ASCS Branch Office.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES:

GRAIN OFFICES, ADDRESSES, TELEPHONE AND SALES AREAS

Kansas City ASCS Commodity Office. 2400 West 75th Street (P.O. Box 8377) Shawnee Mission, Kansas 66208: Telephone: Area Code 816, 361–0860.

Domestic and Export Sales. Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Domestic Sales Only. California.

Export Only. Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office. Chicago ASCS Branch Office, 226 W. Jackson Blvd. Room 106, Chicago, Illinois 60606 Telephone: Area Code 312, 353–6581

Domestic Sales Only. Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office. Minneapolis ASCS Branch Office, 310 Grain Exchange Bldg. Minneapolis, Minnesota 55415 Telephone: Area Code 612, 725–2051

Domestic and Export Sales. Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office. Portland ASCS Branch Office, 921 S.W. Washington St. Room 256 Pittock Block, Portland, Oregon 97205 Telephone: Area Code 503, 221–2715.

Domestic and Export Sales. Idaho, Oregon, Utah, and Washington

Export Sales Only. California

PROCESSED COMMODITIES OFFICE.—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Ave. South, Minneapolis, Minnesota 55435. Telephone: Area Code 612, 725–3200.

COTTON OFFICE. (ALL STATES)

New Orleans ASCS Commodity Office, New Orleans Service Center, Bldg. 350, 13800 Gentilly Road, New Orleans, Louisiana 70129 Telephone: Area Code 504, 255–5500

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701, Telephone: Area Code 217, 525–4180.

Indiana, Suite 1600, 6610 Crawfordsville Road, Indianapolis, Ind. 46224, Telephone: Area Code 317, 633–8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309, Telephone: Area Code 515, 284–4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kansas 66502, Telephone: Area Code 913, 539–3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823, Telephone: Area Code 517, 372–1910.

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Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201, Telephone: Area Code 314, 442–3111.
Minnesota, Room 230 Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101, Telephone: Area Code 612, 725–7651
Montana, P.O. Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715, Telephone: Area Code 406, 587–4511, Ext. 3271
Nebraska, P.O. Box 82208, 5801 O Street, Lincoln, Nebr. 68501, Telephone: Area Code 402, 475–3361
North Dakota, P.O. Box 3046, 657 Second Avenue, North, Fargo, N.D. 58103, Telephone: Area Code 701, 237–5205
Ohio, Room 116, Old Federal Building, Columbus, Ohio 43215, Telephone: Area Code 614, 469–6814
South Dakota, P.O. Box 843, 239 Wisconsin Street, SW, Huron, S.D. 57350, Telephone: Area Code 605, 352–8651, Ext. 321 or 310
Wisconsin, P.O. Box 4248, 4601 Hammersley Road, Madison, Wis. 53711, Telephone: Area Code 608, 252–5301, Ext. 7535

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055, as amended; 7 U.S.C. 1427; sec. 301, 79 Stat. 1188, as amended; 7 U.S.C. 1441 (note).)

Signed at Washington, D.C., on July 13, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73–14781 Filed 7–18–73;8:45 am]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with a proposed release of loan funds to Central Electric Power Cooperative, Inc., PO. Box 23, Cayce, South Carolina. This release of funds would provide financing for the Pinopolis-Ringstree 230 kV transmission line and Darlington 230–69 kV substation; the Robinson-Blythewood 230 kV transmission line and Blythewood 230–115 kV substation and Camden switching facilities; plus the Batesburg-Newberry 230 kV transmission line.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Acting Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4322, or at Central Electric Power Cooperative, Inc., Cayce, South Carolina.

Final REA action may be taken with respect to this matter after thirty (30) days.

Dated at Washington, D.C., this 13th day of July 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73–14780 Filed 7–18–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BONA FIDE MOTOR-VEHICLE MANUFACTURERS AS OF MAY 1, 1973

List of Names and Addresses

As required by headnote 2, subpart B, part 6, of the Tariff Schedules of the United States (19 U.S.C. 1202) and Chapter VI, Part 615, of Title 15 of the Code of Federal Regulations (36 FR 7127), the following is a list of the names and addresses and dates of determinations of bona fide motor vehicle manufacturers which shall be effective for a 12-month period beginning with the date shown following the name and address of each manufacturer:

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST AS OF MAY 1, 1973

Action-Age, Inc.
1060 N. Detroit Avenue
Monroe, Michigan 48161
September 1, 1972

Adams International Truck Co.
P.O. Box 1556
Thomasville, Georgia 31792
January 18, 1973

Advanced Equipment Corporation
51–55 Delancey Street
Newark, New Jersey 07105
June 1, 1972

Allentown Brake & Wheel Service, Inc.
R.D. No. 3
Allentown, Pennsylvania 18104
October 19, 1972

Allied Leisure, Inc.
P.O. Box 5411
Lansing, Michigan 48905
January 18, 1973

AM General Corporation
(formerly Jeep Corporation)
32500 Van Born Street
Wayne, Michigan 48184
April 1, 1973

American La France
Division American LaFrance, Inc.
100 East La France Street
Elmira, New York 14902
July 8, 1972

American Motors Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 18, 1973

American Trailer Service, Inc.
2814 North Cleveland Avenue
St. Paul, Minnesota 55113
January 18, 1973

American Trailers, Inc.
5702 E. Admiral Place
Box 15708
Tulsa, Oklahoma 74115
October 27, 1972

American Trailers, Inc.
1500 Exchange Avenue
Oklahoma City, Oklahoma 73126
January 18, 1973

AMREC, Inc.
Rt. 1, Box 199A
Farmington, Minnesota 55024
November 1, 1972

Amthor's Welding Service, Inc.
Route 52 East
Walden, New York 12586
July 9, 1972

Antietam Equipment Corporation
P.O. Box 91
Hagerstown, Maryland 21740
January 1, 1973

Arctic Enterprises, Inc.
P.O. Box 635
Thief River Falls, Minnesota 56701
August 1, 1972

Ariens Company
655 West Ryan Street
Brillion, Wisconsin 54110.
August 10, 1972

ATV Manufacturing Co.
1215 William Flynn Highway
Route 8
Glenshaw, Pennsylvania 15116
October 1, 1972

Automotive Service Company
111–113 North Waterloo
Jackson, Michigan 49204
January 18, 1973

Avanti Motor Corporation
765 South Lafayette Blvd.
South Bend, Indiana 46623
January 10, 1973

Bethlehem Fabricators, Inc.
1700 Riverside Drive
Bethlehem, Pennsylvania 18016
January 20, 1973

Donald Billings, Inc.
555 Longfellow Avenue
Bronx, New York 10474
May 12, 1972

Adam Black & Sons, Inc.
276–300 Tonnele Avenue
Jersey City, New Jersey 07306
January 18, 1973

Blue Bird Body Company
P. O. Box 937
Fort Valley, Georgia 31030
January 18, 1973

Bock Products, Inc.
2132 South Main Street
Elkhart, Indiana 46514
October 20, 1972

Boyertown Auto Body Works, Inc.
3rd & Walnut Streets
Boyertown, Pennsylvania 19512
September 1, 1972

Brake & Equipment Co. Inc.
1801 North Mayfair Road
Milwaukee, Wisconsin 53226
January 1, 1973

Brake Service and Parts, Inc.
170 Washington Street
P. O. Box 774
Bangor, Maine 04401
January 18, 1973

Bristol-Donald Co. Inc.
Bristol-Donald Manufacturing Corp.
50 Roanoke Avenue
Newark, New Jersey 07105
January 1, 1973

Brutanza Engineering, Inc.
Box 158
Brooten, Minnesota 56316
August 8, 1972

Bus Andrews Equipment Sales & Service, Inc.
2828 East Kearney Street
Springfield, Missouri 65803
December 1, 1972

The Carnegie Body Company
9500 Brookpark Road
Cleveland, Ohio 44129
January 18, 1973

Champion Carriers, Inc.
2321 E. Pioneer Drive
Irving, Texas 78601
October 20, 1972

Chaparrel Industries, Inc.
5395 North Washington Street
Denver, Colorado 80216
July 8, 1972

Checker Motors Corporation
2016 N. Pitcher Street
Kalamazoo, Michigan 49007
January 1, 1973

Chrysler Corporation
Chrysler Center
12000 Oakland Avenue
Highland Park, Michigan 48231
January 18, 1973

B. M. Clark Co., Inc. & Subsidiary
Route 17
Union, Maine 04862
January 14, 1973

Fred Clemett & Co., Inc.
2020 Lemoyne Street
(P. O. Box 26)
Syracuse, New York 13211
July 1, 1972

Coder Service, Inc.
420 Hopkins Street
Buffalo, New York 14220
February 17, 1973

Comet Corporation
N. 3808 Sullivan Road
Spokane, Washington 99216
January 18, 1973.

Commercial Body Corporation
200–68th Place
P. O. Box 8514
Seat Pleasant, Maryland 20027
November 1, 1972

Commercial Truck & Trailer, Inc.
313 North State Street
Girard, Ohio 44420
January 1, 1973

Connell Motor Truck Co. of Fresno
P. O. Box 3316
Fresno, California 93766
January 15, 1973

Cook Body Company
3701 Harlee Avenue
Charlottee, North Carolina 28208
October 22, 1972

Cortez Corporation
777 Stow Street
Kent, Ohio 44240
February 1, 1973

O. R. Cote Company
556 St. James Avenue
P. O. Box 8 Highland Station
Springfield, Massachusetts 01109
June 17, 1973.

Crenshaw Corporation
1700 Commerce Road
P. O. Box 4217
Richmond, Virginia 23224
April 1, 1973

Critzer Equipment Company, Inc.
E. 3804 Front Avenue
P. O. Box 152
Spokane, Washington 99210
January 10, 1973

Cross Truck Equipment Company, Inc.
5130–18th Street, S. W.
Canton, Ohio 44706
August 23, 1972

Crown Coach Corporation
2500 East 12th Street
Los Angeles, California 90021
March 20, 1973

Dade Trailer Sales and Services, Inc.
2960 N.W. 73rd Street
Miami, Florida 33147
December 2, 1972

Daleiden Auto Body & Mfg. Corp.
425 E. Vine Street
Kalamazoo, Michigan 49001
January 12, 1973

Daybrook-Ottawa Division Gulf & Western Metals Forming Co.
1313 North Hickory Street
Ottawa, Kansas 66067
and
1175 North Main Street
Bowling Green, Ohio 43402
January 1, 1973

Dealers Truck Equipment Co., Inc.
2460 Midway Street
P. O. Box 1435
Shreveport, Louisiana 71108
January 17, 1973

Dealers Truckstell Sales, Inc.
653 Beale Street
P.O. Box 502
Memphis, Tennessee 38101
January 1, 1973

Chet Decker Auto Sales
300 Lincoln Avenue
Hawthorne, New Jersey 07506
November 3, 1972

John Deere Horicon Works of Deere & Company
Horicon, Wisconsin 53032
June 1, 1972

Diamond Reo Trucks, Inc.
1331 South Washington Avenue
Lansing, Michigan 48920
October 26, 1972

Divco Truck Co. of Transairco, Inc.
London Road Extension
P.O. Drawer "B"
Delaware, Ohio 43015
July 1, 1972

Dufrane Motor Distributors, Inc.
417 E. Main Street
Malone, New York 12953
May 15, 1972

Eastern Tank Corporation
290 Pennsylvania Avenue
Paterson, New Jersey 07503
January 1, 1973

Economy Motors, Inc.
3102 W. 1st Street
Duluth, Minnesota 55806
November 22, 1972

Eight Point Trailer Corporation
6100 E. Washington Blvd.
Los Angeles, California 90040
January 18, 1973

Elder International, Inc.
5875 North Loop
P.O. Box 2061
Houston, Texas 77001
December 1, 1972

Equipment Service, Inc.
40 Airport Road
Hartford, Connecticut 06114
April 1, 1973

E. & R. Trailer Sales, Inc.
R. R. #1
Middle Point, Ohio 45863
December 1, 1972

John Evans Manufacturing Co. Inc.
2 Mi. South, Highway 15–A
Sumter, South Carolina 29150
January 1, 1973

Flagmaster, Inc.
2875 North 31st Street
P.O. Box 3565
Springfield, Illinois 62708
May 1, 1973

Fleet Equipment Co.
10605 Harry Hines
P.O. Box 20578
Dallas, Texas 75220
December 1, 1972

The Flexible Co.
326—332 N. Water Street
Loudonville, Ohio 44842
January 1, 1973

FMC Corporation
Bolens Division
215 S. Park Street
Port Washington, Wisconsin 53074
April 1, 1973

Ford Motor Company
The American Road
Dearborn, Michigan 48121
January 18, 1973

Fox Corporation
1111 W. Racine Street
Janesville, Wisconsin 53545
January 18, 1973

F & P Truck & Trailer Equipment
254–266 Central Avenue
Newark, New Jersey 07103
October 1, 1972

Freightliner Corp.
2525 S.W. Third Avenue
Portland, Oregon 97201
December 14, 1972

Fruehauf Corporation
10900 Harper Avenue
Detroit, Michigan 48232
December 1, 1972

FWD Corporation
105 East 12th Street
Clintonville, Wisconsin 54929
January 1, 1973

Gallagher's Tank & Equipment, Inc.
317 West Service Road
Hartford, Connecticut 06120
June 1, 1972

Peter Garafano & Son, Inc.
264 Wabash Avenue
Paterson, New Jersey 07503
June 3, 1972

General Motors Corporation
3044 West Grand Blvd.
Detroit, Michigan 48202
January 18, 1973

General Trailer Co. Inc.
546 W. Wilkins Street
Indianapolis, Indiana 46225
January 27, 1973

The Gertsenslager Company
1425 East Bowman Street
Wooster, Ohio 44691
July 1, 1972

Gidley-Eschenheimer Corporation
858 Providence Highway
Dedham, Massachusetts 02026
July 15, 1972

Gillig Bros.
25800 Clawiter Road
Hayward, California 94543
January 1, 1973

Gilson Brothers Company
P.O. Box 152, Highway 57
Plymouth, Wisconsin 53073
September 26, 1972

Gooch Brake and Equipment Co.
531 Grand Avenue
Kansas City, Missouri 64106
January 1, 1973

Harley-Davidson Motor Co. Inc.
3700 West Juneau Avenue North
Milwaukee, Wisconsin 53201
April 1, 1973

Harris Rim and Wheel, Inc.
525 Peters Street, S.W.
Atlanta, Georgia 30310
January 1, 1973

V38-138 JUL 1973 XUM

Hawkeye Truck Equipment Co.
5800 Second Avenue
Des Moines, Iowa 50313
October 28, 1972

Heil Equipment Co. of Philadelphia, Inc.
1223 Ridge Pike
Conshocken, Pennsylvania 19428
January 3, 1973

Hendrickson Manufacturing Co.
8001 West 47th Street
Lyons, Illinois 60534
January 1, 1973

Herter's, Inc.
Route 1
Waseca, Minnesota 56093
May 15, 1972

The Hess & Eisenhardt Co.
8959 Blue Ash Road
Cincinnati, Ohio 45242
January 9, 1973

Hews Body Co.
190 Rumery Street
South Portland, Maine 04106
January 18, 1973

H. & H. Truck Tank Co., Inc.
745 Tonnele Avenue
Jersey City, New Jersey 07307
September 30, 1972

Highway Products, Inc.
789 Stow Street
Kent, Ohio 44240
March 27, 1973

Hobbs Equipment Co. Inc.
Keeler Avenue
Norwalk, Connecticut 06856
August 9, 1972

Hobbs Trailers
609 North Main Street
Fort Worth, Texas 76101
April 5, 1973

H. M. Howe Co. of New England, Inc.
93 Bucklin Street
Providence, Rhode Island 02907
December 12, 1972

O. G. Hughes & Sons, Inc.
4816 Rutledge Pike (Box 6277)
Knoxville, Tennessee 37914
January 1, 1973

International Harvester Co.
401 North Michigan Avenue
Chicago, Illinois 60611
January 18, 1973

Iroquois Manufacturing Co., Inc.
Richmond Road
Hinesburg, Vermont 05461
July 1, 1972

Jac-Trac, Inc.
Route 2 East 29th Street
Marshfield, Wisconsin 54449
May 26, 1972

Jamie E. Jacobs, Owner
Vermont Chemicals
Colchester, Vermont 05446
and
Bobcat Mfg. Company
P.O. Box 191
N. Suite, Rhode Island 02857
January 8, 1973

Jeep Corporation
14250 Plymouth Road
Detroit, Michigan 48232
January 1, 1973

Kay Wheel Sales Co.
Van Kirk Street at State Road
Philadelphia, Pennsylvania 19135
January 1, 1973

L. W. Ledwell & Son, Inc.
P.O. Box 1106
Texarkana, Texas 75501
January 18, 1973

Leisure Design Corp.
Route 3, Box 706
Excelsior, Minnesota 55331
December 1, 1972

Leisure Vehicles, Inc.
1460 Rankin
Troy, Michigan 48084
January 25, 1973

Leland Equipment Co.
7777 E. 42nd Place South
Box 45128
Tulsa, Oklahoma 74145
January 18, 1973

Liberty Oil Equipment Co. Inc.
82 Cherry Street
East Hartford, Connecticut 06108
May 1, 1973

Long Trailer Service, Inc.
P. O. Box 5105 Station "B"
Henderson Drive
Greenville, South Carolina 29606
March 1, 1973

Lori Equipment Corporation
333 Nassau Avenue
Brooklyn, New York 11222
October 16, 1972

Mack Trucks, Inc.
Box M
Allentown, Pennsylvania 18105
January 18, 1973

Madison Truck Equipment
2410 S. Stoughton Road
Madison, Wisconsin 53716
October 22, 1972

Jay Madsen Division Air Springs, Inc.
126–136 Linden Street
Allentown, Pennsylvania 18101
January 1, 1973

Manning Equipment, Inc.
12000 Westport Road
P. O. Box 22266
Louisville, Kentucky 40222
April 16, 1973

Massey-Ferguson Inc.
1901 Bell Avenue
Des Moines, Iowa 50315
and
Badger Northland Inc., a subsidiary of Massey-Ferguson Inc.
215 West Second Street
Kaukauna, Wisconsin 54130
July 1, 1972

Maxon Industries, Inc.
1960 E. Slauson Avenue
Huntington Park, California 90255
August 15, 1972

Mercury Marine, Division of Brunswick Corporation
1939 Pioneer Road
Fond du Lac, Wisconsin 54935
June 24, 1972

Merit Tank & Body, Inc.
707 Gilman Street
Berkeley, California 94710
January 18, 1973

Mickey Truck Bodies, Inc.
P. O. Box 2044
1305 Trinity Avenue
High Point, North Carolina 27261
June 30, 1972

Middlekauff, Inc.
1615 Ketcham Avenue
Toledo, Ohio 43608
January 18, 1973

Mid West Truck Equipment Sales Corp.
640 East Pershing Road
Decatur, Illinois 62526
February 22, 1973

Moline Body Company
222–52nd Street
Moline, Illinois 61265
January 6, 1973

Monon Trailer Inc.
P.O. Box 446
Monon, Indiana 47959
April 8, 1973

Moore and Sons, Inc.
P.O. Box 30091
Memphis, Tennessee 38130
January 1, 1973

Motor Coach Industries, Inc.
Pembina, North Dakota 58271
January 18, 1973

Motor Truck Equipment Corporation
P.O. Box 47385
Dallas, Texas 75247
January 18, 1973

M & R Sales, Inc.
6640 County Trk.
Neenah, Wisconsin 54956
September 21, 1972

MTD Products Inc.
5389 West 130th Street
P.O. Box 2741
Cleveland, Ohio 44111
September 15, 1972

Murphy Body Distributors, Inc.
310 Herring Avenue
Wilson, North Carolina 27893
November 22, 1972

Mutual Truck Parts Co., Inc.
2000 S. Wabash Avenue
Chicago, Illinois 60616
May 23, 1972

Mutual Wheel Company
2345–4th Avenue
Moline, Illinois 61265
February 20, 1973

Neil's Automotive Service, Inc.
167 E. Kalamazoo Avenue
Kalamazoo, Michigan 49006
January 1, 1973

Nelson Manufacturing Company
Route 1, Box 90
Ottawa, Ohio 45875
January 18, 1973

Ohio Body Mfg. Co.
New London, Ohio 44851
January 1, 1973

Olson Bodies, Inc.
600 Old Country Road
Garden City, New York 11530
November 1, 1972

Chas. Olson & Sons, Inc.
Pillsbury at Lake Street
Minneapolis, Minnesota 55408
April 14, 1973

Olson Trailer & Body Builders Co. Inc.
2740 South Ashland Avenue
P.O. Box 2445
Green Bay, Wisconsin 54306
January 18, 1973

Oshkosh Truck Corporation
2307 Oregon Street
Oshkosh, Wisconsin 54901
January 18, 1973

Outboard Marine Corporation
100 Pershing Road
Waukegan, Illinois 60085
January 18, 1973

Palmer Spring Company
355 Forest Avenue
Portland, Maine 04101
January 18, 1973

Palmer Spring Co.
399 Willow Street
Manchester, New Hampshire 03103
November 4, 1972

Palmer Trailer Sales Co. Inc.
162 Park Street
Palmer, Massachusetts 01069
January 18, 1973

Peabody Galion Corporation
P.O. Box 607
500 Sherman Street
Galion, Ohio 44833
August 24, 1972

Peerless Div. Royal Industries, Inc.
18205 S.W. Boones Ferry Road
P.O. Box 447
Tualatin, Oregon 97062
January 8, 1973

Perfection Equipment Company
7 South Pennsylvania
Oklahoma City, Oklahoma 73107
January 12, 1973

Peterbilt Motors Company Div. of PACCAR Inc. and Kenworth Motor Truck Company
P.O. Box 1518
Bellevue, Washington 98009
January 16, 1973

Phoenix Manufacturing Incorporated
375 West Union Street
Nanticoke, Pennsylvania 18634
February 20, 1973

Polaris Div. of Textron, Inc.
1225 N. County Road 18
Minneapolis, Minnesota 55427
August 2, 1972

C. E. Pollard Company
13575 Auburn Avenue
Detroit, Michigan 48223
July 27, 1972

Power Brake Company, Inc.
1506 W. Morehead Street
Charlotte, North Carolina 28201
January 17, 1973

Power Brake Service & Equipment Co. Inc.
1022 Carnegie Avenue
Cleveland, Ohio 44115
October 21, 1972

Providence Body Co.
750 Wellington Avenue
Cranston, Rhode Island 02910
June 1, 1972

Quality Truck Equipment Co.
Route 66 and Mercer Avenue
P. O. Box 420
Bloomington, Illinois 61701
November 15, 1972

Quality Truck Equipment Co.
1–74 & Prospect Avenue
P. O. Box 969
Champaign, Illinois 61820
November 15, 1972

Raleigh Spring & Brake Service, Inc.
P. O. Box 9304
1813 S. Saunders Street
Raleigh, North Carolina 27603
April 9, 1973

Rectrans Division of White Motor Corp.
800 Whitney Avenue
Brighton, Michigan 48116
May 10, 1972

Reliable Spring Company, Inc.
10557 S. Michigan Avenue
Chicago, Illinois 60628
January 20, 1973

Rhode Island Petroleum Equipment Co.
Mill Street
Johnston, Rhode Island 02861
(Mailing Address:
John F. Cullinan, President
Rhode Island Petroleum Equipment Co.
88 Manistee Street
Pawtucket, Rhode Island 02861)
May 16, 1972

Roanoke Welding Co.
P.O. Box 4373
Roanoke, Virginia 24015
January 1, 1973

Rowland Truck Equipment, Inc.
2900 Northwest 73rd Street
P.O. Box 398
Miami, Florida 33147
and
2265 W. Beaver Street
P.O. Box 2006
Jacksonville, Florida 32203
November 19, 1972

Rupp Industries, Inc.
1776 Airport Road
Mansfield, Ohio 44903
October 3, 1972

Schafer Body, Inc.
5009 Superior Avenue
Cleveland, Ohio 44103
August 13, 1972

Schien Body & Equipment Co., Inc.
North on University
Carlinville, Illinois 62626
January 18, 1973

Schweigers, Inc.
South Highway 81
Watertown, South Dakota 57201
January 18, 1973

Scientific Brake & Equipment Co.
314 W. Genesee Avenue
Saginaw, Michigan 48602
January 19, 1973

Scorpion, Inc.
Box 300
Crosby, Minnesota 56441
April 29, 1973

Sharpsville Steel Equipment Company
6th and Main Streets
Sharpsville, Pennsylvania 16150
January 2, 1973

Simpson Equipment Corporation
P. O. Box 1020
Wilson, North Carolina 27893
January 3, 1973

SMI (Watertown), Inc.
Purdy Avenue
Watertown, New York 13601
August 1, 1972

Smith-Moore Body Co., Inc.
P. O. Box 27287
Richmond, Virginia 23261
January 18, 1973

Southeastern Equipment, Inc.
1105 Pulaski Street
Columbia, South Carolina 29201
November 22, 1972

South Florida Engineers, Inc.
5911 E. Baffalo Avenue
P. O. Box 11927
Tampa, Florida 33610
July 2, 1972

Speedway Products, Inc.
(Div. of Taylor Metal Products)
160 E. Longview Avenue
Mansfield, Ohio 44095
August 7, 1972

SS Automobiles, Inc.
1735 South 106th Street
Milwaukee, Wisconsin 53214
May 22, 1973

Starcraft Company
(a Div. of Bangor Punta Oprs. Inc.)
Box 577 College Avenue
Goshen, Indiana 46526
April 1, 1973

Steffen, Inc.
623 West 7th Street
Sioux City, Iowa 51103
November 4, 1972

Superior Coach Corporation
Sheller-Globe Corporation
1200 East Kibby Street
Lima, Ohio 45802
March 20, 1973

Swab Wagon Company, Inc.
21 S. Callowhill Street
Elizabethville, Pennsylvania 17023
May 7, 1972

Syracuse Auto Parts, Inc.
120 N. Geddes Street
Syracuse, New York 13204
January 18, 1973

Thiokol Chemical Corporation
2503 North Main Street
P.O. Box 407
Logan, Utah 84321
January 15, 1973

Thomas Built Buses, Inc.
1408 Courtesy Road
High Point, North Carolina 27261
August 1, 1972

Transport Equipment Co.
3400 6th Avenue, South
Seattle, Washington 98134
January 18, 1973

Truck Equipment Company
1911 S.W. Washington Street
Peoria, Illinois 61602
January 18, 1973

Truck Equipment, Inc.
680 Potts Avenue
P.O. Box 3280
Green Bay, Wisconsin 54304
January 18, 1973

Truck Equipment Sales
301 South 4th Street
P.O. Box 389
Murray, Kentucky 42071
December 1, 1973

Truck Parts & Equipment, Inc.
4501 West Esthner
Wichita, Kansas 67209
November 11, 1972

Truck and Trailer Sales Corporation
3828 Augusta Road
P.O. Box 7015
Savannah, Georgia 31408
January 1, 1973

Truck & Transportation Equipment Co. Inc.
260 Industrial Avenue
P.O. Box 10455
New Orleans, Louisiana 70121
January 1, 1973

Tuff Boy, Inc.
5151 E. Almondwood Drive
Manteca, California 95336
January 1, 1973

Union City Body Co. Inc.
1015 West Pearl Street
Union City, Indiana 47390
August 15, 1972

Unit Rig & Equipment Co.
P.O. Box 3107
Tulsa, Oklahoma 74101
January 1, 1973

Utility Trailer & Equipment Co. Inc.
4771 S.E. 17th Avenue
Portland, Oregon 97202
January 1, 1973

Viking Snowmobiles, Inc.
P. O. Box 37
Twin Valley, Minnesota 56584
August 1, 1972

Vucan Trailer Mfg. Co., Inc.
1321-3rd St. & Ensley
Birmingham, Alabama 35214
December 1, 1972

Walter Motor Truck Company
School Road
Voorheesville, New York 12186
April 29, 1973

The Warner & Swasey Company Duplex Division
830 East Hazel Street
Lansing, Michigan 48909
April 1, 1973

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Wayne Corporation, an Indian Head Company
P. O. Box 908
Industries Road
Richmond, Indiana 47374
October 31, 1972

Westinghouse Air Brake Company
Construction and Mining Equipment Group
2301 N.E. Adams Street
Peoria, Illinois 61601
February 1, 1973

Weston Equipment Company, Inc.
130 Railroad Hill Street
Waterbury, Connecticut 06706
January 3, 1973

White Motor Corporation
110 Erieview Plaza
Cleveland, Ohio 44114
January 18, 1973

White Trucks & Equipment Sales, Inc.
2401 Dinneen Avenue
P.O. Box 7185
Orlando, Florida 32804
December 1, 1972

Winnebago Industries, Inc.
P.O. Box 152
Forest City, Iowa 50436
March 19, 1973

Wollard Aircraft Equipment, Inc.
6950 N.W. 77th Court
Miami, Florida 33166
December 1, 1972

Worcester Tank & Equipment Co., Inc.
Rear 462 Grafton Street
Worcester, Massachusetts 01606
May 1, 1973

Wyman's Inc.
Northfield Road
Box 541
Montpelier, Vermont 05602
June 1, 1962

From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

Dated: June 21, 1973.

GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

[FR Doc.73-14787 Filed 7-18-73;8:45 am]

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet July 25, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Discussion of foreign availability.
4. Discussion of East European procurement efforts.
5. Discussion of work program.
6. Executive session:
   a. Discussion of foreign availability.
   b. Discussion of East European procurement efforts.
   c. Discussion of work program.
7. Adjournment.

This will be the second meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–5, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (6), "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to Section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. (A/C 202 + 967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: July 17, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc. 73-14975 Filed 00-00-73;0:00 am]

Maritime Administration

[Docket No. S-366]

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Application

Notice is hereby given that American Trading Transportation Company, Inc. has filed an application dated June 26, 1973, under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy on four O/B/O vessels (to be constructed) which are to be employed in U.S. foreign trade. Since American Trading Transportation Company, Inc. owns and operates U.S. flag tankers which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Act will be required by American Trading Transportation Company, Inc. if its application for operating-differential subsidy is approved.

American Trading Transportation Company, Inc. has applied for permission to continue to own, operate, and/or charter the following vessels, some of which are presently under charter to the Military Sealift Command, in domestic coastwise or intercoastal service:

American Trader
Baltimore Trader
Maryland Trader
Virginia Trader
Texas Trader

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, Fourteenth & E Streets NW., Washington, DC 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to Section 805(a) or desiring to submit comments or views concerning the application must, by close of business on July 26, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant Section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on July 27, 1973, Room 4896 Department of Commerce Building, Fourteenth & E Streets NW., Washington, DC 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: July 16, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14832 Filed 7-18-73;8:45 am]

[Docket No. S-367]

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Application

Notice is hereby given that American Trading Transportation Company, Inc., has filed an application for operating-differential subsidy on four (4) ore/bulk/oil carriers (to be constructed) of approximately 80,500 deadweight tons each. Said vessels will be used primarily in the carriage of crude oil from ports in the Persian Gulf to United States ports, and bulk coal from U.S. Atlantic ports to Japan, but may at times be operated in other worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before July 26, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 16, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-14833 Filed 7-18-73;8:45 am]

National Oceanic and Atmospheric Administration

STEPHEN W. FENNO AND RALPH I. GUNTHER

Receipt of Exemption Applications

Notice is hereby given that the following named individuals have filed applications for exemptions from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the Act and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the taking of marine mammals as hereinafter described for the purposes stated.

1. Stephen W. Fenno, Vice President, Aqualand, Inc., Bar Harbor, Maine 04609, to take seven harbor seals (*Phoca vitulina concolor*) for public display.

In support of his application, the Applicant states that:

(1) The seals would be taken along the coast of Maine between June and October 21, 1973, by experienced seal capturers and transported by the Applicant from point of capture to the Applicant's facility;

(2) The seals would be displayed for profit at the Applicant's menagerie in a tank especially designed for the care, maintenance and display of seals;

(3) If the exemption is not granted the Applicant will suffer undue economic hardship in that without seals, the annual admissions to the menagerie would be reduced by half because seals are a major attraction at the Applicant's menagerie.

2. Ralph I. Gunther, doing business as Bob's Seafood Restaurant, P.O. Box 819, Morro Bay, California, to take one or two California sea lions (*Zalophus californianus*) for public display.

In support of his application, the Applicant states that:

(1) The animals would be taken by professional sea lion capturers along the coast of central or southern California between June and October 21, 1973, and transported to the Applicant's facility in appropriate containers;

(2) The animals would be displayed in a specially constructed facility at the Applicant's restaurant;

(3) The Applicant previously maintain sea lions at his facility for 14 years, the last such sea lion dying on March 31, 1973;

(4) If the exemption is not granted the Applicant will suffer undue economic hardship in that a specially designed sea lion pool costing several thousand dollars would be unutilized.

Documents submitted in connection with these applications, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the following offices of the Regional Directors, National Marine Fisheries Service: For Mr. Gunther, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-813-9575. For Mr. Fenno, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640. Any person wishing to comment on these applications may write to the appropriate National Marine Fisheries Service office.

All statements and opinions contained in this notice in support of the applications are those of the Applicants.

Dated: July 13, 1973.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-14782 Filed 7-18-73;8:45 am]

Office of the Secretary

[Dept. Organization Order 25-5B, Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

JUNE 26, 1973.

This order effective June 26, 1973, amends the material appearing at 38 FR 15980 of June 19, 1973.

Department Organization Order 25-5B dated May 7, 1973 is hereby amended as follows:

1. Sec. 6. *Associate Administrator for Environmental Monitoring and Prediction* is revised to read as follows:

The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy for environmental satellite, meteorological, hydrologic, marine environmental services, climatological, upper atmospheric and space, geomagnetic and seismological programs which entail monitoring and prediction of the environment; for activities in intentional and inadvertent environmental modification; and for aircraft resources. The marine environmental services program includes marine environmental observations necessary for the prediction of coastal zone and oceanic conditions and those required on a routine basis for the measurement of pollution and other ocean constituents. He shall also be the NOAA focal point for planning emergency readiness and preparedness against natural disasters. As the primary program policy officer for all activities indicated above, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure the development of plans and programs for adequate research, technology and operational services for meeting user requirements. Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

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Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness to user needs; and recommend as necessary, program curtailments, redirections, expansions and new program initiatives.

Carry out Department of Commerce responsibilities under the Weather Modification Reporting Act, P.L. 92–205.

Conduct or monitor studies of the economic, social, and legal ramifications of environmental modification and conduct or monitor studies of unwanted side effects.

Establish policy on the scheduling and utilization of Research Flight Facility aircraft in conjunction with the Director of the Environmental Research Laboratories; monitor the development of a plan for the modernization of the Research Flight Facility; and monitor the management and allocation of NOAA aircraft resources, including reviews of the adequacy of flying safety programs.

Provide management and coordination for the Global Atmospheric Research Program (GARP) of the World Weather Program, International Hydrologic Decade, the special foreign currency program and other special programs assigned by the Administrator.

Act as NOAA's focal point for coordination with the National Science Foundation; develop and coordinate NOAA's posture for deliberations by the Committees of the Federal Council for Science and Technology; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

Act as NOAA's focal point for coordination with Committees of the National Academy of Sciences and the National Academy of Engineering.

Discharge Federal coordinating functions assigned to Commerce under OMB Circular A–62 (Federal meteorological services), those assigned to NOAA for the World Weather Watch and the Global Atmospheric Research Program, and the Integrated Global Ocean Station System, and others as may be assigned by the Administrator."

2. Section 7 is deleted in its entirety and Sections 8 through 19 are renumbered 7 through 18, respectively.

3. In Sec. 14. *National ocean survey:* a. Paragraph .01 is revised to read as follows:

.01 *Office of the Director.* The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director."

b. The present paragraph .07 is renumbered .08 and a new paragraph .07 is added as follows:

.07 The Office of Program Development and Management shall serve as the focal point for NOS planning, budgeting, and allocation and reprogramming of resources; provide executive and technical services in support of programs throughout the NOS; and provide executive management services to the Director.

c. The renumbered subparagraph .08 a. (3) is revised to read as follows:

(3) The NOAA Data Buoy Office and the National Oceanographic Instrumentation Center shall report to the Office of Marine Technology at the Headquarters of NOS.

d. The renumbered subparagraph .08 b. is revised to read as follows:

b. The Atlantic Marine Center and the Lake Survey Center shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The NOAA Data Buoy Center and the National Oceanographic Instrumentation Center shall receive administrative support from NOAA Headquarters.

4. In Sec. 16. *Environmental Data Service,* subparagraph .01 b. is deleted, and paragraph .01 is restructured to read as follows:

.01 *Office of the Director.* The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by Associates for Climatology, Marine Sciences, and Geophysics. The Director shall be further assisted by a Senior Research Fellow; an Executive Office; and offices for Special Projects, System Design, Publication and Media, and Resources Management.

5. In Sec. 18. *Environmental Research Laboratories:* a. Subparagraph .03 b. is revised to read as follows:

b. The Pacific Marine Environmental Laboratory shall conduct basic and applied research directed at achieving a comprehensive understanding of the environmental processes at work in the coastal areas of the Pacific Northwest, as well as in selected areas of the open ocean. Emphasis shall be placed on investigations of the natural physical processes, and on monitoring and predicting the effects of man's activities in these regions on physical and associated biological processes.

b. Paragraph .04 is deleted, and paragraphs .05 and .06 are renumbered .04 and .05, respectively.

6. The organization chart attached to this amendment supersedes the organization chart of May 7, 1973 which is attached as Exhibit 1 to DOO 25–5B. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73–14849 Filed 7–18–73;8:45 am]

[Dept. Organization Order 25–1]

UNITED STATES TRAVEL SERVICE

Organization and Functions

JUNE 8, 1973.

This order effective June 8, 1973, supersedes the material appearing at 37 FR 26747 of December 15, 1972.

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the United States Travel Service (USTS). The scope of authority and functions of USTS is set forth in Department Organization Order 10–7.

.02 This revision transfers operational functions to the Travel Trade, Business and Convention Travel Office to more effectively align internal work distribution.

SEC. 2. *Organization structure.* The principal organization structure and line of authority shall be as depicted in the attached organization chart. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3 *Office of the Assistant Secretary.* .01 The Assistant Secretary for Tourism determines policy, directs the programs and is responsible for all activities of the USTS. He establishes and maintains relations with Government and industry officials at all levels to facilitate tourism plans and programs.

.02 The Deputy Assistant Secretary shall serve as principal adviser and assistant to the Assistant Secretary and shall perform the duties of the Assistant Secretary in the latter's absence. The Deputy Assistant Secretary shall have primary responsibility for review and approval of basic marketing and operating plans, and shall measure and evaluate program results in relation to plans.

SEC. 4. *Office of the Executive Director.* .01 The Executive Director shall direct the operations and coordinate programs and activities; develop the basic marketing plan and supervise development of the operating programs; accomplish performance evaluations of all Divisions and Offices; and assure implementation of the decisions, directions and requests of the Assistant Secretary relative to policies, plans and operations of the Service.

.02 The Management Operations Committee is an internal USTS body composed of the Executive Director and the Office and Division Directors. The Committee shall meet at the call of the Executive Director, who acts as chairman, to assist in formulation of operating policies; participate in basic program planning; and act as a medium for coordination and communication among the Offices and Divisions.

SEC. 5. *Staff Offices.* .01 The Office of Administration shall arrange for and facilitate the provision of administrative services from the Office of the Secretary as needed by headquarters USTS; develop and maintain the internal administrative management system of the Service; manage the performance measurement system; perform budget formulation and management functions; perform evaluative, analytic, and developmental work to assist the Assistant Secretary in assuring that the best management practices are utilized in the headquarters and in the field; perform specific administrative tasks as directed by the Assistant Secretary; and exercise administrative management functions for the matching grant program under the Visitor Services Office.

.02 The Office of Research and Analysis shall assist in planning tourism marketing and development programs and servicing private business with travel data useful in marketing international travel; study the patterns of international travel and the economic effects of tourism; develop statistical data to measure and project foreign tourism in the States and political subdivisions of the United States; conduct and interpret market research to measure results of the marketing program; evaluate the effect of legislation and regulatory decisions on international travel; prepare and coordinate position papers for intergovernmental and international travel meetings; develop measures for evaluating programs of the Service; and administer special research projects performed by contractors throughout the world.

.03 The Office of Information Services shall plan and conduct a worldwide USTS information program; coordinate information activities within the organization and maintain close contact with communications media; advise the Assistant Secretary and other USTS officials on all news media, motion pictures, public communications techniques, and information policies; operate the USTS speakers bureau and coordinate speaking assignments; prepare and coordinate all speeches for the Assistant Secretary's office; develop a full range of news media material and publications about travel in the United States for response to inquiries from the general public, visitors, editors and radio, television and film producers, to support the information programs of the USTS offices abroad; develop journalist familiarization tour plans; and provide escort services for journalist familiarization tours.

.04 The Office of Market Development shall develop a continual flow of creative marketing programs to cultivate markets with the greatest potential for travel; develop specific marketing operating plans for implementation by the Divisions and Offices; analyze the U.S. "product" and match it to the needs of each market; assess the competitive environment to develop useful techniques; develop merchandising programs; carry out action programs to stimulate development of specific travel packages by the travel trade; and develop agent familiarization tour plans.

.05 The office of Advertising and Promotion shall develop and implement consumer and trade advertising and promotional projects; implement specific advertisement and promotion efforts for each element of the overall USTS program; develop advertising and promotion plans from input information from the Field Offices; act as liaison on all advertising agency, sales promotion, literature, and audiovisual contracts let by USTS; develop and operate special exhibits; provide pictorial reproduction material to the travel trade and communications media; and arrange for distribution of publications, State and city materials, guides for visitors, and audiovisual presentations.

SEC. 6. *International Division.* The International Division, headed by a Managing Director, shall direct the Field Offices toward achievement of USTS goals; continuously monitor field office operations; and supervise development of marketing plans for national markets. The Division shall review specific operating plans of each Field Office to test the adequacy of sales programs, promotional activities, travel trade relations, staffing plans, and effectiveness of operations; serve as a channel through which market development, advertising and promotion and publicity planning actions flow to the Field Offices; serve as the contact for international field operations for the USTS staff offices; and assist the Executive Director in the development and implementation of overall marketing plans.

SEC. 7. *Field organization.* The Field Offices, each headed by a Director who reports to the Managing Director of the International Division, shall develop and implement operating and marketing plans for promotion of travel to the United States within their assigned countries; install a travel merchandising program; distribute published information and promotional material to the travel trade; develop contacts with communications media for promotional purposes; coordinate choice of representatives for familiarization tours; coordinate local advertising displays; and serve as a reception agency for representatives of the United States visiting the country to promote travel. The Field Offices are located abroad in prime markets for travel to the United States.

SEC. 8. *Domestic Division.* The Domestic Division shall direct the Travel Trade, Business and Convention Travel Office and the Visitor Services Office (paragraphs .01 and .02 of this section). The Division shall develop and maintain relationships with U.S. industry and Government representatives who can help achieve the success of tourism programs; participate in the development of marketing program plans; review and approve the budgets and activities of its subordinate offices; apply creative approaches to find, evaluate and develop a more appealing U.S. travel product; and coordinate implementation of marketing plans, advertising, promotion and publicity plans in the subordinate offices.

.01 The Visitor Services Office shall develop programs to assure a friendly welcome in the United States for international visitors and to improve the Nation's host services; develop published informational materials to aid travelers; promote development of improved visitor services by the domestic travel industry; conduct programs for familiarization tours of the U.S. by journalists, tour operators and travel agents; develop programs to enlist maximum cooperation of city and State organizations in promoting tourism and travel; stimulate awareness of and interest in foreign visitors among the general public of the U.S.; and manage a matching grants program to promote and facilitate travel to selected areas of the U.S.

.02 The Travel Trade, Business and Convention Travel Office shall develop and implement programs for (a) encouraging international Congresses, organizations and associations to hold their meetings and conventions in the United States; (b) increasing attendance from abroad at U.S. conventions, trade fairs, and exhibitions; and (c) promoting other business travel to the United States. The Office shall develop programs to gain support of objectives by the U.S. travel trade; provide for escort services for agent familiarization tours; and manage special trade and travel conferences such as world tourism seminars and travel marts.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73–14848 Filed 7–18–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

TOBACCO WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Tobacco Working Group, National Cancer Institute, July 24–25, 1973, at 9:00 a.m., National Institutes of Health, Building 31, Conference Room 4, Bethesda, Maryland. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on July 24 and 25 to discuss: (1) Proposed program in smoking and health as approved by the National Cancer Advisory Board; (2) USDA–ARS research program in tobacco; (3) Current research and development in inhalation technology for small mammals; (4) Activities of the Pharmacologic Approaches in Smoking Working Group; (5) Status of research in filter models; (6) Current research priorities and novel experimental cigarette models; and (7) Opportunities for international cooperation. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Gio B. Gori, Chairman, Building 31, Room 11A03, National Institutes of

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Health, Bethesda, Maryland 20014 (301/496-6616) will provide substantive program information.

JOHN F. SHERMAN,
Deputy Director, NIH.

JULY 11, 1973.

[FR Doc.73-14786 Filed 7-18-73;8:45 am]

Office of Assistant Secretary for Health

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Designation of Appropriate Area

The Professional Standards Review Organization (PSRO) provisions of Public Law 92-603 (249F; sections 1151 et seq., Social Security Act) require the Secretary of Health, Education, and Welfare to establish appropriate areas throughout the Nation not later than January 1, 1974, with respect to which Professional Standards Review Organizations (PSROs) may be designated. In order to carry out that responsibility, the Department, on the basis of available information and statistical data, has developed several possible area designations for each State.

Every effort has been made to develop designations that appear to be consistent, in general, with local patterns of medical practice, the location of physicians, the distribution of health care institutions, the topography of the State and considerations of administrative feasibility.

Since the ultimate success of the PSRO program will depend in large measure upon the cooperation and participation of local physicians, health care institutions and other individuals and organizations which will be most affected by the implementation of the legislation, the advice of all such individuals is being sought as to their recommendations on the appropriate boundaries for the PSRO area that would encompass their community.

Several organizations in each State have been sent a packet of information containing alternative PSRO area designations for that State, reference data, guidelines to be used in designating areas, a description of the procedures to be employed by the DHEW Regional Offices in consulting with the interested individuals and organizations within the States and the name and telephone number of the PSRO representative within each Regional Office. Organizations that have received these packets include State medical societies, State hospital associations, State osteopathic associations, State osteopathic hospital associations, State health departments, State and local foundations for medical care, State nursing homes associations and organizations that have written to DHEW expressing an interest in becoming PSRO's.

The Regional Offices will hold meetings in each State with all interested individuals and organizations concerning PSRO area designation. Any individual or organization interested in obtaining the packet of materials and/or in participating in the State meetings should contact the PSRO representative in the Office of the Regional Health Director for the DHEW Regional Office covering the State. All requests for the packet of materials and expressions of interest in participating in the State meetings should be conveyed to the appropriate Regional Office by July 23, 1973.

The 10 DHEW Regional Offices, the States they cover and the PSRO representative in each office are as follows:

Region	States
I	Boston, Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island Andrew Johnston John F. Kennedy Federal Building Government Center—Room 1400 Boston, Massachusetts 02203 (617)-223-6898
II	New York, New Jersey, Puerto Rico and Virgin Islands C. Robert Dean, M.D. Federal Building 26 Federal Plaza New York, New York 10007 (212)-264-2500
III	Philadelphia, Maryland, Delaware, Virginia, West Virginia, and District of Columbia Clyde Couchman Post Office Box 13716 Philadelphia, Pennsylvania 19101 (215)-597-6674
IV	Atlanta, Alabama, Georgia, Mississippi, South Carolina, North Carolina, Tennessee, Kentucky and Florida Herbert Hudgins, M.D. Peachtree-Seventh Building 50 7th Street, N.E., Room 404 Atlanta, Georgia 30323 and George Reich, M.D. (404)-526-3342
V	Chicago, Illinois, Indiana, Ohio, Michigan, Wisconsin, and Minnesota Hope H. Snider, M.D. 300 South Wacker Drive Chicago, Illinois 60607 (312)-353-1385
VI	Dallas, Fort Worth, Louisiana, Arkansas, Oklahoma, Texas and New Mexico Kenneth Schneider, M.D. 1114 Commerce Street Dallas, Texas 75202
VII	Kansas City, Missouri, Iowa, Kansas and Nebraska Kenneth Mayfield and Carl Siegel, M.D. Federal Office Building 601 East 12th Street Kansas City, Missouri 64106 (816)-374-5103
VIII	Denver, Colorado, Utah, Wyoming, South Dakota, North Dakota, and Montana Leonard Hellman, M.D. Federal Office Building Room 9017 19th and Stout Street Denver, Colorado 80202 (303)-837-3172
IX	San Francisco, California, Nevada, Arizona, Guam, Hawaii and Samoa Robert Harper Federal Office Building 50 Fulton Street San Francisco, California 94102 (415)-556-3100
X	Seattle, Washington, Oregon, Idaho and Alaska Richard Marquardt Arcade Building 1321 Second Avenue Seattle, Washington 98101 (206)-442-0432

Dated: July 13, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

[FR Doc.73-14793 Filed 7-18-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-184; Administrative Division Docket No. 73-50(b)(3)]

HICKORY RUN FOREST, PA., ET AL.

Notice of Hearing

Notice is hereby given that:

1. Pocono International Corporation, developer of Hickory Run Forest, located in Carbon County, Pennsylvania, and Charles Goldberg, President, Norman Failla, Registered Agent, its other officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of suspension dated June 13, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(c) and 24 CFR 1710.45(b)(3) informing the developer that an amendment to its Statement of Record submitted May 31, 1973, was not effective pursuant to the Act, and the regulations contained in 24 Part 1710.

2. The Respondent filed a request for hearing on June 25, 1973, but failed to answer the allegations of the notice of suspension as required by 24 CFR 1720.165, and 1720.145.

3. Therefore, pursuant to the provisions of 15 U.S.C. 1706(c), 24 CFR 1720.130, and 1720.165: *It is ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the notice of suspension will be held before John J. McCarthy, Administrative Law Judge, in Room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on August 13, 1973, at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before August 6, 1973.

4. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary.

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 13, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-14775 Filed 7-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AREA COORDINATOR'S OFFICE AT SALT LAKE CITY, UTAH

Notice of Closing

Notice is hereby given that on July 15, 1973, the Area Coordinator's Office at Salt Lake City, Utah, was closed. Services provided by this office will be provided by the other offices and facilities located in the Salt Lake City area.

This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Denver, Colorado, on July 16, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.73-14788 Filed 7-18-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-334, 50-412]

DUQUESNE LIGHT COMPANY ET AL.

Avialability of Final Environmental Statements

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statements prepared by the Commission's Directorate of Licensing, related to the proposed Beaver Valley Power Station, Units 1 and 2, currently under construction by Duquesne Light Company et al. in Beaver County, Pennsylvania are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. The Final Environmental Statements are also being made available at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17105.

The notices of availability of the Draft Environmental Statements for the Beaver Valley Power Station, Units 1 and 2, and requests for comments from interested persons were published in the FEDERAL REGISTER on March 16, 1973 (38 FR 7136) for Units 1 and April 2, 1973 (38 FR 8468) for Unit 2. The comments received from Federal, State, and local and interested members of the public have been included as appendices to the Final Environmental Statements.

Single copies of the Final Environmental Statements may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attenion: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of July 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch No. 4, Directorate of Licensing.

[FR Doc.73-14796 Filed 7-18-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 73-7-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the South Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in New York and London in the winter of 1973. Insofar as they directly relate to air transportation as defined by the Act, the agreements, which have been assigned the above-designated C.A.B. agreement numbers, encompass the overall North/Central and South Pacific fare structures. This order deals solely with South Pacific fares.

First-class, normal economy, excursion and individual inclusive tour fares between United States west coast points and Australia would be increased by ten percent, 5 percent of which is intended to offset the impact of the devaluation of the U.S. dollar.[1] Individual inclusive tour travel would be subject to a maximum of five free stopovers, compared to the unrestricted stopover privileges now permitted. The group inclusive tour fares would be reduced by seven percent. However, the two stopovers in each direction presently available without charge would be subject to a charge of $25 per stopover. Affinity-group fares would also be reduced by seven percent,[2] the minimum group size reduced from 25 to 15 passengers, and present stopover privileges eliminated. Finally, an individual advance purchase excursion fare (APEX) is to be introduced for 14/21-day travel at levels significantly below the proposed excursion fares. Reservations and full payment are to be required 60 days prior to departure, and would be subject to a forfeiture of 25 percent in the event of cancellation. No stopovers are permitted. A comparison of various present and proposed fares appears in the attached Appendix A.[3]

American Airlines, Inc. (American) and Pan American World Airways, Inc. (Pan American) have submitted justification in support of the agreed South Pacific fare structure. American estimates that the proposed package would improve its revenues by $680,000. However, it anticipates a continuing negative position ($722,000) as a result of projected increases in expense in 1973 of $448,000 and an additional cost increase of $205,000 associated with devaluation of the dollar. Without the proposed fare adjustments, American projects net income at a negative $1,234,000 for 1973. Although some generation of new traffic attributable to the reduced group fares and introduction of an APEX fare is expected, American does not project a change in overall traffic volume as a result of the proposed fare changes.

Pan American has not provided a separate forecast of financial results for its South Pacific services, but rather deals with its total transpacific operation. This overall forecast contemplates increased revenues of $5.2 million, an increase in average yield of 6.3 percent, and a rate of return of 9.5 percent. Pan American does state that it anticipates an increase in revenues of $3 million and a 5.8-percent increase in yield on its South Pacific route, with revenue passenger miles remaining unchanged.

In a complaint filed with the Board on April 23, 1973, the Aviation Consumer Action Project (ACAP) et al,[4] requests that the Board disapprove the agreements insofar as they provide for "minimum fares" and for increased fares; disapprove the dollar increases proposed in connection with devaluation of the dollar; direct the respondents to charge the fares in effect on March 31, 1973; direct that all IATA carriers submit data showing expenses incurred and revenues generated in local currencies of each country affected by the devaluation and order a full and comprehensive investigation of the reasonableness of existing and proposed fares including establishment of standards of reasonableness for the future guidance of the carriers.

ACAP contends that, since the IATA resolutions provide for minimum fares, the carriers would be free to file tariffs providing higher fares and that such tariff filings would be unlawful under Section 403 of the Act. It is further alleged that the proposed South Pacific package has the effect of increasing fares by an average of 30 percent since January 1971, and that such an increase has not been justified by corresponding increases in the cost of operation; that the proposed fare increases would have a negative impact on the U.S. carriers' financial condition[4] by inhibiting the de-

[1] The increases proposed for travel between the U.S. west coast points and Papeete average six percent.

[2] A two-percent increase would apply to Papeete.

[3] K. G. J. Pillai, Neil G. McBride, Brant S. Goldwyn and Aviation Consumer Action Project.

[4] ACAP notes that American's net income changed from a $1.2 million profit to a $1.7 million loss in 1972.

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velopment of travel; and that since the fares are unjust and unreasonable and bear no relation to the airlines' costs, the entire fare structure should be subjected to investigation. Lastly, ACAP contends that the increase in fares attributable to devaluation of the dollar is not supported by the carriers and more detailed data is required to determine its appropriateness.[5]

Pan American requests dismissal of ACAP's complaint on the ground that it is unreasonable; the traveling public must pay for its transportation at a charge which will permit the carriers a reasonable profit; that ACAP has not demonstrated that its membership is in any way representative of users of air transportation, and that the carriers must adhere to their tariffs whether or not IATA agreements specify minimum fares. The proposed fares are alleged to be justified in terms of cost escalations. It is contended that ACAP's reliance on B–747 operating costs is misplaced in that it ignores improved load factors and the fact that costs per aircraft mile and per seat mile are increasing dramatically, and that one third of Pan American's direct operating costs are incurred in B–707 operations, a fact ignored by ACAP. Pan American alleges that it cannot increase its load factor to offset cost increases or, conversely, adjust its capacity downward in response to a decline in traffic. Finally, Pan American denies it will experience a decrease in net income and alleges that the magnitude of the currency adjustment is necessitated by the impact of devaluation on foreign carrier revenues

ACAP attributes American's swing in earnings from a positive 4.9-percent rate of return in 1971 to a negative 5.3 percent in 1972 to the fare increases approved by the Board for effect April 1, 1972, and a consequent adverse impact upon traffic. However, available data suggest the more probable conclusion that this adverse trend stems primarily from a significantly increased level of expense. A comparison between the two years reveals that American's revenue passenger miles increased by 28 percent while its available seat miles increased by only 15 percent. The result was an improvement of 3.3 percentage points in load factor. In other words, its increased overall expenses cannot be ascribed to operation of capacity beyond that warranted by traffic growth. On the other hand, while operating revenues per ton mile increased 6 percent, operating expenses increased by 17 percent. Admittedly, the general level of fares over the South Pacific has increased significantly since January 1971, although not in the overall magnitude suggested by ACAP. However, we are unable to conclude that this fact has been a major factor contributing to American's presently unsatisfactory financial results. To the contrary, it would appear that the primary influence has been a general escalation in the cost of providing the service. While definitive data with respect to Pan American's operating experience on this route is not available, we have no reason to believe that its results from comparable service would be significantly different.

We recognize that the load factors over the South Pacific route have been substandard and are likely to remain so, at least for the immediate future. On the other hand, there is no indication of over-scheduling at the present time; indeed, the overall pattern would appear to reflect the minimum necessary for adequate development of the potential market. American currently provides a total of seven weekly flights with B–707 aircraft; three terminating in Sydney, three in Auckland, and the seventh in Melbourne. Pan American provides two flights daily with B–707 equipment to Papeete, one each from San Francisco and Seattle; daily service to Australia (three of which are with B–747 equipment) and five B–707 weekly flights to Auckland. It is generally acknowledged that the tourist potential in this area of the world has yet to be tapped, and there is no basis for concluding that a material curtailment of service would be feasible if this objective is to materialize.

Against this background and in light of a demonstrated insufficiency in earnings, at least on American's part, which appears to be caused by a general increase in cost levels, we are unable to conclude that disapproval of the agreements would serve the public interest. By the same token, it seems reasonable to expect that the proposed reduction in GIT and affinity-group fares and introduction of a new low APEX fare will stimulate traffic growth and improve load factors. For this reason, we believe the structure should be permitted to stand the test of actual experience in the marketplace, and that an investigation as requested by the complainants would be premature at best and of little value at this time. Accordingly, the request therefor will be denied.

We will approve the increase in fares to reflect devaluation of the U.S. dollar consistent with our previous approval of similar adjustments in other world areas. The thrust of ACAP's complaint is apparently directed at the impact of this adjustment on the U.S. carriers and the possibility that it would more than compensate for their increased costs. We note, however, that the Australian dollar has appreciated in value in relation to the U.S. dollar by nearly 20 percent and the New Zealand dollar has appreciated by over 12 percent.[6] Air service between the United States and these countries constitutes the major part of the South Pacific air services covered by the instant agreement. In reviewing the agreement, we must bear in mind that the devaluation of the dollar was a matter of national policy not simply a matter of air transportation policy. It was intended, among other things, to make U.S. goods and services sold abroad, including travel to the U.S., cheaper in terms of foreign currencies. It was also intended to make imports of foreign goods, including our travel to foreign points, more expensive in terms of U.S. dollars. For us to insist on status quo with respect to dollar fares would require all of the currency exchange adjustment to be accomplished by a reduction in fares sold in other countries in foreign currencies. This would be manifestly unfair to all the carriers concerned, U.S. and foreign alike, as well as inconsistent with our national policy. Some accommodation on both sides is necessary and we are satisfied the carriers have reached a reasonable result in the circumstances.

American and Pan American assert that numerous elements of their costs of doing business abroad in terms of U.S. dollars have increased. These include landing fees, commissary supplies, foreign payrolls, rents, fuel and oil, and other items. It appears that foreign-flag carriers doing business in the United States and operating these routes would be faced with a similar result. Revenues earned in the United States by such carriers serving the South Pacific were estimated at approximately $50 million in 1971, the latest period for which data are available to the Board.[7] Related expenses are estimated at $20 million indicating a margin of revenues over expenses of $30 million. The recent devaluation of the U.S. dollar in relation to the currencies of Australia and New Zealand, estimated to average 15 percent, would reduce that $30 million margin, when converted to the foreign currencies, by about $4.5 million. However, the proposed 5-percent increase in U.S. dollar fares would recoup only about $2.5 million for these foreign-flag carriers.

Without an increase in air fares, the U.S. air carriers would have to absorb the increased costs noted earlier and the foreign carriers would suffer an unwarranted reduction of earnings generated in this country. While it appears that the proposed 5-percent fare increase attributed to currency adjustments would over-compensate the U.S. carriers to a small degree,[8] we have earlier noted that this result ordinarily obtains since it is not feasible to devise one single fare adjustment factor which will precisely adjust each carrier's individual situation.[9] It is clear, however, fares and fare adjustments must be uniform for all carriers on the same routes. The IATA conference was called to evaluate all these factors and to attempt to strike a reasonable balance among the varying needs of the several carriers. In our opinion, the agreed 5-percent adjustment in U.S. dollar fares is reasonable in view of the 12 to 20 percent devaluations of the U.S. dollar in relation to the currencies of the principal countries in this area.

Finally, we reach the contention of ACAP that agreements which establish minimum fares are in violation of the Board's regulations. We do not agree. It is true that tariffs filed pursuant to such agreements could provide for fares in excess of the specified minimums. However, as a practical matter competitive considerations are such that the minimum in virtually all cases becomes the effective fare. In any event, any tariff filed with the Board must comply with the Board's regulations, and any departure from the filed tariffs would be in violation of these regulations. The Board is not without power to take effective action to preclude effectiveness of a proposed tariff if and at such time as it considers it appropriate to do so.

The IATA fares incorporated in this agreement apparently result from constructing the fares to and from the mainland of the United States, without regard for the level of domestic air fares which exist for travel between Hawaii and the mainland. Fares from South Pacific points to Hawaii plus domestic fares to mainland points are lower than the IATA specified mainland—South Pacific fares. Although one of the resolutions incorporated in the instant agreement does provide for a review of the construction rules, the situation as it presently exists over the South Pacific, and which will continue to exist upon Board approval of the instant agreement, provides for through fares between the mainland and South Pacific points which are in excess of the sum of the local sector fares for what is essentially the same service.

In the face of fare construction problems of this type, the Board has in the past conditioned that IATA machinery resolutions to ameliorate the situation. For example, Board Order 72–10–1, October 2, 1972, provides that "no IATA Resolution shall be construed as preventing any agent or carrier from selling a ticket or any number of tickets for air transportation to any person who meets the travel requirements affixed to the air fare subject to the stipulations contained in the lawful tariffs of the various carriers involved in said transportation, as filed with the Civil Aeronautics Board (where such filing is required by law)." We further stated on that occasion that, "a through fare which is higher than the aggregate of intermediate fares is ordinarily considered to be unreasonable per se, and would not ordinarily be permitted to go into effect."

Despite the above condition and the Board's general position in this regard, the instant agreement contains South Pacific fares to the mainland which are in excess of available combinations of domestic and international fares for routings over Hawaii. Our prior Order 72–10–1 conditions continue in force and thus the lower fares over Hawaii will in fact be available to passengers traveling over that routing despite the higher specified through fares from origin to destination. While we have decided to approve the subject agreement now, pursuant to conditions previously applied, we expect the affected carriers to furnish a complete and factual analysis why this anomaly continues to exist. Our action of approval herein is subject to modification after receipt and evaluation of carrier justification and comments from interested third parties.

Pursuant to Executive Order 11723 dated June 13, 1973, a price freeze was imposed for a maximum period of 60 days. The freeze is applicable until further notice to international passenger fares and cargo rates charged by U.S.-flag carriers for transactions undertaken in the United States and paid for in U.S. dollars. Since the agreements we are herein approving propose both increases and decreases in air fares, we will permit tariffs to be filed at this time to implement the newly proposed APEX fares and those fares involving reductions. We will, however, prohibit the filing of tariffs by U.S. carriers which would effect increased fares until further order of the Board. Specifically, U.S. carriers may file to implement the proposed new individual advance-purchase excursion fare and the affinity-group fare.[10] They are also permitted to file tariffs reflecting the reduced group inclusive tour fare. However they will not be permitted to implement the $25.00 stopover charge applicable to the four stopovers permitted, since the addition of this charge for two or more stopovers would result in a total price which exceeds that applicable during the base period.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23596:			
R–1	001b	South Pacific Special Effectiveness Resolution (Tie-In)	3–1 So. Pacific.
R–2	001f	Special Emergency Escape for JT31 (South Pacific) Agreement (NEW).	3–1 So. Pacific.
R–3	001r	Special Escape for JT31 Agreement (South Pacific) (NEW)	3–1 So. Pacific.
R–4	002 II	Standard-Revalidation Resolution-South Pacific	3–1 So. Pacific.
R–5	014uu	Review of Construction Rule for Passenger Fares (NEW)	3–1 So. Pacific.
R–6	015a	South Pacific Proportional Fares North America (Revalidating and Amending).	3–1 So. Pacific.
R–7	056a II	South Pacific First-Class Fares	3–1 So. Pacific.
R–8	060	Economy-Class Conditions of Service (Revalidating and Amending).	3–1 So. Pacific.
R–9	066a II	South Pacific Economy-Class Fares	3–1 So. Pacific.
R–10	070b	South Pacific 28-Day Excursion Fares (Revalidating and Amending).	3–1 So. Pacific.
R–11	070p	South Pacific 23- and 30-Day Excursion Fares (Revalidating and Amending).	3–1 So. Pacific.
R–15	080d	South Pacific 23-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3–1 So. Pacific.
R–16	080m	South Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3–1 So. Pacific.
R–19	250	Sleeper Surcharge (Amending)	3–1 So. Pacific.
R–11	022g II	JT31 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3–1 So. Pacific.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
23596:			
R–13	075s II	JT31 South Pacific Group Fares (Revalidating and Amending)	3–1 So. Pacific.
R–17	084d II	JT31 South Pacific Group Inclusive Tour Fares (Revalidating and Amending).	3–1 So. Pacific.

3. It is not found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
23596:			
R–12	071j	JT31 Advance-Purchase Excursion Fares, South Pacific (NEW)	3–1 So. Pacific.
R–14	076n	JT31 South Pacific Affinity Own Use Incentive Group Fare (NEW).	3–1 So. Pacific.
R–18	084dd	JT31 South Pacific Group Inclusive Tour Fares (NEW)	3–1 So. Pacific.

Provided, That with respect to Resolution 071j:

(a) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit towards the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit towards the purchase of transportation at applicable

[5] In a separate document filed by ACAP in reply to the carriers' justifications, ACAP states that the information supplied is inadequate.

[6] Exchange rates quoted by Chase Manhattan Bank, May 22, 1973: Australian dollar = $1.42 U.S.; New Zealand dollar = $1.34 U.S. The pre-devaluation parity for both these currencies was $1.19 U.S.

[7] Based on data provided by the Balance of Payments Division of the Department of Commerce.

[8] We estimate the U.S. carriers' revenue increase at $1.0 million.

[9] Order 72–3–104, March 30, 1972.

[10] Excluding the fare to Papeete which would be increased.

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fares may be made for other members of the fare group who belong to the immediate family of such passenger;

(b) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

Provided that with respect to resolution 076u:

(a) The provisions imposing numerical limitation and/or population standards on affinity groups from which the passengers may be drawn shall not be applicable;

(b) The provision which at departure time would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(c) In the event a passenger discontinues his journey enroute for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit toward the purchase of transportation at applicable fares may be made for other members of the travel group who belong to the immediate family of such passenger;

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation;

(e) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(f) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the grounds that the group or any member of the group is ineligible for the group fares; and

Provided, That with respect to resolution 084dd:

(a) The provisions which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin. Similar credit towards the purchase of transportation at applicable fares may be made for other members of the fare group who belong to the immediate family of such passenger;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

4. It is not found that the following resolutions, which are incorporated in the agreement as indicated and which are indirectly applicable in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23642: R-2	013a	South Pacific Proportional Fares North America (Amending)	3-1 So. Pacific.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 23596 and 23608 set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 23596 set forth in paragraph 2 above be and hereby are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreement C.A.B. 23596 set forth in paragraph 3 above be and hereby are approved subject to the conditions set forth therein;

4. Those portions of Agreement C.A.B. 23642 set forth in paragraph 4 above be and hereby are approved;

5. Tariffs implementing Agreement C.A.B. 23596 shall be marked to expire March 31, 1974;

6. Tariffs implementing Agreement C.A.B. 23608 shall be marked to expire October 31, 1973;

7. The U.S. carriers may file tariffs implementing the agreements only insofar as the tariffs would reflect the new APEX fares and reduced fares for affinity group and group inclusive tour travel (excluding the stopover charge);

8. Tariffs shall not be filed by U.S. carriers implementing the fare increases herein approved until further Board order;

9. The carrier parties to the agreements file with the Board, within thirty days from the date of service of this order, justification and comment pertaining to the relationship between IATA-agreed South Pacific fares and fares constructed over Hawaii in conjunction with domestic fares; comments by other interested persons will also be accepted within this thirty-day period; and

10. The complaint by Aviation Consumer Action Project (ACAP) in Docket 25453 as it relates to South Pacific fares is dismissed.

This order will be printed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-14699 Filed 7-18-73;8:45 am]

[11] Appendices A and B, and statements of Timm, Chairman, and Minetti, Member filed as part of the original document.

[Docket No. 24488; Order 73-7-54]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the North Central Pacific and Within the Pacific

Adopted at the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1973.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted at meetings in New York and London in the winter of 1973.[1] Insofar as they directly relate to air transportation as defined by the Act, the agreements, which have been assigned the above-designated C.A.B. agreement numbers, encompass the overall North/Central and South Pacific fare structures and fares to be applied within the Pacific area. This order deals solely with the North/Central Pacific fares and fares to/from Guam and American Samoa.[2]

First-class, normal economy, excursion, individual inclusive tour, and affinity-group-of-25 fares between United States west coast points and Tokyo would be increased by nine percent, five percent of which is intended to offset the impact of devaluation of the U.S. dollar. Peak season group inclusive tour fares and fares for affinity groups of 70 or more passengers would be increased by five percent to reflect the currency adjustment, while basic season group inclusive tour fares would be reduced by five percent.[3] Finally, a new affinity-group fare would be introduced for groups of 100 or more for round-trip travel between the U.S. and Tokyo. This new fare represents a discount of 62 percent from the proposed normal economy fare. A comparison of selected present and proposed fares is shown in Appendix A.

[1] Agreement C.A.B. 23642 was adopted by mail vote.

[2] Those portions of the agreements relating to South Pacific fares are disposed of by separate order issued simultaneously herewith.

[3] For travel to points beyond Japan, the affinity-group-of-70 fare would be reduced by 7 percent.

Fares between Guam and American Samoa, on the one hand, and foreign points in the Pacific area, on the other hand, would be increased on the average of four to five percent, with an additional increase of five percent to reflect the recent devaluation of the dollar. A new 7/21-day group inclusive tour fare would be made available for travel from Pago Pago to points on the Indian subcontinent and in Asia, which would be available to groups of 10 or more passengers and would be established at a 45-percent discount from the applicable economy-class round-trip fare. Finally, a 30-day excursion fare would be specified for use by U.S. military personnel between Guam and Okinawa, and from Okinawa to Hong Kong. This excursion fare would also be available to civilian employees of the U.S. Government and their dependents from Okinawa to Hong Kong.

Pan American World Airways, Inc. (Pan American), Northwest Airlines, Inc. (Northwest) and Trans World Airlines, Inc. (TWA) have submitted justification in support of the agreed fare structure. Pan American's forecast for the year ending April 30, 1974 deals with its total transpacific operation, and projects increased revenues of $5.2 million, an increase in average yield of 6.3 percent, and a rate of return of 9.5 percent. Pan American does state, however, that it anticipates an increase in revenues of $1.4 million and a 5.6-percent increase in yield on its North/Central Pacific route, as compared with expected results at status quo fares. A decline of 4.5 percent in revenue passenger miles from the volume which would have been carried at status quo fares is forecast.

Northwest projects for the same future year an increase in net income after taxes of $598,000 (excluding currency adjustments) which would not cover the total cost increases it anticipates during this period.[4] Northwest projects a rate of return of 5.19 percent under the proposed fare structure, well below the 12-percent standard of reasonableness established by the Board for the domestic trunkline industry.

TWA states that the full impact of the fare increases, including increases due to currency revaluation, is expected to be a revenue gain of $2.8[5] million over maintenance of status quo fares, $1.3 million of which would be due to basic increases in the fares and $1.5 million flowing from the currency adjustment. This result is not expected to offset TWA's Pacific Division loss, which amounted to $7.6 million in 1972. However, the carrier contends that the proposed fare structure provides an improved base for future attainment of a profitable posture.

In a complaint filed April 23, 1973, the Aviation Consumer Action Project et al., (ACAP)[6] request that the Board disapprove the agreements insofar as they provide for "minimum fares" and for fare increases; disapprove the increases proposed in connection with devaluation of the dollar; direct the respondents to charge the fares in effect on March 31, 1973; direct that all IATA carriers submit data showing expenses incurred and revenues generated in the local currencies of each country affected by the devaluation; and order a full and comprehensive investigation of the reasonableness of existing and proposed fares, including establishment of standards of reasonableness for the future guidance of the carriers.

ACAP contends that, since the IATA resolutions provide for minimum fares, the carriers would be free to file tariffs providing higher fares and that such tariff filings would be unlawful under section 403 of the Act. It is further alleged that the proposed North/Central Pacific package has the effect of increasing fares significantly since January 1971, and that such an increase has not been justified by corresponding increases in the cost of operation; that the proposed fare increases would have a negative impact on the U.S. carriers' financial condition by inhibiting development of travel; and that since the fares are unjust and unreasonable and bear no relation to the airlines' costs the entire fare structure should be subjected to investigation. Lastly, ACAP contends that the increase in fares attributable to devaluation of the dollar is not supported by the carriers and more detailed data is required to determine its appropriateness.[7]

Pan American requests dismissal of ACAP's complaint on the grounds that the traveling public must pay for its transportation at a charge which will permit the carriers a reasonable profit; that ACAP has not demonstrated that its membership is in any way representative of users of air transportation; and that the carriers must adhere to their tariffs whether or not IATA agreements specify minimum fares. The proposed fares are alleged to be justified in terms of cost escalations. It is contended that ACAP's reliance on B-747 operating costs is misplaced in that it ignores improved load factors, the fact that costs per aircraft mile and per seat mile are increasing dramatically, and that one third of Pan American's direct operating costs are incurred in B-707 operations. Pan American alleges that it cannot increase its load factor to offset cost increases or, conversely, adjust its capacity downward in response to a decline in traffic. Finally, Pan American denies it will experience a decrease in net income and alleges that the magnitude of the currency adjustment is necessitated by the impact of devaluation on foreign carrier revenues.

As indicated, Pan American and Northwest anticipate that transpacific operations under the proposed fare structure will result in returns on investment of 9.5 percent and 5.2 percent, respectively, for the year ending April 30, 1974. However, we believe certain adjustments in the forecasts of both carriers are appropriate in evaluating the agreement before us. Pan American's forecast is based on a significant decline in revenue passenger miles, not only compared to its actual 1972 results which were inflated due to a strike against Northwest, but also in relation to the results forecast in support of the 1972 IATA fare package.[8] We believe it only realistic to expect that Pan American can achieve, in the immediate year coming up, at least the volume of traffic which it projected for 1973 before the disruption in competitive services was known. Accordingly, we have adjusted Pan American's forecast to reflect the level of revenue passenger traffic projected last year and have made appropriate adjustments in revenues and expenses. This adjustment produces a load factor of 50.7 percent, and results in an increase in projected rate of return from 9.5 percent to 10.9 percent.

This return is that forecast for Pan American's total operations in the Pacific sector, rather than reflecting the results which can be expected from its North/Central Pacific services alone. In approving the fares proposed for South Pacific services,[9] the Board concluded that those services were not producing an adequate return on investment, as indicated by American's substandard earnings, notwithstanding its minimal flight frequency. Although Pan American did not provide data relating solely to its South Pacific operations, we have no reason to believe that its experience in that area would significantly differ. Accordingly, the 10.9-percent rate of return which we arrive at for its total transpacific operation must be considered as significantly under-stated insofar as North/Central Pacific services are concerned.

In evaluating the IATA agreement filed a year ago for application through March 1973,[10] the Board concluded that there appeared no requirement that Northwest operate three of its four daily transpacific flights with B-747 aircraft, as opposed to the pattern of two B-707 flights and two B-747 flights operated the previous year. In the Board's opinion, this constituted an excess of capacity for

[4] Northwest forecasts cost increases of $8.3 million based on actual increases already incurred and contracted future increases.

[5] TWA projects revenue and yield increases of 7.8 percent and 9.3 percent, respectively, and a decline of 1.4 percent in passengers carried under the proposed fares.

[6] K.G.J. Pillai, Neil G. McBride, Brant S. Goldwyn and Aviation Consumer Action Project.

[7] In a separate document filed by ACAP in reply to the carriers' justifications, ACAP states that the information supplied therein is inadequate.

[8] At that time, Pan American indicated that it expected to carry slightly more than 4,018 million revenue passenger miles during the year ending March 31, 1973, at a load factor of 51.2 percent. Its actual results in 1972 show 4,217 million revenue passenger miles, at a 54.4 percent load factor. On the other hand, for the year ending April 30, 1974, Pan American projects approximately 3,852 million revenue passenger miles, and a 48.6-percent load factor.

[9] Order 73-7-55.

[10] Order 72-3-105.

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which the traveling public should not be required to pay. Accordingly, Northwest's projected available seat miles were reduced to reflect disallowance of the capacity attributed to the substitution of one B–747 for one B–707 aircraft. Here, Northwest's forecast is predicated upon a level of available seat miles produced by the operation of three B–747 and one DC–10 aircraft. The resulting load factor is projected at 40.8 percent. In the absence of a much more convincing justification for this escalation in capacity, we believe it appropriate to adjust Northwest's forecast to reflect the seat miles which would result from operation of B–707 aircraft at its California gateways. This adjustment would result in a load factor of 53.2 percent, and a return on investment of 14.3 percent. Pan American, on the other hand, projects a capacity increase of only one percent over that which it previously projected for the year ended March 31, 1973 (two percent over actual 1972 operations).

Before leaving the question of capacity offered, we believe there is another matter which warrants comment. The data furnished by TWA indicate that almost 40 percent of its traffic is carried either at special military fares or very low fares applicable to so-called "perimeter" travel. The yields from this traffic are alleged to be 2.39 cents and 0.70 cents per mile, respectively, with the result that TWA anticipates that its overall yield at present fares in the immediate year ahead would be 4.10 cents, substantially below the yield of 6.51 cents from normal economy fares at which approximately 29 percent of the traffic travels. Comparable information has not been furnished by Pan American. However, special reports available in the Board indicate that 10 percent of this carrier's traffic on North Central Pacific services moves on reduced military furlough fares, and another 25 percent is classified as "all other," which we assume to be largely low-yield carriage. At the very least, the magnitude of such noncommercial and very-low-yield traffic calls into question the reasonableness of the volume of capacity now being operated, and at relatively low load factors, across the Pacific.

Serious concerns are, therefore, raised as to the volume of capacity being offered over the Pacific and the attendant low levels of load factors considering the mix of traffic which apparently exists. To charge the fare payers for this excess capacity is adverse to the public interest. Both Pan American and TWA project yield improvement over that which could be anticipated under status quo fares (5.6 percent and 9.3 percent, respectively). On the other hand, both anticipate reductions in traffic attributable to implementation of the new fare package of 4.5 percent and 1.4 percent, respectively. Quite apart from the question of whether or not the carriers' projected returns on investment indicate a need for improved yield and additional revenue, we have considerable difficulty with a fare structure which it is conceded will have an adverse impact upon traffic growth. The Board has consistently urged in recent years that the carriers move toward a fare structure which will be effective in promoting the as yet under-developed tourist potential of the Pacific market. A truly promotional pattern of fares would not only serve the needs of the traveling public, it would also be equally beneficial to the industry. In our opinion, the fare structure here before us for approval will not adequately satisfy this objective. Leaving currency adjustments aside for the moment, certain fares would be maintained at present levels or reduced in moderate amounts. On the other hand, those fares at which the majority of passengers now travel would be increased by four percent. Economy and excursion fares between the west coast and Tokyo, in the event of approval of the instant agreements, would have been increased by 30 percent and 23 percent, respectively, since January 1971.

Nor are we persuaded that introduction of such a greatly reduced fare for affinity groups of 100 or more persons is either necessary or the answer to effective and vigorous promotion of tourist travel in the Pacific area. The modest volume of traffic anticipated by the carriers to move at this fare would seem to bear out the Board's opinion.

In summary, the Board is unable to conclude that the fare increases proposed are required to sustain profitable services across the Pacific. We do not believe the traveling public should be asked to support the apparent operation of capacity in excess of that needed to adequately accommodate the market. By the same token, there is every indication that a large tourist potential exists for travel in this area which should be provided that opportunity, and which, if tapped, should greatly enhance the economics of the carriers' services. In our opinion, the pattern of fares proposed is not sufficiently developmental to do so.

We shall likewise disapprove the special excursion fares proposed to be introduced for U.S. Government civilian employees and their dependents for travel from Okinawa to Hong Kong. Such fares, which would be available to a narrow segment of the traveling public based on their employment status, would constitute an unjust discrimination and, absent compelling reasons to the contrary, cannot be permitted to be implemented. We are, however, approving those fares in the new package which are proposed to remain unchanged or reduced, including the new fares for affinity groups of 100 or more passengers for travel between the United States and Tokyo. In our opinion, approval of these fares is warranted in that they should in some measure serve to stimulate travel to and from the Far East.

In view of our action herein, which disapproves the proposed increases in fares, the structure which evolves should serve to stimulate new traffic while at the same time probably retain the majority of fares at last year's levels. For this reason, and with the capacity adjustments referred to previously, we believe the structure should be permitted to stand and that an investigation as requested by ACAP would be premature and of little value at this time. Accordingly, the request will be denied.

We turn now to that part of the agreement which would increase fares for U.S.-originating passengers by five percent to reflect increased expenses associated with devaluation of the dollar. Generally, when a currency is devalued it is reasonable to conclude that some upward adjustment in fares quoted in that currency is necessary to compensate for the increased expenses incurred by both U.S. and foreign carriers. However, we are unable to discern from the data submitted by the U.S. carriers and from other data available to the Board that the devaluation of the dollar, as it affects both U.S.- and foreign-flag carrier services on North/Central Pacific routes, would have an adverse impact sufficiently significant to warrant increased dollar fares for U.S.-originating passengers.

Two sets of conditions may warrant an increase in fares resulting from dollar devaluation. The first is U.S. carrier operations abroad which earn less revenues in the foreign local currency than local expenses incurred in local currency. In that event dollars must be exported to defray the overage of expenses and more of the lower valued dollars are required to maintain status quo.

None of the three U.S. carriers serving the North/Central Pacific have made such a showing. Pan American relies on prior Board actions pertaining to devaluation and cites its need for additional revenues. TWA indicates that it will remain in a negative earnings position. Northwest suggests their expenses incurred abroad will increase in proportion to the decline in the value of the dollar relative to the various foreign currencies. However, this contention does not take into account revenues earned abroad in foreign currencies.

The second set of conditions relating to the need to adjust fares because of devaluation pertains to the revenue/expense relationship of the foreign-flag carriers in their business conducted in the United States. If the revenue earned in devalued dollars in the United States exceeds dollar expenses, the value of the excess is reduced when the funds are remitted. Although we have determined that this is the situation over both the North Atlantic and the South Pacific [1] (the foreign-flag carriers earn more than they spend in the United States) we are unable to conclude from the data available to the Board that a similar situation exists with respect to foreign-flag operations over the North/Central Pacific. From data available it appears that the reverse is true, that the expenses of foreign-flag carriers incurred in the United States are greater than the revenues earned. For example, data obtained from the U.S. Department of Commerce, Balance of Payments Division, indicate that the ratio of expenses to revenue incurred by the Japanese national carrier from operations primarily over the transpacific, in the United States is 1.6 to 1. As a consequence foreign funds must flow to the United States to offset this deficit and as the foreign currency has appreciated in value, less units of currency are required to compensate for the deficit than was the case prior to dollar devaluation. Under these circumstances an increase in dollar fares premised on increased expenses is unwarranted.

No carrier has provided meaningful evidence that the devaluation of the dollar brings about circumstances over the North/Central Pacific which warrant an increase in dollar fares. Therefore, the agreement will be disapproved.

Finally, ACAP contends that agreements which establish minimum fares are in violation of the Act and the Board's regulations. We do not agree. It is true that IATA agreements do not *per se* foreclose the filing of tariffs which hold out fares in excess of the minimum fares specified therein. However, as a practical matter, competitive considerations are such that the minimum in virtually all cases becomes the effective fare. In any event, any tariff filed with the Board must comply with the Board's regulations, and, conversely, any departure from filed tariffs would be in violation of these regulations. The Board is not without power to take effective action to preclude effectiveness of a proposed tariff if and at such time it considers it appropriate to do so. In any event, the point is moot in this instance in view of our action herein.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act and the Board's regulations:

Agreement C.A.B.	IATA No.	Title	Application
23800:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-In)	3-1 N/Central Pacific.
R-2	002 II	Standard Revalidation Resolution North and Central Pacific	3-1 N/Central Pacific.
R-3	014u	Review of Construction Rule for Passenger Fares (NEW)	3-1 N/Central Pacific.
R-4	015b	North and Central Pacific Proportional Fares—North America—Japan (Revalidating and Amending)	3-1 N/Central Pacific.
R-6	060	Economy-Class Conditions of Service (Revalidating and Amending)	3-1 N/Central Pacific.
R-10	0794	North and Central Pacific Contract Bulk Inclusive Tour Rules (Revalidating and Amending)	3-1 N/Central Pacific.
R-13	115j	Method for IATA Competition (JT3I)—North and Central Pacific (NEW)	3-1 N/Central Pacific.
R-14	250	Sleeper Surcharge (Amending)	3-1 N/Central Pacific.
R-1	001b	TC3 Special Effectiveness Resolution (Tie-In)	3.
R-2	002 II	Standard Revalidation Resolution (Tie-In)	3.
R-3	003	Standard Rescission Resolution	3.
R-5	014r	Review of Construction Rule for Passenger Fares (NEW)	3.
R-8	060	Economy-Class Conditions of Service (Revalidating and Amending)	3.
R-1	081b	North and Central Pacific Group Inclusive Tour Fares (Amending)	3-1 N/Central Pacific.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
23800:			
R-12	084b	North and Central Pacific Group Inclusive Tour Fares (Revalidating and Amending)	3-1 N/Central Pacific.
R-14	075a	TC3 Common Interest Group Fares (Amending)	3.
R-15	076c	TC3 Affinity-Group Travel (Revalidating and Amending)	3.
R-25	084L	TC3 25- and 50-Play Groups Inclusive Tour Fares (Revalidating and Amending)	3.

3. It is not found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act; provided that approval is subject to the conditions stated herein:

Agreement C.A.B.	IATA No.	Title	Application
23800:			
R-9	076j	North and Central Own Use and Affinity-Group Fares (Revalidation and Amending) *Insofar as it applies to the establishment of fares for groups of 70 and 100 passengers.*	3-1 N/Central Pacific.

Provided, That with respect to Resolution 076j as it applies to fares for groups of 70 and 100 passengers:

(a) When two or more group fares per passenger subject to different minimum group sizes are provided between the same points over the same route, the lower of the two total charges for each group specified under Paragraphs (1) and (2) below shall be applied:

1. The total charge computed on the actual group size at the fares applicable to such group size;

2. The total charge computed on the next greater group size for which a lower fare per passenger is provided at the fare per passenger applicable to such greater group size.

(b) The provisions imposing numerical limitation and/or population standards on affinity groups from which passengers may be drawn shall not be applicable;

(c) The provisions which at departure time would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(d) In the event a passenger discontinues his journey en route for any reason the amount of the fare paid may be applied as a credit towards the purchase of transportation at the applicable fare calculated from the original point of origin;

(e) The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation;

(f) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel;

(g) Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

[1] Board Orders 73–5–119 and 73–7–55.

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Agreement C.A.B.	IATA No.	Title	Application
23619: R-21	084kk	TC3 Group Inclusive Tour Fares—Asia/South West Pacific (NEW)	3

Provided, That with respect to Resolution 084kk:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

4. It is not found that the following resolution which is incorporated in the agreement as indicated and which is indirectly applicable in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23642: R-3	015b	North and Central Pacific Proportional Fares (Amending).	North America 3-1 N/Central Pacific.

5. It is found that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23600: R-5	056	North and Central Pacific First-Class Fares	3-1 N/Central Pacific.
R-7	066	North and Central Pacific Economy-Class Fares	3-1 N/Central Pacific.
R-8	070u	North and Central Pacific Excursion Fares (Revalidating and Amending).	3-1 N/Central Pacific.
R-9	070j	North and Central Pacific Own Use and Affinity-Group Fares (Revalidating and Amending) *Insofar as it establishment of fares for groups of 25 passengers*	*applies to the* 3-1 N/Central Pacific.
R-11	083c	North and Central Pacific 35-Day Individual Inclusive Tour Fares (Revalidating and Amending).	3-1 N/Central Pacific.
R-9	022c 11	TC3 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3.
R-11	002g 11	JT31 Special Rules Relating to Sales of Passenger Air Transportation (NEW).	3-1 N/Central Pacific.
R-7	053 11	TC3 First-Class Fares	3.
R-9	063 11	TC3 Economy-Class Fares	3.
R-10	070t	TC3 Excursion Fares (Revalidating and Amending)	3.
R-19	060 11	TC3 Inclusive Tour Fares (Revalidating and Amending)	3.
R-28	060h	TC3 30-Day Excursion Fares for U.S. Military Personnel (Revalidating and Amending).	3.
R-29	070	TC3 "Stand-By" Fares for U.S. Military Personnel from Guam to Bangkok, Hong Kong and Taipei (Revalidating and Amending).	3.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 23600, 23642, and 23619 set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreements C.A.B. 23600 and 23619 set forth in paragraph 2 above be and hereby are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreements C.A.B. 23600 and 23619 set forth in paragraph 3 above be and hereby are approved subject to the conditions set forth therein;

4. That portion of Agreement C.A.B. 23642 set forth in paragraph 4 above be and hereby is approved;

5. Those portions of Agreements C.A.B. 23600 and 23608 set forth in paragraph 5 above be and hereby are disapproved;

6. Those portions of Agreement C.A.B. 23619 set forth in paragraph 5 above, insofar as they are directly applicable in air transportation and/or relate to the carriage of civil employees of the United States Government, be and hereby are disapproved;

7. Tariffs implementing Agreements C.A.B. 23600 and 23619 shall be marked to expire March 31, 1974;

8. Tariff revisions necessary to reflect disapproval of the currency adjustment contained in Agreement C.A.B. 23608, R-9 and R-11 shall be implemented on not less than one day's notice within five days from the date of this order; and

9. Except to the extent granted herein, the complaint by Aviation Consumer Action Project (ACAP) in Docket 25453 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14698 Filed 7-18-73;8:45 am]

[Docket No. 25659; Order 73-7-60]

LOCAL SERVICE CLASS SUBSIDY RATE

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of July 1973.

By Order 73-6-119, dated June 29, 1973, the Board instituted an investigation directed to the establishment of a revised class subsidy rate for the local service carriers to be effective on and after July 1, 1973. The order also reopened, as of July 1, 1973, Class Rate VI,[1] the final subsidy rate presently in effect for the local service carriers. By a Statement of Provisional Findings and Conclusions and Order to Show Cause (Order 73-7-59) issued concurrently herewith, the Board is proposing a revised subsidy level based on the current fair and reasonable subsidy need as tentatively determined therein for the local service carriers effective July 1, 1973. The rate formula and its application to the subsidy need of each carrier has not been included in the Statement because, as stated therein, the design and testing of a new formula will require additional time. However, it is the Board's desire that the subsidy need level tentatively found for the new class rate, Class Rate VII, be effectuated July 1, 1973. We are therefore proposing herein a temporary rate which will serve as a basis for interim subsidy payments to each carrier, pending the establishment of final rates in this proceeding.

We believe that it is reasonable to establish a temporary rate which will be equal to the subsidy need level tentatively found to be fair and reasonable for each carrier for prospective annual periods on and after July 1, 1973, as set forth in the Statement and appendices thereto. The current level of subsidy payments for several carriers will materially change under the proposed rate and the temporary rate is needed to alleviate any large over or under payments that would occur if the present rate is allowed to remain in effect pending the fixing of a final rate. For administrative convenience, we propose to provide for the computation of temporary subsidy payments on the basis of daily need. The annual level of subsidy need and the daily need of each carrier are set forth below.

Based on the foregoing, we are directing each of the local service carriers to show cause why we should not fix the subsidy need level tentatively found to be fair and reasonable for final subsidy rate purposes for prospective periods on and after July 1, 1973, as the basis for temporary subsidy payments to each local service carrier effective July 1, 1973.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406 and 1002 (b) thereof, *It is ordered*, That:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. d/b/a Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., are directed to show cause why the fair and reasonable temporary rate of compensation to be paid each carrier on and after July 1, 1973, for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, between the points between which the carriers have been, are presently, or hereafter may be, authorized to transport mail by their certificates of public convenience and necessity, should not be fixed and determined as equal to the fair and reasonable level of subsidy need specified in Order 73-7-59 for each carrier for prospective periods on and after July 1, 1973, pending the fixing of final subsidy rates for the carriers in the instant proceeding.[2]

2. Further procedures with respect to the temporary rate proposed herein shall be in accordance with the Board's rules of practice, particularly Rule 302, et seq., and if there is any objection to the rate specified herein, notice thereof must be filed within eight days, and, if notice is filed, written answer and supporting documents must be filed within 15 days after the date of service of this order.

3. If notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified herein: *Provided*, That if notice of objection and answer are filed by any carrier or carriers, the Board may enter an order fixing the rate specified herein for such carriers as have not filed notice of objection, or, having filed such notice, have not filed timely answer raising a material issue of fact.

4. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[12] Appendices A and B, and concurring statements of Timm, Chairman, and Minetti, Member, filed as part of the original document.

[1] Orders 72-6-72, June 16, 1972, and 72-7-82, July 25, 1972.

[2] This order is not intended to disturb the service mail rates established under other orders of the Board.

LOCAL SERVICE CLASS SUBSIDY RATE

Daily Subsidy Need, by Carrier Based on Proposed Annual Subsidy Level for the Year Beginning July 1, 1973

	($000) annual level	($) Daily level[1]
Allegheny	4,179	11,449.32
Frontier	8,479	23,230.14
Hughes Airwest	10,003	27,569.86
North Central	8,849	24,243.84
Ozark	7,579	20,764.38
Piedmont	7,006	19,194.52
Southern	6,265	17,163.38
Texas International	7,280	19,945.21
Total	59,700	

[1] During the annual periods on and after July 1, 1973, the monthly claim for temporary subsidy shall be the product of each carrier's daily need times the number of days in the calendar month exclusive of days on which operations are completely suspended due to a strike or other work stoppage. Any days of partial reduction of operations due to strikes or other work stoppages, when departures flown by the carrier are less than 90 percent of the departures scheduled to be flown on such days, shall be counted as a reduced number of days to be arrived at by multiplying the number of such days by the ratio of (a) the departures flown on such days divided by (b) the product of the departures scheduled to be flown on such days (based on the carrier's official schedules on file with the Board on or as of the last day prior to the work stoppage) times the system average performance factor of the carrier during the corresponding month of the prior year.

[FR Doc.73-14820 Filed 7-18-73;8:45 am]

[Order 73-7-56]

TRANSPORTATION OF HOUSEHOLD GOODS FOR DEFENSE DEPARTMENT

Extension of Temporary Relief to Certain Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1973.

From time to time, at the request of the Department of Defense (DOD) the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 40 unauthorized indirect air carries to transport used household goods[1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority. The relief was to expire 180 days after the Board's decision in the *Household Goods Air Freight Forwarder Investigation*, Docket 20812, became final[2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief and the Department of the Army, acting in behalf of DOD, requested extension of such relief, the Board extended the temporary relief for 90 days.[4] Such relief is to terminate July 16, 1973.

Due to the recently instituted 60-day price-freeze, many prepared tariffs had to be completely revised before acceptance for filing.[5] This has caused delay and the processing of applications of the fourteen applicants named in the appendix hereto will not be completed prior to expiration of the extended deadline.[6] Furthermore, by letter dated July 6, 1973, the Department of the Army requested further extension of the temporary relief for a reasonable period in those cases where the processing could not be completed by the time limit previously set.

In view of these circumstances and DOD's request, the Board finds that further extension of the temporary relief to those carriers named in the appendix hereto is in the public interest, and has decided to extend such relief for a period of 60 days to September 16, 1973.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall become effective July 17, 1973 and terminate on September 16, 1973, or as to each individual company named in the appendix hereto, upon board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed below.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Aero Mayflower Transit Company, Inc.
P.O. Box 107 B
Indianapolis, Indiana 46206

Allied Van Lines, Inc.
25th Avenue at Roosevelt Road
P.O. Box 4403
Chicago, Illinois 60680

Astro Van-Pak, Inc.
621 South Picket Street
Alexandria, Virginia 22304

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71-10-56, dated October 13, 1971.

[4] Order 73-4-57, dated April 12, 1973.

[5] A valid tariff must be accepted for filing prior to issuance of operating authorization.

[6] The processing of some of these applications is not delayed because of tariff revisions. However, we will extend the temporary relief of all those who hold such relief, and have applications pending.

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Atlas Van Lines International Corp.
1212 St. George Road
P.O. Box 509
Evansville, Indiana 47711

Towne International Forwarding, Inc. (formerly CTI-Container Transport International, Inc.)
17 Battery Place
New York, New York 10004

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

National Van Lines, Inc.
2800 Roosevelt Road
Broadview, Illinois 60153

North American Van Lines, Inc.
P.O. Box 988
Fort Wayne, Indiana 46801

Perfect Pak Company
12169 Ventura Boulevard
Studio City, California 91604

Pyramid Van Lines, Inc.
479 South Airport Boulevard
South San Francisco, Calif. 94080

Republic Van & Storage Co., Inc.
P.O. Box 8615
9219 Harford Road
Baltimore, Maryland 21234

Smyth Worldwide Movers, Inc.
11616 Aurora Avenue, North
Seattle, Washington 98133

Tucor Services, Inc. (formerly Getz Bros. and Company, U.S.)
640 Sacramento Street
San Francisco, California 94111

United Van Lines, Inc.
No. 1 United Drive
Fenton Street
St. Louis, Missouri 63026

[FR Doc.73-14821 Filed 7-18-73;8:45 am]

[Docket No. 24875, etc.; Order 73-7-66]

FRONTIER AIRLINES, INC.

Order Regarding Applications for Changes in Service Points

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of July 1973. Application of Frontier Airlines, Inc., for suspension and deletion of Paris, Texas, Docket 24875; application of Frontier Airlines, Inc.; for permission to use the Tulsa International Airport at Tulsa, Oklahoma, for serving Muskogee, Oklahoma, Docket 24659; application of Frontier Airlines, Inc.; for deletion of McAlester by show cause order, Docket 24991.

Frontier Airlines, Inc. (Frontier) has filed applications seeking permission to serve Muskogee, Oklahoma, through Tulsa International Airport at Tulsa, Oklahoma (Docket 24659) and to suspend service at Paris, Texas, pendente lite a Board decision on its application seeking permanent deletion of the point from its certificate (Docket 24875). Frontier has also applied for amendment of its certificate of public convenience and necessity so as to delete the point McAlester therefrom. The applicant has moved that the above be accomplished by the issuance of an order to show cause.

Turning to the Muskogee application first, Frontier alleges, in support of its application, that Muskogee has consistently been a poor traffic-generating point averaging only 1.82 enplanements per day for the last four years; that service to Muskogee through Tulsa Airport will produce a $95,000 reduction in Frontier's subsidy need for FY 1973; and that there is convenient commercial bus service between Muskogee and Tulsa, as well as a limited access highway connecting the two cities. Frontier also asserts that the Sedalia-Marshall-Booneville Stage Line, Inc. (SMB) presently offers one daily round trip with Beech 99 and Piper Aztec equipment in the Muskogee-Tulsa/Dallas markets.[1]

With respect to Paris, Frontier states in support of its application to delete that point from its certificate that Paris is not isolated according to a standard set forth in a Board staff study;[2] that commercial bus service operates three and one-half round trips per day between Paris, on the one hand, and Dallas and Texarkana, on the other hand; that SMB currently provides one daily round trip in the Paris-Dallas/McAlester/Muskogee markets;[3] that Paris has consistently been a low traffic-generating point with an average of only four enplanements per day during the last four years, a situation which indicates that substantial numbers of Paris passengers utilize services at Dallas in preference to those available at Paris; and finally, that suspension at Paris will produce a $94,000 reduction in Frontier's subsidy need for fiscal 1973.

Finally, with respect to McAlester, Frontier states in support of its application that although Frontier has been suspended at McAlester for four years,[4] such suspension is conditioned upon the provision of substitute service by SMB which has been sustained only with the financial assistance of Frontier. Frontier further states that were it required to reinstitute service itself, it would result in a subsidy need increase of $112,000, but that its present subsidy is already inadequate to cover increasing costs and cyclical risks. Frontier finally states that such situation results from the poor traffic-generating potential of McAlester, a situation caused by, and likely to be perpetuated by, increased utilization of high-speed surface transportation.

The Air Line Pilots Association, International (ALPA) opposes grant of Frontier's application to delete Frontier at McAlester without a hearing. The City of McAlester and McAlester Chamber of Commerce (McAlester) oppose grant of Frontier's application, asserting that they need air service between McAlester, on the one hand, and Tulsa and Dallas, on the other.

Muskogee and Paris object to grant of Frontier's respective requests,[6] stating, inter alia, that favorable action on these applications would deprive shippers and passengers of needed air service, and in Muskogee's case, jeopardize the provision of replacement service by SMB.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Frontier's requests for a show cause order and temporary suspension at Paris, and for permission to serve Muskogee through Tulsa without a hearing. We have also decided to deny Frontier's request to delete McAlester by issuance of an order to show cause. The communities oppose Frontier's requests and we believe that under all the circumstances it is appropriate to consider in an evidentiary record the conflicting contentions of the parties. Frontier's pleadings raise important questions which merit further consideration, and consequently, we have decided to set down for hearing Frontier's applications in Dockets 24659, 24875 and 24991 insofar as they request hyphenation of Muskogee and Tulsa or in the alternative, suspension or deletion of Muskogee; suspension or deletion of Paris; and deletion of McAlester. In addition, we will place in issue the question of whether Frontier's authority to suspend service at McAlester should be continued as an alternative to permanent deletion.[6]

In addition, we note that by specific condition in its certificate Frontier is one-stop restricted in the Tulsa-Dallas market[7] but that the only noncircuitous one-stop routings available to Frontier on segment 18 involve stops at one of the three subject points which may, as a result of this proceeding, be deleted from the carrier's certificate. Similarly, since segment 18 now bifurcates at McAlester, the deletion of that point would require the rewriting of Frontier's certificate. Because we wish to limit the scope of this proceeding primarily to a consideration of the needs of, and the viability of providing certificated service to, the three points in issue, we do not intend to consider herein a significant expansion of Frontier's authority by means of a large variety of possible realignments" of segment 18. Hence, we will limit our consideration to the question of whether,

[1] By Order 70-11-25, dated November 5, 1970, the Board authorized Frontier to suspend service temporarily at, inter alia, Muskogee, subject to the condition that such suspension would immediately terminate if SMB failed to operate a certain number of trips in certain listed markets. Because, according to Frontier, the "traffic was never adequate to warrant more than one round trip by the commuter carrier," Frontier has not suspended its operations at Muskogee.

[2] Service to Small Communities, Part III, Appendix B, March 1972.

[3] Frontier further points out that in the Paris-Dallas market, SMB charges a one-way fare of $16.00 compared to its one-way fare of $22.00.

[4] See Order 73-7-67 issued contemporaneously with this Order.

[5] The Muskogee answer, having been filed late, was accompanied by a motion for leave to file an otherwise unauthorized document. We shall grant this motion and receive Muskogee's answer.

[6] The order issued contemporaneously herewith renewing Frontier's authority to suspend service at McAlester will expire 60 days after final decision in the proceeding herein instituted.

[7] The restriction applies to Frontier's services on both segment 18 as well as 19. The three points in issue lie on segment 18 only.

should McAlester be deleted from Frontier's certificate, segment 18 should be rewritten (a) to bifurcate at Dallas, or (b) to bifurcate at Fort Smith. We appreciate that a change in segmentation may result in new authority for Frontier in certain markets, but to limit the scope of the proceeding we shall place a pretrial restriction on Frontier's potential authority so as to require that all flights operated between Fort Smith and Kansas City or Wichita shall include at least one intermediate stop in the event segment 18 is rewritten to bifurcate at Fort Smith. Also, we wish to make clear that amendment of condition (4) of Frontier's certificate will not be in issue and, should the three points be deleted, Frontier will still be required to serve one intermediate point on all flights between Tulsa and Dallas. In accordance with our customary practice, we shall also permit parties to propose any other restrictions or conditions as they may believe necessary.

Accordingly, it is ordered, That:

1. The applications of Frontier Airlines, Inc., in Dockets 24875 and 24991, for an order to show cause, be and they hereby are denied;

2. The application of Frontier Airlines, Inc., in Docket 24875 for a temporary suspension without hearing, be and it hereby is denied;

3. The applications of Frontier Airlines, Inc., in Dockets 24659, 24875, and 24991, be and they hereby are set for hearing at a time and place to be hereafter designated;

4. The hearing shall determine:

a. Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that the certificate of Frontier for route 73 should be altered, amended, or modified so as to

(1) Suspend or delete Muskogee, Oklahoma and/or

(2) Redesignate Tulsa, Oklahoma as Tulsa-Muskogee, Oklahoma to be served through the Tulsa Airport;

(3) Suspend or delete Paris, Texas;

(4) Suspend or delete McAlester, Oklahoma;

(5) Have segment 18 bifurcate, in the event McAlester is deleted pursuant to (4) above, at Dallas or Fort Smith, subject to the condition that, in the event segment 18 is rewritten so as to bifurcate at Fort Smith, Frontier will be required to schedule service to a minimum of one intermediate point between Fort Smith and Kansas City or Wichita;

b. whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Frontier at the points listed in (1), (3), and (4) above, with or without conditions;

5. The motion of the City of Muskogee and the Muskogee Chamber of Commerce in Docket 24659 for permission to file a late-filed answer, be and it hereby is granted; and

6. This order shall be served on the parties served with the applications in Dockets 24659, 24875 and 24991.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-14818 Filed 7-18-73;8:45 am]

[Docket Nos. 22364, 25474; Order 73-7-65]

U.S. MAINLAND-HAWAII FARES INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of July 1973.

By Order 73-4-117, dated April 27, 1973, the Board initiated an investigation to consider the level of regular fares, the relationship of first-class fares to second-class fares, and the level and structure of discount fares in the U.S. mainland-Hawaii market. Order 73-4-117 also provided that the portions of Order 72-5-100 [1] which prescribed the level of first-, second-, and third-class fares in the U.S. mainland market were revoked. A procedural framework for exceptions to this latter provision was established.

While the Board has received no exceptions to Order 73-4-117 as such, several parties have filed petitions for reconsideration of that order, requesting in general that the scope of the investigation be expanded to include additional issues.[2]

Upon consideration of these pleadings, we have decided that some expansion in the scope of this proceeding will be appropriate. Before reaching any new matters, however, a clarification of the intent of Order 73-4-117 is necessary.

Several carriers have raised the possibility that Order 73-4-117 is insufficiently clear on the question of whether the newly instituted investigation includes the level and structure of fares from interior gateway points. Our intention in Order 73-4-117 was to make clear that we do not expect to relitigate Ultimate Finding number 5 on page 24 of our Opinion in Order 72-5-100, dated May 26, 1972, which relates to construction of fares between Hawaii and interior points not included in the carriers' Hawaiian segments. Since we are by this order specifying by number those Ultimate Findings which we are revoking, no question should remain as to our intention.

Also in the nature of clarification, United requests that we modify our partial revocation of Order 72-5-100 to inform all persons concerned that there are no impediments to tariff filings in U.S. mainland-Hawaii markets. Under Order 72-5-100 fare changes had been effectuated by way of petition for amendment, but our partial revocation of that order was intended to end that procedure. We have made in the ordering paragraphs herein adjustments which will clearly accomplish that purpose.

As to the requests for expansion of the scope of the proceeding, three of the petitions have called into question our exclusion from the issues to be litigated of the relationships between second- and third-class fares.[3] Upon further consideration, we agree that the amounts of the differentials between these two classes of fares should be included as an issue in the forthcoming investigation, and that the provisions of Order 72-5-100 specifying these differentials should accordingly be revoked. The recent decision of several carriers to impose charges for entertainment in second-class service convinces us that the cost basis for these differentials must be reviewed in the light of current data.[4] However, we see no need to reexamine the principle that the differential between these two classes of fares should be based on the costs of amenities furnished free of additional charge to one class and not to the other.

On the other hand, the request by several carriers to include the Hawaiian common fares agreement will be denied insofar as these requests call to issue more than the revenue impact of the existing agreement. Consideration, either directly or indirectly, of the propriety or particulars of this agreement is unnecessary to the determination of the revenue needs of the mainland carriers and would only serve to lengthen and complicate the proceeding.

Accordingly, upon consideration of the foregoing, and all other relevant matters,

It is ordered, That:

1. Paragraphs 3.a, 4.a, and 4.b of the Ultimate Findings on pages 22–24 of the Opinion in Order 72-5-100 are hereby revoked, and the investigation in Docket 22364 is hereby terminated;

2. The scope of the investigation instituted by Order 73-4-117 is hereby expanded to include the lawfulness of the differentials between second- and third-class fares and the charges for inflight amenities;

[1] Dated May 26, 1972.

[2] Petitions have been filed by Braniff Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc. American Airlines, Inc., has filed an answer to these petitions, and a joint answer has been filed on behalf of Aloha Airlines, Inc., and Hawaiian Airlines, Inc. Braniff's petition was filed one day late with a request for leave to file a late petition, which is granted.

[3] Pan American also requests that the relationships between peak and off-peak fares be put in issue. While Order 73-4-117 already put this matter in issue, the more specific language of the present order should eliminate any doubt as to the point.

[4] As a corollary, the provisions of Order 72-5-100 specifying charges for inflight amenities in third-class service will also be revoked and the amount of these charges will be included as an issue in the proceeding. Whether the charges for inflight amenities generally should be specified and be required to be filed by the carriers will also be considered in the light of ER-795, adopted April 6, 1973.

V38-138 JUL 19 73 XUM

3. Except to the extent granted herein, the petitions of Braniff Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and United Air Lines, Inc., are dismissed; and

4. Copies of this order shall be served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., Puget Sound Traffic Association, Aloha Airlines, Inc., and Hawaiian Airlines, Inc., and upon all parties to Docket 22364.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14819 Filed 7-18-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, July 25, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552 (b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 17, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-14973 Filed 7-18-73;9:33 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Friday, July 27, 1973, in Room 1600 of the Municipal Services Bldg. in Philadelphia beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Mount Holly Water Co.* A well water supply project to augment public water supplies in the Township of Mount Holly and adjacent municipalities in Burlington County, N.J. Designated as Well No. 6, the new facility is expected to yield about two million gallons per day.

2. *Audubon Water Co.* A well water supply project to augment public water supplies in portions of Lower Providence Township, Montgomery County, Pa. Designated as Well Nos. 5 and 6, the two new facilities are expected to have a combined yield of about 230,000 gallons per day.

3. *Borough of Topton.* A well water supply project to augment public water supplies in the Borough of Topton and portions of Longswamp Townships, Berks County, Pa. Designated as Well No. 5, the new facility is expected to yield about 288,000 gallons per day.

4. *Borough of Woodbury Heights.* A well water supply project to augment public water supplies in the Borough of Woodbury Heights, Gloucester County, N.J. The new facility is expected to yield about 560,000 gallons per day.

5. *Schuylkill Haven Municipal Authority.* Expansion and upgrading of the Authority's existing sewage treatment plant in Schuylkill County, Pa. Approximately 7,000 feet of interceptor sewer will be constructed in connection with the project. Modifications to the plant are designed to provide 90 percent removal of BOD_5 from a sewage flow of about two million gallons per day. Treated effluent will continue to discharge to the Schuylkill River.

6. *Modern Treatment Co.* A sewage treatment plant to serve a new recreational community known as Wallenpaupack Lake Estates in Salem and Paupack Townships, Wayne County, Pa. The plant is designed to provide 96 percent removal of BOD_5 and 97 percent suspended solids from a sewage flow of about 100,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Lake Wallenpaupack.

7. *City of Philadelphia Water Dept.* Upgrading of the Southeast treatment plant of the City of Philadelphia located adjacent to the Walt Whitman Bridge. Modifications are designed to provide 90 percent removal of BOD_5 from an estimated 1990 sewage flow of about 140 million gallons per day. Treated effluent will continue to discharge to the Delaware River.

8. *Pureland Water Co.* A revision to a groundwater development project to provide water supplies in the 3500-acre Pureland industrial complex and adjacent municipalities in Logan Township, Gloucester County, N.J. Four new wells would be utilized to provide four million gallons per day for industrial process and cooling purposes and a fifth well will provide one million gallons per day for domestic and commercial purposes.

9. *New Jersey Turnpike Authority.* Expansion of the Authority's sewage treatment plant in New Jersey Turnpike Service Area 4N in Mount Laurel Township, Burlington County, N.J. Approximately 90 percent of BOD_5 and suspended solids would be removed from a sewage flow of about 60,000 gallons per day. Treated effluent would discharge to Parkers Creek, a tributary of Rancocas Creek.

B. A proposal to approve the following water pollution abatement schedule as submitted in accordance with Section 3-4.2(2) of the Basin Regulations—Water Quality:

1. *Gulf Oil Company of Pennsylvania (A-73-2):* A violation of the effluent requirements of the Commission's Basin Regulations was determined for the company's Schuylkill River Tank Farm, located in Philadelphia, Pa. The proposed schedule permits the company to make modifications in the in-plant processing facilities at the refinery to allow shifting the wastewater flow from the Tank Farm to the existing refinery wastewater treatment system.

Documents relating to the above projects may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

W. BRINTON WHITALL,
Secretary.

JULY 13, 1973.

[FR Doc.73-14745 Filed 7-18-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19778, etc.; FCC 73-725]

BUD'S BROADCASTING CO. ET AL.

Designation of Construction Applications for Consolidated Hearing

In re applications of Amos Joseph Mathewson, tr as Bud's Broadcasting Co., Banning, Calif., Docket No. 19778, File No. BP-19212; Requests: 1490 kHz, 250 W, U.

Dale A. Owens, Banning, Calif., Docket No. 19779, File No. BP-19224; Requests: 1490 kHz, 250 W, U.

Frederick R. Cote, Banning, Calif., Docket No. 19780, File No. BP-19376; Requests: 1490 kHz, 250 W, U.

Milton Charles Holden, Bettee H. Holden, William R. Bailer, Mary Estella Bailer, and Adam John Mugni d/b as H&B Broadcasting Co., Yucaipa, Calif., Docket No. 19781, File No. BP-19377; Requests: 1490 kHz, 250 W, U, For construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications which seek authorization to replace the deleted facilities of former station KPAS.

2. Examination of section IV of the applications of Bud's Broadcasting Co. and H & B Broadcasting Co. indicate that both parties have failed to meet the basic requirements set out in our Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 FR 4092, 27 FCC 2d 650.

In the application of Bud's Broadcasting Co. an adequate description of the community accurately detailing its minority, racial or ethnic breakdown, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive has been omitted. Additionally, pertinent information as to the specific problems, needs, and interests of the residents of the community has not been ascertained. In the H & B Broadcasting Co. application, the survey fails to indicate the specific problems, needs, and interests of the community and the names of the community leaders consulted have not been included in the data submitted. Also omitted are H & B's proposed programs to meet community problems disclosed by its consultations. Accordingly, a Suburban [1] issue will be included.

3. The financial portion of Bud's Broadcasting Co.'s application shows that $31,800 will be required to construct and operate for one year. This total consists of: down payment on equipment $2,500, first-year payments on equipment, with interest $2,750, building $500, miscellaneous $2,050, working capital (first year) $24,000. To meet this requirement, the applicant relies on a $25,000 bank loan and $7,588 in profits from his existing operations. The letter of credit from the bank supporting a loan is for only $10,000 and does not fully give the terms of repayment. The Commission cannot accept estimated earnings of enterprises other than broadcasting, since we have no access to annual reports of earnings, estimated future earnings, etc. Thus, a financial issue is required.

4. The application of Frederick R. Cote states that a total of $33,625, is required to meet his first-year expenses. The itemized costs include $2,926 down payment on equipment, $5,000 land, $5,000 building, $200 miscellaneous, and $20,499 working capital. Applicant's plans to finance construction and operation provide for $30,900, $18,900 of which is cash on hand or in banks and $12,000 of which is profits from existing operations. Since the figures given for plans to finance construction and operation total only $30,900, it appears that an additional $2,725 to meet first-year commitments is necessary. Accordingly, this applicant will also be required to establish his financial qualifications in hearing.

5. H & B Broadcasting Co. also appears to be financially unqualified. Analysis of the applicant's cost figures shows that $63,765 will be required to construct and operate for one year without revenues, itemized as follows: $4,280 lease payments on automated equipment, $4,455 down payment on remaining equipment, $4,820 first-year's payments on equipment with interest, $500 land, $1,500 building, $4,400 miscellaneous, $43,810 working capital (first year). Applicant's plans to finance construction and operation provide for $62,000, $7,000 of which is existing capital, $55,000 of which would be raised from liquidation of partners' assets. The partners, however, have not shown the availability of the $7,000 in cash, nor have they shown buyers for the assets they claim will be disposed of to raise other necessary funds. Thus, an appropriate issue will be specified.

6. Although three of the applicants are for Banning and one is yucaipa, they would serve substantial areas in common. Consequently, in addition to determining which of the proposals would best provide a fair, efficient and equitable distribution of radio service, under 307(b) of the Communications Act, a contingent comparative issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine, with respect to the application of Bud's Broadcasting Co., the terms of the $10,000 loan and, in light of the source of other earnings, whether the applicant is financially qualified.

3. To determine whether Frederick R. Cote has sufficient additional funds to construct and operate his proposed station and in light thereof whether he is financially qualified to construct and operate the proposed station.

4. To determine whether H & B Broadcasting Co. has the requisite funds to construct and operate its proposed station.

5. To determine the efforts made by Bud's Broadcasting Co. to ascertain the community problems of the area to be served and the means by which applicant proposes to meet those problems.

6. To determine the efforts made by H & B Broadcasting Co., to ascertain the community problems of the area to be served and the means by which applicant proposes to meet those problems.

7. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications, would, on a comparative basis, better serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That, in the event of a grant of either of the applications, of Frederick R. Cote or H & B Broadcasting Company, the construction permit shall contain the following:

Before program tests are authorized sufficient field intensity measurement data shall be submitted to establish that the radiation has been reduced to 150 mV/m/kW, as proposed.

10. *It is further ordered,* That, in the event of a grant of the application of H & B Broadcasting Co., the construction permit shall contain the following condition:

An approved type frequency monitor shall be installed.

11. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 3, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14813 Filed 7-18-73;8:45 am]

[Dockets Nos. 19782, 19783; FCC 73-726]

KALT-FM, INC. AND CASS COUNTY BROADCASTING CO.

Designation of Construction Applications for Consolidated Hearing

In re applications of KALT-FM, Inc. Atlanta, Texas, Docket No. 19782, File No. BPH-7881; Requests: 99.3MHz, 257; 3 kW (H & V); 195.75 feet.

Gloria D. Herring and A. T. Moore, d/b as Cass County Broadcasting Co., Atlanta, Texas, Docket No. 19783, File No. BPH-7948; Requests: 99.3 MHz, 257; 3 kW (H & V); 186.5 feet, for construction permits.

1. The Commission has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Based on cost figures contained in its application, it appears that Cass County Broadcasting Company will need $76,736 to construct and operate its pro-

[1] Suburban Broadcasters, 20 RR 951 (1961).

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posed station for one year.[1] To finance its proposal, the applicant relies on a total of $2,500 in contributions from the two partners and a bank loan of $75,000. Balance sheets for each partner indicate adequate liquidity to meet their respective commitments. As to the bank loan, however, the loan is contingent upon the endorsement of the partners. Since they have failed to file a statement affirming their intent to endorse the note, we cannot make a finding that the funds will be available. Accordingly, a financial issue will be specified.

3. KALT–FM, Inc., estimates that $40,750 will be needed to construct and operate its proposed station for one year, itemized as follows: $29,300 equipment, $1,450 miscellaneous, and $10,000 working capital. To meet these expenses, the applicant has $1,000 in existing capital and relies on stock subscriptions from its four principals to raise $39,000. However, since the financial data submitted by three of the subscribers, David A. Wommack, Sr., David A. Wommack, Jr., and Thelma Jeane Wright are no longer current, we cannot determine whether they presently have sufficient current and liquid assets available to meet their respective commitments. Moreover, we note that KALT, Inc., has allocated only a nominal amount ($50) for legal fees. In light of the forthcoming comparative hearing, we believe that a more realistic sum should be allocated. Accordingly, an appropriate financial issue will be included.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Cass County Broadcasting Company, whether the partners are willing to endorse the $75,000 bank loan, and, in light thereof, whether the applicant is financially qualified.

2. To determine, with respect to the application of KALT–FM, Inc.:

(a) Whether the applicant's estimated legal expenses are realistic;

(b) Whether David A. Wommack, Sr., David A. Wommack, Jr., and Thelma Jeane Wright have sufficient net current assets to meet their respective stock purchase commitments.

(c) Whether, assuming all the funds which the applicant relies upon are available, sufficient additional funds are available to meet first-year construction and operating costs; and

(d) Whether, in light of the foregoing, the applicant is financially qualified.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered*, That the applicant shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by section 1.221(c) of the rules.

7. *It is further ordered*, That the applicant shall give notice of the hearing within the time and in the manner specified in section 1.594 of the rules, and shall seasonably file the statement required by section 1.594(g).

Adopted: July 3, 1973.

Released: July 12, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14814 Filed 7-18-73;8:45 am]

[1] Cass County Broadcasting Company's first-year expenses are itemized as follows: $25,071 equipment, $1,500 building, $6,750 interest on loans, $5,200 miscellaneous, $34,740 working capital, $3,475 radio tower.

FEDERAL HOME LOAN BANK BOARD

[H. C. 159]

BERKSHIRE HATHAWAY, INC., ET AL.

Notice of Receipt of Application for Permission To Acquire Control of Mutual Savings and Loan Association

JULY 16, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Berkshire Hathaway, Inc., Diversified Retailing Company, Inc., Associated Retail Stores, Inc., and Columbia, Insurance Company, Baltimore, Maryland, for approval of acquisition of control of the Mutual Savings and Loan Association, Los Angeles, California, an insured institution controlled by Wesco Financial Corporation, under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Wesco Financial Corporation by Blue Chip Stamps, a subsidiary of the applicants which previously filed an application to acquire control of Mutual Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 20, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-14792 Filed 7-18-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11 (p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01152---	Neptune Maritime Co. of Monrovia: Nephele Alkyon
01466---	Common Brothers (Management) Limited: Frank D. Moores
01830---	Cardon Tankers Corporation: Fairfield Copa
01904---	Waterman Steamship Corporation: Lyman Hall
01905---	The Ben Line Steamers Ltd.: Benvorlich
01986---	Aktiebolaget Transmarin: Wilhelmina
02040---	"Odra"—Swinoujscie: Grinwal
02195---	Welsh Ore Carriers Limited: Welsh Trident
02301---	Naviera Vizcaina, S.A.: Ermua
02332---	Lykes Bros. Steamship Co., Inc.: LY–181 LY–182 LY–183 LY–184 LY–185 LY–186 LY–187 LY–188 LY–189 LY–190 LY–191 LY–905 LY–195
02428---	The Kinsman Marine Transit Company: William R. Roesch
02446---	Cosmopolitan Shipping Company S.A.: Stephanie Conway Leslie Conway
02551---	Ellerman Lines Limited: Salerno
02558---	American Condor Steamship Corp.: Planet
02715---	Allied Towing Corporation: Michael STC–106 ATC–185
02859---	Cosmos Marine Development Corp., Liberia: Cosmos Deneb
02877---	Nippon Yusen Kabushiki Kaisha: Chokai Maru
02942---	Seereederei "Frigga" Aktiengesekkschaft: Thor
02952---	Blandford Shipping Co. Ltd.: Star Boxford
03068---	Pacific Shipping Company, Limited: Mah Kim Loi Kim

Certificate No.	*Owner/Operator and Vessels*
03324---	Compania De Navegacion Penelope S.A.: Andreas E
03413---	Baba-Daiko Shosen K.K.: Bombay Maru
03475---	Nissho Kisen K.K.: Nichiharu Maru
03501---	Osaka Shosen Mitsui Senpaku K.K.: Takagisan Maru Takakurasan Maru
03503---	Shofuku Kisen K.K.: Nagato Maru
03609---	Pacific Barge 3, Inc.: Barge 101
03640---	Pan Ocean Bulk Carriers, Ltd.: Yu Kong Bum Han Bum Mi Bum Young Pan Trader
03689---	Scheepvaartmaatschappij "Volharding" N.V.: Antilla Bay
04004---	Koninlijke Java-China-Paketvaart Lijnen N.V.: Straat Fukvoka
04172---	Eklof Marine Corporation: E 13
04184---	M/G Transport Services, Inc.: Wasson 8
04404---	Lars Rej Johansen: Windward Reefer
04435---	Gateway Barge Lines, Inc.: OC–602
04569---	Marasia, S.A.: Pacifico
04616---	Alaska-Shell, a Corporation: Alaska-Shell
04625---	American Commercial Lines, Inc.: V.M. Meythaler
04679---	Ratnakar Shipping Company Limited: Ratna Kirti
04703---	Snam S.P.A.: Agip Sardegna
04834---	Tidewater Barge Lines, Inc:. Barge No. 1
04939---	Panocean Shipping and Terminals Limited: Post Runner Post Rover Post Ranger Post Challenger Post Champion
05046---	Magnolia Marine Transport Co.: MM–10
05048---	F. Laelsz: Propontis
05098---	Esso Tankers Inc.: Esso Brisbane Esso Halifax
05345---	L. Figueiredo Navegacao S/A: Tocantins
05549---	Polska Zegluga Morska: Cedynia
05608---	Fekete & Co.: Thomona
05713---	W. B. Enterprises, Inc.: The Independent
05858---	Interisland Shipping Co. Ltd.: Topaz Islands Agate Islands Amber Islands Opal Islands
05892---	Luedtke Engineering Company: Duluth
06042---	Luzon Stevedoring Corporation: Virginia City
06248---	Commercial Corporation "Sovrybflot": Belogorsk
06450---	Hoover Shipping Co., Inc.: Anna Developer
06493---	Lockheed Shipbuilding and Construction Company: Columbia
06779---	Miyazaki Sangyo Kaiun K.K.: Miyatoyo Maru Maluku Maru Menado Maru
06821---	Anglo-Eastern Bulkship Ltd.: Naess Crusader
06953---	Mercury Steamship Co., Inc.: Abiqua
07019---	Allied Shipping International Corporation: Astir Arras
07098---	National Sea Transport Corporation: Thera
07297---	Mediterranean Ventures S.A.: Chian
07399---	G. & R. Salvatori: Avenir S
07564---	Transport Insurance S.A.: Trade Greece
07817---	Yick Fung Shipping and Enterprises Co., Ltd.: Andaman Sea Tasman Sea Adriatic Sea China Sea Timor Sea Ceram Sea Koro Sea Sulu Sea Red Sea Chukchi Sea Saiton Sea Aegean Sea Coral Sea Caspian Sea Azov Sea Flores Sea
07819---	Transportes Surenos Armadora S.A.: Santa Amalia
07827---	Lucidora Armadora, S.A.: Trade Honor
07934---	Ship Opertors of Florida Inc.: Caribe I
08000---	Trading & General Investment Corporation, Monrovia: Okeanis
08002---	Marcona Ocean Industries, Ltd.: Allen Judith Western Warrior Booster Barge Guthrie III
08026---	Good Trader Navigation Company, Ltd.: Good Trader
08031---	Rederiet Nordeggen A/S: Trolleggen
08038---	Flota Petrolera Ecuatoriana: Napo Pastaza
08039---	Diamond River Co., Ltd.: Panaking
08043---	Far-Away Places, Inc.: Lizza K
08046---	Providence Compania Naviera: Trigon
08050---	Compania Naviera Peace Limitada, S.A.: Shao An
08053---	Poinciana Shipping Co., Ltd.: Poinciana
08057---	Carmel Transport Corp. Inc.: Stolt Castle
08073---	Norse Shipping Co. (PTE) Ltd.: Cherry Vigra II
08074---	Independent Shipping Co. (PTE) Ltd.: Cherry Victor
08082---	Bomar Navigation Limited: Ontario
08086---	"Fenice" S.P.A.: Fenice Punta Cervo
08092---	Diafian Love S.A.: Concordia Love
08094---	Sanwa Reito Kabushiki Kaisha: Seishumaru No. 36
08095---	Newcastle Shipping Co., Ltd.: Newcastle Trader
08096---	Seas Navigation Corporation: Ivy
08097---	Vicalvaro Compania Naviera, S.A.: Paros
08099---	El Greco Shipping Company Limited: Elinoil
08100---	Irene Navigation Corporation: Irene
08101---	Linda Navigation Corporation: Linda
08102---	Tank Oil Corporation: Southwest Cape
08103---	Spartan Shipping Inc.: Argo Trader
08105---	Oshima Unyu Kabushiki Kaisha: Sakura
08106---	Taisei Kaiun Kabushiki Kaisha: Hotoku Maru
08107---	Santa Madre Compania Naviera S.A.: Santa Pola
08108---	Sounion Shipping Inc.: Stolt Argobay
08109---	Cassiopeia Shipping Company Limited: Leo
08113---	K/S A S Verven & Co.: Staland
08114---	Ken Hieng Navigation Co. Ltd.: Ken Ho
08115---	San Constantain Maritime Limited: Chrysovalandou Tria
08117---	Montauk Maritime Limited: Montauk
08118---	Evandros Compania Naviera S.A.: Teneriffe
08119---	Mediteranska Plovidba: Marko Polo
08121---	Mardina Shipping (International) Ltd.: Mardina Reefer Mardina Merchant
08122---	Unique Development Company, Incorporated: Unique Alliance
08123---	Vali Tankships Ltd.: Vali Star
08124---	Transportadora Madison, S.A.: Peranza
08125---	Associated Marine Services, Inc.: Heron
08126---	Compania Fortuna De Vapores S.A.: Keystone
08132---	Mammoth Bulk Carriers Limited: Mammoth Pine Mammoth Fir
08135---	Veb Fischkombinat Rostock: Peter Neil

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14842 Filed 7-18-73;8:45 am]

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[Independent Ocean Freight Forwarder License 1396]

C. A. CRILEY & ASSOCIATES, INC.

Order of Revocation

By letter dated June 4, 1973, C. A. Criley & Associates, Inc., 4044 128th Avenue, S. E., Bellevue, Washington 98006 was advised by the Federal Maritime Commission that independent ocean freight forwarder License No. 1396 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 3, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

C. A. Criley & Associates, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72):

It is ordered, That Independent Ocean Freight Forwarder License No. 1396 of C. A. Criley & Associates, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1396 be and is hereby revoked effective July 3, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon C. A. Criley & Associates, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14840 Filed 7-18-73;8:45 am]

[Independent Ocean Freight Forwarder License 361]

REYNOLDS & PUZON, INC.

Order of Revocation

By letter dated June 8, 1973, Reynolds & Puzon, Inc., P.O. Box 237, Norwood, New Jersey 07648 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 361 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before July 7, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Reynolds & Puzon, Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72):

It is ordered, That Independent Ocean Freight Forwarder License No. 361 of Reynolds & Puzon, Inc. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 361 be and is hereby revoked effective July 7, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Reynolds & Puzon, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-14841 Filed 7-18-73;8:45 am]

[Independent Ocean Freight Forwarder License 762]

BEAUSEIGNEUR MOVING & STORAGE CORP.

Order of Revocation

By letter dated May 21, 1973, Beauseigneur Moving & Storage Corp., 242-252 E. 122nd Street, New York, New York 10035 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 762 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 20, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Beauseigneur Moving & Storage Corp. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 5/1/72):

It is ordered, That Independent Ocean Freight Forwarder License No. 762 of Beauseigneur Moving & Storage Corp. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 762 be and is hereby revoked effective June 20, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Beauseigneur Moving & Storage Corp.

AARON W. REESE,
Managing Director.

[FR Doc.73-14839 Filed 7-18-73;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 3103-52 has been entered into by the member lines of the Japan-Atlantic & Gulf Freight Conference, to modify the presently approved agreement of that conference by changing the name of the conference to the Japan/Korea-Atlantic & Gulf Freight Conference, and deleting the references to Okinawa as they presently appear in the approved agreement. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14835 Filed 7-18-73;8:45 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 3103 DR-4 is an application under section 14b on behalf of the member lines of the Japan-Atlantic & Gulf Freight Conference, to modify the presently approved dual rate system and form of contract of that conference by changing the name of the conference to the Japan/Korea-Atlantic & Gulf Freight Conference, and deleting the references to Okinawa as they presently appear therein. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

By order of the Federal Maritime Commission.

Dated: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14837 Filed 7-18-73;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Steet, N.W., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana and San Francisco, California. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, N.W., Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150 DR-4 is an application under section 14b on behalf of the member lines of the Trans-Pacific Freight Conference of Japan, to modify the presently approved dual rate system and form of contract of that conference by changing the name of the conference to the Trans-Pacific Freight Conference of Japan/Korea, and deleting the references to Okinawa as they presently appear therein. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14836 Filed 7-18-73;8:45 am]

U.S. ATLANTIC AND PACIFIC/COLUMBIA NORTHBOUND AND SOUTHBOUND FREE ACCESS AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 30, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Esquire Barrett Smith Schapiro & Simon 26 Broadway New York, New York 10004

Agreement No. 10066, between Prudential-Grace Lines, Inc. and Flota Mercante Grancolombiana, S.A., provides for the establishment of a regular coordinated service between the parties in the trade between United States Atlantic and Pacific Coast ports and ports in Colombia. The intent is that the lines will (1) have free access to the total import/export cargoes available without any governmental restrictions; (2) become associate companies upon approval of the agreement; and (3) mutually collaborate to have cargo not carried by one party to be carried by the other party.

Agreement No. 10066 will remain in effect indefinitely unless earlier cancelled as provided therein.

By order of the Federal Maritime Commission.

DATED: July 12, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14838 Filed 7-18-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01008---	Botvid Ohlsson: Fritre
01125---	N.V. Ubem S.A. (Union Belge d'Entreprises Maritimes): Temse
01247---	Tonnevolds Tankrederi A/S: Patum

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Certificate No.	Owner/Operator and Vessels
01267---	Agdesidens Rederi A/S, Morlands Red. A/S, M.'s Tankred. A/S Ship. Co. A/S: Ravnaas
01336---	A/S Borgestad: Bandak
01337---	Marfin Management Trust (reg.) Vaduz (Liechtenstein): Jurko Topic
01465---	Scottish Ship Management Limited: Baron Forbes
01517---	Salamis A/S: Skauborg
01574---	Fearnley & Eger: Fernstar
01805---	Suisse Atlantique: Corcovado
01861---	BP Tanker Company Ltd.: British Industry British Star
01878---	"Messana"-Societa Di Navigazione, SPA: Masano
01904---	Waterman Steamship Corporation: Andrew Jackson
01905---	Ben Line Steamers: Bennevis
02001---	Rederiaktiebolaget Transatlantic: Waitara
02011---	Shipping Partnership of M/S Kanangoora: Kanangoora
02141---	Panvista Compania Naviera S.A.: Maria Hadjipatera
02218---	Christian Haaland: Condordia Star
02240---	Mar Ligure Societa Di Navigazione S.P.A.: Mar Ligure
02274---	Albis Ardua Societa de Navigazione: Honor
02331---	Cia Colonial de Navegacao: Santa Maria
02393---	Prosperidad Compania Naviera S.A.: Scorpio
02416---	Boland & Cornelius Inc.: J. F. Schoellkope
02493---	Sheridan Transportation Co.: Winifred M. Sheridan
02737---	Olympic Oil Lines Panama S.A.: Olympic Torch
02738---	Foreland Navigation Company, S.A.: Olympic Star
02942---	Seereederei "Frigga" Aktiengesellschaft: Frigga
02956---	Ashland Oil Company: NMS 41 & NMS 42 A.O. & R. Co. 11 A.O. & R. Co. 26 A.O. & R. Co. 39
02958---	Kawasaki Kisen K. K.: Texas Maru Mikishima Maru Mizukawa Maru Florida Maru Akikawa Maru
02979---	The J. P. Porter Co. Ltd.: JPP #502 JPP #530 Deiver Fundy Lockeport Shunish Hamilton #58 Digby Nova Scotia JPP #535 JPP #526 Ashbridge General Currie
02979—Cont.	JPP #501 McKellar JPP #527 Loadmaster
02980---	Rederi A/S Mimer and A/S Norfart: Antilla
03294---	Companhia de Navegacao Lloyd Brasileiro: Henrique Lage
03394---	Interessentskapet Norse Lady: Norse Variant
03395---	A/S Oljefart II and Skibs A/S Motortank: Harry Borthen
03447---	K. K. Kyokuyo: Chiyoda Maru No. 2 Akitsu Maru No. 3
03449---	Kokudo Sangyo K. K.: Taiei Maru
03499---	El-Yam Bulk Carriers (1967) Ltd.: Har Carmel I
03569---	I/S Ringvard: Ringvard
03615---	Indian Towing Company Inc.: Timballer
03632---	A/S Turid Grong
03736---	Bethlehem Steel Corporation: Dry Dock YFD 55 Erie Marine Inc. Hull No. 101
03934---	Avondale Navigation Co. Ltd.: World Hong Kong
03957---	Liberian Victor Transports Inc.: World Tatsu
04004---	Koninklijke Java-China-Paketvaart Lijnen N.V.: Straat Fremantle
04289---	Dixie Carriers, Inc.: Erie Debbie
04311---	Westmount Shipping Corporation: Rappahannock
04340---	Alona Compania Naviera, S.A.: Paros
04350---	Ocean Freighters Corporation: Ivy
04357---	Koninklyke Nedlloyd N.V.: Sloterkerk Servaaskerk
04358---	Holland Bulk Transport N.V.: Amsteldiep
04388---	Franco Shipping & Managing Co. Ltd.: Anemone Gardenia
04389---	Roen Steamship Company: John Roen IV Marquis Roen
04428---	Franco Compania Naviera S.A.: Rodon Pilotis
04510---	Nikko Suisan Kabushiki Kaisha: Nikko Maru No. 17
04544---	Mr. Yosuke Kawaguchi: Seishumaru No. 35
04623---	Seaspan International Ltd.: Seaspan 911
04640---	McAllister Lighterage Line Inc.: Blue Crest
04859---	I/S Saga Stream (Ole) Schroder & Co.: Anco Stream
05204---	Stewart Transportation Company: STC 106
05218---	Prodromos Lines S.A.: Despina A
05281---	Slade Inc.: H. T. Co. No. 27
05290---	Ocean Transport Lines, Inc.: John Wilson
05297---	Caribbean Navigation Co., Ltd.: Bredal
05300---	Marine Transocean Ltd.: Splendid Sun
05380---	Tridentco Shipping Limited: Sovereign Ruby
05511---	S.T.T. Soc. Trasporti Transatlantici Societa Perazioni: Punta Cervo
05518---	Glory Navigation Co., Ltd.: Thai Yung
05864---	Etnaval Compania S.A.: Anna F
05876---	Rail & Water Terminal of Montreal Ltd.: Guard Mavoline Voyageur D
05879---	Les Chargeurs Unis Inc.: Blanc Sablon Aigle D'Ocean Aigle Marin
06666---	Frisia Shipping Corporation, Monrovia: Rhenania
06435---	Dampskibsaktieselskabet Ben Norske Afrika-Og Australellinie, Wilhelmsens Damp A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Teheran
06818---	Globus-Reederei G.m.b.H. Hamburg: Tugelaland
06946---	Bath Iron Works Corporation: Yard Hull No. 359
06999---	Panax Shipping Ltd.: John P. McGoff
07237---	Southern Barge, Inc.: Reb 2502
07332---	Cybreval Overseas Transport Inc.: Windsor
07383---	Grand Olympia (Panama) S.A.: Olmpia Faith
07561---	Gulf Atlantic Transport Corporation: H. G. Williams
07734---	Hersent Offshore, Inc.: Barge No. 2

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14829 Filed 7-18-73;8:45 am]

BOARD OF TRUSTEES OF GALVESTON WHARVES AND COOK INDUSTRIES, INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the maters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Board of Trustees of the Galveston Wharves Cook Terminal Company, Inc. and Cook Industries, Inc.

Notice of agreement filed by:

Mr. Carl S. Parker, Jr.
Traffic Manager
Galveston Wharves
802 Rosenberg
P.O. Box 328
Galveston, Texas 77550

Agreement No. T-2814 between the Board of Trustees of the Galveston Wharves (Galveston) and Cook Terminal Company, Inc. (Cook), is an agreement providing that Galeston will construct a materials handling facility according to Cook's specifications, for the warehousing, storage, conditioning and shipping of bulk commodities such as grain, soybeans, etc. The facility is to be financed through the sale of bonds.

Agreement No. T-2814-A, also between Galveston and Cook, provides for Cook's lease of the facility constructed under Agreement No. T-2814 above. Cook is to operate the facility as a public elevator terminal and material handling facility serving the general public for the warehousing, storage, marketing, conditioning and shipping of bulk commodities. As compensation during the initial term of the agreement, Galveston is to receive: (1) Basic rental equalling the total principal, interest, and premium of the bonds issued to finance the facility; (2) berth rental of $200,000 annually; (3) ground rental of $80,105 annually; and (4) 50 percent of the dockage assessed by Cook against vessels handled at the facility. Cook is granted the right to fix and levy dockage rates, provided that they are reasonable and competitive. No wharfage will be assessed by Galveston on bulk commodities. On cargo other than bulk commodities, Galveston will bill, collect and retain all tariff charges.

Agreement No. T-2814-B, between Galveston and Cook's parent company, Cook Industries, Inc., is a guarantee agreement providing that Cook Industries, Inc. will guarantee Cook's obligations to Galveston under Agreement No. T-2814-A.

Dated: July 13, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14828 Filed 7-18-73;8:45 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC., AND MARRIOTT SUN LINE, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public, financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc.
2 Karageorgia Servias Street
Athens 125, Greece
and
Marriott Sun Line, Ltd.
5161 River Road
Washington, D.C. 20016

Dated: July 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14826 Filed 7-18-73;8:45 am]

SUN LINE GREECE SPECIAL SHIPPING CO., INC., AND MARRIOTT SUN LINE, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Sun Line Greece Special Shipping Co., Inc.
2 Karageorgia Servias Street
Athens 125, Greece
and
Marriott Sun Line, Ltd.
5161 River Road
Washington, D.C. 20016

Dated: July 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14827 Filed 7-18-73;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 8, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduct evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150-57 has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan, to modify the presently approved agreement of that conference by changing the name of the conference to the "Trans-Pacific Freight Conference of Japan/Korea" and deleting the references to "Okinawa", as they presently appear in the aproved agreement. Okinawa remains under the jurisdiction of the conference within the geographic designation of Japan.

Dated: July 12, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-14834 Filed 7-18-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST TENNESSEE NATIONAL CORP.

Proposed Acquisition of Pence Mortgage Co.

First Tennessee National Corporation, Memphis, Tennessee, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Pence Mortgage Company, Louisville, Kentucky. Notice of the application was published on May 25, 1973 in The Indianapolis Star-News, a newspaper circulated in Indianapolis, Indiana; on May 26, 1973 in the St. Petersburg Times, a newspaper circulated in St. Petersburg, Pinellas County, Florida; on May 27, 1973 in The Courier-Journal, a newspaper circulated in Louisville, Kentucky; and on May 29, 1973 in The Evening News, a newspaper circulated in Jeffersonville, Clark County, Indiana. Applicant states that the proposed subsidiary would engage in the activities of originating selling and servicing real estate mortgages, construction lending, and the offering on an agency basis of credit life and credit accident and health insurance in connection with such extensions of credit. Such

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activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of St. Louis, Atlanta, or Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14740 Filed 7-18-73;8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Acquisition of Bank

General Financial Systems, Inc., Riviera Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank & Trust Company of Lake Worth, Lake Worth, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

General Financial Systems has also been engaged in the following nonbanking activities: development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; and data processing. Pending determination of whether Applicant's efforts to divest there activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions of § 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14741 Filed 7-18-73;8:45 am]

GENERAL FINANCIAL SYSTEMS, INC.

Acquisition of Bank

General Financial Systems, Inc., Riviera Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank & Trust Company of Jupiter/Tequesta, Tequesta, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

General Financial Systems has also been engaged in the following non-banking activities; development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; and data processing. Pending determination of whether Applicant's efforts to divest their activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's non-banking activities and the provisions and prohibitions of section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14742 Filed 7-18-73;8:45 am]

MICHIGAN NATIONAL CORP.

Proposed Acquisition of Michigan Mortgage Insurance Co.

Michigan National Corporation, Bloomfield Hills, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Michigan Mortgage Insurance Company, Lansing, Michigan, a proposed new company. Notice of the application was published on May 21, 1973 in The State Journal, a newspaper circulated in Lansing, Michigan.

Applicant states that the proposed subsidiary would engage in the activity of underwriting real estate mortgage guarantee insurance. This activity is currently being considered by the Board under proposed rulemaking procedures as to whether it should be added to the list of activities the Board has previously determined to be closely related to banking (See Board notice of May 14, 1973).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14743 Filed 7-18-73;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 per cent (plus directors' qualifying shares) of the voting shares of Hickman Mills Bank & Trust Company, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 11, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14744 Filed 7-18-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

SECRETARY OF HEALTH, EDUCATION AND WELFARE

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Health, Education, and Welfare (hereinafter "the Secretary") the powers and authorities vested in me by the following sections of the Act:

Section 222(a)(1)—"Project Head Start";
Section 222(a)(2)—"Follow Through" program;
Section 222(a)(4)—"Comprehensive Health Services" program;
Section 222(a)(6)—"Family Planning" program; and
Section 222(a)(9)—"Drug Rehabilitation" program.

2. I further delegate to the Secretary such powers and authorities under sections 222 and 232 of the Act as may be necessary or appropriate to (a) develop and carry out a special program known as the Native American Program to deal with the special problems of poverty of Indians and Alaska Natives, (b) to make the determinations required or permitted to be made by such sections for or in the exercise of the powers herein delegated, and (c) to provide financial assistance for planning, conducting, administering and evaluating local projects initiated under such special program. The program shall include provisions to enable Indians and Alaska Natives acting through their own instruments of self government, to establish their own programmatic and funding priorities and to gain control and direction of institutions and programs affecting their daily lives.

3. I further delegate to the Secretary such powers and authorities under section 232 of the Act as may be necessary or appropriate to pursue those research, development and demonstration programs heretofore supported or authorized to be supported by the Office of Economic Opportunity ("OEO") as he may deem appropriate to the mission of the Department of Health, Education, and Welfare ("DHEW") including the following: (1) policy studies and research into the factors affecting and the conditions of poverty; (2) experiments, pilot projects and demonstration activities incident to such studies and research; (3) efforts to develop ways to overcome environmental health problems which confront disadvantaged persons; (4) health insurance experiments to measure the cost to the Government and consumers of alternative plans and the resultant change in the health status of families; (5) educational voucher demonstrations and other projects designed to study or test ways to improve educational opportunities for the disadvantaged; and (6) experiments and studies of alternative approaches to day care and child development.

4. To the extent the Secretary may deem necessary or appropriate for carrying out powers and authorities delegated under paragraphs 1, 2, and 3, and to administer, pursuant to agreement between OEO and DHEW, certain programs and related grants, contracts, or agreements (projects) initiated, made, entered into or under consideration by OEO prior to the effective date of this delegation, I further delegate to him the powers vested in me by Title II (except sections 221 and 222(a)(3)) and by Title VI of the Act.

5. The powers and authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by DHEW and OEO. All interagency projects in which OEO has been designated as lead agency where the OEO authority is being delegated to the Secretary are hereby modified to designate DHEW as the lead agency.

6. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between OEO and DHEW at all operating levels in order to assure the maximum possible liaison between such agencies as required by section 602(d) of the Act.

7. The powers and authorities herein may be redelegated by the Secretary with or without authority for further delegation.

8. The delegation in paragraph 1 of authorities under section 222(a)(1) of the Act (Project Head Start) and section 222(a)(2) of the Act (Follow Through program) supersedes the delegation published in the FEDERAL REGISTER on July 1, 1967 at 32 FR 9592 and on July 9, 1969 at 34 FR 11398.

Effective date. This delegation of authorities shall take effect on approval by the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate,
Office of Economic Opportunity.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14817 Filed 7-18-73;8:45 am]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964 (hereinafter "the Act"), I delegate to the Secretary of Housing and Urban Development (hereinafter "the Secretary") the powers, authorities and functions vested in me by section 232 of the Act to the extent deemed necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research to test ways to provide adequate housing for disadvantaged persons.

To the extent deemed necessary or appropriate for the exercise of the powers and authorities delegated to him under paragraph 1 and to administer grants, contracts, or agreements made or entered into by the Office of Economic Opportunity prior to the effective date of this delegation for activities referred to in paragraph 1, I further delegate to the Secretary the powers vested in me by title II (except section 221 and 222(a)(3)) and title VI of the Act.

3. Pursuant to agreement between the Director and the Secretary, the personnel, property, funds and records of and in support of the section 232 activities as set forth in paragraphs 1 and 2 above shall be transferred to the Secretary, except that officers or employees appointed by the President shall not be transferred. Except as may be agreed to by the Director and the Secretary, all grants, contracts, or agreements made or entered into in connection with such programs before the effective date of this delegation and which, as of that date, have not been terminated or expired shall also be transferred to the Secretary for administration pursuant to such arrangements as shall be made by the Director and the Secretary with respect to such transfer. In addition, the Director shall transfer to the Secretary all proposed grants, contracts, and agreements in connection with such programs for which funds have not been obligated.

4. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Office of Economic Opportunity and the Department of Housing and Urban Development, at all operating levels, in order to assure maximum possible liaison between such agencies as required by section 602(d) of the Act.

5. The powers and authorities delegated herein shall be exercised in accordance with such memoranda of understanding as have been or shall be entered into by the Office of Economic Opportunity and the Department of Housing and Urban Development.

6. The powers and authorities delegated herein may be redelegated by the Secretary with or without authority for further delegation.

7. This delegation shall take effect on approval of the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate,
Office of Economic Opportunity.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14815 Filed 7-18-73;8:45 am]

SECRETARY OF LABOR

Delegation of Authorities

1. Pursuant to section 602(d) of the Economic Opportunity Act of 1964, as amended (hereinafter "the Act"), existing delegations under the Act by the Director of the Office of Economic Opportunity (hereinafter "the Director") to

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the Secretary of Labor (hereinafter "the Secretary") are hereby revised and additional authorities under the Act are hereby delegated to the Secretary.

2. The powers and authorities of the Director under title I, part A (Job Corps), title I, part B (Work and Training for Youth and Adults), and title I, part E (Special Work and Career Development Programs) of the Act are hereby delegated to the Secretary.

3. The powers and authorities of the Director under section 232 of the Act to the extent deemed necessary or appropriate to contract or provide financial assistance for pilot or demonstration projects and for research, in the field of manpower training, labor force participation, and assistance for migrant and other seasonally employed farmworkers and their families are hereby delegated to the Secretary.

4. The powers and authorities of the Director under title III, part B, of the Act (Assistance for Migrant, and Other Seasonally Employed, Farmworkers and Their Families) are hereby delegated to the Secretary.

5. Those powers and authorities of the Director under title II (except sections 221 and 222(a)(3)) and title VI of the Act are hereby delegated to the Secretary to the extent deemed necessary or appropriate for him to exercise the powers and authorities delegated in paragraphs 2, 3, and 4 above and to administer grants or contracts made or entered into by the Office of Economic Opportunity prior to the effective date of this delegation of authority for activities referred to in paragraphs 3 and 4 above.

6. Pursuant to agreement between the Director and the Secretary, the personnel, property, funds and records of and in support of the section 232 programs as set forth in paragraph 3 above and of the title III, part B, program as set forth in paragraph 4 above shall be transferred to the Secretary, except that officers or employees appointed by the President shall not be transferred. Except as may be agreed to by the Director and the Secretary, all grants, contracts or agreements made or entered into in connection with such programs before the effective date of this delegation and which, as of that date, have not been terminated or expired shall also be transferred to the Secretary for administration pursuant to such arrangements as shall be made by the Director and the Secretary with respect to such transfer. In addition, the Director shall transfer to the Secretary all proposed grants, contracts and agreements in connection with such programs for which funds have not been obligated.

7. All operating information, evaluation reports and other data concerning the programs administered under the delegated powers shall be freely exchanged between the Office of Economic Opportunity and the Department of Labor at all operating levels in order to assure the maximum possible liaison between such agencies as required by section 602(d) of the Act.

8. The powers and authorities delegated herein may be redelegated by the Secretary with or without authority for further delegations.

9. The Delegations of Authority to the Secretary of Labor with respect to functions under the Economic Opportunity Act of 1964, as amended, dated August 2, 1968, and approved by the President October 2, 1968 (33 FR 15139); May 25, 1970, and approved by the President June 12, 1970 (35 FR 10332); and June 24, 1969, and approved by the President June 30, 1969 (34 FR 11398) and related memoranda of agreement are hereby rescinded. The powers and authorities delegated herein shall be exercised in accordance with such other memoranda of agreement as have been or may be entered into between the Office of Economic Opportunity and the Department of Labor.

10. This delegation shall take effect on approval of the President.

Dated: June 29, 1973.

A. J. ARNETT,
Director-Designate.

Approved: July 6, 1973.

RICHARD NIXON,
President of the United States.

[FR Doc.73-14816 Filed 7-18-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Accurate Calculator Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14764 Filed 7-18-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JULY 13, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14765 Filed 7-18-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Order Suspending Trading

JULY 13, 1973.

The common stock, $.30 par value, of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14766 Filed 7-18-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14767 Filed 7-18-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

JULY 13, 1973.

The common stock, $.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14769 Filed 7-18-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14770 Filed 7-18-73;8:45 am]

[File No. 500-1]

ORECRAFT, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14771 Filed 7-18-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 15, 1973 through July 24, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14772 Filed 7-18-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1.00 par value and all other securities of Photon, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspened, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14773 Filed 7-18-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 14, 1973 through July 23, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14774 Filed 7-18-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORPORATION

Order Suspending Trading

JULY 13, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

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order to be effective for the period from July 16, 1973 through July 25, 1973.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Recording Secretary.

[FR Doc.73-14774 Filed 7-18-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 991; Amdt. 2]

ALABAMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding beginning on or about May 8 through May 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: DeKalb, Jackson, Marshall and Etowah. (See 38 FR 15890 and 38 FR 18064.) (The purpose of this amendment is only for DeKalb county for damage on May 8, only for DeKalb, Jackson, and Marshall counties for damage on May 19-20; and for DeKalb, Jackson, Marshall and Etowah counties for damage on May 27-28.)

Applications may be filed at the:

Small Business Administration
Regional Office
1401 Peachtree Street
Atlanta, Georgia 30309

Small Business Administration
District Office
908 South 20th Street
Birmingham, Alabama 35205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than September 3, 1973.

DATE: July 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14755 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 1002]

COLORADO

Relief Loan Availability

As a result of the President's declaration of the State of Colorado as a major disaster area following severe flooding and landslides caused by heavy rains and snowmelt runoff beginning on or about March 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Archuleta, Conejos, Costilla, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, San Juan and San Miguel.

Applications may be filed at the:

Small Business Administration
Regional Office
721 - 19th Street, Room 426A
Denver, Colorado 80202

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 10, 1973.

DATE: July 12, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14756 Filed 7-18-73;8:45 am]

[Delegation of Authority 15-A; Amdt. 1]

DIRECTOR, OFFICE OF MANAGEMENT SERVICES

Redelegation of Administrative and Financial Activities

Delegation of Authority No. 15-A (37 FR 24716) is hereby amended to reflect the reorganization and retitling of the Office of Management Systems to Office of Management Services. As amended, Delegation of Authority No. 15-A now reads:

* * * * *

A. *Administrative Services*—1. *Director, Office of Management Services.*

* * * * *

B. *Financial Management*—1. *Director, Office of Budget and Finance.*

a. To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or services by SBA when paid in full or when transferred to the Department of Justice for liquidation.

2. *Chief, Accounting Operations Division.* a. Same as B.1.a., above.

3. *Chief, Accounting Branch.* a. Same as B.1.a., above.

4. *Chief, Fiscal Branch.* a. Same as B.1.a., above.

* * * * *

Effective Date: July 1, 1973.

Dated: July 13, 1973.

RONALD G. COLEMAN,
Assistant Administrator for Administration.

[FR Doc.73-14761 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 974]

ILLINOIS

Disaster Relief Loan Availability

[Amendment 5]

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds and lake storms beginning on or about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Johnson County. (See FR 12179, 38 FR 14897, 38 FR 13586, 38 FR 16812, and 38 FR 18064)

Applications may be filed at the:

Small Business Administration
Regional Office
219 South Dearborn Street
Chicago, Illinois 60604

Small Business Administration
Branch Office
Ridgely Building, Room 816
902 East Monroe Street
Springfield, Illinois 62701

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 3, 1973.

Dated: July 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14757 Filed 7-18-73;8:45 am]

MAXIMUM INTEREST RATES

Notice of Establishment

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on an after July 10, 1973, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eleven (11%) per centum per annum. On immediate participation loans approved on or after July 10, 1973, the maximum interest rate shall be ten (10%) percent per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

This notice implements the notification of maximum interest rates as provided in 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs:
No. 59.012 Small Business Loans
No. 59.013 State and Local Development Company Loans
No. 59.014 Coal Mine Health and Safety Loans
No. 59.017 Meat and Poultry Inspection Loans
No. 59.018 Occupational Safety and Health Loans
No. 59.001 Displaced Business Loans
No. 59.003 Economic Opportunity Loans for Small Businesses)

Effective date: July 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14762 Filed 7-18-73;8:45 am]

SOUTH CAROLINA

[Declaration of Disaster Loan Area 1000]

Declarations of Disaster Loan Area

Whereas, it has been reported that during the month of May 1973, because of the effects of a certain disaster, damage resulted to residence and business property located in the State of South Carolina;

Whereas, the Small Business Administration has investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Spartanburg, Cherokee, Oconee, and Greenville Counties in the State of South Carolina, suffered damage or destruction resulting from tornadoes which struck on or about May 27-29, 1973. Applications will be processed under the provisions of Public Law 93-24.

Office: Small Business Administration
District Office
1801 Assembly Street
Columbia, South Carolina 29201

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to September 6, 1973.

Date: July 9, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14758 Filed 7-18-73;8:45 am]

[Notice of Disaster Loan Area 995]

OKLAHOMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Oklahoma as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: Jefferson. (See 38 FR 16813 and 38 FR 18415)

Applications may be filed at the:

Small Business Administration
District Office
30 North Hudson
Oklahoma City, Oklahoma 73102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than August 27, 1973.

Dated: July 2, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14759 Filed 7-18-73;8:45 am]

VERMONT

[Notice of Disaster Loan Area 1001]

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Vermont as a major disaster area following severe storms, flooding, and landslides, beginning about June 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the 14 counties of Vermont.

Applications may be filed at the:

Small Business Administration
District Office
87 State Street
Montpelier, Vermont 05602

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than September 6, 1973.

Dated: July 11, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-14760 Filed 7-18-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MAINE DEVELOPMENTAL PLAN

Notice of Submission of Plan and Availability for Public Comment

1. *Submission and description of Plan.* Pursuant to section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 USC 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Maine has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the plan, and hereby gives notice that the question of approval of the plan is in issue before him.

The plan designates the Department of Manpower Affairs and the Departments of Health and Welfare as the agencies responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1), except for 29 CFR 1915, 1916, 1917, and 1918 (ship repairing, ship building, ship breaking, and longshoring). The plan includes proposed legislation which will be submitted to a special session of the Maine Legislature in January, 1974. Such legislation is intended to bring the plan into conformity with the requirements of 29 CFR Part 1902. Included in the plan is a statement of the Governor's support for the plan, and a statement of legal opinion that will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of the State of Maine.

There are provisions within the proposed legislation granting the State agencies authority to inspect workplaces and to issue citations for violations and their abatement, and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; to provide for notification of employees or their representatives when no compliance action is taken as a result of alleged violations, to protect employees who exercise rights under the program from discharge or discrimination in terms and conditions of employment, and to safeguard trade secrets. There is provision made for the prompt restraint of imminent danger situations, and a system of penalties. The plan will establish a safety and health program for public employees.

The plan contains comprehensive information on the personnel to be employed directly, on agreements with other State agencies, and on the proposed budget and resources. There are set forth in the plan index timetable projections for all developmental aspects of the plan.

2. *Location of Plan for inspection and copying.* A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street NW, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, United States Department of Labor, 18 Oliver Street, Fourth Floor, Boston, Massachusetts 02110; Maine Department of Manpower Affairs, Employment Security Commission 20 Union Street, Augusta, Maine 04330; and State of Maine Department of Health and Welfare, Division of Health and Engineering State House, Augusta, Maine 04330.

3. *Public participation.* Interested persons are hereby given until August 18, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305 400 First Street, NW, Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Copies of pages from the plan or of written comments received with respect thereto will be provided in accordance with the general Department of Labor fee schedule (29 CFR 70.62(a)).

Any interested person may request a hearing concerning the proposed plan, or any part thereof, by filing particularized written objections thereto within

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the time allowed for comments specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue a decision as to approval or disapproval of the plan.

Signed at Washington, D.C., this 14th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14822 Filed 7-18-73;8:45 am]

[S-72-7]

UNITED STATES STEEL CORP.

Grant of Variance

I. *Background.* United States Steel Corporation, Pittsburg Works, Leveridge Road, Pittsburg, California 94565, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR Part 1905.11 for a permanent variance from the requirement of 29 CFR 1910.27(c)(2) that a clear width of at least 15 inches be provided each way from the centerline of a fixed ladder, except when cages or wells are necessary. Notice of the application for a variance, and of the granting of an interim order pending decision on the application, was published in the FEDERAL REGISTER on October 27, 1972 (37 FR 23024). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were permitted to request a hearing on the application for a variance. No comments were received regarding the application for the variance, and there was no request for a hearing.

II. *Facts.* The applicant uses in its operations 278 fixed ladders of the type subject to the 15 inch clearance requirement of 29 CFR 1910.27(c)(2). These ladders are used by hookers to gain access to pipe stored in racks, and are immediately bounded by protruding pipes on either side so as not to comply with the 15 inch clearance requirement. The applicant argues that compliance with the regulation would result in a work situation less safe to employees than that of the present system. Meeting the requirement would mean that, rather than stepping directly onto the pipes, a hooker would step across a gap (caused by meeting the 15 inch clearance requirement), thus substantially increasing any risk of a fall. Applicant argues that the closer a ladder is to the pipes, the greater is the safety of the hooker's activity.

III. *Decision.* Although the applicant's fixed-ladder arrangement does not comply with 29 CFR 1910.27(c)(2), its ladders are used for special, limited purposes; only authorized personnel are allowed to use these ladders; and employees will required to have their hands free while ascending and descending these ladders. Under these conditions, it is decided that applicant's fixed-ladder arrangement creates as safe a place of employment as would prevail if applicant were to make the changes necessary in order to comply with 29 CFR 1910.27(c)(2).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and Secretary of Labor's Order No. 12-71 (36 FR 8754), *It is ordered*, That United States Steel Corporation be, and it is hereby, authorized to use the fixed-ladder arrangement described above, at their Pittsburg works, in lieu of complying with 29 CFR 1910.27(c)(2), provided that:

(1) Only personnel necessary to perform hook-up operations are allowed to use the ladders;

(2) Employees using the ladders are required to have their hands free while ascending and descending the ladders; and

(3) As soon as possible, the applicant gives notice to affected employees of the terms of this order by the same means required to inform them of the application for a variance.

Effective date. This order shall become effective on August 18, 1973, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 12th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14829 Filed 7-18-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 13, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54108 filed June 19, 1973 Applicant: STANLEY FENTON, doing business as DURKEE DRAYAGE COMPANY, 2225 Ingalls Street San Francisco, Calif. 94124 Applicant's representative: Marquam C. George 401 South Hartz Avenue Danville, Calif. 94526 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* as follows: (a) Between and including San Francisco and San Jose and all points intermediate thereto, and between said intermediate points via U.S. Highway 101, State Highway 82 and Interstate Highway 280. (b) Between and including San Jose and Los Gatos and all points intermediate thereto, and between said intermediate points via State Highway 17. (c) Between and including Los Gatos and Mountain View and all points intermediate thereto, and between said intermediate points via State Highways 9 and 85. (d) Between and including San Jose and Oakland and all points intermediate thereto and between said intermediate points via State Highway 17 and Interstate Highway 680. (e) Between and including San Francisco and Vallejo and all points intermediate thereto, and between said intermediate points via Interstate Highway 80. (f) Between and including Vallejo and Fremont and all points intermediate thereto, and between said intermediate points via Interstate Highway 680. (g) Between and including San Leandro and Livermore and all points intermediate thereto, and between said intermediate points via Interstate Highway 580 and U.S. Highway 50. (h) Between and including San Francisco and San Rafael and all points intermediate thereto, and between said intermediate points via U.S. Highway 101. (i) Between all points and places within the County of Contra Costa. (j) Between any and all routes and points set forth in paragraphs (a) through (i), inclusive. (k) Between all points and places within 10 miles of the routes and points set forth in paragraphs (a) through (i).

(l) For operating convenience only, all roads, streets and highways connecting the above points and routes. Subject to the restriction that carrier shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (b) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers. (c) Automobiles, trucks and buses, viz.: news and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis. (d) Commodities requiring the use of special refrigeration or temperature control in

specially designed and constructed refrigerated equipment. (e) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (f) Commodities when transported in bulk in dump trucks or in hopper type trucks. (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (h) Explosives. (i) Furniture, uncrated, new. (j) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54119 filed June 21, 1973. Applicant: DONALD H. FRITZGES doing business as GOLDEN CHARIOT TRUCK LINE, 1950 Newton Avenue, San Diego, Calif. 92113. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General Commodities* as follows: (1) Between all points and places within the San Diego Territory, described in Note A, and Borrego Springs, serving all intermediate points on Interstate Highway 15, County Road S-4, State Highways 67, 78, and 79, and County Roads S-3 and S-22, and all points within 10 miles of said highways; (2) between the San Diego Territory, as described in Note A, and Campo, serving all intermediate points on State Highway 94, and all points within 10 miles of said highways; (3) Carrier may operate over all accessible public highways between all of said termini, intermediate and off-route points, in combination, one with the other; (4) Through routes and rates may be established between any and all points described above and through routes and joint rates may be established with other carriers at convenient points of interchange, except that pursuant to the authority herein granted, carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk, in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

Note A: San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101-E and 101-W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 54144 filed July 2, 1973 Applicant: BEST WAY SYSTEM, INC. Pier No. 54 San Francisco, Calif. 94107 Applicant's representative: E. H. Griffiths 1182 Market Street, Suite 207 San Francisco, Calif. 94102 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory, which is described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks

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or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. (10) Fresh Fruits and Vegetables. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should *not* be directed to the Interstate Commerce Commission.

Michigan Docket No. C-102 (Case #4) filed April 23, 1973 Applicant: HOOKER MOTOR FREIGHT, INC. 1545 Buchanan Avenue, S.W. Grand Rapids, Mich. 49502 Applicant's representative: Walter N. Bieneman Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between Lansing, Mich., and Manistee, Mich., via U.S. Highway 27 to junction with U.S. 10, thence via U.S. 10 to junction with M-115, thence via M-115 to junction with M-55, thence via M-55 to junction with U.S. 31, thence via U.S. 31. (2) Between the junction of U.S. 10 and M-115 and the junction of U.S. 10 and M-37 via U.S. 10. (3) Between the junction of U.S. 10 and M-37 and the junction of M-37 and M-55 via M-37. (4) The routes above described are restricted to alternate routes for operating convenience only and serving only those points otherwise authorized. Intrastate, interstate and foreign commerce authority sought. Requests for procedural information should be addressed to the Michigan Public Service Commission, Law Building, 525 West Ottawa Street, Lansing, Mich., 48913, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14808 Filed 7-18-73;8:45 am]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

[Notice No. 25]

JULY 13, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before August 20, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

NO. MC-109265 (Deviation No. 15), W. L. MEAD, INC., P.O. Box 31, Norwalk, Ohio 44857, filed June 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Norwalk, Ohio over U.S. Highway 20 to junction By-Pass U.S. Highway 20, U.S. Highway 6, and Ohio Highway 53 (near Fremont, Ohio), thence over combined By-Pass U.S. Highway 20, U.S. Highway 6, and Ohio Highway 53 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 24 (near Napoleon, Ohio), thence over U.S. Highway 24 to New Haven, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Norwalk, Ohio, over U.S. Highway 20 to junction Ohio Highway 4, thence over Ohio Highway 4 to Attica, Ohio, (2) from Attica, Ohio, over U.S. Highway 224 to Findlay, Ohio, (3) from Findlay, Ohio over Interstate Highway 75 to Lima, Ohio, and (4) from Lima, Ohio, over U.S. Highway 30-S to Delphos, Ohio, thence over U.S. Highway 30 via Van Wert, Ohio, to junction City U.S. Highway 30 (formerly portion U.S. Highway 30), thence over City U.S. Highway 30 via Fort Wayne, Ind., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway (formerly portion U.S. Highway 30), thence over unnumbered highway via Columbia City, Ind., to junction U.S. Highway 30, thence over U.S. Highaway 30 via Valparaiso, Ind., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14809 Filed 7-18-73;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

[Notice 55]

JULY 13, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 60580 (Sub-No. 29) (ANNOTATION) filed April 17, 1973, published in the FR issue of May 31, 1973, republished in correction in the FR issue of June 28, 1973, and annotated this issue. Applicant: MAISLIN TRANSPORT Corp. 1314 Irving Street Allentown, Pa. 18103 Applicant's representative: Charles Ephraim 1250 Connecticut Ave., N.W. Suite 600 Washington, D.C. 20036 Note: The above-referenced application was correctly published in the Federal Register issue of June 28, 1973. This republication serves notice that the previous publication should have appeared in the Interstate Commerce Commission publications section for Applications for Certificates or Permits which are to be processed concurrently with applications under Section 5 governed by special rule 240 to the extent applicable.

No. MC 1233 (NOTICE OF FILING OF PETITION FOR MODIFICATION AND AMENDMENT OF CERTIFICATE) filed June 21, 1973. Petitioner: METROPOLITAN FREIGHT CARRIERS CORP., 57 St. Charles Street, Newark, N.J. 07105. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate No. MC-1233 issued November 16, 1970, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *general commodities* (with usual exceptions), between New York, N.Y., and points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. By the instant petition, petitioner seeks either: (a) to amend its territorial description to read: "Between points in the New York Commercial Zone as defined by the Commission, on the one hand, and, on the other, those destination points named above"; or (b) an appropriate order of the Commission that

the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y. Commercial Zone as defined by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 113460 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO REMOVE A RESTRICTION) filed June 8, 1973. Petitioner: CARL P. BLACKFORD 3909 East 29th Street Des Moines, Iowa 50317 Petitioner's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Petitioner presently holds a motor *common carrier* certificate in No. MC-113460 (Sub-No. 1) issued March 17, 1969, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of *packing house products*, during the season extending from the first day of November to the thirty-first day of March, inclusive, from Des Moines, Iowa, to Chicago, Ill., with no transportation on return except as otherwise authorized. By the instant petition, petitioner seeks removal of the above-described seasonal restriction in order to perform operations throughout the entire year. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 111442 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed May 31, 1973. Petitioner: CENTRAL STATES-EASTERN FOOD TRANSPORT, INC. Box 367 Wheatland, Pa. 16161 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner presently holds a motor *contract carrier* permit in No. MC-111442 (Sub-No. 1) issued July 30, 1971, authorizing, as pertinent transportation, in interstate or foreign commerce, over irregular routes, of *meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *bakery products, confectionery, prepared foods*, and *frozen foods*, from Milwaukee, Wis., and Chicago, Ill., to Rochelle Park and Newark, N.J., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Lambrecht Foods Co., of Milwaukee, Wis. By the instant petition, petitioner seeks to add the additional contracting shipper of On-Cor Frozen Foods, Inc., of Chicago, Ill. to the authority described above. Petitioner has pending a request to add Kitchens of Sara Lee and is petitioning for reconsideration to add Patrick Cudahy, Inc., as additional shippers to this same authority. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 115122 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF COMMODITY DESCRIPTION) filed June 26, 1973. Petitioner: MARIANO BROTHERS, INCORPORATED Shelter Rock Road Danbury, Conn. 06810 Petitioner's representative: Paul F. Sullivan 711 Washington Building Washington, D.C. 20005 Petitioner presently holds a motor *common carrier* certificate in No. MC-115122 issued October 22, 1958, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of *heavy machinery*, between Danbury, Conn., and points in that part of New York and Connecticut within 15 miles of Danbury, on the one hand, and, on the other, points in New Jersey and New York. By the instant petition, petitioner seeks to modify its commodity description as follows: "*Commodities*, the transportation of which because of size or weight, require the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts* and *supplies* moving in connection therewith (restricted to commodities which are transported on trailers)", between those points described above. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 123778 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed June 29, 1973. Petitioner: JALT CORP. doing business as UNITED NEWSPAPER DELIVERY SERVICE 75 Cutters Lane Woodbridge, N.J. 07095 Petitioner's representative: Morton E. Kiel Suite 6193 5 World Trade Center New York, N.Y. 10048 Petitioner presently holds a motor *contract carrier* permit in No. MC-123778 (Sub-No. 1) issued April 9, 1973, authorizing, as pertinent, transportation, in interstate or foreign commerce, over irregular routes, of (a) *magazines, magazine racks*, and *advertising matter* shipped with magazines, from Woodbridge, N.J., to points in Connecticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and on and east of U.S. Highway 11 between Syracuse, and the New York-Pennsylvania State line, with no transportation for compensation on return except as otherwise authorized, restricted to shipments having an immediately prior motor carrier movement from points beyond New Jersey to Woodbridge, N.J., under a continuing contract, or contracts, with Time, Incorporated, of New York, N.Y.; and (b) *magazines, magazine racks*, and *advertising matter*, from Woodbridge, N.J., and Washington, D.C., to Wilmington, Del., and to points in that part of New York on and east of New York 14 (except those points on and south of New York Highway 5, between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line, and those points on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State line), with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with Time, Incorporated, of New York, N.Y. By the instant petition, petitioner seeks to add the additional contracting shipper of Globe Communications Corp., of Montreal, Quebec, Canada, to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 124796 (Sub-No. 55) (CORRECTION OF A NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT) filed May 21, 1973, published in the FR issue of June 20, 1973, and annotated in republication this issue. Petitioner: CONTINENTAL CONTRACT CARRIER CORP. 15045 East Salt Lake Avenue P.O. Box 1257 City of Industry, Calif. 91749 Petitioner's representative: William J. Monheim (same address as petitioner) Note: The initial publication of this Petition in the FR issue of June 20, 1973 remains correct as published. The purpose of this annotation is to properly identify the permit to be modified as MC-124796 (Sub-No. 55), in lieu of MC-124796 as previously published.

No. MC 125627 (Sub-No. 2) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE) filed June 19, 1973. Petitioner: I & L TRUCKING, INC. 69 William St. Belleville, N.J. 07109 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Petitioner presently holds a motor *common carrier* certificate in No. MC-125627 (Sub-No. 2) issued June 6, 1973, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *wearing apparel*, from points in the New York Harboro area as described in 49 CFR 1070.1(a) to the facilities of Sussman and Spiegel, Distribution Center, Inc., at Belleville, N.J., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the above authority to permit transportation to the destination facilities of Sussman and Speigel, Distribution Center, Inc., at its new location at South Plainfield, N.J. in lieu of Belleville, N.J. Any interested person or persons desiring to participate may file an

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original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

No. MC 134806 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO EXPAND DESTINATION TERRITORY) filed June 8, 1973. Petitioner: B-D-R TRANSPORT, INC. P.O. Box 813 Brattleboro, Vt. 05301 Petitioner's representative: Francis J. Ortman 1100 17th Street, N.W. Washington, D.C. 20036 Petitioner presently holds a motor *contract carrier* permit in No. MC–134806 (Sub-No. 5) issued June 1, 1972, authorizing transportation, in interstate or foreign commerce, over irregular routes, of *tanned leather*, from points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., to points in Maine, New Hampshire, Massachusetts, and New York, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with West Coast Tanners Production Club of Santa Cruz, Calif. By the instant petition, petitioner seeks to modify its destination territory as described above to include service to points in Wisconsin, and Chicago and Rockford, Ill. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petititon on or before August 20, 1973.

No. MC 135665 (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed June 11, 1973. Petitioner: LEESYL TRANSPORT, INC. 3319 Waltham Avenue Kettering, Ohio 45429. Petitioner's representative: Bert Collins Suite 6193 5 World Trade Center New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC–135665 issued December 29, 1971, authorizing transportation, in interstate or foreign commerce, over irregular routes, of (1) *Hard rubber scrap*, pulverized, and *scrap rubber*, in containers, between the plant and warehouse of A. Schulman, Inc., at Dorset, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; (2) *Plastic materials*, (including flakes, granules, lumps, pellets, powder, solid mass, and scrap), and *scrap rubber, reclaimed rubber*, and *crude and synthetic rubber*, in containers, between Akron, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; (3) *Plastic materials* (including flakes, granules, lumps, pellets, powder, solid mass, and scrap), and *synthetic rubber*, in containers, between the plant and warehouse site of A. Schulman, Inc., at Bellevue and Stryker, Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia; and (4) *Reclaimed rubber and hard scrap pulverized, plastic pellets or granules and powder, plastic scrap*, loose, in containers, and in bulk, and *rubber* (crude, natural or synthetic), except in bulk, in tank vehicles, (a) Between points in Essex, Union, Hudson, Bergen, Passaic, and Middlesex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along unnumbered highway (formerly portion U.S. Highway 111) through Shrewsbury and Jacobus, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction Pennsylvania Highway 295, thence along Pennsylvania Highway 295 through Zions View and Strinestown, Pa., to junction Interstate Highway 83, thence along Interstate Highway 83 through Lemoyne, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence along unnumbered highway to junction U.S. Highway 15, near Harrisburg, Pa., and thence along U.S. Highway 15 to the Pennsylvania-New York State line and the District of Columbia; and (b) Between points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Somerset, Mercer, Hunterdon, Warren, and Sussex Counties, N.J., and New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, and New York, under a continuing contract, or contracts, in all of the above with A. Schulman, Inc., of Akron, Ohio. By the instant petition, petitioner seeks to add the additional contracting shipper of Bergen Norfolk Distribution Terminals Corp., of Secaucus, N.J. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before August 20, 1973.

Disclosure of Tacking in Motor Carrier Applications

DATED JUNE 27, 1973 AND SERVED JULY 9, 1973

The Interstate Commerce Commission desires to call to the attention of all applicants for motor carrier operating authority and their representatives the change made by the July 1972 revisions of the application form, Form OP–OR–9. Prior to this revision carriers were called upon in Item V(b) to indicate whether the authority sought could be joined with any other operating authority now held or being sought. In the event the applicant intended to tack authorities, he was required to indicate the points to be served and attach pertinent portions of the present or pending authority. In complying with the requirements of the prior form, carriers frequently merely indicated that tacking was not intended and therefore did not indicate the points or territories or attach the pertinent portions of the authority.

As amended in July 1972, the application requires the applicant to indicate the points or areas where operations could be tacked and the territory that could be served thereby whether or not tacking is intended. In addition, the new form requires the applicant to attach pertinent portions of the authority now held or pending which would be involved in the tacking.

It has come to the attention of the Commission that numerous applications are being filed which continue to follow the former practice and fail to disclose clearly the tacking possibilities resulting from the authority applied for. All persons filing such applications are cautioned that failure to fully disclose the information as now required by section VII of the application as amended may result in a rejection of the application, a delay in processing thereof until the defect is cured, or other appropriate action.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

Motor Carriers of Property

No. MC–F–11912. Authority sought for purchase by GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, NY 12201, of a portion of VIGEANT MOTOR FREIGHT, INC., P.O. Box 157, Castleton-on-Hudson, NY 12033, and for acquisition by NANCY J. SANDS, AND GORDAN L. SANDS, JR., both of Albany, NY 12201, of control of such rights through the purchase. Applicants' attorneys: A. David Millner, 744 Broad St., Newark, NJ 07102, and Louis D. Bruno, 5 Elk St., Albany, NY 12202. Operating rights sought to be transferred: *Pharmaceutical products* (except commodities in bulk), as a *common carrier* over irregular routes, from Rouses Point, N.Y., to Cleveland, Ohio, Chicago, Ill., Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., Seattle, Wash., and Chamblee, Ga.; from the plant site or warehouses facilities of Ayerst Laboratories, Inc., and Wyeth Laboratories, Inc., at Chicago, Ill., to Lenexa, Kans., and to the warehouse distribution facilities of Ayerst Laboratories, Inc., at Mesquite, Tex., Los Angeles, Calif., and Seattle, Wash.; *printing paper*, from Newton Falls, N.Y., to Brattleboro, Vt.; *bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Vendee holds authority under section 210a(a) and pending permanent authority. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11918 (LYNDEN TRANSPORT, INC.—PURCHASE—ALASKA TRANSFER, INC.), published in the July 5, 1973, issue of the Federal Register on pages 17889 and 17890. Application filed July 10, 1973, for temporary authority under section 210a(b).

No. MC–F–11925. Authority sought for merger by CENTRAL MOTOR LINES, INCORPORATED, 324 North College St., (P.O. Box 1067), Charlotte, NC 28201, of the operating rights and property of WINSTON-ELKIN MOTOR EXPRESS, INCORPORATED, also of Charlotte, NC 28201, and for acquisition by ROBERT G. HAYES AND M. C. HAYES, both of 52 Spring St., N.W., Concord, NC 28025, of control of such rights and property through the transaction. Applicants' representative: Steward E. Fulk, P.O. Box 1067, Charlotte, NC 28201. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Winston-Salem, N.C., and Roaring Gap, N.C., between junction U.S. Highways 421 and 601 at or near Yadkinville, N.C., and Boonville, N.C., serving all intermediate points. CENTRAL MOTOR LINES, INCORPORATED, is authorized to operate as a *common carrier* in Illinois, Indiana, North Carolina, Ohio, West Virginia, New York, South Carolina, New Jersey, Pennsylvania, Maryland, Delaware, Georgia, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11926. Authority sought for control by HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of WERNER CONTINENTAL, INC., 2500 W. County Road C, Roseville, MN 55113, and for acquisition by JOHN N. HALL, also of Mechanicsburg, PA 17055, and W. L. HALL, 300 W. Willow St., Carlisle, PA, of control of WERNER CONTINENTAL, INC., through the acquisition by HALL'S MOTOR TRANSIT COMPANY. Applicants' attorneys: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, Russell R. Sage, 301 Tavern Square, 421 King St., Alexandria, VA 22314, Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603, and Thomas D. Feinberg, 33 S. 5th St., Minneapolis, MN 55402. Werner Continental, Inc., operates as a *common carrier* of *general commodities* with the usual exceptions primarily over regular routes, extending between Minneapolis-St. Paul, Minnesota, on the west, Cincinnati, Ohio, on the south, and Baltimore, Maryland, New York, and Boston, Massachusetts, on the east serving to, from, and between specified points in the States of Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Pennsylvania, New York, Virginia, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts and the District of Columbia.

HALL'S MOTOR TRANSIT COMPANY, is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Ohio, Maryland, Delaware, Connecticut, Virginia, North Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11927. Authority sought for purchase by PARCEL DISPATCH, INC., 305 N. Senate Ave., Indianapolis, IN 46204, of the operating rights and property of CHARLES CLARK, doing business as Special Dispatch, 328 East South St., Indianapolis, IN 46225, and for acquisition by JAMES N. CALHOUN, also of Indianapolis, IN 46204, of control of such rights and property through the purchase. Applicants' attorney: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Operating rights sought to be transferred: *Merchandise, equipment*, and *supplies*, sold, used or distributed by a manufacturer of cosmetics, except (a) glass containers, (b) enclosures for glass containers, (c) fiberboard boxes, and (d) commodities in bulk, as a *contract carrier* over irregular routes, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, with restriction. Vendee is authorized to operate as a *common carrier* in Indiana. Application has been filed for temporary authority under section 210a(b).

NOTE: MC–121555 (Sub-No. 4), and (Sub-No. 5) are matters directly related.

No. MC–F–11928. Authority sought for purchase by DEARBORN'S MOTOR EXPRESS, INC., 140 Epping Road, Exeter, NH 03833, of the operating rights of MITCHELL & SMITH EXPRESS, INC., 9 Amherst St., Biddeford, ME 04005, and for acquisition by WILLIAM M. WALSH, also of Exeter, NH 03833, of control of such rights through the purchase. Applicants' attorney: Mary E. Kelley, 11 Riverside Ave., Medford, MA 02155. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–99283 (Sub-No. 1), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Maine. Vendee is authorized to operate as a *common carrier* in Maine, Massachusetts and New Hampshire. Application has been filed for temporary authority under section 210a(b).

NOTE: MC–30508 (Sub-No. 3) is a matter directly related.

No. MC–F–11929. Authority sought for purchase by TRANS-SERVICE, INC., 1943 South Lawn Extension, Coshocton, OH 43812, of a portion of the operating rights of GEORGE W. KUGLER, INC., 2800 East Waterloo Rd., Akron, OH 44312, and for acquisition by WILLIAM H. WATERS, also of Coshocton, OH 43812, of control of such rights through the purchase. Applicants' attorney: Taylor C. Bruneson, 88 E. Broad St., Suite 1680, Columbus, OH 43215. Operating rights sought to be transferred: *Cast iron pipe, cast iron pipe fittings, iron fire hydrants, iron body valves, iron valve boxes, lubricants, nuts, bolts*, and *plastic or rubber gaskets*, as a *contract carrier* over irregular routes, from Coshocton, Ohio, to points in Kentucky and Tennessee; *iron fire hydrants, iron body valves, iron valve boxes, lubricants nuts, bolts*, and *plastic or rubber gaskets*, from Coshocton, Ohio, to points in Ohio, Michigan, Indiana, Pennsylvania, West Virginia, Illinois, and New York; *returned shipments of cast iron and cast iron pipe fittings*, from points in Ohio, Michigan, Indiana, and Pennsylvania, to Coshocton, Ohio; *cast iron pipe* and *cast iron pipe fittings*, from Coshocton, Ohio, to points in New York, with restriction; *metal castings*, between Coshocton, Ohio, and points within 10 miles of Coshocton, and Newcomerstown, Ohio, and points within 10 miles of Newcomerstown, on the one hand, and, on the other, points in the Chicago, Ill., Commercial Zone, as defined by the Commission; *cast iron pipe and fittings, cast iron manhole covers, radiators, pig lead, jute caulking*, and *materials* used in the production thereof, from Newcomerstown and Coshocton, Ohio, to points in Ohio, Michigan, and Pennsylvania; *cast iron pipe, cast iron pipe fittings, cast iron manhole covers, pig lead*, and *jute caulking*, from Newcomerstown and Coshocton, Ohio, to points in West Virginia and Illinois; *radiators*, from Newcomerstown and Coshocton, Ohio, to Chicago, Ill., with restriction. Vendee is authorized to operate as a *contract carrier* in Ohio, Louisiana, Alabama, California and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11930. Authority sought for purchase by ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., No. St. Cloud, MN 56301, of a portion of the operating rights of MAJOR TRANSPORT, INC., Box 204, Palmyra, WI 56315, and for acquisition by HAROLD E. ANDERSON, also of St. Cloud, MN 56301, of control of such rights through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operating rights sought to be transferred: *Building materials*, as a *common carrier* over irregular routes, between points in Jefferson, Waukesha and Walworth Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and north of U.S. Highway 30. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11931. Authority sought for purchase by SCHUSTER EXPRESS, INC., 48 Norwick Ave., Colchester, CT 06415, of a portion of the operating rights of SABEN DELIVERY CORP., 1063 Cottage Ave., Scranton, PA 18508, and for acquisition by PAUL SCHUSTER, BERNARD B. SCHUSTER, AND ISRAEL SCHUSTER, all of 48 Norwick Ave., Colchester, CT 06415, of control of such rights through the purchase. Applicants' attorneys: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC

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20005, and Kenneth R. Davis, 999 Union St., Taylor, PA. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., Newark, N.J. and points in New Jersey within 15 miles of Newark, on the one hand, and, on the other, points in Lackawanna and Luzerne Counties, Pa.; *fresh meat and meat products*, from Scranton, Pa., to Fort Dix, N.J., and Baltimore, Md. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New York, New Jersey, Rhode Island, Delaware, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11932. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050, of a portion of the operating rights and property of HURLIMAN TRUCKING COMPANY, 1624 N. 4th St., San Jose, CA 95112, and for acquisition by RICHARD BEAUCHAMP, AND D. F. MAULDEN, also of Forest Park, GA 30050, and LAMAR BEAUCHAMP, P.O. Box 1499, Winter Haven, FL 33880, of control of such rights and property through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be transferred: *Baked goods*, and *coffee whiteners, dessert base, dessert toppings, dry coffee rich*, and *dry whipped topping*, in mechanically refrigerated vehicles, as a *contract carrier* over irregular routes, from Buffalo, N.Y., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, from Buffalo, N.Y., to points in Texas, Missouri, Minnesota, and Nevada, with restriction. Vendee is authorized to operate as a *common carrier* in Mississippi, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Arkansas, Nebraska, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, West Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: MC–107515 (Sub-No. 859) is a directly related matter.

No. MC–F–11933. Authority sought for purchase by REFRIGERATED TRANSPORT, INC. (KY), P.O. Box 308, Forest Park, GA 30050, of a portion of the operating rights of HURLIMAN TRUCKING COMPANY, 1624 N. 4th St., San Jose, CA 95112, and for acquisition by RICHARD BEAUCHAMP, D. F. MAULDEN, AND REFRIGERATED TRANSPORT CO., INC., all of Forest Park, GA 30050, and LAMAR BEAUCHAMP, P.O. Box 1499, Winter Haven, FL 33880, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be transferred: *Automobile and truck parts and accessories*, as a *contract carrier* over irregular routes, from Romulus, Mich., Elkhart and Madison, Ind., Quincy and Flora, Ill., Akron and Whitehouse, Ohio, and Dallas, Tex., to Grants Pass and Portland, Oreg.; *iron and steel shot* except ammunition, from Elkhart and Mishawaka, Ind., and points in Cuyahoga County, Ohio, to points in Idaho, Montana, Oregon, Washington, and Wyoming; *shot, iron or steel*, not ammunition, from Mishawaka, Ind., to points in California; *shot blast machine* repair parts, from Mishawaka, Ind., to Gardena, Calif., with restrictions. Vendee is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11934. Authority sought for purchase by CRAW CARTING, INC., P.O. Box 267, East Rochester, NY 14445, of the operating rights of GATES TRANSPORT, INC., Standpipe Rd., Perry, NY 14530, and for acquisition by ANTHONY GULLACE, 188 Church St., Victor, NY 14564, of controls of such rights through the purchase. Applicants' attorney: Herbert M. Canter, 315 Seitz Bldg., 201 E. Jefferson St., Syracuse, NY 13202. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96721 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York; and *general commodities*, excepting among others, livestock, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Buffalo, N.Y., on the one hand, and, on the other, Alden, Alexander, Attica, Bennington, Cowlesville, Castile, Darien, Gainsville, Pavilion, Pearl Creek, Perry, Perry Center, Rock Glen, Silver Lake, Varysburg, and Warsaw, N.Y. Vendee is authorized to operate as a *common carrier* in New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11935. Authority sought for purchase by BILL MEEKER, P.O. Box 11184, Wichita, KS 67202, of the operating rights of J. C. PITTS, doing business as REFRIGERATION DELIVERY SERVICE, 1630 N. Sabin, Wichita, KS 67212. Applicants' attorney: Gallyn L. Larsen, 521 So. 14th St., P.O. Box 80806, Lincoln, NE 68501. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Cottonwood Falls, Kans., and Kansas City, Mo., serving the intermediate points of Strong City and Kansas City, Kans.; *meats, meat products, and meat-by-products*, and *etc.*, over irregular routes, from Guymon, Okla., to points in Oklahoma and Kansas, with restriction, between points in Kansas; *hardware* and *farm machinery parts*, from Kansas City, Mo., and Kansas City, Kans., to points in Chase County, Kans.; *feed, agricultural implements and parts, agricultural machinery*, and *building materials*, from Kansas City, Mo.; and Kansas City, Kans., to points in Chase County, Kans., from Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls to Kansas City, Kans., and Kansas City, Mo.; *seed, twine, fencing materials*, and *bale ties*, between Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls, in Chase, Greenwood, Lyon and Marion Counties, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo.; *livestock* between Cottonwood Falls, Kans., and points within 20 miles of Cottonwood Falls, in Greenwood, Lyon, and Marion Counties, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo., between points in Chase County, Kans., on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo., from Kansas City, Mo., and Kansas City, Kans., to certain specified points in Kansas. Venedee is authorized to operate as a *common carrier* in California, Kansas, Arizona, New Mexico, Texas, Indiana, Ohio, Florida, Virginia and West Virginia, and as a *contract carrier* in Missouri, Kansas, Colorado, Texas, Oklahoma, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11936. Authority sought for purchase by PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, PA 19079, of a portion of the operating rights of S. S. BERTZ & SONS, INC., 212–226 W. Lemon St., Lancaster, PA 17603, and for acquisition by JUST ENOUGH CORPORATION, also of Sharon Hill, PA 19079, of control of such rights through the purchase. Applicants' attorneys: V. Baker Smith, 2107 The Fidelity Bldg., Philadelphia, PA 19109, and James D. Campbell, Jr., Six North Third St., Harrisburg, PA 17108. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–98950 (Sub-No. 2), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Pennsylvania. Vendee is authorized to operate as a *common carrier* in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–128383 (Sub-No. 33), is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14811 Filed 7-18-73;8:45 am]

[Notice No. 299]

ASSIGNMENT OF HEARINGS

JULY 16, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–C–6980 Sub 1, Joe Jones, Jr., DBA Joe Jones Trucking Co.—Revocation of Permit—, now assigned September 10, 1973, MC 115841 Sub 441, Colonial Refrigeration Transportation, Inc., now assigned September 12, 1973, MC 107012 Sub 170, North American Van Lines, Inc., now assigned September 17, 1973, will be held in Room 556 Federal Office Building, 275 Peachtree Street, N.E., Atlanta, Georgia.

MC 135772, Barrett Transfer & Storage Co., now assigned August 6, 1973, will be held in Room 1057, Federal Office Bldg., 909 First Avenue, Seattle, Washington.

MC 72442 Sub 38, Akers Motor Lines, Inc., now assigned September 10, 1973, will be held in Room 305, 1252 W. Peachtree Street, N.W., Atlanta, Georgia.

I&S No. 8587, Soybeans & Wheat, Arkansas & Louisiana to Louisiana Ports, now assigned July 17, 1973, at Washington, D.C., is postponed to August 8, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35828, Aluminum Company of Canada, Ltd., V. The Alma & Jonquiere Railway Co., et al now being assigned Pre-Hearing Conference, September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644 Sub 145, Superior Trucking Company, Inc., continued to July 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14800 Filed 7-18-73;8:45 am]

CHANGE IN PUBLICATION SCHEDULE

The Interstate Commerce Commission publication entitled "Motor Carrier, Broker, Water Carrier and Freight Forwarder Applications" will not appear in this FEDERAL REGISTER issue as usual. Instead, this publication will appear in the FEDERAL REGISTER issue of July 20, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14803 Filed 7-18-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 107]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River.

It is ordered, That:

(a) The Chicago, Rock Island and Pacific Railroad Company, being unable to transport traffic over its line between St. Joseph, Missouri, and Atchison, Kansas, because of damage to its bridge over the Missouri River, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing povided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time shipment on the shipments or originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contacts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., July 9, 1973.

(g) Expiration date: This order shall expire at 11:59 p.m., July 23, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 9, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-14806 Filed 7-18-73;8:45 am]

[No. MC–C–8102]

HAGERSTOWN MOTOR EXPRESS CO., INC.

Petition for Declaratory Order

JULY 13, 1973.

Petitioner. Hagerstown Motor Express, Co., Inc. (Hagerstown, Md.)

Petitioner's representative. Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910.

By petition filed June 11, 1973, petitioner seeks a ruling essentially as to whether it may lawfully transport, in interstate or foreign commerce, shipments having both their origins and destinations in Maryland, under and by virtue of, its motor common carrier authority held in its initial certificate No. MC–62499, issued December 13, 1954, to transport, over regular routes, general commodities, except those of unusual value, between Hagerstown, Md., and Baltimore, Md., *serving no intermediate points;* from Hagerstown, over Maryland Highway 60 to Leitersburg, Md., *thence over unnumbered highways and Pennsylvania Highway 316 to Rouzerville, Pa., thence over Pennsylvania Highway 16 to the Pennsylvania-Maryland State line*, thence over Maryland Highway 32 to Westminster, Md., thence over U.S. Highway 140 to Baltimore, Md., and return over the same routes. Petitioner requests a determination that such operations utilizing an interstate routing may be conducted in bona fide interstate commerce, and do not represent a subterfuge to evade the regulatory jurisdiction of the State of Maryland. Petitioner asserts that it has been argued, (a) that such transportation should properly be designated as intrastate commerce which falls within the regulatory jurisdiction of the State of Maryland; and (b) that in this context there exists no real justification for utilizing the interstate routing through Pennsylvania for the transportation of shipments originating at and destined to points in Maryland, which routing would subject such movements to the jurisdiction of the Interstate Commerce Commission rather than the State of Maryland, which would be the case under an intrastate routing. Petitioner states that it does not hold intrastate authority in Maryland from the appropriate Maryland regulatory authorities.

Petitioner also is permitted under its Deviation Notice No. 1, filed April 13, 1962, to operate between Hagerstown and Baltimore, Md., over U.S. Highway 40 (which route lies solely within Maryland) based on its above-described underlying routes in its lead Certificate.

Moreover, petitioner also holds authority in its Sub-No. 6 Certificate, issued August 19, 1964, to transport, over irregular routes, general commodities (except household goods as defined by the Commission, explosives and blasting supplies, commodities requiring special equipment, and commodities requiring refrigeration), from Hagerstown, Md., to points in Maryland, Pennsylvania, Virginia, and West Virginia within 40 miles of Hagerstown, and in its Sub-No. 11

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Certificate, which was preceded by corresponding temporary authority (permitting interchange and tacking at Hagerstown) held since 1971, to transport over irregular routes, general commodities (with the usual exceptions), from points in Maryland, Pennsylvania, Virginia and West Virginia, within 40 miles of Hagerstown, Md., to Hagerstown, Md., subject to restrictions not here pertinent.

Petitioner tacks these authorities at Hagerstown with the authority granted in its lead Certificate to provide a through service between Baltimore, Md., on the one hand, and, on the other, points within 40 miles of, and including, Hagerstown.

Additionally, and as here pertinent, petitioner also holds authority in its Sub-No. 7 Certificate, issued January 22, 1968, to transport general commodities, with the usual exceptions, over irregular routes, between Baltimore, Md., on the one hand, and, on the other, points in Frederick County, Md., which it could tack with its Sub-No. 6 Certificate and prior Sub-No. 10TA and corresponding Sub-No. 11 Certificate at points in Frederick County, Md., within 40 miles of Hagerstown; and, by operating over Interstate Highway 70 and U.S. Highway 40, could thereby provide a through service on shipments in interstate commerce, moving between Baltimore and Hagerstown, which shipments otherwise originate at or are destined to Hagerstown.

Petitioner states that during its initial operations between December 13, 1954, and August 19, 1964, when it conducted operations under its lead certificate between Hagerstown and Baltimore, Md., over an interstate routing through Pennsylvania, it maintained a terminal at Hagerstown and utilized a local cartage agent at Baltimore; that its traffic consisted of (1) interline traffic, (2) freight forwarder traffic, (3) import and export traffic, (4) traffic from and to warehouses, (5) traffic moved as a contract carrier in Maryland, and (6) some local "intrastate" traffic moving between Hagerstown and Baltimore; that it had to transport such "intrastate" traffic as well as interstate traffic in order to provide a complete service to its shippers; that otherwise it would have lost its interstate traffic; and that its principal competitors Harris Motor Express, Novick Transfer Co., Inc., and Hall's Motor Transit conducted a similar operation in the movement of "intrastate" shipments over interstate routes.

Petitioner further contends that since August 19, 1964, it has tacked its lead certificated authority with its Sub-No. 6 authority at Hagerstown to provide an extended service to Frederick and Westminster, Md.; that the freight handled under this arrangement consisted of traffic of the type described in (1)–(6) above; and that it has continued to provide a service on interstate as well as "intrastate" shipments over the interstate routing through Pennsylvania authorized in its lead Certificate; that since 1971 under its Sub-No. 10TA it has provided an additional service *from* Frederick and Westminster through Hagerstown and thence over the interstate routing through Pennsylvania to Baltimore, as described in its lead Certificate; and that its dominant traffic was (1) interstate in Maryland moving to and from connecting carriers and freight forwarders, (2) traffic moving between Baltimore or Hagerstown and points in Virginia and West Virginia, and (3) traffic moving from Baltimore or Hagerstown to points in Pennsylvania.

Petitioner presently maintains terminals at Baltimore and Hagerstown, and serves the territory within 40 miles of Hagerstown by the use of local drivers allegedly operating in compliance with Commission regulations under a so-called "50-mile exemption". Approximately 70 percent of its revenues are derived from interline movements with other motor carriers and freight forwarders; and the remainder of its revenues are derived from its own single-line operations. It states that all operations (in its lead Certificate) in connection with its line-haul of miscellaneous traffic requiring rehandling at Hagerstown or Baltimore are conducted over an interstate routing through Pennsylvania; and that its volume operations involve truckload shipments (a) moving to or from points in Virginia, West Virginia, or Pennsylvania are conducted over Interstate Highway 70 under its deviation route authority, and (b) under contract carrier arrangements in Maryland move over wholly intrastate routes.

During August 1972 it transported throughout its system of operations 7,212 shipments (weighing nearly 8 million pounds). Based on computations over a 12-day period, petitioner determined that 17 percent of its total shipments (embracing 6.72 percent of the total weight of its total shipments) involved movements from and to points in Maryland, under common carrier operations. Additionally, petitioner estimates that 5 percent of these shipments from and to points in Maryland are warehouse and pier shipments which allegedly are interstate in character (presumably having ultimate known out of state origins or destinations); and that, therefore, 12 percent of its total shipments (embracing 5.72 percent of the weight of its total shipments) involve ultimate origins and destinations solely within Maryland. Petitioner estimates that these operations from and to points in Maryland account for 15 percent of its total revenues.

Petitioner argues that its transportation of shipments which originate and are destined to points in Maryland, through Pennsylvania is reasonable; and that, accordingly, such transportation should be declared subject solely to economic regulation by the Interstate Commerce Commission. It states that the shortest "local" route between Hagerstown and Baltimore, over U.S. Highway 40 and Interstate Highway 70 utilized by intrastate carriers involves a distance of 69 miles, whereas its interstate routing between those points involves a distance of 73 miles; that its operation utilizing interstate routing is, therefore, not highly circuitous; that if it cannot serve all Maryland, Virginia, Pennsylvania, and West Virginia points within 40 miles of Hagerstown in conjunction with all traffic moving from, to, and through Baltimore, Md., its shippers will be forced to use the service of its competitors to obtain a complete service and, in addition, to obtain the benefit of a lower rate charge on multiple minimum shipments; that petitioner does not now maintain a higher rate charge on single shipments vis-a-vis a lower rate charge on multiple minimum shipments which would otherwise encourage a greater use of its service by intrastate shippers; that the transportation of shipments solely from and to points in Maryland over an interstate routing through Pennsylvania constitutes 12 percent of its total shipments and 5.72 percent of the weight of its total shipments, and provides 15 percent of its total revenues, and that therefore, its "local" transportation, over an interstate routing, constitutes an incidental part of its total operation.

Any person (including petitioner) desiring to participate in this proceeding shall file an original and fifteen (15) copies of written representations, views, and arguments in the matter on or before September 10, 1973. A copy of each representation shall be filed on petitioner's representative.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during the regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14810 Filed 7-18-73;8:45 am]

[Notice 315]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 8, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceedings pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74266. By order of July 10, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to John Darrell Neyens, doing business as Point Roberts Auto Freight, Lynden, Wash., of the operating rights in Certificate No. MC-110429 issued December 24, 1958, to Edward M. Hentz, doing business as Point Roberts Auto Freight, Bellingham, Wash., authorizing the transportation of general commodities, between Bellingham, Wash., and the boundary of the United States and Canada, and between Point Roberts, Wash., and the boundary of the United States and Canada; serving no intermediate points. Joseph O. Earp, Registered Practitioner, 607 Third Avenue, Seattle, Wash. 98104. Representative for applicants.

No. MC-FC-74407. By order of July 11, 1973, the Motor Carrier Board approved the transfer to O. G. Trucking Co., a corporation, Columbus, Ohio, of a portion of the operating rights in Certificate No. MC-123375 (Sub-No. 1) issued December 18, 1961 to Kirk Trucking Service, Inc., Monroeville, Pa., authorizing the transportation of various commodities between specified points and areas in New Jersey, New York, Pennsylvania, Ohio, and West Virginia. A. Charles Tell, 100 East Broad St., Columbus, Ohio, 43215 Attorney for applicants.

No. MC-FC-74553. By order of July 9, 1973, the Motor Carrier Board approved the transfer to Staple Trucking Service, Inc., Old Bethpage, N.Y., of Certificate No. MC-30097 issued April 14, 1960, to William F. Supel, Secaucus, N.J., authorizing the transportation of: Incandescent lamps, and raw materials used in the manufacture of incandescent lamps, between points in Hudson and Passaic Counties, N.J., on the one hand, and, on the other, points in New York and New Jersey within 100 miles of Jersey City, N.J., including Jersey City, and points in 16 named counties in Pennsylvania. *Dual operations were approved.* John L. Alfano, Attorney at Law, 2 West 45th Street, New York, N.Y. 10036

No. MC-FC-74544. By order entered July 9, 1973, the Motor Carrier Board approved the transfer to Edwin K. Haldeman, Doylestown, Pa., of the operating rights set forth in Certificate No. MC-128399, issued December 5, 1966, to Paul S. Hendricks, Inc., Hilltown, Pa., authorizing the transportation of fertilizer, seed, feed, plant spraying materials, and empty containers used for the carrying of agricultural commodities, from points in New Jersey, Delaware, and Maryland, to points in Bucks County, Pa.; and fertilizer, from Baltimore, Md., to points in Bucks County, Pa.

No. MC-FC-74547. By order entered July 11, 1973, the Motor Carrier Board approved the transfer to Clarence M. Buch, Martindale, Pennsylvania, of Certificate No. MC-111019, issued December 14, 1949, to Willis R. Newswanger, New Holland, Pennsylvania, authorizing the transportation of pulverized agricultural limestone, from points in Lancaster County, Pa., to points other than incorporated municipalities in Delaware and Maryland. John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108, Attorney for applicants.

No. MC-FC-74570. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Blanchfield Trucking Company, Inc., Winchester, Va., of a portion of the operating rights in Certificate No. MC-67193 issued June 6, 1941, to Earl Swanson Blanchfield, Winchester, Va., authorizing the transportation of: Oils and greases from Baltimore, Md., to Winchester, Va. Frank B. Hand, Jr., Attorney at Law, P.O. Box 163, Berryville, Va. 22611

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14807 Filed 7-18-73;8:45 am]

[Ex Parte 241, Rule 19, Corrected Exemption 45]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Norfolk and Western Railway Company (N&W) and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GE", "GH", "GRA", "GS", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the N&W and the PC without regard to the requirements of Car Service Rules 1 and 2.

REPORTING MARKS

N&W		PC	
NKP	B&A		PCA
P&WV	BWC		PCB
VGN	CASO		P&E
WAB	NH		PRR
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Effective July 1, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., June 29, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14804 Filed 7-18-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 103-A]

VERMONT RAILWAY INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 103 (Vermont Railway, Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 103 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 13, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14805 Filed 7-18-73;8:45 am]

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THURSDAY, JULY 19, 1973

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Volume 38 ■ Number 138

PART II

DEPARTMENT OF THE TREASURY

Office of the Secretary

■

NATIONAL SECURITY INFORMATION

Classification, Downgrading, Declassification and Safeguarding

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Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 2—CLASSIFICATION, DOWNGRADING, DECLASSIFICATION AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND MATERIAL

This document puts into the form of regulations the Department of the Treasury procedures for the classification, downgrading, declassification and safeguarding of national security information and material, required under Executive Order 11652, 37 FR 5209, and the National Security Council Directive of May 17, 1972, 37 FR 10053. These regulations incorporate and revise the procedures on this subject embodied in Treasury Department Order No. 160, Revised,, of August 3, 1972, 37 FR 20990. That Treasury Department order is superseded by these regulations as of their effective date, July 1, 1973. A new Treasury Department Order No. 160, Revised, is being issued contemporaneously with these regulations to provide appropriate delegations of authority under the Executive Order, the Directive and these regulations.

These regulations have been approved by the Interagency Classification Review Committee, as required by the Executive Order and directive. They are issued pursuant to 5 U.S.C. 553 without notice of proposed rulemaking and without a 30-day delay in their effective date, as they are rules of agency organization, procedure and practice.

In consideration of the foregoing, 31 CFR, Subtitle A, is amended by adding Part 2 to read as follows:

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APPENDIX A—TREASURY DEPARTMENT ORDER NO. 160, REVISED, DELEGATION OF AUTHORITY CONCERNING IMPLEMENTATION OF EXECUTIVE ORDER 11652, AS AMENDED, AND THE NATIONAL SECURITY DIRECTIVE OF MAY 17, 1972

AUTHORITY: E.O. 11652, 37 FR 5209; National Security Council Directive of May 17, 1972, 37 FR 10053.

Subpart A—General Provisions

§ 2.1 Purpose.

The purpose of the regulations in this part is to insure that information or material originated within the Department of the Treasury which requires classification in the interest of national security is classified in accordance with the provisions of Executive Order 11652, 37 FR 5209, and the National Security Directive of May 17, 1972, 37 FR 10053 (hereinafter referred to as the Executive Order and Directive), as supplemented by the regulations in this part, and that official information and material originating in or coming under the control or jurisdiction of the Department of the Treasury, which is classified in the interest of national security and in accordance with the provisions of the Executive Order and Directive, is protected, but only to the extent and for such period as is necessary. In addition, these regulations establish a monitoring system to insure the effectiveness of this security program throughout the Department of the Treasury.

§ 2.2 Definitions.

As used in the regulations of this part the following terms shall have the meaning indicated:

(a) *Classification.* The determination that official information or material requires, in the interests of national security, a specific degree of protection against unauthorized disclosure, coupled with a designation signifying that such a determination has been made.

(b) *Classified information.* Official information or material which has been determined by an appropriate authority to require, in the interests of national security, protection against unauthorized disclosure and which has been so designated.

(c) *Classifier.* An individual who determines that official information or material, not known by him to be already classified, currently requires, in the interests of national security, a specific degree of protection against unauthorized disclosure and, having authority to do so, designates that official information or material as Top Secret, Secret, or Confidential.

(d) *Compromise.* The known or suspected exposure of classified information or material to an unauthorized person.

(e) *Declassification.* The determination that particular classified information or material no longer requires, in the interests of national security, protection against unauthorized disclosure, coupled with a removal or cancellation of the classification designation.

(f) *Department.* The Department of the Treasury, including all bureaus, offices, services and divisions.

(g) *Downgrading.* The determination that particular classified information or material merits a lower degree of protection against unauthorized disclosure than currently provided, coupled with a changing of the classification designation to reflect such lower degree.

(h) *Information.* Knowledge which can be communicated by any means.

(i) *Material.* Any document, product, or substance on or in which information may be recorded or embodied.

(j) *National security.* Any matters bearing directly on the effectiveness of the national defense and the conduct of the foreign relations of the United States.

(k) *Nonrecord material.* Extra copies and duplicates, shorthand notes, preliminary drafts, used carbon paper, one-time typewriter ribbons, and other materials of a similar temporary nature.

(l) *Record material.* All documentary material made or received by a department or agency of the Government in connection with the transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein.

(m) *Restricted data.* All data (information) concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in the production of energy, but not to include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act, as amended, 42 U.S.C. 2162.

§ 2.3 Responsibility for implementation.

The Assistant Secretary for Administration shall be responsible for insuring effective compliance with the implementation of the Executive Order and Directive and the regulations of this part.

§ 2.4 Material restricted under the Atomic Energy Act.

Nothing in these regulations shall supersede any requirements made by or under the Atomic Energy Act of 1954, as amended. "Restricted Data" and material designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission.

§ 2.5 Special departmental requirements with respect to information or material relating to intelligence or cryptography.

Nothing in these regulations shall prohibit compliance with any special requirements that another department or agency may impose as to classified information or material relating to communications intelligence, intelligence sources and methods, communications security, cryptography, and related matters originated by that department or agency.

§ 2.6 Material or information furnished by a foreign government or international organization.

Classified information or material furnished to the United States by a foreign government or an international organization shall either retain its original classification or be assigned a United States classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

§ 2.7 Exemption from public disclosure.

Official information or material, which has been classified in accordance with the provisions of the Executive Order and Directive, is expressly exempted from public disclosure by section 552 (b) (1) of title 5, United States Code. Wrongful disclosure of such information or material is recognized in the Federal Criminal Code as providing a basis for prosecution.

§ 2.8 Bureau responsibility.

Each bureau head shall designate a member or members of his staff to conduct a continuing review of the implementation of the Executive Order and Directive and these regulations within his bureau. The Office of Administrative Programs, Assistant Director, (Physical Security) shall coordinate bureau reviews and is authorized to determine periodic or special reports which may be required. Copies of all regulations and procedures of general applicability issued by heads of bureaus shall be forwarded to the Office of Administrative Programs, Assistant Director (Physical Security).

§ 2.9 Individual responsibility.

Each employee, special Government employee, or consultant and each individual permitted access to classified information or material shall comply with the requirements of these regulations. The collection, obtaining, recording or removing for any personal use whatsoever, of any classified information or material is prohibited. A holder of classified information or material shall observe and respect the classification assigned by the originator. If a holder of classified information believes that there is unnecessary classification, that the assigned classification is improper, or that the document is subject to declassification under the Executive Order, the holder shall so inform the originator.

Subpart B—Security Classification Categories

§ 2.10 General.

Official information or material which requires protection against unauthorized disclosure in the interests of national security shall be classified in one of three categories, namely, Top Secret, Secret, or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interests of national security, except as otherwise expressly provided by statute.

§ 2.11 Top Secret.

Top Secret refers to that national security information or material which requires the highest degree of protection. The test for assigning a Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with the utmost restraint.

§ 2.12 Secret.

Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification Secret shall be sparingly used.

§ 2.13 Confidential.

Confidential refers to that national security information or material which requires protection. The test for assigning Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§§ 2.14–2.19 [Reserved]

Subpart C—Classification and Markings

§ 2.20 Original classification authority.

The authority to originally classify official information or material is restricted to the officials authorized under Appendix A of these regulations. The authority inheres in the office and may be exercised by the person acting in that office. Officials authorized to classify information or material as Top Secret or Secret shall not redelegate such authority. However, as provided by Appendix A, such officials are authorized to delegate Confidential classification authority Delegations of such authority shall be

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reported in writing to the Assistant Secretary for Administration. These delegations shall be limited to the minimum number absolutely required for efficient administration.

§ 2.21 Record of officials with classification authority.

The Assistant Secretary for Administration shall maintain a listing by name and position of the officials in the Office of the Secretary who are authorized under these regulations to originally classify documents as Top Secret, Secret, or Confidential. Officials within the Office of the Secretary with "Top Secret" or "Secret" classification authority shall report in writing to the Assistant Secretary for Administration the names of the officials designated in writing to have original Confidential classification authority. The head of each bureau shall maintain a listing of the officials in his bureau authorized to apply an original Confidential classification and shall furnish a copy of each listing to the Assistant Secretary for Administration. This listing shall be compiled as of July 1, 1972, and updated at least on a quarterly basis.

§ 2.22 Guidelines for classification.

Each person possessing original classification authority shall be held accountable for the propriety of classifications attributed to him. Both unnecessary classfication and over-classification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, or to prevent embarrassment to a person or the Department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. If the classifier has any substantial doubt as to which security classification category is appropriate, or as to whether the material should be classified at all, he should designate the less restrictive treatment.

§ 2.23 Derivative classification.

Any person who incorporates into a new document or other material information or material previously classified by an authorized official, as a result of, in connection with, or in response to existing material dealing with the same subject which already bears a classification, shall reflect the original classification and the identity of the original classifier on the new document or other material. Performance of this duty shall not constitute original classification. If all of the classified information contained in a document is classified due to classification imposed by a single outside source and no original classification is involved, the "classified by" line of the stamp shall identify the source document, including its date and also the official title and organization of the original classifier when known. In all cases, the official responsible for executing the "classified by" line on the stamp shall establish and retain adequate records to support his action.

§ 2.24 Marking of documents.

(a) *Purpose of designation.* Designation by physical marking, notation or other means, serves to inform and to warn the holder of the classification of the information involved, the degree of protection against unauthorized disclosure which is required for that particular level of classification, and to facilitate downgrading and declassification actions.

(b) *Wholly unclassified material.* Normally, unclassified material should not be marked or stamped "Unclassified" unless it is essential to convey to its recipient that it has been examined specifically for the need of a security classification or control designation and has been determined not to require such classification or control. However, preprinted forms such as telegrams which make provision for an assigned classification shall include the term "Unclassified" if the information contained in the text is not classified. Envelopes containing unclassified information to be sent by diplomatic pouch must be marked or stamped "Unclassified" on both sides.

§ 2.25 Classification markings on documents.

At the time of origination, each document or other material containing classified information shall be marked with its assigned security classification and whether it is subject to the General Declassification Schedule, whether it can be declassified earlier, or whether it is exempt from the General Declassification Schedule.

(a) *General Declassification Schedule.* For marking documents which are subject to the General Declassification Schedule, the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL) CLASSIFIED BY _____ SUBJECT TO GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 AUTOMATICALLY DOWN GRADED AT TWO-YEAR INTERVALS AND DECLASSIFIED ON DEC. 31 (insert year)

(b) *Accelerated Declassification Schedule.* For marking documents which are to be automatically declassified on a given event or date earlier than the General Declassification Schedule the following stamp shall be used:

(TOP SECRET, SECRET OR CONFIDENTIAL) CLASSIFIED BY _____ AUTOMATICALLY DECLASSIFIED ON (effective date or event) Example: Date of Public Release

(c) *Exemptions from General Declassification Schedule.* For marking documents which are exempt from the General Declassification Schedule, pursuant to § 2.34, the following stamp shall be used:

(TOP SECRET, SECRET OR CONDFIDENTIAL) CLASSIFIED BY _____ EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF EXECUTIVE ORDER 11652 EXEMPTION CATEGORY (§ 5B (1), (2), (3), or (4)) AUTOMATICALLY DECLASSFIED ON _____ (effective date or event, if any)

The "Restricted Data" and "Formerly Restricted Data" stamps (see § 2.26 (a), (b)) are in themselves, evidence of exemption from the General Declassification Schedule.

(d) *Failure to mark document.* Should the classifier inadvertently fail to mark a document with one of the foregoing stamps, the document shall be deemed to be subject to the General Declassification Schedule. The person who signs or finally approves a document or other material containing classified information shall be deemed to be the classifier. If the classifier is another person, the individual shall be identified on the stamp as indicated.

§ 2.26 Additional warning notices.

In addition to the foregoing marking requirements, warning notices shall be prominently displayed on classified documents or materials as prescribed below. When display of these warning notices on the documents or other materials is not feasible, the warnings shall be included in the written notification of the assigned classification.

(a) *Restricted data.* For classified information or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended:

RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954, as amended. Its dissemination or disclosure to any unauthorized person is prohibited.

(b) *Formerly restricted data.* For classified information or material containing solely Formerly Restricted Data, as defined in section 142.d, Atomic Energy Act of 1954, as amended:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to Administrative and Criminal Sanctions. Handle as Restricted Data in Foreign Dissemination. Section 144.b, Atomic Energy Act, 1954.

(c) *Other classified information (other than restricted data or formerly restricted data).* For classified information or material furnished to persons outside the executive branch of Government other than as described in items (a) and (b) above:

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure Subject to Criminal Sanctions.

(d) *Sensitive intelligence information.* For classified information or material relating to sensitive intelligence sources and methods, the following warning notice shall be used, in addition to and in conjunction with those prescribed in paragraphs (a), (b), or (c) of this section, as appropriate:

WARNING NOTICE—SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED

§ 2.27 Overall marking and page marking.

The overall classification of a document, whether or not permanently bound, or any copy or reproduction thereof, shall be conspicuously marked or stamped at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, on the back page, and on the outside of the back cover (if any). To the extent practicable, each interior page of a document which is not permanently bound shall be conspicuously marked or stamped at the top and bottom according to its own content, including the designation "Unclassified" when appropriate.

(a) *Paragraph marking.* Whenever a classified document contains either more than one security classification category or unclassified information, each section, part, or paragraph should be marked to the extent practicable to show its classification category or that it is unclassified. When appropriate, the classification of each paragraph (including "Unclassified") may be indicated by closing the paragraph with the appropriate classification symbol for that paragraph, as follows: (TS), (S), (C), (UNCLAS).

(b) *Subjects, titles, abstracts and index terms.* Subjects, titles, abstracts and index terms shall be selected, if possible, so as not to require classification. However, a classified subject, title, abstract or index term may be used when necessary to convey meaning. To show its classified or unclassified status, each such item shall be marked with the appropriate symbol, (TS), (S), (C), or (U) placed immediately following and to the right of the item. When appropriate, the symbols (RD) and (FRD) shall be added.

(c) *File, folder or group of documents.* Files, folders or groups of documents shall be conspicuously marked to assure their protection to a degree as high as that of the most highly classified document included therein. Documents separated from the file, folder or group shall be marked as prescribed herein for individual documents.

(d) *Transmittal documents.* A transmittal document shall carry on it a prominent notation as to the highest classification of the information which is carried with it, and a legend showing the classification, if any, of the transmittal document standing alone. For example, in the case of an unclassified document which transmits as an attachment a classified document, it shall bear a notation substantially as follows: "REGRADED UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ATTACHMENT."

§ 2.28 Marking of material other than documents.

If classified material cannot be marked, written notification of the information otherwise required in markings shall accompany such material.

(a) *Books or pamphlets.* Permanently bound books or pamphlets are to be conspicuously marked with the assigned classification or control designation at the top and bottom on the outside of the front cover, on the title page, on the first page, on the back page, and on the outside of the back cover. Other required markings must be placed on the outside of the front cover.

(b) *Reproducible masters.* Reproducible masters such as airgrams, mimeograph stencils, hectograph masters, photostatic negatives, or multilith plates used in the reproduction of classified or administratively controlled documents are to be marked so that each copy made from them will show the classification or control designation and other required markings. Preprinting of paper with classification control designation, or other pertinent markings, is authorized.

(c) *Photographic negatives, prints, slides and films.* Whenever possible, photographic negatives and slides are to be marked with the assigned classification or control designation at the top and bottom on the front. Photographic negatives in roll form contain the assigned classification or control designation at the beginning and end of each roll. In all cases, photographic prints are to be marked at the top and bottom of the front and on the back with the classification and control designation. If additional special markings are required, apply them conspicuously.

(d) *Charts, maps and drawings.* Charts, maps and drawings shall bear the appropriate classification marking under the legend, title block or scale, in such manner as to differentiate between the classification assigned to the document as a whole and the classification assigned to the legend or title, and so that it can be reproduced on all copies made. The markings also shall be inscribed at the top and bottom of each such document. Where the customary method of folding or rolling charts, maps or drawings would cover the classification markings, additional classification markings shall be placed so as to be clearly visible when the document is folded or rolled.

(e) *Decks of accounting machine cards.* A deck of classified accounting machine cards need not be marked individually but may be marked as one single classified document so long as they remain within the deck. A deck so marked shall be stored, transmitted, destroyed and otherwise handled in the manner prescribed for other classified documents of the same classification. An additional card shall be added, however, to identify the contents of the deck and the highest classification involved. Cards removed for separate processing or use, and not immediately returned to the deck after processing, shall be protected to prevent compromise of any classified information contained therein, and for this purpose shall be marked individually as prescribed herein for an individual ordinary document.

(f) *Electrical machine and Automatic Data Processing Tapes.* Electrical machine and Automatic Data Processing (ADP) tapes shall bear external markings and internal notations sufficient to assure that any recipient of the tapes, or of the classified information contained therein when reproduced by any medium, will know that classified information of a specific classification category is involved.

(g) *Pages of Automatic Data Processing listings.* Classification markings on pages of listings produced by ADP equipment may be applied by the equipment provided that the markings so applied are clearly distinguishable on the face of the document from the printed text. As a minimum, such listings shall be marked with the security classification on the first and last pages of the listing and on the front and back covers, if any, as previously prescribed in § 2.25.

§ 2.29 Downgrading, declassification and upgrading markings.

Whenever a change is made in the original classification or in the dates of downgrading or declassification of any classified information or material, it shall be promptly and conspicuously marked to indicate the change, the authority for the action, the date of the action, and the identity of the person taking the action. In addition, all earlier classification markings shall be canceled, if practicable, but in any event on the first page.

(a) *Markings for large quantities of material.* When the volume of information or material is such that prompt remarking of each classified item could not be accomplished without unduly interfering with operations, the custodian may attach downgrading, declassification, or upgrading notices to the storage unit in lieu of the re-marking otherwise required. Each notice shall indicate the change, the authority for the action, the date of the action, the identity of the person taking the action, and the storage units to which it applies. When individual documents or other materials are withdrawn from such storage units they shall be promptly re-marked in accordance with the change, or if the documents have been declassified, the old markings shall be canceled. However, when information or material subject to a posted downgrading, upgrading, or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or other materials is transferred from one place to another, the transfer may be made without re-marking if the notice is attached to or remains with each shipment.

(b) *Upgrading.* When material is upgraded under the provisions of these regulations, it shall be promptly and conspicuously marked, except that in all such cases the old classification marking shall be canceled and the new substituted therefor.

(c) *Marking of classified telegrams.* Information contained in Top Secret, Secret, and Confidential telegrams is subject to automatic downgrading, declassification, and decontrol procedures

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to the same extent as the substantive contents of nontelegraphic documents. In order to eliminate costly transmissions, standard abbreviations for required notations have been substituted, and will appear as the final unnumbered paragraph of the message text, as follows:

(1) For classified information that has been assigned to the General Declassification Schedule, add the abbreviation: GDS.

(2) For classified information that is to be declassified without reference to the General Declassification Schedule, add: ADS (Accelerated Declassification Schedule); DECLAS (insert date or other event or condition for declassification).

(3) For classified information that has been exempted from the General Declassification Schedule, add: XGDS (insert the category number 5B (1), (2), (3), or (4); DECLAS (insert appropriate date).

(4) The following abbreviations may be submitted for the warning notices indicated in § 2.26: RD (Restricted Data); FRD (Formerly Restricted Data); NSI (National Security Information); SIS (Sensitive Intelligence Sources and Methods).

(5) While the above abbreviations of warning notices are acceptable for telegrams, the preferred method is to include the warning notice as part of the message text. This procedure will immediately alert all recipients to the sensitivity of the message and the possible special handling requirements. For example, when classified information pertaining to sensitive intelligence sources and methods is used in a telegram, the first line of the message text shall read as follows:

WARNING NOTICE—
SENSITIVE INTELLIGENCE
SOURCES AND METHODS
INVOLVED

In all instances, drafters incorporating classified information from material bearing a warning notice or exemption from the General Declassification Schedule must ensure that the warning notice and/or exemption is "carried over" to the new document.

The record copy of all electrically transmitted messages must, of course, contain all information required by the Executive Order. It therefore must contain the name and initials of the official authorizing the classification, the declassification schedule and exemption from the schedule, if appropriate.

Subpart D—Downgrading and Declassification

§ 2.30 Authority to downgrade and declassify.

The authority to downgrade and declassify national security information or material within the Department of the Treasury shall be restricted to the officials authorized under Appendix A of these regulations. Delegations of authority to downgrade or declassify shall be reported in writing to the Assistant Secretary for Administration.

§ 2.31 Guidelines for downgrading and declassification.

The individual exercising original classifying authority shall, to the maximum extent practicable, predetermine at the time of origination, dates or events on which downgrading and declassification shall occur. These dates shall be as early as the national security will permit, and shall be in accordance with the limits of the dates of the General Declassification Schedule, as set forth in § 2.33, only if earlier dates cannot be predetermined.

§ 2.32 Dates or events carried forward.

Downgrading and declassification dates or events established in accordance with § 2.31 shall be carried forward and applied whenever the classified information or material is incorporated in other documents or material.

§ 2.33 General Declassification Schedule.

Classified information and material, unless downgraded or declassified earlier under the provisions of § 2.31 or exempted from the General Declassification Schedule under § 2.34, shall be assigned a date or event on which downgrading and declassification shall occur in accordance with the prescribed limits of the General Declassification Schedule outlined below:

(a) *Top Secret.* Information or material originally classified Top Secret shall become automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the tenth full calendar year following the year in which it was originated.

(b) *Secret.* Information and material originally classified Secret shall become automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified Confidential shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

§ 2.34 Exemptions from General Declassification Schedule.

Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. An official authorized to originally classify information or material Top Secret may exempt from the General Declassification Schedule any level of classified information or material originated by him or under his supervision if it falls within one of the categories described below. In each case such official shall specify in writing on the material the exemption category being claimed and, unless impossible, a date or event for automatic declassification. The use of the exemption authority shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(a) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(b) Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(c) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(d) Classified information or material the disclosure of which would place a person in immediate jeopardy.

§ 2.35 Applicability of the General Declassification Schedule to previously classified material.

Information or material classified before June 1, 1972, and which is assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2 or 3 of Executive Order 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of ten years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972, as set forth in §§ 2.34 and 2.36.

§ 2.36 Mandatory review of material over ten years old.

Members of the public or other departments wishing to request review of classified material over ten years old in the custody of the Department of the Treasury shall apply in writing to the Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. A request must describe the material desired to be reviewed with sufficient particularity to enable the Department to identify it and obtain it with a reasonable amount of effort.

(a) *Action upon receipt of request for review.* The Assistant Secretary for Administration shall immediately forward the request for review of records over ten years old to the appropriate officer of the Department of the Treasury having Top Secret classification authority and shall acknowledge receipt of the request to the requester in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483a, the requester shall be so notified. The officer to which action has been assigned shall, whenever the request is deficient in its description of the record sought, ask the requester to provide additional identifying information whenever possible.

(b) *Initial determination.* The request shall be reviewed and a determination made within thirty days after the receipt of identifying information whether continued classification is required under the criteria of § 2.34. If the request is denied, the determining officer must indicate to the Assistant Secretary for Administration in a brief statement the reason for continued classification and, unless impossible, specify the date on which such matter shall be declassified. Whenever possible, the Assistant Secretary for Administration shall furnish the requester with a copy of that statement.

(c) *Right of appeal to the Departmental Committee on National Security Information.* If the request is denied or no answer is received after sixty days, the requester may appeal to the Departmental Committee on National Security Information as provided by Appendix A. The Departmental Committee shall act upon the appeal within thirty days.

(d) *Right of appeal to the Interagency Classification Review Committee.* If the Departmental Committee determines that continued classification is required, it shall also so notify the requester and that he may appeal that denial to the Interagency Classification Review Committee.

§ 2.37 Declassification of material over thirty years old.

All classified information or material which is thirty years old or more over which the Department exercises exclusive or final original classification authority is subject to declassification as provided in §§ 2.38–2.40.

§ 2.38 Automatic declassification of thirty-year-old material originated after June 1, 1972.

All information and material classified after June 1, 1972, whether or not declassification has been requested, becomes automatically declassified at the end of thirty full calendar years after the date of its original classification except for such specifically identified information or material which the Secretary of the Treasury personally determines in writing at that time to require continued protection against unauthorized disclosure because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the Secretary of the Treasury shall also specify the period of continued classification.

§ 2.39 Systematic review of thirty-year-old material originated before June 1, 1972.

All information and material classified before June 1, 1972, and more than thirty years old is to be systematically reviewed for declassification by the Archivist of the United States by the end of the thirtieth full calendar year following the year in which it was originated. The Assistant Secretary for Administration is authorized to assign personnel to assist the Achivist of the United States in the exercise of this review responsibility with respect to classified material originating within the Department of the Treasury. Such personnel shall: (a) provide guidance and assistance to archival employees in identifying and separating those materials originated in the Department which are deemed to require continued classification; and (b) develop a list for submission to the Secretary of the Treasury, with recommendations concerning continued classification. The Secretary of the Treasury will then determine which of the materials listed require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. The Secretary of the Treasury will provide the Archivist with a list which identifies the documents deemed to require continued classification, indicates the reason for continued classification and specifies the date on which such material shall be declassified.

§ 2.40 Mandatory review of material over thirty years old.

(a) *Action upon receipt of request.* The Assistant Secretary for Administration shall immediately forward the request for review of records more than thirty years old to an appropriate office of the Department of the Treasury and shall acknowledge receipt of the request to the requester in writing.

(b) *Determination by the Secretary.* That office shall review the request and within twenty-one days forward to the Secretary of the Treasury through the Assistant Secretary for Administration a recommendation whether continued classification is required under the criteria of §§ 2.38–2.39. The Secretary shall make a determination based on that recommendation.

(c) *Right of appeal to the Interagency Classification Review Committee.* If the Secretary of the Treasury determines that continued classification is required, the Assistant Secretary for Administration shall promptly notify the requester that he may appeal that denial to the Interagency Classification Review Committee, and, whenever possible, shall furnish the requester with a brief statement why continued classification is required.

§ 2.41 Departmental Committee on National Security Information.

A Departmental Committee on National Security Information is established which shall be composed of the Assistant Secretary for Administration, as chairman, the General Counsel and the Special Assistant to the Secretary (National Security), as members. The functions of the Departmental Committee shall include the following:

(a) Review of and action upon applications and appeals regarding requests for declassification, as provided in § 2.36.

(b) Review, upon request, of all decisions denying Treasury Department information and material on the ground of exemption under 5 U.S.C. 552(b)(1) except decisions of the Secretary of the Treasury continuing the classification of material over thirty years old under Part III D of the Directive and § 2.40.

(c) Action upon complaints in the administration of the Executive Order and Directive and these regulations.

(d) Establish the policy of the Department with respect to the enforcement of the Executive Order and Directive and these regulations.

§ 2.42 Burden of proof.

For purposes of administrative determinations under §§ 2.36 and 2.40, the burden of proof is on the originating office in the Office of the Secretary or the bureau to show that continued classification is warranted within the terms of the Executive Order and Directive.

§ 2.43 Notification of change in classification or of declassification.

When classified information or material is downgraded or declassified in a manner other than originally specified, whether scheduled or exempted, or is upgraded, or is subject to a change in exemption status, the classifier or the custodian of the records shall, to the extent practicable, promptly notify all addressees to whom the information or material was originally officially transmitted. The recipients of this notification shall notify addressees to whom in turn they have transmitted the classified information or material.

§§ 2.44–2.49—[Reserved]

Subpart E—Access

§ 2.50 General.

Access to classified information shall be granted only in accordance with the regulations provided in Part VIA of the Directive as supplemented by the regulations of this part. No individual shall be entitled to receive or handle classified information or material solely because of his official position or because he has a valid security clearance. He must have in addition the need for access to the particular classified information or material sought in connection with the performance of his official duties or contractual obligations. The determination of the need shall be made by the official having the responsibility for the safeguarding of the classified information or material.

§ 2.51 Access by historical researchers.

(a) *Requirements for grant of access.* Persons outside the executive branch engaged in historical research projects desiring to request access to classified information or material under the control of the Department shall apply in writing to the Office of the Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. The request for access may be granted provided that the Secretary of the Treasury determines that:

(1) Access is clearly consistent with the interests of national security.

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(2) The information or material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(3) The historical researcher agrees to safeguard the information or material in a manner consistent with the Executive Order and Directive.

(4) The historical researcher agrees to authorize a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

(b) *Period of access authorization.* An authorization for access shall be valid for the period required but no longer than two years from the date of issuance unless reviewed by the Secretary of the Treasury upon written application to the Office of the Assistant Secretary for Administration, Department of the Treasury, Washington, D.C.

§ 2.52 Access by certain officials and employees of Federal Reserve Banks.

(a) *Requirements for grant of access.* Officials and employees of Federal reserve banks, which are authorized to serve as fiscal agents of the United States and perform functions related to the issuance and redemption of United States securities, may be granted access to classified national security information or material by the Under Secretary for Monetary Affairs, or his designee, when: (1) the information is classified by a Treasury officials or consent for dissemination to the Federal Reserve bank has been obtained from the originating department, under § 2.54; (2) the Federal Reserve bank officials or employees need to have knowledge of such information or material in connection with activities approved by the Under Secretary for Monetary Affairs, or his designee, as being in the interests of the United States; and (3) the Federal Reserve bank officials and employees are cleared by the Department of the Treasury under the procedures and standards applicable to Treasury officials and employees.

(b) *Adjustment or withdrawal of security clearance.* The Under Secretary for Monetary Affairs, or his designee, shall also be responsible for adjusting or withdrawing the security clearance of any Federal Reserve bank official or employee who no longer needs access to classified national security information or material at a particular level in connection with the official performance of duties.

§ 2.53 Access by former Presidential appointees.

(a) Persons who previously occupied policy-making positions to which they were appointed by the President may be authorized access to classified information or material which they originated, reviewed, signed or received while in public office, provided that the Secretary of the Treasury determines that: (1) access is clearly consistent with the interests of national security; and (2) the Presidential appointee agrees to safeguard the information or material in a manner consistent with the Executive Order and Directive.

(b) Upon request of any such former official, such information or material as he may identify shall be reviewed for declassification in accordance with the provisions of Subpart D. The former Presidential appointees referred to herein do not include the White House staff, or members of special Presidential committees or commissions.

§ 2.54 Dissemination by the Department of classified information or material originated by another department.

Classified information or material originating in another department and made available to the Department of the Treasury shall not be disseminated outside the Department without the consent of the originating department.

§§ 2.55–2.59— [Reserved]

Subpart F—Accountability

§ 2.60 Top Secret Control Officers.

Each Treasury bureau and the Office of the Secretary shall designate a Top Secret Control Officer. Top Secret Control Officers so designated shall receive, maintain current accountability records of, and dispatch Top Secret material, and shall also conduct an annual physical inventory of all Top Secret material. Top Secret Control Officers shall conduct the required physical inventory in the presence of a disinterested individual and shall complete the same by the first day of May. Any Top Secret document unaccounted for must be reported to the Assistant Secretary for Administration. Top Secret Control Officers shall conduct periodic reviews of Top Secret documents within their control to insure that those Top Secret documents subject to the General Declassification Schedule are downgraded or declassified as required.

§ 2.61 Control of Top Secret Material.

(a) A Treasury Department Form 4031 (Top Secret Document Record) shall be attached to the first page or cover of the original and each copy of Top Secret material. The Top Secret Document Record shall be completed by the Top Secret Control Officer, and shall identify the Top Secret material attached, and shall serve as a permanent record of the material. All persons, including stenographic and clerical personnel, having access to the material attached to the Top Secret Document Record must sign and date the Treasury Form 4031 prior to accepting responsibility for its custody. The Treasury Form 4031 shall indicate those individuals to whom only oral disclosure is made. The Top Secret Document Record shall remain attached to the Top Secret material until it is either transferred to another U.S. Government agency, downgraded, declassified or destroyed. Whenever any one of these actions is taken, the Top Secret Control Officer shall record the action on the Top Secret Document Record and retain it for a period of three years at which time it may be destroyed.

(b) Top Secret documents shall be sequentially numbered in a calendar year series by Top Secret Control Officers as received, by them, and the number shall be posted to the Top Secret document, Treasury Form 4031 and Treasury Form 2747 Revised (Classified Document Accountability Record).

(c) Top Secret Control Officers shall maintain current records of persons within their respective office or bureau who are cleared for access to Top Secret information or material.

§ 2.62 Accountability of classified material.

Treasury Department Form 2747 Revised (Classified Document Accountability Record) shall be the exclusive classified document accountability record for use within the Department of the Treasury. No other logs or records shall be required except for the use of Treasury Form 4031 for Top Secret material. Form 2747 shall be used for single or multiple document receipting, internal and external routing, and as a certificate of destruction. The inclusion of classified information on Form 2747 is prohibited. In the event the subject title is classified, a recognizable short title shall be used, e.g., first letter of each letter word in the subject title. Several items may be transmitted to the same addressee under the cover of one Form 2747. When the original and/or copies of the document are destroyed, the destruction certificate section of the form shall be completed to include the date and method of destruction and signed by the individuals accomplishing the destruction. Form 2747 may be destroyed three years after the date of the final disposition of the document.

(a) *Top Secret material.* Top Secret material shall be subject to a continuous receipt system regardless of how brief the period of custody. Treasury Form 2747 shall be used for this purpose. Top Secret accountability records shall be maintained by Top Secret Control Officers separately from the accountability records of other classified material.

(b) *Secret material.* Receipt on Treasury Form 2747 shall be required for transmission of Secret material between bureaus, offices and saparate agencies. Responsible officials shall determine administrative procedures required for the internal control within the respective offices or bureaus. The volume of classified material handled and personnel resources available must be considered in determining the practical balance between security measures imposed and the attainment of operating efficiency.

(c) *Confidential material.* Receipts for Confidential material shall not be required unless the originator clearly indicates that receipting is necessary.

§ 2.63 Restraint on reproduction.

Documents or portions of documents containing Top Secret information shall not be reproduced without the consent of the originating office and any reproduction so authorized must be appropriately

controlled. The authority for reproduction shall be noted on the copy from which the reproduction is made. The office reproducing Top Secret material shall place this material under Top Secret control and shall maintain appropriate records to reflect the number of copies reproduced and shall observe all other requirments concerning the control of distribution of such copies. The reproduction of Secret material shall be placed under the same control as the parent document. Confidential documents may be reproduced without permission of the originating official, office or department. However, all classified material shall be reproduced sparingly and any stated prohibition against reproduction shall be strictly adhered to. The number of copies of documents containing classified information shall be kept to the absolute minimum required to meet operational needs in order to decrease the risk of compromise, administrative burden and to reduce storage costs.

§ 2.64 Data Index System.

A Data Index System for documents originally classified within the Department of the Treasury shall be established in accordance with the Executive Order and Directive as implemented by the Department of the Treasury Administrative Circular No. 236.

§§ 2.65–2.69 [Reserved]

Subpart G—Safekeeping and Storage

§ 2.70 General policy.

Classified information or material may be used, held or stored only where there are facilities or under conditions adequate to prevent unauthorized persons from gaining access to it.

§ 2.71 Standards for storage equipment.

The General Services Administration establishes and publishes uniform standards, specifications, and supply schedules for containers, vault doors, alarm systems, and associated security devices suitable for the storage and protection of classified information throughout the Government. Storage equipment used for the protection of classified information and material within the Department shall meet or exceed these standards.

§ 2.72 Storage of classified material.

Whenever classified material is not under the personal control and observation of an authorized person, it will be guarded or stored in a locked security container as prescribed below:

(a) *Top Secret.* Top Secret information and material shall be stored in a safe or safe-type steel file container having a built-in three-position dial-type combination lock, or in a vault, vault-type room, or other storage facility which meets the standards for Top Secret established under § 2.71.

(b) *Secret and Confidential.* Secret and Confidential material may be stored in a manner authorized for Top Secret information and material, or in a container, or vault which meets the standards for Secret or Confidential; as the case may be, established under § 2.71 and Appendix A of the Directive.

§ 2.73 Security storage equipment.

(a) *Combinations.* Combinations to security equipment and devices shall be changed only by persons having appropriate security clearance, and shall be changed whenever such equipment is placed in use, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, whenever a combination has been subjected to possible compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified information or material authorized for storage in the security equipment concerned.

(b) *Safe Combination Records.* Combinations to equipment containing classified information and material shall be recorded on Treasury Form No. 4032 (Security Container Information). Such forms shall be completed in their entirety. Part 1 of the Form shall be posted on the interior of the top or locking drawer of the safekeeping equipment concerned. The names, addresses and home telephone numbers of personnel responsible for the combination and the classified information and material stored therein must be posted on part 1 of the Form. Part II shall be properly completed, inserted in the envelope (part III) provided and forwarded to the designated central repository for safe combinations. Parts II and III shall show the appropriate classification marking.

(c) *Safe or Cabinet Security Record.* Each piece of equipment used for the storage of classified material will have attached conspicuously to the outside a General Services Administration Optional Form 62 (Safe or Cabinet Security Record) on which an authorized person will record the time and date each time he unlocks or locks the security equipment, followed by his initials. In addition, at the close of each working day or when a security container is locked at times other than normal duty hours, the person locking the security container will be required to check it to insure that it is locked, and will record the time and date he checked the security container followed by his initials. The checking procedure stated above applies for each normal working day regardless of whether or not the security container was opened on that particular day. A security container will not be left unattended until it has been locked by an authorized person and checked by a second person. Additional safe security requirements are:

(1) Reversible "OPEN-CLOSED" signs which are available through normal supply channels, shall be used as additional reminders on each security container containing classified information.

(2) The tops of security containers shall be kept free of all extraneous matter.

§ 2.74 Classified document cover sheets.

In order to alert personnel to the fact that a document or folder is classified and to protect it from unauthorized scrutiny, cover sheets, available through normal supply channels, will be used to cover classified documents when in use. Classified document cover sheets will be removed before classified material is filed. Classified document cover sheets will be removed from classified documents prior to transmission except when the transmission is made internally within a headquarters by courier or messenger or by personal contact.

§ 2.75 Responsibilities of custodians.

Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

§ 2.76 Report of loss or compromise.

Any employee of the Department of the Treasury who has knowledge of the loss or possible compromise of classified information or material shall immediately report the circumstances to the appropriate bureau head or his designee who shall take appropriate action forthwith. In turn, the originating department and any other interested department shall be notified about such loss or possible compromise.

§ 2.77 Inquiry.

If the loss or possible compromise occurs in any Treasury bureau, the Assistant Secretary for Administration shall be notified. He shall then direct an immediate inquiry to be conducted for the purpose of taking corrective measures and assessing damages. Based on the results of the inquiry recommendations shall be made to the Assistant Secretary for Administration as to the appropriate administrative, disciplinary, or legal action to be taken.

§§ 2.78–2.79— [Reserved]

Subpart H—Transmission

§ 2.80 General policy.

Classified information or material shall be transmitted between Treasury bureaus and buildings and outside the Department only in accordance with the requirements of this subpart. However, within the Main Treasury Building and within each separate bureau building, such information or material may be transmitted between offices by direct contact of the officials concerned in a single sealed opaque envelope with no security classified category being shown on the outside of the envelope. Classified information or material shall never be delivered to unoccupied rooms or offices.

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§ 2.81 Preparation.

Classified information and material shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents.

§ 2.82 Transmission of Top Secret.

The transmission of Top Secret information and material shall be effected preferably by oral discussion in person between the officials concerned. Otherwise, the transmission of Top Secret information and material shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over authorized communications circuits in encrypted form or by other means authorized by the National Security Council.

§ 2.83 Transmission of Secret.

The transmission of Secret material shall be effected in the following manner:

(a) *The Fifty States, District of Columbia, Puerto Rico.* Secret information and material may be transmitted within and between the forty-eight contiguous states and the District of Columbia, or wholly within the State of Hawaii, the State of Alaska, or the Commonwealth of Puerto Rico by one of the means authorized for Top Secret information and material, the United States Postal Service registered mail and protective services provided by the United States air or surface commercial carriers.

(b) *Other areas, vessels, military postal services, aircraft.* Secret information and material may be transmitted from or to or within areas other than those specified in paragraph (a) of this section, by one of the means established for Top Secret information and material, captains or masters of vessels of United States registry, under contract to a department of the executive branch, United States registered mail through Army, Navy or Air Force Postal Service facilities provided that material does not at any time pass out of United States citizen control and does not pass through a foreign postal system, and commercial aircraft under charter to the United States and military or other Government aircraft.

(c) *Canadian Government installations.* Secret information may be transmitted between United States Government or Canadian Government installations, or both, in the forty-eight contiguous states, Alaska, the District of Columbia, and Canada by United States and Canadian registered mail with registered mail receipt.

(d) *Special cases.* The use of the United States Postal Service registered mail outside the forty-eight contiguous states, the District of Columbia, the State of Hawaii, the State of Alaska, and the Commonwealth of Puerto Rico is authorized if warranted by security conditions and essential operational requirements, provided that the material does not at any time pass out of United States Government and United States citizen control and does not pass through a foreign postal system.

§ 2.84 Transmission of Confidential.

Confidential information and material shall be transmitted within the forty-eight contiguous states and the District of Columbia, or wholly within Alaska, Hawaii, the Commonwealth of Puerto Rico, or a United States possession, by one of the means established for higher classifications, or by certified or first-class mail. Outside these areas, Confidential information and material shall be transmitted in the same manner as authorized for higher classifications.

§ 2.85 Transmission by personnel in travel status.

(a) *General provisions.* Personnel in travel status shall physically transport classified material across international boundaries only in exceptional circumstances. In each instance, a determination shall be made on a case by case basis, by a responsible official that it is necessary for the appropriately cleared traveler physically to transmit classified material. Whenever possible, and when time permits, classified material shall be transmitted by other authorized means to the location being visited. The physical transportation of classified material on non-U.S. flag aircraft shall be avoided.

(b) *Specific safeguards.* If it be determined that the transportation of classified material by an individual in travel status is in the best interest of the U.S. Government, the following specific safeguards will be provided for:

(1) Classified material shall be in the physical possession of the individual with adequate safeguards at all times if proper storage at a U.S. Government facility is not available. Under no circumstances, shall classified material be stored in hotel safes or rooms, locked automobiles, private residences, train compartments, or any vehicular detachable storage compartments.

(2) An inventory of all classified material shall be made prior to departure and a copy of same shall be retained by his office until his return at which time all classified material shall be accounted for.

(3) Classified material shall not be displayed or used in any manner in public conveyances or rooms.

(4) The individual shall have in his possession a written Department of the Treasury authorization to transport classified material. This courier authorization, along with official travel orders, should in most instances permit the individual to pass through any customs without the need for subjecting the classified material to inspection. If difficulty is encountered, the individual should tactfully refuse to exhibit or disclose the classified material to customs inspection and should insist on the assistance of the local U.S. diplomatic representative at the port of entry or departure.

(5) Upon completion of the visit, the individual shall have the material returned to his office by approved means. All material taken for the purpose of the visit shall be accounted for. If any classified items are left with the office being visited for its retention and use, the individual shall obtain a receipt.

§ 2.86 Telecommunications transmissions.

Classified information shall not be communicated by telecommunication transmission, except as may be authorized under §§ 2.82–2.84 with respect to the transmission of classified information over approved communications circuits or systems.

§§ 2.87–2.89—[Reserved]

Subpart I—Destruction of Classified Information and Material

§ 2.90 Methods of destruction.

When information or material classified under the authority of Executive Order 11652 is to be destroyed, destruction shall be by burning, mulching, or shredding in the presence of an individual or individuals specifically designated by the appropriate bureau head.

§ 2.91 Approval of use of mulching and shredding machines.

Prior to a bureau obtaining a mulching or shredding machine, the Office of Administrative Programs, Assistant Director (Physical Security) shall approve the use of such a machine.

§ 2.92 Destruction by burning.

Any classified information or material to be destroyed by burning shall be torn and placed in containers designated as burnbags and shall be clearly and distinctly labeled "Burn." Burnbags awaiting destruction shall be protected by security safeguards commensurate with the classification or control designation of the material involved.

§ 2.93 Records of destruction.

Each bureau head shall cause appropriate accountability records to be maintained for his bureau to reflect the destruction of classified national security information or material.

§ 2.94 Destruction of nonrecord material.

Nonrecord classified material such as extra copies and duplicates, including shorthand notes, preliminary drafts, used carbon paper and other material of similar temporary nature, shall also be destroyed by burning, mulching, or shredding as soon as it has served its purpose, but no records of such destruction need be maintained.

§§ 2.95–2.99—[Reserved]

Subpart J—Training and Orientation

§ 2.100 Briefing of employees.

All new employees concerned with classified information and material shall be afforded a security briefing regarding the Executive Order and Directive. Those new employees concerned with classified information or material pertaining to intelligence sources, methods, operations, or plans shall be required to read and sign a Security Agreement. All new employees afforded a security briefing shall be provided with copies of applicable laws and pertinent security regulations setting forth the procedures for the protection and disclosure of classified information and material. All employees concerned with classified information and material shall receive periodic reorientation briefings during their employment which are designed to impress upon them their responsibility for exercising care and vigilance in complying with the provisions of the Executive Order and implementing regulations.

§ 2.101 Debriefing of employees.

Any personnel possessing a security clearance, at all levels of employment and without exception, when terminating employment or contemplating temporary separation for a sixty-day period or more, shall be debriefed concerning their continued responsibility to safeguard classified information and material, and reminded of the provisions of the Criminal Code and other applicable provisions of law relating to penalties for unauthorized disclosure.

§ 2.102 Departmental administration.

The Office of Administrative Programs, Assistant Director (Physical Security), under the direction of the Assistant Secretary for Administration, shall establish, coordinate and maintain active training, orientation and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and Directive are effectively administered throughout the Department of the Treasury.

§ 2.103 Bureau administration.

Each bureau head shall designate an official to coordinate and supervise the activities applicable to his bureau to maintain the programs of training, orientation, and inspection established by the Office of Administrative Programs, Assistant Director (Physical Security) and to carry out related activities of section 7(B)(3) of the Executive Order.

§§ 2.104–2.109—[Reserved]

Subpart K—Administrative and Judicial Action

§ 2.110 Enforcement policy.

The Departmental Committee on National Security Information shall have the responsibility for establishing the Department's policy with respect to the enforcement of the Executive Order and Directive and these regulations.

§ 2.111 Applicability.

(a) Any individual, at any level of employment, determined to have been responsible for any unauthorized release or disclosure of national security information or material shall be notified that his action is in violation of the Executive Order, the implementing National Security Council Directive, or these regulations. In addition, he shall be subject to prompt and stringent action including, as appropriate in the particular case, a warning notice, formal reprimand, suspension without pay, or dismissal, in accordance with applicable personnel rules, regulations and procedures. Where a violation of criminal statutes may be involved, any such case shall be promptly referred to the Department of Justice.

(b) Repeated abuse of the classification process, either by unnecessary or over-classification, or repeated failure, neglect or disregard of established requirements for safeguarding classified information or material by any officer or employee shall be grounds for appropriate adverse or disciplinary action. Such action may include a warning notice, formal administrative reprimand, suspension without pay, or dismissal, as appropriate in the particular case, in accordance with applicable personnel rules, regulations and procedures.

§ 2.112 Disciplinary action.

After an affirmative adjudication of a security violation and as the occasion demands, reports of accountable security violations may be placed in the employee's official personnel folder and security file. The security official of the bureau or office concerned shall recommend to the respective management official or bureau head that disciplinary action be taken when such action is indicated. However, should circumstances warrant, the Department may take action under provisions of these regulations, of Executive Order 11652, any implementing National Security Council Directives, and Executive Order 10450, or any superseding applicable Executive Order.

Effective date: July 1, 1973.

Dated: July 9, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

APPENDIX A—DEPARTMENT OF THE TREASURY, TREASURY DEPARTMENT ORDER NO. 160, REVISED

DELEGATION OF AUTHORITY CONCERNING IMPLEMENTATION OF EXECUTIVE ORDER 11652, AS AMENDED, AND THE NATIONAL SECURITY DIRECTIVE OF MAY 17, 1972

By virtue of the authority delegated to me as Secretary of the Treasury by Executive Order 11652, 37 FR 5209, and National Security Council Directive of May 17, 1972, 37 FR 10053 (hereinafter referred to as the Executive Order and Directive), it is hereby ordered as follows:

SECTION 1. *Compliance responsibility.* The Assistant Secretary for Administration is delegated the authority to insure effective compliance with the implementation of the Executive Order and Directive and the Treasury regulations published thereunder in Part 2 of Title 31 of the Code of Federal Regulations. The Assistant Secretary for Administration is specifically delegated the authority to assign personnel to assist the Archivist of the United States in the exercise of his responsibility to review systematically for declassification all Treasury Department material classified before June 1, 1972, and more than thirty years old, and to perform other functions specified in part II D of the Directive.

SEC. 2. *Authority to classify.*—(a) *Top Secret.* The authority to classify information or material as Top Secret, Secret, or Confidential within the Department of the Treasury is hereby delegated to the Deputy Secretary, the Under Secretary for Monetary Affairs, the Under Secretary, the General Counsel, the Deputy Under Secretaries, the Assistant Secretaries, the Special Assistant to the Secretary (National Security), the Special Assistant to the Secretary (Public Affairs), and the Assistant to the Secretary for Legislative Affairs.

(b) *Secret.* The authority to classify information or material as Secret or Confidential within the Department of the Treasury is hereby delegated to the heads of bureaus.

(c) *Confidential.* Officials who possess Top Secret or Secret classification authority are hereby delegated the authority to designate in writing by title of position other officials who may exercise Confidential classification authority within the Department of the Treasury.

SEC. 3. *Authority to downgrade and declassify.* The authority to downgrade and declassify national security information or material within the Department of the Treasury shall be exercised by the following officials:

(a) The official authorizing the original classification, a successor in that capacity, or a supervisory official of either.

(b) An official specifically authorized in writing by an official authorized to classify information or material as Top Secret or Secret.

SEC. 4. *Departmental Committee on National Security Information.* There is hereby established a Departmental Committee on National Security Information which shall be composed of the Assistant Secretary for Administration, as chairman, and the General Counsel and the Special Assistant to the Secretary (National Security), as members. The functions of the Departmental Committee shall include the following:

(a) Review of and action upon applications and appeals regarding request for declassification, as provided in the Treasury regulations, 31 CFR Part 2, implementing the Executive Order and Directive.

(b) Review, upon request, of all decisions denying Treasury information and material on the ground of exemption under 5 U.S.C. 552(b)(1) except decisions of the Secretary of the Treasury continuing the classification of material over thirty years old under Part III D of the Directive and the Treasury regulation thereunder, 31 CFR 2.40.

(c) Action upon complaints in the administration of the Executive Order and Directive and the Treasury regulations thereunder.

(d) Establish the policy of the Department with respect to the enforcement of the Executive Order and Directive and the Treasury regulations thereunder.

SEC. 5. *Data Index System.* The Assistant Secretary for Administration is delegated the authority to establish a Data Index System in accordance with Part VII of the Directive. The Office of Administrative Programs, Assistant Director (Physical Security), shall maintain the Departmental Data Index System control file for all national security information or material originally classified within the Department.

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SEC. 6. *Training, orientation and inspection.* The Office of Administrative Programs, assistant Director (Physical Security), is hereby delegated, subject to the direction of the Assistant Secretary for Administration, the functions of establishing, coordinating and maintaining active training, orientation and inspection programs for employees concerned with classified information or material to assure that the provisions of the Executive Order and Directive are effectively administered throughout the Department of the Treasury.

SEC. 7. *Supersession.* This Treasury Department Order supersedes Treasury Department Order No. 160, Revised, entitled "National Security Information," issued under Executive Order 11652, August 3, 1972 37 FR 20990.

Effective date: July 1, 1973.

Dated: July 9, 1973.

[SEAL] GEORGE P. SCHULTZ,
Secretary of the Treasury.

[FR Doc.73-14505 Filed 7-18-73;8:45 am]

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

OIL POLLUTION PREVENTION

Non-Transportation-Related Onshore and Offshore Facilities; Proposed Rulemaking

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 112]

OIL POLLUTION PREVENTION

Non-Transportation-Related Onshore and Offshore Facilities

Section 311(j)(1)(C) of the Federal Water Pollution Control Act, 86 Stat. 868, 33 U.S.C. 1321(j)(1)(C), hereinafter "the Act", authorizes the President to issue regulations establishing procedures, methods, and equipment and other requirements for equipment to prevent discharges of oil and hazardous substances from vessels and from onshore facilities and offshore facilities, and to contain such discharges. With respect to discharges of oil, this authority is essentially a carry-over of the authority conferred upon the President by predecessor legislation, section 11(j)(1)(C) of the Federal Water Pollution Control Act Amendments of 1970 (Pub.L. 91-224). Pursuant to that section, authority to issue regulations with respect to discharges of oil from non-transportation-related onshore and offshore facilities was delegated to the Secretary of Interior (E.O. 11548, July 20, 1970, 35 FR 11677; 3 CFR 1966-1970 Comp.). That responsibility was transferred thereafter to the Administrator of the Environmental Protection Agency by Reorganization Plan No. 3 of 1970, 35 FR 15623. Delegations made pursuant to the prior law have been continued in full force and effect under section 311(j)(1)(C) of the Act by virtue of sec. 4(b) of the Federal Water Pollution Control Act Amendments of 1972, Pub.L. 92-500, 86 Stat. 897. It is anticipated that other regulations will be proposed with respect to discharges of hazardous substances in the near future.

In order to determine those procedures, methods, and equipment requirements appropriate for purposes of section 311(j)(1)(C), the laws, rules, and regulations of Federal, regional, State, and municipal water quality and health agencies were thoroughly reviewed and examined. In addition, careful review was made of rules of regulatory agencies in oil producing States and fire and insurance underwriter codes.

This regulatory review established that: (1) most State oil spill prevention and control laws and regulations are directed toward the protection of personnel and property from the consequences of oil discharges and that, (2) most of the State oil pollution control regulations for maintaining water quality emphasize detection, surveillance, and cleanup of spills once these have occurred. Seldom, however, do they specify detailed spill prevention measures for water pollution control purposes.

Accordingly, the proposed regulations emphasize measures which can be taken to prevent oil spills. It is apparent, however, that no single design or operational standard can be prescribed for all non-transportation-related onshore and offshore facilities, since the equipment and operational procedures appropriate for one facility may not be appropriate for another, depending on such factors as function, location and age of each facility. It also became apparent that new facilities could achieve a higher level of spill prevention than older facilities by the use of fail-safe design concepts and innovative spill prevention methods and procedures. It also became evident that older facilities could develop strong spill contingency plans and demonstrate commitments of manpower, oil containment and removal equipment and materials to compensate for their inherent weaknesses.

For these reasons, it was concluded that the best method to approach the policy goal enunciated by Congress in section 311(b)(1) of the Federal Water Pollution Control Act is to require that owners and operators of onshore and offshore non-transportation-related facilities develop and implement Spill Prevention Control and Countermeasure (SPCC) Plans to prevent the discharge of oil into the navigable waters of the United States or adjoining shorelines. It was also concluded that owners or operators would not be required to develop an SPCC Plan if their facilities had not discharged, and because of their location, could not be reasonably expected to discharge, oil into the navigable waters of the United States. This approach places responsibility on the owner or operator of a non-transportation-related onshore or offshore facility which could reasonably be expected to discharge oil into U.S. navigable waters to identify effective methods, procedures and equipment requirements to prevent oil spills and to incorporate them in a plan which conforms to State regulations or to the minimum standard guidelines contained in this proposed regulation, whichever are more stringent, and to fully implement that plan.

The minimum standard guidelines set forth in § 112.7 include fundamental and professionally accepted engineering practices, methods and procedures which have shown a high degree of success in preventing spills when used by the oil industry. Some fundamental practices will be common to all facilities subject to this part. Some will have individual peculiarities such that all requirements will never be included in any one set of guidelines.

It is envisioned that more specific preventive measures and equipment specification requirements may be considered as research and development and technology confirm soundness of design and functional effectiveness in water pollution prevention and control. The mechanism for future regulation will depend in large measure on the success of the Spill Prevention Control and Countermeasure Plan concept.

Interested persons may submit, in triplicate, written data or arguments in regard to the proposed regulations to the Environmental Protection Agency, Water Program Operations, Division of Oil and Hazardous Materials, Washington, D.C. 20460. All relevant material received on or before September 4, 1973, will be considered. Comments received pursuant to this notice will be available for review by an interested person, during normal working hours, in Room 1115, Waterside Mall East Tower, 4th and M Streets, S.W., Washington, D.C.

Dated: July 13, 1973.

ROBERT W. FRI,
Acting Administrator.

A new Part 112 would be added to Subchapter D, Chapter I of Title 40, Code of Federal Regulations as follows:

PART 112—OIL POLLUTION PREVENTION

Sec.
112.1 General; applicability.
112.2 Definitions.
112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.
112.4 Amendment to Spill Prevention Control and Countermeasure Plan by Regional Administrator.
112.5 Amendments of Spill Prevention Control and Countermeasure Plans by owners or operators.
112.6 Civil penalties.
112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

APPENDIX—Memorandum of understanding between the Secretary of the Department of Transportation and the Administrator of the Environmental Protection Agency, Section II—Definitions.

AUTHORITY: Sections 311(j)(1)(C) and 311(j)(2) and 501(a) of the Federal Water Pollution Control Act (Sec. 2, Pub.L. 92-500, 86 Stat. 816 et seq., 33 U.S.C. 1251 et seq.); sec. 4(b), Pub.L. 92-500 86 Stat. 897; 5 U.S.C. Reorg. Plan of 1970 No. 3 (1970), 35 FR 15623, 3 CFR 1966-1970 Comp.; E.O. 11548, 35 FR 11677, 3 CFR 1966-1970 Comp.

§ 112.1 General; applicability.

(a) This part establishes procedures, methods and requirements for equipment to prevent the discharge of oil from non-transportation-related onshore and offshore facilities into or upon the navigable waters of the United States or adjoining shorelines.

(b) Except as provided in paragraph (d) of this section, this part applies to owners or operators of non-transportation-related onshore and offshore facilities engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing and consuming oil and oil products.

(c) As provided in section 313 (86 Stat. 875) departments, agencies, and instrumentalities of the Federal government are subject to these regulations to the same extent as any person, except for the provisions of § 112.6.

(d) This part does not apply to:

(1) Equipment or operations of vessels or transportation-related onshore and offshore facilities which are subject to authority and control of the Department of Transportation.

(2) Facilities which have a total storage capacity of 1000 barrels or less of oil and such total storage capacity is buried underground.

(3) Facilities which have a total aboveground storage capacity of 500 U.S. gallons or less of motor fuels or heating oils.

(4) Non-transportation-related onshore and offshore facilities, which, due to their location, could not reasonably be expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines.

(e) This part provides for the preparation and implementation of Spill Prevention Control and Countermeasure Plans prepared in accordance with § 112.7, designed to complement existing laws, regulations, rules, standards, policies and procedures pertaining to safety standards, fire prevention and pollution prevention rules, so as to form a comprehensive balanced Federal/State spill prevention program to minimize the potential for oil discharges. Compliance with this part does not in any way relieve the owner or operator of an onshore or an offshore facility from compliance with other Federal, State or local laws.

§ 112.2 Definitions.

For the purposes of this part:

(a) "Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(b) "Barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(c) "Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping. For purposes of this part, the term "discharge" shall not include any discharge of oil which is authorized by a permit issued pursuant to section 13 of the River and Harbor Act of 1899 (30 Stat. 1121, 33 U.S.C. 407), or sections 402 or 405 of the FWPCA Amendments of 1972 (86 Stat. 816 et seq., 33 U.S.C. 1250 et seq.).

(d) "Onshore facility" means any facility of any kind located in, on, or under any land within the United States, other than submerged lands, which is not a transportation-related facility.

(e) "Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States, which is not a transportation-related facility.

(f) "Owner or operator" means any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment.

(g) "Person" includes an individual, firm, corporation, association, and a partnership.

(h) "Regional Administrator", means the Regional Administrator of the Environmental Protection Agency, or his designee, in and for the Region in which the facility is located.

(i) "Transportation-related" and "non-transportation-related" as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, 36 FR 24080.

(j) "Spill event" means a discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities, as defined at Part 110 of this chapter.

(k) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(l) "Navigable Waters" means the waters of the United States, including the territorial seas.

§ 112.3 Requirements for preparation and implementation of Spill Prevention Control and Countermeasure Plans.

(a) Owners and operators of onshore and offshore facilities in operation on or before the effective date of this part that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in Part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare a Spill Prevention Control and Countermeasure Plan (hereinafter "SPCC Plan"), in accordance with § 112.7 within six months after the effective date of this part. Except as provided for in paragraph (e) of this section, any such SPCC Plan prepared under this paragraph (a) shall be fully implemented as soon as possible, but not later than one year after the effective date of this part.

(b) Owners and operators of onshore and offshore facilities that become operational after the effective date of this part, and that have discharged or could reasonably be expected to discharge oil in harmful quantities, as defined in 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines, shall prepare an SPCC Plan in accordance with § 112.7 within six months from the date such facility begins operations. Except as provided for in paragraph (e) of this section, any such SPCC Plan prepared under this paragraph (b) shall be fully implemented as soon as possible, but not later than one year later such facility begins operations.

(c) No SPCC Plan shall be effective to satisfy the requirements of this part unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. By means of this certification the engineer, having examined the facility and being familiar with the provisions of this part, shall attest that the SPCC Plan has been prepared in accordance with good engineering practices. Such certification shall in no way relieve the owner or operator of an onshore or offshore facility of his duty to prepare and fully implement such Plan in accordance with § 112.7, as required by paragraphs (a) and (b) of this section.

(d) Owners and operators of a facility for which an SPCC Plan is required pursuant to paragraphs (a) and (b) of this section shall maintain a complete copy of the Plan at such facility and shall make such Plan available to the Regional Administrator for on-site review during normal working hours.

(e) Extensions of time:

(1) The Regional Administrator may authorize an extension of time for the full implementation of an SPCC Plan for a period not to exceed one year beyond the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraphs (a) and (b) of this section where he finds that the owner or operator of a facility subject to paragraphs (a) or (b) of this section cannot fully comply with the requirements of this part as a result of either delays in construction or equipment delivery beyond the control and without the fault of such owner or operator or their respective agents or employees.

(2) Any owner or operator seeking an extension of time pursuant to paragraph (e)(1) of this section may submit a letter of request to the Regional Administrator. Such letter shall include:

(i) A complete copy of the SPCC Plan;

(ii) A full explanation of the cause for any such delay and the specific aspects of the SPCC Plan affected by the delay;

(iii) A full discussion of actions being taken or contemplated to minimize or mitigate such delay;

(iv) A proposed time schedule for the implementation of any corrective actions being taken or contemplated, including interim dates for completion of tests or studies, installation and operation of any necessary equipment or other preventive measures.

In addition, such owner or operator, with the consent of the Regional Administrator, may present additional oral or written statements in support of his letter of request.

(3) The submission of a letter of request for extension of time pursuant to paragraph (e)(2) of this section shall in no way relieve the owner or operator from his obligation to comply with the requirements of § 112.3 (a) or (b). Where an extension of time is authorized by the Regional Administrator for particular equipment or other specific aspects of the SPCC Plan, such extension shall in no way affect the owner's or operator's obligation to comply with the requirements of § 112.3 (a) or (b) with respect to other equipment or other specific aspects of the SPCC Plan for which an extension of time has not been expressly authorized.

§ 112.4 Amendment of Spill Prevention Control and Countermeasure Plan by Regional Administrator.

(a) Notwithstanding compliance with § 112.3, whenever a facility subject to § 112.3 (a) or (b) has:

(1) Discharged more than 1000 U.S. gallons of oil into or upon the navigable waters of the United States or adjoining shorelines in a single spill event, or

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(2) Discharged oil in harmful quantities, as defined in 40 CFR part 110, into or upon the navigable waters of the United States or adjoining shorelines in two spill events, reportable under section 311(b)(5) of the FWPCA, occurring within any twelve month period, the owner or operator of such facility shall submit to the Regional Administrator, within 60 days from the time such facility becomes subject to this section, the following:

(i) Name of the facility;

(ii) Name(s) of the owner and operator of the facility;

(iii) Location of the facility;

(iv) Date and year of initial facility operation;

(v) Maximum storage or handling capacity of the facility and normal daily throughput;

(vi) Description of the facility, including maps, flow diagrams, and topographical maps;

(vii) A complete copy of the SPCC Plan with any amendments;

(viii) The cause(s) of such spill, including a failure analysis of system or subsystem in which the failure occurred;

(ix) The corrective actions and/or countermeasures taken, including an adequate description of equipment repairs and/or replacements;

(x) Additional preventive measures taken or contemplated to minimize the possibility of recurrence;

(xi) Such other information as the Regional Administrator may require.

(b) This subsection shall not apply until the expiration of the time permitted for the preparation and implementation of an SPCC Plan pursuant to paragraphs (a) or (b) of § 112.3.

(c) A complete copy of all information provided to the Regional Administrator pursuant to paragraph (a) of this section shall be sent at the same time to the State agency in charge of water pollution control activities in and for the State in which the facility is located. Upon receipt of such information such State agency may conduct a review and make recommendations to the Regional Administrator as to further procedures, methods, equipment and other requirements for equipment necessary to prevent and to contain discharges of oil from such facility.

(d) After review of the SPCC Plan for a facility subject to paragraph (a) of this section, together with all other information submitted by the owner or operator of such facility, and by the State agency under paragraph (c) of this section, the Regional Administrator may require the owner and/or operator of such facility to amend the SPCC Plan if he finds that the Plan does not meet the requirements of this part or that the amendment of the Plan is necessary to prevent and to contain discharges of oil from such facility.

(e) When the Regional Administrator proposes to require an amendment to the SPCC Plan, he shall notify the facility operator by certified mail addressed to, or by personal delivery to, the facility owner or operator, that he proposes to require an amendment to the Plan, and shall specify the terms of such amendment. If the facility owner or operator is a corporation, a copy of such notice shall also be mailed to the registered agent, if any, of such corporation in the State where such facility is located. Within 30 days from receipt of such notice, the facility owner or operator may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Regional Administrator shall notify the facility owner or operator of any amendment required or shall rescind the notice. The amendment required by the Regional Administrator shall become part of the Plan 30 days after such notice, unless the Regional Administrator, for good cause, shall specify an earlier effective date. The owner and operator of the facility shall implement the amendment of the Plan as soon as possible, but not later than six months after the amendment becomes part of the Plan, unless the Regional Administrator specifies another date.

§ 112.5 Amendments of Spill Prevention Control and Countermeasure Plans by owner or operator.

(a) Owners and operators of facilities subject to § 112.3(a) or (b) shall amend the SPCC Plan for such facility in accordance with § 112.7 whenever there is a change in facility design, construction, operation or maintenance which materially affects the facility's potential for the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines. Such amendments shall be fully implemented as soon as possible, but not later than six months after such change occurs.

(b) Notwithstanding compliance with paragraph (a) of this section, owners and operators of facilities subject to § 112.3(a) or (b) shall complete a review and evaluation of the SPCC Plan at least once every three years from the date such facility becomes subject to this part and, within six months from the date of such evaluation, shall amend the SPCC Plan for such facility to include more effective prevention and control technology which has been field proven as of the date of the completion of such review and evaluation.

(c) Whenever a facility becomes subject to § 112.4, the owner and operator of such facility shall immediately review and evaluate the SPCC Plan for such facility and shall amend such Plan and shall fully implement such amendments in accordance with § 112.4 so as to prevent the recurrence of such discharges of oil from such facility. Compliance with this paragraph (c) shall in no way relieve the owner or operator of such facility from his obligation to comply with § 112.4.

(d) No amendment to an SPCC Plan shall be effective to satisfy the requirements of this section unless it has been certified by a Professional Engineer in accordance with § 112.3(c).

§ 112.6 Civil penalties.

Owners or operators of facilities subject to § 112.3(a) or (b) who violate the requirements of this part by failing or refusing to comply with any of the provisions of § 112.3, § 112.4, or § 112.5 shall be liable for a civil penalty of not more than $5,000 for each day that such violation continues. The Regional Administrator may assess and compromise such civil penalty. No penalty shall be assessed until the owner or operator shall have been given notice and an opportunity for hearing.

§ 112.7 Guidelines for the preparation and implementation of a Spill Prevention Control and Countermeasure Plan.

The SPCC Plan shall be a carefully thought out plan which is technically sound and has the full approval of management at a level with authority to commit the necessary resources. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items should be discussed in separate paragraphs, and the details of installation and operational start-up should be explained separately. The complete SPCC Plan shall follow the sequence outlined below, and include a discussion of the facility's compliance with the appropriate guidelines listed:

(a) A facility which has experienced one or more reportable oil spills within twelve months prior to the effective date of this part shall include a written description of each such spill, corrective action taken and plans for preventing recurrence.

(b) Where experience indicates a reasonable potential for equipment failure; a facility shall include a prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each major type of failure.

(c) As a result of the prediction, appropriate containment and/or diversionary structures or equipment to prevent discharged oil from reaching a navigable water course shall be provided. One of the following preventive systems or its equivalent should be used as a minimum:

(1) *Onshore facilities.* (i) Impervious dikes, berms or retaining walls,

(ii) Curbing,

(iii) Culverting, gutters or drains,

(iv) Weirs, booms or other barriers,

(v) Spill diversion ponds,

(vi) Retention ponds.

(2) *Offshore facilities.* (i) Floating booms or "fences" which can be deployed to keep oil from spreading.

(ii) Oil-water separation pumps (floating) with onboard or floating oil receiving vessels.

(d) When it is determined that the installation of structures or equipment listed in § 112.7(c) to prevent discharged oil from reaching the navigable waters

is not practicable from any onshore or offshore facility, the owner or operator shall clearly demonstrate such impracticability and provide the following:

(1) A strong oil spill contingency plan following the provision of Part 109 of this Chapter.

(2) A written commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of oil discharged.

(e) In addition to the minimal prevention standards listed under § 112.7(c), sections of the Plan shall include a complete discussion of compliance with the following applicable guidelines (or, if more stringent, with State rules, regulations and guidelines):

(1) *Facility drainage (onshore); (Excluding production facilities).* (i) Drainage from diked storage areas should be valve-restrained to prevent a spill or other excessive leakage of oil into the drainage system or in-plant effluent treatment system, except where plant systems are designed to handle such leakage.

(ii) Flapper-type drain valves should not be used to drain diked areas. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. The condition of the retained storm water should be determined before drainage, especially if such drainage of impounded waters goes into water courses and not into wastewater treating plants, as discussed in paragraph (e)(2)(iii)(B) of this section.

(iii) All plant drainage systems, if possible, should flow into ponds, lagoons, or catchment basins designed to retain oil, or return it to the facility.

(iv) If plant drainage is not engineered as above, the final discharge of all in-plant ditches should be equipped with a diversion system that could, in the event of an uncontrolled spill, return the oil to the plant.

(v) Where drainage waters are treated in more than one treatment unit, natural hydraulic flow should be used. If pump transfer is needed, two "lift" pumps should be provided, and at least one of the pumps should be permanently installed when such treatment is continuous.

(2) *Bulk storage tanks (onshore); (Excluding production facilities).* (i) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.

(ii) All bulk storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spilled oil. Dikes, containment curbs, and pits are commonly employed for this purpose, but they may not always be appropriate. An alternative system could consist of a complete drainage trench enclosure arranged so that a spill could terminate and be safely confined in an in-plant catchment basin or holding pond.

(iii) Drainage of rainwater from the diked area into a storm drain or an effluent discharge that empties into an open water course, lake, or pond, and by-passing the in-plant treatment system may be acceptable if:

(A) The by-pass valve is normally sealed closed.

(B) Inspection of the run-off rain water ensures compliance with applicable water quality standards and will not cause a harmful discharge as defined in Part 110 of this chapter.

(C) The by-pass valve is opened, and resealed following drainage under the responsible supervision.

(D) Adequate records are kept of such events.

(iv) Buried metallic storage tanks represent a potential for undetected spills. A new buried installation should be wrapped and coated to retard corrosive action. In addition, the earth should be subjected to electrolytic testing to determine if the tank should be further shielded by a cathodic protection system. Such buried tanks should at least be subjected to regular pressure testing.

(v) Partially buried metallic tanks for the storage of oil should be avoided, unless the buried section of the shell is adequately coated, since partial burial in damp earth can cause rapid corrosion of metallic surfaces, especially at the earth/air interface.

(vi) Aboveground tanks, depending on design (floating roof, etc.), should be subjected to integrity testing, either by hydrostatic testing, visual inspection or by a system of non-destructive shell thickness testing. When the latter system of integrity testing is used, comparison records of shell thickness reduction should be maintained.

(vii) To control leakage through defective internal heating coils, the following factors should be considered and applied, as appropriate.

(A) The steam return or exhaust lines from internal heating coils which discharge into an open water course should be monitored for contamination, or passed through a settling tank, skimmer, or other separation or retention system.

(B) The feasibility of installing an external heating system should also be considered.

(viii) Each bulk storage tank should be externally examined at least once a month. Each inspection should include an examination of seams, rivets, bolts, gaskets, nozzle connections, valves, and pipelines directly connected to the tank, and condition of the foundation and/or supports.

(ix) New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Consideration should be given to providing the following devices:

(A) High liquid level bell or horn alarms with an audible signal at a constantly manned operating or listening station; in smaller plants an audible air vent may suffice.

(B) Considering size and complexity of the facility, high liquid level pump cutoff devices set to stop flow at a predetermined tank content level.

(C) Direct audible or code signal communication between the tank gauger and the pumping station.

(D) At least one fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepulse, or direct vision gauges.

(E) Liquid level sensing devices should be subjected to regularly scheduled inspection and test to verify proper operation.

(x) Plant effluents which are discharged into navigable waters should have disposal facilities inspected frequently enough to detect possible system upsets that could cause an oil discharge.

(xi) Visible oil leaks which result in a loss of oil from tank seams, gaskets, rivets and bolts should be promptly corrected.

(3) *Intra-facility transfer operations, pumping, and inplant process (onshore); (excluding production facilities).* (i) Buried piping installations should have a protective wrapping and coating and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it should be inspected for condition. If corrosion damage is found, additional inspection and corrective action should be taken as indicated by the magnitude of the damage. An alternative would be the more frequent use of exposed pipe corridors or galleries.

(ii) When a pipeline is not in service, or in standby service for an extended time the terminal connection at the transfer point should be capped or blank-flanged, and marked as to origin.

(iii) Pipe supports should be properly designed to minimize abrasion and corrosion and allow for expansion and contraction.

(iv) All aboveground valves and pipelines should be subjected to a regularly scheduled inspection at which time the general condition of items, such as flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces should be assessed.

(v) Vehicular traffic granted entry into the facility should be inspected or warned to be sure that the vehicle, because of its size, will not endanger above ground piping.

(4) *Intra-facility tank car and tank truck loading/unloading (onshore).* (i) Tank car and tank truck loading/unloading procedures shall meet the minimum requirements and regulation established by the Department of Transportation.

(ii) A quick drainage system should be used for tank truck unloading areas. The containment system should be designed to hold at least maximum capacity of any single tank truck loaded or unloaded in the plant.

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(iii) An interlocked warning light or physical barrier system, or warning signs, should be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

(iv) Prior to filling and departure of any tank car or tank truck, the lowermost drain and all outlets of such vehicles should be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent liquid leakage while in transit.

(5) *Oil production facilities* (onshore). (i) *Definition.* An onshore production facility includes all wells, flowlines, separation equipment, storage facilities, gathering lines, and auxiliary nontransportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) *Oil production facility (onshore) drainage.* (A) At tank batteries and central treating stations where an accidental discharge of oil would have a reasonable possibility of reaching navigable waters, the dikes or equivalent required under paragraph (c)(1) of this section should have drains closed and sealed at all times except when rainwater is being drained under surveillance of an authorized person. Accumulated oil on the rainwater will be picked up and returned to storage or disposed of in accordance with approved methods.

(B) Field drainage ditches, road ditches, and oil traps or skimmers, if such exist, should be inspected at regularly scheduled intervals for accumulation of oil that may have escaped from small leaks. Any such accumulations should be removed.

(iii) *Oil production facility (onshore) bulk storage tanks.* (A) No tank should be used for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage.

(B) All tank battery and central treating plant installations should be provided with a secondary means of containment for the entire contents of the largest single tank if feasible, or alternate systems such as in paragraph (c)(1) of this section. Drainage from undiked areas will be safely confined in a catchment basin or holding pond.

(C) All tanks containing oil should be visually inspected by a competent person for condition and need for maintenance on a scheduled periodic basis. Such inspection should include the foundation and supports of tanks that are above the surface of the ground.

(D) New and old tank battery installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to prevent spills. Consideration should be given to the following:

(*1*) Adequate tank capacity to assure that a tank will not overfill should a pumper/gager be delayed in making his regular rounds.

(2) Overflow equalizing lines between tanks so that a full tank can overflow to to adjacent tank.

(*3*) Adequate vacuum protection to prevent tank collapse during a pipeline run.

(*4*) High level sensors to generate and transmit an alarm signal to the computer where facilities are a part of a computer production control system.

(iv) *Intra-facility transfer operations, oil production facility (onshore).* (A) All above ground valves and pipelines should be inspected periodically on a scheduled basis for general condition of items such as flange joints, valve glands and bodies, drip pans, pipeline supports, pumping well polish rod stuffing boxes, bleeder and gauge valves.

(B) Salt water (oil field brine) disposal facilities should be inspected often, particularly following a sudden change in atmospheric temperature to detect possible system upsets that could cause an oil discharge.

(C) Records should be kept of flowline repairs and used by the operator as a basis for a maintenance and replacement program designed to eliminate or minimize oil discharges from flowline leaks.

(6) *Oil drilling and production facilities (offshore).* (i) Definition. An oil drilling and production facility (offshore) includes all drilling equipment, wells, flowlines, gathering lines, platforms, and auxiliary non-transportation-related equipment and facilities in a single geographical oil or gas field operated by a single operator.

(ii) Oil drainage collection equipment shall be used to prevent and control small oil spillage around pumps, glands, valves, flanges, expansion joints, hoses, drain lines, separators, treaters, tanks, and allied equipment. Drains on the facility shall be controlled and directed toward a central collection sump or equivalent collection system sufficient to prevent discharges of oil into the navigable waters of the United States. Where drains and sumps are not practicable oil contained in collection equipment will be removed as often as necessary to prevent overflow.

(iii) For facilities employing a sump system, sump and drains should be adequately sized and a spare pump or equivalent method should be available to remove liquid from the sump and assure that oil does not escape. A regular scheduled preventive maintenance inspection and testing program should be employed to assure reliable operation of the liquid removal system and pump start-up device. Redundant automatic sump pumps and control devices may be required on some installations.

(iv) Separator and treater dump valves in areas where the predominant mode of dump valve failure is in the closed position and pollution risk is high, should be specially equipped to prevent the escape of oil. This could be accomplished extending the flare line to a diked area if the separator is near shore, equipping it with a high liquid level sensor that will automatically shut-in wells producing to the separator, parallel redundant dump valves, or other feasible alternatives.

(v) Atmospheric storage or surge tanks shall be equipped with high liquid level sensing devices or other acceptable alternatives to prevent oil discharges.

(vi) Pressure tanks shall be equipped with high and low pressure sensing devices to sound an alarm and control the flow or other acceptable alternatives to prevent oil discharges.

(vii) Tanks shall be equipped with suitable corrosion protection.

(viii) A written procedure for inspecting and testing pollution prevention equipment and systems shall be prepared and maintained at the facility. Such procedures shall be included as part of the SPCC Plan.

(ix) Testing and inspection of the pollution prevention equipment and systems at the facility shall be conducted by the owner or operator on a scheduled periodic basis commensurate with the complexity, conditions and circumstances of the facility or other appropriate regulations.

(x) Surface and subsurface well shut-in valves and devices shall be sufficiently described to determine method of activation or control, e.g., pressure differential, change in fluid or flow conditions, combination of pressure and flow, manual or remote control mechanisms.

(xi) Before drilling below any casing string, a blowout preventer (BOP) assembly and well control system shall be installed that is capable of controlling any wellhead pressure that is expected to be encountered while that BOP assembly is on the well. BOP installations shall be in accordance with State regulatory agency requirements.

(xii) Extraordinary well control measures shall be provided should emergency conditions, including fire, loss of control and other abnormal conditions, occur. The degree of control system redundancy should vary with hazard exposure and probable consequences of failure. It is recommended that surface shut-in systems have redundant or "fail close" valving. Subsurface safety valves may not be needed in producing wells that will not flow but should be installed as required by applicable State regulations.

(xiii) In order that there will be no misunderstanding of joint and separate duties and obligations to perform work in a safe and pollution free manner, written instructions should be prepared by the owner or operator for contractors and subcontractors to follow whenever contract activities include servicing a well or systems appurtenant to a well or pressure vessel. Such instructions and procedures shall be maintained at the offshore production facility. Under certain circumstances and conditions such contractor activities may require supervision by an authorized representative of the owner or operator of the facility.

(xiv) Flowlines from high pressure wells should be equipped with high pressure sensing devices at the wellhead if the shut-in well pressure is greater than the working pressure of the flowline and manifold.

(xv) All headers shall be equipped with check valves on individual flowlines. The flowline and valves from each well located upstream of, and including, the header valves shall withstand the shut-in pressure of that well, unless provided with a pressure relief valve or control valve to protect the header.

(xvi) All pipelines appurtenant to the facility shall be protected from corrosion. Methods used, such as protective coatings or cathodic protection, should be discussed.

(xvii) Sub-marine pipelines appurtenant to the facility should be adequately protected against environmental stresses and other activities such as fishing operations.

(xviii) Sub-marine pipelines appurtenant to the facility shall be in good operating condition at all times and inspected on a scheduled periodic basis for failures. Such inspections shall be documented and maintained at the facility.

(7) *Inspections and records.* Inspections required by this part shall be in accordance with written procedures developed for the facility by the owner or operator. These written procedures and a record of the inspections, signed by the appropriate supervisor or inspector, shall be made part of the SPCC Plan.

(8) *Security (excluding oil production facilities).* (i) All plants handling, processing, and storing oil should be fully fenced, and entrance gates should be locked and/or guarded when the plant is not in production or is unattended.

(ii) The master flow and drain valves and any other valves that will permit direct outward flow of the tank's content should be securely locked in the closed position when in non-operating or non-standby status.

(iii) The starter control on all oil pumps should be secured or electrically isolated in the "off" position when the pumps are in a non-operating or non-standby status.

(iv) The loading/unloading connections of oil pipelines should be securely capped or blank-flanged when not in service or standby service for an extended time. This security practice should also apply to pipelines that are emptied of liquid content either by draining or by inert gas pressure.

(v) The SPCC Plan should include a discussion of lighting that exists around the facility.

(9) *Personnel, training and spill prevention procedures.* (i) Owners or operators are responsible for properly instructing their personnel in the operation and maintenance of equipment to prevent the discharges of oil and applicable pollution control laws, rules and regulations.

(ii) Each applicable facility shall have a designated person who is accountable for oil spill prevention and who reports to line management.

(iii) Owners or operators shall schedule and conduct spill prevention briefings for their operating personnel at intervals frequent enough to assure adequate understanding of the SPCC Plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

APPENDIX—MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF TRANSPORTATION AND THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term:

(1) "Non-transportation-related onshore and offshore facilities" means:

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility,

unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and the wellhead separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for offloading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "transportation-related onshore and offshore facilities" means:

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a non-transporation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

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THE PRESIDENT

■

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ECONOMIC STABILIZATION; PHASE IV

Stage A: Regulations for Food

No. 138—Pt. IV——1

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Title 3—The President

PROCLAMATION 4230

Amending Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS the import restrictions proclaimed pursuant to said section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the Secretary of Agriculture has reported to me that he believes that additional quantities of dried milk provided for in item 950.02 of the Tariff Schedules of the United States (hereinafter referred to as "nonfat dry milk") may be entered for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists with respect to nonfat dry milk which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during the period ending August 31, 1973, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that the entry during the period ending August 31, 1973, of an additional quantity of 80,000,000 pounds of nonfat dry milk will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially

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the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on nonfat dry milk should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that subdivision (vi) of headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

(vi) Notwithstanding any other provision of this part, 25,000,000 pounds of dried milk described in item 115.50 may be entered during the period beginning December 30, 1972, and ending February 15, 1973, 60,000,000 pounds of such milk may be entered during the period beginning May 11, 1973, and ending June 30, 1973, and 80,000,000 pounds of such milk may be entered during the period beginning July 19, 1973, and ending August 31, 1973, in addition to the annual quota quantity specified for such article under item 950.02, and import licenses shall not be required for entering such additional quantities. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during each such period enter pursuant to this provision quantities of such additional dried milk totaling in excess of 2,500,000 pounds.

The 80,000,000 pound additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of July in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-15056 Filed 7-18-73;5:36 p.m.]

EXECUTIVE ORDER 11730

Further Providing for the Stabilization of the Economy

On June 13, 1973, I ordered a freeze for a maximum period of 60 days on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products. At that time, I stated that the freeze period would be used to develop a new and more effective system of controls to follow the freeze. Planning for the Phase IV program has proceeded rapidly and I have, therefore, decided that the freeze on food, except for beef, should be removed and more flexible controls substituted in a two-stage process in the food industry. The first stage will be effective at 4:00 p.m., e.s.t., July 18, 1973. The freeze in other sectors of the economy will continue through August 12, 1973. I am also directing the Cost of Living Council to publish for comment now, proposed plans for Phase IV controls in other sectors of the economy. I have determined that this action is necessary to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. Executive Order 11723 establishing a freeze on prices effective 9:00 p.m. e.s.t., June 13, 1973, for a maximum period of 60 days is hereby superseded except as hereinafter provided. Under the provisions of Executive Order 11695, the freeze regulations issued by the Cost of Living Council, pursuant to the authority of Executive Order 11723 remain in effect except as the Chairman of the Cost of Living Council may modify them. The price freeze established by Executive Order 11723 remains in effect until 11:59 p.m., e.s.t., August 12, 1973, except to the extent the Chairman of the Cost of Living Council may modify it.

SEC. 2. All orders, regulations, circulars, rulings, notices or other directives issued and all other actions taken by any agency pursuant to Executive Order 11723, and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect unless or until altered, amended, or revoked by the Chairman of the Cost of Living Council.

SEC. 3. This order shall not operate to defeat any suit, action, prosecution, or administrative proceeding, whether heretofore or hereafter commenced, with respect to any right possessed, liability incurred, or offense committed prior to this date.

SEC. 4. Executive Order 11695 continues to remain in full force and effect.

Richard Nixon

THE WHITE HOUSE,
July 18, 1973.

[FR Doc.73-15057 Filed 7-18-73;5:36 p.m.]

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A for Food

The purpose of these amendments to the Cost of Living Council's regulations is to implement Executive Order 11730 by modifying the Freeze regulations to remove the ceilings on prices for food other than meat and by amending the Phase III regulations to remove its ceilings on prices for pork and lamb. These changes comprise Stage A of Phase IV for the food industry and will last until 11:59 p.m., e.s.t., September 11, 1973. During this same time, the ceiling prices on beef are continued and Parts 130 and 140 of this chapter remain in effect for food except as herein modified. Effective September 12, 1973, all food will fully enter Phase IV and be subject to regulations similar to the controls for the industrial, wholesale and retail sectors.

Food

During Stage A, the food industry for sales other than meat, will be governed by a new Subpart I to the Freeze Regulations set out in Part 140. Subpart I establishes special price rules for sales of food which allow a dollar-for-dollar pass-through of increases in the costs of raw agricultural products, and require a dollar-for-dollar pass-through of decreases in these costs.

The amount by which a price can be increased under Subpart I due to an increase in the cost of a raw agricultural product is determined by comparing costs during the freeze cost period to current costs. The excess of current costs over freeze costs, due to raw agricultural product price increases, is an "allowable cost increase" which sellers can charge above their freeze prices. Section 140.92 defines "freeze cost" for most purposes as the average cost of a raw agricultural product received during the freeze cost period, calculated by dividing the total cost of that product by the total quantity of that product. Slightly differing rules apply to processed food items.

The "freeze cost period" is the same for a buyer as the "freeze base period" is for a seller: The period June 1 through June 8, 1973, or if the buyer received no deliveries then, the nearest preceding seven-day period in which he received a delivery. "Cost" is defined to include transportation charges calculated at the rates that were charged during the freeze cost period, but does not include service charges such as brokerage fees.

"Current cost", to which the "freeze cost" is to be compared to ascertain an "allowable cost increase", is determined in the same way as "freeze cost", except that the time period to which one looks is different. "Current cost" looks to the purchaser's most recently completed "repricing period", which is the time period at whose end a firm would normally reprice a food item.

"Raw agricultural products", whose increased cost can be passed on, is defined to mean communities of the type exempted in § 140.31 of the Freeze Regulations.

"Food" is defined to mean an item primarily produced for human or animal ingestion, except for alcohol, tobacco, drugs, and meat subject to Subpart M of Part 130. This definition differs in two ways from that formerly employed in that it includes both animal feeds, and items with both food and non-food end uses, such as soybean oil, so long as their primary use is as food. An item is not treated as food under this definition until it has been processed or, if it is the sort that is sold in its original physical form for ultimate human consumption (not, as above, for human or animal consumption), until after its first sale.

General pricing rules. Section 140.93 sets out the methods for applying allowable cost increases in three basic situations. The first is where a raw agricultural product is sold for consumption in its original physical form. A wholesaler or retailer who buys this good directly from a producer may charge a price above the freeze price to reflect, on a dollar-for-dollar basis, any allowable cost increase for that good. Similarly, when costs go down he must lower his prices to reflect, on a dollar-for-dollar basis, this decrease.

The second situation is where raw agricultural products are purchased by a food manufacturer or processor for processing. The purchaser may effect a dollar-for-dollar pass through of an allowable cost increase by raising the price he charges for the processed food item he prepares from these raw agricultural products and must likewise lower his prices when these costs go down.

The final situation occurs when a seller purchases a food item, whether processed or not, for resale. This seller may pass through, on a dollar-for-dollar basis, any increases in allowable costs which have been passed on to him, and must also reflect any decreases in the cost of raw agricultural products which have been passed on to him.

Certification. Section 140.93 provides that changes in the cost of raw agricultural products are passed up the distribution chain by means of a certification on the invoice. The person in the distribution chain who first experiences a change in his costs stemming from a change in the prices for raw agricultural products, must state on each invoice to his customer the amount of the price charged that is due to an allowable cost increase being passed through under this Subpart, and the amount due to a required cost decrease. He also certifies on the invoice, in the form set out in § 140.97, that any increase has been passed through only on a dollar-for-dollar basis, and that all required decreases have been passed through on a dollar-for-dollar basis.

A person who buys from him may in turn pass any increase on (and must pass any decrease on) by making the proper certification on the invoices that he gives his customers. At the end of the distribution chain, the retailer is not required to supply any certification to his customers. While a food firm may take an allowable cost increase at any time after it is incurred, it must make a required cost decrease upon the expiration of the repricing period during which the cost decrease occurs.

All decreases must be passed through, but they may be balanced by any allowable cost increases which have not been taken. Once the current cost goes below the freeze cost, however, a seller must decrease the price he charges even if he did not take advantage of any allowable cost increases, because when freeze cost and current cost are the same, by definition any earlier allowable cost increases will have been matched by required cost decreases.

Other rules. Section 140.93(d) sets out a fourth situation in which increases may be passed on as allowable cost increases. A firm whose costs for a food item during the freeze cost period exceeded its freeze price (and which was therefore stuck in a loss position), may under this paragraph reach back to January 10, 1973 to find increases in raw agricultural product costs. To the extent these increases are not already reflected in the freeze price, they may be used to justify price adjustments in the same manner as allowable cost increases and, when properly certified, passed up the distribution chain. They may not, however, be used as justification for charging a price above the freeze cost. Any price above freeze cost must be justified as an allowable cost under paragraph (a), (b), or (c) of § 140.93.

Inventory may also be repriced if the average cost of a food item in inventory exceeds the freeze price. However, a price charged for repriced inventory may not exceed the average cost of the food item during its cost base period and may not reflect allowable cost increases. Like other price adjustments, these may be passed on to purchasers when certified on an invoice.

Food service organizations which sell meat are subject to the freeze rather than meat ceiling prices. Section 140.93(f) allows these organizations to also pass through increased costs for pork and lamb in the same manner provided in the new § 130.128 for other sellers of meat derived from swine and sheep.

Finally, a price change made under Subpart I does not, according to § 140.98, trigger the prenotification provisions of Subpart F of Part 130, relating to food firms, but it does create a requirement under § 140.99 that firms with annual sales or revenues over $50 million keep records justifying the price change.

Freeze price information and commodity futures.

Because food prices will now fluctuate, § 140.20(c) is amended to exempt sellers of food from the freeze price information requirements. However, sellers must still maintain complete records on freeze prices and make them available on request to representatives of the Economic Stabilization Program. Due to the release of food prices from the freeze, the commodity futures exemption has also

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been broadened to exempt commodities subject to the provisions of Subpart I.

PORK AND LAMB

The other major change for food is the removal of the ceiling on prices for pork and lamb. These meat items are treated in a similar manner to food under Subpart I. Prices may now be charged in excess of ceiling prices to reflect increase raw material costs on a dollar-for-dollar basis in accordance with special rules set forth in Subpart M to Part 130.

The special rules for pork and lamb are structured around a change in the gross margin rule in § 130.57d. This rule limits the pass-through of the cost of meat raw materials to a dollar-for-dollar basis for firms engaged in slaughtering and processing of livestock or the manufacturing of meat products. The amendment to the gross margin rule in § 130.57d(e) establishes a special pricing rule for firms slaughtering or processing swine and sheep by which these firms will calculate permissible total sales revenues for the period July 18 to September 12, 1973.

Subpart M of Part 130 is then amended to permit meat firms slaughtering or processing meat items derived from swine and sheep to charge a price in excess of a ceiling price to the extent necessary to permit the total sales revenues for the period July 18, 1973 to September 12, 1973 to equal the permissible total sales revenues for the period July 18–September 12, 1973 as calculated in § 130.57d(e). Meat prices must also be decreased to the extent necessary to maintain the firm's total sales revenues for July 18–September 12 within its permissible total sales revenues for that period.

Like the rules in Subpart I, whenever a firm adjusts a price in accordance with the rules in § 130.127, it must certify the adjustment on an invoice to its customers. These wholesalers and retailers may then in turn under § 130.128 charge a price in excess of their ceiling price to reflect, on a dollar-for-dollar basis, the price increase certified on the invoice. Wholesalers and retailers must also decrease prices on a dollar-for-dollar basis to reflect price decreases certified on invoices.

Any price adjustments made pursuant to these special rules for sales of pork and lamb are exempt from the prenotification requirements of Subpart F. Each firm, with annual sales or revenues, in excess of $50 million derived from sales of food must, however, maintain comprehensive records on all price adjustments made pursuant to § 130.127 and §130.128.

Because prices for pork and lamb will now fluctuate like food prices, sellers of meat derived from swine and sheep are exempt from the ceiling price information requirements of § 130.124. The ceiling on prices for meat futures is also removed with respect to meat items derived from swine and sheep which are subject to § 130.127.

Because the purpose of these regulations is to provide immediate guidance as to Executive Order 11730 and to Cost of Living Council decisions, I find that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Special Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489; E.O. 11730, 38 FR 19345)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective 4:00 p.m., e.s.t., July 18, 1973.

Issued in Washington, D.C., on July 18, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council, and Director, Special Freeze Group.

§ 130.57d [Amended]

1. § 130.57d(c)(1) is amended to read: "Livestock" means—

(i) For the purpose of calculating the pricing rule in paragraph (d), cattle.

(ii) For the purpose of calculating the special pricing rule in paragraph (e), swine and sheep.

2. § 130.57d(c)(2) is amended to read: "Meat products" means—

(i) For the purpose of calculating the pricing rule in paragraph (d), "meat" as defined in § 130.123 derived from cattle and any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40 percent of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from cattle.

(ii) For the purpose of calculating the pricing rule in paragraph (e), "meat" as defined in § 130.123 derived from swine and sheep and any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40 percent of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from swine and sheep.

3. § 130.57d(e) and § 130.57d(f) are renumbered § 130.57d(f) and § 130.57d(g) respectively.

4. § 130.57d(e) is added to read as follows:

(e) *Special pricing rule for swine and sheep.* (1) Effective 4:00 p.m., e.s.t., July 18, 1973 until 11:59 p.m., e.s.t., September 11, 1973, except as provided in paragraph (d)(3) of this section, permissible total sales revenues for the period July 18–September 12, 1973 may not exceed an amount derived from the following computation: the base period gross margin multiplied by the meat raw material during the period July 18–September 12, 1973 plus meat raw material cost during the period July 18–September 12, 1973. This computation is illustrated by use of the following equation:

Base period gross margin per hundredweight	×	Meat raw material for the period July 18–Sept. 12, 1973 measured by hundredweight	+	Meat raw material costs for the period July 18–Sept. 12, 1973.	=	Permissible total sales revenues for the period July 18–Sept. 12, 1973.

(2) In computing meat raw material and meat raw material costs for the period July 18–September 12, 1973 for the purpose of determining permissible total sales revenues for the period July 18–September 12, 1973, a firm must exclude all livestock, semi-processed livestock, and meat products purchased and resold without change in form.

(3) Sales revenues in the period July 18–September 12, 1973 may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (d)(1) of this section if the excess results from: (i) Allowable cost increases other than meat raw material costs, or (ii) seasonal patterns or a change in product mix. Any justification based upon seasonal patterns or a change in product mix shall be reported or retained in the records, as appropriate, and be subject to review by the Council.

§ 130.121 [Amended]

5. § 130.121(a) is amended as follows:

(a) *Ceiling prices.* Effective 9:00 e.s.t., March 29, 1973, no seller of meat subject to this subpart may charge to any class of purchaser, and no purchaser of meat subject to this subpart may pay, a price for any meat item which exceeds the ceiling price charged for that item in transactions with the same class of purchaser during the meat ceiling base period except pursuant to the special rule in § 130.127. Any decrease in quantity or quality of a meat item without a commensurate reduction in the price of that item constitutes a price increase for that item.

§ 130.122 [Amended]

6. § 130.122 is amended to read as follows:

This subpart shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973.

§ 130.124 [Amended]

7. § 130.124 is amended to add a paragraph (f) which reads as follows:

(f) Sellers of meat derived from swine and sheep are exempt from the requirements of this section with respect to meat items derived from swine and sheep offered for sale. Each seller of meat items derived from swine and sheep shall, however, maintain records containing calculations and supporting data upon which ceiling prices for this meat item are based at the location where pricing decisions with respect to these meat items are ordinarily made. This information should be made available on request to representatives of the Economic Stabilization Program.

§ 130.126 [Amended]

8. § 130.126(a) is amended to read as follows:

(a) *Applicability.* This section applies to any futures contract on an organized commodities exchange in which the subject of that contract is a meat item the sales of which are subject to this subpart other than a meat item subject to § 130.127 (further referred to in this section as a meat future or a meat futures contract). It applies only with respect to meat futures which calls for delivery during the months of July and August, 1973.

9. § 130.127 is added to read as follows:

§ 130.127 Special price rules for firms engaged in slaughtering and processing swine and sheep.

(a) Notwithstanding the price rule in § 130.121, effective 4:00 p.m., e.s.t., July 18, 1973, a firm subject to § 130.57d which sells meat derived from swine and sheep may charge to any class of purchaser, and a purchaser of meat subject to this subpart which is derived from swine and sheep may pay, a price for any meat item derived from swine and sheep which exceeds the ceiling price charged for that item in transactions with the same class of purchaser during the meat ceiling base period to the extent necessary to permit the total sales revenue for the period July 18, 1973 to September 12, 1973 to equal the permissible total sales revenues for the period July 18—September 12, 1973 as calculated in § 130.57d(e).

(b) A firm subject to § 130.57d which sells meat derived from swine and sheep must decrease a price for a meat item derived from swine and sheep below ceiling price to the extent necessary to maintain the firm's total sales revenues for the period July 18, 1973 to September 12, 1973 within the permissible total sales revenues for the period July 18—September 12, 1973 as calculated in § 130.57d(e).

(c) For purposes of these special rules, any "meat food product" as defined in 9 CFR 301.2(vv) which is meat under the definition in § 130.123 and which contains over 40% of "meat", as defined in 9 CFR 301.2(tt), and "meat by product", as defined in 9 CFR 301.2(uu), derived from swine and sheep shall be considered a meat item derived from swine and sheep.

(d) Whenever a firm subject to § 130.57d which sells meat derived from swine and sheep increases or decreases a price in accordance with the special rules in this section, it must—

(1) State on each invoice to its customers the part of the price charged for each meat item derived from swine and sheep that is due to a price increase allowable under the special rule in paragraph (a) and the decreases in the price charged in accordance with the special rule in paragraph (b) and

(2) Certify on each invoice to its customers that the part of the price charged for each meat item derived from swine and sheep which reflects a price increase allowable under the special rule in paragraph (a) is on a dollar-for-dollar basis only and that price decreases, if any, required by the special rule in paragraph (b) have been reflected on a dollar-for-dollar basis in the price charged.

10. § 130.128 is added to read as follows:

§ 130.128 Special price rules for wholesalers and retailers of swine and sheep.

(a) Sellers purchasing for resale meat items derived from swine and sheep may charge a price in excess of a ceiling price for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price increase allowable under the special rule in § 130.27(a) whenever a firm subject to § 130.57d or a wholesaler certifies to the seller on an invoice that the price of the meat item concerned has been increased in accordance with the special rule in § 130.127(a).

(b) Sellers purchasing for resale meat items derived from swine and sheep must decrease a price charged for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price decrease with respect to a meat item whenever a firm subject to § 130.57d or a wholesaler certifies on an invoice that the price of the meat item concerned has been decreased in accordance with the special rule in § 130.127(b).

(c) Whenever a wholesaler of meat items derived from swine and sheep increases or decreases a price in accordance with the rules in this section, it must:

(1) State on each invoice to its customers the part of the price charged for each meat item derived from swine and sheep that is due to a price increase allowable under the special rule in paragraph (a) of this section and the decreases in the price charged in accordance with the special rule in paragraph (b) of this section, and

(2) Certify on each invoice to its customers that the part of the price charged for each meat item derived from swine and sheep which reflects a price increase allowable under the special rule in paragraph (a) is on a dollar-for-dollar basis only and that price decreases, if any, required by the special rule in paragraph (b) have been reflected on a dollar-for-dollar basis in the price charged.

11. Section 130.129 is added to read as follows:

§ 130.129 Requirements for sellers of swine and sheep.

(a) *Invoice Certification.* A seller required by § 130.127 or § 130.128 to certify an invoice shall use the following form:

This is to certify that the price adjustments specified on this invoice reflect, on a dollar-for-dollar basis, only allowable adjustments to the prices of meat items derived from swine and sheep and that such price adjustments were properly calculated according to the applicable regulations of the Cost of Living Council.

COMPANY
(Signature)
By ----------
Position

(b) *Prenotification requirements.* The prenotification requirements of Subpart F of Part 130 do not apply to price adjustments made pursuant to § 130.127 and § 130.128.

(c) *Recordkeeping requirements.* Each firm with annual sales or revenues in excess of $50 million derived from sales of food shall maintain comprehensive records on all price adjustments made pursuant to § 130.127 and § 130.128. The calculations and supporting data used to determine freeze costs and current costs and certified invoices used to justify price adjustments shall be maintained by the firm at each pricing center and shall be made available on request to representatives of the Economic Stabilization Program.

§ 140.1 [Amended]

12. § 140.1(a) is amended to read as follows:

(a) The purpose of this part is to implement the provisions of Executive Order 11730 which continues the freeze on prices for commodities and services imposed by Executive Order 11723. Except as provided in paragraph (b) of this Section, the provisions of this part are in addition to the provisions of Part 130 of this title with respect to prices charged or received for commodities and services beginning 9:00 p.m., e.s.t., June 13, 1973 and shall not operate to abrogate any requirements imposed under Part 130. This part shall remain in general effect until 11:59 p.m., e.s.t., Aug. 12, 1973, after which Phase IV shall commence except that the freeze on prices for food as modified by Subpart I shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973. To the extent that the provisions of this part are in conflict with the provisions of Part 130, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under Part 130. The provisions of this part do not extend to—

(1) Wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695;

(2) Interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends; and

(3) Rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

§ 140.20 [Amended]

13. § 140.20(c) is amended to read as follows:

(C) Sellers of food as defined in § 140.92 are exempt from the requirements of paragraphs (a) and (b) of this section with respect to food offered for sale. Each seller of food shall, however, in addition to the requirements imposed by § 140.99 maintain records containing calculations

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and supporting data upon which freeze prices for food are based at the location where pricing decisions with respect to food are ordinarily made. This information shall be made available on request to representatives of the Economic Stabilization Program.

14. § 140.34 is amended to read as follows:

§ 140.34 Commodity futures.

(a) The purchase or sale of a commodity future on an organized commodities exchange is exempt if the sale of the commodity itself is exempt or if the commodity is subject to the provisions of Subpart I of this Part.

(b) If the sale of the commodity itself is nonexempt and the commodity is not subject to the provisions of Subpart I of this Part, the following rules apply:

(1) Except as provided in paragraph (b)(2) of this section, the purchase or sale of a commodity future on an organized commodities exchange is exempt but delivery of the commodity pursuant to the futures contract may not be made at a price higher than the freeze price.

(2) The purchase or sale on an organized commodities exchange of a futures contract calling for delivery in July or August, 1973, is nonexempt and is subject to the requirements of § 140.15 of this part. Delivery pursuant to that futures contract is also subject to § 140.15 of this part unless delivery takes place prior to July 4, 1973. If delivery takes place under that contract prior to July 4, 1973, delivery may not be made at a price higher than the freeze price.

15. Subpart I is added to 6 CFR Part 140 which reads as follows:

Subpart I—Special Price Rules for Food

§ 140.91 Scope.

This Subpart modifies the general freeze price rule by establishing special price rules for sales of food. The freeze prices for food remain as defined in § 140.2. These special rules, however, now both allow a seller to charge a price in excess of a freeze price to pass through to a purchaser on a dollar-for-dollar basis increases in the costs of raw agricultural products and require a seller to decrease a price to pass on to a purchaser decreases in the costs of raw agricultural products. The special rule does not apply to sales of meat subject to Subpart M of Part 130 of this Chapter. Part 130 and Part 140 of this Chapter otherwise remain in effect except as modified herein.

§ 140.92 Definitions.

"Allowable cost increase" means any incremental difference between current cost and freeze cost resulting from increases in the average cost per item of raw agricultural products.

"Cost" means the total price paid by the purchaser including allocated transportation charges calculated at the rates in effect during the freeze cost period less brokerage fees or other service charges.

"Current cost" means—

(1) In the case of raw agricultural products sold for ultimate consumption in their original physical form which were purchased directly from a producer, the average cost of each raw agricultural product received during the repricing period. The average cost is determined by dividing the total cost of each product received during the most recently completed repricing period by the total quantity of each product received during that repricing period.

(2) In the case of processed food items, the average cost of the raw agricultural products received during the most recently completed repricing period for processing or manufacturing into the processed food item concerned. The average cost of the raw agricultural products is determined by adding on a weighted basis the average cost of each product. The average cost of each product is determined by dividing the total cost of each product received during the most recently completed repricing period by the total quantity of each product received during that repricing period.

"Food" means, for purposes of this Subpart, an item primarily produced or manufactured for human or animal ingestion except alcoholic beverages, tobacco products, drugs, and meat subject to Subpart M of Part 130 of this Chapter. An item is not food within the meaning of this definition until it loses its original physical form and is processed or, if it is of a type sold for ultimate human consumption in its original physical form, until after the first sale by the producer or grower.

"Food firm" means any manufacturer, service organization, wholesaler or retailer engaged in the sale of food.

"Freeze Cost" means—

(1) In the case of raw agricultural products sold for ultimate consumption in their original physical form which were purchased directly from a producer, the average cost of each raw agricultural product received during the freeze cost period. The average cost is determined by dividing the total cost of each product received during the freeze cost period by the total quantity of each product received during that period.

(2) In the case of processed food items, the average cost of the raw agricultural products received during the freeze cost period for processing or manufacturing into the processed food items concerned. The average cost of the raw agricultural products is determined by adding on a weighted basis the average cost of each product. The average cost of each product is determined by dividing the total cost of each product received during the freeze cost period by the total quantity of each product received during the freeze cost period.

(3) In the case of new processed food items which the firm had not previously produced, the food firm should use the weighted sum of the costs of the first shipments of each raw agricultural product purchased for processing or manufacturing into the processed food items concerned.

"Freeze cost period" means—

(1) The period June 1 through June 8, 1973; or

(2) In the case of a purchaser who received no deliveries during that period, the nearest preceding seven-day period in which he received a delivery.

"Raw agricultural products" means commodities of the type specifically exempted in § 140.31.

"Repricing period" means any time period at the close of which a food firm, in accordance with its customary pricing practices and at its lowest customary pricing level, would normally reprice a food item. If no deliveries of raw agricultural products were received during that period, repricing period means the nearest preceding seven-day period in which the food firm received a delivery.

§ 140.93 Special price rules.

Effective 4:00 p.m., e.s.t., July 18, 1973, food firms are subject to the following special price rules:

(a) *Raw agricultural products sold for consumption in original form.* (1) Wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item.

(2) Wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form must decrease the price charged for a food item whenever current cost is less than freeze cost or less than the current cost for the most recent repricing period to reflect, on a dollar-for-dollar basis, the decrease in current costs with respect to that food item.

(3) Whenever a wholesaler of raw agricultural products sold for ultimate consumption in their original physical form increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(b) *Raw agricultural products purchased for processing.* (1) Food manufacturers and processors which purchase raw agricultural products for processing may charge a price in excess of the freeze price for a processed food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item.

(2) Food manufacturers and processors which purchase raw agricultural products for processing must decrease the price charged for a processed food item whenever current cost is less than freeze cost or less than the current cost for the most recently completed repricing period to reflect, on a dollar-for-dollar basis, the decrease in current costs with respect to that food item.

(3) Whenever a food manufacturer or processor increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(c) *Food items.* (1) Sellers purchasing for resale food items, whether processed, semi-processed or sold for consumption in their original physical form, may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an allowable cost increase with respect to that food item whenever a manufacturer, processor, or wholesaler certifies to the seller on an invoice that the price of the food item concerned has been increased in accordance with the rules in paragraphs (a)(1) or (b)(1) of this section.

(2) Sellers purchasing for resale food items, whether processed, semi-processed or sold for consumption in their original physical form, must decrease a price charged for a food item to reflect, on a dollar-for-dollar basis, a price decrease with respect to that food item whenever a manufacturer, processor or other wholesaler certifies on an invoice that the price of the food item concerned has been decreased in accordance with the rules in paragraphs (a)(2) or (b)(2) of this section.

(3) Whenever a manufacturer, processor or wholesaler of food items increases or decreases a price in accordance with the rule in this paragraph, it must:

(i) State on each invoice to its customers the part of the price charged for each item that is due to allowable cost increases passed through pursuant to the rule of this paragraph and the decreases in the price charged passed through in accordance with the rule of this paragraph, and

(ii) Certify on each invoice to its customers that the part of the price charged for each item which reflects allowable cost increases passed through pursuant to this paragraph is on a dollar-for-dollar basis only and that price decreases, if any, required by this paragraph have been reflected on a dollar-for-dollar basis in the price charged.

(d) *Adjustment for items sold at a loss.* Price adjustments for food items sold at a loss, other than food items or raw agricultural products in inventory or in a manufacturing process as of the effective date of the special rules in this Subpart, are permitted in the following circumstances:

(1) In the case of wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form and manufacturers and processors which purchase raw agricultural products for processing, if the freeze cost exceeds the freeze price of a food item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in raw agricultural product costs incurred between January 10, 1973 and the freeze cost period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the freeze cost of the food item concerned except to the extent that it reflects allowable cost increases.

(2) In the case of sellers purchasing for resale food items, whether processed, semi-processed or sold for ultimate consumption in their original physical form, if the average cost of a food item purchased during the freeze base period exceeds the freeze price for that item, the seller may charge a price in excess of the freeze price for that food item to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973 and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the average cost of the food item during the freeze base period except to the extent that it reflects allowable cost increases.

(3) Any price adjustment made pursuant to this paragraph, when certified on an invoice in the form required by § 140.97, may be passed on to purchasers in the same manner as an allowable cost increase.

(e) *Inventory price adjustments.* (1) Except to the extent permitted in paragraph (e)(2) of this section, all food items or raw agricultural products in inventory or in a manufacturing process as of the effective date of the special rules in this Subpart shall neither be sold at prices higher than freeze prices nor be repriced under the special rules.

(2) If the average cost of a food item in inventory exceeds the freeze price, a seller may charge a price in excess of the freeze price for the food item in inventory to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973 and the freeze base period with respect to that food item which are not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the average cost of the food item during the freeze base period and may not reflect allowable cost increases.

(3) Any price adjustment made pursuant to this paragraph, when certified on an invoice in the form required by § 140.97, may be passed on to purchasers in the same manner as an allowable cost increase.

(f) *Food service organizations.* (1) Food service organizations purchasing for resale meat items derived from swine and sheep may charge a price in excess of a freeze price for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price increase allowable under the special rule in § 130.27(a) of this chapter whenever a firm subject to § 130.57d(e) of this chapter or a wholesaler certifies to the seller on an invoice that the price of the meat item concerned has been increased in accordance with the special rule in § 130.127(a) of this chapter.

(2) Food service organizations purchasing for resale meat items derived from swine and sheep must decrease a price charged for a meat item derived from swine and sheep to reflect, on a dollar-for-dollar basis, a price decrease with respect to a meat item whenever a firm subject to § 130.57d(e) of this chapter or a wholesaler certifies on an invoice that the price of the meat item concerned has been decreased in accordance with the special rule in § 130.127(b) of this chapter.

This Subpart shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973.

§ 140.95 Calculation of per item price adjustment.

(a) *Raw agricultural products sold for consumption in original form.* The price increase or decrease per item of a food item offered for sale by wholesalers and retailers which purchase directly from a producer for resale raw agricultural products sold for ultimate consumption in their original physical form shall be determined by calculating the difference between the freeze cost per item and the current cost per item.

Example:

Freeze cost ..... 15 cents per item
Current cost ..... 13 cents per item
Price decrease to be passed through: 2 cents per item

(b) *Raw agricultural products purchased for processing.* The price increase or decrease per item of processed food items offered for sale by manufacturers and processors which purchase raw agricultural products for processing shall be determined by—

(1) Dividing the freeze cost by the yield during the freeze cost period and the current cost by the yield during the repricing period, and

(2) Calculating the difference between the two quotients.

Example:

Current costs $1.50 = 12½ cents per can
Current yield 12 cans
Freeze costs $1.20 = 12 cents per can
Base yield 10 cans
Price increase which may be passed through: ½ cent per can

(c) *Rounding.* Fractions of .5 cents or more derived from calulations pursuant to this section may be rounded up to the nearest penny and fractions less than .5 cents shall be rounded down to the nearest penny.

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§ 140.96 Customary business practices.

Food firms must follow their customary business practices for cost allocation and repricing with respect to joint products, by-products, co-products, and waste products. In repricing, the total price increases taken on all processed food items derived from the raw agricultural products entered into processing may not exceed the total allowable cost increase.

§ 140.97 Invoice certification.

A food firm required by § 140.93 to certify an invoice shall use the following form:

This is to certify that the price adjustments specified on this invoice reflect, on a dollar-for-dollar basis, only adjustments in the cost of raw agricultural products and that such price adjustments were properly calculated according to the applicable regulations of the Cost of Living Council.

COMPANY

(Signature)

By ----------

Position

§ 140.98 Prenotification requirements.

The prenotification requirements of Subpart F of Part 130 of this Chapter, applicable to food firms subject to this Subpart, do not apply to price adjustments made pursuant to this Subpart.

§ 140.99 Recordkeeping requirements.

Each food firm with annual sales or revenues in excess of $50 million derived from sales of food shall maintain comprehensive records on all price adjustments made pursuant to this Subpart. The calculations and supporting data used to determine freeze costs and current costs and certified invoices used to justify price adjustments shall be maintained by the food firm at each pricing center and shall be made available on request to representatives of the Economic Stabilization Program. Records of manufacturers and processors must be sufficiently detailed with respect to cost allocation and repricing of joint products, by-products, co-products and waste products to permit subsequent verification.

[FR Doc.73-14988 Filed 7-18-73;4:30 pm]

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WASHINGTON, D.C.
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–CE–5–AD; Amdt. 39–1691]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Airplanes

An Emergency Airworthiness Directive (AD) was issued on June 4, 1973, requiring within 25 hours' time in service modification of the carburetor alternate air valves on Beech Model 23, B23, C23, A23–19, 19A, M19A and B19 airplanes. Subsequent to the issuance of this AD a shortage of modification parts has developed and an accident related to a carburetor alternate air valve failure has occurred. Therefore, in the interest of safety and to provide relief in the form of alternate action to assure safe operation of affected airplanes until adequate parts become available, an Amendment to AD 73–12–11 was adopted July 6, 1973, and made effective immediately by individual letters to all known owners of these airplanes. The Amendment to AD 73–12–11 requires inspection of the valve prior to further flight, except that the airplane may be flown to the inspection location, and extends the time for modification of this valve to 120 days after the effective date of this Emergency Amendment to the AD.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making this amendment to AD 73–12–11 effective immediately to the owners of the aforementioned airplanes by individual letter dated July 9, 1973. Since unsafe conditions and need for compliance adjustment may exist on airplanes owned and operated by persons unknown to the FAA, the AD is hereby published in the FEDERAL REGISTER as an Amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administration 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 73–12–11 (Amendment 39–1662) to read as follows:

BEECH. Applies to Models 23, B23, and C23 (Serial Numbers M–1 through M–554 and M–1095 through M–1361, except M–3); Sundowner C23 (Serial Numbers M–1362 through M–1420, M–1423, M–1425, M–1430, M–1438, M–1439, M–1442, M–1447 and M–1453 through M–1473); Models A23–19, 19A, M–19A, and B19 (Serials Numbers MB–1 through MB–520); and Sport B19 (Serial Numbers MB–521 through MB–585) airplanes which do not have carburetor alternate air boxes modified in accordance with Beechcraft Service Instructions 0574–241 (installation of Beech P/N 23–9011–1S, 3S or 5S Kits).

Compliance: Required as indicated, unless already accomplished.

To prevent engine power loss caused by ingestion of pieces of failed carburetor air valves, accomplish the following:

A) Prior to further flight, except that the airplane may be ferried to the inspection location and at subsequent intervals not to exceed 25 hours' time in service, inspect the carburetor air box for the following:

1) Wear and looseness between the carburetor alternate air valve and its shaft.

2) Looseness of rivets which hold the valve plates together.

3) Looseness and wear of the cap screws which attach the valve plates to the shaft.

If any of these conditions are found, accomplish Paragraph B below.

B) Within 120 days after the effective date of this AD, remove the existing carburetor air box valve and install Beech P/N 23–9011–1S or 23–9011–3S or 23–9011–5S Kit, as applicable, in accordance with Beechcraft Service Instructions 0574–241, or later FAA-approved revision or any alternate modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. The repetitive inspections specified in Paragraph A may be discontinued when this modification is accomplished.

This amendment becomes effective July 27, 1973, to all persons except those to whom it was made effective by letter dated July 9, 1973.

(Sec. 313(a), 601 and 603) Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on July 13, 1973.

JOHN R. WALLS,
Acting Regional Director,
Central Region.

[FR Doc.73–14799 Filed 7–19–73;8:45 am]

[Docket No. 73–SO–52; Amdt. 39–1690]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Airplanes

There have been failures in the fuselage tubing on Piper PA–25–235 airplanes that could result in weakened structure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the fuselage longerons near the wing strut attach fitting and repair, if necessary, on Piper PA–25–235 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–25–235 Airplanes, Serial Numbers 25–02 and 25–2000 through 25–3731 which have not added reinforcement sleeves to the fuselage longerons aft of the wing strut attach fittings as indicated in AD 66–7–6, Piper Service Letter Number 463, or Piper Service Bulletin Number 341.

Compliance required within the next 25 hours time in service after the effective date of this AD unless already accomplished within the last 275 hours time in service, and thereafter at intervals not to exceed 300 hours time in service from the last inspection until repair of longerons as called for in paragraph (c) or the addition of reinforcement sleeves per Piper Service Bulletin Number 341 or FAA approved equivalent. In any event the addition of reinforcement sleeves must be accomplished within 625 hours time in service from the effective date of this AD.

(a) Inspect the left and right $\frac{7}{8}$ inch x 0.035 inch upper longerons, P/N 61001–5, located in the hopper bay, for cracks by dye penetrant technique and a glass of at least 10-power, or by X-ray inspection in accordance with Piper Service Letter Number 463A, dated February 14, 1966, or later FAA approved revision, or by an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

Note. If the inspection specified in (a) is accomplished by the dye penetrant technique, which requires removal of the hopper tank, particular attention should be given to the area of the forward hopper attachment fittings.

(b) If cracks are found during the inspection required by (a), inspect the right and left $\frac{3}{4}$ inch x 0.035 inch upper longerons, P/Ns 64001–13 and –14, located in the fuel bay, for cracks by dye penetrant technique and a glass of at least 10 power.

(c) Repair longerons with cracks aft of the wing lift strut fitting in accordance with Piper Service Letter Number 463, dated November 12, 1965, or later FAA approved revision, or an FAA approved equivalent. Repair longerons with cracks forward of the

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wing lift strut fitting in an FAA approved manner.

This amendment becomes effective July 27, 1973, and supersedes AD 66-7-6.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Georgia on July 13, 1973.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.73-14874 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sioux City, Iowa, transition area.

The instrument approach procedure for Graham Field Airport, Sioux City, Iowa, has been canceled. Therefore there is no requirement to maintain the transition area associated with the procedure. Accordingly, the Sioux City, Iowa, transition area description is being altered to delete that portion of the designated airspace which was associated with the instrument approach.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., October 11, 1973 as hereinafter set forth:

In Section 71.181 (38 FR 435), the following transition area is amended to read:

SIOUX CITY, IOWA

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 28½ mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longtitude 98°00'00" W.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on May 7, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14875 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-SW-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Stratford, Tex.

On June 6, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14865) stating the Federal Aviation Administration proposed to designate a transition area at Stratford, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., September 13, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

STRATFORD, TEX.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stratford Field (latitude 36°21'32" N., longitude 102°02'55" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; Sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c).)

Issued in Fort Worth, Texas, on July 12, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14876 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-WA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of VOR Federal Airway

On April 17, 1973, an amendment was published in the FEDERAL REGISTER (38 FR 9488) effective June 21, 1973, that the Federal Aviation Administration (FAA) would modify several VOR Federal Airways in the Houston, Tex., terminal area and revoke those not normally used. While amending the description of V-222, the FAA inadvertently omitted including the revocation of V-222N between Humble, Tex., and Lake Charles, La., this airway is codesignated in part with V-13E, V-306S, V-306 and V-20N. This amendment will reduce chart clutter and improve flight planing. Action is taken herein to revoke V-222N.

Since amending the description of this airway is minor in nature with no substantive change in the regulations, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective July 20, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 9488) is amended as follows:

In V-222 "Lake Charles, La., including a north alternate from Humble to Lake Charles via Daisetta, TX.; McComb, MS.; Hattiesburg, MS.;" is deleted and "Lake Charles, La.; McComb, Miss.; Hattiesburg, Miss.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-14879 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-NW-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On May 25, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 13748) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the North Bend, Oreg. Transition Area.

Interested persons were given thirty days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Washington on July 12, 1973.

C. B WALK, JR.,
Director, Northwest Region.

In § 71.181 (38 FR 435) as amended (38 FR 5341), the description of the North Bend, Oreg., transition area is further amended to read as follows:

NORTH BEND, OREG.

That airspace extending upward from 700 ft above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within a 13-mile-radius arc of the North Bend VORTAC extending clockwise from the 004° radial to 130° radial; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles south and 6.5 miles north of the VORTAC 241° radial, extending from the VORTAC to 17 miles southwest; that airspace extending upward from 1,200 ft above the surface within a 22-mile-radius arc of the North Bend VORTAC extending clockwise from the west edge of V-27, south of the VORTAC, to the west edge of V-287, north of the VORTAC; within 2.5 miles southeast and 11.5 miles northwest of the North Bend VORTAC 241° radial extending from the VORTAC to 25.5 miles southwest.

[FR Doc.73-14880 Filed 7-19-73;8:45 am]

[Airspace Docket No. 73-SO-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 22, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 7469), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cookeville, Tenn,. transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., September 13, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the following transition area is added:

COOKEVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Putnam County Airport (Latitude 36°11'45" N, Longitude 85°29'15" W); within 3 miles each side of the 331° bearing from Cookeville RBN (Latitude 36°11'34" N, Longitude 85°29'04" W), extending from the 6.5 mile radius area to 8.5 miles northwest of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1438(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on July 12, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-14878 Filed 4-19-73;8:45 am]

[Airspace Docket No. 73-RM-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On June 1, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 15367) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Rugby, North Dakota.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., September 13, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colorado, on July 11, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (38 FR 569) add the following transition area:

RUGBY, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rugby Municipal Airport (latitude 48°23'15" N., longitude 100°01'15" W.).

That airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Rugby Municipal Airport and within 9.5 miles north and 4.5 miles south of the 114° bearing from the Rugby, N. Dak., NDB (latitude 48°23'25" N., longitude 100°01'30" W.); extending from the NDB to 18.5 miles east of the NDB.

[FR Doc.73-14877 Filed 7-19-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-197]

PART 25—CUSTOMS BONDS

Changes In Certain Customs Term Bonds

There was published in the FEDERAL REGISTER on April 27, 1972 (37 FR 8452), a notice of proposed rulemaking to amend Part 25 of the Customs Regulations by adding a new § 25.2 and by amending subparagraphs (16), (19), and (25) of § 25.4(a). These amendments are necessary to permit the establishment of an Automated Bond Information System in order to facilitate the processing of term bonds, to relieve the principals on such bonds (where two or more ports of entry are involved) of the burden of furnishing copies of those bonds for all ports of entry covered thereby, and to provide Customs officers with current information regarding bonds and the charges that have been placed against such bonds.

The amendments will initiate this system with the automation of the following bonds:

1. Customs Form 7553—Immediate Delivery and Consumption Entry Bond (Term).
2. Customs Form 7563-A—Bond for Temporary Importations (Term).
3. Customs Form 7569—Vessel, Vehicle, or Aircraft Bond (Term).
4. Customs Form 7595—General Term Bond for Entry of Merchandise.
5. Customs Form 7599—Bond for Use in Connection with Requests for Overtime Services Made by or on Behalf of Parties in Interest (Term).

Under the present procedure the bond principal identifies on each of the abovementioned bonds the ports of entry (including Customs stations and places of Customs preclearance) at which the bond may be used. Under the new procedure, except for Customs Form 7553, which, as now, will cover entries only at a single port, the bond will be valid at all ports of entry (including Customs stations and places of Customs preclearance) at which transactions covered by the bond may be affected.

Present law (6 U.S.C. 7) requires that a surety company appoint an agent on a Federal bond for the service of process in each judicial district in which he does business. Many of the surety companies which hold certificates of authority as acceptable sureties on Federal bonds do not have agents for the service of process in each judicial district of the United States. In these circumstances, in order that no such surety company be prevented from writing the four types of Customs bonds which will be valid at all ports of entry, Customs Forms 7563-A 7569, 7595, and 7599 will be amended when the automated system is instituted to include in each bond the condition that the surety agrees to accept service of process on the Clerk of the United States District Court in the judicial district where any entries thereunder are made in which it has failed to appoint an agent.

In order that bond data may be automated, a form of Bond Transcript identified as Customs Form 53 will be required to be completed and filed with each of the above-mentioned bonds. The adopted form of Bond Transcript is as follows:

BOND TRANSCRIPT

Principal's name on bond:

1. Principal's importer No.: _____
2. Type of bond (Customs Form No.): ___
3. Bond amount (dollars only): _____
4. Bond expiration date (MM/DD/YY): _____
5. Surety No.: _____
6. Surety's bond No. (optional) _____
7. Name and Soc. Sec. No. of corporate surety agent: _____
8A. District/Port location where bond filed: _____
8B. District/Port code where bond filed: _____
Dist. Port
9. Termination (complete sections 1 thru 9):

☐ Check here to apply for termination of a bond currently on file. Submit signed request, properly documented to district director where bond was filed. Show requested date of termination (MM/DD/YY) _____

10. List below all additional names on the bond of principals, and those under which the principals do business as, including their importer number(s) and suffix.

Importer name	Number

(Customs Use Only)

11. Riders. Show code(s) of riders(s), where applicable, attached to the bond.

__ No riders
Bond includes following riders: ☐☐☐☐☐
Certification by Customs:

Approved by _____ District _____

THE DEPARTMENT OF THE TREASURY
BUREAU OF CUSTOMS

To insure that the information with respect to each bond covered by these amendments is sent by the district director of Customs to the Customs Data

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Center, Silver Spring, Maryland, and disseminated by computer printout to all ports of entry before the bond becomes effective, it is necessary to require that the bond and bond transcript be filed with the district director of Customs at least 60 days prior to the date on which the bond is to become effective. This requirement for 60-day advance filing would also apply to requests for premature termination of bonds.

Under the present regulations the Temporary Importation Bond (Term) may be furnished in an amount as low as $1,000, if it is given to cover the entry of merchandise at only one port, and in a minimum of $10,000 when the bond is to cover importations at more than one port. Since the Temporary Importation Bond (Term) under the automated procedure will be valid at all ports of entry, the minimum amount of the bond under these amendments is $10,000.

Interested persons were given 30 days to submit comments in regard to the proposed amendments as they appeared in the FEDERAL REGISTER on April 27, 1972 (37 FR 8452). Comments submitted have been considered. Clarifying editorial changes have been made to the proposed amendments and the bond transcript. A sentence has been added to § 25.2(b) providing that where the surety company requests the termination of a subject bond without the consent of the principal, the termination shall take effect on the 60th day after approval by the district director.

Accordingly, the amendments to Part 25 of the Customs Regulations, Chapter I, Title 19 of the Code of Federal Regulations, are hereby adopted as set forth below:

Part 25 is amended to add § 25.2 as follows:

§ 25.2 **Bond transcript.**

(a) There shall be furnished to the district director with each bond on Customs Forms 7553, 7563–A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective. It shall be the responsibility of the importer or his agent to execute the bond transcript.

(b) Each request to terminate a bond of a type named in paragraph (a) of this section prior to the expiration date of the bond shall be filed with the district director of Customs in whose office the bond was approved. The request must be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to terminate an existing bond. When a new bond is submitted to replace an existing bond, two bond transcripts must be furnished. One must be submitted to initiate the new bond as required by paragraph (a) of this section; the other must be submitted to terminate the existing bond as required by this paragraph. The termination shall take effect on the date requested, if the request and a bond transcript are filed at least 60 days in advance of the requested date. If they are not so filed, the termination shall take effect on the 60th day after receipt by the district director. When termination of a bond is requested by the surety without the consent of the principal it shall take effect on the 60th day after approval by the district director. When a new bond cannot be initiated because the Customs Form 53, as required by paragraph (a) of this section, is incorrect, any accompanying Customs Form 53 for termination of an existing bond shall not take effect until such time as both transcripts can take effect.

Paragraph (a) (16), (19), (25) of § 25.4 is amended as follows:

§ 25.4 **Bond approved by the district director; form and execution.**

(a) The following bonds shall be approved by the district director and remain on file in his office, except Customs Form 4615, which shall be transmitted to the United States attorney:

* * * * *

(16) Term bond for temporary importations, Customs Form 7563–A, in the amount of $10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

* * * * *

(19) Vessel, vehicle, or aircraft term bond, Customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

* * * * *

(25) General term bond for the entry of merchandise, Customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the district director at the port where the bond will be filed. A principal desiring to execute this form of bond shall file with the district director an application for permission to file the bond. The application shall show the general character of the merchandise to be entered and the total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some or all of the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

* * * * *

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

In order to implement these amendments, bonds given on Customs Forms 7563–A, 7569, 7595, and 7599 are amended to include the following condition:

In the event the above-bounden surety has not appointed an agent for the service of process, in accordance with section 7, title 6, United States Code, in the judicial district where an entry is made, or a charge incurred, the above-bounden surety consents to service of process upon the Clerk of the United States District Court wherein any suit is brought upon this bond by the United States of America, with like effect as upon an agent appointed by the company. Such clerk shall provide notice of service of process to the surety at ----------
Mailing address requested by surety

The cited bond forms are also amended to delete the requirement that the principal identify the ports of entry at which the bonds may be used. Existing supplies of these bonds, when appropriately amended, may be used under the automated system until December 31, 1974.

Effective date. These amendments shall be effective as to all subject bonds which will begin their terms 180 days or longer after publication in the FEDERAL REGISTER. Bonds shall not be submitted hereunder on or before October 18, 1973.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: June 15, 1973.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-14963 Filed 7-19-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 273—BIOLOGICAL PRODUCTS

Additional Standards for Source Plasma (Human) Used in Preparation of Blood Derivatives Intended for Injection

In the FEDERAL REGISTER of August 26, 1972 (37 FR 17419) the Commissioner of Food and Drugs proposed to apply section 351 of the Public Health Service Act to the collection and manufacturing by plasmapheresis of plasma to be used in the preparation of products made by fractionation. Additional standards for a product defined as Source Plasma (Human) were proposed. Interested persons were afforded 60 days to comment on the proposals.

Forty-eight comments were received from persons, firms or organizations. The majority of comments received were thoughtful and constructive and have been incorporated into the final order. Due to the numerous changes, new sections have been added to the proposal and the numbering of other proposed sections has been changed. The comments are discussed below on a section-by-section basis, with reference to the section numbers as they appear in the final order.

1. Many comments objected to the proposed requirement, under § 273.505 *Temperature during shipment*, that all Source Plasma (Human) be shipped at −20°C, or colder. The Commissioner recognizes the problems of shipping at such a low temperature and has concluded that a slightly higher shipping temperature will not compromise the integrity of the product during shipment. Accordingly, the final regulations require that Source Plasma (Human) be shipped at −5°C. or colder. This revision of shipping temperature does not affect the requirement that, immediately after filling, Source Plasma (Human) be stored at −20°C. or colder (§§ 273.3109(b) and 273.3109 (e)(6)). A new section has also been developed with respect to liquid plasma (§ 273.3110), for which different shipping and storage temperatures are required.

2. The majority of the comments objected to the proposed one year dating period under § 273.870 *Dating periods for specific products.* Section 273.101(m) defines a dating period as the period "beyond which the product cannot be expected beyond reasonable doubt to yield its specific results." Since plasma will yield albumin and globulin even after an indefinite period of time, the Commissioner has concluded that, in lieu of a specific expiration date under § 273.870, it is necessary only that the collection date of the plasma appear on the label pursuant to § 273.3109(e)(4).

3. Comments suggested that the definition of Source Plasma (Human) under § 273.3100 *Proper name and definition* be clarified since, as proposed, the definition might include blood grouping and typing serums inasmuch as they are produced by a form of "fractionation", which term was a specific part of the proposed definition. In order to eliminate any confusion resulting from a generalized definition of the term "fractionation", the definition of Source Plasma (Human) has been revised, and now refers to the final product as "blood derivatives * * * intended for injection" rather than "fractionation" products. Since blood grouping and typing serums are not intended for injection, they are clearly excluded from the definition of Source Plasma (Human). Moreover, since the definition refers only to blood derivatives from pooled plasma "separable by chemical means", this would exclude platelets, single donor plasma, cryoprecipitated antihemophilic factor, etc., which are prepared by physical or mechanical means from single units of blood.

4. Some concern was expressed that there was no specific provision to ensure that a donor gives his or her informed consent prior to the commencement of the plasmapheresis procedure. In view of this concern, on March 8, 1973, the Bureau of Biologics reconvened the advisory committee of the Division of Medical Sciences, National Academy of Sciences—National Research Council, which had met in 1969 to consider safeguards for plasma donors in plasmapheresis programs. After consideration of the views of the advisory committee, the Commissioner has determined that a specific provision should be added to ensure that informed and intelligent consent of each donor is obtained. Accordingly, § 273.3101 *Informed consent* has been included in the final order.

Similarly, concern was expressed that the entire plasmapheresis procedure be performed under qualified medical supervision (§ 273.3102 *Medical supervision*). The final regulation provides that each significant step in the procedure—determination of suitability (§ 273.3103), collection (§ 273.3104), plasmapheresis (§ 273.3105), and immunization (§ 273.3106)—shall be conducted under the supervision of a qualified licensed physician. To assure direct participation of qualified physicians in the care of the donor population, a separate section has been added requiring that a qualified, licensed physician be present, on the premises, where these procedures are undertaken.

5. Many comments suggested that a prohibition against collecting plasma from a person who appeared to be under the influence of drugs, as well as alcohol, should be included in the provision governing donor suitability. One comment also pointed out that a history of malaria should not be a cause for rejecting a donor for Source Plasma (Human). In this connection, it should be stressed that malaria is transmitted only by the cellular elements of blood, rather than by the plasma. Inasmuch as plasmapheresis involves the collection of the plasma portion and the subsequent return of the cellular material to the donor, there is therefore no possibility that a recipient of a product derived from Source Plasma (Human) could contract malaria from the plasma of a donor who may have had malaria.

The Commissioner concurs with these comments and the section has been revised accordingly under § 273.3103 *Suitability of donor.* In addition, this section has been reorganized to include requirements which were included under the "Plasmapheresis" section of the proposed regulations.

6. With reference to the standards governing plasma collection many comments indicated that heparin should not be excluded as an anticoagulant, although no reasons were offered except with respect to certain diagnostic products which are not included in derivatives prepared from Source Plasma (Human). The Commissioner questions the safety of using heparin as an anticoagulant for plasmapheresis, due to the necessity for repeated injections of heparin into the donor. In view of the large number of other anticoagulants available, the regulations under § 273.3104 *Collection of blood for Source Plasma (Human)* will continue to prohibit the utilization of heparin until such time as substantial data is received to support its use. In addition, because of its disuse, ACD anticoagulant solution B has been omitted from the final regulations and is not a permissible anticoagulant for use in Source Plasma (Human).

7. Several comments objected to including as part of the definition of plasmapheresis, under § 273.3105 *Plasmapheresis*, that the "formed elements [are] returned to the donor", as such definition would preclude the use of plasmapheresis for the manufacture of platelet concentrates and white cells. It is not the intention of the Commissioner to establish a generic definition for the term "plasmapheresis". Rather, the Commissioner has described the collection procedure for the particular blood product subject to these licensing regulations. Since the collection of Source Plasma (Human) by plasmapheresis is not for the purpose of manufacturing platelet concentrates and white cells, no change in the description of plasmapheresis, as set out in § 273.3105, is necessary.

Several comments indicated a misunderstanding concerning the provisions for determining the health of a plasmapheresis donor. Two separate sections are involved. Pursuant to § 273.3103, the suitability of a donor is established, on the day of each collection, by medical history, appropriate tests, and such further physical examination of the prospective donor as appears necessary. Pursuant to § 273.3105, continuing periodic health determinations of donors participating in plasmapheresis programs are made by review and evaluation of tests for syphilis and immunoglobulins which are conducted on blood samples drawn from the donor "on the day of the first plasmapheresis and every four months thereafter". This initial analysis and subsequent periodic monitoring of blood samples, conducted pursuant to § 273.3105, must be reviewed by a qualified licensed physician; the medical history and appropriate testing of a prospective donor to determine suitability on the day of collection, conducted pursuant to § 273.3103, may be performed by a licensed physician or by trained persons under his supervision.

Some comments expressed the opinion that a serologic test for syphilis need not be performed prior to each donation. The Commissioner agrees. However, in order to assure that Source Plasma (Human) is collected from healthy donors, the Commissioner has required periodic testing of a sample of the donor's blood. Where the serum of the donor is reactive to a serologic test for syphilis, the donor may not participate in the plasmapheresis program until this test is nonreactive.

Many comments stated that the proposed limits on the volume of blood to be removed from a donor during any 48-hour period and within any seven-day period were too small. Others expressed concern that the permitted volume was too large for long-term plasmapheresis.

Discussions of the volume limits were held with the advisory committee concerning safeguards for plasma donors, and with representatives of the plasma collection and fractionation industries. Data documenting experience with removal of larger volumes of blood has been submitted by a number of manufacturers. Based upon these discussions and the submitted data, the Commissioner has concluded that the amount of blood, not including anticoagulant, removed from a donor shall not exceed 1,000 milliliters in any 48-hour period or

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2,000 milliliters in any seven-day period, unless the donor's weight is 175 pounds or greater, in which case the amount of blood, not including anticoagulant, removed from a donor shall not exceed 1,200 milliliters in any 48-hour period or 2,400 milliliters in any seven-day period. A licensed manufacturer may apply for permission to remove a larger volume over a 48-hour period, or in a seven-day period, by submitting substantial scientific evidence demonstrating that repeated plasmapheresis of a larger volume has no injurious short or long term effects upon a donor's health, which evidence will be reviewed by the Food and Drug Administration.

Other comments suggested that removal limits should be expressed in grams of plasma rather than milliliters of blood. The Commissioner has concluded that regulation of the amount of blood, rather than the amount of plasma, removed from a donor furnishes a better means of protecting the donor and therefore these comments have been rejected.

Several comments suggested that the final order include procedures to be followed in the event that the red cells are not returned to the donor during plasmapheresis, as well as requiring a specified waiting period between the donation of a unit of whole blood and a plasmapheresis donation. Since a donor must be tested for hemoglobin and total protein level before each donation, no additional regulations are necessary; the established tests are sufficient to determine when a donor is able to donate.

Several comments were received requesting that the requirements for returning blood cells to the donor after plasmapheresis be emphasized, although these comments acknowledged that even the best plasmapheresis procedure would return to the donor something less than all the red blood cells. The Commissioner concurs and therefore the regulation has been revised to more clearly indicate that the maximum feasible volume of red blood cells must be returned to the donor before another unit of blood is collected.

8. Comments were received requesting clarification as to whether both selection and administration of antigen in a donor immunization procedure must be performed by the same licensed physician and whether either or both procedures may be performed by trained persons under the physician's supervision rather than directly by the physician. The regulations have been clarified under § 273.-3106 *Immunization of donors* to indicate that both the selection and administration of an antigen need not be performed by the same licensed physician and that the administration may be performed under the supervision of a licensed physician. The selection of the proper antigen and the clinical evaluation of the donor's response must however, be performed by a licensed physician.

Several comments suggested that the detailed procedures for using immunizing antigens more properly belonged at the establishment which manufactures the final product, rather than with the Source Plasma (Human) manufacturer. The Commissioner has no objections to these procedures being a part of the records of the manufacturer of the final product. However, a complete copy of all immunization procedures must be available at the location where the plasmapheresis is being performed. Access to the written procedures at the place of administration is helpful, and may indeed be necessary, for those administering the antigen, particularly if several different immunization schedules and doses are required. It is common sense that procedures must be immediately available at the place where they are to be implemented. In addition, their availability at the place of manufacture would greatly facilitate statutory inspections to determine if immunization procedures were being conducted as approved in an application. The section has been revised to clarify these points.

9. Some comments requested clarification as to whether the *Test for hepatitis B antigen* as well as other tests required by the regulations, could be performed on plasma rather than on whole blood, as the proposed regulations may have appeared to indicate. The Commissioner intended that this test be performed on the plasma and the final order, § 273.3107, has been clarified accordingly.

The Commissioner does not agree with those comments suggesting that the hepatitis B antigen test need be performed only by the manufacturer of the final product. Since Source Plasma (Human) is a licensed product that may be freely shipped, it must be fully tested and labeled prior to leaving the manufacturer.

Many comments also suggest that it is not necessary to perform the serologic test for syphilis on each unit of Source Plasma (Human). The Commissioner concurs and has, accordingly, revised this section to require that each unit of Source Plasma (Human) be tested for the hepatitis B antigen only.

10. One comment expressed the opinion that Source Plasma (Human) need not be sterile. The final regulations, in § 273.3108 *Processing*, do not specify that the product shall be sterile, but require that all surfaces that come into contact with the plasma shall be sterile and pyrogen free and that final containers used for Source Plasma (Human) not interact with the product in any way so as to adversely affect the safety, quality, purity or potency of the plasma.

Several comments indicated that the appropriate requirement for the plasma containers is that they should be "translucent" rather than "transparent" as required in the proposed regulations. The "final containers" subsection has been revised to require that final containers be uncolored and hermetically sealed, and that the material of which the final container is made permit clear visibility of the contents.

One comment objected to the prohibition against the use of a preservative for plasma intended for blood grouping and typing serums. Since Source Plasma (Human) is not intended for such use, the comment is not applicable.

11. *General requirements under § 273.3109.* a. *Pooling.* Several comments disagreed with the proposed restrictions against pooling by the manufacturer of Source Plasma (Human) on the ground that the plasma will subsequently be pooled by the manufacturer of the final product. Since the proposed pooling restriction reduces bacterial and viral contamination and permits better monitoring of the source plasma product, the Commissioner finds that the restriction on pooling should be retained. The restriction against pooling by the manufacturer of the Source Plasma (Human) allows the manufacturer of the final product to pool as is best suited to the characteristics of the final product to be manufactured.

b. *Storage.* Many comments objected to the requirement of −20° C. as the storage temperature for all Source Plasma (Human). Since the dating period for Source Plasma (Human) (§ 273.870) is being changed to an unlimited period, the Commissioner believes that in order to assure its safety, quality, purity, and potency, all plasma should be stored by the plasma manufacturer, and by the manufacturer of the final product, at −20° C. or colder.

c. *Inspection.* Several comments expressed the view that inspection of Source Plasma (Human) both immediately after filling and just prior to issuance was not necessary. Since the product is to be frozen immediately after filling and remain frozen until issuance, the Commissioner agrees that one inspection of the frozen product just prior to issuance is adequate to assure that there is no evidence of thawing.

d. *Pilot samples.* Many comments objected to the provision that a pilot tube must be provided with each unit of Source Plasma (Human), requesting that, since such procedure is unnecessary, such a provision be optional. The Commissioner agrees, and this subsection has been revised accordingly.

e. *Labeling.* Several comments suggested that the proposed requirement of conformity with other labeling provisions of Part 273 should be deleted since many of these requirements are not applicable to Source Plasma (Human). This comment has been accepted and the labeling section has been revised to itemize specific requirements for Source Plasma (Human), except that the requirements of § 273.602 will be applicable.

Other comments suggested that some of the required labeling information (volume and hepatitis test results) could be supplied in documents shipped with the plasma to the manufacturer of the final product. Since Source Plasma (Human) is a licensed product, each unit must be fully labeled when it is issued from the manufacturer. Thus, this suggestion is unacceptable. In addition, since all or part of any shipment may be shipped to a third party, each unit must contain all the required information.

f. *Manufacturing responsibility.* Many comments suggested that the test for hepatitis B antigen be permitted to be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act. The Commissioner agrees, and such a provision has been added to this subsection. This test, as well as approved testing for immunoglobulin, may also be conducted by an establishment licensed for blood or blood derivatives under section 351 of the act.

12. In response to several comments that certain products could best be produced from liquid plasma, § 273.3110 *Modification of Source Plasma (Human)* has been added to provide for the collection and manufacture of a liquid Source Plasma (Human). This section sets forth the requirements for manufacturing a liquid product.

General Comments

Several comments inquired whether the licensing of Source Plasma (Human) would prohibit the use of plasma from Whole Blood (Human) as a source material for the manufacturing of blood derivatives. These new licensing provisions apply only to Source Plasma (Human) intended as a source material for further manufacture into blood derivatives intended for injection. Other source materials, such as recovered plasma from Whole Blood (Human), are not affected by these provisions. Such outdated or indated plasma (recovered plasma) from Whole Blood (Human) may continue to be supplied to manufacturers of blood derivatives under the short supply provisions of § 273.240.

The Commissioner does intend however, to promulgate regulations defining the source material to be used in the manufacture of blood derivatives, and also to establish at what point manufacturing begins for blood derivatives. At that time there will be two regulated sources of plasma for the manufacture of blood derivatives: Source Plasma (Human), and recovered plasma. Source Plasma (Human) production is regulated by licensing under section 351 of the Public Health Service Act in conformity with §§ 273.3100 through 273.3110. Recovered plasma production will be regulated by registration under section 510 of the Federal Food, Drug, and Cosmetic Act, in conformity with § 273.237 of the regulations.

Some comments expressed concern that the licensing of Source Plasma (Human) would pre-empt State and local laws governing plasmapheresis. These regulations are not intended to usurp the powers of State or local authorities to regulate plasmapheresis procedures in their localities. Rather, the intention is to assure the safety, purity, and potency of this biological product when it is shipped in interstate commerce pursuant to section 351 of the Public Health Service Act.

Several comments inquired as to whether a Source Plasma (Human) establishment would be required to obtain an establishment and product license if it is owned and operated by a manufacturer licensed to produce blood derivatives. If the Source Plasma (Human) establishment is in an operating unit of the same corporation as the licensed manufacturer of blood derivatives, it is not required to obtain an establishment license. The licensed manufacturer, however, must obtain a separate amendment to its establishment license to include the plasmapheresis location, and also must obtain a product license for Source Plasma (Human). If, however, the Source Plasma (Human) establishment is a different corporation than the licensed manufacturer it supplies, the Source Plasma (Human) manufacturer must obtain both an establishment and a product license for Source Plasma (Human).

All provisions of these regulations, with the exception of the volume limitations of § 273.3105(b) (4), (5) and (6), are effective 120 days after publication in the Federal Register. All establishments seeking a license for Source Plasma (Human) must submit license applications during this period, and bring their operations into compliance with the requirements of these regulations, inasmuch as a licensure involves a demonstration by an applicant that the product sought to be licensed and can and has been manufactured in full compliance with all regulatory requirements. Within 30 days of publication in the Federal Register, however, all manufacturers shipping Source Plasma (Human) in interstate commerce must comply with the volume limitations of § 273.3105(b) (4), (5) and (6), inasmuch as the Commissioner has determined that a substantial public health hazard is presented by the continued plasmapheresis of unrestricted amounts from donors. Finally, establishments which submit license applications or amendments on or before November 19, 1973, and which are in compliance with the requirements of these additional standards, may ship Source Plasma (Human) in interstate commerce until such time as final action has been taken with respect to approval or denial of their license application, provided that the short supply provisions of § 273.240 are fully complied with.

All plasma used in preparing blood derivative products for injection into man must be prepared at establishments which are registered under § 273.237 pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120), Part 273 is amended as follows:

§ 273.503 [Amended]

1. In § 273.503, by adding immediately after the words "Single Donor Plasma (Human)," the words "Source Plasma (Human),"

2. In § 273.505, by adding alphabetically an additional temperature listing as follows:

§ 273.505 Temperature during shipment.

Product	Temperature
Source Plasma (Human)	−5° C or colder

§ 273.730 [Amended]

3. In § 273.730, by adding in subparagraph (g)(4) immediately following the words "Single Donor Plasma (Human)," the words "Source Plasma (Human),".

§ 273.740 [Amended]

4. In § 273.740(b), by adding immediately after the words "Single Donor Plasma (Human);" the words "Source Plasma (Human);".

5. In § 273.870, by adding "Source Plasma (Human)" alphabetically to the list of dating periods, as follows:

§ 273.870 Dating periods for specific products.

Source Plasma (Human).	In lieu of an expiration date, the collection date shall appear on the label, as prescribed in § 273.3109(e)(4)

6. In Subpart D, by adding a new center heading and group of sections to read as follows:

Source Plasma (Human)

§ 273.3100 Proper name and definition.

The proper name of this product shall be Source Plasma (Human). The product is defined as the fluid portion of human blood which has been stabilized against clotting, collected by plasmapheresis, and is intended as source material for further manufacture into blood derivatives (a portion of pooled plasma separable by chemical means) intended for injection.

§ 273.3101 Informed consent.

The written consent of a prospective donor shall be obtained after a qualified licensed physician has explained the hazards of the procedure to the prospective donor. The explanation shall include the risks of a hemolytic transfusion reaction if he is given the cells of another donor, and the hazards involved if he is hyperimmunized. The explanation shall consist of such disclosure and be made in such a manner that intelligent and informed consent be given and that a clear opportunity to refuse is presented.

§ 273.3102 Medical supervision.

A qualified licensed physician shall be on the premises when donor suitability is being determined, immunizations are being made, whole blood is being collected, and red blood cells are being returned to the donor.

§ 273.3103 Suitability of donor.

(a) *Method of determining.* The suitability of a donor for Source Plasma

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(Human) shall be determined by a qualified licensed physician or by persons under his supervision and trained in determining donor suitability. Such determination shall be made on the day of collection from the donor by means of a medical history, tests, and such physical examination as appears necessary to the qualified licensed physician.

(b) *Initial medical examination.* Each donor shall be examined by a qualified licensed physician on the day of the first donation, or no more than one week prior to the first donation, and shall be certified to be in good health by the examining physician. The certification of good health shall be on a form supplied by the licensed establishment that indicates the certification is with respect to the suitability of the individual to be a plasmapheresis donor.

(c) *Qualification of donor.* Donors shall be in good health on the day of donation, as indicated in part by:

(1) Normal temperature;

(2) Demonstration that systolic and diastolic blood pressures are within normal limits, unless the examining physician is satisfied that an individual with blood pressures outside these limits is an otherwise qualified donor under the provisions of this section;

(3) A blood hemoglobin level of no less than 12.5 grams of hemoglobin per 100 milliliters of blood;

(4) A normal pulse rate;

(5) A total serum protein of no less than 6.0 grams per 100 milliliters of serum;

(6) Weight, which shall be at least 110 pounds;

(7) Freedom from acute respiratory diseases;

(8) Freedom from any infectious skin disease at the site of phlebotomy and from any such disease generalized to such an extent as to create a risk of contamination of the plasma;

(9) Freedom from any disease, other than malaria, transmissible by blood transfusion, insofar as can be determined by history and examinations indicated in this section;

(10) Freedom of the arms and forearms from skin punctures or scars indicative of addiction to self-injected narcotics;

(11) Freedom from a history of viral hepatitis;

(12) Freedom from a history of close contact within six months of donation with an individual having viral hepatitis;

(13) Freedom from a history of having received, within six months, human blood or any derivative of human blood which the Food and Drug Administration has advised the licensed establishment is a possible source of viral hepatitis, except for specific immunization performed in accordance with § 273.3106 of this part.

(d) *General.* Any donor who, in the opinion of the interviewer, appears to be under the influence of any drug, alcohol, or for any reason does not appear to be providing reliable answers to medical history questions, shall not be considered a suitable donor.

§ 273.3104 Collection of blood for Source Plasma (Human).

(a) *Supervision.* All blood for the collection of Source Plasma (Human) shall be drawn from the donor by a qualified licensed physician or by persons under his supervision trained in the procedure.

(b) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(c) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae shall be used in the indicated volumes:

(a) *Anticoagulant acid citrate dextrose solution (ACD).*

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$)	22.0 grams
Citric acid ($C_6H_8O_7 \cdot H_2O$)	8.0 grams
Dextrose ($C_6H_{12}O_6H_2O$)	24.5 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters blood	15 milliliters

(2) *Anticoagulant citrate phosphate dextrose solution (CPD).*

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$)	26.3 grams
Citric acid ($C_6H_8O_7 \cdot H_2O$)	3.27 grams
Dextrose ($C_6H_{12}O_6H_2O$)	25.5 grams
Monobasic sodium phosphate ($NaH_2PO_4 \cdot H_2O$)	2.22 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters blood	14 milliliters

(3) *Anticoagulant sodium citrate solution.*

Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$)	40 grams
Water for injection (U.S.P.) to make	1,000 milliliters
Volume per 100 milliliters of blood	10 milliliters

(d) *Donor identification.* Each unit of blood and plasma shall be so marked or identified by number or other symbol so as to relate it directly to the donor.

(e) *Prevention of contamination of the blood and plasma.* The skin of the donor at the site of phlebotomy shall be prepared thoroughly and carefully by a method that gives maximum assurance of a sterile container of blood. The blood shall be collected, the plasma separated, and the cells returned to the donor by aseptic methods in a sterile system which may be closed, or may be vented if the vent protects the blood cells and plasma against contamination.

§ 273.3105 Plasmapheresis.

(a) *Procedure-general.* The plasmapheresis procedure, which is defined as that procedure in which blood is removed from a donor, the plasma separated from the formed elements and the formed elements returned to the donor, during a single visit to the establishment, shall be described in detail in the product license application.

(b) *Procedures-specific requirements.* The plasmapheresis procedure shall meet the following requirements:

(1) A sample of blood shall be drawn from each donor by a qualified licensed physician or by persons under his supervision and trained in such procedure on the day of the first plasmapheresis and at least every four months thereafter on which a serologic test for syphilis and a serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulins to determine the immunoglobulin composition of the serum shall be performed. The results of the tests shall be reviewed by a qualified licensed physician within 10 days after the sample is drawn to determine whether or not the donor may continue on the program. If the plasma protein composition is not within normal limits established by the testing laboratory, the donor shall be removed from the program until these values return to normal. A donor with a reactive serologic test for syphilis shall not be plasmapheresed again until his serum tests nonreactive to a serologic test for syphilis.

(2) At least every four months, the accumulated laboratory data and collection records of each donor shall be reviewed by a qualified licensed physician to determine continuing suitability of the donor. Only those donors found suitable upon such a review shall remain in the plasmapheresis program. Such a review shall be signed by the reviewing physician.

(3) A donor identification system shall be established that positively identifies each donor and relates such donor directly to his blood and its components as well as to his accumulated records and laboratory data. Such system shall include either a photograph of each donor which shall be used on each visit to confirm the donor's identity, or some other method that provides equal or greater assurance of positively identifying the donor.

(4) The amount of whole blood, not including anticoagulant, removed from a donor during a plasmapheresis procedure or in any 48-hour period shall not exceed 1,000 milliliters unless the donor's weight is 175 pounds or greater, in which case the amount of whole blood, not including anticoagulant, removed from the donor during a plasmapheresis procedure or in any 48-hour period shall not exceed 1,200 milliliters.

(5) The amount of whole blood, not including anticoagulant, removed from a donor within a seven-day period shall not exceed 2,000 milliliters unless the donor's weight is 175 pounds or greater, in which case the amount of whole blood, not including anticoagulant, removed from the donor during a seven-day period shall not exceed 2,400 milliliters.

(6) No more than 500 milliliters of whole blood shall be removed from a donor at one time, unless the donor's weight is 175 pounds or greater, in which case no more than 600 milliliters of whole blood shall be removed from the donor at one time.

(7) The plasma shall be separated from the red blood cells immediately after blood collection. The maximum feasible volume of red blood cells shall be returned to the donor before another unit is collected.

§ 273.3106 Immunization of donors.

If specific immunization of a donor is to be performed, the selection and scheduling of the injection of the antigen, and the evaluation of each donor's clinical response, shall be by a qualified licensed physician or physicians. The administration of the antigen may be performed by a licensed physician or a trained person under his supervision. Any material used for immunization shall be either a product licensed under section 351 of the Public Health Service Act for such purpose or one specifically approved by the Director, Bureau of Biologics, Food and Drug Administration. Immunization procedures shall be on file at each plasmapheresis center where immunizations are performed.

§ 273.3107 Test for hepatitis B antigen.

Each unit of Source Plasma (Human) shall be nonreactive to a test for the hepatitis B antigen as prescribed in §§ 273.755 and 273.756 of the general regulations.

§ 273.3108 Processing.

(a) *Sterile system.* All surfaces that come in contact with the plasma shall be both sterile and pyrogen-free. If the method of separation involves a vented system (i.e., where an airway must be inserted into a container for withdrawal of the plasma), the airway and vent shall be sterile and constructed so as to exclude microorganisms and maintain a sterile system.

(b) *Final containers.* Final containers used for Source Plasma (Human), whether integrally attached or separated from the original blood container, shall not be entered prior to issuance for any purpose except for filling with the plasma. Such containers shall be uncolored and hermetically sealed, and shall permit clear visibility of the contents. Final containers and their components shall not interact with the plasma contents under conditions of storage and use so as to alter the safety, quality, purity, or potency of the plasma and shall provide adequate protection against external factors that may cause deterioration or contamination. Prior to filling, the final container shall be marked or identified by number or other symbol which will relate it directly to the donor.

(c) *Preservative.* Source Plasma (Human) shall not contain a preservative.

§ 273.3109 General requirements.

(a) *Pooling.* Pooling of plasma by the manufacturer of Source Plasma (Human) from two or more donors is not permitted. Two units of plasma from the same donor may be pooled if such units are collected during one plasmapheresis procedure, provided the pooling is done by a procedure that gives maximum assurance of a sterile container of plasma.

(b) *Storage.* Immediately after filling, the plasma shall be stored at not warmer than −20° C., except for plasma collected as provided for in § 273.3110.

(c) *Inspection.* Source Plasma (Human) shall be inspected at the time of issuance. If there is any evidence of thawing, the unit shall not be issued.

(d) *Pilot samples.* If pilot samples are provided, they shall meet the following standards:

(1) Prior to filling, all pilot samples shall be marked or identified so as to relate them directly to the donor of that unit of plasma.

(2) All pilot samples shall be filled at the time the final product is prepared by the person who prepares the final product.

(3) All pilot samples shall be representative of the contents of the final product.

(4) All pilot samples shall be collected in a manner that does not contaminate the contents of the final container.

(e) *Labeling.* In addition to the labeling requirements of § 273.602, and in lieu of the requirements in §§ 273.600 and 273.601, the following information shall appear on the label affixed to each container of Source Plasma (Human):

(1) The proper name of the product.

(2) Name, address, and license number of the manufacturer.

(3) Donor number.

(4) Collection date of the plasma.

(5) The statement: "Caution: For Manufacturing Use Only".

(6) The statement: "Store at −20° C. or colder".

(7) A statement as to whether the plasma was collected from normal donors or from immunized donors. In the case of immunized donors, the label shall state the immunizing antigen.

(8) The total volume of plasma and total quantity and type of anticoagulant used.

(9) The test for hepatitis B antigen used and the results.

(f) *Manufacturing responsibility.* All steps in the manufacture of Source Plasma (Human), including donor examination, blood collection, plasmapheresis, laboratory testing, labeling, storage, and issuing shall be performed by the establishment licensed to manufacture Source Plasma (Human), except that the following tests may be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act, or by an establishment licensed for blood or blood derivatives under section 351 of the Public Health Service Act, provided such arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration:

(1) The test for hepatitis B antigen pursuant to § 273.3107.

(2) The serum protein electrophoresis or quantitative immunodiffusion test for immunoglobulin as required by § 273.3105 (b)(1).

(3) Such testing pursuant to paragraph (f) (1) and (2) of this section shall not be considered divided manufacturing, requiring two product licenses for source Plasma (Human), provided that:

(i) The results of such tests are maintained by the establishment licensed for Source Plasma (Human) whereby such results may be reviewed by a licensed physician as required in § 273.3105(b)(2), and/or by authorized Food and Drug Administration inspectors.

(ii) The Source Plasma (Human) manufacturer has obtained a written agreement that the testing laboratory will permit authorized Food and Drug Administration inspectors to inspect their testing procedures and facilities during any reasonable business hours.

(iii) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

(g) *Records.* In addition to the general record keeping requirements of § 273.502, every manufacturer of Source Plasma (Human) must keep for each donor a separate and complete record of all initial and periodic examinations, tests, laboratory data, interviews, etc., undertaken pursuant to §§ 273.3103, 273.3105, 273.3106, and 273.3107. This record must also contain the original or a clear copy of the donor's written consent for participation in the plasmapheresis program as required by § 273.3101 and the certification of good health as prescribed in § 273.3103(b). Each donor record must be directly cross-referenced to the unit(s) of Source Plasma (Human) associated with the donor.

§ 273.3110 Modification of Source Plasma (Human).

(a) Upon approval by the Director, Bureau of Biologics, Food and Drug Administration, of an amendment to the product license for Source Plasma (Human), a manufacturer may prepare Source Plasma (Human) as a liquid product for a licensed blood derivative manufacturer who has indicated a need for a liquid product.

(b) Liquid Source Plasma (Human) shall meet all standards of the frozen Source Plasma (Human) except:

(1) Liquid Source Plasma (Human) shall be stored in nonleachable containers so that the containers and their components will not interact with the plasma contents under conditions of storage and use so as to alter the safety, quality, purity, or potency of the plasma and shall provide adequate protection against external factors that may cause deterioration or contamination.

(2) Liquid Source Plasma (Human) shall be shipped, stored and labeled for storage at a temperature of 10° C. or colder. An exception to the shipping or storage temperature shall be approved by the Director, Bureau of Biologics, Food and Drug Administration, based upon his receipt of substantial evidence to support another temperature. Such evidence may be submitted by either the product licensee of the liquid Source Plasma (Human) or the manufacturer

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of the final blood derivative product who has requested the liquid Source Plasma (Human).

(3) The label for the liquid Source Plasma (Human) shall be easily distinguished from that of the frozen product. Color coding shall not be used for this purpose.

(4) The label affixed to each container of liquid Source Plasma (Human) shall contain, in addition to the information required by § 273.3109(e) but excluding § 273.3109(e)(6) the name of the manufacturer of the final blood derivative product for whom is was prepared.

(5) Liquid Source Plasma (Human) shall be inspected immediately prior to issuance. If the color or physical appearance is abnormal, or there is any indication or suspicion of microbial contamination, the unit of liquid Source Plasma (Human) shall not be issued.

Effective Date. This order is effective on November 19, 1973, with the exception that § 273.3105(b) (4), (5) and (6) is effective on August 21, 1973. Establishment license applications or amendments, whichever are appropriate, and product license applications for Source Plasma (Human) shall be filed on or before November 19, 1973. Source Plasma (Human) from establishments which have submitted such applications and amendments may be shipped under the short supply provisions of § 273.240 until such time as final action has been taken with respect to approval or denial of their license application, provided such establishments are in full compliance with the applicable regulatory requirements of these additional standards.

(Sec. 351, 58 Stat. 701, as amended; 42 U.S.C. 262).

Dated: July 17, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Iowa Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval under the requirements of that section, plans for the development and enforcement of State occupational safety and health standards.

The State of Iowa submitted on October 4, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary for Occupational Safety and Health. On October 21, 1972, a notice was published in the FEDERAL REGISTER (37 FR 22780) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The Bureau of Labor is the State agency designated by the Governor to administer the plan throughout the State. Its responsibilities will include both occupational safety and occupational health, the latter on a developmental basis. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Under existing occupational safety and health legislation, effective July 1, 1972, Iowa has adopted as interim standards all occupational safety and health standards and amendments thereto which had been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring). Hearings have been held on the adoption as permanent standards of standards in 29 CFR Parts 1910 and 1926.

The legislation covers all employers, including the State and its political subdivisions. The plan is developmental in the establishment of a compliance program for agriculture, mercantile and service employees; the development of an occupational health program; a management information system; and the hiring and training of additional staff under the existing State merit system.

The legislation contains procedures for inspections including inspections in response to complaints; protection of employees from discharge or discrimination for exercising rights; promulgation of standards including emergency standards; rule-making authority; sanctions; imminent danger abatement through court injunction; and the establishment of an independent Review Commission.

The major provisions of the plan and the proposed schedule for its development are summarized in a new Subpart J of 29 CFR Part 1952.

Included in the plan is a statement of the Governor's support for the plan and a statement of legal opinion that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Iowa. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operations under the plan.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof.

2. *Issues.* Pursuant to the notice of submission of the plan several comments were received from interested organizations including the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the Master Builders of Iowa. No other written comments were received and no requests for an informal hearing were made.

These comments and our review of the plan raised several significant issues which were addressed by Iowa in supplementary letters received January 2, 1973, and March 21, 1973, that clarified and modified the plan and are incorporated as part of the plan.

(a) *Enforcement Program*—(i) *Nonserious violations.* One area of concern involves the effectiveness of Iowa's enforcement program. The legislation enacted in 1972, prior to plan submission, contains a prohibition on issuance of a penalty to an employer for any nonserious violations cited during an initial inspection of the employer's establishment. In order to achieve compliance in non-serious cases, Iowa's compliance manual provides for a mandatory follow-up inspection to determine whether or not an alleged non-serious violation has been corrected within the prescribed abatement period. If a non-serious violation cited under this section of Iowa law is not corrected within the abatement period, a mandatory penalty of up to $1,000 for each day the violation continues past the abatement period shall be proposed.

Reliance on failure to abate penalties is not a satisfactory substitute for "first-instance" penalties as stated in the decision on the Wahington State plan (38 FR 2421). Iowa has, therefore, agreed to propose an amendment in the next legislative session, scheduled for January 1974, deleting this prohibition on a penalty for non-serious violations found during an initial inspection. This amendment would be effective January 1, 1975, at which time Iowa's law would provide for a discretionary penalty for nonserious violations regardless of whether it is the first inspection of a workplace.

Iowa has also provided assurances that once the law is amended, it would issue administrative guidelines for proposing first-instance penalties for non-serious violations.

Based on the proposed legislative amendment and the interim measures for mandatory follow-up inspections contained in the Iowa compliance manual, Iowa's plan is approvable in accordance with section 18(c)(2) of the Act providing for the development of an enforcement program that will be at least as effective as the Federal program.

(ii) *Employee citation.* The second issue in Iowa's enforcement program that required modifications and clarification was the provision in the law for an employee citation.

An employee may receive a citation if, "under his own volition" he violates any of the following: (1) Any of the requirements of section 5 of the State Act placing on the employee a duty to comply with all standards, rules, regulations and orders issued pursuant to this Act which are applicable to his own actions or conduct; (2) any standard, rule or rules promulgated pursuant to section 6 of the State Act authorizing the Commissioner of Labor to promulgate standards identical to Federal standards; or (3) any regulations prescribed pursuant to this Act.

The citation will describe the violation, but no penalty or abatement date will be proposed. In addition, the law provides for an employee right to appeal the citation, in the same manner provided for employer appeals, to the State Review Commission.

Within this general legislative framework, the State compliance manual prescribes additional limitations on the issuance of these citations. The inspector must have "personally witnessed, or have first-hand knowledge" of the violation by the employee and he must be able to conclude that the employee violated such standard, rule or regulation "with the knowledge he was violating it, and that on his own action, and of his own accord and volition", he did proceed to violate the standard, rule, or regulation.

In order to assure that the employer's responsibility for safety and health in the workplace is not diminished, the compliance manual has been modified to provide that in each instance of an employee citation, a "citation will also be issued to the employer responsible for the employee and/or the employee's work environment. Other appropriate measures attendant to the issuance of a citation to an employer will also be taken." These measures would include assessment of penalties as well as follow-up inspections where required. In order to maintain the effective enforcement program required by the Act and 29 CFR Part 1902, an employee sanction must meet the following requirements: (1) It must be applicable only in clearly defined situations, and (2) it must not relieve the employer of his primary responsibility for occupational safety and health including his obligation to take all possible steps to insure that employees' actions do not violate the standards. (See Oregon decision 37 FR 28628).

Iowa's employee citation as outlined above meets these criteria for the following reasons. A citation would be issued only where an employee knowingly and in the presence of an inspector refused to comply with a standard, for example, not wearing a hard-hat provided by the employer.

The employee citation provision would not apply where the employer's conduct violated the standards and the employee was required to acquiesce in the violation expressly or impliedly as part of his job duties, for example, if the employer failed to provide hard-hats or the employee worked on an unguarded machine.

After considering both the legislative provisions and the compliance manual governing the operation of employee citations, it appears that Iowa's employee citation provides a limited employee sanction which does not on its face have the effect of undermining the effectiveness of the State program. Indeed, it would increase its effectiveness by providing an additional method of notifying employees of their obligations under the State law.

Also, the employee citation provision would not diminish the employer's responsibility to maintain a safe and healthful workplace, nor would it affect the employee right not to work under unsafe conditions as protected under collective bargaining agreements, the National Labor Relations Act (29 U.S.C. 143) or under section 11(c) of the Occupational Safety and Health Act of 1970 as interpretated in 29 CFR Part 1977. The actual implementation of the Iowa employee citation will be reviewed in the evaluation of the State plan.

(b) *Administrative Procedure.* Both the safety and health enabling legislation and the State law on review of administrative rules and regulations prescribe procedures for public participation and notice of rule-making and standard-setting. Under the Administrative Rules and Regulations Act, the designee submits proposed rules to the Legislative Departmental Review Committee and the rules are subject to public comment at the Committee's regularly scheduled meetings. Any person substantially interested in a rule may petition for reconsideration of the rule to the Attorney General and the agency shall be required to hold hearings on the petition for reconsideration.

While occupational safety and health standards are also subject to review by the Legislative Committee, the safety and health legislation describes procedures for public hearings on the standards prior to adoption. These procedures are similar to those in the Federal Act. The State has also agreed to publish notice of final standards actions including the issuance of emergency temporary standards in State newspapers in addition to filing the standards with the Secretary of State.

Although the State's mechanism for public participation differs from the Federal program, the State has in fact adopted regulations and standards similar to the Federal ones. Subject to evaluation, it appears that the Iowa procedures meet the requirements on public participation in 29 CFR 1902.4(b)(2)(iii).

(c) *Standard-setting*—(i) *Permanent standards.* Under its enabling legislation, Iowa's Commissioner of Labor is authorized to adopt only Federal standards. The law does not provide for any independent standard-setting authority either within the issues covered by the plan or in any other issues beyond the scope of the Federal program as have been provided by other approved State plans. Under 29 CFR 1902.4(a), States have the option of either adopting Federal standards or establishing alternative standards. By choosing at this time to adopt only Federal standards the Iowa plan meets the minimum requirements of 29 CFR 1902.4(a)(1).

Iowa's plan contains standards promulgated under other State laws relating to occupational safety and health, such as boiler and amusement park inspections standards. These standards are not subject to the limitation in Iowa's enabling legislation which provides that general safety and health standard-setting is limited to the adoption of Federal standards.

(ii) *Emergency temporary standards.* Iowa's legislation contains a provision for immediate issuance of emergency temporary standards to protect employees from grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards. There are two limitations on this authority. The first is related to the legislative limit on adoption of permanent Federal standards. Iowa can only adopt an emergency temporary standard as a permanent standard if the emergency standard has been adopted permanently by the U.S. Secretary of Labor. Iowa will request adoption of permanent Federal standards when it determines that the emergency standard should be implemented on a permanent basis.

A second limit is one of definition. Iowa law defines an emergency standard as one adopted by the U.S. Secretary of Labor, or a standard adopted by a nationally recognized standards-producing organization where the Commissioner of Labor determines that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption and have included the opportunity for consideration of diverse views.

Because Iowa's basic standard-setting authority is linked to the adoption of standards by the Secretary of Labor, the fact that the emergency standard-setting authority is also related to adoption of Federal emergency standards does not make the plan less effective. In addition, Iowa has authority to set emergency standards for a six-month period based on standards adopted by national standard-setting organizations. Subject to evaluation, it appears that this authority would enable Iowa to cover a wide range of emergency situations in a manner calculated to ensure input of available expertise and provide adequate protection of employees.

(d) *Occupational health.* In supplements to the plan, Iowa has presented a revised occupational health program providing for the hiring of three industrial hygienists within the Bureau of Labor. While compliance operations in the industrial hygiene area will begin upon plan approval the full program including hiring, training, purchase of equipment and coordination with the Industrial Hygiene Laboratory at the University of Iowa will be operational within two and one-half years after plan approval.

3. *Decision.* After careful consideration of the Iowa plan and comments submitted regarding it, the plan is hereby approved under section 18 of the Act and Part 1902. This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in

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Iowa will not be diminished presently because of the developmental nature of Iowa's enforcement program. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

Within 6 months following this approval, an evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Iowa.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding thereto a new Subpart J as follows:

Subpart J—Iowa

Secs.
1952.160 Description of plan.
1952.161 Where the plan may be inspected.
1952.162 Level of Federal enforcement.
1952.163 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608; 29 U.S.C. 667.

§ 1952.160 Description of plan.

(a)(1) The plan identifies the Bureau of Labor as the State agency designated to administer the plan throughout the State. Its responsibilities include both occupational safety and occupational health, the latter on a developmental basis. The plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(i). Under existing occupational safety and health legislation, effective July 1, 1972, Iowa has adopted as interim standards all the occupational safety and health standards and amendments thereto which had been promulgated by the Secretary of Labor, except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (Ship repairing, ship building, ship breaking and longshoring). Hearings have been held on the adoption, as permanent standards, of the standards in 29 CFR Parts 1910 and 1926.

Under its existing legislation, the Bureau of Labor has exercised statewide inspection authority to enforce State standards which are identical to Federal standards. The legislation covers all employers including the State and its political subdivisions and gives the Iowa Bureau of Labor full authority to administer and enforce all laws, rules, and orders protecting employee safety and health in all places of employment in the State.

(2) The legislation contains procedures for the promulgation of standards, including standards for the prompt protection of employees against new and unforeseen hazards; furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; procedures for granting temporary and permanent variances; and for the protection of employees from hazards. The law provides for inspections including inspections in response to complaints; ensures employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations before, during and after inspections; protection of employees against discharge or discrimination in terms or conditions of employment through court suits brought by the Bureau of Labor; notice to employees of their protections and obligations under the State law; imminent danger abatement through court injunctions; safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; employer right to review of alleged violations, abatement periods, and proposed penalties with an opportunity for employee participation as parties; and employee review of any citation issued to the employee, in review proceedings before the independent Review Commission.

(3) The plan is developmental in the establishment of a compliance program for agriculture, mercantile and service employees; development of an occupational health program; developing a management information system; and hiring and training of staff under the existing State merit system.

(b) Included in the plan is a statement of the Governor's support for the plan and a statement of legal opinion that the legislation will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the Constitution and laws of Iowa. The plan sets out goals and provides a timetable for bringing it into full conformity with Part 1902 at the end of three years after the commencement of operations under the plan.

(c) The plan includes the following documents as of the date of approval:

(1) The plan document with appendices;

(2) Letters from Jerry L. Addy, Commissioner of Labor, dated January 2, 1973, and March 21, 1973, with clarifications and modifications of the plan;

(3) Iowa has also submitted the following regulations adopted by the State:

(a) Chapter 3 of the Iowa Bureau of Labor Administrative Rules dealing with inspections, citations, and proposed penalties, adopted July 25, 1972;

(b) Chapter 4 of the Iowa Bureau of Labor Administrative Rules dealing with recording and reporting occupational injuries and illnesses adopted July 11, 1973, and amended July 25, 1972;

(c) Chapter 5 of the Iowa Bureau of Labor Administrative Rules dealing with rules of practice for variances, limitations, variations, tolerances, and exemptions adopted July 25, 1972, and amended October 5, 1972.

These adopted rules and regulations which were not part of the plan as originally submitted will be evaluated in accordance with the review of completions of developmental steps in State plans.

§ 1952.161 Where the plan may be inspected.

A copy of the complete Iowa plan may be inspected and copied during normal business hours at the Iowa Bureau of Labor, State House, East 7th and Court Avenues, 4th Floor, Des Moines, Iowa 50319; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Room 300, Waltower Building, 823 Walnut Street, Kansas City, Missouri 64106; and Office of Federal and State Operations, OSHA, U.S. Department of Labor, Room 305, Railway Labor Building, 400 First Street, NW., Washington, D.C. 20210.

§ 1952.162 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29 of the Code of Federal Regulations, the present level of Federal enforcement in Iowa will not be diminished presently because of the developmental nature of Iowa's enforcement program. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f), continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.163 Developmental schedule.

The Iowa plan is developmental. The following is the schedule of developmental steps provided by the plan:

(a) Adoption of Federal standards as permanent State standards, May-June 1973;

(b) Existing staff begins compliance activity May-June 1973;

(c) Hiring and training of additional staff including three industrial hygienists, six months after plan approval;

(d) Additional staff begins compliance activity, December 1973-January 1974;

(e) Development of compliance programs for agriculture, mercantile and service employers, June 1974;

(f) Development of employer and employee education programs, January, 1974;

(g) Introduction of amendment on first-instance sanctions for non-serious violations, January 1, 1974;

(h) Development of a Management Information System, June, 1974;

(i) Refinement of program and modifications, January, 1975;

(j) Effective date of amendments to legislation, January 1, 1975.

Signed at Washington, D.C. this 12th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14916 Filed 7-19-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Law Courses

On page 14866 of the FEDERAL REGISTER of June 6, 1973, there was published a notice of proposed regulatory development to amend § 21.4274 to provide for the measurement of courses in an accredited law school under the same criteria used for measurement of collegiate graduate resident courses. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA regulation is effective July 13, 1973.

Approved: July 13, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

In § 21.4274, paragraph (a) is amended to read as follows:

§ 21.4274 Law courses.

(a) *Accredited.* A law course in an accredited law school leading to a standard professional law degree will be assessed as provided in § 21.4273(a).

[FR Doc.73-14910 Filed 7-19-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 164—RULES OF PRACTICE GOVERNING HEARINGS, UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, ARISING FROM REFUSALS TO REGISTER, CANCELLATIONS OF REGISTRATIONS, CHANGES, OF CLASSIFICATIONS, SUSPENSIONS OF REGISTRATIONS AND OTHER HEARINGS CALLED PURSUANT TO SECTION 6 OF THE ACT

On April 5, 1973, this Agency published proposed rules of practice governing hearings pursuant to section 6 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, in the FEDERAL REGISTER, 38 FR 8670. Although these rules were not required to be published as proposals, (5 U.S.C. 553(b)(A)), the Agency believed it was in the public interest to do so. Comments were received from environmental groups and industry and all such comments were considered. While not adopting all of the comments, some have been adopted and certain changes made.

Two major areas of concern are highlighted. First, various environmental groups have expressed their desire to invoke agency processes, as proposed on January 22, 1972 (37 FR 1059). Rules governing such procedures are more properly handled under § 21(b) of the Act and the Agency proposes to issue proposed regulations pursuant to this section in the near future. Therefore, they are not treated in these rules which govern the conduct of proceedings, once started.

Second, under the proposed rules, discovery procedure was provided to incorporate the applicable Federal Rules of Civil Procedure. Inasmuch as a cancelled pesticide remains on the market until completion of the hearing, it has been deemed advisable in the public interest and the orderly administration of justice to limit discovery to witness lists and exhibits unless discovery, other than as set forth in § 164.50(b), is determined by the Administrative Law Judge not to unreasonably delay the proceeding, that the information is not otherwise obtainable and that the information has significant probative value.

The following rules, as revised, are hereby adopted.

Subpart A—General

Sec.
164.1 Number of words.
164.2 Definitions.
164.3 Scope and applicability of this part.
164.4 Arrangements for examining Agency records, transcripts, orders, and decisions.
164.5 Filing and service.
164.6 Time.
164.7 Ex parte discussion of proceeding.
164.8 Publication.

Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)

COMMENCEMENT OF PROCEEDING

164.20 Commencement of proceeding.
164.21 Contents of a denial of registration, notice of intent to cancel a registration, or notice of intent to change a classification.
164.22 Contents of document setting forth objection.
164.23 Contents of the statement of issues to accompany notice of intent to hold a hearing.
164.24 Response to the Administrator's notice of intention to hold a hearing.
164.25 Filing copies of notification of intent to cancel registration or change classification or refusal to register, and statement of issues.

APPEARANCES, INTERVENTION, AND CONSOLIDATION

164.30 Appearances.
164.31 Intervention.
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ADMINISTRATIVE LAW JUDGE

164.40 Qualifications and duties of Administrative Law Judge.

PREHEARING PROCEDURES AND DISCOVERY

164.50 Prehearing conference and primary discovery.
164.51 Other discovery.

MOTIONS

164.60 Motions.

SUBPOENAS AND WITNESS FEES

164.70 Supoenas.
164.71 Fees of witnesses.

THE HEARINGS

164.80 Order of proceeding and burden of proof.
164.81 Evidence.
164.82 Transcripts.

INITIAL OR ACCELERATED DECISION

164.90 Initial decision.
164.91 Accelerated decision.

APPEALS

164.100 Appeals from or review of interlocutory orders or rulings.
164.101 Appeals from or review of initial decisions.
164.102 Appeals from accelerated decisions.
164.103 Final decision or order on appeal or review.
164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

Subpart C—General Rules of Practice for Expedited Hearings

164.120 Notification.
164.121 Expedited hearing.
164.122 Final order and order of suspension.
164.123 Emergency order.

AUTHORITY: Sec. 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 38 FR 8670.

Subpart A—General

§ 164.1 Number of words.

As used in this part, a word in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 164.2 Definitions.

For the purposes of this part, the following terms shall be defined, as listed below:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973) and other legislation supplementary thereto and amendatory thereof.

(b) The term "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in the United States Code.

(c) The term "Administrator" means the Administrator of the Agency, or any officer or employee thereof to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead. When used in Subparts B and C of this part, the "Administrator" shall be interchangeable with the term "judicial officer."

(d) The term "Agency," unless otherwise specified, means the United States Environmental Protection Agency.

(e) The term "Applicant" means any person who has made application to have a pesticide registered or classified pursuant to the provisions of the Act.

(f) The term "Committee" means a group of qualified scientists designated by the National Academy of Sciences according to agreement under the Act to submit an independent report to the Administrative Law Judge on questions of scientific fact referred from a hearing under subpart B of this part.

(g) The term "Expedited Hearing" means a hearing commenced as the result of the issuance of a notice of intention to suspend or the suspension of a registration of a pesticide by an emergency order, and is limited to a consideration as to whether a pesticide presents an imminent hazard which justifies such suspension.

(h) The term "Hearing" means a public hearing which is conducted pursuant

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to the provisions of Chapter 5, Subchapter II of Title 5 of the United States Code and the regulations of this part.

(i) The term "Hearing Clerk" means the Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

(j) The term "Initial Decision" means the decision of the Administrative Law Judge supported by findings of fact and conclusions regarding all material issues of law, fact, or discretion, as well as reasons therefor. Such decision shall become the final decision and order of the Administrator without further proceedings unless an appeal therefrom is taken or the Administrator orders review thereof as herein provided.

(k) The term "Judicial Officer" means an officer or employee of the Agency designated as a judicial officer, pursuant to these rules, who shall meet the qualifications and perform functions as herein provided.

(1) Office. There may be designated for the Agency one or more judicial officers, one of whom may be Chief Judicial Officer. As work requires, there may be a judicial officer designated to act for the purpose of a particular case. All prior designations of judicial officer shall stay in force until further notice.

(2) Qualification. A judicial officer shall be a permanent or temporary employee or officer of the Agency who may perform other duties for the Agency. Such judicial officer shall not be employed by the Office of Hazardous Materials Control or have any connection with the preparation or presentation of evidence for a hearing.

(3) Functions. The Administrator may delegate any or part of his authority to act in a given case under Subparts B and C of this part to a judicial officer. The Administrator can separately delegate his authority to rule on interlocutory orders and motions, and may also delegate his authority to make findings of fact and draw conclusions of law in a particular proceeding, providing that this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of conclusions of law and findings of fact to any judicial officer.

(l) The term "Party" means any person, group, organization, or Federal agency or department that participates in a hearing.

(m) The term "Person" includes any individual, partnership, association, corporation, and any organized group of persons, whether incorporated or not.

(n) The term "Petitioner" means any person adversely affected by a notice of the Administrator who requests a public hearing.

(o) The term "Presiding Officer" means any person designated by the Administrator to conduct an expedited hearing.

(p) The term "Recommended Decision" means the recommended findings and conclusions of the Presiding Officer in an expedited hearing.

(q) The term "Registrant" means any person who has registered a pesticide pursuant to the provisions of the Act.

(r) The term "Respondent" means the Assistant Administrator of the Office of Hazardous Materials Control of the Agency.

Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

§ 164.3 Scope and applicability of this part.

The provisions of Subpart B of this part shall govern proceedings, conducted pursuant to the provisions of the Act, concerning refusals to register, cancellations of registration, changes of classifications or hearings called by the Administrator; the provisions of Subpart C of this part shall govern suspension proceedings conducted pursuant to the provisions of the Act.

§ 164.4 Arrangements for examining Agency records, transcripts, orders, and decisions.

(a) *Reporting of orders, decisions, and other signed documents.* All orders, decisions, or other signed documents required by the rules in this part, whether issued by an Administrative Law Judge, Judicial Officer, Presiding Officer, or the Administrator, shall be made available to the public.

(b) Establishment of an Agency repository.—In addition, all transcripts and docket entries shall become part of the official docket and shall be retained by the hearing clerk. At least two copies of all final orders, decisions and a notification of any appeals taken therefrom shall be retained by the hearing clerk and filed chronologically and shall be periodically bound and indexed. All the above documents shall be made available to the public for reasonable inspections during Agency business hours.

(c) Whenever any information or data is required to be produced or examined and any party to the proceeding claims that such information is a trade secret or commercial or financial information, other than information relating to the formulas of a pesticide, the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator may require production or testimony *in camera* and sealed to all but the parties.

(d) All orders, decisions, or other documents made or signed by the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator shall be filed with the hearing clerk. The hearing clerk shall immediately serve all parties with a copy of such order, decision, or other document.

§ 164.5 Filing and service.

(a) All documents or papers required or authorized to be filed, shall be filed with the hearing clerk, except as provided otherwise in this part. At the same time that a party files documents or papers with the clerk, it shall serve upon all other parties copies thereof, with a certificate of service on each document or paper, including those filed with the hearing clerk. If filing is accomplished by mail addressed to the clerk, filing shall be deemed timely if the papers are postmarked on the due date except as to initial filings requesting a public hearing or responding to a notice of intent to hold a hearing, in which case such filings must be received by the hearing clerk either within the time required by statute or by the notice of intent to hold a hearing.

(b) Each document filed, other than papers commencing a proceeding, shall contain the FIFRA docket number and, if the document affects less than all of the registrations included under that docket number, the registration number or file symbol of each product which is the subject of the document.

(c) In addition to copies served on all other parties, each party shall file an original and two copies of all papers with the hearing clerk.

§ 164.6 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by these rules, except as otherwise provided, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for the filing of any document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) *Enlargement.* When by these rules or by order of the Administrative Law Judge, the Presiding Officer, the Judicial Officer or the Administrator, an act is required or allowed to be done at or within a specified time, the Administrative Law Judge (before his initial decision is filed), or the Presiding Officer (before his recommended decision is filed), or the Judicial Officer or the Administrator (after the Administrative Law Judge's initial decision or the Presiding Officer's recommended decision is filed), for cause shown may at any time in his discretion (1) with or without motion or notice, order the period enlarged if request therefor, which may be made ex parte, is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect. In this connection, consideration shall be given to the fact that, under the provisions of the act, the Administrator must issue his order not later than 90 days after the completion of the hearing, unless all parties agree by stipulation to extend this period of time pursuant to § 164.103.

(c) *Additional time after service by mail.*—A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when the service is made by mail, 3 days shall be added to the prescribed period. Such addition for service by mail shall not apply

in the case of filing initial requests for hearings or responding to a notice of intent to hold a hearing, in which cases statutory filing times will run from the date of the return receipt pursuant to § 164.8.

§ 164.7 Ex parte discussion of proceeding.

At no stage of a proceeding shall the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge discuss *ex parte* the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however,* That the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator, the Judicial Officer, the Presiding Officer, or the Administrative Law Judge shall cause any such communication to be filed with the hearing clerk and served upon all other parties to the proceeding who will be given the opportunity to file an answer thereto.

§ 164.8 Publication.

All notices of intention to cancel a registration, all notices of intention to change a classification, and all denials of registrations, all together with the reasons (including the factual basis therefor), and all notices of intention by the Administrator to hold a hearing, together with the statement of issues as provided by § 164.20(b) shall be sent to the registrant or applicant by registered or certified mail (return receipt requested), and published by appropriate announcement in the FEDERAL REGISTER by the Administrator. The Administrative Law Judge shall cause to be published in the FEDERAL REGISTER by appropriate announcement, a notice of the filing of any objections, pursuant to § 164.20(b) or responses pursuant to § 164.24, and a notice of the public hearing as provided by § 164.80 et seq. Said notice of public hearing shall designate the place where the hearing will be held and specify the time when the hearing will commence. The hearing shall convene at the place and time announced in the notice, unless amended by subsequent notice published in the FEDERAL REGISTER, but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

Subpart B—General Rules of Practice Concerning Proceedings (Other Than Expedited Hearings)

COMMENCEMENT OF PROCEEDING

§ 164.20 Commencement of proceeding.

(a) A proceeding shall be commenced whenever a hearing is requested by any person adversely affected by a notice of the Administrator of his refusal to register or of his intent to cancel the registration or to change the classification of a pesticide. A proceeding shall likewise be commenced whenever the Administrator decides to call a hearing to determine whether or not the registration of a pesticide should be canceled or its classification changed. Such request or notice of intent to hold a hearing shall be timely filed with the hearing clerk, and the matter shall be docketed and assigned a FIFRA docket number.

(b) If a request for a hearing is filed, the person filing the request shall, at the same time, file a document stating his objections to the Administrator's refusal to register or his intent to cancel the registration or to change the classification of a pesticide. If a notice of intent to hold a hearing is filed by the Administrator, he shall, at the same time, file a statement of issues.

(c) Upon the filing of any objections or notice of intent to hold a hearing, the proceeding shall be referred to the Chief Administrative Law Judge by the hearing clerk. The Chief Administrative Law Judge shall refer the proceeding to himself or another Administrative Law Judge who shall thereafter be in charge of all further matters concerning the proceeding, except as otherwise provided or by order of the Administrator or Judicial Officer.

§ 164.21 Contents of a denial of registration, notice of intent to cancel a registration, or notice of intent to change a classification.

(a) *Contents.* The denial of registration or a notice of intent to cancel a registration or to change a classification shall be accompanied by the reasons (including the factual basis) for the action.

(b) *Amendments to contents of denials and notices.* Such documents under this section may be amended or enlarged by the Administrator at any time prior to the commencement of the public hearing. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by such amendments, the commencement of the hearing shall be delayed for an appropriate period.

§ 164.22 Contents of document setting forth objections.

(a) *Concise statement required.* Any document containing objections to an order of the Administrator of his refusal to register, or his intent to cancel the registration, or change the classification of a pesticide, shall clearly and concisely set forth such objections and the basis for each objection, including relevant allegations of fact concerning the pesticide under consideration. The document shall indicate the registration number of the pesticide, if applicable, a copy of the currently accepted and/or proposed labeling and a list of the currently registered or proposed uses of said pesticide.

(b) *Amendments to objections by leave.* Objections may be amended at any time prior to the commencement of the public hearing by leave of the Administrative Law Judge or by written consent of all parties. The Administrative Law Judge shall freely grant such leave when justice so requires. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments to objections, the commencement of the hearing shall be delayed for an appropriate period. This subsection shall not permit the addition, beyond the statutory deadline, of registered pesticides which are not included in the objections filed pursuant to paragraph (a) of this section.

(c) *Amendments to objections as a matter of right.* Objections may be amended as a matter of right within 30 days, or in such time as the Administrator shall designate, after the Administrator amends his notice of intent to cancel a registration, change a classification, or his refusal to register a pesticide.

§ 164.23 Contents of the statement of issues to accompany notice of intent to hold a hearing.

(a) *Concise statement required.*—The statement of issues by the Administrator shall set a time in which any person wishing to participate in the hearing shall file a written response to the statement of issues as provided by § 164.24. The statement of issues shall include questions as to which evidence shall be taken at the hearing. Those questions may include questions concerning whether a pesticide's registration should be canceled or its classification changed, whether its composition is such as to warrant the claims for it, whether its labeling and other material submitted comply with the requirements of the Act, whether it will perform its intended function without unreasonable adverse effects on the environment, and whether, when used in accordance with widespread and commonly recognized practice, it will or will not generally cause unreasonable adverse effects on the environment.

(b) *Amendment to statement of issues.* The statement of issues may be amended or enlarged by the Administrator at any time prior to the commencement of the public hearing. If the Administrative Law Judge determines that additional time is necessary to permit a party to prepare for matters raised by amendments or enlargements to the statement of issues, the commencement of the hearing shall be delayed for an appropriate period.

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§ 164.24 Response to the Administrator's notice of intention to hold a hearing.

Any person wishing to participate in any proceeding commenced pursuant to any notice by the Administrator of intention to hold a hearing, shall file with the hearing clerk, within the time set by the Administrator in the notice (in no case less than 30 days from the date of the notice), a written response to the statement of issues which shall include the position and interest of such person with respect thereto. If any such person is a registrant or an applicant for registration, he shall also file the registration number of the pesticide, if applicable, a copy of the currently accepted and/or proposed labeling and a list of the currently registered or proposed uses of said pesticide.

§ 164.25 Filing copies of notification of intent to cancel registration or change classification or refusal to register, and statement of issues.

After a copy of the document setting forth the objections and requesting a public hearing is filed with the hearing clerk or a response to the statement of issues is filed, the hearing clerk shall serve a copy of the document upon Respondent and the Office of the General Counsel of the Agency. Respondent shall, by counsel, thereupon file with the hearing clerk a copy of the appropriate notice of intention to cancel, the notice of intention to change the classification or the registration refusal order.

APPEARANCES, INTERVENTION, AND CONSOLIDATION

§ 164.30 Appearances.

Representatives.—Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

§ 164.31 Intervention.

(a) *Motion.* Any person may file a motion for leave to intervene in a hearing conducted under this subpart. A motion must set forth the grounds for the proposed intervention, the position and interest of the movant in the proceeding and the documents proposed to be filed pursuant to either § 164.24 or § 164.22.

(b) *When filed.* A motion for leave to intervene in a hearing must ordinarily be filed prior to the commencement of the first prehearing conference. Any motion filed after that time must contain, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file the motion prior to the commencement of the first prehearing conference, and shall be granted only upon a finding (1) that extraordinary circumstances justify the granting of the motion, or (2) that the intervenor shall be bound by agreements, arrangements, and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene will be freely granted but only insofar as such leave raises matters which are pertinent to and do not unreasonably broaden the issues already presented. If leave is granted, the movant shall thereby become a party with the full status of the original parties to the proceedings. If leave is denied, the movant may request that the ruling be certified to the Administrator, pursuant to § 164.100 for a speedy appeal.

(d) *Amicus curiae.* Persons not parties to the proceedings wishing to file briefs may do so by leave of the Administrative Law Judge granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable. Unless all parties otherwise consent, an amicus curiae shall file its brief within the time allowed the party whose position the brief will support. Upon a showing of good cause, the Administrator or Administrative Law Judge may grant permission for later filing.

§ 164.32 Consolidation.

The Chief Administrative Law Judge, by motion or sua sponte, may consolidate two or more proceedings whenever it appears that this will expedite or simplify consideration of the issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred. At the conclusion of proceedings consolidated under this section, the Administrative Law Judge shall issue one decision under § 164.90 unless one or more of the consolidated proceedings have been dismissed pursuant to § 164.91.

ADMINISTRATIVE LAW JUDGE

§ 164.40 Qualifications and duties of Administrative Law Judge.

(a) *Qualifications.* The Administrative Law Judge shall have the qualifications required by statute. He shall not decide any matter in connection with a proceeding where he has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the Administrative Law Judge.* (1) Any party may, by motion made to the Administrative Law Judge, as soon as practicable, request that he disqualify himself and withdraw from the proceeding. The Administrative Law Judge shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(2) *Withdrawal sua sponte.* The Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The Administrative Law Judge shall conduct the proceeding in a fair and impartial manner subject to the precepts of the Canons of Judicial Ethics of the American Bar Association.

(d) *Power.* Subject to review, as provided elsewhere in this part, the Administrative Law Judge shall have power to take actions and decisions in conformity with statute or in the interests of justice. The Administrative Law Judge shall not interrupt the recording of the proceedings on the record over the objection of any party.

(e) *Absence or change of the Administrative Law Judge.* In the case of the absence of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge so designated to act by the Administrator.

PREHEARING PROCEDURES AND DISCOVERY

§ 164.50 Prehearing conference and primary discovery.

(a) *Purpose of the prehearing conference.* Except as otherwise provided in paragraph (d) of this section, the Administrative Law Judge shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. More than one such conference may be held. Such order or orders shall direct the parties or their counsel to appear at a specified time and place to consider:

(1) The simplification of issues including listing of specific uses to be contested;

(2) The necessity or desirability of amendments to the objections or statement of issues, or any document filed in response thereto;

(3) The possibility of obtaining stipulations of fact and documents which will avoid unnecessary delay;

(4) Matters of which official notice may be taken;

(5) The limitation of the number of expert and other witnesses;

(6) Procedure at the hearing except as so provided in § 164.80(a);

(7) The use of verified written statements in lieu of oral direct testimony;

(8) The intent of any party to request a scientific advisory committee as defined in § 164.2(f);

(9) The issuance of subpoenas and subpoenas duces tecum for discovery and hearing purposes;

(10) A setting of a time and place for the public hearing, after giving careful consideration to the convenience of all the parties, the witnesses, the public interest and the necessity for notice in the FEDERAL REGISTER as provided by § 164.8; and

(11) Any other matter that may expedite the hearing or aid in the disposition of the proceeding.

(b) *Primary discovery (Exchange of witness lists and documents).* At a prehearing conference or within some reasonable time set by the Administrative Law Judge prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief narrative summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence.

Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended upon motion by a party.

(c) *Record of the prehearing conference.* No transcript of any prehearing conference shall be made unless a request therefor by one of the parties is granted by the Administrative Law Judge. Such party shall bear the cost of the taking of the transcript unless otherwise ordered by the Administrative Law Judge. The Administrative Law Judge shall prepare and file for the record a written report of the action taken at each conference, which shall incorporate any stipulations or agreements made by the parties at or as a result of such conference, all rulings upon matters considered at such conference and appropriate orders.

(d) *Unavailability of a prehearing conference.* Upon a finding that circumstances render a prehearing conference unnecessary, or impracticable, or upon a finding that a prehearing conference would serve primarily to delay the proceedings rather than to expedite them, the Administrative Law Judge, on motion or sua sponte, may order that the prehearing conference not be held. In these circumstances he may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. Such correspondence shall not be made a part of the record, but the Administrative Law Judge shall submit a written summary for the record if any action is taken.

(e) *Submission of questions to an advisory committee*—(1) *General.* At any prehearing conference, or if none is held prior to the public hearing, except as herein provided, the Administrative Law Judge shall determine whether any party desires that questions of scientific fact be referred to a committee designated by the National Academy of Sciences .

(2) Preparation of questions. On determining an affirmative intent, the Administrative Law Judge shall direct all parties to file and serve, within a time period subject to his discretion, proposed questions of scientific fact accompanied by reasons supporting their submission to said committee. Within 10 days of the service of such proposed questions, together with their supporting reasons, any party may respond in writing to the proposed submission of the questions to the said committee. The Administrative Law Judge shall determine whether or not a reference of questions of scientific fact to said committee is necessary or desirable. In the event he decides such reference is necessary or desirable, he shall so inform the National Academy in writing, and shall prepare in his discretion appropriate questions. If any of the questions prepared are not in substance based upon the submissions of the parties, the Administrative Law Judge shall permit any party 10 days after their preparation to respond in writing to the proposed submission of said question or questions. He shall then determine whether such questions should be referred to the committee.

(3) *Reference and report.* Not less than 30 days after he has informed the National Academy that questions of scientific fact will be referred to it, the Administrative Law Judge shall refer the questions of scientific fact as prepared. The committee shall report in writing to the Administrative Law Judge within 60 days after such referral on these questions of scientific fact and the report, its record and any other matter transmitted as provided for by the Administrator's agreement with the National Academy of Sciences shall be made public and considered as part of the hearing record.

(4) *Request and submission subsequent to prehearing conference.* At any time before the hearing record is closed, the Administrative Law Judge or a party by motion may request that questions of scientific fact not previously referred be amended or expanded. The Administrative Law Judge may refer such questions if he finds that good cause exists and that reference of such questions is necessary or desirable.

§ 164.51 Other discovery.

(a) *General.* Except as so provided by § 164.50(b) *supra*, further discovery, under this subpart, shall be permitted only upon determination by the Administrative Law Judge (1) that such discovery shall not in any way unreasonably delay the proceeding, (2) that the information to be obtained is not otherwise obtainable and (3) that such information has significant probative value. The Administrative Law Judge shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Administrative Law Judge or upon agreement of the parties.

(b) *Depositions upon oral questions.* The Administrative Law Judge shall order depositions upon oral questions only upon a showing of good cause and upon a finding that (1) the information sought cannot be obtained by alternative methods, or (2) there is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(c) *Procedure.* (1) Any party to the proceeding desiring discovery shall make a motion or motions therefor. Such a motion shall set forth (i) the circumstances warranting the taking of the discovery, (ii) the nature of the information expected to be discovered and (iii) the proposed time and place where it will be taken.

(2) If the Administrative Law Judge determines the motion should be granted, he shall issue an order and appropriate subpoenas, if necessary, for the taking of such discovery together with the conditions and terms thereof.

MOTIONS

§ 164.60 Motions.

(a) *General.* All motions, except those made orally during the course of a public hearing or as otherwise provided by this part, shall be in writing and shall state with particularity the grounds therefor, shall set forth the relief or order sought, and shall be filed with the hearing clerk and served on all parties.

(b) *Response to motions.* Within 10 days after service of any motion filed pursuant to this part, or within such other time as may be fixed by the Administrator, his designee, or the Administrative Law Judge, any party may serve and file an answer to the motion. The movant shall, if requested by the Administrator, his designee, or the Administrative Law Judge, serve and file reply papers within the time set by the request.

(c) *Decision.* The Administrative Law Judge shall rule upon all motions filed or made prior to the filing of his initial or accelerated decision at the time of filing on ex parte motions or where the movant has stated that no party objects to the granting of such motion. Otherwise, such decision shall await the answering papers and reply papers if permitted. The Administrator or the Judicial Officer shall rule upon all motions filed after the filing of the initial or accelerated decision. Oral argument of motions will be permitted only if the Administrative Law Judge or Administrator or the judicial officer deems it necessary.

SUBPOENAS AND WITNESS FEES

§ 164.70 Subpoenas.

(a) The attendance of witnesses or the production of documentary evidence may, by subpoena, be required at any designated place of hearing or place of discovery. Subpoenas may be issued by the Administrative Law Judge sua sponte or upon a showing by an applicant that evidence sought for hearing is relevant and material to the issues involved in the hearing or that the sought discovery pursuant to § 164.51 meets the standards set forth therein. The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of a witness or the content of the documents produced.

(b) *Motion for subpoena duces tecum.* Subpoenas for the production of documentary evidence, unless issued by the Administrative Law Judge sua sponte, shall be issued only upon a written motion. Such motion shall specify, as exactly as possible, the documents desired.

(c) *Service of subpoenas.* Subpoenas shall be served as provided by the Federal Rules of Civil Procedure.

§ 164.71 Fees of witnesses.

Witnesses summoned before the Administrative Law Judge shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

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THE HEARINGS

§ 164.80 Order of proceeding and burden of proof.

(a) At the hearing, the proponent of cancellation or change in classification has the burden of going forward to present an affirmative case for the cancellation or change in classification of the registration. In the case of the denial of an application for registration, the applicant shall have the burden of going forward. In the case of a hearing called by the Administrator, the Respondent has the burden of going forward to present an affirmative case as to the statement of issues. The party having the burden of going forward shall have the opportunity to submit evidence on rebuttal.

(b) On all issues arising in connection with the hearing, the ultimate burden of persuasion shall rest with the proponent of the registration.

(c) If any party, other than Respondent, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Administrative Law Judge to dismiss the proceeding with or without prejudice, as the Administrative Law Judge may determine, unless a motion excusing the failure to appear has been made and granted. In the event that a party appears at the hearing and no representative of the Agency appears, the Administrative Law Judge shall proceed *ex parte* to hear the evidence of the party: *Provided*, That failure on the part of Respondent to appear at a hearing shall not be deemed to be a waiver of Respondent's right to file proposed findings of fact, conclusions of law and orders, to be served with a copy of the Administrative Law Judge's initial or accelerated decision, and to file exceptions with and to submit argument before the Administrator with respect thereto.

§ 164.81 Evidence.

(a) *General.* The Administrative Law Judge shall admit all relevant, competent and material evidence, except evidence that is unduly repetitious. Relevant, competent and material evidence may be received at any hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value. In all hearings the testimony of witnesses shall be taken orally, except as otherwise provided by these rules or by the Administrative Law Judge. Parties, however, shall have the right to cross-examine a witness who appears at the hearing, provided that such cross examination is not unduly repetitious.

(b) *Report of a committee of the National Academy of Sciences.*—If questions have been submitted to a committee designated by the National Academy pursuant to § 164.50(e), the report of the committee, other material that may be required by the Administrator and a list of witnesses and evidence relied upon shall be received into evidence and made part of the record of the hearing. Objections to the report may also be made part of the record and go to the weight of its evidentiary value.

(c) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the Administrative Law Judge, with the consent of all parties, orders that such argument not be transcribed. The ruling and the reasons given therefor by the Administrative Law Judge on any objection shall be a part of the transcript. An automatic exception to that ruling will follow.

(d) *Exhibits.* Except where the Administrative Law Judge finds that the furnishing of copies is impracticable, a copy of each exhibit filed with the Administrative Law Judge shall be furnished to each other party. A true copy of an exhibit may, in the discretion of the Administrative Law Judge, be substituted for the original.

(e) *Official notice.* Official notice may be taken of such matters as are judicially noticed in the Federal courts: *Provided, however*, That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(f) *Offer of proof.* Whenever evidence is deemed inadmissible, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of a document or exhibit, it shall be inserted in the record in total. In the event the Administrator decides that the Administrative Law Judge's ruling in excluding the evidence was erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate the evidence and proceed to a final decision.

(g) *Verified statements.* With the approval of the Administrative Law Judge, a witness may insert into the record, as his testimony, statements of fact or opinion prepared by him or written answers to interrogatories of counsel, or may submit as an exhibit his prepared statement, provided that such statements or answers must not include legal argument. Before any such statement or answer is read or admitted into evidence the witness shall deliver to the Administrative Law Judge, the reporter, and opposing counsel a copy of such. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner and the witness shall be subject to oral cross-examination on the contents of such statements. Approval for such a procedure may be denied when it appears to the Administrative Law Judge that the memory or the demeanor of the witness is of importance.

§ 164.82 Transcripts.

(a) *Filing and certification.* Hearings shall be stenographically reported, transcribed and made available to the public as required by statute or Agency regulations. As soon as practicable after the taking of the last evidence, the Administrative Law Judge shall certify (1) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify and (2) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript.

INITIAL OR ACCELERATED DECISION

§ 164.90 Initial decision.

(a) *Proposed findings of fact, conclusions, and order.* Within 20 days after the last evidence is taken in a hearing, each party may file with the hearing clerk proposed orders, findings of fact, and conclusions of law based solely on the record, and a brief in support thereof. Within 10 days thereafter, each party may file a reply brief. The Administrative Law Judge may, in his discretion, extend the total time period for filing any proposed findings, conclusions, orders or briefs for an additional 30 days. In such instances, briefs and replies shall be due at such time as the Administrative Law Judge may fix by order. The hearing shall be deemed closed at the conclusion of the briefing period.

(b) *Initial decision.* The Administrative Law Judge, within 25 days after the close of the hearing, shall evaluate the record before him, and prepare and file his initial decision with the hearing clerk. A copy of the initial decision shall be served upon each of the parties, and the hearing clerk shall immediately transmit a copy to the Administrator. The initial decision shall become the decision of the Administrator without further proceedings unless an appeal is taken from it or the Administrator orders review of it, pursuant to § 164.101.

§ 164.91 Accelerated decision.

(a) *General.* The Administrative Law Judge, in his discretion, may at any time render an accelerated decision in favor of Respondent as to all or any portion of the proceeding, including dismissal without further hearing or upon such limited additional evidence such as affidavits as he may receive, under any of the following conditions:

(1) Untimely or insufficient objections filed pursuant to § 164.20;

(2) Failure to comply with discovery orders;

(3) Failure to comply with prehearing orders;

(4) Failure to appear or to proceed at prehearing conferences;

(5) Failure to appear at the hearing;

(6) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel.

(7) That there is no genuine issue of any material fact and that the respondent is entitled to judgment as a matter of law; or

(8) Such other and further reasons as are just.

(b) *Effect.* A decision rendered under this section shall have the same force and effect as an initial decision entered under § 164.90.

APPEALS

§ 164.100 Appeals from or review of interlocutory orders or rulings.

Except as provided herein, appeals as a matter of right shall lie to the Administrator only from an initial or accelerated decision of the Administrative Law Judge. Appeals from other orders or rulings shall, except as provided in this section, lie only if the Administrative Law Judge certifies such orders or rulings for appeal, or otherwise as provided. The Administrative Law Judge may certify an order or ruling for appeal to the Administrator when: (a) The order or ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (b) either (1) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding or (2) review after the final judgment is issued will be inadequate or ineffective. The Administrative Law Judge shall certify orders or rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When an order or ruling is not certified by the Administrative Law Judge, it shall be reviewed by the Administrator only upon appeal from the initial or accelerated decision except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except in extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal; where a stay is granted, a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the Administrative Law Judge, but the Administrator may allow further briefs and oral argument.

§ 164.101 Appeals from or review of initial decisions.

(a) *Exceptions and request for oral argument.* (1) Within 20 days after filing of the Administrative Law Judge's initial decision, each party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Administrator for decision by filing them in writing with the hearing clerk, including a section containing proposed findings of fact, conclusions, orders, or rulings. Within the same period of time each party filing exceptions and amicus curiae shall file with the hearing clerk a brief concerning each of the exceptions being appealed. The party shall include, in its brief, page references to the relevant portions of the record and to the Administrative Law Judge's initial decision.

(2) Within 7 days of the service of exceptions, and of a brief under paragraph (a) (1) of this section, any other party or amicus curiae may file and serve a brief responding to exceptions or arguments raised by any other party. Such brief shall include references to the relevant portions of the record. Such brief shall not, however, raise additional exceptions.

(3) Five copies of all material filed under this section shall be filed with the hearing clerk.

(b) *Review by Administrator when no exceptions are filed.* If no exceptions are filed within the time provided, the hearing clerk shall notify the Administrator 30 days from the date of filing of the Administrative Law Judge's initial decision. Within 10 days after said notification, the Administrator shall issue an order either declining review of the initial decision or expressing his intent to review said initial decision. Such order may include a statement of issues to be briefed by the parties and a time schedule concerning service and filing of briefs adequate to allow the Administrator to issue a final order within 90 days from the close of the hearing.

(c) *Argument before the Administrator.* (1) A party, if he files exceptions and a brief, shall state in writing whether he desires to make an oral argument thereon before the Administrator; otherwise, he shall be deemed to have waived such oral argument. The Administrator shall, however, on his own initiative, have the right to set an appeal for oral argument.

(2) If the Administrator determines that additional exceptions should be argued, counsel for the parties shall be given reasonable written notice of such determination so as to permit preparation of adequate argument on all the exceptions to be argued.

§ 164.102 Appeals from accelerated decisions.

(a) Within 20 days after filing of an accelerated decision by the Administrative Law Judge, any party may file exceptions and a supporting brief with the hearing clerk, stating with particularity the grounds upon which he asserts that the decision is incorrect. The party shall include in its brief page references to the relevant portions of the record, if applicable.

(b) Within 7 days of the service of exceptions and brief under paragraph (a) of this section, any other party or amicus curiae may file and serve a brief responding thereto, with appropriate page references to the relevant portions of the record, if applicable.

(c) Ordinarily, the appeal from an accelerated decision will be decided on the basis of the submission of briefs, but the Administrator may allow additional briefs and oral argument.

§ 164.103 Final decision or order on appeal or review.

Within 90 days after the close of the hearing or within 90 days from the filing of an accelerated decision, unless otherwise stipulated by the parties, the Administrator shall, on appeal or review from an initial or accelerated order of the Administrative Law Judge, issue his final decision and order, including his rulings on any exceptions filed by the parties; such final order may accept or reject all or part of the initial or accelerated decision of the Administrative Law Judge even if acceptable to the parties.

§ 164.110 Motion for reopening hearings; for rehearing; for reargument of any proceeding; or for reconsideration of order.

(a) *Filing; service.* A motion for reopening the hearing to take further evidence, or for rehearing or reargument of any proceeding or for reconsideration of the order, must be made by motion to the Administrator filed with the hearing clerk. Every such motion must state specifically the grounds relied upon.

(b) *Motion to reopen hearings.* A motion to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the Administrator's final order. Every such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth good reason why such evidence was not adduced at a hearing.

(c) *Motions to rehear or reargue proceedings, or to reconsider final orders.* A motion to rehear or reargue the proceeding or to reconsider the final order shall be filed within 10 days after the date of service of the final order. Every such motion must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 164.111 Procedure for disposition of motions.

Within 7 days following the service of any motion provided for in § 164.110, any other party to the proceeding may file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Administrator shall announce his decision whether to grant or to deny the motion. Unless the Administrator shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the motion. In the event that any such motion is granted by the Administrator, the applicable rules of practice, as set out elsewhere herein, shall be followed.

Subpart C—General Rules of Practice for Expedited Hearings

§ 164.120 Notification.

(a) Whenever the Administrator determines that action is necessary to prevent an imminent hazard during the time required for cancellation or change in

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classification proceedings, but that the hazard does not constitute an emergency, he shall notify the registrant of his intention to suspend registration of the pesticide at issue.

(b) Such notice shall include findings pertaining to the question of imminent hazard and shall either be personally served on the registrant or be sent to the registrant by registered or certified mail, return receipt requested, and filed with the hearing clerk.

§ 164.121 Expedited hearing.

(a) *Request.* (1) An expedited hearing shall be held whenever the Administrator has received from the registrant a timely request for such hearing in response to the Administrator's notice of intention to suspend.

(2) A request for an expedited hearing is timely if made in writing or by telegram and filed with the office of the hearing clerk within 5 days of the registrant's receipt of the notice of intention to suspend.

(3) At the time of filing a request for an expedited hearing, the registrant shall also file a document setting forth objections to the Administrator's notice of intention to suspend and its findings pertaining to the question of imminent hazard. Such objections shall conform to the requirements of § 164.21.

(b) *Presiding officer.* (1) An expedited hearing shall be conducted by a presiding officer appointed by the Administrator, and such officer need not be an Administrative Law Judge.

(2) The presiding officer shall not have the authority to make an initial decision on the merits but shall make a recommended decision only.

(c) *The issue.* The expedited hearing shall address only the issue of whether an imminent hazard exists.

(d) *Time of hearing.* The hearing shall commence within 5 days after the filing of the request with the office of the hearing clerk unless the registrant and respondent agree that it shall commence at a later time. As soon as possible, the presiding officer shall publish in the Federal Register notice of such hearing.

(e) *Intervention.* Any person adversely affected by the Administrator's notice may move to intervene within 5 days after the receipt by the registrant of said notice or at any time prior to the conclusion of the presentation of the evidence, upon good cause found, except

(1) Leave to intervene will be granted only if the motion to intervene meets the standards of § 164.31 and, in addition, indicates that the movant would raise matters or introduce evidence pertinent to the issue of imminent hazard which would substantially assist in its resolution.

(2) A movant denied permission to intervene under this section but who otherwise meets the standards of § 164.31 and who is adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding, for all purposes of its further review.

(3) When an "emergency order" is issued pursuant to § 164.123, no person other than the respondent and the registrant shall participate in the hearing except that any person adversely affected may file proposed findings and conclusions and briefs in support thereof pursuant to paragraph (j) of this section. Any person filing under this subsection shall be deemed to have been a party to the proceeding for all purposes of its further review.

(f) *Appearances and consolidation.* The provisions of §§ 164.30 and 164.32 apply to an expedited hearing insofar as may be practicable.

(g) *Order of proceeding and burden of proof.* At the hearing, the proponent of suspension shall have the burden of going forward to present an affirmative case for the suspension. However, the ultimate burden of persuasion shall rest with the proponent of the registration.

(h) *Evidence.* The provisions of § 164.81, where applicable, apply to an expedited hearing.

(i) *Transcripts.* The presiding officer shall make provision for daily transcripts and otherwise comply with the provisions of § 164.82.

(j) *Proposed findings or conclusions; recommended decision.* (1) Within 4 days of the conclusion of the presentation of evidence, the parties may propose findings and conclusions to the Presiding Officer. Such proposed findings and conclusions shall be accompanied by a brief with supporting reasons.

(2) Within 8 days of the conclusion of the presentation of evidence, the Presiding Officer shall submit to the parties his proposed recommended findings and conclusions and a statement of the reasons on which they are based.

(3) Within 10 days of the conclusion of the presentation of evidence the Presiding Officer shall submit to the Administrator his recommended findings and conclusions, together with the record.

(4) Within 12 days of the conclusion of the presentation of evidence the parties shall submit to the Administrator their objections to the Presiding Officer's recommended findings and conclusions and written briefs in support thereof.

§ 164.122 Final order and order of suspension.

(a) *Final order.* Within 7 days of receipt of the record and of the Presiding Officer's recommended findings and conclusions, the Administrator shall issue a final decision and order. Such final order may accept or reject in whole or in part the recommendations of the Presiding Officer.

(b) *Order of suspension.* No final order of suspension shall be issued unless the Administrator has issued or at the same time issues a notice of his intention to cancel the registration or change the classification of the pesticide. Such notice shall be given as provided in § 164.8.

§ 164.123 Emergency order.

(a) Whenever the Administrator determines that an emergency exists that does not permit him to hold a hearing before suspension, he may issue a suspension order in advance of notification to the registrant.

(b) The Administrator shall immediately notify the registrant of the suspension order. The registrant may then request a hearing in accordance with §§ 164.121 and 164.122, but the suspension order shall remain in effect during the hearing pending the issuance of a final order on suspension.

Dated: July 13, 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-14967 Filed 7-19-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 16; Amdt. 99-7]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Appendix C—List of Employees Required To Submit Statements of Employment and Financial Interest

PATENT COUNSEL

The purpose of this amendment is to reflect the fact that the position of Patent Advisor, GS-15, in the Office of the General Counsel of the Federal Aviation Administration has been transferred to the Office of the General Counsel in the Office of the Secretary of Transportation under the title of Patent Counsel.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective July 20, 1973, Appendix C of Part 99 of Title 49, Code of Federal Regulations, is amended as follows:

1. In Part I, Office of the Secretary of Transportation, the list of employees in the Office of the General Counsel is amended by adding at the end thereof "Patent Counsel", as follows:

I. OFFICE OF THE SECRETARY OF TRANSPORTATION

* * * * * * *

OFFICE OF THE GENERAL COUNSEL

* * * * * * *

Patent Counsel.

2. In Part II, Federal Aviation Administration, the list of employees in the Office of the General Counsel is amended by deleting "Patent Advisor, GS-15".

(Executive Order 11222, 30 FR 6469; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; § 1.59(m) of the Regulations, Office of Secretary of Transportation, 49 CFR 1.59(m))

Issued in Washington, D.C., on July 16, 1973.

J. THOMAS TIDD,
Acting General Counsel.

[FR Doc.73-14937 Filed 7-19-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Seasons for Puerto Rico and the Virgin Islands—1973-74; Amendment

Open season dates for doves and pigeons in Puerto Rico and the Virgin Islands were published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17231).

Based on recent information from the Secretary of Natural Resources for Puerto Rico, it is determined that the dove and pigeon season dates for Puerto Rico should be changed from September 15–November 18, 1973, to July 21–September 28, 1973.

It is determined that this change in the Puerto Rico dove and pigeon season dates will be of public benefit by permitting the hunting of these species ten weeks earlier during a period which coincides with traditional seasons of recent years. For this reason, it is found that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. This amendment shall be effective on July 21, 1973.

Accordingly, in § 10.101 of this part, paragraph (a) is amended to read as follows:

§ 10.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

(a) *Puerto Rico*

	Doves	Pigeons
Daily bag limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Possession limit.	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Open season dates.	July 21 to September 28, 1973.	

* * * * * *

Authority: 40 Stat. 755, 16 U.S.C. 703 et seq.

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

July 17, 1973.

[FR Doc.73-14935 Filed 7-19-73;8:45 am]

PART 32—HUNTING

Arrowwood and Chase Lake National Wildlife Refuges, North Dakota

The following special regulations are issued and are effective on July 20, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting with guns is not permitted.

(2) The open season for hunting deer on the refuge is from 12:00 Noon to sunset on August 24, 1973 and from ½ hour before sunrise to sunset thereafter thru the day before the 1973 waterfowl hunting season starts. Bow hunting will be permitted again on November 19, 1973 and remain open until December 31, 1973.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, North Dakota, is closed for the 1973 season.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

JULY 11, 1973.

[FR Doc.73-14888 Filed 7-19-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 2-73-2R]

PART 127—SECURITY ZONES

McClellan-Kerr Arkansas River Navigation System, Arkansas

This amendment to the Coast Guard's Security Zone Regulations establishes the Arkansas River, from Mile 51.7 to Mile 19.0, the Arkansas Post Canal, from Mile 19.0 to Mile 9.8, and the White River, from Mile 9.8 to Mile 7.1, as a security zone. This security zone is established to provide for safe movement and installation of a newly constructed bridge span from the construction site at Mile 50.5, Arkansas River, to the installation site at Mile 7.5, White River.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication, because good cause exists and public procedures are impracticable because safety considerations require movement of the bridge span during river conditions anticipated during the effective period.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.202, to read as follows:

§ 127.202 Security Zone, McClellan-Kerr Arkansas River Navigation System, Mile 51.7 to Mile 7.1.

The waters within the following boundary is a security zone: a line beginning at Swan Lake Light, Mile 51.7, Arkansas River; thence along the left descending river bank to the entrance to the Arkansas Post Canal; thence along the left descending bank of the Arkansas Post Canal to the juncture of the White River; thence along the left descending bank of the White River to Benzal Light, Mile 7.1; thence along a line perpendicular to the axis of the river across the river to the opposite bank; thence upstream along the right descending bank of the White River to the juncture of the Arkansas Post Canal; thence along the right descending bank of the Arkansas Post Canal to the juncture of the Arkansas River; thence along the right descending river bank to a point on aline from Swan Lake Light, Mile 51.7, Arkansas River, perpendicular to the axis of the river; thence to the beginning point.

(46 Stat. 220, as amended, Section 6(b), 80 Stat. 937, 50 U.S.C. Section 191, 49 U.S.C. Section 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment is effective from 6:00 a.m. C.d.t., July 23, 1973 to 12:00 Midnight C.d.t., August 15, 1973.

Dated: July 17, 1973.

H. D. MUTH,
Captain, U.S. Coast Guard, Acting Commander, Second Coast Guard District, St. Louis, Missouri.

[FR Doc.73-15036 Filed 7-19-73;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 595]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 22-28, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season averages returns to the parity price for lemons.

§ 910.895 Lemon Regulation 595.

(a) *Findings.* (1) Pursuant to the

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marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues similar to last week, strong for first grade fruit and somewhat weaker for second grade fruit. Demand for 165's and smaller continues strong, is steady for 140's, and has improved for 115's and larger. Supplies generally are adequate for larger sizes and are short for 140's and smaller lemons. Average f.o.b. price was $4.96 per carton the week ended July 14, 1973, compared to $5.04 per carton the previous week. Track and rolling supplies at 163 cars were down 52 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 22, 1973, through July 28, 1973, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15088 Filed 7-19-73;11:51 am]

[Lime Reg. 5]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 22–July 28, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.405 Lime Regulation 5.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is fair to good, and prices are firmer but are unchanged. Prices f.o.b. packinghouse continue to range $1.35 to $1.55 per 10 pound container. Fresh shipments for the weeks ended July 14, 1973, and July 7, 1973, were 24,512 bushels and 15,815 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 17, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 22, 1973, through July 28, 1973, is hereby fixed at 26,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15087 Filed 7-19-73;11:51 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

On April 9, 1973, there was published in the FEDERAL REGISTER a notice of proposed rulemaking regarding certain determinations Commodity Credit Corporation was preparing to make with respect to the loan programs for the 1973 crops of upland and extra long staple cotton. Nine responses were received concerning the proposal to adopt strict low middling 1 1/16-inch as the base quality for computing upland cotton loans. Eight responses favored the proposal and one opposed. Ten responses were received concerning the proposed new schedule of micronaire differentials for extra long staple cotton. Six responses favored the proposal and four opposed. Other comments received dealt with matters not covered in this supplement.

The Cotton Loan Program Regulations issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to loan operations for cotton are supplemented as shown below for the 1973 crop of cotton. Section 1427.101 contains the schedule of base loan rates for upland cotton and is based on strict low middling 1 1/16-inch cotton. Section 1427.105 contains the new schedule of micronaire differentials for extra long staple cotton which are to be used in determining loan rates for extra long staple cotton.

The material previously appearing in §§ 1427.100 through 1427.104 remains in full force and effect as to previous crops of cotton.

Sec.
1427.100 Purpose.
1427.101 Schedule of base loan rates for eligible 1973-crop upland cotton by warehouse location.
1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1973-crop upland cotton.
1427.103 Schedule of micronaire differentials for 1973-crop upland cotton.
1427.104 Schedule of loan rates for eligible qualities of 1973-crop extra long staple cotton by warehouse location.
1427.105 Schedule of micronaire differentials of 1973-crop extra long staple cotton.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1970, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1444.

§ 1427.100 Purpose.

This subpart is for the purpose of announcing that loans will be available on upland and extra long staple cotton of the 1973 crop under the terms and conditions stated in the Cotton Loan Program Regulations issued by Commodity Credit Corporation and contained in this Part 1427. This subpart also contains schedules to be used in determining loan rates on 1973-crop cotton.

§ 1427.101 Schedule of base loan rates for eligible 1973-crop upland cotton by warehouse location.

[In cents per pound, net weight]

City	County	Basis SLM White 1 1/16 "4134" loan rate
ALABAMA		
Akron	Hale	21.00
Albertville	Marshall	21.10
Alicevill	Pickens	21.00
Arab	Marshall	21.10
Atmore	Escambia	21.00
Attalla	Etowah	21.25
Belle Mina	Limestone	21.10
Berry	Fayette	21.10
Birmingham	Jefferson	21.10
Boligee	Greene	21.10
Brent	Bibb	21.10
Camden	Wilcox	21.00
Centre	Cherokee	21.25
Centreville	Bibb	21.10
Clayton	Barbour	21.10
Cullman	Cullman	21.10
Decatur	Morgan	21.10
Demopolis	Marengo	21.00
Dutton	Jackson	21.10
Eclectic	Elmore	21.10
Elkmont	Limestone	21.10
Eufaula	Barbour	21.10
Eutaw	Greene	21.00
Evergreen	Conecuh	21.00
Fayette	Fayette	21.10
Frisco City	Monroe	21.00
Gadsden	Etowah	21.25
Georgiana	Butler	21.10
Geraldine	De Kalb	21.10
Goodway	Monroe	21.00
Greenbrier	Limestone	21.10
Greensboro	Hale	21.00
Haleyville	Winston	21.10
Hamilton	Marion	21.00
Hartford	Geneva	21.10
Hartselle	Morgan	21.10
Havana Junction	Hale	21.00
Headland	Henry	21.10
Huntsville	Madison	21.25
Hurtsboro	Russell	21.10
Jasper	Walker	21.25
Lafayette	Chambers	21.00
Livingston	Sumter	21.00
McCullough	Escambia	21.10
Madison	Madison	21.10
Marion	Perry	21.00
Mobile	Mobile	21.10
Montgomery	Montgomery	21.00
Moundville	Hale	21.00
Newbern	Hale	21.10
New Hope	Madison	21.10
Newville	Henry	21.00
Northport	Tuscaloosa	21.10
Oneonta	Blount	21.25
Opelika	Lee	21.10
Opp	Covington	21.00
Panola	Sumter	21.00
Red Bay	Franklin	21.00
Rogersville	Lauderdale	21.00
Russellville	Franklin	21.00
Samantha	Tuscaloosa	21.10
Samson	Geneva	21.10
Scottsboro	Jackson	21.10
Section	Jackson	21.10
Selma	Dallas	21.10
Stevenson	Jackson	21.10
Sulligent	Lamar	21.00
Sweet water	Marengo	21.00
Sylacauga	Talladega	21.25
Talladega	Talladega	21.25
Tallassee	Elmore	21.10
Tuscumbia	Colbert	21.00
Tuskegee	Macon	21.10
Union Springs	Bullock	21.10
Uniontown	Perry	21.10
Wetumpka	Elmore	21.10
ARIZONA		
Eloy	Pinal	19.90
Phoenix	Maricopa	19.90
Picacho	Pinal	19.90
Safford	Graham	20.20
Yuma	Yuma	19.90
ARKANSAS		
Batesville	Independence	20.85
Blytheville	Mississippi	20.90
Bradley	Lafayette	20.75
Brinkley	Monroe	20.90
Camden	Ouachita	20.75
Clarendon	Monroe	20.90
Cotton Plant	Woodruff	20.90
Dardanelle	Yell	20.85
Dell	Mississippi	20.90
Dumas	Desha	20.85
Earle	Crittenden	20.90
England	Lonoke	20.85
Eudora	Chicot	20.85
Evadale	Mississippi	20.90
Forrest City	St Francis	20.90
Fort Smith	Sebastian	20.75
Helena	Phillips	20.90
Hope	Hempstead	20.75
Hughes	St Francis	20.90
Jonesboro	Craighead	20.90
Leachville	Mississippi	20.90
Lepanto	Poinsett	20.90
Little Rock	Pulaski	20.85
Lonoke	Lonoke	20.85
McCrory	Woodruff	20.90
McGehee	Desha	20.85
Marianna	Lee	20.90
Marked Tree	Poinsett	20.90
Marvell	Phillips	20.90
Newport	Jackson	20.85
North Little Rock	Pulaski	20.85
Osceola	Mississippi	20.90
Pine Bluff	Jefferson	20.85
Portland	Ashley	20.85
Searcy	White	20.85
Sparkman	Dallas	20.75
Trumann	Poinsett	20.90
Waldo	Columbia	20.75
Walnut Ridge	Lawrence	20.85
West Memphis	Crittenden	20.90
Wynne	Cross	20.90
CALIFORNIA		
Bakersfield	Kern	19.90
Brawley	Imperial	19.90
Calico	Kern	19.90
El Centro	Imperial	19.90
Fresno	Fresno	19.90
Imperial	Imperial	19.90
Kerman	Fresno	19.90
Los Angeles	Los Angeles	19.90
Pinedale	Fresno	19.90
Tulare	Tulare	19.90
FLORIDA		
Jay	Santa Rosa	21.10
GEORGIA		
Adairsville	Bartow	21.40
Alamo	Wheeler	21.25
Albany	Dougherty	21.25
Allentown	Wilkinson	21.40
Arabi	Crisp	21.25
Arlington	Calhoun	21.10
Athens	Clarke	21.50
Atlanta	Fulton	21.40
Augusta	Richmond	21.50
Bartow	Jefferson	21.40
Blakely	Early	21.10
Bronwood	Terrell	21.25
Buena Vista	Marion	21.40
Bulter	Taylor	21.40
Byromville	Dooly	21.25

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City	County	Basis SLM White 1⅛ *4134* loan rate
GEORGIA—Continued		
Cadwell	Laurens	21.40
Camilla	Mitchell	21.10
Carrollton	Carroll	21.40
Cedartown	Polk	21.40
Centerview	Dodge	21.40
Center	Dodge	21.40
Centralhatchee	Bleckley	21.40
Chauncey	Miller	21.10
Cochran	Muscogee	21.10
Comer	Madison	21.50
Concord	Pike	21.40
Cordele	Crisp	21.25
Coverdale	Turner	21.25
Cuthbert	Randolph	21.10
Davisboro	Washington	21.40
Dawson	Terrell	21.25
Dexter	Laurens	21.40
Donalsonville	Colquitt	21.10
Douglasville	Seminole	21.10
Dublin	Coffee	21.25
Dunaire	Laurens	21.04
Dudley	Laurens	21.40
Eastman	Dodge	21.40
East Point	Fulton	21.40
Edison	Calhoun	21.10
Ellaville	Houston	21.40
Emanuel	Schley	21.40
Fitzgerald	Ben Hill	21.25
Fort Gaines	Clay	21.10
Funston	Colquitt	21.10
Gay	Meriwether	21.40
Greenville	Tattnall	21.25
Greenville	Meriwether	21.40
Hagan	Coweta	21.40
Hawkinsville	Pulaski	21.40
Hogansville	Pike	21.40
Ideal	Macon	21.40
Jeffersonville	Twiggs	21.40
Jesup	Wayne	21.25
Kingston	Bartow	21.40
Leslie	Sumter	21.25
Louisville	Jefferson	21.40
Lumpkin	Stewart	21.25
Luthersville	Meriwether	21.40
Lyons	Toombs	21.25
McDonough	Henry	21.40
Madison	Morgan	21.40
Marshall	Newton	21.40
Montezuma	Macon	21.40
Moultrie	Thomas	21.10
Mount Zion	Carroll	21.10
Mulberry	Burke	21.10
Nashville	Berrien	21.40
Monroe	Walton	21.40
Mississippi	Macon	21.40
Shiloh	Colquitt	21.10
Newton Park	Colquitt	21.10
Ocilla	Irwin	21.40
Oglethorpe	Macon	21.25
Omega	Tift	21.25
Parrott	Terrell	21.25
Pearson	Brady	21.10
Pine Mountain	Harris	21.25
Pitts	Wilcox	21.25
Plains	Sumter	21.25
Poulan	Bulloch	21.10
Quitman	Brooks	21.10
Reidsville	Tattnall	21.25
Reynolds	Taylor	21.40
Rochelle	Wilcox	21.40
Rome	Floyd	21.10
Rutledge	Morgan	21.40
Saint Simons	Glynn	21.25
Sasser	Terrell	21.10
Senoia	Coweta	21.10
Sharpsburg	Randolph	21.10
Social Circle	Walton	21.40
Soperton	Treutlen	21.40
Statesboro	Bulloch	21.40
Swainsboro	Emanuel	21.25
Sycamore	Turner	21.40
Sylvester	Worth	21.25
Sylvester	Worth	21.10
Tarrville	Washington	21.40
Tifton	Chattooga	21.40
Twin City	Emanuel	21.25
Unadilla	Dooly	21.25
Vienna	Dooly	21.40
Wadley	Jefferson	21.50
Warrenton	Warren	21.25
Warwick	Worth	21.50
Watkinsville	Oconee	21.40
Waynesboro	Burke	21.50
Winder	Barrow	21.40
Wrightsville	Johnson	21.40
Yatesville	Upson	21.40
Youth	Walton	

City	Parish	Basis SLM white 1⅛ *4134* loan rate
LOUISIANA		
Alexandria	Rapides	20.75
Bernice	Union	20.75
Chenneyville	Rapides	20.75
Conshatta	Red River	20.75
Delhi	Richland	20.85
Ferriday	Concordia	20.85
Franklinton	Washington	20.90
Haynesville	Claiborne	20.75
Lake Providence	East Carroll	20.95
Mansfield	De Soto	20.75
Mer Rouge	Morehouse	20.85
Monroe	Ouachita	20.85
Natchitoches	Natchitoches	20.75
New Orleans	Orleans	20.90
Oak Grove	West Carroll	20.85
Opelousas	St. Landry	20.75
Plain Dealing	Bossier	20.75
Rayville	Richland	20.85
Shreveport	Caddo	20.75
Tallulah	Madison	20.85
Winnsboro	Franklin	20.85

City	County	Basis SLM white 1⅛ *4134* loan rate
MISSISSIPPI		
Aberdeen	Monroe	20.95
Batesville	Panola	20.95
Belzoni	Humphreys	20.90
Booneville	Prentiss	20.95
Brookhaven	Lincoln	20.90
Canton	Madison	20.95
Carthage	Leake	20.95
Clarksdale	Coahoma	21.00
Cleveland	Bolivar	20.90
Columbia	Marion	20.90
Columbus	Lowndes	20.95
Como	Panola	20.95
Corinth	Alcorn	20.95
Drew	Sunflower	20.90
Flora	Madison	20.90
Greenville	Washington	20.90
Greenwood	Leflore	20.90
Grenada	Grenada	20.95
Gulfport	Harrison	20.90
Hattiesburg	Forrest	20.90
Hollandale	Washington	20.90
Holly Springs	Marshall	21.05
Houston	Chickasaw	20.95
Indianola	Sunflower	20.90
Inverness	Sunflower	20.90
Itta Bena	Leflore	20.90
Jackson	Hinds	20.90
Kosciusko	Attala	20.95
Leland	Washington	20.90
Macon	Noxubee	20.95
Magee	Simpson	20.90
Magnolia	Pike	20.90
Marks	Quitman	20.90
New Albany	Union	20.95
Okolona	Chickasaw	20.95
Oxford	Lafayette	20.75
Philadelphia	Neshoba	20.95
Pontotoc	Pontotoc	20.95
Prentiss	Jefferson Davis	20.90
Quitman	Clarke	21.00
Ripley	Tippah	20.90
Rolling fork	Sharkey	20.90
Rosedale	Bolivar	20.90
Ruleville	Sunflower	20.90
Shaw	Bolivar	20.90
Shelby	Bolivar	20.95
Shuqualak	Noxubee	20.90
Sledge	Quitman	20.90
Summit	Pike	20.90
Tunica	Tunica	20.90
Tupelo	Lee	20.95
Tutwiler	Tallahatchie	20.90
Tylertown	Walthall	20.90
Union	Newton	20.95
Vicksburg	Warren	20.90
West Point	Clay	20.95
Yazoo City	Yazoo	20.90

City	County	Basis SLM white 1⅛ *4134* loan rate
MISSOURI		
Arbyrd	Dunklin	20.90
Carutherville	Pemiscot	20.90
Charleston	Mississippi	20.90
Gideon	New Madrid	20.90
Hayti	Pemiscot	20.90
Kennett	Dunklin	20.90
Lilbourn	New Madrid	20.90
Maldren	Dunklin	20.90
Portageville	New Madrid	20.50
Sikeston	Scott	2.050

City	County	Basis SLM White 1⅛ *4134* loan rate
NEW MEXICO		
Artesia	Eddy	20.45
Carlsbad	Eddy	20.45
Deming	Luna	20.40
Las Cruces	Dona Ana	20.45
Lovington	Lea	20.55
Roswell	Chaves	20.45
NORTH CAROLINA		
Battleboro	Nash	21.55
Butner	Granville	21.55
Candor	Montgomery	21.65
Charlotte	Mecklenburg	21.65
Cherryville	Gaston	21.65
Clinton	Sampson	21.55
Conway	Northampton	21.55
Dunn	Harnett	21.55
Edenton	Chowan	21.55
Enfield	Halifax	21.55
Fayetteville	Cumberland	21.55
Gastonia	Gaston	21.65
Gibson	Scotland	21.55
Goldsboro	Wayne	21.55
Henderson	Vance	21.55
Jackson	Northampton	21.55
Laurinburg	Scotland	21.55
Lewiston	Bertie	21.55
Lumberton	Lincoln	21.65
Mooresville	Robeson	21.55
Morven	Iredell	21.65
Murfreesboro	Anson	21.65
Nashville	Hertford	21.55
Newton	Nash	21.55
Parkton	Cumberland	21.65
Pembroke	Robeson	21.55
Raeford	Robeson	21.55
Raleigh	Hoke	21.55
Rich Square	Wake	21.55
Roanoke Rapids	Northampton	21.55
Rowland	Halifax	21.55
Saint Pauls	Robeson	21.55
Salisbury	Rowan	21.65
Scotland Neck	Halifax	21.55
Seaboard	Northampton	21.55
Selma	Johnston	21.55
Shelby	Cleveland	21.65
Smithfield	Johnston	21.55
Tarboro	Edgecombe	21.55
Wagram	Scotland	21.55
Wake Forest	Wake	21.55
Washington	Beaufort	21.55
Weldon	Halifax	21.55
Williamston	Martin	21.55
Wilson	Wilson	21.55
Woodland	Northampton	21.55
OKLAHOMA		
Altus	Jackson	20.65
Anadarko	Caddo	20.65
Chickasha	Grady	20.65
Frederick	Tillman	20.65
Hobart	Kiowa	20.65
Idabel	McCurtain	20.75
Mangum	Greer	20.65
Mountain View	Kiowa	20.65
Oklahoma City	Oklahoma	20.65
SOUTH CAROLINA		
Abbeville	Abbeville	21.65
Allendale	Allendale	21.55
Anderson	Anderson	21.65
Bamberg	Bamberg	21.55
Barnwell	Barnwell	21.55
Bennettsville	Marlboro	21.55
Bishopville	Lee	21.55
Bowman	Orangeburg	21.55
Branchville	Orangeburg	21.55
Brunson	Hampton	21.55
Calhoun Falls	Abbeville	21.65
Cameron	Calhoun	21.55
Charleston	Charleston	21.55
Cheraw	Chesterfield	21.65
Chester	Chester	21.65
Chesterfield	Chesterfield	21.65
Coin	Marlboro	21.55
Columbia	Richland	21.65
Dalzell	Sumter	21.55
Darlington	Darlington	21.55
Denmark	Bamberg	21.55
Dillon	Dillon	21.55
Edgefield	Edgefield	21.65
Elloree	Orangeburg	21.55
Estill	Hampton	21.55
Fountain Inn	Greenville	21.65
Gaffney	Cherokee	21.65
Garnett	Hampton	21.55
Greenville	Greenville	21.65
Greenwood	Greenwood	21.65

City	County	Basis SLM White 1⅛ *4134* loan rate
SOUTH CAROLINA—Continued		
Hartsville	Darlington	21.55
Heath Springs	Lancaster	21.65
Jefferson	Chesterfield	21.65
Kingstree	Williamsburg	21.55
Lake City	Florence	21.55
Lamar	Darlington	21.55
McColl	Marlboro	21.55
Manning	Clarendon	21.55
Marion	Marion	21.55
Mountville	Laurens	21.65
Mullins	Marion	21.55
Newberry	Newberry	21.65
Norway	Orangeburg	21.55
Olanta	Florence	21.55
Orangeburg	Orangeburg	21.55
Pendleton	Anderson	21.65
Pinewood	Sumter	21.55
Prosperity	Newberry	21.65
Ridgeway	Fairfield	21.65
Rock Hill	York	21.65
Saluda	Saluda	21.65
Spartanburg	Spartanburg	21.65
St. Matthews	Calhoun	21.55
Summerton	Clarendon	21.55
Sumter	Sumter	21.55
Swansea	Lexington	21.65
Timmonsville	Florence	21.55
Union	Union	21.65
Wagener	Aiken	21.65
Williston	Barnwell	21.55
TENNESSEE		
Brownsville	Haywood	20.95
Chattanooga	Hamilton	21.25
Covington	Tipton	20.95
Dayton	Franklin	21.00
Dyersburg	Dyer	20.95
Five Points	Lawrence	21.00
Henderson	Chester	20.95
Jackson	Madison	20.95
Lawrenceburg	Lawrence	21.00
Memphis	Shelby	20.95
Milan	Gibson	20.95
Ripley	Lauderdale	20.95
Tiptonville	Lake	20.95
TEXAS		
Abernathy	Hale	20.55
Abilene	Taylor	20.65

City	County	Basis SLM White 1⅛ *4134* loan rate
TEXAS—Continued		
Ballinger	Runnels	20.65
Bay City	Matagorda	20.65
Big Spring	Howard	20.55
Bovina	Parmer	20.65
Brady	McCulloch	20.65
Brenham	Washington	20.65
Brownfield	Terry	20.55
Brownsville	Cameron	20.65
Brownwood	Brown	20.65
Bryan	Brazos	20.65
Burton	Washington	20.65
Cameron	Milam	20.65
Childress	Childress	20.65
Cleburne	Johnson	20.65
Colorado City	Mitchell	20.65
Commerce	Hunt	20.75
Corpus Christi	Nueces	20.65
Corsicana	Navarro	20.65
Crosbyton	Crosby	20.55
Dallas	Dallas	20.65
Dimmitt	Castro	20.55
Elgin	Bastrop	20.65
Enloe	Delta	20.75
Ennis	Ellis	20.65
Fabens	El Paso	20.45
Fauna	Harris	20.75
Floydada	Floyd	20.55
Fort Stockton	Pecos	20.55
Gainesville	Cooke	20.75
Galveston	Galveston	20.75
Garland	Dallas	20.75
Greenville	Hunt	20.75
Hamlin	Jones	20.65
Harlingen	Cameron	20.55
Hart	Castro	20.55
Haskell	Haskell	20.65
Hearne	Robertson	20.65
Hillsboro	Hill	20.65
Honey Grove	Fannin	20.75
Houston	Harris	20.75
Hubbard	Hill	20.65
Kaufman	Kaufman	20.75
Kenedy	Karnes	20.65
Knox City	Knox	20.65
La Grange	Fayette	20.65
Lamesa	Dawson	20.55
Levelland	Hockley	20.55
Littlefield	Lamb	20.55
Lockhart	Caldwell	20.65
Lockney	Floyd	20.55
Lubbock	Lubbock	20.55
McKinney	Collin	20.75
Marlin	Falls	20.65
Memphis	Hall	20.65
Mexia	Limestone	20.65

City	County	Basis SLM White 1⅛ *4134* loan rate
TEXAS—Continued		
Morton	Cochran	20.55
Muleshoe	Bailey	20.55
Munday	Knox	20.65
Navasota	Grimes	20.65
Needville	Fort Bend	20.75
Odonnell	Lynn	20.55
Paducah	Cottle	20.65
Paris	Lamar	20.75
Pecos	Reeves	20.55
Plainview	Hale	20.55
Pyote	Ward	20.55
Quanah	Hardeman	20.65
Quitaque	Briscoe	20.55
Ralls	Crosby	20.55
Raymondville	Willacy	20.55
Roaring Springs	Motley	20.65
Rochester	Haskell	20.65
Rosebud	Falls	20.65
Rosenberg	Fort Bend	20.75
Rotan	Fisher	20.65
Rule	Haskell	20.65
San Angelo	Tom Green	20.65
Seagraves	Gaines	20.55
Seymour	Baylor	20.65
Shamrock	Wheeler	20.65
Slaton	Lubbock	20.55
Snyder	Scurry	20.65
Stamford	Jones	20.65
Stanton	Martin	20.55
Sudan	Lamb	20.55
Sweetwater	Nolan	20.65
Tahoka	Lynn	20.55
Taylor	Williamson	20.65
Temple	Bell	20.65
Terrell	Kaufman	20.75
Texarkana	Bowie	20.75
Tulia	Swisher	20.55
Turkey	Hall	20.55
Vernon	Wilbarger	20.65
Waco	McLennan	20.65
Waxahachie	Ellis	20.65
Wellington	Collingsworth	20.65
Wichita Falls	Wichita	20.65
Winters	Runnels	20.65
Wills Point	Van Zandt	20.75
VIRGINIA		
Brodnax	Brunswick	21.55

§ 1427.102 Schedule of premiums and discounts for grade and staple length of eligible 1973-crop upland cotton.

GRADE[1]	Code	Staple (inches) 13/16 (26)	7/8 (28)	29/32 (29)	15/16 (30)	31/32 (31)	1 (32)	1 1/32 (33)	1 1/16 (34)	1 1/32 (35)	1 1/8 (36)	1 3/32 (37)	1 1/16 (38)	1 5/32 (39)	1 1/4 long (40)
		Pts.	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
White:															
GM and better	(01)-(11)	−400	−365	−310	−250	−175	−55	+80	+215	+350	+300	+365	+455	+635	+785
SM	(21)	−405	−370	−320	−260	−180	−70	+75	+210	+345	+290	+350	+440	+620	+775
MID plus	(30)	−420	−390	−340	−275	−200	−90	+50	+185	+325	+265	+320	+405	+580	+735
MID	(31)	−435	−405	−355	−290	−215	−115	+30	+165	+305	+245	+300	+375	+535	+665
SLM plus	(40)	−495	−460	−415	−350	−300	−210	−75	+65	+95	+120	+165	+250	+385	+515
SLM	(41)	−530	−490	−440	−385	−330	−260	−135	*Base*	+30	+75	+105	−175	+310	+430
LM plus	(50)	−590	−560	−515	−460	−405	−340	−260	−160	−135	−115	−100	−75	−50	0
LM	(51)	−620	−590	−550	−495	−445	−390	−315	−225	−200	−175	−165	−150	−125	−100
SGO plus	(60)	−715	−695	−660	−605	−560	−500	−460	−415	−405	−400	−400	−400	−400	−400
SGO	(61)	−760	−735	−695	−655	−610	−555	−515	−475	−470	−465	−465	−465	−465	−465
GO plus	(70)	−840	−815	−785	−745	−705	−660	−620	−595	−585	−585	−585	−585	−585	−585
GO	(71)	−885	−855	−830	−765	−750	−705	−670	−645	−645	−640	−610	−640	−640	−640
Light spotted:															
GM	(12)	−415	−405	−355	−305	−240	−160	−25	+85	+120	+145	+190	+265	+440	+665
SM	(22)	−455	−415	−365	−310	−250	−170	−40	+70	+105	+135	+170	+245	+420	+580
MID	(32)	−500	−465	−425	−370	−315	−245	−130	−15	+20	+55	+100	+170	+290	+390
SLM	(42)	−595	−555	−505	−460	−415	−360	−290	−210	−195	−170	−160	−140	−130	−95
LM	(52)	−710	−675	−635	−590	−555	−515	−470	−430	−425	−425	−425	−425	−425	−425
Spotted:															
GM	(13)	−550	−515	−480	−425	−380	−335	−280	−235	−220	−205	−195	−185	−160	−135
SM	(23)	−560	−520	−485	−430	−390	−350	−290	−245	−235	−215	−205	−195	−175	−155
MID	(33)	−615	−575	−535	−490	−450	−410	−370	−330	−325	−315	−310	−310	−310	−310
SLM	(43)	−710	−670	−630	−580	−550	−520	−490	−465	−460	−460	−460	−460	−460	−460
LM	(53)	−815	−775	−740	−705	−675	−640	−610	−600	−595	−590	−590	−590	−590	−590
Tinged:															
GM	(14)	−700	−655	−625	−590	−575	−560	−540	−535	−530	−530	−530	−530	−530	−530
SM	(24)	−710	−670	−635	−600	−590	−570	−550	−545	−540	−540	−540	−540	−540	−540
MID	(34)	−765	−725	−690	−655	−635	−620	−605	−595	−595	−595	−595	−595	−595	−595
SLM	(44)	−850	−810	−775	−730	−720	−700	−685	−680	−680	−680	−680	−680	−680	−680
LM	(54)	−955	−920	−890	−850	−840	−820	−805	−800	−800	−800	−800	−800	−800	−800
Yellow stained:															
GM	(15)	−875	−830	−805	−775	−760	−740	−730	−720	−720	−720	−720	−720	−720	−720
SM	(25)	−880	−835	−820	−785	−770	−750	−740	−730	−730	−730	−730	−730	−730	−730
MID	(35)	−935	−900	−875	−845	−825	−805	−795	−790	−790	−790	−790	−790	−790	−790

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GRADE [1]	Code	Staple (inches)													
		13/16 (26)	7/8 (28)	29/32 (29)	15/16 (30)	31/32 (31)	1 (32)	1 1/32 (33)	1 1/16 (34)	1 1/32 (35)	1 1/8 (36)	1 1/32 (37)	1 1/16 (38)	1 1/32 (39)	1 1/4 long (40)
		Pts.	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
Light gray:															
GM	(16)	−475	−440	−400	−340	−270	−185	−65	+55	+90	+130	+175	+230	+330	+505
SM	(26)	−515	−460	−440	−385	−325	−255	−145	−25	+5	+55	+95	+145	+275	+395
MID	(36)	−665	−570	−540	−485	−430	−375	−305	−220	−200	−170	−160	−140	−115	−85
SLM	(46)	−750	−720	−690	−640	−590	−550	−495	−460	−445	−435	−435	−435	−435	−435
Gray:															
GM	(17)	−575	−535	−495	−445	−390	−325	−215	−155	−135	−100	−65	−15	+60	+125
SM	(27)	−630	−595	−555	−505	−455	−400	−335	−280	−245	−220	−205	−190	−175	−140
MID	(37)	−770	−735	−705	−650	−610	−570	−510	−470	−465	−455	−455	−455	−455	−455
SLM	(47)	−885	−850	−825	−775	−740	−705	−670	−640	−635	−630	−630	−630	−630	−630

Grade symbols: GM—Good Middling; SM—Strict Middling; MID—Middling; SLM—Strict Low Middling; LM—Low Middling; SGO—Strict Good Ordinary; GO—Good Ordinary.

[1] Grade and staple codes. Staple below 31/16 is coded 24 and is not eligible for loan. Any grade code starting with an 8 is "below grade" and is not eligible for loan.

§ 1427.103 Schedule of micronaire differentials for 1973-crop upland cotton.

Micronaire Reading	*Points Per Pound*
5.3 and above	Discount of 150
5.0 through 5.2	Discount of 65
3.5 through 4.9	0
3.3 through 3.4	Discount of 70
3.0 through 3.2	Discount of 180
2.7 through 2.9	Discount of 300
2.6 and less	Discount of 450

§ 1427.104 Schedule of loan rates for eligible qualities of 1973-crop extra long staple cotton by warehouse location.

[In Cents Per Pound, Net Weight]

	Staple Length (Inches)					
	1 3/8		1 5/16		1 1/2 and Longer	
	(44)		(46)		(48)	
Code grade	Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—		Cotton stored in approved warehouses in—	
	Arizona and California	N. Mex., Texas and other States	Arizona and California	N. Mex., Texas and other States	Arizona and California	N. Mex., Texas and other States
1	39.70	40.20	40.05	40.55	40.20	40.70
2	39.55	40.05	39.85	40.40	40.05	40.55
3	39.20	39.70	39.65	40.15	39.75	40.25
4	38.60	39.10	38.90	39.40	39.10	39.60
5	36.50	37.00	36.80	37.30	36.90	37.40
6	27.95	28.45	28.20	28.70	28.25	28.75
7	23.25	23.75	23.40	23.90	23.50	24.00
8	20.25	20.75	20.35	20.85	20.45	20.95
9	18.10	19.10	18.70	19.20	18.80	19.30

§ 1427.105 Schedule of micronaire differentials for 1973-crop extra long staple cotton.

Micronaire Reading	*Points Per Pound*
3.5 and above	0
3.3 through 3.4	Discount of 20
3.0 through 3.2	Discount of 120
2.7 through 2.9	Discount of 320

Effective date: July 19, 1973.

Signed at Washington, D.C., on July 12, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-14845 Filed 7-19-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidations

Subpart A of Part 1872, Title 7, Code of Federal Regulations (35 FR 8803; 37 FR 13159) currently in effect under §§ 1872.1 through 1872.28 is revised to reflect a change in title, "Servicing and Liquidation of Real Estate Security for Loans to Individuals;" to renumber and add sections to update policies and procedures for servicing and liquidating real estate loans, and to incorporate the provisions of the Consolidated Farm and Rural Development Act. (P.L. 92-419) The changes as set out below are being published without proposed rulemaking because of delay in making available assistance provided by this revision would be contrary to the public interest because such a delay would postpone granting advantages which buyers and sellers are now entitled to under P.L. 92-419, and its immediate adoption will enable the Farmers Home Administration to service a larger volume of loans than it can under present regulations. The change in leasing policies, the longer term on transfers, and the clarification of policies on Rural Housing loans will expedite servicing actions, and revised authorizations will save FHA personnel and borrower's time and expense.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rulemaking 36 FR 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, date or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, prior to August 20, 1973. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

Effective Date. This revision is to become effective on July 19, 1973. The major changes are:

1. Contacts with holders of insured loans will be made by the Director, Finance Office, and in certain situations by the State Director.

2. Section 1872.2, permits the State Director to consider a subsequent loan or subordination to permit another lender to make a loan to a borrower to satisfy a third-party action for him to save his farm, and clarifies the procedure on payment of costs under a prior lien foreclosure sale.

3. Section 1872.3, authorized reamortization of FHA loans when subordinating FHA security to permit a loan of another lender; permits another lender to use its funds to reduce certain FHA debts; authorizes the County Supervisor to approve transactions up to $35,000 for refinancing, development and enlargement; authorizes the District Supervisor to approve any transactions up to $50,000; permits the approval of subordinations involving refinancing when the real estate secures only Farm Ownership (FO) or Recreation, or an FO loan and any other type FHA loan, and requires a mortgage and title services on any land acquired in the transaction.

4. Also § 1872.3, permits advances by the prior lender for taxes, insurance, emergency repairs for maintenance, and liquidation expenses; permits the approval of transactions up to $5,000 without preparing a formal appraisal report; authorizes the State Director to approve a sale of a portion of farm security on terms of ten percent down and not to exceed ten annual installments of principal plus interest at least equal to seven percent, and nonfarm security on terms of ten percent down and not to exceed five annual installments; permits use of proceeds from sale of real estate security for payment on inadequately secured FHA loans under certain conditions.

5. Section 1872.8, permits leasing of small allotment acreages that are not feasible for a borrower to operate; requires a borrower to resume personal operation of the property within three years rather than two; requires that rental income in pending liquidation cases will be applied to the FHA secured debts as extra payments; and authorizes the District Supervisor to approve annual leases for not more than five consecutive years.

6. Section 1872.10 authorizes the County Supervisor to consent to a severence agreement up to $5,000 and the District Supervisor up to $10,000.

7. Section 1872.11 includes lease proceeds in certain situations and excepts lease proceeds in some situations.

8. Section 1872.14 provides for issuance of a State Instruction for more specific guidance on handling bankruptcy and insolvency cases.

9. Section 1872.16(a) provides that the release conditions do not cover basic security for OL and EM loans and only permits release of real estate for such loans when it was taken as additional security.

10. Section 1872.17(g) authorizes the State Director to consent to an acceleration agreement for a period not to exceed 10 years for FO, SW, RL, and RH loans on farms. The acceleration of OL, EM, and RH loans on nonfarm tracts will not exceed a period of five years.

11. Section 1872.18 authorizes District Supervisors to approve transfers when the secured debts do not exceed $50,000, permits a transfer of a portion of the security with an assumption of the total indebtedness by the transferee and a release of the security retained by the borrower from the Government's lien, authorizes the State Director to consider a request by a borrower to transfer real estate as security as parcels to each of different transferees with assumption of the appropriate portion of the debt, authorizes a subordination to enable the transferor to take a first mortgage to secure his equity payment or to permit another lender to furnish the funds needed in connection with the transfer, to settle a divorce action, a subsequent loan may be made or a subordination may be granted to the remaining borrower to obtain a loan for an amount not to exceed the equity in the property, further defines an ineligible transferee to include a farming corporation or a farming partnership, requires at least a 10 percent downpayment in transfers to an ineligible applicant, and provides for a maximum of 10 amortized installments for FO, RL, SW, and RH loans on farms but the State Director under certain conditions may authorize a repayment term up to 15 years. Transfer of nonfarm security to an ineligible applicant may not exceed five years.

12. Section 1872.19 authorizes the District Supervisor to approve voluntary conveyance transactions provided the total debt against the security does not exceed $50,000, provides for title clearance to be handled by designated attorneys and approved title insurance companies, and provides that the value of the security to be conveyed will be the estimated sale price of the property based on its present market value, and for the State Director to determine whether the property is suitable for sale to eligible applicants or as surplus property according to Subpart C of Part 1872 of this chapter.

13. Section 1872.20 permits acceptance of payment in full, voluntary conveyance, or transfer after issuance of the acceleration notice without contacting the OGC, authorizes the State Director to issue acceleration notices under certain conditions without prior review by the OGC, provides that the estimated resale value means the present market value of the security, provides that when a deficiency judgment is not to be obtained, the case will be reclassified to collection-only, only when the debt cannot be settled under the provision of Part 1864 of this chapter.

14. Section 1872.21 provides for using the same mortgage form, Form FHA 427-1 (State), and describing both FHA direct and insured FHA notes on that same mortgage when a real estate lien is taken as additional security.

As amended, Subpart A of Part 1872 reads as follows:

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals;

Sec.
1872.1 General
1872.2 Preservation of security property and protection of liens.
1872.3 Subordination of FHA mortgage to permit refinancing, extension, reamortization, or increase in amount of existing prior lien or to permit a prior lien.
1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security except leases.
1872.5 Subordination of FHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.
1872.6 Subordination of FHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.
1872.7 Consent to junior liens.
1872.8 Consent to borrower's granting lease of security.
1872.9 Transfer of upland cotton, peanut or tobacco allotments.
1872.10 Severance agreements.
1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.
1872.12 Servicing real estate purchased, refinanced, or improved with economic opportunity (EO) loans to individuals and taking real estate as security.
1872.13 Deceased borrower.
1872.14 Bankruptcy and insolvency.
1872.15 Servicing note-only cases.
1872.16 Release of FHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or nonexistence of evidence of indebtedness or valueless liens.
1872.17 Liquidation action.
1872.18 Transfer or real estate security.
1872.19 Voluntary conveyance of security to FHA.
1872.20 Foreclosure by the government.
1872.21 Taking liens on real estate as additional security in servicing FHA loans.
1872.22 Assignment of direct and insured notes and security instruments outside the program.
1872.23 Cosigners—RH loans.
1872.24 Assignment and release of soil bank or similar program payments.
1872.25 Submission to National Office of certain partial release, subordination, consent or other transactions.
1872.26 State instructions and reference to the Office of the General Counsel.
1872.27 Redelegation of authority.
1872.28 Nondiscrimination.

AUTHORITY. 7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C.; 5 U.S.C. 301; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 14944, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Director OEO, 29 FR 14764, 33 FR 9850.

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals.

§ 1872.1 General.

(a) *Purpose.* The purpose of this Subpart is delegate authority and prescribe policies and procedures for servicing and liquidating real estate security for Farmers Home Administration (FHA) loans to individuals, including loans on leasehold interests except Rural Rental Housing (RRH) and Labor Housing (LH) loans to individuals operating under a loan agreement.

(b) *General policies.* Real estate security will be serviced in a manner to accomplish the loan objectives and protect the Government's financial interest. To accomplish these purposes, the real estate security will be serviced in accordance with the security instruments and related agreements, including any authorized modifications, so long as the borrower has reasonable prospects of accomplishing the loan objective, continues to make payments on the loan in accordance with his ability, properly maintains and accounts for the security, and otherwise meets the loan obligation in a satisfactory manner. When the above conditions are not satisfied, or it is determined that the loans must be liquidated for other reasons and sufficient legal grounds for liquidation exist, prompt action will

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be taken to liquidate the security to protect the Government's financial interest.

(c) *Borrower's responsibility.* Each borrower is responsible for the payment of real estate taxes, providing adequate property insurance, maintaining, protecting, and accounting to the FHA for all real estate security, and complying with other loan requirements.

(d) *County Supervisor's responsibility.* The County Supervisor is responsible for informing each borrower of his responsibilities in connection with the loan, seeing that the security is being properly maintained and accounted for and for servicing the security in accordance with this Subpart. The County Supervisor will inspect the security in accordance with § 1872.2 (a). If the security or part of the security is located in another County Office area, the County Supervisor for that area may be requested to inspect that property. When a borrower fails to maintain, protect, or account for the security to the extent that the FHA's financial interest is in jeopardy or makes unauthorized disposition or use of any security, prompt action will be instituted to protect the FHA's interests.

(1) *County Supervisor's relationship with the Office of the General Counsel (OGC) and the United States Attorney.* The County Supervisor will obtain any legal advice he needs from the OGC through the State Director and not from the designated attorney(s) except for those transactions handled and closed by the designated attorney. In cases that have been referred to the OGC for legal action, no further action will be taken by the County Supervisor or other FHA personnel without prior clearance with the OGC. If the case has been referred to the United States Attorney, clearance with him will be obtained through the OGC.

(e) *Servicing insured loans.*

(1) *Contact with holder.* Contacts with holders of insured loans will be made by the Director, Finance Office except as provided by subparagraph (2) of this paragraph.

(2) *Servicing actions.* Servicing actions for insured loans will be the same as for direct loans except that in voluntary conveyance, and foreclosure cases, the Finance Office will be requested to obtain assignment of the insured loan to the Government as provided in §§ 1872.19 and 1872.20, respectively; and when an insured Farm Ownership (FO) mortgage running to the lender as mortagee is not held by the FHA under trust assignment, or declaration of trust, or in the insurance fund (called insured FO mortgage held by the lender in this Subpart) and a written subordination or partial release or other servicing document is requested, the document will be executed by the holder on a form prepared or approved by the OGC. In such cases, contacts with the holder will be made by the State Director and the holder's execution of the document will constitute his consent.

(3) *Execution of documents by Government.*—(i) *Servicing documents.* When the mortgage names the United States as mortgagee, or when a mortgage running to the lender is not under a trust or declaration of trust and the note is held by the insurance fund, the servicing documents will be executed in the name of "United States of America."

(ii) *Execution of documents.* When an FO mortgage is held under a trust assignment or declaration of trust, regardless of whether the note is held by a lender or by the insurance fund, servicing documents will be executed in the name of "United States of America, for Itself and as Trustee."

(iii) *Trust documents.* When the mortgagee named in an FO mortgage is the United States as Trustee for a State Rural Rehabilitation Corporation (SRRC) and the mortgage is not under a trust assignment or declaration of trust and the note is not held by the insurance fund, the servicing documents will be executed in the name of "United States of America, Trustee of the Assets of the (State) Rural Rehabilitation Corporation."

(iv) *County Supervisor authority.* The County Supervisor is authorized to execute all necessary forms, satisfactions and releases, and other documents required to complete any transactions in this Subpart after the action has been approved by the appropriate approval official.

(f) *Consent of lienholders.* When this Subpart requires the consent of other lienholders, before the FHA consents to a transaction which affects its security or its lien, such consent will be obtained and furnished to the FHA by the borrower. The consent will, unless otherwise provided in a State requirement, include agreement as to the disposition of any funds involved in the transaction.

(g) *Definitions.* Unless otherwise indicated, the terms "FHA loans," "FHA accounts," "FHA interests," "FHA security," "FHA debts," and similar terms apply to indebtedness owed to or insured by the United States of America acting through the FHA, and to related security instruments. The term "note" includes any note, bond, assumption agreement, or other evidence of indebtedness. The term "mortgage" includes deeds of trust and similar real estate security instruments and chattel security instruments where appropriate.

§ 1872.2 Preservation of security property and protection of liens.

(a) *Inspection of security.* For FO, Recreation, Soil and Water (SW), and Rural Housing (RH) farm borrowers whose accounts are current, an inspection of the property will ordinarily be made every three years. An annual inspection will be made only when such a borrower is delinquent or otherwise in default or problems exist involving the security property. In such cases involving borrowers with loans on nonfarm tracts, periodic inspections ordinarily will be made only if liquidation action is likely to be taken, the property has been abandoned, or when necessary to protect the interest of the Government.

(b) *Action by FHA for account of borrower.* When necessary to protect the interest of the Government, actions will be taken by FHA for the account of the borrower as provided in this section. Advances made for such purposes will be paid by Standard Form 1034, "Public Voucher For Purchases and Services Other Than Personal," and charged to the borrower's account.

(1) *Operation of security by lessee or caretaker.* When approved by the State Director, the County Supervisor will take possession of the property and will enter into a lease or caretaker's agreement for the account of the borrower on the best terms obtainable but not to exceed the time limitations provided in § 1872.8(a). Lease or caretaker's agreements will not be used as an alternative for, or as a means of delaying, prompt liquidation of the loan. Lease agreements will be entered into on Form FHA 465–2, "Lease of Security Property," and caretaker's agreements on Form FHA 465–3, "Caretaker's Agreement (Real Property Only)."

(2) *Taxes and assessments.* Real estate taxes and assessments will be handled in accordance with Part 1863 of this chapter.

(3) *Insurance.* For FO, SW, Recreation, RH, RRH, LH, and Other Real Estate (ORE) loans, property insurance will be required and serviced in accordance with FHA Part 1806 of this chapter. For other FHA loans secured by liens on real estate, property insurance will be obtained and serviced in accordance with requirements for the kind of loan involved.

(4) *Maintenance.* Where emergency repairs are necessary to protect interests of the FHA, the State Director may authorize such repairs only in abandonment and pending liquidation cases without prior approval of the National Office. Such repairs will be properly documented on Form FHA 424–1, "Development Plan." If a prior lien is involved, expenditures for maintenance will not be made unless the prior lienholder refuses to make them. Evidence of his unwillingness to do so should be included in the case file.

(c) *Actions by third parties which affect security.* The borrower will be expected to protect his own interest in condemnation, trespass, quiet title and other cases affecting the security. Third party actions include court or other actions in which the security property is involved. The complete facts concerning any action taken by third parties which may affect the security will be furnished immediately to the State Director together with the County Supervisor's recommendations and the County Office case file. When the Government is made a party to a court action, information furnished by the County Supervisor will include a copy of the petition or complaint, if available to him, a Statement of Account, a current appraisal report, the name and address of borrower's attorney, if any, and any other pertinent information. The State Director will,

after receiving the advice of the OGC, then advise the County Supervisor of the actions to be taken to protect the Government's interest. When the State Director determines that foreclosure or other action which would cause the borrower to lose possession of his farm is imminent he may give consideration to making a subsequent FO or Recreation loan, as appropriate, or approving a subordination to permit another lender to make a loan to satisfy such action when necessary to enable the borrower to retain his farm provided he has the ability and resources necessary to overcome the problems that caused the action and the third party agrees to postpone further action pending the processing of a subsequent loan or subordination. The State Director will notify the County Supervisor of the actions to be taken to protect the Government's interest.

(1) *Sale under prior lien foreclosure.* When a prior lien foreclosure sale is to be held and the State Director determines that a substantial net recovery on the Government's interest can be made by acquiring and reselling the security, he will authorize a bid in accordance with § 1872.20(b)(4)(vi) and (vii). Such bid may provide for payment of the prior lien indebtedness and costs incidental to the sale which must be paid from the sale proceeds. If the amount of the check needed to cover the Government's bid exceeds $40,000, the prior concurrence of the National Office will be obtained before a bid on behalf of the FHA is authorized. When under State law it is necessary prior to such foreclosure to acquire the prior lienholder's rights to protect the Government's junior lien interest, and in other situations when it is advantageous to the Government to pay the prior lien in full before the foreclosure sale, payment of the prior lien and required costs may be made with the advice of the OGC, provided prior approval of the National Office is obtained for any payment in excess of $40,000; the Government will obtain a greater recovery of the secured debt (not an inventory profit) than it could by bidding at the prior lien foreclosure sale; and the FHA account after acquisition of the prior lien will be liquidated as provided in § 1872.17. Information clearly supporting the action as being the Government's financial advantage must be documented and made a part of the file. An insured loan which is not held by the insurance fund will, whenever possible, be assigned to the insurance fund before the foreclosure sale. Otherwise, the assignment will be made as soon as feasible after the foreclosure sale.

(i) *Lienholder debt.* The prior lienholder will be contacted to determine the amount of his indebtedness including the cost of foreclosure sale and if SF–1034 is acceptable to him if the Government is the successful bidder at the sale. If, however, the prior lienholder requires a cash payment, SF–1034 will be processed in sufficient time for the County Supervisor to receive a U.S. Treasury check before the sale. Requesting the check, payment of the bid and any other costs by use of SF–1034 will be in accordance with the applicable portions of § 1872.20. The costs will be charged to the borrowers account.

(ii) *Title evidence.* Prior to making a bid on the property or acquisition of the prior lienholders rights, title evidence as required by OGC will be obtained.

(iii) *Assignment.* An insured loan which is not held by the insurance fund will, whenever, possible to be assigned to the insurance fund before the foreclosure sale. Otherwise, the assignment will be completed as soon as feasible after the foreclosure sale.

(iv) *Final reporting.*

(A) When FHA enters a bid or is the successful bidder at the foreclosure sale, reporting actions will be in accordance with § 1872.20.

(B) When the State Director determines that no bid will be entered by FHA, the County Supervisor will nevertheless attend the sale and make a narrative report to the State Director outlining the results of the foreclosure sale and plans for future servicing of the account. A narrative report will be sent to the Finance Office when no recovery is made by the Government. If the Government is to rely on redemption rights, that fact will be indicated in the report.

(v) *Servicing Government redemption rights.* If the Government did not have an opportunity or for other reasons did not protect its interest at the time of the foreclosure sale by a prior lienholder and has any redemption rights, it will be determined whether to redeem the property before the redemption period expires. Such determination will be made after considering all factors including the value of the property or changes in its value after the sale and any other pertinent information. This determination will be made at a time sufficiently prior to expiration of the redemption period to permit exercise of the Government's rights. If redemption of the property is appropriate, the State Director's recommendation, accompanied by complete information showing the basis for not acquiring the security at the sale, and factors which justify redemption of the property should be sent to the National Office for prior consideration. The report should be accompanied by an opinion of the OGC stating that the redemption is legally authorized. If it is decided not to redeem the property, the right of redemption may be sold for its value by the State Director. There is no authority to dispose of redemption rights without consideration.

(2) *Foreclosure sale subject to FHA mortgage.* If a lien junior to the FHA lien is foreclosed and the property is sold subject to the FHA mortgage, the account will be transferred under § 1872.18, if appropriate. Otherwise, it will be liquidated as provided in § 1872.17.

(d) *Divorce actions.* When borrowers with loans on farms are involved the County Supervisor will submit the case to the State Director after the final divorce decree has been granted. The case will then be handled in accordance with § 1872.2(c). A subsequent loan made to settle a divorce action will be handled in accordance with § 1872.18(b)(14). When borrowers whose loans are secured by a mortgage on a nonfarm tract are involved in divorce actions, the County Office file will be submitted to the State Director for advice only if the County or District Supervisor is uncertain of the servicing actions needed to protect the Government's interest or if continuation of the loan with the remaining borrower is not authorized.

§ 1872.3 Subordination of FHA mortgage to permit refinancing, extension, reamortization, or increase in amount of existing prior lien or to permit a prior lien.

(a) *Reamortizing existing FHA debts.* Existing FHA loans may be reamortized to permit a loan of another lender in lieu of a subsequent loan of the kind involved with prior approval of the District Supervisor or State Director as applicable. The reamortization of each existing loan may be made only within the remaining period of that loan. Authority to reamortize an account will be granted in those cases in which it is determined that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. When a loan is reamortized it will be processed in accordance with Subpart A of part 1861 of this chapter.

(b) *Use of other lender funds to reduce FHA debts.* In connection with subordination primarily for other purposes, funds of another lender may be used to pay on an FO, SW, Recreation, Operating or EM loan only to the extent that is necessary to accomplish the objectives of the FHA loan involved and to establish the borrower's operations on a sound basis within his ability to pay. Also, when a borrower owes any of the afore-mentioned loans and an RH loan, the funds of another lender may be used to pay the amount delinquent on the RH loan, or to refinance the total RH debt when necessary. In such cases, the narrative justification and the case file will be sent to the National Office prior to development of the subordination. It is not intended that the FHA lien will be subordinated for removal of a delinquency that the borrower could be expected to pay within five years. It is also the policy to only permit payment of that portion of the FHA debt that is necessary to avoid failure in connection with obtaining additional resources essential to success. This authority will be used in those cases that will provide for meeting the FHA objectives as specified in § 1872.2(b).

(c) *Conditions for subordination.* A subordination may be granted subject to the following conditions:

(1) *Refinancing.* The borrower is unable to refinance FHA on terms which he can reasonably be expected to meet;

(2) *Objectives.* The transaction will further the objectives for which the FHA loan was made;

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(3) *Prior lien.* The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them, as well as all other debts;

(4) *Market value.* The amount of any prior lien plus the balance of the FHA debt will not exceed the market value of the security; except for an FO, Recreation, Land Conservation and Development (LCD) or SW loan, it will not exceed the market value of the security or $100,000, whichever is less. When the FHA indebtedness was not fully secured by the market value of the security before the transaction, a subordination may be granted only if the market value of the total security will be increased by an amount at least equal to the amount of the additional advance. The $100,000 limitation will not apply to loans if, because of fire, flood, windstorm, or other casualties, the subordination is necessary for land development or for the repair or replacement of essential buildings to put the property in livable and operable condition or to protect it against further deterioration. However, the subordination will not permit the total indebtedness to exceed the present market value of the security.

(5) *Stock.* An assignment of the beneficial interest in any stock required in connection with a loan will be obtained as collateral security, when possible, and when needed for security; and

(6) *Security.* The FHA secured indebtedness after the subordination will be adequately secured or will not be adversely affected by the transaction.

(d) *Purposes of subordination.* A subordination may be granted to:

(1) *Refinance, extend, or reamortize.* Refinance, extend, or reamortize an existing prior lien provided the amount of the indebtedness secured by the prior lien as of the date of the transaction is not increased by more than reasonable costs incident to loan closing plus funds for the purchase of any required stock.

(2) *Increase.* Increase the amount of the prior lien or permit a new prior lien when the funds will be used:

(i) *Nonfarm tract.* On a nonfarm tract securing RH loans for purposes for which RH nonfarm loans are authorized subject to the limitations that would be applicable if an RH loan were made. When the mortgage includes nonfarm property larger than a minimum adequate site, the subordination may be granted on the excess land for purposes not inconsistent with the best interests of the borrower and the Government.

(ii) *Purposes.* On a farm which secures an FO loan only or on FO and any other type FHA loan, for any purpose for which an FO loan can be made. Also, a Recreation loan may be subordinated for any purpose for which it is made. However, if the RH loan was made to finance a dwelling and the RH loan is secured only by the dwelling and dwelling site, the RH loan will be subordinated only for purposes for which an RH nonfarm loan may be made.

(iii) *Requirements.* Any transaction approved under subdivision (i) or (ii) of this subparagraph must meet the following additional requirements:

(A) The proposed use of the funds will improve the borrower's ability to repay the FHA loan(s) or is necessary to place his operation on a sound basis.

(B) In the case of either an Operating loan or FO loan the use of the funds will not result in the farm being larger than a family farm or family farming operation.

(C) Any proposed development will be planned and performed in accordance with Subpart A of Part 1804 of this chapter in a manner directed by the creditor which reasonably attains the objectives of Subpart A of Part 1804 of this chapter concurred in by the State Director.

(D) Funds to be used for development or to acquire land will be handled as prescribed for FO loan funds in Part 1803 of this chapter, except that if the creditor will not permit the use of a supervised bank account, arrangements satisfactory to the FHA which will assure that the funds will be spent for the planned purposes may be substituted.

(E) In case of land purchase, or exchange of property, the FHA will obtain a valid mortgage on such acquired land and title clearance and loan closing will be required the same as for an initial or subsequent FO loan as appropriate. The mortgage will be recorded when the subordination is delivered to the other lender or immediately after the other lender records its mortgage.

(e) *Request for subordination.* When a borrower request the FHA to subordinate a mortgage taken in connection with a direct or insured loan so that he can refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FHA lien, Form FHA 465–1, "Application for Partial Release, Subordination, or Consent," will be prepared. If an agreement to give notice of foreclosure is required for approval of an initial FHA loan, an agreement with a new prior lienholder will be obtained as required in Part 1807 of this chapter. In case of an insured FO mortgage held by the lender, the holder's consent will be obtained in accordance with § 1872.1(e). Any junior lienholder's consent to the transaction and use of the proceeds will be obtained as provided in § 1872.1(f). A current appraisal report will be obtained unless there is an appraisal report in the docket not over two years old which will permit the official authorized to approve the transaction to make the determination required in this section. When property is exchanged or purchased a new appraisal report will be obtained. However, a new appraisal will not be required in a refinancing, extension, or reamortization or a prior lien when the existing debt will remain the same except for a reasonable closing cost. When an appraisal is required by FHA in connection with a subordination being granted to the Federal Land Bank (FLB), the appraiser may recommend or the loan approval official may find the market value of the total security to be equal to the market value of the real estate plus the value of the FLB stock. This determination will be recorded on a separate sheet and attached to the appraisal report.

(f) *Approval authority.* The County Supervisor, District Supervisor and State Director are authorized to approve transactions under this section when the total indebtedness against the security, including the amount of the lien(s) being subordinated, does not exceed $35,000, $50,000, and $100,000 respectively. The County Supervisor, however, may not approve transactions that involve an exchange of property or refinancing of an FHA debt.

(g) *Processing.* When the approval of the transaction by the State Director is required or the County or District Supervisor desires advice before his approval of the transaction, the borrower's case folder with current documents to support the applicable determinations such as, where appropriate, Forms FHA 431–2, "Farm and Home Plan," FHA 431–1, "Long-Time Farm and Home Plan," FHA 431–3, "Family Budget," FHA 422–1, "Appraisal Report (Farm Tract)," FHA 422–8, "Property Information and Appraisal Report-Rural Housing Nonfarm Tract," FHA 440–2, "County Committee Certification or Recommendation," and other necessary forms along with Form FHA 465.1 will be sent to the State Office. After approval of the transaction, it will be closed in accordance with State requirements to the maximum extent possible as provided in § 1872.26. However, where legal advice on an individual case is necessary, Form FHA 465–1, any subordination form furnished in connection therewith, the original or a copy of the FHA mortgage, the refinancing mortgage or agreement, and related documents will be submitted to the OGC for review and preparation of the necessary instruments and closing instructions. The documents and closing instructions will be sent to the County Office. If the signature of the State Director is required on some of the instruments, the docket and closing instructions will be routed through the State Office. The transaction will be completed in accordance with the closing instructions.

§ 1872.4 Consent by partial release, subordination, or otherwise, to sale or other disposition of portion of or interest in security except leases.

The consent of FHA or other lienholders may be in the form of a partial release, subordination, or other form of written consent, depending on the circumstances. The consent authorized herein is applicable to the disposition of security or an interest in the security rather than to a release of security granted to a mortgagor upon his reduction of the debt from regular or other personal funds. A formal release may not be delivered for 15 days after the payment is received unless such payment is made in the form of cash, money order, certified check, or check from a reputable lending agency. Other executed releases not delivered will usually be voided

30 days after notification to the requesting party that the release is available. A subordination of the FHA lien will not be required for FHA financed water and waste disposal facilities in accordance with Subpart A of Part 1823 of this chapter.

(a) *Provisions of FHA mortgages.* In all FHA mortgages except RH loan mortgages prepared before October 1, 1950, and a few Operating loan, Emergency (EM) loan, Special Livestock (SL) loan, and Water Facilities (WF) loan mortgages, the borrower has agreed not to sell, transfer, assign, mortgage, or otherwise encumber the security or any portion of or interest in it, without the prior written consent of the mortgagee. Furthermore, even in the case of the few RH, Operating, EM, SL, and WF loan mortgages not requiring FHA consent, any property, or any part thereof or interest therein, which is subject to the FHA mortgage and which is disposed of by the borrower without consent remains subject to the mortgage lien. In all FHA mortgages the borrower expressly agrees not to engage, without prior consent, in certain specified transactions, including the cutting or removal of timber, or mining or removal of gravel, oil, gas, coal, or other minerals, aside from small amounts used by the borrower for ordinary domestic purposes.

(b) *Consent and partial release and subordination forms.* When FHA consent is requested, it will be given by approving a completed Form FHA 465–1 if the transaction meets the conditions of paragraph (c) of this section. Also, when requested, the FHA will give a written partial release or subordination on Form FHA 460–1, "Partial Release," Form FHA 460–2, "Subordination by the Government," or other form, approved by the OGC. Written consent of any prior or junior lienholders will be obtained by the borrower and delivered to the FHA if any proceeds are not to be applied on liens in accordance with their priorities. When an insured FO mortgage is held by the lender, his consent will be obtained only if a written partial release, subordination, or other written servicing document is requested. Any such consent will be obtained in accordance with § 1872.1(e).

(c) *Conditions of FHA consent.* FHA consent may be granted and a partial release of subordination executed if the consideration is adequate for the security property being disposed of or rights granted; orderly repayment of the FHA indebtedness will not be impaired; the transaction will not interfere with successful operation of any farming enterprise or other enterprise providing repayment ability of the borrower; the market value of the remaining security is adequate to secure the unpaid balance of the FHA debts, or if the market value of the security before the transaction was inadequate to fully secure the FHA debts, the FHA's security interest is not adversely affected; and the provisions of paragraphs (d) and (e) of this section and § 1872.11 are complied with. Exceptions to the foregoing sentence are provided in subparagraphs (1) and (2) of this paragraph.

(1) *Condemnations.* The second and third clauses of this paragraph will not apply in condemnation cases after final judgment or award which is not appealed.

(2) *Costs.* In any case of consent, partial release, or subordination the County Supervisor may authorize the borrower to use a portion of the proceeds to pay customary incidental costs appropriate to the transaction and reasonable in amount, which the borrower cannot arrange to pay from personal funds or have the purchaser pay, including real estate taxes which must be paid in order to consummate the transaction. Such costs may, for example, include the following in justifiable cases: Costs of title examination, surveys, abstracts, title insurance, reasonable attorneys' fees, and recording fees; reasonable attorneys' fees and court costs in condemnation cases; costs necessary to determine the reasonableness of an offer or asking price, such as fees for appraisal of minerals, land, or timber where the necessary appraisal cannot be obtained without costs; real estate brokers' commissions when a borrower can reasonably expect to obtain proceeds in an amount at least equal to the commission in excess of what could otherwise be obtained; and additional income tax which the borrower is required to pay for the year because of the capital gain or mineral royalty payments on the transaction. The amount of the estimated tax on the particular transaction will be deposited in the supervised bank account. Any deposited funds not needed to pay the borrower's adjusted tax liability for the year of the transaction will immediately be applied on the account as an extra payment. In any State in which it is necessary to obtain the insured note from the lender to present to the recorder before a release of a portion of the land from the mortgage, the borrower must pay any costs for postage and insurance of the note while in transit. The County Supervisor will advise the borrower when he requests a partial release that he must pay such costs. If the borrower is unable to pay the cost from personal funds they may be deducted from the sales proceeds. The amount of the charge will be based on the statement of actual cost furnished by the lender. A subordination approval will also include additional advances by the lender as may be necessary for taxes, insurance, emergency repairs for maintenance and liquidation expenses.

(3) *Appraisals.* When the official authorized to approve the transaction is uncertain whether a proposed consideration is adequate or for any other reason considers an appraisal necessary in order to complete Form FHA 465–1, or when the transaction involves more than $5,000 a new appraisal report will be obtained in accordance with the applicable appraisal procedure. However, a new appraisal report need not be obtained if there is an appraisal report not over two years old in the case file which will permit the official authorized to approve the transaction to make the proper determination as to the market value of the property being retained as well as the present market value of the portion to be released. When a new appraisal is not required, the appraiser will indicate his determination of values and the basis for it in the comments section of the existing appraisal report. The notation will be initialed and dated. Where a new appraisal report is required, it will be completed to show the present market value of the property being retained. Also, the present market value of the property being released will be shown under the comments section of the same appraisal report. Information in regard to sales of comparable properties used in arriving at the present market value of the property being released will be shown in the comments section or on an attached sheet.

(i) *Stationary units.* If timber or minerals including sand, gravel, or stone, which appear to be worth more than $2,000 are to be sold on the basis of the timber stand or the mineral deposit rather than the units to be removed, the borrower will be encouraged to obtain the assistance of a qualified technician other than an FHA employee to advise him as to the quantity or value of the timber or minerals, and the manner in which they should be sold. Generally, such assistance can be obtained from State or Federal employees who are located in the area.

(ii) *Units removed.* When timber or minerals, including sand, gravel, or stone, are to be sold on the basis of the units to be removed, or when an easement or a right-of-way is to be sold or granted, the employee authorized to make the appraisal may insert, date, and initial a notation on the existing appraisal report instead of making a new appraisal report. The notation should show the unit value of timber or minerals, or the value of the easement or right-of-way, based on the consideration being paid for similar items in the area, and the manner in which the remaining property will be affected. If the market value of the remaining property is significantly decreased, a market value appraisal of the remaining property usually will be required.

(d) *Authority of County and District Supervisors.* The County Supervisor and District Supervisors are authorized to approve transactions under this section when the total indebtedness against the security does not exceed $35,000 and $50,000 respectively. Also, when liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve transactions when the entire proceeds (other than costs authorized in paragraph (c)(2) of this section, or normal income as defined in § 1872.11(b)) will be applied on the liens in the order of their priority. The County Supervisor is authorized to approve transactions in amounts that are within his approval authority as set forth above

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for development and enlargement purposes. The employee who appraises the property cannot approve the transaction. For example, if the Assistant County Supervisor makes the appraisal, the transaction may be approved by the County Supervisor; if the County Supervisor makes the appraisal, the transaction may be approved by the District Supervisor. In case of a three percent loan for forestry purposes, the application for consent or release involving the harvest or sale of forest products will be forwarded to the State Office for approval if the harvest or sale is not in strict accordance with provisions of the initially-approved forestry plan; future repayments on the three percent advance are scheduled on any basis other than equal annual installments; there is a lien on the forest land prior to the lien of the FHA; there is a delinquency on any FHA real estate loan.

(e) *State Director's authority.* The State Director is authorized to approve transactions involving exchange of all or part of the security for other real estate; use of all or part of the proceeds for development or enlargement, or as provided in subparagraph (3) of this paragraph; an easement or fee title right-of-way granted or conveyed without monetary compensation or for a token consideration if the Government's security interests are not adversely affected; sale of a portion of the security, except security for RH loans on nonfarm tracts, for its market value and on terms not less favorable than 10 percent down, and not to exceed 10 annual installments of principal plus interest at not less than 7 percent per annum; and sale of a portion of the security for RH loans on nonfarm tracts for its market value on terms not less favorable than 10 percent down, and not to exceed five annual installments of principal plus interest at not less than 7 percent per annum, provided: The Government's security rights, including the right to foreclose, are retained; The downpayment and subsequent payments are applied to the FHA debts, prior liens, or used as authorized in this section; Any security instruments the borrower obtained in the transaction are assigned to the FHA; The property sold is not released prior to full payment of the account or receipt of the sale price with proper application or release of such proceeds; and unless appropriate reamortization is made in accordance with Subpart A of Part 1861, the borrower understands and agrees that such sale proceeds will not affect his primary and continued obligation for making payments under the note. In any case in which the proceeds under § 1872.11(a) will not be applied on prior liens or FHA accounts secured by real estate liens, the following requirements must be compiled with:

(1) *Development or enlargement.* Use of any proceeds for development or enlargement must be necessary to improve the borrower's debt-paying ability and to place his operation on a sound basis or otherwise further the objectives of the loan. In the case of an FO or Operating loan, the use of proceeds for such purposes will not result in making the farm larger than an adequate family farm.

(2) *Development.* Any proposed development work will be in accordance with Subpart A of Part 1804 of this chapter.

(3) *Inadequately secured loans.* When FHA loans secured by a lien on real estate will be adequately secured after the transaction, proceeds not to exceed an amount equal to the equity in the security may, with the consent of other lienholders, be applied to inadequately secured FHA loans, to reduce them to the extent that the security is adequate or up $2,500 may be used for development of nonowned land essential to the borrower's operation whether or not taken as security for the loan. If funds are used on nonowned land it must be determined that the improvements are essential to his operation or repayment ability and that the borrower has tenure arrangements that will justify the use of such proceeds on that land. Proceeds released for payments on other FHA debts will be applied as extra payments unless the State Director approves a specific written request from the borrower to apply proceeds on a delinquency or currently maturing installment because the borrower is otherwise unable to make such payments. That part of the proceeds not applied to any prior lien or inadequately secured FHA loans must be applied to the FHA lien on the security property of the highest priority if not used to develop or enlarge the security.

(4) *Funds.* Funds to be used for farm development or enlargement will be handled in the manner prescribed for FO loan funds in Part 1803 of this chapter.

(f) *Processing.* When the approval of a transaction by the State Director is required or the County Supervisor desires advice in connection with his approval of the transaction, the borrower's case folder along with Form FHA 465–1 and any other information pertinent to the transaction will be sent to the State Office. In an exchange of security, the provisions of this Subpart applicable to a sale of a portion of the security will apply to the property being released and the present market value of the property being released will be used. The provisions of Subpart A of Part 1821 of this chapter applicable to the purchase of land will apply to land being acquired in connection with FO, Recreation and SW loans. The provisions of that Subpart applicable to the title clearance, security, and appraisals will apply to lands being acquired in connection with other loans.

§ 1872.5 Subordination of FHA real estate mortgages to easements to the Bureau of Sport Fisheries and Wildlife.

(a) *General.* The policies and procedures for subordinating FHA mortgages on wetlands on which the Bureau of Sport Fisheries and Wildlife obtain easements for waterfowl nesting habitats are set forth herein. A Memorandum of Understanding between Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration outlines the procedure to follow in the processing of such subordinations. To the extent of any conflict, with other provisions of this chapter, the Memorandum of Understanding takes precedence. The following is the "Memorandum of Understanding between the Bureau of Sport Fisheries and Wildlife and the Farmers Home Administration" which is to be followed in processing subordinations.

"The purpose of this memorandum is to simplify and facilitate the obtaining by the Bureau of Sport Fisheries and Wildlife (Bureau) of subordination of mortgages held by the Farmers Home Administration (FHA) on lands with respect to which the Bureau obtains a "Conveyance of Easement for Waterfowl Management Rights" (3–1916 Rev. April 1970). In order to accomplish this purpose it is agreed that:

1. In each case in which the Bureau proposes to take an easement from a landowner whose land is subject to a mortgage held by FHA and the Bureau's proposal is acceptable to the landowner, the Bureau will notify the local FHA county supervisor. The notification will show the amount of consideration to be offered for the easement and the legal description of the land to be affected by the easement. Where there are existing drainage facilities on the land, the affected wetland areas that are to be excluded from coverage by the easement will be outlined on a map and furnished to FHA and the landowner.

2. Where a subordination agreement is required, the FHA county supervisor will advise the designated local official of the Bureau as to whether the consideration is adequate from the standpoint of FHA as mortgagee.

3. Where a subordination is required and the county supervisor advises that the consideration is adequate, said easement form will be amended by:

inserting at the end of the instrument the following: 'in consideration of payment which is determined to be adequate from the standpoint of the FHA as mortgagee, for the foregoing easement as provided in paragraph 5 thereof, the United States of America acting through FHA hereby subordinates its mortgage dated _____, recorded in Book _____, page _____, of the real estate records in _____ county, State of _____, to said easement.

'_____
Date

'UNITED STATES OF AMERICA.

By _____
FHA County Supervisor'

4. Where a subordination is not required of FHA, because of a waiver of the need for a subordination by the United States Attorney General, the Bureau nevertheless will send a copy of the agreement and the check for the easement consideration, which will include FHA as a co-payee, to the FHA county supervisor.

5. In all cases where an FHA mortgage is involved, the easement form will be amended by: inserting at the end of paragraph 5 an additional sentence as follows: 'The check for the easement consideration will be made payable to the Farmers Home Administration "(FHA) and the landowners, as co-payees, and will be mailed to the FHA to be applied to its mortgage unless applied on a prior mortgage debt or released for other use as permitted by FHA regulations.'

6. The Bureau and FHA will issue such procedures or directives to their respective field offices as may be necessary to effectuate this memorandum of understanding.

Dated: September 14, 1967.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

Dated: August 20, 1967.

HOWARD BERTSCH,
Aministrator, Farmers Home Administration.

(b) *Authorization.* When a request for a subordination is received from the Bureau, the County Supervisor will handle the request in accordance with the steps outlined in the Memorandum of Understanding and applicable portions of § 1872.3 not in conflict with the Memorandum.

§ 1872.6 Subordination of FHA's lien to the Commodity Credit Corporation's (CCC's) security interest taken for loans for farm storage and drying equipment.

The CCC makes loans under its Farm Storage and Drying Equipment Loan program for the purchase, construction, erection, remodeling, or installation of either farm storage or drying equipment or both and requires that a loan of $10,000 or more, or for any loan at the discretion of the approving committee, be secured by a lien on the real estate. The Memorandum of Understanding and Blanket Consent and Subordination Agreement between Commodity Credit Corporation and Farmers Home Administration does not apply to loans on which the CCC requires a real estate lien.

(a) *CCC loan.* When the CCC proposes to make a loan to an FHA borrower and requests a subordination of the FHA real estate lien, the request will be handled on an individual case basis in accordance with the authorizations and requirements of § 1872.3.

(b) *FHA consent.* A borrower's request for the FHA's consent to a severance agreement or other similar instrument for an item or items to be acquired with a CCC loan willbe handled in accordance with § 1872.10.

§ 1872.7 Consent to junior liens.

(a) *Policy.* As a general policy, FHA borrowers will be discouraged from giving to other creditors junior liens on real estate securing an FHA loan. When consent is required by the FHA mortgage, the County Supervisor may consent by executing Form FHA 465–1 provided: The loan is necessary for the successful operation of the borrower's farm or because of his financial condition; the terms of the junior lien debt are such that its payment will not likely jeopardize payment of the FHA loan; any operating plans made with the junior mortgageholder are consistent with any plans made by the FHA with the borrower; and the junior creditor agrees in writing that he will not foreclose his mortgage before a discussion with the County Supervisor and after giving a reasonable specified period of notice to the FHA.

(b) *Servicing action.* When a junior lien is placed on any property without FHA consent and consent is required by the mortgage and may not be granted in accordance with the policy indicated in paragraph (a) of this section, the County Supervisor will submit the case with his recommendations to the District Supervisor. He will determine if any servicing or liquidation action is needed at that time to protect the Government's interest and notify the County Supervisor of appropriate action to be taken. For example, even though consent to a junior lien may not be given, the District Supervisor may authorize continuance with a borrower so long as he makes payments on loans as agreed and properly maintains the security.

§ 1872.8 Consent to borrower's granting lease of security.

When consent to a lease is required by the security instruments and a borrower requests FHA's consent to lease all or a portion of the security or the County Supervisor discovers that a borrower is leasing the security without consent, Form FHA 465–1 will be prepared. That form will show the terms of the proposed lease and will specify the use of proceeds including any proceeds to be released to the borrower. When another lienholder's mortgage requires consent to lease, his consent will be obtained as provided in § 1872.1(f). FHA's consent to the lease may be granted on the basis of the situation at the time of the proposed action when the lease or its terms will not adversely affect the repayment of the loan or the Government's rights under the mortgage; leasing is not an alternative to, or means of, delaying liquidation action; the operation of all or a portion of the security under the lease will not adversely affect any applicable crop allotments; the lease and use of any proceeds will further the objectives of the loan; if liquidation is not pending, rental income sufficient to make regular payments under the note, pay taxes and insurance, and maintain the security is assigned to FHA for these purposes unless such payments are otherwise reasonably assured; the lease is advantageous to the borrower and is not to the Government's disadvantage; and if foreclosure action has been approved, consent to lease and use of proceeds will be granted only under directions by the OGC or U. S. Attorney, as appropriate. Consent to lease will be subject to the additional conditions specified below for each kind of lease:

(a) *Leases of security for agricultural purposes.*

(1) *County Supervisor's authority.* When liquidation in accordance with § 1872.17 is not pending, the County Supervisor is authorized to approve annual leases on all or a part of the security for borrowers with:

(i) Section 502 RH or LH loans on farms, or SW, Recreation or ORE loans. A section 502 RH loan under this provision includes a Senior Citizen RH loan on a farm only for lease of the security property other than dwelling. For the purposes of this paragraph, leases for an annual term with option to the lessor to renew for a longer term with option to the lessor to cancel at least at the end of each year, will be considered annual leases. The consent of the FHA will reserve the right to withdraw the consent at the end of any year should liquidation or other servicing action be required by FHA.

(ii) *503 RH, Operating and FO loans.* Section 503 RH loans, Operating, or FO loans provided:

(A) Failure to personally operate the security to be leased is due to old age, poor health, or death in family and the borrower or his family will continue to occupy the security as a home, or

(B) The part of the security to be leased is insignificant to total farm acreage and is surplus to the borrower's need. For example, a surplus building, wasteland, or a few acres of land inconveniently located or otherwise unsuitable and unnecessary for the successful operation of the farm by the borrower. This will also include the leasing of small allotment acreages that are not feasible for the borrower to operate because of special equipment needs, additional labor requirements or other economical or management reasons. It must be determined that the leasing of these allotted acres will not reduce the borrower's operation to less than that of a family farm. This is not intended to cover substantial amounts of allotted crop acreas that are an important part of the total farming operation. It must also be determined that the allotted acreage in question cannot be economically disposed of by the borrower in accordance with § 1872.4 and § 1872.9.

(C) Annual consent is not given for more than two consecutive years without further authorization from the State Office.

(2) *State Director's authority.* The State Director is authorized to approve annual leases when:

(i) *Conditions (Health).* Failure to personally operate section 503 RH loans, Operating, EM, or FO security is due to old age, poor health, or death in the family and the borrower or his family will continue to occupy the security as a home. In such a situation, the State Director should authorize the County Supervisor to grant consent annually to a lease of the security property so long as the borrower's situation does not change to make further consent for a lease inappropriate.

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(ii) *Adverse conditions.* Failure to personally operate section 503 RH loans, Operating, EM, or FO security is due to adverse conditions beyond the borrower's control and it is determined that the borrower will resume personal operation of the property within a reasonable period of time generally not to exceed three years.

(iii) *Pending liquidation.* Liquidation in accordance with § 1872.17 is pending and the lease is to protect the Government's interests. Form FHA 465–2 will be used and the rental income will be applied to the FHA secured debt as extra payments or prior lien(s). However, when the value of the property is adequate to cover the secured debts and foreclosure action has not been approved, the proceeds may be applied on unsecured or undersecured FHA debts.

(iv) *Time limit.* Consent is not granted for a lease effective for a period in excess of one year at a time without prior concurrence of the National Office.

(3) *District Supervisor's authority.* The District Supervisor is authorized to approve annual leases on the same basis as the State Director provided annual consent is not given for more than five consecutive years without further authorization from the State Office.

(b) *Lease of nonfarm tracts.* When a borrower who received an RH loan on a nonfarm tract no longer occupies the dwelling purchased, improved, or constructed and given as security for the RH loan, the loan will be serviced promptly for liquidation in accordance with § 1872.17, unless it is determined that the borrower vacated the dwelling for reasons beyond his control and intends personally to reoccupy the dwelling within a reasonable period, usually not to exceed two years.

(1) *County Supervisor's limit.* When it is determined that a borrower's request for permission to lease his RH security meets the conditions outlined above, the County Supervisor is authorized to approve the leasing for two consecutive one-year periods.

(2) *District Supervisor's limit.* When the borrower does not intend to resume personal occupancy of the dwelling but is willing to voluntarily liquidate the account, or if foreclosure is contemplated, the District Supervisor is authorized to approve the leasing pending liquidation. If the lease is for a term of more than one month it will provide for cancellation by 30 days' notice.

(3) *Additional authority.* In any other case, the County Supervisor will submit the case file along with the Form FHA 465–1 and his recommendations to the District Supervisor. He may consent to leasing for an additional one-year period or may require immediate liquidation.

(4) *Submission to National Office.* Requests for leases not authorized above may be submitted by the State Director to the National Office for advice.

(c) *Leases of security under conditions other than specified in this paragraph.*—(1) *State Director's authority.* The State Director is authorized to grant consent to the lease of the security for periods not to exceed one year at a time provided:

(i) *Conditions.* The lease is advantageous to the Government and the borrower and will not adversely affect the borrower's personal operation of the farm securing any FHA loan or the occupancy of the dwelling by a borrower with an RH loan on a nonfarm tract or a Senior Citizens RH loan and the land or building to be leased is surplus to the borrower's needs.

(ii) *Time limit.* Annual consent for lease is not granted for more than three consecutive years or consent for a lease covering a period in excess of one year at a time as specified in this section is not granted without prior approval of the National Office. In any such case recommended by the State Director, the County Office case file, the justification for a lease for a longer period of time, and the reasons why a lease is preferable to disposition of the property will be sent to the National Office for consideration.

(d) *Mineral leases.* The County Supervisor, unless restricted by a State requirement, or liquidation is pending, and the State Director in any case, are each authorized to consent on behalf of the Government and to execute recordable forms and such other forms as may be necessary, under the following conditions:

(1) *Compensation damages.* The lessee agrees in the lease or elsewhere, or is liable without any agreement, to pay adequate compensation for any damage to the real estate surface, improvements, and growing crops. When an oil and gas lease provides for payment of damage to growing crops and contains other provisions which are generally included in so-called "standard" lease forms that are used in the area, the State Director may determine that it will not be necessary to obtain any additional agreement for payment of damages if the value of the security likely will not be lessened. Damage compensation will be assigned to the FHA by the use of Form 443–16, "Assignment of Income from Real Estate Security," or to the prior lienholder. However, the crop damage payment liability requirement may be omitted or deleted from the lease on small nonfarm tract cases.

(2) *Assignment.* Royalty payments are adequate and are assigned on Form FHA 443–16.

(3) *Lease amount.* The bonus and rentals are at least equal to any minimum amounts established by a State requirement. All or a portion of delay rentals and bonus payments may be assigned on Form FHA 433–16 if needed for protection of the Government's interest.

(4) *Lease forms.* The lease, subordination, or consent form is prepared by or is acceptable to the OGC. If standard lease forms are acceptable, the use of such forms may be authorized by the State Director.

(e) *Naval stores leases.* The County Supervisor, unless liquidation is pending, and the State Director in any case, are each authorized to execute Form FHA 465–1 giving FHA consent to lease of naval stores and to execute such other forms on behalf of the FHA as may be necessary. No lease may be consented to unless it requires operation consistent with approval naval stores practices in the community and any requirement by the State Director on this subject. When naval stores are not managed or operated by the borrower, an assignment of the proceeds will be taken on Form 443–16.

§ 1872.9 Transfer of upland cotton, peanut or tobacco allotments.

(a) *General.* Agricultural Stabilization and Conservation Service (ASCS) regulations pursuant to approved legislation permits the transfer of upland cotton, peanut, or tobacco allotments by one or more of the following transactions: Sale, lease, or transfer by the owner to another farm owned or controlled by him. These regulations require, among other things, that no allotment may be transferred from a farm which is subject to a mortgage or other lien, unless the transfer is agreed to by the lienholder. It is the policy of the FHA to approve the transfer of any crop allotments permitted by the ASCS regulations if the conditions and requirements of this section can be met. FHA personnel should familiarize themselves with the State ASCS policies and requirements concerning the sale, lease, or transfer of allotments to assure compliance with established FHA policies and servicing of security.

(b) *Authorization.* The County Supervisor is authorized to approve a transfer of upland cotton, peanut, or tobacco allotment by execution of a completed Form FHA 465–1. He is also authorized to execute the lienholder or mortgagee agreement on appropriate ASCS forms provided for this purpose for those cases in which he approves a transfer.

(c) *Transfer by sale.* Crop allotments enhance the value of a farm mortgaged to the FHA and constitute basic security for the FHA loan. Accordingly, when an applicant whose farm is mortgaged to the FHA inquires about the sale of any of his allotted acres or requests the FHA to sign the required lienholder or mortgagee agreement, the request will be treated the same as for a sale of a portion of the security and approval of the sale can be granted only in accordance with the applicable conditions and requirements of § 1872.4. The sale proceeds may be used only as authorized in that section after obtaining the concurrence of the employee authorized to permit the use of the proceeds for other than application on the secured debt.

(d) *Transfer of allotment by lease.* The County Supervisor's authority to approve lease of all or a portion of an allotment for a one-year period is contingent upon compliance with the policy outlined in the introductory statement of § 1872.8, except that the operation of all or a portion of the security under the lease will not adversely affect any applicable crop allotments. If the one-year lease is approved, the lease proceeds may be used as normal income. Leases for a period of more than one year will be granted only with the concurrence of the District Supervisor. When a lease is for more than one year, an assignment of the rental proceeds should be obtained for application on the appropriate FHA debt in accordance with the distribution formula for regular payments as outlined in Subpart A of Part 1861 of this chapter.

(e) *Transfer of allotment by owner to other land owned or controlled by him.* A transfer by an owner to land owned or controlled by him is normally interpreted by the ASCS as a permanent transfer and can be avoided only by stipulating in the mortgagee approval that the transfer is to be considered as a lease for the appropriate number of years. This type of transfer will be approved only as a lease under conditions outlined in paragraph (d) of this section to assure that the crop allotment on the security is not adversely affected.

§ 1872.10 Severance Agreements.

When a borrower requests the FHA's consent to a severance agreement or other instrument of similar effect under which an item to be acquired by him through other credit will not become a part of the real estate securing the FHA debt, such as a silo, storage bin, bulk milk tank, irrigation or a nonfarm enterprise facility or recreational equipment, or other income-producing facilities and such facilities will be subject to a chattel lien, Form FHA 465–1 will be completed.

The County Supervisor, if the value of the item does not exceed $5,000, the District Supervisor, if the value of the item does not exceed $10,000, and the State Director in any case, are each authorized to give FHA consent by executing Form FHA 465–1 and any necessary severance agreements provided the following determinations are made: The financing arrangements are sound and proper; the transaction will not adversely affect the FHA's security position and will be within the borrower's debt-paying ability; and the facility is not in excess of the borrower's needs, but is modest in cost and design and otherwise in line with FHA financing policies. In any case in excess of the County Supervisor's approval authority, the County Supervisor will forward to the State Director the Form FHA 465–1, the borrower's case file, and his recommendations regarding the request. The OGC will be requested to prepare or approve the severance agreement and, where necessary, issue closing instructions.

§ 1872.11 Disposition of proceeds of partial release, subordination, and consent transactions.

(a) *Payment on FHA account or prior lien or use for development or enlargement.* Proceeds from the sale of a portion of the security, the granting of an easement or right-of-way, proceeds from leases referred to in § 1872.8(a)(2)(iii), royalties and damage compensation payments, except for compensation for damages for growing crops, the sale of timber that clearly depletes the Government's security, other than that harvested on a selective cutting basis as authorized in paragraph (b) of this section, naval stores production not managed by or under the supervision of the borrower, and all similar transactions will be either released for payment on the prior lien, applied as an extra payment on the FHA loan as provided in Subpart A of Part 1861 of this chapter, used for replacement or repair of damages for which compensation was paid, or used as provided in § 1872.4 (c), (d), and (e).

(b) *Normal Income.* Proceeds from leases authorized in § 1872.8 except lease proceeds referred to in § 1872.8(a)(2)(iii), bonuses and rentals under mineral leases, proceeds from the sale of timber that is harvested on a selective cutting basis that does not deplete the Government's security or from naval stores production managed by or under the supervision of the borrower, compensation to the borrower for growing crops, labor or services in cutting, loading, and hauling of security, and all similar transactions will be considered as normal income and may be used for the same purposes as for normal income security as outlined in Subpart A of Part 1871 of this chapter. When forestry products income is received by the borrower even though it is considered normal income, the County Supervisor must determine the amount of such proceeds that may be released to the borrower. In making such a determination, protection of the Government's security position must be fully considered in the light of the amount of forest resources remaining and the unpaid balance of the loan, together with any other debts owed the FHA.

(c) *Assignment.* Any proceeds to be paid to the FHA subsequent to the time of closing the transaction and not otherwise assigned or made payable to the FHA will be assigned by the use of Form FHA 443–16 or other assignment form approved by the OGC.

§ 1872.12 Servicing real estate purchased, refinanced or improved with economic opportunity (EO) loans to individuals and taking real estate as security.

(a) *General.* The policies and authorities are herein set forth for servicing and liquidation of real estate purchased, refinanced, or improved with Economic Opportunity (EO) loan funds when such property does not serve as security for such loans, and taking real estate as security for EO loans in addition to the security policies contained in loan making instructions. In the servicing of EO loans, liens on real estate will be taken and serviced in accordance with the applicable provisions of this Instruction.

(b) *Servicing of nonsecurity real property purchased, refinanced, or improved with EO loan funds.* Borrowers will be expected to maintain such property so as to accomplish the objectives of the loan. County Supervisors will provide borrowers with appropriate supervision to protect the interest of the borrower as well as the FHA. The EO loans of deceased borrowers will be serviced in accordance with the provisions of Subpart B of Part 1871 of this chapter. If an EO borrower becomes involved in bankruptcy or insolvency, the case will be serviced in accordance with the provisions of Subpart B of Part 1871 of this chapter.

(1) *Sale or transfer by the borrower.* If the borrower is reliable and can obtain a reasonable price for the nonsecurity real property, he will be requested to sell it and apply the necessary proceeds representing his equity in the EO debt.

(i) *Transfer with assumption of EO debt.* If a satisfactory sale of such property cannot be made for cash, sale with assumption of the EO debt may be accomplished in accordance with the provisions of Subpart B of Part 1871 of this chapter, except that:

(A) The transferring borrower will not be released of liability since the EO property involved is not security.

(B) The assuming party will be required to make as large a downpayment on the EO debt as he is financially able to under the circumstances. However, the assumption may be approved without any downpayment if the assuming party is not financially able to make a downpayment, and the approval official determines that the assumption will be in the best financial interest of FHA.

(2) *Voluntary conveyance of the nonsecurity real property to FHA.* If the nonsecurity real property is not sold as provided for in subparagraph (1) of this paragraph, and it appears that FHA could realize a substantial net amount on the borrower's equity in the property, he will be encouraged to deed it to FHA. This will be done with the understanding that his EO account will be credited with an amount equal to his equity determined by FHA on the basis of a present market value appraisal of the property. The borrower will not be released from personal liability since security property is not involved. Before such actions are taken, the case should be referred to the OGC for advice, particularly with respect to whether FHA will receive marketable title to the property. Any cash costs in connection with title examination and transfer will be paid from EO loan funds, if available, and charged to nonrecoverable costs. If real property is deeded to FHA, it will be managed and sold in accordance with the applicable provisions of Subpart C of Part 1872 of this chapter.

(3) *Referral of facts to OGC.* If the nonsecurity real property cannot be disposed of in accordance with subparagraph (1) or (2) of this paragraph, then subject to the limitations in Subpart B or Part 1871 of this chapter, the facts in the case will be referred to OGC for any appropriate action to protect the interests of FHA. Such action may involve taking possession of the property under the loan agreement through court action or obtaining judgment and levying on the property or other actions deemed appropriate by OGC.

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§ 1872.13 Deceased borrower.

Deceased borrower cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases.

§ 1872.14 Bankruptcy and insolvency.

Bankruptcy and insolvency cases will be handled in accordance with the policy outlined in Subpart B, Part 1871 of this chapter for such cases, except that in continuation cases a form or acknowledgement of debt and new promise to pay prepared or approved by OGC may be used in lieu of Form FHA 452–1, "Renewal Promissory Note." The handling of bankruptcy cases varies from State to State. Therefore, the State Director will issue requirements for more specific guidance when it will expedite the handling of such cases.

§ 1872.15 Servicing note-only cases.

Each loan made on a note-only basis without mortgage security will be serviced in a manner consistent with the best interests of the borrower and the FHA.

(a) *Sale of real property on which improvements were made with note-only FHA funds except EO loans.* Any loan evidenced only by an unsecured note will be collected by voluntary means, at the time of the sale of the property, if possible. If such collection is not possible, the loan may be assumed by the purchaser of the property on the terms of the note if such assumption is determined to be to the FHA's best financial interests. If such collection or assumption cannot be affected, consideration should be given to settling the account in accordance with Part 1864 of this chapter. If it is eligible, obtaining a judgment, or classifying it as collection-only. In case of a judgment sale, the State Director with the advice of the OGC and the United States Attorney will authorize an employee to attend the sale and if appropriate, enter a bid on behalf of the Government in accordance with § 1872.20.

(b) *Assumption of note-only (except EO loans) when real property securing another FHA loan is involved.* When a borrower has an FHA loan secured by real estate and another FHA loan evidenced only by a note and the entire secured real estate debt is to be assumed, all or a part of the unsecured note up to the present market value of the property in excess of existing liens, must be assumed as appropriate under § 1872.18, if approval of assumption of the secured note and transfer of the real estate is approved. If the entire note-only account is assumed, it may be assumed by use of Form FHA 460–9, "Assumption Agreement (Same Terms—Eligible Transferee)," in accordance with the terms of the existing note. Otherwise, it may be assumed by use of Form FHA 460–5, "Assumption Agreement (New Terms)," by an applicant who meets the eligibility requirements for the type of loan involved and on terms applicable to such a loan. Form FHA 460–5 or Form 460–9 will be modified as appropriate, with the advice of OGC. The loan approval official may require a note-only loan being assumed to be secured by obtaining a new mortgage.

(c) *Deceased borrower cases.* When a borrower who dies owes an FHA unsecured note, the case will be handled in accordance with the applicable policies in Subpart B of Part 1871 of this chapter. If it is determined that there are no assets in the estate from which the claim can be collected and there are no survivors or others who will assume the account and continue to make payments on the note in accordance with its terms, the account will be settled immediately in accordance with Part 1864 of this chapter.

§ 1872.16 Release of FHA mortgage without monetary consideration on basis of additional security or because of mutual mistake or nonexistence of evidence of indebtedness or valueless liens.

(a) *Additional real estate, chattel, or miscellaneous security.* Real estate, chattel, or miscellaneous items which were taken as additional security for a loan secured by real estate may be released by the State Director without consideration before the loan is paid in full, if the market value of the remaining security for the loan is clearly adequate to secure the unpaid balance of the loan. No part of the FO, SW, Recreation, or RH farm, or the borrower's dwelling for an RH, FO, or Recreation loan is considered as additional security for this purpose. This paragraph does not cover basic security for Operating and EM loans and only permits release of real estate for such loans when it was taken as additional security. It must be determined that there is reasonable assurance that orderly payments can be made on the FHA indebtedness, and

(1) *Release.* The release is needed to help finance the borrower's operations, or

(2) *Purposes.* The purposes for which the loan was made would be facilitated, or

(3) *Repayment.* The borrower's ability to repay the loan will be improved.

(b) *Release of real estate from mortgage because of mutual mistake.* Land or buildings included in the mortgage through mutual mistake when substantiated by the factual situation may be released from the mortgage by the State Director. The release is contingent on the State Director with the advice of the OGC determining that a mutual error existed at the time such property was included in the Government's mortgage.

(c) *No evidence of indebtedness.* The FHA mortgage may be released by the County Supervisor in situations where there is no evidence of an existing indebtedness secured by the mortgage to be released in the records of the FHA County, State, or Finance Office.

(a) *Release of valueless liens.* State Directors are authorized to release FHA mortgages or other contract liens which have no present or prospective value or when their enforcement would likely be ineffectual or uneconomical. This authority does not extend to valueless judgment liens or valueless statutory redemption rights except with the consent of the OGC and the U.S. Attorney. The following will be obtained:

(1) *Appraisal report.* A market value appraisal report on the security prepared by an FHA employee authorized to make appraisals.

(2) *Lienholders.* The names of the holders of prior liens on the property and the amount secured by each lien which is prior to the FHA. Such information will be recorded in the running case record of the borrower's County Office case folder and submitted to the State Director for his review.

§ 1872.17 Liquidation action.

When it is determined by the County Supervisor, with the advice of the County Committee and the District Supervisor, that continued servicing of the loan will not accomplish the objectives of the loan or that for other reasons further servicing cannot be justified under the policy stated in § 1872.1 (b), liquidation of the account(s) will be accomplished as expeditiously as possible.

(a) *General.* When the borrower is willing to voluntarily liquidate the account immediately by selling the property and paying the account in full, transferring the total security with an assumption of all or the appropriate portion of the debt under § 1872.18, selling the property for not less than its present market value under paragraph (i) of this section, or conveying the security to the FHA under § 1872.19, the County Supervisor may give him 60 days to accomplish such action. If the property is to be sold for its present market value which is less than the total secured debts against it, the County Supervisor will appraise the property immediately. If the unpaid FHA security debt and any prior lien does not exceed $35,000, the County Supervisor will establish the present market value of the security. Otherwise, he will obtain the concurrence of the District Supervisor for secured debts of not more than $50,000 and the concurrence of the State Director if the secured debts exceed $50,000.

(b) *Problem case report.* If the borrower is unwilling to take any of the actions specified in paragraph (a) of this section, or fails to carry out any such action within 60 days, the County Supervisor will complete Form FHA 465–7, "Report on Real Estate Problem Case," and send it to the State Office through the District Supervisor so that the District Supervisor's recommendation may be attached. If the State Director agrees that forced liquidation is appropriate, he should approve such liquidation. If he considers it justifiable, he may give the borrower additional time to make the sale, transfer, or voluntary conveyance before sending the case to the OGC for initiation of foreclosure action.

(c) *Acceleration of account.* In all cases in which the State Director approves forced liquidation, the account should be accelerated even though he gives the borrower additional time to voluntarily liquidate the account. He should place a time limit on the borrower which usually should not exceed three months in the first instance. The original period fixed by the State Director plus any extension granted by him should in no case exceed one year without prior concurrence of the National Office. Prior to granting any extension after the original period fixed by him, the State Director will require the County Supervisor to report the steps taken by the borrower to liquidate the account. If a sale is involved, the County Supervisor's report should indicate whether the borrower's asking price is reasonable and whether the asking price is delaying the sale unreasonably. Acceleration or granting time for voluntary liquidation as provided for above will not preclude exercise of the authority in paragraph (g) of this section. However, the above authority should never be used for the purpose of extending the liquidation period under paragraph (f) of this section.

(d) *Assignment.* When an insured loan case is sent to the OGC to initiate liquidation action, the insured loan will be simultaneously assigned to the fund as provided in Part 1873, Subpart A of Part 1874 or Subpart B of Part 1874 of this chapter.

(e) *Multiple loans.* When a borrower is indebted to the FHA for more than one type of FHA loan, a thorough study should be made of each loan and of the effect liquidation of one or more of the loans would have on any other loan. When liquidation of one or more FHA loans secured by real estate is necessary and it will jeopardize the repayment of or the accomplishment of the purposes of other FHA loans, all FHA loans should be liquidated, for example, an Operating and FO loan, the liquidation action will be started simultaneously, and the liquidation of real estate and chattel security will be coordinated to the extent possible. However, the chattel security will be liquidated in accordance with Subpart B of Part 1871 of this chapter, except that when an account(s) is secured by both real estate and chattels and the account(s) will be transferred, such transfer(s) will be accomplished in accordance with § 1872.18.

(f) *Requirement.* An RH borrower who obtained a loan on a nonfarm tract or a section 502 Senior Citizens RH loan borrower who no longer lives in the dwelling or any FO or Recreation loan borrower who without FHA consent does not personally operate the farm or recreational facility or when required by the mortgage does not live on the security property, is violating his agreements with FHA. Such a borrower, if available, will be promptly contacted in person by the County Supervisor and advised of the violation and that it will be necessary to liquidate the account by payment in full by refinancing or otherwise, unless definite agreements are reached to remove the violation by reoccupying or resuming personal operation of the property as required or consent for lease is granted as authorized in this Subpart. If the borrower is not available for personal contact or definite agreements cannot be reached or consent to a lease is not authorized, the County Supervisor will make a narrative report of the circumstances to the State Director. Upon receiving such a report, the State Director will write the borrower, notifying him of the violation involved and advising him that, because of the violation, it will be necessary to liquidate the account and give a reasonable period of time (60 to 90 days) in which to comply. If during such period the borrower fails to remove the violation or take appropriate action for liquidation of the account in full, a notice of acceleration will be sent to the borrower by the State Director. Following the notice of acceleration, the borrower may be given additional time to voluntarily liquidate the account in accordance with the policy outlined in the general statement of this section.

(g) *Acceleration agreement.* When liquidation of the account is necessary because of failure to refinance or for other reasons and the remaining loan repayment period exceeds ten years for real estate loans and two years for Operating and EM loans, the State Director may, in lieu of foreclosure, permit the borrower to pay the account under an acceleration agreement providing for not to exceed ten equal amortized annual installments of combined principal and interest for real estate loans except RH loans on nonfarm tracts, and not to exceed five equal amortized annual installments of combined principal and interest for Operating, EM and RH nonfarm loans except that less than a full payment may be scheduled on the first January 1 after the date of the action if such period is substantially less than a full year and the borrower will not have ability to pay the full payment. Interest will be at the rate shown in the note. The State Director will determine that the FHA interests will not be adversely affected, the borrower can reasonably be expected to meet the accelerated payments, and the borrower will continue to comply with other requirements of the loan and security instruments. However, in an unusual case where a borrower owes a small amount and the remaining period of the loan is ten years or less for real estate loans and two years or less for Operating and EM loans, the State Director may authorize acceleration of the account for a shorter period, as appropriate. When an understanding to accelerate is reached with the borrower, Form FHA 465–11, "Accelerated Repayment Agreement," will be completed and executed. Separate Forms FHA 465–11 will be used for each type of loan and for direct or insured loans. If the borrower fails to meet any installment when due as provided in such an agreement, foreclosure action will be initiated.

(h) *Authority.* If an account is to be liquidated by a method other than immediate payment in full by cash, the County Supervisor will, after approval by the State Director, take appropriate action and execute all necessary forms, including satisfactions, releases, and so forth, for completion of the transaction except for those actions specifically reserved to the State Director by this Subpart.

(i) *Cash sale.* The County Supervisor is authorized to approve a cash sale of mortgaged real estate for not less than its present market value established in accordance with paragraph (a) (1) of this section, and to authorize release of the Government's liens, provided:

(1) *Substantial recovery.* A substantial recovery can be made on the FHA secured indebtedness based on a recent appraisal report showing the present market value of the property.

(2) *Application.* All the proceeds are applied on the mortgage debts in accordance with their prospective priorities except authorized costs as specified in § 1872.4.

(3) *Release.* The FHA liens are not released by the County Supervisor until receipt of the appropriate sale proceeds for application on the Government's claim. The release will be made on forms approved or prepared by the OGC. The borrower is not released from personal liability for any deficiency and the borrower is reclassified as collection-only by use of Form FHA 404–1, "Case Reclassification," unless he owes other FHA accounts and is classified as an active borrower. Also Form FHA 450–10, "Advice of Borrower's Change of Address or Name," will be sent to the Finance Office.

§ 1872.18 Transfer of real estate security.

When the mortgage requires the consent of the FHA to any proposed sale or other transfer of real estate security for FHA loans, borrower should be so advised; therefore, before firm agreements have been reached with purchasers for sale of all or a portion of the security, they should contact the County Supervisor relative to the proposed sale. If the proposed sale would not result in the FHA account being paid in full at the time of the sale, the County Supervisor should explain thoroughly the requirements of this section and § 1872.4 or § 1872.17, as appropriate, to the transaction. When the transferor is receiving a substantial downpayment in connection with the sale of his property, the purchaser should be required to contact other sources of credit to secure a loan for repayment of the FHA loan in full and make the transfer unnecessary. When real estate security, including water rights, is sold and the mortgage requires FHA consent to the sale and the transaction cannot be approved under the appropriate paragraphs of this subpart, the account will be liquidated as required in § 1872.17.

(a) *Authority.* County Supervisors, District Supervisors, and State Directors are authorized to approve transfers with assumption of FHA accounts to eligible or ineligible transferees in accordance

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with this paragraph and release of liability when the secured debts do not exceed $35,000, $50,000 and $100,000 respectively. State Directors also are authorized to approve such transfers to and assumptions by ineligible transferees regardless of the amount of the outstanding FHA debts or the amount of prior liens. Proposed transfers to and assumptions by eligible transferees which will exceed the authorizations and limitations of the State Director for an initial or subsequent loan of the same type will be submitted to the National Office for review prior to approval.

(b) *General policies.* The following general policies will be applicable when an FHA borrower transfers or proposes to transfer real estate which is security for an FHA loan(s) and the loan account(s) is to be assumed by use of either Form FHA 460–9 or Form 460–5.

(1) *Agreement.* Form FHA 465–5, "Transfer of Real Estate Security," will be completed to reflect the agreement between the transferor and the transferee.

(2) *Assignment.* If an insured loan is involved, the Finance Office will have the insured note assigned to the fund when the assumption agreement changes the terms of the note.

(3) *Value.* All transfers will be based on present market value. When the total secured FHA debt(s) exceeds the present market value, the transferee will assume an amount equal to the present market value as determined in accordance with § 1872.17(a) less prior liens. Otherwise, the transferee will assume the total FHA secured debt(s).

(4) *Assumption agreement.* Notwithstanding that part of Part 1807 of this chapter, regarding the effect of a wife's signature on a promissory note, a deceased borrower's spouse will execute an assumption agreement when the spouse is not already liable for the indebtedness because of not having signed the note(s) or would be absolved from liability under State law after having signed the note(s). The assumption agreement, when required in such cases, will be completed and sent to the Finance Office. The interest rate and terms of the assumption agreement of such a spouse usually will remain the same as they were in the note(s). If, however, the number of years over which a note was amortized needs to be extended to be within the repayment ability of the assuming spouse, the reamortization period may be extended but cannot exceed the repayment period applicable to the kind of loan being assumed.

(5) *Joint borrowers.* When one of the joint borrowers (including the jointly liable spouse of a divorced borrower) withdraws from the operation and conveys his interest in the security or any EO property to the remaining borrower who desires to assume the total indebtedness as between himself and the other party, the assumption will be made on the basis of the existing note(s) by use of Form FHA 460–9, or in case of an ineligible transferee, on Form FHA 460–5, on terms applicable to ineligible applicants. In such case, the other spouse or joint owner will be released of liability for the indebtedness if the conditions of § 1872.17 (f) are met.

(6) *Assumption.* When the spouse or another member of a borrower's family who is eligible for the kind of loan involved will assume the indebtedness along with one or more of the existing borrowers, the assumption will be made on the same basis as the existing note(s) by use of Form FHA 460–9. Such assumptions are frequently made in accordance with all of the applicable requirements of § 1872.17 when an aged couple has a son or daughter who will assist in operating the farm or live in the RH house; help make the payments; obtain title to the property individually or jointly with the borrower(s); or subject to a life estate reservation by the existing borrower(s).

(7) *Loan type.* The kind(s) of loan will remain the same for all loans except that loans which are transferred to ineligible applicants will be classified as ORE.

(8) *Title.* Generally, title to all FHA real estate security, including water rights, must be conveyed to the transferee not later than the date of closing the transfer. However, a transfer of a portion of the FHA real estate security with an assumption of the total indebtedness may be approved, provided the portion of the FHA security transferred has a present market value at least equal to the total indebtedness owed by the borrower or such indebtedness is reduced by a cash payment to the present market value of such property, and the transaction is advantageous to the Government and the borrower. In such a transaction, the transferor will be released from personal liability for the debts. The security he retained will be released from the Government's lien.

(9) *Portion of debt.* When a request is made by a borrower to transfer the real estate security as parcels to each of different transferees with assumption of a portion of the debt, the County Supervisor may send the proposed action to the State Director for consideration if it is recommended after a determination has been made that such transaction would be advantageous to the Government. In such a case, the County Supervisor will submit to the State Director the complete factual information concerning the transaction. It will include appraisal reports showing the present market value of each portion to be transferred and such value of the total unit before subdivision, the amount of indebtedness to be assumed by each transferee, and the case file with other pertinent information outlining the reasons for the proposed actions.

(10) *Dual security.* When the account(s) is secured by both chattel and real estate, all the chattel security must be transferred, sold, or liquidated by the time of the transfer of the account(s), except that in case of EM or SL security, the real estate security may be transferred without transfer or liquidation of the chattel security upon prior approval of the National Office.

(11) *Consent.* The written consent of any lienholder must be obtained if required by the mortgage.

(12) *Junior lien.* When the full amount of the FHA debt is assumed, there must be no liens, judgments, or other claims against the security which are junior to any FHA liens being assumed unless the State Director determines that such liens, judgments, or claims will not adversely affect the Government's security interest and that the transferee's ability to pay the FHA debt will not be impaired thereby.

(13) *Restrictions.* When less than the full amount of the FHA debt is being assumed, there must be no liens, judgments, or other claims against the security which are junior to any FHA loans being assumed.

(14) *Loans.* An initial or subsequent loan for which the transferee is eligible may be made in connection with a transfer subject to the policies and procedures governing the kind of loan being made. When the transfer is being made to an eligible FO applicant, FO loan funds may be used to pay equity. When real estate security for an RH loan is transferred to a person eligible under Subpart A of Part 1822 of this chapter for an RH loan to purchase such real estate, RH loan funds may be used to pay the equity. This, however, does not include income producing land or buildings. In lieu of the subsequent loan of the kind involved, the Government's lien may be subordinated to enable the transferror to take a first mortgage to secure the amount of his equity payment or to permit another lender to furnish the funds needed in connection with the transfer. In such cases, the subordination will be processed in accordance with the applicable provisions of § 1872.3. The transferor may convey title to the property by warranty deed or when he agrees to take a first lien to secure his downpayment, he may sell the property by purchase contract or similar instrument that meets the conditions of Subpart A of Part 1821 of this chapter. In such cases, prior lienholders' agreements will be obtained in accordance with Part 1807 of this chapter. When necessary to settle a divorce action, a subsequent loan may be made or a subordination may be granted to permit the remaining borrower to obtain a loan in an amount not to exceed the equity in the property.

(15) *Payments.* If a payment to the transferor is to be made in connection with the transfer, the total FHA debt must be assumed unless the payment received by the transferor is applied on a prior lien or to the portion of the transferor's FHA debt not assumed.

(16) *Requirement.* When the full amount of the FHA secured debt is being assumed and other FHA debts owed by the transferor are not adequately secured, the State Director may, as a condition of approving the transfer, require that all or a part of any equity payment be applied on such debts.

(17) *Downpayment.* The transferee will make a downpayment on the FHA secured debts if he is financially able. When a payment is required, the transfer will not be closed nor the appropriate assumption agreement executed prior to receipt of such payment.

(18) *Date.* The effective date of the transfer will be the actual date the transfer is closed. This is the date on which Forms FHA 460–5, or FHA 460–9 are signed. In connection with use of either form, the unpaid principal balance and accrued interest will be shown in Table 1 and the accrued interest will be computed from Form FHA 451–26, "Transaction Record," or Form FHA 451–31, "Borrower Transaction Record." If Form FHA 460–9 is used the transferee will be informed of the amount of principal and interest owed, as shown on the latest Transaction Record. He also will be advised as to the total amount paid as of that date which has not been credited to the account and the amount that would be required to be paid to place the account on schedule as of the previous installment due date and any accounts that must be paid to bring any monthly payments up to date.

(19) *Civil Rights Act.* When the property transferred was subject to Title VI of the Civil Rights Act of 1964, and will continue to be used for the same or similar purpose for which Federal financial assistance was extended, the transferee will sign Form FHA 400–4, "Nondiscrimination Agreement."

(c) *Transfer of FHA direct or insured loans to eligible applicants*—(1) *Eligibility.* A direct or insured loan may be transferred to an applicant who meets the eligibility requirements for the kind of loan being assumed or whose situation after the transfer will satisfy such eligibility requirements. Also, an RH Senior Citizen loan may be transferred to anyone eligible for a section 502 RH loan. An ORE loan may be transferred to an applicant who meets the eligibility requirements for an FO loan, or to an applicant who meets the eligibility requirements for an RH loan if it is a nonfarm tract and was security for an RH loan originally. An RH loan to a person of low or moderate income may be transferred to a person whose income is above moderate and who meets the other requirements of an eligible transferee, only if there are no eligible low or moderate income applicants available for the transfer, and if the approval official determines that the transfer will be in the best financial interest of FHA. An above-moderate loan may be transferred to an applicant whose income may not be in the above moderate category provided his income is sufficient to meet the terms of the loan. Such a loan, after the transfer will continue to be classified as above moderate. Livestock or other emergency-type loans no longer being made may be transferred to an applicant who meets current EM loan requirements. Any other type of loan for which there are no present authorizations or eligibility requirements may be transferred only with the advice of the National Office after considering the recommendation of the State Director and reviewing the case file.

(2) *Repayment and reamortization terms*—(i) *Form FHA 460–9.* Except as noted below for RH loans, assumption of any FHA loan may be approved without any change in the balance owed, interest rate, or other terms. In such cases Form FHA 460–9 will be used. A loan may be transferred even though it is on schedule, ahead of schedule, or behind schedule. Whenever reasonably possible, any delinquency should be paid at the time of assumption. However, this is not required if the total FHA debt to be assumed is within the debt paying ability of the transferee.

(A) Rural Housing Disaster loans will be transferred at the current rate for section 502 loans unless the transferee is eligible for a Rural Housing Disaster loan.

(B) Direct sections 502, 503, and direct Senior Citizen RH loans will be transferred at the current rate for Section 502 loans unless the transferee is eligible for a Senior Citizen RH loan.

(C) Low and moderate RH loans transferred to a person having an above-moderate income will be transferred at the current rate for an above-moderate section 502 loan. Loans referred to in subdivision (i) (A), (B) and (C) of this subparagraph will be transferred in accordance with subdivision (ii) of this subparagraph.

(ii) *Form FHA 460–5.* If an extension of the existing loan repayment period is necessary to enable the transferee to be successful, Form FHA 460–5 will be used. The new repayment period will be the same as the repayment period for a new loan of the type involved; for example, FO—40 years, Operating—7 years, and RH—33 years. If a new repayment period is used and the current interest rate is higher than the rate specified in the note, the current interest rate for a new loan of the type involved will be used, and any insurance charge applicable to such a loan will be provided for, except in assumptions by a surviving spouse under paragraph (b)(4) of this section. In determining the new repayment period and interest rate, an ORE loan will be considered an FO or RH loan in accordance with paragraph (c)(1) of this section and a livestock or other emergency-type loan no longer being made will be considered an EM loan.

(d) *Transfer of direct and insured loans to ineligible transferees.* When a borrower sells or proposes to sell the real estate security to a person(s) who is not eligible to assume the indebtedness in accordance with paragraph (c) of this section and the mortgage requires the Government's consent for transaction, it will be the policy to immediately liquidate the account unless it is to the best financial interest of the FHA to permit assumption of the account. Except for RH loans, a person as herein used may include a farming corporation or a farming partnership but it does not include other corporations or partnerships, realtors, or financing institutions. For any type of loan for which there are no existing authorizations or eligibility requirements in FHA regulations, the loan may be transferred under the requirements and conditions of this section. If the approval official determines that it is to the best financial interest of the FHA to transfer the account, he may consent to the transfer by assumption agreement provided:

(1) *Downpayment.* Each transferee is required to make as large a downpayment on the FHA secured debt as he is financially able to make under the circumstances. However, no transfer to an ineligible applicant may be approved without at least a 10 percent downpayment.

(2) *Terms—farm.* Except for RH loans on nonfarm tracts, the balance of the FHA debt assumed is scheduled for repayment in not to exceed 10 amortized annual installments with interest to the borrower at the rate being charged for section 502 RH loans to moderate-income applicants at that time or at the rate of interest specified in the note being assumed, whichever is greater. When it has been definitely determined that a property cannot be transferred on terms of 10 years or less because of conditions in the area, the State Director may authorize a longer repayment term not to exceed 15 years.

(3) *Terms—nonfarm.* For RH loans secured by a lien on a nonfarm tract, the balance of the RH debt assumed may be scheduled for repayment is not to exceed five amortized annual installments. Interest on the amount assumed will be charged at the rate currently applicable to above-moderate RH loans, including insurance charges, or at the rate of interest specified in the note being assumed, whichever is greater.

(4) *Payment.* The transferee has ability to pay the FHA debt in accordance with the assumption agreement and the legal capacity to enter into the contract.

(5) *County Committee.* Except when use of the County Committee has been waived for RH loans, the County Committee finds that the transferee will honestly endeavor to make payments in accordance with the assumption agreements, maintain the security property, and carry out his other obligations in connection with the loan.

(6) *Conditions.* The transfer will not adversely affect the FHA program in the area.

(e) *Consent of FHA not required to transfer.* Where the FHA mortgage(s) does not require the Government's consent to the sale of the security and the borrower conveys or proposes to convey the security to a person who is ineligible or unwilling to assume the FHA debt in accordance with paragraph (c) or (d) of this section, the Government will not consent to the sale. In such a case, the County Supervisor will advise the State Director of the sale. If the account is delinquent or the loan is otherwise in default, the County Supervisor also will

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advise the State Director of the nature of the default, and any specific plans that may have been made to correct the default. If it is determined to continue with the account, it will be serviced in the name of the borrower and otherwise serviced in the usual manner.

(f) *Release of transferor from liability.* When all of the real estate security for an FHA loan is transferred under paragraphs (c) or (d) of this section, and the total outstanding debt is assumed it will be the policy to release the borrower (and any cosigner for an RH loan) from personal liability to the FHA. However, if a portion of the outstanding debt is not assumed, the following conditions must be satisfied:

(1) *Certification.* The County Committee has made the appropriate certification and recommendations prescribed in paragraph (g)(6) of this section.

(2) *Debt-paying ability.* The transferor and any cosigner do not have reasonable debt-paying ability considering his assets and income at the time of the transfer.

(3) *Release.* For an RH loan involving a cosigner, the transferor may be released from personal liability only if the cosigner also can be released.

(g) *Processing transfer by assumption of indebtedness.* When the transfer is not within the County Supervisor's approval authority, the docket with the transferor's case file will be sent to the District Supervisor or State Office, as appropriate, for approval or disapproval.

(1) *Refund of unused funds, loan funds not advanced, transaction record.* Unexpended funds in the supervised bank account will be applied as a refund unless FO, SW, Recreation, RH, RRH, LH, or EM security is involved and the funds are needed for completing planned development. Any obligation of or request for loan funds not yet advanced will be canceled. Form FHA 451–26 or Form FHA 451–31 will be used to compute the unpaid balance due on the effective date of the transfer.

(2) *Preparation and distribution of transfer docket.*

(i) *Checking docket forms.* When the transfer docket forms listed in regulations available in all FHA offices have been completed, they will be checked thoroughly to determine that the proposed transfer conforms to the applicable requirements; each form is prepared correctly in accordance with appropriate instructions; and items such as names, addresses, and the amount of the indebtedness to be assumed are the same on all forms in which such items appear.

(ii) *Information on the availability of other credit.* The County Supervisor will record in the Running Case Record the pertinent information concerning the negotiations made by an eligible transferee and the discussion by FHA personnel with the applicant's creditors and other lenders. The investigation and availability of other credit for eligible transferees will be documented as required for the kind of loan being assumed. This must be sufficiently clear and adequate to establish that other credit is not available to pay the debt in full and make the transfer unnecessary. Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain satisfactory credit elsewhere will be included in the loan docket.

(iii) *Distribution of transfer docket forms.* The loan docket will include the forms and documents listed in regulations available in all FHA County Offices.

(3) *Collections and receipts.* During the period that a transfer is pending in the County Office, payments received by the Finance Office will continue to be applied to the transferor's account and Form FHA 451–26 or Form FHA 451–31 will be forwarded to the County Office. This includes any downpayments made in connection with the transfer for reducing the amount of the debt to be assumed. When the County Supervisor has received a payment on the account for which no Transaction Record has been issued, he should deduct such amounts from the total amount of principal and interest calculated from the latest Transaction Record before completing the assumption agreement and having it signed.

(i) Transaction record. When the borrower has made a direct payment to the Finance Office and there is no record of the payment in the County Office, the account will be assumed on the basis of the latest Transaction Record. In such cases, the application of the direct payment will be reversed from the account and the assumption agreement will be processed in the Finance Office. The Director of the Finance Office will contact the County Supervisor to determine the disposition of the proceeds from the direct payment.

(ii) Identification. For payments received on the date of transfer, Form FHA 451–2, "Schedule of Remittances," will be prepared to show "Transfer in process of account owed by (borrower's name and case number) to be transferred to (name of transferee and case number, if known)." If the borrower number portion of the case number has not yet been assigned for a transferee only the state and county portion of the case number will be shown. A statement for the information of the Finance Office will be attached to the assumption agreement showing the date of Form FHA 451–2 and the amount paid.

(iii) Payment. When a payment is due on the assumption agreement shortly after the transfer is completed, such a payment should, if possible, be collected at the time of transfer and remitted in the name of the transferee.

(4) *Farm and home plans and financial statements.* When the transfer involves an ineligible transferee, Form FHA 431–3 or Form FHA 431–2 will be used with Tables A and B being completed in the same manner as for any other borrower but other tables and portions of the Form will be completed only to the extent necessary to determine the debt-paying ability of the transferee and to give sufficient information for completing Table J. When a transfer is to be made for less than the amount of the indebtedness and a release of liability is involved, a current financial and income statement of transferor will be obtained on Form FHA 431–3 or Form FHA 431–2.

(5) *Appraisal report.* Forms FHA 422–1, FHA 422–3, "Appraisal Report for Multiunit Housing," or FHA 422–8 as appropriate will be obtained when the amount to be assumed is less than the full amount of the indebtedness; when required in connection with an initial or subsequent FO, Recreation, SW, RH, RRH, or LH loan to be processed with the transfer; or the loan approval official requests a current appraisal.

(6) *County Committee certification and recommendation.* The complete transfer docket, except where use of the County Committee for determining the eligibility of RH applicants has been waived, will be presented to the County Committee for review.

(i) Applicants. The transfer will be contingent upon the County Committee making its appropriate certification on Form FHA 440–2 for an eligible applicant other than RH applicants excepted above, or in every case when transfer is to an ineligible applicant, completing the following memorandum:

"In our opinion, the transferee, (*name of transferee*), will honestly endeavor to make payments in accordance with the assumption agreement, maintain the security, and carry out the other obligations in connection with the loan."

(ii) Release. When the County Committee recommends a release of the transferor and any cosigner from liability in any case where real estate security is being transferred under paragraph (c) or (d) of this section, with an assumption of less than the total debt, it will provide the following statement to be added to Form FHA 440–2 for an eligible applicant or the memorandum statement for an ineligible applicant:

"(*Name of transferor and any cosigner*), in our opinion do not have reasonable debt-ability to pay all or a substantial part of the balance of the debt not assumed after considering their assets and income at the time of the transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of their ability. Therefore, we recommend that the transferor and any cosigner be released of personal liability upon the transferees' assumption of that portion of the indebtedness equal to the present market value of the security."

(7) *Property insurance.* The transferee will obtain property insurance in accordance with the requirement for the loan(s) involved unless the approval official requires additional insurance as a condition of approval. If insurance is required, it may be obtained either by transfer of the existing coverage by the transferor or by acquisition of new coverage by the transferee. The insurance company will be notified by the County Supervisor immediately after completion of the transfer. When the full amount of the FHA indebtedness is being assumed and an insurance premium has been advanced to the account, the transfer will not be completed until the amount of the premium has been charged to the transferor's account.

(8) *Title clearance and legal services.* Title clearance and legal services for closing transfers will be accomplished in accordance with FHA Part 1807 of this chapter, in case of a transfer involving an FO, Recreation, RH, RRH to an individual, LH, or SW not coded J, or an LCD loan. Title clearance and legal services for such loans, however, is not required when a joint borrower conveys his interest in the security to the remaining borrower who assumes the total indebtedness provided a subsequent loan or subordination is not involved. For all other kinds of loans being transferred, title clearance and loan closing services will not be required unless the approval official, with the advice of the OGC, determines that such services are needed in order to maintain the FHA's security position or for other reasons. If other than an FHA mortgage is involved which requires the mortgagee's consent to the transfer, such consent will be obtained.

(9) *Assumption agreement, release from personal liability, receipts.* Forms FHA 460–5 or FHA 460–9, and FHA 451–1, "Acknowledgement of Cash Payment," and FHA 465–8, "Release from Personal Liability," in each case where the full amount of the debt is assumed or a release from personal liability is otherwise approved under this Subpart and all of the security is being transferred, will be completed and executed simultaneously with closing of the transaction. The original (and signed copy for insured loan) Form FHA 460–5 or Form FHA 460–9 and, when applicable, Form FHA 451–1, and a signed copy of Form FHA 465–8 will be transmitted immediately to the Finance Office.

(10) *Transfer of unused development funds.* Any remaining funds not to be refunded that are in the transferor's supervised bank account will be transferred to the transferee's supervised bank account simultaneously with the closing of the transfer for use in completing planned development.

(11) *Case folder.* The transferor's County Office case folder will be used for the transferee after adjustments have been made.

(12) *Nondiscrimination agreement.* If the original loan was subject to Title VI of the Civil Rights Act of 1964, the transferee will sign Form FHA 400–4, "Nondiscrimination Agreement."

(h) *Transfer not completed.* If for any reason the transfer is not completed, the Finance Office will be notified to resume servicing of the account in the name of the transferor.

§ 1872.19 Voluntary conveyance of security to FHA.

When voluntary conveyance of security to the FHA is determined to be appropriate, the voluntary conveyance docket will be assembled and submitted to the State Director or District Supervisor, as appropriate, with the borrower's County Office case folder(s). If voluntary conveyance is approved as being to the best financial interest of the Government by permitting a substantial recovery on the Government's loan, the State Director will send to the County Office any title information or evidence of ownership of water rights held in the State Office. When a prior lien(s) exist, such lien(s) will be paid by Standard Form 1034, only if it is determined that a substantially greater recovery on the Government's investment can be obtained, or the property is suitable for sale to an eligible applicant subject to the terms of the prior lien and the holder of the prior lien(s) will not agree for the Government to acquire the property and resell it subject to his lien(s). If the property is acquired subject to a prior lien(s), payment of annual installments on the prior mortgage may be made while title to the property is held by the Government. All junior liens on the property except FHA liens and taxes and assessments which are or will become a lien on the property must be satisfied by the borrower without FHA assistance, unless the State Director determines that payment of the junior liens by Government voucher will better protect the Government's interests, in the light of all pertinent factors including the results of any delay that foreclosure action would involve. The word "property" as used in this section includes the real estate items which are considered real estate, items which customarily pass with the real estate in the change of ownership, and any irrigation equipment and other equipment such as bulk milk tanks, feed storage facilities which are chattel security if it is necessary for the successful operation of the farm, will enhance the sale of the farm, and is a part of the security for the loan involved in the conveyance.

(a) *Authority.* The State Director, subject to the policies outlined in this paragraph, is authorized to approve a voluntary conveyance with or without release of personal liability. The State Director is authorized to consent to release of a borrower and any cosigner in connection with a voluntary conveyance as set forth in § 1872.18(f) applicable to a transfer. The District Supervisor is authorized to approve transactions under this section on the same basis as the State Director provided the total debts against the security do not exceed $50,000.

(b) *Preparation, processing, and distribution of voluntary conveyance docket.* When a borrower offers to voluntarily convey his property to the FHA and agrees to carry out all the conditions contained in Form FHA 465–4, "Offer to Convey Security," the form will be completed and he will signify his agreement by signing the form. A warranty deed on a State-approved form or a deed meeting the requirements of part 1807 of this chapter will be required and, whenever possible, completed and signed simultaneously with Form 465–4; however, it will not be recorded until closing of the transaction. Also, if water rights involved are not fully conveyed in the deed, any necessary assignments or transfers of water stock or membership certificates or other water right title documents required will be obtained simultaneously with the execution of Form FHA 465–4 whenever possible but not later than the execution of the deed and will be recorded, if necessary or appropriate, in connection with closing the transaction. When the borrower executes Form 465–4, a preliminary determination will be made by the County Supervisor as to whether the property constitutes a family farm as defined in Subpart A of Part 1821 of this chapter.

(1) *Acceptance of offer.* When the offer provides only for a credit to be allowed on the account equal to the value of the security as determined by the FHA less any prior liens that are to remain outstanding, the approval official will immediately accept the offer subject to the conditions outlined in Form FHA 465–4, irrespective of the amount of credit to be allowed as the value of the security. If the offer provides for full satisfaction of all FHA debts secured by the real estate, it will be accepted when it is determined that the value of the security less any prior liens to remain outstanding will satisfy the FHA debts or that the borrower will be released from personal liability for the deficiency. If the offer to convey in full satisfaction of such debts is not acceptable, it will be returned to the County Supervisor and he will attempt to obtain an offer which will convey the security for its value as determined by the FHA. When an insured loan not held by the insurance fund is involved and the State Director decides to accept the offer to convey, he will request the Director, Finance Office, to have the insured loan assigned to the insurance fund.

(2) *Taxes.* When Form FHA 465–4 is submitted to the approval official, Standard Form 1034 will be attached thereto for the payment of any taxes and assessments which are a lien or will become a lien on the property or water assessments or charges to protect the right to receive water, which are due and payable and when Form FHA 465–4 does not obligate the borrower to pay. If Form FHA 465–4 is accepted, the approval official will forward the voucher to the Finance Office.

(3) *Appraisals.* A current appraisal report for the property will be obtained in each case and will reflect the market value of the property in its present condition.

(4) *County Committee's certification and recommendation.* When property is to be voluntarily conveyed for a credit on the borrower's account of less than the FHA indebtedness secured by the property, the County Committee will determine whether in its opinion the borrower should be released of liability for any balance owned on such indebtedness. If the County Committee recommends that the borrower and any cosigner be released of liability for such balance, it will make the following certification:

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"In our opinion (*Name or borrower(s) and any cosigner*) do not have reasonable debt-paying ability to pay all or a substantial part of the balance of the debt owed after the voluntary conveyance, taking into consideration their assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and otherwise fulfilled the covenants incident to the loan to the best of his ability. Therefore, we recommend that the borrower and any cosigner be released of personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government."

(5) *Determining the value of security to be conveyed.* The value of the security to be voluntarily conveyed to the FHA will be determined in accordance with § 1872.17(a) taking into consideration a recently prepared appraisal report. The value of such security will be the estimated sale price of the property based on its present market value. Based on the recommendation of the County Supervisor, a decision will be made by the District Supervisor or State Director as appropriate at the time of acquisition of the property as to whether such property is suitable for sale under the terms and conditions or Subpart c of Part 1872 of this chapter to eligible applicants, or as surplus property. The County Supervisor will be notified of the determination and given instructions for selling the property in accordance with Subpart c of Part 1872 of this chapter.

(6) *Obtaining statement of account and refunding unused loan funds.* Any funds remaining in the supervised bank account will be applied as a refund on the loan prior to assembling the voluntary conveyance docket. A statement of account will be requested by use of Form FHA 451–10, "Request for Statement of Account."

(7) *Checking docket forms.* When the docket forms have been completed, they will be checked thoroughly to determine that each form is prepared correctly in accordance with requirements and items such as names and addresses are the same on all forms in which such items appear.

(8) *Distribution of voluntary conveyance docket forms.* The loan docket will include the forms and documents listed in regulations available in all FHA County Offices.

(9) *Title examination and closing instructions.* Upon acceptance of the borrower's offer, the County Supervisor will determine whether title clearance and closing of conveyance will be accomplished by the assistance of the designated attorney, title insurance company, or combination thereof, or by other method, as outlined in State requirements. The County Supervisor will notify the designated attorney or insurance company to furnish title services in accordance with Part 1807 of this chapter. All junior liens and taxes and assessments to be advanced by the FHA will be removed by the borrower, unless the State Director determines that payment of the junior liens by Government vouchers will better protect the Government's interests, in the light of all pertinent factors including the results of any delay that foreclosure action would involve. Any additional title defects or encumbrances will be removed by the borrower except those recited in the FHA mortgage or subsequently approved by the FHA. When title defects or encumbrances will be removed as required, the title examination information will be submitted to the designated attorney or title insurance company with a memorandum also with Form FHA 465–4, the deed of conveyance, any water right documents the original or a conformed copy of the FHA mortgage and any assignment instruments, and conformed copies of any remaining encumbrances such as mineral leases, agricultural leases, easements, rights-of-way, and partial releases. The memorandum will include information as to items of expense incident to conveyance of title which have been paid by the FHA, but are not shown on the statement of account, items of expense which are to be paid by the FHA, a statement as to whether the account is to be fully satisfied, a request for preparation of necessary legal instruments including any necessary separate instruments of assignment (which will become effective when the deed is recorded) pursuant to Form FHA 465–4 and request a date for closing the conveyance. The designated attorney or title insurance company will determine the manner in which any necessary notices of assignment of leases will be given to the lessees. The assistance of the OGC will be obtained only in unusual or complex cases.

(10) *Closing of conveyance.* The State Director will issue regulations containing general guidelines for closing a voluntary conveyance when it will expedite such closing. The conveyance transaction will be closed by the designated attorney or title insurance company representative. When an insured loan is involved the Finance Office will be requested to repurchase and assign the borrowers promissory note to the appropriate insurance fund. The conveyance transactions may be closed and deed recorded pending, however, assignment of the insured note to the insurance fund. Expenses incident to the closing of the transaction, as authorized in the closing regulations will be paid by Standard Form 1034. After the designated attorney or title insurance company determines that the transaction has been properly closed, he will return to the County Supervisor all documents submitted to him and advise as to the date when title to the property was vested in the Government. A copy of this memorandum to the County Supervisor will be forwarded to the State Director and to the Finance Office. The County Supervisor will notify the District Supervisor of completion of any conveyance which he approved. Property insurance will be handled in accordance with Part 1806 of this chapter.

(11) *Credit of value of property on indebtedness and inventory records.* The credit to be allowed on the account will be either the value of the security to be conveyed as determined in accordance with Subparagraph (5) of this paragraph, or the total amount of the indebtedness owed on the account after all expense items have been charged thereto, whichever is less. Immediately after the transaction is closed in accordance with the closing instructions and the amount of the credit to be allowed on the account is determined, Form FHA 465–6, "Advice of Mortgaged Real Estate Acquired," and where applicable, Form FHA 465–8 will be completed and transmitted to the Finance Office by the County Supervisor for processing. Any assigned agricultural, mineral, or other lease on the property will be sent to the Finance Office along with Form FHA 465–6. In an oral lease of the property or on a portion of the property exists, it will be reduced to writing on Form FHA 462–2, "Statement of Conditions on which Lien will be Released," and if possible its execution by the lessee will be obtained. A copy of the Form FHA 465–2 will be sent to the Finance Office. After the Finance Office assigns an advice number to Form FHA 465–6 and a contract number to the lease, it will advise the County Supervisor by memorandum with a copy to the State Office of such number for proper identification of the inventory property and lease.

(i) *Satisfied account.* The Finance Office will stamp the borrower's note "Satisfied by the surrender of security and release from liability" when the account is fully statisfied or the borrower is released from personal liability for any deficiency. The Finance Office will forward the stamped note to the County Supervisor for delivery to the borrower.

(ii) *Unsatisfied account.* Where the account is not fully satisfied by surrender of the security and the borrower is not released from personal liability for the deficiency, the borrower will be classified as collection-only if appropriate by processing Form FHA 404–1 and Form FHA 450–10 and submitting them to the Finance Office together with Form FHA 465–6. The remaining amount will be accelerated by written notice of grounds for acceleration exist. The Finance Office will retain the note(s) and send the County Office a current Form FHA 451–11. Upon receipt of Form FHA 451–11 from the Finance Office, the loan record card will be reconciled with the statement of account and the account will be serviced as a collection-only case in accordance with Subpart A of Part 1861 of this chapter.

§ 1872.20 Foreclosure by the Government.

Foreclosure action will be recommended in a default case when liquidation has been decided upon, a substantial net recovery can be obtained on the FHA account, and foreclosure is determined to be the most practicable method of liquidation by which the interest of the FHA can be protected or failure to foreclose would adversely affect the FHA program in the area. If these requirements cannot be met under the circumstances existing when foreclosure is first considered, but conditions change so that the requirements can be met at a later date, foreclosure will be instituted at a later date.

When there is a prior lien(s) and the State Director has determined that foreclosure is necessary, he will contact the prior lienholder, either directly or through the County Supervisor, and give him an opportunity to institute the foreclosure proceedings, if his lien is in default, with the FHA taking whatever action is necessary to protect the interests of the Government. If the prior lienholder is unable or unwilling to institute the foreclosure, the FHA will institute foreclosure proceedings, subject to the prior lien if feasible. Whether foreclosure of the FHA mortgage will be subject to the prior lien will depend upon such factors as the State law, the action or inaction of the prior lienholder, the condition of the prior lien account, the amount of the prior lien debt in relation to the debt, and other factors. After issuance of the acceleration notice, account and security servicing actions other than acceptance of payment in full, voluntary conveyance or permitting of transfer, including payment of insurance and taxes, will be taken only with the advice of the OGC. Expenses incident to the foreclosure action which are approved by the OGC for payment by the FHA will be paid in accordance with applicable regulations. If the OGC advises that a credit on the borrower's account or a Standard Form 1034 will not be acceptable for payment of the FHA bid, the State Director will obtain a check from the Finance Office for making the payment. Standard Form 1034 will be used for this purpose and will fully explain why it is necessary to immediately obtain a check for such payment.

(a) *Authority.* The State Director is authorized to approve foreclosures and to execute any necessary documents. After such approval, the County Supervisor will take appropriate action and execute all necessary forms for completion of the transaction except as otherwise provided in this paragraph.

(b) *Processing.*

(1) *Form FHA 465–7 and recommendation for deficiency judgment.* If Form FHA 465–7 has not been recently submitted to the State Office and foreclosure is recommended in accordance with § 1872.17, the form will be completed; and if chattel security is involved, Form FHA 455–1, "Request for Legal Action," and Form FHA 455–2, "Evidence of Conversion," when appropriate, providing necessary supplementary information will be attached to Form FHA 465–7. The completed Form FHA 465–7 will be forwarded with the County Office case file to the State Office through the District Supervisor so that the District Supervisor's recommendation may be attached. If it appears that the recovery to the Government from a sale by foreclosure will be insufficient to fully satisfy the indebtedness, the borrower's situation will be reviewed by the County Supervisor to determine if there is a possibility of making a further recovery on the account. The facts revealed by his review should be included in the recommendation made on Form FHA 465–7. Where foreclosure action does not automatically result in a deficiency judgment and there are other assets from which a substantial recovery can be made, the OGC will be requested by the State Director on Form FHA 465–7 to obtain such a judgment if legally permissible.

(2) *Appraisal report, additional instructions and withdrawal of funds in supervised bank account.* The State Director will obtain a present market value appraisal report unless there is a current appraisal report that can be relied upon for completing Form FHA 465–7. Any additional instructions and the case folder will be returned to the County Office. Also, when foreclosure is approved, the State Director will include any title information or evidence of ownership of water rights held in the State Office. Any order to the bank will be included for withdrawal of any funds remaining in the supervised bank account.

(3) *Foreclosure not approved.* If foreclosure is not approved, the State Director will instruct the County Superivsor on Form FHA 465–7 on future servicing of the account. The original of Form FHA 465–7 will be forwarded to the County Supervisor, a copy retained in the State Office and a copy sent to the District Supervisor.

(4) *Actions after approval of foreclosure.* When foreclosure action is approved, steps will be taken to consummate the foreclosure as follows:

(i) *Unused loan funds.* Any funds remaining in the supervised bank account will be refunded.

(ii) *Statement of account.* Form FHA 451–10 will be forwarded to the Finance Office to obtain a statement of account for each account to be included in the foreclosure and to request the Finance Office not to issue any statements of account to the borrower until further notice.

(iii) *Issuance of acceleration notice.* When an FHA mortgage is in monetary default the State Director will date, sign, and forward the acceleration notice, if he has not already issued one in accordance with § 1872.17(c), to the borrower with two conformed copies to the County Supervisor, along with the case folder and any necessary instructions. For all other types of default the account will not be accelerated until review by the OGC. In such cases a State regulation will be issued to prescribe the information to be assembled and sent to OGC. In any case where the borrower is in the Armed Forces of the United States the acceleration notice will not be prepared until clearance is obtained from the Regional Attorney. A copy of Form FHA 465–7 will be retained in the State Office and a copy forwarded to the District Supervisor. Thereafter, except as otherwise provided in the State requirements where State law requires acceptances of defaulted installments after acceleration, the County Supervisor will not accept payment of less than the full amount of the indebtedness but will notify the State Director of any such offer and ask for instructions.

(iv) *Cancellation of foreclosure action.* When it has been determined that foreclosure is warranted and circumstances change which, in the opinion of the State Director, makes liquidation of the account unnecessary, he may stop the action or request that it be stopped. If the action is stopped, the account will be reinstated. The State and County Office records will be properly noted to indicate the situation and the borrower will be informed. The Finance Office will be notified. The OGC also will be informed of the situation if it has been consulted.

(v) *Forwarding docket to the OGC and institution of foreclosure action.* When the period provided by the acceleration notice expires, or, if one is not issued upon the advice of the OGC the following action will be taken:

(A) If a direct loan is involved, the State Director will request the Finance Office to send the original or conformed copy of the note as required by State requirements to the County Office. If an insured loan is involved and the note is not held by the insurance fund, the State Director will request the Finance Office to have the loan assigned to an insurance fund in accordance with Parts 1872, Subpart A of Part 1874, or Subpart B of 1874 of this chapter. The Finance Office will send the original or conformed copy of the assigned note as required by State requirements and related documents to the State Director with instructions as to any necessary action in connection with the assignment.

(B) The borrower's case folder, including a conformed copy of each FHA note and any assumption or cosigner agreements involved and such additional information and copies it may require will be forwarded by the State Director to the OGC for appropriate instructions to complete the foreclosure action. Also, title evidence required by the OGC will be obtained and furnished to it at that time so that an opinion can be issued as to whether the FHA will obtain a title merchantable in fact if it is the successful bidder.

(C) Ordinarily, no curative action will be taken with respect to title defects before foreclosure sale. However, where for special reasons the State Director with the advice of the OGC determines it would be in the best interest of the FHA to cure certain defects before the foreclosure sale, the State Director may authorize the necessary curative action.

(D) The expiration date of the property insurance will be called to the attention of the OGC so that office will be aware of the fact that an additional cost will be incurred if the sale is not completed before the expiration date of insurance. A copy of the acceleration notice will be sent to the Finance Office. When it has been determined that a title merchantable in fact can be obtained, the OGC will advise the County Supervisor, who will prepare and submit

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Standard Form 1034 to the Finance Office for payment of all real estate taxes and assessments including water assessments which are due and payable. The OGC also will request the Finance Office to send it a current statement of account which reflects the amounts of vouchers it advised the County Supervisor to process in connection with foreclosure.

(E) The OGC will, except in judicial foreclosure cases, route the docket through the State Office so that any advertising notices, and so forth, may be prepared in the State Office or signed by the State Director if they were prepared by OGC.

(F) Title VI of the Civil Rights Act of 1964 applies as long as any real property continues to be used for the same or similar purposes for which the federal financial assistance was extended. If the property being sold was subject to Title VI, the advertisement of foreclosure sale should include a statement that the purchaser will be required to sign Form FHA 400–4, if he intends to use the property for its original or similar purposes.

(vi) *Maximum bid.* The State Director will establish the maximum amount of the FHA bid. Such bid will be either the estimated resale value of the security or gross investment, whichever is less.

(A) The estimated resale value means the present market value. In establishing the estimated resale value, the State Director will consider the effect that any outstanding mineral rights, easements, other interests, or title defects will have on the resale of the property, any prior liens that will remain outstanding after the foreclosure sale, and any other pertinent information affecting or indicating the resale price including an appraisal report.

(B) Gross investment means the amount of the FHA secured indebtedness, including all advances made by the FHA and charged to the mortgage debt before the foreclosure sale, plus the amount of any prior liens or other costs which the OGC advises must be paid from the proceeds of the foreclosure sale before payment of the FHA mortgage debts.

(vii) *Bidding.* The State Director of an employee designated by him is authorized to bid on behalf of the FHA. In appropriate cases the State Director may designate the U.S. Marshal. However, if the bid is to include an amount for payment of a prior lien(s) exceeding $40,000, the prior concurrence of the National Office will be obtained before authorizing the bid on behalf of the FHA. The State Director will inform the County Supervisor by memorandum, as to the maximum amount to be bid whether he or some other person is authorized to bid. A copy of this memorandum will be sent to the OGC. Ordinarily, the State Director will designate the County Supervisor to bid on behalf of the FHA unless circumstances make it necessary or desirable to designate another person. In court action foreclosures, the OGC will inform the United States Attorney of the maximum amount recommended by the FHA to bid and will suggest that an FHA employee will be available at the sale to make the bid. The FHA employee will make only one bid and that will be for the authorized maximum bid. This bid will be made when no other party makes a bid or when it appears that the bidding has slowed down and likely will stop and result in the property being sold for less than the authorized maximum bid.

(viii) *Final report on foreclosure sale.* Immediately after a foreclosure sale at which the bidder on behalf of the FHA is an FHA employee, the County Supervisor will furnish the OGC a narrative statement giving complete information relative to the sale, including a copy of Form FHA 465–6 if sufficient information is available for completion of the form at that time. When the OGC received a report of a foreclosure sale, whether from FHA or the United States Attorney, he will furnish the County Supervisor any necessary instructions for completing the transactions and advise of any rights of the Government, taking into consideration privileges provided by law and any other pertinent information. As soon as practicable, the OGC will also furnish the County Supervisor a final title opinion on any acquired property. The final opinion will include instructions concerning any additional steps which should be taken to complete the transaction. A copy of this opinion will be forwarded to the State Director and to the Finance Office.

(ix) *Completion of Form FHA 465–6.* If the FHA is the successful bidder at the foreclosure sale, Form FHA 465–6 will be completed and forwarded to the Finance Office by the County Supervisor as soon as all information necessary for completion of the Form is available except the date the Government acquired title to the property, without waiting for the final opinion of the OGC. A copy of information furnished by the OGC relative to the Government's rights acquired at the sale should be sent to the Finance Office, along with Form FHA 465–6. The form will be dated as of the date of the sale.

(x) *Leases.* If the sale is made subject to an agricultural, mineral, or other lease in which the lessor's interest is acquired by the FHA through the sale, the original or a copy of the lease will be submitted to the Finance Office along with Form FHA 465–6 for processing in accordance with § 1872.19 (b) (10). Any oral lease in effect at the time the Government acquires the property will be reduced to writing using Form FHA 465–2 and its execution by the lessee will be obtained if possible. The County Supervisor will notify any lessee in writing that the Government has acquired the lessor's rights under the lease and will direct the lessee to remit all payments to the County Office. Payments to FHA under a lease which by its terms were due and payable prior to the date of the foreclosure sale will be applied first on any deficiency claim resulting from the foreclosure and then on any other FHA claim against the borrower. Any surplus remaining will be remitted to the borrower. Payments due and payable to the FHA after the date of foreclosure will be collected and forwarded to the Finance Office as miscellaneous income. Receipts for collections made in accordance with this paragraph will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)." After a foreclosure sale is held, if a redemption period is involved and the borrower has possession of the property during such period or a right to lease proceeds during the redemption period, a lease will not be obtained by the Government or be sent to the Finance Office until the redemption period has expired and the Government has a right to such proceeds.

(xi) *Deficiency judgment.* When a deficiency judgment is obtained, the account will be classified as a judgment case and the County Supervisor will send Form FHA 455–20, "Notice of Judgment," to the Finance Office and the account will be serviced in accordance with Subpart B of part 1871 of this chapter. When action to obtain a deficiency judgment is pending at the time Form 465–6 is sent to the Finance Office, the fact that it is pending will be indicated on Form FHA 465–6. When a deficiency judgment is not to be obtained, the case will be reclassified to collection-only, the debt cannot be settled under the provisions of part 1864 of this chapter. When a case is to be reclassified to collection-only, Form FHA 404–1 and FHA 450–10 will be forwarded to the Finance Office.

(xii) *Property insurance.* Property insurance will be handled in accordance with part 1806 of this chapter.

§ 1872.21 Taking liens on real estate as additional security in servicing FHA loans.

(a) *Liens.* In servicing FHA loans the best lien obtainable will be taken on any real estate owned by the borrower, including any real estate which already serves as security for another loan. Normally, the prior concurrence of the District Supervisor will be obtained. Such liens will be taken only when:

(1) *Inadequate security.* Present security for the loan is not adequate to protect the interest of the FHA, and

(2) *Equity.* The borrower has substantial equity in the real estate to be mortgaged and it is determined that the taking of such mortgage will not prevent making of an FHA real estate loan, which he might need in the foreseeable future.

(b) *Real estate.* Before taking real estate as additional security for an FHA loan, the following items will be documented in the running record:

(1) *Justification.* The facts justifying the taking of such real estate lien;

(2) *Value.* A conservative estimate of the present market value of the real estate to be mortgaged; (It will not be necessary to submit an appraisal of the property to be mortgaged.)

(3) *Description.* A brief description of any existing liens on such property including the repayment terms and the unpaid balance on the debts secured by such

existing liens, unless this is accurately reflected on a recent financial statement; and

(4) *Identification.* The name of the title holder and how title of the property is held. (Title evidence need not be required.)

(c) *Security form.* Each real estate lien taken as additional security for both FHA direct and insured loans will be taken on Form FHA 427–1 (State), "Real Estate Mortgage for _____ (Insured Loans to Individuals)," unless a State regulation requires the use of a form of mortgage comparable to that which secures the existing loan(s) to be additionally secured. The notes evidencing both FHA direct and insured loans for which the additional security will be taken will be described in the same mortgage.

§ 1872.22 Assignment of direct and insured notes and security instruments outside the program.

The policy described in Subpart A of part 1871 of this chapter for assigning notes and security instruments to third parties will apply to all loans secured by real estate and where the State Director determines it is to the financial advantage of the Government or where the borrower has failed to refinance after an appropriate request. Payment of the FHA debt in full will be collected and transmitted to the Finance Office at the time the assigned instruments are delivered.

(a) *Insured loans.* For insured loans, an assignment may be made on a noninsured basis after the note has been assigned to the insurance fund in accordance with part 1873, Subpart A of 1874 or Subpart B of 1874 of this chapter, as appropriate. The assignment will be effected on an assignment form furnished by the OGC which will include provisions for releasing the FHA from liability as insurer and collection agent. The Government's endorsement of the promissory note will be made without recourse. The State Director will execute the assignment instruments unless he delegates authority to the County Supervisor in a State regulation. At the time the assigned instruments are delivered, the County Supervisor will write "Insurance Contract Canceled" across the face of the Government's insurance endorsement and will sign and date such cancellation.

§ 1872.23 Cosigners—RH loans.

A cosigner as defined in Subpart A of part 1822 of this chapter is personally liable for payment of the RH debt. He is not entitled as a cosigner to any interest in the security property or the rights of the borrower under the loan agreements or security instruments. However, he may pay the account in full and take any assignment of FHA's interest.

(a) *Transfer or other servicing action.* In a case of a transfer, a cosigner may be given preference to assume the FHA indebtedness as either an eligible or ineligible applicant, whichever is appropriate. Otherwise, the cosigner's status does not make inapplicable any conditions or provisions required for transactions authorized in this subpart.

(b) *Substitution or replacement of cosigner.* Any person, as determined by the County Supervisor, with ability to repay the RH loan in accordance with its terms may be substituted for the other party who is previously obligated as cosigner on the loan. The new cosigner will execute an agreement to pay the balance owed on the RH debt. This agreement will be made in consideration of the release of the existing cosigner from personal liability. The original of the new cosigner's agreement will be attached to the original note and a copy will be attached to each copy of the note. The new agreement will be prepared by OGC.

(c) *Release of liability.* A cosigner of an RH note may be released from personal liability for the debt upon satisfactory substitution of a new cosigner. The release may be accomplished by modifying and using Form FHA 465–8 with the advice of the OGC or on an appropriate form prepared by the OGC.

§ 1872.24 Assignment and release of soil bank or similar program payments.

The County Supervisor may take an assignment on income to be received under a Soil Bank or similar contract to protect the financial interest of the Government or to facilitate loan servicing. The assignment of all or a portion of the income from the assignment may be released to the borrower by the County Supervisor when not to the financial detriment of the Government, and payments due on all FHA loans have been made from other income or the income is urgently needed to meet emergency or other justifiable uses.

§ 1872.25 Submission to National Office of certain partial release, subordination, consent or other transactions.

The State Director may submit to the National Office for determination by the Administrator or his delegate any proposed transaction in which the conditions prescribed in the foregoing paragraphs for partial release, subordination, or consent by the FHA cannot be satisfied, or any servicing action that, in the opinion of the State Director, is necessary for the protection of the Government's interests and the OGC has advised that there are no legal objections to the proposed transaction. The State Director must determine that either the FHA secured indebtedness remaining after the transaction will be adequately secured or the Government's security interest will not be adversely affected, and that the transaction and use of any proceeds will further the purposes for which the loan was made; improve the borrower's debt-paying ability, and permit necessary payment of reasonable costs and expenses incident to the transaction which the borrower is unable to pay from other sources. This section is primarily intended to be used for those cases in which the use of the proceeds would be necessary for the borrower to retain the farm or rural residence that otherwise usually could not be accomplished. The State Director will submit to the National Office the full facts and justification supporting his recommendation, together with the County Office files, and the OGC opinion.

§ 1872.26 State requirements and reference to the OGC.

State requirements will be prepared, with the advice of the OGC, as necessary, to carry out this regulation and forwarded to the National Office for prior approval. Whenever, in this Subpart, reference is made to advice or approval of the OGC it is contemplated that to the maximum extent possible the legal advice or approval may be stated in a general way whether included in State regulations, State Bulletins, or other statements or explanations, rather than on the submission of individual matters to the OGC. It should be possible under such a plan to procure most efficient legal assistance in handling real estate security servicing transactions.

§ 1872.27 Redelegation of authority.

The State Director is authorized to redelegate in writing any authority delegated to the State Director in this Subpart to one or more of the following State Office employees: Chief, Rural Housing; Chief, Farmer Programs; Chief, Community Programs; Rural Housing Specialist; Farmer Programs Specialist; and Community Programs Specialist.

§ 1872.28 Nondiscrimination.

Each instrument of conveyance for any transfer or foreclosure sale of real property subject to Title VI of the Civil Rights Act of 1964 will contain the following covenant: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial assistance was extended."

Dated: July 11, 1973.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73–14778 Filed 7–19–73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FOOD LABELING FOR CERTAIN SOFT DRINKS

Proposal for Exemption When Trademark Serves as a Statement of Identity

Notice is given that a petition has been filed by the National Soft Drink Association (NSDA) 1101 16th St., NW, Washington, DC 20036, proposing that the food labeling regulations be amended to exempt certain soft drinks from § 1.8(d) (21 CFR 1.8) which requires that the statement of identity shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed. NSDA's proposal provides that soft drinks be exempted when a trademark serves as a statement of identity and at least one trademark statement of identity appears in lines generally parallel to the base.

The grounds given in support of the proposal are as follows:

1. Section 1.8(d) requires that a statement of identity appear on the principal display panel of a package and that such statement be in bold type in lines "generally parallel to the base" of the package as displayed. In those cases where the statement of identity is also the trademark, and one statement of identity is parallel to the base of the package as required by § 1.8(d), additional statements of identity (i.e., trademarks) not parallel to the base do not cause or suggest consumer confusion.

2. Repetition and prominence of the trademarks even though not parallel to the base of the package would be of additional aid in identifying the product; therefore it is unnecessary for consumer protection that all statements of identity be parrallel to the base of the package.

3. In almost all cases where the trademark also serves as the statement of identity, such trademark is well known to the consumer as the identity of a specific beverage, and is readily recognizable.

The Commissioner of Food and Drugs has considered the petition and other relevant information and concludes that reasonable grounds have been furnished to warrant publishing the proposal. Editorial changes of the petitioner's proposal have been made by the Commissioner for greater consistency with the wording of other exemptions in § 1.1c (21 CFR 1.1c), and to make it clear that the exemption encompasses only the requirement of parallelism of § 1.8(d).

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (Secs. 5(b), 6(a), 80 Stat. 1298, 1299–1300; 15 U.S.C. 1453, 1455) and the Federal Food, Drug and Cosmetic Act (Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 1 be amended in § 1.1c(a)(5) by adding a new subdivision (iv) to read as follows:

§ 1.1c Exemptions from required label statements.

(a) • • •

(5) • • •

(iv) Where a trademark on a soft drink package also serves as or is a statement of identity, the use of such trademark on the package in lines not parallel to the base on which the package rests shall be exempted from the requirement of § 1.8(d) that the statement be in lines parallel to the base so long as there is also at least one statement of identity in lines generally parallel to the base.

• • • • •

Interested persons may, on or before September 18, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14917 Filed 7-19-73;8:45 am]

[21 CFR Part 135]

SULFONAMIDE-CONTAINING DRUGS FOR USE IN FOOD-PRODUCING ANIMALS

Notice of Proposed Rule Making

The Drug Amendments of 1962 required, among other things, an evaluation of the effectiveness of all drugs cleared through new drug procedures from 1938 until October 10, 1962. Following this evaluation, newer knowledge and improved technology required a reevaluation of the data upon the basis of which sulfonamide-containing animal drugs were originally marketed. Consequently, the need for additional residue data was announced in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538) by publication of § 135.102 *Sulfonamide-containing drugs for the oral or parenteral treatment of food-producing animals* (21 CFR 135.102). This regulation provided an interim basis for the continued use of sulfonamide-containing drugs in food-producing animals pending receipt of residue data to support a safe withdrawal period for their use to assure that edible products from treated animals are safe for consumption.

Recently available studies indicate that the degree of thyroid response to exposure to sulfonamide drugs should be given greater significance in the evaluation of sulfonamide toxicity and the establishment of "no-effect" levels. Consequently, the determination of "no-effect" levels for sulfonamide-containing drugs, including thyroid response as one parameter of effect, is necessary for evalaution of sulfonamide toxicity and sponse to 21 CFR 135.102, as well as for a reevaluation of the adequacy of the tolerances and methods of analysis for negligible residues of sulfonamides in edible products.

The Commissioner of Food and Drugs has carefully evaluated the data and other information available to him to determine whether this new evidence, evaluated together with the evidence available when new animal drug applications for some of these drug products were approved, shows that any or all of them are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved, and thus should be withdrawn from use pursuant to section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act. Upon the basis of all of the evidence available, the Commissioner concludes that these drugs have been shown to be safe under the conditions of use within the meaning of that term as used in section 512 of the act, and thus that there is presently no basis for withdrawing approval of any of these drugs solely on safety grounds under section 512(e) of the act. However, questions about potential and theoretical hazard continually arise and deserve special consideration. Where these questions indicate a significant health hazard, withdrawal should immediately be ordered. Where a question relates only to a potential or theoretical hazard, which does not indicate that such drug is not shown to be safe, it is the opinion of the Commissioner that the appropriate procedure is to require the submission of additional data in the form of records and reports, pursuant to section 512(l) of the act, to facilitate a determination of whether there is a ground for withdrawing approval of the drug in question under section 512(e) of the act. Failure to submit such required records and reports is itself a violation of the act, justifying withdrawal of approval of the application. The Commissioner has therefore concluded that while there is insufficient evidence to justify a finding that these drugs have not been shown to be safe, there is sufficient question to invoke the authority under section 512(l) to fully investigate these questions in order to obtain more definitive data to resolve the issues.

In view of the foregoing, the Commissioner is of the opinion that no sulfonamide-containing drug labeled for oral, injectable, intrauterine or intramammary use in food-producing animals can properly be considered generally recognized as safe and effective within the meaning of section 201(w) of the act. Therefore, all such drugs are new animal drugs for which approved new animal drug applications are required. All persons or firms marketing such drugs which are not now the subject of an approved new animal drug application must submit a new animal drug application within 90 days following the effective date of an order acting on this proposal if marketing is to continue during the interim. Following that 90-day period any such drug then on the market which is not the subject of a new animal drug application submitted for such drug will be deemed adulterated within the meaning of section 501(a)(5) of the act and subject to regulatory action. The submission of applications for sulfonamide-containing drugs pursuant to § 135.109 which are required to be submitted by July 19, 1973 will be considered adequate to meet the requirements for submission of an application pursuant to this section.

Accordingly, the Commissioner proposes to amend § 135.102, as set forth below, to require that each sponsor of an approved new animal drug application for such use submit for each such drug the results of 90-day subacute toxicity studies in one rodent and one nonrodent species. The studies shall include a determination of a "no-effect" level using thyroid response as one parameter. Protocols may be submitted to the Food and Drug Administration for review prior to the initiation of studies. If an evaluation of the results of these studies shows that the existing methodology used to establish negligible tolerances for residues of the sulfonamide drugs in edible products from treated animals is not of adequate sensitivity and specificity, improved methodology will be required.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 135.102 be revised to read as follows:

§ 135.102 Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals.

(a) The Commissioner of Food and Drugs announced in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538) the need for additional information regarding the labeling and residues of sulfonamide-containing drugs as follows:

(1) New information available to the Commissioner of Food and Drugs has shown that, under certain circumstances where food-producing animals have been treated with oral or parenteral sulfonamide-containing drugs, sulfonamide residues may be detected in the edible products of such animals when they are slaughtered within 10 days of the last treatment.

(2) The presence of sulfonamide residues in food constitutes an adulteration within the meaning of section 402(a)(2)(D) of the act in the absence of a tolerance for such residues established pursuant to section 512(i) of the act.

(3) To assure that edible products from treated animals are safe for human consumption, the labeling of preparations which contain sulfonamide drugs intended for oral or parenteral use and which are not the subject of a regulation providing for such use shall bear:

(i) A statement that the use of the drug (other than use in poultry) must be discontinued 10 days before treated animals are slaughtered for food; or

(ii) A statement of withdrawal period which has been established based upon data submitted to the Commissioner and found satisfactory for the elimination of drug residues from edible products.

(4) It has been concluded that, because of poultry husbandry practices, withdrawal periods exceeding 5 days for drugs administered continuously, are not generally practical and cannot reasonably be expected to be followed. Therefore, it is concluded that such sulfonamide drugs are not to be used in poultry unless a withdrawal period which does not exceed 5 days has been established in accordance with subparagraph (3)(ii) of this paragraph.

(5) Labeling revisions required for compliance with this paragraph were to be made at the earliest possible time and, in any case by January 21, 1971. Any such products now on the market and not in compliance with this paragraph are subject to regulatory action.

(6) The labeling requirements of subparagraph (3)(i) of this paragraph were adopted as an interim measure. Sponsors of sulfonamide-containing drugs subject to the provisions of this section were required to submit by October 22, 1971, adequate data to permit the establishment of appropriate withdrawal periods as required by subparagraph (3)(ii) of this paragraph.

(b) Recently available studies indicate that the degree of thyroid response to exposure to sulfonamide drugs should be given greater significance in the evaluation of sulfonamide toxicity and in the determination of "no-effect" levels of the drugs in laboratory animals to support the establishment of tolerances for negligible residues of sulfonamides, in edible products from treated animals.

(c) The Commissioner has concluded that because of questions raised regarding sulfonamide toxicity there is a need to facilitate a determination of whether there are grounds to invoke section 512(e) of the act regarding the continued use of these sulfonamide-containing drugs. Therefore, it has been concluded that sulfonamide-containing drugs for oral, injectable, intrauterine or intramammary use in food-producing animals are new animal drugs for which approved new animal drug applications are required. All persons or firms marketing such drugs which are not now the subject of an approved new animal drug application must submit a new animal drug application on or before October 18, 1973 on this matter if marketing is to continue during the interim. Any such drug then on the market which is not the subject of an application submitted for such drug will be deemed adulterated within the meaning of section 501(a)(5) of the act and subject to regulatory action. The submission of applications for sulfonamide-containing drugs pursuant to § 135.109 (38 FR 9811) which are required to be submitted by July 19, 1973 will be adequate to meet the requirements for submission of an application pursuant to this section. No extension of time will be granted.

(d) Under the provisions of section 512(i) of the act, within 12 months of the date of publication of the final regulation on this matter, each sponsor of a new animal drug application for a sulfonamide-containing drug labeled for oral, injectable, intrauterine or intramammary use in food-producing animals shall submit, for each such drug, the results of 90-day subacute toxicity studies in one rodent and one non-rodent species. The studies shall include a determination of a "no-effect" level of the drug using thyroid response as one parameter. Protocols may be submitted to the Food and Drug Administration for review prior to the initiation of studies. If an evaluation of the results of these studies shows that existing methodology used to establish negligible tolerances for residues of the sulfonamide drugs in edible tissues is not of adequate sensitivity and specificity, improved methodology will be required. Any such drug then on the market which is not the subject of such submitted studies will be deemed adulterated within the meaning of section 501(a)(5) of the act and subject to regulatory action. No extension of time will be granted.

(e) New animal drug applications and the data required by this section pursuant to section 512(l) of the act shall be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, Division of New Animal Drugs, VM–300, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before September 18, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the

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above office during working hours, Monday through Friday.

Dated: July 16, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14918 Filed 7-19-73;8:45 am]

Office of Human Development

[45 CFR Chapter XIII]

JUVENILE DELINQUENCY PREVENTION PROGRAMS AND ACTIVITIES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Assistant Secretary for Human Development, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the Juvenile Delinquency Prevention Act, Public Law 92-381, approved August 14, 1972 which authorizes programs and activities for the prevention of juvenile delinquency.

These regulations will replace those in Part 270 of this title established for Public Law 90-445, the Juvenile Delinquency Prevention and Control Act of 1968. Title I of Public Law 92-381 provides for grants for the establishment of coordinated youth services systems for the prevention of delinquency. Titles II, III, and IV (Training, Technical Assistance and Information Services, Administration) are essentially the same as those in Public Law 90-445, with the exception that the entire focus of Public Law 92-381 is on prevention of delinquency rather than on rehabilitation.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Acting Assistant Secretary for Human Development, Office of the Secretary, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201 on or before August 20, 1973. Comments received will be available for public inspection in Room 2038, Switzer Building, 301 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-963-4131).

Federal financial assistance extended under Part 1350 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Dated: June 6, 1973.

STANLEY B. THOMAS, JR.,
Acting Assistant Secretary for Human Development.

Approved: July 16, 1963.

FRANK CARLUCCI,
Acting Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.764, Youth Development and Delinquency Prevention.)

Title 45 of the Code of Federal Regulations is amended as set forth below:

1. Section 204.1 of Chapter II is revised by deleting the reference to title I of the Juvenile Delinquency Prevention and Control Act of 1968 as follows:

§ 204.1 Submittal of State plans for Governor's review.

A State plan under title I, IV-A, IV-B, X, XIV, XVI, or XIX of the Social Security Act, section 5 or 15 of the Vocational Rehabilitation Act, title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act, or title III of the Older Americans Act, must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Social and Rehabilitation Service with the documents.

§§ 270.1—270.214 [Revoked]

2. Part 270 of Chapter II is revoked.

3. Chapter XIII is amended by changing the heading thereof, and by adding a new Part 1350, as set forth below:

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1350—JUVENILE DELINQUENCY PREVENTION PROGRAMS AND ACTIVITIES

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1350.69 Interest.
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Subpart G—Contracts

1350.80 Contracts.

AUTHORITY: Secs. 101-411, 86 Stat. 532-539 (42 U.S.C. 3811-3891)

Subpart A—Definitions

§ 1350.1 Definitions.

For the purposes of this part, unless the context otherwise requires:

(a) "Act" means the Juvenile Delinquency Prevention Act;

(b) "Assistant Secretary" means the Assistant Secretary for Human Development;

(c) "Construction" means construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purpose of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them;

(d) "Coordinated youth services system" means a comprehensive community-based service delivery system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is in danger of becoming delinquent and to his family in a manner designed to:

(1) Facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency or organization which desires to provide such services through such system;

(2) Identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(3) Make the most effective use of youth services in meeting the needs of young people who are in danger of becoming delinquent, and their families;

(4) Use available resources efficiently and with a minimum of duplication in order to achieve the purposes of the Act; and

(5) Identify the types and profiles of individual youths who are to be served by such a comprehensive system;

(e) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools;

(f) "Nonprofit private agency" means any accredited institution of higher education, and any other agency, organization, or institution no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or which is owned and operated by one or more such agencies, but only if such agency, organization, or institution was in existence at least two years before the date of an application under the Act. The term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering the Act;

(g) "Office" means the Office of Human Development of the Department of Health, Education, and Welfare;

(h) "Public agency" means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribal council;

(i) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(j) "Technical assistance" refers to consultation to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency;

(k) "Youth in danger of becoming delinquent" refers to any youth whose conduct is such as to bring him within the jurisdiction of the juvenile court;

(l) "Youth services" means services which assist in the prevention of juvenile delinquency, including but not limited to: Individual and group counseling; family counseling; diagnostic services; remedial education; tutoring; alternate schools (institutions which provide education to youths outside the regular or traditional school system); vocational testing and training; job development and placement; emergency shelters; halfway houses; health services; drug abuse programs; social, cultural, and recreational activities; the development of paraprofessional or volunteer programs; community awareness programs; foster care and shelter care homes; and community-based treatment facilities or services.

Subpart B—Preventive Services

§ 1350.10 Purpose.

(a) The purpose of this subpart is to assist States, local educational agencies and other public and nonprofit private agencies to establish and carry out community-based programs, including programs in schools, for the prevention of delinquency in youths.

(b) Grants will be made under this subpart for the purpose of establishing or operating coordinated youth services systems.

(c) For contracts, see Subpart G of this part.

§ 1350.11 Eligibility.

Grants under this subpart may be made to public or nonprofit private agencies: *Provided, however,* That agencies which are part of the juvenile justice system such as police, courts, correctional institutions, detention homes, and probation and parole authorities are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants: *Provided,* That the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project and that the coordinated youth services system is developed and operated separately from such component.

§ 1350.12 Duration of Federal assistance for project.

(a) A project grant shall be awarded for a specified period not in excess of 24 months, and only for the period reasonably necessary for the community to assume responsibility for the continuation of the coordinated youth services system.

(b) The project period may be extended, without additional grant support, for a period not in excess of 12 months where required to assure adequate completion of the approved project.

§ 1350.13 Matching requirements.

(a) Federal financial participation for delinquency prevention services projects will not exceed 75 percent of the total cost of the project or program for which the grant is made, except as provided in paragraph (c) of this section. See also § 1350.20 for Federal financial participation in construction costs.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

(c) If an applicant applying for a grant does not have sufficient funds available to meet the non-Federal share of the cost of a project or program, the Assistant Secretary may increase the Federal share of the cost to the extent necessary. An application from an applicant requesting an increased Federal share must be accompanied by a complete financial statement showing that no existing resources of the applicant can reasonably be diverted to support the project and that it is not reasonable to expect that any additional funds can be obtained from other sources for this purpose.

§ 1350.14 Application; scope.

An application for establishing or operating a coordinated youth services system may include planning and construction. No application will be considered which is limited either to planning or to construction, or both.

§ 1350.15 Application; content.

(a) An application for funds under this subpart shall contain the following information:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed coordinated youth services system, and how it relates to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the system;

(5) A description of the services for youths who are in danger of becoming delinquent and which are available in the State or community;

(6) A statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services, including local educational agencies and nonprofit private schools;

(7) The functions and services to be included;

(8) The procedures which will be established for protecting the rights, under Federal, State and local law, of the parents, guardians and youth who are recipients of services, and for insuring appropriate privacy with respect to records relating to such services, provided to any individual under the coordinated youth services system developed by the applicant;

(9) The procedures through which the applicant agency can adequately carry out its continuing responsibility and accountability for services to recipients;

(10) When the application includes funds for construction:

(i) A set of schematic drawings;

(ii) A description of the proposed facility and staffing pattern, and

(iii) A description of the facility's function in the proposed coordinated youth services system;

(11) The procedures which will be established for evaluation;

(12) The strategy for phasing out support under the Act and the continuance of a proven program through other means;

(13) A description of the relationship of the project to other Federal, State or local preventive services within the designated area of concern;

(14) A description of how public and private agencies and organizations concerned with youth, as well as youth themselves, have been involved signifi-

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cantly in determining the appropriateness of the project and in designing the nature and scope of the activities to be conducted;

(15) A statement showing the different sources of funding and the amount each has currently committed and proposed for future commitment;

(16) When the application includes funds for planning, a description of the nature of such planning; and

(17) Such other information as the Assistant Secretary may require.

(b) In addition, an application shall contain assurances that:

(1) Steps have been taken or will be taken toward the provision, within a reasonable period of time, of a program of coordinated youth services in the area served which will make a substantial contribution toward the prevention of delinquency of youths, including diagnosis and treatment of youths in danger of becoming delinquent;

(2) The applicant will make special efforts to assure that the services provided by the coordinated youth services system will be available for youths with the most serious behavioral problems;

(3) The applicant (if it is not a local educational agency) has consulted on its application with the local educational agencies, nonprofit private schools, and other youth services agencies in the area to be served and has adopted procedures to coordinate its project with related efforts being made by these schools and agencies;

(4) The applicant will provide, to the extent feasible, for coordinating on a continuing basis, its operations with the operations of other agencies and nonprofit private organizations furnishing youth services within the geographic area, taking into account the services and expertise of such agencies and organizations, and with a view to adopting such services to the better fulfillment of the purposes of this subpart;

(5) The applicant will make reasonable efforts to secure or provide any services which are necessary for diagnosing and treating youths in danger of becoming delinquent and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(6) Maximum use will be made under the program of other Federal, State or local resources available for the provision of such services;

(7) In developing coordinated youth services, youth and public or private agencies, and organizations providing youth services within the geographic area to be served by the applicant, will be given the opportunity to present their views to the applicant with respect to such development;

(8) The applicant will be responsible for organizing, maintaining, and facilitating accessibility to all available youth services; and

(9) Participation has been formally committed by those public and private agencies whose services are necessary to the system's success.

(c) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

§ 1350.16 Factors considered in evaluating applications.

(a) In determining whether or not to approve an application under this subpart, the Assistant Secretary shall consider the following factors in the geographic area to be served. Information concerning each factor shall accompany the application:

(1) The relative costs and effectiveness of the project;

(2) The incidence of, and rate of increase in, youth offenses and juvenile delinquency;

(3) School dropout rates;

(4) The adequacy of existing facilities and service for carrying out the purposes of the project;

(5) The extent of comprehensive planning in the community;

(6) Youth unemployment rates;

(7) The extent to which the proposed program incorporates new or innovative techniques within the State or community;

(8) The extent to which the proposed program will make effective use of the facilities and services of the appropriate local educational agencies;

(9) The extent to which the proposed program incorporates participation of the parents of youths who are in danger of becoming delinquent, as well as the participation of other adults or youth who offer guidance or supervision to such youths; and

(10) The extent to which the proposed program will be coordinated with similar programs assisted under other Federal laws related to the purposes of this subpart.

(b) The Assistant Secretary, in making grants under this subpart, shall give priority to applications serving communities which exhibit to the highest degree the factors listed in subparagraphs (2), (3), and (6) of paragraph (a) of this section.

§ 1350.17 Characteristics of a coordinated youth services system.

A project, to be eligible for funding, must provide for a coordinated youth services system, with the following basic procedural and operational characteristics:

(a) *Procedural.* (1) The involvement of Federal, State and local public and private agencies and organizations in the planning and development phases;

(2) The involvement of adults and youth, in the planning and development phases of the system, who are from the area to be served, including those who may be recipients of services;

(3) Structure and procedures of such a nature as to insure flexibility and adaptability on the part of the system to meet the changing needs of youth;

(4) A plan for the continuation of the system following termination of funds under the Act.

(b) *Operational.* (1) Evidence that, in addition to the funds required to meet the non-Federal share of the cost of the project, community funding is available from multiple sources at the Federal, State, or local levels to support the system;

(2) The involvement of adults and youth, in the operational phase, who are from the area to be served, including those who may be recipients of service;

(3) Provision for services which are comprehensive in scope;

(4) An Information and Referral Service to insure that all youth within the geographic area served will receive assistance in the resolution of problems directly or by referral;

(5) The provision of services (which are not otherwise being provided or if being provided are not adequate to meet the community's needs) directly by the applicant agency or by member agencies of the system through contract or written agreements with the applicant agency;

(6) A centralized data collection and maintenance system sufficient in substance to enable the applicant agency to discharge its continuing responsibility and accountability for services to the individual recipient, as well as to carry out an effective evaluation of the system or one of its component parts;

(7) Provision of services to the recipient on a consensual basis without involving in any way the authority of the juvenile justice system;

(8) The applicant is not a juvenile justice agency and the system will be developed and operated separately and apart from the juvenile justice system.

§ 1350.18 Notification to jurisdictions affected.

(a) Applicants must send copies of the application and attachments to:

(1) The governor or his designee;

(2) The State Law Enforcement Planning Agency required under section 202 of the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90–351; and

(3) The governing body of the general purpose government in which the system is geographically located.

(b) Such governing bodies, officials and planning agencies have thirty days from the receipt of copies of the application to submit comments or recommendations on the proposed coordinated youth services system. They may request additional time to comment from the Assistant Secretary. The applicant shall indicate to whom copies of the application have been submitted for comment.

§ 1350.19 Construction; purpose.

Grants under this subpart are available to pay part of the cost of construction of community-based special purpose or innovative types of facilities, including halfway houses, and small residential facilities, for the diagnosis and treatment of youth who are in danger of becoming delinquent, when needed for the effective operation of a coordinated youth services system.

§ 1350.20 Construction; matching requirements.

(a) Federal financial participation in construction costs may not exceed 50 percent of the total cost of construction.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 1350.21 Construction; use of funds.

(a) Project funds, Federal and matching, may be used for:

(1) Construction of new buildings;

(2) Acquisition of existing buildings;

(3) Expansion, remodeling or alteration of existing buildings;

(4) Initial equipment for such buildings;

(5) Architectural plans and designs.

(b) Project funds, Federal and matching, may not be used for:

(1) Purchase of land for new buildings;

(2) Off-site improvements.

§ 1350.22 Construction; application and assurances.

(a) If an application includes a request for funds for construction of new buildings, such application must be sent to State and regional or metropolitan clearinghouses for comment in accordance with the requirements of Office of Management and Budget Circular A–95.

(b) Application for funds for construction, as part of the total application for support of a coordinated youth services system, shall be made on HEW construction application forms. In addition to any other requirement imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with assurances set forth in HEW construction application forms. The Assistant Secretary may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the system.

§ 1350.23 Construction; standards.

Construction shall be in accordance with applicable State and local codes and regulations for the type of facility involved.

§ 1350.24 Common provisions.

See Subpart F of this part.

Subpart C—Training

§ 1350.30 Purpose.

(a) The purpose of this subpart is to utilize training as a means of increasing the number of qualified individuals to work with youth in danger of becoming delinquent; to increase the capacity and ability of persons now employed in such activities; to improve counseling or instruction of parents in the supervision of youth in danger of becoming delinquent; and to provide special programs with training for career opportunities for youths and adults.

(b) Grants made under this subpart are for the development of courses of study and of interrelated curricula in schools, colleges and universities, the establishment of short-term institutes for training at schools, colleges and universities, in-service training and traineeships, and stipends, including allowances for travel and subsistence expenses.

(c) For contracts, see Subpart G of this part.

§ 1350.31 Eligibility.

Grants under this subpart may be made to any Federal, State or local public agency or any private nonprofit agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.32 Matching requirements.

There are no specific matching requirements. The Assistant Secretary shall require the recipient to contribute money, facilities or services, to the extent he deems appropriate.

§ 1350.33 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed project, and how they relate to the purposes of delinquency prevention;

(4) A description of the methods to be employed in implementing the goals of the proposed project;

(5) Where appropriate, a description of the types of training materials, publications, films, curriculum materials, training tapes or other products anticipated from the project;

(6) Where appropriate, a description of the role of youth in the project;

(7) A description of the provisions that have been made for a systematic evaluation of the project results;

(8) A description of the criteria to be used in selecting trainees, and the methods to be used in evaluating their progress during training and their suitability for employment;

(9) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) An award of a grant under this subpart will be forwarded by the Assistant Secretary or other delegate official to the Secretary of Labor or his designee for concurrence.

(d) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No change shall be put in effect without the approval of the Secretary of Labor or his designee and the Assistant Secretary.

§ 1350.34 Factors considered in evaluating applications.

In evaluating an application, the Assistant Secretary will consider a number of factors, including the following:

(a) The relative need for the project in relation to national, State or local priorities;

(b) The relative extent to which financial support is committed by the applicant for the operation of the project;

(c) The relative ability of the applicant to employ innovative and effective methods and techniques;

(d) The relative extent to which the project will result in new employment and new career opportunities in the field of delinquency prevention.

§ 1350.35 Common provisions.

See Subpart F of this part.

Subpart D—Technical Assistance

§ 1350.40 Purpose.

(a) Grants made under this subpart are to aid States, local or other public or private agencies or organizations in matters relating to the prevention of delinquency, through the provision of technical assistance. Particular emphasis will be placed on providing technical assistance in the development of coordinated youth services systems under Subpart B of this part.

(b) For contracts, see Subpart G of this part.

§ 1350.41 Eligibility.

Grants under this subpart may be made to any public agency or nonprofit private agency or organization: *Provided, however,* That agencies which are part of the juvenile justice system are not eligible applicants. Multiple-function agencies having authority to administer a variety of programs, which may include corrections, are eligible applicants provided that the corrections or other juvenile justice component is not responsible for the administration of the grant or the operation of the project.

§ 1350.42 Matching requirements.

There are no specific matching requirements for grants under this subpart. However, to the extent deemed appropriate, the Assistant Secretary may require matching funds, facilities or services for carrying out the project.

§ 1350.43 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for the principal staff positions to be responsible for the project;

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(3) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(4) An assurance that reports and recommendations, including the supporting data, will be submitted to the recipient of the technical assistance in writing, with a copy to the Assistant Secretary;

(5) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant, the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

§ 1350.44 Common provisions.

See Subpart F of this part.

Subpart E—Grants to States for Technical Assistance to Local Units

§ 1350.50 Purpose.

The purpose of this subpart is to provide for grants to States for the provision of technical assistance to local public agencies and nonprofit private agencies and organizations engaged in, or preparing to engage in, activities for which aid may be provided under Subpart B of this part.

§ 1350.51 Eligibility.

Grants under this subpart may be made to any non-Juvenile Justice State agency which is able and willing to provide such technical assistance.

§ 1350.52 Matching requirements.

(a) Federal financial participation in the cost of providing technical assistance shall not exceed 90 percent of the total cost of the technical assistance for which the grant is made.

(b) Grantee funds or services derived from other Federal funds or used for matching any other Federal grant may not be used to match the Federal funds in this program, except as otherwise specifically allowed by Federal statute.

§ 1350.53 Application.

(a) An application for funds under this subpart shall contain the following:

(1) A budget and budget justification;

(2) A description of the qualifications for principal staff positions to be responsible for the project;

(3) A statement of the goals of the proposed technical assistance project, and how they relate to the purposes of the Act;

(4) A narrative description of the methods to be used by the applicant in rendering technical assistance, and the time schedule for rendering this assistance;

(5) An assurance that reports and recommendations, including the supporting data, will be submitted to the recipient of the technical assistance in writing, with a copy to the Assistant Secretary;

(6) Such other information as the Assistant Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant, and to assume on behalf of the applicant, the obligations imposed by the terms and conditions of any award, including the provisions of this part.

(c) Any major proposed amendments to an approved application shall be submitted in writing, in advance to the Assistant Secretary. No such changes shall be put into effect without the approval of the Assistant Secretary.

§ 1350.54 Factors considered in evaluating proposals.

In evaluating applications, the Assistant Secretary will consider a number of factors, including the following:

(a) The need for the technical assistance project;

(b) The capability of the State agency to provide technical assistance;

(c) The capability of the State agency to continue such technical assistance after support is terminated.

§ 1350.55 Common provisions.

See Subpart F of this part.

Subpart F—Common Provisions

§ 1350.60 Applicability.

The provisions of this part are applicable to the programs conducted under Subparts B, C, D, and E of this part.

§ 1350.61 Protection of rights of recipient.

(a) No child shall be the subject of any research or experimentation, under this part, other than routine testing and normal program evaluation, unless the parent or guardian is informed and given an opportunity as of right to exempt such child therefrom.

(b) No child shall be subject to medical, psychiatric or psychological treatment, under this part, without the consent of the parent or guardian unless otherwise permitted under State law.

(c) All information obtained by a grantee as to personal facts about individuals served by the coordinated youth services system, including lists of names and records of addresses and evaluation, shall be held to be confidential. The use of such information and records shall be limited to purposes directly connected with the system and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. Descriptive material or evaluation reports of the project shall not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 1350.62 Application review.

All applications which meet the legal requirements for a grant under the Act will be reviewed by the Office. The applicant may be requested to submit additional information either before or after review of the application. The Office may submit the application to technical consultants. On the basis of the recommendations received, the Assistant Secretary or other delegated official determines the action to be taken with respect to each application and notifies the applicant accordingly.

§ 1350.63 Grant awards.

All grant awards shall be in writing, shall specify the amount of funds and the purposes for which these funds are granted, the budget period for which support is given, and the total project period for which support is contemplated. For continuation support, grantees must make separate applications in the form and detail required by the Assistant Secretary.

§ 1350.64 Expenditures.

(a) Except as otherwise authorized, where the applicant for any grant under this part is a State or local public agency, the administrative provisions of State or local law applicable to the monies appropriated to the agency shall apply to Federal monies paid to the agency under this part.

(b) Grants under this part are available for the following types or expenditures for approved coordinated youth services systems, training projects or technical assistance projects:

(1) Salaries, cost of travel, and related expenses of system or project personnel;

(2) Necessary supplies and equipment (subject to such prior approval as the Assistant Secretary may require);

(3) For preventive projects under Subpart B of this part;

(i) Alterations or remodeling or existing buildings and related expenses; and

(ii) Purchase or provision of services to individuals served by the coordinated youth services system.

(b) Grants under this part are available for the following types of expenditures for approved coordinated youth services systems, training projects or technical assistance projects:

(1) Salaries, cost of travel, and related expenses of system or project personnel;

(2) Necessary supplies and equipment (subject to such prior approval as the Assistant Secretary may require);

(3) For preventive projects under Subpart B of this part;

(i) Alterations or remodeling of existing buildings and related expenses; and

(ii) Purchase or provision of services to individuals served by the coordinated youth services system, including purchase of preventive services from a juvenile justice or correctional agency on condition that such services are provided outside of and separate and apart from its juvenile justice and correctional activities, and the services to be purchased are not otherwise available in the community;

(4) Costs of administration and other indirect costs, subject to such limitations as are set forth in Office of Management and Budget Circulars A-21 and A-87, and as the Assistant Secretary may establish;

(5) For training projects under Subpart C of this part, stipends, traineeships, travel allowances, and subsistence;

(6) Such other items as are included in the approved application subject to applicable limitations set forth in Office of Management and Budget circulars on allowable costs.

(c) Expenditures shall be in connection with the conduct of the system or project as approved.

§ 1350.65 Payments.

(a) The Assistant Secretary shall from time to time authorize payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred in the project period, to the extent he determines such payments are necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period, subject to such limitations as the Assistant Secretary may prescribe.

(b) In the case of construction funds under Subpart B of this part, payments will be made on the basis of a certification by a qualified individual as to the amounts due the applicant for the cost of work performed and materials and equipment furnished. Such certification shall be based on adequate inspections to determine that the work has been performed upon a project or purchases have been made in accordance with the approved plans and specifications. Payments shall be made at periodic intervals consistent with the construction progress of the project. In extraordinary circumstances, when necessary to maintain construction progress, advance payments may be made. Final payment shall not be made until after the completion of the project.

§ 1350.66 Reports and records.

The grantee shall make reports to the Assistant Secretary in such form and containing such information as may reasonably be necessary to enable the Assistant Secretary to perform his functions under this part, and shall keep such records and afford such access thereto as the Assistant Secretary may find necessary to assure the correctness and verification of such reports.

§ 1350.67 Fiscal and auditing procedures.

(a) *Fiscal procedures.* The grantee shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit. All grant accounting records shall be retained for periods prescribed in manuals or other issuances of the Assistant Secretary.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records, and such records, as well as the audit reports, shall be available to auditors of the Federal government.

§ 1350.68 Publications and copyrights.

(a) *Publications.* Grantees under this part may publish the results of any project without prior review by the Office, provided that such publications carry an acknowledgment of assistance received under the Act, and a statement that the claimed findings and conclusions do not necessarily reflect the views of the Office; *And provided,* That copies of the publications are furnished to the Office.

(b) *Copyright.* Where the grant-supported activity results in a book or other copyrightable material, the grantee is free to copyright, but the Office reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, translate, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 1350.69 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Office all interest earned on grant funds.

§ 1350.70 Termination.

(a) A grant may be terminated, in whole or in part, at any time within the project period whenever it is determined by the Office that the grantee has failed to comply with the terms and conditions of the grant. The grantee shall be promptly notified of such termination in writing and given the reasons therefor. Payments and recoveries shall be in accord with the legal rights and liabilities of the Office and the grantee.

(b) The Office or the grantee may terminate grants, in whole or in part, when both parties agree that continuation would not produce beneficial results commensurate with the further expenditure of funds. Termination conditions and procedures shall be in accordance with requirements set forth in manuals or other issuance of the Assistant Secretary.

Subpart G—Contracts

§ 1350.80 Contracts.

(a) Subject to applicable provisions of this part, the Assistant Secretary is authorized to make contracts under Subparts B, C, and D of this part.

(b) *Provisions.* Any contract under this part shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Assistant Secretary may determine.

[FR Doc.73-14946 Filed 7-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 35, 78, 97, 196]

[CGD 72-134P]

MANEUVERING CHARACTERISTICS

Proposed Requirements for Information in Pilothouse

The Coast Guard is considering amendments to the operations regulations for several classes of vessels to require that tankships and ocean and coastwise vessels of 1,600 gross tons or more carry maneuvering information in their pilothouses.

Interested persons may participate in this rule making by submitting written data, views, or arguments to the Coast Guard (GCMC), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590 (phone 202-426-1477). Each person submitting a comment should include his name and address, identify the notice (CGD 72-134P), the specific section of the proposal to which each comment is addressed, and the reasons for any recommendation.

Copies of all written comments received will be available for examination in Room 8234 of the above stated address. The proposal may be changed in the light of the commen's received. The deadline for comments on this notice will be August 31, 1973.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The Coast Guard published a notice of proposed rule making in the August 22, 1972 issue of the FEDERAL REGISTER (37 FR 16879) which proposed amendments to the operations regulations for several classes of vessels of 1600 gross tons or more to require maneuvering information posted in the pilothouse. Two oral comments were made at the public hearing which was held on September 28, 1972 in Washington, D.C., and 9 written comments were submitted before October 13, 1972.

Most commenters felt that requirements in paragraph (a) of each of the

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proposed sections for information "computed at normal load and normal light condition" (normal ballast conditions in the tanker regulations) were too restrictive. One commented that the information should not be a requirement for certification of a new vessel but that a reasonable operating time after delivery should be allowed for development of the information.

The Coast Guard recognizes that, as some respondents commented, wind, sea, current, conditions of loading, depth of water, conditions of hull, and similar conditions, will vary and that seldom will two situations be identical. The proposed information was intended to be used only as a guideline. In response to the comments, the Coast Guard changed the proposal to include a warning that the vessel's response may differ significantly under different conditions. Also, a requirement for the prominent display of the information in the pilothouse has been added and the wording of the regulation was made less restrictive. A section was added which requires that preliminary information be provided before a vessel is issued a certificate of inspection and allows up to nine months for verification or modification of the information based on operational experience. Wording has also been included which will allow the use of established information for a sister vessel.

Several comments were received suggesting a table of shaft revolutions for each knot of the vessel's speed instead of the proposed requirement which would result in awkward figures such as "58.62 revolutions per minute gives 10 knots." Based on this suggestion, wording was changed to require a table of revolutions per minute for a representative range of speeds.

It was also pointed out that for vessels with controllable pitch propellers "revolutions per minute" has little meaning. Accordingly, a provision was added that allows vessels with controllable pitch propellers to indicate control settings for a representative range of speed.

Comments were received suggesting the inclusion of information for vessels equipped with bow thrusters or other devices designed to assist in maneuvering a vessel. A requirement was added for vessels equipped with such auxiliary devices to include information as to the maximum speed at which the device is effective in mancuvering the vessel.

Most respondents felt that since there is presently no recognized criteria to judge when a vessel loses steerageway, the requirement for the lowest constant shalt revolutions per minute at which the vessel can be steered in still water is unrealistic. The Coast Guard approved the comment and deleted the proposed amendment.

Several comments were received regarding problems created in each paragraph (a)(3) of the proposed regulations pertaining to turning circles at constant shaft revolutions per minute. In general, the comments pointed out that careful adjustment of the throttle would be necessary to maintain constant RPM. The Coast Guard agreed with the comments and changed the words "constant shaft revolutions per minute" to "constant power settings" which reflects the actual situation.

Comments made on paragraph (a)(4) of the proposed regulations suggested including the time required for the transmission of an order and the reaction of the machinery. The Coast Guard accepted this comment and changed the requirement from, "The approximate time and distance to stop the vessel from full and half speed, after the application of emergency full astern power" to, "The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder."

With all the changes made, the Coast Guard determined that the regulations were substantively different from those proposed on August 22, 1972. It is necessary, under the circumstances, to withdraw the original proposal, and issue a new proposal that contains those changes described in this preamble.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal regulations, as follows:

1. By amending Subpart 35.20 by adding a new § 35.20–40 to follow § 35.20–20 and to read as follows:

§ 35.20–40 Maneuvering characteristics—T/ALL.

For each tankship of 1600 gross tons or over, the following apply:

(a) The following maneuvering information must be prominently displayed in the pilothouse on a Fact Sheet before a vessel is issued a certificate of inspection:

(1) For full and for half speed, a turning circle diagram to port and starboard that shows the time and the distance of advance and transfer required to alter the course 90 degrees with maximum rudder angle and constant power settings.

(2) The time and distance to stop the vessel from full and half speed while maintaining approximately the initial heading with minimum application of rudder.

(3) For each vessel with a fixed propeller, a table of shaft revolutions per minute for a representative range of speeds.

(4) For each vessel with a controllable pitch propeller, a table of control settings for a representative range of speed.

(5) For each vessel that is fitted with an auxiliary device to assist in maneuvering, such as a bow thruster, the maximum vessel speed at which the auxiliary device is effective in maneuvering the vessel.

(b) The maneuvering information must be established in the normal load and normal ballast condition for:

(1) Calm weather;

(2) No current;

(3) Deep water conditions; and

(4) Clean hull.

(c) At the bottom of the Fact Sheet, the following statement must appear:

WARNING

The response of the (*name of vessel*) may be different than those listed above if the conditions are changed, such as shallow water.

(d) The information on the Fact Sheet must be

(1) Verified six months after the vessel is placed in service; **or**

(2) Modified six months after the vessel is placed into service and verified 3 months thereafter.

(e) The information that appears on the Fact Sheet may be information that is established for another vessel that has a similar hull form, power, rudder, and propeller.

2. By amending Parts 78, 97, and 196 by adding Subparts 78.21, 97.19, and 196.19, headed "Maneuvering Characteristics" and consisting of §§ 78.21–1, 97.19–1, and 196.19–1 respectively, that read the same as § 35.20–40, except the headings of each section would read Data required and the introductory text of the sections and paragraph (b) would read as follows:

§ ____ **Data required.**

For each ocean and coastwise vessel of 1600 gross tons or over, the following apply:

* * * * *

(b) The maneuvering information must be established in the normal load and normal light condition for— * * *

* * * * *

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 146 (b) and (c)(4))

Dated, July 16, 1973.

D. H. CLIFTON,
Captain, U.S. Coast Guard Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73–14892 Filed 7–19–73;8:45 am]

[33 CFR Part 117]

[CGD 73–1427]

SACRAMENTO RIVER, OLD RIVER, GEORGIANA SLOUGH AND STEAMBOAT SLOUGH, CALIF.

Proposed Drawbridge Operation Regulations

At the request of the Southern Pacific Transportation Company, the Atchison, Topeka and Santa Fe Railway Company, the State of California and the County of Sacramento, the Coast Guard is considering amending the regulations for the drawbridges across the Sacramento River at Isleton, Walnut Grove, Paintersville, Freeport and a highway bridge and a railroad bridge at Sacramento; across Steamboat Slough at Grand Island; across Old River at Orwood and at Victoria Island and the highway drawbridges across Georgiana Slough at Isleton and Walnut Grove and the railroad bridge at Isleton. These changes would reduce the times at which the draws of these bridges would be required to open on signal. This is being considered because of reduced navigation on these stretches of the waterway due in part to the increased use of the Sacramento River Deep Water Ship Channel. The proposal pertaining to the Georgiana Slough was originally published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGFR 71–65) on July 10, 1971 (36 FR 12987). However, the proposal is being reissued with some modifications to integrate it in this proposal.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Twelfth Coast Guard District 630 Sansome Street, San Francisco, California 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before August 21, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal regulations, be amended by:

1. Adding paragraph (k) to § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, California

* * * * *

(k) *Old River*—(1) *Atchison, Topeka, and Santa Fe Railway Company bridge at Orwood.* (i) From April 1 through November 30, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From December 1 through March 31, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hour's notice is given for emergency vessels owned, operated, or controlled by the United States or the State of California.

(2) *State of California highway bridge between Victoria Island and Byron Tract.* (i) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draw shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

2. Revising § 117.715 to read as follows:

§ 117.715 Georgiana Slough, California.

(a) Opening signal. One long blast followed by one short blast.

(b) Sacramento County highway bridges near Isleton and Walnut Grove.

(1) From March 1 through March 31 and from November 1 through November 30 the draws of these bridges shall open on signal from 9 a.m. to 5 p.m. on Saturdays, Sundays and holidays.

(2) From April 1 through October 31 the draws of these bridges shall open on signal from 8 a.m. to 9 p.m.

(3) At all other times the draws shall open on signal if at least 16 hours notice is given. However, the District Commander may require constant drawtender attendance for such periods as he deems necessary for the safety of navigation and the draws shall open on signal during such periods.

(c) Southern Pacific railroad bridge near Isleton. The draw shall be maintained in the fully open position, except that the draw may close for the passage of trains. When the draw is closed and visibility from the drawtender's station is less than 1 mile up or down the channel, the drawtender shall sound 2 long blasts every minute. When the draw is reopened, the drawtender shall sound one long blast followed by one short blast.

3. Revising § 117.716(a)(1) by adding subparagraphs (iii), (iv) and (v) immediately after subparagraph (ii) and paragraphs (a)(2) and (b) to read as follows:

§ 117.716 Sacramento River and its tributaries, California.

(a) *Sacramento River*—(1) *Sacramento County highway bridge at Walnut Grove and State of California highway bridge at Paintersville.* * * *

(iii) From May 1 through October 31, the draws of these bridges shall be opened on signal from 6 a.m. to 10 p.m.

(iv) From November 1 through April 30, the draws of these bridges shall be opened on signal from 9 a.m. to 5 p.m.

(v) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States.

(2) *State of California highway bridges at Isleton and Sacramento Tower bridge, Sacramento-Yolo Counties highway bridge at Freeport and Southern Pacific Company railroad I Street bridge at Sacramento.* (i) From May 1 through October 31, the draws of these bridges shall open on signal from 6 a.m. to 10 p.m.

(ii) From November 1 through April 30, the draws of these bridges shall open on signal from 9 a.m. to 5 p.m.

(iii) At all other times, the draws of these bridges shall open on signal if at least 4 hours notice is given, except that the draws shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

(iv) The signal for opening the Southern Pacific Railroad Company bridge shall be four long blasts.

(b) *Steamboat Slough State of California highway bridge at the head of Grand Island.* (i) The opening signal for this bridge is two long blasts followed by one short blast.

(ii) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(iii) At all other times, the draw shall open on signal if at least 4 hours notice is given, except that the draw shall open on signal if at least 1 hours notice is given for emergency vessels owned, operated or controlled by the United States or the State of California.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Dated: July 12, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73–14891 Filed 7–19–73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–CE–8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dubuque, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by August 19, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements, for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the

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Dubuque, Iowa, Municipal Airport. Accordingly, in order to adequately protect aircraft executing this new approach procedure it is necessary to alter the Dubuque, Iowa, transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W; and within 3 miles on either side of the Dubuque VORTAC 321° radial, extending from the VORTAC to 8 miles northwest of the airport reference point; and within 3½ miles on either side of the Dubuque VORTAC 131° radial, extending from the VORTAC to 15½ miles southeast of the airport reference point, and that airspace extending upward from 1200 feet above the surface, bounded by a line beginning at latitude 42°06'00" N., longitude 91°00'00" W., thence W along latitude 42°05'00" N., to and N along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa VORTAC, to and E along the S edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and SE along the SW edge of V-218, to and S along longitude 89°55'00" W., to and SW along the NW edge of V-216, to 90°08'00" W., and S to the N edge of V-172, to and N along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; Sec 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on June 27, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14883 Filed 7-19-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-12]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lincoln, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received by August 19, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace at Lincoln, Nebraska, an FAA Airport Surveillance Radar (ASR) has been installed at Lincoln so that the Lincoln Air Traffic Control Tower can provide radar control service to flights in the Lincoln terminal area. Accordingly, it is necessary to alter the 1200-foot floor transition area at Lincoln to enable the Lincoln Air Traffic Control Tower to provide this service. The existing 700-foot floor transition area designation at Lincoln is not affected by this alteration.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

LINCOLN, NEBRASKA

That airspace extending from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line five miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9 mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°25'00" W., and the south edge of V-138, thence northwest to longitude 97°42'00" W., latitude 41°00'00" N., thence north to latitude 41°05'00" N., and the southeast edge of V-220, thence northeast following the southeast edge of V-220 until intercepting the south edge of V-172, thence east to longitude 96°22'00" W., and the south edge of V-172, thence south to longitude 96°22'00" W., latitude 41°15'00" N., thence along a 35-mile arc from the Lincoln Municipal Airport clockwise to the point of beginning, excluding that portion which overlies the Beatrice, Nebraska, Fremont, Nebraska, Columbus, Nebraska and Omaha, Nebraska transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Missouri, on June 27, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14884 Filed 7-19-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-NW-07]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before August 20, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of the airspace requirements at Eugene, Oregon disclosed that additional controlled airspace would be required for vectoring aircraft in the Eugene area. In addition, the present description is being revised at this time to eliminate redundancy in description. Except as noted herein, the geographical boundaries of the area remain as presently described.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435) the description of the Eugene, Oregon Transition Area is amended to read as follows:

EUGENE, OREGON

That airspace extending upward from 700' above the surface within 2-miles east and 10-miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14-miles north; within 2-miles southeast and 3-miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13-miles northeast; that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile radius circle centered on the Eugene VORTAC, on the west by a line 5-miles northwest of and parallel to the Eugene VORTAC 224° radial; within 2-miles each side of the Eugene VORTAC 272° radial extending from the VORTAC to 12-miles west; that airspace extending upward from 1200-feet above the surface, east of Eugene bounded on the north by V-121; on the east by Longitude 123°01'00" W, on the southeast by V-452; that airspace northeast of Eugene, bounded on the north by V-536, on the south by V-121 and on the west by V-23E.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on July 12, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-14882 Filed 7-19-73;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-WA-31]

RESTRICTED AREAS AND CONTINENTAL CONTROL AREA

Withdrawal of Proposed Designation and Alteration

On April 24, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 10117) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations (FARs). This amendment would designate a joint-use restricted area, R-5107H, White Sands Missile Range (WSMR), N. Mex., within the VFR corridor between El Paso, Tex., and Alamogordo, N. Mex., and include it in the Continental Control Area. On May 17, 1973, a Supplemental NPRM was published in the FEDERAL REGISTER (38 FR 12934) that proposed an alteration of the time of designation for proposed restricted area R-5107H. The proposed restricted area would contain hazards which could result from inadvertent fallout of debris from missiles entering the restricted airspace over WSMR.

On May 10, 1973, an NPRM was published in the FEDERAL REGISTER (38 FR 12216) stating that the FAA was considering amendments to Parts 71 and 73 of the FARs that would designate a joint-use restricted area, R-6410, Blanding, Ut., and include it in the Continental Control Area. This proposal was developed by the using agency in conjunction with the proposal for R-5107H. This proposed restricted area would be used as the launching site for the Pershing missiles that would impact at WSMR.

Interested persons were afforded opportunities to participate in both proposed rule-making actions through the submission of comments. Public comments on the first proposal, proposed designation of R-5107H, were generally in opposition.

Subsequently, the military agencies concerned with the conduct of this test program have determined that, with computer assistance to the flight safety system, the missile impact points can be safely retargeted within the existing WSMR complex and its current associated restricted airspace so that proposed R-5107H would not be required. This retargeting has required that the launch area be moved from proposed restricted area R-6410, Blanding, Ut., (Airspace Docket No. 73-RM-15) to a former restricted area, R-6413, Green River, Ut. Therefore, the FAA has determined that rule-making actions on the proposed amendments are not appropriate at the present time, and that these notices should be withdrawn. Separate rule-making actions will be undertaken to propose the reestablishment of R-6413 (Airspace Docket No. 73-RM-21).

The withdrawal of these notices, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the proposals contained in Airspace Dockets Numbers 73-SW-20 (38 FR 10117), its Supplemental NPRM (38 FR 12934) and 73-RM-15 (38 FR 12216) are withdrawn.

This withdrawal of the notices of proposed rulemaking is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 13, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-14885 Filed 7-19-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-RM-19]

JET ROUTE

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route 148 from Delta, Utah, to Coaldale, Nev.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207.

All communications received by August 19, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend J-148 from Delta, Utah, direct to Coaldale, Nev. Extending this airway would permit flight planning to Coaldale VORTAC thence via STAR route to the Oakland and San Francisco, Calif., terminal areas. This amendment should reduce controller workload, increase safety and improve flight planning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-14881 Filed 7-19-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 25708; Reg. PSDR 36]

FOREIGN AIR CARRIERS

Policy Statement on Oral Confirmed Reservations

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 399 of its Statement of General Policy (14 CFR Part 399) so as to make applicable to foreign air carriers the Policy Statement on unfair or deceptive reservations practices involving orally confirmed reservations. The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204, 402, 403, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 758 (as amended by 74 Stat. 445), 760 (as amended by 86 Stat. 95), 769; 49 U.S.C. 1324, 1372, 1373, 1374, 1381.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 20, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

Dated: July 17, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Explanatory statement. The Board recently adopted a Policy Statement[1] to the effect that the Board considers it is an unfair or deceptive practice for an air carrier or ticket agent to purport to confirm reserved space by any means not provided for by the carrier's tariff; and simultaneously the Board amended its "denied boarding compensation" rule (Part 250 of its Economic Regulations) so as to apply not only to confirmed reservations noted on a passenger's

[1] PS-52, adopted May 23, 1973; 14 CFR 399.83.

V 38 1 139 JUL 20 73 XUM

ticket, but also to reservations confirmed by any other means provided for in an air carrier's tariff.[2]

The Board's purpose in adopting these amendments was to protect the public against employees and agents of carriers representing that telephone reservations for scheduled flights made by prospective passengers are "confirmed" when, in fact, under the terms of the carrier's tariff, they are not; and, on the other hand, to extend the remedy of denied boarding compensation [3] to passengers holding reservations confirmed in any manner provided for by the carrier's tariff, even if not evidenced by a ticket notation.

Subsequent to the adoption of these amendments, by notice of proposed rule making EDR–248, dated June 4, 1973, the Board gave notice that it had under consideration the adoption of a further amendment to Part 250, so as to extend its coverage (presently limited to certificated U.S. air carriers) to foreign air carriers holding a permit, issued by the Board pursuant to section 402 of the Act, to perform foreign air transportation on an individually-ticketed basis. If this proposed amendment to Part 250 is adopted, then the recent amendment to that part, made by ER–804, will by its terms apply to such foreign air carriers. However, adoption of the proposed amendment to Part 250 would not affect the recent amendment to Part 399, so that the latter would continue to apply by its terms only to U.S. certificated air carriers.

It seems clear that if foreign air carriers are to be covered by the "denied boarding compensation" rule to the same extent as U.S. certificated air carriers, then they should also be equally covered by the new Policy Statement on unfair or deceptive reservation practices, under section 411 of the Act, which applies to foreign and U.S. carriers. Accordingly, we are proposing herein to amend § 399.83 of the Board's Statements of General Policy so as to apply to foreign air carriers. Although the proceeding instituted herein is separate from the rule making proceeding instituted by EDR–248, we would expect to consider the two matters simultaneously when taking final action.

Proposed rule. It is therefore proposed to amend Part 399 of the Board's Statements of General Policy (14 CFR Part 399) as follows:

1. Amend the Table of Contents of Part 399 by changing the heading of § 399.83, the table as amended to read as follows:

Sec.
399.82 Passing off • • •
399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

2. Amend § 399.83 to read as follows:

§ 399.83 Unfair or deceptive practice of air carrier, foreign air carrier, or ticket agent in orally confirming to prospective passenger reserved space on scheduled flights.

It is the policy of the Board to consider the practice of an air carrier, foreign air carrier, or ticket agent, of stating to a prospective passenger by telephone or other means of communication that a reservation of space on a scheduled flight in air transportation is confirmed before a passenger has received a ticket specifying thereon his confirmed reserved space, to be an unfair or deceptive practice and an unfair method of competition in air transportation or the sale thereof within the meaning of section 411 of the Act, unless the tariff of the particular air carrier or foreign air carrier provides for confirmation of reserved space by the means so used.

[FR Doc.73–14962 Filed 7–19–73;8:45 am]

[2] ER–804, adopted May 23, 1973; 14 CFR 250.1.

[3] In general, Part 250 requires certificated carriers, with certain exceptions, to file with the Board: (1) Priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on oversold flights; (2) tariffs providing denied boarding compensation to such passengers at the rate of 100 percent of the value of the first remaining flight coupon with a $25 minimum and a $200 maximum; and (3) reports of unaccommodated passengers on a market and system basis.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

STREPTOMYCIN

Proposed Tolerances

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Stations of California, Florida, Idaho, Minnesota, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Utah, Washington, and Wisconsin submitted a petition (PP 1E1095), proposing establishment of tolerances for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, hops, peppers, potatoes, and tomatoes at 0.25 part per million.

Subsequently, the petitioner amended the petition by withdrawing the requested tolerance for residues of the fungicide in or on hops.

Recent available information has indicated that (1) streptomycin is not absorbed in the gastrointestinal tract (2) the emergence of resistant strains of microorganisms in humans due to agricultural use of streptomycin is not likely, and (3) sensitization of exposed individuals occurs only through inhalation or skin absorption.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are proposed.

2. Residues, if any, in celery, peppers, potatoes, and tomatoes from the proposed uses, will not exceed the proposed tolerances. The tolerances of 0.25 part per million represent the sensitivity of the analytical method.

3. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

4. The proposed tolerances will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (see 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.245 be revised to read as follows:

§ 180.245 Streptomycin; tolerances for residues.

Tolerances of 0.25 part per million are established for negligible residues of the fungicide streptomycin in or on the raw agricultural commodities celery, peppers, pome fruits, potatoes, and tomatoes.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 20, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before August 20, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 17, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–14971 Filed 7–19–73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 73–955]

FEDERAL SAVINGS AND LOAN SYSTEM

Private Mortgage Insurance for 90–95% Loans

JULY 11, 1973.

Section 545.6–1(a)(5) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1(a)(5)) authorizes Federal savings and loan associations to make loans in excess of 90 percent of value secured by single-family dwellings subject to various requirements. Under subdivision (iv) of said § 545.6–1(a)(5) one of those requirements is that either the portion of the unpaid balance of such a loan which is in excess of 90 percent of value must be guaranteed or insured by a "qualified private insurer" as determined by the Federal Home Loan Mortgage Corporation or the association must establish a specific reserve with respect to such loan in the amount specified in that subdivision.

The Board considers it desirable to amend the requirement relating to qualified private mortgage insurance so as to require that with regard to loans in excess of 90 percent of value secured by single-family dwellings, as long as the unpaid balance of such a loan is in excess of 90 percent of value, the portion of the unpaid balance of such loan which is in excess of 80 percent of value must be insured or guaranteed by a "qualified private insurer". The Board considers this increase in the required amount of mortgage insurance desirable in order to cause this mortgage insurance requirement to more accurately reflect default experience on loans in excess of 90 percent of value.

In addition, the phrase "value or purchase price of the real estate security, whichever is less, determined at the time the loan was made" is proposed to be added to § 545.6–1(a)(5)(iv)(*a*) in order to clarify when such value or purchase price is to be established for the purpose of that section.

Accordingly, the Board hereby proposes to amend § 545.6–1(a)(5)(iv) by revising subdivision (*a*) thereof to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, N.W., Washington, D.C., 20552, by August 20, 1973, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property—*

(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on homes or combinations of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

• • • • •

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in paragraph (a)(1)(i) of this section shall be 95 percent in the case of any loan with respect to which the requirements set forth in paragraph (a)(4)(i), (ii), (iv), (v), (vi), and (viii) of this section are met with respect to which the following additional requirements are met:

• • • • •

(iv) Either—

(*a*) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portions of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(*b*) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73–14954 Filed 7–19–73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS' EDUCATIONAL ASSISTANCE

Entitlement Charges

The proposed change to § 21.1045 provides for the charging of entitlement proportionately to the educational assistance or training allowance paid when a reduction in the monthly allowance was required due to excessive absences.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before Aug. 20, 1973 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of final approval.

In § 21.1045(a), subparagraph (6) is added to read as follows:

§ 21.1045 Entitlement charges.

(a) *Residence courses.* • • •

(6) *Excessive absences and less than full payment for job training.* Where deductions are made throughout an enrollment period, the combined portions of a month for which deductions were made will be computed and no entitlement charge will be made for the combined deductions. Where the computation results in a period of time other than a full month, or other than exactly ¾, ½ or ¼ fractional part of a month, the figure will be raised to the next higher quarter fraction of a month.

• • • • •

Approved: July 13, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73–14909 Filed 7–19–73;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Allocation and Apportionment of Deductions; Extension of Time for Comments

Proposed amendments to the regulations under sections 861, 863, and 905 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions, appear in the FEDERAL REGISTER for Monday, June 18, 1973 (38 FR 15840).

Written comments or suggestions pertaining to the proposed amendments were required to be submitted by August 17, 1973. The time for submission of written comments pertaining to the proposed regulations is hereby extended to October 17, 1973.

LAWRENCE B. GIBBS,
Acting Chief Counsel.

[FR Doc.73–15060 Filed 7–19–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-194]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 52- of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

France franc:	
July 6, 1973	$0.2600
Germany deutsche mark:	
July 6, 1973	.4420
Switzerland franc:	
July 6, 1973	.3705

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.73-14911 Filed 7-19-73;8:45 am]

[T.D. 73-196]

VIKING SAUNA CO.

Notice of Recordation of Trade Name

On April 30, 1973, there was published in the FEDERAL REGISTER (38 FR 10646) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Viking Sauna Company used by Viking Sauna Company. The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Viking Sauna Company" is hereby recorded as the trade name of Viking Sauna Company, a partnership composed of Robert H. Jones, Robert E. Hanley and Shoji Koga, located at 909 Park Avenue, San Jose, California 95126, when applied to electrical heaters and prebuilt insulated rooms which can be heated or cooled to a desired temperature and particularly heated for use as a sauna bath and the like, and accessories for such equipment including thermostats, electrical timing devices, etc. The heating units are manufactured in Sweden. Thermometers are manufactured in Finland. The timing and clock apparatus are manufactured in France. The sauna rooms themselves are manufactured in the United States. Viking Sauna of Australia is authorized to use the trade name.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc.73-14912 Filed 7-19-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ARMED FORCES EPIDEMIOLOGICAL BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Armed Forces Epidemiological Board will meet on 12-13 September 1973, at the Academy of Health Sciences, Fort Sam Houston, Texas at 8:30 a.m.

The agenda includes a briefing on the Health Service Command and the Academy of Health Sciences, followed by discussions of military preventive medicine problems, and an executive session.

The meeting is open to the public but limited by space accommodations. Interested persons wishing to participate should advise the Executive Secretary in writing, prior to the meeting, at the following address: Executive Secretary, Rm 6B118, Forrestal Building, 7th & Independence Avenues, SW., Washington, D.C. 20314.

NORMAN E. WILKS,
LTC, MSC, UAS Executive Secretary.

JULY 16, 1973.

[FR Doc.73-14922 Filed 7-19-73;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held on:

Friday, July 27, 1973

The meeting commencing at 9:00 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division Office of the Assistant Secretary of Defense (Comptroller).

[FR Doc.73-14921 Filed 7-19-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[INT DES 73-41]

OUTER CONTINENTAL SHELF OFFSHORE MISSISSIPPI, ALABAMA, AND FLORIDA

Notice of Availability of Draft Environmental Impact Statement and of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 159 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Mississippi, Alabama, and Florida.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the draft environmental statement will also be available for public review in the main public libraries in the following cities: Gulf Port, Mississippi; Mobile, Alabama; and Pensacola, Panama City, Tallahassee, Tampa, and St. Petersburg, Florida.

A composite map of the area of the Gulf of Mexico offshore Mississippi, Alabama, and Florida, upon which tracts being considered for leasing have been depicted and a listing of these tracts may also be obtained from either the Bureau of Land Management's New Orleans Outer Continental Shelf Office or the Office of Public Affairs, Bureau of Land Management at the above listed addresses.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9:00 a.m. on August 21, 1973, in the Lee Hall Auditorium, Florida A & M University, South Boulevard Street, Tallahassee, Florida 32304, for the purpose of receiving comments and suggestions relating to the possible lease sale. The hearing has been scheduled to extend through August 23.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 159 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested state and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m., August 15, 1973. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 390), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until September 4, 1973. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director, Bureau of Land Management.

Approved: July 18, 1973.

LAURENCE E. LYNN JR.,
Assistant Secretary of the Interior.

[FR Doc.73-15023 Filed 7-19-73;8:45 am]

Fish and Wildlife Service

DIRECTOR'S WATERFOWL ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Committee meeting:

Name: Director's Waterfowl Advisory Committee.

Date: August 7, 1973.

Place: Conference Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20006.

Time: 9 a.m.

Purpose of meeting: The Committee will review the staff recommendations of the Bureau of Sport Fisheries and Wildlife for 1973-74 waterfowl regulations, and present to the Director their recommendations for 1973-74 waterfowl season frameworks.

This meeting will be open to the public. Persons wishing to attend should notify the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, or call AC202-343-8655. Statements of interested persons other than Committee members must be filed in writing with the Director before or after the meeting. To the extent time permits, the Chairman of the meeting will accept brief oral statements from the public at the close of the Committee's agenda providing that such statements are also submitted in writing before or after the meeting.

SPENCER H. SMITH,
Director Bureau of Sport Fisheries and Wildlife.

JULY 13, 1973.

[FR Doc.73-14936 Filed 7-19-73;8:45 am]

National Park Service

[Order 5]

ADMINISTRATIVE OFFICER, BIGHORN CANYON NATIONAL RECREATION AREA, HARDIN, MONTANA

Delegation of Authority To Purchase and Contract

Section 1. *Administrative Officer.* The Administrative Officer may approve and administer contracts up to $10,000. And may sign and issue purchase orders not in excess of $10,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of funds.

Sec. 2. *Revocations.* This Order supersedes Order No. 4, dated May 15, 1972, and published June 28, 1972 (37 FR 12733).

(National Park Service Order No. 77 (38 FR 7478); Midwest Region Order No. 5 (37 FR 6324 and 6875), as amended).

Dated: June 15, 1973.

ARTHUR L. SULLIVAN,
Superintendent, Bighorn Canyon NRA.

[FR Doc.73-14927 Filed 7-19-73;8:45 am]

[Order No. 2, Amdt. 1]

GENERAL SUPPLY SPECIALIST, ET AL

Delegation of Authority Regarding Purchase Orders for Supplies, Equipment or Services

2. *General Supply Specialist.* The General Supply Specialist, Cape Cod National Seashore, may issue Purchase Orders not in excess of $1,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the General Supply Specialist in behalf of any area administered by the Superintendent of Cape Cod National Seashore.

Present paragraph 2. is renumbered as paragraph 3.

(National Park Service Order No. 77 (38 F.R. 7478); Northeast Regional Order No. 7 (37 F.R. 6325), as amended.)

Dated: June 21, 1973.

LESLIE P. ARNBERGER,
Superintendent, Cape Cod National Seashore.

[FR Doc.73-14926 Filed 7-19-73;8:45 am]

[Order No. 5, Amendment 1]

SUPERINTENDENTS ET AL., NATIONAL CAPITAL PARKS

Delegation of Authority

National Capital Parks Order No. 5, published in the FEDERAL REGISTER of July 26, 1972, 37 FR 14892, is amended as follows:

Section 1 is hereby amended by adding paragraph (f) to read as follows:

(f) Authority to conduct archeological investigations and salvage activities.

Section 2 is hereby amended by adding paragraph (g) to read as follows:

(g) Authority to conduct archeological investigations and salvage activities.

Section 3 is hereby amended as follows:

Section 3. Associate Directors, Assistant Directors and Chief, Office of Programming and Budgeting. The Associate Directors, Assistant Directors, and the Chief, Office of Programming and Budgeting, may exercise all the authority of the Director, National Capital Parks, with respect to any matter which may come before them, except the authority to approve master plans and the authority to conduct archeological investigations and salvage activities.

(National Park Service Order No. 78 (38 FR 10477, published April 27, 1973)

Dated: June 22, 1973.

RUSSELL E. DICKENSON,
Director, National Capital Parks.

[FR Doc.73-14925 Filed 7-19-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-70]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), Consolidation Coal Company has filed a petition to modify the application of section 303(1)(3) and § 75.310 of the implementing regulations (30 CFR 75.310) to its Blacksville No. 1 Mine located at Monongalia County, West Virginia.

Section 303(1)(3) of the Act reads as follows:

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air

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in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

Petitioner requests modification of that portion of section 303(i)(3) which reads "* * * if a certified person designated by the operator is continually testing the methane control of the air in such split during mining operations in such working * * *." As an alternative petitioner proposes that it be allowed to install a methane monitoring system. Petitioner states that some of the methane which is contained in the return air split comes from the working faces, but the major portion comes from rib liberations outby the last open crosscut. To implement the alternative plan, a permissible methane sensor head will be located in the return airway of the air split to be monitored at a point just inby the location where that air split joins another. The methane monitor in the intake entry will be located in close proximity to the sensor head and the monitor will be provided with a methane recorder.

The methane monitor will be set to de-energize all equipment on the section when the methane concentration in the return air reaches 2 volume per centum or a malfunction of the monitor occurs. A weekly calibration and function test will be made and the results will be recorded to determine the operation of the monitor and the system will provide a warning at an arbitrary concentration of methane less than 2 volume per centum.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard and will in fact provide greater safety than the standard requires. Petitioner contends that the system will assure a reliable and constant, rather than intermittent, methane testing system during mining operations and will reduce the human failure element. The system will provide a quicker notification time period to de-energize all equipment on the section in the return air split and in the face area when methane concentrations reach certain limits. The system will eliminate the need of having a person exposed to respirable dust in the return air and a test of the return air at or near the sensor head will be made to check with the methane recorder once each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia, 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 7, 1973.

[FR Doc.73-14928 Filed 7-19-73;8:45 am]

[Docket No. M 73-71]

CONSOLIDATION COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Consolidation Coal Company has filed a petition to modify the application of section 303(i)(3) and § 75.310 of the implementing regulations (30 CFR 75.310) to its Blacksville No. 2 Mine located at Monongalia County, West Virginia.

Section 303(i)(3) of the Act reads as follows:

(3) In virgin territory, if the quantity of air in a split ventilating the active workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (b) of this section for the last open crosscut, if the air in the split returning from such workings does not pass over trolley wires or trolley feeder wires, and if a certified person designated by the operator is continually testing the methane content of the air in such split during mining operations in such workings, it shall be necessary to withdraw all persons, except those referred to in section 104(d) of this Act, from the area of the mine endangered thereby to a safe area and all electric power shall be cut off from the endangered area only when the air returning from such workings contains 2.0 volume per centum or more of methane.

Petitioner requests modification of that portion of the subparagraph which reads "* * * if a certified person designated by the operator is continually testing the methane control of the air in such split during mining operations in such working * * *" As an alternative petitioner proposes that it be allowed to install a methane monitoring system. Petitioner states that some of the methane which is contained in the return air split comes from the working faces, but the major portion comes from rib liberations outby the last open crosscut. To implement the alternative a permissible methane sensor head will be located in the return airway of the air split to be monitored at a point just inby the location where that air split joins another. The methane monitor in the intake entry will be located in close proximity to the sensor head and the monitor will be provided with a methane recorder.

The methane monitor will be set to de-energize all equipment on the section when the methane concentration in the return air reaches 2 volume per centum or a malfunction of the monitor occurs. A weekly calibration and function test will be made and the results recorded to determine the operation of the monitor and the system will provide a warning at an arbitrary concentration of methane less than 2 volume per centum.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners by the mandatory standard and will in fact provide greater safety than the standard requires. Petitioner contends that the system will assure a reliable and constant, rather than intermittent, methane testing system during mining operations and will reduce the human failure element. The system will provide a quicker notification time period to de-energize all equipment on the section in the return air split and in the face area when methane concentrations reach certain limits. The system will eliminate the need of having a person exposed to respirable dust in the return air and a test of the return air at or near the sensor head will be made to check with the methane recorder once each shift.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 7, 1973.

[FR Doc.73-14929 Filed 7-19-73;8:45 am]

[Docket No. M 73-69]

EASTERN COAL CORPORATION

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1403-10(j) to its Stone Nos. 4, 7 and 8 mines, F-1 Mine and A-4 Mine, all located at Stone, Kentucky.

30 CFR 75.1403-10(j) reads as follows:

(j) Operators of self-propelled equipment should face in the direction of travel.

Petitioner states that under the interpretation of this mandatory standard, the shuttle car operator must physically change his seating position each time he reverses the direction of travel. As an alternative method petitioner requests that the standard be modified so that the operator is not required to be seated facing the direction of travel, provided that the operator's body is in such a position that he can comfortably and readily turn his head to face the direction of travel. Petitioner contends that most shuttle car operators at the affected mines are trained and experienced in operating the shuttle cars in the proposed alternative manner.

Petitioner avers that the application of the mandatory safety standard will result in a diminution of safety to miners at the affected mines in that at times the shuttle cars operate in heavily timbered seams as low as 36 inches. This causes abrupt changes in vertical clearances and a shuttle car operator that must sit facing the direction of travel can not readily adjust to such clearances. The operator tires more quickly while maintaining the position required by the mandatory standard. Petitioner contends that the miners prefer the proposed alternative method and that since the effective date of the mandatory standard, it has experienced more injuries to shuttle car operators than during a like period before such date.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

July 7, 1973.

[FR Doc.73-14930 Filed 7-19-73;8:45 am]

[Docket No. M 73-68]

KENTLAND-ELKHORN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Kentland-Elkhorn Coal Corporation has filed a petition to modify the application of 30 CFR 75.1403-10 (j) to its Kentland Nos. 2 and 3 mines, Feds Creek Nos. 2 and 3 mines and Peter Creek Mine all located at Mouthcard, Kentucky.

30 CFR 75.1403-10(j) reads as follows:

(j) Operators of self-propelled equipment should face in the direction of travel.

Petitioner states that under the interpretation of this mandatory standard, the shuttle car operator must physically change his seating position each time he reverses the direction of travel. As an alternative method petitioner requests that the standard be modified so that the operator is not required to be seated facing the direction of travel, provided that the operator's body is in such a position that he can comfortably and readily turn his head to face the direction of travel. Petitioner contends that most shuttle car operators at the affected mines are trained and experienced in operating the shuttle cars in the proposed alternative manner.

Petitioner avers that the application of the mandatory safety standard will result in a diminution of safety to miners at the affected mines in that at times the shuttle cars operate in heavily timbered seams as low as 36 inches. This causes abrupt changes in vertical clearances and a shuttle car operator that must sit facing the direction of travel can not readily adjust to such clearances. The operator tires more quickly while maintaining the position required by the mandatory standard. Petitioner contends that the miners prefer the proposed alternative method and that since the effective date of the mandatory standard, it has experienced more injuries to shuttle car operators than during a like period before such date.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 7, 1973

[FR Doc.73-14931 Filed 7-19-73;8:45 am]

[Docket No. M 73-66]

VALLEY CAMP COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), the Valley Camp Coal Company has filed a petition to modify the application of 30 CFR 75.1105 and section 311(c) of the Act to its Alexander Mine located in Marshall County, West Virginia.

30 CFR 75.1105 and section 311(c) of the Act provide in identical language:

§ 75.1105 Housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps.

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner requests that the application of the mandatory standard be modified as it applies to the 60 horsepower pump located near the 7 South Section. Petitioner states that the pump is located adjacent to the main haulage road and the road is ventilated with intake air from the Fourth Street fan. This air is discharged from the mine by way of the Supply Slope and the Belt Conveyor Slope. Return airways outby the Fourth Street Shaft have not been maintained, therefore, there are no return airways in the immediate vicinity of this pump. Petitioner states that the pump is located in a lower area of the mine and must be operated daily to prevent flooding of the haulage road.

As an alternative method petitioner states that the pump will be housed in a fireproof enclosure equipped with fireproof doors which will remain closed. A fire suppression device that meets the requirements of the mandatory standards will be installed over the pump and no combustible material will be stored within the pump enclosure. Electrical circuits and inspections of the pump stations will comply with applicable standards.

Petitioner contends that the alternative method will provide no less than the same protection afforded the miners in the area by application of the mandatory safety standard. Petitioner avers that the intake air that passes this pump is not and can not be used to directly ventilate a working section and that the number of miners working outby the pump rarely exceeds 5.

Persons interested in this petition may request a hearing on the petition or furnish comments by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JULY 5, 1973

[FR Doc.73-14932 Filed 7-19-73;8:45 am]

[Docket No. M 73-62]

WESTMORELAND COAL COMPANY

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of section 314(f) of the Act and § 75.1405 of the Regulations (30 CFR § 75.1405) to its Eccles No. 5 and Eccles No. 6 mines located at Raleigh County, West Virginia.

Section 314(f) reads as follows:

All haulage equipment acquired by an operator of a coal mine on or after one year after the operative date of this title shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on the operative date of this title shall also be so equipped within four years after the operative date of this title.

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Petitioner states that with the installation of automatic couplers the present clearance of 4½ inches at the coping and below will be reduced to 1⁹⁄₁₆ inches in the dump end and to 1⁵⁄₁₆ on the opposite end. Above the coping, the present clearance of 2½ inches will be over extended by 7⁄₁₆ of an inch.

As an alternative method, petitioner requests that it be allowed to use the existing cars at both mines. Mine cars at the Eccles No. 5 mine are equipped with semi-automatic couplers which couple on impact. Petitoner proposes to add a lever which would be used to uncouple the cars. The lever would extend to the side of the car and would permit the cars to be uncoupled without persons going between the cars. The design of mine cars used at the Eccles No. 6 mine limits available space and it is impractical to install an automatic coupler. Petitioner proposes that it be allowed to use coupling hooks so that cars may be coupled and uncoupled without requiring that persons go between the cars. Petitioner will institute a rigid training program in the use of coupling hooks and the hazards of going between cars.

Persons interested in this petition may request a hearing on the petition or furnish comment by August 19, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

June 29, 1973.

[FR Doc.73-14933 Filed 7-19-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-109]

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated March 27, 1973, and published April 2, 1973 (38 FR 8489); amended April 5, 1973, and published April 9, 1973 (38 FR 9049); amended April 12, 1973, and published April 18, 1973 (38 FR 9624); amended May 11, 1973, and published May 17, 1973 (38 FR 12958); and amended June 21, 1973, and published June 27, 1973 (38 FR 16937), is hereby further amended. Notice is hereby given that on July 14, 1973, the President amended his declaration of a major disaster of March 27, 1973, for Mississippi, as follows:

I hereby amend my March 27, 1973, declaration of a "major disaster" in the State of Mississippi to read as follows:

I have determined that the damage in certain areas of the State of Mississippi from heavy rains and flooding beginning on or about March 14, 1973, and tornadoes occurring on April 24, 1973, and May 27, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance for Tallahatchie County for the period March 14–June 10 for flood damage and for April 24 for tornado damage; for Lauderdale County for flood damage during the period March 14–18 and for tornado damage on May 27; for Clarke and Jones Counties for flood damage during the period March 14–June 10 and for tornado damage on May 27; and for Wayne County for tornado damage only on May 27.

In accordance with the President's amendment, the following county is hereby included among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The County of:

Wayne

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

Dated: July 16, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-14956 Filed 7-19-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Source Material License SUB-1010]

KERR-McGEE CORP.

Establishment of Atomic Safety and Licensing Board

On July 16, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 18921, a notice of hearing to consider the May 10, 1972, application for amendment of Source Material License No. SUB-1010 held by the licensee. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2, rules of practice, and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Dale F. Babcock, Mr. Lester Kornblith, Jr., and John B. Farmakides, Esq., Chairman.

The positions and mailing addresses of the Board members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Dale F. Babcock, 711 River Road, Wilmington, Delaware 19809.

3. Mr. Lester Kornblith, Jr., a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of July 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-14901 Filed 7-19-73;8:45 am]

[Docket No. 50-422]

MITSUBISHI INTERNATIONAL CORP.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 18, 1973 (38 FR 9618) and the Atomic Energy Commission having found that:

(a) The application filed by Mitsubishi International Corporation, Docket No. 50-422, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-87 to Mitsubishi International Corporation, authorizing the export of a pressurized water reactor with a thermal power level of 2,440 megawatts to the Kansai Electric Power Co., Inc., Osaka, Japan, (Takahama-Ohi-cho site).

The export of this reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 13th day of July 1973.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-14966 Filed 7-19-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24122, etc.]

Automotive Cargo Investigation

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled proceeding has been postponed from August 7, 1973 (38 FR 15474, June 12, 1973), to September 11, 1973, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Notice is also given that the date set for the prehearing conference submissions of parties other than the Bureau

of Operating Rights is postponed from July 18, 1973, to August 31, 1973.

Dated at Washington, D.C., July 16, 1973.

[SEAL] LOUIS W. SORNSON,
Administrative Law Judge.

[FR Doc.73-14960 Filed 7-19-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 300]

ASSIGNMENT OF HEARINGS

JULY 17, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 50862 Sub 6, White Circle Line, Inc., now being assigned hearing September 10, 1973, at Boston, Mass., in a hearing room to be later designated.

MC-F-11677, Brush Hill Transportation Company—Purchase (Portion)—Union Street Railway Company, now being assigned hearing September 12, 1973, at Boston, Mass., in a hearing room to be later designated.

MC-F-11748, Coastal Industries, Inc.—Control—P.B. Mutrie Motor Transportation, Inc., FD 27401, Coastal Industries, Inc., now being assigned hearing September 17, 1973, at Boston, Mass., in a hearing room to be later designated.

MC 107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., MC 113678 Sub 477, Curtis, Inc., now assigned August 27, 1973, will be held in Room 587, Federal Bldg., 19th and Stout Street, Denver, Colo.

MC 71459 Sub 33, O.N.C. Freight Systems, now assigned September 4, 1973, hearing will be held at the Antlers Plaza Hotel, Chase Stone Center, Colorado Springs, Colo.

MC-F-11675, Thunderbird Freight Lines, Inc.—Control & Merger—Oakley Transfer & Storage Company, MC 69512 Sub 9, Thunderbird Freight Lines, Inc., now assigned September 10, 1973, hearing will be held at the Airport Marina Hotel, 2910 Yale Blvd., S.E., Albuquerque, New Mexico.

I&S 8813, General Increase in Rates and Charges, Sea-Land Service, Inc., I&S 8814 and Sub No. 1, General Increase The Alaska Railroad, I&S 8814 Sub 2, Increased Rates & Charges, from and to Alaska, now assigned July 23, 1973 at Seattle, Wash., July 30, 1973, at Fairbanks, Alaska and August 1, 1973, at Anchorage, Alaska are postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14947 Filed 7-19-73;8:45 am]

[Notice 316]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 9, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74089. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Central Moving & Storage Corp., 3100 W. Burleigh Street, Milwaukee, Wis. 53210, of the operating rights in Certificate No. MC-82226 issued December 16, 1970, to Robert W. Lister and Robert G. Wood, a partnership, doing business as Central Moving & Storage Company, 3100 W. Burleigh Street, Milwaukee, Wis. 53210, authorizing the transportation of household goods, as defined by the Commission, between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Minnesota, Iowa, and Michigan.

No. MC-FC-74438. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Ronald Hackenberger, Doing Business As Ron's Trucking Service, Norwalk, Ohio, of Permit No. MC-129394 issued to State Sales, Inc., North Ridgeville, Ohio, authorizing the transportation of: Burnt lime and sludge, from Huron, Ohio, to specified points in West Virginia and Pennsylvania. J. A. Kundtz, Attorney, Cleveland, Ohio 44114.

No. MC-FC-74515. By order of July 13, 1973, the Motor Carrier Board approved the transfer to Keith E. Proud Moving & Storage, Inc., South Bend, Indiana, of Certificate No. MC-17804 issued August 20, 1943, to Keith E. Proud, South Bend, Indiana, authorizing the transportation of household goods between South Bend, Ind., and points within 15 miles of South Bend, on the one hand, and, on the other, points in Illinois, Michigan, Kentucky, Ohio, and Pennsylvania. Milton A. Johnson, 1800 American National Bank Bldg., South Bend, Ind. 46601, Attorney for Applicants.

No. MC-FC-74519. By order of July 13, 1973, the Motor Carrier Board approved the transfer to John David, Oswego, Illinois, of Certificate of Registration No. MC 96986 (Sub-No. 1), issued October 18, 1963, to Valley City Transfer, Inc., Aurora, Illinois, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificates of Convenience and Necessity No. 7355MC dated February 4, 1958, issued by the Illinois Commerce Commission. John David, Box 328 Riverview Dr., Oswego, Illinois.

No. MC-FC-74530. By order of July 11, 1973, the Motor Carrier Board approved the transfer to Pace Motor Lines, Inc., Bloomfield, Conn., of the operating rights in Certificates No. MC-9268 and MC-9268 (Sub-No. 12) issued August 16, 1960 and September 18, 1972 respectively to Albert A. Fillmore, doing business as Fillmore Transportation, Bloomfield, Conn., authorizing the transportation of various commodities from, to and between specified points and areas in Connecticut, New York, New Jersey, Massachusetts and Rhode Island.

John E. Fay, 630 Oakwood Ave., West Hartford, Conn., 06110 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14952 Filed 7-19-73;8:45 am]

[Notice 92]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 10, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

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MOTOR CARRIERS OF PROPERTY

No. MC 113908 (Sub-No. 276 TA) (CORRECTION) filed June 14, 1973, published in the FEDERAL REGISTER issue of July 5, 1973, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles and (2) *fermented, quick process and distilled vinegar, vinegar malt naptha* (ethyl acetate), *salt* (calcium acetate), *vinegar acid* (acetic acid), and *vinegar wine*, etc., between the following points and the commercial zone thereof, except that no transportation service shall be provided wholly within the same or one state in Rogers, Ark.; Delta and Denver, Colo.; Chicago, Ill.; Hutchinson and Wichita, Kans.; Bailey, Belding and Freemont, Mich.; St. Paul, Minn.; Kansas City, Marionville and Nixa, Mo.; Lyndonville and North Rose, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Houston and Paris, Tex.; and Wenatchee and Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. Note: The purpose of this republication is to correct the MC number to No. MC 113908 (Sub-No. 276 TA) in lieu of No. MC 113908 (Sub-No. 277) which was published in error.

No. MC 119522 (Sub-No. 23 TA) (CORRECTION) filed May 21, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as corrected this issue. Applicant: McLAIN TRUCKING, INC. P.O. Box 2159 2425 Walton Street Anderson, Ind. 46011 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Note: The purpose of this republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a contract carrier, which was published in error. The rest of the application remains the same.

No. MC 123577 (Sub-No. 15 TA) (CORRECTION) filed June 18, 1973, published in the FEDERAL REGISTER issue of July 2, 1973, and republished as corrected this issue. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC. (Donald A. Robinson, Trustee) 419 Anderson Avenue Fairview, N.J. 07022 Applicant's representative: Edward F. Bowes 744 Broad Street Newark, N.J. 07102 Note: The purpose of this republication is to show the correct name of applicant. Also, the application is supported by various petitions with many signatures, copies of which are available for inspection here at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. The route description remains as previously published. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136451 (Sub-No. 5 TA) filed July 3, 1973 Applicant: HUBBARD CARTAGE, INC. 3737 North Lincoln Chicago, Ill. 60613 Applicant's representative: James C. Hardman 127 N. Dearborn Street Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, pursuant to a continuing contract or contracts with Norwood Paper, Division of B & J Supply, Inc., for 180 days. SUPPORTING SHIPPER: Attention: Richard Blum, Norwood Paper, Division of B & J Supply, Inc., 6703 N. Oliphant, Chicago, Ill. 60631. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., Room 1086, 219 S. Dearborn Street, Chicago, Ill.

No. MC 138826 TA (CORRECTION) filed June 19, 1973, published in the FEDERAL REGISTER issue of July 5, 1973, and republished as corrected this issue. Applicant: JERALD HEDRICK, doing business as HEDRICK & SON TRUCKING, R.R. 1, Warren, Ind. 46792. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Note: The purpose of this partial republication is to correct the MC number to No. MC 138826 TA in lieu of No. MC 138836 TA which was published in error. The rest of the application remains the same.

No. MC 138852 TA filed June 28, 1973 Applicant: INTERSTATE TRAM RAIL CARRIER CORPORATION Walnut Street and Harvard Lane Westville, N.J. 08093 Applicant's representative: Joel Feldscher 3220 PSFS Building 12 South 12th Street Philadelphia, Pa. 19108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, between Westville, N.J., on the one hand, and, on the other, points in Alabama, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: George Wollman, Inc., Walnut Street and Harvard Lane, Westville, N.J. 08093. SEND PROTESTS TO: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14948 Filed 7-19-73;8:45 am]

[Notice 56]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 13, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 200 (Sub-No. 261) filed May 24, 1973 Applicant: RISS INTERNATIONAL CORPORATION 903 Grand Ave. Kansas City, Mo. 64142 Applicant's representative: Ivan E. Moody 12th Floor Temple Bldg. 903 Grand Ave. Kansas City, Mo. 64106 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site of Western Electric Company, Inc., at or near Underwood, Iowa as an off-route point in connection with applicant's regular-route operations to and from Council Bluffs, Iowa. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 522 (Sub-No. 2) filed October 24, 1972 Applicant: GLEN B. SMITH AND J. MILFORD SMITH a Partnership, doing business as SMITH TRANSFER 511 East Ontario Street Missouri Valley, Iowa 51555 Applicant's representative: Patrick E. Quinn P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), serving points in Harrison County, Iowa, as off-route points in connection with applicant's existing regular route authority between Omaha, Nebr., and Missouri Valley, Iowa. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 730 (Sub-No. 348) filed June 4, 1973 Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO. a Corporation 1417 Clay Street, P.O. Box 958 Oakland, Calif. 94604 Applicant's representative: Alfred G. Krebs (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite facilities of Nelco Corporation at or near Orting, Wash., as an off-route point in connection with applicant's regular-route operations to and from Tacoma, Wash. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or San Francisco, Calif.

No. MC 22229 (Sub-No. 75) (AMENDMENT) filed February 26, 1973, published in the FEDERAL REGISTER issue of March 29, 1973, and republished, as amended, this issue. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Note: The sole purpose of this republication is to show that the location of the plantsite of the Pulvair Corporation is located in Shelby County, Tenn., rather than at Woodstock, Tenn., as originally published. The rest of the notice remains as previously published.

No. MC 6945 (Sub-No. 35) filed May 15, 1973. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N. J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk (other than metal scrap in bulk), and those requiring special equipment), serving the plant sites of Dow Chemical U.S.A. at Midland, Mich., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Bay City, Mich. and Covington, Ky. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 19105 (Sub-No. 41) filed June 7, 1973 Applicant: FORBES TRANSFER COMPANY, INC. P.O. Box 3544 So. Goldsboro St. Ext. Wilson, N.C. 27893 Applicant's representative: Morton E. Kiel Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the plant sites and facilities of United States Gypsum Company at Chamblee and Morrow, Ga., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia; restricted to traffic originating at the above described facilities and destined to points in the above named territory. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 19227 (Sub-No. 185) (CORRECTION) filed February 2, 1973, published in the FEDERAL REGISTER issue of March 15, 1973, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC. 2595 N.W. 20th Street Miami, Florida 33152 Applicant's representative: J. Fred Dewhurst (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, attachments, accessories and equipment* used in connection with or installation thereof, between points in California, on the one hand, and, on the other, points in Arizona, New Mexico, Texas, Nebraska, Kansas, Oklahoma, Colorado, Nevada, Oregon, Washington, Utah, Montana, and Idaho. Note: The purpose of this republication is to indicate that applicant seeks to perform a radial movement as described above, in lieu of a nonradial movement as previously published. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. or Washington, D.C.

No. MC 25798 (Sub-No. 239) filed May 31, 1973. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fountain Inn, S.C., to points in Arizona, California, Colorado, Kansas, Oregon, Texas and Washington. Note: Common control may be involved. Applicant states that its existing authority could be tacked with the requested authority at Fountain Inn, S.C., on frozen foods to provide a through service, but that it is not intended. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 28990 (Sub-No. 8) filed May 14, 1973 Applicant: SEYMOUR TRANSFER LINES, INC. 800 East Factory St. Seymour, Wis. 54165 Applicant's representative: Michael J. Wyngaard 329 West Wilson St. Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fond du Lac and Oshkosh, Wis.: (1) from Fond du Lac over U.S. Highway 45 to Oshkosh, and return over the same route; (2) from Fond du Lac over U.S. Highway 41 to Oshkosh, and return over the same route; and (3) from Fond du Lac over Wisconsin Highway 175 to junction of U.S. Highway 45, thence over U.S. Highway 45 to Oshkosh, and return over the same route, serving all intermediate points on (1), (2), and (3) above. Note: If a hearing is deemed necessary, applicant requests it be held at either Madison, Oshkosh, or Fond du Lac, Wis.

No. MC 30530 (Sub-No. 11) filed May 16, 1973. Applicant: NORTH EASTERN MOTOR FREIGHT, INC., 5231 Monroe Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center, 1600 Lincoln Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*,

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by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk and those requiring special equipment), between Cheyenne, Wyo., and Billings, Mont.: From Cheyenne over Interstate 25 to the junction of Interstate Highway 90 and U.S. Highway 87, thence over Interstate Highway 90 and U.S. Highway 87 to Billings, and return over the same route, serving the intermediate points of Wheatland, Douglas, Casper, Buffalo and Sheridan, Wyo. and Hardin and Crow Agency, Mont. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., Billings, Mont., or Casper, Wyo.

No. MC 30657 (Sub-No. 27) filed May 29, 1973. Applicant: DIXIE HAULING COMPANY, a Corporation, 540 Englewood Avenue, S.E., Atlanta, Ga. 30315. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road, N.E., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe covering, preventive coating and wrapping materials, steel piling, steel bearing pile, pile hammers and extractors, steel rail and track materials, and related parts, fittings and accessories* used in the installation and repair of such commodities, from the plant sites of L. B. Foster Company and Southern Pipe Coating Company at: (1) Savannah, Ga., to points in Florida, North Carolina, Georgia, South Carolina, Alabama, Tennessee and Mississippi; (2) Orlando, Fla., to points in Georgia, Alabama, North Carolina, South Carolina, Tennessee and Mississippi; (3) Birmingham, Ala., to points in Mississippi, Florida, Georgia, Tennessee, North Carolina and South Carolina; (4) points in Gwinnett County, Ga., to points in North Carolina and South Carolina; and (5) Charlotte, N.C., to points in South Carolina, Georgia, Alabama, Florida, Mississippi and Tennessee, restricted to a transportation service to be performed under a continuing contract, or contracts, with L. B. Foster Company of Doraville, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 30844 (Sub-No. 462) filed April 20, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) from points in Illinois, Missouri, and Wisconsin to points in Arkansas, Colorado, Louisiana, Oklahoma and Texas, restricted to shipments originating at and destined to the terminal and other facilities of A B C Freight Forwarding Corporation, Midland Forwarding Corporation, Inc., and National Carloading Corporation, located in the above-named states, and further restricted to shipments moving on bills of lading issued by the above-named carloaders. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 33320 (Sub-No. 137) (CORRECTION) filed May 4, 1973, published in the FEDERAL REGISTER issue June 28, 1973, and republished, as corrected, this issue. Applicant: T.I.M.E.-DC, INC. 2598 74th Street P.O. Box 2550 Lubbock, Tex. 79405 Applicant's representative: Chandler L. van Orman 704 Southern Building 15th and H Streets, N.W. Washington, D.C. 20005 Note: The sole purpose of this partial republication is to correct the restriction to read: "restricted against the handling of traffic originating at, destined to, or interlined at Memphis, Tenn., and its Commercial Zone" in lieu of "restricted to," which was published in error in the original notice. The rest of the publication remains as previously published.

No. MC 41432 (Sub-No. 133) filed May 24, 1973. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, Ala., and South Bend., Ind., from Birmingham over Interstate Highway 65 to Indianapolis, Ind., thence over U.S. Highway 31 to South Bend, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's presently authorized operations. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 52464 (Sub-No. 8) filed May 10, 1973. Applicant: EVANS TRUCKING CO., a Corporation 2773 Darlington Road, Beaver Falls, Pa. 15010. Applicant's representative: Irwin W. Goldstein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Allegheny and Beaver Counties, Pa., on the one hand, and, on the other, points in New York, Ohio, West Virginia and Maryland. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 57311 (Sub-No. 10) filed June 7, 1973. Applicant: PUTNAM TRANSFER & STORAGE CO. a Corporation 1502 Woodlawn Avenue Zanesville, Ohio 43701. Applicant's representative: A. Charles Tell 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pebble stone* from Newark, Ohio, to Glass Rock and Millwood, Ohio, restricted to shipments having a prior movement by rail TOFC service. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 57591 (Sub-No. 16) (AMENDMENT) filed December 8, 1972, published in the FEDERAL REGISTER issue of March 29, 1973, and republished as amended this issue. Applicant: EVANS DELIVERY COMPANY, INC. P.O. Box 268 Pottsville, Pa. 17901 Applicant's representative: Kenneth R. Davis 999 Union Street Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in cargo containers or cargo vans, between Philadelphia, Pa., on the one hand, and, on the other, points in Lancaster, Montgomery, Lebanon, Berks, Dauphin, Schuylkill, Lehigh, Northampton, Carbon, Northumberland, Union, Montour, Columbia, Luzerne and Lycoming (south of U.S. Highway 220) Counties, Pa., restricted to shipments having a prior or subsequent movement by water. Note: The purpose of this republication is to indicate that applicant seeks authority to points in Lycoming County, Pa. south of U.S. Highway 220 in its destination territory, in lieu of points in Lycoming County, Pa., west of Interstate Highway 80 and north of U.S. Highway 611, as previously published. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 59150 (Sub-No. 78) filed May 18, 1973 Applicant: PLOOF TRANSFER COMPANY, INC. 1901 Hill Street Jacksonville, Fla. 32202 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas (including the District of Columbia); and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., (1) and (2) above are restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Jacksonville, Fla.

No. MC 59150 (Sub-No. 79) filed June 4, 1973 Applicant: PLOOF TRANSFER COMPANY, INC. 1901 Hill Street Jacksonville, Fla. 32202 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from points in Alabama, Tennessee, Georgia, South Carolina, Virginia, and District of Columbia, to the plantsite and facilities of the Celotex Corporation located in Wayne County, N.C. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 61502 (Sub-No. 7) filed May 24, 1973 Applicant: Wm McCULLOUGH TRANSPORTATION CO., INC. 1130 U. S. Highway 1 Elizabeth, N.J. 07201 Applicant's representative: A. David Millner 744 Broad Street, Suite 2005 Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, such as plastic powder, flakes, granules, lumps, pellets, or solid mass in bulk, in plastic liners, in van type vehicles, on traffic having a prior or subsequent movement by water, from the plantsite of General Electric Company located at or near Selkirk, N.Y., to the New York-New Jersey Port Authority Terminals in Port Elizabeth and Port Newark, N.J. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 73165 (Sub-No. 326) filed June 11, 1973 Applicant: EAGLE MOTOR LINES, INC. 830 North 33rd Street P.O. Box 11086 Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles, and aluminum products;* and (2) *materials, equipment and supplies* used in connection with the manufacture of the commodities described in (1) above, (except commodities in bulk), between points in Colbert County, Ala., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74321 (Sub-No. 84) filed May 25, 1973 Applicant: B. F. WALKER, INC. 650 17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, from Fort Worth, Tex., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 75206 (Sub-No. 5) filed May 18, 1973 Applicant: JOHN EMMERT, doing business as EMMERT TRANSFER Diamond Alley and Pine Street Bangor, Mich. 49013 Applicant's representative: William J. Verdonk 531 Phoenix Street South Haven, Mich. 49090 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza sauce* in containers, from the plant site of Emmert Transfer Warehouse at Bangor, Mich. to the plant sites of Saluto Foods Corporation at or near Benton Harbor, Mich. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 80430 (Sub-No. 147) filed May 14, 1973 Applicant: GATEWAY TRANSPORTATION CO., INC. 455 Park Plaza Drive La Crosse, Wis. 54601 Applicant's representative: Joseph E. Ludden (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Henderson, Ky. as an off-route point in connection with applicant's presently authorized operations. Note: If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky. or Cincinnati, Ohio.

No. MC 82492 (Sub-No. 83) filed June 11, 1973 Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC. P.O. Box 2853 2109 Olmstead Road Kalamazoo, Mich. 49003 Applicant's representative: William J. Boyd 29 South LaSalle Street Suite 330 Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Chicago, and Deerfield, Ill. to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 82841 (Sub-No. 121) filed May 29, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels and accessories*, from Wausau, Wis., to Lincoln, Nebr. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95084 (Sub-No. 93) filed June 13, 1973 Applicant: HOVE TRUCK LINE a Corporation Stanhope, Iowa 50246 Applicant's representative: Kenneth F. Dudley 611 Church Street P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment and supplies* used in the manufacture, processing, sale and distribution of agricultural implement parts (except commodities in bulk), from points in Arkansas, Colorado, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma and West Virginia, to Perry, Iowa; (2) (a) *industrial machinery and equipment, hoists, truck bodies and boxes, and refuse containers and compactors*, from Grundy Center, Mason City, Nev., and Sioux City, Iowa, to points in the United States (except Alaska and Hawaii); (b) *materials, equipment and supplies* used in the manufacture, processing, sale and distribution of the commodities named in (2) (a) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Grundy Center, Mason City, Nev. and Sioux City, Iowa; and (3) *agricultural machinery and equipment, industrial machinery and equipment, and parts and attachments* for agricultural machinery and equipment and industrial machinery and equipment, from Blackwell, Okla., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 95540 (Sub-No. 868) filed March 23, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Paul E. Weaver (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A & C of Appendix

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I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from New Orleans, La., Gulfport, Jackson, and West Point, Miss., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Texas, Oklahoma, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 95540 (Sub-No. 884) filed June 15, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in cans, from points in Wisconsin and Michigan to points in Iowa, Nebraska, Kansas, Oklahoma, Texas, Alabama, Georgia, Arkansas, North Carolina and Florida. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 100449 (Sub-No. 35) filed May 21, 1973 Applicant: MALLINGER TRUCK LINE, INC. R.F.D. 4 Fort Dodge, Iowa 50501 Applicant's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, from St. Louis, Mo., to Fort Dodge, Iowa. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 100666 (Sub-No. 247) filed May 29, 1973 Applicant: MELTON TRUCK LINES, INC. P.O. Box 7666 Shreveport, La. 71107 Applicant's representative: Wilburn L. Williamson 280 National Foundation Life Bldg. 3535 N.W. 58th Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board, and plywood, and accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above, from the destination points in (1) above, to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104004 (Sub-No. 193) filed May 18, 1973. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N. Y. 10017. Applicant's representative: John P. Tynan, 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Serving the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority located at or near Spring City, Tenn., as an off-route point in connection with applicant's regular-route operations between Knoxville and Nashville, Tenn.; (2) Between the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority located at or near Spring City, Tenn., Plainville, Ga., and Newport, Ky., serving the intermediate point of Chattanooga, Tenn. for the purpose of joinder only with no service except as otherwise authorized; (a) From the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Georgia Highway 53, thence over Georgia Highway 53 to junction unnumbered highway (approximately five miles northeast of Shannon, Ga.) thence over unnumbered highway to Plainville; (b) From the Watts Bar Nuclear Plant and Dam Site of the Tennessee Valley Authority over Tennessee Highway 68 to junction Tennessee Highway 58, thence over Tennessee Highway 58 to junction U.S. Highway 70 (also from the aforesaid Tennessee Valley Authority site over Tennessee Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 70), (also from the aforesaid T.V.A. site over Tennessee Highway 58 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 70), thence from the junction of U.S. Highway 70 to junction Interstate Highway 75, thence over Interstate Highway 75 to Newport, Ky., and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at either Nashville, or Chattanooga, Tenn. or Washington, D.C.

No. MC 105678 (Sub-No. 25) filed May 21, 1973 Applicant: SECO TRUCKING CO., a Corporation 219 North Jackson Mason City, Iowa 50401 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators and parts thereof and cooling units;* (1) from Chicago, Ill.; Elkhart, Ind.; and Houston, Tex., to Forest City, Iowa, and Salina, El Dorado, and Junction City, Kans.; and (2) from Houston, Tex., to Elkhart, Ind., under contract with Domestic Sales Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 106074 (Sub-No. 18) filed June 4, 1973. Applicant: B AND P MOTOR LINES, INC., Hazelwood, N.C. 28738. Applicant's representative: James N. Golding, 4 S. Pack Square, P.O. Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from points in Graham County, N.C. and Nantahala, N.C. to points in the District of Columbia, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, Rhode Island, Massachusetts, and Connecticut; and (2) *damaged or defective shipments* of new furniture on return, from the named destinations to points in Graham County, N.C. Note: Common control may be involved. Applicants states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Asheville, Charlotte, or Raleigh, N.C.

No. MC 107064 (Sub-No. 95) filed May 29, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmount St., Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, from points in Colorado to points in New Mexico; and (2) *liquid sugar, syrups and sweeteners and blends thereof*, between points in New Mexico and Colorado. Note: Applicant states that the requested authority would be tacked with its pending authority in its Sub 90, if granted, to transport Blackstrap Molasses from New Orleans, La., to Farmington, N. Mex. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 645) filed May 31, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding*, from Covington, Tenn., to points in Minnesota, Wisconsin, Iowa, Missouri, Arkansas, Illinois, Michigan, Indiana, Kentucky, Ohio, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 648) filed June 7, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring* from Warren, Ark. to points in Connecticut, Delaware, Illinois, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Vermont. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107496 (Sub-No. 893) filed May 17, 1973 Applicant: RUAN TRANSPORT CORPORATION Third at Keosauqua Way P.O. Box 855 Des Moines, Iowa 50309 Applicant's representative: H. L. Fabritz (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wax*, in bulk, from Casper, Wyo., to Edison, N.J.; (2) *phosphatic fertilizer solution*, from Topeka, Kans., to points in Missouri, Kansas, Iowa, and Nebraska; (3) *lithарge*, dry, in bulk, from St. Paul, Minn., to Denver, Colo.; Omaha, Nebr.; St. Joseph, Mo.; Burlington, Iowa; Zanesville, Ohio; Leavenworth, Kan.; Chicago Heights and Kankakee, Ill.; Trenton, N.J.; and Lynchburg, Va.; (4) *lignin sulfinate*, in bulk, between points in Wyoming; (5) *cleaning compounds, water reducing admixture, and petroleum oil agricultural wetting agent*, in bulk, from Shakopee, Minn., to points in North Dakota, South Dakota, Iowa, Nebraska, Wisconsin, Kansas, Missouri, and Oklahoma; and (6) *phosphatic solution*, in bulk, from Weeping Water, Nebr., to points in Iowa, Montana, North Dakota and Minnesota. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109540 (Sub-No. 29) filed June 1, 1973 Applicant: YEARLY TRANSFER COMPANY, INC. 2171 Christian Road Lexington, Ky. 40505 Applicant's representative: George M. Catlett 703–706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles* between points in Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 110420 (Sub-No. 681) filed May 21, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar and syrups*, liquid and blends thereof, and *products of corn*, in bulk, from points in the Kansas City, Kans.-Kansas City, Mo. Commercial Zone, to points in Arkansas, Louisiana, New Mexico and Texas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at St. Louis, Mo. to provide a through service to points in Louisiana, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 682) filed May 31, 1973 Applicant: QUALITY CARRIERS, INC. P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Armak Industrial Chemical, Grundy County, Ill., to points in Alabama, Arkansas, Connecticut, Indiana, Kansas, Maryland, Massachusetts, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Virginia and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 1059) filed June 13, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Commercial Solvents Corp., at or near Sterlington, La., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia and West Virginia, restricted to traffic originating at the plant site of Commercial Solvents Corp. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110525 (Sub-No. 1060) filed June 15, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda and chlorinated solvents*, in bulk, in tank vehicles, from the plant site of Axton Cross Co. at North Haven, Conn., to points in Massachusetts, Rhode Island and New York. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Providence, R.I.

No. MC 110525 (Sub-No. 1061) filed June 25, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 East Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Armak Chemical Co., located in Grundy County, Ill., to points in California, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia and Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 107) filed April 30, 1973 Applicant: COLDWAY FOOD EXPRESS, INC. P.O. Box 747 Sidney, Ohio 45365 Applicant's representative: Joseph M. Scanlan 111 W. Washington Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix

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I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Minneapolis-St. Paul and St. Cloud, Minn.; Mason City, Dubuque, Davenport and Tama, Iowa; Chicago (except those points in the Chicago, Ill. Commercial Zone in Indiana), Aurora and Rochelle, Ill.; Denver and Pueblo, Colo.; and points in Nebraska. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 110988 (Sub-No. 297) filed May 29, 1973 Applicant: SCHNEIDER TANK LINES, INC. 200 West Cecil Street Neenah, Wis. 54956 Applicant's representative: D. A. Petersen (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements and liquid feed ingedients, and molasses*, in bulk, in tank vehicles, between Oswego and Romeoville, Ill., on the one hand, and on the other, points in Indiana, Iowa, Michigan and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111545 (Sub-No. 187) filed June 1, 1973 Applicant: HOME TRANSPORTATION COMPANY, INC. 1425 Franklin Road Marietta, Ga. 30062 Applicant's representative: Robert E. Born P.O. Box 6426, Station A Marietta, Ga. 30062 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood poles, board*, and *paneling*, (1) between points in California, Oregon, Washington, Idaho, Nevada, and Arizona, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 111720 (Sub-No. 11) filed June 12, 1973 Applicant: RAY WILLIAMS AND ARLENE WILLIAMS d/b/a WILLIAMS TRUCK SERVICE 2300 East 11th Street P.O. Box 40 Sioux Falls, S. Dak. 57101 Applicant's representative: Donald L. Stern 530 Univac Building Omaha, Nebr. 68106 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodites in bulk), from the plant site and storage facilities of John Morrell & Co., Humbolt, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, under contract with John Morrell & Co. restricted to traffic originating at the named facilities. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112822 (Sub-No. 276) filed June 6, 1973 Applicant: BRAY LINES INCORPORATED P.O. Box 1191 (1401 N. Little) Cushing, Okla. 74023 Applicant's representative: Marion F. Jones Suite 1600 Lincoln Center 1660 Lincoln Street Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups*, liquid, and *products of corn*, in bulk, in tank vehicles, from points in the Kansas City, Mo.-Kansas City, Kans. Commercial Zone, to points in Arkansas, Louisiana, New Mexico and Texas. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 112963 (Sub-No. 43) filed June 5, 1973 Applicant: ROY BROS., INC. 764 Boston Road Pinehurst, Mass. 01866 Applicant's representative: Leonard E. Murphy (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Everett, Mass., to points in Maine, New Hampshire and Vermont. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113666 (Sub-No. 77) filed June 6, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Daniel R. Smatanick (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except in bulk), from Warwick, N.Y., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, North Carolina, Tennessee, Vermont, Virginia and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 113908 (Sub-No. 278) filed June 18, 1973 Applicant: ERICKSON TRANSPORT CORP. 2105 East Dale Street P.O. Box 3180 G.S.S. Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distilled spirits* in bulk, in tank and hopper type vehicles, from Bardstown, Ky., to Lakeland, Fla. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., Chicago, Ill., St. Louis, Mo., or Dallas, Tex.

No. MC 114045 (Sub-No. 385) filed May 31, 1973 Applicant: TRANS-COLD EXPRESS, INC. P. O. Box 5842 Dallas, Tex. 75222 Applicant's representative: J. B. Stuart (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from the plantsite of the Upjohn Company, located at or near Houston, Tex., to points in Iowa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC–114552 (Sub-No. 83) (CLARIFICATION) filed May 25, 1973, published in the FEDERAL REGISTER issue of July 6, 1973, and annotated in republication this issue. Applicant: SENN TRUCKING COMPANY a Corporation P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr. 919 18th St., N.W. Washington, D.C. 20006. Note: The purpose of this republication is: (a) to correctly identify applicant's name as SENN TRUCKING COMPANY, in lieu of SEEN TRUCKING COMPANY, which was previously published in error; (b) to identify the address of the applicant's representative at 919 18th St., N.W., Washington, D.C. 20006, which was inadvertently published in error; and (c) to properly identify the requested origin as the facilities of Litecraft-Luminous Ceilings, Division of The Celotex Corporation at or near Scottsboro, Ala., which was inadvertently misspelled in the previous publication. The rest of the notice remains as previously published.

No. MC 114897 (Sub-No. 107) filed May 17, 1973 Applicant: WHITFIELD TANK LINES, INC. 300–316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989 Applicant's representative: J. P. Rose

(same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in New Mexico to points in Texas; and (2) between points in New Mexico. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Albuquerque, N. Mex.

No. MC 115162 (Sub-No. 273) filed May, 14, 1973 Applicant: POOLE TRUCK LINE, INC. Post Office Drawer 500 Evergreen, Ala. 36401 Applicant's representative: Robert E. Tate (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, including the District of Columbia; and (2) *materials, supplies and accessories* used in manufacture and installation of the commodities in (1) above from the destination points specified in part (1) above to the plant and warehouse sites of Abitibi Corporation in Calhoun County, Fla., restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga. or Chicago, Ill.

No. MC 115311 (Sub-No. 152) filed May 30, 1973 Applicant: J & M TRANSPORTATION CO., INC. P.O. Box 488 Milledgeville, Ga. 31061 Applicants' representative: Paul M. Daniell P.O. Box 872 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, panels and paneling*, from New Orleans, La., to points in Arkansas, Alabama, Georgia, Florida, Mississippi, North Carolina, South Carolina, Kentucky, Virginia, West Virginia and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115826 (Sub-No. 251) filed May 14, 1973 Applicant: W. J. DIGBY, INC. 1960 31st. Street Denver, Colo. 80217 Applicant's representative: Charles J. Kimball 2310 Colorado National Bank Bldg. 1600 Broadway Denver, Colo. 80202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products not frozen* (except in bulk), from Laramie, Wyo., to points in California, Colorado, Arizona, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Cheyenne, Wyo.

No. MC 116073 (Sub-No. 268) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Clark, Cowlitz and Lewis Counties, Wash., to points in Idaho, Montana, Nevada, Oregon, Utah and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Olympia or Seattle, Wash.

No. MC 116073 (Sub-No. 269) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Maine Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, from points in Orangeburg County, S.C., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 116254 (Sub-No. 137) filed June 18, 1973 Applicant: CHEM-HAULERS, INC. P.O. Drawer M Sheffield, Ala. 35660 Applicant's representative: Walter Harwood 1822 Parkway Towers Nashville, Tenn. 37219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, from points in the United States (except Alaska and Hawaii), to the plant site of Reichhold Chemicals, Inc., at or near Tuscaloosa, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116273 (Sub-No. 162) filed June 18, 1973. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 127 No. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, (a) from Peru, Ill. to points in Maryland, New Jersey, New York, North Carolina, South Carolina, Virginia, and West Virginia, and (b) from points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Peru, Ill., restricted to traffic originating at or destined to facilities of Foster Grant Co., Inc. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 256) filed June 8, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk) from Decatur, Ind., to points in Alabama, Connecticut, Delaware, Georgia, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Columbus, Ohio.

No. MC 117565 (Sub-No. 85) filed February 16, 1973 Applicant: MOTOR SERVICE COMPANY INC. Route 3 P.O. Box 448 Coshocton, Ohio 43812 Applicant's representative: John R. Hafner (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and pipe* (other than iron and steel), *accessories, parts, fittings, and attachments, thereof*, from Rootstown Township (Portage County) Ohio, to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority pending under MC 135701 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 117883 (Sub-No. 179) filed June 7, 1973 Applicant: SUBLER TRANSFER, INC. 791 East Main St. Versailles, Ohio 45380 Applicant's representative: Edward J. Subler P.O. Box 62 Versailles, Ohio 45380 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from Decatur, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: Applicant states

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that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 119340 (Sub-No. 2) filed June 6, 1973 Applicant: CENTRAL COAST TRUCK SERVICE, INC. P.O. Box AD Watsonville, Calif. 93635 Applicant's representative: Roland R. Schmidt (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooked, cured or preserved meats and sausage*, moving in vehicles equipped with mechanical refrigeration, from the plantsite of Made Rite Sausage, Inc., located at or near Sacramento, Calif., to the distribution center of Made Rite Sausage, Inc., located at or near Medford, Oreg., under contract with Made Rite Sausage, Inc., Sacramento, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Sacramento, Calif.

No. MC 119422 (Sub-No. 53) (CLARIFICATION) filed February 8, 1973, published in the FEDERAL REGISTER issue of March 22, 1973, and corrected in publication on April 5, 1973, and in third publication this issue. Applicant: Ee-JAY MOTOR TRANSPORTS, INC. 15th and Lincoln Streets East St. Louis, Ill. 62204 Applicant's representative: Ernest A. Brooks II 1301 Ambassador Building St. Louis, Missouri 63101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and resins*, in bulk, from Belleville, Ill. and points in its Commercial Zone (including those in East St. Louis, Ill.), to points in Missouri, Kansas, Colorado, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska, restricted to traffic having an immediately prior movement by rail. Note: The purpose of this republication is to clarify applicant's requested origin territory and indicate the restriction as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C. The order of May 24, 1973, by which this application was directed for handling under modified procedure is vacated and set aside by order of the Commission issued July 5, 1973.

No. MC 119632 (Sub-No. 58) filed May 25, 1973 Applicant: REED LINES, INC. 634 Ralston Avenue Defiance, Ohio 43512 Applicant's representative: John P. McMahon 100 East Broad Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or *preserved, cooking or edible oils, matches, oleo-margarine* and *shortening*, from the plantsite and warehouse facilities of Hunt-Wesson Foods, Inc. at or near Toledo, Ohio, and its Commercial Zone, to points in West Virginia and those in Kentucky east of Kentucky Highway 7. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 119864 (Sub-No. 54) filed June 4, 1973 Applicant: HOFER MOTOR TRANSPORTATION CO. a Corporation 26740 Eckel Road Perrysburg, Ohio 43551 Applicant's representative: Dale K. Craig (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Archbold, Ohio to points in Indiana, Illinois, Kentucky, Michigan, and St. Louis, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 123067 (Sub-No. 118) filed June 4, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative: William P. Sullivan Federal Bar Building West 1819 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Chatham County, Ga., to points in South Carolina. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123872 (Sub-No. 10) filed May 15, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts., S.E. Hickory, N.C. 38601 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the facilities of Elkin Furniture Company at or near Elkin, N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 123872 (Sub-No. 11) filed May 15, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts., S.E. Hickory, N.C. 28601 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, between points in Carter and Washington Counties, Tenn., on the one hand, and, on the other, points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Carolina, Oklahoma, Texas and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 123885 (Sub-No. 14) filed June 5, 1973 Applicant: C & R TRANSFER, CO. a Corporation 1315 West Blackhawk Sioux Falls, S. Dak. 57101 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Pennington County, S. Dak., to points in North Dakota. Note: Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Sioux Falls, S. Dak.

No. MC 124711 (Sub-No. 18) filed June 11, 1973 Applicant: BECKER AND SONS, INC. P.O. Box 1050 El Dorado, Kans. 67042 Applicant's representative: T. M. Brown 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Ponca City, Okla. and Borger and Sheerin, Tex., to points in Kansas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 124711 (Sub-No. 19) filed June 11, 1973 Applicant: BECKER AND SONS, INC. P.O. BOX 1050 El Dorado, Kans. 67042 Applicant's representative: T. M. Brown 600 Leininger Building Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Kansas. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 126844 (Sub-No. 21) filed May 24, 1973 Applicant: R. D. S. TRUCKING CO., INC. 1713 North Main Road Vineland, N.J. 08360 Applicant's representative: Jacob P. Billig 1108 16th Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from Chelsea, Mich., to points in Pennsylvania, New Jersey, New York, Maine, Massachusetts, Connecticut, Vermont, New Hampshire, Rhode Island, Virginia, Maryland, Delaware, and the District of Columbia. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 65) filed June 8, 1973 Applicant: USHER TRANSPORT, INC. 3925 Old Benton Road Paducah, Ky. 42001 Applicant's representative: George M. Catlett 703–706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, and *empty malt beverage containers* on return, from Detroit, Mich., to Chandler, Ind. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Evansville, Ind.

No. MC 128343 (Sub-No. 22) filed June 6, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W., Suite 501 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and supplies*, used in the manufacture and distribution of plastic materials and plastic products, from North Smithfield, R.I. and Jerome, Idaho to points in Minnesota and Wisconsin, under contract with The Tupperware Co. Note: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128878 (Sub-No. 29) filed May 31, 1973 Applicant: SERVICE TRUCK LINE, INC. P.O. Box 3904 Shreveport, La. 71103 Applicant's representative: Ewell H. Muse, Jr. 415 Perry-Brooks Building Austin, Tex. 78701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plant site of Commercial Solvents Corporation at Sterlington, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, restricted to traffic originating at the plant site of Commercial Solvents Corporation. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., Baton Rouge, La., or Little Rock, Ark.

No. MC 128878 (Sub-No. 30) filed June 11, 1973 Applicant: SERVICE TRUCK LINE, INC. P.O. Box 3904 Shreveport, La. 71103 Applicant's representative: Ewell H. Muse, Jr. 415 Perry-Brooks Building Austin, Tex. 78701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Simsboro, La. to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or New Orleans, La., or Houston, Tex.

No. MC 129516 (Sub-No. 16) filed May 23, 1973. Applicant: PATTON'S, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated potato granules*, from the ports of entry on the International Boundary line between the United States and Canada located in Washington, Idaho, Montana and North Dakota, to points in Wisconsin, Illinois, and those in or west of Minnesota, Iowa, Missouri, Arkansas and Louisiana; and (2) *meat, meat products and meat byproducts*, from the ports of entry on the International Boundary line between the United States and Canada located in Montana, Idaho, North Dakota and Minnesota, to points in California, Iowa, Minnesota and Washington, restricted in (1) above to traffic moving in foreign commerce from points in Canada. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 129600 (Sub-No. 13) filed May 29, 1973 Applicant: POLAR TRANSPORT, INC. 176 King St. Hanover, Mass. 02339 Applicant's representative: Frank J. Weiner 15 Court Square Boston, Mass. 02108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ice cream, ice cream confections, ice water confections and sherbert*, (a) from Suffield, Conn., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Maine, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia and the District of Columbia; (b) from Laurel, Md. and York, Pa., to Suffield, Conn.; and (2) *packaging materials, and materials, supplies, and ingredients* used in the manufacture of ice cream, ice cream confections, ice confections, ice water confections, sherbert, and dairy products, from points in New Jersey and New York to Suffield, Conn. and Agawam, Mass. RESTRICTION: Restricted to a transportation service to be performed under a contract or continuing contracts with H. P. Hood, Inc., Charlestown, Mass. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 134721 (Sub-No. 5) filed June 18, 1973 Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCE CO. E. 3417 Springfield Spokane, Wash. 99202 Applicant's representative: Donald A. Ericson 708 Old National Bank Building Spokane, Wash. 99201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard and pulpboard*, corrugated and non-corrugated, and *boxes*, fiberboard and pulpboard, corrugated and non-corrugated, from the plant site of Boise Cascade Corp. at or near Wallula, Wash., and from points in Spokane County, Wash. to points in Montana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Oreg.

No. MC 134925 (Sub-No. 1) filed June 19, 1973 Applicant: CUMMINGS TRUCKING COMPANY, INC. P.O. Box 10492 Birmingham, Ala. 35401 Applicant's representative: William P. Jackson, Jr. 919 Eighteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, pipe, valves, fittings, hydrants, castings and accessories* thereof, from the facilities of Central Foundry Company at or near Holt, Ala., to points in Mississippi, Tennessee, North Carolina, South Carolina, Georgia and Florida. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Tuscaloosa, Ala.

No. MC 136211 (Sub-No. 15) filed June 11, 1973 Applicant: MERCHANTS HOME DELIVERY SERVICE, INC. 210 St. Mary's Drive, Suite G Oxnard, Calif. 93030 Applicant's representative: G. M. Rebman 1230 Boatmen's Bank Bldg. 314 North Broadway St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois, Inc., at Fairview Heights (near Belleville), Ill., to points in St. Louis, St. Charles, Franklin and Jefferson Counties, Mo., and St. Louis, Mo., and *returned shipments* of the above named commodity, from the above described destination territory, to the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois, Inc., at Fairview Heights (near Belleville), Ill., under continuing contract with Levitz Furniture Corporation of Illinois, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 136318 (Sub-No. 9) filed May 31, 1973 Applicant: COYOTE

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TRUCK LINE, INC. 395½B West Fleming Drive Morganton, N.C. 28655 Applicant's representative: Walter F. Jones, Jr. 601 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from High Point, Morganton, Marion and Spruce Pine, N.C., to points in Texas, California, Arizona and Colorado, under a contract with Henredon Furniture Industries, Inc. of Morganton, N.C. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Raleigh, N.C.

No. MC 136319 (Sub-No. 3) filed March 9, 1973 Applicant: CUSTOM TRANSIT, INC. 2406 Glenbrook South Garland, Tex. 75040 Applicant's representative: Glen M. White 3100 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, and mineral wool conduit or pipe*, from Dallas, Tex., to points in Oklahoma, under contract with Certain-Teed Products Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 136511 (Sub-No. 3) filed May 31, 1973 Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION P.O. Box 48 Big Island, Va. 24526 Applicant's representative: Frank B. Kand, Jr. P.O. Box 446 Winchester, Va. 22601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in Augusta, Henrico, Lunenburg, Roanoke and Appomattox Counties, Va.; Caldwell, Graham and Guilford Counties, N.C.; and Marion County, S.C., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming; and (2) from points in Henry County, Va., to points in New Mexico, Colorado, Idaho and Texas. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136987 (Sub-No. 4) filed May 24, 1973 Applicant: REMINGTON FREIGHT LINES, INC. 604 North Main Street Remington, Ind. 47977 Applicant's representative: Warren C. Moberly 777 Chamber of Commerce Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, from Sewaren, N.J. and Middletown, Conn., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under contract with Phillipp Brothers Chemicals, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C.

No. MC 138195 (AMENDMENT) filed November 6, 1972, published in the FEDERAL REGISTER issue of December 28, 1972, and republished, as amended, this issue. Applicant: MID-ISLAND MESSENGER SERVICE, INC. 1044 Northern Boulevard Roslyn, L.I., N.Y. Applicant's representative: Arthur J. Piken One Lafrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, limited to shipments not exceeding 100 pounds, in messenger service, (restricted against the transportation of baggage, personal effects for campers, and household appliances and furniture), between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey and Connecticut. Note: The purpose of this republication is to indicate that applicant seeks to include New York in its destination territory. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138375 (Sub-No. 5) filed June 7, 1973 Applicant: J. H. WARE TRUCKING, INC. 909 Brown Street P.O. Box 398 Fulton, Mo. 65251 Applicant's representative: J. H. Ware (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising and displays*, from the plant-site and warehouse facilities utilized by Triangle Publications, Inc. at or near Philadelphia, Pa., to points in California, Washington, Oregon, Idaho, Nevada, Wyoming and Montana, under a contract with Triangle Publications, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Lincoln, Neb.

No. MC 138395 (Sub-No. 2) filed June 5, 1973. Applicant: DOUGLAS H. WEST, Post Office Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap steel* from Salisbury, Md., to Philadelphia, Pa., and Camden and Burlington, N.J. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138561 filed March 19, 1973. Applicant: FRANK PARKER, doing business as MARV'S WRECKER SERVICE, 231 St. Joe Street, Rapid City, S. Dak. 57701. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles and replacements therefor*, between points in South Dakota, on the one hand, and, on the other hand, points in Montana, Minnesota, Nebraska, N. Dakota and Wyoming. Note: Applicant states that the requested authority cannot or will not be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., Billings, Mont., or St. Paul, Minn.

No. MC 138596 (Sub-No. 1) filed April 19, 1973 Applicant: EDWARD HUEBNER, doing business as ED'S TOWING & REPAIR 1831 E. North Street Rapid City, S. Dak. 57701 Applicant's representative: Ken C. Graves 520 Kansas City Street Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, replacement, stolen or repossessed vehicles*, in tow-away service, between points in South Dakota and points in Wyoming, Montana, North Dakota, Iowa, Nebraska, Minnesota and Colorado. Note: If a hearing is deemed necessary, applicant requests it be held at Pierre, or Rapid City, S. Dak.

No. MC 138602 (Sub-No. 2) filed June 13, 1973 Applicant: FOREST TRANSPORT CORP. P. O. Box 7015 Savannah, Ga. 31408 Applicant's representative: W. Randall Tye 1500 Candler Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Peeler cores* (trees cut to length, peeled), from Savannah, Ga. and Whiteville, N.C., to Russellville, S.C. Note: Applicant has concurrently filed a motion for dismissal. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Augusta, Ga.

No. MC 138698 filed May 2, 1973. Applicant: KAYDOR TRUCKING COMPANY, INC., P.O. Box 205, Metuchen, N.J. 08840. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials and supplies, and chemicals*, (except in bulk) between Elizabethport, N.J., and points in Somerset and Middlesex Counties, N.J., on the one hand, and, on the other, points in Arkansas, Delaware, Kentucky, Kansas, Illinois, Indiana, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia and Wisconsin. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with H. L. Industries, Inc., New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138758 (Sub-No. 2) filed June 11, 1973. Applicant: NORTHERN GAS, INC., Lyndonville, Vt. 05851. Applicant's representative: John P. Monte, 61 Summer St., Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas* in bulk, from port of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., Highgate Springs, Derby Line and Northon, Vt., to points in New Hampshire, New York and Vermont. Note: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., Albany, N.Y., or Boston, Mass.

No. MC 138795 filed May 21, 1973 Applicant: MOTOR EQUIPMENT TRANSPORT, INC. P.O. Box 849, Highway 65B Conway, Ark. 72032 Applicant's representative: George O. Jernigan, Jr. P.O. Box 3003 Little Rock, Ark. 72032 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buses, vans, trucks and motor vehicles* of various types and design, by drive-away service, between points in the United States, including Alaska (but excluding Hawaii), under a contract with Ward School Bus Mfg., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 138807 filed May 29, 1973 Applicant: TOM ALEXANDER, doing business as TOM ALEXANDER & SON P.O. Box 5717 Jackson, Miss. 39208 Applicant's representative: K. Edward Wolcott 1600 First Federal Building Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring and washing compounds, toilet preparations, shampoo, soap, perfume, toiletries, advertising material and packaging material*, from Jackson, Miss., and Memphis, Tenn. to points in Washington, Arizona, California, Nevada, Oregon, Utah, Colorado, and New Mexico, and *returned, rejected or outdated merchandise*, from points in the above named destination states, to Jackson, Miss., and Memphis, Tenn., under contract with American Cyanamid Company. Note: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., New Orleans, La., or Memphis, Tenn.

No. MC 138810 filed June 4, 1973 Applicant: DETROIT TRANSFER COMPANY, a Corporation 1700 Waterman Detroit, Mich. 48209 Applicant's representative: John W. Ester Suite 1700—One Woodward Avenue Detroit, Mich. 48226 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores*, between points in Michigan and Ohio, restricted to traffic originating at or destined to the stores or other facilities of J. L. Hudson Co., under a continuing contract with J. L. Hudson Co. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 138811 filed May 31, 1973 Applicant: NICHOLAS I. RUIZ & EDYTHE M. RUIZ doing business as ARLINGTON PACKAGING AND MOVING COMPANY 3125 Tenth Street Riverside, Calif. 92507 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, between points in Riverside, San Bernardino, Orange, Los Angeles, San Diego and Imperial Counties, Calif. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or Riverside, Calif.

No. MC 138818 filed May 29, 1973 Applicant: ETHEL DOLIN doing busiess as, DOLIN'S TRUCKING, INC. Route 2, #8 Nova Place Charleston, W. Va. 25314 Applicant's representative: Ethel Dolin (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flake petroleum pitch*, in bulk, in dump trucks, from the facilities of Ashland Oil Company, Leech, Ky., to the facilities of Union Carbide Tech Center at South Charleston, W. Va., under a continuing contract with Union Carbide Corporation. Note: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 138830 filed June 1, 1973 Applicant: DONALD HOLLAND TRUCKING, INC. 1300 Main Street Keokuk, Iowa 52632 Applicant's representative: Kenneth F. Dudley 611 Church Street P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silicon metal, manganese metal, ferro alloys* and *pig iron* in dump vehicles and flatbed trailers, from Keokuk, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska and Wisconsin; and (2) *Scrap metal*, from points in Illinois, Kansas, Minnesota, Missouri, Nebraska and Wisconsin; to Keokuk, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS FOR FILING BROKERAGE LICENSES

No. MC 130077 (Sub-No 1) (AMENDMENT) filed April 2, 1973, published in the FEDERAL REGISTER issue of June 1, 1973 and republished as amended this issue. Applicant: STAATS-HEROLD CORPORATION doing business as: STAATS - HEROLD TOURS 60–20 Broadway Woodside, N.Y. 11377 Applicant's representative: Larsh B. Mewhinney 235 Mamaroneck Ave. White Plains, N.Y. 10605 For a license (BMC–5) to engage in operations as a *broker* at Miami, Fla., in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage* in special and round-trip operations, in sightseeing and pleasure tours, beginning and ending at Miami, Fla., and extending to points in the United States (except Florida, Alaska and Hawaii). Note: The purpose of this republication is to clarify applicant's request for authority by deleting "North Miami Beach, Fla." as the location for applicant's brokerage facilities and as the initial and terminal points for applicant's operations, and substituting in lieu thereof "Miami, Fla."

No. MC 130203 filed May 16, 1973 Applicant: GULLIVER'S TRAVELS, INC. One Charlottetown Center Suite 479 Charlotte, N.C. 28204 Applicant's representative: Bart William Shuster 112 N. Myers Street Charlotte, N.C. 28202 For a license (BMC–5) to engage in operations as a *broker* at Charlotte, N.C., Gastonia, N.C. and Honolulu, Hawaii, in arranging for transportation, by motor vehicle, in interstate or foreign commerce, of *individual passengers and groups of passengers and their baggage*, in special and charter operations, from points in Mecklenburg and Gaston Counties, N.C., to points in the United States including Alaska and Hawaii.

APPLICATION FOR FILING WATER CARRIER

No. W–471 (Sub-No. 5) filed July 3, 1973 Applicant: MERRY SHIPPING COMPANY, INC. 604 East Bay Street Savannah, Ga. 31402 Applicant's representative: William P. Jackson, Jr. 919 18th Street, N.W. Washington, D.C. 20006 Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation, by towing vessels, of *general towage of non-self-propelled vessels* having a prior or subsequent movement by mother ship, between ports and points along the Atlantic Coast and inland tributary waterways from Newbern, N.C., to Miami, Fla., inclusive. Note: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

MOTOR CARRIER OF PASSENGER

No. MC 138802 filed May 24, 1973 Applicant: SUMMIT TOWN TRANSIT RENTAL, INC. 211 Wilmer Street P.O. Box 426 Glassboro, N.J. 08028 Applicant's representative: Charles J. Williams 47 Lincoln Park Newark, N.J. 07102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Vineland, N.J., and points in Gloucester County, N.J., and extending to Chicago, Ill., Detroit, Mich., and points in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia. Note: If a

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hearing is deemed necessary, applicant requests it be held at Camden, N.J.

APPLICATION FOR FILING POSTAL CERTIFICATES

INTERSTATE COMMERCE COMMISSION, No. MC-137024, (NOTICE OF FILING AN APPLICATION FOR A POSTAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed May 21, 1973. Applicant: MARION ALLEN MITCHELL 12206 Bellafonte Drive Dallas, Tex. 75231 Applicant's representative: Gerald A. Braswell 512 Candlewood Road Fort Worth, Tex. 76103 By application filed May 21, 1973, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory: (1) Between Dallas and Josephine, Tex., from Dallas, over Texas Highway 66 to Caddo Mills, thence over Texas Farm Road 6 to Josephine, and return over the same route, serving the intermediate points of Garland, Rockwall, Fate, Royce City, and Caddo Mills, and (2) between Dallas and Lake Dallas, Tex., from Dallas over Interstate Highway 35E to Carrolton, thence over Belt Line Road to Adison, thence over Belt Line Road to Copel, thence over Texas Highway 121 to Lewisville, thence over Interstate Highway 35E to Lake Dallas, and return over the same route, serving the named intermediate points. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route Nos. 75230 and 75234 (formerly Route Nos. 75010 and 75017, respectively), relating to service between Dallas and Josephine, Tex., and Dallas and Lake Dallas, Tex. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

INTERSTATE COMMERCE COMMISSION. No. MC 137025. (NOTICE OF FILING AN APPLICATION FOR A POSTAL CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY), filed March 22, 1973. Applicant: FRYE ENTERPRISES, INC. Box 368 Belleville, Kans. 66935 Applicant's representative: Verne A. Frye (same address) By application filed March 22, 1973, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* in the following territory:

(1) Between Wichita, Kans., and Kansas City, Mo., (a) from Wichita, Kans., over Interstate Highway 35 to Topeka, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, serving the intermediate points of Emporia and Topeka, Kans., or (b) from Wichita, Kans. over U.S. Highway 50 to its junction with Interstate Highway 35 near Ottawa, Kans., and thence over Interstate Highway 35 to Kansas City, Mo., and return over the same route, serving the intermediate point of Emporia, Kans.; (2) between Wichita, Kans., and Omaha, Nebr., over Interstate Highway 35W to Salina, Kans., thence over U.S. Highway 81 to its intersection with Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., and return over the same route, serving the intermediate point of Salina, Kans., and (3) between Concordia, Kans., and Kansas City, Mo., from Concordia, Kans., over U.S. Highway 81 to Salina, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route, serving the intermediate point of Salina, Kans. Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route Nos. 67024, 68018, and 66910 relating to service between Wichita, Kans., and Kansas City, Mo., between Wichita, Kans. and Omaha, Nebr., and between Concordia, Kans., and Kansas City, Mo., respectively.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the Federal Register. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14798 Filed 7-19-73;8:45 am]

[Notice 93]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 11, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 79 TA) filed July 2, 1973 Applicant: TAJON, INC. P.O. Box 146 R.D. 5 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918 - 16th Street, N.W. Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and Ores*, in dump vehicles, (A) from Philo, Muskingum County, and Powhatan, Monroe County, Ohio, to points in Illinois, Missouri, New York, Pennsylvania, Tennessee, Virginia, and West Virginia, and (B) from Brilliant, Jefferson County, Ohio, to points in Illinois, Missouri, New York, Pennsylvania (except points in Armstrong, Mercer, Lawrence, Butler, Allegheny, Washington, Greene, Fayette, and Westmoreland Counties, Pa.), Tennessee, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: Ohio Ferro-Alloys Corporation, Canton, Ohio. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 26396 (Sub-No. 81 TA) filed June 28, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 Livingston, Mont. 59047 Applicant's representative: Dave Kemp (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and particleboard*, from points in Douglas County, Oreg., to points in Winona County, Minn., for 180 days. SUPPORTING SHIPPER: Winona Industries, 601 East Front Street, Winona, Minn. 55987. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Bldg. Billings, Mont. 59101.

No. MC 26396 (Sub-No. 82 TA) filed July 2, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Wayne Waggoner (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Afton, Wyo., to points in Texas, Oklahoma and Kansas, for 180 days. SUPPORTING SHIPPER: Slaughter Brothers, Glacier Bldg., Kalispell, Mont. 59901. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 107295 (Sub-No. 650 TA) filed June 28, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floating boat docks, ramps materials, supplies, and fixtures and accessories* incidental to completion, erection and installation thereof, from Galesburg, Ill., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., Pittsburgh, Pa. 15219. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Ave., Room 414, Springfield, Ill. 62701.

No. MC 109677 (Sub-No. 46 TA) filed June 29, 1973 Applicant: FORT EDWARD EXPRESS CO., INC. Route 9 Saratoga Road Fort Edward, N.Y. 12828 Applicant's representative: J. Fred Relyea (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aviation gasoline*, in bulk, in tank vehicles, from Newington, N.H., to Rome and Watertown, N.Y., for 180 days. SUPPORTING SHIPPER: Curtis L. Wagner, Jr., Special Assistant to The Judge Advocate General, Department of the Army, Washington, D.C. 20310. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Bldg., Albany, N.Y. 12207.

No. MC 113784 (Sub-No. 49 TA) filed June 29, 1973 Applicant: LAIDLAW TRANSPORT LIMITED 65 Guise Street Hamilton 21, Ontario, Canada Applicant's representative: David A. Sutherlund 2001 Massachusetts Avenue, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Thorold, Ontario, Canada, to Johnsonburg, Pa., for 180 days. SUPPORTING SHIPPER: The Ontario Paper Company, Limited, Allanburg Road, Thorold, Ontario, Canada. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 117940 (Sub-No. 92 TA) filed June 29, 1973 Applicant: NATIONWIDE CARRIERS, INC. P.O. Box 104 Maple Plain, Minn. 55359 Applicant's representative: Allan L. Timmerman (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, wire and wooden racks*, from points in New York, New Jersey and Pennsylvania, to the warehouse sites of J. L. Marsh, Inc. at Minneapolis, Minn., restricted to traffic originating at points in named origin states and destined to the named destinations, for 180 days. SUPPORTING SHIPPER: J. L. Marsh, Inc., 7600 Wayzata Boulevard, Minneapolis, Minn. 55426. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. and U.S. Court House, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118142 (Sub-No. 50 TA) filed June 29, 1973 Applicant: M. BRUENGER & CO., INC. 6250 North Broadway, Wichita, Kans. 67219 Applicant's representative: Lester C. Arvin 814 Century Plaza Bldg. Wichita, Kans. 67202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plantain bananas*, from Tampa, Fla., to Los Angeles, Calif., for 180 days. SUPPORTING SHIPPER: Caribbean Pacific Atlantic, 1266–1276 Produce Row, Los Angeles, Calif. 90021. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 118202 (Sub-No. 11 TA) filed June 29, 1973 Applicant: SCHULTZ TRANSIT, INC. Box 503–323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail gift stores, from Laredo, Tex., to Winona, Minn., for 180 days. SUPPORTING SHIPPER: L.A.S., Incorporated, D.B.A., Mexico, U.S.A., 1023 Mankato Avenue, Winona, Minn. 55987. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. and U.S. Court House, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 123885 (Sub-No. 15 TA) filed June 29, 1973 Applicant: C AND R TRANSFER CO. (S. Dak. Corp.) 1315 West Blackhawk Street Sioux Falls, S. Dak. 57104 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, clay, and foundry molding sand treating compound* in bulk, from the plant site of American Colloid Co., at or near Belle Fourche, S. Dak., to Mason City and Waterloo, Iowa; St. Joseph, Mo.; and Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: American Colloid Co., P. O. Box 228, Skokie, Ill. 60076, Robert N. Garity, Supervisor/Coordinator—Rates and Services. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 123885 (Sub-No. 16 TA) filed June 29, 1973 Applicant: C AND R TRANSFER CO. (S. Dak. Corp.) 1315 West Blackhawk Street Sioux Falls, S. Dak. 57104 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Freight—all kinds*, between points in Rapid City, S. Dak. and Belle Fourche, S. Dak., having a prior or subsequent movement by rail, for 180 days: SUPPORTING SHIPPER: American Colloid Co., P.O. Box 228, Skokie, Ill. 60076, Robert N. Garity, Supervisor/Coordinator rates and services. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 128007 (Sub-No. 53 TA) filed June 29, 1973 Applicant: HOFER, INC. 4032 Parkview Drive P.O. Box 583 Pittsburg, Kans. 66762 Applicant's representative: Clyde N. Christey 641 Harrison Topeka, Kans. 66603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranpsorting: *Cottonseed meal*, Abilene, Tex., to Storm Lake and Royal, Iowa and Worthington and Gluek, Minn., for 150 days. SUPPORTING SHIPPER: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128762 (Sub-No. 9 TA) filed July 5, 1973 Applicant: P. L. LAWTON, INC. P.O. Box 325 Berwick, Pa. 18603 and Off: Rt. 11, R. D. #5 Bloomsburg-Berwick Highway Bloomsburg, Pa. 17815 Applicant's representative: John M. Musselman P.O. Box 1146 Harrisburg, Pa. 17108 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, not frozen and not in bulk; and *advertising materials and displays*, from the facilities of Old London Foods, Division of Borden, Inc., New York, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Wise Foods Division of Borden Foods, Borden, Inc., 228 Roseley St., Berwick, Pa. 18603. SEND PROTESTS TO: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134329 (Sub-No. 2 TA) filed June 28, 1973 Applicant: FISCUS MOTOR FREIGHT, INC. 1121 S. 29th Avenue Yakima, Wash. 98901 Applicant's representative: Philip G. Skofstad 3076 E. Burnside Portland, Oreg. 97214 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Redding and McCloud, Calif. and Bend, Oreg., to Yakima, Wash., for 180 days. SUPPORTING SHIPPER: Yakima Manufacturing Corporation, 1223 North Sixth Avenue, Yakima, Wash. 98902. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

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No. MC 136230 (Sub-No. 1 TA) filed May 29, 1973 Applicant: INTERSTATE WAREHOUSING CORPORATION doing business as INTERMODAL CONTAINERS EXPRESS 9805 North Main Street Jacksonville, Fla. 32218 Applicant's representative: John Moseley 10101 North Main Street Jacksonville, Fla. 32218 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty cargo containers* having a prior or subsequent movement by water and (2) *container chassis*, from Jacksonville, Fla., to points in Florida, Georgia, and South Carolina, on the one hand, and from all points in Florida, Georgia, and South Carolina, to Jacksonville, Fla., on the other hand, for 180 days. SUPPORTING SHIPPERS: CTI-Container Transport International, Inc., 31 West Congress, Room 203; Savannah, Ga. 31401 and Gold Kist, Inc., 3348 Peachtree Road, N.E., P.O. Box 2210, Atlanta, Ga. 30301. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136285 (Sub-No. 4 TA) filed July 3, 1973 Applicant: SOUTHERN INTERMODAL LOGISTICS, INC. P.O. Box 9165 Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr. 919 Eighteenth Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged clay*, in cargo containers, from points in Aiken County, S.C. and Chatham, Richmond, Jefferson, Wilkes, Washington, Wilkinson, Twiggs, Bibb, Decatur, Columbia, McDuffie, Taliaferro, Glascock, Hancock, Baldwin, Peach, Houston, Macon, Schley, Sumter, Lee, Dougherty, Baker, Mitchell, Grady, and Thomas Counties, Ga., to Jacksonville, Fla., restricted to the transportation of traffic having a subsequent move by water; and (2) *empty cargo containers* to be used in the transportation of bagged clay, from points in Jacksonville, Fla., to points in the 27 counties named in (1) above, for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 138735 TA (CORRECTION) filed May 17, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished as corrected this issue. Applicant: WALTER BAMMON AND GENE ANDERSON doing business as B & A TRUCKING Route 1, Box 905 Bristol, Tenn. 37620 Applicant's representative: Luther H. Icenhour Bristol, Tenn. 37620 Note: The purpose of this republication is to show that applicant now seeks to operate as a *contract carrier*, in lieu of a common which was published in error. The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14049 Filed 7-19-73;8:45 am]

[Notice 94]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 12, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210A(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7832 (Sub-No. 24 TA) filed June 28, 1973 Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN doing business as SUPER M FOODS DELIVERY 411A North Wood Avenue Linden, N.J. 07036 Applicant's representative: Bert Collins 140 Cedar Street New York, N.Y. 1006 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores and food business houses (except commodities in bulk) and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), from Edgewater, N.J., to Central Islip, N.Y., for 180 days. SUPPORTING SHIPPER: Waldbaum, Inc., 700 East Gate Blvd., Garden City, L.I., N.Y. 11530. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 19778 (Sub-No. 86 TA) filed July 3, 1973 Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY Room 508, 516 West Jackson Blvd. Chicago, Ill. 60606 Applicant's representative: W. Gallagher (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, N. O. I. crushed, ground, pulverized; foundry moulding sand treating compound; water impedence board*, between American Colloid plant at or near Belle Fourche, S. Dak. and Rapid City, S. Dak., restricted to traffic having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: American Colloid Company, 5100 Suffield Court, Skokie, Ill. 60076. SEND PROTESTS TO: District Supervisor W. Gray, Jr., Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 29120 (Sub-No. 161 TA) filed July 2, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware Street, P.O. Box 769 (Box zip 57101) Sioux Falls, S. Dak. 57104. Applicant's representative: Michael J. Ogborn (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products* (except wood chips and commodities in bulk), *pressure treated poles, pressure treated posts, and pressure treated lumber*, from points in Weston and Crook Counties, Wyo., to points in Colorado, North Dakota, Nebraska, South Dakota, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, and Ohio, for 180 days. SUPPORTING SHIPPER: Cambria Forest Industries, Inc., P.O. Box 490, Newcastle, Wyo. 82701. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 56679 (Sub-No. 77 TA) filed June 20, 1973. Applicant: BROWN TRANSPORT CORP., P.O. Box 585, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the plant site and facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, restricted to traffic originating at the above named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 71652 (Sub-No. 5 TA) filed May 29, 1973 Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road P.O. Box 2543 White City, Oreg. 97501 Applicant's representative: Paul Bird, Jr. 225 N.E. Middlefield Road Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and insulating materials, flat glass and steel articles consisting of wire rope or cable, sheet steel, decking and coils*, from points in Fresno, Santa Clara, San Joaquin, Contra Costa Counties, Calif. and San Francisco Bay area, to points in Oregon and Washington, for 180 days. Note: Applicant intends to tack at Medford, Oreg. with MC 71652. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 71652 (Sub-No. 6 TA) filed May 29, 1973 Applicant: BYRNE TRUCKING, INC. 1780 Antelope Road P.O. Box 2543 White City, Oreg. 97501 Applicant's representative: Paul Bird, Jr. 225 N.E. Middlefield Road Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and plywood paneling*, from points in Oregon west of U.S. Highway 97 and points in Clark and Cowlitz Counties, Wash., to points in Oregon and California, for 180 days. SUPPORTING SHIPPERS: Goodrich Forest Products, Inc., P.O. Box 25154, Portland, Oreg. 97225; Lamon Lumber Company, 703 Market Street, San Francisco, Calif. 94103; Oregon-Pacific Industries, P.O. Box 1231, Portland, Oreg. 97207; Trimac Panel Products, P.O. Box 25277, Portland, Oreg. 97221; Vanply, Inc., P.O. Box 720, Vancouver, Wash. 98660; and The Welsh Corporation, P.O. Box 1218, Longview, Wash. 98632. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 76449 (Sub-No. 13 TA) filed July 3, 1973 Applicant: NELSON'S EXPRESS, INC. 675 North Market Street Millersburg, Pa. 17061 Applicant's representative: John M. Musselman 410 North Third Street Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive and trailer axles and parts thereof, automotive and trailer wheels, hub and drum assemblies and parts thereof, automotive and trailer brake assemblies and parts thereof, rims, tires, and tires mounted on rims*, from Pine Grove, Pa., to points in Maryland, New York, Ohio, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Foreman Mfg. Co., R.D. 1, Box 29, Pine Grove, Pa. 17963. SEND PROTESTS TO: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 84687 (Sub-No. 1 TA) filed June 29, 1973 Applicant: VETERANS TRUCK LINE, INC. P.O. Box 218 Bristol, Wis. 53104 Applicant's representative: R. J. Kempf 4011 So. 101 Street Greenfield, Wis. 53228 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat, meat products, meat by-products, frozen fish, fresh and frozen dairy products, fresh packed pickles, and salad dressing*, between Chicago, Ill., on the one hand, and points in Kenosha, Racine, Milwaukee, Waukesha, Jefferson, and Walworth Counties, Wis., on the other hand, restricted to shipments not exceeding 10,000 lbs. to be transported in refrigerated straight trucks only, for 180 days. SUPPORTING SHIPPERS: There are approximately 27 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies may be examined at the field office named below. SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 103191 (Sub-No. 39 TA) filed June 28, 1973 Applicant: THE GEO. A. RHEMAN CO., INC. 2019 Elgin Street P.O. Box 2095, Station A Charleston, S.C. 29403 Applicant's representative: Harris G. Andrews 301 Hammett Street Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Charleston, S.C., on the one hand, and, on the other, Louisville and Frankfort, Ky. and Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: National Distillers and Chemical Corporation, 99 Park Avenue, New York, N.Y. 10016. SEND PROTESTS TO: E. E. Strotheld, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Bldg., 1200 Main Street, Columbia, S. C. 29201.

No. MC 110098 (Sub-No. 136 TA) filed June 27, 1973 Applicant: ZERO REFRIGERATED LINES 1400 Ackerman Road P.O. Box 20380 San Antonio, Tex. 78220 Applicant's representative: T. W. Cothren (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, Arizona, New Mexico, Texas, Kansas, Oklahoma, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the above named origins, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway Bldg., Room 206, San Antonio, Tex. 78205.

No. MC 110525 (Sub-No. 1062 TA) filed June 27, 1973 Applicant: CHEMICAL LEEMAN TANK LINES, INC. 520 E. Lancaster Avenue P.O. Box 200 Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Octyl Phenol*, in bulk, in tank vehicles, from Rotterdam Junction, N.Y., to Ports of Entry on the International Boundary line, between the United States and Canada on the Niagara River for furtherance to Scarboro, Ontario, Canada, for 180 days. Note: Tacking is intended in conjunction with authority issued under Extra Provincial Operating License No. X-772 by the Ontario Transportation Board. SUPPORTING SHIPPER: Schenectady Chemicals, Inc., Congress St. & 10th Avenue, Schenectady, N.Y. 12303. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Williams J. Green, Jr. Federal Bldg., 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 111170 (Sub-No. 204 TA) filed June 28, 1973 Applicant: WHEELING PIPE LINE, INC. 2811 N. West Avenue P.O. Box 1718 El Dorado, Ark. 71730 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Union County, Ark., to points in Texas, for 180 days. SUPPORTING SHIPPERS: Lion Oil Company, Lion Oil Building, El Dorado, Ark. 71730 and Macmillan Ring-Free Oil Co., Inc., P.O. Box 1623, El Dorado, Ark. 71730. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114265 (Sub-No. 25 TA) filed June 14, 1973. Applicant: RALPH SHOEMAKER doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and steel trusses and component parts and laminated wooden beams*, (1) from the plantsite of Trus-Joist Corp., Hillsboro, Oreg., to points in Idaho and Montana and (2) from the plantsite of Trus-Joist Corp., Ft. Lupton, Colo., to points in Nevada and California, for 180 days. Note: Applicant does not intend to tack authority

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or interline with any other carriers. SUPPORTING SHIPPER: Trus-Joist Corporation, 900 E. Park Blvd., Boise, Idaho 83706. SEND PROTESTS TO: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort, Box 07, Boise, Idaho 83724.

No. MC 114274 (Sub-No. 22 TA) filed July 3, 1973. Applicant: VITALIS TRUCK LINES, INC. 137 N.E. 48th Street Place Mlg: P.O. Box 1703 (Box zip 50306) Des Moines, Iowa 50313 Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *water*, in containers, from Excelsior Springs, Mo., to the facilities of Mid-Continent Bottling Company at Omaha, Nebr. and Des Moines and Cedar Rapids, Iowa; and (B) *empty plastic containers*, from Council Bluffs, Iowa, to Excelsior Springs, Mo., for 180 days. SUPPORTING SHIPPER: United National Marketers, Inc., 9830 Penbroke Ln., Shawnee Mission, Kans. 66206. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116073 (Sub-No. 271 TA) filed June 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Shar-Lo Homes in Tekamah, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota and Wyoming, for 180 days. SUPPORTING SHIPPER: Shar-Lo Homes, 19th and J street, West Highway 32, Tekamah, Nebr. 68061. SEND PROTEST TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116073 (Sub-No. 272 TA) filed June 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, from points in Pennsylvania, to points in Illinois, Mississippi, Louisiana, Missouri, Arkansas, Tennessee, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: The Department of Housing & Urban Development, 116 South Main Street, Wilkes-Barre, Pa. SEND PROTEST TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 126276 (Sub-No. 81 TA) filed July 3, 1973 Applicant: FAST MOTOR SERVICE, INC. 12855 Ponderosa Drive Palos Heights, Ill. 60463 Applicant's representative: Robert H. Levy 29 S. LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories*, from the plant and warehouse sites of Heekin Can Division, Diamond International Corp. at Cincinnati, Ohio and Anderson Township, Hamilton County, Ohio, to points in the lower Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Diamond International Corporation, Heekin Can Division, 429 New Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128473 (Sub-No. 14 TA) filed June 27, 1973 Applicant: MONTANA EXPRESS, INC. LaSalle and Dakota Streets P.O. Box 3346 Butte, Mont. 59701 Applicant's representative: J. F. Meglen P.O. Box 1581 Billings, Mont. 59103 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* dealt in and distributed by wholesale grocers, in vehicles equipped with mechanical refrigeration, from points in California, Oregon and Washington, to Boulder, Deer Lodge, Galen, Gardiner, Glasgow, Glendive, Havre, Helena, Kalispell, Lewistown, Miles City, Plentywood, Sidney, Twin Bridges, Warm Springs and West Yellowstone, Mont., for 180 days. Note: Applicant intends to tack with authority presently held in Docket No. MC 128473. SUPPORTING SHIPPERS: Continental-Keil, Inc., 1509 Monad Road, Billings, Mont. 59103; Tri-State Food Brokers, Inc., P.O. Box 1575, Billings, Mont. 59103; Geo. L. Tracy Company, P.O. Box 1678, Great Falls, Mont. 59403; Big Sky Brokerage Co., P.O. Box 1644, Great Falls, Mont. 59403; Purex Corporation Ltd., 9300 Rayo Ave., South Gates, Calif. 90280; and The J. M. Smucker Company, P. O. Box 1447, Salinas, Calif. 93901. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 129784 (Sub-No. 5 TA) filed July 3, 1973 Applicant: DAVISON TRANSPORT, INC. Farmerville Highway P.O. Box 23 Ruston, La. 71270 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, having a prior movement by water, from Monroe, La.; Greenville and Vicksburg, Miss., to the plant sites of International Paper Company located at Pine Bluff, Ark.; Camden, Ark.; Bastrop, La.; Springhill, La.; Natchez, Miss.; Vicksburg, Miss.; and Atlanta, Tex., for 180 days. SUPPORTING SHIPPER: International Paper Company, P.O. Box 2328, Mobile, Ala. 36601, Mr. W. S. Engelson, Mgr. of Transportation Services. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 134404 (Sub-No. 9 TA) filed June 29, 1973 Applicant: AMERICAN TRANS-FREIGHT, INC. (Delaware Corp.) P.O. Box 499 South Bound Brook, N.J. 08880 Applicant's representative: Bert Collins Suite 6193 5 World Trade Center New York, N.Y. 10048 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, for the account of Union Camp Corporation, (1) from Paulsboro, N.J., to points in Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware and Maryland and (2) from Trenton, N.J., to points in Connecticut, New York, Delaware, Pennsylvania, and Maryland, for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, 1600 Valley Road, Wayne, N.J. 07470. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 138635 (Sub-No. 5 TA) filed June 28, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N.C. 28052 Applicant's representative: John R. Sims, Jr. Suite 600 1707 H Street, N.W. Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton knit underwear*, from Clio, Marlboro County, S.C. and Mullins, Marion County, S.C., to Los Angeles, National City and Oakland, Calif., for 180 days. SUPPORTING SHIPPER: B.V.D. Knitwear, Inc., Clio, S.C. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Rd.—Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 138841 (Sub-No. 1 TA) filed July 2, 1973 Applicant: BLACK HILLS TRUCKING CO. P.O. Box 3104 Rapid City, S. Dak. 57701 Applicant's representative: James W. Olson 506 West Boulevard Rapid City, S. Dak. 57701 Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *meat, meat by-products, tankage and hides*, from Rapid City, S. Dak., to points in California, Colorado, District of Columbia, Florida, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New York, North Dakota, Texas, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Black Hills Packing Co., P.O. Box 1304, Rapid City, S. Dak. 57701, Richard Sletten, Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 138863 TA filed July 2, 1973 Applicant: THOMAS H. JOY & COMPANY 114 Montgomery Street Bloomfield, N.J. 07003 Applicant's representative: Paul Keeler P.O. Box 253 So. Plainfield, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, N.J., on the one hand, and, on the other, points in Mercer County, N.J., for 180 days. RESTRICTION: Restricted to shipments having a prior or subsequent movement by air, for 180 days. Note: Applicant proposes to interline with air freight forwarders at Newark, N.J. SUPPORTING SHIPPERS: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By The Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14950 Filed 7-19-73;8:45 am]

[Notice 95]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 13, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31462 (Sub-No. 19 TA) filed June 29, 1973 Applicant: PARAMOUNT MOVERS, INC. 4320 Breezeway P.O. Box 23125 (Box zip 75203) Dallas, Tex. 75224 Applicant's representative: Carl Davidson 231 N. Lancaster Street Dallas, Tex. 75203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, New Hampshire, Connecticut, New Jersey, New York, North Carolina, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Note: Carrier intends to tack its authority with its base certificate, Sub 10, 11 and Sub 17 will be tacked. SUPPORTING SHIPPER: No shipper support. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 33919 (Sub-No. 8 TA) filed July 6, 1973 Applicant: FAIRCHILD GENERAL FREIGHT, INC. Mlg: P.O. Box 1649 Off: 19 Washington Avenue (Route 7) Yakima, Wash. 98907 Applicant's representative: George H. Hart 1100 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Yakima, Wash., to ports of entry on the United States-Canada International Boundary line at or near Oroville, Wash., for 180 days. SUPPORTING SHIPPER: L. P. Michelsen Company, Inc., P.O. Box 614, 202 North 2nd Avenue, Yakima, Wash. 98907. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 42537 (Sub-No. 48 TA) (AMENDMENT) filed July 2, 1973 Applicant: CASSENS TRANSPORT COMPANY 1 West State Street Hamel, Ill. 62046 and P.O. Box 468 (Box zip 62025) Edwardsville, Ill. Applicant's representative: Donald W. Smith 900 Circle Tower Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New automobiles, new trucks, new bodies, new cabs, new chassis, and parts thereof*, restricted to initial movements, in truckaway service, from the manufacture and assembly facilities of Chrysler Corporation in Wayne and Macomb Counties, Mich. and Windsor, Ontario, Canada, to points in Wisconsin, and (2) *automobiles, trucks, bodies, cabs, chassis and parts* thereof, new used, unfinished, and/or wrecked, restricted to secondary movements, in truckaway service, between points in Wayne and Macomb Counties, Mich., on the one hand, and, on the other, points in Wisconsin, for 180 days. RESTRICTION: The authority granted herein is restricted to the transportation of traffic originating at Chrysler Corporation plants. Note: Applicant intends to tack the authority with Chrysler Traffic originating at Newark, Del., may be mixed with Detroit origin traffic at Detroit. SUPPORTING SHIPPER: Chrysler Corporation, Manager, Vehicle Freight Cost & Payment Claims, P.O. Box 1976, Detroit, Mich. 48235. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 80428 (Sub-No. 85 TA) filed July 2, 1973 Applicant: McBRIDE TRANSPORTATION, INC. 289 West, P.O. Box 430 Goshen, N.Y. 10924 Applicant's representative: S. Michael Richards 23 W. Main Street Webster, N.Y. 14580 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, (A) from the plantsites and/or warehouses of Reynolds Metal Co. at Wallkill and Warwick, N.Y., to Baltimore, Md.; Newark and Woodbridge, N.J.; and (B) from the plantsite or warehouse of Reynolds Metal Co. at Warwick, N.Y., to Latrobe and Wilkes-Barre, Pa. and Paterson, N.J. (except as presently authorized), for 180 days. RESTRICTION: Restricted to traffic originating at the above-named plantsites and warehouses and destined to the above-described destination points. SUPPORTING SHIPPER: Reynolds Metals Co., P.O. Box 27003, Richmond, Va. 23261. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 103498 (Sub-No. 33 TA) filed July 6, 1973 Applicant: W. D. SMITH TRUCK LINE, INC. P.O. Drawer C DeQueen, Ark. 71832 Applicant's representative: Donald T. Jack, Jr. 1550 Tower Building Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plant site of Georgia-Pacific Corporation, at or near El Dorado, Ark., to points in Alabama, for 180 days. SUPPORTING SHIPPER: Georgia-Pacific Corporation, P.O. Box 520, Crossett, Ark. 71635. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 104523 (Sub-No. 57 TA) filed July 5, 1973 Applicant: HUSTON TRUCK LINE, INC. P.O. Box 17 Friend, Nebr. 68359 Applicant's representative: David R. Parker P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Copper oxide*, restricted against the movement in bulk, in tank vehicles, from Texas City, Tex., to the plant site and facilities of Prince Manufacturing Company, Quincy, Ill., for 180 days. SUPPORTING SHIPPER: R. C. Webb, President, Prince Manufacturing Company, Quincy, Ill. 62301. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 107515 (Sub-No. 860 TA) filed June 21, 1973 Applicant: REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 3901 Jonesboro Road, S. E. Forest Park Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, shortening, vegetable oil shortening, oleomargarine and cooking oils*, in packages, in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Virginia, Maryland, West Virginia, District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and Delaware, for 180 days. SUPPORTING SHIPPER: Swift Edible Oil Company, a Division of Swift and Company, 115 W. Jackson Blvd., Chicago, Ill. 60604. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 861 TA) filed June 21, 1973 Applicant REFRIGERATED TRANSPORT CO., INC. P.O. Box 308 3901 Jonesboro Road, S. E. Forest Park Ga. 30050 Applicant's representative: Paul M. Daniell Suite 1600 First Federal Bldg. Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* (except commodities in bulk and except hides) as described in Section A of Appendix A to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Augusta, Ga., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Shapiro Packing Company, Inc., P. O. Box 119, New Savannah Road, Augusta, Ga. 30903. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309 Atlanta, Ga. 30309.

No. MC 116947 (Sub-No. 25 TA) filed June 21, 1973 Applicant: SCOTT TRANSFER CO., INC. 920 Ashby Street, S.W. Atlanta, Ga. 30310 Applicant's representative: William Addams 5299 Roswell Road, N.E. Atlanta, Ga. 30342 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes and component parts, fibreboard, pulpboard, materials and supplies* used in the manufacture of fibreboard and pulpboard and *scrap paper* in bales, between the plantsites of Containers Corporation of America, located at Chattanooga, Knoxville, Nashville, and Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Container Corporation of America, P.O. Box 957, Atlanta, Ga. 30301. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 123379 (Sub-No. 6 TA) filed June 28, 1973 Applicant: BRUBAKER TRANSFER, INC. 103 N. Major Street Eureka, Ill. 61530 Applicant's representative: Samuel G. Harrod 107 E. Eureka Avenue Eureka, Ill. 61530 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New display cases and store fixtures*, from the plant site of Robersonville Products Co. at Robersonville, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, D.C. and West Virginia, for 180 days. SUPPORTING SHIPPER: J. R. Blachek, Vice President, Robersonville Products Co., P.O. Box 1018, Robersonville, N.C. 27871. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124078 (Sub-No. 553 TA) filed June 29, 1973 Applicant: SCHWERMAN TRUCKING CO. 611 South 28th Street Milwaukee, Wis. 53215 Applicant's representative: Richard H. Prevette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid foundry core compounds*, in bulk, and (2) *liquid chemicals*, in bulk, (1) from Milwaukee, Wis., to New Orleans, La. and (2) from Houston, Texas, to Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Delta Oil Products Corporation, 6263 North Teutonia Avenue, Milwaukee, Wis. 53209 (James F. Crawford, Vice President). SEND PROTESTS TO: District Supervisor, John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 127791 (Sub-No. 5 TA) filed July 6, 1973 Applicant: WELLS CARTAGE LIMITED 726 Powell Street Vancouver 4, B.C., Canada Applicant's applicant's representative: George R. LaBissoniere Suite 101 130 Anover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical solvent*, in bulk, in tank vehicles, from Vancouver, Wash., to the United States-Canada International Boundary line at or near Blaine, Wash., for 180 days. SUPPORTING SHIPPER: Emchem Sales Ltd., 1551 Pemberton Avenue, North Vancouver, B.C., Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134233 (Sub-No. 3 TA) filed July 6, 1973 Applicant: ANGELO ACACIO doing business as ANGELO TRUCKING CO. 363 North Washington St. Wilkes-Barre, Pa. 18705 Applicant's representative: Philip F. Hudock 7900 Westpark Drive Suite 506 McLean, Va. 22101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* used in the manufacture and distribution of non-alcoholic carbonated beverages, from Salem, Bridgeton, Millville, Freehold and Cliffwood, N.J. and Orangeburg, N.Y., to Wilkes-Barre, Pa., for 180 days. SUPPORTING SHIPPER: Ma's Old Fashion Bottling, Inc., Laird Street—Route 315, Wilkes-Barre, Pa. 18702. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134323 (Sub-No. 53 TA) filed July 6, 1973 Applicant: JAY LINES, INC. 720 N. Grand Street P.O. Box 4146 Amarillo, Tex. 79105 Applicant's representative: JAY TRAMMELL (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, from Princeton, Ind.; Mont Belvieu, Tex.; Farmington, Ill.; and Conway, Kans., to the facilities of Fedders Corporation at Herrin and Effingham, Ill., for 180 days. SUPPORTING SHIPPER: Robert C. McArthur, General Traffic Manager, Fedders Corporation, Edison, N. J. 08817. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135797 (Sub-No. 10 TA) filed June 25, 1973 Applicant: J. B. HUNT TRANSPORT, INC. 833 Warner Street, S.W. Atlanta, Ga. 30310 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plant site of Jet Stream Plastics, Ralph Jones Co., Inc. at Siloam Springs, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi,

Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin, for 180 days. SUPPORTING SHIPPER: Jet Stream Plastics, Ralph Jones Co., Inc., P.O. Box 190, Siloam Springs, Ark. 72761. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street, N.W., Atlanta, GA 30309.

No. MC 136008 (Sub-No. 9 TA) filed June 29, 1973 Applicant: JOE BROWN COMPANY, INC. 20 Third Street, NE P. O. Box 1669 Ardmore, Okla. 73401 Applicant's representative: Rufus H. Lawton 2400 NW 23rd Street Oklahoma City, Okla. 73107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, (a) from the plant site known as Big Brown Steam Electric Station, twelve miles northeast of Fairfield, Tex., to points in Oklahoma and (b) from the plant site of Kansas City Power & Light Montrose Plant, at or near Ladue, Mo., to points in Oklahoma, for 180 days. SUPPORTING SHIPPER: Halliburton Services, a Division of Halliburton Co., W. E. Robbins, Division Manager, 201 Midland Center, Oklahoma City, Okla. 73102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240-Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 136570 (Sub-No. 5 TA) filed July 5, 1973 Applicant: BARNETT BRO., INC. Off: Outer Eighth and Bob Posey Sts. P.O. Box 352 Henderson, Ky. 42420 Applicant's representative: George M. Catlett Suite 703–706 McClure Bldg. Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from Henderson, Ky., to points in Roane County, Tenn., for 180 days. SUPPORTING SHIPPER: Construction Products Corp., Mr. L. H. Jones, Plant Manager, P.O. Box 598, Henderson, Ky. 42420. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 138736 (Sub-No. 1 TA) filed June 25, 1973 Applicant: F B M TRUCKING, INC. 310 East Lanier Avenue Fayetteville, Ga. 30214 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, from the plant site of Jansko, Inc., at Fort Lauderdale, Fla., to South Gate, Calif.; Northbrook, Ill.; Philadelphia, Pa.; and New York, N.Y.; (2) *furniture and furniture parts*, from Jackson, Madison County, Tenn., to the plant site of Jansko, Inc. at South Gate, Calif.; (3) *steel tubing parts* (chrome plated and unplated), from Piqua, Ohio and Northbrook, Ill., to the plant site of Jansko, Inc. at Fort Lauderdale, Fla.; and (4) *laminated preshaped plywood*, from Memphis, Tenn.; Rowland and Hudson, N.C., to the plant site of Jansko, Inc., at Fort Lauderdale, Fla., for 180 days. SUPPORTING SHIPPER: Jansko, Inc., P.O. Box 1751, Fort Lauderdale, Fla. 33302. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138736 (Sub-No. 2 TA) filed June 25, 1973 Applicant: F B M TRUCKING, INC. 310 East Lanier Street Fayetteville, Ga. 30214 Applicant's representative: Virgil H. Smith Suite 12, 1587 Phoenix Blvd. Atlanta, Ga. 30349 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic film or plastic sheeting*, other than cellulose, from the plantsite of Gladwin Industries, Inc. located at Oakwood, Ga., to North Miami, Fla., for 180 days. SUPPORTING SHIPPER: Gladwin Industries, Inc., Old Oakwood Road, P.O. Box 370–A, Oakwood, Ga. 30566. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138793 (Sub-No. 1 TA) filed June 29, 1973 Applicant: MAX MEDLEY doing business as MEDCO FARM LINES Box 73 Hampton, Ark. 71744 Applicant's representative: Donald T. Jack, Jr. 1550 Tower Building Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used clothing and wearing apparel and/or rags or mixed rags*, from points in Pennsylvania, New Jersey (except Hackensack, Elizabeth and Kearney, N.J.), New York (except New York City and its commercial Zone), Delaware, Rhode Island, Massachusetts, Connecticut, Michigan, Wisconsin, Illinois, Nebraska, Iowa, North Carolina, South Carolina, Maryland and Arkansas, to Brownsville, McAllen, Laredo, El Paso and Eagle Pass, Tex. and Nogales, Ariz., for 180 days. SUPPORTING SHIPPER: Johnson Waste Materials, Inc., 1600 East 6th Street, Brownsville, Tex. SEND PROTESTS TO: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138869 (Sub-No. 1 TA) filed June 21, 1973 Applicant: W. T. MYLES TRANSPORTATION COMPANY 4481 Moreland Avenue (P.O. Box 321) Conley, Ga. 30027 Applicant's representative: Archie B. Culbreth 1252 W. Peachtree St., N.W. Suite 246 Atlanta, Ga. 30309 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods, fixtures and supplies*, such as lavatories, lavatory basins, legs and pedestals, urinals, urinal gutters or stalls, water closet bowls and tanks, and bathroom or lavatory fixtures, china or earthenware, and related articles, (a) from Marysville and Perrysville, Ohio; Fort City, Pa.; and Tupelo, Miss., to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga.; (b) from Ford City, Pa. and Tupelo, Miss., to points in Florida on and north of Florida Highway 60; (c) from Abingdon and Robinson, Ill., to points in South Carolina on and west of U.S. Highway 1; and (4) from Monroe, Ga., to points in North Carolina and points in South Carolina on and west of U.S. Highway 1; (2) *fittings and fixtures* for commodities in (1) above, *brass, brazen, iron or steel*, from Marysville, Ohio, to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga.; (3) *bath tubs, lavatories and sinks, cast iron or steel*, from Salem, Ohio, to points in Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, Ga., and points in Florida on and north of Florida Highway 60; (4) *water heaters*, from Ashland City and Johnson City, Tenn., to points in Clayton, Fulton and Gwinnett Counties, Ga., and Jacksonville, Fla.; (5) *Cast iron pipe and fittings*, (a) from Charlotte, N.C. and Chattanooga, Tenn., to points in Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties, Ga. and (b) from Charlotte, N.C., to points in South Carolina on and west of U.S. Highway 1; (6) *Copper tubings*, from East St. Louis, Ill. and Reading, Pa., to points in Fulton and Gwinnett Counties, Ga.; Jacksonville, Fla.; North Carolina, and points in South Carolina on and west of U.S. Highway 1; (7) *shower stalls, plastic or fibreglass*, from Union Point, Ga., to points in South Carolina on and west of U.S. Highway 1; and (8) *commodities* named in (1) through (7) above between shippers' warehouses in Anderson, S.C.; Charlotte, N.C.; College Park and Lawrenceville, Ga.; and Jacksonville, Fla., for 180 days. SUPPORTING SHIPPER: Parnell-Martin Supply Company, 925 Tuckaseege Road, P.O. Box 992, Charlotte, N.C. 28201. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St., N.W., Room 309, Atlanta, Ga. 30309.

No. MC 138871 TA filed June 28, 1973 Applicant: PADELFORD TRUCKING CORP. 1370 County Road 8 Canandaigua, N.Y. 14424 Applicant's representative: S. Michael Richards 44 North Avenue Webster, N.Y. 14580 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except foodstuffs), between points in New York, on the one hand, and, on the other, points in Alabama, Delaware, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and Washington, D.C., for 180 days. SUPPORTING SHIPPERS: Radiant Electric Inc., 432 Atlantic Avenue, Rochester, N.Y.; O. G. Schwarz Corp., 430 Atlantic Avenue, Rochester, N.Y.; Galens Mfg. Corp., Davis Parkway, Clyde N.Y. 14433; Nero Equipment, 1370

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County Road 8, Canadaigua, N.Y. 14424; and Cicero Sports Equipment, Inc., Route 11, Brewerton, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commisison, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 138872 TA filed June 28, 1973 Applicant: ART ARMITAGE TRUCKING 150 Glenforest Drive Halifax, Nova Scotia, Canada Applicant's representative: Wilfred P. Moore 205 The Village Centre Fairview, Halifax, Nova Scotia, Canada Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New tires*, from the International Boundary line between Canada and the United States at or near Calais, Maine, to Woodland, Maine, for furtherance by rail, for 180 days. SUPPORTING SHIPPER: Michelin Tire Corporation, 2500 Marcus Avenue, Lake Success, N.Y. 11040. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine, 04112.

MOTOR CARRIERS OF PASSENGERS

No. MC 138873 TA filed July 2, 1973 Applicant: COASTAL PLAIN CHARTER SERVICE, INC. 2013 S. Church St. Ext. Rocky Mount, N.C. 27801 Applicant's representatives: Valentine and Adams 109 North Court Street Nashville, N.C. 27856 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, round trips, (chartered), from points in Nash, Edgecombe, Wilson and Halifax Counties, N.C., to points in the District of Columbia, Virginia, West Virginia, Maryland, Tennessee, South Carolina, North Carolina, Georgia and Florida, and return, for 180 days. SUPPORTING SHIPPERS: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14951 Filed 7-19-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OVER-THE-COUNTER ORAL CAVITY DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products for human use currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972, (37 FR 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for all dosage forms of oral cavity drug products such as antiseptics, astringents, gargles, lozenges, mouthwashes and similar products, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in such preparations.

FDA is aware that the following is not a complete list, but only respresentative of the kinds of active ingredients used in such products. FDA has conducted a literature search on each of them:

Benzalkonium Chloride	Gentian Violet
Benzethonium Chloride	Meralein Sodium (merodicein)
Carbamide (urea) Peroxide	Methyl Salicylate
Cetylpyridinium Chloride	Phenol
Chloramine-T	Polyvinylpyrrolidone-iodine (povidone-iodine)
Cineole (eucalyptol)	Sodium Borate
Domiphen Bromide	Sodium Caprylate
Ethyl Alcohol	Sodium Phenoxide (sodium phenolate)
Ethyl Aminobenzoate (benzocaine)	Zinc Chloride

FDA's literature search covered the United States of America literature and other leading English language literature published since 1950 from the following sources:

Medlars (NLM and SUNY)	Current List of Medical Literature
FDA Clinical Experience Abstracts	Index Medicus
Quarterly Cumulative Index Medicus	JAMA Subject Index
	DeHaen Drugs in Use
International Pharmaceutical Abstracts	RINGDOC
	VETDOC
Excerpta Medica	Abstracts of World Medicine
	Biological Abstracts
	Chemical Abstracts

The bibliography of the literature search is available to interested persons.

Interested persons are also invited to submit data on any other active ingredients for use in oral cavity drug products.

The FDA is aware that safety data on these ingredients may be available as a result of testing related to non-drug products, such as cosmetics. All interested parties are encouraged to submit at this time all available safety data for these ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of these ingredients in nondrug products such as cosmetics. However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their use in cosmetics can continue to be justified. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusions may well have a direct and substantial impact on all uses of these ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard size paper (approximately 8½ by 11 inches). All submissions must be in the format described below:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is accetpable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information, as well as any favorable information, known to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

In order to avoid duplication, interested persons should not in this submissions include published literature listed in the FDA literature search. An abstract of all such literature will be provided to the panel. Upon request, the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the bibliography of the FDA literature search should be forwarded to:

Food and Drug Administration
Bureau of Drugs
OTC Drug Products Evaluation Staff
(BD–109)
5600 Fishers Lane
Rockville, Maryland 20852

Data and information must be submitted on or before September 18, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

Dated: July 3, 1973.

[FR Doc.73-14920 Filed 7-19-73;8:45 am]

[Docket No. FDC–D–646; NADA No. 10–986V]

SCHERING CORP.

Trilafon Tablets; Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of November 7, 1970 (35 FR 17214, DESI 10–986V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group on Trilafon Tablets (perphenazine tablets) new animal drug application (NADA) No. 10–986V; marketed by Schering Corp., Animal Health Division, Galloping Hill Road, Kenilworth, NJ 07033.

Schering Corp. requested that approval of NADA No. 10–986V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), NADA No. 10–986V, including all amendments and supplements thereto, is hereby withdrawn effective on July 30, 1973.

Dated: July 13, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14919 Filed 7-19-73;8:45 am]

National Institutes of Health

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, July 25, 7:00 p.m. to 10:00 p.m.; July 26, 8:30 a.m. to 1:00 p.m. and 7:00 p.m. to 10:00 p.m.; and July 27, 8:30 a.m. to 12:00 noon, Airlie House, Warrenton, Virginia. This meeting will be open to the public July 25; July 26 from 7:00 p.m. to 10:00 p.m. and July 27, to discuss program review and future program plans in cancer immunotherapy, and closed to the public from 8:30 a.m. to 1:00 p.m. on July 26, for the review of approximately six contracts in the field of cancer immunotherapy, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B–11, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3639) will provide substantive program information.

Dated: July 11, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-14889 Filed 7-19-73;8:45 am]

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, July 25, 7:00 p.m. to 10:00 p.m.; July 26, 8:30 a.m. to 1:00 p.m. and 7:00 p.m. to 10:00 p.m.; and July 27, 8:30 a.m. to 12:00 noon, Airlie House, Warrenton, Virginia. This meeting will be open to the public July 25; July 26 from 7:00 p.m. to 10:00 p.m. and July 27, to discuss program review and future program plans in cancer immunodiagnosis, and closed to the public from 8:30 a.m. to 1:00 p.m. on July 26, for the review of approximately six contracts in the field of cancer immunodiagnosis, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code, and section 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B–11, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3639) will provide substantive program information.

Dated: July 11, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-14890 Filed 7-19-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 143P]

FIXED HIGHWAY BRIDGE CARRYING CRYSTAL LAKE ROAD, ROUTE 593 ACROSS TORCH RIVER

Notice of Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Ninth Coast Guard District at 7:00 p.m. e.s.d.s.t. on August 23, 1973, in the Alden School, Bebb Road, Alden, Michigan (½ mile east of Alden on Route 1). The purpose of the hearing is to consider an application from the Antrim County Road Commission, acting in cooperation with the Kalkaska County Road Commission, for a permit approving an existing fixed highway bridge across the Torch River. The bridge was constructed in 1970 without the benefit of prior Coast Guard approval. The illegally constructed bridge is a three span, fixed structure affording navigation a vertical clearance of 11.5 feet above mean low water, elevation 588.5 feet referred to U.S.G.S. datum and a horizontal clearance of 50 feet through the center span.

All interested persons may present data, views, and comments orally or in writing at the public hearing concerning

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the effect of the bridge on present and prospective navigation on the waterway and the impact on the environment if modification or removal of the bridge is required. The environmental issues may include, but are not limited to, the impact on recreational areas, wildlife and waterfowl refuges, public parks and historical sites.

The hearing will be informal. A Coast Guard representative, who will preside at the hearing, will make a brief opening statement detailing the purpose of the hearing and announcing the procedures to be followed at the hearing.

Each person who wishes to make an oral statement should notify the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199 by August 17, 1973. Such notification should include the approximate time required to make the presentation. A transcript of the hearing will be made and may be purchased by the public.

Interested persons who are unable to attend the hearing may also participate in the consideration of this bridge permit application by submitting their comments, in writing, on or before September 7, 1973, to the Commander, (oan), Ninth Coast Guard District. Each comment should state the reasons for any objections or proposed changes to the bridge and the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the office of the Commander, (oan), Ninth Coast Guard District.

All comments received will be considered before final action is taken on the bridge permit application. After the time set for the submission of comments, the Commander, Ninth Coast Guard District, will forward the record; including all written comments and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination whether to issue a permit approving the bridge or to order the bridge modified or removed.

(Sec. 502, 60 Stat. 847, as amended, secs. 4(f), 6(g)(e)(c), 80 Stat. 933 as amended; 33 U.S.C. 525, 49 U.S.C. 1653(f), 1655(g)(C); 40 CFR 1.46(c)(10))

Dated: July 16, 1973.

J. D. McCann,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-14893 Filed 7-19-73;8:45 am]

[CGD 73 141 N]

GREAT LAKES PILOTAGE ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, sec. 10(a), approved October 6, 1972, that the Great Lakes Pilotage Advisory Committee will conduct an open meeting on 15 August 1973 in Executive Conference Room #453, Federal Aviation Administration Great Lakes Region Headquarters, 2300 East Devon, Des Plaines, Illinois, beginning at 10:00 a.m. C.d.s.t.

Members of this Advisory Committee are:

(1) Captain Ernest A. Clothier
President, American Pilots Association
(2) Dr. Eric Schenker
Professor of Economics and Associate Director Center for Great Lakes Studies
(3) Mr. Richard L. Schultz
Executive Director of the Cleveland-Cuyahoga County Port Authority.

The summarized agenda for the 15 August 1973 meeting consists of:

(1) Committee administrative matters
(2) Current pilotage operational matters
(3) Department of Transportation Statement of Policy for Pilotage in the Great Lakes System

The Great Lakes Pilotage Advisory Committee was established by the Great Lakes Pilotage Act of 1960 (Public Law 86-555) to provide advice and consultation with respect to proposed pilotage regulations and policies.

The public may file statements with the Committee and oral statements may be presented before the Committee provided advance approval has been obtained.

Further information may be obtained by writing Chief, Ports and Waterways Planning Staff, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20590, or by calling (202) 426-2274.

Dated: July 12, 1973.

W. M. Benkert,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.73-14894 Filed 7-19-73;8:45 am]

[CGD 73 144N]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, Sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, August 15, 1973, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. WILL, USN (Ret)
State of New York Board of Commissioners of Pilots
Captain H. C. BREITENFELD
United New York Sandy Hook Pilot's Benevolent Association
Captain W. H. BURRILL
State of New Jersey Board of Commissioners of Pilots
Mr. Richard DEWLING
U.S. Environmental Protection Agency
Captain L. T. EARL
United New Jersey Sandy Hook Pilots' Benevolent Association
Mr. A. GIALLORENZI
AIMS Petroleum Industry Representative
Mr. Alfred HAMMON
Port Authority of New York and New Jersey
Captain T. A. KING
U.S. Department of Commerce Maritime Administration
Commodore F. LINDNER
Long Island Sound Commodores Association
Colonel H. W. LOMBARD, USA
Department of the Army, Corps of Engineers
Mr. Robert W. SANDERS
New York Harbor Panel Marine Towing and Transportation Industry
Captain R. D. SANTE, USN
U.S. Navy Military Sealift Command
Captain S. M. SELEDEE
American Institute of Marine Underwriters
Captain J. G. STILLWAGGON
Interport Pilot's Associates, Inc.
Captain K. C. TORRENS
American Institute of Merchant Shipping

The Agenda for the August 15, 1973 meeting consists of:

1. Discussion of the modification of the Captain of the Port, New York Study based upon later studies done by the U.S. Coast Guard.
2. Discussion of communications circuit discipline and possible monitor control of Channel 13 within the New York Port Area.
3. Discussion of allowable speeds under various conditions of wind, current, and tides within New York Harbor's channels and rivers.
4. Discussion of anchorages, channel depths and port facilities as they reflect on the needs of the port of New York in connection with vessel safety.
5. Such other matters that come before the Committee.

The New York Harbor Vessel Traffic System Advisory Committe was established by the Commander Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York 10004, or by calling 212-264-0409.

Dated: July 6, 1973.

B. F. Engel,
Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc.73-14895 Filed 7-19-73;8:45 am]

[CGD 73 148 N]

NATIONAL OFFSHORE OPERATIONS INDUSTRY ADVISORY COMMITTEE TO THE MARINE SAFETY COUNCIL

Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved 6 October 1972, that the National Offshore Operations Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established under the Treasury Department on December 15, 1959 as the National Offshore Operations Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to offshore operations including, but not limited to, fairways, sea-lanes, and offshore drilling operations.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG
Executive Secretary, U.S. Coast Guard Marine Safety Council
400 Seventh St., SW
Washington, D.C. 20590

or by calling: (202) 426 1477.

Dated: July 16, 1973.

W. F. Rea III,
Rear Admiral, Chief Office of Merchant Marine Safety.

[FR Doc.73-14896 Filed 7-19-73;8:45 am]

[CGD 73 146N]

INDUSTRY ADVISORY COMMITTEE ON RULES OF THE ROAD

Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Industry Advisory Committee on rules of the road to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established under the Treasury Department on December 14, 1960 as the rules of the Road Coordinating Committee. The objectives and mission of the Committee are to provide advice and consultation with respect to matters concerned with proposals affecting the rules of the road.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG
Executive Secretary, U.S. Coast Guard Marine Safety Council
400 Seventh St., SW
Washington, D.C. 20590

or by calling: (202) 426-1477.

Dated: July 16, 1973.

W. F. Rea III,
Rear Admiral, Chief Office of Merchant Marine Safety.

[FR Doc.73-14897 Filed 7-19-73;8:45 am]

[CGD 73 145N]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Chemical Transportation Industry Advisory Committee has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established by the Treasury Department on May 4, 1949 as the Chemical Transportation Advisory Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the water transportation of hazardous materials.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt R. Brooks, USCG
Executive Secretary, U.S. Coast Guard Marine Safety Council
400 Seventh St., SW
Washington, D.C. 20590

or by calling: (202) 426 1477.

Dated: July 16, 1973.

W. F. Rea III,
Rear Admiral, Chief Office of Merchant Marine Safety.

[FR Doc.73-14898 Filed 7-19-73;8:45 am]

[CGD 73-147-N]

TOWING INDUSTRY ADVISORY COMMITTEE TO THE MARINE SAFETY COUNCIL

Notice of Renewal

This is to give notice pursuant to Public Law 92-463, approved October 6, 1972, that the Towing Industry Advisory Committee to the Marine Safety Council has been renewed by the Secretary of Transportation for a two year period commencing July 1, 1973 through June 30, 1975.

The Committee was first established by the Treasury Department on March 12, 1943 as the Western Rivers Panel. The objectives and mission of the Committee are to provide advice and consultation with respect to the safe operation of towing vessels and barges on the rivers, inland waters, and along the coasts and upon the oceans.

Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Capt. R. Brooks, USCG
Executive Secretary, U.S. Coast Guard Marine Safety Council
400 Seventh St., SW
Washington, D.C. 20590

or by calling: (202)426-1477.

Dated: July 16, 1973.

W. F. Rea III
Rear Admiral, Chief, Office of Merchant Marine Safety.

[FR Doc.73-14899 Filed 7-19-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Science and Technology, Immediate Office.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.73-14938 Filed 7-19-73;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Criminal Section, Tax Division.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.73-14939 Filed 7-19-73;8:45 am]

DEPUTY ASSISTANT SECRETARY OF DEFENSE (EQUAL OPPORTUNITY)

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective July 6, 1973, that there is a manpower shortage for the single position of Deputy Assistant Secretary of Defense (Equal Opportunity), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense, Washington, D.C. The appointee may be paid for the expense of travel and transportation to his post of duty.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.73-14941 Filed 7-19-73;8:45 am]

SELECTIVE SERVICE SYSTEM

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Selective Service System to fill by noncareer executive assignment in the excepted service the position of Assistant

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Deputy Director, Operations, Office of the Deputy Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-14940 Filed 7-19-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

WASHINGTON STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington State Advisory Committee to this Commission will convene at 7:00 p.m. on July 20, 1973, in the Thurston Room, Washington Plaza Hotel, 1900 5th Avenue at Westlake, Seattle, Washington 98101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to review draft report of the Washington State Advisory Committee's open meeting on problems of the Washington Indian community.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-15055 Filed 7-19-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Deletion from Procurement List 1973

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following commodity from Procurement List 1973, March 12, 1973 (38 FR 6742).

CLASS 7510

Binder, Looseleaf
7510-582-3801
7510-582-3809

Comments and views regarding this proposed deletion may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-14914 Filed 7-19-73;8:45 am]

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on March 28, 1972 (37 FR 6348).

Pursuant to the above notice the following commodity is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY	PRICE (Each)
CLASS 8465	
Case, Field, First Aid Dressing—Unmounted Magnetic Compass, (IB): 8465-935-6814	M1967 $0.466

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-14915 Filed 7-19-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality from July 9 through July 13, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447-7803

FOREST SERVICE

Draft *Date*

Roaring and Salmon Rivers' Unit, Mt. Hood N.F. 07/09

The statement refers to a comprehensive land use plan for the Roaring River and Salmon River Planning Units of Mt. Hood National Forest. A total of approximately 81,700 acres is involved. Management will be for back country, recreation, and special interest values, with some timbering and construction of low standard roads. There will be soil disturbance and water pollution. (135 pages)
(ELR ORDER # 31144) (NTIS ORDER # EIS 73 1144D)

Perenosa Timber Sale 07/06
Alaska

The statement refers to administrative alternatives considered in the revision of the Perenosa Timber Sale of 1968. Involved is a 15 year timber sale for the harvest of 525 million board feet of Sitka spruce sawtimber from Afagnak Island, Alaska. If modification is approved, the sale will involve the harvest of 332 million board feet on 12,000 acres. A largely roadless and undeveloped area will be roaded for the timber harvest, providing the opportunity for more intensive use and management of other resources in the sale area. (62 pages)
(ELR ORDER #31125) (NTIS ORDER # EIS 73 1125D)

Centennial Mountains, Targhee National Forest 07/06
Idaho
County: Clark Fremont

Proposed is land use management for the 193,000 acre Centennial Mountain Planning Unit, Dubois and Island Park Ranger Districts, Targhee National Forest. Proposed activity includes timber harvesting, livestock grazing, mining, road construction, and outdoor recreation. Adverse impact will include soil movement and changes in vegetative cover, effects upon wildlife, changes in scenic values, and increased fire risks. (95 pages)
(ELR ORDER # 31128) (NTIS ORDER # EIS 73 1128D)

Nezperce National Forest 07/06
Idaho

The statement refers to a proposed adjustment to the present Timber Harvest Plan and Road Program for Nezperce National Forest. The present plan provides for 100 million board feet of harvest annually. Under the adjustment roadless areas will be entered to sustain the annual allowable harvest. The statement indicates the basic new road system. Intensive roading of undeveloped areas, and its side effects, constitute the principal adverse impact of the plan. Roads will eliminate forever the present solitude and completely natural setting of the undeveloped area. (81 pages)
(ELR ORDER # 31129 (NTIS ORDER # EIS 73 1129D)

South Boise-Wood River, Sawtooth N.F. 07/11
Idaho
County: Blaine Camas Elmore

The statement refers to a proposed land use plan for 593,000 acres of the South Boise-Wood River Planning Unit of the Sawtooth National Forest. The Unit will be managed for recreation, back county and wilderness values, timber cutting, wildlife habitat, livestock grazing, water resources, road and trail construction, and scenic and historic values. Of the 506,000 acres of roadless areas in the planning unit, 313,000 acres will be roaded and 193,000 will remain roadless. (approximately 170 pages).
(ELR ORDER # 31157 (NTIS ORDER # EIS 73 1157D)

South Fork Yaak Planning Unit, Kootenai N.F. 07/10
Montana
County: Lincoln

The statement refers to the proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest. Approximately 47,000 acres have been stratified into six management situations, for such values as big game winter forage production, timber harvesting, recreation, and livestock grazing. Adverse impact will include the construction of roads in presently roadless areas, soil and vegetative disturbance, and air and noise pollution. (102 pages)
(ELR ORDER # 31157 (NTIS ORDER # EIS 73 1152D)

Utah
County: Wayne Garfield

The statement refers to a proposed land use plan for the 252,000 acre Aquarius Planning Unit of Dixie National Forest. Proposed activities include timber harvesting, road construction, mining, range management improvement, control of off-road vehicle use, protection of wilderness, and watershed improvement. There will be adverse impact to soil stability, water and air quality, and aesthetics from timber harvest and road construction.
(ELR ORDER # 31154) (NTIS ORDER # EIS 73 1154D)

Final *Date*

Wild Free-Roaming Horses and Burros 07/10

Proposed is the issuance of a Regulation designed to implement P.L. 92-155 for the protection of wild free-roaming horses and burros. It is estimated that there are 2,200 of the animals associated with National Forest lands in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. The proposed Regulation directs the Chief of the Forest Service to administer the animals so natural ecological relationships will be maintained consistent with the principles of multiple use. It also directs the Chief to undertake necessary studies of the habits of these animals.
COMMENTS MADE BY: DOD DOI agencies of several states and concerned citizens
(ELR ORDER # 31150) (NTIS ORDER # EIS 73 1150F)

SOIL CONSERVATION SERVICE

Draft *Date*

Troublesome Creek Watershed Project 07/05
Iowa
County: Audubon Cass Guthrie

The project proposes conservation land treatment measures, 135 grade stabilization structures for prevention of gully erosion, two floodwater retarding structures, two multipurpose structures for floodwater retardation and recreation, and two recreation developments. Of the 1,884 acres of land committed to the project, 658 acres and 47 miles of stream channel will be inundated. Three families will be displaced and 8 farms disrupted. Adverse effects of the action are: loss of 47 miles of ecological communities in the stream; loss of crop, pasture, and woodland; loss of 658 acres of wildlife habitat and disruption of wildlife habitat on 788 acres. (20 pages)
(ELR ORDER # 31119) (NTIS ORDER # EIS 73 1119D)

Bryant Swamp Watershed 07/05
North Dakota
County: Bladen

The proposed project measures include land treatment; 22.9 miles of stream channel modification; and six grade-control structures. Purposes of the project are to provide flood prevention and drainage to 4,090 acres of crop and pasture land and reduce erosion. Adverse impacts stemming from the project are reduction of 52 acres of wildlife wetland habitat, damage to one mile of fishing stream, and loss of or damage to 185 acres of woodland. (24 pages)

(ELR ORDER # 31115) (NTIS ORDER # EIS 73 1115D)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, (202) 973-5391.
For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing. (202) 973-7373, Washington, D.C. 20545

Draft *Date*

Oyster Creek Nuclear Generating Station 07/10

New Jersey
County: Ocean

Proposed is the issuance of a full-term operating license to the Jersey Central Power and Light Company for operation of the 1930 MWt, 620 MWe (net) Station. Exhaust steam is cooled by a once-through flow system with water from Barnegat Bay. Periodic fish kills occur during winter shutdowns of the station. Impingement on intake screens results in the significant annual loss of 32,000 blue crabs and 24,000 winter flounder, in an area heavily used for sport fishing. (248 pages)
(ELR ORDER # 31149) (NTIS ORDER # EIS 73 1149D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

Draft *Date*

07/05

Importation of South African Fur Sealskins

The statement considers a request from the Fouke Company, a major U.S. fur processor, for an economic hardship exemption from the moratorium, and possible a waiver of the moratorium on the importation of marine mammals into the United States under provision of the Marine Mammal Protection Act of 1972 (P.L. 92-522). The National Marine Fisheries Service is investigating the feasibility and the desirability of allowing importation into the United States of South African owned skins from the South African fur seal harvest. (22 pages)
(ELR ORDER # 31108) (NTIS ORDER # EIS 73 1108D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft *Date*

Evansville Local Protection Project 07/06
Indiana
County: Vanderburgh

Proposed in the continued construction of the flood protection work at Evansville. The Pigeon Creek Section (Unit 2) is the last portion of the project to be completed at this time. Protection works consist of earthen levees, concrete walls, pumping plants, and associated interior drainage facilities. Adverse effects of the action are changes in land use; alteration of the natural terrain and obstruction of river view; and the relocation of 65 families on 203 acres of land. (22 pages)
(ELR ORDER # 31124) (NTIS ORDER # EIS 73 1124D)

Gulfport Harbor, Mississippi 07/05
Mississippi
County: Harrison

The proposed project is the continuation of routine maintenance dredging of the Gulfport Harbor. The project consists of a channel across Ship Island Bar, a channel through Mississippi Sound, an anchorage Basin at Gulfport and the maintenance of the small boat harbor. Adverse impacts will be: loss of bottom-dwelling organisms, increases in turbidity, increases in the amount of mercury and other heavy metals in the food chain (present concentrations exceed the EPA criteria for open water disposal), reduction in primary productivity, and loss of phytoplankton. (14 pages)
(ELR ORDER # 31112) (NTIS ORDER # EIS 73 112D)

New Rochelle Harbor 07/06
New York
County: Westchester

Proposed is the maintenance dredging of the existing Federal channels in New Harbor to their authorized dimensions. Spoil will be deposited in the approved dumping ground in the Atlantic Ocean. Temporary turbidity and disruption of local marine life will occur. (10 pages)
(ELR ORDER # 31127) (NTIS ORDER # EIS 73 1127D)

Turtle Creek Local Protection Project 07/12
Oklahoma
County: Canadian

The statement refers to a flood protection project on Turtle Creek in Yukon, Oklahoma. There will be channel work done on the Creek in order to protect 600 acres of land. Forty acres will be acquired for project measures. (Tulsa District.) (32 pages)
(ELR ORDER # 31165) (NTIS ORDER # EIS 73 1165D)

Zacate Creek 07/11
Texas

The statement refers to a proposed flood protection and recreation project for the City of Laredo. Included are 19,500' of channel work on Zacate Creek, and open space park development. A total of 160 buildings (mostly low-income housing), will be displaced by the project; some archeological sites will be lost. (Fort Worth District) (92 pages)
(ELR ORDER # 31161) (NTIS ORDER # EIS 73 1161D)

Oceana Local Flood Protection Project 07/12
West Virginia

The statement refers to a flood protection project at Oceana. Project measures include 25,000 feet of channel work from the Clear Fork—Laurel Fork confluence to Lollydale, three sediment retention basins, and recreation facilities. There will be construction disruption and loss of wildlife habitat. (Huntington District) (48 pages)
(ELR ORDER # 31162) (NTIS ORDER # EIS 73 1162D)

Final *Date*

Flood Protection, Southwest Jefferson County 07/12
Kentucky
County: Jefferson

The statement refers to a project which is intended to protect 41 square miles of Ohio River floodplain against the flood of record. Project measures include 70,750 feet of earthen levee, 1500 feet of reinforce concrete floodwall, a permanent impoundment of 810 acres; five pumping plants; and 1815 acres for recreation. A total of 2,750 acres would be acquired for the project in fee, 803 acres for flowage easement, and 580 acres for borrow. Displacements will include 109 family dwellings, 15 commercial buildings, 15 sets of farm buildings, 99 house trailers, and 2 churches. (66 pages)
COMMENTS MADE BY: USDA DOI state and regional agencies
(ELR ORDER # 31166) (NTIS ORDER # EIS 73 1166F)

Hannibal Locks and Dam, Ohio River 07/09
Ohio West Virginia

The proposed project involves the construction and operation of a high lift, non-navigible gated dam with two parallel lock chambers, removal of 3 existing locks and dams (12, 13, and 14), localized dredging to provided required channel clearances and the establishment of public use access areas. The conversion of 3 pools into a single pool of 42.2 miles will inundate 1,200 acres of river bank and clearing. Adverse impacts include loss or disruption of 1,450 acres of wildlife habitat; loss of bank erosion. (68 pages)

FEDERAL REGISTER, VOL. 38, NO. 139—FRIDAY, JULY 20, 1973

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COMMENTS MADE BY: USCG, EPA, USDA, DOI, state agencies and concerned citizens (ELR ORDER # 31142) (NTIS ORDER # EIS 73 1142F)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Joseph A. Grimes, Jr.
Special Civilian Assistant to the Secretary of the Navy
Washington, D.C. 20350
(202) 697-0892

Draft	*Date*
Naval Air Station, Miramar California	07/12

Proposed is the development of a 105-site, 40 acre camping facility on Navy owned land in San Clemente Canyon. The facility would be utilized by naval personnel and dependents. Some vegetation will be removed, and wildlife displaced. (17 pages)
(ELR ORDER # 31163) (NTIS ORDER # EIS 73 1163D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers
Director, Office of Federal Activities
Room 3630 Waterside Mall
Washington, D.C. 20460
(202) 755-0940

Final	*Date*
Wastewater Treatment, Lower Faritan River New Jersey	07/12

County: Middlesex Monmouth
Proposed are additions to the existing treatment plant of the Middlesex County Sewerage Authority, and construction of sewers and a treatment plant for the Bayshore Regional Sewerage Authority. The waters of Raritan Bay will be affected; there may be a lowering of ground-water levels, and salt-water encroachment. (242 pages)
COMMENTS MADE BY: EPA COE HEW HUD (ELR ORDER No. 31167) (NTIS ORDER No. EIS 73 1167F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders
Executive Director of Environmental Affairs
General Services Administration
18th and F Streets, N.W.
Washington, D.C. 20405
(202) 343-4161

Draft	*Date*
Fort Custer Air Force Station Michigan	07/09

The statement refers to the proposed disposal of 125.07 acres of land at Custer Air Force Station by negotiated sale to the City of Springfield for general public purposes. Redevelopment of the property will increase vehicular traffic in the area resulting in some vehicular air pollution.
(15 pages)
(ELR ORDER No. 31139) (NTIS ORDER No. EIS 73 1139D)

DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell
Acting Director, Office of Environmental Affairs
Office of the Assistant Secretary for Administration and Management
Room 3718 HEW-North
Washington, D.C. 20202
(202) 963-4456

Final	*Date*
Polychlorinated Biphenals (PCB's) in Food, Supplement	07/09

The documents supplements the final environmental impact statement on PCB's (ELR Order # 05804; NTIS ORDER # EIS 72 5804-F) filed December 21, 1972. Additional information relative to PCB rulemaking and comments received on the draft statement are provided.
(38 pages)
(ELR ORDER # 31141) (NTIS ORDER # EIS 73 1141F)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun
Director, Environmental and Land Use
Planning Division
Washington, D.C. 20410
(202) 755-6186

Draft	*Date*
Kingston Urban Renewal Project County: Luzerne	07/11

The statement refers to an urban renewal project for the Borough of Kingston, in order to compensate for damages which resulted from Tropical Storm Agnes in 1972. Under the project flood damaged structures will be removed, and new housing constructed. Twenty percent of new residential construction is expected to be for low income families. Commercial areas will be reconstructed. There will be disruption from construction activities. (81 pages)
(ELR ORDER # 31087) (NTIS ORDER # EIS 73 1087D)

Reading Urban Renewal Project Pennsylvania	07/11

Proposed is an urban renewal program for the City of Reading, in order to compensate for damages which resulted from Tropical Storm Agnes in 1972. Of 797 buildings in the project area, 520 are structurally deficient; 214 will be cleared. Fifty percent of new residential construction will be for moderate income families; 20% will be for low income families. There will be construction disruption. (36 pages)
(ELR ORDER # 31082) (NTIS ORDER # EIS 73 1082D)

Penn Susquehanna Urban Renewal Project Pennsylvania	07/11

Proposed is a conventional urban renewal program in the City of Harrisburg, in an effort to offset damage caused by Tropical Storm Agnes in 1972. (116 pages)
(ELR ORDER # 31083) (NTIS ORDER # EIS 73 1083D)

Milton and Turbot Urban Renewal Projects Pennsylvania	07/11

The statement refers to an urban renewal program for the area of Milton. Three proposed disaster projects are involved, those of Milton North, Milton South, and Turbot. The purpose of the program is that of offsetting damage caused by Tropical Storm Agnes in 1972. There will be construction disruption from the projects.
(74 pages)
(ELR ORDER # 31084) (NTIS ORDER # EIS 73 1084D)

Lock Haven Urban Renewal Pennsylvania	07/11

County: Clinton
The statement refers to an urban renewal project for the City of Lock Haven, in order to compensate for damage caused by Tropical Storm Agnes in 1972. The project will encompass 322.8 acres of residential property (20% of the city's land area). A total of 392 buildings of the 885 in the project area are scheduled to be cleared. There will be construction disruption. (83 pages)
(ELR ORDER # 31085) (NTIS ORDER # EIS 73 1085D)

Wilkes-Barre Urban Renewal Project Pennsylvania	07/11

The statement refers to a proposed urban renewal project for the City of Wilkes-Barre. The project is intended to compensate for damage caused by Tropical Storm Agnes in 1972. The project area encompasses 207.73 acres. A total of 249 buildings will be cleared for renewal operations. There will be construction disruption. (72 pages)
(ELR ORDER # 31086) (NTIS ORDER # EIS 73 1086D)

Final	*Date*
Harpers Square Apartments Virginia	07/10

County: Princess Anne
The statement refers to a proposed 400 unit Department of Defense set-aside housing project, which is to be developed under the provisions of Section 236 HUD subsidized mortgage housing. The site is to the south of Oceana Naval Air Station, Virginia Beach. The site is within CNR Zone 2 of the Station, making the impact of military aircraft noise significant to residents of the project. (175 pages) COMMENTS MADE BY: DOD DOC OEO EPA USN DOI HEW (ELR ORDER # 31165) (NTIS ORDER # EIS 73 1165F)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

Draft	*Date*
Deepwater Ports	07/10

The statement refers to a bill which would amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to regulate construction and operation of deepwater port facilities. The legislation would allow regulation when the level of imports of petroleum or other bulk commodities warrants the existence of such facilities. The environmental risk is related to ship density in congested areas, as well as total tonnage of commodities. The effect of transporting increased petroleum imports via Very Large Cargo Carriers (VLCC's) through deepwater port facilities located on the OCS is examined. (534 pages)
(ELR ORDER # 31147) (NTIS ORDER # EIS 73 1147D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

Draft	*Date*
Sterling Avenue, FAU Route 8399 Illinois	09/09

County: Peoria
Proposed is the improvement of 1.8 miles of Sterling Avenue (FAU Route 8399) in the City of Peoria. A four-lane facility with an 18-foot grass median will be constructed to replace the existing two-lane roadway. The noise level will increase in the project area.
(22 pages)
(ELR ORDER # 31143) (NTIS ORDER # EIS 73 1143D)

Elmira North-South Arterial New York	07/09

County: Chemung
Proposed is the construction of a "New Main Street" with four travel lanes, center median/left turn lane, signalized intersections at major cross streets, pedestrian crossings, controlled access, and appropriate safety and aesthetic treatment. Project length is 7.5 miles. The project is intended to relieve congested north-south streets of local traffic and

aid in Urban Renewal Flood recovery planning. Depending upon the route selected, displacements will range between 98 and 118 families and 41 and 49 businesses. (110 pages)
(ELR ORDER # 31140) (NTIS ORDER # 73 1140D)

I-90—Issaquah to West Snoqualmie Washington	07/10

County: King
The proposed project is the reconstruction of 8.34 miles of I-90, Issaquah to West Snoqualmie, to a six lane highway. The facility will require a unspecified amount of forest and pasture land, displace 31 families and 4 businesses and relocate a number of public utilities. The facility will traverse and alter a number of major creeks and rivers. Erosion, siltation, sedimentation and high amounts of runoff (containing both toxic and non-toxic substances) will cause damage to the aquatic life system. Other adverse impacts are loss of wildlife habitat; increases in water, air and noise pollution; and increased flooding potential. (170 pages)
(ELR ORDER # 31155) (NTIS ORDER # EIS 73 1155D)

Final	*Date*
Interstate Route 84, Connecticut Connecticut	07/09

County: New Haven
The proposed project consists of the relocation of a section of Interstate Route 84 in Waterbury from the vicinity of South Elm Street easterly to Hamilton Avenue. Project length is 1.2 miles. Adverse effects stemming from the project are loss of land and buildings along the margin of the project area. (191 pages)
COMMENTS MADE BY: AHP USDA HUD EPA HEW DOI state, local, and regional agencies (ELR ORDER # 31137) (NTIS ORDER # EIS 73 1137F)

Delaware Rte. 141, Center Road Delaware	07/09

County: New Castle
Proposed is the construction of the last link in circumferential Route 141 around the City of Wilmington. The proposed four lane freeway with two, 2-lane frontage roads will extend from Woodward Avenue to Lancaster Pike. Adverse impacts of the action are the relocation of families and businesses with resultant community disruption, reduction in tax base, and increased noise levels. (157 pages)
COMMENTS MADE BY: USDA DOI DRBC EPA HEW state agencies
(ELR ORDER # 31136) (NTIS ORDER # EIS 73 1136F)

Dirby Avenue (FAU Route 8320) Illinois	07/10

County: Champaign
The proposed project is the reconstruction of two lane Kirby Avenue to four lanes. All construction will be done on existing right-of-way. Construction easements required throughout the project include a temporary easement of 4(f) land from the Champaign Park District. (68 pages)
COMMENTS MADE BY: EPA HUD DOI DOT COE USDA
(ELR ORDER # 31148) (NTIS ORDER # EIS 73 1148F)

I-25, Las Vegas Bypass New Mexico	07/09

County: San Miguel
Proposed is the construction of a new four-lane divided interstate freeway to connect the two ends of I-25 north and south of Las Vegas. Project length is 4.73 miles. Sixty-six families, 62 of which have Spanish surnames, will require relocation. The Pecos Arroya, a live stream, will require bridging and/or channel changes at two locations. Noise and air pollution and minor soil erosion will occur during construction. (50 pages)
COMMENTS MADE BY: EPA USDA HUD OEO state and local agencies
(ELR ORDER # 31138) (NTIS ORDER # EIS 73 1138F)

The following is a corrected summary of a statement which was received by the Council on June 28, 1973.

I 91, I 93, US 2, US 5, Vermont Vermont	06/28

County: Caledonia
The statement refers to several projects, including 24 miles of I 91; 11 miles of I 93; and the relocation of sections of US 2 and US 5. Right-of-way acquisition will include approximately 2608 acres of land, 98 residential units, 6 businesses, and 2 farms. Approximately 1200 acres of woodland with water storage properties and wildlife will be lost. Other adverse effects stemming from the project are increased soil erosion causing siltation in surrounding streams and increased air and noise pollution levels. (150 pages)
(ELR ORDER # 31078) (NTIS ORDER # EIS 73 1078D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-14825 Filed 7-19-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[DRBC-EU-D-72-227 CP]

TROUT RUN EARTHFILL DAM

Availability of Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's Rules of Practice and Procedure (section 2-3.5.2) notice is hereby given of the availability of the final environmental statement as of July 18 which discusses the environmental impact of the Trout Run Reservoir of the Borough of Boyertown in Earl Township, two and a half miles west of the Borough of Boyertown, Berks County, Pennsylvania. The final statement has been prepared by the Commission based on the Borough of Boyertown's environmental report by the consultants Glace and Glace of Harrisburg, Pennsylvania, and the Commission's staff analysis of the proposed action. The final statement includes comments from other agencies, interested citizens and citizens groups.

The proposed action includes the construction of an earthfill dam and relocation of one mile of highway L.R. 06053 in creating the 42 acre 330 million gallon water supply reservoir.

The final environmental impact statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey, and in the library of the Water Resources Association of the Delaware River Basin, 21 S. 12th Street in Philadelphia. A limited number of copies of the final statement are available to persons or agencies upon request.

The final statement will be submitted to the Council on Environmental Quality as of July 18.

W. BRINTON WHITALL,
Secretary.

JULY 13, 1973.

[FR Doc.73-14887 Filed 7-19-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEMAGRO

Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1391) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide *S*-[2-ethylsulfinyl)ethyl] 0,0-dimethyl phosphorothioate and its cholines-terase-inhibiting metabolites in or on the raw agricultural commodities tomatoes at 1 part per million, onions (bulb) at 0.05 part per million, and filberts at 0.01 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a thermionic emission gas chromatographic procedure using a phosphorus sensitive detector.

Dated: July 17, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14970 Filed 7-19-73;8:45 am]

CROWN ZELLERBACH CORP.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 3H5039) has been filed by Crown Zellerbach Corp., One Bush Street, San Francisco, CA 94119, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of butyl benzyl phthalate in or on raisins at 35 parts per million resulting from use of butyl benzyl phthalate as a solvent for the insecticide malathion in formulations applied to paper trays used in drying grapes.

Dated: July 17, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-14969 Filed 7-19-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-6 and RI74-7]

CONTINENTAL OIL CO. ET AL.

Hearing on and Suspension of Proposed Changes in Rates [1]

JULY 12, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable,

[1] Does not consolidate for hearing or dispose of the several matters herein.

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unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in Docket No.
RI74-6	Continental Oil Co	176	5	Transwestern Pipeline Co. (Crawar Field, Crane and Ward Counties, Tex., Permian Basin).	$3,373	6-20-73		8-21-73	18.0788	19.0831	RI69-654.
	do	180	9	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex., Permian Basin).	23,637	6-18-73		12-19-73	18.5890	21.4683	RI69-653.
	do	181	8	El Paso Natural Gas Co. (Brown-Bassett Field, Terrell County, Tex., Permian Basin).	1,807	6-20-73		8-21-73	[1] 18.0675	[2] 19.0713	RI69-655.
RI74-7	Sun Oil Co	187	7	Northern Natural Gas Co. (North Puckett Ellenburger Field, Pecos, County, Tex., Permian Basin).	[3] 2,891 [4] 9,940	6-12-73		8-13-73	16.06	17.064	R173-13.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to processing cost up to a maximum of 4.5 per Mcf.
[2] New gas well gas.
[3] Casinghead gas.
[4] Corrected by filing of June 22, 1973.

The proposed increase of Continental Oil Company under its FPC Gas Rate Schedule No. 180 exceeds the rate limit for a one day suspension, and, is, therefore, suspended for five months.

The remaining proposed increases do not exceed the rate limit for a one day suspension and are suspended for one day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, § 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-14857 Filed 7-19-73;8:45 am]

[Rate Schedule No. 15 etc.]

MOBIL OIL CORP. AND SKELLY OIL CO.

Notice of Rate Change Filings

JULY 12, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
June 28, 1973	Mobile Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	15	Kansas-Nebraska Natural Gas Co., Inc.	Hugoton-Anadarko.
July 2, 1973	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	5	Tennessee Gas Pipeline Co.	Other Southwest Area.
Do	do	13	Texas Gas Transmission Corp.	Do.
Do	do	14	do	Do.
Do	do	16	do	Do.

[FR Doc.73-14734 Filed 7-19-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor to a merger of Northline State Bank, Houston, Texas ("Bank"),[1] with New Northline State Bank, a newly organized bank not in operation. The banks would merge under the charter and name of Bank, and the proposed acquisition is treated herein as the proposed acquisition of shares of Bank.

[1] At present Applicant owns .97 per cent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas and largest in the Houston banking market (approximated by the Houston SMSA), controls 15 banks with aggregate deposits of $2,012 million, which represent about 6 percent of total deposits in commercial banks in Texas and 19.5 percent of all such deposits in the Houston banking market.[2] In addition, Applicant owns voting shares (less than 25 percent) of each of 13 other banks which hold, in the aggregate, deposits of approximately $406 million, representing 1.17 percent of aggregate deposits in commercial banks in Texas.[3] Consummation of the proposed transaction would add .15 percentage points to Applicant's share of the Houston banking market and .04 percentage points to Applicant's share of total commercial bank deposits in the State.

Bank, a small retail institution with deposits of approximately $12 million, serves primarily an area surrounding the Northline Shopping Center in a suburban area of north Houston. On the basis of deposits, Bank ranks 94th among the 156 banks within the rapidly expanding Houston banking market. Bank's service area overlaps that of only one of Applicant's subsidiaries, First City National Bank, a large downtown wholesale institution located over six miles from Bank. Due to its small size and its distance from downtown Houston, Bank is not regarded as a desirable vehicle for entry into the Houston banking market. Moreover, Bank and Applicant are affiliates, since shareholders owning 58.34 percent of the outstanding stock of Bank also own 50.06 percent of the outstanding stock of Applicant. A close relationship apparently has existed between Applicant and Bank since Bank's formation in 1965; and persons with present and past affiliations with Applicant have always participated in Bank's management. On the basis of the record, the Board considers that consummation of the proposed acquisition would not adversely affect competition in any relevant area to any significant extent.

[2] Banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through May 31, 1973.

[3] The Board's Order of January 4, 1973, conditions approval of Applicant's acquisition of Highland Village State Bank, Houston, Texas, and of First State Bank of Clear Lake City, Clear Lake City, Texas, upon divestiture of direct or indirect control of all voting shares in excess of 5 percent of both South Main Bank and Heights State Bank, both of Houston, Texas. The above figures do not reflect any such divestiture.

The financial and managerial resources of Applicant, its subsidiary banks, and Bank, are regarded as satisfactory and consistent with approval and prospects are considered favorable. Considerations relating to the convenience and needs of the community are consistent with approval. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14923 Filed 7-19-73;8:45 am]

MARINE BANCORPORATION

Order Approving Acquisition of Globe Finance Co. of Opportunity, Inc.

Marine Bancorporation, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's regulation Y, to acquire indirectly 90 percent of the outstanding small loan accounts, together with furniture and equipment of Globe Finance Co. of Opportunity, Inc., Opportunity, Washington ("Globe Finance"), through Applicant's 100 percent owned subsidiary, Commerce Credit Corporation, Seattle, Washington. The proposed subsidiary would engage in the activity of making small secured and unsecured loans for a period not in excess of 25½ months, subject to restrictions and limitations specified in the Samll Loan Act of the State of Washington.[1] Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 12834). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, The National Bank of Commerce of Seattle, Seattle, Washington ("Commerce Bank"), with aggregate deposits of $1.4 billion, representing approximately 20 percent of the total deposits in commercial banks in Washington.[2] Commerce Bank is the second largest bank in the State.

Applicant proposes to acquire Globe Finance through Commerce Credit Company, its wholly-owned nonbanking subsidiary established in 1972 and engaged in small consumer loans and second mortgage lending. Globe Finance has net assets of $137,000 and operates a small loan business in the suburban area of Opportunity, Washington, serving only a portion of the Spokane market. The sales office of Globe Finance is located six miles east of downtown Spokane. Commerce Credit Company operates no offices in eastern Washington and consummation of this proposal would eliminate no direct competition. There is a strong possibility that Applicant may soon open offices, and compete in the consumer loan markets in the eastern Washington area.[3] However, the operations of Globe Finance are small in comparison with the large Spokane market which is served by seventeen companies including several large national corporations. Furthermore, a sister corporate organization to Globe Finance operates two other offices in the Spokane area and thus the number of alternative consumer lenders in Spokane will not be reduced by the present application. In terms of the overall market, the acquisition of the assets of Globe Finance by Commerce Credit Company would have no significant adverse effects on existing or potential competition within the market, and the Board finds that the competitive issues are consistent with approval of the application.

It appears that the proposed acquisition would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Furthermore the proposed acquisition would serve the public, since it would provide for the entry into the subject market of a company with greater financial resources than are presently possessed by Globe Finance, thereby resulting in greater potential availability of consumer credit for local residents.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

[1] Chapter 31.08 Revised Code of Washington.

[2] All banking data are as December 31, 1972.

[3] The Commerce Bank has received regulatory approval to merge Washington Trust Bank, Spokane, Washington, into itself. That merger has been deferred pending ultimate resolution of a suit brought by the United States Department of Justice challenging that merger, which the Department lost in the trial court and has now appealed to the Supreme Court.

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to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14924 Filed 7-19-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-185]

DATA SERVICES OF THE FEDERAL TELECOMMUNICATIONS SYSTEM INTERCITY VOICE NETWORK

1. *Purpose.* This regulation prescribes revised procedures and reporting requirements and updated rates for the various data services provided by the Federal Telecommunications System (FTS) intercity voice network.

2. *Effective date.* This regulation is effective July 1, 1973.

3. *Expiration date.* This regulation expires February 28, 1974, unless sooner revised or superseded.

4. *Conditions of service.* This regulation contains provisions for conditions of service and methods of charging for direct use of the FTS intercity voice network for transmission of data by facsimile, magnetic tape, card transceiver, or similar data terminal equipment.

a. *General.* The FTS intercity voice network is available under controlled conditions for direct subscriber access by Federal agencies or their approved cost reimbursement contractors for the transmission of only that data which can be accommodated over normal voice-grade, unconditioned switched channels.

b. *Suspension of service.* Daytime use of the FTS intercity voice network for data transmission is subject to restrictions necessary to protect the quality of regular network service for voice transmission. In the event of deterioration of quality of service for voice transmission at any location, the General Services Administration may inform agencies of the necessity for temporary or permanent cessation of use of particular FTS voice circuits for data transmission during the daytime usage hours.

c. *Service availability.* Service is offered between locations which are served direct by the FTS intercity voice network. No off-net originating service is available. Off-net terminating service is available only by special arrangement.

5. *Direct subscriber use between agency terminals.* This service is available to agencies having a data transmission requirement between locations served direct by the FTS intercity voice network. The following general provisions, rates, and method of billing will apply:

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

a. *Prior approval.* Prior approval must be obtained from GSA in accordance with FPMR 101-35.2 before the inception of service.

b. *Charges.*

(1) Data transmissions during daytime hours (7 a.m. to 7 p.m. e.s.t., Mondays through Fridays, except holidays) will be at the rate of 14 cents per minute. Although calls may be subject to sampling, such calls will not be included in the sampling results.

(2) Night, holiday, and weekend service (7 p.m. to 7 a.m. e.s.t., Mondays through Fridays, and 24 hours per day on Saturdays, Sundays, and holidays) will be provided without charge.

(3) All costs associated with data terminal equipment, data sets, channel terminations, installation charges, special circuitry, metering devices, etc., will continue to be borne by the subscribing agency unless agreements have been made with GSA wherein GSA will provide a total communications service for the agency at a rate which also covers such items as listed above.

(4) Agency subscribers of GSA's Remote Access Multi-User System (RAMUS), provided by the Federal Data Processing Center in Atlanta, Georgia, and located within a 100-mile radius of the entry points listed below to the Atlanta time-sharing computer, are not subject to the above usage charges or to the reporting requirements of subparagraph 5c, below, since the FTS intercity costs within this radius are included in the charges for the RAMUS service.

LIST OF ENTRY POINTS

Chicago, IL	New York, NY
Detroit, MI	Washington, DC
Boston, MA	Vicksburg, MS
Atlanta, GA	

c. *Reports and billing.* (1) Except as specified in subparagraph 5c(3), below, using agencies shall submit, no later than 10 days after the end of each quarter, usage reports on GSA Form 2830, Individual Terminal Report of FTS Intercity (Voice Network) Data Transmission. GSA Form 2830 requires the number of calls and minute usage for daytime hours for each terminal location (address—number, street, city, State, ZIP code, and room number) and, for information purposes, a listing of the terminals used at night, holidays, and weekends. Reports shall be forwarded to the General Services Administration (CXM), Washington, DC 20405. The first report is due October 10, 1973.

(2) GSA will render a quarterly bill to the headquarters level based on the quarterly usage submitted by the agency on GSA Form 2830 for each of its terminal locations.

(3) For that part of agency traffic that is carried over the FTS intercity voice network under the GSA Teleprocessing Service Contract, a quarterly report of usage need not be submitted since this traffic will be reported to GSA by the contractor. GSA will render a quarterly bill to the headquarters level based on the information submitted by the contractor.

6. *Forms availability.* Agencies may obtain their initial supply of GSA Form 2830 from the General Services Administration (3BRDD), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. Agency field offices should submit all future requirements for the form to their Washington, DC headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, DC 20405.

7. *Service to Alaska, Hawaii, and Puerto Rico.* This service continues to be available on an authorized and controlled basis for certain types of record and data traffic requiring the use of unconditioned voice circuits served direct by FTS intercity voice network.

a. To avoid interruption of transmission, it is required that the originator of data calls to and from Alaska, Hawaii, and Puerto Rico inform the FTS overseas operator that the call is a data call and give the approximate length of transmission.

b. The following rates cover only the cost of service from the gateway centers (San Francisco to Hawaii for Hawaii service; Seattle to Alaska for Alaska service; and Washington, DC to Puerto Rico for Puerto Rico service) and are effective July 1, 1973.

To and from gateway centers and:

	Rate/Minute
Alaska	0.90
Hawaii	1.00
Puerto Rico	1.00

c. Data transmissions originating or terminating in Alaska, Hawaii, or Puerto Rico are not subject to the reporting requirements of paragraph 5, above. GSA will render a quarterly bill at the headquarters level based on tickets prepared by GSA operators at the gateway centers. GSA will also bill at the rate of 14 cents per minute for any data traffic (7 a.m. to 7 p.m. e.s.t., Monday through Friday, except holidays) that passes over the conterminous 48-State portion of the FTS intercity voice network. Although such conterminous traffic may be subject to sampling, such calls will not be included in sampling results.

8. *General-usage magnetic tape and card service.* Service to agencies having a requirement for the delivery of magnetic tapes and punched cards is currently available by arrangement between any of the GSA terminal stations in the following locations:

Atlanta, GA	Fort Worth, TX
Auburn, WA	Kansas City, MO
Boston, MA	New York, NY
Chicago, IL	San Francisco, CA
Denver, CO	Washington, DC

a. The reimbursement rate for the transmission of magnetic tape between any two GSA terminal locations, including usage of the FTS intercity voice network, will be $1 per minute. Service is also available to agencies operating their own magnetic tape terminal having access to the FTS intercity voice network. The charge for magnetic tape service from an agency-operated terminal to any of the above GSA locations or from any of the above GSA locations to an agency-operated terminal will be at the rate of 57 cents per minute. This rate includes FTS usage and use of the single GSA magnetic tape terminal.

b. The reimbursement rate for the transmission of punched card traffic between any two GSA terminal locations is 2½ cents per card. The card transceiver network is also interconnected with the Defense Communications System Automatic Digital Network (AUTODIN), enabling the exchange of card traffic with any location served by the military worldwide system.

c. The pickup and delivery of magnetic tapes and card decks from GSA-operated terminals are the responsibilities of the subscribing agency. Agencies are to return or make suitable replacement for magnetic tapes provided by GSA.

d. Billing for services will be made monthly by GSA on the basis of usage reports from the GSA data communications centers providing the service.

9. *Prior approval and information.* a. Prior arrangements must be made with GSA before the inception of service. Requests for information and approval in connection with initial requirements should be directed to the Assistant Commissioner for Agency Assistance, Planning, and Policy (CP), Automated Data and Telecommunications Service, General Services Administration, Washington, DC 20405 (telephone: FTS 202-254-6306, IDS 193-46306, or Centrex A 46306).

b. Information regarding specific rate applications and billing may be obtained from the Office of the Executive Director (CX), Automated Data and Telecommunications Service General Services Administration, Washington, DC 20405 (telephone: FTS 202-254-6364, IDS 193-46364, or Centrex A 46364).

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (CP), Washington, DC 20405, no later than November 30, 1973, for consideration and possible incorporation into a permanent regulation.

11. *Effect on other issuances.* This regulation cancels GSA Bulletin FPMR F-37.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 13, 1973.

[FR Doc.73-14964 Filed 7-19-73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

NATIVE AMERICAN PROGRAM

Notice of Designation

Pursuant to the authority in section 222(a) of the Economic Opportunity Act of 1964, I hereby designate as a Special Program a program to be known as the Native American Program. This program, which will be developed and carried out under the direction of the Department of Health, Education, and Welfare, will involve new and innovative approaches in dealing with the special needs of Indians and Alaska Natives, providing for a better focusing of available resources on their attainment of economic self-sufficiency. It will also contribute to the implementation of the President's recommendations on Indian Policy as presented to the Congress on July 8, 1970. The program shall include provisions to enable Indians and Alaska Natives, acting through their own instruments of self government, to establish their own programmatic and funding priorities and to gain control and direction of institutions and programs affecting their daily lives.

Assistance under this program shall continue to be provided through grants on contracts to tribal councils or other public or private nonprofit agencies for such purposes as, but not limited to: (1) The support of self-determination programming aimed at increasing the capabilities of reservation Indians to take over services now provided by non-Indian controlled organizations; (2) the support for projects designed to meet the nutritional needs of Indians and Alaska Natives, and to provide other needed services to promote individual and family self-sufficiency; (3) the support for establishment and operation of urban centers serving Indian people living off reservations; and (4) funding to encourage self-help and community economic development efforts.

I hereby determine that the objectives sought cannot be effectively achieved through the use of authorities under section 221 of the Act. As is indicated above, an important objective sought is the better focusing of federal and state resources on the goal of self-sufficiency of Indian tribes, Alaska Native communities and their members. Because of the extent of geographic, cultural and socio-economic dispersion and isolation of such tribes and communities, the variety of the resources that may be brought to bear and the complexity of the systems and processes by which the availability of these resources is determined, local initiative programming under section 221 has not been and cannot be effective to achieve this objective. In accordance with the principle of self-determination without termination of the special relationship between the Federal government and the Indian tribes and Alaska Native communities, the determination, formulation and administrative effectuation of responsive measures should be carried out cooperatively by Federal and State governments and organizations representative of Indians and Alaska Natives functioning on a national or state-wide basis. Financial, organizational, informational and technical assistance required for these purposes cannot be effectively, efficiently or economically provided through the use of authorities under section 221 of the Act.

A further objective sought is to increase the capability of Indian tribes and Alaska Native communities to establish their own programmatic and funding priorities. At present these tribes and communities possess this capability in varying degrees. This crucial aspect of self-determination has not been effectively achieved because of the categorization of much of the available resources, the history of their administration by non-tribal and non-community agencies and the widespread deficiency of financial, technical and other support for the development and functioning of strong, well organized, efficient tribal and community governments. To achieve the objectives there is needed a program of assistance which accords the development of such governments the status of a binding national priority, but which is otherwise substantially noncategorical in proportion to the recipient tribes' and communities' capacity for planning and utilization. The authorities under section 221 of the Act preclude the establishment of a binding national priority of this type and are, in general, insufficient for the accomplishment of this purpose. This designation shall be effective on July 1, 1973.

Dated: July 6, 1973.

A. J. ARNETT,
Director-Designate,
Office of Economic Opportunity.

[FR Doc.73-14965 Filed 7-19-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on August 1-3, 1973 at the Dallas North Marriott Inn, 7750 LBJ Freeway, Dallas, Texas. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the

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Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statement, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 17, 1973.

[FR Doc.73-14953 Filed 7-19-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order No. 626]

SPECIAL INDUSTRY COMMITTEE FOR ALL INDUSTRY IN AMERICAN SAMOA

Appointment; Convention; Notice of Hearing

Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR, 1949–53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 10 for American Samoa. Pursuant to section 6(a)(3) and section 8 of the Act, as amended (29 U.S.C. 206(a)(3), 208) and Reorganization Plan No. 6 of 1950, I hereby convene this committee, refer to it the question of the minimum wage rate or rates for all industry in American Samoa to be paid under section 6(a)(3) of the Act, as amended, and give notice of the hearing to be held by it.

The Committee shall meet in executive session at 9 a.m., September 20, 1973, in the Legislative Hall, Pago Pago, American Samoa, and shall commence its public hearing at 9 a.m., September 24, 1973 at the same place. The industry committee shall investigate conditions in such industry and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industry, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. The committee shall not, however, recommend minimum wage rates in excess of those under the Fair Labor Standards Act for classifications in the United States, currently $1.60 an hour.

Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in such industry than may be determined for other employees in such industry, the committee shall recommend such reasonable classifications within such industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, the committee shall consider, among other relevant factors, the following:

(1) Competitive conditions as affected by transportation, living and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards.

The Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, as soon as it is completed. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than September 1, 1973. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 16th day of July 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-14913 Filed 7-19-73;8:45 am]

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PART II

COST OF LIVING COUNCIL

■

Phase IV Regulations

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Exemption of Providers of Health Services

The purpose of this amendment is to add a new § 140.35 to Part 140 of Title 6, Code of Federal Regulations to exempt institutional and noninstitutional providers of health services from the provisions of the Council's freeze regulations, and to continue the Phase III mandatory controls applicable to providers of health services that are embodied in § 130.61 of Part 130 of this title.

The continuation of Phase III mandatory controls is intended to be an interim measure. New regulations governing providers of health services will be developed and issued as a separate subpart of the forthcoming Phase IV regulations after extensive consultation with the Health Industry Advisory Committee of the Cost of Living Council and other interested health care providers and consumers.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days. Interested persons may submit communications regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345.)

In consideration of the foregoing, Subpart D of Part 140 of Chapter 1 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective July 1, 1973.

Issued in Washington, D.C., July 18, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Section 140.35 is added to Part 140 to read as follows:

§ 140.35 Providers of health services.

Effective July 1, 1973, institutional and noninstitutional providers of health services are exempt. Providers of health services continue to be subject to the Phase III mandatory controls set forth in § 130.61 of this title.

[FR Doc.73-15025 Filed 7-19-73;4:30 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

The purpose of this amendment is to establish a new Part 150—Cost of Living Council Phase IV Regulations and a new Subpart N therein.

Subpart N is a republication of the June 18, 1973, price regulations applicable to the construction industry, 38 FR 15821. Prior to publication on June 18, there was consultation with numerous contractor's associations, user groups, and affected Federal agencies.

The regulations establish several rules applicable to prices charged for construction operations, reaffirm profit margin limitations for construction operations, prescribe reporting requirements for sales, costs, and profits by a firm in the construction industry, and provide a procedure for renegotiation of fixed price construction contracts where wages have been reduced.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended by establishing a new Part 150 and adding a new Subpart N therein as set forth below, effective August 12, 1973.

Issued in Washington, D.C., July 19, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

Subpart N—Construction

Sec.
150.451 Scope.
150.452 Definitions.
150.453 Prices: Redetermination of contracts in excess of $500,000.
150.454 Reporting of sales, costs, and profits.
150.455 Prices: Passthrough of allowable costs.
150.456 Profit margin measurement.

AUTHORITY: Economic Stabilization Act of 1970, as amended; Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; EO 11730, 38 FR 19345.)

Subpart N—Construction Industry

§ 150.451 Scope.

This subpart establishes special rules applicable to prices charged for construction operations in the construction industry. This subpart does not apply to the prices charged by any firm in the construction industry which derives both less than 20 percent of its annual sales or revenues from construction operations and less than $30 million of annual sales or revenues from construction operations.

§ 150.452 Definitions.

For purposes of this subpart, the terms—

(a) "Annual sales or revenues" means the total gross receipts of a firm in the construction industry during its most recent fiscal year, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenues. For purposes of this subpart annual sales or revenues shall also include the firm's pro rata share of annual sales and revenues derived from the construction operations of any joint venture of which it is a part.

(b) "Base period" means any one, at the option of the firm concerned, of the following fiscal years: That firm's last three fiscal years ending before August 15, 1971, and any fiscal year, other than the fiscal year for which compliance is being measured, completed on or after that date.

(c) "Construction industry" means every firm engaged in or undertaking any construction operations, and every employee employed by such firm.

(d) "Construction operations" means all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways, and the like when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition. The term also means the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers. In addition, the term means all other work classified as construction in 29 CFR 5.2(g).

§ 150.453 Prices: Redetermination of contracts in excess of $500,000.

(a) The contract price for each construction contract in excess of $500,000, all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (CLC), shall be redetermined prior to final payment if the wage and salary level of those construction workers is reduced as a result of CISC or CLC action. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or CLC action, including any cost increases directly resulting from the CISC or CLC action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of $500,000 affected by CISC or CLC action shall be conducted in the manner provided in the Federal Procurement Regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts in excess of $500,000 other than those referred to in paragraph (b) of this section shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or CLC review each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result of CISC of CLC action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors of a reduction in the wages and salaries of construction workers as a result of CISC or CLC action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or CLC action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c)(2) of this section.

(d)(1) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or CLC action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or CLC action, including any cost increases directly resulting from such action.

(2) Pending notification by the owner or user of his intent to redetermine the contract price, the prime contractor may place in escrow an amount which fairly reflects the CISC or CLC action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90-day period specified, or if the owner or user does notify the prime contractor during that time period that he will not redetermine the contract price.

§ 150.454 Reporting of sales, costs, and profits.

A firm in the construction industry with annual sales or revenues of $50 million or more from construction operations shall report annually information as to sales, costs, and profits in accordance with forms and instructions issued by the Council. A firm required to report quarterly under § 150.151 shall not include within the quarterly report sales, costs, and profits information relating to construction operations if the firm is required to report such information annually under the provisions of this section.

§ 150.455 Prices: Passthrough of allowable costs.

A firm in the construction industry may charge prices for construction operations to reflect any allowable costs which it has incurred and continues to incur to the extent that such prices do not result in an increase in its profit margin over that which prevailed during the base period. For purposes of this section, the term "allowable costs" includes the full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, to the extent such pay adjustment has been approved by CISC or CLC. The full amount of any pay adjustment contained in a collective-bargaining agreement entered into after November 8, 1971, which was approved by the CISC or CLC and passed through prior to June 13, 1973, shall also be considered to be an allowable cost as of the date such pay adjustment was passed through.

§ 150.456 Profit margin measurement.

(a) For purposes of § 150.455 to the extent possible and consistent with the accounting principles customarily used in preparation of the contractor's financial statements, profit margin on construction operations shall be separately determined from profit margin on nonconstruction operations. To the extent that the annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from construction operations for purposes of profit margin determination, those annual sales or revenues from nonconstruction operations are subject to the mandatory profit margin rule of this subpart.

(b) Where annual sales or revenues from nonconstruction operations cannot be separated from the annual sales or revenues from construction operations, the base period to be used in calculating the profit margin shall be the base period defined in § 150.21 and not the base period defined in § 150.452.

(c) No firm in the construction industry may exceed its base period profit margin unless the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, the manner of accruing losses on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin with that which prevailed in its base period.

(d) Any justification for a profit margin exceeding the base period profit margin by a firm subject to § 150.454 which is based on paragraph (c) of this section, shall be reported and be subject to review by the Council.

[FR Doc.73-15026 Filed 7-19-73;4:30 pm]

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COST OF LIVING COUNCIL

[6 CFR Parts 130, and 150]

PHASE IV REGULATIONS

Notice of Proposed Rulemaking

Pursuant to Executive Order 11730, the Cost of Living Council is considering the adoption of the regulations set forth in this notice effective August 12, 1973.

In its initial action in implementing Executive Order 11730, the Council on July 18, 1973, issued a series of amendments to the Freeze regulations providing for Stage A of the transition of the Food industry from the Freeze to Phase IV (38 FR 19462).

Elsewhere in this edition of the FEDERAL REGISTER are amendments to the Economic Stabilization Regulations which provide for returning providers of health services to Phase III controls pending development of Phase IV regulations (38 FR 19462) and providing for the direct transition of the construction industry from the freeze into Phase IV. (38 FR 19462).

In issuing this notice of proposed rulemaking the Council is inviting public comment on the principal substantive price control rules contemplated for Phase IV. Special rules are included dealing with the petroleum and insurance industries. Also included are several technical amendments to existing Phase III Wage Stabilization regulations to adjust them for Phase IV and to accommodate the establishment of separate Price Stabilization regulations.

In the near future, the Council will be issuing procedural regulations covering appeals, requests for exceptions, exemptions and reclassification, hearing procedures, and the disclosure of economic stabilization information. It will also be issuing additional regulations providing for Stage B of the transition of the food industry into Phase IV as well as a recodification of the Phase III wage stabilization regulations, which continue in effect.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice, to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Comments should be identified with the designation "Proposed "Phase IV Docket" and should be organized so that those dealings with a particular subpart of the proposed regulations are separate from those dealing with other subparts (i.e. on separate pages). At least ten copies should be submitted. All communications received before July 31, 1973, will be considered by the Council before taking final action on the proposed regulations. The proposed regulations contained in this notice may be changed in the light of comments received. All comments received in response to this notice will be available for examination and copying by interested persons at the Cost of Living Council, 2000 M Street, NW., Washington, D.C. during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday. Submissions will be available both before and after the closing date for comments.

SUBPART A—GENERAL

Subpart A provides the scope of the new Part 150. It specifies which of the prior regulations are superseded and which temporarily remain in effect.

Subpart A also provides that reports due under the Phase III regulations continue to be required even though Phase III has ended for most firms.

Subpart A also reiterates the Phase III rule that contract renegotiation provisions which depend for their operation upon the modification or termination of the Economic Stabilization Program are inoperative as inconsistent with the goals of that program.

SUBPART B—DEFINITIONS

Subpart B contains the definitions of general applicability to this part. Definitions which are applicable only to one subpart are placed at the beginning of that Subpart.

SUBPART C—CLASSIFICATIONS

Subpart C classifies all firms as price category I, II or III, based upon the firm's annual sales or revenues. Specifically, a price category I firm is a firm with annual sales or revenues of $100 million or more. A price category II firm is one with annual sales or revenues of at least $50 million but less than $100 million. All others are price category III firms. The terms "firm" and "annual sales or revenues" are carried forward from Phase II and III. Therefore, as in Phase II, for purposes of determining the appropriate price category, a firm must include the annual sales or revenues from the most recently completed fiscal year of each entity it controls, directly or indirectly, as well as its own annual sales or revenues from its most recently completed fiscal year.

SUBPART D—EXEMPTIONS

The purpose of Subpart D is to set forth a list of the items, transactions, and firms exempt from various provisions of the Economic Stabilization Program. The exemptions are the same as those that prevailed during Phase II and III with certain exceptions and modifications as follows:

Section 150.51 includes language to make it explicit that the exemption of a particular item or sale from the rules governing the price that may be charged for the item or sale does not mean that revenues derived can be excluded from a firm's revenues in determining such things as its price category classification or its profit margin.

Items and sales being added to the Phase II and III exemption are (1) brokerage fees for securities and commodities [§ 150.54(l)], (2) certain long-term coal contracts [§ 150.54(n)]. (3) lumber and certain wood products [§ 150.54(o)], and (4) public utilities [§ 150.56].

Postal rates are being expressly deleted from the exemptions [§ 150.54(a)].

The exemption for U.S. tanker rates [§ 150.54(k)] is restated to expressly cover tanker rates on all coastwise voyages, not just those "by sea".

The requirements that a vessel be U.S. built, U.S. documented, and U.S. owned are being omitted as unnecessary since all vessels must meet those standards before they can be licensed to engage in the coastwise trade.

In the small businesses exemption the dates for measuring a firm's qualifications are being advanced 15 months to make them more contemporaneous with the Economic Stabilization Program's entry into Phase IV.

SUBPART E—GENERAL RULES

Subpart E sets forth the general pricing rules which, unless otherwise provided, apply in the new Part 150. The general pricing rules are: (1) No one may change a price for an item which exceeds the base price (or other authorized price) for that item; (2) no one may knowingly pay a price which exceeds the base price (or other authorized price) for that item, unless he had no reasonable alternative but to pay that price and he reports the unlawful price to the IRS; and (3) no one may take retaliatory action against another who files or intends to file a violation complaint or otherwise exercises his rights under the Economic Stabilization Program. These rules are virtually the same as those provided in Phase II.

Subpart E also sets forth the pricing rules applicable to firms engaged in manufacturing and service activities. These rules differ from the Phase II pricing rules for manufacturers and service organizations (§§ 300.12 and 300.14) in several respects, including the following:

(1) Prices above base price levels may be changed to recover net allowable cost increases on a dollar-for-dollar basis only. In Phase II, price increases which reflected increases in allowable costs also reflected maintenance of profit margins (subject to the limitation that the firm's overall profit margin could not exceed its base period profit margin).

(2) The antecedent base point for "cost reach-back" purposes has been changed from the date of the last price increase in the item concerned to the fiscal quarter which ended prior to January 11, 1973. This is also the period for calculating base prices under Phase IV. This change will simplify control and reporting of cost justification because henceforth costs will always be measured from the same base point on a cumulative basis, without regard to intervening price increases. A new period for cost accumulation began under the Phase II rules every time the price of an item was increased, with the result that costs were recorded on an incremental basis without a common point of reference.

(3) Subpart E also places a positive obligation upon firms which raise prices above base price levels to reduce prices when, and to the extent that, the costs which support those price increases no longer continue to be incurred. This rule was implicit under Phase II but was not expressly stated in either § 300.12 or § 300.14.

(4) Subpart E continues unchanged the Phase II rule requiring that increases in labor cost be reduced to reflect productivity gains and that the unit cost decrease in nonvariable costs that results from an increase in volume of output be taken into account. However, because construction contractors are subject to special regulations under Subpart N which differ substantially from the applicable Phase II rules, the productivity offset required in Phase II is not required of construction contractors in Phase IV.

Also new in Subpart E is a special pricing rule covering lawful price increases late in Phase II (after the end of the firm's base cost period), price increases under Phase III's general price standard, and price increases lawfully effected during the 1973 freeze. Essentially, this special rule provides that these price increases may continue to be charged after August 12, 1973, at the last price level charged with respect to the item concerned on or before that date. However, before these prices may be raised again, the entire amount by which the price charged exceeds the base price, including all price-increase increments since the firm's cost base period, must be cost-justified in accordance with the new dollar-for-dollar rule.

(5) Another special pricing rule contained in Subpart E provides that firms which are subject to the prenotification requirement may apply the prenotified percentage price increase authorized under Subpart H to a product line or service line on a weighted average basis. However, where the prenotified percentage price increase authorized is 10 percent or less, the price increase on any one item may not exceed 10 percent, and where the prenotified percentage price increase to be applied is more than 10 percent the price increase on any item may not exceed the prenotified percentage price increase authorized.

(6) Subpart E also contains the same profit margin limitation which was applied in Phase II to firms which raised a price above the base price. The profit margin rule has been restated, however, to more clearly express its purpose and intent.

Under the profit margin rule as now stated, a firm may not exceed its base period profit margin "for the fiscal year in which a price above the base price is charged." This language makes clear that the profit margin test is a fiscal year test. It does not preclude testing profit margin compliance on a quarterly basis, however. As in Phase II, compliance will be tested quarterly in Phase IV on the basis of a projection for the full fiscal year.

The profit margin rule has been restated to eliminate language which limited price increases to those which in addition to being otherwise permissible, did not "result in" a profit margin excess. This language raised the question of whether there was a requirement to establish a causal link between a price increase above base price and an ensuing profit margin excess. Some firms took the position early in Phase II that a profit margin excess actually experienced was not a direct result of price increases above base but was the result of other factors. Other firms interpreted "result in" to loosely mean "end in," with the sense not of any direct causality but merely of outcome or conclusion. The Cost of Living Council has consistently adhered to the position (as did the Price Commission) that the charging of a price in excess of the base price necessarily contributes in some degree to any profit margin excess experienced in the same fiscal year, and that no direct causal relationship need be shown.

To avoid any misinterpretation in Phase IV, the Council has eliminated from the profit margin rule all words which raise a question of causality. The Council has, however, retained the essential sense of the profit margin rule as an indirect or secondary limitation on price increases once a price above base is charged. The profit margin rule now simply states that once a firm has changed a price in excess of the base price it may not exceed its base period profit margin for the fiscal year in which the increased price is charged. Conforming changes have been made in the new Part 150 wherever the profit margin rule is applied.

Under the alternative general price standard of Phase III firms were permitted to raise prices by a weighted annual average of 1.5 percent or less without limitation as to profit margin. Firms which increased prices pursuant to that alternative general price standard and which, as a result, exceed their base period profit margin during Phase IV may be eligible for an exception to application of the profit margin rule.

Subpart E contains a special provision (§ 150.92) covering prices specified in contracts entered into during the 1973 freeze with respect to delivery or performance occurring during Phase IV. A special rule is needed because contracts calling for performance or delivery after the freeze were not subject to the price freeze rules.

The new § 150.92 provides that a contract entered into during the freeze, with respect to any delivery or performance occurring after August 12, 1973, shall be subject to the pricing rules of Phase IV except that no prenotification shall be required with respect to payment which falls due before September 12, 1973. The effect of this regulation is to subject the post-freeze portion of the contract to all of the pricing rules of Phase IV except prenotification during the first month of Phase IV. The regulation does not operate to bar any delivery or performance scheduled to take place during the first month of Phase IV which would have been deferred by operation of the prenotification rule.

SUBPART F—BASE PRICES AND OTHER AUTHORIZED PRICES

Subpart F provides the rules for calculating base prices and other authorized prices. The general rule is that the base price of an item is the average price lawfully charged for the item in transactions with the class of purchaser concerned during the base price period.

The average price is determined by dividing the net sales of the item to the class of purchaser by the quantity of the item sold or leased to the class of purchaser during the base price period. The base period is the last fiscal quarter which ended prior to January 11, 1973. If no transaction occurred during that fiscal quarter with respect to the item and class of purchaser concerned, the base price period is the next preceding fiscal quarter in which such a transaction did occur.

Subpart F provides that temporary special deals and allowances may not be excluded in computing the base price. Subpart F also incorporates the Phase II rule modifying the class of purchaser concept for purposes of vending machine sales.

The rules for determining a base price with respect to new items, and for determining an authorized price with respect to custom products and custom services are similar to those provided in Phase II. An important change is the inclusion of a prenotification requirement with respect to the sale of new items by a firm which derives more than $10 million annually from the sale or lease of new items. The purpose of this new rule is to provide a better check on whether an item fully qualifies to be treated as a new item and whether the calculation of the base price of the new item fully conforms to the Subpart F rules.

SUBPART G—BASE COST AND CURRENT COST

Subpart G establishes the basic rules for comparing base costs with current costs. Details of actual calculation of net allowable cost increases are provided in the instructions which accompany forms issued pursuant to Subpart H.

The base cost period for an item is the last fiscal quarter which ended before January 11, 1973. The base cost of direct materials and labor is the rate at which those costs were incurred on the last full day of business in the base cost period. The base cost rule for all other costs is the same except that if the base cost cannot reasonably be determined by reference to the rate at which other costs were incurred on the last full day of business in the base cost period, the firm may use the average cost incurred throughout the base cost period with repect to those costs.

The current cost period is the current fiscal quarter for which a quarterly report or record is required to be filed pursuant to Subpart H. However, because prenotification firms must cost-justify price increases whenever they wish to increase prices, the current cost period for prenotification firms is any representative period prior to the date of the prenotification document in which the normal, recurring costs of the firm were incurred.

With respect to costs of direct materials and labor, the current cost is the rate at which those costs were incurred

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on the last day of the current cost period. With respect to all other costs, the rule is the same except that if current costs cannot be determined by application of that rule the firm may use the average costs incurred throughout the current cost period with respect to those costs.

The base cost period for new items is the fiscal quarter in which the new item concerned was first sold or leased in a transaction with the class of customer concerned.

Subpart H—Prenotification and Recordkeeping

Subpart H imposes prenotification and recordkeeping requirements on firms.

PRENOTIFICATION

Sections 150.151–150.156 set forth the prenotification rules. The general prenotification rule, § 150.151(a), requires that a price category I firm not increase a price above base price with respect to products or services it sells as a manufacturer or service organization until the firm has filed a notice of the proposed price increase with the Council and 30 days have elapsed since the filing of the notice. The pricing rules require that a firm decrease prices which have been increased above base price if the costs upon which the increased price was based later decrease.

The prenotification requirements do not apply to price increases for exempt items, price increases that reflect solely an increase in excise taxes or duties on imports and certain price increases by non-profit organizations. Prices in contracts with the Federal government need not be prenotified. Moreover, a firm may continue to charge a price lawfully charged on August 12, 1973, without prenotifying that price to the Council.

The notice of the proposed price increase must be filed in the form and manner prescribed by the Council, and will be considered to be filed on the date when it is accepted by the Council. The Council will notify the firm in writing of the date of acceptance. The 30-day prenotification period begins with the date when the notice is accepted.

Section 150.154 provides that during the 30-day prenotification period, the Council may issue an order disapproving or modifying a proposed price increase which does not conform to the rules of this part. It may temporarily suspend the running of the 30-day prenotification period of a proposed price increase if it finds additional information is necessary, or that the notice was improperly filed. The Council may defer a price increase in whole or in part if it finds that the price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

Any firm whose proposed price increase has been modified, suspended, disapproved or deferred by an order of the Council, may seek reconsideration of the order pursuant to the provisions of Part 105 of this title.

If the Council does not modify, suspend, disapprove or defer the price increase, the firm may, immediately upon expiration of the 30-day prenotification period, implement the proposed price increase. However, if after implementation of the price increase the Council finds that the price increase is inconsistent with the rules of this part, or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the price increase.

A firm may request from the Council a volatile pricing authorization pursuant to § 150.156. Once a firm receives such an authorization, the firm no longer has to prenotify those increases in the price for an item which are based solely upon the increased cost of raw materials or partially processed materials used in the item.

It also provides that a firm which was pricing pursuant to a volatile pricing authorization of the Price Commission may price pursuant to that authorization until it applies for and receives authorization from the Council. However, a firm may not continue to use a volatile pricing authorization of the Price Commission after September 12, 1973.

Quarterly and Annual Reports

All price category I and II firms must submit quarterly reports to the Council containing information on prices, costs, and profits in accordance with regulations issued by the Council. The report for the firm's fourth fiscal quarter shall contain information for the entire fiscal year.

Price category III firms must file an annual report with the Council with information on prices, costs and profits.

A firm which fails to file a required report or document is subject to the provisions of § 150.164. Specifically, (1) it may not implement any further price increases until it has complied with the reporting requirements and has obtained special approval of the Council, (2) action is suspended on any exception request filed by the firm, and, (3) the Council may, when appropriate, order the firm to reduce any of its prices.

Section 150.165 requires each firm to keep records (for four years) which are sufficient to demonstrate that the firm is in compliance with the provisions of this part. These records are subject to inspection by an officer or employee of the Internal Revenue Service or the Council.

Subpart I—Accounting and Financial Reporting Requirements

Subpart I provides information on accounting and financial reporting requirements. These requirements are the same as those found in the Phase II regulations.

When an acquisition or divestiture occurs, accounting information may be restated only in accordance with generally accepted accounting principles consistently applied. This rule requires restatement of prior-year financial statements in the event of acquisition or divestiture accounted for on a pooling of interest basis. Restatement is generally not appropriate when an acquisition or divesture is accounted for under the purchase method of accounting.

Subpart I also requires firms which are subject to section 13 or 15(d) of the Securities and Exchange Act or which prepare audited annual financial statements to include with each report filed with the Council a report of an independent public accountant.

Subpart J—Special Rules

Subpart J sets forth special pricing rules for low profit firms, for firms which sell items subject to seasonal pricing patterns, and for certain marketing and purchasing cooperatives. The low profit rule for wholesalers, retailers, and manufacturers is set forth in § 150.201. That for service organizations is set forth in § 150.202. The rules differ from the Phase II rules in several particulars. Every firm must file certain financial data with the Council for each fiscal year in which it chooses to use the rule. The firm may price under the low profit rule starting 31 days after it has filed this information with the Council, unless the Council during this time suspends or disapproves of the firm's proposed action, or requests additional information. The Council may disapprove use of the low profit rule by a manufacturer, wholesaler, or retailer whose profit margin is at or above the average profit margin of other firms engaged in the same industry. Within 45 days of the close of a fiscal quarter in which a low profit firm which has priced pursuant to the low profit rule achieves its base period profit margin, as computed pursuant to the low profit rule, the firm's use of the low profit rule is terminated, except as to the profit margin acquired by use of the rule.

The seasonal patterns pricing rule, which allows a firm to adjust prices which normally fluctuate in distinct seasonal patterns without regard to allowable cost increases, is adopted substantially from Part 140, the freeze regulations. The special price rules applicable to marketing cooperatives and market risk sharing plans and to purchasing cooperatives during Phase II are continued in §§ 150.203 and 150.204 respectively.

Subpart K—Retailers and Wholesalers

The purpose of Subpart K is to set forth rules applicable to all firms that engage in retail or wholesale operations except those dealing in petroleum products. Retail and wholesale firms will be required to classify the items they sell by categories. Price Category I and II firms would be required to submit their merchandise pricing plan (i.e., a list of categories together with certain information concerning the firm's pricing practices) to the Cost of Living Council. Small firms will prepare their plan and retain it at their main office. Once a firm submits, or in the case of a firm under $50 million finishes preparing its plan, the firm comes out from under the current price freeze and is subject to the rules set forth in § 150.304(b). Under these rules, a firm will be subject to gross margin tests on a quarterly and annual basis on a category-by-category basis

and to a firm-wide annual profit margin test.

Within 60 days after receiving them, the Cost of Living Council will review the merchandise pricing plans submitted by the Price Category I and II firms.

The Council will either approve the firm's pricing scheme or, if it found that a firm's list of categories or supporting information was inadequate or that they did not comply with the requirements of the Subpart, the Council will so notify the firm and require it to correct deficiencies. The Council would retain authority to order price rollbacks of increases that may have been improperly instituted by the firm.

Once its plan is approved, a Price Category I or II firm will be routinely monitored by the Council on the basis of quarterly reports submitted by the firm, supplemented by IRS audits. The quarterly reports will show the firm's gross margins for each of its merchandise categories as compared to the gross margins for that category for the firm's base year and for the corresponding fiscal quarter during the base year. Each category gross margin will have to be no greater than the higher of those two base gross margins. A firm's report for its fourth fiscal quarter will also serve as its annual report and will be the basis for determining its compliance with the annual gross margin and profit margin limitations set forth in § 150.304(b)(2) and (3).

Smaller firms will be expected to monitor themselves, subject to audit by the Council or the Internal Revenue Service. They will also be required to submit annual reports similar to the larger firm's quarterly reports.

Under proposed § 150.311, any firm will be allowed once during its fiscal year to carry any category gross margin overage into the succeeding quarter for purposes of offsetting it. To the extent the firm can then offset the overage, it would be excused. In the case of a fourth quarter overage, the overage would be excused if, for the year, the gross margin for the category is within the base annual gross margin for that category.

Subpart L—Petroleum and Petroleum Products

Coverage. Subpart L sets forth the proposed Phase IV petroleum regulations which apply to all sales and purchases of crude petroleum (Standard Industrial Classification Code 1311, excluding natural gas), natural gas liquids (Standard Industrial Classification Code 1321), and refined petroleum products (Standard Industrial Classification Code 2911), and to leases of gasoline stations by manufacturers or resellers of retail gasoline to gasoline retailers. The Small Business exemption § 150.60 is amended to provide that no firm which produces, manufactures or sells covered products will qualify for the Small Business exemption.

Retail Sales—Gasoline, Heating Oil and Diesel Fuel. Any person who sells gasoline, No. 2 diesel fuel or No. 2 heating oil to an ultimate consumer may not charge a price above the ceiling price as set forth in § 150.353. The ceiling price is computed as the seller's actual cost of the product on August 12, 1973 (the proposed effective date of this regulation) plus the actual dollar-and-cent markup applied to a retail sale of the same product on January 10, 1973. In cases where the seller has customary price differentials at a single location, based upon such things as volume or cash discounts, there are separate ceiling prices.

Retailers of gasoline and diesel fuel are required to post on each retail pump, the ceiling price and, for gasoline, the octane rating.

The Council, with the cooperation of the Internal Revenue Service, will monitor ceiling prices on a continual basis, and make periodic upward adjustments in the ceiling where necessary to reflect higher costs.

Domestic Crude Petroleum. Section 150.354 places a ceiling on the first sale by a producer of domestic crude petroleum and the first sale by a royalty owner of domestic crude petroleum accepted as a royalty payment. The ceiling price is the price posted on May 15, 1973 for each grade of petroleum from each particular field. Ceiling prices will be monitored by the Council with the cooperation of the Internal Revenue Service and the ceiling will be reviewed quarterly by the Council to determine whether it should be adjusted.

The Council recognizes a need to stimulate increased production and is proposing a system which allows increased production (new crude petroleum) from each producing property and an equal amount of the current production (old crude petroleum) to be sold without respect to the ceiling price rule. Adoption of this incentive plan creates a two-tier pricing system for crude oil, which requires posting of two sets of prices, one for "old oil" and one for "new oil". Postings for "old oil" can be no higher than the ceiling price and postings for "new oil" is at the buyer's discretion.

A crude oil producer is required to prorate among all his "old oil" buyers the amount of "old oil" freed from ceiling limitations by the production of a like amount of "new oil".

During the period for public comment on these prepared regulations the Cost of Living Council will undertake an analysis and obtain statistical information concerning the structure and level of domestic crude oil prices on May 15 and the pattern of the movement of those prices from that date until the date of the freeze on June 13, 1973.

Resellers. The price at which a wholesaler or retailer can resell a product he purchased and resells without substantial change in form is determined pursuant to § 150.355. The price is computed as the reseller's variable cost of the product plus his actual markup applied to that product at that business location on January 10, 1973. Resellers can import crude oil and/or product for resale and also can commingle imported product or crude oil with the same product or crude oil purchased domestically. A reseller is also permitted to commingle like product or crude oil purchased for resale from various sources (foreign and domestic) at the same and at different times. The resale price of commingled product or crude oil is the weighted average cost of the components plus the reseller's actual dollar-and-cent markup. A manufacturer which elects to act in a reseller capacity can: (1) Physically commingle imported or domestic product purchased for resale under the resellers rule with product it has manufactured domestically, to facilitate transportation and distribution of the purchased product to be resold under the resellers rule; and (2) physically commingle imported or domestic crude oil purchased for resale under the resellers rule with crude oil it has produced or purchased for refining, to facilitate transportation and distribution of the purchased crude oil to be resold under the resellers rule. This rule does not apply to any retail sales of gasoline, heating oil or diesel fuel. Resellers remain subject to the profit margin test.

Manufacturers. Pursuant to the provisions of § 150.35, a manufacturer cannot charge a price which exceeds its May 15, 1973 price based upon customary price differentials, unless: (1) The increase reflected, on a dollar-for-dollar basis, increased costs since May 15, 1973, of imported crude petroleum and petroleum products; or (2) the increase reflected, on a dollar-for-dollar basis, the increased cost of domestic crude petroleum over the ceiling price; or (3) the increase is prenotified to the Cost of Living Council. A manufacturer which imports product and commingles it with the same product it has manufactured domestically can pass on any increase in cost after May 15, 1973, that imported product on a dollar-for-dollar basis as a price increased over the base price for that product. Equal dollar exchanges of crude for crude are also permitted. Manufacturers remain subject to the profit margin test.

Leases. Section 150.357 provides that a gasoline manufacturer which leases real property to a gasoline retailer for use in retailing gasoline cannot increase the rent for that real property in excess of the rent charged for the month of May 1973. In addition, the lessor cannot increase the retailer's obligation to sell petroleum products to a level above that which prevailed for that retailer in the month of May 1973, or impose any operating requirements which are inconsistent with the Economic Stabilization Program, such as increase the retailer's hours of operation.

General requirements. Section 150.361 requires each seller of crude, petroleum products and natural gas liquids to maintain records of base and ceiling prices and make the information available for a customer upon request. Moreover, each seller has to certify in each bill of sale of such products that the price is no higher than authorized under Economic Stabilization Program rules.

Producers. The reporting and recordkeeping requirements are set forth in § 150.362. Each producer of domestic crude petroleum which derives $50 million or more in annual sales or revenues

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from sales of covered products is required to prepare and file with the Cost of Living Council, quarterly reports on prices, costs, profits, and production levels.

Each producer which sells "new crude petroleum" without respect to the ceiling prices must report base period production levels (for the year) and corresponding ceiling prices on an initial report and report, on subsequent monthly reports, the quantity and price of "new crude petroleum" and "released old crude petroleum" sold at prices above ceiling prices.

Manufacturers. Each manufacturer of covered products and each retailer or reseller which derives $50 million or more in annual sales or revenues from the retailing or reselling of covered products must prepare and file with the Cost of Living Council, monthly and quarterly reports on price movements, costs and other related information.

Recordkeepers. Each retailer or reseller of covered products which derives less than $50 million but more than $1 million in annual sales or revenues from the retailing or reselling of those products must prepare and maintain at its principal place of business, monthly and quarterly reports on price movements, costs and other related information.

SUBPART M—INSURANCE

The purpose of Subpart M is to set forth rules applicable to rate increases by insurers. In general, it will provide that insurers may charge a price for insurance, in excess of the price in effect on August 12, 1973, only in accordance with rate-making practices, rating plans, or formulas developed under the rules set forth in proposed § 150.403.

Each health insurer that had $50 million or more of earned premiums and each property-liability insurer that had $150 million or more of earned premiums during the calendar year preceding the effective date of any rate increase it is proposing is designated as a "prenotifier" and must notify the Cost of Living Council and the State regulatory agency at least 30 days before any proposed increase of 5 percent or greater which affects $1 million or more in aggregate annualized premiums under the existing rate, and would be required to certify that the proposed increase conforms to the requirements of the subpart. Such a proposed increase would be reviewed by the appropriate State regulatory agency (acting under agreement with the Cost of Living Council) and acted upon, within 20 days, by certification that the increase does or does not comply with the subpart. The certification will be prima facie evidence of that compliance or noncompliance. The Cost of Living Council could delay the effective date, request further information, suspend all or part of the increase, or limit, refuse, rescind, reduce, or modify the increase. If the Council does not act within 30 days after the date of the filing, the increase could go into effect without its approval.

Each health insurer with $25 million or more earned premiums and each property-liability insurer with $50 million or more earned premiums during the calendar year preceding any rate increase proposed by it will be required to file quarterly reports with the Cost of Living Council.

The Cost of Living Council would designate the United States Civil Service Commission as the certifying agency for contracts under the Federal Employees Health Benefits Law.

SUBPART N—CONSTRUCTION

[Issued July 19, 1973, 88 FR 19468].

SUBPART O—[RESERVED FOR PROVIDERS OF HEALTH SERVICES]

SUBPART P—MASS TRANSPORTATION SYSTEMS

The purpose of Subpart P is to require public benefit corporations charged by law or contract with the responsibility of operating a mass transportation facility (the fares of which are not otherwise regulated), to prenotify according to the procedures established in Subpart H for price category I firms. This provision reflects the requirements of section 215 of the Economic Stabilization Act Amendments of 1970, as added by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210).

Pay amendment to Part 130. A new § 130.26 is being added to Part 130 in Subpart B. The new regulation establishes a procedure pursuant to which the Council may require that a proposed or scheduled pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

Paragraph (b) provides that prenotification under the regulation may be required under certain specified conditions. Paragraph (c) provides that such prenotification must encompass all pay adjustments for the applicable control year. Paragraph (d) establishes a requirement that the employer serve a copy of such prenotification on the collective bargaining agent, if any, for the affected employee unit. Paragraph (e) establishes the address to which such prenotification must be addressed.

Paragraph (f) of the new regulation provides that prenotification submitted under the regulation shall be made using the Form PB–3, which was originally issued by the Pay Board and which has been retained for use by the Council. In addition, paragraph (f) lists certain supplemental information which must also be submitted. This supplemental information will be used by the Council to better understand and evaluate wage, salary and benefit adjustments as reported on the Form PB–3.

A new paragraph (d) is being added to § 130.34 to exempt, from the scope of the rules respecting wage stabilization, pay adjustments affecting employees of establishments in the lumber industry, as defined by reference to Standard Industrial Classification (SIC) Codes. This action is taken in order to be consistent with action the Council proposes to take in Subpart D of Part 150, respecting price adjustments in the lumber industry.

In consideration of the foregoing it is proposed to amend Title 6, Code of Federal Regulations as set forth below.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 19, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

1. Amend Part 150 by adding Subparts A through N and P to read as follows:

PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

Subpart A—General

Sec.
150.1 Scope.
151.2 Procedures and remedies applicable to certain Phase II and Phase III matters.

Subpart B—Definitions

150.21 Definitions.

Subpart C—Classifications

150.31 Price Category I Firms.
150.32 Price Category II Firms.
150.33 Price Category III Firms.

Subpart D—Exemptions—Items Not Included in Coverage

150.51 General.
150.52 Agricultural products, seafood products, and raw sugar price adjustments.
150.53 Real estate and insurance premiums.
150.54 Certain price adjustments.
150.55 Miscellaneous.
150.56 Public utilities.
150.60 Small businesses: exemption of firms with 60 or fewer employees.

Subpart E—General Price Rules

150.71 General rules.
150.76 Price rules for manufacturing and service activities.
150.92 Contracts entered into before August 13, 1973.
150.96 Productivity gains.

Subpart F—Base Prices and Other Authorized Prices

150.101 Scope.
150.102 Sales and leases of products and services.
150.103 Sales and leases of new property and new services.
150.104 Custom products and custom services.

Subpart G—Base Cost and Current Cost

150.131 Scope.
150.132 General rule.
150.133 Base cost.
150.134 Current cost.
150.135 Special rules for new items.

Subpart H—Prenotification and Reporting

Sec.
150.151 Prenotification.
150.152 Manner of prenotification.
150.153 Measure of the prenotificatoin period.
150.154 Council action.
150.155 Implementation of price increases.
150.156 Volatility.
150.157 Previous volatility authorizations.
150.161 Quarterly reports.
150.162 Annual reports.
150.163 Additional reports and information.

Sec.
150.164 Effect of failure to file or maintain reports or other documents required by or under certain sections of this part.
150.165 Records.

Subpart I—Accounting and Financial Reporting Requirements

150.171 Accounting for business combinations.
150.172 Procedures required with respect to certain financial information.

Subpart J—Special Rules

150.201 Low profit firms: manufacturers, wholesalers, and retailers.
150.202 Low profit firms: certain service organizations.
150.203 Seasonal patterns.
150.204 Marketing cooperatives and market risk-sharing transactions.
150.205 Purchasing cooperatives.
150.206 Stabilization of particular industries and sectors.

Subpart K—Retailers and Wholesalers

150.301 Purpose and scope.
150.302 Effective date of applicability to food retailers and wholesalers.
150.303 Definitions.
150.304 General pricing rules.
150.305 Establishment of merchandise categories.
150.306 Merchandise pricing plans; retailers and wholesalers with annual revenues of $50 million or more.
150.307 Incomplete and nonconforming plans.
150.308 Approved plans.
150.309 Merchandise pricing plans; retailers and wholesalers with annual revenues of less than $50 million.
150.310 Reporting.
150.311 Repurification of a quarterly violation.
Appendix A Merchandise Categories Applicable to Retailers and Wholesalers

Subpart L—Petroleum and Petroleum Products

150.351 Purpose and scope.
150.352 Definitions.
150.353 Ceiling price rule: Retail sales.
150.354 Ceiling price rule: Crude petroleum.
150.355 Price rule: Resellers.
150.356 Price rule: Manufacturers.
150.357 Price rule: Leases.
150.358 Ceiling price determination.
150.359 Base price determination.
150.360 Base price—new product.
150.361 Price information and certification.
150.362 Reports and recordkeeping.

Subpart M—Insurance

150.401 Applicability.
150.402 Definitions.
150.403 Criteria.
150.404 Change in rate making formula.
150.405 Prenotification.
150.406 Certification by state regulatory agency.
150.407 Self-certification.
150.408 Cost of living council actions.
150.409 Rates for replacement or revised insurance coverages.
150.410 Insurance rates subject to state laws.
150.411 Investigation and review of rates.
150.412 Reporting.
150.413 Federal Employees Health Benefits Law.
150.414 Data requirements.
150.415 Monitoring by health insurers.

Subpart N—Construction

Subpart O—Health Reserved

Subpart P—Mass Transportation Systems

150.551 Purpose and scope.
150.552 Definition.
150.553 General rule.

Subpart A—General

§ 150.1 Scope.

(a) Except as provided in paragraph (b) of this section and in § 150.2, this part supersedes Parts 130 and 140 of this chapter.

(b) Part 130 of this chapter remains effective with respect to wages and salaries, with respect to sales of food subject to Subpart F of that part, with respect to sales of meat subject to Subpart M of that part, and with respect to providers of health services subject to Subpart G of that part. Part 140 of this chapter remains effective with respect to sales of food.

(c) *Reports due under prior rules.*— Any report required to be filed with the Council under the provisions of Part 130 of this chapter or any rule, order or regulation of the Council in effect on August 12, 1973, for any reporting period which ended on or before that date and which was not filed by that date, shall be filed with the Council in the form and within the time in which it would have been filed pursuant to the provisions of Part 130 of this chapter.

(d) Price renegotiation provisions in contracts, which depend for their operation upon the modification or termination of the Economic Stabilization Program, were previously declared to be inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Such renegotiation provisions continue to be inoperative on the same ground. This part shall not operate to permit:

(1) A retroactive increase in prices for goods or services sold or leased while those prices were subject to past or present provisions of this title, or

(2) A prospective increase in prices under the terms of a contract subject to a decision and order issued at any time pursuant to this title, except to the extent consistent with such decision and order.

(e) This part does not apply to economic transactions which are not prices within the meaning of the Act. Examples of transactions not within the meaning of the Act are:

(1) State or local income, sales and real estate taxes;

(2) Workmen's compensation payments;

(3) Welfare payments;

(4) Child support payments; and

(5) Alimony payments.

(f) The Council may permit any exceptions, exemptions or reclassifications that it considers appropriate with respect to the requirements prescribed in this part. Requests for exceptions or exemptions from the requirements of this part shall be submitted in accordance with the provisions of Part 105 of this chapter.

(g) This part applies to:

(1) Economic units and transactions in the several States and the District of Columbia; and

(2) Sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico.

§ 150.2 Procedures and remedies applicable to certain Phase II and Phase III matters.

(a) Paragraphs (a) and (b) of § 130.7 of this chapter remain effective with respect to Phase II matters.

(b) The procedures and remedies specified in Subparts E through H of Part 140 of this chapter remain in effect with respect to all matters which were subject to that part before August 13, 1973.

Subpart B—Definitions

§ 150.21 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Allowable cost" means any cost direct or indirect, unless disallowed by the Cost of Living Council.

"Annual sales or revenues" means the total gross receipts of a firm during its most recently completed fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenue.

"Base period" means any two, at the option of the person concerned, of the following fiscal years: That person's last three fiscal years ending before August 15, 1971; and any fiscal year, completed on or after that date except: A fiscal year for which compliance is being measured, and a fiscal year in which the firm exceeded its base period profit margin. In determining a base period for the purpose of computing a profit margin during a base period, a weighted average of its profits during the two years chosen shall be used.

"Base cost" means the base cost as determined pursuant to Subpart G of this part.

"Base cost period" means the base cost period as determined pursuant to Subpart G of this part.

"Base price" means the base price as determined pursuant to Subpart F of this part.

"Base price period" means the base period as determined pursuant to Subpart F of this part.

"Class of purchasers" means purchasers or lessees to whom a person has charged a comparable price for comparable property or service during the base price period pursuant to customary price differentials between those purchasers or lessees and other purchasers or lessees.

"Controlled group" means a controlled group of corporations, as defined in section 1563(a) of Title 26, United States Code.

"Council" means the Chairman of the Cost of Living Council established by

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Executive Order 11615 (3 CFR 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Current cost" means the current cost as determined pursuant to Subpart G of this part.

"Current cost period" means the current cost period determined pursuant to Subpart G of this part.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

"Firm" means any individual, company, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including Federal agencies, departments, corporations and other instrumentalities, and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents. An entity directly or indirectly controlled by any other entity listed in the first sentence of this definition is not a firm. Whenever the Council considers it appropriate, it may treat as a firm any, part, or all of the entities which comprise the firm.

"Fiscal quarter" means the fiscal quarter of the firm to whom a regulation containing the term applies.

"Fiscal year" means the fiscal year of the firm to which a regulation containing the term applies. It is a consecutive 12-month period constituting a taxable year.

"Item" means a product or service unit offered for sale to a class of purchaser.

"Lease" means a contract whereby a person having a legal estate in any personal property conveys a part of his interest to another person in consideration of rent or other compensation, but does not include a license.

"Manufacturer" means that part of a firm engaged in the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale and also includes the mining of natural deposits, the production or refining of oil from wells, and the refining of ores.

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of $10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transportation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system but does not include school buses or other conveyances used primarily for sight-seeing or chartered for private use.

"Nonprofit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, amended.

"Pooling of interests" means a combination of two or more corporations which meets the conditions set forth in Opinion No. 16 of the Accounting Principles Board of the American Institute of Certified Public Accountants (effective date October 31, 1970), 666 Fifth Avenue, New York, N.Y. 10019.

"Prenotification" means notice submitted to the Cost of Living Council pursuant to the provisions of Subpart H of this part.

"Price" means any compensation for the sale or lease of any property or services, and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums, regardless of form.

"Price increase" means an increase in the unit price of a product or service or a decrease in the quality of substantially the same product or service.

"Product" means an item of personal property offered for sale to another person.

"Product line" means an aggregation of products of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure, which are offered for sale simultaneously, or within the same commercial season by a firm.

"Profit margin" means the ratio that operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before non-operating items, extraordinary items, and income taxes) bears to net sales as reported on the firm's financial statement prepared in accordance with generally accepted accounting principles consistently applied.

"Public utility" means a firm that regularly furnishes the public or a recognized segment of the public with a commodity or service which is of public consequence and need whether or not that firm is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services.

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

"Regulatory agency" means any commission, board, or other legal body existing under law which has jurisdiction to regulate prices and services offered by a public utility.

"Rent" means any price for the use of personal property of any description, including any charge no matter how identified in a lease or other agreement, for the use of any property or for any service in connection with the use of leased property.

"Retailer" means that part of a firm engaged in the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to ultimate consumers.

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

"Sale" includes exchange, transfer, or other disposition in return for valuable consideration.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights or any financial or net leases as defined in section 163(d)(4)(a) of the Internal Revenue Code of 1954, amended, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"Service" includes any service performed by a firm for a person, other than in an employment relationship, and also includes professional services of any kind and services performed by membership organizations for which dues are charged, and the leasing or licensing of property to another person.

"Service line" means an aggregation of service, of the same service organization or different service organization, substantially similar as to intended function, usage, application, and result, which are offered for sale simultaneously, or within the same commercial season, by a firm.

"Service organization" means that part of a firm engaged in the trade or business of selling or making available services, including professional service organizations, nonprofit organizations, governments, and government agencies or instrumentalities which carry on those activities.

"Spin-off" means the distribution of the controlling stock in a corporation, by another corporation which owned such stock immediately before that distribution, to the shareholders of the distributing corporation without the surrender by those shareholders of stock or securities in the distributor.

"Split-off" means the distribution of the controlling stock in a corporation, by another corporation which owned such stock immediately before that distribution, to the shareholders of the distributing corporation with the surrender by those shareholders of stock or securities in the distributor.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission,

agency, or other instrumentality of a local government.

"Transaction" means an arms-length sale or lease between unrelated persons and is considered to occur at the time and place a binding contract is entered into between the parties.

"United States" means the several States and the District of Columbia.

"Unrelated person" means a person other than a person described in section 267(b) of Title 26, United States Code.

"Wholesaler" means that part of a firm engaged in the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to retailers for resale or to industrial, commercial, institutional, or professional business users.

Subpart C—Classifications

§ 150.31 Price Category I firms.

(a) A price category I firm is a firm with annual sales or revenues of $100 million or more.

§ 150.32 Price category II firms.

(a) A price category II firm is a firm with annual sales or revenues of at least $50 million but less than $100 million.

§ 150.33 Price Category III firms.

(a) A price category III firm is a firm with annual sales or revenue of less than $50 million.

Subpart D—Exemptions

§ 150.51 General.

(a) Price adjustments with regard to the items and sales described in §§ 150.52 through 150.56 are exempt from the price adjustment requirements prescribed in this part. However, revenues received from the sale of exempt items or from exempt sales are included in a firm's annual sales or revenues, as defined in § 150.21, for all purposes including determinations of price category classification and profit margins.

(b) Small business firms which meet the qualifications prescribed in § 150.60 are exempt from and not included in the coverage of this part.

§ 150.52 Agricultural products, seafood products, and raw sugar price adjustments.

(a) *General.* Subject to paragraph (b) of this section, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry	
Sheared or pulled wool.	Wool products.
Mohair	Processed and blended honeybutter product.
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Sugar beets and sugar cane.	Refined sugar.
Maple sap	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean.	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Packaged slaw.
	Popped popcorn.
Feed grains including:	Mixed feed.
Corn	Cracked corn.
Sorghum	
Barley	Rolled barley.
Oats	Rolled oats.
Raw milk	Pasteurized milk and processed products, such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cotton seed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Fresh hops	
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
Garden plants	Floral wreaths.

(b) *Exempt first sales.* (1) Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell eggs, packaged or loose.	All fresh vegetables and melons including:	All fresh or naturally dried fruits, packaged or not, including:
Raw honeycomb honey.	Tomatoes.	Fresh oranges.
Fresh potatoes, packaged or not.	Lettuce.	Grapes and raisins.
All raw nuts—shelled and unshelled.	Sweet corn.	Apples.
Fresh mushrooms.	Onions.	Peaches.
Fresh mint.	Green beans.	Strawberries.
Dried beans, peas, and lentils.	Cantaloupe.	Grapefruit.
Unpopped popcorn.	Cucumbers.	Pears.
	Cabbage.	Lemons.
	Carrots.	Plums and prunes.
	Watermelons.	Cherries.
	Green peas.	Cranberries.
	Asparagus.	Avocados.
	Pepper.	Blueberries.
	Broccoli.	Apricots.
	Cauliflower.	Tangerines.
	Spinach.	Olives, uncured.
	Green lima beans.	Nectarines.
	Honeydews.	Raspberries.
	Escarole.	Blackberries.
	Garlic.	Figs.
	Artichokes.	Tangelos.
	Eggplant.	Limes.
	Brussels sprouts.	Dates.
	Beets.	Papayas.
		Bananas.
		Pomegranates.
		Currants.
		Persimmons.
		Cut flowers.

(2) The first sale by (i) a producer of broilers or turkeys or (ii) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(3) The first sale of the following items are exempt:

(i) Mint oil,

(ii) Maple syrup or sugar,

(iii) Dehydrated fruits.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended, are exempt.

§ 150.53 Real estate and insurance premiums.

(a) *Real estate.*—(1) *Sales.* The sales price of the following sales of real estate are exempt.

(i) Unimproved real estate.

(ii) Real estate with improvements completed prior to August 15, 1971.

(iii) Real estate with improvements completed on or after August 15, 1971, if—

(A) The sales price is determined after the completion of construction; or

(B) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action under the Economic Stabilization Program.

(2) *Rentals.* All rent charge for the rental of real property, except for rent charged by a gasoline manufacturer for the rental of a retail gasoline station to a retailer of gasoline, are exempt.

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971, are exempt.

(i) Reinsurance of all kinds.

(ii) Ocean marine insurance.

(iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

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(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972, are exempt:

(i) Hull insurance.

(ii) Liability insurance for bodily injury (excluding passenger hazard) caused by an aircraft.

(iii) Liability insurance for property damage caused by an aircraft.

§ 150.54 Certain price adjustments.

(a) *Federal and State and local governments.* (1) Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, (other than postal rates) performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including any wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended, but not including the U.S. Postal Service are exempt.

(2) Prices and fees charged by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government, are exempt, except, however, that fees or charges for health services (but not health service fees levied on all students as a condition of enrollment are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit, are exempt, except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

(c) *Custom products and services.* (1) The prices charged for the following products when custom made to individual order are exempt:

(i) Leather goods.

(ii) Wigs and toupees.

(iii) Fur apparel.

(iv) Jewelry.

(2) The prices charged for the following custom services when provided to individual order are exempt:

(i) Tailoring of clothing.

(ii) Framing of pictures and mirrors.

(iii) Taxidermy.

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) The prices charged for export sales including the sale of products to a domestic purchaser who certifies that the product is for export are exempt.

(2) The prices charged for imports, but only the first sale into U.S. commerce are exempt.

(3) The rates charged for international ocean shipping are exempt.

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 U.S.C. 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board are exempt.

(e) *Damaged and used products.* The prices charged for damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed are exempt.

(f) *Government property.* (1) The prices charged for abandoned or confiscated property sold by any Federal agency or State and local government pursuant to authorization of a court are exempt.

(2) Prices charged for property sold by the United States, including leasesales are exempt.

(g) *Transactions in gold.* Prices charged for transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto are exempt.

(h) *Securities and financial instruments.* (1) Securities as defined in § 150.21 are exempt.

(2) Commercial paper is exempt.

(3) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt) are exempt.

(i) *Brokerage fees.* Brokerage fees, charged for the purchase or sale of securities or commodity futures.

(j) *Fees and charges imposed by Indian Tribal Councils.* Prices charged for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

(k) *U.S. tanker rates.* Rates for the transportation by tank vessels in the coastwise trade are exempt.

(l) *Retail firms, including restaurants.* Price adjustments of retail firms, including restaurants, with annual sales or revenues of less than $100,000.

(m) *Silver.* Prices charged for (1) commercial trade silver in refining shapes, (2) silver content in ores and dore, (3) silver coins, and (4) other forms of silver sold for manufacturing or professional uses are exempt.

(n) *Long-term coal contracts.* Prices charged for coal under contracts entered into after August 11, 1973, to provide coal over a period of at least eight years to a public utility which is under the jurisdiction of a regulatory agency are exempt.

(o) *Lumber.* Prices charged for lumber or wood products described in the Standard Industrial Classification Manual, 1972 edition, under Industry Code 2411, 2421, 2426, 2429, 2435, 2436, 2439 or 2492, are exempt.

§ 150.55 Miscellaneous.

(a) Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication are exempt.

(b) Dues paid to a nonprofit organization are exempt.

(c) The prices charged for the following items are exempt:

(1) Antiques and art objects including paintings, etchings and sculptures.

(2) Collectors coins and stamps.

(3) Rocks and stone specimens including precious stones and mountings into which precious stones are set.

(4) Handicraft objects.

(d) Price adjustments made by producers or distributors of motion pictures and television productions for motion pictures and television productions are exempt.

§ 150.56 Public utilities.

Rate increases for commodities or services provided by a public utility are exempt.

§ 150.60 Small Businesses: exemption of firms with 60 or fewer employees.

(a) *Applicability to firms existing on or before March 31, 1973.*

(1) *General.* Subject to the provisions of paragraphs (a)(2) and (3) of this section, any firm, existing on or before March 31, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a)(3) of this section) is exempt from and not included in the coverage of this Part.

(2) *Exemption not applicable.* The exemption provided for in paragraph (a)(1) of this section shall not be applicable to:

(i) A firm which in its fiscal year ending prior to August 12, 1973, had annual sales or revenues of $50 million or more;

(ii) A firm which on August 12, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart K of this part);

(iii) A firm which on August 12, 1973, was engaged in construction operations as defined in Subpart N of this part;

(iv) A firm, if the pay adjustments immediately preceding the August 12, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees;

(v) A firm which is engaged in the business of selling "covered products" as defined in Subpart L of this part.

(3) *Determination of average number of employees.* The average number of employees for firms in existence on or before March 31, 1973, shall be computed by dividing the sum of the number of employees employed in the pay periods which included September 30, and December 31, 1972, and March 31, and June 30, 1973, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability to firms coming into existence on or after April 1, 1973.*—(1) *General.* Subject to the provisions of paragraphs (b)(2) and (3) of this section, price adjustments of any firm coming into existence on or after April 1, 1973, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b)(3) of this section) are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (b)(1) of this section shall not be applicable to:

(i) A firm which at any time during its first four calendar quarters after June 30, 1973, had annual sales or revenues of $50 million or more;

(ii) A firm which at any time during its first four calendar quarters after June 30, 1973, was an institutional or noninstitutional provider of health services (as defined in Subpart K of this part;

(iii) A firm which at any time during its first four calendar quarters after June 30, 1973, was engaged in construction operations as defined in Subpart N of this part;

(iv) A firm, if the pay adjustments at any time during its first four calendar quarters after June 30, 1973, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees;

(v) A firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after June 30, 1973;

(vi) A firm which is engaged in the business of selling "covered products" as defined in Subpart L of this part.

(3) *Determination of average number of employees.* The average number of employees for firms coming into existence on or after April 1, 1973, shall be computed as follows:

(i) For its first calendar quarter after June 30, 1973, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after June 30, 1973, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after June 30, 1973, it shall be deemed to have 60 or fewer employees during its second calendar quarter after June 30, 1973;

(iii) A firm shall compute its average number of employees for its third calendar quarter after June 30, 1973, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after June 30, 1973;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after June 30, 1973, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after June 30, 1973; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after June 30, 1973, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after June 30, 1973.

(c) *Definitions.* As used in this section—

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 USC 3101 (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 USC 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

Subpart E—General Price Rules

§ 150.71 General rules.

(a) Except as otherwise provided in this Part, no firm (including an individual) may charge a price with respect to any sale or lease of an item after August 12, 1973, which exceeds the base price (or other price authorized under this Part) for that item.

(b) No firm (including an individual) may knowingly pay a price with respect to any sale or lease of an item which exceeds the base price (or other price authorized under this part) for that item. However, this paragraph (b) does not apply to the sale or lease of an item to any firm (including an individual) under circumstances of economic or other coercion in which the buyer or lessee, because of his need for that property or service, had no reasonable alternative but to pay the illegal price, and he reports the sale or lease to the Internal Revenue Service for investigation promptly.

(c) No firm (including an individual) may take retaliatory action against any other firm (including an individual) that files or manifests an intent to file a complaint of alleged violation of, or that otherwise exercises any rights conferred by, the Economic Stabilization Act of 1970, as amended, any provision of this part, or any order issued under this part. For the purposes of this paragraph, "retaliatory action" includes any refusal to continue to sell or lease, any reduction in quality, any reduction in quantity of services or products customarily available for sale or lease, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

§ 150.76 Price rules for manufacturing and service activities.

(a) *Price increases.* A firm engaged in manufacturing or service activities, or both, may charge a price in excess of the base price of an item only to recover on a dollar-for-dollar basis those net increases in allowable costs that it incurred with respect to that item since the end of the base cost period and which it continues to incur, subject to paragraphs (b) through (f) of this section. A firm engaged in manufacturing or service activities, or both, which is also engaged in wholesaling or retailing, or both, is subject to the requirements of Subpart K of this part with respect to its wholesaling and retailing operations.

(b) *Price reductions.* A price in excess of the base price of an item may continue to be charged only as long as the net increases in allowable costs which support the price in excess of the base price continue to be incurred. Price reductions shall be made whenever and to the extent that a price charged in excess of the base price is no loriger supported by those net increases in allowable costs.

(c) *Offset for productivity gains.* Increases in labor costs shall be reduced to reflect productivity gains in accordance with § 150.96.

(d) *Special rule for certain Phase II and Phase III price increases.* Notwithstanding paragraphs (a) and (b) of this section, any price above the base price which was charged—

(1) after the end of the base cost period of the firm concerned and before January 11, 1973 in compliance with applicable Phase II Economic Stabilization Regulations; or

(2) after January 10, 1973, and before June 13, 1973, in compliance with the

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general price standard set forth in § 130.13 of this chapter; or

(3) after June 12, 1973, and before August 13, 1973, in compliance with Part 140 of the Economic Stabilization Regulations—

may continue to be charged after August 12, 1973, at the last price level charged with respect to the item concerned on or before August 12, 1973. However, that price may be increased after August 12, 1973, only if the full extent of the price charged above base price, including all incremental price increases charged after the base cost period of the firm concerned, is cost-justified in accordance with paragraph (a) of this section and all other requirements of that paragraph are met.

(e) *Price increases pursuant to prenotification.* (1) Price category I firms which are subject to the prenotification requirements of Subpart H of this part must comply with those requirements before increasing prices pursuant to this subpart.

(2) Subject to paragraphs (e) (3) and (4) of this section, a firm which is authorized to charge a prenotified percentage price increase pursuant to Subpart H of this part shall apply that percentage price increase to a product line or service line on a weighted average basis (in accordance with instructions which accompany forms issued pursuant to Subpart H of this part) so that the weighted average of all price adjustments in that line does not exceed the prenotified percentage price increase.

(3) In the case of a prenotified percentage price increase authorized under Subpart H of this part which is not more than 10 percent, the price charged for any one item in that line may not exceed 110 percent of the base price of that item.

(4) In the case of a prenotified percentage price increase authorized under Subpart H of this part which is more than 10 percent, the percentage price increase above the base price which may be charged for any one item may not exceed the prenotified percentage price increase authorized under Subpart H of this part.

(f) *Profit margin limitation.* A firm engaged in manufacturing or service activities, or both, which charges a price in excess of the base price may not, for the fiscal year in which a price in excess of the base price is charged, exceed its base period profit margin.

§ 150.92 Contracts entered into before August 13, 1973.

The price specified in a contract for the sale of an item entered into after 9:00 p.m., e.s.t., June 12, 1973, and before August 13, 1973, with respect to any delivery or performance occurring after August 12, 1973, shall be subject to this part except that no prenotification shall be required with respect to payments which fall due before September 12, 1973.

§ 150.96 Productivity Gains.

(a) *Calculation of productivity gains by manufacturers*—(1) *General.* For the purposes of determining whether a price may be increased by any manufacturer under any provision of this part, productivity gains shall be calculated on the basis of the average percentage gain in the applicable industrial category, as set forth in the table in Appendix A to this part. To the extent provided in the table in Appendix A, productivity gains shall be taken into account in the calculation of all price increases during any fiscal year of a manufacturer but only until the full productivity offset, derived from Appendix A and calculated under paragraph (a)(2) of this section, has been used within that fiscal year.

(2) *Calculation.* (i) For the purposes of determining the extent to which a price increase is justified, each manufacturer shall calculate the sum of all of its actual labor costs (of the type required to be included as costs in reporting and prenotification forms issued pursuant to Subpart H of this part, whether or not such forms are required to be filed) as a percentage of sales, and shall multiply that percentage by the average annual rate of productivity gain for the applicable industrial category, as set forth in the table in Appendix A to this part. The result is the productivity gain, stated as a percentage, by which the total cost increase must be reduced in order to be an allowable cost for the purposes of a price increase under this part.

(ii) If the business of the manufacturer extends to more than one industrial category, the average percentage gain in productivity in each category must be weighted in proportion to the ratio which its expected sales (at present prices for the 12-month period following the proposed date of the increase) in each industrial category bears to the total sales for that period affected by the price increase.

(3) *Subsidiaries, etc., not included.* This subparagraph does not apply to a wholesale, retail, service, public utility, insurance, regulated seller of milk or milk products, or health provided subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, a manufacturer.

(4) The percentage of unit cost decrease in nonvariable costs that results from an increased volume shall be treated as provided in the instructions which accompany forms issued pursuant to Subpart H of this part. Negative volume may not be shown.

(b) *Calculation of productivity gains by service organizations other than construction contractors.* For the purpose of determining the extent to which a price increase is justified, each service organization other than a construction contractor shall reduce increases in labor costs to reflect productivity gains in accordance with instructions which accompany forms issued pursuant to subpart H of this part.

Subpart F—Base Price

§ 150.101 Scope.

This Subpart sets forth the regulations which apply for determining base prices except as otherwise provided by this part.

§ 150.102 Sales and leases of products and services.

(a) *General rule.* The base price with respect to the sale or lease of an item is the average price lawfully charged for the item in transactions with the class of purchaser concerned during the base price period. The base price shall be determined in accordance with this Subpart notwithstanding the fact that the base price so determined may be lower than the price prevailing on May 25, 1970.

(b) *Average price.* The average price is determined by dividing the net sales of that item to that class of purchaser by the quantity of the item sold or leased to that class of purchaser during the base price period.

(c) *Base price period.* The base price period is the fiscal quarter which ended before January 11, 1973. If no transaction occurred during that quarter with respect to the item and class of purchaser concerned, the base price period is the next preceding fiscal quarter in which a transaction occurred with respect to that item and class of purchaser.

(d) *Temporary specials.* Prices charged pursuant to temporary special deals or temporary special allowances may not be excluded in computing the base price of an item. For the purposes of this paragraph, "temporary special deal" includes an offer of free goods, a combination sale, increased quantities, an introductory offer, and a "cents-off" or "price-pack" offer; and "temporary special allowance" includes early shipping, advertising, display buying, and promotional or other similar arrangements.

(e) *Class of purchasers for vending machine sales.* For the purpose of determining the base price with respect to a sale of an item through a vending machine, the term "class of purchaser" with respect to a firm using vending machines includes those purchasers within a marketing pricing area customarily utilized by that firm.

§ 150.103 Sales and leases of new property and new services.

(a) *General—new item.* (1) An item is a new item if—

(i) The firm concerned did not produce, sell or lease it in the same or substantially similar form at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease. (A change in appearance, arrangement, or combination does not create a new item. Ordinarily, a change in fashion, style, form or packaging does not create a new item. In the case of a product for lease, a permanent improvement or betterment made to the products, as a part thereof, to increase value or to restore it makes it a new property for purposes of a lease if the cost of the improvement or betterment is greater than $100 and at least as much as three month's rent for the property); and

(ii) It is substantially different in purpose, function, quality, or technology, or its use or service effects a substantially different result from any other item which the firm concerned currently sells or leases or sold or leased at any time during the 1-year period immediately preceding the first date on which the firm offers it for sale or lease.

(2) *New market.* An item which the firm concerned has previously sold or leased is a new item with respect to its offer or sale to any market to which he did not sell or lease it at any time during the 1-year period immediately preceding the first date on which he offers it for sale or lease. For the purposes of the section, a "market" is one or more members of any one of the following groups: wholesalers; retailers; consumers; manufacturers; or service organizations.

(b) *Base price determination.* A firm offering a new item shall determine its base price as follows:

(1) *Manufacturers and Service Organizations*—(i) *Net operating profit markup.* A manufacturer or service organization shall apply the average net operating profit markup it lawfully received on the most nearly similar item it sold or leased to the same market during the base period to the total allowable unit costs of the new item. For the purposes of this subparagraph, "net operating profit markup" means the ratio which the selling price bears to the total allowable unit costs of the item.

(ii) *Average price of comparable property or services.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base period, the base price for sales or leases to that market shall be the average price received in a substantial number of current transactions in that market by other firms selling or leasing comparable items in the same marketing area.

(iii) *Customary pricing practice.* If the firm concerned did not offer a similar item for sale or lease to a particular market during the base period, and if the new item is not comparable to any items being sold or leased by any firm in current transactions in the same market, the firm may determine the base price by using any customary pricing practice it used during the base period, or, if it did not sell or lease any property or service during that time, it may use any other pricing practice commonly used by other firms engaging in comparable business with the same market.

(2) *Wholesalers and retailers.*—(i) *Gross margin markup.* A retailer or wholesaler shall apply the gross margin currently being charged for products within the category into which the new product falls to the total allowable unit cost of the new property.

(c) *Base prices upon acquisition.* If a legal entity or a component of a legal entity determines a base price pursuant to this Subpart for an item which it sells or leases to a particular market and the entity or component is subsequently acquired by another firm, that item does not become a new item with respect to the same market. The base price of the item with respect to that market remains the base price determined for it by the acquired entity or component unless the acquiring firm sells or leases the same item to the same market. If the acquiring firm sells or leases the same item to the same market, the acquiring firm's base price with respect to the sale or lease of that item to that market shall be the base price with respect to the sale or lease by the acquired entity or component of that item to that market.

(d) *Prenotification of New Items.* A firm subject to the prenotification requirements of § 150.151 which has projected sales and revenues for its current fiscal year of $10 million or more derived from the sale or lease of new items may not charge a price for a new item until it has provided 30 days prior notice to the Cost of Living Council in the form and manner prescribed by the Council.

§ 150.104 Custom products and custom services.

(a) *Definitions.* The following definitions apply in this section:

"Custom product" means a product (other than one specified in § 150.54(c)(1) specifically produced by a manufacturer to the buyer's or buyers' specifications and not reasonably comparable to any product manufactured at any previous time by the same manufacturer or its predecessors in interest, including any buyer-specified changes or additions to a non-custom product to the extent that they are not reasonably comparable to any charges or additions manufactured, with respect to that non-custom product, at any previous time by the same manufacturer or its predecessors in interest.

"Custom service" means a service (other than one specified in § 150.54(c)(2)) specifically produced by a service organization to the buyer's or buyers' specifications and not reasonably comparable to any service provided at any previous time by the same service organization or its predecessors in interest, including any buyer-specified changes or additions to a non-custom service, at any previous time by the same service organization or its predecessors in interest.

(b) *Base price.* A manufacturer or service organization may charge a base price for a custom product or service in conformity with its customary pricing practices, if any, which reflect only costs incurred or to be incurred in the manufacture of the product or the furnishing of the service which are allowable as determined under regulations or decisions issued pursuant to the Economic Stabilization Program. However, a firm which charges a price for a custom product or custom service may not, for the fiscal year in which that price is charged, exceed its base period profit margin.

Example 1. Labor costs to be incurred in the making of a custom product were estimated to be $2,000,000. However, $200,000 of this estimated cost was found to be nonallowable under regulations or decisions issued pursuant to the Economic Stabilization Program. Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the product is $1,800,000.

Example 2. Labor costs to be incurred in the construction of an office building were estimated to be $2,000,000. Because of the action of an agency administering a part of the Economic Stabilization Program, $100,000 of this estimated cost was found to be nonallowable because it exceeded wage rates approved under a contract subject to the Program. Pursuant to another action of an agency administering a part of the Economic Stabilization Program, negotiated and approved changes in work rules resulted in an increase in labor costs of $50,000. Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the construction is $1,950,000.

(c) *Effective date.* This section applies to the determination of base prices for all custom products or services after August 12, 1973, regardless of the date of the contract, if any, under which the item is sold.

Subpart G—Base Cost and Current Cost

§ 150.131 Scope.

This Subpart sets forth the general rules for determining base cost and current cost except as otherwise provided in this part. These general rules are supplemented by instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

§ 150.132 General rule.

For the purpose of determining whether costs have been incurred which permit the charging of a price in excess of the base price, net allowable costs incurred during the base cost period with respect to the item concerned ("base costs") shall be compared with net allowable costs incurred during the current period with respect to that item ("current costs"). Subject to Subpart E of this part, current costs which exceed base costs may be used to support a price in excess of the base price for the item concerned.

§ 150.133 Base cost.

(a) *Base cost period.* The base cost period for an item is the last fiscal quarter which ended before January 11, 1973.

(b) *Direct Materials and Labor.* The base cost with respect to costs of direct materials and labor is the rate at which those costs were incurred on the last full day of business in the base cost period.

(c) *All other costs.* The base cost with respect to all costs other than direct materials costs and labor costs is the rate at which those costs were incurred on the last full day of business in the base cost period. However, if the base cost with respect to all costs other than direct materials costs and labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that base cost is the average cost incurred throughout the base cost period with respect to those costs as calculated in accordance with instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

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§ 150.134 Current cost.

(a) *Current cost period.* For reporting and recordkeeping purposes, the current cost period is the current fiscal quarter for which a quarterly report or record is required to be filed pursuant to Subpart H of this part. For prenotification purposes, the current cost period is any representative period prior to the current cost closing date in which the normal, recurring costs of the firm were incurred.

(b) *Current cost closing date.* For recordkeeping and reporting purposes, the current cost closing date is the last full day of business in the current fiscal quarter being reported or recorded. For prenotification purposes, the current cost closing date is any date prior to the date of the prenotification document as entered on that document.

(c) *Direct materials and labor.* The current cost with respect to costs of direct materials and labor is the rate at which those costs were incurred on the current cost closing date.

(d) *All other costs.* The current cost with respect to all costs other than costs of direct materials and labor is the rate at which those costs were incurred on the current cost closing date. However, if the current cost with respect to all costs other than direct materials costs and labor costs cannot reasonably be determined by the method prescribed in the preceding sentence, that current cost is the average cost incurred throughout the current cost period with respect to those costs as calculated in accordance with instructions which accompany recordkeeping, reporting and prenotification forms issued pursuant to Subpart H of this part.

§ 150.135 Special rules for new items.

(a) *Base cost period.* The base cost period for each new item, as defined in accordance with § 150.103 is the fiscal quarter in which the new item concerned was first sold or leased in a transaction with the class of customer concerned.

(b) *Base cost.* The base cost with respect to each new item is the base cost as determined in accordance with paragraphs (b) and (c) of § 150.133.

(c) *Current cost.* The current cost period, current cost closing date, and current cost for each new item, as defined in accordance with § 150.103, is the current cost period, current cost closing date, and current cost as determined in accordance with § 150.134.

Subpart H—Prenotification and Reporting

§ 150.151 Prenotification.

(a) *General rule.* Except as provided in paragraph (b) of this section; a price category I firm may not increase a price for any product or service above the base price with respect to a product or service it sells as a manufacturer or service organization until the firm has filed, pursuant to this subpart, a notice of the proposed price increase with the Council and 30 days have elapsed since the filing of the notice.

(b) *Waiver of prenotification.* (1) The following price increases by a price category I firm need not be prenotified—

(i) Price increases for items which are exempt under Subpart D of this part or otherwise excluded from coverage of this title.

(ii) Price increases by a nonprofit organization with less than $100 million in annual sales or revenues derived from transactions in property or services which are not exempt under Subpart D of this part or otherwise excluded from coverage of this title.

(iii) Any price increase to the extent it reflects solely an increase in excise taxes (including sales and use taxes) or in duties on imports.

(2) The following prices charged by a price category I firm need not be prenotified:

(i) A price in a contract for the purchase of a product or service by an agency of the Federal government, and a price stated in a subcontract under a contract for the purchase of a product or service by an agency of the Federal government.

(ii) A price above base price which a price category I firm may continue to charge after August 12, 1973 pursuant to § 150.76(d).

§ 150.152 Manner of Prenotification.

The notice of the proposed price increase must be filed in the form and manner prescribed by the Cost of Living Council, and will be considered to be filed on the date when it is accepted by the Council. The Council will notify the firm, in writing, of the date of acceptance. If the information submitted is incomplete or inadequate, the Council will not accept the filing, and will so notify the firm.

§ 150.153 Measure of the Prenotification Period.

The 30-day prenotification period will commence on the date of acceptance of the notice by the Council. In any case in which the 30-day period would otherwise end on a Saturday, Sunday or Federal holiday, it will end at the close of the next succeeding workday.

§ 150.154 Council action.

During the 30-day prenotification period, the Council may issue an order disapproving, modifying, suspending or deferring a proposed price increase in whole or in part.

(a) The Council may issue an order disapproving or modifying a proposed price increase in whole or in part, if it finds that the proposed price increase does not conform to the rules of this part.

(b) The Council may issue an order temporarily suspending the running of the 30 days prenotification period, of a proposed price increase if it finds additional information is necessary or that the form was improperly filed. The order will remain in effect until the Council notifies the firm in writing that the additional information has been received and accepted.

(c) The Council may issue an order deferring a price increase, in whole or in part, if it finds that the proposed price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.155 Implementation of price increases.

If the Council does not act upon the proposed price increase within the 30-day prenotification period, pursuant to § 150.154, the proposed price increase may be placed in effect immediately upon expiration of the 30-day prenotification period. Failure of the Council to act upon the price increase within the 30-day period does not constitute approval of the price increase and nothing in this part shall be construed to limit the authority of the Council to modify, suspend, disapprove, or defer any such price increase in whole or in part placed into effect after the expiration of the 30-day period if the Council finds that:

(a) The price increase does not conform to the rules of this part; or

(b) The price increase is of such magnitude and would have such an impact upon the economy as to be unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 151.156 Volatility.

(a) Subject to paragraphs (b) through (d) of this section, a firm that has customarily priced an item in a manner immediately responsive to frequent and customary market price fluctuations of the raw materials or partially processed products which it uses in that item may, when and to the extent authorized by the Cost of Living Council increase the price of that item to the extent of any significant market price increase of those raw materials or partially processed products, without regard to the prenotification requirements of this Subpart. However, in the case of a price increase based on an increase in the price of a partially processed product, only that part of the increased cost of the partially processed product that is due to an increase in the market price of the raw materials in that product may be used in computing any allowable increase under this paragraph. For the purposes of this paragraph and paragraph (c) of this section "raw materials" include raw agricultural products, raw seafood, and other raw materials used by the firm in preparing an item for which an authorization is sought under this section.

(b) *Limitation.* A firm which increases a price pursuant to an authorization granted under this section shall reduce that price to the extent of any later decrease in cost in accordance with the general rules of this part.

(c) *Notice on invoice.* A firm which increases a price on any partially processed product pursuant to authorization under this section shall indicate on each invoice to its manufacturing and processing customers that part of any cost increase that is due to an increase in the cost of the raw materials used in making the partially processed product.

(d) Until September 12, 1973, a firm which received a volatile pricing authorization from the Price Commission which was in effect on January 10, 1973, with respect to an item shall be deemed to have received authority from the Council to put price adjustments for that item into effect in accordance with the provisions of this section. Effective September 12, 1973, however, a firm may adjust the price of an item pursuant to this section only if it has received a volatile pricing authorization issued by the Council pursuant to paragraph (a) of this section.

§ 150.161 Quarterly reports.

(a) *General.* Except as provided in paragraph (b) of this section, each price category I and II firm shall submit quarterly reports to the Cost of Living Council containing information on prices, costs and profits in accordance with regulations issued by the Council.

(b) *Waiver of quarterly reports.* Quarterly reports need not be submitted to the Council by the following firms:

(1) A firm whose total annual sales or revenues are derived from transactions involving goods and services which are exempt under Subpart D, or otherwise excluded from coverage of this title.

(2) A firm which is a nonprofit organization with less than $50 million derived from transactions in property or services which are not exempt under Subpart D of this part, or otherwise excluded from coverage of this part.

(3) State and local governments.

(c) *Manner of reporting.* Each quarterly report required under paragraph (a) of this section shall be made in accordance with regulations issued by the Cost of Living Council.

§ 151.162 Annual reports.

(a) *General.* Each price category III firm shall file an annual report with the Cost of Living Council with information on prices, costs and profits in accordance with regulations issued by the Council.

§ 151.163 Additional reports and information.

Whenever the Cost of Living Council considers it necessary for the effective administration of the Economic Stabilization Program, it may order any firm to file special or separate reports, setting forth information relating to the Economic Stabilization Program, in addition to any other reports required by this part.

§ 151.164 Effect of failure to file or maintain reports or other documents required by or under certain sections of this part.

(a) If a firm which is required to file a report or other document with the Cost of Living Council pursuant to the provisions of this part or an order issued by the Council does not, within the time limits prescribed, file the report or other document—

(1) The firm may not implement any further price increases including price increases which could otherwise be implemented pursuant to § 150.155 until it has complied with that reporting requirement and has obtained the special approval of the Council;

(2) Except to the extent specifically authorized otherwise by the Council in any case, based upon a written request of the firm concerned citing hardship or inequity, action is suspended on all exceptions filed by that firm until it has complied with the reporting requirement; and

(3) The Council may, whenever it considers it appropriate under the circumstances, order the firm to reduce any of its prices.

(b) Each day that a firm falls to comply with a reporting requirement pursuant to this part pertaining to reports, or an order under this part, is considered to constitute a separate violation of this part or that order.

§ 151.165 Records.

(a) *General.* Each firm subject to this part shall keep such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with the rules in this part.

(b) *Inspection.* Records required to be kept under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Internal Revenue Service or the Council.

(c) *Justification.* Upon the request of an officer or employee of the Internal Revenue Service or the Council any firm which has filed a notice of a proposed price increase or increases a price pursuant to this part, shall:

(1) Specify the records that comply with paragraph (a) of this section; and

(2) Justify that proposed price increase or increased price.

(d) *Period for keeping records.* Each firm required to keep a record under this section shall maintain and preserve that record for at least 4 years after the last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired by that firm whichever is later.

Subpart I—Accounting and Financial Reporting Requirements

§ 150.171 Accounting for business combinations.

When filing a report or other document under this part, accounting information for business combinations may be restated only in accordance with generally accepted account-principles, consistently applied. Restatement of prior accounts is required for certain changes in business combinations accounted for as a pooling of interests and when there has been a spin-off or a split-off to a parent firm's shareholders. Restatement of prior accounts is generally not appropriate when there is an acquisition or divestiture of a business or other property which is otherwise accounted for. Net sales, costs, and expenses of discontinued operations may not be condensed to "one line" in submissions to the Council, but shall be reported and accounted for on the same basis as continuing operations.

§ 150.172 Procedures required with respect to certain financial information.

(a) Each person subject to section 13 or 15(d) of the Securities Exchange Act of 1934 and each firm that prepares an audited financial statement on an annual basis shall obtain, for its reports filed with the Council, the services of an independent public accountant to perform the procedures specified in Part 105 of this title. Those procedures are considered to be supplementary to periodic Council examinations for compliance.

(b) This section applies to all filings received by the Council.

Subpart J—Special Rules

§ 151.201 Low Profit Firms: Manufacturers, wholesalers, and retailers.

(a) *Definitions.* For purposes of this section—

"Low profit firm" means any firm which did not receive more than 10 percent of its annual sales or revenues from providing services and during its most recently ended fiscal year or during its "alternative fiscal year" computed in accordance with paragraph (c) of this section had:

(1) Net sales of less than $1 million and a profit margin which was less than 3 percent; or

(2) Net sales of $1 million or more and a profit margin which was less than the percentage set forth in column B of the table in paragraph (b) of this section, corresponding to the firm's capital turnover ratio.

"Base period profit margin" of the firm means a profit margin authorized pursuant to this section.

"Covered activities" means any activity other than firming, life insurance, overseas operations or public utility services.

(b) *Table.* For the purposes of this section, the capital turnover ratio is computed by dividing the net sales for the year by the average total capital (long-term debt plus owner's equity, less investments, the income of which is included in nonoperating income). For the purposes of making calculations under this section, only "covered activities" are included. The average total capital for any fiscal year is computed by adding the outstanding total capital at the beginning of that fiscal year to the outstand-

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ing total capital at the end of that fiscal year, and dividing by two:

Column A Capital Turnover Ratio	Column B Applicable Profit Margin (percent)
Less than 3.4	3.0
3.4 or more, but less than 3.6	2.9
3.6 or more, but less than 3.7	2.8
3.7 or more, but less than 3.8	2.7
3.8 or more, but less than 4.0	2.6
4.0 or more but less than 4.2	2.5
4.2 or more, but less than 4.3	2.4
4.3 or more, but less than 4.5	2.3
4.5 or more, but less than 4.8	2.2
4.8 or more, but less than 5.0	2.1
5.0 or more, but less than 5.3	2.0
5.3 or more, but less than 5.6	1.9
5.6 or more, but less than 5.9	1.8
5.9 or more, but less than 6.3	1.7
6.3 or more, but less than 6.7	1.6
6.7 or more, but less than 7.1	1.5
7.1 or more, but less than 7.7	1.4
7.7 or more, but less than 8.3	1.3
8.3 or more, but less than 9.1	1.2
9.1 or more, but less than 10.0	1.1
10.0 or more, but less than 11.1	1.0
11.1 or more, but less than 12.5	0.9
12.5 or more, but less than 14.3	0.8
14.3 or more, but less than 16.7	0.7
16.7 or more, but less than 20.0	0.6
20.0 or more, but less than 25.0	0.5
25.0 or more, but less than 33.3	0.4
33.3 or more, but less than 50.0	0.3
50.0 or more	0.2

(c) *Base period low profit-alternative fiscal year.* A firm may compute an average fiscal year for use as an "alternative fiscal year" for the purposes of paragraph (a) of this section by combining and dividing by 2 the net sales and the average total capital, respectively, for any two of that firm's base period years as defined in Subpart B of this part.

(d) *General.* Notwithstanding Subpart E of this part, but subject to paragraphs (e) and (f) of this section, a low profit firm may after August 12, 1973 increase any of its prices by an amount reasonably calculated to result by the end of the third fiscal quarter following the fiscal quarter in which the prices are increased in a profit margin that does not exceed the profit margin allowable under this section. For firms covered by paragraph (a)(1) of this section, the allowable profit margin is 3 percent. For firms covered by paragraph (a)(2) of this section, the allowable profit margin is that set forth in Column B of the table in paragraph (b) of this section.

(e) *Price limitations.* A firm in the course of any its fiscal years in which it operates under this section, may increase the price of any of its products under this section above the price which legally was charged or legally could have been charged on the day before the day on which the firm elected to be subject to this section without regard to cost justification so long as such increase does not result in exceeding the profit margin allowable under this section.

(f) *Pay limitations.* No firm may qualify as a low profit margin firm if, during its current fiscal year, and for as long as it continues to use this section as a basis for further increasing any price, it pays or credits to an officer or employee who is an owner or a relative of an owner of the firm a rate of salary or other compensation or benefit which exceeds the rate of salary or other compensation or benefit it paid or credited to that officer or employee during its most recent fiscal year, plus 5.5 percent for each fiscal year thereafter. For the purposes of this paragraph, the word "owner" means an officer or employee who owns (or is considered to own within the meaning of section 318(a)(1) of the Internal Revenue Code) on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

(g) *Reporting.* Each firm before utilizing this section for a fiscal year or part thereof, in addition to complying with the reporting requirements of Subpart H, and before increasing any price under this section, shall furnish to the Council sufficient financial data to support its loss or low profit position. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends or disapproves that action or seeks additional information. The Council may disapprove such action for a firm whose profit margin is at or above the average profit margin of other firms engaged in the same industry.

(h) *After achieving allowable profit margin.* Within 45 days after the end of a fiscal quarter in which a loss and low profit firm which has increased prices pursuant to this section achieves its base period profit margin or approaches it within .01 percent at an annual rate, use of this section terminates. Thereafter the firm must conform to the price rules of this part which would be applicable to it if it had not been a loss and low profit firm, except that it must continue to utilize the base period profit margin it acquired pursuant to this section in lieu of its own base period profit margin.

§ 150.202 Low profit firms: Certain service organizations.

(a) *Definition.* For the purposes of this section, "low profit firm" means any firm which, during its most recently ended fiscal year, obtained at least 90 percent of its revenues from the furnishing of services, and which—

(1) During its most recently ended fiscal year or during its alternative fiscal year computed in accordance with paragraph (b) of this section, had a profit margin which was less than 1 percent; or

(2) Has estimated, and has prepared supporting documentation that it will have for its current fiscal year, a profit margin of less than 1 percent.

(b) *Base period low profit-alternative fiscal year.* A firm may compute an average fiscal year for use as an alternative fiscal year for the purposes of paragraph (a) of this section by combining and dividing by two the net sales for any two of that firm's base period years.

(c) *General rule.* Notwithstanding any other provision of this part, but subject to paragraphs (d), (e) and (f) of this section, a low profit firm may after August 12, 1973 increase any of its prices by an amount reasonably calculated to result in a profit margin of not to exceed 1 percent by the end of the third fiscal quarter following the fiscal quarter in which the prices are increased.

(d) *Pay Limitations.* No firm may qualify as a low profit firm if, during its current fiscal year, and for as long as it continues to use this section as a basis for further increasing any price, it pays or credits to any of its officers or employees who is an owner or a relative of an owner of the firm a rate of salary or other compensation or benefit which exceeds the rate of salary or other compensation or benefit it paid or credited to that officer or employee during its most recent fiscal year, plus 5.5 percent for each fiscal year thereafter. For the purposes of this paragraph, the word "owner" means an officer or employee who owns (or is considered to own within the meaning of section 318(a)(1) of the Internal Revenue Code) on any day of the fiscal year concerned, more than 5 percent of the outstanding stock of the firm.

(e) *Reporting.* Each firm before utilizing this section for a fiscal year or part thereof, in addition to complying with the reporting requirements of Subpart H of this part, and before increasing any price under this section, furnish to the Council sufficient financial data to support its loss or low profit position. Such a firm may increase prices under this section after 30 days following the date of the receipt of that financial data by the Council unless, during that 30-day period, the Council suspends or disapproves that action, or seeks additional information.

(f) *After achieving allowable profit margin.* Within 45 days after the end of a fiscal quarter in which a loss and low profit firm which has increased prices pursuant to this section achieves a profit margin of 1 percent or approaches it within .01 percent at an annual rate, use of this section terminates. Thereafter the firm must conform to the price rules of this part which would be applicable to it if it had not been a loss and low profit firm, except that it must continue to utilize the 1 percent profit margin it acquired pursuant to this section in lieu of its own base period profit margin.

§ 151.203 Seasonal patterns.

(a) *General.* Nothwithstanding any other provision of this part, prices which normally fluctuate in distinct seasonal patterns may be adjusted as prescribed in this section.

(b) *Distinct fluctuation.* Prices must show a large or otherwise distinct fluctuation at a specific, identifiable point in time. The distinct fluctuation must be an established practice that has taken place in each of the 3 years before the date of the contemplated change. New firms may determine their qualifications from those generally prevailing with respect to firms similarly situated, selling or leasing in the same marketing area. If there are not similar firms in the immediate area, qualification may be established by reference ot the nearest similar marketing area.

(c) *Time of price fluctuation.* The price fluctuation referred to in paragraph (b) of this section may not take place at a time other than the time at which that fluctuation took place in the preceding year unless the date of the price fluctuation is tied to a specific event such as a previously planned introduction of new models.

(d) *Allowable price.* Subject to paragraph (e) of this section, if the requirements of paragraphs (b) and (c) of this section are met, the maximum price which may be charged by the person concerned is the greater of the following:

(1) The base price determined under Subpart F of this part;

(2) The price authorized pursuant to the provisions of Subpart E or K of this part; or

(3) The price charged by that firm during the first 30 days of the period following the current seasonal price adjustment, or if the season was less than 30 days, during the period of that season.

For purposes of paragraph (a) of this section, the price charged during that 30-day period, or the period of the season if less than 30 days, is the weighted average of the prices charged on all transactions during that period.

(e) *Limitation.* Notwithstanding paragraph (d) of this section, a firm which charges a price pursuant to this section, may not exceed its base period profit margin.

(f) *Return to nonseasonal prices.* Each firm that increases a price under this section shall decrease that price at the same date or identifiable point in time as the price was decreased in the previous season. The price shall be decreased to the allowable price for the applicable season, pursuant to paragraph (d) of this section.

§ 151.204 Marketing cooperatives and market risk-sharing transactions.

(a) *Applicability.* This section applies to—

(1) Sales of products or services by a marketing cooperative, as defined in paragraph (b) of this section, for its members and for other persons; and

(2) Transactions for the sale of products or services by a seller to a buyer in which the price is set in whole or in substantial part by reference to the buyer's proceeds from the later resale of the product or service, or the sale by that buyer of another product or service into which the initial product or service is processed or made.

(b) *Definitions.* For the purposes of this section "marketing cooperative" means a firm that is organized or operated on a cooperative basis for the purpose of marketing the products or services of its members and other persons, and turning back to them the proceeds of sales, less expenses, on the basis of either the quantity or the value of the products or services furnished by them, or that does not make a profit on the sales for its members, either

(1) Because the market price obtained is only enough to cover costs and expenses and payment for their products or services, or

(2) Because a later additional payment adjusts the payment for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under section 1388 of the Internal Revenue Code of 1954 (26 USC 1388). A firm is not disqualified from being a marketing co-operative by conducting a portion of its transactions with nonmembers. Each transaction of the kind described in paragraph (a)(2) of this section is a "market risk-sharing transaction" and is considered to bind the buyer and seller of that transaction to a "market risk-sharing agreement". The price which is charged in a market risk-sharing transaction is a "market risk-sharing price". The total proceeds which a firm receives from a marketing co-operative for a product or service which the cooperative markets for that firm is also a "market risk-sharing price".

(c) *General.* A market risk-sharing price, as defined in paragraph (b) of this section, may not exceed the price authorized to be charged under any other provision of this part if the kind of product or service and the kind of transaction concerned are not exempt from the Economic Stallization Program under Subpart D of this part. If a market risk-sharing price is exempt thereunder, and if that price is one of the costs of another product or service which is not exempt thereunder, the manufacturer, service organization, wholesaler, or retailer for whom such a market risk-sharing price is a cost may charge a price in excess of the base price or the price authorized pursuant to § 150.76(d), or Subpart K of this part, for that other product or service under the same conditions and subject to the same restrictions as would otherwise apply to that person under this part, except that—

(1) If that firm is also a marketing co-operative and charges a price pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year may not exceed the ratio which prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividends in both the base period and the current period); and

(2) The costs which are determined by the market risk-sharing plan shall, for the purposes of this part, be considered to be imputed allowable costs.

(d) *Imputed allowable costs.* The imputed allowable cost shall be:

(1) Any price that is published or otherwise documented as prevailing in the trade and which the firm has customarily used in establishing a payment at the time of delivery of the product or service, or in determining pool interest in deliveries of the product or service; or if none,

(2) The average documented price paid by competitors for the same product or service in transactions that are not by the marketing co-operative or are not market risk-sharing transactions in the same marketing area, or, if no significant number of those transactions are occurring in the same marketing area, in the closest substantially similar marketing area; or if none,

(3) The published price of the same product or service under Federal Government support programs, State or Federal marketing orders, commodity market quotations, or Department of Agricultural Market News Service Reports, whichever is most commonly used in the trade as an indicator of current commercial market prices; or if none,

(4) The published price or average documented price paid by competitors for a related product or service that has a similar price pattern in the same marketing area, or in the closest substantially similar marketing area.

§ 151.205 Purchasing co-operatives.

(a) *Applicability.* This section applies to sales of products or services by a purchasing co-operative, as defined in paragraph (b) of this section, to its members and to other persons.

(b) *Definitions.* For the purposes of this section "purchasing cooperative" means a firm that is organized or operated on a co-operative basis for the purpose of purchasing or manufacturing products or services for its members and other persons at cost, plus expenses, or that does not make a profit on sales to its members, either because the initial price charged is only enough to cover costs and expenses or because a later refund reduces the net price to such an amount. A refund for this purpose may be cash or other item of value which qualifies as a "patronage dividend" under section 1388 of the Internal Revenue Code of 1954 (26 USC 1388). A firm is not disqualified from being a purchasing co-operative by conducting a portion of its transactions with nonmembers.

(c) *General.* A purchasing co-operative may charge any price for a product or service it sells to its members or other persons, except that a firm which prices pursuant to this section, the ratio of its operating income to its net sales in the current fiscal year, may not exceed the ratio that prevailed during the base period (in computing this ratio the firm may elect to reduce operating income by patronage dividend in both the base period and the current period).

(d) *Exceptions.* A purchasing co-operative that sells a product to its members or other persons primarily for their resale and not for their use or consumption shall charge a price in accordance with its allowable costs or gross margins for the item's merchandise category. In computing its ratio or operating income to net sales a purchasing co-operative may not use the election authorized in paragraph (c) of this section for patronage dividends. The provisions of this paragraph do not apply to a sale made by a purchasing co-operative operating under the Agricultural Marketing Act of 1929, as amended (12 U.S.C. 1141(j)), to a member or other person of that co-operative who is also a co-operative and only resells to its members or other persons for their use or consumption.

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§ 150.206 Stabilization of particular industries and sectors.

(a) Whenever the Council finds it necessary to achieve the goals of the Economic Stabilization Program, it may issue regulations providing for the stabilization of prices in a particular industry, sector of the economy or part thereof.

(b) The Council may order public hearings with respect to the regulations issued or to be issued pursuant to paragraph (a) of this section if the Council determines that public hearings would aid in achieving the goals of the Economic Stabilization Program.

Subpart K—Retailers and Wholesalers

§ 150.301 Purpose and scope.

(a) Except as provided in § 150.302, this subpart prescribes mandatory controls applicable to firms which engage in retailers or wholesalers of crude petroleum or petroleum products to which Subpart L of this part applies.

(b) To the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern.

§ 150.302 Effective date of applicability to food retailers and wholesalers.

Until September 12, 1973, this subpart does not apply to those retailers or wholesalers of meat or other food products who remain subject to Subpart M of Part 130 or Subpart I of Part 140 of this title until that time.

§ 150.303 Definitions.

As used in this subpart.

"Customer category" means a group of related customers distinguished from other customers because of customary price differentials between those customers and other customers, which is treated as a single pricing unit, irrespective of the products they purchase, for the purposes of this subpart.

"Gross margin" means the ratio that total revenues received less the cost of goods sold bears to total revenues received.

"Gross margin base period" means the last fiscal year ending prior to February 5, 1973.

"Merchandise category" means a group of related products which is treated as a single pricing unit for the purposes of this subpart.

"Pricing entity" means the lowest level of organization within a firm at which pricing decisions are made.

§ 150.304 General pricing rules.

(a) This section becomes effective with respect to a price category I firm or price category II firm to which this subpart applies when the firm submits the merchandise pricing plan required by § 150.306(a). It becomes effective with respect to a price category III firm to which this subpart applies when the Firm completes the merchandise pricing plan required by § 150.309.

(b) A firm to which this section has become applicable may charge a price for an item in excess of the base price of that item only if—

(1) The gross margin for that item's merchandise category for any fiscal quarter in which the increased price is charged does not exceed the higher of—

(i) the gross margin realized for that category during the corresponding fiscal quarter of the gross margin base period; or

(ii) the gross margin realized for that category for the retailer's or wholesaler's gross margin base period;

(2) The gross margin for that item's merchandise category for any fiscal year in which the increased price is charged does not exceed the gross margin realized for that category for the retailer's or wholesaler's gross margin base period; and

(3) The firm's profit margin for any fiscal year in which the increased price is charged does not exceed its base period profit margin.

§ 150.305 Establishment of merchandise categories.

(a) Except as otherwise provided in this section a retailer or wholesaler shall use the merchandise categories set forth in Appendix A to this subpart.

(b) If a retailer or wholesaler sells items which do not fall within any of the categories listed in Appendix A, he may form additional merchandise categories, each of which must include all related items falling within the same general description. For each such category included in a plan required to be submitted to the Cost of Living Council pursuant to § 150.306, the retailer or wholesaler shall submit with the plan a statement demonstrating that the categories are consistent with the requirements of this subpart.

(c) If a retailer's or wholesaler's customary business relies on customer categories rather than merchandise categories, he may substitute customer categories in his merchandise pricing plan. When such a substitution is made in a plan required to be submitted to the Cost of Living Council pursuant to § 150.306, the retailer or wholesaler shall also submit a statement demonstrating that the categories are consistent with the requirements of this subpart.

(d) A firm which is primarily a retailer or wholesaler may include within its merchandise pricing plan related manufacturing and service activities which are integrated into its retail or wholesale activities and constitute not more than 10 percent of the firm's total retail and wholesale sales for the immediately preceeding fiscal year.

§ 150.306 Merchandise pricing plans; retailers and wholesalers with annual revenues of $50 million or more.

(a) Each price category I firm and each price category II firm to which this subpart applies, shall prepare and submit to the Cost of Living Council a merchandise pricing plan. The plan must include—

(1) A description of the retailer's or wholesaler's internal organization as it relates to pricing activities;

(2) A list of the retailer's or wholesaler's pricing entities;

(3) A completed Form CLC----- on each pricing entity setting forth its merchandise categories, the base period gross margin for each category, and the gross margin realized for each category during each fiscal quarter of the gross margin base period;

(4) A list of products and product lines carried by the retailer or wholesaler; and

(5) A description of the manner in which the retailer or wholesaler makes its pricing decisions.

(b) Within 60 days after it receives a retailer's or wholesaler's merchandise pricing plan, the Council will review the plan and (1) approve it or (2) take the action provided for in § 150.307.

§ 150.307 Incomplete and nonconforming plans.

(a) If after reviewing a merchandise pricing plan submitted pursuant to § 150.306, the Cost of Living Council determines that the information submitted is incomplete or inaccurate or that the plan does not conform to the requirements of this subpart, it will notify the submitting retailer or wholesaler of its determination and the basis for that determination. The retailer or wholesaler shall, within the time prescribed by the Council, submit to the Council such additional data or information as the Council may require or such modifications to its plan as may be necessary to bring it into conformance with the requirements of this subpart. Effective upon receipt of the notice the retailer or wholesaler may not implement any further price increases until the Council approves the plan or otherwise advises the retailer or wholesaler.

(b) In addition, if the retailer or wholesaler fails to submit the required additional data, information, or modifications, within the time prescribed by the Council or, if after submission thereof, the Council determines that the merchandise pricing plan still does not conform to the requirements of this subpart, it may order the retailer or wholesaler to reduce his prices to base prices or such other level above base prices as the Council may determine to be appropriate and to submit a new plan based on new categories or pricing entities, specified by the Council.

§ 150.308 Approved plans.

(a) After the Cost of Living Council approves a retailer's or wholesaler's merchandise pricing plan, the retailer or wholesaler shall use the categories and pricing entities specified in the approved plan in monitoring its prices and filing such reports as may be required by the Council.

(b) A retailer or wholesaler may modify its approved merchandise pricing plan only after the modification has been approved by the Council.

§ 150.309 Merchandise pricing plans; retailers and wholesalers with annual revenues of less than $50 million.

Each price category III firm to which this subpart applies, shall prepare and maintain at its principal place of business, a merchandise pricing plan. The firm may group all of its retail or wholesale products into a single merchandise category, in which case its merchandise pricing plan need only consist of a completed Form CLC ------ setting forth the base period gross margin information for that single category. However, if the firm elects to use more than one category, its plan must include, to the extent applicable, each of the items specified in § 140.306(a) of this chapter for plans required to be submitted to the Cost of Living Council.

§ 150.310 Reporting.

(a) Each price category I firm and each price category II firm to which this subpart applies shall prepare and submit to the Cost of Living Council within 45 days after the end of each fiscal quarter a Form CLC ---- in the manner prescribed by the Council.

(b) Each price category III firm to which this subpart applies shall prepare and submit to the Cost of Living Council within 45 days after the end of each fiscal year a Form CLC ---- in the manner prescribed by the Council.

§ 150.311 Repurification of a quarterly violation.

(a) If a firm's gross margin for a particular category for any fiscal quarter other than the fourth fiscal quarter, exceeds the limitations prescribed in § 150.304(b)(1), the Cost of Living Council will reduce any sanctions it may impose for the violation to the extent that the firm offset the overage in the succeeding fiscal quarter.

(b) If a firm's gross margin for a particular category has not exceeded the limitations prescribed in § 150.304(b)(1) during any of the first three fiscal quarters but exceeds those limits for the fourth fiscal quarter, the Cost of Living Council will not impose sanctions for the violation if the gross margin for that category for the fiscal year is within the limitation prescribed in § 150.304(b)(2).

(c) A firm is entitled to the quarterly gross margin overage relief provided by this section only once per category within any fiscal year.

APPENDIX A

MERCHANDISE CATEGORIES APPLICABLE TO RETAILERS AND WHOLESALERS

DEPARTMENT STORES

101 Bedroom furniture
102 Boys' clothing and accessories
103 Building supplies
104 Cafeteria
105 Children's shoes
106 China and crystal ware
107 Clocks and watches
108 Confections
109 Cosmetics and toilet articles
110 Dining furniture
111 Domestics—yard goods, linens, etc.
112 Eyeware
113 Giftware
114 Girls' clothing and accessories
115 Hand tools
116 Hardware
117 Hobbies, crafts and educational materials
118 Housewares—small appliances, kitchenware, etc.
119 Infants' ware
120 Jewelry
121 Lamps and other lighting fixtures
122 Lawn and garden
123 Living room furniture
124 Luggage
125 Major appliances
126 Men's accessories
127 Men's clothing
128 Men's shoes
129 Notions
130 Office supplies and equipment
131 Outdoor furniture
132 Paint
133 Photo
134 Power tools
135 Rugs, carpets and other floor coverings
136 Silver pieces and silverware
137 Sporting goods
138 Tires, batteries and accessories
139 Wallpaper and other wall coverings
140 Women's accessories
141 Women's clothing
142 Women's shoes

DRUGSTORES

201 Apparel
202 Books, magazines, newspapers
203 Cafeteria/restaurant
204 Cards and stationery
205 Confections
206 Cosmetics and toilet articles
207 Drugs—prescription
208 Drugs—non-prescription
209 Housewares
210 Medical and dental equipment and supplies
211 Notions
212 Photos
213 Seasonal—summer
214 Seasonal—winter
215 Tobacco products and related items
216 Toys and games

VARIETY STORES

301 Cafeteria
302 Children's and infants' apparel and accessories
303 Confections
304 Cosmetics and toilet articles
305 Domestics
306 Furniture and lamps
307 Hardware
308 Housewares
309 Jewelry, clocks, watches and giftware
310 Luggage
311 Men's apparel and accessories
312 Notions
313 Pets and pet supplies
314 Photo
315 Seasonal—summer
316 Seasonal—winter
317 Sporting goods
318 Stationery, office supplies and greeting cards
319 Toys, games and hobbies
320 Women's apparel and accessories

FOOD OPERATIONS

401 Alcoholic beverages
402 Baked goods
403 Canned food items
404 Dairy
405 Delicatessan
406 Fish, fresh
407 Frozen food
408 General mechandise, non-food
409 Grocery items other than canned
410 Health and beauty aids
411 Meat
412 Produce
413 Tobacco products and related items

HARDWARE STORES

501 Building materials—brick, sand, gravel, cement, concrete, etc.
502 Building supplies—windows, doors, screens, fences, hardware, etc.
503 Housewares
504 Lawn and garden supplies
505 Lumber
506 Paints, paint supplies
507 Tools, hard
508 Tools, power

FURNITURE

701 Accessories, non-furniture
702 Bedding, spreads, pillows
703 Bedroom furniture
704 Carpets and floor covering
705 Diningroom furniture
706 Drapery and fabric
707 Lamps
708 Occasional furniture
709 Summer, patio, casual furniture
710 Upholstered furniture

Subpart L—Petroleum and Petroleum Products

§ 150.351 Purpose and scope.

(a) This part prescribes mandatory controls applicable to the sale of crude petroleum and certain petroleum products and leases by gasoline manufacturers or resellers to gasoline retailers of real property to be used in the retailing of gasoline.

(b) To the extent this subpart may be inconsistent with other provisions in this part, the provisions in this subpart govern.

§ 150.352 Definitions.

For the purposes of this subpart

"Actual markup" means the difference between a seller's January 10, 1973, selling price of a product (reflecting any applicable customary price differential) and the seller's cost of that product which he sold on January 10, 1973. If the seller made no sale of that product on January 10, 1973, the selling price is the selling price of the product (reflecting any applicable customary price differential) in the most recent sale before January 10, 1973.

"Base price" means the base price determined pursuant to § 150.359, or in the case of a new product, § 150.360.

"Ceiling price" means the ceiling price determined pursuant to § 150.358.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or term or condition of sale or delivery.

"Covered product" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911.

"Domestic crude petroleum" means a crude petroleum produced in any of the several States, or the District of Columbia or from the "outer continental shelf" as defined in 43 USC 1331.

"Manufacturer" means a business entity which produces or refines crude petroleum, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining.

"Producer" means a business entity which produces crude petroleum.

"Reseller" means a person who carries on the trade or business of purchasing gasoline, heating oil, or diesel fuel, and without substantially changing its form,

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reselling it to other than ultimate consumers or purchasing any other covered product, and without substantially changing its form, reselling it to other resellers or to ultimate consumers.

"Retailer" means a person who carries on the trade or business of purchasing gasoline, heating oil, or diesel fuel and without substantially changing its form, selling it to ultimate consumers.

§ 150.353 Ceiling price rule: Retail sales.

(a) *Applicability.* This section applies to each retail sale of diesel fuel grade No. 2-D as defined in American Society for Testing and Materials (ASTM) D975–71, heating oil grade no. 2 as defined in American Society for Testing and Materials Designation (ASTM) D396–71, or any of the various grades of retail gasoline.

(b) *Rule.* No retailer of gasoline, diesel fuel or heating oil may charge a price for that product which exceeds the ceiling price of the product.

(c) *Posting.* Each retailer of gasoline shall post on each pump that he uses to dispense gasoline, the ceiling price and the minimum research octane rating (as described in the American Society for Testing Materials (ASTM) "Standard Specifications for Gasoline" (D439–70) of the gasoline sold from that pump.

§ 150.354 Ceiling price rule: Crude petroleum.

(a) *Applicability.* This section applies to (1), except as provided in paragraph (c) of this section, the first sale by a producer of domestic crude petroleum, and (2) the first sale by a royalty owner of domestic crude petroleum accepted as a royalty payment pursuant to the terms of a lease between the royalty owner and the producer of that domestic crude petroleum.

(b) *Rule.* (1) *General.* Except as provided in paragraph (b)(2) of this section, no producer of domestic crude petroleum and no royalty owner may charge a price higher than the ceiling price for that domestic crude petroleum.

(2) *Special release rule.* Notwithstanding paragraph (b)(1) of this section, a producer of new crude petroleum from a property which he leases or owns may in the month produced, or in any subsequent month, sell that new crude petroleum without respect to the ceiling price. However, if the amount of crude petroleum produced in any month is less than the base production control level for the property for that month, any new crude petroleum produced from that property during any subsequent month may not be sold pursuant to this subparagraph until an amount of the new crude petroleum equal to the difference between the amount of crude petroleum actually produced from that property during the earlier month and the base production control level for that property for the earlier month has been sold at or below its ceiling price.

(3) *Released crude.* If during a particular month, a producer produces from a property new crude petroleum which could be sold at other than the ceiling price pursuant to paragraph (b)(2) of this section, he may sell without regard to the ceiling price, an amount of the base production control level crude petroleum for that month equal to the new crude petroleum for that property for that month. The maximum price that he may charge for the crude petroleum (other than new crude) in this case shall be computed as follows:

$$P_{max} = P_e + \left(\frac{C_p}{C_{bpcl}} - 1\right)(P_m - P_e)$$

Where:

P_{max} = Maximum price that may be charged for the crude petroleum (other than new crude) purchased from the property ($/bbl);
P_e = Ceiling price of the crude petroleum ($/bbl);
C_{bpcl} = Base production control level for the property (bbl's);
C_p = Total amount of crude petroleum produced from the property during the month (bbl's); and
P_m = Current free market price of the particular quality and grade of crude petroleum ($/bbl).

Application of this formula may be illustrated by the following example:

Example: During September 1973, Firm X produces 8,170 barrels of a single grade of crude petroleum from a particular property. During September 1972, 6,420 barrels of crude petroleum were produced from the same property. The ceiling price for the September 1973 crude petroleum is $4.10 per barrel, and its free market price (i.e. the price X can get on the market for the 1,750 barrels of new crude) is $4.95 per barrel. The maximum price that X may charge for the 6,420 barrels of other than new crude petroleum (i.e. old plus release crude) produced in September 1973 is:

$$P_{max} = \$4.10 + \left(\frac{8170}{6420} - 1\right)(4.95 - \$4.10)$$

$P_{max} = \$4.10 + (.27)$ ($3.85)
$P_{max} = \$4.10 + \$.23$
$P_{max} = \$4.33$/bbl

(4) *Definitions.* For purposes of this subparagraph

"Base production control level" for a particular month means—

(i) For a particular property on which the producer has leased production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property.

(ii) For a particular property on which the producer owns production rights, the total number of barrels of domestic crude petroleum produced in the same month of 1972 from that property.

"New crude petroleum" means the total number of barrels of domestic crude petroleum produced from a leased or owned property in a specific month less the base production control level for that property.

(c) *Exchange for imported crude petroleum.* Notwithstanding paragraph (b) of this section, a producer of domestic crude petroleum who negotiates an exchange of domestic crude petroleum for an equal amount of imported crude petroleum to be refined by the producer may, subject to prior approval by the Cost of Living Council, price that domestic crude petroleum at a price not to exceed the price of the imported crude petroleum with which it is exchanged.

§ 150.355 Price rule: Resellers.

(a) *Applicability.* This section applies to each resale of a covered product, other than a retail sale of a product which is subject to § 150.353 and is purchased and resold without substantial change in form.

(b) *Rule.* No reseller of a product to which this section applies may charge a price in excess of the actual cost of the particular inventory of product being resold plus the actual markup the reseller applied to that product on January 10, 1973. If a covered product, imported from outside the several States and the District of Columbia is commingled with other imported product or with the same product produced in one of the several States or the District of Columbia, any increase in the cost of the imported product incurred after May 15, 1973, may be averaged into the cost of the product with which it is commingled. However, in no case may the reseller's profit margin exceed that which prevailed during its base period.

§ 150.356 Price rule: Manufacturers.

(a) *Applicability.* This section applies to each sale of a covered product by the manufacturer of that product other than—

(1) a retail sale which is subject to § 150.353;

(2) the first sale of domestic crude petroleum which is subject to § 150.354;

(3) a resale which is subject to § 150.355; or

(4) a sale of domestic crude petroleum in exchange for an equal dollar value of imported crude petroleum.

(b) *Rule.* Except as otherwise provided in this subparagraph, a manufacturer may not charge a price for a covered product in excess of the base price of that product until the proposed price increase has been prenotified to the Cost of Living Council using the prenotification procedure specified in Subpart H for price category I firms. A manufacturer may, without prenotifying the Council adjust its prices to the extent the adjustment reflects solely an increase in:

(1) The price actually paid for domestic crude petroleum purchased and refined by the manufacturer over the ceiling price of that domestic crude determined in accordance with § 150.358(b); or

(2) The price actually paid for imported crude petroleum (other than crude petroleum received through an equal exchange to which § 150.154 (c) applies) refined by the manufacturer or for an imported covered product over the cost of that crude petroleum or product to that manufacturer on May 15, 1973.

However, in no case may the manufacturer's profit margin exceed that which prevailed during its base period.

§ 150.357 Price rule: Leases.

(a) *Applicability.* This section applies to each lease by a gasoline manufacturer or reseller of a retail gasoline station to a retailer of gasoline.

(b) *Rule.* A gasoline manufacturer who leases real property to a gasoline retailer for use in retailing gasoline may not—

(1) increase, offer to increase, or give notice of intent to increase the rent for that real property to an amount in excess of the base rent established under § 150.359(b);

(2) increase the retailer's obligation to sell covered products to a level above that which prevailed for that retailer during the month of May, 1973; or

(3) impose any operating requirements on the retailer which would be inconsistent with the Economic Stabilization Program such as increasing the retailer's hours of operation or the volume of any covered product which he must sell.

§ 150.358 Ceiling price determination.

(a) *Retail diesel fuel, heating oil and gasoline.* The ceiling price of diesel fuel, heating oil, or gasoline for any particular location at which it is sold is the actual price paid by the seller for the product sold at that location on August 12, 1973, plus the actual markup applied by the seller at that location on January 10, 1973 to the cost of the same product.

(b) *Domestic crude petroleum.* The ceiling price for a particular grade of domestic crude petroleum in a particular field is the highest posted price at 7:00 a.m., e.d.t., May 15, 1973 for that grade of crude petroleum at that field, or if there are no posted prices in that field, the related price for that grade of crude petroleum which is most similar in kind and quality.

§ 150.359 Base price determination.

(a) *Manufacturers.* The base price of a covered product being sold by the manufacturer of that product is the price the manufacturer charged for that product (reflecting any applicable customary price differential) on May 15, 1973. If the manufacturer made no sale of the product on May 15, 1973, the base price is the price he charged for that product in the most recent sale before that date.

(b) *Retail gasoline station rent.* The base rent with respect to a lease of real property by a gasoline manufacturer or reseller to a gasoline retailer for use in the retailing of gasoline is the rent charged for that station for the month of May, 1973.

§ 150.360 Base price—new product.

(a) The base price of a new product is:

(1) In the case of the first sale of domestic crude petroleum, the current free market price of that particular quality and grade of crude petroleum;

(2) In the case of a covered product (other than the first sale of domestic crude petroleum) being offered by the manufacturer of that product, the median price charged for the same or most nearly comparable product (reflecting any applicable customary price differentials) on May 15, 1973, by other manufacturers selling the same or most nearly comparable product in the same marketing area; and

(3) In all other cases, the median price currently being charged for the same or most nearly comparable product (reflecting any applicable customary price differentials) by other persons selling the same or most nearly comparable product in the same marketing area.

(b) *Definitions.* For purposes of this section

"Median price" means the highest price at which at least 50 percent of the product was sold.

"New product" means a product which the seller did not sell in the same or substantially similar form in the one year period immediately preceding the first date on which he offers it for sale or for lease and if it is substantially different in purpose, function and quality or technology or its use or service effects a substantially different result from any other property which the offering seller currently sells or sold at any time during the one year period immediately preceding the first date on which he offers it for sale.

§ 150.361 Price information and certification.

(a) *Price information.* Each seller of covered products shall maintain records of its base prices and ceiling prices and shall make available upon request by a customer, the base price or ceiling price of any item being offered for sale to that customer.

(b) *Certification.* Each seller of a covered product subject to this subpart shall upon request certify in the bill of sale that the sale was made at a price no higher than authorized by this subpart.

§ 150.362 Reports and Recordkeeping.

(a) *Reports.* (1) *Producers.* Each producer of domestic crude petroleum which derives $50 million or more in annual sales or revenues from sales subject to § 150.354 shall prepare and file with the Cost of Living Council, quarterly reports on prices, costs, profits, and production levels on a form prescribed by the Council.

(2) *Manufacturers.* Each manufacturer of covered products and each retailer or reseller which derives $50 million or more in annual sales or revenues from the retailing or reselling of covered products shall prepare and file with the Cost of Living Council, monthly and quarterly reports on price movements, costs and other related information on forms prescribed by the Council.

(b) *Recordkeeping.* Each retailer or reseller of covered products which derives less than $50 million but more than $1 million in annual sales of revenues from the retailing or reselling of those products shall prepare and maintain at its principal place of business, monthly and quarterly reports on price movements, costs and other related information on forms prescribed by the Cost of Living Council.

Subpart M—Insurance

§ 150.401 Applicability.

This subpart applies to each insurance rate increase to be placed into effect after August 12, 1973, which would increase the rate above the level in effect on that date, whether or not the increase is approved by a regulatory agency.

§ 150.402 Definitions.

As used in this subpart—

"Covered earned premium" means the total premium volume earned for all lines of insurance that are not exempt by § 150.53(b).

"Insurer" means a firm which by contract or for a stipulated consideration undertakes to compensate another for loss on a specified subject and is (1) subject to the regulatory jurisdiction of a State or the District of Columbia (including a person engaged in providing non-profit medical or hospital services under such a regulatory jurisdiction) or (2) undertaking to provide medical or hospital services for a capitation fee.

"Prenotifier" means a health insurer that had $50 million or more of total covered earned premium or a property-liability insurer that had $150 million or more of total covered earned premium during the year preceding the effective date of the rate increase it is proposing.

"Rate" means an amount to be charged, charged or paid for insurance, calculated in accordance with a rate making practice or formula, or developed under a classification system.

"Rate increase" includes a restriction in coverage, an increase in a deductible level, or any similar diminuation of insurance coverage without a corresponding reduction in the rate.

"Rating bureau" means a person who makes, files, or submits insurance rates applicable to, on behalf of, or advisory for more than one insurer.

"State Regulatory Agency" means any commission, board or other legal body that has jurisdiction over rates or practices of insurers in a State or the District of Columbia.

§ 150.403 Criteria.

(a) Each insurance rate increase put into effect by any insurer or rating bureau (regardless of its total premium volume earned) after August 12, 1973, which would increase the rate above the level in effect on that date must be consistent with the following criteria:

(1) Factors that reflect experience incurred on all actual costs may be used in the customary manner in the rate-making process.

(2) Factors in the rate-making process or in the actual determination of the final premium that relate to or reflect changes in claim frequency, occurrence or utilization, changes in the classification of risks under class plans already in use or territory relativites, or similar changed conditions of risk may be used in accordance with customary practice provided such factors are supported statistically.

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(3) Factors in the rate-making process reflecting or anticipating cost or price increases (i.e., trend factors to the extent they reflect or project inflation) may be used subject to the following restrictions:

(i) For any portion of the period of projection through August 14, 1971, the normal, full factors may be used, provided they are statistically supported by the latest available data in accordance with the insurer's customary practice.

(ii) For any portion of the period of projection after August 14, 1971, through November 13, 1971, a zero rate of inflation must be used.

(iii) For any portion of the period of projection after November 13, 1971, to January 11, 1973, the inflationary trend factor may not exceed five-eighths (5/8) of the factor otherwise justified at the time of determining the rate increase.

(iv) For any portion of the period of projection after January 11, 1973, to August 12, 1973, the inflationary trend factor may not exceed six-eighths (6/8) of the factor otherwise justified at the time of determining the rate increase.

(v) For any portion of the period of projection after August 12, 1973, to the end of the projection period, the inflationary trend factor may not exceed seven-eighths (7/8) of the factor otherwise justified at the time of determining the rate increase.

(vi) Notwithstanding subdivisions (iii), (iv), and (v) of this subparagraph, if the annualized inflationary trend based upon the latest available data is equal to or less than five-eighths (5/8) of the annualized inflationary trend based on experience and customary practices before August 15, 1971, that factor based upon the latest available data may be used for the period of projection from November 14, 1971, to the end of the projection period.

(4) Factors for claim settlement or loss adjustment expenses, contingencies which are separate, distinct and in addition to a profit factor, state taxes, licenses and fees, and commissions payable to licensed agents and brokers may be loaded on a percentage of premium or any other customary basis of actual incurred costs in accordance with customary practice. Any increases in the percentage loading for these expense items must be justified.

(5) Factors for administrative expenses other than those specified in paragraph (a)(4) of this section when loaded as a percentage of premium must be limited to a maximum of a 5 percent increase in the dollar amount represented by the loading that was used in the prior rate. If administrative expenses are loaded on an actual cost basis, no increase will be permitted unless statistically supported.

(6) Any profit portion of premium, whether loaded as a percentage of premium of a dollar amount per contract, must be limited to a 2½ percent increase in the dollar amount represented by the loading that was used in the prior rate. For purposes of this section, any portion of premium which is classified as a contribution to reserve, contingency reserve or similar element where a profit, as such, is not a part of the rate-making process, shall be treated as the profit provision.

(b) For the purpose of paragraph (a)(3) of this section, the period of projection covers the entire length of time from the underlying experience base to the future date to which loss or cost levels are being adjusted, regardless of how such period is customarily measured.

§ 150.404 Change in Rate Making Formula.

No insurer or rating bureau may change a rule, rating formula, formula use or application, data base, rate making procedure or technique, or other element in the rate making process unless:

(a) the change will result in an overall premium level reduction;

(b) the change is necessitated by "no-fault" legislation enacted in a particular jurisdiction; or

(c) written approval has been granted by the Cost of Living Council.

§ 150.405 Prenotification.

(a) Each prenotifier, or rating bureau acting for a prenotifier, shall file a written notice with the Cost of Living Council and the appropriate State regulatory agency of each State to which the rate increase is applicable (or the State of domicile or delivery of the master policy for experience rated or group contracts applicable to a multi-State risk) of each proposed rate increase in excess of 5.0 percent which affects $1 million or more of aggregate annualized premiums under the existing rate. Any subsequent proposed rate increase in the same calendar year for the same class of purchaser shall be prenotified regardless of the size of such rate increase. Each person submitting a notice under this section shall certify to the Cost of Living Council and the State regulatory authority that the proposed increase conforms to §§ 150.403 and 150.404. The certification must be signed by the chief executive officer of the prenotifier or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

(b) In any State in which rates are established by a State regulatory agency, that agency may submit a prenotification and certify to the Cost of Living Council that the rate increases are in compliance with §§ 150.403 and 150.404. An insurer using those State rates needs only to notify the Cost of Living Council and report quarterly that it is using those rates without submitting all of the supporting data.

(c) Any increase in excess of 5.0 percent which is to be effective in more than 25 jurisdictions may be prenotified directly to the Cost of Living Council in lieu of the procedure set forth in paragraph (a) of this section.

§ 150.406 Certification by State Regulatory Agency.

A State regulatory agency may agree, in writing, with the Cost of Living Council to certify that the rate increases of which it has received prenotification under § 150.405 are or are not in compliance with §§ 150.403 and 150.404. Each agency entering into such agreement with the Cost of Living Council shall furnish its certification to the Council (with a copy to the insurer) within 20 days after it receives the prenotification. A certification by an agency under this paragraph is prima facie evidence that the proposed rate increase is or is not in compliance with §§ 150.403 and 150.404.

§ 150.407 Self-Certification.

Whenever a prenotified, or a rating bureau acting for a prenotifier, cannot obtain a certification of a rate increase from a State regulatory agency in accordance with § 150.406 because:

(a) The State concerned has not agreed to furnish certifications under that paragraph; or

(b) The State regulatory agency did not act upon the filing within the period required under that paragraph;

The prenotifier or rating bureau shall immediately notify the Cost of Living Council that it cannot obtain the certification and may request the Council to act upon the certification filed with it under § 150.405.

§ 150.408 Cost of Living Council Actions.

(a) With respect to any rate increase certified by a State regulatory agency under § 150.405(b) or § 150.406, or self-certified by a prenotifier or a rating bureau acting for a prenotifier under § 150.407, the Cost of Living Council may, within 30 days after the State regulatory agency receives the prenotification take one or more of the following actions:

(1) Require the insurer to furnish additional information regarding the increase.

(2) Delay the effective date of the increase pending further Council action.

(3) Suspend all or part of the effect of the increase, pending further action by the Cost of Living Council or by the regulatory agency.

(4) Limit, refuse, rescind, reduce, or modify the increase.

(b) If the Cost of Living Council does not act upon a request under this paragraph before the end of the thirtieth day as described above, the increase may go into effect. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal Holiday, it will end at the close of the next succeeding workday. A prenotification to a State regulatory agency which has been certified as being not in compliance with §§ 150.403 and 150.404 may not be placed into effect unless the written approval of the Cost of Living Council has been granted.

§ 150.409 Rates for replacement or revised insurance coverages.

The rate for a form of insurance coverage replacing or revising another form of insurance coverage previously written by the same insurer is subject to the same requirements as an increase in the rate for the previous insurance coverage would have been subject.

§ 150.410 Insurance rates subject to State laws.

Approval of an insurance rate increase under this section does not authorize the use of an insurance rate in contravention of any applicable State law that is not inconsistent with this section.

§ 150.411 Investigation and review of rates.

The Cost of Living Council acting with and through the appropriate State regulatory agency may require an insurer or rating bureau acting for an insurer to file with the appropriate State regulatory agency the latest available rate review for a particular class of business for which rates have not been revised in the last four quarters. The Head of the State regulatory agency shall determine whether the rate level filed is or is not consistent with the goals of the Economic Stabilization Program and shall so inform the Cost of Living Council.

§ 150.412 Reporting.

(a) Each health insurer that had $25 million or more of total covered earned premium and each property-liability insurer that had $50 million or more of total covered earned premium during the calendar year preceding any rate increase shall file a quarterly report with the Cost of Living Council with a copy to the appropriate State regulatory agency at the time it normally releases its quarterly reports, but in any event not later than 45 days after the end of the quarter, of each rate increase effected during the first quarter of the year ending the preceding quarter that affected $250,000 or more of aggregated annualized premiums under the pre-existing rate. However, with respect to a rate increase that has been prenotified the report need not include the supporting data required by § 150.414, but must list the rate increase, the name of the prenotifier or rating bureau, date of prenotification, line of insurance, State or States affected, and aggregate annualized premium affected. In addition, each report shall also include the latest available premium and claims or loss experience in the latest available rate level format for those lines of business or classes of coverage with an annualized premium volume of $1 million or more for which rates were not revised during the last four quarters.

(b) Each health insurer which had $25 million or more of total covered earned premium during the calendar year preceding any rate increase shall file with the Cost of Living Council a monthly notice not more than 30 days after the end of the month of all rate level increases and decreases effected during that month that affected $250,000 or more of aggregate annualized premiums. This notice need not contain the data required under §150.414, but should include a specification of the type of health insurance coverage, premium volume affected, average percentage change and dollar effect of that change. At the option of the health insurer such notice may also include information on those contracts with anniversary dates during that month for which no change in rate level was made.

§ 150.413 Federal Employees Health Benefits Law.

The Cost of Living Council designates the U.S. Civil Service Commission to act as certifying agent for contracts of insurers under the Federal Employees Health Benefits Law. Each prenotifier that proposes to increase a rate under such a contract shall file notice thereof with the Cost of Living Council and the Civil Service Commission. Each other insurer that proposes to increase a rate under such a contract shall file notice thereof with the Civil Service Commission. The Civil Service Commission shall, with respect to each proposed increase, certify to the Cost of Living Council that the increase is or is not in compliance with §150.403 and that certification is prima facie evidence of compliance or noncompliance. A rate certified by the Civil Service Commission as being in compliance may go into effect on any date, specified by that Commission, that is at least 10 days after the date of the certification, and at least 30 days after the date of the prenotification.

§ 150.414 Data requirements.

Each prenotification filed under §150.405 and each quarterly report made under §150.112 shall include:

(a) The specifications of the coverages to which the rate increase is applicable and of the person or persons by which the rate is to be used;

(b) The average percentage increase by line of coverage and by State;

(c) The annualized inflationary trend factor or factors used with specification of the applicability of the factors if more than one are involved, including pre-Phase I, Phase I, Phase II, Phase III and Phase IV applicability separately; and

(d) Any other data specified by the Cost of Living Council on a form to be prescribed by the Council.

§ 150.415 Monitoring by health insurers.

Each health insurer is authorized and encouraged to monitor and report to health care providers (both institutional and noninstitutional) any price increases by those providers that involved significant deviation from the provisions of this part that apply to those providers and any increases in use of services or benefits that significantly exceeds its experience with that provider. Upon the receipt of such a report, the provider and the insurer shall make a good faith effort to determine whether any violation of this part has occurred and to take any steps to remedy such violation.

Subpart P—Mass Transportation Systems

§ 150.551 Purpose and Scope.

This Subpart prescribes mandatory controls applicable to a firm which operates or controls a mass transportation system, the fares of which are not otherwise regulated.

§ 150.552 Definition.

As used in this Subpart—

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of $10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transporation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system but does not include school buses or other conveyances used for sight-seeing or chartered for private use.

§ 150.553 General rule.

A public benefit corporation (within the meaning of Section 215 of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210)), charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, may not charge a price above base price until the proposed price increase has been prenotified to the Cost of Living Council using the prenotification procedure specified in Subpart H for price category I firms.

2. Amend Part 130 in Subpart B by adding a new § 130.26 to read as follows:

§ 130.26 Imposition of prenotification requirement.

(a) *General.* Subject to the provisions of this section, the Council may require, with respect to a proposed or scheduled pay adjustment applicable to or affecting a specific firm or appropriate employee unit, that such pay adjustment shall not be put into effect until 30 days after prenotification of such pay adjustment has been received by the Council.

(b) *Applicability.* Prenotification pursuant to the provisions of paragraph (a) of this section may be required if the Council has reason to believe that—

(1) A proposed or scheduled pay adjustment, whether pursuant to a collective bargaining agreement or pay practice, may be in excess of the general wage and salary standard set forth in § 130.12;

(2) Such pay adjustment, if put into effect, may unduly influence the collective bargaining process in a destabilizing manner or may affect pay adjustments applicable to or affecting other firms or appropriate employee units; and

(3) Such pay adjustment appears to be unreasonably inconsistent with the standards and goals of the Economic Stabilization Program.

(c) *Control year.* A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall include all pay adjustments put into effect, scheduled, or proposed to be put into effect with respect to the applicable control year, determined pursuant to § 201.52 of this title.

(d) *Service.* An employer submitting a prenotification under the provisions of paragraph (a) of this section shall at the

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same time serve a copy of each such submission on the collective bargaining agent, if any, for the affected employee unit.

(e) *Receipt by Council.* A prenotification submitted pursuant to the provisions of paragraph (a) of this section shall be addressed to Office of Wage Stabilization, Cost of Living Council, Washington, D.C. 20508. Such prenotification shall not be considered submitted until actually received at such address.

(f) *Content of prenotification*—(1) *General.* A prenotification submitted pursuant to the provisions of this section shall be submitted by the employer on the Council's Form PB–3, pursuant to instructions issued by the Council. In addition, such prenotification shall include the supplemental information described in paragraph (f)(2) of this section. The Council may, under the circumstances of a specific case, waive one or more of the foregoing requirements in whole or in part, or may require the submission of additional information.

(2) *Supplemental information*—(i) *Narrative description of all changes with potential economic impact—(a) Wages, salaries and benefits.* Specify both the old and new wage and salary and benefit levels, as well as the extent of such changes within the following categories:

(*1*) *Straight-time hourly rates.* Straight-time hourly rates, including, but not limited to:

(*i*) Pattern of base pay increase, e.g., merit increases on a variable timing basis; across the board occupational differences, etc. Describe increases in terms of percent and cents per hour increases;

(*ii*) Basis of cost of living adjustments, limitations on adjustments, formula for adjustments, and total as well as time-weighted estimates of these adjustments;

(*iii*) Individual occupational rate changes resulting from consideration of factors such as rate inequities, job evaluation plan changes, skill or craft rate adjustments, etc.;

(*iv*) Changes affecting rates of pay or costs under production incentive programs;

(*v*) Progression program increase changes such as accelerated step changes or accelerated automatic changes between job levels, etc.; and

(*vi*) Reduction in scheduled hours worked which affects the base rate.

(*2*) *Included benefits.* Included benefits (with changes expressed in cents per hour), including, but not limited to:

(*i*) Premium pay for overtime, shift work, weekend and holiday work, special schedules, etc.;

(*ii*) Vacation and holiday provisions such as eligibility requirements, compensation provided, amounts of time off provided, etc.;

(*iii*) Pay for time off such as sick leave, bereavement, military, jury duty, etc.;

(*iv*) Severance pay, supplemental unemployment benefit plans, or other pay for terminated employees, etc.;

(*v*) Pay-as-you-go pension plans;

(*vi*) Paid rest, wash-up and meal time; and

(*vii*) Major subsidized training and educational programs.

(*3*) *Qualified benefits.* Qualified benefits, including, but not limited to:

(*i*) Pension plan eligibility requirements, benefit level, vesting provisions, survivor benefits, contributory rates, etc.;

(*ii*) Health insurance eligibility requirements, dependent coverage, type and level of benefits, contributory rates, etc.;

(*iii*) Life insurance eligibility requirements, type and levels of benefits, contributory rates, etc.;

(*iv*) Disability insurance eligibility requirements, type, level and duration of benefits, contributory rates, etc.;

(*v*) Sickness and accident benefits; and

(*vi*) Changes in other qualified benefit plans such as employee savings plans, etc.

(*4*) *Other changes.* Other changes with potential significant economic impact, including, but not limited to:

(*i*) Occupational lines of demarcation;

(*ii*) Crew size;

(*iii*) Apprentice-journeyman ratios;

(*iv*) Temporary assignment rules;

(*v*) Overtime scheduling requirements;

(*vi*) Other work rule or pay practice changes; and

(*vii*) Geographic adjustments or allowances.

(*b*) *Differential treatment.* Where specific employee groups within an appropriate employee unit are treated differentially, this should be noted and the reasons given. Provide both the old and new levels as well as the extent of all changes in straight-time hourly rates, included benefits, qualified benefits, and other changes with potential significant economic impact, for each employee group treated differently. An employee group is a sub-group of an appropriate employee unit and may be determined by skill, occupation, job grade or level, geographic location, or organization, etc.

(ii) *Information on changes in pay rates*—

(*a*) For represented employees not covered by an established merit pay plan, submit a copy of the collective bargaining agreement covering the changes in pay rates, and a copy of the prior succeeded agreement, if any.

(*b*) For non-represented employees not covered by an established merit pay plan, submit appropriate documentation in lieu of a collective bargaining agreement.

(*c*) For employees covered by an established merit pay plan, submit a description of the plans, practices and controls used to govern wage and salary increases.

(*d*) For purposes of (*a*) and (*b*) of this subdivision, include sufficient information to describe any change in rates of pay except that where rate information is treated as confidential and regarded as proprietary, data which reflect the average changes in pay may be submitted.

(*e*) If pay adjustments are to be made differentially across groups, submit additional information indicating the amounts and reason for such expenditures and expressing amounts in both cents per hour and percentages.

3. Amend Part 130 in Subpart D by adding a new paragraph (d) to Section 130.34 to read as follows:

§ 130.34 Certain pay adjustments.

* * * * *

(d) *Pay adjustments in the lumber industry*—(1) *General.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the lumber industry.

(2) *Definition.* For purposes of this paragraph, the term "establishment in the lumber industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 2411 (Logging Camps and Logging Contractors); 2421 (Sawmills and Planing Mills, General); 2426 (Hardwood Dimension and Flooring Mills); 2429 (Special Product Sawmills); 2435 (Hardwood Veneer and Plywood); 2436 (Softwood Veneer and Plywood); 2439 (Structural Wood Members, Not Elsewhere Classified); or 2492 (Particleboard).

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PART III

OFFICE OF MANAGEMENT AND BUDGET

■

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT

No. 139—Pt. III——1

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OFFICE OF MANAGEMENT AND BUDGET

REPORT UNDER FEDERAL IMPOUNDMENT AND INFORMATION ACT

JULY 13, 1973.

Honorable Spiro T. Agnew,
President of the Senate,
Washington, D.C. 20510.

DEAR MR. PRESIDENT: The enclosed report is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that Act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,
Director.

BUDGETARY RESERVES AS OF JUNE 30, 1973

Introduction. The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than one year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiative of the Executive Branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time addition reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Since the report as of April 14, 1973, the total of reserves has been reduced by over $700 million. Of the total released, over 80 percent was in response to the development or completion by the responsible agencies of approved plans, designs, and specifications, to the effect of court actions, disasters, and contingencies. The remainder was applied to costs of pay raises or resulted from re-estimates of obligations, balances, and receipts. In addition to the over $700 million released for use prior to the end of fiscal year 1973, approximately $2.4 billion held in reserve during fiscal year 1973 has subsequently been released and made available for obligation in fiscal year 1974, which began July 1, 1973.

The total of reserves as of June 30, 1973 is 3.1% of the total estimated budget outlays for fiscal year 1973. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal year 1967, it stood at 6.7%. At the end of 1972, it was 4.6%. But a range in the neigborhood of 6% has been normal over most of the last decade.

Report required by law. This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of June 30, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item Number 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on April 14, 1973). Reserve entries which have been superseded (i.e., increased, decreased, or elimiated) since January 29, 1973, by a subsequent apportionment action and are no longer in effect appear in parenetheses. Entries *not* in parentheses indicate the most current apportionment and reserve action. The listing:

(a) Presents the amount currently apportioned for the fiscal year 1973;

(b) Presents the amount in reserve as of June 30, 1973;

(c) States whether the amount reserved will be legally available for obligation in fiscal year 1974;

(d) Indicates the date of the reserve action and the effective date of the current reserve;

(e) Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

(f) Presents a code which indicates the estimated fiscal, economic, and budgetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in previous reports. Such modifications have been made for the sake of clarity. The codes and footnotes listed for each entry relate to conditions which were in effect as of the date of the reserve action.

REASON FOR RESERVE ACTION

Code

1 "To provide for contingencies" (31 USC 665(c)(2)).

2 "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 USC 655(e)(2)).

3 To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 USC 665(c)(1)). This explanation includes amount anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.

4 "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 USC 665(c)(1)). This explanation includes reserves established to carry out the Congressional intent that funds provided for periods greater than one year should be so apportioned that they will be available for the future periods.

5 Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in the most effective and economical" manner (31 USC 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.

6 The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, Article II, Section 3):

6a—Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b—Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current and ensuing fiscal years to cover the total of all outlays in these years contemplated by the individual acts of Congress.

6c—Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.

6d—Amount apportioned reflects the level of obligations implicity approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e—Other. See footnote for each item so coded.

7 The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, Article II, Section 2).

8 The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, Article II, Section 2).

9. Other. See footnote for each item so coded.

10. Not applicable or no reason required. (In most cases where a previous reserve has been apportioned in its entirety.)

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.

III. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

IV. Other. See footnote for each item so coded.

V. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

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SUMMARY OF BUDGETARY RESERVES

(Dollars in millions)

As of June 30, 1973

Agency	Amount as of Jan. 29, 1973	Amount as of Apr. 14, 1973	Amount as of June 30, 1973
Executive Office of the President	3	3	2
Funds Appropriated to the President	127	126	126
Department of Agriculture	1,497	1,483	1,316
Department of Commerce	181	178	140
Department of Defense--Military	1,899	1,716	1,618
Department of Defense--Civil	118	93	33
Department of Health, Education, and Welfare	35	34	21
Department of Housing and Urban Development	529	510	460
Department of the Interior	482	480	478
Department of Justice	36	36	36
Department of State	6	5	6
Department of Transportation	2,937	2,924	2,885
Department of Treasury	24	24	22
Atomic Energy Commission	316	316	118
Environmental Protection Agency	2	2	-
General Services Administration	261	261	262
National Aeronautics and Space Administration	33	30	2
Veterans Administration	71	69	44
Other Independent Agencies:			
National Science Foundation	62	62	62
Small Business Administration	51	51	50
All other	52	52	51
Total	8,723	8,456	7,732

*Less than $500 thousand.

BUDGETARY RESERVES

(Dollars in thousands)

As of June 30, 1973

GENERAL NOTES

Amounts in parenthesis () indicate actions superseded by later apportionment actions.
An asterisk * indicates an account added to the list since the last report.

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Executive Office of the President						
Council on Environmental Quality: Salaries and Expenses						
($2,230)	($320)	No	1/12/73	1/12/73	5	I
(2,265)	(285)	No	2/27/73	2/27/73	5	I
2,550	---	NA	6/01/73	6/01/73	10	V
Council on International Economic Policy: Salaries and Expenses						
(300)	(700)	No	11/28/72	11/28/72	5	I
(800)	(200)	No	3/12/73	3/12/73	5	I
1,000	---	NA	6/21/73	6/21/73	10	V
National Security Council: Salaries and Expenses						
(2,637)	(125)	No	8/04/72	8/04/72	5	I
2,712	50	No	3/30/73	3/30/73	5	I

2

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Special Action Office for Drug Abuse Prevention: Salaries and Expenses						
6,315	2,027	Yes	8/21/72	8/21/72	4,5	I
Funds Appropriated to the President						
Appalachian Regional Commission: Applachian Regional Development Programs						
340,263	65,000	Yes	9/22/72	9/22/72	5,6c	I
Agency for International Development: Prototype Desalting plant						
--- 1/	20,000	Yes	4/07/72	7/01/72	5	I
The Inter-American Foundation: Inter-American Foundation						
(8,000)	(41,624)	Yes	1/10/72	7/01/72	4,6e 2/	I
5,000	40,652	Yes	3/12/73	3/12/73	4	I
Department of Agriculture						
Office of the Secretary: Office of the Secretary						
(11,312)	(583)	No	1/26/73	1/26/73	6b	I
11,424	472	No	4/09/73	4/09/73	6b	I
Office of the Inspector General: Office of the Inspector General						
(18,774)	(450)	No	1/26/73	1/26/73	6b	I
18,974	250	No	4/03/73	4/03/73	6b	I

3

Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Office of the General Counsel: Office of the General Counsel						
(6,913)	(13)	No	1/26/73	1/26/73	6b	I
6,926	---	NA	4/03/73	4/03/73	10	V
Office of Management Services: Office of Management Services						
(5,534)	(6)	No	1/26/73	1/26/73	6b	I
5,540	---	NA	4/03/73	4/03/73	10	V
Agricultural Research Service: Agricultural Research Service						
(200,402)	(8,464)	No	1/26/73	1/26/73	6b	I
201,518	8,048	No	5/09/73	5/09/73	6b	I
Construction						
(3,598)	(1,720)	Yes	1/26/73	1/26/73	4,6b	I
3,798	1,520	Yes	6/29/73	6/29/73	4,6b	I
Animal and Plant Health Inspection Service: Animal and Plant Health Inspection Service						
(323,410)	(2,055)	No	1/29/73	1/29/73	1,5,6b,6e 3/	I
(328,734)	(738)	No	3/21/73	3/21/73	1,5,6b,6e 3/	I
(330,259)	(713)	No	4/25/73	4/25/73	1,5,6e 3/	I
330,289	683	No	6/05/73	6/05/73	6,6e 3/	I
Cooperative State Research Service: Cooperative State Research Service						
(88,388)	(3,530)	No	1/26/73	1/26/73	6b,5,6e 3/	I
(91,748)	(1,530)	No	3/08/73	3/08/73	5,6b	I
90,401	1,500	No	4/03/73	4/03/73	6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Extension Service: Extension Service						
(190,427)	(5,053)	No	1/26/73	1/26/73	5,6b,6e 3/	I
(192,428)	(3,053)	No	3/19/73	3/19/73	5,6b	I
192,481	3,000	No	4/12/73	4/12/73	6b	I
National Agricultural Library: National Agricultural Library						
(4,808)	(6)	No	1/26/73	1/26/73	6b	I
4,816	--	NA	4/12/73	4/12/73	10	V
Statistical Reporting Service: Statistical Reporting Service						
(25,042)	(267)	No	1/26/73	1/26/73	6b	I
25,300	9	No	4/09/73	4/09/73	6b	I
Economic Research Service: Economic Research Service						
(18,689)	(337)	No	1/26/73	1/26/73	6b	I
19,002	24	No	4/12/73	4/12/73	6b	I
Commodity Exchange Authority: Commodity Exchange Authority						
2,894	12	No	1/26/73	1/26/73	6b	I
Packers and Stockyards Administration: Packers and Stockyards Administration						
(4,014)	(43)	No	1/26/73	1/26/73	6b	I
4,057	--	NA	4/03/73	4/03/73	10	V

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Farmers Cooperative Service: Farmers Cooperative Service						
(2,060)	(115)	No	1/26/73	1/26/73	6b	I
2,075	100	No	4/03/73	4/03/73	6b	I
Foreign Agricultural Service: Foreign Agricultural Service						
(28,932)	(117)	No	1/26/73	1/26/73	6b	I
29,049	---	NA	4/03/73	4/03/73	10	V
Salaries and Expenses, Special Foreign Currency Program						
1,000	2,240	Yes	1/26/73	1/26/73	4	I
Agricultural Stabilization and Conservation Service: Rural Environmental Assistance						
15,000	210,500	Yes	1/26/73	1/26/73	6b	I
Water Bank Act Program						
8,489	11,391	Yes	1/26/73	1/26/73	6b	I
Emergency Conservation Measures						
(20,000)	(3,670)	Yes	12/30/72	12/30/72	1	I
23,801	--	NA	4/19/73	4/19/73	10	V
Rural development service						
(394)	(6)	No	1/26/73	1/26/73	6b	I
397	3	No	4/17/73	4/17/73	6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Dairy and Beekeeper Indemnity Program						
7,294	2,500	Yes	1/26/73	1/26/73	4	I
Commodity Credit Corporation: Limitation on Administrative Expenses						
(37,034)	(2,866)	No	1/26/73	1/26/73	1,6e 3/	I
39,900	---	NA	3/30/73	3/30/73	10	V
Rural Electrification Administration: Loans						
283,972	456,103	Yes	1/26/73	1/26/73	2,6b,6c	I
Salaries and Expenses						
16,611	153	No	1/26/73	1/26/73	6b	I
Farmers Home Administration: Rural Water and Waste Disposal Grants						
30,000	120,000	Yes	1/26/73	1/26/73	6b,6c	I
Rural Housing for Domestic Farm Labor Grants						
(850)	(2,947)	Yes	1/26/73	1/26/73	5,6b	I
2,176	1,621	Yes	1/31/73	1/31/73	5,6b	IV 13/
Mutual and Self-Help Housing Grants						
3,729	832	Yes	9/22/72	9/22/72	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Salaries and Expenses						
(117,918)	(1,371)	No	1/26/73	1/26/73	6b	I
119,285	---	NA	4/03/73	1/26/71	10	V
Rural Housing Insurance Fund						
2,021,000	133,000	Yes	1/26/73	1/26/73	4,6b	I
Soil Conservation Service: Conservation Operations						
(170,093)	(3,607)	Yes	1/26/73	1/26/73	6b	I
173,700	--	NA	6/26/73	6/26/73	10	V
River Basin Surveys & Investigations						
14,344	156	Yes	1/26/73	1/26/73	6b	I
Watershed Planning						
9,256	569	Yes	1/26/73	1/26/73	6b	I
Watershed and Flood Prevention Operations						
140,287	17,412	Yes	1/26/73	1/26/73	6b	I
Great Plains Conservation Service						
18,265	78	Yes	1/26/73	1/26/73	6b	I
Resource Conservation and Development						
25,371	7,929	Yes	1/26/73	1/26/73	6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Agricultural Marketing Service: Marketing Services, no-year						
(1,360)	(700)	Yes	6/27/72	7/1/72	4	I
1,591	940	Yes	3/16/73	3/16/73	4	I
Marketing Services, annual						
(37,151)	(236)	No	9/22/72	9/22/72	6b	I
37,392	---	NA	3/13/73	3/13/73	10	V
Payments to States and Possessions						
1,600	900	No	9/22/72	9/22/72	6b	I
Perishable Agricultural Commodities Act Fund						
(1,353)	(10)	Yes	6/27/72	7/01/72	4	I
1,384	140	Yes	3/13/73	3/13/73	4	I
Food Nutrition Service: Food Stamp Program						
(2,336,896)	(158,854)	No	12/20/72	12/20/72	1,6e 3/	I
2,495,750	---	NA	6/29/73	6/29/73	10 18/	V
Forest Service: Forest Protection & Utilization, annual						
(390,919)	(22,105)	No	1/26/73	1/26/73	6b	I
398,491	18,105	No	3/23/73	3/23/73	6b	IV 18/
Forest Protection and Utilization, no-year						
9,208	615	Yes	9/08/72	9/08/72	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Construction and Land Acquisition						
43,401	12,602	Yes	1/26/73	1/26/73	6b	I
Youth Conservation Corps						
(3,500)	(2,097)	Yes	1/26/73	1/26/73	4	I
3,630	1,967	Yes	5/10/73	5/10/73	4	I
Forest Roads and Trails and Roads and Trails for States						
(157,848)	(280,380)	Yes	1/26/73	1/26/73	4,6b	I
159,830	278,398	Yes	3/29/73	3/29/73	4,6b	I
Assistance to States for Tree Planting						
1,119	15	Yes	1/26/73	1/26/73	6b	I
Brush Disposal						
(18,328)	(18,558)	Yes	11/14/72	11/14/72	4	I
19,628	22,258	Yes	4/03/73	4/03/73	4	I
Forest Fire Prevention						
261	134	Yes	11/14/72	11/14/72	4	I
Department of Commerce **Social and Economic Statistics Administration**: Salaries and Expenses						
(33,787)	(1,500)	No	11/24/72	11/24/72	2,6b	I
(34,564)	(722)	No	3/28/73	3/28/73	2,6b	I
34,564	177	No	6/30/73	6/30/73	2,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
1974 Census of Agriculture						
--- 4/	1,360	Yes	11/24/72	11/24/72	2,4	I
Economic Development Administration: Planning, Technical Assistance and Research						
(29,000)	(2,488)	No	1/18/73	1/18/73	2,6b	I
31,569	--	NA	5/08/73	5/08/73	10	V
Development Facilities						
(211,109)	(8,891)	No	1/18/73	1/18/73	2,6b	I
220,000	--	NA	5/08/73	5/08/73	10	V
Regional Action Planning Commissions: Regional Development Programs						
(84,553)	(1,116)	Yes	11/24/72	11/24/72	5	I
(84,575)	(1,094)	Yes	3/28/73	3/28/73	5	I
85,669	--	NA	5/01/73	5/01/73	10	V
Domestic and International Business: Trade Adjustment Assistance						
21,000	18,681	Yes	1/04/73	1/04/73	1	I
Spokane Ecological Exposition						
(2,689)	(811)	Yes	11/24/72	11/24/72	4,5	I
(3,366)	(134)	Yes	4/25/73	4/25/73	4,5	I
3,500	--	NA	6/04/73	6/04/73	10	V
International Activities, Inter-American Cultural and Trade Center						
100	5,359	Yes	9/29/72	9/29/72	4,5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Office of Minority Business: Minority Business Development, no-year						
36,065	16,768	Yes	1/26/73	1/26/73	2,4,6b	I
Minority Business Development, annual						
(9,935)	(1,188)	No	11/24/72	11/24/72	2,6b	I
10,009	1,114	No	3/28/73	3/28/73	2,6b	I
National Oceanic and Atmospheric Administration: Salaries and Expenses						
(228,780)	(12,323)	No	1/26/73	1/26/73	2,6b	I
(232,436)	(8,984)	No	3/29/73	3/29/73	2,3,6b	I
236,209	6,820	No	6/29/73	6/29/73	2,6b	I
Research, Development, and Facilities						
(121,481)	(31,762)	Yes	1/26/73	1/26/73	2,4,6b	I
(120,983)	(32,260)	Yes	3/28/73	3/28/73	2,4,6b	I
122,238	31,005	Yes	6/28/73	6/28/73	2,4,6b	I
Satellite Operations						
(38,282)	(1,000)	Yes	1/26/73	1/26/73	5	I
38,555	727	Yes	6/28/73	6/28/73	5	I
Administration of the Pribilof Islands						
(3,032)	(200)	No	1/26/73	1/26/73	2,6b	I
3,090	142	No	3/29/73	3/29/73	2,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Promote and Develop Fishery Products and Research Pertaining to American Fisheries						
(7,053)	(3,297)	Yes	2/19/73	2/19/73	4,5,6a	I
7,191	3,159	Yes	3/29/73	3/29/73	4,5,6a	I
Patent Office: Salaries and Expenses						
(66,353)	(1,247)	No	1/26/73	1/26/73	2,6b	I
67,380	220	No	3/28/73	3/28/73	2,6b	I
Office of Telecommunications: Research, Analysis and Technical Services						
(5,316)	(1,435)	Yes	12/28/72	12/28/72	2,4,6b	I
5,408	1,343	Yes	6/28/73	6/28/73	2,4,6b	I
National Bureau of Standards: Plant and Facilities						
2,450	1,850	Yes	11/24/72	11/24/72	2,4,6b	I
Research and Technical Services, annual						
(50,400)	(7,895)	No	12/28/72	12/28/72	2,6b	I
51,273	7,022	No	3/28/73	3/28/73	2,6b	I
Research and Technical Services, no-year						
(2,000)	(8,812)	Yes	11/24/72	11/24/72	5,6b	I
7,000	3,812	Yes	5/07/73	5/07/73	5,6b	I
Construction of Facilities						
138	740	Yes	1/26/73	1/26/73	4,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Maritime Administration: Ship Construction						
(421,810)	(50,000)	Yes	1/18/73	1/18/73	4,6b	I
(436,810)	(35,000)	Yes	6/26/73	6/26/73	4,6b	IV 19/
437,810	38,000	Yes	6/29/73	6/29/73	4,6b	IV 19/
Research and Development						
28,901	5,000	Yes	1/18/73	1/18/73	4,6b	I
Salaries and Expenses						
(25,010)	(700)	No	11/24/72	11/24/72	2	I
25,582	127	No	3/27/73	3/27/73	2	I
Maritime Training						
(8,324)	(150)	No	11/24/72	11/24/72	2	I
8,433	41	No	3/27/73	3/27/73	2	I
State Marine Schools						
2,428	127	Yes	11/24/72	11/24/72	4	I
Department of Defense-Military Personnel: Reserve Personnel, Marine Corps						
(71,950)	(5,106)	No	11/17/72	11/17/72	5	I
(74,206)	(2,850)	No	2/15/73	2/15/73	5	I
73,256	---	NA	6/29/73	6/29/73	10	V

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Procurement: Aircraft Procurement, Army, 1972-1974						
(53,049)	(2,825)	Yes	11/20/72	11/20/72	4	I
53,049	--	NA	2/05/73	2/05/73	10	V
Missile Procurement, Army, 1973-1975						
1,106,100	2,500	Yes	2/05/73	2/05/73	4	I
Other Procurement, Army, 1972-1974						
(146,583)	(21,726)	Yes	11/20/72	11/20/72	4	I
146,583	--	NA	2/05/73	2/05/73	10	V
Procurement of Aircraft and Missiles, Navy, 1971-1973*						
(231,611)	(10,000)	No	5/08/73	5/08/73	5	I
215,611	---	NA	6/29/73	6/29/73	10	V
Procurement of Aircraft and Missiles, Navy, 1973-1975*						
3,732,028	13,281	Yes	6/29/73	6/29/73	5	I
Shipbuilding and Conversion, Navy, 1971-1975						
1,031,900	145,672	Yes	11/24/72	11/24/72	4	I
Shipbuilding and Conversion, Navy, 1972-1976						
938,300	427,212	Yes	11/24/72	11/24/72	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Shipbuilding and Conversion, Navy, 1973-1977						
(2,263,500)	(777,100)	Yes	11/24/72	11/24/72	4	I
2,263,500	763,300	Yes	6/29/73	6/29/73	4	I
Military Construction: Military Construction, Army						
(1,199,739)	(127,706)	Yes	11/24/72	11/24/72	5	I
(1,271,631)	(79,814)	Yes	2/23/73	2/23/73	5	I
(1,277,631)	(73,814)	Yes	5/08/73	5/08/73	5	I
1,281,140	70,304	Yes	6/27/73	6/27/73	5	I
Military Construction, Navy						
(719,073)	(127,584)	Yes	1/08/73	1/08/73	5	I
(706,308)	(140,349)	Yes	3/06/73	3/06/73	5	I
(741,970)	(104,687)	Yes	3/07/73	3/07/73	5	I
(768,416)	(78,241)	Yes	4/24/73	4/24/73	5	I
778,524	68,133	Yes	6/27/73	6/27/73	5	I
Military Construction, Air Force						
(364,331)	(123,924)	Yes	1/08/73	1/08/73	5	I
(367,656)	(120,599)	Yes	2/02/73	2/02/73	5	I
(410,379)	(77,876)	Yes	3/29/73	3/29/73	5	I
(425,173)	(63,082)	Yes	4/09/73	4/09/73	5	I
(438,348)	(49,907)	Yes	5/29/73	5/29/73	5	I
436,648	51,607	Yes	6/27/73	6/27/73	5	I
Military Construction, Defense Agencies						
(24,580)	(58,565)	Yes	1/10/73	1/10/73	5	I
24,730	58,415	Yes	2/15/73	2/15/73	5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Military Construction, Army National Guard						
(20,939)	(25,327)	Yes	1/08/73	1/08/73	5	I
(25,081)	(21,185)	Yes	2/05/73	2/05/73	5	I
(31,249)	(15,016)	Yes	3/08/73	3/08/73	5	I
(44,247)	(2,018)	Yes	5/11/73	5/11/73	5	I
46,164	102	Yes	6/14/73	6/14/73	5	I
Military Construction, Air National Guard						
(11,805)	(7,268)	Yes	1/15/73	1/15/73	5	I
19,055	17	Yes	5/29/73	5/29/73	5	I
Military Construction, Army Reserve						
(40,163)	(15,465)	Yes	1/08/73	1/08/73	5	I
(46,414)	(9,214)	Yes	2/05/73	2/05/73	5	I
48,519	7,109	Yes	3/08/73	3/08/73	5	I
Military Construction, Naval Reserve						
(10,731)	(25,750)	Yes	11/24/72	11/24/72	5	I
(10,883)	(25,598)	Yes	2/14/73	2/14/73	5	I
(9,947)	(26,535)	Yes	2/27/73	2/27/73	5	I
(19,108)	(17,373)	Yes	3/14/73	3/14/73	5	I
32,539	3,943	Yes	5/03/73	5/03/73	5	I
Military Construction, Air Force Reserve						
(8,919)	(988)	Yes	12/19/72	12/19/72	5	I
(8,524)	(1,384)	Yes	3/01/73	3/01/73	5	I
9,058	850	Yes	6/20/73	6/20/73	5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Civil Defense: Research, Shelter Survey and Marking						
(23,397)	(1,080)	Yes	7/27/72	7/27/72	5	I
26,810	--	NA	5/29/73	5/29/73	10	V
Special Foreign Currency Program: Special Foreign Currency Program, Defense, 1971-1973						
8,705	2,426	No	12/18/72	12/18/72	5	I
Special Foreign Currency Program, Defense, 1972-1974						
7,025	2,477	Yes	12/18/72	12/18/72	5	I
Special Foreign Currency Program, Defense, 1973-1975						
3,000	400	Yes	12/04/72	12/04/72	5	I
Department of Defense-Civil						
Corps of Engineers: General Investigations						
58,992	5,150	Yes	1/26/73	1/26/73	2,6b	I
Construction						
(1,262,801)	(98,033)	Yes	1/26/73	1/26/73	1,6b	I
(1,287,801)	(69,033)	Yes	3/09/73	3/09/73	1,6b	IV 15/
(1,320,801)	(36,033)	Yes	4/24/73	4/24/73	1,6b	IV 20/
1,347,401	9,433	Yes	6/01/73	6/01/73	1,6b	IV 20/

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Operation and Maintenance						
833,799	16,000	Yes	1/26/73	1/26/73	6b	I
Flood Control, Mississippi River and Tributaries						
110,798	1,750	Yes	1/26/73	1/26/73	6b	I
Panama Canal: Canal Zone Government, Capital Outlay						
7,089	700	Yes	9/08/72	9/08/72	5	I
Wildlife Conservation: Wildlife Conservation, Army						
515	330	Yes	12/13/72	12/13/72	1	I
Wildlife Conservation, Navy						
(58)	(30)	Yes	11/21/72	11/21/72	1	I
72	16	Yes	4/20/73	4/20/73	1	I
Wildlife Conservation, Air Force						
(101)	(31)	Yes	6/28/72	7/01/72	1	I
111	47	Yes	4/12/73	4/12/73	1	I
Department of Health, Education and Welfare Health Services and Mental Health Facilities: Indian Health Facilities						
(43,960)	(4,623)	Yes	1/26/73	1/26/73	5	I
44,253	4,330	Yes	4/06/73	4/06/73	5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
National Institutes of Health: Buildings and Facilities						
(14,843)	(2,000)	Yes	8/15/72	8/15/72	5	I
12,234	--	NA	5/07/73	5/07/73	10	V
Office of Education: Higher Education, annual						
(355,200)	(10,000)	No	1/26/73	1/26/73	5	I
365,200	--	NA	5/16/73	5/16/73	10	V
Higher Education, no-year						
234,359	1,889	Yes	11/30/72	11/30/72	5	I
Educational Activities Overseas, Special foreign currency program						
3,282	16	Yes	4/06/72	7/01/72	5	I
Social and Rehabilitation Services: Social and Rehabilitation Services						
(31,767)	(200)	No	12/11/72	12/11/72	6b	I
146,767	2,200	No	6/01/73	6/01/73	6b	II
Social Security Administration: Limitation on Construction (Trust fund)						
33,860	12,095	Yes	4/27/72	7/01/72	4,5	I
Special Institutions: Howard University						
(54,046)	(3,714)	Yes	1/24/72	7/01/72	5	I
57,761	--	NA	6/12/73	6/12/73	10	V

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Department of Housing and Urban Development						
Housing Production and Mortgage Credit: Non-Profit Sponsor Assistance						
(1,100)	(6,686)	Yes	1/26/73	1/26/73	5,6b,6c	I
1,256	6,530	Yes	4/15/73	4/15/73	5,6b,6c	IV 21/
Community Development: Open Space Land Program						
(50,000)	(50,050)	Yes	1/26/73	1/26/73	6b,6c	I
(72,000)	(28,050)	Yes	3/06/73	3/06/73	6b,6c	IV 16/
72,319	27,730	Yes	3/08/73	3/08/73	6b,6c	IV 16/
Grants for Basic Water and Sewer Facilities						
100,000	400,175	Yes	1/26/73	1/26/73	6b,6c	I
Rehabilitation Loan Fund						
(71,539)	(50,000)	Yes	1/26/73	1/26/73	6b,6c	I
121,639	---	NA	6/29/73	6/29/73	10	V
Public Facility Loans						
42,896	20,000	Yes	1/26/73	1/26/73	6b,6c	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Office of Interstate Land Sales Registration: Interstate Land Sales						
--- 5/	2,341	Yes	1/26/73	1/26/73	4	I
Departmental Management: Administrative Operations Fund						
350,834	3,432	No	2/16/73	2/16/73	2,6b	I
Department of the Interior						
Bureau of Land Management: Public Lands Development Roads and Trails						
4,363	12,961	Yes	9/08/72	9/08/72	6d	I
Oregon and California Grant Lands*						
20,818	1,150	Yes	6/08/73	6/08/73	4,5	I
Bureau of Indian Affairs: Construction						
45,377	31,467	Yes	1/26/73	1/26/73	6b	I
Bureau of Outdoor Recreation: Land Water Conservation						
312,223	269,590	Yes	1/26/73	1/26/73	6b	I
Territorial Affairs: Trust Territories of the Pacific Islands						
63,903	10,000	Yes	1/26/73	1/26/73	6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Geological Survey: Surveys, Investigations, and Research						
(190,205)	(3,000)	No	1/12/73	1/12/73	6b	I
(193,488)	(1,072)	No	3/23/73	3/23/73	3,6b	I
194,552	8	No	6/30/73	6/30/73	3,6b	I
Payments from Proceeds, Sale of Water, Mineral Leasing Act of 1920						
--- 6/	24	Yes	9/08/72	9/08/72	4,5	I
Bureau of Mines: Drainage of Anthracite Mines						
200	3,700	Yes	6/27/72	7/01/72	4,5	I
Bureau of Sport Fisheries and Wildlife: Migratory Bird Conservation Account (Receipt Limitation)						
12,249	2,981	Yes	1/26/73	1/26/73	6b	I
Federal Aid in Wildlife Restoration						
(43,400)	(7,053)	Yes	5/16/72	7/01/72	4,5	I
43,400	7,878	Yes	2/16/73	2/16/73	4,5	I
Federal Aid in Fish Restoration and Management						
(16,200)	(3,234)	Yes	5/16/72	7/01/72	4,5	I
15,753	2,404	Yes	2/16/73	2/16/73	4,5	I
National Wildlife Refuge Fund						
4,603	4,123	Yes	11/16/72	11/16/72	4,5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Proceeds from Sales, Water Resources Development Projects						
15	4	Yes	2/16/73	2/16/73	4,5	I
National Park Service: Parkway and Road Construction						
39,500	50,949	Yes	1/26/73	1/26/73	6b,6d	I
Construction						
67,652	39,499	Yes	1/26/73	1/26/73	6b	I
Bureau of Reclamation: General Investigations						
22,790	1,850	Yes	1/26/73	1/26/73	6b	I
Loan Program						
19,894	930	Yes	1/26/73	1/26/73	6b	I
Construction and Rehabilitation						
261,404	18,025	Yes	1/26/73	1/26/73	5,6b	I
Operation, Maintenance and Replacement of Project Works, North Platte Project						
--- 7/	97	Yes	9/22/72	9/22/72	6e 8/	I
Lower Colorado River Basin Development Fund						
26,515	3,000	Yes	1/26/73	1/26/73	6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Upper Colorado River Basin Fund						
60,090	10,450	Yes	1/26/73	1/26/73	5,6b	I
Office of Water Resources Research: Salaries and Expenses						
(14,304)	(2,040)	Yes	1/26/73	1/26/73	6b	I
16,344	---	NA	6/30/73	6/30/73	10	V
Office of the Secretary: Saline Water Research						
22,400	6,675	Yes	1/26/73	1/26/73	6b	I
Department of Justice						
Bureau of Prisons: Buildings and Facilities						
65,514	36,841	Yes	1/26/73	1/26/73	5,6b	I
Department of State						
Conduct of Foreign Affairs: Acquisition, Operation, and Maintenance of Buildings Abroad						
42,122	2,125	Yes	11/24/72	11/24/72	4	I
Acquistion, Operation, and Maintenance of Buildings Abroad, Special Foreign Currency Program						
(5,713)	(2,950)	Yes	1/03/73	1/03/73	5	I
6,127	3,036	Yes	5/24/73	5/24/73	5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
International Organizations and Conferences: International Conferences and Contingencies						
3,224	325	Yes	11/15/72	11/15/72	4	I
Educational Exchange: Center for Cultural and Technical Interchange Between East and West						
(6,000)	(200)	No	11/22/72	11/22/72	5	I
6,200	---	NA	3/16/73	3/16/73	10	V
Educational Exchange Fund, Payment by Finland, World War I Debt						
377	25	Yes	11/15/72	11/15/72	4	I
Department of Transportation						
Office of the Secretary: Transportation, Planning, Research and Development						
(31,163)	(8,300)	Yes	1/18/73	1/18/73	4,6b	I
31,163	5,300	Yes	6/30/73	6/30/73	4,6b	I
U.S. Coast Guard: Operating Expenses						
(550,400)	(10,500)	No	1/18/73	1/18/73	2,6b	I
(560,700)	(200)	No	3/14/73	3/14/73	3	I
560,700	---	NA	6/30/73	6/30/73	10	V
Acquisition, Construction and Improvements						
149,685	11,736	Yes	1/18/73	1/18/73	4,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Reserve Training						
(30,465)	(1,270)	No	1/18/73	1/18/73	2,6b	I
(31,135)	(600)	No	3/14/73	3/14/73	3	I
31,135	---	NA	6/30/73	6/30/73	10	V
Research, Development, Test and Evaluation						
15,468	3,000	Yes	1/18/73	1/18/73	4,6b	I
Alteration of Bridges						
(3,550)	(10,550)	Yes	1/18/73	1/18/73	4,6b	I
(5,750)	(8,350)	Yes	4/13/73	4/13/73	4	IV 17/
5,750	5,350	Yes	6/30/73	6/30/73	4	IV 17/
Federal Aviation Administration: Operations						
(1,180,393)	(6,000)	No	1/18/73	1/18/73	2,4,6b	I
	(4,000)	Yes				
(1,183,331)	(6,400)	Yes	3/30/73	3/30/73	4	I
1,189,731	---	NA	6/30/73	6/30/73	10	V
Facilities and Equipment (Airport and Airway Trust Fund)						
319,962	207,631	Yes	1/18/73	1/18/73	4,6b	I
Research, Engineering and Development (Airport and Airway Trust Fund)						
57,493	10,000	Yes	1/18/73	1/18/73	4,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Civil Supersonic Aircraft Development						
800	2,153	Yes	1/18/73	1/18/73	4,6b	I
Civil Supersonic Aircraft Development Termination						
4,161	3,575	Yes	1/23/73	1/23/73	4,6b	I
Construction, National Capital Airports						
(7,035)	(4,000)	Yes	3/30/73	3/30/73	4	I
7,035	---	NA	6/30/73	6/30/73	10	V
Federal Highway Administration: Highway Beautification						
(39,902)	(98)	Yes	3/18/73	3/18/73	4	I
39,902	--	NA	6/30/73	6/30/73	10	V
Darien Gap Highway						
20,000	545	Yes	1/18/73	1/18/73	4,5	I
Federal-Aid Highways						
(4,467,000)	(2,477,372)	Yes	1/08/73	1/08/73	6c	I
4,887,000	2,457,372	Yes	5/03/73	5/03/73	6a,6c	IV 22/
Right-of-Way Revolving Fund						
50,000	122,782	Yes	1/18/73	1/18/73	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
National Highway Traffic Safety Administration: Traffic and Highway Safety						
(76,885)	(2,927)	No	1/19/73	1/19/73	1	I
(77,250)	(2,669)	No	3/16/73	3/16/73	1	I
79,250	669	No	5/30/73	5/30/73	1	I
Construction of Compliance Facilities						
--- 9/	9,018	Yes	1/19/73	1/19/73	4,5	I
Trust Fund Share of Highway Safety Programs						
(80,924)	(1,073)	No	1/19/73	1/19/73	1,5	I
81,032	966	No	3/16/73	3/16/73	1,5	I
Federal Railroad Administration: Bureau of Railroad Safety						
6,950	56	No	3/16/73	3/16/73	3	I
High Speed Ground Transportation Research and Development						
42,979	15,000	Yes	1/19/73	1/19/73	4,6b	I
Grants to the National Railroad Passenger Corporation						
103,100	10,000	Yes	1/19/73	1/19/73	4,6b	I
Urban Mass Transportation Administration: Urban Mass Transportation Fund						
980,000	20,000	Yes	1/17/73	1/17/73	4,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Department of the Treasury Office of the Secretary: Construction, Federal Law Enforcement Center						
1,840	21,517	Yes	6/28/72	7/01/72	5,6b	I
Expenses of Settlement of War Claims Act of 1928						
(22)	(2)	Yes	5/30/72	7/01/72	2	I
22	2	Yes	3/16/73	3/16/73	2	I
Bureau of the Mint: Construction of Mint Facilities						
(1,784)	(2,517)	Yes	8/21/72	8/21/72	5	I
4,318	--	NA	4/16/73	4/16/73	10	V
Atomic Energy Commission Operating Expenses						
(2,861,569)	(307,750)	Yes	1/19/73	1/19/73	2,5,6b	I
(2,954,019)	(215,300)	Yes	6/08/73	6/08/73	2,5,6b	I
2,954,019	115,300	Yes	6/28/73	6/28/73	2,5,6b	IV 23/
Plant and Capital Equipment						
(542,871)	(8,530)	Yes	1/19/73	1/19/73	2,5	I
(543,671)	(7,730)	Yes	5/08/73	5/08/73	2,5	I
(545,421)	(5,979)	Yes	5/16/73	5/16/73	2,5	I
548,821	2,580	Yes	6/08/73	6/08/73	2,5	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Environmental Protection Agency Operations, Research, and Facilities						
(108,434)	(1,780)	Yes	1/04/73	1/04/73	5	I
111,183	--	NA	6/01/73	6/01/73	10	V
General Services Administration Real Property Activities: Sites and Expenses, Public Building Projects						
38,387	22,206	Yes	1/26/73	1/26/73	4	I
Construction, Public Building Projects						
133,213	234,309	Yes	1/26/73	1/26/73	2,4	I
Property Management and Disposal: Operating Expenses, Sale of Rare Silver Dollars						
4,418	4,000	Yes	11/30/72	11/30/72	4	I
Operating Expenses, Special Fund*						
(830)	(970)	Yes	5/29/73	5/29/73	4,5	I
950	850	Yes	6/26/73	6/26/73	4,5	I
General Activities: Indian Tribal Claims, Office of the Administrator						
(1,000)	(800)	No	11/30/72	11/30/72	1	I
1,536	264	No	3/30/73	3/30/73	3	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
National Aeronautics and Space Administration Research and Development						
(2,864,358)	(32,515)	Yes	9/13/72	9/13/72	2,4,5,6b	I
(2,867,073)	(29,800)	Yes	2/20/73	2/20/73	2,4,5,6b	I
2,915,304	2,200	Yes	6/08/73	6/08/73	5	I
Veterans Administration Medical Prosthetic Research						
(75,824)	(4,818)	Yes	1/26/73	1/26/73	5	I
76,994	3,648	Yes	2/15/73	2/15/73	5	I
Medical Administration and Miscellaneous Operating Expenses						
27,952	837	No	1/26/73	1/26/73	1	I
Construction, Major Projects						
(65,993)	(60,000)	Yes	12/20/72	12/20/72	5	I
91,283	34,710	Yes	6/13/73	6/13/73	5	I
Construction, Minor Projects						
50,000	5,000	Yes	12/20/72	12/20/72	5	I
Other Independent Agencies District of Columbia: Loans for Capital Outlay, Metropolitan Areas Sanitary Sewage Work Funds						
6,252	300	Yes	8/07/72	8/07/72	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Loans for Capital Outlay, Sanitary Sewage						
28,000	4,285	Yes	8/07/72	8/07/72	4	I
Loans for Capital Outlay, Water Fund						
8,433	2,360	Yes	8/07/72	8/07/72	4	I
Loans for Capital Outlay, General Fund						
137,000	6,758	Yes	1/26/73	1/26/73	4	I
Federal Communications Commission: Salaries and Expenses						
(35,443)	(460)	No	9/05/72	9/05/72	5	I
35,905	---	NA	2/08/73	2/08/73	10	V
Federal Metal and Nonmetalic Mine Safety Board of Review: Salaries and Expenses						
75	85	No	9/08/72	9/08/72	1	I
Federal Trade Commission: Salaries and Expenses						
29,874	400	No	9/21/72	9/21/72	5	I
Foreign Claims Settlement Commission: Salaries and Expenses						
693	50	No	11/14/72	11/14/72	1	I
Payment of Vietnam and USS Pueblo Prisoner of War Claims						
23	150	Yes	9/02/71	7/01/72	1	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
American Revolution Bicentennial Commission: Commemorative Activities Fund						
3,960	5,690	Yes	11/28/72	11/28/72	5	I
International Radio Broadcasting: International Radio Broadcasting Activities						
(38,520)	(275)	No	11/06/72	11/06/72	2,6e 10/	I
38,520	---	NA	6/30/73	6/30/73	10	V
National Science Foundation: Salaries and Expenses						
611,273	60,400	Yes	1/18/73	1/18/73	2,5,6b	I
Scientific Activities, Special Foreign Currency Program						
5,000	2,000	Yes	1/18/73	1/18/73	2	I
Railroad Retirement Board: Limitation on Railroad Unemployment Administration Fund						
8,568	4,820	Yes	7/01/72	7/01/72	6e 11/	I
The Renegotiation Board: Salaries and Expenses						
(4,842)	(45)	No	9/05/72	9/05/72	5	I
4,887	--	NA	6/26/73	6/26/73	10	V
Small Business Administration: Salaries and Expenses						
(107,232)	(3,217)	No	11/28/72	11/28/72	1,2,6b	I
(107,732)	(2,717)	No	3/28/73	3/28/73	2,6b	I
108,232	2,217	No	6/19/73	6/19/73	2,6b	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Business Loan and Investment Fund						
593,678	48,017	Yes	1/26/73	1/26/73	2,4,6b	I
Temporary Study Commissions: Commission on Executive, Legislative, and Judicial Salaries; Salaries and Expenses						
(25)	(75)	No	1/11/73	1/11/73	5	I
50	50	No	4/04/73	4/04/73	5	I
Commission on the Organization of the Government for the Conduct of Foreign Policy; Salaries and Expenses						
(---) 12/	(200)	No	11/30/72	11/30/72	5	I
200	--	NA	5/16/73	5/16/73	10	V
Tennessee Valley Authority: Tennessee Valley Authority Fund						
94,568	22,318	Yes	1/26/73	1/26/73	6a,6b,6c	I
United States Information Agency: Salaries and Expenses, Special Foreign Currency Program						
(12,186)	(2,533)	Yes	11/22/72	11/22/72	4	I
12,282	2,437	Yes	6/15/73	6/15/73	4	I
Special International Exhibitions						
5,827	667	Yes	11/22/72	11/22/72	4	I
Special International Exhibitions, Special Foreign Currency Program						
391	6	Yes	11/22/72	11/22/72	4	I

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Amount apportioned	Amount in reserve	Available beyond FY 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, & budgetary effect (see code)
Water Resources Council: Water Resources Planning						
6,486	863	Yes	1/26/73	1/26/73	2,5,6b	I

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1. Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

2. P.L. 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

3. P.L. 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

4. The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

5. Fees deposited to the Interstate land sales account are used only to the extent funds are not sufficient in the appropriation for Salaries and expenses, Housing Production and Mortgage Credit Programs.

6. The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

7. No improvements are currently necessary. (See footnote [8].)

8. 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project work and to defray annual operating and maintenance expenses when necessary.

9. Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

10. P.L. 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, P.L. 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

11. 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the Unemployment Trust Fund of 0.25% of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the Unemployment Trust Fund.

12. The Commission is not yet in operation.

13. The level of obligations for the account will be approximately $1.5 million above the budget estimate for fiscal year 1973 due to a re-estimate of actual commitments incurred prior to the beginning of the eighteen-month housing moratorium.

14. The level of obligations for the Cooperative forest fire control program will be approximately $4 million above the budget estimate for fiscal year 1973 in order to maintain equitable funding to the States.

15. The level of obligations for this account will be approximately $25 million above the budget estimate for fiscal year 1973 in order to take emergency actions designed to diminish flood damage in the Great Lakes Basin.

16. The level of obligations in this account will be approximately $22 million above the budget estimate for fiscal year 1973 due to a final accounting of actual commitments incurred prior to the beginning of the eighteen month housing moratorium.

17. The level of obligations in this account will be approximately $2.25 million above the budget estimate for fiscal year 1973 in order to provide the Federal share of funds required to make the necessary alterations at the site of a recent shipping accident.

18. Funds in reserve in this account were released to permit compliance with a court order requiring all unobligated balances of the Food Stamp program to be obligated by June 30, 1973. The purpose of the court order was to prevent the lapse of funds while subject to litigation.

19. The level of obligations in this account will be aproximately $16 million above the budget estimate for fiscal year 1973 in order to provide maximum flexibility in the negotiation of certain contracts.

20. The level of obligations in this account will be approximately $84.6 million above the budget estimate for fiscal year 1973 in order to take emergency actions to diminish and repair flood damage in Great Lakes and Mississippi River Basins.

21. The level of obligations in this account will be $156 thousand above the budget estimate for 1973 due to a final accounting of actual commitments made prior to the beginning of the 18-month housing moratorium.

22. The level of obligations in this account will be approximately $20 million above the budget estimate for fiscal year 1973 in order to provide emergency assistance necessitated by recent natural disasters.

23. The revenues for this account will be approximately $100 million lower than the budget estimate for fiscal year 1973.

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federal register

FRIDAY, JULY 20, 1973

Volume 38 ■ Number 139

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federally Assisted Construction

Modifications, and Supersedeas Decisions to Area Wage Determination Decisions

No. 139—Pt. IV——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination Decisions

General wage determination decisions.[1] Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original Area Wage Determination Decision.

Modifications to general[1] wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Louisiana:
AP–736 ---------- May 25, 1973
Montana:
AP–910 ---------- June 22, 1973
AP–914; AP–915; AP–916; AP–917 ---------- June 29, 1973
Oklahoma:
AP–364 ---------- December 8, 1972
AP–731 ---------- May 11, 1973
Pennsylvania:
AP–490 ---------- March 9, 1973
AP–818 ---------- May 18, 1973
AP–835 ---------- May 25, 1973
Tennessee:
AP–193 ---------- May 25, 1973
Texas:
AP–346 ---------- September 29, 1972
AP–721; AP–723; AP–725; AP–726 ---------- April 27, 1973
Utah:
AP–254 ---------- December 8, 1972

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decisions numbers are in parentheses following the number of the decision being superseded):

Arizona:
AP–259(AQ–1,005) ------- January 19, 1973
AP–909(AQ–1,006) ------- June 15, 1973
Arkansas:
AP–734(AQ–7) ---------- May 25, 1973
Georgia:
AP–148(AQ–4,001); AP–149 (AQ–4,000) ---------- January 12, 1973
Iowa:
AM–2,456(AQ–3) -------- August 25, 1971
Louisiana:
AP–366(AQ–4) ---------- December 8, 1973
AP–397(AQ–5); AP–398 (AQ–6) ---------- Jan. 26, 1973
North Dakota:
AP–268(AQ–1,001) ------- March 9, 1973

Signed at Washington, D.C., this 13th day of July 1973.

BEN P. ROBERTSON,
Acting Administrator,
Wage & Hour Division.

[1] In the future published decisions will be referred to as "General" rather than "Area" Wage Determination Decisions in conformance with the terminology in Regulations Part 1 (29 CFR 1.5(b)).

Modifications P. 2

DECISION #AP-736 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Duty Operators:						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing machines; Concrete Mixer (56-S or less); Concrete Saw (Self-Propelled) (Multi-Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch truck, A-Frame (other than handling steel or pipe)	$6.09	.25	.15			
Scaleman	5.85	.25	.15			
Oiler-Driver	5.81	.25	.15			
Mechanic Helper	5.56	.25	.15			
Oiler	5.33	.25	.15			

Modifications P. 1

DECISION #AP-736 - Mod. #3
(38 FR 14609 - June 1, 1973)
Rapides Parish, Louisiana

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Laborers:						
Powdermen	$4.20	.15	.10			
Asphalt rakers & tampers; asphalt smoothers & shovelers; blasters helpers, pipelayers (concrete & clay); Kettlemen	3.65	.15	.10			
Chain saw operator	3.80	.15	.10			
Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; creosote material handlers & acid workers; air tool operator (jackhammer, vibrator); Mason tenders (cement); mortar mixers (dry & wet);	3.75	.15	.10			
Buggy operators (concrete)						
Laborers, building & construction	3.55	.15	.10			
Laborers, concrete, unskilled;						
Mason tenders; plasterers helpers; terrazzo & tile helpers;						
carpet layers helpers						
Power Equipment Operators:						
Heavy Duty Operators:						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist (2 drums and over); Hydro-lifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Paver; Rollers on asphalt or brick; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welders	7.10	.25	.15			
Journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)						

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Modifications P. 3

DECISION #AP-910 - Mod. #2
(38 FR 16615 - June 22, 1973)
Blaine, Broadwater, Cascade, Chouteau, Hill, Fergus, Glacier, Judith-Basin, Lewis & Clark, Liberty, Meagher, Phillips, Pondera, Teton, Toole, Valley, and Wheatland Counties, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Wheatland County						
Carpenters	6.27	.30	.45		.02	
Floor Sander; Sawmen	6.395	.30	.45		.02	
Piledrivermen	6.42	.30	.45		.02	
Millwrights	6.57	.30	.45		.02	
Carpenters:						
Valley and Phillips Counties (Including Fort Peck Project)						
Carpenters	$6.00	.30	.45		.02	
Millwrights	6.50	.30	.45		.02	
Piledrivermen	6.25	.30	.45		.02	
Sheet Metal Workers:						
Broadwater, Lewis & Clark and Meagher Counties	6.88	.22	.10			
Remaining Counties	6.81	.32	.10	.50	.02	
Terrazzo Workers and Tile Setters' Helpers:						
Broadwater, Lewis & Clark and Meagher Counties	5.75					
Truck Drivers:						
Combination Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
Distributor Driver and Helper	6.23	.475	.325			
Dry Batch Trucks:						
3 batch or under	6.05	.475	.325			
Over 3 batch to and incl. 5 batch	6.18	.475	.325			
Over 5 batch to and incl. 10 batch	6.34	.475	.325			
Over 10 batch to & incl. 15 batch	6.50	.475	.325			
Over 15 batch - additional $.15 per hour each additional 5 batch increment						

DECISION #AP-910 (cont'd) Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers: (cont'd)						
Dumpman, Gravel Spreader Box: Pick up driver, hauling materials; Pilot car driver, teamsters and helpers; Warehousemen, Partsmen, Cardex men, Warehouse expediter	$6.05	.475	.325			
Dump Trucks and Similar Equipment Water Level Capacity, including Sideboards:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
Dumpsters	6.18	.475	.325			
DW 20, DW 21 or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:						
To and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
Servicemen	6.79	.475	.325			
Powder Truck Driver (bulk unloader type)	6.23	.475	.325			

DECISION #AP-910 (cont'd) Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers: (cont'd)						
Flat Trucks:						
To and incl. 30 tons	6.05	.475	.325			
Over 3 tons factory rating	6.40	.475	.325			
Fuel Truck; Service Tiremen	6.52	.475	.325			
Lowboys, Four-Wheel Trailer, Float Semi-Trailer	6.40	.475	.325			
Lumber Carriers, Lift Trucks; power broom	6.14	.475	.325			
Water Tank Drivers, Petroleum Products Drivers:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.34	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
Winch, A-Frame, Swedish Crane, Hydra-Lift, Groutcrete, and Combination Mulching, Seeding and Fertilizing	6.30	.475	.325			
Truck Mechanic	6.79	.475	.325			

DECISION #AP-914 - Mod. #1 Modifications P. 6
(38 FR 17396 - June 29, 1973)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians:						
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties	$7.42	.20	1%		1/2%	

Laborers:

	EASTERN COUNTIES	WESTERN COUNTIES	HON-LAB-2-3 b ALL COUNTIES			
	Basic Hourly Rates		Fringe Benefits Payments			
			H & W	Pensions	Vacation	App.
Asphalt Raker	$5.18	$5.33	.35	.25		.03
Axeman	5.02	5.17	.35	.25		.03
Car and Truck Loaders, Scissorman	5.02	5.17	.35	.25		.03
Caisson Workers (Free Air)	5.18	5.33	.35	.25		.03
Carpenter Tender	5.02	5.17	.35	.25		.03
Cement Handlers	5.18	5.33	.35	.25		.03
Choker Setter	5.18	5.33	.35	.25		.03
Chuck Tender & Nipper (above ground)	5.02	5.17	.35	.25		.03
Concrete Laborers (wet or dry), Bucketman, Signalman and Cement Mason Tender	5.18	5.33	.35	.25		.03
Concrete or Asphalt Saw	5.12	5.27	.35	.25		.03
Concrete Vibrator (5" and over)	5.23	5.38	.35	.25		.03
Creosote Material Handler, Epoxy, other chemically injurious material	5.18	5.33	.35	.25		.03
Cosmolene applying and removing	5.02	5.17	.35	.25		.03
Core Drill	5.62	5.77	.35	.25		.03
Curb Machine	5.12	5.27	.35	.25		.03
Drills, Air-Tract, self-propelled, Cat or Truck mounted air operated	5.28	5.43	.35	.25		.03
Drills, Air-Tract, with Dual Masts	5.38	5.53	.35	.25		.03
Drills, Air-Tract, self-propelled, Mustang type or similar	5.38	5.48	.35	.25		.03
Dumpman (Spotter)	5.02	5.17	.35	.25		.03
Dumpman (Grademan)	5.18	5.33	.35	.25		.03
Fence Erector and Installer (Incl. installation & erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	5.02	5.17	.35	.25		.03
Form Stripper	5.02	5.17	.35	.25		.03
Form Setter	5.12	5.27	.35	.25		.03
Grade Setter	5.28	5.43	.35	.25		.03
General Laborer	5.02	5.17	.35	.25		.03
Hand Faller	5.10	5.25	.35	.25		.03
High Scaler	5.38	5.53	.35	.25		.03
High Pressure Machine Nozzleman	5.22	5.38	.35	.25		.03
Heater Tender	5.02	5.17	.35	.25		.03

DECISION AP-914 (Cont'd)

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Laborers'(Cont'd)	EASTERN COUNTIES Basic Hourly Rates	WESTERN COUNTIES* Basic Hourly Rates	ALL COUNTIES Fringe Benefits Payments H & W	Pensions	Vacation	App.
Jackhammer, Pavement Breaker, Wagon Drills, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated Drills, Vibrating Roller hand steered and other Air Tools	$5.18	5.33	.35	.25		.03
Landscape Laborer	5.02	5.17	.35	.25		.03
Nozzleman-Air and Water, Cunite and Placo Machine	5.12	5.27	.35	.25		.03
Pilot Car	5.02	5.17	.35	.25		.03
Pipe Layer (all types)	5.18	5.33	.35	.25		.03
Pipe Wrapper	5.18	5.33	.35	.25		.03
Post Hole Digger (Power Auger)	5.12	5.27	.35	.25		.03
Power Saw, Bucking	$5.18	$5.33	.35	.25		.03
Power Saw, Falling	5.28	5.43	.35	.25		.03
Powderman	5.58	5.73	.35	.25		.03
Powderman Helper	5.12	5.27	.35	.25		.03
Power Driven Wheelbarrow	5.12	5.27	.35	.25		.03
Riprapper	5.18	5.33	.35	.25		.03
Riprap Helper	5.02	5.17	.35	.25		.03
Rodder and Spreader (concrete)	5.18	5.33	.35	.25		.03
Scaleman	5.18	5.33	.35	.25		.03
Sandblaster	5.12	5.27	.35	.25		.03
Sandblaster Tailhose Man, Pot Tender	5.02	5.17	.35	.25		.03
Sodcutter-Hand Operated	5.02	5.17	.35	.25		.03
Stake Jumper for Equipment	5.02	5.17	.35	.25		.03
Tar Pot	5.12	5.27	.35	.25		.03
Tool Checker, Toolhouseman	5.02	5.17	.35	.25		.03

* Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

* Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Choteau-Deerlodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland and Yellowstone

DECISION #AP-915 - Mod #1
(38 FR 17403 - June 29, 1973)
Silver Bow County, Montana

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Change: Carpenters	$6.11	.30	.45	.50	.02	
Truck Drivers:						
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

DECISION #AP-915 (Cont'd)

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

DECISION #AP-916 Mod. #1
(38-FR 17407 - June 29, 1973)
Beaverhead, Deer Lodge, Gallatin and Silver Bow Counties, Montana

MONT-1-TD-1-2-3-h (1-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Change: Carpenters: Beaverhead and Silver Bow Cos.	$6.11	.30	.45	.50	.02	
Truck Drivers: Beaverhead, Deer Lodge & Silver Bow Cos						
COMBINATION Truck; Concrete Mixer and Transit Mixer:						
To and incl. 4 cu. yds.	$6.30	.475	.325			
Over 4 cu. yds. to and incl. 6 cu. yds.	6.38	.475	.325			
Over 6 cu. yds. to and incl. 8 cu. yds.	6.46	.475	.325			
Over 8 cu. yds. to and incl. 10 cu. yds.	6.54	.475	.325			
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment						
DISTRIBUTOR DRIVER AND HELPER	6.23	.475	.325			
DRY BATCH TRUCKS:						
3 Batch or under	6.05	.475	.325			
Over 3 Batch to and incl. 5 Batch	6.18	.475	.325			
Over 5 Batch to and incl. 10 Batch	6.34	.475	.325			
Over 10 Batch to and incl. 15 Batch	6.50	.475	.325			
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment						
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	6.05	.475	.325			
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:						
7 cu. yds. or less	6.05	.475	.325			
Over 7 cu. yds. to and incl. 10 cu. yds.	6.18	.475	.325			
Over 10 cu. yds. to and incl. 15 cu. yds.	6.34	.475	.325			
Over 15 cu. yds. to and incl. 20 cu. yds.	6.48	.475	.325			
Over 20 cu. yds. to and incl. 25 cu. yds.	6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. to and incl. 35 cu. yds.	6.66	.475	.325			
Over 35 cu. yds. to and incl. 40 cu. yds.	6.72	.475	.325			
Over 40 cu. yds. to and incl. 45 cu. yds.	6.78	.475	.325			
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
DUMPSTERS	6.18	.475	.325			

DECISION #AP-916 (Cont'd) | Modifications P. 11

MONT-1-TD-1-2-3-h (2-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:						
To and incl. 25 cu. yds.	$6.54	.475	.325			
Over 25 cu. yds. to and incl. 30 cu. yds.	6.60	.475	.325			
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment						
SERVICEMEN	6.79	.475	.325			
POWDER TRUCK DRIVER (bulk unloader type)	6.23	.475	.325			
FLAT TRUCKS:						
To and incl. 3 Tons	6.05	.475	.325			
Over 3 tons Factory rating	6.40	.475	.325			
FUEL TRUCK; SERVICE TIREMEN	6.52	.475	.325			
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	6.40	.475	.325			
LUMBER CARRIERS, LIFT TRUCKS; Power broom	6.14	.475	.325			
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:						
2,500 gals. and under	6.05	.475	.325			
Over 2,500 gals. to and incl. 4,500 gals.	6.34	.475	.325			
Over 4,500 gals. to and incl. 6,000 gals.	6.54	.475	.325			
Over 6,000 gals. to and incl. 8,000 gals.	6.60	.475	.325			
Over 8,000 gals. to and incl. 10,000 gals.	6.68	.475	.325			
Over 10,000 gals. - additional $.08 per hour each additional 2,000 gals. increment						
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, CROUTCRETE, AND COMBINATION MULCHING, SEEDING AND FERTILIZING	6.30	.475	.325			
TRUCK MECHANIC	6.79	.475	.325			

Modifications P. 12

DECISION #AP-917 - Mod. #1
(38 FR 17415 - June 29, 1973)
Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud and Yellowstone Counties, Montana

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Change:						
Carpenters:						
Big Horn, Rosebud and Yellowstone Counties:						
Carpenters	$6.27	.30	.45		.02	
Millwrights	6.57	.30	.45		.02	
Piledrivermen	6.42	.30	.45		.02	
Floor sander; Sawmen	6.395	.30	.45		.02	
Electricians:						
Big Horn, Rosebud and Yellowstone Counties						
Electricians	7.42	.20	1%		1/2%	
Cable splicers	7.87	.20	1%		1/2%	

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-364 - Mod. #4						
(37 FR 26249 - December 8, 1972)						
Tulsa County, Oklahoma						
Change:						
CARPENTERS:						
Carpenters	$6.91	.25	.25		.03	
Millwrights	7.21	.25	.25		.03	
Piledrivermen	7.21	.25	.25		.03	
DECISION #AP-731 - Mod. #2						
(38 FR 12592 - May 11, 1973)						
Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma						
Change:						
CARPENTERS:						
Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway #99						
Carpenters	$5.70					
Power saw operator	5.95					
Millwrights	6.15					
Piledrivermen	6.15					
Pottawatomie County and part of Lincoln County South of Turner Turnpike; the city limits of Moore in Cleveland County; all of Oklahoma County lying east of a line of Highway #4 (called Piedmont Road)						
Carpenters	7.40	.20			.02	
Power saw operator	7.65	.20			.02	
Millwrights	7.65	.20			.02	
Piledrivermen	7.65	.20			.02	
Canadian County West of Highway #4 (called Piedmont Road):						
Carpenters	5.30	.20			.02	
Power saw operator	5.825	.20			.02	
Millwrights	5.825	.20			.02	
Piledrivermen	5.825	.20			.02	
Lathers	7.75				.01	
Plasterers	7.75				.01	

Modifications

Modifications P. 14

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION # AP-490 - Mod. #5						
(38 FR 6624 - March 9, 1973)						
Northampton County, Pennsylvania						
Change:						
Power Equipment Operators (Schedule attached)						
DECISION # AP-818 - Mod. #2						
(38 FR 13283 - May 18, 1973)						
Luzerne County, Pennsylvania						
Change:						
Power Equipment Operators (Schedule attached)						
DECISION # AP-835 - Mod. #2						
(38 FR 14066 - May 25, 1973)						
Lehigh County, Pennsylvania						
Change:						
Power Equipment Operators (Schedule attached)						

DECISION NOS. AP-490, AP-816, AP-835 (CONTD)

Modifications P. 15

BUILDING CONSTRUCTION

WAGE GROUP I					
Mechanics (same work, any machine handled; machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%
WAGE GROUP II					
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead crane, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pioneer type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%
WAGE GROUP III					
Concrete pump, hoisting hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (High grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%
WAGE GROUP IV					
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, power pulverizing mixer, power broom, seeding spreader, tireman (tire repair equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%
WAGE GROUP V					
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
All machines with booms (including jibs, masts, leads, etc.):					
100 ft. and over	9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

Modifications P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION AP-[illegible] - Mod. #2 (38 FR [illegible] - 1/73) Shelby County, Tennessee						
Change: Building Construction:						
Group B	$4.90	.15	.10			
Group C	5.00	.15	.10			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DECISION AP-966 - Mod. #4 (37 FR [illegible] - Dec 29, 1972) Dallas, Freeman, Hansford, Oenil-tree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher & Childress Counties, Texas						
Change: Building Construction: Cement masons	$6.05					
DECISION AP-721 - Mod. #3 (38 FR [illegible] - April 27, 1973) Bexar County, Texas						
Change: Line Construction:						
Lineman	7.305	.28	1%		1/2%	
Groundman	4.94	.28	1%		1/2%	
Groundmen, 1st 6 mos.	3.65	.28	1%		1/2%	
DECISION AP-723 - Mod. #5 (38 FR 10591 - April 27, 1973) Travis County, Texas						
Change: Building Construction: Cement masons	6.07	.25				

Modifications P. 17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-725 - Mod. #3 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change: Building Construction: Cement masons:						
Cement masons	$6.05					
Machine operators	6.30					
DECISION #AP-726 - Mod. #4 (38 FR 10600 - April 27, 1973) Lubbock County, Texas						
Change: Line Construction:						
Lineman	6.70	.25	1%			
Operators	5.35	.25	1%			
Groundmen (more than 1 year experience)	3.69	.25	1%			
Groundmen (less than 1 year experience)	3.35	.25	1%			
Flat bed truck operator	4.69	.25	1%			

Modifications P. 18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-254 - Mod. #4 (37 FR 26255 - December 8, 1972) Statewide, Utah						
Change:						
Bricklayers	$7.98	.24	.22		.01	
Carpenters:						
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.24	.45	.45	.25	.03	
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.99	.45	.45	.25	.03	
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.115	.45	.45	.25	.03	
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.24	.45	.45	.25	.03	
Saw Filers; Saw Operators and Carpenters handling creosote material:						
Zone 1	7.365	.45	.45	.25	.03	
Zone 2	8.115	.45	.45	.25	.03	
Zone 3	8.24	.45	.45	.25	.03	
Zone 4	8.365	.45	.45	.25	.03	
Millwrights (all zones)	7.49	.45	.45	.25	.03	
Acoustical Carpenters (all zones)	7.24	.45	.45	.25	.03	

DECISION AP-254 (Cont'd) Modifications P. 19

UTAH-1-LAB-1-2-3-h (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS That area in the State of Utah within 40 road miles of the county seats excluding Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Deckhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$5.255	.25	.25	.30	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnel & Belt Man	5.38	.25	.25	.30	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators						

Modifications P. 20

DECISION #AP-254 (Cont'd) UTAH-1-LAB-1-2-3-h (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Cont'd)						
of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper; Power Type buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$5.505	.25	.25	.30	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS: Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	5.63	.25	.25	.30	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	5.98	.25	.25	.30	.04	
TUNNEL AND SHAFT WORK						
GROUP I						
Underground laborers	5.38	.25	.25	.30	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	5.48	.25	.25	.30	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	5.58	.25	.25	.30	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor; Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	5.68	.25	.25	.30	.04	

NOTICES

DECISION AP-254 (Cont'd) Modifications P. 21

UTAH-1-LAB-1-2-3-h (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Cont'd)						
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	$5.93	.25	.25	.30	.04	

DECISION #AP-254 (Cont'd) Modifications P. 22

UTAH-2-LAB-1-2-3-h)1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS That area in the State of Utah beyond 40 road miles of the county seats and all of Daggett County:						
GROUP I						
BOXMAN; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing & Grading; Cleaning of Equipment & Parts in connection with concrete; Concrete Crew; Deckhand & Cleaning Man; Fence Erector & Installer (includes installation & Erection of Fences, Guard Rails, Median Rails, Reference Post, Guide Post, & Right-of-Way Markers); Form Stripper; Gardener Helper; General Laborer; Grizzley Operator (whether by power or hand); Group Pump Operator; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking & Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader & Weighman; Stake Jumper; Stripping & Cleaning of Steel & Pans; Tool Dispatcher & Checker (full time); Unloading & packing of reinforcing steel rods & mesh	$6.005	.25	.25	.30	.04	
GROUP II						
AIR TRACK HELPER; Asphalt rakers & Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving & highway); Pipe Wrapper; Pot Tender & Joint Maker; Rollers; Screen & Clean-up Man; Signal & Dumpman on Concrete Construction; Tunnal & Belt Man	6.13	.25	.25	.30	.04	
GROUP III						
BARKO VIBRATORY ROLLER & similar type, Compacting Machines; Concrete Cutting Torch; Hand & Chain Saw Operator (Bucking & Falling Timbers); High Pressure Water Nozzleman; J Tampers & similar type tampers; Jackhammer & Pavement Breaker; Mortar & Grout Mixer; Multi-plate Installer; Operators of pneumatic & electric tools & compressors & Concrete Saw; Operators of Power-Type Form Cleaner & Oiling Machine; Pipelayer; Powderman Helper;						

NOTICES

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DECISION AP-254 (Cont'd) UTAH-2-LAB-1-2-3-h (2-2)

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Power Type Buggies; Pumpcrete Operators; Refinery Tank & Vessel Cleaners; Sand Blasters; Sandblaster Pot Tender; Vibrator Operator; Work of all type using Cutting Torches & Tools needed in wrecking	$6.255	.25	.25	.30	.04	
GROUP IV						
AIR TRACK & CORE DIAMOND DRILLERS; Drill Mechanic (on job site); High Scaler operating Jackhammer or Breaker; Mailn Vibrators & Similar Types - 70 lbs; Multiple Side Boom Driller; Wagon Driller	6.38	.25	.25	.30	.04	
GROUP V						
GUNNITE GROUNDMAN; Gunnite Nozzleman; Gunnite Rodman; Powderman	6.73	.25	.25	.30	.04	
TUNNEL AND SHAFT WORK:						
GROUP I						
Underground Laborers	6.13	.25	.25	.30	.04	
GROUP II						
Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler	6.23	.25	.25	.30	.04	
GROUP III						
Nipper; Screedman; Vibrator; Tapman	6.33	.25	.25	.30	.04	
GROUP IV						
Cutting Machine Operator; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader & Tuggers; Steelman; Timberman	6.43	.25	.25	.30	.04	
GROUP V						
Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman	6.73	.25	.25	.30	.04	

SUPERSEDEAS DECISION

STATE: Arizona

COUNTY: Maricopa (Phoenix-Glendale-Mesa-Scottsdale, Tempe, Luke AFB and Williams AFB) County, Arizona

DECISION NUMBER: AQ-1,005

DATE: Date of Publication

Supersedes Decision No. AP-259 dated January 19, 1973 in 38 FR 2022.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.48	.50	.65		.01	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	8.85	.35	.30		.03	
CARPENTERS:						
Carpenters	7.75	.35	.60		.025	
Piledrivermen	8.00	.35	.60		.025	
Millwrights	8.125	.35	.60		.025	
CEMENT MASONS	7.585	.35	.65		.025	
DRYWALL INSTALLERS:						
Tapers	8.48	.275		.50	.04	
Texture spraymen	8.58	.275		.50	.04	
ELECTRICIANS:						
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane.						

AQ-1,005 P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ELECTRICIANS: (cont'd)						
Zone A (Cont'd) North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)						
Electricians	$8.95	.30	1%+.60		1/2%	
Cable splicers	9.36	.30	1%+.60		1/2%	
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)						
Electricians	10.60	.30	1%+.60		1/2%	
Cable splicers	11.10	.30	1%+.60		1/2%	
Zone C (Outside edge of Zone B and extend to the outside limits of the Union's jurisdiction.)						
Electricians	11.43	.30	1%+.60		1/2%	
Cable splicers	11.97	.30	1%+.60		1/2%	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS	8.58	.58	.625		.04	
MARBLE & TILE SETTERS	7.39	.35	.30		.01	
PAINTERS:						
Brush; Soft floor layers	7.54	.40	.35	.50	.05	
Spray; Paperhangers	7.79	.40	.35	.50	.05	
PLASTERERS	7.25	.30	.50		.035	
PLUMBERS:						
(Phoenix Area) Refrigeration; Air conditioning; Plumbing service; Lawn sprinkler; Utility; Swimming pool mechanics	6.00	.16			.02	

XUM

AQ-1,005 P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS; Steamfitters:						
Zone I (0-15 miles)	$8.00	.45	.97	.75	.10	
Zone II (15-30 miles)	8.30	.45	.97	.75	.10	
Zone III (30-45 miles)	8.65	.45	.97	.75	.10	
Zone IV (45 miles and beyond)	9.75	.45	.97	.75	.10	
ROOFERS	6.10	.30	.20		.02	
SHEET METAL WORKERS	7.59	.27	.32		.02	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS	7.96					

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-1,005 P. 4

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man-belt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder hwy.; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or Backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

AQ-1,005 P. 5

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using bos'ns chair or safety belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate except where herein specifically covered.						

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or bos'n chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic tools (except driller)	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (hand or machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Air compressor operator; Field equipservicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.42	.45	.50		.02	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine-conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power	6.73	.45	.50		.02	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.57	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V Aggregate plant operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.01	.45	.50		.02	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.27	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII Crane Operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator - pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, oiler, and motor crane drivers on equipment with booms of 80 and over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
GROUP I						
PICKUP; Station wagon; Teamsters	$5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumptor or dumpster, less than c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	5.94	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.23	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 AXLE); Dump (2 axle); Flatrack (6 axle); Rock truck (dart, cuclid, and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V-A						
OIL TANKER OR SPREADER TRUCK DRIVER end/or bootman, retortman or leverman	6.50	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	6.61	.35	.60		.02	

TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)	$6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or FUEL Truck driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

SUPERSEDEAS DECISION

STATE: Arizona
DECISION NUMBER: AQ-1,006
Supersedes Decision No. AP-909 dated June 15, 1973 in 38 FR 15798
COUNTIES: Greenlee, Maricopa and Mohave
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.48	.50	.65		.01	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
(Maricopa and Mohave Counties - Greenlee County North of Gila and San Francisco River)						
From City Hall of Phoenix:						
Zone A (0-25 miles)	8.85	.35	.30		.03	
Zone B (25-40 miles)	9.74	.35	.30		.03	
Zone C (40-70 miles)	10.18	.35	.30		.03	
Zone D (70-100 miles)	10.62	.35	.30		.03	
Zone E (100-200 miles)	11.06	.35	.30		.03	
Zone F (200 miles and over)	11.51	.35	.30		.03	
BRICKLAYERS; Stonemasons:						
(Greenlee County South of Gila and San Francisco River)						
Zone A (Tucson City limits through 10 miles)	8.575	.40	.30		.02	
Zone B (Tucson City limits 10-25 mi.)	8.95	.40	.30		.02	
Zone C (Tucson City limits 25-40 mi.)	9.325	.40	.30		.02	
Zone D (Tucson City limits over 40 miles)	10.075	.40	.30		.02	
CARPENTERS:						
Carpenters	7.75	.35	.60		.025	
Piledrivermen	8.00	.35	.60		.025	
Millwrights	8.125	.35	.60		.025	
CEMENT MASONS	7.585	.35	.65		.025	
DRYWALL INSTALLERS:						
From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB						
Tapers:						
Zone A (0-40 miles)	8.48	.275		.50	.04	
Zone B (40-60 miles)	9.48	.275		.50	.04	
Zone C (60 miles and over)	9.73	.275		.50	.04	
Texture Spraymen:						
Zone A (0-40 miles)	8.58	.275		.50	.04	
Zone B (40-60 miles)	9.58	.275		.50	.04	
Zone C (60 miles and over)	9.83	.275		.50	.04	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS:						
(Maricopa and Mohave Counties)						
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKallips Road to e point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)						
Electricians	$8.95	.30	1%+.60		1/2%	
Cable splicers	9.36	.30	1%+.60		1/2%	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
ELECTRICIANS: (cont'd)						
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)						
Electricians	$10.60	.30	1%+.60		1/2%	
Cable splicers	11.10	.30	1%+.60		1/2%	
Zone C (Outside edge of Zone B and extend to the outside limits of the Union's jurisdiction.)						
Electricians	11.43	.30	1%+.60		1/2%	
Cable splicers	11.97	.30	1%+.60		1/2%	
(Greenlee County)						
Zone A (Within 16 miles of City Hall, Tucson)	9.175	.45	1%		1/2%	
Zone B (From 16-32 miles from City Hall, Tucson)	9.875	.45	1%		1/2%	
Zone C (From 32-48 miles from City Hall, Tucson)	10.475	.45	1%		1/2%	
Zone D (48 miles and over from City Hall, Tucson)	11.175	.45	1%		1/2%	
ELEVATOR CONSTRUCTORS	7.58	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				.04	
IRONWORKERS	8.58	.58	.625			
LATHERS:						
(Maricopa and Mohave Counties - Northern half of Greenlee County)						
Zone I (Up to 35 miles from Phoenix)	5.60	.175			.04	
Zone II (15 miles beyond Zone I)	5.93	.175			.04	
Zone III (20 miles beyond Zone II)	6.26	.175			.04	
Zone IV (Area outside Zone III)	6.60	.175			.04	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LATHERS: (cont'd)						
(Southern half of Greenlee County)						
Zone A (0-30 miles from Tucson)	$8.66	.20				
Zone B (30-40 miles from Tucson)	9.16	.20				
Zone C (40-50 miles from Tucson)	9.41	.20				
Zone D (Over 50 miles from Tucson)	10.16	.20				
MARBLE SETTERS:						
Zone I-VI (0-40 miles from Phoenix)	7.39	.35	.30		.01	
Zone VII (40-60 miles from Phoenix)	8.515	.35	.30		.01	
Zone VIII (60-80 miles from Phoenix)	9.265	.35	.30		.01	
Zone IX (Over 80 miles from Phoenix)	9.265	.35	.30		.01	
PAINTERS:						
(Cities of Gila Bend and Sentinel):						
Brush	7.50	.29	.25		.02	
Spray	8.00	.29	.25		.02	
Structural steel	8.45	.29	.25		.02	
(Remainder of Maricopa County and Northern 2/3's of Greenlee County)						
Zone A (0-40 miles from Court House in Phoenix; Luke and Williams Air Force Bases):						
Brush; Soft floor layers	7.54	.40	.35	.50	.05	
Spray	7.79	.40	.35	.50	.05	
Steel and bridge, brush	7.89	.40	.35	.50	.05	
Spray (steel and bridge)	8.09	.40	.35	.50	.05	
Zone B (41-60 miles from Court House in Phoenix):						
Brush; Soft floor layers	8.54	.40	.35	.50	.05	
Spray	8.79	.40	.35	.50	.05	
Steel and bridge, brush	8.89	.40	.35	.50	.05	
Spray (steel and bridge)	9.09	.40	.35	.50	.05	
Zone C (60 miles and over from Court House in Phoenix):						
Brush; Soft floor layers	9.04	.40	.35	.50	.05	
Spray	9.29	.40	.35	.50	.05	
Steel and bridge, brush	9.39	.40	.35	.50	.05	
Spray (steel and bridge)	9.59	.40	.35	.50	.05	
(Southern 1/3 of Greenlee County)						
Painters, brush:						
Zone A (1-30 miles from Tucson P.O.)	6.25	.29	.25		.02	
Zone B (31-40 miles from Tucson P.O.)	7.00	.29	.25		.02	
Zone C (41-50 miles from Tucson P.O.)	7.25	.29	.25		.02	
Zone D (51 miles and over from Tucson P.O.)	7.50	.29	.25		.02	
Painters, Structural steel, brush:						
Zone A (1-30 miles from Tucson P.O.)	7.20	.29	.25		.02	
Zone B (31-40 miles from Tucson P.O.)	7.95	.29	.25		.02	
Zone C (41-50 miles from Tucson P.O.)	8.20	.29	.25		.02	
Zone D (51 miles and over from Tucson P.O.)	8.45	.29	.25		.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
PAINTERS: (cont'd)						
(Mohave County Southern Half)						
Brush; Soft floor layers	$7.20					
Brush, steel and bridge	7.45					
Spray	7.60					
(Remainder of Mohave County)						
Brush	7.15					
Brush, steel and bridge	7.30					
Spray	7.60					
PLASTERERS:						
(City of Sentinel, portion of Maricopa County South thereof and Northern half of Greenlee County)	9.62	.35	.60			
(Mohave County, Remainder of Maricopa County and Southern half of Greenlee County)						
Zone A (0-40 miles from Phoenix)	7.25	.30	.50		.035	
Zone B (40-60 miles from Phoenix)	7.75	.30	.50		.035	
Zone C (60-80 miles from Phoenix)	8.00	.30	.50		.035	
Zone D (80 miles and over from Phoenix)	8.875	.30	.50		.035	
PLUMBERS:						
(Zone Bases Phoenix and Tucson):						
Zone I (0-15 miles)	8.00	.45	.97	.75	.10	
Zone II (15-30 miles)	8.30	.45	.97	.75	.10	
Zone III (30-45 miles)	8.65	.45	.97	.75	.10	
Zone IV (45 miles and beyond)	9.75	.45	.97	.75	.10	
ROOFERS:						
(Maricopa and Mohave Counties)						
Roofers and waterproofers	6.10	.30	.20		.02	
Pitch and enamelers	6.60	.30	.20		.02	
(Greenlee County)						
Zone A (0-44 miles from Tucson): Asbestos; Shingles; Tile and Waterproofing	6.92	.40	.10		.02	
Zone B (Over 44 miles from Tucson)	8.17	.40	.10		.02	
SHEET METAL WORKERS:						
(Maricopa and Mohave Counties-Northern Half or Greenlee County)						
Zone I (0-25 miles from Phoenix)	7.59	.27	.32		.02	
Zone II (25-30 miles from Phoenix)	8.22	.27	.32		.02	
Zone III (30 miles and over from Phoenix)	9.56	.27	.32		.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SHEET METAL WORKERS: (cont'd)						
(Southern half of Greenlee County)						
Zone A (0-17 miles from Tucson)	$7.58	.58	1.15		.01	
Zone B (18-23 miles from Tucson)	8.03	.58	1.15		.01	
Zone C (24-31 miles from Tucson)	8.48	.58	1.15		.01	
Zone D (32-43 miles from Tucson)	9.08	.58	1.15		.01	
Zone E (44 miles and over from Tucson)	9.53	.58	1.15		.01	
SPRINKLER FITTERS	8.70	.30	.50		.05	
TERRAZZO WORKERS:						
Zone I-VI (0-40 miles from Phoenix)	7.96					
Zone VII (40-60 miles from Phoenix)	9.085					
Zone VIII (60-80 miles from Phoenix)	9.835					
Zone IX (Over 80 miles from Phoenix)	9.835					
LINE CONSTRUCTION:						
Zone I (0-30 miles from Phoenix)						
Cable splicers	9.17	.23	1%+.35		1/2%	
Linemen	8.85	.23	1%+.35		1/2%	
Equipment operators	8.33	.23	1%+.35		1/2%	
Groundmen	7.22	.23	1%+.35		1/2%	
Zone II (Other Areas)						
Cable splicers	10.30	.23	1%+.35		1/2%	
Linemen	10.00	.23	1%+.35		1/2%	
Equipment operators	9.49	.23	1%+.35		1/2%	
Groundmen	8.43	.23	1%+.35		1/2%	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man-belt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder hwy.; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman	$5.53	.35	.60		.05	
GROUP II CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete buggy	5.64	.35	.60		.05	
GROUP III BANDER; CHUCKTENDER (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers	5.75	.35	.60		.05	
GROUP IV CEMENT DUMPERS (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or Backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using bos'ns chair or safety belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)	6.275	.35	.60		.05	
GROUP VII CONCRETE ROAD FORM SETTER; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	

Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate except where herein specifically covered.

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or bos'n chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)	$5.725	.35	.60		.05	
GROUP II NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic tools (except driller)	5.86	.35	.60		.05	
GROUP III GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher	6.06	.35	.60		.05	
GROUP IV - A MINERS - Tunnel (hand or machine)	6.26	.35	.60		.05	
GROUP V DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

AQ-1,006 P. 10

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.42	.45	.50		.02	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine-conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power	6.73	.45	.50		.02	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-mech paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.57	.45	.50		.02	

MUX

AQ-1,006 P. 11

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP V Aggregate plant operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering cunstruction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.01	.45	.50		.02	
GROUP V-A Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.27	.45	.50		.02	

AQ-1,006 P. 12

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	

NOTICES

AQ-1,006 P. 13

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII Crane Operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator - pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, oiler, and motor crane drivers on equipment with booms of 80 and over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

AQ-1,006 P. 14

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I PICKUP; Station wagon; Teamsters	$5.67	.35	.60		.02	
GROUP II BUGGYMOBILE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumptor or dumpster, less than c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	5.94	.35	.60		.02	
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.23	.35	.60		.02	
GROUP V BULK CEMENT SPREADER (6 AXLE); Dump (2 axle); Flatrack (6 axle); Rock truck (dart, euclid, and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V-A OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, retortman or leverman	6.50	.35	.60		.02	
GROUP VI BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	6.61	.35	.60		.02	

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AQ-1,006 P. 15

TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)	$6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or FUEL Truck driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

SUPERSEDEAS DECISION

STATE: Arkansas
COUNTY: Pulaski
DECISION NO. AQ-7
DATE: Date of Publication
Supersedes Decision No. AP-734, dated May 25, 1973, in 38 FR 13919.
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$7.35	.25			.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS & STONEMASONS	6.55	.30	.25		.02	
CARPENTERS:						
Carpenters	6.30	.25	.15		.01	
Millwrights & Piledrivermen	6.55	.25	.15		.01	
CEMENT MASONS	6.20	.15			.03	
ELECTRICIANS:						
Electricians	7.65		1%		1/4%	
Cable splicers	7.775		1%		1/4%	
ELEVATOR CONSTRUCTORS:						
Journeymen	5.19	.17	.185	2%+a+b		
Helpers	70%JR	.17	.185	2%+a+b		
Helpers - (Probationary)	50%JR					
GLAZIERS	6.25					
IRONWORKERS:						
Structural, Ornamental, Reinforcing	6.88	.30	.25		.02	
LABORERS:						
Construction laborer, carpenter helper, concrete laborer	4.29	.10	.20			
Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, creosote wood handlers and chuck tenders	4.64	.10	.20			
Powdermen and blasterers	5.19	.10	.20			
LATHERS	6.45		.10	.25	.01	
MARBLE, TERRAZZO, & TILE WORKERS	5.75					
MARBLE, TERRAZZO, & TILE WORKERS' HELPERS	2.20					
PAINTERS:						
Brush	5.75		.20			
Structural Steel	6.00		.20			
Spray	6.35		.20			
PLASTERERS	6.49				.02	
PLUMBERS & PIPEFITTERS:						
Within 10 mile radius of Pulaski County Courthouse	7.345?	.20	.20		.02	
Over 10 miles from Pulaski County Courthouse	7.645?	.20	.20		.02	
ROOFERS:						
Roofers	5.60		.05			
SHEET METAL WORKERS	6.90	.20	.30		c	
SPRINKLER FITTERS	7.05	.25	.40		.05	

AQ-7 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Pickup - light, flatbed, stake body	$1.60					
Batch, dump, semi-trailer	1.70					
A-frame, winch	2.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F
c - Apprenticeship Fund shall be $.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-7 P. 3
ARK-1-PEO-1 (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.04	.25	.25			
GROUP II Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, grade alls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith	6.30	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS All Bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator	5.99	.25	.25			

AQ-7 P. 4
ARK-1-PEO-1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outisde when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)	$5.04	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	4.70	.25	.25			

AQ-7 P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$7.65		1%		1/4%	
Cable splicers	7.775		1%		1/4%	
Operator	7.65		1%		1/4%	
Groundmen (advanced)	65%JR		1%		1/4%	
Groundmen (1st 6 months)	49%JR		1%		1/4%	
Winch equipment	.93%		1%		1/4%	

XUM

SUPERSEDEAS DECISION

STATE: Georgia
DECISION NUMBER: AQ-4,001
Supersedes Decision No. AP-148 dated 38 FR 1457 - January 12, 1973
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Chatham
DATE: Date of Publication

25 Georgia 1-F 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.40	.20	.13			
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers and stonemasons	6.45	.20	.20			
Marble masons, terrazzo workers, and tile setters	4.75					
Carpenters:						
Carpenters and soft floor layers	6.45	.35				
Millwrights	6.95	.35				
Piledrivermen	6.70	.35				
Cement masons	5.50					
Electricians:						
Electricians	6.80	.30	1%		.2%	
Cable splicers	7.05	.30	1%		.2%	
Elevator constructors	5.80	.17	.185	2%a&b	.005	
Elevator constructors' helpers	4.06	.17	.185	2%a&b	.005	
Elevator constructors' helpers (prob.)	2.90					
Glaziers	5.45					
Ironworkers:						
Structural and sheeter	7.00	.40	.30		.01	
Ornamental and reinforcing	7.00	.40	.30		.01	
Lathers	5.00					
Painters:						
Brush	5.45					
Rollers	5.70					
Steel, brush	5.95					
Tapers	5.70					
Stage work and window jack work	5.95					
Paperhangers	5.70					
Paint burners	5.70					
Spray painting and sandblasting	6.20					
Plasterers	3.75					
Plumbers and Pipefitters:						
Plumbing, heating & piping contracts:						
$2,000 or less	6.70	.35	.40		.02	
Over $2,000	7.35	.35	.40		.02	
Air conditioning mechanics:						
Contracts, $2,000 or less	6.70	.35	.40		.02	
Contracts, over $2,000	7.35	.35	.40		.02	
Roofers	3.00					
Sheet metal workers	6.65			.15		
Sprinkler fitters	8.05	.30	.40		.05	

AQ-4,001 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers:						
Pick-ups and all other trucks up to and including 2½ tons, tractor-farm type	4.20					
Trucks from 2½ tons up to and inoldg. 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 tons (except farm type tractors) forklift	4.30					
Truck over 5 tons including all euclide up to and including 10 tons	$4.55					
Euclide over 10 tons	4.60					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

NOTICES

AQ-4,001 P. 3

GA. - 2-PEO-1-L

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
GROUP A:						
Air compressors, batch plant, bulldozers, fork tractors, mixers, oxiloader, scrapers, patrol and tuggers	$6.40	.35	.35		.02	
GROUP B:						
Crane, drrrick, draglines, side-booms, cherry pickers, mechanics, piledrivers, backhoes, concrete pump	7.00	.35	.35		.02	
GROUP C:						
Distributors, finiching machines, rollers, plain tractors, firemen	6.15	.35	.35		.02	
GROUP D:						
Master mechanic	7.50	.35	.35		.02	
GROUP E:						
Pump operators	6.05	.35	.35		.02	
GROUP F:						
Trenching machine, small backhoe	6.60	.35	.35		.02	

AQ-4,001 P. 4

25-LAB-1-A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
GROUP A:						
General laborers	$3.45	.15	.10			
GROUP B:						
Air tool vibrator operator, operators of jackhammer, tamp, paving breaker, chipping hammer, spade, chain saw, motorized buggies. Mason tenders, cement mason tenders, terrazzo helpers, railroad or track laborers, walk behind compactor or roller plasterer and carpenter tenders	3.60	.15	.10			
GROUP C:						
Mortar mixers, (hand or machine), pipelayers	3.70	.15	.10			
GROUP D:						
Burner (torch) on demolition work, track or wagon drills used in blasting	3.95	.15	.10			
GROUP E:						
Powderman or blaster	4.45	.15	.10			

NOTICES

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$2.75					
Cement masons	2.15					
Electricians	6.80	.30	1%		.2%	
Ironworkers, structural	4.45					
Laborers:						
Unskilled	1.60					
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck Drivers:						
~~Up to 2½ tons~~	~~1.60~~					
Over 2½ tons	2.07					
Welders	2.50					

SUPERSEDEAS DECISION

STATE: Georgia COUNTY: Fulton, Cobb and Dekalb
DECISION NUMBER: AQ-4,000 DATE: Date of Publication
Supersedes Decision No. AP-149 dated 38 FR 1453 - January 12, 1973
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.40	.35	.15		.01	
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers and stonemasons	7.80	.30	.30		.05	
Marble masons, terrazzo workers and tile setters	7.65	.30	.30			
Carpenters:						
Carpenters and soft floor layers	7.40	.35	.35		.015	
Millwrights	8.00					
Piledrivermen	7.55	.35	.35		.015	
Cement masons	6.95	.25	.55			
Electricians	8.70	5%	6%		4/10 of 1%	
Elevator constructors	7.81	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	5.47	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	3.905					
Glaziers	6.80	.35	.20	.25	.015	
Ironworkers:						
Structural, ornamental and reinforcing	7.20	.40	.37		.05	
Lathers	7.10	.20	.10	.50	.04	
Leadburners	7.80	.30		c	.01	
Painters:						
Brush	7.45	.40	.40		.03	
Spray and sandblasting	8.45	.40	.40		.03	
Paperhanging	7.70	.40	.40		.03	
Plasterers	7.32	.25	.45		.03	
Plumbers and steamfitters	7.85	.35	.45		.03	
Roofers:						
Roofers and weatherproofers	5.65	.20	.20			
Slate, tile, asbestos shingles	5.80	.20	.20			
Sheet metal workers	8.00	.35	.25		.04	
Sprinkler fitters	8.05	.30	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

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AQ-4,000 P. 3

60 - Georgia LAB C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group A						
Batch plant men, Buggy rollers (Ga.), Cleaners (Brick or Lumber, Clearing of Right of Way and Building Site (hand tools), Concrete Curer-Sealer and Liquid hardner, Conveyor operator (used by tenders of plasterers and bricklayers), Electrician laborer, Excavator, Backfiller grader (hand), Forklift operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal pan handler, Plumber-Laborer, Pipe Doper, Precast Slab Layer (floors, roofs, walks, curbs), Concrete Puddlers, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffolds, and staging for masons and plasterers, Erecting and Removing Scarifyer, concrete (mechanical and hand), Sheeting and shoring laborers, Steam Jennies, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch handler (manual)	$4.85	.15	.20			
Group B						
Bucket-dumpman (concrete), Mixer-mortar, Grout clay, etc. (hand or machine), Power post hole digger, Power cleaning machine operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	4.97	.15	.20			
Group C						
Burner-demolition, Chain saw operator, Power concrete saw operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) Jack or screw type	5.07	.15	.20			
Group D						
Wagon Drill Operator, (Track or wheel type), and like used in drilling for blasting	5.15	.15	.20			
Group E						
Powderman-helper	5.35	.15	.20			
Group F						
Powderman, nozzleman (concrete pneumatic)	5.75	.15	.20			
Group G						
Caisson holeman	5.60	.15	.20			
25¢ Above rate for classification working: Chimney or stacks isolated						

AQ-4,000 P. 4

GA.-1-PEO-1 1 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Group A						
Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Ridley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-75 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor	$ 7.65	.25	.15		.07
Group B						
Bulldozer operator; Dozer shovel operator; Drill operator-Quarry master type; Fireman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity	7.30	.25	.15		.07
Group C						
Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;	6.08	.25	.15		.07
Group D						
Oiler-truck or locomotive cranes	6.43	.25	.15		.07
Group E						
Oiler-unspacified; Pump operator, over 4", up to batteries of 4; Welding machine operator, batteries of two-300 amps and over	5.53	.25	.15		.07
Group F						
Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operator; Well drill operator	5.88	.25	.15		.07

AQ-4,000 P. 5

GA.-1-PEO-1 I 2 of 2

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. T	
Group G						
Air compressor operator, up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft.; Conveyor operator, chain or belt type; Sand blasting machine operator; water pump operator 4" or less; Water pump operator over 4" (one only); Welding machine operator, 300 amps and over	4.86	.25	.15		.07	

AQ-4,000 P. 6

60 - Georgia - TD - 1

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Trucks up to and including 2½ tons tractor, farm types	$4.00					
Trucks from 2½ tons up to and including 5 tons-all low-boys and other trailer pulled by tractor except farm type tractors, with ratings up to and including 5 tons	4.10					
Trucks over 5 tons including all euclids up to and including 10 tons	4.35					
Euclids over 10 tons	4.40					

AQ-4,000 P. 7 GA Zone 1 of 1

HEAVY AND HIGHWAY CONSTRUCTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	8.70	5%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: AQ-3 DATE: Date of Publication
Supersedes Decision No. AM-2,456, dated August 25, 1971, in 36 FR 16823.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

82-IOWA-SCO-1 1 (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.05	.25	.25		.10	
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS - STONEMASONS	7.78	.35			.02	
CARPENTERS:						
Carpenters	7.08	.35	.30		.02	
Piledrivermen	7.33	.35	.30		.02	
Millwrights	7.55	6%	6%		2%	
CEMENT MASONS	7.31	.40				
ELECTRICIANS:						
Electricians	7.90	.25	1%+.35		.03	
Cable splicers	8.15	.25	1%+.35		.03	
ELEVATOR CONSTRUCTORS	6.785	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	6.8548	.35	.50			
IRONWORKERS:						
Ornamental; Reinforcing; Structural	8.30	.40	.375		.05	
LABORERS:						
Carpenter tenders; Common laborers; Mason tenders	6.25	.20	.20		.035	
Concrete saw; Pipesetters; Plumber laborer; Power tools (Barco-Vibrator-Mortar mixers-Dynamite handlers-Burner, on dismantling work to be junked); Prime movers; Sand points	6.45	.20	.20		.035	
Caissons, after 6' in depth	6.75	.20	.20		.035	
Dynamite man	6.75	.20	.20		.035	
Tunnel miners	6.75	.20	.20		.035	
PAINTERS:						
Brush; Rollers	6.67	.25	.30		.08	
Spray; Structural steel	6.92	.25	.30		.08	
PLASTERERS	7.75					
PLUMBERS - STEAMFITTERS	7.78	.40	.35		.10	
ROOFERS	8.40		.20			
SHEET METAL WORKERS	7.33	.17			.01	
SOFT FLOOR LAYERS	7.08	.35	.30		.02	
SPRINKLER FITTERS	8.75	.30	.50		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-3 P. 2

82-IOWA-SCO-1 1 (2 - 2)

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

AQ-3 P. 3 — 82-IOWA-TD-1,2,3 a (1 - 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift operator & driver on pilot trucks	$6.35	.35	10.00p/w			
Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry-over 2 up to & including 4-34E batches	6.55	.35	10.00p/w			
Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, hug-bottom dumps, tournapulls, tournatrailers, tournarockers, tractortrailers, tandem A-frames, tandem winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributes	6.75	.35	10.00p/w			

AQ-3 P. 4 — 82-IOWA-TD-1,2,3 a (2 - 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (CONT'D):						
Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	$6.95	.35	10.00p/w			

AQ-3 P. 5 — 82-IOWA-PEO-1,2,3 e (1 - 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
All steel hoists and/or steel erection equipment	$8.40	.30	.50		.08	
Cranes, Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) levermen or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work); Backfillers (throw bucket); Locomotive engineers	7.98	.30	.50		.08	
Athey; Barber greene; Euclid or haise loaders; Asphalt pugmills; Firemen & driers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; End loaders (other than mentioned above); Fork lifts; Elevating graders; Group equipment greasers; LeTourneaupull & similar machines; Power blades; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix place machines; Pipe bending machines; Welding machines (3 or 4); Fuller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.81	.30	.50		.08	

AQ-3 P. 6 — 82-IOWA-PEO-1,2,3 e (2 - 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (backend); Flexplanes; Boat op.; Hydrohammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator	$6.92	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement auger or conveyor); Boilers engineer or firemen; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers; Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.09	.30	.50		.08	

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$6.95	.35	.30		.02	
CEMENT MASONS	7.31	.40				
LABORERS:						
Carpenter tender; Common laborer	6.25	.20	.20		.035	
Air spade; Asphalt kettlemen; Backup man or joint man with pipelayer; Barco; Cement dumper; Center strip; Concrete saw; Form setter helper; Gas distribution men; Jackhammer; Laborer in ditch or tunnel on sewer & water main & telephone conduit; Laying & jointing of telephone conduit; Mastic asphalt mixer man, or other preparations used on joints; Mechanical tamper; Mortar mixer; Pipesetter on laterals, drain tiles, culvert pipe & storm sewer connections to catch basins, manholes or main line; Power tools; Power & hand saw (when clearing timber); Prime mover, or any mechanical device taking the place of concrete buggy or wheelbarrow; Puddlers; Reinforcing in concrete; Rod point setter; Sheeting hammer drivers, 2 men; Vibrator; Wagon & hand drill; Wire mesh	6.45	.20	.20		.035	
Asphalt raker; Dynamite man; Head form setter; String or wireline, one man; Tunnel miner or pipelayer on sewer & water main	6.75	.20	.20		.035	

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Calcasieu
DECISION NO.: AQ-4 DATE: Date of Publication
Supersedes Decision No. AP-366, dated December 8, 1972, in 37 FR 26245
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25	.30	.20		.02	
CARPENTERS:						
Carpenters	6.555	.25	.18		.05	
Millwrights	7.23				.04	
Piledrivermen	6.65				.04	
CEMENT MASONS	6.07					
ELECTRICIANS:						
Electricians	7.99	.25	1%+.10			
Cable splicers	8.24	.25	1%+.10			
GLAZIERS	4.65					
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.05	.30	.35		.025	
LABORERS:						
Laborers	4.71	.15	.10			
Air tool operator (except jackhammer)	4.81	.15	.10			
Mason tenders	4.71	.15	.10			
Mortar mixers & jackhammer operators	4.36	.15	.10			
Pipelayers (concrete & clay)	4.955	.15	.10			
Plasterers' tenders	4.71	.15	.10			
LATHERS	6.00	.125			.01	
MARBLE SETTERS	7.25	.30	.20		.02	
PAINTERS:						
Brush, wood or wall	5.70					
Brush, steel; Buffer, wood & wall	5.825					
Paperhanging; Taping & floating	5.90					
Spray, wood & wall; rollers	6.045					
Steeplejacks; sandblasting; spider operators; rubberizing & pyroflexing; steam jennies; spray, steel	6.185					
Bridge work; water towers	7.49					
Taping & floating machines	11.07					
PLASTERERS	6.49					
PLUMBERS & PIPEFITTERS	7.43	.42	.32		.06	
ROOFERS	6.23		.10			
ROOFERS' HELPERS	4.86		.10			
SHEET METAL WORKERS	7.42		.15		.04	
SOFT FLOOR LAYERS	6.555	.25	.18		.05	
TERRAZZO WORKERS	7.25	.30	.20		.02	
TILE SETTERS	5.87		.20			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Pick-ups	$4.91					
Stake bodies (all sizes)	5.34					
Trucks trailer & dumps over 8 yds.	5.55					
Mixers on trucks up to and including 3 yds.	5.35					
Mixers on trucks over 3 yds.	5.55					
Winch trucks	5.45					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment up to and including 8 yds.	5.55					
Trucks - dump	5.37					
Mississippi wagons, Koehring dumpsters and similar dirt moving equipment over 8 yds.	5.76					
Warehousemen	5.55					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS						
Asphalt Spreaders; Backhoes (all types); Bulldozers; Cable Ways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drum or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on structures other than buildings; Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator - Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete - 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sideboams; Unit Operator; Welder Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats - requiring licensed operator	$7.245	.25	.15		.03	
MEDIUM DUTY OPERATORS						
Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat - not requiring licensed operator; Finishing Machines	6.40	.25	.15		.03	

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LIGHT DUTY OPERATORS						
Bush Hog; Compressors; Concrete pumps - under 6" discharge; Concrete saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type Tractors (when used to pull discs, grasscutters, etc.); Test Pump - Internal combustion engine powered; Ditching or trenching machines (non-riding type); Water Blast Pumps; Hoist (1 drum under 4 stories)	$5.945	.25	.15		.03	
Combination Oiler-Fireman	7.245	.25	.15		.03	
Combination Oiler-Compressor Operator	7.245	.25	.15		.03	
Batch Plant Operator	5.485	.25	.15		.03	
Fireman	5.715	.25	.15		.03	
Mechanic Helper	5.325	.25	.15		.03	
Oiler	5.155	.25	.15		.03	
Oiler-Driver on Motor Crane	5.485	.25	.15		.03	
Pumps under 3 inch suction	5.325	.25	.15		.03	
Scale Operator	5.485	.25	.15		.03	

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Caddo & Bossier
DECISION NO.: AQ-5 DATE: Date of Publication
Supersedes Decision No. AP-397, dated January 26, 1973, in 38 FR 2602.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.00	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.65		.25		.03	
Piledrivers	6.90		.25		.03	
Millwrights	7.15		.25		.03	
CEMENT MASONS:						
Cement masons	6.00					
Troweling machine operators	6.25					
ELECTRICIANS:						
Cable splicers	7.90	.40	1%		1%	
Electricians	7.40	.40	1%		1%	
ELEVATOR CONSTRUCTORS	6.26	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.90					
IRONWORKERS:						
Structural; Ornamental	7.10	.30	.35		.04	
Reinforcing	7.10	.30	.35		.04	
Sheeters	7.10	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.925				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paperhangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.00					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.30		.20		.02	
Helpers	3.20		.20		.02	
Kettleman	3.57		.20		.07	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	8.05	.30	.50		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsy dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a- 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b- Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY DUTY OPERATORS						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Pile-drivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor-vators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	$7.10	.25	.15			
LIGHT DUTY OPERATORS						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	6.09	.25	.15			
Scaleman	5.85	.25	.15			
Oiler-Driver	5.81	.25	.15			
Mechanic Helper	5.56	.25	.15			
Oiler	5.33	.25	.15			

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Caddo & Bossier
DECISION NO.: AQ-6 DATE: Date of Publication
Supersedes Decision No. AP-398, dated January 26, 1973, in 38 FR 2604.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.14	.30	.51		.025	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS	7.25					
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.65		.25		.03	
Piledrivers	6.90		.25		.03	
Millwrights	7.15		.25		.03	
CEMENT MASONS:						
Cement masons	6.00					
Troweling machine operators	6.25					
ELECTRICIANS:						
Cable splicers	7.90	.40	1%		1%	
Electricians	7.40	.40	1%		1%	
ELEVATOR CONSTRUCTORS	6.26	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.90					
IRONWORKERS:						
Structural; Ornamental	7.10	.30	.35		.04	
Reinforcing	7.10	.30	.35		.04	
Sheeters	7.10	.30	.35		.04	
LABORERS:						
Building laborers	3.80	.10	.10			
Mason tenders; Plasterers' tenders	3.90	.10	.10			
Asphalt rakers & smoothers	3.90	.10	.10			
Mortar mixers	3.95	.10	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.00	.10	.10			
LATHERS	6.925				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paper-hangers; stage, window jacks & structural steel	5.75					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.09					
Heights exceeding 75 feet	6.25					
Sandblasting	6.35					
Spray	6.35					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.05				.01	
PLUMBERS - PIPEFITTERS	6.51		.30	.55	.06	
ROOFERS:						
Roofers	5.30		.20		.02	
Helpers	3.20		.20		.02	
Kettleman	3.57		.20		.02	
SHEET METAL WORKERS	6.67	.30	.25		.05	
SPRINKLER FITTERS	8.05	.30	.50		.05	
STONEMASONS	7.25					
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.27					
Stake bodies; flat beds (all sizes)	4.35					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.60					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	4.75					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	4.90					
Euclids; low-boys; dempsy dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.10					
Fork lift	5.45					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DATE: Date of Publication

DECISION NUMBER: AQ-1,001

Supersedes Decision Number AP-268 dated March 9, 1973, in 38 FR 6615

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.19	.35	.35			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons:						
Burleigh and Morton Counties	6.75		.15			
Grand Forks, Steel and Walsh Counties	8.00		.15			
Cass and Richland Counties	7.50	.40	.15	.30		
Ward County	6.85		.15		.02	
CARPENTERS:						
Burleigh and Morton Counties						
Carpenters	5.75					
Piledrivermen	5.875					
Grand Forks, Steele (Northern half), and Walsh Counties						
Carpenters	6.35				.02	
Piledrivermen	6.58				.02	
Millwrights	6.73				.02	
Cass, Richland, and Steele (Southern half) Counties						
Carpenters	6.56		.25			
Ward County						
Carpenters	6.28					
Piledrivermen	6.76					
Millwrights	6.51					
CEMENT MASONS:						
Grand Forks, Steel and Walsh Counties	5.65		.15			
Cass and Richlands Counties	6.45					
Ward County	5.00					
ELECTRICIANS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties (Grand Forks-Fargo-West Fargo-Valley City):						
Zone A (0-15 miles from all cities-0-5 miles from Grafton)	7.15	.20	1%	6%	1½%	
Zone B (15-30 miles)	7.77	.20	1%	6%	1½%	
Zone C (over 30 miles from Grand Forks-Fargo-West Fargo-Valley City)	8.15	.20	1%	6%	1½%	
Burleigh and Morton Counties (From Main P. O. in Bismark-Mandan)						
Electricians (0-12 miles)	7.00	.20	1%	6%	1½%	
Cable splicers (0-12 miles)	7.40	.20	1%	6%	1½%	
Electricians (over 12 miles)	8.00	.20	1%	6%	1½%	
Cable splicers (over 12 miles)	8.40	.20	1%	6%	1½%	

ELECTRICIANS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Ward County						
Electricians (within 12 miles radius of Minot Post Office)	$7.00	.20	1%	6%	1½%	
Electricians (over 12 miles radius beyond Minot Post Office)	8.00	.20	1%	6%	1½%	
Cable splicers (within 12 miles radius of Minot Post Office)	7.40	.20	1%	6%	1½%	
Cable splicers (over 12 miles radius beyond Minot Post Office)	8.40	.20	1%	6%	1½%	
ELEVATOR CONSTRUCTORS	8.17	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	7.60	.30	.23		.02	
PAINTERS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties						
Brush; Roller; Paperhangers	6.45				.01	
Sandblasting; Structural	6.70				.01	
Spray	6.95				.01	
Burleigh and Morton Counties						
Brush	5.05					
Spray	5.35					
Ward County						
Brush	4.55					
Spray	4.90					
PLASTERERS:						
Grand Forks, Steel and Walsh Counties	6.20		.15			
Ward County	5.50					
Cass and Richland Counties	7.70					
PLUMBERS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties	7.75	.30	.15		.005	
Burleigh and Morton Counties	7.40		.25		.01	
Ward County	7.36		.25		.04	
ROOFERS:						
Cass and Richland Counties	5.20					
SHEET METAL WORKERS:						
Burleigh, Grand Forks, Morton, Steel	8.95					
Walsh and Ward Counties	6.65					
Cass, and Richland Counties						
SOFT FLOOR LAYERS:						
Cass and Richland Counties	5.25	.20				
SPRINKLER FITTERS	7.20	.30	.50		.05	

FOOTNOTE:

e. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service, 4% basic hourly rate with over 5 years' service as Vacation Credit Plan. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Grand Forks, Steele and Walsh Counties						
Laborers; Concrete dumpman	$4.85					
All power tool operators (under the laborers' jurisdiction); Brick and plaster tenders; Cutting torch for demolition	5.00					
Hod carriers; Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	5.20					
Burleigh and Morton Counties						
Common laborers; Concrete bucket man; Brick and plaster tenders; All power tools (under the laborers' jurisdiction); Mortar mixers; Hod carriers; Non-Metallic pipelayers; Gas line wrapping or taping	4.17					
Cass and Richland Counties						
Laborers; Concrete dumpman	4.40					
Jackhammer; Mortar mixer; Plasterers and brick tenders; Power tool operators	4.55					
Ward County						
Laborers; Concrete bucket dumpman	4.40					
Mortar mixers; Plaster tenders; Cutting torch for demolition; All power tool operators (under laborers' jurisdiction)	4.50					
Non-metallic pipelayers; Gas line wrapping or taping (distribution only)	4.65					

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Site Preparation Excavation and Incidental Paving	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	C
Change:						
Laborers:						
Group I						
General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	$2.95					
GROUP II						
Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirt)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III						
Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer	3.15					
GROUP IV						
Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

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1-NO. DAK.-PEO-k

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I HOIST; Greaser; Concrete mixer op.; Boom truck; Firemen; Tractor, 75 HP & under; Frontend loader, 1½ cu. yds. & under; Air compressor, 300 & under; Forklift	4.75	.25	.25			
GROUP II BRAKEMEN; Any air compressed operations over 300; Well points; Frontend loader over 1½ cu. yd.; Power plant engineer; Straddle carrier; Oiler; Mechanic & welder; Batch plant drill rig; Tractor, over 75 HP.	5.75	.25	.25			
GROUP III CRANES, tower & overhead; Derricks; Cherry picker	6.35	.25	.25			

AQ-1.001 P. 6

Site Preparation, Excavation and Incidental Paving:

2-NO. DAK. -PEO-2-3- n (1-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Bucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.45	.35	.25		
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline Side Boom; Truck Crane Operator	6.30	.35	.25		
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25		
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe					

NOTICES

AQ-1.001 P. 7

2-NO. DAK.-PEO-2-3-n (2-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$6.10	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Fe. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.85	.35	.25		
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.62	.35	.25		
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.69	.35	.25		

AQ-1.001 P. 9

2-NO. DAK.-PEO-2-3- n (3-3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$4.54	.35	.25		
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.44	.35	.25		
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25		

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AG-1.001 P. 9

1-NO.DAK-TD-2-3-k (1-1)

Site Preparation Excavation and Incidental Paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
Single axle	$4.37	.35				
Tandem	4.47	.35				
Agitator dumpcrete	4.57	.35				
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.72	.35				
Euclid, over 20 yds.	5.35	.35				

[FR Doc.73-14683 Filed 7-19-73;8:45 am]

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federal register

July 23, 1973—Pages 19655–19794

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 12]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

State Plan of Child Nutrition Operations

The purpose of this amendment is to revoke paragraph (c) of § 210.14 of the regulations governing the National School Lunch Program (7 CFR Part 210). Paragraph (c) requires each State agency to submit to the Child Nutrition Division, Food and Nutrition Service, an annual information statement prior to the execution or extension of an agreement between the State agency and the Department, for administration of the Program in schools within the State.

Paragraph (c) of § 210.14 is superfluous since the information is also required in the State Plan of Child Nutrition Operations which each State agency is required to submit not later than January 1 of each fiscal year under § 210.4a of the regulations. Approval of the plan by FNS is a prerequisite to the payment of Federal funds to the State agency under the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended, or to the donation by the Department of any commodities under 7 CFR Part 250 for use in schools and service institutions.

Accordingly, paragraph (c) of the National School Lunch Program regulations is revoked.

(Catalog of Federal Domestic Assistance Program No. 10.555 National Archives Reference Services)

Effective date: July 1, 1973.

Dated: July 16, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-15008, Filed 7-20-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Prune Reg. 11]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Limitation of Shipments

This regulation requires fresh Washington-Oregon Prunes, during the period August 1, 1973, through August 31, 1974, to grade U.S. No. 1, except for off-color and an additional tolerance for defects, and be at least 1¼ inches in diameter.

On June 26, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16781), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924) regulating the handling of prunes grown in designated counties in Washington and in Umatilla County, Oregon. This notice allowed interested persons until July 13, 1973, to file written data, views, or arguments pertaining thereto. None were submitted. The proposed regulation was recommended by the Washington-Oregon Fresh Prune Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation is based upon an appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1973, and total 16,700 tons, compared with 14,267 tons last season. Hence, ample supplies of fresh prunes meeting the regulation requirements should be available to fill fresh market needs. The regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provision which excepts the Brooks variety of prunes from the requirements of this regulation recognizes the fact that prunes of this variety are primarily consumed locally, that they do not withstand shipment well, and that the amount of prunes of this variety produced is insignificant compared to the total supply. Individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties of prunes, subject to necessary safeguards, are excepted from these requirements because the production of these varieties is relatively small and those few which are produced are primarily consumed locally or are sold for home use and not for resale. Individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton varieties of prunes sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of prunes so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the nearness of the source of supply.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington-Oregon Fresh Prune Marketing Committee, and other available information, it is hereby found and determined that the regulation as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until August 22, 1973 (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this section, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 F.R. 16781), and no objection to this section or such effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipments of the current crop of such prunes are expected to begin on or about the effective date hereof and this section should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act.

§ 924.311 Prune Regulation 11.

(a) *Order.* Prune regulation 10, (37 FR 14287) is hereby terminated on August 1, 1973.

(b) During the period August 1, 1973, through August 31, 1974, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two-thirds of the surface of the prune is required to be purplish color; and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided,* That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided,* That not more than

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one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay; or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provision of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (§§ 51.1520–51.1538 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15007 Filed 7-20-73;8:45 am]

PART 945—POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Handling; Correction

In § 945.332 *Handling regulation* (38 FR 18865 July 16, 1973, FR Doc. 73-14316) paragraph (a) (3) is corrected by deleting the word "generally."

Dated: July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15006 Filed 7-20-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Barley Loan and Purchase Program

On October 7, 1972, notice of proposed rulemaking regarding loan and purchase rates for 1973 crop barley and detailed operating provisions to carry out the 1973-crop barley loan and purchase program was published in the FEDERAL REGISTER (37 FR 21332). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, published at 35 FR 11166 and 11902, and any amendments to such regulations are further supplemented for the 1973 crop of barley. The material previously appearing in these §§ 1421.72 through 1421.77 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.72 Purpose.
1421.73 Compliance requirements.
1421.74 Availability.
1421.75 Maturity of loans.
1421.76 Warehouse charges.
1421.77 Loan and purchase rates.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.72 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crop Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1973 crop of barley.

§ 1421.73 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the barely being tendered if the producer complies with the 1973 set-aside program, appearing in the regulations published in Part 775 of this title pertaining to the Feed Gain Set-Aside Program for crop years 1971–73 (36 FR 12835), and any amendments thereto, on the farm on which such barley was produced if such farm is in an area in which the Feed Grain Set-Aside Program is in effect.

§ 1421.74 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1973 crop of eligible barley on or before April 30, 1974, in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming and by March 31, 1974, in all other States. To sell eligible barley to CCC a producer must execute and deliver to the appropriate county ASCS office, on or before May 31, 1974, in the States named in this section and on or before April 30, 1974, in all other States, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1973 crop barley he will sell to CCC.

§ 1421.75 Maturity of loan.

Loans mature on demand but not later than: May 31, 1974, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming, and on April 30, 1974, in all other States.

§ 1421.76 Warehouse charges.

Subject to the provisions of § 1421.56 the schedule of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date April 30, 1974	Deduction (cents per bushel)	Maturity date May 31, 1974
(1)		(1).
Prior to May 28, 1973	11	Prior to June 28, 1973.
May 28–June 21	13	June 28–July 22.
June 22–July 16	12	July 23–Aug. 16
July 17–Aug. 10	11	Aug. 17–Sept. 10
Aug. 11–Sept. 4	10	Sept. 11–Oct. 5
Sept. 5–Sept. 29	9	Oct. 6–Oct. 30.
Sept. 30–Oct. 24	8	Oct. 31–Nov. 24.
Oct. 26–Nov. 18	7	Nov. 25–Dec. 19.
Nov. 19–Dec. 13	6	Dec. 20, 1973–Jan. 13, 1974.
Dec. 14, 1973–Jan. 7, 1974	5	Jan. 14–Feb. 7.
Jan. 8–Feb. 1	4	Feb. 8–Mar. 4.
Feb. 2–Feb. 26	3	Mar. 5–Mar. 29.
Feb. 27–Mar. 23	2	Mar. 30–Apr. 23.
Mar. 24–Apr. 30, 1974	1	Apr. 24–May 31, 1974.

[1] Date storage charges start, all dates inclusive.

§ 1421.77 Loan rates and discounts.

(a) *Basic loan rates (counties).* Basic county rates (marketing area for Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

COUNTY LOAN AND PURCHASE RATES FOR BARLEY GRADING NO. 2 OR BETTER, EXCEPT MIXED BARLEY

ALABAMA

County	Rate per bushel
All counties	$0.87

ALASKA

Delta*	$1.54	Kenai-Sold*	$1.66
Fairbanks*	1.53	Palmer*	1.72
Glenallen*	1.63	Talkeetna*	1.72
Homer*	1.59		

*In Alaska loan rates are for marketing areas.

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.79	Mohave	$0.84
Cochise	.92	Navajo	.79
Coconino	.79	Pima	.95
Gila	.79	Pinal	.98
Graham	.84	Santa Cruz	.94
Greenlee	.79	Yavapai	.79
Maricopa	.97	Yuma	.99

ARKANSAS

All counties	$0.83

CALIFORNIA

Alameda	$1.14	Riverside	$1.09
Alpine	.98	Sacramento	1.14
Amador	1.10	San Benito	1.07
Butte	1.05	San Bernardino	1.09
Calaveras	1.10	San Diego	1.14
Colusa	1.08	San Francisco	1.14
Contra Costa	1.11	San Joaquin	1.14
El Dorado	1.10	San Luis Obispo	1.06
Fresno	1.07	San Mateo	1.11
Glenn	1.07	Santa Barbara	1.06
Humboldt	.96	Santa Clara	1.09
Imperial	1.09	Santa Cruz	1.08
Inyo	.96	Shasta	.96
Kern	1.09	Sierra	.96
Kings	1.07	Siskiyou	.96
Lake	1.04	Solano	1.11
Lassen	.96	Sonoma	1.08
Los Angeles	1.14	Stanislaus	1.11
Madera	1.09	Sutter	1.08
Marin	1.11	Tehama	1.01
Mariposa	1.08	Tulare	1.06
Mendocino	.99	Tuolumne	1.08
Merced	1.09	Ventura	1.09
Modoc	.96	Yolo	1.11
Monterey	1.06	Yuba	1.08
Napa	1.08		
Orange	1.14		
Placer	1.07		
Plumas	.98		

COLORADO

All counties	$0.82

CONNECTICUT

All counties	$0.88

DELAWARE

All counties	$0.88

FLORIDA

All counties	$0.90

GEORGIA

All counties	$0.90

IDAHO

Ada	$0.86	Gem	$0.86
Adams	.86	Gooding	.86
Bannock	.85	Idaho	.92
Bear Lake	.84	Jefferson	.84
Benewah	.93	Jerome	.86
Bingham	.84	Kootenai	.92
Blaine	.85	Latah	.93
Boise	.86	Lemhi	.83
Bonner	.89	Lewis	.92
Bonneville	.84	Lincoln	.86
Boundary	.87	Madison	.84
Butte	.84	Minidoka	.86
Camas	.85	Nez Perce	.93
Canyon	.86	Oneida	.85
Caribou	.84	Owyhee	.86
Cassia	.86	Payette	.86
Clark	.84	Power	.85
Clearwater	.92	Shoshone	.80
Custer	.84	Teton	.84
Elmore	.86	Twin Falls	.86
Franklin	.85	Valley	.86
Fremont	.84	Washington	.86

ILLINOIS

Alexander	$0.94	Saint Clair	$0.93
Cook	.89	All other counties	.86
Madison	.93		

INDIANA

County	Rate per bushel	County	Rate per bushel
All counties	$0.84		

IOWA

Pottawattamie	$0.90	All other counties	$0.86

KANSAS

Allen	$0.88	Linn	$0.91
Anderson	.90	Logan	.79
Atchison	.91	Lyon	.88
Barber	.83	McPherson	.84
Barton	.83	Marion	.85
Bourbon	.90	Marshall	.88
Brown	.90	Meade	.79
Butler	.85	Miami	.91
Chase	.86	Mitchell	.84
Chautauqua	.86	Montgomery	.88
Cherokee	.88	Morris	.86
Cheyenne	.80	Morton	.76
Clark	.79	Nemaha	.88
Clay	.86	Neosho	.88
Cloud	.85	Ness	.82
Coffey	.89	Norton	.83
Comanche	.81	Osage	.89
Cowley	.85	Osborne	.84
Crawford	.89	Ottawa	.85
Decatur	.82	Pawnee	.83
Dickinson	.85	Phillips	.83
Doniphan	.90	Pottawatomie	.88
Douglas	.91	Pratt	.83
Edwards	.83	Rawlins	.81
Elk	.86	Reno	.84
Ellis	.83	Republic	.85
Ellsworth	.84	Rice	.84
Finney	.79	Riley	.88
Ford	.81	Rooks	.83
Franklin	.91	Rush	.83
Geary	.86	Russell	.83
Gove	.81	Saline	.84
Graham	.82	Scott	.80
Grant	.78	Sedgwick	.85
Gray	.80	Seward	.78
Greeley	.78	Shawnee	.90
Greenwood	.87	Sheridan	.82
Hamilton	.78	Sherman	.80
Harper	.84	Smith	.84
Harvey	.85	Stafford	.83
Haskell	.79	Stanton	.77
Hodgeman	.82	Stevens	.78
Jackson	.90	Sumner	.85
Jefferson	.91	Thomas	.81
Jewell	.84	Trego	.82
Johnson	.91	Wabaunsee	.88
Kearny	.78	Wallace	.78
Kingman	.84	Washington	.86
Kiowa	.83	Wichita	.79
Labette	.88	Wilson	.88
Lane	.81	Woodson	.88
Leavenworth	.91	Wyandotte	.91
Lincoln	.84		

KENTUCKY

All counties	$0.85

LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	$1.04	Saint Charles	$1.04
Jefferson	1.04	West Baton Rouge	1.04
Orleans	1.04	All other counties	.87

MAINE

All counties	$0.88

MARYLAND

Baltimore City	$1.06	All other counties	$0.98

MASSACHUSETTS

All counties	$0.88

MICHIGAN

All counties	$0.78

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.92	Martin	$0.93
Anoka	.95	Meeker	.94
Becker	.84	Mille Lacs	.93
Beltrami	.86	Morrison	.90
Benton	.92	Mower	.93
Big Stone	.87	Murray	.90
Blue Earth	.94	Nicollet	.94
Brown	.93	Nobles	.87
Carlton	.95	Norman	.82
Carver	.95	Olmsted	.94
Cass	.88	Otter Tail	.86
Chippewa	.91	Pennington	.81
Chisago	.94	Pine	.95
Clay	.83	Pipestone	.87
Clearwater	.83	Polk	.82
Cottonwood	.92	Pope	.90
Crow Wing	.89	Ramsey	.95
Dakota	.95	Red Lake	.82
Dodge	.94	Redwood	.93
Douglas	.88	Renville	.92
Faribault	.93	Rice	.94
Fillmore	.92	Rock	.84
Freeborn	.93	Roseau	.81
Goodhue	.94	Saint Louis	.95
Grant	.86	Scott	.95
Hennepin	.95	Sherburne	.94
Houston	.91	Sibley	.94
Hubbard	.86	Stearns	.92
Isanti	.94	Steele	.94
Itasca	.91	Stevens	.88
Jackson	.90	Swift	.90
Kanabec	.93	Todd	.88
Kandiyohi	.93	Traverse	.86
Kittson	.80	Wabasha	.94
Koochiching	.91	Wadena	.87
Lac Qui Parle	.88	Waseca	.94
Lake of the Woods	.86	Washington	.95
Le Sueur	.94	Watonwan	.93
Lincoln	.88	Wilkin	.84
Lyon	.91	Winona	.93
McLeod	.94	Wright	.95
Mahnomen	.82	Yellow Medicine	.89
Marshal	.81		

MISSISSIPPI

All counties	$0.87

MISSOURI

Buchanan	$0.91	Saint Louis	$0.93
Clay	.91	All other counties	.88
Jackson	.91		

MONTANA

Beaverhead	$0.75	Madison	$0.81
Big Horn	.68	Meagher	.76
Blaine	.67	Mineral	.83
Broadwater	.79	Missoula	.83
Carbon	.73	Musselshell	.72
Carter	.70	Park	.79
Cascade	.75	Petroleum	.71
Chouteau	.73	Phillips	.65
Custer	.69	Pondera	.74
Daniels	.67	Powder River	.68
Dawson	.69	Powell	.81
Deer Lodge	.81	Prairie	.69
Fallon	.70	Ravalli	.80
Fergus	.73	Richland	.69
Flathead	.85	Roosevelt	.70
Gallatin	.81	Rosebud	.68
Garfield	.68	Sanders	.83
Glacier	.74	Sheridan	.69
Golden Valley	.73	Silver Bow	.81
Granite	.80	Stillwater	.73
Hill	.70	Sweet Grass	.76
Jefferson	.79	Teton	.74
Judith Basin	.72	Toole	.73
Lake	.80	Treasure	.70
Lewis and Clark	.74	Valley	.66
Liberty	.72	Wheatland	.74
Lincoln	.85	Wibaux	.70
McCone	.69	Yellowstone	.73

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NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.84	Jefferson	$0.87
Antelope	.87	Johnson	.88
Arthur	.79	Kearney	.83
Banner	.78	Keith	.79
Blaine	.81	Keya Paha	.81
Boone	.87	Kimball	.78
Box Butte	.78	Knox	.87
Boyd	.84	Lancaster	.89
Brown	.81	Lincoln	.80
Buffalo	.84	Logan	.81
Burt	.89	Loup	.83
Butler	.89	McPherson	.80
Cass	.89	Madison	.88
Cedar	.87	Merrick	.87
Chase	.79	Morrill	.78
Cherry	.79	Nance	.87
Cheyenne	.78	Nemaha	.88
Clay	.85	Nuckolls	.85
Colfax	.89	Otoe	.89
Cuming	.89	Pawnee	.88
Custer	.82	Perkins	.79
Dakota	.88	Phelps	.83
Dawes	.77	Pierce	.88
Dawson	.82	Platte	.88
Deuel	.79	Polk	.88
Dixon	.87	Red Willow	.80
Dodge	.89	Richardson	.88
Douglas	.90	Rock	.82
Dundy	.79	Saline	.88
Fillmore	.87	Sarpy	.89
Franklin	.83	Saunders	.89
Frontier	.81	Scotts Bluff	.78
Furnas	.82	Seward	.89
Gage	.88	Sheridan	.78
Garden	.78	Sherman	.84
Garfield	.84	Sioux	.77
Gosper	.82	Stanton	.89
Grant	.78	Thayer	.86
Greeley	.85	Thomas	.80
Hall	.85	Thurston	.88
Hamilton	.86	Valley	.84
Harlan	.83	Washington	.89
Hayes	.79	Wayne	.88
Hitchcock	.79	Webster	.84
Holt	.84	Wheeler	.86
Hooker	.79	York	.87
Howard	.85		

NEVADA

All counties $0.90

NEW HAMPSHIRE

All counties $0.88

NEW JERSEY

All counties $0.88

NEW MEXICO

All counties $0.85

NEW YORK

Albany	$1.06	All other counties	$0.88
New York City	1.06		

NORTH CAROLINA

All counties $0.91

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.72	Foster	$0.79
Barnes	.81	Golden Valley	.70
Benson	.77	Grand Forks	.81
Billings	.72	Grant	.73
Bottineau	.74	Griggs	.80
Bowman	.71	Hettinger	.73
Burke	.72	Kidder	.77
Burleigh	.78	La Moure	.79
Cass	.82	Logan	.77
Cavalier	.77	McHenry	.75
Dickey	.80	McIntosh	.77
Divide	.71	McKenzie	.69
Dunn	.73	McLean	.75
Eddy	.78	Mercer	.74
Emmons	.75	Morton	.74
Mountrail	$0.73	Sioux	$0.74
Nelson	.79	Slope	.72
Oliver	.74	Stark	.73
Pembina	.78	Steele	.81
Pierce	.76	Stutsman	.80
Ramsey	.78	Towner	.76
Ransom	.81	Traill	.81
Renville	.73	Walsh	.79
Richland	.83	Ward	.73
Rolette	.75	Wells	.77
Sargent	.82	Williams	.71
Sheridan	.76		

OHIO

All counties $0.84

OKLAHOMA

Adair	$0.84	Le Flore	$0.81
Alfalfa	.84	Lincoln	.85
Atoka	.85	Logan	.85
Beaver	.84	Love	.86
Beckham	.85	McClain	.85
Blaine	.85	McCurtain	.81
Bryan	.84	McIntosh	.85
Caddo	.85	Major	.84
Canadian	.85	Marshall	.85
Carter	.85	Mayes	.87
Cherokee	.85	Murray	.85
Choctaw	.81	Muskogee	.85
Cimarron	.84	Noble	.84
Cleveland	.85	Nowata	.89
Coal	.85	Okfuskee	.85
Comanche	.85	Oklahoma	.85
Cotton	.85	Okmulgee	.85
Craig	.88	Osage	.85
Creek	.85	Ottawa	.88
Custer	.84	Pawnee	.84
Delaware	.87	Payne	.85
Dewey	.84	Pittsburg	.85
Ellis	.84	Pontotoc	.85
Garfield	.85	Pottawatomie	.85
Garvin	.85	Pushmataha	.81
Grady	.85	Roger Mills	.84
Grant	.84	Rogers	.87
Greer	.85	Seminole	.85
Harmon	.85	Sequoyah	.83
Harper	.83	Stephens	.85
Haskell	.81	Texas	.84
Hughes	.85	Tillman	.85
Jackson	.85	Tulsa	.86
Jefferson	.85	Wagoner	.86
Johnston	.85	Washington	.88
Kay	.84	Washita	.85
Kingfisher	.85	Woods	.83
Kiowa	.85	Woodward	.84
Latimer	.81		

OREGON

Baker	$0.93	Lake	$0.92
Benton	.97	Lane	.93
Clackamas	1.01	Lincoln	.97
Clatsop	1.04	Linn	.96
Columbia	1.04	Malheur	.86
Coos	.87	Marion	.99
Crook	.95	Morrow	.98
Curry	.87	Multnomah	1.04
Deschutes	.95	Polk	.98
Douglas	.90	Sherman	1.00
Gilliam	.98	Tillamook	1.01
Grant	.94	Umatilla	.96
Harney	.83	Union	.94
Hood River	1.01	Wallowa	.92
Jackson	.89	Wasco	1.01
Jefferson	.98	Washington	1.01
Josephine	.89	Wheeler	.97
Klamath	.93	Yamhill	.99

PENNSYLVANIA

Philadelphia	$1.06	All other counties	$0.88

RHODE ISLAND

All counties $0.88

SOUTH CAROLINA

Charleston	$1.06	All other counties	$0.91

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.75	Jackson	$0.75
Beadle	.82	Jerauld	.80
Bennett	.74	Jones	.77
Bon Homme	.83	Kingsbury	.84
Brookings	.86	Lake	.82
Brown	.80	Lawrence	.70
Brule	.79	Lincoln	.82
Buffalo	.80	Lyman	.79
Butte	.70	McCook	.80
Campbell	.74	McPherson	.77
Charles Mix	.81	Marshall	.81
Clark	.82	Meade	.71
Clay	.84	Mellette	.77
Codington	.84	Miner	.81
Corson	.71	Minnehaha	.82
Custer	.72	Moody	.85
Davison	.80	Pennington	.73
Day	.82	Perkins	.70
Deuel	.87	Potter	.80
Dewey	.74	Roberts	.84
Douglas	.80	Sanborn	.80
Edmunds	.80	Shannon	.73
Fall River	.72	Spink	.82
Faulk	.81	Stanley	.79
Grant	.85	Sully	.80
Gregory	.80	Todd	.77
Haakon	.76	Tripp	.78
Hamlin	.84	Turner	.81
Hand	.81	Union	.85
Hanson	.80	Walworth	.78
Harding	.70	Washabaugh	.75
Hughes	.79	Yankton	.83
Hutchinson	.81	Ziebach	.73
Hyde	.80		

TENNESSEE

Shelby	$0.94	All other counties	$0.88

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$0.99	Crane	$0.82
Angelina	1.01	Crockett	.81
Archer	.87	Crosby	.87
Armstrong	.87	Culberson	.77
Atascosa	.96	Dallam	.86
Austin	1.04	Dallas	.95
Bailey	.87	Dawson	.87
Bandera	.95	Deaf Smith	.87
Baylor	.87	Delta	.91
Bee	1.03	Denton	.92
Bell	.96	De Witt	1.00
Bexar	.97	Dickens	.87
Blanco	.98	Dimmit	.94
Borden	.87	Donley	.87
Bosque	.96	Eastland	.91
Bowie	.91	Ector	.86
Brazoria	1.04	Edwards	.86
Brazos	1.02	Ellis	.95
Brewster	.77	El Paso	.76
Briscoe	.87	Erath	.92
Brown	.92	Falls	.99
Burleson	1.02	Fannin	.91
Burnet	.96	Fayette	1.02
Callahan	.89	Fisher	.87
Cameron	.97	Floyd	.87
Camp	.94	Foard	.87
Carson	.87	Fort Bend	1.04
Cass	.92	Franklin	.94
Castro	.87	Freestone	.98
Chambers	1.06	Gaines	.87
Cherokee	.98	Galveston	1.06
Childress	.87	Garza	.87
Clay	.89	Gillespie	.94
Cochran	.87	Goliad	1.00
Coke	.87	Gonzales	1.01
Coleman	.90	Gray	.87
Collin	.94	Grayson	.91
Collingsworth	.87	Gregg	.95
Comal	.98	Grimes	1.01
Comanche	.92	Guadalupe	.98
Concho	.92	Hale	.87
Cooke	.91	Hall	.87
Coryell	.97	Hamilton	.94
Cottle	.87	Hansford	.83
		Hardeman	.87

TEXAS—continued

County	Rate per bushel	County	Rate per bushel
Hardin	$1.03	Ochiltree	$0.86
Harris	1.06	Oldham	.87
Harrison	.94	Orange	1.03
Hartley	.86	Palo Pinto	.91
Haskell	.87	Panola	.97
Hays	.99	Parker	.94
Hemphill	.86	Parmer	.87
Henderson	.97	Pecos	.78
Hidalgo	.97	Polk	1.02
Hill	.97	Potter	.87
Hockley	.87	Presidio	.77
Hood	.92	Rains	.95
Hopkins	.91	Randall	.87
Houston	1.01	Reagan	.81
Howard	.87	Red River	.90
Hudspeth	.77	Reeves	.76
Hunt	.92	Roberts	.86
Hutchinson	.86	Robertson	.99
Irion	.81	Rockwall	.92
Jack	.90	Runnels	.89
Jackson	1.01	Rusk	.96
Jasper	1.01	Sabine	.98
Jeff Davis	.77	San Augustine	.98
Jefferson	1.06	San Jacinto	1.04
Jim Wells	1.03	San Patricio	1.06
Johnson	.95	San Saba	.92
Jones	.87	Schleicher	.82
Karnes	.98	Scurry	.87
Kaufman	.94	Shackelford	.89
Kendall	.94	Shelby	.98
Kenedy	1.00	Sherman	.86
Kent	.87	Smith	.96
Kerr	.94	Somervell	.92
Kimble	.92	Starr	.94
King	.87	Stephens	.90
Kinney	.90	Sterling	.84
Knox	.87	Stonewall	.87
Lamar	.90	Sutton	.81
Lamb	.87	Swisher	.87
Lampasas	.96	Tarrant	.95
Leon	1.00	Taylor	.88
Liberty	1.04	Terrell	.81
Limestone	.99	Terry	.87
Lipscomb	.86	Throckmorton	.89
Live Oak	1.03	Titus	.94
Llano	.96	Tom Green	.87
Loving	.78	Travis	.99
Lubbock	.87	Trinity	1.02
Lynn	.87	Tyler	1.01
McCulloch	.92	Upshur	.94
McLennan	.98	Upton	.82
Madison	1.02	Uvalde	.93
Marion	.94	Val Verde	.87
Martin	.88	Van Zandt	.95
Mason	.92	Victoria	1.00
Maverick	.91	Walker	1.00
Medina	.95	Waller	1.04
Menard	.92	Ward	.82
Midland	.86	Washington	1.02
Milam	1.00	Wharton	1.03
Mills	.95	Wheeler	.87
Mitchell	.87	Wichita	.88
Montague	.90	Wilbarger	.87
Montgomery	1.04	Willacy	.97
Moore	.86	Williamson	.99
Morris	.94	Wilson	.97
Motley	.87	Winkler	.85
Nacogdoches	.98	Wise	.92
Navarro	.97	Wood	.94
Newton	1.00	Yoakum	.87
Nolan	.87	Young	.90
Nueces	1.06		

UTAH

All counties $0.87

VERMONT

All counties $0.88

VIRGINIA

Chesapeake (Norfolk)	$1.06
All other counties	.88

WASHINGTON

Adams	$0.95	Chelan	$0.99
Asotin	.93	Clallam	.89
Benton	.97	Clark	1.04

WASHINGTON—continued

County	Rate per bushel	County	Rate per bushel
Columbia	$0.96	Okanogan	$0.93
Cowlitz	1.04	Pacific	.97
Douglas	.95	Pend Oreille	.89
Ferry	.91	Pierce	1.04
Franklin	.96	San Juan	.93
Garfield	.96	Skagit	.96
Grant	.95	Skamania	1.01
Grays Harbor	.97	Snohomish	.99
Island	.97	Spokane	.93
Jefferson	.93	Stevens	.90
King	1.04	Thurston	1.01
Kitsap	1.01	Wahkiakum	1.01
Kittitas	.99	Walla Walla	.96
Klickitat	.99	Whatcom	.93
Lewis	1.01	Whitman	.94
Lincoln	.94	Yakima	.97
Mason	.97		

WEST VIRGINIA

All counties $0.88

WISCONSIN

Douglas	$0.95
All other counties	.90

WYOMING

All counties $0.80

(b) *Discounts.* The basic county rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

[1] Not applicable to barley of the class Western Barley.

Other factors. Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading U.S. No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: July 23, 1973.

Signed at Washington, D.C., on July 13, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-14905 Filed 7-20-73;8:45 am]

[CCC Grain Price Support Regulations, 1973 Crop Grain Sorghum Supplement]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Grain Sorghum Loan and Purchase Program

On October 7, 1972, notice of proposed rulemaking regarding loan and purchase rates for 1973 crop grain sorghum and detailed operating provisions to carry out the 1973 crop grain sorghum loan and purchase program was published in the FEDERAL REGISTER (37 FR 21332). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 FR 7363 and 7781, and any amendments thereto, and the 1970 and Subsequent Crops Grain Sorghum Loan and Purchase Program regulations, published at 35 FR 10745 and any amendments to such regulations are further supplemented for the 1973 crop of grain sorghum. The material previously appearing in these §§ 1421.235 through 1421.239 shall remain in full force and effect as to the crops to which it is applicable.

Sec.

1421.235 Availability.
1421.236 Compliance requirements.
1421.237 Warehouse charges.
1421.238 Maturity of loans.
1421.239 Loan and purchase rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 715c, 7 U.S.C. 1421, 1441.

§ 1421.235 Availability.

(a) *Loans.* A producer desiring to participate in the program through loans must request a loan on his 1973 crop of eligible grain sorghum, (1) on or before March 31, 1974, on grain sorghum stored in the following countries in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller; (2) on or before May 31, 1974, on grain sorghum stored in Oklahoma and in counties in Texas north of those named in subparagraph (1) of this paragraph; and (3) on or before June 30, 1974, on grain sorghum stored in States other than Texas and Oklahoma.

(b) *Purchases.* To sell eligible grain sorghum to CCC a producer must execute and deliver to the appropriate county

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ASCS office a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1973 crop grain sorghum he will sell to CCC, on or before the applicable maturity date specified in § 1421.238.

§ 1421.236 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the grain sorghum being tendered if the producer complies with the 1973 set-aside program appearing in regulations published in Part 775 of this title pertaining to Feed Grain Set-Aside Program for Crop Years 1971–73, and any amendments thereto, on the farm on which such grain sorghum was produced.

§ 1421.237 Warehouse charges.

Subject to the provisions of § 1421.216, the schedules of deductions set forth in this section shall apply to grain sorghum stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

(a) Schedule of deduction for storage charges for maturity date of April 30, 1974.

Date: [1]	Deduction (cents per hundredweight)
Prior to July 4, 1973	22
July 4–July 17	21
July 18–July 31	20
Aug. 1–Aug. 14	19
Aug. 15–Aug. 28	18
Aug. 29–Sept. 11	17
Sept. 12–Sept. 25	16
Sept. 26–Oct. 9	15
Oct. 10–Oct. 23	14
Oct. 24–Nov. 6	13
Nov. 7–Nov. 20	12
Nov. 21–Dec. 4	11
Dec. 5–Dec. 18	10
Dec. 19, 1973–Jan. 1, 1974	9
Jan. 2–Jan. 15	8
Jan. 16–Jan. 29	7
Jan. 30–Feb. 12	6
Feb. 13–Feb. 26	5
Feb. 27–Mar. 12	4
Mar. 13–Mar. 26	3
Mar. 27–Apr. 9	2
Apr. 10–Apr. 30	1

[1] Dates storage charges start, all dates inclusive.

(b) Schedule of deductions for storage charges for maturity dates of June 30, 1974, and July 31, 1974.

Deduction—continued

Maturity date of June 30, 1974	(cents per hundredweight)	Maturity date of July 31, 1974
(1)	28	Prior to July 12, 1974.
Prior to June 25, 1973	27	July 12–July 25.
June 25–July 8	26	July 26–Aug. 8.
July 9–July 22	25	Aug. 9–Aug. 22.
July 23–Aug. 5	24	Aug. 23–Sept. 5.
Aug. 6–Aug. 19	23	Sept. 6–Sept. 19.
Aug. 20–Sept. 2	22	Sept. 20–Oct. 3.
Sept. 3–Sept. 16	21	Oct. 4–Oct. 17.
Sept. 17–Sept. 30	20	Oct. 18–Oct. 31.
Oct. 1–Oct. 14	19	Nov. 1–Nov. 14.
Oct. 15–Oct. 28	18	Nov. 15–Nov. 28.
Oct. 29–Nov. 11	17	Nov. 29–Dec. 12.
Nov. 12–Nov. 25	16	Dec. 13–Dec. 26.
Nov. 26–Dec. 9	15	Dec. 27, 1973–Jan. 9, 1974.
Dec. 10–Dec. 23	14	Jan. 10–Jan. 23.
Dec. 24, 1973–Jan. 6, 1974.	13	Jan. 24–Feb. 6.
Jan. 7–Jan. 20	12	Feb. 7–Feb. 20.
Jan. 21–Feb. 3	11	Feb. 21–Mar. 6.
Feb. 4–Feb. 17	10	Mar. 7–Mar. 20.
Feb. 18–Mar. 3	9	Mar. 21–Apr. 3.
Mar. 4–Mar. 17	8	Apr. 4–Apr. 17.
Mar. 18–Mar. 31	7	Apr. 18–May 1.
Apr. 1–Apr. 14	6	May 2–May 15.
Apr. 15–Apr. 28	5	May 16–May 29.
Apr. 29–May 12	4	May 30–June 12.
May 13–May 26	3	June 13–June 26.
May 27–June 9	2	June 27–July 10.
June 10–June 30, 1974.	1	July 11–July 31, 1974.

[1] Dates storage charges start, all dates inclusive.

§ 1421.238 Maturity of loans.

Loans mature on demand but not later than: (a) April 30, 1974, on grain sorghum stored in the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller; (b) June 30, 1974, on grain sorghum stored in Oklahoma and in counties in Texas north of those named in paragraph (a) of this section; (c) July 31, 1974, on grain sorghum stored in States other than Oklahoma and Texas.

§ 1421.239 Loan and purchase rates and discounts.

(a) *Basic rates (counties).* Basic county rates for loan and settlement purposes are established for grain sorghum grading U.S. No. 2 or better and are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.80

ARIZONA

County	Rate per bushel	County	Rate per bushel
All counties	$1.80	Mohave	$1.90
Apache	1.75	Navajo	1.75
Cochise	1.96	Pima	2.03
Coconino	1.75	Pinal	2.10
Gila	1.75	Santa Cruz	2.00
Graham	1.85	Yavapai	1.75
Greenlee	1.75	Yuma	2.16
Maricopa	2.10		

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.87	Drew	$1.85
Ashley	1.85	Faulkner	1.83
Baxter	1.80	Franklin	1.78
Benton	1.75	Fulton	1.82
Boone	1.77	Garland	1.80
Bradley	1.83	Grant	1.83
Calhoun	1.83	Greene	1.89
Carroll	1.75	Hempstead	1.83
Chicot	1.85	Hot Spring	1.81
Clark	1.91	Howard	1.81
Clay	1.87	Independence	1.88
Cleburne	1.83	Izard	1.83
Cleveland	1.83	Jackson	1.88
Columbia	1.85	Jefferson	1.85
Conway	1.81	Johnson	1.79
Craighead	1.90	Lafayette	1.85
Crawford	1.78	Lawrence	1.86
Crittenden	1.91	Lee	1.90
Cross	1.90	Lincoln	1.85
Dallas	1.81	Little River	1.83
Desha	1.86	Logan	1.80
Lonoke	1.86	Madison	1.76
Marion	1.78	Miller	1.85
Mississippi	1.91	Monroe	1.88
Montgomery	1.80	Nevada	1.83
Newton	1.78	Ouachita	1.83
Perry	1.81	Phillips	1.89
Pike	1.81	Poinsett	1.90
Polk	1.80	Pope	1.80
Prairie	1.86	Pulaski	1.83
Randolph	1.83	St. Francis	1.90
Saline	1.81	Scott	1.80
Searcy	1.80	Sebastian	1.79
Sevier	1.81	Sharp	1.84
Stone	1.83	Union	1.85
Van Buren	1.82	Washington	1.76
White	1.86	Woodruff	1.88
Yell	1.80		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$2.23	Sacramento	$2.23
Amador	2.23	San Benito	2.17
Butte	2.13	San Bernardino	2.20
Calaveras	2.23	San Diego	2.23
Colusa	2.16	San Francisco	2.23
Contra Costa	2.23	San Joaquin	2.23
El Dorado	2.23	San Luis Obispo	2.08
Fresno	2.15	San Mateo	2.23
Glenn	2.14	Santa Barbara	2.13
Humboldt	1.93	Santa Clara	2.23
Imperial	2.20	Santa Cruz	2.17
Inyo	2.02	Shasta	1.98
Kern	2.20	Sierra	2.07
Kings	2.15	Siskiyou	1.94
Lake	2.08	Solano	2.23
Lassen	1.97	Sonoma	2.16
Los Angeles	2.23	Stanislaus	2.23
Madera	2.19	Sutter	2.23
Marin	2.20	Tehama	2.04
Mariposa	2.19	Tulare	2.13
Mendocino	2.02	Tuolumne	2.19
Merced	2.19	Ventura	2.20
Modoc	1.94	Yolo	2.23
Monterey	2.12	Yuba	2.16
Napa	2.17		
Orange	2.23		
Placer	2.17		
Plumas	2.02		
Riverside	2.20		

COLORADO

County	Rate per bushel	County	Rate per bushel
Baca	$1.69	All other counties	$1.65

DELAWARE

County	Rate per bushel
All counties	$1.85

FLORIDA

County	Rate per bushel
All counties	$1.80

GEORGIA

County	Rate per bushel
All counties	$1.85

IDAHO

County	Rate per bushel
All counties	$1.54

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Alexander	$1.85	Massac	$1.83
Bond	1.77	Monroe	1.80
Calhoun	1.73	Perry	1.80
Clay	1.77	Pope	1.82
Clinton	1.79	Pulaski	1.85
Edwards	1.77	Randolph	1.81
Franklin	1.81	Richland	1.76
Gallatin	1.79	Saint Clair	1.79
Hamilton	1.80	Saline	1.80
Hardin	1.81	Union	1.84
Jackson	1.82	Wabash	1.76
Jefferson	1.79	Washington	1.79
Jersey	1.75	Wayne	1.78
Johnson	1.83	White	1.79
Lawrence	1.75	Williamson	1.82
Madison	1.77	All other counties	1.67
Marion	1.78		

INDIANA

County	Rate per bushel
All counties	$1.70

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.64	Jefferson	$1.61
Adams	1.67	Johnson	1.55
Allamakee	1.55	Jones	1.55
Appanoose	1.65	Keokuk	1.60
Audubon	1.65	Kossuth	1.55
Benton	1.55	Lee	1.60
Black Hawk	1.55	Linn	1.55
Boone	1.60	Louisa	1.55
Bremer	1.55	Lucas	1.66
Buchanan	1.55	Lyon	1.62
Buena Vista	1.60	Madison	1.64
Butler	1.55	Mahaska	1.61
Calhoun	1.60	Marion	1.62
Carroll	1.64	Marshall	1.57
Cass	1.65	Mills	1.67
Cedar	1.55	Mitchell	1.55
Cerro Gordo	1.55	Monona	1.65
Cherokee	1.62	Monroe	1.63
Chickasaw	1.55	Montgomery	1.67
Clarke	1.66	Muscatine	1.55
Clay	1.60	O'Brien	1.62
Clayton	1.55	Osceola	1.61
Clinton	1.55	Page	1.69
Crawford	1.65	Palo Alto	1.58
Dallas	1.61	Plymouth	1.63
Davis	1.63	Pocahontas	1.59
Decatur	1.67	Polk	1.59
Delaware	1.55	Pottawattamie	1.67
Des Moines	1.58	Poweshiek	1.55
Dickinson	1.59	Ringgold	1.69
Dubuque	1.55	Sac	1.62
Emmet	1.57	Scott	1.55
Fayette	1.55	Shelby	1.66
Floyd	1.55	Sioux	1.63
Franklin	1.55	Story	1.58
Fremont	1.67	Tama	1.55
Greene	1.62	Taylor	1.70
Grundy	1.55	Union	1.67
Guthrie	1.63	Van Buren	1.62
Hamilton	1.58	Wapello	1.63
Hancock	1.55	Warren	1.63
Hardin	1.55	Washington	1.58
Harrison	1.67	Wayne	1.66
Henry	1.59	Webster	1.60
Howard	1.55	Winnebago	1.55
Humboldt	1.58	Winneshiek	1.55
Ida	1.62	Woodbury	1.63
Iowa	1.55	Worth	1.55
Jackson	1.55	Wright	1.56
Jasper	1.58		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.73	Graham	$1.63
Anderson	1.75	Grant	1.69
Atchison	1.77	Gray	1.69
Barber	1.74	Greeley	1.63
Barton	1.68	Greenwood	1.72
Bourbon	1.74	Hamilton	1.64
Brown	1.74	Harper	1.75
Butler	1.72	Harvey	1.71
Chase	1.70	Haskell	1.69
Chautauqua	1.75	Hodgeman	1.67
Cherokee	1.75	Jackson	1.74
Cheyenne	1.63	Jefferson	1.76
Clark	1.72	Jewell	1.65
Clay	1.67	Johnson	1.76
Cloud	1.67	Kearny	1.64
Coffey	1.72	Kingman	1.72
Comanche	1.73	Kiowa	1.70
Cowley	1.75	Labette	1.75
Crawford	1.73	Lane	1.65
Decatur	1.63	Leavenworth	1.77
Dickinson	1.69	Lincoln	1.67
Doniphan	1.74	Linn	1.76
Douglas	1.76	Logan	1.63
Edwards	1.68	Lyon	1.71
Elk	1.74	McPherson	1.70
Ellis	1.65	Marion	1.70
Ellsworth	1.69	Marshall	1.69
Finney	1.67	Meade	1.72
Ford	1.69	Miami	1.76
Franklin	1.76	Mitchell	1.65
Geary	1.68	Montgomery	1.75
Gove	1.63	Morris	1.70
Morton	1.73	Scott	1.64
Nemaha	1.71	Sedgwick	1.72
Neosho	1.73	Seward	1.72
Ness	1.66	Shawnee	1.73
Norton	1.63	Sheridan	1.63
Osage	1.73	Sherman	1.63
Osborne	1.65	Smith	1.64
Ottawa	1.67	Stafford	1.68
Pawnee	1.67	Stanton	1.67
Phillips	1.63	Stevens	1.72
Pottawatomie	1.71	Sumner	1.75
Pratt	1.70	Thomas	1.63
Rawlins	1.63	Trego	1.64
Reno	1.70	Wabaunsee	1.71
Republic	1.66	Wallace	1.63
Rice	1.70	Washington	1.66
Riley	1.69	Wichita	1.63
Rooks	1.64	Wilson	1.73
Rush	1.67	Woodson	1.72
Russell	1.65	Wyandotte	1.77
Saline	1.69		

KENTUCKY

County	Rate per bushel
All counties	$1.80

LOUISIANA

County	Rate per bushel
All parishes	$1.80

MICHIGAN

County	Rate per bushel
All counties	$1.65

MINNESOTA

County	Rate per bushel
All counties	$1.60

MISSISSIPPI

County	Rate per bushel
All counties	$1.80

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.67	Iron	$1.82
Andrew	1.76	Jackson	1.77
Atchison	1.71	Jasper	1.75
Audrain	1.70	Jefferson	1.81
Barry	1.75	Johnson	1.77
Barton	1.75	Knox	1.66
Bates	1.76	Laclede	1.75
Benton	1.74	Lafayette	1.77
Bollinger	1.83	Lawrence	1.75
Boone	1.72	Lewis	1.64
Buchanan	1.77	Lincoln	1.73
Butler	1.86	Linn	1.73
Caldwell	1.77	Livingston	1.75
Callaway	1.70	McDonald	1.75
Camden	1.73	Macon	1.71
Cape Girardeau	1.84	Madison	1.83
Carroll	1.77	Maries	1.74
Carter	1.82	Marion	1.66
Cass	1.77	Mercer	1.69
Cedar	1.74	Miller	1.73
Chariton	1.74	Mississippi	1.87
Christian	1.75	Moniteau	1.70
Clark	1.62	Monroe	1.69
Clay	1.77	Montgomery	1.73
Clinton	1.77	Morgan	1.72
Cole	1.70	New Madrid	1.87
Cooper	1.72	Newton	1.75
Crawford	1.77	Nodaway	1.72
Dade	1.74	Oregon	1.82
Dallas	1.73	Osage	1.73
Daviess	1.74	Ozark	1.77
De Kalb	1.76	Pemiscot	1.89
Dent	1.79	Perry	1.83
Douglas	1.77	Pettis	1.74
Dunklin	1.89	Phelps	1.75
Franklin	1.79	Pike	1.71
Gasconade	1.76	Platte	1.77
Gentry	1.73	Polk	1.74
Greene	1.74	Pulaski	1.75
Grundy	1.72	Putnam	1.69
Harrison	1.70	Ralls	1.69
Henry	1.76	Randolph	1.71
Hickory	1.73	Ray	1.77
Holt	1.74	Reynolds	1.79
Howard	1.74	Ripley	1.84
Howell	1.79	Saint Charles	1.76
		Saint Clair	1.75
		Sainte Genevieve	1.82
		Saint Francois	1.82
		Saint Louis	1.79
		Saline	1.76
		Schuyler	1.64
		Scotland	1.62
		Scott	1.85
		Shannon	1.81
		Shelby	1.69
		Stoddard	1.87
		Stone	1.76
		Sullivan	1.69
		Taney	1.76
		Texas	1.78
		Vernon	1.75
		Warren	1.76
		Washington	1.80
		Wayne	1.85
		Webster	1.73
		Worth	1.71
		Wright	1.75

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.61	Nuckolls	$1.63
Burt	1.65	Pierce	1.62
Butler	1.64	Otoe	1.67
Cass	1.67	Platte	1.62
Cedar	1.61	Pawnee	1.69
Clay	1.62	Polk	1.62
Colfax	1.65	Richardson	1.71
Cuming	1.65	Saline	1.67
Dakota	1.61	Sarpy	1.65
Dixon	1.61	Saunders	1.65
Dodge	1.65	Seward	1.65
Douglas	1.65	Stanton	1.64
Fillmore	1.64	Thayer	1.64
Gage	1.67	Thurston	1.64
Hamilton	1.61	Washington	1.65
Jefferson	1.66	Wayne	1.61
Johnson	1.68	Webster	1.62
Lancaster	1.68	York	1.62
Madison	1.62	All other counties	1.60
Merrick	1.61		
Nemaha	1.69		

NEVADA

County	Rate per bushel
All counties	$1.70

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Chaves	$1.76	Luna	$1.80
Curry	1.81	Quay	1.79
De Baca	1.75	Roosevelt	1.78
Guadalupe	1.75	Union	1.75
Harding	1.77	All other counties	1.73
Hidalgo	1.80		
Lea	1.80		

NORTH CAROLINA

County	Rate per bushel
All counties	$1.85

NORTH DAKOTA

County	Rate per bushel
All counties	$1.55

OHIO

County	Rate per bushel
All counties	$1.70

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$1.78	Harper	$1.76
Alfalfa	1.77	Haskell	1.82
Atoka	1.85	Hughes	1.83
Beaver	1.75	Jackson	1.84
Beckham	1.81	Jefferson	1.87
Blaine	1.81	Johnston	1.86
Bryan	1.87	Kay	1.77
Caddo	1.83	Kingfisher	1.81
Canadian	1.83	Kiowa	1.84
Carter	1.87	Latimer	1.83
Cherokee	1.80	Le Flore	1.83
Choctaw	1.87	Lincoln	1.83
Cimarron	1.75	Logan	1.81
Cleveland	1.85	Love	1.87
Coal	1.85	McClain	1.85
Comanche	1.86	McCurtain	1.85
Cotton	1.87	McIntosh	1.82
Craig	1.79	Major	1.79
Creek	1.82	Marshall	1.87
Custer	1.81	Mayes	1.80
Delaware	1.79	Murray	1.86
Dewey	1.79	Muskogee	1.82
Ellis	1.77	Noble	1.79
Garfield	1.79	Nowata	1.78
Garvin	1.86	Okfuskee	1.82
Grady	1.85	Oklahoma	1.83
Grant	1.77	Okmulgee	1.82
Greer	1.84	Osage	1.77
Harmon	1.84	Ottawa	1.79

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OKLAHOMA—continued

County	Rate per bushel	County	Rate per bushel
Pawnee	$1.79	Sequoyah	$1.81
Payne	1.81	Stephens	1.86
Pittsburg	1.83	Texas	1.75
Pontotoc	1.85	Tillman	1.84
Pottawatomie	1.83	Tulsa	1.82
Pushmataha	1.85	Wagoner	1.81
Roger Mills	1.80	Washington	1.78
Rogers	1.80	Washita	1.82
Seminole	1.83	Woods	1.77
		Woodward	1.77

OREGON

All counties	$1.69

PENNSYLVANIA

All counties	$1.85

SOUTH CAROLINA

All counties	$1.85

SOUTH DAKOTA

Bon Homme	$1.59	Union	$1.61
Clay	1.61	Yankton	1.61
Lincoln	1.61	All other counties	1.58
Turner	1.59		

TENNESSEE

Shelby	$1.91	All other counties	$1.80

TEXAS

Anderson	$1.95	Dallam	$1.77
Andrews	1.80	Dallas	1.90
Angelina	1.97	Dawson	1.81
Aransas	2.05	Deaf Smith	1.81
Archer	1.85	Delta	1.88
Armstrong	1.82	Denton	1.89
Atascosa	1.97	DeWitt	1.98
Austin	2.00	Dickens	1.81
Bailey	1.81	Dimmit	1.87
Bandera	1.92	Donley	1.82
Bastrop	1.92	Duval	1.99
Baylor	1.84	Eastland	1.86
Bee	2.04	Ector	1.79
Bell	1.91	Edwards	1.84
Bexar	1.93	El Paso	1.73
Blanco	1.91	Ellis	1.90
Borden	1.81	Erath	1.88
Bosque	1.90	Falls	1.92
Bowie	1.87	Fannin	1.88
Brazoria	2.04	Fayette	1.95
Brazos	1.95	Fisher	1.84
Brewster	1.73	Floyd	1.81
Briscoe	1.81	Foard	1.84
Brooks	1.99	Fort Bend	2.04
Brown	1.87	Franklin	1.88
Burleson	1.95	Freestone	1.91
Burnet	1.90	Frio	1.92
Caldwell	1.92	Gaines	1.81
Calhoun	2.02	Galveston	2.08
Callahan	1.85	Garza	1.81
Cameron	2.08	Gillespie	1.91
Camp	1.90	Glasscock	1.80
Carson	1.82	Goliad	2.03
Cass	1.88	Gonzales	1.94
Castro	1.81	Gray	1.82
Chambers	2.04	Grayson	1.88
Cherokee	1.93	Gregg	1.90
Childress	1.84	Grimes	2.00
Clay	1.87	Guadalupe	1.93
Cochran	1.81	Hale	1.81
Coke	1.84	Hall	1.83
Coleman	1.85	Hamilton	1.88
Collin	1.88	Hansford	1.77
Collingsworth	1.84	Hardeman	1.84
Colorado	1.97	Hardin	2.04
Comal	1.93	Harris	2.08
Comanche	1.87	Harrison	1.90
Concho	1.87	Hartley	1.77
Cooke	1.88	Haskell	1.84
Coryell	1.90	Hays	1.91
Cottle	1.83	Hemphill	1.80
Crane	1.80	Henderson	1.91
Crockett	1.78	Hidalgo	2.06
Crosby	1.81	Hill	1.90
Culberson	1.73	Hockley	1.81
Hood	$1.88	Parker	$1.89
Hopkins	1.90	Parmer	1.81
Houston	1.97	Pecos	1.78
Howard	1.80	Polk	2.00
Hudspeth	1.73	Potter	1.81
Hunt	1.88	Presidio	1.73
Hutchinson	1.78	Rains	1.90
Irion	1.80	Randall	1.81
Jack	1.88	Reagan	1.80
Jackson	1.98	Real	1.90
Jasper	2.00	Red River	1.87
Jeff Davis	1.73	Reeves	1.73
Jefferson	2.08	Refugio	2.05
Jim Hogg	1.99	Roberts	1.78
Jim Wells	2.05	Robertson	1.93
Johnson	1.90	Rockwall	1.89
Jones	1.84	Runnels	1.84
Karnes	1.99	Rusk	1.91
Kaufman	1.90	Sabine	1.97
Kendall	1.92	San Augustine	1.97
Kenedy	2.03	San Jacinto	2.00
Kent	1.83	San Patricio	2.08
Kerr	1.92	San Saba	1.88
Kimble	1.87	Schleicher	1.80
King	1.83	Scurry	1.83
Kinney	1.84	Shackelford	1.86
Kleberg	2.05	Shelby	1.93
Knox	1.84	Sherman	1.77
Lamar	1.87	Smith	1.91
Lamb	1.81	Somervell	1.89
Lampasas	1.90	Starr	2.01
La Salle	1.92	Stephens	1.87
Lavaca	1.95	Sterling	1.82
Lee	1.94	Stonewall	1.84
Leon	1.93	Sutton	1.83
Liberty	2.04	Swisher	1.81
Limestone	1.92	Tarrant	1.89
Lipscomb	1.77	Taylor	1.84
Live Oak	2.01	Terrell	1.73
Llano	1.88	Terry	1.81
Loving	1.76	Throckmorton	1.86
Lubbock	1.81	Titus	1.88
Lynn	1.81	Tom Green	1.84
McCulloch	1.87	Travis	1.91
McLennan	1.91	Trinity	1.97
McMullen	1.97	Tyler	2.00
Madison	1.95	Upshur	1.90
Marion	1.90	Upton	1.80
Martin	1.80	Uvalde	1.90
Mason	1.87	Val Verde	1.79
Matagorda	2.00	Van Zandt	1.90
Maverick	1.83	Victoria	2.00
Medina	1.92	Walker	2.00
Menard	1.87	Waller	2.04
Midland	1.79	Ward	1.79
Milam	1.93	Washington	2.00
Mills	1.90	Webb	1.94
Mitchell	1.82	Wharton	2.00
Montague	1.88	Wheeler	1.82
Montgomery	2.04	Wichita	1.85
Moore	1.78	Wilbarger	1.85
Morris	1.88	Willacy	2.07
Motley	1.83	Williamson	1.91
Nacogdoches	1.93	Wilson	1.94
Navarro	1.90	Winkler	1.79
Newton	2.00	Wise	1.89
Nolan	1.83	Wood	1.90
Nueces	2.08	Yoakum	1.81
Ochiltree	1.77	Young	1.87
Oldham	1.81	Zapata	1.96
Orange	2.04	Zavala	1.88
Palo Pinto	1.88		
Panola	1.91		

UTAH

All counties	$1.67

VIRGINIA

All counties	$1.85

WASHINGTON

All counties	$1.69

WISCONSIN

All counties	$1.60

WYOMING

All counties	$1.59

(b) *Discounts.* The basic loan and purchase rate shall be adjusted by discounts as follows.

	Cents per cwt.
(1) Class: Mixed grain sorghum	3
(2) Grade:	
U.S. No. 3 (not over 14 percent moisture)	3
U.S. No. 4 (not over 14 percent moisture)	5
Smutty	5
(3) Weed control law (where required by § 1421.25)	15

(4) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the grain sorghum, such as (but not limited to) moisture, heat damage, test weight, weevily, musty, sour, stones, weathered, discolored. Such discounts will be established not later than the time delivery of grain sorghum to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date: July 23, 1973.

Signed at Washington, D.C., on July 13, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-14906 Filed 7-20-73;8:45 am]

[CCC Grain Price Support Regs., 1973-Crop Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1973-Crop Rice Loan and Purchase Program

The regulations issued by Commodity Credit Corporation, and published in 38 FR 14088 which set forth requirements with respect to the 1973-crop rice loan and purchase program are hereby amended to read as follows:

Paragraph (a) of § 1421.328 is corrected to substitute the words whole kernels for head rice. The amended paragraph (a) reads as follows:

§ 1421.328 Loan and purchase rates.

* * * * *

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of whole kernels by the applicable value factor for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the whole kernels yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR WHOLE KERNELS AND BROKEN RICE[1]

Rough rice class	Whole kernels	Broken rice
	Cents per pound	
Long grains	9.62	4.65
Medium grains	8.87	4.65
Short grains	8.87	4.65

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after August 1, 1973.

* * * * *

Effective date. This amendment to the regulations shall be effective on July 23, 1973.

Signed at Washington, D.C., on July 13, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-14904 Filed 7-20-73;8:45 am]

[CCC Grain Price Support Regulations, 1973 Crop Rye Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Rye Loan and Purchase Program

On October 7, 1972, notice of proposed rulemaking regarding loan and purchase rates for 1973-crop rye and detailed operating provisions to carry out the 1973 rye loan program was published in the FEDERAL REGISTER (37 FR 21332). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 FR 7363 and 7781) and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations (35 FR 10355), and any amendments to such regulations, are further supplemented for the 1973 crop of rye. The material previously appearing in these §§ 1421.350 through 1421.354 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.350 Purpose.
1421.351 Availability.
1421.352 Maturity of loans.
1421.353 Warehouse charges.
1421.354 Loan and purchase rates.

AUTHORITY: The provisions of the subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases with respect to the 1973 crop of rye.

§ 1421.351 Availability.

A producer desiring a 1973 crop rye loan must request such loan on his eligible rye on or before March 31, 1974. To sell eligible rye to CCC, a producer must execute and deliver to the appropriate county ASCS office, on or before April 30, 1974, a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1973 crop rye he will sell to CCC.

§ 1421.352 Maturity of loans.

Unless demand is made earlier, all loans on rye will mature on April 30, 1974.

§ 1421.353 Warehouse charges.

Subject to the provisions of § 1421.342, the schedule of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES

Maturity Date April 30, 1974	(Deduction cents per bushel)
Prior to May 28, 1973	14
May 28–June 21	13
June 22–July 16	12
July 17–Aug. 10	11
Aug. 11–Sept. 4	10
Sept. 5–Sept. 29	9
Sept. 30–Oct. 24	8
Oct. 25–Nov. 18	7
Nov. 19–Dec. 13	6
Dec. 14, 1973–Jan. 7, 1974	5
Jan. 8–Feb. 1	4
Feb. 2–Feb. 26	3
Feb. 27–March 23	2
March 24–April 30, 1974	1

[1] Date storage charges start, all dates inclusive.

§ 1421.354 Loan and purchase rates.

(a) Basic loan and purchase rates (counties). Basic rates per bushel for loan and settlement purposes for rye are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.03

ARIZONA

All counties	$0.93

ARKANSAS

All counties	$0.91

CALIFORNIA

Alameda	$1.10	San Francisco	$1.10
Los Angeles	1.10	San Joaquin	1.10
Sacramento	1.10	All other counties	.97
San Diego	1.10		

COLORADO

All counties	$0.80

CONNECTICUT

All counties	$1.02

DELAWARE

All counties	$1.02

FLORIDA

County	Rate per bushel
All counties	$1.08

GEORGIA

All counties	$1.08

IDAHO

All counties	$0.93

ILLINOIS

Cook	$1.03	All other counties	$0.97
St. Clair	1.03		

INDIANA

All counties	$0.93

IOWA

Pottawattamie	$0.95	All other counties	$0.92
Woodbury	.95		

KANSAS

Wyandotte	$0.95
All other counties	.84

KENTUCKY

All counties	$1.02

LOUISIANA

Parishes		Parishes	
East Baton Rouge	$1.12	West Baton Rouge	$1.12
Jefferson	1.12	All other counties	.93
Orleans	1.12		
St. Charles	1.12		

MAINE

All counties	$1.02

MARYLAND

Baltimore City	$1.18
All other counties	$1.02

MASSACHUSETTS

All counties	$1.02

MICHIGAN

All counties	$0.89

MINNESOTA

Aitkin	$0.96	Le Sueur	$0.96
Anoka	.96	Lincoln	.91
Becker	.90	Lyon	.93
Beltrami	.92	McLeod	.96
Benton	.96	Mahnomen	.89
Big Stone	.92	Marshall	.86
Blue Earth	.96	Martin	.94
Brown	.96	Meeker	.96
Carlton	.96	Mille Lacs	.96
Carver	.96	Morrison	.95
Cass	.95	Mower	.96
Chippewa	.95	Murray	.92
Chisago	.96	Nicollet	.96
Clay	.89	Nobles	.91
Clearwater	.91	Norman	.88
Cottonwood	.94	Olmsted	.96
Crow Wing	.96	Otter Tail	.92
Dakota	.96	Pennington	.88
Dodge	.96	Pine	.96
Douglas	.94	Pipestone	.91
Faribault	.95	Polk	.95
Fillmore	.93	Pope	.95
Freeborn	.96	Ramsey	.96
Goodhue	.96	Red Lake	.88
Grant	.93	Redwood	.95
Hennepin	.96	Renville	.96
Houston	.92	Rice	.96
Hubbard	.92	Rock	.88
Isanti	.96	Roseau	.84
Itasca	.96	Saint Louis	.97
Jackson	.94	Scott	.96
Kanabec	.96	Sherburne	.96
Kandiyohi	.96	Sibley	.96
Kittson	.83	Stearns	.96
Koochiching	.92	Steele	.96
Lac Qui Parle	.93	Stevens	.93
Lake of the Woods	.88	Swift	.95
		Todd	.95

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MINNESOTA—continued

County	Rate per bushel	County	Rate per bushel
Traverse	$0.91	Wilkin	$0.91
Wabasha	.96	Winona	.96
Wadena	.93	Wright	.96
Waseca	.96	Yellow Medicine	.94
Washington	.96		
Watonwan	.95		

MISSISSIPPI

All counties	$1.02

MISSOURI

St. Louis	$1.03
All other counties	.95

MONTANA

All counties	$0.75

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.91	Jefferson	$0.94
Antelope	.93	Johnson	.95
Arthur	.83	Kearney	.90
Banner	.78	Keith	.83
Blaine	.88	Keyapaha	.88
Boone	.93	Kimball	.79
Box Butte	.80	Knox	.93
Boyd	.91	Lancaster	.95
Brown	.88	Lincoln	.85
Buffalo	.90	Logan	.86
Burt	.95	Loup	.89
Butler	.95	McPherson	.85
Cass	.95	Madison	.94
Cedar	.93	Merrick	.93
Chase	.82	Morrill	.79
Cherry	.85	Nance	.93
Cheyenne	.79	Nemaha	.95
Clay	.92	Nuckolls	.91
Colfax	.95	Otoe	.95
Cuming	.95	Pawnee	.95
Custer	.88	Perkins	.82
Dakota	.94	Phelps	.89
Dawes	.79	Pierce	.94
Dawson	.88	Platte	.94
Deuel	.82	Polk	.94
Dixon	.93	Red Willow	.86
Dodge	.95	Richardson	.95
Douglas	.95	Rock	.88
Dundy	.82	Saline	.94
Fillmore	.93	Sarpy	.95
Franklin	.89	Saunders	.95
Frontier	.86	Scotts Bluff	.78
Furnas	.88	Seward	.95
Gage	.95	Sheridan	.82
Garden	.82	Sherman	.90
Garfield	.90	Sioux	.78
Gosper	.88	Stanton	.95
Grant	.83	Thayer	.93
Greeley	.92	Thomas	.86
Hall	.91	Thurston	.94
Hamilton	.93	Valley	.90
Harlan	.89	Washington	.95
Hayes	.84	Wayne	.94
Hitchcock	.84	Webster	.90
Holt	.91	Wheeler	.92
Hooker	.85	York	.94
Howard	.92		

OHIO

All counties	$0.93

OKLAHOMA

All counties	$0.88

OREGON

Clatsop	$1.11
Multnomah	1.11
All other counties	1.02

PENNSYLVANIA

Philadelphia	$1.18
All other counties	1.02

RHODE ISLAND

All counties	$1.02

SOUTH CAROLINA

Charleston	$1.18
All other counties	1.08

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.84	Edmunds	$0.84
Beadle	.86	Fall River	.75
Bennett	.80	Faulk	.85
Bon Homme	.87	Grant	.91
Brookings	.90	Gregory	.85
Brown	.86	Haakon	.80
Brule	.84	Hamlin	.89
Buffalo	.84	Hand	.85
Butte	.73	Hanson	.84
Campbell	.81	Harding	.73
Charles Mix	.85	Hughes	.84
Clark	.88	Hutchinson	.86
Clay	.88	Hyde	.84
Codington	.89	Jackson	.80
Corson	.77	Jerauld	.84
Custer	.75	Jones	.83
Davison	.84	Kingsbury	.88
Day	.88	Lake	.87
Deuel	.91	Lawrence	.73
Dewey	.77	Lincoln	.87
Douglas	.85	Lyman	.84

NEVADA

All counties	$0.83

NEW HAMPSHIRE

All counties	$1.02

NEW JERSEY

All counties	$1.02

NEW MEXICO

All counties	$0.82

NEW YORK

Albany	$1.18
New York City	1.18
All other counties	1.03

NORTH CAROLINA

All counties	$1.08

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.75	Rolette	$0.74
Barnes	.84	Sargent	.88
Benson	.77	Sheridan	.76
Billings	.73	Sioux	.77
Bottineau	.72	Slope	.75
Bowman	.74	Stark	.75
Burke	.71	Steele	.84
Burleigh	.78	Stutsman	.82
Cass	.87	Towner	.75
Cavalier	.78	Traill	.85
Dickey	.85	Walsh	.83
Divide	.69	Ward	.72
Dunn	.74	Wells	.79
Eddy	.80	Williams	.69
Emmons	.79	McCook	.85
Foster	.81	McPherson	.83
Golden Valley	.72	Marshall	.88
Grand Forks	.85	Meade	.74
Grant	.76	Mellette	.83
Griggs	.83	Miner	.85
Hettinger	.75	Minnehaha	.87
Kidder	.79	Moody	.89
La Moure	.84	Pennington	.76
Logan	.81	Perkins	.75
McHenry	.74	Potter	.84
McIntosh	.82	Roberts	.90
McKenzie	.70	Sanborn	.84
McLean	.74	Shannon	.78
Mercer	.75	Spink	.87
Morton	.77	Stanley	.83
Mountrail	.71	Sully	.84
Nelson	.82	Todd	.83
Oliver	.75	Tripp	.84
Pembina	.83	Turner	.86
Pierce	.75	Union	.89
Ramsey	.79	Walworth	.83
Ransom	.87	Washabaugh	.80
Renville	.71	Yankton	.87
Richland	.90	Ziebach	.76

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Shelby	$1.05	All other counties	$1.03

TEXAS

Galveston	$1.12	San Patricio	$1.12
Harris	1.12	All other counties	.93
Jefferson	1.12		
Nueces	1.12		

UTAH

All counties	$0.78

VERMONT

All counties	$1.02

VIRGINIA

Chesapeake (Norfolk)	$1.18	All other counties	$1.02

WASHINGTON

Clark	$1.11	Pierce	$1.11
Cowlitz	1.11	All other counties	1.02
King	1.11		

WEST VIRGINIA

All counties	$1.02

WISCONSIN

Milwaukee	$1.03	All other counties	.97

WYOMING

All counties	$0.81

(b) *Discounts.* (1) The basic rates shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans).

	Discount (cents per bushel)
Ergot content (percent):	
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7

Rye grading U.S. No. 4 on the factor of test weight only:

	Discount (cents per bushel)
Test weight (pounds):	
51.0–51.9	5
50.0–50.9	10
49.0–49.9	15

Rye grading U.S. No. 3 on account of being "thin."

(2) The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

Weed control discount (where required by § 1421.25)	10

(3) Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye such as (but not limited to) moisture weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established approximately 1 month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: July 23, 1973.

Signed at Washington, D.C., July 13, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-14908 Filed 7-20-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Relief of Restrictions on Importation of Animals and Birds

The amendment provides for the Deputy Administrator, Veterinary Services, upon specific request to permit animals or birds to be brought into or through the United States under conditions prescribed by him when he determines that such action will not endanger the livestock or poultry of the United States.

Pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended, sections 2, 3, 4, and 11 of the Act of July 2, 1962, and section 306 of the Act of June 17, 1930, as amended, (19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 92.2, paragraph (d) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(d) Except for animals prohibited entry by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the provisions in this Part 92 relating to animals and birds shall not apply to healthy animals (other than poultry) in transit through the United States if they are not known to be infected with or exposed, within the 60 days preceding the date of export from the country of origin, to communicable diseases of such animals, or to healthy poultry or birds not known to be infected with or exposed, within the 90 days preceding the date of export from the country of origin, to communicable diseases of poultry, if an import permit* has been obtained under § 92.4 of this Chapter and all conditions therein are observed; and if such animals or birds are handled as follows:

(1) (i) they are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) they are unloaded, in the course of such transit, into an animal or bird holding facility which is provided by the carrier or its agent and has been approved* in advance by the Deputy Administrator in accordance with paragraph (d) (3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the animals or birds through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the animals or birds on board such means of conveyance or in such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

(2) the carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the animals or birds will be retained aboard such means of conveyance or in an approved holding facility during transshipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of animals and bird carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of animals and birds in the facility.

(v) They must comply with additional requirements as may be imposed by the Deputy Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in Chapter I of this Title, as applicable.

(Secs. 6, 7, 8, and 10, 26 Stat. 416, 417, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132, sec. 306, 46 Stat. 689, as amended; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective on July 23, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and spread of livestock or poultry disease and must be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15010 Filed 7-20-73;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

DESIGNATION OF A STATE UNDER FEDERAL MEAT AND POULTRY PRODUCTS INSPECTION ACTS FOR SPECIAL PURPOSES; AND CLARIFICATION OF DESIGNATION OF KENTUCKY

Statement of considerations. The Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), extends the provisions of titles I and IV of the Act to intrastate activities with respect to cattle, sheep, swine, goats, and equines and their carcasses and parts and products

*Such permit may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland 20782. Requests for approval of such facilities should also be made to the Deputy Administrator.

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thereof, in any State (including any organized territory), when designation of the State under section 301(c) of the Act becomes effective upon the basis of the determination of the Secretary of Agriculture that the State has not developed and activated, with respect to such intrastate activities, requirements at least equal to those imposed under titles I and IV of the Federal Act with respect to activities in or for "commerce" as defined in the Act. Section 5(c) of the Poultry Products Inspection Act (21 U.S.C. 454(c)) makes similar provision for the application of sections 1–4, 6–10, and 12–22 of that Act to intrastate activities with respect to poultry and poultry products.

Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) authorize record and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter; with respect to operators engaged in specified classes of business in or for "Commerce" as defined in the Act. Similar authorities are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to firms, persons, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized territory when he determines, after consultation with an appropriate advisory committee, that the State or territory does not have at least equal authority under its law or is not exercising such authority in a manner to effectuate the purposes of the Act.

The State of North Dakota has been designated for the application to intrastate activities, of titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act. The Secretary, after consultation with an appropriate advisory committee, has now determined that this State does not have or is not exercising, in a manner to effectuate the purposes of the Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act. Therefore, this State is hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and section 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

In addition, this document amends the designation of Kentucky published in the FEDERAL REGISTER on April 18, 1973 (38 FR 9584, FR Doc. 73-7228). The effective date of that designation was April 18, 1973; however, that notice of designation did not explicitly make said date a part of § 331.6 of the meat inspection regulations and § 381.224 of the poultry products inspection regulations. This is done in this document.

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended to read as follows:

1. In the "State" column, "North Dakota" is added immediately below "Kentucky" in all three places.

2. In the "Effective Date of Designation" column, "April 18, 1973" is added on the line with "Kentucky" in all three places; and July 23, 1973, is added on the line with "North Dakota" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 645; 37 FR 28464, 28477).

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended to read as follows:

1. In the "State" column, "North Dakota" is added immediately below "Kentucky" in both places.

2. In the "Effective date" column, "April 18, 1973" is added on the line with "Kentucky" in both places; and July 23, 1973, is added on the line with "North Dakota" in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477).

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the acts by facilitating their enforcement. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective July 23, 1973.

Done at Washington, D.C., on July 11, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14903 Filed 7-20-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

On May 31, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 14294) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter Victor Airway 72 between Mansfield, Ohio, and Akron, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows: In V–72 "INT Cleveland, Ohio, 138° and Tiverton, Ohio 017° radials: Akron, Ohio;" is deleted and "INT Mansfield 098° and Akron, Ohio, 233° radials; Akron;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15001 Filed 7-20-73;8:45 am]

[Airspace Docket No. 73-GL-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

On May 31, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 14294) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. V–218 from Minneapolis, Minn., direct to Grand Rapids, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307) is amended as follows: In V–218 "From Minneapolis, MN.; Waukon, IA., Rockford, IL.;" is deleted and "From Grand Rapids, Minn., via Minneapolis, Minn.; Waukon, Iowa.; Rockford, Ill.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 16, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15002 Filed 7-20-73;8:45 am]

[Airspace Docket No. 73-EA-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Gaithersburg, Md., transition area (38 FR 490, 6169).

The transition area as presently designated includes an extension to the north for an NDB–A instrument approach procedure. The NDB–A Procedure was cancelled recently and replaced with an NDB–14 procedure. As a result of the cancellation of the NDB–A procedure, deletion of the north transition area extension from the description of the Gaithersburg transition area is permitted.

Since the foregoing amendment is less restrictive, notice and public procedure hereon are unnecessary.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. September 13, 1973, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation regulations so as to delete the description of the Gaithersburg, Md. 700-foot floor transition area and by substituting the following in lieu thereof:

GAITHERSBURG, MD.

That airspace extending upward from 700-feet above the surface within an 8.5-mile radius of the center (39°09'54'' N., 77°10'00'' W.) of Montgomery County Airport, Gaithersburg, Md.; within 3 miles each side of the 292° bearing from Gaithersburg, Md. RBN (39°10'06'' N., 77°09'42'' W.), extending from the 8.5-mile radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on July 11, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-1500 Filed 7-20-73;8:45 am]

[Airspace Docket No. 73-SW-41]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation for restricted areas R–5107C White Sands Proving Grounds, N. Mex., and for R–5109A and R–5109B White Sands, N. Mex.

On May 15, 1973, an amendment to Part 73 of the Federal Aviation Regulations, effective July 19, 1973, was published in the FEDERAL REGISTER (38 FR 12735) which will change the titles for R–5107C, R–5109A, and R–5109B from those listed in the preceding paragraph to "White Sands Missile Range, N. Mex." Accordingly, the amended title will be used throughout the remainder of this docket.

The United States Air Force has advised that the time of designation for R–5107C, R–5109A, and R–5109B can be reduced without detriment to using agency activities.

Since this amendment restores airspace to the public and reduces a restriction upon the public, it is a minor amendment upon which the public would have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 Gmt, September 13, 1973, as hereinafter set forth.

In § 73.51 (38 FR 658, 12735):

1. The time of designation for Restricted Area R–5107C White Sands Missile Range, N. Mex., is amended to read as follows:

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

2. The time of designation for Restricted Area R–5109A White Sands Missile Range, N. Mex., is amended to read as follows:

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

3. The time of designation for Restricted Area R–5109B White Sands Missile Range, N. Mex., is amended to read as follows:

Time of designation. Continuous Monday through Friday. Other times as activated by NOTAM issued at least 12 hours in advance.

Issued in Washington, D.C., on July 16, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15003 Filed 7-20-73;8:45 am]

[Docket No. 13037]

PART 167—ANNETTE ISLAND, ALASKA, AIRPORT

Deletion of Part

The purpose of this amendment to the Federal Aviation Regulations is to delete Part 167, "Annette Island, Alaska, Airport."

Part 167 prescribed aircraft landing and parking charges, motor vehicle and aircraft safety regulations, and regulations relating to individual conduct, creation of fire hazards, and the obligations of tenants for that area of Annette Island, Alaska, described as follows:

Commencing at U.S.C. & G.S. Triangulation Station "Yellow", latitude N. 56°06'-09.129'', longitude W. 131°34'25.982'', proceed south 7°31' west 13,189.30 feet to the true point of beginning; thence east 3,000 feet; thence south 1,000 feet; thence east 1,695.41 feet to a point on the mean high tide line; thence south 49°35' east 6,337.71 feet to a point on the mean high tide line; thence south 42°19' west 7,864.11 feet; thence south 28°41' east 4,395 feet to a point on the mean high tide line; thence along the meander of the mean high tide line a distance of approximately 8,000 feet; thence north 28°41' west 4,000 feet; thence south 44°56' west 1,610 feet; thence north 43°57' west 1,750 feet; thence north 44°56' east 1,570 feet; thence north 28°41' west 8,602.70 feet; thence north 33°55' east 3,235 feet; thence north 55°28' east 2,047.80 feet to the true point of beginning of this description, containing 2,681 acres, more or less.

Due to the opening of Ketchikan Airport on June 30, 1973, which is located approximately 18 miles from the Annette Island Airport, it is expected that all landings of large air carrier aircraft and a considerable number of other landings presently being made at Annette Island Airport will be made at Ketchikan Airport. Because of that expected reduced traffic level at Annette Island Airport, the provisions of Part 167 will no longer be necessary. Therefore, Part 167 will cease to be effective at midnight on July 31, 1973, Pacific Daylight Time. However, the airport will continue to be available for use by aircraft after that date in an unlighted and unattended condition. Activities on or about the facilities at the Annette Island Airport operated by the U.S. Coast Guard will be conducted as prescribed by the Commanding Officer, U.S. Coast Guard Air Station, Annette Island, Alaska.

Since this amendment merely deletes obsolete regulatory material, compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is not required.

(Sec. 10, International Aviation Facilities Act, 49 U.S.C. 1159; sec. 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c); § 1.47, regulations of the Office of the Secretary of Transportation, 49 CFR 1.47)

In consideration of the foregoing, Part 167 of Chapter I of Title 14 of the Code of Federal Regulations is deleted effective midnight on July 31, 1973, Pacific Daylight Time.

Issued in Washington, D.C., on July 16, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-15004 Filed 7-20-73;8:45 am]

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CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-806]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Charter Flight Limitations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 17, 1973.

In notice of proposed rulemaking EDR-240/SPDR-31,[1] the Board proposed amendments to Parts 207 and 212 of its Economic Regulations (14 CFR Parts 207, 212) to authorize certificated route air carriers, and, subject to conditions, foreign route air carriers, to perform inclusive tour charter flights, and related amendments to Part 378 of the Special Regulations (14 CFR Part 378), which embodies the rules governing the operation of Inclusive Tour Charters (ITC).

Until now, only U.S. supplemental air carriers and certain foreign charter air carriers[2] have been authorized to perform the chartered air transportation involved in inclusive tours—ie., to charter all or part of an aircraft to the tour operator and foreign tour operators authorized by Part 378 to act as indirect air carriers in the sale of ITC's. Early last fall, TWA filed a petition for rule making seeking an amendment of Parts 207 and 378 so as to extend to certificated route air carriers the authority to perform inclusive tour charter flights. A parallel petition was also filed by KLM Royal Dutch Airlines, requesting that such authority be granted also to foreign route air carriers. Upon consideration of these petitions, and various answers filed thereto, we tentatively determined that it would be in the public interest to extend ITC authority to route carriers and by issuance of EDR-240/SPDR-31 (the Notice), instituted this rule making proceeding to grant the relief requested by TWA and, subject to conditions, by KLM.

Pursuant to the Notice, 19 comments were filed: A joint comment by a number of trunkline carriers (trunkline carriers);[3] a joint comment by 53 U.S. independent tour operators (ITO); a joint comment by Aloha Airlines, Inc. and Hawaiian Airlines, Inc. (Hawaiian carriers); and 14 individual comments, consisting of four by foreign route air carriers,[4] four by tour operators,[5] and one each by Alaska Airlines, Inc. (Alaska), Capitol International Airways, Inc. (Capitol), Southern Airways Inc. (Southern), Modern Air Transport, Inc. (Modern), the Las Vegas Parties, The United States Tour Operators Association (USTOA); one by the American Society of Travel Agents, Inc. (ASTA); and one by the National Air Carrier Association (NACA) on behalf of its member supplemental air carriers.[6]

The trunkline carriers and a number of the other commenting parties[7] generally support the proposed rules. NACA would support the rule if the Board were to undertake also an expansion of the ITC market through the authorization of one-stop ITC's. BCAL and KAL support the rule insofar as it would authorize foreign route carriers to perform ITC's, but they oppose various of the limitations which the rule imposes with respect to the exercise of such authority. Capitol, BOAC, ITO, Gateway and Kuoni oppose the proposed rules.

Upon full consideration of the relevant matters contained in the comments, we have decided, for the reasons set forth hereinafter and in the Notice, to adopt the proposed rules, but with several minor editorial and clarifying modifications.[8] Except as modified herein, the tentative findings set forth in the Explanatory Statement in the Notice are incorporated herein and made final.

CONSIDERATIONS RELATIVE TO ITC AUTHORITY FOR ROUTE CARRIERS GENERALLY

1. *Legal considerations*—A. *General*—In the rule making notice we rejected arguments grounded on the contention that, in enacting the 1968 amendment to section 401(e)(6) of the Act[9] (the so-called "Pickle amendment"), Congress intended the Board to withhold ITC authority from route carriers unless it finds that to do so would be justified under the "conventional standards of public convenience and necessity." Viewing the legislative history of the Pickle amendment, as a whole, we determined that in adopting said amendment Congress intended only to insure that any exercise by the Board of its regulatory powers with respect to route carriers' ITC authority would be consistent with the public interest, just as it must be with respect to other types of charter service. No new matters or arguments have been presented in the comments which would persuade us to depart from this determination, and we adhere to it.

B. *Evidentiary hearing.* We turn next to requests by Capitol and BOAC for an evidentiary hearing. In support of its request, Capitol argues that the diversionary impact on supplemental carrier operations of granting ITC authority to route carriers will be so severe as to constitute a modification of the supplemental carriers' existing authority under their certificates, and, as such, notice and hearing on the proposed amendments are required by the Act. BOAC's request is grounded on the contention that a grant of ITC authority to route carriers, particularly when added to their authority to perform the recently established travel-group charters, will result in undue diversion from scheduled services;[10] and, therefore, that a hearing is administratively desirable to determine what, if any, "conditions" should be imposed with respect to such authority in order to prevent a "substantial impairment of scheduled services."

An evidentiary hearing on the within rule is neither required nor desirable, and, accordingly, these requests are denied. With respect to Capitol's request, we cannot accept the fundamental contention upon which it is based, namely, that the proposed rule involves a certificate amendment for which a prior hearing is statutorily required. Rather, this proceeding clearly involves the adoption of a "rule," as defined in section 2 of the Administrative Procedure Act (5 U.S.C. 551(4)), in that we are here prescribing for certain classes of carriers a standard of general applicability and of future effect. That the operations of the supplemental carriers under their certificates might be affected thereby does not transform our rule making into the kind of adjudicative action which is involved in amending a carrier's certificate and for which the Act prescribes a prior hearing.[11] Furthermore, to the extent that the rule might have some diversionary impact on the supplemental carriers' ITC business, it is well established that "economic damage is not a modification of the existing license."[12]

969 (1960).

Nor can we accept BOAC's underlying argument that granting ITC authority

[1] January 9, 1973, 38 FR 1396, Docket 25092.

[2] Those holding permits expressly authorizing them to perform inclusive tour charters.

[3] American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

[4] British Caledonian Airways Limited (BCAL), British Overseas Airways Corporation (BOAC), Korean Air Lines Company, Ltd. (KAL) and Polskie Linnie Lotnitze (LOT).

[5] AITS, American Express, Kuoni Travel Service, Inc. (Kuoni) and Gateway Holiday Tours, Inc. (Gateway).

[6] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc. NACA has also filed a motion to file an otherwise unauthorized pleading, namely, a reply comment in opposition to the trunkline carriers' comment insofar as that comment requests a liberalization (discussed at pp. 16–18, *infra*) of the Part 207 definition of "on-route" charter. We have determined to grant the motion and accept the reply comment as a matter of discretion.

[7] The Las Vegas Parties, American Express, AITS, LOT, ASTA, USTOA and Southern. Southern also urges the Board to consider the establishment of a new class of business oriented-charters, in addition to the pro rata, single-entity and mixed charters authorized by present regulations. However, this proposal goes far beyond the limited scope of this rule making proceeding.

[8] The amendments to Parts 212 and 378, respectively, are contained in ER-807, and SPR-70, respectively, published contemporaneously herewith.

[9] That section, as amended, reads: "Any air carrier, other than a supplemental carrier, may perform charter trips (including inclusive tour charter trips) or any other special services, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board."

[10] BOAC alleges that ITC's (presumably ITC's operated by route carriers) and TGC's would divert 20 percent and 40 percent, respectively, of the traffic presently being carried in international markets, but does not indicate how it arrived at these percentages.

[11] American Airlines, Inc. v. C.A.B., 359 F.2d 624 (D.C. Cir. 1966).

[12] Delta Airlines, Inc. v. C.A.B., 275 F.2d 632, 641 (D.C. Cir. 1960), *cert den.* 362 U.S.

to route carriers will cause "undue diversion" from scheduled services and, therefore, that we would be abusing our administrative discretion if we were to adopt these amendments following only such procedures as are appropriate for ordinary rule making. BOAC has offered no factual support—nor are we aware of any—for its assertion that the route carriers will use their new ITC authority so extensively as to impair significantly their ability to provide adequate regularly scheduled service in any particular markets; indeed, it is noteworthy that of all the carriers who have submitted comments on our proposed rule—including in particular the major U.S. international route carriers—it is only BOAC which has expressed this view. Moreover, the history of ITC operations shows that ITC's have been developmental rather than diversionary, so that we have no sound reason to anticipate that conferring ITC authority on route carriers would produce the dire consequences predicted by BOAC.

2. *Policy considerations*—A. *General.* Capitol's opposition to the proposed authorizing amendments is also based on the policy arguments that, inter alia, the ITC market is small and underdeveloped in relation to the other major charter markets; this market has been, and will continue to be, adequately served and developed by the supplemental carriers; and, therefore, there is no conceivable public need for granting ITC authority to route carriers. We do not agree.

As explained in the Notice, the ITC is the only type of charter which our present charter rules limit to particular classes of carriers. Yet, although ITC authority has heretofore been confined only to supplemental and foreign charter carriers, the Board has never—as Capitol appears to contend—regarded the ITC market as inherently and necessarily the exclusive province of these carriers, or that such authority is essential to insure the continued viability of the supplemental industry. Rather, as also explained in the Notice, ITC's are designed to provide one of the several alternative methods for facilitating low cost travel by large numbers of the traveling public. Conferring ITC authority on route carriers should facilitate attainment of this objective, for it is self-evident that they will make available to the public a wider range of tour programs, frequencies and destinations than are afforded under present regulations. We therefore think it clear that it is in the public interest to achieve a greater uniformity in our charter regulations by extending to U.S. and foreign route air carriers authority to participate in the inclusive tour charter market.

B. *Limitations on the scope of the U.S. route carriers' new ITC authority.* In the Notice, we tentatively concluded that we should deny a joint request by Capitol and NACA to limit U.S. route carriers' new ITC authority solely to markets in which such carriers provide regularly scheduled nonstop service. At that time, we tentatively rejected the proponents' principal supporting allegations, to the effect that a grant of unconditional and unrestricted ITC authority for scheduled carriers would result in serious economic damage to the supplemental carriers in major charter markets. Not only had the proponents failed to furnish us with any diversion estimate to substantiate their allegations of harm but, since ITC's have historically constituted only a relatively small fraction of the supplementals' total charter business,[13] we were unable to conclude, based on our experience, that the proposed authority would invite massive invasion by the route carriers into the supplementals' lifeblood charter markets. Indeed, most route operators presently offer in these markets a wide variety of GIT (group inclusive tour) services at discount fares which are similar to ITC services, in terms of the type of prospective air traveler each is designed to attract.[14] Since GIT fares have achieved a relatively high level of public acceptance, we seriously doubt that the route carriers would eliminate them entirely and substitute instead a large-scale program of ITC operations. We also felt that as a procedural matter, it would be more appropriate for us to consider the proposed limitation—although by its terms directed only towards the narrow issue of ITC authority—in the context of the broader issue raised in another NACA petition requesting contraction of the overall charter authority held by U.S. and foreign route air carriers.[15]

Although in its comment Capitol again requests that the U.S. route carriers' ITC authority be limited to markets regularly served with nonstop service, it has come forward with no new facts or arguments to refute the substantive grounds upon which we based our tentative rejection of this limitation. Nor have we been persuaded to depart from our earlier position that there is no sound reason to single out ITC authority as a kind of service for which route carriers' authority should be particularly limited. We therefore now make final our tentative rejection of the request for a limitation on U.S. route carriers' ITC authority.

C. *Expansion of the ITC market.* While NACA does not oppose the rule per se, it reiterates its view, advanced in opposition to the petitions which initiated this proceeding, that extending ITC authority to route carriers will have an adverse competitive impact on the supplemental carriers unless the Board undertakes a concomitant expansion of the ITC market through the authorization of one-stop ITC's. It therefore requests that the proposed extension of ITC authority to route carriers be held in abeyance until after the Board has taken such action as is appropriate to effectuate such expansion. We are told that the route carriers have certain "inherent competitive advantages" that will enable them to divert most of the ITC business presently being handled by the supplemental carriers. The first—and allegedly most important—of these advantages would be their ability to ameliorate the risk of loss associated with the cancellation of ITC's by providing "assurances" to tour operators that, in the event of an ITC cancellation, the inclusive tour groups which they have formed would be carried on scheduled services, under a GIT or other promotional fare. Another advantage, it is said, arises from the long and close relationships which the route carriers have had with American Express and several other of the largest and most prominent tour operators, i.e., it is feared that the large volume of variegated air transportation services which the route carriers already perform for major tour operators will give the route carriers a decided advantage over the supplementals in seeking to attract such tour operators' ITC business.

We will deny NACA's request. With respect to the procedural aspects of the request, we reaffirm what we said in the Notice, in rejecting NACA's earlier proposal to include the issue of one-stop ITC authority (and other comprehensive amendments to our charter regulations) among the issues in this proceeding, namely: that the narrow issue of whether the Board should permit scheduled carriers to operate ITC's can, and should be, considered independently of the broader revisions to the Board's ITC regulations proposed by NACA, since the former would merely equalize the charter authority of the scheduled and supplemental carriers with respect to participation in the ITC market, while the latter would entail consideration of many important and multi-faceted issues involving the basic nature of inclusive tour services.[16] Consideration herein of NACA's far-reaching proposal would transform this narrow rule making into an omnibus proceeding, pending the outcome of which we would have to unduly delay extending to route carriers the ITC authority which we have determined that they should clearly have, in the public interest, as explained above.

Nor are we convinced, as a substantive matter, that the route carriers will have an undue competitive advantage over the

[13] For example, Form 41 data shows that of the total charter traffic operated by carriers in domestic and international markets during 1971, inclusive tour charter traffic represented only 11 percent and five percent, respectively.

[14] *I.e.*, the individual who is willing to conform his travel needs to a group-travel program in return for a substantial reduction in price.

[15] Docket 24713. Part of the relief requested in the petition is a modification of the Part 207 definition of "on-route" so as to encompass only those charter trips performed between a pair of points between which the carrier is authorized to provide nonstop turnaround scheduled service.

[16] We note in this connection that there are presently pending before the Board various proposals to authorize the performance of one-stop ITC's, including a petition filed by NACA in Docket 24711.

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supplemental carriers in major ITC markets under the present regulatory framework. Although it may well be that some tour operators will prefer to make their chartered air transportation arrangements with route carriers, we think that we are justified in doubting that supplemental carriers are so marginally competitive with route carriers in major charter markets that adoption of this rule will result in a mass migration by tour operators to the ITC services of the regular route operators. On the contrary, the supplemental carriers are charter specialists who have always in the past been able to compete effectively against route carriers for charters which both classes of air carriers are authorized to perform, and there is simply no reason to believe that they will be unable to hold their own in competition with route carriers for ITC business.[17]

D. *Proposals directed toward establishing new regulatory requirements with respect to the sale and promotion of ITC's.* ASTA and a number of the tour operators [18] who support the general purpose of the rule urge us to adopt several new substantive restrictions and requirements with respect to the sale and promotion of ITC services.[19] They believe that imposition of these proposed tighter controls over the advertising and marketing of ITC's are generally desirable to preserve the "independent relationship" which has heretofore existed between tour operators; and that they are particularly desirable in the light of the vast economic resources which the route carriers will bring with them to the ITC market. It is argued that unlike most supplemental and foreign charter air carriers that presently provide ITC services, the route carriers have large well-established and well-financed marketing and advertising organizations which will be highly attractive to tour operators in developing their ITC business. Thus, they say, in the absence of the subject restrictions and requirements, the attractiveness of the route carriers will provide them with economic leverage to control the itinerary, price, content and all other important components of the ITC programs.

We will not now pass on this request since it raises issues which are beyond the scope of this rule making proceeding. The instant proceeding is concerned with ITC services, in particular, whereas the problems which the suggested requirements are intended to resolve may be properly deemed to arise generally, in connection with the various other types of charter services authorized by the Board's regulations. Nevertheless, we do recognize that there may be merit in the request for rules designed to assure the independence of tour operators from direct air carriers, and therefore, we intend to analyze the problems raised by the tour operators in order to determine whether to institute a rule making proceeding in this area.[20]

E. *Expansion of the definition of "on-route" charter in Part 207.* Although supporting the ultimate objective of the proposed amendments, the trunkline carriers argue that, if route carriers are actually to enjoy ITC authority comparable in scope to that presently held by the U.S. supplemental and foreign charter air carriers adoption of the proposed rules will not of itself suffice. They contend that so long as their new ITC authority would be subject to the existing restrictions which Part 207 imposes on the frequency and regularity of off-route charters, in conjunction with the present—and in their view necessary—three-stop limitation on ITC's prescribed by Part 378, supplemental and foreign charter carriers will have an "undue advantage" over route carriers in competition for ITC business. More specifically, they argue that Part 207's strict requirements would, as a practical matter, preclude a route carrier from operating an ITC program unless all of the three (or more) stops included in the tour were on-line points for such carrier—ie., unless the transportation services performed by the direct air carrier between each of the cities on the tour itinerary were considered "on-route." Therefore, the argument runs, as a practical matter, route carriers would be at a competitive disadvantage vis-a-vis the supplementals for ITC business, since the supplementals are free to perform air transportation for virtually every type of ITC itinerary offered by a tour operator without limitation as to linear routes. While not suggesting that route carriers be given unlimited authority to operate ITC's in markets for which they are not certificated, the trunklines urge us to reach a "rational compromise" by amending the Part 207 definition of "on-route" charter so as to include all air transportation performed by a route carrier between any points on the itinerary of an ITC in which the origination point and at least one destination point is normally "on route" for that carrier.[21]

The Board has determined not to adopt this proposal. To begin with, it raises an issue which is clearly outside the scope that we have prescribed for the instant proceeding. Moreover, in light of the way inclusive tours are normally operated, the proposed redefinition of "on-route" is not required to enable the route carriers to compete for ITC business. The trunkline carriers' argument for such redefinition rests on the assumption that the chartering direct air carrier provides all transportation between the various points on an ITC itinerary. In fact, however, the direct air carrier typically provides transportation only from the originating point to the first stopover point and from the last stopover point back to the originating point. Intermediate stops on the itinerary are normally provided by rail, motor or water carriers.[22] Only rarely does the tour operator arrange for all transportation on the ITC itinerary to be by air—ordinarily where the distances between the various stopover points on the tour itinerary are so substantial that air transportation is either the most economical or perhaps the only available mode of travel—and still rarer are the instances where the same direct air carrier is used to provide all such services.[23] As a practical matter, therefore, the limitations which Part 207 of the regulations impose on route carriers' charter authority should not materially impair their ability to perform, within the confines of their respective route systems and the present Part 207 definition of "on-route," the air transportation portion of the typical ITC program.

We also reject the Hawaiian carriers' request that the Board imposed a joint common fare requirement with respect to inclusive tour charters performed in mainland-Hawaii markets. Joint common faring is a device used in connection with individually ticketed services and in inherently incompatible with the fundamental nature of charter services. Moreover, implementation of

[17] For these reasons, and for those upon which we relied in rejecting proposals directed toward limiting the route carriers' authority to their nonstop markets, we also reject Modern's request to withdraw such authority insofar as it will apply to "North American" markets.

[18] AITS, ITO, Kuoni, Gateway and USTOA.

[19] These provisions would: (1) Prohibit the direct air carrier from furnishing, participating in or subsidizing the advertising or promotion of ITC program; (2) require explicitly that ITC's must be arranged and sold solely by tour operators acting as independent principals and not as agents for direct air carriers; (3) require to be filed with the Board all contracts or agreements between the direct air carrier and the tour operator with respect to financial transactions affecting a tour program made prior to or following a particular ITC flight; (4) prohibit direct air carriers from making available any of their employees and facilities in connection with the promotion and sale of ITC programs; and (5) prohibit the use of promotional materials which list the name of the carrier more prominently than that of the tour operator or which are so structured as to give the impression that the tour is being offered by the carrier instead of the tour operator.

[20] ITO also requests that the Board adopt conditions which would prohibit any ITC operator from (1) utilizing any land facilities, ships or buses in any way affiliated with the direct air carriers furnishing the air transportation; (2) operating, concurrently, ITC's and any other form of group or bulk transportation with the same direct air carrier; and (3) furnishing substitute scheduled transportation on the same carrier on which an ITC is cancelled. However, these conditions would be unduly restrictive and ITO has shown no present need for their adoption. They are, therefore, rejected.

[21] They also suggest that we accord parallel treatment to foreign route air carriers by adopting a similar liberalizing amendment to Part 212.

[22] For example, Modern has performed the air transportation services for a number of air/sea cruise ITC's between New York and the Carribbean in which the intermediate Caribbean points are served by a cruise ship departing from Maimi, the first stopover point on the tour.

[23] For example, in the Hawaiian market, the inter-island stops on the ITC itinerary appear to be provided usually via scheduled air services of the Hawaiian carriers.

the new route authority by route carriers should result in a general stimulation of travel to Hawaii, and the Hawaiian carriers have not shown that this overall increase in travel will not ultimately redound to their benefit.[24]

SPECIAL CONSIDERATIONS RELATIVE TO FOREIGN ITC AUTHORITY

The Notice indicated that inclusive tour programs offered in international markets frequently involve a series of tours spanning an entire charter season with ITC flights scheduled to depart at regular intervals until the ITC program is completed.[25] Because our regulations impose fairly stringent limitations on the frequency and regularity with which U.S. route carriers may perform "off-route" charters, we thought it unlikely that any of our route carriers could operate, as off-route charters, the transportation services needed to sustain the typical international ITC program. For this reason, we tentatively concluded that, as a practical matter, the U.S. route carriers would confine their exercise of the proposed authority in foreign air transportation to the performance of ITC's in on-route markets.

Although, for considerations of comity and reciprocity, we also proposed to authorize foreign route carriers to perform inclusive tour charters, the Notice expressed our tenative view that such authority should, to the extent feasible, be reasonably co-extensive with that which we expected to be actually usable by U.S. route carriers. To accomplish this purpose, we therefore proposed and, after due consideration of the comments summarized hereinbelow, we now adopt the following regulatory scheme with respect to the performance of ITC's by foreign route air carriers.

1. *General ITC authority.* Our proposal confined the general ITC authority of foreign route carriers solely to charter trips performed between those points in the United States and in the carrier's home country between which such carrier is authorized by permit to, and does in fact, provide regularly scheduled service.[26]

BCAL alleges that a foreign air carrier has "plenary authority" to conduct all "species" of air transportation services over each of the routes designated in its permit, and argues that to make the general ITC authority of foreign route carriers contingent upon the performance of a prescribed level of service over their designated routes is tantamount to an amendment of such carriers' permits and, as such, the rule cannot be implemented without the statutorily requisite hearing.[27]

BCAL has cited no precedent, nor are we aware of any, to support its position that the Board lacks legal authority to adopt the rule herein question without evidentiary hearings. BCAL's position rests on a basic misconception of the relationship between a foreign air carrier's "on-route" charter authority—which is derived from its permit—and the conditions and limitations under which it can perform the various types of charters established by the Board's regulations within the scope of such authority. The outstanding permits of all foreign route carriers contain a standard provision to the effect that the holder is authorized to engage in charter trips in foreign air transportation subject to the terms, conditions and limitations prescribed by Part 212 of our Economic Regulations. In authorizing foreign route carriers, for the first time, to operate charters for inclusive tour groups, while simultaneously attaching to the exercise of this new authority a condition designed to insure that such charter services will not be operated except in markets where the foreign route carrier already provides a specified level of "on-route" regularly scheduled services,[28] we are taking regulatory action clearly contemplated by the above-described permit condition. This rule making action can thus not be construed as effectuating, or being intended to effectuate, a change in the scope of the foreign carriers' operating authority which constitutes a technical amendment of their section 402 permits.

Moreover, we do not believe an evidentiary hearing on the subject service standard would serve a useful purpose. Determination of the service standard which should be met by foreign route carriers exercising their new ITC authority involves principally a question of policy, which we believe can be adequately disposed of on the basis of the written comments which have been submitted in this proceeding.

Nor are we impressed with KAL's contention that there is no sound policy ground for conditioning foreign carrier's ITC authority upon their actual provision of service over routes which they have been authorized to serve by the terms of their permits. Since, as previously indicated, the ITC authority which we propose to confer on U.S. route carriers will permit substantial operations only in on-route ITC markets in the international market, the prescribed service standard is designed to insure that our carriers are not placed in a position less favorable than that of their foreign competitors with respect to international ITC operations. It is also consistent with the policy, now well established, that a foreign carrier should not ordinarily be granted authority to perform "on-route" charter services to points to which it does not provide scheduled services.[29]

2. *Scope of a foreign carrier's general ITC authority.* The restriction on the "on-route" ITC authority of foreign carriers which we proposed to include in § 212.8(a)(8)—and which we now make final—clearly bars the operation of ITC charters between "on-route" points in any intermediate third country (ie., a country other than the foreign carrier's domicile) and the U.S. However, some questions have been raised as to the exact scope of the restriction.

On the one hand, KAL contends that the proposal is somewhat ambiguous in that it does not indicate whether a foreign carrier would be authorized to perform ITC's in a homeland-U.S. market where it provides regularly scheduled service on other than a nonstop basis—eg., a market in which a foreign carrier provides single-plane scheduled service via a point intermediate to its home country. On the other hand, the trunkline carriers inquire as to whether the subject authority would permit a foreign route carrier to operate ITC's between the U.S. and its homeland with intermediate stops at points beyond the homeland, to which the carrier does not provide regularly scheduled service.[30]

As reflected in EDR-240, it was our intention that a foreign carrier's general ITC authority would permit the performance of ITC's only in markets where it provides nonstop or other single-plane scheduled service; specific authorization would be required for the operation of any charter originating or terminating in, or involving one or more stops in, any country other than the U. S. or the carrier's home country. In order to make our intention more clear, we have modified the rule so as to explicitly provide that the general ITC authority covers the performance of all ITC's between points in the U. S. and points in the carrier's home country.[31]

[24] Indeed, tour operators utilize Aloha and Hawaiian to provide transportation between the intermediate points on mainland-Hawaii ITC's which involve inter-island travel.

[25] For example, Golden Holiday Tours, Inc., a California based tour operator, recently completed an ITC program to Europe consisting of 140 individual ITC flights performed over a six-month period; as many as seven charter flights per week were operated under the program during the summer of 1972.

[26] KAL construes the regularly scheduled service standard as requiring the prescribed level of round-trip flights to be performed in individually ticketed service. Although we did not intend this result in preparing the proposed rule, there is some language in the Notice which at least arguably makes the rule subject to the construction urged by KAL. Accordingly, we have modified the rule so as to make clear that the required number of round trips may be performed in individually waybilled as well as individually ticketed service.

[27] Citing sections 402 and 801 of the Act.

[28] There is nothing particularly novel about a requirement of this nature; for example, in a recent foreign air carrier permit proceeding, the Board made the applicant's authority to provide "on-route" charter trips to and from certain points named in its permit contingent upon the inauguration of scheduled service between such points. (Order 73-3-33, March 13, 1973).

[29] See Order 73-3-33, *supra*.

[30] For example, an ITC performed by KLM between New York and Amsterdam which includes stops in Brussels and Paris to meet the three-stop requirement prescribed by Part 378 (assuming that all three stops on the tour would be served by air transportation and that such air transportation would be performed solely by KLM.)

[31] We have also adopted KAL's suggestion to lower from two to one the minimum number of round trip flights required to establish the existence of regularly scheduled service in a particular market. Accordingly, we are modifying section 212.8 to incorporate this suggestion.

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3. *Specific ITC authority.* Our proposal included a provision under which foreign route carriers could apply to the Board for prior approval to perform ITC services for which they do not hold general ITC authority. We further expressed our tentative intention to adopt a policy of approving only applications for such specific ITC authority as has been agreed to previously in a bilateral intergovernmental understanding between the U. S. and the domiciliary country of the applicant with respect to nonscheduled services unless, the applicant shows that special or unusual circumstances warrant such approval. KAL argues that this policy would result in a regulatory framework which would be unduly discriminatory against foreign route carriers, in that U.S. route carriers would be permitted to perform off-route ITC's subject only to the limitations of Part 207, whereas foreign route carriers would effectively be barred from even seeking authority to provide comparable ITC services unless they could base their application on an intergovernmental agreement. KAL suggests that we should adopt instead a policy of approving such applications by foreign route carriers within the same kinds of limitations prescribed by Part 207 for charters which are considered off-route for U.S. certificated carriers.

We reject KAL's allegation that our proposed policy would unduly discriminate against foreign route carriers, and, accordingly we have determined to adopt the policy as proposed. In light of the restrictionist policies followed by numerous foreign governments with respect to inclusive tour charter services operated to their shores, there is no assurance that granting any additional ITC authority to foreign route operators—even subject to the lesser limitations proposed by KAL—would be matched by foreign governments with reciprocal privileges for U.S. carriers insofar as they may operate ITC's off-route in international markets.[22] To withdraw our policy entirely and give to foreign route operators the same type of blanket authority we conferred on them to perform TGC's, would thus clearly result in providing such carriers with a potential advantage vis-a-vis our own route carriers in competition for international ITC business. In any event, our policy is certainly not absolute and we are prepared to provide appropriate exceptions upon a showing that the government of the foreign carrier applying therefor follows a liberal policy and there is effective reciprocity in according rights to U.S. carriers with respect to the operation of charters for inclusive tours.

WAIVERS

One final matter requires comment. In the rule making notice, we expressed our intention to waive those of our own ITC requirements which would otherwise bar any U.S. or foreign air carrier from performing a foreign-originating ITC, so long as the terms and conditions of such ITC satisfy the country of origin's ITC rules and those foreign rules are consistent with the basic ITC concept embodied in Part 378.[23] Several parties who support the rule interpreted this to imply that the Board was announcing its intention to establish a new liberal policy with respect to the performance of foreign-originating ITC's. Thus, for example, the comment of the Las Vegas Parties indicates their understanding that the Board would be prepared to consider authorizing foreign-originating one-stop ITC's to be performed by all classes of U.S. and foreign carriers, provided only that such ITC complies with the rules of the country of origin. Conversely, the comments of the trunkline carriers, evidencing the same understanding of the waiver policy discussed in the Notice, opposes it on the grounds that it will "open for ad hoc determination" the question whether any particular foreign-originating ITC is sufficiently distinguishable from individually ticketed service and this, in turn, would completely "disrupt the stable definition" of ITC.

The above-described interpretation by some parties of the Notice's statement on waiver policy indicates that the statement requires clarification. It was not our intention in the Notice to announce that, in connection with these new rules, we would henceforth grant waiver requests for all foreign-originating ITC's complying with foreign law. Part 378 has contained a waiver provision ever since it was first adopted in 1966, and in the Notice we wished to call attention to this provision in light of the new extension of ITC authority to route carriers. However, to the extent that the Notice may have been misunderstood on this point, we take this occasion to make clear our policy on ITC waivers: We shall continue to be prepared to permit route carriers as well as supplemental carriers to perform foreign-originating ITC's in conformity with the detailed requirements of the originating country's ITC rules, rather than our own, so long as the applicable ITC rules of such foreign country are substantially similar to those which we have prescribed in Part 378.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207) effective August 20, 1973, as follows:

Amend § 207.11(b) and (c) by adding new subparagraphs (8) and (6), respectively, as follows:

§ 207.11 Charter flight limitations.

Charter flights (trip) in air transportation shall be limited to the following:

* * * * *

(b) * * *

(8) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(c) * * *

(6) By a tour operator or foreign tour operator as defined in Part 378 of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats:

And provided further, That paragraph (c) of this section shall not be construed to apply to movements of property.

(Secs. 101(3), 204(a), 401, 407 and 416(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 766 and 771; 49 U.S.C. 1301, 1324, 1371, 1377 and 1386)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15037 Filed 7-20-73;8:45 am]

[Reg. ER-807]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 17, 1973.

By notice of proposed rule making EDR-240/SPDR-31,[1] the Board proposed amendments to Parts 207 and 212 of its Economic Regulations (14 CFR Parts 207, 212) to authorize certificated route air carriers and, subject to conditions, foreign route air carriers to perform inclusive tour charters, and related amendments to Part 378 of the Special Regulations (14 CFR Part 378). For the reasons discussed in ER-806, published contemporaneously herewith, the Board has decided to adopt the proposed amendments with several minor editorial and clarifying modifications.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212) effective August 22, 1973, as follows:

1. Amend the Table of Contents by changing the title of § 212.4, the table as amended to read in pertinent part as follows:

Sec.
212.4 Limitation on the operation of off-route charter trips and certain inclusive tour charter trips.

[1] January 9, 1973, 38 FR 1396, Docket 25092.

[22] For example, many foreign nations impose onerous substantive restrictions on the ITC operations of U.S. carriers typified by the refusal of several foreign governments to grant landing right privileges for ITC's originating in the United States.

[23] American Express proposes that we go even further and provide blanket authority for the performance of foreign-originating inclusive tours operated in accordance with such of those foreign country rules as embody Part 378's basic concept. This proposal raises issues which are outside the scope of this rule making proceeding. Also beyond the scope of tihs proceeding is Modern's request to eliminate the requirement prescribed by § 387.2(a)(4), that ITC prices must be established at a level which is at least 110 percent of the lowest available scheduled fare for the transportation provided on the tour.

2. Amend §212.1 by inserting in alphabetical order, a new definition of "Inclusive tour charter trip" to read as follows:

§ 212.1 Definitions.

For the purposes of this part:

* * * * *

"Inclusive tour charter trip" means a charter trip performed in accordance with the provisions of Part 378 of this chapter.

* * * * *

3. Amend the title and text of § 212.4 to read as follows:

§ 212.4 Limitation on the operation of off-route charter trips and certain inclusive tour charter trips.

A foreign air carrier shall not perform any off-route charter trips or inclusive tour charter trips for which prior approval is required unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board: *Provided, however,* That no Statement of Authorization shall be required for the performance of a charter trip as provided in § 212.8(a)(4-a) of this part in cases of emergency; *Provided, also,* That emergency charters for commercial traffic shall be reported in accordance with § 212.14. An emergency charter within the meaning of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct air carrier without a Statement of Authorization.

4. Amend paragraphs (a) and (b) of § 212.5, the paragraphs as amended to read as follows:

§ 212.5 Statements of Authorization; application.

(a) Application for a Statement of Authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Operating Rights. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone: *Provided, however,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4-a)) must be submitted on CAB Form 433, and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and upon each certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of Operating Rights, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations, type of aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers. Applications to perform inclusive tour charter trips for which prior approval is required shall refer to the bilateral agreement or understanding, if any, between the United States and the foreign nation which is the domicile of the applicant whereunder the applicant has been designated to provide the charter services covered by the application. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of Operating Rights, as soon as practicable, but in no event later than fifteen (15) days after consummation.

(b) Applications shall be filed with the Board at least 5 days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight:

Provided, however, That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4-a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights; *And provided further,* That an application for authority to perform inclusive tour charter trips for which prior approval is required shall be filed with the Board not less than 90 days prior to the date of the commencement of the proposed flights. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

* * * * *

5. Amend § 212.6 by adding a new paragraph (b-1), the section as amended to read in pertinent part as follows:

§ 212.6 Issuance of statement of authorization.

* * * * *

(b) * * *

(b-1) Statements of Authorization to perform inclusive tour charter trips for which prior approval is required will be granted to the extent and for such periods of time as the Board deems in the public interest. In determining whether such charter trips are in the public interest the Board will consider, among other factors, whether the authority sought is covered by and consistent with the terms of a nonscheduled air services agreement or understanding between the United States and the foreign nation which is the domicile of the applicant and the terms of the applicant's foreign air carrier permit.

* * * * *

6. Amend §§ 212.8(a) and (b) by adding new subparagraphs 8 and (6), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) * * *

(8) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter, when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to perform single-plane scheduled service, and does in fact provide such regularly scheduled service; or, in all other cases, if authority in the form of a Statement of authorization (see § 212.4) to conduct such charter flights has been granted by the Board. For the purposes of this section a "regularly scheduled service" means service provided by a carrier between a particular pair of points on its permit with a frequency of at least one round trip per week, in either individually ticketed or individually waybilled service, in accordance with its published flight schedules which specify the times, days of the week and places between which such flights are performed.

(b) * * *

(6) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter, when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to perform single-plane scheduled service, and does in fact provide such regularly scheduled service; or, in all other cases, if specific authority in the form of a Statement of Authorization (see § 212.4) to conduct such charter flights has been granted by the Board. The term "regularly scheduled service" shall have the meaning set forth in paragraph (a)(8) of this section:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats:

And provided further, That paragraph (b) of this section shall not be construed to apply to movements of property.

(Secs. 101(3), 204(a), 402 and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921, 743, 757 and 766; 49 U.S.C. 1301, 1324, 1372 and 1377).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15038 Filed 7-20-73;8:45 am]

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[Reg. SPR–70]

PART 378—INCLUSIVE TOUR CHARTERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., July 17, 1973.

In notice of proposed rule making, EDR–240/SPDR–31,[1] the Board proposed amendments to Parts 207 and 212 of its Economic Regulations (14 CFR Parts 207, 212) to authorize certificated route air carriers and, subject to conditions, foreign route air carriers, to perform inclusive tour charters, and related amendments to Part 378 of the Special Regulations (14 CFR Part 378). For the reasons discussed in ER–806, published contemporaneously herewith, the Board has decided to adopt the proposed amendments with several minor editorial and clarifying modifications.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378) effective August 22, 1973, as follows:

1. Amend the title to Part 378 as set forth above:

2. Amend the Table of Contents by changing the title of § 378.19, the table as amended to read in pertinent part as follows:

Sec.
378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

3. Amend § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certificated route air carriers and tour operators, and in foreign air transportation by foreign route air carriers, certain foreign charter air carriers and foreign tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers, certificated route air carriers, foreign route air carriers, and certain foreign charter air carriers. It also sets forth the circumstances and conditions under which supplemental air carriers, certificated route air carriers, and foreign route air carriers may charter to foreign tour operators, and contains a limited declination of exercise of jurisdiction over the latter. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

4. Amend § 378.2 by revising paragraph (a); adding new subparagraph (6) to paragraph (b); revising paragraph (d); deleting and reserving paragraph (f); and adding new paragraph (h), the section as amended to read in pertinent part as follows:

§ 378.2 Definitions.

As used in this part unless the context otherwise requires: (a) "Inclusive tour charter" means the charter of the entire capacity of an aircraft or of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under §§ 207.11(c), 208.6(c), or 212.8(b), respectively, of this chapter) by a tour operator or, with respect to tours which originate in a foreign country, by a foreign tour operator for the carriage by a direct air carrier of persons traveling in air transportation on inclusive tours.

* * * * *

(b) * * *

(6) The tour shall be arranged and sold by a tour operator acting solely as an independent principal with respect to the air transportation included in the inclusive tour charter and not as an agent for direct air carriers.

* * * * *

(d) "Tour operator" means any citizen of the United States, as defined in section 101(12) of the Federal Aviation Act, as amended, 49 U.S. 1301(13) (other than a direct U.S. air carrier), authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

* * * * *

(f) [Reserved]

* * * * *

(h) "Direct air carrier" means (1) a route air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Act; (2) a supplemental air carrier holding a certificate of public convenience and necessity issued under section 401(d)(3) of the Act to perform inclusive tour charters; (3) a foreign route air carrier holding a permit issued under section 402 of the Act authorizing it to engage in foreign air transportation on an individually ticketed or individually waybilled basis; and (4) a foreign air carrier which holds a permit issued under section 402 of the Act authorizing it to perform inclusive tour charters, but only to the extent that such tours are to be performed subject to the provisions of this regulation.

5. Amend paragraph (i) of § 378.13 to read as follows:

§ 378.13 Tour prospectus.

The prospectus shall be filed in duplicate and shall include two copies of the following: * * *

* * * * *

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the direct air carrier to be utilized).

6. Amend § 378.14 to read as follows:

§ 378.14 Charter contract.

The charter contract between the tour operator or foreign tour operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

7. Amend § 378.15 to read as follows:

§ 378.15 Tariffs to be filed for charter trips.

No direct air carrier shall perform any charter trips for inclusive tours unless such carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

8. Revise paragraphs (b) and (c), respectively, of § 378.16, the paragraphs as amended to read as follows:

§ 378.16 Surety bond.

* * * * *

(b) The direct air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraphs (b) (1) and (2) of this section as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That, the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

[1] January 9, 1973, 38 F.R. 1396, Docket 25092.

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided*, That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to paragraphs (b)(2) (ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraphs (b)(2) (iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further*, That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraph (b)(2) (ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix A following § 378.31.[2] Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: *Provided, however*, That these data may be set forth in an addendum attached to the bond which addendum must be signed by the tour operator and the surety company. It shall be effective on or before the date the Tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

* * * * *

9. Amend the title and text of § 378.19 to read as follows:

§ 378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

(a) At least 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S. certificated air carrier or foreign route air carrier for a foreign tour operator as defined in § 378.2(d–1)(i), such carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S. certificated air carrier or foreign route air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

10. Amend paragraph (a) of § 378.20 to read as follows:

§ 378.20 Post-tour reporting.

(a) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided*, That in the case of a series of tours which exceeds six months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of six months from commencement of the first tour, covering tours terminated during such six months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached hereto as Appendix A.[3]

* * * * *

11. Amend § 378.30 to read as follows:

§ 378.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a direct air carrier of written request therefor, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

(Secs. 101(3), 204(a), 401, 402, 407 and 416 (a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75

[2] Filed as part of reissued document (SPR–40).

[3] Filed as part of SPR–62 (37 FR 22849).

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Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766 and 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377 and 1386).

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15039 Filed 7-20-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Further Modification of Food Industry Prenotification and Reporting Requirements for Pay Adjustments; Restoration of Small Business Exemption

On March 29, 1973, in connection with the temporary ceiling on meat prices, the Council issued regulations (38 FR 8505, April 3, 1973) providing that pay adjustments affecting employees in the food industry scheduled to take effect after 9 p.m., e.s.t. on that date would be required to be prenotified to the Council before being put into effect. These rules also included a removal of the Small Business Exemption with respect to such pay adjustments. On April 19, 1973, the Council concluded that a phase-in period was justified until August 1, 1973 before the prenotification rules became operative. Thus, interim rules were published April 20, 1973 (38 FR 9825) delaying the general operation of the prenotification rules until August 1, 1973.

It has now been concluded by the Council that the objectives and goals of the Economic Stabilization Program can better be served by extending the period during which the interim rules should be followed to October 31, 1973 and by delaying the general operation of the prenotification rules until November 1, 1973. Thus, for example, the operation of the prenotification rule in § 130.58a (a)(2) will be delayed in taking effect from August 1, 1973 until November 1, 1973 even with respect to prenotifications already received by the Council for pay adjustments scheduled to be put into effect between those dates. Such pay adjustments are therefore subject to the rules of § 130.58a(g)(2) exclusively. Any prenotification of such a pay adjustment already filed will, of course, be treated as a report to the extent appropriate under the interim rules in § 130.58a(g)(2), and the pay adjustments so reported need not be reported again. Accordingly, § 130.58a is amended in paragraph 2 below by deleting the July 31, 1973 and August 1, 1973 dates wherever they appear in that section and substituting October 31, 1973 and November 1, 1973, as appropriate.

The Council has also concluded that the objectives and goals of the Economic Stabilization Program call for the restoration of the Small Business Exemption to pay adjustments affecting employees in the food industry, effective September 12, 1973. The amendments to § 130.40 set forth in paragraph 1 below accomplish this result.

Because the purpose of these amendments is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11723, 38 FR 15766, Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, §§ 130.40 and 130.58a of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective July 19, 1973.

Issued in Washington, D.C. on July 19, 1973.

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

PARAGRAPH 1. In 6 CFR Part 130, § 130.40 is amended by revising paragraphs (a)(2)(vii) and (b)(2)(viii), relating to pay adjustments in the food industry, to read as follows:

§ 130.40 Exemption of firms with 60 or fewer employees.

* * * * * * *

(a) *Applicability—firms existing on or before December 31, 1971.* * * *

(2) *Exemption not applicable.* * * *

(vii) Pay adjustments affecting employees in the food industry subject to the provisions of Subpart F of this part, with respect to work performed prior to September 12, 1973.

* * * * * * *

(b) *Applicability—firms coming into existence on or after January 1, 1972.* * * *

(2) *Exemption not applicable.* * * *

(viii) Pay adjustments affecting employees in the food industry subject to the provisions of Subpart F of this part, with respect to work performed prior to September 12, 1973.

* * * * * * *

PAR. 2. In 6 CFR 130, § 130.58a is amended (1) by deleting the date July 31, 1973 in the title to paragraph (g)(2) of that section and substituting in its place the date October 31, 1973, and (2) by deleting the date August 1, 1973 each place it appears in that section and substituting in its place the date November 1, 1973.

[FR Doc.73-15226 Filed 7-20-73;11:58 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs., Amdt. 65]

PART 377—SHORT SUPPLY CONTROLS

Special Licensing Provision for Soybean Oil-Cake and Meal En Route to Port or in Port for Export as of June 27, 1973

Section 377.3(b) of the Export Regulations is amended by adding a new paragraph (5) to read as set forth below.

Effective date: July 19, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

The FEDERAL REGISTER issuance of June 29, 1973, subjected soybean oil-cake and meal, (Schedule B No. 081.3030), to validated licensing. Shipments were allowed to proceed under general license *only* if they were on lighter destined for an exporting vessel or if loading aboard an exporting vessel had actually commenced. The purpose of this announcement is to permit licensing of soybean oil-cake and meal that was en route to port or in port earmarked for loading on an exporting vessel when the validated license requirement was imposed, but would not otherwise be eligible for licensing, because it is in excess of 40% of the unfilled balance of an order accepted on or before June 13, 1973.

The Office of Export Control will consider license applications for such oil-cake or meal if they are accompanied by an inland bill of lading or such other documentary evidence as may be necessary to establish that the shipment was en route to a port for export on or before June 27, 1973, or a dock receipt, warehouse receipt, or other documentary evidence that the aforementioned commodity was physically located at the port for export on or before June 27, 1973, or a sworn affidavit that such documentary evidence exists and will be furnished to the Office of Export Control within 3 working days of the date of application.

Licenses will be issued against unfilled orders accepted on or before June 13, 1973, to the extent they exceed the quantitied licensable under the 40% limitation. To this end, the exporter shall submit with each application a photocopy or certified copy of the contract of sale for export to a foreign buyer, and an affidavit as to the unfilled balance and any license issued against such balance.

Accordingly, § 377.3 of the Export Control Regulations (15 CFR Part 377) is amended by adding a new subparagraph (5) to paragraph (b) thereof to read as follows:

§ 377.3 Agricultural commodities.

* * * * * * *

(b) *Licensing system for exports of soybeans, soybean oil-cake and meal, cottonseed, and cottonseed oil-cake and meal.* * * *

(5) *Special rules for licensing exports of soybean oil-cake and meal in transit or at a port of export for export on or before June 27, 1973, against an Order accepted on or before June 13, 1973.* (i) Notwithstanding paragraph (b)(1) and (2) of this section, the Office of Export Control shall issue a validated export license for soybean oil-cake or meal against an order accepted on or before June 13 that was on or before June 27, 1973, either (i) in transit to a port for export, or (ii) at the port of export for export. A license shall be issued only to the extent that it can be established to the satisfaction of the Office of Export Control that such soybean oil-cake or meal was not previously exported or was not and could not be licensed pursuant to paragraph (b)(2) of this section.

(ii) For purposes of paragraph (b)(5)(i) of this section, the applicant must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application for a validated license, accompanied by a copy of the accepted order or contract for export and documentary evidence which, under all the facts and circumstances, establishes to the satisfaction of the Office of Export Control that the requirements of paragraph (b)(5)(i) of this section are fulfilled. To establish that such commodity was in transit to a port for export on or before June 27, 1973, documents demonstrating that it was enroute to the port of export, such as inland bills of lading, letters of instruction to freight forwarders, shipping instructions, or other papers, may be submitted. To establish that the commodity was located at the port of export for export on or before June 27, 1973, documents demonstrating that it was physically located within the port area and that such port was the intended port of loading for export, such as dock, warehouse, or elevator receipts, and shipping documents, or other papers, may be submitted. The applicant must also file a sworn affidavit stating the unfilled balance of the accepted order or contract for export, how much of such unfilled balance would have been or can be licensed under the provisions of subparagraph (2) of this paragraph, and giving the pertinent facts of any licenses previously issued against such balance. In any case in which necessary documents are not in the possession of the applicant at the time of filing, he may file in lieu of the documents a sworn affidavit describing the documents with particularity. Any license granted in part on the basis of such an affidavit shall be void *ab initio* if the documents, or verified copies thereof, are not placed within the possession of the Office of Export Control not later than by the close of business of the third working day following the date of filing, or if such subsequently submitted documents are not as previously described in the affidavit. An export under such a void license shall be a violation of the regulations in this part.

[FR Doc.73-15213 Filed 7-20-73;11:25 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Exhaust Gas Sampling System; Correction

In the miscellaneous amendments to the motor vehicle regulations published on June 28, 1973 (38 FR 17130), the incorrect diagram for Figure A74-1 was published. The preamble to those regulations, change no. 29, stated that the Optional Continuous Sampling Line was being removed from Figure A74-1 of those regulations. However, the diagram that was published erroneously included the Optional Continuous Sampling Line. Therefore, this correction is made to remove the Optional Continuous Sampling Line from Figure A74-1. Figure A75-1, in which the Optional Continuous Sampling Line was also to be removed, appeared correctly in the June 28, 1973 FEDERAL REGISTER publication.

Dated: July 17, 1973.

ROBERT L. SANSOM,
Assistant Administrator for
Air and Water Programs.

In Subpart A of Part 85, Title 40 of the Code of Federal Regulations as applicable to 1974 model year gasoline-fueled light duty vehicles, § 85.074-20, Sampling and analytical system (exhaust emissions), is revised to correct Figure A74-1. As corrected, the section reads as follows:

§ 85.074-20 Sampling and analytical system (exhaust emissions).

* * * * * * *

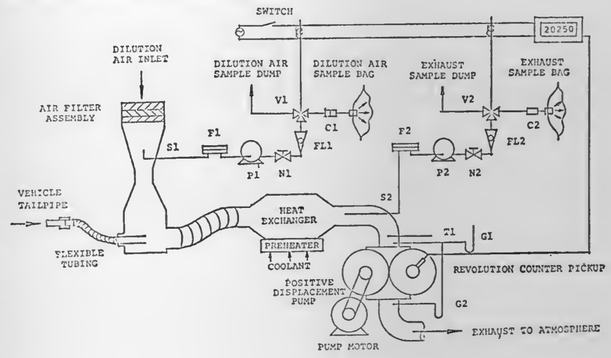


Figure A74-1 Exhaust Gas Sampling System

[FR Doc.73-14968 Filed 7-20-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Revocation of North Dakota Plan

Notice is hereby given that the State of North Dakota has withdrawn its approved State plan. Consequently, Subpart G of Title 29 Code of Federal Regulations Part 1952 is revoked.

Because of the failure of its enabling legislation, North Dakota has determined that it will be unable to meet the developmental time schedule set out in 29 CFR 1952.133. The State, therefore, in a letter from Governor Arthur Link, dated June 11, 1973, has given notice of its intention to withdraw its approved plan effective June 30, 1973. In accordance with 29 CFR 1951.25(d) the State has also decided to terminate its grant approved under section 23(g) of the Act.

This decision does not preclude the submission of another occupational safety and health plan by North Dakota under section 18 of the Act at some future time.

Subpart G—[Revoked]

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 30th day of June 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15042 Filed 7-20-73;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-175]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Louisiana	Lafayette Parish	Unincorporated areas.				July 20, 1973. Emergency.
Michigan	Delta	do				Do.
Ohio	Cuyahoga	Cleveland, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14957 Filed 7-20-73;8:45 am]

[Docket No. FI-176]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	McHenry	Cuba, Village of				July 18, 1973. Emergency.
New York	Steuben	Hammondsport, Village of				Do.
Texas	Brazoria	West Columbia, City of				Do.
Wisconsin	Dodge	Unincorporated areas				Do.
Do	Manitowoc	do				Do.
Do	Racine	Burlington, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 11, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14958 Filed 7-20-73;8:45 am]

[Docket No. FI-177]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Du Page	Addison, Village of				July 23, 1973. Emergency.
Michigan	Iosco	Tawas City, City of				Do.
Do	Oceana	Pentwater, Township of				Do.
New York	Cayuga	Cayuga, Village of				Do.
Do	Steuben	Addison, Village of				Do.
Pennsylvania	Allegheny	Carnegie, Borough of				Do.
Do	Crawford	Titusville, City of				Do.
Do	Fayette	Connellsville, City of				Do.
Virginia		Buena Vista, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14959 Filed 7-20-73;8:45 am]

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

[Docket No. R-73-109]

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

Designation of Servicing Companies

The Department of Housing and Urban Development published on July 1, 1971, at 36 FR 12516, regulations with respect to the Federal Crime Insurance Program. Under the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. 1721, Section 1930.6 of the regulations is now being revised to change the listed crime insurance servicing companies.

Under a process of competitive bidding by insurance companies to act as the servicing companies for the states of Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, Missouri, New York, Ohio, Pennsylvania, Rhode Island, and Tennessee, it has been determined that the Insurance Company of North America is the low bidder in each of these states. It is the purpose of this amendment to designate that company for these states for the period ending June 30, 1974.

Because this amendment merely publishes the results of previously submitted competitive bids notice and public procedure on this amendment are unnecessary. In as much as this amendment does not impose any new obligations it is being made effective July 1, 1973.

Accordingly, Part 1930 is amended by revising § 1930.6 to read as follows:

§ 1930.6 Names and addresses of servicing companies.

The following companies have been designated to act as servicing companies for the program in the States indicated for the period commencing July 1, 1973 and ending June 30, 1974:

Connecticut—Insurance Company of North America 999 Asylum Avenue, Room 500, Hartford, Connecticut 06105

District of Columbia—Insurance Company of North America 5225 Wisconsin Avenue, N.W., Washington, D.C. 20015

Illinois—Insurance Company of North America
- Chicago—10 South Riverside Plaza, Chicago, Illinois 60606
- E. St. Louis—7710 Carondelet Ave., Suite 444, Clayton, St. Louis, Missouri 63105
- Peoria—411 Hamilton Blvd., Suite 1600, Savings Bldg., Peoria, Ill. 61602

Kansas—Insurance Company of North America 911 Main Street, Kansas City, Missouri 64199 (To obtain forms only, contact INA at 445 R. H. Garvey Building, Wichita, Kansas 67202)

Maryland—Insurance Company of North America
- Baltimore—303 East Fayette Street, Baltimore, Maryland 21202
- Wash. Suburbs—5225 Wisconsin Avenue, N.W., Washington, D.C. 20015

Massachusetts—Insurance Company of North America 1 Center Plaza, Boston, Massachusetts 02108

Missouri—Insurance Company of North America 911 Main Street, Kansas City, Missouri 64199 7710 Carondelet Ave., Suite 444, Clayton, St. Louis, Missouri 63105

New Jersey—Aetna Casualty and Surety Company 494 Broad Street, Newark, New Jersey 07102

New York—Insurance Company of North America
- Albany—1510 Central Avenue, Albany, New York 12205
- Buffalo—15 Court Street, Western Building, Buffalo, New York 14202
- Long Island—100 Ring Road West, Roosevelt Field, Garden City, L.I., N.Y. 11530
- New York—79 John Street, New York, New York 10038
- Syracuse—750 James Street, Syracuse, New York 13203
- White Plains—1 North Broadway, White Plains, New York 10601

Ohio—Insurance Company of North America
- Cincinnati—1800 DuBois, Tower Building Cincinnati, Ohio 45202
- Cleveland—14701 Detroit Avenue, Lakewood, Ohio 44107

Pennsylvania—Insurance Company of North America
- Harrisburg—1300 Plaza West, 1300 Market Street, Lemoyne, Penna. 17043
- Philadelphia—625 Walnut Street, Philadelphia, Penna. 19105
- Pittsburgh—875 Green Tree Road, INA Building, Pittsburgh, Penna. 15220
- Suburban Phila.—137 West Wayne Avenue, Wayne, Penna. 19087

Rhode Island—Insurance Company of North America 1 Center Plaza, Boston, Massachusetts 02108

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Tennessee—Insurance Company of North America 480 James Robertson Parkway, Nashville, Tennessee 37219

Effective date. This amendment shall be effective July 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15016 Filed 7-20-73;8:45 am]

[Docket No. R-73-109]

PART 1932—PROTECTIVE DEVICE REQUIREMENTS

PART 1933—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Pre-inspection and Inspection of Commercial Properties

The Department of Housing and Urban Development published on July 1, 1971, at 36 FR 12516, regulations with respect to the Federal Crime Insurance Program. Under the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. 1721, an amendment is now being published to provide for pre-inspection and inspection of commercial properties under the Federal Crime Insurance Program.

Because comment and public procedure prior to adoption of this amendment would impede the implementation of recently negotiated servicing company contracts and would delay procedures intended to benefit both new and existing policyholders, notice and public procedure on this amendment are impracticable and contrary to the public interest. Inasmuch as this amendment eliminates the requirement of applicant certification of compliance with applicable commercial protective device requirements, this amendment is also being made effective July 1, 1973.

Accordingly, 24 CFR, Part 1932 and Part 1933 are amended as follows:

1. A new § 1932.3a is added, to read:

§ 1932.3a Mandatory pre-inspection of commercial properties.

(a) All properties for which a commercial crime insurance application for coverage against burglary is made shall be inspected by the servicing company for the state in which the property is located to determine whether the property complies with the applicable protective device requirements.

(b) No application for a commercial crime insurance policy including coverage against burglary shall be approved until it is determined that the premises sought to be insured complies with all applicable protective device requirements.

(c) No fee for this mandatory pre-inspection shall be charged to applicants applying for coverage of any premises which has not been covered by a Federal Commercial Crime Insurance Policy including coverage against burglary at any time during the two year period immediately prior to the date of the application.

(d) All other applicants shall be charged a reasonable fee, determined by the Administrator, for this pre-inspection.

2. A new § 1932.3b is added, to read:

§ 1932.3b Optional inspection of commercial properties.

(a) An inspection of any property covered by a commercial crime insurance policy which affords protection against burglary to determine compliance with applicable protective device requirements shall be made by the servicing company for the state in which the property is located if such an inspection is requested by the insured.

(b) If the optional inspection reveals that the insured premises does not comply with the applicable protective device requirements, the insured will be given thirty days from the date on which he is notified of the deficiencies in the protective devices on his property to correct those deficiencies. During that thirty day period burglary losses covered by the terms of the policy will be paid irrespective of any deficiencies in the insured's compliance with the protective device requirements. Burglary losses occurring more than thirty days after the date the insured is notified of the results of the inspection will not be paid unless it is determined that the deficiency in the premisee's protective devices had been corrected prior to the loss.

(c) A reasonable fee, determined by the Administrator, shall be charged to the insured for each optional inspection of his property.

3. A new § 1932.3c is added, to read:

§ 1932.3c Consequences of failure to comply with protective device requirements for commercial properties.

(a) Properties previously inspected. (1) If a commercial property that has undergone either a mandatory pre-inspection or an optional inspection, and has been found in compliance with the applicable protective device requirements, suffers a burglary loss caused in whole or in part by the failure of the insured premises at the time of the loss to comply with such requirements, which failure of compliance resulted from a mechanical failure, alteration, or removal of a required protective device by or with the knowledge of the insured subsequent to the inspection, such loss is not covered by the policy.

(2) If during the course of adjusting a claim involving a premise which has been found to be in compliance with applicable protective device requirements at the time of a prior mandatory or optional inspection, the adjuster or other investigator discovers a deficiency in the required protective devices on the premises which had not previously been noted but which does not involve a mechanical failure, alteration, or removal of a required protective device subsequent to the prior inspection, the deficiency will be made known to the insured, who will be given thirty days thereafter within which to remedy the deficiency. During that thirty day period burglary losses covered by the terms of the policy will be paid irrespective of the deficiency.

(b) Properties not previously inspected. Owners of commercial property covered by commercial crime insurance policies including coverage against burglary which has not undergone either a mandatory pre-inspection or an optional inspection are subject to the following regulations:

(1) Each property owner shall be personally responsible for meeting the protective device requirements applicable to the type of property for which he has commercial crime insurance. Ignorance of these requirements shall not be deemed an excuse for any lack of compliance with the protective device requirements of this subchapter.

(2) Premises found upon investigation of a claim made under the policy to lack the required protective devices shall be deemed not to have been protected at the time insurance coverage is alleged to have commenced and no insurance coverage shall be deemed to have attached, regardless of the length of time the policy ostensibly has been in force, unless the property owner can clearly establish that a removal of the protective devices actually occurred subsequent to the date on which insurance coverage is alleged to have commenced, in which event the policy shall be deemed canceled by the insured as of the date of such removal.

(3) Premises found upon investigation of a claim made under the policy to be deficient in meeting the then currently applicable protective device requirements because of the uncorrected inadequacy, inoperability, or malfunction of existing protective devices shall, in the absence of evidence of fraud or misrepresentation be deemed to have been ineligible for coverage from the date of most recent application or renewal, whichever is applicable, and no coverage under the program shall exist with respect to such premises, regardless of the length of time the insured may have had coverage prior to such invalid application or renewal.

(c) The insured shall promptly notify the servicing company of any malfunction or breakdown of protective devices and supply it with all relevant facts at the time the deficiency occurs. If such deficiency is corrected within the time specified by the servicing company, no lapse in coverage will result.

5. Section 1932.4 is amended to read as follows:

§ 1932.4 Lack of residential protective devices voids residential policy.

(a) Each residential property owner applying for Federal Crime Insurance shall be personally responsible for meeting the protective device requirements applicable to his premises. Ignorance of such requirement shall not be deemed an excuse for any lack of compliance with the residential protective device requirements, and any person who is doubtful as to whether the protective devices existing on his premises at the time of application meet such requirements should seek competent technical advice before actually making application.

(b) Although agents and brokers are expected to assist and advise property owners as to the requirements for and adequacy of protective devices for residential premises, no agent or broker shall be authorized to approve or disapprove on behalf of the insurer the adequacy of any required protective devices, and any representation to the contrary is false and shall be void.

(c) Residential premises found upon inspection to lack the required protective devices shall be deemed to have been misrepresented at the time of application, and no insurance coverage shall be deemed to have attached, regardless of the length of time the policy ostensibly has been in force, unless the property owner can clearly establish that a removal of the protective devices actually occurred subsequent to the issuance of the policy, in which event the policy shall be deemed canceled by the insured as of the date of such removal.

(d) The insured shall promptly notify the servicing company of any malfunction or breakdown of protective devices and supply it with all relevant facts at the time the deficiency occurs. If such deficiency is corrected within the time specified by the servicing company, no lapse in coverage will result.

(e) Residential premises found upon inspection to be deficient in meeting the then currently applicable residential protective device requirements because of the uncorrected inadequacy, inoperability, or malfunction of existing protective devices shall, in the absence of evidence of fraud or misrepresentation, be deemed to have been ineligible for coverage from the date of most recent application or renewal, whichever is applicable, and no coverage under the program shall exist with respect to such residential premises regardless of the length of time the insured may have had coverage prior to such invalid application or renewal.

6. A new § 1933.25a is added, to read as follows:

§ 1933.25a Application and date of commencement of coverage.

Application for Federal commercial crime insurance shall be made only on a form supplied by the Administrator. Coverage under a policy covering burglary losses will commence at noon on the day following the date of acceptance of the application unless a later date is specified in the application. Coverage under a policy covering robbery only will commence at noon, the day following the date of application unless a later date is specified in the application.

7. Section 1933.26 is amended to read as follows:

§ 1933.26 Required commercial policy form.

The following shall constitute the policy form for the commercial crime insurance policy, and no other policy form shall be used unless otherwise provided by this § 1933.26.

(a) [Revoked]

• • • • •

Effective date. This amendment shall be effective July 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15015 Filed 7-20-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. ATF-5]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Miscellaneous Amendments

The Bureau of Alcohol, Tobacco and Firearms has received a request from the government of Puerto Rico to modify its regulations governing the collection of taxes in Puerto Rico under 26 U.S.C. 7652(a). This request was granted, and at the same time it was decided to incorporate several other necessary changes into the same document. The changes made by this document are described below.

MAJOR CHANGES

Extended deferral for Puerto Rican taxpayers. Under present requirements, Puerto Rican taxpayers are given a three-day deferral period for the payment, in Puerto Rico, of taxes on alcohol and tobacco products imposed by 26 U.S.C. 7652(a). But producers in the United States are permitted to defer their taxes, for each two-week return period, until the last day of the next succeeding return period. The government of Puerto Rico has requested an amendment to the regulations to permit a similar deferral period for Puerto Rican proprietors. Accordingly, this document provides such an amendment. The current three-day deferral period is also retained as an option available to proprietors with bonds executed before the effective date of these amendments. This will ensure that no present producer will be forced to accept the higher bond premiums which may be associated with two-week deferral. But three-day deferral will eventually be phased out by requiring proprietors who subsequently acquire bonds to choose between prepayment and two-week deferral.

Sections 250.112(e), 275.114 and 275.124 are amended; §§ 250.112a and 275.114a are added.

Application for modification of Forms 52A, 52B, and 338. Regulations currently state that modifications of Forms 52A, 52B, and 338 must be approved by the Director; but the number of copies of applications for such approval is not specified. These amendments specify that applications must be submitted in triplicate to the Director, Bureau of Alcohol, Tobacco and Firearms. [Sections 250.165 and 250.274 amended]

Definitions. When the former Alcohol, Tobacco and Firearms Division of the Internal Revenue Service separated and became the independent Bureau of Alcohol, Tobacco and Firearms, the titles of certain official positions were changed. New definitions reflecting these changes have already been provided for Part 250; this document provides such definitions for Part 275. In addition, a definition of "Business Day" is provided in Part 275. [Section 275.11 amended]

Effective date. Because it is necessary to reflect the effective date of this document in text, this Treasury decision is being given an effective date of September 1, 1973.

Summary of changes subsequent to notice of proposed rule making. On March 16, 1973, a notice of proposed rulemaking to amend 26 CFR Parts 250 and 275, as described in the preceding paragraphs, was published in the FEDERAL REGISTER (38 FR 7125). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No adverse comments or requests for a public hearing were received; therefore, the amendments are hereby adopted as published in the notice of proposed rulemaking, subject to the minor changes set forth below:

1. The phrase "U.S. post office" is deleted in paragraphs A.1. and B.2., and in its place is substituted the phrase "United States Postal Service".

2. The phrase "(effective date)" is deleted in paragraphs A.2. and B.3., and in its place is substituted the phrase "September 1, 1973".

3. In paragraph B.2., at the end of § 275.114, the zip code "10008." is added.

4. In paragraph B.3., the phrases "penal sum" and "a penal sum" are deleted, and in their place are substituted respectively the word "amount" and the phrase "an amount".

This Treasury decision shall become effective on September 1, 1973.

(Sec. 7805 Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805.)

[SEAL] JOHN L. WEST,
Acting Director Bureau of Alcohol, Tobacco and Firearms.

VERNON D. ACREE,
Commissioner of Customs.

Approved: July 13, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

In order to (1) permit deferral until the last day of the next succeeding return period of the filing of tax returns and payment of taxes in Puerto Rico on alcoholic and tobacco products shipped from Puerto Rico to the United States, (2) require that applications for modification of Forms 52A, 52B, and 338 be submitted in triplicate, and (3) make certain definitional changes, the regulations in 26 CFR Parts 250 and 275 are amended as follows:

PARAGRAPH A. Title 26 CFR Part 250 is amended as follows:

1. Paragraph (e) of § 250.112 is amended to provide an extended deferral

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period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, paragraph (e) reads as follows:

§ 250.112 Taxes to be collected by returns for semimonthly periods.

• • • • •

(e) *Filing.* The original and two copies of returns on Forms 2901, 2927, and 2929, with remittance covering the full amount of the tax, shall be filed with the Officer-in-Charge not later than the 3d business day next succeeding the last day of the return period: *Provided,* That a proprietor who is qualified for extended deferral, as provided in § 250.112a, shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. Where the return and remittance are delivered by U.S. mail to the office of the Officer-in-Charge, the date of the official postmark of the United States Postal Service stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this paragraph falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday.

• • • • •

2. A new § 250.112a, covering qualification for extended deferral, is added immediately following § 250.112 and reads as follows:

§ 250.112a Qualification for extended deferral.

(a) *Proprietors with bonds executed before September 1, 1973.* Proprietors with bonds on Forms 2896, 2897, or 2898 executed before September 1, 1973, who desire to file returns under this subpart with benefit of the extended deferral permitted by § 250.112(e), shall file with the Officer-in-Charge a consent of surety on Form 1533 to extend the terms of the bond. Each consent on Form 1533 shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions and limitations of terms and conditions previously consented to and approved), notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 250.112(e).

If the bond on Form 2896, 2897, or 2898 is in a penal sum insufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable, the proprietor must either file a new bond or file a strengthening bond to increase the total penal sum of the bonds then in force to a sufficient penal sum.

(b) *Proprietors with bonds executed after September 1, 1973.* Proprietors operating under original or superseding bonds executed after September 1, 1973 are automatically qualified for the extended deferral permitted by § 250.112(e) (unless found in default as provided in § 250.112(f)). Such bonds must be executed in a penal sum sufficient to cover an extended deferral period, according to the requirements of § 250.66, § 250.67, or § 250.68, as applicable.

(c) *Commencement of extended deferral.* Proprietors may file returns with benefit of extended deferral only after the applicable bonds and consents of surety required by this section have been filed with and approved by the Officer-in-Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

3. Sections 250.165 and 250.274 are amended to specify the number of applications to be submitted. As amended, §§ 250.165 and 250.274 read as follows:

§ 250.165 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be purchased by users from commercial printers and must be in the form prescribed: *Provided,* That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

§ 250.274 Forms to be provided by users at own expense.

Forms 52A, 52B, and 338 shall be provided by users at their own expense and must be in the form prescribed: *Provided,* That upon written application, in triplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, approval may be granted to modify these forms for use in tabulating or other mechanical equipment.

(72 Stat. 1342, 1395; 26 U.S.C. 5114, 5555)

PAR. B. Title 26 CFR Part 275 is amended as follows:

1. Section 275.11 is amended by revising the definitions of "Assistant regional commissioner" and "Director"; by adding, in alphabetical order, definitions of "Regional director" and "Business day"; and by eliminating the definitions of "Commissioner" and "Regional commissioner." As amended and added these definitions read as follows:

§ 275.11 Meaning of terms.

• • • • •

Assistant regional commissioner. Wherever used in this part shall mean a regional director as defined in this section.

• • • • •

Business day. Any day, other than a Saturday, Sunday, or a legal holiday. (The term legal holiday includes all holidays in the District of Columbia and, in the case of bonded manufacturers in Puerto Rico, all legal holidays in the Commonwealth of Puerto Rico.)

• • • • •

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

• • • • •

Regional director. A regional director who is responsible to, and functions under the direction and supervision of, the Director.

• • • • •

2. Section 275.114 is amended to provide an extended deferral period and to permit delay in filing returns when the last day for filing comes on a Saturday, Sunday, or legal holiday in Puerto Rico or in the District of Columbia. As amended, § 275.114 reads as follows:

§ 275.114 Time of filing.

Every semimonthly tax return under this subpart shall be filed by the bonded manufacturer not later than the third business day succeeding the last calendar day of the return period: *Provided,* That if a bonded manufacturer is qualified for extended deferral, as provided in § 275.114a, he shall file returns, with remittances, for each return period, not later than the last day of the next succeeding return period. If the return and remittance are delivered by U.S. mail to the office of the Officer-in-Charge, the date of the official postmark of the United States Postal Service stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. If the last day for filing a return under this section falls on a Saturday, Sunday, or legal holiday in the District of Columbia or in the Commonwealth of Puerto Rico, the filing of such return and remittance shall be considered timely if accomplished on the next succeeding day which is not a Saturday, Sunday, or such legal holiday. The Officer-in-Charge will transmit a receipted copy of the semimonthly tax return to the bonded manufacturer who filed the return and paid the tax, retain one copy, and forward one copy to the Regional Director, Bureau of Alcohol, Tobacco and Firearms, New York, N.Y. 10008.

3. A new § 275.114a, covering qualification for extended deferral, is added immediately following § 275.114 and reads as follows:

§ 275.114a Qualification for extended deferral.

(a) *Bonded manufacturers with bonds executed before September 1, 1973.* Bonded manufacturers with bonds on Form 2936 executed before September 1, 1973, who desire to file returns under this subpart with benefit of the extended deferral permitted by § 275.114 shall file with the Officer-in-Charge an extension of coverage of bond on Form 2105. Such extension of coverage shall identify the particular bond to which it applies and shall contain a statement of purpose as follows:

To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved) notwithstanding that the time for payment of the tax may be deferred by the extended deferral period permitted by regulations in 26 CFR 275.114.

If the bond on Form 2986 is in an amount insufficient to cover an extended deferral period, according to the requirements of § 275.121, the bonded manufacturer must either file a new bond or file a strengthening bond to increase the total amount of the bonds then in force to a sufficient amount.

(b) *Bonded manufacturers with bonds executed after September 1, 1973.* Bonded manufacturers operating under original or superseding bonds executed after September 1, 1973, are automatically qualified for the extended deferral permitted by § 275.114 (unless found in default as provided in § 275.116). Such bonds must be executed in an amount sufficient to cover an extended deferral period, according to the requirements of § 275.121.

(c) *Commencement of extended deferral.* Bonded manufacturers may file returns with benefit of extended deferral only after the applicable bonds and extensions of coverage required by this section have been filed with and approved by the Officer-in-Charge.

(68A Stat. 847, as amended, 907, as amended; 26 U.S.C. 7101, 7652(a))

4. Section 275.124 is amended to refer to the requirements of § 275.114a regarding extensions of coverage of bonds. As amended, § 275.124 reads as follows:

§ 275.124 Extension of coverage of bond.

An extension of coverage of the bond of a bonded manufacturer shall be required (a) as provided in § 275.114a, and (b) in the case of any change in the location of the factory as set forth in the bond. Such extension of coverage of the bond shall be manifested on Form 2105 by the bonded manufacturer and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

[FR Doc.73-15020 Filed 7-20-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 989]

[Docket No. AO-375]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Miscellaneous Amendments

Correction

In F.R. Doc. 73-13133, appearing at page 17240 in the issue of Friday, June 29, 1973, in the fourth line under § 989.158 the letter "(d)" in the paragraph designation should read "(a)".

Animal and Plant Health Inspection Service

[9 CFR Parts 317, 381]

JAR CLOSURES FOR MEAT AND POULTRY FOOD PRODUCT

Proposed Requirement for Prevention of Filth and Insect Accumulation

Notice is hereby given that the Animal and Plant Health Inspection Service is considering amending Parts 317 and 381 by adding new §§ 317.19 and 381.143 respectively to the meat inspection regulations, and the poultry products inspection regulations, pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. Numerous consumer complaints have been received concerning the quick-twist, screw-on, or snap-on lids (or closures) on containers of meat food products. The complaints relate to the annular space existing between the inner edge of the lid's rim (lip or skirt) and the container itself. The space is easily accessible to insects which are attracted by food squeezed out when the lid was sealed and sometimes not subsequently removed by retorting or washing. Dead insects, insect eggs, larvae, and other filth and adulterants have been found in this annular space. When such a jar is opened, the vacuum seal is broken and the resulting puff of air carries whatever foreign material that may be in the annular space into the jar where it comes in contact with the food. The condition should be eliminated for removal of an apparent threat of contamination which could cause disease.

1. The Table of Contents to Part 317 would be amended to reflect a new section heading and the text would read as follows:

§ 317.19 Jar closures requirements.

Containers sealed with quick-twist, screw-on, or snap-on lids (or closures), which have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself, shall have such space eliminated by lid or container design and construction or be made inaccessible by sealing.

2. The Table of Contents to Part 381, Subpart N, would be amended to reflect a new section heading and the text would read as follows:

§ 381.143 Jar closures requirements.

Containers sealed with quick-twist, screw-on or snap-on lids (or closures), which have an annular space between the inner edge of the lid's rim (lip or skirt) and the container itself, shall have such space eliminated by lid or container design and construction or be made inaccessible by sealing.

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by October 1, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to Scientific Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 17, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15045 Filed 7-20-73;8:45 am]

[9 CFR Parts 318, 381]

XANTHAN GUM

Approval for and Restrictions on Use in Various Products

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending Part 318 of the Federal meat inspection regulations (9 CFR Part 318) as indicated below, pursuant to authority contained in the Federal Meat Inspection Act (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.) and Subpart O of the poultry products inspection regulations (9 CFR 381) as indicated below, pursuant to authority contained in the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451 et seq.) to provide for the use of xanthan gum in various products.

Statement of considerations. The Department has been petitioned by the Kelco Company to amend the Federal meat inspection regulations and the Federal poultry products inspection regulations to provide for the use of xanthan gum in various meat and poultry products. Such products contain either meat or poultry or both as ingredients.

Xanthan gum is proposed for use in these products to serve one or more of the following functions:

1. As a viscosity contributor;
2. Suspending agent for solid particles;
3. To enhance mouthfeel and flavor release;
4. As an emulsion stabilizer where thermal breakdown during heat processing may occur;
5. As an inhibitor against moisture migration;
6. As a binder and enhancer of freeze-thaw stability.

The Department has reviewed test data submitted by the petitioner in support of the proposal and has concluded that the results substantially indicate that the use of xanthan gum in meat and poultry food products would serve useful purposes and be otherwise efficacious for the purpose for which it is to be used. Sensory test panels of the Department evaluated the desirability of this substance as an ingredient in various meat food products, such as combinations of meat and gravies or sauces; mixtures of meat and oil base dressings, fillings of frozen specialty foods consisting of meat and poultry, mixed with fruits, vegetables, binders, flavorings, or nuts, and finely emulsified products such as liver pate. The sensory panels indicated substantial preference for the products containing xanthan gum as an ingredient when compared to products in which the substance was not used. Information available to the Department indicates no reason for concern over the use of xanthan gum in meat or poultry products as proposed.

The properties imparted to products by xanthan gum suggest that the test panel's sensory evaluations of the meat food products tested would have been substantially the same for poultry products of the same general nature if used in the tests. The petitioner submitted to the Department information that outlines the characteristics of this gum. This information is on file in the Office of the Hearing Clerk and available for public inspection during regular hours of business.

Information in the petition filed with the Department indicates that xanthan gum has received considerable commercial acceptance as a functional ingredient in the general food area. Some examples follow:

Products	*Percent-Xanthan Gum Levels*
Barbecue sauces	0.15–0.3
Tomato base sauces	0.1 –0.3
Cheese sauce	0.1 –0.3
Canned poultry meat salad	0.4 –0.7
Canned chicken liver pate	0.4 –0.7
Poultry base sandwich spreads	0.09–0.3
Poultry liver spread	0.1 –0.3
Frozen chicken stew	0.1 –0.3
Frozen chicken salad	0.2 –0.6
Batter mixes	0.1 –0.4

Xanthan gum is a polysaccharide gum produced on a commercial basis from the fermentation of corn sugar by the bacterium, *Xanthomonas campestris*. This bacterium is a naturally occurring microorganism which has been isolated from cabbage plants and which has long been known to produce colonies that are viscoid or gummy in nature. Xanthan gum produced by this microorganism has been recognized as nonpathogenic and nontoxic to man or other animals and was approved by the Federal Food and Drug Administration as to safety for use in foods under § 121.1224 of the Code of Federal Regulations (21 CFR 121.1224). This approval provides for the general use of xanthan gum in foods—when used in accordance with good manufacturing practices—to serve as a stabilizer, emulsifier, thickener, suspending agent, or bodying agent where such use is not precluded by a standard of identity for a specific food. It is permitted in several classes of foods standardized under the authority of the Federal Food, Drug, and Cosmetic Act where such standards provide for the use of any safe and suitable emulsifying agent or any safe and suitable stabilizing agent.

The issuance of the food additive regulation for xanthan gum, without quantity limitation, under Section 409 of the Federal Food, Drug, and Cosmetic Act, indicates that safety is not an issue regarding the use of this substance in various products containing meat or poultry ingredients.

Data supplied by the petitioner indicate that the addition of xanthan gum is quantitatively self limiting in the production of food products. This information also indicates that when an amount is used in excess of that necessary to accomplish a desired result, consumer acceptance of such products is adversely affected. Products containing an excessive quantity of xanthan gum acquire a rubbery consistency that is objectionable in both appearance and palatability. (See Table 1 of Exhibit III).

The following information concerning this request has been placed on file in the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.: (1) A letter dated June 28, 1971, with an Appendix A entitled "Xanthan Gum, A Natural Product"; (2) Exhibit I, "Xanthan Gum Specification"; (3) Exhibit II which is a copy of the FDA FEDERAL REGISTER notice dated March 19, 1969; and (4) an Exhibit III entitled "Effect of Xanthan Gum at High Levels in Foods."

The proposed amendments to the regulations would allow the use of xanthan gum in various categories of products that contain meat or poultry, or both, in an amount "sufficient for purpose."

Section 318.7(c)(4) of the Federal meat inspection regulations would be amended by adding to the chart in alphabetical order the following information under the heading "Binders":

§ 318.7 Approval of substances for use in the preparation of product.

* * * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Product	Amount
Binders	Xanthan gum.	To maintain: Uniform viscosity; suspension of particulate matter; emulsion stability; freeze-thaw stability.	Meat sauces, gravies or sauces and meats, canned or frozen and/or refrigerated meat salads, canned or frozen meat stews, canned chili or chili with beans, pizza topping mixes and batter or breading mixes.	Sufficient for purpose.

* * * * * *

Section 381.147(f)(3) of Subpart O of the poultry products inspection regulations would be amended by adding to the chart in alphabetical order the following information under the heading "Binders and Extenders":

§ 381.147 Restrictions on the use of substances in poultry products.

* * * * * *

(f) * * * (3) * * *

Class of substance	Substance	Purpose	Product	Amount
Binders and Extenders.	Xanthan gum.	To maintain: Uniform viscosity; suspension of particulate matter; emulsion stability; freeze-thaw stability.	Various, except uncooked products or sausages or other products with a moisture limitation established by Subpart P of this Part.	Sufficient for purpose.

* * * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by October 1, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

V 38-140 JUL 23 73 XUM

Done at Washington, D.C., on July 17, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15046 Filed 7-20-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397]

[Docket No. MC-50; Notice No. 73-19]

LIGHTWEIGHT VEHICLE EXEMPTION

Advance Notice of Proposed Rulemaking

The Director of the Bureau of Motor Carrier Safety is in receipt of petitions seeking an exemption for certain lightweight vehicles from the accident-reporting requirements in the Motor Carrier Safety Regulations. The Director has also received a separate petition for a total exemption from the regulations for the operations of all vehicles with a gross vehicle weight rating of 10,000 pounds and under (hereinafter referred to as 10,000-pounds GVWR). The purpose of this Notice is to invite comments on the subjects of the petitions and to announce a schedule for public hearings on those subjects.

The Private Carrier Conference, Inc. of the American Trucking Associations, Inc., has filed two separate petitions. The first petition requests an exemption from the accident-reporting provisions of Part 394 of the Motor Carrier Safety Regulations for service-type vehicles with an unladen weight of 10,000 pounds or less or a laden weight of 16,000 pounds or less, when a vehicle of that weight is (a) used as a tow truck or a mechanic's truck to service or repair other vehicles, provided that the operation of such vehicle is not the primary business of the motor carrier; (b) the vehicle of a driver-salesman; or (c) a vehicle operated by a person in a service trade such as a repairman, plumber, or electrician. The Private Carrier Conference has also petitioned for rulemaking action, seeking an exemption from Parts 391–396 of the Motor Carrier Safety Regulations for the operations of all vehicles of 10,000 pounds GVWR or less, except when such vehicles are engaged in the transportation of passengers or are transporting hazardous materials which would require placarding under the provisions of 49 CFR 177.823.

The American Trucking Associations, Inc., has petitioned the Bureau requesting an amendment to the Motor Carrier Safety Regulations to exempt from the requirements of Part 394, Notification, Reporting and Recording of Accidents, vehicles having a 10,000-pound GVWR or less.

The Private Truck Council of America, Inc., has petitioned the Bureau for an amendment of the definition of reportable accident in § 394.3 to exclude (a) private motor vehicles having a gross weight, including load, of 10,000 pounds or less; and (b) other private motor vehicles operating wholly within a radius of 50 miles of their garage or terminal.

Burlington Industries, Inc., has petitioned the Bureau for a waiver of Parts 391–396 of the Motor Carrier Safety Regulations as applied to Burlington Industries' vehicles utilized in its private intercorporate courier service.

The National Industrial Traffic League has filed a petition for reconsideration supporting the aforementioned petitions filed by the Private Carrier Conference, Inc., and the Private Truck Council of America, Inc., pertaining to exemption from the accident-reporting requirements.

The petitioners, generally, urge that the exemption of lightweight vehicles from the accident-reporting requirements should be granted for the following reasons:

1. The collection of accident reports involving lightweight motor vehicles will distort the accident data base and prevent a meaningful analysis of accidents involving large and articulated motor vehicles. It is argued, for example, that in the case of a department store appliance serviceman who operates a small panel truck for only a minor portion of his time, neither he nor his vehicle would, ordinarily, be subject to the Bureau's regulations, (other than for hours of service and the reporting and recording of accidents) since they are generally confined to commercial zones. For many companies he would generally operate only in intrastate commerce and not be subject to any Motor Carrier Safety Regulations. Thus, because the rules require the reporting of accidents resulting from intrastate as well as interstate operations, the Bureau's records will become distorted, for analytical purposes, by accidents which occur in operations not subject to the Bureau's regulations other than for hours of service and reporting and recording of accidents. It is further argued that the data on service trucks, which carry little except parts, are unreliable and insignificant, and would distort cargo truck statistics. Light truck drivers may drive as little as 10 percent or less of the workday, and figures on their driving would distort the data base. The merging of statistics involving drivers not subject to qualifications under the regulations with those involving drivers who are subject to them, and data relating to small vehicles which are not comparable as to the need for driving ability with those of heavy over-the-road equipment, would produce a conglomeration of data with little or no meaning.

2. Vehicles having a weight of 10,000 pounds or less are not basically used for transportation of property but are used as incidental transportation for another primary business. For example, the primary purpose of these vehicles, which are used by carpet installers, TV and refrigerator repairmen, appliance dealers, and utility companies, is to transport one or more persons, plus their tools and equipment, to and from job sites to enable them to perform a service function which is totally unrelated to the transportation of property.

3. The Motor Carrier Safety Regulations presently provide many exemptions based on the 10,000-pound GVWR limit or on types of operations similar to those for which lightweight vehicles are used. Part 391, Qualification of Drivers, provides an exemption for passenger car operations, farm vehicles having a gross weight of 10,000 pounds or less, and a minimum-age exemption for drivers of vehicles weighing 10,000 pounds or less. Part 393, Parts and Accessories Necessary for Safe Operation, contains numerous sections which would not be applicable to lightweight motor vehicles. Part 395, Hours of Service of Drivers, exempts driver-salesmen from weekly hours limitations under certain conditions, and exempts drivers of 10,000-pound GVWR vehicles from daily hours-of-service requirements and the requirement for maintaining daily logs. It is argued that the common purpose of these existing exemptions is to avoid application of the regulations to lightweight vehicles and to vehicles engaged in short-run local operations when compliance with the rules would be unlikely to result in any contribution to safety that is either significant or commensurate with the burdens upon small and local truck operators, their employees, customers, and the Government. It is submitted that the same considerations apply with respect to accident-reporting requirements pertaining to lightweight vehicles.

4. Basically, the lightweight commercial vehicle or truck, has the same physical and operating characteristics, and requires the same driving skills, as a passenger automobile. It is argued that any differences are so minor that the Bureau will not derive data from such accident reports which will shed significant light on the cause or prevention of accidents different from what can be obtained from reports of passenger car accidents. It is also pointed out that the Bureau recently exempted 10,000-pound GVWR vehicles operating under contract with the U.S. Postal Service, and their drivers, from certain provisions of the Motor Carrier Safety Regulations, and that the National Highway Traffic Safety Administration, in its regulations, has recognized the validity of the 10,000-pound GVWR limit to distinguish vehicles having basic characteristics similar to those of passenger cars and vehicles significantly different by reason of size, weight, construction and configuration.

5. It is alleged that it will be extremely difficult, if not impossible, for the Bureau to establish contact with the tens of thousands of small businessmen who operate small trucks in interstate commerce and who have no knowledge of the Bureau's regulations. It is submitted that the resultant problems of enforcement will not be conducive to uniform and effective administration of the regulations.

6. Concern is expressed over the possibility that a substantial increase in the volume of accident reports stemming from extension of the reporting requirements to private carriers may lead to further delays in the publication of accident data by the Bureau.

In its petition for total exemption from the Motor Carrier Safety Regulations for all vehicles with a gross weight rating of 10,000 pounds or under, the Private Carrier Conference reiterates many of the arguments set forth above. In addition, the petitioner sets forth the following arguments in support of the requested exemption:

It is pointed out that the driver-salesman exemption in Part 395 gives recognition to the principle that certain occupations, although they do involve driving to some extent, are not basically "drivers" and should be regulated in a manner which differs from that of persons whose principal occupation is driving per se. The net result of the Part 395 exemptions is to already authorize the exemptions requested in the petition except for what is characterized as the illogical exception of exempting driver-salesmen from the weekly on-duty requirements while not extending this same exemption to others, even more numerous, such as service-type personnel and warehousemen who drive much fewer hours per week, on the average, than driver-salesmen.

It is submitted that the requested 10,000-pound GVWR exemption is closely allied to the commercial zone exemption, which is alleged to be artificially based. The petitioner urges that it would be more logical to relate the exemption to vehicle size. While a very high percentage of lightweight vehicles operate only within commercial zones, only a very small percentage of carriers are exempt from regulation in regard to such vehicles because they are occasionally operated under conditions making them subject to regulation. Under these circumstances, the petitioner claims, carriers are faced with the alternative of qualifying all vehicles and drivers even though many would not be subject to regulation, or selecting certain drivers and vehicles which would operate subject to regulation. It is alleged that this choice of alternatives poses an insuperable operating problem for many carriers. The petitioner is opposed to the principle of requiring operators of 10,000-pound GVWR vehicles to qualify under the Motor Carrier Safety Regulations, particularly when the operators of these vehicles are not basically drivers, but, rather, are essentially TV repairmen, upholsterers, kitchen-appliance installers or repairmen, construction workers, and other tradesmen. Of necessity, their occupations require them to drive these vehicles occasionally in interstate commerce. It is submitted that thousands of these operators have not been qualified as drivers under the regulations, that many could not qualify, and that it would be difficult, if not impossible, to replace such persons if they could not meet the requirements of the regulations.

Burlington Industries, in its petition, points out that its intercorporate courier service operates over scheduled routes in several states and New York City, serving Burlington's plant and office locations. The service handles internally throughout the company material such as: memoranda, payroll and data processing information; packages, parcels, and cartons that would generally be shipped between plant locations through a commercial parcel express company; and special items requiring quick transportation in emergency situations. All of the vehicles presently used are within the 10,000-pound GVWR limit. It is alleged that the staff assigned to operate the courier service is incurring significant administrative burdens in meeting the various requirements of the regulations, and that this burden is exacerbated in light of the fact that Burlington maintains its own internal safety procedures.

Burlington submits that its courier service is very similar to an intracity or commercial zone delivery operation. It analogizes its situation to the exemption recently granted for lightweight mail trucks, alleging that its service is an operation similar in nature to the operations of such contract mail carriers. Internal regulations have been promulgated by the company, and there is a corporate policy of motor carrier safety. It is argued that the Motor Carrier Safety Regulations are an administrative burden and do not enhance the safety of the Burlington operation.

To assist him in determining whether the Motor Carrier Safety Regulations should be amended to provide an exemption from the accident-reporting requirements for certain lightweight vehicles, an exemption from Parts 391–396 of the regulations for Burlington Industries' 10,000-pound GVWR vehicles utilized in its courier service, or an exemption for all 10,000-pound GVWR vehicles from Parts 391–396, the Director invites interested persons to submit written data, views, or arguments pertaining to the subject matter of the petitions.

The Director recognizes that there apparently is no general consistency among the various administrative exemption clauses with regard to defining what a "lightweight vehicle" is or in specifying the circumstances in which the exemption attaches. There are also some apparent inconsistencies with respect to exemptions based on geography. Therefore, the Director will review the overall picture of administrative exemptions based on vehicle size and weight, and geography of operation, for the purpose of determining whether a general policy on the subject of such exemptions can be evolved.

Interested persons are invited to submit written data, views, and arguments pertaining to these issues for consideration.

Comments, identifying the docket number and the notice number, should be submitted in three copies to the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on January 15, 1974 will be considered before further action is taken. Comments will be available for examination in the public docket in Room 4136, 400 Seventh Street, SW., Washington, D.C. both before and after the closing date for comments.

In order to give all interested persons an additional opportunity to state their views on the petitions and other matters covered in this Notice, the Director announces that he will hold public hearings in the following cities as indicated below:

Location	*Dates*
Washington, D.C.	September 18, 1973
San Francisco, Calif.	October 10, 1973
Kansas City, Kansas	November 1, 1973

The hearings will be informal, and will be conducted by the Administration pursuant to 49 CFR 389.27. They will not be judicial or evidentiary-type hearings. There will be no cross-examination of persons presenting statements. A member of the staff of the Federal Highway Administration will make a brief opening statement about the nature of the proceeding. Interested persons will then have an opportunity to present initial oral statements. Supplemental written statements will also be received. Statements should focus on the issues raised in this notice. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given the opportunity to so do in the same order in which they made their initial statements. Additional procedures for the conduct of the hearings will be announced at a later date.

Interested persons are invited to attend the hearings and present oral or written statements on the matters set for the hearings. These statements will be made a part of the record of the hearings, the transcript of which will be a matter of public record. Any person who wishes to make an oral statement at the hearings should notify the Director of the Bureau of Motor Carrier Safety by September 7, 1973, stating the amount of time required for his initial statement. An announcement of the time and exact location of these hearings will be made in the FEDERAL REGISTER as soon as possible.

All communications concerning these hearings should be addressed to the Bureau of Motor Carrier Safety, Washington, D.C. 20590.

This notice is issued under the Authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304), section 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority in §§ 1.48 and 389.4 of Title 49, CFR.

Issued on July 17, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-15019 Filed 7-20-73;8:45 am]

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CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 25704; EDR-250]

FORM 41 SCHEDULES B-46, G-41, G-42, AND G-43

Proposed Reporting Requirements

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241 of the Economic Regulations which would: (1) Revise Form 41 Schedules B-46, G-41, G-42, and G-43 of Part 241 and applicable reporting requirements; (2) extend the applicability of Schedule B-46 and certain portions of Schedule G-42 to a "person controlling an air carrier" as defined therein; and (3) add new Form 41 Schedule A-2 to Part 241 and applicable reporting requirements. The principal features of the proposed amendment are discussed in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a), 407, and 408(d) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766 (as amended by 83 Stat. 103), 767 (as amended by 74 Stat. 901, 83 Stat. 103); 49 U.S.C. 1324, 1377, 1378).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 29, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Dated: July 16, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Explanatory statement. The increase in diversified activities of certificated air carriers has brought forth a corresponding development in the number of corporate reorganizations whereby the air carrier becomes a subsidiary or an affiliate of a controlling company. In effect, these parent-subsidiary or control relationships link the air carrier functions with those of the person controlling it in regard to debt capacity, stockholdings and corporate positions of authority. While these corporate reorganizations and mergers may have as their objective the strengthening of the combined organizations' financial base and profit potential, such control relationships can lead to the dilution of the resources of the regulated activity and thus adversely affect its potential for growth and service. Therefore, the public interest requires that the Board be kept fully informed of such relationships and activities in order that the Board may effectively discharge its regulatory responsibilities, and, in particular, take action which may be necessary to prevent the control relationships from impairing regulated air transport activities.

The Board's present reporting requirements are predicated primarily upon the concept of single entity corporate reporting, and thus tend to obscure the Board's view of the true proprietary and management functions resulting from the above-mentioned control relationships; this, in turn, hinders the Board's evaluation of the effect of such relationships on the public interest. Moreover, the present reporting requirements raise questions whether the results of the regulated air transport operations, as distinct from any unregulated activities in which the controlling person may be engaged, are being fairly presented, and whether the Board has complete information with respect to the coordination of multiple activities.

For these reasons, we are proposing herein to revise Form 41 Schedules B-46 and G-42, which, inter alia, require reports with respect to trade debt and security interests, so that they will apply to both the air carrier and the person controlling the air carrier. In addition, we are also proposing to require that all persons controlling an air carrier submit a new Form 41 Schedule A-2 (controlling person's certification) at the time they submit Schedules B-46 and G-42. However, for the purpose of these reports, we are proposing a limited definition of "control" since we think it would be sufficient here to reach only persons whom the Board has actually found to control an air carrier, or who own at least a 50-percent interest of an air carrier's outstanding voting securities, or capital, instead of attempting to reach persons owning as little as 10 percent, which is the statutory test of presumptive control, as set forth in section 408(f). A controlling person required to report on Schedules A-2, B-46 and G-42 would thus be a person who has been found to control an air carrier or who holds, directly or indirectly, 50 percent or more of the voting securities or capital of an air carrier, unless such person makes a proper showing to the Board that he does not control the carrier despite such stock ownership.[1] However, we are not proposing to require such controlling persons to report on Schedule G-42, insofar as it requires a report of compensation and expenses paid to officers and directors of the reporting entity.

In addition to the foregoing, we are proposing revisions to Schedule G-41 and certain other modifications to Schedule G-42. The revisions to Schedule G-41 relate to forms of control which can be used to influence carrier management. Under present regulations, air carriers identify, on the schedule, persons holding record ownership of 5 percent or more of their securities. In many instances, the record owner neither possesses nor exercises the right to vote the reported shares; yet such right is the one most obviously associated with control of, or the power to control, airline securities. It is, therefore, proposed that there be disclosed, on Schedule G-41, the name of any person, other than the record owner, who possesses or exercises voting rights with respect to the reported securities. This information will better enable the Board to locate and identify those persons who may be in a position to acquire control of an air carrier through control of the voting rights to a substantial block of the carrier's stock; and also to monitor the disclosure requirements which Part 245 of our regulations imposes on 5 percent shareholders of air carriers.

Turning to Schedule G-42, we believe that the emphasis of this schedule should now be directed primarily toward the security interests of an air carrier held by the officers and directors of the carrier itself or of the person controlling the air carrier. Accordingly, we propose to revise the schedule so as to require disclosure of stock options held by each of the reporting carrier's officers and directors as well as the capital stock and debt held by such individuals with respect to which reports are presently required. In addition, we believe it is desirable to decrease the present burden to carriers of reporting individually the compensation and expenses borne by the carrier for each officer and director, and reporting the aggregate of such sums paid to all general management personnel receiving $20,000 or more per calendar year. To that end, we propose to modify the compensation reporting requirements of said schedule so that: (1) Expenses of officers and directors for which reimbursement is made by the carrier will no longer be reported; (2) carriers will be required to report the individual compensation paid to each of their respective officers and directors who receive, in the case of trunkline carriers and Pan American, $50,000 or more per calendar year, or, in the case of all other carriers, who receive $35,000 or more per calendar year; (3) compensation paid annually to all officers and directors earning below the above-stated dollar minimums will be reported only in the aggregate; (4) reports will no longer be required with respect to compensation paid to general management personnel.

Our purpose in proposing the foregoing changes is to bring the reporting requirements of Schedule G-42 more closely in line with what we believe to be their appropriate informational objectives, and also to appreciably lighten the burden entailed in complying with such requirements in instances where to do so will not impair—at least to any significant extent—the Board's compensation disclosure system. Thus, we propose to delete the requirements to disclose on the schedule reimbursable expenses of officers and directors and the aggregate

[1] Consistent with an analogous provision in Part 246 with respect to reports of stock ownership of "affiliates" of air carriers, the proposed definition of "control" does not impute ownership of air carriers' stocks to brokerage firms which hold record ownership of securities merely for the convenience of the customer beneficially owning such stock.

annual compensation of general management personnel because over the years this information has proven to be of little value to us for our regulatory purposes. On the other hand, we are of the view that the Board and the public have a traditional and legitimate interest in knowing the precise amount of compensation paid annually to individuals at the highest echelons of carrier management. We believe the dollar minimums we are proposing to establish with respect to reporting individual executive compensation are low enough to enable the Board to obtain reports of remuneration paid by the carriers to their top level officer and director personnel, but, at the same time, high enough to reflect current cost levels and reduce considerably the administrative workload imposed on carriers by the present regulations.

The proposed rule also reflects our consideration of a longstanding proposal by the Corporate Accounting Committee (Committee) of the Airline Finance and Accounting Conference of the Air Transport Association of America to raise from $5,000 to $20,000 the minimum dollar reporting limitations for Schedule G-43.[2] The Committee's analysis of the Schedule G-43 reports for 1968 and 1969 indicate that the proposed increase of minimum amounts would substantially reduce the workload and size of this schedule. Our staff reviews of the carriers' records and reports have tended to substantiate the Committee's analysis in this respect, and have further indicated that, even if the present $5,000 minimum were raised to $20,000, Schedule G-43 would still cover nearly 95 percent of the dollars paid and accrued by the carriers. Therefore, we are proposing to revise Schedule G-43 as suggested.

The Board also proposes to amend Schedules G-42 and G-43 in certain other respects. We note that it is becoming increasingly common for corporate carriers to provide selected officers and directors with deferred compensation arrangements. Such agreements may take various forms, but they typically provide that payments thereunder are to be deferred until the employee's retirement or termination of employment with the air carrier. However, since Schedule G-42 presently calls for reporting on a cash basis rather than on an accrual basis, such deferred compensation is not reported, although information as to such deferred compensation is clearly desirable. We are therefore proposing to require that Schedule G-42 data be reported on an accrual basis. Moreover, since virtually all other Form 41 reporting is now done on an accrual basis, we are proposing to require that Schedule G-43 data be reported on an accrual basis. We are of the tentative view that these revisions would result in greater consistency and comparability among the various carriers' books, records, and reports.

Furthermore, in order to remove any ambiguity as to the proper prescribed classification of directors' fees in Schedule G-42, the proposed revised instructions for Schedule G-42 would clarify that directors' fees are to be reported in column 3, where bonuses and other compensation paid currently are reflected.

Finally, the proposed rule contains certain other revisions to Part 241 affecting the Form 41 schedules discussed herein; these are clarifying in nature and provide for more detailed instructions as to the data to be reported. The change in format for Schedule G-42 is being proposed to accommodate the data now being requested, and the proposed smaller size (8½'' x 14'') for this schedule and Schedule B-46 is consistent with our program to eliminate the carbon set Form 41 schedules.

Proposed rule. It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend Section 03—Definitions for Purposes of this System of Accounts and Reports, by inserting the terms "Controlling person" and "Person controlling an air carrier" as follows:

Section 03—Definitions for Purposes of This System of Accounts and Reports.

* * * * * * *

Control (including the terms Controlling, Controlled by, and Under common control). * * *

Controlling person—(See Person controlling an air carrier)

Cost—the amount of cash * * *

* * * * * * *

Passengers transported—passengers on board * * *

Person controlling an air carrier—any person, as defined in section 101(27) of the Act, whom the Board has found, in any proceeding, to control an air carrier, or who holds, directly or indirectly, the legal or beneficial ownership of more than 50 percent of the outstanding voting capital stock or capital of an air carrier, and who does not make a proper showing to the Board that he does not control the carrier despite such stock ownership, shall be deemed to be a person controlling the carrier for the purpose of this part. A brokerage firm which holds record ownership of securities merely for the convenience of the customer beneficially owning the stock shall not be deemed a person owning stock for the purposes of this part.

Premium * * *

* * * * * * *

Section 22 [Amended]

2. Amend Section 22—General Reporting Instructions, as follows:

A. By adding new Schedule A-2 and by changing the respective titles of Schedules G-42 and G-43 in the list in paragraph (a), titled "List of Schedules in CAB Form 41 Report," as follows:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule title	Filing frequency
* * *	* * *	* * *
A-2	Controlling Person's Certification.	Annually.
* * *	* * *	* * *
G-42	Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.	Do.
G-43	Compensation and Expenses of Persons and Firms (Other than Directors, Officers, and Employees) Earning $20,000 or More During the Calendar Year.	Do.
* * *	* * *	* * *

B. By adding new Schedule A-2 to the list in paragraph (a), titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date[1]	Schedule Number
* * *	* * *
March 1	
March 30	A-2, B-1, B-9, B-41, B-42, B-43, B-44, B-46, P-1(a), P-41, G-41, G-42, G-43, G-44, T-1, T-7
April 30	
* * *	* * *

Section 23 [Amended]

3. Amend Section 23—Certification and Balance Sheet Elements, as follows:

A. By inserting, following the reporting instructions for Schedule A-1 and preceding the reporting instructions for Schedule B-1, reporting instructions for Schedule A-2, to read as follows:

Schedule A-2—Controlling Person's Certification.

(a) The certification of the controlling person's CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or by such other person as may be authorized by the controlling person to sign the certification, provided that a written authorization disclosing the individual's name and title is submitted to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the report of the person controlling an air carrier, all correspondence relating to such matters shall be signed only by persons authorized to sign such certifications.

(b) The certification of the controlling person's Form 41 report, embodied in Schedule A-2 thereof, shall read as follows:

[2] Compensation and Expenses of Persons and Firms (other than Directors, Officers, and Employees) Earning $20,000 or more During the Calendar Year.

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I, the undersigned _____
_____
(Title, if any, of person signing)
of the _____
(Full name of person controlling air carrier)
do certify that Schedules B–46 and G–42 which are submitted herewith for the above-indicated period have been prepared by me or under my direction; that I have carefully examined them, and that, to the best of my knowledge and belief, they are complete and accurate statements.

B. By revising the reporting instructions for Schedule B–46 to read: *Schedule B–46—Long-Term and Short-Term Non-Trade Debt.*

(a) This schedule shall be filed by all route air carriers and all persons controlling a route air carrier, and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) of the air carrier or the person controlling the air carrier, as applicable, in excess of 5 percent of their respective total outstanding debt.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures," "Bank Notes," "Credit Agreement," etc. This column shall also reflect for each issue a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(e) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(f) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(g) Column 6 shall reflect the face value or principal amount of debt securities issued or assumed which have not been retired or canceled, and are not payable within one year of the reporting date.

(h) Column 7 shall reflect the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year, including the portion of long-term debt due within one year of the reporting date.

(i) For route air carriers, the totals in columns 6 and 7 shall reflect the balance outstanding as at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(j) Columns 8 and 9 shall reflect the name and address of each person holding more than 5 percent of the issue or $500,000, whichever is smaller, and the amount held by each such person as at December 31.

Section 26 [Amended]

4. Amend Section 26—General Corporate Elements, by revising the reporting requirements for Schedules G–41, G–42, and G–43, to read as follows:

Schedule G–41—Persons Holding More than 5 Percent of Respondent's Capital Stock or Capital.

(a) This schedule shall be filed by all route air carriers.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Columns 1 and 2 shall reflect the names and addresses of all persons who hold, as of the end of any month of the year, more than five (5) percent of the issued and outstanding capital stock of the air carrier or, in the case of an unincorporated business enterprise, more than five (5) percent of the total invested capital of the air carrier.

(d) Column 3, "Held for Own Account," shall reflect by either of the words "yes" or "no," whether or not the interest is held for the account of the person named in column 1. In cases where the answer is "no," the name and address of the persons for whose account the interest is held shall be reflected in the section entitled "Column 3 Data—Stock Held for Account of."

(e) Columns 4 through 7 shall pertain to the capital stock or the invested capital (exceeding 5 percent) held by the persons named in column 1. Column 4 shall reflect the class(es) of those shares held; column 5 shall reflect the maximum number of shares of each class of stock or the maximum amount of invested capital held as of the end of any month of the year; column 6 shall reflect the percent of total outstanding capital which such maximum shares or maximum invested capital represent; and column 7 shall reflect the number of such shares or amount of invested capital held at year end.

(f) Column 8 shall reflect by either of the words "yes" or "no" whether or not the voting rights were possessed and/or exercised by the person named in column 1 at the annual stockholders' meeting or at any other stockholders' meetings. In cases where the answer is "no," the name and address of the persons who possessed and/or exercised the voting rights, the class(es) and number of shares to which such rights extended and the date of the meeting(s) shall be reflected in the section entitled "Column 8 Data—Voting Rights Possessed and/or Exercised by."

Schedule G–42—Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.

(a) This schedule shall be filed by all route air carriers and all persons controlling a route air carrier.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) For purposes of preparing this schedule, directors are those individuals who comprise the Board of Directors of the air carrier or the controlling person, as applicable, and officers are those corporate officials who are elected or appointed by the Board of Directors of the air carrier or the controlling person, as applicable.

(e) Air carriers are required to complete columns 1 through 7 of the "Security Interests" section and columns 1 through 4 of the "Compensation" section of this schedule. Persons controlling an air carrier are required to complete only columns 1 through 7 of the "Security Interests" section.

(f) In the "Security Interests" section of this schedule, the required information shall be reported individually for each officer and director, and in the "Compensation" section, trunklines and Pan American shall report individually the compensation paid to each officer and director receiving $50,000 or more during the calendar year while all other carriers shall report individually the compensation paid to each officer and director receiving $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation.

(g) In the "Security Interests" section of this schedule, column 1 shall reflect the name and title of each officer and director, and columns 2 through 7 shall reflect the security interests that each officer and director of the air carrier or the controlling person, as applicable, holds in the air carrier as at December 31. Column 2 shall reflect the class of capital stock, bonds or other securities owned; column 3 shall reflect the number of shares of stock which are on record in the name of each officer and director; column 4 shall reflect the number of shares of stock owned or controlled by each officer and director which are on record in the name of another person; column 5 shall reflect the principal amount of bonds or other debt securities held in the name of, or for the account of, each officer and director; column 6 shall reflect the class(es) of stock on which any options are held; and column 7 shall reflect the number of shares of such stock which could be purchased if the options were exercised. All other security interests that each officer and director has in the air carrier shall be reported as a footnote.

(h) In the "Compensation" section of this schedule, trunkline carriers and Pan American shall report in column 1 the name and title of each officer and/or director receiving compensation of $50,000 or more during the calendar year. All other carriers shall report the name and title of each officer and/or director receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation and shall be reported in columns 2 through 4 for each officer and/or director individually listed in column 1. Columns 2 through 4 shall also reflect the aggregate compensation paid to the remaining officers and directors not individually listed in column 1.

(i) Column 2 shall reflect the salaries earned during the year and paid currently; column 3 shall reflect all direct or indirect compensation other than salaries, such as bonuses, commissions, stock options, gifts, rewards, or directors' fees earned during the year and paid currently; and column 4 shall reflect any portion of salaries, bonuses or other compensation charged to expense during the year by the air carrier, but not paid currently because of an employment agreement or other agreements providing for future payments, i.e., deferred compensation contracts.

Schedule G–43—Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year.

(a) This schedule shall be filed by all route air carriers.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual, partnership, corporation, or other legal entity (other than directors, officers, and employees of the air carrier) earning compensation, including expense reimbursements, of $20,000 or more during the calendar year.

(d) Compensation and expenses to be reported in this schedule shall include fees, retainers, gifts, commissions, contributions, allowances for expenses or any form of payments or accruals amounting in the aggregate to $20,000 or more during the year. In addition to expense reimbursements paid or to be paid directly to the recipients reflected in column 1, this schedule shall include expenses incurred by the persons or firms named in column 1 which have been paid or are to be paid directly to vendors by the air carrier. Expenses to be reported in this schedule shall encompass payments and accruals such as for legal, medical, engineering, advertising, accounting, statistical, educational, or charitable purposes, but shall exclude payments and accruals for services which both as to their nature and amount may reasonably be regarded as ordinarily connected with the routine physical operation or maintenance of an air carrier, such as payments and accruals for rent of buildings or property, for heat, light, power, telegraph and telephone or, as applicable, payments or amounts to be paid to other carriers for interchange of equipment or settlement of interline traffic balances.

(e) All directors, officers, and employees of the air carrier affiliated with any of the persons or firms listed on this schedule and the nature of such affiliations shall be fully disclosed in footnotes at the bottom of the schedule.

Section 32 [Amended]

5. Amend Section 32—General Reporting Instructions as follows:

A. By adding new Schedule A–2 and by changing the respective titles of G–43 in the list in paragraph (a), titled "List of Schedules in CAB Form 41 Report" as follows:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule Title	Filing frequency
• • •	• • •	• • •
A–1 • • •		
A–2	Controlling Person's Certification.	Annually.
B–1 • • •	• • •	• • •
G–41 • • •		
G–42	Security Interests of All Officers and Directors and Compensation Paid to Principal Officers and Directors.	Do.
G–43	Compensation and Expenses of Persons and Firms (Other than Directors, Officers, and Employees) Earning $20,000 or More During the Calendar Year.	Do.
G–44 • • •		
• • •	• • •	• • •

Section 33 [Amended]

6. Amend Section 33—Certification and Balance Sheet Elements as follows:

A. By inserting, following the reporting instructions for Schedule A–1 and preceding the reporting instructions for Schedule B–1, reporting instructions for Schedule A–2, to read as follows:

Schedule A–2—Controlling Person's Certification.

(a) The certification of the controlling person's CAB Form 41 report shall be signed by an elective corporate officer, executive or director, or such other person as may be authorized by the controlling person to sign the certification, provided that a written authorization disclosing the individual's name and title is submitted to the Civil Aeronautics Board. Since corrections or revisions of reported data are a part of the report of the person controlling an air carrier, all correspondence relating to such matters shall be signed only by persons authorized to sign such certifications.

(b) The certification of the controlling person's Form 41 report, embodied in Schedule A–2 thereof, shall read as follows:

I, the undersigned _____
_____
(Title, if any, of person signing)
of the _____
(Full name of person controlling air carrier)
do certify that Schedules B–46 and G–42 which are submitted herewith for the above-indicated period have been prepared by me or under my direction, that I have carefully examined them, and that, to the best of my knowledge and belief, they are complete and accurate statements.

B. By adding new Schedule A–2 to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report" as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date[1]	Schedule Number
•	•
March 1 • • •	
March 30	A–2, B–11, B–41, B–43, B–44, B–46, G–41, G–42, G–43, G–44, T–3.1
April 30 • • •	
•	•

B. By revising the reporting instructions for Schedule B–46 to read: *Schedule B–46—Long-Term and Short-Term Non-Trade Debt.*

(a) This schedule shall be filed by each supplemental air carrier and each person controlling a supplemental air carrier, and shall reflect information pertaining to each issue of long-term debt and short-term debt (other than trade liabilities) of the air carrier or the person controlling the air carrier, as applicable, in excess of 5 percent of their respective total outstanding debt.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) Column 1 shall reflect a description of each particular issue of debt, such as "Sinking Fund Debentures," "Bank Notes," "Credit Agreement," etc. This column shall also reflect for each issue a brief description of the terms of payment and, where applicable, conversion privileges, including conversion periods, rates of conversion and the securities into which convertible.

(e) Columns 2, 3 and 4 shall reflect the date of issue, date of maturity, and the interest rate per annum, respectively.

(f) Column 5 shall reflect the amount of bonds or other evidences of debt originally issued, as distinguished from the amount authorized.

(g) Column 6 shall reflect the face value or principal amount of debt securities issued or assumed which have not been retired or cancelled, and are not payable within one year of the reporting date.

(h) Column 7 shall reflect the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year, including the portion of long-term debt due within one year of the reporting date.

(i) For supplemental air carriers, the totals in columns 6 and 7 shall reflect the balances outstanding as at the end of the reporting period in accounts 2210 Long-Term Debt and 2010 Current Notes Payable on Schedule B–1, respectively.

(j) Columns 8 and 9 shall reflect the name and address of each person holding more than 5 percent of the issue or $500,000, whichever is smaller, and the amount held by each such person as at December 31.

Section 36 [Amended]

7. Amend Section 36—General Corporate Elements, by revising the reporting

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requirements for Schedules G–41, G–42, and G–43 to read as follows:

Schedule G–41—Persons Holding More than 5 Percent of Respondent's Capital Stock or Capital.

(a) This schedule shall be filed by each supplemental air carrier.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) Columns 1 and 2 shall reflect the names and addresses of all persons who hold, as of the end of any month of the year, more than five (5) percent of the issued and outstanding capital stock of the air carrier or, in the case of an unincorporated business enterprise, more than five (5) percent of the total invested capital of the air carrier.

(d) Column 3, "Held for Own Account," shall reflect by either of the words "yes" or "no," whether or not the interest is held for the account of the person named in column 1. In cases where the answer is "no" the name and address of the persons for whose account the interest is held shall be reflected in the section entitled "Column 3 Data—Stock Held for Account of."

(e) Columns 4 through 7 shall pertain to the capital stock or the invested capital (exceeding 5 percent) held by the persons named in column 1. Column 4 shall reflect the classs(es) of those shares held; column 5 shall reflect the maximum number of shares of each class of stock or the maximum amount of invested capital held as of the end of any month of the year; column 6 shall reflect the percent of total outstanding capital which such maximum shares or maximum invested capital represent; and column 7 shall reflect the number of such shares or amount of invested capital held at year end.

(f) Column 8 shall reflect by either of the words "yes" or "no" whether or not the voting rights were possessed and/or exercised by the person named in column 1 at the annual stockholders' meeting or at any other stockholders' meetings. In cases where the answer is "no," the name and address of the persons who possessed and/or exercised the voting rights, the class(es) and number of shares to which such rights extended and the date of the meeting(s) shall be reflected in the section entitled "Column 8 Data—Voting Rights Possessed and/or Exercised by."

Schedule G–42—Security Interests of All Officers and Directors and Compensation Paid to Principal Offiers and Directors.

(a) This schedule shall be filed by each supplemental air carrier and each person controlling a supplemental air carrier.

(b) Single but separate sets of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier or the person controlling the air carrier, as the case may be.

(c) An "x" shall be inserted in the appropriate box designated "Controlling Person" or "Air Carrier," as applicable.

(d) For purposes of preparing this schedule, directors are those individuals who comprise the Board of Directors of the air carrier or the controlling person, as applicable, and officers are those corporate officials who are elected or appointed by the Board of Directors of the air carrier or the controlling person, as appropriate.

(e) Air carriers are required to complete columns 1 through 7 of the "Security Interests" section and columns 1 through 4 of the "Compensation" section of this schedule. Persons controlling an air carrier are required to complete only columns 1 through 7 of the "Security Interests" section.

(f) In the "Security Interests" section of this schedule, the required information shall be reported individually for each officer and director, and in the "Compensation" section of this schedule, the required information shall be reported individually for each officer receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation.

(g) In the "Security Interests" section of this schedule, column 1 shall reflect the name and title of each officer and director, and columns 2 through 7 shall reflect the security interests that each officer and director of the air carrier or the controlling person, as applicable, holds in the air carrier as at December 31. Column 2 shall reflect the class of capital stock, bonds, or other securities owned; column 3 shall reflect the number of shares of stock which are on record in the name of each officer and director; column 4 shall reflect the number of shares of stock owned or controlled by each officer and director which are on record in the name of another person; column 5 shall reflect the principal amount of bonds or other debt securities held in the name of, or for the account of, each officer and director; column 6 shall reflect the class(es) of stock on which any options are held; and column 7 shall reflect the number of shares of such stock which could be purchased if the options were exercised. All other security interests that each officer and director has in the air carrier shall be reported as a footnote.

(h) In the "Compensation" section of this schedule, supplemental carriers shall report in column 1 the name and title of each officer and/or director receiving compensation of $35,000 or more per calendar year. "Compensation" includes basic salary, bonuses and deferred compensation and shall be reported in columns 2 through 4 for each officer and/or director individually listed in column 1. Columns 2 through 4 shall also reflect the aggregate compensation paid to the remaining officers and directors not individually listed in column 1.

(i) Column 2 shall reflect the salaries earned during the year and paid currently; column 3 shall reflect all direct or indirect compensation other than salaries, such as bonuses, commissions, stock options, gifts, rewards, or directors' fees earned during the year and paid currently; and column 4 shall reflect any portion of salaries, bonuses or other compensation charged to expense during the year by the air carrier, but not paid currently because of an employment agreement or other agreements providing for future payments, i.e., deferred compensation contracts.

Schedule G–43—Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Earning $20,000 or More During the Calendar Year.

(a) This schedule shall be filed by each supplemental air carrier.

(b) A single set of this schedule shall be filed for the overall corporate or other legal entity comprising the air carrier.

(c) The indicated data shall be reported for each individual, partnership, corporation, or other legal entity (other than directors, officers, and employees of the air carrier) earning compensation, including expense reimbursements, of $20,000 or more during the calendar year.

(d) Compensation and expenses to be reported in this schedule shall include fees, retainers, gifts, commissions, contributions, allowances for expenses or any other form of payments or accruals amounting in the aggregate to $20,000 or more during the year. In addition to expense reimbursements paid or to be paid directly to the recipients reflected in column 1, this schedule shall include expenses incurred by the persons or firms named in column 1 which have been paid or are to be paid directly to vendors by the air carrier. Expenses to be reported in this schedule shall encompass payments and accurals such as for legal, medical, engineering, advertising, accounting, statistical, educational, or charitable purposes, but shall exclude payments and accruals for services which both as to their nature and amount may reasonably be regarded as ordinarily connected with the routine physical operation or maintenance of an air carrier, such as payments and accruals for rent of buildings or property, for heat, light, power, telegraph and telephone or, as applicable, payments or amounts to be paid to other carriers for interchange of equipment or settlement of interline traffic balances.

(e) All directors, officers, and employees of the air carrier affiliated with any of the persons or firms listed on this schedule and the nature of such affiliations shall be fully disclosed in footnotes at the bottom of the schedule.

8. Amend CAB Form 41 by adding new Schedule A–2, and by revising Schedules B–46, G–41, G–42, and G–43 as shown in Exhibits A, B, C, D, and E attached hereto[3] and incorporated herein as

[FR Doc.73–14961 Filed 7–20–73;8:45 am]

[3] Filed as part of the original document. reference.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

PARATHION OR ITS METHYL HOMOLOG

Proposed Tolerances

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of California submitted a petition (PP 3E1302) proposing establishment of tolerances for residues of the insecticide parathion (*O,O*-diethyl *O*-*p*-nitrophenyl) phosphorothioate) or its methyl homolog (*O,O*-dimethyl *O*-(*p*-nitrophenyl) phosphorothioate) in or on mustard seed and rape seed at 0.75 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerances to 0.2 part per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purposes for which the tolerances are proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.121 be amended by revising the paragraph "0.2 part per million * * *" to read as follows:

§ 180.121 Parathion or its methyl homolog; tolerances for residues.

* * * * *

0.2 part per million in or on mustard seed, sunflower seed, and rape seed.

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 22, 1973, that this proposal be referred to an advisory committee in accordance with section 408 (e) of the act.

Interested persons may, on or before August 22, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 18, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73–15049 Filed 7–20–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-198]

TERM BONDS

List of Approved Riders

In order to be placed in the Automated Bond Information System (T.D. 73-197), the riders to be used to add conditions to term bonds have been set forth below in the form to be used and have been identified by alphabetical designations. These designations will enable Customs to incorporate the riders into the Automated Bond Information System. No other rider may be used in this system without obtaining an alphabetical designation from the Bureau of Customs in Washington. Additional riders, upon approval, will be assigned alphabetical designations and published in the FEDERAL REGISTER and Customs Bulletin.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

A—Agreement to account for articles, wastes, and irrecoverable losses incurred in manufacture or production under item 864.05, Tariff Schedules of the United States—to be added to Customs Forms 7563-A and 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

And if, in the case of merchandise imported for the purpose of being subjected to processes which result in articles manufactured or produced in the United States, the above-bounden principal shall completely account to the district director of customs for all articles, wastes, and irrecoverable losses resulting from such processing by the submission of such reports, proofs, abstracts, and other evidence as may be required, and shall, within one (1) year from the date of importation, or any lawful extension thereof, export or destroy under Customs supervision all the articles and valuable wastes resulting from the manufacture or production of the imported merchandise; or in default thereof the obligors shall pay to the district director of customs such amounts as liquidated damages, as may be demanded by him in accordance with law and regulations, not exceeding the amount of this obligation.

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

B—Deferred payment of internal revenue taxes—to be added to Customs Forms 7553 and 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

Whereas the above-bounden principal may apply to the district director of customs for permission to defer in accordance with the Customs Regulations, as amended, the deposit of internal revenue taxes estimated to be due on imported alcoholic beverages upon entry or withdrawal for consumption;

And if the principal shall apply to the district director of customs to make deferred tax payments in accordance with the Customs Regulations, as amended, and such application is approved by the district director of customs, the above-bounden principal shall, in consideration therefor, remain bound for the payment of such deferred taxes in accordance with other conditions of this bond unless on or before the last day of the deferred payment period, in which the bill for deferred taxes is submitted, which is the last day of the month for taxes deferred during the period from the 1st to the 15th of that month and is the 15th day of the month for taxes deferred during the period from the 16th to the last day of the previous month, he shall pay all deferred estimated taxes due on entries or withdrawals made in accordance with the Customs Regulations, as amended.

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

C—Imported sugar subject to item 901.00, Tariff Schedules of the United States—to be added to Customs Forms 7553 and 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

It is hereby expressly agreed by the principal and surety thereon, pursuant to the provisions of item 901.00 and General Headnote 10(e)(ii), Tariff Schedules of the United States, that in the event an entry covering imported sugar which is to be further refined or otherwise improved in quality, is charged against the foregoing bond, and the sugar covered by the entry is released without deposit of the additional duties provided for in item 901.00, Tariff Schedules of the United States, such additional duties shall be paid unless satisfactory proof is presented to the district director of customs at the port where the sugar has been entered showing that the sugar has been further refined or otherwise improved in quality.

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

D—Withdrawals of vessel supplies under section 309(a), Tariff Act of 1930—to be added to Customs Form 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

And if the principal herein named shall be granted the right to withdraw articles for use as vessel or aircraft supplies or for supplies (including equipment), maintenance, or repair of aircraft of foreign registry, free of duty or internal revenue taxes, from continuous Customs custody elsewhere than in a bonded warehouse, all the requirements of section 309(a), Tariff Act of 1930, as amended, and the regulations promulgated thereunder will be complied with, or in the event of default, the obligors shall pay to the district director of customs, the said charges which may be found legally due on said articles.

Witness our hands and seals this ____ day of _____ 19__.

_____ [Seal]
Principal
_____ [Seal]
Surety

E—Withdrawals of rewarehoused products of a class 6 warehouse—to be added to Customs Form 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional conditions shall apply:

If articles which are the product of a bonded manufacturing warehouse, class 6, are rewarehoused at an exterior port for the sole purpose of immediate export or withdrawal pursuant to section 309(a) of the Tariff Act, as amended, the following condition of this bond shall apply to such rewarehoused entries:

And if said articles shall be exported or withdrawn in accordance with the provisions of section 311 or 309(a), Tariff Act of 1930, as amended, in the manner prescribed by the regulations; or, in default thereof, if the obligors shall pay to the district director of customs as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so exported or withdrawn, plus the amount of any internal revenue tax assessable thereon.

Witness our hands and seals this ____ day of _____ 19__.

_____ [Seal]
Principal
_____ [Seal]
Surety

F—Withdrawals from warehouse under authority of section 5066(b) and (c) of the Internal Revenue Code—to be added to Customs Form 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional conditions shall apply:

If distilled spirits are entered into Customs bonded warehouses in accordance with section 5066(a), Internal Revenue Code, as amended, and section 8.30 of the Customs Regulations, the following condition of this bond shall apply to such entries:

And if said articles shall be withdrawn in accordance with the provisions of section 5066(b) and (c) of the Internal Revenue Code, as amended; or in default thereof, if the obligors shall pay to the district director of customs as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so withdrawn, plus the amount of any internal revenue tax assessable thereon.

If domestic distilled spirits are transferred to a Customs bonded storage warehouse from a bonded manufacturing warehouse, class 6, in accordance with section 5066(b), Internal Revenue Code, as amended, and section 19.15 (g) of the Customs Regulations, the following condition of this bond shall apply to such rewarehouse entries:

And if said articles shall be withdrawn in accordance with section 5066(b) of the Internal Revenue Code, as amended; or in default thereof, if the obligors shall pay to the district director of customs as liquidated damages an amount equal to the aggregate sum of double the duties assessable on such part of the shipment as shall not have been so withdrawn, plus the amount of any internal revenue tax assessable thereon.

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

G—Transfer of unentered bulk shipments arriving on another carrier, consigned to the principal on a vessel, vehicle, or aircraft bond—to be added to Customs Form 7569

In addition to the condition appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

In consideration for granting the principal hereon permission to transfer unentered bulk (consolidated) shipments consigned to the principal, arriving on another carrier, from the airport facilities of the carrier to the facilities of the principal, at the same airport, the principal stipulates with concurrence of the surety hereon that he will furnish the carrier at the foreign point of lading with two copies of a complete manifest covering the shipment and that he will receipt for the shipment on a copy of the manifest and will effect transfer of the shipment with a truck of the principal. It is further stipulated with the concurrence of the surety that the principal shall be fully responsible on the bond mentioned above for the shipments from the time they are receipted for by the driver of the aforementioned truck.

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

H—Storage at airports of articles withdrawn from continuous Customs custody—to be added to Customs Form 7569

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

If the above-bounden principal shall deliver to the district director of customs the evidence required by law and regulations, within the time and in the form prescribed, that the material taken into the stockroom has been exported, or has been used for a purpose entitling it under the law to a remission or reduction of duty or taxes, or, in default thereof the obligors shall pay to the district director the full amount of duties, taxes, charges, or exactions which may be found legally due thereon.

Witness our hands and seals this_____ day of ____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

J—Conditional release of seed and screenings—to be added to Customs Forms 7553 and 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

Whereas the principal named in the said bond expects to request that the seed or screenings covered by various entries which will be charged against the above bond be released from Customs custody for delivery to the owner or consignee pending examination and decision whether such seed or screenings shall be admitted into the commerce of the United States, in accordance with the provisions of the Customs Regulations and the Federal Seed Act of August 9, 1949, as amended, the obligors named in the above bond stipulate and agree that the said seed or screenings shall be held intact at the place to which it will be removed pending decision in the matter; and that after such conditional release the seed or screenings or any part thereof shall be redelivered to Customs custody upon demand of the district director of customs at any time, in accordance with the law or regulations; or, in the event of failure to comply with any or all of the conditions in this stipulation, there shall be paid to the district director of customs an amount equal to the value of the entire shipment, plus the estimated duties thereon, if any.

Witness our hands and seals this _____ day of ____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

K—Proof of export under the Exporter's Summary procedure—to be added to Customs Form 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by_____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

The above-bounden principal in consideration of the receipt of drawback claimed under the Exporter's Summary procedure before a determination is made that the claimant is the party entitled to the drawback, that the exported articles are correctly described in the claim, and that the facts of exportation are as alleged in the claim, agrees to repay promptly to the Government of the United States upon demand the amount of money which has been erroneously paid to the said principal by reason of an incorrect determination with respect to one or more of the above-described three premises, but not exceeding the amount of this bond.

Witness our hands and seals this _____ day of ____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

L—Immediate delivery conditions—to be added to Customs Form 7563-A

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____ _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional conditions shall apply:

If, in cases where the merchandise has been released prior to entry pursuant to section 448(b) of the Tariff Act of 1930, the above-bounden principal within the time prescribed in section 8.59, Customs Regulations, as amended, after the release of the articles described in the application for a special permit, shall make temporary importation entry under bond for such articles; or if, in the event of failure to make temporary importation entry, or file a temporary importation bond, he shall pay to the district director of Customs as liquidated damages an amount equal to the value of the merchandise plus the duties and taxes thereon (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as determined by the district director, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties and taxes, also shall be binding on all parties to this obligation).

Witness our hands and seals this ____ day of _____ 19__.

_____ (Seal)
Principal
_____ (Seal)
Surety

[FR Doc.73-15030 Filed 7-20-73;8:45 am]

[Dept. Circular 570; 1973 Rev.]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

Correction

In FR Doc. 73-13325 appearing at page 18342 of the issue for Monday, July 9, 1973, in the tabulated material the second column in the entry for "The Insurance Company of the State of Pennsylvania, New York, N.Y.", reading "943", should read "934".

V 38 I 140 JUL 23 73 XUM

DEPARTMENT OF DEFENSE

Office of the Secretary

CIVILIAN ADVISORY COMMITTEE

Notice of Meeting

AUGUST 22, 1973.

The Civilian Advisory Committee to the Board of Directors, Army and Air Force Exchange and Motion Picture Services, will hold a closed meeting on August 22, 1973 at Headquarters, Army and Air Force Exchange Service, Dallas, Texas 75222.

The purpose of the meeting is to furnish commercial and financial information and advice of a privileged or confidential nature to the Board of Directors on one or more matters under consideration by the Board.

Any persons desiring information about the committee may telephone (202–697–3336) or write the Executive Secretary, Board of Directors, Army and Air Force Exchange and Motion Picture Services, Room 5E–483, The Pentagon, Washington, D.C. 20310.

HARLAN W. TUCKER,
Colonel, USA, Executive Secretary, Army and Air Force Exchange and Motion Picture Services.

[FR Doc.73–14993 Filed 7–20–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Power Site Cancellation 321]

QUEETS RIVER BASIN, WASHINGTON

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 153 of October 1, 1926, is hereby canceled in its entirety. The affected land is described as follows:

WILLIAMETTE MERIDIAN

T. 25 N., R. 10 W.,
Sec. 12, SE¼SE¼;
Sec. 13, lots 1, 3, 4, 5, 6, N½NE¼, SW¼NE¼, N½SE¼;
Sec. 24, lots 1, 4, 5, 7, 8, 9, 10, 11, 15, SW¼NW¼, N½SE¼NW¼, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 25, lots 1, 2, 4, 5, 8, 9, 10, N½NE¼, SE¼NE¼, SW¼NW¼, N½NW¼NE¼SW¼, N½NW¼SW¼, NW¼SW¼NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 26, lot 1;
Sec. 27, NE¼SW¼SW¼, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼, SW¼SW¼SW¼, N½SE¼SW¼SW¼, SW¼SE¼SW¼SW¼, N½SE¼SW¼, N½SW¼SE¼SW¼, SE¼SE¼SW¼, N½SE¼, N½NE¼SW¼SE¼, SW¼NE¼SW¼SE¼, NW¼SW¼SE¼;
Sec. 31, S½NE¼, E½SW¼, SE¼;
Sec. 32, lots 2, 3, 4, 5, 8, NW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 33, lots 1, 5, 6, 7, 8, 9, NE¼NE¼NE¼NE¼, W½NE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, N½NW¼;
Sec. 34, lots 5, 6, 7, 8, 9, 10, 11, SE¼NE¼, E½SW¼NE¼NW¼, NE¼NE¼SW¼NW¼, S½SW¼, SE¼;
Sec. 35, lots 6, 7, NE¼SE¼NE¼, S½NW¼SE¼NE¼, S½SE¼NE¼, S½NW¼, N½S½;
Sec. 36, W½NE¼, NW¼, N½SW¼.

T. 24 N., R. 10½ W.,
Sec. 2, lots 1, 2, 3, 22, 25.
T. 24 N., R. 11 W.,
Sec. 10, N½NE¼;
Sec. 12, lot 2;
Sec. 16, NW¼;
Sec. 30, NE¼.
T. 24 N., R. 12 W.,
Sec. 24, SW¼SW¼;
Sec. 29, lot 5;
Sec. 30, lot 10.
T. 24 N., R. 13 W.,
Sec. 12, lot 1, E½NE¼.

All unsurveyed lands within one-half mile of Queets River from the mouth of Hee Hee Creek to the mouth of Sams River, and all unsurveyed lands within one-fourth of a mile of Pelton Creek, or Tsheletshy Creek, or Sams River. Protraction of public-land surveys indicates that the lands described above, when surveyed, will be wholly within the following townships:

T. 24 N., R. 8 W.,
T. 25 N., R. 8 W.,
T. 26 N., R. 8 W.,
T. 24 N., R. 9 W.,
T. 25 N., R. 9 W.,
T. 24 N., R. 10 W.

The land described aggregates about 29,762 acres. The effective date of this cancellation is November 16, 1973.

Dated: July 16, 1973.

W. A. RADLINSKI,
Acting Director.

[FR Doc.73–14998 Filed 7–20–73;8:45 am]

Office of the Secretary

INDIAN EDUCATION FOR HEALTH COMMITTEE

Notice of Public Meeting

The Indian Education for Health Committee was established, pursuant to the provisions of the Act of October 6, 1972 (P.L. 92–463; 86 Stat. 770), for the purpose of advising and assisting in the coordination and improvement of education and health programs for Indians throughout the United States through a joint venture of the Department of the Interior and the Department of Health, Education, and Welfare. The Indian Education for Health Committee will meet at 9:00 a.m. to 4:30 p.m., July 19 and 20, 1973, in the Indian Health Area conference room, Room 340, 388 Old Post Office and Court House Building, Oklahoma City, Oklahoma. The purpose of the meeting is to continue the development of ways and means for coordinating and improving education and health programs for Indians throughout the United States. The proposed agenda includes presentations by representatives of organizations interested in Indian education and health programs. The meeting is open to the public.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–14999 Filed 7–20–73;8:45 am]

[INT DES 73–38]

PROPOSED RED ROCK LAKES WILDERNESS AREA, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement recommending that 28,850 acres of the Red Rock Lakes National Wildlife Refuge, Beaverhead County, Montana, be designated as wilderness within the National Wilderness Preservation System. The refuge was established as a breeding ground for wild birds and animals, particularly the trumpeter swan. Written comments are invited on or before September 6, 1973.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
10597 West Sixth Avenue
Denver, Colorado 80215

Headquarters
Red Rock Lakes National Wildlife Refuge
Monida Star Route
Lima, Montana 59739

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior, Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

LAURENCE E. LYNN, JR.,
Assistant Secretary, Program Development and Budget.

JULY 17, 1973.

[FR Doc.73–14997 Filed 7–20–73;8:45 am]

PROPOSED WARM SPRINGS NATIONAL FISH HATCHERY, WASCO COUNTY, OREGON

[INT FES 73–37]

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a final environmental statement for the Warm Springs National Fish Hatchery, Oregon.

The project will include the construction and operation of a large, modern hatchery to augment existing stocks of chinook salmon and steelhead trout in the Columbia River drainage system and to provide rainbow trout for expanded Federal stocking programs on the Warm Springs and Umatilla Indian Reservations. Water affected will be lakes and streams on the Indian Reservations, Warm Springs, Deschutes, and Columbia Rivers, and the Pacific northwest coastal waters.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
1500 N.E. Irving Street
Portland, Oregon 97208

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: July 17, 1973.

LAURENCE E. LYNN JR.,
Assistant Secretary, Program Development and Budget.

[FR Doc.73–14996 Filed 7–20–73;8:45 am]

[INT DES 73–39]

PROPOSED DEREGULATION OF NATURAL GAS PRICES

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for proposed legislation to deregulate natural gas prices and invites written comments on or before September 6, 1973.

Deregulation of the price of "new" gas (essentially that not under existing contract) is designed to elicit greater supplies of natural gas, and to ensure a more appropriate allocation of available supplies.

Copies of the statement are available for inspection at the following locations:

Office of Communications, Room 7218, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–3171;
Office of Economic Analysis, Room 5138, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–6007.

Single copies may be obtained by writing the office of Economic Analysis.

Dated: July 17, 1973.

LAURENCE E. LYNN JR.,
Assistant Secretary of the Interior.

[FR Doc.73–14995 Filed 7–20–73;8:45 am]

[INT DES 73–40]

PROPOSED RICE LAKE & MILLE LACS ISLANDS WILDERNESS AREAS, MINNESOTA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement recommending 1,406 acres of the Rice Lake National Wildlife Refuge, Aitkin County, Minnesota, and .6 acre Mille Lacs National Wildlife Refuge (two small islands) in Mille Lacs County, Minnesota, be designated as wilderness within the National Wilderness Preservation System. Written comments are invited on or before September 6, 1973.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
Room 630
Federal Building—Fort Snelling
Twin Cities, Minnesota 55111

Headquarters
Rice Lake & Mille Lacs Islands
McGregor, Minnesota 55760

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior, Room 2245
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

LAURENCE E. LYNN, JR.,
Assistant Secretary, Program Development and Budget.

JULY 17, 1973.

[FR Doc.73–14994 Filed 7–20–73;8:45 am]

SUPERIOR NATIONAL FOREST ADVISORY COMMITTEE

Notice of Determination

JULY 17, 1973.

Notice is hereby given that the Secretary of Agriculture will again establish the Superior National Forest Advisory Committee of the Forest Service for a two-year period. The Secretary has determined that establishment of this committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of this committee is to advise the Forest Supervisor on the complex natural resource management of the Superior National Forest and the Boundary Waters Canoe Area. The committee will be composed of twelve members representing a cross section of environmental, social, and economic interests and be chaired by the Forest Supervisor.

This notice is given in compliance with Public Law 92–463. Views and comments of interested persons may be submitted to the Forest Supervisor, Superior National Forest, Post Office Box 338, Duluth, MN 55801, no later than August 10, 1973. All written submissions made pursuant to this notice will be available for public inspection at the Forest Supervisor's office during regular business hours (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, JR.
Assistant Secretary for Administration.

JULY 17, 1973.

[FR Doc.73–15009 Filed 7–20–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LAND USE PLAN AQUARIUS PLANNING UNIT DIXIE NATIONAL FOREST, UTAH

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the purpose of identifying and evaluating the effects of implementing the proposed plan for the Aquarius Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA–FS–DES(adm) 73–86.

The environmental statement applies to the management of 252,000 acres of National Forest lands. Proposed management includes timber harvesting, construction of temporary and permanent roads, range management improvements, (fencing, water developments, and chaining of pinyon-juniper trees), controlling off-road vehicle use, protection of wilderness resource, protection of the Utah prairie dog, and watershed improvement practices.

The draft environmental statement was filed with CEQ on July 9, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
500 South Main Street
Cedar City, Utah 84720

USDA, Forest Service
Escalante, Utah 84726

USDA, Forest Service
Federal Office Bldg., Room 2025
324 25th Street
Ogden, Utah 84401

USDA, Forest Service
Teasdale, Utah 84773

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250.

A limited number of single copies are available upon request from Forest Supervisor, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

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Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed actions and requests for additional information should be addressed to Forest Supervisor, Dixie National Forest, 500 South Main Street, Cedar City, Utah 84720. Comments must be received by August 22, 1973 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

JULY 17, 1973.

[FR Doc.73-15011 Filed 7-20-73;8:45 am]

WILD FREE-ROAMING HORSES AND BURROS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Secretary of Agriculture's proposed regulation relating to the protection, management, and control of wild free-roaming horses and burros USDA–FS–FES(Adm)73–40.

The statement concerns a proposed addition to the Code of Federal regulations (36 CFR Part 321.11). This addition would provide specific implementation of the Wild Free-Roaming Horses and Burros Act of December 15, 1971 (85 Stat. 649, 16 U.S.C. 1331–1340), on lands administered by the Secretary of Agriculture through the Forest Service.

This final environmental statement was filed with the Council on Environmental Quality on July 6, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
14th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Rocky Mountain Region
Federal Center, Building 85
Denver, CO 80225

USDA, Forest Service
Southwestern Region
Federal Building
517 Gold Avenue, SW.
Albuquerque, NM 87101

USDA, Forest Service
Intermountain Region
Federal Building
324 – 25th Street
Ogden, UT 84401

USDA, Forest Service
California Region
630 Sansome Street
San Francisco, CA 94111

USDA, Forest Service
Pacific Northwest Region
319 Southwest Pine Street
Post Office Box 3623
Portland, OR 97208

USDA, Forest Service
Southern Region
1720 Peachtree Road, NW.
Atlanta, GA 30309

USDA, Forest Service
Eastern Region
633 W. Wisconsin Avenue
Milwaukee, WI 53203

A limited number of single copies are available upon request to USDA, Forest Service, Division of Range Management, Room 610, 1621 North Kent Street, Arlington, VA 22209.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield VA., 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

JULY 17, 1973.

[FR Doc.73-15012 Filed 7-20-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

YALE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00583–33–46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Electron Microscope, Model ELmiskope 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily for biomedical research involving animal (including human) tissues, cells and subcellular components. The phenomena under investigation will include: (1) Secretory activity of glandular cells, both exocrine and endocrine; (2) Role of different subcellular components in the production, processing, storage and discharge of secretory proteins; (3) Structural and functional characteristics of different types of cellular membranes; and (4) Survey of cell fractionation procedures. The experiments to be conducted are devised to give insight into each of these phenomena with a view toward fully understanding the functioning of various types of cells (especially cells of exocrine and endocrine glands) under normal conditions as well as in certain diseases.

The article will be used only in part in advanced training in research at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: June 18, 1973.

Docket Number: 73–00584–98–42900. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: 100 kOe superconducting magnet, 5'' OD, 1½'' ID, homogeniety<1% in 1'' DSV, with magnetoresistive field probe. Manufacturer: Canada Superconductor and Cryogenics Company Limited, Canada. Intended use of article: The foreign article will be used in a number of studies concerning the electronic properties of solid materials. Experiments currently planned include (1) studies of the magnetic properties of rare earth and actinide compounds using the Mossbauer effect technique and (2) studies of doped alkali halide materials by means of Fluorescence measurements. Application received by Commissioner of Customs: June 28, 1973.

Docket Number: 74–00001–33–02300. Applicant: Idaho State University, Purchasing Services, P.O. Box 219, Pocatello, Idaho 83201. Article: Longworth Small Mammal Trap. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The foreign article is intended to be used to capture rodents for analysis in studies of population ecology of microtine rodents in semidesert habitat. The studies involve successive capture and release of these rodents which allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis and movement and home range patterns. Application received by Commissioner of Customs: June 29, 1973.

Docket Number: 74–00002–25–26000. Applicant: University of Portland, Multnomat School of Engineering, 5000 N. Willamette Blvd., Portland, Oregon 97203. Article: Type 854 Universal SCR Converter Units (AC–DC). Manufacturer: Robinson Electronic Instruments, United Kingdom. Intended use of article: The foreign article is intended to be used in teaching courses in DC transmission, Energy Conversion, and other electrical power courses. The article will also be used to demonstrate AC–DC and DC–AC electrical power conversion. Application received by Commissioner of Customs: June 29, 1973.

Docket Number: 74–00003–33–45300. Applicant: Harvard Medical School, 45 Shattuck Street, Boston, Mass. 02115. Article: X-Ray Microanalyzer, CAMECA Model MS 46. Manufacturer: CAMECA, France. Intended use of article: The article is intended to be used for the following general purposes:

1. To establish techniques for preparation and analysis of liquid samples of less than 0.1 nanoliters.

2. To establish techniques for preparation and analysis of tissue samples which preserve the subcellular localization of endogeneous soluble compounds and ionic species.

3. To establish techniques for identification and quantification of histochemical reaction products and electron dense materials produced by both new and conventional techniques.

4. To establish a "cold-tracer" methodology, analyzing the distribution within tissues of typical biological compounds bearing elemental labels.

5. To determine the instrumental requirements unique to biomedical electron probe work through experience, and to achieve these through equipment modification and development of specifications.

6. To speed the introduction of even newer microanalytical methods, such as direct-imaging mass spectroscopy (the "ion probe") and nonionic imaging devices, by serving as a link between medical scientists and instrumental research programs at MIT and elsewhere.

Specifically the article is intended to be used within the general purposes for programs involving

(1) electron probe microanalysis of kidney function;

(2) ions and early mammalian development;

(3) a feasibility study of the ionic composition of sperm in the testis and epididymis.

(4) electron probe analysis of material in taste bud pores.

(5) electron microprobe analysis of K+, Na+, and Cl− in mouse gastric mucosa

(6) zinc content in the prostate glands from normal and deficient diets.

(7) surface immunoglobulins and other surface markers of certain classes of lymphocytes.

(8) Identification and localization of barium sulfate and of lanthenum in intercellular spaces of the toad bladder.

Application received by Commissioner of Customs: June 27, 1973.

Docket Number: 74–00004–33–46040. Applicant: University of Washington, Department of Microbiology, F304 Health Science Bldg., Seattle, Washington 98195. Article: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article will be used in research studies on biological specimens ranging from viruses to human tissue. Specific uses will involve the morphology of aquatic bacteria, tumor allograft rejection, cytophagocytosis of viable Sal cells by immune macrophages, direct phase counting procedures for enumerating microorganisms in lacustrine habitats, host parasite relationships in syphilis, molecular structure of Polyoma DNA and the evaluation Bacterial Plasmids. Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00005–33–46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, model HU–12A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The foreign article will be used in research studies of human and animal pituitary glands that have been treated with various chemical agents to reveal cellular location of divalent cations (calcium). The studies will also require high resolution observation of thin sectioned tissue. Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00006–33–46500. Applicant: Long Island Jewish-Hillside Medical Center, 270–05 76 Avenue, New Hyde Park, N.Y. 11040. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use or article: The article is intended to be used in the ultrastructural investigation of a variety of normal and pathological cells of both animals and human tissues, especially those changes involving the fine structural enzymatic localization and biochemical interrelationships between cellular organelles. The tissues studied will range from tough human bone tumors and brittle structure (melanin granules of human melanomas) to extremely soft and delicate tissue (soft tissue tumors). Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00007–33–46500. Applicant: McGuire Veterans Administration Hospital, 1201 Broad Rock Road, Richmond, Virginia 23249. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in research to trace the pathway from billary ducts into the lymphatic system. The tissue to be examined will be primarily rat liver in attempting to establish the fine lymphatic connections to the portal areas. Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00008–33–46500. Applicant: University of Texas Medical Branch, 8th and Mechanic, Galveston, Texas 77550. Article: Ultramicrotome, Model LKB 8800A–NM. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of tissues derived from both humans and animals which exhibit both normal and pathologic structure to reveal at the ultrastructural level the structural basis of impaired renal function. Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00009–33–46500. Applicant: Veterans Administration Hospital, 13000 North 30th Street, Tampa, Florida 33612. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in research on plastic-embedded tissues from various sources including human and animal skin and monolayer cultures of fibroblasts and chondrocytes. Specific experiments include:

(a) Demonstration of the site of antibody binding to human keratinocytes in pemiphigus as well as histochemical staining of the cell surface coat using ferritin-conjugated agglutinins.

(b) Study of ultrastructural alterations in certain human tumors and genetically inherited diseases.

(c) Study of the effects of various drugs, including anti-cancer agents on tissue cultures of human and animal tissues.

(d) Identification of the site of localization of intercellular viruses in infected chondrocytes *in vivo* and *in vitro*.

(e) Examination of skin biopsies from patients with collagen-vascular diseases for the presence of virus-like inclusions. The article will also be used in advance research training courses for dermatology and rheumatology residents and fellows. Application received by Commissioner of Customs: July 2, 1973.

Docket Number: 74–00010–33–46040. Applicant: Health Research Inc., 666 Elm Street, Buffalo, New York 14203. Article: Electron Microscope, Model Elmiskop 101B. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article will be utilized in a laboratory established to provide both a service and research function of a wide scope dealing mainly with ultrastructural changes produced in tissues including tumors following their exposure to various drugs and antitumor therapies, including hormones, new compounds, immunotherapy, dietary and pathological manipulations. Representative studies include localization of pathological changes in organelles (e.g., mitochondrion, lysosomes) of specific tissues following acute and chronic treatment of several animal species with antitumor agents, the effects of certain drugs, including carcinogenic agents, on the structure of ribosomes, mitochondrion, lysosomes and cell membrane, and localization of certain hormones and drugs in the cell by combination of histochemistry or radioautography with electron microscopy.

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The article is also expected to be used for training graduate students for a PH.D. in experimental Pathology. Application received by Commissioner of Customs: June 28, 1973.

Docket Number: 74-00011-01-77040. Applicant: University of Utah, Purchasing Department, Salt Lake City, Utah 84112. Article: Mass Spectrometer, Model CH-7. Manufacturer: Varian MAT, GmbH, West Germany. Intended use of article: The article will be used as an integral component of new instrumentation being constructed for the specific purpose of analysis of peptides, peptide derivatives and other molecules of biological interest. It will undergo extensive modifications for incorporation into a combined gas chromatograph/chemical ionization ion source/mass spectrometer/dedicated computer package. Application received by Commissioner of Customs: June 29, 1973.

Docket Number: 73-00473-00-61800. Applicant: Columbia Museum of Art Commission, 1519 Senate Street, Columbia, SC 29201. Article: Planetarium projector, Model MS-10. Manufacturer: Minolta Camera Co., Japan. Intended use of article: The article is intended to be used together with the control console to demonstrate astronomical phenomena (related to astronomical and for navigational sciences as the course subject may require) and also allow student participation and involvement. The curriculum oriented program and teacher training will include: Astronomy III, Astronomy 112, Physical Science 22, planetarium classes grades 1 through 12, enrichment classes for junior and senior high school students, and astronomy workshops for teachers. In addition, the article will be used in the implementation of regular scheduled public demonstrations and community astronomy classes. Application received by Commissioner of Customs: April 12, 1973.

Docket Number: 74-00012-75-42800. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Ferrite Blocks. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The foreign article is required for the fabrication of two kicker (fast bending) magnets for injecting the protron beam from the applicant's 200 MeV Booster into the Zero Gradient Synchrotran (ZGS). The protron beam is then accelerated to 12.5 BeV in energy where it is extracted and used in atomic structure experiments. Application received by Commissioner of Customs: June 29, 1973.

Docket Number: 74-00013-33-46040. Applicant: Montefiore Hospital and Medical Center, 111 East 210 Street, Bronx, New York 10467. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article will be used to study the structural changes that occur in specific biological tissues accompanying either disease processes, experimental manipulation or normal development. Some of the studies planned involve (1) examination of the development of synaptic contacts in the brains of several mutant mice which show neurological symptoms to further understanding of human disease in which similar changes are observed, (2) study of the effects of various antibodies on the aggregation of human red cells to obtain an understanding of the mechanism of antibody action and as an aid in the design of laboratory methods for the detection of antibodies, (3) examination of surgically removed diseased tissue, or tissue obtained at autopsy, to obtain an understanding of the changes that accompany various disease processes, and as an aid in the diagnosis of certain conditions, and (4) continued investigation of the effect of various environmental pollutants on the central nervous system in the developing as well as the adult animal in the hope that these investigations will not only elucidate the effects of the pollutants but will also offer clues toward methods most suited to reverse or prevent these effects. Application received by Commissioner of Customs: June 14, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-15017 Filed 7-20-73;8:45 am]

Maritime Administration

[Docket No. S-368]

TANKERS HOLDING, INC.

Notice of Application

Notice is hereby given that Tankers Holding, Inc., has filed an application for operating-differential subsidy on two (2) ore/bulk/oil carriers (to be constructed) of approximately 80,500 deadweight tons each. Said vessels will be operated in worldwide trade, primarily in the foreign commerce of the United States, in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before July 30, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign ocean-borne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 19, 1973.

By order of the Martime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-15179 Filed 7-20-73;8:45 am]

[Docket No. S-369]

WATERMAN STEAMSHIP CORP.

Notice of Application

Notice is hereby given that Waterman Steamship Corporation has applied for permission to annually make twelve (12) calls inbound and outbound at United States Atlantic Coast ports with its subsidized vessels serving Trade Route No. 21 between United States Gulf ports and ports in the United Kingdom, Republic of Ireland and Continental Europe from the northern border of Portugal to the southern border of Denmark under Contract No. MA/MSB-253, which contract is effective for at least calendar years 1973 and 1974 but not in excess of 3 years.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on July 30, 1973, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the

accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: July 19, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-15180 Filed 7-20-73;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12 SIGNIFICANCE AND IMPACT OF ASCII AS A FEDERAL STANDARD

Notice of Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 11:00 a.m. to 4:00 p.m. on Thursday, August 2, 1973, in Lecture Room D, Building 101 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review preliminary results obtained from ASCII questionnaires, to review other proposed ASCII questionnaires and to consider matters related to their processing.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Office of Information Processing Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3551).

Date: July 17, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15021 Filed 7-20-73;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY OF COMMERCE FOR ADMINISTRATION

Delegation to Certify Records

Pursuant to the authority delegated to the Assistant Secretary of Commerce for Administration by Department Administrative Order 201-17, the following officials of the National Oceanic and Atmospheric Administration are hereby authorized to sign as certifying officers, certification as to the official nature of copies of correspondence and records from the files, publications and other documents of the Department and to affix the Seal of the Department to such certifications or documents for all purposes, including the purposes authorized by 28 U.S.C. 1733(b).

Director, Northwest Administrative Services Office, Seattle, Washington
Director, National Geophysical and Solar Terrestrial Data Center, Boulder, Colorado
Associate Director for Climatology, Environmental Data Service, Washington, D.C.
Associate Director for Marine Sciences, Environmental Data Service, Washington, D.C.
Associate Director for Geophysics, Environmental Data Service, Boulder, Colorado.

This delegation of authority shall be effective as of the date hereof.

Dated: July 16, 1973.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-15018 Filed 7-20-73;8:45 am]

[Organization Order 10-8]

ASSISTANT SECRETARY FOR MARITIME AFFAIRS

Delegation of Authority and Organization and Functions

This order effective July 5, 1973, supersedes the material appearing at 37 FR 15179 of July 28, 1972 and 37 FR 15946 of August 8, 1972.

SECTION 1. *Purpose.* .01 This order delegates authority to the Assistant Secretary for Maritime Affairs and to the Maritime Subsidy Board and prescribes the general functions of the Maritime Administration.

.02 This revision reflects elimination of the position of Deputy Assistant Secretary for International Planning (section 2) and incorporates recent legislative changes in the delegation of authority (section 3) and statement of functions (section 4).

SEC. 2. *Status and line of authority.* .01 The Maritime Administration, established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950, as affected by Reorganization Plan No. 7 of 1961, effective August 12, 1961, is continued as a primary operating unit of the Department of Commerce.

.02 By effect of Section 38 of the Merchant Marine Act of 1970 (Public Law 91-469 of October 21, 1970), the Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex officio Maritime Administrator, is the head of the Maritime Administration. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate. He shall report and be responsible to the Secretary of Commerce.

.03 The Assistant Secretary shall be assisted in his duties by a Deputy Assistant Secretary for Maritime Affairs (ex officio Deputy Maritime Administrator) who shall perform such duties as the Assistant Secretary shall assign. In addition, he shall assume the duties of the Assistant Secretary in his absence or during a vacancy in the office, unless the Secretary shall designate another person.

.04 The Assistant Secretary is also designated Commandant of the United States Maritime Service.

SEC. 3. *Delegation of authority to the Assistant Secretary.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, and otherwise by law, the Assistant Secretary is hereby delegated the authority vested in the Secretary of Commerce under:

a. Reorganization Plan No. 21 of 1950 (64 Stat. 1273) and Section 202 of Reorganization Plan No. 7 of 1961 (75 Stat. 840), except the authority delegated to the Maritime Subsidy Board by section 6 of this Order. This delegation includes but is not limited to the authority vested in the Secretary of Commerce by:

(1) The Shipping Act, 1916, as amended (46 U.S.C. 801 et seq.);

(2) The Merchant Marine Act, 1920, as amended (46 U.S.C. 861 et seq.), including the Ship Mortgage Act, 1920, as amended (46 U.S.C. 921 et seq.);

(3) The Merchant Marine Act, 1928, as amended (46 U.S.C. 891 et seq.);

(4) The Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 843 et seq.);

(5) The Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.); except the authority delegated to the Administrator of the National Oceanic and Atmospheric Administration relating to the establishment of capital construction fund agreements under Section 607 thereof and the granting of financing guarantees under Title XI thereof, with respect to vessels in the fishing trade or industry; and

(6) The Merchant Ship Sales Act of 1946, as amended (50 U.S.C. App. 1735 et seq.).

b. The Suits in Admiralty Act (1920), as amended (46 U.S.C. 741 et seq.), except in relation to the arbitration, compromise or settlement of any claim in the amount of $5,000 or less involving a vessel operated by the National Oceanic and Atmospheric Administration;

c. The Civilian Nautical School Act, 1940 (46 U.S.C. 1331 et seq.);

d. The Act of June 2, 1951 (46 U.S.C. 1241a) regarding the "Vessel Operations Revolving Fund;"

e. The Act of August 9, 1954 (50 U.S.C. 196 et seq.) commonly called the Emergency Foreign Vessels Acquisition Act;

f. The Act of July 24, 1956 (46 U.S.C. 249 et seq.) commonly called the Merchant Marine Medals Act of 1956;

g. The Maritime Academy Act of 1958, as amended (46 U.S.C. 1381 et seq.);

h. Title VI of the Civil Rights Act of 1964, which is applicable to the Assistant Secretary, as provided in Department Administrative Order 201-7 and the regulations referred to therein;

i. Executive Order 10480, as amended, and Executive Order 11490, with respect to defense mobilization and emergency preparedness of coastwise, intercoastal,

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and overseas shipping and ports and port facilities;

j. The Act of May 16, 1972 (86 Stat. 140), authorizing sale or purchase of certain passenger vessels;

k. The Act of August 22, 1972 (86 Stat. 618), authorizing sale of Liberty ships for use as artificial reefs; and

l. Section 717 of the Act of October 26, 1972 (86 Stat. 1184), commonly known as the Department of Defense Appropriations Act, 1973, with respect to transferring or otherwise making available vessels under the jurisdiction of the Maritime Administration to another Federal agency or, similarly, accepting vessels from another Federal agency.

.02 The Assistant Secretary is also hereby vested with the authorities of the Director, National Shipping Authority, which was established by the Secretary of Commerce effective March 13, 1951.

.03 Pursuant to the authority delegated to the Secretary of Commerce by the Administrator of the General Services Administration, dated August 15, 1967, the Assistant Secretary is hereby delegated authority to appoint uniformed guards as special policemen, with such powers as are conferred in the Act of June 1, 1948 (62 Stat. 281), as amended, for protection duties on those parcels of property at the United States Merchant Marine Academy, Kings Point, New York, which are not protected by General Services Administration guards, and over which the Federal Government has exclusive or concurrent jurisdiction. This authority shall be exercised in accordance with the limitations and requirements of the above cited Act, and policies, procedures, and controls prescribed by the General Services Administration.

.04 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this Order.

.05 The Assistant Secretary may redelegate his authority to officials of the Maritime Administration subject to such limitations in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* .01 The Maritime Administration, in accordance with the declaration of policy stated in Title I of the Merchant Marine Act of 1936, as amended, shall be responsible for fostering the development and maintenance of an American merchant marine sufficient to meet the needs of the national security and of the domestic and foreign commerce of the United States. In carrying out these responsibilities, the Maritime Administration shall:

a. Award and administer construction-differential subsidy contracts and operating-differential subsidy contracts to aid the American merchant marine and trade-in allowances for new ship construction;

b. Enter into and administer agreements for capital construction funds and construction reserve funds;

c. Provide insurance on construction loans and ship mortgages or guarantees on ship financing obtained from private sources for ship construction and reconstruction;

d. Provide assistance to the shipping industry to generate increased trade and cargo shipments on U.S.-flag ships;

e. Promote development of ports and intermodal transportation systems;

f. Promote development of the domestic waterborne commerce of the United States;

g. Oversee the administration of cargo preference statutes;

h. Administer charters and general agency agreements for operation of Government-owned ships;

i. Maintain custody of, and preserve ships in the National Defense Reserve Fleet;

j. Conduct sales of ships;

k. Supervise design and construction of ships for Government account;

l. Furnish war risk insurance on privately-owned merchant ships;

m. Train merchant marine officers;

n. Conduct a research and development program in the maritime field; and

o. Issue rules and regulations with respect to the foregoing functions.

.02 In carrying out its responsibilities, the Maritime Administration shall also coordinate and provide leadership to the Department's overall effort to reduce, simplify and otherwise facilitate the use of documents required for trade, travel and transport purposes.

SEC. 5. *Maritime Subsidy Board.* .01 The Maritime Subsidy Board (the "Board") is continued within the Maritime Administration. The Board shall be composed of the Assistant Secretary, the Deputy Assistant Secretary for Maritime Affairs and the General Counsel of the Maritime Administration, and during a vacancy in any one of those offices, the person acting in such capacity shall be a member of the Board, unless the Secretary of Commerce designates another person. In case there still is a vacancy in the Board or in the absence or disability of one of its members, the Secretary of the Maritime Administration and Maritime Subsidy Board, or any other persons designated by the Secretary of Commerce, shall act as a member or members of the Board. Each member of the Board, while serving in that capacity, shall act pursuant to direct authority from the Secretary of Commerce and exercise judgment independently of authority otherwise delegated to the Assistant Secretary. The Assistant Secretary or the Acting Assistant Secretary serves as Chairman of the Board. The concurring votes of two members shall be sufficient for the disposition of any matter which may come before the Board.

.02 The Chairman of the Maritime Subsidy Board may make use of officers and employees of the Maritime Administration to perform activities for the Maritime Subsidy Board. Employees of the Maritime Administration may be designated as the Secretary or Assistant Secretaries of the Board.

SEC. 6. *Delegations of authority to the Maritime Subsidy Board.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 21 of 1950, as affected by Reorganization Plan No. 7 of 1961, and Reorganization Plan No. 5 of 1950, and otherwise by law, the Maritime Subsidy Board is hereby delegated authority to perform the following functions vested in the Secretary of Commerce:

a. All functions previously vested in the Federal Maritime Board pursuant to section 105(1) (except the last proviso thereto), section 105(2), and, insofar as applicable to these functions, section 105(3) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by section 202(b)(1) of Reorganization Plan No. 7 of 1961, except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions referred to in section 301(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101 et seq.).

b. All functions previously vested in the Federal Maritime Board pursuant to Section 103(e) of Reorganization Plan No. 21 of 1950, as the same have been transferred to the Secretary of Commerce by Section 202(b)(2) (except requiring the filing of reports, accounts, records, rates, charges, and memoranda under Section 21 of the Shipping Act, 1916, as amended, and making reports and recommendations to Congress) and section 202(b)(3) of Reorganization Plan No. 7 of 1961, insofar as said functions relate to the functions described in subparagraph a. of this paragraph.

c. All functions under Title VI of the Civil Rights Act of 1964, which are applicable to the Maritime Subsidy Board, as provided in Department Administrative Order 201-7 and the regulations referred to therein, which delegated authority shall be performed in accord with the provisions of said Department Administrative Order and regulations, and shall be exempted from review under section 7 of this Order.

.02 The Maritime Subsidy Board may exercise other authorities of the Secretary of Commerce as applicable to performing the functions assigned to the Board in this order.

.03 Any member of the Maritime Subsidy Board or the Secretary or an Assistand Secretary of the Maritime Subsidy Board is authorized to execute and sign contracts and other documents authorized or approved pursuant to sections 6 or 7 of this order. The execution of such contracts or documents may be attested, under the seal of the Maritime Administration, by the Secretary or an Assistant Secretary of the Maritime Subsidy Board.

.04 The Maritime Subsidy Board may, with the approval of the Secretary of Commerce, redelegate its authority and prescribe necessary limitations, restrictions and conditions on the exercise of such authority. Action taken by any redelegatee shall be exempt from the provisions of section 7 of this order.

SEC. 7. *Review and finality of actions by Maritime Subsidy Board.* .01 The Secretary of Commerce (hereinafter referred to as the "Secretary") may on his own motion or on the basis of a petition filed as hereinafter provided, review any decision, report and/or order of the Maritime Subsidy Board based on a hearing held pursuant to (a) statutory requirements or (b) Board order, by entering a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be served on all parties of record. Petitions for review under this paragraph may be filed by parties of record, shall be in writing, and shall state the grounds upon which petitioner relies. Ten (10) copies of such petitions for review, together with proof of service thereof on all parties of record, shall be filed with the Secretary within fifteen (15) days after the date of the service of the Board's decision, report or order. Parties of record may file answers in writing thereto. Ten (10) copies of such answers, together with proof of service thereof on the petitioner and all other parties of record, shall be filed with the Secretary within ten (10) days after the date the petition for review is timely filed. Petitions for review and answers thereto shall be limited to the record before the Board. If a petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final fifteen (15) days after expiration of the time prescribed for filing answer thereto unless the Secretary, prior to expiration of the fifteen (15) days, enters a written order granting the petition for review. If no petition for review is filed within the time prescribed, a decision, report or order of the Board shall be final twenty (20) days after the date of service of the decision unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. If upon any review the decision of the Secretary rests on official notice of a material fact not appearing in the evidence in the record, any party of record shall, if request is made within ten (10) days after the date of service of the Secretary's decision on said party, be afforded an opportunity to show the contrary. The said ten (10) days shall constitute the period for a "timely request" within the meaning of the provisions of 5 U.S.C. 556(e). A copy of all orders for review, petitions for review, answers to petitions for review, and decisions of the Secretary shall be filed with the Secretary of the Board concurrent with service upon all parties of record.

.02 The Secretary may on his own motion review all actions of the Maritime Subsidy Board other than those referred to in paragraph .01 of this section by entering a written order stating that he elects to review the action of the Board. Any person having an interest in any action of the Board under this paragraph shall have the privilege of submitting to the Secretary, within ten (10) days after the date of such Board action, a request that the Secretary undertake such review. Such request shall be in writing and shall state the grounds upon which the person submitting the same relies and his interest in the action for which review is requested. Ten (10) copies of such requests shall be submitted to the Secretary. Any other person having an interest in such matter shall have the privilege of submitting within fifteen (15) days after the date of the Board's action, a written request that the Secretary not exercise such review. Copies of requests that the Secretary undertake or not exercise review will be open for public inspection at the office of the Secretary of the Board. If either a request that the Secretary undertake review or a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in ten (10) days, after expiration of the time prescribed for submission of a request that review not be exercised unless the Secretary, prior to the expiration of the ten (10) days, enters a written order stating that he elects to review the action of the Board. If neither a request that the Secretary undertake review nor a request that he not exercise review is submitted within the time prescribed, an action of the Board shall be final in twenty (20) days after the date of such action unless the Secretary, prior to expiration of the twenty (20) days, enters a written order stating that he elects to review the action of the Board. Copies of all orders for review shall be filed with the Board, and served upon all persons filing requests as herein described.

.03 If a timely petition for reopening is filed under the rules prescribed by the Board, the time for filing a petition or request for review by the Secretary under paragraphs .01 and .02 of this section, respectively, or the entry of an order by the Secretary on his own motion electing to review an action of the Board under paragraphs .01 and .02 of this section, shall, in the case of actions under paragraph .01 of this section run from the date of service of the Board's action and, in the case of actions under paragraph .02 of this section, run from the date of the Board's action, finally disposing of the issues presented by the petition for reopening.

.04 In computing any period of time under this section, the time begins with the day following the act, event, or default, and includes the last day of the period unless it is Saturday, Sunday, or national legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or such holiday. The prescribed time for action by the Secretary in a proceeding in which additional days have been added pursuant to the provisions of this paragraph shall be extended by the total of such additional days.

.05 Petitions and requests for review by the Secretary shall not be filed:

a. Unless the petitioner shall have first exhausted his administrative remedies (other than a petition for reopening) before the Maritime Subsidy Board; or

b. With respect to interlocutory decisions of the Maritime Subsidy Board in actions or proceedings referred to in paragraphs .01 and .02 of this section.

.06 The Secretary may, for good cause and/or in order to prevent undue hardship in any particular case, waive or modify any procedural provision of this section by written order.

SEC. 8. *Savings provision.*

All orders, determinations, rules, regulations, permissions, delegations, approvals, agreements, rulings, certificates, directives and other actions heretofore issued or taken by or relating to the Federal Maritime Board, Maritime Administration, Maritime Subsidy Board, National Shipping Authority and their predecessor agencies, and in effect on the effective date of this order shall, insofar as they relate to the functions referred to herein and are not inconsistent herewith, remain in full force and effect until hereafter suspended, amended or revoked under appropriate authority.

All actions, proceedings, hearings or investigations pending on the effective date of this order before the Maritime Administration or the Maritime Subsidy Board in respect to the functions referred to in this order shall be continued before the Maritime Administration or the Maritime Subsidy Board, as the case may be, in accordance with the delegations made pursuant to this order.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-15047 Filed 7-20-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Public Meeting

Notice was given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463) and published in 38 FR 1A478, Volume 133, Wednesday, July 11, 1973, that the National Advisory Council on Indian Education will hold two meetings in July, 1973. That notice is hereby amended. Firstly, the National Council Search Committee will meet at the San Francisco Hilton Hotel, Mason and O'Farrell, San Francisco, California, on Wednesday, July 25 from 1:00 p.m. to 5:00 p.m. local time, and Thursday, July 26 from 8:00 a.m. to 5:00 p.m. local time. Secondly, the full membership of the National Advisory Council will meet in the same location, on 27, 28 and 29 of July, from 8:00 a.m. to 7:00 p.m. daily, local time.

This Council was established on June 23, 1972, by the Indian Education Act, Title IV, section 442(a) of Public Law 92-318, the Education Amendments of

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1572. The Council is to advise the Commissioner of Education with respect to the administration of any programs in which Indian children or adults participate or from which they can benefit; review applications for assistance and make recommendations to the Commissioner with respect to their approval; evaluate programs and projects carried out under any program of the Department of Health, Education and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluation; provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations; assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants; and submit to the Congress an annual report of its activities.

The meeting of the Council or subcommittees thereunder, shall be open to the public. The agenda for the proposed meeting of the Search Committee involves the reviewing of applications and interviewing candidates for the position of Executive Director to the Council; and also setting up procedures for selecting a list of nominees for the position of Deputy Commissioner of Indian Education preparatory to the Council forwarding its list of nominees to the U.S. Commissioner of Education for this position.

The agenda of the National Council meeting involves reports of the Search Committee, Budget Committee, Legislative Committee on 1974 funding, location of the National Council Headquarters and an overall Council review of the system for reviewing proposals by Council members.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, 400 L'Enfant Plaza East, S.W., Washington, D.C. 20202 phone 554-2350.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council address above.

Signed at Washington, D.C. on July 18, 1973.

FRANK B. MCGETTRICK,
Acting Deputy Commissioner for Indian Education.

[FR Doc 73-15029 Filed 7-20-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Company, 435 Sixth Avenue, Pittsburgh, Pennsylvania 15219, Ohio Edison Company, 47 North Main Street, Akron, Ohio 44308, Pennsylvania Power Company, One East Washington Street, New Castle, Pennsylvania 16103, The Cleveland Electric Illuminating Company, P.O. Box 5000, Cleveland, Ohio 44101, and Toledo Edison Company, 300 Madison Avenue, Toledo, Ohio 43652 (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on June 25, 1973, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors. The application was tendered on March 28, 1973. Following a preliminary review for completeness, it was rejected on May 2, 1973, for lack of sufficient information. The applicants submitted additional information on June 6, 1973 and the application was accepted for docketing.

The proposed nuclear facility, designated by the applicants as the Perry Nuclear Power Plant, Units 1 & 2 is located near Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio and is designated for initial operation at approximately 3579 megawatts (thermal) with a net electrical output of approximately 1205 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 7, 1973. The request should be filed in connection with Docket 50-440A & 50-441A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated March 28, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Perry Nuclear Power Plant, Units 1 & 2 is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street—2nd Floor, Columbus, Ohio 43215 and at the Northeast Ohio Areawide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44114.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 28th day of June 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing

[FR Doc 73-13656 Filed 7-5-73;8:45 am]

[Docket Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO.

Availability of AEC's Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed issuance of a construction permit to the Public Service Electric & Gas Company for its Newbold Island Nuclear Generating Station, Units 1 and 2, to be located in the Township of Bordentown, Burlington County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545, and in the Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey 08608. The Draft Environmental Statement is also being made available at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Delaware Valley Regional Planning Commission, 1317 Filbert Street, Philadelphia, Pennsylvania 19107.

Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

This Draft Environmental Statement incorporates recent information related to the consequences of the consumptive use of Delaware River water for plant operation and includes consideration of comments received on the December 1972 Draft Environmental Statement. The notice of availability of the Draft Environmental Statement dated December 1972 was published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28204).

Pursuant to Appendix D, 10 CFR Part 50, interested persons may, on or before August 22, 1973, submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain this document upon request). When comments thereon by Federal, State and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Trenton Free Public Library, 120 Academy Street, Trenton, New Jersey.

Comments on the AEC's Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 16th day of July 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Directorate of Licensing.

[FR Doc 73-14797 Filed 7-20-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

JULY 19, 1973.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Working Group on Peaking Factors will hold a meeting on August 8, 1973, in Room 1046, at 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss calculational techniques and plant operating conditions related to peaking factors, with reference to nuclear reactors designed by the Babcock and Wilcox Company.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, August 8, 1973, 9:30 a.m.–4:00 p.m.—Discussion with the AEC Regulatory Staff and the Babcock and Wilcox Company.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., which will involve discussion of its preliminary views, and an executive session at approximately 4:30 p.m. to exchange opinions and formulate recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to nuclear fuel design, calculational techniques and plant operating conditions related to peaking factors, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 1, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon B&W topical reports and various other related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 6, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after October 8, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc 73-15104 Filed 7-20-73;10:55 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25474]

HAWAII FARES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 18, 1973, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the undersigned of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information and evidence; (4) statement of positions; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before August 7, 1973, and the other parties will do so on or before August 23, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 17, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc 73-15041 Filed 7-20-73;8:45 am]

[Docket No. 25427]

LAKER AIRWAYS LIMITED

Notice of Prehearing Conference Regarding Foreign Air Carrier Permit Application

London-New York Scheduled Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 11, 1973, at 10 a.m. (local time), in Room 1031, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C. before Administrative Law Judge Greer M. Murphy.

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In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 22, 1973, and the other parties on or before August 31, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross referencing.

Dated at Washington, D.C., July 17, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc 73-15040 Filed 7-20-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

ALABAMA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alabama State Advisory Committee to this Commission will convene at 7:30 p.m. on July 27 1973, at the Holiday Inn Midtown, 924 Madison Avenue, Montgomery, Alabama 36104.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, 75 Piedmont Avenue, NE., Atlanta, GA 30303.

The purpose of this meeting shall be to review and evaluate all programs proposed for study by the Alabama State Advisory Committee in FY '74.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 16, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc 73-15051 Filed 7-20-73;8:45 am]

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee to this Commission will convene at 4 p.m. on July 27, 1973, in the Sky Room, Ramada Inn Downtown, 41 North First Street, Phoenix, Arizona 85034.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to discuss and finalize plans for followup to the report on the Arizona Hearing on Indian Affairs held in Phoenix on November 17–18, 1972.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc 73-15052 Filed 7-20-73;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commision on Civil Rights, that a planning meeting of the Indiana State Advisory Committee to this Commission will convene at 9 a.m. on July 28, 1973, at the Quality Motel Downtown, 1530 North Meridian, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to review all pending project proposals and decide on which projects the Indiana State Advisory Committee will study in FY '74.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 17, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc 73-15053 Filed 7-20-73;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee to this Commission will convene at 7:30 p.m. on July 24, 1973 at the Labor Educational Center, Rutgers University, Ryders Lane, New Brunswick, New Jersey 08903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20425.

The purpose of this meeting shall be to discuss the latest developments in the progress of the Prison Study in the State of New Jersey.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 13, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-15054 Filed 7-20-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[Dockets No. 145 et al.]

REGISTRATIONS AND TOLERANCES OF PESTICIDES ALDRIN AND DIELDRIN

Supplemental Notice of Hearing

A notice was issued July 6, 1973 (38 FR 18484) of a public hearing to begin August 7, 1973, in Davenport, Iowa, in consolidated proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.*), as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973), involving the cancellation of registrations of pesticides containing aldrin and dieldrin and under sections 406 and 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 and 346a) involving tolerances therefor, with the hearing to move to additional places.

Notice is hereby given that hearing sessions will begin as follows:

(1) On Tuesday, August 7, 1973, at 9:30 a.m., local time, in the Court Room, Room 242, Federal Building, 131 East 4th Street, Davenport, Iowa;

(2) On Tuesday, August 21, 1973, at 9:30 a.m., local time, in the Southeast Meeting Room, Indiana World War Memorial Building, 431 N. Meridian Street, Indianapolis, Indiana;

(3) On Tuesday, August 28, 1973, at 9:30 a.m., local time, in EPA Hearing Room, Room 214, 1735 Baltimore Street, Kansas City, Missouri;

(4) On Wednesday, September 5, 1973, at 9:30 a.m., local time, in the EPA Hearing Room, Room 3906, Waterside Mall, 401 M Street, SW., Washington, D.C.;

(5) On Tuesday, September 11, 1973, at 9:30 a.m., local time, in the County Agricultural Agent Office, 2350 E. Michigan Street, Orlando, Florida;

(6) On Tuesday, September 18, 1973, at 9:30 a.m., local time, in Lubbock County Courthouse, 904 Broadway, Lubbock, Texas;

(7) On Tuesday, October 2, 1973, at 9:30 a.m., local time, in the EPA Hearing Room, Room 3906, Waterside Mall, 401 M Street, SW., Washington, D.C.

Subsequently, the hearing may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room E-1019, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JULY 18, 1973.

[FR Doc.73-15048 Filed 7-20-73;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF SAN FRANCISCO AND STATES STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 13, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Miriam E. Wolff, Port Director, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Agreement No. T-2227-2 between the Port of San Francisco (Port) and States Steamship Company (States) modifies the basic agreement which provides for the 10-year lease of a portion of the Port's Army Street Terminal. The purpose of the modification is to: (1) provide for certain improvements to the premises by the Port; (2) increase the area of the leased premises by approximately 13.68 acres; and (3) increase the minimum annual rental for the premises to $400,000 as set forth in detail in the agreement. In addition, States has the option of leasing an additional 20,000 square feet of space at $.20 per square foot per month, exclusive of the original lease charges.

By Order of the Federal Maritime Commission.

Dated: July 17, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15032 Filed 7-20-73;8:45 am]

PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 13, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Wade Thompson,
Director,
Department of Real Estate,
Port of Seattle,
P.O. Box 1209,
Seattle, Washington 98111.

Agreement No. T-2671-1, between the Port of Seattle (Port) and American Mail Line, Ltd. (AML), modifies the basic agreement which provides for the month-to-month lease of certain office space, storage, and transit shed area located at Pier 28, Seattle, Washington, to be used for offices, storage and transit shed operation. The purpose of the modification is to enlarge the leased premises by 462 square feet and increase the monthly rental by $173.25.

By Order of the Federal Maritime Commission

Dated July 17, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15031 Filed 7-20-73;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of April 17, 1973

In accordance with section 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 17, 1973.[1]

The information reviewed at this meeting suggests continued rapid growth in real output of goods and services in the first quarter, spurred by an extraordinary increase in consumption expenditures. Over the first 3 months of this year, employment rose strongly but the unemployment rate remained about 5 per cent. The recent advance in wage rates has been more moderate than in the latter part of 1972, but the increase in social security taxes in January added significantly to payroll costs. The rate of increase in prices stepped up very sharply in the first quarter. Prices of foods have continued to rise at wholesale and retail, and in both February and March increases in wholesale prices of industrial commodities were large and widespread. Foreign exchange markets have been relatively quiet since mid-March, and there has been a moderate reflow into dollars. The U.S. merchandise trade balance improved a little in January-February, when both exports and imports were sharply higher than in the fourth quarter of 1972.

Growth in both the narrowly and more broadly defined money stock slowed markedly in the first quarter following a bulge toward the close of last year. However, in the face of strong loan demand—especially from businesses—banks sharply increased their issuance of large-denomination CD's, and the bank credit proxy expanded very rapidly. Short-term market interest rates continued to rise until the beginning of April, but since then some rates—particularly those on Treasury bills—have declined. Rates on long-term market securities have moved down on balance in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to abatement of inflationary pressures, a more sustainable rate of advance in economic activity, and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of forthcoming Treasury financing, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, July 10, 1973.

ARTHUR L. BROIDA,
Secretary.

JULY 16, 1973.

[FR Doc.73-14977 Filed 7-20-73;8:45 am]

ALFRED I. DUPONT TRUST

Preliminary Determination of Control Over Florida National Banks of Florida

Section 2(a)(1) of the Bank Holding Company Act (12 U.S.C. 1841(a)(1))

[1] The Record of Policy Actions of the Committee for the meeting of April 17, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

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provides that "bank holding company" means any company which has control over any bank or over any company that is or becomes a bank holding company by virtue of this Act. Sections 2(a)(2)(A) and (B) and section 2(g)(1) and (2) establish conclusive presumptions that a company controls a bank or other company. Section 2(a)(2)(C) of the Act provides that a company has control over a bank or over any company if the Board determines, after notice and opportunity for hearing, that the company directly or indirectly exercises a controlling influence over the management or policies of a bank or company.

The Board's Regulation Y (12 CFR 225.2(b)) provides rebuttable presumptions of control, in addition to presumptions established by the Act, to be used by the Board in determining that a company controls a bank or other company. Paragraph (c) of § 225.2 of Regulation Y sets forth procedures for determining control in any case in which a presumption established by paragraph (b) of that section applies, or in any other case where it appears to the Board that a company exercises a controlling influence over the management or policies of a bank or other company, and the company has not complied with the provisions of the Act.

Pursuant to the provisions of section 2 of the Act and Regulation Y (12 CFR 225.2(c)) and in accordance with the expressed intention of Congress which in 1966 amended the Bank Holding Company Act and thereby removed the Alfred I. duPont Trust's exempt status under the Act and required the Trust to divest itself of its nonbanking interests or cease to be a bank holding company by July 1, 1971, the Board has reviewed the relationship of the Alfred I. duPont Trust with Florida National Banks of Florida, Jacksonville, Florida, and its subsidiary banks.

Based upon facts available to it, the Board has concluded that there exists a question as to the effectiveness of the Alfred I. duPont Trust's action directed toward divestiture of control of the banks in the Florida National Group as required under the Act. Circumstances involving the Trust-Florida National relationship fall within the rebuttable presumptions of control of Regulation Y (12 CFR 225.2(b)). One section (225.2(b)(2)) relates to the Trust's ownership of at least 24.7 percent of the stock of Florida National coupled with ownership of an additional 6 per cent of the stock of Florida National by a trustee of the Trust. In addition, facts available to the Board indicate also the possible applicability of other presumptions of control such as § 225.2(b)(1) of Regulation Y and of section 2(g)(3) of the Act.

Based on the foregoing and other factors considered, including, the power of individuals who serve as trustees of the Alfred I. duPont Trust to vote an additional 4.5 percent of the shares of Florida National Banks of Florida by virtue of their being executors of the estate of the widow of Alfred I. duPont, the Board has made a preliminary determination, pursuant to Regulation Y (12 CFR 225.2(c)) that the Trust created by the Last Will and Testament of Alfred I. duPont, exercises control and/or a controlling influence over the management or policies of Florida National Banks of Florida and/or its subsidiary banks within the meaning of section 2 of the Bank Holding Company Act of 1956, as amended.

As prescribed by § 225.2(c) of Regulation Y, within 30 days from the effective date of the Board's determination, the Trust may either (1) indicate its willingness to terminate a control relationship which the Board has by preliminary determination found to exist and submit a plan to effect termination of control, or (2) set forth facts and circumstances in support of a contention that the Trust does not exercise control or a controlling influence over the management or policies of Florida National or its subsidiary banks. The Trust may request a hearing to contest the Board's preliminary determination of control at which representatives of the Trust may present evidence to rebut the facts and presumptions herein referred to and otherwise support a contention that no control relationship or controlling influence exists.

By determination of the Board of Governors, effective July 5, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14978 Filed 7-20-73;8:45 am]

BERKSHIRE BANCORP INC.

Order Approving Acquisition of Bank

Berkshire Bancorp Inc., Pittsfield, Massachusetts, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Guaranty Bank & Trust Company, Worcester, Massachusetts ("Guaranty Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant,[1] the 21st largest commercial banking organization in Massachusetts, controls one bank, Berkshire Bank & Trust Company ("Berkshire Bank"), with deposits of about $65 million, representing approximately 0.6 per cent of total bank deposits in the State.[2] Guaranty Bank is the 10th largest banking organization in the State with deposits of $176 million, accounting for 1.6 per cent of total statewide commercial bank deposits. Consummation of the proposal would result in Applicant controlling 2.2 per cent of total commercial bank deposits in Massachusetts, and it would become the eighth largest banking organization and bank holding company in the State. Consummation of the transaction would not result in a significant increase in the concentration of banking resources in Massachusetts.

Guaranty Bank is the second largest of seven banks competing in the Worcester SMSA,[3] with about 24 per cent of market deposits. The largest bank in the market, Worcester County National Bank, a subsidiary of the State's seventh largest commercial banking organization, controls approximately 47 per cent of market deposits. The State's sixth largest banking organization also controls a subsidiary in the market.

Consummation of the proposal would eliminate no significant existing competition between Berkshire Bank and Guaranty Bank. Since the banks are 65 miles apart, with three counties and numerous banks intervening and in view of Massachusetts' restrictive branching laws, it is unlikely that competition between Berkshire Bank and Guaranty Bank would develop in the future. Consummation of the proposal would have no adverse effects on existing or potential competition and should be procompetitive by creating an alternative to the larger Boston based holding companies.

The financial condition, managerial resources, and prospects of Applicant, its subsidiary bank, and Guaranty Bank, are regarded as satisfactory and consistent with approval. Both banks' customers should benefit from the affiliation as a result of the capability to offer increased services in the respective service areas, which are presently unavailable from the banks in view of their limited resources. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14979 Filed 7-20-73;8:45 am]

[1] Applicant has pending a section 4(c)(8) application to retain O-T-C Investor Service Corporation, Pittsfield, Massachusetts and New York, New York, a company engaged in making loans to investors secured by stock of limited marketability.

[2] Except as otherwise indicated, banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[3] Deposit date for the Worcester SMSA market are as of June 30, 1970.

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

FARMERS STATE CORPORATION

Formation of Bank Holding Company

Farmers State Corporation, Zionsville, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of Farmers State Bank, Zionsville, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1973.

Board of Governors of the Federal Reserve System, July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14980 Filed 7-20-73;8:45 am]

FIRST BANCORP. INC.

Acquisition of Bank

First Bancorp., Inc., Corsicana, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 1200 of the voting shares of the First National Bank, Fairfield, Texas (formerly the First National Bank of Streetman). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 27, 1973.

Board of Governors of the Federal Reserve System, July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14981 Filed 7-20-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of First State Bank of Bellaire, Bellaire, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 11, 1973.

Board of Governors of the Federal Reserve System, July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14982 Filed 7-20-73;8:45 am]

FIRST CHICAGO CORPORATION

Order Approving Acquisition of AFSA Data Corporation

First Chicago Corporation, Chicago, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of AFSA Data Corporation, Hawthorne, California ("AFSA"), a company that engages in the activity of servicing student loans and other extensions of credit. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FEDERAL REGISTER 13062). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one banking subsidiary, The First National Bank of Chicago ("Bank"), which is the second largest bank in Chicago and in the State of Illinois controlling deposits of $5.2 billion, representing approximately 13 per cent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1972.) Applicant also has several nonbanking subsidiaries, including First Chicago University Finance Corporation ("University Finance") which has been granted permission[1] to make or acquire, for its own account or for the account of others, loans and other extensions of credit primarily related to the financing of post secondary education, and servicing such loans or extensions of credit.

AFSA was incorporated in August, 1967, in California, to conduct business as a servicer of student loans. AFSA has total assets of $195,000, and presently services a loan portfolio of approximately 141,000 accounts in 19 states, although almost 70 per cent of the accounts are located in three states, California, New York and Pennsylvania. Corporate headquarters are located in Hawthorne, California, and a service office is located in New York City, New York.

Although University Finance was granted permission to engage in the servicing of loans or extensions of credit, Applicant has stated in this application that University Finance would not develop the capability to service student loans but would subcontract this servicing to an agent. If this application is approved, Applicant intends that AFSA be the recipient of most of the servicing business obtained by University Finance. Although Bank provides servicing for its student loan accounts, it cannot be considered a significant competitor in the student loan servicing field since Bank's servicing operations are performed manually and solely for its own accounts, whereas other student loan servicers are highly computerized. Accordingly, consummation of the acquisition would not appear to have a significant effect on existing competition. Applicant could enter the student loan servicing business de novo, and thus, Applicant's acquisition of AFSA could be considered an adverse factor. However, this situation is mitigated by the low barriers to entry in this activity and the numerous servicers already in the field, including Federally Insured Student Loan (FISL) lenders, educational institutions, regional services, and local and regional data processing companies. Further, AFSA is in need of additional capital, and approval of the acquisition would improve AFSA's competitive capability vis-a-vis other national servicing organizations which are affiliated with financial institutions. The Board concludes that the competitive considerations are consistent with, and the public interest factors lend some weight to, approval of the application.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14983 Filed 7-20-73;8:45 am]

[1] Permission granted by Federal Reserve Bank of Chicago under delegated authority on January 1, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

V38-140 JUL 23 73 XUM

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire the successor by merger to Park Cities Bank & Trust Company, Highland Park (Dallas), Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and those received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By Order dated November 30, 1972, the Board approved the formation of Applicant[1] and stated:

First National [Bank in Dallas, Applicant's lead bank] now holds certain minority interests in fourteen banks ("Other Banks") located in Dallas County, Texas, as follows: 24 per cent of the shares of American Bank and Trust Company; 21.34 per cent of the shares of Citizens State Bank, Irving; 20 per cent of the shares of The Dallas County State Bank, Carrollton; 24.76 per cent of the shares of DeSoto State Bank; 24.52 per cent of the shares of East Dallas Bank & Trust Company; 24 per cent of the shares of First National Bank of Richardson; 24 per cent of the shares of Grove State Bank; 22.42 per cent of the shares of North Dallas Bank and Trust Company; 24.9 per cent of the shares of Northpark National Bank; 19.47 per cent of the shares of Park City's Bank and Trust Company; 24.5 per cent of the shares of Southwest Bank and Trust Company, Irving; 24 per cent of the shares of Texas National Bank; 10.67 per cent of the shares of White Rock National Bank; and 26.41 per cent of the shares of Guaranty Bank, formerly South Oak Cliff Bank.

Board approval of Applicant's proposal to become a bank holding company does not signify Board approval of the retention or acquisition of the above-referred to minority interests in Other Banks. It is the Board's understanding, from representations by Applicant, that Applicant will file separate applications for prior approval by the Board for each of such minority holdings it seeks to retain and cause its minority interests in all Other Banks, other than those for which such applications are filed, to be completely and permanently divested by it. It is further understood that in this manner any such applications so filed by Applicant will be subject to the ordinary regulatory and legal process, subject to statutory standards as set forth in both section 3 of the Bank Holding Company Act and section 7 of the Clayton Act.

This application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank. Similar applications have been filed to acquire shares of Grove State Bank, American Bank & Trust Company, and Southwest Bank & Trust Company. The Board understands that an application will be filed promptly, but, in any event, not later than August 1, 1973, for shares of the Dallas County State Bank and further understands that Applicant's indirect minority interest in Guaranty Bank, formerly South Oak Cliff Bank, was completely and permanently divested by sale on January 9, 1973. The Board further understands and expects that Applicant's indirect minority interests in the eight other banks mentioned above will be completely and permanently divested as noted in the Board's earlier statement.

Applicant controls two banks with deposits of $1.7 billion, representing 5.6 per cent of the deposits in commercial banks in Texas.[2] Acquisition of Bank (deposits of $195 million) would not result in a significant increase in the concentration of banking resources in Texas.

Bank is the twenty-sixth largest of 110 banks located in the Dallas banking market, and controls 0.5 per cent of total deposits in that market.[3] Applicant presently has one banking subsidiary in the Dallas banking market, First National Bank in Dallas, Dallas, Texas ("Dallas Bank"), which is the second largest bank in the market with deposits of $1.5 billion and a market share of 23.4 per cent. Upon consummation of the four pending acquisitions referred to above, Applicant's subsidiaries would hold 25.5 per cent of the total deposits in commercial banks in the Dallas market. Should the Board approve the forthcoming application by Applicant to acquire shares of Dallas County State Bank, Applicant would control 25.9 per cent of total deposits in that market. The eight banks in which Applicant's minority interests will be divested, have a combined market share of 1.7 per cent. Several directors of Dallas Bank were among the organizers of Bank in 1958. Applicant presently controls 19.5 per cent of the shares of Bank and certain of its shareholders hold an additional 12.1 per cent of Bank's shares. Irrespective of the affiliation of Bank with Applicant, consummation of the proposed transaction is unlikely to have a significant adverse effect on existing or future competition in the Dallas market in view of the small size of Bank's market share and the difference in principal functions between Bank and Applicant's lead bank, the former serving primarily as a source of individual or retail banking services, the latter as a source of corporate or wholesale banking services. No meaningful competition apparently exists between Bank and Dallas Bank. Consummation of the proposed transaction would not have a significant adverse effect on competition in commercial banking in the Dallas banking market.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 13, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14984 Filed 7-20-73;8:45 am]

[1] 1972 *Fed. Res. Bulletin* 1028.

[2] All banking data are as of June 30, 1972.

[3] The Dallas banking market is approximated by the Dallas Ranally Metropolitan Area.

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

ISHAM MANAGEMENT CO.

Formation of Bank Holding Company

Isham Management Co., Gordon, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95.8 per cent or more of the voting shares of The First National Bank of Gordon, Gordon, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than August 2, 1973.

Board of Governors of the Federal Reserve System, July 16, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14985 Filed 7-20-73;8:45 am]

THE MOODY FOUNDATION

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

The Moody Foundation, Galveston, Texas, a bank holding company within the meaning of the Bank Holding Company Act by virtue of ownership of 51 per cent of the voting shares of the Moody National Bank of Galveston, Galveston, Texas, has applied to the Board of Governors, pursuant to section 4(d) of the Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 of the Act (relating to nonbanking activities of, and acquisitions by, a bank holding company).

Notice of receipt of the application was published in the FEDERAL REGISTER on December 2, 1972 (37 FR 26473), providing an opportunity for interested persons to submit comments and views with respect to the application. Time for filing comments and views has expired and all those received have been considered. No request for a hearing has been received.

Section 4(d) of the Act provides that, to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the prohibitions in section 4 of the Act to a bank holding company that controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank, in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application in light of the factors set forth in section 4(d) of the Act, and finds that:

Applicant is a charitable foundation established in 1942 by W. L. Moody, Jr., and his wife Libbie Shearn Moody, with the stated purpose to assist in supporting activities that are directed toward improving the general well being of the people who live in Texas. Applicant has investment interests in several nonbank companies, but its principal investments are (a) its 35 per cent interest in the American National Financial Corporation, a Delaware corporation, owning 100 per cent of the shares of American National Insurance Company, and (b) 51 per cent of the voting shares of The Moody National Bank of Galveston ("Bank"), Galveston, Texas. American National Insurance Company ranks (as of December 31, 1971) as the ninth largest in size (in terms of insurance in force) and eleventh largest in size (with assets of $1.5 billion as of December 31, 1971) among stock life insurance companies in the United States.

Bank was founded by W. L. Moody, Jr., in 1907, and continued to be controlled by Mr. Moody until his death in 1954. Upon his death, the control of Bank passed through his estate to Applicant, the estate being settled in 1959. With deposits of approximately $38 million as of June 30, 1972, Bank is the third largest of the fourteen banks located in the Galveston Standard Metropolitan Statistical Area, and holds about 12 per cent of the aggregate deposits in commercial banks in that market. Bank appears to be in generally satisfactory condition, its management capable, and its prospects good.

The Board has found no evidence that the ownership and control of Bank by W. L. Moody, Jr., or the Moody Foundation has had an adverse effect on the Bank or the communities involved. Rather it appears that the charitable endeavors of Applicant in the areas of education, health, welfare, etc., have had a beneficial effect on the people of Texas. Since 1960, Applicant has made charitable grants totaling more than $55 million. There is no evidence of any misuse of Bank by Applicant, nor any evidence to suggest that the continued ownership of Bank by Applicant will jeopardize the financial soundness of Bank. American National maintains a payroll account for its home office at Bank. Apparently, neither American National nor any of Applicant's other subsidiaries has borrowed from Bank.

Although Applicant's income is derived from several sources, about 62 per cent of its gross revenues were derived (during 1971) from dividends from American National. During the same period, income from Bank accounted for only about 1 per cent of Applicant's total revenues. In addition, the total assets of the Bank ($46 million) constitute (as of December 31, 1971) 2.9 per cent of the total assets ($1.58 billion) of the companies in the holding company system.

On the basis of the entire record, the Board concludes that the business relationships between The Moody Foundation and Bank have existed over a long period of years without adversely affecting the banks or communities involved; Bank is small in relation to the total interests of The Moody Foundation and it appears unlikely that Bank's powers to grant or deny credit would be influenced by a desire to further Applicant's other interests. Granting an exemption to Applicant would not be substantially at variance with the purposes of the Act nor adverse to the public interest; and an exemption is warranted under the provisions of section 4(d) of the Act. Accordingly, an exemption pursuant to section 4(d) of the Act is hereby granted subject to the condition that this determination may be revoked if the facts upon which it is based change in any material respect. Further, the provision of any credit, property, or service by the Registrant or any subsidiary thereof shall not be subject to any condition which, if imposed by a bank, would constitute an unlawful tie-in arrangement under section 106 of the Bank Holding Company Act Amendments of 1970. The determination herein is subject to the Board's authority to require modification or termination of the activities of Applicant or any of its nonbanking subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-14986 Filed 7-20-73;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

THE REPUBLIC NATIONAL BANK OF DALLAS

"Grandfather" Privileges Under Bank Holding Company Act

Section 4 of the Bank Holding Company Act (12 U.S.C. 1843) provides certain privileges ("grandfather" privileges) with respect to nonbanking activities of a company that, by virtue of the 1970 Amendments to the Bank Holding Company Act, became subject to the Bank Holding Company Act. Pursuant to section 4(a)(2) of the Act, a "company covered in 1970" may continue to engage, either directly or through a subsidiary, in nonbanking activities that such a company was lawfully engaged in on June 30, 1968 (or on a date subsequent to June 30, 1968, in the case of activities carried on as a result of the acquisition by such company or subsidiary, pursuant to a binding written contract entered into on or before June 30, 1968, of another company engaged in such activities at the time of the acquisition), and has been continuously engaged in since June 30, 1968 (or such subsequent date).

Section 4(a)(2) of the Act provides, *inter alia*, that the Board of Governors of the Federal Reserve System may terminate such grandfather privileges if, having due regard to the purposes of the Act, the Board determines that such action is necessary to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. With respect to a company that controls a bank with assets in excess of $60 million on or after December 31, 1970, the Board is required to make such a determination within a two year period.

Notice of the Board's proposed review of grandfather privileges of The Republic National Bank of Dallas, Dallas, Texas, and an opportunity for interested persons to submit comments and views or request a hearing, has been given (37 FR 22414). The time for filing comments, views, and requests has expired, and all those received have been considered by the Board in light of the factors set forth in section 4(a)(2) of the Act.

On the evidence before it, the Board makes the following findings. The Republic National Bank of Dallas,

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

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("Registrant"), Dallas, Texas, became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the Act,[1] by virtue of Registrant's indirect ownership of 30 per cent of the voting shares of Oak Cliff Bank and Trust Company ("Bank"), Dallas, Texas (assets of about $96 million, as of December 31, 1970). Bank, control of which was acquired by Registrant in 1929 had total deposits of approximately $94 million as of December 31, 1971, representing less than 2 per cent of the total deposits in commercial banks in the Dallas banking market, and is the seventh largest bank in that market. Bank's management, financial condition, and prospects are regarded as satisfactory, and the Board has found no evidence of unsound banking practices.

Registrant, a national bank with total assets of $2.6 billion as of December 31, 1970, is the largest banking organization in Texas, and the largest of 118 banks in the Dallas banking market. Registrant has deposits of $1.8 billion, representing about 28 per cent of the deposits in commercial banks in the Dallas market and about 6 per cent of such deposits in the State.[2] Together with its banking subsidiary, Registrant controls deposits of $1.9 billion, representing about 29 per cent of the deposits in Dallas, and 6.3 per cent of the total deposits in the State.

Registrant has six wholly-owned nonbanking subsidiaries: (1) Republic International Company, Dallas, Texas, an Edge Act Corporation acquired in May, 1968; (2) Republic Computer Corporation, Dallas, Texas, a company that apparently was acquired in March, 1969 and provides data processing services to commercial banks; (3) Republic National Corporation, Wilmington, Delaware, a company that was acquired in February, 1964 and owns Registrant's banking premises; (4) Medipark, Inc., Dallas, Texas, a company that was acquired in August, 1969 and owns and operates a parking garage for Registrant's employees and customers; (5) Republic Small Business Investment Company, Dallas, Texas, a small business investment company acquired in May, 1961; and (6) Livingston, Inc., Dallas, Texas, a company that was acquired in April, 1955 and owns title to a building adjoining Registrant's offices. A subsidiary that was acquired after June 30, 1968, does not provide a basis for entitlement to grandfather benefits. However, each of the six subsidiaries is directly owned by Registrant, a national bank. Accordingly, on the basis of section 4(c)(5) of the Act and § 225.4(e) of the Board's Regulation Y,[3] Registrant need not rely on grandfather privileges under the proviso in section 4(a)(2) for authority to continue the activities of the six direct subsidiaries.

In addition to its direct subsidiaries, Registrant is deemed to control, by virtue of section 2(g)(2) of the Act, the Howard Corporation, a trusteed affiliate of Registrant. Through the Howard Corporation, Registrant is reportedly engaged in dealing in securities; in activity involving oil, gas, and mineral exploration and development; and in certain real estate activity. The Board has currently under consideration and review the question of Registrant's entitlement to grandfather privileges with respect to these activities and whether termination should be required under the criteria set forth in section 4(a)(2) of the Act, and a determination on that question will be issued in the future.

On the basis of the foregoing and the facts before the Board, it appears that Registrant is authorized to continue to engage in the activities of its six direct subsidiaries described herein.

Board of Governors of the Federal Reserve System,[4] July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14987 Filed 7-20-73;8:45 am]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Houston State Bank, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than August 6, 1973.

Board of Governors of the Federal Reserve System, July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14989 Filed 7-20-73;8:45 am]

UNION BANCORP, INC.

Formation of Bank Holding Company Proposed Acquisitions of Unionamerica Leasing Corporation and Unionamerica Computer Corporation

Union Bancorp, Inc., Los Angeles, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of Union Bank, Los Angeles, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

At the same time Union Bancorp, Inc., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Unionamerica Leasing Corporation and Unionamerica Computer Corporation, both of Los Angeles, California. Notice of each application was published on June 15, 1973, in the Los Angeles Times, a newspaper circulated in Los Angeles, California.

Applicant states that Unionamerica Leasing Corporation would engage in the activity of leasing personal property and equipment and acting as agent, broker, or adviser in leasing of such property.

Applicant states that Unionamerica Computer Corporation would engage in the following activities: 1) Electronically processing banking, financial and related economic data, including the development of computer programs therefor; 2) Making excess computer time available by furnishing its data processing facility and necessary operating personnel to persons who wish to utilize such time; 3) Selling byproducts resulting from the development of programs pertaining to the processing of banking, financial and related economic data; and 4) Providing any data processing service upon request of a customer if such service is not otherwise reasonably available in the relevant market area.

Applicant states that such leasing and data processing activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposals under section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views on the applications or requests for hearing on the section 4(c)(8) applications should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 8, 1973.

Board of Governors of the Federal Reserve System, July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14990 Filed 7-20-73;8:45 am]

UNITED CAROLINA BANCSHARES CORPORATION

Order Approving Acquisition of Prudential Credit Corporation of Sanford

United Carolina Bancshares Corporation, Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire indirectly through its wholly-owned subsidiary, First Credit Corporation, Shallotte, North Carolina ("First Credit"), all of the assets of Prudential Credit Corporation of Sanford, Sanford, North Carolina ("Prudential"). Prudential is a consumer finance company that engages in the activities of making loans with a cash advance of $900 or less and acting as agent with respect to credit life and accident and health insurance directly related to an extension of credit. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FEDERAL REGISTER 14799). The time for filing comments and views has expired, and none has been timely received.

Applicant, the eighth largest banking organization in North Carolina, controls three banks with aggregate deposits of $283 million, representing 2.8 percent of the total deposits of commercial banks in the State.[1] Applicant also controls four nonbanking subsidiaries one of which, First Credit, is presently engaged in consumer finance company activities. First Credit (total assets of $769 thousand) is licensed under State law to make consumer loans with cash advances not exceeding $900. It operates as a direct subsidiary of Applicant with offices in Shallotte and Wilmington, North Carolina.[2]

Prudential (with total assets of $363 thousand) is a consumer finance company doing business through two offices located in Sanford, North Carolina. Most of Prudential's business is derived from Lee County, North Carolina, although a slight amount of business is obtained from the three adjoining counties. Four other finance companies compete in the Sanford market; Prudential controls but 12 percent of the combined total assets of the finance companies in this market.

Neither Applicant's banking subsidiaries nor First Credit are located in the Sanford area, and it does not appear that consummation of this transaction will eliminate any present competition. Due to the distance involved between Applicant's subsidiaries and Prudential, it is doubtful that any future competition will be foreclosed. Moreover, the presence of four other finance companies operating in Sanford makes *de novo* entry into the market unlikely.

Prudential also sells credit life insurance and accident and health insurance directly related to the loans it originates. Due to the limited nature of its insurance activities, it does not appear that Applicant's acquisition of Prudential's insurance activities would have any significant effect on either existing or potential competition.

The financial condition of Applicant is satisfactory, but the capital structure of First Credit is still inadequate. All of its debt, however, is due to Applicant which has adequate resources to manage it. Moreover, First Credit has operated at a profit for the past two years; and this acquisition represents an attempt by Applicant to strengthen the financial condition and enhance the prospects of First Credit. Considerations relating to the financial and managerial resources of Applicant and its subsidiaries are consistent with approval of the application.

Affiliation of Prudential with First Credit will likely increase the potential volume of loanable funds available to the public and should enable Prudential to compete more effectively with other finance companies. Consequently, factors relating to convenience and needs are consistent with approval.

Based upon the foregoing and other considerations reflected in the record,[3] the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 13, 1973.

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14992 Filed 7-20-73;8:45 am]

UNITED VIRGINIA BANKSHARES INCORPORATED

Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent or more of the voting shares of United Virginia Bank of Charlottesville, Charlottesville, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than August 3, 1973.

Board of Governors of the Federal Reserve System, July 13, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14991 Filed 7-20-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-55)]

DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the draft Environmental

[1] The Board's action herein is based on Registrant's claim that it controlled only one bank on June 30, 1968, and therefore became a bank holding company covered by the Bank Holding Company Act as a result of the enactment of the 1970 Amendments to the Act. The record shows that Registrant has interests in each of 21 other banks ("minority" banks), interests ranging from 6 to 24.98 per cent. The action herein does not constitute a determination by the Board that any of the minority banks is or is not, or may become a subsidiary of Registrant. Nor does the action herein indicate that the Board would in the future permit Registrant to acquire, directly or indirectly, any additional shares of any of said minority banks. Moreover the action herein does not preclude the Board from determining that Applicant exercises control of, or a controlling influence over the management or policies of, any of said banks within the meaning of section 2(a) of the Act.

[2] Deposit data are as of December 31, 1971, unless otherwise indicated.

[3] Section 4(c)(5) of the Act permits a bank holding company to acquire "shares which are of the kinds and amount eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes;". Pursuant to § 225.4(e) of Regulation Y, a national bank that is a bank holding company may acquire or retain shares on the basis of section 4(c)(5) in accordance with the rules and regulations of the Comptroller of the Currency.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] Banking data are as of December 31, 1972, and do not include Applicant's 49 percent interest in a recently opened *de novo* bank, Capitol National Bank of Raleigh. See Board Order of October 24, 1972, 37 Federal Register 23296.

[2] See Board Order of November 20, 1972, approving transfer of First Credit from Applicant's subsidiary bank to Applicant, (37 FEDERAL REGISTER 25204).

[3] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns.

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Impact Statement for the Viking 1975 Project.

The Viking Program is part of an overall NASA program designed to explore the planet Mars with automated spacecraft. The first automated spacecraft exploration of Mars was performed by a flyby Mariner spacecraft in 1964. In 1969, two more Mariner type spacecraft performed flyby investigations of that planet. In 1971, a more extensively modified Mariner spacecraft was placed in orbit about the planet to perform extended scientific investigations. In 1975, two Viking spacecraft, each consisting of a Lander Capsule and Orbiter, will be launched from the Air Force Eastern Test Range by Titan/Centaur launch vehicles to conduct orbital, upper atmospheric, and surface investigations of Mars.

The potential for adverse environmental impact is small; such impacts as are foreseen will be localized, short in duration, controllable, and environmentally acceptable.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, DC 20546. All comments must be received on or before September 21, 1973 in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW, Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G–11), Huntsville, AL 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A–213), Bay St. Louis, MS 39520

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E–105), Wallops Island, VA 23337.

Done at Washington, DC this 13 day of July 1973.

By direction of the Administrator.

DAVID WILLIAMSON JR.,
Acting Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73–14972 Filed 7–20–73;8:45 am]

NATIONAL ENDOWMENT FOR HUMANITIES

ADVISORY COMMITTEE FELLOWSHIPS PANEL

Notice of Meeting

JULY 17, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Fellowships for the Professions Panel will take place in Washington, D.C. on July 25, 1973.

The purpose of the meeting is to examine dossiers of individuals recommended to the Endowment as possible seminar directors in the Program of Fellowships for Medical Practitioners.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15013 Filed 7–20–73;8:45 am]

ADVISORY COMMITTEE PUBLIC PROGRAMS PANEL

Notice of Meeting

JULY 5, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Public Programs Panel will take place in New York, N.Y. on August 1, 1973.

The purpose of the meeting is to review a film/tv proposal and development grant proposal that has been submitted to the Endowment for possible grant funding.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202 382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15014 Filed 7–20–73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–73–15]

ALLIED CHEMICAL CORP.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Allied Chemical Corporation, Columbia Road and Park Avenue, Morristown, New Jersey has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594) and 29 CFR 1905.10 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.93c (d) Carcinogens, access to controlled areas.

The addresses of the places of employment that will be affected by the application are as follows:

Haledon Works
Specialty Chemicals Division
550 Belmont Avenue
Haledon, New Jersey 07507
Buffalo Dye Plant
Specialty Chemicals Division
Box 1069
Buffalo, New York 14240

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

A. *Haledon Works.* At the Haledon Works, 3,3'-Dichlorobenzidine is handled for about an hour a day. The applicant states that it is unable to comply with the standard by its effective date because of the time needed to do the architectural planning, ordering of materials, removal of existing equipment, and construction of facilities necessary to come into compliance with the standard. In order to safeguard employees, applicant has taken the following steps:

The employees change into clean clothes in a locker room before entering the controlled area. They then proceed to the controlled area (which is physically separate from the locker room) where they put on impervious suits, rubber gloves, rubber boots, and air-supplied hoods. Prior to leaving the controlled area, the employees take decontamination showers while fully suited, and then remove the protective equipment. They then put on other footwear which has been stored in a plastic bag, return to the locker room, remove all clothing which is then segregated, take full showers, and put on clean uniforms.

Applicant's timetable for compliance calls for plans and specifications for

shower and change rooms that fully comply with the standard to be completed by November 15, 1973. Construction will begin by December 1, 1973, and will be completed by June 1, 1974.

B. *Buffalo Dye Plant.* At the Buffalo Dye Plant benzidine sulfate is used in a closed system with no employee exposure. Applicant states that it is unable to comply with the standard by its effective date because of the time needed to do the architectural planning, ordering of materials, removal of existing equipment, and construction of facilities necessary to come into compliance with the standard. In order to safeguard the employees against possible exposure to benzidine sulfate, applicant has taken the following steps:

The employees put on clean underclothing, impervious outer clothing, gloves, hard hats, and shoe coverings before entering the controlled area. Prior to leaving the controlled area, the employees take decontamination showers while fully suited, and then remove the protective equipment. They then put on outer footwear which has been stored in a plastic bag, return to the locker room, remove outer clothing which is then segregated, take full showers, and put on clean uniforms.

Applicant's timetable for compliance calls for the letting of contracts for construction of shower and change rooms by July 1, 1973. Construction will begin by August 1, 1973, and will be completed by December 1, 1973.

A copy of the application will be made available for inspection and copying upon request at the Office of Safety and Health Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 504, Washington, D.C. 20210, and at the following Regional and Area Offices.

Regional Office

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

Area Offices

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
970 Broad Street—Room 635
Federal Office Building
Newark, New Jersey 07102

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance, on or before August 22, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance on or before August 22, 1973, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Safety and Health Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship pending the decision on the variance. Therefore it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Allied Chemical Corporation be, and is hereby authorized to continue its operations according to the procedures and with the safety measures described in its application.

Allied Chemical Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of August 22, 1973, and shall remain in effect until a decision is rendered on the application for variance by Allied Chemical Corporation.

Signed at Washington, D.C. this 18th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–15043 Filed 7–20–73;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minmum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Mfg. Co., Spencer, IA; 6–18–73 to 6–17–74. (Men's pants)

Altamont Shirt Corp., Altamont, TN; 6–18–73 to 6–17–74. (Men's and boys' shirts)

Blackwelder Mfg. Co., Inc., Mocksville, NC; 6–14–73 to 6–13–74. (Men's and boys' shirts)

Brunswick Mfg. Co., Brunswick, GA; 5–20–73 to 5–19–74. (Women's and children's outerwear jackets and coats)

Carolina Girls Wear, Inc., St. George, SC; 6–18–73 to 6–17–74. (Children's dresses)

Crane Mfg. Co., Republic, Mo; 6–5–73 to 6–4–74. (Men's and boys' pants)

Dover Mills, Inc., Pisgah, AL; 5–14–73 to 5–13–74. (Children's pants and shirts)

Elder Mfg. Co., Carl Junction, MO; 5–5–73 to 5–4–74. (Children's shirts)

Freeland Sportswear Co., Inc., Freeland, PA; 5–27–73 to 5–26–74; 10 learners. (Men's outerwear jackets)

G. B. Mfrs., Inc., Chetopa, KS; 5–7–73 to 5–6–74; 10 learners. (Men's pants)

G–B Mfrs., Inc., Crane, MO; 6–1–73 to 5–31–74. (Men's pants)

Greenway Mfg. Co., Nemacolin, PA; 6–4–73 to 6–3–74; 10 learners. (Children's pants)

Kenrose Mfg. Co., Barnardsville, NC; 6–18–73 to 6–17–74. (Women's dresses)

Mode O'Day Co., Salt Lake City, UT; 6–19–73 to 6–18–74. (Women's dresses)

Piedmont Industries, Inc., Greenville, SC; 6–3–73 to 6–2–74. (Men's and boys' shirts)

Portland Mfg. Corp., Portland, TN; 5–1–73 to 4–30–74. (Women's and girls' blouses)

Sherman Mfg. Co., Darlington, SC; 5–7–73 to 5–6–74; 10 learners. (Women's dresses)

Sportcraft, Inc., McAdoo, PA; 5–21–73 to 5–20–74. (Women's and girls' slacks and girls' blazers)

Sweet-Orr & Co., Inc., Dawsonville, GA; 5–28–73 to 5–27–74. (Boys' shirts)

Wilgree Mfg. Co., Inc., Camilla, CA; 5–15–73 to 5–14–74. (Men's shirts)

The following plant expansion certificates were issued authorizing the number of learners indicated.

Glamorise Foundations, Inc., Dermott, AR; 5–29–73 to 11–28–73; 20 learners. (Brassieres)

Greenway Mfg. Co., Waynesburg, PA; 5–29–73 to 11–28–73; 30 learners. (Boys' and infants' shirts)

Lisa's, Inc., Grifton, NC; 6–18–73 to 12–17–73; 20 learners. (Children's jackets)

Toxeco Mfg. Corp., Toxey, AL; 5–14–73 to 11–13–73; 20 learners. (Men's shirts and women's blouses)

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended)

N. Churchill Mfg. Co., Inc., Centralia, WA; 6–4–73 to 6–3–74; 10 learners for normal labor turnover purposes. (Work gloves)

Jomac Products, Inc., Winnfield, LA; 5–21–73 to 11–20–73; 45 learners for plant expansion purposes. (Work gloves)

Co-op Glove Mfg., Inc., Shuqualak, MS; 6–6–73 to 11–5–73; 20 learners for plant expansion purposes. (Work gloves)

Wells Lamont Corp., Philadelphia, MS; 5–30–73 to 5–29–74; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Work gloves)

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended)

Barad & Co., Rolla, MO; 6–11–73 to 12–10–73; 20 learners for plant expansion purposes. (Women's sleepwear)

Louis Gallet, Inc., Uniontown, PA; 5–29–73 to 5–28–74; 5 learners for normal labor turnover purposes. (Men's shirts and sweaters)

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration date, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Randy Knitting Mills, Inc., Quebradillas, PR; 5–8–73 to 5–7–74; 29 learners for normal labor turnover purposes in the occupation of: (1) Sweater knitting, for a learning period of 480 hours at the rates of $1.27 an hour for the first 240 hours and $1.44 an hour for the remaining 240 hours; and (2) Machine stitching-seaming, for a learning period of

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320 hours at the rates of $1.27 an hour for the first 160 hours and $1.44 an hour for the remaining 160 hours. (Full-fashioned sweaters)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 7, 1973.

Signed at Washington, D.C., this 13th day of July 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-15044 Filed 7-20-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 301]

ASSIGNMENT OF HEARINGS

JULY 18, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11318, Superior Trucking Co., Inc.,—Purchase—(Portion) Daniel Hamm Drayage Co., MC-F-11631, Ace Doran Hauling & Rigging Company—Purchase (Portion)—Daniel Hamm Drayage Company, & MC-F-11742, Ace Doran Hauling & Rigging Company—Control—Daniel Hamm Drayage Company, now assigned July 23, 1973, at St. Louis, Mo., is postponed indefinitely.

MC 51146 Sub 300, Schneider Transport, Inc., now assigned July 24, 1973, at Washington, D.C., is cancelled and transferred to modified procedure.

MC 124048 Sub 239, Diamond Transportation System, Inc., now assigned July 24, 1973, at Washington, D.C., is cancelled and transfered to modified procedure.

MC 112304 Sub 63, Ace Doran Hauling & Rigging Co., now assigned August 23, 1973, at Detroit, Mich., is cancelled and transfered to modified procedure.

MC 136839, Josephine Koffman and Nancy J. Nimmo, dba Bergen Limousine Rental Service, now being assigned hearing September 10, 1973, (2 days), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15034 Filed 7-20-73;8:45 am]

[No. 35850]

CULLIGAN USA

Petition for Declaratory Order; Salt Pots

JULY 11, 1973.

Notice is hereby given that, by petition filed on May 29, 1973, Culligan USA (a division of Culligan International Company) seeks, pursuant to section 554(e) of the Administrative Procedure Act, 5 U.S.C. § 554(e), a declaratory order determining the proper rating under the National Motor Freight Classification of a commodity identified as "salt pots."

Petitioner is manufacturer of water softeners, its equipment consisting of a galvanized steel tank (in which the water softening process occurs), a salt pot (which holds the required salt and brining solution used in the regenerating process of the water softener), and detachable mechanisms (which regulate the softening and regenerating processes). The salt pots are made of heavy-duty plastic. The equipment is transported in two boxes—one for the softening tank and its mechanism, and the other for the salt pot and its mechanism. The softening process cannot take place for any appreciable period of time without the regenerative effective of the salt pot.

Traditionally, the equipment has been rated under the classification description "water softeners, n.o.i." More recently, however, certain motor carriers have attempted to rate the salt pots at the higher "plastics articles" basis. The controversy relates only to salt pots when shipped with the same number of water softener tanks as part and parcel of water softeners; and petitioner concedes that, when shipped individually, the salt pots are properly rated as plastic articles.

The classification description for water softeners, n.o.i. is contained in Item 121150 of National Motor Freight Classification A-13, MF-I.C.C. No. 15. The classification description of plastic articles is contained in item 156600 thereof. And the "parts and pieces" rule mentioned below is contained in Rule 424 of the Classification.

Petitioner contends that it is improper to classify the salt pots as plastic articles when they are shipped as part and parcel of water softeners along with a corresponding number of water softener tanks. It relies on the parts-and-pieces rule for the proposition that the rating applicable to the entire product should apply to all of its parts and pieces.

Any person interested in the matter which is the subject of the petition and who wishes to actively participate in any further proceedings herein shall notify this Commission, by filing with the Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, N.W., Washington, D.C., 20423, on or before August 27th, 1973, an original and one copy of a statement of his intention to participate. Thereafter, the nature of further proceedings herein, if any, will be designated. The petition and statements of intent to participate, if any, will be available for public inspection at the offices of the Commission during regular business hours.

A copy of this notice will be served upon the petitioner, and notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the office of the Commission's Secretary at Washington, D.C., and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15033 Filed 7-20-73;8:45 am]

[Notice No. 317]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 13, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petition with particularity.

No. MC-FC-74225. By order entered July 10, 1973, the Motor Carrier Board approved the transfer to Barbee Hauling, Inc., Mitchellville, Md., of the operating rights set forth in Permit No. MC-101791, issued May 6, 1960, to J. V. Vozzolo, Inc., Annandale, Va., authorizing the transportation of building block, brick, fire clay, flue lining, gravel, pipe, sand, terra cotta, tile, wall coping, clay products, concrete blocks, cement building products, cinder blocks, cement and masonry mortar, roofing materials, asbestos building products, asphalt building products, insulation materials, plastering material, metal laths, lime and lime building material, glass products, and gypsum products, from and to points in Maryland, Virginia, and the District of Columbia. Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004, attorney for applicants.

No. MC-FC-74361. By order of July 13, 1973, the Motor Carrier Board approved the transfer to Western States Construction, Inc., Indio, Calif., of Certificate of Registration No. MC-96853 (Sub-No. 1) issued July 3, 1969, to Desert Belt Transportation Co., A Corporation, Indio, Calif., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 55251, dated July 9, 1957, and transferred by No. 74257 dated June 18, 1968, issued by the California Public Utilities Commission.
J. John Anderholt, 81-711 Highway 111, Indio, Calif. 92201 Attorney for applicants.

No. MC-FC-74368. By order of July 13, 1973, the Motor Carrier Board approved the transfer to George A. Payne, Inc., Canandagula, N.Y., of a portion of Certificate No. MC 14063 issued to Payne Trucking, Inc., Shortsville, N.Y., authorizing the transportation of: Unboxed and uncrated and new pianos, and parts therefore, Between Phila., Pa., and East Rochester, N.Y.
S. Michael Richards, Practitioner, 44 North Ave., Webster, N.Y. 14580

No. MC-FC-74376. By order of July 16, 1973, the Motor Carrier Board approved the transfer to West Coast Hauling Co., A Corporation, Chiefland, Fla., of the operating rights in Certificate No. MC-134247 (Sub-No. 4) issued September 7, 1971, to Charles Severance, doing business as Severance Truck Lines, Lake City, Fla., authorizing the transportation of wood chips, from points in Dixie and Levy Counties, Fla., to Clattville, Ga.
Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207 Attorney for applicants.

No. MC-FC-74526. By order entered July 12, 1973, the Motor Carrier Board approved the transfer to Hunt Trucking Inc., Idaho Falls, Idaho, of the operating rights set forth in Certificate No. MC-123310 (Sub-No. 11), issued August 21, 1970, to Vernon L. Hunt, doing business as Hunt Trucking, Cheyenne, Wyoming, authorizing the transportation of lumber, from points in Clearwater, Idaho, Latah, Nez Perce, and Lewis Counties, Idaho, to points in Colorado. F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707, representative for applicants.

No. MC-FC-74558. By order of July 16, 1973, the Motor Carrier Board approved the transfer to Jo-Ett Trucking Co., Inc., Bronx, N.Y., of Certificate No. MC-108302 issued June 28, 1950, to G & S City Trucking Co., Inc., Bayside, New York, authorizing the transportation of garment materials and trimmings from New York, N.Y., and points in Hudson and Bergen Counties, N.J., to points in Rockland and Westchester Counties, N.Y., and finished garments on return. Abraham Melamed, 295 Madison Avenue, New York, N.Y. 10017, and Edward M. Alfano, 2 West 45th St., New York, N.Y. 10036, Attorneys for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15035 Filed 7-20-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL, MAN-MADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

JULY 18, 1973.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 FR 10605) a letter of May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs announcing implementation of an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton, wool, and man-made fiber textiles and textile products produced or manufactured in the Republic of Korea. The purpose of this notice is to announce amendment of the administrative mechanism.

This amendment provides that, effective as soon as possible and until further notice, entry or withdrawal from warehouse for consumption of any shipment of cotton, wool or man-made fiber textiles and textile products produced or manufactured in the Republic of Korea and exported to the United States will be prohibited if any discrepancy exists between the category of the shipment and the category indicated on the accompanying visa.

There is published below a letter of July 18, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this amendment.

In lieu of securing a corrected visa, importers whose shipments are prohibited entry pursuant to this directive may seek assistance from the Commercial Section, Embassy of Korea, 2320 Massachusetts Avenue, N.W., Washington, D.C. 20008, Area Code 202, telephone 483-7383. The following information concerning the shipment may be required:

Intended Port of Entry
Exporter
Importer
Broker and Telephone Number
Category, as determined by U.S. Customs and as indicated on the visa
Quantity in Proper Units
General Order or Warehouse Numbers, if any

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

JULY 18, 1973.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit, effective on the date of publication and until further notice, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 128, and 131-132; and man-made fiber textile products in Categories 200-243, produced or manufactured in the Republic of Korea, for which the Republic of Korea had not issued an appropriate visa. The directive of May 19, 1972 was previously amended on December 21, 1972 and July 17, 1973.

Under the provisions of the Bilateral Cotton Textile Agreement of December 30, 1971 and the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, effective as soon as possible and until further notice, the directive of May 19, 1972 is further amended by changing the first sentence of the third paragraph to read:

The Visa will be a stamp on the original copy of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when such form is used); and will indicate the quantity of cotton, wool, or man-made fiber textiles and/or textile products involved in the appropriate unit or units of measure, the correct category or categories corresponding to the merchandise, and the authorized signature of the official issuing the Visa.

This amendment provides that, effective as soon as possible and until further notice, if the category of the merchandise is found by U.S. Customs to differ from the category indicated on the visa, the shipment will be denied entry.

In lieu of securing a corrected visa from the Government of the Republic of Korea, importers whose shipments are prohibited entry pursuant to this directive may seek assistance from the Commercial Section, Embassy of Korea, 2320 Massachusetts Avenue, N.W., Washington, D.C. 20008; Area Code 202, Telephone 483-7383. The following information concerning the shipment may be required:

Intended Port of Entry
Exporter
Importer
Broker and Telephone Number
Category, as determined by U.S. Customs and as indicated on the visa
Quantity in Proper Units

General Order or Warehouse Numbers, if any

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textiles and textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-15223 Filed 7-20-73;11:25 am]

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federal register

MONDAY, JULY 23, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 140
PART II



DEPARTMENT OF THE INTERIOR

Bureau of Land Management
and
Geological Survey

■

GEOTHERMAL RESOURCES

Leasing on Public, Acquired and Withdrawn Lands; Revision of Proposed Rule

V 38 - 140 JUL 23 73 XUM

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[43 CFR Parts 3000, 3200]
GEOTHERMAL RESOURCES
Leasing on Public, Acquired and Withdrawn Lands; Revision of Proposed Rule

The purpose of the revision in the proposed rule making for implementing the Geothermal Steam Act of December 24, 1970 (30 U.S.C. 1001–1025), is to provide the public with the revisions to the leasing regulations planned as a result of the public hearings and comments received on the Draft Environmental Statement and previously published proposed rules (36 FR 13722 and 37 FR 25282). The Act provides for the leasing of public lands for the purpose of geothermal resource exploration, development and production. The changes in these regulations, since the last publication on November 29, 1972, are primarily administrative and procedural in nature and the environmental impact of these regulations is not believed to be significantly different from the impact of the regulations previously published.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, DC 20240, on or before August 22, 1973.

A Final Environmental Statement will be issued in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) prior to promulgation of any leasing regulations.

1. Section 3000.0–5 of Subpart 3000, Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 3000.0–5 Definitions.

As used in this subchapter:

(a) "Leasable minerals" means oil and gas. (1) Gas means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at ordinary temperature and pressure conditions. (2) Oil or crude oil means any liquid hydrocarbon substance which occurs naturally in the earth, including drip gasoline or other natural condensates recovered from gas, without resort to manufacturing process.

(b) "Other leasable minerals" means (1) Coal, chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium and sodium; sulphur in the States of Louisiana and New Mexico; phosphate; and native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried). (2) Solid (hardrock) minerals; minerals in acquired lands which would be subject to location under the U.S. mining laws if located in the public domain lands.

(c) "Secretary" means the Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(d) "Director" means the Director of the Bureau of Land Management or any person duly authorized to exercise the powers vested in that officer.

(e) "State Director" means the Director of a Bureau of Land Management State office.

(f) "Authorized officer" means any person authorized by law or by lawful delegation of authority in the Bureau of Land Management to perform the duties described.

(g) "Proper BLM office" means the Bureau of Land Management office having jurisdiction over the leased lands or lands subject to lease.

(h) "Commercial quantities" means quantities sufficient to provide a return after all variable costs of production have been met.

(i) "Public domain lands" means original public domain lands which have never left Federal ownership; also, lands in Federal ownership which were obtained by the Government in exchange for public lands or for timber on such lands; also original public domain lands which have reverted to Federal ownership through operation of the public land laws.

(j) "Acquired lands" means lands which the United States obtains by deed through purchase or gift, or through condemnation proceedings. They are distinguished from public domain lands in that acquired lands may or may not have been originally owned by the Government. If originally owned by the Government such lands have been disposed of (patented) under the public land laws and thereafter reacquired by the United States.

(k) "Other lands" (1) "Withdrawn lands." Lands which have been withdrawn and dedicated to public purposes. (2) "Reserved lands." Lands which have been withdrawn from disposal and dedicated to a specific public purpose. (3) "Segregated lands." Lands included in a withdrawal, or in an application or entry or in a proper classification which segregates them from operation of the public land laws.

2. Section 3000.4 of Subpart 3000, Chapter II, Title 43 of the Code of Federal Regulations is revised to read as follows:

§ 3000.4 Appeals.

Any party to a case who is adversely affected by any official action or decision of an officer of the Bureau of Land Management or of an Administrative Law Judge, except a decision which has been approved by the Secretary, shall have a right of appeal to the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary. All appeals shall be governed by the rules of practice in Subpart E of Part 4 of this title. Nothing in this group shall be construed to prevent any interested party from seeking judicial review as authorized by law.

3. A new Group 3200 is added to Chapter II, Title 43 of the Code of Federal Regulations to read as follows:

Group 3200—Geothermal Resources Leasing

PART 3200—GEOTHERMAL RESOURCES LEASING; GENERAL

Subpart 3200—Geothermal Resources Leasing; General

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3200.0–5 Definitions.
3200.0–6 Preleasing procedures.
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3201.1 Lands subject to geothermal leasing.
3201.1–1 General.
3201.1–2 Department of the Interior.
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3201.1–4 Federal Power Commission.
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3205.3 Rentals and royalties.
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3206.1–1 Types of bonds.
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3206.2 Termination of period of liability.
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Subpart 3207—[Reserved]

Subpart 3208—[Reserved]

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3209.4–1 General.
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Subpart 3200—Geothermal Resources Leasing; General

§ 3200.0–3 Authority.

These regulations are issued pursuant to the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and rights to develop and utilize geothermal resources in land subject to these regulations may be acquired only in accordance with these regulations.

§ 3200.0–5 Definitions.

As used in Group 3200, the term:

(a) "The Act" means the Geothermal Steam Act of 1970.

(b) "Geothermal lease" means a lease issued under authority of the Act; and unless the context indicates otherwise, "lease" means a "geothermal lease".

(c) "Geothermal resources" means geothermal steam and associated geothermal resources which include: (1) All products of geothermal processes, embracing indigenous steam, hot water and hot brines; (2) steam and other gases, hot water and hot brines resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproducts derived from them.

(d) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium) which are found in solution or in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(e) "Sole party in interest" means a party who is and will be vested with all legal and equitable rights under the lease. No one is, or shall be deemed to be, a sole party in interest with respect to a lease in which any other party has any interest in the lease.

(f) "Interest in the lease" means any interest whatever in a geothermal lease, including, but not limited to: A record title interest; a working interest; an operating right; an overriding royalty interest; a claim to any prospective or future advantage or benefit from a lease; a participation in any increment, issue, or profit which may be derived, or accrue in any manner, from the lease based upon, or pursuant to, any agreement or understanding in existence at the time when the offer is filed; and an agreement pertaining to any of the foregoing.

(g) "Supervisor" means a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

(h) "Primary term" means the first 10 years in the life of the lease, exclusive of any period of suspension of operations or production, or both.

(i) "Area of operation" means that area of the leased lands which is required for exploration, development and producing operations, and which is delineated on a map or plat which is made a part of the approved plan of operations. It encompasses the area generally needed for wells, flow lines, separators, surge tanks, drill pads, mud pits, workshops, and other such facilites used for on-project geothermal resources field exploration, development and production operations.

(j) "Geothermal resource province" means an area in which higher than normal temperatures are likely to occur with depth and there is a reasonable possibility of finding reservoir rocks that will yield steam or heated fluids to wells. The classification of such a province is based on geologic inference and a determination that the area possesses one or more of the following characteristics:

(1) Volcanism of late Tertiary or Quaternary age—especially caldera structures, cones, and volcanic vents;

(2) geysers, fumaroles, mud volcanoes, or thermal springs at least 40° F. higher than average ambient temperature; and

(3) subsurface geothermal gradients generally in excess of two times normal, as reflected in deep water wells, oil well tests, and other test holes.

(k) "Known geothermal resource area" or "KGRA" means an area in which the geology, nearby discoveries, competitive interests, or other indicia would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

(l) In determining whether the geology of an area is of such a nature that the area should be designated a KGRA the Director, Geological Survey, acting for the Secretary, shall use such geologic and technical evidence as he shall deem appropriate, including the following:

(i) The existence of siliceous sinter and natural geysers;

(ii) The temperatures of fumaroles, thermal springs, and mud volcanoes;

(iii) The SiO_2 content of spring water;

(iv) The Na/K ratio in spring waters of hot-water systems;

(v) The existence of volcanoes and calderas of late Teirtary or Quaternary age;

(vi) Conductive heat flows and geothermal gradient;

(vii) The porosity and the permeability of a potential reservoir;

(viii) The results of electrical resistivity surveys;

(ix) The results of magnetic, gravity, and airborne infrared geophysical surveys; and

(x) The information obtained through other geophysical methods such as microseismic, seismic ground noise, electromagnetic, and telluric surveys if such methods prove to have significant use in evaluation.

(2) For purposes of KGRA classification, a "discovery" or "discoveries" will be considered to be any well deemed by the Director, Geological Survey, to be capable of producing geothermal resources in commercial quantities and, where the geological structure is not known, "nearby" will be considered to be five miles or less from any such discovery. Lands nearby a discovery will be classified as KGRA unless the Geological Survey determines that the lands are on a different geologic structure from the discovery. Where the Geological Survey has determined the extent of a structure on which a discovery has been made, all land in that structural area contributing geothermal resources to that discovery will be deemed a KGRA regardless of the distance from the discovery.

(3) "Competitive interest" shall exist in the entire area covered by an appli-

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cation for a geothermal lease if at least one-half of the lands covered by that application are also covered by another application which was filed during the same application filing period, whether or not that other application is subsequently withdrawn. Competitive interest shall not be deemed to exist in the entire area covered by an application because of an overlapping application, if less than one-half of the lands subject to the first application are covered by any other single application filed during the same application filing period; however, some of the lands subject to the first application may be determined to be KGRA pursuant to the first sentence of this subparagraph (3).

(l) "Primarily valuable" means the principal mineral value for which the leasehold is being produced.

§ 3200.0–6 Preleasing procedures.

(a) When an area is initially considered for geothermal leasing or when the need arises, the Director shall request other interested Bureaus and Federal agencies to prepare reports describing, to the extent known, resources contained within the general area and the potential effect of geothermal resources operations upon the resources of the area and its total environment.

(b) Prior to the final selection of tracts for leasing, the Director, or the head of the agency charged with the administration of the surface, when requested by the Director, shall evaluate fully the potential effect of the leasing program on the total environment, fish and other aquatic resources, wildlife habitat and populations, aesthetics, recreation, and other resources in the entire area during exploratory, developmental, and operational phases. This evaluation will consider the potential impact of the possible development and utilization of the geothermal resources including the construction of power generating plants and transmission facilities on lands which may or may not be included in a geothermal lease. To aid him in his evaluation and selection of tracts the Director may request and consider the views and recommendations of appropriate Federal agencies, may hold public hearings after appropriate notice, and may consult with State agencies, organizations, industries, and individuals, and shall consider all other potential uses of the land and its natural resources. If the Director determines that the issuance of leases in an area would be a major Federal action significantly affecting the quality of the human environment, he shall issue no leases in that area unless an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) has been issued. The Director shall develop special terms and conditions to be included in leases when they are needed to protect the environment, to permit use of the land for other purposes, and to protect other natural resources. If tracts are offered for competitive leasing, any terms and conditions to be included in leases for such tracts shall be published in the notice announcing the availability of the land for leasing.

§ 3200.0–7 Cross reference.

(a) The regulations governing operations under geothermal leases are found in 30 CFR Part 270 .

(b) The regulations setting forth the basic policies for management of the public lands are found in Part 1725 of this chapter.

§ 3200.0–8 Use of surface.

(a) A lessee shall be entitled to use for the production, utilization, and conservation of geothermal resources only so much of the surface of the leased Federal lands as is deemed necessary for such purposes. The lessee shall have the right to use so much of the leased lands as may be deemed necessary for a power generation plant or a commercial or industrial facility, and may apply for the right to use so much of other Federal lands as may be deemed necessary for such purposes; however, any use of the leased lands or other Federal lands for a power generation plant or a commercial or industrial facility will be authorized only under a separate permit issued by the appropriate agency for that specific use and subject to all terms and conditions which it may include in that permit. The uses of the lands within the area of operation are subject to the supervision of the supervisor, and the uses of the remaining leased lands or other Federal lands are subject to the supervision of the appropriate surface management agency. The lessee shall not be entitled to use any mineral materials subject to the Materials Act except as provided by Part 3600 of this chapter.

(b) Operations under other leases or uses on the same lands shall not unreasonably interfere with or endanger operations under leases issued under these regulations nor shall operations under these regulations unreasonably interfere with or endanger operations under any lease, license, claim, permit, or other authorized use pursuant to the provisions of any other Act.

Subpart 3201—Available Lands; Limitations, Unit Agreements

§ 3201.1 Lands subject to geothermal leasing.

§ 3201.1–1 General.

Subject to the exceptions listed below, geothermal leases may be issued in combination or separately for (a) lands administered by the Secretary of the Interior; (b) national forest lands or other lands administered by the Department of Agriculture through the Forest Service; and (c) geothermal resources in lands which have been conveyed by the United States subject to a reservation to the United States of geothermal resources.

§ 3201.1–2 Department of the Interior.

(a) Except as provided in this section, leases may be issued in accordance with the regulations in this part for withdrawn lands, for acquired lands, and for geothermal resources in lands which have passed from Federal ownership subject to a reservation to the United States of the geothermal resources therein where such lands or resources are administered by the Secretary of the Interior.

(b) Notwithstanding any other provision in these regulations, geothermal leases shall not be issued for: (1) Lands which the Secretary has identified or may identify as being necessary to the performance of his or any other Federal agency's authorized functions, and on which geothermal resource development would in his judgment interfere with such functions; or (2) lands respecting which the Secretary has made or may make a finding that the issuance of geothermal leases would be contrary to the public interest. Upon receipt of an application for a geothermal lease affecting lands withdrawn under section 3 of the Reclamation Act of 1902 (43 U.S.C. 416) or any other appropriate authority, notice thereof and an opportunity to comment thereon shall be given to the head of the agency for whose benefit the withdrawal was made. No geothermal lease affecting lands withdrawn for any agency outside the Department of the Interior shall be leased without the consent of the head of the agency for which the lands are withdrawn. Where leases are issued under Part 3210, 3211, or 3220 for lands neighboring such reserved lands, the lessees shall be required to perform such lease operations and take such measures as are prescribed by the Secretary for the protection of the Federal interests therein.

§ 3201.1–3 Department of Agriculture.

Leases for lands withdrawn or acquired in aid of functions of the Department of Agriculture, for example, lands administered by the Forest Service, may be issued by the Secretary of the Interior only with the consent of, and subject to such terms and conditions as may be prescribed by, the head of that Department to insure adequate utilization of the lands for the purpose for which they were withdrawn or acquired.

§ 3201.1–4 Federal Power Commission.

Leases for lands to which section 24 of the Federal Power Act, as amended (16 U.S.C. 818), is applicable, may be issued by the Secretary of the Interior only with the consent of, and subject to, such terms and conditions as the Federal Power Commission may prescribe to insure adequate utilization of such lands for power and related purposes.

§ 3201.1–5 Patented lands.

(a) Geothermal resources in lands which have passed from Federal ownership subject to a reservation to the United States of geothermal resources therein may be leased under the regulations in this group subject to the provisions in this part and to such terms and conditions as may be prescribed by the authorized officer to insure adequate protection of the patented lands and any improvements thereon.

(b) Geothermal resources in lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States shall not be developed or produced except under terms and conditions prescribed by the Secretary and pursuant to any agreements made therefor while the question of the title to such resources is being resolved pursuant to the provisions of section 21(b) of the Act.

§ 3201.1–6 Excepted areas.

Leases shall not be issued for lands which are: (a) Administered under the National Park System; (b) within a national recreation area; (c) in a fish hatchery administered by the Secretary, wildlife refuge, wildlife range, game range, wildlife management area, or waterfowl production area, or for lands acquired or reserved for the protection and conservation of fish and wildlife which are threatened with extinction; or (d) tribally or individually owned Indian trust or restricted lands, within or without the boundaries of Indian reservations.

§ 3201.2 Acreage limitations.

(a) *Maximum holdings.* No citizen, association, corporation, or governmental unit shall take, hold, own, or control at one time, whether acquired directly from the Secretary or otherwise, any direct or indirect interest in Federal leases and in applications for Federal leases in any one State exceeding 20,480 acres. Nor may any citizen, association, or corporation be permitted to convert mineral leases, permits, applications therefor, or mining claims, pursuant to the provisions of section 4 (a)–(f) of the Act into geothermal leases for more than 10,240 acres. No citizen, association, corporation, or governmental unit shall be charged with the acreage embraced in an application for a lease until that application has been given priority over all other applications for lease for all or some of the land embraced in that application.

(b) *Computation.* In computing acreage holdings or control, the accountable acreage of a party owning an undivided interest in a lease shall be that party's proportionate part of the total lease acreage. Likewise, the accountable acreage of a party owning an interest in a corporation or association shall be his proportionate part of the corporation's or association's accountable acreage except that no person shall be charged with his pro rata share of any acreage holdings of any association or corporation unless he is the beneficial owner of more than 20 per centum of the stock or other instruments of ownership or control of that association or corporation. Parties owning a royalty or other interest determined by or payable out of a percentage of production from a lease will be charged with a similar percentage of the total lease acreage.

(1) An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between colessees, but each party to any such contract or each colessee will be charged with his proportionate interest in the lease. No holding of acreage in common by the same persons in excess of the maximum acreage specified in the law for any one lessee will be permitted.

(2) Lessees holding acreage in common shall be considered a single entity and cannot hold acreage in excess of the maximum specified in the law for any one lessee.

(c) *Excepted acreage.* Leases or applications for leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall not be included in computing accountable acreage. Leases or applications for leases subject to an operating, drilling or development contract approved by the Secretary of the Interior pursuant to section 18 of the act, other than communization agreements, shall be excepted in determining the accountable acreage of the lessees or operators.

(d) *Excess acreage.* (1) Where, as the result of the termination of contraction of a unit or cooperative plan, or the elimination of a lease from operating, drilling, or development plan, a party holds or controls excess accountable acreage, such party shall have 90 days from such termination or contraction or elimination in which to reduce his holdings to the prescribed limitation and to file proof of such reduction in the proper BLM office.

(2) If any person holding or controlling only leases or interests in leases if found to hold accountable acreage in violation of the provisions of this section and of the act, the last lease or leases or interest or interests acquired by him which created the excess acreage holdings shall be canceled or forfeited in their entirety, even though only part of the acreage in the lease or interest constitutes excess holdings, unless it can be shown to the satisfaction of the Director of the Bureau of Land Management that the holding or control of the excess acreage is not the result of negligence or willful intent in which event the lease or leases shall be canceled only to the extent of the excess acreage.

(3) Any person holding or controlling leases or interests in leases only, or applications for leases only, or both leases or interests in leases and applications for leases below the acreage limitation provided in this section, shall be subject to these rules:

(i) If he files an application which causes him to exceed the acreage limitation, that application will be rejected. (ii) For tracts not subject to the simultaneous filing procedures of subpart 3211, if he files a group of applications at the same time, any one of which causes him to exceed the acreage limitations, the entire group of applications will be rejected. (iii) If he files an application in the drawing procedures under subpart 3211, he shall be charged with the acreage thereof only if his application is the only application filed or his application is successfully drawn so that his application has first priority. If that application causes him to exceed the acreage limitation, the application will be rejected. If he files at the same time a group of applications for tracts subject to the drawing procedures under subpart 3211, any offer which is successfully drawn after he reaches the acreage limitation shall be rejected.

(4) If any person holding or controlling both leases or interests in leases and applications for leases, or only applications for leases below the acreage limitation provided in this section, acquires a lease or leases, or an interest or interests therein, which cause him to exceed the acreage limitation, his most recently filed application for lease or applications for leases then containing acreage in excess of the limitation provided in this section will be rejected in its or their entirety. For the purpose of this subparagraph, time of filing shall be determined by the time of filing marked on the application, or, if the same time is marked on two or more applications, by the serial number of the applications.

(5) The provisions of this paragraph shall not limit any action which the Department may take with respect to excess acreage holdings in cases not otherwise covered by this paragraph.

(e) *Showing required.* No lease will be issued and no transfer or operating agreement will be approved until it has been shown that the applicant, operator, or transferee is entitled to hold the acreage or obtain the operating rights. At any time upon request by the authorized officer, the record title holder of any lease or a lease operator or a lease applicant may be required to file in the proper BLM office a statement, showing as of a specified date the serial number and the date of each lease of which he is the record holder, or under which he holds operating rights, and each application for lease held or filed by him in the particular State setting forth the acreage covered thereby, and the nature, extent and acreage interest, including royalty interests held by him in any geothermal lease of which the reporting party is not the lessee of record, whether by corporate stock ownership, interest in unincorporated associations and partnerships, or in any other manner.

§ 3201.3 Leases within unit areas.

Before issuance of a geothermal lease for lands within an approved unit agreement, the lease applicant or successful bidder will be required to file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in a lease if issued to him under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable, he will be permitted to operate independently but will be required to perform his operations in a manner which the Supervisor deems to be consistent with the unit operations.

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Subpart 3202—Qualifications of Lessees

§ 3202.1 Who may hold leases.

Leases may be issued only to: (a) Citizens of the United States who have reached the age of majority; (b) associations of such citizens; (c) corporations organized under the laws of the United States, any state or the District of Columbia; or (d) governmental units, including, without limitation, municipalities. The term "association" includes a partnership.

§ 3202.2 Statements required to be submitted.

§ 3202.2–1 General.

(a) Each applicant for a lease is required to submit with his application a statement that his interests, direct and indirect, in Federal geothermal leases and applications, do not exceed the acreage limitations prescribed in § 3201.2, together with a statement of his citizenship.

(b) If the applicant is an association or corporation the application must be accompanied by: (1) A statement showing that it is authorized to hold geothermal leases; (2) a statement that the officer executing the application is authorized to act on behalf of the association or corporation; (3) a statement setting forth the State in which it was incorporated or formed and the names and addresses of all members or stockholders holding more than 20 percent of the association or corporation; and (4) a statement from each person owning or controlling more than 20 percent of the association or corporation setting forth his citizenship and his holdings.

(c) If the applicant is a municipality, or governmental unit, the application must be accompanied by: (1) A statement showing that it is authorized to hold geothermal leases; (2) a statement that the officer executing the application is authorized to act on behalf of the municipality or governmental unit, and (3) a copy of its governing body's resolution authorizing such action.

§ 3202.2–2 Guardian or trustee.

(a) *Guardian.* If the application is made by a guardian, he must submit: (1) A certified copy of the court order authorizing him to act as guardian and, in behalf of his ward, to enter into contractual agreements and to fulfill all obligations arising under the lease; and (2) statements as to the citizenship and holdings under the Act of himself and of each person under his guardianship for whom the application is made.

(b) *Trustee.* If the application is made by a trustee, he must submit a copy of the instrument establishing the trust or a certified copy of the court order authorizing him to act as trustee, in behalf of the beneficiary, as to all obligations arising under the lease; and statements as to the citizenship and holdings under the Act of himself and of each beneficiary.

§ 3202.2–3 Attorney-in-fact.

If an application is filed by an attorney-in-fact, it must be accompanied by a statement as to his authority to act.

§ 3202.2–4 Statements previously filed.

Where the statements required by § 3202.2 have been previously filed a reference by serial number to the record in which they have been filed, together with a statement as to any amendments will be accepted.

§ 3202.2–5 Showing as to sole party in interest.

Each application must be accompanied either by a signed statement by the applicant that he is the sole party in interest, or by a signed statement by the applicant setting forth the names of all other persons who have an interest in the lease and their qualifications to hold a lease. Where the applicant is not the sole party in interest, separate statements must be signed by each of the parties and by the applicant setting forth the nature of the agreement between them. All interested parties must furnish evidence of their qualifications to hold such lease interest. These separate statements must be filed in the proper BLM office not later than 15 days after the filing of the application.

§ 3202.2–6 Heirs and devisees (estates).

If an applicant or a successful bidder dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed, and if probate has been completed, or is not required, to the heirs or devisees, provided there is filed in all cases an application to lease in compliance with the requirements of this section which will be effective as of the effective date of the original application filed by the deceased. If there are any minor heirs or devisees, the application can only be made by their legal guardian or trustee in his name. Each such application must be accompanied by the following information:

(a) Where probate of the estate has not been completed:

(1) Evidence that the person who as executor or administrator submits the application, and bond form if a bond is required, has authority to act in that capacity and to sign the application and bond forms.

(2) A statement over the signature of each heir or devisee or, if the heir or devisee is a minor, over the signature of his legal guardian or trustee, concerning citizenship and holdings.

(3) Evidence that the heirs or devisees are the heirs or devisees of the deceased applicant or successful bidder and are the only heirs or devisees of the deceased.

(b) Where the executor or administrator has been discharged or no probate proceedings are required:

(1) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the applicant or successful bidder and the provisions of the law of the deceased's last domicile showing that no probate is required.

(2) A statement over the signature of each of the heirs or devisees with reference to holdings and citizenship. If the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

§ 3202.2–7 Fractional present interests.

(a) An application for a fractional present interest noncompetitive lease must be executed on a form approved by the Director and it must be accompanied by a statement showing the extent of the applicant's ownership of the operating rights to the fractional geothermal resources interest not owned by the United States in each tract covered by the application to lease. Ordinarily, the issuance of a lease to one who, upon such issuance, would own less than 50 percent of the operating rights in any such tract, will not be regarded as in the public interest, and an application leading to such results will be rejected.

(b) Geothermal resources in lands which have passed from Federal ownership but which lands have been purchased by the Federal Government with a fractional interest in the geothermal resources shall not be developed or produced, except under prescribed terms and conditions and pursuant to any agreement made between the parties of interest prior to the resolution of the question of ownership of the geothermal resources.

Subpart 3203—Leasing Terms

§ 3203.1 Primary and additional term.

§ 3203.1–1 Dating of leases.

All geothermal leases will be dated as of the first day of the month following the date on which the leases are signed on behalf of the lessor except that, where prior written request has been made, a lease may be dated as of the first day of the month within which it is so signed. A renewal lease will be dated from the termination of the original lease.

§ 3203.1–2 Primary term.

All leases shall be for a primary term of 10 years.

§ 3203.1–3 Additional term.

(a) If geothermal steam is produced or utilized in commercial quantities within the primary term of a lease, that lease shall continue for so long thereafter as geothermal steam is produced or utilized in commercial quantities, but the lease shall in no event continue for more than 40 years after the end of the primary term except that the lessee shall have a preferential right to a renewal of his lease for a second 40-year term upon such terms and conditions as the authorized officer deems appropriate, if at the end of the first 40-year term the lands are not needed for another purpose and geothermal steam is produced or utilized in commercial quantities. Production or utilization of geothermal steam in commercial quantites shall be deemed to include the completion of one or more wells producing or capable of producing geothermal steam in commercial quantities and a bona fide sale of such geothermal steam for delivery to or utilization by a facility or facilities not yet installed but scheduled for installation not later than 15 years from the date of commencement of the primary term of the lease.

§ 3203.1–4 Extensions.

(a) A lease which has been extended by reason of production, or on which geothermal steam has been produced, and which has been determined by the Secretary to be incapable of further commercial production and utilization of geothermal steam may be further extended so long as one or more valuable byproducts are produced in commercial quantities but for not more than 5 years.

(b) Where the lessee commenced actual drilling operations prior to the end of the primary term and those operations are being diligently prosecuted at that time, a lease may also be extended for a period of five years and so long thereafter as geothermal steam is produced or utilized in commercial quantities (but for not more than 35 years).

(c) A lease committed to a cooperative plan, communitization agreement or a unit plan under or for which actual drilling operations were commenced prior to the end of the primary term of the lease, shall, if such operations are being diligently prosecuted at that time be extended for a period of five years and so long thereafter as geothermal steam is produced or utilized in commercial quantities (but for not more than thirty five years).

(d) Any lease on which there has been a suspension of operations or production, or both, under 30 CFR 270.17 shall continue in effect for the life of the suspension and, at the end of the suspension, shall be extended for a period equal to that portion of the primary term during which the suspension was in effect.

(e) If, at the end of 40 years after the conclusion of the primary term, steam is being produced or utilized in commercial quantities and the lands are not needed for other purposes, the lessee shall have a right to a renewal of the lease for a second 40-year term on such terms and conditions as the Secretary deems appropriate.

§ 3203.1–5 Segregation of leases on commitment to, or contraction of, cooperative or unit plan or communitization agreement.

(a) Any lease committed to any cooperative plan, communization agreement, or unit plan, which covers lands within and lands outside the area covered by the plan or agreement, shall be segregated, as of the effective date of that plan or agreement, into separate leases, one covering the lands committed to that plan or agreement and the other as to the lands not so committed. The segregated lease covering the portion of the lands not subject to that plan or agreement shall not be entitled to an extension by reason of the segregation, but the term of the lease of such segregated lands shall be as provided in the original lease.

(b) When only part of the land subject to a lease included in a cooperative plan, a communitization agreement, or a unit plan is excluded from that plan or agreement because of the contraction of the area subject to that plan or agreement, the part of the lease which is excluded and the part which remains subject to the plan or agreement shall be segregated into separate leases. The term of the segregated lease composed of the excluded land shall not be extended because of production in commercial quantities or the existence of a producible well on the segregated lease remaining subject to the cooperative or unit plan or the communitization agreement or because actual drilling operations were at the time of contraction being conducted on that other lease, but the term of the lease composed of the excluded land shall be as provided in the original lease.

§ 3203.1–6 Conversion to mineral leases or mining claims.

(a) If the byproducts capable of being produced in commercial quantities are leasable under the Mineral Leasing Act of February 25, 1920 as amended and supplemented (30 U.S.C. sections 181–287), or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. sections 351–359), and the leasehold is primarily valuable for the production thereof, the lessee shall be intitled to convert his geothermal lease to a mineral lease under and subject to all the terms and conditions of the appropriate Act upon application at any time before expiration of the lease extension by reason of byproduct production.

(b) The lessee shall be entitled to locate under the mining laws all minerals which are not leasable and which would constitute a byproduct if commercial production or utilization of geothermal steam continued. The lessee, in order to acquire the rights herein granted him, shall complete the location of mineral claims within 90 days after the termination of the goethermal lease.

(c) Any lease converted under paragraph (a) of this section or under paragraph (b) of this section affecting lands withdrawn or acquired in aid of a function of a Federal department or agency, including the Department of the Interior, shall be subject to such additional terms and conditions as may be prescribed by that department or agency with respect to the additional operations or affects resulting from such conversion upon the utilization of the lands for the purpose for which they are administered.

§ 3203.2 Lease acreage limitation.

A geothermal lease may not embrace more than 2,560 acres in a reasonably compact area, except where a departure is occasioned by an irregular subdivision or subdivisions, entirely within an area of six miles square or within an area not exceeding six surveyed or protracted sections in length or width measured in cardinal directions. Where a departure is occasioned by an irregular subdivision, the leased acreage may exceed 2,560 acres by an amount which is smaller than the amount by which the area would be less than 2,560 acres if the irregular subdivision were excluded. No lease will be issued for less than 640 acres, except at the discretion of the Secretary, or where a departure is occasioned by an irregular subdivision, or as provided for in Subpart 3230 of this chapter. In event of a departure, the leased acreage may be less than 640 acres by amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added.

§ 3203.3 Consolidation of leases.

Two or more contiguous leases issued to the same lessee may be consolidated if the total combined acreage does not exceed 2,560 acres. Except where a deexceed 2,560 acres, except where a larger acreage is caused by an irregular subdivision or subdivisions as stated in § 3203.2.

§ 3203.4 Description of lands.

Applications and nominations shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular system, each application or nomination shall describe the lands by legal subdivision, section, township, and range. If the lands have not been so surveyed, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature. When protracted surveys have been approved and the effective date thereof published in the FEDERAL REGISTER, each application or nomination for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys.

§ 3203.5 Diligent exploration.

Each geothermal lease will include provisions for the diligent exploration of the leased resources until there is production in commercial quantities applicable to the lands subject to the lease, and failure to perform such exploration may subject the lease to termination. Diligent exploration means exploration operations (subsequent to the issuance of the lease) on, or related to the leased lands, including, but not limited to, operations such as geochemical surveys, heat flow measurements, core drilling, or drilling of a test well. Exploration operations, in order to qualify as diligent exploration, must be approved by the Supervisor, and evidence of all expendi-

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tures therefor and the results thereof must be submitted annually to the Supervisor in compliance with applicable regulations and Geothermal Resources Operational Orders or upon his request. Moreover, after the fifth year of the primary lease term, exploration operations, in order to qualify as diligent exploration for a year, must entail expenditures during that year equal to at least two times the sum of (a) the minimum annual rental required by statute, and (b) the amount of rental for that year in excess of the fifth year's rental, but in no event shall the required expenditures exceed twice the rental for the 10th year. However, any expenditures for diligent operations during the first 5 years of the lease and any expenditures for diligent operations during any subsequent year in excess of the minimum required expenditures for that year may be credited, in such proportions as the lessee may designate, against (1) expenditures needed to qualify exploration operations as diligent operations for future years, or (2) any rental requirement for that or any future years in excess of the fifth year's rental pursuant to § 3205.3–3.

Subpart 3204—Surface Management Requirements, Special Requirements

§ 3204.1 General.

A lessee shall comply with and be bound by the following general terms and conditions, the specific requirements contained in the lease stipulations and any GRO orders that may be issued pursuant to 30 CFR 270.11. Assuring compliance with the requirements of this section is the responsibility of the Supervisor as to the lands within the area of operations and is the responsibility of the appropriate land management agency as to the remaining lands in the lease.

(a) *Equal employment opportunity.* The lessee shall comply with Executive Order 11246, as amended, 30 F.R. 12319 (1965), and regulations issued pursuant thereto, 41 CFR Chapter 60 and Part 17 of this chapter.

(b) *Public access.* (1) The lessee shall permit free and unrestricted public access to and upon the leased lands for all lawful and proper purposes except in areas where such access would unduly interfere with operations under the lease or would constitute a hazard to health and safety. Restrictions on access will not be allowed without prior approval.

(2) During construction, the lessee shall regulate public access and vehicular traffic to protect the public, wildlife, and livestock from hazards associated with the project. For this purpose, the lessee shall provide warnings, fencing, flag men, barricades, and other safety measures as appropriate.

(c) *Pollution abatement.* The lessee shall comply with all Federal and State standards with respect to the control of all forms of air, land, water, and noise pollution, including, but not limited to, the control of erosion and the disposal of liquid, solid, and gaseous wastes. The Supervisor may, in his discretion, establish additional and more stringent standards, and, if he does so, the lessee shall comply with those standards. The lessee, in addition to any other action required by those standards, shall take the following specific actions:

(1) *Pesticides and herbicides.* The lessee shall comply with all rules issued by the Department of the Interior and the Environmental Protection Agency pertaining to the use of poisonous substances on public lands.

(2) *Water pollution.* The lessee shall conduct lease operations and maintenance in a manner consistent with Federal and State water quality standards and public health and safety standards. Toxic materials shall not be released into any surface waters or underground waters. Reinjection of waste geothermal fluids into geothermal or other suitable aquifers may be permitted when approved by the Supervisor.

(3) *Air pollution.* The lessee shall control emissions from operations in accordance with Federal and State air quality standards.

(4) *Erosion control.* The lessee shall minimize disturbance to vegetation, drainage channels, and streambanks. The lessee shall employ such soil and resource conservation and protection measures on the leased lands as the Supervisor deems necessary.

(5) *Noise control.* The lessee shall control noise emissions from operations.

(d) *Sanitation and waste disposal.* The lessee shall remove or dispose of all waste generated in connection with the operation in a manner acceptable to the Supervisor. The term "waste" as used in this stipulation means all discarded matter, including but not limited to human waste, trash, garbage, refuse, petroleum products, and waste material resulting from the extraction and processing operation.

(e) *Land subsidence, seismic activity.* The lessee shall take precautions necessary to minimize land subsidence or seismic activity which could result from production of geothermal resources and the disposal of waste fluid where such activity could damage or curtail the use of the geothermal resources or other resources, or other uses of the land and take such measures as stipulated to: (1) monitor operations for land subsidence and for seismic activity; and (2) maintain, and when requested, make available to the lessor, records of all monitoring activities.

(f) *Aesthetics.* The lessee shall take aesthetics into account in the planning, design, and construction of facilities on the leased premises.

(g) *Fish and wildlife.* The lessee shall employ such measures as are deemed necessary to protect fish and wildlife and their habitat.

(h) *Antiquities and historical sites.* The lessee shall conduct activities on discovered, known or suspected archeological, paleontological, or historical sites in accordance with lease terms or specific instructions.

(i) *Restoration.* The lessee shall provide for the restoration of all disturbed lands in an approved manner.

(j) The lessee shall submit semi-annual reports to the authorized officer on compliance with the requirements of paragraphs (b)–(i) of this section and on any significant environmental damage suffered by the lands subject to his lease. However, if, after operations have begun, the lessee is required to submit a similar report under 30 CFR 270.76, he may fulfill the requirement of this subsection by submitting to the authorized officer a copy of that report.

§ 3204.2 Waste prevention.

All leases shall be subject to the condition that the lessee will, in conducting his exploration, development, and operations, use all reasonable precautions to prevent waste of geothermal resources and other resources found or developed in the leased lands.

§ 3204.3 Readjustment of terms and conditions.

(a) (1) Except as otherwise provided by law, the terms and conditions of any geothermal lease may be readjusted as determined by the authorized officer at not less than 10-year intervals beginning 10 years after the date geothermal steam is produced. Each lease shall provide for such readjustments.

(2) The authorized officer shall give notice to the lessee of any proposed readjustment of the terms and conditions of the lease and the nature thereof, and unless the lessee files with the authorized officer an objection to the proposed terms and conditions or relinquishes the lease within 30 days after receipt of such notice, the lessee shall be deemed conclusively to have agreed to such terms and conditions. If the lessee files objections, and agreement cannot be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party, subject to the provisions of § 3000.4 of this chapter. If the lessee files objections to the proposed readjusted terms and conditions, the existing terms and conditions, except for those concerning rental and royalty rates, will remain in effect until there has been an agreement between the authorized officer and the lessee on the new terms and conditions to be applied to the lease or until the lease is terminated. The readjustment of any terms concerning rental and royalty rates will be subject to § 3205.3.

(b) Any readjustment of the terms and conditions of any lease of lands withdrawn or acquired in aid of a function of a Federal department or agency may be made only with the approval of that other agency.

§ 3204.4 Reservation to the United States of oil, hydrocarbon gas, and helium.

The United States reserves the ownership of and the right to extract oil, hydrocarbon gas, and helium from all geothermal resources produced from lands leased under the Act. Whenever the right to extract oil, hydrocarbon gas, and helium, from geothermal resources produced from such lands is exercised, it shall be exercised so as to cause no substantial interference with the production of geothermal resources from such lands.

§ 3204.5 Compensation for drainage; compensatory royalty.

(a) Upon a determination by the Supervisor that lands owned by the United States are being drained of geothermal resources by wells drilled on adjacent or cornering lands, the authorized officer may execute agreements with the owners of adjacent or cornering lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement will depend on the conditions and circumstances involved in the particular case.

(b) Where land in any lease is being drained of its geothermal resources by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessee must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Supervisor, pay compensatory royalty in the amount determined in accordance with 30 CFR Part 270.

§ 3204.6 Patented lands.

The terms and conditions of any geothermal resource lease for lands conveyed by the United States subject to a reservation to the United States of geothermal resources may be readjusted upon notification to the surface owner.

Subpart 3205—Service Charges, Rentals and Royalties.

§ 3205.1 Payments.

§ 3205.1–1 Form of remittance.

Remittances required under these regulations may be made by cash payment, check, certified check, bank draft, bank cashier's check, or money order. All remittances will be deposited as received.

§ 3205.1–2 Where submitted.

(a) *Rentals on nonproducing leases.* Rentals under all nonproducing leases issued shall be paid at the proper BLM office. All remittances to the Bureau of Land Management shall be made payable to the Bureau of Land Management.

(b) *Other payments.* All royalties on producing leases, communitized leases in producing well units, unitized leases in producing unit areas, leases on which compensatory royalty is payable and all payments under easements for directional drilling are to be paid to the Supervisor. All remittances to the Supervisor shall be made payable to the U.S. Geological Survey.

§ 3205.2 Service charges.

(a) *Competitive lease applications.* No service charge is required.

(b) *Noncompetitive lease applications.* Applications for noncompetitive leases must be accompanied by a nonrefundable service charge of $50 for each application.

(c) *Assignments.* Applications for approval of an assignment of a lease or interest therein must be accompanied by a nonrefundable service charge of $50 for each application.

(d) *Nominations.* No service charge is required.

§ 3205.3 Rentals and royalties.

§ 3205.3–1 Payment with application.

Each application, except an application filed pursuant to Subpart 3221, of this part, must be accompanied by payment of the first year's rental of not less than $1 per acre or fraction thereof based on the total acreage included in the application. An application accompanied by a payment of the first year's rental which is deficient by not more than 10 percent will be approved by the authorized officer provided all other requirements are met, but, if the additional rental is not paid within 30 days from notice, the application or the lease, if issued, will be canceled.

§ 3205.3–2 Payment of annual rental.

(a) Annual rental in the amount specified in the lease which shall be not less than $1 per acre or fraction thereof must be paid in advance and must be received by the proper BLM office on or before the anniversary date of the lease. If there is no well on the leased lands capable of producing geothermal resources in commercial quantities, the failure to pay rental on or before the anniversary date shall terminate the lease by operation of law, except as provided by § 3245.2.

(b) If, on the anniversary date of the lease, less than a full year remains in the lease term, the rentals shall be payable in the same proportion as the period remaining in the lease term is to a full year. The rentals shall be prorated on a monthly basis for the full months, and on a daily basis for the fractional month remaining in the lease term. For the purpose of prorating rentals for a fractional month, each month will be deemed to consist of 30 days.

(c) If the term of a lease for which prorated rentals have been paid is further extended to or beyond the next anniversary date of the lease, rentals for the balance of the lease year shall be due and payable on the 1st day of the first month following the date through which the prorated rentals were paid. If the rentals are not paid for the balance of the lease year, the lease will be subject to cancellation. However, if the anniversary date occurs before the end of the notice period, the rental for the following lease year shall nevertheless be due on the anniversary date and failure to pay the full rental for that year on or before that date shall cause the lease to terminate automatically by operation of law except as provided by § 3245.2. The lessee shall not be relieved of liability for rental due for the balance of the previous lease year.

(d) If the payment is due on a day in which the proper BLM office to receive payment is not open, payment received on the next official working day will be deemed to be timely.

§ 3205.3–3 Escalating rental rates.

To encourage the orderly and timely development of geothermal leases, all leases issued pursuant to the regulations in this Group will provide that, beginning with the sixth year and for each year thereafter until the lease year beginning on or after the commencement of production of geothermal resources in commercial quantities, the rental will be set by the authorized officer as the amount of rental for the preceding year plus an additional rental of $1 per acre, but the authorized officer may, upon a showing of sufficient justification by the lessee, waive the payment of all or any portion of the additional rental.

§ 3205.3–4 Fractional interests.

Rentals, minimum royalties, and royalties payable for lands in which the United States owns an undivided fractional interest shall be in the same proportion to the rentals, minimum royalties, and royalties provided for in § 3205.3, as the undivided fractional interest of the United States in the geothermal resources is to the full geothermal resources interest.

§ 3205.3–5 Royalty on production.

Royalty shall be paid at the following rates on geothermal resources:

(a) A royalty, as set forth in the lease, of not less than 10 per centum and not more than 15 per centum of the amount or value of steam, or any other form of heat or energy derived from production under the lease and sold or utilized by the lessee or reasonably susceptible to sale or utilization by the lessee; (b) a royalty, as set forth in the lease, of not more than 5 per centum of any byproduct derived from production under the lease and sold or utilized or reasonably susceptible of sale or utilization by the lessee, except that as to any byproduct which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that Act and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that Act; (c) In no event shall the royalty on any producing lease for any lease year, commencing with the lease year beginning on or after the commencement of production in commercial quantities, be less than $2 per acre or fraction thereof, and this minimum royalty, in lieu of rental, shall be payable at the expiration of each lease year.

§ 3205.3–6 Royalty on commercially demineralized water.

All geothermal leases issued pursuant to the provisions of this group shall provide for the payment to the lessor of a royalty on commercially demineralized water at a rate to be specified in the

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lease of not more than 5 per centum of the value of such commercially demineralized water that has been sold or utilized by the lessee or is reasonably susceptible of sale or utilization by the lessee, except that no payment of a royalty will be required on such water if it is used in plant operation for cooling or in the generation of electric energy or otherwise.

§ 3205.3–7 Waiver, suspension or reduction of rental or royalty.

(a) The authorized officer may waive, suspend, or reduce the rental or royalty for any lease or portion thereof in the interests of conservation and to encourage the greatest ultimate recovery of geothermal resources if he determines that this is necessary to promote development or that the lease cannot be successfully operated under the lease terms. No waiver, suspension or reduction of rental or royalty will be granted where the only reason for the request for such relief is the unavailability of power generating facilities to utilize the geothermal steam.

(b) An application hereunder shall be filed in triplicate with the Supervisor, and must: (1) Contain the serial number of the leases and the names of the lessee and operator; (2) show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than 6 months prior to the date of filing the application of the aggregate amount of production subject to royalty computed in accordance with the operating regulations, the number of wells counted as producing each month, and the average production per well per day; (3) contain a detailed statement of expenses and costs of operating the lease, the income from the sale of any leased products and all facts tending to show whether the wells can be successfully operated using the royalty or rental fixed in the lease; and (4) where the application is for a reduction in royalty, furnish full information as to whether royalties or payments out of production are paid to others than to the United States, the amounts so paid, and the efforts made to reduce them. The applicant must also file agreements of the holders to a comparable reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

§ 3205.3–8 Application for and effect of suspension of operations and production.

(a) Applications by lessees for suspensions of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease) shall be filed in triplicate with the Supervisor, who is authorized to act on applications filed pursuant to this section and to terminate suspensions which have been or may be granted. Complete information must be furnished showing the necessity of the relief sought.

(b) A suspension shall take effect as of the time specified in the order of the Supervisor. Rental or minimum royalty payments will be suspended during any period of suspension of all operations and production directed, or assented to, by the Supervisor, beginning with the first day of the lease month in which the suspension of operations and production becomes effective or, if the suspension of operations and production becomes effective on any date other than the first day of a lease month, beginning with the first day of the lease month following such effective date. The suspension of rental or minimum royalty payments shall end on the first day of the lease month in which operations or production is resumed. Where rentals are creditable against royalties and have been paid in advance, proper credit will be allowed on the next rental or royalty due under the lease.

(c) No lease shall be deemed to expire by reason of a suspension of either operations or production, pursuant to any order or assent of the Supervisor.

(d) If there is a well on the leased premises capable of producing geothermal resources and all operations and production are suspended pursuant to any order of the Supervisor, approval of recommencement of drilling operations will terminate the suspension as to operations but not as to production, and will terminate both the period of suspension of rental and minimum royalty payments provided in paragraph (b) of this section and the period of suspension for which an equivalent extension will be granted. However, as provided in paragraph (c) of this section, the lease will not be deemed to expire so long as the suspension of operations or production remains in effect.

(e) The relief authorized under this section may also be obtained for any leases included within an approved unit or cooperative plan of development and operation.

(f) See 30 CFR 270.17 for regulations concerning action of the Supervisor on applications filed pursuant to this section.

§ 3205.3–9 Readjustments.

The rentals and royalties of any geothermal lease may be readjusted at not less than 20-year intervals beginning 35 years after the date geothermal steam is produced as determined by the Supervisor. In the event of any such readjustment neither the rental nor royalty paid during the preceding period shall be increased by more than 50 per centum, and in no event shall the royalty payable exceed 22½ per centum. Each geothermal lease shall provide for such readjustment. The Supervisor will give notice of any proposed readjustment of rental or royalties. Unless the lessee relinquishes the lease within 30 days after receipt of such notice, he shall conclusively be deemed to have agreed to such terms and conditions. If the lessee files a protest, and no agreement can be reached between the authorized officer and the lessee within a period of 60 days, the lease may be terminated by either party, subject to the provisions of § 3000.4 of this chapter. If the lessee files a protest to the proposed readjusted terms and conditions, the existing terms and conditions will remain in effect until there has been an agreement between the authorized officer and the lessee on the new terms and conditions to be applied to the lease or until the lease is terminated, except payments of any proposed readjusted rentals and royalties must be paid in the timely manner prescribed in these regulations and may be paid under protest. The readjusted terms and conditions will be effective as of the end of the term being adjusted.

§ 3205.4 Rental and minimum royalty liability of lands committed to cooperative or unit plans.

§ 3205.4–1 Prior to production.

All lands within any lease committed to an approved cooperative or unit plan shall at all times prior to production on any of the lands so committed remain liable for rental in accordance with § 3205.3–3.

§ 3205.4–2 After production.

As soon as production is obtained on or for any lands included in an approved cooperative or unit plan those lands which are included within the participating area of the producing well shall become liable for royalties in accordance with Subpart 3205. All other unitized lands, shall remain liable for rental in accordance with § 3205.3–3.

Subpart 3206—Lease Bonds

§ 3206.1 Types of bonds and filing.

§ 3206.1–1 Types of bonds.

(a) Bonds shall be either corporate surety bonds or personal bonds except that bonds with individual sureties may be furnished for the protection of the entryman or owner of the surface rights.

(b) Lease compliance bond. The applicant for a noncompetitive lease or the successful bidder for a competitive lease must furnish, prior to the issuance of the lease, and thereafter maintain a corporate surety bond of not less than $10,000 conditioned on compliance with all the terms of the lease.

(c) Protection bond. A lessee will be required prior to entry on the leased lands to furnish and maintain a bond of not less than $5,000 for indemnification for all damages occasioned to persons or property as the result of lease operations.

§ 3206.1–2 Filing of bonds.

A single original copy of the bond on forms approved by the Director must be filed in the proper BLM office. Bonds may be filed with a noncompetitive lease application to expedite action thereon, or within 30 days after receipt of notice by the applicant of the bond requirement, or as required and directed by the authorized officer. For unit bond forms see 30 CFR Part 271.

§ 3206.2 Termination of period of liability.

The period of liability of any bond will not be terminated until all lease terms and conditions have been fulfilled.

§ 3206.3 Operators bond.

An operator, or, if there are more than one for different portions of the lease, each operator, shall furnish a corporate surety bond or bonds in an amount prescribed by the Supervisor.

§ 3206.4 Qualified corporate sureties.

Treasury lists. A list of companies holding certificates of authority from the Secretary of the Treasury under the Act of July 30, 1947 (6 U.S.C. 6–13), as acceptable sureties on Federal bonds is published in the FEDERAL REGISTER annually.

§ 3206.5 Nationwide bond.

In lieu of bonds required under any of the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee pending departmental approval of operating agreements may furnish a bond in an the amount of which must be not less than for $150,000 for full nationwide coverage for all geothermal leases.

§ 3206.6 Statewide bond.

In lieu of any of the bonds required by the preceding paragraphs, the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessee pending departmental approval of operating agreements, may furnish a statewide bond, applicable to the State in which the leases are situated, the amount of which must be at the rate of not less than $50,000 for each unit of coverage.

§ 3206.7 Default.

§ 3206.7–1 Payment by surety.

Where upon a default the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment.

§ 3206.7–2 Penalty.

Thereafter, upon penalty of cancellation of all of the leases covered by that bond, the principal shall post a new nationwide bond in the amount of $150,000 or a unit bond, as the case may be, within 6 months after notice, or within such shorter period as the authorized officer may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease.

§ 3206.8 Applicability of provisions to existing bonds.

The provisions of these regulations may be made applicable to any oil and gas nationwide or statewide bond in force at the effective date of these regulations by filing in the proper BLM office a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and the surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of these regulations.

Subpart 3207—[Reserved]

Subpart 3208—[Reserved]

Subpart 3209—Geothermal Resources Exploration Operations

§ 3209.0–1 Purposes.

(a) The purpose of the regulations in this Subpart 3209 is to establish procedures to be followed in conducting exploration operations on the public land for geothermal resources. The regulations in this subpart are not applicable to exploration operations conducted pursuant to a geothermal resources lease.

(b) The rights obtained under this subpart do not include an exclusive right to prospect for geothermal resources on the land described in a Notice of Intent or any preference right to a geothermal resources lease.

§ 3209.0–2 Objectives.

The objectives of the regulations in this Subpart 3209 are to encourage exploration of the public lands for geothermal resources in a manner that is consistent with the management policy set forth in § 1725.3 of this chapter. No exploration operations will be allowed if the authorized officer determines that such exploration operations would be inconsistent with that policy. The authorized officer may suspend or terminate exploration operations upon due notice to the operator at any time if he determines that there is non-compliance with the terms and conditions of the notice of intent.

§ 3209.0–5 Definitions.

As used in this subpart:

(a) "Exploration operations" means any activity relating to the search for evidence of geothermal resources which requires physical presence upon public lands and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, drilling of shallow temperature gradient wells, construction of roads and trails, and cross-country transit by vehicle over public lands. It does not include the casual use of public lands for geothermal resources exploration. It does not include core drilling for subsurface geologic information, except drilling of shallow temperature gradient wells, or drilling for geothermal resources; these activities will be authorized only by the issuance of a geothermal resources lease. The regulations in this Subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right of a lessee to drill for geothermal resources upon the land subject to his lease.

(b) "Notice of Intent" means a "Notice of Intent and Permit to Conduct Exploration Operations (Geothermal Resources)."

(c) "Public lands" means lands owned by the United States and administered by the Bureau of Land Management, including retained mineral interest in lands, title to which has passed from the United States.

(d) "Casual use" means activities that involve practices which do not ordinarily lead to any appreciable disturbance or damage to lands, resources, and improvements. For example, activities which do not involve use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use."

§ 3209.1 Notice of intent and permit to conduct exploration operations (Geothermal Resources).

§ 3209.1–1 Application.

(a) *Forms and where filed.* Any persons desiring to conduct exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file for approval with the authorized officer for the district in which the public lands are located a Notice of Intent on a form approved by the Director.

(b) *Requirements.* The Notice of Intent will contain the following:

(1) The name and address, including zip code, both of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities;

(2) A statement that the signers agree that exploration operations will be conducted pursuant to the terms and conditions listed on the approved form;

(3) A brief description of the type of operations which will be undertaken;

(4) A description of the lands to be explored by township;

(5) A map or maps, available from state or Federal sources, showing the lands to be entered or disturbed by the proposed exploration operations; and

(6) The approximate dates of the commencement and termination of exploration operations.

§ 3209.1–2 Review of Notice of Intent.

The authorized officer will either approve or disapprove a Notice of Intent as promptly as practicable, but in any event within 30 calendar days after the date of the filing of the Notice of Intent. If the authorized officer shall disapprove a Notice of Intent, he shall explain in writing to the applicant the reasons for disapproval.

§ 3209.2 Exploration operations.

No exploration operations will be conducted on public lands except pursuant to the terms of a Notice of Intent which has been approved by the authorized officer.

§ 3209.3 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the authorized officer a "Notice of Completion of Exploration Operations." Within 90 days after the filing of such "Notice of Completion," the authorized officer shall notify the party who had conducted

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the operations whether there has been compliance with all of the terms and conditions set out by the regulations in this Subpart and in the Notice of Intent, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3209.4 Bond requirement.

§ 3209.4–1 General.

(a) Simultaneously with the filing of the Notice of Intent, and before the entry is made on the land; the party or parties filing the Notice of Intent must file with the authorized officer a surety company bond for each exploration operation in the amount of not less than $5,000, conditioned upon the full and faithful compliance with all of the terms and conditions of the regulations in this Subpart and of that Notice of Intent.

(b) A party will be excused from compliance with the requirements of paragraph (a) of this section if he possesses either a nationwide bond in the amount of not less than $50,000 covering all exploration operations or a statewide bond in the amount of not less than $25,000 covering all exploration operations in the State in which the lands on which he has filed the "Notice of Intent" are situated.

(c) In addition to the bond required by paragraph (a), before entry is made on the land, the party or parties filing the "Notice of Intent" must furnish and maintain bonds in the amount of not less than $1,000 for the protection of each owner or holder of surface rights or rights to surface resources.

§ 3209.4–2 Riders to existing bond forms.

Nationwide and statewide bonds. Holders of nationwide and statewide oil and gas exploration bonds shall be permitted, in lieu of furnishing additional bonds other than those required by § 3209.4–1(c), to amend their bonds to include geothermal resources exploration operations.

§ 3209.4–3 Termination of period of liability.

The authorized officer will not give his consent to the cancellation of the bond if an individual bond was submitted or to the termination of the period of liability if a State or nationwide bond was submitted, unless and until there has been compliance with all of the terms and conditions of the Notice of Intent. Should the authorized officer fail to notify the party within 90 days from the filing of "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, the period of liability under an individual bond or the period of liability for a particular exploration operation under a State or nationwide bond shall automatically terminate on the 91st day.

PART 3210—NONCOMPETITIVE LEASES

Subpart 3210—Noncompetitive Leases; General

Sec.
3210.1 Availability of land.
3210.2–1 Application.
3210.2–2 Submission of applications.
3210.2–3 Withdrawal of application.
3210.2–4 Amendment to lease.
3210.3 Determination of priorities.
3210.4 Rejections.

Subpart 3211—Bureau Motion, Lands Previously Leased for Geothermal Resources

3211.1 Releasing of formerly leased lands.
3211.2 Applications during simultaneous filing periods.
3211.3 Insurance of leases for unit on posted list.

Subpart 3210—Noncompetitive Leases; General

§ 3210.1 Availability of land.

(a) Applications to lease, except for those filed pursuant to Part 3230, of this chapter, filed prior to the effective date of these regulations are unacceptable and will be returned summarily without earning any priority.

(b) Lands and deposits subject to disposition under this part which are not within any KGRA will be available for leasing after the effective date of these regulations. Lands which are available for noncompetitive leasing and which were included in cancelled, relinquished, expired, or terminated leases shall be available for leasing only subject to the provisions of Subpart 3211. All other lands available for noncompetitive leasing will be available for leasing only subject to the provisions of this Subpart 3210. All applications to lease the same lands which are filed between the effective date of these regulations and 30 days following that time will be considered to have been filed simultaneously, and the respective priority of the various applications will be determined in accordance with § 3210.3. In other respects the first 30 days after the effective date of these regulations shall be treated as an application filing period as provided in § 3210.2–2.

(c) Final action will not be taken on any application filed after the initial 30-day period until final action has been taken on all applications filed during that period.

§ 3210.2–1 Application.

An application for a lease must be filed on a form approved by the Director in the proper BLM office in duplicate for public lands and in triplicate for acquired lands. The application must be submitted in a sealed envelope marked "Application for lease pursuant to 43 CFR 3210". An application will be considered filed when it is received in the proper office during business hours. The application must include the following:

(a) The applicant's name and address;

(b) A statement of applicant's citizenship and qualifications;

(c) A complete and accurate description of the lands applied for, which must include all available lands, including reserved geothermal resources, within a surveyed or protracted section;

(d) A proposed plan which shall include: (1) A map, or maps, available from State or Federal sources, showing the topography of the land applied for, on which the applicant shall show drainage patterns, present road and trail locations, present utility systems, proposed road and trail location, proposed well locations and potential surface disturbance, and (2) a narrative statement setting forth his proposed plan and methods for diligent exploration. Such plan shall provide for a program of diligent exploration as defined in § 3203.5 of this subchapter.

The narrative statement shall also describe the measures proposed to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, damage to fish and wildlife or other natural resources, air and noise pollution and hazards to public health and safety during lease activities. However, the proposed plan required by this paragraph need not be submitted with the application during the initial 30-day simultaneous filing period provided by § 3210.1(b) or during any application filing period pursuant to § 3210.2–2, but must be submitted when required by the authorized officer; and

(e) A statement of interest, direct or indirect, in other Federal geothermal leases or applications in the same State. Such total interest may not exceed 20,480 acres.

§ 3210.2–2 Submission of applications.

Except for applications filed during the first 30 days after the effective date of these regulations, applications for leases pursuant to this Part 3210 shall be submitted only during application filing periods. An application filing period shall begin on the first working day of each month and shall end at the close of business on the last working day of that month. The first application filing period shall begin on the first working day of the month following the conclusion of the initial 30 day filing period provided in § 3210.1(b). No applicant shall file during the same application filing period a second application which overlaps any of the land covered by his first application. When an application is filed with the authorized officer, the date and time of filing shall be stamped on the envelope. The envelope containing the application shall remain sealed until the end of the application filing period during which the application is filed. On the first working day following the end of the application filing period all applications shall be opened, and it will be determined which applications are for lands included in a KGRA. In determining whether land included in an application is a KGRA because of competitive interest, no application submitted during any subsequent application filing period will be considered. Applications for land determined to be KGRA will be rejected. All other applications will be assigned priority according to the date and time of filing. If any application covers both land within a KGRA and land outside a KGRA, the applicant will be granted the opportunity to amend his application to exclude the portion included in a KGRA, and his amended application will be assigned priority according to the date and time of filing of his original application, but must comply with all other requirements of these regulations.

§ 3210.2–3 Withdrawal of application

An application may not be withdrawn, either in whole or in part, unless the request is received by the proper BLM office before the lease or an amendment of the lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States even though the effective date of the lease is subsequent to the date of filing of the withdrawal, except where a separate conflicting lease has been signed on behalf of the United States covering the land described in the withdrawal.

§ 3210.2–4 Amendment to lease.

If any of the land applied for was open to filing when the application was filed but is omitted from the lease for any reason and thereafter becomes available for noncompetitive leasing, the original lease will be amended to include the omitted land unless, before the issuance of the amendment, the proper BLM office receives a withdrawal of the lessee's application with respect to such land or such omitted lands have been determined to be within a KGRA. The lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued.

§ 3210.3 Determination of priorities.

(a) No lease shall be issued before final action has been taken on (1) any prior application to lease the land, (2) any subsequent application to lease the land that is based upon a claimed preferential right, and (3) any petition for the renewal or reinstatement of an existing or former lease on the land.

(b) Where a lease is issued before final action has been taken on such applications and petitions, it shall be canceled, and the advance rental returned, after due notice to the lessee, where the applicant or petitioner is found to be qualified and entitled to receive a lease of the land.

(c) Applications for lease received in the mail or delivered on the same day will be deemed to have been simultaneously filed, and the right of priority and the order of processing will be determined by a public drawing.

(d) Prior to the issuance of any lease, a determination shall be made as to whether or not the lands are within a KGRA. Applications for lands determined to be within any KGRA will be rejected.

§ 3210.4 Rejections.

If, after the filing of an application for a noncompetitive lease and before the issuance of a lease, or amendment thereto, pursuant to that application, the land embraced in the application becomes included within a KGRA, the application will be rejected as to such KGRA lands. The authorized officer retains discretion to reject an application for a noncompetitive lease even though the tract for which application is made is not determined to be within a KGRA.

Subpart 3211—Bureau Motion—Land Previously Leased for Geothermal Resources

§ 3211.1 Releasing of formerly leased lands.

Lands available for noncompetitive leasing in canceled or relinquished leases or in leases which expire by operation of law at the end of their primary or extended terms or in leases which terminate by operation of law for nonpayment of rental pursuant to 30 U.S.C. sec. 1004, shall be subject to further leasing only in accordance with the provisions of this section. From time to time the authorized officer will publish in the FEDERAL REGISTER, post in each proper BLM office, and provide appropriate news coverage of:

(a) A list of leasing units composed of lands which are available for noncompetitive leasing and which were in canceled, expired, relinquished, or terminated leases.

(b) An announcement that applications for leases on such lands will be received after a specific hour and date and that any applications filed during a specified simultaneous filing period beginning at that time will be regarded as simultaneously filed;

(c) The address of the proper BLM office where applications must be filed and where the terms and conditions under which the lease will be issued are available; and

(d) Requirements for a complete application, indicating that the proposed plan of operation, as required by § 3210.–2–1(d), will not be required until there has been a drawing and a consequent determination of priority, but must be filed before a lease can be issued.

§ 3211.2 Applications during simultaneous filing periods.

(a) An application shall conform to the requirements of 43 CFR 3210.2–1, except as provided below.

(b) Only one complete leasing unit, identified by unit number, may be included in an application. Lands not on the published list may not be included in the application.

(c) An applicant is permitted to file only one application for each numbered unit on the posted list. Submission of more than one application by or on behalf of the applicant for any unit on the posted list will result in the disqualification of all applications submitted by that applicant for the drawing to be held for that particular unit.

(d) The application must be accompanied by a signed statement that the applicant will furnish the information required by these regulations within 15 days after notification that his application is the only one for the tract, or that he is the successful drawee.

(e) Each application filed during a simultaneous filing period must be submitted in a sealed envelope marked "Application for a lease pursuant to 43 CFR subpart 3211". The envelope will remain sealed until the end of the 30-day simultaneous filing period, at which time the application will be time-stamped simultaneously and serialized. A public drawing of all applications received during the simultaneous 30-day period will be held to determine respective priorities and order of processing.

(f) Applications filed during a simultaneous filing period are subject to the classification criteria established in § 3200.0–5(k) and will be considered as all filed the same day.

(g) The requirements of § 3210.2–1(d) need not be satisfied for a complete application during the 30-day simultaneous filing period or during any future designated simultaneous filing period. Such data must be submitted by the successful drawee when requested by the authorized officer.

(h) Each application must be accompanied by the service charge of $50. The first year's advance rental need not be submitted with the application. A lease will be issued to the first drawee qualified to receive a lease upon payment of the first year's rental. Rental must be received in the proper BLM office within fifteen days from the date of receipt of notice that such rental is due. The drawee failing to submit the rental payment within the time allowed will be automatically disqualified to receive the lease, and consideration will be given to the application of the drawee having the next highest priority in the drawing.

§ 3211.3 Issuance of leases for units on posted list.

(a) If more than one application is received during the simultaneous filing period for the same unit on the list posted pursuant to § 3211.1(a), all applications on that unit filed during that period will be considered simultaneously filed. Priority of filing for such units will be determined by a public drawing. Three applications will be drawn for each unit.

If the lands are determined not to be within any KGRA, a lease may be issued to the successful drawee upon his compliance with all applicable regulations, including those in Subpart 3210 of this part.

(b) If only one application is filed during the simultaneous filing period on a unit on the list posted pursuant to § 3211.1(a), a lease on that unit, if the land is not included within any KGRA, may be issued to the applicant, upon his compliance with all applicable regulations, including those in Subpart 3210 of this part.

(c) If no application is filed on a unit on the list posted pursuant to § 3211.1

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(a) within the prescribed simultaneous filing period, the land in that unit, if not with a KGRA, will become available for leasing in accordance with Subpart 3210 of this part.

PART 3220—COMPETITIVE LEASES

Subpart 3220—Competitive Leases; General

Sec.
3220.1 General.
3220.2 Nominations.
3220.3 Publication of notice of lease sale.
3220.4 Contents of notice of lease sale.
3220.5 Bidding requirements.
3220.6 Award of lease.

Subpart 3220—Competitive Leases; General

§ 3220.1 General.

(a) Lands within a KGRA, except as provided under § 3201.1, will be available for leasing on the effective date of these regulations.

(b) The authorized officer will accept nominations to lease, or may on his own motion from time to time call for nominations to lease. Nominations may be withdrawn at any time.

§ 3220.2 Nominations.

(a) Nominations will be submitted on a card approved by the Director.

(b) A nomination must be filed in the proper BLM office in duplicate for public lands and triplicate for acquired lands and must include the following:

(1) The nominator's name and address;

(2) A statement of citizenship and qualifications for lease;

(3) A description of the lands; and

(4) A statement of the interests, direct or indirect, held in other Federal geothermal leases or applications in the same State.

§ 3220.3 Publication of notice of lease sale.

Where the Secretary determines to offer lands for competitive leasing he will publish a notice of lease sale in a newspaper of general circulation in the area in which the lands to be leased are located once a week for 4 consecutive weeks, or for such other period as he may direct.

§ 3220.4 Contents of notice of lease sale.

The notice will specify the time and place of sale, the manner in which bids may be submitted, the description of the lands, and the terms and conditions of the sale, including royalty and rental rates.

The notice will indicate the proper BLM office where the terms and conditions under which the lease will be issued are available. The notice will also indicate that the proposed plan of operation, as required by § 3210.2–1(d), must be filed before a lease can be issued.

§ 3220.5 Bidding requirements.

(a) A separate identified sealed bid must be submitted for each lease unit. Each bidder must submit with his bid a certified or cashier's check, bank draft, money order or cash in the amount of one-half of the amount bid together with proof of qualifications as required by these regulations.

(b) All bidders are warned against violation of the provisions of Title 18 U.S.C. section 1860 prohibiting unlawful combination or intimidation of bidders.

§ 3220.6 Award of lease.

(a) All sealed bids shall be opened at the place, date, and hour specified in the notice. No bids will be accepted or rejected at that time.

(b) Leases will be awarded to the highest responsible qualified bidder, except as required under Part 3230.

(c) The right to reject any and all bids is reserved. If the authorized officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened (or such longer period as may be needed to comply with § 3230.1–6), all bids for that lease will be considered rejected. Deposits on rejected bids will be returned.

(d) If the lease is awarded, three copies of the lease will be sent to the successful bidder who shall be required to execute them within 30 days from receipt thereof, to pay the first year's rental, the balance of the bonus bid, file the required bond or bonds, and submit the proposed plan of operation as required by § 3210.–2–1(d). When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed by the authorized officer and a copy will be mailed to the successful bidder.

(e) If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as provided in section 20 of the Act. In this event the lands will be reoffered when it is determined, in the opinion of the Secretary, that sufficient interest exists to justify a competitive lease sale.

PART 3230—RIGHTS TO CONVERSION TO GEOTHERMAL LEASES OR APPLICATION FOR GEOTHERMAL LEASES

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases; General

Sec.
3230.1 General.
3230.1–1 Rights to conversion to geothermal leases.
3230.1–2 Rights to conversion to applications for geothermal leases.
3230.1–3 Land in which minerals are reserved to the United States.
3230.1–4 Conflicting claims of rights to conversion to geothermal leases, or to applications for geothermal leases.
3230.1–5 [Reserved]
3230.1–6 Method of leasing to owners of conversion rights to geothermal leases, or to applications for geothermal leases.
3230.1–7 Acreage limitation.
3230.2 Qualifications.
3230.3 Applications.
3230.3–1 Filing of application.
3230.3–2 Statements required.
3230.4 Conversion to geothermal leases or to applications for geothermal leases.
3230.4–1 Processing and adjudicating applications.
3230.4–2 Approval.

Subpart 3230—Rights to Conversion to Geothermal Leases or Application for Geothermal Leases

§ 3230.1 General.

§ 3230.1–1 Rights to conversion to geothermal leases.

Where lands were on September 7, 1965, subject to valid leases or permits issued under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181–287), or the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–358), or subject to existing mining claims located on or prior to September 7, 1965, the lessees, permittees, or claimants, or their successors in interest, if qualified to hold geothermal leases, shall have the right, subject to certain limitations as hereinafter provided, to convert such leases, permits or claims to geothermal leases covering the same lands.

§ 3230.1–2 Rights to conversion to applications for geothermal leases.

Where lands were subject to application for leases or permits under the mineral leasing laws referred to in § 3230.1–1 on September 7, 1965, the applicants may, subject to certain limitations as hereinafter provided, convert their applications to applications for geothermal leases having priorities dating from the time of filing such applications under said mineral leasing laws.

§ 3230.1–3 Land in which minerals are reserved to the United States.

Where a right to one of the forms of conversion referred to in § 3230.1–1 or § 3230.1–2 is claimed as to lands the surface of which has passed from Federal ownership but in which the minerals have been reserved to the United States, final action on any claim to conversion rights under section 4 of the Act shall be held in abeyance until such time as the question of title to the geothermal resources in such lands has been resolved pursuant to the provisions of section 21(b) of the Act, unless the Secretary determines that it is in the public interest to make a determination of such claims at an earlier time, subject to the rights, if any, of non-Federal owners.

§ 3230.1–4 Conflicting claims of rights to conversion to geothermal leases, or to applications for geothermal leases.

(a) Where there are conflicting claims of rights to conversion to geothermal leases based upon mineral leases, mineral permits, or mining claims embracing the same land, the date of issuance of the permit or lease or of recordation of the claim shall determine priority.

(b) Where there are rights to conversion to applications for geothermal leases based on applications for mineral leases or permits in conflict wth rights to conversion to geothermal leases based upon mining claims embracing the same lands, the date of filing the application or the date of recordation of the mining claim shall determine priority.

§ 3230.1–6 Method of leasing to owners of conversion rights to geothermal leases, or to applications for geothermal leases.

(a) *Lands included within any KGRA*—(1) *Competitive lease.* Where lands have been included within any KGRA prior to the issuance of a lease, the owner of a conversion right to a geothermal lease for such lands shall be entitled to the issuance of a competitive lease only in accordance with the provisions of subparagraph (2) of this paragraph. If the lands subject to a conversion right to a geothermal lease are in part within a KGRA and in part outside a KGRA, the holder of that conversion right shall have the right to divide his conversion rights into two separate conversion rights so that he may receive a geothermal lease to the lands within the KGRA only subject to subparagraph (2) of this paragraph and a geothermal lease to the lands not within a KGRA subject to paragraph (b) of this section.

(2) *Preference right.* (i) Lands which have been included within any KGRA shall be leased only by competitive bidding in the manner prescribed in Subpart 3220 of this chapter, except that, in addition, the name and address of the owner of any conversion right to a geothermal lease will be set forth in the lease sale notice.

(ii) The person owning the right to conversion to a geothermal lease shall be informed by written notice of the highest bona fide bid submitted for the lease at the sale. If within thirty (30) days after he has received that written notice, the person owning the right to conversion to a geothermal lease shall inform the authorized officer that he wishes such a lease, pay an amount equal to the highest bona fide bid submitted, pay the rental for the first year, file the required bond or bonds, and submit the data required by § 3210.2–1(d) and (e), a lease will be issued to him.

(iii) Failure of the owner of the right to conversion to a geothermal lease to inform the authorized officer timely will constitute a forfeiture of his conversion rights without further notice to him. In this event, the lease will be offered to the highest bona fide bidder, if otherwise qualified.

(b) *Lands not included within any KGRA—Noncompetitive lease.* Where lands have not been included within any KGRA prior to the issuance of a lease, the owner of a conversion right to a geothermal lease for such lands, if otherwise qualified, shall be entitled to the issuance of a noncompetitive lease for such lands.

(c) *Lands included within a KGRA*—(1) *Application for a lease.* Where lands have been included within a KGRA prior to the issuance of a lease, the owner of a conversion right to an application for a geothermal lease to those lands shall be entitled to receive a competitive geothermal lease only in accordance with the provisions of Subpart 3220 of this part. If the lands subject to a conversion right to a geothermal application are in part within a KGRA and in part outside a KGRA, the holder of that conversion right may amend his application to cover only the land outside the KGRA.

(2) *Preference right.* The owner of a conversion right to an application for a geothermal lease where the lands have been included within a KGEA shall receive no preference right to meet the highest bona fide bid.

(d) *Lands not included within any KGRA*—(1) *Application for a lease.* Where lands have not been included within a KGRA, the owner of a conversion right to an application for a geothermal lease, if otherwise qualified, shall be entitled to convert his right into an application for a non-competitive lease.

(2) *Preference right.* The owner of a conversion right to an application for a geothermal lease where the lands have not been included within a KGRA, if otherwise qualified, shall be entitled to the issuance of a non-competitive geothermal lease for such lands in accordance with Subpart 3210 of this part.

§ 3230.1–7 Acreage limitation.

No person shall be permitted to obtain, through conversion of mineral leases or prospecting permits, or applications therefor, or mining claims, leases for more than 10,240 acres, or a lease to any land not included in the lease, permit, application or claim converted, except that any such geothermal lease issued may include some lands not embraced in the lease, permit, application or claim on which the conversion right is based, where a metes and bounds description was used to describe lands in issued leases or permits or in filed applications or mining claim locations. In such event, the metes and bounds description will be conformed by the authorized office to a legal subdivision, to the extent possible.

§ 3230.2 Qualifications.

Persons who believe they are qualified under the Act to convert mineral leases or permits or existing mining claims to geothermal leases and persons who believe they are entitled to convert applications for mineral leases and permits to applications for geothermal leases shall comply with the procedures set forth below.

§ 3230.3 Applications.

§ 3230.3–1 Filing of application.

(a) A written application shall have been filed with the proper BLM office on or before June 22, 1971, pursuant to the notice published in the FEDERAL REGISTER of January 15, 1971, 36 FR 623. If such an application has been filed and does not contain the information specified in § 3230.3–2 hereof, such information must be supplied by the applicant within 60 days of the effective date of these regulations.

(b) Failure to have filed a conversion right application on or before June 22, 1971, will result in the loss of any such rights so claimed.

§ 3230.3–2 Statements required.

(a) An application based on a valid lease or permit referred to in section 3230.1–1 hereof shall include the date of issuance, the State in which the lands are located, and the serial number of the lease or permit. An application based on a mining claim referred to in § 3230.1–1 shall include the name, location, legal description or reference sufficient to identify the lands on the ground, date of location and date and place of recordation of the mining claim (including volume and page), which the applicant seeks to convert to a geothermal lease. An application based on an application for a mineral lease or permit referred to in § 3230.1–1 shall include the date the application for the lease or permit was filed with the Bureau of Land Management and the location of the proper BLM office where the application was filed, and should indicate the serial number assigned to the application.

(b) An application shall include a description of the lands sought to be included in a geothermal lease. If the lands have been surveyed under the public land rectangular survey system, each application shall describe the lands by legal subdivision, section, township, and range. If otherwise officially surveyed, the lands shall be described by the legal description, mining claim survey, or irregular tracts. If the lands have not been so surveyed, but protracted surveys for those lands have been approved and the effective date thereof published in the FEDERAL REGISTER, each application for lands shown on such protracted surveys, filed on or after such effective date, shall describe the lands according to the legal subdivision, section, township, and range shown on the approved protracted surveys. If the lands have not been so surveyed, or included within approved protracted surveys, or it is otherwise appropriate, each application shall describe the lands by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to a monument or to a prominent topographic feature.

(c) An application shall be accompanied by a detailed statement showing: (1) The expenditures made for the exploration, development, or production of geothermal steam by the applicant on lands for which a geothermal lease is sought or on adjoining, adjacent or nearby Federal or non-Federal lands and the date or dates such expenditures were made, (2) the names and current addresses of the persons who actually performed the aforesaid exploration, development, or production work, (3) the geological, geophysical, and engineering data acquired in such exploration, development, and production which

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demonstrates, or tends to demonstrate the expenditures claimed, (4) a map showing the location where the expenditures and improvements were made, (5) a proposed plan as required by § 3210.2–1 (e), and (6) a statement that he will be bound by the terms and conditions of a lease, if issued. The applicant shall file such additional information with respect to the application as requested by the authorized officer.

§ 3230.4 Conversion to geothermal leases or to applications for geothermal leases.

§ 3230.4–1 Processing and adjudicating applications.

Application for conversion to geothermal leases or to applications for geothermal leases together with all information and data submitted or requested by the authorized officer pursuant to § 3230.3–2 hereof and any other pertinent available information or data shall be reviewed by the authorized officer for the purpose of determining whether the required showing has been made, and thereafter the authorized officer shall prepare a proposed determination which shall be submitted to the Secretary.

§ 3230.4–2 Approval.

The authorized officer will make a determination that the applicant has or has not satisfactorily shown that he is entitled to receive the grant of a geothermal lease, or application for a geothermal lease.

PART 3240—RULES GOVERNING LEASES

Subpart 3240—Rules Governing Leases

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Subpart 3241—Assignments and Transfers

§ 3241.1 Assignments, transfers, interests, qualifications.

§ 3241.1–1 Record title assignments or transfers of leases or undivided lease interests.

(a) The record title of leases may be assigned as to all or part of the leased acreage, except that no assignment will be approved where (1) either the assigned or retained portions created by the assignment would be less than 640 acres, unless the total acreage in the lease being partially assigned is less than 1,280 acres occasioned by includes an irregular subdivision, as provided in § 3203.2 of this part, in which case the assigned and retained portions may be less than 640 acres by an amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added, or (2) an undivided interest is created by assignment of a lease containing less than 640 acres, or (3) where the lease being assigned contains 640 acres or more, an undivided interest of less than 10 percent would be created in the leased acreage. An exception to the minimum acreage provision of this section may be made by the Secretary where he finds such exception is necessary in the interest of conservation of the resources.

(b) A working interest or operating right may be assigned, in accordance with this section, *Provided* That the assigned interest or right, divided or undivided, vests in the holder only the right to explore, develop and produce geothermal resources from the leased lands to the extent of not less than the interest assigned.

(c) All requests for approval of any assignment will be reviewed, prior to approval, to adjust environmental terms and conditions where necessary.

§ 3241.1–2 Qualifications.

(a) No assignment will be approved (1) if the assignee or any other party in interest is not qualified to take and hold a lease; (2) if a required bond is not filed; or (3) if the statement of interest required under § 3202.2–1(a) is not filed.

(b) an assignment to a minor other than an heir or devisee of a lessee will not be approved.

(c) The assignment must be accompanied by a signed statement by the assignee either (1) that he is the sole party in interest in the assignment, or (2) setting forth the names and qualifications of the other parties holding interests in the lease. Where the assignee is not the sole party in interest, separate statements must be signed by each of the other parties and by the assignee setting forth the nature and extent of the interest of each party and the nature of the agreement between them. These separate statements must be filed in the proper BLM office not later than 15 days after the filing of assignment.

(d) Where an attorney-in-fact or agent signs, on behalf of the assignor or assignee, the instrument of transfer or the application for approval, evidence of the authority of the attorney-in-fact or agent to sign such assignment or application must be furnished to the authorized officer.

(e) In order for the heir or devisee of the deceased holder of a lease, an operating agreement, or an overriding royalty interest in a producing lease, to be recognized by the authorized officer as the holder of that lease, agreement or interest, the appropriate showing required under the regulations in § 3202.2–6 must be furnished to the authorized officer.

§ 3241.2 Requirements for filing of assignments or transfers.

§ 3241.2–1 Place of filing and service charge.

A request for approval of any assignment or other instrument of transfer of a lease or interest therein must be filed in the proper BLM office and accompanied by a nonrefundable service charge of $50. An application request not accompanied by payment of such a service charge will not be accepted for filing.

§ 3241.2–2 Number of copies required.

Three copies of all instruments of assignment or transfer, and a single copy of any additional information required by § 3202.2. Relating to citizenship or qualifications of corporations must be filed in the proper BLM office.

§ 3241.2–3 Time of filing assignments, transfers of leases, or undivided lease interests.

(a) Any instrument of transfer of a lease or of an interest therein, including an assignment of working interests, operating agreements, and operating rights, must be filed in the proper BLM office for approval within 90 days from the date of execution of that instrument and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence and statements similar to that required of an applicant under these regulations in this group.

(b) A separate instrument of assignment must be filed in the proper BLM office for each geothermal lease involving transfers of record title. When transfers to the same person, association, including partnerships, or corporation involve more than one geothermal lease, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 3241.2–4 Forms and statements.

A form approved by the Director, or unofficial copies of that form in current use, must be used for transfers and requests for approval referred to in this section and must be filed in duplicate for public lands and in triplicate where acquired lands are involved. The approved form may be used for an assignment which affects a transfer of the record title to all or part of a geothermal lease, but it is not to be used for any other type of transfer. The application for assignment shall be deemed to be approved upon execution by the authorized officer.

§ 3241.2–5 Description of lands.

Each instrument of transfer must describe the lands involved in the same manner as described in the lease.

§ 3241.3 Bonds.

Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. Any assignment which does not convey the assignor's record title in all of the lands in the lease must also be accompanied by consent of his surety to remain bound under the bond of record as to the lease retained by said assignor, if the bond, by its terms, does not contain such consent. If a party to the assignment has previously furnished a nationwide or statewide bond, no additional showing by such party is necessary as to the bond requirement.

§ 3241.4 Approval.

Upon approval, an assignment shall be effective as of the first day of the lease month following the date of filing of the assignment required by this Subpart in the proper BLM office.

§ 3241.5 Continuing responsibility.

(a) The assignor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment is approved.

(b) Upon approval, the assignee and his surety shall be responsible for the performance of all lease obligations notwithstanding any terms in the assignment to the contrary.

§ 3241.6 Production payments.

If payments out of production are reserved, a statement must be submitted stating the details as to the amount, method of payment, and other pertinent items.

§ 3241.7 Overriding royalty interests.

§ 3241.7–1 General.

(a) Overriding royalty interests in geothermal leases constitute accountable acreage holdings under these regulations.

(b) If an overriding royalty interest is created which is not shown in the instrument of assignment or transfer, a statement must be filed in the proper BLM office describing the interest.

(c) Any such assignment will be deemed valid if accompanied by a statement over the assignee's signature that the assignee is a citizen of the United States, an association of such citizens, or a corporation organized under the laws of the United States or of one of the States or the District of Columbia, and that his interests in geothermal leases do not exceed the acreage limitations provided in these regulations.

(d) All assignments of overriding royalty interests must be filed for record in the proper BLM office within 90 days from the date of execution. Such interests will not receive formal approval.

§ 3241.7–2 Limitation of overriding royalties.

(a) Except as herein provided, an overriding royalty on the value of the output of all geothermal resources, or any of them, at the point of shipment to market may be created by assignment or otherwise: *Provided*, That, (1) the overriding royalty is not for less than one-fourth (¼) of 1 percent of the value of such output, and does not exceed 50 percent of the rate of royalty due to the United States as specified in the geothermal lease, or as reduced pursuant to such lease, and (2) the overriding royalty, when added to overriding royalties previously created, does not exceed the maximum rate established herein.

(b) The creation of an overriding royalty interest that does not conform to the requirements of paragraph (a) of this section shall be deemed a violation of the lease terms, unless the agreement creating overriding royalties provides (1) for a prorated reduction of all overriding royalties so that the aggregate rate of royalties does not exceed the maximum rate established in paragraph (a) of this section and (2) for the suspension of an overriding royalty during any period when the royalties due to the United States have been suspended pursuant to the terms of the geothermal lease.

§ 3241.8 Lease account status; requirements.

Unless the lease account is in good financial standing as to the area covered by an assignment at the time the assignment and bond are filed, or is placed in good standing before the assignment is reached for action, the request for approval of the assignment will be denied, and the lease shall be subject to termination in accordance with these regulations.

§ 3241.9 Effect of assignment.

An assignment of the record title of the complete interest in a portion of the lands in a lease shall segregate the assigned and retained portions into separate and distinct leases. An assignment of an undivided interest in the entire leasehold shall not segregate the lease into separate or distinct leases.

Subpart 3242—Production and Use of Byproducts

§ 3242.1 General.

Where the Supervisor determines that production, use, or conversion of geothermal steam under a geothermal lease is susceptible of producing a valuable byproduct or byproducts, including commercially demineralized water contained in or derived from such geothermal steam for beneficial use in accordance with applicable State water laws, the authorized officer shall require substantial beneficial production or use thereof, except where he determines that:

(a) Beneficial production or use is not in the interest of conservation of natural resources;

(b) Beneficial production or use would not be economically feasible; or

(c) Beneficial production and use should not be required for other reasons satisfactory to him.

§ 3242.2 Production and use of commercially demineralized water as a byproduct, production, and use of other sources of water.

§ 3242.2–1 General.

Except as provided in these regulations, or the lease, the lessee shall have the right to process fluids, including brine, condensate, and other fluids, which are associated with geothermal steam within lands subject to the geothermal lease for the purpose of developing, producing, and utilizing the commercially demineralized water recovered as a result of such processing.

§ 3242.2–2 Prohibition on production of commercially demineralized water.

The lessee shall not be authorized to engage in the primary production of commercially demineralized water from the produced fluids contained in or derived from geothermal steam referred to in § 3243.3–1, where such use would result in the undue waste of geothermal energy.

§ 3242.2–3 Water wells on geothermal areas.

All leases issued under these regulations shall be subject to the condition that, where the lessee finds only potable water in any well drilled for production of geothermal resources, the Secretary may, when the water is of such quality and quantity as to be valuable and useable for agricultural, domestic, or other purpose, acquire the well with casing installed in the well at the fair market value of the casing.

§ 3242.2–4 State water laws.

Nothing in these regulations shall constitute an express or implied claim or

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denial on the part of the Federal Government as to its exemption from State water laws.

Subpart 3243—Cooperative Conservation Provisions

§ 3243.1 Cooperative or unit plans.

For the purpose of more properly conserving the natural resources of any geothermal pool, field or like area, lessees and their representatives may unite with each other or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any geothermal resource area, or any part thereof (whether or not any part of that geothermal resource area is then subject to any cooperative or unit plan of development or operation). Applications to unitize shall be filed with the Supervisor who shall certify whether such plan is necessary or advisable in the public interest. The procedure in obtaining approval of a cooperative or unit plan of development, the provisions for the supervision of the cooperative or unit plan, and a suggested text of an agreement, are contained in 30 CFR Part 271.

§ 3243.2 Acreage chargeability.

All leases committed to any unit or cooperative plan approved or prescribed by the Supervisor shall be excepted in determining holdings or control for purposes of acreage chargeability. For the extension of leases committed to a unit plan, see Subpart 3203 of this part.

§ 3243.3 Communitization or drilling agreements.

§ 3243.3–1 Approval.

(a) The Supervisor is authorized, when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve, or to require lessees to enter into, communitization or drilling agreements providing for the apportionment of production or royalties among the separate tracts of land comprising the drilling or spacing unit for the lease, or any portion thereof, with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

(b) Preliminary requests to communitize separate tracts shall be filed in triplicate with the Supervisor.

(c) Executed agreements shall be submitted to the Supervisor in sufficient number to permit retention of five copies after approval.

§ 3243.3–2 Requirements.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, disclose the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by or in behalf of all interested necessary parties and will be effective only after approval by the Supervisor.

§ 3243.4 Operating, drilling, development contracts or a combination for joint operations.

§ 3243.4–1 Approval.

(a) The Secretary may on such conditions as he may prescribe, approve operating, drilling, or development contracts made by one or more geothermal lessees, with one or more persons, associations, including partnerships, or corporation whenever he shall determine that such contracts are required for the conservation of natural resources or in the best interest of the United States.

(c) Contracts submitted for approval under this section should be filed with the Supervisor together with enough copies to permit retention of five copies after approval.

(d) The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will be exercised only to permit operators to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transmission, transportation, or utilization of geothermal resources, and to finance the same.

§ 3243.4–2 Requirements.

(a) The contract must be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance herewith and to prescribe the conditions on which approval of the contracts shall be made.

(b) The application must show a reasonable need for the contract and that it will not result in any concentration of control over the production or sale of geothermal resources which would be inconsistent with the antimonopoly provisions of law.

§ 3243.4–3 Acreage chargeability.

All leases operated under approved operating, drilling or development contracts or a combination for joint operations and interests thereunder, shall be excepted in determining holdings or control for purposes of acreage chargeability.

Subpart 3244—Terminations and Expirations

§ 3244.1 Relinquishments.

(a) A lease, or any legal subdivision of the area covered by such lease, may be surrendered by the record title holder by filing a written relinquishment in triplicate in the proper BLM office, provided the partial relinquishment does not reduce the remaining acreage in the lease to less than 640 acres, except where a departure is occasioned by an irregular subdivision in which case the remaining leased acreage may be less than 640 acres by an amount which is smaller than the amount by which the area would be more than 640 acres if the irregular subdivision were added, and except that the minimum acreage provision of this section may be waived by the Secretary where he finds such exception is justified on the basis of exploratory and development data derived from activity on the leasehold. The relinquishment must: (1) describe the lands to be relinquished as described in the lease; (2) include a statement as to whether the relinquished lands had been disturbed and if so whether they were restored as prescribed by the terms of the lease; (3) state whether wells had been drilled on the lands and if so whether they had been placed in condition for abandonment; and (4) furnish a statement that all moneys due and payable to workmen employed on the leased premises have been paid.

(b) A relinquishment shall take effect on the date it is filed, subject to the continued obligation of the lessee and his surety: (1) To make payments of all accrued rentals and royalties; (2) to place all wells on the land to be relinquished in condition for suspension of operations or abandonment; (3) to restore the surface resources in accordance with all regulations and the terms of the lease; and (4) to comply with all other environmental stipulations provided for by such regulations or lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 3244.2 Automatic terminations and reinstatements.

§ 3244.2–1 General.

Except as provided in § 3245.2–2 any lease will automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the proper BLM office. Upon such notation the lands included in such lease will become subject to leasing as provided for in Subpart 3211 of this part.

§ 3244.2–2 Exceptions.

(a) *Nominal deficiency.* If the rental payment due under a lease is paid on or before its anniversary date but the amount of the payment is deficient and the deficiency is nominal, the lease shall not have automatically terminated unless the lessee fails to pay the deficiency within the period prescribed in a Notice of Deficiency, or by the due date, whichever is later. A deficiency is nominal if it is not more than $10 or one percentum (1%) of the total payment due, whichever is more. The authorized officer shall send a Notice of Deficiency to the lessee on an approved form. The Notice shall be sent by certified mail, return receipt requested, and shall allow the lessee 15 days from the date of receipt to submit the full balance due to the proper BLM office. If the payment called for in the notice is not made within the time allowed, the lease will have terminated by operation of law as of its anniversary date.

(b) *Reinstatements.* (1) Except as hereinafter provided, the authorized officer may reinstate a lease which has terminated automatically for failure to pay the full amount of rental due on or before the anniversary date, if it is shown to his satisfaction that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee; and a petition for reinstatement, together with the required rental, including any back rental which has accrued from the date of termination of the lease, is filed with the proper BLM office.

(2) The burden of showing that the failure to pay on or before the anniversary date was justifiable or not due to lack of reasonable diligence will be on the lessee. Reasonable diligence normally requires sending or delivering payments sufficiently in advance of the anniversary date to account for normal delays in the collection, transmittal, and delivery of the payment. The authorized officer may require evidence, such as post office receipts, of the time of sending or delivery of payments.

(3) Under no conditions will a lease be reinstated if (i) a valid lease has been issued prior to the filing of a petition for reinstatement affecting any of the lands covered by the terminated lease, or (ii) the interest in the lands has been withdrawn, disposed of, or has otherwise become unavailable for leasing. However, the authorized officer will not issue a new lease for lands covered by a lease which terminated automatically until 90 days after the date of termination.

(4) Reinstatement of terminated leases is discretionary with the Secretary. The basic criterion in accordance with which this discretion will be exercised is whether the Secretary would be willing to issue a lease if a new lease offer for the same land were under consideration.

§ 3244.3 Termination of lease for noncompliance with regulations or lease terms; notice; hearing.

A lease may be terminated by the authorized officer for any violation of these regulations, the regulations in 30 CFR Part 270, or the lease terms, 30 days after receipt by the lessee of notice from the authorized officer of the violation, unless (a) the violation has been corrected, or (b) the violation is one that cannot be corrected within the notice period and the lessee has in good faith commenced within the notice period to correct the violation and thereafter proceeds diligently to complete the correction. A lessee shall be entitled to a hearing on the matter of any such claimed violation or proposed termination of lease if a request for a hearing is made to the authorized officer within the 30-day period after notice. The procedures with respect to notice of such hearing and the conduct thereof, and with respect to appeals from decisions of hearing examiners upon such hearings, shall follow insofar as practicable the procedural rules applicable to hearings and appeals in public lands cases within the jurisdiction of the Board of Land Appeals, Office of Hearings and Appeals, contained in Department Hearings and Appeals Procedures, Part 4 of this title. The period for correction of violation or commencement to correct a violation of regulations or of lease terms, as aforesaid, shall be extended to 30 days after the lessee's receipt of the hearing examiner's decision upon such a hearing if the hearing examiner shall find that a violation exists.

§ 3244.4 Expiration by operation of law.

Any lease for land on which, or for which under an approved cooperative or unit plan of development or operation, there is no production in commercial quantities, or a producing well, or actual drilling operations being diligently prosecuted, will expire at the end of its primary term without notice to the lessee. Notation of such expiration need not be made on the official records, but the lands previously covered by that expired lease will be subject to the filing of new applications or nominations for leases only as provided in these regulations.

§ 3244.5 Removal of materials and supplies upon termination of lease.

Upon the expiration of the lease, or the earlier termination thereof pursuant to this subpart, the lessee shall have the privilege at any time within a period of ninety (90) days thereafter of removing from the premises any materials, tools, appliances, machinery, structures, and equipment other than improvements needed for producing wells. Any materials, tools, appliances, machinery, structures, and equipment subject to removal, but not removed within the 90-day period, or any extension thereof that may be granted because of adverse climatic conditions during that period, shall, at the option of the Supervisor, become property of the lessor, but the lessee shall remove any or all such property where so directed by the lessor.

Dated July 18, 1973.

WILLIAM W. LYON,
Deputy Under Secretary of the Interior.

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Geological Survey

[30 CFR Parts 270, 271]

GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED AND WITHDRAWN LANDS AND GEOTHERMAL RESOURCES UNIT PLAN REGULATIONS (including suggested forms)

Notice of Proposed Rulemaking

The purpose of this revision in the proposed rulemaking for implementing the Geothermal Steam Act of December 24, 1970 (30 U.S.C. 1001–1025), is to provide the public with revisions planned as a result of the public hearings and comments received on the Draft Environmental Statement and previously published proposed rulemaking on operations and units (36 F.R. 13722, 8994, and 37 FR 25300). The Act provides for the leasing of public lands for the purpose of geothermal resource exploration, development and production. The changes in these regulations, since the last publication on November 29, 1972, are primarily administrative and procedural in nature and the environmental impact of these regulations is not believed to be significantly different from the impact of the regulations previously published.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Geothermal Coordinator, Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

A Final Environmental Statement will be issued in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) prior to promulgation of any operating and unit regulations.

PART 270—GEOTHERMAL RESOURCES OPERATIONS ON PUBLIC, ACQUIRED, AND WITHDRAWN LANDS

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GENERAL PROVISIONS

§ 270.1 Purpose and authority.

The Geothermal Steam Act enacted on December 24, 1970 (84 Stat. 1566) referred to in this part as "the Act", authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conducted under a lease granted pursuant to that Act, and for the development and conservation of geothermal steam and associated geothermal resources, the prevention of waste, the protection of the public interest, and the protection of water quality, and other environmental qualities. The regulations in this part shall be administered by the Director through the Chief, Conservation Division, or his duly appointed representative.

§ 270.2 Definitions.

As used in the regulations in this part, the term:

(a) "Secretary" means the Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) "Director" means the Director of the Geological Survey.

(c) "Supervisor" means a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such a representative acting under his direction.

(d) "Geothermal lease" means a lease issued under 43 CFR Group 3200.

(e) "Lessee" means the individual, corporation, association, or municipality to which a geothermal lease has been issued and its successor in interest or assignee. It also means any agent of the lessee or an operator holding authority by or through the lessee.

(f) "Operator" means the individual, corporation, or association having control or management of operations on the leased lands or a portion thereof. The operator may be the lessee, designated operator, or agent of the lessee, or holder of rights under an approved operating agreement.

(g) "Geothermal resources" means (1) all products of geothermal processes, embracing indigenous steam, hot water, and hot brines; (2) steam and other gases, hot water, and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations; (3) heat or other associated energy found in geothermal formations; and (4) any byproduct derived therefrom.

(h) "Byproduct" means (1) any mineral or minerals (exclusive of oil, hydrocarbon gas, and helium), which are found in solution or developed in association with geothermal steam and which have a value of less than 75 per centum of the value of the geothermal steam or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves, and (2) commercially demineralized water.

(i) "Participating area" means that part of the unit area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(j) "Waste" means (1) physical waste, as that term is generally understood; (2) waste of reservoir energy through inefficiency, improper use of or unnecessary dissipation of reservoir energy; (3) the location, spacing, drilling, equipping, operating, or producing of any geothermal well or wells in a manner which causes or tends to cause reduction in the quantity of geothermal energy ultimately recoverable from a reservoir under prudent and workmanlike operations or which tends to cause unnecessary or excessive surface or subsurface loss or destruction of geothermal energy; and (4) the inefficient transmission of geothermal energy from the source (wellhead) to point of utilization.

(k) "Directionally drilled well" means the deviation of a well bore from the vertical or from its normal course in an intended predetermined direction or course with respect to the points of the compass. Directionally drilled well shall not include a well deviated for the purpose of straightening a hole that has become crooked in the normal course of drilling or holes deviated at random without regard to compass direction in an attempt to sidetrack a portion of the hole on account of mechanical difficulty in drilling.

(l) "Geothermal resources operational order" or "GRO order" means a formal numbered order, issued by the Supervisor, with the prior approval of the Chief, Conservation Division, Geological Survey, which implements the regulations in this part and applies to operations in an area, region, or any significant portion thereof.

(m) "Producible well" means a well which is capable of producing geothermal resources in commercial quantities.

(n) "Commercial quantities" means quantities sufficient to pay a profit after all costs of production have been met.

(o) "Area of operations" means that area of the leased lands which is required for exploration, development, and producing operations, and which is delineated on a map or plat which is made a part of the approved plan of operations. It encompasses the area generally needed for wells, flow lines, separators, surge tanks, drill pads, mud pits, workshops, and other such facilities used for on-project geothermal resources field exploration, development, and production operations.

JURISDICTION AND FUNCTIONS OF SUPERVISOR

§ 270.10 Jurisdiction.

Drilling and production operations, handling and measurement of production, determination and collection of royalty and, in general, all operations conducted on a geothermal lease are subject to the regulations in this part and the applicable regulations contained in 43 CFR Group 3200, and are under the jurisdiction of the Supervisor for the region in which the leased land is situated, subject to the supervisory authority of the Secretary and the Director.

§ 270.11 General functions.

The Supervisor is authorized and directed to carry out the provisions of this part. He will require compliance with the terms of geothermal leases, with the regulations in this part and the applicable regulations in 43 CFR Group 3200, and with the applicable statutes. He shall act on all applications, requests, and notices required in this part. In executing his functions under this part the Supervisor shall ensure that all operations, within the area of operations, will conform to the best practice and are conducted in such manner as

to protect the deposits of the leased lands and to result in the maximum ultimate recovery of geothermal resources, with minimum waste, and are consistent with the principles of the use of the land for other purposes and of the protection of the environment. Inasmuch as conditions in one area may vary widely from conditions in another area, the regulations in this part are intended to be general in nature. Detailed procedures hereunder in any particular area will be covered by GRO orders. The requirements to be set forth in GRO orders relating to surface resources or uses will be coordinated with the appropriate land management agency. The Supervisor may issue oral orders to govern lease operations, but such orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development and method for production of a deposit, field, or area. Prior to the issuance of GRO orders and other orders and rules and the approval of any plan of operations or any plan of development, the Supervisor shall, as appropriate, consult with, and receive comments from Federal and State agencies, lessees, operators, or interested parties. Before permitting other operations on the leased land, the Supervisor shall determine if the lease is in good standing, whether the lessee is authorized to conduct operations, has filed an acceptable bond, and has an approved plan of operations.

§ 270.12 Regulation of operations.

The Supervisor shall inspect and supervise operations performed under the regulations in this part to: (a) Prevent waste and damage to formations or deposits containing geothermal resources; (b) prevent unnecessary damage to other natural resources; (c) prevent degradation of the water quality; (d) protect air quality, water quality, and other environmental qualities; and (e) prevent injury to life or property. The Supervisor shall issue such GRO orders as are necessary to accomplish these purposes.

§ 270.13 Required samples, tests, and surveys.

When necessary or advisable, the Supervisor shall require that adequate samples be taken and tests or surveys be made using acceptable techniques, without cost to the lessor, to determine the identity and character of formations; the presence of geothermal resources, water, or reservoir energy; the quantity and quality of geothermal resources, water or reservoir energy; the amount and direction of deviation of any well from the vertical; formation, casing, and tubing pressures, temperatures, rate of heat and fluid flow, and whether operations are conducted in a manner looking to the protection of the interests of the lessor.

§ 270.14 Drilling and abandonment of wells.

The Supervisor shall require that drilling be conducted in accordance with the terms of the lease, GRO orders, and the regulations in this part and 43 CFR Group 3200; and shall require plugging and abandonment of any well or wells no longer necessary for operations in accordance with plans approved or prescribed by him. Upon the failure of a lessee to comply with any requirement under this section, the Supervisor is authorized to perform the work at the expense of the lessee and the surety.

§ 270.15 Well spacing and well casing.

The Supervisor shall approve proposed well-spacing and well-casing programs or prescribe such modifications to the programs as he determines necessary for proper development, giving consideration to such factors as: (a) Topographic characteristics of the area; (b) hydrologic, geologic and reservoir characteristics of the field; (c) the number of wells that can be economically drilled to provide the necessary volume of geothermal resources for the intended use; (d) protection of correlative rights; (e) minimizing well interference; (f) unreasonable interference with multiple use of lands; and (g) protection of the environment, including ground water quality.

§ 270.16 Values and payment for losses.

The Supervisor shall determine the value of production accruing to the lessor where there is loss through waste or failure to drill and produce protection wells on the lease, and the compensation due to the lessor as reimbursement for such loss. Payment for such losses will be paid when billed.

§ 270.17 Suspension of operations and production.

(a) On receipt of an application filed in accordance with 43 CFR 3205.3–8 for suspension of operations or production, or both, under a producing geothermal lease (or for relief from any drilling or producing requirements of such a lease), the Supervisor may, if he deems the suspension or relief warranted, approve the application.

(b) In the interest of conservation, the Supervisor may, on his own motion, suspend operations or production, or both, on any geothermal lease.

(c) Where operations or production, or both, under a lease, have been suspended, the Supervisor may approve resumption of operations or production either on his own motion or upon written request by the lessee or his agent.

(d) Whenever it appears from facts adduced by or furnished to the Supervisor that the interest of the lessor requires additional drilling or producing operations, he may, by written notice, order the beginning or resumption of such operations.

(e) Any action of the Supervisor under this Section shall be subject to the right of appeal under § 270.90.

(f) See 43 CFR 3205.3–7 and 3205.3–8 for regulations concerning requests to waive, suspend, or reduce payments of rental or royalty, and extensions of leases on which operations or production have been suspended.

REQUIREMENTS FOR LESSEES (INCLUDING OPERATORS)

§ 270.30 Lease terms, regulations, waste, damage, and safety.

(a) The lessee shall comply with the lease terms, lease stipulations, applicable laws and regulations and any amendments thereof, GRO orders, and other written or oral orders of the Supervisor. All oral orders (to be confirmed in writing as provided in § 270.11) are effective when issued unless otherwise specified.

(b) The lessee shall take all reasonable precautions to prevent: (1) Waste; (2) damage to any natural resource including trees and other vegetation, fish and wildlife and their habitat; (3) injury or damage to persons, real or personal property; and (4) any environmental pollution or damage.

(c) Any significant effect on the environment created by the lessee's operations or failure to comply with environmental standards shall be reported to the Supervisor within 24 hours and confirmed in writing within 30 days.

§ 270.31 Designation of operator or agent.

In all cases where operations are not conducted by the lessee but are to be conducted under authority of an unapproved operating agreement, assignment or other arrangement, a "designation of operator" shall be submitted to the Supervisor, in a manner and form approved by him, prior to commencement of operations. Such a designation will be accepted as authority of the operator or his local representative to act for the lessee and to sign any papers or reports required under the regulations in this part. All changes of address and any termination of the authority of the operator shall be immediately reported, in writing, to the Supervisor.

§ 270.32 Local agent.

When required by the Supervisor, the lessee shall designate a local representative empowered to receive notices and comply with orders of the Supervisor issued pursuant to the regulations in this part.

§ 270.33 Drilling and producing obligations.

(a) The lessee shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the Supervisor, shall pay a sum determined by the Supervisor as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The lessee shall promptly drill and produce such other wells as the Supervisor may require in order that the lease be developed and produced in accordance with good operating practices. (See 43 CFR 3204.5.)

§ 270.34 Plan of operation.

Prior to commencing any operations on the leased lands or on any lands covered by a unit or cooperative agreement, the lessee shall submit and obtain the approval of the Supervisor and the ap-

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propriate land management agency of a plan of operation for the area. Such plan shall include:

(a) The proposed location of each well including a layout showing the position of the mud tanks, reserve pits, cooling towers, pipe racks, etc.;

(b) Existing and planned access and lateral roads;

(c) Location and source of water supply and road building material;

(d) Location of camp sites, air-strips, and other supporting facilities;

(e) Methods for disposing of waste material; and for protection of the environment;

(f) All pertinent information or data which the Supervisor may require to support the plan of operations for the utilization of geothermal resources and the protection of the environment.

(g) Provisions for monitoring deemed necessary by the Supervisor to ensure compliance with these regulations for the operations under the plan; and

(h) A requirement for the collection of data concerning the existing air and water quality, noise, seismic and land subsidence activities, and ecological system of the leased lands for at least one year prior to the submission of a plan for production.

§ 270.35 Subsequent well operations.

After completion of all operations authorized under any previously approved notice or plan, the lessee shall not begin to redrill, repair, deepen, plug back, shoot, or plug and abandon any well, make casing tests, alter the casing or liner, stimulate production, change the method of recovering production, or use any formation or well for brine or fluid injection until he has submitted to the Supervisor in writing a new plan of operations and has received written approval from him. However, in an emergency a lessee may take action to prevent damage without receiving prior approval from the Supervisor, but in such cases the lessee shall report his action to the Supervisor as soon as possible.

§ 270.36 Well designations.

The lessee shall mark each derrick upon commencement of drilling operations and each producing or suspended well in a conspicuous place with his name or the name of the operator, the serial number of the lease, the number and location of the well. Whenever possible, the well location shall be described by section or tract, township, range, and by quarter-quarter section or lot. The lessee shall take all necessary means and precautions to preserve these markings.

§ 270.37 Well records.

(a) The lessee shall keep for each well at his field headquarters or at other locations conveniently available to the Supervisor, accurate and complete records of all well operations including production, drilling, logging, directional well surveys, casing, perforation, safety devices, redrilling, deepening, repairing, cementing, alterations to casing, plugging, and abandoning. The records shall contain a description of any unusual malfunction, condition or problem; all the formations penetrated; the content and character of mineral deposits and water in each formation; thermal gradients, temperatures, pressures, analyses of geothermal waters, the kind, weight, size, grade, and setting depth of casing; and any other pertinent information.

(b) The lessee shall, within 30 days after completion of any well, transmit to the Supervisor copies of the records of all operations in a form prescribed by the Supervisor.

(c) Upon request of the Supervisor, the lessee will furnish (1) legible, exact copies of service company reports on cementing, perforating, acidizing, analyses of cores, electrical, and temperature logs, chemical analyses of steam and waters, or other similar services; (2) other reports and records of operations in the manner and form prescribed by the Supervisor.

§ 270.38 Samples, tests, and surveys.

(a) The lessee, when required by the Supervisor, will make adequate sampling, tests and/or surveys using acceptable techniques, to determine the presence, quantity, quality, and potential of geothermal resources, mineral deposits, or water; the amount and direction of deviation of any well from the vertical; and/or formation temperatures and pressures, casing, tubing, or other pressures and such other facts as the Supervisor may require. Such tests or surveys shall be made without cost to the lessor.

(b) The lessee shall, without cost to the lessor, take such formation samples or cores to determine the identity and character of any formation as are required and prescribed by the Supervisor.

§ 270.39 Directional survey.

The Supervisor may require an angular deviation and directional survey to be made of the finished hole of each directionally drilled well. The survey shall be made at the risk and expense of the lessee unless requested by an offset lessee, and then, at the risk and expense of the offset lessee. A copy of the survey shall be furnished the Supervisor.

§ 270.40 Well control.

The lessee or operator shall: (a) Take all necessary precautions to keep all wells under control at all times; (b) utilize trained and competent personnel; (c) utilize properly maintained equipment and materials; and (d) use operating practices which insure the safety of life and property. The selection of the types and weights of drilling fluids and provisions for controlling fluid temperatures, blowout preventers, and other surface control equipment and materials, casing and cementing programs, etc., to be used shall be based on sound engineering principles and shall take into account apparent geothermal gradients, depths and pressures of the various formations to be penetrated and other pertinent geologic and engineering data and information about the area.

§ 270.41 Pollution.

The lessee shall comply with all Federal and State standards with respect to the control of all forms of air, land, water, and noise pollution, including, but not limited to, the control of erosion and the disposal of liquid, solid, and gaseous wastes. The Supervisor may, in his discretion, establish additional and more stringent standards, and, if he does so, the lessee shall comply with those standards. Plans for disposal of well effluents must take into account effects on surface and subsurface waters, plants, fish and wildlife and their habitats, atmosphere, or any other effects which may cause or contribute to pollution, and such plans must be approved by the Supervisor before action is taken under them.

§ 270.42 Noise abatement.

The lessee shall minimize noise during exploration, development and production activities. Welfare of the operating personnel and the public must not be affected as a consequence of the noise created by the expanding gases. The method and degree of noise abatement shall be as approved by the Supervisor.

§ 270.43 Land subsidence and seismic activity.

In the event subsidence or seismic activity results from the production of geothermal resources, as determined by monitoring activities by the lessee or a government body, the lessee shall take such action as required by the lease or by the Supervisor.

§ 270.44 Pits and sumps.

The lessee shall provide and use pits and sumps of adequate capacity and design to retain all materials and fluids necessary to drilling, production, or other operations unless otherwise specified by the Supervisor. In no event shall the contents of a pit or sump be allowed to: (a) Contaminate streams, artificial canals or waterways, ground waters, lakes or rivers; (b) adversely affect environment, persons, plants, fish and wildlife and their habitats; or (c) damage the aesthetic values of the property or adjacent properties. When no longer needed, pits and sumps are to be filled and covered and the premises restored to a near natural state, as prescribed by the Supervisor.

§ 270.45 Well abandonment.

The lessee shall promptly plug and abandon any well on the leased land that is not used or useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. Before abandoning a producible well, the lessee shall submit to the Supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. The detailed plans shall provide for the preservation of fresh water aquifers and for the prevention of intrusion into such aquifers of saline or polluted waters. A producible well may be abandoned only after receipt of written approval by the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the Supervisor. Equipment shall be removed, and premises at the well site shall be restored as near as reasonably possible to its original condition immediately after plugging operations are completed on any well except as otherwise authorized by the Supervisor. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to close the well and protect the subsurface resources.

§ 270.46 Accidents.

The lessee shall take all reasonable precautions to prevent accidents and shall notify the Supervisor within 24 hours of all accidents on the leased land, and shall submit a full report thereon within 15 days.

§ 270.47 Workmanlike operations.

The lessee shall carry on all operations and maintain the property at all times in a workmanlike manner, having due regard for the conservation of the property and the environment and for the health and safety of employees. The lessee shall remove from the property or store, in an orderly manner, all scrap or other materials not in use.

§ 270.48 Departure from orders.

The Supervisor may prescribe or approve either in writing or orally, with prompt written confirmation, variances from the requirements of GRO orders and other orders issued pursuant to these regulations, when such variances are necessary for the proper control of a well, conservation of natural resources, protection of human health and safety, property, or the environment. The Supervisor shall inform other Federal and State agencies, as appropriate, of any action taken under this section.

§ 270.49 Sales contracts.

The lessee shall file with the Supervisor within 30 days after the effective date of the sales contract a copy of any contract for the disposal of geothermal resources from the lease.

§ 270.50 Royalty payments.

The lessee shall pay all royalties as due under the terms of the lease. Payments of royalties are due not later than the last day of the month following the month in which the resource is sold or utilized, and shall be by check, bank draft, or money order, drawn to the order of the United States Geological Survey.

MEASUREMENT OF PRODUCTION AND COMPUTATION OF ROYALTIES

§ 270.60 Measurement of geothermal resources.

The lessee shall measure or gauge all production in accordance with methods approved by the Supervisor. The quantity and quality of all production shall be determined in accordance with the standard practices, procedures, and specifications generally used in industry. All measuring equipment shall be tested periodically and, if found defective, the Supervisor will determine the quantity and quality of production from the best evidence available.

§ 270.61 Determination of content of byproducts.

The lessee shall periodically furnish the Supervisor the results of periodic tests showing the content of byproducts in the produced geothermal fluid and gases. Such tests shall be taken as specified by the Supervisor and by the method of testing approved by him.

§ 270.62 Value of geothermal production for computing royalties.

(a) The value of geothermal production from the leased premises for the purpose of computing royalties shall be the reasonable value of the energy and the byproducts attributable to the lease as determined by the Supervisor. In determining the reasonable value of the energy and the byproducts the Supervisor shall consider:

(1) The highest price paid for a majority of the production of like quality in the same field or area;

(2) The total consideration accruing to the lessee from any disposition of the geothermal production;

(3) The value of the geothermal production used by the lessee;

(4) The value and cost of alternate available energy sources and byproducts;

(5) The cost of exploration and production, exclusive of taxes;

(6) The economic value of the resource in terms of its ultimate utilization;

(7) Production agreements between producer and purchaser; and

(8) Any other matters which he may consider relevant.

(b) Under no circumstances shall the value of any geothermal production for the purposes of computing royalties be less than:

(1) The total consideration accruing to the lessee from the sale thereof in cases where geothermal resources are sold by the lessee to another party;

(2) That amount which is the value of the end product attributable to the geothermal resource produced from a particular lease where geothermal resources are not sold by the lessee before being utilized, but are instead directly used in manufacturing, power production, or other industrial activity; or

(3) When a part of the resource only is utilized by the lessee and the remainder sold, the sum of the value of the end product attributable to the geothermal resource and the sales price received for the geothermal resources

§ 270.63 Computation of royalties.

(a) The value of geothermal production from a particular lease as determined pursuant to § 270.62 hereof, shall be apportioned between geothermal steam, heat, and other forms of energy and the byproducts.

(b) The royalties payable shall be the sum of (1) the amount resulting from the multiplication of the value attributable to the geothermal steam, heat, and other forms of energy by the royalty rate set for such forms of geothermal energy in the lease and (2) the amount resulting from the multiplication of the value attributable to byproducts by the royalty rate for byproducts set in the lease.

§ 270.64 Commingling production.

The supervisor may authorize a lessee to commingle production from wells on his lease with production from other leases held by him or by other lessees subjects to such conditions as he may prescribe.

REPORTS TO BE MADE BY ALL LESSEES (INCLUDING OPERATORS)

§ 270.70 General requirements.

Information required to be submitted in accordance with the regulations in this part shall be furnished as directed by the Supervisor. Copies of forms can be obtained from the Supervisor and must be filed with that official within the time limit prescribed.

§ 270.71 Application for permit to drill, redrill, deepen, or plug-back.

(a) A permit to drill, redrill, deepen, or plug-back a well on Federal lands must be obtained from the Supervisor before the work is begun. The application for the permit, which shall be filed in triplicate with the Supervisor, shall state the location of the well in feet, and direction from the nearest section or tract lines as shown on the official plat of survey or protracted surveys; the altitude of the ground and derrick floor above sea level and how it was determined, and should be accompanied by a proposed plan of operations as required by these regulations.

(b) The proposed drilling and casing plan shall be outlined in detail under the heading "Details of Work" in the applications referred to herein, and shall describe the type of tools and equipment to be used, the proposed depth to which the well will be drilled, the estimated depths to the top of important markers, the estimated depths at which water, geothermal resources, or other mineral resources are expected, the proposed casing program (including the size and weight of casing), the depth at which each string is to be set, and the amount of cement and mud to be used, the drilling method and type of circulating media (water, mud, foam, air or combinations thereof), the type of blowout prevention equipment to be used, the proposed coring, logging, or other program (such as drilling time log and sample description) to be used to determine the formations penetrated and the proposed program for determining geothermal gradients and the sampling and analysis of geothermal resources.

(c) Each application shall be accompanied by a plat showing the surface and expected bottomhole locations and

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the distances from the nearest section or tract lines as shown on the official plat of survey or protracted surveys. The scale shall not be less than 2,000 feet to 1 inch.

(d) Each application should be accompanied by supporting structural and hydrologic information based on available geologic and geophysical data.

§ 270.72 Sundry notices and reports on wells.

(a) Any written notice of intention to do work or to change plans previously approved must be filed with the Supervisor in triplicate, unless otherwise directed, and must be approved by him before the work is begun. If, in case of emergency, any notice is given orally or by wire, and approval is obtained, the transaction shall be confirmed in writing. A subsequent report of the work performed must also be filed with the Supervisor.

(b) Casing test: Notice shall be given in advance to the Supervisor or his representative of the date and time when the operator expects to make a casing test. Later, by agreement, the exact time shall be fixed. In the event of casing failure during the test, the casing must be repaired or replaced or recemented as required by the Supervisor or his representative. The results of the test must be reported within 30 days after making a casing test. The report must describe the test completely and state the amount of mud and cement used, the lapse of time between running and cementing the casing and making the test, and the method of testing.

(c) Repairs or conditioning of well: Before the repairing or conditioning of a well, a notice setting forth in detail the plan of work must be filed with, and approved by, the Supervisor. A detailed report of the work accomplished and the methods employed, including all dates, and the results of such work must be filed within 30 days after completion of the repair work.

(d) Well stimulation: Before the lessee commences stimulation of a well by any means, a notice, setting forth in detail the plan of work, must be filed with and approved by the Supervisor. The notice shall name the type of stimulant and the amount to be used. A report showing the amount of stimulant used and the production rate before and after stimulation must be filed within 30 days from completion of the work.

(e) Altering casing in a well: Notice of intention to run a liner or to alter the casing by pulling or perforating by any means must be filed with and approved by the Supervisor before the work is started. This notice shall set forth in detail the plan of work. A report must be filed within 30 days after completion of the work stating exactly what was done and the results obtained.

(f) Notice of intention to abandon well: Before abandonment work is begun on any well, whether a drilling well, geothermal resources well, water well, or so-called dry hole, notice of intention to abandon shall be filed with, and approved by, the Supervisor. The notice must be accompanied by a complete log, in duplicate, of the well to date, provided the complete log has not been filed previously, and must give a detailed statement of the proposed work, including such information as kind, location, and length of plugs (by depths), plans for mudding, cementing, shooting, testing, and removing casing, and any other pertinent information.

(g) Subsequent report of abandonment: After a well is abandoned or plugged, a subsequent record of work done must be filed with the Supervisor. This report shall be filed separately within 30 days after the work is done. The report shall give a detailed account of the manner in which the abandonment or plugging work was carried out, including the nature and quantities of materials used in plugging and the location and extent (by depths) of the plugs of different materials; records of any tests or measurements made, and of the amount, size, and location (by depths) of casing left in the well; and a detailed statement of the volume of mud fluid used, and the pressure attained in mudding. If an attempt was made to part any casing, a complete report of the methods used and results obtained must be included.

§ 270.73 Log and history of well.

The lessee shall furnish in duplicate to the Supervisor, not later than 30 days after the completion of each well, a complete and accurate log and history, in chronological order, of all operations conducted on the well. A log shall be compiled for geologic information from cores or formations samples and duplicate copies of such log shall be filed. Duplicate copies of all electric logs, temperature surveys, water and steam analyses, hydrologic or heat flow tests, or direction surveys, if run, shall be furnished.

§ 270.74 Monthly report of operations.

A report of operations for each lease must be made for each calendar month, beginning with the month in which drilling operations are initiated. The report must be filed in duplicate with the Supervisor on or before the last day of the month following the month for which the report is filed unless an extension of time for the filing of the report is granted by the Supervisor. The report shall disclose accurately all operations conducted on each well during the month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands. The report must be submitted each month until the lease is terminated or until omission of the report is authorized by the Supervisor. The report shall show for each calendar month:

(a) The lease serial number or the unit or communitization agreement number which shall be inserted in the upper right corner;

(b) Each well listed separately by number, and its location by 40-acre subdivision (quarter-quarter section or lot), section number, township, range, and meridian;

(c) The number of days each well was produced, whether steam or hot water or both were produced, and the number of days each input well was in operation, if any;

(d) The quantity of production and any byproducts obtained from each well, if any are recovered;

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date and reason for every shutdown, the names and depths of important formation changes, the amount and size of any casing run since the last report, the dates and results of any tests or environmental monitoring conducted, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the Supervisor. If no sales were made during the calendar month, the report must so state.

§ 270.75 Monthly report of sales and royalty.

A report of sales and royalty for each productive lease must be filed each month once sales of production are made even though sales may be intermittent, unless otherwise authorized by the Supervisor. Total volumes of geothermal resources produced and sold, the value of production, and the royalty due the lessor must be shown. If byproducts are being recovered, the same requirement shall be applicable. This report is due on or before the last day of the month following the month in which production was obtained and sold or utilized, together with the royalties due the United States. Payment or royalty is to be made pursuant to § 270.50 unless otherwise authorized by the Supervisor.

§ 270.76 Annual report of compliance with environmental protection requirements.

The lessee shall submit annually a report giving a full account of the actions taken to comply with the appropriate Federal and State regulations or requirements of the Supervisor pertaining to the protection of the surface and subsurface environment. This report shall include but is not limited to such matters as:

(a) Noise abatement;
(b) Water quality;
(c) Air quality;
(d) Erosion control;
(e) Subsidence and seismic activity;
(f) Rehabilitation activities;
(g) Waste disposal; and
(h) Environmental effects on flora and fauna.

§ 270.77 Annual report of expenditures for diligent exploration operations.

A report of expenditures for exploration operations conducted during a lease year must be submitted annually to the Supervisor in order that such expenditures may be considered for qualification as diligent exploration pursuant to 43 CFR 3203.5.

§ 270.78 Forms or reports.

When forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the Supervisor.

§ 270.79 Public inspection of records.

Geologic and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect.

PROCEDURE IN CASE OF VIOLATION OF THE REGULATIONS OR LEASE TERMS

§ 270.80 Noncompliance with regulations or lease terms.

Whenever a lessee or anyone acting under his authority fails to comply with the provisions of the regulations or lease terms, the Supervisor shall give the lessee notice to remedy any defaults or violations. The Supervisor is authorized to shut down any operations which he determines are unsafe or are causing or can cause pollution. Failure by the lessee to perform or commence the necessary remedial action pursuant to the notice will result in a shut down of operations and may result in referral of the matter to the authorized officer of the Bureau of Land Management for action pursuant to 43 CFR 3245.3.

APPEALS

§ 270.90 Appeals.

(a) Any party to a case adversely affected by a final order or decision of an officer of the Conservation Division of the Geological Survey shall have a right to appeal to the Director, unless the order or decision was approved by the Secretary or the Director prior to promulgation.

(b) An appeal to the Director may be taken by filing a notice of appeal in the office of the official who issued the order or decision within 30 days from service of the order or decision. The notice of appeal shall incorporate, or be accompanied by, such written showing and argument on the facts and the law as the appellant may deem adequate to justify reversal or modification of the order or decision. Within the same 30-day period, the appellant will be permitted to file in the office of the officer who issued the order or decision additional statements of reasons and written arguments or briefs. The officer with whom the appeal is filed shall transmit the appeal and accompanying papers to the Director with a full report and his recommendation on the appeal. The Director will review the record and render a decision in the case.

(c) Oral argument in any case pending before the Director will be allowed on motion in the discretion of such officer and at a time to be fixed by him.

(d) With the exception of the time fixed for filing a notice of appeal, the time for filing any document in connection with an appeal may be extended by the Director. A request for an extension of time must be filed within the time allowed for filing of the document and must be filed in the same office in which the document in connection with which the extension is requested must be filed.

(e) Any party to a case adversely affected by a decision of the Director under this part shall have a right of appeal to the Board of Land Appeals in the Office of Hearings and Appeals, Office of the Secretary, in accordance with the procedures provided in 43 CFR Part 4, Department Hearings and Appeals Procedures.

PART 271—GEOTHERMAL RESOURCES UNIT PLAN REGULATIONS (INCLUDING SUGGESTED FORMS)

GENERAL PROVISIONS

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AUTHORITY: The provisions of this Part 271 issued under section 18 of the Geothermal Steam Act of 1970 (84 Stat. 1566) (see 43 CFR Subpart 3244).

§ 271.1 Introduction.

The regulations in this part prescribe the procedure to be followed and the requirements to be met by holders of Federal geothermal leases (see § 271.2d) and their representatives who wish to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan for the development of any geothermal resources pool, field, or like area, or any part thereof. Such agreements may be initiated by lessees, or where in the interest of conserving natural resources they are deemed necessary they may be required by the Director.

§ 271.2 Definitions.

The following terms, as used in this part or in any agreement approved under the regulations in this part, shall have the meanings here indicated unless otherwise defined in such agreement:

(a) *Unit agreement.* An agreement or plan of development and operation for the production and utilization of separately owned interests in the geothermal resources made subject thereto as a single consolidated unit without regard to separate ownerships and which provides for the allocation of costs and benefits on a basis defined in the agreement or plan.

(b) *Cooperative agreement.* An agreement or plan of development and operations for the production and utilization of geothermal resources made subject thereto in which separate ownership units are independently operated without allocation of production.

(c) *Agreement.* For convenience, the term "agreement" as used in the regulations in this part refers to either a unit or a cooperative agreement as defined in paragraphs (a) and (b) of this section unless otherwise indicated.

(d *Geothermal lease.* A lease issued under the act of December 24, 1970 (84 Stat. 1566), pursuant to the leasing regulations contained in 43 CFR Part 3200, and, unless the context indicates otherwise, "lease" means a geothermal lease.

(e) *Unit area.* The area described in a unit agreement as constituting the land logically subject to development under such agreement.

(f) *Unitized land.* The part of a unit area committed to a unit agreement.

(g) *Unitized substances.* Deposits of geothermal resources recovered from unitized land by operation under and pursuant to a unit agreement.

(h) *Unit operator.* The person, association, partnership, corporation, or other business entity designated under a unit agreement to conduct operations on unitized land as specified in such agreement.

(i) *Participating area.* That part of the Unit Area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(j) *Working interest.* The interest held in geothermal resources or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in a unit or cooperative agreement, the owner of such interest is vested with the right to explore for, develop, produce, and utilize such resources. The right delegated to the unit operator as such by the unit agreement is not to be regarded as a working interest.

(k) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise powers vested in that officer.

(l) *Director.* The Director of the U.S. Geological Survey.

(m) *Supervisor.* A representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

§ 271.3 Designation of area.

An application for designation of an area as logically subject to development

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and/or operation under a unit or cooperative agreement may be filed, in triplicate, by any proponent of such an agreement through the Supervisor. Each copy of the application shall be accompanied by a map or diagram on a scale of not less than 1 inch to 1 mile, outlining the area sought to be designated under this section. The Federal, State, and privately owned land should be indicated on said map by distinctive symbols or colors and Federal geothermal leases and lease applications should be identified by serial number. Geological information, including the results of geophysical surveys, and such other information as may tend to show that unitization is necessary and advisable in the public interest should be furnished in triplicate. Geological and geophysical information and data so furnished will not be available for public inspection, as provided by 5 U.S.C. section 552(b), without the consent of the proponent. The application and supporting data will be considered by the Director and the applicant will be informed of the decision reached. The designation of an area, pursuant to an application filed under this section, shall not create an exclusive right to submit an executed agreement for such area, nor preclude the inclusion of such area or any part thereof in another unit area.

§ 271.4 Preliminary consideration of agreements.

The form of unit agreement set forth in § 271.12 is acceptable for use in unproved areas. The use of this form is not mandatory, but any proposed departure therefrom should be submitted with the application submitted under § 271.3 for preliminary consideration and for such revision as may be deemed necessary. In areas proposed for unitization in which a discovery of geothermal resources has been made, or where a cooperative agreement is contemplated, the proposed agreement should be submitted with the application submitted under § 271.3 for preliminary consideration and for such revision as may be deemed necessary. The proposed form of agreement should be submitted in triplicate and should be plainly marked to identify the proposed variances from the form of agreement set forth in § 271.12.

§ 271.5 State land.

Where State-owned land is to be included in the unit, approval of the agreement by appropriate State officials should be obtained prior to its submission to the Department for approval of the executed agreement. When authorized by the laws of the State in which the unitized land is situated, provisions may be made in the agreement accepting State law, to the extent that they are applicable to non-Federal unitized land.

§ 271.6 Qualifications of unit operator.

A unit operator must qualify as to citizenship in the same manner as those holding interests in geothermal leases issued under the Geothermal Steam Act of 1970. The unit operator may be an owner of a working interest in the unit area or such other party as may be selected by the owners of working interests and approved by the Supervisor. The unit operator shall execute an acceptance of the duties and obligations imposed by the agreement. No designation of, or change in, a unit operator will become effective unless and until approved by the Supervisor, and no such approval will be granted unless the unit operator is deemed qualified to fulfill the duties and obligations prescribed in the agreement.

§ 271.7 Parties to unit or cooperative agreement.

The owners of any rights, title, or interest in the geothermal resources deposits to be developed and operated under an agreement can be regarded as proper parties to a proposed agreement. All such owners must be invited to join as parties to the agreement. If any owner fails or refuses to join the agreement, the proponent of the agreement should declare this to the Supervisor and should submit evidence of efforts made to obtain joinder of such owner and the reasons for nonjoinder.

§ 271.8 Approval of an executed unit or cooperative agreement.

(a) A duly executed unit or cooperative agreement will be approved by the Secretary, or his duly authorized representative, upon a determination that such agreement is necessary or advisable in the public interest and is for the purpose of properly conserving the natural resources. Taking into account the environmental consequences of the action. Such approval will be incorporated in a certificate appended to the agreement. No such agreement will be approved unless at least one of the parties is a holder of a Federal lease embracing lands being committed to the agreement and unless the parties signatory to the agreement hold sufficient interests in the area to give effective control of operations therein.

(b) Where a duly executed agreement is submitted for Departmental approval, a minimum of six signed counterparts should be filed. The same number of counterparts should be filed for documents supplementing, modifying, or amending an agreement, including change of operator, designation of new operator, and notice of surrender, relinquishment, or termination.

(c) The address of each signatory party to the agreement should be inserted below the party's signature. Each signature should be attested by at least one witness, if not notarized. Corporate or other signatures made in a representative capacity must be accompanied by evidence of the authority of the signatories to act unless such evidence is already a matter of record in the United States Geological Survey. (The parties may execute any number of counterparts of the agreement with the same force and effect as if all parties signed the same document, or may execute a ratification or consent in a separate instrument with like force and effect.).

(d) Any modification of an approved agreement will require approval of the Secretary or his duly authorized representative under procedures similar to those cited in paragraph (a) of this section.

§ 271.9 Filing of papers and number of counterparts.

(a) All proposals and supporting papers, instruments, and documents submitted under this part should be filed with the Supervisor, unless otherwise provided in this part or otherwise instructed by the Director.

(b) Plans of development and operation, plans of further development and operation, and proposed participating areas and revisions thereof should be submitted in quadruplicate.

(c) Each application for approval of a participating area, or revision thereof, should be accompanied by three copies of a substantiating geologic and engineering report, structure contour map or maps, cross-section or other pertinent data.

(d) Other instruments or documents submitted for approval should be submitted for approval in sufficient number to permit the approving official to return at least one approved counterpart.

§ 271.10 Bonds.

In lieu of separate bonds required for each Federal lease committed to a unit agreement, the unit operator may furnish and maintain a collective corporate surety bond or a personal bond conditioned upon faithful performance of the duties and obligations of the agreement and the terms of the leases subject thereto. Personal bonds shall be accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the obligations assumed. The liability under the bond shall be for such amount as the Supervisor shall determine to be adequate to protect the interests of the United States. Additional bond coverage may be required whenever deemed necessary by the Supervisor. The bond must be filed with and accepted by the Bureau of Land Management before operations will be approved. A form of corporate surety bond is set forth in § 271.15. In case of changes of unit operator, a new bond must be filed or a consent of surety to the change in principal under the existing bond must be furnished.

§ 271.11 Appeals.

Appeals may be taken in the manner provided in § 270.90 of this chapter from any decision or order issued under the regulations in this part, unless such decision or order was approved by the Secretary prior to promulgation.

§ 271.12 Form of unit agreement for unproved areas.

UNIT AGREEMENT FOR THE DEVELOPMENT AND OPERATION OF THE _____ UNIT AREA
COUNTY OF _____
STATE OF _____

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_____ UNIT AGREEMENT
_____ COUNTY _____

This Agreement entered into as of the _____ day of _____, 19__, by and between the parties subscribing, ratifying, or consenting hereto, and herein referred to as the "parties hereto".

WITNESSETH: Whereas the parties hereto are the owners of working, royalty, or other geothermal resources interests in land subject to this Agreement; and

Whereas the Geothermal Steam Act of 1970 (84 Stat. 1566), hereinafter referred to as the "Act", authorizes Federal lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any geothermal resources pool, field, or like area, or any part thereof, for the purpose of more properly conserving the natural resources thereof, whenever determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest; and

Whereas the parties hereto hold sufficient interest in the _____ Unit Area covering the land herein described to effectively control operations therein; and

Whereas, it is the purpose of the parties hereto to conserve natural resources, prevent waste, and secure other benefits obtainable through development and operations of the area subject to this Agreement under the terms, conditions, and limitations herein set forth;

Now, therefore, in consideration of the premises and the promises herein contained, the parties hereto commit to this agreement their respective interests in the below-defined Unit Area, and agree severally among themselves as follows:

ARTICLE I—ENABLING ACT AND REGULATIONS

1.1 The Act and all valid pertinent regulations, including operating and unit plan regulations, heretofore or hereafter issued thereunder are accepted and made a part of this agreement as to Federal lands.

1.2 As to non-Federal lands, the geothermal resources operating regulations in effect as of the effective date hereof governing drilling and producing operations, not inconsistent with the laws of the State in which the non-Federal land is located, are hereby accepted and made a part of this agreement.

ARTICLE II—DEFINITIONS

2.1 The following terms shall have the meanings here indicated:

(a) *Geothermal lease.* A lease issued under the act of December 24, 1970 (84 Stat. 1566), pursuant to the leasing regulations contained in 43 CFR Group 3200 and, unless the context indicates otherwise, "lease" shall mean a geothermal lease.

(b) *Unit area.* The area described in Article III of this Agreement.

(c) *Unit Operator.* The person, association, partnership, corporation, or other business entity designated under this Agreement to conduct operations on Unitized Land as specified herein.

(d) *Participating area.* That part of the Unit Area which is deemed to be productive from a horizon or deposit and to which production would be allocated in the manner described in the unit agreement assuming that all lands are committed to the unit agreement.

(e) *Working interest.* The interest held in geothermal resources or in lands containing the same by virtue of a lease, operating agreement, fee title, or otherwise, under which, except as otherwise provided in this Agreement, the owner of such interest is vested with the right to explore for, develop, produce and utilize such resources. The right delegated to the Unit Operator as such by this Agreement is not to be regarded as a Working Interest.

(f) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise powers vested in that officer.

(g) *Director.* The Director of the U.S. Geological Survey.

(h) *Supervisor.* A representative of the Secretary, subject to the direction and supervisory authority of the Director, the Chief, Conservation Division, Geological Survey, and the appropriate Regional Conservation Manager, Conservation Division, Geological Survey, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part or any subordinate of such representative acting under his direction.

ARTICLE III—UNIT AREA AND EXHIBITS

3.1 The area specified on the map attached hereto marked "Exhibit A" is hereby designated and recognized as constituting the Unit Area, containing _____ acres, more or less.

The above-described Unit Area shall when practicable be expanded to include therein any additional lands or shall be contracted to exclude lands whenever such expansion or contraction is deemed to be necessary or advisable to conform with the purposes of this Agreement.

3.2 Exhibit A attached hereto and made a part hereof is a map showing the boundary of the Unit Area, the boundaries and identity of tracts and leases in said area to the extent known to the Unit Operator.

3.3 Exhibit B attached hereto and made a part hereof is a schedule showing to the extent known to the Unit Operator the acreage, percentage, and kind of ownership of geothermal resources interests in all lands in the Unit Area.

3.4 Exhibits A and B shall be revised by the Unit Operator whenever changes in the Unit Area render such revision necessary, or when requested by the Supervisor, and not less than five copies of the revised Exhibits shall be filed with the Supervisor.

ARTICLE IV—CONTRACTION AND EXPANSION OF UNIT AREA

4.1 Unless otherwise specified herein, the expansion and/or contraction of the Unit Area contemplated in Article 3.1 hereof shall be effected in the following manner:

(a) Unit Operator either on demand of the Director or on its own motion and after prior concurrence by the Director, shall prepare a notice of proposed expansion or contraction describing the contemplated changes in the boundaries of the Unit Area, the reasons therefore, and the proposed effective date thereof, preferably the first day of a month subsequent to the date of notice.

(b) Said notice shall be delivered to the Supervisor, and copies thereof mailed to the last known address of each Working Interest Owner, Lessee, and Lessor whose interests are affected, advising that 30 days will be allowed for submission to the Unit Operator of any objections.

(c) Upon expiration of the 30-day period provided in the preceding item (b) hereof, Unit Operator shall file with the Supervisor evidence of mailing of the notice of expansion or contraction and a copy of any objections thereto which have been filed with the Unit Operator, together with an application in sufficient number, for approval of such expansion or contraction and with appropriate joinders.

(d) After due consideration of all pertinent information, the expansion or contraction shall, upon approval by the Supervisor, become effective as of the date prescribed in the notice thereof.

4.2 Unitized Leases, insofar as they cover any lands which are excluded from the Unit Area under any of the provisions of this Article IV may be maintained and continued in force and effect in accordance with the terms, provisions, and conditions contained in the Act, and the lease or leases and amendments thereto, except that operations and/or production under this Unit Agreement shall not serve to maintain or continue the excluded portion of any lease.

4.3 All legal subdivisions of unitized lands (i.e., 40 acres by Governmental survey or its nearest lot or tract equivalent in instances of irregular surveys), no part of which is entitled to be within a Participating Area on the fifth anniversary of the effective date of the initial Participating Area established under this Agreement, shall be eliminated automatically from this Agreement effective as of said fifth anniversary and such lands shall no longer be a part of the Unit Area and shall no longer be subject to this Agreement unless diligent drilling operations are in progress on an exploratory well on said fifth anniversary, in which event such lands shall not be eliminated from the Unit Area for as long as exploratory drilling operations are continued diligently with not more than four (4) months time elapsing between the completion of one exploratory well and the commencement of the next exploratory well.

4.4 An exploratory well, for the purposes of this Article IV is defined as any well, regardless of surface location, projected for com-

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pletion in a zone or deposit below any zone or deposit for which a Participating Area has been established and is in effect, or any well, regardless of surface location, projected for completion at a subsurface location under Unitized Lands not entitled to be within a Participating Area.

4.5 In the event an exploratory well is completed during the four (4) months immediately preceding the fifth anniversary of the initial Participating Area established under this Agreement, lands not entitled to be within a Participating Area shall not be eliminated from this Agreement on said fifth anniversary, provided the drilling of another exploratory well is commenced under an approved Plan of Operation within four (4) months after the completion of said well. In such event, the land not entitled to be in participation shall not be eliminated from the Unit Area so long as exploratory drilling operations are continued diligently with not more than four (4) months time elapsing between the completion of one exploratory well and the commencement of the next exploratory well.

4.6 With prior approval of the Supervisor, a period of time in excess of four (4) months may be allowed to elapse between the completion of one well and the commencement of the next well without the automatic elimination of nonparticipating acreage.

4.7 Unitized lands proved productive by drilling operations which serve to delay automatic elimination of lands under this Article IV shall be incorporated into a Participating Area (or Areas) in the same manner as such lands would have been incorporated in such areas had such lands been proven productive during the year preceding said fifth anniversary.

4.8 In the event nonparticipating lands are retained under this Agreement after the fifth anniversary of the initial Participating Area as a result of exploratory drilling operations, all legal subdivisions of unitized land (i.e., 40 acres by Government survey or its nearest lot or tract equivalent in instances of irregular Surveys), no part of which is entitled to be within a Participating Area shall be eliminated automatically as of the 121 day, or such later date as may be established by the Supervisor, following the completion of the last well recognized as delaying such automatic elimination beyond the fifth anniversary of the initial Participating Area established under this Agreement.

ARTICLE V—UNITIZED LAND AND UNITIZED SUBSTANCES

5.1 All land committed to this Agreement shall constitute land referred to herein as "Unitized Land". All geothermal resources in and produced from any and all formations of the Unitized Land are unitized under the terms of this agreement and herein are called "Unitized Substances."

ARTICLE VI—UNIT OPERATOR

6.1 _____ is hereby designated as Unit Operator and by signature hereto as Unit Operator agrees and consents to accept the duties and obligations of Unit Operator for the discovery, development, production, distribution and utilization of Unitized Substances as herein provided. Whenever reference is made herein to the Unit Operator, such reference means the Unit Operator acting in that capacity and not as an owner of interest in Unitized Substances, and the term "Working Interest Owner" when used herein shall include or refer to Unit Operator as the owner of a Working Interest when such an interest is owned by it.

ARTICLE VII—RESIGNATION OR REMOVAL OF UNIT OPERATOR

7.1 Prior to the establishment of a Participating Area, hereunder, Unit Operator shall have the right to resign. Such resignation shall not become effective so as to release Unit Operator from the duties and obligations of Unit Operator or terminate Unit Operators rights, as such, for a period of six (6) months after notice of its intention to resign has been served by Unit Operator on all Working Interest Owners and the Supervisor, nor until all wells then drilled hereunder are placed in a satisfactory condition for suspension or abandonment whichever is required by the Supervisor, unless a new Unit Operator shall have been selected and approved and shall have taken over and assumed the duties and obligations of Unit Operator prior to the expiration of said period.

7.2 After the establishment of a Participating Area hereunder Unit Operator shall have the right to resign in the manner and subject to the limitations provided in 7.1 above.

7.3 The Unit Operator may, upon default or failure in the performance of its duties or obligations hereunder, be subject to removal by the same percentage vote of the owners of Working Interests as herein provided for the selection of a new Unit Operator. Such removal shall be effective upon notice thereof to the Supervisor.

7.4 The resignation or removal of Unit Operator under this Agreement shall not terminate its right, title, or interest as the owner of a Working Interest or other interest in Unitized Substances, but upon the resignation or removal of Unit Operator becoming effective, such Unit Operator shall deliver possession of all wells, equipment, material, and appurtenances used in conducting the unit operations to the new duly qualified successor Unit Operator or, if no such new unit operator is elected, to the common agent appointed to represent the Working Interest Owners in any action taken hereunder to be used for the purpose of conducting operations hereunder.

7.5 In all instances of resignation or removal, until a successor Unit Operator is selected and approved as hereinafter provided, the Working Interest Owners shall be jointly responsible for performance of the duties and obligations of Unit Operator, and shall not later than 30 days before such resignation or removal becomes effective appoint a common agent to represent them in any action to be taken hereunder.

7.6 The resignation of Unit Operator shall not release Unit Operator from any liability for any default by it hereunder occurring prior to the effective date of its resignation.

ARTICLE VIII—SUCCESSOR UNIT OPERATOR

8.1 If, prior to the establishment of a Participating Area hereunder, the Unit Operator shall resign as Operator, or shall be removed as provided in Article VII, a successor Unit Operator may be selected by vote of the owners of a majority of the Working Interests in Unitized Substances, based on their respective shares, on an acreage basis, in the Unitized Land.

8.2 If, after the establishment of a Participating Area hereunder, the Unit Operator shall resign as Unit Operator, or shall be removed as provided in Article VII, a successor Unit Operator may be selected by vote of the owners of a majority of the Working Interests in Unitized Substances, based on their respective shares, on a participating acreage basis. Provided, that, if a majority but less than 60 percent of the Working Interest in the Participating Lands is owned by the party to this agreement, a concurring vote of one or more additional Working Interest Owners owning 10 percent or more of the Working Interest in the participating land shall be required to select a new Unit Operator.

8.3 The selection of a successor Unit Operator shall not become effective until

(a) The Unit Operator so selected shall accept in writing the duties, obligations and responsibilities of the Unit Operator, and

(b) The selection shall have been approved by the Supervisor.

8.4 If no successor Unit Operator is selected and qualified as herein provided, the Director at his election may declare this Agreement terminated.

ARTICLE IX—ACCOUNTING PROVISIONS AND UNIT OPERATING AGREEMENT

9.1 Costs and expenses incurred by Unit Operator in conducting unit operations hereunder shall be paid and apportioned among and borne by the owners of Working Interests; all in accordance with the agreement or agreements entered into by and between the Unit Operator and the owners of Working Interests, whether one or more, separately or collectively.

9.2 Any agreement or agreements entered into between the Working Interest Owners and the Unit Operator as provided in this Article, whether one or more, are herein referred to as the "Unit Operating Agreement".

9.3 The Unit Operating Agreement shall provide the manner in which the Working Interest Owners shall be entitled to receive their respective share of the benefits accruing hereto in conformity with their underlying operating agreements, leases, or other contracts, and such other rights and obligations, as between Unit Operator and the Working Interest Owners.

9.4 Neither the Unit Operating Agreement nor any amendment thereto shall be deemed either to modify any of the terms and conditions of this Agreement or to relieve the Unit Operator of any right or obligation established under this Agreement.

9.5 In case of any inconsistency or conflict between this Agreement and the Unit Operating Agreement, this Agreement shall govern.

9.6 Three true copies of any Unit Operating Agreement executed pursuant to this Article IX shall be filed with the Supervisor prior to approval of this Agreement.

ARTICLE X—RIGHTS AND OBLIGATIONS OF UNIT OPERATOR

10.1 The right, privilege, and duty of exercising any and all rights of the parties hereto which are necessary or convenient for prospecting, producing, distributing or utilizing Unitized Substances are hereby delegated to and shall be exercised by the Unit Operator as provided in this Agreement in accordance with a Plan of Operations approved by the Supervisor.

10.2 Upon request by Unit Operator, acceptable evidence of title to geothermal resources interests in the Unitized Land shall be deposited with the Unit Operator, and together with this Agreement shall constitute and define the rights, privileges, and obligations of Unit Operator.

10.3 Nothing in this Agreement shall be construed to transfer title to any land or to any lease or operating agreement, it being understood that the Unit Operator, in its capacity as Unit Operator shall exercise the rights of possession and use vested in the parties hereto only for the purposes specified in this Agreement.

10.4 The Unit Operator shall take such measures as the Supervisor deems appropriate and adequate to prevent drainage of Unitized Substances from Unitized Land by wells on land not subject to this Agreement.

10.5 The Director is hereby vested with authority to alter or modify from time to time, in his discretion, the rate of prospecting and development and the quantity and rate of production under this Agreement.

ARTICLE XI—PLAN OF OPERATION

11.1 Concurrently with the submission of this Agreement for approval, Unit Operator shall submit an acceptable initial Plan of Operation. Said plan shall be as complete and adequate as the Supervisor may determine to be necessary for timely exploration and/or development and to insure proper protection of the environment and conservation of the natural resources of the Unit Area.

11.2 Prior to the expiration of the initial Plan of Operation, or any subsequent Plan of Operation, Unit Operator shall submit for approval of the Supervisor an acceptable subsequent Plan of Operation for the Unit Area which, when approved by the Supervisor, shall constitute the exploratory and/or development drilling and operating obligations of Unit Operators under this Agreement for the period specified therein.

11.3 Any plan of Operation submitted hereunder shall

(a) Specify the number and locations of any wells to be drilled and the proposed order and time for such drilling, and

(b) To the extent practicable, specify the operating practices regarded as necessary and advisable for proper conservation of natural resources and protection of the environment in compliance with section 1.1.

11.4 The Plan of Operation submitted concurrently with this Agreement for approval shall prescribe that within six (6) months after the effective date hereof, the Unit Operator shall begin to drill an adequate test well at a location approved by the Supervisor, unless on such effective date a well is being drilled conformably with the terms, hereof, and thereafter continue such drilling diligently until the _____ formation has been tested or until at a lesser depth unitized substances shall be discovered which can be produced in paying quantities (i.e., quantities sufficient to repay the costs of drilling, completing, and producing operations, with a reasonable profit) or the Unit Operator shall at any time establish to the satisfaction of the Supervisor that further drilling of said well would be unwarranted or impracticable, provided, however, that Unit Operator shall not in any event be required to drill said well to a depth in excess of _____ feet.

11.5 The initial Plan of Operation and/or subsequent Plans of Operation submitted under this article shall provide that the Unit Operator shall initiate a continuous drilling program providing for drilling of no less than one well at a time, and allowing no more than six (6) months time to elapse between completion of one well and the beginning of the next well, until a well capable of producing Unitized Substances in paying quantities is completed to the satisfaction of the Supervisor or until it is reasonably proved that the Unitized Land is incapable of producing Unitized Substances in paying quantities in the formations drilled under this Agreement.

11.6 When warranted by unforeseen circumstances, the Supervisor may grant a single extension of any or all of the critical dates for exploratory drilling operations cited in the initial or subsequent Plans of Operation. No such extension shall exceed a period of four (4) months for each well, required by the initial Plan of Operation.

11.7 Until there is actual production of Unitized Substances, the failure of Unit Operator to timely drill any of the wells provided for in Plans of Operation required under this Article XI or to timely submit an acceptable subsequent Plan of Operations, shall, after notice of default or notice of prospective default to Unit Operator by the Supervisor and after failure of Unit Operator to remedy any actual default within a reasonable time (as determined by the Supervisor), result in automatic termination of this Agreement effective as of the date of the default, as determined by the Supervisor.

11.8 Separate Plans of Operations may be submitted for separate productive zones, subject to the approval of the Supervisor. Also subject to the approval of the Supervisor, Plans of Operation shall be modified or supplemented when necessary to meet changes in conditions or to protect the interest of all parties to this Agreement.

ARTICLE XII—PARTICIPATING AREAS

12.1 Prior to the commencement of production of Unitized Substances, the Unit Operator shall submit for approval by the Supervisor a schedule (or schedules) of all land then regarded as reasonably proved to be productive from a pool or deposit discovered or developed; all lands in said schedule (or schedules), on approval of the Supervisor, will constitute a Participating Area (or Areas) effective as of the date production commences or the effective date of this Unit Agreement, whichever is later. Said schedule (or schedules) shall also set forth the percentage of Unitized Substances to be allocated, as herein provided, to each tract in the Participating Area (or Areas) so established and shall govern the allocation of production commencing with the effective date of the Participating Area.

12.2 A separate Participating Area shall be established for each separate pool or deposit of Unitized Substances or for any group thereof which is produced as a single pool or deposit and any two or more Participating Areas so established may be combined into one, on approval of the Supervisor. The effective date of any Participating Area established after the commencement of actual production of Unitized Substances shall be the first of the month in which is obtained the knowledge or information on which the establishment of said Participating Area is based, unless a more appropriate effective date is proposed by the Unit Operator and approved by the Supervisor.

12.3 Any Participating Area (or Areas) established under 12.1 or 12.2 above shall, subject to the approval of the Supervisor, be revised from time to time to include additional land then regarded as reasonably proved to be productive from the pool or deposit for which the Participating Area was established or to include lands necessary to unit operations, or to exclude land then regarded as reasonably proved not to be productive from the pool or deposit for which the Participating Area was established or to exclude land not necessary to unit operations and the schedule (or schedules) of allocation percentages shall be revised accordingly.

12.4 Subject to the limitation cited in 12.1 hereof, the effective date of any revision of a Participating Area established under Articles 12.1 or 12.2 shall be the first of the month in which is obtained the knowledge or information on which such revision is predicated, provided, however, that a more appropriate effective date may be used if justified by the Unit Operator and approved by the Supervisor.

12.5 No land shall be excluded from a Participating Area on account of depletion of the Unitized Substances, except that any Participating Area established under the provisions of this Article XII shall terminate automatically whenever all operations are abandoned in the pool or deposit for which the Participating Area was established.

12.6 Nothing herein contained shall be construed as requiring any retroactive adjustment for production obtained prior to the effective date of the revision of a Participating Area.

ARTICLE XIII—ALLOCATION OF UNITIZED SUBSTANCES

13.1 All Unitized Substances produced from a Participating Area, established under this Agreement, shall be deemed to be produced equally on an acreage basis from the several tracts of Unitized Land within the Participating Area established for such production.

13.2 For the purpose of determining any benefits accruing under this Agreement, each Tract of Unitized Land shall have allocated to it such percentage of said production as the number of acres in the Tract included in the Participating Area bears to the total number of acres of Unitized Land in said Participating Area.

13.3 Allocation of production hereunder for purposes other than for settlement of the royalty obligations of the respective Working Interest Owners, shall be on the basis prescribed in the Unit Operating Agreement whether in conformity with the basis of allocation set forth above or otherwise.

13.4 The Unitized Substances produced from a Participating Area shall be allocated as provided herein regardless of whether any wells are drilled on any particular part or tract of said Participating Area.

ARTICLE XIV—RELINQUISHMENT OF LEASES

14.1 Pursuant to the provisions of the Federal leases and 43 CFR 3245.1, a lessee of record shall, subject to the provisions of the Unit Operating Agreement, have the right to relinquish any of its interests in leases committed hereto, in whole or in part; provided, that no relinquishment shall be made of interests in land within a Participating Area without the prior approval of the Director.

14.2 A Working Interest Owner may exercise the right to surrender, when such right is vested in it by any non-Federal lease, sublease, or operating agreement, provided that each party who will or might acquire the Working Interest in such lease by such surrender or by forfeiture is bound by the terms of this Agreement, and further provided that no relinquishment shall be made of such land within a Participating Area without the prior written consent of the non-Federal Lessor.

14.3 If as the result of relinquishment, surrender, or forfeiture the Working Interests become vested in the fee owner or lessor of the Unitized Substances, such owner may:

(1) Accept those Working Interest rights and obligations subject to this Agreement and the Unit Operating Agreement; or

(2) Lease the portion of such land as is included in a Participating Area established hereunder, subject to this Agreement and the Unit Operating Agreement; and provide for the independent operation of any part of such land that is not then included within a Participating Area established hereunder.

14.4 If the fee owner or lessor of the Unitized Substances does not, (1) accept the Working Interest rights and obligations subject to this Agreement and the Unit Operating Agreement, or (2) lease such lands as provided in 14.3 above within six (6) months after the relinquished, surrendered, or forfeited Working Interest becomes vested in said fee owner or lessor, the Working Interest benefits and obligations accruing to such land under this Agreement and the Unit Operating Agreement shall be shared by the owners of the remaining unitized Working Interests in accordance with their respective Working Interest ownerships, and such owners of Working Interests shall compensate the fee owner or lessor of Unitized Substances in such lands by paying sums equal to the rentals, minimum royalties, and royal-

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ties applicable to such lands under the lease or leases in effect when the Working Interests were relinquished, surrendered, or forfeited.

14.5 Subject to the provisions of 14.4 above, an appropriate accounting and settlement shall be made for all benefits accruing to or payments and expenditures made or incurred on behalf of any surrendered or forfeited Working Interest subsequent to the date of surrender or forfeiture, and payment of any moneys found to be owing by such an accounting shall be made as between the parties within thirty (30) days.

14.6 In the event no Unit Operating Agreement is in existence and a mutually acceptable agreement cannot be consummated between the proper parties, the Supervisor may prescribe such reasonable and equitable conditions of agreement as he deems warranted under the circumstances.

14.7 The exercise of any right vested in a Working Interest Owner to reassign such Working Interest to the party from whom obtained shall be subject to the same conditions as set forth in this Article XIV in regard to the exercise of a right to surrender.

ARTICLE XV—RENTALS AND MINIMUM ROYALTIES

15.1 Any unitized lease on non-Federal land containing provisions which would terminate such lease unless drilling operations are commenced upon the land covered thereby within the time therein specified or rentals are paid for the privilege of deferring such drilling operations, the rentals required thereby shall, notwithstanding any other provisions of this Agreement, be deemed to accrue as to the portion of the lease not included within a Participating Area and become payable during the term thereof as extended by this Agreement, and until the required drillings are commenced upon the land covered thereby.

15.2 Rentals are payable on Federal leases on or before the anniversary date of each lease year; minimum royalties accrue from the anniversary date of each lease year and are payable at the end of the lease year.

15.3 Beginning with the lease year commencing on or after _____ and for each lease year thereafter, rental or minimum royalty for lands of the United States subject to this Agreement shall be made on the following basis:

(a) An advance annual rental in the amount prescribed in unitized Federal leases, in no event creditable against production royalties, shall be paid for each acre or fraction thereof which is not within a Participating Area.

(b) A minimum royalty shall be charged at the beginning of each lease year (such minimum royalty to be due as of the last day of the lease year and payable within thirty (30) days thereafter) of $2 an acre or fraction thereof, for all Unitized Acreage within a Participating Area as of the beginning of the lease year. If there is production during the lease year the deficit, if any, between the actual royalty paid and the minimum royalty prescribed herein shall be paid.

15.4 Rental or minimum royalties due on leases committed hereto shall be paid by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or by the Unit Operator.

15.5 Settlement for royalty interest shall be made by Working Interest Owners responsible therefor under existing contracts, laws, and regulations, or by the Unit Operator, on or before the last day of each month for Unitized Substances produced during the preceding calendar month.

15.6 Royalty due the United States shall be computed as provided in the operating regulations and paid in value as to all Unitized Substances on the basis of the amounts thereof allocated to unitized Federal land as provided herein at the royalty rate or rates specified in the respective Federal leases.

15.7 Nothing herein contained shall operate to relieve the lessees of any land from their respective lease obligations for the payment of any rental, minimum royalty, or royalty due under their leases.

ARTICLE XVI—OPERATIONS ON NONPARTICIPATING LAND

16.1 Any party hereto owning or controlling the Working Interest in any Unitized Land having thereon a regular well location may, with the approval of the Supervisor and at such party's sole risk, costs, and expense, drill a well to test any formation of deposit for which a Participating Area has not been established or to test any formation or deposit for which a Participating Area has been established if such location is not within said Participating Area, unless within 30 days of receipt of notice from said party of his intention to drill the well, the Unit Operator elects and commences to drill such a well in like manner as other wells are drilled by the Unit Operator under this Agreement.

16.2 If any well drilled by a Working Interest Owner other than the Unit Operator proves that the land upon which said well is situated may properly be included in a Participating Area, such Participating Area shall be established or enlarged as provided in this Agreement and the well shall thereafter be operated by the Unit Operator in accordance with the terms of this Agreement and the Unit Operating Agreement.

ARTICLE XVII—LEASES AND CONTRACTS CONFORMED AND EXTENDED

17.1 The terms, conditions, and provisions of all leases, subleases, and other contracts relating to exploration, drilling, development, or utilization of geothermal resources on lands committed to this Agreement, are hereby expressly modified and amended only to the extent necessary to make the same conform to the provisions hereof, otherwise said leases, subleases, and contracts shall remain in full force and effect.

17.2 The parties hereto consent that the Secretary shall, by his approval hereof, modify and amend the Federal leases committed hereto and the regulations in respect thereto to the extent necessary to conform said leases and regulations to the provisions of this Agreement.

17.3 The development and/or operation of lands subject to this Agreement under the terms hereof shall be deemed full performance of any obligations for development and operation with respect to each and every separately owned tract subject to this Agreement, regardless of whether there is any development of any particular tract of the Unit Area.

17.4 Drilling and/or producing operations performed hereunder upon any tract of Unitized Lands will be accepted and deemed to be performed upon and for the benefit of each and every tract of Unitized Land.

17.5 Suspension of operations and/or production on all Unitized Lands pursuant to direction or consent of the Secretary or his duly authorized representative shall be deemed to constitute such suspension pursuant to such direction or consent as to each and every tract of Unitized Land. A suspension of operations and/or production limited to specified lands shall be applicable only to such lands.

17.6 Subject to the provisions of Article XV hereof and 17.10 of this Article, each lease, sublease, or contract relating to the exploration, drilling, development, or utilization of geothermal resources of lands other than those of the United States committed to this Agreement, is hereby extended beyond any such term so provided therein so that it shall be continued for and during the term of this Agreement.

17.7 Subject to the lease renewal and the readjustment provision of the Act, any Federal lease committed hereto may, as to the Unitized Lands, be continued for the term so provided therein, or as extended by law. This subsection shall not operate to extend any lease or portion thereof as to lands excluded from the Unit Area by the contraction thereof.

17.8 Each sublease or contract relating to the operations and development of Unitized Substances from lands of the United States committed to this Agreement shall be continued in force and effect for and during the term of the underlying lease.

17.9 Any Federal lease heretofore or hereafter committed to any such unit plan embracing lands that are in part within and in part outside of the area covered by any such plan shall be segregated into separate leases as to the lands committed and the lands not committed as of the effective date of unitization.

17.10 In the absence of any specific lease provision to the contrary, any lease, other than a Federal lease, having only a portion of its land committed hereto shall be segregated as to the portion committed and the portion not committed, and the provisions of such lease shall apply separately to such segregated portions commencing as of the effective date hereof. In the event any such lease provides for a lump-sum rental payment, such payment shall be prorated between the portions so segregated in proportion to the acreage of the respective tracts.

17.11 Upon termination of this Agreement, the leases covered hereby may be maintained and continued in force and effect in accordance with the terms, provisions, and conditions of the Act, the lease or leases, and amendments thereto.

ARTICLE XVIII—EFFECTIVE DATE AND TERM

18.1 This Agreement shall become effective upon approval by the Secretary or his duly authorized representative and shall terminate five (5) years from said effective date unless,

(a) Such date of expiration is extended by the Director, or

(b) Unitized Substances are produced or utilized in commercial quantities in which event this Agreement shall continue for so long as Unitized Substances are produced or utilized in commercial quantities, or

(c) This Agreement is terminated prior to the end of said five (5) year period as heretofore provided.

18.2 This Agreement may be terminated at any time by the owners of a majority of the Working Interests, on an acreage basis, with the approval of the Supervisor. Notice of any such approval shall be given by the Unit Operator to all parties hereto.

ARTICLE XIX—APPEARANCES

19.1 Unit Operator shall, after notice to other parties affected, have the right to appear for and on behalf of any and all interests affected hereby before the Department of the Interior, and to appeal from decisions, orders or rulings issued under the regulations of said Department, or to apply for relief from any of said regulations or in any proceedings relative to operations before the Department of the Interior or any other legally constituted authority: *Provided, however,* That any interested parties shall also have the right, at its own expenses, to be heard in any such proceeding.

ARTICLE XX—NO WAIVER OF CERTAIN RIGHTS

20.1 Nothing contained in this Agreement shall be construed as a waiver by any party

hereto of the right to assert any legal or constitutional right or defense pertaining to the validity or invalidity of any law of the State wherein lands subject to this Agreement are located, or of the United States, or regulations issued thereunder, in any way affecting such party or as a waiver by any such party of any right beyond his or its authority to waive.

ARTICLE XXI—UNAVOIDABLE DELAY

21.1 The obligations imposed by this Agreement requiring Unit Operator to commence or continue drilling or to produce or utilize Unitized Substances from any of the land covered by this Agreement, shall be suspended while, but only so long as, Unit Operator, despite the exercise of due care and diligence, is prevented from complying with such obligations, in whole or in part, by strikes, Acts of God, Federal or other applicable law, Federal or other authorized governmental agencies, unavoidable accidents, uncontrollable delays in transportation, inability to obtain necessary materials in open market, or other matters beyond the reasonable control of Unit Operator, whether similar to matters herein enumerated or not.

21.2 No unit obligation which is suspended under this section shall become due less than thirty (30) days after it has been determined that the suspension is no longer applicable.

21.3 Determination of creditable "Unavoidable Delay" time shall be made by the Unit Operator subject to approval of the Supervisor.

ARTICLE XXII—POSTPONEMENT OF OBLIGATIONS

22.1 Notwithstanding any other provisions of this Agreement, the Director, on his own initiative or upon appropriate justification by Unit Operator, may postpone any obligation established by and under this Agreement to commence or continue drilling or to operate on or produce Unitized Substances from lands covered by this Agreement when in his judgement, circumstances warrant such action.

ARTICLE XXIII—NONDISCRIMINATION

23.1 In connection with the performance of work under this Agreement, the Operator agrees to comply with all of the provisions of section 202 (1) to (7) inclusive, of Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), which are hereby incorporated by reference in this Agreement.

ARTICLE XXIV—COUNTERPARTS

24.1 This Agreement may be executed in any number of counterparts no one of which needs to be executed by all parties, or may be ratified or consented to by separate instruments in writing specifically referring hereto, and shall be binding upon all parties who have executed such a counterpart, ratification or consent hereto, with the same force and effect as if all such parties had signed the same document.

ARTICLE XXV—SUBSEQUENT JOINDER

25.1 If the owner of any substantial interest in geothermal resources under a tract within the Unit Area fails or refuses to subscribe or consent to this Agreement, the owner of the Working Interest in that tract may withdraw said tract from this Agreement by written notice delivered to the Supervisor and the Unit Operator prior to the approval of this Agreement by the Supervisor.

25.2 Any geothermal resources interests in lands within the Unit Area not committed hereto prior to approval of this Agreement may thereafter be committed by the owner or owners thereof subscribing or consenting to this Agreement, and, if the interest is a Working Interest, by the owner of such interest also subscribing to the Unit Operating Agreement.

25.3 After operations are commenced hereunder, the right of subsequent joinder, as provided in this Article XXV, by a working Interest Owner is subject to such requirements or approvals, if any, pertaining to such joinder, as may be provided for in the Unit Operating Agreement. Joinder to the Unit Agreement by a Working Interest Owner, at any time, must be accompanied by appropriate joinder to the Unit Operating Agreement, if more than one committed Working Interest Owner is involved, in order for the interest to be regarded as committed to this Unit Agreement.

25.4 After final approval hereof, joinder by a nonworking interest owner must be consented to in writing by the Working Interest Owner committed hereto and responsible for the payment of any benefits that may accrue hereunder in behalf of such nonworking interest. A nonworking interest may not be committed to this Agreement unless the corresponding Working Interest is committed hereto.

25.5 Except as may otherwise herein be provided, subsequent joinders to this Agreement shall be effective as of the first day of the month following the filing with the Supervisor of duly executed counterparts of all or any papers necessary to establish effective commitment of any tract to this Agreement unless objection to such joinder is duly made within sixty (60) days by the Supervisor.

ARTICLE XXVI—COVENANTS RUN WITH THE LAND

26.1 The covenants herein shall be construed to be covenants running with the land with respect to the interest of the parties hereto and their successors in interest until this Agreement terminates, and any grant, transfer, or conveyance, of interest in land or leases subject hereto shall be and hereby is conditioned upon the assumption of all privileges and obligations hereunder by the grantee, transferee, or other successor in interest.

26.2 No assignment or transfer of any Working Interest or other interest subject hereto shall be binding upon Unit Operator until the first day of the calendar month after Unit Operator is furnished with the original, photostatic, or certified copy of the instrument of transfer.

ARTICLE XXVII—NOTICES

27.1 All notices, demands or statements required hereunder to be given or rendered to the parties hereto shall be deemed fully given if given in writing and personally delivered to the party or sent by postpaid registered or certified mail, addressed to such party or parties at their respective addresses set forth in connection with the signatures hereto or to the ratification or consent hereof or to such other address as any such party may have furnished in writing to party sending the notice, demand or statement.

ARTICLE XXVIII—LOSS OF TITLE

28.1 In the event title to any tract of Unitized Land shall fail and the true owner cannot be induced to join in this Agreement, such tract shall be automatically regarded as not committed hereto and there shall be such readjustment of future costs and benefits as may be required on account of the loss of such title.

28.2 In the event of a dispute as to title as to any royalty, Working Interest, or other interests subject hereto, payment or delivery on account thereof may be withheld without liability for interest until the dispute is finally settled: *Provided,* That, as to Federal land or leases, no payments of funds due the United States shall be withheld, but such funds shall be deposited as directed by the Supervisor to be held as unearned money pending final settlement of the title dispute, and then applied as earned or returned in accordance with such final settlement.

ARTICLE XXIX—TAXES

29.1 The Working Interest Owners shall render and pay for their accounts and the accounts of the owners of nonworking interests all valid taxes on or measured by the Unitized Substances in and under or that may be produced, gathered, and sold or utilized from the land subject to this Agreement after the effective date hereof.

29.2 The Working Interest Owners on each tract may charge a proper proportion of the taxes paid under 29.1 hereof to the owners of nonworking interests in said tract, and may reduce the allocated share of each royalty owner for taxes so paid. No taxes shall be charged to the United States or the State of _____ or to any lessor who has a contract with his lessee which requires the lessee to pay such taxes.

ARTICLE XXX—RELATION OF PARTIES

30.1 It is expressly agreed that the relation of the parties hereto is that of independent contractors and nothing in this Agreement contained, expressed, or implied, nor any operations conducted hereunder, shall create or be deemed to have created a partnership or association between the parties hereto or any of them.

ARTICLE XXXI—SPECIAL FEDERAL LEASE STIPULATIONS AND/OR CONDITIONS

31.1 Nothing in this Agreement shall modify special lease stipulations and/or conditions applicable to lands of the United States. No modification of the conditions necessary to protect the lands or functions of lands under the jurisdiction of any Federal agency is authorized except with prior consent in writing whereby the authorizing official specifies the modification permitted.

In witness whereof, the parties hereto have caused this Agreement to be executed and have set opposite their respective names the date of execution.

Witnesses:
_____
_____
Witnesses:
_____
_____
Witnesses:
_____
_____

Unit operator (as unit operator and as working interest owner)
By _____
Working Interest Owners:
_____
By _____
Other Interest Owners:
_____
By _____

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§ 271.14 Sample form of exhibit B of unit agreement.

EXHIBIT B—BIG VAPOR UNIT AREA, NAPA COUNTY, CALIF., T. 13 N., R. 10 W.

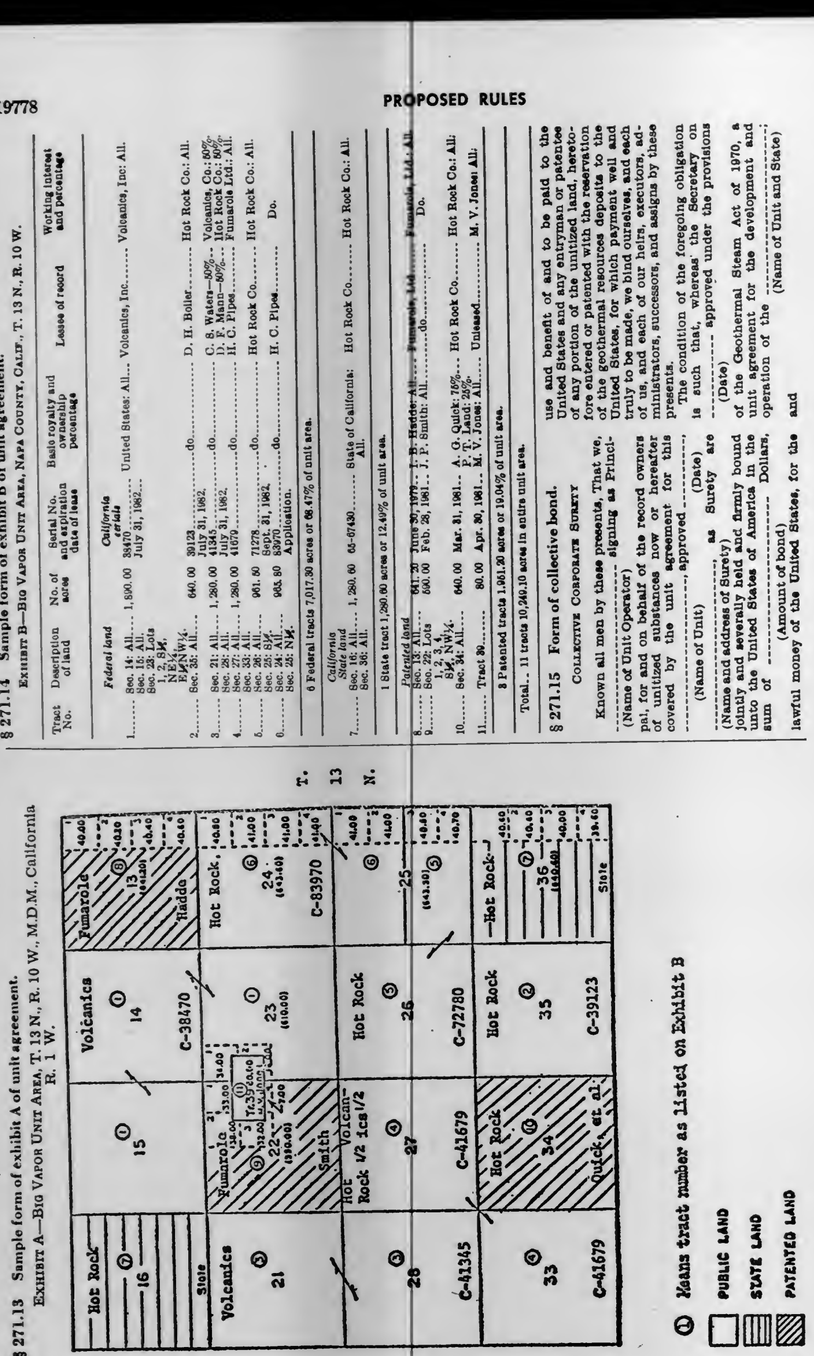
Tract No.	Description of land	No. of acres	Serial No. and expiration date of lease	Basic royalty and overriding royalty percentage	Lessee of record	Working interest and percentage
	Federal land		*California*			
1	Sec. 14: All....	1,600.00	38470	United States: All...	Volcanics, Inc.....	Volcanics, Inc: All.
	Sec. 15: All.		July 31, 1962.			
	Sec. 22: Lots 1, 2, SW¼, E½NW¼.					
2	Sec. 35: All....	640.00	39123	do.....	D. H. Boller.....	Hot Rock Co.: All.
			July 31, 1962.			
3	Sec. 21: All....	1,280.00	41345	do.....	C. S. Waters—50%..	Volcanics, Co.: 50%
	Sec. 28: All.		July 31, 1962.		D. F. Mann—50%..	Hot Rock Co.: 50%
4	Sec. 27: All....	1,280.00	41679	do.....	H. C. Pipe.....	Fumarole Ltd.: All.
	Sec. 33: All.					
5	Sec. 26: All....	961.60	71278	do.....	Hot Rock Co.....	Hot Rock Co.: All.
	Sec. 25: S½.		Sept. 31, 1962.			
6	Sec. 24: All....	985.80	83970	do.....	H. C. Pipe.....	Do.
	Sec. 23: N½.		Application.			
	6 Federal tracts 7,017.30 acres or 66.47% of unit area.					
	California					
	State land					
7	Sec. 16: All....	1,280.60	65-67480.....	State of California: All.	Hot Rock Co.....	Hot Rock Co.: All.
	Sec. 36: All.					
	1 State tract 1,280.60 acres or 12.40% of unit area.					
	Patented land					
8	Sec. 13: All....	641.20	June 30, 1977....	J. B. Hester: All....	Fumarole Ltd.....	Fumarole Ltd.: All.
9	Sec. 29: Lots 1, 2, 3, 4.	660.00	Feb. 28, 1961....	J. F. Smith: All.....	do.....	Do.
10	Sec. 34: All....	640.00	Mar. 31, 1961....	A. G. Quick: 75%...	Hot Rock Co.....	Hot Rock Co.: All.
				T. Lamb: 25%...		
11	Tract 30.....	80.00	Apr. 30, 1961....	M. V. Jones: All....	Unleased.....	M. V. Jones: All.
	5 Patented tracts 1,961.20 acres or 19.04% of unit area.					
	Total.. 11 tracts 10,240.10 acres in entire unit area.					

§ 271.15 Form of collective bond.

COLLECTIVE CORPORATE SURETY

Known all men by these presents, That we, _____ signing as Principal, (Name of Unit Operator) and _____, as Surety are jointly and severally held and firmly bound unto the United States of America in the sum of _____ Dollars, (Amount of bond) lawful money of the United States, for the use and benefit of and to be paid to the United States and any entryman or patentee of any portion of the unitized land, heretofore entered or patented with the reservation of the geothermal resources deposits to the United States, for which payment well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, administrators, successors, and assigns by these presents.

The condition of the foregoing obligation is such that, whereas the Secretary on _____ (Date) approved under the provisions of the Geothermal Steam Act of 1970, a unit agreement for the development and operation of the _____ (Name of Unit and State)



§ 271.13 Sample form of exhibit A of unit agreement.

EXHIBIT A—BIG VAPOR UNIT AREA, T. 13 N., R. 10 W., M.D.M., California
R. 1 W.

Whereas said Principal and record owners of unitized substances, pursuant to said unit agreement, have entered into certain covenants and agreements as set forth therein, under which operations are to be conducted; and

Whereas said Principal as Unit Operator has assumed the duties and obligations of the respective owners of unitized substances as defined in said unit agreement; and

Whereas said Principal and surety agree to remain bound in the full amount of the bond for failure to comply with the terms of the unit agreement, and the payment of rentals, minimum royalties, and royalties due under the Federal leases committed to said unit agreement; and

Whereas the Surety hereby waives any right of notice of and agrees that this bond may remain in force and effect notwithstanding:

(a) Any additions to or change in the ownership of the unitized substances herein described.

(b) Any suspension of the drilling or producing requirements or waiver, suspension or reduction of rental or minimum royalty payments or reduction of royalties pursuant to applicable laws or regulations thereunder; and

Whereas said Principal and Surety agree to the payment of compensatory royalty under the regulations of the Interior Department in lieu of drilling necessary offset wells in the event of drainage; and

Whereas nothing herein contained shall preclude the United States from requiring an additional bond at any time when deemed necessary:

Now, therefore, if the said Principal shall faithfully comply with all of the provisions of the above-identified unit agreement and with the terms of the leases committed thereto, then the above obligation is to be of no effect; otherwise to remain in full force and virtue.

Signed, sealed, and delivered this _____ day of _____, 19____, in the presence of:

Witnesses:

_____ _____
(Principal)

_____ _____
(Surety)

§ 271.16 Form of designation of successor unit operator by working interest owners.

Designation of successor Unit Operator _____, Unit Area, County of _____ State of _____, No. _____.

This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and the owners of unitized working interest, hereinafter designated as "Second Parties,"

Witnesseth: Whereas under the provisions of the Geothermal Steam Act of December 24, 1970, 84 Stat. 1566, the Secretary on the _____ day of _____, 19____, approved a unit agreement for the _____ Unit Area, wherein _____ is designated as Unit Operator; and

Whereas said _____ has resigned as such Operator,[1] and the designation of a successor Unit Operator is now required pursuant to the terms thereof; and

Whereas First Party has been and hereby is designated by Second Parties as a Unit Operator, and said First Party desires to assume all the rights, duties, and obligations of Unit Operator under the said unit agreement.

Now, therefore, in consideration of the premises hereinbefore set forth and the promises hereinafter stated, the First Party hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of the _____ unit agreement, and the Second Parties covenant and agree that, effective upon approval of this identure by the Supervisor, of the Geological Survey, First Party shall be granted the exclusive right and privilege of exercising any and all rights and privileges and Unit Operator, pursuant to the terms and conditions of said unit agreement; said unit agreement being hereby incorporated herein by references and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

_____ _____
(First Party)

_____
(Witnesses)

_____ _____
(Second Party)

_____
(Witnesses)

I hereby approve the foregoing indenture designating _____ as Unit Operator under the unit agreement for the _____ Unit Area, this _____ day of _____, 19____.

_____
Supervisor,
U.S. Geological Survey.

§ 271.17 Form of change in unit operator by assignment.

Change in Unit Operator _____ unit Area, County of _____, State of _____, No. _____.

This indenture, dated as of the _____ day of _____, 19____, by and between _____ hereinafter designated as "First Party," and _____, hereinafter designated as "Second Party."

Witnesseth: Whereas under the provisions of the Geothermal Steam Act of December 24, 1970, 84 Stat. 1566, the Secretary on the _____ day of _____, 19____, approved a unit agreement for the _____ Unit Area, wherein the First Party is designated as Unit Operator; and

Whereas the First Party desires to transfer, assign, release, and quitclaim, and the Second Party desires to assume all the rights, duties, and obligations of Unit Operator under the unit agreement; and

Whereas for sufficient and valuable consideration, the receipt whereof is hereby acknowledged, the First Party has transferred, conveyed and assigned all his/its rights under certain operating agreements involving lands within the area set forth in said unit agreement unto the Second Party:

Now, therefore, in consideration of the premises hereinbefore set forth, the First Party does hereby transfer, assign, release, and quitclaim unto Second Party all of First Party's rights, duties and obligations as Unit Operator under said unit agreement; and

Second Party hereby accept this assignment and hereby covenants and agrees to fulfill the duties and assume the obligations of Unit Operator under and pursuant to all the terms of said unit agreement to the full extent set forth in this assignment, effective upon approval of this indenture by the Supervisor of the Geological Survey; said unit agreement being hereby incorporated herein by reference and made a part hereof as fully and effectively as though said unit agreement were expressly set forth in this instrument.

In witness whereof, the parties hereto have executed this instrument as of the date hereinabove set forth.

_____ _____
(First Party)

_____
(Witnesses)

_____ _____
(Second Party)

_____
(Witnesses)

I hereby approve the foregoing indenture designated _____ as Unit Operator under the unit agreement for the _____ Unit Area, this _____ day of _____, 19____.

_____
Supervisor, U.S.
Geological Survey

Dated: July 18, 1973.

WILLIAM W. LYONS,
Deputy Under Secretary
of the Interior.

[FR Doc.73-15058 Filed 7-20-73;8:45 am]

[1] Where the designation of a successor Unit Operator is required for any reason other than resignation, such reason shall be substituted for the one stated.

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federal register

MONDAY, JULY 23, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 140

PART III

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

RECOMMENDATIONS and MISCELLANEOUS STATEMENTS

No. 140—Pt. III——1

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Title 1—General Provisions

CHAPTER III—ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

PART 310—MISCELLANEOUS STATEMENTS

Miscellaneous Amendments

The Administrative Conference published in the FEDERAL REGISTER of June 27, 1973 (38 FR 16839) three Recommendations and one formal Statement, adopted at its Ninth Plenary Session, held June 7–8, 1973. It announced at that time that all formal Recommendations and Statements adopted by the Assembly of the Conference in Plenary Session would henceforth be published in the FEDERAL REGISTER upon their adoption and listed in the Code of Federal Regulations, and that Recommendations and Statements deemed to be of continuing and general interest would be published in full in the Code of Federal Regulations.

The purpose of this document is to furnish a complete list of the Recommendations and Statements of the Administrative Conference not hitherto published in the FEDERAL REGISTER, together with the complete texts of those Recommendations of continuing and general interest.

At its eight Plenary Sessions held between December, 1968 and December, 1973 the Conference adopted thirty-nine Recommendations and one Statement. Published here are the full texts of twenty of the Recommendations which are addressed broadly to problems of agency practices and procedures. Listed but not published in full are those Recommendations which have been wholly or largely implemented, those which can be implemented only by legislative action, and those addressed to practices and procedures in a single agency. Separate statements filed by Conference member pursuant to 5 U.S.C. 575(a)(1) are noted but not published in full.

The complete texts of the Recommendations and Statements published or listed below, including separate statements, have been previously published in the annual reports of the Administrative Conference (the proceedings of the Eighth Plenary Session, held in December, 1972, will be reported in the forthcoming annual report) and in two bound volumes of Recommendations and Reports of the Administrative Conference of the United States, which may be obtained from the Government Printing Office. These texts are also available on request from the office of the Administrative Conference, 2120 L Street, NW., Washington, D.C. 20037.

1. The Table of Contents of Part 305 of Chapter III is revised to read as follows:

Sec.
305.68–1 Adequate Hearing Facilities (Recommendation No. 68–1).
305.68–2 U.S. Government Organization Manual (Recommendation No. 68–2).
305.68–3 Parallel Table of Statutory Authorities and Rules (2 CFR Ch. I)[1] (Recommendation No. 68–3).
305.68–4 Consumer Bulletin (Recommendation No. 68–4).
305.68–5 Representation of the Poor in Agency Rulemaking of Direct Consequence to Them (Recommendation No. 68–5).
305.68–6 Delegation of Final Decisional Authority Subject to Discretionary Review by the Agency (Recommendation No. 68–6).
305.68–7 Elimination of Jurisdictional Amount Requirement in Judicial Review (Recommendation No. 68–7).
305.68–8 Judicial review of Interstate Commerce Commission Orders (Recommendation No. 68–8).
305.69–1 Statutory reform of the soverign immunity doctrine (Recommendation No. 69–1).
305.69–2 Judicial enforcement of orders of the National Labor Relations Board (Recommendation No. 69–2).
305.69–3 Publication of a "Guide to Federal Reporting Requirements" (Recommendation No. 69–3).
305.69–4 Analytical Subject-Indexes to Selected Volumes of the Code of Federal Regulations (Recommendation No. 69–4).
305.69–5 Elimination of Duplicative Hearings in FAA Safety De-certification Cases (Recommendation No. 69–5).
305.69–6 Compilation of Statistics on Administrative Proceedings by Federal Departments and Agencies (Recommendation No. 69–6).
305.69–7 Consideration of Alternatives in Licensing Procedures (Recommendation No. 69–7).
305.69–8 Elimination of Certain Exemptions from the APA Rulemaking Requirements (Recommendation No. 69–8).
305.69–9 Recruitment and Selection of Hearing Examiners; Continuing Training for Government Attorneys and Hearing Examiners; Creation of a Center for Continuing Legal Education in Government (Recommendation No. 69–9).
305.70–1 Parties Defendant (Recommendation 70–1).
305.70–2 SEC No-Action Letters Under Section 4 of the Securities Act of of 1933 (Recommendation No. 70–2).
305.70–3 Summary Decision in Agency Adjudication (Recommendation No. 70–3).
305.70–4 Discovery in Agency Adjudication (Recommendation No. 70–4).
305.70–5 Practices and Procedures Under the Renegotiation Act of 1951 (Recommendation No. 70–5).
305.71–1 Interlocutory Appeal Procedures (Recommendation No. 71–1).
305.71–2 Principles and Guidelines for Implementation of the Freedom of Information Act (Recommendation No. 71–2).
305.71–3 Articulation of Agency Policies (Recommendation No. 71–3).
305.71–4 Minimum Procedures for Agencies Administering Discretionary Grant Programs (Recommendation No. 71–4).
305.71–5 Procedures of the Immigration and Naturalization Service in Respect to Change-of-Status Applications (Recommendation No. 71–5).
305.71–6 Public Participation in Administrative Hearings (Recommendation No. 71–6).
305.71–7 Rulemaking on a Record by the Food and Drug Administration (Recommendation No. 71–7).
305.71–8 Modification and Dissolution of Orders and Injunctions (Recommendation No. 71–8).
305.71–9 Enforcement of Standards in Federal Grant-in-Aid Programs (Recommendation No. 71–9).
305.72–1 Broadcast of Agency Proceedings (Recommendation No. 72–1).
305.72–2 Conflict-of-Interest Problems in Dealing with Natural Resources of Indian Tribes (Recommendation No. 72–2).
305.72–3 Procedures of the United States Board of Parole (Recommendation No. 72–3).
305.72–4 Suspension and Negotiation of Rate Proposals by Federal Regulatory Agencies (Recommendation No. 72–4).
305.72–5 Procedures for the Adoption of Rules of General Applicability (Recommendation No. 72–5).
305.72–6 Civil Money Penalties as a Sanction (Recommendation No. 72–6).
305.72–7 Pre-induction Review of Selective Service Classification Orders and Related Procedural Matters (Recommendation No. 72–7).
305.72–8 Adverse Actions Against Federal Employees (Recommendation No. 72–8).
305.73–1 Adverse Agency Publicity (Recommendation No. 73–1).
305.73–2 Labor Certification of Immigrant Aliens (Recommendation No. 73–2).
305.73–3 Quality Assurance Systems in the Adjudication of Claims of Entitlement to Benefits or Compensation (Recommendation No. 73–3).

AUTHORITY: 5 U.S.C. 571–576.

2. Part 305 is amended to add the following sections:

§ 305.68–1 Adequate Hearing Facilities (Recommendation No. 68–1).

§ 305.68–2 U.S. Government Organization Manual (Recommendation No. 68–2).

§ 305.68–3 Parallel Table of Statutory Authorities and Rules (2 CFR Ch. I)[1] (Recommendation No. 68–3).

§ 305.68–4 Consumer Bulletin (Recommendation No. 68–4).

§ 305.68–5 Representation of the Poor in Agency Rulemaking of Direct Consequence to Them. (Recommendation No. 68–5).

RECOMMENDATION

A. *Agency efforts.* 1. Federal agencies should engage more extensively in affirmative, self-initiated efforts to ascertain directly from the poor their views with respect to rulemaking that may affect them substantially. For this purpose, agencies should make strong efforts, by use of existing as well as newly devised procedures, to obtain information and opinion from those whose circumstances may not permit conventional participation in rulemaking proceedings. The "rulemaking" referred to is that defined by the Administrative Procedure Act, section 2(c), 5 U.S.C. 551 (4) and (5).

2. Agencies should employ as many of the following procedures as are feasible, practicable, and necessary to assure their being fully informed concerning the relevant interests of the poor:

(a) Agencies should seek to inform the poor of all rulemaking proposals that may affect them substantially and should provide opportunities for the poor to submit their views concerning these and related proposals.

(b) Agencies should hold formal public hearings or informal conferences in close geographic proximity to the poor substantially affected by contemplated rulemaking.

(c) Agencies should take care to invite individuals constituting a representative cross-section of the poor to submit their views orally or in writing as to proposed rules substantially affecting the poor.

(d) Agencies should conduct field surveys among the poor to discover their attitudes concerning particular government policymaking substantially affecting them.

(e) Agencies should use advisory committees made of representatives of the poor as continuing consultants for all programs having a substantial effect on such persons.

(f) When necessary to assure adequate representation for the poor, agencies should pay the personal expenses and wage losses incurred by individuals incident to their participation in rulemaking hearings. Congress should support agency requests for funds and for authority, where none exists, to make discretionary payments for, this purpose. Agencies already authorized to make such payments in whole or in part should use their existing authority and should allocate funds accordingly.

In deciding whether the use of any one or more of the above devices is feasible, practicable, or necessary in a given situation, agencies should resolve doubts in favor of utilizing them; but their enumeration should not exclude or discourage the development and use of other devices to achieve the same result.

In carrying out paragraphs 1 and 2 of this recommendation, agencies should consult with and coordinate their efforts with other Federal agecnies having responsibilities in this area and should make maximum feasible use of the facilities of such other agencies for communicating with and obtaining expressions of the views of the poor.

3. Agencies should be encouraged in appropriate circumstances to determine that the exemptions in 5 U.S.C. 553(a)(2) should not be applied with respect to rulemaking which may have a substantial impact on the poor.

B. *People's Counsel.* 4. (a) An organization should be authorized by statute to employ a staff to act as "People's Counsel." The People's Counsel should represent the interests of the poor in all Federal administrative rulemaking substantially affecting the poor.

(b) The People's Counsel should be charged with assuring that the views of significant separable minority interests among the poor are represented in such Federal administrative rulemaking.

(c) The People's Counsel should be required to disseminate to all interested poor people's organizations pertinent information concerning rulemaking substantially affecting the poor.

(d) The People's Counsel should be authorized to participate suitably in its own name to represent the interests of the poor in any Federal agency proceedings in which the poor have a substantial interest.

(e) The People's Counsel should be authorized to provide representation for organizations and groups of the poor who seek judicial review of administrative action substantially affecting their interests. This recommendation is not to alter the kinds of agency action amenable to judicial review, the requirements of standing to seek review, or the scope of that review.

(f) As an incident to its main responsibilities the People's Counsel should be empowered to recommend to Congress or the President or to both such legislation or other action as it deems appropriate to correct deficiencies in or otherwise improve Federal progams having a substantial impact on the poor.

5.(a) Congress should provide for an appropriate body to perform the functions outlined in section 4. Deserving of consideration as such body would be a new single-purpose corporation, to be created by Congress, modeled on the Corporation for Public Broadcasting, Public Law 90–129, 81 Stat. 368 (1967), 47 U.S.C. (Supp. III) 396, and to be known as the People's Counsel Corporation. In the event this form of organization is adopted, the following considerations should apply:

(1) The People's Counsel Corporation should be made tax exempt and authorized to accept grants of private funds. Gifts to the Corporation should be made deductible as charitable contributions for Federal income tax purposes.

(2) Federal financing of the Corporation should be made available to the extent necessary to assure its effective operation.

(3) The governing board of the People's Counsel Corporation should be constituted to give the poor meaningful representation thereon. Such body should be constituted to ensure close communication with the poor and effective representation of the viewpoints of the poor.

6. All Federal agencies should be required by Executive order to notify the People's Counsel of all proposed rules which would have a substantial impact on the poor. Agencies also should be required by that Executive order to give the People's Counsel an opportunity to present the views of the poor with respect to such proposed rules. Exceptions to these obligations should be permitted only "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that (such) notice and * * * (an opportunity for the People's Counsel to present its views) are impracticable, unnecessary, or contrary to the public interest." (See 5 U.S.C. 553(b)(B).) In these exceptional cases, agencies should be required to notify the People's Counsel as soon as practicable of any consummated rulemaking substantially affecting the poor, and should be required to give the Counsel as soon as practicable an opportunity to communicate to the agency its views concerning the desirability of further action with respect to such rulemaking.

Without prejudice to creating or empowering any other appropriate body to perform the general functions outlined in paragraphs 4, 5, and 6, any special provision therefor should be so structured as to take maximum advantage of the capabilities in this field of nongovernment organizations, and of other public bodies, including notably the Office of Economic Opportunity.

NOTE: Six separate statements were filed concerning this Recommendation.

§ 305.68–6 Delegation of Final Decisional Authority Subject to Discretionary Review by the Agency. (Recommendation No. 68–6).

RECOMMENDATION

1. In order to make more efficient use of the time and energies of agency members and their staffs, to improve the quality of decision without sacrificing procedural fairness, and to help eliminate delay in the administrative process, every agency having a substantial caseload of formal adjudications should consider the establishment of one or more intermediate appellate boards or the adoption of procedures for according administrative finality to presiding officers' decisions, with discretionary authority in the agency to affirm summarily or to review, in whole or in part, the decisions of such boards or officers.

2. Section 8 of the Administrative Procedure Act, 5 U.S.C. 557, should be amended as necessary to clarify the authority of agencies to restructure their decisional processes along either of the following lines:

(a) *Intermediate appellate boards.* (1) Whenever an agency deems it appropriate for the efficient and orderly conduct of its business, it may, by rule or order:

(A) Establish one or more intermediate appellate boards consisting of agency employees qualified by training, experience, and competence to perform review functions,

(B) Authorize these boards to perform functions in connection with the disposition of cases of the same character as those which may be performed by the agency,

(C) Prescribe procedures for review of subordinate decisions by such boards or by the agency, and

(D) Restrict the scope of inquiry by such boards and by the agency in any review, without impairing the authority of the agency in any case to decide on its own motion any question of procedure, fact, law, policy, or discretion as fully as if it were making the initial decision.

(2) Any order or decision of an intermediate appellate board, unless reviewed by the agency, shall have the same force and effect and shall be made, evidenced, and enforced in the same manner as orders and decisions of the agency.

(3) A party aggrieved by an order of such board may file an application for review by the agency within such time and in such manner as the agency shall prescribe, and every such application shall be passed upon by the agency.

(4) In passing upon such applications for review, an agency may grant, in whole or in part, or deny the application without specifying any reasons therefor. No such application shall rely upon questions of fact or law upon which the intermediate appellate board has been afforded no opportunity to pass.

(5) An agency, on its own initiative, may review in whole or in part, at such time and in such manner as it shall determine, any order, decision, report, or other action made or taken by an intermediate appellate board.

(6) If an agency grants an application for review or undertakes review on its own motion, it may affirm, modify, reverse, or set aside the order, decision, report or other action of the intermediate appellate board, or may remand the proceeding for reconsideration.

(7) The filing of an application for agency review shall be a condition precedent to judicial review of any order of an intermediate appellate board.

(8) Agency employees performing review functions shall not be responsible to or subject to the supervision or direction of any employee or agent engaged in the performance of investigative or prosecuting functions for any agency.

[1] As of January 1, 1973, codified as Table I of the Finding Aids Volume.

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(b) *Discretionary review of decisions of presiding officers.* (1) When a party to a proceeding seeks administrative review of an initial decision rendered by the presiding officer (or other officer authorized by law to make such decision), the agency may accord administrative finality to the initial decision by denying the petition for its review, or by summarily affirming the initial decision, unless the party seeking review makes a reasonable showing that:

(A) A prejudicial procedural error was committed in the conduct of the proceeding, or

(B) The initial decision embodies

(i) A finding or conclusion of material fact which is erroneous or clearly erroneous, as the agency may by rule provide,

(ii) A legal conclusion which is erroneous, or

(iii) An exercise of discretion or decision of law or policy which is important and which the agency should review.

(2) The agency's decision to accord or not to accord administrative finality to an initial decision shall not be subject to judicial review. If the initial decision becomes the decision of the agency, however, because it is summarily affirmed by the agency or because the petition for its review is denied, such decision of the agency will be subject to judicial review in accordance with established law.

§ 305.68–7 Elimination of Jurisdictional Amount Requirement in Judicial Review (Recommendation No. 68–7).

§ 305.68–8 Judicial Review of Interstate Commerce Commission Orders (Recommendation 68–8).

§ 305.69–1 Statutory Reform of the Sovereign Immunity Doctrine. (Recommendation 69–1).

§ 305.69–2 Judicial Enforcement of Orders of the National Labor Relations Board (Recommendation 69–2).

§ 305.69–3 Publication of a "Guide to Federal Reporting Requirements" (Recommendation No. 69–3).

§ 305.69–4 Analytical Subject-Indexes to Selected Volumes of the Code of Federal Regulations (Recommendation No. 69–4).

§ 305.69–5 Elimination of Duplicative Hearings in FAA Safety De-certification Cases (Recommendation No. 69–5).

§ 305.69–6 Compilation of Statistics on Administrative Proceedings by Federal Departments and Agencies (Recommendation No. 69–6).

Government agencies which conduct formal or informal rulemaking proceedings or cases of adjudication which directly fix the rights and obligations of private persons (hereafter referred to as "proceedings")[1] owe a special duty to the individuals affected and to the general public to manage their caseloads as efficiently as possible, to eliminate inordinate delays in the conduct of proceedings, and to work continuously toward improving the fairness, effectiveness, and economy of their procedures. The present volume of Federal administrative proceedings is so great that much of the basic information needed in these efforts can be developed in intelligible and useful form only through statistical study. The compilation and publication of comprehensive statistics on Federal agency proceedings, at regular intervals would:

(a) Provide each agency with information concerning its business which would enable it to manage its caseload more effectively,

(b) Augment generally the information concerning its activities which each agency must furnish to the President, the Congress, and the public,

(c) Afford affected parties and their counsel a better understanding of the administrative processes which determine their rights and obligations, and

(d) Provide a basis for specific study of particular agency procedures by the agency itself, by committees of Congress, the Administrative Conference of the United States, the organized bar, research scholars, and other individuals and organizations, public and private, interested in improving the Federal administrative process.

RECOMMENDATION

1. To the extent deemed useful to advance the purposes of this recommendation, each Federal administrative agency which conducts proceedings (as defined above) affecting private persons' rights, privileges or obligations, should prepare annual statistical data pertaining to those proceedings, to be compiled in such manner and presented in such publications as the agency considers appropriate.

2. These statistical compilations should list the kinds of proceedings pending during the year, with a concise yet meaningful description of the nature and purpose of each kind of proceeding and citations for the statutory authority under which the proceedings are conducted, and the sections of the Code of Federal Regulations which set forth the rules of practice governing each kind of proceeding.

3. For the purpose of agency efforts that may be made in cooperation with the Chairman of the Administrative Conference of the United States, to lessen delays in administrative proceedings, the statistical compilation should show the number of days which elapsed during each significant step of the proceedings which were concluded during the year.

4. In designing each agency's compilation, the following information, together with the time-study data referred to in 3 above, should be considered minimal:

(a) The number of proceedings of each kind pending at the beginning of the year;

(b) The number of new proceedings filed or otherwise commenced during the year;

(c) The number of proceedings concluded during the year and the manner of their disposition (i.e., by settlement, dismissal on procedural grounds, decision on the merits without hearing, final decision by agency after hearing, and an examiner's initial decision, etc.);

(d) The number of proceedings remaining at the end of the year; and

(e) The number of proceedings concluded during the year which were appealed to the courts.

5. Each agency should periodically analyse all of the information thus compiled and should develop improved techniques fitted to its particular needs to reduce delays and expense and otherwise to improve its administrative processes. A copy of this analysis should be submitted to the Administrative Conference of the United States.

6. In presenting its statistical compilation, each agency should summarize this analysis and describe the specific steps it has taken toward the ends referred to in 5 above.

7. Each agency, in its subsequent compilations, should follow a pattern that makes possible a comparison of data with corresponding data for earlier periods, thus reflecting changes in backlogs, volumes, and elapsed times and providing a measure of the agency's experience following the specific actions referred to in 6 above.

§ 305.69–7 Consideration of Alternatives in Licensing Procedures (Recommendation No. 69–7).

Court decisions, notably Scenic Hudson Preservation Conference v. FPC,[1] have emphasized that in licensing cases the Federal Power Commission must explore and give proper consideration to possible alternatives to the specific plan proposed by the applicant. This principle may in the future be applied to other licensing agencies. Since the range of possible alternatives in any case can be extensive and in some cases virtually unbounded, ways must be sought to control the scope and duration of licensing proceedings within manageable limits while meeting the requirements of the law.

RECOMMENDATIONS

Each agency which issues licenses, permits, or other forms of authorization, should seek to create procedures fitting its particular circumstances which will assure appropriate consideration of alternatives, where necessary, and at the same time will permit effective administration of that agency's licensing functions.

Because the various agencies must deal in their licensing procedures with many diverse subject matters, the Administrative Conference cannot specify a single rule and procedure for achieving this objective. Procedural techniques which experience has shown useful in analogous situations and which an agency might consider include: (1) Guidelines embodying a rule of reason concerning the number and character of alternatives to be considered in particular types of cases; (2) rules providing a point in time beyond which the issues in a proceeding will not be expanded to include additional alternatives except under compelling circumstances; (3) techniques, such as prehearing conferences and the filing of testimony in written form before trial, which tend to promote early identification of interested parties and important alternatives; and (4) placing responsibility upon the party or other person proposing an alternative to the applicant's proposal to make an appropriate threshold showing that the alternative deserves the agency's consideration.

§ 305.69–8 Elimination of Certain Exemptions from the APA Rulemaking Requirements (Recommendation No. 69–8).

RECOMMENDATION

In order to assure that Federal agencies will have the benefit of the information and

[1] The agency compilations proposed by this recommendation should not be limited to formal proceedings, or limited to "proceedings" as that term has been employed in gathering statistics for past conferences or Congressional groups. Rather, agency figures should report all matters directly fixing the rights, privileges, and obligations of private interests including the routine handling of applications and claims.

[1] 354 F.2d 608 (2d Cir. 1965), cert. denied, 384 U.S. 941 (1966). See also Udall v. FPC, 387 U.S. 428 (1967).

opinion that can be supplied by persons whom regulations will affect, the Administrative Procedure Act requires that the public must have opportunity to participate in rulemaking proceedings. The procedures to assure this opportunity are not required by law, however, when rules are promulgated in relation to "public property, loans, grants, benefits, or contracts." These types of rules may nevertheless bear heavily upon nongovernmental interests. Exempting them from generally applicable procedural requirements is unwise. The present law should therefore be amended to discontinue the exemptions to strengthen procedures that will make for fair, informed exercise of rulemaking authority in these as in other areas.

Removing these statutory exemptions would not diminish the power of the agencies to omit the prescribed rulemaking procedures whenever their observances were found to be impracticable, unnecessary, or contrary to the public interest. A finding to that effect can be made, and published in the FEDERAL REGISTER, as to an entire subject matter concerning which rules may be promulgated. Each finding of this type should be no broader than essential and should include a statement of underlying reasons rather than a merely conclusory recital.

Wholly without statutory amendment, agencies already have the authority to utilize the generally applicable procedural methods even when formulating rules of the exempt types now under discussion. They are urged to utilize their existing powers to employ the rulemaking procedures provided by the Administrative Procedure Act, whenever appropriate, without awaiting a legislative command to do so.

§ 305.69–9 Recruitment and selection of Hearing Examiners; continuing training for Government Attorneys and Hearing Examiners; creation of a center for continuing legal education in Government (Recommendation 69–9).

RECOMMENDATION

A. RECURITMENT AND SELECTION OF HEARING EXAMINERS

1. The Civil Service Commission should enlarge the base of recruitment and the number of qualified candidates available for appointment to hearing examiner positions by recognizing trial experience as one basis for qualification.

2. The Civil Service Commission should depart experimentally from the selective certification system as now practiced in the appointment of hearing examiners. Instead, it should develop a system under which the number of candidates qualified for hearing examiner positions is enlarged through the use of a general register for all agencies, with additional credit for specific relevant professional experience or selective certification for those agencies which demonstrate to the Civil Service Commission's satisfaction a current need for personnel possessing a specific background. The purpose of this experiment should be to permit meaningful comparative evaluation with the system now in effect. A report should be made to the Administrative Conference after 3 years of experience.

To aid the Civil Service Commission in effectuating the objective of this part of the recommendation, the Chairman of the Administrative Conference should appoint special committees from time to time to evaluate the standards of specific relevant professional experience proposed to the Civil Service Commission by any agency as being required for its work. Present selective certification agreements should continue until new standards have been adopted by the Civil Service Commission.

3. The Civil Service Commission should study and, if practicable, should institute an experimental intern program to supplement the direct appointment of hearing examiners from the register. Without finally deciding the issue, the Conference urges the Commission to consider anew whether successful interns should automatically be placed in hearing examiner positions.

4. The Veterans Preference Act should be amended to permit the selection of examiners for each vacancy from the top 10 available persons then appearing on the register, determined on the basis of examination and ranking without reference to veterans preference.

B. CONTINUING TRAINING FOR GOVERNMENT ATTORNEYS AND EXAMINERS

1. Agencies employing attorneys and hearing examiners should encourage their participation in programs of continuing legal education. Budgets should include adequate funds for personnel so that attorneys and examiners may be released for reasonable periods of time to accomplish added training. Agencies should take all suitable steps to assure wide knowledge of training opportunities.

2. Agencies should also explore ways in which they can support the professional training activities of the Federal Trial Examiners Conference, bar associations, foundations, the Civil Service Commission, law schools, the individual agencies with parallel legal interests, and other institutions offering appropriate training for attorneys and examiners.

3. The feasibility of short-term exchange assignments of experienced attorneys in higher grades among agencies should be considered, in order to enhance the insight and effectiveness of government lawyers by exposing them to varied aspects of legal problems with which they may deal.

C. CREATION OF A CENTER FOR CONTINUING LEGAL EDUCATION IN GOVERNMENT

1. A center should be established in the Washington area for the continuing legal education of Government lawyers, hearing examiners, and private attorneys practicing before Government agencies. The center should also promote coordinated programs within the Government and with specialized segments of the organized bar; stimulate and engage in the preparation of manuals, research materials, and other publications in support of such continuing legal education; and provide a mechanism for the exchange of information concerning professional problems of Government attorneys. The center, under the direction of lawyers, should be oriented toward applied legal problems. The Civil Service Commission should make available to it the benefit of the Commission's experience in establishing and operating Federal Executive institutes and centers. The Federal Administrative Justice Center proposed by the American Bar Association in a resolution adopted by the American Bar Association's House of Delegates in January 1969, as an example, would serve the purpose of the present recommendation.

2. The establishment of the Center should not diminish each agency's present responsibility to provide continuing legal education for its own lawyers through "in-house" training programs, but the Center should support and assist all agencies in maintaining these programs at a high level of effectiveness.

§ 305.70–1 Parties Defendant (Recommendation No. 70–1)

§ 305.70–2 SEC No-Action Letters Under Section 4 of the Securities Act of 1933 (Recommendation No. 70–2)

§ 305.70–3 Summary Decision in Agency Adjudication (Recommendation No. 70–3).

Delays in the administrative process can be avoided by eliminating unnecessary evidentiary hearings where no genuine issue of material fact exists. Each agency having a substantial caseload of formal adjudications should adopt procedures providing for summary judgment or decision, patterned after the following model rule in suitable cases and with appropriate modifications to meet the needs of its own hearings:

RECOMMENDATION

SECTION 1 Any party to an adjudicatory or rulemaking proceeding required by statute to be determined on the record after opportunity for agency hearing may, after commencement of the proceeding and at least —— days before the date fixed for the hearing, move with or without supporting affidavits for a summary decision in his favor of all or any part of the proceeding. Any other party may, within —— days after service of the motion, serve opposing affidavits or countermove for summary decision. The presiding officer may, in his discretion, set the matter for argument and call for the submission of briefs.

SEC. 2 The presiding officer may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

SEC. 3 Affidavits shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in this rule, a party opposing the motion may not rest upon the mere allegations or denials of his pleading; his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue of fact for the hearing.

SEC. 4 Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the presiding officer may deny the motion for summary decision or may order a discontinuance to permit affidavits to be obtained or discovery to be had or may make such other order as is just.

SEC. 5 The denial of all or any part of a motion for summary decision by the presiding officer shall not be subject to interlocutory appeal to the (*review authority*) unless (a) the presiding officer certifies in writing (i) that the rule involves an important question of law or policy as to which there is substantial ground for difference of opinion and (ii) that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation; or (b) if the presiding officer declines so to certify, a designee of the (*review authority*) so certifies upon appropriate application. The allowance of such an interlocutory appeal shall not stay the proceeding before the presiding officer unless the (*review authority*) shall so order.

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§ 305.70–4 Discovery in Agency Adjudication (Recommendation No. 70–4).

Prehearing discovery in agency adjudication insures that the parties to the proceeding have access to all relevant, unprivileged information prior to the hearing. Its primary objectives include the more expeditious conduct of the hearing itself, the encouragement of settlement between the parties, and greater fairness in adjudication. Agencies that conduct adjudicatory proceedings generally enjoy broad investigatory powers, and fairness requires that private parties have equal access to all relevant, unprivileged information at some point prior to the hearing.

RECOMMENDATION

It is therefore recommended that each agency recognize the following minimum standards for discovery in adjudicatory proceedings subject to sections 5, 7 and 8 of the Administrative Procedure Act, now codified as 5 U.S.C. 554, 556 and 557. Individual agencies may permit additional discovery where appropriate and may tailor the recommended standards to meet the needs of particular types of proceedings where special or less elaborate discovery procedures will accomplish the same basic objectives or where the protective measures here recommended will be inadequate to achieve the ends sought. Each agency should undertake to train its hearing examiners in the application of the rules it promulgates to implement these standards. This training should draw upon the experience of other agencies, the Federal Courts, private practitioners, and bar associations.

The recommended minimum standards include the following procedures:

1. *Prehearing conferences.* The presiding officer should have the authority to hold one or more prehearing conferences during the course of the proceeding on his own motion or at the request of a party to the proceeding. The presiding officer should normally hold at least one prehearing conference in proceedings where the issues are complex or where it appears likely that the hearing will last a considerable period of time. The presiding officer at a prehearing conference should have the authority to direct the parties to exchange their evidentiary exhibits and witness lists prior to the hearing. Where good cause exists, the parties should have the right at any time to amend, by deletion or supplementation, their evidentiary exhibits and witness lists.

2. *Depositions.* A party to the proceeding should be able to take depositions of witnesses upon oral examination or written questions for purposes of discovering relevant, unprivileged information, subject to the following conditions:

(1) The taking of depositions should normally be deferred until there has been at least one prehearing conference;

(2) The party seeking to take a deposition should apply to the presiding officer for an order to do so;

(3) The party seeking to take a deposition should serve copies of the application on the other party or parties to the proceeding, who should be given an opportunity, along with the deponent, to notify the presiding officer of any objections to the taking of the deposition;

(4) The presiding officer should not grant an application to take a deposition if he finds that the taking of the deposition would result in undue delay;

(5) The presiding officer should otherwise grant an application to take a deposition unless he finds that there is not good cause for doing so; and

(6) The deposing of an agency employee should only be allowed upon an order of the presiding officer based on a specific finding that the party applying to take the deposition is seeking significant, unprivileged information not discoverable by alternative means. Any such order should be subject to an interlocutory appeal to the agency.

An order to take a deposition should be enforceable through the issuance of a subpoena ad testificandum.

3. *Witnesses*—(a) *Prior statements.* At the prehearing conference or at some other reasonable time prior to the hearing the attorney or employee appearing on behalf of the agency in the proceeding should make available to the other parties to the proceeding any prior statements of agency witnesses which are in the possession of the agency or obtainable by it from any other Federal agency and which relate to the subject matter of the expected testimony. "Statement" is defined to include only a written statement signed or adopted by the witness or a recording or transcription which is a substantially verbatim recital of an oral statement made by the witness to an agent of the Federal government.

(b) *Narrative summaries of expected testimony.* At the prehearing conference or at some other reasonable time prior to the hearing each party to the proceeding should make available to the other parties to the proceeding the names of the witnesses he expects to call and a narrative summary of their expected testimony. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to designate any prior statement or statements of an agency witness which he makes available to the other parties under 3(a) as all or part of the narrative summary of that witness' expected testimony. Where good cause exists, the parties should have the right at any time to amend, by deletion or supplementation, the list of names of the witnesses they plan to call and the narrative summaries of the expected testimony of those witnesses.

4. *Written interrogatories to parties*—(a) *Availability.* A party to the proceeding should be able to serve written interrogatories upon any other party for purposes of discovering relevant, unprivileged information. A party served with interrogatories, should be able, before he must answer the interrogatories, to apply to the presiding officer for the holding of a prehearing conference for the mutual exchange of evidentiary exhibits and other information. Each interrogatory which requests information not previously supplied at a prehearing conference should be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for the objection should be stated in lieu of an answer. The party upon whom the interrogatories have been served should serve a copy of the answers and objections within a reasonable time upon the party submitting the interrogatories. The party submitting the interrogatories may move the presiding officer for an order compelling an answer to an interrogatory or interrogatories to which there has been an objection or other failure to answer.

(b) *Interrogatories directed to the Agency.* Each agency should designate an appropriate official on whom other parties to the proceeding may serve written interrogatories directed to the agency. That official should arrange for agency personnel with knowledge of the facts to answer and sign the interrogatories on behalf of the agency. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to make and sign objections to interrogatories served upon the agency. Interrogatories directed to the agency which seek information available only from the agency head, member, or members should only be allowed upon an order of the agency based on a specific finding that the interrogating party is seeking significant, unprivileged information not discoverable by alternative means.

5. *Requests for admissions*—(a) *Availability.* A party to the proceeding should be able to serve upon any other party a written request for the admission, for purposes of the pending proceeding, of any relevant, unprivileged facts, including the genuineness of any document described in the request.

(b) *Requests directed to the Agency.* Each agency should designate an appropriate official on whom other parties to the proceeding may serve requests for admissions directed to the agency. That official should arrange for agency personnel with knowledge of the facts to respond to the requests on behalf of the agency. The attorney or employee appearing on behalf of the agency in the proceeding should have the authority to make and sign objections to requests for admissions served upon the agency. Requests directed to the agency which seek admissions obtainable only from the agency head, member or members should only be allowed upon an order of the agency based on a specific finding that the requesting party is seeking significant, unprivileged information not discoverable by alternative means.

6. *Production of documents and tangible things*—(a) *From non-parties.* A party to the proceeding should be able to obtain in accordance with agency rules a subpoena duces tecum requiring a non-party to produce relevant designated documents and tangible things, not privileged, at a prehearing conference, at the taking of the non-party's deposition, or at any other specific time and place designated by the issuing officer.

(b) *From parties.* A party to the proceeding should be able to apply to the presiding officer for an order requiring any other party to produce and to make available for inspection, copying or photographing, at a prehearing conference or other specific time and place, any designated documents and tangible things, not privileged, which constitute or contain relevant evidence. The party seeking production should serve copies of the application on the other party or parties to the proceeding, who should be given an opportunity to notify the presiding officer of any objections. The presiding officer should order the production of such designated documents and tangible things unless he finds that there is not good cause for doing so.

(c) *From the Agency.* For the purposes of paragraph 6, the agency conducting the proceeding should be considered a party to the proceeding whether or not the agency staff participates as a party to the proceeding.

7. *Role of the Presiding Officer*—(a) *Control over discovery.* The presiding officer should have the authority to impose schedules on the parties to the proceeding specifying the periods of time during which the parties may pursue each means of discovery available to them under the rules of the agency. Such schedules and time periods should be set with a view to accelerating disposition of the case to the fullest extent consistent with fairness.

(b) *Interlocutory appeals.* Except as provided by 2(6) above, an interlocutory appeal from a ruling of the presiding officer on discovery should be allowed only upon certification by the presiding officer that the ruling involves an important question of law or policy which should be resolved at that time by the appropriate review authority. Notwithstanding the presiding officer's certification, the review authority should have the authority to dismiss summarily the interlocutory appeal if it should appear that the certification was improvident. An interlocutory appeal should not result in a stay of the proceedings except in extraordinary circumstances.

8. *Protective Orders*—(a) *Authority of Presiding Officer in General.* The presiding officer should have the authority, upon motion by a party or by the person from whom discovery is sought, and for good cause shown, to make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) That the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the presiding officer; (6) that a deposition after being sealed be opened only by order of the presiding officer; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the presiding officer.

(b) *Names of witnesses.* The presiding officer should have the authority upon motion by a party or other person, and for good cause shown, by order (a) to restrict or defer disclosure by a party of the name of a witness, a narrative summary of the expected testimony of a witness or, in the case of an agency witness, any prior statement of the witness, and (b) to prescribe other appropriate measures to protect a witness. Any party affected by any such action should have an adequate opportunity, once he learns the name of a witness and obtains the narrative summary of his expected testimony or, in the case of an agency witness, his prior statement or statements, to prepare for cross-examination and for the presentation of his case.

(c) *In Camera proceedings.* The presiding officer should have the authority to permit a party or person seeking a protective order to make all or part of the showing of good cause in camera. A record should be made of such in camera proceedings. If the presiding officer enters a protective order following a showing in camera, the record of such showing should be sealed and preserved and made available to the agency or court in the event of an appeal.

9. *Subpoenas.* The presiding officer should have the power to issue subpoenas ad testificandum and duces tecum at any time during the course of the proceeding. Agencies affected by this Recommendation that do not have the statutory authority to issue subpoenas should seek to obtain any necessary authority from the Congress.

§ 305.70–5 Practices and Procedures Under the Renegotiation Act of 1951 (Recommendation No. 70–5).

§ 305.71–1 Interlocutory Appeal Procedures (Recommendation No. 71–1).

Interlocutory appeal procedures for agency review of rulings by presiding officers must balance the advantages derived from intermediate correction of an erroneous ruling against interruption of the hearing process and other costs of piecemeal review. Striking an appropriate balance between these competing concerns requires that the exercise of discretion in individual cases be carefully circumscribed. Procedures that delegate the responsibility for allowing interlocutory appeals to presiding officers, with a reserved power in the agency to handle exceptional situations, have proven most satisfactory.

RECOMMENDATION [1]

Each agency which handles a substantial volume of cases that are decided on the basis of a record should adopt interlocutory appeal procedures based on the following principles:

1. Presiding officers should be authorized to rule initially on all questions raised in the proceeding. A ruling by the presiding officer, supported by a reasoned statement, usually should precede interlocutory review of the question raised.

2. In general, interlocutory appeal from a ruling of the presiding officer should be allowed only when the presiding officer certifies that (a) the ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion; and (b) an immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy.

3. Allowance of an interlocutory appeal should not stay the proceeding unless the presiding officer determines that extraordinary circumstances require a postponement. A stay of more than 30 days must be approved by the review authority.

4. If the number of interlocutory appeals in an agency is substantial, the authority to affirm, modify, or reverse the presiding officer's interlocutory ruling should be delegated, to the extent permitted by law, to a review authority designated by the agency.

5. Unless the review authority orders otherwise in the particular case, the review authority should decide the interlocutory appeal on the record and briefs submitted to the presiding officer without further briefs or oral argument. The review authority should summarily dismiss an interlocutory appeal whenever it determines that the presiding officer's certification was improvidently granted or that consideration of the appeal is unnecessary. If the review authority does not specify otherwise within 30 days after the certification or allowance of the interlocutory appeal, leave to appeal from the presiding officer's interlocutory ruling should be deemed to be denied.

6. Interlocutory review by petition to the review authority without certification by the presiding officer should be restricted to exceptional situations in which (a) vital public or private interests might otherwise be seriously impaired, and (b) the review authority has not had an opportunity to develop standards which the presiding officer can apply in determining whether interlocutory review is appropriate.

§ 305.71–2 Principles and Guidelines for Implementation of the Freedom of Information Act (Recommendation No. 71–2).

The Freedom of Information Act, 5 U.S.C. 552, expresses important policies with respect to the availability to the public of records of Federal agencies. To achieve free access to and prompt production of identifiable government records in accordance with the terms and policies of the Act, each agency [1] should conform to the statutory policy encouraging disclosure, adopt procedural regulations for the expeditious handling of information requests, and review the fees charged for providing information.

RECOMMENDATION

A. *General principles.* Agencies should conform to the following principles in handling requests for information:

1. Each agency should resolve questions under the Freedom of Information Act with a view to providing the utmost information. The exemptions authorizing non-disclosure should be interpreted restrictively.

2. Each agency should make certain that its rules provide the fullest assistance to inquirers, including information relating to where requests may be filed. It should provide the most timely possible action on requests for information.

3. When requested information is partially exempt from disclosure the agency should, to the fullest extent possible, supply that portion of the information which is not exempt.

4. If it is necessary for an agency to deny a request, the denial should be promptly made and the agency should specify the reason for the denial. Procedures for review of denials within the agency should be specified and any such review should be promptly made.

5. Fees for the provision of information should be held to the minimum consistent with the reimbursement of the cost of providing the information. Provision should be made for waiver of fees when this is in the public interest.

B. *Guidelines for handling of information request.* Each agency should adopt procedural rules to effectuate the principles stated in Part A. To assist in this task the following guidelines are set forth as a model of the kinds of procedures that are appropriate and would accomplish this purpose.

1. *Agency assistance in making request for records.* Each agency should publish a directory designating names or titles and addresses of the particular officers and employees in its Washington office and in its various regional and field offices to whom requests for information and records should be sent. Appropriate means should be used to make the directory available to members of the public who would be interested in requesting information or records.

Each agency should direct one or more members of its staff to take primary responsibility for assisting the public in framing requests for identifiable records containing the information that they seek. The names or titles and addresses of these staff members should be included in the public directory referred to above.

2. *Form of request.*—a. *No standard form.* No agency should require the use of standard forms for making requests. Any written request that identifies a record sufficiently for the purpose of finding it should be acceptable. A standard form may be offered as an optional aid.

b. *Categorical requests.* i. Requests calling for all records falling within a reasonably specific category should be regarded as conforming to the statutory requirement of

[1] This recommendation supersedes section 5 of Recommendation No. 70–3 and paragraphs 2(6) and 7(b) of Recommendation No. 70–4, adopted June 2–3, 1970, insofar as they deal with interlocutory appeals.

[1] The term agency as used herein denotes an agency, executive department, or a separate administration or bureau within a department which has adopted its own administrative structure for handling requests for records.

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"identifiable records" if the agency would be reasonably able to determine which particular records come within the request and to search for and collect them without unduly burdening or interfering with agency operations because of the staff time consumed or the resulting disruption of files.

ii. If any agency responds to a categorical request by stating that compliance would unduly burden or interfere with its operations, it should do so in writing, specifying the reasons why and the extent to which compliance would burden or interfere with agency operations. In the case of such a response the agency should extend to the requester an opportunity to confer with it in an attempt to reduce the request to manageable proportions by reformulation and by outlining an orderly procedure for the production of documents.

3. *Partial disclosure of exempt records and files.* Where a requested file or record contains exempt information that the agency wishes to maintain confidential, it should offer to make available the file or a copy of the record with appropriate deletions if this can be done without revealing the exempt information.

4. *Time for reply to request.* Every agency should either comply with or deny a request for records within ten working days of its receipt unless additional time is required for one of the following reasons:

a. The requested records are stored in whole or part at other locations than the office having charge of the records requested.

b. The request requires the collection of a substantial number of specified records.

c. The request is couched in categorical terms and requires an extensive search for the records responsive to it.

d. The requested records have not been located in the course of a routine search and additional efforts are being made to locate them.

e. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are: (a) Exempt from disclosure under the Freedom of Information Act and (b) should be withheld as a matter of sound policy, or revealed only with appropriate deletions.

When additional time is required for one of the above reasons, the agency should acknowledge the request in writing within the ten-day period and should include a brief notation of the reason for the delay and an indication of the date on which the records would be made available or a denial would be forthcoming.

The ten-day time period specified above should begin to run on the day that the request is received at that office of the agency having charge of the records. When a request is received at an office not having charge of the records, it should promptly forward the request to the proper office and notify the requester of the action taken.

If an agency does not reply to or acknowledge a request within the ten-day period, the requester may petition the officer handling appeals from denials of records for appropriate action on the request. If an agency does not act on a request within an extended deadline adopted for one of the reasons set forth above, the requester may petition the officer handling appeals from denials of records for action on the request without additional delay. If an agency adopts an unreasonably long extended deadline for one of the reasons set forth above, the requester may petition the officer handling appeals from denials of records for action on the request within a reasonable period of time from acknowledgment.

An extended deadline adopted for one of the reasons set forth above would be considered reasonable in all cases if it does not exceed ten additional working days. An agency may adopt an extended deadline in excess of the ten additional working days (i.e. a deadline in excess of twenty working days from the time of initial receipt of the request) where special circumstances would reasonably warrant the more extended deadline and they are stated in the written notice of the extension.

5. *Initial denials of requests.*—a. *Form of denial.* A reply denying a written request for a record should be in writing and should include:

i. A reference to the specific exemption under the Freedom of Information Act authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

ii. An outline of the appeal procedure within the agency and of the ultimate availability of judicial review in either the district in which the requester resides or has a principal place of business, or in which the agency records are situated.

If the requester indicates to the agency that he wishes to have a brief written statement of the reasons why the exempt record is being withheld as a matter of discretion where neither a statute nor an executive order requires denial, he will be given such a statement.

b. *Collection of denials.* A copy of all denial letters and all written statements explaining why exempt records have been withheld should be collected in a single central-office file.

c. *Denials; protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an unwarranted invasion of personal privacy if made generally available, as in the case of a request to examine one's own medical files, the agency should delete identifying details from copies of the request and written responses to it that are made available to requesting members of the public.

6. *Intra-agency appeals.*—a. *Designation of officer for appeals.* Each agency should publicly designate an officer to whom a requester can take an appeal from a denial of records.

b. *Time for action on appeals.* There should be only one level of intra-agency appeal. Final action should be taken within twenty working days from the time of filing the appeal. Where novel and very complicated questions have been raised, the agency may extend the time for final action for a reasonable period beyond twenty working days upon notifying the requester of the reasons for the extended deadline and the date on which a final response will be forthcoming.

c. *Action on appeals.* The grant or denial of an appeal should be in writing and set forth the exemption relied on, how it applies to the record withheld, and the reasons for asserting it. Copies of both grants and denials on appeal should be collected in one file open to the public and should be indexed according to the exemptions asserted and, to the extent feasible, according to the type of records requested.

d. *Necessity for prompt action on petitions complaining of delay.* Where a petition to an appeals officer complaining of an agency's failure to respond to a request or to meet an extended deadline for responding to a request does not elicit an appropriate response within ten days, the requester may treat his request as denied and file an appeal. Where a petition to an appeals officer complaining of the agency's imposition of an unreasonably long deadline to consider assertion of an exemption does not bring about a properly revised deadline, the requester may treat his request as denied after a reasonable period of time has elapsed from his initial request and he may then file an appeal.

C. *Fees for the provision of information.* Each agency should establish a fair and equitable fee schedule relating to the provision of information. To assist the agencies in this endeavor, a committee composed of representatives from the Office of Management and Budget, the Department of Justice and the General Services Administration, should establish uniform criteria for determining a fair and equitable fee schedule relating to requests for records that would take into account, pursuant to 31 U.S.C. 483a (1964), the costs incurred by the agency, the value received by the requester and the public interest in making the information freely and generally available. The Committee should also review agency fees to determine if they comply with the enunciated criteria. These criteria might include the following:

1. *Fees for copying documents.* In view of the public interest in making government information freely available, the fee charged for reproducing documents in written, typewritten, printed or other form that permits copying by duplicating processes, should be uniform and not exceed the going commercial rate, even where such a charge would not cover all costs incurred by particular agencies.

2. *No fee for routine search.* In view of the public interest in making government held information freely available, no charge should be made for the search time and other incidental costs involved in the routine handling of a request for a specific document.

3. *No fee for screening out exempt records.* As a rule, no charge should be made for the time involved in examining and evaluating records for the purpose of determining whether they are exempt from disclosure under the Freedom of Information Act and should be withheld as a matter of sound policy. Where a broad request requires qualified agency personnel to devote a substantial amount of time to screening out exempt records and considering whether they should be made available, the agency in its discretion may include in its fee a charge for the time so consumed. An important factor in exercising this discretion and determining the fee should be whether the intended use of the requested records will be of general public interest and benefit or whether it will be of primary value to the requester.

§ 305.71–3 Articulation of Agency Policies (Recommendation No. 71–3).

Agencies of the Federal Government should strive to act on the basis of articulated policies and standards. Concerns of good government and efficient management support this general principle, as do the developing views of the Federal courts.

RECOMMENDATION

Agency policies which affect the public should be articulated and made known to the public to the greatest extent feasible. To this end, each agency which takes actions affecting substantial public or private interests, whether after hearing or through informal action, should, as far as is feasible in the circumstances, state the standards that will guide its determination in various types of agency action, either through published decisions, general rules or policy statements other than rules. Each such agency from time to time should review its precedents, rules and policy statements to assure that they accurately reflect the agency's developing experience. If rulemaking is used for these purposes, each agency should establish and publish general or particular procedures (whether or not such procedures are required by statute) that define the extent and manner of public participation appropriate in the circumstances.

§ 305.71–4 Minimum Procedures for Agencies Administering Discretionary Grant Programs (Recommendation 71–4).

Agencies that administer grant programs employ disparate and sometimes inadequate procedures in notifying applicants of available funds, stating policies for award of grants, informing applicants of actions taken on applications, and other matters. Adoption of more uniform, minimum procedures would be helpful to the agencies and would assist applicants, who often must deal with a number of different agencies. The recommendation applies to all grant programs which involve the exercise of some discretion in their administration. It is not intended to apply to Federal grant-in-aid programs that are wholly mandatory, *i.e.*, dispensed in accordance with a statutory formula without any discretion on the part of the agency.

RECOMMENDATION

Agencies should examine and revise their grant procedures to achieve to the maximum extent practicable the following objectives:

1. *Public notice.* Agencies should publish a notice in the FEDERAL REGISTER (or in other publications that, in the judgment of the agency, have wider distribution among potential grantees) of the availability of grant funds at the outset of a new grant program, each time additional funds become available, and each time a deadline is established for submission of applications for funds. When an agency elects to publish elsewhere than in the Federal Register, it should publish in the Federal Register a statement specifying the other publication or publications in which it will publish.

2. *Development of criteria by rulemaking.* Unless otherwise provided by statute, agencies should issue regulations, pursuant to the notice and opportunity to comment provisions of the Administrative Procedure Act (5 U.S.C. 553), specifying: (a) The procedures to be followed by applicants, and (b) criteria or standards, and priorities among criteria or standards, for the selection of grantees under each grant program. Agencies should review and, when appropriate, reissue such regulations at least once every five years.

3. *Avoidance of conflict of interest.* Agencies should review their practices regarding utilization of advisory committees to ensure that they are in full compliance with existing conflict-of-interest requirements.

4. *Notification of applicants.* Agencies should notify applicants in writing of the award, rejection, modification, non-renewal or termination of grants, or the disallowance of expenditures under grants, specifying the grounds for such action. A more detailed statement of reasons should be made available upon request by the applicant.

5. *Public information.* Unless otherwise provided by statute and subject to the exemptions contained in the Freedom of Information Act, 5 U.S.C. 552(b), agencies should maintain and make available to public inspection the notifications specified in paragraph 4.

§ 305.71–5 Procedures of the Immigration and Naturalization Service in Respect to Change-of-Status Applications (Recommendation No. 71–5).

§ 305.71–6 Public Participation in Administrative Hearings (Recommendation No. 71–6).

Individuals and citizen organizations, often representing those without a direct economic or personal stake in the outcome, are increasingly seeking to participate in administrative hearings. Their concern is to protect interests and present views not otherwise adequately represented in the proceedings. Agencies are exposed to the views of their staffs, whose positions necessarily blend a number of interests, and to the views of those whose immediate stake is so great that they are willing to undertake the cost of vigorous presentation of their private interests. The opportunity of citizen groups to intervene as parties in trial-type proceedings where their views are unrepresented, formerly challenged on doctrinal grounds that they lacked a sufficient interest to have "standing," has been greatly broadened by statutes, administrative actions, and judicial decisions. Agency decisionmaking benefits from the additional perspectives provided by informed public participation. However, the scope and manner of public participation desirable in agency hearings has not been delineated. In order that agencies may effectively exercise their powers and duties in the public interest, public participation in agency proceedings should neither frustrate an agency's control of the allocation of its resources nor unduly complicate and delay its proceedings. Consequently, each agency has a prime responsibility to reexamine its rules and practices to make public participation meaningful and effective without impairing the agency's performance of its statutory obligations.

RECOMMENDATION

In connection with agency proceedings where the agency's decision is preceded by notice and an opportunity to be heard or otherwise to participate—namely, notice-and-comment rulemaking, on-the-record rulemaking and adjudication—each agency should, to the fullest extent appropriate in the light of its capabilities and responsibilities, apply the following criteria in determining the scope of public participation and adopt the following methods for facilitating that participation:

A. *Intervention or other participation.* Agency rules should clearly indicate that persons whose interests or views are relevant and are not otherwise represented should be allowed to participate in agency proceedings whether or not they have a direct economic or personal interest. Whatever the form of the proceeding, reasonable limits should be imposed on who may participate in order (a) to limit the presentation of redundant evidence, (b) to impose reasonable restrictions on interrogation and argument, and (c) to prevent avoidable delay. In every determination of whether participation is appropriate, the agency should also determine whether the prospective participant's interests and views are otherwise represented and the effect of participation on the interests of existing parties.

1. *Notice-and-comment rulemaking proceedings.*—Agencies engaging in notice-and-comment rulemaking should, to the extent feasible: (a) Make available documents, materials and public submissions upon which the proposed rule is based; (b) invite the presentation of all views so that the agency may be apprised of any relevant consideration before formulating policy; (c) develop effective means of providing notice to the affected public and to groups likely to possess useful information; and (d) if there is a hearing, allocate time fairly among all participants.

2. *On-the-record rulemaking and adjudicative hearings.*—Public participation should be freely allowed in trial-type proceedings where the agency action is likely to affect the interests asserted by the participants. Intervention or other participation in enforcement or license revocation proceedings should be permitted when a significant objective of the adjudication is to develop and test a new policy or remedy in a precise factual setting or when the prospective intervener is the de facto charging party. Public participation in enforcement proceedings, license revocations or other adjudications where the issue is whether the charged respondent has violated a settled law or policy should be permitted only after close scrutiny of the effect of intervention or other participation on existing parties.

B. *Selection of interveners.* Intervention by a particular group or person as a party in a trial-type proceeding should depend upon a balancing of several factors, including:

(a) The nature of the contested issues;

(b) The prospective intervener's precise interest in the subject matter or possible outcome of the proceeding;

(c) The adequacy of representation provided by the existing parties to the proceeding, including whether these other parties will represent the prospective intervener's interest and present its views, and the availability of other means (*e.g.*, presentation of views or argument as an *amicus curiae*) to protect its interest;

(d) The ability of the prospective intervener to present relevant evidence and argument; and

(e) The effect of intervention on the agency's implementation of its statutory mandate.

C. *Scope of participation.* The scope of an intervener's participation in a trial-type proceeding must assure it a fair opportunity to present pertinent information and to provide the agency a sound basis for decision, without rendering the hearing unmanageable. The nature of the issues, the intervener's interests, its ability to present relevant evidence and argument, and the number, interests and capacities of the other parties should determine the dimensions of that participation. In general, a public intervener should not be allowed to determine the broad outline of the proceeding, such as the scope or compass of the issues. A public intervener generally should be allowed all the rights of any other party including the right to be represented by counsel, participate in prehearing conferences, obtain discovery, stipulate facts, present and cross-examine witnesses, make oral and written argument, and participate in settlement negotiations. Where the intervener focuses on only one aspect of the proceeding or does not seek to controvert adjudicative facts, consideration should be given to limiting its participation to particular issues, written evidence, argument or the like. Agencies should be cautious in advance of actual experience in anticipating that intervention will cause undue delays.

D. *Cost of participation.* The cost of participation in trial-type proceedings can render the opportunity to participate meaningless. Agencies have an obligation to minimize transcript charges, to avoid unnecessary filing requirements; and to provide assistance in making information available; and they should experiment with allowing access to their staff experts as advisers and witnesses in appropriate cases.

1. *Filing and distribution requirements.*—Filing and distribution requirements (*e.g.*, multiple copy rules) should be avoided except as necessary and provision should be made for a waiver where the requirement is burdensome. Existing filing and distribution requirements should be re-examined. Agen-

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cies should make every effort to provide duplication facilities at a minimum cost.

2. *Transcripts.* The cost of recording formal proceedings should be borne by the agencies, not by the parties or other participants to the proceeding (except to the extent that a person requests expedited delivery). Existing contracts and arrangements should be revised to provide for the availability, either through a reporting service or the agency itself, of transcripts at a minimum charge reflecting only the cost of reproducing copies of the agency's transcript. Transcripts should be available without charge to indigent participants to the extent necessary for the effective representation of their interests. Where the aggregate of these transcript costs imposes a significant financial burden on the agency, the agency should seek and Congress should provide the necessary additional appropriation.

3. *Availability of information and experts.*—An agency should provide assistance to participants in proceedings before it or another agency, provided that the agency's resources will not be seriously burdened or its operations impaired. Assistance should include advice and help in obtaining information from the agency's files. Each agency should experiment with allowing access to agency experts and making available experts whose testimony would be helpful in another agency's proceedings.

E. *Notice.* Each agency should utilize such methods as may be feasible, in addition to the FEDERAL REGISTER's official public notice, to inform the public and citizen groups about proceedings (including significant applications and petitions) where their participation is appropriate. Among the techniques which should be considered are factual press releases written in lay language, public service announcements on radio and television, direct mailings and advertisements where the affected public is located, and express invitations to groups which are likely to be interested in and able to represent otherwise unrepresented interests and views. The initial notice should be as far in advance of hearing as possible in order to allow affected groups an opportunity to prepare. Each agency should consider publication of a monthly bulletin,[1] listing:

(a) The name and docket number or other identification of any scheduled proceeding in which public intervention may be appropriate;

(b) A brief summary of the purpose of the proceeding;

(c) The date, time and place of the hearing; and

(d) The name of the agency, and the name and address of the person to contact if participation or further information is sought.

NOTE: Five separate statements were filed concerning this Recommendation.

§ 305.71–7 Rulemaking on a Record by the Food and Drug Administration (Recommendation No. 71–7).

§ 305.71–8 Modification and Dissolution of Orders and Injunctions (Recommendation No. 71–8).

Cease-and-desist orders issued by administrative agencies and injunctions obtained by administrative agencies from the federal courts in the enforcement of regulatory statutes have generally been permanent in duration. As a result of this practice, many orders and injunctions now outstanding are decades old. Such outstanding orders and injunctions may serve no useful purpose and often cause inconvenience and hardship to the respondents. A number of agencies have experimented successfully with techniques for limiting the duration of certain types of orders and injunctions to a set period of time, but this approach is not appropriate in many circumstances. To deal with this situation agencies should therefore have available procedures whereby respondents may seek modification or dissolution of outstanding orders and injunctions.

RECOMMENDATION

A. *Agency cease-and-desist orders.* Each federal agency that issues a significant number of cease-and-desist orders over which it retains jurisdiction should have a procedure available whereby a respondent may request the agency to modify or vacate a cease-and-desist order that has become final. The factors considered by the agency in ruling upon such a request should include: The period of time the order has been in effect; changed conditions of fact or law during that period; the respondent's compliance with the order; the likelihood of further violations of the order; the hardship which the order imposes on the respondent; the extent of the respondent's compliance with requirements of law that are related to those covered by the order; the interests of other persons or parties affected by the order; the importance of the order to the agency's overall enforcement program; and the public interest in the enforcement of the law.

B. *Court-enforced orders.* Each federal agency that obtains a significant number of injunctions in the federal courts or issues a significant number of cease-and-desist orders which are enforced by federal courts that retain by statute exclusive jurisdiction over the orders should have a procedure available whereby a respondent may request the agency to join or concur with it in moving the court to modify or vacate such an injunction or order or, in the case of an order issued by the agency, to remand the proceeding to the agency for that purpose. The factors considered by the agency in acting upon such a request should include those stated in paragraph A.

§ 305.71–9 Enforcement of Standards in Federal Grant-in-Aid Programs (Recommendation No. 71–9).

(a) Federal agencies annually disburse billions of dollars in grants-in-aid to State and local governments and to private entities to subsidize activities in such areas as welfare, housing, transportation, urban development and renewal, law enforcement, education, pollution control and health. While State and local governments and private organizations are the direct recipients of the grants, the intended ultimate beneficiaries of the grant programs are private persons helped by the expanded level of support or services made possible by Federal funds.

(b) In administering these grants both public and private grantees must observe the Federal grant standards established to assure the accomplishment of Federal purposes. Federal agencies have often encountered difficulty in enforcing compliance by the grantees with the Federal standards. A factor contributing to this difficulty is that many Federal agencies do not have adequate procedures for resolving questions of compliance and for handling complaints by private persons affected by a grant-in-aid program that the program does not comply with Federal standards. A further contributing factor is that the principal sanction presently available to Federal agencies for securing compliance is to cut off the flow of Federal funds. This sanction raises a serious problem because, unless its threatened imposition prompts compliance, it stops worthwhile programs and adversely affects the interests of the innocent private persons whom the Congress intended to benefit through the program of Federal financial assistance.

(c) To aid in alleviating this situation the following recommendations are proposed with respect to each Federal program in aid of State, local or private activities through which support or services are provided to individual beneficiaries or to the public generally. However, the recommendation does not apply to research, training, or demonstration grants to government units or private organizations or individuals, or to grants such as fellowship grants to individuals that primarily benefit the recipients of the grants.

RECOMMENDATION

A. *The Federal administrative complaint procedure.* The Federal grantor agency should have an administrative procedure for the receipt and impartial consideration of complaints by persons affected by the grant-in-aid program that a plan, project application or other data submitted by a grant applicant or grantee as a basis for Federal funding does not meet one or more Federal standards. This procedure should afford the complainant an opportunity to submit to the grantor agency for its consideration data and argument in support of the complaint, and should afford the grant applicant or grantee involved a fair opportunity to respond. If the agency determines that the complaint is apparently ill-founded or is insubstantial, it should notify the complainant of its determination and should state in writing the reasons therefor. If the agency determines that the complaint appears to be substantial and supported by the information at hand, it should so notify both the complainant and the grant applicant or grantee of its present determination in this respect and should state in writing the reasons therefor. If the agency exercises discretion not to make a determination on one or more issues raised by a complaint, it should so notify the complainant in writing. The agency should pass upon all complaints within a prescribed period of time.

The complaint procedure administered by the Federal grantor agency should also provide for the receipt and impartial consideration of complaints that a grantee has in its administration of the funded program failed to comply with one or more Federal standards. It is anticipated that many grantor agencies will find it necessary to limit their consideration of such complaints to situations in which the complainant raises issues which affect a substantial number of persons or which are particularly important to the effectuation of Federal policy and will, therefore, dispose of most individual complaints concerning grantee administration by referring the complainant to such complaint procedures as are required to be established by the grantee. The grantor agency should seek by regulation to define the classes of cases that it will consider sufficiently substantial to warrant processing through the Federal complaint procedure and those classes of cases wherein complainants will be required to pursue a remedy through available complaint procedures administered by the grantee.

B. *The grantee's administrative complaint procedures.* The Federal grantor agency should require as a grant condition the establishment by the grantee of procedures to handle complaints concerning the grantee's operation of the federally assisted program. These procedures should afford any person affected by an action of the grantee in the operation of the program a fair opportunity to contest that action. The "fair opportunity" to contest will necessarily vary with the nature of the issues involved and the identity and interests of the complainant. In all cases, however, the complainant should have the right to submit to the grantee for its consideration data and argument in support of the complainant's position.

C. *The information system.* The Federal grantor agency should seek to assure that persons affected by a grant-in-aid program receive adequate information about the program in order that they may take advantage of the Federal and the grantee complaint procedures. The Federal grantor agency should require as a grant condition that all program materials (regulations, handbooks, manuals, etc.) governing the grantee's administration of a program supported in whole or in part by Federal grant-in-aid funds and all plans, applications and other documents required to be submitted to the Federal agency as a condition to the receipt of Federal funds should be readily accessible to persons affected or likely to be affected by the operation of the funded program. Plans, applications and other documents that provide the basis for Federal funding should be made readily accessible to interested persons no later than the time of their submission to the grantor agency for approval and at an earlier time when required by law.

The Federal grantor agency should seek to assure that the grantee's system for dissemination of program materials and grant submissions takes account of the nature, location and representation of affected persons. For example, as a part of a plan to make such materials readily accessible, program information might be deposited not only in the offices of the grantee but also in public and university libraries and in the offices of affected interest groups and their legal representatives. It might also be necessary to require the provision of descriptive summaries of technical rules or project applications or to require an oral explanation of program features, for example, the complaint procedures, which are critical to the protection of a beneficiary's interests. The Federal agency should make parallel efforts to disseminate materials relating to its administration of the Federal grant program.

D. *Range of sanctions.* The Federal grantor agency should seek to develop an adequate range of sanctions for insuring compliance with Federal standards by grantees that apply for or receive Federal financial assistance. The sanction of the total denial or cut-off of Federal funds should be retained and used where necessary to obtain compliance, but the agency should have available lesser sanctions that do not result in the prevention or discontinuance of beneficial programs and projects. This range of sanctions should include in appropriate cases:

1. The public disclosure by the agency of a grantee's failure to comply with Federal standards and an indication of the steps believed by the agency now to be appropriate.

2. An injunctive action brought by the agency or the Department of Justice in the Federal courts to require the grantee to fulfill any assurances of compliance with Federal standards made by the grantee or to enforce the Federal standards attached to the grant.

3. The disallowance as a program or project cost of an expenditure by the grantee that does not conform with Federal standards, or other partial denial or cutoff of funds that affects only that portion of a program or project that is not in compliance with Federal standards.

4. The imposition on a grantee who has not complied with Federal standards of additional administrative requirements specially designed to assure that the grantee brings its operations into compliance with Federal standards and redresses the effects of past noncompliance.

5. The transfer of a grant, or the awarding of subsequent grants under the same or related grant-in-aid programs, to a different grantee if the original grantee violates Federal standards.

Where an agency lacks statutory authority to invoke one or more of the above sanctions and such authority would provide an appropriate means of insuring compliance with Federal standards in a grant-in-aid program administered by the agency, it should seek the necessary authority from the Congress.

E. *Other performance incentives.* The agency should also consider the provision of incentives, such as the contribution of an increased matching share or the awarding of additional grant funds, to grantees who fulfill certain Federal goals. Where the agency lacks statutory authority to provide compliance incentives and such authority would provide an appropriate means of ensuring effectuation of Federal objectives in a grant-in-aid program administered by the agency, it should seek the necessary authority from the Congress.

§ 305.72–1 Broadcast of Agency Proceedings (Recommendation No. 72–1).

In recent years radio and television broadcasters have sought live or delayed coverage of many kinds of public governmental proceedings. While Canon 35 of the Canons of Judicial Ethics of the American Bar Association states that broadcasting or televising of court proceedings "should not be permitted," the reasons for this policy, to the extent they are applicable to administrative proceedings, are often outweighed by the need to inform the public concerning administrative proceedings, particularly those of broad social or economic impact, and to encourage participation in and understanding of the administrative process. Therefore, the public interest will be served by permitting radio and television coverage of many administrative proceedings, subject to appropriate limitations and controls.

RECOMMENDATION

A. *Audiovisual coverage of public administrative proceedings.* An agency which conducts proceedings of interest to the general public should adopt regulations, consistent with the principles stated below, which state whether audiovisual coverage of each type of proceeding is permitted, precluded or left to the discretion of the presiding officer or other official under standards determined by the agency.

1. *Proceedings in which audiovisual coverage should be encouraged.*—Notice-and-comment and on-the-record rulemaking proceedings, and adjudications in which a public interest standard is applied to authorize service or determine its level or quality, normally involve issues of broad public interest. An agency should take affirmative steps to encourage audiovisual coverage of public hearings or oral presentations in such proceedings, including provision of adequate space and facilities, convenient schedules, and the like.

2. *Proceedings in which audiovisual coverage should be excluded.*—Audiovisual coverage should be excluded in adjudicatory proceedings involving the rights or status of individuals (including those of small corporations likely to be indistinguishable in the public mind from one or a few individuals) in which individual past culpable conduct or other aspect of personal life is a primary subject of adjudication and the person in question objects to coverage.

3. *Proceedings in which agencies should balance conflicting values.* In adjudicatory proceedings not governed by paragraphs 1 and 2, an agency should determine whether the drawbacks of audiovisual coverage outweigh the advantages of informing the public. When audiovisual coverage is excluded or restricted, the agency should state the reasons for such exclusion or restriction on the record of the proceeding.

B. *Prevention of disruption.* Audiovisual coverage should be conducted with minimal physical intrusion on the normal course of the proceeding. Agencies should impose reasonable restrictions on lighting, multiple microphones and other possible sources of disruption.

C. *Protection of witnesses.* In any public proceeding a witness should have the right, prior to or during his testimony, to exclude audiovisual coverage of his testimony.

NOTE. A separate statement was filed concerning this Recommendation.

§ 305.72–2 Conflict-of-Interest Problems in Dealing with Natural Resources of Indian Tribes (Recommendation No. 72–2).

§ 305.72–3 Procedures of the United States Board of Parole (Recommendation No. 72–3).

§ 305.72–4 Suspension and Negotiation of Rate Proposals by Federal Regulatory Agencies (Recommendation No. 72–4).

The determinations of the Civil Aeronautics Board, Federal Communications Commission, Federal Power Commission, and Interstate Commerce Commission whether to exercise or refrain from exercising their power to suspend and investigate newly filed rate proposals are of great importance to regulated companies, their customers, and the general public. Although a decision not to suspend does not preclude an agency investigation at a later date (either *sua sponte* or upon complaint), inertia then plays a significant role. Moreover, once a tariff change is effectuated, in most cases the burdens of dislodging an existing rate rest upon its challenger. Since suspension of a rate initiates a proceeding that is likely to be protracted and costly, a decision to suspend is also an important action. The procedures by which rate proposals are suspended, including the various forms of private negotiation that often accompany the suspension process, can and should be improved.

RECOMMENDATION

A. *Suspension of rate proposals.*—1. *Statement of reasons for suspension.*—A ratemaking agency in exercising its statutory power to suspend rate proposals should state the reasons for suspension to the extent practicable. Identification by the agency of the limits and sources of its concern, and not merely a recital of statutory criteria, will enable the proponent of the rate to make a more informed decision whether to withdraw the proposal, modify it or persist in it, and will also serve to focus the areas of controversy in the event that the regulated company stands on its proposal and the matter goes to hearing.

2. *"Speaking" orders of suspension.*—Ratemaking agencies which are not authorized to

[1] This recommendation does not supersede Recommendation No. 68–4, Consumer Bulletin.

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prescribe rates without public proceedings should not provide in suspending a rate a detailed statement of a substitute proposal that the agency would allow to go into permanent effect without suspension. The expression of detailed agency views concerning an acceptable rate should not be used as a means of prescribing a rate without allowing interested persons an opportunity to participate.

B. *Negotiation between the agency and the regulated company.* A rate-making agency should not rely on a pattern of regulation consisting largely or solely of informal negotiation by the members of the agency with regulated companies in order to influence, shape or pre-audit rate proposals to be filed in the future. In the short run negotiation may appear efficient because it avoids the burden of complex public proceedings. In the long run, however, over-reliance on negotiation may inhibit the development of an adequate staff, compromise the independence of the agency in passing on protests and complaints against negotiated rates, delay the development of an adequate methodology of regulation, and result in a failure to formulate visible and predictable standards. The development of such standards is critical to expeditious disposition of rate proceedings. Since negotiation with respect to rates could preclude effective participation by others who have a direct interest in the outcome, any negotiation undertaken should, to the extent practicable, be conducted in proceedings open to them.

C. *Authorization of temporary and partial increases.* Regulatory statutes should be amended, to the extent that existing authority is lacking, to authorize rate-making agencies, as an adjunct to their power to suspend, to allow temporary rate increases, including partial increases, subject to appropriate conditions (including, where practicable, provision for refund if the interim increase is ultimately found unjustified). A temporary increase should be authorized only when the agency makes a preliminary judgment, on the basis of a written showing by the regulated company and an opportunity for comment thereon by affected persons, that a proposed increase is justifiable at least in part. Exercise of authority to grant temporary increases, rather than suspending a proposed increase in full or allowing it to go into effect without suspension, would mitigate the effects of regulatory lag. Similar authority to allow temporary and partial rate reductions, or other temporary changes, should also be sought where appropriate.

D. *Settlement of rate proceedings*—1. *Settlement by agreement of the parties.*—Settlement of rate proceedings by agreement among the parties, either before or after an evidentiary hearing, is appropriate and desirable if the agency, on the basis of the available record and any further written submissions, is in a position to determine that the disposition is in the public interest.

2. *Settlement in the absence of agreement.*—Disposition of a rate proceeding on the basis of a proposed settlement, in the absence of full agreement by the parties, should turn upon the nature of the issues involved in the proceeding and the appropriateness of an evidentiary hearing for a fair, accurate, and efficient decision of those issues. The degree of consensus among the parties and the nature of the interests represented by any objecting parties are factors which the agency may consider in determining whether a settlement is in the public interest. In situations in which a participant who is objecting to a proposed disposition does not show that a genuine issue of material fact is involved, an agency may dispose of a rate proceeding on the basis of written submissions without holding an evidentiary hearing for purposes of cross-examination.

The Administrative Procedure Act requires cross-examination only insofar as it is required "for a full and true disclosure of the facts," 5 U.S.C. 556(d).

E. *Screening of tariff adjustments by the Interstate Commerce Commission Staff.* The disposition of rate matters by the Interstate Commerce Commission presents special problems because of the enormous volume of tariff adjustments, given the existing regulatory scheme, which it receives from a very large number of companies performing a wide variety of transportation services. The Commission, largely because of limitations of manpower, now relies almost entirely upon the self-interest of competitive carriers and of shippers to alert it by the filing of protests to matters warranting its serious consideration. To the extent that resources and priorities permit, the Commission should assume a greater burden of screening tariff adjustments on its own initiative.

NOTE.—A separate statement was filed concerning this Recommendation.

§ 305.72–5 Procedures for the Adoption of Rules of General Applicability (Recommendation No. 72–5).

(a) The Administrative Procedure Act, 5 U.S.C. 553 (1970), provides simple, flexible and efficient procedure for rulemaking, including publication of a notice of proposed rulemaking in the Federal Register, opportunity for submission of written comments, and opportunity in the discretion of the agency for oral presentation. This notice-and-comment rulemaking procedure is extensively used and on the whole has worked well. Each agency is of course free to provide additional procedural protection to private parties in any proceeding.

(b) There are statutes that require procedures in addition to those required by section 553. Some require opportunity for oral arguments, some require agency consultation with advisory committees, and some require trial-type procedure.

(c) The Administrative Conference believes that statutory requirements going beyond those of section 553 should not be imposed in absence of special reasons for doing so, because the propriety of additional procedures is usually best determined by the agency in the light of the needs of particular rulemaking proceedings. The Administrative Conference emphatically believes that trial-type procedures should never be required for rulemaking except to resolve issues of specific fact.

RECOMMENDATION

1. This recommendation applies only to rules of general applicability and not to rules of particular applicability, only to substantive rules and not to procedural rules, only to legislative rules and not to interpretative rules, and only to rulemaking governed by section 553 and not to rulemaking excepted from the requirements of section 553.

2. In future grants of rulemaking authority to administrative agencies, Congress ordinarily should not impose mandatory procedural requirements other than those required by 5 U.S.C. 553, except that when it has special reason to do so, it may appropriately require opportunity for oral argument, agency consultation with an advisory committee, or trial-type hearings on issues of specific fact.

3. Congress should never require trial-type procedures for resolving questions of policy or of broad or general fact. Ordinarily it should not require such procedures for making rules of general applicability, except that it may sometimes appropriately require such procedures for resolving issues of specific fact. Existing statutes imposing a requirement of trial-type procedures for rulemaking of general applicability should be reexamined in light of these principles.

4. A study of proceedings conducted by the Food and Drug Administration pursuant to section 701(e) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. section 371(e) (1970), has demonstrated that that section should be amended so as to make clear that trial-type hearings are not required except on issues of specific fact.

5. Each agency should decide in the light of the circumstances of particular proceedings whether or not to provide procedural protections going beyond those of section 553, such as opportunity for oral argument, agency consultation with an advisory committee, opportunity for parties to comment on each other's written or oral submissions, a public-meeting type of hearing, or trial-type hearing for issues of specific fact.

§ 305.72–6 Civil Money Penalties as a Sanction (Recommendation No. 72–6).

(a) Federal administrative agencies enforce many statutory provisions and administrative regulations for violation of which fixed or variable civil money penalties may be imposed.[1] During Fiscal 1971, seven executive departments and thirteen independent agencies collected well in excess of $10 million, in over 15,000 cases; all evidence points to a doubling or tripling dollar magnitude and substantially increasing caseload within the next few years.

(b) Increased use of civil money penalties is an important and salutary trend. When civil money penalties are not available, agency administrators often voice frustration at having to render harsh "all-or-nothing decisions" (e.g., in license revocation proceedings), sometimes adversely affecting innocent third parties, in cases in which enforcement purposes could better be served by a more precise measurement of culpability and a more flexible response. In many areas of increased concern (e.g., health and safety, the environment, consumer protection) availability of civil money penalties might significantly enhance an agency's ability to achieve its statutory goals.

[1] For purposes of this recommendation, no distinction has been drawn between sanctions denominated "money penalties" and sanctions denominated "forfeitures" (e.g., in FCC legislation) and "fines" (e.g., in Postal Service legislation) so long as (i) the sanction is classified as civil and (ii) money is, in fact, subject to collection by an agency or a court. Excluded are situations involving penalties or liquidated damages assessed pursuant to the terms of a government contract or sums withheld or recovered for failure to comply with the terms of a government grant.

(c) In developing a range of sanctions adequate to meet enforcement needs, Congress and agencies must often determine whether a "criminal fine" or a "civil money penalty," or both, should be applied to a given regulatory offense. The choice they make has large consequences. Criminal penalties expose an offender to the disgrace and disabilities associated with "convictions"; they require special procedural and other protections; and they can not be imposed administratively. These factors make it appropriate to consider whether criminal sanctions should not be supplemented or replaced by civil money penalties.

(d) Under most money penalty statutes, the penalty cannot be imposed until the agency has succeeded in a de novo adjudication in federal district court, whether or not an administrative proceeding has been held previously. The already critical overburdening of the courts argues against flooding them with controversies of this type, which generally have small precedential significance.

(e) Because of such factors as considerations of equity, mitigating circumstances, and the substantial time, effort and expertise such litigation often requires in cases usually involving relatively small sums (an average of less than $1,000 per case), agencies settle well over 90 percent of their cases by means of compromise, remission, or mitigation. Settlements are not wrong *per se*, but the quality of the settlements under the present system is a matter of concern. Regulatory needs are sometimes sacrificed for what is collectible. On the other hand, those accused sometimes charge that they are being denied procedural protections and an impartial forum and that they are often forced to acquiesce in unfair settlements because of the lack of a prompt and economical procedure for judicial resolution. Moreover, several agency administrators warn that some of the worst offenders, who will not settle and cannot feasibly be brought to trial, are escaping penalties altogether.

NOTE: This recommendation is intended to meet the problems posed above.

RECOMMENDATION

A. *Desirability of Civil Money Penalties as a Sanction.* 1. Federal administrative agencies should evaluate the benefits which may be derived from the use (or increased use) of civil money penalties as a sanction. Such penalties should not be adopted as a means of supplanting or curtailing other private or public civil remedies.

2. Civil money penalties are often particularly valuable, and generally should be sought, to supplement those more potent sanctions already available to an agency—such as license suspension or revocation—whose use may prove (a) unduly harsh for relatively minor offenses, or (b) infeasible because, for example, the offender provides services which cannot be disrupted without serious harm to the public.

3. Each federal agency which administers laws that provide for criminal sanctions should review its experience with such sanctions to determine whether authorizing civil money penalties as another or substitute sanction would be in the public interest. Such authority for civil money penalties would be particularly appropriate, and generally should be sought, where offending behavior is not of a type readily recognizable as likely to warrant imprisonment.

B. *Adjudication of Civil Money Penalty Cases in an Administrative Imposition System.* 1. In some circumstances it is desirable to commit the imposition of civil money penalties to agencies themselves, without subjecting agency determinations to *de novo* judicial review. Agencies should consider asking Congress to grant them such authority.[2]

Factors whose presence tends to commend such a course with respect to a particular penalty provision include the following:

(a) A large volume of cases likely to be processed annually;

(b) The availability to the agency of more potent sanctions with the resulting likelihood that civil money penalties will be used to moderate an otherwise too harsh response;

(c) The importance to the enforcement scheme of speedy adjudications;

(d) The need for specialized knowledge and agency expertise in the resolution of disputed issues;

(e) The relative rarity of issues of law (*e.g.*, statutory interpretation) which require judicial resolution;

(f) The importance of greater consistency of outcome (particularly as to the penalties imposed) which could result from agency, as opposed to district court, adjudications; and

(g) The likelihood that an agency (or a group of agencies in combination) will establish an impartial forum in which cases can be efficiently and fairly decided.

Considerations such as those set forth above should be weighed heavily in favor of administrative imposition when the usual monetary penalty for an offense or a related series of offenses would be relatively small, and should normally be decisive when the penalty would be unlikely to exceed $5,000. However, the benefits to be derived from civil money penalties, and the administrative imposition thereof, should also be considered when the penalties may be relatively large.

2. An administrative imposition system should provide:

(a) For and adjudication on the record pursuant to the Administrative Procedure Act, 5 U.S.C. 554–57 (1970), at the option of the alleged offender or the agency;

(b) For finality of an agency's decision unless appealed within a specified period of time;

(c) That, if the person on whom the penalty is imposed appeals, an agency's decision will be reviewed in United States Courts of Appeals under the substantial evidence rule in accordance with the Administrative Procedure Act, 5 U.S.C. 706(e);

(d) That issues made final by reason of (b) above and issues which were raised, or might have been raised, in a proceeding for review under (c) above may not be raised as a defense to a suit by the United States for collection of the penalty.

Agencies should adopt rules of practice which will enable just, inexpensive and speedy determinations. They should provide procedures for settlement by means of remission, mitigation or compromise.

[2] Due to the special procedures and status of the United States Tax Court, the rationale for administrative imposition may have only limited applicability to civil money penalties administered by the Internal Revenue Service.

§ 305.72–7 Pre-induction Review of Selective Service Classification Orders and Related Procedural Matters (Recommendation No. 72–7).

§ 305.72–8 Adverse Actions Against Federal Employees (Recommendation No. 72–8).

(a) A critical part of the mission of the Administrative Conference is to study the processes of government to assure the full protection of the rights of private citizens, including the rights of federal employees. At the same time, the Conference is equally concerned about assisting government agencies to devise and implement efficient administrative procedures that will facilitate accomplishment of their varied programs.

(b) The Civil Service Commission and other government agencies each year conduct a large number of formal personnel action proceedings that involve charges of personal misconduct, poor job performance, or other behavior which reflects adversely on the individual employee. Each year several thousand adverse personnel action appeals are decided throughout the Government; the Civil Service Commission alone adjudicates well over 1200 appeals anually. The nature of these cases and the size of the caseload make it imperative both that proceedings be conducted with scrupulous fairness, and that procedures be neither too costly nor time-consuming. While existing adverse action procedures have attempted to meet these objectives, the Conference believes that implementation of this recommendation will yield substantial improvements in many highly significant respects.

(c) This recommendation is intended to apply only to those classes of federal civilian employment currently entitled to adverse action procedures, as identified in Subchapter S2 of Federal Personnel Manual Supplement 752–1.

A. Definitions and standards—1. *Adverse action.* In all cases in which an employing agency takes a personnel action adversely affecting an employee on the basis of his conduct or performance, the employee should be afforded an opportunity for an evidentiary hearing and his case should be decided on the basis of the record made at the hearing.

Such procedures are inappropriate, however, for use in situations in which an agency action made on the basis of broad managerial considerations of agency structure or resource allocation (*e.g.*, change in job classification, reduction in force) has incidental adverse effects on certain agency employees. The Civil Service Commission should seek legislation redefining the category of "adverse action" to exclude therefrom personnel actions not based on the individual employee's conduct or performance. However, in any proceeding to effect a personnel action assertedly based on managerial considerations, the employee should retain the right to challenge the bona fides of the agency's action.

2. *Efficiency of the service.* The Civil Service Commission should publish regulations or interpretive rules elaborating in as much detail as practicable the statutory standard of "efficiency of the service."

B. *Procedures for Agency hearings.* 1. All employing agencies should establish procedures for personally advising an employee

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who has received a letter of proposed adverse action about the consequences of the action proposed and the procedures available for contesting it, which should continue to include the right to respond to the employing agency's charges prior to an evidentiary hearing.

2. An employee against whom an adverse action is proposed should have an opportunity for a prompt evidentiary hearing before the action becomes effective. However, if the employing agency determines that retention of the employee in his current duty assignment will adversely affect the ability of his office or installation to perform its functions, the employing agency should be able, pending its final decision (a) to reassign the employee; (b) to place the employee on administrative leave with pay; and (c) if, for a cause attributable to the employee, the hearing is not commenced within 30 days after the agency notifies him of its readiness to proceed or has not resulted in a final agency decision within 60 days after such notification, to place the employee on leave without pay.

3. Except in extremely rare cases where an employing agency can establish good cause for keeping the hearing closed, an employee subject to adverse action should have a right to elect a hearing that is open to the public. An employee is entitled to a private hearing, however, at which he may be accompanied by an observer of his choosing, in addition to any representative. This recommendation is not intended to limit the hearing officer's traditional authority to exclude other witnesses during the taking of testimony or to maintain order and decorum.

4. The Civil Service Commission should assign the hearing officers to conduct hearings before employing agencies. A hearing officer should be suitably equipped by training and experience to conduct such personnel hearings and, unless he is an administrative law judge, should not be an employee of the charging agency. Ordinarily, hearing officers should be drawn from a pool established and employed by the Civil Service Commission, but when appropriate the Commission should be able to assign as hearing officers other persons with the prescribed qualifications.

5. Civil Service Commission regulations should make clear that at any hearing the employing agency has both the burden of coming forward with evidence and the burden of persuasion.

6. The hearing officer should use a prehearing conference or other means to identify and limit the hearing to the trial of material issues of fact as to which the parties genuinely disagree. The hearing officer should also be authorized to resolve summarily those material issues of fact as to which he is satisfied there is no genuine disagreement.

7. The hearing officer should be authorized to order an employing agency to produce witnesses in its employ or documentary evidence that he believes may be relevant to an employee's case. He should be free to call witnesses himself, to question witnesses for both parties, and to provide guidance to employees who are not represented. With the completion of the hearing, the evidentiary record shall be considered closed for purposes of the employing agency's decision and any appeal by the employee to the Civil Service Commission.

8. The hearing officer should make factual findings and prepare a proposed decision, which would be submitted to the official designated by the employing agency to make the agency decision and made available to the parties along with the transcript of the hearing. The parties should have an opportunity (*e.g.*, ten days) in which to submit written argument, including objections to the proposed decision, to the deciding agency official. If the deciding official does not accept the hearing officer's proposed decision, he should prepare a formal agency decision that, among other things, states specifically the reasons for rejecting the hearing officer's findings or recommended disposition. The employing agency should be able to make its personnel action fully effective upon the issuance of its decision, and any subsequent appeal should not have the effect of postponing such effectiveness unless the employing agency otherwise directs.

C. Procedures for appeals from Agency decisions. 1. Employing agency appeals systems, apart from that required by paragraph B(8) (i.e., a final agency decision following the hearing at a level higher than that proposing the action) should be abolished.

2. An employee against whom adverse action is taken should have an opportunity for a single appeal outside his agency, to a central appellate authority within the Civil Service Commission.

3. The Civil Service Commission's appellate authority should customarily be limited in its review to the record compiled at the employing agency. Upon the motion of an employee, however, the authority should be able to admit or remand to the hearing officer for the admission of, evidence that the employee could not reasonably have produced at the original hearing, subject to the employing agency's right to respond or rebut.

4. The Commission's appellate authority should have authority to affirm, or to reverse, or to modify the employing agency's disciplinary action in any appeal.

5. The Commission's appellate authority should assign cases for decision by lot or by rotation so far as practicable and permit announcement of dissenting and concurring views.

6. The Civil Service Commissioners should retain discretionary authority to reopen and decide exceptional cases upon the petition of either the employing agency or the employee.

7. Employing agency and Commission decisions in adverse action cases should be publicly available after minimum editing necessary to protect employee privacy.

D. Ex parte communications. 1. (a) At no time should officials of the Civil Service Commission who participate in or are responsible for the dispoeition of employee appeals provide advice to either party or to the hearing officer on the initiation, processing, or disposition of any adverse action.

(b) Other Civil Service Commission officials should not advise or consult with either party, or their representatives, regarding the merits of any case that has been formalized by the issuance of a letter of proposed adverse action.

2. Hearing officers who conduct agency hearings and Civil Service Commission officials who participate in or are responsible for deciding employee appeals should be free from all *ex parte* influence or advice—including communications from employing agencies, employee representatives, and other Commission employees—relating to the factual issues or appropriate disposition of any adverse action or appeal. Expert professional advice on the facts or disposition of a case (such as the evaluation of a job classification specialist) should only be received on the record, subject to the right of both parties to respond.

E. Role of the Civil Service Commission. With the additional safeguards of the independence of the Civil Service Commission's appellate authority, proposed under C and D, above, it is not necessary to establish a new, independent agency to adjudicate adverse action appeals.

F. Effect on employee grievance procedure. The provisions of this recommendation are not intended to supplant or preclude provision for employee grievance procedures in existing or future collective bargaining agreements.

3. The Table of Contents of Part 310 of Chapter III is revised to read as follows:

Sec. 310.1 Views of the Administrative Conference on the "Report on Selected Independent Regulatory Agencies" of the President's Advisory Council on Executive Organization (Adopted May 7, 1971).

310.2 Statement of the Administrative Conference on the ABA Proposals to Amend the Administrative Procedure Act (Adopted June 7–8, 1973).

AUTHORITY: 5 U.S.C. 571–576

4. Part 310 is amended to add the following section:

§ 310.1 Views of the Administrative Conference on the "Report on Selected Independent Regulatory Agencies" of the President's Advisory Council on Executive Organization (Adopted May 7, 1971).

Dated: July 16, 1973

RICHARD K. BERG,
Executive Secretary.

[FR Doc.73-14976 Filed 7-20-73;8:45 am]

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WASHINGTON, D.C.

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Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Correction

In FR Doc. 73-14469 appearing at page 18668 in the issue of Friday, July 13, 1973, delete the fifth line of § 51.3(b), and insert in lieu thereof the following: "ments of Subpart B, he may delay pay-".

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Office of Emergency Preparedness

Section 213.3326 is amended to reflect the following title change: from Director, Program Planning and Evaluation Office to Assistant Director, Government Preparedness Office.

Effective on July 24, 1973, § 213.3326 is revised by amending the headnote of paragraph (n) and adding (n)(2) as set out below.

§ 213.3326 Office of Emergency Preparedness.

* * * * * * *

(n) *Government Preparedness Office.*

* * *

(2) Assistant Director.

* * * * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-15157 Filed 7-23-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Appendix C—Cost of Living Council Reporting Forms

The purpose of this amendment is to add Form S–52 (Revised July, 1973), "Income and Expense Analysis for Hospitals and Other Institutional Health Services Providers," and Schedule A (July, 97), "Report of Price Changes for Institutional Providers of Health Services," to Appendix C.

6 CFR 300.18 of the Economic Stabilization regulations requires that a Form S–52 be completed and sent to the local Internal Revenue Service when an institutional provider of health services charges a price in excess of the base price that would result in an increase in its aggregate annual revenues over its last fiscal year at an annualized rate of between 2.5 and 6 percent. In addition, an exception must be requested by using a Form S–52 if an institutional provider of health services desires to charge a price in excess of the base price that would result in an increase in its aggregate annual revenues over its last fiscal year at an annualized rate of over 6 percent. Even though blank Forms S–52 have been publicly available through the Internal Revenue Service, the Form has not until now been included in the list of Economic Stabilization Forms published as part of the Economic Stabilization Regulations (6 CFR). We are taking the occasion of issuing this revised edition of Form S–52 and the initial issuing of related Schedule A to incorporate both Forms in the regulations.

The instructions to Form S–52 (Revised July, 1973) and Schedule A (July, 1973) are self-explanatory. An institutional provider of health services with its budgeted fiscal year beginning on or after July 1, 1973, is required to use Form S–52 (Revised July, 1973) for reporting a price increase, for requesting an exception, or for determining whether a proposed price increase is permitted under the Economic Stabilization regulations. Where an institutional provider has a budgeted fiscal year that is completed before July 1, 1973, Form S–52 (Revised September, 1972) must continue to be used. If the budgeted fiscal year includes both June 30 and July 1, 1973, the institutional provider may, at its option, use either Form S–52 (Revised September, 1972) or the new Form S–52 (Revised July, 1973). If a provider uses Form S–52 (Revised September, 1972) there is now available at local Internal Revenue Service offices an Addendum to Form S–52 (Revised September, 1972) with the accompanying instructions that provides the method for computing allowable costs for price increase justification and the amounts subject to exception. The Addendum is not published here.

Schedule A (July, 1973) is to be used with Form S–52 (Revised July 1, 1973) to show the effective dates of price changes and their effect on revenues in a given fiscal year. This schedule represents the only approved method of computing the increase (annualized and realized) in revenues due to price increases for budgeted fiscal years reported on Form S–52 (Revised July, 1973). Schedule A is optional when Form S–52 (Revised September, 1972) is used.

In addition, the instructions to Form S–52 (Revised July, 1973) provide that an exception request for increases in aggregate annual revenues more than 6 percent over the aggregate annual revenues for its last fiscal year should be filed directly with the local District Director of Internal Revenue Service. The District Director will forward the request to the State Advisory Board (SAB). The SAB will have 30 days within which to make its recommendations with respect to the request. As stated in the Addendum to Form S–52 (Revised September, 1972) this administrative procedure is also applicable to institutional providers using Form S–52 (Revised September, 1972).

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, Appendix C of Part 130 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective July 1, 1973.

Issued in Washington, D.C., July 18, 1973.

WILLIAM N. WALKER,
Acting Deputy Director, Cost of Living Council.

Appendix C of Part 130 of Title 6 of the Code of Federal Regulations is amended by adding Form S–52 (Revised July, 1973) and Schedule A (July, 1973) to read as follows:

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Economic Stabilization Program

Form S-52 (Rev. July 1973)

Income and Expense Analysis for Hospitals and Other Institutional Health Services Providers

Official Use Only
Control Number

Part I. — Identifying Data (Please complete requested items and check applicable boxes below.)

1(a) Name of institution	2(a) Name of parent firm (if applicable)
Address (number and street)	Address (number and street)
City or town, State and ZIP code	City or town, State and ZIP code
(b) Institution is ☐ Profit ☐ Nonprofit	(b) Parent firm is ☐ Profit ☐ Nonprofit
(c) Institution is ☐ Acute hospital ☐ Other ►	

3(a) Is this a request for exception? ☐ Yes ☐ No
If "Yes," it is not necessary for you to complete Part VIII of this form; however, attach a Schedule A and Form S-16.
(b) Is this a report of a price increase? ☐ Yes ☐ No
If "Yes," attach Schedule A.
(c) Is this a required quarterly report? ☐ Yes ☐ No
If "Yes," what quarter does this report cover? ☐ First ☐ Second ☐ Third ☐ Fourth
When does your fiscal year end (month, day, and year)? ► _____ (Attach Schedule A)
(d) Have you previously filed a request for exception with the IRS, Price Commission, or Cost of Living Council? ☐ Yes ☐ No
If "Yes," attach a statement of details, and copies of all Decisions and Orders received.
(e) Have you previously filed a report with the IRS of a price increase that requires no exception? ☐ Yes ☐ No
If "Yes," attach a statement of details.
(f) What is the effective date of the proposed price increase (month, day, and year)? ►
If more than one, what are the dates of each? ►

Part II. — Aggregate Annual Revenues (See instructions)

	Actual LFY (a)	Budgeted FY at LFY prices plus new services (b)	Budgeted FY at proposed prices (include new services) (c)
4 Routine services	$	$	$
5 Ancillary services			
6 Professional fees			
7 Total patient service revenues (sum of items 4, 5, and 6)			
8 Allowances (all kinds, including contractual, courtesy, employee, charity, etc.) and bad debts			
9 Net patient service revenues (item 7 less item 8)			
10 Other operating revenues			
11 Revenues from taxes or appropriations (government institutions or hospital districts)			
12 Aggregate annual revenues (sum of items 9, 10, and 11)	$	$	$

(Note: Column (b) of item 12 represents the aggregate annual revenues you would realize in the budgeted fiscal year if you charged the same prices as in the last fiscal year.)

Part III. — Census Data (See instructions)

13 Census data	FY ending (mo., day, year) (a)	Inpatient admissions (b)	Inpatient days (c)	Outpatient procedures (d)	Outpatient visits (e)	Patient days Available (f)	Patient days Actual (g)	Percent of occupancy (h)
A. Actual (last year)			$		$			
B. Projected (for price increase fiscal year)			$		$			

14 Check (a) or (b) below to show the method used to adjust cost increases to reflect volume changes.
(a) ☐ Actual budget data
(b) ☐ Volume index
(c) If you use the volume index, what is its computed value? ►

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Part IV. — Operating Costs (See instructions)

	Actual — last fiscal year Volume Index (a)	Budgeted fiscal year (b)	Adjusted costs (last fiscal year costs at projected volume) (c)	Change due to cost (column (b) minus column (c)) (d)
15 (a) Low wage and pre-existing contract excesses (see instructions)		$		$
(b) Other wages/salaries	$			
16 Fringe benefits				
17 Total wage/salary expenses (item 15 plus item 16) (carry the amount shown in col. (d) to item 35)	$	$	$	$
18 (a) Pensions, group insurance, disability and health plans	$	$	$	$
(b) FICA and unemployment taxes				
19 Commissions and fees paid to hospital-based physicians				
20 Drugs				
21 Raw food (or dietary service)				
22 Utilities				
23 Special purpose (attach documentation)				
24 Other expenses (attach documentation)				
25 Depreciation				
26 Interest				
27 Insurance				
28 Total nonwage/salary expenses (sum of items 18 through 27)	$	$	$	$
29 Total wage/salary and nonwage/salary expenses (item 17 plus item 28)	$	$	$	$
30 Expenses projected for price increase year for new technology: (a) Salaries		$		
(b) Supplies and other				
(c) Depreciation				
(d) Total		$		
31 Charges to persons benefiting directly from such facilities or services		$		
32 Net new technology expenses (item 30 less item 31) (if negative, enter zero; also show this amount in item 43)				$
33 (a) Total projected expenses (item 29, col. (b) plus item 30(d)) (also show this amount in item 80)			$	
(b) Adjusted cost changes (sum of items 29, col. (d) and 32)				$

Note: Attach a description of the new technology.

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Part V. — Price Increases Subject to Exception (See instructions)

	Limitation (a)	Actual (b)	Allowable (c)	Excess (d)
Wages and Salary Cost Increases				
34 Limitation (item 17, col. (a) × 5.5%)	$			
35 Actual (from item 17, col. (d))		$		
36 Allowable (lesser of items 34 or 35; if negative, enter zero)			$	
37 Excess over allowable (item 35 less item 36)				$
Nonwage Cost Increases				
38 Limitation (item 28, col. (a) × 2.5%, except for FY beginning on or after 1/1/73 enter item 29, col. (a) × 2.7%)	$			
39 Actual (item 28, col. (d), except for FY beginning on or after 1/1/73 enter the sum of item 28, col. (d) and item 32)		$		
40 Allowable (lesser of items 38 or 39; if negative, enter zero)			$	
41 Excess over allowable (item 39 less item 40)				$
Net New Technology Cost Increases (only for FY beginning before 1/1/73)				
42 Limitation (item 29, col. (a) × 1.7%)	$			
43 Actual (from item 32)		$		
44 Allowable (lesser of items 42 or 43; if negative, enter zero)			$	
45 Excess over allowable (item 43 less item 44)				$
46 Totals	$	$	$	$
47 Enter the lesser of col. (b) or col. (c) of item 46				$
Spillover and Pass-Throughs:				
Low Wage and Pre-Existing Contract Pass-Throughs				
48 Enter the lesser of item 15(a), col. (d) or item 37 (but not less than zero)				$
Pensions and Group Insurance Spillover				
49 Enter the lesser of item 41 or the excess of item 18(a), col. (d) over item 38 (but not less than zero)				$
FICA Pass-Through				
50 Subtract item 49 from item 41 and enter results (if negative, enter zero) ► $				$
51 Enter the lesser of item 50 or item 18(b), col. (d) (but not less than zero)				$
52 Total (sum of items 47, 48, 49 and 51)				$
53 Maximum allowable cost increases (item 12, col. (a) × 6%)				$
54 Justified allowable cost increases (least of items 46, col. (b); 52 or 53; if negative, enter zero) (carry the amount shown to item 72)				$
55 Express item 54 as a percentage of AAR in last FY (item 54 ÷ item 12, col. (a)) ► ____ %				
56 Cost increases in excess of allowable (item 46, col. (b) less item 54)				$
57 Annualized increase in AAR resulting from price increases implemented to date in budgeted FY (see instructions) ► ____ % or				$
58 Annualized amount of additional AAR proposed as a result of price increases in the budgeted FY (see instructions) ► ____ % or				$
59 Total increase in AAR due to price (sum of items 57 and 58) ► ____ % or				$
60 (a) Amount of price increase subject to exception (see instructions)				$
(b) Express item 60(a) as a percentage of AAR in last FY (item 60(a) ÷ item 12, col. (a)) ► ____ %				

Part VI. — Base Period Margin Limitation (See instructions)

	1st Selected base year ended (/ /) (a)	2nd Selected base year ended (/ /) (b)	Budgeted FY ended (/ /) (c)
61 Aggregate annual revenues (in col. (c) show the amount entered in item 12, col. (c))	$	$	$
62 Total expenses (in col. (c) show the amount entered in item 33(a))	$	$	$
63 Net revenues (item 61 less item 62)	$	$	$
64 Budgeted fiscal year net revenue (or profit) margin (item 63 ÷ item 61) ► ____ %			
Total of Two Selected Base Years			
65 Aggregate annual revenues (sum of item 61, col. (a) and 61, col. (b))			$
66 Net revenues (sum of item 63, col. (a) and 63, col. (b))			$
67 (a) Base period net revenue (or profit) margin (item 66 ÷ item 65) ► ____ %			
(b) Adjusted base period net revenue (or profit) margin granted by prior exception. (If no adjustment has been made, leave blank) ► ____ %			
68 If this is a request to adjust the base period net revenue or profit margin, enter the requested margin ► ____ %			

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Part VII. — Productivity Data

	Total man-hours (a)	Man-hours per patient day (b)
69 Projected for budgeted fiscal year (excluding new technology)		
70 Actual for last fiscal year		
71 Increase (decrease) (item 69 less item 70)		

Part VIII. — Compliance, Quarterly Reporting, and Self-Monitoring

Note: DO NOT complete this part if this is an exception request. Otherwise, complete this part and attach Schedule A as supporting documentation.

Section 1 — BFY Allowable Cost Justification and Annualized Price Increase Revenues

72 Justified allowable cost increases per regulations (from item 54)	$
73 Annualized amount of revenues granted by exception	$
74 Total annualized price increase revenues authorized in the BFY (item 72 plus item 73)	$
75 Amount of annualized price increase revenues resulting from implemented price increases (Schedule A, Part II, line 6, col. (f))	$
76 Is item 75 greater than item 74? ☐ Yes ☐ No	

If "Yes," corrective action may be required. Contact your IRS District Director for assistance.

Section 2 — BFY Net Revenue (Profit) Margin and the Base Period Margin Limitation

77 Total price increase revenues realized (and to be realized) in the BFY (Schedule A, Part II, line 6, col. (m))	$
78 BFY AAR excluding price increase revenues (item 12, col. (b))	$
79 Realized BFY AAR (item 77 plus item 78. This amount must agree with item 12, col. (c))	$
80 BFY operating expenses (from item 33(a))	$
81 BFY net revenues or profit (item 79 less item 80)	$
82 BFY net revenue or profit margin (item 81 ÷ item 79) ► ____ %	
83 Base period net revenue or profit margin (item 67(a) or (b), whichever is greater) ► ____ %	
84 Is item 82 greater than item 83? ☐ Yes ☐ No	

If "Yes," corrective action may be required. Contact your IRS District Director for assistance.

Part IX. — Books and Records

85 The maintenance of books and records is required for possible inspection and verification of all price changes after November 13, 1971. Books and records are located at ►

Part X. — Certification and Signature

I certify that I have read the applicable price stabilization regulations and all instructions printed with this form. I have reviewed all information recorded on this form and all attached schedules and other supporting documentation. I believe the information furnished is factually correct and in accordance with the applicable regulations and instructions.

86 Typed name and title of chief executive or authorized official

87 Signature	88 Telephone number	89 Date

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XUM

Department of the Treasury • Internal Revenue Service

Economic Stabilization Program

Instructions for Form S-52
Revised July 1973

Who Uses Form S-52.—If you are an institutional provider of health services, use Form S-52 to determine whether proposed price increases are permitted under Economic Stabilization regulations.

Who use Form S-52 as part of the documentation when you report a price increase or request an exception, and for computing allowable cost justification for the purpose of self-monitoring and compliance.

What Form S-52 You Should Use.—If your budgeted fiscal year ended before July 1, 1973, use Form S-52 (Revised September 1972).

If your budgeted fiscal year began on or after July 1, 1973, use Form S-52 (Revised July 1973).

If your budgeted fiscal year included both June 30 and July 1, 1973, you may, at your option, use either the July 1973 or the September 1972 version of Form S-52 as part of your documentation for reporting price increases (if you are required to report), or as a supplement to Form S-16 if you request an exception.

If you have an option to use either the July 1973 or September 1972 version of the form, you must continue to use the same version you have chosen for any subsequent filings during the rest of the budgeted fiscal year, because an Internal Revenue Service (IRS) compliance audit will be based on that version of the form. The formal for calculating allowable cost justification is found in Part V of the July 1973 version of the form. If you use the September 1972 version, compute cost increases in Part III of the September version, but compute allowable costs using the format of Part V of the July 1973 version. You may use the Addendum to Form S-52 (Rev. September 1972), available from your local IRS office, for computing allowable costs. Note that line item numbers on the July 1973 version of Form S-52 do not correspond to the same items on the September 1972 version.)

General Instructions

Prepare a Form S-52 for each separate and distinct Individual health care provider, regardless of its organizational affiliation or fiscal support. If you are a hospital which also operates a skilled nursing or extended or intermediate care facility on the same premises, you may, at your option, treat the hospital (including all outpatient facilities) as one institution. The skilled nursing (including extended and intermediate care) section may be treated as a separate institution if accounting records are sufficiently differentiated. Once the decision has been made to separate the institutions, each must separately comply with all provisions of the regulations. Nonoperating revenue and expenditures must be allocated consistently from year to year.

If you operate an outpatient facility, it may not be considered a separate and distinct institutional provider. The outpatient facility will be considered either an integral part of its institutional operator or as a noninstitutional provider. The Internal Revenue Service and/or the Cost of Living Council reserves the right in each case to determine: (1) the supporting status of particular facilities based on the merits of the individual circumstances; and (2) the appropriateness of allocated revenues and expenditures, both operating and nonoperating.

The fact that the allowable cost limitations of 6 CFR 300.18(d) have been exceeded does not require an exception unless such excesses are used to cost justify an equalized increase in aggregate annual revenues due to price.

Definitions.—An institutional health care provider is any organization which operates licensed 24-hour inpatient health care facilities.

For purposes of the Economic Stabilization regulations, "inpatient health care" is defined as the diagnosis, cure, mitigation, and treatment of disease for residents. This care does not include care in a convalescent home, a home for children or the aged, or institutions whose principal purposes or functions are to train handicapped persons to pursue a vocation.

Institutional providers of health services include but are not limited to: medical hospitals; psychiatric hospitals or asylums; tuberculosis hospital sanitaria providing medical care; clinics and dispensaries operated by hospitals or other institutional health providers; nurses' training schools operated by hospitals or other institutional health providers; skilled nursing homes; and extended and intermediate care facilities.

The budgeted fiscal year (abbreviated as BFY) refers to the year under determination. It is the price increase year for which you request exception, file a report, or on which a compliance determination is made. If you are completing a year-end annual report, the budgeted fiscal year (or BFY) on Form S-52 and Schedule A refers to the year for which the annual report is being made.

The last fiscal year (abbreviated as LFY) is the fiscal year immediately preceding the budgeted fiscal year.

Aggregate annual revenues is defined in 6 CFR 300.18(a) and is abbreviated as AAR.

Fiscal year is abbreviated as FY.

Filing for Exception.—Use Form S-52 with Form S-16, Application for Exemption or Exception, (file both in duplicate) when you request an exception to the Economic Stabilization regulations. Also include the following financial information, prepared (if possible) in accordance with the American Institute of Certified Public Accountants' (A.I.C.P.A.) Hospital Audit Guide:

1. Certified financial statements for the last three fiscal years and any other year selected as the base period year. (Certification by an independent audit is not required if that audit has not already been done.)

2. Detailed statements of changes in financial position for all funds for the last fiscal year.

3. A completed Form S-52 for the last fiscal year, using actual data through the end of the last fiscal year for revenues, expenses, and cost information.

4. Detailed cash budget for both the last fiscal year and the budgeted fiscal year to include:

a. A separate itemization of donor-restricted and donor-unrestricted nonoperating cash income from gifts, contributions, endowments, and investment income. A detailed explanation of the nature of the donor restrictions must be provided; i.e., to what use is such income restricted.

b. All nonoperating income including that from taxes and appropriations. Nonoperating tax or appropriation income excludes appropriation income directly related to services rendered.

c. An itemization of all nonoperating cash requirements including those for principal payments on long-term debt, scheduled capital replacement (to exclude new technology and capital expansion) and dividend requirements.

The regulations provide no automatic relief from operating losses incurred by health care institutions. If you want a ceiling in the form of price increases in excess of those authorized by the regulations, you must file an exception request. Parts V and VI of Form S-52 (Rev. July 73) will help you determine whether you need to file for an exception.

Where to File.—If the annualized percentage increase in price increase revenues (item 59 of Form S-52 (Rev. July 73)) in the budgeted fiscal year exceeds or will exceed 6 percent on aggregate annual revenues in the last fiscal year, file the exception request with your District Director of Internal Revenue Service. The District Director will forward the request to the State Advisory Board (SAB). The SAB recommendation will not be required if the SAB fails to make it within 30 days of receipt from IRS, as required by 6 CFR 300.18(c)(2).

If the budgeted fiscal year annualized percentage increase in price increase revenues is or will be 6 percent or less of aggregate annual revenues in the last fiscal year and you still need an exception to either the allowable cost limitations specified by 6 CFR 300.18(d), or the base period net revenue or profit margin specified by 6 CFR 300.18(b), file the request with IRS. You may withdraw it any time before a decision is reached.

Reporting Price Increases.—Prepare Schedule A to report price increases and price increase revenues, and use Form S-52 to report the allowable cost justification for those price increases. Furnish a complete set of these to the District Director of the IRS, and to the Medicare Intermediary.

Pursuant to 6 CFR 300.18, if price increases are that you implement now will not cause you to exceed your base period net revenue or profit margin (Part VI of Form S-52 (Rev. July 73)) or your allowable cost limitation (Part V of Form S-52 (Rev. July 73)), please use the following procedures:

1. If the price increases result, on an annualized basis, in price increase revenues of 2½ percent or less of aggregate annual revenues in the last fiscal year, no report is necessary.

2. If the price increases result, on an annualized basis, in price increase revenues of more than 2½ percent but not more than 6 percent of aggregate annual revenues in the last fiscal year, notify the District Director of the Internal Revenue Service and the Medicare Intermediary before implementing the increases.

All other price increases require that an exception be granted before implementation. While you wait for a decision on the requested exception, you may implement only that portion of the requested price increase to which you are entitled under the Economic Stabilization regulations.

Cost Justification of Annualized Price Increases.—For purposes of the Economic Stabilization Program, all price increases must be cost justified. The 6 percent allowable increase in aggregate annual revenue is a limitation rather than an automatic allowance. For example, if the total amount of allowable cost increases are equivalent to 4.5 percent of the aggregate annual revenues realized in the last fiscal year, and the budgeted revenue increase resulting from price increases is 5.2 percent (annualized), the annualized revenue increase allowable without an exception would be limited to the level of allowable cost justification (4.5 percent).

How to Self-Monitor to Check Compliance.—Normally, you will complete Form S-52 and Schedule A before the start of the year in which the price increase is to be made. Revenue expenses, and census data are all on a projected basis. Therefore, you should check at least quarterly to determine whether your projections appear to be correct; whether the price increases instituted are producing the expected level of revenues; and whether adjustments to your pricing structure might be required to ensure continued compliance with Economic Stabilization regulations.

As each fiscal quarter of the budgeted fiscal year is ended, complete a new Form S-52 and Schedule A. More frequent monitoring might be advisable. Replace budgeted figures used in the original Form S-52 with a combination of actual figures for that portion of the year completed and the revised (if necessary) projections for the remaining quarters. If you used the volume index method of adjusting costs, recompute the index, because variations in census data will alter the value of the index as well as the amounts shown as cost increases in column (d) of items 19 through 24 on Form S-52 (Rev. July 73). Make your final check at the end of the budgeted fiscal year when all projected figures are replaced with actual figures.

Use Schedule A to compute the annualized effect of price increases. "Total Annual Units," (col. h), will be a combination of actual units of service rendered from the first day of the budgeted fiscal year through the last day of the last completed quarter, and the projected units of service for the remaining quarters of the budgeted fiscal year.

Compare the total annualized price increase revenues for the budgeted fiscal year with the amount shown in item 54 of the Form S-52 (Rev. July 73), plus the dollar amount of any exception granted for the budgeted fiscal year. If the annualized price increase revenues are less than or equal to item 54 (plus the exception, if any) AND you have not exceeded your base period net revenue or profit margin, you would appear to be in compliance with the Economic Stabilization regulations. If your annualized price increase revenues are greater than item 54 plus the amount of any exception, AND/OR you have exceeded (or will exceed by the end of the year) your base period net revenue or profit margin, you may not be in compliance with the regulations. You should immediately determine what corrective action is necessary. If any, and notify the District Director of the Internal Revenue Service of any such action. Part VIII of Form S-52 (Rev. July 73) will help you determine whether there is a need for corrective action.

Quarterly Reports.—When you are required to make quarterly reports, submit a new Form S-52 and Schedule A to report both annualized and realized price increase revenues, justification. Part VIII of Form S-52 must be completed. See instructions to Schedule A for more details. Unless otherwise specified in a Decision and Order requiring such reports, file the reports with the District Director of the Internal Revenue Service no later than 45 days after the end of the fiscal quarter being reported. The Cost of Living Council and/or the Internal Revenue Service in each case may require any other information deemed necessary for the effective administration of the Economic Stabilization Program.

Annual Reports to Check Compliance.—Each provider charging any price above the base price should complete Form S-52 and Schedule A when final figures for the fiscal year are available. If you are required to report (see instructions for Schedule A for details), complete these forms and submit them to the District Director of the Internal Revenue Service within 90 days of the end of the fiscal year, and include copies of the financial statements for the year.

Specific Instructions for Form S-52 (Rev. July 73)

We have not given you instructions for those items on Form S-52 and Schedule A which are self-explanatory or fully explained. Use generally accepted accounting principles to report revenues and expenses, except where specifically modified by these instructions for Form S-52 or where law or custom requires use of the cash basis of accounting. (See the Hospital Audit Guide of the American Institute of Certified Public Accountants and pronouncements of the Accounting Principles Board (APB) of the A.I.C.P.A.)

Certain providers may find it necessary to adjust or restate base period revenues and expenses to reflect comparable data to conform with the accounting principles contained in the A.I.C.P.A. Hospital Audit Guide.

Part I Self-Explantory

Part II Aggregate Annual Revenues

Your operating revenues consist of revenues from all sources as defined under Aggregate Annual Revenues by 6 CFR 300.18(a), including any patient service revenues related to new technology or derived from new services. Do not include as a part of the aggregate annual revenues those revenues received from research activities. Since both revenues and expenses for research are excluded from this form, if you wish to use a net loss on research activities as part of a claim to serious hardship, report these factors in separate documentation.

Instructions by columns and items follow. Please read the instructions for item 9 before you complete this part.

Column (a).—Enter actual revenues (exclude research revenues) from the last fiscal year; i.e., has most recently completed fiscal year. The last fiscal year is always the year immediately preceding the year in which the price increase is or will be made.

When you are in the fourth quarter of your fiscal year and wish to request an exception for the next fiscal year, or to make price changes early in the first quarter of the next fiscal year which require no exception, you may use your current fiscal year as your last fiscal year (LFY). However, you must have **actual figures for at least 8 months of your current year.** You may estimate figures for the remainder of the year. Attach to Form S-52 supporting documentation which shows the actual portion and the projected portion, and explains the methodology you employed to make the projections. If a price increase is to be implemented during the remaining portion of the fourth quarter, the current fiscal year is the price increase year and cannot be used as the last fiscal year.

Column (b).—Enter the revenues you would receive in the budgeted fiscal year in the absence of any price changes; i.e., revenues at last fiscal year prices and budgeted fiscal year volume and mix. Include the same amount of revenues from new services and new technology in this column, column (c), and item 31. Do not include research revenues in the entries. See instructions to Schedule A, paragraph 2, under "General Guidelines."

Column (c).—If you operate on a cash basis, read the instructions for item 9 before completing this column. Otherwise, enter the proposed revenues for the budgeted fiscal year. Include revenues from new services and new technology, but exclude research revenues. If the proposed price increase will not be in effect for the entire fiscal year in which it is requested, the revenue entries in column (c) must reflect a composite of actual experience to the end of the most recently completed quarter, and a projection for the remaining portion of the fiscal year at the appropriate prices. Please consider carefully what effect the cost reimbursement contracts will have on the contractual allowances in the projection, since realized third-party reimbursements are considered prices under Economic Stabilization regulations.

Item 4.—Enter routine service revenues (daily rate charges for services). If you do not distinguish between routine and ancillary services, enter the inclusive rate revenues.

Item 5.—Enter all specialty service revenues other than those included in the daily rate routine revenues. Include all outpatient service revenues.

Item 6.—Enter professional fees for inpatient treatment billed, if not included in ancillary services in item 5 and if the related salaries, fees, or other compensation to doctors are included in expenses of the institution, regardless of whether records include fees as revenues or as additions to special funds.

Item 7.—Self-explanatory.

Item 8.—Third-party cost reimbursement is included in the definition of "price." Accordingly, prices paid by an insurer under a hospitalization or other medical services plan are subject to the Economic Stabilization regulations. Please give careful attention to the determination of projected contractual allowances to third parties. Any deductions from revenues must be supported by attached documentation. If budgeted allowances and deductions deviate from historical patterns, the document should explain the deviations for the appropriate allowance or deduction category.

Item 9.—(Cash Basis Institutions): If you record revenue on a cash basis, with no recognition of full charges for services or allowances, enter the amount of the cash revenue in this item and leave blank items 4 through 8 in columns (a), (b), and (c).

Item 10.—Include all other operating revenues. If you are requesting an exception, use separate documentation to report nonoperating revenues.

Item 11.—If you are a government-related institution, enter the total amount of governmental appropriations. If the appropriation bears no direct relationship to services but is solely for the purposes of making up a cash deficit, do not include the amount of the appropriation in your aggregate annual revenues, but report it as nonoperating revenue in separate documentation. However, if you do not show in item 9 cash collections remitted to you as a governmental unit, AND the appropriation bears no relationship to services but is solely for the purposes of making up a cash deficit, then show in this item an amount equal to the cash collections and report the remainder of the appropriation as nonoperating revenue.

Item 12.—Self-explanatory.

Part III Census Data

Item 13.—If you are classified as an acute hospital, or any other hospital with outpatient facilities, enter in columns (b) and (d), respectively, the number of inpatient admissions and outpatient procedures in accordance with past practices. Outpatient procedures may be either visits or occasions of service, but must be consistent in both periods.

Enter patient day data (acute hospitals and long-term care facilities) in columns (f) and (g).

Enter in columns (c) and (e), respectively, inpatient costs and outpatient costs. If such costs are normally allocated on a relationship between inpatient and outpatient revenues, this allocation procedure is acceptable.

Item 14.—Use either the volume index or actual budgeted changes in costs attributable to volume to determine adjusted costs (Part IV, col. (c)). When you use actual budget data to identify changes attributable to volume, attach detailed documentation showing the bases upon which such changes were determined.

Acute Hospitals or Any Other Hospitals with Outpatient Facilities.—Use the volume index which includes a 2 percent adjustment for intensity, as reflected by the factor of 1.02. This volume index is calculated in three steps using data provided in item 13.

Step 1.—Compute a value for the index using only your last fiscal year actual patient days and the change in patient days with your last fiscal year outpatient procedures and the change in outpatient procedures. This computation is shown in the formula below.

Step 2.—Compute a value for the index, similarly using your actual last fiscal year admissions and the change in admissions for your actual last fiscal year patient days and the change in patient days. This computation is shown in the formula below.

Step 3.—Compute the value of the index by taking the average (arithmetic mean) of the values computed in the first two steps (i.e., Step 1 and Step 2). The index value computed in Step 3 is the value to be entered in Item 14.

Note that budget figures for inpatient and outpatient costs are not included in the volume index calculation.

Volume Index for Other Institutions.—If you do not have outpatient facilities, do not use the volume index described above. If, by the use of normal budgeting procedures, you are unable to adjust your last fiscal year costs to reflect only changes in volume, calculate item 14 as follows:

$$\text{Volume Index} = \frac{\text{Projected Patient Days (item 13B, col. (g))}}{\text{Last Fiscal Year Patient Days (item 13A, col. (g))}}$$

Use the data provided in column (g) of item 13 to determine the ratio of patient days projected for the budgeted fiscal year to the patient days experienced in the last fiscal year. Enter this number in item 14.

Part IV Operating Costs

Cost Justification for Price Increase Year.—The fiscal periods for which cost justification data are presented must be the same as those periods for which revenues were reported in column (a) of Item 13. In completing Part IV, you will separate cost changes resulting from increased prices which you must pay to render your services (i.e., changes in unit cost) from those cost changes resulting from changes in the volume of services rendered.

Column (a).—Include combined actual expenses incurred for all operations (excluding research) of your last fiscal year. Since both revenues and expenses for research activities are excluded, attach separate documentation containing full explanations for any research expenses not recovered from research revenues, when such expenses are part of a claim to serious hardship.

If you determined revenues for the last fiscal year by combining revenues realized for the first three quarters of the current fiscal year with a projection for the remaining quarter, you must also determine costs for this same period. Attach documentation to support these projections.

Adjustments Due to Budgeted Fiscal Year Reallocations.—When you change your last fiscal year method of producing and/or allocating your services, and the change results in a reallocation of costs among cost categories, you must adjust your last fiscal year costs by category to reflect the cost reallocations that will be effective in the budgeted fiscal year. The following example shows the required adjustments to the last fiscal year costs by category:

Hospital H in the last fiscal year operated its own laundry service. In the budgeted fiscal year, H is closing its laundry facility and will have to contract with an outside laundry service. The cost of the budgeted fiscal year contracted laundry service will be included under column (b), Item 24, "Other Expenses." Therefore, H must adjust the last fiscal year cost category entries by deducting all laundry-related costs from the respective cost categories and entering the total of laundry costs under column (a), in Item 24. From the wage/salary category (Items 15, 16, and 17), H would deduct all last fiscal year laundry personnel wages or salaries and fringe benefits; from the utilities cost category (Item 22), H would deduct all utility expenses allocated to laundry; and so forth. There should be no change in total expenses for the last fiscal year; merely a reallocation of all laundry-related expenses from their original entries into Item 24. Documentation must be attached to support all such cost reallocation adjustments and to reconcile differences in the financial statements.

Column (b).—Enter expenses for the budgeted or price increase fiscal year (excluding research). In Item 30 only, enter expenses for new technology.

Column (c).—The data to be provided in this column represent the amount of costs which you would expect to incur if, in the last fiscal year, you were servicing the volume and mix of patients projected in the budgeted fiscal year (i.e., last fiscal year costs at projected volume). There are only two acceptable methods of making this computation; use either the volume index computed according to the formula provided in the instructions for item 14, or use actual budget data. You may not develop an alternative index factor. It is preferable to use the budget data method if you have the capability of deriving the information needed. The volume index method is provided for those institutions who cannot or choose not to provide such computations. Each method will be described in general.

The volume index assumes that costs vary in a one-to-one relationship with volume. In recognition of the fact that all costs do not reflect volume changes, a volume adjustment is allowed for depreciation (item 25), interest (item 26) or insurance (item 27). Further, when an exception request is pending, the Cost of Living Council and/or IRS will take into consideration the degree to which costs respond to volume changes. If you show a decrease in volume, the extent to which you cannot be expected to decrease proportionately will be a factor in determining serious hardship for gross inequity. Conversely, when you experience an increase in volume, it will be expected that your costs would not increase in direct proportion.

Volume Index Method.—At the top of column (a) in Part IV, enter the volume index as computed for Item 14. For each applicable item (items 15(b) through 24), multiply the amount shown in column (a) for that item by the volume index, and enter the results of the computations in column (c). Do not adjust the entries for items 25, 26, and 27; instead, enter in column (c) the same amount shown in column (a).

Budget Method.—Explain every entry in a supporting document. No entry can be accepted without a full explanation of the methodology and computation. Do not adjust the entries for items 25, 26, and 27; instead, enter in column (c) the same amount shown in column (a).

For each cost item on Form S-52, multiply the actual unit cost of that item in the last fiscal year times the projected number of units serviced (or used) during the budgeted fiscal year. The "unit" chosen for each item must be statistically valid and in accordance with guidelines established by the American Hospital Association and the A.I.C.P.A. While the statistical unit chosen may vary from institution to institution, any individual institution must be consistent in its use of the chosen units from year to year. The Cost of Living Council will decide in each case whether the particular unit chosen is acceptable. For any one item, you may develop in supporting documents several different units and their unit costs and enter in column (c) the total of their products.

To determine the unit cost of any item, divide the total costs for that item by the units of service for that fiscal year.

Acceptable Budget Methods.—You may prepare your Form S-52 by using a budget method, as explained in the instructions for Budget Method, column (c) of this part. In every case where the budget method used is not included in the suggested methods announced by the Cost of Living Council, either the Cost of Living Council or the Internal Revenue Service will decide whether the budget method is acceptable. File any unapproved budget method with the Cost of Living Council or the Internal Revenue Service before you file your exception request or price increase notification with the State Advisory Board or the Internal Revenue Service.

Exhibit I shows a suggested format for documentation which illustrates one of several budget methods which the Council has found acceptable. Also, an example follows:

Hospital H is developing supporting documentation to determine the entry for column (c) of Item 15(b), "Wages/Other Salaries." H maintains its records on a functional (departmental) basis. To determine the wage and salary cost of each revenue-producing department, H customarily allocates the wage and salary costs of the nonrevenue-producing departments (such as administrative services) by the proportion which each revenue-producing department bears to the total revenues of the institution. H's operating room produces 10 percent of H's total revenues; therefore, H allocates 10 percent of the wage and salary expense of nonrevenue-producing departments to the operating room.

In its last fiscal year the operating room performed 8,000 procedures and had total wage and salary expenses (both direct and indirect) of $80,000. In its budgeted fiscal year H expects to perform 10,000 procedures with total wage and salary expense of $120,000. H would therefore show the following computations in its supporting documentation:

		Cumulative TOTAL
Operating Room		
Last fiscal year wage and salary expense		$ 80,000
Divided by—Last fiscal year surgical procedures		9,000
Equals—Last fiscal year cost per procedure		$ 10
Multiplied by—Budgeted fiscal year surgical procedures		10,000
Equals—Adjusted operating room wage and salary costs (budgeted fiscal year volume at last fiscal year cost)	$100,000	$100,000

H would continue with similar computations for its other revenue producing departments, and enter the total of all adjusted wage and salary costs in column (c) of Item 15.

Step 1:

$$\text{Volume Index} = 1.02 + \left[\frac{\left(\frac{\text{LFY Inpatient Costs (Item 13A, col. (c))}}{\text{LFY Actual Patient Days (Item 13A, col. (g))}} \times \frac{\text{Change in Actual Patient Days (+ or −) (col. (f), Item 13B minus Item 13A)}}{1}\right) + \left(\frac{\text{LFY Outpatient Costs (Item 13A, col. (e))}}{\text{LFY Outpatient Procedures (Item 13A, col. (d))}} \times \frac{\text{Change in Outpatient Procedures (+ or −) (col. (d), Item 13B minus Item 13A)}}{1}\right)}{\text{LFY Total Costs (Item 13A, col. (c) + Item 13A, col. (e))}}\right]$$

Step 2:

$$\text{Volume Index} = 1.02 + \left[\frac{\left(\frac{\text{LFY Inpatient Costs (Item 13A, col. (c))}}{\text{LFY Inpatient Admissions (Item 13A, col. (b))}} \times \frac{\text{Change in Inpatient Admissions (+ or −) (col. (b), Item 13B minus Item 13A)}}{1}\right) + \left(\frac{\text{LFY Outpatient Costs (Item 13A, col. (e))}}{\text{LFY Outpatient Procedures (Item 13A, col. (d))}} \times \frac{\text{Change in Outpatient Procedures (+ or −) (col. (d), Item 13B minus Item 13A)}}{1}\right)}{\text{LFY Total Costs (Item 13A, col. (c) + Item 13A, col. (e))}}\right]$$

Step 3:

$$\text{Volume Index} = \frac{\text{Step 1} + \text{Step 2}}{2}$$

Note: Changes in Actual Patient Days and Outpatient Procedures must indicate the direction of change as well as the actual amount of increase or decrease. The plus (increase) or minus (decrease) sign must be carried throughout the computation.

the lesser of the entries in either column (c) or (d). Enter the result in column (e).

Unit cost increase allowable per cost category for price increase justification. If the entry in column (e) is negative, enter a zero in column (g).

Column (f)—Excess. Entries in this column identify the amount by which the difference between the actual cost changes (in column (b)) and the allowable cost changes (in column (e)) for the entry in column (c) for any cost category is a zero, then enter in column (f) the entry in item 78, which appears in column (b) for that cost category.

Items 46 and 47.—Self-explanatory.

Item 48.—Self-explanatory. However, the following example shows how you can calculate this entry.

If:

(a) the entry in item 15(e), column (d) is $10,000, and

(b) the entry in item 37, column (d) is $8,000, and

(c) the entry in item 38, column (d) is $6,000, and

(d) the entry in item 41, column (d) is $2,000 the $2,000 excess (excess of pensions, etc., in item 18(e), column (d) over the nonwage/salary limitation in item 18(d), column (d)) may be used as allowable cost increases, subject to the overall 6 percent limitation (the item 68 test) and the base period profit or net revenue margin limitation (the item 68 test).

Item 49.—Pensions and group insurance. Entries in this column (and column (d)) are eligible for "spillover" treatment. The amount of pensions and group insurance costs that exceed the amount of increases in such costs in excess of the nonwage/salary limitation (as shown in the entry for item 38. However, the amount of spillover cannot exceed the amount of spillover cannot exceed the nonwage/salary limitation in item 18(e), column (d) over the nonwage/salary limitation in item 18(d), column (d). Excess cost increases due to low-wage adjustments and/or pre-existing labor contracts are not eligible for this treatment. In calculating allowable costs to be used for justifying price increases, the entries in this item 49 are the entries for item 15(e), columns (b) and (d).

For low-wage adjustments, consider employee wage increases up to $3.50 (or $2.75) an hour for the item 15(e) entry. If a wage rate increase in excess of $3.50 (or $2.75) an hour, include only the portion of the increase up to $3.50 (or $2.75) an hour. Do not include as wage increases the wage expense for low-wage workers hired into jobs that did not exist during the fiscal year. However, if a wage increase is granted to such employees after they are hired, you may include the expense of the increase only.

Compute the low-wage excess as follows: Determine the wages in the last fiscal year. Multiply that amount by 2.5 percent (i.e., 0.025). If the total adjustment to be paid low-wage workers in the budgeted fiscal year is more than 2.5 percent of the last fiscal year's low-wage expense, then there is no low-wage excess eligible for pass-through. If the adjustment is more than 2.5 percent of the last fiscal year's low-wage expense for the last fiscal year, then the excess is the amount by which the current adjustment exceeds 2.5 percent of the low-wage expense for the last fiscal year. For example, suppose a hospital grants a 5.5 percent wage increase and a 20 percent increase to low-wage employees. The 20 percent increase to low-wage employees added $3.30 (or $2.75) an hour. In the budgeted fiscal year, total adjustments to $10,000 (20 percent of that amount, or $2,000). Of that amount, 2.5 percent represented the increase over 5.5 percent, or $1,750. This same amount would be deducted from the entry in column (b) of item 15(e). The $7,250 is eligible for treatment as a pass-through if all other conditions are met.

Make a similar computation of cost increases to determine the eligibility of costs associated with fringe benefits. Only increases in fringe benefit costs that exceed 2.5 percent of the total costs in the last fiscal year are eligible for pass-through. Use this part to calculate allowable costs for price increase justification and to determine the amount of excess costs for pass-through. Add this excess to existing labor contracts eligible for pass-through; add this excess to the entry in item 15(b). For example, suppose a hospital grants a 5.5 percent wage increase and a 20 percent increase to low-wage employees. The 20 percent increase to low-wage employees added $3.30 (or $2.75) an hour. In the budgeted fiscal year, total adjustments to $10,000 (20 percent of that amount, or $2,000). Of that amount, 2.5 percent represented the increase over 5.5 percent, or $1,750. This same amount would be deducted from the entry in column (b) of item 15(e). The $7,250 is eligible for treatment as a pass-through if all other conditions are met.

Make a similar computation of cost increases to determine the eligibility of costs associated with fringe benefits. Only increases in fringe benefit costs that exceed 2.5 percent of the total costs in the last fiscal year are eligible for pass-through.

Item 15(e).—Low-Wage Adjustments and Pre-existing Binding Labor Contracts.

The Cost of Living Council has provided relief from the wage and salary controls of the Economic Stabilization Program for workers to bring them to or toward $3.50 an hour, effective on or after May 1, 1973 and for binding (signed) labor contracts existing before November 1, 1971 that will expire in the budgeted fiscal year. Excess cost increases due to low-wage adjustments and/or pre-existing labor contracts are not eligible for this special treatment. In calculating allowable costs to be used for justifying price increases, the entries in this item 15(e) are the entries for item 15(e), columns (b) and (d).

For low-wage adjustments, consider employee wage increases up to $3.50 (or $2.75) an hour for the item 15(e) entry. If a wage rate increase in excess of $3.50 (or $2.75) an hour, include only the portion of the increase up to $3.50 (or $2.75) an hour. Do not include as wage increases the wage expense for low-wage workers hired into jobs that did not exist during the fiscal year. However, if a wage increase is granted to such employees after they are hired, you may include the expense of the increase only.

Compute the low-wage excess as follows: Determine the wages in the last fiscal year. Multiply that amount by 2.5 percent (i.e., 0.025). If the total adjustment to be paid low-wage workers in the budgeted fiscal year is more than 2.5 percent of the last fiscal year's low-wage expense for the last fiscal year, then there is no low-wage excess eligible for pass-through. If the adjustment is more than 2.5 percent of the last fiscal year's low-wage expense for the last fiscal year, then the excess is the amount by which the current adjustment exceeds 2.5 percent of the low-wage expense for the last fiscal year. Costs associated with the excess are eligible for pass-through; add this excess to the entry in item 15(b). For example, suppose a hospital grants a 5.5 percent wage increase and a 20 percent increase to low-wage employees. The 20 percent increase to low-wage employees added $3.30 (or $2.75) an hour. In the budgeted fiscal year, total adjustments to $10,000 (20 percent of that amount, or $2,000). Of that amount, 2.5 percent represented the increase over 5.5 percent, or $1,750. This same amount would be deducted from the entry in column (b) of item 15(e). The $7,250 is eligible for treatment as a pass-through if all other conditions are met.

Make a similar computation of cost increases to determine the eligibility of costs associated with fringe benefits. Only increases in fringe benefit costs that exceed 2.5 percent of the total costs in the last fiscal year are eligible for pass-through.

Item 15(b).—Other Wages/Salaries. Enter in this item 15(b) the sum of the pre-existing labor contract cost excesses, if any, from item 15(e) and the pre-existing labor contract cost excesses. Attach detailed documentation to support the entry in this item 15(b). This same amount would be deducted from the entry in column (b) of item 15(e). The $7,250 is eligible for treatment as a pass-through if all other conditions are met.

Make a similar computation of cost increases to determine the eligibility of costs associated with fringe benefits. Only increases in fringe benefit costs that exceed 2.5 percent of the total costs in the last fiscal year are eligible for pass-through.

Items 16-18.—Self-explanatory.

Item 19.—Commissions. Amounts paid to free-standing physicians who function as independent contractors and who are not employees of the institution are not considered salaries. Amounts paid to salaried physicians should be included in item 15(c).

Items 20-23.—Self-explanatory.

Item 23.—Group all expenses (other than salaries and fringe benefits) charged to special purpose funds if an appropriate expense category. Attach additional documentation.

Item 24.—Attach additional documentation for all components of this cost category.

Item 25.—You may not claim depreciation on assets acquired by lease if you are a tenant. If you are renting your facility, add an extra line in this item to show your annual rental expense on the facility only. Do not adjust for volume. Enter in column (c) the same entry as in column (b).

Items 26 and 27.—Do not adjust for volume. Enter in column (c) the same entry as in column (b).

Item 28 and 29.—Self-explanatory.

Item 30.—New technology means new (different) equipment and services as the institution's first application of existing technology. However, a new cardiac care unit which only adds more patient care beds is not considered new technology. Form S-52 items 30-39 pertain to new technology. Form S-52 items 30-39 pertain to new technology. If you have more than one category of service or equipment, aggregate all of them and attach documentation to explain each of the items. Also show in your documentation the aggregate of items 32 and 33 and the aggregate of items 38 and 39 as a percentage of item 31.

Item 31.—Do not include any price increase revenue in this item.

Item 32.—Enter the amount in this item as a positive amount. If the amount is negative, enter a zero in item 32 and in items 43, 44, and 45.

Item 33.—Self-explanatory.

Part V Price Increase Subject to Exception

Use this part to calculate allowable costs for price increase justification and to determine the amount of excess costs for pass-through. If you have more than one cost category, complete this part in its entirety, because you are required to allocate your base period limitation for the remainder of that fiscal year. For a budgeted fiscal year that begins before January 1, 1973, complete the "New Technology Cost Increases" section (items 42 through 45); ignore the "Phase II" section. Examples are provided in items 38 and 39 to show a combination of the former nonwage/salary (Phase I) and the new technology (Phase II) cost category limitations.

Items 34-45.—Self-explanatory. Instructions for the related columns follow.

Column (b).—Limitations. Entries in this column (for items 34, 36, and 42) identify the limitations that may be used on allowable cost increases to be used for price increase justification. The limitations in this column (b) are shown but do not represent automatic allowances unless such cost increases will actually be incurred.

Column (b).—Actual. Part IV, column (d), from Part IV, column (d). These are the actual cost changes within reasonable limits for the budgeted fiscal year. If any of the actual changes are negative, enter the changes as negative amounts. *Exception:* Do not enter negative amounts for *new technology expenses* or *new (i.e., revenue) expense for new technology*) then enter a zero.

Column (c).—Allowable. Entries in this column (for items 34, 40, and 43) are

Computation of "Adjusted Costs" for Indicated Cost Categories, by Revenue Department

Form S-52 Cost Category: (check one)
- ☐ Wages and salaries (item 15)
- ☐ Fringe benefits (item 16)
- ☐ Pensions, etc. (item 18(a))
- ☐ FICA and unemployment taxes (item 18(b))
- ☐ Utilities (item 22)
- ☐ Special purpose (item 23)
- ☐ Other expenses (item 24)

(a)	(b)	(c)	(d) Last Fiscal Year		(e)	(f) Budgeted Fiscal Year	(g)	(h)	(i)
Revenue Department	Statistical Unit	Number of Units	Total Cost (Direct & Indirect)		Unit Cost ((d) ÷ (c))	Number of Units	Total Cost (Direct & Indirect)	Unit Cost ((g) ÷ (f))	Adjusted Cost ((e) × (f))
INPATIENT			$		$		$	$	$
Surgery	Patient Days (PD)								
Intensive Care	PD								
Cardiac	PD								
Maternity Ward	PD								
Delivery Room	Deliveries								
Nursery	Newborn Days								
Pediatrics	PD								
General Medicine	PD								
OUTPATIENT & ANCILLARY									
Radiology	Procedures								
Pathology	Procedures								
EKG	Procedures								
Emergency Room	Proc. or Visits								
Pharmacy	Prescriptions								
Operating Room	Procedures								
Clinic	Proc. or Visits								
TOTAL ADJUSTED COSTS FOR THIS COST CATEGORY									$

(Enter here and on Form S-52 in column (c) of the corresponding category.)

EXHIBIT I (Back)
Sample Format for Documentation

Computation of "Adjusted Costs" for Specified Cost Categories

(a)	(b)	(c)	(d) Last Fiscal Year		(e)	(f) Budgeted Fiscal Year	(g)	(h)	(i)
Category	Statistical Unit	Number of Units	TOTAL COST		Unit Cost ((d) ÷ (c))	Number of Units	TOTAL COST	Unit Cost ((g) ÷ (f))	Adjusted Cost ((e) × (f))
Commissions: (item 19)			$		$		$	$	$
Anesthesiology	Procedures								
Emergency Room	Proc. or Visits								
Pathology	Procedures								
X-ray	Procedures								
TOTAL COMMISSIONS	XXXXXXX	XXXX			XXX	XXX		XXX	
Food: (item 21)	Meals Served								
Drugs: (item 20)	Prescriptions Issued								

EXHIBIT I (Front)
Sample Format for Documentation

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Department of the Treasury - Internal Revenue Service

Economic Stabilization Program

Issued July 1973

Instructions For Preparing Schedule A (To IRS Form S-52)

Report of Price Changes for Institutional Providers of Health Services

Purpose.—Use this schedule with Form S-52 (Revised July 1973) to report effective dates of your price changes and their effect on revenues in a given fiscal year. This schedule replaces the old Form S-52 (Revised September 1972) and is used to report the annualized effect on revenues due to price changes for budgeted fiscal years beginning after August 30, 1973. The information furnished in Form S-52 (Revised July 1973) and its Schedule A is used to determine compliance with the Economic Stabilization regulations.

Schedule A is not used when you file Form S-52 (Revised September 1972). The Form S-52 (Revised September 1972) can be used to determine compliance with the Economic Stabilization regulations for fiscal years beginning before August 31, 1973. If the form is completed in a manner consistent with past practice using actual instead of budgeted data.

Definitions

(1) The budgeted fiscal year (abbreviated as BFY) referred to on Schedule A is the one year under determination; it is the price increase year for which an exception is requested, a report is filed, or a computation is completed e year=and annual report, the budgeted fiscal year (or BFY) on Form S-52 and Schedule A refers to the year just ended. The year which the annual report is being made.

(2) The last fiscal year (abbreviated as LFY) is the fiscal year immediately preceding the budgeted fiscal year.

(3) Fiscal year annual revenues (abbreviated as FYAR) are annual revenues (as defined in 6 CFR 300.18(e)) is abbreviated as AAR.

Who Must File a Report of Price Increases.—Pursuant to section 300.18 of Title 6 of the Code of Federal Regulations (6 CFR 300.18), if the price increases you are proposing will not exceed your allowable costs, or 6 percent of net revenue margin; AND the amount shown in Schedule A, line 6, column (i) is less than or equal to your allowable costs, you may file the simplified pursuant to 6 CFR 300.18(d)(i); AND

(1) The amount shown in Schedule A, line 6, column (i) is 2½ percent, or less, of the aggregate annual revenues (AAR) for the last fiscal year (the year before the budgeted fiscal year (LFY), then the price increase may be implemented without a report. However, you are required to maintain adequate records to support your computations for your audit by the Internal Revenue Service.

(2) The amount shown in Schedule A, line 6, column (i) is more than 2½ percent but not more than 6 percent of the aggregate annual revenues (AAR) for the last fiscal year (LFY), then a report of price increases must be filed with your District Director of the Internal Revenue Service, and with the Medicare intermediary, before the price increases become effective.

All other price increases require that an exception be granted before they are implemented. While you wait for a decision on the requested exception, you may charge during the budgeted fiscal year the last fiscal year was established. Please use the following guidelines:

(1) If you did not exceed the base period net revenue or profit margin in the last fiscal year. The entries for column (d) will be that set of prices which, have been charged uniformly throughout the last fiscal year, would have produced price increase revenues less than or equal to the sum of your allowable costs for that same fiscal year and the amount of any exception granted for that year.

(2) If you exceeded the base period net revenue or profit margin in the last fiscal year. The entries for column (d) will be that set of prices which, have been charged uniformly throughout the last fiscal year, would have produced price increase revenues less than or equal to the sum of your allowable costs for that same fiscal year and the amount of any exception granted for that year.

Submit requests for an extension of time to the District Director of the Internal Revenue Service for the district in which the provider entity is located.

Allowable costs (excluding any exception granted) must be calculated pursuant to 6 CFR 300.18(d) and may not exceed the net revenue or profit margin realized in the immediately preceding fiscal year. (See "What to File When Reporting a Price Increase," below, for determining the appropriate set of your last fiscal year's prices, consider only the prices for those services for which price changes were actually made during the last fiscal year. Also, exclude from the MINUS the dollar amount by which you exceeded your base period net revenue or profit margin in the last fiscal year.

Allowable costs (excluding any exception granted) must be calculated pursuant to 6 CFR 300.18(d) and may not exceed the net revenue or profit margin realized in the immediately preceding fiscal year. (See "What to File When Reporting a Price Increase," below, for determining the appropriate set of your last fiscal year's prices, consider only the prices for those services for which price changes were actually made during the last fiscal year. Also, exclude from the limit for any individual price is the highest price actually charged during that year.

Column (a).—Subtract the last fiscal year price (col. (d)) from the budgeted fiscal year price (col. (c)). Enter totals for each service or commodity.

Column (f).—If the first fiscal quarter of the budgeted fiscal year has not yet been completed, enter a zero. If any quarter of the budgeted fiscal year has been completed, enter the total number of units rendered to patients covered by a third-party insurer that pays under a cost reimbursement contract. These units will be reported under Part II.

Column (g).—If the budgeted fiscal year has not yet begun, enter a zero. If the budgeted fiscal year has begun but the first fiscal quarter has not been completed, enter the total number of units rendered during the first fiscal quarter of the budgeted fiscal year, regardless of when the price changes were effective. In the budgeted fiscal year the price is to be changed. If any fiscal quarter of the budgeted fiscal year has been completed, enter the projected number of units for the fiscal quarters of the budgeted fiscal year not yet completed.

Column (h).—Add the numbers in columns (f) and (g) on each line, and enter totals for each.

Column (i).—Multiply the number of units in column (h) by the dollar amount in column (e) on each line, and enter the products for each.

Column (j).—If the price change has already been made, enter the number of units of service rendered from the effective date of the price change through the end of the quarter being reported. If the price change will not be made until later in the budgeted fiscal year, enter a zero. If a price change will be made in the budgeted fiscal year, this number will be the same as that shown in column (f).

Column (k).—If the price change is already in effect and will remain in effect throughout the remainder of the budgeted fiscal year, enter the same number of units as shown in column (g). If the change is to be made on a future date, enter the projected number of units to be serviced from the effective date through the last day of the budgeted fiscal year.

Column (l).—Add column (j) and column (k) on each line, and enter totals for each.

Column (m).—Multiply column (l) by column (e) on each line, and enter the products for each.

Column (n).—Enter effective date of the price change.

Line 1.—Column (i).—Enter the total of all entries in this column.

Column (m).—Enter the total of all entries in this column.

Line (2).—In the line space provided, enter the percentage deduction from revenues for bad debts and charity allowances. If the budgeted fiscal year has not been completed, use projections for that part of the year for which actual data is not available. To compute the dollar amount of bad debt and charity allowances, multiply the totals for line 1, columns (i) and (m), respectively, by the percentage figure in line 2, and enter the dollar results in columns (i) and (m), respectively.

Line 3.—Subtract line 2 from line 1 in columns (i) and (m), respectively, and enter remainders.

Part II Price Changes Under Cost-Reimbursement Contracts

The definition of the term "price" includes a price reimbursed to a provider under a cost-reimbursement contract. In this part, list each price which is to be changed under such a contract and specify the third-party insurer (Medicare, Medicaid, etc.).

Under the Economic Stabilization regulations, institutions are required to report all price increases above (1) base prices as defined by the regulations, or (2) prices in effect on the last day of the last fiscal year, whichever is higher, when such increases result in an annualized increase in aggregate annual revenues due to price in excess of 2½ percent of aggregate annual revenues in the last fiscal year (see instructions for column (d) below for certain possible adjustments). For purposes of the Economic Stabilization Program, each of the following changes or claims for changes in the reimbursement rate constitutes a price change to third-party cost-reimbursers:

(1) Change in interim price.

(2) Change in price claimed on cost reports submitted to the cost-reimburser.

(3) Change in price established by the cost-reimburser following its initial review.

(4) Change in price established under each review after the initial review until the final price is established.

If any of the price changes cause you to come under the reporting or notification requirements, you must report the price changes as they become effective. A price increase occurs when either (1) the price for the last fiscal year is reduced in accordance with one of the above criteria and the price decrease is not fully offset by a price decrease in the budgeted fiscal year, or (2) the price in the budgeted fiscal year increases in accordance with one of the above criteria.

The total annualized price increase revenues authorized (including any exception granted), less the amount shown in Part I, line 3, column (i), represents the maximum amount of annualized price increase revenues which you may seek from third-party cost-reimbursers for a fiscal year. See the instructions for column (d), below, for certain possible adjustments.

Column (a).—Group all price changes by the third-party payer; i.e., list all Medicare prices together, all Medicaid prices together, etc.

Column (b).—Show the billing unit for each price.

Column (c).—Show the price to be charged in the budgeted fiscal year. See the discussion above for various prices which may need to be reported.

Column (d).—Show the most recent price (as discussed above) effective for the last fiscal year. This price may not be higher than the legally authorized price for the last fiscal year (as discussed in the instructions for column (d) of Part I).

When a third-party payer expresses cost reimbursement as a rate per patient day (or adjusted patient day) or per outpatient visit, the price for the last fiscal year may be increased by 2 percent to show the delivery of more services per patient day or outpatient visit. This combination of the last fiscal year price and the 2 percent intensity factor will be termed the "adjusted last fiscal year price" and is the point from which the price increase will be measured. When this factor is applicable, show by an asterisk (*) that the last fiscal year price has been adjusted for the entry in column (d). You may not adjust the last fiscal year price if the third-party payer reimburses in any other manner. You may not use an intensity factor greater than 2 percent.

The following example illustrates use of the 2 percent intensity factor. You would enter in column (d) the amounts shown under "Adjusted Last Fiscal Year Price," below, and in column (e) the amounts shown under "Unit Price Increase," below.

Example

Payer	Unit	BFY Price	LFY Price	1.02 (if applicable)	Adjusted LFY Price	Unit Price Increase
MEDICARE						
Inpatient	PD	$80.12	$75.00	1.02	$76.50	$3.62
Outpatient	Visits	9.90	8.20	1.02	8.36	1.54
BLUE CROSS						
Inpatient	PD	102.95	89.50	1.02	91.30	11.65
Outpatient						
EKG	Procedures	25.00	23.00	NA	23.00	2.00
X-ray	Procedures	10.00	9.20	NA	9.20	.80
Other	Visits	12.62	10.59	1.02	10.80	1.82

Discussion.—In the foregoing example, Medicare reimbursement is calculated on a patient day or patient visit basis. Therefore, the 1.02 adjustment for intensity applies to all prices paid by Medicare.

Blue Cross pays on a mixed system. All inpatient prices and most outpatient prices are expressed as a rate per patient day or per visit. Certain outpatient departments are, however, reimbursed by the number of procedures performed for persons covered by the insurer. In the example, reimbursement for EKG and X-ray is not subject to the 1.02 intensity adjustment since higher intensity will be reflected as a greater number of procedures.

Column (e).—Subtract the last fiscal year price (col. (d)) from the budgeted fiscal year price (col. (c)). Enter the remainder for each service or commodity.

Columns (f)-(m).—Most cost reimbursers pay a uniform rate throughout the fiscal year. In such a case, the following pairs of columns should be identical: (f) and (j); (g) and (k); (h) and (l); (i) and (m). If they are not, attach an explanation.

Column (n).—If the effective date of price increases to third-party payers under cost-reimbursement contracts is not the first day of your fiscal year, attach an explanation.

Line 4.—Column (i).—Enter the total of all entries in this column.

Column (m).—Enter the total of all entries in this column.

Line 5.—Enter the amounts shown in line 3, columns (i) and (m), respectively, from Part I.

Line 6.—Add lines 4 and 5 in columns (i) and (m), respectively. Line 6, column (i) represents the annualized effect on revenues of all price increases. This is the amount which must be cost-justified, and it must meet the 6 percent limitation. Line 6, column (m) is the actual amount of revenue from price changes that occur in the budgeted fiscal year which you have realized (if your budgeted fiscal year has been completed) or expect to realize (if your budgeted fiscal year has not yet begun or is in progress).

Use of Schedule A with Form S-52.—After you complete Schedule A, use the information derived to complete your report of price increases, your quarterly report, your annual report, and/or your self-monitoring check. Details on the specific uses of this information are in the general instructions for this schedule and in the instructions for the Form S-52 (Rev. July 1973). Additionally, a few specific points of interest follow:

If You Use the September 1972 Revision of Form S-52—Calculate the entry for Item 18(b) as follows: Divide the amount shown in Schedule A, line 6, column (i) by the amount shown in Form S-52, Item 14, column (a). This is the annualized percentage increase in aggregate annual revenues due to price increases.

If You Use the July 1973 Revision of Form S-52—

(1) The amount shown in Schedule A, line 6, column (i) should be equal to the amount shown in Form S-52, Item 59, when you request an exception or when an exception has already been granted for the budgeted fiscal year.

(2) When you complete Part VIII of Form S-52, show the same amount in Item 75 as you show in Schedule A, line 6, column (i). Also, show in Form S-52, Item 77, the same amount that you show in Schedule A, line 6, column (m).

For All Revisions of Form S-52—

(1) The amount shown in Schedule A, line 6, column (i), is the amount which must not exceed your justified allowable costs, or 6 percent of the aggregate annual revenues realized in the last fiscal year, whichever is less, except when you have been granted an exception. If you have been granted an exception for the budgeted fiscal year, then the amount of annualized price increase revenues (Schedule A, line 6, column (i)) must not exceed the sum of the exception granted and the lesser of justified allowable costs, or 6 percent of the aggregate annual revenues realized in the last fiscal year.

(2) The amount shown in Schedule A, line 6, column (m), is the amount of price increase revenue which you will actually realize. This amount can never be greater than the amount shown in Schedule A, line 6, column (i).

U. S. GOVERNMENT PRINTING OFFICE : 1973 O - 505- 288

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Schedule A (Form 5-SS) (July 1973)

Department of the Treasury - Internal Revenue Service - Economic Stabilization Program

Report of Price Changes for Institutional Providers of Health Services

Date

Name of institution

Address (number and street)

City or town, State and ZIP code

Purpose of this schedule
- ☐ Report of price increase(s) not requiring exception
- ☐ Exception request
- ☐ Quarterly or other periodic report
- ☐ End-of-year compliance (all figures actual)

This report contains actual figures for _____ quarters and projected figures for _____ quarters of the fiscal year ending (month, day, and year) ▶ _____

Part I. — Payers Other Than Cost-Reimbursers

Service or commodity	Billing unit	BFY price	LFY price	Price increase (col. — col.)	Units from first day of BFY through last day of fiscal quarter being reported	Projected units for remainder of BFY	Total annual units (col. + col.)	Annualized price increase revenues (col. × col.)	Units from date of implementation to end of fiscal quarter being reported	Projected units for remainder of BFY at rate of col. for 1st quarter of BFY	Total realized units (col. + col.)	Total price increase revenues realized to BFY (col. × col.)	Effective date of price increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)

1 Gross price increase revenues from payers other than cost-reimbursers ▶ $
2 Bad debts and charity _____ %. (Do not include contractual allowances. Use actual data to the extent possible) ▶ $
3 Net price increase revenues from payers other than cost-reimbursers (line 1 minus line 2) ▶ $

Part II. — Third-Party Cost-Reimbursers

Service or commodity	Billing unit	BFY price	LFY price *	Price increase (col. — col.)	Units from first day of BFY through last day of fiscal quarter being reported	Projected units for remainder of BFY	Total annual units (col. + col.)	Annualized price increase revenues (col. × col.)	Units from date of implementation to end of fiscal quarter being reported	Projected units for remainder of BFY at rate of col. for 1st quarter of BFY	Total realized units (col. + col.)	Total price increase revenues realized to BFY (col. × col.)	Effective date of price increase
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)

4 Total price increase revenues from third-party cost-reimbursers ▶ $
5 Net price increase revenues from payers other than cost-reimbursers (from line 3 on the other side of this schedule) ▶ $
6 Total price increase revenues (add lines 4 and 5) ▶ $

* When the LFY price has been adjusted for intensity (by multiplying the price times 1.02), place an asterisk (*) after the price. See the instructions for completing this schedule for details on which prices are eligible for adjustment.

Signature of preparer

[FR Doc.73-15024 Filed 7-19-73;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 45]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

COTTON

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1974 crop year in the following respects:

1. Subsection 5(f) of the Cotton Endorsement shown in § 401.136 is amended to read as follows:

(f) Notwithstanding any provision of this section for determining the production to be counted, such production shall be reduced when, due solely to insured causes, the quality of the cotton produced is such that, on the date the final notice of loss is given by the insured, the price quotation for cotton of like quality (price quotation "A") at the applicable spot market, as determined by the Corporation, is less than 75 percent of price quotation "B". Price quotation "B" shall be that day's spot market price quotation at the same market for cotton of the grade, staple length, and micronaire reading shown on the actuarial table for this purpose. In such case, the pounds of production to be counted shall be determined by multiplying the actual number of pounds of such production by price quotation "A", and dividing the result by 75 percent of price quotation "B". This reduction for quality shall not be made if the Corporation determines that quality damage could have been prevented or reduced by following recognized good farming practices, including timely harvesting.

2. Section 6 of the Cotton Endorsement shown in § 401.136 is amended by adding a subsection (g) thereto reading as follows:

(g) "Spot market" means a market so designated by the Secretary of Agriculture by regulation (7 CFR 27.93) pursuant to 26 U.S.C. § 4862.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes a formula for the downward adjustment in the production of cotton to be counted because of poor quality due to insured causes which is different from the formula applicable in the current contract. The current contract provides for an adjustment in any cotton production to be counted for which the quality has been damaged to the extent that the value per pound is less than 75 percent of the Commodity Credit Corporation loan rate for the quality of cotton shown on the actuarial table. The production of any cotton so damaged is adjusted downward by dividing the total value of such cotton by 75 percent of the Commodity Credit Corporation loan rate for the quality shown on the actuarial table.

Inasmuch as the market price for cotton is greatly in excess of the CCC loan rate, the relationship of the CCC loan rate to the value of the damaged cotton does not reflect an equitable comparison for the adjustment of production. The retention of the current quality provision will probably result in reduced sales and increased cancellations. The foregoing amendment is designed to correct this, and it is desirable it become effective in 1974. Notice of changes must be given insureds in the southern Texas counties by September 15, 1973, and applications will be taken in the near future.

Under the circumstances, and since it is a change favorable to the insured, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on July 12, 1973.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on July 18, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-15105 Filed 7-23-73;8:45am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 440, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 13–19, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 440 (38 FR 18554). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 908.740 Valencia Orange Regulation 440 (38 FR 18554) are hereby amended to read as follows:

§ 908.740 Valencia Orange Regulation 440.

• • • • • •

(b) • • •
(1) • • •
(ii) District 2: 410,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15089 Filed 7-23-73;8:45 am]

[Lime Reg. 4, Amdt. 1]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation increases the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 15, 1973, through July 21, 1973. The quantity that may be shipped is increased due to improved market conditions for Florida limes. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the han-

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dling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of limes available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Lime Regulation 4 (38 FR 18662). The marketing picture now indicates that there is a greater demand for limes than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of limes to fill the current market demand thereby making a greater quantity of limes available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of limes grown in Florida.

(b) *Order, as amended.* The provisions in paragraph (b) (1) of § 911.404 (Lime Regulation 4, 38 FR 18662) is hereby amended to read as follows:

§ 911.404 Lime Regulation 4.

* * * * *

(b) *Order.* * * *

26,000 bushels.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15182 Filed 7–23–73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 103, 223, 238, 299, and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

Current Form I–143, "Application for Extension of Permit to Reenter the United States," is being eliminated since Form I–131 has been revised to serve as an application for either issuance or extension of a reentry permit. Accordingly, the first sentence of § 223.2 is amended by substituting "Form I–131" in lieu of "Form I–143" therein, and the listing of forms in § 299.1 is amended to delete therefrom the reference to Form I–143 and to reflect a revision of the title of Form I–131. Minor corollary amendments are likewise made in §§ 103.1(e) (12) and 103.7(b) (1).

In Part 223, a minor technical amendment is made in the first sentence of § 223.2 by changing "United Arab Republic" to read "Arab Republic of Egypt."

Pursuant to section 238(d) of the Immigration and Nationality Act, an agreement has been entered into between the Acting Commissioner of Immigration and Naturalization and Air Nauru, a transportation line operating at ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3 (b) is, therefore, amended by adding "Air Nauru" to the listing of signatory transportation lines.

A number of immigration forms and naturalization forms listed in Parts 299 and 499, respectively, have been reissued and now bear a more recent edition date. Accordingly, §§ 299.1 and 499.1 are amended to reflect the current edition date of those forms. The listing of forms in § 299.1 is also amended to reflect a substitution of Form G–325C in lieu of Form G–325B, and a revision of the title of Form I–342 by substituting therein "Immigration Judge" in lieu of "Special Inquiry Officer."

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1(e), subparagraph (12) is amended by inserting the words "issuance of" immediately preceding the words "reentry permits." As amended, § 103.1(e) (12) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(12) Decisions on applications for issuance of reentry permits, as provided in § 223.1;

* * * * *

2. In § 103.7(b), subparagraph (1) is amended by deleting the existing 12th fee and by amending the existing 11th fee which, when taken with the introductory material, will read as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees.* (1) The following fees and charges are prescribed: * * *

For filing application for issuance or extension of reentry permit..	$10. 00

* * * * *

PART 223—REENTRY PERMITS

In § 223.2, the first sentence is amended. As so amended, § 223.2 reads as follows:

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I–131 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America (except Venezuela), in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, United Arab Emirates, and in Africa (including the Arab Republic of Egypt) when the applicant is temporarily sojourning in one of the aforementioned places. A reentry permit extension application mailed during the permit's validity is concidered as timely submitted, even though received by a Service or consular office after the permit's validity has expired. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Air Nauru."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The listing of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The reference to Form G–325B is deleted and in lieu thereof Form G–325C is added in alphabetical and numerical sequence to read as follows:

Form No.	*Title and description*
G–325C (3–1–72)	Biographic Information.

2. The reference to Form I–143 is deleted.

3. The listing of forms is amended to reflect the current edition date of the following forms, in addition to a revision of the title of Form I–131 and Form I–342:

§ 299.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
I–90 (12–1–72)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I–151.
I–92 (6–1–73)	Aircraft/Vessel Report.
* *	* * *
I–129F (2–1–72)	Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
* *	* * *
I–131 (11–1–72)	Application for Issuance or Extension of Permit to Reenter the United States.
* *	* * *
I–181 (12–1–72)	Memorandum of Creation of Record of Lawful Permanent Residence.
* *	* * *
I–256A (6–1–73)	Application for Suspension of Deportation.
* *	* * *
I–342 (5–1–73)	Determination of the Immigration Judge with Respect to Custody.
* *	* * *
I–356 (4–1–73)	Request for Cancellation of Public Charge Bond.
* *	* * *
I–418 (5–1–73)	Passenger List—Crew List.
* *	* * *
I–485 (12–1–72)	Application for Status as Permanent Resident.
* *	* * *
I–486A (6–1–73)	Medical Examination and Immigration Interview.
* *	* * *
I–570 (5–1–73)	Application for Issuance or Extension of Refugee Travel Document.
I–571 (6–1–73)	Refugee Travel Document.
* *	* * *
I–612 (5–1–73)	Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.
* *	* * *

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 is amended to reflect the current edition date of the following forms:

§ 499.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
* *	* * *
N–3 (6–1–70)	Requisition for Forms and Binders.
* *	* * *
N–315 (2–1–71)	Declaration of Intention.
* *	* * *
N–400 (5–1–73)	Application to File Petition for Naturalization.
* *	* * *
N–405 (7–1–70)	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
* *	* * *
N–470 (1–22–73)	Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N–472 (4–26–72)	Approval of Application to Preserve Residence for Naturalization Purposes.
* *	* * *
N–550 (12–1–69)	Certificate of Naturalization.
* *	* * *
N–585 (4–1–73)	Application for Information from or Copies of Immigration and Naturalization Records.
* *	* * *
N–600 (9–1–69)	Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(e), 103.7(b) (1), 223.2, 299.1, and 499.1 relate to agency management and are editorial in nature; and the amendment to § 238.3 (b) adds a transportation line to the listing.

Effective date. This order shall become effective on July 24, 1973.

Dated: July 19, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73–15178 Filed 7–23–73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Horses From Canada

The purpose of this amendment of the regulations in Part 92 is to permit a waiver of import inspection of horses entering the United States from Canada for temporary periods not exceeding 72 hours and to provide for inspection of horses from Canada offered for permanent entry at a port other than the port of entry when it is determined that such action will not endanger the livestock industry of the United States.

Similar procedure was in effect prior to the outbreak of Venezuelan equine encephalomyelitis (VEE) in the United States but was discontinued in July 1971 to provide increased security on horse movements into the United States. With the eradication of VEE from the United States plus the fact that Canada is free of this and other diseases of horses considered to be exotic to the United States, the present restriction is considered unnecessary and is, therefore, being relieved.

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), Part 92, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Section 92.3(a) is amended by inserting after "§ 92.11," the term "or § 92.24,".

2. Section 92.24 is amended to read:

§ 92.24 Horses from Canada.

Horses from Canada shall be inspected as provided in § 92.8 and shall be accompanied by a certificate and otherwise handled as provided in § 92.17: *Provided, however,* That certificates required for horses from Canada may be either issued or endorsed by a salaried veterinarian of the Canadian Government: *And provided, further,* That inspection is not required for horses imported from Canada under temporary Customs authorization for a stay not to exceed 72 hours, and arrangements may be made to provide inspection of horses imported from Canada for a stay in excess of 72 hours at a point in the United States, other than the Customs port of entry, when the Veterinary Services inspector having responsibility for imports through such port of entry determines that such action will not endanger the livestock of the United States.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date. The foregoing amendments shall become effective July 24, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of animal diseases, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and

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unnecessary and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15104 Filed 7-23-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Disclosure of Rebates of Finance Charges

1. Effective January 1, 1974, § 226.8 (b)(7) is amended to read as set forth below. The amendment will require creditors who do not grant rebates of the unearned portion of a finance charge upon prepayment of a precomputed instalment contract to disclose this fact on the Truth in Lending disclosure form. For example, if the cash price of an item is $100 and the finance charge for one year is $20, the consumer normally will sign an obligation to pay $120 over a year in 12 monthly instalments of $10 each. If the consumer repays the obligation in full before maturity, he may or may not receive a rebate of any unearned portion of the finance charge. The Regulation currently requires those creditors who make rebates to identify the rebate method. This amendment requires creditors who do not make rebates to disclose that fact to consumers in advance of their becoming obligated on credit contracts.

§ 226.8 **Credit other than open end—Specific disclosures.**

* * * * *

(b) *Disclosures in sale and non-sale credit.* * * *

(7) Identification of the method of computing any unearned portion of the finance charge in the event of prepayment in full of an obligation which includes precomputed finance charges and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to an obligation or refunded to the customer. If the credit contract does not provide for any rebate of unearned finance charges upon prepayment in full, this fact shall be disclosed.

2. This amendment was promulgated pursuant to section 105 of the Truth in Lending Act (15 U.S.C. section 1604). Notice of proposed rule making was published on May 3, 1973 (38 FR 12240). After consideration of all relevent matter submitted by interested parties, two minor changes were made to § 226.8 (b)(7).

3. The amendment is designed to alert consumers, before they become obligated on an installment contract, if they will not receive a rebate of the unearned portion of the finance charge should they prepay the obligation before its stated maturity.

4. Section 226.8(b)(7) has been altered from its proposed form to clarify that it applies only to rebates provided in the event that an obligation is prepaid in full and does not require disclosure relating to partial prepayment of obligations. It has also been clarified to reflect the fact that it only relates to the rebate of the "unearned" portion of a finance charge.

By order of the Board of Governors, July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15075 Filed 7-23-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-996]

PART 545—OPERATIONS

Securities and Other Investments

JULY 18, 1973.

Section 133(c)(3) of Public Law No. 92-318 of June 23, 1972, amended section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) to authorize investment by Federal savings and loan associations in "obligations or other instruments or securities of the Student Loan Marketing Association". The Federal Home Loan Bank Board considers it desirable to amend § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) in order to implement such authorization.

Accordingly, the Board hereby amends said § 545.9 by adding thereto a new paragraph (g), immediately following paragraph (f), to read as follows, effective July 18, 1973:

§ 545.9 **Securities and other investments.**

A Federal association may invest in the following:

* * * * *

(g) Any obligations or other instruments or securities of the Student Loan Marketing Association.

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective as soon as possible, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since the amendment relieves restriction, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HENRY A. CARRINGTON,
Secretary.

[FR Doc.73-15188 Filed 7-23-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-WA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration to VOR Federal Airway Description

On April 17, 1973, an amendment was published in the FEDERAL REGISTER (38 FR 9488) stating in part that effective June 21, 1973, V-13 alignment would be "from Corpus Christi, Tex.; via INT Corpus Christi 038° and Palacios, Tex., 241° radials; Palacios;."

As a result, the magnetic radial for V-13 from Corpus Christi was charted as the 029° radial. The Southwest Region requested that this enroute radial be realigned via the 030° magnetic radial.

This alignment is required so that it reflects similar information described on charts utilized by the controllers, and action is taken herein to realign V-13 via the 030° (039°T) magnetic radial.

Since amending the description of this airway is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 9488) is amended as follows:

In V-13 "From Corpus Christi, Tex.; via INT Corpus Christi 038° and Palacios, Tex., 241° radials; Palacios;" is deleted and "From Corpus Christi, Tex.; via INT Corpus Christi 039° and Palacios, Tex., 241° radials; Palacios;" is substituted therefor.

(Sec. 307(a)) Federal Aviation Act of 1958, 49 U.S.C. 1348(a), and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on July 17, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15064 Filed 7-23-73;8:45 am]

[Airspace Docket No. 73-SW-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Ruston, La., transition area.

On June 4, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 14694) stating the Federal Aviation Administration proposed to alter the Ruston, La., 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Ruston, La., transition area is amended to read:

RUSTON, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 4 miles west of the VORTAC, and within 3.5 miles each side of the Ruston, La., VOR (latitude 32°27'54" N., longitude 92°36'30" W.) 167° radial extending from the 5-mile radius area to 11.5 miles south of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on July 11, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-15062 Filed 7-23-73;8:45 am]

[Airspace Docket No. 71-WA-16C]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On May 21, 1971, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (36 FR 9258) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate eleven area high routes in the United States.

Six of the routes (J-933R, J-971R, J-972R, J-974R, J-975R, and J-976R) have previously been designated. Four of the remaining five routes (J-926R, J-973R, J-977R, and J-978R) have been successfully flight inspected and are being designated in this rule. J-979R is hereby withdrawn since J-975R and J-985R could be used instead.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Changes from route descriptions listed in the NPRM have been made in order to use previously designated waypoints and to conform to terminal procedures in the Chicago, Ill., and Los Angeles, Calif., areas.

Since these changes are minor in nature and upon which the public would not have particular reason to comment, additional notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

In § 75.400 (38 FR 700) the following area high routes are added:

Waypoint	N. Lat./W. Long. in degrees/minutes/seconds	Reference facility
J-926R DENVER, COLO., TO LOS ANGELES, CALIF.		
Golden, Colo...	39°48'15"/105°04'06"	Denver, Colo.
Redstone, Colo.	39°01'15"/107°22'02"	Gunnison, Colo.
La Salle, Utah..	38°20'00"/109°14'49"	Dove Creek, Colo.
White Cliffs, Utah	37°06'22"/112°20'29"	Bryce Canyon, Utah.
Sanup, Ariz....	36°08'19"/113°51'29"	Peach Springs, Ariz.
Kelso, Calif....	35°06'06"/115°34'49"	Parker, Calif.
Morrow, Calif..	34°02'51"/117°14'54"	Oceanside, Calif.
J-973R SEATTLE, WASH., TO SALT LAKE CITY, UTAH		
Cumberland, Wash.	47°15'12"/121°53'53"	Yakima, Wash.
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Horseshoe, Idaho.	43°46'40"/116°08'13"	Boise, Idaho.
Spring Bay, Utah.	41°28'18"/112°54'14"	Malad City, Idaho.
J-977R PORTLAND, OREG., TO CHICAGO, ILL.		
Portland, Oreg.	45°44'53"/122°35'25"	Portland, Oreg.
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Grangeville, Idaho	45°55'51"/116°12'25"	McCall, Idaho
Whitehall, Mont.	45°51'43"/112°10'08"	Whitehall, Mont.
Rockvale, Mont.	45°41'03"/106°38'26"	Billings, Mont.
Brandenburg, Mont.	45°29'21"/106°06'57"	Miles City, Mont.
Mud Butte, S. Dak.	45°06'17"/102°44'26"	Rapid City, S. Dak.
Bonilla, S. Dak..	44°34'07"/98°38'07"	Aberdeen, S. Dak.
Heidy, Mont....	44°07'06"/96°00'04"	Sioux Falls, S. Dak.
Oranto, Iowa...	43°27'29"/93°09'59"	Mason City, Iowa
Woodstock, Ill..	42°21'21"/88°24'13"	Milwaukee, Wis.
J-978R CHICAGO, ILL., TO PORTLAND, OREG.		
Morrison, Ill....	41°55'53"/89°47'00"	Bradford, Ill.
Elberon, Iowa..	42°00'53"/92°15'40"	Dubuque, Iowa
Corwith, Iowa..	42°58'37"/93°54'48"	Fort Dodge, Iowa.
Heidy, Minn...	44°07'06"/96°00'04"	Sioux Falls, S. Dak.
Bonilla, S. Dak.	44°34'07"/98°38'07"	Aberdeen, S. Dak.
Mud Butte, S. Dak.	45°06'17"/102°44'26"	Rapid City, S. Dak.
Brandenburg, Mont.	45°29'21"/106°06'57"	Miles City, Mont.
Rockvale, Mont.	45°41'03"/106°38'26"	Billings, Mont.
Whitehall, Mont.	45°51'43"/112°10'08"	Whitehall, Mont.
Grangeville, Idaho	45°55'51"/116°12'25"	McCall, Idaho
McKay, Oreg...	45°52'54"/119°28'48"	Pendleton, Oreg.
Portland, Oreg.	45°44'53"/122°35'25"	Portland, Oreg.

(Sec. 307(a)) Federal Aviation Act of 1958, 49 U.S.C. 1348(a), and Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on July 17, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15063 Filed 7-23-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHOLE FISH PROTEIN CONCENTRATE

An order published in the FEDERAL REGISTER of February 2, 1967 (32 FR 1173) provided for the safe use of whole fish protein concentrate as a protein supplement in food. In promulgating that order, the Commissioner of Food and Drugs found that:

"Individual consumers are entitled to the opportunity of choice in the matter of whether they desire to include this item in their diets; therefore, the product, to be readily distinguishable should be more properly identified as 'whole fish protein concentrate,' and for domestic distribution it should be packaged for household use in consumer sized units not exceeding 1-pound net weight. Bulk sales or packaging in units larger than 1-pound cannot be authorized unless the Commissioner is supplied with data demonstrating that the proposed use of the article will not promote deception and will promote honesty and fair dealing in the interest of the consumer."

It was also concluded in the promulgating order that the fluorine intake of children under 8 years of age should be controlled to prevent tooth disfigurement by limiting the amount of the additive in their total diet on a regular basis to not more than 20 grams per day.

The Commissioner, having evaluated data in a petition (FAP 2A2762) filed by the National Fish Meal & Oil Association, 1225 Connecticut Avenue, NW, Washington, DC 20036, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of whole fish protein concentrate in manufactured foods by deleting from § 121.1202 (21 CFR 121.1202), the present restrictions which limit packaging of the additive to units not in excess of 1 pound net weight with informative consumer labeling for use only in the household. These restrictions are no longer deemed necessary provided that the labeling of the manufactured foods containing the additive bears the declaration "whole fish protein concentrate" in the proper sequence in the statement of ingredients. Over the period since the promulgation of § 121.1202, the name "whole fish protein concentrate" has been adequately established as the common or usual name and the label declaration by that name in the ingredient statement will be informative to consumers as to the presence of the additive in manufactured foods.

More recently, concern about the mercury content of fish resulted in the

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establishment by the Food and Drug Administration of a guideline of 0.5 part per million (ppm) in the raw edible portion of fish. Almost all of the mercury in fish is methylmercury, the form of toxicological concern. The guideline was based on information that a daily intake of 300 micrograms (ug) mercury by pregnant women was the minimum intake that gave rise to neurological symptoms in newborn infants (although the mothers were asymptomatic) in a poisoning episode in Japan. Allowing a safety factor of 10, the tolerable limit of exposure is 30 ug per day for a 70 kilogram (kg) individual or 2 ounces (60 grams) per day of fish containing 0.5 ug mercury per gram wet weight. The validity of this tolerable level of exposure has since been given support by a study of individuals in Iraq exposed to organic mercury as a result of consumption of mercury treated wheat. Assuming the validity of the available data relating to methylmercury metabolism, accumulation of methylmercury is essentially complete and has reached an equilibration level after the exposure for one year to the same daily dose. The importance of this relationship is that methylmercury would not be expected to accumulate over the life span of an individual as has been observed generally with other heavy metals.

Data on heavy metal content of whole fish protein concentrate show that, except for mercury, the average heavy metal content is within the range found in many common foods. The question of need for a tolerance for mercury content of whole fish protein concentrate has been considered. Unlike the usual heavy metals which tend to accumulate in bone, and which may be reduced in the partial deboning of whole fish protein concentrate permitted under § 121.1202, methylmercury concentrates in tissue and there is currently no effective means for removal.

Species of fish permitted by § 121.1202 in the production of whole fish protein concentrate are limited to deep ocean fish. Unlike freshwater fish which may contain mercury levels exceeding the 0.5 ppm guideline, the vast majority of deep ocean fish have mercury levels well below 0.5 ppm. Petition data show that mercury levels in whole fish protein concentrate are in the range of 0.11 to 0.55 ppm (mean value for all species). Despite the 5-fold concentration in preparation, the extreme upper range of mercury content in the concentrate is roughly within that permitted for fresh fish.

It is recognized that there is potential for mercury from the use of whole fish protein concentrate to be additive with that obtained from consumption of fresh fish. However, since the majority of fish consumed are well below the 0.5 ppm guideline for mercury (even tuna fish averages 0.2–0.3 ppm mercury), it is unlikely that the total mercury intake will exceed the overall guideline of 30 ug/day. Even if such a slight increase were to occur occasionaly it would be without hazard.

Since all of the species of fish permitted under § 121.1202 are deep ocean fish which contain low levels of mercury, it is concluded that there is no necessity to establish a tolerance for mercury in the concentrate at this time.

Safety for the use of whole fish protein concentrate is based on 30 grams of the concentrate as the maximum that an adult could conceivably consume. Total food intake accepted by toxicologists for a 70 kg. adult is 1500 grams per day of which 500 grams is fruit and vegetables and for which there is no logical reason for supplementation with protein. The remaining 1000 grams in diet equates to about 300 grams on a dry basis, and there is a technologically realistic top use level of 10 percent whole fish protein concentrate based on dry weight of the food. Assuming supplementation of all such foods, the daily adult intake of the concentrate would be 30 grams per day. Obviously, this intake is highly exaggerated because the concentrate cannot be successfully incorporated into all foods represented by the remaining 1000 grams in diet, nor will all such foods contain as much as 10 percent of the concentrate, the technical limit.

Assuming the maximum daily intake of the concentrate as 30 grams per day, mercury intake would range from 3 to 16 ug which is considerably less than the assumed safe daily intake of 30 ug. As a practical matter, it is unlikely that the total intake of mercury by an individual from all sources of food would approach 30 ug.

It is concluded that any increase in heavy metal exposure as the result of the use of whole fish protein concentrate will be minimal, and the benefits to be derived from the use of this high quality protein far outweigh any possible hazards, which are ill-defined at this time.

Because excessive fluoride could be damaging to the teeth of children under 8 years of age, § 121.1202 currently limits regular consumption of whole fish protein concentrate to 20 grams per day by children up to 8 years of age. In comparison with the accepted 30 grams of concentrate per day that an adult could conceivably consume, the intake by a child under 8 years may be accepted as within the present 20 grams per day limit because of lower food intake by the child.

It is concluded that fluoride intake from manufactured foods may be controlled by imposing an 8 ppm tolerance on fluoride in the finished food. This tolerance will limit intake of the concentrate to 20 grams per day by children up to 8 years. Since the safety of fluoride (20 grams concentrate containing 100 ppm fluoride) is based on the maximum possible use level of the concentrate in all potential foods, the possibility of exposure from both foods supplemented in the household and manufactured foods need be of no concern.

It is highly unlikely that a child's consumption of the additive as an ingredient in manufactured foods and in home prepared foods would exceed 20 grams per day. However, even if the 20 grams per day intake is occasionally exceeded, the resulting fluoride intake would present no hazard in the diet of children.

The Commissioner has also evaluated data in a petition (FAP 1A2654) filed by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, and other relevant material, and concludes that the food additive regulations should be further amended to provide for the safe use of whole fish protein concentrate prepared from anchovy of the species *Engraulis mordax*. The petition, as originally submitted, proposed the use of the genus *Engraulis* without limitation. However, the petitioner subsequently amended the petition to limit use of the species *Engraulis mordax* in the absence of data supporting the safety of other species. As with the fish species permitted by § 121.1202, anchovy is a deep ocean fish.

The Commissioner having carefully considered, pursuant to 21 CFR Part 6, all environmental effects relevant to this amendment of food additive regulations, concludes that an environmental impact statement is not required under the National Environmental Policy Act, 42 CFR 4332 (2) (C).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1202 is amended by revising paragraphs (a), (b), (d), (e), (f)(1), and (f)(2), and by adding a new paragraph (f)(3), as follows:

§ 121.1202 Whole fish protein concentrate.

* * * * *

(a) The additive is derived from whole, wholesome hake and hakelike fish, herring of the genera *Clupea*, menhaden, and anchovy of the species *Engraulis mordax*, handled expeditiously and under sanitary conditions in accordance with good manufacturing practices recognized as proper for fish that are used in other forms for human food.

(b) The additive consists essentially of a dried fish protein processed from the whole fish without removal of heads, fins, tails, viscera, or intestinal contents. It is prepared by solvent extraction of fat and moisture with isopropyl alcohol or with ethylene dichloride followed by isopropyl alcohol, except that the additive derived from herring, menhaden and anchovy is prepared by solvent extraction with isopropyl alcohol alone. Solvent residues are reduced by conventional heat drying and/or microwave radiation and there is a partial removal of bone.

* * * * *

(d) When the additive is used or intended for use in the household as a protein supplement in food for regular consumption by children up to 8 years of age, the amount of the additive from this source shall not exceed 20 grams per day (about one heaping tablespoon).

(e) When the additive is used as a protein supplement in manufactured food, the total fluoride content (expressed as F) of the finished food shall not exceed 8 ppm based on the dry weight of the food product.

(f) * * *

(1) The label of consumer-sized or bulk containers of the additive shall bear the name "whole fish protein concentrate."

(2) The label or labeling of containers of the additive shall bear adequate directions for use to comply with the limitations prescribed by paragraphs (d) and (e) of this section.

(3) Labels of manufactured foods containing the additive shall bear, in the ingredient statement, the name of the additive, "whole fish protein concentrate" in the proper order of decreasing predominance in the finished food.

Any person who will be adversely affected by the foregoing order may at any time on or before August 23, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of this factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on July 24, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 17, 1973.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.73–15110 Filed 7–23–73;8:45 am]

SUBCHAPTER C—DRUGS

PART 151b—BACITRACIN

Zinc Bacitracin-Neomycin Sulfate-Polymyxin B Sulfate Ophthalmic Ointment

The Commissioner has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of the antibiotic drug zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling, and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 151b is amended by adding the following new section:

§ 151b.22 Zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Zinc bacitracin-neomycin sulfate-polymyxin B sulfate ophthalmic ointment is zinc bacitracin, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains 400 units of zinc bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B. Its zinc bacitracin content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of bacitracin that it is represented to contain. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of milligrams of neomycin that it is represented to contain. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the number of units of polymyxin B that it is represented to contain. It is sterile. Its moisture content is not more than 0.5 percent. The zinc bacitracin used conforms to the standards prescribed by § 146e.-418(a) of this chapter. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1) of this chapter. The polymyxin B sulfate used conforms to the standards prescribed by § 148p.1(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The zinc bacitracin used in making the batch for potency, safety, loss on drying, pH, and zinc content.

(*b*) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(c) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, residue on ignition, and identity.

(*d*) The batch for zinc bacitracin content, neomycin content, polymyxin B content, sterility, and moisture.

(ii) Samples required:

(*a*) The zinc bacitracin used in making the batch: 10 packages, each containing 300 milligrams.

(*b*) The neomycin sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*c*) The polymyxin B sulfate used in making the batch: 10 packages, each containing 300 milligrams.

(*d*) The batch:

(*1*) For all tests except sterility: A minimum of 17 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filing operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Zinc bacitracin content.* Proceed as directed in § 141.110 of this chapter, except add to each standard response line concentration sufficient 0.01*N* hydrochloric acid to yield the same ratio of 0.01*N* hydrochloric acid to 1 percent potassium phosphate buffer, pH 6.0 (solution 1), as present in the sample solution diluted to the reference concentration. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of 0.01*N* hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and bring to mark with 0.01*N* hydrochloric acid. Remove an aliquot and further dilute with 1 percent potassium phospate buffer, pH 6.0 (solution 1), to the reference concentration of 1 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25- milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 141.110 of this chapter, except add to each concentration of the polymyxin standard response line a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0 (so-

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lution 6), and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20-to-25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and bring to mark with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 141.502 of this chapter.

Since the conditions prerequisite to providing for certification of subject antibiotic have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective on July 24, 1973.

(Sec. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n))

Dated: July 10, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73–15109 Filed 7–23–73;8:45 am]

Title 32A—National Defense, Appendix.

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Rev. 5), Amdt 59]

O.I. REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

This Amendment 59 amends sections 9A, 10, 11, 11A, 17, 21, 22, 25, 30 and 32 and rescinds paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5).

Section 9A. Section 9A was amended in Amendment 58 to Oil Import Regulation 1 (Revision 5). The preamble to Amendment 58 stated that some items included in the Schedule B numbers 629.1060 to 629.1090 which had been included in the proposed rulemaking would be deleted. Among the items deleted were inner tubes for vehicles. Inadvertently, however, the word "tubes" was left in the description of the Schedule B numbers. To avoid confusion section 9A is amended to delete the references to tubes from the description.

Sections 10, 11, and 11A. Presidential Proclamation 4227 authorized the Secretary of the Interior to make such regulations as necessary to include in the mandatory oil import program on terms no less favorable than those accorded persons having refinery capacity in the Customs territory of the United States, persons having refinery cipacity in the territories of American Samoa, Guam, the Virgin Islands, and foreign trade zones. Accordingly, section 10 is amended to provide for allocations to persons having refinery capacity in the Virgin Islands and section 11 is amended to provide for allocations to persons having refinery capacity in American Samoa or Guam. Section 11A is amended to provide allocations for persons in American Samoa or Guam who manufacture low sulphur residual fuel oil for consumption in District V. Existing long term allocations for importation of crude into foreign trade zones will be modified to provide for imports into the U.S. Customs territory.

Section 17. On April 10 there appeared in the Federal Register (38 F.R. 7016) a proposal to amend section 17 to extend the time allowed for processing domestic crude received in exchange for foreign crude. It was also proposed that monetary or accounting adjustments be allowed in exchanges of foreign oil for domestic oil to reflect the relative values of the oil. After review of the comments received section 17 is amended essentially as proposed except that the domestic oil must be processed not later than 150 days (instead of 30 days) after the end of the allocation period during which the exchange was made. A provision is also made for the Director to extend the period in the event it is not possible to process the oil in the allotted time.

Section 21. Presidential Proclamation 4227 empowered the Oil Import Appeals Board (1) to grant refunds of license fees paid by a person for which an allocation was subsequently made by the Board and (2) to review the denial of refunds by the Secretary of license fees as provided for in the Proclamation. Section 21 is amended to conform to the Proclamation.

Section 22. On April 10, 1973, there appeared in the FEDERAL REGISTER (38 FR 7016) a proposal to amend the definition of imports as defined in section 22 to exclude domestic crude that is transported by pipeline through a foreign country back into the United States. After a careful review of the comments paragraph (j) of section 22 is amended essentially as proposed but reworded to also exclude as imports domestic oil which is commingled with foreign crude that is being transported in bond by pipeline within the United States.

Two amendments are made to the definitions in section 22 to conform to Presidential Proclamation 4227:

1. The definition of "gasoline" is amended to exclude ASTM nitration grade benzene and cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight.

2. The definition of "petrochemical plant inputs" is amended to exclude ASTM nitration grade benzene and cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight.

In addition, the following technical amendments are made to section 22:

1. The definition of "distillate fuel oil" is amended to exclude refined petroleum wax.

2. The definition of "motor gasoline" is amended to include material meeting aviation gasoline characteristics and fuel chiefly used as fuel in piston type internal combustion engines.

3. The definition of "unfinished oils" is amended by deleting the word "imported" from the description of distillation in paragraph (h)(1).

4. Definitions of "petrochemicals" and "petroleum oils" which were inadvertently omitted from section 22 by Amendment 56 are restored.

Section 25. On December 2, 1972, there appeared in the Federal Register a proposal to amend section 25 of Oil Import Regulation 1 (Revision 5) to provide increased starter allocations for new refinery capacity. Specifically, it was proposed that new refining capacity earn allocation at the front end of the sliding scale for a period of two years. Comments on the proposal were generally favorable but most people commenting felt that the allocations should be larger and that the period for the starter allocations should be longer than two years.

Presidential Proclamations 4210 and 4227 granted the Secretary the authority to grant startup allocations to new, expanded, or reactivated refinery or petrochemical capacity of up to seventy-five percent of inputs for a period of five years. This is compatible with the thrust of the comments that were made on the proposed rulemaking. Accordingly, section 25 is amended in its entirety to provide startup allocations for new, expanded, or reactivated refinery capacity at seventy-five percent of qualified inputs for a period of five years from startup. The startup allocations are outside the established levels and will not phase out. The startup provisions apply to persons having new, expanded, reactivated refinery capacity in Puerto Rico, American Samoa, Guam, the Virgin Islands, and foreign trade zones as well as to facilities in Districts I–V.

No provision is made in the amended section 25 for startup allocations to new, expanded and reactivated petrochemical plants. It is anticipated that a separate amendment will be made in the near future covering petrochemical plants.

Section 30. Presidential Proclamation 4227 added to the class of persons ineligible to qualify for an allocation of No. 2 fuel oil into district I those persons holding allocations under either section 11 to import into district V or section 15 to import into Puerto Rico. Section 30 is amended to conform to Proclamation 4227.

Section 32. Presidential Proclamation 4227 made several adjustments in the oil import program with regard to the license fee system. Among these were:

1. Provision for the posting of a bond in lieu of full payment of the license fee when the application is filed. Payment of the license fees when the proper bond is posted will be made after importation of the oil.

2. Provision for refund of license fees for unused portions of licenses in whole or in part.

3. Provision for refund of license fees if so directed by the Oil Import Appeals Board.

4. Provision for refund of any overcharge for a license.

5. Provisions for the importation of unfinished oils and finished products from American Samoa, Guam, the Virgin Islands, and foreign trade zones at the license fee applicable to the feedstocks from which these unfinished oils or finished products were derived.

6. Establishment of a separate fee schedule for motor gasoline and finished products from Canada. This fee schedule will phase in at a slower rate than the fee schedule for imports from other sources so as to lessen the shock of imposing license fees on materials which have moved into the U.S. freely in the past.

Section 32 is amended to conform to the Proclamation.

Section 23. Paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5) permits a person holding an import license under an allocation made pursuant to sections 9, 10, or 25 to exchange such license for a license to import Canadian imports. This provision provided added flexibility that was desirable when excess Canadian imports were available. However, the extremely tight supply situation of Canadian imports has led to export controls by the Canadian Government. The granting of additional licenses for Canadian imports is not compatible with the action taken by the Canadian Government. Therefore, paragraph (k) of section 23 of Oil Import Regulation 1 (Revision 5) is hereby rescinded.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

Approved: July 19, 1973.

WILLIAM E. SIMON,
Deputy Secretary of Treasury.

Sec. 9A [Amended]

Subparagraph (1) of paragraph (a) of section 9A of Oil Import Regulation 1 (Revision 5), as amended, is amended by deleting the expression "and tubes" in the Description following the Trade Classification Schedule B numbers 629.1010–629.1050. Paragraphs (a) and (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, are amended, and new paragraphs (f) and (g) are added to read as set forth below.

Sec. 10 Allocations; Refiners; Districts I–IV.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended imports into Districts I–IV among eligible persons having refinery capacity in these districts or the Virgin Islands. With respect to the Virgin Islands qualified refinery inputs shall be limited to crude oil charged to the refinery.

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(c) Except as provided for allocations based on inputs to refineries located in the Virgin Islands, under an allocation made pursuant to paragraph (b) of this section, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

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(f)(1) For the purpose of allocating imports of unfinished oils and finished products produced by refineries in the Virgin Islands, allocations claimed on account of such refineries shall be computed in accordance with the sliding scale set out in paragraph (b) of this section but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 10 to persons for refinery capacity located in the Virgin Islands shall be for import into Districts I–IV or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from the Virgin Islands pursuant to an allocation granted under this section 10 cannot be counted as qualified refinery inputs in Districts I–IV or District V.

(g) Applications must be filed with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240 within seven (7) days after publication of this amendment in the FEDERAL REGISTER unless an application for a 1973 allocation has been filed with the Director, Office of Oil and Gas, previously.

Paragraphs (a) and (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended are amended, and new paragraphs (f) and (g) are added to read as follows.

Sec. 11 Allocations; Refiners; District V.

(a) For the allocation period January 1, 1973, through December 31, 1973, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, imports into District V among eligible persons having refinery capacity in that district, Guam or American Samoa. With respect to Guam or American Samoa qualified refinery inputs shall be limited to crude oil charged to the refinery.

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(c) Except as provided for allocations based on inputs to refineries located in Guam or American Samoa, under an allocation made pursuant to paragraph (b) of this section, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

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(f)(1) For the purpose of allocating imports of unfinished oils and finished products produced by refineries in Guam or American Samoa, allocations claimed on account of such refineries shall be computed in accordance with the sliding scale set out in paragraph (b) of this section, but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 11 to persons for refinery capacity located in Guam or American Samoa shall be for import into District V of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from Guam or American Samoa pursuant to an allocation granted under section 11 cannot be counted as qualified inputs in Districts I–IV or District V.

(g) Applications must be filed with the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240 within seven (7) days after publication of this amendment in the Federal Register unless an application for a 1973 allocation has been filed with the Director, Office of Oil and Gas, previously.

Paragraphs (a) and (b) of section 11A of Oil Import Regulation 1 (Revision 5), as amended, are amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil or finished products based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of imports of crude oil made under section 11 of this Regulation, each eligible applicant with refinery capacity in District V, American Samoa or Guam who produces low sulphur residual fuel oil, containing not more than five-tenths of one per cent (0.5%) sulphur by weight, and which is delivered to consumers in District V for use as fuel in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports equal to the amount in barrels of such low sulphur residual fuel oil to

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which the applicant certifies both as to production and delivery. In the case of refinery capacity located within the Customs territory of the United States the allocation will be for the importation of crude oil. In the case of refinery capacity located in American Samoa or Guam the allocation will be for the importation of finished product into District V.

Paragraph (b) of section 17 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 17 Use of imported crude oil and unfinished oils.

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(b) (1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, 11A, paragraph (a) of section 15, or section 25 of this regulation, may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of imported oil unless a different exchange rate is approved by the Director.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under section 9, 10, 11, 11A, 15 or 25 for domestic oil must take delivery of the domestic oil and process it in his own refinery or petrochemical plant, located in the same district for which the allocation is granted, not later than 150 days after the end of the allocation period in which the exchange is made. If requested the Director may extend this period if it is shown that the person receiving the domestic oil cannot process the oil in the allotted time.

(5) Each such exchange must be on an oil-for-oil basis; however, settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(6) Any such exchange must not be otherwise unlawful.

Section 21 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 21 Oil Import Appeals Board.

(a) There is in the Department of the Interior, an Oil Import Appeals Board comprised of a representative each from the Department of the Interior, Justice and Commerce to be designated by the heads of such departments. The representative of the Department of the Interior shall be the Board's Chairman.

(b) The Board, subject to the general direction of the Chairman of the Oil Policy Committee, shall consider petitions by persons affected by this Regulation that fall within the limits of the jurisdiction specified in this paragraph and without regard to the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended, may:

(1) Reverse or modify on grounds of error actions taken by the Director (Office of Oil and Gas) on applications for allocations of imports under this Regulation;

(2) Modify, on the grounds of exceptional hardship, any allocation made to any person under this Regulation;

(3) Grant allocations of imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under this regulation;

(4) Grant allocations of imports of finished products on grounds of exceptional hardship;

(5) Grant allocations of imports of crude oil, unfinished oils, and finished products to independent refiners or established independent marketers who are experiencing exceptional hardship, or in emergencies in order to assure, insofar as practicable, that adequate supplies are available;

(6) Review the revocation or suspension of any allocation or license;

(7) Review the denial by the Director, Office of Oil and Gas, Department of the Interior, of refunds of license fees, whether in whole or in part, theretofore paid by a person; and

(8) Grant refunds, in whole or in part, of license fees paid by persons to whom licenses were issued for imports which they subsequently became entitled to make under allocations made by the Board.

(c) Except with respect to its function to review applications for allocations of imports to which license fees are applicable, licenses issued pursuant to the Board allocations shall be fee exempt.

(d) The Board may take such actions on petitions as it deems appropriate and its decisions shall constitute final action.

(e) The Board may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business.

Subparagraphs (g)(2), (g)(4), (g)(9), (h)(1), (p)(2)(iii) and paragraph (j) of section 22 of Oil Import Regulation 1 (Revision 5), as amended, are amended and two new paragraphs (q) and (r) are added to read as follows.

Sec. 22 Definitions.

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(g) • • •

(2) 'Gasoline' means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, metaxylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure from 80° to 400° F.

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(4) 'Distillate fuel oil' means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 550° to 1200° F.

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(9) 'Motor gasoline' means:

(i) Automotive gasoline with the following characteristics:

	Gasoline All Grades
Gravity, °API, ASTM D287	56.3–67.7
Distillation, ASTM D–86	
°F at 10% D+L	103–135
°F at 50%	185–233
°F at 90%	301–358
Reid Vapor Pressure, psi ASTM D–23.	7.5–13.2
Octane (Research) ASTM D–908.	83.1–103.3
Octane (Motor) ASTM D–357.	79.5–99.6
Appearance	Clear and Bright

(ii) Aviation gasoline with the following characteristics:

	Gasoline All Grades
Gravity, °API, ASTM D–287	64.0–76.2
Distillation, ASTM D–86	
°F at 10% D+L	138–165
°F at 50%	174–220
°F at 90%	213–260
Reid Vapor Pressure, psi ASTM D–323.	5.8–7.0
Octane (Research) ASTM D–908.	81–105
Octane (Motor) ASTM D–357.	81–105
Appearance	Clear and Bright; or:

(iii) Fuel (but not diesel fuel) shown to be derived primarily from petroleum, shale or gilsonite and chiefly used as fuel in piston type internal combustion engines.

(h)(1) By distillation with a resulting yield of at unfinished oils, two of which products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such unfinished oils to the distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute district finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph.

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(j) The words "importation", "importing", "import", "imports", and "imported" include both entry for consumption and withdrawal from warehouse for consumption; but do not include crude oil, unfinished oils, or finished products which were produced in the United States and are tranported by a pipeline carrying foreign oil in bond within the United States or which are transported by pipeline through a foreign country into the Customs territory of the United States or in the event of commingling with foreign oils of like kind and qualities incidental to such transportation of quantities equivalent to the quantities produced in and withdrawn from foreign oil moving in bond within the United States and shipped from such customs territory.

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(p) • • •

(2) • • •

(iii) Benzene which met the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, metaxylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(q) "Petrochemicals" means carbon or organic compounds (other than finished products or unfinished oils) which are produced from petrochemical plant inputs by chemical reaction in a petrochemical plant.

(r) As used in paragraph (g) and paragraph (h) of this section, the term "petroleum oils" includes liquid hydrocarbons derived from crude oil.

Section 25 of Oil Import Regulation 1 (Revision 5), as amended, is amended in its entirety to read as follows:

Sec. 25 Allocations of crude, unfinished oils and finished products—Districts I–IV, District V, Puerto Rico, the Virgin Islands, Guam, American Samoa, and Foreign Trade Zones—new, expanded or reactivated refinery capacity based upon estimated and actual inputs.

(a) (1) The Director may make allocations of imports of crude oil, unfinished oils, and finished products with respect to new, expanded or reactivated refinery capacity as provided in this section.

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility,

(ii) The location of the facility,

(iii) The products and the quantity of each product to be produced,

(iv) The capital outlay involved,

(v) The expected average barrels per day of qualified feedstocks inputs of such facility,

(vi) The identification of the feedstocks, and the source thereof,

(vii) The date that the facility went on-stream or is scheduled to go on-stream,

(viii) Whether the application is for a new facility, an expansion, or a reactivation, and

(ix) Whether this facility will replace an existing facility which is to be or has been shut down.

(b) (1) Each increment of new, expanded or reactivated refinery capacity will be treated as a separate entity under this paragraph (b) for a total of sixty months.

(2) If the new, expanded or reactivated refinery capacity is scheduled to come on-stream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated refinery capacity comes on-stream after September 30 of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to paragraph (b)(3), (4), or (5) of this section for the succeeding allocation periods.

(3) If the new, expanded or reactivated refinery capacity has come on-stream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the refinery inputs actually made to the new, expanded or reactivated refinery capacity during the first nine months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs which it is estimated will be made to such capacity during the next number of months which, when combined with the months in clause (i), will constitute a period of twelve months.

(4) If the new, expanded or reactivated refinery capacity has been on-stream for at least one year as of September 30, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365) to the facility during the preceding twelve months ending September 30; *Provided*, That, the facility will not have been on-stream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated refinery capacity has not been on-stream for a period of sixty months after earning an allocation under paragraph (b)(4) of this section, an allocation will be made for the next allocation year based on actual inputs (divided by 365) for the year ending September 30 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the two previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25.

(c) Allocations with respect to new, expanded or reactivated refinery capacity shall be computed at seventy-five percent of estimated or actual qualified inputs to such facility as determined in paragraph (b)(2), (b)(3), (b)(4), or (b)(5) of this section.

(d) With regard to the Virgin Islands, Guam, American Samoa, and foreign trade zones "qualified inputs" shall be limited to crude oil charged to the refinery.

(e)(1) If an allocation based in whole or in part on estimated inputs is made to an applicant pursuant to this section, the actual inputs submitted by the applicant as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the estimated inputs and the actual inputs made during the period for which inputs were estimated.

(2) If the estimated inputs upon which an allocation is based exceed the actual inputs made by more than five percent of the estimated inputs, then, in addition to the adjustment downward provided by paragraph (e)(1) of this section, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the estimated inputs exceeded the actual inputs by more than five percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of estimated inputs over actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated refinery fails to come on-stream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start-up such a facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3)(i) Any person who has been granted an allocation for a new, expanded or reactivated refinery in Districts I–IV may avoid the penalty prescribed in paragraph (e)(2) of this section by returning on or before September 30 of the period for which the alloca-

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tion was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 10.

(ii) Any person who has been granted an allocation for a new, expanded or reactivated refinery in District V may avoid the penalty prescribed in paragraph (e) (2) of this section by returning on or before September 30 of the allocation period for which the allocation and license were granted such a license for a downward adjustment, or in lieu of returning such license, returning for downward adjustment a license issued in District V to the person under section 11.

(iii) Any person who has been granted an allocation for a new, expanded or reactivated refinery, in Puerto Rico, the Virgin Islands, Guam, American Samoa or a foreign trade zone may avoid the penalty prescribed in subparagraph (2) by returning on or before September 30 of the allocation period for which the allocation and license were granted such a license for a downward adjustment.

(iv) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before September 30 of the allocation period for which the allocation and license were granted.

(4) Further adjustments will be made in addition to those described in paragraph (e) (3) (i) and (ii) of this section. If the person has any other like refinery capacity, and reductions are made in the inputs for this other capacity during the allocation periods as a result of the new, expanded or reactivated facility; in such a case, in determining inputs for the next allocation period, the input credit for the new facility application will be lowered by the amount that inputs were reduced in the applicant's other existing facilities in the year ending September 30 of the prior allocation period.

(5) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated refinery capacity has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide refinery capacity as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within sixty days from the date of such determination be ready for start-up and trials.

(f) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(g) (1) As used in this section 25, "expanded refinery capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing refinery capacity as have resulted in an increased processing capability of not less than fifteen percent in the particular refinery capacity under consideration over the refinery capacity existing in that particular facility during the preceding twelve months.

(2) As used in this section 25, "reactivated refinery capacity" means restoration to operation of refinery capacity which had been shut down for not less than twelve months immediately preceding its reactivation.

(h) An applicant to whom an allocation is made under this section shall not receive an allocation for the same refinery capacity under section 10 or 11.

(i) (1) Except as provided in paragraph (i) (2) of this section, under an allocation made pursuant to this section 25, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(2) Allocations made pursuant to this section 25 to persons for new, expanded or reactivated refinery capacity located in American Samoa, Guam, the Virgin Islands or foreign trade zones shall be for import into Districts I–V or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported pursuant to an allocation granted under this section 25 cannot be counted as qualified refinery inputs in Districts I–IV or District V, or Puerto Rico.

(j) An applicant may not receive an allocation under this section 25 for new, expanded or reactivated refinery capacity for which inputs were included in applications filed pursuant to section 10 or 11 for allocation periods beginning on or before January 1, 1973.

(k) An applicant may not receive an allocation under this section 25 for new, expanded or reactivated refinery capacity if the same refinery capacity is subject to a long term allocation as defined in Presidential Proclamation 3279, as amended.

(l) Persons wishing to qualify for an allocation under this section 25 for the 1973 allocation period must file an application on or before July 31, 1973, unless an application has been filed previously.

Paragraph (c) of section 30 of Oil Import Regulation 1 (Revision 5), as amended, is amended to read as follows:

Sec. 30 Allocations of No. 2 fuel oil—District I.

* * * * *

(c) (1) Except as provided in paragraph (c) (2) of this section, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil, has under his management and operational control a deepwater terminal which is located in District I and in which No. 2 fuel oil is handled, does not have a crude oil import allocation into Districts I–V or Puerto Rico under section 9, 10, 11, 15 or 25 of this Regulation and who, in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in District I who does not have a crude oil import allocation into Districts I–V or Puerto Rico under section 9, 10, 11, 15 or 25 of this Regulation and who in the allocation period beginning prior to January 1, 1973, had received from the Director, Office of Oil and Gas, an allocation of imports into District I of No. 2 fuel oil.

(2) No person who has an allocation of imports into Districts I–V or Puerto Rico of crude oil under section 9, 10, 11, 15 or 25 of this Regulation shall be eligible for an allocation under paragraph (c) of this section.

* * * * *

Section 32 of Oil Import Regulation 1 (Revision 5), as amended, is amended in its entirety to read as follows:

Sec. 32 Allocations and fee-paid licenses for imports of crude oil, unfinished oils and finished products—Districts I-IV, District V, and Puerto Rico.

(a) Effective May 1, 1973, any person wishing to import crude oil, unfinished oils, or finished products into Districts I–IV, District V, or Puerto Rico may do so by filing an application with the Director of the Office of Oil and Gas, in such form as the Director may prescribe.

(b) Allocations and licenses under this section will, to the fullest practicable extent, be made and issued by the Director within (10) days after his receipt of applications therefor. In no event will allocations be made and licenses issued by the Director within less than five (5) days after his receipt of applications therefor.

(c) Applications for allocations and licenses under this section, to be issued at the rates prescribed in this section for a particular period and postmarked not later than midnight of the date upon which such period expires, will qualify for issuance at the rate for the period in effect at the time the application was mailed. Any application for an allocation under this section postmarked later than midnight of the date upon which such period expires may at the option of the applicant, be subject to the license fee applicable during the following license fee period or withdrawn. If the date upon which the period expires is a Saturday, Sunday or holiday, the application will nevertheless qualify if it is postmarked not later than midnight of the next succeeding business day.

(d) Applications for allocations under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to paragraph (1) of this section or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraph (1) of this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount chargeable pursuant to paragraph (1) of this section. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or cashier's check or a bond as required by this paragraph.

(e) Separate licenses will be issued for crude oil, motor gasoline, and for all other finished products and unfinished oils.

(f) Allocations and licenses for imports of crude oil, unfinished oils and finished products made under this section shall be valid for six (6) months following the date of their issuance.

(g) Refund of license fees paid for the importation of crude or unfinished oils shall be made by the Director, wholly or in part:

(1) where the licensee has failed to use, wholly or in part, the license issued to him. Applications for such refunds must be filed in such form as the Director may prescribe not later than ninety (90) days after expiration of said license for which the refund is requested.

(2) where refund of license fees, in whole or in part, is ordered by the Oil Import Appeals Board.

(3) to the extent that such crude oils or unfinished oils have been incorporated into petrochemicals as defined in section 9A of this Regulation which are subsequently exported, or finished products subsequently exported or that asphalt as defined in this Regulation was produced from the imported feedstocks. Applications for refunds must be filed in such form as the Director may prescribe not later than ninety (90) days after exportation of the petrochemical or finished product or manufacture of the asphalt to which such application pertains; and shall be accompanied by all information necessary in the judgment of the Director to enable him to determine the sum, if any, which should be refunded.

(4) to the extent that they reflect volume adjustments made subsequent to entries made against the license at the time of importation, such as corrections made by Customs of contained basic sediment and water, corrections of mistakes made in calculating tank volumes, or corrections of mistakes made in calculating volumes to standard temperature. Applications for such refunds must be filed in such form as the Director may prescribe, not later than ninety (90) days after the date of the last entry of imports made against the license.

(5) in the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a license fee has been paid should in fact have been assessed a license fee at a lower rate. In such cases the Director will make refunds for the overpayment of license fees as soon as practicable after notification by the District Director of Customs that a lower license fee is applicable.

(h) (1) In the event the volume of a particular shipment of crude oil, unfinished oils, or finished products being imported pursuant to a license to which a license fee is applicable exceeds the volume stated on the license against which the material is being imported by five (5) percent or less the District Director of Customs may permit the entry of the excess without license. The importer, however, must within ten (10) days of such entry remit payment to the Director of the Office of Oil and Gas by certified check or a cashier's check payable to the order of the Treasurer of the United States for the fee on the excess entered without license at the same rate such fee was paid for the license.

(2) In the event it is determined after entry that a particular shipment of crude oil, unfinished oils, or finished products imported pursuant to a license for which a license fee has been paid should in fact have been assessed a higher license fee the importer must within thirty (30) days after notification by the District Director of Customs that a higher license fee is applicable remit payment to the Director, Office of Oil and Gas by certified check or a cashier's check payable to the Treasurer of the United States for the sum of the additional license fee due.

(3) In the event an importer fails to comply with the terms set forth in paragraph (h) (1) and (2) of this section, a penalty shall be assessed equal to the additional license fees due. The Director shall collect both the additional license fee due and the penalty due before entertaining any further applications from said importer for additional fee paid licenses.

(i) (1) Fees payable for licenses issued under allocations of imports of unfinished oils and finished products shall be in accordance with the following schedule:

(i) with respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

FEE SCHEDULE

[Cents Per Barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Motor Gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.0	20.0	30.0	42.0	52.0	63.0

(ii) With respect to imports from Canada of motor gasoline and finished products, such fees shall be:

FEE SCHEDULE

[Cents Per Barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975	May 1, 1976	Nov. 1, 1976
Motor Gasoline	0	0	5.7	6.0	12.6	12.6	22.1	22.1
Other finished products (but not including ethane, propane, butanes or asphalt)	0	0	3.0	4.2	10.4	12.6	22.1	22.1
	May 1, 1977	Nov. 1, 1977	May 1, 1978	Nov. 1, 1978	May 1, 1979	Nov. 1, 1979	May 1, 1980	Nov. 1, 1980
Motor Gasoline	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0
Other finished products (but not including ethane, propane, butanes, or asphalt)	31.5	31.5	41.0	41.0	50.4	50.4	63.0	63.0

(2) License fees payable for imports of motor gasoline or other finished products or unfinished oils, manufactured in American Samoa, Guam, or the Virgin Islands or in a foreign trade zone and transported to the Customs territory of the United States by overland means or by vessel or vessels under United States registry, shall be at the rate applicable to the feedstock from which such motor gasoline or other finished product or unfinished oil was manufactured: *Provided*, That, such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Director (Office of Oil and Gas) that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available for the purpose at the time this shipment was made."

[FR Doc.73-15193 Filed 7-20-73;11:35 am]

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Title 41—Public Contracts and Property Management

CHAPTER 14—DEPARTMENT OF THE INTERIOR

PART 14–1—GENERAL

PART 14–2—PROCUREMENT BY FORMAL ADVERTISING

Novation Agreements; Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior, contained in 5 USC 301, Clause 18 of the Novation Agreement contained in § 14–1.5101(d) and § 14–2.407–1 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby amended.

It is the general policy of the Department of the Interior to allow time for interested parties to participate in the rule making process. However, the amendments herein are minor and entirely administrative in nature. Therefore, the public rulemaking process is waived, and these changes will become effective on August 1, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 17, 1973.

1. The Interior Procurement Regulations are amended to correct minor typographical errors in Clause 18 of the Novation Agreement in § 14–1.5101(d). The clause is revised to read as follows:

Subpart 14–1.51—Novation Agreements and Change of Name Agreements

§ 14–1.5101 Agreement to recognize a successor in interest.

. . . . . .

(d) . . .

NOVATION AGREEMENT

. . . . . .

18. The Transferor agrees that any rights in inventions, patents, and data which accrue to the Government or to third party beneficiaries under the contracts between the Transferor and the Government shall not be diminished as a result of the transfer instruments or this Agreement.

2. Section 14–2.407–1 is amended to clarify the language and to change the title of an officer from the Director of Congressional Liaison to the Assistant Secretary—Congressional and Public Affairs. The section is amended to read as follows:

Subpart 14–2.4—Opening of Bids and Award of Contracts

§ 14–2.407 Award.

§ 14–2.407–1 General.

(a) At least 48 hours prior to award of a contract between $10,000 and $1,000,000, and at least 72 hours prior to award of a contract in excess of $1,000,000, and prior to any other announcement regarding the proposed date of contract award, the following information shall be furnished simultaneously to the Assistant Secretary having jurisdiction over the bureau or office making the award, and to the Assistant Secretary—Congressional and Public Affairs:

(1) Name and street address of contractor

(2) Complete description in layman terms of items or services involved, and exact location of contract performance

(3) Small business or distressed labor area preference given to the successful bidder, if applicable

(4) Proposed date of contract award

(5) Contract amount

(b) Contract modifications in excess of $10,000, which fundamentally alter the project involved, are also subject to the above requirements.

[FR Doc.73–15076 Filed 7–23–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5349]

[Arizona 6701]

ARIZONA

Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority contained in section 10 of the Act of December 29, 1916, as amended, 43 U.S.C. 300 (1970), it is ordered as follows:

The departmental order of February 4, 1919, as modified by the departmental order of August 19, 1941, creating Stock Driveway No. 56, Arizona No. 2, is hereby modified to the extent necessary to permit the location of a right-of-way under Section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by the Yavapai County Highway Department, on the following described lands, as delineated on a map entitled "Yavapai County Highway Department Right-of-Way Map Maggie Mine Road" on file with the Bureau of Land Management in Arizona 6701, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 9 N., R. 2 E.,
sec. 22, W½NW¼, NW¼SW¼, SE¼SW¼;
sec. 27, SW¼NW¼.

The area described in the right-of-way aggregates 8.124 acres in Yavapai County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15069 Filed 7–23–73;8:45 am]

[Public Land Order 5350]

[Arizona 6608]

ARIZONA

Withdrawal for National Forest Research Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forests lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

San Francisco Peaks Research Natural Area

T. 23 N., R. 7 E.,
sec. 19, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼;
sec. 30, lots 1 to 12, incl., E½W½.

The areas described aggregate 1,023.93 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15073 Filed 7–23–73;8:45 am]

[Public Land Order 5351]

[Idaho 4471]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Secretary's Orders dated March 5, 1903, April 15, 1919, and June 23, 1943, withdrawing lands for the Boise Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 5 N., R. 2 W.,
Sec. 21, NE¼NW¼.
T. 5 N., R. 3 W.,
Sec. 2, E½NE¼SW¼;
Sec. 12, NE¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼, SW¼SW¼, NW¼SE¼.
T. 6 N., R. 3 W.,
Sec. 5, lots 3, 4, S½SW¼NE¼, SE¼NW¼;
Sec. 6, lots 1, 2, 7, SW¼NE¼, E½E½SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼;
Sec. 15, SE¼NW¼;
Sec. 22, NE¼SW¼, E½SE¼SW¼;
Sec. 27, N½NE¼NW¼, SE¼NE¼NW¼, SE¼NW¼, NW¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼NE¼, NE¼NW¼;
Sec. 35, E½NE¼NW¼, SE¼NW¼, E½SW¼.
T. 6 N., R. 4 W.,
Sec. 1, lot 4.
T. 7 N., R. 4 W.,
Sec. 20, S½SE¼;
Sec. 28, N½SW¼.
T. 6 N., R. 5 W.,
Sec. 28, S½NE¼.

The areas described aggregate 1,316.51 acres in Canyon, Gem, and Payette Counties.

The lands are located northerly from Caldwell in the Black Canyon area. They are gently rolling grazing lands. Vegetative cover consists of sagebrush, native grasses and forbs.

2. At 10 a.m. on August 22, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received prior to 10 a.m. on August 22, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15068 Filed 7–23–73;8:45 am]

[Public Land Order 5352]

[Arizona 6607]

ARIZONA

Withdrawal for National Forest Botanical Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

APACHE NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Phelps Cabin Research Natural Area

T. 6 N., R. 27 E.,
Sec. 9, S½SW¼NE¼, W½NW¼SE¼, S½SE¼;
Sec. 10, SE¼NW¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼;
Sec. 15, N½NW¼NW¼;
Sec. 16, lot 1, N½NE¼.

The area described aggregates 291.94 acres in Apache County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15070 Filed 7–23–73;8:45 am]

[Public Land Order 5353]

ALASKA

Withdrawal of Lands Pending Determination of Eligibility of Native Communities and for Classification of Lands in Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, and the provisions of prior withdrawals, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection under section 12 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 701, 43 U.S.C. sec. 1611 (hereinafter referred to as the "Act"), and are hereby reserved pending determination under section 11(b)(3) of the Act, of the eligibility of the following named communities for benefits as "Native villages" under the Act. Following the name of each community will appear the township or townships in which all or part of that community is located. This order withdraws and reserves all the public lands as defined in the Act, which are located in any of the named townships or which are located in a first ring of townships that are contiguous to or corner upon the named townships, or which are located in a second ring of townships that are contiguous to or corner upon the first ring of townships:

a. *Council:*

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 7 S., R. 25 W.

b. *Woody Island:*

SEWARD MERIDIAN

Protracted Descriptions

T. 27 S., R. 19 W.
T. 28 S., R. 19 W.

c. *Eyak:*

COPPER RIVER MERIDIAN

Protracted Descriptions

T. 15 S., R. 2 W.

d. *Chenega:*

SEWARD MERIDIAN

Protracted Descriptions

T. 2 N., R. 8 E.

The withdrawal made by this paragraph is not a determination of the eligibility of any of the aforenamed communities to receive benefits under the provisions of the Act.

2. Subject to the provisions of paragraph 4 of this order, any appropriation or disposal of these lands permitted by any prior withdrawal of these lands, but forbidden by the terms of this order, are hereby forbidden. Any appropriation or disposal of these lands permitted by the terms of this order but forbidden by the terms of any prior withdrawal, remain forbidden until this order is appropriately modified.

3. By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of the Act, it is ordered as follows:

Subject to valid existing rights, the lands described in paragraph 1 of this order are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act, supra, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act, supra, but not from selection pursuant to section 12 of the Alaska Native Claims Settlement Act, supra, by corporations formed pursuant to section 7 or 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any of the lands not conveyed pursuant to section 14 of the Act, or conveyed to the State of Alaska pursuant to Alaska Statehood Act, supra.

4. Prior to the conveyance of any of the lands withdrawn by paragraph 1 of this order to any village corporation or regional corporation, the lands shall be subject to administration by the Secretary of the Interior, or the Secretary of Agriculture in case of national forest lands, under the applicable laws and regulations, and their authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

5. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15074 Filed 7–23–73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 187—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Notice of proposed rulemaking was published in the FEDERAL REGISTER on

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May 9, 1973, at 38 FR 12130, setting forth requirements and criteria for the award of financial assistance under section 810 of the Elementary and Secondary Education Act of 1965, as added by part B of the Indian Education Act, Title IV of the Education Amendments of 1972, (Public Law 92–318, 86 Stat. 339, 20 U.S.C. 887c), to State and local educational agencies; Federally supported elementary and secondary schools for Indian children; Indian tribes, organizations, and institutions; institutions of higher education, and public agencies and institutions. Funds under the Act are to be used for the purpose of planning, developing, and carrying out programs and projects for the improvement of educational opportunities for Indian children.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. No comments of a substantive nature were received during this period, and no substantive changes have been made in the proposed regulation. A few minor changes have been made to correct clerical errors.

After consultation with the National Advisory Council on Indian Education as required by section 442(b) of the Indian Education Act, and with the approval of the National Advisory Council, Title 45 of the Code of Federal Regulations is amended by adding a new Part 187 as set forth below.

Federal financial assistance provided pursuant to section 810 of the Elementary and Secondary Education Act of 1965 is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92–318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Effective date. As appears from the foregoing, the corrections in the text of the regulation do not involve any changes of a substantial nature in the provisions which were published in the FEDERAL REGISTER on May 9, 1973, as proposed rulemaking. Accordingly, this regulation shall be effective on July 24, 1973.

Dated: July 5, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Subpart A—Scope; Definitions

Sec.
187.1 Scope.
187.2 Definitions.

Subpart B—Applications for Financial Assistance

187.5 Eligibility for, and nature of, available assistance.
187.6 Applications.
187.7 Community participation.
187.8 Coordination of resources.
187.9 Training of personnel.
187.10 Indian preference.
187.11 Evaluation.

Subpart C—Criteria for Assistance

187.21 Criteria for consideration of applications.
187.22 Additional criteria for projects for improving educational opportunities.
187.23 Additional criteria for educational enrichment and exemplary programs.
187.24 Additional criteria for training programs or projects.
187.25 Additional criteria for projects for dissemination and evaluation.

Subpart D—General Provisions

187.31 Retention of records.
187.32 Audits.
187.33 Limitations on costs.
187.34 Final accounting.

AUTHORITY.—Sec. 810, Public Law 89–10, as amended, 86 Stat. 339 (20 U.S.C. 887c), unless otherwise noted.

Subpart A—Scope; Definitions

§ 187.1 Scope.

This part governs the provision of assistance to State and local educational agencies; Indian tribes, organizations, and institutions; federally supported elementary and secondary schools for Indian children; and institutions of higher education for carrying out special programs and projects to improve educational opportunities for Indian children under section 810 of the Elementary and Secondary Education Act of 1965 (as added by § 421 of the Indian Education Act, title IV of Public Law 92–318).

(20 U.S.C. 887c.)

§ 187.2 Definitions.

As used in this part:

"Act" means section 810 of title VIII of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 887c.)

"Elementary school" means a day or residential school which provides elementary education including early childhood education, as determined under State law.

(20 U.S.C. 887c; 20 U.S.C. 881(c).)

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services for Indian children, including items such as instructional equipment and necessary furniture, printed, published and audiovisual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 881(d).)

"Exemplary," as applied to an educational program, project, service, or activity, includes a program, project, service or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian educational problem.

(20 U.S.C. 887c(c).)

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of the Interior.

(20 U.S.C. 887c(b).)

"Guidance and counseling" refers to (a) services to Indian pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests, and (b) assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887(c)(1)(D).)

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children, who by reason thereof require special educational and related services.

(20 U.S.C. 887c(c)(1)(E).)

"Indian" means any individual, living on or off a reservation, who (a) is a member of a tribe, band or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

"Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that such term does not include any education provided beyond grade 12.

(20 U.S.C. 881(h).)

Subpart B—Applications for Financial Assistance

§ 187.5 Eligibility for, and nature of, available assistance.

(a) *Demonstration projects for improving educational opportunities.*—State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, organizations and institutions may apply for grants to support planning, pilot and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs (including early childhood programs) for improving educational opportunities for Indian children.

(20 U.S.C. 887c (a)(1) and (b).)

(b) *Educational enrichment and exemplary programs.*—State and local educational agencies, and tribal and other Indian community organizations may apply for grants to assist them (1) to provide educational services not available to Indian children in sufficient quantity or quality (such as programs described in section 810(c)(1) of the Act); or (2) to establish and operate exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children and which will serve as models for regular elementary and secondary school programs in which Indian children are educated.

(20 U.S.C. 887c (a)(2) and (c).)

(c) *Training.*—Institutions of higher education (as defined in section 801(e) of the Elementary and Secondary Education Act) and State and local educational agencies in combination with institutions of higher education, may apply for grants to assist them in carrying out programs or projects (1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, and (2) to improve the qualifications of such persons who are serving Indian children in such capacities.

(20 U.S.C. 887c (a)(3) and (d), and 881(e).)

(d) *Dissemination and evaluation.*—Public agencies and institutions, and Indian tribes, institutions and organizations may apply for assistance (by grant or contract) for carrying out programs or projects to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, educational programs which may offer educational opportunities to Indian children.

(20 U.S.C. 887c (a)(4) and (e).)

§ 187.6 Applications.

Any eligible group, tribe, organization, or school or school system may submit an application for assistance under this part which shall set forth (a) the problem to be addressed, (b) the overall objectives of the proposed program or project, (c) the manner in which the proposed program or project carries out the purpose, as set forth in § 187.5, to which it relates, (d) the type and size of the proposed staff (including the staff training proposed), (e) the amount of the grant being requested, and such other information as the Commissioner may require. The description of the proposed program or project in the application shall also include a specific discussion of the manner in which the program or project relates to the applicable criteria set forth in subpart C. The application shall also describe methods of administration which will provide proper and efficient administration of the program or project for which assistance is requested.

(20 U.S.C. 887c(f).)

§ 187.7 Community participation.

Applications under § 187.5 (a) and (b) must describe the manner in which parents of the Indian children to be served and tribal communities: (a) Were consulted and involved in the planning and development of the project; and (b) will be actively participating in the further planning, development, operation, and evaluation of the project.

(20 U.S.C. 887c(f).)

§ 187.8 Coordination of resources.

Applications for assistance under § 187.5(b) (educational enrichment and exemplary programs) must contain an assurance that the program or project to be assisted will be coordinated with programs or projects carried out with other resources which may be available to the applicant in order that funds under this part and those other resources will be used for a comprehensive program for the improvement of educational opportunities of Indian children.

(20 U.S.C. 887c(f)(2).)

§ 187.9 Training of personnel.

Applications under § 187.5(b) (relating to educational enrichment and exemplary programs) must provide a description of the methods to be used for the training of personnel who will be participating in the project. Before he may approve an application under § 187.5(b), the Commissioner must be satisfied that such methods are adequate for the purpose of carrying out the project.

(20 U.S.C. 887c(f)(3).)

§ 187.10 Indian preference.

(a) In approving applications under this part, the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(b) In approving applications under § 187.5(c), the Commissioner will give preference to those projects which involve the training of Indians. In carrying out an approved project the applicant shall give preference to the training of Indians.

(20 U.S.C. 887c(f).)

§ 187.11 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 887c(f)(4).)

Subpart C—Criteria for Assistance

§ 187.21 Criteria for consideration of applications.

In considering whether to approve applications and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The number of Indian children involved in the program or project and number of children that would be affected by a successful outcome of the program or project;

(b) The degree to which the program or project to be assisted addresses the particular educational needs of Indian children;

(c) The relative isolation (geographic or social) of the Indian community which will be served by the program or project;

(d) The degree to which the activities supported under this part will be coordinated with other activities to meet the special educational needs of Indian children (including program supported under part A of the Indian Education Act, the Elementary and Secondary Education Act, and the Vocational Education Act);

(e) The adequacy of the qualifications and experience of the personnel designated to carry out the proposed project;

(f) The adequacy of facilities and other resources;

(g) The reasonableness of the estimated cost in relation to the anticipated results;

(h) The expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(i) The sufficiency of the size, scope, quality, and duration of the program or project so as to secure productive results; and

(j) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and those concerned with education of Indian children.

(20 U.S.C. 887c.)

§ 187.22 Additional criteria for projects for improving educational opportunities.

(a) In considering whether to approve applications submitted under § 187.5(a), and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the project addresses a demonstrated and substantial educational need of Indian children which is not being adequately met by projects supported with resources under other Federal, State, or local programs;

(2) The degree to which the successful carrying out of the project will measurably contribute to improving the educational opportunities of Indian children throughout the Nation;

(3) The numbers of Indian children who are estimated to require educational or other related services or programs of the kind which will be demonstrated or improved by the proposed project;

(4) In the case of projects which address themselves primarily to academic needs, the degree to which the level of

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academic achievement of Indian children is likely to be improved by the carrying out or replication of the results of the proposed project;

(5) The degree of innovation of the proposed project; and

(6) The degree to which the project can be replicated for the purpose of providing educational services or programs for Indian children.

(b) In considering applications under this section priority will be given to projects which will provide models for coordinating the operation, at the local level, of federally assisted programs or projects designed to assist in meeting the educational needs of Indian children.

(20 U.S.C. 887c(b).)

§ 187.23 Additional criteria for educational enrichment and exemplary programs.

(a) In considering whether to approve applications submitted under § 187.5(b) and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the application demonstrates that the services to be stimulated by the project are not available in sufficient quantity or quality to the Indian children to be served;

(2) The significance, in terms of long term improvement of the educational opportunities of Indian children, of the provision of the educational service, or the widespread application of the exemplary program, for which assistance is requested;

(3) In the case of an exemplary educational program, the degree to which the application demonstrates that the educational approach, method, or technique involved in the program has not previously been tested or applied in the education of Indian children;

(4) The extent to which the program or project involves Indian parents in the educational process and demonstrates new methods for involving those parents generally in activities to meet the educational needs of Indian children.

(b) In considering applications under § 187.5(b), priority will be given to (1) programs which are directed at meeting the needs of Indian children who are handicapped; (2) programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school; and (3) programs designed to assist Indian children to prepare to enter postsecondary or career education programs.

(20 U.S.C. 887c(c).)

§ 187.24 Additional criteria for training programs or projects.

(a) In addition to the criteria set forth in § 187.21, the Commissioner will apply the following criteria in evaluating applications submitted under § 187.5(c):

(1) The need with regard to Indian education for the type of educational or other personnel for which the training is provided;

(2) The likelihood that the training to be assisted will be applied to meet the educational needs of Indian children;

(3) The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children; and

(4) The degree to which the training program focuses on approaches, methods, and techniques which are pertinent to the education of Indian children.

(b) (1) Assistance under § 187.5(c) is available for the establishment of fellowship programs leading to an advanced degree; for institutes and for seminars, symposia, workshops, and conferences which are part of a continuing program.

(2) In providing assistance under § 187.5(c), projects including inservice training for qualified persons already serving in the education of Indian children and projects involving short-term training (6 months or less) will be given special consideration.

(20 U.S.C. 887c(a)(3); 887c(d).)

§ 187.25 Additional criteria for projects for dissemination and evaluation.

In the evaluation of applications for assistance under § 187.5(d), priority will be given to projects involving the dissemination of information and materials relating to, and the evaluation of the effectiveness of, academic programs and educational services which affect academic achievement in basic educational areas (such as reading, language arts, mathematics, and sciences).

(20 U.S.C. 887c(e).)

Subpart D—General Provisions

§ 187.31 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 187.32 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 187.33 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 887c.)

§ 187.34 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-15169 Filed 7-23-73;8:45 am]

PART 188—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 17, 1973, at 38 FR 12931, setting forth requirements and criteria for the award of financial assistance under section 314 of the Adult Education Act as added by Part C of the Indian Education Act, Title IV of the Education Amendments of 1972, (Public Law 92-318, 86 Stat. 342, 20 U.S.C. 1211a), to State and local educational agencies; Indian tribes, organizations, and institutions; and public agencies and institutions. Funds under the Act are to be used to support planning, pilot, and demonstration projects designed to plan for, and test and demonstrate the effectiveness of, programs for the improvement of educational opportunities for adult Indians.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. No comments of a substantive nature were received during this period, and no substantive changes have been made in the proposed regulation. A few minor changes have been made to correct clerical errors.

After consultation with the National Advisory Council on Indian Education as required by § 442(b) of the Indian Education Act, and with the approval of the National Advisory Council, Title 45 of the Code of Federal Regulations is amended by adding a new Part 188 as set forth below.

Federal financial assistance provided pursuant to section 314 of the Adult Education Act is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92-318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Effective date. As appears from the foregoing, the corrections in the text of the regulation do not involve any changes of a substantial nature in the provisions which were published in the FEDERAL REGISTER on May 17, 1973, as proposed rulemaking. Accordingly, this regulation shall be effective on July 24, 1973.

Dated: July 5, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

Subpart A—Scope; Definitions

Sec.
188.1 Scope.
188.2 Definitions.

Subpart B—Applications for Financial Assistance

Sec.
188.5 Eligibility for, and nature of, available assistance.
188.6 Applications.
188.7 Community participation.
188.8 Indian preference.
188.9 Evaluation.

Subpart C—Criteria for Assistance

188.15 General criteria for consideration of applications.
188.16 Additional criteria for survey and evaluation projects.

Subpart D—General Provisions

188.21 Retention of records.
188.22 Audits.
188.23 Limitations on costs.
188.24 Final accounting.

AUTHORITY.—Sec. 314, Public Law 89-750, as amended, 86 Stat. 342 (20 U.S.C. 1211a), unless otherwise noted.

Subpart A—Scope; Definitions

§ 188.1 Scope.

(a) This part governs the provision of assistance to State and local educational agencies, to Indian tribes, institutions, and organizations, and to public agencies and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for adult Indians under section 314 of the Adult Education Act (as added by section 431 of the Indian Education Act, title IV of Public Law 92-318).

(b) Assistance provided under this part is subject to applicable provisions contained in section 303 of the Adult Education Act (20 U.S.C. 1202) and regulations thereunder.

(20 U.S.C. 1211a.)

§ 188.2 Definitions.

"Act" means section 314 of the Adult Education Act (20 U.S.C. 1201).

(20 U.S.C. 1211a.)

"Adult" means any individual who has attained the age of 16.

(20 U.S.C. 1202(a).)

"Adult education" means services or instruction below the college level, for adults who (1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (2) are not currently required to be enrolled in schools.

(20 U.S.C. 1202(b).)

"Indian" means any individual, living on or off a reservation, who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

Subpart B—Applications for Financial Assistance

§ 188.5 Eligibility for, and nature of, available assistance.

(a) *Planning, pilot, and demonstration projects.*—State educational agencies (as defined in 20 U.S.C. 1202(g)) and local educational agencies (as defined in 20 U.S.C. 1202(e)), and Indian tribes, institutions, and organizations may apply for grants to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians. Such projects may be designed (1) to test and demonstrate the effectiveness of programs to improve employment and educational opportunities; (2) to assist in the establishment and operation of programs designed to stimulate the provision of (i) basic literacy opportunities to all nonliterate Indian adults, and (ii) high school equivalency opportunities in the shortest period of time feasible; (3) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals; (4) to provide for basic surveys (and evaluations of such surveys) to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations; and (5) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(20 U.S.C. 1211a(a).)

(b) *Dissemination and evaluation projects.*—The Commissioner may also make grants to, and contracts with, public agencies and institutions, and Indian tribes, institutions, and organizations for (1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations thereof; and (2) the evaluation of the effectiveness of federally assisted programs (in which Indian adults may participate) in achieving their purposes with respect to such adults.

(20 U.S.C. 1211a(b).)

(c) *Special considerations applicable to assistance for fiscal year 1973.*—For fiscal year 1973 it is expected that only a very limited number of grants will be made under the program and that the Commissioner will be unable to make grants in all the categories set forth in paragraphs (a) and (b) of this section. (The fiscal year 1973 appropriation for the program is $500,000.) Under these circumstances the Commissioner will give special consideration to (1) projects to provide a basic survey (and evaluation thereof) designed to define the extent of the problems of adult illiteracy and lack of high school completion on Indian reservations, and (2) demonstration projects to develop model programs for

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the achievement of basic literacy or high school equivalency which meet the special needs of Indian adults.

(20 U.S.C. 1211a.)

§ 188.6 Applications.

Any party eligible for assistance under this part may submit an application therefor on such forms as may be prescribed by the Commissioner. Such application shall set forth (a) the problem to be addressed; (b) the overall objectives of the proposed project; (c) the activities to be carried out; (d) the manner in which the proposed project carries out the purpose, as set forth in § 188.5, to which it relates; (e) the type and size of the staff envisioned; (f) the amount of the assistance being requested; and (g) such other information as the Commissioner may require. The description of the proposed project in such application shall also include a specific discussion of the manner in which such project relates to the applicable criteria set forth in subpart C of this part. The application shall also provide for such methods of administration as are necessary for the proper and efficient administration of the project for which assistance is requested.

(20 U.S.C. 1211a(c).)

§ 188.7 Community participation.

Applications submitted under § 188.5 (a) must describe the manner in which individuals to be served and tribal communities (a) participated in the planning and development of the project, and (b) will be actively participating in the further planning, development, operation, and evaluation of the project. (See section 314(c) of the act.)

(20 U.S.C. 1211a(c).)

§ 188.8 Indian preference.

In approving applications under § 188.5(a) the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(20 U.S.C. 1211a(c).)

§ 188.9 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 1211a(c)(2).)

Subpart C—Criteria for Assistance

§ 188.15 General criteria for consideration of applications.

In considering whether to approve applications, and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The degree to which the program or project to be assisted will involve the use of innovative methods, systems, materials, or programs which may be of special value in developing effective programs for improving employment and educational opportunities for adult Indians;

(b) The extent to which activities supported under this part will be coordinated with other programs to improve educational and employment opportunities of adult Indians (including programs supported under the Adult Education Act and the Vocational Education Act);

(c) The adequacy of the qualifications and experience of the personnel designated to carry out the proposed projects;

(d) The adequacy of facilities and other resources;

(e) The reasonableness of the estimated cost in relation to the anticipated results; and

(f) The soundness of the proposed plan of operation, including consideration of the extent to which:

(1) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for satisfactory inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and specifically to all those concerned with education of Indian adults.

(20 U.S.C. 1211a.)

§ 188.16 Additional criteria for survey and evaluation projects.

In the evaluation of applications submitted under § 188.5(a)(4) to provide basic surveys and evaluations thereof to define the extent of the problems of illiteracy and lack of completion of high school on Indian reservations, the Commissioner will take into account the following criteria (in addition to those contained in § 188.15):

(a) The adequacy of the survey instrument and data collection system to be used;

(b) The adequacy of the methods proposed for processing, analyzing, and evaluating the data to be obtained, and for making available the results thereof; and

(c) The adequacy of the plan for administration of the survey, including:

(1) The personnel to be used; (2) the comprehensiveness of the survey sample; (3) the number of Indian adults to be surveyed; (4) the practicability of the time schedule to be followed relative to the proposed survey procedures; and (5) the provision for verification by the project director of the validity of the survey.

(20 U.S.C. 1211a(a)(4).)

Subpart D—General Provisions

§ 188.21 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 188.22 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 188.23 Limitations on costs.

The amount of the award shall be set forth in the grant award document or contract. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document or contract. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 1211a.)

§ 188.24 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-15170 Filed 7-23-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1134, Amdt. 1]

PART 1033—CAR SERVICE

Lumber and Plywood—Restrictions on Reconsigning

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 12th day of July 1973.

Upon further consideration of Service Order No. 1134 (38 FR 12606), and good cause appearing therefor:

It is ordered, That:

§ 1033.1134 *Service Order No. 1134.* (Lumber and plywood—restrictions on reconsigning) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17, 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Docs.73-15161 Filed 7-23-73;8:45 am]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER A—ADMINISTRATION

PART 303—RELEASE OF INFORMATION

PART 304—DELEGATIONS OF AUTHORITY

Fees for Copying Records

The purpose of this publication by the Cost Accounting Standards Board is to modify Part 303, Release of Information, of its rules and regulations by eliminating, for most requests, the fee set forth in § 303.5 for copying Board records. It also adds a delegation of authority to Part 304 of the Board's regulations.

The Board's current fee of ten cents per page was based on the Board's estimates of the probable cost of preparing such copies and on information regarding the fees charged by other agencies. The Board's experience now indicates that the Board will be able to supply without charge most requests for copies of Board records. The Board recognizes that there may be occasions where requests for copying will entail effort beyond that normally involved. Therefore, the Board reserves the right to charge a reasonable fee per page in these instances. This is consistent with the Board's experience and the intent of the Public Information Section of the Administrative Procedure Act.

To facilitate the administration of § 303.5 the Board has delegated authority to the Executive Secretary of the Board at § 304.4 to exercise the Board's authority in any individual cases that may occur.

Section 303.5. *Fees for copying* is revised as follows:

§ 303.5 Fees for copying.

(a) Normally, no fee will be charged for copying Board records; however, the Board reserves the right to charge a reasonable fee per page when in the Board's judgment a request will entail effort beyond that normally involved in supplying copies of records in response to requests from the public.

(b) Where the Board determines a fee is appropriate, the fee shall be paid in advance to the Cost Accounting Standards Board.

(c) There shall be no charge made for search, retrieval, and handling of records.

Part 304 of the Board's rules and regulations is modified by adding a new § 304.4 *Fees for copying records*, to read as follows:

§ 304.4 Fees for copying records.

(a) The Cost Accounting Standards Board hereby delegates to the Executive Secretary of the Board authority to exercise the Board's authority under § 303.5(a), release of information (4 CFR 303.5(a)), of its rules and regulations.

(b) This authority may be redelegated.

(c) This delegation is effective July 25, 1973 and until revoked.

(84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.)

Effective date. These amendments are effective on July 25, 1973.

ARTHUR SCHOENHAUT, *Executive Secretary.*

[FR Doc.73-15270 Filed 7-23-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

FRESH PEACHES GROWN IN COLORADO

Limitation of Handling

Consideration is being given to the following proposal, which would limit the handling of fresh peaches by establishing minimum grades and sizes, pursuant to the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of fresh peaches grown in the County of Mesa in the State of Colorado. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 30, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Administrative Committee and it reflects the committee's appraisal of the crop and current and the prospective market conditions. Shipments of peaches from the production area are expected to begin on or about August 4, 1973. The proposed grade and size requirements provided herein are necessary to prevent the handling, on and after August 4, 1973, of any peaches which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while providing producers a fair return pursuant to the declared policy of the act. Such proposal reads as follows:

§ 919.314 Peach Regulation 13.

Order. (a) During the period August 4, through September 30, 1973, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U.S. No. 1", "diameter", and "count", shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.1210–51.1223).

Dated: July 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15183 Filed 7-23-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 240]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

Regulated Commercial Fisheries

At the midyear meeting held in Rome, Italy, January 16–26, 1973, the International Commission for the Northwest Atlantic Fisheries recommended that member governments adopt revised catch quotas for herring for 1973 in the areas presently regulated by the Commission and to implement annual catch quotas adopted for mackerel, pollock, redfish, and other flounders, except yellowtail flounders, in Subareas 4 and 5.

At the present time, annual catch quotas for herring are published in the FEDERAL REGISTER under Title 50 CFR, Part 242—Herring Fisheries, while other Northwest Atlantic commercial fish species are regulated under Title 50 CFR, Part 240—Groundfish Fisheries. Recognizing that this arrangement may be confusing to fishermen who catch more than one species or change during the year from one fishery to another, it is proposed to transfer the provisions of 50 CFR Part 242 to 50 CFR Part 240 and reserve Part 242 for future use.

Therefore, it is proposed to incorporate the new regulated species into the existing regulations, thereby providing a single document that will provide easier reference. The proposed changes and inclusions are as follows:

1. Change the title of present Part 240 from "Groundfish Fisheries" to "Regulated Commercial Fisheries."

2. Add to § 240.1(c)(5), the new regulated species; pollock, redfish, mackerel, other flounders.

3. In Subpart B—Groundfish Fisheries, it is proposed to include the 1973 catch quotas for pollock and redfish. The 1973 annual catch quota for redfish for vessels under the jurisdiction of the United States in Subarea 5 shall not exceed 24,550 metric tons and for pollock, 11,275 metric tons.

4. In Subpart C—Flatfish Fisheries, it is proposed to include the 1973 catch quota for other flounders. The 1973 annual aggregate catch quota for other flounders, excluding yellowtail flounder, for vessels under the jurisdiction of the United States shall not exceed 21,700 metric tons.

5. It is proposed to add a new Subpart E—Pelagic Fisheries, which would include the regulations for herring presently published under Part 242 and mackerel recently adopted as a regulated species. The 1973 catch quotas for herring for vessels under the jurisdiction of the United States shall be as follows:

Division 5Z of Subarea 5, 5,250 metric tons; Division 5Y of Subarea 5, 19,750 metric tons; and Division 4X and 4W of Subarea 4, 400 metric tons. The 1973 catch quota for mackerel in Subarea 5 is 26,200 metric tons.

6. It is proposed to make other minor editorial changes to provide consistent language within each subpart.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Prior to final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before August 13, 1973.

Issued at Washington, D.C., and dated July 17, 1973.

T. P. GLEITER,
Assistant Administrator for Administration.

PART 240—REGULATED COMMERCIAL FISHERIES

Subpart A—General Provisions

Sec.
240.1 Definitions.
240.2 Licensing.
240.3 Persons and vessels exempted.
240.4 Reports and records.

Subpart B—Groundfish Fisheries

Sec.
240.10 Definitions.
240.11 Catch quota.
240.12 Open season.
240.13 Closed season and areas.
240.14 Gear restrictions.
240.15 General restrictions.

Subpart C—Flatfish Fisheries

240.20 Definitions.
240.21 Catch quota.
240.22 Open season.
240.23 Closed season and areas.
240.24 Gear restrictions.
240.25 General restrictions.

Subpart D—Hake Fisheries

240.30 Definitions.
240.31 Catch quota.
240.32 Open season.
240.33 Closed season and areas.
240.34 Gear restrictions.
240.35 General restrictions.

Subpart D—Pelagic Fisheries

240.40 Definitions.
240.41 Catch quota.
240.42 Open season.
240.43 Closed season and areas.
240.44 Gear restrictions.
240.45 General restrictions.
240.46 Size limits.

AUTHORITY: Subsection (A) of section 7, Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986) Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Subpart A—General Provisions

§ 240.1 Definitions.

(a) *Convention area.* The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 50°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude, thence along a rhumb line to a point in 69°00′ north latitude and 50°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts and Rhode Island to the point of beginning.

(b) *Regulatory area.* The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) *Subarea 1.* The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

(2) *Subarea 2.* The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1, as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15′ north latitude.

(3) *Subarea 3.* The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 42°30′ north latitude, 55°00′ west longitude in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) *Subarea 4.* The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°40′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

(5) *Subarea 5.* The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46′35.34″ north latitude, 66°54′11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude; thence due west to the meridian of 71°40′ west longitude; thence due north to a point 3 statute miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 statute miles to the point of beginning.

(c) *Regulated species.* The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term "regulated species" is used, it shall apply to those in this list.

(1) *In Subarea 1.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) *In Subarea 2.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Ocean perch (redfish) (*Sebastes*).

(iv) Halibut (*Hippoglossus hippoglossus* (L.)).

(v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).

(vi) Dab (american plaice) (*Hippoglossoides platessoides* (Fab.)).

(vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) *In Subarea 3.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical division 3N, 30, and 3P, halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) *In Subarea 4.* (i) Cod (*Gadus morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab, *American plaice*) (*Hippoglossoides platessoides* (Fab.)).

(5) *In Subarea 5,* (i) Cod (*Gadua morhua* (L.)).

(ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(iii) Yellowtail flounder (*Limanda ferruginea* (Storer)).

(iv) Silver hake (*Merluccius bilinearis* (Mitch.)).

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(v) Red hake (*Urophycis chuss* (Walb.)).
(vi) Herring (*Clupea harengus* (L.)).
(vii) Mackerel (*Scomber scombrus* (L.)).
(viii) Pollock (*Pollachius virens* (L.)).
(ix) Redfish (*Sebastes marinus* (L.)).
(x) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L), dab (American plaice) (*Hippoglossoides platessoides* (Fab) fluke (summer flounder) (*Peralichthys dentatus* (L), blackback or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.).

(d) *Chafer.* A protective covering of canvas, netting, or other material attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer," described below. For the purposes of this paragraph, the required mesh size, when measured wet after use, shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the nettings.

(1) *ICNAW chafer.* A chafer having the following characteristics:

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered, such width to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(2) *Multiple flap-type chafer.* A chafer having the following characteristics:

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all pieces of neeting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified for the cod end to which it is attached.

(3) *Polish-type chafer.* A chafer having the following characteristics:

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine size and material as that of the cod end.

(e) *Closed season.* The time during which regulated species in specified areas may not be taken in quantities exceeding the amounts specified as incidental fisheries.

(f) *Cod end.* The bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

(g) *Commission.* The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

(h) *Convention.* The International Convention for the Northwest Atlantic Fisheries signed at Washington, D.C., February 8, 1949, and amendments.

(i) *Contracting governments.* Governments party to the Convention.

(j) *Demersal species.* Fishes living at the bottom of the sea.

(k) *Executive Secretary.* The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries.

(l) *Fishing.* The catching, taking or fishing for, or the attempted catching, taking, or fishing for any regulated species.

(m) *Incidental fisheries.* The inadvertent taking of regulated species while conducting fishing operations primarily for other species.

(n) *Mesh size.* Any part of the net, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(o) *License.* A license issued by the National Marine Fisheries Service to enable the holder thereof to fish for, possess, transport, or deliver, by means of any fishing vessel, any regulated species.

(p) *Official or authorized official.* Any representative of the National Marine Fisheries Service (NMFS), U.S. Coast Guard, or U.S. Bureau of Customs, authorized to enforce this part.

(q) *Open season.* The time during which regulated species may lawfully be captured and taken on board a fishing vessel without limitation of the quantity permitted to be retained during each fishing voyage, except as otherwise provided in this part.

(r) *Person.* Any owner, master, or operator of a vessel.

(s) *Regional Director.* The Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone number: Area code (617) 281-0640.

(t) *Service.* The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

(u) *Service Director.* The Director of the National Marine Fisheries Service.

(v) *Trawl net.* Any large bag net dragged in the sea by a vessel or vessels for the purpose of fishing.

(w) *Vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(x) *Trip.* As used in connection with the trip exemption provided in § 240.3(b) means a departure from port, transit to the Convention area, participation in the fisheries, including incidental fisheries, and discharges any part of the catch on board.

§ 240.2 Licensing provisions.

(a) Any person or vessel desiring to fish for any regulated species within the Convention area, or possess, transport, or deliver for sale, any regulated species taken within the Convention area, must first obtain a license for that purpose.

(b) The owner or operator of a vessel may obtain the appropriate license by furnishing, on a form supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel and the name, official number, and home port of the vessel. The form shall be submitted, in duplicate, to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts, who shall grant the requested license, without fee, for the calendar year in which the license is issued. New licenses shall be issued to replace expired, lost, or mutilated licenses. An application for replacement of an expiring license shall be made in like manner as the original application, not later than 10 days prior to the expiration date of the expiring license.

(c) The owner or operator of any licensed vessel which is proposed to be used in fishing outside the Convention area may obtain a temporary suspension of the license until such time that the vessel returns to fish within the Convention area.

(d) The temporary suspension or modification of the license shall be granted upon either an oral or a written request, specifying the period of suspension or modification desired by an authorized State official or by an authorized official of the National Marine Fisheries Service, or Coast Guard. Such official shall make appropriate endorsement on the license evidencing the duration of its suspension or modification.

(e) The license issued by the National Marine Fisheries Service must be carried, at all times, on board the vessel for which it is issued and such license, the vessel, its gear and equipment shall be subject to inspection, at reasonable times, by authorized officials.

(f) Licenses issued under this part may be revoked by the Regional Director for violations of this part.

§ 240.3 Persons and vessels exempted.

(a) *Scientific investigations.* Any person operating a vessel authorized by the Secretary of Commerce to engage in fishing for scientific purposes is exempt from all the requirements of this part.

(b) *Trip exemption.* (1) Any person operating a vessel in the course of fishing for nonregulated species in Subareas 3, 4, and 5, is exempt from the requirements of this part, and may take and possess, on any one trip, an incidental catch of regulated species not to exceed, for each species, 5,000 pounds or 10 percent (10%) by weight of all the fish on board, whichever is greater, taken from the same subarea.

(2) Any person or vessel fishing for regulated species, using gear required for that fishery, may take and possess, on any one trip, other regulated species, not to exceed 5,000 pounds or 10 percent (10%) by weight of all fish on board, whichever is greater: *Provided,* That a valid license issued under the provisions of § 240.2 is in force.

(c) *Annual exemption.* Any person operating a vessel engaged in fishing for nonregulated species within Subarea 3, 4, or 5, who does not take in any period of 12 months more than 10 percent (10%) by weight of regulated species described in the immediately preceding paragraph may avail himself of the exemption provided in this paragraph by obtaining a license for exemption under the provision of § 240.2(a).

§ 240.4 Reports and records.

(a) *Dealers.* (1) All persons, individuals, firms or corporations, at any port or place within the United States, that buy from other U.S. flag vessels or from a carrier licensed as a common carrier engaged in either interstate or intrastate commerce, any regulated species taken within the Convention area by any fishing vessel, shall make and shall furnish to an authorized officer of the National Marine Fisheries Service, within 72 hours of sale or within 72 hours after buying or receiving, or upon the vessel's return to any port of the United States, a complete record of each purchase, on forms supplied by the National Marine Fisheries Service.

(2) All persons purchasing or receiving any regulated species in the Convention area for transport to any port of the United States must maintain records identical to those required under paragraph (a)(1) of this section.

(3) The possession by any person, firm or corporation of regulated species which such person, firm, or corporation knows to have been taken by a vessel of the United States without a valid license, is prohibited.

(b) *Owner or master.* (1) In the case of a vessel licensed under § 240.2, and fishing for any of the regulated species, the owner or master of vessels of 50 gross tons or more must maintain an accurate log of fishing operations showing date, type and size of gear used, locality fished, duration of fishing time or tow, and the estimated weight in pounds of each species taken at 12-hour intervals. Such logbooks shall be available for inspection by an authorized official in accordance with the ICNAF International Inspection Scheme adopted at the Twenty-first Annual Meeting, May 27–June 4, 1971. At the conclusion of each fishing trip, such logbook shall be delivered to an authorized official of the United States or, if no official is available, such logbook must be mailed in the envelope provided for that purpose. These forms will be furnished without cost by the National Marine Fisheries Service. Such logbooks shall be used for statistical and biological purposes only.

(2) In the case of vessels of less than 50 gross tons licensed under § 240.2, and fishing for any of the regulated species, the owner or master may be required to maintain the logbook for sampling purposes at the option of an appropriate official of the United States.

(3) In the case of vessels desiring to fish for nonregulated species on a trip basis, no reports are required of the owner or master.

Subpart B—Groundfish Fisheries

§ 240.10 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to haddock (*Melanogrammus aeglefinus* (L.)), cod (*Gadus morhua* (L.)), pollock (*Pollachius virens* (L.)), and redfish (ocean perch) (*Sebastes marinus* (L.)).

§ 240.11 Catch quota.

(a) An annual catch limitation is placed upon the quantity of haddock permitted to be taken in Division 4W and 4X of Subarea 4 and Subarea 5. The aggregate catch of haddock during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of haddock by persons or fishing vessels fishing in Division 4W of Subarea 4, in the year 1973, shall not exceed 4,000 metric tons.

(2) The annual catch of haddock by persons or fishing vessels fishing in Division 4X of Subarea 4, in the year 1973, shall not exceed 9,00 metric tons.

(3) The annual catch of haddock by persons or fishing vessels fishing in Subarea 5, shall not exceed 6,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of cod permitted to be taken in Subdivision 4Vs and Division 4W of Subarea 4, Division 5Y of Subarea 5, and Subdivisions 5Ze and 5Zw of Subarea 5. The aggregate catch of cod during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of cod in Subdivision 4Vs and Division 4W of Subarea 4 shall not exceed 1,050 metric tons.

(2) The annual catch of cod in Division 5Y or Subarea 5 shall not exceed 9,400 metric tons.

(3) The annual catch of cod in Subdivision 5Ze and 5Zw of Subarea 5 shall not exceed 19,600 metric tons.

(c) An annual catch limitation is placed upon the quantity of pollock permitted to be taken in Division 4X of Subarea 4 and Subarea 5. The catch of pollock in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 11,275 metric tons.

(d) An annual catch limitation is placed upon the quantity of redfish (ocean perch) permitted to be taken in Subarea 5. The catch of redfish (ocean perch) in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States shall not exceed 24,550 metric tons.

§ 240.12 Open season.

(a) The open season for regulated groundfish species in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January 1973, and terminate at a time and a date to be determine and announced in the FEDERAL REGISTER: *Provided,* That the areas described in § 240.13 shall be closed to any vessel using gear capable of catching demersal species.

§ 240.13 Closed seasons and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishing for regulated groundfish species in Subarea 4 or 5, or any division thereof. The closure is determined in the following manner:

(1) The National Marine Fisheries Service maintains records of the catches of regulated groundfish species, except haddock, made in Subdivision 4Vs, Division 4X and Division 4W of Subarea 4 and Subarea 5, during the open season, by vessels under the jurisdiction of the United States participating in the fishery.

(2) When the accumulative and estimated prospective catch of regulated groundfish species, except haddock in each subarea, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.11, the Director shall promptly publish the notice, in the FEDERAL REGISTER, required in paragraph (a) of this section, and shall notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(b) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of haddock made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all Contracting Governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock, in each subarea, making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.10, the Executive Secretary shall notify each Contracting Government of that fact.

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(2) If, after having given the notification provided in paragraph (b)(1) of this section, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days haddock fishing may be permitted in each subarea.

(3) Within 10 days of the receipt of the notification specified in paragraph (b) (1) or (2) of this section, the Director shall announce by publication in the FEDERAL REGISTER, the time and date for the termination of fishing, or the number of days that a previously announced closure shall be extended, as appropriate.

(c) It shall be unlawful for any person to use, during the period from 0001 hours, March 1, to 2400 hours May 31, 1973, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gillnet, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65°44′W.—42°04′N., 64°30′W.—42°40′N., 64°30′W.—43°00′N., 66°32′W.—43°00′N., 66°32′W.—42°20′N., 66°00′W.—42°20′N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55′W.—42°10′N., 69°10′W.—41°10′N., 68°30′W.—41°35′N., 68°45′W.—41°50′N., 69°00′W.—41°50′N.

(ii) 67°00′W.—42°20′N., 67°00′W.—41°15′N., 65°40′W.—41°15′N., 65°40′W.—42°00′N., 66°00′W.—42°20′N.

(iii) except that vessels using hooks having a gap of not less than 3 cm (1⅛″) may fish in Subarea 5, without restriction.

§ 240.14 Gear restrictions.

(a) In Subareas 1, 2, and 3, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets or parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila trawl net.

(b) In Subareas 4 and 5, except as provided in § 240.23(a), no person shall fish for haddock or cod with a trawl net or nets, parts or nets, or netting of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 4½ inches (114 mm.) or a trawl net or nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manila trawl net.

(c) The use in fishing for haddock or cod within the Regulatory area of any device or method which would, or otherwise, have the effect of diminishing the size of said meshes of the trawl net is prohibited: *Provided*, That an approved chafer described in § 240.1(d) may be used.

§ 240.15 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.13(a), for the closing of the unrestrictive fishing for certain species in Division 4X or Division 4W of Subarea 4 and Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated ground fish species on board such vessel in those areas or to land such regulated ground fish species in those areas in any port or place until the next succeeding fishing season reopens on January 1 next.

(b)(1) Any fishing vessel which had departed port to engage in fishing for regulated groundfish species under the provisions of § 240.2, prior to the date of the closure for such regulated species in either Division 4X or 4W in Subarea 4, or Subarea 5, may continue to take and retain such species in the Division or Subarea for which the closure has been announced, for a period of time not to exceed 10 days, at which time fishing for such species in the closed Division or Subarea shall be prohibited. Within 48 hours after the expiration of the 10-day period, each such vessel must return to a port or place in the United States, and the master or person in charge must immediately, on his return, notify any officer of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel, licensed pursuant to § 240.2, may continue to fish after the date of closure, in any subarea or division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of such regulated species in his possession on each trip must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel, which has departed port after the date of closure of unrestrictive fishing for certain regulated groundfish species in Division 4X or 4W in Subarea 4, or Subarea 5, may take, possess on board, and land in any port or place, such regulated species as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3, and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart C—Flatfish Fisheries

§ 240.20 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to American plaice (*Hippoglossoides platessoides* (Fab.)), Yellowtail flounder (*Limanda ferruginea* (Storer)), and other flounders in aggregate grey sole or witch (*Glyptocephalus gynoglossdab* or American plaice (*Hippoglossoides sus* (L)), dab or American plaice (*Hippoglossoides platessoides* (Fab.)), fluke or summer flounder (*Paralichthys dentatus* (L), blackback, lemon sole or winter flounder (*Pseudopleuronectes americanus* (Walb.))

§ 240.21 Catch quota.

(a) An annual catch limitation is placed upon the quantity of American plaice permitted to be taken in Divisions 3L, 3N, and 3O, of Subarea 3. The aggregate catch of American plaice in the above Divisions during 1973, by persons or fishing vessels, under the jurisdiction of the United States, shall not exceed 100 metric tons.

(b) An annual catch limitation is placed on the quantity of yellowtail flounder permitted to be taken in Divisions 3L, 3N, and 3O, in subarea 3, and in the areas east and west of 69° West longitude in Subarea 5, as follows:

(1) The annual catch of yellowtail flounder in Divisions 3L, 3N, and 3O, of Subarea 3, shall not exceed 100 metric tons.

(2) The annual catch of yellowtail flounder in Subarea 5, in the area east of 69° West longitude shall not exceed 15,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1—Mar. 31	2,950	2,950
Apr. 1—June 30	3,850	6,800
July 1—Sept. 30	4,900	11,700
Oct. 1—Dec. 31	3,300	15,000

(3) The annual catch of yellowtail flounder in Subarea 5, in the area west of 69° longitude shall not exceed 9,000 metric tons and shall be taken in quarterly increments as follows:

Quarter	Catch quota	Expected accumulative catch
Jan. 1–Mar. 31	2,750	2,750
Apr. 1–June 30	1,500	4,250
July 1–Sept. 30	2,000	6,250
Oct. 1–Dec. 31	2,750	9,000

(c) The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER

(d) An annual catch limitation is placed upon the aggregate quantity of flounders other than yellowtail flounder, permitted to be taken in Subarea 5. The aggregate catch of flounders, other than yellowtail flounder, in the above Subarea during 1973, by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 21,700 metric tons.

§ 240.22 Open season.

(a) The open season for regulated flatfish species in areas under quota in § 240.21, shall begin at 0001 hours local time on the 1st day of January 1973, and terminate at a time and date to be announced by the Director, by publication of a notice in the FEDERAL REGISTER. In the event of a closure during any quarter, open season fishing for yellowtail flounder shall resume on the first day of the next quarter.

§ 240.23 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for certain regulated flatfish species in Subarea 3, and Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of regulated flatfish species made during the open seasons in those areas under quota limitations specified in § 240.21 by vessels under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated catch of certain regulated flatfish species, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.21, the Director shall promptly notify the Executive Secretary of the date on which vessels subject to the jurisdiction of the United States have ceased a specialized fishery.

(d) Announcement shall also be made by publication of a notice in the FEDERAL REGISTER of the closing time and date of the first, second, and third quarters when the Director has determined, on the basis of catch data and catch rates, that the accumulative catch (landings plus discards) of yellowtail flounder in Subarea 5, in either area (east or west of 69°00W.), will equal the quarterly quota established in § 240.21(b).

§ 240.24 Gear restrictions.

(a) In Subarea 5, no person shall fish for yellowtail flounder with a net of manila or of the trade named twines, under the chemical category of polypropylene, having a mesh size of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manila or polypropylene twine, unless it shall have a selectivity equivalent to that of a 5⅛ inch (130 mm.) manila net.

(b) The use in fishing for regulated species within the Regulatory area of any device or method which would have the effect of diminishing the size of said meshes or obstruct the meshes of the trawl net, is prohibited: *Provided*, That an approved chafer, described in § 240.1(d), may be used.

§ 240.25 General restrictions.

(a) Except as provided in paragraphs (a)(1) or (2) and (b) of this section, after the dates announced in the manner provided in § 240.23 for the closing of the fishing season or seasons, it shall be unlawful for any master or other person in charge of a fishing vessel to possess such regulated flatfish species in the closed Regulatory areas or to land such species taken in those areas in any port or place until the next succeeding open season.

(1) In the event of a closure of any of the first three quarters, as provided under § 240.23(d), any fishing vessel which had departed port to engage in yellowtail flounder fishing in Subarea 5 prior to the date of the closure, may continue to take and retain yellowtail flounder in the area subject to the closure for a period of time not to exceed 5 days, at which time fishing for yellowtail flounder in the closed area shall be prohibited.

(2) In the event of an annual closure as provided under § 240.23, any fishing vessel which had departed port to engage in fishing for regulated flatfish species in Subarea 5, prior to date of the closure, may continue to take and retain such species in the area subject to the closure, for a period of time not to exceed 10 days, at which time fishing in the closed area shall be prohibited. Within 24 hours after the expiration of either the 10-day or 5-day period, provided under the preceding paragraph, each such vessel much return to a port or place in the United States and the master or person in charge must immediately, on the return, notify any appropriate official of the National Marine Fisheries Service, U.S. Bureau of Customs or Coast Guard, of his arrival.

(b) Any master or person in charge of a fishing vessel which has departed port after the date of closure in Subarea 5, may take, possess on board, and land in any port or place, such regulated flatfish species as may be taken incidentally in such closed area to a fishery for nonregulated species: *Provided*, That the owner or operator of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing which may be found in § 240.13(d).

(1) The provisions of this subpart shall apply to all fishing trips begun during the calendar year 1973, whether completed before January 1, 1974, or not.

Subpart D—Hake Fisheries

§ 240.30 Definitions.

(a) Unless otherwise defined herein, the terms used in this subpart will have the meanings ascribed to them in § 240.1.

(b) Regulations in this subpart will apply to silver hake, (*Merluccius bilinearis* (Mitch.)), and red hake, (*Urophycis chuss* (Walb.)).

§ 240.31 Catch quota.

(a) An annual catch limitation is placed the quantity of silver hake permitted to be taken in Division 5Y and Subdivision 5Ze and 5Zw of Subarea 5. The aggregate catch of silver hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of silver hake in Division 5Y of Subarea 5, shall not exceed 9,500 metric tons.

(2) The annual catch of silver hake in Subdivision 5Ze of Subarea 5, shall not exceed 17,000 metric tons.

(3) The annual catch of silver hake in Subdivision 5Zw, shall not exceed 25,000 metric tons.

(b) An annual catch limitation is placed upon the quantity of red hake permitted to be taken in Subdivision 5Zw of Subarea 5. The aggregate catch of red hake during 1973, by persons or fishing vessels, under the jurisdiction of the United States, in each area is as follows:

(1) The annual catch of red hake in Subdivision 5Zw of Subarea 5, shall not exceed 15,000 metric tons.

§ 240.32 Open season.

(a) The open season for silver hake fishing in Division 5Y and 5Z of Subarea 5, and red hake fishing in Division 5Z of Subarea 5, shall begin at 0001 hours of the 1st day of January 1973 and terminate at a time and a date to be determined pursuant to § 240.33.

§ 240.33 Closed season and areas.

(a) The Director shall announce the closure of the season by publication of a notice in the FEDERAL REGISTER, specifying the time and date for the termination of specialized fishery for silver hake or red hake in Subarea 5.

(b) The National Marine Fisheries Service maintains records of the catches of silver hake or red hake made in each Division of Subarea 5 during the open season by vessels, under the jurisdiction of the United States, participating in the fishery.

(c) When the accumulative and estimated prospective catch of silver hake and red hake in each Division of Subarea 5, making allowance for the incidental catch for the remainder of the year, equals 100 percent of the allowable catch permitted under § 240.31, the Director shall promptly notify the Executive Secretary of the date on which its vessels have ceased a specialized fishery.

(d) It shall be unlawful for any person to conduct a specialized fishery for silver hake or red hake from 0001 hours, April 1 to 2400 hours, April 30, 1973, in the area bounded by 69°00′W., 39°50′N., 71°40′W., and 40°20′N., however, groundfish vessels may be permitted to take on each trip, during this period, in the said area, red and silver hake in amounts not to exceed 10 percent each of the total catch taken in the said area, on that trip.

§ 240.34 Gear restrictions.

There are no gear restrictions regarding fishing for silver or red hake in 1973.

§ 240.35 General restrictions.

(a) Except as provided in paragraphs (b), (c), and (d), of this section, after the dates announced in the manner provided in § 240.33(a), for the closure of

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silver or red hake fishing seasons in Division 5Y or 5Z of Subarea 5, it shall be unlawful for any master or other person in charge of a fishing vessel to possess silver or red hake on board such vessel in those areas or to land silver or red hake taken in those areas in any port or place until the silver or red hake fishing season reopens on January 1 next, following the close of the season.

(b)(1) Any fishing vessel which had departed port to engage in silver or red hake fishing under the provisions of § 240.2(a), prior to the date of closure of silver or red hake fishing in either Division 5Y or 5Z of Subarea 5, may continue to take and retain silver or red hake in the Divisions for which the closure has been announced for a period of time not to exceed 5 days, at which time fishing for silver or red hake in the closed Division shall be prohibited. Within 48 hours after the expiration of the 5-day period, each such vessel must return to a port or place in the United States and the master or person in charge must immediately, on his return, notify any appropriate officer of the National Marine Fisheries Service, U.S. Bureau of Customs, or Coast Guard, of his arrival.

(2) Any master or person in charge of a fishing vessel licensed to take silver or red hake from waters of the Convention area may continue to fish after the date of closure in any Subarea or Division, the provisions of the next preceding paragraph notwithstanding, but should he elect to do so, the quantity of silver or red hake in his possession must not exceed 5,000 pounds or 10 percent (10%) by weight of all other fish on board.

(c) Any master or person in charge of a fishing vessel which has departed port after the date of closure of silver or red hake fishing in Division 5Y or 5Z of Subarea 5, may take and possess on board, and land in any port or place, such silver or red hake as may be taken incidentally to a fishery for nonregulated species: *Provided*, That the master of the said vessel has on board the appropriate license as required under § 240.2(a) and complies with the limitations specified in § 240.3 and the reporting requirements, where required, in § 240.4(b): *Provided further*, That nothing contained herein shall be construed to amend, modify, or repeal those portions of the regulations relating to areas closed to all demersal fishing, which may be found in § 240.13(d).

(d) The provisions of this subpart shall apply to all fishing trips begun during the current calendar year, whether completed before January 1, or not.

Subpart E—Pelagic Fisheries

§ 240.40 Definitions.

(a) Unless otherwise defined herein, the terms used in this Subpart will have the meanings ascribed to them in Subpart A, § 240.1.

(b) Regulations in this Subpart will apply to herring (*Clupea harengus* (L)), and mackerel (*Scomber scombrus* (L)). (L)).

§ 240.41 Catch quota.

(a) An annual catch limitation is placed upon the quantity of herring permitted to be taken in Division 5Z of Subarea 5 and in the adjacent waters to the west and south from Division 5Y of Subarea 5 and from that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4. The catch of herring during 1973, by persons or fishing vessels under the jurisdiction of the United States, in each area, is as follows:

(1) The annual catch of herring in Division 5Z of Subarea 5 and in the adjacent waters to the west and south shall not exceed 5,250 metric tons.

(2) The annual catch of herring in Division 5Y of Subarea 5 shall not exceed 19,750 metric tons.

(3) The combined annual catch of herring by member countries in that portion of Division 4W south of 44°52′ N. latitude and in Division 4X of Subarea 4, for which specific allocations have not been assigned, shall not exceed 600 metric tons.

(b) An annual catch limitation is placed upon the quantity of mackerel permitted to be taken in Subarea 5 and in the adjacent waters to the west and south. The catch of mackerel in the above area during 1973 by persons or fishing vessels under the jurisdiction of the United States, shall not exceed 26,200 metric tons.

§ 240.42 Open season.

The open season for herring or mackerel shall begin at 0001 hours of the first day of January each year and terminate in each subarea at a time and date to be determined and announced as provided in § 240.43.

§ 240.43 Closed season and areas.

(a) The Service Director shall maintain records of the catches of herring or mackerel by fishing vessels subject to quota allocations in Subareas 4 and 5, and Statistical Area 6 during the open season. The Service Director shall announce the closure dates for herring or mackerel fishing in Divisions 5Y and 5Z of Subarea 5, when the accumulated catch and estimated catch of herring or mackerel, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

(b) The Executive Secretary shall maintain records of the catches by fishing vessels, of all contracting governments participating in fishing for herring, subject to quota regulations in Subarea 4, during open seasons for which specific allocations have not been assigned. The Executive Secretary shall notify the United States when the accumulated catch and estimated catch of herring in Divisions 4W and 4X of Subarea 4, the quantity estimated to be taken before closure could be introduced, and the likely incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.41. The Service Director shall announce the closure dates for the Divisions 4W and 4X of Subarea 4, herring fishing season, within 10 days of the receipt of such notification from the Executive Secretary. Such announcement of the season closure dates shall be made by publication of a notice in the FEDERAL REGISTER.

§ 240.44 Gear restrictions.

There are no gear restrictions regarding fishing for herring or mackerel in 1973.

§ 240.45 General restrictions.

(a) Except as provided in § 240.3, and as provided below, after the date announced in manner provided in § 240.43, for the closing of the herring or mackerel fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess herring or mackerel taken in the closed subareas or to land herring taken in those subareas in any port or place until the next succeeding open season for herring or mackerel.

(b) In the event of an annual closure in Division 5Y or 5Z in Subarea 5, as provided in § 240.43(a), any fishing vessel, which had departed port to engage in herring or mackerel fishing in Subarea 5 prior to the date of closure, may continue to take and retain herring or mackerel in that subarea after the closure, for a period of time not to exceed 2 days, at which time fishing for herring or mackerel in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 2-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(c) In the event of an annual closure in Division 4W or 4X in Subarea 4 as provided in § 240.43(b), any fishing vessel, which had departed port to engage in herring fishing in Subarea 4 prior to the date of closure, may continue to take and retain herring in that subarea after the closure, for a period of time not to exceed 4 days, at which time fishing for herring in the closed subarea shall be prohibited. Within 24 hours after the expiration of the 4-day period, each fishing vessel must return to a port or place in the United States, and the master or person in charge of the fishing vessel must then immediately notify an authorized official of the vessel's arrival in port.

(d) For the purposes of inspection, NMFS officials shall have reasonable access to any area on board a fishing vessel, transport, or shore facility where fish are landed, handled, stored, or processed, and to areas where fishing gear or parts of fishing gear are used, assembled, or stored.

§ 240.46 Size limits.

A size limit is placed on the length of herring permitted to be taken by persons or fishing vessels, under the jurisdiction of the United States, in those portions of Division 4W south of 44°52′N. latitude and Division 4X south of 43°50′N. latitude of Subarea 4 and in Subarea 5.

(a) The taking or possession of herring less than 9 inches (22.7 cm), measured from the tip of the snout to the end of the tail, is prohibited except as provided in paragraph (b) of this section.

(b) A person may take herring in any year, less than 9 inches (22.7 cm), measured as specified in paragraph (a) of this section: *Provided*, That the total amount taken does not exceed 10 percent by weight of all herring caught in the areas above, specified by that fishing vessel during such year.

[FR Doc.73–14974 Filed 7–23–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regs. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Coverage of Employees of State and Local Governments; Establishment of Filing Dates

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide that in certain cases where materials are received through the mail the filing date may be established up to 2 days earlier than the date of postmark. The amendments would apply to the extension of the time for States to file requests for review or additional information for consideration in review, determining the time limitation for instituting civil actions, and for the allowance of credits or refunds to States.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before August 23, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority of sections 205, 218, and 1102 of the Social Security Act as amended; 53 Stat. 1368, as amended; 64 Stat. 514, as amended; 49 Stat. 647 as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 418, and 1102.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Paragraph (a) of § 404.1272 is revised to read as follows:

§ 404.1272 Time for filing request for review.

(a) *In general.* The request for review must be filed by the State with the Secretary or his delegate within 90 days after the date of the notice to the State of the assessment, disallowance or allowance. (A revised notice indicating the correction of a mathematical error (see § 404.1270(f)) shall not be deemed to be a notice for purposes of this section.) The request for review will be deemed to be filed when it is mailed or delivered by other means to the Secretary or his delegate. Normally, the mailing date will be considered as the date of postmark on the envelope in which the request for review is mailed. However, where there is an identifiable delay in the handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for review will be considered as timely filed. Where the 90-day period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a request mailed on the next following business day will be deemed to be timely filed.

* * * * *

2. Paragraph (a) of § 404.1276 is revised to read as follows:

§ 404.1276 Time for filing civil action.

(a) *In general.* Civil action for a redetermination of the assessment, disallowance or allowance shall be filed before the expiration of 2 years from the date of mailing by the Secretary to the State of the notice of the decision of the Secretary to which the action relates. Where a request for civil action is received through the mail, the filing date may be determined as defined in § 404.1272(a). Where the 2-year period expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), an action filed on the next following business day will be deemed to be timely filed. The date of certification, or registration of the notice of decision by the Secretary as shown on the envelope or wrapper in which such decision is mailed shall be considered as the date of mailing.

* * * * *

3. Paragraph (a) of § 404.1285 is revised to read as follows:

§ 404.1285 Time limitations on credits or refunds.

(a) *In general.* No credit or refund of an overpayment of amounts paid under an agreement pursuant to section 218 of the Act by a State shall be allowed unless a claim for such credit or refund is filed by the State with the Secretary before the expiration of the period of limitation applicable thereto. A claim for credit or refund made by a State in accordance with the applicable provisions of these regulations is deemed to have been filed with the Secretary when delivered to the Secretary or when mailed to the Secretary. Normally, the mailing date will be considered as the date of postmark on the envelope in which such request is mailed. However, where there is an identifiable delay in handling of mail by the U.S. Postal Service, a mailing date may be established up to 2 days earlier than the date of postmark. If the established mailing date falls within the prescribed period, the request for credit or refund will be considered as timely filed. Where a period of limitation expires on a Saturday, Sunday, or other nonworkday as defined in § 404.3(c), a claim filed on the next following business day will be deemed to be timely filed.

* * * * *

[FR Doc.73–15171 Filed 7–23–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–NE–23]

TRANSITION AREA

Notice of Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Laconia, New Hampshire, Transition Area (38 FR 515).

Two new Standard Instrument Approach Procedures for the Laconia Municipal Airport, Laconia, New Hampshire have been established in accordance with the U.S. Standard Terminal Instrument Procedures. This revised procedure will require alteration of the Laconia, New Hampshire, 700-foot transition area in order to provide controlled airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England

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Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received by August 23, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Laconia, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, New Hampshire, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43° 34′ 25″N, 71° 25′ 22″W. of Laconia Municipal Airport, Laconia, New Hampshire; and within 6.5 miles northwest and 4.5 miles southeast of the 247° bearing and the 067° bearing from the Belmont NDB, 43° 32′ 09″N, 71° 32′ 09″W., extending from 11.5 miles southwest of the NDB to 5.5 miles northeast of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Burlington, Massachusetts, on July 11, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-15061 Filed 7-23-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicity of these substances, the Administrator finds that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, will not result in a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 4408(c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a(c), (e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.001 be amended by (1) revising the items "α-Alkyl (C_{10}–C_{18})-*omega*- • • • and "Castor oil polyoxyethylated • • •" in the table in paragraph (c), (2) transferring to the table in paragraph (c) from the table in paragraph (d) the items "Propyl p-hydroxybenzoate • • •" and "Sorbic acid • • •", (3) revising the items "Locust bean gum • • •" and "Methyl violet 2B • • •" in the table in paragraph (d), (4) revising the item "Mineral oil, U.S.P. • • •" in the table in paragraph (e), and (5) alphabetically inserting new items in the tables in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(c) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
α-Alkyl (C_{12}–C_{15})-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 3–30 moles.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Ammonium carbamate.	----------	Synergist in aluminum phosphide formulations.
• • •	• • •	• • •
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 30–54 moles.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Methyl esters of higher fatty acids conforming to Title 21, §121.224.	----------	Antidusting agent.
• • •	• • •	• • •
Polyglycerol esters of fatty acids conforming to Title 21, §121.1120.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Propyl p-hydroxybenzoate.	----------	Preservative for formulations.
• • •	• • •	• • •
Sodium dibutylnaphthalenesulfonate.	----------	Surfactant, related adjuvants of surfactants.
• • •	• • •	• • •
Sodium isopropylisohexylnaphthalenesulfonate.	----------	Do.
• • •	• • •	• • •
Sorbic acid (and potassium salt).	----------	Preservative for formulations.
• • •	• • •	• • •
Sucrose octaacetate.	----------	Adhesive.
• • •	• • •	• • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Aluminum 2-ethylhexanoate.	Not more than 0.25% of pesticide formulation.	Gelling agent.
• • •	• • •	• • •
N,N-Bis[α-ethyl-*omega*-hydroxypoly(oxyethylene)] alkylamine; the poly(oxyethylene) content averages 3 moles; the alkyl groups (C_{12}–C_{15}) are derived from tallow, or from soybean or cottonseed oil acids.	----------	Surfactant for preemergence use with herbicides on sugarcane only.
• • •	• • •	• • •
Dodecylphenol	Not more than 0.6% of pesticide formulations.	Coupling agent in emulsifier.
• • •	• • •	• • •
Locust bean gum	----------	Adhesive, component of defoamers.
Maleic acid and maleic anhydride.	For pesticide formulations applied to apples with a minimum preharvest interval of 21 days.	Stabilizer.
• • •	• • •	• • •
Methyl isoamyl ketone.	----------	Solvent, cosolvent.
• • •	• • •	• • •
Methyl violet 2B	Not more than 0.02% of pesticide formulation.	Dye.
• • •	• • •	• • •
Oleic acid diester of α-Hydro-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) molecular weight averages 2300.	----------	Surfactant.
• • •	• • •	• • •
Polyvinyl alcohol	Not more than 1% of pesticide formulation.	Binder; water soluble bag-container or film-tape for encapsulating seeds.
• • •	• • •	• • •
Sodium polyflavinoid sulfonate, consisting chiefly of the copolymer of catechin and leucocyanidin.	----------	Sunscreen agent for viral insecticides for use on cotton.
• • •	• • •	• • •
α-[p-(1,1,3,3-Tetramethylbutyl) phenyl]-*omega*-hydroxypoly-(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding sodium salts of the phosphate esters; the poly(oxyethylene) content averages 6 to 10 moles.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

Iner ingredients	Limits	Uses
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).	----------	Surfactant for formulations used before corp emerges from soil.
• • •	• • •	• • •

(e) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
α-Alkyl (C_{12}–C_{15})-*omega*-hydroxypoly-(oxyethylene); the poly(oxyethylene) content averages 3–20 moles.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
n-Butanol	----------	Solvent for blended emulsifiers.
• • •	• • •	• • •
Caster oil, polyoxyethylated; the poly(oxyethylene) content averages 30–54 moles.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
3,6-Dimethyl-4-octyne-3,6-diol.	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene), produced by the condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 moles of ethylene oxide.	----------	Do.
• • •	• • •	• • •
α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.	----------	Surfactants, related adjuvants of surfactants.
2-Ethyl-1-hexanol	Not more than 2.5% of pesticide formulation.	Solvent, adjuvant of surfactants.
• • •	• • •	• • •
α-Hydro-*omega*-hydropoly(oxypropylene); molecular weight 2,000.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Lignosulfonate; ammonium, calcium, magnesium, potassium, sodium, and zinc salts.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Methyl esters of higher fatty acids conforming to Title 21, § 121.224.	----------	Antidusting agent.
Mineral oil, U.S.P., or conforming to Title 21, § 121.1146 or § 121.2589(a), (b).	----------	Solvent, diluent.
• • •	• • •	• • •

Inert ingredients	Limits	Uses
α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.	----------	Surfactants, related adjuvants of surfactants.
α-(p-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 15 moles of ethylene oxide.	----------	Do.
• • •	• • •	• • •
Polyglycerol esters of fatty acids, conforming to Title 21, §121.1120.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
n-Propanol	----------	Solvent, for blended emulsifiers.
• • •	• • •	• • •
Sodium dibutylnaphthalenesulfonate.	----------	Surfactants, related adjuvants of surfactants.
Sodium isopropylisohexylnaphthalenesulfonate.	----------	Do.
• • •	• • •	• • •
Sodium monoalkyl and dialkyl (C_7–C_{12}) phenoxybenzenedisulfonate mixtures containing not less than 70% of the monoalkylated product.	----------	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	Not more than 25% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).	----------	Dispersing agent.
1,1,1-Trichlorethane	Not more than 25% of pesticide formulation.	Solvent, cosolvent.
• • •	• • •	• • •
Urea	----------	Stabilizer, inhibitor.
• • •	• • •	• • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 23, 1973, that this proposal be referred to an advisory committee in accordance with section 408 (e) of the act.

Interested persons may, on or before August 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 18, 1973.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.73-15050 Filed 7-23-73;8:45 am]

[40 CFR Part 167]

PESTICIDE ESTABLISHMENT REGISTRATION, LABELING, AND REPORTING

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the authority of Sections 7 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999), that it is proposed to issue a new Part 167 of Title 40, Code of Federal Regulations, to read as set forth below. Any person may file comments on this proposal within thirty (30) days from the date of publication of this notice in the Federal Register. Such comments should be filed in duplicate and addressed to the Pesticides Enforcement Division, Establishment Registration Section, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All written submissions filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8:00–4:30 daily.

Section 7 requires that all establishments in which pesticides, as defined by this Act, and those devices specified by the Administrator pursuant to section 25(c), are produced must be registered with the Administrator, and that all producers submit within thirty days of registration, an annually thereafter, production, sales, and distribution reports. Section 2(q)(1)(D) provides that a pesticide is misbranded if its label does not bear the registration number assigned to the establishment in which it was produced. The regulations proposed herein set forth the procedures to be followed to comply with the provisions of these sections.

The term "establishment" is defined so as to include any site involved in the production of a pesticide. The term "establishment" applies to all domestic sites, including those producing pesticides for export, and foreign sites whose pesticides are imported into the United States. Foreign establishments are included in view of the fact that all pesticides distributed or sold in this country must bear an assigned establishment number. The scope of the term "production" covers the manufacture of technical material; the formulation and reformulation of pesticidal material, including

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pesticides produced under an Experimental Use Permit and pesticides used in custom blending; and the repackaging of any pesticide product. However, because pesticide applicators are subject to section 4 and are regulated by the certification provisions, registration of their establishments under section 7 is not deemed necessary at this time. If, however, the pesticide applicator mixes and sells a product for use by others, he becomes a producer and his establishment is subject to this section.

The dates and procedure for applying for establishment registration are proposed in § 167.2 (b), (c), and (d). Although establishments that produce pesticides solely for intrastate commerce are not subject to this Act until two years after enactment, the Agency requests that such establishments make application for establishment registration at any time prior to the required date of submission. Early registration would not require submission of the required reports within thirty days or the establishment number to appear on labels until six months after intrastate establishments are required to be registered.

It should be noted that, although registration is required to engage in pesticide production, registration of the establishment in which a pesticide is produced does not imply that the holder of the registration is in any way qualified to engaged in such activities, nor does it denote Agency approval of the establishment or its products.

Section 167.3 *Duration of Registration*, states that registration remains effective provided the pesticides reports are submitted as required.

Section 167.4 deals with the requirement that each pesticide label must bear the number assigned to the establishment in which it was produced. Because of the difficulty, in many cases, of affixing the number to the actual label, it is proposed that establishments be permitted to place the number, preceded by "EPA Est.", in any location on the label or immediate exterior of the container: provided, however, that it must also appear on the outside container or wrapper of the package if there be one through which the EPA Establishment Number on the immediate container cannot be clearly read. The proposed dates for requiring products to bear this number are believed to provide the industry sufficient time within which to comply.

The terms pertinent to production, sales, and distribution reporting are dealt with in §§ 167.1 and 167.5. It is believed that the submission dates recommended provide the industry sufficient time in which to compile the data.

Dated: July 18, 1973.

JOHN QUARLES,
For Acting Administrator.

PART 167—REGISTRATION OF PESTICIDE-PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDES REPORTS, AND LABELING

Sec.
167.1 Definitions.
167.2 Registration procedures.
167.3 Duration of registration.
167.4 Labeling requirements.
167.5 Pesticides reports.

AUTHORITY: Secs. 7 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999).

§ 167.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Act. In addition, as used in this part, the following terms shall have the meanings stated below:

(a) *Act.* As used in this part, the term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973–999).

(b) *Establishment.* The term "establishment", for purposes of this part, means each site where a pesticide, as defined by this Act, or a device determined by the Administrator to be subject to any provisions of Section 7, is produced, regardless of whether such site it independently owned or operated and regardless of whether such site is domestic and producing any pesticide or device for export only or whether the site is foreign and producing any pesticide or device for import into the United States.

(c) *Produce.* The term "produce" means to manufacture, prepare, propagate, compound, or process any pesticide, including any pesticide produced pursuant to section 5, or device, or to repackage or otherwise change the container of any pesticide or device.

(d) *Producer.* The term "producer" means any person, as defined by the Act, who produces any pesticide or device.

(e) *Pesticides report.* The term "pesticides report" means information showing the types and amounts of pesticides or devices which are being produced in the current calendar year, have been produced in the past calender year, and which have been sold or distributed in the past calendar year.

(f) *Current production.* The term "current production" means volume of planned production in the calendar year in which the pesticides report is submitted, including new products not previously sold or distributed.

(g) *Past year.* The term "past year" means the calendar year immediately prior to that in which the report is submitted.

(h) *Sold or distributed.* The term "sold or distributed" means those products sold or distributed in channels of trade by the establishment in which the pesticide or device was produced.

(i) *Type of pesticide.* The term "type of pesticide" refers to the formulation of each individual product as identified by the product name; EPA Registration Number (permit number if the pesticide is produced under an Experimental Use Permit); production type (technical, formulation, reformulation, repackaging, etc.); and class (fungicide, insecticide, herbicide, etc.), except where such pesticide is produced for export only, in which case the term shall include the product name and chemical formulation. For planned products, the term means proposed product name and EPA File Symbol, if any.

(j) *Amount of pesticide.* The term "amount of pesticide" means quantity, or volume of the formulation, and is to be expressed in pounds for solid or semi-solid products and gallons for liquid products.

(k) *Device.* The term "device" means any device or class of devices as defined by the Act and determined by the Administrator pursuant to section 25(c) to be subject to the provisions of section 7 of the Act.

§ 167.2 Registration procedures.

(a) *Who must register.* All establishments, as defined in this part, which manufacture, prepare, compound, propagate or process any pesticide or device or repackage or otherwise change the container of a pesticide or device, subject to the provisions of this section must be registered pursuant to the requirements of these regulations: *Provided, however,* That those persons who produce pesticides solely for application by themselves are not required to be registered.

(b) *Information required.* Application for registration, to be made on the EPA Application for Registration of Pesticide-Producing Establishment form, requires the name and address of the company; the type of ownership (individual, partnership, cooperative association, corporation, or any organized group of persons whether incorporated or not); and the name and address of the producing establishment. Applications are obtainable on request from the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460 or from one of the EPA Regional Offices. Addresses of the Regional Offices may be obtained from the Environmental Protection Agency, Washington, D.C. 20460.

(c) *Submission of application.* The completed application shall be submitted to the Regional Office having jurisdiction over the State in which the headquarters of the company is located, provided, however, that foreign companies shall submit their applications to the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460 U.S.A.

(d) *Times for registration.* Applications for registration of all establishments producing pesticides or devices distributed in interstate commerce, or produced for export, or imported into the United States must be submitted by December 24, 1973. Applications for registration of all establishments producing solely for intrastate commerce must be submitted by October 21, 1974.

(e) *Notification of establishment registration number.* The Agency will provide to the company a validated copy of the EPA Application for Registration of Pesticide-Producing Establishment containing the registration number assigned to each establishment registered in accordance with these regulations.

(f) *Amendments to registration.* Any changes in type of ownership or address shall be submitted on the EPA Amendment to Registration of Pesticide-Producing Establishment form within five days of such changes to the appropriate Regional Office of the Agency.

§ 167.3 Duration of registration.

Establishment registration will remain effective provided annual pesticides reports are submitted on a timely basis pursuant to this section. Failure to submit a report may result in termination of establishment registration.

§ 167.4 Labeling requirements.

(a) *Placement.* For purposes of this part, the Establishment Registration Number may appear in any location on the label or immediate container and must also appear on the outside container or wrapper of the package if there be one through which the EPA Establishment Registration Number on the immediate container cannot be clearly read.

(b) *Designation.* The Establishment Registration Number shall be preceded by "EPA Est."

(c) *Deadline for labeling.* Those products produced by establishments whose applications are due by December 24, 1973, must bear the EPA Establishment Registration Number by October 21, 1974. Products produced by those establishments whose applications are due by October 21, 1974, must bear the Establishment Registration Number within six months of registration. New products and products of those establishments entering into pesticides production for the first time must bear the Establishment Registration Number from the outset of production.

§ 167.5 Pesticides reports.

(a) *Information required.* The pesticides report, to be submitted on the EPA Pesticides Report form, shall include the name and address of the establishment; the types of pesticides produced (identified by EPA product registration number, permit number, or EPA File Symbol; product name; class; and production type); the past year's volume of production, sales, and distribution of each product; and the planned volume of production of each product for the current year. This report does not cover those pesticides or devices sold or distributed but not produced by the reporting establishment. Reports submitted by foreign producers shall cover those pesticide products or devices exported to the United States.

(b) *Submission of report.* All reports shall be submitted to the Regional Office having jurisdiction over the State in which the establishment is located. Reports from foreign establishments shall be submitted to the Environmental Protection Agency, Pesticides Enforcement Division, Washington, D.C. 20460, U.S.A.

(c) *When to report.* Within 30 days of notification of registration of an establishment the producer of the establishment shall file with the Agency a pesticides report. Thereafter reports are required to be filed on or before February 1 of each year.

(d) *Confidentiality of information.* Any information submitted in the pesticides report shall be considered confidential and subject to the provisions of section 10.

[FR Doc.73–15192 Filed 7–23–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19690]

FM BROADCAST STATIONS IN LOUISIANA

Proposed Table of Assignments; Extension of Time for Filing Comments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Wilmington, Ill.; *Many, La.;* Moyock, N.C.; Lake Providence, La.; Newton, Miss.; Bay Springs, Miss.; York, Ala.; Rehoboth Beach, Del.; Canton, Tex.; Brandon, Miss.; Southport, N.C.; Harrison, Mich.; Greenfield, Mo.; Belhaven, N.C.; *Ruston, La.; Shreveport, La.;* and Bethany Beach, Del.), Docket No. 19690, RM–2003, RM–2059, *RM–2027*, RM–2062, RM–2046, RM–2068, RM–2051, RM–2085, RM–2054, RM–2097, RM–2057, RM–2098, RM–2058, RM–2100, *RM–2144, RM–2002*, RM–2160.

1. On May 16, 1973, a further notice of proposed rulemaking was adopted in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 24, 1973, 38 FR 13658. The date for filing reply comments is presently July 24, 1973.

2. Counsel for Ruston Broadcasting Company, Inc., on July 12, 1973, filed a request for additional time in which to file reply comments, to and including August 7, 1973. Counsel states that the requested extension is necessary in order to complete the preparation of replies to pleadings filed by other parties in this proceeding.

3. We feel that the additional time is warranted and would serve the public interest. *Therefore, it is ordered,* That the time for filing reply comments in this proceeding is extended to and including August 7, 1973.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 13, 1973.

Released: July 16, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73–15160 Filed 7–23–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELEMENTAL SULPHUR FROM CANADA

Antidumping; Determination of Sales at Less Than Fair Value

JULY 20, 1973.

Information was received on January 21, 1972, that sulphur from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER on February 24, 1972, on page 3922. An amendment to this notice was published in the FEDERAL REGISTER of April 19, 1972, on pages 7717 and 7718, for the purpose of restricting the application of the notice to elemental sulphur from Canada.

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of April 23, 1973 (38 FR 10026).

I hereby determine that for the reasons stated below, elemental sulphur from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as applicable, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the delivered buyer's plant price or f.o.b. seller's plant price, as appropriate. Deductions were made for United States and Canadian freight and related charges, brokerage charges, car heel allowances, plant conversion costs and discounts, as appropriate.

Exporter's sales price was calculated on the basis of a delivered United States customer's premises price with deductions for United States and Canadian freight charges, brokerage expenses and selling expenses.

The adjusted home market price was based on the delivered buyer's plant price or f.o.b. seller's plant price of such or similar merchandise sold in Canada with deductions for Canadian freight and related charges, plant conversion costs, car heel allowances and discounts, as appropriate. Adjustments were made for differences in commissions and selling expenses, as appropriate.

Using the above criteria, purchase price and exporter's sales price were found to be lower than the adjusted home market price of such or similar merchandise.

Elemental sulphur produced and sold by Texasgulf Inc. (formerly Texas Gulf Inc.) and Canadian Occidental Petroleum Ltd., is excluded from the withholding of appraisement ordered in this case and this determination of sales at less than fair value since 100 percent of the export sales to the United States by both companies during the period under consideration were examined and the adjusted home market prices of each company were found to be lower than the appropriate purchase price in every instance.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

JULY 20, 1973.

[FR Doc.73-15272 Filed 7-23-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 (1972)), notice is hereby given that closed meetings of the Naval Research Advisory Committee will be held July 26-27, 1973, at the Naval Air Test Center, Patuxent River, Maryland.

The agenda for these meetings includes classified information concerning aircraft.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy, Judge Advocate General of the Navy.

JULY 19, 1973.

[FR Doc.73-15245 Filed 7-23-73;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, August 7, 1973
Tuesday, August 14, 1973
Tuesday, August 21, 1973
Tuesday, August 28, 1973

These meetings will convene at 9:30 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 552(b)(2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D. C.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JULY 19, 1973.

[FR Doc.73-15091 Filed 7-23-73;8:45 am]

INDUSTRY ADVISORY COMMITTEE ON MARITIME POLICY

Cancellation and Notice of Meeting

Reference FR Doc. 73-14402, appearing at page 18916 in the issue for Monday, July 16, 1973, the meeting of the Industry Advisory Committee on Maritime Policy scheduled for July 25, 1973, is cancelled.

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that the Industry Advisory Committee on Maritime Policy will meet in open session at 9:30 am, on August 7, 1973, in Room IE 801, Pentagon, Washington, D.C. 20301.

The meeting will be devoted to a discussion of the quantitative justification for and structure of an ocean cargo allocation system.

With respect to public participation the following requirements shall apply:

(a) Individuals desiring to submit written statements may do so by mailing ten copies thereof no later than July 30, 1973, if possible, to the Recorder, Industry Advisory Committee on Maritime Policy, Office of the Assistant Secretary of Defense (Installations and Logistics), Washington, D.C. 20301. The minutes will be kept open for ten days for the receipt of written statements for the record.

(b) Those individuals submitting a written statement in accordance with (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement.

(c) Requests for the purpose of making an oral statement shall be ruled on by the Chairman of the Committee who is empowered to apportion the time available during a period of not more than 30 minutes between 11 a.m. and 12 Noon. Information concerning the Chairman's ruling on requests for the opportunity to make an oral statement can be obtained by a prepaid telephone call to the Recorder of the Committee (202-697-1903) between 9 a.m. and 5 p.m. Eastern Time, on August 3, 1973.

(d) Questions may be asked only by members of the Committee and staff.

(e) Seating for the public is limited and will be available on a first-come-first-served basis. Because of building security requirements, anyone wishing to attend the meeting must advise the Recorder of the Committee in advance of the meeting at telephone 202-697-1903.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JULY 19, 1973.

[FR Doc.73-15090 Filed 7-23-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

AMISTAD RECREATION AREA

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on September 1, 1973, the Department of the Interior, through the Superintendent, Amistad Recreation Area, proposes to issue concession permits in the name of Gus Carey, Del Rio, Tx.; in the name of David Crawley, Del Rio, Tx.; in the name of W. P. Fisher, Del Rio, Tx.; in the name of Glenn McGonagill, Del Rio, Tx.; in the name of Charles E. Morgan, Del Rio, Tx.; in the name of Joe R. Morgan, Del Rio, Tx.; in the name of Jerry L. Rust, Del Rio, Tx., and Jack Skipworth, Del Rio, Tx., authorizing them to provide fishing guide service for the public at Amistad Recreation Area for the period September 1, 1973 through August 31, 1977.

The foregoing concessioners have performed their obligations under existing permits to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the issuance of new permits. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 31, 1973.

Interested parties should contact the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, Texas 78840, for information as to the requirements of the proposed permits.

Dated: June 26, 1973.

COLEMAN C. NEWMAN,
Superintendent, Amistad Recreation Area.

[FR Doc.73-15118 Filed 7-23-73;8:45 am]

HONOKOHAU STUDY ADVISORY COMMISSION

Notice of Meetings

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Honokohau Study Advisory Commission will be held on July 28, 1973, on the Island of Maui, August 4, 1973, on the Island of Kauai, and August 11, 1973, on the Island of Molokai.

The purpose of the Honokohau Study Advisory Commission is to provide advice to the Secretary of the Interior on matters relating to the making of a study of the feasibility and desirability of establishing as a part of the National Park System an area comprising the site of Honokohau National Historic Landmark.

The members of the Commission are as follows:

Colonel Arthur Chun, Kailua-Kona (Chairman); Rev. Henry K. Boshard, Kailua-Kona; Ms. Nani Mary Bowman, Honolulu; Mr. Fred Cachola, Waianae; Mr. Alika Cooper, Hilo; Dr. Kenneth P. Emory, Honolulu; Mr. Homer K. Hayes, Honolulu; Mr. Kwai Wah Lee, Hilo; Ms. Iolani Luahine, Kailua-Kona; Mr. George Naope, Hilo; Mrs. Abbie Napeahi, Hilo; Mr. George Pinehaka, Honaunau Kona; Mr. David K. Roy, Kailua-Kona; Mr. Philipo Springer, Holualoa; and Mrs. Emily Kaai Thomas, Honolulu.

The matters to be considered at these meetings are:

1. Review of basic data gathered to date;
2. Review of outline of report;
3. Gathering of supplemental data and ideas from interested persons, agencies, and organizations;
4. Inspection of comparative areas which afford insight into Hawaiian cultural practices and resource uses, and park plans.

The first meeting will be held from 9:00 a.m. to 1:00 p.m., July 28, in the Kahului Library, Kahului, Maui, Hawaii. On July 29 the Commission will inspect the Seven Pools section of Haleakala National Park.

The second meeting will be held from 8:00 a.m. to noon, August 4, in the Lihue Library, Lihue, Kauai, Hawaii. On August 5, the Commission will inspect park areas involving elements of Hawaiian culture on Kauai.

The third meeting will be held from 9:00 a.m. to 1:00 p.m., August 11, in the Molokai Community Center, Kaunakakai, Molokai, Hawaii. On August 12 the Commission will inspect fishponds and other Hawaiian cultural elements on Molokai.

The meetings will be open to the public, and participation is encouraged. Transportation will not be provided for members of the public for the field inspections. However, members of the public may participate in these inspections by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meetings, or who wish to submit written statements, may contact Robert L. Barrel, State Director, Hawaii, National Park Service, 677 Ala Moana Boulevard, Suite 512, Honolulu, Hawaii 96813.

Minutes of the meetings will be available for public inspection four weeks after each meeting at the Office of the State Director, Hawaii, and the Director, Western Region, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Date: July 16, 1973.

STANLEY W. HULETT,
Associate Director, National Park Service.

[FR Doc.73-15071 Filed 7-23-73;8:45 am]

Office of the Secretary

JUNEAU AREA

Change of Agency Jurisdictions

This notice is published in exercise of the authority delegated by the Secretary of the Interior to the Assistant to the Secretary for Indian Affairs in Amendment 2 to Secretarial Order 2950.

By village resolution, certain Alaska Native villages have requested to be transferred from the jurisdiction of one Bureau of Indian Affairs' Agency to another in order to conform to the boundaries of the Regional Corporations. Therefore, effective July 1, 1973, the following villages are hereby transferred from the Bethel Agency to the Fairbanks Agency:

1. Anvik
2. Grayling
3. Shageluk
4. Holy Cross
5. McGrath
6. Nikolai
7. Medfra
8. Telida
9. Takotna

Also effective July 1, 1973, the Alaska Native village of Mentasta is hereby transferred from the Fairbanks Agency to the Anchorage Agency.

This notice revises any previous notices concerning the jurisdictions of

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Agencies under the Juneau Area Office of the Bureau of Indian Affairs.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

JULY 18, 1973.

[FR Doc.73-15067 Filed 7-23-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GUNNISON NATIONAL FOREST AND GRAND MESA-UNCOMPAHGRE NATIONAL FORESTS MULTIPLE USE ADVISORY COMMITTEES

Notice of Meeting

The Gunnison National Forest and Grand Mesa-Uncompahgre National Forests Multiple Use Advisory Committees will meet at 9:00 a.m., August 4, 1973 at the Forest Service office at 216 North Colorado, Gunnison, Colorado for the beginning of a two-day summer field trip.

The purpose of this summer trip is to make an on-the-ground review of land use planning and related activities in the vicinity of Crested Butte.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor John T. Minow, P.O. Box 138, Delta, Colorado 81416 (Phone 303-874-4411). Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. A member of the public wishing to attend and participate in the summer field trip should notify Forest Supervisor John T. Minow at least five days prior to the trip.

2. Any member of the public may be permitted to participate and present oral statements during the field trip by the committee chairman to the extent that time permits.

Dated: July 16, 1973.

JOHN T. MINOW,
Forest Supervisor, Grand Mesa-Uncompahgre National Forests, Acting Forest Supervisor Gunnison National Forest.

[FR Doc.73-15072 Filed 7-23-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration Bureau of East-West Trade

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet August 1, 1973, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Report on the work program.
4. Discussion of other necessary work assignments.
5. Executive Session:
   Discussion of, and progress report on, the work program:
   a. Foreign availability
   b. Performance characteristics
   c. Safeguards
6. Adjournment.

The Computer Systems Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (AC 202 + 967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: July 19, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-15297 Filed 7-23-73;8:58 am]

Maritime Administration

NORTHERN TRUST CO.

Approval as Trustee

Notice is hereby given that The Northern Trust Company, with offices at 50 South LaSalle Street, Chicago, Illinois, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: July 12, 1973.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.73-15181 Filed 7-23-73;8:45 am]

[Docket No. S-371]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that the corporations listed in Appendix A have filed applications for extension of operating-differential subsidy contracts to carry bulk cargoes to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). The bulk cargo carrying vessels proposed to be subsidized and a description of each of such vessels are also presented in Appendix A.

Said applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

These vessels are to engage in the carriage of export bulk, raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the United States to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk, raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk, raw and processed agricultural commodities subsidy program, including terms, conditions, and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on November 16, 1972 (37 FR 24349).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that each vessel named will engage in the trades described on a full-time basis through December 31, 1973 (with extension to termination of approved subsidized voyages in progress on that date). Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the individual operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

The Board has previously found during fiscal year 1973, that section 605(c) was no bar to the grant of operating-differential subsidy to each of the applicants listed in Appendix A.

Any person having an interest in the granting of one or any of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before July 30, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event requests for hearing and petitions regarding the relevant section 605(c) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., July 31, 1973, and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: July 20, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

Name of applicant	Vessel names	Type of ship
Blackships, Inc.	Gulfking	Tanker.
	Gulfqueen	Do.
	Gulfprince	Do.
	Gulfknight	Do.
Hudson Waterways Corp.	SS Transerie	Do.
	SS Transpanama	Do.
	SS Transsuperior	Do.
Manhattan Tankers Co., Inc.	SS Manhattan	Do.
Transeastern Shipping Corp.	SS Transeastern	Do.

[FR Doc.73-15289 Filed 7-23-73;8:45 am]

[Docket No. S-372]

OPERATING-DIFFERENTIAL SUBSIDY FOR CARRIAGE OF BULK CARGO PRINCIPALLY BETWEEN THE U.S. AND U.S.S.R.

Notice of Multiple Applications

Notice is hereby given that applications have been filed under the Merchant Marine Act of 1936, as amended, for extension of operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on December 31, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the applicants listed in Appendix A and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for each such applicant if its application for operating-differential subsidy is granted.

Said applicants have requested written permission involving the domestic, intercoastal or coastwise services likewise described in Appendix A.

Said applicants have previously been granted written permission with respect to such services in fiscal year 1973.

Interested parties may inspect these applications in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on July 30, 1973 file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Further, each petition shall identify the applicant or applicants against which the intervention is lodged.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled commencing at 10 a.m., July 31, 1973 and continuing on succeeding business days if required, in Room 4896, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations. Evidence concerning each application will be heard in the order in which applicants are listed in Appendix A.

Dated: July 20, 1973.

By Order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

APPENDIX A

I. *Name of applicants.* Manhattan Tankers Company, Inc. (Manhattan); Transeastern Shipping Corporation (Transeastern); Hudson Waterways Corporation (Hudson).

Description of domestic service and vessels. The applicants, Manhattan, Transeastern and Hudson, are all affiliated with each other and with Seatrain Lines, Inc. (Seatrain), and Seatrain and its affiliates have engaged in the domestic trades shown below, and each applicant has requested written permission for the continuance, by Seatrain and other affiliated companies, of those services, as well as the right to move any vessel listed below from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s) within the fiscal year period of the proposed operating-differential subsidy agreement. All of the vessels listed have coastwise privileges. The following are the vessels by type and an indication of those currently in the domestic trades:

Ship	Type	Current service
Seatrain Puerto Rico.	Dry cargo (military).	MSC.[1]
Seatrain Carolina.	Dry cargo (military).	MSC.
Seatrain Florida.	Dry cargo (military).	MSC.
Seatrain Maryland.	Dry cargo (military).	MSC.
Seatrain Maine.	Dry cargo (military).	MSC.
Seatrain Washington.	Dry cargo (military).	MSC.
Seatrain Ohio.	Dry cargo (military).	MSC.
Transcolorado	Dry cargo (heavy type).	MSC.
Transcolumbia	Dry cargo (heavy type).	MSC.
Transpacific	C4 Conventional	MSC.
Transeastern	Tanker	
Erna Elizabeth	Tanker	Time charter (MSC).[1]
Transhuron	Tanker	Time charter (MSC).
Transidaho	Container C4	U.S. E.C./Puerto Rico.
Transoregon	Container C4	U.S. E.C./Puerto Rico.
Transhawaii	Container C4	U.S. E.C./Puerto Rico.
Seatrain San Juan.	Container T2	U.S. E.C./Puerto Rico.
Seatrain Delaware.	Container T2	U.S. E.C./Puerto Rico.
Transindiana	Container T2	U.S. Pac. Coast/Hawaii.
Transchamplain	Container mission tanker.	U.S. Pac. Coast/Hawaii.
Transoneida	Container T2	
Transontario	Container T2	
Seatrain Georgia.	Container T2	
Seatrain Louisiana.	Container T2	
Manhattan	Tanker	
Transglobe	Ro/Ro	
Transerie	Tanker	
Transpanama	Tanker	
Transsuperior	Tanker	

[1] The vessels chartered to MSC are presently under contract to MSC for periods of up to five years and their operations are consequently not under the control of their owners.

Written permission is now required by the applicants (Manhattan, Transeastern and Hudson) notwithstanding that a voyage in

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the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

II. *Name of applicant.* Blackships, Inc.

Description of domestic service and vessels. The applicant, Blackships, Inc. acting by and through Gulf Oil Corporation, requests permission to continue operation of the following listed vessels in domestic intercoastal or coastwise service, as well as permission for all other vessels owned and/or operated by Gulf Oil and other related companies to continue operation in domestic intercoastal or coastwise service.

Gulf Deer	Gulf Knight
Gulf Lion	Gulf Crest
Gulf Tiger	Gulf Pride
Gulf King	Gulf Solar
Gulf Queen	Gulf Oil
Gulf Prince	

Written permission is now required by the applicant, Blackships, Inc., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel carried domestic commerce of the United States on that voyage.

[FR Doc.73-15290 Filed 7-23-73;8:45 am]

National Bureau of Standards

NUMERIC DATA

Notice of Proposed Federal Information Processing Standard

Under the provisions of Public Law 89-306, the Secretary of Commerce is authorized to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards. Effective May 9, 1973, Executive Order 11717 transferred to the Secretary of Commerce all functions being performed in the Office of Management and Budget relating to the establishment of government-wide automatic data processing standards, including the function of approving standards on behalf of the President pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended.

A proposed standard for Representations of Numeric Data in Dense Forms for Information Interchange has been developed by the National Bureau of Standards. This proposed standard, which provides specifications for three dense forms of numeric data, was developed by the NBS Institute for Computer Sciences and Technology. It will be promulgated as a Federal Information Processing Standard at such time as it may be approved by the Secretary of Commerce, on behalf of the President.

This notice solicits views of manufacturers, the public, and state and local governments prior to final drafting and formal coordination with departments and agencies of the Federal Government.

Federal Information Processing Standards contain two basic sections: (1) an announcement section which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specification section which details the technical requirements of the standard.

Interested parties may submit comments to the Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before September 24, 1973.

Dated: July 17, 1973.

RICHARD W. ROBERTS,
Director.

FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION ----

(Date) ----------

Announcing the Standard for

REPRESENTATIONS OF NUMERIC DATA IN DENSE FORMS FOR INFORMATION INTERCHANGE

Federal Information Processing Standards Publications are issued by the National Bureau of Standards under the provisions of Public Law 89-306 and Executive Order 11717.

Name of Standard. Representations of Numeric Data in Dense Forms for Information Interchange.

Category of Standard. Hardware Standard, Interchange Codes and Media.

Explanation. This FIPS PUB provides standard representations for three dense forms of numeric data. This FIPS PUB applies only to defined numeric fields in formatted data. The dense forms which are defined are:

a. Packed decimal numeric data, two digits per 8-bit octet, with algebraic signs and fillers.

b. [1] Packed Floating Point Decimal Data, with digits, fillers, algebraic signs and separator each represented in 4-bit form.

c. Straight binary data, up to 8 bits per octet with an algebraic sign bit and fill bits.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. a. FIPS PUB 1, Code for Information Interchange.

b. FIPS PUB 3-1, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI).

c. FIPS PUB 7, Implementation of the Code for Information Interchange and Related Media Standards.

d. FIPS PUB 15, Subsets of the Standard Code for Information Interchange.

e. FIPS PUB 20, Guidelines for Describing Information Interchange Formats.

f. FIPS PUB --, (Magnetic Tape Cassettes).

g. FIPS PUB --, (ANSI X3/SSC/AHCC/050) Representation of Numeric Values in Character-Strings for Information Interchange.

h. FIPS PUB -- (ANSI X3.27-1969) American National Standard Magnetic Tape Labels for Information Interchange.

i. ANSI Z39.2-1971, American National Standard for Bibliographic Information Interchange on Magnetic Tape.

Objectives. The principal objective of this FIPS PUB is to provide the combined benefits of a standard representation, the effective use of recording medium, and higher transfer rates for data in those situations for which interchangeable magnetic media are used to transfer large data files that are predominantly numeric, but which may also contain some non-numeric ASCII or extended ASCII character-oriented information.

Applicability. This standard is applicable in those interchange environments having eight or more bits per information character (i.e., 9 track tape, disk, and cassettes).

This Federal standard will be used whenever packed decimal, floating point decimal or binary data forms are used in magnetic tape reels, disks, or magnetic tape cassettes. It may also be used in internal computer representations, and in non-interchangeable media, but such use is not prescribed by this standard.

It will not be used in data communication systems that monitor bit patterns in search of communication control characters.

Implementation Schedule. (To be determined).

Waiver Procedure. (To be determined).

Specifications. Federal Information Processing Standard -- (FIPS --), Representations of Numeric Data in Dense Forms for Information Interchange, (Date) (affixed).

Qualifications. This numeric data standard does not specify a Data Descriptive Language (DDL), a Data Management Language (DML) nor does it specify the use of machine-sensible labels or the structure of any optional label blocks to define field boundaries, field types, ranges of values, or scaling factors, all of which must be supplied in adequate documentation, such as is provided in FIPS PUB 20, Guidelines for Describing Information Interchange Formats.

Four-bit patterns corresponding to decimal values 12 and 15 and hence to the graphic symbols Comma and Slant of the 16-character subset of FIPS 15, may be used in packed decimal forms along with the 14 defined packed characters, but no meaning is ascribed to those two 4-bit patterns.

The form of packed decimal numerics specified by this FIPS PUB may or may not be a "computational form" for use in internal computer processing. Only a storage form for use in magnetic tape, disk packs, or cassettes is specified. If any different packed numeric forms are used for computation, internal representation, variable-field storage, or other purpose, then a transformation will be required in passing data to or from the storage form specified by this FIPS PUB.

Special Information. Unpacked character-oriented information used in fields other than packed fields on magnetic tapes, disk packs, or cassettes should conform to the standard recording conventions of FIPS 3, Recorded Magnetic Tape for Information Interchange (800 CPI, NRZI) whether or not a different density or recording technique is employed.

The following table may be helpful, although the EBCDIC bit patterns are not part of any Federal or other non-commercial standard:

RELATIONSHIPS IN 9-TRACK MAGNETIC TAPE

Track No.	4	7	6	5	3	9	1	8	2
ASCII (FIPS 1) Bits	P	"b_8"	b_7	b_6	b_5	b_4	b_3	b_2	b_1
IBM EBCDIC Bit Numbers	P	0	1	2	3	4	5	6	7
Binary Weight (Unpacked)	P	2^8	2^7	2^6	2^5	2^4	2^3	2^2	2^1
Binary Weight (Packed)	P	2^9	2^8	2^7	2^6	2^5	2^4	2^3	2^2
Packed Numeric Order	P	High					Low		

Note: "P" is an odd parity bit.

[1] May be changed to Floating Point Binary Data.

Packed - Unpacked Order	High									Low
Octet in Field	N	N-1			3		2		1	
Packed Digit Number ±Sign or	d_{2n}	d_{2n-1}	d_{2n-2}		d_4	d_3	d_2	d_1		

NOTE: Octet boundaries are illustrated by Colon (:) but these are not used in the bit structure.

Any "d" can represent a decimal digit or the decimal point. If no explicit decimal point is included, it is assumed to be to the right of d_1 and the decimal number has an integer value. If no sign is included, the numeric value is assumed to be positive or zero.

The lowest-order packed decimal digit (d_1) is located in the right-hand side of the lowest-order octet. Packed decimal digits of ascending order are placed in adjacent half-octets in order of ascending significance, as shown. The digit zero, bit pattern 0000, is used to fill all half-octets not needed for the most significant packed digit. If algebraic signs are used, the position of the 4-bit sign pattern is at the high-order half of the highest-order octet. The value 11 (bit pattern 1011) represents positive (+) and the value 13 (bit pattern 1101) represents negative (−). Algebraic signs must never be located in other positions. If all numeric bits in a packed decimal field are "zero" and a signed representation is required, then the sign pattern for "Positive" (Plus Sign, bit pattern 1011) must be used. Thus the value "Minus Zero" is not allowed in packed decimal representations.

3.2 *Packed Floating Point Decimal Data.*[1] One format is specified for floating point decimal representations. The structure employs two algebraic signs, one decimal point, any number of digits, and a separator, each represented by 4 bits in accordance with the table below. The Asterisk, bit pattern 1010, separates the significand from the exrad, a power of ten. The structure is:

Sign Digits	
Point Digits	
Asterisk	
Significand	Exrad

The same number of octets must be used for each occurrence of a given field. The significand sign must be present, must be + or −, and must be located in the high-order half of the highest order octet. If fill digits are required, then the bit pattern for Zero, 0000, must be used as fill. The decimal point must be present and it must occupy the same position for each occurrence of a given field. The Asterisk must be present and it must occupy the same position for each occurrence of a field. The exrad sign must be present, must be + or − and must occupy the same position for each occurrence of the field. The same number of exrad digits must be used for each occurrence of a field, and the lowest order digit of the exrad must occupy the lowest order position of the entire field. Zero must be used as fill digits if fill is required. The exrad decimal point does not appear but it is assumed to be to the right of the lowest order exrad digit. External scaling factors may be used for the significand or exrad, or both.

3.3 *Binary Numeric Data.* One format is specified for binary representation of numeric values, as shown by the layout:

Binary-Unpacked Order	High							Low
Octet in Field	N							1
Binary Bit Number	S	Z	Z	Z	B	B	B	B

Where S is a sign bit, Z is a Zero fill bit, and B is a value bit. The number of bits in an externally recorded binary field is always a multiple of 8 bits. The lowest order bit is "right justified" in the lowest order bit position of the lowest order octet. The other binary value bits are packed adjacent to this low order bit in ascending order up to the

[1] This section may be changed to Floating Point Binary.

Where to Obtain Copies of the Standard. Copies of this publication are for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Price ---- cents a copy; SD Catalog Number ----------.) There is a 25 percent discount on quantities of 100 or more. When ordering, specify document number, title, and SD Catalog Number or Accession Number.

FEDERAL INFORMATION PROCESSING STANDARD ------

(Date) ----------

Specifications for

REPRESENTATIONS OF NUMERIC DATA IN DENSE FORMS FOR INFORMATION INTERCHANGE

1. *Name of Standard.* Representations of Numeric Data in Dense Forms for Information Interchange.

2. *Category of Standard.* Hardware Standard, Interchange Codes and Media.

3. *Specifications.* This specification provides a standard method of recording three different dense numeric data forms on interchangeable media that are oriented to handling 8-bit "octets" of information. These three dense forms supplement the FIPS representations in the standard 1 (ASCII) numeric characters and the other characters of FIPS 1. The three dense numeric forms are:

a. Packed Decimal Numeric Data

b. Packed Floating Point Decimal Data

c. Binary Numeric Data

Unpacked fields are specified to be standard FIPS 1 (ASCII) characters represented in the standard 8-bit format of FIPS 3 magnetic tape, in which the high order bit (b_8) is set to "zero" for the 128 characters defined in FIPS 1 (ASCII), and is set to "one" for the remaining 128 characters that are not defined by FIPS 1 (ASCII). This specification applies only to defined numeric fields in formatted data.

In standard 9-track magnetic tape, or on standard serial-by-bit magnetic tape cassettes, or on magnetic disks, if the eight information bits are designated as E$_1$ to E$_8$, low-order to high-order bit, then the following relationships apply to this standard:

Bit-Positions in Unpacked Byte	E$_8$	E$_7$	E$_6$	E$_5$	E$_4$	E$_3$	E$_2$	E$_1$
Binary Weight, Unpacked	2^8	2^7	2^6	2^5	2^4	2^3	2^2	2^1
Binary Weight, Packed	2^9	2^8	2^7	2^6	2^5	2^4	2^3	2^2
Bit Name, Packed		b_8	b_7	b_6	b_5	b_4	b_3	b_2
Packed Numeric Order		High					Low	

The 4-bit patterns of the packed form are related to the four low-order bits of the 16-character subset of FIPS PUB 15 in accordance with the following table:

FIPS 1 ASCII Row No.	Bit and Value b_4 2^4	b_3 2^3	b_2 2^2	b_1 2^1	Graphic Symbol	Symbol Name
0	0	0	0	0	0	Zero
1	0	0	0	1	1	One
2	0	0	1	0	2	Two
3	0	0	1	1	3	Three
4	0	1	0	0	4	Four
5	0	1	0	1	5	Five
6	0	1	1	0	6	Six
7	0	1	1	1	7	Seven
8	1	0	0	0	8	Eight
9	1	0	0	1	9	Nine
10	1	0	1	0	*	Asterisk
11	1	0	1	1	+	Plus
12	1	1	0	0	,	Comma
13	1	1	0	1	-	Minus
14	1	1	1	0	.	Decimal Point
15	1	1	1	1	/	Slant

Bit patterns corresponding to Row Numbers 12 and 15 may appear in the packed forms of this FIPS, but no meaning is ascribed to those two values. When packed, or when unpacked, the preferred graphic symbols for all 16 of the 4-bit patterns are as shown in the above table.

3.1 *Packed Decimal Numeric Data.* Two formats for packed decimal numeric fields are specified: signed and unsigned. Both formats are shown by the layout:

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highest value bit. The sign bit (S) is "left justified" in the highest order position of the highest order octet. A "zero" sign bit denotes "Positive" and a "one" bit denotes "Negative". The symbol "Z" denotes a fill or padding bit used, if necessary, to fill up unused bit positions between the sign bit and the highest order binary value bit. The bit value of "Z" is always "zero". If all other bits in a field are "zero" bits then the sign bit "S" must also be "zero". Thus the value "Minus zero" is not allowed in binary representations. The smallest (nearest to zero) negative value has a "one" bit at the extreme left end of the field, for the negative sign, and a "one" bit at the extreme right end of the field for the lowest permissible binary value. This standard binary representation does not employ "complemented bits" to represent negative values. The progression of values is shown by the following table:

S								
0	1	1	1	1	1	1	1	Largest Positive
0	0	0	0	0	0	0	1	Smallest Positive
0	0	0	0	0	0	0	0	Zero
1	0	0	0	0	0	0	0	Not Allowed
1	0	0	0	0	0	0	1	Smallest Negative
1	1	1	1	1	1	1	1	Largest Negative

No explicit location of the "binary point" is specified in the binary field structure. The location of the "binary point" is always in the same implied position for each occurrence of a given binary field.

[FR Doc.73-15028 Filed 7-23-73;8:45 am]

PORCELAIN-ENAMELED STEEL UTENSILS

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 100–47, "Porcelain-Enameled Steel Utensils." It has been tentatively determined that this standard is no longer in general use and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15119 Filed 7-23-73;8:45 am]

PINE OIL DISINFECTANT AND PENTACHLOROPHENOL CONCENTRATE

Notice of Intent To Withdraw Voluntary Product Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standards CS 69–38, "Pine Oil Disinfectant" and CS 194–53, "Pentachlorophenol Concentrate for Wood Preservation and Soil Poisoning." It has been tentatively determined that these standards are no longer technically adequate and revisions would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15120 Filed 7-23-73;8:45 am]

ENAMELED CAST IRON PLUMBING FIXTURES

Notice of Action on Voluntary Product Standard Withdrawal

In accordance with § 10.12 of the Department's Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 77–63, "Enameled Cast Iron Plumbing Fixtures."

Public notice of the Department's intention to withdraw this standard was published in the FEDERAL REGISTER on May 18, 1973 (38 FR 13044). No objections to the Department's intention of withdrawing this standard have been received by the National Bureau of Standards.

The effective date for the withdrawal of this standard will be on or before September 24, 1973. This withdrawal action terminates the authority to refer to this standard as a Voluntary Product Standard developed under the Department of Commerce Procedures.

Dated: July 19, 1973.

RICHARD W. RICHARDS,
Director.

[FR Doc.73-15122 Filed 7-23-73;8:45 am]

HOUSEHOLD INSECTICIDE

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 72–54, "Household Insecticide (Liquid Space Spray Type for Flying Insects)." It has been tentatively determined that this standard is no longer technically adequate and in view of the current publications of the Chemical Specialties Manufacturers Association which establish standards for the subject products revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before August 23, 1973. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: July 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-15121 Filed 7-23-73;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-50]

AMERICAN STERN TRAWLERS, INC.

Order Terminating Proceedings

In the matter of the application of American Stern Trawlers, Inc. for transfer of fishery for the vessel Seafreeze Pacific, Docket No. Sub-B-50.

Upon consideration of the withdrawal of the application by counsel for the Applicant on the ground that the vessel, Seafreeze Pacific, has been sold by the Applicant to a person not a party to this proceeding, and since the National Oceanic and Atmospheric Administration, through counsel, stated it had no objection to the withdrawal of the application, and no prejudice to the interests of intervenors appears,

Now therefore, *It is ordered*, That withdrawal of the application is allowed, proceedings in this matter are terminated and, accordingly, notice is given that the matter is closed.

JOHN J. MCCARTHY,
Administrative Law Judge.

[FR Doc.73-15168 Filed 7-23-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OPHTHALMIC DRUGS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770–776), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Ophthalmic Drugs Advisory Committee.	Aug. 6 and 7, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open August 6, closed August 7. William E. Gilbertson, Pharm. D., Room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

Agenda. The agenda will cover consideration and discussion of a recent subcommittee proposal to establish criteria for clinical testing to determine the effectiveness and safety of steroid-anti-infective fixed dosage combination drugs.

The public is invited to comment on the proposal in the open session of the meeting on August 6. Requests for time to participate in the open session should be made in advance through the contact person shown above. A copy of the proposal may be obtained from the contact person.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which non-confidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: July 18, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15111 Filed 7-23-73;8:45 am]

[CAP 9C0092]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC., ET AL.

Notice of Filing of Petition Regarding Carbon Black

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 9C0092) has been filed by Cosmetic, Tolletry and Fragrance Association, Inc., National Confectioners Association, and Pharmaceutical Manufacturers Association, c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22206, proposing the issuance of color additive regulations (21 CFR Part 8) to provide for the safe use and certification of carbon black (all-gas channel black) as a color additive in foods, drugs, and cosmetics, including cosmetics for application in the area of the eye.

Dated: April 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15112 Filed 7-23-73;8:45 am]

[GRASP 3G0028]

FAIRMONT FOODS CO.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)

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and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 F.R. 25705), notice is given that a petition (GRASP 3G0028) has been filed by Fairmont Foods Co., 3201 Farnam St., PO Box 1191, Omaha, NB 68131, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that ethyl alcohol is generally recognized as safe (GRAS) for use in the manufacture of pizza crusts to extend the handling and storage life thereof.

Interested persons may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15113 Filed 7-23-73;8:45 am]

[GRASP 3G0014]

PFIZER, INC.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 F.R. 25705), notice is given that a petition (GRASP 3G0014) has been filed by Pfizer, Inc., 235 East 42d St., New York, NY 10017, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that citric acid, derived from yeast-straight chain paraffin fermentation, is generally recognized as safe (GRAS) for use in foods.

Interested persons may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15114 Filed 7-23-73;8:45 am]

[FAP 2M2815]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), PPG Industries, Inc., Drawer A, Delaware, OH 43015, has withdrawn its petition (FAP 2M2815), notice of which was published in the FEDERAL REGISTER of July 26, 1972 (37 FR 14900), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use in contact with food of an electron-beam cured coating, prepared with spermaceti wax, acrylic acid, butyl acrylate, ethyl acrylate, hydroxyethyl acrylate, methacrylic acid, methyl methacrylate, and pentaerythritol tetraacrylate.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15115 Filed 7-23-73;8:45 am]

[GRASP 3G0029]

SWIFT AND CO.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0029) has been filed by Swift and Co., 1919 Swift Dr., Oak Brook, IL 60521, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chlorine in an aqueous solution (up to 200 p.p.m. available chlorine) is generally recognized as safe (GRAS) for use as an intermittent spray for hog, beef, and lamb carcasses during the cooler-chilling process.

Interested person may, on or before September 24, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: July 13, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15116 Filed 7-23-73;8:45 am]

[CAP 8C0069]

REVLON, INC.

Notice of Filing of Petition Regarding Disodium EDTA-Copper

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 8C0069) has been filed by Revlon, Inc., c/o Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, VA 22046, proposing the issuance of a color additive regulation (21 CFR Part 8) to provide for the safe use and exemption from certification of disodium EDTA-copper, the disodium salt of [(ethylenedinitrilo)tetraacetato (2-)]copper, as a color additive in externally-applied cosmetics.

Dated: April 19, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-15117 Filed 7-23-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-111]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated April 20, 1973, and published April 26, 1973 (38 FR 10334); amended April 27, 1973, and published May 3, 1973 (38 FR 11014); amended May 16, 1973, and published May 22, 1973 (38 FR 13512); and amended June 6, 1973, and published June 13, 1973 (38 FR 15552), is hereby further amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1973:

The counties of:

Howell Oregon

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-15108 Filed 7-23-73;8:45 am]

[Docket No. NFD-110]

PENNSYLVANIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on July 17, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Pennsylvania from severe storms and flooding beginning on or about June 27, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Pennsylvania. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Alfred A. Hahn, HUD Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Pennsylvania to have been adversely affected by this declared major disaster:

The counties of:

Berks	Lancaster
Bucks	Monroe
Chester	Montgomery
Delaware	Wayne

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-15106 Filed 7-23-73;8:45 am]

[Docket No. NFD-112]

TENNESSEE

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Tennessee, dated June 29, 1973, and published July 5, 1973 (38 FR 17885) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 28, 1973:

The counties of:

Overton White

Dated: July 18, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-15107 Filed 7-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

STEERING COMMITTEE, CABLE TELEVISION OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Meeting

JULY 18, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on July 30 and 31, 1973, at 9:30 a.m. The meetings will be held in Room 6331 of the Cable Television Bureau offices located at 2025 M Street, N.W., Washington D.C.

The agenda for the meeting will be a discussion on the following subjects:

Issue #4—Jurisdiction for Technical Performance Standards

Issue #6—Jurisdiction for Cross-Ownership Requirements

Issue #12—Construction and System Extension and Part II of the Report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15159 Filed 7-23-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-304]

COMMONWEALTH EDISON CO.

Order Extending Completion Date

Commonwealth Edison Company is the holder of Provisional Construction Permit No. CPPR–59 issued by the Commission on December 26, 1968, for the construction of the Zion Station, Unit 2, a 3250 megawatt (thermal) pressurized water nuclear reactor presently under construction at the Company's site on the west shore of Lake Michigan in Zion, Lake County, Illinois.

On May 17, 1973, the Company filed a request for an extension of the completion date because construction has been delayed due to (i) a construction schedule which gave precedence to Unit 1 construction, (ii) a determination that certain modifications in plant design for both units were desirable to increase the assurance that adequate margins of safety exist which required additional construction time, and (iii) time loss due to late delivery of essential components. The Director of regulation having determined that this action involves no significant hazards considerations, and good cause having been shown, the bases for which are set forth in a memorandum dated June 20, 1973, from R. C. DeYoung to A. Giambusso:

It is hereby ordered, That the latest completion date for CPPR–59 is extended from July 1, 1973 to April 1, 1974.

Date of Issuance: July 13, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects Directorate of Licensing.

[FR Doc.73-15086 Filed 7-23-73;8:45 am]

[Source Material License SUB-1010]

KERR-McGEE CORP.

Notice and Order for Prehearing Conference, and Evidentiary Hearing

In the matter of Kerr-McGee Corporation Kerr-McGee Building Oklahoma City, Oklahoma.

On July 10, 1973, the Atomic Energy Commission issued a notice of hearing, published in the FEDERAL REGISTER (38 FR 18921), directing that a hearing be held to consider the May 10, 1972, application by the Kerr-McGee Corporation for amendment of its Source Material License Number SUB–1010. The amendment would authorize subsurface disposal of certain liquid radioactive wastes. The Deputy Director for Fuels and Materials has advised the Applicant that its amendment request has been denied. This Board has been established to hear and resolve the issue.

Take notice, pursuant to said Commission notice, a Prehearing Conference will be held at 10:00 am, local time, on August 14, 1973, at the U.S. Tax Court, Courtroom Number 1 (Room Number 2132), 1111 Constitution Avenue, NW, Washington, D.C. 20044, in preparation for an Evidentiary Hearing hereby scheduled to commence at 1:30 pm, local time, on August 27, 1973, at the U.S. Tax Court, Courtroom Number 2 (Room 2142), 1111 Constitution Avenue, NW, Washington, D.C. 20044.

Issued at Washington, D.C., this 19th day of July 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-15153 Filed 7-23-73;8:45 am]

LMFBR DEMONSTRATION PROJECT

Determination Pending Preparation of NEPA Impact Statement

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in Scientists Institute for Public Information, Inc. v. AEC that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program will immediately be initiated pursuant to the Court's decision. The Commission has already prepared and issued section 102(2)(C) impact statements on a hypothetical LMFBR demonstration plant and on the Fast Flux Test Facility. In addition to these statements and the overall statement called for by the Court's decision, the Commission will issue further environmental impact statements in connection with any licensing of construction and operation of the actual Demonstration Plant as provided for in AEC regulations (10 CFR Part 50, Appendix D). It is presently estimated that a NEPA impact statement on the LMFBR program will require approximately 8 months to complete.

By letter dated June 19, 1973, the Joint Committee on Atomic Energy ad-

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vised the Commission that, subject to a contractual revision (which the parties have agreed to), the Joint Committee "will interpose no objection to the execution of the proposed contracts (for the LMFBR Demonstration Plant), and the parties could proceed without further delay."[1]

The opinion of the Court of Appeals in the above referenced litigation noted that an injunction against continuation of the program pending completion of an impact statement had not been sought in this case and the Court accordingly intimated no views concerning such relief. The Court's opinion also stated that "there is no indication that, aside from not preparing an impact statement, the AEC has given insufficient weight to environmental values in charting the LMFBR program's present course." On July 11, 1973, following a remand of the case to the District Court "for the entry of appropriate declaratory relief," plaintiffs (Scientists' Institute for Public Information, Inc.) moved to enjoin the Commission from, inter alia, executing the LMFBR Demonstration project contracts and implementing same during the NEPA review period. The District Court denied the requested injunctive relief and entered a final declaratory order providing for completion of the LMFBR program impact statement within twelve months from June 14, 1973. Plaintiffs have appealed that order to the Court of Appeals.

Notwithstanding the absence of any legal bar to execution of the LMFBR Demonstration Plant contracts and implementation thereof during the period of preparation of a NEPA impact statement on the LMFBR program, the Commission has determined that an examination should be made as to whether such actions would be inconsistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission has utilized factors analogous to those developed for determinations in regard to whether to suspend certain reactor construction permits and operating licenses pending completion of the section 102(2)(C) reviews required as a result of the decision of the Court of Appeals for the District of Columbia Circuit in the Calvert Cliffs' litigation.[2] These factors are set forth in 10 CFR Part 50, Appendix D, Section E.2. An additional factor has been added to recognize the subsequent decision of the Court of Appeals for the District of Columbia Circuit in Coalition For Safe Nuclear Power v. AEC, et al. (463 F.2d 954), which involved judicial review of the interim NEPA review approach.

As applied to the present matter, the Commission, in making the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that execution of the LMFBR Demonstration project contracts and implementation thereof during the prospective review period will give rise to a significant adverse impact on the environment, the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of project activities result from the ongoing NEPA environmental review.

2. Whether execution of the LMFBR project contracts and implementation thereof during the prospective review period would foreclose subsequent adoption of alternatives of the type that could result from the ongoing NEPA review.

3. The effect of delay in executing and implementing the LMFBR project contracts upon the public interest.

4. Whether the additional irretrievable commitment of resources if these contracts are executed and implemented during the limited time involved might affect the eventual decision reached on the NEPA review.

To assist the Commission in its consideration of the foregoing factors the Commission published in the FEDERAL REGISTER on June 29, 1973 (38 FR 17263) its proposed determination with a request that interested persons who desire to submit written comments or suggestions for Commission consideration do so on or before July 14, 1973.

As of the close of business on July 18, 1973, comments were received from fifteen organizations and persons, including other LMFBR Demonstration plant project participants and the Scientists' Institute for Public Information (SIPI).[3] In response to SIPI's request, a meeting took place between Commissioner William E. Kriegsman and SIPI officials on July 6 for the purpose of receiving SIPI's views through direct communication. A transcript of that meeting (on file in the Commission's Public Document Room) was considered together with all written comments received in making this Determination.

All respondents except Mr. Russell M. Bimber, Painesville, Ohio, and SIPI and two other groups—Environmental Action and Friends of the Earth—supported the Commission's proposed determination. Mr. Bimber submits that "continuing LMFBR activities at this time will buy support for decisions which may seem unwise when the final environmental statement becomes available." The thrust of the comments of the latter three groups is that execution of contractual agreements by the Commission and the other participants, the ensuing expenditure of funds during the period of the NEPA program review, and the accumulation of further technological and managerial expertise and attendant project momentum during that review period would effectively prevent AEC from making a determination other than to proceed with LMFBR program implementation at the conclusion of the review period, thereby foreclosing consideration of other energy options.

In assessing the four factors enumerated earlier, and in making its consequent Determination, the Commission has carefully considered all comments received. It is appropriate, however, to take special note of those comments which were adverse to this Determination. The purport of the adverse comments is summarized above; it lacks validity, we believe, for several reasons. First, the existing technological base for the LMFBR program represents an investment of more than $1 billion over the past 20 years, and the monies projected to be expended on the overall program during the course of completion of the Demonstration project are $3–4 billion. By any objective standard, the incremental expenditures of $18 million during the eight (8) month NEPA review period (or $27 million should the review extend to 12 months) will not represent a commitment of such magnitude or nature as to foreclose any Commission options at the conclusion of the NEPA review. Federal Government Fiscal Year 1974 funds allocated to energy research and development is estimated to be $772 million. AEC's portion of this is $574 million. Of that amount about $255 million is assigned to energy R&D in other than LMFBR development. This is an increase of over $30 million by comparison with the FY 1973 budget for AEC R&D on energy systems other than LMFBR. Moreover, pursuant to the President's 1973 Energy Message to the Congress, the Commission is currently exploring ways of increasing the funding for other energy concepts (non-nuclear as well as nuclear).

Finally, it should be emphasized that execution of the Demonstration project contracts and their limited implementation during the period of the NEPA program review by no means constitutes an "irrevocable commitment" by AEC and the other participants of the project. Continuing AEC participation is, of course, subject to compliance with applicable laws; and the project contract makes specific that this includes compliance with "the provisions and policies of applicable laws in respect to the protection of the environment" (para. 5 and 11, AT(49–18)–12). Funds are expended by each of the participants at the financial risk that the outcome of the NEPA review of the program may require some alternative course, including project termination. Cf: Coalition for Safe Nuclear Power v. AEC, et al. (supra).

The results of the Commission's examination of this matter in the light of all comments received are set forth in a document entitled, "Findings Supporting Determination in Regard to LMFBR Demonstration Project Pending Preparation of a section 102(2)(C) NEPA Impact Statement on the LMFBR Program." Copies of this document are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Copies may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Based on the results of the foregoing examination, the Commission has determined that the LMFBR Demonstration project contracts may be executed and thereafter implemented during the limited period of the ongoing NEPA review of the LMFBR program. More specifically, the Commission has determined that:

1. Execution of the proposed contracts and the limited implementing actions to be taken by the AEC and the other project participants during the period of preparation of the NEPA impact statement on the LMFBR program will not give rise to any significant adverse impact on the environment; and that such limited impact as may occur will readily be redressable should the NEPA review of the program result in a different course of action.

2. Subsequent adoption of project alternatives—including cessation of the project itself, or other alternative approaches—would not be foreclosed by execution of the project contracts and implementation thereof during the limited period of the ongoing NEPA review of the program.

3. Delay in execution and implementation of the project contracts until the NEPA review of the LMFBR program is completed would adversely affect the public interest. In terms of immediate impact, delay would risk loss of key management and engineering personnel in the many organizations involved, thus compromising project viability or, at the least, giving rise to further appreciable delays. Delay would additionally result in a significant increase in project costs. Moreover, of longer range importance, should continuation of the LMFBR Demonstration project be consistent with the outcome of the NEPA program review, a present suspension of project activity would delay availability of a key energy option for the Nation with the potential for significant adverse consequences.

4. The expenditure of resources by the AEC and the other project participants for the LMFBR Demonstration Plant program ($22 million) comprises $18 million to be expended during the limited period of the ongoing NEPA review of the program and $4 million in costs incurred prior to June 30, 1973. This expenditure will not be of such magnitude, taken in relationship to monies already expended on the LMFBR program ($1 billion) or monies projected to be expended on the overall program during the course of completion of the LMFBR Demonstration project (possibly $3–4 billion), as to affect the eventual decision on the NEPA review of the LMFBR program.

Dated at Germantown, Maryland, this 20th day of July, 1973.

For the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15316 Filed 7-23-73;8:45 am]

[1] The following contracts to be executed by AEC provide the framework for participation in the project by the several parties involved: AT(49-18)-12 (AEC-Commonwealth Edison-Tennessee Valley Authority and Project Management Corporation; and AT(49-18)-14 (AEC and Breeder Reactor Corporation).

[2] Calvert Cliffs' Coordinating Committee, Inc. v. Atomic Energy Commission, 449 F.2d 1109 (DC Cir. 1971)

[3] A list of those organizations and persons is attached to the Commission's Findings (see infra). Copies of all comments received are on file in the Commission's Public Document Room, 1717 H Street, Washington, D.C. and are available upon request.

[Docket No. 50-219, etc.]

CERTAIN BOILING WATER REACTORS

Petition for Immediate Derating; Request for Comments

In the matter of Friends of the Earth's "Petition for Immediate Derating of Certain Boiling Water Reactors and for Issuance of a Show Cause Order Why the Authorization to Operate These Plants Should Not be Suspended", Dockets Nos. 50-219, 50-237, 249, 254, 265, 50-220, 50-245, 50-263, 50-293.

Notice

On July 12, 1973, Friends of the Earth filed with the Commission the above-styled petition seeking the emergency derating, to an unspecified extent, of nine licensed nuclear power plants identified as follows:

Pilgrim	Boston Edison Company
Dresden 2 & 3	Commonwealth Edison Company
Quad-Cities 1 & 2	Commonwealth Edison Company
Oyster Creek 1	Jersey Central Power & Light Co.
Millstone 1	Millstone Point Company
Nine Mile Point 1	Niagara Mohawk Power Corporation
Monticello	Northern States Power Company

Comments on the legal and substantive safety matters covered by the petition, including the need, if any, for emergency action, are requested from the affected licensees and the Regulatory Staff by July 31, 1973. Any other interested person may submit comments by the same date. All such comments should be addressed to: Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

A copy of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Rules and Proceedings Branch, Office of Administration Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 20th day of July 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15315 Filed 7-23-73;8:45 am]

[Docket No. 50-206, etc.]

SHUTDOWN OF TWENTY NUCLEAR POWER PLANTS

Petition; Request for Comments

In the matter of Ralph Nader and Friends of the Earth's "Petition with Respect to Shut Down of Twenty Nuclear Power Plants". Dockets Nos. 50-206, 50-263, 50-254, 50-213, 50-266, 50-265, 50-219, 50-245, 50-281, 50-220, 50-249, 50-269, 50-244, 50-280, 50-309, 50-237, 50-250, 50-251, 50-261, 50-255.

On July 16, 1973, Ralph Nader and Friends of the Earth filed with the Commission the above-styled petition seeking the shut-down of twenty licensed nuclear power plants identified by cross reference to a suit pending in the United States Court of Appeals for the District of Columbia Circuit (Nader, et al. v. Ray, et al., CA No. 73-1733).

Comments on the legal and substantive safety matters covered by the petition, including the need, if any, for emergency action, are requested from the affected licensees and the Regulatory Staff by July 31, 1973. Any other interested person may submit comments by the same date. All such comments should be addressed to: Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

A copy of the petition is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the petition may be obtained by writing to the Rules and Proceedings Branch, Office of Administration Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 20th day of July 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-15314 Filed 7-23-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25137]

ALLEGHENY AIRLINES, INC.

Notice of Hearing Regarding Service to Glen Falls, NY

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on August 14, 1973, at 10:00 a.m. (local time) in the Supreme Court Room, Warren County Municipal Center, Town of Queensbury, Warren County, New York, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on June 15, 1973, the supplemental prehearing conference report served July 16, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 18, 1973.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.73-15172 Filed 7-23-73;8:45 am]

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FRONTIER AIRLINES, INC.

Notice of Application for Certificate of Public Convenience and Necessity

JULY 18, 1973.

Notice is hereby given that the Civil Aeronautics Board on July 18, 1973, received an application, Docket 25713, from Frontier Airlines, Inc. for amendment of its certificate of public convenience and necessity to provide nonstop service between Colorado Springs, Colorado and Tucson, Arizona.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15173 Filed 7-23-73;8:45 am]

[Docket No. 25310; Order 73-6-92]

HUGHES AIRWEST

Order To Show Cause Regarding Application for Deletion of San Luis Obispo/Paso Robles, California

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of June 1973.

By application filed on March 13, 1973, Hughes Airwest (Airwest) has requested amendment of its certificate of public convenience and necessity for Route 76 so as to delete San Luis Obispo/Paso Robles,[1] (Paso Robles) California there from. On the same date Airwest filed a motion for expedited hearing of its application.

No answers in opposition were filed in response to the application.

Upon consideration of Airwest's request and all the relevant facts, we have decided to issue an order to show cause which proposes to grant the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate so as to delete Paso Robles therefrom.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Airwest's service at Paso Robles has been characterized by declining traffic and excessive costs and is not likely to become economically sound in the future. In 1972, only 3,915 passengers or 3.99 per departure were enplaned at Paso Robles, in contrast to 1969 levels of 9,000 and 4.85, respectively. Contributing factors to this decline have been the geographic proximity of San Luis Obispo, the dominant population base, to the Santa Maria airport,[2] which is served by both Airwest and Swift Aire Lines (Swift), a commuter carrier, and the establishment of service at the Paso Robles and San Luis Obispo airports by Swift in 1969.

Paso Robles is now provided with direct air service by Swift to Los Angeles and San Francisco, through its own airport and the San Luis Obispo airport 33 miles away. In addition, service at Santa Maria, approximately 63 miles south of Paso Robles, is provided by both Swift and Airwest[3] to these two major communities of interest.[4] Moreover, suspension of the current operations at Paso Robles would eliminate an annual subsidy need in excess of $80,000. Under these circumstances, and in the absence of any civic opposition, we find that deletion of the intermediate point San Luis Obispo-Paso Robles from Airwest's certificate is in the public interest.[5]

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Hughes Airwest for Route 76 so as to delete San Luis Obispo/Paso Robles, California, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motion for expedited hearing of Hughes Airwest be and is hereby denied; and

6. A copy of this order shall be served upon Hughes Airwest; District Attorney, County of San Luis Obispo; Mayors, Cities of El Paso de Robles, San Luis Obispo, Santa Maria, Oxnard and Ventura, California; Governor, State of California; California Public Utilities Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15174 Filed 7-23-73;8:45 am]

REEVE ALEUTIAN AIRWAYS, INC.

Order To Show Cause and Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1973.

Application of Reeve Aleutian Airways, Inc., for an amendment of its certificate of public convenience and necessity for route 127, Docket 25493; application of Reeve Aleutian Airways, Inc., for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, Docket 25494; application of Reeve Aleutian Airways, Inc., for an amendment of its certificate of public convenience and necessity for route 127 by show cause procedures, Docket 25495.

By application dated May 2, 1973, Reeve Aleutian Airways, Inc. (Reeve) seeks (1) an amendment of its certificate of public convenience and necessity for route 127 so as to add Amchitka Island as an intermediate point on segment 1 thereof; (2) the grant of the above authority by means of show-cause procedures; and (3) a temporary exemption to serve Amchitka pending effectuation of the requested certificate amendment. No answers to Reeve's application have been received.

Upon consideration of the applications and all relevant circumstances we have tentatively determined that the grant of the requested certificate amendment would serve the public convenience and necessity, and are hereby issuing this order requesting any interested persons to show cause why our tentative determinations should not be made final. Also, we find that enforcement of the certification provisions of the Act (to the extent that they would preclude Reeve's operations at Amchitka pending effectuation of the certificate amendment) would not be in the public interest and would be an undue burden on Reeve by reason of the limited extent of, and unusual circumstances affecting, the operations of the carrier, and we will accordingly grant a temporary exemption from section 401. In support of our actions herein, we tentatively find the facts to be as detailed below.[1]

Amchitka is an island in the Aleutian chain located about 1,400 miles from Anchorage, Alaska, between the islands of Adak and Shemya, both of which are intermediate points on segment 1 of Reeve's route 127. Amchitka was at one time an intermediate point on Reeve's route but was deleted from its certificate in 1959 because of minimal demand.[2] However, in 1965 the Department of Defense began preparations for underground nuclear experiments at Amchitka, and the Board on the basis of the renewed and immediate need for air service involving national defense considerations, granted Reeve a temporary two-year exemption to reinstitute scheduled services to the island.[3] Reeve has continued to serve Amchitka with scheduled services up to the present time.[4]

Reeve states that since the initial DOD experiment, the facilities at Amchitka have been expanded and now house a permanent—but fluctuating—population in furtherance of various research projects of both the DOD and the Atomic Energy Commission (AEC). The population, which has varied from 175 to 750 residents, has generated revenues which, by Alaskan standards, suggest a possible need for scheduled air service. Reeve's actual operating results in terms of passengers, mail, and cargo carried over the last three years on its twice-weekly round trips with large aircraft (currently Lockheed Electras), bears out our tentative conclusion that a need for the services provided exists.[5] Moreover, the national defense considerations which, in part, prompted the Board to grant exemption authority to Reeve in 1965, continue to be characteristic of Amchitka's air service requirements.

Reeve does not receive federal subsidy for its services along the Aleutian archipelago, nor should it require subsidy for the services at Amchitka. In fact, it appears that Reeve's Amchitka services have contributed to its overall system revenues without requiring an expansion of its regular scheduled frequencies, by filling in existing unused capacity on Reeve's regularly scheduled round trips operating between Anchorage and Sheyma and Attu.[6] The carrier estimates that the circuity attributable to serving Amchitka involves direct aircraft operating expenses of $350 per departure. We find this estimate reasonable.[7] On this basis, Reeve's expense at Amchitka in 1972 is estimated at about $60,000 against revenues of $543,000. Thus, service to Amchitka provides a substantial net contribution to Reeve's system without placing any additional burden upon the Federal Treasury.

Finally, there do not appear to be any competitive or diversionary considerations involved here, for Reeve is the only scheduled carrier serving the Aleutian chain and no other carrier has opposed the instant applications or expressed any desire to provide service to Amchitka.

In light of all of the above considerations, we tentatively find that the amendment of Reeve's certificate for route 127 so as to add Amchitka as an intermediate point on segment 1 thereof is required by the public convenience and necessity. We further tentatively find that Reeve is a citizen of the United States within the meaning of the Act and is fit, willing and able to perform such transportation properly and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board promulgated thereunder.

Interested persons will be given thirty days following service of this order to show cause why the tentative findings and conclusions set forth above should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. Gen-

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[1] Both communities are served by Airwest through the airport five miles northeast of Paso Robles.

[2] An answer in opposition was initially filed by the County of San Luis Obispo but was subsequently withdrawn pursuant to a resolution of the County Board of Supervisors, which stated, *inter alia,* that adequate air service would still be provided to Paso Robles in the event that it was deleted from Airwest's certificate.

[3] Both the Paso Robles and Santa Maria airports are 33 miles away from San Luis Obispo.

[4] Excluding Airwest's service at Paso Robles, there are currently: (a) 24 round trips per week between San Luis Obispo airport and Los Angeles, and 44 between that airport and San Francisco; (b) 13 weekly round trips between Santa Maria and San Francisco, and 39 between that airport and Los Angeles (plus five additional northbound Los Angeles-Santa Maria flights); and (c) seven weekly round trips between Paso Robles and Los Angeles and fourteen between Paso Robles and San Francisco. OAG, May 15, 1973.

[5] Moreover, Paso Robles is located on U.S. Highway 101, a multilane superhighway which connects it with San Francisco, San Jose, and Salinas to the north and San Luis Obispo, Santa Maria, Oxnard and Los Angeles to the south. There is frequent Greyhound service to cities on U.S. 101. The estimated driving time between Paso Robles and Santa Maria is approximately 70 minutes and between Paso Robles and San Luis Obispo approximately half that time.

[6] We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

[1] Our findings are tentative only with respect to the requested certificate amendment. They are final in connection with the temporary exemption, subject, of course, to the possibility of reconsideration in accordance with the Board's procedural rules, 14 C.F.R. 302.27.

[2] Order E-13376 (January 14, 1959).

[3] Order E-22274 (June 7, 1965).

[4] Reeve's exemption expired by its terms in 1967, and no further authority was requested until the filing of the instant applications. Accordingly, neither section 9(b) of the Administrative Procedure Act, nor, apparently, any other authority for scheduled operations after 1967 exists. Reeve admits that it has been remiss in not previously seeking certification or renewal of its exemption authority, but represents that its failure to do so was an inadvertent oversight, and that Reeve has made no secret of its continued regular service to Amchitka, as evidenced by its filings since 1967—tariffs, schedules, reports, etc.—with the Board. While the Board is not prepared to condone this type of omission by a carrier, we tentatively find, in the circumstances of this case, that Reeve's apparent violation of the Act should not be a bar to the grant of the authority sought. Reeve is the only scheduled carrier operating in the area and the only carrier expressing an interest in providing services which are, as we tentatively find below, required by the public convenience and necessity. Moreover, Reeve's action does not appear intentional and we do not believe it is indicative of Reeve's disposition to comply with the provisions of the Act and the Board's regulations, which otherwise has been, as far as the Board's records indicate, satisfactory.

[5] According to information supplied by the carrier, service at Amchitka in 1970 accounted for 944 passengers, 41.4 tons of mail, and 22.0 tons of freight, and estimated revenues of $206,300. By 1972, Amchitka services had expanded to encompass 2,260 passengers, 89.7 tons of mail, and 143.1 tons of freight, with estimated revenues of $543,600.

[6] Amchitka is served as an additional stop between Adak and Sheyma.

[7] Reeve states that it has no investment in facilities in Amchitka, and pays only nominal ground servicing charges.

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eral, vague, or unsupported objections will not be entertained.[9]

Turning to Reeve's request for an exemption pursuant to section 416(b) of the Act pending the effectuation of the certificate authority sought here, we note first of all that even though we are acting upon the certificate amendment by expedited procedures, the population of Amchitka, and the DOD and AEC programs conducted on the island, have a clear and present interim need for air transportation which Reeve has been meeting, albeit without apparent authority. In view of the remoteness of the island, the lack of suitable alternative transportation, and the immediate need for the continuation of Reeve's services, we find that the enforcement of section 401 of the Act, to the extent that it would preclude Reeve's operations at Amchitka pending certificate amendment, would not be in the public interest. We further find that enforcement of section 401 would be an undue burden upon Reeve in that Reeve would be deprived of the revenues attendant upon serving Amchitka in the interim,[9] a burden rendered undue (in the strong public interest circumstances of this case) by the limited extent of Reeve's operations,[10] as well as by the unusual circumstances affecting its operations.[11] Thus, we will grant Reeve's application for a *pendente lite* exemption, effective from the date of this order and continuing until such time as the applications in Dockets 25493 and 25495 are finally decided.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of Reeve Aleutian Airways, Inc. for route 127 so as to add Amchitka Island, Alaska, as an intermediate point (between Adak and Sheyma Island) on segment 1 thereof;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 8 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[12]

3. If timely and properly supported objections are filed, full consideration will be accorded the matter and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Reeve Aleutian Airways, Inc., be and it hereby is exempted from the provisions of section 401 of the Act insofar as it would otherwise be precluded from serving Amchitka Island on route 127, segment 1 pending the effective date of the final decision in Dockets 25493 and 25495;

6. Ordering paragraph 5 of this order may be amended or revoked at any time at the discretion of the Board without hearing;

7. Except to the extent granted herein the application of Reeve Aleutian Airways, Inc., in Docket 25494, be and it hereby is denied;

8. A copy of this order shall be served upon the Governor, State of Alaska; the Alaska Transportation Commission; the Postmaster General (attention: Assistant General Counsel of Transportation), Post Office Department; the Department of Defense; the Atomic Energy Commission; and all air carriers certificated pursuant to the Act to serve a point or points in the State of Alaska.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15175 Filed 7-23-73;8:45 am]

[Docket Nos. 25252, 25253; Order 73-6-81]

TEXAS INTERNATIONAL AIRLINES, INC.

Order Denying Temporary Suspension and Petition for Order To Show Cause and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of June 1973.

In the matter of the application of Texas International Airlines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of the certificate of public convenience and necessity for route 82 so as to delete Lufkin, Texas from segment 4, Dockets 25252 and 25253.

On February 27, 1973, Texas International Airlines, Inc. (TXI) filed an application for an amendment of its certificate of public convenience and necessity for route 82 so as to delete Lufkin, Texas, as an intermediate point on segment 4 thereof.[1] Concurrently therewith, the carrier filed in Docket 25253 an application, pursuant to Part 205 of the Board's Economic Regulations, requesting that it be permitted to suspend service temporarily at Lufkin until 30 days after Board action on its application for certificate amendment; and, a petition requesting the Board to process the deletion application by show cause procedures.

In support of its filings TXI has alleged, inter alia, that Lufkin is a marginal point which cannot be economically served, due in part to the proximity of the Houston Intercontinental Airport where far superior air service is available.[2] The carrier further alleges that the forecast subsidy payments per passenger for service to Lufkin are not justified because Lufkin is not isolated.[3]

An answer in opposition to TXI's application to temporarily suspend service at Lufkin was filed jointly by the Angelina County Chamber of Commerce, the Mayor of the City of Lufkin, and the Angelina County Airport Board (hereinafter referred to as the civic parties). The civic parties allege, *inter alia*, that notwithstanding complaints that have been "passed on to TXI" concerning inadequate scheduling, little has been done to improve the scheduling; that bus transportation to Dallas (about five hours) is not a viable substitute for air service and that no direct bus service is provided from Lufkin to the Houston airport; and, that TXI has failed to advertise and market the airline's service to Lufkin.

TXI did not file a reply to the answer.

Upon consideration of the pleadings and all of the relevant facts, we have decided to deny TXI's application for a temporary suspension and petition for an order to show cause, and to set for hearing TXI's application for an amendment of its certificate so as to delete Lufkin therefrom.

We note that in the absence of replacement service, Lufkin will be without air transportation and, under all the circumstances, we find it is appropriate to consider in an evidentiary record the conflicting contentions of the parties.[4]

Accordingly, it is ordered, That:

1. The application of Texas International Airlines, Inc. in Docket 25253 for a temporary suspension of service be and it hereby is denied;

2. The petition of Texas International Airlines, Inc. in Docket 25253 for an order to show cause be and it hereby it is denied;

3. The application of Texas International Airlines, Inc. in Docket 25252 be and it hereby is set for hearing at a time and place to be hereafter designated; [5] and

4. A copy of this order shall be served upon Texas International Airlines, Inc.; Mayor, City of Lufkin; Director, Texas Aeronautics Commission; Manager, Lufkin Airport; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15176 Filed 7-23-73;8:45 am]

[9] In light of the circumstances that Reeve has been operating the proposed service, albeit without apparent authority, we will not require the carrier to estimate the annual gross transport revenues for the future year for purposes of computing the license fee pursuant to section 389.25(a)(2) of the Board's regulations. Rather, the fee will be computed on the basis of the revenues of Reeve's last full calendar year of operations at Amchitka (1972) as estimated in Exhibit C of its application in Docket 25495.

[10] Amchitka services accounted for about 9 percent of Reeve's system revenues in 1972.

[11] Reeve's system operations are limited in extent in comparison to other Alaskan certificated carriers. Thus, it enplaned 8 percent and 13 percent of the total passengers enplaned by Alaska Airlines and Wien Consolidated Airlines, respectively (12 months ending March 31, 1973). Moreover, the exempted services are also limited in extent, involving only one point, no additional frequencies, and a circuity from the nonstop Adak-Sheyma flight pattern of only 22 miles.

[12] The unusual circumstances include the facts that Reeve is the sole certificated scheduled carrier operating or willing to operate in the area, that Amchitka is remote from all other air carrier routes save Reeve's, and that Reeve can consequently provide the interim service needed with minimal monetary outlay and no competitive impact upon other carriers.

[13] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Filed in Docket 25252.

[2] Houston Intercontinental Airport is 100 miles from Lufkin and driving time is 1 hour and 40 minutes.

[3] The average number of passengers enplaned per day at Lufkin has declined from a high of 11.2 per day in 1969 to 6.5 per day in 1972.

[4] See *e.g.*, Order 70-11-72, November 18, 1970, and Order 71-12-68, December 16, 1971.

[5] As as alternative to deletion, we shall place in issue whether the public interest requires the temporary suspension of service by Texas International, with or without conditions.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Housing Research, Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-15155 Filed 7-23-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of Subsidized Housing Programs, Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-15156 Filed 7-23-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 a.m., Wednesday, August 1, 1973, at 2025 M Street, N.W., Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 20, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-15261 Filed 7-20-73;3:46 pm]

ENVIRONMENTAL PROTECTION AGENCY

2,4,5-TRICHLOROPHENOXYACETIC ACID

Statement of Issues

Pursuant to the accompanying notice of intent to hold a hearing, it is hereby ordered that the following issues be addressed by such hearing together with any other issues which the Administrative Law Judge deems relevant, namely:

I. Whether 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) products presently registered, or other material submitted in support of these registrations, complies with the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, as amended; and

II. Whether 2,4,5-T will perform its intended function without unreasonable adverse effects on the environment.

III. Whether, when used in accordance with widespread and commonly recognized practice, 2,4,5-T generally causes unreasonable adverse effects on the environment, as defined by the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

IV. Whether the registrations of 2,4,5-T should be cancelled or its classification changed.

V. The answers to these issues should relate to the following subsidiary questions, as well as to the ten issues delineated in the 2,4,5-T Orders of the Administrator of November 4, 1971 and April 13, 1972; (I. F. & R. Docket No. 42 and No. 44) and to such additional questions as the Administrative Law Judge finds relevant, namely:

A. The health hazards to man and to other animals which may be caused by 2,4,5-T and/or its extremely toxic contaminant, 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD), with emphasis on the following:

1. Is 2,4,5-T or TCDD a teratogen?
2. Does 2,4,5-T or TCDD induce other adverse reproductive effects?
3. Is 2,4,5-T or TCDD a mutagen?
4. Is 2,4,5-T or TCDD a carcinogen?
5. Can exposure to 2,4,5-T or TCDD induce sub-lethal chronic health effects?
6. Can chronic, low-level exposure to 2,4,5-T and/or TCDD cause delayed lethality?

B. The extent of the health risk for man and other animals posed by 2,4,5-T and TCDD, with emphasis on the following conditions:

1. Can additional TCDD be generated in the environment by the thermal stress of 2,4,5-T or its metabolites?
2. Can 2,4,5-T or TCDD persist and bioaccumulate in the environment?
3. What are the avenues of human and animal exposure to 2,4,5-T and TCDD? For example, can aerial drift or water transport of 2,4,5-T or TCDD cause movement of these compounds away from the site of application?
4. Are 2,4,5-T or TCDD residues being stored and accumulated in the human food supply and in human and animal tissue, including humans and wildlife directly exposed to 2,4,5-T?
5. Are other dioxins and similar contaminants, besides TCDD, present in 2,4,5-T and, if so, what risks to health do they constitute?
6. What are other environmental sources of dioxins particularly TCDD, and do these sources enhance the total dioxin body burden and exacerbate the health risks raised by 2,4,5-T and related TCDD?
7. What are the current levels of dioxins in registered 2,4,5-T products and in technical material used to formulate these products?
8. Do the current methods of manufacture of 2,4,5-T provide for consistently low levels of dioxins in the final technical product and what are the quality control measures used to minimize dioxin levels?

C. The necessity for the continuation of the registered uses of 2,4,5-T, with emphasis on the following:

1. What are the pests which each registered use is intended to control and the degree of control achieved by each use?
2. What is the cost, timing, and rate of application of 2,4,5-T for each use?

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3. What alternative controls exist for each registered use and what is the cost and effectiveness of each alternative.

4. Do alternative pesticide products cause adverse environmental effects?

5. What are the economic implications of these alternatives, including that of no control?

Done this 19th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-15190 Filed 7-23-73;8:45 am]

[I. F. & R. Docket No. 295]

2,4,5-TRICHLOROPHENOXYACETIC ACID

Intent To Hold Hearing

Please take notice that pursuant to the authority vested in me by section 6(b) (2) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, I hereby issue a notice of my intention to hold a hearing on all registered uses of 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T) other than on the use for rice which was was cancelled on May 1, 1970 (USDA-PRD 70-13), as reaffirmed by Order of August 6, 1971 (36 FR 1477, Aug. 11, 1971). It is my intention that the public hearing concerning the use on rice, (I. F. & R. Consolidated Docket Nos. 42, 44, 45 & 48) be consolidated with the hearing I have called today for all other uses and that all hearings commence in April, 1974. The start of the hearing is being delayed until then to permit the Agency to complete an environmental and human monitoring project on the presence of the tetrachlorodioxin impurity found in 2,4,5-T and the extent to which the dioxin may adversely affect human and animal health.

Please take further notice that any person wishing to become a party to this hearing called by me today on all other uses of 2,4,5-T shall file a response to the accompanying statement of issues, published herewith, with the Hearing Clerk, Environmental Protection Agency, Waterside Mall, Washington, D.C. 20460, on or before August 23, 1973.

Done this 19th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-15189 Filed 7-23-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 160]

LSM CORP.

Notice of Receipt of Application for Permission To Acquire Control of Eastland Savings and Loan Association

JULY 18, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from LSM Corporation, Minneapolis, Minnesota, for approval of acquisition of control of the Eastland Savings and Loan Association, Anaheim, California, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Eastland Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 23, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.73-15187 Filed 7-23-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-5]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 5, 1973, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of synthetic natural gas (SNG) in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern). Applicant's natural gas supplier, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the Commission's Opinion No. 637 issued on December 7, 1972, in Docket Nos. CP72-35, *et al.*, authorized its subsidiary, Algonquin SNG, Inc., to sell the entire output of its SNG plant at Freetown, Massachusetts, 120,000 Mcf per day, to Applicant for resale to its existing customers during the winter period from October 16 through April 15. Applicant estimates that the requirements of its customers during that period will not exceed the maximum daily capacity of the plant in the foreseeable future.

Applicant proposes to sell for ten years the balance of the SNG plant's output not required by its existing customers to Texas Eastern on a daily basis. This is expected to consist of almost all of the plant's summertime output, 110,000 to 120,000 Mcf of SNG per day, and a portion of the wintertime output, estimated to be 28,539 Mcf of SNG per day in 1973-74, 23,439 Mcf per day in 1974-75, and 18,819 Mcf per day in 1975-76, subject to Applicant's customers' periodic revision of their gas requirements. It is stated that deliveries will be made by means of a displacement arrangement whereby Applicant "backs off" on its takes from Texas Eastern at the existing delivery points. Applicant proposes to charge Texas Eastern under its existing SNG-1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for the winter sales an estimated average rate of $1.9814 per Mcf of SNG and under its proposed SNG-2 Rate Schedule, FPC Gas Tariff, Original Volume No. 1, for summer sales an average rate of $1.3802 per Mcf of SNG. These rates are predicated on a naptha and propane commodity rate of $1.2443 per Mcf and will vary with the feedstock cost to Algonquin SNG. If Applicant's contract with its feedstock supplies permit, Texas Eastern has the right to substitute its own feedstock at prices not in excess of that available to Applicant under contract.

The stated purpose of the proposed sale is to help alleviate the burden of expected curtailments of deliveries, estimated to be in the neighborhood of 17 percent in the coming year, by Texas Eastern upon its customers. Also, it is stated that operation of the SNG plant during the entire year will make a substantial contribution toward recovering Algonquin SNG's fixed cost at a time when Applicant is incurring other large costs in mounting the SNG project and the proposed LNG project (Docket Nos. CP73-139 and CP73-197).

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH P. PLUMB,
Secretary.

[FR Doc.73-15124 Filed 7-23-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Motion To Dismiss Proceeding

JULY 16, 1973.

Take notice that on July 10, 1973, the cities of Danville, Bedford, Martinsville, Salem, Radford and Virginia Polytechnic Institute and State University, intervenors in the docket number above (Intervenors) filed a motion to dismiss the proceeding instituted under section 206 of the Federal Power Act in this action.

Intervenors state that the section 206 proceeding was instituted by the Commission's order of December 15, 1972 which accepted in part and rejected in part the application of Appalachian Power Company (Appalachian) filed September 21, 1972, for a rate increase under Section 205. The rejected portion of the section 205 application was reinstated by the Commission as a section 206 proceeding and set jointly with the accepted section 205 proceeding for hearing.

Intervenors assert their motion to dismiss is predicated upon (1) Appalachian's failure to prosecute the section 206 proceeding; (2) Appalachian's election to seek judicial review of the Commission's December 15, 1972, order rather than pursue the section 206 question in hearing; (3) Appalachian's failure to meet its burden of proof under Section 206, and, (4) the rates are actually discriminatory against the Intervenors rather than Appalachian as section 206 requires.

Appalachian's response to the motion may be filed with the Federal Power Commission, 825 North Capitol St., NE, Washington, D.C. 20426 on or before July 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15127 Filed 7-23-73 8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Complaint of Unlawful and Discriminatory Rates

JULY 16, 1973.

Take notice that on July 10, 1973, the town of Richlands, Virginia, and the city of Martinsville, Virginia, tendered for filing a complaint charging that the rates of Appalachian Power Company (Appalachian) were discriminatory with respect to those two cities.

Richlands and Martinsville assert that their contracts with Appalachian specify that the rates charged to them are to be equivalent with the rates Appalachian charges its large industrial customers. Further, both Richlands and Martinsville state that since March 23, 1973, Appalachian has been charging a different, higher rate to the two cities than it charges the large industrial customers in violation of the aforementioned contracts.

The rates in question were first proposed by Appalachian in an application to the Commission on September 21, 1972. The Commission suspended the rates for the five month statutory period by order on October 20, 1973. The rates were allowed to go into effect on March 23, 1973, subject to refund. A hearing in the proceeding is pending.

The company's response to the complaint may be filed with the Federal Power Commission, 825 North Capitol St., NE., Washington, D.C. 20426 on or before July 26, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15126 Filed 7-23-73;8:45 am]

[Docket No. E-8250]

ARKANSAS POWER & LIGHT CO.

Extension of Time

JULY 16, 1973.

On July 6, 1973, Arkansas Power and Light Company filed a motion for an extension of time to respond to the Protest, Motion to Reject, and Petition to Intervene filed by publicly-owned wholesale customers on June 28, 1973, and amended on July 2, 1973.

Upon consideration, notice is hereby given that an extension is granted to and including July 23, 1973, within which answers may be filed to the above-mentioned protest and petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15125 Filed 7-23-73;8:45 am]

[Docket No. CI74-12]

AUBREY C. BLACK (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, Aubrey C. Black (Applicant), 1012 Republic National Bank Tower, Dallas, Texas 75201, filed in Docket No. CI74-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Applicant's interest in the No. 3-23 Weaver Well, in the Milder Field, Ellis County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an average daily quantity of 3,000 Mcf of gas for one year at 46.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from 930 Btu per cubic foot and reimbursement for all new and existing taxes, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant estimates that initial upward Btu adjustment will be 6.68 cents per Mcf and initial tax reimbursement will be 3.684 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commisison on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15079 Filed 7-23-73;8:45 am]

[Docket No. CI74-17]

BROWN & McKENZIE, INC.

Notice of Application

JULY 18, 1973.

Take notice that on July 12, 1973, Brown & McKenzie, Inc. (Applicant), 1120 Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI74-17 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the East Ramsey Field Area, Colorado County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on July 3, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring

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to be heard or to make any protests with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petiton to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15123 Filed 7-23-73;8:45 am]

[Docket No. CI74-13]

CAPITAL RESOURCES, INC. (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, Capital Resources, Inc. (Applicant), 2020 NBC Building, San Antonio, Texas 78205, filed in Docket No. CI74-13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Benavides Field, Duval County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 105,000 Mcf of gas per month for two years at 50.0 cents per Mcf at 14.65 psia, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15080 Filed 7-23-73;8:45 am]

[Docket No. E-7925]

CINCINNATI GAS AND ELECTRIC CO.

Extension of Time

JULY 16, 1973.

On July 12, 1973, Staff Counsel filed a motion for a postponement of the procedural dates established by the order issued March 1, 1973. The motion states that Cincinnati Gas and Electric Company and Union Light, Heat and Power Co. have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff's testimony and exhibits service date.	July 31, 1973
Interveners' testimony and exhibits service date.	August 14, 1973
Cincinnati's rebuttal service date.	August 28, 1973
Prehearing conference.	August 30, 1973 (10:00 a.m., EDT)
Hearing.	September 27, 1973 (10:00 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15130 Filed 7-23-73;8:45 am]

[Docket No. CP74-6]

CITIES SERVICE GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-6 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of replacement pipeline facilities and for permission and approval to abandon in place pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place two segments, one of approximately 3.9 miles and the other approximately 3.3 miles in length, of its existing 8-inch Valley Falls pipeline in Jefferson County, Kansas, and to replace them with equivalent segments of 6-inch pipeline. It is stated that the facilities to be abandoned and replaced are operationally obsolete and can no longer be economically maintained and operated. Because of the deterioration on the two segments to be abandoned, Applicant states that there is a high risk of further outages and interruption of services to its customers. The total cost of the proposed facilities is $200,000, which will be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15131 Filed 7-23-73;8:45 am]

[Docket No. CP74-4]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JULY 13, 1973.

Take notice that on July 5, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE, Charleston, West Virginia 25314, filed in Docket No. CP74-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas for synthetic gas (SG), as mixed with natural gas, with the Columbia LNG Corporation (Columbia LNG) and the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver to Columbia LNG, its affiliate, at Columbia LNG's Reforming Plant near Green Springs, Ohio, approximately 300,000 Mcf of gas in daily increments of up to 10,000 Mcf beginning September 1, 1973. It is stated that Columbia LNG will redeliver like volumes of SG, as mixed with natural gas, at a rate of 30,000 to 50,000 Mcf per day prior to January 1, 1974.

The purpose of the proposed exchange is to enable Columbia LNG to prepare for commencement of deliveries of SG from its Reforming Plant now under construction on or about January 1, 1974, pursuant to the terms and conditions of Applicant's proposed SG Exchange Service currently pending Commission determination in Docket No. CP73-223. It is stated that the gas delivered to Columbia LNG will be used for fuel, as a drying agent and as a source of hydrogen during the commissioning period.

Applicant also proposes to construct and operate the necessary connecting facilities adjacent to the Reforming Plant to facilitate the proposed exchange. Applicant further requests authorization for the permanent operation of the proposed facilities in order to accept deliveries of SG, as mixed with natural gas, as requested in the application now pending in Docket No. CP73-223. The cost of the proposed facilities is $66,000 which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15132 Filed 7-23-73;8:45 am]

[Docket No. CP74-9]

CONSOLIDATED GAS SUPPLY CORP., ET AL.

Notice of Application

JULY 17, 1973.

Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation, The Sylvania Corporation, Texas Eastern Transmission Corporation.

Take notice that on July 10, 1973, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, Columbia Gas Transmission Corporation (Columbia), 1700 McCorkle Avenue, SE, Charleston, West Virginia 25314, The Sylvania Corporation (Sylvania), 308 Seneca Street, Oil City, Pennsylvania 16301, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74-9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated and Sylvania propose, pursuant to an agreement between all Applicants dated February 7, 1973, to deliver up to 25,000 Mcf of gas per day for three years produced from the newly discovered Pineton Field in Indiana and Cambria Counties, Pennsylvania, to Columbia for redelivery through the proposed facilities to Columbia's No. 1711 16-inch transmission line. Columbia will return equivalent volumes of gas to Consolidated and Sylvania by displacement through Texas Eastern's pipeline facilities in Texas Eastern's Zone C in Pennsylvania. Consolidated will redeliver Sylvania's share to Sylvania's affiliate, United Natural Gas Company, for Sylvania's account. Applicants state that the proposed deliveries are intended to be uniform and balanced on a daily basis, but any of the parties can require a balancing once every three months. Applicants also state that if the proposed exchange is authorized the exchange agreement of February 7, 1973, will be filed as a rate schedule in each Applicant's respective FPC Gas Tariff, Volume No. 2.

To facilitate the exchange, Columbia proposes to construct and operate approximately 3.9 miles of 8-inch pipeline and appurtenant measuring facilities extending from a point in the Pineton Field to Columbia's No. 1711 16-inch transmission line. It is stated that the construction, operation, and maintenance costs of the proposed facilities and the ownership thereof will be shared by the Applicants in the following proportions: Columbia 37.57 percent, Consolidated 55.05 percent, and Sylvania 7.38 percent. The total cost of the proposed facilities is $295,800 which will be financed by Columbia, Consolidated and Sylvania from funds generated by internal sources. In addition, Columbia states that it also intends to transport through the proposed facilities up to 15,000 Mcf of gas per day purchased from Felmont Oil Corporation from production in the Pineton Field.

The purpose of the proposed exchange of gas and pipeline construction is to enable new supplies of gas to become available to Applicants without the necessity of constructing duplicate facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to inter-

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vene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15133 Filed 7-23-73;8:45 am]

[Docket No. CP69-23]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JULY 16, 1973.

Take notice that on July 5, 1973, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP69-23 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize a change in Petitioner's delivery obligation for the City of Spur, Texas (Spur), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner was authorized by the Commission's order of August 21, 1969, in said docket (42 FPC 562), as amended March 29, 1970 and December 27, 1972, among other things, to sell and deliver up to 1,720 Mcf of gas per day to Cap Rock Gas Co., Inc. (Cap Rock), for resale and distribution in the City of Spur, Texas, pursuant to a contract dated December 31, 1965, which comprises Petitioner's FS-2 Rate Schedule, FPC Gas Tariff, Original Volume No. 2A. Petitioner was advised that, effective May 1, 1973, Spur acquired from Cap Rock all the distribution facilities serving the city and Petitioner subsequently entered into a gas sales contract with Spur dated May 1, 1973. Petitioner now proposes to sell for ten years up to 900 Mcf of gas per day to Spur and its environs in accordance with its X-1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1 and cancel its FS-2 Rate Schedule. Petitioner states that the reduction in its delivery obligation to Spur will not result in any curtailment of service as it more accurately reflects Spur's actual requirements.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15134 Filed 7-23-73;8:45 am]

[Docket No. CP74-11]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 10, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-11 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain tap facilities in place, by salvage and by removal and natural gas service to Southern Union Gas Company (Southern Union) and Arizona Public Service Company (APS) from said taps on Applicant's Southern Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued on August 21, 1969, in Docket No. CP69-23 (42 FPC 562), Applicant was authorized, among other things, to continue service to Southern Union through two taps in San Juan County, New Mexico: the Halliburton Shop Tap and the R. D. Golding Tap. It is stated that a third tap, the Charles A. Moore Tap, therein used, in Valencia County, New Mexico, was installed in 1959 without certificate authorization. It is further stated that the W. B. Swallen Tap and the James R. Burger Tap in Maricopa County, Arizona, used to serve APS, were installed in 1951 and 1956, respectively, without certificate authorization.

Applicant proposes to abandon the three taps serving Southern Union pursuant to letter agreements dated April 5, 1973, March 22, 1973, and February 1, 1973. It is stated that service to the customers previously served by the three taps is now being rendered by Southern Union through its own system. Applicant also proposes to abandon the two taps in Maricopa County serving APS pursuant to letter agreements dated December 1, 1972, and February 6, 1973. It is stated that the customer served by the W. B. Swallen Tap is now being served by APS through its own system and the customer served by the James R. Burger Tap has requested discontinuance of said service.

Applicant further proposes to abandon by removal all surface materials of the five taps, except for the materials at the Halliburton Shop Tap which will be salvaged, and to abandon in place all the subsurface materials of the five taps. The total cost of the proposed abandonments is $775.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application of no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15135 Filed 7-23-73;8:45 am]

[Docket No. CI74-5]

GAS GATHERING CORP.

Notice of Application

JULY 13, 1973.

Take notice that on July 2, 1973, Gas Gathering Corporation (Applicant), P.O. Box 519, Hammond, Louisiana 70401, filed in Docket No. CI74-5 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Texaco Inc. from the tailgate of Anchor Gasoline Corporation's East Krotz Springs plant in Pointe Coupee Parish, Louisiana, to Transcontinental Gas Pipe Line Corporation's Sherburne Meter Station in Pointe Coupee Parish, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport approximately 240,000 Mcf of gas per month at 2.5 cents per Mcf at 15.025 psia, plus 0.25 cent per Mcf facility charge. On April 16, 1973, Texaco Inc. filed in Docket No. CI73-696 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation for one year within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15136 Filed 7-23-73;8:45 am]

[Docket No. CP73-327]

JUPITER CORP.

Notice of Application

JULY 16, 1973.

Take notice that on June 1, 1973, The Jupiter Corporation (Applicant), 400 East Randolph Street, Chicago, Illinois 60601, filed in Docket No. CP73-327 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Transcontinental Gas Pipeline Corporation (Transco) from the Mula Pasture Field, McMullen County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon, due to depletion of reserves, the sale of natural gas authorized in Docket No. CI62-1153 to be made pursuant to its FPC Gas Rate Schedule No. 2.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15123 Filed 7-23-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice Deferring Procedural Dates

JULY 17, 1973.

By notice issued April 18, 1973, the procedural dates, the prehearing conference and the hearing were postponed. On June 8, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement in the above-designated matter. On July 16, 1973, Great Lakes Gas Transmission Company filed a motion for postponement of the procedural dates pending Commission action on the proposed settlement.

Upon consideration, notice is hereby given that the procedural dates in the above matter are postponed pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15137 Filed 7-23-73;8:45 am]

[Docket No. CP74-8]

LOUISIANA-NEVADA TRANSIT CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Louisiana-Nevada Transit Company (Applicant), 821 17th Street, Denver, Colorado 80202, filed in Docket No. CP74-8 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from acreage in the Shongaloo Field, Webster Parish, Louisiana, and delivery of said gas to United at the Beacon Gasoline Company plant in Webster Parish, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been advised by its supplier-producers that beginning next winter they will begin recycling operations and within a few months thereafter all gas deliveries from the Walker Creek Field, Lafayette and Columbia Counties, Arkansas, will cease for several years. Applicant has acquired additional supplies of gas from the Shongaloo Field in Webster Parish from Crystal Oil Company (Crystal). In order to secure the gas reserves from Crystal, Applicant began taking the reserves prior to the loss of its Walker Creek supply. Crystal commenced the sale on June 15, 1973, to Applicant of up to 10,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia with deliveries through Beacon Gasoline Company's plant in Webster Parish, within the contemplation of section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29). Crystal has filed in Docket No. CI73-914 an application for a certificate authorizing said sale to Applicant for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant states that the purchase from Crystal will exceed its gas requirements during the interim period until the gas deliveries cease from the Walker Creek Field.

Applicant states that it commenced the sale of gas to United on June 15, 1973, within the contemplation of Section 157.22 of the Regulations and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of section 2.70 of the Commission's General Policy and Interpretations. Applicant proposes to sell such volumes of gas that exceed its needs up to 10,000 Mcf per day, at 45.0 cents per Mcf at 15.025 psia. The stated purpose of said sale is to help alleviate the shortage on United's system while insuring that Applicant can maintain adequate service to its customers upon the closing of the Walker Creek Field.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desir-

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ing to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15138 Filed 7-23-73;8:45 am]

[Docket Nos. CI73-723 CI73-724 CI73-732]

THE PETROLEUM CORP. OF DELAWARE, ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedure

JULY 16, 1973.

The Petroleum Corporation of Delaware Hanover Planning Company, Inc. Florida Gas Exploration Company

On April 27 and April 30, 1973, Florida Gas Exploration Company (Florida Gas Exploration) in Docket No. CI73-732, The Petroleum Corporation of Delaware (Petroleum Corporation) in Docket No. CI73-723, and Hanover Planning Company, Inc. (Hanover) in Docket No. CI73-724 filed applications requesting issuance of limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's Regulations thereunder, for the sale of gas to Florida Gas Transmission Company (Florida Gas Transmission) from acreage in the North Chacahoula Field, Assumption and Lafourche Parishes, South Louisiana.

Specifically, all three applicants hold oil and gas leases, or interests thereof, covering lands in the North Chacahoula Field. The Petroleum Corporation of Delaware owns and purposes to sell to Florida Gas Transmission 50 percent of the production available from this acreage which amounts to approximately 180,000 Mcf per month. Hanover and Florida Gas Exploration each own and propose to sell to Florida Gas Transmission their 25 percent of the production which amounts to approximately 90,000 Mcf per month each. The proposed rate is 50¢ per Mcf, subject to upward and downward Btu adjustment plus 1.0¢ for tax reimbursement.

All three Applicants have requested that the intermediate decision be omitted, that oral hearing be waived and that the applications be heard under the shortened procedure afforded by section 1.32 of the Commission's rules of practice and procedure.

The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificates on the terms proposed in these applications.

A late petition to intervene in each of the above applications was filed by Florida Gas Transmission on May 29, 1973.

The Commission finds:

(1) Docket Nos. CI73-723, CI73-724 and CI73-732 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Florida Gas Transmission in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) The Applicants' request that the intermediate decision be omitted, that oral hearing be waived and that the applications be heard under the shortened procedure afforded by section 1.32 of the Commission's rules of practice and procedure is not in the public interest and is hereby denied.

(C) Florida Gas Transmission is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* that the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 15, 1973, at 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by the applicants.

(E) On or before July 30, 1973, The Petroleum Corporation of Delaware, Florida Gas Exploration, Hanover and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(F) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5 (d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15139 Filed 7-23-73;8:45 am]

[Docket No. CI74-14]

MARTIN EXPLORATION CORP.

Notice of Application

JULY 18, 1973.

Take notice that on July 10, 1973, Martin Exploration Corporation (Applicant), 4900 Veterans Boulevard, Suite 216, Metairie, Louisiana 70002, filed in Docket No. CI74-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Wildcat Bayou Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on July 3, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment. Estimated upward Btu adjustment is 3.375 cents per Mcf. Initial deliveries are expected to be approximately 45,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15078 Filed 7-23-73;8:45 am]

THE MONTANA POWER CO.

[Project No. 2301]

Proposed Determination of "Fair Value" of Constructed Project

JULY 18, 1973.

Notice is hereby given that the staff of the Federal Power Commission proposes to recommend to the Commission that it determine the "fair value" of the constructed Mystic Lake Project (Project) of The Montana Power Company (Company or Licensee), designated in the Commission's records as Project No. 2301, to be $4,350,000 as of December 1, 1961, the effective date of the original license for the Project, all within the meaning and subject to the requirements of Article 19 of such original license, as modified on February 17, 1965 (33 FPC 234, 235) and section 23(a) of the Federal Power Act (49 Stat. 846; 16 U.S.C. 816). See also sections 4.10 through 4.14 of Part 4 of the Commission's regulations under the Act (18 CFR 4.10–4.14) and section 1.32(a) of the Commission's rules of practice and procedure (18 CFR 1.32(a)).

Article 19 of the original license for the Project as modified on February 17, 1965, referred to above, provides as follows:

The fair value of the project shall be determined in accordance with section 23(a) of the Act and the rules and regulations of the Commission, and the Licensee hereby agrees to accept such fair value so determined as being the net investment in the project as of the effective date of the license.

Licensee filed with the Commission on October 6, 1965 a statement claiming an estimated "fair value" of $5,333,995 for the Project as of December 1, 1961.

The Project is a hydroelectric development which includes a 10,000 kilowatt generating plant and which is located on Mystic Lake and West Rosebud Creek, a tributary of the Stillwater River, in Stillwater County, Montana. The Project occupies lands of the United States within Custer National Forest. The output of the Project is fed into the Company's electric transmission system for sale and delivery to its customers.

The original license authorizing the operation and maintenance of the Project under Part I of the Federal Power Act expired by its terms on December 31, 1969. Since that date the Project has been operated and maintained under various annual licenses issued by the Commisison under section 15(a) of the Act to the Company. An application for a new license for the Project filed by the Company on December 23, 1968 and subsequently amended, pursuant to said section 15(a), is currently being processed by the Commission's staff.

The valuation of $4,350,000, referred to above, was arrived at as the result of conferences between the Commission's staff and Licensee's representatives, who are in agreement that such amount should be adopted by the Commission as the "fair value" of the Project as of the effective date of the original license for the Project. The conferences were held after Licensee filed its claimed "fair value" statement referred to above.

The Public Service Commisison of Montana, by letter filed on June 9, 1967, indicated that it has no objections to the proposed "fair value" determination for the Project as described above.

Any person desiring to be heard or to make any protest with reference to the determination of the "fair value" of Project No. 2301 as proposed by the Commission's staff, as described above, should on or before August 10, 1973 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15141 Filed 7-23-73;8:45 am]

[Docket Nos. CP72-233, CP73-15, CI72-677 and CI73-231]

NATURAL GAS PIPELINE CO. OF AMERICA AND TEXACO INC.

Order Providing for Prehearing Conference

JULY 13, 1973.

By order of May 23, 1973, the Commission granted certificates to Natural Gas Pipeline Company of America (Natural) and to Texaco Inc. for the construction of facilities and the sale of gas to be produced offshore Texas. 80 percent of the gas was to be sold by Texaco to Natural at 24.0 cents per Mcf. The remaining 20 percent was to be sold by Texaco to Natural at 35.0 cents per Mcf for one year from the date of initial deliveries or until April 1, 1974, whichever is earlier. Texaco had entered into an agreement with Natural by which Natural was to transport this 20 percent of the gas for Texaco's own use at its refinery in Illinois. The interim sale approved by the Commission is to permit resolution of the issues relating to the transportation of Texaco's gas in these proceedings. The Commission provided for a hearing on June 19, 1973, and prescribed a schedule for the filing of evidence.

On May 29, 1973, Natural and Texaco filed a joint motion requesting that a prehearing conference be convened for the purpose of narrowing the issues, rescheduling the various procedural dates, and examining the possibility of continuance of this proceeding pending resolution of the policy issues in Tennessee Gas Pipeline Co., Docket Nos. CP72-6, *et al.*, in which an initial decision was issued July 5, 1973. Natural and Texaco contend there is no apparent need for undue expedition of this proceeding, for certificates for the construction of all facilities and the sale of all gas have or will be accepted, thereby assuring service to the public. If a prehearing conference is denied, they ask for an extension of the procedural dates. Counsel stated that the Public Service Commission of New York, Consolidated Edison Company of New York, Mobil Oil Corporation and Northern Illinois Gas Company support the convening of a prehearing conference and the continuance of the procedural dates. By letter of May 30, 1973, Associated Gas Distributors expressed the same view.

In an answer filed May 31, 1973, Commission Staff opposed any delay in the hearing, arguing that it was in violation of Commission policy, and objected to a prehearing conference, contending that this was dilatory. By notice of June 13, 1973, the Secretary of the Commission

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extended the service dates and the date for the commencement of the hearing to July 17, 1973. He stated that action on the request for a prehearing conference would be by subsequent order. By telegram filed June 8, 1973, Texaco replied to certain allegations of the Staff.

On June 19, 1973, the Staff filed a response to the motion of Natural and Texaco. Staff argues that Texaco has no present need for the gas and the proposed transportation arrangement may be considered a device for the production of gas at 35 cents per Mcf rather than at the area rate of 24 cents. Staff recommends that the request for a prehearing conference be denied and the hearing date be set on July 9, rather than on July 17, as provided by the Secretary in his notice of June 13, 1973. By notices the Secretary again extended the dates for the service of evidence by applicants and persons in support of the application until July 17, 1973, answering evidence until July 27, 1973, and the commencement of the hearing until August 7, 1973.

In our opinion this proceeding should go forward as long as it would serve a useful purpose. However, we recognize that the Tennessee case, supra, raises a similar issue with respect to the transportation of natural gas from the Federal domain offshore Louisiana to certain refineries and chemical plants in the Gulf Coast area. We shall therefore grant the motion of Natural and Texaco for a prehearing conference. At the conference the Administrative Law Judge and the parties should endeavor to find the issues that may be determined in a hearing while deferring the policy questions relating to the transportation of gas by a pipeline for a producer to its chemical plants and refineries until a determination has been made in Tennessee. If there are such issues, the hearing should go forward. If not, further application should be made to us to defer the hearing pending a determination in Tennessee.

The Commission orders:

(A) A prehearing conference shall be held on August 7, 1973, at 10:00 a.m. (e.d.t.) at the Offices of the Federal Power Commission, 825 North Capitol St., NE, Washington, D.C., 20426, for the purpose of (1) narrowing the issues, and (2) finding which issues may usefully be considered in a hearing while deferring the policy questions with respect to the transportation of gas until a determination is made in Tennessee, supra.

(B) If there are issues that in the opinion of the Administrative Law Judge may usefully be the subject of a hearing pending Tennessee, he should hold a hearing commencing as soon after the prehearing conference as possible taking into account the prehearing conference and the needs of all the parties.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15142 Filed 7-23-73;8:45 am]

[Docket No. CP74-1]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 12, 1973.

Take notice that on July 2, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-1 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of additional volumes of natural gas to its customers pursuant to its proposed Rate Schedule PS-2, the realignment of firm services for certain customers, by community, and the relocation of a compressor unit, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was authorized by the Commission's order of December 19, 1972, as amended February 20, 1973, in Docket No. CP73-29 to sell up to 45,000 Mcf of temporary winter period service gas per day for one year to its customers and to store and exchange gas with Michigan Wisconsin Pipeline Company and Great Lakes Transmission Company to facilitate said sale. On April 4, 1973, Applicant filed in said docket a petition to amend the Commission's order of December 19, 1972, so as to authorize the continuation for an additional year said service and storage and exchange arrangements. It is stated that on April 23, 1973, Applicant filed in Docket No. CP73-286 an application requesting authorization to deliver up to 10,800,000 Mcf of gas during the summer of 1973 to, and reduce its deliveries by 3,600,000 Mcf during the 1973-74 heating season at a daily rate of 40,000 Mcf of gas from Northern Illinois Gas Company. It is stated that the above proposals will permit Applicant to provide its customers with approximately 6,400 million Mcf of gas during the 1973-74 heating season.

Applicant proposes to sell to its customers up to 105,000 per day for 20 days out of every 30 days of firm peak service demand gas during the period of November 27, 1973, through February 26, 1974, according to the terms and conditions of its proposed Rate Schedule PS-2 to its FPC Gas Tariff, Third Revised Volume No. 1. This additional gas will be available to existing contract demand customers now being served under the CD or PL Rate Schedules in volumes according to an executed PS-2 Service Agreement. Applicant states that should customers' requests for this new service exceed the amount of available gas, it will allocate the gas pursuant to Paragraph 17.4 of the General Terms and Conditions of its FPC Gas Tariff proposed in Docket No. RP71-107. Applicant proposes to charge its customers in accordance with Sheet 4(a) of its FPC Gas Tariff, Third Revised Volume No. 1. The purpose of this proposed new gas sale is to augment Applicant's ability to provide reliable and adequate service to its customers in order to meet their high priority requirements during the 1973-74 heating season.

Applicant also proposes to realign, by community, its firm gas sales to six customers now receiving gas under its CD, PC, WPS-1, PS-1, or SS-1 Rate Schedules beginning October 7, 1973, in order to permit maximum utilization of available supplies of gas for the needs of high priority consumers. It is stated that the proposed realignment will not result in any change in the presently authorized total firm commitments to the respective customers.

Applicant states that as a result of the increase in gas volumes it will be transporting through its system during the 1973-74 heating season, additional compressor horsepower must be provided at its Owatonna, Minnesota, Compressor Station. Accordingly, Applicant proposes to relocate a 5,300 horsepower portable compressor unit from its Glennwood, Iowa Midpoint Station to Owatonna during the 1973-74 heating season. Applicant states that the compressor unit was originally authorized for permanent installation at Owatonna, and that there is now pending in Docket No. CP73-96 an application for authorization to relocate the unit permanently at Glennwood. The purpose of the proposed relocation is to provide greater assurance of continuity of service by guarding against any loss of throughput due to a compressor unit outage. Applicant states that the use of the unit at Owatonna has no effect on the necessity of relocating the unit permanently at Glennwood.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15143 Filed 7-23-73;8:45 am]

[Project 2241]

PUBLIC UTILITY DISTRICT NO. 1 OF KLICKITAT COUNTY, WASHINGTON

Application for Withdrawal of Application

JULY 16, 1973.

Public notice is hereby given that an application was filed April 20, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Public Utility District No. 1 of Klickitat County, Washington (Correspondence to: Mr. Henry A. Miller, President, Public Utility District No. 1 of Klickitat County, Goldendale, Washington 98620) for approval of withdrawal of application for license for the White Salmon River Project, on White Salmon River, Green Canyon Creek, Ninefoot Creek and Trout Lake Creek, in Skamania and Klickitat Counties, Washington. The project affects lands of the United States within the Gifford Pinchot National Forest.

The District is presently considering alternate plans involving a pumped storage project in lieu of its original proposal set forth in the application for license filed October 2, 1961.

As proposed, the original project consists of: Ninefoot Creek dam on the White Salmon River, a concrete gravity diversion dam 100 feet high; an open diversion canal about 7,500 feet long to the Green Canyon Reservoir; Green Canyon Reservoir with storage capacity of 6,400 acre-feet and surface area of 153 acres, formed by an earthfill dam (on Green Canyon Creek), about 6,000 feet long with maximum height of about 100 feet; a steel penstock 3,350 feet long; Trout Creek Powerhouse an outdoor type structure containing two units with total installed capacity of 40,000 kilowatts; a tailrace leading to a re-regulating reservoir having an earth-fill dam 0.5 mile long with a maximum height of 40 feet; a 115 kilovolt transmission line 28 miles long to the substation and a connection with the Bonneville Power Administration lines; and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before September 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission shall be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15144 Filed 7-23-73;8:45 am]

[Project 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Change in Land Rights

JULY 16, 1973.

Public notice is hereby given that application was filed May 16, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the South Carolina Electric & Gas Company (Correspondence to: Richard M. Merriman, Esquire, Reid and Priest, 1701 K Street, NW Washington, D. C. 20006, and George H. Fischer, III, Esquire, Vice President and General Counsel, South Carolina Electric & Gas Company, Post Office Box 764, Columbia, South Carolina 29202) for change in land rights for constructed Project No. 516, known as the Saluda Project, located on the Saluda River in Lexington, Newberry, Richland, and Saluda Counties, South Carolina.

South Carolina Electric & Gas Company, Licensee for the Saluda Project No. 516, requests Commission approval of a lease of 349 acres of project lands to the South Carolina Department of Parks, Recreation and Tourism to be used for state park and public recreation complex purposes. The lease would also permit: (1) The development and construction of piers, marinas, boat ramps, breakwaters, docks, beaches and utilities on project lands adjacent to the areas included in the lease, below contour elevation 360.0 feet m.s.l.; and (2) the construction of causeways and bridges between the islands included in the lease and the mainland as may be required to permit public vehicular access to the state park and recreation areas.

The land involved is commonly known as "Billy Dreher Island" lying within the boundary of Project No. 516 above elevation 360.0 feet m.s.l. and is located in Newberry County, School District No. 1, within Lake Murray and between the forks of the Saluda River and Camping Creek.

Any person desiring to be heard or to make protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D. C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15145 Filed 7-23-73;8:45 am]

[Docket No. CP74-7]

SOUTHERN NATURAL GAS CO.

Notice of Application

JULY 17, 1973.

Take notice that on July 9, 1973, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP 74-7 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of measuring stations and for permission and approval of the abandonment of pipeline and appurtenant facilities by sale to Atlanta Gas Light Company (Atlanta Gas) and certain measuring facilities by removal and retirement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to Atlanta Gas approximately 43.279 miles of its Macon Branch line between its Bass Junction and Milledgeville Measuring Stations which consists of:

Approximately 22.927 miles of its 10-inch pipeline beginning at its Bass Junction Measuring Station and including the three 8-inch lines at the Ocmulgee River Crossing,

Approximately 2.003 miles of its 12-inch Macon Branch Loop line beginning at the Bass Junction Measuring Station,

Approximately 69 feet of the 12-inch Macon Tap line in Bibb County, Georgia,

Approximately 11.932 miles of its 8-inch Macon Branch line beginning at its Gordon Junction measuring station and terminating at its Milledgeville meter station, and

Approximately 6.417 miles of the 8-inch Macon Loop line in Baldwin County, Georgia.

Applicant also proposes to abandon by sale to Atlanta Gas:

0.185 acre of land and the General Refractories Measuring Station thereon,

0.835 acre of land and the Gordon Junction Measuring Station thereon,

0.264 acre of land and the Milledgeville Measuring Station thereon, and

The Macon Measuring and Tap Line Regulation Stations. Applicant further proposes to abandon by removal and retirement the Bass Junction South Measuring and Regulation Station and appurtenant facilities, the Milledgeville Crossover Regulator Station, and the Brunswick-Macon line Regulator Station. It is stated that Applicant and Atlanta Gas have agreed for the sale of the

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proposed-to-be-abandoned facilities at a price of $373,052.17, exclusive of the proposed construction.

Applicant also proposes to construct, operate and own two measuring stations, one to be located at the beginning of the Macon Branch line to be abandoned in Bibb County, Georgia, and the other located adjacent to its South Main line in Baldwin County, Georgia. The total cost of these facilities is $126,000 which will be reimbursed by Atlanta Gas.

The purpose of the proposed abandonment is to eliminate Applicant's increased costs in maintaining the 43.279 miles of older pipeline and to enable Atlanta Gas to use the facilities to accommodate a proposed satellite liquefied natural gas peak-shaving plant to be located on the Macon Branch line: The purpose of the proposed construction is to replace the four measuring stations proposed to be abandoned and to control more easily the flow of gas through the pipeline proposed to be abandoned to Atlanta Gas. Applicant states that no service will be discontinued or diminished by reason of the proposed construction and abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15146 Filed 7-23-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Proposed Changes in Rates and Charges

JULY 16, 1973.

Take notice that on July 2, 1973, The Sylvania Corporation (Sylvania) tendered for filing Substitute Original Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective as of June 11, 1973, to coincide with the effective date of Sylvania's revised tariff filed on April 26, 1973, or the earliest date after June 11, 1973, permitted under Executive Order No. 11723 or any other orders or regulations promulgated pursuant to the Economic Stabilization Act of 1970, as amended.

Sylvania states that, as a result of a mathematical error in computation, Original Sheet No. 4, as filed on April 26, reflects an incorrect rate of 46.55 cents per Mcf, whereas the correct rate that should have appeared on the tariff sheet is 58.74 cents per Mcf. Similarly, Sylvania states, Sheet 1 of Schedule N-10 of the April 26 filing, as well as the Statement of the Reasons and Basis for the Proposed Changes, incorrectly states the revenue deficiency for the test period to be $338,069, while the correct figure is $666,161. Accordingly, Sylvania's new filing contains revised statements in support of the substitute tariff sheets.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15154 Filed 7-23-73:45 am]

[Docket No. RF72-64]

TEXAS GAS TRANSMISSION CORP.

Extension of Time

JULY 16, 1973.

On July 6, 1973, Texas Gas Transmission Corporation filed a motion for an extension of time to submit end use data in compliance with ordering Paragraph (C) of the order issued June 15, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including November 5, 1973, within which Texas Gas Transmission Corporation shall submit end use data and serve it on all interveners.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15147 Filed 7-23-73;8:45 am]

[Docket No. CI74-18]

ALLIED CHEMICAL CORP.

Notice of Application

JULY 18, 1973.

Take notice that on July 10, 1973, Union Texas Petroleum, a Division of Allied Chemical Corporation (Applicant), P.O. Box 2120, Houston, Texas 77001, filed in Docket No. CI74-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from acreage in Coke County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas on August 1, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial deliveries are estimated at 40,000 Mcf of gas per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15082 Filed 7-23-73;8:45 am]

[Docket No. CI74-15]

W. H. HUNT (OPERATOR), ET AL.

Notice of Application

JULY 18, 1973.

Take notice that on July 9, 1973, W. H. Hunt (Applicant), 1401 Elm Street, Dallas, Texas 75202, filed in Docket No. CI74-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Walker Creek Field, Columbia County, Arkansas, and delivery of said gas at Beacon Gasoline Company's Blackburn Plant in Webster Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on June 29, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the first day of the month next following the month in which Applicant commenced deliveries within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per month at 35.0 cents per Mcf at 15.025 psia, subject to downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15081 Filed 7-23-73;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice and Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission offices 825 North Capitol Street, NE Washington, D.C. August 1, 1973 9:30 a.m., e.d.t. Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of May 31, 1973 meeting.
B. Report on June 26 Coordinating Committee and June 27 Executive Advisory Committee meetings.
C. Further report of Task Force on Future Financial Requirements and discussion of write-up of Task Force model.
D. Further report on future financial requirements of the public and cooperative sectors.
E. Reports on other assignments.
F. Review of proposed outline of final report.
G. Discussion of draft material for final Committee report.
H. Other business.
I. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15084 Filed 7-23-73;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Exchange Agreement

JULY 16, 1973.

Take notice that on July 9, 1973, Mississippi River Transmission Corporation (Mississippi) tendered for filing amendments to Mississippi FPC Gas Tariff, Original Volume 2, to wit:

1. Third Revised Sheet No. 1, being a new table of contents for Volume No. 2.
2. Original Sheet Nos. 19-27, constituting Rate Schedule X-4.

The amendments are to be effective on August 10, 1973.

Mississippi states that the reason for the amendments is to incorporate into its gas tariff an agreement, dated September 22, 1972, between Mississippi and Mid Louisiana Gas Company (MLGC) providing for exchange service between the two companies. Mississippi asserts that the agreement and the certificate of convenience and necessity with respect thereto were authorized by Commission order on June 1, 1973 in Docket No. CP73-83.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 31, 1973. Protest will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15140 Filed 7-23-73;8:45 am]

[Docket No. CP73-115]

TENNESSEE GAS PIPELINE CO.

Notice Deferring Procedural Dates

JULY 17, 1973.

On June 29, 1973, an order was issued granting rehearing for purposes of further consideration in the above-designated matter. On July 2, 1973, a notice was issued further postponing the procedural dates as set by the notice issued May 21, 1973.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15150 Filed 7-23-73;8:45 am]

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[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JULY 16, 1973.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), on May 31, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes revise section 12 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff which contains procedures to be followed whenever it is necessary to curtail deliveries of natural gas to its jurisdictional customers.

Texas Eastern states that it is submitting these changes at this time to comply with the Commission's Order issued January 24, 1973, in Docket Nos. RP71-130 and RP72-58. In addition, it states that it is incorporating into its curtailment procedures the nine priorities of service set forth in the Commission's statements of policy in Order Nos. 467, 467-A and 467-B (Docket No. R-469).

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-15148 Filed 7-23-73;8:45 am]

[Docket No. CP74-2]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 16, 1973.

Take notice that on July 3, 1973, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP74-2 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the direct service to an industrial customer, along with facilities for such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The service proposed to be abandoned was authorized by the Commission's order of December 30, 1960, in Docket No. G-18444 (24 FPC 1222). Said order authorizes Applicant deliver up to 1,000 Mcf of gas per day to Ayer-McCarel Clay Company, Inc. (Ayer-McCarel), for consumption at the latter's plant near Brazil, Indiana, pursuant to a service agreement of April 1, 1960.

Applicant states that the plant site was purchased by Marion Brick Corp. (Marion), which became successor-in-interest to the service agreement but never requested any deliveries of gas be made. As the plant has been closed, Applicant, Ayer-McCarel, and Marion have agreed to terminate and cancel the service agreement.

Applicant states that the proposed abandonment of service will not render idle the 4-inch pipeline used to serve Ayer-McCarel as it will be used to serve other customers in the area. The only facility to be abandoned is a meter station which was constructed at a cost of $2,653.91 and will be removed at a cost of $640.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15151 Filed 7-23-73;8:45 am]

[Docket No. CP74-12]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 17, 1973.

Take notice that on July 11, 1973, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 12, 1973, and operation of facilities to take into its certificated pipeline system additional natural gas supplies to be purchased from fields in the general area of its existing system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in the various producing areas coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7,000,000, with no single onshore project costing in excess of $1,000,000 and no single offshore project costing in excess of $1,750,000. Applicant proposes to finance the facilities initially with temporary bank loans and company funds and permanently through an overall financing program.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15152 Filed 7-23-73;8:45 am]

[Docket No. E-8215]

UNION ELECTRIC CO.

Order Accepting Revised Tariff Sheets

JULY 16, 1973.

Union Electric Company (Union) on May 18, 1973, tendered for filing proposed changes in its FPC Electric Tariff W-2: Second Revised Sheet No. 6 and Third Revised Sheets No. 5 and 7. Union also tendered for filing an Amendment to the Electric Service Agreement (FPC Rate Schedule No. 49) between Union and Missouri Power and Light Company (Missouri). The proposed change in the W-2 tariff would increase Union's revenues from jurisdictional sales and service by approximately $4,513,723 annually while the proposed amendment to Tariff No. 49 would increase Union's revenue by approximately $5,504,498 annually. Both increases are based upon estimated sales and revenues for calendar year 1973. The proposed effective date of the changes is July 17, 1973.

Union states that the proposed changes include a modification in the fuel cost base, used in computing the amount of its fuel adjustment, to $.36 per million BTU and an increase in the minimum charge rate. Further, Union proposes to modify the voltage discount provision of the W-2 tariff so as to clarify the intent that the discount is based on the demand which occurs at the time the customer's total monthly peak billing demand is established The proposed change in FPC No. 49 is a change in the demand change from $1.50/kw to $2.70/kw.

Public notice of this filing was issued on June 18, 1973, which required that protests or petitions to intervene be filed by July 5, 1973. Petitions to intervene were timely filed by Arkansas-Missouri Power Company and Sho-Me Power Corporation.

On July 3, 1973, the Secretary of the Army filed a protest wherein it is asserted that any increase in rates on July 17, 1973, the proposed effective date, would violate Executive Order No. 11723 and our Order No. 437-B issued June 19, 1973. Since we are suspending the rate increase for five months, the proposed rates will not be made effective, subject to refund until December 12, 1973. Therefore, there is no conflict with Executive Order No. 11723 nor with our Order No. 437-B issued June 19, 1973. Moreover, the authority and responsibility for administering the Economic Stabilization Program rests with the Cost of Living Council and we have clearly indicated below that Union's proposed increase in rates is subject to Executive Order 11723.

On July 5, 1973, City of Kirkwood, Missouri, and the Citizens Electric Corporation jointly filed a petition to intervene and inter alia, a motion to reject. Action on this pleading will be deferred until all parties have an opportunity to answer as provided by § 1.8(e) of the Commission's rules of practice and procedures.

In support of its filing, Union asserts that costs have continued to increase since its last wholesale rate increase in 1970 and despite all efforts, the increased costs have made it impossible to maintain its earnings at a level allowing a fair rate of return. Union avers a reasonable prospect of a fair return is necessary in order to meet the capital needs of a five year building program calling for expenditures of approximately $840 million.

Review of the rate filing and the pleadings indicates that issues are raised which require development in an evidentiary hearing. The proposed increase rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly we shall provide for hearing herein and shall suspend the proposed changes for the full five month statutory period.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Union's FPC Electric Tariffs W-2 and No. 49 as proposed to be amended in this docket and that the tendered revised tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set below.

(3) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on December 4, 1973, at 10:00 A.M., EST, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Union's FPC Electric Tariffs W-2 and No. 49 as proposed to be revised herein.

(B) Pending hearing and a final decision in this proceeding, Union's proposed revised tariff sheets, tendered on May 18, 1973, are hereby accepted for filing, suspended and the use thereof deferred until December 17, 1973.

(C) At the prehearing conference on December 4, 1973, Union's prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate actions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of Sections 1.18 and 2.59 of the Commission's rules of practice.

(D) On or before October 30, 1973, the Commission Staff shall serve its prepared testimony and exhibits of any or all intervenors shall be served on or before November 13, 1973. Any rebuttal evidence by Union shall be served on or before November 27, 1973. Cross-examination of the evidence will commence on December 11, 1973, at 10:00 A.M., e.s.t.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) The above named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nothing contained in this order shall relieve the applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92015, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15149 Filed 7-23-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL TEXAS FINANCIAL CORP.

Formation of Bank Holding Company

Central Texas Financial Corporation, Brownwood, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1832(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank in Brownwood, Brownwood, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 3, 1973.

V 38 141 JUL 24 73 XUM

Board of Governors of the Federal Reserve System, July 17, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15092 Filed 7-23-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (exclusive of directors' qualifying shares) of the successor by merger to Southwest Bank and Trust Company, Irving, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By order dated November 2, 1972, the Board approved the formation of Applicant[1] and stated:

First National [Bank in Dallas, Applicant's lead bank] now holds certain minority interests in fourteen banks ("Other Banks") located in Dallas County, Texas, as follows: 24 per cent of the shares of American Bank and Trust Company; 21.34 per cent of the shares of Citizens State Bank, Irving; 20 per cent of the shares of The Dallas County State Bank, Carrollton; 24.76 per cent of the shares of DeSoto State Bank; 24.52 per cent of the shares of East Dallas Bank & Trust Company, 24 per cent of the shares of First National Bank of Richardson; 24 per cent of the shares of Grove State Bank; 22.42 per cent of the shares of North Dallas Bank and Trust Company; 24.9 per cent of the shares of Northpark National Bank; 19.47 per cent of the shares of Park City's Bank and Trust Company; 24.5 per cent of the shares of Southwest Bank and Trust Company, Irving; 24 per cent of the shares of Texas National Bank; 10.67 per cent of the shares of White Rock National Bank, and 26.41 per cent of the shares of Guaranty Bank, formerly South Oak Cliff Bank.

Board approval of Applicant's proposal to become a bank holding company does not signify Board approval of the retention or acquisition of the above-referred to minority interests in Other Banks. It is the Board's understanding, from representations by Applicant, that Applicant will file separate applications for prior approval by the Board for each of such minority holdings it seeks to retain and cause its minority interests in all Other Banks, other than those for which such applications are filed, to be completely and permanently divested by it. It is further understood that in this manner any such applications so filed by Applicant will be subject to the ordinary regulatory and legal process, subject to statutory standards as set forth in both section 3 of the Bank Holding Company Act and section 7 of the Clayton Act.

This application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank. Similar applications have been filed to acquire shares of Grove State Bank, Park Cities Bank & Trust Company, and American Bank & Trust Company. The Board understands that an application will be filed promptly, but, in any event, not later than August 1, 1973, for shares of The Dallas County State Bank and further understands that Applicant's indirect minority interest in Guaranty Bank, formerly South Oak Cliff Bank, was completely and permanently divested by sale on January 9, 1973. The Board further understands and expects that Applicant's indirect minority interests in the eight other banks mentioned above will be completely and permanently divested as noted in the Board's earlier Statement.

Applicant controls two banks with aggregate deposits of $1.7 billion, representing 5.6 per cent of the total deposits in commercial banks in Texas, and is the largest bank holding company in the State.[2] Consummation of the proposed acquisition of Bank, with deposits of $40.4 million, would neither significantly increase Applicant's share of commercial bank deposits in the State nor result in a significant increase in the concentration of banking resources in any section of Texas.

Bank is the nineteenth largest of 110 commercial banks in the Dallas banking market which is approximated by the Dallas Ranally Metropolitan Area ("RMA"), controlling 0.6 per cent of the total deposits in commercial banks in that market. Applicant's lead bank is the second largest bank in the Dallas RMA holding 23.4 per cent of market deposits. Upon consummation of the four pending acquisitions referred to above, Applicant's subsidiaries would hold 25.5 per cent of the total deposits in commercial banks in the Dallas market. Should the Board approve the forthcoming application by Applicant to acquire shares of The Dallas County State Bank, Applicant would control 25.9 per cent of total deposits in that market. The eight banks in which Applicant's minority interests will be divested have a combined market share of 1.7 per cent of the Dallas market. However, no meaningful existing competition between Bank and Applicant's lead bank would be eliminated by consummation of the proposed transaction in view of the close relationship between the two. Bank was organized in 1955, its principal organizer then being a director of Applicant's lead bank. Since 1964, a trusteed affiliate of the bank has held 24.5 per cent of the outstanding shares of Bank. Additional shares of Bank are held by Applicant's shareholders. It appears unlikely that any significant competition would develop between Applicant's lead bank and Bank in the future, due to the described relationship and the absence of any evidence indicating a probability that the relationship will not continue indefinitely. Irrespective of the affiliation of Bank with Applicant, consummation of the proposed transaction is unlikely to have a significant adverse effect on existing or future competition in the Dallas market in view of the small size of Bank's market share and the difference in principal functions between Bank and Applicant's lead bank, the former serving primarily as a source of individual or retail banking services, the latter as a source of corporate or wholesale banking services. The Board concludes that consummation of the proposal would not eliminate any significant existing or future competition.

It has been suggested by a competitor of Bank that consummation of the proposed transaction may enable Bank to lower interest rates on loans to "unfairly attract customers" from that competitor, through the use of loan participations. However, there is no evidence in the record suggesting that the proposed transaction represents an attempt to monopolize and, absent such evidence, the Board concludes that such a possibility, rather than constituting an unfair means of attracting customers, represents a legitimate method of competition among banks, and would therefore even favor the convenience and needs of the community to be served. The same competitor also suggests that consummation of the proposed transaction may result in "political and economic power which may tend to defeat legitimate attempts by independent banks to survive and prosper", citing as an example the opposition before the State Banking Department, expressed by Bank and a bank in which Applicant has a minority interest, to an attempt by the competitor to re-locate its office. However, within certain limits,[3] apparently not exceeded in this case, the legality of Bank's conduct, at least insofar as that conduct was directed toward obtaining governmental action, is not at all affected by any anticompetitive purpose it may have had, its right to petition its government being constitutionally protected.[4]

The financial and managerial resources of Applicant, its subsidiaries and Bank are generally satisfactory and consistent with approval of the application, particularly in view of Applicant's plans to increase Bank's capital in the near future. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[5] effective July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15093 Filed 7-23-73;8:45 am]

[1] 1972 Fed. Res. Bulletin 1028.

[2] Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved through March 23, 1973, other than those subject to possible litigation.

[3] See California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972).

[4] Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc., 365 U.S. 127, 140 (1961).

ORBANCO, INC.

Order Approving Acquisition of Far West Securities Co.

Orbanco, Inc., Portland, Oregon, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire (through its wholly owned subsidiary, Columbia Mortgage Co., Portland, Oregon) the insurance agency business of Far West Securities Co., Spokane, Washington ("Company"), and thereby to engage in the activities of acting as an insurance agent or broker with respect to credit life insurance, credit accident and health insurance and mortgage redemption insurance, all directly related to extensions of credit by Company. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 24390). The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a one bank holding company, controls The Oregon Bank, Portland, Oregon, the third largest banking organization in Oregon with deposits of $209.3 million, representing 4 per cent of total deposits in commercial banks in the State.[1] (The two largest banking organizations in Oregon together control approximately 78 per cent of all commercial bank deposits.) Applicant controls seven nonbanking subsidiaries which engage, respectively, in the following activities: capital goods financing, data processing services, mortgage banking, registered investment advisory services, operating a small business investment company, operating an industrial bank, and holding title to bank premises.

Applicant's acquisition of Company, which is engaged in mortgage banking activities, was approved by the Board on April 26, 1973 (38 FR 11136; May 4, 1973).[2] Applicant proposes to acquire the insurance agency business formerly conducted by Company which consists of acting as agent or broker with respect to credit life insurance, credit accident and health insurance, and mortgage redemption insurance, all sold in connection with extensions of credit by Company. Due to the limited nature and scope of the insurance activities, it appears that Applicant's acquisition of the insurance agency business formerly conducted by Company would not have an adverse effect on either existing or potential competition in any relevant area.

It is anticipated that the provision of credit-related insurance by Company will provide greater convenience for its customers. There is no evidence in the record indicating that consummation of the proposed transaction would result in an undue concentration of resources, unfair competition, conflict of interests, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) of the Act is favorable. Accordingly, the application is hereby approved subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be consummated not later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15094 Filed 7-23-73;8:45 am]

[1] All banking data are as of December 31, 1972.

[2] In its original application, Applicant sought to acquire the mortgage banking activities of Company as well as its insurance agency activities directly related to those extensions of credit. However, in light of certain objections to the insurance activities, Applicant requested that the Board split the application into two separate parts; subsequently, the Board ordered a hearing on the insurance activities and approved the acquisition of Company's mortgage banking activities. Thereafter, Applicant amended its application limiting its proposed insurance activities as described herein. The objections were withdrawn and the Hearing Officer dismissed the matter from the hearing docket on May 23, 1973 and returned it to the Board for further processing.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-186]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Nevada Public Service Commission in a proceeding involving the application of the Nevada Power Company for rate increases (Docket No. 7776).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 17, 1973.

[FR Doc.73-15103 Filed 7-23-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

FELLOWSHIPS FOR THE PROFESSIONS PANEL

Notice of Meeting

JULY 19, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Fellowships for the Professions Panel will take place in Washington, D.C. on August 9, 1973.

The purpose of the meeting is to examine dossiers of individuals recom-

[4] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

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mended to the Endowment as possible seminar directors in the Legal Professions Program.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15167 Filed 7–23–73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 19, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on Monday, July 30, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the fields of art and music submitted to the Endowment for individual fellowship grants.

Based on section b (4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15166 Filed 7–23–73;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

RECREATION SUPPORT PROGRAM

Designation of Special Program

Pursuant to the authority in section 222(a) of the Economic Opportunity Act of 1964, I hereby designate as a Special Program a program to be known as the Recreation Support Program.

Throughout the Nation there are urban communities having areas of concentrated poverty in which there are youth from low-income families who are too young to obtain employment and who do not have access to adequate summer recreational opportunities. It is the purpose of this program to improve and expand the summer recreational opportunities available to such persons.

Assistance under this program shall be provided through grants or contracts to public or private nonprofit agencies. In addition to general playground activities, organized sports and games, and arts and crafts, local projects initiated under this program may include such activities as local informational tours, local cultural field trips, instruction in creative arts, and special events.

I hereby determine that the objectives sought cannot be effectively achieved through the use of authorities under section 221 of the Act. The Recreation Support Program, which is designed to deal with the specific problems of disadvantaged urban youth, cannot have maximum impact in dealing with those problems unless its operation on a nation-wide basis and in areas of critical need can be assured. The authorities of section 221 of the Act preclude the establishment of a binding national priority of this type and are in general insufficient for the accomplishment of the goals of this program.

Dated: June 27, 1973.

ALVIN J. ARNETT,
Director Designate, Office of Economic Opportunity.

[FR Doc.73–15095 Filed 7–23–73;8:45 am]

[DOA 73–9]

RANDAL TEAGUE

Authority To Make or Reject Grant to United Migrants for Opportunity, Inc.

1. *Authority delegated.* I hereby delegate to Randal Teague, authority to make or reject a grant to the United Migrants for Opportunity, Inc., and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15096 Filed 7–23–73;8:45 am]

[DOA 73–12]

RANDAL C. TEAGUE ET AL.

Delegation of Authority To Make Personnel Appointments and To Approve Official Travel

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunty by the Economic Opportunity Act of 1964, (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to Randal C. Teague as Principal Assistant to the Director for Operational Activities concurrent authority as follows:

(1) The authority to approve official travel, within the United States and its possessions, for all employees of the Headquarters Office of the Office of Economic Opportunity, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

b. I delegate to the several Regional Directors of the Office of Economic Opportunity concurrent authority as follows:

(1) The authority to approve official travel, within the United States and its possessions, for all employees of their respective Regional Offices, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

(2) The authority to make personnel appointments authorized by 602(a) of the Act, and to effect other personnel actions with respect to positions in their respective Regional Offices.

2. *Limitation on authority delegated.* The authority delegated herein in paragraphs 1a(1) and 1b(1) is subject to all applicable travel laws and regulations relating to the Office of Economic Opportunity and to budgetary and program authorizations for travel of personnel deemed necessary in the interest of the United States Government.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate of the Office of Economic Opportunity, the authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation in accordance with the provisions of OEO Staff Instruction 1115–1.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15099 Filed 7–23–73;8:45 am]

[DOA 73–10]

LAWRENCE J. STRAW, JR.

Authority To Make or Reject Grant to Migrant Legal Action Program

1. *Authority delegated.* I hereby delegate to Lawrence J. Straw, Jr., authority to make or reject a grant to Migrant Legal Action Program, and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority delegated herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15097 Filed 7–23–73;8:45 am]

[DOA 73–11]

J. ALAN MACKAY

Authority To Make or Reject Grant to Colorado Migrant Council, Inc.

1. *Authority delegated.* I hereby delegate to J. Alan MacKay, authority to make or reject a grant to the Colorado Migrant Council, Inc., and to hold meetings or hearings as may be appropriate in his judgment with respect to the issues involved in the event that a tentative decision not to fund such grantee shall have been made after and pursuant to the District Court's Order in the litigation relating to the above grantee.

2. *Redelegation authority.* The authority delegated herein may not be further redelegated.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 27, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15098 Filed 7–23–73;8:45 am]

[DOA 73–13]

J. LAURENCE McCARTY ET AL.

Delegation of Program Authorities

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to J. Laurence McCarty as Associate Director for Legal Services concurrent authority to make and administer grants under section 222a(3) of the Act and under section 222(b) and 232 of the Act for pilot, research, and demonstration projects in the legal services field.

b. I delegate to Randal C. Teague as Principal Assistant to the Director for Operational Activities concurrent authority to make and administer grants under sections 221, 222(a)(4), 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 222(b), 230, 231, 232, and Title IIIB and Title VII of the Act.

c. I delegate to the several Regional Directors of the Office of Economic Opportunity concurrent authority to make and administer grants under sections 221, 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 230, and 231(a) of the Act. I further delegate to the several Regional Directors the concurrent authority to make and administer grants under section 222(a) for the Recreation Support Program, which has been designated a Special Program under section 222(a) by the Director.

d. I delegate to Thomas Wolf as Associate Director for Administration concurrent authority to exercise those powers delegated to the Associate Director for Administration in Delegation of Authority Order 70–3, September 22, 1971. The authority delegated herein may be redelegated pursuant to Part 3 of this Order except that the power(s) enumerated in paragraph 1.b(4) of Delegation of Authority Order 70–3 may not be redelegated.

2. *Limitations on authority delegated.* As used herein, the authority to "make and administer" grants shall include authority to deny, amend, revise, enforce, suspend and terminate grants and grant actions including the power to make such findings, determinations and exceptions as may be authorized by law in the exercise of these authorities: However, the authority delegated herein does not include the power to reconsider grants under sections 232(d) and 242 of the Economic Opportunity Act; the power to approve or amend any plan required by section 232 (b) of the Act; the power to make or certify disbursements; the power to execute, amend or revise contracts or interagency agreements entailing the commitment or transfer of funds (except as hereinabove delegated); or any authority which has been, or may hereafter be, delegated to officials of other Federal departments or agencies.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate, any authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115–1.

4. *Prior delegations.* This delegation supersedes all prior delegations from the Director of OEO to any of the officials to whom authority is delegated herein. Delegation of Authority Order 73–3 of March 1, 1973 is specifically superseded.

5. *Effective date.* This delegation of authority shall be effective on June 26, 1973.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated: June 26, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15100 Filed 7–23–73;8:45 am]

[DOA 73–15]

RICHARD REDENIUS

Delegation of Authority To Approve Official Travel

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to Richard Redenius, Controller, concurrent authority to approve official travel, within the United States and its possessions, for all employees of the Headquarters Office of the Office of Economic Opportunity, and to approve the allowance of actual subsistence expenses for official travel in accordance with the Standard Government Travel Regulations, paragraph 6.12.

2. *Limitation on authority delegated.* The authority delegated herein is subject to all applicable travel laws and regulations relating to the Office of Economic Opportunity and to budgetary and program authorizations for travel of personnel deemed necessary in the interest of the United States Government.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate of the Office of Economic Opportunity, the authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115–1.

4. *Prior delegation.* Paragraph 1a(1) of Delegation of Authority Order 73–12, dated June 27, 1973 is superseded.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated: July 13, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15101 Filed 7–23–73;8:45 am]

[DOA 73–16]

LOUIS RAMIREZ AND JAMES W. GRIFFITH

Delegation of Program Authorities

1. *Authority delegated.* Pursuant to the authority vested in me as Director Designate of the Office of Economic Opportunity by the Economic Opportunity Act of 1964 (78 Stat. 508), as amended, I hereby delegate to the officials listed below concurrent authority to exercise the powers indicated:

a. I delegate to Louis Ramirez as Associate Director for Economic Development concurrent authority to make and administer grants under Title VII of the Act and under Section 232 of the Act for pilot, research, and demonstration projects.

b. I delegate to James W. Griffith as Chief of the Headquarters Operations Division concurrent authority to make and administer grants under Sections 221, 222(a), 222(a)(4), 222(a)(5), 222(a)(6), 222(a)(7), 222(a)(8), 222(a)(9), 222(a)(10), 222(a)(11), and Title III of the Act.

2. *Limitations on authority delegated.* As used herein, the authority to "make and administer" grants shall include authority to deny, amend, revise, enforce, suspend and terminate grants and grant actions including the power to make such findings, determinations and exceptions as may be authorized by law in the exercise of these authorities: However, the authority delegated herein does not include the power to reconsider grants under sections 232(d) and 242 of the Economic Opportunity Act; the power to approve or amend any plan required by Section 232(b) of the Act; the power to make or certify disbursements; the power to execute, amend or revise contracts or interagency agreements entailing the commitment or transfer of funds (except as hereinabove delegated); or any authority which has been, or may hereafter be, delegated to officials

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of other Federal departments or agencies.

3. *Redelegation authority.* With the express approval of Alvin J. Arnett as Director Designate, any authority delegated herein may be redelegated to other officials of the Office of Economic Opportunity, with or without provision for further redelegation, in accordance with the provisions of OEO Staff Instruction 1115–1.

4. *Prior delegations.* It is not the intent of this delegation to supersede or otherwise affect any authority delegated by the Director of OEO pursuant to Delegation of Authority Order 73–13.

5. *Effective date.* This delegation of authority shall be effective on June 26, 1973.

(Sec. 602, 78 Stat. 528, 42 U.S.C. 2942)

Dated June 26, 1973.

ALVIN J. ARNETT,
Director Designate.

[FR Doc.73–15102 Filed 7–23–73;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Notice of Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1973, and ending on December 31, 1973, is 7¾ per centum per annum.

Dated: July 19, 1973.

WILLIAM S. WHITEHEAD,
Acting Chairman.

[FR Doc.73–15177 Filed 7–23–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1004]

NEW HAMPSHIRE

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New Hampshire as a major disaster area following severe storms and flooding beginning on or about June 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in all Counties of the State of New Hampshire.

Applications may be filed at the:

Small Business Administration
District Office
55 Pleasant Street
Concord, New Hampshire 03301

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 10, 1973.

Dated: July 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15065 Filed 7–23–73;8:45 am]

TEXAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following severe storms and flooding beginning on or about June 11, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Brazoria, Galveston, Hardin, Harris, Jasper, Liberty, Montgomery, Polk, San Jacinto and Tyler.

Applications may be filed at the:

Small Business Administration
District Office
Niels Esperson Building, Room 1210
808 Travis Street
Houston, Texas 77002

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 10, 1973.

Dated: July 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–15066 Filed 7–23–73;8:45 am]

TARIFF COMMISSION

[337–24]

AMPICILLIN

Notice of Hearing

Notice is hereby given that on October 2, 1973, the United States Tariff Commission will hold a public hearing in connection with investigation 337–24, regarding alleged unfair methods of competition and unfair acts in the importation and sale of ampicillin made in accordance with claim 5 of U.S. Patent Number 2,985,648 owned by Beecham Group, Ltd. Notice of institution of the investigation was published in the FEDERAL REGISTER of November 28, 1970 (35 FR 18222).

The hearing will be held on October 2, 1973, at 10 a.m., e.d.t., in the Hearing Room of the Tariff Commission, 8th and E Streets, N.W., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing on or before Thursday, September 27, 1973.

Issued: July 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–15184 Filed 7–23–73;8:45 am]

[AA1921–117 and –118]

PRINTED VINYL FILM FROM BRAZIL AND ARGENTINA

Determination of Likelihood of Injury

JULY 18, 1973.

On April 18, 1973, the Tariff Commission received advice from the Treasury Department that printed vinyl film from Brazil and Argentina are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigations Nos. AA1921–117 and –118 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held July 5–6, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of April 26, 1973 (38 FR 10339).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigations, the Commission has determined [2] that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil and Argentina that is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. Printed vinyl film imported from Argentina and Brazil and found to have been sold, or likely to be sold, at less than fair value (LTFV) by the Treasury Department is like that produced and sold by U.S. vinyl-film producers. For the purposes of the Commission's determination, the industry to be considered in these investigations consists of those facilities in the United States which are engaged in the production of printed vinyl film.

Between 1971 and early 1973 (at which time the Bureau of Customs withheld appraisement), LTFV imports of printed vinyl film from Argentina and Brazil had grown rapidly. There were no imports of printed vinyl film from these countries prior to 1971. LTFV import penetration of the U.S. market in 1972 was 1.1 percent of estimated consumption, which is more than double such import penetration in 1971. Nevertheless, the Commission cannot find present injury to the U.S. industry producing printed vinyl film. During the years of LTFV imports from Argentina and Brazil, U.S. consumption increased materially, and the U.S. industry experienced a growth in sales, profits, and prices and no significant loss of sales to LTFV imports.

The Commission finds, however, a likelihood of injury to a U.S. industry by reason of the importation from Brazil and Argentina of LTFV printed vinyl film. Both prior to and since the withholding of appraisement, the importers' selling prices generally have been substantially lower than the domestic producers' selling prices for the class or kind of merchandise that the Treasury Department found to be sold at LTFV. The rapid market penetration achieved by the imports from Brazil and Argentina was made possible mainly through the LTFV pricing by the foreign manufacturers. The Commission believes that such pricing will probably continue in the absence of an affirmative determination. In Steel Jacks from Canada: Determination of Likelihood of Injury in Investigation No. AA1921–49 * * *, TC Publication 186, 1966, which involved a factual situation similar to the instant cases, those Commissioners making an affirmative determination stated on page 4 that—

> We recognize that the demand for the tools involved in this investigation has been increasing in recent years and that the domestic producer has increased his sales, so that he is not now being materially injured within the meaning of the Antidumping Act. We find, however, that the pattern of sales at less than fair value by the Canadian manufacturer and his attitude through the investigation under the Antidumping Act show a likelihood of continuation of sales at less than fair value at a rate and at prices that will culminate in the foreseeable future in material injury to the domestic industry.

Satisfactory assurances that LTFV sales will cease were not made to the Commission by representatives of the foreign producers of printed vinyl film. Testimony presented at the hearing and in written submissions following the hearing demonstrated the unwillingness of the foreign producers to state unequivocally that they would refrain from knowingly selling at LTFV.

In our view the foreign suppliers have shown a willingness to sell at LTFV, and they are capable of producing and exporting larger quantities of printed vinyl film to the United States than heretofore.

We believe that the foreign producers can also increase production of printed vinyl film by printing more of the vinyl film which is presently being calendered. In a publication of the Brazilian manufacturer which was introduced as an exhibit at the hearing, it is stated that "By 1973, our P.V.C. [polyvinyl chloride] calendering capacity will be increased by 50%." Because most of the company's output of vinyl film is printed, it can be assumed that the foreign producer's capacity to produce printed vinyl film has been substantially increased. The Commission has recognized that such ability to alter production patterns in order to increase LTFV sales is an important factor in determining the likelihood of injury to the U.S. industry.[1]

The increasing consumer demand and the desirable nature of the U.S. market, presents an opportunity for increasing market penetration by LTFV imports from Brazil and Argentina. This market penetration can be achieved by limiting sales in the home markets and by concentrating on exports to the United States.

Our conclusion is, therefore, that an industry in the United States is likely to be injured by reason of the importation of printed vinyl film from Brazil and Argentina that is being, or is likely to be, sold at less than fair value.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.73–15185 Filed 7–23–73;8:45 am]

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefor, was published in the FEDERAL REGISTER of April 18, 1973 (38 FR 9677, 9678).

[2] Commissioners Leonard, Young, and Ablondi did not participate in the decision.

[1] In Steel Reinforcing Bars from Canada: Determination of Likelihood of Injury (investigation No. AA1921–33), TC Publication 122, 1964, p. 6, the Commission included the following in its list of factors supporting its finding of likelihood of injury to the U.S. industry:

> The Canadian producer can easily increase his production of re-bars [steel reinforcing bars] by merely making less merchant bars, bar-size shapes, and small structurals as only a portion of its steel production now goes into re-bars.

DEPARTMENT OF LABOR

Office of the Secretary

REGINA FOOTWEAR, INC.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of June 12, 1973, the U.S. Tariff Commission made a report of the results of its investigation (TEA–W–198) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance filed by the United Shoe Workers of America, AFL–CIO on behalf of the workers and former workers of Regina Footwear, Inc., Brooklyn, New York. In this report the Commission found that articles like or directly competitive with footwear for women produced by Regina Footwear, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm, or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 38 FR 16283, 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Regina Footwear increased substantially. In the period 1969–1972 pressure from imports caused the firm to undertake several measures including the introduction of a new product line in an effort to remain competitive. These efforts have been only partially successful. From the first quarter to the second quarter of 1971 production declined substantially from normal seasonal patterns of previous years. During 1971 like or directly competitive imports increased their share of the domestic market. Employment and production at Regina Footwear continue to be threatened by increasing competitive imports. Unemployment and underemployment related in major part to such import competition began in February 1971. After due consideration I make the following certification:

All workers, hourly, piecework, and salaried, of Regina Footwear, Inc., Brooklyn, New York who became unemployed or underemployed after February 20, 1971 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 18th day of July 1973.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Adjustment Policy.

[FR Doc.73–15186 Filed 7–23–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 302]

ASSIGNMENT OF HEARINGS

JULY 19, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–F–11487, Auclair Transportation, Inc.—Control and Merger—Paul V. Adams Trucking, Inc., MC 9429 Sub 6, Paul V. Adams Trucking, Inc., MC–F–11552, Auclair Transportation, Inc.—Purchase (Portion)—Bonded Trucking & Rigging, Inc., FD 27182, Auclair Transportation, Inc., Notes, now assigned September 12, 1973 (3 days), at Boston, Mass., will be held 5th Floor, 150 Causeway.

MC–C–7980, Robert B. Wood, Northern Auto Supply, Inc., and St. Johnsbury Beverage Co., Investigation of Operations and Practices, now assigned September 11, 1973, at

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Boston, Mass., will be held 5th Floor, 150 Causeway.

MC-F-11819, Lopez Trucking, Inc.—Purchase—Lippa Transportation Co., Inc. (Abraham Ankeles, Trustee of Hardy Realty Trust), now assigned September 17, 1973, at Boston, Mass., will be held 5th Floor, 150 Causeway.

MC-113495 Sub 58, Gregory Heavy Haulers, Inc., now being assigned hearing August 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD-20812, Railway Express Agency, Inc., Notes, PHC is continued to July 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119968 Sub 6, A. J. Weigand, Inc., is continued to September 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134922 Sub 38, B. J. McAdams, Inc., now being assigned hearing September 17, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 133095 Sub 39, Texas Continental Express, Inc., now being assigned hearing September 18, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC-F-11607, Long Island Motor Haulage Corporation—Control—C & L Transportation, Inc., MC 98785 Sub 2, C & L Transportation, Inc., now being assigned hearing September 19, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15162 Filed 7-23-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 19, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 8, 1973.

FSA No. 42715—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 669), for interested rail carriers. Rates on tree shear attachments, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 26 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 18, 1973.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42716—*Class and Commodity Rates Between Points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent, (No. 668), for interested rail carriers. Rates on tree shear attachments, in carloads, and ethylene glycol, in tankcar loads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 26 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 18, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15163 Filed 7-23-73;8:45 am]

[Notice No. 96]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4883 (Sub-No. 44 TA) filed July 5, 1973 Applicant: THE GUYOTT COMPANY 166-176 Forbes Street, New Haven, Conn. 06512 Applicant's representative: Paul J. Goldstein 109 Church Street New Haven, Conn. 06510 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks: namely Number 2 burning or fuel oil, from New Haven, Conn., to Katonah, N.Y. and Lake Carmel, N.Y., with no return for compensation, for 180 days. SUPPORTING SHIPPER: H. H. Park, Inc., 215 Katonah Avenue, Katonah, N.Y. SEND PROTESTS TO: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, Hartford, Conn. 06101.

No. MC 29120 (Sub-No. 162 TA) filed July 6, 1973 Applicant: ALL-AMERICAN, INC. 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57104 Applicant's representative: Michael J. Ogborn (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I—*meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections a, b, and c of Appendix I to the report in *Descriptions in Motor Vehicle Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Wagner, S. Dak., to points in Colorado, North Dakota, Kansas, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee and Part II—*meats, meat products and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Vehicle Certificates*, (except hides and commodities in bulk) and *materials, supplies, and equipment* used by meat packers in the conduct of their business, from points in Colorado, North Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee, to Wagner, S. Dak., for 180 days. RESTRICTION: Restricted to shipments originating at Wagner, S. Dak. and destined to the named destination states in Part I and restricted to shipments originating at the named origin states and destined to Wagner, S. Dak. in Part II. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403, Samuel Rubenstein, General Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 52657 (Sub-No. 708 TA) filed July 3, 1973 Applicant: ARCO AUTO CARRIERS, INC. 2140 West 79th Street Chicago, Ill. 60620 Applicant's representative: S. J. Zangri (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle bodies, tool boxes, bumpers, and materials, supplies* (except commodities in bulk), *parts and accessories* of motor vehicle bodies when moving in mixed shipments and on the same load with such commodities, from Hampstead, Md., to points in Maine, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Snyder Body, Inc., P.O. Box 220, Hampstead, Md. 21074. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 54567 (Sub-No. 13 TA) filed July 2, 1973. Applicant: RELIANCE TRUCK COMPANY a Corporation 2500 North 24th Avenue Phoenix, Ariz. 85009 Applicant's representative: A. Michael Bernstein 1327 United Bank Bldg. Phoenix, Ariz. 85012 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment and supplies; machinery; iron and steel; iron and steel products; and commodities* which because of size or weight require the use of special equipment, between Ehrenberg, Ariz. and Blythe, Calif., for 180 days. Note: Applicant will tack with authority held in MC 54567 (Sub-No. 4) and also interline with other carriers at Blythe, Calif. The authority is sought for the purpose of tacking to the carrier's present existing authority and interlining with California carriers to provide service between points in Arizona and California. SUPPORTING SHIPPERS: There are approximately 474 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 64932 (Sub-No. 516 TA) filed July 2, 1973. Applicant: RELIANCE AGE CO. 10735 S. Cicero Avenue Oak Lawn, Ill. 60453 Applicant's representative: Carl L. Steiner 39 South LaSalle Street Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen*, in bulk, in tank vehicles, from Painesville, Ohio, to Countryside, Illinois, for 90 days. SUPPORTING SHIPPER: Liquid Air, Inc., 5300 S. East Avenue, Countryside, Ill. 60525. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 78400 (Sub-No. 35 TA) filed July 3, 1973 Applicant: BEAUFORT TRANSFER COMPANY P.O. Box 102 Gerald, Mo. 63037 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as described by the Commission, livestock, commodities in bulk, or commodities requiring the use of special equipment and refrigeration), between Linn, Mo. and St. Louis, Mo. as follows: from Linn over U.S. Highway 50, to Jefferson City, Mo., thence over U.S. Highway 54 to Kingdom City, Mo., thence over Interstate Highway 70 to St. Louis, Mo. and return, serving Jefferson City, Mo. as an intermediate point, for 180 days. Note: Applicant intends to interline at St. Louis, Mo. SUPPORTING SHIPPERS: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor J. P. Werthman, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 111812 (Sub-No. 496 TA) filed July 6, 1973 Applicant: MIDWEST COAST TRANSPORT, INC. 900 West Delaware P.O. Box 1233 Sioux Falls, S. Dak. 57101 Applicant's representative: Ralph H. Jinks (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part I—*Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in Idaho, Arizona, California, Montana, Nevada, Oregon, Utah and Washington and Part II—*meats, meat products and meat by-products* as described in Part I (except hides and commodities in bulk), and *materials, supplies and equipment* used by meat packers in the conduct of their business, from points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, to Wagner, S. Dak., for 180 days. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 North Fifth Street, Minneapolis, Minn. 55403, Samuel Rubenstein, General Traffic Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 114896 (Sub-No. 8 TA) filed June 28, 1973 Applicant: PUROLATOR SECURITY, INC. Suite 1001, E. Mockingbird Towers 1341 W. Mockingbird Lane P. O. Box 5571 Dallas, Tex. 75202 Applicant's representative: William E. Fullingim (same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and/or coins* in bags, *bars, bullion and specie*, between all points in the Continental United States, for 180 days. Note: Carrier does not intend to tack authority. SUPPORTING SHIPPER: Phillipp Brothers Division of Engelhard, Minerals & Chemicals Corporation, 299 Park Avenue, New York, N.Y. 10017. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116073 (Sub-No. 273 TA) filed July 5, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue, P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert Tessar (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Fairmont, Minn., to points in North Dakota, South Dakota, Wisconsin and Iowa, for 180 days. SUPPORTING SHIPPER: Minn. Mark IV Homes, Inc., North Armstrong Drive, Fairmont, Minn. 56031. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123048 (Sub-No. 263 TA) filed July 5, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue P.O. Box A (Box zip 53403) Racine, Wis. 53401 Applicant's representative: Carl S. Pope (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated grain bins and tanks, fans, heaters, and accessories* when moving at the same time and in the same vehicle, from the plantsite of Chicago Eastern Corporation at Marengo, Ill., to points in the United States (except Alaska, Hawaii, Vermont, New Hampshire, Connecticut, Maine, Rhode Island, Massachusetts, Arizona, Utah, Nevada, New Mexico and Wyoming), for 180 days. RESTRICTION: Restricted to traffic originating at said plantsites and destined to the states specified above. SUPPORTING SHIPPER: Chicago Eastern Corporation, Marengo, Ill. (Raymond Matyasse, Manager, Material and Inventory Control). SEND PROTESTS TO: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 555 TA) filed July 5, 1973 Applicant: SCHWERMAN TRUCKING CO. 611 South 28 Street Milwaukee, Wis. 53215 Applicant's representative: Richard H. Prevette (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from Pell City, Ala., to Sparrows Point, Md., for 180 days. SUPPORTING SHIPPER: Riverside Clay Company, P.O. Box 551, Pell City, Ala. 35125, (John C. Morris, President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 128007 (Sub-No. 54 TA) filed July 5, 1973 Applicant: HOFER, INC. 4032 Parkview Drive P.O. Box 583 Pitts-

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burg, Kans. 66762 Applicant's representative: John E. Jandera 641 Harrison Topeka, Kans. 66603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, blood meal and bone meat*, from Ellis, Mankato, Emporia, Dodge City, Wichita, Hutchinson, Garden City and Great Bend, Kans., to points in Oklahoma, Missouri, Arkansas, Texas, Nebraska and Iowa, for 150 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6950 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128030 (Sub-No. 40 TA) (CORRECTION) filed March 27, 1973, published in the Federal Register issue of April 11, 1973, and republished as corrected this issue. Applicant: STOUT TRUCKING CO., INC. P.O. Box 177 R.R. #1 Urbana, Ill. 61801 Applicant's representative: R. C. Stout (same address as above) Note: The purpose of this partial republication is to show that applicant now seeks to operate as a *common carrier*, in lieu of a contract carrier, which was published in error. The rest of the application remains the same.

No. MC 133106 (Sub-No. 31 TA) filed July 5, 1973 Applicant: NATIONAL CARRIERS, INC. 1501 East 8th Street P.O. Box 1358 Liberal, Kans. 67901 Applicant's representatives: Frederick J. Coffman 521 South 14th Street Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings, pipe connections, pipe hangers, castings and valves*, from the plant site and warehouse facilities of International Telephone and Telegraph Corporation-Grinnell, located at or near Clito, Ga., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas, Oklahoma, New Mexico and Texas, for 180 days. SUPPORTING SHIPPER: International Telephone and Telegraph Corporation—Grinnell, 260 West Exchange Street, Providence, R.I. 02901. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 135082 (Sub-No. 18 TA) filed July 5, 1973 Applicant: BURSCH TRUCKING, INC. 415 Rankin Road, NE Albuquerque, N. Mex. 87107 Applicant's representative: Don F. Jones (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, including roofing, roofing products and supplies, composition and prepared roofing, and insulation materials*, from Dallas and Houston, Tex., to points in New Mexico and Arizona, for 180 days. SUPPORTING SHIPPER: Roofing Wholesale Co., Inc., 1918 West Grant Street, Phoenix, Ariz. 85009. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 136315 (Sub-No. 1 TA) filed July 6, 1973 Applicant: OLEN BURRAGE TRUCKING, INC. Route 9, Box 22–A Philadelphia, Miss. 39350 Applicant's representative: Fred W. Johnson, Jr. P.O. Box 22628 Jackson, Miss. 39205 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers and cross-ties*, treated or untreated, from points in Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Molphua Lumber Company, Philadelphia, Miss.; Klumb Lumber Company, Crystal Springs, Miss.; Hankins Lumber Sales, Inc., Grenada, Miss.; Steel City Lumber Company, Birmingham, Ala.; Thomasson Lumber, 440 North Center Avenue, P.O. Box 114, Philadelphia, Miss.; and Bellenger Lumber Company, 703 Hooker Street, P.O. Box 189, Jackson, Miss. 39205. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136498 (Sub-No. 5 TA) filed July 6, 1973 Applicant: RICHARD L. CLAPP doing business as CMC FURNITURE TRANSPORT COMPANY 611 Gaston Street P.O. Box 10103 Raleigh, N.C. 27604 Applicant's representative: Ernest D. Salm 8179 Havasu Circle, Buena Park, Calif. 90621 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorescent light fixtures*, weighing less than seven pounds per cubic foot, from Gardena, Calif., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Maryland, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and West Virginia, for 180 days. SUPPORTING SHIPPER: Globe Illumination Company, 1515 West 178th Street, Gardena, Calif. 90248. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 136882 (Sub-No. 3 TA) filed July 6, 1973 Applicant: BTA TRUCKING CO., INC. 502 Lester Street Woodbury, Tenn. 37190 Applicant's representative: Robert Lyn Baker 500 Court Square Building Nashville, Tenn. 37201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm doors and windows*, from Woodbury, Tenn., to Newton, Kans.; Kingston, Pa.; Goshen, Ind.; Elsie, Mich.; Blytheville, Ark.; Kings Mountain and Havelock, N.C.; Bradenton and Lakeland, Fla.; Muscle Shoals, Ala.; and Atlanta, Ga., for 180 days. SUPPORTING SHIPPER: V. E. Anderson Mfg. Co., P.O. Box 370, South College Avenue, Woodbury, Tenn. 37190. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 138834 (Sub-No. 1 TA) filed July 3, 1973 Applicant: JERRY ATKINSON doing business as JERRY ATKINSON COMPANY 4517 Hilton, NE Albuquerque, N. Mex. 87110 Applicant's representative: Edwin E. Piper, Jr., 1115 Sims Bldg. Albuquerque, N. Mex. 87101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, edible meat by products, dairy products, and frozen and perishable foods and foodstuffs*, between points in New Mexico; and between Albuquerque, N. Mex. and Roswell, N. Mex., on the one hand, and, on the other, points in El Paso County, Tex., for 180 days. SUPPORTING SHIPPERS: Monfort Food Distributing Co., P.O. Box 25407, Albuquerque, N. Mex. 87125; Stear Foods, Incorporated, P.O. Box 26147, Albuquerque, N. Mex. 87125; and Fairmont Foods Company, 209 East Ninth Street, Roswell, N. Mex. 88201. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue, SW, Albuquerque, N. Mex. 87101.

No. MC 138845 TA (CORRECTION) filed June 25, 1973, published in the Federal Register issue of July 12, 1973, and republished as corrected this issue. Applicant: DAYTON TRANSPORT CORPORATION P.O. Box 338 Dayton, Va. 22821 Applicant's representative: Francis J. Ortman 1100 Seventeenth Street, N.W. Suite 613 Washington, D.C. 20036 Note: The purpose of this partial republication is to correct the origin point to Spotsylvania County, Va., in lieu of Spotsylvania County, Pa., which was published in error. The rest of the application remains the same.

No. MC 138878 TA filed July 5, 1973 Applicant: JOHN S. WATSON doing business as JOHN S. WATSON TRUCKING COMPANY Box 94, U.S. Rt. 19 South Weston, W. Va. 26452 Applicant's representative: Willis O. Shay Union National Bank Bldg. 10th Floor Clarksburg, W. Va. 26301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, forest products* (bark, preserved and unpreserved logs and wooden pilings, mine timbers and cants, peeler cores, treated and untreated poles, treated and untreated railroad ties, sawdust and shavings, slabwood, timber, trimmings from logs and bolts, wood chips for making wood pulp, pallets, and staves); and *clay products*, from points in West Virginia, to points in New York, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, New Jersey, Kentucky, Tennessee, and Ohio, for 180 days. SUPPORTING SHIPPERS: United Wood Preserving Company, Old Fairground, Sutton, W. Va. 26601, Att.: Ronald F. Parsons, Plant Manager; Weston Brick Company, P.O. Box 629, Weston, W. Va. 26452, Att.: Edwin G. Bush, Manager; and Curry Brothers Lumber Company, Inc., Box 337, Elizabeth, W. Va. 26143, Att.: John Curry, Secretary-Treas. SEND PROTESTS TO: H. R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 138879 TA filed July 6, 1973 Applicant: RUSSEL L. RODGERS doing business as RODGERS TRUCK SERVICE P.O. Box 21 Fairfield, Ill. 62837 Applicant's representative: Robert T. Lawley 300 Reisch Building Springfield, Ill. 62701 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gray iron castings*, from East St. Louis, Mount Vernon, Fairfield, and Belvidere, Ill. and Fairview, Tenn., to Marked Tree, Ark., for the account of Mid-South Mfg., Inc. and (2) *gray iron castings*, from Rochester, and Warsaw, Ind.; Fostoria, Ohio; West Memphis and Marked Tree, Ark. and Fairview, Tenn., to Fairfield, Ill., for the account of Airtex Products Division of United Industrial Syndicate, Inc., for 180 days. SUPPORTING SHIPPER: Gerald W. Drake, Traffic Manager, Airtex Products Division of United Industrial Syndicate, Inc., Fairfield, Ill. 62837. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15164 Filed 7–23–73;8:45 am]

[Notice No. 97]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 18, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 24943 (Sub-No. 1 TA) filed July 9, 1973 Applicant: WOODBURN TRUCK LINE, INC. 1365 North Front Street Woodburn, Oreg. 97071 Applicant's representative: Richard Wellman (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machines; food processing equipment*, from Woodburn, Oreg., to all points in Washington, for 180 days. Note: Applicant intends to tack or interline with MC 24943. SUPPORTING SHIPPER: Gem Equipment Company, P.O. Box 359, Woodburn, Oreg. 97071. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 29753 (Sub-No. 3 TA) filed June 27, 1973 Applicant: BOB AIKINS LINES, INC. Box 264 Lawrenceburg, Ind. 47025 Applicant's representative: Norbert B. Flick Executive Building Cincinnati, Ohio 45202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barrels, wooden, tight used whiskey*, from Lawrenceburg, Ind., to Overpeck, Ohio, for 180 days. SUPPORTING SHIPPERS: Louisville Cooperage Company, 421 W. Avery Street, Louisville, Ky. 40208 and General Cooperage Incorporated, 4224 Hamilton-Trenton Road, Overpeck, Ohio 45055. SEND PROTESTS TO: District Supervisor James Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 36854 (Sub-No. 3 TA) filed July 3, 1973 Applicant: BOST TRUCK SERVICE, INC. 1134 North Street Murphysboro, Ill. 62966 Applicant's representative: W. E. Bost (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane gas*, in bulk, in tank vehicles, from Princeton, Ind., to Herrin, Marion, Murphysboro, and Wolfe Lake, Ill., for 180 days. SUPPORTING SHIPPER: Glenn D. Carlson, Director of Transportation, Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 89833 (Sub-No. 108 TA) (CORRECTION) filed June 11, 1973, published in the Federal Register issue of June 26, 1973, and republished as corrected this issue. Applicant: ASSOCIATED TRUCK LINES, INC. Vandenberg Center Grand Rapids, Mich. 49502 Applicant's representative: Harry Pohlad (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plant site and facilities of International Packings Corporation at or near Morristown, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Shelbyville and Greensburg, Ind., for 180 days. Note: Applicant intends to tack and interline the above-described authority with MC 69833 and various subs and to interline at all common points. SUPPORTING SHIPPER: Lary Diehl, Quality Manager, International Packings of Indiana, Inc., Shelbyville, Ind. 46176. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 225 Federal Building, Lansing, Mich. 48933. Note: The purpose of this republication is to name the supporting shipper and to tell where to send protests, which was omitted in error.

No. MC 74321 (Sub-No. 88 TA) filed July 9, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings and plastic pipe and fittings* (except those which because of size or weight require the use of special equipment, and except those described in *Mercer Extension—Oil Field Commodities*), from the plant site of Tyler Pipe Industries, Inc. at Swan, Tex., to points in Arizona, California, Colorado, Utah and Nevada, for 180 days. SUPPORTING SHIPPER: Tyler Pipe Industries, Inc., P. O. Box 2027, Tyler, Tex. 75701. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 103993 (Sub-No. 773 TA) filed July 5, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houseboats*, from the plant site of Watercraft, Inc. at or near Gallatin, Tenn., to points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Watercraft, Inc., Pumping Station Road, Gallatin, Tenn. 37066. SEND PROTESTS TO: District Supervi-

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sor Justus Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Ft. Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 774) filed July 5, 1973. Applicant: MORGAN DRIVE-AWAY, INC. 2800 West Lexington Avenue Elkhart, Ind. 46514 Applicant's representative: Paul Borghesani (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Lincoln County, S. Dak., to points in Minnesota, South Dakota, North Dakota, Wyoming, Nebraska, Montana, and Iowa, for 180 days. SUPPORTING SHIPPER: Town & Country Mobile Homes, Inc., P.O. Box 156, Canton, S. Dak. 57103. SEND PROTESTS TO: District Supervisor Justus Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne St., Ft. Wayne, Ind. 46802.

No. MC 104123 (Sub-No. 74 TA) filed July 9, 1973 Applicant: JOHN SCHUTT, JR., INC. 4361 River Road, P.O. Box Station B Tonawanda, N.Y. 14207. Applicant's representative: Robert D. Gunderman Suite 710 Statler Hilton Buffalo, N.Y. 14202 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry aluminum chloride*, in bulk, in tank vehicles, (1) from Elberta and Lockport, N.Y., to Freeport, Tex. and Baton Rouge, La. and (2) from Brainards, N.J.; Elkton, Md.; and La Porte, Tex., to Ashtabula, Ohio; Baltimore, Md.; Institute, W. Va.; Freeport, Tex.; Baton Rouge, La.; West Elizabeth, Pa. and Staten Island, N.Y., for 180 days. SUPPORTING SHIPPERS: Vanchlor Co. Inc., 1 North Transit Road, Lockport, N.Y. 14094; A.C.L. Industries Inc., P.O. Box 67, Elkton, Md.; Allied Chemical Corporation, Industrial Chemicals Division, P.O. Box 1139R, Morristown, N.Y. and Pearsall Chemical Co., P.O. Box 108, Phillipsburg, N.J. 08865. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 10644 (Sub-No. 155 TA) filed July 5, 1973 Applicant: SUPERIOR TRUCKING COMPANY, INC. 2770 Peyton Road, N.W. P.O. Box 916 (Box zip 30301) (Chattanoochee Station) Atlanta, Ga. 30321 Applicant's representative: Archie B. Culbreth Suite 246 1252 West Peachtree Street, N.W. Atlanta, Ga. 30309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wild animals*, in cages and (2) *feed, supplies and equipment* used in the care of wild animals, and personal effects of attendants, when moving in or on the same vehicle with wild animals, between points in the United States, including Alaska, for 180 days. SUPPORTING SHIPPER: Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, Calif. 92653. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 107295 (Sub-No. 651 TA) filed June 27, 1973 Applicant: PRE-FAB TRANSIT CO. 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass and mineral wool insulation; fiberglass air handling products and accessories* used in the installation thereof (except commodities in bulk), from the facilities of Cleveland Glass Insulations, Inc. at Cleveland, Ohio, to all points in the United States, for 180 days. SUPPORTING SHIPPER: Cleveland Glass Insulations, Inc., 1410 Chardon Road, Cleveland, Ohio 44117. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 108207 (Sub-No. 369 TA) filed May 31, 1973 Applicant: FROZEN FOOD EXPRESS P.O. Box 5888 318 Cadiz Street Dallas, Tex. 75207 Applicant's representative: J. B. Ham (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreglass roving impregnated with resin*, from Jackson, Ohio, to Litchfield Park, Ariz., for 180 days. SUPPORTING SHIPPER: Goodyear Aerospace Corporation, Akron, Ohio 44315. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 111729 (Sub-No. 389 TA) filed July 11, 1973 Applicant: PUROLATOR COURIER CORP. 2 Nevada Drive Lake Success, (NHPPO) N.Y. 11040 Applicant's representative: John M. Delany (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copies and materials related thereto, and business papers, records, audit and accounting media and advertising material of all kinds moving therewith*, between Wauseon, Ohio, on the one hand, and, on the other, points in Indiana, on or north of U.S. Highway 30, and points in Michigan on or south of Interstate Highway 96; (2) *film, proofs, layouts, dated manuscript copy and publication materials and related advertising material moving therewith*, between Greenfield, Ohio and Chicago, Ill.; and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between Belleville, Ill. and Crystal City, Mo., for 90 days. SUPPORTING SHIPPERS: (1) Mustang Division, Chief, Publishing Company, North Fulton St., Wauseon, Ohio; (2) Mister Photo Service, 1511 East Main Street, Belleville, Ill.; and (3) Greenfield Printing and Publishing Company, 1025 North Washington Street, Greenfield, Ohio. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113666 (Sub-No. 78 TA) filed June 27, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Daniel R. Smetanick (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Powdered iron*, (except in bulk, in tank vehicles) from the Ports of Entry on the International Boundary line between the United States and Canada located in New York and Michigan, to points in Michigan, Ohio, New York, New Jersey, Pennsylvania, Tennessee, West Virginia and Wisconsin, restricted to traffic originating in the Province of Quebec, for 180 days. SUPPORTING SHIPPER: Quebec Iron and Titanium Corporation, P.O. Box 40, Sorel, Quebec, Canada. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113908 (Sub-No. 279 TA) filed June 26, 1973 Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Sta. 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead, Traffic Manager (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles, from Rogers, Ark. and Dallas, Tex., to Hutchinson, Kans., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Western Food Products Company, P.O. Box 1524, Hutchinson, Kans. 67501. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 280 TA) filed June 26, 1973. Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Sta. 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead, Traffic Manager (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits*, in bulk, in tank and hopper type vehicles, from Atchison, Kans., to Scobeyville, N.J., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Mid-

west Solvents Company, Inc., 1300 Main Street, Atchison, Kans. 66002. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (Sub-No. 281 TA) filed June 27, 1973 Applicant: ERICKSON TRANSPORT CORPORATION P.O. Box 3180 Glenstone Station 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage spirits*, in bulk, in tank and hopper type vehicles, from Atchison, Kans., to Clifton, N.J.; Newark, N.J.; Philadelphia, Pa.; and Brooklyn, N.Y., for 180 days. SUPPORTING SHIPPER: Midwest Solvents Company, Inc., 1300 Main Street, Atchison, Kans. 66002. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114848 (Sub-No. 54 TA) filed July 2, 1973 Applicant: WHARTON TRANSPORT CORPORATION 1498 Channel Avenue P.O. Box 13068 Riverside Station Memphis, Tenn. 38113 Applicant's representative: Terry T. Wharton (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from Memphis, Tenn., to St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: Ralston Purina Company, GTM, Agricultural Products, 835 So. Eighth Street, St. Louis, Mo. 63188. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 118038 (Sub-No. 5 TA) filed July 9, 1973 Applicant: EASLEY HAULING SERVICE, INC. P.O. Box 1261–Gun Club Road Yakima, Wash. 98907 Applicant's representative: Norman F. Richardson P.O. Box 1261 Yakima, Wash. 98907 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene forms* and *shapes*, from Wenatchee, Wash., to a point of entry on the United States-Canadian International Boundary near Bonners Ferry, Idaho and from Wenatchee, Wash., to Lewiston, Richfield, Franklon and Hagerman, Idaho, for 180 days. SUPPORTING SHIPPER: Dolco Packaging Corporation, 1121 S. Columbia St., Wenatchee, Wash. 98801. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 119789 (Sub-No. 165 TA) filed July 2, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 (1612 E. Irving Blvd), Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. P.O. Box 6188 Dallas, Tex. 75222 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* and *parts and accessories*, from Louisville, Ga., to Dallas, Tex., for 180 days. Note: Carrier does not intend to tack authority. SUPPORTING SHIPPER: Convoy Servicing Company, 3020 S. Haskell, Dallas, Tex., 75223. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 120606 (Sub-No. 1 TA) filed July 5, 1973 Applicant: A. C. WHITE STORAGE COMPANY 660 Edgewood Avenue, N.E. Atlanta, Ga. 30312 Applicant's representative: J. Michael May Atlanta, Ga. 30303 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ranges, ovens, range tops, range hoods, refrigerators, disposal units, trash compactors, dish washers, vacuum systems, air conditioners, kitchen cabinets, and parts, and attachments and accessories* for the above-named commodities, from points in Fulton County, Ga., to points in Alabama, and points in Florida north of the southern boundaries of Dixie, Gilchrist, Alachua, Putnam and Flagler Counties, Fla., for 180 days. RESTRICTION: The operations authorized herein are limited to transportation services performed under a continuing contract, or contracts with Tappan, Division of The Tappan Company, Fulton County, Ga. SUPPORTING SHIPPER: Tappan, Division of The Tappan Company, 5847 Wheaton Drive, Atlanta, Ga. 30336. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 124212 (Sub-No. 70 TA) filed June 27, 1973 Applicant: MITCHELL TRANSPORT, INC. P.O. Box 30248 6500 Pearl Road Cleveland, Ohio 44130 Applicant's representative: J. A. Kundtz 1100 National City Bank Building Cleveland, Ohio 44114 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the plant site of Lehigh Portland Cement Company at Pasco, Wash., to Heppner (Morrow County), Oreg., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Lehigh Portland Cement Company, 718 Hamilton Street, Allentown, Pa. 18105. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 125358 (Sub-No. 12TA) filed June 28, 1973 Applicant: MID-WEST TRUCK LINES, LTD., Canadian Corp. 1216 Fife Street Winnipeg, Manitoba, Canada (14) Applicant's representative: William S. Rosen 630 Osborn Building St Paul, Minn. 55102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* from Columbus, Indiana, to port of entry on the International Boundary line between the United States and Canada located at Pembina, North Dakota, with consignment to Winnipeg, Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Versatile Manufacturing Ltd., 1260 Clarence Avenue, Winnipeg, Manitoba, Canada. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, North Dakota 58102.

No. MC 127355 (Sub-No. 11 TA) filed July 5, 1973 Applicant: M & N GRAIN COMPANY 802 East Hickory Nevada, Mo. 64105 Applicant's representative: Donald J. Quinn 1012 Baltimore Avenue Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cottonseed meal*, from points in Mississippi and Texas, on the one hand, to points in Illinois, Iowa, Minnesota, Nebraska, South Dakota and Wisconsin, on the other; (B) *Suncured alfalfa*, from points in South Dakota, on the one hand, to points in Illinois, Indiana, Kentucky, Ohio and Tennessee on the other; (C) *Linseed oil*, from points in Minnesota, on the one hand, to points in Florida, on the other; (D) *50% meat and bonemeal*, from points in Indiana, Kansas, Nebraska, Ohio and Tennessee, on the one hand, to points in Georgia, Illinois and Missouri on the other; and (D) *Hominy*, from points in Missouri and Nebraska, on the one hand, to points in Oklahoma and Texas on the other, for 180 days. SUPPORTING SHIPPER: The Pillsbury Company, 608 Second Avenue, South Minneapolis, Minn. 55402. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128383 (Sub-No. 34 TA) filed July 2, 1973 Applicant: PINTO TRUCKING SERVICE, INC. 1414 Calcon Hook Road Sharon Hill, Pa. 19079 Applicant's representative: Gerald K. Gimmel, 666 Eleventh Street Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and except motor vehicles requiring the use of special equipment), between Dulles International Airport, Va., the Greensboro-High Point-Winston-Salem Airport, N.C., Douglas Municipal Airport at or near Charlotte, N.C., the Hartsfield International Airport at or near Atlanta, Ga., and the Miami International Airport, at or near Miami, Fla., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service, for 180 days. SUPPORTING SHIPPERS: Schenkers International Forwarders,

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147–29 182nd St., Jamaica, N.Y. 11413; British Overseas Airways Corp., 245 Park Avenue, New York, N.Y. 10017; Five Star Air Freight Corp., 3rd & Governor Printz Blvd., Lester, Pa. 19113; Southern Overseas Corp., P.O. Box 27086, Charlotte, N.C. 28208; Air France, 1350 Avenue of the Americas, New York, N.Y. 10019; and Bor-Air Freight Co., Inc., 351 West 38th Street, New York, N.Y. 10018. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 134380 (Sub-No. 1 TA) filed July 5, 1973 Applicant: CLIFFORD A. WILLIAMSON doing business as ROYALTY SERVICE CO. P.O. Box 89 Midland Park, N.J. 07432 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Educational materials*, from Carlstadt, N.J., to points in New York, N.Y., Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and points in New Jersey, for 180 days. SUPPORTING SHIPPER: Xerox Education Group, 65 Triangle Boulevard, Carlstadt, N.J., 07072. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 134599 (Sub-No. 82TA) filed June 26, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles* and *materials, parts and supplies* used in assembling motorcycles, between Milwaukee, Wis., on the one hand, and, on the other, York, Pa., for 180 days. SUPPORTING SHIPPER: AMF—Harley Davidson, 777 Westchester Avenue, White Plains, New York (J. B. Townley, General Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 134958 (Sub-No. 4 TA) filed June 28, 1973 Applicant: HAMS EXPRESS, INC. 3499 So. Third Street Philadelphia, Pa. 19148 Applicant's representative: David M. Schwartz 1025 Connecticut Ave., N.W. Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products; articles distributed by meat packing houses and commodities used by packing houses; and such commodities* as are used by meat-packers in the conduct of their business when destined to and for use by meatpackers as defined in Sections A, C and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides and skins), all services limited to transportation service to be performed under continuing contract with Bluebird Brands Inc. of Chicago, Ill., (1) from the plant site, warehouses, and storage facilities, used by Bluebird Brands Inc. at or near Chicago, Ill., to points in the United States (except Alaska and Hawaii); (2) from cold storage warehouses (a) at Denver, Colo., to points in California, Arizona, Montana, New Mexico, Oregon, Utah and Washington; (b) at Kansas City, Mo., to points in Arkansas, Missouri, New Mexico, Nebraska, Oklahoma, South Dakota, Tennessee, and Texas; (c) at Nashville, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina and South Carolina; and (d) at Cleveland, Ohio, to points in Maryland, Michigan, New York, Pennsylvania, Virginia and West Virginia, (the requested authority in (2) above to be limited to traffic having a prior motor carrier movement to the named cold storage warehouses from the said facilities of Bluebird Brands at or near Chicago under the authority sought in (1) of this application); (3) from points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, to the said facilities of Bluebird Brands at or near Chicago; and (4) (a) from points in Alabama, Arkansas, Georgia, Kentucky, Oklahoma, Tennessee and Texas, to cold storage warehouses at Peoria, Ill. and Indianapolis, Ind.; (b) from points in Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and Virginia, to cold storage warehouses at Benton Harbor, Mich. and Indianapolis, Ind.; (c) from points in Colorado, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, to cold storage warehouses at Cedar Rapids, Iowa; Davenport, Iowa; and Peoria, Ill. (the requested authority in (4) above to be limited to traffic having a subsequent motor carrier movement, from the named cold storage warehouses to the facilities of Bluebird Brands at or near Chicago under the authority sought by Hams in (3) of this application), for 180 days. SUPPORTING SHIPPER: Bluebird Brands, 700 East 107th Street, Chicago, Ill. 60628. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 135874 (Sub-No. 20 TA) filed July 6, 1973 Applicant: LTL PERISHABLES, INC. Box 37488 - 132nd & "Q" Sts. Omaha, Nebr. 68137 Applicant's representative: Bill White 132nd & "Q" Sts. Omaha, Nebr. 68137 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, Omaha, Nebr., to Bismarck and Minot, N. Dak., for 90 days. SUPPORTING SHIPPER: Campbell Soup Company, 1202 Douglas St., Omaha, Nebr. 68102. SEND PROTESTS TO: District Supervisor, Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135889 (Sub-No. 6 TA) filed July 11, 1973 Applicant: BOYD TANK LINES, INC. 6600 Sandy Spring Road Laurel, Md. 20810 Applicant's representative: Walter T. Evans 615 Perpetual Building 1111 E Street, N.W. Washington, D.C. 20004 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: in bulk, in dump vehicles, (1) *sand*, from the facilities of Contee Sand & Gravel Co., Inc., and A. H. Smith Sand & Gravel Company, in Anne Arundel, Montgomery and Prince Georges Counties, Md., to points in Berkeley, Jefferson, and Morgan Counties, W. Va.; (2) *limestone*, from the facilities of Martin Marietta Aggregates, Northeast Division of Martin Marietta Corporation, Washington County, Md., to the same destination counties set forth in (1) above; and (3) *slag*, from the facilities of Arundel Corporation, Sparrows Point, Baltimore County, Md., to the same destination counties set forth in (1) above, restricted to a transportation service to be performed under a continuing contract or contracts with Martin Marietta Aggregates, Northeast Division of Martin Marietta Corporation, for 150 days. SUPPORTING SHIPPER: Martin Marietta Aggregates, Northwest Division of Martin Marietta Corporation, Box 292, Route 2, Williamsport, Md. 21795, Attention: Philip K. Snow, Traffic Manager. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 136143 (Sub-No. 1 TA) filed July 3, 1973 Applicant: ROBERT EUGENE THOMAS doing business as R. E. THOMAS TRUCKING Grants Pass, Oreg. 97526 Applicant's representative: Clyde M. Brown, Sr. 5612 S.E. Oetkin Road Milwaukie, Oreg. 97222 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, in packages, in refrigerated vehicles, from the plant site of Rogue Gold Dairy, Grants Pass, Oreg., to points in Alameda, Butte, Contra Costa, Los Angeles, Orange, Riverside, Sacramento, San Bernadino, San Mateo, Santa Barbara, Santa Clara, Sutter, Ventura and Yuba Counties, Calif.; (2) *Lumber*, from the plant site of Spalding & Son, Inc., Grants Pass, Oreg., to Longview, Tacoma and Vancouver, Wash.; Elko, Ely, Las Vegas, Reno, Sparks and Tonopah, Nev., and points in California; and (3) *Shakes and shingles*, from the plant site of Roseburg Shingle & Stud, Inc., Roseburg, Oreg., to points in Alameda, Contra Costa, Fresno, Los Angeles, Merced, Orange, Riverside, Sacramento, San Bernadino, San Diego, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Stanislaus, and Ventura Counties, Calif., for 180 days. SUPPORTING SHIPPERS: Rogue Gold Dairy, Inc., 234 S.W. 5th Street, Grants Pass, Oreg. 97526; Spalding & Son, Inc., P.O. Box 438, Grants Pass, Oreg. 97526; and Roseburg Shingle & Stud, Inc., P.O. Box 1024, Roseburg, Oreg. 97470. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 136211 (Sub-No. 16 TA) filed June 27, 1973 Applicant: MERCHANTS HOME DELIVERY SERVICE, INC. 210 St. Mary's Drive Suite G (P.O. Box 5067) Oxnard, Calif. 93030 Applicant's representative: Joseph E. Rebman 1230 Boatmen's Bank Bldg. 314 North Broadway St. Louis, Mo. 63102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from the warehouse and shipping facilities of Levitz Furniture Corporation of Illinois at or near Belleville, Ill., to points in St. Louis, St. Louis County, St. Charles County, Franklin County and Jefferson County, Mo., with return movements of *rejected or returned shipments of such commodities*, from the specified destinations, to the specified origin (when the shipment had been accepted by the consignee and is subsequently returned), for 180 days. SUPPORTING SHIPPER: Levitz Furniture Corporation of Illinois, 1333 Stemmons Freeway, Dallas, Tex. 75207. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136464 (Sub-No. 3 TA) filed July 3, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N.C. 28052 Applicant's representative: David L. Bayne (Same address as applicant) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, blankets, rugs, bath mats, hosiery, draperies, sheet, pillow cases, towels, wash cloths, safety belts or straps, binding, ribbon, tape or webbing, bed spreads, ribbon bows, cloth or piece goods, yarn, tablecloths, furniture in mixed loads with other commodity*, from the Burlington Industries, Inc. plant sites at Cramerton, Gaston County, North Carolina & Memphis, Shelby County, Tenn., to Los Angeles, Calif. and points in its commercial zone, for 180 days. Note: Applicant states that it does not intend to tack with its existing authority. SUPPORTING SHIPPER: Burlington Industries, Inc., Burlington, North Carolina. SEND PROTESTS TO: District Supervisor Price, 800 Briar Creek Rd—Rm CC516, Charlotte, N.C. 28205.

No. MC 136981 (Sub-No. 2 TA) filed June 27, 1973 Applicant: BLAIR CARTAGE, INC 13658 Auburn Road Newbury, Ohio 44065 Applicant's representative: Lewis S. Witherspoon 1825 The Illuminating Building 55 Public Square Cleveland, Ohio 44113 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and component parts* from Middlefield, Ohio and Burton Township, Geauga County, Ohio to the States of Connecticut, Delaware, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Normandy Industries, Inc., 40th & Butler Streets, Pittsburgh, Pa. 15201. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138635 (Sub-No. 6 TA) filed June 27, 1973 Applicant: CAROLINA WESTERN EXPRESS, INC. 650 Eastwood Drive Gastonia, N. C. 28052 Applicant's representative: John R. Sims, Jr. Joyner, Goff & Sims Suite 600 1707 H. Street, N.W. Washington, DC 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile yarns and finished carpets*, from Gaston County, N. C., to all points in the state of California; from Los Angeles, California (Trade Area), to Bristow, Creek County, Oklahoma, Wilburton, Latimer County, Oklahoma; Hillsboro, Hill County, Texas, Marlin, Falls County, Texas, for 180 days. SUPPORTING SHIPPERS: Kemfast Textiles, Inc., Gastonia, N. C.; Pacific Coast Knitting Mills, Inc., Vernon, California; and Western Yarns, Inc., Los Angeles, Calif. SEND PROTESTS TO: District Supervisor Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, N. C. 28205.

No. MC 138821 (Sub-No. 1 TA) filed July 11, 1973 Applicant: WHEELBERG COMPANY 8707 East Quarry Street Manassas, Va. 22110 Applicant's representative: Francis J. Ortman 1100 Seventeenth Street, N.W. Suite 613 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced concrete products and materials* used in the installation thereof, from the plant site of Earley Studio Incorporated, in or near Manassas, Va., to points in Connecticut, Delaware, Maryland, New Jersey, Massachusetts, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Early Studio Incorporated, 8707 East Quarry Street, Manassas, Va. 22110. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 138840 (Sub-No. 1TA) filed July 6, 1973 Applicant: KENNETH D. BENNETT & STEVEN D. BENNETT, dba BENNETTVILLE FARMS Soldier, Kansas 66540 Applicant's representative: Edward S. Dunn Holton, Kans. 66436 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil, in bulk, in tank vehicles*, from points in Jackson County. Pottawatomie County and Nemaha County, Kans., to Carter-Waters Corp. petroleum terminal in Falls City, Nebr., for 180 days. Note: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. SUPPORTING SHIPPER: Carter-Waters Corp., 2440 Pennway, Kansas City, Mo. 64104. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138881TA filed July 3, 1973 Applicant: RED, WHITE & BLUE, INC. Star Route 1, Box 81 Seabeck, Wash. 98380 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Ephrata and Chehalis, Wash., to Portland, Oreg. (including exports in foreign commerce), for 180 days. SUPPORTING SHIPPER: The Purdy Company of Washington, 1200–112th Avenue, N.E., Suite 250, Bellevue, Wash. 98004. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Building, Seattle, Wash. 98104.

No. MC 138882 TA filed June 27, 1973 Applicant: WILEY SANDERS, INC. 212 Oak Street Troy, Alabama 36081 Applicant's representative: John W. Cooper 1314 City Federal Building Birmingham, Alabama 35203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap batteries*, from points in Florida, Georgia, North Carolina and South Carolina, to the plant site of Sanders Lead Co., Inc., Troy, Alabama. (2) *Wooden pallets*, from the plant site of Troy Box and Pallett, Inc., Troy, Alabama, to points in Florida, Georgia, North Carolina and South Carolina, for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: Sanders Lead Co., Inc., P.O. Box 161, Troy, Alabama 36081. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814–2121 Building, Birmingham, Alabama 35203.

No. MC 138883 TA, filed July 2, 1973 Applicant: SAN ANTONIO TRUCKING Co. 103 Danube St. San Antonio, Tex. 78213 Applicant's representative: Johnie Everett, President (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Rock*, in bags or in bulk, in dump trucks or floats or trailer vehicles, from the River Rock Materials Co. quarry near Callihan, Tex., to Climax and Urad, Colo. and Questa, N. Mex., for 180 days. Note: Applicant does not intend to tack with its existing authority. SUPPORTING SHIPPER: T. C. Huddle, President, River Rock Material Co., Inc. 900 N.E. Loop Expressway, San Antonio, Tex. 78209. SEND PROTESTS TO: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass., and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street, Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood juniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass., and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass., and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138884 TA filed July 9, 1973 Applicant: CONDOR CORPORATION RFD 2 Dixfield, Maine 04224 Applicant's representative: Peter L. Murray 30 Exchange Street Portland, Maine 04111 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glued wood furniture panels in box-type trailers*, from Andover, Maine, to Gardner, Clinton, East Templeton, Winchendon, Springfield, Baldwinville and South Ashburnham, Mass. and Hillsboro, Ossipee and Peterboro, N.H., for 180 days. SUPPORTING SHIPPER: Andover Wood Products, Inc., Andover, Maine 04216. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, P.O. Box 167 PSS, Portland, Maine 04112.

No. MC 138885 TA filed July 9, 1973 Applicant: BALDWIN LEASING COMPANY, INC. 801 Industrial Boulevard Bay Minette, Ala. 36507 Applicant's representative: Robert E. Tate P.O. Box 517 Evergreen, Ala. 36401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plant site of Standard Furniture Manufacturing Co., Inc., Bay Minette, Ala., to points in the United States (except Hawaii and Alaska) and (2) *new furniture, and equipment, materials and supplies* used in the manufacture and distribution of new furniture (except commodities in bulk), from points in the United States (except Hawaii and Alaska), to the plant site of Standard Furniture Manufacturing Co., Inc., located at Bay Minette, Ala., under a continuing contract with Standard Furniture Manufacturing Co., Inc., Bay Minette, Ala., for 180 days. SUPPORTING SHIPPER: Standard Furniture Manufacturing Co., Inc., Post Office Box 93, Bay Minette, Ala. 36507. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814–2121 Building, Birmingham, Ala. 35203.

MOTOR CARRIERS OF PASSENGERS

No. MC 136985 (Sub-No. 1 TA) filed June 27, 1973 Applicant: ENRIQUE UBALDO PINO doing business as EXECUTIVE LIMOUSINE SERVICE 11951 S.W. 4th Terrace Miamia, Fla. 33144 Applicant's representative: Richard Austin 8675 N.W. 53rd Street, Suite 123 Miami, Fla. 33166 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* moving in combined pre-arranged or packaged air and motor carrier limousine service of nine passenger vehicle or less (including driver), between Miami International Airport, Dade County, Fla. and the Ocean Reef Club, North Key Largo, Monroe County, Fla., for 180 days. SUPPORTING SHIPPER: Ocean Reef Club, Key Largo, Fla. 33037. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th Street, Room 105, Miami, Fla. 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15165 Filed 7-23-73;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Guidelines for Acquisition of Information From Owners of Point Sources

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Guidelines for Acquisition of Information From Owners of Point Sources

Notice was published in the FEDERAL REGISTER issue of April 19, 1973 (38 FR 9740), at 40 CFR 126, that the Environmental Protection Agency was giving consideration to proposed forms and guidelines for the acquisition of information from owners and operators of point sources of discharge subject to the National Pollutant Discharge Elimination System. These proposals were issued pursuant to the authority contained in the Federal Water Pollution Control Act Amendments of 1972 [86 Stat. 816; 33 U.S.C. 1251 (1972)] (hereinafter referred to as the "Act").

Section 402 of the Act creates a National Pollutant Discharge Elimination System (hereinafter referred to as the "NPDES") under which the Administrator of the Environmental Protection Agency may, after notice and opportunity for public hearing, issue permits for the discharge of any pollutant or combination of pollutants, upon condition that such discharge will meet all applicable requirements of the Act relating to effluent limitations, water quality standards and implementation plans, new source performance standards, toxic and pretreatment effluent standards, inspection, monitoring, and entry provisions, and guidelines establishing ocean discharge criteria.

Section 402 also provides that States desiring to administer their own permit program may submit a full and complete description of such a program to the Administrator for approval. The Administrator is to approve a State's program, and suspend issuance of permits under section 402, unless he determines that the State does not possess adequate authority to perform certain acts detailed in 402(b) of the Act. The State also must have an approved continuing planning process under section 303(e) of the Act before approval of its permit program can be granted. In addition to these requirements, a State permit program cannot be approved unless it conforms to guidelines issued under section 304(h)(2) of the Act prescribing minimum procedural and other elements of any State program under section 402. These latter guidelines were published in the FEDERAL REGISTER on Friday, December 22, 37 FR 28390 (1972).

Comments were received and appropriate changes made to the form and guidelines. In the interest of consolidating all information relating to application for an NPDES permit, the revised guidelines are herein published as final rulemaking in the form of amendments to 40 CFR 125, the NPDES program regulations (38 FR 13528). The revised guidelines are also promulgated herein as an amendment to 40 CFR 124, State Program Elements Necessary for Participation in the NPDES (37 FR 28390).

Principal revisions to the proposed forms are as follows:

1. The degree of analytical accuracy required has been limited to two significant digits, as this is all that is needed to apply the effluent guidelines.

2. "Absent" can now be entered on the effluent description if in the discharger's "reasoned judgment" a constituent is absent; he no longer must be "certain," as this would be impossible without analysis.

3. Instructions for items 7–9 (facility intake water, water use, and discharge), Section I, Form A, have been clarified to indicate that stormwater must be included only if it combines with other flows; this was originally not clear.

4. It has been clarified that substances present in the intake water should be marked "present" on the checklist. However, no analysis is required for purposes of the application; any previous analysis performed should be reported. We eliminated reference to "trace levels" and "drinking water standards" because there are no adequate standards covering enough parameters, and some substances could be toxic even in trace amounts.

5. It has been clarified that discharge descriptions are required for discharges to surface waters, discharges to wells where there is also a discharge to surface waters from the same facility, and discharges to municipal sewer systems if the discharge will not receive treatment prior to discharge to surface waters. This was originally intended but unclear.

6. It has been clarified that certain items "do not apply" to mining operations, in response to a comment to this effect.

Principal revisions to the regulations are as follows:

1. The percentage of industrial contribution necessitatirig a municipal plant's filing the standard form has been raised from 1 percent to 5 percent, because this is more consistent with the other criteria for filing the Standard Form, i.e., industries discharging over 50,000 gallons per day must file and municipal plants serving over 10,000 population must file. The average size plant serving a population of 10,000 treats approximately one million gallons per day, and 50,000 gpd is 5 percent of one million.

2. It has been clarified that the prohibition on imposing application fees on Federal, State and local facilities applies only to facilities filing applications to EPA. This was originally intended but unclear.

3. It has been clarified that manufacturing facilities discharging to a municipal plant are not required to file the Standard Form C. This was thought to be implicit but comments indicated it was not clear.

4. The requirement that a manufacturing or commercial facility file the Standard Form if the discharge affects the waters of another State, has been deleted because it is too broad. This criterion remains implicit in the authority to require submission of the Standard Form, whenever necessary, in order to make a decision on the application.

5. The requirement that a manufacturing or commercial facility file the Standard Form if the discharge "contains or may contain" toxic substances has been revised to "contains toxic substances," because "may contain" is too broad.

6. It has been clarified that anyone who applied for a permit under the Refuse Act, whose application was not denied, is not required to reapply unless his discharge has substantially changed in nature, volume, or frequency. This was originally intended but unclear. Also, no further fee will be charged for reapplication unless the substantial change involves an additional outlet or discharge point. This point was not addressed before but comments indicated the need for a policy.

It should be noted that this does not preclude requesting additional information of Refuse Act applicants, including completion of specific items on the Standard Form.

Because of the importance of making NPDES forms and related regulations available as soon as possible to owners and operators of point sources of discharge subject to the NPDES, the Administrator finds good cause to declare that these regulations and the forms, whose notice of availability follows immediately hereafter, are effective immediately.

Dated: July 18, 1973.

JOHN QUARLES,
For Acting Administrator.

Forms for acquisition of information from owners and operators of point sources. Notice was published in the FEDERAL REGISTER issue of April 19, 1973 (38 FR 9740), that the Environmental Protection Agency was giving consideration to proposed forms for the acquisition of information from owners and operators of point sources of discharge. The forms and accompanying instructions describe, pursuant to the authority contained in section 304(h)(1) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816; 33 U.S.C. 1251 (1972)), requirements for the acquisition of information from owners and operators of point sources subject to the National Pollutant Discharge Elimination System. Copies of the forms are available at State water pollution control agencies having approved programs and at all Environmental Protection Agency Regional Offices.

A. Part 124 of Title 40 of the Code of Federal Regulations, issued under sections 304(h) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq.; Public Law 92–500, 33 U.S.C. 1251), is amended as follows:

1. Section 124.1 *Definitions* is amended by deleting paragraph (h) and inserting new paragraphs (h), (i) and (j) as follows:

§ 124.1 Definitions.

* * * * *

(h) The term "NPDES application short form" or "short form" means one or more, as appropriate, of the following:

(1) Short Form A—Municipal Wastewater Dischargers.

(2) Short Form B—Agriculture.

(3) Short Form C—Manufacturing Establishments and Mining.

(4) Short Form D—Services, Wholesale and Retail Trade, and All Other Commercial Establishments Including Vessels, Not Engaged in Manufacturing or Agriculture.

(i) The term "NPDES application standard form" or "standard form" means one or more, as appropriate, of the following:

(1) Standard Form A—Municipal.

(2) Standard Form C—Manufacturing and Commercial.

(j) The term "NPDES application" means the uniform national forms (including the NPDES application short forms, NPDES application standard forms, and any subsequent additions, revisions or modifications duly promulgated by the Administrator pursuant to the Act) for application for an NPDES permit.

2. The definition of the term "NPDES reporting form" is redesignated "(k)," and all subsequent definitions are redesignated accordingly.

3. A new § 124.21 is inserted as follows:

§ 124.21 Application for NPDES permit.

Procedures of any State or interstate agency participating in the NPDES shall insure that every applicant for an NPDES permit complies with NPDES filing requirements. Such procedures and requirements shall include the following:

(a) Except as provided in paragraphs (b) and (c)(4) of this section and except as provided by the Administrator in regulations issued under the act, any person discharging or who proposes to discharge pollutants shall complete, sign, and submit an NPDES application short form in accordance with the instructions provided with such form.

COMMENT. Federal filing requirements for the NPDES include the timely filing of a properly completed Refuse Act or NPDES application form. State and interstate agencies may specify, where necessary, additional filing requirements such as the submission of engineering reports, plans, and specifications for present or proposed treatment or control of discharges of pollutants. While duplication should be avoided, the Administrator recognizes that the NPDES application form may not by itself satisfy the needs of every participating program.

(b) Any person who filed a complete Refuse Act application and whose application has not been denied is not required to apply for a permit under these regulations unless the discharge described in the application for a Refuse Act permit has substantially changed in nature, volume, or frequency. Such complete Refuse Act permit application shall be considered to be an application under the NPDES and shall be treated accordingly. If, however, the discharge described in the Refuse Act permit application has substantially changed in nature, volume, or frequency, the applicant shall complete, sign and submit the appropriate NPDES application form, as provided in paragraph (a) or (c) of this section.

(c)(1) If the information submitted by an applicant for an NPDES permit in Short Form A (relating to municipal wastewater treatment facilities) or any other information available to the Director or the Regional Administrator indicates any of the following, the applicant shall be required to complete, sign and submit a Standard Form A:

(i) The discharges from the facility have a total volume of more than 5 million gallons on any day of the year;

(ii) The facility serves a population in excess of 10,000; or

(iii) The facility receives wastes from an industrial user and such wastes

(A) Have a total volume of more than 50,000 gallons on any day of the year,

(B) Contain toxic pollutants,

(C) Have a total volume which constitutes more than 5 percent of the volume of the total discharge from the facility on any day of the year, or

(D) Alone or in combination with other discharges into the facility interfere with the operation of the facility or adversely affect the quality of the discharge from the facility.

(2) If the information submitted by an applicant for a permit on Short Form C (relating to manufacturing establishments and mining) or on Short Form D (relating to services, wholesale and retail trade, and all other commercial establishments, including vessels, not engaged in manufacturing or agriculture) or any other information available to the Director or the Regional Administrator indicates any of the following, the applicant shall be required to complete, sign, and submit a Standard Form C:

(i) The discharges (except those to publicly owned treatment works) from the facility have a total volume of 50,000 gallons on any day of the year;

(ii) The discharges (except those to publicly owned treatment works) contain toxic pollutants.

(3) In addition to paragraph (c)(1) or (2) of this section, an applicant shall complete, sign, and submit the appropriate standard form if the Director or the Regional Administrator determines that such submission is necessary to determine whether or not and upon what conditions a permit should be issued for the discharges identified in the short form.

(4) Any applicant may submit a standard form without prior submission of a short form if he complies with all applicable filing dates and requirements.

(d) A requirement that any person wishing to commence discharges of pollutants after July 16, 1973, must file a complete NPDES application either (1) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (2) in sufficient time prior to the commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the Act, or with any applicable zoning or siting requirements established pursuant to section 208(b)(2)(C) of the Act, and any other applicable water quality standards and applicable effluent standards and limitations.

COMMENT. The purpose of this requirement is to insure that the Director has sufficient time to examine applications from new sources of discharge of pollutanta and to apply standards of performance without unnecessarily delaying scheduled startup. The sooner the Director can specify requirements for new sources, the more easily the applicant can modify his plans, if necessary, without disruption and waste. Those State or interstate agencies which begin review at the planning stages of a new project are in the best position to insure orderly compliance with new source standards.

(e) Procedures which (1) enable the Director to require the submission of additional information after a Refuse Act or an NPDES application has been filed, and (2) insure that, if a Refuse Act or NPDES application is incomplete or otherwise deficient, processing of the application shall not be completed until such time as the applicant has supplied the missing information or otherwise corrected the deficiency.

COMMENT. The Director may find he needs information other than that initially filed by the applicant in order to make a permit decision. The Director should not hesitate to go back to the applicant for further information. In some cases, nothing less than an on-site inspection of an applicants' pollution control technology and practices will suffice.

No NPDES permit should be issued until the applicant has fully complied with the filing requirements specified in this subpart. If an applicant fails or refuses to correct deficiencies in his NPDES application form, the Director should take timely enforcement action.

B. Part 125 of Title 40 of the Code of Federal Regulations, issued under sections 304(h)(1) and 402 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq.; Public Law 92–500, 33 U.S.C. 1251), is amended as follows:

§ 125.1 [Amended]

1. Section 125.1 *Definitions* amended to change paragraph (g) to "The term 'Director' means the Director of a State or interstate water pollution control agency." The definition of the term "discharge" is redesignated "(h)," and all subsequent definitions are redesignated accordingly.

§ 125.2 [Amended]

2. In § 125.12(b), a second paragraph is added after "accordingly", to read as

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follows: "Where the discharge described in the Refuse Act permit application has substantially changed in nature, volume or frequency, the applicant shall complete, sign and submit the appropriate NPDES application form, as provided in paragraph (g) or (h) of this section.

Where the substantially changed discharge involves addition of an outlet from which a discharge shall flow, the appropriate fee will be calculated as provided in paragraph (i) (1) or (2) of this section, after deduction of the fee submitted with the Refuse Act permit application."

§ 125.12 [Amended]

3. In § 125.12(h) (1) "or the Director" is added after "Regional Administrator."

4. In § 125.12(h) (1) (iii) (C) "1 percent" between "than" and "of" is changed to "5 percent."

5. In § 125.12(h) (1) (iii) (D) "Alone or" is added before "In combination."

6. In § 125.12(h) (2) "or the Director" is added after "Regional Administrator."

7. In § 125.12(h) (2) (i) and (iii) "(except those to municipal wastewater treatment facilities)" is added after "The discharges."

8. Section 125.12(h) (2) (ii) is deleted. Section 125.12(h) (2) (iii) is redesignated "125.12(h) (2) (ii)."

9. In § 125.12(h) (2) (iii) "or may contain" is deleted between "contain" and "pollutants."

10. In § 125.12(h) (3) "or the Director" is added after "Regional Administrator."

11. In § 125.12(i) (5) "to the Administrator" is added after "not be required to pay any fee."

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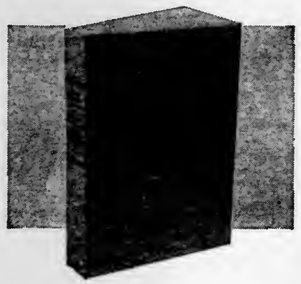
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EXECUTIVE ORDER 11731

Amending Executive Order No. 11647 Relating to Federal Regional Councils

On February 10, 1972, I formally established Federal Regional Councils for each of the ten Federal regions, and established an Under Secretaries Group for Regional Operations to strengthen and improve services to the public at the regional level. I have now determined that the mandate of the Federal Regional Councils should be broadened to include the coordination of direct Federal program assistance to State and local governments (as well as grant assistance as now provided), that the membership of the Councils and the Under Secretaries Group for Regional Operations should be changed, and that the Deputy Director of the Office of Management and Budget should be substituted as Chairman of the Under Secretaries Group in place of the Associate Director of that agency.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America, sections 1, 2, and 3 of Executive Order No. 11647 [1] of February 10, 1972, are amended to read as follows:

SECTION 1. *Federal Regional Councils.* (a) There is hereby continued a Federal Regional Council for each of the ten standard Federal regions. Each Council shall be composed of the principal regional officials of the Departments of Labor, Health, Education, and Welfare, Housing and Urban Development, Agriculture, the Interior, and Transportation, the Office of Economic Opportunity, the Environmental Protection Agency, and the Law Enforcement Assistance Administration.

The President shall designate one member of each such Council as Chairman of that Council and such Chairman shall serve at the pleasure of the President. Representatives of the Office of Management and Budget may participate in any deliberations of each Council.

(b) Each member of each Council may designate an alternate who shall serve as a member of the Council involved whenever the regular member is unable to attend any meeting of the Council.

(c) When the Chairman determines that matters which significantly affect the interests of the Federal agencies which are not represented on any such Council are to be considered by the Council, he shall invite the regional director or other appropriate representative of the agency involved to participate in the deliberations of the Council.

SEC. 2. *Functions of the Council.* Each Federal Regional Council shall be constituted as a body within which the participating agencies

[1] 37 FR 3167; 3 CFR, 1970 Comp., p. 146.

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will, under the general policy formulation of the Under Secretaries Group, and to the maximum extent feasible, assist State and local government by the coordination of the Federal program grants and operations through:

(1) the development of better ways to deliver the benefits of Federal programs over the short term;

(2) the development of integrated program and funding plans with Governors and local chief executives;

(3) the encouragement of joint and complementary Federal grant applications by local and State governments;

(4) the expeditious resolution of conflicts and problems which may arise between Federal agencies;

(5) the evaluation of programs in which two or more member agencies participate;

(6) the development of more effective ways of allocating Federal resources to meet the long-range needs of State and local communities;

(7) the supervision of regional interagency program coordination mechanisms; and

(8) the development of administrative procedures to improve day-to-day cooperation on an interagency and intergovernmental basis.

SEC. 3. *Under Secretaries Group for Regional Operations.* The Under Secretaries Group for Regional Operations is hereby continued and shall be composed of the Under Secretaries of Agriculture, the Interior, Labor, Health, Education, and Welfare, Housing and Urban Development, and Transportation, the Administrator of the Law Enforcement Assistance Administration, the Deputy Director of the Office of Economic Opportunity, the Deputy Administrator of the Environmental Protection Agency, an Associate Director of the Domestic Council, and the Deputy Director of the Office of Management and Budget, who shall serve as the Chairman of the Group. When the Chairman determines that matters which significantly affect the interest of Federal agencies which are not represented on the Group are to be considered by the Group, he shall invite an appropriate representative of the agency involved to participate in the deliberations of the Group. The Under Secretaries Group for Regional Operations shall, consistent with the objectives and priorities established by the President and the Domestic Council, establish policy with respect to Federal Regional Council matters, provide guidance to the Councils, respond to their initiatives, and seek to resolve policy issues referred to it by the Councils. The Under Secretaries Group, under the Chairmanship of the Deputy Director of the Office of Management and Budget, shall be responsible for the proper functioning of the system established by this order.

Richard Nixon

THE WHITE HOUSE,
July 23, 1973.

[FR Doc.73-15382 Filed 7-23-73;4:45 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Exports Exemption

The purpose of this amendment is to include within the exports exemption the sale of a product to a domestic purchaser who certifies that the product is for export.

Prior to this amendment, § 140.33 stated that "Prices charged for exports are exempt." This was interpreted by the Cost of Living Council's Special Freeze Group (Q. & A. 13–3) to apply only to the actual export sale. The sale to a domestic purchaser who subsequently exports the item was not exempt.

The Council has found that this amendment is necessary to avoid windfall profits to domestic purchasers for export who buy at prices subject to the freeze and export at prices which are exempt from control. The amendment will help assure that whatever gain is to be derived from the exports exemption will inure to the benefit of the manufacturer of the export item rather than the domestic purchaser who is the exporter of record.

This amendment constitutes a return to the exports exemption as defined in Phase II and in Phase III prior to the current freeze.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the current price freeze, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council order No. 30, 38 FR 16267)

In consideration of the foregoing, Part 140 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective July 19, 1973.

Issued in Washington, D.C., on July 19, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Section 140.33 is amended to read as follows:

§ 140.33 Exports.

Export sales, including sales of a product to a domestic purchaser who certifies that the product is for export, are exempt.

[FR Doc.73-15246 Filed 7-20-73;3:13 pm]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 30; Docket No. AO-361-A8]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1973. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 12, 1973, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued July 9, 1973. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1973, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were enaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1030.10 paragraphs (a) and (c) are revised to read as follows:

§ 1030.10 Plant.

(a) "Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment: (1) that has facilities adequate for cleansing tank trucks, is approved by an appropriate health authority, and at which milk moved from the

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farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (2) at which milk is received from dairy farmers, or (3) at which milk is processed and packaged or manufactured. If a portion of the building is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the approved portion, such unapproved portion shall not be considered as meeting the terms of this definition.

• • • • •

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except that no storage capacity shall be maintained in a plant described in paragraph (a)(1) of this section. Any plant located on the premises of a pool distributing plant pursuant to § 1030.11(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant.

2. In paragraph (b) of § 1030.11 subparagraphs (4), (5), (6), and (7) are revised to read as follows:

§ 1030.11 Pool plant.

• • • • •

(b) • • •

(4) Such percentage shall be not less than 40 for each of the months of September, October, and November, and 30 for all other months, except that a plant that was a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 for each of the following months of January, February, and March. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such month and any subsequent month through July, provided it does not otherwise qualify as a pool plant.

(5) For the purpose of determining the percentages specified in subparagraphs (4) and (7) of this paragraph, the quantity of fluid milk products moved from a supply plant pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant(s), but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph (if fluid milk products are received from more than one supply plant, such net quantity assignable shall be prorated among supply plants in accordance with the total receipts from such plants),

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than:

suant to § 1030.16(d) on such day. If no

(*a*) Transfers classified pursuant to § 1030.41(b)(4); and

(*b*) Transfers on any Saturday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, or Christmas, that no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.16(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.16(e) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used in lieu of the prior month for computing the transfers to be excepted by this subdivision; and

(ii) If milk is diverted from the pool distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

(6) The percentages specified in subparagraph (4) and/or in subparagraph (7)(iii) of this paragraph applicable during the months August–March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments, except that the percentages specified in subparagraph (7)(iii) shall not exceed 50 percent of those specified in subparagraph (4). Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) or subparagraph (7)(iii) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit and such plants shall have been pool plants the month prior to being included in a unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit ships or transships to plants specified in subparagraph (1) of this paragraph the following percentages of its producer milk: 20 in each of the months of September, October, and November; 15 in each of the months of August and December; and 10 in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

• • • • •

3. In § 1030.15 delete the "and" at the end of paragraph (b), delete the period at the end of paragraph (c) and add "; and," and add a new paragraph (d) to read as follows:

§ 1030.15 Producer.

• • • • •

(d) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year under an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

4. In § 1030.16 paragraph (e) is revised to read as follows:

§ 1030.16 Producer milk.

• • • • •

(e) Diverted from a pool plant to a nonpool plant, subject to the conditions

specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.11, milk so diverted shall be considered as received in the pool plant from which diverted. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except that in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of a pool plant or a cooperative association pursuant to § 1030.13(d) that during the months of April through December does not exceed the quantity of such producer's milk received in the pool plant from which diverted, and during the months of January, February and March does not exceed 70 percent of such producer's milk received in or diverted from such pool plant: *Provided*, That during the months of April through July such limits shall not apply for a producer who delivered to a pool plant any time during the prior August–December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

(2) To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31(b)(4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

• • • • •

(a) • • •

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except that during the months of April through July no such separate statement need be made if receipts from supply plants are only from plants that were pool plants during the prior months of August through March;

• • • • •

6. In paragraph (b) of § 1030.31 delete the term "and" at the end of subparagraph (4), add the term "and" at the end of subparagraph (5), and add a new subparagraph (6) to read as follows:

§ 1030.31 Other reports.

• • • • •

(b) • • •

(6) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk for at least 30 consecutive days, shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

• • • • •

7. In § 1030.46(a)(3) delete the term "and" at the end of subdivision (iv), change the period at the end of subdivision (v) to a semicolon, add the term "and" at the end of subdivision (vi), and add a new subdivision (vii) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

• • • • •

(a) • • •

(3) • • •

(vii) Receipts of fluid milk products from persons described in § 1030.15(d);

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: August 1, 1973.

Signed at Washington, D.C., on: July 20, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–15204 Filed 7–24–73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 100—STATEMENT OF ORGANIZATION

Houston, Texas; Correction

Reference is made to the order of the Immigration and Naturalization Service published in the FEDERAL REGISTER on June 27, 1973 (38 FR 16855–6; effective August 1, 1973). The amendment to § 100.4(c)(2) appearing on page 16856 is hereby corrected by deleting the asterisk which appears beside the listing of Houston, Tex., as a Class A port of entry for aliens in District No. 38—Houston, Tex.

Dated: July 20, 1973.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.73–15275 Filed 7–24–73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Codes and Standards for Nuclear Power Plants

On April 30, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 10641) proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would incorporate new addenda to specified published industry codes.

The proposed amendments to §§ 50.55a and 115.43a would provide that the editions of referenced addenda whose requirements must be met include only those addenda through the Winter 1972 Addenda as appropriate.

Interested persons were invited to submit written comments within 30 days. The only comment received favored the amendment but suggested an ditional clarification which the Commission believes is unnecessary. Upon consideration of the comments received and other factors involved, the Commismission has adopted the proposed amendments without modification.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 115 are published as a document subject to codification, to be effective on August 24, 1973.

1. In § 50.55a of 10 CFR Part 50, § 50.55a(b) is amended to read as follows:

§ 50.55a Codes and standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

• • • • •

(b) As used in this section, references [1] to editions of Criteria, Codes and Standards include only those editions through

See footnote 1 on p. 19908.

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1971; references[1] to Addenda include only those Addenda through the Winter 1972 Addenda.

. . . . .

2. In § 115.43a of 10 CFR Part 115, § 115.43a(b) is amended to read as follows:

§ 115.43a Codes and standards.

Each construction authorization shall be subject to the following conditions, in addition to those specified in § 115.43:

. . . . .

(b) As used in this section, references[1] to editions of Criteria, Codes and Standards include only those editions through 1971; references[1] to Addenda include only those Addenda through the Winter 1972 Addenda.

. . . . .

(Secs. 103, 104, 1611, 183, 68 Stat. 936, 937, 948, 954 as amended; 42 U.S.C. 2133, 2134, 2201(i), 2233)

Dated at Bethesda, Md., this tenth day of July 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-15195 Filed 7-24-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Marginal Reserve Requirements

The Board of Governors has amended its Regulation D so as to apply the 8 percent marginal reserve requirement to multiple maturity time deposits of $100,000 or more; the amount of such deposits outstanding during the week ending May 16 will be included in a member bank's base for purposes of calculating the marginal reserve requirement. The Board's action was taken pursuant to its authority under section 19 of the Federal Reserve Act to set reserve ratios for member banks (12 U.S.C. 461).

There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effectively immediately, § 204.5(a)(1)(ii)(b) and (2)(ii)(b) of Regulation D is amended to read as set forth in §§ 204.5(a)(1)(ii)(b) and (c), and (2)(ii)(b) and (c), below. There was no deferred effective date with respect to this amendment, as provided in section 553(d) of Title 5, United States Code, since this amendment recognizes an exemption or relieves a restriction. 5 U.S.C. 553(d)(1).

Effective August 30, 1973, § 204.5(a)(1)(ii)(a) and (2)(ii)(a) of Regulation D is amended to read as set forth below.

On the effective dates stated above, § 204.5(a)(1)(ii) and (2)(ii) of Regulation D is amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

. . . . .

(ii) 3 percent of its other time deposits up to $5 million, plus 5 percent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 percent of the amount by which the daily average amount of time deposits of the types hereinafter specified exceeds either the daily average amount of such time deposits outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 percent reserve percentage shall apply with respect to time deposits of the following types:

(a) Time deposits of $100,000 or more; and

(b) Time deposits represented by promissory notes, acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(c) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

. . . . .

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

. . . . .

(ii) 3 percent of its other time deposits up to $5 million, plus 5 percent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 percent of the amount by which the daily average amount of time deposits of the types hereinafter specified exceeds either the daily average amount of such time deposits outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 percent reserve percentage shall apply with respect to time deposits of the following types:

(a) Time deposits of $100,000 or more; and

(b) Time deposits represented by promissory notes, acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(c) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

. . . . .

By order of the Board of Governors, July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15199 Filed 7-24-73;8:45 am]

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

The Board of Governors has amended its Regulation Q so as to remove the distinction between single maturity and multiple maturity time deposits with respect to the maximum rates of interest payable by member banks on such deposits. This action, which was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits, has the effect of removing interest rate ceilings on multiple maturity time deposits of $100,000 or more, and on multiple maturity time deposits with maturities of 4 years or more in denominations of $1,000 or more.

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective immediately, § 217.7 of the Board's Regulation Q (12 CFR Part 217) is amended to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates[1] of interest per annum payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Time deposits with no maximum rate prescribed.* There is no maximum rate of interest presently prescribed (1) on any time deposit of $100,000 or more, or (2) on any time deposit of $1,000 or more with a maturity of 4 years or more.

[1] These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972 and May 4, 1973.

[1] The limitations on rates of interest payable by member banks of the Federal Reserve System on time and savings deposits, as prescribed herein, are not applicable to any deposit which is payable only at an office of a member bank located outside the States of the United States and the District of Columbia.

(b) *Time deposits with maximum rates prescribed.* Except as provided in paragraph (a) of this section, no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum per cent*
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(c) *Savings deposits.* No member bank shall pay interest at a rate in excess of 5 percent on any savings deposit.

By order of the Board of Governors, July 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15198 Filed 7-24-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-WE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

In FR Doc 73-13005 appearing on page 16992 in the issue of Thursday, June 28, 1973, the complete description of the Chino, California control zone was inadvertently omitted.

The following description should be added:

In § 71.171 (38 FR 351) the description of the Chino, Calif., control zone is amended to read:

CHINO, CALIF.

Within a 3-mile radius of Chino, Calif., Airport (lat. 33° 58' 30" N., long. 117° 38' 10" W.) and within 1.5 miles each side of the Ontario, Calif., VORTAC 303° radial, extending from the 3-mile radius area to 1 mile northwest of the VORTAC. This control zone shall be effective during the specific dates and times published in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Issued in Los Angeles, Calif., on July 13, 1973.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

[FR Doc.73-15236 Filed 7-24-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Sulfaethoxypridazine

Correction

In FR Doc. 73-14057 appearing at page 18545 in the issue of Thursday, July 12, 1973, the effective date now reading "July 11, 1973", should read "July 12, 1973".

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives Exempt From Certification

TITANIUM DIOXIDE; CONFIRMATION OF EFFECTIVE DATE OF ORDER LISTING FOR COSMETICS USE

In the matter of listing titanium dioxide as a safe and suitable color additive for use in cosmetics and exempting it from certification:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), (d)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8650). Accordingly, the regulation (§ 8.8001) promulgated thereby became effective June 4, 1973.

2. Effective on July 25, 1973, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (g) by deleting "Titanium dioxide" from the list of color additives.

Dated: July 17, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-15207 Filed 7-24-73;8:45 am]

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

PYROPHYLLITE

In the matter of listing pyrophyllite as a safe and suitable color additive for use in cosmetics and exempting it from certification:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399-403; 21 U.S.C. 376(b), (c), and (d)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8650). Accordingly, the regulation (§ 8.8003) promulgated thereby became effective on June 4, 1973.

Dated: July 19, 1973.

SAM D. FINE,
Association Commissioner
for Compliance.

[FR Doc.73-15210 Filed 7-24-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-345V) filed by Caribe Chemical Co., Inc., 576 Fifth Ave., New York, NY 10036, proposing the safe and effective use of chloramphenicol capsules for the treatment of dogs. The application is approved.

The firm is being assigned a code number and added to the list of sponsors in § 135.501(c) of Part 135.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501(c) is amended by adding a new code number 096 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

. . . . .

(c) . . .

Code No.	*Firm name and address*
. . .	. . .
096	Caribe Chemical Co., Inc. 576 Fifth Avenue New York, NY 10036

2. Part 135c is amended in § 135c.63 by adding a new subparagraph (b)(4) as follows:

§ 135c.63 Chloramphenicol capsules, veterinary.

. . . . .

(b) . . .

(4) For chloramphenicol capsules containing 250 milligrams of chloramphenicol see code No. 096 in § 135.501(c) of this chapter.

. . . . .

Effective date. This order shall be effective on July 25, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 18, 1973.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.73-15208 Filed 7-24-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAW AND ORDER

PART 11—LAW AND ORDER ON INDIAN RESERVATIONS

Exemption Allowing Use of Peyote on Navajo Reservation In Religious Services of Native American Church

The authority to issue regulations on Indian affairs is vested in the Secretary

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of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Part 11, Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations is amended by revising § 11.87NH. This revision allows members of the Native American Church of North America to transport, sell, purchase, and possess peyote on the Navajo Reservation providing the peyote is to be used for religious services. The revision is made under the authority contained in section 463 of the Revised Statutes (25 U.S.C. 2).

This section is being revised at the request of the Navajo Tribal Council to conform to Tribal Council Resolution CO–65–67 which amended Tribal Council Resolution CJA–1–59 to grant the same exemption. Since the Navajo Tribal Council is the governing body having jurisdiction over the Navajo Reservation and the revision is only an administrative change being made to include an exemption already granted by the Tribal Council, advance notice and public procedure thereon is deemed unnecessary. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b) (B) of 5 U.S.C. 553 (1970).

Since this revision is an administrative change reflecting an exemption already granted by the governing body of the Navajo Tribe, the 30-day deferred effective date would cause unnecessary delay and is dispensed with under the exception provided in subsection (d) (3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective July 25, 1973.

As revised, § 11.87NH reads as follows:

§ 11.87NH Peyote violations.

Any Indian who shall introduce into the Navajo country, sell, use or have in his possession within said Navajo country, the bean known as peyote shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to labor for a period not to exceed 9 months or a fine not to exceed $100, or both; *Provided*, That it shall not be unlawful for any member of the Native American Church to transport into Navajo country, buy, sell, possess, or use peyote in any form in connection with the religious practices, sacraments or services of the Native American Church.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

JULY 18, 1973.

[FR Doc.73–15228 Filed 7–24–73;8:45 am]

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Exceptions to Regulations

The general authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. section 301, and sections 463 and 465 of the Revised Statutes (25 U.S.C. sections 2 and 9).

Under that authority the Secretary has issued 25 CFR 1.2, which permits him to waive or make exceptions to his regulations as found in Chapter I of Title 25 of the Code of Federal Regulations in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians. Pursuant to 25 CFR 1.2, I find it to be in the best interest of the Alaska Natives to authorize the exceptions to Part 43h which are set out in § 43h.13, which is hereby added to part 43h. These exceptions are necessary to permit the proper and timely completion of the roll of Alaska Natives. Specifically, exceptions are made in § 43h.13 to the protest provisions of § 43h.6, § 43h.7 and § 43h.8 in regard to applications processed on or after June 28, 1973, permitting regions and villages to appeal all decisions, save for those involving the applications of adopted persons, made on or after that date by the Coordinator, to enable final decisions to be made on applications within the time allowed by the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688. Exceptions are also made in § 43h.13 to the notification requirements of § 43h.8(g) to preserve the confidentiality of information concerning adopted persons. Further, in view of the need to keep such information confidential, § 43h.13 also provides for an exception to the appeals permitted regions and villages in § 43h.8 with respect to decisions of the Coordinator on the applications of adopted persons, thus permitting only adopted persons to appeal from such decisions.

As the exceptions set forth in § 43h.13 are authorized under 25 CFR 1.2 and are necessary to permit the roll of Alaska Natives to be completed in accordance with the time requirements of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, and to preserve the confidentiality of adoption records, advance notice and public procedures are deemed unnecessary and no benefits would be gained by deferring their effective date. Therefore, good cause exists and is so found that advance notice and public procedure and the 30-day deferred effective date or any other deferred effective date otherwise required by 5 U.S.C. section 553(b) and (d) should be dispensed with under the exceptions provided in subsections (b) (B) and (d) (3) of 5 U.S.C. section 553. Accordingly, § 43h.13 shall become effective July 25, 1973.

§ 43h.13 is added and it reads:

§ 43h.13 Exceptions to Regulations.

"The following exceptions, under authority of 25 CFR 1.2, are made to Part 43h.

(a) With respect to applications processed on or after June 28, 1973:

(1) The procedures respecting protests by regions and villages set out in § 43h.6, § 43h.7 and § 43h.8 will not be applied, and

(2) The requirement in § 43h.7 that a village or region must have protested in order to appeal will not apply to decisions made on or after June 28, 1973, by the Coordinator, who will advise regions and villages of all such decisions and of their right to appeal therefrom;

(b) The notification provisions of 43h.6(g) of this section shall not be applied to the application of an adopted person, who is a person whose natural parents' parental rights with respect to him have been terminated by court order and given to others to exercise.

(c) Notwithstanding paragraph (a) (2) of this section, a decision of the Coordinator on the application of an adopted person, as defined in paragraph (b) of this section, will not be subject to the provisions of § 43h.8 which permit appeals by regions and villages, leaving such decision subject only to appeal by the adopted person.

KENT FRIZZELL,
Acting Secretary of the Interior.

JULY 19, 1973.

[FR Doc.73–15227 Filed 7–24–73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7281]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Stock Dividends; Correction

On Thursday, July 12, 1973, Treasury Decision 7281 was published in the FEDERAL REGISTER (38 FR 18531). The following correction is made to the Stock Dividends Regulations (26 CFR Part 1), as prescribed by T.D. 7281:

In § 1.305–3(e), example (5) (ii), (page 18535), the year "1970" on line 2 should be changed to "1973", the year "1971" on line 3 should be changed to "1974", and the year "1972" on lines 4 and 6 should be changed to "1975".

JAMES F. DRING,
Director,
Legislation and Regulations Division.

[FR Doc.73–15022 Filed 7–24–73;8:45 am]

[T.D. 7281]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1973

Stock Dividends

Correction

In FR Doc. 73–14110 appearing at page 18531 of the issue for Thursday, July 12, 1973, make the following changes:

1. In the introductory material on page 18531, in the first line of the first full paragraph in the third column, "1.30 (c)" should read "1.305–3(c)".

2. In § 1.305, in section 305(e), the phrase at the end of paragraph (1), reading "(section 51 and following)", should read "(section 351 and following)".

3. In the twelfth line of § 1.305–1(a), "treated" should read "included".

4. In the second line of § 1.305–3(a), "(including a deemed distribution)" should be inserted between "a distribution" and "by a corporation".

5. In § 1.305–3(c)(1) in the fifth line of subdivision (ii), the material beginning "provided the purpose of" should be the beginning of a flush paragraph.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 164—INDEMNITY CLAIMS

Correction

In FR Doc. 73–14568, appearing at page 19041 in the issue for Tuesday, July 17, 1973, make the following corrections:

1. The first line has been inadvertently deleted from the document. The line should read "Regulations codified under Part 164,".

2. In the third line of § 164.1(b)(2), the numbers which now read "17–73", should read "71–73".

PART 232—POSTAL LOSSES AND OFFENSES

Routine Loss or Offense

Procedures dealing with financial accountability of employees and contractors have been amended to require that discrepancies of $100.00 or more be reported to the Postal Inspection Service. The previous figure was $50.00 or more. Publication of the following amendment of paragraph (g) of § 232.4 *Routine loss or offense* is effective immediately.

§ 232.4 Routine loss or offense.

* * * * * *

(g) For any discrepancy (shortage or overage) of $100 or more in the official accountability of an employee or contractor handling Government funds or accountable paper, use Form 571, *Discrepancy of $100 or More in Financial Responsibility* (shortage or overage). Show results of the six previous checks of the employee's accountability.

* * * * *

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.73–15237 Filed 7–24–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Procurement of Stock Items

Correction

In FR Doc. 73–13831 appearing at page 18247 in the issue of Monday, July 9, 1973, make the following change: Immediately below amendatory paragraph 1, the first line of the section heading, reading "§ 5A–72.105–16 *Monthly Supply Poten-*", should read "§ 5A–72.103–16 *Exceptions to use of author-*".

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5321]

ALASKA

Correction of Public Land Order No. 5321

The description of the lands in Public Land Order No. 5321 of December 7, 1972, appearing in 37 FR 26595–26596 of the issue of December 14, 1972, amending Public Land Order No. 5173, as amended, is hereby corrected by changing T. 24 N., to T. 34 N., Seward Meridian, Protracted Descriptions in paragraph 1 of said order.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 17, 1973.

[FR Doc.73–15225 Filed 7–24–73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

Postponement of Effective Date

Revised regulations for the social services programs under the public assistance titles of the Social Security Act were published on May 1, 1973 (38 FR 10782) with an effective date of July 1, 1973. An additional amendment clarifying several provisions was published on June 1, 1973 (38 FR 14375).

The effective date of the regulations, however, has been postponed until November 1, 1973, by the Social Security Amendments in P.L. 93–66, signed by the President on July 9, 1973. Accordingly, the regulations in Parts 220, 222, and 226 of this title as previously published remain in effect from July 1, 1973 until November 1, 1973.

In addition, recent statutory amendments affecting the social service programs have been enacted. Therefore, relevant sections of the following acts must be applied in implementing Parts 220, 222, and 226 of this title as previously published:

(1) Social Security Amendments of 1972 (Public Law 92–603)

(2) Revenue Sharing Act (P.L. 92–512)

(3) Extension of Renegotiation Act (P.L. 93–66)

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Dated: July 20, 1973.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: July 20, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.73–15262 Filed 7–24–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19530]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

International Broadcasting Stations; Correction

In the matter of Amendment of § 1.574 and Part 73, Subpart F, of the Commission's rules and regulations relating to International Broadcasting Stations.

1. A Report and Order (FCC 73–735) in the above-captioned proceeding was released July 11, 1973, and published in the FEDERAL REGISTER July 16, 1973 (38 FR 18886). The rule amendments adopted in that document appeared in the Appendix thereto.

2. In that Appendix, the introductory language preceding the amendment of § 1.574 stated:

"Paragraph (a) of § 1.574 is amended to read as follows:".

Although it was intended to delete the note at the end of § 1.574, through inadvertence the introductory language did not mention this. Accordingly, the introductory language is corrected to read as follows:

"Section 1.574 is amended by deleting the note following paragraph (c) and by changing the language of paragraph (a) to read as follows:".

3. The Appendix deleted § 73.752 concerning the subject of frequency control. It also added § 73.756(c) as a new rule governing that subject. For this reason, § 73.767, which makes reference to § 73.752, should have been amended to make reference to § 73.756(c) in lieu of § 73.752. Through inadvertence this was not done. Accordingly, § 73.767 is amended to read as follows:

§ 73.767 Frequency tolerance.

The operating frequencies of international broadcast station transmitters shall, at all times, be maintained within

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the frequency tolerances specified in § 73.756(c).

Released: July 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15257 Filed 7-24-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Cabeza Prieta Game Range, Ariz.

The following special regulation is issued and is effective on July 25, 1973.

ARIZONA

CABEZA PRIETA GAME RANGE

Public hunting of bighorn sheep on the Cabeza Prieta Game Range, Arizona is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from December 1 through December 16, 1973, inclusive. The open bighorn sheep area, comprising 860,000 acres, is delineated on a map available at the game range headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of bighorn sheep subject to the following special conditions:

(1) Bighorn sheep limited to 4 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1973.

GERALD E. DUNCAN,
Acting Refuge Manager, Cabeza Prieta Game Range, Yuma, Arizona.

JULY 5,1973.

[FR Doc.73-15251 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Havasu National Wildlife Refuge, Ariz.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of bighorn sheep on the Havasu National Wildlife Refuge, Arizona is permitted from December 1 through December 16, 1973, inclusive, but only in the Arizona portion designated as open to hunting. This open area, comprising 18,600 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of bighorn sheep.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1973.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

JUNE 28, 1973.

[FR Doc.73-15254 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

Public hunting of bighorn sheep and deer on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. The bighorn sheep season extends from December 1 through December 16, 1973, inclusive. The deer season extends from September 1 through September 23, 1973, inclusive, and from October 26 through November 12, 1973, inclusive. The open bighorn sheep and deer hunting area, comprising 660,000 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103.

Hunting shall be in accordance with all applicable state regulations covering the hunting of bighorn sheep and deer subject to the following special conditions:

(a) Bighorn sheep limited to ten (10) permits issued by the Arizona Game and Fish Department.

(b) Bighorn sheep hunters may hunt only in those areas designated on their permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1973.

GERALD E. DUNCAN,
Acting Refuge Manager, Kofa Game Range, Yuma, Arizona.

JULY 5, 1973.

[FR Doc.73-15253 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Kofa Game Range, Ariz.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA

KOFA GAME RANGE

The public hunting of quail, rabbits, coyotes, gray fox, bobcat and skunks on the Kofa Game Range is permitted except in those areas designated by signs as closed to hunting. The open area, comprising 660,000 acres, is delineated on maps available at the refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, rabbits, coyotes, gray fox, bobcat and skunks subject to the following special conditions:

(a) The open season for hunting quail, rabbits, coyotes, gray fox, bobcats and skunks on the refuge extends from October 1 through November 30, 1973, inclusive.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1973.

GERALD E. DUNCAN,
Acting Refuge Manager, Kofa Game Range, Yuma, Arizona.

JULY 5, 1973.

[FR Doc.73-15256 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jackrabbits on the Havasu National Wildlife Refuge, Arizona and California is permitted only on the area designated by signs as open to hunting. This open area, comprising 29,150 acres, is delineated on maps available at refuge headquarters, Needles, California and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—Quail, October 1, 1973 through January 31, 1974, inclusive; cottontail and jackrabbits, September 1, 1973 through January 31, 1974, inclusive.

California—Quail, October 31, 1973 through January 31, 1974, inclusive; cottontail and jackrabbits, September 1, 1973 through January 31, 1974, inclusive. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail, cottontail and jackrabbits subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) Weapons—Shotgun only, not larger than 10 gauge and incapable of holding more than three shells.

(3) Shooting hours—one-half hour before sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through January 31, 1974.

JUNE 28, 1973.

ROBERT A. KARGES,
Refuge Manager, Havasu National Wildlife Refuge, Needles, California.

[FR Doc.73-15255 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Imperial National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail and jack rabbits on the Imperial National Wildlife Refuge is permitted except in the area designated by signs as closed to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—quail, October 1, 1973, through January 31, 1974, inclusive; cottontail and jack rabbits, October 1, 1973 through January 31, 1974, inclusive. California—quail, October 27, 1973 through January 31, 1974, inclusive. Cottontail and jack rabbits, October 1, 1973 through January 31, 1974, inclusive.

Hunting shall be in accordance with all applicable Federal and State Regulations covering the hunting of quail and rabbits subject to the following special conditions:

(a) Quail and rabbits may be taken with shotguns only. Possession of .22 caliber rimfire firearms is prohibited.

(b) A maximum of two (2) dogs per hunter may be used while engaged in hunting so long as these animals are kept under strict control.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1974.

GERALD E. DUNCAN,
Acting Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.

JULY 5, 1973.

[FR Doc.73-15250 Filed 7-24-73;8:45 am]

PART 32—HUNTING

Imperial National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on July 25, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of deer and bighorn sheep on the Imperial National Wildlife Refuge, Arizona and California, is permitted except in the area designated by signs as closed to hunting. This open area, comprising 16,500 acres, is delineated on maps available at the refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—deer, October 26 through November 12, 1973 inclusive; bighorn sheep, December 1 through December 16, 1973, inclusive. California—deer, October 1 through November 11, 1973 inclusive; bighorn sheep, no open season in California.

Hunting shall be in accordance with all applicable Federal and State Regulations covering the hunting of deer and bighorn sheep subject to the following special conditions:

(a) Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearm other than a legal deer hunting firearm as defined by State hunting regulations is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 16, 1973.

GERALD E. DUNCAN,
Acting Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.

JULY 5, 1973.

[FR Doc.73-15252 Filed 7-24-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 4110]

ADVISORY BOARDS AND LOCAL ASSOCIATIONS

National Advisory Board Council

The purpose of this amendment is to restructure the membership of the National Advisory Board Council to more fully represent the public interest in the multiple uses of the lands under the administrative jurisdiction of the Bureau of Land Management.

Historically a livestock and wildlife board, the Council was expanded in 1962 to include representatives of other interest groups. The Council is composed of 42 members including: one cattle and horse representative and one sheep and goat representative from each of the 10 State Advisory Boards; the wildlife representative from each State Advisory Board; not to exceed 10 nonlivestock and nonwildlife representatives selected by the Secretary or his delegate from State Boards or other sources; one member from Alaska and one member from Washington selected by the Secretary or his delegate.

This amendment would reduce membership on the Council to 36 and include: 1 livestock representative from each of the 10 State Advisory Boards representing all classes of livestock; 1 wildlife representative from each of the 10 State Advisory Boards serving in alternate years; 1 wildlife representative elected by the Alaska Board; 20 other members to be selected by the Secretary or his delegate as follows: 1 at large for Alaska, 1 at large for Washington; 2 representing the mining industry, 2 representing forestry, 2 representing oil and gas and other leasable minerals, 3 representing outdoor recreation, 2 representing urban-suburban, including real estate; 2 representing environmental quality; 1 representing public information; 1 representing county government; 1 representing State government; 1 representing soil and water conservation and 1 representing public utilities.

The proposed amendment reduces and reorganizes membership on the National Advisory Board Council and does not by itself change authorities or procedures which have an impact on the environment. It is therefore determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until August 20, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5643, Interior Bldg., Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Subpart 4114 of Part 4110 of Chapter II is amended as follows:

Section 4114.3 is revised to read as follows:

§ 4114.3 National Advisory Board Council.

§ 4114.3–1 Function and duties.

The National Advisory Board Council shall consider and make recommendations on policies and problems of a national scope related to all resources and uses of the National resource lands.

§ 4114.3–2 Membership.

(a) The livestock members of each State Advisory Board shall select from its members, at a meeting of each new term, one member to represent livestock on the National Advisory Board Council. The elected wildlife member on each State Advisory Board will serve on the National Advisory Board Council representing wildlife interests as follows: (1) In odd numbered calendar years, members from Arizona, Colorado, Idaho, Montana, California, and Alaska; (2) in even numbered years, members from New Mexico, Utah, Wyoming, Oregon, Nevada, and Alaska. The State Directors of each of the 10 Western States having grazing districts created under section 1 of the Taylor Grazing Act (43 U.S.C. 315) shall submit a list of nominees selected from nonlivestock and nonwildlife interests in their States. From this list and from other sources as he may determine, the Secretary of the Interior or his authorized representative shall appoint 20 members to the National Advisory Board Council as follows: 1 representative from the State of Washington, 1 representative from the State of Alaska, 2 mining representatives, 2 forestry representatives, 2 leasable mineral representatives, 3 outdoor recreation representatives, 2 urban-suburban representatives (including real estate development), 1 environmental quality representative, 1 public information representative, 2 country government representatives, 1 State government representative, 1 soil and water conservation representative, and 1 public utilities representative.

§ 4114.3–3 Meetings.

The Council shall meet at the call of the Secretary of the Interior or his authorized representative and shall elect its own officers. Committees of the Council shall meet at the call of the Director, Bureau of Land Management, or his authorized representative. The Federal representative at all meetings shall be the Director, Bureau of Land Management or his authorized representative.

§ 4114.3–4 Administrative Support.

Administrative support of the Council shall be the responsibility of the Director, Bureau of Land Management.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 16, 1973.

[FR Doc.73-15224 Filed 7-24-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Handling Limitation

The following proposed regulation would establish the quantity of Florida celery to be marketed fresh during the 1973–74 season, with the objective of assuring adequate supplies and orderly markets.

Notice is hereby given that the Secretary of Agriculture is considering the issuance of a handling regulation, hereinafter set forth, designed to promote orderly marketing of celery grown in Florida. The proposal was discussed at a public meeting June 5, 1973, in Orlando, after being unanimously recommended by the Florida Celery Committee. This committee was established pursuant to Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967). This program regulates the handling of celery grown in Florida and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

It is proposed that the Florida celery industry market 8,796,555 crates of fresh celery during the 1973–74 season. This committee recommendation reflects its appraisal of prospective supply and market conditions for the 1973–74 season.

During recent years, annual celery production from the acreage planted in Florida and California without adverse weather that reduced output would have exceeded the capacity of the U.S., Canadian, and export market. Florida's fresh market celery sales during the 1972–73 season were approximately 7.6 million crates. An estimated 700 acres were abandoned for economic or other reasons. Fresh sales totaled about 7 million crates in 1971–72.

The recommended 1973–74 Marketable Quantity is record large, and will provide ample opportunity for the industry to market the maximum number of crates at reasonable prices to consumers. However, since the proposed quantity of celery to be marketed is well above that shipped in any prior season, the industry may have to significantly increase its efforts to stimulate consumption and attain a reasonable return to growers for their labor and investment.

Although the recommended Marketable Quantity is the largest ever proposed under the program, it still is nearly a half million crates smaller than the total Base Quantities of present producers. Further, if demand should fall to increase, present Base Quantity holders could be adversely affected economically. Therefore, in accordance with § 967.37(d)(1), no reserve is established for additional Base Quantities.

On the basis of the foregoing considerations, as well as industrywide trends in the production and sales of celery, it is believed that these regulations are necessary to maintain orderly marketing and will tend to effectuate the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in four copies, with the Hearing Clerk, Room 112–A, U. S. Department of Agriculture, Washington, D.C. 20250, not later than August 9, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 967.309 Marketable quantity; Uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1973–74 season is established, pursuant to § 967.36(a), as 8,796,555 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1973–74 season is determined as 95 percent.

(c) During the season August 1, 1973, through July 31, 1974, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1973–74 season is established.

(e) Terms used herein shall have the same meaning as when used in the said marketing agreement and order.

Dated: July 20, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15286 Filed 7-24-73;8:45 am]

[7 CFR Part 1065]

[Docket No. AO 86-A29]

MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nebraska-Western Iowa marketing area which was issued July 2, 1973 (38 FR 18035) is hereby extended to September 7, 1973.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: July 19, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-15205 Filed 7-24-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19773]

BROADCASTS OF SPORTS EVENTS

Notice of Inquiry; Order Extending Time for Filing Comments in Notice of Inquiry

In the matter of practices of licensees and networks in connection with broadcasts of sports events.

1. On June 12, 1973, the Commission adopted a notice of inquiry in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 29, 1973, 38 FR 17270. The comment date is presently designated as July 30, 1973.

2. Columbia Broadcasting System, Inc. (CBS), the National Hockey League, and the Commissioner of Baseball, by counsel, have separately filed requests for an extension of time to and including (Saturday) September 15, 1973, for the filing of comments. CBS states that the additional time is needed because of the extent of the inquiry and because of the amount of material required to be examined during summer months when persons most knowledgeable on the subject of the inquiry are not fully available. The National Hockey League states it must analyze its own practices and assess and analyze the practices of each of its constituent members. The Commissioner of Baseball states it wants to complete a survey and analysis of factual material which is being submitted to the Commissioner's office from various Clubs.

3. Although we do not wish to delay this proceeding unduly, we nonetheless wish to have the benefit of meaningful data from parties able to shed light on the subject of this inquiry. Accordingly, *it is ordered*, That the date for filing comments is extended to and including (Monday) September 17, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281(d)(8) of the Commission's rules.

Adopted: July 19, 1973.

Released: July 19, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-15260 Filed 7-24-73;8:45 am]

V 38 142 JUL 25 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of the United States Study Group on U.S. Government Regulatory Problems concerned with preparation for meetings of Study Groups of the International Telegraph and Telephone Consultative Committee of the International Telecommunication Union. The meeting will take place on Thursday, August 2, 1973 at 9 a.m. in Room 502 of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C.

The agenda will include plans for the development of U.S. Contributions on questions assigned for study during the 1973–1976 study period to CCITT Study Group III, "General tariff principles; lease of telecommunication circuits," and the development of U.S. positions on questions where it is decided not to submit U.S. Contributions.

Members of the general public who desire to attend the meeting on August 2 will be admitted up to the limit of the capacity of the meeting room.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

Dated: July 20, 1973.

[FR Doc.73-15295 Filed 7-24-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-201]

EXCESS COST OF PRECLEARANCE OPERATIONS

Reimbursable Services

JULY 18, 1973.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimburseable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 5, 1973.

Installation	*Biweekly Excess Cost*
Montreal, Canada	$4,727.00
Toronto, Canada	9,238.00
Kindley Field, Bermuda	1,181.00
Nassau, Bahama Islands	3,783.00
Vancouver, Canada	1,185.00
Winnipeg, Canada	470.00

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-15239 Filed 7-24-73;8:45 am]

[T.D. 73-202; Customs Delegation Order No. 34 (Rev. 1)]

ASSISTANT COMMISSIONER, OFFICE OF ADMINISTRATION

Delegation of Authority To Waive Claims for Erroneous Payments of Pay and Allowances to Employees

JULY 18, 1973.

1. By virtue of the authority vested in me as Commissioner of Customs by Treasury Department Order No. 214 (Revision 1), dated April 17, 1969, (34 FR 6864), I hereby delegate to the Assistant Commissioner, Office of Administration, insofar as employees in the Bureau of Customs headquarters are concerned, and to Regional Commissioners of Customs, insofar as employees in their regions are concerned, the authority of the Secretary of the Treasury under 5 U.S.C. 5584, and the regulations of the Comptroller General in 4 CFR Parts 91–93, 37 FR 26095, December 8, 1972, to waive in whole or in part erroneous payments of pay and allowances to Treasury employees aggregating not more than $500, in conformity with the limitations and standards set forth in the aforesaid provision of law and regulations.

2. Customs Delegation Order No. 34 (T.D. 69–121, 34 FR 7710) is hereby rescinded.

3. This order shall take effect on July 25, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-15240 Filed 7-24-73;8:45 am]

ENTRY OF CERTAIN PETROLEUM AND PETROLEUM PRODUCTS

Notice of Stipulation Required on Customs Bonds Covering the Entry of Certain Petroleum and Petroleum Products Into a Customs Bonded Warehouse

JULY 18, 1973.

Section 16, Presidential Proclamation No. 4210, dated April 18, 1973, and published in the FEDERAL REGISTER April 19, 1973 (38 FR 9645) suspended the duty upon imports of petroleum and petroleum and petroleum products listed in schedule 4, part 10, Tariff Schedules of the United States, effective May 1, 1973.

The proclamation also empowers the Department of the Interior to grant licenses for the importation of petroleum and petroleum products upon the submission of an application for a license accompanied by a license fee.

Heretofore, petroleum and petroleum products admissible into a warehouse were dutiable and bond was taken in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise. Since these products are no longer dutiable, warehouse entry bonds, Customs Form 7555, covering petroleum and petroleum products entered under the provisions of Presidential Proclamation No. 4210 shall be taken in an amount equal to double the estimated amount of license fees that would have been payable for a license to enter the merchandise.

Notice is hereby given that the following stipulation shall be required to be added by the principal and surety to each warehouse entry bond, Customs Form 7555, and to each proprietor's manufacturing warehouse bond, Class 6, Customs Form 3583, and general term bond for entry of merchandise, Customs Form 7595, used in connection with the entry for warehouse of petroleum and petroleum products under Presidential Proclamation No. 4210 of April 18.

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____, as principal, and _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

It is hereby understood and agreed that petroleum and petroleum products covered by Presidential Proclamation No. 4210, dated April 18, 1973, will be permitted entry into Customs bonded warehouse subject to the conditions of the aforementioned bond, and that the terms "Duties, Taxes, Charges and Exactions" as used in those conditions specifically include license fees due and payable under the said proclamation and the regulations issued thereunder.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-15241 Filed 7-24-73;8:45 am]

Office of the Secretary

PAPERMAKING MACHINERY AND PARTS THEREOF FROM SWEDEN

Determination of Sales At Less Than Fair Value

JULY 23, 1973.

Information was received on June 6, 1971, that papermaking machinery and parts thereof from Sweden were being, or were likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER of April 23, 1973 (38 FR 10025). That notice stated "For the purpose of this notice, the term 'papermaking machinery and parts thereof' means an entire papermaking machine and the constituent components of a papermaking machine from and including the headbox to and including the reels. It refers to papermaking machinery and parts thereof purchased or agreed to be purchased as an entire papermaking machine." Because of some confusion which has arisen with respect to the class or kind of merchandise subject to the investigation, it is considered desirable to clarify that language by explaining that it is intended to and does cover any entire papermaking machine, and any constituent component of such a machine, exported from Sweden pursuant to a contract with a Swedish manufacturer for the purchase of an entire papermaking machine.

I hereby determine that for the reasons stated below, papermaking machinery and parts thereof from Sweden are being, or are likely to be, sold at less than fair value within the meaning of section 201 (a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the Bureau of Customs indicates that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of the delivered contract price with deductions for inland freight in the country of exportation, ocean freight, marine insurance, United States duty, inland freight in the United States, and commissions where applicable.

Home market price was calculated on the basis of the delivered contract price with deductions for transportation costs, insurance costs, and erection cost. Appropriate adjustments to this price were made for the differences in packing costs and for differences in the merchandise compared.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

JULY 23, 1973.

[FR Doc.73-15420 Filed 7-24-73;9:42 am]

PAPERMAKING MACHINERY AND PARTS THEREOF FROM FINLAND

Antidumping; Determination of Sales At Not Less Than Fair Value

JULY 23, 1973.

On April 23, 1973, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (38 FR 10027), that papermaking machinery and parts thereof from Finland are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

After consideration of all views and arguments, I hereby determine that, for the reasons stated in the tentative determination, papermaking machinery and parts thereof from Finland are not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(b), Customs Regulations (19 CFR 153.33(b)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-15421 Filed 7-24-73;9:42 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Calendar Year 1973 Virgin Islands Duty Free Watch Quota Set Aside for New Entrants

CROSS REFERENCE: For a document on allocation of calendar year 1973 Virgin Islands duty free watch quota set aside for new entrants, see FR Doc. 73-15249, Department of Commerce, Office of the Secretary, *supra*.

DEPARTMENT OF AGRICULTURE

Forest Service

WILLAMETTE NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Willamette National Forest Advisory Committee will make a two-day field trip through the Sweet Home and Detroit Ranger Districts on August 16 and 17.

This is one of two regular semi-annual meetings of the Committee. Members will observe areas demonstrating current forest management concerns, and will have opportunity to review policies and practices relating to these concerns.

The public is welcome to the field trip, but individuals must make their own transportation and lodging arrangements. A detailed itinerary may be obtained from Zane G. Smith, Forest Supervisor, at (503) 342-5141.

ZANE G. SMITH, JR.,
Forest Supervisor.

JULY 15, 1973.

[FR Doc.73-15197 Filed 7-24-73;8:45 am]

Soil Conservation Service

SLEDGE BAYOU WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Sledge Bayou Watershed Project, Quitman County, Mississippi, · USDA–SCS–ES–WS–(ADM)–74–2(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. Planned works of improvement include conservation land treatment measures supplemented by channel modifications on about 32 miles of existing channel.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 502, Milner Building, Lamar at Pearl Streets, Jackson, Mississippi 39201

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $3.00.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 502, Milner Building, Lamar at Pearl Streets, Jackson, Mississippi 39201.

Comments must be received on or before September 24, 1973, to be considered in the preparation of the final environmental statement.

Dated: July 19, 1973.

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

[FR Doc.73-15196 Filed 7-24-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FLORIDA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

Correction

In FR Doc. 73-14079 appearing at page 18474 in the issue of Wednesday, July 11,

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1973, the first Docket Number appearing in the first line of the third paragraph reading "37-00294-01-59800" should read "73-00294-01-59800".

Maritime Administration

[Docket No. S-370]

CHESTNUT SHIPPING CO.

Notice of Application

Notice is hereby given that Chestnut Shipping Company has filed an application for operating-differential subsidy on two (2) ore/bulk/oil carriers (to be constructed) of approximately 80,500 deadweight tons each. Said vessels will operate generally from U.S. Atlantic/Gulf Coasts, Mediterranean, Middle Eastern, California and South American ports, and may be operated in other worldwide service in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before August 3, 1973 notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: July 20, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-15287 Filed 7-24-73;8:45 am]

CONSTRUCTION OF TANKERS OF ABOUT 38,000 DWT

Intent To Compute Estimated Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of tankers of about 38,000 DWT pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest within the meaning of section 502(b)) in such computations may file written statements by the close of business on August 3, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: July 20, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES E. DAWSON, Jr.,
Secretary.

[FR Doc.73-15288 Filed 7-24-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Notice of Issuance of Letter of Exemption

Notice is hereby given that, on July 3, 1973, as authorized by section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)), and § 216.13 of the regulations governing the taking and importing of marine mammals (37 FR 28177, 28182, December 21, 1972), a Letter of Exemption from the provisions of the Act on grounds of undue economic hardship was issued to the following named Applicant authorizing him to engage in the following described activities, subject to the conditions specified in the Letter.

State of Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801, to take the following mammals for scientific research between July 3 and October 21, 1973: 100 land breeding harbor seals (*Phoca Vitulina richardi*), 100 ice breeding harbor seals (*Phoca vitulina largha*), 10 Steller sea lions (*Eumetopias jubata*), 50 ringed seals (*Phoca hispida*), 10 bearded seals (*Erignathus barbatus*), and 10 ribbon seals (*Histriophoca fasciata*). A notice containing a summary of this application and scheduling a public hearing on it in Anchorage, Alaska on May 23, 1973, was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12676). The hearing was held as scheduled. At the hearing the Applicant withdraw from his original application a request to take 25 Beluga whales (*Delphinapterus leucas*).

Copies of the application for the exemption, of the Letter of Exemption and of all supporting documents, except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 522(b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices. The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206-442-7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

Dated: July 19, 1973.

ROBERT W. SCHONING,
Director.

[FR Doc.73-15242 Filed 7-24-73;8:45 am]

MARINE MAMMAL PROTECTION ACT

Notice of Denial of Applications for Economic Hardship Exemptions

Notice is hereby given that, on July 3, 1973, the Director, National Marine Fisheries Service, determined that the applications from the following named individuals seeking exemptions from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et. seq., 86 Stat. 1027 (1972)), on grounds of undue economic hardship should be denied.

1. Mr. Charles T. Powell, General Manager, Japanese Village, 6122 Knott Avenue, Buena Park, California 90621, to take six Atlantic bottle-nose dolphins (*Tursiops truncatus*) for public display. A notice containing a summary of this application was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10830) and, after notice in the FEDERAL REGISTER on May 16, 1973 (38 FR 12840), a public hearing was held in Terminal Island, California, on May 25, 1973. At this hearing, the Applicant reduced his request from 8 dolphins to 6 dolphins.

2. Mr. Brandy Sienbenaler, Vice President, Gulfarium, Fort Walton Beach, Florida 32548, to take four Atlantic bottle-nose dolphins (*Tursiops truncatus*) for public display. A notice of receipt of this application was published in the FEDERAL REGISTER on January 24, 1973 (38 FR 2340) and, after notice in the FEDERAL REGISTER on April 6, 1973 (38 FR 8757), a public hearing was held in Pensacola, Florida, on April 25, 1973.

Each Applicant sought the mammals as back-up mammals for existing teams of performing mammals. Gulfarium sought them for the additional purpose of enlarging its performing team. It was determined that the failure of either Applicant to obtain the additional mammals for the purposes stated would not constitute an undue economic hardship within the intent and meaning of section 101(c) of the Act. However, each Applicant was told that should he lose one or more performing mammals between July 3 and October 20, 1973, he could apply for an undue economic hardship exemption for the purpose of taking a replacement mammal or mammals; and that such application would be given prompt consideration without a hearing.

Copies of the applications for the exemptions, of the letters denying the applications, and of all supporting documents, except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 522(b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices. The Regional Offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141; Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206-442-7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

Dated: July 19, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.73-15243 Filed 7-24-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF COMMERCE
Assistant General Counsel for Administration
Washington, D.C. 20230
PATENT-3,354,411
Coaxial Transmission Line T-Junction Having Rectangular Passageway Dimensioned Beyond Cutoff for Higher Order Modes
Filed 22 Oct 65, Patented 21 Nov 67
Not available NTIS
PATENT-3,586,973
Standard Field Strength Meter
Filed 15 Dec 69, Patented 22 Jun 71
Not available NTIS
PATENT-3,609,541
Radio Frequency Coaxial Ammeter with Thermal Compensation
Filed 20 Jan 70, Patented 28 Sep 71
Not available NTIS
U.S. DEPARTMENT OF THE INTERIOR
Branch of Patents
18th and C Streets, N.W.
Washington, D.C. 20240
PAT-APPL-206 793
Method for Making a Hollow Fiber Separatory Element
Filed 10 Dec 71
PC$3.00/MF$1.45
PATENT-3,725,266
Softening of Sea Water by Addition of Barium Carbonate and Mineral Acid
Filed 14 Feb 72, Patented 3 Apr 73
Not available NTIS
PATENT-3,725,267
Softening of Sea Water by Addition of Barium Carbonate and CO_2
Filed 14 Feb 72, Patented 3 Apr 73
Not available NTIS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Assistant General Counsel for Patent Matters
NASA—Code GP-2
Washington, D.C. 20546
PAT-APPL-354 611
Chromato-Fluorographic Drug Detector
Filed 25 Apr 73
PC$3.00/MF$1.45
PAT-APPL-192 803
Scan Converting Video Tape Recorder
Filed 27 Oct 71
PC$3.25/MF$1.45
PAT-APPL-284 245
Banded Transformer Cores and a Method and Device for Providing the Same
Filed 28 Aug 72
PC$3.50/MF$1.45
PAT-APPL-354 407
Means for Accommodating Large Overstrain in Lead Wires
Filed 25 Apr 73
PC$3.00/MF$1.45
PAT-APPL-354 612
Fault-Tolerant Clock Apparatus
Filed 24 Apr 73
PC$3.25/MF$1.45
PAT-APPL-354 408
Instrumentation for Measurement of Aircraft Noise and Sonic Boom
Filed 25 Apr 73
PC$3.00/MF$1.45
PAT-APPL-356 554
Insulation Foil and Method of Making
Filed 2 May 73
PC$3.00/MF$1.45
PAT-APPL-356 555
Latching Device
Filed 2 May 73
PC$3.00/MF$1.45
PAT-APPL-357 312
Improved Coatings for Refractory Metals
Filed 4 May 73
PC$3.00/MF$1.45
PAT-APPL-354 060
Electronic Optical Transfer Function Analyzer
Filed 24 Apr 73
PC$3.00/MF$1.45
PAT-APPL-352 381
Dished Ion Thruster Grids
Filed 18 Apr 73
PC$3.00/MF$1.45

[FR Doc.73-15085 Filed 7-24-73;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Calendar Year 1973 Virgin Islands Duty Free Watch Quota Set Aside for New Entrants

On December 29, 1972, the Departments of the Interior and Commerce published a joint notice announcing the rules to be used by the Departments in the allocation of 1973 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands, Guam, and American Samoa (37 FR 28768).

Section 7 of the Departments' Joint Notice provided for setting aside 200,000 units of the 1973 Virgin Islands quota for new firms in the event that the unused 1972 quota plus any increase (or minus any decrease) in the amount of quota available for 1973, in comparison with that for 1972, equaled or exceeded 200,000 units. As the amount of unused 1972 quota plus the increase in the amount of quota available for 1973, as determined by the U.S. Tariff Commission, did exceed 200,000 units, the Departments set aside 200,000 units of the 1973 Virgin Islands quota for new firms. (The term "New Firm" was defined to mean "an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate and unassociated with any present or previous quota allocatee in terms of ownership and control.) By notice published in the FEDERAL REGISTER on May 18, 1973 (38 FR 13045) interested parties were invited to apply for a new entrant Virgin Islands quota for calendar year 1973 on Form OIPF-764 in accordance with the instructions contained in that notice.

In addition to the information to be supplied on Form OIPF-764, new entrant applicants were also required to provide information regarding the applicants' experience in watch movement assembly and distribution; anticipated employment of local workers, proposed wage rates, and estimated direct labor costs; anticipated capital investment in the Virgin Islands and proposed source of financing; whether or not applicant would require exemption from territorial taxes and customs duties; estimated time required to establish watch movement assembly in the Virgin Islands, and the number of movements applicant could assemble and ship during calendar year 1973.

After careful evaluation of the information submitted by applicants responding to the Joint Notice of May 18, 1973, and in accordance with section 7 of the rules published by the Departments in the FEDERAL REGISTER on December 29, 1972 (37 FR 28768), it is the judgment of the Departments that the proposals submitted by the Clinton Watch Company, Customtime Corporation, and Micro Manufacturing Corporation offer the likelihood of the greatest contribution to the economy of the Virgin Islands; and that the following allocation of the 200,000 units of watches and watch movements set aside for new entrants

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in the Virgin Islands will best serve the interests of the territory:

Name of Firm	Number of Units Allocated
1. Clinton Watch Company	45,000
2. Customtime Corporation	70,000
3. Micro Manufacturing Corporation	85,000

The above quota allocations are subject to satisfactory implementation by the quota recipients of all written statements of intent submitted to the Departments. Failure of a quota recipient to abide substantially and in a timely fashion with the terms and conditions in its application upon which the Departments relied in making the allocation may result in the reduction or cancellation of its quota by the Departments. The rules restricting transfers of duty-free quotas issued January 29, 1968 and published in the FEDERAL REGISTER on January 31, 1968 (33 FR 2399), are hereby incorporated by reference as applicable to new entrant quota allocations for calendar year 1973.

Recipients of a new entrant quota allocation will be required to comply with United States Customs regulations concerning those assembly operations which must be performed in the Virgin Islands in order to qualify watch movements for duty-free entry into the customs territory of the United States under General Headnote 3(a), T.S.U.S., and with the general requirements of the territorial government regarding the establishment and conduct of a business in the Virgin Islands.

Dated: July 20, 1973.

STANLEY S. CARPENTER,
Director, Office of the Territorial Affairs, Department of the Interior

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

[FR Doc.73-15249 Filed 7-24-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MANUFACTURERS AND DISTRIBUTORS OF PRESCRIPTION DRUGS

Drugs for Human Use Affected by Drug Efficacy Study Implementation; Permission for Certain Drugs To Remain on the Market

Correction

In FR Doc. 73-14061 appearing at page 18477 in the issue of Wednesday, July 11, 1973, make the following changes in the first column on page 18478:

1. In the third line under the heading "I. Coronary Vasodilators (Anti-Anginal Drugs) (Single Active Drug Entity)" after the word "oral", insert the word "form".

2. Delete "(Active Drug Entity)", and insert in lieu thereof the following:

II. PERIPHERAL VASODILATORS (SINGLE ACTIVE DRUG ENTITY)

[Docket No. FDC-D-626; NDA 6-340; DESI 6341]

METHAPYRILENE HYDROCHLORIDE FOR NASAL (TOPICAL) ADMINISTRATION

Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10169), extending to Eli Lilly and Co., Box 618, Indianapolis, Indiana 46206 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of parts of NDA 6-340 applicable to Histadyl Solution (methapyrilene hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Lilly responded, waiving opportunity for a hearing, stating that Histadyl Solution is no longer marketed.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR, 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of parts of new drug application No. 6-340 applicable to Histadyl Solution and all amendments and supplements thereto is withdrawn effective on August 6, 1973.

Shipment in interstate commerce of the above listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will be henceforth unlawful.

Dated: July 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15218 Filed 7-24-73;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, July 26, 1973, 9:30 a.m. to 3:00 p.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to 12 noon, for a report from the Director, NCI; a status report on Cancer Centers; and to discuss new DHEW policy on training. The meeting will be closed to the public from 1:30 p.m. to 3:00 p.m. for review and discussion of the proposed fiscal year 1975 budget in accordance with the provisions set forth in section 552(b) 5 of Title 5 U.S. Code and 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. James A. Peters, Executive Secretary, Building 31, Room 11A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6618) will provide substantive program information.

Dated: July 19, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73-15319 Filed 7-24-73;8:45 am]

Office of the Secretary

CONSUMER ADVISORY COUNCIL

Notice of Meeting Open to the Public

Pursuant to P.L. 92-463 of October 6, 1972, notice is hereby given that there will be a public meeting of the Consumer Advisory Council to the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, which will commence at 10 a.m. on July 25 in Room 5104, New Executive Office Building, 17th and H Streets, NW., Washington, D.C. 20506.

The Consumer Advisory Council was established under Section 5 of Executive Order #11583 issued February 24, 1971, to advise the Director of the Office of Consumer Affairs with respect to policy matters relating to consumer interests, the effectiveness of Federal programs and operations which affect the interests of consumers, problems of primary importance to consumers, and ways in which unmet consumer needs can appropriately be met through Federal Government action.

The meeting is open to the public, with the number of persons admitted subject to reasonable limitation according to space available. The agenda will include discussions on activities of the Office of Consumer Affairs, on the President's Economic Stabilization program, recent consumer activities of the Federal Trade Commission, retail price maintenance, metrication, and consumer education.

Signed at Washington, D.C., this 19th day of July, 1973.

VIRGINIA H. KNAUER,
Director, Office of Consumer Affairs and Executive Secretary, Consumer Advisory Council.

[FR Doc.73-15274 Filed 7-24-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. RST-1, Waiver Petitions Nos. 13 and 14, Notice 1]

TEXAS MEXICAN RAILWAY CO. AND DULUTH & NORTHEASTERN RAILROAD CO.

Petitions for Exemption From Track Safety Standards

The Texas Mexican Railway Co. and the Duluth & Northeastern Railroad Co. have petitioned the Federal Railroad Administration for exemption from § 213.109(e) of FRA Track Safety Standards (49 CFR 213.109(e)).

The Texas Mexican Railway Co. (Waiver Petition No. 13) seeks an exemption from § 213.109(e) to permit the use of interlaced cross ties in place of switch ties. The area for which the exemption is sought includes 23 switches in running track and 115 switches in back track. The maximum speeds for these tracks are 25 m.p.h. and 10 m.p.h. respectively. The railroad has eliminated the practice of installing interlaced ties, and will replace existing interlaced ties with standard switch ties on an "as needed" basis.

The Duluth & Northeastern Railroad Co. (Waiver Petition No. 14) also seeks an exemption from § 213.109(e) to permit the use of interlaced cross ties in place of switch ties. The area for which the exemption is sought includes 14 shop track switches. At present there is an average of less than six movements a day over these switches, and a posted bulletin restricts speeds to five miles per hour. The railroad is replacing all interlaced ties with standard switch ties under its regular replacement program. All 14 switches will have switch ties installed during the next 4 years.

Interested persons are invited to participate by submitting written data, views, or comments. Opportunity to present oral comments with respect to these petitions will be provided if requested by any interested person prior to September 1, 1973. Communications should identify the docket, waiver and notice numbers, and should be submitted to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received prior to September 1, 1973 will be considered before action is taken on these petitions.

These petitions and all comments received will be available for examination by interested persons at any time during the regular business hours in Room 5100, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

This notice is issued under the authority of the Federal Railroad Safety Act of 1970 (84 Stat. 971 et seq., 45 U.S.C. 421 et seq.) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

EDWARD F. CONWAY, JR.,
Assistant Chief Counsel for Safety Regulations.

[FR Doc.73-15269 Filed 7-24-73;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX72-1; Notice 3]

LOTUS CARS, LTD.

Petition for Extension of Temporary Exemption

Lotus Cars, Ltd., Norwich, England, has applied for an extension until May 1, 1974 of the temporary exemption granted its Europa model from compliance with Federal Motor Vehicle Safety Standard No. 214, *Side Door Strength*.

Lotus has previously petitioned for and been granted an exemption from Standard No. 214. Notices of the petition and the grant were published respectively on December 2, 1972 (37 FR 25768) and January 11, 1973 (38 FR 1299). An exemption was granted for a 7-month period ending August 15, 1973, on the grounds that requiring compliance with Standard No. 214 would cause petitioner substantial economic hardship.

Lotus raised the possibility in its original petition, mentioned briefly in the first notice, that it might seek a further exemption for the period August 15, 1973 to May 1, 1974. Petitioner has concentrated its efforts to comply with Standard No. 214 in development of a forthcoming model which it had hoped to introduce in June 1973. Compliance with the Federal standard, according to Lotus, "necessitated the development, not only of new chemical processes in glass fibre and associated materials, but also changes to body production using an advanced form of resin injection moulding, which we stated was currently being validated for production. This validation has only just been successfully completed • • •" The planned pilot and preproduction build program will not be completed before January 1, 1974, when the new model will go into production and the Europa will begin to be phased out.

In support of its petition Lotus advances the same hardship arguments previously presented and discussed in detail in the prior notices. To summarize, the basic design of the Europa cannot be adapted to Standard No. 214 without substantial retooling, and loss of the American market, accounting for 40 percent of the company's sales thus far in 1973, would create hardship to the company and its dealers, even for the 8½ months for which the exemption is requested.

In further support of its petition, Lotus states that it has been able to reengineer the Europa to comply with the new safety requirements that will be met by 1974 model year vehicles, such as roof crush resistance (Standard No. 216), rear bumper protection (Standard No. 215), seat belt-ignition interlock (Standard No. 208) and accelerator control systems (Standard No. 124). It submits the results of tests conducted by Motor Industry Research Association confirming its compliance with Standards Nos. 215 and 216. Finally it notes that even with the requested extension, it would be exempted from Standard No. 214 only 16 months of the 36 months permissible for hardship exemptions.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Lotus Cars described above. Comments should refer to the docket number and be submitted to: Docket Room 5221, 400 Seventh Street, SW., Washington, D.C., 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: August 13, 1973.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 FR 12147)

Issued on July 23, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-15422 Filed 7-24-73;9:56 am]

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ATOMIC ENERGY COMMISSION

[160th ACRS Meeting]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

JULY 23, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on August 9–11, 1973, in Room 1046, at 1717 H Street, N.W., Washington, D.C.

The following constitutes those portions of the Committee's agenda for the above meeting which will be open to the public:

1) *Thursday, August 9, 1973*—10:30 am–12:30 pm—Discuss several topics common to Babcock and Wilcox Water Reactors. 2:00 pm–5:00 pm—Review of the application for an operating license for the Oconee Nuclear Station Units 2 and 3 (located in Oconee County, approximately 21 miles north of Anderson, South Carolina). The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Duke Power Company, and will hold discussions with these groups. 5:30 pm–8:00 pm—Review of the application for an operating license for Arkansas Nuclear One Unit 1 (located near Russellville, Arkansas). The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Arkansas Power and Light Company, and will hold discussions with these groups.

2) *Friday, August 10, 1973*—10:15 am–1:00 pm—Review of the application for an operating license for Three Mile Island Unit 1 (located in Londonderry Township of Dauphen County, approximately 10 miles southeast of Harrisburg, Pennsylvania). The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff, the Metropolitan Edison Company, and Jersey Central Power and Light Company, and will hold discussions with these groups.

2:45 pm–5:00 pm—Review of Preliminary Site Description Report, Atlantic Generating Station Units 1 and 2 (proposed location appropriately 3 miles offshore of the Southeast coast of New Jersey, approximately 11 miles Northeast of Atlantic City, New Jersey). The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff, the Public Service Electric and Gas Company of New Jersey, and will hold discussions with these groups.

It should be noted that all of the open sessions listed above will include closed portions under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act), if required, to discuss security plans for these facilities and privileged information related to fuel element design, fabrication and loss of coolant accident analysis. In addition to the agenda items noted above, the Committee will hold Executive Sessions, not open to the public, under the authority of section 10(d) of Public Law 92–463, to consider the above applications and other matters. I have determined that it is necessary to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 2, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on materials related to the above agenda items which materials are contained in the application for an operating license or Preliminary Site Description Report and related documents, on file, and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and as follows:

Oconee Nuclear Station, Units 2 and 3, Librarian, Oconee County Library, 201 S. Spring Street, Walhalla, South Carolina 29691.

Arkansas Nuclear One, Unit 1, Librarian, Arkansas River Valley Regional Library, Dardanelle, Arkansas 72834.

Three Mile Island Nuclear Station, Unit 1, Government Publications Section, State Library of Pennsylvania, Education Building, Box 1601, Harrisburg, Pennsylvania 17126.

Atlantic Generating Station, Wallace R. Host Community Library, North School, Lafayette and Evans Ave., Brigantine, New Jersey 08203.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 8, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., on or after October 10, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73–15461 Filed 7–24–73;11:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287]

AIR FREIGHT FORWARDERS' CHARTERS INVESTIGATION

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled for September 11, 1973, in the Notice To All Parties, dated May 30, 1973, is hereby postponed indefinitely.

Dated at Washington, D.C., July 19, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73–15265 Filed 7–24–73;8:45 am]

[Docket No. 25637; Order 73–7–101]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC. ET AL.

Order To Show Cause

San Francisco & Oakland Helicopter Airlines, Inc. (SFOH)[1], Trans World Airlines, Inc. (TWA) and United Aircraft Corp. (UAC) jointly request that the Board grant such relief as it may consider appropriate, including disclaimer of jurisdiction, exemption or show cause procedure under section 408 of the Federal Aviation Act of 1958, as amended, (the Act) with respect to the reorganization and continued operation of SFOH. Applicants' request is specifically limited to the acquisition by TWA and UAC of an equity interest in SFOH.[2]

Description of the Plan. In summary, the Plan of Reorganization of SFOH which gives rise to the instant application is designed to accomplish a complete restructuring of SFOH's present debt and equity, with a view toward the continuation of its operations on a sound and manageable economic footing. Under the Plan, the rights of all present shareholders are terminated,[3] and provision is made for the issuance of new common stock, in two classes, to be issued to existing creditors in exchange for the discharge of the debt held by them. The principal and accrued interest due to SFOH's three secured creditors, Bank of America, Nishi Nippon Airlines Co., Ltd. and TWA (in part) are to be paid in full in accordance with a revised schedule of installment payments.[4] As discussed in greater detail hereinafter, $500,000 of TWA's secured claim is to be discharged by the issuance of shares of new Class A stock, and the filed and allowed claims of SFOH's unsecured creditors (including United Aircraft) and debenture holders will be paid and discharged by the issuance of Class B shares, ratably in proportion to the ratio between each creditor's claim and the total of all unsecured claims.[5]

SFOH's new securities will consist of 125,000 authorized shares of Class A Common Stock and 875,000 authorized shares of Class B Common Stock, both without par value, and both having one vote per issued and outstanding share. The Class A shares will have a preference in liquidation up to $4.00 per share, after which the holder of Class B shares will be entitled to receive up to $4.00 per share, after which both classes will participate ratably in any assets remaining in the event of liquidation, dissolution, or winding-up of the business of SFOH.

It is anticipated that TWA will receive one share of Class A stock for each $4.00 of its secured claim to be discharged, *i.e.*, 125,000 Class A shares, and that Class B stock will be issued to unsecured creditors on the basis of one share for each $5.74 of filed and allowed claim. The Plan bars the issuance of fractional shares.[6] The total number of Class A and Class B shares to be issued is limited to an amount equal to one quarter of the difference between the total adjusted going concern value of all of SFOH's assets, less the non-current portion of SFOH's long-term debt.[7]

Finally, SFOH's post-reorganization management will consist of a board of nine directors, two of whom are to be elected by the holder of Class A stock (TWA) and the balance elected by the Class B shareholders.[8] Prior to the first meeting of shareholders following consummation, an interim board, selected by the Court from among shareholder (and Trustee) nominees, will meet promptly after the date of consummation of the Plan for the purpose of electing SFOH's officers and transacting other necessary and appropriate business.

Comments. In support of the request that TWA be exempted from the provisions of section 408 of the Act, applicants refer to a previous instance where, under similar circumstances, such relief was afforded by the Board.[9] Under the 1970 refinancing arrangement, the Board authorized, subject to conditions but without a hearing, a TWA stock interest in SFOH of "as much as 16⅔ percent and thereafter possibly up to 34 percent" (Order 70–7–50, p. 3).[10] The Board found that the increased interest in SFOH acquired by TWA would be consistent with both the public interest and with the Board's prior approval of "extensive aid by TWA to SFO to augment the limited financial resources of that company," in that TWA's assistance would "stave off the consequences of SFO's present default position, and will aid in SFO's refinancing." Significantly, the Board resorted to the expeditious exemption process in authorizing TWA's increased holdings, expressly noting the length of the period required to grant approval and the adverse impact of such delay on the effectiveness of the proposed refinancing.

In view of the foregoing comparability of the present Plan with that authorized in the Board's 1970 approval, and since the underlying public interest considerations in both instances are the same, the Joint Applicants urge that the presently proposed relationship falls well within the ambit of the authority granted by Order 70–7–50. Accordingly, the Joint Applicants urge the Board to issue a ruling that the present transaction, insofar as it affects TWA–SFOH, is covered by the prior approval, and that no further authority is required. Alternatively, the Joint Applicants urge that the same considerations warrant grant of an exemption authorizing the present transaction.

With respect to the acquisition of 15.6 percent of the new SFOH stock, these two applicants submit that, even if this percentage is held to constitute control in terms of section 408(f) of the Act, the agreement[11] by UAC to relinquish its power to vote the stock negates any possibility of control over SFOH.[12]

In light of the foregoing, and based upon the agreement of UAC with respect to the voting of SFOH Class B shares, applicants contend that UAC will have acquired no "control" of SFOH under the Plan within the meaning of section 408. Accordingly, SFOH and UAC urge that the Board disclaim jurisdiction over UAC's acquisition of 15.6 percent of SFOH's outstanding capital stock pursuant to the Plan, such disclaimer to be conditioned upon, and coextensive with, the continued adherence by UAC to its undertaking not to vote its Class B shares, except in the limited matters specified.

If the Board determines not to disclaim jurisdiction over the SFOH–TWA relationship by ruling or exemption, the Joint Applicants urge that use of the Board's show cause procedures in this case will be sound as a matter of law and policy.[13]

No other comments relative to the application have been received.

The Board's Decision. Upon consideration of the application the Board concludes that SFOH is a certificated air carrier and that the acquisition of 10 percent or more of its stock by TWA, also an air carrier, and UAC, a person engaged in a phase of aeronautics raises the presumption of control over SFOH under sections 408(a) and 408(f) of the Act. With respect to TWA there is no question that its involvement in the affairs of SFOH by virtue of TWA's voting interest and election of directors

[1] By Order 73–7–89, July 18, 1973, the Board approved the company's name change, which will be reflected in subsequent orders.

[2] The overall reorganization plan has been adjudged fair and equitable by a judge of the U.S. District Court for the Northern District of California under Chapter X of the Bankruptcy Act, Case Reference No. B70–5175. Similar findings were submitted to the court by the Securities and Exchange Commission.

[3] The elimination of existing shareholder rights, including the conversion privilege attached to SFOH's existing 7¾ percent convertible debentures, rests on a determination that SFOH is insolvent, as the Court found by Order dated April 9, 1973, approving the Trustees' Plan.

[4] A separate Reimbursement Agreement between SFOH and TWA, implementing the requirement for deferred payment of the balance of TWA's secured claim, will be filed under section 412 of the Act.

[5] Under the Plan, one other category of unsecured creditor—those holding claims of $100 or less, or who have agreed to reduce their claims to $100—will also be paid in cash.

[6] Fractional debt interests in excess of the amount discharged by the issuance of whole shares will be paid and discharged in cash.

[7] On the basis of pro forma estimates for long-term debt as of June 30, 1973 and the Court's finding of a going-concern value of SFOH of $3,600,000, it is estimated that approximately 728.025 shares will be issued, consisting of 125,000 Class A shares and 603,025 Class B shares. In no event will the issued Class A shares exceed 19% of the total number of Class A and B shares to be issued.

[8] As discussed hereinafter, United Aircraft will not exercise its right to nominate or vote for the election of directors of SFOH.

[9] Order 70–7–50, July 10, 1970.

[10] The Board concluded that TWA's right to designate two SFOH directors, amounting to 20% of SFOH's board, came within the scope of the exemption from section 409 of the Act provided by Part 287 of the Economic Regulations and accordingly dismissed that portion of the joint application.

[11] The agreement provides merely for the conveyance of a proxy to SFOH's management to permit United Aircraft's shares to be recorded as "present" for purposes of a quorum, but not to be voted in any matters except corporate liquidation, dissolution, merger, consolidation, or sale of assets, as would, under California law, require approval of a specified percentage of all outstanding shares.

[12] SFOH presently owns and operates three Sikorsky S–61 helicopters. Sikorsky is a division of UAC.

[13] *Cf.* Eastern-Caribair Interim-Financial and Management Assistance Order 70–11–26, November 5, 1970, Docket 22691.

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constitutes a substantial measure of control over SFOH. We have tentatively decided, however, consistent with our previous action in this matter, to exempt TWA from the requirements of section 408 of the Act pursuant to section 416(b) thereof [14] subject to the conditions imposed in the cited order as follows:

(a) TWA is prohibited from interfering with SFOH's right to negotiate financial, operating, or aircraft leasing agreements with other direct air carriers;

(b) TWA is prohibited from holding out to the public in any manner whatsoever, whether by advertising or by any other means, that it can or does control SFOH or that it is the operator of SFOH's services;

(c) Commercial transactions between SFOH and its affiliates, on the one hand, and TWA and its affiliates, on the other, shall not exceed $100,000 a year in the aggregate without prior Board approval, provided that interline billings for transportation at published rates shall not be subject to this limitation;

(d) The approval herein is not to be deemed a determination of the reasonableness of the terms of the agreement for rate-making purposes;

(e) SFOH shall file quarterly reports reflecting the dollar amounts of receipts from and billings to each connecting air carrier serving San Francisco;

(f) Any proposed changes in existing control relationships between TWA and SFOH other than pursuant to the provisions of the agreements, must be submitted to the Board for approval before consummation;

(g) The common carriage nature of TWA operations shall be maintained and in the operation of SFOH's services no preference shall be given to TWA (other than as provided herein) or to passengers using TWA;

(h) The Board shall retain continuing jurisdiction over the control relationships approved under section 408 in this proceeding, and may from time to time impose such additional and further conditions as it deems just and equitable;

(i) Except as provided in Agreement CAB 21775, TWA is prohibited from restricting the use of any aircraft now leased or which may be leased to SFOH;

(j) TWA is prohibited from restricting or restraining in any manner whatsoever SFOH's operations;

(k) TWA and SFOH are prohibited from publishing any advertisements of services by SFOH which display TWA's name, symbol, or insignia in any more prominent place or size of print than the name, symbol, or insignia of SFOH;

(l) TWA shall obtain prior Board approval before implementing any agreements governed by section 412 of the Act which provide for the operation of any transportation service, either by air or by surface means, between any points (as defined in section 298.2 of the Board's Economic Regulations) which SFOH is certificated to serve.

[14] Order 70-7-50, July 10, 1970.

We have also tentatively concluded that the relationship between UAC and SFOH should be approved pursuant to section 408 subject to inter-company transaction conditions.[15] One condition will require that SFOH purchase goods and services from UAC at the same price offered to other carriers. The other condition will require SFOH to report any transactions or negotiations that could lead to the modification, purchase or lease of aircraft manufactured, owned or modified by UAC, or the purchase, lease or modification of aircraft for which UAC manufactures a component part or produces subassemblies.[16] In this connection, we take note of the fact that UAC, through its Sikorsky Division, is an aircraft manufacturer, which manufacturers helicopters of the type utilized by SFOH. However, UAC has made a sincere effort to insulate its equity interest in SFOH from any involvement in the latter's affairs. We are, nevertheless, particularly considering the possibility of less than arms length future transactions between the two companies, unable to conclude that such insulation is sufficient to warrant the Board's disclaiming jurisdiction over the control relationships.

The Board has further tentatively concluded that the public interest does not require a hearing with respect to approval of the SFOH–UAC relationship. The transaction has the approval of the Federal bankruptcy court; there do not appear to be any disputed facts in issue which require a hearing for their resolution; and the measures taken by UAC to insulate its equity interest from involvement in SFOH's affairs, together with the provision for monitoring future transactions between the companies, in our view render a hearing unnecessary in the public interest. Moreover, to require SFOH to suffer the inevitable delay inherent in the hearing process would constitute a severe and unnecessary burden on SFOH which might more severely jeopardize its financial condition, and would not be in the public interest.

Therefore, consistent with similar past procedures utilized by the Board,[17] the Board has decided to direct all interested persons to show cause why the tentative findings, conclusions, and proposed exemption and approval, should not be made final, subject to the proposed conditions.

In view of the foregoing, and subject to the conditions noted above, the Board tentatively finds that enforcement of section 408 of the Act insofar as necessary to approve the acquisition of control resulting from the receipt of SFOH stock by TWA in the proposed reorganization plan would be an undue burden on TWA by reason of the unusual circumstances affecting its operations and would not be in the public interest, and accordingly that TWA should be exempted pursuant to section 416(b) from the requirements of that section. In addition, the Board tentatively finds that, subject to the inter-company transaction conditions noted above, the acquisition of control by UAC resulting from the receipt of SFOH's stock in the proposed reorganization plan will not be inconsistent with the public interest, will not result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the acquisition, and should be approved pursuant to section 408(b) of the Act.

Accordingly, It is ordered, That:

1. Interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions herein, and issue an order which would:

(a) Exempt the control relationship between TWA and SFOH from section 408 of the Act pursuant to section 416(b) thereof subject to the conditions set forth above, and

(b) Approve pursuant to section 408 of the Act, the control relationship between UAC and SFOH subject to the conditions on inter-company transactions set forth above;

2. Any person disclosing a substantial interest in the matters specified in the preceding paragraph and supporting or objecting to the issuance of an order making final the Board's tentative findings and conclusions set forth herein or desiring the imposition of additional or different conclusions upon approval, shall file such comments with the Board within seven days of the date thereof; [18] and

3. This order shall be served on the applicants, the U.S. District Court for the Northern District of California (Case No. B 70–5175), the Securities and Exchange Commission and counsel for the trustees of SFOH.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73–15266 Filed 7–24–73;8:45 am]

[15] The Board will also monitor inter-company transactions between SFOH and UAC by way of SFOH's Schedule B–44 filing (Summary of Resources Exchanged with Affiliated Group Members and Other Associated Companies). See Section 23 of Part 241 of the Economic Regulations (14 C.F.R. 241).

[16] The proposed conditions will read as follows:

(a) SFOH and its affiliates and subsidiaries, shall make no purchase of goods or services from UAC; or its subsidiaries and affiliates, except at prices offered to other air carriers.

(b) SFOH shall file with the Board within ten days thereof a report of any transactions or negotiations that might lead to (a) the modification, in whole or in part, purchase, or lease of any aircraft manufactured, owned or modified by UAC, or its subsidiaries or affiliates, or (b) the purchase, lease or modification of aircraft for which UAC or its subsidiaries or affiliates manufactures a component part or produces subassemblies.

[17] *Cf.* Seaboard and Western Air Lines, Inc., Order E–15891, October 7, 1960; Eastern-Caribair, Order 70–11–26, November 5, 1970.

[18] Such comments shall comply with the requirements of the Board's Procedural Regulations, 14 CFR 302.

IRAN NATIONAL AIRLINES CORP. IRAN-NEW YORK/DETROIT/LOS ANGELES VIA INTERMEDIATE POINTS

[Docket No. 25565]

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 24, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on July 2, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 19, 1973.

[SEAL] JOSEPH L. FITZMAURICE,
Administrative Law Judge.

[FR Doc.73–15264 Filed 7–24–73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wesnesday, July 25, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73–15371 Filed 7–24–73;8:45 am]

COST OF LIVING COUNCIL

[Special Freeze Group Order 2]

DEPUTY DIRECTOR, SPECIAL FREEZE GROUP

Delegation of Authority

Pursuant to the authority delegated to me as Deputy Director of the Cost of Living Council/Director, Special Freeze Group by Cost of Living Council Order No. 30, and in order to implement the price freeze established by Executive Order 11723 and continued by Executive Order 11730 and the regulations issued thereunder in 6 CFR 140, it is hereby ordered as follows:

1. There is delegated to the Deputy Director, Special Freeze Group, subject to the general policy guidance of and in coordination with the Director of the Cost of Living Council and the Deputy Director of the Cost of Living Council/Director, Special Freeze Group, all of the authorities delegated by the Order to the Deputy Director of the Cost of Living Council/Director, Special Freeze Group, except the following:

(a) Authority to make decisions and issue orders with respect to requests by food firms for exceptions and exemptions from regulations and orders governing price freeze matters; and

(b) Authority to make decisions and issue orders with respect to requests by food firms for reconsiderations of denials and partial approvals of requests for exceptions and exemptions.

2. The Deputy Director is authorized to redelegate any or all of the authorities set out in this Order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

3. Special Freeze Group Order No. 1 is hereby superseded.

4. This Order is effective July 18, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

[FR Doc.73–15247 Filed 7–20–73;3:13 am]

ENVIRONMENTAL PROTECTION AGENCY

CHEVRON CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1412) has been filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide *cis-N*-[(1,1,2,2 - tetrachloroethyl) thio] - 4 - cyclohexene - 1,2 - dicarboximide in or on the raw agricultural commodity fresh corn including sweet corn (kernels plus cob with husk removed) at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is a gas chromatographic procedure using electron-capture detection.

Dated: July 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–15293 Filed 7–24–73;8:45 am]

CIBA–GEIGY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5035) has been filed by the CIBA–GEIGY Corp., Ardsley, NY 10502, proposing establishment of a tolerance (21 CFR Part 121) of 0.5 part per million for residues of the herbicide simazine (2-chloro - 4,6 - bis(ethylamino) - *s* - triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine and 2,4-diamino-6-chloro-*s*-triazine in potable water from use of the herbicide in a proposed experimental program involving application to lakes.

Dated: July 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–15294 Filed 7–24–73;8:45 am]

PENNWALT CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1416) has been filed by Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, proposing establishment of a tolerance (40 CFR Part 180) of 0.05 part per million for negligible residues of endothall (7-oxabicyclo(2.2.1) heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity rice from use of its mono-*N,N*-dimethylalkylamine salt as an aquatic herbicide.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residue is reacted with 2-chloroethylamine hydrochloride and the resulting *N*-chloroethylimide is determined by gas liquid chromatography using nitrogen specific microcoulometric detection.

Dated: July 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73–15292 Filed 7–24–73;8:45 am]

PETROCHEMICAL INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to P.L. 92–463, notice is hereby given that a meeting of the Petrochemical Industry Advisory Committee will be held from 8:30 a.m. to 4:30 p.m. on August 29 and 30, 1973, in the National Environmental Research Center, Main Auditorium, Research Triangle Park, North Carolina.

The meeting will be primarily concerned with a review of the Fourth Interim Report containing a study of various petrochemical industries submitted by the Houdry Division of Air Products, the contractor for the study.

The meeting will be open to the public. Any member of the public wishing to attend or participate or present comments should contact Mr. Leslie B. Evans, Executive Secretary, Petrochem-

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ical Industry Advisory Committee, (919) 688–8146, extension 295.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

JULY 20, 1973.

[FR Doc.73–15291 Filed 7–24–73;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 768]

SECRETARY OF THE GOVERNOR, LEGISLATIVE RESEARCH ASSISTANT, AND SECRETARY

Delegation of Authority

1. Helen E. McWilliams, Secretary to the Governor, D. Elizabeth Frew, Legislative Research Assistant, and Dorothy P. Smith, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective July 19, 1973, and on that date shall supersede Farm Credit Administration Order No. 754, dated April 12, 1972, 37 FR 7647.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.73–15268 Filed 7–24–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 657]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 16, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9935–C2–P–73 Jerry C. Shaffer (New) C. P. to operate a new 2-way station on 454.225 MHz at 106 E. Market Street, Warren, Ohio.

9936–C2–P–73 New England Telephone and Telegraph Company (KCC487) C. P. to change antenna system, operating on 35.66 MHz at 387 Washington Street, Dedham, Massachusetts.

9937–C2–P–(3)–73 Contact, Inc. (KGA807) C. P. to add transmitters at Loc. #3: WFMM–FM tower, Rolling Road, 0.23 mile North of U.S. Rt. 40 Catonsville, Maryland and Loc. #4: 8510 Old Harford Road, Baltimore, Maryland, operating on 35.22 MHz at both locations, also to change antenna system, location, power and to replace transmitter operating on 35.22 MHz at Loc. #1: Blaustein Bldg. Charles & Fayette Streets, Baltimore, Maryland.

9938–C2–P–73 Rock Hill Mobile Communications, Inc. (New) C. P. for a new 2-way station to operate on 454.225 MHz at 0.75 mile North of S.C. Hwy. 5 on S.C. Hwy. 274, approx. 6 miles NW of Rock Hill, South Carolina.

9939–C2–P–73 RCC of Virginia, Inc. (KRS634) C. P. to change antenna system, power and to replace transmitter operating on 152.21 MHz at Fairmont Avenue, Winchester, Virginia.

20014–C2–MP–74 Gulf Mobilphone (KLF518) C. P. for additional facilities to operate on 454.025 MHz at Grain Elevator on River, Pascagoula, Mississippi.

20015–C2–P–(2)–74 Gulf Mobilphone (KFL885) C. P. for additional facilities to operate on 152.15 MHz and 454.225 MHz at 130 Marcia Drive, Long Beach, Mississippi. (Loc. #2)

20016–C2–P–74 Liberty Communications (KCC485) C. P. to add a transmitter, operating on 454.05 MHz at 1 Strawberry Hill Court, Stamford, Connecticut.

20017–C2–P–74 Sigma Communications Corporation (KCC484) C. P. to change antenna location, operating on 152.18 MHz at Brich Mountain Road, .25 Mile North of Hebron Avenue, Glastonbury, Connecticut, (Loc. #2).

20018–C2–P–(2)–74 In Touch Communications, Inc. (New) C. P. for a new 2-way station to operate on 454.025 and 454.125 MHz at 3 Miles Northwest of Lake Geneva, Wisconsin.

20019–C2–P–(3)–74 Industrial Communications (KTR994) C. P. to change antenna system and frequency: 152.03 & 152.15 MHz fac. at the base station: Loc. #1: Tabby Mountain, 4.5 miles West of Babiona, Utah, also adding 459.350, repeater at Loc. #1, and additional facilities at the control location (Loc. #2) operating on 454.350 MHz at: 625 West 5th North, Vernal, Utah.

20021–C2–P–74 Ridge Telephone Company, Inc. (New) C.P. for a new 2-way station to operate on 152.69 MHz at Main at Watson Street, Ridge Spring, South Carolina.

20022–C2–AL–(2)–73 Capitol Radio Communications, Inc. Consent to Assignment of License from Capitol Radio Communications, Inc., Assignor to Rendezvous Paging Corporation, Assignee. Stations: KGC222 and KGI278 Lemoyne & York, Pennsylvania.

20023–C2–P–74 Kentucky Communications (New) C.P. for a new 2-way station, operating on 454.175 MHz at Towerview St., Taylor Mill, Kentucky.

20024–C2–P–74 General Telephone Company of Indiana, Inc. (KSA624) C.P. to change antenna system power, emission designator, replace transmitter and to correct geographic coordinates, operating on 152.75 MHz at 129 South 2nd Street, Elkhart, Indiana.

20020–C2–P–74 Robert S. Ditton (KOF918) C.P. to change control point location, operating on 454.150 454.300 & 72.22 MHz at 29 North Chelan, Wenatchee, Washington.

20026–C2–R/ML–73 Pacific Northwest Bell Telegraph Company (KIN644) Renewal of Developmental license expiring July 14, 1973. TERM: July 14, 1973 to July 14, 1974.

20027–C2–R–73 Southern Bell Telephone and Telgraph Company (KIN644) Renewal of License expiring 8–1–73. TERM: 8–1–73 to 8–1–74. (Developmental)

20028–C2–R–73 Mountain States Telephone and Telegraph Company (KAR68) Renewal of License expiring June 1, 1973. TERM: June 1, 1973 to June 1, 1974.

3193–C2–P–73 E & J Mobile Radio Service (New) RESUBMITTED, a C.P. for a new facility to operate 454.025 MHz at State Route 41 3.2 Miles South of South Solon, Ohio.

8854–C2–P–72 Boylan & Cannon Electronics, Inc. (New) RESUBMITTED, a C.P. for a new station to operate on 454.025 MHz at 135 North Fayette St., Washington Court House, Fayette, Ohio.

Renewals of Licenses expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

Licensee	*Call Sign*
Amberg Telephone and Telegraph Company	KSD317
Brindles Mountain Telephone Co.	KIY729
Central Telephone Co., Inc.	KLB325
Central Telephone Co. of Illinois	KRS701
Same as above	KUC841
Same	KFQ929
Federated Telephone Coop.	KAH663

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

Licensee	*Call Sign*
Same as above	KCI296
Same	KDN399
Home Telephone Co., Inc.	KQZ701
Midway Telephone Co.	KSJ753
Mt. Vernon Telephone Co.	KUC854
Same as above	KUC863
Niagara Telephone Company	KSJ801
Northwest Mutual Aid Telephone Corporation	KAI928 KAI929
Rochester Telephone Corp.	KEK303
Southwest Telephone Exchange, Inc	KLF472
Three Rivers Telephone Cooperative, Inc	KUA275
Trinity Valley Telephone Co.	KLB788
United Telephone Company	KSJ625
West Florida Telephone Co.	KFL958
Wood County Telephone Company	KSD680

The following renewal applications were timely filed:

Renewal of Licenses expiring July 1, 1973 TERM: July 1, 1973 to July 1, 1978.

Licensee	*Call Sign*
General Telephone Comhpany of California	KUA303
General Telephone Company of Kentucky	KIY450 KRH664 KLF654 KQZ735
General Telephone Company of Pennsylvania	KGI779 KGC227 KLF501 KLF530 KTR988 KGI776 KGI783
General Telephone Company of the Southeast	KSV945 KSW212 KRS713 KSV896 KIY396 KEK299 KRH662 KQZ706
General Telephone of Upstate New York, Inc.	KEA635 KEK288
Phillips County Telephone Co. Southland	KAQ609 KIY521

RURAL RADIO SERVICE:

9940–C6–P–73 General Telephone Company of California (New) C. P. for a new rural subscriber station to operate on 157.92 MHz at near Santa Maria, California.

20025–C6–P/L–74 The Mountain States Telephone and Telegraph Company (New) C. P. for a new rural subscriber station to operate on 158.01 MHz at 16.9 miles SSE of Dulce, Stone Lake, New Mexico.

POINT TO POINT MICROWAVE RADIO SERVICE:

9860–C1–MP–73 MCI Telecommunications Corporation (Formerly MCI Texas Pacific, Inc.) (WPY76) Mod. of C.P. to change station location to 18.3 Miles NNW of Apache Creek, New Mexico. Lat. 34 04 50 N.—Long. 106 42 33 W.

9861–C1–MP–73 Same (WPY77) Mod. of C.P. to change station location to 9.3 Miles NW of Greer, Arizona. Lat. 34 06 33 N.—Long. 109 34 27 W.

9863–C1–MP–73 Same (WPY79) Mod. of C.P. to change station location to 4.2 Miles NNE of Happy Jack, Arizona. Lat. 34 48 15 N.—Long. 111 23 33 W.

9864–C1–MP–73 Same (WPY80) Mod. of C.O. to change station location to 2.6 Miles NW of Crown King, Arizona. Lat. 34 14 06 N.—Long. 112 22 04 W.

9866–C1–MP–73 Same (WPY82) Mod. of C.P. to change station location to 6.7 Miles SW of Wikieup, Arizona. Lat. 34 40 03 N.—Long. 113 43 50 W.

9867–C1–MP–73 Same (WPY83) Mod. of C.P. to change station location to 6.2 Miles SE of Powell, Arizona. Lat. 34 39 43 N.—Long. 114 18 07 W.

9868–C1–MP–73 Same (WPY84) Mod. of C.P. to change station location to Klinefelter, 9.4 Miles NW of Needles, California. Lat. 34 55 37 N.—Long. 114 45 23 W.

9870–C1–MP–73 Same (WPY86) Mod. of C.P. to change station location to 3.4 Miles NNE of Cadiz, California. Lat. 34 33 48 N.—Long. 115 29 14 W.

9871–C1–MP–73 Same (WPY87) Mod. of C.P. to change station location to 2.6 Miles South of Amboy, California. Lat. 34 31 14 N.—Long. 115 44 38 W.

9872–C1–MP–73 Same (WPY88) Mod. of C.P. to change station location to Ragtown, 2.6 Miles SSE of Ludlow, California. Lat. 34 41 00 N.—Long. 116 09 02 W.

9873–C1–MP–73 Same (WPY89) Mod. of C.P. to change station location to Pisgah Crater, 12.4 Miles WNW of Ludlow, California. Lat. 34 45 21 N.—Long. 116 22 47 W.

9876–C1–MP–73 Same (WPY92) Mod. of C.P. to change station location to 4.6 Miles SE of Helendale, California. Lat. 34 42 14 N.—Long. 117 15 20 W.

9877–C1–MP–73 Same (WPY93) Mod. of C.P. to change station location to El Mirage, 6.5 Miles NW of Adelanto, California. Lat. 34 38 57 N.—Long. 117 31 08 W.

9880–C1–MP–73 Same (WPY96) Mod. of C.P. to change station location to Magic Mountain, 9.1 Miles SW of Acton, California. Lat. 34 23 10 N.—Long. 118 19 11 W.

9881–C1–MP–73 MCI Telecommunications Corporation (WPY97) Mod. of C.P. to change station location to Mt. Lukens, 3.0 Miles NW of La Crescenta, California. Lat. 34 16 08 N.—Long. 118 14 10 W. and to change frequency toward Los Angeles to 6286.2H MHz.

9882–C1–MP–73 Same (WPY98) 515 South Flower Street, Los Angeles, California. Mod. of C.P. to change polarization of frequency 5974.8 MHz toward Mt. Lukens to Horizontal.

9883–C1–P–73 American Satellite Corporation (New) 1.5 Miles South of Oregon, Illinois. Lat. 41 58 59 N.—Long. 89 20 17 W. C.P. for a new station on freqs. 10775H 10855H 10935H 11015H 11095H 11175H MHz toward Oregon, Ill. on azimuth 17° 29'.

9884–C1–P–73 Same (New) 2.0 Miles NE of Oregon, Illinois. Lat 42 02 25 N.—Long. 89 18 50 W. C.P. for a new station on freq. 11225V 11305V 11465V 11545V 11625V MHz toward Oregon South, Ill. on azimuth 197° 29'.

1929–C1–P–73 Puerto Rico Telephone Company (WWT49) Jayuya, Puerto Rico. C.P. to add freq. 4010V MHz toward Hato Tejas; add freqs. 6308.4H 6367.7H MHz toward Arecibo and change freqs. 6308.4H 6367.7H to 3750H 3830H MHz toward Manati.

1930–C1–P–73 Same (WWY34) Arecibo, Puerto Rico. C.P. to add freqs. 6056.4V 6115.7V MHz toward Jayuya.

1931–C1–P–73 Same (WWZ49) Hato Tejas, Puerto Rico. C.P. to add freq. 3890V MHz toward Jayuya.

1932–C1–P–73 Same (WWY33) Manati, Puerto Rico. C.P. to change freq. 6308.4H 6367.7H MHz to 4030H 4110H MHz toward Jayuya.

01–C1–P–74 The Mountain States Telephone & Telegraph Company (KTF34) 109 West Aztec Avenue, Gallup, New Mexico. Lat. 35 31 34 N.—Long. 108 44 27 W. C.P. to change antenna system and add freq. 2120V MHz toward Gibson, N. Mex.

02–C1–P–74 Same (KTF31) Gibson, 6 Miles NNE of Gallup, New Mexico. Lat 35 36 17 N.—Long. 108 40 48 W. C.P. to change antenna system and add freq. 2170V MHz toward Gallup, New Mexico.

05–C1–P–74 General Telephone Company of Wisconsin (KSQ21) 20 South Wilson Street, Rice Lake, Wisconsin. Lat 45 30 04 N.—Long. 91 44 11 W. C.P. to change antenna system and add freqs. 11325.0V 11565.0V MHz toward new point of communication at Cameron, Wisc.

9885–C1–P–73 Eastern Microwave, Inc., (KZA86) Tyrone Mtn., 6.0 miles N. of Tyrone, Pennsylvania (Lat. 40° 43' 56" N.—Long. 78° 19' 33" W.): C.P. to add frequencies 10775.0 V and 10935.0 V MHz towards Kinter Hill (WDD 81), Pennsylvania, on azimuth 277 degrees/44 minutes.

9886–C1–P–73 SAME (WDD 81) Kinter Hill, 1.7 miles S.S.E. of Rochester Mills, Pennsylvania (Lat. 40° 47' 49" N.—Long. 78° 58' 12" W.): C.P. to add frequencies 11385.0 H and 11545.0 H MHz towards Bell Point Hill, (WDD 82) Pennsylvania, on azimuth 238 degrees/41 minutes.

9887–C1–P–73 SAME (WDD 82) Bell Point Hill, 0.9 miles S.E. of Bell Point, Pennsylvania (Lat. 40° 32' 03" N.—Long. 79° 31' 59" W.): C.P. to add frequencies 11015.0 V and 11175.0 V MHz toward new point of communications at Butler, Pennsylvania, on azimuth 320 degrees/28 minutes; and frequencies 11015.0 V and 11175.0 V MHz toward new point of communications at Scottdale, Pennsylvania, on azimuth 185 degrees/56 minutes; and frequencies 11015.0 H and 11175.0 H MHz toward new point of communications at Pittsburgh, Pennsylvania, on azimuth 255 degrees/10 minutes.

9888–C1–P–73 Same (NEW) Pittsburgh, 2850 Berthoud Street, Pittsburgh, Pennsylvania Lat. 40° 26' 46" N.—Long. 79° 57' 51" W.): C.P. for a new station at foregoing coordinates—frequencies 11385.0 V and 11545.0 V MHz toward new point of communications at Aliquippa Tower, Pennsylvania, on azimuth 294 degrees/05 minutes; frequencies 11385.0 V and 11545.0 V MHz toward new point of communications at Bethel Park, Pennsylvania, on azimuth 203 degrees/37 minutes; frequencies 11385.0 V and 11545.0 V MHz toward new point of communications at Carnegie, Pennsylvania, on azimuth 250 degrees/36 minutes; frequencies 11385.0 V and 11545.0 V MHz toward new point of communications at Etna, Pennsylvania, on azimuth 18 degrees/35 minutes; frequencies 11385.0 H and 11545.0 H MHz toward new point of communications at McKees Rocks, Pennsylvania, on azimuth 288 degrees/53 minutes; frequencies 11385.0 H and 11545.0 H MHz toward new point of communications at Mt. Lebanon, Pennsylvania, on azimuth 213 degrees/49 minutes; frequencies 11385.0 V and 11545.0 V MHz toward new point of communications at Universal, Pennsylvania, on azimuth 80 degrees/46 minutes; frequencies 11385.0 H and 11545.0 H MHz toward new point of communications at West View, Pennsylvania, on azimuth 321 degrees/32 minutes.

9894–C1–P–73 Western Tele-Communications, Inc. (KSQ37) Great Falls (CATV), 2910 10th Avenue, Great Falls, Montana (Lat. 47 29 37 N.—Long. 111 15 21 W.): C. P. (a) to relocate station to foregoing coordinates and (b) to change azimuth toward Blackhorse (KSQ33), Montana, to 330 degrees/37 minutes.

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9895–C1–P–73 American Television Relay, Inc. (KOU61) Hutch Mountain, 4.0 Miles NNE of Happy Jack, Arizona (Lat. 34 48 20 N.—Long. 111 23 45 W.): C. P. to add frequencies 6135H MHz, 6195V MHz, 6255H MHz, and 6315H MHz, via power split, toward Heber, Arizona, on azimuth 116 degrees/05 minutes.

9896–C1–P–73 Mid-Kansas, Inc. (KZA42) 2.0 Miles East of McPherson, Kansas (Lat. 38 22 32 N.—Long. 97 35 56 W.): C. P. to add frequency 6123.1H MHz, via power split, toward new point of communication at Newton, Kansas, on azimuth 147 degrees/48 minutes.

9897–C1–P–73 Same (New) Newton, Kansas (Lat. 38 04 22 N.—Long. 97 21 35 W.): C. P. to add frequency 11415.0V MHz toward Wichita, Kansas, on azimuth 177 degrees/45 minutes.

9898–C1–P–73 United Video, Inc. (New) 5.0 Miles West of Waleska, Georgia (Lat. 34 19 14 N.—Long. 84 38 14 W.): C. P. for a new station—frequencies 6197.2V MHz and 6256.5V MHz toward Snow Hill, Tennessee, on azimuth 339 degrees/10 minutes.

9899–C1–P–73 Same (New) Snow Hill, Tennessee (Lat. 35 06 59 N.—Long. 85 01 24 W.): C. P. for a new station—frequencies 10715H MHz and 10875H MHz toward Chattanooga, Tennessee, on azimuth 234 degrees/37 minutes and frequencies 10715H MHz and 10875H MHz toward Cleveland, Tennessee, on azimuth 84 degrees/44 minutes.

9900–C1–P–73 Mid-Kansas, Inc. (KZA43) 0.6 Mile East of Lyons, Kansas (Lat. 38 20 48 N.—Long. 98 10 23 W.): C. P. to add frequency 6271.3H MHz, via power split, toward Hutchinson, Kansas, on azimuth 150 degrees/17 minutes.

9901–C1–P–73 American Television Relay, Inc. (KVH75) Cedar Point, 30.0 Miles West of Hagerman, New Mexico (Lat. 33 00 45 N.—Long. 103 52 25 W.): C. P. to add frequency 6360.3H MHz, via power split, toward Lovington, New Mexico, on azimuth 96 degrees/59 minutes.

9902–C1–P–73 Mid-Kansas, Inc. (New) 3.0 Miles NW of Dodge City, Kansas (Lat. 37 46 40 N.—Long. 100 03 41 W.): C. P. for a new station—frequency 11245V MHz toward Kinsley, Kansas, on azimuth 70 degrees/12 minutes.

9903–C1–P–73 Same (New) 2.0 Miles NNW of Kinsley, Kansas (Lat. 37 57 29 N.—Long. 99 25 44 W.): C. P. for a new station—frequency 11325V MHz toward Larned, Kansas, on azimuth 51 degrees/47 minutes.

9904–C1–P–73 Same (New) 2.0 Miles East of Larned, Kansas (Lat. 38 10 57 N.—Long. 98 04 09 W.): C. P. for a new station—frequency 11245V MHz toward Great Bend, Kansas, on azimuth 49 degrees/30 minutes.

9889–C1–P–73 Same (NEW) Bethel Park, 2 miles S. of Bethel Park, Pennsylvania (Lat. 40° 17′ 36″ N.—Long. 80° 03′ 05″ W.): C.P. for a new station at foregoing coordinates—frequencies 11015.0 H and 11175.0 H MHz toward new point of communications at Glassport, Pennsylvania, on azimuth 78 degrees/23 minutes; frequencies 11015.0 H and 11175.0 H MHz toward new point of communications at McKeesport, Pennsylvania, on azimuth 80 degrees/08 minutes; frequencies 11015.0 V and 11175.0 V MHz toward new point of communications at Monongahela, Pennsylvania, on azimuth 131 degrees/18 minutes; frequencies 11015.0 V and 11175.0 V MHz toward new point of communications at Washington, Pennsylvania, on azimuth 220 degrees/32 minutes; frequencies 11015.0 V and 11175.0 V MHz toward new point of communications at W. Homestead, Pennsylvania, on azimuth 46 degrees/17 minutes.

9890–C1–P–73 Same (NEW) Aliquippa Tower, 3.5 miles S.S.W. of Aliquippa, Pennsylvania (Lat. 40° 34′ 14″ N.—Long. 80° 19′ 51″ W.): C.P. for a new station at foregoing coordinates—frequencies 10775.0 H and 10935.0 H MHz toward new point of communications at Aliquippa, Pennsylvania, on azimuth 50 degrees/17 minutes; frequencies 10775.0 V and 10935.0 V MHz toward new point of communications at Ellwood City, Pennsylvania, on azimuth 5 degrees/57 minutes.

9891–C1–P–73 United Video, Inc. (New) 0.6 Mile North of Caruthersville, Missouri. Lat. 36 12 12 N.—Long. 89 40 00 W. C.P. for a new station on freq. 5974.8V MHz toward Blytheville, Arkansas on azimuth 209° 38′.

9892–C1–P–73 Same (New) 1½ Miles SE of Blytheville, Arkansas. Lat. 35 53 56 N.—Long. 89 52 46 W. C.P. for a new station on freq. 6404.8V MHz toward Lakeview, Ark. on azimuth 266° 59′.

9893–C1–P–73 Same (New) 6 Miles West of Monette, Arkansas. Lat. 35 53 50 N.—Long. 90 27 25 W. C.P. for a new station on freq. 11385.0V MHz toward Jonesboro, Arkansas on azimuth 249° 04′; and 11385.0V MHz toward Paragould, Ark. on azimuth 327° 35′.

06–C1–P–73 Northwestern Bell Telephone Company (KKU95) 3 Miles East of Arlington, Nebraska. Lat 41 25 32 N.—Long 96 18 36 W. C.P. to add points of communication frequency, antenna and transmitter on frequencies 10735H 10975V MHz toward Fremont, Nebraska on azimuth 273° 31′.

07–C1–P–73 Same (New) 510 North D Street, Dodge, Nebraska. Lat. 41 28 02 N.—Long. 98 29 39 W. C.P. for new station on frequencies 11385V 11625H MHz toward Arlington, Nebraska on azimuth 93° 23′.

9905–C1–P–73 Same (New) Great Bend, Kansas (Lat. 38 23 15 N.—Long. 98 45 45 W.): C.P. for a new station—frequency 11075V MHz toward Lyons, Kansas, on azimuth 94 degrees/09 minutes.

9906–C1–P–73 Same (KZA43) 0.6 Mile East of Lyons, Kansas (Lat. 38 20 48 N.—Long. 98 10 23 W.): C.P. to add frequency 11245V MHz toward Hutchinson and McPherson, Kansas, on azimuths 150 degrees/17 minutes and 80 degrees/12 minutes, respectively.

9907–C1–P–73 Same (KZA42) 2.0 Miles East of McPherson, Kansas (Lat. 38 22 32 N.—Long. 97 35 56 W.): C.P. to add frequency 11075V MHz toward Newton and Hill 1627, Kansas, on azimuths 147 degrees/48 minutes and 346 degrees/06 minutes, respectively.

9908–C1–P–73 Same (New) Newton, Kansas (Lat. 38 04 22 N.—Long. 97 21 35 W.): C.P. for a new station—frequency 11245V MHz toward Wichita, Kansas, on azimuth 177 degrees/45 minutes.

9925–C1–P–73 Midwestern Relay Co. (WLJ69) 5727 Tokay Blvd., Madison, Wisconsin. Latitude 43 03 09 N.—Longitude 89 28 42 W. Construction Permit to add frequency 6375.2V mHz toward Baraboo Repeater, Wisconsin, via power split on azimuth 349 degrees 01 minute.

9926–C1–P–73 Same (WKR90) 7.4 miles SE of Baraboo, Wisconsin. Latitude 43 27 14 N.—Longitude 89 35 07 W. Construction Permit to add frequency 6063.8V mHz toward Davis Corner, Wisconsin, on azimuth 347 degrees 45 minutes.

9927–C1–P–73 Same (WKR92) Davis Corner, 5.8 miles W of Oxford, Wisconsin. Latitude 43 46 25 N.—Longitude 89 40 52 W. Construction Permit to add frequency 6375.2V mHz toward Hancock, Wisconsin, on azimuth 15 degrees 53 minutes.

9928–C1–P–73 Same (WKS59) Hancock, 4.5 miles NNW of Coloma, Wisconsin. Latitude 44 05 55 N.—Longitude 89 33 10 W. Construction Permit to add frequency 6152.8V mHz toward Stevens Point, Wisconsin, on azimuth 356 degrees 22 minutes.

9929–C1–P–73 Same (WLJ54) 2.5 miles NW of Stevens Point, Wisconsin. Latitude 44 33 10 N.—Longitude 89 35 35 W. Construction Permit to add frequency 6286.2H mHz toward Rib Mt., Wisconsin, on azimuth 349 degrees 11 minutes and (via power split) frequency 6286.2V mHz toward Marshfield, Wisconsin, on azimuth 291 degrees 55 minutes.

9930–C1–P–73 Same (New) 3.0 miles NNE of Marshfield, Wisconsin. Latitude 44 42 48 N.—Longitude 90 09 28 W. Construction Permit for a new station, frequency 6004.5V mHz toward Fairchild, Wisconsin, on azimuth 265 degrees 24 minutes.

9931–C1–P–73 Midwestern Relay Company (New) 4.4 Miles North of Fairchild, Wisconsin. Lat. 44 39 51 N.—Long. 90 57 41 W. C.P. for a new station on freq. 6286.2V MHz toward Eau Claire, Wisc., on azimuth 290° 48′ and (via power split) freq. 6286.2H MHz toward Curran, Wisc., on azimuth 203° 06′.

9932–C1–P–73 Same (New) 1907 S. Hastings Way, Eau Claire, Wisconsin. Lat. 44 47 58 N.—Long. 91 27 59 W. C.P. for a new station on freq. 6152.8H MHz toward Wheeler (WHWC–TV), Wisc. on azimuth 311° 30′.

9933–C1–P–73 Same (WKR95) Curran, 3.2 Miles SSW of Northfield, Wisconsin. Lat. 44 24 50 N.—Long. 91 06 38 W. C.P. to add freq. 6004.5H MHz toward Sparta, Wisc. on azimuth 157° 59′.

9934–C1–P–73 Same (WKR94) 3.5 Miles NW of Sparta, Wisconsin. Lat. 43 58 29 N.—Long. 90 51 53 W. C.P. to add freq. 6375.2H MHz toward LaCrescent (WHLA–TV), Minn., on azimuth 245° 20′.

MAJOR AMENDMENTS

4879–C1–P–66 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 06 W.): Application amended (a) to relocate Liverpool, New York, receive site to Lat. 43 05 38 North—Long. 76 11 48 West and (b) to change azimuth toward Liverpool to 339 degrees/07 minutes.

6370–C1–P–65 Eastern Microwave, Inc. (KEM 58) Helderberg Mountain, 1.75 Miles NW of New Salem, New York (Lat. 42 38 12 N.—Long. 73 59 45 W.): Application amended (a) to relocate Troy, New York, receive site to Lat. 42 45 14 North—Long. 73 40 07 West and (b) to change frequencies to 6182.4H MHz, 6241.7H MHz, and 6301.0H MHz toward Troy on new azimuth 67 degrees/26 minutes; and (c) to replace transmitters.

1077–C1–P–72 East Texas Transmission Co. (KLH75) Tyler, Texas (Lat. 32 21 13 N.—Long. 95 19 11 W.): Application amended to change frequencies to 5937.5H MHz, 6037.5H MHz, and 6137.5H MHz toward Goodman Mountain, Texas, on azimuth 78 degrees/27 minutes.

1078–C1–P–72 Same (New) Goodman Mountain, Texas (Lat. 32 24 39 N.—Long. 94 59 16 W.): Application amended (a) to add frequencies 6226.9V MHz, 6286.2V MHz, and 6345.5V MHz toward new point of communication at Gladewater (Lat. 32 32 46 N.—Long. 94 56 28 W.), Texas, on azimuth 16 degrees/17 minutes and (b) to change azimuth toward Walker's Mill, Texas, to 67 degrees/42 minutes.

1079–C1–P–72 Same (New) 1.8 Miles South of Walker's Mill, Texas (Lat. 32 33 37 N.—Long. 94 33 20 W.): Application amended (a) to relocate station to foregoing coordinates and (b) to change azimuth toward Marshall, Texas, to 97 degrees/03 minutes.

1854–C1–P–70 United Video, Inc. (New) 12.0 Miles NW of Ada, Oklahoma (Lat. 34 54 16 N.—Long. 96 44 32 W.): Application amended to relocate station to foregoing coordinates.

2958–C1–P–73 Same (New) 1.0 Mile North of Scullin, Oklahoma (Lat. 34 32 09 N.—Long. 96 51 40 W.): Application amended to change azimuth toward Ada, Oklahoma, to 14 degrees/53 minutes.

6395–C1–P–73 Eastern Microwave, Inc. (KCL72) Mt. Greylock, 2.0 Miles NW of Adams, Massachusetts (Lat. 42 38 11 N.—Long. 73 10 04 W.): Application amended to change equipment and to increase output power to 1.0 watt.

8255–C1–P–73 American Television & Communications Corp. (KOC70) 1.0 Mile NE of Elbow Lake, Minnesota (Lat. 46 00 20 N.—Long. 95 57 35 W.): Application amended to change frequency to 11365V MHz toward Erhard, Minnesota, on azimuth 350 degrees/35 minutes.

CORRECTIONS:

9059–C1–P–73 United Video, Inc. (New) CORRECT azimuth to Read 150°33′. (All other particulars remain same as reported in Public Notice No. 653, dated 6–18–73.)

CORRECTION: (MAJOR AMENDMENTS)

5568–C1–P–72 United Video, Inc. (new) CORRECT to Read: Application amended to add freq. 5974.8V MHz toward Barnetts, Va. on azimuth 130°07′. (All other particulars same as reported on Public Notice dated 2–3–73.)

[FR Doc.73–15158 Filed 7–24–73;8:45 am]

CABLE TELEVISION FEDERAL/STATE-LOCAL ADVISORY COMMITTEE STEERING COMMITTEE

Notice of Meeting

JULY 18, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold open meetings on July 30 and 31, 1973, at 9:30 a.m. The meetings will be held in Room 6331 of the Cable Television Bureau offices located at 2025 M Street, N.W., Washington, D.C.

The agenda for the meetings will be a discussion on the following subjects:

Issue #4—Jurisdiction for Technical Performance Standards

Issue #6—Jurisdiction for Cross-Ownership Requirements

Issue #12—Construction and System Extension and Part II of the Report.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73–15259 Filed 7–24–73;8:45 am]

STANDARD BROADCAST APPLICATIONS

Applications Ready and Available for Licensing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on August 30, 1973, the standard broadcast applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on August 29, 1973, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on August 29, 1973.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: July 19, 1973.

Released: July 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

BP–19200 NEW, North Pole, Alaska
Cassady Broadcasting
Req: 600 kHz, 1 kW, DA–1, U

BP–19409 KOFE, St. Maries, Idaho
4–K Radio, Inc.
Has: 1480 kHz, 1 kW, Day
Req: 1490 kHz, 250 W, 1 kW–LS, U

BP–19412 NEW, Appomattox, Virginia
Theodore J. Gray, Jr.
Req: 1280 kHz, 1 kW, Day

BP–19413 NEW, Buena Vista, Virginia
Harry R. Peyton
Req: 1270 kHz, 1 kW, Day

BP–19415 NEW, Aberdeen, South Dakota
Dakota-North Plains Corp.
Req: 1560 kHz, 5 kW, DA–2, U

BP–19423 KPUA, Hilo, Hawaii
Heftel Broadcasting Corporation
Has: 970 kHz, 5 kW, U
Req: 620 kHz, 5 kW, U

BP–19424 NEW, Statesboro, Georgia
Rosemor Broadcasting Company, Inc.
Req: 850 kHz, 1 kW, DA–N, U

BP–19438 NEW, Bellville, Texas
J. Lee Dittert, Jr. & Dinah L. Dittert, his wife
Req: 1090 kHz, 250 W, Day

BP–19444 WCHQ, Camuy, Puerto Rico
Camuy Broadcasting Corporation
Has: 1360 kHz, 1 kW, DA, Day
Req: 1360 kHz, 500 W, 1 kW–LS, DA–2, U

BP–19456 KIPA, Hilo, Hawaii
Big Island Broadcasting Company, Ltd.
Has: 1110 kHz, 1 kW, U
Req: 620 kHz, 1 kW, U

[FR Doc.73–15258 Filed 7–24–73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[(Wildlife Order 107); D-Virginia-627]

U.S. ARMY MATERIAL COMMAND; WOODBRIDGE RESEARCH FACILITY

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 15, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Washington, D.C., Regional Office, dated June 29, 1973, the property comprising approximately 63 acres of unimproved land, identified as Portion—U.S. Army Material Command, Woodbridge Research Facility, Woodbridge, Virginia, has been transferred to the Department of the Interior.

2. The above property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of Section 1 of the said Public Law 537 (16 U.S.C. 667b), as amended, by Public Law 92–432.

Dated July 17, 1973.

LARRY F. ROUSH,
Acting Commissioner, Public Buildings Service.

[FR Doc.73–15263 Filed 7–24–73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–3113, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Findings and Order After Statutory Hearing

JULY 12, 1973.

Each Applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, add or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

After due notice by publication in the FEDERAL REGISTER, a notice of intervention was filed and withdrawn by the Public Utilities Commission of the State of California in Docket No. CI73–175. No further notices of intervention, protests to the granting of the applications and petitions to amend, or petitions to intervene have been filed.

At a hearing held on July 5, 1973, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds.

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements

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of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certain successors in interest, who are herein authorized to continue sales of natural gas in interstate commerce, should be made co-respondents in their predecessors' rate proceedings.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates, for sales authorized herein to be continued under new or amended certificates, should be amended by deleting therefrom authorization to sell gas.

(9) Section 154.93 of the regulations under the Natural Gas Act should be waived to the extent necessary to permit the acceptance for filing of the rate schedules for the sales authorized in Docket Nos. CI73–46 and CI73–175 with contractual provisions for the possible sales of the Federal Government's royalty shares of the gas at prices in excess of the otherwise applicable rates and with contractual provisions to increase rates to higher area rates found to be proper by hearing, rulemaking, or Commission approved settlement.

(10) Section 157.93 of the regulations under the Natural Gas Act should be waived to the extent necessary to permit the acceptance for filing of the rate schedule for the sale authorized in Docket No. CI73–419 with the contractual provision for the possible sale of the Federal Government's royalty share of the gas at prices in excess of the otherwise applicable rates.

(11) The presently effective rates, subject to refund in Docket No. RI71–736, proposed to be charged and collected by Applicant in Docket No. RI71–736, do not exceed the applicable area rate.

The Commission orders.

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Within 90 days from the date of initial delivery, Applicants in Docket Nos. G–10523, G–13299, CI67–1519, CI71–489, CI73–65, CI73–73, CI73–126, CI73–172, CI73–225, CI73–226, CI73–250, CI73–261, CI73–263, CI73–269, CI73–311, CI73–324, CI73–325, CI73–326, CI73–360, CI73–370, CI73–371, CI73–380, CI73–386, CI73–390, CI73–397, CI73–399, CI73–466, and CI73–473 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 468–A, 586, 595, 598, and 607, as applicable.

(F) The certificates and certificate authorization granted in Docket Nos. G–10523, G–13299, CI67–1519, CI71–489, CI73–65, CI73–73, CI73–126, CI73–172, CI73–225, CI73–226, CI73–250, CI73–261, CI73–263, CI73–269, CI73–311, CI73–324, CI73–325, CI73–326, CI73–360, CI73–370, CI73–371, CI73–380, CI73–386, CI73–390, CI73–397, CI73–399, CI73–466, and CI73–473 are subject to the Commission's findings and orders accompanying Opinion Nos. 468, 468–A, 586, 586–A, 595, 595–A, 598, 598–A, 607, and 607–A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to Section 4 of the Natural Gas Act; provided, however, that adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (psia)
CI67–1519	[1] 21.625	15.025
	[2] 21.724	15.025
	[3] 22.125	15.025
CI73–46	24.0	15.025
CI73–126	26.0	15.025
CI73–172	[4] 17.03	14.65
CI73–175	24.0	15.025
CI73–311	26.0	15.025
CI73–326	24.25	15.025
CI73–344	32.0	15.025
CI73–360	23.25	15.025
CI73–386	[5] 17.815	14.65
	[6] 18.082	14.65
CI73–406	22.75	15.025
CI73–419	23.75	15.025
CI73–461	22.75	15.025

[1] From June 1, 1972, to July 31, 1972.
[2] From August 1, 1972, to August 31, 1972.
[3] On or after September 1, 1972.
[4] Includes Btu adjustment.
[5] From June 2, 1969, to May 1, 1971.
[6] After May 1, 1971.

(H) Applicants in Docket Nos. CI73–327, CI73–344, CI73–406, and CI73–461 shall comply with Section 2.71 of the Commission's General Policy and Interpretations with respect to the transportation of liquids and liquefiable hydrocarbons.

(I) Docket Nos. CI73–267 and CI73–279, are cancelled.

(J) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

(K) Applicants in the following dockets are made correspondents in their predecessors' rate proceedings and said proceedings are redesignated accordingly:

Successor's Certificate Docket No.	*Rate Proceeding Docket No.*
G–17445	RI69–374
CI73–475	RI70–869

Applicants shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(L) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new or amended certificates herein:

New Certificate Authorization Docket No.	*Amended Certificate Docket No.*
G–10523	G–10047, G–10131 and G–10370
G–16870	G–16548
CI66–96	CI69–6
CI73–172	CI65–1314
CI73–250	G–18435
CI73–261	CI68–205
CI73–263	CI70–717
CI73–269	G–18726
CI73–324	CI60–328
CI73–360	G–8493
CI73–362	CI70–295
CI73–386	CI64–1487
CI73–397	CI65–661
CI73–399	CI66–942
CI73–473	G–6022
CI73–474	G–6780
CI73–475	G–3113

(M) The acceptance for filing of the rate schedules for the sales authorized in Docket Nos. CI73–46 and CI73–175 should not be construed as meaning that any rate increase based upon the provisions for the sales of the Federal Government's royalty shares of the gas at prices in excess of the otherwise applicable rate would be accepted for filing without suspension.

(N) The certificates issued in Docket Nos. CI73–327, CI73–344, CI73–370, and CI73–371 determine the rates which the sellers may charge the buyers but are without prejudice to any action which the Commission may take in any rate proceedings involving either the sellers or buyers.

(O) The proceeding in Docket No. RI71–736 is terminated with respect to the changes in rate for sales under Monterey Pipeline Company FPC Gas Rate Schedule Nos. 1 and 4.

(P) The certificate of public convenience and necessity in the following dockets issued to predecessors of Applicant in Docket Nos. CI73–225 and CI–73–226 are terminated: G–14903, G–14904, G–14905, G–14906, G–14907, CI–71–106, and CI71–107. The following rate schedules of predecessors of Applicant in Docket Nos. CI73–225 and CI73–226 are cancelled:

(1) H. L. Hunt FPC Gas Rate Schedule Nos. 12 and 30
(2) Secure Trust FPC Gas Rate Schedule Nos. 1 and 6
(3) Lyda Hunt-Margaret Trust FPC Gas Rate Schedule Nos. 1 and 7
(4) Lyda Hunt-Caroline Trust FPC Gas Rate Schedule Nos. 1 and 7
(5) Lyda Hunt-Bunker Trust FPC Gas Rate Schedule Nos. 1 and 7
(6) Lyda Hunt-Lamar Trust FPC Gas Rate Schedule Nos. 1 and 7
(7) Lyda Hunt-Herbert Trust FPC Gas Rate Schedule No. 1

(Q) Nothing contained in this order shall relieve the applicants of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [18] Description and date of document	No.	Supp.
G–3113 D [1]	Exxon Corp. (Operator) et al. [2]	El Paso Natural Gas Co., Cooper Jal Field, Lea County, N. Mex.	Notice of Partial Cancellation 6–6–72 [3] (Effective date: Date of this order).	31	25
G–6073 E 12–27–72	Clinton Oil Co.	Michigan Wisconsin Pipe Line Co., South Elton Field, Jefferson Davis Parish, La.	Amoco Production Co., FPC Gas Rate Schedule No. 156 and Supplement Nos. 1–13 thereto.	136	
			Notice of succession 12–22–72.	136	1–13
			Assignment 12–31–69 [4] (Effective date: 1–3–72) [5]	136	14
G–6075 E 12–27–72	do	Michigan Wisconsin Pipe Line Co., Bayou Mallet Field, Acadia Parish, La.	Amoco Production Co., FPC Gas Rate Schedule No. 158 and Supplement Nos. 1–12 thereto.	137	
			Notice of succession 12–22–72.	137	1–12
			Assignment 12–31–69 [4] (Effective date: 1–3–72) [5]	137	13
G–6780 D [1]	Exxon Corp. [2]	El Paso Natural Gas Co., Langille-Mattix Field, Lea County, N. Mex.	Notice of partial cancellation 6–6–72. [3] (Effective date: Date of this order).	77	16
G–6828 E 12–27–72	Clinton Oil Co.	Texas Eastern Transmission Corp., Meyersville Field, De Witt County, Tex.	Amoco Production Co., FPC Gas Rate Schedule No. 86 and Supplement Nos. 1–16 thereto.	135	
			Notice of succession 12–22–72.	135	1–16
			Assignment 12–31–69 [4] (Effective date: 1–3–72) [5]	135	1–16
G–9272 D	Cities Service Oil Co. (Operator) et al.	Texas Eastern Transmission Corp., Greenwood Field, Caddo Parish, La.	Assignment 2–19–71 [6] [7]	366	19
			Assignment 8–10–72 [6] [7] (Effective date: Date of this order).	366	20
G–10623 F 9–22–72	Ashland Oil, Inc.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sparks Field, Stanton County, Kans.	Supplement 7–28–72 (Effective date: 10–23–72) [5] [9]	126	11
G–13299 12–11–72	Atlantic Richfield Co., (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Area, Harper County, Okla.	Amendatory agreement 9–13–72. (Effective date: 1–11–73) [10] [9]	414	61
G–16548 [11]	Union Oil Co., of California.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Gas Field, Cimarron County, Okla.	Conveyance 10–22–71 [12] (Effective date: 9–1–72) [5]	116	8
G–17445 E 12–29–72	Clinton Oil Co.	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	Amoco Production Company FPC Gas Rate Schedule No. 319 and Supplement Nos. 1–4 thereto.	138	
			Notice of succession 12–22–72.	138	1–4
			Assignment 12–31–69 [4] (Effective date: 1–3–72) [5]	138	5
G–18435 [11]	Amoco Production Co., (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Assignment 12–31–69 [14] (Effective date: 12–31–69) [5]	273	31
CI64–1487 [11]	Amoco Production Co.	Arkansas Louisiana Gas Co., Lacy Field, Kingfisher County, Okla.	Assignment 12–31–69 [13] (Effective date: 12–31–69) [5]	395	20
CI65–661 [11]	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Assignment 12–31–69 [13] (Effective date: 12–31–69) [5]	403	10
CI66–96 E 12–29–72	Clinton Oil Co.	United Gas Pipe Line Co., Mount Olive Field, Smith County, Miss.	Amoco Production Company FPC Gas Rate Schedule No. 426 and Supplement Nos. 1–2 thereto.	139	
			Notice of succession 12–27–72.	139	1–2
			Assignment 12–13–69 [4] (Effective date: 1–3–72) [5]		
CI66–942 D [11]	Amoco Production Co. (Operator) et al.	Northern Natural Gas Co., Luther Hill and East Fort Supply Fields, Woodward County, Okla.	Assignment 12–31–69 [14] (Effective date: 12–31–69) [5]	449	22
CI66–1106 A 10–30–72	CRA, Inc.	Northern Natural Gas Co., Las Perlas (Canyon Sand) Field, Irion County, Tex.	Letter 10–19–72	51	[16a] 3–10
			Letter 10–23–72	51	[16a] 4–10
CI67–1519 E 9–15–72 [15]	General American Oil Co. of Texas (Operator) et al.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	Austral Gas Co. (Operator) et al., FPC Gas Rate Schedule No. 2 and Supplement Nos. 1–3 thereto. [17]	91	
			Notice of succession (undated). [17]	91	1–3
			Letter 8–2–72 [17] (Effective date: 6–1–72) [14]	91	4
			Notice of change (undated). [18] (Effective date: 8–1–72)	91	5
			Notice of change (undated). [18] (Effective date: 8–1–72)	91	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

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Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [18] Description and date of document	No.	Supp.
C168-1038..... C 1-2-73	Tenneco Oil Co., et al.....	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	Supplemental agreement 12-15-72.[30]	223	9
C168-1145..... C 12-14-72	Continental Oil Co.....	do.....	Supplemental agreement 10-31-72.[30]	336	4
C170-129..... D [31]	Cities Service Oil Co.....	Consolidated Gas Supply Corp., Elk District, Kanawha County, W. Va.	Assignment 5-1-72 [1 6]..... (Effective Date: date of this order).	318	7
C171-489..... E 9-25-72	Alfred J. Smith.....	Phillips Petroleum Co., West Panhandle Field, Gray County Tex.	Sun Oil Co. FPC Gas Rate Schedule No. 490 and Supplement No. 1 thereto.	1	1
			Notice of succession.....		
			Assignment 4-10-72 [33]..... (Effective date: 4-1-72) [6].....	1	2
C173-46..... A 7-10-72 C	Amoco Production Co.....	El Paso Natural Gas Co., Blanco Pictured Cliffs and Undesignated Fruitland Fields, San Juan County, N. Mex	Supplemental agreement 1-24-73.	593	1
C173-65..... F 7-24-72	Texas Pacific Oil Co., Inc.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Glenmora Field, Rapides Parish, La.	Contract 8-25-70 [34 35].....	108	
			Assignment 6-1-72 [36 35]..... (Effective date: 6-1-72) [6].....	108	1
C173-73..... 7-27-72 [37]	Continental Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Hagist Ranch Field, Duval County, Tex.	Contract 4-18-49 [38].....	391	
			Letter agreement 3-10-60 [39].....	391	1
			Amendment 11-1-71.....	391	2
			Amendment 12-13-72 [40]..... (Effective date: 11-15-71) [31].....	391	3
C173-126..... A 8-22-72	Mobil Oil Corp.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 33 Field, Offshore, Louisiana.	Contract 8-14-72 [43 31].....	488	
C173-172..... F 9-5-72	Delta Drilling Co. (Operator) et al.	Northern Natural Gas Co., Southwest Ozona Field, Crockett County, Tex.	Contract 3-17-65 [44 14].....	41	
			Assignment 6-14-72 [4 13].....	41	1
			Assignment 6-14-72 [44 13]..... (Effective date: 7-1-72) [13].....	41	2
C173-175..... A 9-7-72	Amoco Production Co.....	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 7-24-72 [38].....	594	
C173-225..... E 9-25-72	Petro-Lewis Corp.....	Southern Natural Gas Co., Coffee Bay Field, Lafourche Parish, La.	Monterey Pipeline Co. FPC Gas Rate Schedule No. 4 and Supplement Nos. 1-3, thereto.	3	1-3
			Notice of succession 9-20-72.		
			Conveyance 8-1-72 [45].....	3	4
			Conveyance 8-10-72 [45]..... (Effective date: 8-1-72) [6].....	3	5
C173-226..... E 9-25-72	Petro-Lewis Corp.....	Southern Natural Gas Co., Lake Enfermer Field, Lafourche Parish, La.	Monterey Pipeline Co. FPC Gas Rate Schedule No. 1.	4	
			Supplement Nos. 1-4, thereto.	4	1-4
			Notice of succession 9-20-72.		
			Conveyance 8-1-72 [45].....	4	5
			Conveyance 8-10-72 [45]..... (Effective date: 8-1-72) [6].....	4	6

See footnotes end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [18] Description and date of document	No.	Supp.
C173-250..... F 10-6-72 [47]	Clinton Oil Co.....	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 2-6-59 [44].....	130	
			Amendatory agreement 9-24-59.	130	1
			Amendatory agreement 10-12-65.	130	2
			Assignment 12-31-69 [4]..... (Effective date: 12-31-69) [6].....	130	3
C173-261..... F 10-10-72	Investors Royalty Co., Inc.	Cities Service Gas Co., Northeast and Northwest Avard Fields, Woods County, Okla.	Contract 7-10-67 [44].....	6	
			Assignment 8-1-72 [48]..... (Effective date: 8-1-72) [6].....	6	1
C173-263..... F 10-10-72	do.....	Panhandle Eastern Pipe Line Co., Avard Field, Woods County, Okla.	Contract 1-8-70 [41].....	5	
			Assignment 8-1-72 [48]..... (Effective date: 8-1-72) [6].....	5	1
C173-269..... F 10-10-72 [47 44]	Amoco Production Co.....	Transwestern Pipeline Co., South Goodwin Field, Ellis County, Okla.	Contract 4-1-59 [44].....	597	
			Assignment 12-21-71 [49].....	597	1
			Assignment 1-1-72 [49].....	597	2
			Assignment 1-12-72 [6]..... (Effective date: 1-1-72) [6].....	597	3
C173-311..... A 10-30-72	Shell Oil Co.....	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Main Pass Block 69 Field, Plaquemines Parish, La.	Contract 8-15-72 [45].....	393	
C173-324..... F 10-30-72	Ashland Oil, Inc.....	El Paso Natural Gas Co., Laverne Field, Beaver County, Okla.	Contract 2-1-60 [44].....	236	
			Amendatory Agreement 10-14-70.	236	1
			Assignment 8-25-71 [49].....	236	2
			Assignment 10-21-71 [49]..... (Effective date: 7-1-71) [6].....	236	3
C173-325..... 10-30-72 [50]	Union Oil Co. of California.	Florida Gas Transmission Co., Bayou Mallet Field, Acadia and St. Landry Parishes, La.	Contract 10-16-61..... (Effective date: 5-2-71) [31].....	212	
C173-326..... F 10-26-72 [51]	Pennzoil Producing Co.....	United Gas Pipe Line Co., Crescent Farms Field, Terrebonne Parish, La.	Contract 3-25-55 [44].....	290	
			Amendment 1-23-56.....	290	1
			Letter agreement 12-1-58.....	290	2
			Letter agreement 10-4-66.....	290	3
			Letter agreement 12-11-67.....	290	4
			Letter agreement 1-10-68.....	290	5
			Letter agreement 5-27-68.....	290	6
			Letter 8-8-68.....	290	7
			Letter agreement 11-20-70.....	290	8
			Letter agreement 8-31-72.....	290	9
			Farmout 11-22-71 [49].....	290	10
C173-327..... A 11-3-72 [44]	Appalachian Exploration & Development, Inc.	Cabot Corp., Luther D. Griffith et al., Lease, McDowell County, W. Va.	Contract 10-4-72 [52].....	22	
C173-344..... A 11-9-72 [53 44]	do.....	Cabot Corp., S. C. Bowen Lease, McDowell County, W. Va.	Contract 10-4-72.....	23	
C173-360..... F 11-13-72	Equipment, Inc., and Annco Petroleum Co., Inc.	United Gas Pipe Line Co., Bancroft Field, Beauregard Parish, La.	Contract 12-30-52 [6].....	1	
			Letter agreement 12-1-58.....	1	1
			Letter agreement 7-1-60.....	1	2
			Letter 7-1-64.....	1	3
			Amendment 3-31-66.....	1	4
			Amendment 8-30-71.....	1	5
			Quality Statement 12-19-68.	1	6
			Assignment 9-1-72 [49].....	1	7
			Assignment 9-1-72 [49]..... (Effective Date: 9-1-72) [6].....	1	8

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [18] Description and date of document	No.	Supp.
C173-362..... F 11-13-72	J. Gregory Merrion et al..	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	J. Gregory Merrion (Operator) et al., FPC Gas Rate Schedule No. 13 and Supplement Nos. 1-4 thereto.[60]	13	1-4
			Articles of amendment 7-29-70. [6]	13	5
			Amendatory agreement 1-31-72. [7]	13	6
			Letter 3-17-72 [45].....	13	7
			Bill of Sale 8-1-72 [44]..... (Effective date: 8-1-72).....	13	8
			Gas purchase agreement 4-1-60.[44]	17	
			Supplement agreement 8-16-61.[57]	17	1
			Amendatory agreement 10-27-67.[7]	17	2
			Letter agreement 6-6-68 [44].....	17	3
			Letter agreement 4-1-69 [44].....	17	4
			Amendatory agreement 3-16-72.[44]	17	5
			Letter 3-28-72 [44].....	17	6
			Bill of sale 9-1-72 [44].....	17	7
			Assignment 8-8-72 [44]..... (Effective date: 8-1-72).....	17	8
C173-370..... A 11-16-72 [16]	Anadarko Production Co..	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Grant County, Kans.[11]	Contract 3-11-60 [33].....	185	
			Assignment (undated) [11].....	185	1
			Assignment (undated) [12].....	185	2
			Assignment (undated) [14].....	185	3
			Letter 2-21-72.....	185	4
			Amendment 4-25-72.....	185	5
C173-371..... A 11-16-72 [16]	do.....	do.....	Contract 3-1-61.....	186	
			Assignment 7-5-61 [12].....	186	1
			Letter 2-21-72.....	186	2
			Amendment 4-25-72.....	186	3
C173-380..... 11-20-72 [16]	Lona Star Producing Co..	United Gas Pipe Line Co., Fagan Field, Refugio County, Tex.	Contract 10-7-49.....	100	
			Amendment 10-7-49.....	100	1
			Amendment 10-29-53.....	100	2
			Amendment 10-29-53.....	100	3
			Letter agreement 8-31-54 [12].....	100	4
			Amendment 8-20-56.....	100	5
			Amendment 5-18-60.....	100	6
			Assignment 5-29-61 [12].....	100	7
			Amendment 5-25-64.....	100	8
			Amendment 9-11-67..... (Effective date: 7-31-72) [61].....	100	9
C173-386..... F 12-1-72	Clinton Oil Co.....	Arkansas Louisiana Gas Co., Lacy Field, Kingfisher County, Okla.	Contract 10-15-62 [62].....	131	
			Supplemental agreement 10-16-62.	131	1
			Assignment 8-26-63 [63].....	131	2
			Assignment 8-26-63 [63].....	131	3
			Assignment 8-26-63 [63].....	131	4
			Assignment 9-19-63 [63].....	131	5
			Assignment 9-19-63 [63].....	131	6
			Supplemental agreement 5-29-64.	131	7
			Supplement 3-15-67.....	131	8
			Assignment 12-31-69 [61]..... (Effective date: 12-31-69) [6].....	131	9

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [18] Description and date of document	No.	Supp.
C173-390..... F 11-27-72	Texas Oil & Gas Corp.....	Texas Eastern Transmission Corp., Englehart Field, Colorado County, Tex.	Contract 4-16-53 [64].....	107	
			Letter agreement 7-24-57.....	107	1
			Amendment 11-28-59.....	107	2
			Letter agreement 5-11-64.....	107	3
			Letter agreement 5-21-64.....	107	4
			Assignment 9-25-72 [44]..... (Effective date: 9-1-72) [6].....	107	5
C173-397..... F 12-4-72 [65]	Clinton Oil Co.....	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	Contract 6-9-59 [66].....	132	
			Conveyance 9-3-64 [66].....	132	1
			Assignment 12-31-69 [4]..... (Effective date: 12-31-69) [6].....	132	2
C173-399..... F 12-4-72 [65]	do.....	Northern Natural Gas Co., Luther Hill and East Fort Supply Fields, Woodward County, Okla.	Contract 3-8-66 [67].....	133	
			Letter agreement 3-4-66.....	133	1
			Assignment 12-31-69 [13]..... (Effective date: 12-31-69) [6].....	133	2
C173-406..... A 12-8-72	Continental Oil Co.....	Kansas-Nebraska Natural Gas Co., Inc., Riverton East Field, Fremont County, Wyo.	Contract 12-1-72 [44 31].....	393	
C173-419..... A 12-14-72	Phillips Petroleum Co....	Western Transmission Corp., Deep Creek Field, Carbon County, Wyo.	Contract 11-14-72 [44].....	517	
C173-461..... A 12-8-72	Continental Oil Co.....	Montana-Dakota Utilities Co., Riverton East Field, Fremont County, Wyo.	Contract 12-1-72 [44 31].....	394	
C173-466..... A 1-8-73	Phillips Petroleum Co....	Union Gas System, Inc., acreage in Osage County, Okla.	Contract 11-22-72.....	518	
C173-473..... F 12-27-72	Clinton Oil Co.....	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Contract 1-1-54 [44].....	134	
			Conveyance 12-31-69 [14]..... (Effective date: 1-3-72) [1].....	134	1
C173-474..... F 1-4-73	Continental Oil Co.....	El Paso Natural Gas Co., Jalmat Langlie-Mattix Area, Lea County, N. Mex.	Contract 8-10-49 [30].....	395	
			Letter agreement 6-28-52.....	395	1
			Letter agreement 6-30-54.....	395	2
			Amendatory agreement 12-28-60.	395	3
			Supplemental agreement 2-2-62.	395	4
			Amendatory agreement 8-12-69.	395	5
			Assignment 2-23-72 [6]..... (Effective date: 3-1-72) [1].....	395	6
C173-475..... F 1-5-73	do.....	do.....	Contract 11-3-52 [68].....	396	
			Supplemental agreement 12-21-65.	396	1
			Assignment 2-23-72 [6]..... (Effective date: 3-1-72) [1].....	396	2

[1] No certificate filing required, 18 CFR 2.64. Exxon's certificate will be terminated only insofar as it pertains to acreage assigned to Continental Oil Co. whose succession filing is included in this tabulation.
[2] Successor to Humble Oil & Refining Co.
[3] Includes assignment dated Feb. 23, 1972, transferring acreage to Continental Oil Co.
[4] From Amoco Production Co. to applicant.
[5] Effective date of transfer of producing properties.
[6] To Jack W. Grigsby who has small producer certificate in Docket No. CS71-672. Reliance Trusts is also an assignee and an "et al." party under Cities Service Oil Co. FPC Gas Rate Schedule No. 366.
[7] Cities states this is not a transfer of reserves in place.

[Docket No. C160-475, etc.]

BELCO PETROLEUM CORP., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JULY 16, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C160-475..... C 6-25-73 F	Belco Petroleum Corp. (successor to Exxon Co.), 630 Third Ave., New York, N.Y. 10017.	El Paso Natural Gas Co., acreage in Sublette County, Wyo.	[1] 15.384	15.025
C167-67..... D 7-2-73	Contiental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Northern Natural Gas Co., Fort Supply Field, Ellis County, Okla.	Uneconomical	.....
C173-649..... (C160-42) F 6-29-73 [2]	Texas Oil & Gas Corp. (successor to Sun Oil Co.), Fidelity Union Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., North LaWard Field, Jackson County, Tex.	15.0375	14.65
C173-882..... (C161-144) F 7-2-73	Phoenix Energy Company (suecessor to Aladdin Production Company, Inc.) 3537 W. Alabama Street Suite 100 Houston, Texas 77027.	Transcontinental Gas Pipeline Co. Bayou Couba Field, St. Charles Parish, La.	[3] 22.65	15.025
C173-883..... (C165-224) F 7-2-73	do.....	do.....	[3] 22.15	15.025
C173-924..... (C170-691) B 6-25-73	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., Robstown Plant, Nueces County, Tex.	Depleted	.....
C173-926..... B 6-22-73	Ralph H. Meriwether et al.[4] 1006 Midland National Bank Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Gomez Ellenburger) Field, Pecos County, Tex.	(5)	.....
C173-927..... (G-14811) B 6-25-73	Frank D. Brown, Jr. et al., 1503 Mercantile Bank and Trust Bldg., Baltimore, Md. 21201.	Transcontinental Gas Pipeline Corp., Orcones Field, Duval County, Tex.	Depleted	.....
C173-928..... (G-4579) F 6-22-73	Dallas McCasland (successor to Cities Service Oil Co.), P.O. Box 763, Hobbs, N. Mex. 88240.	El Paso Natural Gas Co., Jalmat Pool, Lea County, N. Mex.	18.987	14.65
C173-929..... (G-3566) F 6-22-73	do.....	El Paso Natural Gas Co., Searborough Yates Seven River, Lea County, N. Mex.	11.0	14.65
C173-932..... A 6-28-73	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex.	35.0	14.65
C173-933..... (C167-1087) B 6-25-73	Fred J. Russell, t.d.b.a. Louden Properties Co., P.O. Box 110, Kittanning, Pa. 16201.	Columbia Gas Transmission Corp., Redbank Township, Armstrong County, Pa.	(6)	.....
C173-938..... A 6-28-73	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	[7] 28.0	15.025
C173-939..... (G-15522) B 6-28-73	George K. Taggart, Jr., 1710 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Woodsboro West, North La Rosa and Bonnie View Fields, Refugio County, Tex.	Depleted	.....

[1] Rate in effect under predecessor's rate schedule (Humble Oil & Refining Co. FPC Gas Rate Schedule No. 250) on Dec. 1, 1967, when applicant acquired its interest in the subject properties.
[2] Being renoticed, because letter from applicant filed June 29, 1973, reflects a change in price. Originally noticed on Apr. 24, 1973, in G-7013 et al.
[3] Subject to downward B.t.u. adjustment.
[4] Applicant is a small producer.
[5] The acreage is being abandoned to permit it to be included in a drilling unit for an additional well to be drilled in the Gomez Field. This acreage is nonproductive at this time.
[6] Applicant is abandoning the sale to Columbia Gas Transmission Corp., but will continue to sell gas to another purchaser.
[7] Subject to upward and downward B.t.u. adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-15128 Filed 7-24-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Grove State Bank, Dallas, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By Order dated November 30, 1972, the Board approved the formation of Applicant[1] and stated:

First National [Bank in Dallas, Applicant's lead bank] now holds certain minority interests in fourteen banks ("Other Banks") located in Dallas County, Texas, as follows:

[1] 1972 Fed. Res. *Bulletin* 1028.

24 per cent of the shares of American Bank and Trust Company; 21.34 per cent of the shares of Citizens State Bank, Irving; 20 per cent of the shares of The Dallas County State Bank, Carrollton; 24.76 per cent of the shares of DeSoto State Bank; 24.52 per cent of the shares of East Dallas Bank & Trust Company; 24 per cent of the shares of First National Bank of Richardson; 24 per cent of the shares of Grove State Bank; 22.42 per cent of the shares of North Dallas Bank and Trust Company; 24.9 per cent of the shares of Northpark National Bank; 19.47 per cent of the shares of Park City's Bank and Trust Company; 24.5 per cent of the shares of Southwest Bank and Trust Company, Irving; 24 per cent of the shares of Texas National Bank; 10.67 per cent of the shares of White Rock National Bank; and 25.41 per cent of the shares of Guaranty Bank, formerly South Oak Cliff Bank.

Board approval of Applicant's proposal to become a bank holding company does not signify Board approval of the retention or acquisition of the above-referred to minority interests in Other Banks. It is the Board's understanding, from representations by Applicant, that Applicant will file separate applications for prior approval by the Board for each of such minority holdings it seeks to retain and cause its minority interests in all Other Banks, other than those for which such applications are filed, to be completely and permanently divested by it. It is further understood that in this manner any such applications so filed by Applicant will be subject to the ordinary regulatory and legal process, subject to statutory standards as set forth in both section 3 of the Bank Holding Company Act and section 7 of the Clayton Act.

This application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank. Similar applications have been filed to acquire shares of American Bank & Trust Company, Park Cities Bank & Trust Company, and Southwest Bank & Trust Company. The Board understands that an application will be filed not later than August 1, 1973, for shares of the Dallas County State Bank and further understands that Applicant's indirect minority interest in Guaranty Bank, formerly South Oak Cliff Bank, was completely and permanently divested by sale on January 9, 1973. The Board further understands and expects that Applicant's indirect minority interests in the eight other banks mentioned above will be completely and permanently divested as noted in the Board's earlier Statement.

Applicant, the largest bank holding company in Texas, controls by direct stock ownership two banks with aggregate deposits of $1.7 billion, representing 5.6 percent of the total deposits of commercial banks in Texas. (All banking data are as of June 30, 1972, and reflect bank holding company acquisitions approved through March 21, 1973.) Applicant is the second largest banking organization in the Dallas market, its lead bank holding 23.4 percent of total deposits of commercial banks in that market. Upon consummation of the four pending acquisitions referred to above, Applicant's subsidiaries would hold 25.5 percent of the total deposits in commercial banks in the Dallas market.

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Should the Board approve the forthcoming application by Applicant to acquire shares of Dallas County State Bank, Applicant would control 25.9 percent of total deposits in that market. The eight banks in which Applicant's minority interests will be divested have a combined market share of 1.7 percent of the Dallas market. A trusteed affiliate of Applicant presently holds 24 percent of the outstanding voting shares of Bank and the proposal herein to acquire virtually all of the remaining outstanding shares of Bank would increase Applicant's control of commercial bank deposits in the Dallas area by 0.3 percentage points and its ranking among commercial banks in that market and in the State would be unchanged.

Bank ($19.8 million of deposits) ranks fortieth in deposits among 110 commercial banks in the Dallas market which is approximated by the Dallas RMA.[2] Bank is located in a primarily residential area approximately eight miles from Applicant's lead bank which is located in downtown Dallas. Individuals closely associated with Applicant's lead bank were instrumental in organizing bank in 1948 and, since 1950, a substantial portion of Bank's shares has been held by an investment company principally owned by directors of Applicant's lead bank and subsequently held by a trusteed affiliate of Applicant. In addition to Applicant's trusteed affiliate's ownership, shareholders common to Applicant and Bank hold approximately 20 percent of the outstanding voting shares of Bank. The proposal herein represents a strengthening of existing interests rather than the acquisition of an independent competing bank. In view of Applicant's significant holdings, the substantial common shareholder ties and the continued close relationship between Applicant and Bank, the prospect of disaffiliation appears remote. Moreover, in view of the relatively small size of Bank, its localized service area, and the presence of a number of intervening banks, it appears that consummation of Applicant's proposal would not eliminate any meaningful existing or future competition between Bank and any of Applicant's subsidiary banks. Nor would consummation of this proposal raise barriers to entry by other bank holding companies into the expanding Dallas market in view of Bank's relatively insignificant market position and the large number of unaffiliated banks which will remain in this area after this transaction.

On the record before it, the Board concludes that consummation of Applicant's proposal would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking in any area, nor have any substantially anticompetitive effect.

The financial condition and managerial resources of Applicant and its subsidiaries appear generally satisfactory and future prospects of all seem favorable. The financial condition, management resources, and prospects of Bank also appear generally satisfactory and consistent with approval of this application. The banking needs of residents of Bank's service are adequately served by existing institutions operating in that market, and these considerations are consistent with approval of this application.

It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 17, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15201 Filed 7-24-74;8:45 am]

[2] RMA refers to Ranally Metro Area which is defined as the central city plus every community, 8 per cent or more of the total population of which, or 15 per cent or more of the labor force of which, commutes to the central city, based on the Census of Population. No community, 35 per cent or more of the labor force of which is engaged in agriculture, is included in an RMA.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

FIRST NATIONAL AGENCY OF AITKIN, INC.

Formation of Bank Holding Company and Proposed Retention of Insurance Agency; Correction

In FR Doc. 73-13975 appearing on page 18409 of the issue for Tuesday, July 10, 1972, the fifth paragraph should read as follows:

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, July 18, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15200 Filed 7-24-73;8:45 am]

GENERAL FINANCIAL SYSTEMS

Retention of Bank Shares; Correction

General Financial Systems, Riviera Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to retain 12,450 (24.9 per cent) or more of the voting shares of Tri City Bank, Palm Beach Gardens, Florida, which were acquired by purchase in August, 1971. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

This application was submitted previously and notice of same published in the FEDERAL REGISTER (37 FR 12754,-17515). It was withdrawn, with Board approval, on December 14, 1972, on condition that the applicant resubmit same no later than May 22, 1973.

General Financial Systems has also been engaged in the following non-banking activities: Development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; operation of an insurance brokerage agency; and data processing. Pending determination of whether applicant's efforts to divest these activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions of section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 31, 1973.

Board of Governors of the Federal Reserve System, July 18, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15202 Filed 7-24-73;8:45 am]

SOUTHWEST CO.

Order Approving Formation of Bank Holding Company and Retention of Insurance Agency Activities

Southwest Company, Sidney, Iowa, has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 85.1 percent or more of the voting shares of Fremont County Savings Bank, Sidney, Iowa ("Bank").

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of Regulation Y to continue to engage in certain permissible insurance agency activities, to be conducted in Sidney, Iowa (population of less than 2,000), through the retention of Pullman Insurance Agency, Sidney, Iowa ("Agency"). The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the Act, and the time for the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant was organized in October 1972, for the principal purpose of becoming a bank holding company through acquisition of Bank. Applicant's sole business activity to date has been the acquisition of the building presently occupied by Bank and the operation of Agency as a subsidiary of Applicant.

Bank ($8.1 million in deposits) is the only bank in Sidney, a rural community. Bank controls 32.4 percent of the total deposits held by the seven banks in Fremont County and, on that basis, is the largest bank in the county.[1] Acquisition of Bank by Applicant would not eliminate any existing competition, have an undue adverse effect on any other bank in the county, nor preclude the establishment of new banks in the area.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval. (Although Applicant will incur considerable debt in acquiring Bank, its income from Bank and Agency will provide sufficient revenue to service the debt adequately.) Applicant proposes to increase Bank's agricultural and commercial loans in the primary service area through a more aggressive lending policy.[2] Accordingly, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency operates a general insurance agency business out of an office adjacent to Bank and is one of four insurance agencies in Sidney. Agency and Bank have been associated and under common ownership for a number of years. Retention of Applicant's insurance activities would enable Bank's customers to enjoy the continued convenience of obtaining banking and insurance activities in conjunction with each other. There is no evidence in the record indicating consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. On the basis of the foregoing and other facts reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) in permitting a holding company to engage in an activity on the basis that it is closely related to banking both favor approval of the Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above.[3] The acquisition of Bank shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 17, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15203 Filed 7-24-73;8:45 am]

[1] All banking data are as of June 30, 1972.

[2] The loan-to-deposit ratio (as of October 14, 1972) was 32.9 percent.

[3] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[4] Approval of acquisition of Fremont County Savings Bank, Sidney, Iowa. Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns. Approval of retention of Pullman Insurance Agency, Sidney, Iowa. Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

JULY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 17, 1973 through July 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15232 Filed 7-24-73;8:45 am]

[811-1913]

CONVERTIBLE TECHNIQUE FUND

Notice of Filing of Application for Order

JULY 17, 1973.

Notice is hereby given that Convertible Technique Fund, 1309 Highland Avenue, Abington, Pennsylvania 19001 ("Applicant"), a Delaware corporation registered as a non-diversified, open-end management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant registered under the Act on August 7, 1969. On December 5, 1972, when the Fund had less than 80 shareholders and assets of approximately $600,000, the Board of Directors of the Applicant notified First Exchange Management Corporation ("Management"), the investment adviser of Applicant, of its intention to terminate the Fund's investment advisory contract with Management in sixty days. All shareholders of the Applicant were informed of this act and were also advised that Applicant was discontinuing efforts to generate sales. All the shareholders of Applicant then either exercised their right to redeem their shares or exchanged their shares for shares of Convertible Securities Mutual Fund, Inc. pursuant to an exchange privilege which had been described in the prospectus of the Fund, and all of Applicant's directors then resigned. Following these events, the Applicant had, as of May 1, 1973, assets of approximately $6,000 and liabilities of approximately the same amount.

Applicant represents that it no longer holds itself out as being engaged in the business of investing, reinvesting, or trading in securities, that it has no current intention of making a public offering of its securities, and that its current intention is to dissolve.

Section 3(c) of the Act, excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 10, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be

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controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15233 Filed 7-24-73;8:45 am]

[70–5367]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Amendments of First Mortgage Indenture and Solicitation of Bondholders' Proxies

JULY 16, 1973.

Notice is hereby given that Jersey Central Power & Light Company, Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960 ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposals.

Jersey Central proposes to amend its Indenture dated as of March 1, 1946, as heretofore supplemented and amended by twenty-one supplemental indentures ("Indenture") to effect two changes. Jersey Central proposes to eliminate the covenant which provides that Jersey Central will duly observe and conform to all valid requirements of any governmental authority relative to any mortgaged property. It is stated that such covenant should be eliminated since, under a developing pattern of legislation and administrative action, there will be periods when Jersey Central will be unable to comply with governmental requirements with respect to its mortgaged property, although it may not be expected by the governmental agency to be in compliance. However, this covenant in the Indenture could be construed as resulting in a default under the Indenture. Jersey Central states that the elimination of this covenant will not relieve it of its obligation to comply with governmental requirements, but it will permit appropriate governmental enforcement measures consistent with their intent.

In addition, Jersey Central proposes to include as bondable property additions, property for which Jersey Central does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. Jersey Central states that although, under the Indenture, it is specifically contemplated that property additions can constitute bondable property, it is believed that it is not clear whether the Indenture permits the inclusion of, in computing the bondable value of property additions, the value of Jersey Central's plant and equipment as to which all currently obtainable permission has been received, but as to which further governmental permission must be obtained in the future. Jersey Central states that this ambiguity jeopardizes its ability to finance additions to its facilities in the most economic and orderly manner.

The affirmative vote of the holders of 75 percent in principal amount of the first mortgage bonds outstanding is required for approval of the proposed amendments to the Indenture. The consent of such percentage in principal amount of the bondholders will be sought at a meeting of bondholders, the date of which will be scheduled as promptly as practicable. A Notice of Meeting and Proxy Statement and a Form of Proxy is proposed to be mailed to the bondholders prior to the date set for such meeting.

The New Jersey Board of Public Utility Commissioners has jurisdiction over the proposed amendments of the Indenture. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposals. The fees and expenses to be incurred in connection with the proposals will be filed by amendment.

Notice is further given that any interested person may, not later than August 10, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15234 Filed 7-24-73;8:45 am]

[File No. 500–1]

TELECTRO-MEK, INC.

Order Suspending Trading

JULY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Telectro-Mek, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2:00 p.m., e.d.t., on July 16, 1973 and continuing through July 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15235 Filed 7-24-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 966; Amdt. 5]

MISSISSIPPI

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's amendment to declaration of the State of Mississippi as a major disaster area following tornadoes beginning on or about April 24 and May 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood and tornado victims in the following additional counties: Tallahatchie, Lauderdale, Clark, Jones and Wayne. (See 38 FR 8700, 38 FR 9626, 38 FR 10339, 38 FR 14316, and 38 FR 18514)

Applications may be filed at the:

Small Business Administration
District Office
Petroleum Building
Pascagoula & Amite Streets
Jackson, Mississippi 39205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 14, 1973.

Dated: July 18, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-15231 Filed 7-24-73;8:45 am]

[Notice of Disaster Loan Area 995; Amdt. 3]

OKLAHOMA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's amendment to his declaration of the State of Oklahoma as a major disaster area following a tornado occurring on June 18, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from tornado victims in the following additional county: Tillman. (See 38 FR 16813 and 38 FR 18415)

Applications may be filed at the:

Small Business Administration
District Office
30 North Hudson
Oklahoma City, Oklahoma 73102

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93–24.

Applications for disaster loans under this announcement must be filed not later than September 14, 1973.

Dated: July 18, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-15230 Filed 7-24-73;8:45 am]

[License No. 04/05–0001]

CITIZENS AND SOUTHERN CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that The Citizens and Southern Capital Corporation, Marietta and Broad Streets, P.O. Box 4899, Atlanta, Georgia 30303, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's regulations governing small business investment companies (13 CFR § 107.105 (1973)).

The Citizens and Southern Capital Corporation was licensed as a small business investment company on March 19, 1959, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act and pursuant to the cited regulation, the surrender of the licenese is hereby accepted and rights, privileges and franchises derived therefrom are cancelled.

Dated: July 18, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-15229 Filed 7-24-73;8:45 am]

TARIFF COMMISSION

[22–33]

NONFAT DRY MILK

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the United States Tariff Commission, on the 19th day of July 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether 80,000,000 pounds of nonfat dry milk described in item 115.50 of the *Tariff Schedules of the United States* (TSUS) may be imported into the United States during the period beginning July 18, 1973, and ending August 31, 1973, in addition to the quota-quantity specified for such article under TSUS item 950.02, without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The pertinent part of the text of the President's letter of July 18, 1973, to the Commission follows:

Pursuant to section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that additional supplies of nonfat dried milk may be imported during a temporary period ending August 31, 1973, without rendering or tending to render ineffective, or materially interfering with, the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following article presently subject to section 22 quantitative limitations under item 950.02 of the Tariff Schedules of the United States:

Dried milk, provided for in part 4 of schedule 1 of the Tariff Schedules of the United States Annotated (1972), described in item 115.50 (Dried milk, other than buttermilk, containing not over 3 percent of butterfat).

The Secretary has also advised me, pursuant to section 22(b) of the Agricultural Adjustment Act, as amended, that a condition exists requiring emergency treatment with respect to nonfat dried milk and has therefore recommended that I take immediate action under section 22(b) to authorize the importation of 80,000,000 pounds during a temporary period ending August 31, 1973. I have, therefore, this day issued a proclamation establishing a special temporary quota of 80,000,000 pounds to be effective through August 31, 1973. This quota is in addition to the quantities otherwise authorized to be imported under section 22 quantitative limitations.

The United States Tariff Commission is, therefore, directed to make an investigation under section 22 of the Agricultural Adjustment Act, as amended, and to make findings and recommendations as to whether 80,000,000 pounds of the above-described article may be imported during a temporary period ending August 31, 1973, in addition to the quantities otherwise authorized to be imported under section 22 quantitative limitations, without rendering or tending to render ineffective or materially interfering with, the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

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The Commission is directed to report its findings and recommendations at the earliest practicable date.

Sincerely,

(Signed)
RICHARD NIXON

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m., e.d.t., on July 30, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on July 25, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on August 3, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: July 19, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15238 Filed 7-24-73;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 43; Fourth Rev. Exemption No. 43; Rule 19]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Provision of the Mandatory Car Service Rules

TO: The Atchison, Topeka and Santa Fe Railway Company
Burlington Northern Inc.
Chicago and North Western Transportation Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago, Rock Island and Pacific Railroad Company
Illinois Central Gulf Railroad Company
Missouri Pacific Railroad Company
Norfolk and Western Railway Company
Union Pacific Railroad Company

It appearing that there is a massive harvest of wheat in progress in the states of Iowa, Kansas, Nebraska, Oklahoma, and South Dakota; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Nebraska, Oklahoma, and South Dakota, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars subject to Association of American Railroads Car Relocation Directive No. 44.

Effective 11:59 p.m., July 18, 1973.
Expires 11:59 p.m., July 31, 1973.

Issued at Washington, D.C., July 18, 1973.

INTERSTATE COMMERCE COMMISSION
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.73-15283 Filed 7-24-73;8:45 am]

[Notice No. 303]

ASSIGNMENT OF HEARINGS

JULY 20, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35791, General Increase, February 1973, Bulk Carrier Conference now being assigned pre-hearing conference July 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 130103, Musiker Student Tours, Inc., now being assigned hearing September 10, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.
MC 59655 Sub 3, Sheehan Carriers, Inc., now being assigned hearing September 11, 1973 (1 day), at New York, N.Y., in a hearing room to be later designated.
MC 2835 Sub 38, Adirondack Transit Lines, Inc., now being assigned hearing September 12, 1973 (3 days), at New York, N.Y., in a hearing room to be later designated.
MC 134599 Sub 73, Interstate Contract Carrier Corp., now being assigned hearing September 11, 1973 (2 days), at Columbus, Ohio, in a hearing room to be later designated.
MC 19105 Sub 37, Forbes Transfer Company, Inc., now being assigned hearing September 18, 1973 (3 days), at Raleigh, N.C., in a hearing room to be later designated.
MC 119493 Sub 100, Monkem Company, Inc., now being assigned hearing September 12, 1973 (3 days), at Kansas City, Mo., in a hearing room to be later designated.
MC 5623 Sub 22, Arrow Trucking Co., MC 74321 Sub 64, B. F. Walker, Inc., MC 76032 Sub 297, Navajo Freight Lines, Inc., MC 82841 Sub 104, Hunt Transportation, Inc., MC 83539 Sub 360, C & H Transportation Co., Inc., MC 83835 Sub 96, Wales Transportation Inc., and MC 113855 Sub 262, International Transport, Inc., now being assigned hearing September 10, 1973 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15276 Filed 7-24-73;8:45 am]

[Notice No. 304]

ASSIGNMENT OF HEARINGS

JULY 20, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction: No. 35659, Miller Oil Purchasing Co., V. Amerada-Hess Corp. et al, now being assigned pre-hearing conference, September 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of September 18, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15277 Filed 7-24-73;8:45 am]

[Notice No. 26]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 20, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-906 (Deviation No. 8), CONSOLIDATED FORWARDING CO., INC., 1300 N. 10th St., St. Louis, Mo. 63106, filed July 6, 1973. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 70 and U.S. Highway 61 at or near Wentzville, Mo., over Interstate Highway 70 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Iowa Highway 146, thence over Iowa Highway 146 to junction U.S. Highway 30, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From St. Louis over Interstate Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 14, thence over Iowa Highway 14 to Marshalltown, and return over the same route, serving no intermediate points.

No. MC-1824 (Deviation No. 16), PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Maryland 21655, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over U.S. Highway 62, to junction New York Highway 391, thence over New York Highway 391 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnsonburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Pittsburgh, Pa., over U.S. Highway 19, to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 130, and return over the same route, serving no intermediate points, but serving the off-route point of Buffalo, N.Y.; (2) From Pittsburgh, Pa., over Pennsylvania Highway 28 to Brookville, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 830, thence over Pennsylvania Highway 830 to Falls Creek, Pa. and return over the same route, serving the intermediate point of Creighton, Pa., and those points in Pennsylvania north of Creighton, Pa., and (3) From DuBois, Pa., over U.S. Highway 219 via Ridgeway, Pa., to Johnsonburg, Pa., thence over Pennsylvania Highway 255 to St. Marys, Pa. (also from DuBois, Pa., over Pennsylvania Highway 255 to St. Marys, Pa.), (also from Ridgway, Pa., over U.S. Highway 120 to St. Marys, Pa.), and thence over U.S. Highway 120 to Emporium, Pa., and return over the same routes, serving all intermediate points.

No. MC-1936 (Deviation No. 12), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed July 5, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Breezewood, Pa., over U.S. Highway 30 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: Between Pittsburgh, Pa., and Baltimore, Md., serving all intermediate points, and the off-route points of Alexandria and Rosslyn, Virginia, points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, Pa., and points in Maryland within 20 miles of Baltimore, Md., (1) From Pittsburgh, Pa., over U.S. Highway 30 via Bedford, Pa., to Breezewood, Pa., thence over Interstate Highway 70 (formerly Pennsylvania Highway 126) to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md., (2) From Pittsburgh, Pa., over U.S. Highway 22 to Armagh, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence to Baltimore, Md., as specified above, and (3) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md. Between Philadelphia, Pa., and Washington, D.C., serving all intermediate points, and off-route points in the Philadelphia, Pa., Commercial Zone, the Washington, D.C., Commercial Zone, and those within five miles of Baltimore, Md., (1) From Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C., and (2) From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40 to Baltimore, Md., and thence to Washington, D.C., as specified above, and return over the same routes.

No. MC-1936 (Deviation No. 13), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed July 6, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hagerstown, Md., over Interstate Highway 81 to its junction with Pennsylvania Highway 34, thence over Pennsylvania Highway 34 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to its junction with Interstate Highway 76 (Pennsylvania Turnpike Interchange No. 16), thence over Interstate Highway 76 to Philadelphia, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: Between Pittsburgh, Pa., and Baltimore, Md., serving all intermediate points, and the off-route points of Alexandria and Rosslyn, Virginia, points in Allegheny, Beaver, Fayette, Washington, and Westmoreland Counties, Pa., and points in Maryland within 20 miles of Baltimore, Md., (1) From Pittsburgh, Pa., over U.S. Highway 30 via Bedford, Pa., to Breezewood, Pa., thence over Interstate Highway 70 (formerly Pennsylvania Highway 126) to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md., (2) From Pittsburgh, Pa., over U.S. Highway 22 to Armagh, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence to Baltimore, Md., as specified above, and (3) From Pittsburgh, Pa., over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, Md., serving all intermediate points, and off-route points in the Philadelphia, Pa., Commercial Zone, the Washington, D.C., Commercial Zone, and those within five miles of Baltimore, Md., (1) From Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C., and (2) From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40 to Baltimore, Md., and thence to Washington, D.C., as specified above, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15280 Filed 7-24-73;8:45 am]

[Notice No. 57]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 20, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 134847 (Sub-No. 3) (REPUBLICATION) filed February 7, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, republished, as amended, in the FEDERAL REGISTER issue of January 4, 1973, and in third publication this issue. Applicant: BESSETTE TRANSPORT, INC. 505 Provost Street Iberville, Quebec, Canada Applicant's representative: Frank J. Weiner 15 Court Square Boston, Mass. 02108 An Initial Decision of the Commission dated May 29, 1973, by Administrative Law Judge Paul J. Cierman, became the effective Order of the Commission July 10, 1973, and finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of *slate*, from ports of entry on the International Boundary line between the United States and Canada at or near Champlain, Ogdensburg and Rouses Point, N.Y., and Highgate Springs and Newport, Vt., to East Rutherford, N.J., and from Bangor, Pa., East Rutherford, N.J., Granville and Middle Granville, N.Y., and Poultney and West Pawlett, Vt., to the International Boundary line between the United States and Canada at or near Champlain, Ogdensburg and Rouses Point, N.Y., and Highgate Springs and Newport, Vt., restricted to shipments originating at or destined to points in Quebec, Canada; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that an appropriate certificate should be issued. Because it is possible that other parties who have relied upon the notice of the application as published, may have an

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interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138142 (REPUBLICATION) filed October 16, 1972, published in the FEDERAL REGISTER issue of November 23, 1972, and republished this issue. Applicant: THIGPEN TRUCKING, INC. Route No. 2, Box 139 Franklinton, La. 70438 Applicant's representative: Theodore Polydoroff Suite 600 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 An Order of the Commission, Review Board Number 4, dated July 2, 1973, and served July 16, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, (1) of *hydrolized animal and vegetable fat* and *animal feed supplement*, in bulk, from the plantsite of Adams Laboratories, Inc., at or near Franklinton (Washington Parish), La., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas and Virginia, and (2) of *materials and supplies* used in the manufacture of the commodities named in (1) above, in bulk, from points in the above-named destination territory to the plantsite of Adams Laboratories, Inc., at or near Franklinton (Washington Parish), La. under a continuing contract or contracts with Adams Laboratories, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 45764 (Sub-No. 16) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE) filed July 10, 1973. Petitioner: ROBBINS MOTOR TRANSPORTATION, INC. Saville Ave. & Industrial Highway P.O. Box 38 Eddystone, Pa. 19013 Petitioner's representative: Paul F. Sullivan 711 Washington Building Washington, D.C. 20005 Petitioner presently holds a *motor common carrier* certificate in No. MC–45764 (Sub-No. 16) issued May 7, 1973, authorizing as pertinent, transportation, by motor vehicle, over irregular routes, of *heavy machinery and equipment* requiring rigging or special handling and *such materials and supplies* as are used in the installation, operation, and maintenance thereof, when transported in the same vehicle with such commodities, between Philadelphia, Pa., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Ohio, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify its commodity description to read: "*Commodities*, the transportation of which because of size or weight, requires the use of special equipment or special handling, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (restricted to commodities which are transported on trailers)". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 15589 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE) filed July 6, 1973. Petitioner: MOONEY BROS. TRUCKING CO., a Corporation 133 Mahoning Avenue New Castle, Pa. 16103 Petitioner's representative: Paul F. Sullivan 711 Washington Building Washington, D.C. 20005 Petitioner presently holds a motor *common carrier* certificate in No. MC 15589 issued December 15, 1949, authorizing as pertinent, transportation, by motor vehicle, over irregular routes, of *scrap metals, building materials, heavy machinery, and contractors equipment*, between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in that part of Ohio and West Virginia, on and east of U.S. Highway 23 and on and north of U.S. Highway 50. By the instant petition, petitioner seeks to modify its commodity description of "heavy machinery" to read: "commodities, the transportation of which because of size or weight, requires the use of special equipment or special handling". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 114115 (Sub-Nos. 5 and 12) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed June 22, 1973. Petitioner: TRUCKAWAY SERVICE, INC. 1099 Oakwood Boulevard Detroit, Mich. 48217 Petitioner's representative: James R. Stiverson 50 West Broad Street Columbus, Ohio 43215 Petitioner presently holds motor *contract carrier* permits in No. MC–114115 (Sub-Nos. 5 and 12) issued November 4, 1963, and September 23, 1971, respectively, authorizing transportation, in interstate or foreign commerce, over irregular routes, of (1) In Sub 5, *salt, in bulk*, (a) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mehoning, Portage, Summit and Trumbull Counties, Ohio), (b) between points in West Virginia, (c) between points in Kentucky, and (d) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan), restricted in (1)(a, b, c, and d) above to traffic having a prior movement by rail, from water terminals on the Ohio River and its tributaries, to points in Ohio, West Virginia, and Kentucky, with no transportation for compensation on return except as otherwise authorized, and further restricted to traffic having a prior movement by water, under a continuing contract, or contracts, with the following shippers: International Salt Company; Morton Salt Company; and Diamond Crystal Salt Company; and In Sub 12, *rock salt*, in bulk, between points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and the Lower Peninsula of Michigan, restricted against the following: (1) Traffic moving between points in Pennsylvania, (2) Traffic moving between points within 40 miles of Monroe, Mich., (3) Traffic moving from Lucas County, Ohio, to points in Michigan and Indiana, and, (4) Traffic moving between points in Ashtabula, Cuyahoga, Franklin, Lake, Licking, Muskingum, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, Michigan and Pennsylvania, under a continuing contract, or contracts, with the following shippers: Diamond Crystal Salt Company; International Salt Company; Morton Salt Company, Division of Morton International, Inc.; and Cargill, Incorporated, with service to Cargill, Incorporated, restricted against traffic moving from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Illinois and that part of Indiana on and south of U.S. Highway 136 and on and west of Indiana Highway 37. By the instant petition, petitioner seeks to add the additional contracting shipper of Carey Salt Division of Interpace Corp. to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 29555 (Sub-No. 64) filed May 3, 1973 Applicant: BRIGGS TRANSPORTATION CO., a Corporation 2360

West County Road "C" St. Paul, Minn. 55113 Applicant's representative: Einar Viren 904 City National Bank Building Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Des Moines and Ames, Iowa: From Des Moines over Interstate Highway 35 and also U.S. Highway 69 to Ames, and return over the same route, serving all intermediate points. Note: This is a matter directly related to a section 5 Proceeding in No. MC–F–11849 published in the FEDERAL REGISTER issue of May 2, 1973. By the instant application, applicant seeks to convert transferor's Certificate of Registration to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11852. (Amendment) (JONES TRUCK LINES, INC.—CONTROL—MERSCHEIM TRANSFER), published in the May 2, 1973, issue of the FEDERAL REGISTER on pages 10850 and 10851. By petition filed July 9, 1973, applicants wish to amend application as follows: JONES TRUCK LINES, INC.—MERGER—NEYLON FREIGHT LINES, INC., and NEYLON FREIGHT LINES, INC.—CONTROL AND MERGER—MERSCHEIM TRANSFER.

No. MC–F–11937. Authority sought for purchase by MEAT DISPATCH, INC., 711–9th St., East Bradenton, FL 33505, of the operating rights of EARO, INC., 15 W. Broadway, Fort Meade FL 33841, and for acquisition by CHARLES D. WHITE, AND E. PHILLIP SAUNDERS, both of 1000 Jefferson Rd., Rochester, NY 14623, of control of such rights through the purchase. Applicants' attorney: S. Michael Richards, 44 North Ave., Webster, NY 14580. Operating rights sought to be transferred: Canned citrus products, canned juices, canned beverages, and canned beverage preparations, as a *common carrier* over irregular routes, from the plant site of Tropicana Products Sales, Inc., at Bradenton, Fla., to points in Kentucky, Ohio, Indiana, Michigan, Tennessee, West Virginia, Pennsylvania, Virginia, Maryland, and the District of Columbia, with restriction. Vendee is authorized to operate as a *contract carrier* in New York, Florida, Arkansas, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Connecticut, Massachusetts, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11939. Authority sought for purchase by V.C.L., INC., 2901 Carrollton Road, Saginaw, MI 48604, of the operating rights and property of VALLEY COACH LINES, INC., 4335 Seymour, Flushing, MI 48433, and for acquisition by STANLEY CUPP AND A. JEAN CUPP, BOTH OF 2901 Carrollton Road, Saginaw, MI 48604, of control of such rights and property through the purchase. Applicants' attorney: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers as a *common carrier* over regular routes, between Flushing, Mich., and Port Huron, Mich., serving all intermediate points. V.C.L., INC., holds no authority from this Commission. However, it is affiliated with DELTA BUS CO., which is authorized to operate as a *common carrier* of passengers in Michigan. Application has not been filed for temporary authority under Section 210a(b).

NOTICE

SOUTHERN PACIFIC TRANSPORTATION COMPANY hereby gives notice that on the 13th day of June, 1973, it filed with the Interstate Commerce Commission at Washington, D.C. an application seeking acquisition of trackage rights over a 1.15 mile segment of trackage of the Atchison, Topeka and Santa Fe Railway Company from a new connection at SP Milepost 228.05 (Santa Fe Milepost 50.71) to a new connection at SP Milepost 229.20 (Santa Fe Milepost 49.56), all within the County of Fresno, California. The application has been assigned Finance Docket No. 27413. In the opinion of the applicant, no significant effect on the quality of the human environment will result from the acquisition of trackage rights sought herein. In accordance with the regulation (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461. Any person opposed to this application should advise the Commission promptly, and send a copy to applicant's attorney, Mr. Charles W. Burkett, Southern Pacific Transportation Company, One Market Street, San Francisco, California 94105. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than August 24, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15281 Filed 7–24–73;8:45 am]

[Notice No. 98]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under sections 210(a) and 311(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D. C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 83539 (Sub-No. 373 TA) filed July, 10 1973 Applicant: C & H TRANSPORTATION CO., INC. 2010 West Commerce Street Dallas, Tex. 75208 Applicant's representative: Thomas E. James (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) *and parts, implements, attachments, accessories and supplies* therefor when moving in straight or mixed loads, from the Port of Houston, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas, for 180 days. SUPPORTING SHIPPER: J. I. Case Company, 700 State Street, Racine, Wis. 53404. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate

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Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 98154 (Sub-No. 14 TA) filed July 11, 1973 Applicant: BRUCE CARTAGE, INCORPORATED 3460 East Washington Road Saginaw, Mich. 48601 Applicant's representative: Karl L. Gotting 1200 Bank of Lansing Bldg. Lansing, Mich. 48933 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt with by retail department stores between Saginaw, Mich. and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney Company, Inc. stores and warehouses located at points in Michigan south of a line beginning at Lake Michigan and extending east along the north boundary of Manistee, Wexford and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of Clare County, thence east along the north boundary of Clare County and the north boundary of Gladwin County, to the east boundary of Gladwin County, thence south along the east boundary of Gladwin and Midland Counties, to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay, for 180 days. RESTRICTION: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of traffic to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair and Wayne Counties, Mich. Note: Applicant has authority to transport the commodities requested herein except that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day except traffic moving from Wauwatosa, Wis.; Secaucus and Jersey City, N.J. and Statesville, N.C., for J. C. Penney Company, Inc. which is not subject to said restriction. The purpose of this application is to eliminate all such origin restrictions insofar as shipments are made to shores and warehouses of J. C. Penney Company, Inc. SUPPORTING SHIPPER: William E. Hertwig, Traffic Specialist, J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, N.Y. 10019. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107496 (Sub-No. 901 TA) filed July 9, 1973 Applicant: RUAN TRANSPORT CORPORATION Third and Keosauqua Way P.O. Box 855 (Box zip 50304) Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, in tank vehicles, from Weeping Water, Nebr., to points in Iowa and Minnesota, for 180 days. SUPPORTING SHIPPER: United Mineral Products, Weeping Water, Nebr. 68463. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 113666 (Sub-No. 79 TA) filed July 10, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Daniel R. Smetanick (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, (except commodities in bulk, in tank vehicles) from Claysburg and Sproul, Pa., to Burns Harbor, Ind. and points in the Chicago, Ill. Commercial Zone as defined by the Interstate Commerce Commission, for 180 days. SUPPORTING SHIPPER: General Refractories Company, 1520 Locust Street, Philadelphia, Pa. 19102. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 113908 (Sub-No. 282 TA) filed July 10, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale P.O. Box 3180 Glenstone Station Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank and hopper type vehicles, (1) from Holland, Mich., to Memphis, Tenn. and (2) from Oklahoma City, Okla., to Hutchinson, Kans., for 180 days. SUPPORTING SHIPPER: Western Food Products Company, P.O. Box 1524, Hutchinson, Kans. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117119 (Sub-No. 479 TA) filed July 11, 1973 Applicant: WILLIS SHAW FROZEN EXPRESS, INC. P. O. Box 188, Elm Springs, Ark. 72728 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, other than frozen, from Seelyville, Ind., to Los Angeles, Calif. and Denison, Tex., for 180 days. SUPPORTING SHIPPER: The Pillsbury Company, 608 2nd Ave. So., Minneapolis, Minn. 55402. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Bureau of Operations, Interstate Commerce Commission, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119789 (Sub-No. 166 TA) filed July 10, 1973 Applicant: CARAVAN REFRIGERATER CARGO, INC. P. O. Box 6188 (1612 East Irving Blvd.) Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in drums, in mechanically refrigerated equipment, from La Porte, Tex., to points in New Jersey, for 180 days. SUPPORTING SHIPPER: Chemetron Corporation, 491 Columbia Avenue, Holland, Mich. 49423. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 167 TA) filed July 10, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 (1612 East Irving Blvd.) Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (except in bulk) when moving in mechanically refrigerated equipment, from points in Howard County, Tex., to Phoenix, Ariz. and points in California, for 180 days. SUPPORTING SHIPPER: American Petrofina Company of Texas, P.O. 2159, Dallas, Tex. 75221. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124004 (Sub-No. 25 TA) filed July 9, 1973 Applicant: RICHARD DAHN, INC. 620 West Mountain Road Sparta, N.J. 07871 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Cranston, R.I., to Wassaic, N.Y., for 180 days. SUPPORTING SHIPPER: Maxon Mills, Inc., Wassaic, N.Y. 12592. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 124004 (Sub-No. 26 TA) filed May 30, 1973 Applicant: RICHARD DAHN, INC. 620 West Mountain Road Sparta, N.J. 07871 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, in bulk, from Gloucester, Mass.; Cape Charles, Va.; and Reedville, Va., to Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: The Amburgo Company, Inc., 1315 Walnut Street, Philadelphia, Pa. 19107. SEND PROTESTS TO: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad St., Newark, N.J. 07102.

No. MC 124511 (Sub-No. 16 TA) filed July 10, 1973 Applicant: JOHN F. OLIVER E. Highway 54 P.O. Box 223 Mexico, Mo. 65265 Applicant's representative: Ernest A. Brooks II 1301 Ambassador Bldg. St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in dump vehicles, from the plant site and storage facilities of Mississippi Lime Company at or near Ste. Genevieve, Mo., to Inland Steel Company, Indiana Harbor Works, East Chicago, Ind., for 180 days. SUPPORTING SHIPPER: Inland Steel Company, Indiana Harbor Works, East Chicago, Ind. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Bldg., 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128215 (Sub-No. 14 TA) filed July 12, 1973 Applicant: MARTIN TRAILER TOTERS, INC. P.O. Box 36 Bogalusa, La. 70427 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger vehicles, in secondary movements, between points in Mississippi, Texas, Arkansas, Alabama, Louisiana and Florida, for 180 days. SUPPORTING SHIPPERS: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 134129 (Sub-No. 5 TA) filed July 6, 1973 Applicant: WILLIAM A. LONG Bealeton, Va. 22712 Applicant's representative: Daniel B. Johnson Perpetual Building Washington, D.C. 20004 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles*, from Remington, Va., to points in the United States, in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota and (2) *materials, supplies and equipment* used in the manufacture of plastic articles, from points in the United States, in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota, to Remington, Va., for 180 days. RESTRICTION: Restricted to a service to be performed under a continuing contract or contracts with Remington Plastics, Inc. SUPPORTING SHIPPER: Remington Plastics, Inc., P.O. Box 367, Remington, Va. 22734. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12 Street & Constitution Ave., N.W., Washington, D.C. 20423.

No. MC 136956 (Sub-No. 5 TA) filed July 6, 1973 Applicant: ROYAL TRANSPORTS, INC. P.O. Box 1451 Kansas City, Kans. 66117 Applicant's representative: Patrick E. Quinn 605 South 14th Street P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from the storage facilities of Bluebird Oil Company, Inc., located in Franklin County, Kans. and at or near Gardner, Kans., to Mexico, Mo., for 180 days. SUPPORTING SHIPPER: Bluebird Oil Company, Suite 146, 7600 State Line, Prairie Village, Kans. 66208. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, 600 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138237 (Sub-No. 1 TA), (CORRECTION) filed June 15, 1973, published in the FEDERAL REGISTER issue of June 28, 1973, and republished as corrected this issue. Applicant: METRO HEAVY HAULING, INC. 20848 77th Avenue Kent, Wash. 98031 and Mlg: P.O. Box 88824 (Box zip 98188) Tukwila Branch Seattle, Wash. Applicant's representative: George R. LaBissoniere Suite 101, 130 Andover Park E. Seattle, Wash. 98188 NOTE: The purpose of this republication is to correct the MC number to No. MC 138237 (Sub-No. 1 TA), in lieu of No. MC 13827 (Sub-No. 1 TA), which was published in error. The rest of the application remains the same.

No. MC 138786 TA (CORRECTION) filed June 6, 1973, published in the FEDERAL REGISTER issue of June 21, 1973, and republished as corrected this issue. Applicant: CHARLES A. TERPENING TRUCKING CO., INC. 341 Driscoll Avenue Syracuse, N.Y. 13204. Applicant's representative: C. A. Terpening (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from the International Boundary line between the United States and Canada at or near Rooseveltown, N.Y., and at or near Ogdensburg, N.Y., to points in Broome, Cayuga, Cortland, Essex, Franklin, Herkimer, Jefferson, Lewis, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, St. Lawrence, Steuben, Tompkins, Wayne and Yates Counties, N.Y., for 180 days. SUPPORTING SHIPPER: Mr. Thomas W. Williamson, Vice-President, Seaway Products Corporation, P.O. Box 127, Troy, N.Y. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West Syracuse, N.Y. 13202. Note: The purpose of this republication is to add Rooseveltown, N.Y. as an origin point which was inadvertently omitted from previously publication in the FEDERAL REGISTER in error.

No. MC 138899 TA filed July 10, 1973 Applicant: GREEN RIVER TRANSPORTATION CO., INC. General Delivery Central City, Ky. 42330 Applicant's representative: Ray S. Stone (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Muhlenberg County, Ky., to Chicago, Ill. and points in the commercial zone of Chicago as defined by the Interstate Commerce Commission, for the account of Geibel Lumber Co., Inc., of Greenville, Ky., for 180 days. SUPPORTING SHIPPER: Raymond Geibel, President, Geibel Lumber Company, Inc., Greenville, Ky. 42345. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 138900 TA filed July 11, 1973. Applicant: REID J. CAVANAUGH R. D. #1, Box 27 Connellsville, Pa. 15425 Applicant's representative: William J. Lavelle 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from Glass Rock, Garrettsville and Lowellville, Ohio, to the village of Mt. Braddock, North Union Township, Fayette Co., Pa., under a continuing contract or contracts with Foseco, Inc. of Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Foseco, Inc., P.O. Box 8728, Cleveland, Ohio 44135. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

WATER CARRIER OF PROPERTY

No. W-1189 (Sub-No. 29 TA) filed July 3, 1973 Applicant: BULK FOOD CARRIERS, INC. 425 California Street San Francisco, Calif. 94104 Applicant's representative: J. Raymond Clark Suite 600 1250 Connecticut Ave., N.W. Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by water to transport: *Wood chips*, in bulk, both in self-propelled vessels and/or by non-self-propelled vessels, with the use of a separate towing vessel, from Sacramento and Samoa, Calif., Longview, Wash. and Coos Bay, Oreg., to Panama City, Fla., for 180 days. SUPPORTING SHIPPER: International Paper Company, 220 East 42nd St., New York N. Y. 10017. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 13001 Federal Building, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73-15282 Filed 7-24-73; 8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 20, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among

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other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Nevada Docket No. CPC A–2189 filed June 6, 1973 Applicant: DEAN M. MASTIN AND MARIE MASTIN, doing business as DUCK VALLEY TRANSPORTATION, 540—12th St. Elko, Nev. 89801 Applicant's representative: Leo J. Puccinelli First National Bank Bldg. Elko, Nev. 89801 Certificate of public convenience and necessity sought to operate a freight and passenger service as follows: Transportation of *commodities generally, and passengers,* between Elko, Nev., and Owyhee, Nev., via State Route #51, serving all intermediate points, including those ranches and business for which there is no other access except from State Route #51. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Nevada Public Service Commission, 222 E. Washington Street, Carson City, Nev., 89701, and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 3991 filed June 12, 1973 Applicant: VALLEY TRANSIT COMPANY, INC., Lessee, joined by VALLEY BUS COMPANY, INC., Lessor Post Office Box 1870 Harlingen, Tex. 78550 Applicant's representative: Phillip Robinson P.O. Box 2207 Austin, Tex. 78767 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Mail, newspapers, parcels and express packages:* Between the International Boundary Line of the United States of America and the Republic of Mexico, located at or near Hidalgo, Texas, and San Antonio, Texas, as follows: From the International Boundary Line of the United States of America and the Republic of Mexico, located at or near Hidalgo, Tex., over U.S. Highway 281 to San Antonio, Tex., and return over the same route, serving the intermediate points of McAllen and Edinburg, Texas. The above authority is subject to the following restrictions: (1) Applicant is hereby prohibited from transporting any high explosives, acids, inflammable liquids, loaded guns, inflammable or combustible motion picture films, or other articles which will endanger the life or limb of the passengers being transported in the motor bus. (2) Applicant is hereby prohibited from transporting any mail, newspapers, parcels and express packages which interfere with the convenience and reasonable comfort or safety of the passengers being transported in the motor bus. (3) The authority to transport mail, newspapers, parcels and express packages in the same vehicle transporting passengers shall be coextensive with the certificates and operating rights authorizing the transportation of passengers, and the applicant is hereby prohibited from transferring by assignment, sale, lease, or otherwise, the authority to transport passengers unless the authority to transport mail, newspapers, parcels and express packages shall be transferred simultaneously, and/or vice versa. If operations under this motor bus certificate are abandoned or suspended, the authority to transport mail, newspapers, parcels and express packages will be abandoned or suspended accordingly. (4) Applicant is hereby prohibited from engaging in pickup and delivery service and the services that it will render hereunder will be only from terminal to terminal. (5) The Railroad Commission of Texas hereby retains jurisdiction over this grant of authority to the end that it may at any time, after notice and hearing, restrict applicant's transportation of mail, newspapers, parcels and express packages so as to prevent it from becoming a primary truck service instead of a truck service incident to the primary motor bus service, and, further, the Railroad Commission of Texas hereby retains jurisdiction to regulate the size and weight of packages so as to prevent the applicant from engaging in the transportation of property as a primary operation. (6) Applicant is hereby authorized to only transport mail, newspapers, parcels and express shipments on motor buses transporting passengers, and applicant is hereby prohibited from using separate vehicles in the transportation of these commodities. (7) The Railroad Commission of Texas hereby restricts the transportation of these commodities—mail, newspapers, parcels and express packages—so that applicant is prohibited from utilizing the interior of the bus where seats are located for the comfort and convenience of the bus passengers for the transportation of parcels and express packages. The applicant will utilize below-floor luggage compartments or luggage compartments in the rear of the bus that is separated from the passenger carrying interior, or racks on the top of bus, for the transportation of parcels and express packages; and further, the Railroad Commission of Texas retains jurisdiction to enforce this restriction. (8) The holder of this certificate is hereby restricted from transporting film (flammable or inflammable) where the consignor or consignee thereof is a motion picture film exchange or a motion picture film theatre and the proposed movement is between points in Texas served in film common carrier motor carrier service as of December 15, 1956, by a common carrier film carrier and/or carriers authorized by the Railroad Commission of Texas pursuant to certificates of public convenience and necessity issued to such film carriers; and such points are as reflected by the Commission's records and a tabulation filed in this proceeding on or about January 21, 1957, to all of which reference is made for purposes of this restriction. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, Tex., 78711, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15279 Filed 7–24–73;8:45 am]

[No. Ex Parte No. MC 19 (Sub-No. 19)]

PRACTICES OF MOTOR COMMON CARRIER OF HOUSEHOLD GOODS (CONSUMER PROTECTION)

JULY 18, 1973.

At the request of Mr. Russell S. Bernhard, representative of American Movers Conference, the time for filing representations in this proceedings has been extended from July 25, 1973, to September 10, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15278 Filed 7–24–73;8:45 am]

[Notice 318]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 14, 1973. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74442. By order of July 16, 1973, the Motor Carrier Board approved the transfer to Andujar Trucking Corp., Astoria, N.Y., of Permit No. MC–65701 issued to Olga Andujar, Astoria, N.Y., authorizing the transportation of: Groceries, From New York, N.Y., to specified points in Connecticut and New Jersey. John L. Alfano, Attorney, 2 West 45th Street, New York, N.Y. 10036.

No. MC–FC–74542. By order of July 16, 1973, the Motor Carrier Board approved the transfer to T. E. Andresen, Incorporated, Swampscott, Massachusetts, of Certificate No. MC 64016, issued September 19, 1940, to Thomas E. Andresen, Swampscott, Massachusetts, authorizing the transportation of household goods, between Swampscott, Mass. and 5 miles thereof. On the one hand, and, on the other, points in 6 states, and Certificate No. MC 64016 (Sub-No. 1), issued May 4, 1948, to Thomas E. Andresen, Swampscott, Massachusetts, authorizing the transportation of boats, between Quincy, Mass., on the one hand, and, on the other, points in 6 states. Thomas E. Andresen, Jr., 67 Stetson Avenue, Swampscott, Mass. 01907.

No. MC–FC–74560. By order of July 17, 1973, the Motor Carrier Board approved the transfer to Transtar Corp., a corportation, South Kearny, N.J., of the operating rights in Permit No. MC–125191 (Sub-No. 1) issued November 5, 1963 to Donald Silbert, Martin Silbert, and Alfred Silbert, a partnership, doing business as Silbert Bros. Trucking Co., South Kearny, N.J., authorizing the transportation of various commodities from and to specified points and areas in New York and New Jersey. Rodman Kober, 744 Broad St., Newark, N.J., 07102, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15284 Filed 7–24–73;8:45 am]

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[A Cumulative checklist of CFR issuances for 1973 appears in the first issue of the Federal Register each month under Title 1]

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federal register

July 26, 1973—Pages 19951–20057

THURSDAY, JULY 26, 1973

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Volume 38 ■ Number 143

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NEW LOCATION OF FEDERAL REGISTER OFFICE

Effective Monday, July 30, 1973, the Office of the Federal Register will be located in Room 8401, 1100 L St., NW., Washington, D.C. Documents may be delivered or inspected between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays. The mail address will remain unchanged: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is added to show that one position of Staff Assistant to each Member of the Commission is excepted under Schedule C.

Effective on July 26, 1973, § 213.3360 is added as set out below.

§ 213.3360 Consumer Product Safety Commission.

(a) One Staff Assistant to each Member of the Commission.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-15370 Filed 7-25-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Stage A Amendments

The purpose of these amendments is to make corrections and clarifications in the new "Stage A for Food" regulations issued on July 18, 1973.

Under the new Stage A food regulations, a special pricing rule for pork and lamb was introduced (6 CFR 130.57d(e)) which permits prices to be charged above the ceiling prices for these items to reflect increased meat raw material costs on a dollar-for-dollar basis. The formula whereby the preexisting gross margin rule was amended to permit prices to go above ceiling levels inadvertently contained a provision (no longer applicable (permitting increases in revenues derived from allowable cost increases other than meat raw material costs. For Stage A purposes (July 18–September 12, 1973), prices may not exceed ceiling prices because of increases in non-meat-raw-material costs. The inapplicable provision has been deleted from the revised § 130.57d(e)(3).

The new Stage A food regulations conton a special provision permitting price increases for food items in inventory when the average cost of a food item in inventory exceeds its freeze price. That provision permits a seller to increase his price up to the cost level to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs with respect to that food item between January 10, 1973, and the freeze base period, to the extent that those costs have not already been reflected in the freeze price. This amendment changes the "front-end" cut-off period for these costs from the freeze base period (usually June 1–8) to July 18, 1973. This change makes clear the Council's intent to apply its special inventory price adjustment rule to raw agricultural product costs of inventory received on or before July 18, 1973.

A third change eliminates the provision in 6 CFR 140.99 which limited the Stage A food recordkeeping requirements to those food firms with annual sales or revenues in excess of $50 million derived from sales of food. The Stage A food regulations are of such a nature as to require all food firms to keep records of price adjustments made under the Stage A rules.

Other changes have been made to correct inaccurate cross-references to related regulations.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the current price freeze, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489; E.O. 11730, 38 FR 19345)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective 4:00 p.m., e.s.t., July 18, 1973.

Issued in Washington, D.C., on July 24, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council, and Director, Special Freeze Group.

1. Paragraph (e)(1) of § 130.57d is amended by changing the cross-reference in the exception proviso from "paragraph (d)(3) of this section," to "paragraph (e)(3) of this section,".

2. Paragraph (e)(3) of § 130.57d is amended to read as follows:

§ 130.57d Special price adjustment rule for firms engaged in the slaughtering and processing of livestock or the manufacturing of meat products.

* * * * * * *

(e) *Special pricing rule for swine and sheep.* * * *

(3) Sales revenues in the period July 18-September 12, 1973, may exceed the permissible total sales revenue calculated by application of the formula provided in paragraph (e)(1) of this section if the excess results from seasonal patterns or a change in product mix. Any justification based upon seasonal patterns or a change in product mix shall be reported or retained in the records, as appropriate, and be subject to review by the Council.

* * * * * * *

3. Paragraph (e)(2) of § 140.93 is amended to read as follows:

§ 140.93 Special price rules.

* * * * * * *

(e) *Inventory price adjustments.* * * *

* * * * * * *

(2) If the average cost of a food item in inventory exceeds the freeze price, a seller may charge a price in excess of the freeze price for the food item in inventory to reflect on a dollar-for-dollar basis increases in the raw agricultural product costs incurred between January 10, 1973, and the effective date of this section with respect to that food item which is not otherwise reflected in the freeze price. However, a price charged pursuant to this subparagraph may not exceed the average cost of the food item during its cost base period and may not reflect allowable cost increases.

* * * * * * *

4. The first sentence of § 140.99 is amended to read as follows:

§ 140.99 Recordkeeping requirements.

Each food firm shall maintain comprehensive records of all price adjustments made pursuant to this subpart. * * *

[FR Doc.73-15488 Filed 7-24-73; 3:15 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Leafy Greens

CLASSIFICATION OF DEFECTS

Notice of a proposal to amend the United States Standards for Grades of Canned Leafy Greens (7 CFR 52.6081–52.6094) was published in the FEDERAL REGISTER of April 13, 1973 (38 FR 9302) with a correction there to in the FEDERAL REGISTER of May 7, 1973 (38 FR 11353). Interested persons were given until June 30, 1973 to submit written

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comments concerning the proposed amendments.

This amendment is issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624), which provides for the issuance of official U. S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

STATEMENT OF CONSIDERATION LEADING TO THE AMENDMENT OF THE STANDARDS

The purpose of the amendment is to expand Table III of the standards to allow for the evaluation and classification of certain quality conditions that were not evident at the time that the standards were promulgated. This expansion of Table III of the standards would provide a classification guide for conditions such as tough leaves or coarse stems or fibrous stems.

No comments were received pertaining to the Notice of Proposed Rule Making.

Therefore, the United States Standards for Grades of Canned Leafy Greens are hereby amended as proposed on April 13, 1973 as corrected on May 7, 1973.

The amendment is as follows:

Section 52.6090, Table III is revised to read:

§ 52.6090 Classification of defects.

* * * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is:			
	Adversely affected to a degree that is noticeable		×	
	Adversely affected to a degree that is objectionable			×
Character	Appearance or eating quality, due to:			
	(1) A mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems, or portions thereof;			
	and/or			
	(2) A tough texture, coarse, or fibrous stems or portions thereof;			
	and/or			
	(3) Any other causes, as applicable for the style, is:			
	Adversely, but not seriously, affected		×	
	Seriously affected			×
Extraneous plant material.	Root crown: Any significant portion of the solid area of the plant between the root and attached leaves.		×	
	Root stub: Any portion of the root whether or not leaves are attached.			×
	Seed head—Whole leaf; cut leaf styles: Longer than 1 inch or objectionable regardless of length.		×	
	Seed head—Chopped style—pieces affecting appearance or eating quality:			
	More than slightly but not materially		×	
	Materially			×
	Seriously			×
Other extraneous material.	Grit, sand, silt, or other earthy material:			
	A trace that no more than slightly affects appearance or eating quality		×	
	Presence materially affects appearance or eating quality			×

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

Effective date. The amendment to the United States Standards for Grades of Canned Leafy Greens which have been in effect since May 8, 1971 shall become effective September 1, 1973.

Dated: July 19, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-15285 Filed 7-25-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 442]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 27–August 2, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.742 Valencia Orange Regulation 442.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is good. Prices f.o.b. averaged $3.27 per carton on a sales volume of 474 carlots during the week ended July 19, 1973, compared with $3.20 per carton on sales of 520 carlots a week earlier. Track and rolling supplies at 358 cars were up 86 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permtted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance

with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1973.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 27, 1973, through August 2, 1973, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: 475,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15551 Filed 7-25-73;12:02 pm]

[Peach Reg. 10]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Regulation by Grades and Sizes

This regulation specifies the grade, size and pack requirements applicable to the handling of Washington peaches during the remainder of the 1973 season. These requirments are designed to provide consumers with an ample supply of acceptable quality peaches. Such requirements will require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers need only meet the requirements of the Washington Fancy grade. The minimum diameter is 2⅜ inches, except the minimum diameter for Elberta peaches in any container and peaches of any variety when packed in the standard peach box or approved experimental containers is 2¼ inches. All peaches are required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs are permitted for containers of a capacity equal to that of a Western lug box if they contain 26 pounds net weight or are well filled.

Notice was published in the FEDERAL REGISTER issue of June 22, 1973 (38 FR 16362) that the Department was giving consideration to a proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement and Order No. 921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation is based upon an appraisal of the current and prospective crop and market conditions. Washington's 1972 peach crop is estimated at 18,000 tons, compared with commercial production in 1972 of 13,750 tons. Total fresh market shipments are expected to be 11,200 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size peaches and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Individual shipments, not exceeding 500 pounds, of peaches sold for home use and not for resale, subject to necessary safeguards, are excepted from said requirements in that the quantity of peaches so handled has been relatively inconsequential when compared with the total quantity handled.

The grade, size, and pack requirements for peaches in the specified containers are designed to provide identifiable packs of peaches which meet trade preferences. For example, it has been found that peaches of the Washington Fancy Grade, packed in Western lug boxes or standard peach boxes, compete successfully in distant markets with peaches of similar grade in such containers from other production areas. Washington peaches, except Elberta varieties, packed in standard peach boxes may be of a slightly smaller minimum size than such peaches shipped in other containers because such peaches must compete with peaches that are produced in other areas and marketed in the standard peach box with a minimum diameter of 2¼ inches. The requirement that loose or jumble packed Washington peaches be in containers of a capacity at least equal to the Western lug box and not less than 26 pounds net weight or be "well filled" prevents unfair competition through the marketing of such peaches packed in containers of smaller capacity. The provision that permits shipment of loose or jumble packs weighing less than 26 pounds if the containers are "well filled" reflects the fact that the larger sizes of such peaches may not always weigh 26 pounds, hence, the substitution of the "well filled" container requirement.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are now being made. Such peach shipments are subject to the same grade and size requirements until July 31, 1973 pursuant to Peach Regulation 9 (37 FR 12553). It is necessary to make this regulation effective on August 1, 1973, to provide for the continued regulation of the balance of the 1973 Washington peach crop;

(2) Notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 16362), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 921.310 Peach Regulation 10.

(a) Order: During the period August 1, 1973, through July 31, 1974, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with subparagraph (7) of this paragraph:

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a Western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less than 26 pounds net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Notwithstanding the provisions of subparagraphs (1) through (5) hereof, shipments of peaches may be handled in such experimental containers as may

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be approved by the committee: *Provided*, That (1) such shipments are under the supervision of the committee; (2) such peaches in such experimental containers grade at least Washington Fancy; (3) such peaches in such experimental containers measure at least 2¼ inches in diameter; and (4) such experimental containers commonly known as "family packs" contain not less than 10 pounds nor more than 12 pounds, net weight, of peaches.

(7) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or at an established packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and certification) if:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15354 Filed 7–25–73;8:45 am]

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Handling Regulation

This regulation, designed to promote orderly marketing of Washington potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER July 13, 1973 (38 FR 18670). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto not later than July 18, 1973. None was received.

Findings. After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop of Washington potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (37 FR 13699) through July 31, 1973, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1973 crop potatoes grown in the production area will begin by the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the effective period, (3) information regarding the provisions of this regulation, which are similar to those currently in effect (37 FR 13699), has been made available to producers and handlers in the production area since June 27, 1973, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

The regulation is as follows:

§ 946.328 Handling regulation.

During the period August 1, 1973, through July 31, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) through (f) of this section.

(a) *Minimum quality requirements.* (1) *Grade.—All varieties*—U.S. No. 2, or better grade.

(2) *Size.* (i) *Round varieties*—1⅞ inches minimum diameter

(ii) *Long varieties*—2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements.*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50 pound cartons shall be U.S. No. 1, or better grade.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Canning, freezing, and "other processing" as hereinafter defined; or
(7) Grading or storing at any specific location in

Morrow and Umatilla Counties in the State of Oregon. Shipments of potatoes for the purposes specified in paragraph (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in paragraph (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided:* That shipments pursuant to paragraph (d) (7) of this section shall comply with inspection requirements of paragraph (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by appying on forms furnished by the committee for a certificate applicable to such special purpose shipments:

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipment and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a special purpose certificate to make shipments for processing;

(ii) Make shipments only to either persons whose names appear on the list of potato canners, freezers or other processors of potato products maintained by the committee, or to persons not on the list provided the handler furnishes the committee, prior to such shipment, evidence that the receiver may reasonably be expected to use the potatoes only for canning, freezing or other processing.

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable special purpose certificate;

(iv) Mail to the office of the committee a copy of the bill of lading for each special purpose certificate shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for listing as a canner, freezer or other processor of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approved.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title (37 FR 2745)), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated July 23 ,1973, to become effective August 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vetetable Division, Agricultural Marketing Service.

[FR Doc.73–15356 Filed 7–25–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71–CE–27–AD, Amdt. 39–1693]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 33, 35, 36, 55, 56, 58 and 95 Series Airplanes

Amendment 39–1350 (36 FR 22809), AD 71–24–10, applicable to Beech Models 33, 35, 36, 55, 56, 58 and 95 series airplanes is an Airworthiness Directive (AD) which requires replacement of control wheel adapters on these model airplanes with adapters containing a double weld.

Subsequent to the issuance of AD 71–24–10, the manufacturer has advised that Beech Model F33 airplanes terminated with Serial Number CD–1254 instead of Serial Number CD–1264. These later Serial Numbers were inadvertently included in the applicability statement of the original AD and should be deleted. In addition, the manufacturer has developed improved control wheel adapters

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(P/N 96–524029–31 and –33) which are approved equivalents to those now required for compliance with the AD and consequently are being included in this amendment as an alternative method of compliance. Finally, Beech Service Instructions No. 0254–156, which pertains to the subject matter of AD 71–24–10, has been revised to include these later designed parts and the AD as amended will reflect approval of later revisions. Accordingly, action is taken herein to incorporate the aforementioned changes.

Since this amendment is relaxatory in nature, provides an alternate method of compliance, and is in the interest of safety it imposes no burden on any person. Consequently, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1350 (36 FR 22809), AD 71–24–10, is amended in the following respects:

1. In the first sentence of Paragraph 1 of the applicability statement referring to "Serial Numbers Affected" for Models 35–C33, E33, F33 delete "CD–1264" and substitute therefor "CD–1254".

2. Revise the second sentence of the second paragraph of the AD so that it now reads as follows: "If the stamps cannot be seen on an adapter, replace it with either Beech P/N 96–524029–15 (short) or Beech P/N 96–524029–19 (long) control wheel adapters which have the aforementioned stamps, or in the alternative with Beech P/N 96–524029–31 (short) and 96–524029–33 (long) control wheel adapters, or with any equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.".

3. In the sentence which reads: "Beechcraft Service Instruction No. 0254–156, Rev. III, pertains to this subject" delete the phrase "Rev. III" and substitute therefor the phrase "or later revision approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.".

This amendment becomes effective August 1, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on July 18, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73–15311 Filed 7–25–73;8:45 am]

[Airworthiness Docket No. 71–SW–4, Amdt. 39–1692]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

A proposal to amend § 39.13 of Part 39, Federal Aviation Regulations, Amendment 39–1280 (36 FR 17493), A.D. 71–18–4, to require the same inspection and repair of the main rotor blade, P/N 206–010–200–29, when installed on the Model 206B helicopter that is required for the Model 206A helicopters was published in 36 FR 22180.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1280 (31 FR 17493), A.D. 71–18–4 is amended by changing the applicability paragraph to read as follows:

Applies to Bell Models 206A and 206B helicopters certificated in all categories, equipped with main rotor blades, P/N 206–010–200–29.

This amendment becomes effective September 3, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on July 13, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73–15312 Filed 7–25–73;8:45 am]

[Airspace Docket No. 73–SW–29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Federal Airways Segments and Jet Route Segments

On June 12, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 15456) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would extend several Federal Airways and Jet Routes to the United States/Mexican border.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

1. Section 71.123 (38 FR 307 and 9488) is amended as follows:

a. In V–20 "From McAllen, Tex.," is deleted and "From Reynosa, Mex., via McAllen, Tex.;" is substituted therefor.

b. In V–163 "From Brownsville, Tex.," is deleted and "From Matamoros, Mex., via Brownsville, Tex.;" is substituted therefor.

c. In V–280 "From El Paso, Texas," is deleted and "From Ciudad Juarez, Mex., via El Paso, Tex.;" is substituted therefor. Also, "Kansas City, Mo., 274° radials; Kansas City." is deleted and "Kansas City, Mo., 274° radials; Kansas City. The airspace within Mexico is excluded." is substituted therefor.

d. V–359 is added to read: "V–359 From Nuevo Laredo, Mex., to Laredo, Tex., excluding the airspace within Mexico."

2. Section 75.100 (38 FR 681) is amended as follows:

a. Jet Route No. 11 is amended to read:

Jet Route No. 11 From the INT of the United States/Mexican border and the Tucson, Ariz., 185° radial via Tucson; INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

b. Jet Route No. 13 is amended to read:

Jet Route No. 13 From the INT of the United States/Mexican border and the Truth or Consequences, N. Mex., 162° radial via Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo.; Billings, Mont.; Great Falls, Mont.; to INT of the Great Falls 339° radial and the United States/Canadian Border.

c. Jet Route No. 22 is amended to read:

Jet Route No. 22 From Monterrey, Mexico, via Laredo, Tex.; Corpus Christi, Tex.; Palacios, Tex.; Lake Charles, La.; McComb, Miss.; Meridian, Miss.; Birmingham, Ala.; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va. The airspace within Mexico is excluded.

d. Jet Route No. 25 is amended to read:

Jet Route No. 25 From Matamoros, Mex., via Brownsville, Tex.; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn. The airspace within Mexico is excluded.

e. Jet Route No. 26 is amended to read:

Jet Route No. 26 From Ciudad Juarez, Mex., via E Paso, Tex.; INT of E Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Tex.; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill. The airspace within Mexico is excluded.

f. Jet Route No. 29 is amended to read:

Jet Route No. 29 From Tampico, Mex., via Brownsville, Tex.; INT Brownsville 357° and Corpus Christi, Tex., 179° radials; Corpus Christi; Palacios, Tex.; Humble, Tex.; Lufkin, Tex.; Shreveport, La.; Memphis, Tenn.; Evansville, Ind. INT Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N.Y.; Syracuse, N.Y.; Plattsburg, N.Y.; Bangor, Maine, to Presque Isle, Maine. The airspace within Mexico is excluded.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 19, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–15309 Filed 7–25–73;8:45 am]

[Airspace Docket No. 73–NE–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Quonset Point, Rhode Island, Control Zone (38 FR 414).

The Department of the Navy has decommissioned the Quonset Point VOR at the Naval Air Station, Quonset Point, Rhode Island. This action permits reduction of the Quonset Point, Rhode Island, Control Zone.

Since this amendment restores airspace to the public use and is less restrictive, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of the Quonset Point, Rhode Island, Control Zone, amends Part 71 of the Federal Aviation Administration Regulations effective on July 26, 1973, as hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Administration Regulations by deleting the existing description of the Quonset Point, Rhode Island, Control Zone and inserting the following in lieu thereof:

That airspace within a 5-mile radius of NAS Quonset Point (Latitude 41°35'55"N, Longitude 71°24'50"W), within 3.5 miles each side of the NAS Quonset Point TACAN 151° Radial, extending from the 5-mile radius zone to 7 miles southeast of TACAN, excluding that portion within the Providence, Rhode Island, Control Zone.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts on July 17, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73–15307 Filed 7–25–73;8:45 am]

[Airspace Docket No. 73–EA–27]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On May 10, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 12216) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route 152 from Harrisburg, Pa., to Bucktown, Pa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

In § 75.100 (38 FR 681) Jet Route No. 152 is rewritten as follows:

JET ROUTE No. 152

From Capital, Ill., via INT Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; Johnstown, Pa.; Harrisburg, Pa.; to INT Harrisburg 099° and Westminster, Md., 058° radials.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 19, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–15308 Filed 7–25–73;8:45 am]

[Docket No. 13041, Amdt. 874]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective September 6, 1973:

Madison, Wisc.—Truax Field, VOR Rwy 13, Amdt. 8
Madison, Wisc.—Truax Field, VOR Rwy 18, Amdt. 7
Madison, Wisc.—Truax Field, VOR Rwy 31, Amdt. 9
Stormville, N.Y.—Stormville Arpt., VOR–A, Amdt. 2

• • • effective August 9, 1973:

Bethel, Alas.—Bethel Municipal Arpt., VOR Rwy. 18, Amdt. 7

• • • effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., VOR/DME Rwy 8R, Amdt. 7

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPSs, effective September 6, 1973:

Madison, Wisc.—Truax Field, LOC (BC) Rwy 18, Amdt. 4

• • • effective August 30, 1973:

Bedford, Mass.—L. G. Hanscom Field, LOC (BC) Rwy 29, Amdt. 3, Canceled
Niagara Falls, N.Y.—Niagara Falls Int'l Arpt., LOC (BC) Rwy 10, Original

• • • effective July 13, 1973:

Cordova, Alas.—Cordova Mile 13 Arpt., LOC/DME Rwy 27, Amdt. 6

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective September 6, 1973:

Boston, Mass.—Gen. Edward Lawrence Logan Int'l Arpt., NDB Rwy 22L, Amdt. 5
Boston, Mass.—Gen. Edward Lawrence Logan Int'l Arpt., NDB Rwy 33L, Amdt. 8
Madison, Wisc.—Truax Field, NDB Rwy 36, Amdt. 16
North Conway, N.H.—White Mountain Arpt., NDB–A, Amdt. 3
Whitefield, N.H.—Whitefield Regional Arpt., NDB Rwy 10, Amdt. 2

• • • effective August 30, 1973:

Ada, Okla.—Ada Municipal Arpt., NDB–A, Orig.

• • • effective August 9, 1973:

Bethel, Alas.—Bethel Municipal Arpt., NDB Rwy 18, Amdt. 7
Washington Court House, Ohio—Fayette County Arpt., NDB Rwy 22, Original.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective September 6, 1973.

Bradford, Pa.—Bradford Regional Arpt., ILS Rwy 32, Amdt. 5
Lynchburg, Va.—Lynchburg Muncipal Preston Glenn Field, ILS Rwy 3, Amdt. 8
Madison, Wisc.—Truax Field, ILS Rwy 36, Amdt. 17

• • • effective August 9, 1973:

Bethel, Alas.—Bethel Arpt., LOC/DME Rwy 18, Original

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• • • effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., ILS Rwy 8R, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective September 6, 1973:

Madison, Wisc.—Truax Field, RADAR-1, Original

• • • effective July 12, 1973:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l Arpt., Radar-1, Amdt. 6

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective September 6, 1973:

Tampa, Fla.—Tampa Int'l Arpt., RNAV Rwy 18R, Original

CORRECTIONS

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 1845 under § 97.33 effective August 23, 1973, change effective date of Miami, Fla.—Miami International Arpt., RNAV Rwy 9L, Amdt. 3, to August 30, 1973.

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 18545 under § 97.23 effective July 19, 1973, change effective date of Beatrice, Nebr.—Beatrice Municipal Arpt., VOR Rwy 13, Amdt. 8, to July 26, 1973.

DELETION

In Docket Nr. 12987, Amendment 872, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated Thursday, July 12, 1973, on page 18545 under § 97.27 effective August 23, 1973, delete San Diego, Calif.—San Diego Int'l/Lindbergh Field, NDB Rwy 9, Amdt. 13. NDB Rwy 9, Amdt. 12 remains in effect.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on July 19, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-15313 Filed 7-25-73;8:45 am]

[Airspace Docket No. 73-EA-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation, Alteration and Designation of VOR Federal Airways

On July 5, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 17848) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would restructure 26 VOR Federal Airways in the Washington, D.C., Metropolitan Area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

The relocation of a portion of V-265 between Westminster, Md., and Harrisburg, Pa., was inadvertently omitted in the NPRM. Since the FAA is revoking V-143N, V-223, and the reporting point in the vicinity of the Hampton Intersection, the dogleg in V-265 is no longer required. By realigning V-265 as a direct route between Westminster and Harrisburg, the reduced mileage will improve the flow of traffic. Since this realignment is a minor change in which the public is not particularly interested, notice and public procedure thereon are unnecessary and action may therefor be accomplished in this docket.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 13, 1973, as hereinafter set forth.

1. Section 71.123 (38 FR 307, 4388, 9488, 10439, 13478, 15622, and 37 FR 23631, 28502) is amended as follows:

a. In V-3 "Flat Rock; Brooke, Va.; 6-mile wide, INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, Westminster; INT Westminster 065° and Modena, Pa., 250° radials; Modena;" is deleted and "Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va.; Martinsburg, W. Va.; Westminster, Md.; Modena, Pa.;" is substituted therefor.

b. In V-4 "Herndon, Va." is deleted and "to INT Front Royal 105° and Casanova, Va., 047° radials." is substituted therefor.

c. In V-9 "INT Herndon, Va., 048° and Washington, D.C., 324° radials; Washington, including a north alternate from Grantsville to INT Washington 324° and Herndon 048° radials via Hagerstown, Md." is deleted and "to Washington, D.C., including a north alternate from Grantsville to the INT of Hagerstown, Md., 157° and the Martinsburg 130° radials via Hagerstown," is substituted therefor.

d. In V-16 "Gordonsville, Va., including a N alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a S alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg Va., 253° radials and Lynchburg; Nottingham, Md.; 6-mile wide, Kenton, Del.;" is deleted and "Lynchburg, Va.; including a S alternate via INT Pulaski 094° and Lynchburg 253° radials; Flat Rock, Va.; Richmond, Va.; INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.;" is substituted therefor.

e. In V-39 "INT Gordonsville, 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va.; including an E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, Va., 300° radials; Westminster, MD.;" is deleted and "Linden, Va.; including an E alternate via Casanova, Va.; Front Royal, Va.; Martinsburg, W. Va.;" is substituted therefor.

f. In V-93 "Lancaster, Pa.;" is deleted and "Lancaster, Pa.; including an E alternate via the INT of Baltimore 034° and Lancaster 181° radials;" is substituted therefor.

g. In V-123 "From Washington, D.C.," is deleted and "From" is substituted therefor.

h. In V-140 "Casanova, Va.; Herndon, Va.; INT Herndon 061° and Modena, Pa., 234° radials; Modena." is deleted and "to Casanova, Va." is substituted therefor.

i. In V-143 "Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials;" is deleted and "Lancaster, Pa.; including an S alternate via Westminster, Md.;" is substituted therefor.

j. In V-144 "Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials." is deleted and "to Linden, Va." is substituted therefor.

k. In V-155 "Gordonsville, Va.; Linden, Va.; Front Royal, Va." is deleted and "to Brooke, Va." is substituted therefor.

l. In V-157 all after Richmond, Va.; is deleted and "INT Richmond 039° and Patuxent, Md., 228° radials; Patuxent; Kenton, Del.; New Castle, Del.; Robbinsville, N.J.; Colts Neck, N.J.; to Kingston, N.Y. The airspace within R-66022 is excluded" is substituted therefor.

m. In V-162 "From Harrisburg, Pa.," is deleted and "From INT Martinsburg, W. Va., 130° and Harrisburg, Pa., 204° radials; via Harrisburg;" is substituted therefor.

n. In V-174 "INT Linden 104° and Herndon, Va., 185° radials." is deleted and "INT Linden 104° and Casanova, Va., 348° radials." is substituted therefor.

o. In V-222 "INT Brooke 045° and Richmond, Va., 009° radials." is deleted and "to INT Brooke 045° and Richmond, Va., 009° radials; including an N alternate from Lynchburg via Gordonsville, Va." is substituted therefor.

p. V-223 is amended to read as follows:

"From Flat Rock, Va.; to INT Flat Rock 005° and Brooke, Va., 300° radials." is substituted therefor.

q. In V-265 "From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; Westminster; INT Westminster 346° and Harrisburg, Pa., 196° radials; Harrisburg;" is deleted and "From INT Washington, D.C., 043° and Westminster, Md., 179° radials; via Westminster; Harrisburg, Pa.;" is substituted therefor.

r. In V-286 "From Linden, Va., Casanova, Va.; INT Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; Cape Charles, Va.:" is deleted and "From INT Linden, Va., 273° and Casanova, Va., 284° radials, via Casanova; INT Casanova 142° and Brooke, Va., 300° radials; Brooke; to Cape Charles, Va.:" is substituted therefor.

s. In V-308 "From INT Linden, Va., 273° and Casanova, Va., 284° radials, Casanova; INT Casanova 076° and Nottingham, Md., 271° radials; Nottingham; Sea Isle, N.J.;" is deleted and "From INT Kenton, Del., 217° and Sea Isle, N.J., 256° radials, via Sea Isle;" is substituted therefor.

t. In V-433 "From Washington, D.C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials;" is deleted and "From INT Baltimore, Md., 223° and Kenton, Del., 262° radials, via" is substituted therefor.

u. In V-501 "From Martinsburg, W. Va.," is deleted and "From Martinsburg, W. Va., via Hagerstown, Md.;" is substituted therefor.

v. "V-375 From Roanoke, Va., via Gordonsville, Va.; including a N alternate via the INT Roanoke 035° and Montebello, Va., 250° and Montebello, Va.; to INT Gordonsville 034° and Casanova, Va., 142° radials." is added.

z. "V-379 From Nottingham, Md.; to INT Richmond 009° and Nottingham, Md., 238° radials. The airspace within R-6612 is excluded." is added.

x. "V-377 From Kessel, W. Va., via INT Kessel 055° and Hagerstown, Md., 267° radials; Hagerstown; to Harrisburg, Pa." is added.

y. "V-378 From Baltimore, Md., via INT Baltimore 034° and Modena, Pa., 236° radials; to Modena." is added.

z. "V-379 From Nottingham, Md.; to Kenton, Del." is added.

2. § 71.203 (38 FR 606) is amended as follows:

a. "Hampton INT; INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials." is deleted.

b. "Herndon, Va." is deleted.

c. "Norris INT: INT Modena, Pa., 250°, Lancaster, Pa., 178° radials." is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 23, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15418 Filed 7-25-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-808, Amdt. 18]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Deletion of Insurance Posting Requirement

In notice of proposed rulemaking EDR-247,[1] the Board proposed to amend Part 298 of its Economic Regulations (14 CFR Part 298) to delete the insurance posting requirement for air taxi operators.

The only comment in response to the rulemaking notice was filed by the National Air Transportation Conferences, Inc.,[2] and that comment supports the proposed rule. Accordingly, we have determined to adopt the rule as proposed, and we incorporate herein the tentative findings made in EDR-247.

Since this rule relieves a restriction and no person has objected to its adoption after notice and public procedure were had thereon, the Board finds that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

Amend § 298.41 by deleting and reserving paragraph (d) as follows:

§ 298.41 Basic requirements.

• • • • •

(d) [Reserved].

• • • • •

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Adopted and Released: July 23, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15376 Filed 7-25-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-463; Order No. 487]

PART 35—FILINGS OF RATE SCHEDULES

Filing of Electric Service Tariff Changes

JULY 17, 1973.

On December 14, 1972, we noticed (37 FR 28195 December 21, 1972) a proposed amendment to § 35.13 of the regulations under the Federal Power Act to require (a) all electric utilities that apply for rate increases in excess of $50,000 annually to file unadjusted cost of service data for the most recent twelve consecutive months of actual experience plus estimated cost data for the twelve month period beginning three months after the end of the twelve months of actual data and (b) to add a new § 35.8(a) to provide for the filing of a form of public notice with each tariff change.

In the notice we expressed our expectation that this proposed information would enable the Commission to consider data more suitable for the determination of rates for future use than under present methods. Section 35.13(b)(4)(iii) of our present regulations under the Federal Power Act requires a cost of service for a test period of twelve consecutive months of available actual experience and provides for the submittal of information regarding any significant changes in facilities, operations or costs which will become effective within eight months of the last month of available actual experience.

Interested persons were invited to submit on or before February 28, 1973,[1] comments or suggestions in writing regarding the proposed amendments and to indicate whether they request a conference.

Eighty-seven respondents[2] filed comments with respect to the proposed rulemaking. Among the respondents were several senators and congressmen, cooperatives, municipal systems, investor-owned utilities, and State associations many of whom submitted their comments directly or through their congressmen and senators or both.[3] In addition six trade associations, five law firms representing utilities and two individuals submitted comments on the proposed rulemaking.

The responding cities, cooperatives, and associations of cities or cooperatives expressed opposition to this proposed rulemaking. Generally these parties complain that the filing of estimated cost of service data would lead to speculative and inflated estimates, would be difficult to challenge and, would result in more complex rate cases. A few of the cities maintain that the data based on estimated costs is in violation of the Economic Stabilization Act.

Of the senators and congressmen who did respond to the rulemaking, most were referring objections filed by officials of various municipal and cooperative utilities. The comments from these officials are essentially the same as those of the municipals and cooperatives who filed their objections directly with the Commission. Five requested recision of the proposed rule.

The American Public Power Association (APPA) and Consumer-Owned Systems (COS) filed objections to the rulemaking which we summarize as follows: companies may overstate revenue requirements and selectively withhold information; the rulemaking would cause uncertainty and a flood of new cases; no method for estimation would be set forth; since all the parties may have different methods, the problems arising in interpreting actual cost data will be amplified; it is difficult to estimate allocation factors; and the data proposed in the rulemaking would involve too much "guess work".

In the alternative APPA and COS suggest that companies be required to file a billing comparison between retail and resale customers; that if a utility files for rate increases which would exceed a reasonable return the Commission must reject the filing; that actual data for the test year be served on all parties whether or not a proceeding is pending; and that

[1] May 24, 1973, 38 FR 14294, Docket 25568.
[2] The air taxi trade association whose petition initiated this proceeding.

[1] The notice originally prescribed a comment date of January 29, 1973, which, upon motion of the American Public Power Association (APPA) for an extension of the date until April 30, 1973, was extended until February 28, 1973. By a notice issued on the motion of the Cities of Bedford, et al. for extension of time until March 29, 1973, was denied.
[2] See Appendix A, List of Respondents.
[3] See Appendix B.

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if actual figures are less than estimated figures the Commission order immediate refunds.

The prospective test year we are proposing herein is essentially the same type of test period already provided for in our regulations under the Natural Gas Act. Under this proposal, the test period would be reasonably representative of sales, plant, depreciation and other costs when the rates become effective and will provide a test period more suitable for the determination of rates for future use than under present methods.

The effect of the Period I and Period II data will be to create a test period which in most cases will represent costs six months prior to and six months after a rate change would become effective. Parties objecting to the proposal on the grounds that the estimated cost of service data is to speculative, too easy to inflate, and too difficult to challenge overlook the fact that such problems have been avoided in the natural gas aspects of our jurisdiction. Moreover, under the Federal Power Act and current filing regulations thereunder, electric utilities are permitted to file virtually any level of costs and rates and after a period of suspension charge those rates subject to refund, pending Commission decision. If after an evidentiary hearing, decision and opinion the filed rates are determined to be unjust or unreasonable refunds will be ordered in the manner provided in the Federal Power Act.

It is also important to note, in response to the concern of many objectors to this rulemaking, that we will not approve rates based on unsubstantiated cost estimations. The burden will be on such companies to establish the validity and accuracy for each of their cost estimates. In addition, these estimates will be subject to full due process standards including discovery, presentation of evidence, briefing, decision and opinion. We are opposed to the concept inherent in each suggestion that would require automatic action on the part of companies or the Commission without benefit of an official record or opportunity for hearing. For example, the suggestion that rate increases "exceeding a reasonable return" be rejected is too restrictive and unreasonably limits our discretion as well as depriving the company of its rights to make its case. Likewise, the idea that if actual costs are less than estimated costs automatic refund of the difference be ordered is too inflexible and restrictive and would result in further prolonging rate proceedings.

In addition, the rates of utilities under our jurisdiction are subject to continual scrutiny and Section 206 of the Federal Power Act provides adequate recourse for excessive rates. Furthermore the test period approach to ratemaking has been upheld by the courts. Cf. *FPC* v. *El Paso*, 449 F2d 1245 (5 CA 1971) wherein the court said that rates based on test period methodology need not necessarily be adjusted due to the existence of actual figures.

We disagree with the complaint that this rulemaking will increase the complexity of rate proceedings. It is our goal and hope that the adoption of this proposed test year will enable us to establish rates more in line with costs and lend itself to greater rate stability thus mitigating the frequency of rate increase filings. More importantly however, we believe it is essential to the public interest that rates reflect the present costs of providing service in order that we may insure a continuing and adequate supply of electric energy to meet the public's ever increasing power requirements.

Contrary to the comments of several respondents, we are not persuaded that the use of a prospective test year will be inflationary. That argument indicates a basic misunderstanding of this rulemaking. The rate level we allow must be one in which proposed costs are supported by an evidentiary record. Moreover, since the estimated costs we may ultimately allow will be cost justified, they will be in compliance with the Economic Stabilization program.

Each of the companies filing comments expressed overall approval of the rulemaking. Generally, this approval was supported by the following rationale: the proposal would reduce the effects of regulatory lag, would place emphasis on present rather than past costs, and that during a period of increasing costs and plant expansion it is important to have such costs reflected in rates.

A few companies while expressing approval of the rulemaking said it would be hard to develop unadjusted cost of service data and that since Period II is close to Period I the benefits of the projected costs might be limited.

Several companies while indicating approval stated that the three months between Period I and Period II is too short. It was suggested that the Period II be made more flexible by limiting Period II to any twelve month period but no later than the proposed effective date. Others hoped for Period II to begin the first full month following the proposed effective date and a few companies want Period II to commence when billings under proposed rates are first made. Upon further review of the make up of Period II, we conclude that that period should be made more flexible by designating it as any twelve consecutive month period beginning after Period I but no later than the date on which the new rates become effective. This change will permit companies to file costs projected on a calendar year basis if they so desire.

Some companies recommended that Period I should be not more than four to six months prior to the filing date of a rate case. Others indicated that it would facilitate the compilation of cost of service data if Period I were the most recent calendar year and Period II were the first full calendar year after the effectiveness of the new rates. Our review of the comments which suggest changes to the proposed Period I does not alter our belief that Period I should be the most recent twelve months of actual experience. With Period I so described, we will have the most recent available data with which to analyze the normality or abnormality of estimated costs *vis a vis* actual historical experience.

EEI recommends however that Period II be the first 12 months of operations under a proposed rate. To this end EEI suggests that Period II commence 60 days after the date of filing, and in addition, the Commission adopt the use of one-day suspension periods. EEI questions whether Period I is useful and recommends that if the Period I and Period II approach is adopted, that Statements M and N be eliminated from the filing requirements under Period I. Finally EEI suggests an amendment to § 35.13 (b) (4) (iii) of the Regulations under the Federal Power Act to make it clear the Commission will entertain requests for waiver of any portion of the regulation for good cause shown. Our adoption of a Period II consisting of any twelve consecutive months after Period I but no later than the date the rates are proposed to become effective appears to include EEI's recommendation for Period I. With respect to the suggestion that Statements M and N be eliminated for Period II, we disagree as stated heretofore that for analytical and comparative purposes the filing requirements should be the same for both Periods. This rule does not increase nor diminish any parties' right to request waiver of the filing requirements for good cause.

One company suggests some relaxation of the detailed filing requirements so that forecasted Statements A, F and J be limited to major classifications. For historical data it is recommended that Schedules L, M and N be eliminated since the adjusted aspects thereof would be reflected in the estimated data. We believe that in order to adequately compare actual with estimated data it is necessary to have the detail support for both prospective and historical filing Statements.

Bangor Electric complained that the Period II filing requirement placed a heavy burden on smaller companies. We acknowledge that such a burden may exist and shall therefore make the filing requirements for Period II voluntary for companies with applications for increases less than one million dollars.

Iowa-Illinois Gas and Electric Company requests that § 35.13(b)(1) be revised so that billing data is synchronized with Period I and II. We will still request the filing data to be filed as before, since Period I and II will be utilized to ascertain the revenues effect of the proposed rate increase.

Some respondents request that the Commission adopt a one-day suspension procedure. This suggestion is outside the scope of the proposed rule. Moreover this request would restrict the breadth of our suspension authority under the Federal Power Act and unduly limit our discretion in exercising such authority.

Arizona Public Service questions whether Statement C for Period II conflicts with the Securities and Exchange Act which prohibits estimates of future earnings. Since a regulated utilities earnings depend on what the Federal Power Commission allows, an estimate of future earnings can readily be checked to see if it is unreasonably inflated *vis a vis* what the Commission has allowed other utilities. Therefore we see no conflict with the Securities and Exchange Act.

On June 5, 1973, APAA filed a document entitled "Comments on Behalf of The American Public Power Association". This filing, except for the addition of an Appendix C therein (Proposed Revision of § 35.13 of the regulations under the Federal Power Act), is essentially the same as APPA's previous filing of March 1, 1973. APPA's original written comments have already been considered. In view of this, and the untimeliness of APPA's June 5 filing, and the fact that revision of § 35.13 of the Regulations is beyond the scope of this rulemaking, comment on the June 5 filing is not necessary at this time. We recognize that review of our regulations under the Federal Power Act may be in order sometime in the future.

In light of the scope of numerous responses we have received opposing and supporting this rulemaking we believe we have had the benefit of complete commentary on all the issues and that all parties have had adequate opportunity to present their views on the rulemaking. However, in order to assure all parties an opportunity to express their views a conference was held in this rulemaking on June 5, 1973. At this conference, comments of the various parties were substantially the same as the written comments previously filed and discussed above.[4] Some parties did indicate that the filing requirements should include a provision for the filing of work papers along with the rate increase application. We believe that this may be an appropriate request. We believe that upon review of all the comments filed and those received at conference that adoption of the subject proposal is in the public interest.

In order to allow orderly transition to the prospective test period we will not make the requirements adopted herein mandatory for three months from the date of issuance of this order.

The second portion of the proposed rulemaking relates to an amendment to our Regulations under the Federal Power Act § 35.8(a) which would require each electric public utility filing any tariff change with the Commission to include in its filing a notice of the proposed change, suitable for publication in the Federal Register, which will briefly summarize the facts contained in the filing in such a way as to acquaint the public with its scope and purpose.

We believe that this amendment will facilitate the processing of tariff change filings. It is our intent that any change to a tariff on file with the Commission include the form of notice described above.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to § 35.13(b)(4)(iii) and § 35.8 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Since the amendments proposed herein make the reporting and filing process more complete and informative, good cause exists for making these amendments effective upon issuance of this order.

The Commission acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 205, 301, 303, 304 and 309 (40 Stat. 854, 855), *orders:*

(A) Section 35.13(b)(iii) and (iv) of the regulations under the Federal Power Act (Part I Chapter C Title 18 of the Code of Federal Regulations is amended by deleting present § 35.13(b)(4), parts (iii) and (iv), and substituting the following as part (iii):

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) (iii) The statement of the cost of service should contain unadjusted system costs for the most recent twelve consecutive months for which actual data are available (Period I) including return, taxes, depreciation, and operating expenses, and an allocation of such costs to the service rendered. The statement of cost of service shall include an attestation by the chief accounting officer or other accounting representative of the filing public utility that the cost statements and supporting data submitted as a part of the filing which purport to reflect the books of the public utility do, in fact, set forth the results shown by such books. Following is a description of statements A through O required to be filed pursuant to this subparagraph. In addition, the public utility shall file statements A through O together with related work papers based on estimates for any twelve consecutive months beginning after the end of Period I but no later than the date the rates are proposed to become effective (Period II). Full explanation of the bases of each of the estimated figures shall be included, Period II shall be the "test period".

* * * * *

In Statements A, B, C, D, E, F, H, I, J, K, L, M, and N, wherever the expression "the test period" is used, substitute the expression "Periods I and II".

(B) In Statement G sections (a) and (b), change the phrase "as of the date of the most recently available balance sheet" to "as of the end of Period I and estimated to be outstanding as of the end of Period II". In section (c), change the phrase "preceding the date of the most recently available balance sheet" to "preceding the end of Period I". Provide estimates of similar data for each projected sale of common stock during the time between the end of Period I and the end of Period II, except that the data in the last three columns of the table may be omitted for this latter period.

In § 35.13(b)(5)(i), change the phrase "subparagraph (4)(iv) of this paragraph" to "subparagraph (4)(iii) of this paragraph".

(C) That the regulations under the Federal Power Act are hereby amended to add a § 35.8(a) as follows:

§ 35.8 Comments by interested parties.

(a) *Form of notice for* FEDERAL REGISTER. The public utility shall file a form of notice suitable for publication in the FEDERAL REGISTER which shall be in the following form:

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Name of Utility) Docket No.

NOTICE OF TARIFF CHANGE

Take notice that (name of public utility), on (date), tendered for filing proposed changes in its FPC Electric Service Tariff, (Volume Nos.), [The following language in the first paragraph applies only to increased rate filings]. The proposed changes would increase revenues from jurisdictional sales and service by (amount) based on the 12 month period ending (date). [If changes other than increased rates and charges are proposed, the public utility shall concisely state the nature of these changes].

[The public utility shall briefly describe the reasons for the proposed changes in the second paragraph].

Copies of the filing were served upon the public utility's jurisdictional customers, (other parties the public utility served, *inter alia*, state public service commissions, other government agencies, etc.).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before . Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[4] See Appendix C, herein.

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(D) The filing requirements of Period II herein are voluntary for companies with applications for increases less than one million dollars.

(E) The filing requirements ordered herein will become effective ninety days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Municipal Systems, Cooperatives, Investor-Owned Utilities and State Associations

ALABAMA

1 Florence
2 Foley
3 Alabama Electric Cooperative, Inc.
4 Alabama Power Co.
5 Municipal Electric Utilities Ass'n of Alabama

ARIZONA

6 Arizona Public Service Co.

CALIFORNIA

7 Lompac
8 Palo Alto
9 Riverside
10 Northern California Power Agency
11 Southern California Edison Co.

COLORADO

12 La Junta
13 Longmont

CONNECTICUT

14 Groton
15 Norwich

FLORIDA

16 Florida Municipal Utilities Association
17 Gulf Power Company

GEORGIA

18 Albany
19 Cairo
20 Griffin
21 LaGrange
22 Marietta
23 Monticello
24 Moultrie
25 Thomaston
26 Georgia Power Company

IDAHO

27 Idaho Power Company

ILLINOIS

28 Springfield
29 Commonwealth Edison Company

INDIANA

30 Argos
31 Columbia City
32 Winimac
33 The Indiana Municipal Electric Ass'n.
34 Public Service Company of Indiana

IOWA

35 Iowa-Illinois Gas & Electric Company

KANSAS

36 Garnett
37 Russell
38 Kansas Electric Cooperatives, Inc.
39 Kansas Municipal Utilities, Inc.

MAINE

40 Bangor Hydro-Electric Company

MASSACHUSETTS

41 Middleton
42 North Attleboro
43 Reading
44 Wellesley

MICHIGAN

45 Consumers Power Company
46 The Detroit Edison Company
47 Michigan Municipal Electric Association

MINNESOTA

48 Northern States Power Company

MISSOURI

49 SEMO-NEARK Municipal Electric Association

NEBRASKA

50 Auburn

NEW JERSEY

51 Public Service Electric & Gas Company

NEW YORK

52 Booneville
53 Jamestown

NORTH CAROLINA

54 Greenville
55 Electricities of North Carolina
56 EPIC
57 Carolina Power & Light Company
58 Duke Power Company

OHIO

59 The Cincinnati Gas & Electric Co.
60 The Cleveland Electric Illuminating Co.
61 Columbus and Southern Ohio Electric Co.
62 Ohio Municipal Electric Association

PENNSYLVANIA

63 Pennsylvania Power & Light Company

RHODE ISLAND

64 Rhode Island Consumers Council

TEXAS

65 Brazos Electric Power Cooperative, Inc.

UTAH

66 Utah Power & Light Company

WASHINGTON

67 Public Utility District No. 3
68 The Washington Water Power Company

WISCONSIN

69 Algoma
70 Marshfield
71 Sturgeon Bay
72 Columbus Rural Electric Cooperative
73 Municipal Electric Utilities of Wisconsin
74 Wisconsin Public Service Corporation

NATIONAL AND REGIONAL ASSOCIATIONS

75 The American Public Power Association
76 Consumer Federation of America
77 The Cooperative League of the USA
78 Edison Electric Institute
79 National Rural Electric Cooperative Association
80 Northeast Public Power Association

REPRESENTATIONS

81 *Debevoise & Liberman*
Central Vermont Public Service Corporation
Florida Power Corporation
Kentucky Utilities Company
Montaup Electric Company
New England Power Company
Public Service Company of New Hampshire

82 *Duncan & Brown*
Delaware
Dover
Newark
Seaford
Indiana
Anderson

83 *Northcutt Ely*
Virginia
Bedford
Danville
Martinsville
Radford
Salem
Richlands
Virginia Polytechnic Inst.
State University
Tex-La Electric Cooperative (Texas & Louisiana)

84 *Law Offices of George Spiegel*
California
Alameda
Anaheim
Healdsburg
Lodi
Lompoc
Riverside
Santa Clara
Ukiah
Florida Municipal Utilities Association
Indiana Municipal Electric Association
Midwest Electric Consumers Association, Inc.
Municipal Electric Association of Massachusetts
Northeast Public Power Association
Northern Michigan Electric Cooperative
Northern California Power Agency
Ohio Municipal Electric Association
New Hampshire Electric Cooperative
Electric & Water Plant Board of the City of Frankfort, Kentucky

85 *W. Truslow Hyde*
Self

86 *George E. Morrow*
Indiana
Anderson
Auburn
Avilla
Bluffton
Columbia City
Frankton
Fort Wayne
Garrett
Gas City
Mishawaka
New Carlisle
Richmond
Warren
Michigan
Niles
South Haven
Sturgis

87 *W. H. Parr, Jr.*
Self

APPENDIX B

PARTIES FILING COMMENTS THROUGH THEIR SENATORS AND/OR CONGRESSMEN

1. SEMO–NEARK Municipal Utilities Association
2. Florida Municipal Utilities Association
3. Florida Municipal Utilities Association*
4. Mississippi Public Service Commission
5. Town of Argos (Indiana)
6. Indiana Statewide Rural Electric Cooperative, Inc.
7. City of Thomaston (Georgia)
8. City of LaGrange (Georgia)
9. City of Longmont
10. Florida Municipal Utilities Association*
11. Florence Electricity Department (Florence, Alabama)
12. The Utilities Board of the City of Foley
13. Florida Municipal Utilities Association*
14. Columbia City Municipal Utilities
15. The Indiana Municipal Electric Association
16. North Attleborough Electric Department
17. American Public Power Association
18. Town of Reading, Municipal Light Board
19. Village of Boonville
20. City of Palo Alto
21. City of LaGrange*
22. City of Thomaston*
23. City of Cairo
24. City of Albany
25. City of Griffin
26. La Junta Utility Commission
27. City of Longmont
28. Indiana Municipal Electric Association
29. City of Springfield (Illinois)
30. Brazos Electric Power Cooperative, Inc.
31. Board of Public Works, Niles, Michigan
32. Florida Municipal Utilities Association*
33. The Tipton Utility Service Board
34. La Junta Municipal Utilities
35. Northeast Public Power Association*
36. Town of Wellesley
37. North Attleborough Electric Department*
38. Municipal Light Board, Town of Reading
39. Marshfield Electric and Water Department
40. Algoma Utility Commission
41. Muncipal Electric Utilities of Wisconsin
42. Sturgeon Bay Utilities
43. Northeast Public Power Association
44. Northeast Public Power Association*
45. Municipal Electric Utilities of Wisconsin*
46. Sturgeon Bay Utilities*
47. City of Norwich
48. Ohio Municipal Electric Association
49. Florence Electricity Department
50. The Utilities Board of the City of Foley
51. SEMO–NEARK Municipal Utilities Association*
52. Ohio Municipal Electric Association
53. City of Thomaston
54. Monticello Electric Department
55. City of LaGrange*
56. Northern California Power Agency
57. City of Norwich*
58. City of Suttenberg
59. Northeast Public Power Association*
60. The Utility Board of the City of Foley
61. Florida Municipal Utilities Association*
62. Florida Municipal Utilities Association*
63. Sturgeon Bay Utilites*
64. Agoma Utility Commission
65. Florida Municipal Utilities Association*
66. Indiana Statewide Rural Electrical Cooperative, Inc.
67. Gulf Power Company
68. North Attleborough Electric Department*
69. American Public Power Association
70. Tipton Utility Service Board
71. Ohio Municipal Electric Association
72. Florida Municipal Utilities Association*
73. City of Moultrie
74. City of Albany
75. City of Cairo
76. Village of Boonville
77. Florence Electricity Department
78. Florida Municipal Utilities Association*
79. Department of Utilites, Groton, Connecticut
80. Florida Municipal Utilities Association*
81. Ohio Municipal Electric Association

APPENDIX C

PARTIES ATTENDING RULEMAKING CONFERENCE

J. O. Tally, Jr., Tally, Tally & Bouknight, appearing on behalf of Electricities of North Carolina

Ms. Sandra J. Strebel, Spiegel & McDiarmid, appearing on behalf of American Public Power Association and the City of Alameda, California, et al.

Fred Ritts, Jay Hickey, and Steve Daniel, Northcutt Ely, appearing on behalf of Virginia Cities and Tex-La Coop

Ralph L. Heumann, Commonwealth Edison Company

W. O. Reece, appearing on behalf of The Southern Company System (Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Services, Inc., Southern Electric Generating Company)

Gerara A. Maher, LeBoeuf, Lamb, Leiby & MacRae, appearing on behalf of Edison Electric Institute

Steve C. Griffith, Jr., appearing on behalf of Duke Power Company

Harry A. Poth, Jr., and Robert T. Hall, Reid & Priest, appearing on behalf of Arkansas Power and Light Company, Carolina Power and Light, Cleveland Electric Illuminating Company, Florida Power and Light, Southern California Edison Company, and South Carolina Electric and Gas Company

William Marriott, and Robert P. O'Brien, appearing on behalf of Southern California Edison Company

George F. Bruder, Debevoise & Liberman appearing on behalf of Central Vermont Public Service Company, Florida Power Corporation, Kentucky Utilities Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire

Arnold Fieldman, appearing on behalf of the Municipal Electric Utility Association of Alabama

E.S. Kirby, J.R. Lacey, R.M. Nelson, Henry Hobson, and Harold Borden, appearing on behalf of Public Service Electric and Gas Company

Alan Propper, appearing on behalf of Consumers Power Company

Gerald Brown, appearing on behalf of the New England Power Service Company

Howard E. Wahrenbrock, Washington, D.C.

[FR Doc.73–15417 Filed 7–25–73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

D&C Brown No. 1 and External D&C Violet No. 2

By an order published in the FEDERAL REGISTER on March 15, 1973 (38 FR 7006), the color additives D&C Brown No. 1 and External D&C Violet No. 2 were restored to the provisional lists and restricted to use for coloring externally-applied cosmetics.

The Commissioner of Food and Drugs finds that additional specifications are needed to define the identity of these color additives and provide certification criteria, pending determination as to the permanent listing of the additives under section 706 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2)); Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C. 376 note), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 8 and 9 are amended as follows:

1. In § 8.501 by amending the entry for the item, D&C Brown No. 1, in paragraph (b), and by amending the entry for the item, External D&C Violet No. 2, in paragraph (c) to read as follows:

§ 8.501 Provisional lists of color additives.

* * * * *

(b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
* * *	* * *	* * *
D&C Brown No. 1 (§ 9.230 of this chapter).	Dec. 31, 1973, or until a new closing date is established.	For coloring externally applied cosmetics.
* * *	* * *	* * *

(c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
* * *	* * *	* * *
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).	Dec. 31, 1973, or until a new closing date is established.	For coloring externally applied cosmetics.
* * *	* * *	* * *

2. New §§ 9.230 and 9.411 are added to read as follows:

§ 9.230 D&C Brown No. 1.

A mixture of the sodium salts of p-[[2,4 - dihydroxy - 5 - (alkylphenylazo) phenyl]azo] benzenesulfonic acids where the alkyl group is dimethyl or monoethyl.

Volatile matter (at 135° C.), not more than 10.0 percent.

Water insoluble matter, not more than 0.2 percent.

Chlorides and sulfates (calculated as sodium salts), not more than 6.0 percent.

Subsidiary colors, not more than 1.0 percent.

Sulfanilic acid, not more than 0.2 percent.

Resorcinol, not more than 0.2 percent.

Xylidines, not more than 0.2 percent.

Disodium salt of p-[[2,4-dihydroxy-5-(4-sulfophenylazo) phenyl]azo] benzenesulfonic acid, not more than 3.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,4-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 29.0 percent and not more than 39.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,5-xylylazo) phenyl]azo] benzene sulfonic acid, not less than 12.0 percent and not more than 17.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2,3-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 6.0 percent and not more than 13.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(2-ethylphenylazo) phenyl]azo] benzenesulfonic acid, not less than 5.0 percent and not more than 12.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(3,4-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 3.0 percent and not more than 9.0 percent.

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Monosodium salt of p-[[2,4-dihydroxy-5-(2,6-xylylazo) phenyl]azo] benzenesulfonic acid, not less than 3.0 percent and not more than 8.0 percent.

Monosodium salt of p-[[2,4-dihydroxy-5-(4-ethylphenylazo) phenyl]azo] benzenesulfonic acid, not less than 2.0 percent and not more than 8.0 percent.

Total color, not less than 84.0 percent.

§ 9.411 Ext. D&C Violet No. 2.

Principally the monosodium salt of 1-hydroxy-4-(o-sulfo-p - toluidino) - anthraquinone.

Volatile matter (at 135° C.) not more than 10.0 percent.

Water insoluble matter, not more than 0.4 percent.

Chlorides and sulfates (calculated as sodium salts), not more than 8.0 percent.

1-hydroxy-anthraquinone, not more than 0.2 percent.

Quinizarin (1,4-dihydroxy-anthraquinone), not more than 0.2 percent.

p-toluidine, not more than 0.1 percent.

p-toluidine sulfonic acids, sodium salts, not more than 0.2 percent.

Subsidiary colors, not more than 1.0 percent.

Total color, not less than 80.0 percent.

Prior notice and delayed effective date are not prerequisites to the promulgation of this order since section 203(a)(2) of Title II of the Color Additive Amendments of 1960 provides for this issuance.

Effective date. This order is effective on July 26, 1973.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376 note)

Dated: July 19, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15209 Filed 7-24-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

Subpart H—Food Additives Permitted in Food for Human Consumption, or in Contact With Food, for Limited Periods of Time

NITRITES AND/OR NITRATES COMBINED WITH SPICES IN CURING PREMIXES; CORRECTION

In FR Doc.73-14945 appearing on page 19218 in the July 19, 1973 issue of the FEDERAL REGISTER the words "a safe and suitable buffer such as" were inadvertently omitted in § 121.13(b) and § 121.4002(b) and should have appeared immediately prior to the words sodium carbonate.

The affected paragraphs are corrected to read:

§ 121.13 Nitrites and/or nitrates in curing premixes; food additive status.

• • • • •

(b) Nitrites and/or nitrates buffered with a safe and suitable buffer such as soduim carbonate may be combined with spices in curing premixes pursuant to § 121.4002 of this chapter.

§ 121.4002 Nitrites and/or nitrates in buffered curing premixes.

• • • • •

(b) The curing premix is buffered with a safe and suitable buffer such as sodium carbonate (Na_2CO_3) so that when two grams of the premix are added to 100 grams of water a pH of not less than 7.5 is obtained as measured within 5 minutes after mixing.

• • • • •

(Secs. 201, 409, 701, 52 Stat. 1040-1041, 1049, 1055; 21 U.S.C. 321, 348, 371)

Dated: July 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15318 Filed 7-25-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Extension to Canton Island of Contract Work Hours and Safety Standards Act Coverage

The Contract Work Hours and Safety Standards Act applies, inter alia, to laborers and mechanics, including watchmen and guards, employed in the performance of work under contracts covered by the Service Contract Act of 1965. Effective on July 6, 1973, the date of enactment, Public Law 93-57, 87 Stat. 140, amended the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island. Continuance of the existing administrative exemption of contract work performed on Canton Island from the coverage of the Contract Work Hours and Safety Standards Act is therefore no longer appropriate. Accordingly, pursuant to section 105 of such Act (76 Stat. 359, (40 U.S.C. 331)) and Secretary of Labor's Orders 13-71 (36 FR 8755) and 12-71 (36 FR 8754), 29 CFR 5.14(b)(5) is hereby amended as set forth below.

I find that there is good cause for not publishing notice of proposed rulemaking because this change in our regulations is necessary to afford overtime protection to service employees performing Government contracts on Canton Island as contemplated by the amendments to the Service Contract Act. I also find that delay in the effective date would be detrimental to the public interest for the reasons stated above. Accordingly, this amendment shall be effective with respect to the performance on Canton Island of work under any contract, of the character described in sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 329, 333), which is entered into pursuant to bids or proposals solicited or negotiations concluded after July 26, 1973.

Paragraph (b)(5) of 29 CFR 5.14 is amended to read as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

• • • • •

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours and Safety Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

• • • • •

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; Canton Island; and the Canal Zone.

• • • • •

(Sec. 105, 76 Stat. 359 (40 U.S.C. 331))

Signed at Washington, D.C., this 18th day of July, 1973.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

JOHN H. STENDER,
Assistant Secretary for Occupational Safety and Health.

[FR Doc.73-15359 Filed 7-25-73;8:45 am]

Title 43—Publics Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart F—Special Rules Applicable to Mine Health and Safety Hearings and Appeals

SUMMARY DISPOSITION PROCEDURES IN CIVIL PENALTY HEARINGS

On April 24, 1973 (38 FR 10086-87), the Department issued interim procedures for the assessment of civil penalties under the Federal Coal Mine Health and Safety Act. Section 4.544 of those procedures relates to summary disposition of cases where a party has failed to answer a pleading or failed to appear at a hearing. The procedures call for an order to show cause to be issued before a party who fails to answer a pleading or pretrial order may be held in default (§ 4.544(a) and (b)). Where a party fails to appear at a hearing (§ 4.544(c)), the rule simply refers to the default procedures spelled out in § 4.544(a). This reference has caused possible confusion because § 4.544(a) requires an order to show cause to be issued where a party fails to answer the Bureau's petition before the default procedures apply.

It was not the intention of the Department to require that where a party fails to appear at a hearing, an Administrative Law Judge must first issue an order to show cause before he may dispose of the case. Parties are given notice of the hearing by certified mail, return receipt requested, far in advance of the scheduled date. Thus, where the party charged fails to appear, the Department believes the most expeditious course is to proceed to dispose of the case either through testimony or documentary information. For this reason paragraphs (a) and (b) specifically call for an order to show cause to be issued where pleadings or response to a pretrial order are not filed, while paragraph (c) does not require such an order. However, to eliminate any possible confusion, the Department is amending § 4.544(c) to specifically state that an order to show cause is not required.

Accordingly, § 4.544(c) is amended by inserting after the last word of paragraph (c) the words, "except that no order to show cause is required." As amended, paragraph (c) reads as follows:

§ 4.544 Summary disposition.

• • • • • •

(c) *Failure to appear at hearing.* Where the respondent fails to appear at a hearing, the Administrative Law Judge shall dispose of the case pursuant to paragraph (a) of this section except that no order to show cause is required.

(Sec. 508 of Public Law 91-173; 83 Stat. 742; 30 U.S.C. 957.)

It is the policy of the Department of Interior whenever practicable to afford the public an opportunity to participate in the rulemaking process. However, because this rule is of a clarifying and procedural nature, further notice and comment under 5 U.S.C. 553 are impracticable and good cause exists for making this amendment effective in less than 30 days. Accordingly, this amendment shall become effective on July 26, 1973.

Dated: July 20, 1973.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

[FR Doc.73-15348 Filed 7-25-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES & WILDLIFE, FISH AND WILDLIFE SERVICE; DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Waubay National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on July 26, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, South Dakota, is permitted from November 24, 1973 through December 31, 1973, only on the area designated by signs as open to hunting. This area, comprising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, South Dakota, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, 439 Federal Building, P.O. Box 250, Pierre, S. Dak. 57501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1973.

ROBERT R. JOHNSON,
Refuge Manager, Waubay National Wildlife Refuge, Waubay, South Dakota.

JULY 17, 1973.

[FR Doc.73-15345 Filed 7-25-73;8:45 pm]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Handling Limitation

This notice invites written comments relative to a proposed seasonal regulation of the grade of fresh Tokay grapes and the marking on containers used in the handling thereof. The proposed regulation, as hereinafter set forth, was recommended by the Industry Committee. The committee functions pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed regulation reflects the committee's appraisal of the 1973 crop and the current and prospective market conditions. Said regulation would contain the same requirements as were in effect for the 1972 crop and would be effective from August 11 through December 31, 1973. The proposed grade requirement, including the minimum size provisions thereof, is designed to prevent the handling of fresh Tokay grapes of lesser quality so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maintaining orderly marketing conditions in the interest of producers and consumers. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is included also to assure the availability, to consumers, of Tokay grapes of satisfactory quality. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes sufficient to fulfill the market demand. Compliance with the container marking requirement would verify inspection thus assuring compliance with the quality requirements proposed herein.

The proposed regulation is as follows:

§ 926.310 Tokay Grape Regulation 9.

(a) *Order.* During the period August 11, 1973, through December 31, 1973, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definitions.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the United States.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 3, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 20, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15355 Filed 7-25-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 91]

STANDARDS FOR ISOLATION AND INSPECTION FACILITIES

Certain Ports of Export for Animals

The purpose of this proposed amendment is to provide standards for approved export inspection facilities; to add Richmond, Virginia, and Honolulu, Hawaii, to the list of ports of export and to delete the following ports of export from § 91.3(a) because such ports have been found to have inadequate or no export inspection facilities:

(1) *Air and Ocean ports:* Portland, Maine; Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Jacksonville and Port Everglades, Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston, Texas; San Diego and Los Angeles, California; Seattle and Tacoma, Washington.

(2) *Mexican Border Ports:* Rio Grande and Roma, Texas, and Naco, Arizona.

Statement of consideration. Careful inspection of animals for export is required by statute and by regulations contained in Part 91 of this Chapter. It is not possible to provide such inspection without adequate facilities to properly handle such animals, therefore, the deletion of the named air, ocean, and Mexican Border ports from the listing of ports of export in § 91.3 of this Part would permit the exportation of animals only through those ports which have adequate inspection facilities available.

Notice is hereby given in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of August 30, 1890, as amended, the Act of February 2, 1903, as amended, the Act of March 4, 1907, as amended, the Act of August 23, 1958, as amended, and the Act of July 2, 1962 (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509 (d)), consideration is being given to amending § 91.3 of Part 91, Title 9, Code of Federal Regulations, to read as follows:

§ 91.3 Ports of export.

(a) The following ports which have facilities of the type defined in paragraph (c) of this section are hereby designated as ports of export. All animals shall be exported through said ports or through ports designated under paragraph (b) of this section.

(1) *Airports.* (i) Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) *New York, New York.* Limited facilities are available for certain species of animals.[1]

(2) *Ocean ports.* (i) Richmond, Virginia; Tampa, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; and Honolulu, Hawaii.

(ii) *New York, New York.* Limited facilities are available for certain species of animals.[1]

(3) *Mexican border ports.* Brownsville, Hildago, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas and Nogales, Arizona; and Calexico and San Ysidro, California.

[1] Information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

(4) *Canadian border ports.* All ports along the United States-Canada land border at which the Health of Animals Branch of the Canadian Department of Agriculture maintains veterinary inspection service.[2]

(b) In special cases other ports may be designated by the Deputy Administrator, Veterinary Services, with the concurrence of the Bureau of Customs. Such ports shall be designated only if facilities for export inspection are available at the port which meet the standards outlined in paragraph (c) of this section.

(c) Standards for approved export inspection facilities. The inspection facilities at the port of export shall meet the following requirements:

(1) *Materials.* Floors of pens, alley and chutes shall consist of concrete or other impervious materials and shall be finished so as to be skid-resistant. Fences, gates, and other parts of the facility may be constructed of wood, metal or any material that will safely and humanely hold the animals intended for export shipment.

(2) *Size.* The facility shall be large enough to accommodate all the animals in the shipment at one time. Space shall be provided at the approximate rate of 35 square feet for each 1000 pound animal and graduated up or down commensurate with the size of the animals.

(3) *Inspection implements.* A squeeze chute or similar restraining device and a crowding pen or pens shall be available for individual animal inspection and identification. The inspection portion of the facility shall be constructed to protect the animals and inspection personnel from inclement weather. Pens or yards shall be provided for appropriate segregation or treatment of animals of questionable health status apart from animals qualified for export.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected, using a disinfectant permitted for use under Part 71 of this chapter, under the supervision of a Federal inspector prior to each use as an export inspection facility. Personnel tending the export animals shall, if they come in contact with other animals, be required to change into clean outer clothing and to change or disinfect their footwear.

(5) *Feed and water.* An ample supply of potable water shall be made available and, in cold weather, kept free of ice. Adequate feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Supervision.* Access to all parts of the facility shall be afforded to a Veterinary Services inspector during each use for export purposes and arrangements for handling the species of animals involved shall be subject to the inspector's approval.

[2] Information may be obtained from the Veterinary Director General, Health of Animals Branch, Department of Agriculture, Ottawa, Ontario, Canada.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be supervised by a Veterinary Services veterinarian. Tests related to Veterinary Services animal disease programs shall be performed in laboratories approved by the Deputy Administrator, Veterinary Services.[3]

(8) *Location.* The location and the arrangement of the facilities shall provide adequate isolation of the animals intended for export from all other animals. Such isolation depends upon the species of animals involved and the determination of adequate isolation shall be made by a Veterinary Services inspector.

(9) *Approval.* Approval of each export inspection facility shall be granted by the Veterinarian in Charge, Animal Health Programs, Veterinary Services, for the State where the facility is located. Approval of an export inspection facility under § 91.3(a) may be revoked for failure to meet the above standards. A written notice of at least 60 days prior to date of revocation shall be given to the owner or operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned in order to permit such deficiencies to be corrected. Approval of an export inspection facility in connection with the designation of a port of export in a special case under § 91.3(b) shall be limited to the special case for which the designation was made.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before September 10, 1973.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 20th day of July 1973.

G. H. WISE,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15357 Filed 7-25-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 73-SW-46]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary joint-use restricted area in the southeastern portion of the State of New Mexico.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 27, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Air Force has requested the establishment of a temporary joint-use restricted area during the period October 26, 1973, through October 31, 1973, in the southeastern portion of the State of New Mexico. The proposed restricted area would be utilized 24 hours per day during the six-day period for the Joint Training Exercise Brave Shield VI. The restricted airspace is required to effectively test participating tactical aircraft units under the most realistic conditions. Exercise aircraft, while engaging in combat maneuvers with raid changes in altitudes and headings, may present hazardous conditions to nonparticipating aircraft.

The air operations necessitate restricted airspace of sufficient size to accommodate high performance tactical aircraft and extensive low level tactical fixed and rotary wing aircraft under the control of a tactical air control system. The maximum number of participating aircraft is estimated at 232, approximately 50 percent each of fixed and rotary wing categories. The lateral limits of the proposed area would extend from portions of the southern boundary of New Mexico northward to south of the Fort Sumner-Cedarvale-Scholle line and from the east side of Elephant Butte Reservoir eastward to approximately 50 miles east of Roswell, New Mexico. The required altitude limits for this area are from the surface to FL 280, inclusive.

Essentially all of the restricted area volume associated with the White Sands military complex would be used for this exercise and it represents one-third (⅓) of the total requirement. Using the maximum amount of existing restricted airspace in the planning of this exercise has required the minimum of additional airspace to be proposed.

The proposed temporary area would overlie approximately 21 general aviation airports and a number of low altitude

[3] A list of approved laboratories is available from the Veterinary Services office in the State of origin or from the Deputy Administrator, Veterinary Services, Federal Center Building, Hyattsville, Maryland 20782.

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airways and jet routes, the latter generally associated with the Roswell, N. Mex., VORTAC. Five (Alamogordo, Artesia, Carrizozo, Roswell, and Ruidoso) of the airports are publicly owned municipal airports. Ten of the sixteen remaining airports are privately owned and not open ot the public.

A reverse-charge telephone system would be made available by the Air Force for the use of general aviation pilots to request necessary clearance to operate within the restricted area on an individual basis.

Temporary rerouting procedures would be established if necessary to handle low altitude airway and jet route operations during the exercise period. Procedures and agreements would subsequently be developed to handle VFR and IFR flight operations within the area for other than exercise aircraft. Specifically, procedures would be developed to accommodate scheduled air carrier operations into and out of Alamogordo and Roswell, N. Mex. Therefore the proposed restricted area description would exclude airspace in the Roswell area from the surface to 12,000 feet MSL to accommodate these operations during specified hours.

With respect to nonparticipating aircraft operations within the VFR corridor between El Paso and Alamogordo, it is planned that communications would be established between the tactical control system and FAA facilities as necessary so that nonparticipating aircraft would be able to transit the VFR corridor with prior coordination having been accomplished.

Controls would also be exercised within the corridor to provide protection and traffic control of vehicular and railroad operations therein when combat maneuver movements are transiting the highway and railroad areas.

The military flight operations would conform to the minimum safe altitudes as described in Federal Aviation Regulations Part 91 with respect to providing altitude/distance separation from persons, assemblies, property, in congested areas, and other than congested areas.

The proposed amendment to FAR Part 73 would designate the following temporary restricted area:

R–5120 BRAVE SHIELD VI, N. MEX.

BOUNDARIES

Beginning at Lat. 33°26'50"N., Long. 107°00'00"W.; to Lat. 33°21'00"N., Long. 107°08'00"W.; to Lat. 33°14'00"N., Long. 107°10'00"W. to Lat. 32°45'20"N., Long. 106°56'45"W.; (The preceding portion is 4 miles east of and parallels V–19 (Truth or Consequences VORTAC 146° radial).); to Lat. 32°06'20"N., Long. 106°34'00"W.; then eastward along the southern boundary of R–5107A across the El Paso-Alamogordo VFR corridor to the southwest corner of R–5103 and continuing along its southern boundary to Lat. 32°00'15"N., Long. 105°56'40"W.; to Lat. 32°10'00"N., Long. 105°30'00"W.; to Lat. 32°10'00"N., Long. 104°38'00"W.; to Lat. 32°31'00"N., Long. 104°19'00"W.; to Lat. 34°10'00"N., Long. 103°41'00"W.; to Lat. 34°10'00"N., Long. 103°55'00"W.; to Lat. 34°18'00"N., Long. 103°55'00"W.; to Lat. 34°15'45"N., Long. 106°40'30"W.; to Lat. 33°56'30"N., Long. 106°44'00"W.; to Lat. 33°54'00"N., Long. 106°46'30"W.; to Lat. 33°32'45"N., Long. 106°58'45"W.; to point of beginning; excluding that airspace within a 15-nautical-mile radius of the Roswell VORTAC from the surface to 12,000 feet MSL from 0600–2200 local time daily and excluding that airspace extending from the surface to 12,000 feet during the period 0600–1600 local time daily which encompasses an area bounded by a line which is 4 miles north of an parallel to V–280 (Roswell VORTAC 051° radial) extending northeastward from the Roswell 15-mile-radius area to the eastern boundary of the proposed temporary restricted area, thence southwest along this boundary to a point 4 miles southwest of V–83 (Carlsbad 331°/Roswell 151° radial), thence northwest paralleling V–83 and terminating at the Roswell 15-mile radius, thence along the 15-mile arc to point of beginning.

Designated altitudes. Surface to FL 280, inclusive, with exceptions as stated.

Time of designation. Continuous 0001 local, October 26, 1973, to 2359 local, October 31, 1973.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Readiness Command (USAFRED), Langley Air Force Base, Virginia.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on July 19, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–15310 Filed 7–25–73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R–432–(A)]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR ELECTRIC PLANTS

Notice of Proposed Rulemaking

JULY 19, 1973.

Take notice that, pursuant to 5 U.S.C. section 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act, the Federal Power Commission proposes to amend FPC Form No. 423, Monthly Report of Cost and Quality of Fuel for Steam Plant,[1] designated in 18 CFR 141.61, prescribing collection of monthly fuel costs and quality determinants of fuel received at steam generating plants of electric utilities .The Commission proposes to revise Form 423 to include monthly purchase reports for fuels which are to be used in gas turbine and internal combustion engine generation of power by electric utilities, in addition to that information presently required for steam generating plants.

As presently constituted, FPC Form 423 is designed to obtain monthly data on the cost and quality of fuels received at steam electric generating plants. A separate form is to be completed by each electric power producer for each of its steam electric generating plants having a capacity of 25 megawatts or greater during the reporting month. The completed form is due on the 45th day after the close of the reference month.

On June 7, 1972, the Commission issued Order No. 453 in Docket No. R–432 enacting the new 18 CFR 141.61 and FPC Form 423. On August 3, 1972, the Commission issued an order denying the application for rehearing in Docket No. R–432 made by the National Coal Association. This denial was appealed to the United States Circuit Court of Appeals for the District of Columbia. *National Coal Association* v. *Federal Power Commission*, No. 72–1919, D.C. Cir., filed October 2, 1972. The parties to this appeal filed, on May 14, 1973, a joint motion to withdraw the above appeal, which motion is pending action before the Court. Subsequently, on the application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued Order Denying Petition for Amendment of the Commission's Regulations with Respect to Form No. 423, in Docket No. R–432. An Order Denying Rehearing in this matter was issued on April 16, 1973, and this denial has been appealed to the Circuit Court of Appeals for the District of Columbia. *Alabama Power Company, et al.* v. *Federal Power Commission*, No. 73–1436, D.C. Cir. filed April 25, 1973.

The proposed amendments in this Docket would proffer no substantive changes in the information required to be reported monthly on FPC Form 423. Certain stylistic changes in the Form are made to increase clarity. Primarily the amendments will operate to expand the number of electric utilities which are subject to the filing requirements by including those electric utilities which generate power in gas turbine and internal combustion engines. Such utilities would be required by the proposed amendments herein to file monthly reports on FPC Form 423 for each of the subject plants it operates.

Gas turbines and internal combustion engines burn gas, kerosine and distillate oil which have been in short supply in the past year. Approximately seven per cent of the gas and two-thirds of the distillate oil delivered to utilities are used in these types of generation. The Commission feels that the proposed amendments are necessary: (1) To provide monthly information on the availability of these fossil fuels to electric utility companies for use in current analyses of the energy and fuel supply situation and the effects on the cost of electric power; and (2) to provide timely data on a comparable basis for each type of fuel by quality determinants, thus facilitating the evaluation of developments in fuel supply which may affect the reliability of electric service, emergency preparedness, and the environmental improvement programs for the different air quality control regions in the United States. In general, the Commission feels that the new information derived from the operation of these amendments will assist in its proper administration of the Federal Power Act.

A number of modifications are suggested to accomplish the stated purpose of the proposed amendments to 18 CFR § 141.61, to wit:

(1) The addition of Column "0" to the left of Column "1." Column "0" is entitled "Type Plant" and Instruction "0" will be added to, "Report separately for each purchase the quantity of fuel that is to be used for (S) steam turbine, (GT) gas turbine, or (IC) internal combustion engine." *See Attachment A.*

(2) Because Form 423 will no longer be limited to steam generating plants, all language in Form 423 which qualifies "electric plant" or "electric generating plant" should be clarified to insure the understanding that the type of generating facilities subject to the reporting requirements is not limited to steam generating plants.

(3) In "General Instructions", No. 1, the 25 megawatt limitation should be clarified by substituting the phrase "total combined capacity" for "capacity". *See Attachment A.*

(4) Because a significant portion of gas other than LNG used as fuel will be imported, the second part of the heading of Column 6 of the Form should read, "for gas show pipeline (supplier) or distributor, producing area by state, or port of entry.

(5) In order to facilitate an orderly collection of fuel cost data on the proposed Form, under Subsection (3) of the Instructions the abbreviation "KER (for all kerosene-type fuels)" will be added. This change also emphasizes the Commission's intent to include within the data subject to the reporting requirements of the proposed Form kerosene and jet-type fuels used in gas turbine plants. The separately designated abbreviation will segregate such data from "X—other * * *", requested in the same subsection.

Any interested person may submit to the Federal Power Comission, Washington, D.C. 20426, not later than September 4, 1973, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed amendment to FPC Form No. 423, pursuant to 44 U.S.C. sections 3501–3511, may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for conference.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15412 Filed 7–25–73;8:45 am]

[1] Filed as part of the original document.

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order 139]

DIRECTOR OF INTERNATIONAL OPERATIONS AND CERTAIN DISTRICT DIRECTORS

Delegation of Authority

Authority to extend the correction period and the allowable distribution period relating to private foundation matters.

1. Pursuant to the provisions of 26 CFR 53.4941(e)-1(d), 26 CFR 53.4941(f)-1, 26 CFR 53.4942(a)-1(c), 26 CFR 53.4944-5, and 26 CFR 53.4945-1(e), the authority vested in the Commissioner of Internal Revenue to:

(a) Extend the correction period for acts of self-dealing, failures to distribute income, jeopardy investments, and taxable expenditures; and

(b) Extend the allowable distribution period for failures to distribute income is delegated to the Director of International Operations and to the District Director of Internal Revenue for each of the following Districts:

Atlanta	Detroit
Austin	Los Angeles
Baltimore	Manhattan
Boston	Philadelphia
Chicago	St. Louis
Cincinnati	St. Paul
Cleveland	San Francisco
Dallas	Seattle

2. The authority delegated herein may be redelegated only by the officials specified in this order and may not be further redelegated.

Date of issue: July 13, 1973.

Effective date: July 13, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73-15349 Filed 7-25-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

SCIENTIFIC ADVISORY GROUP TO THE JOINT STRATEGIC TARGET PLANNING STAFF

Notice of Meeting

The sixteenth meeting of the Scientific Advisory Group to the Joint Strategic Target Planning Staff will be held from August 21 to 23, 1973 at Offutt Air Force Base, Nebraska, and in the interest of national security the meeting shall be closed to the public. Subject matter is classified.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

JULY 23, 1973.

[FR Doc.73-15372 Filed 7-25-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-5]

THOMAS E. WOODSON

Revocation of Certificates of Registration

On February 1, 1973, the Acting Director of the Bureau of Narcotics & Dangerous Drugs issued three (3) Orders to Show Cause to Thomas E. Woodson, D.O., as to why his Certificates of Registration, issued on April 28, 1972, should not be revoked for the reasons that the respondent:

(a) • • • [was] not authorized, licensed, registered or otherwise permitted, under the laws of the State of Washington, to dispense controlled substances, by the Washington State Board of Pharmacy, and/or the Division of Professional Licensing, Department of Motor Vehicles, State of Washington.

(b)[1] • • • materially falsified • • • [his] Application[s] for Registration, executed on April 21, 1972, requesting registration to dispense controlled substances, listed in Schedules II, III, IV and V.

The subject Certificates of Registration are as follows:

(1) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
6th Avenue & Highway 12 Rm. 20
Prosser, Washington 99350
BNDD Registration #AW4452544

(2) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
1719 Hewitt Street
Everett, Washington 98201
BNDD Registration #AW4452532

(3) Thomas E. Woodson, D.O.
Columbia Clinic, Inc. PS
1020 Joshua Green Building
Seattle, Washington 98101
BNDD Registration #AW4452366

In addition, and in accordance with the provisions of section 304(d) of the Controlled Substances Act (21 U.S.C. 824(d)), and pursuant to the authority granted to him under § 0.100, as amended, Title 28, Code of Federal Regulations, the Director coincident with the issuance of these Orders to Show Cause, ordered the immediate suspension of the above BNDD Registrations. This action was taken in view of the nature of these material misstatements and falsifications, and therefore, the Director determined that for the respondent to retain his Certificates of Registration during the pendency of these proceedings would result in imminent danger to the public health and safety.

Thereafter, the respondent requested a hearing in the matter and, on April 16, 1973, that hearing was held before Arthur S. Present, Administrative Law Judge. Following that hearing, proposed findings of fact and conclusions of law were submitted to Judge Present by Counsel for the Government and R.R. Bob Grieve, Counsel for the respondent.

On May 31, 1973, Judge Present filed the following recommended decision with the Bureau of Narcotics & Dangerous Drugs:

In view of the discussion herein [the Administrative Law Judge's recommended findings of fact and conclusions of law] and after consideration of all the evidence and contentions of the parties, it is recommended that:

1. The Show Cause Orders dated February 1, 1973, issued by the Acting Director of the Bureau of Narcotics & Dangerous Drugs and amended on April 16, 1973 [immediately suspending and], proposing to revoke the BNDD Registrations of Dr. Thomas E. Woodson be vacated;

2. The Bureau of Narcotics & Dangerous Drugs return the BNDD Registrations of Dr. Thomas E. Woodson to the respondent; and

3. This proceeding be terminated.

After reviewing the transcript of testimony of the hearing, the exhibits introduced, the findings of fact, conclusions of law, and memoranda of law prepared by counsel for the Government and the respondent, the Administrator hereby adopts the recommended decision of the Administrative Law Judge; however, in accordance with the provisions of §§ 301.57 and 316.66 of Title 21, Code of Federal Regulations, this Final Order shall take effect on September 24, 1973.

This action is being taken in light of (a) certain testimony elicited from the respondent during the aforementioned administrative proceedings, and (b) a thirty-nine Count Indictment returned on June 5, 1973, in the United States District Court, Western District of Washington, at Seattle, Washington, wherein the respondent, Thomas E. Woodson, is named as the defendant.

Specifically, the respondent, as he testified on cross-examination (and as enumerated in the Government's Proposed Findings of Fact and Conclusions of Law) admitted to the following facts:

a. A multiple-city osteopathic practice wherein he dispenses amphetamines (Schedule II) and amphetamine combination products to approximately 80 to 400 patients per day.

b. A patient "history taking" and initial examination which would take approximately ten minutes per individual, reexaminations requiring approximately the same amount of time.

c. His lack of familiarity with the Controlled Substances Act and implementing Administrative Regulations, to wit, conducting research with controlled substances was not deemed by him to be a separate and independent activity, requiring a separate BNDD Registration.

In criminal indictment number 176-73D2, the Respondent is charged, by a Federal Grand Jury, with the following violations of the Controlled Substances Act of 1970:

1. Section 401(a)(1)—the unlawful manufacturing of controlled substances listed in Schedule II (9 counts).

2. Section 303(e)—the unlawful obtaining of controlled substances listed in Schedule II for a purpose other than their use, distribution, dispensing or administration in the course of the respondent's professional practice or research (9 counts).

3. Section 401(a)(1)—the unlawful possession with intent to distribute controlled substances listed in Schedule II (8 counts).

4. Section 308(a)—the unlawful transfer of controlled substances listed in Schedule II without having first executed written order forms for such transfer as required by law (6 counts).

5. Section 307(a)(3)—the failure to prepare and maintain, on a current basis, a complete and accurate record of each controlled substance sold, delivered, or otherwise disposed of (2 counts).

6. Section 305(c)—the unlawful dispensing of controlled substances without labels containing a clear, concise warning that it is a crime to transfer such substances to any person other than the patient (2 counts).

7. Section 1010(a)(1) [of the Controlled Substances Import & Export Act of 1970]—the unlawful exportation of controlled substances listed in Schedule II without having registered as an exporter under said statute (1 count).

8. Section 401(a)(1)—the unlawful distribution of controlled substances listed in Schedule II (2 counts).

Therefore, in accordance with the provisions of §§ 301.57 and 316.66, Title 21, Code of Federal Regulations, and in view of the foregoing, it is the Administrator's opinion:

• • • that [the] respondent's State License or Registration has not been suspended, revoked, or denied by competent State authority and the he continues to be authorized by State law to engage in the dispensing of controlled substances.

Accordingly, in view of the foregoing, it is hereby ordered that the Orders to Show Cause dated February 1, 1973, and amended on April 16, 1973, be withdrawn and vacated, effective on September 24, 1973.

In addition, upon the effective date of this Order, it is hereby ordered that the Certificates of Registration, and any unused BNDD Official Order Forms, seized, coincident with the service of the above Orders to Show Cause upon the respondent, be returned to him on that date.

Therefore, under the authority vested in the Attorney General by Section 304 of the Comprehensive Drug Abuse Prevention & Control Act of 1970 (21 U.S.C. 824) and redelegated to the Administrator of the Drug Enforcement Administration by § 0.100, as amended, Title 28, Code of Federal Regulations, and Reorganization Plan No. 2 of 1973, the Administrator hereby orders that the above Orders to Show Cause (as amended on April 16, 1973) which provided the basis for the foregoing administrative proceedings be, and hereby are vacated, effective sixty days from the publication hereof.

Dated: July 19, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc.73-15360 Filed 7-25-73;8:45 am]

[1] On April 16, 1973, the subject Orders to Show Cause were amended by deleting the above paragraph (b).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HORICON NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. October 9, at Horicon City Hall, Horicon, Wisconsin, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Horicon Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Horicon National Wildlife Refuge, which is located in Dodge and Fond Du Lac Counties, State of Wisconsin.

A study summary containing a map and information on the Horicon Wilderness proposal may be obtained from the Refuge Manager, Horicon National Wildlife Refuge, Route 2, Mayville, Wisconsin 53050, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by November 9, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 20, 1973.

[FR Doc.73-15336 Filed 7-25-73;8:45 am]

RICE LAKE NATIONAL WILDLIFE REFUGE AND MILLE LACS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 7:30 p.m. September 27, 1973, at the McGregor High School Auditorium, McGregor, Minnesota, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Rice Lake National Wildlife Refuge and Mille Lacs National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 1,406 acres located in Aitkin and Mille Lacs Counties, Minnesota.

A study summary containing a map and information about the Rice Lake and Mille Lacs Wilderness Proposal may be obtained from the Refuge Manager, Rice Lake National Wildlife Refuge, McGregor Minnesota 55760, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 29, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 20, 1973.

[FR Doc.73-15337 Filed 7-25-73;8:45 am]

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9:00 a.m. on September 22, 1973, at the Ramada Inn, 2900 Harrison Avenue, Butte, Montana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including all or part of the Red Rock Lakes National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of approximately 28,850 acres located in Beaverhead County, Montana.

A study summary containing a map and information about the Red Rock Wilderness Proposal may be obtained from the Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Lima, Montana 59739, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, Portland, Oregon 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to

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the Regional Director at the above address by October 22, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 24, 1973.

[FR Doc.73-15534 Filed 7-25-73;10:22 am]

Office of the Secretary

[INT FEES 73-36]

GREEN LAKE NATIONAL FISH HATCHERY, MAINE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed construction at the Green Lake National Fish Hatchery in Hancock County, Maine.

The project includes the construction and operation of a national fish hatchery in Hancock County, Maine for the propagation of Atlantic salmon. The fish produced will be utilized to supplement natural stocks and restore Atlantic salmon in waters of New England where they were once abundant.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
Room 805
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Craig Brook National Fish Hatchery
East Orland, Maine 04431

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: July 17, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary, Program Development and Budget.

[FR Doc.73-15347 Filed 7-25-73;8:45 am]

[INT FES 73-38]

NORTH SIDE COLLECTION SYSTEM, FRYINGPAN-ARKANSAS PROJECT COLORADO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Final Environmental Statement for continued construction of the North Side Collection System, an authorized feature of the Fryingpan-Arkansas Projeect. This Environmental Statement concerns construction of diversion dams, buried conduits and tunnels and appurtenant facilities. The principal function of the system is to intercept and transport an average annual 18,400 acre-feet of runoff from tributaries of the Fryingpan River to the control structure of Charles H. Boustead Tunnel.

Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-3007

Office of the Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-4441

Project Manager, Fryingpan-Arkansas Project, P.O. Box 515, Pueblo, Colorado 81002 Telephone (303) 544-5277

Single copies of the Final Environmental Statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the Statement number above.

Dated: July 19, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

[FR Doc.73-15346 Filed 7-25-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

ROUTT NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Routt National Forest Multiple Use Advisory Committee will meet at 9:00 a.m. July 29, 1973 outside at the Stagecoach Development Headquarters, Oak Creek, Colorado 80467. If inclement weather dictates, the meeting will be held at 10 a.m. July 29, 1973 in the meeting room at the Yampa Valley Electric Association Building, 32 10th Street, Steamboat Springs, Colorado 80477.

The purpose of this meeting is to: Discuss the existing and pending subdivisions adjacent to and within the boundaries of the Routt National Forest and their effect on National Forest Lands. Discuss the role of the Routt National Forest in working with land developers and cooperating with counties in fulfilling the multiple use aspect of National Forest Management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, PO. Box 1198, Steamboat Springs, Colorado 80477, phone number 879-1722. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The chairman will provide time for the public to present oral statements and ask pertinent questions at the conclusion of the business meeting.

JOHN D. GROVER,
Acting Forest Supervisor.

JULY 17, 1973.

[FR Doc.73-15267 Filed 7-25-73;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOCIATION

Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with the use of available loan funds by Cooperative Power Association, 6700 France Avenue, South Minneapolis, MN 55435. This action will finance the construction of a switching station, a substation, and approximately 12 miles of 230 kV transmission line from a location near Henning to a location near Rush Lake. Both locations are in Otter Tail County, Minnesota.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 20th day of July, 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-15358 Filed 7-25-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF ILLINOIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00459-65-46040. Applicant: University of Illinois at Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Electron microscope, model JEM 200 and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in various research projects involving the following:

(1) Examination of metals containing carbides,

(2) Examination of hydrides in structural materials,

(3) High temperature deformation mechanisms in some intermetallic compounds and ceramic materials.

(4) Precipitation of hydrides in Nb alloys and a TEM study of hydrogen embrittlement in Nb and Nb alloys,

(5) Precipitation and work hardening in V-N alloys,

(6) Examination in situ at high and low temperatures in the following investigations;

a. Martensitic transformation in thin films.

b. Ordering reactions in thin films.

c. Hydride formation in V and Zr.

d. Pre-transformation and "streaming" phenomena.

e. Low temperature redistribution of carbon in martensite.

f. Omega-phase transformations.

(7) Studies of anodic film growth and pitting,

(8) Projected work on dislocation distributions in the matrix of deformed fiber composites, especially near the fiber-matrix interface,

(9) Study of surface films formed on several alpha-phase copper alloys (CU-Zn, Cu-Ni, Cu-Al, etc.) by exposure to ammoniacal solutions,

(10) Study of the microstructure of the hydration products of calcium silicates constituents, of Portland Cement, and

(11) Study of wear processes in cemented carbides.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified maximum accelerating voltage of 100 kilovolts.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated July 5, 1973 that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. NBS further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic.

For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-15317 Filed 7-25-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-149N]

BUSH RIVER, MD.

Drawbridge Operation Regulations; Notice of Denial

This notice announces that requests received by the U.S. Coast Guard to change the operation regulations of the Bush River, Maryland, drawbridge are denied. A public hearing, announced by 36 FR 796 (January 16, 1971), was held on February 18, 1971, to receive public comment on the request of the legal liaison officer of the Bush River Yacht Club to increase the frequency of openings of the Penn Central Railroad Bridge across Bush River, Maryland. Further, the Maryland General Assembly, by Joint Resolution No. 37, passed in 1971, requested the regulations be changed to provide that the drawbridge open on signal at any time. At 49 CFR 1.46 the Secretary of Transportation delegated his power to carry out the law related to drawbridge regulations (Sec. 5 of the Act of August 18, 1894, 28 Stat. 362, 33 U.S.C. 499) to the Commandant of the Coast Guard; but major transportation policy questions require that the decision in this case be made by the Secretary of Transportation. In making this decision the Secretary considered the Coast Guard docket including the transcript of the public hearing of February 18, 1971, and memoranda from the Coast Guard Commandant and the Federal Railroad Administration. The Secretary informed the Coast Guard Commandant of his decision by memorandum on January 18, 1973. Copies of the Secretary's memorandum may be obtained by writing Commandant (GCMC/82), U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590.

The Secretary determined that although present regulations could be altered to require more frequent or even unlimited openings of the draw of this bridge, as a matter of transportation policy a change should not be made at this time.

This determination was reached by balancing the interests of recreational pleasure boat owners whose enjoyment is diminished by the existing bridge opening schedule against the interests of rail passengers whose journeys would be delayed and the interests of the railroad which would experience considerable delays in the movement of passengers and freight. The record of the public hearing and Department of Transportation agency recommendations led him to the conclusion that the interest of boat owners is far outweighed by the needs for expeditious movement of passengers and freight.

The requests of the legal liaison officer of the Bush River Yacht Club, and of the Maryland General Assembly, are denied. The regulations governing the operation of this drawbridge shall continue to be as stated in 33 CFR 117.245(f)(3).

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

JULY 11, 1973.

[FR Doc.73-15362 Filed 7-25-73;8:45 am]

[CGD 73-151 PH]

IDAHO STATE HIGHWAY DEPARTMENT MEMORIAL HIGHWAY BRIDGE CLEARWATER RIVER, MILE 2.0 LEWISTON, IDAHO

Notice of Public Hearing Concerning Proposed Bridge Alteration

Notice is hereby given that a public hearing regarding the Idaho State Highway Department Memorial Highway Bridge across the Clearwater River, mile 2.0, at Lewiston, Idaho will be held on Wednesday, September 5, 1973 at 7:00 p.m. at the Lewis-Clark Hotel, Lewiston, Idaho. This hearing is being held under the authority of section 3 of the Act of June 21, 1940 (Truman-Hobbs act) 54 Stat. 498, 33 U.S.C. 513; section 4(f), 80 Stat. 934, as amended, 49 U.S.C. 1653(f); Section 6(g)(3), 80 Stat. 937, 49 U.S.C. 1655(g)(3); 33 CFR 116.20 and 49 CFR 1.46(c)(6).

The existing bridge, which is a multi-span fixed bridge, provides a horizontal clearance of 100 feet in the several

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spans. The vertical clearance is dependent upon which opening is being navigated due to the Lewiston end of the bridge being higher than the north bank end. The vertical clearances through the third and ninth spans counted from the Lewiston end of the bridge, having the deepest usable channels at the time of construction, now provide 35.6 feet and 26.5 feet respectively at low water elevation 724.2 feet. These spans will provide 21.8 feet and 12.7 feet respectively at the projected controlled level at elevation 738 feet after the flooding of Lower Granite Dam pool, scheduled for 1975. Complaints have been received alleging that the bridge will become unreasonably obstructive to navigation with the flooding of the pool. The purpose of the hearing is to determine whether alteration of the bridge is needed and if so what alteration is required, having due regard for the necessity of free and unobstructed navigation upon the river. The needs of highway traffic will also be considered.

The public is requested to submit comments views and data on whether or not it will be necessary to alter the bridge in order to provide for the reasonable needs of navigation, which, after the flooding of the Lower Granite Dam pool, can be expected to pass through or under the bridge. Information is also desired concerning the size and type of vessels which will be operated on the waterway, the character and amount of commerce expected, the clearances necessary in order to render navigation through or under the bridge reasonably free, easy and unobstructed, and the impact such alteration may have on the quality of the human environment.

Any person who wishes to appear and be heard at this Public Hearing may do so. Persons planning to appear and be heard are requested to notify the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104, any time prior to the hearing indicating the amount of time required. Depending upon the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Limitations of time allocated, if required, will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in place of or in addition to oral statements and will be made a part of the record of the hearing. Such written statements and exhibits may be delivered at the hearing or mailed in advance to Commander, Thirteenth Coast Guard District.

J. D. McCann,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

JULY 20, 1973.

[FR Doc.73-15363 Filed 7-25-73;8:45 am]

[CGD 73-128]

PROVIDENCE RIVER, RHODE ISLAND

Notice of Public Hearing on Proposed Changes to Aids to Navigation

Notice is hereby given that a public hearing will be held by Commander, First Coast Guard District regarding proposed major changes in aids to navigation marking the navigation channel from Providence River approach through East Passage up to the city of Providence, Rhode Island. The hearing will be held on Wednesday, August 1, 1973 at 10 a.m. in Room 332, Federal Building, U.S. Post Office (Annex), Exchange Terrace, Providence, Rhode Island.

Specific details of the proposed changes in aids to navigation are contained in a Special Local Notice to Mariners dated June 28, 1973 and published by Commander, First Coast Guard District. Interested persons may obtain copies from the Coast Guard Marine Inspection Office, 104 John E. Fogarty Federal Building, Providence, Rhode Island 02903 or from Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114.

The hearing will be informal. It will be conducted by a representative of the Commander, First Coast Guard District, who will make an opening statement presenting a brief summary of the proposed changes. Interested persons will then have an opportunity to present their oral statements. Additional procedures for conducting the hearing will be announced at the hearing. A summary of the hearing will be made available to the public.

Interested persons may submit written data, views, or arguments to the Commander, First Coast Guard District, 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the subject, state his views on the effect the proposed changes will have on safety to navigation, commerce and the public interest, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District. Written comments may also be submitted at the public hearings.

(Sec. 1, 63 Stat. 500, 80 Stat. 937; 14 U.S.C. 91, 81, 49 U.S.C. 1655 (b) (1); 33 CFR 62.01-1, 62.05-1 49 CFR 1.46 (b))

J. D. McCann,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

JULY 23, 1973.

[FR Doc.73-15361 Filed 7-25-73;8:45 am]

ATOMIC ENERGY COMMISSION

LIGHT-WATER-COOLED NUCLEAR POWER REACTOR EFFLUENTS

Notice of Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission in 10 CFR Part 50, Appendix D, notice is hereby given that a final environmental statement related to the issuance of proposed amendments to 10 CFR Part 50 of the Commission's Regulations to provide numerical guidance defining "as low as practicable" levels of radioactive material in light-water-cooled nuclear power reactor effluents has been prepared by the AEC Regulatory Staff and is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545.

A notice concerning the proposed amendments to the Commission's regulations was published in the FEDERAL REGISTER on June 9, 1971 (36 FR 11113).

On January 16, 1973, the Commission published a notice of availability of the Draft Environmental Statement and request for comments in the FEDERAL REGISTER (38 FR 1616). Comments were received from 36 Federal and state agencies and interested persons on the Draft Environmental Statement, and these comments are included in Volume 3 of the Final Environmental Statement.

Single copies of the Commission's Final Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Regulatory Standards.

Dated at Bethesda, Md., this 24th day of July 1973.

For the Atomic Energy Commission.

Lester Rogers,
Director of Regulatory Standards.

[FR Doc.73-15538 Filed 7-25-73;10:46 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24875 etc.]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference

Suspension or deletion of Paris, Texas, Docket 24875; Suspension, deletion or redesignation of Muskogee, Oklahoma, Docket 24659; Suspension or deletion of McAlester, Oklahoma, Docket 24991.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 23, 1973, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statement of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 9, 1973, and the other parties on or before August 16, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 20, 1973.

[SEAL] Ralph L. Wiser,
Chief Administrative Law Judge.

[FR Doc.73-15373 Filed 7-25-73;8:45 am]

[Docket No. 25206]

FRONTIER AIRLINES, INC.

Notice of Prehearing Conference

Application for the amendment of its certificate of public convenience and necessity for Route 73 so as to delete Moab, Utah therefrom.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 22, 1973, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 9, 1973, and the other parties on or before August 16, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 20, 1973.

[SEAL] Ralph L. Wiser,
Chief Administrative Law Judge.

[FR Doc.73-15374 Filed 7-25-73;8:45 am]

[Docket Nos. 25583, 25603; Order 73-7-96]

LIQUIGAS, S.p.A. ET AL.

Order of Consolidation and Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of July 1973.

By application filed May 31, 1973, Liquigas, S.p.A. (Liquigas), Liquifin Aktiengesellschaft (Liquifin), and First National Bank of Washington (FNBW) request that the Board disclaim jurisdiction over, grant exemptions with respect to, or approve, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), transactions relating to the acquisition of control of Ronson Corporation (Ronson) and its wholly-owned subsidiary, Ronson Helicopters, Inc.

On June 18, 1973,[1] counsel for Ronson and Ronson Helicopters filed an answer requesting that the Board deny the application or set the matter for hearing. Subsequently, on June 26, 1973, applicants filed a reply accompanied by a motion for leave to file an otherwise unauthorized document. A supplemental answer was filed on July 6, 1973.

In the interim, on June 21, 1973, Aviation Consumer Action Project (ACAP) requested permission to file comments in opposition to the application, including a recommendation that the Board enter a temporary cease and desist order to prevent Liquigas from proceeding with the acquisition of Ronson stock.[2] On June 25, 1973, applicants filed an "answer" in opposition to ACAP's motion.[3]

By application filed in Docket 25603 on June 7, 1973, FNBW, and Messrs. Arthur M. Becker, Arleigh A. Burke, and William B. Wolf, Sr. request that the Board disclaim jurisdiction over, or approve, pursuant to section 409 of the Act, certain interlocking relationships involving, on the one hand, FNBW, and/or its parent company, Financial General Bank Shares, Inc. (Financial General) and, on the other hand, various common carriers and persons engaged in a phase of aeronautics.[4]

On June 18, 1973, Ronson and Ronson Helicopters filed a response requesting that the proceeding be held in abeyance pending applicants' conformity with Part 251 of the Board's Economic Regulations relating to information requirements in section 409 applications.[5]

Liquigas is an Italian industrial concern which, together with its subsidiaries, is engaged in various types of business relating to liquid fuels, refined chemicals, petro-chemicals, household equipment and cattle ranches. Liquifin is a Liechtenstein corporation formed by Liquigas as a wholly-owned subsidiary for the exclusive purpose of acquiring and holding the stock of Ronson.

FNBW is a national banking association, organized under the National Banking Act, whose President and two-thirds of its directors and other managing officials are citizens of the United States, and whose voting stock, in excess of 75 percent, is owned or controlled by U.S. citizens. FNBW is an 88.9-percent-owned subsidiary of Financial General, a Virginia corporation, and a citizen of the United States within the meaning of section 101(13) of the Act.

Ronson is a New Jersey corporation which directly, or through subsidiaries, engages in the manufacture and sale of lighters, gas and electrical appliances, and rare earth metals and alloys. Ronson Hydraulic Units Corp. and Ronson Hydraulic Units (N.C.) Corp. (collectively referred to as Ronson Hydraulics) are wholly-owned subsidiaries of Ronson and are primarily engaged in the design, engineering, manufacture and sale of hydraulic pneumatic valves, activators, and servo-mechanisms which are sold generally to aircraft manufacturers and used on aircraft and helicopters for the operation of landing gear, steer mechanisms, flight controls, and doors.

Ronson Helicopters, another wholly-owned subsidiary of Ronson, is an air taxi operator registered under Part 298 of the Board's Economic Regulations. It owns approximately ten helicopters, operates an airwork service station for Allison turbine engines and a service station for Bell and Hughes helicopters, and in addition to its air taxi operations, conducts fleet contract charter services, ground school and flight training, safety patrol and traffic survey activities.

The transactions which constitute the subject matter of the application begin with the announcement by Liquifin of a public offer to acquire at least 51 percent of the common shares of Ronson. Under the terms of Liquifin's offer, the tendered shares of Ronson upon acceptance will be transferred directly into a voting trust pursuant to a trust agreement entered into between Liquifin/Liquigas and FNBW, the trustee. Following receipt of the Ronson stock, the trustee will undertake to cause Ronson to transfer its Ronson Helicopters stock to the trustee, and thereupon transfer the Ronson stock to Liquifin. The Ronson Helicopter stock will remain in trust until the trust is terminated.

The trust agreement provides, among other things for the exercise by the trustee of various powers, and for the termination of the trust. For example, during the period in which Ronson shares would be held in trust, the trustee is prohibited from exercising any right of control over the subsidiaries of Ronson or changing or interfering with the existing management of Ronson, and is prevented from attending any Ronson shareholders' meeting which is to consider, inter alia, merger, sale of assets, or basic corporate changes. In other respects, the trust agreement provides that the trustee may

[1] A request for extending the time to answer the application due on June 11, 1973, was granted over the objections of applicants.

[2] In this respect, we note that a Federal District Court in New Jersey, in a contemporaneous court proceeding involving the same transaction, has issued a preliminary injunction which, effective July 16, 1973, enjoins Liquifin from, inter alia, acquiring additional Ronson stock pending a decision of the case on the merits.

[3] ACAP's motion to file an otherwise unauthorized document was filed pursuant to Rule 302.4(f) of the Board's Rules of Practice which prohibits the filing of an answer.

[4] The applicant's request is contingent upon a determination by the Board in Docket 25583, that FNBW has acquired control of Ronson Helicopters, and upon the Board's exemption or approval of such acquisition.

[5] In view of our decision herein to consolidate the proceedings in Dockets 25583 and 25603 and to set the matters for hearing, we will dismiss the motion without prejudice to renew the same at the hearing.

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vote the stock held in trust in its discretion. The trust would terminate at such time as (a) termination is required by the Board or other government agency, (b) the Board authorizes the transfer of the ownership and control of Ronson Helicopters by the trustee to citizens of the United States, (c) Ronson Helicopters is no longer subject to the jurisdiction of the Board and the Federal Aviation Administration, or (d) twenty-one years have expired.

Applicants contend that by reason of the trust agreement no acquisition of control of Ronson Helicopters, directly or indirectly, is accomplished, either by FNBW, the trustee, or by Liquifin/Liquigas at any stage of the successive steps involved in the transaction from tender offer to divestment of Ronson's stockholding in Ronson Helicopters. Applicants also contend, in the alternative, that no sound regulatory reasons appear for not exempting or approving FNBW's acquisition of the stock of Ronson Helicopters.

In opposition, Ronson's and Ronson Helicopters' answer contends that the application should be denied because the voting trust agreement does not insulate Liquifin/Liquigas from control of Ronson Helicopters; that, even assuming that the voting trust agreement vests control of Ronson Helicopters in FNBW, exemption or approval of the acquisition should be denied as contrary to the public interest; and that, if the application is not denied, the matter should be set for hearing.

Upon consideration of the application in Docket 22583, the Board has concluded that Ronson Helicopters, by reason of its air taxi operations, is an air carrier, that Ronson Hydraulics are persons engaged in a phase of aeronautics, and that Liquigas, Liquifin and FNBW are each "persons" within the meaning of section 408(a)(5) of the Act, and that the acquisition of control of Ronson Helicopters directly, or indirectly through the acquisition of control of Ronson, by FNBW and/or Liquigas/Liquifin creates control and common control relationships which are subject to that section of the Act.

It appears that pursuant to its public offer Liquifin will acquire at least 51 percent of Ronson's common stock, which will be transferred directly into a voting trust with FNBW as trustee and Liquifin as the beneficial owner of the acquired stock. The terms of the trust may be relevant, of course, to determining who, among the parties to the trust agreement, has acquired control of Ronson's (or Ronson Helicopters') stock. However, we are not prepared to find, absent further development of the underlying facts relating to the issue, that the voting trust agreement by its own terms insulates the acquisition of control of Ronson Helicopters from the Board's jurisdiction under section 408(a)(5) of the Act.[9] We conclude, therefore, that a disclaimer of jurisdiction would not be warranted.

Under the terms of the proviso to section 408(a)(5), the Board may exempt the acquisition of a noncertificated air carrier from the requirements of Board approval "to the extent and for such periods as may be in the public interest." Applicants' request involves complex issues of fact, law, and Board policy relating to such matters as the qualification of Ronson Helicopters, following its acquisition, to engage as a citizen of the United States in air transportation,[10] the Board's policy regarding foreign ownership or control of a U.S. air carrier,[11] and the adequacy of the trust agreement herein to insulate the air carrier, Ronson Helicopters, from the ownership and control of Liquigas/Liquifin. Under all the circumstances, we are not persuaded that, on the basis of the application in Docket 25583 and other documents before us, a sufficient showing of public interest has been made to warrant the grant of an exemption under section 408(a)(5) in respect to the transaction herein.[12] Therefore, applicants' request for exemption will be denied.

In light of this determination, applicants' request for approval of the transaction requires that the matter be set for hearing, since the transaction involves, inter alia, the acquisition of control of an air carrier directly engaged in air transportation. The scope of the hearing is expected to include, but not be restricted to the issues herein discussed.[13]

Pursuant to Rule 12 of the Board's Procedural Regulations, we have decided to consolidate for hearing the proceeding in Docket 25603 involving section 409 interlocking relationships with the proceeding in Docket 25583 involving section 408 control relationships.[14] The proceedings involve closely related issues, and the Board finds that such consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceedings.

Applicants' motion for leave to file a reply in Docket 25583 is predicated upon representations which are intended to controvert various allegations of fact contained in the answer to the application. Rule 6(b) of the Board's rules of practice prohibits the filing of such responsive document. Since nothing contained in the reply would otherwise alter our decision herein to set the matter for hearing, we will deny this motion and the motion to file a supplemental answer.

ACAP's motion for leave to file comments and requesting collateral action is untimely, and fails to establish good cause for late filing. Moreover, there are serious procedural problems inherent in its request for a cease and desist order by summary procedure, and the question of a preliminary injunction is being litigated in another appropriate forum. Accordingly, we will dismiss ACAP's motion.[15]

Accordingly, it is ordered, That:

1. Applicants' requests for disclaimer of jurisdiction and exemption pursuant to the proviso of section 408(a)(5) in respect to the acquisition and control relationships in Docket 25583, be and they hereby are denied;

2. Applicants' requests for disclaimer of jurisdiction over or approval of the interlocking relationships in Docket 25603, and for approval of the acquisition and control relationships in Docket 25583, be and they hereby are set for hearing before an Administrative Law Judge of the Board at a time and place to be hereafter designated;

3. The proceedings in Dockets 25583 and 25603 be and they hereby are consolidated;

4. The motion of the applicants for leave to file a reply and the motion of Ronson Corporation and Ronson Helicopters, Inc. for leave to file a supplemental answer, respectively, in Docket 25583, be and they hereby are denied;

5. The motion of the Aviation Consumer Action Project for leave to file comments and request for collateral action be and it hereby is dismissed without prejudice; and

6. The request of Ronson and Ronson Helicopters, Inc. to hold in abeyance the proceeding in Docket 25603, be and it hereby is dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15375; Filed 7-25-73;8:45 am]

[9] Pan American World Airways, Inc. and National Airlines, Inc. Agreements, 27 CAB 611 (1958). See also, Tooico-Northeast Control Case, 42 CAB 822 (1965) and West Coast Airlines, Inc. Enforcement Case, 42 CAB 561 (1985).

[10] As defined by section 101(13) of the Act, a citizen of the United States includes a corporation in which, among other requirements, "at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions."

[11] See Willy Peter Daetwyler d/b/a Interamerican Airfreight Co., Order 71-10-114, October 23, 1971.

[12] Obviously, a clear showing of control and unfettered ownership by FNBW of Ronson Helicopters could present a situation which would warrant a grant of the exemption. See The Union Corporation, Acquisition of Prinair, Order 69-11-5, November 4, 1969.

[13] For example, an additional section 408 issue may involve the common control of Ronson Helicopters and Ronson Hydraulics.

[14] The applicants are of course not precluded from pursuing any issues underlying requests for disclaimer of jurisdiction over any interlocking relationships involved in Docket 25603, or acquisitions and control relationships involved in Docket 25583.

[15] ACAP may of course seek to avail itself of Rule 15 of the Board's Rules of Practice as an intervenor in this proceeding before the Administrative Law Judge.

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:30 p.m. on Monday, August 6, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-15369 Filed 7-25-73;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 9:30 a.m. on Wednesday, August 8, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent.

FRANK S. MELLOR,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-15368 Filed 7-25-73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System[1] will meet Wednesday, August 1, 1973, at 10 a.m. in Room S-124 of the Capitol.

The purpose of the meeting is to discuss alternative plans for the realignment of the judicial circuits. In this connection the Commission will consider and discuss various factors relevant to realignment of the judicial circuits and to the creation of new circuits.

The Commission will also discuss research plans relevant to redistricting and to the internal procedures and structure of the Federal Courts of Appeal System.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

JULY 17, 1973.

[FR Doc.73-15321 Filed 7-25-73;8:45 am]

[1] 38 FR 4443, February 14, 1973.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

1973 PROCUREMENT LIST

Notice of Addition

Notice of proposed addition to the Initial Procurement List August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following service is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

SERVICE

Industrial Class 0782	*Price*
Grounds Maintenance, Naval Air Station, Whidbey Island, Washington (RF)---	$8,487.37 per month

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-15475 Filed 7-25-73;8:45 am]

COMPTROLLER GENERAL

USE OF COMMUNICATIONS MEDIA

1973 Federal Election Expenditure Limitations

Title I of the Federal Election Campaign Act of 1971 (Public Law 92-225) imposes a spending limitation on candidates for Federal elective office (President of the United States, Senator and Representative in, or Resident Commissioner or Delegate to, the Congress of the United States) for campaign use of communications media. Under the Act and the Regulations of the Comptroller General, 11 CFR Ch. 1, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

In accordance with section 104(a)(4) of the Act, the Secretary of Labor has certified to the Comptroller General and published in the FEDERAL REGISTER[1] that the U.S. City Average All Items Consumer Price Index (1967=100) increases 7.7 percent from its 1970 annual average of 116.3 to its 1972 annual average of 125.3. As provided in section 104(a)(5) of the Act, the Secretary of Commerce has certified to the Comptroller General and published in the FEDERAL REGISTER[2] the "Estimate of Voting Age Population" of each State, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands, and of each congressional district on July 1, 1972. The estimate shows that no congressional district has a voting population in excess of 500,000, except the District of Columbia and Puerto Rico.

Under the statutory limitation formula, the communications media spending limitation applicable to each congressional district for each election during 1973 (except the District of Columbia and Puerto Rico) is $53,850, of which no more than $32,310 may be spent for the use of broadcasting media.

On the basis of the certifications received from the Secretary of Labor and the Secretary of Commerce, the spending limitations applicable to each Federal election held during 1973 in each State and in the United States are set forth in Appendix A.

The voting age population estimates for Guam, Puerto Rico, and the Virgin Islands are not included in the total for the United States since their residents do not vote in presidential elections.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[1] 38 FR 18476, July 11, 1973.

[2] 38 FR 18476, July 11, 1973.

State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
United States	139,172,000	14,988,824	8,993,295
Alabama	2,294,000	247,064	148,238
Alaska	194,000	53,850	32,310
Arizona	1,262,000	135,917	81,550
Arkansas	1,326,000	142,810	85,686
California	13,910,000	1,498,107	898,864
Colorado	1,560,000	168,012	100,807
Connecticut	2,083,000	224,339	134,603
Delaware	369,000	53,850	32,310
District of Columbia	527,000	56,758	34,055
Florida	5,087,000	547,870	328,722
Georgia	3,067,000	330,316	198,190
Hawaii	525,000	56,550	33,930
Idaho	487,000	53,850	32,310
Illinois	7,508,000	808,612	485,167
Indiana	3,477,000	374,473	224,684
Iowa	1,924,000	207,215	124,329
Kansas	1,538,000	165,643	99,386
Kentucky	2,191,000	235,971	141,582
Louisiana	2,348,000	252,880	151,728
Maine	683,000	73,559	44,135
Maryland	2,679,000	288,528	173,117
Massachusetts	3,937,000	424,015	254,409
Michigan	5,876,000	632,845	379,707
Minnesota	2,542,000	273,773	164,264
Mississippi	1,426,000	153,580	92,148
Missouri	3,223,000	347,117	208,270
Montana	468,000	53,850	32,310
Nebraska	1,021,000	109,962	65,977
Nevada	347,000	53,850	32,310
New Hampshire	513,000	55,250	33,150
New Jersey	4,986,000	536,992	322,195
New Mexico	657,000	70,759	42,455
New York	12,629,000	1,359,880	815,892
North Carolina	3,468,000	373,504	224,102
North Dakota	411,000	53,850	32,310
Ohio	7,130,000	767,901	460,741
Oklahoma	1,707,000	183,837	110,122
Oregon	1,487,000	160,150	96,090
Pennsylvania	8,174,000	880,310	528,201
Rhode Island	668,000	71,944	43,166
South Carolina	1,719,000	185,136	111,082
South Dakota	444,000	53,850	32,310
Tennessee	2,710,000	291,867	175,120
Texas	7,614,000	820,028	492,017
Utah	690,000	74,313	44,588
Vermont	304,000	53,850	32,310
Virginia	3,182,000	342,701	205,621

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State and congressional district	Voting age population	Communication media limit	Broadcasting media limit
Washington	2,310,000	248,787	149,272
West Virginia	1,209,000	130,209	78,126
Wisconsin	2,965,000	319,331	191,598
Wyoming	226,000	53,850	32,310
Guam	45,000	53,850	32,310
Puerto Rico	1,619,000	174,366	104,620
Virgin Islands	42,000	53,850	32,310

[FR Doc.73-15248 Filed 7-25-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from July 2 through July 6, 1973.

NOTE: At the head of the listing of statement received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447-7803

FOREST SERVICE

Draft — *Date*
Sipsey River, William B. Bankhead N.F. — 07/17
Alabama
County: Lawrence, Winston
The statement refers to the proposed legislative designation of the Sispey River Eastern Wilderness. The area will consist of 9,360 acres of the William B. Bankhead National Forest. With the ceasing of management practices there will be changes in wildlife habitat. There will be reductions in consumptive use of timber, wildlife, and minerals found in the area. (24 pages)
(ELR ORDER # 31185) (NTIS ORDER # EIS 73 1185D)

SOIL CONSERVATION SERVICE

Draft — *Date*
Twelve Mile Creek Watershed — 07/17
Iowa
County: Union, Adair, Ringgold
The statement refers to a proposed watershed protection project. The project is intended to reduce flood damages by 85% on 2,272 acres, and prevent gully erosion on 3,255 acres, as well as to provide water supply for the City of Creston. Project measures will include land treatment, 11 grade stabilization structures, and one multiple purpose reservoir. Adverse impact will include the permanent inundation of 924 acres; the periodic flooding of 662 acres; the relocation of 5 families and effect upon 5 farm operations; and the closing of 4 roads. (22 pages)
(ELR ORDER # 31182) (NTIS ORDER # EIS 73 1182D)

Sledge Bayou Watershed — 07/17
Mississippi
County: Quitman
Proposed is a protection project on the 9,208 acre watershed, in order to reduce floodwater damage on 7,707 acres by 55%, and to reduce erosion and sedimentation by 15%. Project measures include land treatment and 32 miles of channel work. Agricultural production and wildlife habitat will be eliminated on 20 acres which will be used in the channel modification. (19 pages)
(ELR ORDER # 31183) (NTIS ORDER # EIS 73 1183D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Deputy Assistant Secretary for Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 967-4335

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft — *Date*
Dam and Reservoir, Bayou Loco — 07/18
Texas
County: Nacogdoches
The statement refers to a proposed dam and 2,210 acre municipal lake on Bayou Loco, 10 miles west of the City of Nacogdoches. The purposes of the project are those of water supply, flood control, and recreation. Project measures will include a pumping station, water treatment plant, storage tanks, and transmission lines. Adverse impact will include the inundation of 2,210 acres, including 1,300 acres of bottomland hardwood. There will be pollution potential from submerged gas and oil pipelines. (112 pages)
(ELR ORDER # 31192) (NTIS ORDER # EIS 73 1192D)

Final — *Date*
Elk Mountain Road — 07/17
New Mexico
County: San Miguel
The statement refers to the proposed construction of 33 miles of 2 lane all weather roadway, in order to improve access to a proposed winter recreation area which is intended to stimulate local economic conditions. Approximately 240 acres of timberland, 32 acres of rangeland, and 300 acres of wildlife habitat will be required for right-of-way. (217 pages)
COMMENTS MADE BY: DOI EPA USDA state and regional agencies and concerned citizens
(ELR ORDER # 31184) (NTIS ORDER # EIS 73 1184F)

DELAWARE RIVER BASIN COMMISSION

Final — *Date*
Trout Run Earthfill Dam — 07/16
Pennsylvania
County: Berks
Proposed is the construction of an earthfill dam, and Trout Run Reservoir. The facility will include a multi-leveled intake tower, bottom outlet, pumping station, spillway and stilling basin, and transmission line. A total of 42 acres of land will be inundated by the project. Adverse impacts stemming from the project are loss of land and associated wildlife cover. (Approximately 200 pages)
COMMENTS MADE BY: HEW HUD COE TREA USCG AHP USDA state agencies and concerned citizens
(ELR ORDER # 31176) (NTIS ORDER # EIS 73 1176F)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft — *Date*
Butler Valley Dam and Blue Lake — 07/17
California
County: Humboldt
The statement refers to a proposed multipurpose water storage project, including a 326 foot high embankment dam on the Mad River. The reservoir will drain an area of 352 square miles. Adverse impact includes the inundation of 2360 acres of land and 11 miles of stream in one of the few remaining small coastal valleys in northern California. Archeological sites in an area once occupied by the Whilkut Indians will be lost. (San Francisco District) (278 pages)
(ELR ORDER # 31180) (NTIS ORDER # EIS 73 1180D)

Bushley Bayou Flood Control Project — 07/11
Louisiana
The statement considers the advisability of providing backwater flood protection to the Bushley Bayou area by means of a loop levee, gravity floodgate, internal drainage canal and a 1,500 cubic-foot-per-second pumping station. Three thousand acres of suitable wildlife lands and water supply and control facilities will be acquired to mitigate project induced fish and wildlife losses. Adverse effects of the action are loss of 5,900 acres of bottomland hardwood forests, loss of fish and wildlife habitat and possible damage to Indian mounds of archeological value. (70 pages)
(ELR ORDER # 31158) (NTIS ORDER # EIS 73 1158D)

Whitewater Creek — 07/16
New Mexico
The statement refers to the proposed channelization and excavation of 1.6 miles of Whitewater Creek near Glenwood, in order to reduce the threat of flooding. Adverse impact will include the loss of riparian wildlife habitat; short term increase in sediments into the San Francisco River; and possible effects on underground water. (Los Angeles District) (21 pages)
(ELR ORDER # 31174) (NTIS ORDER # EIS 73 1174D)

Draft — *Date*
Deep Fork Logjam, Deep Fork River — 07/11
Oklahoma
County: Creek Oktuskee
The proposed project consists of removing a logjam from the Deep Fork Canadian River. The removal of the Logjam will cause an increase in turbidity. (8 pages)
(ELR ORDER # 31160) (NTIS ORDER # EIS 73 1160D)

National Recreation Area System, — 07/13
Oklahoma
Oklahoma
County: several
The statement refers to the proposed establishment of a 4 lake area in northeastern Oklahoma as part of a National Recreation Area. Parts of 190,600 acres of Federally owned lands would be made available for recreation development. Construction would include 11 public use areas, 52 miles of motor bike trails, 25 miles of bicycle trails, 60 miles of hiking trails, and 32 miles of nature trails. Some native areas and wildlife habitat will be lost. (89 pages)
(ELR ORDER # 31172) (NTIS ORDER # EIS 73 1172D)

Flood Control, Wyoming Valley — 07/13
Pennsylvania
County: Luzerne
The statement refers to proposed modifications to existing flood control features in the Wyoming Valley. Basic elements include the raising of 64,000 linear feet of levees to heights dictated by the requirement that adequate flood protection constitutes levee raising to the June, 1972 Hurricane Agnes flood height. There will be adverse impact upon aesthetics and ecological habitats and patterns. (121 pages)
(ELR ORDER # 31173) (NTIS ORDER # EIS 73 1173D)

Strip Mine Demonstration — 07/11
Reclamation Project
West Virginia
The project consists of a program to provide erosion and sedimentation control through land stabilization to areas disturbed by coal extraction; provision of water quality control by rehabilitating 10.5 miles of stream channel and institution of a floodplain management program; provision of water quality control by recommending a pilot demonstration project for acid mine drainage abatement; provision of domestic waste treatment and reuse; improvement of existing water supplies; provision of mini day-use parks and public hunting areas; and removal of dilapidated buildings, and a general clean-up of the watershed. Increased noise, dust pollution and water turbidity will occur. (ELR ORDER # 31159) (NTIS ORDER # EIS 73 1159D)

NAVY

Contact: Mr. Joseph A. Grimes, Jr.
Special Civilian Assistant to the Secretary of the Navy
Washington, D.C. 20350
(202) 697-0892

Final — *Date*
Multi-Purpose Target Range, Meridian — 07/18
Mississippi
County: Noxubee
Proposed is the acquisition of 500 acres, and easements on 2400 acres, in order to establish an air-to-ground target range for use by the Naval Air Station, Meridian. Target preparation will include the clear-cutting of 500 acres of saw timber and pulpwood. Adverse impacts will include soil disruption and deposits of metal fragments, and increases in ambient noise and air pollution levels. No live rockets, bombs or incendiary ordnance will be used. (47 pages)
COMMENTS MADE BY: EPA DOC DOI
(ELR ORDER # 31190) (NTIS ORDER # EIS 73 1190F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders
Executive Director of Environmental Affairs
General Services Administration
18th and F Streets, N.W.
Washington, D.C. 20405
(202) 343-4161

Draft — *Date*
Federal Youth Center, Richmond — 07/18
Florida
County: Dade
The statement refers to the proposed construction of a 15 building complex on a 205 acre wooded site. The complex will house a Federal Youth Center for correctional purposes, to be operated by the Bureau of Prisons. There will be construction disruption from the project. (51 pages)
(ELR ORDER # 31186) (NTIS ORDER # EIS 73 1186D)

Federal Office Building, Atlanta — 07/18
Georgia
Proposed is the construction of a courthouse and Federal office building which will provide space for 3,000 employees. The facility will have a gross area of 1,208,175 square feet in 24 stories, on a 4.139 acre site. Parking will be provided for 310 vehicles. There will be construction disruption; economic growth in the central business district may be spurred. (43 pages)
(ELR ORDER # 31191) (NTIS ORDER # EIS 73 1191D)

Federal Office Building, Saginaw — 07/16
Michigan
Proposed is the construction of a new Federal Office Building, of 126,000 sq. feet. The building is intended to serve as an environmental demonstration laboratory, with a solar collector, a waste and rain water collection system, extensive use of recycled building materials, and landscaped lawn and roof areas. Adverse impact will include construction disruption. (49 pages)
(ELR ORDER # 31175) (NTIS ORDER # EIS 73 1175D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

Draft — *Date*
Legislation to Deregulate Natural Gas — 07/18
The statement refers to proposed legislation which would amend the Natural Gas Act of 1938 to remove the pricing of "new" natural gas in interstate commerce from regulation by the Federal Power Commission, and subject it to the forces of the free market. Deregulation of natural gas prices may lead to changes in production by consumption. Potential impact from increased production would include: 1) activities associated with exploration, production, transportation, distribution and combustion; 2) those which do not take place because gas displaces other energy forms; and 3) those which arise from changes in the uses of natural gas.
(ELR ORDER # 31196) (NTIS ORDER # EIS 73 1196D)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft — *Date*
Proposed Rice Lake Wilderness Area — 07/18
Minnesota
County: Aitkin Mille Lacs
The statement refers to the proposed legislative designation of 1,406 acres of the Rice Lake National Wildlife Refuge and 0.6 acre (two small islands) of the Mille Lacs National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Some future management options will be removed. (32 pages)
(ELR ORDER #31195) (NTIS ORDER # EIS 73 1195D)

Proposed Red Rock Lakes Wilderness — 07/18
Montana
County: Beaverhead
The statement refers to the proposed legislative designation of 28,850 acres of the Red Rock Lakes National Wildlife Refugee as wilderness within the National Wilderness Preservation System. (27 pages)
(ELR ORDER #31187) (NTIS ORDER # EIS 73 1187D)

Final — *Date*
Warm Springs Indian Reservation — 07/18
Oregon
County: Wasco
The statement refers to the proposed construction and operation of a fish hatchery for the propagation of Chinook salmon, and steelhead and rainbow trout. Waste water and constructure will affect the Warm Springs River. (71 pages)
COMMENTS MADE BY: USDA DOC DOI EPA agencies of Washington and Oregon
(ELR Order # 31194) (NTIS ORDER # EIS 73 1194F)

DEPARTMENT OF JUSTICE

Contact: Mr. William Cohen
Land and Natural Resources Division
Room 2129
Department of Justice
Washington, D.C. 20530
(202) 737-2730

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Draft — *Date*
Pasadena Police Heliport — 07/18
California
The statement refers to the proposed construction of the Pasadena Police Heliport, a project which is partially funded by LEAA. There will be installation of fuel and landing pads, fencing, night lighting, utilities, and related works. There will be annoyance to neighborhood residents, and disturbance to some wildlife. (65 pages)
(ELR ORDER # 31193) (NTIS ORDER # EIS 73 1193D)

NATIONAL AERONAUTICS AND SPACE ADMIN.

Contact: Mr. Ralph E. Cushman
Special Assistant, Office of Administration
NASA
Washington, D.C. 20546
(202) 962-8107

Draft — *Date*
Viking 1975 Program — 07/18
The statement refers to the Viking Program, which is part of an overall NASA program designed to explore the planet Mars with automated spacecraft. In 1975 two Viking spacecraft, with Lander Capsule and Orbiter, will be launched from the Air Force Eastern Test Range by Titan/Centaur vehicles, to conduct orbital, upper atmospheric, and surface investigation of Mars. (33 pages)
(ELR ORDER # 31189) (NTIS ORDER # EIS 73 1189D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL HIGHWAY ADMINISTRATION

Draft — *Date*
Interstate Route 80, Auburn — 07/10
California
County: Placer
Proposed is the addition of two lanes to the existing four lane facility and an auxiliary eastbound lane for trucks on a 2.1-mile segment of Interstate Highway 80. The project extends from the Auburn Ravine Undercrossing and ends 0.6 mile east of the east Auburn Overhead in the City of Auburn. Adverse impacts stemming from the project include the commitment of 26 acres of land to right-of-way; the relocation of part of a cemetery; the displacement of 60 residential units and several businesses; and encroachment on Section 4(f) land from Historic Old Auburn, a registered historic site. (85 pages)
(ELR ORDER # 31145) (NTIS ORDER # EIS 73 1145D)

Troy Avenue, Pueblo — 07/10
Colorado
County: Pueblo
Proposed is the construction of a 1.9 mile arterial linking Fourth Street (State Highway 96) and State Highway 47 in the City of Pueblo. Construction of the project will affect traffic flow, land use and the existing neighborhood environment. (65 pages)
(ELR ORDER # 31146) NTIS ORDER # EIS 73 1146D)

Iowa Route 2 — 07/10
Iowa
County: Page
Proposed is the relocation and reconstruction of 4.7 miles of Iowa 2 from its junction with US 71 eastward to the Taylor County Line. Approximately 50 acres of agricultural land will be committed to highway use. Wildlife habitat would be disrupted; 10 rural homes would be displaced. Erosion potential and water poliution through sedimentation would increase during construction; the noise level will increase. (33 pages)
(ELR ORDER # 31153) (NTIS ORDER # EIS 73 1153D)

US 24, Kansas City — 07/02
Kansas
County: Wyandotte
The proposed action is the upgrading of 1.089 miles of US 24 in Kansas City. The project (associated with Urban Renewal Plan Number Kansas R-28) begins on State Avenue west of 11th Street and ends on Washington

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Blvd. at 5th street. Section 4(f) land from Big Eleven Park and the John F. Kennedy Recreation Area will be affected. Two businesses and one house will be displaced; the noise level will increase. (26 pages)
(ELR ORDER # 31096) (NTIS ORDER # EIS 73 1096D)

S.T.H. 56, Wisconsin 07/12
Wisconsin
County: Richland
The proposed project consists of replacing a deficient bridge and reconstructing 0.32 miles of approaches on Highway 56. Nine to twelve trees will be removed; 2.9 acres of cropland will be acquired for right-of-way. (11 pages)
(ELR ORDER # 31164) (NTIS ORDER # EIS 73 1164D)

S.T.H. 81, Wisconsin 07/13
Wisconsin
County: Grant LaFayette
Proposed is the reconstruction of S.T.H. 81 from its intersection with S.T.H. 80 in Grant County to 1.8 miles east of Seymour Corners in LaFayette County. Project length is 19.8 miles (exempted from the improvement is 0.7 mile constructed in 1967). Approximately 45 acres of agricultural land will be committed to the action. Adverse effects include possible siltation to streams with resultant effect on fish and wildlife and increased air and noise pollution for vehicular traffic. (15 pages)
(ELR ORDER # 31171) (NTIS ORDER # EIS 73 1171D)

Final *Date*
California Route 20 07/13
California
County: Colusa Sutter
The project consists of improving and realigning a 1.8 mile segment of S.R. 20. The project will take 52 acres of agricultural land for right of way. A bridge will be constructed over the Sacramento River (replacing an older bridge) near Meridian. Construction of the bridge will cause water pollution. Also crossed will be the Meridian Farm Lands Water Company's irrigation ditch. There will be an increase in noise levels. (96 pages)
COMMENTS MADE BY: USDA DOT COE EPA state and regional agencies
(ELR ORDER # 31170) (NTIS ORDER # EIS 73 1170F)

FAU Route 8825 07/16
Illinois
County: Winnebago
The proposed project is the construction of 0.455 miles of FAU Route 8825. Land acquisition will include 6.4 acres. Increases in noise, air and water pollution are expected after construction. One hundred and fifty trees will be removed, causing displacement of wildlife. (80 pages)
COMMENTS MADE BY: USDA HUD DOI DOT EPA COE state and local agencies
(ELR ORDER # 31177) (NTIS ORDER # EIS 73 1177F)

Maryland Route 135 07/12
Maryland
County: Garrett
Proposed is the reconstruction and relocation of a 3.6 mile segment of Maryland Route 135 between Route 38 and Route 495. Two-12 foot hard surface lanes, 12 foot truck lanes where needed, and 10 foot shoulders will be constructed within a minimum 120 foot right of way. Adverse effects of the action are acquisition of 74 acres of land through 16 improved properties, increased air pollution and loss of aesthetic values. (160 pages)
COMMENTS MADE BY: DOI DOT state and local agencies
(ELR ORDER # 31168) (NTIS ORDER # EIS 73 1168F)

US 550—Shiprock East to Farmington 07/16
New Mexico
County: San Juan
The proposed project is the construction of a 4 lane divided highway along existing US 550. Project length is 24.85 miles Forty acres of irrigated farmland and 50 acres of range land will be acquired from the Navajo Indian Tribal Reservation. Another 15 acres of farmland and 160 acres of range land will be acquired outside the Reservation. Displacements will include 10 families and 3 businesses. The construction of the project will also destroy a large number of petroglyphs in the area. The relocation of numerous utilities will be required. (80 pages)
COMMENTS MADE BY: USDA COE HEW DOI EPA AHP state agencies
(ELR ORDER # 31178) (NTIS ORDER # EIS 73 1178F)

Pedestrian Park, I 5 07/16
Washington
The statement refers to the proposed construction of a pedestrian Park Structure over Interstate Highway 5 in Seattle approximately 225 feet wide, between Spring and University Street. Construction at the park will allow multiple use of existing right-of-way, will provide a port in an area devoid of parks, and separate pedestrian and freeway traffic. (90 pages)
COMMENTS MADE BY: COE EPA HEW HUD DOI state and local agencies
(ELR ORDER # 31179) (NTIS ORDER # EIS 73 1179F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-15381 Filed 7-25-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Hazardous Materials Advisory Committee will be held at 8:30 a.m., August 6-7, 1973, in Room 3307, Waterside Mall, 401 M Street, SW., Washington, D.C.

This is a regularly scheduled meeting of the Committee. The agenda includes Staff Director's report, discussion and review of hexachlorobenzene, review of the noise program, progress on herbicide study, Science Advisory Board and Organization of Office of Research and Development, progress on the nitrogen study, member items of interest, reports and comments by program liaison representatives.

The meeting is open to the public. Any member of the public wishing to attend or participate or to present a paper should contact Dr. Winfred F. Malone, Acting Staff Director, Hazardous Materials Advisory Committee, (703) 557-7720.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Development.

JULY 24, 1973.

[FR Doc.73-15499 Filed 7-25-73;8:45 am]

FEDERAL MARITIME COMMISSION

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 6, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Attorney
Hill, Betts & Nash
26 Broadway
New York, New York 10004

Agreement No. 10040-1, a cooperative working arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Pan American Mail Line, Inc. (PAM) modifies the basic agreement by expanding its geographic scope to provide for a through intermodal service via the ports of Santo Tomas de Castella in Guatemala and Puerto Cortez, Honduras to and from inland points in Guatemala, El Salvador and Honduras.

Dated: July 23, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15377 Filed 7-25-73;8:45 am]

MEDITERRANEAN-U.S.A. GREAT LANES WESTBOUND FREIGHT CONFERENCE

Modification of Conference Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Eric G. Brown, Secretary
Mediterranean-U.S.A. Great Lakes Westbound Freight Conference
10 Place de la Joliette
Marseilles, France

Agreement No. 8260-14 among the member lines of the above-named Conference modifies the basic agreement to (1) except Black Sea ports from the requirements applicable to the hiring of vessels on a charter or tramp basis for full homogeneous cargoes and (2) provide that a carrier whose cargo is consigned to the country of his vessel's registry may accept freight payment in that country's national currency, even though such currency is not freely convertible or readily transferable.

It also deletes Zim Israel Navigation Company as a member and adds Black Sea Canada Line.

Dated: July 20, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15378 Filed 7-25-73;8:45 am]

[Independent Ocean Freight Forwarder License 536]

P. JOHN HANRAHAN, INC.

Order of Revocation

P. John Hanrahan, Inc., 9 Malden Lane, New York, N.Y. 10038, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 536 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 5/1/72);

It is ordered, That Independent Ocean Freight Forwarder License No. 536 be and is hereby revoked effective July 12, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon P. John Hanrahan, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.73-15380 Filed 7-25-73;8:45 am]

STEAMSHIP OPERATORS INTERMODAL COMMITTEE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 15, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John K. Cunningham, Executive Secretary
Steamship Operators Intermodal Committee
Atlantic Regional Committee
67 Broad Street
New York, New York 10004

Agreement No. 9735-6, between the member lines of the Steamship Operators Intermodal Committee, provides for an indefinite extension of the agreement.

The basic agreement, as amended, which is now scheduled to terminate on September 2, 1973, pursuant to the Commission's Order of Approval in Agreement No. 9735-5, is a cooperative working arrangement which allows the parties to discuss matters enumerated in the agreement to try to arrive at a common position to be taken in consultation with governmental agencies or private associations, and in appearance at hearings and other public or private proceedings.

Dated: July 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15379 Filed 7-25-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JULY 16, 1973.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

William A. Lyons
Member, Chairman and Chief Executive Officer,
New York State Electric and Gas Corporation

Mr. Lyons replaces Mr. James A. O'Neill.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15392 Filed 7-25-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON FINANCE

Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., August 1, 1973, 9:30 a.m., e.d.t., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Approval of minutes of May 31, 1973 meeting.
B. Report on June 26 Coordinating Committee and June 27 Executive Advisory Committee meetings.
C. Further report of Task Force on Future Financial Requirements and discussion of write-up of Task Force model.
D. Further report on future financial requirements of the public and cooperative sectors.
E. Reports on other assignments.
F. Review of proposed outline of final report.
G. Discussion of draft material for final Committee report.
H. Other business.
I. Date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the

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meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15390 Filed 7-25-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT TASK FORCE ON ENERGY DISTRIBUTION RESEARCH

Agenda of Meeting

Agenda. For a meeting of the Technical Advisory Committee on Research and Development Task Force on Energy Distribution Research to be held at the Federal Power Commission Offices 825 North Capitol Street, NE., Washington, D.C. 20426, August 16, 1973, 10:00 a.m., Room 5200.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting:
   A. Approve minutes of June 25 & 26, 1973 meeting.
   B. Final review of all previous work.
   C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15389 Filed 7-25-73;8:45 am]

[Docket No. E-8305]

ALLEGHENY POWER SERVICE CORP.

Notice of Exchange Agreement

JULY 13, 1973.

Take notice that on July 5, 1973, Allegheny Power System (Allegheny) tendered for filing on behalf of Monongahela Power Company (Monongahela), The Potomac Edison Company (PE), West Penn Power Company (West Penn) and Virginia Electric and Power Company (VEPCO) Amendment No. 1 to an agreement dated January 1, 1973, designated PE FPC No. 33, West Penn FPC No. 31, Monongahela FPC No. 32, and VEPCO FPC No. 99. Allegheny states that the amendment to said agreement adds Schedule E—Diversity Power and Exchange Agreement to be effective as of such date as the schedule is accepted for filing by the Commission. Allegheny submits that the filing is made to establish a program of exchange of energy commencing in 1975 between the Allegheny System, a winter peak system, and VEPCO, a summer peak system.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15298 Filed 7-25-73;8:45 am]

[Docket No. RI74-8]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing

JULY 13, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I] and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until the shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-8	Atlantic Richfield Co	492	1 21	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex.—Permian Basin)	6-14-73	7-15-73	4 Accepted				
	do		1 22	do	(3)			12-15-73	17.9023	35.0	RI71-373.

* The pressure base is 14.65 p.s.i.a.
1 Amendatory agreement.
3 No current deliveries.

4 Accepted to be effective as of the date shown in the "Effective Date" column.

Since the proposed rate exceeds the rate limit for a one day suspension, it is suspended for five months.

Atlantic's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondent of any responsibility imposed by the Economic Stabilization Act of 1970, (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-15416 Filed 7-25-73;8:45 am]

BACA GAS GATHERING SYSTEM, INC.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that on June 25, 1973, Baca Gas Gathering System, Inc. (Baca) tendered for filing FPC Gas Tariff, Original Volume No. 3 to be effective as of May 17, 1973.

Baca states that the filing is in accordance with paragraph (D) of the Commission's order issued May 16, 1973, in Docket No. CP73-141 authorizing the sale of natural gas under the terms and provisions of a contract dated October 17, 1972, between Baca and Panhandle Eastern Pipe Line Company.

All persons desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commissions rules of practice and procedure. All such petitions and protests should be filed on or before August 2, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15393 Filed 7-25-73;8:45 am]

[Docket No. E-7709]

BANGOR HYDRO-ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that Bangor Hydro-Electric Company (Bangor) on July 2, 1973, tendered for filing proposed changes in its FPC Rate Schedules 1, 2, 4, 5 and 7, as a revision of proposed changes filed by the Company on February 11, 1972, and refiled on February 26, 1973. The proposed changes would increase revenues from jurisdictional sales and service by $67,948 based on a volume of sales for the 12 month period ending June 30, 1972. The proposed rate change is described in the Company's tranmittal letter as resulting from increased operating costs. The proposed effective date is September 1, 1973.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15394 Filed 7-25-73;8:45 am]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on June 25, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Original Sheets Nos. 397-425 to its FPC Gas Tariff, Original Volume No. 2. The proposed changes would result in $22,836 in revenues from jurisdiction sales based on a total volume of 14,675,999 Mcf for the 12 month period ending October 31, 1973.

Consolidated states that the filing is the result of Commission order of April 6, 1973, in Docket No. CP73-146, authorizing Consolidated to transport for Texas Gas Transmission Corporation (Texas Gas), on a firm basis, a contract demand volume of 51,000 Mcf daily at 14.73 psia. This application constitutes the transportation agreement instituting the Commission order.

Consolidated also requests a waiver of the notice requirements of § 154.22 of the Commission's regulations so that the effective date of the agreement may be November 2, 1972. Consolidated states that on November 2, 1972, it notified the Commission that it was commencing the subject transportation service on behalf of Texas pursuant to § 157.22 of the Regulations. The sixty-day notice limitation imposed by the section was extended by Commission letter order of January 11, 1973. Consolidated asserts that on February 9, 1973, Texas Gas invoked § 157.22 of the regulations with regard to the transportation service. Consolidated believes, therefore, that it is appropriate to prescribe an effective date of November 2, 1972, for its application.

All parties to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, NE. Washington, D.C. 20426 in accordance with the Commission rules of practice and procedure. All such petitions or protests should be filed on or before August 3, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15396 Filed 7-25-73;8:45 am]

[Rate Schedule No. 115]

CONTINENTAL OIL CO.

Notice of Rate Change Filing

JULY 20, 1973.

Take notice that the producer listed in the Appendix attached below has filed a proposed increased rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing Date	Producer	Rate schedule No.	Buyer	Area
July 13, 1973	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	115	United Gas Pipe Line Co	Southern Louisiana.

[FR Doc.73-15395 Filed 7-25-73;8:45 am]

EL PASO NATURAL GAS CO.

Notice of Revised Exhibits

JULY 13, 1973.

Take notice that on July 5, 1973 El Paso Natural Gas Company tendered for filing revised Exhibits A and B, each dated April 16, 1973 to the firm Service Agreement dated August 15, 1970 between El Paso and Arizona Public Service Company (APS). El Paso states that this filing is made to reflect changes authorized by Commission order issued March 6, 1972 in Docket No. CP72-39,

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granting El Paso the right to abandon by Assignment to APS the Bowie Nos. 1 and 2 Meter Stations, the Wenden Meter Station and the Salome Meter Station and to construct and operate the Bowie Master Meter Station and the Wenden-Salome Master Meter Station. An effective date of August 4, 1973 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15299 Filed 7-25-73;8:45 am]

[Docket No. CP70-138]

EL PASO NATURAL GAS CO.

Order Permitting Interventions, Providing for Hearing and Establishing Procedures

JULY 13, 1973.

On March 27, 1973, El Paso Natural Gas Company (El Paso) filed a petition requesting the Commission to modify El Paso's import authorization, issued in Docket No. CP70-138, to conform to the provisions of the Third Amending Agreement (TAA) to its Fourth Service Agreement (FSA) entered into on March 1, 1973, between El Paso and Westcoast Transmission Company, Limited (Westcoast).

By Commission order issued in this docket on May 12, 1970, (in Docket No. CP70-138), as amended by order on February 9, 1971, El Paso was authorized to import natural gas from Canada, to be purchased from Westcoast, in accordance with the terms and conditions set forth in the FSA, dated October 10, 1969. The Commission's order of May 12, 1970, provides that El Paso cannot "• • • materially change or alter its import operations without first obtaining the permission and approval of the Commission".

The TAA modified the FSA in four respects. First, the commodity charge adjustment provision is expanded to permit Westcoast to charge El Paso, commencing March 1, 1973, its allocable share of Westcoast's increases in actual costs of gas purchased above the estimates of such costs. This would in effect give Westcoast a purchased gas rate adjustment clause without the unit limitations currently in effect. Second, Westcoast is permitted to undertake an advance payment program and adjust the commodity charge of El Paso's rate to recover certain costs arising from Westcoast's advance payments program. Third, El Paso has agreed to permit Westcoast to further increase the commodity charge of its rate by 1.5 cents per Mcf until November 1, 1975, as an incentive to Westcoast to acquire new gas reserves and secure authorizations for the export and sale of additional gas to El Paso. Under certain conditions this increase will continue until November 1, 1976, and under certain other conditions the increase or a portion thereof would continue throughout the remaining term of the FSA. Fourth, the TAA changes the currency adjustment provisions of the FSA to conform to the other changes in the pricing provisions.

The filing was noticed on April 26, 1973, with comments, protests and/or petitions to intervene due on or before May 18, 1973. Timely petitions to intervene were filed by the APCO Group, Colorado Interstate Gas Company, Northwest Natural Gas Company, California-Pacific Public Utilities Company and Southwest Gas Corporation. Notices of Interventions were filed by the People of the State of California and the Public Utilities Commission of the State of California and the Public Utility Commissioner of the State of Oregon. An untimely petition to intervene was filed by the Intermountain Gas Company.

The proposed amendment has not been shown to be in the public interest and good cause exists to enter upon a hearing concerning El Paso's requested amendment.

The Commission finds.

(1) Although the petition to intervene of Intermountain Gas Company was not timely filed, good cause exists for permitting such intervention since its participation will not delay the disposition of this proceeding.

(2) It is desirable and in the public interest to permit all of the above named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged right and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the above-mentioned matters and establish the procedures for said hearing as hereinafter set forth.

The Commission orders:

(A) The above-named petitioners to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interevnors shall be limited to matters affecting rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 3, 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, (18 CFR Ch. I) a public hearing shall be held on August 28, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issues involved herein.

(C) The case-in-chief of El Paso, and that of any supporting intervenor, including prepared testimony and exhibits, shall be filed with the Commission and served on all parties on or before July 31, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15397 Filed 7-25-73;8:45 am]

[Docket No. E-8293]

FLORIDA POWER AND LIGHT CO.

Notice of Proposed Changes in Rates and Charges

JULY 13, 1973.

Take notice that Florida Power and Light Company (Florida) on June 19, 1973, tendered for filing proposed changes in its Rate Schedule FPC Nos. 8-16 to become effective August 18, 1973. Florida asserts that the changes are necessary to eliminate the Commodity Adjustment Clauses as directed by the Commission.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 26, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15300 Filed 7-25-73;8:45 am]

[Docket No. E-8303]

GEORGIA POWER CO.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that on June 27, 1973, Georgia Power Company (Georgia) tendered for filing a rate schedule representing a contract between Georgia and Savannah Electric and Power Company to be effective June 1, 1973.

Georgia states that the new rate schedule supplants "Georgia FPC Rate Schedule No. 729" which expired May 31, 1973. The new contract sets out specific amounts of capacity purchases and sales, based on presently estimated loads and stated reserves. Georgia states the changes in the new contract are necessary to provide for revised rates for capacity and various types of energy.

Georgia claims that no estimate of billing capacity or revenues is possible because of the indefiniteness of the energy transactions; however capacity charge to Georgia for the twelve months following June 1, 1973, will be $240,000.

Any person desiring to be heard or protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol, NE., Washington, D.C. 20426 in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15385 Filed 7-25-73;8:45 am]

[Docket No. E-8307]

GEORGIA POWER CO.

Notice of Proposed Changes in Rates and Charges

JULY 20, 1973.

Take notice that Georgia Power Company (Georgia) tendered for filing on July 2, 1973, proposed changes in FPC Electric Rate Schedule No. 747. The filing consists of a letter agreement dated May 24, 1973, between Georgia and Crisp County Power Commission (Crisp County) which supplements the existing agreement between the parties dated May 31, 1969. Georgia states that under the supplemental agreement it will provide 5,000 kilowatts of short-term capacity to Crisp County at the rate of $1.80 per kilowatt per month from June, 1973, to November, 1973, and such energy as may be required. Georgia requests that the Commission waive the notice requirements of § 35.3 of the Commission's regulations and permit the changes to be effective June 1, 1973, since the service was made available to Crisp County on that date.

Georgia states that in submitting this filing it does so without prejudice to its right to question the Commission's jurisdiction to require filing of this agreement and it reserves the right to deny the Commission's jurisdiction.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15398 Filed 7-25-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Notice of Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on July 9, 1973, Gulf States Utilities Company (Gulf States) filed a notice of rate increase which the Company states it gave on June 21, 1973, to the Kirbyville Light and Power Company (Kirbyville) pursuant to the Commission's June 14, 1973, order in this docket in which the Commission allowed a rate increase, applicable to Kirbyville, filed in this docket to become effective subject to refund, upon the contractually specified date and proper notice of such being filed with the Commission. Tendered for filing under Gulf States' FPC Schedule No. 81 (Kirbyville Light and Power Company) is revised schedule 423 "Other Electric Corporations For Resale". The proposed effective date of the revised schedule is August 21, 1973, which Gulf States indicates is the anniversary date specified by its contract with Kirbyville, as later amended by the parties, upon which changes in rates could be put in effect after giving notice of such change within a contractually specified period. Gulf States further states that it gave notice, on June 21, 1973, of termination of the service contract with Kirbyville but such notice was rejected. The Company indicates that it reserves all rights based on such termination. The Company also states that it is understood that the implementation of the rate increase is also subject to applicable regulations as may be promulgated under the President's Economic Stabilization Program announced June 13, 1973.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15400 Filed 7-25-73;8:45 am]

[Docket No. CI71-889]

HARVEY BROYLES

Notice of Petition to Amend

JULY 20, 1973.

Take notice that on June 18, 1973, Harvey Broyles (Petitioner), P.O. Box 1511, Shreveport, Louisiana 71165, filed in Docket No. CI71-889 a petition to amend further the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to sell natural gas to Texas Eastern Transmission Corporation (Texas Eastern) from the Bryceland Field, Bienville Parish, Louisiana, for an additional period of time at an increased price, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order, as amended, issuing the certificate in the subject docket authorizes Petitioner to sell gas to Texas Eastern through August 11, 1973, at a rate of 35.0 cents per Mcf at 15.025 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretation (18 CFR 2.70). Petitioner proposes to continue said sale for six months commencing August 12, 1973, at the rate of 45.0 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any

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hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15384 Filed 7-25-73;8:45 am]

[Docket No. CI74-16]

JOHN H. HENDRIX ET AL.

Notice of Application

JULY 19, 1973.

Take notice that on July 5, 1973, John H. Hendrix (Applicant), 403 Wall Towers West, Midland, Texas 79701, filed in Docket No. CI74-16 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to Skelly Oil Company (Skelly) from the Drinkard Pool, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale of casinghead gas to Skelly made under a percentage-of-proceeds casinghead gas contract within the contemplation of § 154.91(e) of the regulations under the Natural Gas Act (18 CFR 154.91(e)). Applicant states that Skelly processed the gas and sold the residue to Northern Natural Gas Company (Northern) and El Paso Natural Gas Company. Applicant states further that the subject gas is produced from wells reclassified from oil wells to gas wells by the New Mexico Oil Conservation Commission and that said gas will now be sold to Northern under an existing contract pursuant to Applicant's small producer certificate.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15401 Filed 7-25-73;8:45 am]

[Docket No. E-8300]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

JULY 13, 1973.

Take notice that on June 29, 1973, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to Section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 125,000 shares of Cumulative Preference Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 51 counties in the State of Iowa.

The Cumulative Preference Stock will be issued on approximately September 20, 1973. The Cumulative Preference Stock is subject to the prior rights and preferences of the existing outstanding classes of the Company's Cumulative Preferred Stock. The rate of dividend on the Cumulative Preference Stock will be determined by competitive bidding and redemption prices and amount payable in event of voluntary liquidation will be determined by agreement between the Company and the person or persons offering the best price for the Cumulative Preference Stock based upon the rate of dividend and the public offering price.

According to the Applicant, the purposes for which the Preference Stock is to be issued include the construction, completion, extension and improvement of facilities. The estimated construction program for 1973 totals $53,077,000 and includes the expenditure of $42,530,000 for its share of the cost of construction of a 550,000 KW nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 20% and 10% undivided ownership, respectively, in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15296 Filed 7-25-73;8:45 am]

[Rate Schedule Nos. 1, etc.]

KERR-McGEE CORP., ET AL.

Notice of Rate Change Filings

JULY 19, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 27, 1973, file with the Federal Power Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing Date	Producer	Rate schedule No.	Buyer	Area
July 9, 1973	Kerr-McGee Corp., McGee Tower, Oklahoma City, Okla. 73102.	1	United Gas Pipe Line Co	Other southwest area.
Do	H. H. Phillips, Jr., Milam Bldg., San Antonio, Tex. 78205.	4	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[FR Doc.73-15402 Filed 7-25-73;8:45 am]

[Docket No. CI73-783]

LONE STAR EXPLORATION, INC.

Notice of Amendment to Application

JULY 13, 1973.

Take notice that on July 9, 1973, Lone Star Exploration, Inc. (Applicant), 2010 Republic National Bank Tower, Dallas, Texas 75201, filed in Docket No. CI73-783 an amendment to the application filed on May 14, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Southwest Tatum, Hosston-Cotton Valley Field, Rusk County, Texas, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In its application of May 14, 1973, Applicant stated that it received no tax reimbursement for the gas sold to United. Applicant now states that it is to be reimbursed for all gathering, transportation, and handling taxes which are levied upon it as a result of the proposed sale. It is estimated that such reimbursement will be 3.0 cents per Mcf and that the total price will be 43.0 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward Btu adjustment.

Since the proposed sale is to be made within the contemplation of § 2.70 of the Commisison's general policy and interpretations (18 CFR 2.70), it appears reasonable and consistent with the public interest to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before July 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15301 Filed 7-25-73;8:45 am]

[Docket No. CI73-501]

LOUISIANA LAND AND EXPLORATION CO.

Order Amending Order Granting Intervention and Fixing Date for Hearing

JULY 13, 1973.

By an order entitled "Order Granting Intervention And Fixing Date For Hearing" issued in this proceeding on July 6, 1973, we sought to fix dates for the submission of evidence, the commencement and conclusion of a hearing, the date of an initial decision, and the date for submission of briefs on exceptions to the Presiding Administrative Law Judge's decision.

However, inadvertently, a finding clause waiving the intermediate decision was included in the order. We did not intend that the intermediate decision be waived in this proceeding, and we shall amend our order of July 6, 1973, to delete that clause which waived the intermediate decision.

The order of July 6, 1973, is further amended to provide that the hearing in this proceeding shall be completed on or before August 3, 1973. It is necessary that the hearing be completed by that date so that an initial decision and a final decision upon the application in this proceeding may be issued before September 2, 1973, since LALEXCO could start to collect the contract rate on that date under the provisions of § 2.75h (18 CFR 2.75h).

The Commission finds.

(1) It is in the public interest that the order issued July 6, 1973, in this proceeding be amended as set forth below.

The Commission orders.

(A) The order entitled "Order Granting Intervention And Fixing Date For Hearing" issued in this proceeding on July 6, 1973, is hereby amended as follows:

Page 6, Paragraph (3):

Delete "Good cause exists for the waiver of the intermediate decision procedure in view of the imminent expiration of the six-month period in this proceeding from the commencement of deliveries under § 2.75o".

Page 6, Ordering Paragraph (A), Line 7: Change "July 31, 1973, at 10:00 a.m. (EDST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426" to "July 31, 1973, at 10:00 a.m. e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, and shall be completed on or before August 3, 1973."

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15391 Filed 7-25-73;8:45 am]

[Docket No. CP73-254]

McCULLOCH INTERSTATE GAS CORP.

Amendment to Application

JULY 13, 1973.

Take notice that on June 4, 1973, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. CP73-254 an amendment to the application filed on March 30, 1973, in said docket pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, for 12 months from the date of any order in this proceeding rather than from April 1, 1973, through March 31, 1974, and the operation of certain gas purchase facilities within the contemplation of § 157.7(b) of the regulations under the Natural Gas Act (18 CFR 157.7(b)) in order to take into its certified main pipeline system natural gas which will be purchased from producers thereof. In addition, Applicant now requests authorization for the construction and for permission and approval of the abandonment, for a 12-month period, of certain field gas compression and related metering and appurtenant facilities within the contemplation of § 157.7 (g) of the regulations (18 CFR 157.7(g)). Applicant's proposals are more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The purpose of this budget-type amendment under § 157.7(g) of the regulations is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's salable capacity or service from that authorized prior to the filing of the instant amendment. Applicant states that the total cost of the proposed construction and abandonment under this authorization will not exceed $500,000 and the cost for any single project will not exceed $150,000.

In its application of March 30, 1973, Applicant proposes to construct the gas purchase facilities at a total cost of $175,000 with the cost of any single project not to exceed $44,000. These costs will be financed from available funds supplemented, as necessary, by short term loans.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests or petitions to intervene need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15403 Filed 7-25-73;8:45 am]

[Docket No. E-8298]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Memorandum to Electric Service Agreement

JULY 19, 1973.

Take notice that on July 2, 1973, Northern Indiana Public Service Company

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(Northern Indiana) tendered for filing Memorandum No. 57 to Northern Indiana Rate Schedule FPC No. 8 to be effective July 1, 1973, subject to the Economic Stabilization Act.

Northern Indiana states that Memorandum No. 57 relates to the release of capacity by Northern Indiana to Commonwealth Edison of Indiana, Inc. The electrical capacity subject to the memorandum was contracted for in an agreement contained in the above mentioned Rate Schedule FPC No. 8. The company also asserts that Sections IV and II of Memorandum No. 57 have had costs adjusted to reflect increases in fuel costs.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15404 Filed 7-25-73;8:45 am]

[Docket No. RP73-116]

PACIFIC GAS TRANSMISSION CO.

Notice of Change in Tariff

JULY 13, 1973.

Take notice that on June 27, 1973, Pacific Gas Transmission Company (Pacific Gas) tendered for filing Original Sheet Nos. 16A, 16B and 16C in Rate Schedule PL-1 of its FPC Gas Tariff Original Volume No. 1. Pacific Gas states that this rate schedule is available only to Pacific Gas and Electric Company (PG&E) and that this filing is made to establish a general procedure for the inclusion of advance payments for exploration, development, and production of natural gas in Pacific Gas' rate base for computation of charges to PG&E. An effective date of August 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15302 Filed 7-25-73;8:45 am]

[Project No. 943]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

Notice of Further Extension of Time

JULY 13, 1973.

On June 27, 1973, Public Utility District No. 1 of Chelan County, Washington filed a motion for an extension of time to answer petitions to intervene filed by Public Utility District No. 2 of Grant County, Washington, and Washington Department of Game and Washington Department of Fisheries. The motion states that counsel for the above petitioners advised that they have no objection to the request.

Upon consideration, notice is hereby given that the time is extended to and including July 31, 1973, within which answers may be filed to the above petitions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15303 Filed 7-25-73;8:45 am]

[Docket No. CI74-20]

SKLAR & PHILLIPS OIL CO.

Notice of Application

JULY 19, 1973.

Take notice that on July 12, 1973, Sklar & Phillips Oil Co. (Applicant), 2925 Mansfield Road, Shreveport, Louisiana 71103, filed in Docket No. CI74-20 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company (Arkla) from the Danville Area, Bienville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas on or about September 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 300,000 Mcf of gas per month at 58.3 cents per Mcf at 15.025 p.s.i.a., including 3.3 cents per Mcf tax reimbursement. It is stated that the buyer will dehydrate the gas at the point of delivery and, if necessary, will compress at the point of delivery at a charge of 0.75 cent per Mcf to the seller per stage of compression.

Applicant also states that it has entered into an agreement with Arkla giving Arkla first option, after expiration of the proposed one year sale, to purchase all the gas from Applicant's acreage subject to this application on a long term basis of up to 20 years by meeting the best offer then available to Applicant from any other pipeline buyer. If Applicant does not receive any better offers than the price for the sale herein proposed, the long term agreement will be at the same price as the proposed one-year sale, plus an escalation of 1.0 cent per Mcf per year.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15405 Filed 7-25-73;8:45 am]

[Docket Nos. RP73-7, RP73-57]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Presiding Administrative Law Judge's Certification of Motion to Terminate Proceedings

JULY 20, 1973.

Take notice that on July 2, 1973, the Presiding Administrative Law Judge certified to the Commission, in this docket, a motion by South Texas Natural Gas Gathering Company that the proceedings be terminated and that any obligation for refund also be terminated. The certification states that the motion was made at a prehearing conference held on June 19, 1973, at which time the prepared testimony of the Commission's Staff witnesses was placed in evidence, and further states that those parties present at the prehearing conference supported granting the motion and no party spoke in opposition. Accompanying the motion was the complete record in the proceeding.

Any person desirjng to be heard or to protest said certification should file a protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before August 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of the certification are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15399 Filed 7-25-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Amendment of Agreement

JULY 19, 1973.

Take notice that on July 3, 1973, Tennessee Gas Pipeline Company (Tennessee) tendered for filing Sixth Revised Volume No. 2, to be effective June 20, 1973.

Tennessee states that the filings reflect an amendatory agreement between Trunkline Gas Company (Trunkline) and Tennessee dated October 17, 1972. The amendment provides for an extension of the term of the original contract and the inclusion of a new delivery point at the tailgate of Texaco, Inc's Henry Gas Plant, Vermilion Parish, Louisiana, in the basic agreement (Tennessee's Rate Schedule X-35).

Tennessee requests waiver of the thirty day notice requirement as provided in 18 CFR 154.51 so that the agreement might become retroactively effective.

Any person desiring to be heard or to protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15406 Filed 7-25-73;8:45 am]

[Docket No. RP74-2]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Declaratory Order

JULY 18, 1973.

Take notice that on July 5, 1973, Texas Eastern Transmission Corporation, Post Office Box 2521, Houston, Texas 77001 (Texas Eastern) petitioned the Federal Power Commission for an order pursuant to sections 4 and 16 of the Natural Gas Act and § 1.7 of its rules of practice and procedure permitting Texas Eastern to include purchases of substitute natural gas (SNG) from Algonquin Gas Transmission Company (Algonquin) in the Purchase Gas Cost Adjustment (PGA) provisions of Texas Eastern's FPC Gas Tariff.

Texas Eastern has entered into an agreement with Algonquin providing for the sale by Algonquin and purchase by Texas Eastern of the difference between the 120,000 Mcfd output of Algonquin's regular customers from time to time. Purhases under Algonquin's Rate Schedule SNG-1 for the 1973-74 winter will be 28,539 Mcfd and under its Rate Schedule SNG-2 for the summer of 1974 will be in the range of 110,000 to 120,000 Mcfd. Texas Eastern alleges that the purchase of SNG is needed to help reduce the level of its curtailments during the coming heating season and in the future.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15383 Filed 7-25-73;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Certification of Proposed Settlement

JULY 19, 1973.

Take notice that on June 26, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above entitled proceeding together with the record relating thereto. The proposed settlement agreement and related record are on file with the Commission and available for public inspection.

Any person wishing to do so may file comments in writing with the Commission concerning the proposed settlement. Such comments should be filed on or before August 3, 1973. All comments received will be considered by the Commission in determining the appropriate action to be taken with respect to the proposed settlement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15407 Filed 7-25-73;8:45 am]

[Docket No. CS69-26]

TRIBUNE OIL CORP.

Notice of Petition to Amend

JULY 19, 1973.

Take notice that on July 11, 1973, Tribune Oil Corporation (Petitioner), 230 Park Avenue, New York, New York 10017, filed in Docket No. CS69-26 a petition to amend the order issuing a small producer certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder (18 CFR 157.40) by authorizing Petitioner to continue the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation at Egan, Louisiana, from properties acquired from Sack Properties, Inc., and Donald H. Loomis, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that sales from the properties of its assignors were made under Sun Oil Company FPC Gas Rate Schedule No. 257. Sun Oil Company is a large producer. Section 157.40(c) states that the authorization to sell gas under a small producer certificate shall not apply to any jurisdictional sale made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15408 Filed 7-25-73;8:45 am]

[Docket No. CP73-58]

TRUNKLINE GAS CO.

Notice of Further Extension of Time

JULY 18, 1973.

On July 6, 1973, Trunkline Gas Company requested a further extension of

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time within which to submit the tabulation and market data requested by letter dated April 16, 1973, in conjunction with the pending application of Trunkline in Docket No. CP73–58 and Coastal States Energy Company in Docket No. CP73–67.

Upon consideration, notice is hereby given that the time is further extended to and including August 20, 1973 within which to submit the tabulation and market data required by the letter of April 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15409 Filed 7–25–73;8:45 am]

[Dockets Nos. CP72–297, CP73–11, CP73–55]

TRUNKLINE GAS CO.

Notice of Cancellation

JULY 13, 1973.

Take notice that on July 2, 1973 Trunkline Gas Company (Trunkline) tendered for filing the following sheets to Trunkline's FPC Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 331—Cancellation of Rate Schedule E–6
First Revised Sheet No. 355—Cancellation of Rate Schedule E–7
First Relvsed Sheet No. 359—Cancellation of Rate Schedule E–8

Trunkline states that this filing is made to report the termination of agreements for exchange of natural gas, by their own terms. An effective date of August 1, 1973 is requested.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., in accordance with the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 30, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15304 Filed 7–25–73;8:45 am]

[Docket No. E–8276; etc.]

VIRGINIA ELECTRIC POWER CO., ET AL.

Notice of Application

JULY 18, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before August 13, 1973, file with the Federal Power Commission Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No. E–8276; filing date, June 18, 1973; name of applicant, Virginia Electric Power Company.

By request dated June 13, 1973, Applicant seeks permission to provide the Prince William Electric Cooperative with an additional delivery point in Prince William County, designated as the Woods Delivery Point. The projected connection date for this delivery point is in August, 1973. Applicant requests effectiveness on the date that the facilities are connected with the understanding that the Applicant will notify the Commission of that date.

Docket No. E–8277; filing date, June 14, 1973; name of applicant, The Superior District Power Company.

Applicant's letter dated June 12, 1973, requests permission to effect a special temporary minimum charge under its contract with the Bayfield Electric Cooperative, Telemark Connection, Point of Delivery No. 9. The installed 5,000 kVA in transformer capacity at this delivery point is more than twice the kVA capacity presently needed. Bayfield has agreed to a minimum charge based on 2,500 kVA capacity plus a flat charge of $50 per month to approximate the cost of unmetered transformer losses. It is requested that the proposed temporarily reduced minimum charge be effective with the date of connection for the Telemark Point of Delivery.

Docket No. E–8278; filing date, June 15, 1973; name of applicant, Gulf States Utilities Company.

Pursuant to agreement with Cajun Electric Power Cooperative Inc., Applicant has filed the June 11, 1973 notice of conversion of the Morganza Metering Point, at Morganza, Louisiana from 13.2 Kv to 34.5 Kv.

Docket No. E–8279; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

By letter dated June 8, 1973, Applicant filed a change in the rate schedule applicable to its agreement with the New Hampshire Electric Cooperative, Inc., for Partial Requirements Resale.

Docket No. E–8279; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

Service, dated December 1, 1972. This rate schedule replaces the rate schedule filed December 23, 1971, which has not been accepted for filing by the Commission.

The proposed changes delete all reference to deliveries of power from the Vermont Yankee Nuclear Power Corporation to the New Hampshire Electric Cooperative, Inc. The list of delivery points to which the Cooperative has requested delivery of its entitlement of power from the Maine Yankee Atomic Power Company has also been revised as has been the rate schedule set forth on Exhibit C, 1st Revised Sheet No. 1, dated June 15, 1972, filed as a rate increase in Docket No. E–7742. Applicant requests that the proposed rate schedule be made retroactive to December 1, 1972.

Docket No. E–8281; filing date, June 15, 1973; name of applicant, Public Service Company of New Hampshire.

By letter dated June 7, 1973, Applicant filed a change in the rate schedule pursuant to its agreement with the New Hampshire Electric Cooperative, Inc. Deletion of the Plymouth No. 1 delivery point is proposed effective as of October 1, 1970. Deletion of delivery point at Plymouth No. 2, Rumeny, Sunapee and Thornton is also proposed effective December 1, 1972. These delivery points have been deleted here because they have been added to a filing made concurrent with this one, Docket No. E–8279, Partial Requirements Resale Service.

Docket No. E–8283; filing date, June 13, 1973; name of applicant, Mississippi Power & Light Company.

Applicant filed by letter dated June 11, 1973, notice of agreement with the Delta Electric Power Association, Capline Substation, Carroll County, Mississippi, for sale of electrical power. The Applicant's rate schedule, REA–11, is on fife with the Commission. Applicant requests that this filing be made effective at the earliest permissible date.

Docket No. E–8291; filing date, June 25, 1973; name of applicant, Washington Water Power Company.

Applicant filed interconnection agreement between itself and Portland General Electric Company dated May 11, 1973. Applicant is to wheel energy generated by the Idaho Power Company and purchased by the Portland General Electric Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15410 Filed 7–25–73;8:45 am]

[Docket No. E–8290]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement for Establishment of New Delivery Point

JULY 13, 1973.

Take notice that on June 22, 1973, Virginia Electric and Power Company (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the Regulations under the Federal Power Act, a contract supplement, dated April 4, 1973, to the Agreement designated as Applicant's Rate Schedule FPC No. 87–15 between Applicant and Virginia Electric Cooperative. Said supplement requests Commission authorization for a new point of delivery—designated Orchid Delivery Point—located on the southwest side of U.S. Highway 522, approximately one quarter mile northwest of Route 601, in or near Louisa, Virginia. The application requests that the authorization become effective on the date of connection of such facilities, which is estimated to be in August, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15305 Filed 7–25–73;8:45 am]

STINGRAY PIPELINE CO. ET AL.

Practice and Procedure Intervention

JULY 13, 1973.

Stingray Pipeline Co., Sun Oil Co. and Pennzoil Offshore Transmission Co., Docket No. CP73–27, Docket No. CI73–878, Docket No. CI73–879, Docket No. CI73–880, Docket No. CP72–292.

On July 31, 1972, Stingray Pipeline Company (Stingray) filed an application in the above-styled proceeding pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, the leasing of existing facilities, and the transportation of gas for Natural Gas Pipeline Company of America (Natural and Trunkline Gas Company (Trunkline)).

Stingray proposes to construct and operate approximately 72 miles of 36-inch pipe, along with other appurtenant facilities, from Block 509 in West Cameron Area South Addition to Block 148 in West Cameron Area, offshore Louisiana, where the proposed line will attach to Natural's existing 36-inch offshore Louisiana system. Trunkline has been designated as the operator of the proposed facilities including the leased facilities. The project is to be constructed in two phases with the first phase to provide capacity of 654,000 Mcf per day and the second phase (additional laterals and offshore compression) would increase capacity to approximately 1,003,000 Mcf per day. The capacity is to be divided equally between Trunkline and Natural.

The proposed facilities in the first phase are to consist of 72 miles of 36-inch pipe, 134 miles of alleged gathering lines varying in size from 12-inches to 24-inches in diameter, a 22,500 horsepower onshore compressor station in Cameron Parish; Louisiana, and an offshore gathering platform in Block 509. The estimated total cost of these facilities is $105,000,000. The second phase facilities are to consist of 83.7 miles of alleged gathering line varying in size from 12-inches to 22-inches in diameter, an offshore compressor platform in Block 509 and the installation of a 22,000 horsepower compressor. The total estimated cost is $45,000,000.

Natural's offshore Louisiana system, which Stingray proposed to lease, consists of 4.55 miles of 16-inch lateral, 11.2 miles of 24-inch lateral and 32.05 miles of 36-inch pipe which was originally authorized by a certificate issued July 26, 1971, in Docket No. CP71–231. Natural's system extends from Block 148, West Cameron Area to a point onshore near Holly Beach, Louisiana.

Notice of Stingray's application was issued on August 16, 1972, and was published in the FEDERAL REGISTER on August 18, 1972 (37 FR 16829). September 5, 1972, was set as the final date for filing protests and petitions to intervene. Accordingly, timely petitions to intervene were filed by the following parties:

Columbia Gas Transmission Corporation
Laclede Gas Company
Pennzoil Offshore Transmission Company
United Gas Pipe Line Company
Northern Illinois Gas Company
Tennessee Gas Pipeline Company
Central Illinois Light Company[1]
Trunkline Gas Company
Panhandle Eastern Pipe Line Company
Central Illinois Public Service Company
Iowa Southern Utilities Company
Northern Indiana Public Service Company
North Shore Gas Company
Associated Gas Distributors[1]
Consumers Power Company
Northern Michigan Exploration Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
Indiana Gas Company
Natural Gas Pipeline Company of America
Peoples Gas Light and Coke Company
Mississippi River Transmission Corporation
City of Indianapolis

Untimely petitions to intervene were filed by the following parties:

Michigan Gas Utilities Company
Iowa Power and Light Company
Sea Robin Pipeline Company

The petitioners, including those who filed late, have shown sufficient interest in the proceedings in Docket No. CP73–27 to warrant intervention. The grant of intervention for those petitioners who have filed late will not delay this proceeding.

Stingray proposes to engage in the transportation of gas rather than in its purchase and resale. Stingray avers that its gas supply is represented by contracts with its customers, Natural and Trunkline. On June 7, 1973, Sun Oil Company (Sun) filed in Docket Nos. CI73–878, CI73–879, and CI73–880 applications pursuant to section 7(c) of the Natural Gas Act and section 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to Trunkline from certain Blocks in the West Cameron Area, Vermilion Area and East Cameron Area, respectively, offshore Louisiana. Since the gas which Sun proposes to sell to Trunkline represents, inter alia, Stingray's gas supply for transportation, we are of the view that Sun's applications herein should be consolidated with the proceedings in CP73–27. Additionally, we note that the Public Service Commission for the State of New York has timely filed a notice of intervention in Sun's three application proceedings.

On May 22, 1973, Stingray filed a motion with the Commission requesting immediate hearings. In its motion, Stingray maintains that both Natural and Trunkline are experiencing serious deficiencies in their natural gas supplies and that the proposed project is essential to them and their customers since it represents the earliest relief which could be made available to either system. Stingray states that "unless prompt measures are taken to bring this matter to the Commission for resolution, the parties along with the consumers which are dependent upon them will have lost, not one, but two precious years." Statements in support of Stingray's motion were filed by the following parties who, with the exception of Interstate Power Company, have all petitioned for leave to intervene in this proceeding:

Interstate Power Company
Michigan Gas Utilities Company
Mississippi River Transmission Corporation
Peoples Gas Light and Coke Company
Natural Gas Pipeline Company of America
Indiana Gas Company
Iowa-Illinois Gas and Electric Company
Illinois Power Company
Northern Michigan Exploration Company
Consumers Power Company
City of Indianapolis

On June 20, 1972, Pennzoil Offshore Transmission Company (POTCO) filed an application in Docket No. CP72–292 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and related facilities as well as the transportation and sale in interstate commerce of natural gas.

POTCO intends to construct and operate approximately 10.6 miles of 30-inch pipeline, extending from Block 587 in the West Cameron Area, South Addition, offshore Louisiana, to Block 548 in the same area. POTCO also proposes to construct and operate approximately 121 miles of 36-inch pipeline extending from a platform located in Block 548 in the West Cameron Area to an onshore point located near Sweet Lake, Cameron Parish,

[1] The petitions of Central Illinois and Associated Gas Distributors specifically request formal hearings.

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Louisiana; and approximately 139 miles of 30-inch pipeline extending from Sweet Lake to a point near Clarence, Louisiana. In addition, POTCO seeks authorization to transport through its facilities up to 400,000 Mcf of natural gas per day for sale to United Gas Pipe Line Company (United), of which POTCO is a wholly owned subsidiary, at a delivery point near Clarence. The estimated total cost of the proposed facilities is $126,000,000.

Notice of POTCO's application was issued on July 12, 1972, and was published in the FEDERAL REGISTER on July 18, 1972 (37 FR 14256). July 31, 1972, was set as the final date for filing protests and petitions to intervene. Accordingly, timely petitions to intervene were filed by the following parties:

Southern Natural Gas Company
Northern Michigan Exploration Company
Tennessee Gas Pipeline Company
Columbia Gas Transmission Corporation
Stingray Pipeline Company
Natural Gas Pipeline Company of America
Trunkline Gas Company
Mississippi River Transmission Corporation
Atlanta Gas Light Company
Mississippi Valley Gas Company
Laclede Gas Company
Texas Gas Transmission Corporation
Public Service Commission of the State of New York

Untimely petitions to intervene were filed by the following parties:

Central Illinois Light Company
Associated Gas Distributors

The petitioners, including those who filed out of time, have sufficient interest in the proceedings in Docket No. CP72-292, to warrant intervention therein. The grant of intervention for those petitioners who filed late will not delay this proceeding.

While we recognize that the nation is currently in the midst of a serious natural gas shortage and that we must do everything within our means to expedite the certification of transportation facilities in the offshore areas in order to bring newly discovered gas into the interstate market, we also recognize that the instant applications may require comparative hearings. Our dilemma is compounded by the fact that while Stingray's application in Docket No. CP73-27 is ripe for the initiation of the public hearing process, POTCO's application is Docket No. CP72-242, because of a substantial lack of important environmental information,[1] is not. In order to facilitate our decision regarding the comparative nature of the two applications, we believe that the two pipeline applicants, Stingray and POTCO, are in the best position to submit initial pleadings to us concerning whether the two applications are, in fact, mutually exclusive applications for the transportation of gas from the same supply area and therefore require comparative public hearings. Once these initial pleadings are filed with regards to this specific question, all interested parties may file responses thereto if they so desire. After reviewing these pleadings and responses we will render our decision on the comparative hearing issue.

In the interim, we believe that the public interest warrants going forward with the Stingray proceeding in Docket No. CP73-27. After reviewing all filings in that Docket, we are of the view that questions have been raised which, together with the requests of some petitioners, warrant formal public hearings at which time all issues bearing upon the public interest can be fully developed on the evidentiary record. Additionally, we believe that a prehearing conference should be held prior to the date of initiating formal hearing so as to provide an opportunity and a forum for the resolution and stipulation of all areas of agreement between the parties and to more clearly define the issues for an expeditious hearing. At such prehearing conference each party should also be prepared to state briefly its position regarding whether Stingray's application in Docket No. CP73-27 and/or POTCO's application in Docket No. CP72-292 constitutes a major federal action significantly affecting the quality of the human environment pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 USC 4321 et seq. (Supp. 1970)).

All intervenors in the POTCO proceeding in Docket No. CP72-292 shall be granted conditional intervention in the proceedings in Docket No. CP73-27 until such time as we have rendered our decision on the comparative hearing question. Should we eventually decide that comparative hearings are not required, such conditional interventions will be revoked as to those parties who have not formally intervened in Docket No. CP73-27. We believe that by this method we can effectively go forward with the litigation of Stingray's application and at the same time protect the rights and interests of all parties concerned. Should we decide that a comparative hearing is in order, the conditional interventions will become final and the evidentiary record of the Stingray application will be available for final determination at the conclusion of the formal hearings on the POTCO application.

The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above consolidated Dockets to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) It is necessary and appropriate to grant the motion filed by Stingray requesting immediate hearings.

(4) It is necessary and appropriate that Stingray and POTCO file pleadings with the Commission in which they shall state their respective position concerning whether their applications are mutually exclusive and whether comparative hearings should be conducted. It is similarly necessary and appropriate that all interested parties be afforded an opportunity to respond to such pleadings.

(5) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned for intervention in Docket No. CP72-292 to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(6) It is in the public interest to allow all parties to the proceedings in Docket No. CP72-292 to intervene into the above consolidated proceeding subject to the conditions set forth in the body of this order.

(7) It is necessary and appropriate that the consolidated proceedings involving Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 be set for hearing and that a prehearing conference be convened prior to the initiation of such hearing.

The Commission orders:

(A) Docket Nos. CP73-27, CI73-878, CI73-879, and CI73-880 are consolidated for purposes of hearing and disposition.

(B) The above-named petitioners, who have petitioned to intervene in the proceedings consolidated by ordering paragraph (A) herein, are permitted to intervene in such consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Stingray Pipeline Company and Pennzoil Offshore Transmission Company shall file pleadings on or before August 14, 1973, with the Commission and serve copies of same on all parties of record in Docket Nos. CP73-27 and CP72-292 including the Commission Staff, stating their respective positions as to whether the above two Docketed proceedings should be consolidated for purposes of comparative hearings. All interested parties wishing to file responses to such pleadings shall file such responses on or before August 27, 1973.

(D) The above-named petitioners, who have petitioned to intervene in the proceedings in Docket No. CP72-292, are permitted to intervene in such proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) All parties to the proceeding in Docket No. CP72-292 are permitted to intervene in the proceedings consolidated by ordering paragraph (A) herein subject to the rules and regulations of the Commission and subject to the provisions of intervention as set forth in ordering paragraph (B) herein: *Provided, however,* That the intervention of such parties shall be conditioned on the Commission's determination of the need for comparative hearings regarding the application herein and should the Commission determine that comparative hearings are not required such intervention shall be revoked.

(F) The direct case of applicants in the proceedings consolidated by ordering paragraph (A) herein and all intervenors in support thereof shall be filed and served on all parties of record including the Commission Staff on or before July 31, 1973.

(G) A formal hearing shall be convened to commence with a prehearing conference in the proceedings consolidated by ordering paragraph (A) in a hearing room of the Federal Power Commission, 825 North Capital Street, NE., Washington, D.C. 20426 on August 28, 1973, at 10:00 a.m. e.d.t. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15306 Filed 7-25-73;8:45 am]

[1] It should be noted that on July 3, 1973, POTCO filed an amendment to its original application which, *inter alia*, provides for the deletion of a substantial portion of its proposed onshore facilities. To what extent this amended application will alleviate the need for certain environmental information is not known at this time.

[Project Nos. 2058-2075]

WASHINGTON WATER POWER CO.

Notice of Application for Change in Land Rights

JULY 13, 1973.

Public notice is hereby given that application was filed December 14, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by The Washington Water Power Company (Correspondence to: Mr. Robert L. Strenge, Assistant Secretary, The Washington Water Power Company, P.O. Box 1445, Spokane, Washington 99210) for change in land rights for constructed Project No. 2058, known as the Cabinet Gorge Project, located on the Clark Fork River in Bonner County, Idaho and Sanders County, Montana and for constructed Project No. 2075, known as the Noxon Rapids Project, located on the Clark Fork River in Sanders County, Montana. Project No. 2058 is downstream of Project No. 2075. The location of the lands involved is Sanders County, Montana.

Applicant, The Washington Water Power Company, requests Commission approval to transfer title of 12 parcels of project land totaling 69.54 acres (0.10 acres of P-2058 land and 69.44 acres of P-2075 land) to Burlington Northern, Inc. The conveyance would be pursuant to an agreement with the railroad to secure ownership of lands needed for relocation of the previous right-of-way which was flooded by the construction of Noxon Reservoir. The land, which is totally within relocated railroad right-of-way was recently acquired from the U.S. Forest Service. The railroad right-of-way is adjacent to and follows the right bank of the project reservoirs until it crosses the Clark Fork River about 9 miles upstream of the Noxon Rapids Dam.

Relocation of the railroad was shown on Exhibit J Sheet 2 approved by the Commission in the order issuing license dated May 12, 1955, and on Revised Exhibit J Sheet 2 approved September 26, 1962.

Any person desiring to be heard or to make protest with reference to said application should, on or before August 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15411 Filed 7-25-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN HOME INDUSTRIES CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of American Home Industries Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m., e.d.t., July 19, 1973 through midnight, e.d.t., July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15325 Filed 7-25-73;8:45 am]

[File No. 500-1]

AZTEC PRODUCTS, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.05 par value, and all other securities of Aztec Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15335 Filed 7-25-73;8:45 am]

[File No. 500-1]

BBI, INC.

Order Suspending Trading

JULY 20, 1973.

The common stock, $0.10 par value, of BBI, Inc. being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is orderd, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15334 Filed 7-25-73;8:45 am]

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[File No. 500–1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15333 Filed 7–25–73;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10¢ par value, of Continental Vending Machine Corporation, and the 6% convertible subordinated debentures due September 1, 1976 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 19, 1973 through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15338 Filed 7–25–73;8:45 am]

[70–5364]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT CO. OF MARYLAND

Proposed Extension of Maturity Dates

JULY 20, 1973.

In the matter of Delmarva Power & Light Co., 800 King Street, Wilmington, Delaware, 19899; and Delmarva Power & Light Co. of Maryland, U.S. Route 13 and Naylor Mill Road, Salisbury, MD 21801.

Notice of proposed extension of the maturity dates of all outstanding promissory notes issued and sold by subsidiary electric utility company to its parent holding company and refunding of the subsidiary's 30-year promissory note maturing October 1, 1973, by the issue and sale to parent holding company of a 30-year promissory note in like amount; and issue and sale of long-term promissory notes and capital stock and acquisition and pledge thereof by parent.

Notice is hereby given that Delmarva Power & Light Company of Maryland ("Maryland"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company ("Delmarva"), a registered holding company and a public-utility company, have filed with this Commission an application-declaration pursuant to sections 6(b), 9(a), 12(b), 12(d), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44 and 50(a)(3) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Maryland are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. Delmarva and Maryland propose to extend the maturity dates of Maryland's outstanding promissory notes so that all will have 30-year terms from the dates of their respective issues and at their original interest rates. All outstanding promissory notes of Maryland, aggregating $46,025,000 principal amount, are presently due and payable on October 1, 1973.

Maryland proposes to refund its 30-year 4 percent promissory note, issued October 1, 1943, in the principal amount of $3,760,000, by the issue and sale to Delmarva of a new 30-year promissory note in like amount maturing October 1, 2003, to bear interest at 7.9 percent per annum, such interest rate being based on the cost of the last public borrowing of Delmarva, rounded to the next highest one tenth of one percent (.1%).

From time to time prior to December 31, 1975, Maryland proposes to issue and sell to Delmarva its 30-year promissory notes in a total principal amount not exceeding $8,550,000 and will also issue and sell to Delmarva a total of up to 85,500 additional shares of its common capital stock, par value $100 per share. Presently, Maryland has outstanding 310,250 shares par value $100 per share of its common capital stock. Delmarva will purchase the notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. The notes will bear interest at 7.9 percent per annum, such interest rate being based on the cost of the latest public borrowing of Delmarva, rounded to the next highest one tenth of one percent. At such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Maryland shall bear interest equal to the cost of money to Delmarva under its then latest bond issue, rounded to the next highest one tenth of one percent. At the time of sale of any of said notes by Maryland to Delmarva, Maryland will sell and Delmarva will acquire common capital stock having a par value equal to the principal amount of notes being sold and acquired. The notes and stock will be pledged by Delmarva with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. The notes and stock will be issued and sold by Maryland from time to time as necessary to meet Maryland's cash requirements.

Maryland will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of its 30-year 4 percent promissory note maturing October 1, 1973, in the principal amount of $3,760,000, and for future capital expenditures and other corporate purposes. Proposed additions to Maryland's property and plant are estimated at $3,988,659 for the remaining months of 1973, and estimated expenditures of $17,893,175 for 1974.

It is stated that the Public Service Commission of Maryland has jurisdiction over the proposed transactions and that no other State Commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $4,000, including counsel fees of $1,750.

Notice is further given that any interested person may, not later than August 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15323 Filed 7–25–73;8:45 am]

[70–5365]

DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT COMPANY OF VIRGINIA

Notice of Proposed Extension of the Maturity Dates of All Outstanding Promissory Notes

JULY 19, 1973.

Notice is hereby given that Delmarva Power & Light Company of Virginia, 800 King Street, Wilmington, Delaware 19899 ("Virginia"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company, U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland 21801 ("Delmarva"), a registered holding company and a public-utility company, have filed with this Commission an application-declaration pursuant to sections 6(b), 9(a), 12(b), 12(d) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43, 44 and 50(a)(3) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Virginia are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. Delmarva and Virginia propose to extend the maturity dates of Virginia's outstanding promissory notes so that all will have 30-year terms from the dates of their respective issues and at their original interest rates. All outstanding promissory notes of Virginia, aggregating $6,175,000 principal amount, are presently due and payable on October 1, 1973.

Virginia proposes to refund its 30-year 4 percent promissory note, issued October 1, 1943, in the principal amount of $775,000, by the issue and sale to Delmarva of a new 30-year promissory note in like amount maturing October 1, 2003, to bear interest at 7.9 percent per annum, such interest rate being based on the cost of the last public borrowing of Delmarva, rounded to the next highest one tenth of one percent (.1 percent).

From time to time prior to December 31, 1975, Virginia proposes to issue and sell to Delmarva its 30-year promissory notes in a total principal amount not exceeding $275,000 and will also issue and sell to Delmarva a total of up to 2,750 additional shares of its common capital stock, par value $100 per share. Presently, Virginia has outstanding 46,250 shares par value $100 of its common capital stock. Delmarva will purchase the notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. The notes will bear interest at 7.9 percent per annum, such interest rate being based on the cost of the latest public borrowing of Delmarva, rounded to the next highest one tenth of one percent. At such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Virginia shall bear interest equal to the cost of money to Delmarva under its then latest bond issue, rounded to the next highest one tenth of one percent. At the time of sale of any of said notes by Virginia to Delmarva, Virginia will sell and Delmarva will acquire common capital stock having a par value equal to the principal amount of notes being so sold and acquired. The notes and stock will be pledged by Delmarva with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943. The notes and stock will be issued and sold by Virginia from time to time as necessary to meet Virginia's cash requirements.

Virginia will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of its 30-year 4 percent promissory note maturing October 1, 1973, in the principal amount of $775,000, and for future capital expenditures and other corporate purposes. Proposed additions to Virginia's property and plant are estimated at $493,619 for the remaining months of 1973, and estimated expenditures of $1,063,109 for 1974.

It is stated that the State Corporation Commission of Virginia has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $3,500, including counsel fees of $1,000.

Notice is further given that any interested person may, not later than August 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15342 Filed 7–25–73;8:45 am]

[File No. 500–1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 19, 1973 through July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15324 Filed 7–25–73;8:45 am]

[File No. 500–1]

JOHNNY UNITAS QUARTERBACK CLUBS, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Johnny Unitas Quarterback Clubs, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from

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10 a.m. (e.d.t.), July 18, 1973 through midnight (e.d.t.) July 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15340 Filed 7-25-73;8:45 am]

[812-3171]

NUVEEN INCOME FUND, SERIES 1 ET AL.

Filing of Application

JULY 20, 1973.

Notice is hereby given that IDS/Nuveen Income Trust, Series 1 ("Series 1"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") and all subsequent series and their sponsor, John Nuveen & Co., Incorporated ("Nuveen"), 209 South La Salle St., Chicago, Ill. 60604 (hereinafter referred to as "Applicants") have filed an application for an order requesting that the order of the Commission dated June 16, 1972 (Investment Company Act Release No. 7228) granting Nuveen and Nuveen Income Fund Series 1, Monthly Payment Plan an exemption from section 14(a) of the Act, be modified and amended to include and make applicable such exemption to Series 1 and subsequent series. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

A registration statement for Series 1 on Form N-8B-2 (File No. 811-2385) was filed under the Act on June 25, 1973 and a registration statement under the Securities Act of 1933 on Form S-6 (File No. 2-48398) was filed on the same date. Series 1 and each subsequent Series will be substantially identical in form to Nuveen Income Trust, Series 1 Check-A-Month Plan (formerly Nuveen Income Fund, Series 1 Monthly Payment Plan). The differences include the names of the Trusts; the Trustee which will be American National Bank and Trust Company of Chicago; and, in addition to depositing interest-bearing corporate debt securities with the Trustee, Nuveen may deposit obligations of, or guaranteed by, the United States government or an agency or instrumentality thereof.

Applicants request the Commission's Order dated June 16, 1972, be amended and modified to include Series 1 and subsequent series within the exemption from the provisions of section 14(a) of the Act so that Applicants may make a public offering of Units of Series 1 and of Units of subsequent Series of IDS/Nuveen Income Trust. In connection with this request, Nuveen agrees to the same undertakings with respect to Series 1 and subsequent Series that it made in the original application with respect to Nuveen Income Trust Series 1 Check-A-Month Plan and subsequent Series.

Section 14(a) of the Act requires that a registered investment company (a) have net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than August 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15322 Filed 7-25-73;8:45 am]

[File No. 500-1]

OFFSHORE SEA DEVELOPMENT CORP.

Order Suspending Trading

JULY 19, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value and all other securities of Offshore Sea Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:15 a.m., e.d.t., July 19, 1973 through midnight (e.d.t.) July 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15326 Filed 7-25-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Pacer Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 21, 1973 through July 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15331 Filed 7-25-73;8:45 am]

[File No. 500-1]

PARAGON SECURITIES CO.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of Paragon Securities Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15329 Filed 7-25-73;8:45 am]

[File No. 500-1]

RADIATION SERVICE ASSOCIATES, INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Radiation Service Associates, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 20, 1973 through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15327 Filed 7-25-73;8:45 am]

[File No. 500-1]

RADIOPTICS, INC.

Order Suspending Trading

JULY 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Radioptics, Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on July 18, 1973 and continuing through July 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15339 Filed 7-25-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $5. par value and all other securities of Royal Properties Incorporated, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 22, 1973 through July 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15328 Filed 7-25-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973, through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15332 Filed 7-25-73;8:45 am]

[File No. 24SF-3979]

UNITED AUTO AUCTION SYSTEMS, INC.

Order Permanently Suspending Exemption

JULY 18, 1973.

I. United Auto Auction Systems, Inc. ("Auction"), 1417 So. Figueroa Street, Los Angeles, California 90015 filed a Notification on Form 1-A and Offering Circular with the San Francisco Branch Office on December 18, 1972. This filing related to a proposed offering of 100,000 shares of Auction's common stock at $5.00 per share for an aggregate offering price of $500,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder.

II. The Commission on May 29, 1973 temporarily suspended the Regulation A exemption of United Auto Auction Systems, Inc., stating it had reason to believe that:

A. The Offering Circular of Auction omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading and contained untrue statements of material facts, primarily and among other things:

1. The Offering Circular failed to disclose that the auctioneer's license of Stanley Gordon, President of Auction, had been revoked; and

2. The Offering Circular failed to disclose that Auction had been notified by the Department of Motor Vehicles of the State of California of repeated violations of the State of California Motor Vehicles Code.

B. The terms and conditions of Regulation A had not been complied with in that:

1. The Offering Circular failed to disclose that the auctioneer's license of Stanley Gordon had been revoked; and

2. The Offering Circular failed to disclose that Auction had been notified by the Department of Motor Vehicles of the State of California of repeated violations of the State of California Motor Vehicles Code.

C. The offering, if made, would have been in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by United Auto Auction Systems, Inc. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of United Auto Auction Systems, Inc. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15341 Filed 7-25-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JULY 20, 1973.

The common stock, $2.50 par value, of U.S. Financial Incorporated being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 23, 1973 through August 1, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-15330 Filed 7-25-73;8:45 am]

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SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0040]

CENTRAL FLORIDA INVESTMENTS, INC.

Notice of License Surrender

Notice is hereby given that Central Florida Investments, Inc., 125 South Court Avenue, Orlando, Florida 32801, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's Regulations governing small business investment companies (13 CFR 107.105(1973)).

Central Florida Investments, Inc., was licensed as a small business investment company on February 17, 1961, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the Act and pursuant to the cited Regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled.

Dated: July 19, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-15343 Filed 7-25-73;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee on Drug Detection on July 27, 1973, 9:30 a.m., Room 3104, the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. The principal purpose of the meeting is determination of future goals and procedures of the Center for Disease Control Urine Proficiency Testing System.

This meeting is open to the public. Any member of the public wishing to attend or participate should contact the Chairman, John Whysner, M.D., (202) 456-6276. If attendance is not possible, the Committee will receive written statements which will be read at the time and in the manner permitted by the Committee.

JOHN WHYSNER,
Chairman.

[FR Doc.73-15345 Filed 7-25-73;8:45 am]

TARIFF COMMISSION

[AA1921-126]

COLD ROLLED STAINLESS STEEL SHEET AND STRIP FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 11, 1973, that cold rolled stainless steel sheet and strip from France are being, or are likely to be, sold at less than fair value, the United States Tariff Commission July 20, 1973, instituted investigation No. AA1921-126 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, September 11, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, September 6, 1973.

By order of the Commission.

Issued: July 23, 1973.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15353 Filed 7-25-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 305]

ASSIGNMENT OF HEARINGS

JULY 23, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8039, P. C. White Truck Line, Inc., et al. V. Ross Neely Express, Inc., now being assigned hearing September 18, 1973 (2 days), at Montgomery, Ala., in a hearing room to be later designated.

MC 121303 Sub 3, O. K. Warehouse Co., Inc., Extension Used Household Goods in Containers, now being assigned continued hearing September 18, 1973, at Austin, Tex., in a hearing room to be later designated.

MC 124174 Sub 91, Momsen Trucking Co., now assigned July 24, 1973, at Washington, D.C., is postponed to September 4, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15367 Filed 7-25-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 63, Amdt. 5]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 63 and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 63 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 30, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 20, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-15365 Filed 7-25-73;8:45 am]

[Notice 319]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 15, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74449. By order of July 20, 1973, the Motor Carrier Board approved the transfer to Hallmark Van Lines, Inc., Holyoke, Mass., of Certificate No. MC-113727 issued to George J. Arooth, dba Arooth Trucking Co., Ludlow, Mass., authorizing the transportation of: Household goods, as defined by the Commission, between Ludlow, Mass., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. David M. Marshall, Attorney, 135 State St., Springfield, Mass. 01103.

No. MC-FC-74459. By order of July 18, 1973, the Motor Carrier Board approved the transfer to David J. Anthony, dba Glowatsky's Piggyback Service, Allentown, Pa., of Certificate No. MC-113957 (Sub No. 4) issued to Hanover Lines, Inc., Allentown, Pa., authorizing the transportation of: General commodities, with exceptions, between Allentown, Pa., on the one hand, and, on the other, points in specified counties in Pennsylvania and New Jersey, Paul B. Kemmerrer, Practitioner, 1620 N. 19th St., Allentown, Pa. 18104.

No. MC-FC-74508. By order of July 20, 1973, the Motor Carrier Board approved the transfer to Action Van Service, Inc., 143 E. Porter Street, P.O. Box 3108, Jackson, Miss. 39207, of the operating rights in Certificate No. MC-128923 (Sub-No. 1) issued February 5, 1970, to Brummett Moving & Storage Co., Inc., 180 Sheppard Road, Jackson, Miss., authorizing the transportation of used household goods, between Jackson, Miss., on the one hand, and, on the other, points in specified counties in Mississippi, subject to restrictions.

No. MC-FC-74520. By order of July 17, 1973, the Motor Carrier Board approved the transfer to Walter D. Davis, Inc., Houlton, Me., of the operating rights in Certificates Nos. MC-119532, MC-119532 (Sub-No. 2), MC-119532 (Sub-No. 3), and MC-119532 (Sub-No. 5) issued January 12, 1961, December 8, 1961, March 1, 1966, and February 20, 1973, respectively, to Ira Farrell and Laurel Farrell, A partnership, doing business as Ira Farrell & Son, Houlton, Me., authorizing the transportation of bananas and fresh fruit, fresh vegetables, and fresh berries when transported in the same vehicle with bananas, from Boston, Mass., to ports of entry on the United States-Canada Boundary line, at or near Calais, Houlton, and Vanceboro, Me.; and bananas, from Weehawken, N.J. and Port Newark, N.J., and Albany and New York, N.Y., to the ports of entry on the United States-Canada Boundary line at or near Houlton, Calais, and Vanceboro, Me. Dual operations were authorized. Kenneth B. Williams, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC-74586. By order entered July 18, 1973, the Motor Carrier Board approved the transfer to Richard E. Koontz, Everett, Pa., of that portion of the operating rights set forth in Certificate No. MC-133866, issued July 20, 1971, to Everett Trucking, Inc., Everett, Pa., authorizing the transportation of coal, from points in Westmoreland County, Pa. (except Mt. Pleasant, Pa.), to Lime Kiln and Baltimore, Md. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219, attorney at law for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15366 Filed 7-25-73;8:45 am]

[Notice 99]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17211 (Sub-No. 13 TA) filed July 13, 1973 Applicant: JESCO MOTOR EXPRESS, INC. 162 Columbus Road Mt. Vernon, Ohio 43050 Applicant's representative: A. Charles Tell 100 E. Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, from Wyandotte, Mich., to Mt. Vernon, Ohio, for 90 days. SUPPORTING SHIPPER: Chattanooga Glass Company, P.O. Box 829, Mount Vernon, Ohio. SEND PROTESTS TO: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 41404 (Sub-No. 109 TA) filed July 11, 1973 Applicant: ARGO-COLLIER TRUCK LINES CORPORATION Post Office Drawer 440 Fulton Highway Martin, Tenn. 38237 Applicant's representative: Tom D. Copeland (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour & Company at Memphis, Tenn., to Salem, Ohio, for 180 days. SUPPORTING SHIPPER: Armour Food Company, 111 W. Clarendon Ave., Greyhound Tower, Phoenix, Ariz. 85077. SEND PROTESTS TO: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 83835 (Sub-No. 108 TA) filed July 9, 1973 Applicant: WALES TRANSPORTATION, INC. Mail: P.O. Box 6186 Dallas, Tex. 75222 and Off: 905 Meyers Road Grand Prairie, Tex. 75050 Applicant's representative: James W. Hightower 136 Wynnewood Professional Bldg. Dallas, Tex. 75224 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parts of trucks* designed for off-highway use, from the plantsite of Unit Rig & Equipment Co. at Tulsa, Okla., to Niagara Falls, N.Y., for 180 days. SUPPORTING SHIPPER: Unit Rig & Equipment Co., P.O. Box 3107, Tulsa, Okla. 74101. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 102295 (Sub-No. 22 TA) filed July 11, 1973 Applicant: GUY HEAVENER, INC. 480 School Lane Harleysville, Pa. 19438 Applicant's representative: V. Baker Smith 2107 The Fidelity Bldg. Philadelphia, Pa. 19109 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrite*, in bulk, from Claymont, Del., to points in Maryland, New York, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Douglas K. Friedman, President, Pumice Aggregate Corp., 1060 Kings Highway North, Cherry Hill, N.J. 08034. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, William J. Green Jr. Federal Bldg., Philadelphia, Pa. 19106.

No. MC 10827 (Sub-No. 370 TA) filed June 31, 1973 Applicant: FROZEN FOOD EXPRESS 318 Cadiz St., P.O. Box 5888, 75207 Dallas, Tex. 75222 Applicant's representative: J. B. Ham (Same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood plasma*, from Phoenix, Ariz., to Berkeley, Calif., for 180 days. NOTE: Carrier does intend to tack authority. SUPPORTING SHIPPER. Cutter Laboratries, Inc., Fourth and Parker Streets, Berkeley, Calif. 94710. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 114211 (Sub-No. 202 TA) filed July 12, 1973 Applicant: WARREN TRANSPORT, INC. 324 Manhard Street P.O. Box 420 Waterloo, Iowa 50701 Applicant's representative: Singer & Lippman 327 South LaSalle Chicago, Ill. 60604 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*

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(except truck tractors), *tractor parts and attachments thereof*, from Romeo, Mich., to points in Arizona, California, Montana, Idaho, Nevada, Oregon, Utah and Washington, for 180 days. SUPPORTING SHIPPER: Tractor Operations, Ford Motor Company, 2500 East Maple Road, Troy, Mich. 48084. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114290 (Sub-No. 70 TA) filed July 10, 1973 Applicant: EXLEY EXPRESS, INC. 2610 S.E. 8th Avenue Portland, Oreg. 97202 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from points in Walla Walla County, Wash. and Umatilla County, Oreg., to points in Arizona, and (2) from points in Yakima County, Wash., to points in Arizona, California, Nevada and Oregon, for 180 days. SUPPORTING SHIPPERS: S. E. Rycoff Co., 761 Terminal St., Los Angeles, Calif. 90021; Independent Food Processors Corporation, P.O. Box 1588, Yakima, Wash. 98907; and Arden-Mayfair, Inc., 2500 South Garfield, Los Angeles, Calif. 90040. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine St., Portland, Oreg. 97204.

No. MC 114290 (Sub-No. 71 TA) filed July 10, 1973 Applicant: EXILY EXPRESS, INC. 2610 S. E. 8th Avenue Portland, Oreg. 97202 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet food*, from points in California, to points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: Star Kist Foods, Inc., 582 Tuna St., Terminal Island, Calif.; Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, Calif. 90058; Lewis Foods Division, National Pet Food Corporation, 6700 Cherry Avenue—P.O. Box 788, Long Beach, Calif. 90801; and Van Camp Seafood Division, Ralston Purina Co., 835 S. 8th Street, St. Louis, Mo. 63188. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S. W. Pine St., Portland, Oreg. 97204.

No. MC 116273 (Sub-No. 163 TA) filed July 13, 1973 Applicant: D & L TRANSPORT, INC. 3800 S. Laramie Avenue Cicero, Ill. 60650 Applicant's representative: Robert G. Paluch (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk plastics*, from Peru, Ill., to Selkirk, N.Y., for 180 days. SUPPORTING SHIPPER: Mr. Louis Buratti, Director of Traffic, Foster Grant Company, Inc., Leominster, Mass. 01453. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118202 (Sub-No. 12 TA) filed July 11, 1973 Applicant: SCHULITZ TRANSIT, INC. P.O. Box 503 323 Bridge Street Winona, Minn. 55987 Applicant's representative: Eugene A. Schultz (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural fermentation compounds and ingredients;* (2) *fertilizers and ingredients;* (3) *animal minerals and vitamins;* (4) *supplies, signs and materials* used in the sale of 1, 2 and 3 above; (5) *commodities* the transportation which falls within the partial exemption of Section 203(b)(6) of the Interstate Commerce Act when moving with the above commodities (except commodities in bulk, in tank vehicles), from Carson City, Nev., to all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Im-Pruv-All Agriculture, Incorporated, P. O. Box 1782, Carson City, Nev. 89701. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 124813 (Sub-No. 106 TA) filed July 13, 1973 Applicant: UMTHUN TRUCKING CO. 910 South Jackson Eagle Grove, Iowa 50533 Applicant's representative: Thomas E. Leahy 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from Lincoln, Nebr., to points in Iowa, Illinois and Missouri, for 180 days. SUPPORTING SHIPPER: Gooch Milling & Elevator Company, Box 81308, Lincoln, Nebr. 68501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125140 (Sub-No. 16 TA) filed July 9, 1973 Applicant: RICHARD B. BRUNZLICK Augusta, Wis. 54722 Applicant's representative: F. H. Kroeger 2288 University Avenue St. Paul, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy by-products, fruit juices and fruit drinks*, from St. Paul, Minn., to Tomah, Wis., for 180 days. SUPPORTING SHIPPER: Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 133119 (Sub-No. 21 TA) filed July 9, 1973 Applicant: HEYL TRUCK LINES, INC. 235 Mill Street P.O. Box 206 Akron, Iowa 51001 Applicant's representative: A. J. Swanson Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen citrus concentrate*, from points in Willacy, Starr, Hidalgo, Cameron, and Nueces Counties, Tex., to points of entry located on the International Boundary between the United States and Canada in Minnesota and North Dakota, for 180 days. RESTRICTION: Restricted to traffic moving in Foreign Commerce. SUPPORTING SHIPPER: Texas Citrus Exchange, Charles E. Der, Sales Mgr., Processing Div., P.O. Box 480, 1312 S. Closner, Edinburg, Tex. SEND PROTESTS TO: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Bldg., Omaha, Nebr. 68102.

No. MC 133203 (Sub-No. 2 TA) filed July 13, 1973 Applicant: COURIER EXPRESS CORPORATION 440 Domino Court P.O. Box 538 Charlotte, N.C. 28201 Applicant's representative: Douglass M. Phillips (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records and documents* used in processing such media, and commercial papers, documents, and written instruments (except cash letters), between Richmond, Va., on the one hand, and, on the other, points in Montgomery and Prince Georges Counties, Md., for 180 days. SUPPORTING SHIPPER: Data Systems Corporation, Richmond, Va. SEND PROTESTS TO: District Supervisor Price, Interstate Commerce Commission, 800 Briar Creek Rd.—Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 134238 (Sub-No. 7 TA) filed July 12, 1973 Applicant: GENE'S, INC. 10115 Brookville-Salem Road Clayton, Ohio 45315 Applicant's representative: Edward R. Kirk Suite 1660 88 E. Broad Street Columbus, Ohio 43215 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream products, sherberts, frozen dietary products, water ices, and water ice products*, in containers, in refrigerated vehicles, from the plantsite and storage facilities of The Kroger Co., at or near Springdale, Ohio, to the storage and distribution facility of Ice Cream Service, Inc. in Westmoreland County, Pa., for 180 days. RESTRICTION: The transportation service is restricted to a continuing contract with The Kroger Co., Cincinnati, Ohio. SUPPORTING SHIPPER: The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202.

No. MC 134806 (Sub-No. 13 TA) filed July 11, 1973 Applicant: B–D–R TRANSPORT, INC. P.O. Box 813 Brattleboro, Vt. 05301 Applicant's representative: Francis J. Ortman 1100 17th Street, N.W. Suite 613 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, from Peace Bridge, N.Y., to Brattleboro, Vt. and Wilton, Maine, for 180 days. SUPPORTING SHIPPER: Bamberger's (A Division of R. H. Macy & Co., Inc.), Newark, N.J. 07101. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 134970 (Sub-No. 3 TA) filed July 12, 1973 Applicant: UNSICKER TRUCKING INC. P.O. Box 35, Rt. #24 East El Paso, Ill. 61738 Applicant's representative: David R. Parker 300 NSEA Building 14th and J. Streets Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, *and all equipment, supplies and component parts* used in the construction, erection, or completion of such buildings, from the plantsite of Marathon Metallic Building Company, El Paso, Ill., to points in Delaware, Connecticut, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, Pennsylvania, South Dakota, Virginia, Vermont, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPER: Thomas L. Young, Traffic Manager, Marathon Metallic Building Company, P.O. Box 14240, Houston, Tex. 77021. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 135152 (Sub-No. 9 TA) filed July 12, 1973 Applicant: CASKET DISTRIBUTORS, INC. Off: R.R. 2 Mlg: P.O. Box 327 Harrison, Ind. 45030 Applicant's representative: Jack B. Josselson 700 Atlas Bank Bldg. 524 Walnut Street Cincinnati, Ohio Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies and crated caskets* in mixed loads with uncrated caskets, from Toccoa, Ga., to points in Florida, Illinois and New York, for 180 days. SUPPORTING SHIPPER: Toccoa Casket Company, Post Office Box 460, Toccoa, Ga. 30577. SEND PROTESTS TO: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 136639 (Sub-No. 6 TA) filed July 12, 1973 Applicant: T H S CORPORATION 15 Exchange Place Jersey City, N.J. 07302 Applicant's representative: Marvin Fenster (Same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and commodities* as are dealt in by retail department stores, between Newark, Bloomfield, and Edison Township, N.J., on the one hand, and points in Bucks, Montgomery, Delaware and Chester Counties, Pa., on the other, for 180 days. SUPPORTING SHIPPER: Bamberger's (A Division of R. H. Macy & Co., Inc.), Newark, N.J. 07101. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136786 (Sub-No. 8 TA) filed July 10, 1973 Applicant: ROBCO TRANSPORTATION, INC. 3033 Excelsior Boulevard Minneapolis, Minn. 55416 Applicant's representative: K. O. Petrick (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wagner, S. Dak., to points in the United States (except Alaska and Hawaii) and (2) *meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), *materials, supplies and equipment* used by meat packinghouses (except commodities in bulk), from points in Montana, North Dakota, Minnesota, Wisconsin, Illinois, Missouri, Arkansas, Oklahoma, Texas, Kansas, Colorado, Nebraska and Iowa, to Wagner S. Dak., for 180 days. RESTRICTION: Restricted in part (1) to traffic originating at the plantsite and storage facilities utilized by Yankton-Sioux Industries at Wagner, S. Dak. and in part (2) to traffic originating at points in the named states and destined to the plantsite and storage facilities utilized by Yankton-Sioux Industries, Wagner, S. Dak. SUPPORTING SHIPPER: Yankton Sioux Industries, 301 N. 5th Street, Minneapolis, Minn. 55403. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 138410 (Sub-No. 2 TA) filed July 9, 1973 Applicant: DUANE LEROY OLSEN doing business as OLSEN TRUCKING P.O. Box 4176 South Lake Tahoe, Calif. 95705 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving mateials, decomposed granite, rock and sand*, from points in Carson City, Douglas and Storey Counties, Nev., to points in Alpine, Amador, and El Dorado Counties, Calif., for 180 days. SUPPORTING SHIPPER: El Dorado Aggregates Inc., P.O. Box 210, Dayton, Nev. 89403. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Bureau of Operations, Interstate Commerce Commission, Room 203, Federal Building, 705 North Plaza, Carson City, Nev. 89701.

No. MC 138866 (Sub-No. 1 TA) filed July 13, 1973 Applicant: S. E. S. TRUCKING, INC. Box 199 Barbourville, Ky. 40906 Applicant's representative: O. R. Parsons (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and asphalt* for highway and general construction and maintenance uses, from the plant site eight miles west of Ewing, Va., on U.S. Highway 58, to points in Bell, Knox, Laurel, Whitley, Clay, Jackson, Harlan and Leslie Counties, Ky.; Claiborne, Hancock, and Campbell Counties, Tenn.; and Lee County, Va., for 180 days. SUPPORTING SHIPPER: Oscar R. Parsons, President, Southeastern Stone Quarries, Inc., Box 199, Barbourville, Ky. 40906. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1500 West Main Street—222 Bakhaus Building, Lexington, Ky. 40505.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15364 Filed 7-25-73;8:45 am]

[Notice 58]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 20, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 217 (Sub-No. 16) filed June 4, 1973 Applicant: POINT TRANSFER, INC. 5075 Navarre Road, S.W. P.O. Box 1441 Canton, Ohio, 44708 Applicant's representative: Henry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, Pittsburgh and Vandergrift, Pa., to points in Indiana and Michigan, and (2) *iron and steel articles, and materials, equipment and supplies* used or useful in the manufacture of iron and steel articles (except liquid commodities and commodities in bulk), from points in Indiana and Michigan, to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 531 (Sub-No. 292) filed June 4, 1973 Applicant: YOUNGER BROTHERS, INC. 4904 Griggs Road P.O. Box 14048 Houston, Tex. 77021 Applicant's representative: Wray Hughes (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plantsite and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except California, Oregon, Texas, and Washington, Hawaii and Alaska), restricted to traffic originating at the plantsite and facilities of Union Carbide Corporation and destined to the above-named destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 1328 (Sub-No. 13) filed June 1, 1973 Applicant: MGS TRANSPORTATION, INC. P.O. Box 270 Alexandria, Ind. 46001 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene plastic parts*, from the plant site of Ducor Products Corp., at or near Portland, Ind., to points in Indiana, Ohio, Michigan, Maryland, Illinois, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Virginia, Wisconsin, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Florida and Iowa, under a continuing contract with Ducor Products Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 2229 (Sub-No. 178) filed May 30, 1973 Applicant: RED BALL MOTOR FREIGHT, INC. 3177 Irving Blvd. P.O. Box 47407 Dallas, Tex. 75247 Applicant's representative. Douglas Anderson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight, require the use of special equipment), (1) Between Fort Smith, Ark. and Texarkana, Tex.: From Fort Smith over U.S. Highway 71 to Texarkana, and return over the same route; (2) Between Fort Smith, Ark. and Dallas Tex., serving Paris, Tex. for the purpose of joinder only: From Fort Smith over U.S. Highway 271 to junction Texas Highway 24, thence over Texas Highway 24 to junction U.S. Highway 67 and/or Interstate Highway 30, thence over U.S. Highway 67 and/or Interstate Highway 30 to Dallas, and return over the same route; (3) Between Kansas City, Mo. and Dallas, Tex.: From Kansas City over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, and return over the same route; (4) Between Kansas City, Mo. and Sherman, Tex.: From Kansas City over U.S. Highway 69 to junction U.S. Highway 75, thence over U.S. Highway 75 to Sherman, and return over the same route; (5) Between Kansas City, Mo. and Paris, Tex.: From Kansas City over U.S. Highway 69 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 271, thence over U.S. Highway 271 to Paris, and return over the same route; (6) Between Dallas, Tex. and Kansas City, Mo.-Kansas: From Dallas over U.S. Highway 76 to junction U.S. Highway 50 and/or Interstate Highway 35, thence over U.S. Highway 50 and/or Interstate Highway 35 to Kansas City, and return over the same route; and (7) Between Monroe, La. and Memphis, Tenn.: From Monroe over U.S. Highway 165 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, and return over the same route, in (1) thru (7) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's presently authorized regular route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 5470 (Sub-No. 77) filed May 22, 1973 Applicant: TAJON, INC. R.D. 5, Box 146 Mercer, Pa. 16137 Applicant's representative: Donald E. Cross 918 16th St., N.W. Suite 700 Washington, D.C. 20006 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Metal grindings*, in dump vehicles, from Baltimore, Md., to Neville Island, Pa.; and (B) *metal* for resmelting purposes only, in dump vehicles, from Neville Island, Pa., to Baltimore, Md. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Pittsburgh, Pa.

No. MC 8600 (Sub-No. 31) filed June 4, 1973 Applicant: WERNER CONTINENTAL, INC. 2500 West County Road C St. Paul, Minn. 55113 Applicant's representative: John A. Vuono 2310 Grant Bldg. Pittsburgh, Pa. 15219 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, Pittsburgh, and Vandergrift, Pa., to points in Indiana, Michigan and New York; and (2) *iron and steel articles and materials, equipment and supplies* used or useful in the manufacture of iron and steel articles (except liquid commodities and commodities in bulk), from points in Indiana, Michigan and New York, to points in Ohio, those in Pennsylvania on and west of U.S.

Highway 219, and those in West Virginia on and north of U.S. Highway 50. Note: Applicant states that the requested authority can be tacked with its existing general commodity authority at points in Pennsylvania, Indiana, New York and Ohio, to serve points in Massachusetts, Connecticut, Rhode Island, New Jersey, Virginia, Kentucky, Wisconsin and Minnesota, but indicates that it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 11207 (Sub-No. 335) filed June 6, 1973 Applicant: DEATON, INC. 317 Avenue W P.O. Box 938 Birmingham, Ala. 35201 Applicant's representative: A. Alvis Layne 915 Pennsylvania Building Washington, D.C. 20004 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or waste paper*, from Sparta, Ill., and points in Florida, Georgia, Kentucky, South Carolina, and Tennessee, to the plant and storage facilities of the National Gypsum Co., at or near Anniston, Ala. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 17051 (Sub-No. 12) filed May 30, 1973 Applicant: BARNET'S EXPRESS, INC. 758 Lidgerwood Avenue Elizabeth, N.J. 07202 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, on hangers, and equipment, materials and supplies* used in the manufacture and sale of wearing apparel, (a) between the facilities of Cooper Sportswear Manufacturing Co., Inc., at or near Fall River, Mass., Carteret, Perth Amboy, Newark, N.J.; New York, Johnstown, N.Y.; Athens, Tenn.; Salisbury, East Rockingham, N.C.; Brunswick, Ga.; and Gordo, Ala.; (b) between the facilities of Polskin, Inc., at or near Plainfield, N.J.; Argyle, West Point, Nicholls, Ga.; and York, S.C.; (c) between the facilities of Pollak Leather, Inc., at or near Newburgh, New York, Johnstown, Gloversville, N.Y.; East Douglas, Mass.; Providence, R.I.; Corinna, Maine; points in New Jersey; Richmond, Va.; Waynesboro, Duluth, Ga.; and Chicago, Ill.; and (d) between the facilities of Excelled Sheepskin & Leather Coat Co., Inc., at or near Somerset, N.J.; New York, N.Y.; Athens, Tenn.; and Chatham, Va. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 20872 (Sub-No. 15) filed May 18, 1973 Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED 1455–65 Swan Street Huntington, Ind. 46750 Applicant's representative: Donald W. Smith 900 Circle Tower Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size and weight require the use of special equipment), between Chicago, Ill., on the one hand, and, on the other, points in Lake, McHenry, Boone, Cook, DuPage, Kane, DeKalb, Will, Kendall and LaSalle Counties, Ill. Note: Applicant states that the requested authority can be tacked with its existing authority at Chicago to provide a through service between Fort Wayne, Huntington and other points in Indiana, on the one hand, and, on the other, points in the destination territory. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 22229 (Sub-No. 78) filed May 10, 1973 Applicant: TERMINAL TRANSPORT COMPANY, INC. 248 Chester Avenue, S.C. Atlanta, Ga. 30316 Applicant's representative: Harold H. Clokey 414 The Equitable Building Atlanta, Ga. 30303 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the French & Hecht Division, in Walcott, Iowa, as an off-route point in connection with carrier's regular route operations to and from Davenport, Iowa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., Washington, D.C. or Chicago, Ill.

No. MC 26396 (Sub-No. 78) filed May 21, 1973 Applicant: POPELKA TRUCKING CO., doing business as, THE WAGGONERS, a Corporation P.O. Box 900 Livingston, Mont. 59047 Applicant's representative: Jacob P. Billig 1108 15th St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Forest products*, from points in Mineral County, Mont., to points in California and Nevada; (B) *particle board*, from points in Montana to points in North Carolina, New Jersey and Virginia; and (C) *cedar fencing*, from points in Idaho located in and north of Idaho County to points in Colorado. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29120 (Sub-No. 159) filed May 31, 1973 Applicant: ALL-AMERICAN, INC., 900 West Delaware P.O. Box 769 Sioux Falls, S. Dak. 57101 Applicant's representative: Michael J. Ogborn (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which by reason of their size or weight require the use of special equipment or special handling), from points in DuPage, Cook, Will, Lake, and Kankakee Counties, Ill., and Lake, and Porter Counties, Ind., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, and Montana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 467) filed June 4, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial St. P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton The 1650 Grant Street Bldg. Denver, Colo. 80203 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Bristol, Conn., to Mercersburg and Lewistown, Pa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 30844 (Sub-No. 468) filed May 21, 1973 Applicant: KROBLIN REFRIGERATED XPRESS, INC. 2125 Commercial St. P.O. Box 5000 Waterloo, Iowa 50702 Applicant's representative: Truman A. Stockton The 1650 Grant Street Bldg. Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden furniture frames*, knocked down, from Como, Miss., to Eldora, Iowa. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 31389 (Sub-No. 168) filed June 11, 1973 Applicant: McLEAN TRUCKING COMPANY, a Corporation 617 Waughtown Street P.O. Box No. 213 Winston-Salem, N.C. 27102 Applicant's representative: Francis W. McInerny 1000 Sixteenth Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives,

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household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Kelsey-Hayes Co., French & Hecht Division, at Walcott, Iowa, as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Des Moines, Iowa.

No. MC 36291 (Sub-No. 8) filed May 25, 1973 Applicant: PETTIGREW TRUCKING, INC. R.D. #4 Indiana, Pa. 15701 Applicant's representative: Harry M. Wick, Jr. 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing materials and supplies* (excluding iron and steel articles and commodities in bulk) from Woodbridge and Kenilworth, N.J. and Alliance, Ohio, to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia; (2) *plumbing materials and supplies and chemicals* (except commodities in bulk), from Erie, Pa., Torrington, Conn., and Elyria, Ohio, to Woodbridge, N.J.; (3) *wollastonite* (except commodities in bulk), from Willisboro, N.Y., to Woodbridge, N.J.; (4) *Zircon ore*, crude (except commodities in bulk), from Niagara Falls, N.Y., to Woodbridge, N.J.; (5) *sand* (except commodities in bulk), from Gore, Va., to Woodbridge, N.J.; and (6) *nytal talc* (except commodities in bulk), from Balamet, N.Y., to Woodbridge, N.J., under a continuing contract with Gerber Plumbing Fixture Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 48213 (Sub-No. 37) filed June 4, 1973 Applicant: C. E. LIZZA, INC. P.O. Box 447 Latrobe, Pa. 15601 Applicant's representative: John A. Pillar 2310 Grant Building Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, materials, and supplies* used in the manufacture and distribution thereof, (except commodities in bulk), between Hazel Township (Luzerne County), Pa., on the one hand, and, on the other, Buchanan, N.Y., under a continuing contract with American Cyanamid Company of Wayne, N.J. Note: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 51824 (Sub-No. 4) filed May 21, 1973 Applicant: VAN DERHULE MOVING AND STORAGE, INC. 10th and Broadway Yankton, S. Dak. 57078 Applicant's representative: Don A. Bierle P.O. Box 38, Suite 4 Law Building 322 Walnut Street Yankton, S. Dak. 57078 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except in bulk), from Yankton, S. Dak., to Minneapolis, Hopkins, and St. Paul, Minn. and Des Moines, Iowa. Note: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests that it be held at Sioux Falls, S. Dak., Sioux City, Iowa, or Omaha, Nebr.

No. MC 60012 (Sub-No. 89) filed May 31, 1973 Applicant: RIO GRANDE MOTOR WAY, INC. 1400 West 52nd Avenue Denver, Colo. 80221 Applicant's representative: Arnold L. Burke 127 North Dearborn Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of CF&I Steel Corporation at Pueblo, Colo. to points in Utah. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61396 (Sub-No. 248) filed June 4, 1973 Applicant: HERMAN BROS., INC. 2501 No. 11th St. P.O. Box 189 Omaha, Nebr. 68101 Applicant's representative: Dale G. Herman (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried sand*, in bulk, in tank vehicles, from the facilities of Lyman-Richey Sand & Gravel Corporation, at or near Valley, Nebr., to Council Bluffs and Pacific Junction, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, or Lincoln, Nebr.

No. MC 61592 (Sub-No. 305) filed April 23, 1973 Applicant: JENKINS TRUCKLINE, INC. 3708 Elm Street Bettendorf, Iowa 52722 Applicant's representative: Donald Smith 900 Circle Tower Building Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *fresh or frozen dressed poultry, poultry products* and *frozen foods*, and (2) *commodities* the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act when moving in the same vehicle and at the same time with the commodities named in (1) above, from the plant site and storage facilities of Louis Rich Foods, Inc. at West Liberty, Iowa, to points in Delaware, Connecticut, Maryland, New York, Pennsylvania, Rhode Island, Massachusetts, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67450 (Sub-No. 47) filed June 1, 1973 Applicant: PETERLIN CARTAGE CO., a Corporation 9651 South Ewing Avenue Chicago, Ill. 60617 Applicant's representative: Joseph M. Scanlan 111 West Washington Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Elk Grove Village, Ill., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73937 (Sub-No. 16) filed May 21, 1973 Applicant: HOGAN STORAGE & TRANSFER COMPANY, a Corporation 721 East Fourth Avenue Williamson, W. Va. 25661 Applicant's representative: John M. Friedman 2930 Putnam Ave. Hurricane, W. Va. 25526 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of their size or weight require the use of special equipment, and *related construction equipment and tools, and self-propelled articles and related machinery tools, parts and supplies* moving in connection therewith, (1) between points in West Virginia, on and south of U.S. Highway 60; those in Buchanan, Dickenson, Lee and Wise Counties, Va.; those in Athens, Gallia, Lawrence, Meigs and Scioto Counties, Ohio; and those in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 25 to Erlanger, Ky., and those north to the Kentucky-Indiana State line near Constance, Ky.; and (2) between points in (1) above, on the one hand, and, on the other points in Tennessee; points in that part of Ohio in and east of U.S. Highway 23 extending through Portsmouth, Columbus, Fostoria and Toledo, Ohio; points in that part of Virginia on and west of U.S. Highway 220 extending through Martinsville, Roanoke, Clifton Forge, Covington, and Monterey, Va.; and those in that part of Pennsylvania on and south of U.S. Highway 322 extending through Jamestown, Meadville and Clearfield, Pa. to Port Matilda, Pa., and on and west of U.S. Highway 220 extending through Bedford and Altoona, Pa. to Port Matilda, Pa. Note: The purpose of the instant application is to eliminate the gateway of Mingo County, W. Va., and provide through service between the points named in (1) and (2) above. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va.; Columbus, Ohio; or Washington, D.C.

No. MC 74321 (Sub-No. 85) filed June 4, 1973 Applicant: B. F. WALKER, INC. 650–17th Street Denver, Colo. 80202 Applicant's representative: Richard P. Kissinger (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in initial truckaway and driveaway service, from Fort Worth, Tex., to points in the United States, including Alaska, (but excluding Hawaii), and (2) *trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), *trailer converter dollies, containers, and refuse bodies*, in secondary truckaway and driveway service, between points in the United States, including Alaska, (but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 80430 (Sub-No. 148) filed May 14, 1973 Applicant: GATEWAY TRANSPORTATION CO., INC. 455 Park Plaza Drive La Crosse, Wis. 54601 Applicant's representative: Joseph E. Ludden (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods, as defined by the Commission, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Company, at Romeo, Mich., as an off-route point in connection with applicant's presently authorized operations. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 88220 (Sub-No. 22) filed May 24, 1973 Applicant: WABASH VALLEY TRUCKING, INC. Rural Route 4 Brazil, Ind. 47834 Applicant's representative: Alki E. Scopelitis 815 Merchants Bank Bldg. Indianapolis, Ind. 46204 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic malt beverages*, from St. Louis, Mo., to the plant and warehouse sites of B and G Distributing Co., Inc., at Brazil, Ind., and *malt beverage containers*, from the plant and warehouse sites of B and G Distributing Co., at Brazil, Ind., to St. Louis, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 89684 (Sub-No. 82) (AMENDMENT) filed February 20, 1973, published in the FR issue of May 24, 1973, and republished as amended this issue. Applicant: WYCOFF COMPANY, INCORPORATED 560 South 2nd West Salt Lake City, Utah 84110 Applicant's representative: Harry D. Pugsley 400 El Paso Gas Building Salt Lake City, Utah 84111 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having a prior or subsequent movement by air, (1) Serving all intermediate points on U.S. Highway 89, and the off-route point of Navajo Power Plant, in connection with applicant's presently authorized regular-route operations between Kanab, Utah and Flagstaff, Ariz.; (2) Serving all intermediate points between Evanston and Rock Springs, Wyo. on Interstate Highway 80 and U.S. Highway 30, and the off-route points of Westvaco, Stauffer and Alchem, Wyo., in connection with applicant's presently authorized regular-route operations between Salt Lake City, Utah and Rock Springs, Wyo.; (3) Serving all intermediate points on U.S. Highway 187, in connection with applicant's presently authorized regular-route operations between Rock Springs and Jackson, Wyo.; (4) Between Shoshone and Ketchum, Idaho: From Shoshone over U.S. Highway 93 to Ketchum, and return over the same route, serving all intermediate points, and serving the off-route point of Sun Valley, Idaho; and (5) Between Wendover, Utah and Elko, Nev.: From Wendover over U.S. Highway 40 and Interstate Highway 80 to Elko, and return over the same route, serving all intermediate points. Note: The purpose of this republication is: (a) to indicate in (1) above the off-route point of the Navajo Power Plant, in lieu of the Navajo power plant which was previously published in error; (b) to indicate the correct spelling of Kanab, Utah in (1) above, in lieu of Kenab, Utah which was inadvertently misspelled in the previous publication; and (c) to indicate that applicant seeks to amend the request for authority in (4) above to serve all intermediate points and the named off-route point. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94350 (Sub-No. 336) filed June 4, 1973 Applicant: TRANSIT HOMES, INC. P.O. Box 1628, Haywood Road Greenville, S.C. 29602 Applicant's representative: Mitchell King, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Weld County, Colo., to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 95540 (Sub-No. 878) filed June 6, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks P.O. Box 1636 Atlanta, Ga. 30301 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Smithfield, Va., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, restricted to shipments originating at the facilities of ITT Gwaltney at Smithfield, Va. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 95540 (Sub-No. 880) filed June 1, 1973 Applicant: WATKINS MOTOR LINES, INC. 1940 Monroe Drive, N.E. P.O. Box 1636 Atlanta, Ga. 30301 Applicant's representative: Jerome F. Marks (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from Alma, Ga., to points in Illinois, Wisconsin, Texas, Mississippi, Florida, Alabama and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC 95540 (Sub-No. 881) filed June 6, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, from the plant site of Yankton Sioux Industries at Wagner, S.D., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Massachusetts, Maryland, Mississippi, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Rhode Island and the District of

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Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 95540 (Sub-No. 882) filed June 14, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Shreveport, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 103494 (Sub-No. 25) filed May 29, 1973 Applicant: EASLEY HAULING SERVICE, INC. P.O. Box 1261 Gun Club Road Yakima, Wash. 98907 Applicant's representative: Douglas A. Wilson 303 East D Street Yakima, Wash. 98901 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shipping containers*, (1) from Longview, Wash., to points in Wasco and Hood River Counties, Oreg. and Ontario, Oreg.; and (2) from Longview and Yakima, Wash. to Medford, Oreg., under contract with Longview Fibre Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Yakima or Seattle, Wash.; and Portland, Oreg.

No. MC 103926 (Sub-No. 28) filed May 31, 1973 Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation 1560 Bankhead Highway, N.W. P.O. Box 947 Mableton, Ga. 30059 Applicant's representative: Wm H. Driskell (same address as applicant) Authority sought sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Iron or steel pipe*, coated or not coated; *steel sheet piling; steel pipe piling; steel piling*, tongue or grooved; *steel bearing pile; pile hammers and extractors; steel rail and track materials; pipe covering, preventive coating and wrapping materials; and related parts, fittings and accessories* used in the installation and repair of such commodities, from the plantsite and storage facilities of the L. B. Foster Company located in Gwinnett County, Ga., and Savannah, Ga., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and the District of Columbia, and the return of *used, damaged* or *rejected shipments*. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta or Savannah, Ga. or Washington, D.C.

No. MC 105045 (Sub-No. 42) filed May 4, 1973 Applicant: R. L. JEFFRIES TRUCKING CO., INC. 1020 Pennsylvania Street Evansville, Ind. 47701 Applicant's representative: Ernest A. Brooks, II 1301 Ambassador Building St. Louis, Mo. 63101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers;* and (2) *parts attachments and accessories* of the commodities named in (1) above, between the plant sites of Hyster Company at or near Crawfordsville, Ind., on the one hand, and, on the other, points in the District of Columbia, Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia and Wisconsin, restricted to shipments originating at or destined to the above named plant sites. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 106398 (Sub-No. 663) filed May 21, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings in sections*, mounted on wheeled undercarriages, from points of manufacture in Lake County, S. Dak., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 106398 (Sub-No. 666) filed June 11, 1973 Applicant: NATIONAL TRAILER CONVOY, INC. 1925 National Plaza Tulsa, Okla. 74151 Applicant's representative: Irvin Tull (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Tangipahoa Parish, La., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107002 (Sub-No. 433) filed May 21, 1973 Applicant: MILLER TRANSPORTERS, INC. P.O. Box 1123 (U.S. Highway 80 West) Jackson, Miss. 39205 Applicant's representative: John J. Borth P.O. Box 8573 Battlefield Station Jackson, Miss. 39205 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Natchez, Miss., and Woodriver, Ill. Note: Applicant states that it presently holds the requested authority from Natchez, Miss., to Woodriver, Ill., but does not hold return movement authority. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or St. Louis, Mo.

No. MC 107064 (Sub-No. 96) filed June 1, 1973 Applicant: STEERE TANK LINES, INC. P.O. Box 2998, 2808 Fairmount Street Dallas, Tex. 75221 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain, grain products, foodstuffs, foodstuff ingredients, materials, equipment and supplies* used in the maunfacture and distribution thereof, between points in Bailey and Deaf Smith Counties, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 646) filed May 31, 1973 Applicant: PRE-FAB TRANSIT CO., a Corporation 100 South Main Street, Farmer City, Ill. 61842 Applicant's representative: Mack Stephenson (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing, fittings, connections, valves, hydrants, gaskets and pipe cement and accessories* used in the installation thereof, from Evansville, Ind., and Henderson, Ky., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107403 (Sub-No. 852) filed June 4, 1973 Applicant: MATLACK, INC. Ten West Baltimore Avenue Lansdowne, Pa. 19050 Applicant's representative: Harry C. Ames, Jr. 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Mississippi, Missouri, North Carolina, South Carolina and those points in Tennessee located on and west of U.S. Highway 27), restricted to the transportation of traffic originating at the plant site and facilities of Union Carbide Corporation and destined to the above indicated destinations. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 56) (CORRECTION) filed April 18, 1973, published in the FR issue of June 21, 1973, and republished in part, as corrected this issue. Applicant: TRANSCON LINES, a Corporation P.O. Box 54005 Terminal Annex Los Angeles, Calif. 90054 Applicant's representative: Wentworth E. Griffin 1221 Baltimore Avenue Kansas City, Mo. 64105 Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling), (10) between New River, and Morristown, Ariz.: From New River over Arizona Highway 71 to Morristown, and return over the same route, serving New River and Morristown for the purpose of joinder only. Note: The purpose of this partial republication is to indicate that the operations requested in (10) as described above will be over Arizona Highway 71, in lieu of Arizona Highway 7 as inadvertantly previously published in error. The rest of the notice remains as previously published. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Oklahoma City, Okla., or Kansas City, Mo.

No. MC 110525 (Sub-No. 1058) filed June 5, 1973 Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 East Lancaster Avenue Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site and facilities of Union Carbide Corporation at or near Taft (St. Charles Parish), La., to points in the United States (except Illinois, Kentucky, those points in Tennessee on and east of U.S. Highway 27, Texas, and points in Kanawha County, W. Va.), restricted to transportation of traffic originating at the plant site and facilities of Union Carbide Corporation and destined to the above indicated destinations. Note: Applicant states that the requested authority cannot be tacked with is existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, Louisiana or Washington, D.C.

No. MC 113666 (Sub-No. 76) filed June 4, 1973 Applicant: FREEPORT TRANSPORT, INC. 1200 Butler Road Freeport, Pa. 16229 Applicant's representative: Steven L. Weiman Suite 501 1730 M St., N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Lackawanna, N.Y., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113678 (Sub-No. 501) filed June 13, 1973 Applicant: CURTIS, INC. 4810 Pontiac St. Denver, Colo. 80022 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. *common carrier*, by motor vehicle, over 68501 Authority sought to operate as a irregular routes, transporting: *Glass tableware, barware, kitchenware, and ovenware*, from Columbus, Ohio, to points in Arizona, California Nevada, New Mexico, Oregon, Washington, Colorado, Wyoming and Utah. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Washington, D.C., or Denver, Colo.

No. MC 113908 (Sub-No. 270) filed May 18, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale Street Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal, poultry and pet feed, ingredients, supplements and additives and commodities* used in the manufacturing and processing of the above, in bulk, in tank and hopper vehicles, (a) from Springfield, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Wisconsin and Wyoming; and (b) from points in the destination states named in (a) above, to Springfield, Mo.; and (2) *commodities* processed, manufactured, used and distributed by rendering companies, meat-packinghouse companies, poultry eviscerating companies (except chemicals and acids) in bulk, in tank and hopper vehicles, (c) from Springfield, Mo. to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wyoming; and (d) from the destination states named in (c) above, to Springfield, Mo. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. Applicant further states that its existing authority in MC 113908 and subs thereunder duplicates in part the authority requested herein. In filing this application applicant has itemized those portions of the existing authority which are duplicative of the requested authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 113908 (Sub-No. 275) filed June 11, 1973 Applicant: ERICKSON TRANSPORT CORPORATION 2105 East Dale St. P.O. Box 3180 G.S.S. Springfield, Mo. 65804 Applicant's representative: B. B. Whitehead (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lard*, in bulk, in tank and hopper type vehicles, from Arvada and Denver, Colo., to Albuquerque, N. Mex., and San Francisco, Calif.; (2) (a) *commodities* processed, manufactured and distributed by meat-packing house companies, such as: tallow, meat meal, bone meal, blood meal fats, oils, lard and other products, in bulk, in tank and hopper vehicles, from Arvada, Denver and Brush, Colo., to points in the United States in and west of Michigan, Ohio, Kentucky, Tennessee and Georgia; and (b) *inedible tallow*, from Denver, Colo., to points in Nevada, Utah, Wyoming, New Mexico, Idaho, Arizona and California; and (3) *alcohol and neutral and distilled spirits*, in bulk, in tank and hopper type vehicles, from Gretna and Westwego, La., to Springfield, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 114273 (Sub-No. 142) filed May 29, 1973 Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. P.O. Box 68 Cedar Rapids, Iowa 52406 Applicant's representative: Robert E. Konchar 2720 First Avenue N.E. P.O. Box 1943 Cedar Rapids, Iowa 52406 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail, or chain sales stores*, from New York, N.Y., and Dalton and Atlanta, Ga., to Cedar Rapids, Iowa, restricted to traffic originating at said origin points. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 277) (CORRECTION) filed April 27, 1973, published in the FR issue of June 21, 1973, and

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republished in part as amended, this issue. Applicant: BANKERS DISPATCH CORPORATION 4970 South Archer Ave. Chicago, Ill. 60632 Applicant's representative: Warren W. Wallin 330 S. Jefferson St. Chicago, Ill. 60606 Note: The sole purpose of this partial republication is to reflect service from Jackson, Wis., as the origin under (1) of the application, in lieu of Jackson County, Wis. as previously published. The rest of the notice remains the same.

No. MC 114897 (Sub-No. 108) filed June 4, 1973 Applicant: WHITFIELD TANK LINES, INC. 300–316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989 Applicant's representative: J. P. Rose (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, (1) between points in that portion of Utah located in and south of Beaver, Piute, Wayne and Grand Counties, on the one hand, and, on the other, points in New Mexico, and (2) from points in that portion of Utah located in and south of Beaver, Piute, Wayne, and Grand Counties, to points in Arizona. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N.M.

No. MC 114897 (Sub-No. 109) filed June 8, 1973 Applicant: WHITFIELD TANK LINES, INC. 300–316 N. Clark Rd. P.O. Drawer 9897 El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, in tank vehicles, from points in El Paso County, Tex., to points in Arizona, Colorado, New Mexico and Texas, and (2) *liquid soil conditioners*, in bulk, in tank vehicles, from points in Eddy County, N. Mex., to points in Tarrant County, Tex., and those in that portion of Texas on and west of U.S. Highway 377. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115093 (Sub-No. 11) filed May 31, 1973 Applicant: MERCURY MOTOR EXPRESS, INC. 704 West Kennedy Blvd. Tampa, Fla. 33606 Applicant's representative: Clayton R. Byrd (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textiles; textile products: equipment, materials and supplies* used in the manufacture and distribution of textiles; synthetic resins; naval stores; chemicals; paper and paper products, from points in Escambia and Santa Rosa Counties, Fla., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia; and (2) *materials, supplies, and equipment* used in connection with the manufacture, sale, and distribution of the commodities described in (1) above, from the destinations named in (1) above to the named origins in (1) above. RESTRICTION: Restricted against the transportation of commodities in bulk and those which require the use of special equipment. Note: Applicant states that the requested authority can be tacked at Mt. Olive, N.C. and points within 15 miles thereof to serve points in Florida, Georgia, and South Carolina, but indicates it has no *present* intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Tampa or Jacksonville, Fla.

No. MC 115818 (Sub-No. 13) filed May 25, 1973 Applicant: WESTBURY TRANSPORT, INC. 397 East 54th St. East Paterson, N.J. 07407 Applicant's representative: John L. Alfano 2 West 45th St. New York, N.Y. 10036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from New York, N.Y., to points in New Jersey, New York, and Connecticut, and returned shipments of the commodities described above, from points in New Jersey, New York, and Connecticut to New York, N.Y., under a continuing contract or contracts with Allied Stores of New York, Inc., of Jamaica, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 116073 (Sub-No. 265) filed May 29, 1973 Applicant: BARRETT MOBILE HOMES TRANSPORT, INC. 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Pontotoc County, Miss., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 116073 (Sub-No. 266) filed May 29, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Merrick County, Nebr., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 270) filed June 6, 1973 Applicant: BARRETT MOBILE HOME TRANSPORT, INC. 1825 Main Avenue P.O. Box 919 Moorhead, Minn. 56560 Applicant's representative: Robert G. Tessar 1819 4th Avenue South Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Dallas, Henderson, Tarrant, Johnson, Navarro, Kaufman, Denton, McLennan Counties, Tex., to points in Arkansas, Arizona, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma and Utah. Note: Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 117673 (Sub-No. 5) filed June 4, 1973 Applicant: THE BIG E CORP. 1286 W. Church Street Jacksonville, Fla. 32204 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and mallangas*, from Tampa, Fla., to New York, N.Y. Note: Applicant also holds contract carrier authority under MC 135257 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Tampa, or Jacksonville, Fla.

No. MC 118263 (Sub-No. 53) filed June 4, 1973 Applicant: COLDWAY CARRIERS, INC. P.O. Box 38 Clarksville, Ind. 47130 Applicant's representative: George M. Catlett 703–706 McClure Building Frankfort, Ky. 40601 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk, in tank vehicles), from Owenton and Lawrenceburg, Ky., to the plantsite and warehouse facilities utilized by Kraft Foods, a Division of Kraftco Corporation, in Lehigh County, Pa., restricted to traffic originating at named origins and destined to the named destinations. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, application requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 118956 (Sub-No.. 14) filed May 14, 1973 Applicant: WHITES-CARVER TRANSPORTATION CORP.

Industrial Road Carlstadt, N.J. 07072 Applicant's representative: Edward F. Bowes 744 Broad Street Newark, N.J. 07102 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, (1) between the shipper's warehouse at Mt. Kisco, N.Y., and the shipper's retail stores located in Hunterdon and Mercer Counties, N.J., (2) between the shipper's warehouses at Carlstadt, N.J. and Mt. Kisco, N.Y., and the shipper's retail stores located in Bucks County, Pa., (3) from Ramsey, N.J., to Mt. Kisco, N.Y. and (4) from Ramsey, N.J., to points in Orange and Rockland Counties, N.Y., and Pike County, Pa., under a continuing contract, or contracts, with The Grand Union Company, Paramus, N.J. Note: If a hearing is deemed necessary, applicant requests that it be held at Newark, N.J., or New York, N.Y.

No. MC 119582 (Sub-No. 4) filed June 1, 1973 Applicant: PERCY MUTSCHLER, doing business as EVERETT FUEL & LUMBER DISTRIBUTORS 804 Cedar Street Marysville, Wash. 98270 Applicant's representative: George R. LaBissoniere Suite 101, 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in King, Snohomish, Skagit and Whatcom Counties, Wash., and ports of entry on the International Boundary line between United States and Canada located in Whatcom County, Wash. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, or Olympia, Wash.

No. MC 119767 (Sub-No. 302) filed May 31, 1973 Applicant: BEAVER TRANSPORT CO. a Corporation P.O. Box 186 Pleasant Prairie, Wis. 53158 Applicant's representative: Fred H. Figge (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Animal fats, vegetable oils and blends thereof, margarine and oleomargarine, shortening and vegetable oil shortening* (except frozen, in bulk, in tank vehicles), from St. Louis, Mo., to points in Illinois, Indiana, Iowa, Michigan and Minnesota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119789 (Sub-No. 161) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 Dallas, Tex. 75222 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and plastic materials* (except in bulk) and *materials, equipment and supplies* used in the manufacture thereof, when moving in mechanically refrigerated equipment, between the plant site and storage facilities of Dow Chemical Co. and its subsidiaries and divisions located in Brazoria County, Tex., on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, or Houston, Tex.

No. MC 119789 (Sub-No. 162) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 Dallas, Tex. 75222 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk) between points in California, Arkansas, Louisiana, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 119789 (Sub-No. 163) filed May 31, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 1612 East Irving Blvd. Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mechanical cooling and heating apparatus* and *parts and accessories*, from Louisville, Ga., to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Dallas, Tex.

No. MC 123872 (Sub-No. 12) filed May 21, 1973 Applicant: W & L MOTOR LINES, INC. P.O. Drawer 2607 10th & C Sts. S.E. Hickory, N.C. 38610 Applicant's representative: Theodore Polydoroff 1250 Connecticut Avenue, N. W., Suite 600 Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plant site of Drexel Enterprises, Division of Champion International, at Woodfrin (Buncombe County), N.C., to points in California, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, Oklahoma, Texas and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hickory or Charlotte, N.C.

No. MC 124692 (Sub-No. 113) filed June 1, 1973 Applicant: SAMMONS TRUCKING, a Corporation P. O. Box 1447 Missoula, Mont. 59801 Applicant's representative: J. David Douglas (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and aluminum and aluminum products*, from points in Pierce County, Wash., to points in the United States (except Alaska and Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Portland, Oregon.

No. MC 124813 (Sub-No. 104) filed June 1, 1973 Applicant: UMTHUN TRUCKING CO., a Corporation 910 South Jackson Street Eagle Grove, Iowa Applicant's representative: William L. Fairbank 900 Hubbell Building Des Moines, Iowa 50309 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, (1) from Lincoln, Nebr., to points in Illinois, Iowa, Minnesota, and Missouri, and (2) from Decatur, Ill., to points in Iowa, Missouri, and Wisconsin. Note: Applicant also holds contract carrier authority in MC 118468 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority can be tacked at Fort Dodge, Iowa with its present authority to transport feed to serve points in Minnesota, Illinois, and Nebraska, but indicates that it has no *present* intention to tack. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124887 (Sub-No. 4) filed May 11, 1973 Applicant: ELBERT GRADY SHELTON, doing business as, SHELTON TRUCKING Route One, Box 230 Altha, Fla. 31421 Applicant's representative: Sol H. Proctor 2501 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, and accessories, materials and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, including the District of Columbia, and (2) *materials, supplies and accessories* used in the manufacture and installation of the commodities in (1) above from the destination points specified in (1) above to the plant and warehouse sites of Abitibi Corporation located in Calhoun County, Fla. The authority sought in (1) and (2) herein to be restricted against the transportation of commodities in bulk. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Tallahassee, Fla.

No. MC 125777 (Sub-No. 143) filed June 6, 1973 Applicant: JACK GRAY TRANSPORT, INC. 4600 East 15th Ave.

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Gary, Ind. 46403 Applicant's representative: Carl L. Steiner 39 South La Salle St. Chicago, Ill. 60603 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, metals, silicon carbide, ferror manganese, fluorspar, and ferro silicon*, in dump vehicles, between Dearborn, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, Wayne, Geauga, Lorain & Portage Counties), Pennsylvania, New York and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125952 (Sub-No. 20) filed May 29, 1973 Applicant: INTERSTATE DISTRIBUTOR CO. a Corporation 8311 Durango S.W. Tacoma, Wash. 98499 Applicant's representative: George R. LaBissoniere Suite 101 130 Andover Park East Seattle, Wash. 98188 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cake and cookies*, from Oakland, Calif., to Salt Lake City, Utah; Reno, Carson City, Las Vegas and Winnemucca, Nev.; Denver, Colorado Springs, Grant Junction and Pueblo, Colo.; Bend and Coos Bay, Oreg.; Spokane, Yakima, Wenatchee, Pasco and Walla Walla, Wash.; and Boise and Star, Idaho, under a continuing contract with Mother's Cake and Cookies Co. Note: Applicant currently holds common carrier authority in its Certificate MC 117201, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash. or Oakland, Calif.

No. MC 126305 (Sub-No. 52) filed May 30, 1973 Applicant: BOYD BROTHERS TRANSPORTATION CO., INC. R.D. 2 Clayton, Ala. 36016 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated buildings, and materials and supplies*, used in the installation of buildings, from points in Cass County, Iowa, Hampshire County, Mass., Green County, Ohio, and Barbour County, Ala., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment and supplies* used in the manufacture and sale of buildings, from points in the United States, (except Alaska and Hawaii), to points in Barbour County, Ala., Cass County, Iowa, Hampshire County, Mass., and Green County, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Birmingham, Ala.

No. MC 126736 (Sub-No. 69) filed May 25, 1973 Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA 737 May Street Jacksonville, Fla. 32204 Applicant's representative: Martin Sack, Jr. 1754 Gulf Life Tower Jacksonville, Fla. 32207 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Panama City, Fla., and points within 15 miles thereof, to points in Alabama within 175 miles of St. Marks, Fla. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla. or Atlanta, Ga.

No. MC 128030 (Sub-No. 42) filed May 25, 1973 Applicant: THE STOUT TRUCKING CO., INC. P.O. Box 177, Rural Route #1 Urbana, Ill. 61801 Applicant's representative: James F. Flanagan 111 W. Washington Street Chicago, Ill. 60602 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, from Urbana, Ill., to points in Arizona, Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas and Vermont. Note: Applicant holds contract carrier authority under MC 5352, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128343 (Sub-No. 23) filed June 12, 1973 Applicant: C–LINE, INC. Tourtellot Hill Road Chepachet, R.I. 02814 Applicant's representative: Ronald N. Cobert 1730 M. Street, N.W. Suite 501 Washington, D.C. 20036 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire*, from Lincoln, R.I., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture and distribution of the above-described commodities (except in bulk), from points in the destination states named above to Lincoln, R.I., restricted in (1) and (2) above, to a transportation service to be performed under a continuing contract or contracts with Collyer Insulated Wire Co. of Lincoln, R.I. Note: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 128570 (Sub-No. 17) filed May 30, 1973 Applicant: BROOKS ARMORED CAR SERVICE, INC. 13 East 35th Street Wilmington, Del. 19802 Applicant's representative: L. Agnew Myers, Jr. Suite 406–07 Walker Building 734—15th Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood samples, blood derivatives and related articles* used by hospitals or blood banks, between Philadelphia, Pa. and Wilmington, Del. Note: Applicant currently holds contract carrier authority in MC 115601 and subs thereunder, and dual operations were the subject of a decision of the Commission in 102 M.C.C. 411, dated July 6, 1966. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del. or Philadelphia, Pa.

No. MC 129282 (Sub–No. 17) filed May 27, 1973 Applicant: BERRY TRANSPORTATION, INC. P.O. Box 1824 Longview, Tex. 75601 Applicant's representative: Hugh T. Matthews 630 Fidelity Union Tower Dallas, Tex. 75201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in nonradial movements, transporting: *Plastics, containers, and plastic articles and equipment, materials and supplies* used in the manufacture and distribution thereof, between points in the United States (except Alaska and Hawaii) and Gregg County, Tex. Note: By the instant application, applicant requests authority to perform nonradial operations between all points in the United States (except Alaska and Hawaii). Traffic may be picked up at any point in the United States (except Alaska and Hawaii), and be delivered to any point in the United States (except Alaska and Hawaii). Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129516 (Sub-No. 17) filed June 4, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. Applicant's representative: James T. Johnson 1610 IBM Bldg. Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horticultural mulch*, from Snoqualmie Falls, Wash., to points in Oregon, Idaho and Washington, including ports of entry on the International Boundary line between United States and Canada located in Washington and Idaho. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134323 (Sub-No. 50) filed May 15, 1973 Applicant: JAY LINES, INC. 720 N. Grand St. Amarillo, Tex. 79105 Applicant's representative: Gailyn Larson P. O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh carcass lambs*, from the plant site of Swift & Company at or near Chino, Calif., to points in Connecticut, Florida, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island and the District of Columbia, under contract with Swift & Company. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D. C., Chicago, Ill., or Omaha, Nebr.

No. MC 134323 (Sub-No. 51) filed May 15, 1973 Applicant: JAY LINES, INC. 720 North Grand Street Amarillo, Tex. 79105 Applicant's representative: Gailyn Larson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, as included in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Company at or near Tolleson, Ariz., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia and the District of Columbia, under a continuing contract with Swift & Company. Note: If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Chicago, Ill., or Omaha, Nebr.

No. MC 134599 (Sub-No. 79) filed June 4, 1973 Applicant: INTERSTATE CONTRACT CARRIER CORPORATION P.O. Box 748 Salt Lake City, Utah 84110 Applicant's representative: Richard A. Peterson P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated office furniture and parts thereof, and related advertising sales and promotional materials*, from Grand Rapids, Mich., to Orlando, Fla., Portland, Oreg., Dallas, Tex., Milford, Conn., North Bergen, N.J. and Baltimore, Md., under a continuing contract with Steelcase, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 135248 (Sub-No. 7) filed May 14, 1973 Applicant: WILLIAM H. DEES, doing business as, DEES TRANSPORTATION P.O. Box 446 Worland, Wyo. 82401 Applicant's representative: Robert S. Stauffer 3539 Boston Cheyenne, Wyo. 82001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste products*, for recycling or reuse in the furtherance of recognized pollution control programs, and recycled or reuseable products, between points in the United States, (except Alaska and Hawaii), located west of the eastern boundaries of Minnesota, Iowa, Illinois, Arkansas, and Louisiana; and (2) *non-alcoholic beverages and gilsonite products*, between points in Wyoming, Colorado, Nebraska, Nevada, Idaho, Utah, Arizona, Kansas, Montana, New Mexico, and Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo.; Salt Lake City, Utah; or Billings, Mont.

No. MC 135936 (Sub-No. 14) filed April 23, 1973 Applicant: LIEBMANN TRANSPORTATION CO., INC. U.S. Highway 65 North Iowa Falls, Iowa 50126 Applicant's representative: E. Stephen Heisley 805 McLahlen Bank Building 666 Eleventh Street, N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veterinary supplies for livestock*, in containers, from Louisville, Ky.; Ashland, Ohio; Chicago, Ill.; Van Buren, Ark.; and Hanibal, St. Joesph, Lee Summit and Kansas City, Mo., to points in Iowa and Minnesota. Note: Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 136343 (Sub-No. 13) (CORRECTION) filed May 25, 1973, published in the FR issue of July 12, 1973, and republished, as corrected this issue. Applicant: MILTON TRANSPORTATION, INC. P.O. Box 207 Milton, Pa. 17847 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and paper equipment, materials and supplies* used or useful in the manufacture and sale of paper and plastic products (except commodities in bulk), between the facilities of U.S. Envelope at or near Williamsburg, Pa., on the one hand, and, on the other, points in Georgia, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, Maryland, Virginia, Delaware, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, Iowa, Nebraska, Missouri, West Virginia, North Carolina, South Carolina, Florida, Alabama, Mississippi, and the District of Columbia. Note: The purpose of this republication is to properly identify the requested facilities as those of the U.S. Envelope Co., in lieu of the U.S. Co. which was inadvertently previously published in error. Common control may be involved. Applicant holds contract carrier authority under MC 96098 and subs thereunder, therefore dual operations may be involved also. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136386 (Sub-No. 6) filed April 13, 1973 Applicant: GO LINES, INC. 312–E Van Geisen Avenue Richland, Wash. 99352 Applicant's representative: Thomas F. Kilroy P.O. Box 624 Springfield, Va. 22150 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766. (except commodities in bulk and hides), from points in Walla-Walla County, Toppinish and Ellensburg, Wash., to points in Nevada, California, Arizona and Oregon. Note: If a hearing is deemed necessary, applicant requests it be held at Pasco, Wash., Pendleton, Oreg., or Spokane, Wash.

No. MC 136899 (Sub-No. 7) filed May 18, 1973 Applicant: HIGGINS TRANSPORTATION LTD. 824 Valley View Drive Richland Center, Wis. 53581 Applicant's representative: Michael J. Wyngaard 329 West Wilson St. Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expandable polystyrene products* between Sparta, Wis., Ozark, Ark. and Stevensville, Mich.; (2) *expandable polystyrene products* between Stevensville, Mich., Ozark, Ark. and Sparta, Wis., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, Minnesota, Iowa, Missouri, Indiana, Kentucky, Tennessee, Alabama, Georgia, Ohio, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, and Michigan; (3) *refused or rejected shipments*, and *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in (1) and (2) above, from points in the destination states named in (2) above, to Sparta, Wis., Ozark, Ark. and Stevensville, Mich. (4) *signs, sign parts, sign poles, sign pole parts, electrical advertising displays, and fiberglass products and accessories when moving therewith*, from Milwaukee and South Milwaukee, Wis., to points in the United States (except Alaska and Hawaii); (5) *refused or rejected shipments*, and *materials, equipment and supplies* used or useful in the manufacture, sale, production or distribution of the commodities named in (4) above, from points in the United States (except Alaska and Hawaii), to Milwaukee and South Milwaukee, Wis.; and (6) *sign poles, sign pole parts, and accessories when moving therewith*, from Pewaukee, Wis., to points in the United States (except Alaska and Hawaii). Note: The requested authority can be tacked with applicant's existing authority at Milwaukee, South Milwaukee, and Pewaukee, Wis., in (4) and (6) above, and at points in the United States in (5) above, to serve points in the United States, but applicant indicates it has no intention to tack. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 138009 (Sub-No. 4) filed May 21, 1973 Applicant: OLEN WAGNER, doing business as OLEN WAGNER TRUCKING Route 9, Box 165, Mena, Ark. 71953. Applicant's representative: Ben Core P.O. Box 1446 Merchants National Bank Bldg. Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal fat*, from Marshall, Kansas City, Springfield and St. Louis, Mo., and East St. Louis, Ill., to Mena and Grannis, Ark., under contract with Johnson's Feed Mill and Lane Feed

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Mill. Note: If a hearing is deemed necessary, applicant requests it be held at either Mena, Fort Smith or Little Rock, Ark.

No. MC 138174 (Sub-No. 1) filed May 21, 1973 Applicant: RAYMOND E. LAHMANN AND GENEVIEVE LAHMANN doing business as: JET AIR FREIGHT SERVICE 1821 N. W. Laura Vista Lane Albany, Oreg. 97321 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Interstate express air freight traffic*, between Portland, Oreg., and points in Yamhill, Polk, Benton, Linn, Marion, and Clackamas Counties, Oreg. Note: If a hearing is deemed necessary, applicant requests it be held at Portland, Oregon.

No. MC 138286 (Sub-No. 2) filed June 1, 1973 Applicant: JOHN F. SCOTT COMPANY, a Corporation 404 Washington Ave. Dravosburg, Pa. 15034 Applicant's representative: John M. Musselman 410 North Third St. P.O. Box 1146 Harrisburg, Pa. 17108 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Clairton, Dravosburg, Duquesne, Ellwood City, Homestead, McKeesport, Pittsburgh, Vandergrift and West Mifflin, Pa., to points in New York, and (2) *iron and steel articles*, and *materials, equipment, and supplies* used or useful in the manufacture of iron and steel, and iron and steel articles, (except liquid commodities and commodities in bulk), from points in New York, to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those points in West Virginia on and north of U.S. Highway 50. Note: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 138469 (Sub-No. 1) filed June 1, 1973. Applicant: DONCO CARRIERS, INC. 641 N. Meridian P.O. Box 75354 Oklahoma City, Okla. 73107 Applicant's representative: Wm. L. Peterson, Jr. 401 N. Hudson P.O. Box 917 Oklahoma City, Okla. 73101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread cubes and salad dressing*, (a) from the plant sites and warehouses of Consolidated American Industries, Inc., at Wichita, Kans. and Elgin and Northfield, Ill., to Los Angeles and Hayward, Calif. and Seattle Wash., and (b) between the plant sites and warehouses of Consolidated American Industries, Inc., at Wichita, Kans., on the one hand, and, on the other, the plant sites and warehouses of Consolidated American Industries, Inc. at Elgin and Northfield, Ill. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Oklahoma City, Okla.

No. MC 138507 (Sub-No. 2) filed May 29, 1973 Applicant: ROBERT E. WOOD, doing business as, BOB WOOD TRUCKING CO. Lakeshore Drive Heber Springs, Ark. 72543 Applicant's representative: Louis Tarlowski 914 Pyramid Life Bldg. Little Rock, Ark. 72201 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden lawn and porch swings and wooden picnic tables*, from Heber Springs, Ark., to points in Texas, Oklahoma, New Mexico, Arizona Colorado, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi and Louisiana. Note: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 138581 (Sub-No. 1) filed June 20, 1973 Applicant: CASTONGUAY TRANSFER, INC. 5333 University Avenue, N.E. Minneapolis, Minn. 55421 Applicant's representative: Robert P. Sack P.O. Box 6010 West St. Paul, Minn. 55118 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by mail order houses and *materials and supplies* used in connection therewith in the conduct of such business, between St. Cloud, Minn., on the one hand, and, on the other, points in Minneapolis-St. Paul and Inver Grove (in Twin Cities commercial zone), Minn. under contract with Fingerhut Corporation, restricted to the transportation of traffic having prior or subsequent movement by railroad. Note: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138803 filed May 17, 1973 Applicant: CECIL O'NAN, doing business as TRI-STATE EXPRESS Defoe, Ky. 40017 Applicant's representative: Fred F. Bradley Court House, P.O. Box 773 Frankfort, Ky. 40601 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, articles of unusual value, commodities in bulk, and those which because of their size or weight require the use of special equipment), from U.S. Government installations located at points in the United States, including Alaska and Hawaii, to points in Kentucky, restricted to those declared surplus commodities by an agency of the United States Government, under a continuing contract or contracts with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property. Note: Applicant holds common carrier authority under MC 14624 and Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort or Louisville, Ky.

No. MC 138832 filed June 6, 1973 Applicant: MINGO-PIKE TRANSPORTATION COMPANY a Corporation P.O. Box 597 Williamson, W. Va. 25661 Applicant's representative: Gerald K. Gimmel 666 11th St., N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between points in Pike County, Ky., and Mingo County, W. Va. Note: If a hearing is deemed necessary, applicant requests it be held at either Pikesville, Ky., Williamson, Huntington, or Charleston, W. Va.

APPLICATION FILING WATER CARRIER

No. W-1268 Sub 1 Filed June 28, 1973 Applicant: ROBERT'S RIVER RIDES, INC. 62 Locust Street Dubuque, Iowa 52001 Applicant's representative: Robert Kehl 1425 Oeth Court Dubuque, Iowa 52001 Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water*, in the transportation of *passengers* by regularly scheduled tours and charter operations on the Mississippi River from Guttenberg, Iowa, south to Bellevue, Iowa, during the months of April 1st to October 31st, inclusive. Note: If a hearing is deemed necessary, applicant requests it be held at Dubuque, Cedar Rapids, or Des Moines, Iowa.

MOTOR CARRIER OF PASSENGERS

No. MC 138813 filed June 8, 1973 Applicant: DANIEL K. FISK, doing business as DAN-A-WAY CHARTER LINE 112 East 23rd Avenue P.O. Box 87 Coal Valley, Ill. 61240 Applicant's representative: Carl E. Munson 469 Fischer Building Dubuque, Iowa 52001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, one-way and round-trip, beginning and/or ending at points in Henry, Knox, Mercer, Rock Island, Warren and Whiteside Counties, Ill., and Clinton, Muscatine and Scott Counties, Iowa, and extending to points in the United States (except Alaska and Hawaii). Note: If a hearing is deemed necessary, applicant requests it be held at Peoria or Rock Island, Ill.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 136639 (Sub-No. 5) filed May 30, 1973 Applicant: T H S CORPORATION 15 Exchange Place Jersey City, N.J. 07302 Applicant's representative: Marvin Fenster 151 West 34th Street New York, N.Y. 10001 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new home furnishings, and such commodities as are dealt in by retail department stores*, (1) between Newark, Bloomfield, and Edison Township, N.J., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware and Chester Counties, Pa.; and (2) between Edison Township, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, Westchester, Rockland, Orange, and Putnam Counties, N.Y.; Fairfield County, Conn.; and Philadelphia, Pa., under contract with R. H. Macy & Co., Inc., doing business as Bamberger's.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-15271 Filed 7-25-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

FOOD FOR HUMAN CONSUMPTION

Additives and GRAS Substances

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Amino Acids in Food for Human Consumption

CONDITIONS OF SAFE USE IN FOOD AND DELETION FROM GRAS LIST

A proposal was published in the FEDERAL REGISTER of April 6, 1972 (37 FR 6938) to establish the conditions for safe use for amino acids used to improve the protein value of food, and to delete amino acids for nutritive purposes in the human diet from the GRAS list, § 121.101(d)(5) (21 CFR 121.101).

Uncontrolled uses of amino acids in the fortification of certain foods may result in risk to the public health from excessive intakes of free amino acids. Studies on experimental animals have shown that excessive intake of amino acids and amino acid imbalance can include growth retardation and degeneration of certain organs which can lead to the animals' early death. On the other hand, properly controlled additions of the amino acid(s) to appropriate protein-containing foods can benefit the consumer by improving the biological quality of the proteins.

Thirty-nine comments were received on the proposal. Twenty-eight comments were from manufacturers or associations of manufacturers that either produce amino acids or foods in which amino acids are used, or both. Nine comments were from professional scientists in health and allied fields associated with governmental or non-profit organizations, institutions, and associations. One comment was received from a medical group and one was received from a public interest group.

The principal comments raised and the Commissioners' conclusions thereon are as follows:

APPROPRIATENESS OF THE LIMITATIONS FOR USE OF AMINO ACIDS

1. A number of comments discussed the requirement that the finished food to which the amino acids are added should furnish at least 6.5 grams of intact protein per day. Many objected to this on the basis that there are a number of foods to which the addition of Amino acids will produce some benefit, but which supply less than 6.5 grams of intact protein per day. Some comments stated that since the nutrition labeling proposal published in the FEDERAL REGISTER on March 30, 1972 (37 FR 6493) considered a level of 5 percent of the U.S. Recommended Daily Allowance (3.25 grams) to provide a significant contribution of nutrients for nutrition labeling purposes, this lower figure should apply to this regulation as well.

The Commissioner recognizes that the proper addition of amino acids to a food may improve the nutritional quality thereof. In order that the fortification of foods be truly significant in relation to the diet of the United States consumer, it is concluded that amino acid fortification should be permitted for only those foods containing at least 10 percent of the U.S. Recommended Daily Allowance (U.S. RDA) of protein, which is 65 grams per day for adults, § 1.17(c)(7)(ii)(a) (21 CFR 1.17). There is no merit in the contention that a level of 5 percent should be adopted merely on the basis that such a nutrient level was proposed for the cutoff point above which nutrition labeling could be used since that level related to significance on a serving basis only and not to the daily intake. The nutrition labeling regulations require a level of 10 percent of the U.S. RDA for any claim of nutritional significance or superiority, § 1.17(c)(v).

2. Two comments requested clarification of the term "intact protein" as used in the proposal. Another suggested modification to permit supplementation of partially hydrolyzed protein.

The Commissioner concludes that revision of the wording to limit the addition of amino acids to "foods containing primarily intact naturally occurring protein" will clarify this provision. This language is adopted to eliminate the possibility of adding amino acids to foods containing no protein but to permit the fortification of foods where some of the original protein may have been hydrolyzed.

3. A number of objections were made to the requirement that the protein efficiency ratio (PER) of the food to be supplemented must be less than 2.5, i.e., less than 100 percent of the adjusted PER of casein, and to the requirement that the PER of an amino acid supplemented food in its finished form must be 2.5 or more. Other comments stated that such restrictions would prevent the addition of amino acids to improve foods containing good quality protein, even though a PER of 2.5 could not be reached. These comments also pointed out that in placing the minimum for improvement of the finished food so high, undue emphasis was placed on meat, milk, and eggs as the preferred protein sources in the diet. Arguments were also advanced that, since cereal grains are a common and good protein source in many diets, particularly in other countries, supplementation of such foods should be provided for by permitting fortification to a minimum PER of 2.0 (80 percent of casein).

The Commissioner has concluded that there is no reason to permit amino acid supplementation unless it will provide for a significant improvement in the protein quality. Exceptions to the PER limitation of 100 percent of casein will be considered separately on a case by case basis upon receipt of a petition therefor, providing that the minimum level requested is not less than 80 percent of casein.

It is also concluded that there is no reason to restrict fortification of a food already containing an original PER of 2.5 or more, if such fortification will provide a significant increase ((P) value of less than 0.05) in the original PER. Since the PER test is a biological value test, a statistically significant improvement in the protein quality will provide a nutritionally significant improvement.

4. Other objections raised the issue that the requirement of a PER increase of 0.25 for each added amino acid is too severe and should be dropped. Some did not quarrel with the 0.25 requirement but pointed out that two or more amino acids may be needed in combination to attain the 0.25 increase. One comment suggested that it would be preferable to measure the value of any addition of amino acid(s) by determining if the resultant PER showed an increase over the PER of the naturally occurring intact protein by an amount statistically significant with a probability (P) value of less than 0.05.

The Commissioner recognizes the need to prevent random addition of amino acids to food. He also recognizes the fact that, in some protein sources, there may be more than one limiting amino acid needed in combination to produce a significant increase in the PER. Accordingly, the Commissioner has concluded to retain the requirement that a significant increase in PER be reached if any addition of amino acids is made. He also concludes that a combination of two or more amino acids should be permitted to achieve the significant increase if a lesser number of amino acids cannot produce the required increase. A statistically significant increase in the PER, which will provide a nutritionally significant improvement in the protein, should be required rather than a single numerical value since there may be situations when an increase of 0.25 PER by adding a limiting amino acid(s) may not be statistically significant at a (P) value of less than .05. A significant increase in the PER will aid in producing a significant source of protein contribution to the diet.

ADEQUACY OF THE METHOD FOR MEASURING PER

Some comments questioned the use of casein as the reference standard and the use of the PER test for protein evaluation. One comment asked for clarification that the test is run isonitrogenously.

The use of casein as a reference standard in determining the PER of protein is in accordance with the method described in sections 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, 1970.[1] The method requires that the test be run isonitrogenously. A uniform supply of casein can be obtained, whereas a uniform source of other purified proteins such as lactalbumin and whole egg is not readily available. Casein has an acceptable essential amino acid pattern. The limitations of the PER test are recognized, but at this time it is the best method available and the official method for regulatory purposes. It is pertinent to recognize that many of the protein foods or protein supplemented foods will be used by children and it is therefore appropriate to use an assay which employs a growing animal as the test subject. Accordingly, the Commissioner concludes that the method provided is an appropriate one at this time.

[1] Copies may be obtained from: Association of Official Analytical Chemists P. O. Box 540, Benjamin Franklin Station Washington, D. C. 20044

LIMITATION OF THE AMINO ACID ADDITION FOR NUTRITIVE USE ONLY

A number of manufacturers took issue with limiting the use of amino acids for nutritive purposes on the basis that use af amino acids for other purposes would no longer be permitted.

No action is being taken at this time to remove from GRAS classification other amino acids or their derivatives that have other than nutritive uses. Section 121.101(d)(5) has provided authority only for using the ingredients listed thereunder as nutrients and not for other uses. If amino acids are used for technological uses not covered in the published GRAS list or in other regulations it is possible to request concurrence therefor by submission of a petition to the Food and Drug Administration for GRAS affirmation pursuant to § 121.40.

LIMITATION OF ACCEPTABLE ISOMERS TO THE L-FORM OF AMINO ACIDS

There were contrasting views expressed on the use of the various isomeric forms (the natural L-form or the commercially available mixtures of DL-forms) of amino acids. Some felt that more consideration should be given to whether only L-isomers are acceptable, offering references to certain scientific studies purporting to show some usefulness of the DL-form. Others suggested that only L-isomers should be used until further studies are carried out on the effect of the DL-isomers on man.

Because of the substantial lack of information on the biological effectiveness and safety of the DL-isomers, the Commissioner concludes that the acceptable forms of the amino acids should be restricted to the L-form except for DL-methionine and for glycine. There is appreciably more understanding of the safety of DL-methionine added to foods than there is for the DL-forms of the other amino acids. DL-methionine has been investigated and found to be acceptable as long as it is not used in infant food. D-methionine ingestion by infants may lead to a methioninuria that may hinder the proper diagnosis of a disease condition. Although adults and children also exhibit methioninuria following D-methionine ingestion, the diagnostic significance of the amino acid in the urine is of much less relative importance. Glycine does not occur in an optically active form.

Petitions may be submitted to establish the safety and nutritional value of commercially available mixtures of DL-forms when the required supporting data become available.

ACCEPTABILITY OF ADDITIONAL FORMS OF AMINO ACIDS

A number of comments pointed out the safety and usefulness of the sodium and potassium salts and acetate and sulfate forms of the amino acids and L-asparagine and L-glutamine.

The Commissioner concludes that except for the acetate and sulfate forms, these are appropriate and are included in the final order. The acetate and sulfate forms have no history of safe use and may not be used prior to promulgation of a food additive regulation.

USE OF AMINO ACIDS IN FORMULATIONS OF SPECIAL FOODS FOR NUTRITIONAL USE IN MEDICAL CONDITIONS

Several comments raised the question whether the regulation should cover amino acids used in special foods for controlled diets.

Such foods are intended for use solely under medical supervision to meet nutritional requirements in specific medical conditions. The quality and usefulness of these products must be determined on an individual product basis because of special nutritional needs dictated by the pathophysiologic conditions of a particular patient. The amino acids used in such products must be safe and of food grade, but it is inappropriate that the limitations relating to the amino acid fortification of protein in regular diets apply to them. Accordingly, the Commissioner exempts these foods for special dietary use from certain provisions of the regulation set forth below. Such foods shall be subject to all of the applicable requirements of 21 CFR Part 125.

AMINO ACID CONTENT OF EGG PROTEIN AS BASIS FOR MAXIMUM USE LEVELS

Some comments claimed that the upper limit of amino acid addition should be based only upon the amount demonstrated to achieve the maximum PER value for a food protein.

The Commissioner concludes that it is in the best interest of the consumer to permit and encourage rational fortification of foods with amino acids by limiting permissible supplementation to a safe level. A standard protein with established safety was needed to establish such limits, preferably one with high biological quality. Egg protein has the highest biological quality of any naturally occurring protein. It is generally agreed that the relative amino acid composition of egg is an ideal pattern for nutritional value and the proportion of individual essential amino acids to total protein content is generally the highest of most protein-containing foods in common use.

ILLEGALITY OF THE PROPOSED REGULATION

A public interest group alleged that the proposed regulation is illegal on the ground that it does not comply with section 409 of the act.

The Commissioner concludes that promulgation of this regulation is in accord with his broad general responsibility for protection of the public health, and is specifically in accord with section 409 of the act and § 121.41 of the food additive regulations. This regulation is issued on the Commissioner's initiative pursuant to section 409(d) of the act. The Commissioner has concluded, on the basis of all of the scientific literature and other available information, that the amino acids have been shown by all appropriate methods to be safe under the conditions of use established in this regulation.

USE OF AMINO ACIDS FOR ANIMALS

Two firms raised questions about the status of amino acids used in animal feed if the proposed deletion from the GRAS list were accomplished.

Recognizing that amino acids are used in animal feeds and considering that the action taken herein is concerned with uses of amino acids in human food, the Commissioner concludes that the presently listed amino acids may remain on the existing GRAS list for animal feed until such time as a separate GRAS list for animal food ingredients is issued.

VARIATIONS IN ASSAY RESULTS

One comment suggested that a 10 percent excess over the allowable maximum amounts of individual amino acids should be permitted because of the variability in the assay methods available.

The Commissioner has considered the suggestion carefully and has concluded that there is no merit in providing for a 10 percent overage in the regulation. Any enforcement action that might be taken based on the maximum amounts of amino acids present would of necessity consider the variability of the method by which the amounts were determined.

LISTING OF ESSENTIAL AND NON-ESSENTIAL AMINO ACIDS

Several comments questioned the listing of nonessential amino acids with essential amino acids since the nonessential amino acids are usually thought not to improve the protein efficiency ratio.

The Commissioner recognizes that the addition of nonessential amino acids is unlikely to alter the PER. However, the total intake of non-specific nitrogen found in nonessential amino acids not only may have a sparing effect and thus influence the requirements of the essential amino acids, but also may provide properties important for foods used solely under medical supervision to meet nutritional requirements in specific medical conditions. Accordingly, the Commissioner concludes that it is inappropriate to separate the two classes of amino acids within the context of the regulation.

SPECIFICATIONS FOR AMINO ACIDS

Comments were received that certain amino acid specifications in both the Food Chemicals Codex and in NAS–NRC Publication No. 1344, referenced in the proposal are inappropriate.

Specifications in the latest edition of the Food Chemicals Codex are regarded by the Commissioner as the food grade specifications for food additives unless specifically stated to be otherwise in any given food additive regulation. Comments regarding a need for changes or

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inclusions in these specifications should be adressed to the Codex. Specifications in NAS–NRC Publication No. 1344 are retained for the four amino acids not yet included in the Codex.

GENERAL

One scientist opposed the entire concept of amino acid fortification and stated that improvement of protein quality by fortification with free amino acids may create an imbalanced diet and undesirable effects on human physiology. The new regulation is designed to prevent such a situation by limiting the amounts, isomers, and combinations permitted, based upon the scientific evidence and the considered judgment of nutritional scientists.

The public interest group requested that the data necessary to demonstrate compliance with paragraph (d) of the regulation should be submitted to the Food and Drug Administration so that the public would be able to review it. The Commissioner concludes that, like other quality control records, it is sufficient that this data be retained at the company and available for inspection by the Food and Drug Administration. It would be impracticable and burdensome for every food manufacturer using amino acids to submit such data to the Food and Drug Administration.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1788; 21 U.S.C. 321(s), 348, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

§ 121.101 [Amended]

1. In subparagraph (5) of § 121.101(d) in the "Limitations, restrictions or explanations" column by adding the text "Food additive regulation § 121.1002" for the following amino acids:

Product	Tolerance	Limitations, restrictions or explanations
• • •	• • •	• • •
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS [1]		
Alanine (L- and DL-forms)		Food additive regulation § 121.1002.
Arginine (L- and DL-forms)		Do.
• • •	• • •	• • •
Aspartic acid (L- and DL- forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Cysteine (L-forms)		Food additive regulation § 121.1002.
Cystine (L- and DL-forms)		Do.
• • •	• • •	• • •
Histidine (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Isoleucine (L- and DL-forms)		Food additive regulation § 121.1002.
Leucine (L- and DL-forms)		Do.
• • •	• • •	• • •
Lysine (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Phenylalanine (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Proline (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Serine (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Threonine (L- and DL-forms)		Food additive regulation § 121.1002.
• • •	• • •	• • •
Tryptophane (L- and DL-forms)		Food additive regulation § 121.1002.
Tyrosine (L- and DL-forms)		Do.
Valine (L- and DL-forms)		Do.

[1] Amino acids listed may be free, hydrochloride salt, hydrated, or anhydrous form, where applicable.

2. By adding a new section to Subpart D, to read as follows:

§ 121.1002 Amino acids.

The food additive amino acids may be safely used as nutrients added to foods in accordance with the following conditions:

(a) The food additive consists of one or more of the following individual amino acids in the free, hydrated or anhydrous form or as the hydrochloride, sodium or potassium salts:

L-Alanine
L-Arginine
L-Asparagine
L-Aspartic acid
L-Cysteine
L-Cystine
L-Glutamic acid
L-Glutamine
Glycine
L-Histidine
L-Isoleucine
L-Leucine
L-Lysine
DL-Methionine (not for infant foods)
L-Methionine
L-Phenylalanine
L-Proline
L-Serine
L-Threonine
L-Tryptophan
L-Tyrosine
L-Valine

(b) The food additive meets the following specifications:

(1) As found in "Food Chemicals Codex," National Academy of Sciences-National Research Council (NAS–NRC), 2nd Edition (1972)[2] for the following:

L-Alanine
L-Arginine
L-Arginine Monohydrochloride
L-Cysteine Monohydrochloride
L-Cystine
Glycine
L-Leucine
DL-Methionine
L-Methionine
L-Tryptophan
L-Phenylalanine
L-Proline
L-Serine
L-Threonine
Glutamic Acid Hydrochloride
L-Isoleucine
L-Lysine Monohydrochloride
Monopotassium L-glutamate
L-Tyrosine
L-Valine

(2) As found in "Specifications and Criteria for Biochemical Compounds," NAS–NRC Publication, 3rd Edition (1972)[3] for the following:

L-Asparagine
L-Aspartic acid
L-Glutamine
L-Histidine

(c) The additive(s) is used or intended for use to significantly improve the biological quality of the total protein in a food containing naturally occurring primarily-intact protein that is considered a significant dietary protein source, provided that:

(1) A reasonable daily adult intake of the finished food furnishes at least 6.5 grams of naturally occurring primarily intact protein (based upon 10 percent of the daily allowance for the "reference" adult male recommended by the National Academy of Sciences in "Recommended Dietary Allowances," NAS Publication No. 1694, 7th Edition (1968)).[4]

(2) The additive(s) results in a protein efficiency ratio (PER) of protein in the finished ready-to-eat food equivalent to casein as determined by the method specified in paragraph (d) of this section.

(3) Each amino acid (or combination of the minimum number necessary to achieve a statistically significant increase) added results in a statistically significant increase in the PER as determined by the method described in paragraph (d) of this section. The minimum amount of the amino acid(s) to achieve the desired effect must be used and the increase in PER over the primarily-intact naturally occurring protein in the food must be substantiated as a statistically significant difference with at least a probability (P) value of less than 0.05.

(4) The amount of the additive added for nutritive purposes plus the amount naturally present in free and combined (as protein) form does not exceed the following levels of amino acids expressed as percent by weight of the total protein of the finished food:

	Percent by weight of total protein (expressed as free amino acid)
L-Alanine	6.1
L-Arginine	6.6
L-Aspartic acid (including L-asparagine)	7.0
L-Cystine (including L-cysteine)	2.3
L-Glutamic acid (including L-glutamine)	12.4
Glycine	3.5
L-Histidine	2.4
L-Isoleucine	6.6
L-Leucine	8.8
L-Lysine	6.4
L- and DL-Methionine	3.1
L-Phenylalanine	5.8
L-Proline	4.2
L-Serine	8.4
L-Threonine	5.0
L-Tryptophan	1.6
L-Tyrosine	4.3
L-Valine	7.4

(d) Compliance with the limitations concerning PER under paragraph (c) of this section shall be determined by the method described in sections 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, (1970).[5] Each manufacturer or person employing the additive(s) under the provisions of this section shall keep and maintain throughout the period of his use of the additive(s) and for a minimum of 3 years thereafter, records of the tests required by this paragraph and other records required to assure effectiveness and compliance with this regulation and shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration, or any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to conduct such inventories of raw and finished materials on hand as he deems necessary and otherwise to check the correctness of such records.

(e) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The name of the amino acid(s) contained therein including the specific optical and chemical form.

(2) The amounts of each amino acid contained in any mixture.

(3) Adequate directions for use to provide a finished food meeting the limitations prescribed by paragraph (c) of this section.

(f) The food additive amino acids added as nutrients to special dietary foods that are intended for use solely under medical supervision to meet nutritional requirements in specific medical conditions and comply with the requirements of Part 125 of this chapter are exempt from the limitations in paragraphs (c) and (d) of this section and may be used in such foods at levels not to exceed good manufacturing practices.

[2] Copies may be obtained from: National Academy of Sciences 2101 Constitution Avenue, N.W. Washington, D.C. 20037

[3] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20037.

[4] National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20037.

Any person who will be adversely affected by the foregoing order may at any time on or before August 27, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds, factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order may begin immediately. This order shall be effective on January 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1788; 21 U.S.C. 321(s), 348, 371(a)).

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15211 Filed 7–25–73;8:45 am]

[5] National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. 20037.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 3, 121]

SUBSTANCES PROHIBITED FROM USE IN FOOD

Notice of Proposed Rulemaking

The Food and Drug Administration has prohibited the use of various substances in food on the basis of toxicological data showing a potential hazard to public health or because inadequate data exist to conclude that they are safe for use in food. Some of these actions were taken prior to enactment of the Food Additives Amendment of 1958, and others have been taken pursuant to that Amendment.

Because information on these actions is presently scattered throughout existing regulations, FEDERAL REGISTER notices not codified in the Code of Federal Regulations, old trade correspondence (TC), and unpublished correspondence, and thus are either difficult to find or are not generally available to the public, the Commissioner of Food and Drugs has concluded that they should be consolidated in one regulation. All of the substances presently proposed for inclusion in this regulation were the subject of action previously taken. The Commissioner is not now proposing such action against any additional substances. Should the current review of the safety of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction justify additional action of this type, this proposed new section will also be used for that purpose.

Some of these food additives were prohibited from use in food on the conclusion that the available evidence did not establish safety, and not on the basis of a determination that the ingredient was in fact unsafe. Section 409 of the act places the burden on the manufacturer or distributor of a food additive to prove its safety prior to use. Accordingly, the Commissioner recognizes that, as additional scientific information becomes available, it may well be possible to approve one or more of these ingredients for food use and thus to delete it from this section. The proposed regulation provides for such transfers to and from this section on the Commissioner's initiative or on the petition of any interested person.

The fact that a substance does not appear on this list of prohibited substances does not mean that it may lawfully be used in food. This proposed new section includes only a partial list of prohibited substances, for easy reference purposes, and is not a complete list of substances that may not lawfully be used in food. Before any substance may be used in food, it must meet all of the applicable requirements of section 401 and 409 of the act.

Accordingly, the Commissioner of Food and Drugs concludes that it is in the public interest and will promote efficient enforcement of the act to provide a section in the food additive regulations to contain a listing of food ingredients for which use in food has been prohibited.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–1787, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120) the Commissioner proposes that Trade Correspondence No. 377 (December 29, 1941) be revoked, and that Title 21 of the Code of Federal Regulations be amended as follows:

§§ 3.14, 3.33 and 3.65 [Revoked]

1. That Part 3 be amended by revoking §§ 3.14, 3.33 and 3.65.

2. That Part 121 be amended by adding the following new section:

§ 121.106 Substances prohibited from use in food.

(a) The food ingredients listed in this section have been prohibited from use in food by the Food and Drug Administration because of a determination that they present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in food. Use of any of these substances in violation of this section causes the food involved to be adulterated in violation of the act.

(b) This section includes only a partial list of substances prohibited from use in food, for easy reference purposes, and is not a complete list of substances that may not lawfully be used in food. No substance may be used in food unless it meets all applicable requirements of the act.

(c) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal a regulation under this section on the basis of new scientific evaluation or information. Any such petition shall include an adequate scientific basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds.

(d) Substances prohibited from direct addition to food:

(1) *Calamus, oil of calamus, extract of calamus.* (i) Calamus is the dried rhizome of Acorus calamus L. It has been used as a flavoring compound, especially as the oil or extract.

(ii) Food containing any added calamus, oil of calamus, or extract of calamus is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of May 9, 1968 (33 FR 6967).

(iii) The analytical method used for detecting oil of calamus (β-asarone) is in "Journal of the Association of Official Analytical Chemists" vol. 56, No. 5 (Sept. 1973).[1]

(2) *Dulcin.* (i) Dulcin is the chemical 4-ethyoxyphenylurea, $C_9H_{12}N_2O_2$. It is a synthetic chemical having a sweet taste about 250 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of dulcin is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detectine dulcin in food are in §§ 20.133 through 20.136 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(3) *P–4000.* (i) P–4000 is the chemical 5-nitro-2-n-propoxyaniline, $C_9H_{12}N_2O_4$. It is a synthetic chemical having a sweet taste about 4000 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of P–4000 is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detecting P–4000 in food are in §§ 20.137 through 20.141 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(4) *Coumarin.* (i) Coumarin is the chemical 1,2-benzopyrone $C_9H_6O_2$. It is found in tonka beans and extract of tonka beans, among other natural sources, and is also synthesized. It has been used as a flavoring compound.

(ii) Food containing any added coumarin as such or as a constituent of tonka beans or tonka extract is deemed to be adulterated under the act based upon an order published in the FEDERAL REGISTER of March 5, 1953 (19 FR 1239).

(iii) The analytical methods used for detecting coumarin in food are in §§ 19.104 through 19.023 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(5) *Cyclamate; calcium, sodium, magnesium and potassium.* (i) Calcium, sodium, magnesium and potassium salts of cyclohexane sulfamic acid, $(C_6H_{12}NO_3S)_2$ Ca, $C_6H_{12}N$ NA NO_3S, $(C_6H_{12}NO_3S)_2$ Mg, and C_6H_{12} N K NO_3S. Cyclamates are synthetic chemicals having a sweet taste 30 to 40 times that of sucrose, are not found in natural products at levels detectable by the official methodology, and have been used as artificial sweeteners.

(ii) Food containing any added or detectable level of cyclamate is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of October 21, 1969 (34 FR 17063).

(iii) The analytical methods used for detecting cyclamate in food are in §§ 20.-127 through 20.132 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(6) *Safrole.* (i) Safrole is the chemical 4-allyl-1,2-methylene-dioxybenezene $C_{10}H_{10}O_2$. It is a natural constituent of the sassafras plant. Oil of sassafras is about 80 percent safrole. Isosafrole and dihydrosafrole are derivatives of safrole, and have been used as flavors.

(ii) Food containing any added safrole, oil of sassafras, dihydrosafrole, or safrole or as a constituent of any food or extract is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412).

(iii) The analytical method used for detecting safrole, isosafrole and dihydrosafrole is in "Journal of the Association of Official Analytical Chemists" vol. 54, pp. 900–902 (1971).[1]

(7) *Monochloroacetic acid.* (i) Monochloroacetic acid is the chemical chloroacetic acid $C_2H_3Cl\ O_2$. It is a synthetic chemical not found in natural products, and has been proposed as a preservative in alcoholic and non-alcoholic beverages. Monochloroacetic acid is permitted in food package adhesives with an accepted migration level up to 10 ppb under § 121.-2520. The official methods do not detect monochloroacetic acid at the 10 ppb. level.

(ii) Food containing any added or detectable level of monochloracetic acid is deemed adulterated in violation of the act based upon trade correspondence dated December 29, 1941 (TC–377).

(iii) The analytical methods used for detecting monochloroacetic acid in food are in §§ 20.057 through 20.062 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(8) *Thiourea.* (i) Thiourea is the chemical thiocarbamide CH_4N_2S. It is a synthetic chemical, is not found in natural products at levels detectably by the official methodology, and has been proposed as an antimycotic for use in dipping citrus.

(ii) Food containing any added or detectable level of thiourea is deemed to be adulterated under the act.

(iii) The analytical methods used for detecting thiourea are in §§ 20.099 through 20.100 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(9) *Cobaltous Salts; acetate, chloride and sulfate.* (i) Cobaltous salts are the chemicals $Co(C_2H_3O_2)$, $Co\ Cl_2$ and $Co\ So_4$. They have been used in fermented malt beverages as a foam stabilizer and to prevent "gushing".

(ii) Food containing any added cobaltous salts is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 12, 1966 (31 FR 8788).

(10) *NDGA (Nordihydroguaiaretic acid).* (i) Nordihydroguaiaretic acid is the chemical 4,4(2.3-dimethyltetramethylene) dipyrocatechol $C_{18}H_{22}O_2$. It occurs naturally in the resinous exudates of certain plants. The commercial product, which is synthesized, has been used as an antioxidant in foods.

(ii) Food containing any added NDGA is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 11, 1968 (33 FR 5619).

(iii) The analytical method used for detecting NDGA in food is in § 20.0008 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(11) *DEPC (Diethylpyrocarbonate).* (i) Diethylpyrocarbonate is the chemical pyrocarbonic acid diethyl ester, $C_6H_{10}O_5$. It is a synthetic chemical not found in natural products at levels detectable by available methodology and has been used as a ferment inhibitor in alcoholic and non-alcoholic beverages.

(ii) Food containing any added or detectable level of DEPC is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 2, 1972 (37 FR 15426).

(e) Substances prohibited from indirect addition to food through use in food contact surfaces:

(1) *Flectol H.* (i) Flectol H is the chemical 1,2-Dihydro-2,2,4-trimethylquinoline, polymerized $(C_{12}H_{17}N)$. It is a synthetic chemical not found in natural products, and has been used as a component of food packaging adhesives.

(ii) Food containing any added or detectable level of this substance is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 7, 1967 (32 FR 5675).

(2) *4,4¹ -Methylenebis (2-choroanalineq,* (i) 4,4'- Methylenebis (2-choroanaline) has the molecular formula, $C_{13}H_{12}Cl_2N_2$. It is a synthetic chemical not found in natural products and has been used as a polyurethane curing agent and as a component of food packaging adhesive and polyurethane resins.

(ii) Food containing any added or detectable level of this substance is deemed adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 2, 1969 (34 FR 19073).

Interested persons may on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15216 Filed 7–25–73;8:46 am]

[21 CFR Part 121]

REMOVAL OF CERTAIN SUBSTANCES FROM THE GRAS LIST REVIEW

Notice of Withdrawal of Proposal

In the FEDERAL REGISTER of April 13, 1973 (38 FR 9310), the Commissioner of Food and Drugs proposed to delete 52 substances from the current GRAS review and to delist these same substances from § 121.101 (21 CFR 121.101). The basis for this proposed deletion and delisting was the absence of reported use or production of the substances during 1970. The use and production survey of the industry was conducted by the National Academy of Sciences, through its Food Protection Committee of the National Research Council, under contract with the Food and Drug Administration.

One hundred and eighty comments were received in response to the proposal. Eighty-seven of these comments indicated usage of the GRAS substances in animal feeds, 37 in nutrient pharmaceutical preparations, 18 in indirect food ingredients, and 38 in direct human food use.

In the direct human use category, the comments reported the use of 43 of the 52 GRAS substances listed in the proposal. These comments gave numerous reasons for not participating in the NAS Survey, including non-solicitation by NAS. Although most of the comments were in agreement with the intent of the proposal, each requested specific exceptions.

As a result of the above comments, the Commissioner recognizes that there is sufficient commercial interest in these GRAS food substances to retain them in the current GRAS review. Accordingly, notice is hereby given that the 52 substances as published in the FEDERAL REGISTER on April 13, 1973 (38 FR 9310), will remain in § 121.101 (21 CFR 121.101), pending the results of this review.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15222 Filed 7–25–73;8:45 am]

[21 CFR Part 121]

CAROB BEAN GUM

Proposed Transfer From GRAS List to Food Additive Regulation for Direct Human Food Use and Affirmation of GRAS Status as Indirect Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of carob bean gum has been evaluated. In accordance with the provisions of §§ 121.40 and 121.-41, the Commissioner of Food and Drugs proposes to affirm the GRAS status of this ingredient for indirect human food use and to transfer the ingredient to a food additive regulation for direct human food use. The Commissioner also proposes to establish a new § 121.105, under which all indirect human food ingredients affirmed as GRAS will be listed.

As the review of GRAS and prior-sanctioned direct human food ingredients progresses, these ingredients will be

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

See footnote 1 previous page.

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proposed for inclusion in new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, proposed new § 121.106 *Substances prohibited from use in food*, Subpart D as direct human food additives, Subpart E as prior sanctions, or Subpart H as interim human food additives. Because § 121.101 is not limited to direct human food ingredients, and has been regarded also as the basis of GRAS determinations for indirect food ingredient sue, in or on food contact surfaces, and for use in pet food and animal feed, the Commissioner has concluded that when an ingredient listed in § 121.101 is affirmed for direct human food use it will be retained in § 121.101 with the explanation that it has been affirmed as GRAS and cross-referenced to the applicable paragraph in new § 121.104. Similarly, where it is affirmed as GRAS for indirect human food use and transferred to a food additive regulation for direct use, the same explanation will be provided, along with appropriate exceptions. This latter procedure is proposed with respect to carob bean gum.

Many of the substances published as GRAS § 121.101, or used on a determination that they are GRAS without publication in § 121.101, were approved by the United States Department of Agriculture for food packaging or processing use in meat or poultry, or were approved by the Food and Drug Administration for food packaging or processing pursuant to correspondence, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions for indirect human food use in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the act as provided in § 121.-2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned indirect human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior sanction, a final regulation will be issued under Subpart E, "Substances for which prior sanctions have been granted," as well as under any other aplicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to asset such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

Carob bean gum (locust bean gum) has been listed in § 121.101(d)(7), published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368), as GRAS as a stabilizer and in § 121.101(h) and (i) as GRAS for food contact surfaces. Carob bean, locust bean, and St. John's bread are also individually listed as GRAS in § 121.101(e)(2) as natural flavoring substances, as published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404). These numerous listings, as well as the published literature, have caused a great deal of misunderstanding about the status of these substances. Carob bean gum, or its synonym locust bean gum, has been used in U.S. food production since 1925. It consists of the endosperm of the carob (locust) bean seed and usually the seed coat and germ. Carob bean, locust bean, and St. John's bread are all synonyms for the whole bean consisting of pod, pulp, and seed and can be compared to a whole string bean. The dried gum has been used as a stabilizer and thickener in foods and as a coating for food packaging containers. The whole bean is eaten as a green vegetable and also dried and ground for a multitude of human and animal food and food ingredient uses. This notice covers only the food ingredient uses of the gum, obtained from the carob (locust) bean seed, when used in human food. Food ingredient uses of the whole bean will be evaluated at a later date.

Carob bean gum (known also as locust bean gum) has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 165 abstracts on carob (locust) bean gum were reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which the carob bean gum was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to carob bean gum. The total carob (locust) bean gum used in food in 1970 is reported to be about twice the amount used in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

Two Chick experiments are pertinent. In the first, 10 one-day-old Arbor Acres chicks were fed a stock diet; another comparable group was fed the stock diet plus a 2 percent cellulose supplement; and a third comparable group was fed a 2 percent carob bean gum supplement. The third group showed a 30 percent depressed feed intake after three weeks, with a corresponding decrease in weight as compared to the cellulose-fed group. Each chick consumed about 340 mg. of carob bean gum per day, or in excess of 2 g per kg per day. The degree of nitrogen retention and metabolizable energy content were about the same, as in the cellulose group, although the fat absorption was about 8 percent higher.

In the second test, similar groups of chicks were fed stock diets supplemented with 0.25, 0.5, 1.0, and 2.0 percent of carob bean gum. After three weeks, the chicks fed at the 2 percent level showed a 27 percent growth depression as compared to the controls, while those at the lower levels of supplement showed an average 6 percent growth depression. However, the authors provided no data on food intakes in this experiment. Others working with carob bean pods have shown that tannins depress appetite and growth. In addition, carob beans contain trypsin inhibitors which are known to have growth-inhibiting properties. Since tannins and trypsin inhibitors could be naturally present in the carob bean gum used in the chick studies, either or both could have accounted for the growth depression reported. From the data given, it is not possible to ascribe depression in growth to toxicity of the gum.

A 10 percent dietary supplement of carob bean gum does not significantly affect the growth of rats. Three groups of 8 rats averaging 44 g each were fed for 28 days on a stock diet, stock diet plus 1 percent cholesterol, and stock diet plus 1 percent cholesterol and 10 percent carob bean gum. Differences in weight gain among the three groups were not significant and no adverse effects were reported. While feed consumption was not reported, it is estimated that a 44-g rat would consume no less than 10 g per day of the 10 percent carob bean gum diet, which would be equivalent to 1 g of the gum per day. For a 44-g rat this intake rate would be about 23 g per kg per day.

Oral LD_{50} in the rat is reported to be greater than 5 g per kg for multiple doses, and greater than 10 g per kg for a single dose.

Clinical observations of 16 human infants showed no untoward effects from feeding a 1 percent carob bean gum powder, called "Nestargel," for an unstated period of time. The substance was apparently not changed by the saliva and gastric juice.

The fate of carob bean gum in the gastrointestinal tract of adults was followed by means of x-rays and stool examination. Eight adults were fed barium suspensions followed by "two heaping teaspoonfulls" of a gum preparation called "Vacuosa." The colloidal gel from the breakup of the "Vacuosa" pelloids mixed thoroughly with the fecal masses in the colon. The carob bean gum did not disintegrate into the gelatinous state until it reached the large bowel. There was no evidence of interference with normal digestion. Actual body load of carob bean gum was not reported; but assuming 15 g per two teaspoonfuls, the gum must have been administered at a level of about 250 mg per kg.

Beyond these studies, there is no detailed information relating to the absorption, digestion, metabolism, or excretion of carob bean gum in man or animals.

Mutagenic tests on rats and mice using three different methods gave negative results. There was no measurable mutagenic response of alteration in the recombination frequency for *Saccharomyces cerevisiae* in either the host-mediated assay at levels as high as 5 g per kg or the associated in vitro tests. No adverse effects were observed on either metaphase chromosomes from rat bone marrow or anaphase chromosomes from in vitro cultures of human lung cells at any of the doses or time periods tried. No significant adverse responses were noted in the dominant lethal gene test on rats.

Teratologic tests on four species of animals were negative. Ora intubation of up to 1.3 g per kg of body weight of carob beans gum in anhydrous corn oil to pregnant rats for 10 consecutive days, or up to 1.0 g per kg to pregnant hamsters for 5 consecutive days, produced no clearly discernible effect on nidation or on materna or feta surviva. The frequency of abnormalities in either soft or skeletal tissues of the test animals was comparabe to that occurring spontaneousy in the sham-treated controls. In mice, no untoward teragogenic or maternal effects were noted at a level of 280 mg per kg for 10 consecutive days. At 1.3 g per kg, 5 out of 21 dams died. The surviving dams produced normal litters. In pregnant rabbits, no untoward effects were noted at a level of 196 mg per kg for 13 consecutive days, but at 910 mg per kg, a majority of the dams died. The surviving dams produced normal litters.

No evidence of carcinogenic or allergenic activity of carob bean gum has been found in the literature surveyed.

All of the available safety information on carob bean gum has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that: "The available information contains no evidence demonstrating that carob bean gum constitutes a hazard to the public when used in the manner and quantity now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard."

Based upon his own evaluation of all available information, the Commissioner concurs with this conclusion. In addition the Commissioner concludes that continued safe use of carob (locust) bean gum will require food additive regulation of the ingredient to preserve present levels of use. The levels of use adopted in this proposal, for various categories of food, are those reported to the National Academy of Sciences in their Survey of food manufacturers. The Commissioner further concludes that indirect human food use of carob (locust) bean gum, as a food contact surface in packaging, does not contribute significantly to the carob bean gum content of the packaged food and should thus be affirmed as GRAS for this purpose.

Neither of these proposed actions affects the present use of carob (locust) bean gum for pet food or animal feed or the present uses of carob bean meal and powder, when made from the whole carob bean pod with seed, or carob bean as a raw agricultural commodity.

Copies of the Scientific Literature Review on carob bean gum and the report of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. By amending § 121.101(d)(7) to add the explanation "food additive regulation § 121.1251; affirmed as GRAS § 121.105(f)(1)" after "Carob bean gum (locust beam gum)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
(7) STABILIZERS * * *	* * *	* * *
Carob bean gum (locust bean gum).		Food additive regulation § 121.1251; affirmed as GRAS § 121.105(f)(1).
* * *	* * *	* * *

2. By adding to Subpart B a new section, as follows:

§ 121.105 Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).

(a) The indirect human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognizd as safe (GRAS) for the purposes and under the conditions prescribed.

(b) This section does not authorize direct addition of any food ingredient to a food. It authorizes only the use of these ingredients as indirect ingredients of food, through migration from their immediate wrapper, container, or other food contact surface. Any migration or use levels included in this section represent maximum levels under current good manufacturing practice.

(c) The listing of a food ingredient in this section does not authorize the use of such substance for the purpose of adding the ingredients to the food through extraction from the food contact surface.

(d) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The following indirect human food ingredients have been affirmed as GRAS:

(1) *Carob (locust) bean gum.* (i) Carob bean gum (also called locust bean gum) is the material obtained from the ground endosperm of the seed of the *Ceratonia siliqua* (Linne), a leguminous evergreen tree.

(ii) The ingredient meets specifications of the Food Chemicals Codex 2nd Ed. (1972).[1]

(iii) The ingredient is used or intended for use as a constituent of food packaging containers and thus may only become a component of food through migration from this surface.

(iv) The ingredient migrates to the packaged or wrapped food at levels not to exceed good manufacturing practices.

3. By adding to Subpart D a new section as follows:

121.1251 Carob bean gum (locust bean gum).

The food additive carob bean gum may be safely used in food in accordance with the following conditions:

(a) Carob bean gum (locust bean gum) is the material obtained from the ground endosperm of the seed of the *Ceratonia siliqua* (Linne), a leguminous evergreen tree.

(b) The additive meets specifications of the Food Chemicals Codex 2nd Ed. (1972).[1]

(c) The additive is used at not to exceed the following maximum levels:

[1] Copies may be obtained from: National Academy of Sciences 2101 Constitution Ave., N.W. Washington, D.C. 20037.

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MAXIMUM USAGE LEVELS

Food	Permitted Percent	Function
Baked goods and baking mixes, § 121.1(l)(1)	0.15	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).
Beverages and beverage bases, nonalcoholic, § 121.1(l)(3)	0.25	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).
Cheeses, § 121.1(l)(5)	0.75	Stabilizer and thickener, § 121.1(m)(26).
Gelatins, puddings, and fillings, § 121.1(l)(22)	0.40	Stabilizer and thickener, § 121.1(m)(26).
All other food categories	0.50	Flavoring agent, § 121.1(m)(11); stabilizer and thickener, § 121.1(m)(26).

(d) The label and labeling of the additive and any intermediate mix of the additive for use in finished food shall bear, in addition to the other labeling required by the act:

(1) The name of the additive;

(2) A statement of the concentration of the additive in any intermediate mix; and

(3) Adequate information to assure that the final food product complies with the limitations prescribed in paragraph (c) of this section.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15215 Filed 7–25–73;8:45 am]

[21 CFR Part 121]

FOOD CATEGORIES AND FOOD INGREDIENT FUNCTIONS

Proposed Designation

The Food and Drug Administration is conducting a study of the direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As this study progresses, the Commissioner of Food and Drugs will publish in the FEDERAL REGISTER, appropriate proposals to (1) affirm GRAS status, (2) publish a prior sanction, (3) establish an interim food additive regulation, (4) establish a permanent food additive regulation, or (5) eliminate food use of the ingredient under review. The Commissioner is proposing regulations in this issue of the FEDERAL REGISTER with respect to the first ingredients subject to this review.

In regulations published since 1958 under the Food Additives Amendment, it has frequently been appropriate to designate broad food categories in which an ingredient may properly be used, and to state the functional purpose for which the ingredient may be used. To date, no standardized definitions of the food categories or functional descriptions have been adopted.

In conducting the industry survey of production and use of GRAS and prior-sanctioned food substances, under contract with the Food and Drug Administration, for use in the review of the safety of these ingredients, the National Academy of Sciences developed standardized food categories. Food categories of a similar type were also used by the United States Department of Agriculture and the Market Research Corporation of America (MRCA), in their respective surveys, to determine the sizes of servings used by consumers and the frequency of consumption of specific foods.

The Commissioner has concluded that the food categories adopted by the National Academy of Sciences (NAS) represent a valid and useful method of dividing food products into general classes of related products. Where tolerances or limitations are established for the use of direct human food ingredients, and there is significant variation with respect to appropriate tolerances or limitations for one or more specific food categories, this method of classification will permit designation of the foods to be covered without requiring a detailed list of each of the individual products included. In many instances, tolerances or limitations may be imposed uniformly for all foods. It may also be necessary to impose, with relatively few exceptions, tolerances or limitations for specific food categories at levels higher or lower than the general rule. It is the Commissioner's intent to utilize the broadest possible approach, in the interests of simplification, wherever justified by the available safety data and information.

It is appropriate that the same food classification system developed by the NAS for its production and consumption survey should also be utilized by the Food and Drug Administration in imposing tolerances and limitations for use of specific ingredients. NAS Survey data was accumulated using these food categories, and they are consequently of great assistance in determining whatever tolerances and limitations are justified. The same classification system, already cross-indexed to the MRCA and USDA consumption data, also provides an immediate reference to consumption patterns on which those tolerances and limitations are in part based.

The proposal set out below contains a general description of each food category, without attempting to list in detail all the products within it. Wherever any question arises with respect to the proper classification of a specific food product which might reasonably fall within two or more categories, proper classification will be determined by referring to the more detailed and specific classification lists established by the MRCA and cross-indexed to NAS food categories, as contained in the final NAS report to the Food and Drug Administration. The Final Report of the NAS is now available from the National Technical Information Service (NTIS), in accordance with the notice on this matter published in this issue of the FEDERAL REGISTER. Accordingly, the Commissioner is incorporating this specific classification list, by reference, into this proposed regulation, for purposes of resolving close questions with respect to proper classification.

The NAS also found it necessary to establish a similar classification system with respect to the technical functions performed by the various specific ingredients directly added to human food. These functional effects are contained in the final NAS report to the Food and Drug Administration and are the subject of production, use, and consumption data on the technical functions of numerous food ingredients, added to the various NAS food categories. Thus, these tables describe the specific technical purposes for which GRAS and prior-sanctioned ingredients are added to NAS food categories, and they consequently serve as an excellent reference to consumption patterns on which ingredient tolerances and limitations are in part based. Accordingly, the Commissioner is proposing to standardize the technical functional descriptions submitted by the NAS, so that regulations permitting the use of ingredients in food will accurately describe their purpose. A standardized system of classification will also assist consumers in understanding the functions performed by these ingredients in the foods they consume.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.-120), the Commissioner proposes to amend Part 121 by adding to § 121.1 the following two new paragraphs:

§ 121.1 Definitions and interpretations.

* * * * *

(l) The following general food categories are established to group specific related foods together for the purpose of establishing tolerances or limitations for the use of direct human food ingredients. Individual food products will be classified within these categories according to the detailed classification lists contained in Exhibit 33B of the report of the National Academy of Sciences on "A Comprehensive Survey of Industry on the use of Food Chemicals Generally Recognized as Safe" (September 1972).[1]

(1) Baked goods and baking mixes (includes ready-to-eat or ready-to-bake products and all dry flour, meal, and multipurpose mixes).

(2) Beverages, alcoholic (includes malt beverages, wines, and distilled liquors).

(3) Beverages and beverage bases, non-alcoholic (includes dry and liquid imitation concentrates and ready-to-drink products, except for coffee or tea).

(4) Breakfast cereals (includes cold and hot breakfast cereals).

(5) Cheeses (includes standardized, non-standardized, snack, and other miscellaneous cheeses).

(6) Chewing gum (includes all flavored gums).

(7) Coffee and tea (includes regular and instant products).

(8) Condiments and relishes (includes plain seasoning sauces and spreads, olives, pickles, and relishes).

(9) Confections and frostings (includes candy and flavored frostings and frosting sugars).

(10) Dairy product analogs (includes non-dairy derived products such as toppings, toppings, mixes, and coffee whiteners.

(11) Egg products (includes liquid, frozen, or dried eggs, and egg products).

(12) Fats and oils (includes salad dressings, margarines, butter, and cooking oils).

(13) Fish products (includes all prepared or frozen products containing fish, shellfish, and other aquatic animals, except fresh fish).

(14) Fresh eggs (includes only whole fresh eggs).

(15) Fresh fish (includes only fresh and home-frozen fish, shellfish, and other aquatic animals).

(16) Fresh fruits and fruit juices (includes only raw fruits and fruit juices and fruit blends).

(17) Fresh meats (includes only fresh and home-frozen beef, pork, lamb, and game animals).

(18) Fresh poultry (includes only fresh and home-frozen poultry).

(19) Fresh vegetables and potatoes (includes only fresh, home-canned, and home-frozen vegetables and potatoes).

(20) Frozen dairy desserts and mixes (includes ice cream, ice milk, sherbets, and frozen novelties).

(21) Fruit and water ices (includes all frozen fruit and water ices).

[1] Copies may be obtained from: National Technical Information Service (NTIS) 5285 Port Royal Road Springfield, VA 22151

(22) Gelatins, puddings, and fillings (includes flavored gelatins, puddings, custards, parfaits, and pie fillings).

(23) Grain products and pastas (includes macaroni, noodle, and rice dishes, without meat or vegetables).

(24) Gravies and Sauces (includes flavored meat souces, gravies, and marinades).

(25) Hard candy and cough drops (includes all hard sucker type candies).

(26) Herbs, seeds, spices, seasonings, blends, extracts, and flavorings (includes all natural spices and blends and artificial flavors).

(27) Jams and jellies, homemade (includes fruit butters and preserves).

(28) Jams, jellies, and sweet spreads (includes fruit butters and preserves).

(29) Meat products (includes all prepared and frozen products containing beef, pork, or lamb).

(30) Milk, whole and skim (includes only whole and skim milks).

(31) Milk products (includes dried and fluid milk products such as concentrated, evaporated, and flavored milk, and cream products).

(32) Nuts and nut products (includes whole or shelled nuts, coconut, and nut spreads).

(33) Poultry products (includes all prepared and frozen products containing poultry).

(34) Processed fruits and juices (includes canned or frozen fruits and fruit juices, concentrates, dilutions, ades, and drink substitutes).

(35) Processed vegetables and juices (includes canned or frozen vegetables, vegetable juices, and blends).

(36) Reconstituted vegetable proteins (includes only meat substitute products and dishes).

(37) Snack foods (includes chips, pretzels, and other novelty snacks).

(38) Soft candy (includes all soft and nougat candies).

(39) Soups, homemade (includes all homemade soups).

(40) Soups and soup mixes (includes all meat and vegetable soups).

(41) Sugar, white, granulated (includes only white granulated sugar).

(42) Sugar substitutes (includes all forms of sugar substitutes).

(43) Sweet sauces, toppings, and syrups (includes all fruit, berry, or other flavored products).

(m) The following terms describe the physical or technical functional effects for which direct human food ingredients may be added to foods. They are adopted from the National Academy of Sciences national survey of food industries, reported to the Food and Drug Administration under the contract title, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972).

(1) "Anticaking agents and free-flow agents": substances added to finely powdered or crystalline food products to prevent caking, lumping, or agglomeration.

(2) "Antioxidants": substances used to retard deterioration, rancidity, or discoloration due to oxidation.

(3) "Colors and coloring adjuncts" (including color stabilizers, color fixatives, color-retention agents, etc.): substances used to impart, preserve, or enhance the color or shading of a food.

(4) "Curing and pickling agents": substances imparting a unique flavor and/or color to a foodstuff, usually producing an increase in shelf life stability.

(5) "Dough conditioners" (including yeast foods): substances used to modify the gluten and enhance the property of making an elastic and stable dough.

(6) "Drying agents": substances with moisture-absorbing ability, used to maintain an atmosphere of low moisture.

(7) "Emulsifiers and emulsifier salts": substances which modify surface tension in the component phase of an emulsion to establish a uniform dispersion or emulsion.

(8) "Enzymes": enzymes used to improve food processing.

(9) "Firming agents": substances added to precipitate residual pectin, thus strengthening the supporting tissue and preventing its collapse during processing.

(10) "Flavor enhancers": substances added to supplement, enhance, or modify the original taste and/or aroma of a food without imparting a characteristic taste or aroma of its own.

(11) "Flavoring agents and adjuvants": substances added to impart or help impart a taste or aroma.

(12) "Flour-treating agents" (including bleaching and maturing agents): substances added to milled flour to improve its color and baking qualities.

(13) "Formulation aids" (including carriers, binders, fillers, plasticizers, film-formers, and tableting aids, etc): substances used to promote or produce a physical state or texture in food.

(14) "Fumigants": volatile substances used for controlling insects or pests.

(15) "Humectants" (including moisture-retention agents and anti-dusting agents): hygroscopic substances incorporated in food to promote retention of moisture.

(16) "Leavening agents": substances used to produce carbon dioxide in baked goods to impart a light texture.

(17) "Lubricants and release agents": substances added to food contact surfaces to prevent confections and baked goods from sticking to their containers.

(18) "Non-nutritive sweetners": substances used as a substitute for sugar when intake of sugar or its bulk is undesirable.

(19) "Nutrient supplements": food components, or their synthetic substitutes, which are necessary for the body's nutritional and metabolic processes.

(20) "pH control agents" (including buffers, acids, alkalies, and neutralizing agents): substances added to change or maintain active acidity or basicity.

(21) "Preservatives" (including antimicrobial agents, fungistats, and mold and rope inhibitors, etc.): substances added to prevent growth of contaminating microorganisms and subsequent spoilage.

(22) "Processing aids" (including clarifying agents, clouding agents, cata-

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lysts, flocculents, and filter aids, etc.): substances used as manufacturing aids to enhance the appeal or utility of a food or food component.

(23) "Propellants, aerating agents, and gasses": chemically inert gasses used to supply force to expel a product or used to reduce the amount of oxygen in contact with the food in packaging processes.

(24) "Sequestrants": substances which combine with polyvalent metal ions to form a soluble metal complex, to improve the quality and stability of products.

(25) "Solvents and vehicles": substances used to extract or dissolve another substance.

(26) "Stabilizers and thickeners" (including suspending and bodying agents, setting agents, jelling agents, and bulking agents, etc.): substances used to produce viscous solutions or dispersions, to impart body, improve consistency, or stabilize emulsification.

(27) "Surface—active agents" (other than emulsifiers, but including solubilizing agents, dispersants, detergents, wetting agents, rehydration enhancers, whipping agents, foaming agents, and defoaming agents, etc.): substances used to modify surface properties of food components for a variety of effects.

(28) "Surface—finishing agents" (including glazes, polishes, waxes, and protective coatings): substances used to increase palatability, preserve gloss, and inhibit discoloration of foods.

(29) "Sweeteners": substances used to sweeten the taste of food.

(30) "Synergists": substances used to act or react with another food ingredient to produce a total effect different or greater than the sum of the individual effects.

(31) "Texturizers": substances which affect the appearance or feel of the composition of a food.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15217 Filed 7–25–73;8:45 am]

[21 CFR Part 121]

MANNITOL AND SORBITOL

Affirmation of GRAS Status of Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of mannitol and sorbitol has been evaluated. In accordance with the provisions of § 121.40, the Commissioner of Food and Drugs proposes to affirm the GRAS status of these two ingredients.

Mannitol (1,2,3,4,5,6-hexanehexol) and its sterioisomer sorbitol are both solid hexahydric alcohols prepared commercially by catalytic reduction of glucose. Both occur naturally in small amounts in a variety of foods. Mannitol is found in olives, beets, celery and in the exudate of certain trees. Sorbitol is a normal constituent of such fruits as cherries, plums, pears, apples, and many berries.

Mannitol and sorbitol were listed in § 121.101(d)(2) as GRAS for use in special dietary foods at a maximum of 5 percent and 7 percent respectively in the FEDERAL REGISTER of January 31, 1961 (26 FR 938). Subsequently, food additive regulations were published for mannitol under § 121.1115 in the FEDERAL REGISTER of August 9, 1961 (28 FR 1540) and for sorbitol under § 121.1053 in the FEDERAL REGISTER of February 19, 1963 (26 FR 7127) to provide for other uses of these substances, with levels for use being restricted only to the amount reasonably required to accomplish the intended effect.

Mannitol and Sorbitol have been the subject of a search of the published scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose sponse, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology and (13) processing. A total of 968 abstracts on mannitol were reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review. A total of 870 abstracts on sorbitol were reviewed and 26 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to mannitol and sorbitol. The total mannitol used in food in 1970 is reported to be about 90 times that used in 1960. The total sorbitol used in food in 1970 is reported to be about seven times that used in food in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

Mannitol is absorbed from the gastrointestinal tract of animals and man, and does not accumulate in the organism; it is partially metabolized and partly excreted in the urine. There is evidence that the intestinal flora may convert mannitol to more readily utilized substances and this transformation may influence the reported amount of mannitol absorbed and metabolized by the liver. A wide variety of microorganisms and fungi convert mannitol to sugars and other carbohydrate fragments.

The absorption of mannitol in a 50 cm segment of the proximal small intestine, in children varying in age from 8 months to 4 years, has been reported. The mannitol was perfused in an isotonic solution in concentrations varying from 50 to 150 millimoles per liter. From 9 to 18 percent of the mannitol was found to be absorbed.

A more extensive study in 16 human adult volunteers, ranging in age from 20 to 66, revealed that, in the oral dosage range of 40 to 100 g, 65 percent of the ingested mannitol was absorbed. Of the absorbed mannitol, about a third was excreted intact in the urine and the remainder was oxidized to carbon dioxide. Excretion was virtually complete by four days, with about 91 percent excreted within the first day.

In experiments where 25 g of mannitol were fed to normal men, little evidence was found that the substance was utilized, as measured by blood sugar levels or respiratory quotients. The threshold laxative dose was found to be between 10 and 20 g of mannitol as compared with 50 g of sorbitol.

There are no reported long-term animal feeding studies (extending for more than half of the life span of the species) on mannitol. Relevant short-term animal studies and studies on man are summarized below.

The oral LD_{50} for the mouse is reported to be 22 g per kg, and for the rat to be 17.3 g per kg. The minimum lethal dose for the rat is reported to be greater than 13 g per kg.

In rats and monkeys fed mannitol (5 percent of the rat diet, and 3 g daily to monkeys) no significant chronic toxicity was observed over a period of 3 months. A study on one man, fed 10 g daily for a month, revealed no evidence of toxicity; but the same authors have shown that the ingestion of 10 to 20 g of crystalline mannitol as part of the diet results in a laxative effect. The latter observation has been confirmed.

Preliminary teratologic tests in mice, rats, and hamsters have been negative. Oral doses up to 1.6 g per kg of body weight of mannitol to pregnant mice and rats for 10 consecutive days, or up to 1.2 g per kg of body weight to pregnant hamsters for 5 consecutive days, produced no clearly discernible effects or nidation or on maternal or fetal survival. The frequency of abnormalities in either soft or skeletal tissues of the test animals was comparable to that occurring spontaneously in the sham-treated controls.

The Select Committee is unaware of any reports on mannitol indicating evidence of its carcinogenicity, mutagenicity, or effects on reproduction.

When injected intravenously, mannitol is filtered by the glomeruli of the kidneys and not appreciably reabsorbed by the tubles. For this reason, mannitol has been employed extensively as a substance to measure glomerular filtration rate in man. It has also been used medically as an intravenous diuretic, to lower intracranial pressure, and to decrease intraocular pressure in glaucoma. This wide usage of mannitol has not resulted in untoward toxic effects. However, a single allergic reaction to mannitol was observed when the substance was administered intravenously for the treatment of glaucoma. In the experience of these investigators, over 1500 patients had received similar medication without a serious allergic reaction. It appears from this report that allergic reactions to mannitol are possible, but that it does not constitute a dietary hazard for this reason.

The Joint FAO/WHO Expert Committee on Food Additives classified mannitol, in amounts of 50–150 mg per kg of body weight daily, as "conditionally acceptable". This term means that the substance may be employed within the specified limits with an adequate margin of safety if it has been reviewed by experts for a particular use.

Orally administered sorbitol is absorbed and metabolized rapidly by man through normal glycolytic pathways, ultimately to carbon dioxide and water. After a 35 g dose (equivalent to 583 mg per kg) in normal and in diabetic adults, for example, less than 3 percent of the sorbitol was excreted in the urine in any case and the concentration of sorbitol in the blood was found to be immeasurably small. No evidence of toxicity was reported.

The oral LD_{50} of sorbitol in male and female mice is reported to be 23,200 and 25,700 mg per kg respectively; in male and female rats, 17,500 and 15,900 mg per kg respectively. The oral LD_{100} for the male rate is separately reported as 26,000 mg per kg.

The following short term studies of the oral administration of sorbitol are relevant:

In 40 g male rats, fed 5 percent sorbitol in a balanced diet, no toxic effects were observed during the three months of feeding. Feed consumption is not reported, but estimates based on other data presented indicate that sorbitol was being fed at a level of approximately 5 g per kg per day.

Rhesus monkeys fed sorbitol at a level of 8 g per kg per day for 3 months remained unaffected.

Man, consuming 10 g of sorbitol each day (equivalent to 167 mg per kg) for one month remained unaffected.

Normal children, 5–6 years old and normal infants, 20–35 months old, fed 9.3 g of sorbitol (equivalent to 500 or more mg per kg) remained unaffected except for the appearance of diarrheal stools in the younger group.

The laxative threshold for sorbitol, established in 12 normal adults, has been reported to be 50 g (equivalent to 833 mg per kg). It is also reported, in a study involving 86 volunteers, that a dosage level of 25 g per day in two doses does not cause laxation.

The following long-term studies of the oral administration of sorbitol are relevant:

Rats fed 5 percent sorbitol (equivalent to 5 g per kg per day) through three generations showed no deleterious effects on growth rate or liver glycogen storage capacity. There were no gross or histological abnormalities in kidney, liver, spleen, pancreas, or duodenum attributable to sorbitol. A subsequent report has indicated that weanling rats, given sorbitol at levels of 10 to 15 percent in the diet for 17 months and observed over 4 successive generations, showed no evidence of deleterious effects on weight gain, reproduction, lactation, or histological appearance of the main organs.

Rats fed 16 percent sorbitol for 19 months showed a tendency to become hypercalcemic after one year, with the appearance in some animals of bladder concretions and a generalized thickening of the skeleton. No feed consumption or animal weight figures were reported, but sorbitol level was estimated to be of the order of 16 g per kg.

No oral studies of the carcinogenic activity of sorbitol have been reported. However, studies in rats revealed that injected sorbitol, in the form of an iron-sorbitol citric acid product (Jectofer), produced no injection site tumors.

Sorbitol, at dose levels of 5 g per kg did not produce any measurable mutagenic response in the host-mediated assay in mice, in the metaphase chromosomes of rat bone marrow, or in the dominant lethal test in the rat. A slight increase was noted in the mitotic recombination frequency for *Saccharomyces cerevisiae* in the host-mediated assay, and a moderate, dose-related adverse effect was exhibited by human embryonic lung cells scored at anaphase.

Sorbitol elicited no teratogenic response in pregnant mice or rats fed a daily dose of 1600 mg per kg for 10 days, or in hamsters fed 1200 mg per kg per day for 5 days.

The Joint Food and Agriculture Organization/World Health Organization Committee on Food Additives indicates the acceptable daily intake of sorbitol for man as follows: "Conditional acceptance (as a food additive or as a food) not limited".

All of the available safety information has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that there is no evidence in the available information on sorbitol and mannitol that demonstrates a hazard to the public when they are used at current levels or at levels that may reasonably be expected in the future. Based upon his own evaluation of this information the Commissioner concurs with this conclusion.

Copies of the Scientific Literature Reviews on mannitol and sorbitol and the reports of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In the table in § 121.101(d) by amending the listing for "Mannitol" and "Sorbitol" in the "Tolerance" and in the "Limitations, restrictions or explanations" columns in subparagraph (d)(5) to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS[1]		
* * *	* * *	* * *
Mannitol	* * *	Affirmed as GRAS § 121.104(g)(3).
Sorbitol	* * *	Affirmed as GRAS § 121.104(g)(4).
* * *	* * *	* * *

§§ 121.1053 and 121.1115 [Revoked].

2. By revoking § 121.1053 and § 121.1115

3. By amending proposed new § 121.104 to add the following two new subparagraphs to paragraph (g).

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * * *

(g) * * *

(3) *Mannitol.* (i) Mannitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$), produced by the electrolytic reduction of glucose, differing principally from sorbitol by having a different optical rotation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2nd Ed. (1972)[1].

(iii) The ingredient is used as a sweetener, formulating aid, stabilizer and thickener, and surface-finishing agent.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. The 1972 NAS–NRC Survey indicates current good manufacturing practice in the use of mannitol results in a maximum of 33 percent in hard candy (§ 121.1(l) (25)3, 25 percent in chewing gum] 121.1(l) (6), 40 percent in soft candy (§ 121.1(l) (38)), 8 percent in confections and frostings (§ 121.1(l) (9)), and at less than 2.5 percent in all other foods.

(v) The label and labeling of food whose reasonably foreseeable consumption may result in a daily ingestion of 20 grams of mannitol shall bear the statement: "Excess consumption may have a laxative effect."

(4) *Sorbitol.* (i) Sorbitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$), produced by the electrolytic reduction of glucose, differing principally from mannitol by having a different optical rotation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2nd Ed. (1972)[1].

(iii) The ingredient is used as a sweetener, formulating aid, emulsifier, humectant, stabilizer and thickener, texturizer, lubricant, and anticaking agent.

(iv) The ingredient is used in foods at levels not to exceed good manufacturing practices. The 1972 NAS—NRC Survey indicates current good manufacturing practice in the use of sorbitol results in a maximum of 97 percent in hard candy (§ 121.1(l) (25)), 62 percent in chewing gum (§ 121.1(l)(6)), 98 percent in soft candy (§ 121.1(l) (38)), 17 percent in frozen dairy desserts and mixes (§ 121.1 (l) (20)), 30 percent in baked goods and baking mixes (§ 121.1(l) (1)), and 8 percent or less in all other foods.

(v) The label and labeling of food whose reasonably forseeable consumption may result in a daily ingestion of 50 grams of sorbitol shall bear the statement: "Excess consumption may have a laxative effect."

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue, N.W. Washington, D.C. 20037.

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The Commissioner hereby gives notice that he is unaware of any prior-sanction for the use of this ingredient in food under the conditions different from those proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior-sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time.

This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior-sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15214 Filed 7-25-73;8:45 am]

[21 CFR Part 121]

METHYL PARABEN AND PROPYL PARABEN

Affirmation of GRAS Status of Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Pursuant to this review, the safety of methyl paraben and propyl paraben has been evaluated. In accordance with the provisions of § 121.40, the Commissioner of Food and Drugs proposes to affirm the GRAS status of these two ingredients. The Commissioner also proposes to establish a new § 121.104, under which all direct human food ingredients affirmed as GRAS will be listed.

As the review of GRAS and prior-sanctioned direct human fool ingredients progresses, these ingredients will be proposed for inclusion in new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, proposed new § 121.106 *Substances prohibited from use in food*, Subpart D as direct human food additives, Subpart E as prior sanctions, or Subpart H as interim food additives. Because § 121.101 is not limited to direct human food ingredients, and has been regarded also as the basis of GRAS determinations for indirect food ingredient use (in or on food contact surfaces), and for use in pet food and animal feed, the Commissioner has concluded that when an ingredient listed in § 121.101 is affirmed for direct human food use, it will be retained in § 121.101 with the explanation that it has been affirmed as GRAS and cross-referenced to the applicable paragraph in new § 121.104. This procedure is proposed with respect to methyl paraben and propyl paraben.

Many of the substances published as GRAS in § 121.101, or used on a determination that they are GRAS without publication in § 121.101 were approved by the United States Department of Agriculture for use in meat or poultry, or were approved by the Food and Drug Administration for use in various foods pursuant to correspondence, food standards, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS for all prior-sanctioned uses, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS for all prior-sanctioned uses, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the act as provided in § 121.2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned direct human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the Act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior-sanction, a final regulation will be issued under Subpart E "Substances for which prior sanctions have been granted," as well as under any other applicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to assert such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

Methyl paraben (methyl-p-hydroxybenzoate) and propyl paraben (propyl-p-hydroxybenzoate) were listed in § 121.101(d)(2) as GRAS for use as preservatives in food at a maximum of 0.1 percent, following a proposal published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

Methyl paraben and propyl paraben have been the subject of a search of the published scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupation hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology, and (13) processing. A total of 325 abstracts on the parabens were reviewed and 33 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to methyl paraben and propyl paraben. The total methyl paraben used in food in 1970 is reported to be about 16 times that used in 1960. The total propyl paraben used in food in 1970 is reported to be about 30 times that used in 1960.

The Scientific Literature Survey shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances:

"Studies in rats, rabbits, dogs, cats, and man show that methyl and propyl paraben are absorbed from the gastrointestinal tract and metabolized. Neither is accumulated in the body. The major metabolites, in decreasing concentrations in the urine, are *p*-hydroxybenzoic acid and the glycine, blucuronic acid, and sulfuric acid conjugates of *p*-hydroxybenzoic acid. Most, but probably not all of the ingested parabens, is metabolized to the foregoing substances through normal pathways in the liver and kidneys. The following work is particularly significant.

In rabbits, 86 percent of a single 400 mg or 800 mg dose of methyl paraben was excreted within 24 hours as *p*-hydroxybenzoic acid (39 percent), hippuric acid (15 percent), the glucuronic ester and ether (22 percent), and sulfuric acid conjugates (10 percent). In rabbits, 70 percent of a single 400 mg dose of propyl paraben was excreted as the same metabolites within 9 hours, 85 percent within 24 hours, and 88 percent within 48 hours.

In dogs, 66 percent of a 1.0 g per kg oral dose of methyl paraben was excreted within 24 hours (89 percent within 48 hours) as *p*-hydroxybenzoic acid and glucuronic acid conjugates. No accumulation of either methyl or propyl paraben was observed when 1.0 g per kg was administered daily for one year; the rate of excretion of the administered dose increased to 96 percent each 24 hours during that period.

In a fasted man, 50 percent of a dose of 70 mg per kg of methyl paraben was excreted as *p*-hydroxybenzoic acid and conjugates within 12 hours. In another human subject, 55 percent of a daily 2.0 g dose of propyl paraben was excreted as sulfuric acid conjugates. Inasmuch as the authors were unable to account for all of the administered paraben as the foregoing excretion products, it was concluded that some cleavage of the benzene ring may occur metabolically.

Relevant short-term animals studies (extending for less than half of the life span of the species) and studies on man are summarized below. There is a dearth of closely controlled experimental data.

The oral LD_{50} of both methyl paraben and propyl paraben for the mouse is reported to be greater than 8,000 mg per kg. The oral LD_{100} of methyl paraben is reported to be 3,000 mg per kg for the rabbit and 2,000 mg per kg for the dog; that for propyl paraben is 6,000 mg per kg for the rabbit and 3,000 to 4,000 mg per kg for the dog.

Dogs fed as much as 1,000 mg per kg per day of methyl or propyl paraben six days weekly for one year exhibited no toxic symptoms, and blood samples were normal. One female that had been receiving 500 mg per kg per day of methyl paraben for one year was mated and delivered a litter of healthy pups. In other experiments, two dogs were unaffected by oral methyl or propyl paraben levels of 500 mg per kg per day, but evidence of toxicity appeared at 2,000 mg per kg per day of methyl paraben and at 4,000 mg per kg per day of propyl paraben.

Growth of young rats, thought at first to be retarded by oral doses of 250 and 500 mg per kg per day of methyl paraben (period of feeding not reported), was found to be unaffected when these experiments were 'extensively repeated'.

Rabbits fed methyl or propyl paraben at 500 mg per kg per day for 6 days showed no ill effects. With both compounds, first distinct toxic effects were reported to appear when fed at 3,000 mg per kg per day.

A human volunteer, ingesting 2,000 mg of methyl paraben daily for one month was unaffected. Similarly, a human volunteer ingesting 2,000 mg of propyl paraben daily for one month exhibited no visible toxic effects. One experimenter reported that he ingested 2,000 mg of methyl paraben daily for an unstated period and "was able to ascertain an innocuousness even with prolonged use and in doses considerably greater than the minimum necessary in its practical application".

Methyl paraben elicited no teratogenic response in pregnant mice or rats fed up to 550 mg per kg daily for 10 consecutive days, or in pregnant hamsters fed up to 300 mg per kg daily for 5 consecutive days.

Methyl paraben or propyl paraben, dissolved in propylene glycol and applied to the skin of 50 human subjects every other day for 10 applications, produced no irritation at the 5 percent level (methyl) or 12 percent level (propyl). In man, 0.1 to 0.3 percent aqueous solutions of methyl paraben, instilled into the eyes of more than 100 patients, produced moderate hyperemia, slight lacrimation, and a sensation of burning which disappeared within one minute. Repetition of this procedure several times a day resulted in no complaints from the 100 subjects. It was noted in 1969 that eight cases of contact dermatitis due to the parabens had been reported in the U.S. scientific literature.

The following long-term studies of the feeding of the parabens are relevant.

Weanling Wistar rats, fed 0.9 to 1.2 g per kg per day for 96 weeks of either methyl or propyl paraben, remained indistinguishable from the controls. Autopsies revealed no pathology in kidney, liver, heart, lung, spleen, or pancreas. When dosage of either compound was increased about four times, rats showed a slower rate of weight gain than the controls. The authors estimated that the toxic threshold for rats of both methyl and propyl paraben is at least 3,000 mg per kg per day. In mice, the same authors stated, "the doses required to produce toxic effects are so large as to make it difficult to obtain an entirely satisfactory dosage-response curve".

Propyl paraben, fed to rats over an 18 month period at 150 mg per kg per day, resulted in no ill effects and 'some evidence of growth stimulation'. When fed at a level of 1,500 mg per kg per day there was a decrease in growth rate, 'but no irregular pathological changes could be found.' No experiments were reported for methyl paraben, but ethyl paraben, fed at the foregoing levels paralleled the experience with propyl paraben. In another study, weanling rats, fed as much as 1,430 mg per kg per day of a mixture of 60 parts propyl paraben and 40 parts ethyl paraben for 16 months, showed growth rates comparable to the controls and histological examination revealed no significant pathological differences among the test and control rats.

No oral carcinogenicity studies of the parabens have been reported. There are two reports of carcinogenicity studies by other routes of paraben administration. Methyl paraben, dissolved in polyethylene glycol and introduced twice weekly into the vaginas of weanling mice for 18 months, did not initiate carcinomas. In other tests on mice, methyl paraben administered intravenously or subcutaneously exhibited no carcinogenic activity.

The available information reveals that there are no short-term toxicological consequences in the rat, rabbit, cat, dog, or man, and no long-term toxicological consequences in rats, of consuming the parabens in amounts greatly exceeding those currently consumed in the normal diet of the U.S. population. There is no evidence that consumption of the parabens as food ingredients has had an adverse effect on man in the 40 years they have been so used in the United States.

All of the available safety information has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that there is no evidence in the available information on methyl and propyl paraben that demonstrates a hazard to the public when they are used at current levels or at levels that may reasonably be expected in the future. Based upon his own evaluation of this information, the Commissioner concurs with this conclusion.

Copies of the Scientific Literature Review on the parabens, the data on the teratology experiments, and the report of the FASEB Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

§ 121.101 [Amended]

1. By revising the introductory text of § 121.101(d) to read as follows:

Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are as follows. When the status of a substance has been reevaluated and affirmed as GRAS or delisted from this paragraph, an appropriate explanation will be noted, e.g., "affirmed as GRAS," "food additive regulation," "interim food additive regulation," or "prohibited from use in food," with a reference to the appropriate new regulation. Such notation will apply only to the specific use covered by the review, e.g., direct human food use and/or indirect human food use and/or animal feed and pet food use, and will not affect its status for other uses not specified in the referenced regulation pending a specific review of such other uses.

2. By amending the heading for the column "Limitations or restrictions" in § 121.101(d) to read "Limitations, restrictions or explanations", and by amending subparagraph (2) of paragraph (d) by revising the text in the "Limitations, restrictions or explanations" column for the items "Methyl parabren (methy-p-hydroxybenzoate)" and "Propyl paraben (propyl-p-hyroxybenzoate)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions or explanations
* * *	* * *	* * *
Methyl paraben (methyl-p-hydroxybenzoate).	0.1 percent	Affirmed as GRAS § 121.104(g)(1).
* * *	* * *	* * *
Propyl paraben (propyl-p-hydroxybenzoate).	0.1 percent	Affirmed as GRAS § 121.104(g)(2).
* * *	* * *	* * *

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3. By adding a new section to Subpart B as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(a) The direct human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed.

(b) Any use levels included in this section represent maximum use levels under current good manufacturing practices. This section does not authorize addition of any level of an ingredient to a specific food above the amount reasonably necessary to accomplish the intended effect.

(c) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(d) The listing of more than one ingredient to produce the same technological effect does not authorize use of a combination of two or more ingredients to accomplish the same technological effect in any one food at a combined level greater than the highest level permitted for one of the ingredients.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the act:

(1) The name of the ingredient.

(2) A statement of the concentration of the ingredient in any intermediate mix.

(3) Adequate information to assure that the final food product may comply within any limitations prescribed for the ingredient.

(g) The following direct human food ingredients have been affirmed as GRAS:

(1) *Methyl paraben.* (i) Methyl paraben is the chemical methyl-*p*-hydroxybenzoate, produced by esterification of *p*-hydroxybenzoic acid.

(ii) The ingredient meets the specification of the Food Chemicals Codex 2nd Ed. (1972),[1]

(iii) The ingredient is used as a preservative.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

(2) *Propyl paraben.* (i) Propyl paraben is the chemical propyl-p-hydroxybenzoate, produced by esterification of p-hydroxybenzoic acid.

(ii) The ingredient meets the specification of the Food Chemicals Codex 2nd Ed. (1972).

(iii) The ingredient is used as a preservative.

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from the proposed above. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before October 24, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–15212 Filed 7–25–73;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences 2101 Constitution Ave., NW Washington, DC 20037.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAS OR PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Opportunity To Submit Unpublished Safety Data

The Food and Drug Administration is conducting a study of the direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As part of this study, information on each ingredient (or group of ingredients) is being summarized in a series of Scientific Literature Reviews by organizations under contract with the Food and Drug Administration. The organizations preparing the Scientific Literature Reviews are responsible for including a summary of the world literature on safety published since January 1, 1920.

In order to assure that all pertinent safety information is obtained for inclusion in each Scientific Literature Review, this notice solicits from any source unpublished data and information that may be appropriate in determining the safety of the substances. The organizations preparing the Scientific Literature Reviews, and the Reviews now in active preparation or planned for preparation, are as follows:

1. Food and Drug Research Laboratories, Inc.,
   60 Evergreen Place,
   East Orange, NJ 07018.
2. Franklin Institute Research Laboratories,
   The Benjamin Franklin Parkway,
   Philadelphia, PA 19103.
3. Informatics, Inc.,
   6000 Executive Boulevard,
   Rockville, MD 20852.
4. Tractor Jitco, Inc.,
   1300 East Gude Dr.,
   Rockville, MD 20851.

Ingredients	Organizations	Estimated date of completion
Aluminum compounds.	Tracor Jitco, Inc..	June 29, 1973
Silicates	do	July 27, 1973
Magnesium salts	do	July 20, 1973
Manganese salts	do	Aug. 3, 1973
Starter distillate	do	Oct. 19, 1973
Acetic acid & derivatives.	do	Aug. 10, 1973
Formic acid & derivatives.	do	Aug. 31, 1973
Methyl & ethyl acrylate.	do	Oct. 19, 1973
Hydrosulfites	do	July 20, 1973
Salts of fatty acids	do	July 27, 1973
Sodium and potassium hydroxides.	do	Oct. 5, 1973
Vitamin D	do	Sept. 7, 1973
Corn silk	do	Oct. 5, 1973
Sulfamic acid	do	July 13, 1973
Tall oil	do	July 27, 1973
Fish oil, hydrogenated.	do	Aug. 24, 1973
Soy bean oil, hydrogenated.	do	Do.
Glutamic acid and derivatives.	do	June 29, 1973
Cholic acid & derivatives.	Informatics, Inc...	June 22, 1973
Calcium sequestrants	do	Do.
Choline salts	do	Do.
Algae	do	Do.
Iodine salts used in foods.	do	Do.
Pulps	do	Do.
Aconitic acid	do	Do.
Corn sugar-syrup	do	July 2, 1973
Sorbase	do	Do.
Tannic acid	do	July 9, 1973
Inositol	do	July 18, 1973
Gelatin	do	July 25, 1973
Tallow	do	Aug. 15, 1973
Succinic acid	do	Do.
Beeswax and japan wax.	Franklin Research Institute.	June 29, 1973
Carnauba wax	do	Do.
Sodium thiosulfate	do	July 30, 1973
Citrates	Food and Drug Research Labs, Inc.	June 29, 1973
Calcium oxide & calcium hydroxide.	do	Do.
Sorbates	do	Do.
Butylated hydroxyanisole.	do	Do.
Malic acid	do	Do.
Ascorbates	do	July 7, 1973
Propionates	do	July 20, 1973
Glucomate radical	do	Aug. 3, 1973
Dextrins	do	Aug. 10, 1973
Pantothenates	do	Do.
Soy protein isolated	do	Aug. 18, 1973
Rennet	do	Do.
Copper salts used in foods.	do	Aug. 24, 1973
Hydrochloric acid	do	Do.
Tartaric acid & tartrates.	do	Aug. 31, 1973
Lard & lard oil	do	Do.
Bentonite & clay	do	Sept. 7, 1973
Papain	do	Sept. 14, 1973
Gases used in foods	do	Do.
Starches	do	Sept. 21, 1973
Hydrogen peroxide	do	Do.
Carbon dioxide	do	Sept. 28, 1973
Lactic acid & derivatives.	do	Do.
Vitamin A	do	Do.

In addition, the Flavor and Extract Manufacturer's Association, 1001 Connecticut Avenue, NW., Wash., DC 20036, is preparing a Scientific Literature Review on the following 276 aliphatic alcohols, acids, aldehydes, and esters, used as flavor ingredients. The Reviews are scheduled for completion by December 15, 1973.

ALIPHATIC ALCOHOLS

LINEAR SATURATED

Amyl alcohol
Butyl alcohol
1-Decanol
Ethyl alcohol
Heptyl alcohol
1-Hexadecanol
Hexyl alcohol
Lauryl alcohol
Nonyl alcohol
1-Octanol
Propyl alcohol
Undecyl alcohol

LINEAR UNSATURATED

2-Hexen-1-ol
3-Hexen-1-ol
2,6-Nonadien-1-ol
trans-2-Nonen-1-ol

BRANCHED SATURATED

iso-Amyl alcohol
iso-Butyl alcohol
3,7-Dimethyl-1-octanol
2-Ethyl-1-hexanol
3,5,5-Trimethyl-1-hexanol

BRANCHED UNSATURATED

Geranol
Critronelloi
Nerol
Rhodinol
Farnesol

ALIPHATIC ACIDS

LINEAR SATURATED

Acetic acid
Butyric acid
Decanoic acid
Formic acid
Hexanoic acid
Lauric acid
Myristic acid
Nonanoic acid
Octanoic acid
Palmitic acid
Propionic acid
Stearic acid
Valeric acid
Undecanoic acid
Heptanoic acid

LINEAR UNSATURATED

Oleic acid
4-Pentenoic acid
trans-2-Hexenoic acid
3-Hexenoic acid
10-Undecenoic acid
9, 12-Octadecadienoic acid (48%) and
9, 12, 15-Octadecatrienoic acid (52%)

BRANCHED SATURATED

iso-Butyric acid
2-Ethylbutyric acid
2-Methylbutyric acid
2-Methylhexanoic acid
2-Methylheptanoic acid
2-Methylvaleric acid
iso-Valeric acid

BRANCHED UNSATURATED

3,7-Dimethyl-6-octenoic acid
3-Methylcrotonic acid
2-Methyl-2-pentenoic acid
2,3-Dionethyl-2-pentenoic acid

ALIPHATIC ALDEHYDES

LINEAR SATURATED

Acetaldehyde
Butyraldehyde
Decanal
Heptanal
Hexanal
Lauric aldehyde
Myristaldehyde
Nonanal
Octanal
Propionaldehyde
Undecanal
Valeraldehyde

LINEAR UNSATURATED

cis-3-Hexenal
10-Undecenal
9-Undecenal
4-Heptenal
4-Decenal

CONJUGATED

2-Decenal
2-Dodecenal
2-Heptenal
2,4-Nonadienal
2-Hexenal
2-Tridecenal
2-*trans*, 4-*trans*-Decadienal
2,4-Heptadienal
2-Nonenal
2-Octenal
2,4-Pentadienal
2-Pentenal
Nona-2-*trans*, 6-*cis*-Dienal

BRANCHED SATURATED

iso-Butyraldehyde
2,6-Dimethyl octanal
2-Methylbutyraldehyde
3-Methylbutyraldehyde
2-Ethylbutyraldehyde
2-Methyloctanal
2-Methylundecanal

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BRANCHED UNSATURATED

Citronellal
2,6-Dimethyl-5-heptenal

CONJUGATED

Citral
2,6-Dimethyl-10-methylene-2,6,11-dodecatrienal
2-Ethyl-2-heptenal
2-Methyl-2-pentenal

ALIPHATIC ESTERS

(with linear saturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Amyl butyrate
Amyl heptanoate
Amyl octanoate
Butyl butyrate
Butyl heptanoate
Butyl laurate
Butyl stearate
Decyl acetate
Decyl propionate
Ethyl butyrate
Amyl formate
Amyl hexanoate
Butyl acetate
Butyl formate
Butyl hexanoate
Butyl propionate
Butyl valerate
Decyl butyrate
Ethyl acetate
Ethyl decanoate
Ethyl formate
Ethyl hexanoate
Ethyl myristate
Ethyl octadecanoate
Ethyl palmitate
Ethyl undecanoate
Heptyl acetate
Heptyl formate
Hexyl acetate
Hexyl formate
Hexyl octanoate
Lauryl acetate
Methyl butyrate
Methyl hexanoate
Methyl myristate
Methyl octanoate
Methyl valerate
Nonyl octanoate
Octyl butyrate
Octyl heptanoate
Octyl propionate
Propyl butyrate
Propyl heptanoate
Propyl propionate
Ethyl heptanoate
Ethyl laurate
Ethyl nonanoate
Ethyl octanoate
Ethyl propionate
Ethyl valerate
Heptyl butyrate
Heptyl octanoate
Hexyl butyrate
Hexyl hexanoate
Hexyl propionate
Methyl acetate
Methyl heptanoate
Methyl laurate
Methyl nonanoate
Methyl propionate
Nonyl acetate
Octyl acetate
Octyl formate
Octyl octanoate
Propyl acetate
Propyl formate
Propyl hexanoate

LINEAR UNSATURATED

Allyl butyrate
Allyl hexanoate
Allyl octanoate
2-Hexen-1-yl acetate
cis-3-Hexen-1-yl acetate
Allyl heptanoate
Allyl nonanoate
Allyl propionate
10-Undecen-1-yl acetate
3-Hexenyl formate

BRANCH SATURATED

iso-Amyl acetate
iso-Amyl formate
iso-Amyl laurate
iso-Amyl octanoate
iso-Butyl acetate
iso-Butyl formate
iso-Butyl hexanoate
2-Ethyl butyl acetate
iso-Amyl butyrate
iso-Amyl hexanoate
iso-Amyl nonanoate
iso-Amyl propionate
iso-Butyl butyrate
iso-Butyl heptanoate
iso-Butyl propionate

BRANCH UNSATURATED

Citronellyl acetate
Citronellyl formate
Citronellyl valerate
Geranyl butyrate
Geranyl hexanoate
Citronellyl butyrate
Citronellyl propionate
Geranyl acetate
Geranyl formate
Geranyl propionate

ALIPHATIC ESTERS

(with linear unsaturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Butyl 2-decenoate
Ethyl acrylate
Ethyl 2-nonynoate
Ethyl sorbate
Methyl 2-hexenoate
Methyl 2-nonynoate
Methyl 9-undecenoate
Ethyl *trans*-2, *cis*-4-Decadienoate
Ethyl *cis*-4-octenoate
Methyl 3-hexenoate
Butyl 10-undecenoate
Ethyl crotonate
Ethyl oleate
Ethyl 10-undecenoate
Methyl 2-nonenoate
Methyl 2-octynoate
Methyl 2-undecynoate
Ethyl 3-hexenoate
n-Hexyl 2-butenoate
Methyl *cis*-4-ctenoate

LINEAR UNSATURATED

Allyl sorbate
2-Methylallyl butyrate
Neryl butyrate
Neryl propionate
Rhodinyl butyrate
Rhodinyl propionate
Allyl 10-undecenoate
Neryl acetate
Neryl formate
Rhodinyl acetate
Rhodinyl formate

ALIPHATIC ESTERS

(with branched saturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Butyl iso-Butyrate
Butyl iso-Valerate
Ethyl iso-Butyrate
Ethyl iso-Valerate
Hexyl iso-Valerate
Methyl 2-Methylbutyrate
Methyl iso-Valerate
Octyl iso-Butyrate
Propyl iso-Butyrate
Hexyl iso-Butyrate
Ethyl 2-Methylbutyrate
Heptyl iso-Butyrate
Methyl iso-Butyrate
Methyl 4-methylvalerate
Nonyl iso-Valerate
Octyl iso-Valerate
Propyl iso-Valerate

LINEAR UNSATURATED

Allyl 2-ethylbutyrate
3-Hexenyl iso-Valerate
Allyl iso-Valerate
3-Hexenyl-2-methylbutyrate

BRANCH SATURATED

Hexyl-2-methylbutyrate
iso-Amyl iso-Valerate
3,7-Dimethyllocta-2,6-dienyl 2-ethylbutanoate
2-Methylbutyl-iso-Valerate
2-Methylpropyl 3-Methylbutyrate
iso-Amyl-iso-Butyrate
iso-Amyl-2-methylbutyrate
2-Methylbutyl 2-methylbutyrate

BRANCH UNSATURATED

Citronellyl iso-Butyrate
Geranyl iso-Valerate
Neryl iso-Valerate
Rhodinyl iso-Valerate
Geranyl iso-Butyrate
Neryl iso-Butyrate
Rhodinyl iso-Butyrate

ALIPHATIC ESTERS

(with branched unsaturated acid portion and alcohol portion as indicated)

LINEAR SATURATED

Ethyl tiglate
Methyl 3,7-dimethyl-6-octenoate

LINEAR UNSATURATED

Allyl tiglate

BRANCH SATURATED

iso-Butyl angelate

The above list of 276 flavor ingredients represents the initiation of Scientific Literature Reviews of 1,550 natural and synthetic flavor substances. An announcement will be made in the FEDERAL REGISTER when other flavor compounds are selected for Review, so that appropriate unpublished information and data may be submitted. All flavor ingredients listed in §§ 121.101(e) and (g), 121.1163 and 121.1164, or otherwise submitted or known to FDA, are intended for eventual inclusion in a Scientific Literature Review.

Other GRAS and prior sanctioned food ingredients intended for an immediate or planned Scientific Literature Review are listed below under their appropriate categories.

IMMEDIATE SCIENTIFIC LITERATURE REVIEW

Adipic acid
Casein and caseinates
Hypophosphites
Pectin and pectinates
Gum guaiac
Ascorbic acid
Carotenes
Iron, reduced
Niacin and niacinamide
Pyridoxine and pyridoxine hydrochloride
Riboflavin and riboflavin-5-phosphate
Caffeine
Glycerophosphates
Dextrans

Vegetable oils
Sucrose
Biotin
Citric acid
Lecithins
Para-hydroxylbenzylisothiayanate
Thiamine
Urea
Vitamin B_{12}
Sodium and potassium chlorides

PLANNED SCIENTIFIC LITERATURE REVIEW

Amines (filming)
Benzoyl peroxide
Borax
Brandy
Calcium stearate
Carbon
Char smoke flavor
Collagen (avitene)
Cyclohexylamine
Enzymes (proteolytic)
Ferrocyanide salts
Glucono delta lactone
Glycerol lactopalmitate
Hesperidin complex
Lignin
Malt syrup
Milk powder (whole, enzyme modified)
Amino tri (methylene phosphoric acid) sodium salt
Bergamot oil
Bouillon (vegetable, smoked)
Butter fat, enzyme modified w/added butyric acid
Candelillla wax
Carboxymethyl hydroxyethyl cellulose
Chlorophyll
Corn mint oil (mentha arvenis oil)
Enzymes (bacterial)
Ferrous citrate
Furcelleran
Gluten (corn)
Gums (vegetable)
Iron citrate
Liver fractions
Methylpolysilicone
Mono and diglycerides (sodium sulfoacetate derivatives)
< Morpholine
<Nickel
< Octadecylamines
Oiticia
Peptone (pepsin-modified soy bean protein; brewers peptone)
Piperazine dihydrochloride
Potassium gluconate
Rutin
Silver-silver dragees
Sodium fluoride
Sodium metasilicate
Soya fatty acid amine (ethoxylated)
Starch (food, modified)
Vitamin B complex and syrup
Yeasts
Pepsin
Potassium bromate
Potassium phosphates
Sausage casings (HCl and cellulose fibers)
Sodium chlorite
Sodium hypochlorite
Sodium zinc metasilicate
Stearyl alcohol
Wax (shellac)
Zein powder

To be considered for inclusion in a Scientific Literature Review, two copies of all relevant safety data, and information shall be submitted to the organization preparing the Review before the listed completion date, and the original and two copies of all such information shall simultaneously be sent to GRAS Review Branch (BF-335), Bureau of Foods, Food and Drug Administration, 200 "C" Street SW., Wash., DC 20204. Immediately upon receipt of any such submission, one copy will be placed on display at the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, where it may be reviewed during working hours, Monday through Friday.

If the contractor has not been named, the original and four copies of any such data and information shall be submitted to the GRAS Review Branch (address above), which will distribute two copies to the contractor for the Scientific Literature Review when he is selected. A copy of all such submissions will also immediately be placed on display at the office of the Hearing Clerk, at the above address.

If the estimated date of completion of the Review has passed, copies of any such safety data and information shall be submitted to the Select Committee on GRAS Substances and the GRAS Review Branch as provided by the notice published elsewhere in this issue of the FEDERAL REGISTER, and a copy of any such submission will immediately be placed on display at the office of the Hearing Clerk pursuant to that notice.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15220 Filed 7-25-73;8:45 am]

SAFETY OF GRAS AND PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Opportunity To Present Data Information and Views

The Food and Drug Administration is conducting a study of the safety of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. As part of this study, information on each such ingredient (or group of ingredients), gathered from literature searches and other sources, is being summarized in a series of written Scientific Literature Reviews by organizations under contract with the Food and Drug Administration. The organizations preparing the Scientific Literature Reviews are responsible for including a summary of the world literature on safety published since January 1, 1920. Opportunity is provided, elsewhere in this issue of the FEDERAL REGISTER, for any interested person to submit unpublished safety data and information on these food ingredients for inclusion in Scientific Literature Reviews now under preparation.

Several Scientific Literature Reviews have now been completed and submitted to the Food and Drug Administration. A list of those completed Reviews appears elsewhere in this issue of the FEDERAL REGISTER, (38 FR), and notice is given of their public availability.

The Food and Drug Administration briefly examines each Scientific Literature Review before accepting it. This brief examination covers only the general quality of the work, to make certain that the major scientific information is included in a balanced and complete presentation. The examination is not intended to determine that all pertinent scientific information is included. Notice is therefore hereby given that any interested person who, after study of a Scientific Literature Review, believes that additional pertinent published or unpublished data or information should be included in considering the safety of the ingredient(s) covered in the Scientific Literature Review, may submit ten copies of such written data, information, or views to:

Select Committee on GRAS Substances,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014

The original of this material and two additional copies shall simultaneously be sent to:

Bureau of Foods,
Food and Drug Administration,
GRAS Review Branch (BF-335),
200 "C" Street, S.W.,
Washington, DC. 20204.

Immediately upon receipt, one copy of any such submission will be placed on display at the office of the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, where it may be reviewed during working hours, Monday through Friday.

The Select Committee on GRAS Substances is utilizing the services of special consultants with particular expertise in considering specific issues that arise in the evaluation of these substances. The Select Committee also recognizes that the presentation of oral views with respect to the safety of these substances may be helpful in its work. Therefore, an opportunity will be provided for any interested person to present oral views on the safety of these substances to the Select Committee at a hearing, as part of the evaluation process. Notices providing an opportunity to participate in a hearing, for the presentation of such oral views to the Select Committee, will be published in the FEDERAL REGISTER at the appropriate time.

Following completion of its evaluation, the Select Committee will prepare a report to the Commissioner of Food and Drugs containing its evaluation and recommendations, with respect to the safety of the particular ingredient(s) covered by a Scientific Literature Review. Upon acceptance of the report by the Food and Drug Administration, it will be made available to the public in accordance with the notice on this matter published elsewhere in this issue of the FEDERAL REGISTER. After evaluating this report, the Commissioner will publish in the FEDERAL REGISTER, an appropriate proposal to (1) affirm GRAS status, (2) publish a prior sanction, (3) establish an interim food additive regulation, (4) establish a permanent food additive regulation, or (5) eliminate food use of the ingredient. These proposals will be issued pursuant to the procedural provisions contained in §§ 121.40, 121.41 published in the FED-

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ERAL REGISTER of December 2, 1972 (37 FR 25705), and § 121.2000 published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12737). The Commissioner is proposing elsewhere in this issue of the FEDERAL REGISTER, to establish new §§ 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, 121.105 *Substances in food contact surfaces affirmed as generally recognized as safe (GRAS)*, and 121.106 *Substances prohibited from use in food*. Thus, each food ingredient will be proposed for inclusion in one of these three new sections, in Subpart D (direct human food additives), in Subpart E (prior sanctions), in Subpart F (indirect human food additives), or in Subpart H (interim human food additives).

Following publication of any such proposal, all interested persons will have an opportunity to submit written comments on the proposal. Where good cause is shown, the Commissioner may order a public hearing at which an oral presentation of data, information, and views may be made. The final regulation will be final agency action from which appeal lies to the courts.

The Commissioner urges the cooperation of all segments of the public in this important work.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15221 Filed 7-25-73;8:45 am]

SELECT COMMITTEE ON GRAS SUBSTANCES

Request for Nominations

The Food and Drug Administration is conducting a study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The available information relating to the safety of each such ingredient is first being evaluated by a Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology under a contract with the Food and Drug Administration. The Select Committee is considering information on GRAS substances provided by a series of Scientific Literature Reviews based primarily upon a literature survey of material published from 1920 to 1973, by current production and consumption patterns obtained from a recent survey by the National Academy of Sciences, and by additional recent toxicological screening tests on certain of the substances. The Select Committee is presently comprised of the following individuals:

1. Dr. Bert N. Ladu, Jr.,
Dept. of Pharmacology,
New York University Medical Center.
New York University School of Medicine,
550 1st Ave.,
New York University Medical Center,
2. Dr. John R. McCoy,
Professor of Comparative Pathology,
New Jersey College of Medicine & Dentistry,
Rutgers Medical School,
P.O. Box 2100,
New Brunswick, NJ 08903.
3. Dr. Aaron M. Altschul,
Dept. of Community Medicine & International Health,
School of Medicine,
Georgetown University,
3750 Reservoir Road, NW.,
Wash., DC 20007.
4. Dr. Joseph T. Borzelleca,
Professor of Pharmacology,
Medical College of Virginia,
Health Sciences Division,
Virginia Commonwealth University,
Richmond, VA 23219.
5. Dr. Sanford A. Miller,
Dept. of Nutrition and Food Science,
Rm. E 18-504,
Massachusetts Institute of Technology,
Cambridge, MA 02139.
6. Dr. Ralph G. H. Siu,
Consultant,
4428 Albemarle St., NW.,
Wash., DC 20016.
7. Dr. John L. Wood,
University of Tennessee Medical Units,
62 S. Dunlap St.,
Memphis, TN 38103.
8. Dr. Gabriel L. Plaa,
Dept. of Pharmacology,
University of Montreal,
Faculty of Medicine,
Case Postale 6128,
Montreal 101, Que., Canada.
9. Dr. George W. Irving, Jr., Chairman,
Research Associate,
Life Sciences Research Office,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014.

The curriculum vitae of each member of the Select Committee is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

The Life Sciences Research Office plans to increase the size of the Select Committee working on this project. Accordingly, notice is hereby provided for all interested parties to nominate additional qualified scientists to serve on the Select Committee. Nominations are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. C. Jelleff Carr,
Life Sciences Research Office,
Federation of American Societies for Experimental Biology,
9650 Rockville Pike,
Bethesda, MD 20014.

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15219 Filed 7-25-73;8:45 am]

STATUS OF REVIEW OF GRAS AND PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Notice of Availability of Information

Food ingredients that are generally recognized as safe (GRAS), or that were sanctioned through action by the Food and Drug Administration or the United States Department of Agriculture prior to enactment of the Food Additives Amendment of 1958, may be utilized in food without first obtaining approval through a food additive regulation. After enactment of the law, the Food and Drug Administration published a partial list of GRAS and prior-sanctioned ingredients in § 121.101. This list was developed without a thorough scientific review of each ingredient.

In his Consumer Message of October 30, 1969, President Nixon directed the Secretary of Health, Education, and Welfare to initiate a full review of all GRAS ingredients. To implement this mandate, the Food and Drug Administration contracted with the Food Protection Committee of the National Academy of Sciences to survey the entire food industry to determine the national production of all GRAS ingredients and the amount of each such ingredient used in any particular food. The National Academy of Sciences report to the Food and Drug Administration incorporated the results of independent surveys conducted by the United States Department of Agriculture as part of its 1965 Household Food Consumption surveys to determine the sizes of food servings used by consumers, and by the Market Research Corporation of America, to determine how frequently representative consumers eat individual servings of foods in specific food categories. The results of the NAS Survey, describing incorporation of USDA and MRCA data, is now available. The complete Survey report also contains various tabular computer printouts describing the use of GRAS food ingredients in NAS food categories and the total exposure of GRAS food ingredients in human foods.

The Food and Drug Administration also contracted with the Franklin Institute Research Laboratories, The Benjamin Franklin Parkway, Philadelphia, PA 19103, to conduct a search of the world literature since January 1, 1920 on the following 72 GRAS food ingredients that were determined to be a matter of high priority:

Ammoniated glycyrrhizin
Sodium nitrite
Sodium nitrate
Potassium nitrate
Potassium nitrite
Saccharin (acid)
Sodium saccharin
Calcium saccharin
Ammonium saccharin
Potassium bisulfite
Potassium metabisulfite
Sodium bisulfite
Sodium metabisulfite
Sulfur dioxide
Oil of mustard
Oil of garlic
Oil of nutmeg
Oil of rue
Oil of clove
Caramel
Benzoic acid
Sodium benzoate
Methyl paraben
Propyl paraben
Propyl gallate
Carrageenan
Sodium alginate
Gun tragacanth
Gum arabic (acacia)
Carob bean gum
Ghatti gum
Sterculia gum
Guar gum
Furcelleran
Sodium carrageenan
Sorbitol
Mannitol
Butylated hydroxyanisole
Butylated hydroxytoluene
Hydrogen peroxide
Diacety tartaric acid esters of mono- and diglycerides of edible fats and oils, or edible fat-forming acids
Stannous chloride
Diacetyl
Monosodium glutamate
Monopotassium glutamate
Glutamic acid
Glutamic acid hydrochloride
Monoammonium glutamate
Zinc sulfate
Zinc gluconate
Sodium thiosulfate
Dilauryl thiodipropionate
Thiodipropionic acid
Calcium propionate
Bentonite
Carnauba wax
Sodium aluminosilicate
Tricalcium silicate
Vitamin A
Vitamin A acetate
Vitamin A palmitate
Vitamin D_2
Vitamin D_3
Zinc chloride
Zinc oxide
Zinc stearate
Aluminum calcium silicate
Calcium silicate
Magnesium silicate
Sodium calcium aluminosilicate, hydrated

This literature search is being expanded to include all of the GRAS substances for direct human food use included in § 121.101(d) and a number of substances possessing such GRAS status by virtue of a communication from the Food and Drug Administration. A complete list of these substances, and their scheduled coverage by Scientific Literature Reviews, is included in a notice published elsewhere in this issue of the FEDERAL REGISTER.

Each scientific literature search is designed to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection methodology, and (13) processing. The results of this search are then incorporated in a Scientific Literature Review on each ingredient (or group of chemically similar ingredients).

Additional toxicological screening tests were conducted on 42 selected GRAS ingredients for mutagenisis and teratology. Teratological screening was conducted on all 42 ingredients in four mammalian species: Rat, mouse, hamster, and rabbit. Chick embryo tests were also conducted on 41 of those ingredients. The mutogenic test conducted on 40 of the ingredients, used the host mediated assay, the dominant lethal, and the cytogenic assay procedures. These studies were designed primarily to evaluate these relatively new toxicological screening tests, and an assessment of their value is not yet possible.

The Food and Drug Administration then contracted with the Federation of American Societies for Experimental Biology (FASEB) to conduct the initial evaluation of the Scientific Literature Reviews, the NAS production and consumption data, and the additional toxicological test data, and to provide a report on the safety of each individual ingredient. The Life Sciences Research Office of FASEB in turn appointed a Select Committee on GRAS Substances (SCOGS) which has been working since June 1972 to conduct this evaluation. Notices appear elsewhere in this issue of the FEDERAL REGISTER requesting nominations for additional qualified scientists to serve on this Select Committee, providing an opportunity to submit unpublished safety data and information on GRAS or prior-sanctioned direct human food ingredients to the organizations preparing the Scientific Literature Reviews, and providing an opportunity to present data, information, and views on the safety of these ingredients directly to the Select Committee for their consideration in the evaluation process.

To implement the review of GRAS and prior-sanctioned direct human food ingredients, the Commissioner of Food and Drugs has published in the FEDERAL REGISTER several regulations and notices. In announcing the review of GRAS food ingredients in the FEDERAL REGISTER of December 8, 1970 (35 FR 18632), the Commissioner proposed new criteria for determining GRAS status. These criteria were promulgated in final form in the FEDERAL REGISTER of June 25, 1971 (36 FR 12084).

A notice published in the FEDERAL REGISTER of October 23, 1971 (36 FR 20546) urged that all interested persons obtain and complete the survey questionnaire being used by the National Academy of Sciences to obtain broad representative information on the production and use of direct human food ingredients that have been listed in § 121.101 as GRAS or that were subject to a prior sanction. In additional to published GRAS substances and known prior-sanctioned substances, the NAS questionnaire also requested information on direct human food ingredients used on the basis of a conclusion that they are GRAS, but which are not published in § 121.101. Neither the Food and Drug Administration study nor the NAS survey includes indirect human food ingredients or animal food ingredients.

A procedure governing affirmation of GRAS status and determination of food additive status was promulgated in the FEDERAL REGISTER for December 2, 1972 (37 FR 25705). The same FEDERAL REGISTER notice promulgated a new Subpart H to govern the promulgation of interim food additive regulations. Subpart E was amended in the FEDERAL REGISTER for May 15, 1973 (38 FR 12737) to provide for publication of all prior sanctions for food ingredients, and to permit the addition of limitations where justified by new toxicological information.

The list of direct human food ingredients published as GRAS in § 121.101 includes 533 ingredients, 261 of which are flavors. The 272 non-flavor published GRAS ingredients will be covered in 120 Scientific Literature Reviews, all of which are completed, in progress, or planned for contract, as indicated elsewhere in this issue of the FEDERAL REGISTER.

The Food and Drug Administration has contracted with the Flavor and Extract Manufacturers Association to prepare similar Scientific Literature Reviews with respect to 276 flavor substances, listed elsewhere in this issue of the FEDERAL REGISTER. Scientific Literature Reviews will then be prepared on all remaining flavor substances, including those published as GRAS in § 121.101, those published in such food additive regulations as §§ 121.1163 and 121.1164, and those used on the conclusion that they are GRAS although they are not published in § 121.101.

The next priority matter will involve additional substances subject to food additive regulations and prior sanctions. A schedule and priorities for these have not yet been determined.

Upon receiving a Report from the FASEB Select Committee evaluating the safety of an ingredient, the Commissioner, after conducting his own evaluation, will publish in the FEDERAL REGISTER an appropriate proposal to affirm GRAS status, to publish a prior sanction, to establish an interim food additive regulation, to establish a permanent food additive regulation, or to eliminate food use of the ingredient. These proposals will be published pursuant to the procedural provisions contained in §§ 121.40, 121.41, and 121.2000. The Commissioner is proposing to establish new § 121.104 *Substances added directly to human food affirmed as generally recognized as safe (GRAS)*, § 121.105 *Substances in food-contact surfaces affirmed as generally recognized as safe (GRAS)*, and § 121.106 *Substances prohibited from use in food*, elsewhere in this issue of the FEDERAL REGISTER. Thus, each of these food ingredients will be proposed for inclusion in one of these three new sections, in Subpart D (direct human food additives), in Subpart E (prior sanctions), in Subpart F (indirect human food additives), or in Subpart H (interim human food additives).

Following publication of any such proposal, all interested persons will have an opportunity to submit written comments on the proposal. Where good cause

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is shown, the Commissioner may order a public hearing at which an oral presentation of data, information, and views may be made. The final regulation will be final agency action from which appeal lies to the courts.

Section 121.101 is not limited to direct human food ingredients. Many of the substances listed in § 121.101 have been regarded as GRAS for indirect food ingredient use, in or on food-contact surfaces, and for use in pet food and animal feed. Accordingly, when an ingredient listed in § 121.101 is affirmed as GRAS for direct human food use, it will be retained in § 121.101, with the explanation that it has been affirmed as GRAS, and cross-referenced to the applicable paragraph in new § 121.104. When an ingredient is transferred to an interim food additive regulation, permanent food additive regulation, or prohibited status, for direct human use, a decision will be made as to whether the ingredient may remain as GRAS for uses other than direct human food use, or should be restricted or eliminated from such uses, and § 121.101 and other applicable regulations will be amended accordingly.

In the event that additional toxicological testing is required before the ingredient may be affirmed as GRAS or approved by a permanent food additive regulation, an interim food additive regulation will be proposed (unless there is a reasonable likelihood that a health hazard exists). Pursuant to § 121.4000, use of the ingredient must cease unless an interested person satisfies the Commissioner, in writing within 60 days following the effective date of the interim food additive regulation, that studies adequate and appropriate to resolve the questions raised about the ingredient have been undertaken. The Food and Drug Administration may itself undertake such studies, but this will occur only in very rare instances, if at all. As a general rule, the Food and Drug Administration intends to institute little or no testing for the purpose of providing data necessary to justify continued marketing of food ingredients, because of its conclusion that this is properly the function of private industry.

Many of the substances published as GRAS in § 121.101, or used on a determination that they are GRAS without publication in § 121.101, were approved by the United States Department of Agriculture for use in meat or poultry, or were approved by the Food and Drug Administration for use in various foods pursuant to correspondence, food standards, regulations, informal announcements, or in other ways, prior to 1958. Thus, many of these ingredients are subject to specific prior sanctions in addition to GRAS status. No comprehensive list of such prior sanctions exists. To the extent that one of these substances is affirmed as GRAS for all prior-sanctioned uses, the fact that it may also be subject to a prior sanction is largely of historical interest and has no regulatory significance. To the extent that one of these substances is not affirmed as GRAS for all prior-sanctioned uses, any restrictions or limitations imposed upon its use could in any event also be imposed on the prior-sanctioned uses under the adulteration provisions of the Act as provided in § 121.2000, published in the FEDERAL REGISTER of May 15, 1973 (38 FR 12738).

Accordingly, the Commissioner has concluded that regulations based upon the review of GRAS and prior-sanctioned direct human food ingredients will initially be proposed on the assumption that no prior sanction exists. Because prior-sanctioned status constitutes an exemption from section 409 of the Act, it should be construed narrowly, and the burden of coming forward with evidence of the sanction properly rests upon the person who asserts it. In the event that any person responds to a proposed regulation with proof of a valid prior sanction, a final regulation will be issued under Subpart E Substances for which prior sanctions have been granted, as well under any other applicable sections of the regulations. In this way, all possible uses of the ingredient will be fully covered. Any regulation promulgated pursuant to this review will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and failure to submit proof of an applicable prior sanction in response to any proposed regulation will also constitute a waiver of the right to assert such sanction at any later point in time. Any proposed regulation will also be construed as a proposal under Subpart E, in the event that a prior sanction is asserted in comments submitted on it. This procedure is necessary because of the unavailability of any comprehensive list of prior sanctions.

In the past, it has been customary practice for the Food and Drug Administration to issue advisory opinions that a substance is GRAS, or is subject to a prior sanction, or is not a food additive because it is used in or on food-contact surfaces and there is no detectable migration. The Commissioner has concluded that all such past correspondence is publicly available, except that trade secrets will be retained as confidential, and that all future opinions relating to GRAS or prior-sanctioned status will be issued in the form of FEDERAL REGISTER notices proposing appropriate new regulations. Opinions solely with respect to no-migration status of food-contact ingredients will continue to be handled by letter rather than by regulation because of their limited applicability, and all such correspondence will be publicly available, except that trade secrets will be retained as confidential.

The Commissioner recognizes that the data and information obtained in the process of conducting this review of direct human food ingredients is of broad interest to the public. Accordingly, this information is available for public disclosure in the following ways.

1. The report of the National Academy of Sciences on "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe" (September 1972) may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151. This report is now available.

2. A series of computer print-outs of the combined data from the NAS, USDA, and MRCA Surveys may be purchased from NTIS. These print-outs are now available and are explained in the NAS report.

3. The reports of the 1965 USDA Survey on "Food Consumption of Households in the United States" may be purchased separately from Superintendent of Documents, U.S. Government Printing Office, Wash., D.C. 20402, order number HFCS 1965–66, Report No. 1. These documents are now available.

4. Each Scientific Literature Review may be purchased from NTIS as it becomes available. The following Scientific Literature Reviews are now available:

Review title	Ordering No.	Printed copy price
Gum Arabic (Acacia)	PB-221-201	$4.85
Butylated Hydroxytoluene	PB-221-202	4.50
Carob Bean Gum	PB-221-203	3.00
Gum Tragacanth	PB-221-204	3.00
Sterculia	PB-221-205	3.00
Carrageenan	PB-221-206	4.50
Propyl Gallate	PB-221-207	3.75
Benzoates	PB-221-208	5.45
Parabens	PB-221-209	3.75
Sorbitol	PB-221-210	4.85
Mannitol	PB-221-211	4.85
Oil of Rue	PB-221-212	3.00
Gum Ghatti	PB-221-213	3.00
Zinc Salts	PB-221-214	5.45
Oil of Mustard	PB-221-215	4.50
Guar Gum	PB-221-216	3.75
Sulfiting Agents	PB-221-217	6.00
Caramel	PB-221-218	3.75
Oil of Garlic	PB-221-219	3.75
Nitrates-Nitrites	PB-221-220	9.00
Oil of Clove	PB-221-221	3.75
Oil of Nutmeg	PB-221-222	3.00
Dill	PB-221-223	3.00
Phosphates	PB-221-224	6.00
Agar-Agar	PB-221-225	3.75
Alginates	PB-221-226	4.50
Glycerine and Glycerides	PB-221-227	6.75
Cellulose	PB-221-228	4.85
Caprylic Acid	PB-221-229	4.50
Glycyrrhiza	PB-221-230	3.75
Carbonates	PB-221-231	5.45
Stannous Chloride	PB-221-232	4.50
Propylene Glycol and Derivatives	PB-221-233	4.50
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Iron and Iron Salts Used in Foods	PB-221-236	5.45
Tocopherols	PB-221-237	6.75

Each Scientific Literature Review may be purchased in microfiche form for $.95 with the same ordering numbers listed above.

5. Copies of each Scientific Literature Review will be placed in the Library of Congress as they become available, under the title, "Scientific Literature Reviews on GRAS Food Ingredients," L.C. Card No. 73–600105.

6. Each report to the Commissioner from the FASEB Select Committee may be purchased from NTIS as it becomes available. The following reports are now available:

Carob Bean (Locust Bean) Gum
Parabens
Sorbitol
Mannitol

7. A copy of each of the reports of the following toxicological screening tests may be purchased from NTIS:

Ingredient	Teratology	Mutagenesis
Ammoniated Glycyrrhizin	X	
Amaranth (Red No. 2)	X	X
Sodium Saccharin	X	
Calcium Saccharin	X	
Saccharin (Insoluble)	X	X
Ammonium Saccharin	X	
Sodium Nitrate	X	X
Potassium Nitrate	X	
Sodium Nitrite	X	X
Potassium Nitrite	X	
Glycine	X Y	
Sodium Bisulfite	X Y	
Sodium Meta-bisulfite	X Y	X
Butylated Hydroxyanisole	X Y	
Butylated Hydroxytoluene	X Y	X
Mannitol	X Y	
Sorbitol	X Y	X
Sodium Thiosulfate	X Y	
Stannous Chloride	X Y	
Calcium Propionate	X	
Sodium Benzoate	X	
Propyl Gallate	X Y	
Methyl Paraben	X Y	
Dilaurylthiodipropionic Acid	X Y	
Calcium Silicated (Hydrated)	X Y	
Sodium Carrageenan	X	
Calcium Carrageenan	X	X
Carob Bean (Locust Bean) Gum	X	X
Gum Arabic (Acacia)	X	X
Gum Tragacanth	X	
Gum Ghatti	X	X
Guar Gum	X Y	X
Sterculia (Karaya) Gum	X Y	X
Propylene Glycol Alginate	X Y	X
Talc	X Y	
Caffeine	X Y	
Oil of Nutmeg	X Y	
Sodium Tripolyphosphate	X Y	
Zinc Sulfate	X Y	
Lactose	X Y	
Adipic Acid	X Y	
Furcelleran	X Y	

No final chick embryo test reports have been received, to date.
X—Tested In Rats, Mice, Hamsters and Rabbits.
X Y—Tested In Rats, Mice and Hamsters.

8. A single copy of all of the above data and information is available for review in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6–88, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday. Additional information relating to these matters will also be placed on display at this office as they become available.

Dated: July 19, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-15206 Filed 7-25-73;8:45 am]

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federal register

July 27, 1973—Pages 20059–20221

FRIDAY, JULY 27, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 144
Pages 20059–20221

PART I

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NEW LOCATION OF FEDERAL REGISTER OFFICE

Effective Monday, July 30, 1973, the Office of the Federal Register will be located in Room 8401, 1100 L St., NW., Washington, D.C. Documents may be delivered or inspected between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays. The mail address will remain unchanged: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

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Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

BUREAU OF CUSTOMS—Increased numbers of copies of documents to be filed with applications for trademarks, trade names, and copyrights. 16850; 6–27–73

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change: from one Private Secretary to the Director to one Administrative Officer, Bureau of Standards.

Effective on July 27, 1973, paragraph (f) (1) of § 213.3314 is amended as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(f) *National Bureau of Standards.* • • •

(1) Administrative Officer.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–15469 Filed 7–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Deputy Associate Director for Domestic and Anti-Poverty Operations is expected under Schedule C.

Effective on July 27, 1973, § 213.3359 (l) is added as set out below.

§ 213.3359 ACTION.

• • • • • •

(l) One Deputy Associate Director for Domestic and Anti-Poverty Operations.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–15468 Filed 7–26–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Staff Assistant to the Under Secretary is excepted under Schedule C.

Effective on July 27, 1973, § 213.3394 (a) (43) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(43) One Staff Assistant to the Under Secretary.

• • • • • •

(5 U.S.C. secs 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–15470 Filed 7–26–73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Countries Declared To Be Free of Hog Cholera, Rinderpest and Foot-and-Mouth Disease

Statement of considerations. The purpose of these amendments is to add Sweden to the list of countries determined to be free of hog cholera and from which swine, pork and pork products may be imported into the United states without complying with §§ 94.9 and 94.10 but subject to other applicable restrictions.

On January 30, 1973, an amendment to the regulations in Part 94 (9 CFR) was published in the FEDERAL REGISTER (38 FR 2751) which set forth in § 94.1(a)(2) the countries declared to be free of both rinderpest and foot-and-mouth disease. The Caribbean Islands of Barbados and Trinidad and Tobago should have appeared in said listing. Therefore, this action merely corrects said listing to properly include the Caribbean Islands of Barbados and Trinidad and Tobago.

Pursuant to section 2 of the act of February 2, 1903, as amended, section 306 of the act of June 17, 1930, as amended, and sections 2, 3, 4, and 11 of the act of July 2, 1962 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f), Part 94, Title 9, Code of Federal Regulations, is hereby amended as follows:

1. In § 94.1, paragraph (a)(2) is amended by adding thereto the names of the countries Barbados after the reference to "Bahama Islands" and Trinidad and Tobago after the reference to "Sweden", respectively.

2. Sections 94.9(a) and 94.10 are amended by adding thereto the name of the country Sweden after the reference to "New Zealand" wherever it appears in these sections.

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendments shall become effective July 24, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. The amendments also correct the listing of countries declared to be free of rinderpest and foot-and-mouth disease.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause if found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73–15509 Filed 7–26–73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Applicability of Penalty for Early Withdrawals

The Board of Governors, pursuant to its authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits, has amended its Regulation Q (12 CFR Part 217) in order to clarify how the penalty for early withdrawals,

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adopted by the Board on July 5, 1973, applies to various types of time deposit contracts.

There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure (12 CFR 262.2(e)). The effective date was not deferred for the 30-day period referred to in section 553(d) of Title 5, United States Code, because this amendment recognizes an exemption. 5 U.S.C. section 553(d)(1).

§ 217.4 [Amended]

Effective immediately, the first sentence of § 217.4(d) of the Board's Regulation Q (12 CFR Part 217) is amended by adding a new footnote 6a at the end thereof to read as follows:

6a. The provisions of this paragraph apply to all time deposit contracts entered into after July 5, 1973 and to all existing time deposit contracts that are extended or renewed (whether by automatic renewal or otherwise) after such date, and to all time deposit contracts that are amended after such date so as to increase the rate of interest paid. All contracts not subject to the provisions of this paragraph shall be subject to the restrictions of § 217.4(d) in effect prior to July 5, 1973, which permitted payment of a time deposit before maturity only in an emergency where necessary to prevent great hardship to the depositor, and which required the forfeiture of accrued and unpaid interest for a period of not less than 3 months on the amount withdrawn if an amount equal to the amount withdrawn had been on deposit for 3 months or longer, and the forfeiture of all accrued and unpaid interest on the amount withdrawn if an amount equal to the amount withdrawn had been on deposit less than 3 months.

* * * * *

By order of the Board of Governors, July 24, 1973.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.73-15539 Filed 7-26-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-14-AD; Amdt. 39-1694]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-55 Series Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted July 17, 1973, and made effective immediately by telegram dated July 17, 1973, to all known United States operators or owners of Sikorsky S-55 series helicopters incorporating AiResearch TSE331-3U-303N engines installed in accordance with Supplemental Type Certificate No. SH125WE or SH127WE (Aviation Specialties, Inc.). The AD, adopted on July 17, 1973, requires the installation of a fuel bypass system and incorporation of an appropriate FAA-approved helicopter flight manual revision, with provision for equivalent modifications and revisions approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of Sikorsky S-55 series helicopters with AiResearch TSE331-3U-303N engines installed in accordance with Supplemental Type Certificate No. SH125WE or SH127WE. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

Pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Sikorsky S-55 series helicopters modified to incorporate AiResearch TSE331-3U-303N engines installed in accordance with Supplemental Type Certificate No. SH125WE or SH127WE is effective immediately upon receipt of this telegram. This directive is necessary because of the possibility of engine overspeed and resultant third stage turbine failure. Except as provided by FAR 21.197, the following is required prior to further flight:

(a) Install a fuel bypass system in accordance with AiResearch Service Bulletin No. TSE331-73-5004 and Aviation Specialties Service Bulletin No. AS55-01-1, both dated July 16, 1973, or later FAA-Approved revisions thereto.

(b) Incorporate the FAA-Approved Aviation Specialties Rotorcraft Flight Manual Revision 3 dated July 17, 1973.

(c) Equivalent modifications and rotorcraft flight manual revisions may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective July 31, 1973, for all persons except those to whom it was made effective immediately by telegram dated July 17, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Los Angeles, California on July 19, 1973.

ARVIN O. BASNIGHT, *Director, FAA Western Region.*

[FR Doc.73-15454 Filed 7-26-73;8:45 am]

[Airspace Docket No. 73-SO-51]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation regulations is to alter Restricted Area, R-2916 Cudjoe Key, Fla., by changing its using agency and by designating a controlling agency for it. Designation of a controlling agency will permit joint use of the restricted area.

The Department of the Air Force has agreed to the alterations. The change in using agency will more clearly identify the organization for whom the restricted area is designated and the joint-use provision associated with designation of a controlling agency will permit more efficient use of the involved airspace by allowing others to use it when it is not required by the using agency.

This amendment reduces a restriction upon the public and it is a minor amendment upon which the public would have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. October 11, 1973, as hereinafter set forth.

In § 73.29 (38 FR 640) the description of Restricted Area R-2916 is amended to read as follows:

R-2916 CUDJOE KEY, FLA.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30"W.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Miami ARTC Center.

Using agency. USAF, 20th Air Division.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on July 20, 1973.

CHARLES H. NEWPOL, *Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.73-15455 Filed 7-26-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. R-464: Order No. 488]

PART 154—RATE SCHEDULES AND TARIFFS

Filing of Natural Gas Tariff Changes

JULY 17, 1973.

On December 14, 1972, we noticed (37 FR 28195 December 21, 1972) proposed amendments to several sections of Part 154 of the Regulations under the Natural Gas Act to require that a natural gas company file a cost of service for a test period consisting of 12 consecutive months of most recent actual experience, adjusted for changes in revenues and costs which will become effective within 9 months after the last month of actual experience, but in no event shall such test period extend more than 9 months beyond the date of filing.

In the notice we expressed our intent that this rulemaking would facilitate the use of a year-end rate base adjusted to reflect the conditions that exist at the end of the nine month adjustment period. Under our proposal changes in operation and maintenance expenses, return, depreciation and taxes would be adjusted to equivalent annual levels at the end of the nine month period.

Our regulations presently require that a natural gas company, in operation for 12 months at the time of filing for an increase in rates, file a cost of service for a test period consisting of 12 consecutive months of most recent actual experience, adjusted for changes in revenues and costs which are known and measurable with reasonable accuracy and which will become effective within nine months after the last month of actual experience, but in no event shall such test period extend more than 6 months beyond the date of filing.

Interested persons were invited to submit, on or before February 28, 1973,[1] comments or suggestions in writing regarding the proposed amendments and to indicate whether they request a conference.

14 respondents (Appendix A) filed comments to the Commission's Notice of Proposed Rulemaking in Docket No. R-464 consisting of eight natural gas pipelines, one electric company, one gas distribution company, the Independent Natural Gas Association of America, the Rhode Island Consumer's Council, an accountant, and an accounting firm. Only two respondents objected to the proposal set forth in the rulemaking. One objecting respondent, Laclede Gas Company (Laclede), complained that the proposed rule would enable rate increase applicants to base their rate increase requests on too much estimation and speculation. These estimates, Laclede maintains, would be difficult to test and there would be no way to determine whether the estimates were accurate.

Contrary to Laclede's assertions, the basis and accuracy of cost estimates will be tested by the full breadth of due process standards including discovery, presentation of evidence, cross-examination, briefing, initial decision, and Commission Opinion. It is our belief that the test period to be adopted herein will be reasonably representative of sales, plant, depreciation and other costs when the rates go into effect and will provide a test period more suitable for the determination of rates for future use than under present methods. The regulatory ability to set rates based on the most recent costs available will yield greater rate stability and less frequent rate increase requests which will reduce the attendant regulatory costs to ratepayers and the public.

The Rhode Island Consumer's Council also opposes the rulemaking because Rhode Island does not "subscribe to the concept of year-end rate base" and believes the proposal would predetermine certain substantive evidentiary issues. We disagree with the Rhode Island Council's position on year-end rate base inasmuchas we believe that it provides the most appropriate means of setting rates that reflect the costs incurred during the period the rates are in effect. Cf. Opinion No. 635, El Paso Natural Gas Company, wherein we adopted the concept of the year-end rate base.

The remaining respondents generally approved of the rulemaking while offering certain limited objections and alternate proposals.

INGAA, whose suggestions were joined by seven of its members,[2] maintains that the extension of the period of adjustment, for changes in revenue and costs which will become effective from six to nine months, will have little significant benefit.

INGAA and Northern contend that consistent with the rulemaking proposal, § 154.63(e)(2)(i) of the regulations under the Natural Gas Act should redefine test period. Northern proposed the following definition:

* * * but in no event shall such test period extend more than nine months beyond date of filing; and the test period rate base shall be the accumulated balances at the end of the base period brought up to the end of the adjustment period: Provided, * * * but this shall not preclude the filing company from including items which, on the basis of existing fact, it can show will be experienced or from annualizing changes in revenues or costs occuring during the base period or during the nine-month adjustment period.

We will amend § 154.63(e)(2)(i) to reflect the limitation of test period to nine months beyond the date of filing. With respect to the suggestion that the above section prescribe the test period rate base, we believe that the schedules amended and added herein will provide for the development of a year-end rate base in the same manner as suggested by Northern. Accordingly, Northern's proposed redefinition of "that period" is unnecessary.

Northern points out that proposed Schedule C-2 refers to major plant additions and suggests that Schedule C-3 be changed to include all plant additions by amending it as follows:

In adjoining columns there should be shown the effect of the test period adjustments on the balance at the end of the base period to arrive at an adjusted balance as of the end of the nine-month adjustment period.

We concur with this suggestion and shall adopt it.

Also pointed out by INGAA, United and Northern is that the proposed Schedule C-3—Plant and Depreciation Schedules—does not contain the proviso which protected pipeline companies without detailed plant accounts. It is proposed that such proviso be retained. We agree and shall add the proviso to proposed Schedule C-3.

Tennessee suggests that because of the proposed change from "last five calendar years" to "last calendar year" in Schedule C-4 the language "summarizing the following by years with respect to" should be changed so that it reads "summarizing the following with respect to". We agree and adopt the suggestion.

Northern also questions the adding of proposed footnote (3) to the end of § 154.63 covering Statement F(1) because proposed footnote (2) to Statement F(2) can be amended to include the data desired by proposed footnote (3). We concur in this suggestion and shall change the rulemaking accordingly. Proposed footnote (3) will be deleted.

Northern maintains that the proposed additions to Statements F(3) and F(4), requiring the weighted average cost of capital to be computed for each issue of debt and preferred stock both as of the end of the twelve months of actual experience and as of the nine month adjustment period, will cause confusion.

We disagree, the purpose of this requirement is to have data on which to compare changes or trends in cost of capital between different periods of time and thus these statements will be retained.

INGAA objects to proposed new Statements F(3)(9) and F(4)(1) which relate to treatment of discounts on reacquired securities as being premature. We believe that Statement F(3)(9) information is necessary to facilitate the processing of rate cases. The gains and losses should be computed according to the method set forth in Manufacturers Light & Heat Company, Opinion No. 583. With respect to Statement F(4)(1), we will delete it since companies are required to write off any discount on reacquired preferred stock against paid in capital.

Statement F(5)-5 requires the filing of "Times Interest Earned" before and after taxes produced by the claimed rate of return and include the method of computation. One respondent suggests that since there is no universally agreed upon way of computing "Times Interest Earned" we should prescribe in Statement F(5)-5 some method of computation. We believe it unnecessary at this time to provide an inflexible formula for the computation of times interest earned but rather will allow applicants to present their own computation, the reasonableness of which will be tested on an individual applicant basis.

INGAA opposes proposed Statement F(6) requiring filing of a statement of source and application of funds for the base period and nine-month adjustment period. Upon further review of Statement F(6) we conclude that the data requested therein is necessary as a filing requirement.

INGAA and others expressed strong opposition to the inclusion of revised Statement O—Description of Company Operations particularly Sub-paragraphs 2, 3, and 4, which would require the

[1] The notice originally prescribed a comment date of January 29, 1973, which upon Motion of The Independent Gas Association of America (INGA) requesting an extension of the filing date until February 12, 1973, was extended until February 28, 1973, by a notice issued January 19, 1973.

[2] Colorado Interstate Gas Corporation (CIG), Columbia Gas Transmission Company (Columbia), El Paso Natural Gas Company (El Paso), Northern Natural Gas Company (Northern), Southern Natural Gas Company (Southern), Tennessee Gas Pipeline Company (Tennessee), United Gas Pipeline Company (United).

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filing of a complete rate history, history of major expansions and abandonments, and a digest of contracts with individual producers respectively, as "too burdensome, unrealistic and of truly doubtful value to either the Commission or its Staff".

We concur in part with INGAA with respect to the filing requirements of revised Statement O. We believe it essential for the Commission and Staff in reviewing section 4(e) rate increases to have each applicant's rate history in order that each rate increase request may be viewed in its proper perspective. We therefore will retain subparagraph 2 of Statement O. We recognize that the compilation of the rate history may be difficult to prepare initially; however, once it is prepared it will only need to be updated. Recognizing the merits of INGAA's argument, we will limit proposed subparagraph (3) to the filing of the last five years of expansion, abandonment, and certificate history. With respect to proposed subparagraph (4), it is particularly important during this period of limited gas supply for the Commission to have as complete information as is reasonably possible on the ability of pipeline companies to meet their market requirements. In estimating test period sales and revenues, consideration must be given to the maximum capability of the various sources of gas supply as well as the flexibility permitted by the supplier contracts. We recognize, however, that certain sources of supply have very little effect upon company operations and the reporting of contract information thereon would impose a hardship without any appreciable benefit. We will therefore require the reporting of information on (a) contract minimum and maximum take obligations, (b) estimated peak day deliverability during the test period, (c) contemplated "swings" between sources of supply and (d) the term of the contract, but such requirement will be limited to contracts accounting for 1.0 billion cubic feet annually.

INGAA requests a conference to further discuss the issues in this rulemaking. In light of the comprehensiveness of the written comments on the proposal we do not believe a conference is required.

In the notice of this rulemaking we also proposed to add to our Regulations under the Natural Gas Act, § 154.28 to require each natural gas company filing any tariff change with the Commission to include in its filing a notice of the proposed change, suitable for publication in the FEDERAL REGISTER. This notice is to briefly summarize the facts contained in the filing in such a way as to acquaint the public with its scope and purpose. We note that several parties have already included such notice format with major rate cases but have not provided it for other tariff changes. It is our intent that any change to a tariff on file with this Commission shall include the type of notice described above.

We believe that this amendment with respect to noticing will facilitate processing of tariff change filings.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Part 154 of the Regulations under the Natural Gas Act herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the amendments prescribed herein, which were not included in the notice of this proceeding, are of a minor nature and consistent with the purpose of the Proposed Rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(4) Since the amendments proposed herein make the reporting and filing process more complete and informative, good cause exists for making these amendments effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717q, 717i, 717o), orders:

a. Section 154.63(e)(2)(i) is amended by redefining test year to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

• • • • • •

(e) • • •

(2) *Base and test periods.*

If the natural gas company has been in operation for 12 months at the time of the filing, the Statements A to M, inclusive, and O and P or, L through N inclusive, as appropriate, and supporting schedules, shall be based upon a test period which shall consist of a base period of 12 consecutive months of most recently available actual experience, adjusted for changes in revenues and costs which are known and are measurable with reasonable accuracy at the time of the filing, and which will become effective within nine months after the last month of available actual experience utilized in the filing, but in no event shall such test period extend more than nine months beyond the date of filing; • • •

§ 154.63 [Amended]

b. Section 154.63 *Changes in a Tariff, Executed Service Agreement or Part Thereof* of the regulations under the Natural Gas Act is amended as follows:

Present	*Amendments*
Paragraph (c)(1) and (2): Item by reference for major rate increase.	Change: "Chief, Pipeline Division" to "Chief, Pipeline and Producer Rate Division."
Paragraph (e)(4): Working papers and supporting data.	Change: "Pipeline Division" to "Pipeline and Producer Rate Division."
Schedule C-2 showing major plant addition and retirement projects for the test period, brief descriptions, approximate dates of commercial operation or retirement from service, and cost.	Schedule C-2 showing major plant addition and retirement projects during the nine months after the last month of the base period, brief descriptions, approximate dates of operation or retirement from service and costs classified by functions.
Schedule C-3, which is to be part of the working papers showing twelve average monthly book balances, during the 12 months in the base period, for each detailed plant account, each subtotal representing functional classifications and total plant, the sum of such 12 average balances shall be divided by 12; and the effect of proposed adjustments on the average balances: Provided, however, that to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.	Schedule C-3 which is to be part of the working papers showing monthly book balances, for each of the 12 months in the base period by functional classification and detailed by plant account. Provided, however, that to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications. In adjoining columns there shall be shown the effect of the test period adjustments shown in Schedule C-2 on the balance at the end of the base period to arrive at an adjusted balance as of the end of the nine-month adjustment period.
Schedule C-4	Change: "The last five calendar years" to "the last calendar year" and delete "the years "from "summarizing the following by years with respect to".

Present	*Amendments*
Schedule C-15, which is to be part of the working papers, setting forth any operating units or systems acquired for which Commission approval of the final accounting has not been obtained. For such acquisitions submit summary analysis of the property acquired, proposed journal entries to record the acquisition and the proposed disposition of any difference between cost of acquisition and net original cost.	Schedule C-15, which is to be part of the working papers, setting forth any operating units or systems acquired for which Commission approval of the final accounting has not been obtained, the proposed journal entries to record the acquisition, and the proposed disposition of any difference between cost of acquisition and net original cost, only if there is a significant change in such amounts since the end of the year reported in the company's last FPC Form No. 2.
Statement D—Accumulated provisions for depreciation, depletion, amortization, and abandonment. This statement shall show the accumulated provisions for depreciation, amortization, depletion, and abandonment (Accounts 108, 109, 110, 111.1, 111.2, 111.3, 112, 113.1, 113.2), as of the beginning of the 12 months of actual experience, the book additions and reductions during the 12 months, together with the balances at the end of the 12-month period. In adjoining columns, there should be shown the adjustments, if any, to the book amounts and the total. All adjustments shall be clearly and fully explained in the supporting material submitted.	Statement D—Accumulated provisions for depreciation, depletion, amortization, and abandonment. This statement shall show the accumulated provisions for depreciation, amortization, depletion, and abandonment (Accounts 108 [detailed by functional plant classification], 111), as of the beginning of the 12 months of actual experience, the book additions and reductions during the 12 months, together with the balances at the end of the 12-month period. In adjoining columns there shall be shown adjustments to these ending book balances and the total adjusted balances.
Schedule D-1, which is to be part of the working papers, showing twelve average monthly book balances, during the twelve months in the base period, for each account and functional plant classification, the sum of such 12 average balances shall be divided by 12; and the effect of proposed adjustments on the average balances.	Schedule D-1, which is to be part of the working papers showing monthly book balances, for each of the 12 months in the base period by functional plant classification. In adjoining columns there shall be shown the effect of the adjustments shown in Schedule D on the balances at the end of the base period to arrive at adjusted balances as of the end of the nine-month adjustment period.
Statement F—Working Capital	
Schedule C-5 showing in respect of Accounts 106 and 107, at the beginning and end, respectively, of the 12 months of actual experience a list of uncompleted work orders (small items grouped) claimed in the rate base, giving the work order number, description and amount of each, and the amounts of each type of undistributed construction overheads. As part of the working papers include: a main-line map showing all major projects completed during the base period, with a key system indicating major work orders included in each project and reference to FPC certificate numbers; a list of principal projects certificated by FPC (including temporary certificates for the last five calendar years, ending during the 12 months of actual experience), setting forth the actual or estimated cost of the facility and indicating the total increase in contract demand and annual volumes associated with each major certificate.	Schedule C-5 showing in respect of Accounts 106 and 107, at the end of the 12 months of actual experience a list of uncompleted work orders (small items grouped) claimed in the rate base, giving the work order number, description and amount of each and the amounts of each type of undistributed construction overheads.
Schedule C-10, which is to be part of the working papers, giving full details including docket number of any acquisitions of gas in place, other than acquisition of leasehold interests, for the last five calendar years, ending during the twelve months of actual experience.	Schedule C-10 which is to be part of the working papers, giving full details including docket number of any acquisitions of gas in place, other than acquisition of leasehold interests for the calendar years since the last rate filing, but not to exceed 5 years.
Schedule C-12, which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2, complete statement of methods and procedures followed in capitalizing interest during construction and other construction overheads, including any policy changes, effective dates and reasons therefor for the last five calendar years, ending during the twelve months of actual experience.	Schedule C-12, which is to be part of the working papers, a complete statement of methods and procedures followed in capitalizing interest during construction and other construction overheads, only if a change in such methods and procedures has been made since the end of the year reported in the company's last FPC Form No. 2.
Schedule C-13, which is to be part of the working papers, and may be cross-referenced if such material is in the company's FPC Form No. 2, showing any significant changes in intangible plant for the last five calendar years, ending during the twelve months of actual experience.	Schedule C-13, which is to be part of the working papers showing any significant changes in intangible plant since the end of the year reported in the company's last FPC Form No. 2.
Schedule C-14, which is to be part of the working papers, setting forth the cost of plant in service and description thereof carried on the company's books as gas utility plant which was not being used in rendering gas service.	Schedule C-14, which is to be part of the working papers, setting forth the cost of plant in service and description thereof carried on the company's books as gas utility plant which was not being used in rendering gas service, only if there is a significant change in such amounts since the end of the year reported in the company's last FPC Form No. 2. Delete entire Schedule.
Schedule C-15	
Schedule C-16	

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Present	*Amendments*
Statement O—Description of Company Operations. A description of the company's area and diversity of operations including miles of pipe and compressor stations operated and breakdown of sales as among field and transmission and jurisdictional and nonjurisdictional. A concise statement of the last rate case of applicant with reference to FPC docket numbers and reference to FPC decisions, orders and rate schedules applicable to applicant.	Statement O—Description of Company Operations. A description of the company's area and diversity of operations including the following: (1) A detailed system map. (2) A complete rate history showing filing and rate levels since the beginning of the company with a brief description of each filing. (3) A detailed history of each major expansion, (new service) and major abandonment certificate filing for the last 5 years of the company along with a brief description of each filing. (4) A digest of contractual provisions with individual producer suppliers who deliver in excess of 1 Bcf annually relative to volumes (minimum and maximum obligations) and term, by contract. Digest should include estimated peak day deliverability for reserves dedicated under each contract as well as contemplated "swings" between sources of supply. (5) A detailed description of how the company designs and operates its systems, including design temperature or temperatures and the effect of conjunctive billing on design consideration.

Present	*Amendments*
New Statement	Statement F(3)(g)—If the Company has acquired at a discount or premium, some part of the outstanding debt which could be used in meeting sinking fund requirements, or for other reasons, it shall show the annual amortization of the discount or premium, for each series of debt from the date of reacquisition, over the remaining life of the debt being retired and separately show the total discount and premium, as a result of such amortization, applicable to the test period. Statement F(4)—After "12 months actual experience" add "and as of the end of the nine-month period".
New Schedule of Statement F(5)-5	Schedule F(5)-5—Show the "Times Interest Earned," before and after taxes, produced by the claimed rate of return and disclose the method of computation.
Schedule F(6)—Submit a Statement of Changes in Financial Position for the base period consisting of the 12 months of actual experience utilized in the test year.	Delete sentence, "If any of such prices are effective subject to refund, there shall be shown, by contract and the Commission docket number, for the base period, the rate per Mcf, and the amount collected subject to refund." Delete after producing area, "but with a statement of the extent to which price effective subject to refund are included." Delete entire last paragraph, "If the company records any amount on its books in a given month during the 12 months of actual experience which apply to gas purchases for a previous month or other period, a schedule indicating month and amount of payment made and distribution of payment and volumes to months to which applicable shall be submitted."
Schedule H(1)-3	Delete "The latter representing 52 percent of the excess of liberalized description and accelerated amortization of emergency facilities, if any, claimed under Sections 167 and 168 of the Internal Revenue Code, respectively, over straight-line depreciation allowable for tax purposes" from the statement.
Schedule H(3)—Income Taxes	Schedule H(3)-6—Accumulated deferred income taxes. This statement shall show monthly book balances of accumulated deferred income taxes for each of the 12 months during the base period. In adjoining columns there shall be shown additions and reductions for the nine months subsequent to the base period balance and the total adjusted balance.
New Statement	

In addition the Commission is adding to its regulations under the Natural Gas Act, § 154.28 which would require each natural gas company filing a tariff change with the Commission to include in its filing a notice of the proposed change, suitable for publication in the FEDERAL REGISTER, which will briefly summarize the facts contained in the filing in such a way as to aquaint the public with its scope and purpose. The new section is as follows:

§ 154.28 Form of notice for Federal Register.

The company shall file a form of notice suitable for publication in the FEDERAL REGISTER which shall be in the following form:

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Name of Company) Docket No.

NOTICE OF PROPOSED CHANGES IN FPC GAS TARIFF

Take notice that (name of company), on (date), tendered for filing proposed changes in its FPC Gas Tariff, Volume No. (number).

[The following language in the first paragraph applies only to increased rate filings.] The proposed changes would increase revenues from jurisdictional sales and service by (dollar amount) based on the 12 month period ending (date), as adjusted. [If changes other than increased rates and charges are proposed, the company shall state concisely the nature of these changes.]

[The company shall briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the company's jurisdictional customers (other parties the company served, *inter alia*, state regulatory commissions, other government agencies, etc.).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before ———. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants

parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Fourteen parties responded to the proposal:

Natural Gas Pipeline Companies
Michigan Gas Storage Company
El Paso Natural Gas Company
Tennessee Gas Pipeline Company
United Gas Pipe Line Company
Columbia Gas Transmission Corporation
Southern Natural Gas Company
Northern Natural Gas Company
Colorado Interstate Gas Company

Gas Distributor
Laclede Gas Company

Electric Distributor
Northern States Power Company

Associations
Independent Natural Gas Association of America
Arthur Anderson & Company

Consumers' Council
Rhode Island Consumers' Council

Individual
W. T. Hyde, Jr.

[FR Doc.73-15415 Filed 7-26-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Clarification of Labeling of Foods With Information on Cholesterol and Fat and Fatty Acid Composition

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6961) the Commissioner of Food and Drugs promulgated a new § 1.18 *Labeling of foods in relation to fat, fatty acid, and cholesterol content.*

Paragraph (h) of the new § 1.18 provides that "Any label or labeling containing a statement on cholesterol and fatty acid content not in conformity with this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the act." Several manufacturers have indicated that this language is ambiguous and they are uncertain as to the propriety of including information concerning cholesterol or fat and fatty acids other than that expressly provided for in 21 CFR 1.18.

It was the intent of the Commissioner that the only information concerning cholesterol, fat or fatty acids which could appear on the label would be that information specifically authorized by 21 CFR 1.18.

To clarify this issue the Commissioner has concluded that 21 CFR 1.18 should be revised to state clearly that the only statements relating to cholesterol, fat, or fatty acids which may be made are those expressly permitted by that section.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), paragraph (h) of § 1.18 (38 FR 6961) is revised to read as follows:

§ 1.18 Labeling of foods in relation to fat, fatty acid, and cholesterol content.

* * * * *

(h) No statements relating to cholesterol, fat or fatty acids, other than those expressly permitted by this section may be made. Any label or labeling containing any statement concerning cholesterol, fat or fatty acids which is not in conformity with this section shall be deemed to be misbranded under sections 201(n) and 403(a) of the act.

As this order merely clarifies an existing regulation, prior notice and delayed effective date are not necessary prerequisites to this promulgation.

Effective date. This order shall become effective on July 27, 1973.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042, as amended, 1047–1048, as amended, 1055; 21 U.S.C. 321, 343, 371(a))

Dated: July 19, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15462 Filed 7-26-73;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Andersonville National Historic Site, Ga.

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), the Act of October 16, 1970 (84 Stat. 989; 16 U.S.C. 461), 245 DM-1 (27 FR 6394), National Park Service Order No. 77 (38 FR 7478), as amended, and Regional Director, Southeast Region Order No. 5 (37 FR 7721) it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to ensure that all monuments and memorials erected at Andersonville be compatible with the intent and purpose of the establishment of the National Historic Site. The monument and memorial size, type, design, inscription and erection guidelines established by the Director, Southeast Region are available at Andersonville National Historic Site and the National Park Service Southeast Regional Office, Atlanta, Georgia. Only monuments and memorials of State recognition will be approved.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Andersonville National Historic Site, Andersonville, Georgia 31711, on or before August 27, 1973.

Part 7 is amended by adding a new § 7.94 to read as follows:

§ 7.94 Andersonville National Historic Site.

(a) Monuments and memorials. Approval must be obtained from the Director, Southeast Region, prior to the erection of a monument or memorial at Andersonville National Historic Site. The size, type, design, inscription, erection, and disposition of the monument or memorial shall be in accordance with guidelines established by the National Park Service. Such guidelines are obtainable from the Director, Southeast Regional Office, National Park Service, Atlanta, Ga., and from the Supt., Andersonville National Historic Site, Andersonville, Ga. 31711.

JOHN E. JENSEN,
Superintendent, Andersonville National Historic Site.

[FR Doc.73-15445 Filed 7-26-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), Special allowances, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended by adding a subdivision (xvi) to provide for the payment of such an allowance for the period April 1, 1973 through June 30, 1973, inclusive.

In light of the directives in the Emergency Insured Student Loan Act of 1969 with respect to the factors that the Secretary of Health, Education, and Welfare is to consider and the officials with whom he is to consult in setting the rate of the special allowance, and since a comment period would cause delay of at least 30 days, following each quarterly 3-month period, before lenders could apply for the special allowance for such period, it has been determined pursuant to 5 U.S.C. 553 that the solicitation of comment as to the

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rate of the special allowance for any particular quarter is both unnecessary and contrary to the public interest. The amendment to § 177.4(c)(3) effected hereby will therefore become effective immediately.

As so amended § 177.4 reads as follows:

§ 177.4 Special allowances.

(c) • • •

(3) Special allowances are authorized to be paid as follows:

• • • • •

(xvi) For the period April 1, 1973, through June 30, 1973, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 1¾ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: July 23, 1973.

JOHN OTTINA,
Acting Commisisoner of Education.

Approved: July 24, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.73-15580 Filed 7-26-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-178]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	Mesa	Unincorporated areas.				July 26, 1973. Emergency
Florida	Martin	Sewall's Point, Town of.				Do.
Massachusetts	Norfolk	Walpole, Town of.				Do.
Michigan	Arenac	AuGres, City of.				Do.
Do.	Berrien	Lake, Township of.				Do.
New York	Westchester	Rye, Town of.				Do.
North Carolina	Cumberland	Fayetteville, City of.				Do.
Pennsylvania	Lehigh	Emmaus, Borough of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 18, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15351 Filed 7-26-73;8:45 am]

[Docket No. FI-179]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

• • • • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Bureau	Unincorporated areas.				July 25, 1973. Emergency.
Do.	Cook	Winnetka, Village of.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Indiana	Lake	Unincorporated areas.				Do.
Iowa	Scott	Davenport, City of.				Do.
Minnesota	Kanabec	Unincorporated areas.				Do.
Missouri	New Madrid	Sikeston, City of	I 29 201 7310 01 Through I 29 201 7310 09	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Manager, City of Sikeston, Sikeston, Mo. 63801.	Aug. 6, 1971. Emergency. Aug. 3, 1973. Regular.
New York	Genesee	Batavia, City of				July 25, 1973. Emergency.
Do.	Monroe	Rush, Town of				Do.
Ohio	Mahoning	Unincorporated areas.				Do.
Do.	Ottawa	Put-In-Bay, Village of.				Do.
Pennsylvania	Clinton	Colebrook, Township of.				Do.
Do.	Wyoming	Meshoppen, Borough of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 18, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15352 Filed 7-26-73;8:45 am]

[Docket No. FI-180]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Missouri	New Madrid	Sikeston, City of	H 29 201 7310 01 through H 29 201 7310 09	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Manager, City of Sikeston, Sikeston, Mo. 63801.	Aug. 3, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 18, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15350 Filed 7-26-73;8:45 am]

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Revision of Emergency Temporary Standard on Certain Carcinogens

On May 3, 1973, an emergency temporary standard on certain carcinogens was promulgated under section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (38 FR 10929). The standard is based on the findings that the substances listed in the standard are harmful, that exposure to any of the substances poses a grave danger, that employees are being exposed to them, and that the emergency temporary standard is necessary to protect the employees from grave danger.

Since the publication of the standard, numerous comments, objections, and recommendations have been received. A whole range of issues has thus been raised. The finding that all the listed substances are harmful to humans has been questioned, as well as the wisdom of regulating on a common basis fourteen substances of varying properties and uses, and the necessity of all the requirements of the standard.

The emergency temporary standard has been reexamined in the light of the new comments and arguments. And it has been determined that certain changes in the standard are necessary to tailor the requirements for different types of workplaces and work operations, and to clarify the standard.

Therefore, pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 FR 8754), 29 CFR 1910.93c is revised to read as set forth below.

The principal changes made by the revision are:

(1) The standard as revised deals more particularly with different work operations, such as isolated environment operations, closed system operations, and open vessel operations;

(2) The particularization of the standard has permitted the specification of different control measures necessary to protect employees engaged in the different categories of operations. Compare paragraph (c)(1) with paragraph (c)(2); and,

(3) The legend on the warning sign and label is changed to apprise employees more accurately of the hazards to which they are exposed. The original findings concerning the toxicity of all the fourteen substances listed in the standard, the grave danger resulting from exposure to any of them, and the exposure of employees to them, are reconfirmed. And the standard as revised is considered necessary and sufficient to protect employees from the grave danger from exposure to any of the substances.

§ 1910.93c Carcinogens.

(a) *Scope and application.* This section applies to any workplace in which a carcinogen is manufactured, processed, used, repackaged, released, handled or stored, but shall not apply to any workplace involving transshipment of carcinogens in sealed containers.

(b) *Definitions.* (1) "Carcinogen" means any of the substances listed below, or any mixture containing 1 percent or more of such substances, by weight.

Compound No.	Chemicals	Chemical abstract registry No.
1	2-Acetylaminofluorene	53963
2	4-Aminodiphenyl	92671
3	Benzidine (and its salts)	92875
4	3,3'-Dichlorobenzidine (and its salts)	91941
5	Dimethylaminoazobenzene	60117
6	alpha-Naphthylamine	134327
7	beta-Naphthylamine	91598
8	4-Nitrobiphenyl	92933
9	N-Nitrosodimethylamine	62759
10	beta-Propiolactone	57578
11	bis-Chloromethyl ether	542881
12	Methyl Chloromethyl ether	107302
13	4,4'-Methylene(bis)2-chloroaniline	101144
14	Ethylenemine	151564

(2) "Controlled area" means an area to which access or egress by employees is required to be restricted and controlled by the employer under this section.

(3) "Decontamination" means the removal or inactivation of a carcinogen.

(4) "Isolated environment" means a fully enclosed structure, which is impervious to the passage of a carcinogen, which is not the vessel of containment of the carcinogen, and which prevents the dispersion of a carcinogen into areas or atmospheres where employees would be exposed to contact with that carcinogen, even if leakage or spillage from the vessel of containment occurs.

(5) "Closed system" mean an operation or equipment involving a carcinogen where the containment precludes, under normal conditions, the exposure by any route of employees to a carcinogen.

(6) "Laboratory type hood" means a device enclosed on three sides, and the top and bottom, ventilated to withdraw air inward and away from the open side, designed and constructed in such a way that an operation involving a carcinogen within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(c) *Requirements for areas containing carcinogens.* A controlled area shall be established by the employer where a carcinogen is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(1) *Isolated environment operations.* Where a carcinogen is contained within an isolated environment, such as a "glove box," employees working with such environments shall, upon each exit from the area, be required to wash their hands and arms at the point of exit from the area containing the isolated environment.

(2) *Closed system operations.* Where a carcinogen is stored in sealed containers, or contained in a closed system, such as fully enclosed process or transfer equipment, including pipes, and sample ports or openings are not used while a carcinogen is contained within:

(i) Access to the controlled area shall be restricted to only employees who work in that area.

(ii) Upon entering the controlled area at the first entry of the work day employees shall be provided with and be required to put on and wear clean work clothing, such as smocks, coveralls, or long-sleeved shirt and long pants.

(iii) Such employees shall be required to remove and leave that clothing at the point of exit upon each exit from that area.

(iv) Such employees shall be required to wash hands and face upon each exit from that area, not necessarily at the point of exit, but in the establishment.

(v) Such employees shall be required to shower after last daily exit from that area, not necessarily at the point of exit, but in the establishment.

(3) *Closed system transfer or charging or discharging point operations.* In operations involving "laboratory type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers with venting to the atmosphere:

(i) Access to the controlled area shall be restricted to only employees who work in that area.

(ii) Continuous local exhaust ventilation shall be maintained to prevent the dispersion of the carcinogen to areas where employees could, without such ventilation, be exposed to the carcinogen.

(iii) Upon entering the controlled area at the first entry of the work day all employees shall be provided with and be required to put on and wear clean work clothing, such as smocks, coveralls or long-sleeved shirts and long pants.

(iv) Employees in the controlled area involved in carcinogen handling operations shall be provided with and be required to wear personal protective equipment adequate to prevent exposure to a carcinogen.

(v) Such employees shall be required to remove and leave that clothing at the point of exit upon each exit from that area.

(vi) Such employees shall be required to wash hands and face upon each exit from that area, not necessarily at the point of exit, but in the establishment.

(vii) Such employees shall be required to shower after last daily exit from that area, not necessarily at the point of exit.

(viii) Employees in the controlled area shall be required to remove and leave all protective equipment at the hood site or charging, discharging or transfer point after work at that site or point.

(4) *Open vessel operations.* Where a carcinogen is contained in a vessel open to the work environment:

(i) Access to the controlled area shall be restricted only to employees who work in the area.

(ii) Continuous local exhaust ventilation shall be maintained at such operation locations sufficient to prevent the dispersion of the carcinogen to areas where employees could, without such ventilation, be exposed to contact with the carcinogen.

(iii) Clean work clothing shall be provided to employees whenever they enter such a controlled area and shall be required to be worn by employees working in the controlled area. Such garments shall include footwear, socks, underwear, outerwear, and head covering.

(iv) Employees working in the controlled area shall be provided with and be required to wear personal protective equipment adequate to prevent exposure to a carcinogen.

(v) Employees working in the controlled area shall be required to remove and leave all work clothing and protective equipment at the point of exit from the controlled area, and shall shower at that point, upon each exit from the controlled area.

(vi) Toilet and drinking facilities may not be used in the controlled area.

(5) *Other Operations.* In operations involving the decontamination of surfaces containing a carcinogen, either as a part of cleanup of leaks or spills, maintenance or repair operations on systems or equipment, or any operation involving work in an area where direct contact with a carcinogen could result without protection, each employee entering an affected area where operations of that type are being performed shall:

(i) Be provided with a clean, full, impervious, pressurized, air-supplied suit;

(ii) Be required to put on the suit before entering the affected area and engaging in such operation;

(iii) Be required to wear the suit in such an area and during the operation;

(iv) Be decontaminated before leaving the area and before removing the suit; and

(v) Be required to shower after removing such suit.

(6) *"Out-of-doors operations."* In an operation described in paragraphs (c)(1) through (5) of this section that is out-of-doors, rather than being confined in an enclosed structure, general mechanical ventilation is not required.

(d) *General controlled area requirements.* In addition to the controlled area requirements for types of operations listed in paragraph (c) of this section the following requirements apply to all controlled areas.

(1) Each employer shall establish and maintain a list of employees entering a controlled area. The list shall be made available on request to authorized representatives of the Secretary of Labor.

(2) The employer shall provide all work clothing, protective clothing, equipment and wash and shower supplies, including towels, required by this section.

(3) Any required shower rooms shall be provided in accordance with § 1910.141. Shower supplies may be introduced into a shower room only through a noncontaminated area.

(4) No food or beverage shall be permitted within a controlled area.

(5) No smoking or smoking materials or tobacco products shall be allowed within a controlled area.

(6) Appropriate instructions and signs shall be posted to inform employees of the procedures that must be followed in entering and leaving a controlled area.

(7) Any equipment, material, or any other items that are to be taken into or removed from a controlled area shall be taken in or removed from such area in a manner which does not contaminate any employees outside the controlled area.

(8) When only removal of outer clothing or personal protective equipment is required under paragraph (c) of this section at point of exit from a controlled area, an employee must be able, upon exit from the controlled area, to enter the change room, remove outer work garments and equipment and leave them in that room.

(9) When change and shower facilities are required under paragraph (c) of this section at point of exit from a controlled area, they shall be arranged so that upon exit, an employee must be able to enter a separate dirty change room where he can undress completely and leave every item of clothing and equipment. He must then be able to shower in an adjacent room which he can enter through an entrance designed to prevent the escape of carcinogens from the dirty change room to the shower room. Thereafter, he must be able to enter a clean change room where his street clothes are in his locker.

(10) When work area garments or protective clothing and equipment are required under paragraph (c) of this section to be worn in a controlled area, a clean change room must be provided so that before entering the controlled area the employee can change into clean work area garments or protective clothing and equipment in an area not containing contaminated or used work clothing or equipment and without passing through such a contaminated area to enter the controlled area. The clean change room shall have individual storage facilities for storage of street clothes and clean protective clothing and equipment.

(11) Continuous general mechanical exhaust ventilation shall be provided in controlled areas, or other positive means provided, so that air from the controlled area does not flow to non-controlled areas. Local exhaust ventilation may satisfy this requirement. Clean makeup air shall replace air removed.

(e) *Signs and labels.* (1) Entrances to controlled areas shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT
in this area
This agent may be hazardous to your health
AUTHORIZED PERSONNEL ONLY

For isolated environment operations, the sign shall be posted on or near the isolated environment structure.

(2) Equipment, material, and clothing contaminated with a carcinogen shall not be removed from a controlled area, unless it is either decontaminated or sealed in impervious containers bearing the legend:

DANGER
Contaminated with
CANCER-SUSPECT AGENT
This agent may be hazardous to your health

(3) Entrances to every controlled area for operations described in paragraph (c)(5) of this section shall be posted with legible signs bearing the legend:

CANCER-SUSPECT AGENT
EXPOSED IN THIS AREA
This agent may be hazardous to your health
FULL IMPERVIOUS PRESSURIZED AIR-SUPPLIED SUIT REQUIRED AT ALL TIMES
AUTHORIZED PERSONNEL ONLY

(f) *Cleaning.* Controlled areas involving open vessel operations or other operations, as described in paragraph (c)(4) and (5) of this section, shall be cleaned thoroughly not less than once each working day. Employees engaged in the cleaning shall be provided, and shall be required to wear, personal protective equipment adequate to prevent exposure to a carcinogen. Such employees shall be required to wash down carefully before removing protective equipment, and then shower.

(g) *Decontamination.* Decontamination processes shall be established and implemented to remove carcinogens on surfaces of equipment, materials, and the decontamination facility, that are known to be contaminated with a carcinogen.

(h) *Waste disposal.* Waste disposal methods and processes shall be established and implemented which do not permit carcinogens to be introduced into noncontrolled areas.

(i) *Medical surveillance programs.* Each employer subject to this section shall report in writing to the Occupational Safety and Health Administration, Office of Standards, Room 504, 400 First Street, NW., Washington, D.C. 20210, information as to any kind of medical surveillance program that has been voluntarily instituted by the employer.

(j) *Monitoring.* All employers subject to this section shall report in writing to the same office information as to the type of monitoring system that has been instituted.

(k) *Reporting.* Every employer subject to this section shall report in writing to the Occupational Safety and Health Administration, Office of Standards, the following information:

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(1) The address of each of his controlled areas;

(2) The name and other identifying information as to the particular carcinogens present in each of his controlled areas;

(3) The approximate number of employees entering each of his controlled areas during a representative week of normal operations in the controlled area; and

(4) The manner in which the carcinogens are present in each of his controlled areas, e.g., whether a carcinogen is manufactured, processed, used, repackaged, released, or otherwise handled.

Effective date. This section shall become effective on July 30, 1973.

(Sec. 6, Public Law 91-596, 84 Stat. 1593 (29 U.S.C. 655). Secretary's Order No. 12-71 (36 FR 8754))

Signed at Washington, D.C., this 24th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15510 Filed 7-26-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1 (Reg. 5), Amdt. 59]

O.I. REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

Correction

In FR Doc. 73-15193 appearing at page 19818 in the issue for Tuesday, July 24, 1973, in the 9th and 10th lines from the end of Sec. 11(c) the figures "15 percent" should read "25 percent".

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 143—PRECANCELED STAMPS

Philatelic Sales

Regulations dealing with the sale of precanceled stamps have been amended with respect to the quantity of such stamps that may be sold to philatelists and the conditions under which they will be sold. Publication of the following amendments in the FEDERAL REGISTER is effective immediately.

1. Paragraphs (f) (1) and 2 and (g) of § 143.2 *Sale and use of precanceled stamps* are amended to read as follows:

§ 143.2 Sale and use of precanceled stamps.

* * * * *

(f) *Philatelic sales*—(1) *Nonpermit holders.* (i) A maximum of one sheet of stamps of each of the precanceled denominations in sheet form which are available at a post office may be purchased in person or by mail by nonpermit holders for collection purposes only. Complete rolls of precanceled coil stamps may not be broken for philatelic sales. Instructions for selling plate blocks are as provided for in §257.1(c)(1) of this chapter.

(ii) Precanceled stamps are available at post offices which have them on hand or have a hand stamp for precanceling purposes. It is not necessary to be providing stamps for a permit holder before honoring a philatelic request involving the use of a hand stamp. Hand stamps, once acquired, should be retained by post offices to fill requests from philatelists.

(iii) Each mail order must be accompanied with a stamped, self-addressed envelope for use in returning the stamps to the purchaser.

(2) *Permit holders.* Precancel permit holders may buy any quantity of precanceled stamps for philatelic purposes. Other precanceled stamps may be purchased only for the purpose of paying postage. Unused precanceled stamps may not be sold for philatelic purposes by permit holders.

(g) *Precanceling for collectors.* Postmasters will comply with requests for imprints of a precanceling device on their own stamp stock but not for imprints on blank sheets of paper or on stamps submitted by a collector or other individual. (39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.73-15451 Filed 7-26-73;8:45 am]

PART 154—CONDITIONS OF DELIVERY

Checks Issued by the Federal Government

Regulations dealing with the delivery of Federal Government checks have been amended to specify the delivery schedules for such checks. Accordingly, paragraph (d) *Checks issued by the Federal Government* of § 154.1 is amended by the addition of subparagraphs (4) and (5) as set forth below. Publication of the amendments in the FEDERAL REGISTER is effective immediately.

§ 154.1 Delivery to persons.

* * * * *

(d) * * *

(4) Treasury checks enclosed in envelopes which do not indicate a date of delivery will be delivered on the first scheduled delivery after receipt.

(5) Treasury checks enclosed in envelopes which indicate a date of delivery will be delivered on that date or the first scheduled delivery after that date. In emergency or other infrequent situations, customers receiving delivery service may request pre-delivery of their mail at the office of delivery, providing withdrawal of the mail does not interfere with the carriers' delivery schedules.

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

JUNE 20, 1973.

[FR Doc.73-15452 Filed 7-26-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations

On February 12, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4263) to revise the subpart of Part 37 of Title 42, Code of Federal Regulations, entitled "Chest Roentgenographic Examinations" by setting forth the specifications for giving, reading, classifying, and submitting the second round of chest roentgenograms required to be given to underground coal miners by section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843). Specifications for pulmonary function tests were also proposed.

Interested persons were invited to participate in the rule making through the submission of comments and comments were received from the United Mine Workers of America, the Bituminous Coal Operators' Association, a number of hospitals and clinics, physicians, manufacturers of pulmonary function equipment, coal operators, the Pennsylvania Bureau of Occupational Health, and this Department's Bureau of Radiological Health in the Food and Drug Administration. Due consideration has been given to all material presented, with the result that a number of changes have been made in the rules which were proposed.

Both the United Mine Workers of America and the Bituminous Coal Operators' Association, in addition to other commenters, objected to the proposed requirement of the conduct of a pulmonary function test. The Union's objections were grounded upon the lack of comparability between the pulmonary function examinations and any disability criteria for black lung benefits and the fear that adoption of the proposed specifications would stifle future development of more refined pulmonary function tests or their use when they become available. The Bituminous Coal Operators' Association argued that a pulmonary function test, while a tool for measuring lung impairment, is of little value in diagnosing pneumoconiosis for transfer purposes. Both the Union and the Association supported the continuance of these tests in the Institute's National Study of Coal Workers' Pneumoconiosis. In addition, the Institute is presently not in a position to relate the test results to pneumoconiosis and miner transfer. In view of the comments, the requirements of a pulmonary function test (§§ 37.30–37.33) have been deleted. The Institute will continue the conduct of such tests in the National Study of Coal Workers' Pneumoconiosis. Because it was geared toward the pulmonary function test, the medical history questionnaire has also been eliminated. However, the occupational history questionnaire has been retained and this questionnaire, along with the miner identification document, are considered a part of the required roentgenographic examination and are required by § 37.20(a) to be completed at the X-ray facility, at the same time the X-ray is given. Requirements for special training in the completion of the questionnaires and identification documents are now considered unnecessary in view of the elimination of the medical history questionnaire.

In response to a number of comments, the period for submitting operators' plans (§ 37.4) has been increased to 120 days following publication of these regulations, and the period for submitting roentgenograms and other documents has been extended to 21 days following the examination (§ 37.60).

A new paragraph (b) has been added to § 37.3 to state that operators may provide for alternate facilities and interpreters in plans submitted for approval. Operators, especially of larger mines, are encouraged to provide for alternate X-ray facilities and interpreters in their plans so that miners may feel more secure that confidentiality of medical information will be achieved and that the examinations may be as convenient as possible for the miners.

The specifications have also been revised to provide that miners shall be disrobed from the waist up at the time the X-ray is given (§ 37.41) and to provide for the heating of X-ray facilities to a comfortable temperature. As a result of comments from the Department's Bureau of Radiological Health, a number of technical changes have been made in the roentgenographic specifications (§ 37.41).

The regulations require the physician who will read and classify the chest roentgenograms to have demonstrated proficiency in the use of the ILO–U/C or the UICC/Cincinnati classification of the pneumoconioses, by either submitting sample chest roentgenograms that have been classified properly (§ 37.51(a)), by taking and passing a specially designed proficiency examination (§ 37.51 (b)), or by successfully completing an Institute approved course in one of the classification systems (§ 37.51(a)). Information concerning these courses may be obtained from the American College of Radiology, 6900 Wisconsin Avenue, Chevy Chase, Maryland 20014. Any form referred to in the regulations may be obtained upon request to the Appalachian Laboratory for Occupational Respiratory Diseases, P.O. Box 4258, Morgantown, West Virginia 26505.

The subpart of Part 37 entitled "Chest Roentgenographic Examinations" is revised as set forth below, effective on July 27, 1973.

Dated: June 25, 1973.

FREDERICK L. STONE,
Acting Administrator, Health Services and Mental Health Administration.

Approved: July 18, 1973.

CASPAR W. WEINBERGER,
Secretary.

Subpart—Chest Roentgenographic Examinations

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AUTHORITY: Sec. 203, 83 Stat. 763; 30 U.S.C. 843.

Subpart—Chest Roentgenographic Examinations

§ 37.1 Scope.

The provisions of this subpart set forth the specifications for giving, reading and interpreting, classifying, and submitting chest roentgenograms required by section 203 of the Act of be given to underground coal miners and new miners.

§ 37.2 Definitions.

Any term defined in the Federal Coal Mine Health and Safety Act of 1969, and not defined below shall have the meaning given it in the Act. As used in this subpart:

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, et seq.).

(b) "ALFORD" means the Appalachian Laboratory for Occupational Respiratory Diseases, Box 4258, Morgantown, W. Va. 26505.

(c) "Chest roentgenogram" means a posteroanterior X-ray projection or radiograph of the chest at full inspiration recorded on radiographic film.

(d) "Convenient time and place" with respect to the conduct of any examination under this subpart means the locality in which the miner resides or a location that is equivalent with respect to convenience of time and place. For example, examinations at the mine during, immediately preceding, or immediately following work and a "no appointment" examination at a medical facility in a community easily accessible to the residences of a majority of the miners working at the mine, shall be considered of equivalent convenience for purposes of this paragraph.

(e) "Institute" and "NIOSH" mean the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD 20852.

(f) "ILO–U/C 1971 International Classification of Radiographs of Pneumoconioses" or "ILO–U/C Classification" means the classification of the pneumoconioses devised in 1971 by an international committee of the International Labour Office and described in "Medical Radiography and Photography," volume 48, No. 3, December 1972.

(g) "Miner" means any individual who is working in or at any underground coal mine and who has been employed to work in or at any underground coal mine on or before December 30, 1969, but does not include any surface worker who does not have direct contact with underground coal mining or with coal processing operations.

(h) "New miner" means any individual who is working in or at any underground coal mine and who began working in or at an underground coal mine for the first time subsequent to December 30, 1969, but does not include any surface worker who does not have direct contact with underground coal mining or with coal processing operations.

(i) "Operator" means any owner, lessee, or other person who operates, controls, or supervises an underground coal mine.

(j) "Panel of Radiologists" means the U.S. Public Health Service Consultant Panel of Radiologists, c/o: ALFORD, Post Office Box 4258, Morgantown, W. Va. 26505.

(k) "Preemployment physical examination" means any medical examination which includes a chest roentgenographic examination given in accordance with the specifications of this subpart to a person not previously employed by the same operator or at the same mine for which

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the miner or new miner is being considered for employment.

(l) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

§ 37.3 Chest roentgenograms required for miners and new miners.

(a) Every operator shall provide to each miner employed in or at any of its underground coal mines an opportunity for a chest roentgenogram in accordance with this subpart by June 30, 1974. This requirement will be considered as having been fulfilled with respect to any miner for whom the required roentgenogram was made subsequent to July 1, 1972.

(b) Every operator shall provide to each new miner employed in or at any of its underground coal mines:

(1) An initial chest roentgenogram as provided herein as soon as possible, but in no event later than 6 months, after commencement of his employment: *Provided*, That a preemployment physical examination will be considered as fulfilling these requirements: *And provided further*, That an initial chest roentgenogram given to a new miner in accordance with the applicable regulations prior to the effective date of this revised subpart will be considered as fulfilling this requirement;

(2) A second chest roentgenogram in accordance with this subpart 3 years following the initial examination made under these or the former regulations of this subpart if the miner is still engaged in underground mining;

(3) A third chest roentgenogram and medical examination 2 years following the second chest roentgenogram if the miner is still engaged in underground coal mining and if the second examination shows any evidence of dust retention in the lungs.

(c) The chest roentgenograms made available by an operator for purposes of this subpart shall be provided in accordance with a plan which has been submitted and approved in accordance with this subpart.

§ 37.4 Plans for chest roentgenographic examinations.

(a) Every plan for chest roentgenographic examinations of miners and new miners shall be submitted on such forms as prescribed by the Secretary to ALFORD within 120 calendar days after the effective date of this subpart: *Provided*, That in the case of a person who after such date becomes an operator of a mine for which no plan has been approved, a plan shall be submitted within 60 days after such event occurs. Each plan shall include:

(1) The name and address of the operator(s) submitting the plan;

(2) The name, Federal Bureau of Mines identification number for respirable dust measurements, and address of each mine included in the plan;

(3) The time schedule for the required roentgenograms including the estimated number of miners and new miners to be given or offered examinations under the plan;

(4) The name of the facility or facilities where, the location(s) at which, and the approximate date(s) and time(s) during which the roentgenograms will be given to miners and new miners, in sufficient detail to enable a determination of whether such examinations will be conducted at a convenient time and place;

(5) The names and qualifications, including specialty training and experience, of the individual(s) who will:

(i) Give the chest roentgenograms; and

(ii) Interpret and classify the chest roentgenograms.

(6) The name, address, and business telephone number of the individual(s) who will coordinate the submittal as required by § 37.60(a);

(7) A description of the technical factors to be employed to meet the requirements of § 37.41; and

(8) Assurances that (i) the operator will not solicit a physician's roentgenographic or other findings concerning any miner employed by the operator, (ii) instructions have been given to the person(s) giving the examinations that duplicate roentgenograms will not be taken or made for that (except as may be necessary for the purpose of this subpart) the physician's roentgenographic and other findings, as well as the occupational history information obtained from a miner or new miner, except if obtained in a preemployment examination, will not be disclosed in a manner which will permit identification of the employee with the information about him and (iii) the roentgenographic examinations will be made at no charge to the miner.

(b) Operators may provide for alternate facilities and interpreters in plans submitted for approval.

(c) The change of operators of any mine operating under a plan approved pursuant to § 37.5 shall not affect the plan of the operator which has transferred responsibility for the mine. Every such plan shall be subject to revision in accordance with paragraph (c) of this section.

(d) The operator shall advise ALFORD of any change in its plan. Each change in an approved plan including a modification of the information submitted under paragraph (a)(5) of this section is subject to the same review and approval as the originally approved plan.

§ 37.5 Approval of plans.

(a) If, after review of any plan submitted pursuant to this subpart, the Secretary determines that the action to be taken under such plan by the operator or group of operators meets the specifications of this subpart and will effectively achieve its purpose, the Secretary will approve such plan and notify the operator(s) submitting the plan of his approval. Such approval may be conditioned upon such terms as the Secretary deems necessary to carry out the purpose of section 203 of the Act.

(b) Where the Secretary has reason to believe that he will deny approval of a plan he will, prior to the denial, give reasonable notice in writing to the operator(s) of an opportunity to amend the plan. The notice shall specify the ground upon which approval is proposed to be denied.

(c) If a plan is denied approval, the Secretary shall advise the operator(s) in writing of the reasons therefor.

§ 37.6 Roentgenographic examinations conducted by the Secretary.

(a) The Secretary will give chest roentgenograms or make arrangements with an appropriate person, agency or institution to give the chest roentgenograms required under this subpart in the locality where the miner resides, at the mine, or at a medical facility easily acessible to a mining community or mining communities, under the following circumstances:

(1) Where, in the judgment of the Secretary, due to the lack of adequate medical or other necessary facilities or personnel at the mine or in the locality where the miner resides, the required roentgenographic examination cannot be given.

(2) Where the operator has not submitted an approvable plan.

(3) Where, after commencement of an operator's program pursuant to an approved plan and after notice to the operator of his failure to follow the approved plan and, after allowing 15 calendar days to bring the program into compliance, the Secretary determines and notifies the operator in writing that the operator's program still fails to comply with the approved plan.

(b) The operator of the mine shall reimburse the Secretary or such other person, agency, or institution as the Secretary may direct, for the cost of conducting each examination made in accordance with this section.

§ 37.7 Transfer of affected miner to less dusty area.

(a) Any miner who, in the judgment of the Secretary based upon the interpretation of one or more chest roentgenograms, shows category 2 (2/1, 2/2, 2/3) or category 3 (3/2, 3/3, 3/4) simple pneumoconiosis, or complicated pneumoconiosis, or the development of category 1 (1/0, 1/1, 1/2) simple pneumoconiosis in less than 10 years since first entering the coal mining industry (ILO–U/C classification) shall be afforded the option by the operator of transferring from his position to another position in an area of the mine where the concentration of respirable dust in the mine atmosphere is not more than 1.0 mg/m³ of air, or, if such level is not attainable in such mine, to a position in the mine where the concentration of respirable dust is the lowest attainable below 2.0 mg/m³ of air.

(b) Any transfer under this section shall be in accordance with the procedures specified in Part 90 of Title 30 of the Code of Federal Regulations.

OCCUPATIONAL HISTORY QUESTIONNAIRES AND MINER IDENTIFICATION DOCUMENTS

§ 37.20 General provisions.

(a) As part of the roentgenographic examination, an occupational history questionnaire, and a member identification document shall be completed at the facility for each miner and new miner at the same time the chest roentgenogram required by this subpart is given.

(b) The questionnaires and miner identification documents shall be submitted to ALFORD in accordance with the requirements set forth in § 37.60.

SPECIFICATIONS FOR PERFORMING CHEST ROENTGENOGRAPHIC EXAMINATIONS

§ 37.40 General provisions.

(a) The chest roentgenographic examination shall be given at a convenient time and place.

(b) The chest roentgenographic examination consisting of the chest roentgenogram, the Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin), the occupational history questionnaire, and the mined identification document shall be completed in full and submitted to ALFORD pursuant to § 37.60.

(c) A roentgenographic examination shall be made in a facility approved in accordance with § 37.42 by or under the supervision of a physician who regularly takes chest roentgenograms and who has demonstrated his ability, in accordance with § 37.42, to take chest roentgenograms of a quality to best ascertain the presence of pneumoconiosis.

§ 37.41 Roentgenogram specifications.

(a) Every chest roentgenogram shall be a posteroanterior projection at full inspiration on a 14- by 17-inch or 14- by 14-inch film.

(b) Miners shall be disrobed from the waist up at the time the roentgenogram is given.

(c) Roentgenograms shall be made only with a diagnostic X-ray machine having a rotating anode tube with a maximum of a 2 mm. source (focal spot).

(d) Except as provided in paragraph (e) of this section, roentgenograms shall be made with units having generators which comply with the following: (1) The generators of existing roentgenographic units acquired by the examining facility prior to effective date of the regulations shall have a minimum rating of 200 mA at 100 kVp.; (2) generators of units acquired subsequent to such date shall have a minimum rating of 300 mA at 125 kVp.

NOTE: A generator with a rating of 150 kVp. is recommended.

(e) Roentgenograms made with battery-powered mobile or portable equipment shall be made with units having a minimum rating of 100 mA at 110 kVp. at 500 Hz, or of 200 mA at 110 kVp at 60 Hz.

(f) Capacitor discharge, and field emission units may be used: *Provided*, That the model of such units is approved by ALFORD for quality, performance, and safety. ALFORD will consider such units for approval when listed by a facility seeking approval under § 37.42 of this subpart.

(g) Roentgenograms shall be given only with equipment having a beam-limiting device which does not cause large unexposed boundaries. The use of such a device shall be discernible from an examination of the roentgenogram.

(h) To insure high quality chest roentgenograms:

(1) The maximum exposure time shall not exceed 1/20 of a second except that with single phase units with a rating less than 300 mA at 125 kVp and subjects with chests over 28 cm. posteroanterior, the exposure may be increased to not more than 1/10 of a second.

(2) The source or focal spot to film distance shall be at least 6 feet: *Provided*, That where space limitation in mobile units requires a shorter distance, the source to film distance shall not be less than 5 feet. Films made in mobile units with less than 6 feet between the focal spot and film shall be marked with the source to film distance;

(3) Only medium-speed film and medium speed intensifying screens shall be used;

(4) Film-screen contact shall be maintained and verified at 6 month or shorter intervals;

(5) Intensifying screens shall be inspected at least once a month and cleaned when necessary by the method recommended by the manufacturer;

(6) All intensifying screens in a cassette shall be of the same type and made by the same manufacturer;

(7) When using over 90 kV., a suitable grid or other means of reducing scattered radiation shall be used.

(8) The geometry of the radiographic system shall insure that the central axis (ray) of the primary beam is perpendicular to the plane of the film surface and impinges on the center of the film.

(i) Radiographic processing:

(1) Either automatic or manual film processing which produces a high quality roentgenogram is acceptable. A constant time-temperature technique shall be meticulously employed for manual processing.

(2) If the mineral or other impurities in the processing water introduce difficulty in obtaining a high-quality roentgenogram, a suitable filter or purification system shall be used.

(j) Before the miner is advised that the examination is concluded, the film shall be processed and inspected and accepted for quality by the physician, if available. If the physician is not available, such acceptance may be made by the radiologic technologist. In a case of a substandard film, another film shall be immediately taken.

(k) An electric power supply shall be used which complies with the voltage, current, and regulation specified by the manufacturer of the machine.

(l) A densitometric test object may be required on each roentgenogram for an objective evaluation of film quality at the discretion of ALFORD.

(m) Each roentgenogram made hereunder shall be permanently and legibly marked with the name and address or ALFORD approval number of the facility at which it is taken, the social security number of the miner, and the date of the roentgenogram. No other identifying markings shall be recorded on the film except as provided in § 37.41(h)(2).

§ 37.42 Approval of roentgenographic facilities.

(a) Approvals of roentgenographic facilities given prior to the effective date of these regulations shall terminate on the effective date of these regulations. Previously approved roentgenographic facilities may reapply in accordance with this subpart.

(b) To be eligible to participate hereunder, a roentgenographic facility shall demonstrate ability to take high quality diagnostic chest roentgenograms by submitting to ALFORD, six or more sample chest roentgenograms taken and processed at the applicant facility which are of acceptable quality to the panel of radiologists. Applicants shall also submit a radiograph of a plastic step-wedge object (available on loan from ALFORD) which was taken at the same time with the same technique as one of the roentgenograms submitted and processed at the facility for which approval is sought. At least one chest roentgenogram and one test object film shall have been taken with each unit to be used hereunder. All film shall have been taken within the 15 calendar days prior to submission and shall identify the facility where each film was taken. The chest roentgenograms will be returned and may be the same roentgenograms submitted pursuant to § 37.51.

(NOTE: The plastic step-wedge object is described in an article by E. Dale Trout and John P. Kelley appearing in "The American Journal of Roentgenology, Radium Therapy and Nuclear Medicine," Vol. 117, No. 4, April 1973.)

(c) Each roentgenographic facility submitting chest roentgenograms for approval under this section shall complete and include an X-ray facility document describing each X-ray unit to be used to take chest roentgenograms under the Act. Among other things, the form shall include: (1) The date of the last radiation safety inspection by an appropriate licensing agency or, if no such agency exists, by a qualified consultant; (2) the deficiencies found; and (3) a statement that all the deficiencies have been corrected. To be acceptable, the radiation safety inspection shall have been made within 1 year preceding the date of application.

(d) Roentgenograms submitted with applications for approval under this section will be evaluated by the panel of radiologists. Applicants will be advised of any reasons for denial of approval.

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(e) Facilities shall have provision for being heated to a comfortable level.

(f) ALFORD or its representatives may make a physical inspection of the applicant's facility and any approved roentgenographic facility at any reasonable time to determine if the requirements of this subpart are being met.

(g) Approvals granted hereunder may be suspended or withdrawn by notice in writing when in the opinion of ALFORD the quality of radiographs submitted hereunder warrants such action. A copy of a notice withdrawing approval will be sent to each operator who has listed the hospital, clinic, or physician as its facility for giving chest roentgenograms.

§ 37.43 Protection against radiation emitted by roentgenographic equipment.

Except as otherwise specified in section 37.41, roentgenographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used, shall conform to applicable State and Federal regulations (See 21 CFR 278.213 (37 FR 16461), a Federal regulation which becomes effective on August 1, 1974, and applies to certain components of X-ray system manufactured after that date). Where no applicable regulations exist, roentgenographic equipment, its use and the facilities (including mobile facilities) in which such equipment is used shall conform to the recommendations of the National Council on Radiation Protection and Measurements in NCRP Report No. 33 "Medical X-ray and Gamma-Ray Protection for Energies up to 10 MeV—Equipment Design and Use" (issued February 1, 1968) and in NCRP Report No. 34, "Medical X-ray and Gamma-Ray Protection for Energies up to 10 MeV—Structural Shielding Design and Evaluation" (issued March 2, 1970) which documents are hereby incorporated by reference and made a part hereof. These documents are available for examination at ALFORD, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, at the National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD, and at the Public Health Service Information Center or Regional Office Information Centers listed in 45 CFR 5.31. Copies of NCRP Reports Nos. 33 and 34 may be purchased for $2 and $3 each, respectively, from NCRP Publications, P.O. Box 30175, Washington, D.C. 20014.

SPECIFICATIONS FOR INTERPRETATIONS AND CLASSIFICATION OF CHEST FILMS

§ 37.50 Interpreting and classifying chest roentgenograms.

(a) The interpretation of chest roentgenograms shall be classified in accordance with the ILO–U/C Classification system and recorded on a Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin)).

(b) Interpretation and classification shall be performed only by a physician who regularly reads chest roentgenograms and who has demonstrated proficiency in the use of the ILO–U/C Classification system in accordance with § 37.51.

(c) All interpreters hereunder, whenever interpreting chest roentgenograms made under the Act, shall have immediately available for reference a complete set of the ILO–U/C International Classification of Radiographs for Pneumoconioses, 1971.

NOTE: This set is available from the International Labour Office, Occupational Safety and Health Branch, CH 1211, Geneva 22, Switzerland.

(d) In all view boxes used for making interpretations hereunder:

(1) Fluorescent lamps shall be simultaneously replaced with new lamps at 6-month intervals;

(2) All the fluorescent lamps in a panel of boxes shall have identical manufacturer's ratings as to intensity and color;

(3) The glass, internal reflective surfaces, and the lamps shall be kept clean;

(4) The unit shall be so situated as to minimize front surface glare.

§ 37.51 Proficiency in the use of the ILO–U/C Classification.

(a) First or "A" readers:

(1) Proficiency in the use of the ILO–U/C Classification system shall be demonstrated by either:

(i) Submitting from the physician's files six sample chest roentgenograms classified by him to the panel of radiologists which are considered properly classified by the panel. The submission shall consist of two without pneumoconiosis, two with simple pneumoconiosis, and two with complicated pneumoconiosis. The films will be returned to the physician. The interpretations shall be on the Roentgenographic Interpretation Form (Form NIOSH 14–73 (Cin)). (These may be the same roentgenograms submitted pursuant to § 37.42), or:

(ii) Completion, since June 15, 1970, of a course approved by ALFORD on the ILO–U/C Classification system or the UICC/Cincinnati Classification system. As used in this subparagraph "UICC/Cincinnati Classification" means the classification of the pneumoconioses devised in 1968 by a Working Committee of the International Union Against Cancer.

(b) Final or "B" readers:

Additional proficiency in the use of the ILO–U/C Classification system shall be demonstrated by those physicians who desire to be a final or "B" reader by taking and passing a specially designed proficiency examination given on behalf of or by ALFORD. Physicians who qualify under this provision need not be qualified under paragraph (a) of this section.

(c) Physicians who wish to participate in the program shall make application on an Interpreting Physician Certification Document.

§ 37.52 Method of obtaining definitive interpretations.

All chest roentgenograms interpreted by "A" readers will be submitted by ALFORD to a "B" reader of its choosing, qualified as described in § 37.51 whose interpretation shall be final. If the first interpretation is by a "B" reader, it shall be final.

§ 37.53 Notification of abnormal roentgenographic findings.

(a) Findings of, or findings suggesting, enlarged heart, tuberculosis, lung cancer, or any other significant abnormal findings other than pneumoconiosis shall be communicated by the first physician to interpret and classify the roentgenogram to the designated physician of the miner or new miner indicated on the Miner's Identification Document. A copy of the communication shall be submitted to ALFORD.

(b) All final findings regarding pneumoconiosis will be sent to the miner by the Secretary of the Interior in accordance with section 203 of the Act (see 30 CFR Part 90). Positive findings with regard to pneumoconiosis will be reported to the miner's designated physician by ALFORD.

(c) ALFORD will make every reasonable effort to process the findings described in paragraph (b) of this section within 60 days of receipt of the information described in § 37.60 in a complete and acceptable form. The information forwarded to the Secretary of the Interior will be in a form intended to facilitate prompt dispatch of the findings to the miner.

SPECIFICATIONS FOR SUBMITTING ROENTGENOGRAMS, ETC.

§ 37.60 Submitting required chest roentgenograms, occupational history questionnaires, and miner identification documents.

(a) Each chest roentgenogram required to be made under this subpart, together with its interpretation(s), the occupational history questionnaire and the miner identification document, shall be submitted together for each miner or new miner within 21 calendar days after the roentgenographic examination to ALFORD and become the property of ALFORD.

(b) If ALFORD deems any part submitted under paragraph (a) of this section inadequate, it will notify the operator of the deficiency. The operator shall promptly make appropriate arrangements for the necessary re-examination.

(c) Failure to comply with paragraph (a) or (b) of this section shall be cause to revoke approval of a plan or any other approval as may be appropriate. An approval which has been revoked hereunder may be reinstated at the discretion of ALFORD after it receives satisfactory assurances and evidence that all deficiencies have been corrected and that effective controls have been instituted to prevent a recurrence.

(d) Chest roentgenograms and other required documents shall be submitted only for miners or new miners. Results of preemployment physical examinations of persons who are not hired shall not be submitted.

(e) If a miner refuses to participate in all phases of the examination prescribed in this subpart, no report need be made. If a miner refuses to participate in any phase of the examination prescribed in this subpart, all the forms shall be submitted with his name and social security account number on each. If any of the forms cannot be completed because of the miner's refusal, it shall be marked "Miner Refuses," and shall be submitted. No submission shall be made, however, without a completed miner identification document containing the miner's name, address, social security number, place of employment, and work category.

(f) The examination required under this subpart shall be complete for new miners.

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 1, 1973.

[FR Doc.73-15273 Filed 7-26-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5354]

[Arizona 7131]

ARIZONA

Withdrawal for National Forest Recreation Area and Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

SITGREAVES NATIONAL FOREST
GILA AND SALT RIVER MERIDIAN
Fools Hollow Lake Recreation Area

T. 10 N., R. 21 E.,
Sec. 12, SW¼ of lot 4, S½ of lot 5, lot 8, NW¼ and S½ of lot 9, lots 11, 12, 13, N½ of lot 18, N½ of lot 17, and lot 20;
Sec. 13, lots 1 and 2, and lots 5 thru 17;
Sec. 14, NW¼ of lot 1, and lot 2.

Chevelon Ranger Station Administrative Site

T. 13 N., R. 13 E., Sec. 1, SE¼NE¼, E½SW¼NE¼, N½SE¼SE¼SE¼, N½SW¼SE¼.
T. 13 N., R. 14 E., Sec. 6, W½ of lot 5, and lot 7.

The areas described aggregate approximately 485.87 acres in Navajo and Coconino Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15433 Filed 7-26-73;8:45 am]

[Public Land Order 5355]

[Colorado 17285]

COLORADO

Partial Revocation of Powersite Reserve No. 133

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. sec. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA–501–Colorado, it is ordered as follows:

1. The departmental order of March 25, 1910, creating Powersite Reserve No. 133, as confirmed by Executive Order of July 2, 1910, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 1 S., R. 78 W., Sec. 28, W½NE¼, NW¼, NW¼SW¼; Sec. N½NE¼.

The areas described aggregate approximately 360 acres in Grand County.

2. All of the above described lands were previously restored to entry, location or selection, subject to the provisions and reservations of section 24 of the Act of June 10, 1920, supra, pursuant to a determination of the Federal Power Commission in DA–57–Colorado of October 24, 1924, and the departmental order of August 17, 1926, and subsequently patented. The effect of this order is to relieve these restored lands from the limitations prescribed by said section 24.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15434 Filed 7-26-73;8:46 am]

[Public Land Order 5356]

[Sacramento 5138]

CALIFORNIA

Revocation of Executive Order No. 5550

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, as amended, 43 U.S.C. sec. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order No. 5550 dated February 6, 1931, withdrawing public lands for classification is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 16 E.,
secs. 13, 24, and 25.
T. 21 S., R. 17 E.,
Secs. 16 to 22, inclusive;
Secs. 26 to 36, inclusive.
T. 21 S., R. 18 E.,
Sec. 31.
T. 22 S., R. 17 E.,
Secs. 1 to 5, inclusive;
Secs. 10 to 14, inclusive;
Sec. 24.
T. 22 S., R. 18 E.,
Secs. 5 to 9, inclusive;
Secs. 15 to 29, inclusive;
Secs. 33 to 36, inclusive.
T. 22 S., R. 19 E.,
Sec. 31.
T. 23 S., R. 18 E.,
Secs. 1, 2, 3, 11 to 14, inclusive;
Secs. 23, 24, 25, and 36.
T. 23 S., R. 19 E.,
Secs. 6, 7, 8, 17 to 21, inclusive;
Secs. 28 to 34, inclusive.
T. 24 S., R. 19 E.,
Secs. 3 to 10, inclusive;
Secs. 14 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 25 S., R. 19 E.,
Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive;
Sec. 24.
T. 25 S., R. 20 E.,
Secs. 5 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 27 to 29, inclusive.

The areas described aggregate approximately 97,110 acres in Fresno, King and Kern Counties.

2. All but 8,123.48 acres of the lands described in paragraph 1 of this order have been patented, some with a reservation of the minerals to the United States. The unappropriated public lands described above shall, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, be open to operation of the applicable public land laws and the regulations thereunder, effective on and after July 27, 1973.

The public lands have been, and continue to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry under the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15435 Filed 7-26-73;8:45 am]

[Public Land Order 5357]

[Idaho 08357]

IDAHO

Withdrawal for Experimental Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

BOISE NATIONAL FOREST
BOISE MERIDIAN

Boise Basin Experimental Forest, Bear Run Unit

T. 6 N., R. 5 E., sec. 13, E½E½; sec. 24, E½E½, SW¼SE¼, SE¼SW¼.
T. 6 N., R. 6 E., sec. 7, lots 3 and 4; sec. 18, lots 1, 2, 3, 4, W½E½; sec. 19, lots 1, 2, 3, 4, W½E½.

The areas described aggregate 1,255.16 acres in Boise County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of

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the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15436 Filed 7-26-73;8:45 am]

[Public Land Order 5358]
[Montana 064840]

MONTANA

Powersite Restoration No. 623; Partial Revocation of Powersite Reserve No. 20

By virtue of the authority contained in section 24 of the Act of June 10, 1920, as amended, 16 U.S.C. sec. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-194-Montana, it is ordered as follows:

1. The departmental order of June 8, 1909 (ratified by Executive Order of July 2, 1910), creating Powersite Reserve No. 20, is hereby revoked so far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 2 N., R. 4 W.,
Sec. 6, SW¼NE¼, NW¼, N½SW¼, SE¼.
T. 3 N., R. 5 W.,
Sec. 36, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼.

The areas described aggregate 582.55 acres in Jefferson County.

Title to all of the lands described above in section 36, T. 3 N., R. 5 W., will vest in the State of Montana upon the effective date of this order. The lands described above as the SW¼NE¼, N½SE¼, and SE¼SE¼ sec. 6, T. 2 N., R. 4 W., are privately owned.

2. At 10 a.m. on August 28, 1973, the unappropriated public lands described above as the NW¼, N½SW¼, and SW¼SE¼ sec. 6, T. 2 N., R. 4 W., shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 28, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These public lands have been and will continue to be open to location and entry under the United States mining laws, and to leasing under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15437 Filed 7-26-73;8:45 am]

[Public Land Order 5359]
[Arizona 09229]

ARIZONA

Partial Revocation of Public Land Order No. 1985

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 1985 of September 21, 1959, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 41 N., R. 13 W.,
Sec. 1, lots 1 thru 4, S½N½;
Sec. 3, S½;
Sec. 4, SE¼;
Sec. 7, lots 1 thru 4, E½W½, E½;
Sec. 8;
Sec. 9, N½;
Sec. 10, N½;
Sec. 18, lots 1, 2, E½NW¼.
T. 41 N., R. 14 W.,
Sec. 12, E½;
Sec. 13, N½, SW¼;
Secs. 14 and 15;
Sec. 20, SE¼;
Sec. 21;
Sec. 22, N½;
Sec. 23, NW¼;
Sec. 28, NW¼;
Sec. 29;
Sec. 30, lot 3, E½SW¼, SE¼;
Sec. 31, lots 1, 2, E½NW¼, NE¼.
T. 40 N., R. 15 W.,
Sec. 4, lots 1, 3, SE¼NW¼, NE¼SW¼, S½SE¼;
Sec. 8, NW¼NE¼.
T. 41 N., R. 15 W.,
Sec. 25, N½SE¼, SW¼SE¼;
Sec. 35, N½, SE¼.

The areas described aggregate 8,515.54 acres in Mohave County.

2. All of the above described lands, except those listed as follows, are withdrawn by Public Land Order No. 5263 of September 28, 1972, for the Virgin Gorge Recreation Lands Area, and will remain so withdrawn:

T. 41 N., R. 13 W.,
Sec. 1, lots 1 through 4, S½N½.
T. 41 N., R. 14 W.,
Sec. 20, NW¼SE¼.
T. 40 N., R. 15 W.,
Sec. 4, lots 1, 3, SE¼NW¼, NE¼SW¼, S½SE¼;
Sec. 8, NW¼NE¼.
T. 41 N., R. 15 W.
Sec. 25, N½SE¼, SW¼SE¼; sec. 35, N½, SE¼.

3. At 10 a.m. on August 28, 1973, the lands described in paragraph 2 of this order shall, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, be open to operation of the public land laws generally, including the United States mining laws, and to leasing under the mineral leasing laws, except that the lands described as the S½N½ sec. 1, T. 41 N., R. 13 W., and N½SE¼, SW¼SE¼ sec. 25, and E½, SE¼NW¼ sec. 35, T. 41 N., R. 15 W., will not be open to location and entry under the mining laws. All valid applications received at or prior to 10 a.m. on August 28, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15438 Filed 7-26-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-34R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

The purpose of this amendment is to:

1. Authorize DOT-5P insulated steel drums for monoethylamine.

2. Authorize certain organic peroxides in fiberboard boxes and fiber drums.

3. Authorize specification 106A500X tanks for nitric oxide.

4. Amend the storage and stowage chart of explosives to include cartridge, practice ammunition.

5. Authorize fiber drums for the article "Empty cartridge cases primed".

In the March 1, 1972 FEDERAL REGISTER a notice of proposed rule making was published which contained these items. A public hearing was held on May 24, 1972 and no oral or written comments were received on these items.

Two items from this notice were published on November 11, 1972 and the one remaining item will become part of a larger rule making by the Hazardous Materials Regulations Board as explained in their document published on page 20083 of this issue of the FEDERAL REGISTER. One item in the Board's document dealing with the marking of radioactive materials packages was inadvertently omitted from the Coast Guard's notice and will be covered in a future rule making.

In consideration of the foregoing, Part 146 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 146.21-100 [Amended]

1. In § 146.21-100 "Table D—Classification: Inflammable liquids" for the article monoethylamine by deleting the words "Metal barrels or drums (DOT-5, 5A) not over 55 gallon cap." and inserting in place thereof the words "Metal barrels or drugs DOT-5, 5A, 5P) not over 55 gallon cap."

§ 146.20-90 [Amended]

2. In § 146.20-90 Stowage and storage chart of explosives by deleting the heading of item 11 "Small arms ammunition" in both the horizontal and vertical columns and inserting in place thereof the words "Small arms ammunition or cartridges, practice ammunition."

§ 146.22-200 [Amended]

3. In § 146.22-200 Table E—Classification: Oxidizing materials for the article "Benzoyl peroxide by adding to columns 4, 5, 6, and 7 the following:

Authorized for benzoyl peroxide wet with not less than 20 percent by weight of water.			
Fiberboard boxes (DOT-12B) WIC not over 25 lb. net wt.			
Fiber drum (DOT-21C) WIC not over 25 lb. net wt.			

§ 146.25-100 [Amended]

4. In § 146.25-100 Table H—Classification: Class A extremely dangerous poison for the article "Nitric oxide" add to collum 4 the following:

Tank cars compiying with DOT regulations.			

§ 146.20-300 [Amended]

5. In § 146.20-300 for the article "Primers" delete in columns 4, 5, 6, and 7 the words "Empty cartridge cases, primed may also be shipped in strong, tight, outside fiberboard boxes" and insert in place thereof the words "empty cartridge cases, primed may also be shipped in strong, tight, outside fiberboard boxes and DOT 21-C fiber drums complying with DOT regulations."

(R.S. 4472, as amended, R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

This amendment is effective October 30, 1973.

Dated: July 20, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.73-15513 Filed 7-26-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-97; Amdts. 171-20, 173-73, 174-18, 177-26, 179-11]

SHIPMENT OF HAZARDOUS MATERIALS

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is (1) to change the definition of a portable tank; (2) to require the marking of packagings containing radioactive materials with the proper shipping name; (3) to change the proper shipping name of dry calcium hypochlorite compounds; (4) to authorize the shipment of empty primed cartridge cases in DOT-21C fiber drums; (5) to authorize the shipment of monoethylamine in DOT-5P insulated steel drums; (6) to authorize the shipment of benzoyl peroxide, wet with at least 20 percent of water by weight, in DOT-12B and DOT-21C packagings; (7) to authorize the shipment of phosphorus trichloride in unlined, mild steel, specifications MC 310, MC 311, MC 312 cargo tanks; (8) to authorize the shipment of carbon dioxide in cylinders filled to a maximum density of 68 percent of the water capacity regardless of cylinder capacity; (9) to authorize the shipment of hydrogen sulfide in cylinders and multi-unit tank car tanks equipped with gas tight caps or plugs applied to valve outlets, and to authorize the use of metal covers over the valves of multi-unit tank car tanks in place of gas-tight valve protective covers now required; (10) to authorize the shipment of nitric oxide in DOT-106A500X tank cars; and (11) to add the loading and storage restrictions for practice ammunition cartridges to §§ 174.538 and 177.848.

On March 1, 1972, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-97; Notice No. 72-1 (37 FR 4295), which proposed these amendments except for the portable tank definition and the editorial changes concerning calcium hypochlorite. Interested persons were invited to give their views.

These amendments do not include the proposed changes to Proposal A and B which relate to the marking of packagings containing a mixture or solution and the spelling change to monofluorotrichloromethane, respectively. The Board has concluded that the package marking changes of Proposal A require further study. However, that portion of Proposal A requiring the marking of packagings containing radioactive materials appears in this document. The spelling change proposed for monofluorotrichloromethane does not appear in these amendments because a commenter has submitted a list of halocarbon materials which should also be changed in line with the proposed changes of Proposal B. This commenter has stated that these changes would be more appropriate if published with other petitioned changes relating to halocarbon materials. The Board agrees with the commenter and the contents of Proposal B will become part of another docket which will be published at a later date.

A revised definition of a portable tank appeared as a proposal in Docket No. HM-8; Notice No. 71-13 (36 FR 9449). This proposed definition included a cargo-carrying tank on an aircraft and clarified that a DOT-110 type multi-unit tank car tank should not be construed as a portable tank. There were no objections filed to the proposal. The Board is publishing the definition as it was proposed in § 171.8(g), Docket No. HM-8; Notice No. 71-13 except for the reference to a tank on an aircraft. This will be handled at a later date.

An objection was received from a commenter concerning the proposal which provides for the shipment of benzoyl peroxide in an inside plastic container in a DOT-21C fiber drum. The objection was directed to the apparent limitation on the number of inside containers in each fiber drum. The commenter stated that it is a common practice of industry to package this material in a number of inner plastic containers in a DOT-21C fiber drum. This practice was based on the conclusion that a given weight of benzoyl peroxide in a fiber drum would not be more hazardous if packed into several inner plastic containers than if packed in one large inner plastic container. As it was not the intent of the Board to specify that only one inner container be authorized, the regulations are changed to authorize benzoyl peroxide to be shipped in any number of inner plastic containers in a DOT-21C fiber drum provided the weight restrictions on the material are met.

Another commenter on this proposal requested that paragraphs (a)(5) and (b)(1) of § 173.157 be amended to permit the gross weight of the DOT-12B65 fiberboard box to be increased to 80 pounds provided the net weight of the material does not exceed 50 pounds. The Board has purposely omitted the permissive increase of the DOT-12B65 fiberboard box to a gross weight of 80 pounds in these two subparagraphs. The petition, which led to the development of this proposal, did not request such a regulation change. Also, the special permits issued to obtain practical shipping experience with the material in these fiberboard boxes did not authorize such a weight. Therefore, the Board does not agree with this proposed change and, in fact, is discouraging petitions for changes of this nature. If the DOT-12B65 fiberboard box has the capability of performing with a gross weight of 80 pounds, then the authorized gross weight for the specification should be so amended. No petition has been received justifying such a change.

Another objection to this proposal dealt with the proposed use of "dry weight" or "wet weight" as terms for expressing weight provisions for benzoyl peroxide. The commenter stated that the consistency of the regulations would be destroyed because weight restrictions of packagings are usually based on the actual net weight of the contents. The Board has not proposed any changes in the weight provisions for this material but has only identified the industry practice of referring to certain peroxides in a specific condition for packaging weight purposes. This type of material condition identification, expressed as "dry weight" or "wet weight," has been used by manufacturers of benzoyl peroxide for many years without any significant problems. Therefore, the Board has adopted these terms for use only in the section of the regulations dealing with benzoyl peroxide, wet.

Also, a commenter requested that the reference to asbestos as a packaging material be eliminated in this proposal because its use would constitute a health hazard. The reference to asbestos is included in the current regulations and the notice did not propose to delete asbestos. Therefore, the Board is of the opinion

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that it may not make this deletion without another rule making which would directly focus upon the value of asbestos to transportation safety and the hazards asbestos might cause to personnel packing and unpacking packages. The present regulations covering benzoyl peroxide do provide for the use of an equivalent fire-resistant cushioning material in place of asbestos; thus, the shipper has the opportunity to utilize other cushioning materials.

In Docket No. HM–32; Notice 69–24 (34 FR 13426) it was proposed to shorten the shipping name of "calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine." The reason for this proposal was to eliminate the quantitative phrase in this shipping name because it was determined not necessary for identification of the hazardous material from the standpoint of marking name of contents on packages and for the purpose of description on shipping papers. In addition to the subject matter, comments were received on this notice which suggested that the word "mixture" would be more appropriate than "compound" in the proper shipping name for this material since the use of the broader terminology would cover several conditions of manufacture. The Board agreed with the commenters and the changes were made in the shipping name for this material in the list of hazardous materials (§ 172.5) in Docket No. HM–32; Amendment 172–5 (35 FR 10858). Inadvertently, this change to the shipping name was not made in the Table of Contents for Part 173, or in the heading, text, and packaging references of § 173.217 which covers this material. Therefore, this amendment corrects these references where they cite the shipping name for dry calcium hypochlorite compounds.

A commenter to the proposal which authorizes the shipment of carbon dioxide in cylinders filled to a maximum density of 68 percent of the water capacity regardless of cylinder capacity objected on the basis that safety would be downgraded because it would impose a burden on cylinder filling personnel by requiring them to fill cylinders to different capacities. A number of large companies have received special permits from the Board and have satisfactory shipping experiences with these cylinders. The Compressed Gas Association has stated that these permits should be continued. However, this approach does preclude other shippers from taking advantage of higher fill densities. As the commenter has not presented any data to support his contention of safety being downgraded and on the basis of the experience obtained under special permit, the Board is authorized carbon dioxide to be shipped in any cylinder filled to a maximum density of 68 percent of its water capacity.

In consideration of the foregoing, 49 CFR Parts 171, 173, 174, 177, and 179 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.8, paragraph (g) is amended to read as follows:

§ 171.8 Definitions.

• • • • •

(g) The term "portable tank" means any tank designed primarily to be temporarily attached to a motor vehicle, other vehicle, railroad car other than tank car, or vessel, and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. The term "portable tank" does not include any cargo tank, any tank car tank, or any tank of the DOT 106A or 110A type (§§ 179.300, 179.301 of this subchapter).

• • • • •

PART 173—SHIPPERS

(A) In the table of contents for Part 173 §§ 173.107 and 173.217 are amended to read as follows:

Sec.
173.107 Primers, percussion caps, grenades, empty, primed, and cartridge cases, empty, primed.
173.217 Calcium hypochlorite mixtures, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(B) In § 173.107, the heading and paragraph (b) are amended to read as follows:

§ 173.107 Primers, percussion caps, grenades, empty, primed, and cartridge cases, empty, primed.

• • • • •

(b) Empty cartridge cases, primed, must be packed in strong, tight, outside wooden or fiberboard boxes, or in specification packagings as follows:

(1) Specification 21C (§ 178.224 of this subchapter) fiber drum. Each drum must be constructed to the specification requirements for a drum containing at least 250 pounds net weight of contents. Each drum having a metal top or bottom must have a protective corrugated paperboard pad inserted between the contents and the metal.

• • • • •

(C) In § 173.148, paragraph (a) (1) is amended to read as follows:

§ 173.148 Monoethylamine.

(a) • • •

(1) Specification 5, 5A, or 5P (§§ 178.80, 178.81, 178.92 of this subchapter). Metal barrel or drum equipped with openings not exceeding 2.3 inches in diameter. Bung labels must be applied and must meet the requirements prescribed in § 173.119(i).

• • • • •

(D) In § 173.157, paragraphs (a), (a) (1), and (a) (3) through (5) are amended: paragraph (b) is added to read as follows:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) Benzoyl peroxide, chlorobenzoyl peroxide (para), dimethylhexane dihydroperoxide, lauroyl peroxide, and succinic acid peroxide, each wet with at least 30 percent of water by weight, and cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, wet, must be packed in specification packagings as follows:

(1) Specification 15A, 15B, or 15C (§§ 178.168, 178.169, 178.170 of this subchapter). Wooden box with inside metal containers or lining, specification 2F (§ 178.25 of this subchapter), or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick, or with inside aluminum drums of at least 16 gage metal throughout. Net weight (dry weight) in each inside DOT–2F metal container or in each paper bag may not exceed 1 pound. Gross weight may not exceed 200 pounds.

• • • • •

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside fiber containers securely closed by taping or gluing, or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each inside container may not exceed 1 pound. Except for lauroyl peroxide, wet, each inside container must be surrounded by asbestos or an equivalent fire-resistant cushioning material. Gross weight in specification 12B65 fiberboard box may exceed 65 pounds, but may not exceed 80 pounds, provided the net weight (dry weight) of the contents does not exceed 50 pounds.

(4) Specification 21C (§ 178.224 of this subchapter). Fiber drum with securely closed inside plastic containers made of polyethylene film at least 0.002 inch thick for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration and for dimethylhexane dihydroperoxide; with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick for benzoyl peroxide wet with at least 30 percent of water by weight. Authorized net weight (wet weight) in one outside drum may not exceed 50 pounds for cyclohexanone peroxide, 100 pounds for dimethylhexane dihydroperoxide, or 225 pounds for benzoyl peroxide.

(5) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 10 pounds. Each inside container must be surrounded by asbestos or an equivalent fire-resistant cushioning material. Authorized only for benzoyl peroxide.

(b) Benzoyl peroxide, wet with at least 20 percent of water by weight, must be packed in specification packagings as follows:

(1) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. Net weight (dry weight) in each bag may not exceed 1 pound. Each bag must be surrounded by asbestos or an equivalent fire-resistant cushioning material.

(2) Specification 21C (§ 178.224 of this subchapter). Fiber drum with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each outside drum may not exceed 25 pounds.

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. Net weight (dry weight) in each inside container may not exceed 10 pounds. Each inside container must be surrounded by asbestos or an equivalent fire-resistant cushioning material. Net weight (dry weight) in each outside box may not exceed 25 pounds.

(E) In § 173.217, the heading, the introductory text of paragraph (a) and paragraph (a)(4), and (a)(5) are amended to read as follows:

§ 173.217 Calcium hypochlorite mixtures, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(a) Calcium hypochlorite mixtures, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry, each containing more than 39 percent available chlorine must be packed in specification packagings as follows:

• • • • •

(4) Specification 21C (§ 178.224 of this subchapter). Fiber drum with commodity packed in securely closed polyethylene bag constructed of polyethylene film not less than 0.004-inch thickness. Not authorized for calcium hypochlorite mixtures and lithium hypochlorite compounds, dry.

(5) Specification 21C (§ 178.224 of this subchapter). Fiber drum must be made with integral inner body ply having 0.010-inch minimum aluminum facing and bottom interior with 0.001-inch minimum aluminum facing. Cover of drum must be gasketed. Authorized net weight not over 400 pounds. Authorized only for calcium hypochlorite mixtures, dry.

• • • • •

(F) In § 173.271, paragraph (a) (8) (iii) is amended to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) • • •

(8) • • •

(iii) Tanks made from mild steel or austenitic stainless steel, without lining or cladding. Authorized only for phosphorus trichloride.

• • • • •

(G) In § 173.304 paragraph (a) (2), the table is amended; Note 3 is canceled, and Note 10 is added to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) • • •

(2) • • •

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34(a), (b), § 173.301(j) (see notes following table).
(change)	*Percent*	
Carbon dioxide, liquefied (see Notes 4, 7, and 8).	68	DOT-3A1800; DOT-3AA1800; DOT-3; DOT-3E1800; DOT-3HTX2000; DOT-39.
Hydrogen sulfide (see Note 10)-------	62.5	DOT-3A480; DOT-3AA480; DOT-3B480; DOT-4A480; DOT-4B480; DOT-4BA480; DOT-4BW480; DOT-26-480; DOT-3E1800.

• • • • •

NOTE 3: [Canceled.]

• • • • •

NOTE 10: Each valve outlet must be sealed by a threaded cap or a threaded solid plug.

• • • • •

(H) In § 173.314 paragraph (c) table, Note 8 is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

• • • • •

(c) • • •

NOTE 8: Tanks may not be equipped with safety-relief devices of any description. Each valve outlet must be sealed by a threaded cap or a threaded solid plug. In addition, the valves must be protected by a metal cover.

• • • • •

(I) In § 173.337, paragraph (a) (4) is added to read as follows:

§ 173.337 Nitric oxide.

(a) • • •

(4) Specification 106A500X (§§ 179.300, 179.301 of this chapter) tanks. Nitric oxide charge in each tank may not exceed 200 p.s.i.g. at 70°F. Each tank must be equipped with gas-tight valve protection caps (see § 179.302 of this chapter). Each valve outlet must be sealed by a threaded solid plug or a threaded cap with inert luting or gasket material. Valves must be of stainless steel and the caps, plugs, and valve seats must be of material that will not be deteriorated by contact with nitric oxide or nitrogen dioxide. The tank may not be equipped with any safety relief device.

(J) In § 173.401, paragraph (a) is amended to read as follows:

§ 173.401 Hazardous materials.

(a) Packagings containing hazardous materials other than explosives must be marked, unless exempted, with the proper shipping name as shown in the list of hazardous materials (see § 172.5 (a) of this chapter). For tank cars, this marking must appear either on the placards or commodity cards. For explosives, packagings must be marked in accordance with the requirements of § 173.400.

(1) Each portable tank used for the transportation of a hazardous material must be conspicuously and legibly marked, on a background of sharply contrasting color with a sign or lettering on the tank, such as "Corrosive Liquid", "Compressed Gas", or "Flammable Compressed Gas" as appropriate, and with the proper shipping name as shown in the list of hazardous materials (see § 172.5 (a) of this chapter). The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank, whichever is greater. Each portable tank must be marked with the owner's name. In addition to these markings, the trade name for the contents may be marked on the portable tank: *Provided, however*, That no such marking will be of such size and character as to render the required markings inconspicuous.

• • • • •

PART 174—CARRIERS BY RAIL FREIGHT

(A) In § 174.538 paragraph (a) Chart, column 4, both vertically and horizontally, is amended to read as follows:

§ 174.538 Loading and storage chart of hazardous materials.

(a) • • •

4—Small arms ammunition, or cartridges, practice ammunition.

• • • • •

(B) In § 174.545, paragraph (a) is amended to read as follows:

§ 174.545 Commodity name on carloads.

(a) Placards for carloads of Class B explosives and other hazardous materials must show in the space provided on the placard, the proper shipping name of the contents as shown in the list of hazardous materials (see § 172.5(a) of this chapter). Alternatively, the proper shipping name may be shown on tagboard cards measuring approximately 5 by 8 inches securely attached to each side of the car.

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.848 paragraph (a) Chart, column 4, both vertically and horizontally, is amended to read as follows:

§ 177.848 Loading and storage chart of hazardous materials.

(a) • • •

4—Small arms ammunition, or cartridges, practice ammunition.

• • • • •

PART 179—SPECIFICATIONS FOR TANK CARS

In § 179.302 paragraph (a), the Table and footnote 5 are amended; footnote 6 is added to read as follows:

§ 179.302 Special commodity requirements for multiunit tank car tanks.

(a) • • •

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Commodity	Safety relief device	Valve protective housing	Miscellaneous
(Change) Hydrogen sulfide	Prohibited[1]	Required[4]	(5)
(Add) Nitric oxide	do[1]	Gas tight[2]	

[1] Each valve outlet must be sealed by a threaded cap or a threaded solid plug.
[4] Valves must be protected by a metal cover.

This amendment is effective September 30, 1973. However, compliance with the regulations, as amended herein, is authorized immediately.

AUTHORITY: Secs. 831–835 Title 18, United States Code, section 9, Department of Transportation Act 49 U.S.C. 1657, and title VI and section 902(h), Federal Aviation Act of 1958 49 U.S.C. 1421–1430, 1472(h), and 1655 (c))

Issued in Washington, D.C. on July 23, 1973.

C. R. MELUGIN, JR.,
Acting Board Member, for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

D. H. CLIFTON,
Captain, Alternate Board Member, for the United States Coast Guard.

[FR Doc.73–15512 Filed 7–26–73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES; PART 551—PROCEDURAL RULES

PART 553—RULEMAKING PROCEDURES

Procedures for the Motor Vehicle Information and Cost Savings Act

Parts 501, 551, and 553 of Title 49, Code of Federal Regulations, currently detail the delegated powers, general procedures, and rulemaking procedures utilized by the National Highway Traffic Safety Administration (NHTSA) to implement the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563. The Motor Vehicle Information and Cost Savings Act, Public Law 92–513, vests additional authority in the NHTSA. This amendment extends the applicability of Parts 501, 551, and 553 to the Cost Savings Act to establish uniform rulemaking procedures for both Acts.

Accordingly, the following amendments are made to 49 CFR Part 501, "Organization and delegation of powers and duties", Part 551, "Procedural rules", and Part 553, "Rulemaking procedures: motor vehicle safety standards".

1. Section 501.2 of Part 501 is amended by redesignating paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), and by adding a new paragraph (c), to read:

§ 501.2 General.

. . . . . .

(c) Carry out the Motor Vehicle Information and Cost Savings Act of 1972, as amended (86 Stat. 947; 15 U.S.C. 1901, et seq.).

. . . . . .

§ 551.1 [Amended]

2. Section 551.1, *Scope*, of Part 551 is amended by adding ", the Motor Vehicle Information and Cost Savings Act," following the "Vehicle Safety Act of 1966".

§ 551.33 [Amended]

3. Section 551.33 of Part 551 is amended by changing the number "20591" to "20590".

4. Part 553 is amended to read as set forth above.

5. Section 553.1, *Applicability*, of Part 553 is amended to read:

§ 553.1 Applicability.

This part prescribes rulemaking procedures that apply to the issuance, amendment, and revocation of rules pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost savings Act.

6. Section 553.3, *Definitions*, of Part 553 is amended by the redefinition of "Act" and "Rule" to read:

"Acts" means the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89–563, 15 U.S.C. 1391, et seq., and the Motor Vehicle Information and Cost Savings Act, Public Law 92–513, 15 U.S.C. 1901, et seq.

. . . . . .

"Rule" includes any order, regulation, or Federal motor vehicle safety standard issued under the Acts.

§ 553.5 [Amended]

7. Paragraph (b) of § 553.5, Part 553, is amended by the substitution of "applicable provisions of the Acts" for "sections 112 and 113 of the Act (15 U.S.C. 1401, 1402)".

8. Part 553 is amended by deleting "Under Sections 103 and 119 of the Act" from the heading of Part 553, Subpart B.

§ 553.11 [Amended]

9. Section 553.11, *General*, of Part 553 is amended by substituting "under applicable provisions of the Acts" for "involving rules under sections 103 and 119 of the Act."

Since this amendment relates to NHTSA organization, procedures, and practices, it is found that notice and public procedure thereon are unnecessary.

Effective date: July 27, 1973. Because this notice is only an extension of existing procedures to new areas of jurisdiction, it is found that an immediate effective date is in the public interest.

(Secs. 9, Pub. L. 89–670, 80 Stat. 944; 49 U.S.C. 1657; 103, 119, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; 102, 105, 201, 205, 302, and 408, Pub. L. 92–513, 86 Stat. 947, 15 U.S.C. 1912, 1915, 1941, 1945, 1962, and 1988; delegation of authority at 38 FR 12147)

Issued on July 23, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73–15424 Filed 7–26–73;8:45 am]

[Docket No. 73–18; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

Correction

In FR Doc. 73–13406, appearing in the issue of July 5, 1973, Item No. 2 on page 17842, adding new tire size designations to Table I–V (Motor Vehicle Safety Standard No. 109; Amendments Requested by the Rubber Manufacturers Association); the tire size designation "C50–14" should read "G50–14".

(Secs. 103, 119, 201, and 202, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegation of authority at 38 FR 12147.)

Issued on July 23, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73–15423 Filed 7–26–73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1120]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of July 1973.

It appearing, that an acute shortage of covered hopper cars for transporting shipments of grain, grain products, soybeans, or soybean meal exists in certain sections of the country; that some carriers have placed substantial numbers of large-capacity covered hopper cars in unit-train service for the movement of grain under tariff provisions which require that these cars remain in this service for five or more consecutive trips in the service of a single shipper; that such practices are depriving shippers, unable to ship to the destinations to which such services are available or unable to comply with tariff provisions applicable to such movements with respect to availability of tonnage in a single day or ability to receive grain in such quantities, of an equitable share of the supply of large covered hoppers; that entire areas of the country are unable to secure shipments of vitally needed feed grains because of these car distribution practices, thus creating great economic loss; that present regulations and practices with respect to the use, supply, control, movement, and distribution of covered hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1120 Service Order No. 1120.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Restrictions on use of covered hopper cars.* Effective September 1, 1973, no common carrier by railroad shall permit the use in unit-grain-train services of more than twenty percent (20%) of its ownership of jumbo covered hopper cars.

(2) *Increased use in unit trains prohibited.* No common carrier by railroad shall increase the proportion of its ownership of covered hopper cars operated in unit-grain-train services above the proportion operated in unit-grain-train services on July 15, 1973.

(3) *Substitution of small cars for jumbo cars prohibited.* No common carrier shall substitute smaller covered hopper cars for jumbo covered hopper cars for use in unit-grain-train services.

(4) *Monthly reports required.* Each common carrier by railroad owning jumbo covered hopper cars shall report to Mr. R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423, on or before the tenth day of each month the number of jumbo covered hopper cars owned, as of the first of the month, the number in unit-grain-train services, the number in general grain services, the number in other services, the number of unit-grain trains operated during the previous month, and the number of trips made by such trains.

(b) *Definitions*—(1) *Unit-grain-trains.* Unit-grain-trains are hereby defined as trains of fifty (50) or more covered hoppers organized and operated as a unit from a single point of origin, in-transit loading point, or concentration point and consigned to one destination or distribution point in order to comply with published tariff requirements.

(2) *Jumbo covered hopper cars of railroad ownership.* Jumbo covered hopper cars of railroad ownership are hereby defined as cars listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof as bearing reporting marks issued to a railroad and having mechanical designation "LO" and having cubical capacities of 4,000 cu. ft. or larger and weight-carrying capacities of 180,000 lbs. or greater.

(c) *Rules and regulations suspended.* In the event that the operation of any unit-grain-train is discontinued prior to September 1, 1973, as a result of this order, the discontinuance of such a train shall be deemed to have completed the tariff responsibility as to the number of consecutive trips required to be made by such unit-grain-train. The operation of all other tariff provisions or of other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective at 11:59 p.m., July 31, 1973.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15494 Filed 7–26–73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulations are issued and are effective on July 27, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Flint Hills National Wildlife Refuge, Kansas, is permitted from September 8 through September 16, 1973, inclusive, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W. Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above-ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be determined on a first-come first-served basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32, and are effective through September 16, 1973.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

JULY 20, 1973.

[FR Doc.73–15440 Filed 7–26–73;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 27, 1973.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, rails, woodcock and Wilson's snipe, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas and from the Regional Director, Bureau of Sport Fisheries & Wildlife, 10597 W. Sixth Avenue, Denver, Colorado 80215. Hunting seasons are as follows: Mourning doves, from September 1 through October 30, 1973 inclusive; rails, from September 8 through November 11, 1973 inclusive; woodcock, from October 13 through December 16, 1973, inclusive; Wilson's snipe, from September 8 through November 11, 1973, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves, rails, woodcock, Wilson's snipe are subject to the following special condition:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR

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Part 32, and are effective through December 16, 1973.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

JULY 20, 1973.

[FR Doc.73-15442 Filed 7-26-73;8:45 am]

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 27, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

The public hunting of upland game animals, upland game birds, and non game animals on the Flint Hills National Wildlife Refuge, Kansas, is permitted from October 1, 1973, through September 30, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W. Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game animals, upland game birds, and non game animals subject to the following special conditions.

(1) The use of rifles is prohibited on the refuge.

(2) Vehicle access shall be restricted to designated parking areas and existing roads.

(3) Dogs—Not to exceed two per hunter may be used only to retrieve wounded or dead squirrels, cottontail rabbits, bobwhite quail, and greater prairie chickens.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32 and are effective through September 30, 1974.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

JULY 20, 1973.

[FR Doc.73-15441 Filed 7-26-73;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 27, 1973.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of cottontail rabbits and squirrel on the Quivira National Wildlife Refuge, Kansas is permitted during the early teal season from September 8 through September 16, 1973, inclusive, but only in the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106.

Hunting shall be in accordance with all applicable State regulations governing the hunting of cottontail rabbits and squirrel subject to the following special conditions:

(1) The use of rifles is prohibited for taking rabbits and squirrel.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32 and are effective through September 16, 1973.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

JULY 18, 1973.

[FR Doc.73-15444 Filed 7-26-73;8:45 am]

PART 33—SPORT FISHING

Flint Hills National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on July 27, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Sport fishing, including the taking of frogs, on the Flint Hills National Wildlife Refuge, Kansas, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,500 acres of reservoir waters and approximately 28 miles of river and stream channel, are delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 W. Sixth Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) During the period October 1, 1973 through December 31, 1973, only Eagle Creek, the Neosho River and impoundments in the Eagle Creek and Hartford hunting units are open to public fishing, except the Neosho River Oxbow northeast of the Strawn Townsite is closed, as marked by buoys.

(2) During the period January 1, 1974 through September 30, 1974 all waters within the Flint Hills Refuge are open to sport fishing and the taking of bull frogs when in accordance with State of Kansas seasons.

(3) Vehicle access shall be confined to existing roads and trails not otherwise marked as closed to vehicle use.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33 and are effective through September 30, 1974.

LYLE A. STEMMERMAN,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

JULY 20, 1973.

[FR Doc.73-15443 Filed 7-26-73;8:45 am]

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES

Subpart—Giant African Snail

REGULATED AREA IN FLORIDA

This amendment removes from regulation three areas in Dade County and the entire area in Broward County which were previously regulated because of the giant African snail. This amendment also adds a part of the city of Opa-Locka in Dade County not previously regulated. Various minor changes are also made.

Under the authority of the Federal Plant Pest Act (7 U.S.C. 150aa–150jj) the notice of existence of hazardous situation and regulations related thereto (7 CFR 331.3, 36 FR 19667), with respect to the giant African snail is hereby amended as follows:

§ 331.3 Notice of existence of hazardous situation and regulations related thereto.

(a) Infestations of the giant African snail, *Achatina fulica* Bowdich, a dangerous plant pest not widely prevalent or distributed within and throughout the United States, have been found in portions of Dade County in Florida; and it has been determined that these infestations have created a hazardous situation making it necessary to adopt a rule imposing restrictions, as provided for in this section, upon the interstate movement of certain products and articles, from the regulated portions of said county as hereinafter described, in order to prevent the interstate dissemination of the giant African snail. Accordingly, the products and articles listed in paragraph (b) of this section shall not be moved interstate from any area described in this paragraph (a), except as permitted under paragraph (c) of this section.

That area in the city of Opa-Locka bounded by a line beginning at the intersection of Perviz Avenue and Opa-Locka Boulevard, thence east and southeast along Opa-Locka Boulevard to its intersection with Superior Street, thence northeast and east along Superior Street to its junction with Northwest 24th Avenue, thence south along Northwest 24th Avenue and a projection thereof to Northwest 135th Street, thence west along Northwest 135th Street to its junction with Northwest 31st Avenue, thence north on a projected line thereof to Perviz Avenue, thence north along Perviz Avenue to the point of beginning.

That portion of Dade County bounded by a line beginning at the intersection of Northwest 22d Avenue and Northwest 91st Street, thence extending east along Northwest 91st Street to its junction with Little River Boulevard, thence southeast and south along Little River Boulevard to the point where it merges with Northwest 14th Avenue, thence south along said avenue to its intersection with Northwest 83d Street, thence west along Northwest 83d Street to its intersection with Northwest 22d Avenue, thence north along Northwest 22d Avenue to the point of beginning.

That portion of Dade County bounded by a line beginning at the intersection of Northwest 17th Avenue and Spur Canal No. 1, thence extending northeast along Spur Canal No. 1 to its intersection with Northwest 151st Street, thence east on Northwest 151st Street to its intersection with Northwest 10th Avenue, thence south on Northwest 10th Avenue to Northwest 149th Terrace, thence east on Northwest 149th Terrace to Northwest Ninth Court, thence south on Northwest Ninth Court to Northwest 148th Street, thence west on Northwest 148th Street to Northwest 10th Avenue, thence south on Northwest 10th Avenue to Opa-Locka Boulevard, thence west on Opa-Locka Boulevard to Northwest 17th Avenue, thence north on Northwest 17th Avenue to the point of beginning.

(b) The following products and articles are subject to the measures imposed under this section:

(1) Soil, compost, decomposed manure, separately or with other things.

(2) Sand, gravel, bricks, concrete blocks, stones, pipes, and tile.

(3) Forest, field, or nursery grown plants or parts thereof.

(4) Plant debris, such as leaves and cut grass.

(5) Sod.

(6) Forest products, including stumpwood and timber.

(7) Any means of conveyance or other products or articles, of any character whatsoever, not covered by paragraph (b)(1) through (6) of this section, when it is determined by an inspector that they present a hazard of spread of the giant African snail, and the person in possession thereof has been so notified.

(c) Such regulated products and articles as described in paragraph (b) of this section may be moved from the regulated portions of Dade County described in paragraph (a) of this section: *Provided:*

(1) Such products and articles have been treated to destroy giant African snail infestations in accordance with procedures prescribed by the Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture,[1] under the direction of an inspector authorized by the Deputy Administrator and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(2) Such products and articles originate in an area in the said regulated portions of Dade County which have been inspected by such an inspector, and he has found that the interstate movement of the products and articles from such areas will not involve a risk of disseminating said infestations, and the products and articles are accompanied by a certificate issued by such an inspector signifying that they are eligible for interstate movement; or

(3) Such products and articles are moved under permit issued by such an inspector to an approved destination for consumption, processing, or other handling in accordance with procedures approved by said inspector, when upon evaluation of the circumstances involved in each specific case he determines that such movement will not result in the spread of the giant African snail and requirements of other applicable Federal domestic plant quarantines have been met.

(Sec. 105, 71 Stat. 32, sec. 106, 71 Stat. 33, sec 107, 71 Stat. 34; 7 U.S.C. 150dd, 150ee, 150ff; 37 FR 28464, 28477.)

The foregoing amendments shall become effective July 27, 1973.

The Administrator of the Animal and Plant Health Inspection Service has determined that infestations of the giant African snail no longer exist in the three areas being released from regulation. Surveys have failed to reveal any infestations of giant African snail for at least two years in these three areas. However, a survey has revealed a giant African snail infestation in the area being brought under regulation in the city of Opa-Locka.

To the extent that these amendments relieve certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that these amendments imposed restrictions, they are necessary in order to prevent the spread of giant African snail, and should be made effective promptly to accomplish their purpose in the public interest.

Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of July 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-15473 Filed 7-26-73;8:45 am]

[1] Pamphlets containing such provisions are available upon request to the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, or from an inspector.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 596]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period July 29–Aug. 4, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.896 Lemon Regulation 596.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues quite active because of extremely warm and humid weather over the Eastern Seaboard and in the South. Supply is light in most markets and at auctions in relation to the active demand. Average f.o.b. price was $5.34 per carton the week ended July 21, 1973, compared to $4.96 per carton the previous week. Track and rolling supplies at 149 cars were down 14 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

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engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for this section; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 29, 1973, through August 4, 1973, is hereby fixed at 300,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15593 Filed 7–26–73;8:45 am]

[Lime Reg. 6]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 29–August 4, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.406 Lime Regulation 6.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Florida Lime Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of limes that may be marketed during the ensuing week stems from the production and marketing situation confronting the Florida lime industry.

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is soft, and prices are unchanged. Prices f.o.b. packinghouse continue to range $1.35 to $1.55 per 10 pound container. Fresh shipments for the weeks ended July 21, 1973, and July 14, 1973, were 28,899 bushels and 24,512 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 24, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 29, 1973, through August 4, 1973, is hereby fixed at 24,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15594 Filed 7–26–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 4]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

MISCELLANEOUS AMENDMENTS

Notices of proposed rulemaking with respect to the loan program for the 1973 crops of upland and extra long staple cotton regarding the operating provisions to carry out the program were published in the FEDERAL REGISTER on September 16, 1972, January 8, 1973, and on April 9, 1973, respectively.

No comments were received concerning the proposals published on September 16, 1972, and on January 8, 1973. Responses to the proposals published on April 9, 1973, are summarized as follows: Nine responses were received concerning item (a) of the notice (Adopt Strict Low Middling 1 1/16-inch as the base quality for computing upland cotton loans). Eight responses favored the proposal and one opposed. No specific comments were received concerning items (b) through (e) of the notice. Ten responses were received concerning item (f) (Schedule of micronaire differential for ELS cotton). Six favored such differentials and four opposed. Forty-seven responses were received concerning item (g) (Detailed operating provisions to carry out the loan program for upland cotton). Specific proposals included a requirement that the ginner enter the tare weight of the bale on the gin bale tag, and elimination of the one-half cent per pound discount on upland cotton reduced in grade because of extraneous matter or spindle twist. Seven responses were received concerning the first item. All favored the proposal. Forty-seven responses were received concerning the second item, 25 of which favored the proposal. The regulations issued by Commodity Credit Corporation, published as the Cotton Loan Program Regulations, in 36 FR 13981, as amended, are hereby further amended as follows:

1. Section 1427.2(c) is amended to define the Data Systems Field Office, which has absorbed the loan recordkeeping duties of the New Orleans Office. The amended paragraph (c) reads as follows:

§ 1427.2 Definitions.

• • • • • •

(c) "Data Systems Field Office" shall mean the Data Systems Field Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 8930 Ward Parkway, Kansas City, Missouri 64114 (mailing address P.O. Box 205, Kansas City, Missouri 64141).

• • • • • •

2. Section 1427.3 is amended to reflect the Divisions administering the program and substitute the Data Systems Field Office for the New Orleans Office. The Data Systems Field Office absorbed the loan recordkeeping duties of the New Orleans Office. The amended section reads as follows:

§ 1427.3 Administration.

(a) The Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart and the Program Operations Division will administer the provisions relating to cooperative marketing associations under the general supervision and direction of the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field the program will be administered through State committees, county committees, and the Data Systems Field Office.

(b) Forms will be available at State and county offices and from loan clerks.

(c) State and county committees and employees thereof, loan clerks, the Data Systems Field Office, and employees thereof, do not have authority to modify or waive any of the provisions of this subpart or any amendment or supplement thereto.

(d) No delegation herein to a State or county committee or to the Data Systems Field Office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or by the Data Systems Field Office.

3. Section 1427.6(f) is amended to provide that cotton must not be compressed to universal density where side pressure has been applied or to high density at a warehouse. Section 1427.6(m) is amended to provide that each bale must be ginned by a ginner who has entered the tare weight on the gin bale tag. The amended paragraphs read as follows:

§ 1427.6 Eligible cotton.

• • • • • •

(f) Such cotton must not be compressed to universal density where side pressure has been applied, or to high density at a warehouse.

• • • • • •

(m) Each bale must be ginned by a ginner (1) who has entered the tare weight of the bale (bagging and ties used to wrap the bale) on the gin bale tag, and (2) who has entered into CCC–809, Cooperating Ginners' Bagging and Bale Ties Certification and Agreement or certified that the bale is wrapped with bagging and bale ties meeting the requirements of paragraph (l) of this section.

• • • • • •

4. Section 1427.8 is amended to substitute the Prairie Village ASCS Commodity Office for the New Orleans Office. The amended section reads as follows:

§ 1427.8 Approved storage.

Except as provided otherwise in § 1427.21, cotton will be accepted as security for loans only if stored at warehouses approved by CCC. When the warehouseman receives notice from CCC that a loan has been made by CCC on a bale of cotton, he shall, if such cotton is not stored within his warehouse, promptly place such cotton within the warehouse. Warehousemen desiring approval of their facilities should communicate with the Prairie Village Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Brymar Office Center, 2400 West 75th Street, Prairie Village, Kansas 66208 (mailing address P.O. Box 8377, Shawnee Mission, Kansas 66208). The names of approved warehouses may be obtained from the Prairie Village Office or from State or county offices. Storage charges paid by a producer on cotton which is later pledged to CCC as security for a loan will not be refunded by CCC. If cotton is redeemed from the loan, the person removing the cotton from storage shall pay all unpaid charges at the warehouseman's established tariff rate.

5. Section 1427.9(b)(1) is amended to provide that the base loan rate for upland cotton will be calculated on the basis of Strict Low Middling 1 1/16-inch cotton. Subparagraph (3) is eliminated because extraneous matter and spindle twist discounts are no longer applicable. Subparagraph (4) is redesignated as subparagraph (3) and is amended to provide that discounts for micronaire readings shall apply to extra long staple cotton. The amended subparagraphs read as follows:

§ 1427.9 Weight, loan rate, and amount.

• • • • • •

(b) *Loan rate.* (1) The base loan rate for Strict Low Middling 1 1/16-inch upland cotton of each crop at each approved warehouse location will be stated in the schedule of base loan rates for upland cotton by warehouse locations contained in the supplement to this subpart of such crop. The schedule will be available at county offices.

• • • • • •

(3) Loan rates and micronaire discounts, if any, for extra long staple cotton of each crop will be contained in the supplement to this subpart for such crop.

• • • • • •

6. Section 1427.19(a) is amended to delete the provision that each warehouse receipt must show the type bagging used to wrap the bale. The amended paragraph reads as follows:

§ 1427.19 Warehouse receipt and insurance.

(a) *General.* Producers may obtain loans on cotton represented by warehouse receipts only if the warehouse receipts are negotiable machine card-type warehouse receipts, are issued by CCC approved warehouses, provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank so as to vest title in the holder of the receipt, and otherwise are acceptable to CCC. The warehouse receipt must contain the tag number (warehouse receipt number), must show that the cotton is covered by fire insurance, and must be dated on or prior to the date the producer signs the note. If a bale is stored at the origin warehouse (the warehouse to which the bale was first delivered for storage after ginning), the warehouse receipt must contain the gin bale number. If a bale has been moved from the origin warehouse, the warehouse receipt shall, in lieu of the gin bale number, contain the tag number and identification of the origin warehouse. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "open yard disclaimer deleted" with appropriate signature of the warehouseman or his authorized representative. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 1427.22.

• • • • • •

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421)

Effective date. This amendment shall become effective for all loans made on 1973 and subsequent crops of cotton.

Signed at Washington, D.C., on July 20, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73–15508 Filed 7–26–73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Limitation of Handling

This notice invites written comments relative to a proposed seasonal regulation of the grade and size of fresh winter pears to be effective from August 6, 1973, through June 30, 1974. The proposed regulation, as hereinafter set forth, was recommended by the Control Committee. The committee functions pursuant to the amended marketing agreement and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed regulation reflects the committee's appraisal of the 1973 crop and the current and prospective market conditions. The proposed grade and size requirements are designed to prevent the handling of winter pears grading lower than the specified grade or smaller than the specified size so as to provide consumers with good quality fruit consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act.

In addition to the basic grade and size requirements specified for Beurre D'Anjou, Beurre Bosc, and Doyenne du Comice pears, the regulation would permit the handling of such pears bearing limited damage from skin puctures, however, this reduction in market desirability would be offset by the requirement that any pears thus affected be of a specified higher grade and larger size. Likewise, Beurre D'Anjou pears, grown in the Wenatchee District, which fail to meet U.S. No. 2 grade requirements only because of specified types of damage would be required to be of considerably larger size with at least half of each pear showing no such damage. The provision that any handler may ship size 180 Beurre D'Anjou pears of at least U.S. No. 1 grade in an amount not exceeding 2 percent of his total seasonal shipments of U.S. No. 1 grade, or better, would permit the marketing of pears of a desirable quality which offsets the smaller size.

The requirement that the core temperature of Beurre D'Anjou pears grown in the Oregon and Washington Districts and shipped prior to October 15, 1973, must have been lowered to the specified temperature (35° F.) would assure proper ripening of such pears.

The proposed regulation is as follows:

§ 927.312 Pear Regulation 12.

(a) Order: During the period August 6, 1973, through June 30, 1974, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2 except that any handler may ship a quantity of Beurre D'Anjou pears that are not smaller than 180 size and not less than U.S. No. 1 grade which quantity shall not exceed 2 percent of the total U.S. No. 1 or better grades of such variety shipped by the handler, during the aforesaid period: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size: *Provided further*, That pears of such variety grown in the Wenatchee District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by frost injury, healed hail marks, russeting, or limbrubs, may be shipped if they are of a size not smaller than 135 size and they are not so seriously misshapen as to preclude the cutting of at least one good half;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1973, shall have an appropirate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 1 and shall be of a size not smaller than 195 size: *Provided*, That pears of such variety which grade at least U.S. No. 2 may be shipped if they are of a size not smaller than 180 size: *Provided further*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of any variety of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60 (a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this paragraph (b) (1) shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. At the time of any such shipment the handler shall report to the committee, on forms supplied by the committee, the car or truck number and the destination of the shipment.

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties (7 CFR 51.-1300–51.1323); "135 size," "165 size," "180 size," and "195 size," shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); "very serious damage" shall mean any injury or defect which very seriously affects the appearance of the edible or shipping quality of the pears; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 30, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 23, 1973.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15471 Filed 7-26-73;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Salable and Reserve Percentages for 1973–74 Crop Year

Notice is hereby given of a proposal unanimously recommended by the Prune Administrative Committee to establish salable and reserve percentages for California dried prunes of 100 percent and 0 percent, respectively, for the 1973–74 crop year, pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order (hereinafter referred to collectively as the "order") are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These percentages would be applicable to all prunes received by handlers from producers and dehydrators during the 1973–74 crop year (beginning August 1, 1973).

The Committee's recommendation is based on its estimate of 1973 California dried prune production of 160,000 tons, natural condition weight, and carryin of 6,000 tons, natural condition weight. This would result in an estimated supply of 166,000 tons. The Committee also estimated 1973–74 domestic trade demand at 106,800 tons (natural condition weight) and foreign trade demand at 34,000 tons (natural condition weight), leaving a carryout on July 31, 1974, of 25,200 tons. A carryout of 25,000 tons is deemed desirable. Therefore, the Committee recommended that the salable and reserve percentages for the 1973–74 crop year be 100 percent and 0 percent, respectively.

The Committee's estimate of California's 1973 dried prune production was the same as the Crop Reporting Board's estimate as of June 1, 1973. Since then, the Crop Reporting Board revised its estimate and, as of July 1, is estimating 1973 production at 170,000 tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 15, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.209 Salable and reserve percentages for prunes for the 1973–74 crop year.

The salable and reserve percentages for the 1973–74 crop year shall be 100 percent and 0 percent, respectively.

Dated: July 23, 1973.

FRED DUNN,
Acting Director, Fruit and Vegetable Division.

[FR Doc.73-15476 Filed 7-26-73;8:45 am]

[7 CFR Part 1050]

[Docket No. AO 355–A13]

MILK IN THE CENTRAL ILLINOIS MARKETING AREA

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Central Illinois marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, by August 13, 1973. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Bridgeton, Missouri, on May 23, 1973, pursuant to notice thereof issued on May 11, 1973, (38 FR 12926).

The material issues on the record of the hearing relate to:

1. Pooling standards for distributing plants.
2. Designation of a cooperative as a handler on bulk tank milk.
3. Order format.
4. Emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pooling standards for distributing plants.* The provisions of the order with respect to pool distributing plant performance standards should be modified. For purposes of determining whether a distributing plant has met the pooling percentages specified in the order, both as to the proportion of its receipts distributed on routes in the marketing area and the proportion distributed on all routes, receipts at the distributing plant should (a) exclude the amount of fluid milk products transferred without specific Class II designation to other pool distributing plants, and (b) include all Grade A milk received by transfer from other pool plants.

The order currently provides that a pool distibuting plant's total route disposition, both inside and outside the marketing area, must be at least 50 percent of its Grade A receipts from dairy farmers and cooperative associations in their capacity as bulk tank handlers during the months of August through February, and 40 percent during all other months. In addition, a pool distributing plant's route disposition in the marketing area must be not less than (a) 10 percent of such receipts, or (b) an average of 7,000 pounds per day.

A cooperative association supplying the market proposed that transfers and diversions of bulk and packaged fluid milk products from a distributing plant to other pool plants be excluded from the former plant's receipts for purposes of determining its performance percentages. Proponent contended that the proposed change in the order is needed if the possibility of loss of producer status for a substantial number of dairy farmers supplying the Central Illinois market is to be avoided. No opposition to the proposal was expressed at the hearing or in briefs.

Proponent operates a pool distributing plant that it acquired as a result of a merger with another cooperative association on November 1, 1972. Most of the fluid milk processed and packaged at this plant is distributed on routes in the marketing area. However, some of it is moved to other pool distributing plants for which proponent is a custom bottler. In addition, the association's plant is the principal supplier of bulk fluid milk for yet another pool distributing plant.

The latter plant is physically unable to receive milk directly from producers. Therefore, milk supplied to this plant is received initially at proponent's plant where it is cooled and stored until needed. It is then shipped to the second plant and pumped directly from tank trucks into the plant's own processing and packaging facilities.

The producer milk that must be received at proponent's plant in order to perform these supply plant and custom bottling plant functions ultimately is used for Class I route disposition by other pool distributing plants. The producers receipts associated with this route disposition are credited to proponent's plant while the route disposition itself is credited to the other pool plants. Proponent contends that the consequent decrease in its plant's performance percentages jeopardizes its pool status. The

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association projects that during the summer, when route sales to schools are down and producer receipts are near their seasonal peak, its plant will not be able to meet the total route disposition requirement now specified in the order.

Proponent cited a recent change in its plant's supply situation as an additional factor that is contributing to its pooling difficulties. In October 1972, a large pool distributing plant ceased all processing operations leaving a substantial number of producers with no immediately available fluid outlet for their milk. Subsequently, proponent began receiving the milk of a number of these producers at its plant. Proponent has continued to receive these additional supplies since that time.

The revised method of computing pooling percentages adopted herein, by excluding transfers of fluid milk not specifically designated as Class II from the shipping plant's receipts and including them in the receiving plant's receipts, will, in effect, allocate the former plant's receipts to the plant that actually made use of such receipts for route disposition. This will enable the shipping plant to continue performing services that are vital to the fulfillment of the market's fluid needs without risking its pool plant status.

In addition the modification will provide a more logical basis for computing performance percentages for a distributing plant that receives a substantial amount of milk from pool plants. Under the present order provisions, milk transferred from pool plants to a distributing plant is not counted as part of the receiving plant's receipts for purposes of determining its pool status. However, to prevent such a distributing plant from attaining pool status when most of its receipts are utilized for Class II products it is necessary that all transfers from other pool plants, and not just those transfers without a specified Class II designation be included in a transferee distributing plant's receipts for qualifying purposes.

For similar reasons, transfers from a distributing plant to pool supply plants and nonpool plants, and transfers from a distributing plant to pool distributing plants when such transfers carry a specific Class II designation, should not be excluded from the shipping plant's receipts for purposes of determining its pool status. Under normal circumstances, milk will not be so transferred unless it is to be used for manufacturing purposes at the receiving plant. If such transfers were excluded from the shipping distributing plant's receipts for qualifying purposes, the plant could conceivably maintain its pooling percentages at or above the minimum levels specified in the order even though a major portion of its receipts were ultimately used to produce manufactured products.

2. *Designation of a cooperative as a handler on bulk tank milk.* The order should provide that a cooperative association shall be the handler for the milk of each producer (regardless of whether he is a member of that cooperative) moved from the farm for delivery to the pool plant of another handler in a tank truck under the control of such association. However, if the milk is received by the plant operator on the basis of weights determined from its measurement at the farm and butterfat tests based on farm tank samples, the plant operator shall be the handler for such milk when the association and the plant handler so agree. In this circumstance the cooperative association would be a handler with respect to such milk only for the purpose of filing certain reports with respect to such milk. In addition, a cooperative association should be the handler for all milk (member and nonmember) it causes to be diverted for its account from a pool plant to a nonpool plant.

Under the current order provisions, a cooperative association may be a bulk tank handler or a diverting handler with respect to milk of its member producers. Moreover, a cooperative may now elect whether to be the handler with respect to milk it delivers from the farm to a pool plant in a tank truck under its control.

Milk produced for this market is handled through farm bulk tanks and moved to the market in tank trucks. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample, or reject the milk of the individual producer. Milk of a nonmember, when commingled in a tank truck with that of members of a cooperative association, cannot be distinguished from milk of such members. The amount of milk delivered by producers using farm bulk tanks, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm.

When milk is picked up at the farm by a cooperative association, or by a person under contract to, or under the control of, such association, it is the association that determines the weight and butterfat content of each producer's milk. In some instances the plant operator may not know the identity of the individual producer whose milk he receives. Accordingly, the association must be the responsible handler for such milk unless it is received by the pool plant operator on the basis of weights determined from measurement at the farm and butterfat tests determined from farm tank samples. When milk is received by the plant operator on the basis of farm weights and tests described above, the plant operator may be the responsible handler if he and the cooperative association mutually agree and so notify the market administrator prior to the date for filing reports of receipts and utilization for the first month such agreement is to be effective. When milk is received at the pool plant on the basis of such agreement, it will be a receipt at such plant from producers, not from another handler. The cooperative association, however, would be required to report to the market administrator the total volume of milk delivered to the plant, and to file a payroll report showing the weight and butterfat content of the milk of the individual producers involved.

At the hearing, cooperative association representatives expressed opposition to any provision that would require the association, rather than the pool plant operator, to pay nonmember producers for milk moved to the pool plants of other handlers on trucks owned or operated by the association. The above described agreement will make it possible for a cooperative association to pick up on its trucks the milk of nonmember producers, without its becoming obligated to make payment to such nonmember producers for the milk.

A cooperative association's basic responsibilities under the order as a bulk tank handler will not be affected by these modifications and, under the type of agreement with the plant operator provided for, will continue to be limited primarily to filing a report as to the farm weights and tests of such milk and as to the quantities transferred to other handlers. The cooperative's monetary obligations to the pool, with respect to the milk for which it is the bulk tank handler, will continue to be with respect to any difference in the amounts of milk and butterfat as measured at the farm and those recorded at the receiving plant when the plant operator receives the milk at scale weight rather than on farm measurement. This usually will be at its value as shrinkage in accordance with the shrinkage provisions.

Several cooperative associations expressed concern at the hearing that the modifications adopted herein might require a cooperative to be the handler for the milk of nonmember producers. Nothing in the amended order as adopted requires a cooperative association to pick up the milk of nonmember producers in tank trucks under the association's control. It does provide that if a cooperative should pick up milk of nonmember producers on routes under its control, it will be, for the foregoing reasons, the responsible handler for such milk unless the plant operator to whose plant such milk is delivered purchases the milk on the basis of farm weights and butterfat tests. The cooperative association may collect payment from pool plant operators for producers who are not members of such association and with respect to whose milk the association is the bulk tank handler. The market administrator should determine, however, that each such nonmember has given the association authorization to make such collection.

In the event that the milk of a nonmember producer is diverted from a pool plant to a nonpool plant by a cooperative association for the account of such association, the cooperative should be the diverting handler with respect to such milk. Here the cooperative performs the complete handling function and, in such capacity, obviously must be held to be the responsible handler for order obligations.

In their briefs, the cooperative associations expressing concern over this matter at the hearing requested that consideration of this entire issue be deferred until a later date. In view of the above findings, it is concluded that this request should be denied.

3. *Order format.* Consideration was given at the hearing to revising the format of the Central Illinois order. It is concluded, however, that such a revision would not be appropriate at this time. Amendatory proceedings for 39 markets, including the Central Illinois market, on the proposed use of a uniform plan for classifying milk for pricing purposes under Federal milk orders are currently in progress. Consideration is being given in those proceedings to a uniform format for all 39 orders.

4. *Emergency action.* Proponent cooperative requested that emergency action be taken with respect to its proposal to revise the pool plant provisions. It claimed that emergency action is necessary if its plant is to retain its pool status through the summer months.

A suspension order, requested by proponent at the hearing pending the completion of this amendatory procedure was issued on June 26, 1973, by the Assistant Secretary. The order suspends the total route disposition requirement for the months of June through August 1973 and will enable proponent's plant to maintain its pool status during such period. In view of this action, it is concluded that a recommended decision should be issued and opportunity for filing exceptions thereto should be given. The request for emergency action is therefore denied.

Rulings on Proposed Finding and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Central Illinois marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1050.7 is revised to read as follows:

§ 1050.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, and whose milk is (a) received at a pool plant, (b) diverted as producer milk pursuant to § 1050.14, or (c) accounted for by a cooperative association pursuant to § 1050.14(b).

2. In § 1050.9, paragraphs (c) and (d) are revised to read as follows:

§ 1050.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk of producers diverted for its account from a pool plant to a nonpool plant pursuant to § 1050.14;

(d) Any cooperative association with respect to producer milk it causes to be moved from the farm for delivery to the pool plant of another person in a tank truck owned and operated by, or under contract to, such cooperative association. The cooperative association shall be the handler on such milk only for the purposes of §§ 1050.30 and 1050.31, if the plant operator and the association both notify the market administrator, on or before the due date for filing monthly reports of receipts and utilization for the first month such plan is to be operative, that the operator of the pool plant received the milk from dairy farmers as producer milk and the pool plant operator states that he is purchasing the milk on the basis of weights determined from its measurement at the farm and butterfat tests based on farm tank samples;

* * * * *

3. In § 1050.12, paragraph (a) (1) and (2) is revised to read as follows:

§ 1050.12 Pool plant.

* * * * *

(a) * * *

(1) Disposition of fluid milk products, except filled milk, in the marketing area on routes is 10 percent or more of its Grade A receipts from dairy farmers, handlers described in § 1050.9(d), and other pool plants, such receipts to be exclusive of fluid milk products (except filled milk) transferred without specific Class II designation to other pool plants described in this paragraph, or from which an average of not less than 7,000 pounds per day of fluid milk products, except filled milk, is distributed on routes in the marketing area; and

(2) Total disposition of fluid milk products, except filled milk, on routes is 50 percent or more of its Grade A receipts from dairy farmers, handlers described in § 1050.9(d), and other pool plants, such receipts to be exclusive of fluid milk products (except filled milk) transferred without specific Class II designation to other pool plants described in this paragraph, during the months of August through February and 40 percent during all other months;

* * * * *

4. Section 1050.14 is revised to read as follows:

§ 1050.14 Producer milk.

Except for milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of this or any other order issued pursuant to the Act, "producer milk" means all skim milk and butterfat contained in milk from producers that is:

(a) Received at a pool plant from producers or from a handler described in § 1050.9(d);

(b) Represented by the difference between the quantity of milk received by a handler described in § 1050.9(d) at producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1050.53 and 1050.81, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered;

(c) Diverted by a handler from a pool plant for the account of the plant operator to another pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted. For pricing purposes such diverted milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted;

(d) Diverted from a pool plant to a nonpool plant that is not an other order plant or to a nonpool plant that is an other order plant if diverted as Class II milk, subject to the conditions of this

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paragraph. For pricing purposes, milk so diverted shall be deemed to be received at the plant from which diverted, unless the plant to which the milk is diverted is located more than 110 miles from the city hall in Peoria, Ill. (by shortest highway distance as determined by the market administrator) in which case the milk shall be deemed to be received by the diverting handler at the location of the plant to which diverted:

(1) During May, June and July the operator of a pool plant or a cooperative association may divert the milk production of a producer on any number of days;

(2) Subject to the conditions set forth in paragraph (d)(4) of this section, during the months of August through April the operator of a pool plant may divert the milk of a producer for not more days of production of such producer's milk than it is physically received at the pool plant from which diverted: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section;

(3) Subject to the conditions set forth in paragraph (d)(4) of this section, during the months of August through April a cooperative association may divert the milk of its individual member producers for not more days of production of each producer's milk than is physically received at a pool plant: *Provided*, That the total quantity of producer milk does not exceed 35 percent of (i) its member milk physically received at pool plants during such month and (ii) other producer milk for which the cooperative association is the handler pursuant to § 1050.9(c) during such month;

(4) In the case where a cooperative association has notified the market administrator and the handler in writing prior to the first day of the month that milk of specified member producers will not be diverted by the cooperative and is not to be included in computing the cooperative association's diversion percentage for the month, milk of such producers shall be deducted from the cooperative's total receipts of member milk for the purposes specified in paragraph (d)(3) of this section and added to the total milk receipts included in computing the diversions of the pool plant handler who receives their milk for the purposes specified in paragraph (d)(2) of this section;

(5) When milk is diverted in excess of the limits specified in paragraph (d)(2) and (3) of this section, eligibility as producer milk under this section shall be forfeited on the excess quantity. In such event the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk. If a handler fails to designate such dairy farmers whose milk is ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(6) Milk diverted to an other order plant under the conditions specified in this section shall be producer milk pursuant to this section only if it is not producer milk under such other order.

5. In § 1050.41, paragraph (b)(7)(iii) and (vi) is revised to read as follows:

§ 1050.41 Classes of utilization.

. . . . . .

(b) . . .

(7) . . .

(iii) One and one-half percent of milk received in bulk from handlers described in § 1050.9(c); plus

. . . . . .

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler; less

. . . . . .

6. In § 1050.80, paragraphs (b) and (d) are revised to read as follows:

§ 1050.80 Time and method of payment for producer milk.

. . . . . .

(b) Payments required in paragraph (a) of this section for milk caused to be delivered to such handler by a cooperative association qualified under § 1050.5 shall be made to such association, or its duly authorized agent, which the market administrator determines is authorized by such producers to collect payment for their milk and which has so requested the handler in writing. Such handler shall, on or before the 18th day of the following month, pay the cooperative association for milk received during the month from producers at the direction of such association as determined by the market administrator an amount equal to not less than the amounts due such producers as determined pursuant to paragraph (a) of this section, less any deductions authorized in writing by such association: *Provided*, That the association has provided the handler with a written promise to reimburse the handler the amount of any actual loss incurred by such handler because of any improper claim on the part of the cooperative association;

. . . . . .

(d) On or before the 18th day of the following month, each handler, in his capacity as the operator of a pool plant, who receives milk for which a cooperative association is the handler pursuant to § 1050.9(d), including the milk of producers who are not members of such association, and who the market administrator determines have authorized such cooperative association to collect payment for their milk, shall pay such cooperative for such milk at the uniform price adjusted by applicable butterfat and location adjustments.

Signed at Washington, D.C., on: July 23, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-15472 Filed 7-26-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 381]

POULTRY EVISCERATING FACILITIES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with administrative procedure provisions in 5 U.S.C. 553, that pursuant to the authority in the Poultry Products Inspection Act, (21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection Service proposes to amend § 381.53(f)(4) (9 CFR 381.53(f)(4)) of the poultry products inspection regulations to allow the use of other acceptable facilities in lieu of troughs flushed with water to move inedible material away from poultry eviscerating lines.

Statement of considerations. Existing poultry products inspection regulations prescribe facilities to be used for eviscerating poultry on moving conveyors. These regulations require the use of a trough beneath the suspended birds. Such troughs use large quantities of water to maintain proper sanitation and to move inedible materials away from the processing area. Because of increasing concern for conserving water supplies and abating pollution, some poultry processors are considering methods that would eliminate the conventional trough beneath the eviscerating line now required by the regulations.

The purpose of the proposed revision is to relieve the present restrictions and to permit consideration of alternative methods that would accomplish equal results in terms of a sanitary operation.

Accordingly, § 381.53(f)(4) of the poultry products inspection regulations would be revised to read as follows:

§ 381.53 Equipment and utensils.

. . . . . .

(f) . . .

(4) When eviscerated on a conveyor, each carcass shall be suspended and a trough or other acceptable facilities for maintaining proper sanitation shall be provided beneath the conveyor. Such troughs or other facilities shall be flushed in an acceptable manner and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

. . . . . .

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 28, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Facilities and Equipment Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 20, 1973.

G. H. WISE,
Acting Administrator.

[FR Doc.73-15474 Filed 7-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-39]

AIRWORTHINESS DIRECTIVES

Bell Model 206 Series and 47 Series Helicopters; Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 206 Series and 47 Series helicopters. There have been reports of fatigue cracks in the tail rotor blade, P/N 206-010-750, on Bell Model 206 Series helicopters that could possibly result in failure of of the tail rotor blade. The Model 47 Series tail rotor blade, P/N 47-642-117, could also have the same type of failure since it is almost identical to P/N 206-010-750. Since this condition is likely to exist or develop in other helicopters of the same type designs, the proposed airworthiness directive would require a daily inspection of the tail rotor blade for cracks on Bell Model 206 Series and 47 Series helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 24, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 206 Series and 47 Series helicopters, certificated in all categories, equipped with tail rotor blades, P/N 206-010-750 or 47-642-117, respectively.

Compliance required as indicated.

To prevent failure of tail rotor blades due to fatigue cracks, accomplish the following:

(a) Before the first flight of each day after the effective date of this A.D., visually check for cracks in the tail rotor blade in an area approximately seven inches outboard from the butt end of the blade and approximately 1.5 inches aft of the leading edge, using a three-power or higher magnifying glass.

(b) If a crack is found, remove and replace the tail rotor blade before further flight.

(c) If no cracks are found, continue the repetitive inspections specified above.

(d) The check in (a) may be performed by a pilot.

NOTE: For requirements regarding listing of compliance and method of compliance with this A.D. in the aircraft permanent maintenance record, see § 91.173, Federal Aviation Regulations.

(Bell Helicopter Company Technical Bulletin Nos. 206-05-73-2, 47-05-73-1, dated May 3, 1973, pertains to this subject.)

Issued in Fort Worth, Texas on July 16, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-15457 Filed 7-26-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-62]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Chesterfield, Va., Transition Area over Chesterfield County Airport, Chesterfield, Virginia.

A new instrument approach procedure developed for Chesterfield County Airport, Chesterfield, Va. requires designation of additional controlled airspace for IFR arrivals and departures at Chesterfield County Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 16, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Chesterfield, Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Chesterfield, Va. transition area as follows:

CHESTERFIELD, VA.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 37°24'25" N., 77°31'18" W. of Chesterfield County Airport, Chesterfield, Va. and within 2.5 miles each side of the Flat Rock, Va. VORTAC 117° radial, extending from the 5.5-mile radius area to 12.5 miles southeast of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on July 17, 1973.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.73-15458 Filed 7-26-73;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 73-RM-21]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to

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Parts 71 and 73 of the Federal Aviation Regulations that would designate a joint-use restricted area at Green River, Utah, and include it in the Continental Control Area.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before August 27, 1973 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The restricted area, essentially re-established R–6413, Green River, Utah, is requested to provide for the launching of the United States Army Pershing ballistic missiles. The boundaries are defined so as to contain the first stage booster impact and, when required, the unignited second stage and missile warhead. It is planned that launches would result with the expended second stage and the warhead impacting in R–5107B and R–5103, White Sands Missile Range. The proposed area will be designated for a period of approximately 3 months, commencing September 24, 1973, through December 31, 1973. Tentatively, 8 launches are scheduled for this period. The proposed restricted area would be activated for approximately two hours for each launch. Launch periods are normally scheduled during the periods of minimum air traffic activity which is usually during the nighttime hours. The launching activites would be advertised in advance in news media and broadcasted by the Federal Aviation Administration Flight Service Stations prior to issuance of a NOTAM which provides the specific hours covering the period of missile launch. Communications will be available between the air traffic control facilities, the launch site, White Sands Missile Range Control, and Holloman AFB Mission Control. The launch site restricted area would be utilized only long enough to clear the area of non-participating air traffic and to launch the missile. Immediately thereafter, the area would be released for general usage.

If adopted, Restricted Area R–6413, together with the existing restricted airspace at White Sands Missile Range, will make unnecessary earlier proposals to reestablish R–6410, Blanding, Utah, and establish a new restricted area, R–5107H, within the El Paso-Alamogordo VFR corridor for missile launch and recovery support operations respectively. The related Airspace Dockets Numbers 73–RM–15 (38 FR 12216) and 73–SW–20 (38 FR 10117) and its Supplement (38 FR 12934) are withdrawn by Airspace Docket No. 73–WA–31.

Since the missiles will leave and re-enter restricted airspace at or above FL 600, they will not adversely affect aviation activities. The using agency must comply with the provisions of Part 101 of the Federal Aviation Regulations before conducting any missile activity outside restricted airspace, including obtaining any necessary waivers.

The need for restricted airspace for this activity is a recurring one. As there is no expected change in justification, each successive period would be announced by NOTAM published 48 hours in advance.

The FAA is considering the designation of R–6413, Green River, Utah, as follows:

1. R–6413, Green River, Utah

BOUNDARIES

Beginning at Lat. 38°57'00"N., Long. 110°09'40"W.; thence to Lat. 38°46'03"N.; Long. 110°06'00"W.; to Lat. 38°31'30"N., Long. 109°57'00"W.; to Lat. 38°31'30"N., Long. 109°51'00"W.; to Lat. 38°33'27"N., Long. 109°46'00"W.; to Lat. 38°49'15"N., Long. 109°57'02"W.; to Lat. 38°58'02"N., Long. 110°05'33"W.; thence to point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. As published by NOTAM issued 48 hours in advance of area activation.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, New Mexico.

2. The continental control area would be altered by adding Restricted Area R–6413, Green River, Utah.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 20, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–15459 Filed 7–26–73;8:45 am]

[14 CFR Part 121]

[Docket No. 13057; Notice No. 73–21]

CARRIAGE OF WEAPONS AND ESCORTED PERSONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to provide rules for the carriage of deadly or dangerous weapons and persons in the custody of law enforcement personnel aboard aircraft operated by Part 121 certificate holders. These amendments would also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135, when conducting operations governed by those parts with large airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before September 25, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

Section 121.585 currently provides that no person may, while aboard an airplane being operated by a certificate holder, carry on or about his person a deadly or dangerous weapon, either concealed or unconcealed. Section 121.585 specifically states that it does not apply to officials or employees of a municipality or a State, or of the United States who are authorized to carry arms, and does not apply to crewmembers or other persons authorized by the certificate holder to carry arms.

Section 121.538(b) requires certain air carriers and commercial operators to adopt and put into use a screening system, acceptable to the Administrator, that is designated to prevent or deter the carriage aboard its aircraft of any explosive or incendiary device or weapon in carry-on baggage or on or about the persons of passengers, except as provided in § 121.585. In addition, § 121.538(c) requires each certificate holder to have an FAA approved security program, which includes the screening system prescribed by paragraph (b) of that section.

The FAA has observed that the large number of hijacking incidents over the past few years has created a potentially dangerous situation with respect to persons legally carrying arms aboard aircraft as authorized by § 121.585. Persons legally armed often have not been aware of the presence of other legally armed persons on board the same aircraft. Moreover, these persons are frequently escorting prisoners, whose presence requires additional security measures. In addition, there have been instance when inadequate identification procedures have resulted in the carriage of deadly or dangerous weapons by persons not authorized to do so under § 121.585. Such inadequate procedures have also disrupted law enforcement missions in which the officer's anonynimity was essential to its success, because an uninformed security officer or employee of a certificate holder questioned the officer's authority to carry a weapon, after he had already been cleared through the certificate holder's security procedures.

It is proposed to amend § 121.585 by adding a new paragraph (a) to regulate the carriage of a deadly or dangerous weapon by authorized persons. New paragraph (a) would require that an official or employee of a municipality or a State who intends to carry a weapon in the passenger compartment of a certificate holder's aircraft must show to the certificate holder's satisfaction that carriage of the weapon is necessary in connection with the performance of that person's official duty while aboard the aircraft, as, for example, during the escorting of a prisoner, when additional security is needed because the means of physically restraining the prisoner are limited. The rule would not provide for this showing of necessity by officials or employees of the United States, because of the interstate nature of their jurisdiction.

It is also proposed to amend § 121.585 to provide that crewmembers and other persons authorized by the certificate holder to carry weapons aboard its aircraft must also be authorized by the Administrator. In addition, such persons would have to have successfully completed an approved course of training in the use of arms. The purpose of these proposed changes is to ensure that only responsible, properly trained persons are permitted to carry weapons on board a certificate holder's aircraft.

In addition, § 121.585(a) would provide that a certificate holder may not carry an armed person aboard its aircraft unless it has been notified of the flight on which that person intends to carry the weapon at least one hour, or in an emergency as soon as practicable, before departure, and that person has identified himself to the certificate holder by presenting credentials that include his clear, full-face picture, his signature and the signature of his supervisor. The armed person would not be allowed to use a badge, shield, or similar device as his sole means of identification.

Moreover, the proposed new provisions of § 121.585 would require the armed person to show to the satisfaction of the certificate holder that the armed person is familiar with its procedures for the carriage of a weapon aboard its aircraft, and would require the certificate holder to ensure that he has been identified to each law enforcement officer and each employee of the certificate holder responsible for security during boarding, the pilot in command, and any other person carrying a weapon in accordance with § 121.585(a).

A new paragraph (b) would be added to § 121.585 to provide that a deadly or dangerous weapon could not be carried in checked baggage unless the certificate holder determines that the weapon is unloaded, and the baggage is locked and carried in either the crew compartment or an area that is inaccessible to passengers. Only the passenger would retain the key to the baggage in which the weapon is carried.

The proposed amendments would add a new subparagraph (4) to § 121.538(c) to require that each certificate holder's security program include procedures, facilities, or a combination thereof designed to assure that only a person authorized under § 121.585 is permitted to carry a deadly or dangerous weapon on or about his person or in carry-on baggage while aboard any of its aircraft.

It is also proposed to add a new § 121.584 to Part 121 to provide rules for the carriage of a person in the custody of law enforcement personnel. No certificate holder would be permitted to carry such a person aboard its aircraft unless it has been notified, at least one hour before departure, of the identity of the escorted person and the flight on which he will be carried, and whether the escorted person is considered dangerous by the governmental entity having custody of him. In addition, the certificate holder would have to have been assured by the escort that the person in his custody does not have any article on or about his person that may be used as a deadly or dangerous weapon. The certificate holder would not be allowed to carry an escorted person who it has been notified is considered dangerous, unless that person is accompanied by at least two escorts, and it would not be allowed to carry more than one dangerous person and his escorts on an aircraft carrying other passengers.

Furthermore, the escorted person and his escort would have to be boarded before all other passengers board, and deplaned after all deplaning passengers have left, the aircraft. They would have to be seated in the rearmost passenger seats, other than in any lounge area, that are neither next to, nor directly across the aisle from, any aircraft exit. In addition, at least one escort would have to sit between the escorted person and any aisle, and an escort would have to accompany the escorted person and keep him under surveillance at all times. The certificate holder would not be allowed to serve food or beverages, or provide metal eating utensils, to the escorted person without permission from the escort.

Section 121.575(b) would be amended to prohibit the serving of alcoholic beverages to a person carrying a deadly or dangerous weapon in accordance with § 121.585(a) or to a person being escorted in accordance with proposed § 121.584 or his escort. Under proposed § 121.585 (c) no person carrying a deadly or dangerous weapon on or about his person or in carry-on baggage, would be permitted to drink any alcoholic beverage while aboard a certificate holder's aircraft.

These amendments are proposed under the authority of sections 313(a) and 601(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations as follows:

1. By amending paragraph (c) of § 121.538 by striking out the word "and" at the end of subparagraph (2) and the period at the end of subparagraph (3), and by adding the phrase "; and" at the end of subparagraph (3) and a new subparagraph (4) to read as follows:

§ 121.538 Aircraft security.

• • • • • •

(c) • • •

(4) Assure that only persons authorized under § 121.585(a) are permitted to carry deadly or dangerous weapons on or about their persons or in carry-on baggage while aboard any of its aircraft.

• • • • • •

2. By amending paragraph (b) of § 121.575 to read as follows:

§ 121.575 Alcoholic beverages.

• • • • • •

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who—

(1) Appears to be intoxicated;

(2) Is escorting a person or is being escorted in accordance with § 121.584; or

(3) Is carrying a deadly or dangerous weapon in accordance with § 121.585(a).

• • • • • •

3. By adding a new § 121.584 to Part 121 to read as follows:

§ 121.584 Carriage of person in the custody of law enforcement personnel.

(a) No certificate holder may carry a person in the custody of law enforcement personnel, unless the following conditions are met:

(1) The certificate holder has been notified at least one hour before departure—

(i) Of the identity of the escorted person and the flight on which he will be carried; and

(ii) Whether the escorted person is considered dangerous by the governmental entity having custody of him.

(2) The escort has assured the certificate holder that the escorted person does not have any article on or about his person that could be used as a deadly or dangerous weapon.

(3) The escorted person is in the custody of at least two escorts, if the certificate holder has been notified that the escorted person is considered dangerous by the governmental entity having custody of him.

(b) The certificate holder shall determine that adequate means of restraint have been provided by the escort.

(c) The escorted person and his escort shall be—

(1) Boarded before all other enplaning passengers board, and deplaned after all other deplaning passengers have left, the aircraft; and

(2) Seated in the rearmost passenger seats that are neither located in any lounge area, nor located next to or directly across from any aircraft exit.

(d) At least one escort shall—

(1) Sit between the escorted person and any aisle; and

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(2) At all times accompany the escorted person and keep him under surveillance.

(e) The certificate holder may not—

(1) Carry more than one person who it has been notified is considered dangerous, and his escort, on an aircraft carrying other passengers; or

(2) Serve food or beverages, or provide metal eating utensils, to an escorted person unless authorized by the escort.

4. By amending § 121.585 to read as follows:

§ 121.585 Carriage of weapons.

(a) No certificate holder may permit any person to carry, nor may any person carry, while aboard an aircraft being operated by the certificate holder, on or about his person or in carry-on baggage a deadly or dangerous weapon, either concealed or unconcealed, unless the following conditions are met:

(1) The person carrying the weapon is either:

(i) An official or employee of a municipality or a State, or of the United States, for whom the carriage of a weapon is authorized in connection with the performance of his official duty while aboard the certificate holder's aircraft; or

(ii) A person who is authorized by the certificate holder and the Administrator, and who has successfully completed an approved course of training in the use of arms.

(2) The certificate holder has been:

(i) Notified of the flight on which the armed person intends to carry the weapon at least one hour, or in an emergency as soon as practicable, before departure; and

(ii) Shown to its satisfaction that the carriage of a weapon by any official or employee of a municipality or a State is authorized and necessary in connection with the performance of that person's duties while aboard the certificate holder's aircraft.

(3) The armed person has identified himself to the certificate holder by presenting credentials that include his clear, full-face picture, his signature and the signature of his supervisor. A badge, shield, or similar device may not be used as the sole means of identification.

(4) The certificate holder:

(i) Has been shown to its satisfaction that the armed person is familiar with its procedures for the carriage of a deadly or dangerous weapon aboard its aircraft; and

(ii) Has ensured that the identity of the armed person is known to each law enforcement officer and each employee of the certificate holder responsible for security during the boarding of the aircraft, the pilot in command, and any other person carrying a weapon while aboard the aircraft in accordance with this section.

(b) No certificate holder may permit any person to carry, nor may any person carry, while aboard an aircraft being operated by that certificate holder, in checked baggage a deadly or dangerous weapon, unless the following conditions are met:

(1) The certificate holder has determined that the weapon is unloaded.

(2) The baggage in which the weapon is carried is locked, and only the passenger checking the baggage retains a key.

(3) The baggage is carried in either the crew compartment or an area that is inaccessible to passengers.

(c) No person carrying a deadly or dangerous weapon on or about his person or in carry-on baggage may drink any alcoholic beverage while aboard an aircraft operated under this part.

Issued in Washington, D.C. on July 23, 1973.

JAMES M. YOHE,
Acting Director of Air Transportation Security.

[FR Doc.73-15456 Filed 7-26-73;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-42; Notice No. 73-20]

FRONT CLEARANCE LAMPS ON TRAILERS

Docket Closing Notice

On September 14, 1972, the Bureau of Motor Carrier Safety issued a Notice of Proposed Rule Making, inviting interested persons to comment on the advisability of deleting the requirement for the installation of two front clearance lamps on semitrailers and full trailers that are 80 inches or more in overall width (37 FR 19380). That requirement is found in section 393.14(a) of the Motor Carrier Safety Regulations. The Truck Trailer Manufacturers Association (TTMA) had filed a petition for rulemaking, asking the Bureau to revise § 393.14(a) so that the clearance lamps could be replaced with reflex reflectors.

In support of its position that motor carriers should be permitted to use reflex reflectors, rather than clearance lamps, to mark the extreme width of trailers, TTMA argued that clearance lamps are superfluous, dangerous, or both. It said that a large proportion of today's tractors, which are also required to be equipped with clearance lamps, are as wide as the trailers they tow; hence, there is no need for additional lamps to mark the width of the trailers. In addition, TTMA said that the locations of front clearance lamps on many low-silhouette trailers, such as tank trailers and flat-bed trailers, actually create a safety hazard because the light from the lamps reflects directly from the tractor's outside mirrors into the drivers' eyes.

Twenty-nine persons responded to the invitation to file comments on the subject matter of the TTMA petition. The Bureau received comments from trailer manufacturers, motor carriers, State motor vehicle departments, commercial motor vehicle drivers and groups representing their interests, insurance companies, and motor carrier trade organizations and committees thereof. Persons who supported TTMA's position generally echoed the contention that the clearance lamps performed no useful function. There was, however, no substantive data submitted to support this contention. Carrier organizations also mentioned the cost and burden of periodic maintenance needed for replacement of clearance lamp bulbs and lenses. But the comments did not show a connection between this problem and operating safety. Finally, several motor carriers brought up the issue of glare in rear-view mirrors.

It is interesting to note, in this regard, that none of the professional drivers or driver organizations who filed comments indicated that the glare problem was a serious one. On the contrary, drivers said that the clearance lamps serve a useful purpose to them, in that they serve to alert drivers to possible electrical malfunctions in the circuit that serves both the clearance lamps and the trailer's other marker lamps.

Several comments took issue with the contention that truck tractors are generally as wide as the vehicles they tow. While late-model cab-over-engine tractors are usually as wide as trailers, there are, it was noted, a large number of cab-behind-engine tractors and others which are narrower. Deletion of a requirement for clearance lamps on trailers would leave many vehicle combinations without any lamps clearly marking their extreme widths.

The Bureau has considered, in addition to the comments filed in its own docket, the contents of the National Highway Traffic Safety Administration's Docket No. 72-19. The National Highway Traffic Safety Administration's rulemaking proceeding was undertaken for the purpose of considering an amendment to Motor Vehicle Safety Standard No. 108 (§ 571.108 of this title), deleting the requirement for front clearance lamps as original equipment on new trailers and replacing it with a requirement for reflex reflectors. The Bureau's action in closing its Docket No. MC-42 has been coordinated with, and is consistent with, the action taken by NHTSA in its parallel proceeding.

The comments filed in both dockets and other available data make it clear that, at best, adoption of the rule sought by the petitioner might result only in a marginal saving of labor costs and manpower for motor carriers. Those speculative savings are more than offset by the increased safety hazard that elimination of front clearance lamps on trailers would produce. The Director has concluded, therefore, that the public interest would not be served by the change.

If there are cases in which the glare of the clearance lamps reflected in rear-view mirrors is deemed hazardous, the problem can be mitigated or eliminated by mounting the lamps at positions other than the height of the rear-view mirrors, by use of clearance lamps of minimum required candlepower, or by both.

In consideration of the foregoing, Docket No. MC-42 is closed. The Bureau will not take, and does not now contemplate, further action upon the rulemaking petition of the Truck Trailer Manufacturers Association.

Issued on July 20, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.73-15465 Filed 7-26-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-19; Notice 2]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Use of Certain Lamps on Trailers; Suspension of Rulemaking Proceeding

This notice suspends rule making that would have substituted amber reflex reflectors on certain trailers for the front clearance lamps presently required.

On August 9, 1972, the National Highway Traffic Safety Administration proposed (Docket No. 72-19 Notice 1, 37 FR 16002) that trailers of 80 or more inches overall width with a gross vehicle weight rating of more than 10,000 pounds need not be equipped with front clearance lamps but may instead be equipped with amber reflex reflectors. The notice was issued pursuant to the petition of Truck Trailer Manufacturers Association. The petitioner had contended that front clearance lamps on low silhouette trailers shine into the rear view mirrors of truck-tractors creating a glare hazard, and that clearance lamps on large trailers are in any event rendered superfluous by corresponding lamps on the truck tractors pulling them. The NHTSA received comments that both favored and opposed the proposal, and it has determined that retention of the front clearance lamps better meets the needs of overall safety than allowance of reflectors.

The minimum candlepower that Federal Motor Vehicle Safety Standard No. 108 requires for clearance lamps is 0.62, and the glare produced in rear view mirrors by this intensity is not likely to create a safety hazard. Further, although modern truck tractors may generally be the same width as the trailers they pull, some large diesel tractors are still being manufactured with conventional cabs that are narrower than the trailer. And, of course, many older truck tractors with narrower cabs are still in use. For these reasons, no final rule will be issued on the basis of the above proposal.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 USC 1392, 1407; delegation of authority at 38 FR 12147)

Issued on July 9, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14763 Filed 7-18-73;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 351]

DISCLOSURE STATEMENT

Revision of Proposal

The purpose of this publication by the Cost Accounting Standards Board is to propose a modification to Part 351, Basic Requirements, of its rules and regulations. A proposed modification to Part 351 was previously published in the FEDERAL REGISTER of May 21, 1973, (38 FR 13385). After considering the comments received in response to that publication (discussed below), the Board has revised that proposal. The revised proposal is being published today for comment.

Six commentators requested that the amount of subcontract awards not be included at this time in the dollar volume considered as meeting the requirement for filing a Disclosure Statement. They contended, generally, that companies did not have the information available concerning subcontracts for fiscal year 1972, the period specified in the Board proposal. They noted that many of the subcontracts which would have to be considered would have been awarded more than two years ago. They said they did not have at that time any requirement for recording whether the subcontracts received were negotiated defense subcontracts. Thus, they state that they would be required to make a retroactive determination of the nature of all subcontracts awarded in fiscal year 1972, and this would entail a special effort requiring the expenditure of a great deal of time.

The Board believes that the inclusion of the amount of subcontract awards in the Disclosure Statement filing requirement is appropriate. Subcontracts, unless specifically exempt, are subject to the Board's Standards, rules, and regulations. The Board recognizes, however, that the commentators have raised a valid point concerning the lack of available records relative to the nature of subcontracts received during fiscal year 1972. Accordingly, the Board has revised its proposal to base the calculation on prime contracts only.

Future levels of the threshold amount may include the dollar value of subcontract awards. Contractors are hereby advised that they may be required to determine the dollar value of negotiated defense subcontract awards beginning with July 1, 1973. For reasons discussed below, negotiated defense subcontracts which include the Cost Accounting Standards Clause are the type which would be included in the computation of the Disclosure Statement filing requirement, and contractors should accumulate the value of such awards.

Four commentators urged the Board to include, in computing the limit for determining who must file Disclosure Statements, only negotiated contracts which are subject to Cost Accounting Standards. The Board is inclined to agree with the proposal made by these commentators. The Board, therefore, in its proposal being published today, specifically limits the contract awards to be included in the computation of a contractor's volume of defense contracts to those subject to the Board's jurisdiction in determining whether a filing requirement has been met.

The proposal being published by the Board to reduce the dollar level above which filing of a Disclosure Statement would be required, excludes both subcontracts and negotiated defense prime contracts not subject to Cost Accounting Standards. In view of this decision, the Board is proposing that the dollar volume of prime contract awards to be considered in computing the filing requirement should be reduced to $10 million. Thus, this proposal contains a requirement that all negotiated defense prime contracts in excess of $100,000 except those where the negotiated price is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public or (2) prices set by law or regulation, or contracts which are otherwise exempt, are to be included in the computation of the volume of contract awards to be considered.

The Board's previous proposal required the inclusion of contracts awarded in fiscal year 1972 only. The Board now has available for its consideration, statistics related to contracts awarded in fiscal year 1973. It is the Board's view that the filing requirement should be related to the most current statistics if at all possible. Accordingly, the proposal being published today requires the inclusion of contracts awarded in fiscal year 1973 as well as those awarded in fiscal year 1972. Contractors who meet the threshold amount in either year would be required to file Disclosure Statements, effective January 1, 1974.

As explained above, the current proposal requires the inclusion of only those contracts subject to Cost Accounting Standards in computing the threshold amount. The initial filing requirement set by the Board included all negotiated defense contracts in the threshold amount of $30 million. At the time the Board published its initial rules on this matter, it was felt essential to determine as accurately as possible, the number of Disclosure Statements that would be submitted by contractors at any threshold amount established. For this reason, the statistics maintained by defense agencies were used. These statistics include all negotiated defense contract awards without distinction as to whether or not they are subject to Cost Accounting Standards. Moreover, Standards were not in effect in fiscal year 1971, so it was not possible to identify only those contracts to which the Contract Clause

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would be applicable. Thus, the Board established a threshold amount that included all negotiated defense contracts. The Board, therefore, does not propose to redefine the makeup of contract amounts for fiscal year 1971 which should be included in determining the applicability of the $30 million threshold amount now in effect.

The proposed reduction of the threshold to $10 million will require a few additional colleges and universities to file Disclosure Statements. The Board is continuing its efforts to obtain a separate Disclosure Statement for colleges and universities and it is contemplated that such a Statement will be available by the effective date of any reduction in the threshold amount.

The Board's publication of May 21, 1973, on this subject included a requirement that contractors were to submit a Disclosure Statement to the Board only after a determination of adequacy has been made of the Statement. Many contractors supported this proposal and it is again included in the material being published today.

The Board received many comments on its initial proposal to reduce the threshold. The Board is gratified by the interest shown by these commentators and will consider further those comments prior to issuing a final regulation on this matter. Parties who previously submitted comments should feel free to again send their written comments to the Board.

This proposal is in line with the Board's announced intention of phasing the requirement to file Disclosure Statements. From time to time the Board will announce the dates of applicability to other contractors and subcontractors.

The Cost Accounting Standards Board solicits comments on the proposed amendment to the Disclosure Statement filing requirement. Interested persons should submit their comments to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C., 20548, to be given consideration by the Board in its deliberations relative to this proposal. Written submissions must arrive no later than August 31, 1973. All written submissions made pursuant to this notice will be made available to the public for inspection at the Board's offices during regular business hours.

The following modifications to Part 351 of the Board's regulations are proposed in view of the foregoing:

1. Section 351.4 Filing requirement, is modified by adding a new § 351.4a to read as follows:

§ 351.4a Filing requirement.

In addition to those contractors and subcontractors required to submit Disclosure Statements pursuant to § 351.4, each company, which together with its subsidiaries received net awards of negotiated national defense prime contracts subject to Cost Accounting Standards during Federal fiscal years 1972 or 1973 totaling more than $10 million, must submit a completed Disclosure Statement.

NOTE. This § 351.4a is a separate section and does not alter the requirement of § 351.4 with respect to contractors and subcontractors subject to that section or with respect to § 403.70 of this chapter.

2. Section 351.5 is modified by adding a new paragraph (c) to read as follows:

§ 351.5 Contract awards.

* * * * *

(c) No contract shall be awarded after January 1, 1974, to any contractor required to submit a Disclosure Statement under § 351.4a unless such submission has been made or post-award submission has been authorized pursuant to § 331.6.

§ 351.7 [Amended]

3. Section 351.7 *Submission* is modified by deleting the last sentence of the section and inserting in lieu thereof: Within ten days after the prime contractor or subcontractor receives notice that his Disclosure Statement, or any amendment thereto, has been determined to be adequate, he shall submit a copy of the Statement or amendment as appropriate to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.73-15489 Filed 7-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 202]

NOISE ABATEMENT

Interstate Motor Carrier Noise Emission Standards

The Environmental Protection Agency proposes to establish a new Part 202 of Title 40 of the Code of Federal Regulations establishing noise emission standards for motor carriers engaged in interstate commerce.

Introduction. Pursuant to section 18 of the Noise Control Act of 1972, Public Law 92-574, 86 Stat. 1234, the Administrator of the Environmental Protection Agency (EPA) "shall publish proposed noise emission regulations for motor carriers engaged in interstate commerce within nine months after the date of enactment of this Act." The proposed regulations shall "include noise emission standards setting such limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce which reflect the degree of noise reduction achievable through the application of the best available technology, taking into account the cost of compliance." The regulations promulgated under the authority of section 18 shall be in addition to regulations proposed under section 6 of the Noise Control Act. Final regulations are to be promulgated within 90 days after publication of the proposed regulations and shall be revised from time to time as determined by the Administrator. All standards and regulations are to be promulgated only after consultation with the Secretary of Transportation to assure appropriate consideration of safety and technological feasibility. The effective date is to be developed by the Administrator, after consultation with the Secretary of Transportation, taking into account the application of requisite technology and giving appropriate consideration to cost of compliance within such period.

As required by section 18(b), the Secretary of Transportation, after consultation with the Administrator, shall promulgate regulations to insure compliance with all standards promulgated by the Administrator under this section. The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act.

Section 18(c)(1) of the Act requires that "no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carrier unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section." Subsection 18(c)(2) provides for States or political subdivisions thereof to establish and enforce standards or controls on levels of environmental noise or to control, license, regulate, or restrict the use, operation or movement of any product if the Administrator, after consultation with the Secretary of Transportation, determines that such standard, control, license, regulation, or restriction is necessitated by special local conditions and is not in conflict with regulations under section 18.

On February 1, 1973, an advanced notice of proposed rulemaking on the motor carrier noise emissions standard was published in the FEDERAL REGISTER soliciting public comment. The docket established as a result of this action is maintained at the EPA headquarters, 4th & M Streets, SW., Washington, D.C., 20460, and also at EPA Regional Headquarters at 1735 Baltimore Avenue, Kansas City, Missouri, 64108, and 100 California Street, San Francisco, California, 94111. In addition to the material in the docket, a review and analysis of the hearings and reports prepared for the EPA's Report to the President and the Congress on Noise in 1971 (NCR400.1) was conducted. Additional reviews by staff and consultants of technical information from other sources were also completed. Also, a task force composed of Federal, State, and local government representatives was convened to develop recommendations for the motor carrier noise emission standards. The results of all these efforts were reviewed and considered in the development of the proposed regulations.

Summary of proposed regulation. The regulation as proposed will apply to motor vehicles operated in interstate commerce and weighing over 10,000 lb. GVWR. The following proposed standards apply to total vehicle noise:

1. 90 dB(A) at 50 feet in speed limits greater than 35 mph.
2. 86 dB(A) at 50 feet in speed limits equal to or less than 35 mph.
3. 80 dB(A) at 50 feet on level streets in speed limits equal to or less than 35 mph.
4. 88 dB(A) at 50 feet under stationary run-up test.
5. Visual exhaust system inspection.
6. Visual tire inspection.

Enforcement procedures are to be developed and promulgated under separate rule making procedures by the Department of Transportation. Such enforcement procedures will specify minimum requirements for instrumentation, test sites, and other conditions necessary to insure uniformity in testing and minimum acceptable accuracy for any testing.

Enforcement of the standards is contemplated to be more efficient under some conditions if measurements are permitted to be made at distances other than 50 feet which will provide for equivalency to the standards measured at 50 feet.

The effective date of the proposed regulation, subject to consultation with the Secretary of Transportation, is set as October 1, 1974, to allow adequate time for interstate carrier operators to install necessary equipment in a normal maintenance cycle in order to meet the requirements of the regulations.

Subpart C of the regulation addresses the provision for States and political subdivisions thereof to apply to the Administrator for a determination of whether special local conditions justify local noise emissions.

Rationale. In developing the limits proposed in these regulations, the Administrator applied his judgment as to the definition of "best available technology" and as to what should be considered in "taking into account the cost of compliance." He further had to take into account in these regulations the intent of Congress as stated under section 2(a) that "Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment," and then to revise such regulations so as to be consistent with the health and welfare requirements of the Act, as specified under section 4.

To meet the requirements of the Act, to apply "the best available technology, taking into account the cost of compliance," the Agency then constructed definitions of the terms "best available technology" and "cost of compliance." In so doing, the Agency carefully considered the strict language of the Act, its legislative history, and other relevant data. Based thereon, for the purposes of these regulations, the following definitions have been established by the Administrator.

"Best available technology" was defined as that noise abatement technology available for retrofit application to motor carriers which produces meaningful reduction in the noise produced by interstate motor carriers. "Available" is further defined to include:

1. Technology applications that have been demonstrated and can be retrofitted on existing trucks.

2. Technology for which there will be a production capacity to produce the estimated number of parts required in reasonable time to allow for distribution and installation prior to the effective date of the regulation.

3. Technology that is compatible with all safety regulations and takes into account operational considerations, including maintenance, and other pollution control equipment.

The cost of compliance, as used in this regulation, means the cost of identifying what action must be taken to meet the specified noise emission level, and the additional cost of operation and maintenance. The cost for future replacement parts was also considered.

"Interstate carrier", as used in this regulation means contract carriers by motor vehicle, common carrier by motor vehicle and private carrier of property by motor vehicle as defined in the Interstate Commerce Act.

The Agency then amassed technology and cost information submitted to the official docket of the regulations as a result of the Advanced Notice of Proposed Rule Making, and information previously developed by the Agency as part of its hearings under Title IV, PL 91-604. The following discussion summarizes the technical and cost information considered in developing the proposed standards.

Truck noise emissions generally determine the penetration depth of highway noise into communities and are a major source of annoyance. The sound levels established by the proposed regulations will impact primarily on heavy duty diesel trucks, which are the predominate source of highway noise. These regulations are directed at reducing that major source. Gasoline powered trucks are subject to this regulation but generally produce less noise than diesel trucks. They will be considered in future regulations as a separate category for more stringent noise emission control standards. Interstate buses are covered by this regulation. However, they are a category of vehicles that presently produce less exterior noise emissions than diesel trucks. At highway speeds, buses emit noise levels from 75-87 dB(A) at 50 feet. Methods of reducing bus noise are similar to those for trucks. Any regulatory noise levels set for trucks will be feasible for buses to meet. Buses will be considered in future reviews of this regulation as candidates for a more restrictive noise emission level requirement.

The proposed regulations are applicable to motor carriers over 10,000 pounds gross vehicle weight rating (GVWR). Trucks in the 6,000 to 10,000 lb. GVWR class almost universally use gasoline engines (essentially passenger car engines) that, at present, are quieter than the diesel powered larger trucks. As a result of the 10,000 pound minimum limit for this regulation, in service trucks weighing less than 10,000 pounds GVWR engaged in interstate commerce will be subject to State or local operational noise control regulations applicable to their weight class, unless the Administrator, in the future, establishes noise emission regulations for this weight class.

The majority of heavy trucks on the road today are powered by diesel engines. Diesel trucks are typically 5 db(A) decibels, measured on the A-weighting scale) noisier than gasoline powered trucks due to power unit noise characteristics and 12 to 18 db(A) noisier than automobiles. The noise output of trucks generally increases with age. At the present time, approximately 60 percent of the operating trucks are more than 5 years old. This increase in noise generation with age is typically a result of poor maintenance and a tendency to use replacement mufflers or recapped tires which generate higher levels of sound emissions than the original equipment. The major contributing sources of truck sound emissions are engines, exhaust, cooling fans, air intakes, and tires. Engine noise is a result of internal combustion and the resultant mechanical component vibrations radiated through the cylinder walls, valve covers and oil pans. Cooling fan noise is a function of air flow irregularities which produce related structural vibrations and is typical of high horsepower engines. Engine exhaust noise is a result of a combination of radiated combustion noise and exhaust outlet pressure variations affected by muffler design exhaust system configuration and engine exhaust backpressures. Air intake noise results from the pulsing induction of air into the engine. The amount of air intake noise depends on the following engine characteristics: Gasoline or diesel, turbocharged or naturally aspirated, number of cylinders, two cycle or four cycle combustion process, and variations in displacement and speed. Tire noise is a function of tire-road interaction, tire construction, tire load, number of tires, and vehicle speed.

The predominate source of truck noise emissions is the exhaust system, principally because of inadequate muffling of the exhaust gases. At speeds above 45 mph tire noise may become a predominate source of truck noise. If exhaust system muffling is not adequate, exhaust noise may be the predominate source even at speeds over 45 mph.

Significant advances in muffler technology in recent years have provided the capability for significantly reducing exhaust noise levels. Noise reduction is achieved by increasing muffler volumes to obtain silencing and low backpressures. Also, acoustical wrapping or double-wall construction of mufflers has significantly reduced noise produced by vibration of the muffler's exterior wall surface.

The results of several statistical studies of highway vehicle noise levels were used in the development of the regulation. Based on these data the percentage of in-service motor carriers that would exceed the proposed vehicle noise emission levels is estimated to be approximately 19 percent.

In development of the 90 dB(A) level for over 35 mph, data were analyzed from 5,838 diesel trucks operated in California in 1965. Of these, approximately 19 percent exceeded 90 dB(A) at 50 feet in the pass-by test. These data were collected prior to a regulatory and enforcement program in California. The analysis of other data from 531 trucks collected in 1972 in the State of Washington showed a similar result. Measured noise

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emissions from 1,000 heavy duty trucks on the New Jersey Turnpike in 1972 indicated that approximately 15 percent exceeded the 90 dB(A) level. The 90 dB(A) noise emission level at highway speeds is approximately equivalent to the 86 dB(A) 35 mph sound level with an additional 4 dB(A) to allow for increases in noise emissions from other speed dependent noise sources on the vehicle such as tires and aerodynamic noise.

For the 35 mph or less test for all vehicle operation conditions, the vehicle acceleration mode determines the maximum noise basis for the standard. Based on 145 tractor trailers studied in California in 1971, approximately 19 percent emitted more than 86 dB(A) at 50 feet. Additional data for 631 trucks measured in California in 1971 and 239 trucks measured in Washington in 1972 indicate that less than 10 percent of these trucks sampled would exceed 86 dB(A) in speed zones of 35 mph or less.

The 35 mph, or less, level street standard is derived from data collected on 235 trucks in California in 1971, and 105 combination vehicles on level street operations in California the same year. In this study nearly 20 percent were operated in a manner such that they would not pass the 80 dB(A) sound emission level at 50 feet. The 80 dB(A) standard for level street operation at 35 mph or less is intended to regulate the manner of operation by the driver and does not impose an additional noise reduction requirement to the vehicle beyond that needed to meet the 86 dB(A) sound level for all highway conditions at 35 mph or less. The level street operation standard of 80 dB(A) is applicable only to conditions of traffic flow in which a constant rate of speed can be maintained and does not apply within 200 feet of any intersection controlled by an official traffic control device or within 200 feet of the beginning or end of any street grade in excess of plus or minus 1 percent.

A stationary run-up test requiring a level of 88 dB(A) at 50 feet or less has been developed by DOT to provide an enforceable standard to implement at weigh stations and other locations where stationary safety inspections are conducted.

The exhaust system performance standard provides a visual inspection and enforcement tool for the DOT, State and local enforcement agencies for enforcement without the use of sound level meters.

All trucks equipped with "pocket retreads" will not be able to comply with the 90 dB(A) noise level limit applicable to high speed operation. The tire retriction provision provides visual inspection and enforcement for "pocket retread" tires.

Certain tread patterns of cross-bar tires produce noise levels which will make them unable to comply with the 90 dB (A) total vehicle noise level limit at speeds greater than 35 mph. It may be necessary for those trucks to install quieter cross-bar tires or rib tires.

The overall costs per vehicle mile of the different tires types are essentially the same since it is the carcass of the tire that determines the number of possible retreads and, hence, the tire life. There do not appear to be any tire manufacturers or recappers who make only the noisier type of cross-bar tires or "pocket retreads," resulting in an impact involving a redirecting of the market.

Mufflers required to meet this proposed regulation may cause a small increase in backpressure, but are not expected to have a significant impact on gaseous emissions from heavy duty diesel engines. As new regulations are developed and promulgated under the Clean Air Act, noise emission regulations will be reviewed and revised, if appropriate, to assure no conflicts exist between the two regulations.

The noise levels proposed of 90 dB(A) and 86 dB(A) are presently being enforced in California and the City of Chicago, Illinois, New York City, New York, Colorado, Connecticut, Minnesota, and Indiana.

It is possible for vehicles covered by these proposed regulations to achieve these standards. However, 2 percent or less of the in-use heavy duty diesel fleet may incur relatively prohibitive costs in achieving these standards relative to age and other characteristics of these vehicles. Owners may phase these trucks out as a result of the imposition of these standards. Setting more stringent standards at this time may result in a more significant number of vehicles being phased out, because technology is not available to retrofit such vehicles to achieve the lower standards. A 2–4 decibel reduction beyond the standard proposed at this time is estimated to require partial to full engine enclosure of up to 20 percent of the in-use fleet, but such modifications could not be made to this portion of the in-service fleet within the effective date of these regulations. This key consideration has led the Administrator to propose standards that can be achieved very soon by the noisiest trucks and when retrofit technology becomes available, to propose more stringent standards providing further noise abatement.

The technology now being demonstrated by the DOT "quiet truck" program indicates that significant reductions in present noise levels from diesel trucks can be achieved on new trucks in the future. The DOT is also initiating a truck noise emission retrofit demonstration program planned to be completed during the next 12–18 months, the results of which will be applicable to retrofit of the in-service motor carrier fleet.

The results of this research and the truck tire noise research of DOT and the Department of Commerce will be used by the Administrator as the basis for early revision of these regulations to take advantage of improved technology. The goal of attaining adequate control of noise emission will require that as new technology emerges, new objectives be established. As new information becomes available the Administrator will revise these regulations. (See Section "Intent of Future Regulations.")

For the majority of the vehicles requiring corrective action, the installation of improved mufflers and the elimination of restricted tires will be the only necessary actions required to meet the proposed regulation. The normal exhaust muffler life for heavy duty diesel trucks in interstate commerce is approximately 1½ years. The muffler industry is presently supplying the trucking industry with mufflers at the rate required to perform normal maintenance. A survey of the industry indicates that the need to increase production would not impose problems on the muffler industry or introduce problems in scheduling maintenance in the trucking industry. This kind of information is not available for more elaborate procedures. These facts support the proposed effective date (October 1, 1974) as the earliest date for enforcing uniform regulation.

It is estimated that the proposed standard will impose an approximate initial cost of between $10 and $30 million on the interstate motor carrier industry. This will require an average expenditure of $50 to $200 for each vehicle which cannot presently meet the proposed regulation. With these small increases in the average annual cost of operation, the change in cost per ton mile of freight carried, as a result of this regulation, is expected to be less than one-tenth of a percent increase in present operational costs.

The EPA approach for the reduction of total motor carrier fleet noise is through a phased program of total fleet operational standards issued under section 18 and new product standards issued under section 6. The new product standards to be promulgated by October 1974 will address the application of new truck noise reduction technology, and would not be a regulatory requirement for the existing fleet.

Relationship between sections of the Noise Control Act. Section 4 provides the Administrator with authority to coordinate the noise control and noise research and development programs of all of the Federal agencies; and further requires that all such agencies provide him with information "as he may reasonably require" as to nature, extent, and results of such programs. The Administrator will use his authority under section 4 to ensure that other agencies provide the necessary information, in a timely fashion, so that improvements in these regulations can be made. This authority will also be used to ensure that a comprehensive, coordinated Federal effort is continued in the future.

Section 5(a)(1) requires the development and publication of a Criteria Document that will identify the effects on public health and welfare of differing quantities and qualities of noise. In addition, section 5(a)(2) requires the preparation of an Environmental Noise Report identifying "the levels of environmental noise, the attainment and maintenance of which in defined areas under various conditions are requisite to protect public health and welfare, with an adequate margin of safety."

Section 6 of the Act provides for the development of noise emission standards for new products distributed in commerce. Standards established under section 6 are to be based on the criteria published under section 5, taking into consideration the best available technology and the cost of compliance. The combination of operational noise emission standards issued under section 18 of the Act and new vehicle noise emission standards issued under section 6 of the Act represents the regulatory program for reduction of motor carrier noise emissions that EPA is following.

Section 8 of the Act provides the Administrator with authority to require that notice be given to prospective users of a product sold wholly or in part on the basis of its effectiveness in reducing noise. Mufflers and similar acoustical devices used on motor vehicles to reduce noise emissions would be subject to such future labeling regulations.

Section 10 of the Act specifies that any violation of these and other EPA regulations implementing other sections of the Noise Control Act and any future regulations established under the authority of section 18 of the Act constitutes a prohibited act. Any person who willfully or knowingly violates the regulation shall be punished by a fine of not more than $25,000.00 per day of violation or imprisonment for not more than one year, or by both, or a fine not exceeding $50,000.00 per day of violation, or imprisonment for not more than two years or by both, following a conviction for a previous violation of the Noise Control Act.

In addition to these provisions, section 4 of the Act requires each Federal agency to consult with the Administrator prior to prescribing standards and regulations respecting noise. The Administrator is to review such proposed standards and regulations and to determine whether they are adequate to protect public health and welfare to the extent he believes required and feasible. This includes regulatory proposals by the Department of Transportation in relation to the Administrator's responsibilities under section 4 of the Act. The Administrator will review the enforcement of the regulations by other Federal agencies in preparing the periodic report on the status and progress of Federal activities relating to noise research and noise control as required by section 4 (a) (3).

Intent of future regulations. Passenger bus interiors are not covered by these proposed regulations due to insufficient data on the best technology available and the cost of compliance. The motor carrier operation standards and the vehicle equipment noise standards may indirectly decrease the interior noise levels through regulation of the exterior noise emission. When sufficient information on bus interior noise becomes available, a notice of proposed rulemaking will be issued.

It is recognized that auxiliary equipment, such as refrigeration equipment, may be a source of annoyance. Studies are now underway to determine whether such equipment is a problem and to identify and document the level of noise emitted from such equipment and the technology available and cost associated to reduce that noise emission. As this information becomes available, consideration will be given to revising the proposed regulation to include noise emission standards for auxiliary equipment.

These regulations will be carefully reviewed on or before December 1974, following consideration of the results of DOT's truck noise emission retrofit demonstration and truck tire noise studies mentioned earlier. Revisions, at that time, may be made for significant reductions in the noise emission levels authorized under section 18 of the Act. Revised standards would be in addition to new product standards authorized under section 6 of the Act which will be promulgated not later than October 27, 1974. If in the course of Federal Government studies, or as the result of development by industry or private institutions, it becomes evident that significant improvements in technology are available before December 1974, prompt revision of the regulation will be initiated. Comments and recommendations by all interested persons as to new or advanced technology relevant to this are solicited. An advance notice of proposed rulemaking will be published prior to actual formulation of any revisions of these regulations so that there may be maximum contribution to the rulemaking development by interested parties. The Administrator, under section 4 of the Noise Control Act of 1972, is responsible for coordinating all Federal noise control research. In accordance with that authority, vigorous action will be taken to insure that the results of special truck and tire noise research, and other related research, is made available at the earliest possible time for use in developing revisions hereto. Comments and suggestions as to new and advanced technology relevant to retrofit requirements are solicited and should be submitted as provided for in the following Public Comment Section.

Preemption. Under section 18(c)(1), after the effective date of the regulations proposed herein, no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carriers unless such standard is identical to a standard applicable to noise emissions resulting from such operation. These regulations are not intended to diminish or to enhance the rights of any State or political subdivision to establish and enforce standards or controls on levels of environmental noise or to control, license, regulate or restrict the use, operation or movement of any product if the Administrator, after consultation with the Secretary of Transportation, determines that such standard, control, license, regulation or restriction is necessitated by local conditions and is not in conflict with the regulations issued under section 18. The procedure for State or political subdivisions thereof to request such a determination by the Administrator is briefly outlined in this regulation. The burden of proof for identifying and defending those special local conditions necessitating regulations shall be on the applicant. Further specification of the report to be submitted for such a determination will be delineated by December 31, 1973. The Administrator is interested in receiving comments and recommendations regarding the types of situations and appropriate guidelines for granting States and political subdivisions thereof special administrative approval.

Public comment. Section 18 of the Noise Control Act of 1972 requires that final regulations be promulgated not later than 90 days after the date of publication of proposed regulations, and only after consultation with the Secretary of Transportation. Interested persons may submit written data, views, or arguments in regard to the regulations proposed herein to:

Office of Noise Abatement and Control
Attention: Docket No. ONAC 7202003
Environmental Protection Agency
Washington, D.C., 20460

All relevant material received on or before July 27, 1973, will be considered. All comments will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 329–C, Waterside Mall, 4th & M Streets, SW., Washington, D.C. 20460.

A background document on motor carrier noise emissions and controls has been prepared and is at the Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

Final regulations reflecting modifications as the Administrator deems appropriate, after consideration of public comments, and the views of the Secretary of Transportion, will be promulgated no later than 90 days after publication of this notice.

ROBERT W. FRI,
Acting Administrator.

JULY 24, 1973.

Part 202 of Title 40 is proposed to read as follows:

Subpart A—General Provisions

Sec.
202.1 Definitions.

Subpart B—Interstate Motor Carrier Operations Standards

202.10 Applicability.
202.11 Standards for highway operations.
202.12 Standards for level operations at 35 mph or under.
202.13 Standard for operation under stationary test.
202.14 Visual exhaust system inspection.
202.15 Visual tire inspection.
202.16 Enforcement procedures.

Subpart C—Special Local Condition Determinations

202.20 Applicability.
202.21 Application procedures.

AUTHORITY: Sec. 18(a), 86 Stat. 1249, 42 U.S.C. 4917(a).

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Subpart A—General Provisions

§ 202.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Noise Control Act of 1972 (P.L. 92-574), 86 Stat. 1234.

(b) "Common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle in interstate or foreign commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes.

(c) "Contract carrier by motor vehicle" means any person who engages in transportation by motor vehicle of passengers or property in interstate or foreign commerce for compensation (other than transportation referred to in paragraph (b) of this section) under continuing contracts with one person or a limited number of persons either (1) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served or (2) for the furnishing of transportation services designed to meet the distinct need of each individual customer.

(d) "Cutout or by-pass or similar device" means devices which vary the exhaust system gas flow so as to discharge the exhaust gas and acoustic energy to the atmosphere without passing through the entire length of the exhaust system including all exhaust system sound attenuation components.

(e) "db(A)" means weighted sound level measured by the use of metering characteristics and the prescribed A-weighting frequency response specified in American National Standard S1.4.1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York, 10018.

(f) "Exhaust system" means the system comprised of a combination of components which provides for enclosed flow of exhaust gas from engine exhaust parts to the atmosphere.

(g) "Fast meter response" means the meter ballistics of meter dynamic characteristics as specified by American National Standard S1.4.1971, or subsequent revisions. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York, 10018.

(h) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle.

(i) "Highway" means the streets, roads, and public ways in any State.

(j) "Interstate commerce" means the commerce between any place in one State and any place in another State or between places in the same State through another State, whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly by rail, express, or water.

(k) Motor carrier means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier of property by motor vehicle.

(l) "Motor vehicle" means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails.

(m) "Person" means any individual, firm, copartnership, corporation, company association, or joint-stock association and includes any trustee, receiver, assignee or personal representative thereof.

(n) "Private carrier of property by motor vehicle" means any person not included in terms "common carrier by motor vehicle" or "contract carrier by motor vehicle," who or which transports in interstate or foreign commerce by motor vehicle property of which such person is the owner, lessee, or bailee, when such transportation is for sale, lease, rent or bailment, or in furtherance of any commercial enterprise.

(o) "Sound level" means 20 times the logarithm to base 10 of the ratio of pressure of a sound to the reference pressure. The reference pressure is 20 micronewtons per square meter (2×10^{-4} microbar) per American National Standard S1.4.1971. This publication is available from the American National Standards Institute, Inc., 1430 Broadway, New York, New York, 10018.

(p) "Street" means any roadway in business, residential, or urban districts which is not an Interstate highway or legally designated truck route or approved truck detour.

(q) "Official traffic control device" means any traffic light, stop or yield sign, official or policeman.

The provisions of Subpart B shall become effective October 1, 1974.

Subpart B—Interstate Motor Carrier Operations Standards

§ 202.10 Applicability.

The provisions of Subpart B shall apply to any motor vehicle with a gross vehicle weight rating in excess of 10,000 pounds operated by a motor carrier in interstate commerce. These provisions apply to the total sound level emitted by a motor vehicle operated under the conditions specified.

§ 202.11 Standards for highway operations.

No person shall operate a motor vehicle of a type subject to this regulation at any time or under any condition of highway grade, lead, acceleration or deceleration in such a manner as to generate in excess of 86 dB(A) measured with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of 35 mph or less; or 90 dB(A) measured with fast meter response at 50 feet from the centerline of lane of travel on highways with speed limits of more than 35 mph. This section shall not be construed as limiting or precluding the enforcement of any other provisions of Subparts B and C of this part.

§ 202.12 Standards for Level Street Operations 35 mph or Under.

(a) Notwithstanding the provisions of § 202.11, no person shall operate a motor vehicle upon any street with a speed limit of 35 mph or less and grade not exceeding plus or minus 1 percent in such a manner as to exceed 80 dB(A) measured with fast meter response at 50 feet from the centerline of lane of travel.

(b) This section shall not apply within 200 feet of any intersection controlled by an official traffic control device or within 200 feet of the beginning or end of any grade in excess of plus or minus 1 percent. This section shall not apply when the vehicle flow is not at a constant rate of speed and traffic is congested and requires noticeable acceleration or deceleration.

§ 202.13 Standard for operation under stationary test.

(a) No person shall operate a motor vehicle which is powered by an engine with engine speed governor which generates more noise than 88 dB(A) measured with fast meter response at 50 feet from vehicle centerline when that engine is accelerated from idle with wide open throttle to govern speed with the vehicle stationary, transmission in neutral, and clutch engaged.

(b) This section applies to the total noise from the vehicle or combinations of vehicles excluding tire noise. It shall not be construed as limiting or precluding enforcement of any other provision of Subpart B of this part.

§ 202.14 Visual exhaust system inspection.

No person shall operate a vehicle which has no expansion chamber, resonator or noise dissipative device in the exhaust system or is not equipped with an exhaust gas driven turbocharger, except that gas driven turbochargers alone will not be adequate on vehicles equipped with an engine brake unless such person can show that no such device is needed to enable said vehicle to meet noise standards under Subpart B of this part. Exhaust system components shall be in constant operation and properly maintained. No exhaust system shall be equipped with a cutout, by-pass, or similar device.

§ 202.15 Visual tire inspection.

No motor vehicle shall be operated on tires at any time having tread pattern composed primarily of cavities in the tread (excluding sipes and local chunking or irregularities of wear) which are not vented by grooves to the tire shoulder or circumfrentially to each other around the tire, unless such vehicle equipped with such tires can be shown not to exceed noise standards under Subpart B of this part.

§ 202.16 Enforcement procedures.

Under separate rulemaking procedures, the U.S. Department of Transportation will establish specific procedures for enforcement of these standards. Minimum requirements for instrumentation, test sites, and other conditions necessary to insure uniformity and minimum accuracy in testing shall be so prescribed. Procedures for measurement of vehicle sound levels under conditions of varying distance (other than 50 feet) may be prescribed in which case the measurement procedures and sound level limits shall be established to be equivalent to the sound level limits established in this subpart measured at 50 feet.

Subpart C—Special Local Conditions Determinations

§ 202.20 Applicability.

The provisions of this Subpart C shall apply to any State or political subdivision thereof requesting authority to establish and enforce standards or controls on levels of environmental noise, or to control, license, regulate or restrict the use, operation or movement of any product where such standards, controls, licenses, regulations or restrictions are applicable to operations subject to this regulation in any way not identical to the provision of subpart B of this part.

§ 202.21 Application procedures.

Any State or political subdivision thereof requesting an administrative determination under section 18(c)(2) of the Act shall submit to the Administrator a detailed report delineating the special local conditions requiring consideration, how the proposal of the State or political subdivision thereof is not in conflict with Subpart B of this part and how the proposal interferes, if at all, with interstate commerce. The Administrator will publish, by December 31, 1973, a detailed report format for determination requests under this section.

[FR Doc.73-15500 Filed 7-26-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM74-1]

FUELS FOR NUCLEAR PLANTS

Report of Cost and Quality

JULY 19, 1973.

Take notice that, pursuant to 5 U.S.C. 553 and sections 202, 301, 304(a), 309 and 311 of the Federal Power Act, the Federal Power Commission proposes to amend Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 141.62, prescribing collection of fuel costs and quality determinants of fuel received at nuclear generating plants of electric utilities through proposed FPC Form No. 423-Nuclear.

On June 7, 1972, the Commission issued Order 453 in Docket No. R-432, which added a new § 141.61 to Title 18 of the Code of Federal Regulations prescribing a monthly reporting of cost and quality determinants of fuel for steam-electric plants of electric utilities. In that Order the Commission stated that the new FPC Form No. 423, thereby enacted, would "provide monthly information on the availability and cost of fossil fuels to electric utility companies for use in current analyses of the energy and fuel supply situation and the effects on the cost of electric power." The stated objective of the proposed Form No. 423 was to "provide timely data on a comparable basis for each type of fuel by quality determinants, thus facilitating the evaluation of developments in fuel supply which may affect the reliability of electric service, emergency preparedness, and the environmental improvement programs for the different air quality control regions in the United States." On August 3, 1972, the Commission issued an order denying rehearing in this matter.

The Commission's action in Docket No. R-432 was appealed to the United States Circuit Court of Appeals for the District of Columbia. National Coal Association v. Federal Power Commission, No. 72-1919, D.C. Cir., filed October 2, 1972. However, on May 14, 1973, the parties filed a joint motion to withdraw the appeal, which motion is pending before the Court. Subsequently, on the application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued Order Denying Petition for Amendment of the Commission's Regulations with Respect to Form No. 423, in Docket No. R-432. An order denying rehearing in this latter matter was issued on April 16, 1973, and has been appealed to the Circuit Court of Appeals. Alabama Power Company, et al. v. Federal Power Commission, No. 73-1436, D.C. Cir., filed April 25, 1973.

Concurrent with the proposed rulemaking in this Docket, the Commission has pending issuance of a notice for proposed rulemaking in Docket No. R-432 (a), which will also deal with expanding the reporting requirements under FPC Form No. 423. The thrust of both proposals is to incorporate under the Form No. 423 reporting requirements the collection of cost and quality data for fuels to be used in electric generating plants other than the steam-electric facilities presently covered in Form No. 423. Docket No. R-432(A) is intended to cover the elicitation of fuel cost data for fuel to be used in gas turbine and internal combustion engine generating units.

However, because the marketing of fuel for use in nuclear plants presents considerably different patterns and considerations from those associated with purchases for non-nuclear plants, the Commission has elected to treat the consideration of reporting by electric utilities of Form No. 423-type information for nuclear plants separately in the instant Docket. Electric utilities presently report annually their calculated total nuclear fuel cycle costs for individual plants on FPC Form 1, in accordance with the requirements established by the Uniform System of Accounts. However, unlike fossil fuel power production costs, the nuclear fuel cycle cost is not chiefly dependent upon the cost of raw fuel material; both the enrichment (separative) work and the fabrication of finished fuel elements are larger cost components. Enrichment costs are fixed by the Atomic Energy Commission, since it possesses the only enrichment facilities, and the price of fuel fabrication is set by competition between fuel fabricators in the market. Therefore, reporting of total nuclear fuel cycle costs on FPC Form 1 does not present a ready source of information on the actual cost of the raw fuel resources used by electric utilities.

The objective of the rulemaking proposed in this Docket is to obtain disclosure of the details of individual direct purchases by electric utilties of nuclear fuel material.[1] These direct purchases at present constitute about half of the total uranium ore purchases. They represent the component of total fuel cost most subject to market fluctuation. The Commission recognizes that a special analysis of each direct purchase or series of purchases would be necessary in order to determine overall fuel costs; however it believes that the purchase data will be directly useful in assessing the supply of primary energy for electric power.

In accordance with the above considerations, the Commission believes that the existing FPC Form No. 423 is inadequate for gathering data on nuclear fuel, and that a new format for the collection of this type of information is required. Therefore, the proposed new 18 C.F.R. § 141.62 will enact a separate reporting form, to be designated FPC Form No. 423-Nuclear, and Instructions thereto. See Attachment A. This proposal recognizes that it is more rational and better coordinated with the practices prevailing in the industry to garner the necessary cost and quality data at the time when an electric utility contracts to directly purchase U_3O_8 yellowcake ore or to supplement or amend an existing contract. As indicated before, there are various ways in which electric utilities contract to satisfy their nuclear fuel needs, and the Commission believes that proposed Form No. 423-Nuclear will enable it to track ore prices through utility direct purchase reporting. This method of reporting will not disclose the total quantities of ore sold because a large portion of the ore is sold in the first instance to non-jurisdictional sources, such as reactor manufacturers, nuclear fuel fabricators, etc. However, since direct utility purchases of U_3O_8 yellowcake presently represent about one-half the market for

[1] At the present time, the basic fuel material used in nuclear plants is U_3O_8 yellowcake; "nuclear fuel" as used in the present notice should be understood to refer to this basic ore resource.

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this substance in the United States and since yellowcake is a standard material, it is anticipated that reported prices should average very close to the total market average. Thus, it should be feasible to determine overall fuel material costs by means of electric utilities reporting their direct ore purchases in the manner proposed in this Docket.

The Atomic Energy Commission (AEC) has for many years obtained 100 percent reporting of yellowcake purchases from both producers and buyers, but on a voluntary basis and without prices. This information has been the basis for the AEC's annual report on uranium purchases. It is understood that the AEC is planning to add price information to the reporting so that it can track the average price trends annually. However, the AEC has agreed that it will not supply to other government agencies, without permission, the detailed purchase information voluntarily reported. Therefore, the AEC data will record the yearly average ore prices but will not reveal the details of individual direct purchases by electric utilities, the desired information which is the subject of the proposals in this Docket.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 4, 1973, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, N.E., Room 1000, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of proposals incorporated in this Docket, pursuant to 44 U.S.C. 3501–3511, may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendment. The staff, in its discretion, may grant or deny requests for conference.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A

FPC FORM 423–NUCLEAR—ELECTRIC UTILITY PURCHASES OF U_3O_8 YELLOWCAKE

(Illustrates information to be obtained but may not be the precise form used)

General instructions. This Form is designed to obtain data on the cost and quality of uranium ore (U_3O_8 yellowcake) purchases by electric utilities. The completed Form is due within 90 days from the date when:

(a) A new contract has been signed or an agreement reached for the delivery of yellowcake.

(b) An old contract or agreement with a supplier has been amended to reflect any material change in its terms.

(c) A spot purchase of yellowcake has been made.

The utilities reporting under this section shall further make reports within 15 days after every June 30th and every December 31 showing for the six month period ending on the above dates an aggregate composite of the information filed in Form No. 423–NUclear during said period.

Form No. 423-Nuclear

1. (a) Name of Company:
   Company Code:
   Address:
   (b) Name and Title of Reporting Company Official:
2. Type of Purchase: (Yellowcake)
   ☐ New Contract; Date of Contract
   ☐ Amended Contract; Date of Original Contract
   ☐ Spot Purchase;
   Date of Amendment
   Date of Purchase
3. Name and Address of Supplier (Yellowcake)
4. Quantity Acquired, in Lbs. of Yellowcake
5. Price, $ per pound
   (Report to the nearest one cent)
6. If the Terms of The Purchase Include an Escalation Clause Describe These Terms
7. Does your Company Have a Financial Interest in the Company Supplying the Yellowcake
   ☐ Yes ☐ No
8. If the Answer to Question 7 is Yes, Describe the Extent of the Interest.

[FR Doc.73-15413 Filed 7-26-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 217]

INTEREST ON DEPOSITS

Penalty for Early Withdrawals

The Board of Governors proposes to treat, as a payment of a time deposit before maturity, any amendment to the time deposit contract that results in either an increase in interest rate or a change in the maturity of the deposit. Such treatment would mean that the penalty for early withdrawals provided in Regulation Q would apply at the time of any such amendment to the contract.

To aid in the consideration of the matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 13, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

To implement its proposal, the Board proposes to amend § 217.4(d) of its Regulation Q (12 CFR Part 217) by adding a new sentence at the end thereof to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty for early withdrawals.* * * * Any amendment of a time deposit contract that results in an increase in the rate of interest paid or in a change in the maturity of the deposit constitutes a payment of the time deposit before maturity.

* * * * *

By order of the Board of Governors, July 24, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15540 Filed 7-26-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

[Releases No. 34-10262, SIPA-4]

Broker-Dealer Registration Application Form; Submission of Certain Information Regarding Past Liquidations

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed amendments to Form BD (17 CFR 249.501), the form of application for registration as a broker-dealer (or amendment to such application) under section 15(b) (15 U.S.C. 78o (b)(1)) of the Securities Exchange Act of 1934. The amendments would be adopted pursuant to section 15(b) and section 23(a) (15 U.S.C. 78w (a)) of the Securities Exchange Act of 1934 and section 10(b) (15 U.S.C. 78jjj (b)) of the Securities Investor Protection Act of 1970 ("SIPC Act").

The purpose of the proposed amendments would be to add a new paragraph (k) to Item 16 and to make certain technical changes discussed below. New paragraph (k) would inquire whether the Applicant, Registrant, or any of certain associated persons has ever been an officer, director, general partner, ten percent shareholder or controlling person of a broker or dealer for whom a trustee has been appointed under the SIPC Act. Under section 10(b) of the SIPC Act the Commission may by order bar or suspend for any period such persons after notice and opportunity for hearing if the Commission finds it to be in the public interest.

The Commission has found that many of the failures of broker-dealers which have resulted in the appointment of a SIPC trustee have involved a gross failure to maintain proper books and records and substantial violations of the financial responsibility rules. It would be the purpose of the amendment to Item 16 to detect an attempt on the part of persons responsible for such violations

to effect a re-entry so that the Commission could initiate a proceeding to determine whether any remedial action would be appropriate.

The text of proposed new paragraph (k) is as follows:

16. State whether the Applicant or Registrant, any person named in Items 12, 13, 14 and 15 or any Schedule thereunder or any other person directly or indirectly controlling or controlled by the Applicant or Registrant, including any employee:

* * * * *

(k) Has been associated at any time as an officer, director, general partner, or owner of 10 percentum or more of the voting securities or has at any time directly or indirectly through agreement or otherwise exercised or had the power to exercise a controlling influence over the management or policies of a broker or dealer for whom a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970.

Yes [ ] No [ ]

The Commission also has under consideration a number of technical changes in the Form. These changes are, in the main, for the purpose of obtaining additional data from Applicants or Registrants or updating wording which is obsolete. The following items on the Form would be changed or added:

Item 2—This item requests the "Full name of Applicant or Registrant" which is intended to be the name of the broker-dealer. The item then states, "If individual state last, first, middle name." This has proven confusing since many times the person preparing the Form thought the item requested his name to be listed thereunder. The language would be amended to read, "If sole proprietor, state last, first, middle name."

Item 5—Item 5 would be amended to request the telephone number of the Applicant or Registrant which is not included on the present Form.

Item 7—Item 7 would be amended to clarify the language inquiring whether the Applicant or Registrant is a successor to another broker-dealer and to add paragraph (b) inquiring whether the Applicant or Registrant has merged with or acquired another broker-dealer.

Item 20—Item 20 would be amended to update the list of registered national securities exchanges.

Item 22—Item 22 requests information as to the type of business which would be conducted. The instruction to paragraph (q) regarding "Any other securities activity" requests that the Applicant or Registrant "Specify below." There is no longer sufficient room where details can be furnished on that page so the instruction would be amended to read "Give details on Schedule E."

Item 23—Item 23 on the Form would be revised to require the broker-dealer to state under new paragraph (c) whether the firm is registered or to be registered as an investment adviser. This corresponds to Form ADV (Registration as an Investment Adviser) which requires the firm to indicate whether it is also registered as a broker-dealer.

These changes would be prospective only and re-registration would not be required of existing broker-dealers. However, if a broker-dealer knows or has reason to know that the answer to proposed Item 16(k) on or after the effective date of these amendments is "Yes," an immediate amendment to the Form would be required.

Copies of proposed amended Form BD have been filed as a part of this document with the Office of the Federal Register and additional copies are available upon request from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit their views and comments on the proposal in writing on or before August 27, 1973, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. All such communications shall bear the File No. S7–485 and will be available for public inspection.

(Secs. 15(b), 23(a), 48 Stat. 895, Sec. 3, 49 Stat. 1377, Sec. 6, 78 Stat. 570, 15 U.S.C. 78o (b), 78w, Sec. 10(b), 86 Stat. 1651, 15 U.S.C. 78jjj(b)).

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JULY 3, 1973.

[FR Doc.73-15478 Filed 7-26-73;8:45 am]

V 38 144 JUL 27 73 XUM

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Anderson, David E., 1920 20th Street, Lyons, Oregon, convicted on March 24, 1970, in the Superior Court of the State of Washington.

Anderson, Leonard, 798 N. Washington, Saginaw, Michigan, convicted on August 19, 1953, for the Eastern District of Michigan, Northern Division.

Bartley, Alan K., 2203 South Third Avenue, Yakima, Washington, convicted on November 4, 1970, in the Superior Court of the State of Washington in and for Yakima County.

Becker, Edwin M., Jr., 6400 Kenilworth, Austin, Texas, convicted on May 5, 1960, in the District Court of Travis County, Texas.

Bittner, Ronald L., 2210 East Mission Avenue, Escondido, California, convicted on August 23, 1960, by the Superior Court, San Diego, California.

Bosse, James Lincoln, 917 North Avenue, Aurora, Illinois, convicted on February 15, 1961, in Corporation Court, Norfolk, Virginia.

Boyd, Robert A., 1130 East 51st Street, Tacoma, Washington, convicted on September 29, 1969, by the Superior Court of the State of Washington, Pierce County.

Brooks, Clemy, 1265 South Main Street, Apartment #19, Seattle, Washington, convicted on January 7, 1960 by the Western District Court, Tacoma, Washington.

Campbell, Terry, Michael, 217 White Drive, Apt. F-1, Tallahassee, Florida, convicted on June 9, 1969, in the United States District Court, Southern District of Texas.

Cantor, Raleigh, Jr., 1353 Gilmer Drive, Salt Lake City, Utah, convicted on January 18, 1946, Division 1, Criminal Court of Marion County, in the City of Indianapolis, Indiana, and on May 16, 1947, in Mohave County Superior Court.

Cassidy, James M., 35 West El Campo Street, Stockton, California, convicted on or about January 21, 1969, before a general court-martial which convened at Fort Bragg, North Carolina.

Chew, Jay Dee, 2020 Tyler, Joplin, Missouri, convicted on January 18, 1971, in the Circuit Court of Jasper County, Missouri.

Chierico, Michael P., 1651 Metropolitan Avenue, Bronx, New York, convicted on March 21, 1932, in Queens Supreme Court, Queens County.

Cipriani, Earl P., 1035 Argonne Road, South Euclid, Ohio, convicted on June 18, 1970, in United States District Court for Northern District of Ohio.

DeMeo, Louis M., 13512 Fifth Street, S.W., Seattle, Washington, convicted on March 5, 1949, in Superior Court of the State of Washington.

Deuel, Harold V., 5071 South 4420 West, Kearns, Utah, convicted on February 22, 1971, Third District Court, State of Utah.

Durbin, Harvey J., Jr., 910 Austin Street Apt. H, Pasadena, Texas, convicted on November 7, 1962, District Court of Pecos County, Texas.

Edwards, Kenneth M., 2312 South Francis, Port Angeles, Washington, convicted on January 21, 1958, in Superior Court, King County, Washington, and on December 28, 1970, in Superior Court, Clallam County, Washington.

Elfring, Lanny Ross, 778 Polk Street, Eugene, Oregon, convicted on March 13, 1961 and March 21, 1966, in Circuit Court, 4th Judicial Circuit, Davidson County, Mitchell, South Dakota.

Englert, Harry Lee, 13 W. Elwood Street, Ridgefarm, Illinois, convicted on November 23, 1962, in the 5th Judicial Circuit Court, Danville, Illinois.

Fuller, Albert D., 2439 Chiquita Lane, Thousand Oaks, California, convicted on May 29, 1944, in Knox County Circuit Court, Vincennes, Indiana.

Garrett, Jesse N., 1315 Cedar Street, Lewiston, Idaho, convicted on February 12, 1963, in the District court of the Tenth Judicial District of the State of Idaho.

Gassert, Joseph H., Jr., Fredericksburg, Pennsylvania, convicted on February 22, 1971, in United States District Court for Middle District of Pennsylvania.

George, John W., 7091 Rouge River Highway, Grants Pass, Oregon, convicted on September 5, 1968, in the Superior Court of the State of California for the County of Los Angeles.

Gourley, Kenneth E., R.D. #1, Strattanville, Pennsylvania, convicted on January 21, 1972, in the Court of Common Pleas of Clarion County, Pennsylvania.

Hassen, Robert N., 360 Taylor Avenue, N.W., Apartment No. 214, Renton, Washington, convicted on October 31, 1968, by the Superior Court of King County, Washington.

Hawkins, Phillip, 7469 Diven Street, Norfolk, Virginia, convicted on September 23, 1952, in Vance County Superior Court, North Carolina, on February 4, 1953, in Lauderdale County Circuit Court, Mississippi, on January 17, 1961, in Vance County Superior Court, North Carolina, and on March 18, 1965, in Virginia Beach Circuit Court, Virginia.

Hooks, Andrew J., 5211 Sandusky Road, Lima, Ohio, convicted on January 13, 1965, in the Lima, Ohio, Municipal Court.

Howland, Gary L., Box 226, McCall, Idaho, convicted on October 30, 1967, in the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, and on May 14, 1970, in the District Court of Fourth Judicial District of State of Idaho, in and for the County of Ada.

Hutchinson, Willie R., P.O. Box 1152, Toledo, Ohio, convicted on February 5, 1971, in the United States District Court, Northern Division, Ohio.

Hyatt, William C., 1265 Lingle Avenue, Flint, Michigan, convicted on November 14, 1950, in the United States District Court, Western Division, North Carolina.

Kovar, Rudy, Jr., 1206 Kimbro Street, Taylor, Texas, convicted on January 17, 1967, in the District Court of Travis County, Texas.

Lamotta, Joseph C., 4014 69th Street, Urbandale, Iowa, convicted on September 21, 1939, in Polk County District Court, Des Moines, Iowa.

Lindsey, Ray Scott, 3825 64th Avenue, Landover, Maryland, convicted on July 7, 1969, Montgomery Circuit Court, Montgomery County, Maryland, and on September 18, 1970, in the United States District Court, Judicial District of Maryland.

Mapes, Jerry W., R. R. 1, Dallas Center, Iowa, convicted on September 15, 1965, in Dallas County District Court, Adel, Iowa.

Martin, Marshall Gates, Route 5, Martinsville, Virginia, convicted on September 13, 1957, in the United States District Court, Danville, Virginia, and on December 3, 1957, December 15, 1960, and December 27, 1961, in United States District Court, Greensboro, North Carolina.

Micoletti, Fred A., 626 Forbes Street, East Hartford, Connecticut, convicted on or about April 11, 1950, in the Superior Court of Hartford, Hartford, Connecticut.

Miller, Clayton Eugene, 306 South Enola Drive, Enola, Pennsylvania, convicted on May 9, 1961, in Court of Oyer and Terminer of Perry County, Pennsylvania, on May 12, 1961, in the Court of Oyer and Terminer of Cumberland County, Pennsylvania, on May 29, 1961, in Court of Oyer and Terminer, York County, Pennsylvania, and on September 12, 1961, in Court of Oyer and Terminer of Adams County, Pennsylvania.

Mulcahey, Clifford, Sr., 3140—57th Street, Box 93, Pennville, Michigan, convicted on January 25, 1972, in the Circuit Court for the County of Van Buren, Village of Paw Paw, Michigan.

Nedley, Paul J., 24812 Templar Avenue, Southfield, Michigan, convicted on February 21, 1938, in the Circuit Court, Oakland County, Michigan.

O'Dell, Robert E., Route 1, Box 134, Independence, Oregon, convicted on August 4, 1970, in the Circuit Court, State of Oregon for Polk County, Oregon.

Paderick, Harold D., P.O. Box 223, Troutville, Virginia, convicted on October 14, 1969, in the Circuit Court, Botetourt County, Virginia.

Pearson, John L., 1740 Beaver Place, Anchorage, Alaska, convicted on November 21, 1969, in the Circuit Court of Dane County, Madison, Wisconsin.

Pearsons, Donald Norris, Box 21, Council, Idaho, convicted on October 29, 1957, in Orange County Municipal Court, Orange County, Vermont.

Pekar, David A., 113 Franklin Street, Taylor, Texas, convicted on January 17, 1967, District Court, Travis County, Texas.

Ralston, Jerry L., RD #1, Slippery Rock, Pennsylvania, convicted on October 5, 1970, Court of Common Pleas, Butler County, Pennsylvania.

Scheibley, Ralph J., 931 Almaden Avenue, Sunnyvale, California, convicted on March 7, 1969, by the District Court of the Second Judicial District, Weber County, Ogden, Utah.

Sommer, Frank, 27582 Capri Avenue, Hayward, California, convicted on March 26, 1957, Alameda County Superior Court, California, on October 1, 1957, in San Francisco Superior Court, and on or about September 15, 1959, in Superior Court, Alameda County, California.

Spiegel, Inc., 1061 West 35th Street, Chicago, Illinois, convicted on November 17, 1972, in the United States District Court for the District of Columbia.

Stover, Luther W., Route 6, Box 313, Charleston, West Virginia, convicted on June 22, 1953, in Kanawha County Court, West Virginia.

Strong, Floyd, 2135 Myrtle Avenue, Long Beach, California, convicted on September 6, 1944, in the Tenth Judicial District of Alabama, Jefferson County, Alabama.

Ward, Luther, Box 226, Wallins, Kentucky, convicted on November 26, 1946, and April 6, 1959, in the United States District Court, London, Kentucky.

Wenger, Charles A., 1212 4th Avenue, S.E., Cedar Rapids, Iowa, convicted on June 26, 1970, in Linn County District Court, Iowa.

Werth, Alvin J., Route #2, Box 99, Hays, Kansas, convicted on or about February 5, 1952, in District Court of Ellis County, Kansas.

Wheet, Harold A., Louisville, Kentucky, convicted on September 17, 1946, in the 13th Judicial District of Oklahoma, Oklahoma County, Oklahoma.

Young, Carlton, 1646 West Grand Boulevard #36, Detroit, Michigan, convicted on or about March 27, 1926, in Recorder's Court, Detroit, Michigan.

Signed at Washington, D.C., this 20th day of July 1973.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.73-15477 Filed 7-26-73;8:45 am]

Office of the Secretary

PRIMARY LEAD METAL FROM CANADA

Withholding of Appraisement Notice

Information was received on February 16, 1973, that primary lead metal from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of March 16, 1973, on page 7130. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to, or likelihood of injury to, or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162), of primary lead metal from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau of Customs tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes.

Accordingly, the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of a delivered, duty paid price, with deductions for a discount, Canadian and U.S. freight, U.S. duty, and a sales commission.

Adjusted home market price will probably be calculated on the basis of a weighted-average of delivered prices in the home market with deductions for freight, selling expenses, sales commissions and discounts, where appropriate. Adjustments will probably be made for credit terms.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of primary lead metal from Canada in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, N.W., Washington, D.C. 20229, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the Federal Register. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than August 27, 1973.

This notice, which is published pursuant to section 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective July 27, 1973. It shall cease to be effective January 28,1974, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

JULY 20, 1973.

[FR Doc.73-15595 Filed 7-26-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 06978]

CALIFORNIA

Order Opening National Resource Lands

JULY 19, 1973.

1. Public Land Order No. 4741 of November 6, 1969, revoked Executive Orders of November 11, 1901 and April 30, 1902, which withdrew the following described national resource lands for lighthouse purposes:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 18 W.,
Sec. 29, SW¼;
Sec. 30, SE¼;
Sec. 32, Lot 4 and NW¼NW¼.

The area described aggregates 398.04 acres in Los Angeles County.

2. Pursuant to the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director effective January 12, 1972 (37 FR 491), it is ordered as follows:

3. At 10 a.m., on August 27, 1973, the lands shall be open, subject to valid existing rights, to permit the granting only of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Los Angeles County, California, for the construction of a public highway as delineated on the map filed with the Bureau of Land Management and designated "County Road No. R-6910, Kimberly Canyon Road (Dume-Canyon Road 3-11)".

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-15439 Filed 7-26-73;8:45 am]

MONTICELLO DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Monticello District Six Advisory Board will hold a business meeting on August 16, 1973, commencing at 9:00 a.m. at the Monticello District Office Conference Room, Monticello, Utah. The agenda for the meeting will include consideration of grazing applications, exchange of use applications, applications to transfer grazing privileges, range improvement program for 1974, and any other business that should be considered by the Board.

The meeting will be open to the public.

The Advisory Board Chairman is Kenneth S. Summers, P.O. Box 1147, Monticello, Utah 84535.

Dated: July 20, 1973.

FRANK C. SHIELDS,
District Manager.

[FR Doc.73-15432 Filed 7-26-73;8:45 am]

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National Park Service

ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a special meeting of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on August 7 and 8, 1973, in Room 8070, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System, and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Dr. Melvin M. Payne (Chairman), Washington, D.C.
Mrs. Lyndon B. Johnson (Vice Chairman), Stonewall, Texas.
Mr. Peter C. Murphy, Jr. (Secretary), Springfield, Oregon
Honorable E. Y. Berry
Rapid City, South Dakota
Dr. A. Starker Leopold
Berkeley, California
Mr. Laurence W. Lane, Jr.
San Francisco, California
Mr. Linden C. Pettys
Ludington, Michigan
Mr. Steven L. Rose
Arcadia, California
Capt. Walter M. Schirra, Jr.
Englewood, Colorado
Dr. Douglas W. Schwartz
Santa Fe, New Mexico
Dr. William G. Shade
Charlottesville, Virginia

The purpose of the meeting is to receive a report on proposals arising out of the implementation of the Alaska Native Claims Settlement Act. The Advisory Board will also consider two proposals for National Historic Landmark eligibility, Cape Krusenstern, Alaska, and Moanalua Valley, Hawaii.

The meeting will be closed to the public. The Secretary of the Interior has made a determination in accordance with section 10(d) of the Federal Advisory Committee Act that the meeting will involve matters exempt from public disclosure under the provisions of 5 U.S.C. 552(b). However, any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed.

Persons desiring further information concerning this meeting or who wish to file written statements, may contact Robert M. Landau, Director, Office of Advisory Commissions, National Park Service, Washington, D.C., at 202-343-8953.

A report of the meeting will be prepared in accordance with the provisions of the Federal Advisory Committee Act.

Dated: July 19, 7973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-15449 Filed 7-26-73;8:45 am]

BLUE RIDGE PARKWAY

Notice of Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965; (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Crafts of Nine States, Inc., authorizing it to provide concession facilities and services for the public on the Blue Ridge Parkway for a period of 5 years from January 1, 1974, through December 31, 1978.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before August 27, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated July 20, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-15446 Filed 7-26-73;8:45 am]

[Order No. 2]

ADMINISTRATIVE OFFICER, ANTIETAM-C & O CANAL GROUP

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 1 (30 FR 7765).

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972).

Dated: June 29, 1973.

WILLIAM R. FAILOR,
Superintendent.

[FR Doc.73-15447 Filed 7-26-73;8:45 am]

[Order No. 2]

ADMINISTRATIVE OFFICER, CATOCTIN MOUNTAIN PARK, MD.

Delegation of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes Order No. 1 (28 FR 3091), Amendment No. 1 (30 FR 6883), and Amendment No. 2 (30 FR 14279).

(National Park Service Order No. 78 (38 FR 10477) dated April 27, 1973; National Capital Parks Order No. 5 (37 FR 14892) dated July 26, 1972).

Dated: June 21, 1973.

FRANKLIN D. PRIDEMORE,
Superintendent.

[FR Doc.73-15448 Filed 7-26-73;8:45 am]

Office of the Secretary

[INT DES 73-45]

OUTER CONTINENTAL SHELF OFFSHORE CALIFORNIA

Santa Ynez Unit, Santa Barbara Channel; Availability of Draft Environmental Impact Statement and Public Hearings Regarding Proposed Development

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement on the proposed oil and gas development by Exxon Company—U. S. A. of the 17 leases comprising the Santa Ynez Unit Area on the Outer Continental Shelf, Santa Barbara Channel, off the coast of California. The proposed oil and gas development, the impact of which is described in the draft, includes a drilling and production platform in 850 feet of water, an oil and a gas pipeline to a new onshore treatment and storage facility, modification of an existing marine terminal, and an offshore treatment and storage facility as an alternative to the proposed onshore facility.

The draft environmental statement is available for public review in the following U.S. Geological Survey Public Inquiries Offices: Room 7638, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012; Room 504, Custom House, 555 Battery Street, San Francisco, California 94111; U.S. Geological Survey Library, 345 Middlefield Road, Menlo Park, California 94025; Room 1012, Federal Building, Denver, Colorado 80202; and Map Information Office, Room 1040, GSA Building, 1800 F. Street, NW., U.S. Geological Survey, Washington, D. C. 20244. The draft statement will also be available for public review at the Santa Barbara City library, Anapamu and Anacapa Streets, Santa Barbara, California.

Copies of the three-volume statement are available for purchase from the Los Angeles and Washington, D.C. offices at $5.00 per set.

A public hearing will be held beginning at 9 a.m. p.d.t. on August 28, 1973, in Santa Barbara High School Auditorium, 700 East Anapamu Street, Santa Barbara, California for the purpose of receiving comments and suggestions relating to the proposed plan of development of the Santa Ynez Unit. The hearing has been scheduled to extend through August 30 if necessary. Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to so inform, in writing, the Area Oil and Gas Supervisor, U.S. Geological Survey, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, by 4 p.m. p.d.t., August 21, 1973.

Time limitations make it necessary to limit the length of oral presentations to 10 minutes. Exceptions to this time limitation may be authorized for the proponent of the plan of development (for the purpose of fully explaining the proposal) and to other persons presenting testimony who represent more than one group or organization if a formal request is presented to the Area Oil and Gas Supervisor prior to 4 p.m. p.d.t., August 21, 1973. Oral testimony may be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral testimony. Written statements presented in person at the hearing and supplemental materials submitted by September 11, 1973, to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244, will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral testimony by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

Written comments from those unable to attend the hearing should be addressed to the Director, U.S. Geological Survey, U.S. Department of the Interior, Washington, D.C. 20244. The Department will accept written comments on the draft environmental impact statement until September 11, 1973. This will allow ample time for those unable to testify at the hearing to make their views known. Written comments on the draft environmental impact statement will be considered for inclusion in the final statement.

The hearing will provide the Department with additional information from both the public and private sectors to help evaluate fully the potential effects of the proposed development on the total environment aquatic resources, aesthetics, recreation and other resources in the Santa Barbara Channel Area. The hearing will also provide the Department, under section 102(2)(C) of the National Environmental Policy Act of 1969, the opportunity to receive additional comments and views of interested State and local agencies.

After all testimony and comments have been received and analyzed, a final environmental statement will be prepared.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

JULY 23, 1973.

[FR Doc.73-15450 Filed 7-26-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SITGREAVES NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Sitgreaves National Forest Grazing Advisory Board will meet at 9 a.m. on August 31, 1973, in the Chevelon Ranger District Office, Winslow, Arizona.

The purpose of the meeting is to discuss and view current range management practices and improvement construction on the Chevelon Canyon and Wallace Allotments. The allotments are being converted from sheep to cattle use, thus requiring a significant amount of fence construction and water development.

The meeting will be open to the public. Persons who wish to attend may contact:

Mr. Irving Gibson, Chairman, Sitgreaves Grazing Advisory Board c/o Halter Cross Ranch Heber, Arizona. Phone No. 535-4603 or Forest Supervisor Sitgreaves National Forest P.O. Box 908 Holbrook, Arizona Phone No. 524-6236

The Grazing Board has established the following rules for public participation

1. Those wishing to make a verbal statement are to submit written documentation and state the amount of time required to present the topic.

2. The information is to be received by the Chairman or Secretary of the Board not less than seven days prior to the meeting. Their addresses are shown above.

3. The Chairman and Secretary of the Board will review all requests and inform each participant of the time allotted for their presentation.

Dated: July 18, 1973.

J. N. CRAIG,
Acting Forest Supervisor.

[FR Doc.73-15425 Filed 7-26-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MICHIGAN STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 16, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issued of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00014-01-77040. Applicant: Michigan State University, Department of Biochemistry, East Lansing, Michigan 48823. Article: Mass Spectrometer, Mode CH-5DF and accessories. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article will be used at a mass spectrometry service facility to provide mass spectra of minute samples of various compounds at resolution sufficiently high to enable exact ionic and molecular formulae to be assigned. In addition, high resolution abundance determinations will be performed on some of these compounds. Advantage will be taken of field desorption, field ionization and stable isotope labeling techniques to provide the data needed for investigators in a variety of disciplines. Types of compounds typically submitted include: lipids, steroids and steroid metabolites, drugs and drug metabolites, pheromones and hormones, oligosaccharides, antibiotics, antifungals, pesticides, terpines, simple and complex aliphatic and aromatic compounds, organometallics, amino acids and derivatives, early products of photosynthesis, peptides, and nucleosides and related compounds. Experiments to be conducted involve computer interactive high resolution mass spectra to determine molecular and ionic formulae; oligosaccharides sequencing at high resolution; monitoring of selected ions within a limited mass range at high resolution during the elution of a peak from the gas chromatograph into the ion source, using static measurements to maximize the potential of the system with computer control of the magnetic and electric sectors as well as accelerating voltage; computer controlled multiple ion detection for high resolution field desorption mass spectrometry; field desorption applications at medium to high resolution with computer aquisition and reduction of data; experiments involving computer interaction to measure the variables produced by energetic, magnetic and electrostatic changes in the mass spectrometer to stabilize these variations or remove their effects on the measured ion intensities; and daughter ion analysis for determination of fragmentation pathways to study kinetics of certain unimolecular ionic reactions.

The article will also be used to train professional and graduate students in the following courses: Bioch. 801, Biochemical Methods of Analysis; Bioch. 806, Special Laboratory Projects in Mass Spectrometry; Bioch. 961, Theory and Applications of Mass Spectrometry; Bioch. 855, Special Research Topics; and Bioch 999, Thesis Research. Application received by Commissioner of Customs: July 2, 1973.

V38-144 JUL 27 73 XUM

Docket Number: 74–00015–33–46070. Applicant: American Red Cross Blood Research Lab., 9312 Old Georgetown Road, Bethesda, Maryland 20014. Article: Scanning Electron Microscope, Model MSM–2T. Manufacturer: Akashi Seisakusho, Japan. Intended use of article: The article will be used as an essential tool in a series of experiments involving a variety of biogolical materials and exemplified by such studies as platelet adhesion to colagen, the role of surface macromolecules in the control of cell behavior, the antigenic nature of the surface of blood cells, the nature of freezing injury in a variety of materials including beating heart cells and in studies on age related morphological changes in the cellular components of blood. Application received by Commissioner of Customs: July 5, 1973.

Docket Number: 74–00016–33–46040. Applicant: Marine Biomedical Institute, 200 University Boulevard, Galveston, Texas 77550. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is to be used in the study of the mammalian ventral root, a tissue consisting primarily of myelinated and unmyelinated axons, in which previously unsuspected unmyelinated fibers undoubtedly important in human disease have been found. The study will be conducted by performing selective surgical ablations in model mammals such as the cat or monkey and examining the ventral root in the electron microscope to see where the fibers are coming from. Application received by Commissioner of Customs: July 5, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73–15480 Filed 7–26–73;8:45 am]

UNIVERSITY OF TEXAS ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the section is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

• • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket number: 71–00429–38–67200. Applicant: University of Texas at Austin, 211 Mezes Hall, Dept. of Psychology, Austin, Texas 78712. Article: Psychological testing apparatus. Date of denial without prejudice to resubmission: April 26, 1971.

Docket number: 72–00426–65–01100. Applicant: North Carolina State University (Raleigh), NCSU Minerals Research Laboratory, Asheville, North Carolina 28801. Article: Warman Cyclosizer. Date of denial without prejudice to resubmission: March 28, 1973.

Docket number: 73–00157–91–32500. Applicant: University of Georgia, Botany Department, Athens, Georgia 30601. Article: InfraRed Gas Analyser, Model SB2. Date of denial without prejudice to resubmission: March 5, 1973.

Docket number: 73–00192–00–46500. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, California 94121. Article: Diamond Knife for LKB Microtome, 2 mm edge. Date of denial without prejudice to resubmission: March 7, 1973.

Docket number: 73–00200–33–46040. Applicant: DHEW, PHS, HSMHA, Viral Oncology Laboratory, Center for Disease Control, 1600 Clifton Road, N.E. Atlanta, Georgia 30333. Article: Electron Microscope, Model EM 201. Date of denial without prejudice to resubmission: March 7, 1973.

Docket number: 73–00215–99–46070. Applicant: Tulane University, 6823 St. Charles Avenue, New Orleans, Louisiana 70118. Article: Scanning Electron Microscope, Model SS 600. Date of denial without prejudice to resubmission: March 15, 1973.

Docket number: 73–00223–33–71200. Applicant: Temple University, Broad and Montgomery Streets, Philadelphia, Pennsylvania 19122. Article: Freeze-drying Plant, Type FT–1 and accessories. Date of denial without prejudice to resubmission: March 28, 1973.

Docket number: 73–00239–33–46595. Applicant: University of California, Facility for Advanced Instrumentation, Davis, California 95616. Article: Pyramitome, LKB 11800. Date of denial without prejudice to resubmission: March 15, 1973.

Docket number: 73–00243–33–46070. Applicant: Texas Tech University, Department of Biology, Lubbock, Texas 79409. Article: Scanning Electron Microscope, Model S4. Date of denial without prejudice to resubmission: March 19, 1973.

Docket number: 73–00257–33–46595. Applicant: Baylor College of Medicine, Department of Ophthalmology, 1200 Moursund Avenue, Houston, Texas 77025. Article: LKB 11800–1 Pyramitome. Date of denial without prejudice to resubmission: March 28, 1973.

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73–15479 Filed 7–26–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9149; Docket No. FDC–D–334; NDA 9–149 etc.]

CERTAIN CHLORPROMAZINE PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

The Food and Drug Administration published an announcement in the FEDERAL REGISTER of April 3, 1971 (36 FR 6447) and an amendment on November 2, 1971 (36 FR 20997), regarding the efficacy of the following chlorpromazine preparations, among other drugs.

NDA 9–149 Thorazine Tablets, Concentrate, Injection, Syrup; and NDA 11–120 Thorazine Spansules, all marketed by Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101.

Based upon reevaluation of the drug and review of new data submitted, the following indications are reclassified from probably effective to effective:

For the control of the manifestations of the manic type of manic depressive illness; and for the relief of intractable hiccups.

Other indications previously classified as probably effective or possibly effective will be the subject of future FEDERAL REGISTER notices.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–15464 Filed 7–26–73;8:45 am]

[DESI 50127; Docket No. FDC–D–657; NDA 50–127]

PHTHALYLSULFATHIAZOLE AND NEOMYCIN SULFATE

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice (DESI 50127) published in the FEDERAL REGISTER of May 13, 1970 (35 FR 7466), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparation:

Neothalidine Granules containing phthalylsulfathiazole and neomycin sulfate; Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486 (NDA 50–127).

The notice stated that the drug was regarded as possibly effective for its labeled recommendations for use in preparation of patients for surgery of the intestinal tract; maintenance of low intestinal bacteria count postoperatively; and prevention of development of neomycin-resistant strains of *Aerobacter aerogenes.*

In response to the notice, Merck submitted one controlled study of eighty healthy human subjects comparing the variety and numbers of colonies from stool cultures following treatment with Neothalidine Granules, neomycin sulfate, phthalylsulfathiazole, and a placebo. The data submitted failed to demonstrate a significant difference between the effectiveness of the combination and the effectiveness of neomycin sulfate alone. The component phthalylsulfathiazole has not been shown to make a significant contribution to the claimed effects or to enhance the safety or effectiveness of neomycin used alone. The fixed combination therefore does not comply with the requirements of 21 CFR 3.86 Fixed-Combination Prescription Drugs for Humans, and accordingly the Commissioner concludes that the combination neomycin sulfate and phthalylsulfathiazole lacks substantial evidence of effectiveness for the labeled indications.

Batches of the drug are no longer acceptable for release. There is no antibiotic drug regulation which provides for certification of the combination containing phthalylsulfathiazole and neomycin sulfate.

Any person who will be adversely affected by this action may, on or before August 27, 1973, petition for the issuance of a regulation providing for certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 23, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–15463 Filed 7–26–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–113]

ILLINOIS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Illinois, dated April 27, 1973, and published May 3, 1973 (38 FR 11013); amended May 4, 1973, and published May 10, 1973 (38 FR 12260); amended May 14, 1973, and published May 18, 1973 (38 FR 13063); amended May 30, 1973, and published June 5, 1973 (38 FR 14800); and amended July 3, 1973, and published July 11, 1973 (38 FR 18479), is hereby further amended to include the following county among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1973:

The county of:
DeKalb

Dated: July 20, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73–15466 Filed 7–26–73;8:45 am]

[Docket No. NFD–114]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated June 13, 1973, and published June 19, 1973 (38 FR 15995); amended June 14, 1973, and published June 20, 1973 (38 FR 16113); amended June 28, 1973, and published July 5, 1973 (38 FR 17885); and amended July 3, 1973, and published July 10, 1973 (38 FR 18407), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 13, 1973:

The counties of:
Le Flore
Mayes

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: July 20, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73–15467 Filed 7–26–73;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the regular quarterly meeting of the Advisory Council on Historic Preservation, August 1–2, 1973, at 9:30 a.m., in the Conference Room (410) of the National Archives, 8th and Pennsylvania Avenues, NW., Washington, D.C. The meeting will be open to the public. Agenda and further information are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, NW., Washington, D.C. 20005. (202–254–3974).

Dated: July 11, 1973.

ROBERT R. GARVEY,
Executive Secretary.

[FR Doc.73–15453 Filed 7–26–73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

JULY 24, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on August 7, 1973, in Room 1062, at 1717 H Street, NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed Regulatory Guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the purpose of the meeting will be

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to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-15541 Filed 7-26-73;8:45 am]

OCCUPATIONAL HEALTH GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in Division 8 ("Occupational Health Guides") of the Regulatory Guide series. The new guide is Regulatory Guide 8.8, "Information Relevant to Maintaining Occupational Radiation Exposures As Low As Practicable (Nuclear Reactors)".

Regulatory Guides are developed to describe and make available to the public methods acceptable to the Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents. Some guides also provide guidance to applicants concerning information needed by the staff in the review of applications for permits and licensees.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 8 Regulatory Guides currently being developed include the following:

Bioassay for Uranium
Respiratory Protection
Dosimetry for Criticality Accidents
Criticality Accident Alarm System
Surface Contamination
(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 23d day of July 1973.

For the Atomic Energy Commission.
LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-15460 Filed 7-26-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24353]

MAINLAND U.S.-PUERTO RICO/VIRGIN ISLANDS FARES

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on September 20, 1973, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 24, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-15504 Filed 7-26-73;8:45 am]

[Docket No. 23080-1]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding involving final domestic service mail rates for the period December 12, 1970-March 27, 1973, will be held on September 18, 1973, at 10:00 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to the supplemental prehearing conference report, served in Docket 23080 on April 17, 1973, Order 73-7-29, served July 10, 1973, and other documents in Dockets 23080, 23080-1 and 23080-2 on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 23, 1973.

[SEAL] HARRY H. SCHNEIDER,
Administrative Law Judge.

[FR Doc.73-15502 Filed 7-26-73;8:45 am]

[Docket No. 24421]

SERVICE TO SAIPAN CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on September 12, 1973, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 24, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc. 73-15503 Filed 7-26-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal from Warehouse for Consumption

JULY 19, 1973.

On May 30, 1973, the Governments of the United States and Portugal exchanged notes amending the comprehensive Bilateral Cotton Textile Agreement of December 22, 1972, concerning exports of cotton textiles and cotton textile products from Macao to the United States. Among the provisions of the agreement, as amended, are those establishing specific limits on Category 49 and on Category 51 in combination with Category 50 for the agreement year which began on January 1, 1973.

Accordingly, there is published below a letter of July 19, 1973, from the Chairman, of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories produced or manufactured in Macao which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

JULY 19, 1973.

Dear Mr. Commissioner:

This directive amends but does not cancel the directive issued to you on January 5, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textiles and cotton textile products produced or manufactured in Macao.

The first paragraph of the directive of January 5, 1973 is amended, effective as soon as possible, to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral Cotton Textile Agreement of December 22, 1972 between the Governments of the United States and Portugal, and in accordance with procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1973 and for the twelve-month period extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 49, 50/51, and 62, produced or manufactured in Macao, in excess of the following levels of restraint:

Category	Twelve-Month Levels of Restraint[1]
49	27,692 dozen
50/51	53,380 dozen
62	152,174 pounds

Cotton textile products in Categories 49 and 51 produced or manufactured in Macao and which have been exported to the United States prior to January 1, 1973, shall not be subject to this directive.

Cotton textile products in Categories 49 and 51 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-15516 Filed 7-26-73;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal from Warehouse for Consumption

JULY 19, 1973.

On August 13, 1970, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Hungarian People's Republic concerning exports of cotton textiles and cotton textile products from the Hungarian People's Republic to the United States over a five-year period beginning on August 1, 1970. Among the provisions of the bilateral agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 9 and 39 for the agreement year beginning on August 1, 1973.

There is published below a letter of July 19, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 9 and 39 produced or manufactured in the Hungarian People's Republic which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning August 1, 1973 be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

JULY 19, 1973.

Dear Mr. Commissioner:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 13, 1970 between the Governments of the United States and the Hungarian People's Republic, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective August 1, 1973 and for the twelve-month period extending through July 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9 and 39, produced or manufactured in the Hungarian People's Republic, in excess of the following levels of restraint:

Category	Twelve-Month Levels of Restraint
9	1,273,388 square yards
39	65,985 dozen pairs

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9 and 39 produced or manufactured in the Hungarian People's Republic and which have been exported prior to August 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period of August 1, 1972 through July 31, 1973. In the event that the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth are subject to adjustment pursuant to the provisions of the bilateral agreement of August 13, 1970, between the Governments of the United States and the Hungarian People's Republic which provide, in part, that within the aggregate limit, the limitations on Categories 9 and 39 may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from the Hungarian People's Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-15514 Filed 7-26-73;8:45 am]

COTTON, WOOL, AND MAN-MADE FIBER TEXTILES AND TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

JULY 17, 1973.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 FR 10605) a letter dated May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textiles and textile products produced or manufactured in the Republic of Korea and exported from the Republic of Korea thirty (30) days following publication for which the Republic of Korea had not issued a visa. One of the visa requirements is that the visa include the signature of one of five Korean officials authorized to issue a visa. The Government of the Republic of Korea has requested that Mr. Dong-Sik Ju be authorized to issue visas replacing Mr. Jung Soon Yun, who will cease to sign. Mr. Ju's signature will be valid for textile shipments exported from the Republic of Korea to the United States on or after May 31, 1973. This list of officials was previously amended by directive of December 21, 1972 (37 FR 28917).

Accordingly, there is published below a letter of July 17, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of May 19, 1972, effective as soon as possible, to make the requested change in signatures of officials authorized to issue visas for textile shipments exported to the United States from the Republic of Korea on or after May 31, 1973. A facsimile of Mr. Ju's signature is published as an enclosure to that letter.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20009.

JULY 17, 1973.

Dear Mr. Commissioner:

This letter further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243; produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. One of the visa requirements is that the visa include the signature of one of five Korean officials authorized to issue visas. The directive of May 19, 1972 was previously amended on December 21, 1972.

Under the provisions of the Cotton Textile Agreement of December 30, 1971 and the Wool and Man-Made Fiber Textile Agreement of January 4, 1972, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 19, 1972 is amended, effective as soon as possible, to authorize Mr. Dong-Sik Ju to issue visas, replacing Mr. Jung Soon Yun, who will no longer sign. A facsimile of Mr. Ju's signature is enclosed.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-15515 Filed 7-26-73;8:45 am]

SECTION V (Continued)

8. (A) Did production of goods involve costs for "assists" (i.e.—dies, molds, tooling, printing plates, patterns, drawings, blueprints, artwork, engineering work, design and development, financial assistance) *not included* in the invoice price?
☐ Yes ☐ No. If yes, identify nature of assist involved_____, and complete Part B.
(B) (1) Assists valued at _____ were supplied by:
("Unknown" if applicable)
☐ Manufacturer ☐ Importer ☐ Other (Identify) _____
(2) Assists were: ☐ (a) Supplied without cost. ☐ (b) Supplied on rental basis.
☐ (c) Invoiced separately. If (c), attach copy of invoice.

9. If the price(s) shown in column 6 is (are) higher than those shown in column 7, there is an indication of possible sales at less than fair value within the meaning of the United States Antidumping statutes. If this differential exists, please select one of the following alternatives:
(A) ☐ To the best of my knowledge and belief the differential between the column 6 and column 7 prices is the result of conditions of sale which would not result in sales at less than fair value within the meaning of the U.S. Antidumping laws.
OR
(B) ☐ There is attached hereto an explanation of the differences between the column 6 and column 7 prices.
NOTE.—In his discretion the appraiser may nonetheless require submission of the information called for under Item 9.(B)

10. PURCHASE DECLARATION	11. NONPURCHASE DECLARATION
I declare that the merchandise described in this invoice is SOLD OR AGREED TO BE SOLD; that all the information contained herein is true and correct; and that there is no other invoice(s) except	I declare that the merchandise described in this invoice is shipped OTHERWISE THAN BY PURCHASE OR AGREEMENT TO PURCHASE; that all the information contained herein is true and correct; and that there is no other invoice(s) except
Explanation of Exceptions: SAMPLE	Explanation of Exceptions: KOREA KNITTED GOODS EXPORTERS ASSOCIATION DATE OF ISSUE ____ CATEGORY NO. ____ QUANTITY ____ UNIT: ( ) TEXTILE EXPORT VISA NO. ____ Dong Sik Ju VICE PRESIDENT REPUBLIC OF KOREA
Date / Signature of Seller, Shipper, or Agent of Either	Date / Signature of Shipper or Agent

This form of invoice required generally if rate of duty based upon or regulated by value of goods and purchase price or value of shipment exceeds $500. Otherwise, use commercial invoice.

False statements or willful omissions in any invoice or other documents executed and forwarded for United States Customs entry purposes will subject the goods to seizure and forfeiture or any person involved will be subject to a penalty equal to the value of the goods. Publicity will be given to all seizures and penalties, including the disclosure of the identity of the offenders involved (19 U.S.C. 1592).

Vague or misleading information may result in expensive trouble to importer and delays in customs clearance.

Supplies of this form may be secured from consular offices of the United States and from The Director, Customs Information Exchange, 201 Varick Street, New York, N. Y., 10014. Privately printed forms must conform in all respects to the official form.

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal from Warehouse for Consumption

JULY 19, 1973.

On May 30, 1973, the Governments of the United States and Portugal exchanged notes amending the comprehensive Bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972, concerning exports of wool and man-made fiber textile products from Macao to the United States. Among the provisions of the agreement, as amended, are those establishing within the applicable aggregate limit for wool textiles specific export limitations on Categories 116 and 117; and adjusting the levels of restraint applicable to man-made fiber textile products in Categories 219, 221, 222, and 224 for the agreement year which began on January 1, 1973.

Accordingly, there is published below a letter of July 19, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of wool and man-made fiber textile products in the above categories, produced or manufactured in Macao, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

JULY 19, 1973.

Dear Mr. Commissioner:

This directive amends but does not cancel the directive issued to you on January 5, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool and man-made fiber textiles products produced or manufactured in Macao.

The first paragraph of the directive of January 5, 1973 is amended, effective as soon as possible, to read as follows: "Under the Bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 116 and 117 and man-made fiber textile products in Categories 219, 221, 222, 223, 224, 229 and 230, produced or manufactured in Macao, in excess of the following twelve-month levels of restraint:

Category	Twelve-month Levels of Restraint
116	pounds.. 307,692
117	pounds.. 205,128
219	dozen.. 354,031
221	dozen.. 65,217
222	dozen.. 246,180
223	dozen.. 111,000
224	pounds.. 256,410
229	dozen.. 140,800
230	dozen.. 12,715

Entries of wool textile products in Categories 116 and 117 produced or manufactured in Macao and which have been exported to the United States prior to January 1, 1973 shall not be subject to this directive.

Wool textile products in Categories 116 and 117 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Portugal and with respect to imports of wool and man-made fiber textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-15517 Filed 7-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

NOISE CRITERIA DOCUMENT

Notice of Publication and Availability

Pursuant to section 5(a)(1) of the Noise Control Act of 1972 (86 Stat. 1248, Public Law 92-574) the Environmental Protection Agency has developed criteria with respect to noise reflecting the scientific knowledge most useful in indicating the kind and extend of all identifiable effects on the public health and welfare which may be expected from differing quantities and qualities of noise.

The Environmental Protection Agency has published these criteria in a Noise Criteria Document which shall be available for public inspection during normal business hours at each of the ten regional offices of the Environmental Protection Agency and at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets, SW., Washington, D.C. Copies may be purchased from the United States Government Printing Office, Washington, D.C. 20402.

ROBERT W. FRI,
Acting Administrator.

JULY 24, 1973.

[FR Doc.73-15501 Filed 7-26-73;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, the Federal Advisory Commitee Act, notice is hereby given that a meeting of the Advisory Committee of the Export-Import Bank of the United States will take place in Washington, D.C., on August 3, 1973.

The purpose of the meeting is to review the programs and recent activities of the Export-Import Bank of the United States.

Based on 5 U.S.C. 522(b), the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Joseph H. Regan, 811 Vermont Avenue, N.W., Washington, D.C. 20571.

Dated: July 20, 1973.

JOSEPH H. REGAN,
Advisory Committee Management Officer.

[FR Doc.73-15419 Filed 7-26-73;8:45 am]

UNITED STATES WATER RESOURCES COUNCIL

FORMULATION AND EVALUATION OF WATER AND RELATED LAND RESOURCES PROJECTS

Change in Discount Rate

Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 5⅝ percent for the period July 1, 1973, through and including June 30, 1974.

The rate has been computed in accordance with § 704.39 of the rules and regulations of the Water Resources Council, 18 CFR 704.39, and is to be used by all Federal agencies in plan formulation and evaluation of water and related land resources projects for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The interest rate shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the 90th Congress, subject, however, to the provisions of 18 CFR 704.39(d) regarding projects authorized prior to the close of the second session of the 90th Congress where State or local governmental agencies have given, prior to December 31, 1969, satisfactory assurances to pay the required non-Federal share of project costs.

The Treasury Department informed the Water Resources Council pursuant to 18 CFR 704.39(b) that the interest rate would be 5⅝ percent based upon the formula set forth in 18 CFR 704.39(a): "• • • the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity • • •." This rate can be used for plan formulation and evaluation for fiscal year 1974 consistent with a further provision of the Council's rules and regulations which provides "• • • [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year." 18 CFR 704.39(a). Since the rate in fiscal year 1973 was 5½ percent, (37 FR 14445), the rate for fiscal year 1974 is 5⅝ percent.

Dated: July 23, 1973.

REUBEN J. JOHNSON,
Acting Director.

[FR Doc.73-15481 Filed 7-26-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-1, etc.]

RATE CHANGES

Order for Hearing on and Suspension of Proposed Changes and Allowing Changes To Become Effective Subject to Refund [1]

JULY 11, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
RI74-1	Shell Oil Co	395	1	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex., San Juan Basin).	$9,360	6-11-73		12-12-73	[1] 24.0	[1] 28.0	
RI74-2	Amoco Production Co	593	2	El Paso Natural Gas Co. (Blanco Pictured Cliffs and undesignated Fruitland Fields, San Juan County, N. Mex., San Juan Basin).	1,056	6-13-73		12-14-73	[2] 26.4	[4] 30.8	
RI74-3	Gulf Oil Corp	174	10	El Paso Natural Gas Co. (Dry Piney Field, Sublette County, Wyo., Uinta-Green River Basin).	6,925	6-13-73		12-14-73	[2] 27.6093	[2] 31.8837	
RI74-4	Amoco Production Co	602	10	El Paso Natural Gas Co. (Bearpaw Field, Hill and Blaine Counties, Mont., Montana-Dakota sub area Rocky Mountain Area).	191	6-13-73		[10] 12-14-73	23.03	[7] 23.52	
	do	596	3	Western Transmission Co. (Deep Creek Field, Carbon County, Wyo., Uinta-Green River Basin).	9,288	6-18-73		[11] 7-14-73 12-19-73	[2] 24.34	[2] 26.63	
	do	606	1	El Paso Natural Gas Co. (Ignacio Blanco-Dakota Field, La Plata County, Colo., San Juan Basin).	11,700	6-18-73		12-19-73	[2] 26.4	[2] 30.8	
RI74-5	Atlantic Richfield Co	492	[13] 19	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex., Permian Basin).		6-13-73	7-14-73	[14] Accepted			
	do		[13] 20	do	43,685	6-13-73		12-14-73	[14] [16] 17.9023	[15] [16] 35.0	RI73-373.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Subject to B.t.u. adjustment.
[2] Order No. 435 ceiling rate.
[3] Includes 2.4-cent upward B.t.u. adjustment for 1,100 B.t.u. per cubic foot gas.
[4] Includes 2.8-cent upward B.t.u. adjustment for 1,100 B.t.u. per cubic foot gas.
[5] Opinion No. 658 ceiling rate. (24.4807-cent base rate plus 2.8444-cent upward B.t.u. adjustment and 0.2842-cent tax reimbursement.
[6] 27-cent base rate plus 4.644-cent upward B.t.u. adjustment and 0.2397-cent tax reimbursement. Base rate includes 1.0-cent for high pressure gas.
[7] 24.0-cent base rate less 0.48-cent downward B.t.u. adjustment.
[8] Includes 0.63-cent upward B.t.u. adjustment for 1,025 B.t.u. per cubic foot gas.
[9] Erroneously reported as 24.44-cents. Certificate was issued at 26.4-cents (24-cents plus 2.44-cent upward B.t.u. adjustment).
[10] Suspended until date shown insofar as proposed rare exceeds ceiling set forth in Order No. 435.
[11] Accepted as of date shown insofar as proposed rate does not exceed ceiling set forth in Order No. 435.
[12] Contract amendment.
[13] Applicable to gas-well gas produced from SE¼ sec 34, T. 23S., R. 36S, only as provided by supplement No. 19.
[14] Subject to quality adjustment.
[15] Accepted to become effective as of the date shown in the "Effective Date" column.
[16] The pressure base is 14.65 p.s.i.a.

The proposed increase of Amoco Production Company under FPC Gas Rate Schedule No. 602 is accepted insofar as it does not exceed the ceiling rate prescribed in Order No. 435.

The remaining proposed increases, including that portion of Amoco's increase under FPC Gas Rate Schedule No. 602 which exceeds the ceiling in Order No. 435, exceed the rate limit for a one day suspension, and they are suspended for five months.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, Section 2.56).

Nothing contained in this order shall relieve the respondents of any responsibility imposed by the Economic Stabilization Act of 1970, (Pub. L. 91-379, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38), or by any Executive Order or rules and regulations promulgated pursuant to such Act.

[FR Doc.73-15414 Filed 7-26-73;8:45 am]

[Docket No. CI74]

CITIES SERVICE OIL CO.

Notice of Application

JULY 20, 1973.

Take notice that on July 5, 1973, Cities Service Oil Company (Applicant), P.O. Box 300, Tulsa, Oklahoma 74102, filed in Docket No. CI74-7 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Lizzie Campbell No. 1 Unit, Ellis County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period on July 31, 1973, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15387 Filed 7-26-73;8:45 am]

[Docket No. CI74-8]

HNG OIL CO.

Notice of Application

JULY 20, 1973.

Take notice that on July 5, 1973, HNG Oil Company (Applicant), P.O. Box 767, Midland, Texas 79701, filed in Docket No. CI74-8 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from the South Stowell Area, Jefferson County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on May 17, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for eighteen months from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated to be 3.330 cents per Mcf. Initial sales are estimated to be approximately 1,000 Mcf of gas per day.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commisson on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15386 Filed 7-26-73;8:45 am]

[Docket No. CI74-9]

MOBIL OIL CORP.

Notice of Application

JULY 20, 1973.

Take notice that on July 9, 1973, Mobil Oil Corporation (Applicant), Three Greenway Plaza East, Suite 800, Houston, Texas 77046, filed in Docket No. CI74-9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Sand Dunes Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 1,000 Mcf per day at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commisson on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15388 Filed 7-26-73;8:45 am]

[Docket No. RP74-3]

VALLEY GAS TRANSMISSION INC.

Filing of Proposed Curtailment Plan

JULY 23, 1973.

Take notice that Valley Gas Transmission, Inc., (Valley), on July 6, 1973, submitted to the Commission for filing, as part of its FPC Gas Tariff, Original Volume No. 1, a proposal to incorporate in that tariff an additional tariff sheet which enumerates procedures under which Valley will curtail deliveries to its customers. This filing is pursuant to Order No. 431, (45 FPC 570). The proposed sheet is Original Sheet No. 181 and the proposed effective date is August 5, 1973.

The proposed tariff sheet provides that if the declining availability of the natural gas reserves connected to Valley's system, and dedicated to serving a buyer, result in Valley's inability to deliver to the buyer the volumes contemplated for delivery under the current applicable rate schedules, then deliveries to those buyers will be curtailed only to the extent which will permit Valley to deliver, through its system, the maximum quantity of gas then available to Valley from the reserves dedicated to service the given buyer.

Valley states that this filing is required because Valley is ostensibly facing a gas supply emergency on its system and potentially substantial curtailments are imminent. And further, Valley has requested that its proposed curtailment plan be accepted in lieu of a plan based on Order No. 467, as amended, because of Valley's suggestion that the curtailment plan is consistent with various aspects of its overall operations.

Namely, these asserted elements of its system are 1) the special-contract gathering service which it renders for Tennessee Gas Pipe Line Co. and United Gas Pipe Line Co., 2) the fact that it is a multiple-system gatherer and 3) that it is not a long-line pipeline, 4) that it purports to have no knowledge of the actual end use of the gas it delivers and 5) that the gas it delivers into interstate commerce with respect to certain deliveries for subsequent transportation is asserted to be subject to regulation by the Commission.

Therefore, any person desiring to be heard or to make any intervention or protest with respect to this filing should, on or before July 30, 1973, file with the Federal Power Commission, 825 North Capitol St., Washington, D.C. 20426, a petition to intervene or a protest in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure

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(18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-15506 Filed 7-26-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Approving Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire all the voting shares (less directors' qualifying shares) of the successor by merger to The Alabama National Bank of Montgomery, Montgomery, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the application, affording opportunity to permit interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with total aggregate deposits of $972.6 million, representing 14.3 per cent of total deposits of commercial banks in Alabama and is the largest banking organization in the State.[1] Acquisition of Bank (deposits of $71.1 million) would not significantly increase the concentration of banking resources in Alabama.

The Department of Justice ("Justice") submitted comments concerning this application similar to those it filed in the applications of First Alabama Bancshares, Inc., to acquire The City National Bank of Tuscaloosa and The Alabama Financial Group, Inc., to acquire First National Bank of Anniston. It was the view of Justice that approval of this application would contribute to a situation where only four State-wide banking organizations would exist in Alabama.

Application noted in its reply to the comments of Justice that the bank to be acquired is a distant third in the relevant market which is dominated by two much larger banks. Approval of the acquisition would, therefore, increase competition by making Bank a stronger competitor. Applicant also noted in its reply that even if the three Alabama applications commented on by Justice were approved by the Board, there would remain numerous independent banks of sufficient size to form valuable components of additional State-wide holding companies.

Bank is the third largest of nine banks located in the relevant banking market with about 12 per cent of the deposits in the market.[2] There is no substantial existing competition between any of Applicant's banking subsidiaries and Bank, primarily due to the fact that the closest banking subsidiary to Bank is approximately 80 miles distant. Furthermore, in view of the distances involved and Alabama's restrictive branching laws, there is little probability of substantial future competition developing between Applicant's banking subsidiaries and Bank. The largest bank in the market (a subsidiary of the second largest holding company in Alabama) controls about 44 per cent of market deposits and the second largest bank in the market controls about 24 per cent of market deposits. Applicant would not be obtaining a dominant position in the market, and several independent banks remain available for acquisition by other holding companies. Finally, Applicant's acquisition of Bank should enable the latter to compete more vigorously with these two large banks and could lead to the eventual deconcentration of the market.

Applicant has a nonbanking subsidiary, Engel Mortgage Company ("Engel"), with an office in Montgomery, which competes to a limited degree with Bank in the origination of mortgage loans. Engel primarily deals in mortgages on one-four family residences; Bank makes but few loans in this product line. Bank has a substantial volume of construction loans; however, Engel makes few loans of this type. Their combined share of the market for construction loans is negligible within the appropriate regional or national market. Neither Engel nor Bank is active in the origination of mortgages on income-producing property. Moreover, there are ten other mortgage companies and three savings and loan associations plus the remaining commercial banks which comprise alternative sources of mortgage credit. In the Board's view, consummation of this transaction would not have a substantially adverse effect on competition in any relevant product line of mortgage banking. Nor would it lead to a diminution of State-wide competition in banking, for reasons articulated in the Board's order of this date involving the application of First Alabama Bancshares, Inc., to acquire The City National Bank of Tuscaloosa. Based on the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources and future prospects of Applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval of the acquisition. Factors relating to the convenience and needs of the community to be served lend some weight for approval of the application since Applicant will be able to provide international banking services in the Montgomery SMSA, a service which is not presently offered there. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,[3] the application is approved for the reason summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By the order of the Board of Governors,[4] effective July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15483 Filed 7-26-73;8:45 am]

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Anniston, Anniston, Alabama ("Bank") The bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments, including those of the Department of Justice, in light of the factors

[1] All banking data are as of December 31, 1972, and represent bank holding company formations and acquisitions approved by the Board through May 31, 1973.

[2] The relevant banking market is approximated by the Montgomery Standard Statistical Area ("SMSA"), which consists of Elmore and Montgomery Counties.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governor Brimmer filed as part of the original document and available upon request.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, Bucher, and Holland. Voting against this action: Governor Brimmer.

set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant is the fourth largest bank holding company in Alabama. It controls four banks with aggregate deposits of approximately $515 million, representing 8.4 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1972.) Consummation of the proposal would not result in a significant increase in the concentration of banking resources in Alabama.

Bank ($60.8 million in deposits) is the largest of nine banks located in Calhoun County and the City of Heflin, holding approximately 31 per cent of the commercial bank deposits in that market. Applicant's nearest subsidiary office to Bank is its lead bank in Birmingham, 50 miles west of Anniston. There is no significant existing competition between Bank and Applicant and, further, it is unlikely that such competition would develop in the future in view of the distances involved, the many intervening banks, and the restrictive branching laws of Alabama. Moreover, the possibility of future competition, developing through de novo entry by Applicant is slight since the market has experienced population loss since 1960 and is thus not now attractive for de novo entry. Accordingly, competitive considerations are consistent with approval of the application.

The Department of Justice has questioned the general effect that consummation of the proposed transaction and certain other transactions proposed by other Alabama bank holding companies would have upon State-wide banking structure in Alabama, but has not asserted that the proposed transaction would have an anticompetitive effect in the Calhoun County banking market. For reasons specified in the Board's Order approving the acquisition of shares of The City National Bank of Tuscaloosa by First Alabama Bancshares, Inc., the Board finds that consummation of the proposed transaction would not lead to a lessening of Statewide competition in banking.

The financial and managerial resources of Applicant, its banking subsidiaries and Bank are considered generally satisfactory. Considerations relating to the convenience and needs of the community are consistent with approval of the application. Applicant proposes to install automated teller equipment, providing the community with 24-hour-a-day deposit and withdrawal service, and it is expected that the community would benefit from such an innovation. It is the Board's judgment that consummation of the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15482 Filed 7-26-73;8:45 am]

AMERICAN NATIONAL HOLDING CO.

Acquisition of Banks

American National Holding Company, Kalamazoo, Michigan, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the following proposed new banks: The American National Bank in South Haven, South Haven; The American National Bank in Western Michigan, Allegan; and The American National Bank in Battle Creek, Battle Creek, all located in Michigan. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 13, 1973.

Board of Governors of the Federal Reserve System, July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15487 Filed 7-26-73;8:45 am]

ATLANTIC BANCORPORATION

Acquisition of Bank

Atlantic Bancorporation, Jacksonville, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Peninsula State Bank, Tampa, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 17, 1973.

Board of Governors of the Federal Reserve System, July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15485 Filed 7-26-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

FIRESTONE BANCORP, INC.

Acquisition of Bank

Firestone Bancorp, Inc., Akron, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.4 per cent of the voting shares of The Wadsworth Bank, Wadsworth, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1973.

Board of Governors of the Federal Reserve System, July 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15427 Filed 7-26-73;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire the successor by merger to The City National Bank of Tuscaloosa, Tuscaloosa, Alabama ("Bank"). The new national bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks, with aggregate deposits of approximately $635 million, representing about 9½ per cent of total deposits in commercial banks in Alabama and is the second largest banking organization in Alabama. Acquisition of Bank (deposits of about $68 million) would not increase significantly the concentration of banking resources in the State.[1]

The Department of Justice ("Justice") commented upon this application, as well as pending applications by two other

[1] All banking data are as of December 31, 1972, unless otherwise noted, and include formations and acquisitions approved by the Board through May 31, 1973.

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bank holding companies to acquire banks in Alabama.[3] Briefly, Justice is concerned that four large State-wide banking organizations control over 40 per cent of deposits in commercial banks in the State of Alabama, that such organizations are the most likely potential entrants into local markets throughout the State, and that, if these three acquisitions are approved, there would be only a dozen banks remaining in Alabama of a size large enough ($30 million according to Justice) to serve as the nucleus of an additional State-wide organization. Further, Justice asserts that such a limited State-wide banking structure could produce a situation whereby only a few organizations confront each other in local markets throughout Alabama, thereby leading to a tendency on the part of such organizations to develop parallel practices in such markets to the advantage of the companies involved but not necessarily for the public good.

In its response to Justice's comments, Applicant asserts, among other things, that Alabama needs larger banking structures in order to provide adequate services to large businesses in the State and to compete with much larger out-of-State organizations which seek business in Alabama. Applicant further states that Justice has ignored the public benefits that would be provided the Tuscaloosa area by consummation of the proposal herein.

Bank is the second largest of three banks located in the relevant market and controls about 39 per cent of deposits there.[3] There is no substantial existing competition between any of Applicant's banking subsidiaries and Bank. Applicant's subsidiary closest to Bank is approximately 45 miles distant. Nor is there a reasonable probability of substantial future competition developing between any of Applicant's banking subsidiaries and Bank, particularly in view of the distances between Applicant's subsidiary banks and Bank and Alabama's branching laws which preclude Applicant's subsidiaries from branching into Tuscaloosa and Bank from branching into the markets of Applicant's subsidiaries. Although the Tuscaloosa market appears attractice for de novo entry, Applicant has indicated it would not enter by this means and, in the Board's opinion, market conditions are not such as to warrant precluding Applicant's representation in this market through the acquisition of an existing bank. Other holding companies remain as potential entrants into the market through de novo means, and Applicant would not obtain a dominant position in the market through acquisition of Bank. The largest bank in the market has almost $20 million more in deposits than Bank and appears to be a viable, strong competitor and is likely to remain so even if Applicant acquires Bank. Moreover, the smallest bank in the market has shown a good growth rate since its establishment in 1968 and there is no indication that it would not be able to compete in those areas suitable to its size. The Board concludes that approval of the acquisition would not have substantial adverse effects on future competition in the Tuscaloosa market.

Moreover, the Board believes that the acquisition of Bank by Applicant will not necessarily increase the rigidity of the Alabama banking structure. The Board recently has approved the formation in Alabama of a fifth multibank holding company which has over $300 million in deposits.[4] However, apart from the prospect of holding companies in the process of being formed in Alabama, the Board is not persuaded that the existence of only the present four State-wide banking organizations in Alabama is so anticompetitive as to require denial of all bank acquisitions by those organizations. The fear expressed by Justice that parallel policies will develop in various local markets throughout the State on the basis of the four large organizations facing one another is based on speculation. There is no evidence in the record that any such policies have developed or will develop. Alabama is a State with low per capita income. The Board believes the development of larger banking organizations would be beneficial for the State since they would be able to provide better service for existing businesses within the State and perhaps attract substantial new business. Approval of this application will enable Applicant to bring its expertise and greater service capability to an Alabama location with good growth prospects and thereby make that location attractive for the large customers and industries which Alabama is seeking to attract. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Applicant, its subsidiary banks and Bank are regarded as satisfactory. Applicant proposes to increase Bank's capital and this aspect lends some support for approval of the acquisition. Moreover, Applicant would be in a position to provide Bank with a source of management personnel, which is particularly important due to the fact that two senior officials of Bank have recently left the Bank. Factors related to the convenience and needs of the community to be served are consistent with approval and may lend some weight for approval, since Bank, after affiliation with Applicant, would be in a better position to serve the larger businesses that have recently located in the Tuscaloosa area. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record [4a] the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

By order of the Board of Governors,[5] effective July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15498 Filed 7-26-73;8:45 am]

[3] Alabama Bancorporation to acquire The Alabama National Bank of Montgomery and The Alabama Financial Group, Inc., to acquire First National Bank of Anniston.

[3] The relevant banking market is approximated by Tuscaloosa County.

[4] See Board Order of June 15, 1973.

[4a] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statements of Governors Brimmer and Bucher filed as part of the original document and available upon request.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Holland. Voting against this action: Governors Brimmer and Bucher.

FIRST ARKANSAS BANKSTOCK CORP.

Proposed Acquisition of National Credit Corporation

First Arkansas Bankstock Corporation, Little Rock, Arkansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of National Credit Corporation, "An Industrial Loan Institution" Pine Bluff Arkansas. Notice of the application was published on May 22, 1973 in The Commercial a newspaper circulated in Jefferson County, Arkansas.

Applicant states that the proposed subsidiary would (engage in) the activities of an industrial loan institution, primarily making consumer loans, soliciting investment certificates, and acting as agent or broker in the sale of credit life, health, and accident insurance and physical damage insurance directly related to an extension of credit by it. Such activities have been specified by the Board in § 225.4(a)(2) and (9) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Resreve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 17, 1972.

Board of Governors of the Federal Reserve System July 18, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15428 Filed 7-26-73;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all the voting shares (less dircetors' qualifying shares) of the successor by merger to American National Bank in Springfield, Springfield, Missouri, ("Bank"). The bank into which Bank is to be merged has no significance except as a means of facilitating the acquisition of the voting shares of Bank. The proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act; the time for filing comments and views has expired and none has been received. The Reserve Bank pursuant to authority delegated to it by the Board of Governors has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest bank holding company in Missouri, controls ten banks with deposits totaling $693.9 million,[1] representing 4.97 per cent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of State deposits by only .13 per cent to 5.10 per cent and would have no effect on competition in the State.

Bank has $18.3 million in deposits and is the fifth largest of twelve commercial banks operating in the Springfield banking market which is approximated by Greene County, Missouri. It controls approximately 4.7 per cent of the total market deposits. Competition in Springfield is very keen. Through affiliation with Applicant, access to the extensive credit resources of the holding company would permit Bank to become more competitive with the larger Springfield banks, a majority of which are presently affiliated with multi-bank holding companies.

There is no overlap of competition with Applicant's subsidiary banks, the closest of which is located 130 mlies to the northwest of Bank; the development of competition is unlikely in view of Missouri statutes which prohibit branch banking. While the prospects for continued expansion of the economy in the Springfield vicinity are favorable, de novo entry into the market by Applicant seems unlikely in view of recent changes in Missouri statutes providing for detached banking facilities. Commercial banks operating within Missouri are presently permitted to establish two limited-power facilities, separated from the main banking office but within the limits of the same city. The Reserve Bank concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its present subsidiaries are regarded as satisfactory; Bank's inadequate capitalization will be bolstered by the injection of capital funds inherent in the proposed merger. Considerations relating to the banking factors would thus lend weight toward approval of the application. Considerations relating to the convenience and needs of the community to be served also lend weight toward approval of the application.

It is the Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 13, 1973, or (b) later than October 15, 1973, unless such period is for good cause extended by order of the Board of Governors or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By the order of the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System, effective July 13, 1973.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

[FR Doc.73-15429 Filed 7-26-73;8:45 am]

[1] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions approved through May 30, 1973, unless otherwise noted.

FIRST COMMERCIAL BANKS, INC.

Acquisition of Bank

First Commercial Banks, Inc., Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The Homer National Bank, Homer, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 17, 1973.

Board of Governors of the Federal Reserve System, July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15486 Filed 7-26-73;8:45 am]

INTERBANK CORP.

Formation of Bank Holding Company

Interbank Corp., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of South Side Bank, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago; and any person wishing to comment on the application should submit his views in writing to the Federal Reserve Bank of Chicago, to be received not later than August 10, 1973.

Board of Governors of the Federal Reserve System, July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15484 Filed 7-26-73;8:45 am]

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Mercantile National Bank of St. Louis County, St. Louis County, Missouri ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls the largest bank in the State of Missouri and seven other Missouri banking subsidiaries and is the largest banking organization in the

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State, controlling $1.2 billion of deposits which represent 9.6 per cent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1972.)

Several competitors of Applicant and future competitors of Bank have expressed their views opposing the proposed transaction. Briefly stated, their objections are grounded on their views that Applicant presently is dominant in the St. Louis banking market [1] in which Bank would operate and that, therefore, rather than permit Applicant to foreclose the banking opportunity represented by Bank, the Board should deny the instant application and, thereby preserve that opportunity for a smaller banking organization, thus increasing the likelihood of deconcentration of the market and erosion of Applicant's "dominant" position in that market.

Applicant controls three banks in the St. Louis banking market with aggregate deposits of $1.0 billion, representing 17 per cent of the total commercial bank deposits in that market area. Since 1966, the share of total deposits held by its subsidiaries in the area approximated by the City of St. Louis and St. Louis County has declined from 25.2 per cent to 19.9 per cent.

In the St. Louis Standard Metropolitan Statistical Area ("SMSA") which is approximated by the City of St. Louis, St. Louis, Franklin, Jefferson, and St. Charles Counties in Missouri and Madison and St. Clair Counties in Illinois, the share of total deposits held by Applicant's predecessors (Mercantile Trust Company, N.A. and Mercantile Commerce Trust Company) has decreased from 20.6 per cent in 1966 to 16.1 per cent at year-end 1972, despite its acquisition of two banks in the SMSA during that period. The average mean percentage of total deposits held by the largest banking organizations in SMSAs with populations of one million and over in unit banking States was 21.5 per cent as of June, 1970, at which time Applicant's predecessors held 17.6 per cent of total deposits in the St. Louis SMSA. In fact, Applicant's share of the relevant market, of the St. Louis SMSA and of St. Louis City and County is overstated when calculated on the basis of total deposits. Applicant's lead bank is a correspondent bank with over 18 per cent of its total deposits owing to other banks. It competes for correspondent balances with one other St. Louis bank and several banks in Kansas City, Chicago, Memphis, and other money centers. As a result of its correspondent business, Bank has a large volume of deposits in the process of collection; whereas its total deposits, as of December 31, 1972, amounted to $1.0 billion, its net demand deposits are less than $500 million, and its gross demand deposits approximate $682 million. Its share of the St. Louis market is more meaningfully measured by its deposits received from individuals, partnerships, and corporations, ("IPC deposits") particularly such deposits under $100,000 in amount. Applicant's lead bank, as of June, 1972, held total IPC deposits under $100,000 amounting to $396.6 million, representing 9.6 per cent of such deposits held by banks in the St. Louis SMSA. Based on these facts, the Board does not consider Applicant "dominant" in any area. Further, the St. Louis banking market is not considered highly concentrated. As of June 30, 1972, the fifteen largest banking organizations in that market held 67.3 per cent of total deposits in that market, and the five largest banking organizations held 45.4 per cent of total deposits in that market. This compares to an average market share, as of June, 1970, of 55.7 per cent by the five largest banking organizations in SMSAs with populations of one million and over in unit banking States, and is less than the average market share of the three largest banking organizations in such SMSAs.

Of the 110 banks in the market, six are located on the periphery of Bank's primary service area in central St. Louis County. None of Applicant's banking subsidiaries derives more than 0.8 per cent of its deposit accounts from Bank's service area. The six banks presently located on the edge of that service area have together experienced an annual rate of deposit growth in the last five years triple the Statewide deposit growth rate. Three of those six banks are either present or planned subsidiaries of other bank holding companies.

Since Bank is a proposed bank and the other service area banks are relatively well-established, consummation of the proposal would not eliminate existing competition; nor does there appear to be a likelihood that establishment of a new bank would have an undue adverse effect on the other banks in the market. Furthermore, it appears unlikely that Applicant's acquisition of Bank would preclude other banking organizations from entering the market. On the basis of population figures for the period 1960–70, Bank's primary service area has been growing at a rate approximately four times faster than that of St. Louis County and 16 times faster than that of the State as a whole. That two banks have been chartered in the area since 1970 and applications for four more bank charters for banks to be located in the area are pending reflects this growth. Any increase in the share of market deposits held by Applicant that might result in the short run following consummation of this proposal may be dissipated with the arrival of new entrants to serve the expanding area. In the Board's view, the competitive factors in this case are distinguishable from those in a recent case involving a proposal to acquire a proposed new bank where the Board found that the Applicant was dominant; [2] in that case, at least one other bank in the area had not yet had sufficient time to establish itself as a viable competitor, and the population of the relevant area had remained somewhat stable. In brief, the Board believes that consummation of the proposal under consideration will not have such a significant adverse effect on potential competition in the St. Louis market as to warrant denial.

The financial and managerial resources of Applicant and its present subsidiary banks are generally satisfactory; prospects of Bank under Applicant's control appear favorable. The establishment of Bank will provide, through affiliation with Applicant, a convenient source of a full range of banking services to the residents and businesses of Bank's primary service area. Thus, banking factors, as well as considerations relating to the convenience and needs of the communities to be served, are consistent with approval of the application.

It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before August 13, 1973 or (b) later than October 12, 1973, and (c) Mercantile National Bank of St. Louis County, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective July 12, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15430 Filed 7-26-73;8:45 am]

[1] The St. Louis banking market is the relevant geographic market in this case and is approximated by the City of St. Louis, St. Louis County, St. Charles County, and portions of Jefferson County in Missouri, and portions of Madison and St. Clair Counties in Illinois.

[2] First at Orlando Corporation, 1973 Federal Reserve Bulletin 302.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns.

UNITED VIRGINIA BANK/CITIZENS OF SOUTH BOSTON

Order Approving Application for Merger With Citizens Bank of South Boston

United Virginia Bank/Citizens of South Boston, South Boston, Virginia (United Virginia/Citizens), an organizing State bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with Citizens Bank of South Boston, South Boston, Virginia (Citizens), a member State bank of the Federal Reserve System, the resulting bank to operate under the charter and with the name of United Virginia/Citizens. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR Part 265).

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of United Virginia Bankshares Incorporated to acquire Citizens Bank of South Boston. However, the transaction shall not be consummated (a) before August 15, 1973, or (b) later than October 16, 1973, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 16, 1973.

[SEAL] ROBERT P. BLACK,
First Vice President.

[FR Doc.73-15431 Filed 7-26-73;8:45 am]

UNITED VIRGINIA BANKSHARES INC.

Order Approving Acquisition of Bank

United Virginia Bankshares Incorporated, Richmond, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for prior approval under section 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to Citizens Bank of South Boston, South Boston, Virginia (Citizens), a State member bank.

The bank into which Citizens is to be merged has no significance except as a means of acquiring the voting shares of Citizens. Accordingly, the proposed acquisition of the successor organization is treated herein as a proposed acquisition of the shares of Citizens. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR Part 265). Notice of the receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 12 banking affiliates operating 123 banking offices with aggregate deposits of $1.5 billion, an amount equivalent to 14.1% of total commercial bank deposits in Virginia. In terms of deposits it is the State's largest banking organization. Acquisition of Citizens (deposits of $13.6 million as of June 30, 1972) would increase Applicant's share of deposits in the State by approximately .14 percent. Consummation of the proposed transaction would not significantly increase the concentration of banking resources within the State.

Citizens is one of three banking organizations located in the relevant geographic market, which includes the independent city of South Boston and surrounding Halifax County. Of these three, Citizens ranks second, with 27.6% of total area deposits. Applicant's lead bank, United Virginia Bank, is located in Richmond and serves the Richmond SMSA, which represents a separate banking market from that in which Citizens competes. The closest office of any of Applicant's subsidiary banks to Citizens is some 60 road miles distant, located in Lynchburg, Virginia. There is no significant competition existing between Citizens and any existing bank subsidiary of Applicant, and there appears to be no significant incentive for Applicant to establish a de novo bank in the market served by Citizens. It is concluded that consummation of the proposal would have no adverse effect on banking competition and that the competitive effects of the proposal are not inconsistent with approval of the application.

The financial and managerial resources of Applicant and Citizens are generally satisfactory, and future prospects appear favorable. In addition, Applicant has a demonstrated past history of willingness and ability to supply needed management assistance and capital to its subsidiary banks. Banking factors, therefore, lend weight toward approval of the application. Although there is no evidence that significant banking needs of the area are unserved, consummation of the proposed acquisition should enable Citizens to initiate new services now offered by Applicant's other banking subsidiaries, which will include trust, computer, and credit services. Convenience and needs considerations also favor approval. It is the Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before August 15, 1973, or (b) later than October 16, 1973, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 16, 1973.

[SEAL] ROBERT P. BLACK,
First Vice President.

[FR Doc.73-15426 Filed 7-26-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-16]

POLYURETHANE MANUFACTURERS ASSOCIATION

Grant of Interim Order

I. *Notice of application.* Notice is given that Polyurethane Manufacturers Association, 600 South Michigan Avenue, Chicago, Illinois 60605, has applied under section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from paragraphs (c) (1) and (2), and (e) (1), (2), (4), (5), (6), and (10) of 29 CFR 1910.93c (38 FR 10929), concerning exposure to 4,4'-Methylene (bis)-2-Chloroaniline. The application, as amended, is made on behalf of the following members of the association and places of employment:

The Abaris Company
7477 E. Davison Avenue
Detroit, Michigan 48212
Acushnet Company
744 Belleville Avenue
New Bedford, Ma. 02742
Advanced Machine Planning, Inc.
2500 A. So. Clinton Avenue
So. Plainfield, NJ 07080
Albany Plastic Company
Urethane Products Div.
20 Starr Street
Johnston, RI 02919
Anderson Development Company
1415 East Michigan Street
Adrian, MI. 49221
Carolina Rubber Hose Company
Avenue C at Railroad Street
Salisbury, NC 28144
Cemco Products, Inc.
Bldg. 228, Snohomish County Airport
Everett, WA 98204
Colo-Mart Industries, Inc.
6735 W. 58th Place
P.O. Box 666
Arvada, Co. 80001
Conap, Inc.
184 E. Union Street
Allegany, NY 14706
Creative Urethanes, Inc.
P.O. Box 722
Purcellville, Va. 22132
Custom Electronic System, Inc.
2222 North Olney
Indianapolis, In. 46218
Dicar, Inc.
111 Clinton Road
Fairfield, NJ 07006
Carolina Rubber Hose Co.
Donaldson Center
Greenville, SC 29606
Dynasauer Corp.
3511 Tree Court Industrial Blvd.
St. Louis, Mo. 63122
Gallagher Corporation
2030 Lehigh Avenue
Glenview, Il. 60025.

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Grafco Roller Co., Inc.
300 Lodi Street
Hackensack, NJ
Griffith Polymers, Inc.
2315 N.W. 21st Place
Portland, Or. 97210
Guyan Machinery Company
P.O. Box 150
Logan, WV 25601
Hexcel Corporation
Rezolin Division
20701 Nordhoff Street
Chatsworth, Ca. 91311
Hugh Incorporated
2275 Platt Road
Ann Arbor, MI. 48104
The Kallay Gear Works
P.O. Box 308
Fairfield, CT 06430
McCreary Industrial Products Co.
P.O. Box 769
Indiana, Pa. 15701
Mern Industries
P.O. Box 771
Metuchen, NJ 08840
Nazar Rubber Company
2727 Avondale Avenue
Toledo, Ohio 43607
Dike-O-Seal Incorporated
3965 South Keeler Avenue
Chicago, Illinois 60632
Perma-Flex Roller Corporation
711 Hwy. 17
Carlstadt, NJ 07072
Permathane, Inc.
21 Saco Street
Westbrook, Maine 04092
Plasticast Co.
Div. of Pekor Iron Works, Inc.
E. 9th Street and 10th Avenue
Columbus, Ga. 31902
Plastomeric Corporation
Box 787, N. First Street
Stroudsburg, Pa. 18360
Regal Tool & Rubber Co., Inc.
P.O. Box Drawer "E"
Grapevine, Tex. 76051
Rubber Rolls, Inc.
294 Corliss Street
Pittsburgh, Pa. 15220
The Seal-Flex Company
35 Airline Avenue
Portland, CT 06480
Smooth-On, Inc.
1000 Valley Road
Gillettee, NJ 07933
Stowe-Woodward Company
Essex Polymer Division
20 Island Street
Lawrence, Ma. 01840
Tennessee Wheel & Rubber Company
817 18th Avenue North
Nashville, Tenn. 37202
Trew Industrial Wheels, Inc.
2011 Nolensville Road
Nashville, Tenn. 37214
O-Rings, Inc.
12322 Exposition Blvd.
Los Angeles, Ca. 90025
Parkway Products, Inc.
10293 Burlington Road
Cincinnati, Ohio 45231
Molded Dimensions, Inc.
701 Sunset Road
Port Washington, WI 53074
Winfield Industries, Inc.
1355 Clinton Street Buffalo, NY 14206
Rapistan Incorporated
507 Plymouth, NE.
Grand Rapids, Michigan 49505
Ren Plastics
5656 S. Cedar Street
Lansing, Michigan 48909
Vail Rubber Works, Inc.
521 Langley Avenue
St. Joseph, MI 49085
Whittaker Corporation
Dayton Chemical Products Div.
P.O. Box 27
West Alexandria, Ohio 45381
Maco Industries, Inc.
4219 South Wolcott Street
Chicago, Illinois 60609
Esco Plastics Company
3402 Amanda
P.O. Box 36829
Houston, Texas 77036
The Lange Company
Box 308
Broomfield, Colorado 80020
Polly Pig by Knapp, Inc.
1209 Hardy Street
Houston, Texas 77020
T.D. Williamson, Inc.
3102-A E. Pine
Tulsa, Oklahoma 74101

The application states that these employers have informed their respective employees of the application by giving a copy of it to their authorized representative, if any, and by posting a statement given a summary of the application and specifying where a copy of the application may be examined. The affected employees have been informed in the same manner of their right to petition the Assistant Secretary of Labor for a hearing on the application.

The application, as amended, represents that the majority of the members of the association are small businesses with fewer than fifty employees, which depend on the use of the chemical known as 4,4'-Methylene (bis)-2-Chloroaniline for the continuation of their business viability. The application further alleges that strict enforcement of § 1910.93c would cause most of the members of the association to go out of business. Accordingly, the association has proposed, on behalf of all the member employers listed, the following alternative safeguards, which, it argues, are substantially equivalent in protection to those required by the standard:

(1) 4,4'-Methylene (bis)-2-Chloroaniline is to be used only in clearly delineated areas which only authorized personnel may enter. These areas must be so designed as to be under negative air pressure during working hours. All open-process vessels and open containers must be under local exhaust ventilation adequate to keep dust and fumes out of the room atmosphere.

(2) All persons entering an area where 4,4'-Methylene (bis) - 2 - Chloroaniline dust may be present must wear protective, long-sleeved clothing, and impermeable gloves. When exposure to vapors of the chemical cannot be avoided, appropriate absorbent cartridge face masks must also be worn.

(3) In case any area is contaminated by the chemical in molten form, the employees must be promptly evacuated from the area and may not be allowed to return until after the contaminant has solidified and any vapor drawn off by the ventilation system. Employees may then be allowed to break up the solidified material, sweep it up mechanically and dispose of it properly.

(4) An alternative is also proposed to the requirements concerning warning signs.

A copy of the application will be made available for inspection and copying, upon request, at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 504, Washington, D.C. 20210 and at the following Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Fourth Floor
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building
3535 Market Street, Room 15220
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
823 Walnut Street
Waltower Building—Room 300
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, NE.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
PO. Box 3588, 1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building, State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617
450 Main Street
Hartford, Connecticut 06103
U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 635
Newark, New Jersey 07102
U.S. Department of Labor
Occupational Safety and Health Administration
1317 Filbert Street—Suite 1010
Philadelphia, Pennsylvania 19107
U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203
U.S. Department of Labor
Occupational Safety and Health Administration
1371 Peachtree Street, NW. Rm. 723
Atlanta, Georgia 30309
U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 425
55 Pleasant Street
Concord, New Hampshire
U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210
U.S. Department of Labor
Occupational Safety and Health Administration
Room 802, Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146
U.S. Department of Labor
Occupational Safety and Health Administration
Room 8018 Federal Bldg.
P.O. Box 10186
Richmond, Virginia 23240
U.S. Department of Labor
Occupational Safety and Health Administration
1361 East Morehead Street
Charlotte, North Carolina 28204
U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive Rm 1200
Chicago, Illinois 60606
U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Bldg. Rm 626
220 Bagley Avenue
Detroit, Michigan 48226
U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Rm 423, 46 East Ohio Street
Indianapolis, Indiana 46204
U.S. Department of Labor
Occupational Safety and Health Administration
Room 734 Federal Office Bldg.
234 N. Summit Street
Toledo, Ohio 43604
U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Blvd. Rm. 554
St. Louis, Missouri 63101
U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 514
19 Pine Avenue
Long Beach, California 90802
U.S. Department of Labor
Occupational Safety and Health Administration
Room 526 Pittock Block
921 SW. Washington Street
Portland, Oregon 97205
U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
U.S. Department of Labor
Occupational Safety and Health Administration
Room 5522 Federal Office Bldg.
550 Main Street
Cincinnati, Ohio 45202
U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
8527 W. Colfax Avenue
Lakewood, Colorado 80202
U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1906 Smith Tower Building
Seattle, Washington 98104

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance, by August 27, 1973. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application by August 27, 1973, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing should be in quadruplicate, and shall be addressed to the Office of Standards at the address given above.

II. *Interim order.* As already stated, the applicant has requested, on behalf of its member employers listed above, an interim variance from paragraphs (c)(1) and (2), and (e)(1), (2), (4), (5), (6) and (10) of § 1910.93c, pending decision on the application for a variance.

(1) Paragraph (c)(1) provides that any area in which a carcinogen is present must be deemed a controlled area. Since this provision is in the nature of a definition, the request of an interim variance from it is inappropriate, and, for this reason, is denied.

(2) Paragraph (e)(4) requires that an area in which a carcinogen is present must be posted at all entrances with legible danger signs indicating the presence of a "cancer-producing agent" in the area. The applicant proposes a different sign which would only indicate the presence of a chemical "which may be dangerous to health."

It does not appear likely that the applicant will establish that the warning sign proposed accomplishes the objective of the standard. For this reason, the request of an interim variance from paragraph (e)(4) is denied. See, however, the revision of the standard published in the FEDERAL REGISTER on this date.

(3) Paragraphs (e)(5), (6) and (10) are reporting requirements. No alternative reporting procedures have been proposed. Accordingly, the request of an interim variance from paragraphs (e)(5), (6) and (10) is denied.

(4) Paragraph (c)(2) provides that open-process vessels and open containers of a carcinogen are permitted only at container filling points and at points where the contents of containers are charged into process vessels, and only to the extent necessary to permit transfer of contents. The transfers are required to be under continuous local exhaust ventilation.

Paragraph (e)(1)(i) and (ii) requires that every employee engaged in an operation where there is a direct exposure to a carcinogen, such as cleanup of leaks or spills of a carcinogen, must be provided, and required to wear, a clean full impervious pressurized air-supplied suit.

Paragraph (e)(2) requires the establishment of decontamination processes to remove carcinogens on surfaces of equipment, materials, and the decontamination facility.

The applicant argues that so long as open-process vessels and open containers are located or handled under local exhaust ventilation adequate to keep dust and fumes out of the work area, the workplace is as safe and healthful as it would be if the use of open-process vessels and open containers where limited in accordance with paragraph (c)(2). The applicant further argues that the proposed cleanup procedure for removal of spills of the chemical in molten form, and the personal protective equipment proposed to be used in cases of exposure to dust and fumes, would afford substantially the same protection as would compliance with paragraph (e)(1)(i) and (ii), and (2).

The effect of paragraph (c)(2) is to eliminate the use of open-process vessels and open containers, except where transfer of contents must take place. Essentially, the applicant seeks permission to use open-vessel processes and open containers in cases outside the exception provided by the standard, but under the same condition of local exhaust ventilation which the standard recognizes as adequate where transfer of contents must take place. Finally, the substance of the application for a variance from paragraphs (e)(1)(i) and (ii) and (e)(2) is that the protective equipment proposed for cases of exposure to dust and fumes, and the proposed procedure for cleanup of spills of the molten chemical, would afford as much protection as strict compliance with paragraphs (e)(1)(i) and (ii), and (e)(2).

It is to be noted that § 1910.93c regulates exposure to 14 substances with possibly varying physical, chemical, and biological properties. It is further to be noted that the application for a variance is limited to exposure to 4,4'-Methylene (bis)-2-Chloroaniline.

It may be that the applicant will be able to show in the proceeding on the variance application that, in view of the specific properties of 4,4'-Methylene (bis)-2-Chloroaniline and of the uses

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made of it in the work operations of its members, the equipment and procedures it proposes would assure as safe and healthful employment as would strict compliance with the standard. In view of this and of the short period covered by an interim order, and in order to prevent the extreme consequences which are alleged would result from strict compliance, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 and 29 CFR 1905.11(c), that each employer listed above be, and it is hereby, authorized to conduct the following work operations in accordance with the following conditions, means, equipment, and procedures, in lieu of complying with paragraphs (c)(2), (d), (e)(1)(i) and (ii), and (e)(2) of § 1910.93c:

(1) 4,4'-Methylene (bis)-2-Chloroaniline may be used only in clearly delineated areas which may be entered only by employees necessary to perform work. The areas must be designed so that negative air pressure will be constant during working hours. Open-process vessels and open containers of the carcinogen may be located and handled only in such an area and only under continuous local exhaust ventilation adequate to keep dust and fumes out of the atmosphere of the area;

(2) Each employee about to work in an area designated for open-process vessels or open containers of the carcinogen must be required, before entering the designated area, to put on and wear clean work area garments, impervious gloves and aprons, safety glasses, and appropriate head covering and footwear. At the end of the work operation or shift, whichever occurs first, each employee shall be required to remove and leave in the designated area all work garments and personal protective equipment, shower, and put on other clothes;

(3) In case a ventilation system in an area designated for open-process vessels or open containers of the carcinogen stops functioning or begins to function improperly, all employees working in the area must be evacuated from the area, and must be required to remove and leave in the designated area work area garments and personal protective equipment, shower, and put on other clothes. No employee, other than those engaged in repairing the system, may be allowed to return to the area until after it is ascertained that the ventilation system has been adjusted and does function properly, and has functioned properly for a time sufficient to draw off dust and vapors from the area. Any employee engaged in repairing the system shall be deemed exposed to dust and fumes, and the requirements of item (4) shall apply;

(4) Where exposure to dust or fumes of the carcinogen can reasonably be expected, each employee to be exposed shall be provided with, and required to wear, in addition to the ordinary work garments, impervious gloves, safety glasses, and appropriate head covering and footwear, coveralls of impervious material and an appropriate absorbent cartridge face mask. At the end of the work operation or shift, whichever occurs first, each employee shall be required to remove and leave in the designated area all work garments and personal protective equipment, shower, and put on other clothes;

(5) In cases of significant spillage of the carcinogen in molten form, all employees in the area must be evacuated and must be required to remove and leave in the designated area all work garments and personal protective equipment, shower, and put on other clothes. No employee, other than those engaged in the cleanup of the spills, may be allowed to reenter the area until the molten material has been removed. Any employee engaged in the removal of the solidified material by breaking and sweeping, shall be deemed exposed to dust, and the requirements of item (4) shall apply;

(6) Every employee working in an area designated for open-process vessels or open containers shall be required to wash hands and face before smoking, eating, or drinking; and

(7) As soon as possible each employer listed above shall give notice to all its affected employees of the terms of this interim order by the same means required to inform them of the application for variance.

Effective date. This interim order shall be effective as of July 27, 1973, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 24th day of July, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15511 Filed 7-26-73;8:45 am]

RHODE ISLAND DEVELOPMENTAL PLAN

Submission of Plan and Availability

1. *Submission and description of plan.* Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of the Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Rhode Island has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan and hereby gives notice that the question of approval of the plan is in issue before him.

The Plan designates the Rhode Island Department of Labor as the agency responsible for administering and enforcing the Plan throughout the State. In addition, the Rhode Island Department of Health will perform certain duties relating to health and report to the Director of Labor. The Plan defines the covered occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Initially occupational safety and health standards promulgated by the U.S. Secretary of Labor are adopted under the Plan, except 29 CFR Parts 1915, 1916, 1917, 1918, and 1926.

The Plan includes enabling legislation enacted by the Rhode Island legislature during its January 1973 session to bring the Plan into conformity with the requirements of Part 1902. Under the legislation, the Department of Labor has the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. It provides for the coverage of all employees within the State, including employees of State agencies and municipalities.

There are provisions within the legislation granting the Director of Labor the authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives the opportunity to accompany inspectors and to call attention to possible violations; to insure notification of employees or their representatives where no compliance action is taken as a result of alleged violations; to insure protection of employees against discrimination in terms and conditions of employment; and to insure adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violations of the proposed legislation.

The legislation sets forth the general authority and scope for implementing the Rhode Island Plan. The Plan includes amended safety legislation; adopted federal standards as state occupational safety and health codes; adopted regulations concerning notification of employees of decisions of compliance action of the State, the appointment of a State Occupational Safety and Health Review Board, employee protections and obligations, a voluntary compliance program, a State Compliance Procedure Manual, the implementation of coverage of State and local government employees, the procedures on employee discrimination, the Review Board procedures, the completion of staffing and training of personnel, and employer recordkeeping and reporting procedures under 29 CFR Part 1904.

The legislation has been accompanied by a statement of the Governor's support for it and an opinion that it meets the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State.

2. *Location of plan for inspection and copying.* A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street, N.W., Washington, D.C. 20210; Regional Administration, Occupational Safety and Health Administration, Fifth Floor, 18 Oliver Street, Boston, Massachusetts 02110, and the Rhode Island State Department of Labor Division of Occupational Safety, 235 Promenade Street, Providence, Rhode Island 02903.

3. *Public participation.* Interested persons are hereby given until August 27, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, Room 305, 400 First Street, N.W., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan, or any part thereof, whenever particularized written objections thereto are filed by August 27, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C. this 21st day of July, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15490 Filed 7-26-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-56]

ADVISORY COMMITTEES

Notice of Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of the following four advisory groups is in the public interest in connection with the duties imposed upon NASA by law:

1. Ad Hoc Synthesis Review Panel for the Evaluation of Lunar Data Analysis and Synthesis Proposals.
2. Ad Hoc Subcommittee for the Evaluation of Possible Sites for the NASA Large Aperture Ground-Based Infrared Telescope.
3. Ad Hoc Subcommittee for the Review of the Investigations on the Second and Third High Energy Astronomy Observatory (HEAO) Missions.
4. Ad Hoc Committee for the Evaluation of the Apollo-Soyuz Test Program (ASTP) Experiment Proposals.

The function of these advisory groups is to obtain the advice of the scientific and technical community on proposals in the specialized areas identified by the name of the group.

Dated: July 25, 1973.

JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration.

[FR Doc.73-15643 Filed 7-26-73;8:45 am]

[Notice 73-57]

NASA AD HOC COMMITTEE FOR THE EVALUATION OF THE APOLLO-SOYUZ TEST PROGRAM EXPERIMENT PROPOSALS

Notice of Meeting

The NASA Ad Hoc Committee for the Evaluation of the Apollo-Soyuz Test Program (ASTP) Experiment Proposals will meet in Houston 31 July 1973 to 2 August 1973. The meeting will be held at the Johnson Space Center, on the first floor of Building 29. The meeting will be concerned with a scientific and technical evaluation of flight proposals for the ASTP mission, which is currently scheduled for flight in 1975. Since much of the Committee discussions will be used by NASA as an aid in the subsequent contractor selection process, attendance will be limited to committee members, project officials, and a list of proposers invited for interviews by the Chairman. Those proposers who are invited may enter the Johnson Space Center via the main gate (on NASA Road 1, Clear Lake, Texas). They will be directed to the Visitor Reception Building, where they may obtain a pass to visit Building 29 after identifying themselves.

The Ad Hoc Committee for the Evaluation of the Apollo-Soyuz Test Program Experiment Proposals was established by the NASA Administrator for the purpose of advising NASA on the scientific merit and technical feasibility of proposals submitted in response to the Administrator's general letter of 29 June 1973 soliciting science and applications proposals for experiments on the ASTP flight. The Chairman of the Committee is Dr. Alois W. Schardt, NASA Headquarters, Washington, DC 20546. The Executive Secretary is Dr. Lawrence D. Kavanagh, Jr., also of NASA Headquarters. There are approximately fifteen other members on the Committee. Questions may be directed to Dr. Kavanagh, telephone (202) 755-3685.

The agenda for the meeting is as follows:

31 JULY 1973

Time	*Topic*
9:00 am-10:00 am	Orientation (The Chairman will explain the evaluation procedure to be used, and proposals will be distributed to Committee members).
10:00 am-5:00 pm	Subgroup Discussions (The Committee will be divided into several subgroups according to areas of expertise. Rest of day will be devoted to subgroups reading and informally discussing proposals).

1 AUGUST 1973

9:00 am-5:00 pm	Proposer Interviews (Individual proposers who have been invited to this session will be interviewed by Committeee members and questioned on various aspects of their proposals).

2 AUGUST 1973

Time	*Topic*
9:00 am-12 Noon	Proposal Categorizations (Committee as a whole will vote a specific evaluation on each proposal).
1:00 pm-5:00 pm	Payload Recommendations (Proposals which have received high evaluations will be grouped into attractive payload combinations for consideration in final NASA selection).
5:00 pm	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JULY 25, 1973.

[FR Doc.73-15644 Filed 7-26-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 306]

ASSIGNMENT OF HEARINGS

JULY 24, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 121499 Sub 6, William Hayes Lines, Inc., now being assigned hearing September 17, 1973 (1 week), at Atlanta, Ga., in a hearing room to be later designated.

MC-F-11726, Estes Express Lines—Purchase (Portion)—Johnson's Express, Inc. (O. Tracy Parks, III, Trustee), and MC-F-11727, Boyd Brothers Transportation Co., Inc.—Purchase (Portion)—Johnsons Express, Inc. (O. Tracy Parks, III, Trustee), now being assigned hearing September 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119777 Sub 245, Ligon Specialized Hauler, Inc., now being assigned hearing September 25, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 48213 Sub 34, C. E. Lizza, Inc., now being assigned hearing September 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 55889 Sub 40, Cooper Transfer Co., Inc., is continued to August 13, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-50862 Sub 6, White Circle Line, Inc., now assigned September 10, 1973, will be held in Room 1112, John F. Kennedy Bldg., Government Center, Boston, Mass.

MC-F-11677, Brush Hill Transportation Co.—Purchase (Portion)—Union Street Railway Co., now assigned September 12, 1973, will be held in Room 1112, John F. Kennedy Bldg., Government Center, Boston, Mass.

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FD–27401 Coastal Industries, Inc., & MC–F–11748, Coastal Industries, Inc.—Control—P. B. Mutrie Motor Transportation, Inc., now assigned September 17, 1973, will be held in Room 1112, John F. Kennedy Bldg., Government Center, Boston, Mass.

MC 134922 Sub 41, B. J. McAdams, Inc., now being assigned hearing September 10, 1973 (1 day), at Dallas, Tex., in a hearing room to be later designated.

MC–C–8096, The Squaw Transit Company—Investigation and Revocation of Certificates—, now being assigned hearing September 11, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC–F–11866, Mid-States Trucking Co.—Control and Merger—(A) Govan Express, Inc., and (B) Denton Produce, Inc., now being assigned hearing September 13, 1973 (2 days), at Dallas, Tex., in a hearing room to be later designated.

No. W–536 Sub 13, Hennepin Towing Company, now being assigned hearing September 17, 1973 (1 week), at New Orleans, La., in a hearing room to be later designated.

MC–1977 Sub 15, Northwest Transport Service, Inc., is continued to September 10, 1973 (4 weeks), at the Strater Hotel, 7th and Main Street, Durango, Colo.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15491 Filed 7–26–73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 24, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 42717—*Joint Water-Rail Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd., (No. 3), for itself and interested rail carriers. Rates on general commodities, from rail stations on the West Coast, to ports in the United Kingdom, Ireland, Scandinavia, Continental Europe and Mediterranean Sea.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., I.C.C. No. 2, F.M.C. No. 22. Rates are published to become effective on August 20, 1973.

FSA No. 42718—*Sand from Brady, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B–423), for interested rail carriers. Rates on sand, NOIBN, in carloads, as described in the application, from Brady, Texas, to Cortland, Ohio.

Grounds for relief—Rate relationship.

Tariff—Supplement 191 to Southwestern Freight Bureau, Agent, tariff 162–X, I.C.C. No. 4797. Rates are published to become effective on September 1, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15495 Filed 7–26–73;8:45 am]

[Ex Parte No. MC–43]

K&W BOAT TRANSPORT INC. AND MARINE MOTOR TRANSPORT INC.

Lease and Interchange of Vehicles by Motor Carriers

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington D.C. on the 20th day of July, 1973.

It appearing, that petition has been filed by the K & W Boat Transport, Inc. (MC–108169) and Marine Motor Transport, Inc. (MC–115658) under common control, for waiver of paragraphs (a) (3) and (c) § 1057.4 of the Lease and Interchange of Vehicle Regulations (49 CFR 1057) concerning equipment leased between petitioners;

It further appearing, that petitioners cooperatively and jointly apply the same standards of inspection and maintenance to equipment in accordance with the safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation reports that until such time as there is more substantive data received in which to constitute a sound basis for evaluation of petitioners' safety compliance, the U.S. Department of Transportation has no alternative but to recommend that approval of the petition with respect to waiver of the requirements of paragraps (c) of § 1057.4 be granted.

It is ordered, That waiver of the requirements of paragraphs (a) (3) and (c) of § 1057.4 be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15493 Filed 7–26–73;8:45 am]

[Notice 320]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 16, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74447. By order of July 18, 1973, Motor Carrier Board approved the transfer to Backhaus Garage, Inc., 205 4th Avenue, St. Nazianz, Wis., 54232, of Certificate of Registration No. MC–97757 (Sub-No. 1) issued June 10, 1964, to Joseph Backhaus, 205 4th Avenue, St. Nazianz, Wis. 54232, evidencing a right to engage in transportation in interstate commerce as described in certificate No. CC–247, dated September 5, 1935, issued by the Public Service Commission of Wisconsin.

No. MC–FC–74490. By order of July 16, 1973, the Motor Carrier Board approved the transfer to Frick Transfer, Inc., R.D. 2, Bushkill Drive, Easton, Pa. 18047, of a portion of the operating rights set forth in Certificate No. MC–1344 issued May 3, 1966, to Union Transfer of Allentown, Pa., R.D. 2, Bushkill Drive, Easton, Pa., authorizing the transportation of contractors' equipment and machinery, between Allentown, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 50 miles of Allentown.

No. MC–FC–74550. By order of July 20, 1973, the Motor Carrier Board approved the transfer to Glueck Trucking Co., Inc., West New York, New Jersey, of Certificate No. MC 38880, issued April 21, 1960, to Francis G. Flynn, Doing Business as Glueck Trucking Co., West New York, New Jersey, authorizing the transportation of cork, from New York, N.Y., to Newark, N.J.; mica, from New York, N.Y., to South Plainfield, N.J.; generators, transformers, regulators, machinery and electrical equipment, between New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey, within 50 miles of New York, N.Y. including New York, N.Y. and furniture (church, school, theatre and laboratory furniture) and laboratory equipment, between points in New York and New Jersey, within 50 miles of New York, N.Y. including New York, N.Y. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, New Jersey 08904 representative for applicants.

No. MC–FC–74571. By order of July 18, 1973, the Motor Carrier Board approved the transfer to J–V Inc., 9832 Tonya Drive, Sandy, Utah 84070, of Permit No. MC 134701 (Sub No. 2) issued to Robert Withers, dba Robert Withers Trucking, Maywood, Calif., authorizing the transportation of: Bananas, and agricultural commodities subject to certain conditions and restrictions, from points in California and Arizona to Ports of Entry on the U.S.-Canadian Boundary Line, located at or near Sweetgrass, Mont.

No. MC–FC–74583. By order of July 20, 1973, the Motor Carrier Board approved the transfer to William P. Bowman, D/B/A Bowman's Bus Service, Milford, Del., of Certificate No. MC–107367 issued May 28, 1948, to Carlos E. Streets, Millsboro, Del., authorizing the transportation of passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Sussex County, Del., and extending to points in Md., N.J., N.Y., Pa., Va., and D.C. Chester A Zyblut, 1522 K Street, N.W., Washington, D.C. 20005 Attorney for applicants.

No. MC–FC–74591. By order entered July 18, 1973, the Motor Carrier Board approved the transfer to Command Deliveries, Inc., Columbia, Md., of the operating rights set forth in Permit No. MC–126503 (Sub-No. 2), issued July 18, 1968, to Willard E. Lawrence and Thomas W. Lawrence II, Arlington, Va., authorizing the transportation of photographic equipment and supplies, such commodities as are usually sold by wholesale dealers in drugs and drugstore supplies, bedding, towels, hosiery, handwear, clothing and clothing accessories, and returned shipments of the above-specified commodities, from and to Washington, D.C., and specified points and places in Maryland and Virginia, under contract with specified shippers. Daniel B. Johnson, 716 Perpetual Building, 1111 E Street, N.W., Washington, D.C. 20004

No. MC–FC–74610. By order entered July 20, 1973, the Motor Carrier Board approved the transfer to Warth Express, Inc., Bricktown, N.J., of that portion of the operating rights set forth in Certificate No. MC–85233 (Sub-No. 4), issued January 17, 1968, to Metro Carrier Corp., Clifton, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, Belmar, N.J. George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–15498 Filed 7–26–73;8:45 am]

[Notice 100]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 23, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17051 (Sub-No. 13 TA) filed May 29, 1973 Applicant: BARNET'S EXPRESS, INC. 758 Lidgerwood Avenue Mail: P.O. Box 111 Elizabethport Station Elizabeth, N.J. 07202 Applicant's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07306 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers *and equipment, materials and supplies* used in the manufacture and sale of wearing apparel, (1) between the facilities of Cooper Sportswear Manufacturing Co., Inc., at Fall River, Mass.; Carteret, Perth Amboy, and Newark, N.J.; New York, N.Y.; Johnstown, N.Y.; Athens, Tenn.; Salisbury, N.C.; Brunswick, Ga.; East Rockingham, N.C.; and Gordo, Ala., (2) between the facilities of Polskin, Inc., at Plainfield, N.J.; Argyle, Ga.; York, S.C.; West Point and Nichols, Ga.; (3) between the facilities of Pollak Leather, Inc., at Newburgh, New York, Johnstown, and Gloversville, N.Y.; East Douglas, Mass.; Providence, R.I.; Corinna, Maine, points in New Jersey, Richmond, Va.; Waynesboro and Duluth, Ga.; and Chicago, Ill. and (4) between the facilities of Excelled Sheepskin & Leather Coat Co., Inc., Somerset, N.J.; New York, N.Y.; Athens, Tenn. and Chatham, Va., for 180 days. SUPPORTING SHIPPERS: Polskin, Inc., 1112 North Ave., P.O. Box 2769, Plainfield, N.J. 07062; Excelled Leather Coat Co., 55 School Ave., Somerset, N.J. 08873; Cooper Sportswear Manufacturing Company, Inc., 720 Freilinghuysen Ave., Newark, N.J. 07114; and Pollak Leather, Inc., 390 Fifth Ave., Suite 612, New York, N.Y. 10018. SEND PROTESTS TO: District Supervisor Robert E. Johnson, Bureau of Operations, Interstate Commerce Commission, 970 Broad St., Newark, N.J. 07102.

No. MC 20992 (Sub-No. 28 TA) filed July 9, 1973 Applicant: DOTSETH TRUCK LINE, INC. Knapp, Wis. 54749 Applicant's representative: Robert G. Planansky 605 S. 14th Street Lincoln, Nebr. 68501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment and implements;* (2) *loaders and attachments;* and (3) *parts, accessories and attachments* of or for commodities described in parts (1) and (2) moving independently thereof or in connection therewith, from Madison, S. Dak., to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, New York, Pennsylvania, West Virginia, Virginia, Maryland, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, New Jersey and Delaware, for 180 days. SUPPORTING SHIPPER: The Gehl Company, 143 Water St., West Bend, Wis. 53095. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th St. Minneapolis, Minn. 55401.

No. MC 64932 (Sub-No. 517 TA) filed July 13, 1973 Applicant: ROGERS CARTAGE CO. 10735 South Cicero Avenue Oak Lawn, Ill. 60453 Applicant's representative: William F. Farrell (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Liquid* chemicals, in bulk, from South Bend, Ind., to points in Ohio, Illinois, Michigan, and Wisconsin, and (B) *acid waste*, in bulk, from Clinton, Ind., to Toledo, Ohio, for 90 days. SUPPORTING SHIPPER: Mr. R. J. Persyn, Traffic Manager, Inland Chemical Corporation, 1810 Magnavox Way, Fort Wayne, Ind. 46804. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 So. Dearborn, Rm. 1086, Chicago, Ill. 60604.

No. MC 82841 (Sub-No. 124 TA) filed July 13, 1973. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Application's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* used to transport recreational vehicles, and *parts*, from Lenox, Iowa, to points in Maine, Connecticut, Vermont, New York, Michigan, Wisconsin, Minnesota, Colorado, and Montana, for 180 days. SUPPORTING SHIPPER: Hoover Bell & Bearing—Lenox Division, James J. Lehmann, Gen. Mgr., Dallas & Walnut Sts., Lenox, Iowa 50851. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 108449 (Sub-No. 357 TA) filed July 9, 1973 Applicant: INDIANHEAD TRUCK LINE, INC. 1947 West County Road "C" St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority

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sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and fuel oils*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., to points in Minnesota, restricted to shipments having a prior movement by rail, for 180 days. SUPPORTING SHIPPER: Oskey Gasoline & Oil Co. Inc., 2950 Metro Drive, Minneapolis, Minn. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 111170 (Sub-No. 206 TA) filed July 11, 1973 Applicant: WHEELING PIPE LINE, INC. P.O. Box 1718 El Dorado, Ark. 71730 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground slate*, in bulk, from Bryant, Ark., to Lone Star, Tex., for 180 days. SUPPORTING SHIPPER: Reilly Tar & Chemical Corporation, 1615 Merchants Bank Building, Indianapolis, Ind. 46204. SEND PROTESTS TO: District Supervisor William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Bureau of Operations, Interstate Commerce Commission, Little Rock, Ark. 72201.

No. MC 119441 (Sub-No. 36 TA) filed July 10, 1973 Applicant: BAKER HI-WAY EXPRESS, INC. Box 484 Dover, Ohio 44622 Applicant's representative: Richard Brandon 79 E. State Street Columbus, Ohio 43215 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubbish and trash compactors and containers* for compacted rubbish and trash, from Sugar Creek, Ohio, to Lumberton, N.C.; Athens, Ga.; Macon, Ga.; Milwaukee, Wis.; and Rochester, N.Y., for 180 days. SUPPORTING SHIPPER: Uhrden, Inc., Sugar Creek, Ohio 44681. SEND PROTESTS TO: District Supervisor Frank L. Calvary, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 123048 (Sub-No. 264 TA) filed July 11, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A (Box ZIP 53401), Racine, Wis. 53403. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *tractor parts and attachments thereof*, from Romeo, Mich., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, Tractor Operations Corporation, 2500 East Maple Road, Troy, Mich. 48084 (Charles K. Crawford, Senior Analyst Transportation & Traffic Department). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 125293 (Sub-No. 8 TA) filed July 12, 1973. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 1828 N.W. Raleigh, Portland, Oreg. 97209. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, between Portland, Oreg. and/or Vancouver, Wash., and Los Angeles County and San Francisco Bay area, Calif., and Seattle and Tacoma, Wash., and their commercial zones, for 180 days. SUPPORTING SHIPPER: Northwest Packing Company, 440 N. Columbia Blvd., P.O. Box 1126, Portland, Oreg. 97211. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 125985 (Sub-No. 16 TA) filed July 13, 1973 Applicant: AUTO DRIVE-WAY COMPANY 343 South Dearborn Street Chicago, Ill. 60604 Applicant's representative: John F. Sohl (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes* by driveway, between points in Alabama, Florida, Georgia, Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin, for 180 days. SUPPORTING SHIPPERS: Mr. Robert B. Brown, Sales Manager, Tioga Industries of Indiana, Inc., 1420 W. Peterson St., Decatur, Ind. 46733 and Mr. Paul Saalfield, Sales Manager, Pace Arrow of Indiana, Inc., 1410 Paterson St., Decatur, Ind. 46733. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 125985 (Sub-No. 17 TA) filed July 13, 1973 Applicant: AUTO DRIVE-AWAY COMPANY 343 South Dearborn Street Chicago, Ill. 60604. Applicant's representative: John F. Hohl (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes* by driveaway service, between points in Northumberland County, Pa., on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER: Mr. Marshall F. Crisran, Sales Manager, Pace-Arrow of Pennsylvania, Inc., Paxinos, Pa. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128383 (Sub-No. 35 TA) filed July 13, 1973 Applicant: PINTO TRUCKING SERVICE, INC. 1414 Calcon Hook Road Sharon Hill, Pa. 19079 Applicant's representative: Gerald K. Gimmel 666 Eleventh St., N.W. Washington, D.C. 20001 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and except motor vehicles requiring the use of special equipment), between Chicago O'Hare International Airport, at or near Chicago, Ill.; Kansas City International Airport, at or near Kansas City, Mo.; Minneapolis-St. Paul International Airport, at or near Minnesota-St. Paul, Minn.; Metropolitan International Airport, at or near Detroit, Mich.; and Cleveland Hopkins International Airport at or near Cleveland, Ohio, restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service, for 180 days. SUPPORTING SHIPPERS: Skyline Airfreight, 1511 Carmen Dr., Elk Grove, Ill. 60007; Five Star Air Freight Corp., 3rd & Governor Printz Blvd., Lester, Pa. 19113; Airlift International, Inc., P.O. Box 535, Miami, Fla. 33148; Mercury International Organization, 7 Rue Bourdarie-Lefure-92600 Asnieres, France; USAIR Freight, Inc., P.O. Box 66308, O'Hare International Airport, Chicago, Ill. 60666; and Bor-Air Freight Co., Inc., 351 West 38th St., New York, N.Y. 10018. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, William J. Green, Jr. Federal Bldg., 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 128988 (Sub-No. 24 TA) filed July 9, 1973 Applicant: JO/KEL, INC. P.O. Box 1249 15055 E. Salt Lake Ave. City of Industry, Calif. 91749 Applicant's representative: Patrick E. Quinn 605 South 14th Street P.O. Box 82028 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by manufacturers or distributors of electric and electronic products and devices, and *equipment, materials and supplies* used in the manufacture, sale and distribution thereof, from the warehouse and distribution center of Westinghouse Electric Corporation at or near Irwin, Pa., to points in Arizona, California, Nevada, Oregon and Washington, for 180 days. RESTRICTIONS: Restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa. Note: Applicant will interline shipments at points on the West Coast for furtherance to Alaska and Hawaii. SUPPORTING SHIPPER: Westinghouse Electric Corporation, RD #5 Leger Road, Irwin, Pa. 15642. SEND PROTESTS TO: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 129516 (Sub-No. 18 TA) filed July 13, 1973 Applicant: PATTONS, INC. 2300 Canyon Road Ellensburg, Wash. 98926 Applicant's representative: James T. Johnson 1610 IBM Building Seattle, Wash. 98101 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized wood fiber*, from Bellingham, Wash., to points in California, Nevada, Arizona, Utah, Nebraska and Montana, for 180 days. SUPPORTING SHIPPER: Georgia-Pacific Corporation, Bellingham Division, P.O. Box 1236, Bellingham, Wash. 98225. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 SW. Pine St., Portland, Oreg. 97204.

No. MC 135942 (Sub-No. 3 TA) filed July 12, 1973 Applicant: MAX BRONES doing business as BRONES LIVESTOCK Joice, Iowa 50446 Applicant's representative: Clayton L. Wornson 824 Brick & Tile Building Mason City, Iowa 50401 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing*, from Lake Mills, Iowa, to points in Michigan and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of corrugated plastic drainage tubing (except commodities in bulk), from points in Michigan, to Lake Mills, Iowa, for 180 days. SUPPORTING SHIPPER: Certain-Teed/Daymond Co., Suite 150, 230 Colingwood, Ann Arbor, Mich. 48103. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138595 (Sub-No 1 TA) filed July 10, 1973 Applicant: ROBERT RIDDIOUGH R.D. 3 Smithville, Ontario, Canada Applicant's representative: Lauren D. Rachlin 1212 Genesee Building Buffalo, N.Y. 14202 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, between the International Boundary line between the United States and Canada on the Niagara River and points in Erie and Niagara Counties, N.Y., for 150 days. SUPPORTING SHIPPER: I. Waxman & Sons Limited, 75 Windermere Road, Hamilton, Ontario, Canada L8H 7M8. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 138890 (Sub-No. 1 TA) filed July 3, 1973 Applicant: MOODIE, INC. 301 Acorn Street Stevens Point, Wis. 54481 Applicant's representative: Michael J. Wyngaard 329 W. Wilson Street Madison, Wis. 53703 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen and processed potatoes and frozen and processed potato products and advertising materials, equipment, and supplies*, from points in Portage County, Wis., to points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Kansas, Kentucky, Tennessee, Michigan, New York, Missouri, Pennsylvania, West Virginia, Virginia, Maryland, and Washington, D.C., for 180 days. SUPPORTING SHIPPER: Okray's Ltd., 3000 Welsby Avenue, Stevens Point, Wis. 54481. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 138903 (Sub-No. 1 TA) filed July 13, 1973 Applicant: DELBERT HOUSER 432 N. Turnpike Road Dalton, Pa. 18414 Applicant's representive: Kenneth R. Davis 999 Union Street Taylor, Pa. 18517 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and travel trailers*, from Harrisburg and Wilkes-Barre, Pa., and Elmira, N.Y., to points in Mississippi, Louisiana, Ohio, Missouri, Illinois, Arkansas, Tennessee, Michigan and Kentucky, for 150 days. RESTRICTION: Restricted to traffic moving to disaster areas designated by the U.S. Government. SUPPORTING SHIPPER: U.S. Department of Housing and Urban Development, Washington, D.C. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138905 TA filed July 3, 1973 Applicant: R. & L. TRANSPORT, INC. Belleview, Mo. 63623 Applicant's representative: Thomas P. Rose Jefferson Building P.O. Box 205 Jefferson City, Mo. 65101 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, including pallet parts*, from points in Dent, Iron, Reynolds, and St. Francois Counties, Mo., to points in Delaware, Illinois, Iowa, Indiana, Maryland, Michigan, Ohio, Minnesota, Pennsylvania, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Ozark Oak Flooring Co. Inc., Bismarck, Mo. 63624. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, 210 N. 12th Street, Room 1465, St. Louis, Mo. 63101.

No. MC 138907 TA filed July 13, 1973 Applicant: MORIS WEBSTER AND RODNEY WEBSTER doing business as WEBSTER BROTHERS St. Vincent, Minn. 56755 Applicant's representative: Andrew R. Clark 1000 First National Bank Bldg. Minneapolis, Minn. 55402 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Dawson and Mankato, Minn., to points on the United States-Canadian Boundary in Minnesota, for 180 days. SUPPORTING SHIPPER: L. V. Patteson Ltd., 215 Panet Road, Winnipeg, Manitoba, Canada. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15497 Filed 7-26-73;8:45 am]

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PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federally Assisted Construction

Modifications, and Supersedeas Decisions to General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. Modifications to General Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Colorado:	
AP–296	Apr. 27, 1973
AP–299	May 4, 1973
AP–918	July 6, 1973
Illinois:	
AP–690; AP–691; AP–1003; AP–1004	June 8, 1973
Iowa:	
AM–2448; AM–2451; AM–2459	Aug. 11, 1971
AP–527	May 11, 1973
Kansas:	
AP–501	Aug. 11, 1972
AP–503	Aug. 25, 1972
AP–531; AP–532	May 25, 1973
AM–6708	Apr. 7, 1972
AM–6717	Apr. 14, 1972
Kentucky:	
AP–141	Dec. 1, 1972
Michigan:	
AP–80; AP–81; AP–82; AP–83; AP–84; AP–85; AP–86; AP–87; AP–88; AP–89; AP–90; AP–91; AP–92; AP–93; AP–94; AP–95; AP–96; AP–97; AP–98; AP–99; AP–600; AP–601	Dec. 29, 1972
Missouri:	
AP–504	Sept. 1, 1972
AP–506; AP–507; AP–508; AP–509	Oct. 13, 1972
AP–534	July 6, 1973
Nevada:	
AP–912	June 29, 1973
New Mexico:	
AP–740	July 6, 1973
New York:	
AP–486	Mar. 9, 1973
Oklahoma:	
AP–364	Dec. 8, 1973
AP–731	May 11, 1973
Tennessee:	
AP–190; AP–191; AP–192	May 25, 1973
Texas:	
AP–721; AP–723; AP–725; AP–728; AP–729	Apr. 27, 1973
Virginia:	
AP–858	June 29, 1973
Washington, D.C.:	
AP–823	May 18, 1973

Supersedeas decisions to general wage determination decisions. Supersedeas Decisions to General Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded):

Arizona:	
AP–258(AQ–1004)	Jan. 12, 1973
Delaware:	
AP–804(AQ–2002)	May 4, 1973
Louisiana:	
AP–735(AQ–8)	June 1, 1973
New Mexico:	
AP–737(AQ–9)	June 15, 1973

Signed at Washington, D.C., this 20th day of July 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage & Hour Division.

Modifications P. 2

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-202 - Mod. #3 (38 FR 11252 - May 4, 1973) Statewide, Colorado						
Changes:						
Electricians:						
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande Cos.						
Zone 1 (Within 12 miles of Pueblo Main Post Office)	8.50	.32	1% + .25		1/10%	
Electricians	9.30	.32	1% + .25		1/10%	
Cable Splicers						
Zone 2 (12 to 20 miles from Pueblo Main Post Office) and (0 to 12 miles from Post Office in Canon City)						
Electricians	8.90	.32	1% + .25		1/10%	
Cable Splicers	9.70	.32	1% + .25		1/10%	
Zone 3 (20 to 40 miles from Pueblo Main Post Office)						
Electricians	9.25	.32	1% + .25		1/10%	
Cable Splicers	10.05	.32	1% + .25		1/10%	
Zone 4 (40 miles and over from Pueblo Main Post Office)						
Electricians	10.00	.32	1% + .25		1/10%	
Cable Splicers	10.80	.32	1% + .25		1/10%	
Electrical Contracts less than $5,000 in Zones 3 and 4	6.16	.32	1% + .25		1/10%	
Electricians						
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties						
Electricians	8.57	.32	1%		.01	
Painters:						
Baca, Bent, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Counties						
Brush	5.38	.20			.02	
Structural Steel; Spray	5.88	.20			.02	
Spray Steel	6.38	.20			.02	

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-205 - Mod. #4 (38 FR 10567 - April 27, 1973) Pueblo County, Colorado						
Changes:						
Bricklayers	7.72	.30	.50		.04	
Electricians:						
Zone 1 (0-12 miles from Post Office)	8.50	.32	1% + .25		1/10%	
Electricins	9.30	.32	1% + .25		1/10%	
Cable Splicers						
Zone 11 (12-20 miles from Post Office)	8.90	.32	1% + .25		1/10%	
Electricians	9.30	.32	1% + .25		1/10%	
Cable Splicers						
Zone 111 (20-40 miles from Post Office)	9.25	.32	1% + .25		1/10%	
Electricians	10.05	.32	1% + .25		1/10%	
Cable Splicers						
Zone 1V (Over 40 miles from Post Office)						
Electricians	10.00	.32	1% + .25		1/10%	
Cable Splicers	10.80	.32	1% + .25		1/10%	
Electrical Contracts less than $5,000 in Zones 111 and 1V	6.16	.32	1% + .25		1/10%	
Glaziers	6.43					
Painters:						
Brushand roller; Tapers and hand textures	5.38	.20			.02	
Tapers using automatic tools and spray; Paperhangers; Spray; Steel spray	5.88	.20			.02	
	6.38	.20			.02	

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Modifications P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-019 - Mod. # 1 (38 FR 18133 - July 6, 1973) El Paso County, Colorado						
Change:						
Building Construction						
Bricklayers; Stonemasons	8.12	.30	.50		.04	
Carpenters:						
Millwrights	7.24	.45	.40	.40	.04	
Electricians	8.57	.32	1%		.01	
Glaziers	6.43					
Painters:						
Brush and roller; Tapers hand texture	6.35	.40	.20		.02	
Paperhangers; Spray; and Steel	6.85	.40	.20		.02	
DECISION #AP-690 - Mod. #1 (38 FR 15250 - June 8, 1973) Cook County, Illinois						
CHANGE:						
Boilermakers	$8.75	.40	.90	4%	.01	
Boilermakers' Helpers	8.65	.40	.90	4%	.01	
Carpenters:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Pipefitters	9.63	.47	.50		.02	
Plumbers	9.87	.40	.30		.05	
Pointers, Caulkers & Cleaners	9.20	.55	.70			
Sprinkler Fitters	9.65	.35	.50		.12	
Tile Setters' Helpers	7.60	.30-5/8	.425			
DECISION #AP-691 - Mod. #1 (38 FR 15256 - June 8, 1973) DuPage County, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Cement Masons	9.00	.50	.45		.03	
Ironworkers:						
Argonne & Vicinity	9.20	1.35	.125		.02	
Plumbers & Pipefitters:						
Argonne & Vicinity						
Plumbers	9.87	.40	.30		.05	
Pipefitters	9.63	.47	.50		.02	
Sprinkler Fitters	9.65	.35	.50		.12	
Tile Setters' Helpers	7.60	.30-5/8	.425			

Modifications P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1003 - Mod. #1 (38 FR 15302 - June 8, 1973) Cook County, Illinois						
CHANGE:						
Boilermakers	$8.75	.40	.90	4%	.01	
Boilermakers' Helpers	8.65	.40	.90	4%	.01	
Carpenters:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Pipefitters	9.63	.47	.50		.02	
Plumbers	9.87	.40	.30		.05	
Pointers, Caulkers & Cleaners	9.20	.55	.70			
Sprinkler Fitters	9.65	.35	.50		.12	
Tile Setters' Helpers	7.60	.30-5/8	.425			
DECISION #AP-1004 - Mod. #1 (38 FR 15305 - June 8, 1973) DuPage County, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers	9.15	.50	.63		.06	
Millwrights & Piledrivermen	9.15	.50	.63		.06	
Cement Masons	9.00	.50	.45		.03	
Sprinkler Fitters	9.65	.35	.50		.12	
Tile Setters' Helpers	7.60	.30-5/8	.425			

Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,448 - Mod. #5 (36 FR 16796 - August 25, 1971) Cerro Gordo County (Mason City), Iowa						
Change:						
Building Construction:						
Bricklayers-Stonemasons	$6.92		.25			
DECISION #AM-2,451 - Mod. #4 (36 FR 16806 - August 25, 1971) Dubuque County (City of Dubuque & abutting municipalities), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters	6.70		.37			
Piledrivermen	7.10		.37			
Millwrights	7.20		.37			
DECISION #AM-2,459 - Mod. #3 (36 FR 16833 - August 25, 1971) Woodbury County (City of Sioux City & abutting municipalities), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters; Piledrivermen	7.00	.30	.25		.01	
Millwrights	7.30	.30	.25		.01	
DECISION #AP-527 - Mod. #3 (38 FR 11264 - May 4, 1973) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters; Piledrivermen	$6.57	.31	.35		.01	
Millwrights	6.92	.31	.35		.01	
Soft floor layers	6.57	.31	.35		.01	

Modifications P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
DECISION #AP-501 - Mod. #5 (37 FR 16312 - August 11, 1972) Shawnee County, Kansas						
Change:						
Building Construction						
Laborers:						
General laborer	$ 5.80	.35	.25			
Power tool operators; Compactors; Concrete breakers; Chipping tools; Drilling tools; Concrete saws; Mechanically operated Georgia buggy	6.00	.35	.25			
Mason tenders; Mortar mixers for masons and cement finishers; All stocking scaffold; Clean up for masons (building and wrecking)	6.15	.35	.25			
Sand and concrete gun nozzleman and powderman	6.20	.35	.25			
Plasterers	7.45				.01	
Roofers:						
Flat, Slate & Tile; Dampproofers and Waterproofers	7.16	.18	.40			
Tile Setters	7.00					
Line Construction Schedule						
Omit:						
Building Construction						
Laborers:						
Plaster tenders	6.00	.275	.25			
Roofers:						
Using Pitch	7.34	.18	.40			

Modifications P. 7

DECISION #AP-501 (CONTD.)

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$7.06	.35	1%		1/2%	
Cable splicers	7.41	.35	1%		1/2%	
Groundman, over 1 year	4.41	.35	1%		1/2%	
Groundman, 1st year	3.37	.35	1%		1/2%	
Powderman	5.86	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.52	.35	1%		1/2%	
2nd year	5.39	.35	1%		1/2%	
Over 2 years' experience	5.86	.35	1%		1/2%	

Modifications P. 8

DECISION #AP-503 - Mod. #4
(37 FR 17349 - August 25, 1972)
Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas

Change:
Line Construction Schedule (Douglas, Jefferson, Miami, Shawnee and Southwest 2/3 of Leavenworth Counties)

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

DECISION #AP-503 (CONTD.)

Modifications P. 9

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
"Douglas, Jefferson, Miami, Shawnee, and Southwest 2/3 of Leavenworth Counties"						
LINE CONSTRUCTION:						
Lineman	$7.06	.35	1%		1/2%	
Cable splicers	7.41	.35	1%		1/2%	
Groundman, over 1 year	4.41	.35	1%		1/2%	
Groundman, 1st year	3.37	.35	1%		1/2%	
Powderman	5.86	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.52	.35	1%		1/2%	
2nd year	5.39	.35	1%		1/2%	
Over 2 years' experience	5.86	.35	1%		1/2%	

Modifications P. 10

DECISION #AP-531 - Mod. #4
(38 FR 13929 - May 25, 1973)
Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas

Change:
Line Construction (Western 3/4 of Johnson County, Kansas)

Basic Hourly Rates	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other

DECISION #AP-531 (CONTD.)

Modifications P. 11

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
WESTERN 3/4 of Johnson County, Kansas						
LINE CONSTRUCTION:						
Lineman	$7.06	.35	1%		1/2%	
Cable splicers	7.41	.35	1%		1/2%	
Groundman, over 1 year	4.41	.35	1%		1/2%	
Groundman, 1st year	3.37	.35	1%		1/2%	
Powderman	5.86	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.52	.35	1%		1/2%	
2nd year	5.39	.35	1%		1/2%	
Over 2 years' experience	5.86	.35	1%		1/2%	

Modifications P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-532 - Mod. #1						
(38 FR 13922 - May 25, 1973)						
Sedgwick County, Kansas						
Change:						
Building Construction						
Asbestos Workers	$8.325	.43	.175		.02	
Bricklayers; Stonemasons	7.68	.45	.25	.25	.02	
Carpenters:						
Carpenters	7.75				.03	
Millwrights; Piledrivermen	8.05				.03	
Cement Masons:						
Cement masons	7.50					
Troweling machine operator	7.75					
Laborers:						
Common laborers	5.65	.45	.25			
Machine tool operators (air or electric); All sewer and drain in tile layers; Mortar mixers, Hod carriers and plaster tenders; All men erecting scaffolds and directly tending masons and plasterers; Men mixing dryer and mortar mixers for cement finishers; Pipe dopers and pipe painters; Work on swing scaffold; Power buggies taking place of wheelbarrows and concrete buggies; Powderman; Gunnite nozzleman; Gunnite mixerman; Gunnite rodman; Core driller wagon drill-diamond; Air track drill; Sandblaster, nozzleman and/or potman	5.80	.45	.25			
Marble Setters; Terrazzo Workers; Tile Setters	6.10					

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
DECISION #AM-6,708 - Mod. #5						
(37 FR 7031 - April 7, 1972)						
Leavenworth County, Kansas						
Change:						
Building Construction						
Carpenters	$ 8.00	.33	.20		.04	
Cement masons	7.075	.10	.15			
Millwrights	8.00	.33	.20		.04	
Piledriverman	8.00	.33	.20		.04	
Plumbers	8.65	.40	.60		.06	
Line Construction Schedule						

DECISION #AM-6,708 (CONTD.)

Modifications P. 14

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oths
Southwest 2/3 of Leavenworth County						
LINE CONSTRUCTION:						
Lineman	$7.06	.35	1%		1/2%	
Cable splicers	7.41	.35	1%		1/2%	
Groundman, over 1 year	4.41	.35	1%		1/2%	
Groundman, 1st year	3.37	.35	1%		1/2%	
Powderman	5.86	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.52	.35	1%		1/2%	
2nd year	5.39	.35	1%		1/2%	
Over 2 years' experience	5.86	.35	1%		1/2%	

Modifications P. 15

DECISION #AM-6,717 - Mod. #5
(37 FR 7458 - April 14, 1972)
Shawnee County, Kansas

Change:
Building Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
General laborer	$5.80	.35	.25			
Power tool operators; Compactors; Concrete breakers; Chipping Tools; Drilling tools; Concrete saws; Mechanically operated Georgia buggy	6.00	.35	.25			
Mason tenders; Mortar mixers for masons and cement finishers; All stocking scaffold; Clean up for masons (building wrecking)	6.15	.35	.25			
Sand and concrete gun nozzleman and powderman	6.20	.35	.25			
Plasterers	7.45				.01	
Roofers: Flat, Slate & Tile; Dampproofers and Waterproofers	7.16	.18	.40			
~~Tile setters~~	~~7.00~~					
Line Construction Schedule						

Omit:
Building Construction
Laborers:

Plaster tenders	6.00	.275	.25			
Roofers: Using Pitch	7.34	.18	.40			

DECISION #AM-6,717(CONTD.)

Modifications P. 16

Kansas Line Construction #1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION:						
Lineman	$7.06	.35	1%		1/2%	
Cable splicers	7.41	.35	1%		1/2%	
Groundman, over 1 year	4.41	.35	1%		1/2%	
Groundman, 1st year	3.37	.35	1%		1/2%	
Powderman	5.86	.25	1%		1/2%	
Line truck & equipment operator:						
1st year	4.52	.35	1%		1/2%	
2nd year	5.39	.35	1%		1/2%	
Over 2 years' experience	5.86	.35	1%		1/2%	

Modifications P. 17

DECISION #AP-141 - Mod. #3
(37 FR 25690 - December 1, 1972)
Boone, Campbell, & Kenton Counties, Kentucky

Change:
Label on Power Equipment Operators' Schedule to read:
Heavy and Highway Construction

Modifications P. 18

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-80 - Mod. #2						
(37 FR 28822 - December 29, 1972)						
Allegan County, Michigan						
CHANGE:						
Electricians, Remainder of County	$8.65	.30	7.5%		.01	
Power Equipment Operators:						
Underground Construction						
Power shovels, Etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, Etc.	7.24	.50	.55		.05	
Air compressors (2 or more), Etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach., Etc.	6.46	.50	.55		.05	
Oiler & Firemen	6.46	.50	.55			
DECISION #AP-81 - Mod. #2						
(37 FR 28825 - December 29, 1972)						
Alpena County, Michigan						
Change:						
Electricians:						
Industrial & Commercial electrical Contracts not to exceed $10,000.	7.00	.30	1%+.15		.1%	
All other work	8.50	.30	1%+.15		.1%	
Power Equipment Operators:						
Underground Construction						
Power shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air compressors (2 or more) etc.	6.74	.50	.55		.05	
Hydralic pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler & Fireman	6.46	.50	.55			
DECISION #AP-82 - Mod. #2						
(37 FR 28850 - December 29, 1972)						
Barago, Houghton, Keweenaw & Ontonagon Counties, Michigan						
Change:						
Carpenters (Bldg.) & Soft floor layers	6.99	.40	.40		.01	
Piledriverman	7.09	.40	.40		.01	
Millwright	7.34	.40	.40		.01	

Modifications P. 19

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-83 - Mod. #2 (37 FR 28828 - December 29, 1972) Berrien County, Michigan						
Change:						
Electricians	8.20	2.8%	5%	4%	.2%	
Sheetmetal Workers	7.95	.48	.50			
Power Equipment Operators:						
Underground Construction						
Power shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air Compressors (2 or more) etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler & Fireman	6.46	.50	.55			
DECISION #AP-84 - Mod. #2 (37 FR 28831 - December 29, 1972) Calhoun County, Michigan						
Change:						
Electricians	8.70	.30	7%		.01	
Plasterers	8.29	.32	.18		.03	
Roofers:						
Slate, tile & asbestos	7.60					
Composition	7.35					
DECICION #AP-85 - Mod. #2 (37 FR 28834 - December 29, 1972) Charlevoix County, Michigan						
Change:						
Electricians	8.38	.30	1%+.15		.1%	
Power Equipment Operators:						
Underground Construction						
Power shovels, etc	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air Compressors (2 or more), etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach., etc.	6.46	.50	.55		.05	
Oiler & Fireman	6.46	.50	.55			

Modifications P. 20

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-86 - Mod. #2 (37 FR 28837 - December 29, 1972) Chippewa and Mackinac Counties, Michigan						
Change:						
Bricklayers & Stonemasons	$7.85	.40				
Carpenters:						
Building	6.99	.40	.40		.01	
Water Front Work	7.09	.40	.40		.02	
Cement Masons	7.28	.40				
Millwrights	7.34	.40	.40		.01	
Painters:						
Brush	6.90					
Hand taping	7.05					
Machine Taping	7.35					
Paper hanging	6.30					
Spray	6.50					
Steel	8.50					
Steel to 39 ft. from ground or water level	9.00					
Sandblasting	6.50					
Piledrivermen	7.09	.40	.40		.01	
Plasterers	7.70	.40				
Plumbers & Steamfitters	8.38	.35	.30		.02	
Sheetmetal Worker	8.25	.32	.40		.02	
Soft Floor layer	6.99	.40	.40		.01	
Terrazzo Workers & tile setters	7.65	.40				
Tile & terrazzo helpers	6.65	.40				
Glaziers	5.40					
DECISION #AP-87 - Mod. #2 (37 FR 28839 - December 29, 1972) Emmet County, Michigan						
Change:						
Electricians(Remainder of County)	8.38	.30	1%+.15		.1%	
Power Equipment Operators:						
Underground Construction						
Power Shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air compressor (2 or more) etc.	6.74	.50	.55		.05	
Hyrdaulic pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler, Fireman	6.46	.50	.55			

Modifications P. 21

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-88 - Mod. #2 (37 FR 28870 - December 29, 1972) Genesee County, Michigan						
Change:						
Lathers	$7.79	.27	.10	.25	.01	
Marble Setters	8.05	.40	.60			
Painters:						
Brush & roller	7.45	.50	.40			
Spray	7.95	.50	.40			
Terrazzo Wrokers	8.05	.40	.60			
Tile Setters	8.05	.40	.60			
DECISION #AP-89 - Mod. #2 (37 FR 28842 - December 29, 1972) Goegebic County, Michigan						
Change:						
Carpenters	6.99	.40	.40		.01	
Piledrivermen	7.09	.40	.40		.01	
Soft floor layers	6.99	.40	.40		.01	
DECISION #AP-90 - Mod. #2 (37 FR 28873 - December 29, 1972) Grande Traverse and Leelanau Counties, Michigan						
Change:						
Electricians	8.38	.30	1%+.15		.1%	
Laborers:						
Laborers	5.00	.35	.30	.25		
Airtool Op.	5.15	.35	.30	.25		
Mortar Mixers	5.15	.35	.30	.25		
Crock & Pipe layers	5.15	.35	.30	.25		
Plasterers tenders	5.15	.35	.30	.25		
Sewer & Caisson Workers	5.15	.35	.30	.25		
Plumbers	8.32	.40	.30		.03	
Sheetmetal Workers	8.34	.35	.33	.60	.02	
Power Equipment Operators:						
Underground Construction						
Power Shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air Compressors (2 or more) etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler & Fireman	6.46	.50	.55			

Modifications P. 22

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-91 - Mod. #2 (37 FR 28879 - December 29, 1972) Huron County, Michigan						
Change:						
Sheetmetal Workers	$8.87	.30	.40			
DECISION #AP-92 - Mod. #2 (37 FR 28844 - December 29, 1972) Ingham County, Michigan						
Change:						
Plumbers & Steamfitters	8.45	.50	.45	.60		
DECISION #AP-93 - Mod. #2 (37 FR 28847 - December 29, 1972) Kalamazoo County, Michigan						
Change:						
Electriciens:						
(Township of Ross & Charleston	8.70	.30	7%		.01	
(Remainder of County)	8.65	.30	7.5%		.01	
Power Equipment Operators:						
Underground Construction						
Power shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air Compressors (2 or more) etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler & Fireman	6.46	.50	.55			
DECISION #AP-94 - Mod. #2 (37 FR 28852 - December 29, 1972) Marquette County, Michigan						
Change:						
Asbestos workers	6.85	.35	.20	g.55	.06	
Carpenters (Bldg.)	6.99	.40	.40		.01	
Carpenters (waterfront work)	7.09	.40	.40		.01	
Ironworkers (all types)	7.45	.25		1.30	.01	
Millwrights	7.34	.40	.40		.01	
Piledrivermen	7.09	.40	.40		.01	
Plumbers & Steamfitters	8.38	.35	.30		.02	
Soft Floor Layers	6.99	.40	.40		.01	

Modifications P. 23

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-95 - Mod. #2 (37 FR 28854 - December 29, 1972) Mason County, Michigan						
Change:						
Power Equipment Operators:						
Underground Construction						
Power Shovel etc.	7.53	.50	.55		.05	
Trencher 8' & smaller etc.	7.24	.50	.55		.05	
Air Compressors (2 or more), etc.	6.74	.50	.55		.05	
Hydraulic Pipe pushing mach. etc.	6.46	.50	.55		.05	
Oiler and Fireman	6.46	.50	.55		.05	
DECISION #AP-96 - Mod. #2 (37 FR 28876 - December 29, 1972) Saginaw County, Michigan						
Change:						
Electricians	9.85		12+3.15		4% of 1%	
Plumbers	9.15	.40	.60		.01	
DECISION #AP-97 - Mod. #2 (37 FR 28857 - December 29, 1972) Muskegon & Oceana Counties, Michigan						
Change:						
Power Equipment Operators:						
Underground Construction						
Power shovels, etc.	7.53	.50	.55		.05	
Trencher 8' & smaller, etc.	7.24	.50	.55		.05	
Air Compressors (2 or more),etc.	6.74	.50	.55		.05	
Hydraulic pipe pushing mach., etc.	6.46	.50	.55		.05	
Oiler and Fireman	6.46	.50	.55			

Modifications P. 24

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-98 - Mod. #2 (37 FR 28860 - December 29, 1972) St. Clair County, Michigan						
Change:						
Painters:						
Brush, preparatory work	8.35	.42	.30		.02	
Ladder work over 40' swing stage	8.85	.42	.30		.02	
Spray work under 40'	8.85	.42	.50		.02	
Spray work 40' and over	9.30	.42	.30		.02	
Steep Jack 40' and over	9.90	.42	.30		.02	
DECISION #AP-99 - Mod. #2 (37 FR 28863 - December 29, 1972) Washtenaw County, Michigan						
Change:						
Electricians	8.83	.48	12+3.30	10%	4% of 1%	
Laborers:						
Laborers	7.34	.35	.30		.02	
Air tool (jackhammer, vibrator)	7.54	.35	.30		.02	
Mortar Mixer	7.54	.35	.30		.02	
Pipe & Crock laborers	7.66	.35	.30		.02	
DECISION #AP-600 - Mod. #2 (37 FR 28866 - December 29, 1972) Wayne, Oakland & Macomb Counties, Michigan						
Change:						
Bricklayers:						
Bricklayers, Caulkers & Cleaners	8.939	.60	8%	11%	.05	
Cement masons:						
Cement masons	8.1489	.60	10%	10%	.01	
Grinders & Chipping Hammer	8.3489	.60	10%	10%	.01	
Glaziers	8.40	.50	.45			
Ironworkers (structural & ornamental & reinforcing	8.40	8%	14%	17%	.04	
Marble Setters	9.99	.30	.40	.50		
Millwrights	8.50	.555	.85	1.53	.05	
Pipefitters	8.565	.75	.685	1.35	.05	
Plasterers	9.50	.60	.50			
Plumbers	8.92	.75	.685	1.24	.005	
Terrazzo workers	8.62	.30	.40	.50		

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Modifications P. 25

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-601 - Mod. #2 (37 FR 28797 - December 29, 1972) Wayne, Oakland, Macomb Counties, Michigan						
Change:						
Bricklayers:						
Bricklayers, Caulkers & cleaners	8.989	.60	8%	11%	.05	
Cement masons:						
Cement masons	8.1489	.60	10%	10%	.01	
Grinders & Chipping Hammer	8.3489	.60	10%	10%	.01	
Glaziers	8.40	.50	.45			
Ironworkers (structural, Ornamental & Reinforcing)	8.40	8%	14%	17%	.04	
Marble Setters	9.99	.30	.40	.50		
Millwrights	8.50	.555	.85	1.53	.05	
Pipefitters	8.565	.75	.685	1.35	.05	
Plasterers	9.50	.60	.50			
Plumbers	8.92	.75	.685	1.24	.005	
Terrazzoworkers	8.62	.30	.40	.50		

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-504 - Mod. #5 (37 FR 17881 - September 1, 1972) St. Louis & St. Charles Counties, Missouri						
Omit:						
Residential Building Construction - Site Preparation, Incidental Paving & Utilities - St. Louis County Power Equipment Operator Schedule						
Residential Construction - St. Charles County Power Equipment Operator Schedule						
Add:						
Residential Building Construction - Site Preparation, Incidental Paving & Utilities - St. Louis County Power Equipment Operator Schedule						
Residential Construction - St. Charles County Power Equipment Operator Schedule						

DECISION #AP-504

Modifications P. 26

"Residential Construction - St. Charles County"
POWER EQUIPMENT OPERATORS:

MO 4-PEO-1 (1-2)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Group 1 Asphalt finishing machine & trench widening spreader; Asphalt plant console operator; Autograder; Automatic slipform paver; Backhoe; Blade operator-all types; Boat operator-tow; Boilere - 2; Central mix concrete plant operator; Clamshell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engineman; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Lauchhammer wheel; Locomotive operator - standard gauge; Mechanics and welders; Mucking machine; Piledrivers; Mucking machine; Piledriver operator; Pitman crane operator; Push cat operator, Quad Trac; Scoop operator - all types; Shovel operator; Sideboom cats; Skimmer scoop operator; Trenching machine operator; Truck crane.	$ 8.50	.35	.40		.02	
Group 2 A-frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man;; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Barber Greene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator - skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator - narrow gauge; Multiple compactor; Pavement breaker; Powerbroom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor operator (over 50 H.P.); Welding machine maintenance operator - 2; Winch truck	8.30	.35	.40		.02	

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DECISION #AP-504 (CONTD.) Modifications P. 27
MO 4-PEO-1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Group 3 Boilers - 1; Chip spreader (front man); Churn drill oper.; Clef plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rig; Flex plane operator; Float operator; Form grader operator; Generator-maintenance operator; Light plant maintenance operator; Maintenance operator; Oiler driver; Pugmill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Screening & washing plant oper.; Siphons & jets, Sub-grading machine operator; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulmac, Ulric or similar spreader; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1	$ 8.10	.35	.40		.02	
Group 4 Oiler	7.50	.35	.40		.02	
Clamshells, 3 yd. capacity or over; Crane, riga or piledrivers 100 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over	8.75	.35	.40		.02	
Crane, riga or piledrivers 200 ft. or over	9.25	.35	.40		.02	
Tandem scoop operator	9.00	.35	.40		.02	
Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.						

DECISION #AP-504 (CONTD.) Modifications P. 28
11-Mo.-PEO-1-1 (1-4)

"Residential Building Construction - Site Preparation, Incidental Paving & Utilities - St. Louis County"
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Group 1 Backhoe; cableway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradeall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power (steam, gas, electric or other powers) Switch boat; Whirley	$8.52	.35	.40			
Group II Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator-push boat or tow boat (job site); Boiler, high pressure breaking in period; Boom truck, placing or erecting; Boring machine footing foundation; Bullfloat; Cherry picker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five ft. apart; Compressor-welder combination, Concrete breaker (truck or tractor mounted); Concrete pump, such as a pump-crete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, hydraulic-rough terrain, self-propelled; Crane hydraulic-truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine,						

DECISION #AP-504 (CONTD.) Modifications P. 29
11-Mo.-PEO-1-1 (2-4)

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Group II (Cont'd) self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine (such as Barber-Greene); Mechanic, on job site; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant asphalt; Plant, concrete producing or ready-mix job site; Plant, heating-job site; Plant mixing-job site; Plant, power, generating-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Sub-grader; Tie tamper; Tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four (regardless of size); Well drilling machine	$8.52	.35	.40			
Group III Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compressor, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor, large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator (building construction or alteration); Endless chain hoist; Fireman; Form grader; Generator, one over 30						

DECISION #AP-504 (CONTD.) Modifications P. 30
11-Mo.-PEO-1-1 (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
Group III (Cont'd) KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size (except brick or concrete); Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity; Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pug mill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck	$7.97	.35	.40			
Group IV Boat operator-outboard motor (job site); Conveyor (such as Con-vay-it) regardless of how used; Oiler; Sweeper, floor	7.52	.35	.40			
Group V Air pressure; Oiler engineer; Operating under ten pounds	9.32	.35	.40			
Air pressure; Oiler engineer operating over ten pounds	10.07	.35	.40			
Air pressure engineer operating under ten pounds	10.52	.35	.40			
Air pressure engineer operating over ten pounds	11.27	.35	.40			
Crane-pile driving with leads; Crane using rock socket tool; Dragline - 7 cu. yds. & over; Shovel, power - 7 cu. yds. and over; Crane, climbing (such as Linden); Derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above						

DECISION #AP-504 (CONTD.)

Modifications P. 31
11-Mo.-PEO-1-i (4-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS (CONT'D)						
Group V (Cont'd)						
Ground; Hoist, three or more drums; Scoop, tandem; Tractor, tandem crawler	$9.02	.35	.40			
Heaters	8.02	.35	.40			
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.						
Mud jack (where mud jack is used in conjunction with an air compressor, operator)	8.52	.35	.40			
Work in tunnel or tunnel shaft, .25c above base rate						

Modifications P. 32

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
DECISION #AP-506 - Mod. #1 (37 FR 21774 - October 13, 1972) Holt County, Missouri						
Change: Description of Work to Read: Heavy Construction						
Carpenters & piledrivermen	$ 7.12	.33	.30		.03	
Omit: Electricians	7.52	.20	1%	7%		
Add: Electricians: Electrical contracts over $10,000.00	8.08	.25	1%	7%	.01	
Electrical contracts $10,000.00 and under	7.85	.25	1%	7%	.01	
DECISION #AP-507 - Mod. #2 (37 FR 21776 - October 13, 1972) Scott County, Missouri						
Change: Description of Work to Read: Heavy Construction						
Carpenters & Piledrivermen	7.32	.23			.03	

Modifications P. 33

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-508 - Mod. #2 (37 FR 21779 - October 13, 1972) Linn and Pettis Counties, Missouri						
Change: Description of Work to Read: Heavy Construction						
Carpenters & piledrivermen	$ 7.42	.33			.03	
Cement masons: Pettis County	7.225					
Electricians (Pettis County): Electrical contracts over $5,000.00	8.30	.20	1% + .25	.70	.03	
Electrical contracts $5,000.00 and under	7.80	.20	1% + .25	.70	.03	
DECISION #AP-509 - Mod. #1 (37 FR 21783 - October 13, 1972) Barton, Laclede and Lawrence Counties, Missouri						
Change: Description of Work to Read: Heavy Construction						
Carpenters & piledrivermen	$ 7.12	.33	.30		.03	
Electricians: Barton & Lawrence Counties	7.10	.25	1%		.005	
Laclede County	8.02	.30	1%	6%	.01	
Ironworkers: Lawrence County	7.74	.30	.35		.05	

Modifications P. 34

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION # AP-534 - Mod. #1 (38 FR 18141 - July 6, 1973) St. Louis & St. Charles Counties, Missouri						
Omit: Building, Heavy & Highway - St. Louis City & County Power Equipment Operator Schedule						
Building Construction - St. Charles County Power Equipment Operator Schedule						
Add: Building, Heavy & Highway - St. Louis City & County Power Equipment Operator Schedule						
Building Construction - St. Charles County Power Equipment Operator Schedule						

DECISION #AP-534 (CONTD.) Modifications P. 35

MO 4-PEO-1 (1-2)

"Building Construction - St. Charles County"

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group 1						
Asphalt finishing machine & trench widening spreader; Asphalt plant console operator; Autograder; Automatic slipform paver; Backhoe; Blade operator-all types; Boat operator-tow; Boilers - 2; Central mix concrete plant operator; Clamshell operator; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dozer operator; Dragline operator; Dredge booster pump; Dredge engineman; Dredge operator; Drill cat with compressor mounted on Cat; Drilling or boring machine rotary self-propelled; Highloader; Hoisting engine - 2 active drums; Lauchhammer wheel; Locomotive operator - standard gauge; Mechanics and welders; Mucking machine; Piledrivers; Mucking machine; Piledriver operator; Pitman crane operator; Push cat operator, Quad Trac; Scoop operator - all types; Shovel operator; Sideboom cats; Skimmer scoop operator; Trenching machine operator; Truck crane.	$ 8.50	.35	.40		.02	
Group 2						
A-frame; Asphalt hot-mix silo; Asphalt plant fireman (drum or boiler); Asphalt plant man;; Asphalt plant mixer operator; Asphalt roller operator; Backfiller operator; Barber Greene loader; Boat operator (bridges & dams); Chip spreader; Compressor maintenance operator - 2; Concrete mixer operator - skip loader; Concrete plant operator; Concrete pump operator; Crusher operator; Dredge oiler; Elevating grader operator; Fork lift; Greaser-fleet; Hoisting engine - 1; Locomotive operator - narrow gauge; Multiple compactor; Pavement breaker; Powerbroom - self-propelled; Power shield; Rooter; Side discharge concrete spreader; Slip form finishing machine; Stumpcutter machine; Throttle man; Tractor operator (over 50 H.P.); Welding machine maintenance operator - 2; Winch truck	8.30	.35	.40		.02	

DECISION #AP-534 (CONTD.) Modifications P. 36

MO 4-PEO-1 (2-2)

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Om
Group 3						
Boilers - 1; Chip spreader (front man); Churn drill oper.; Clef plane operator; Compressor maintenance oper. - 1; Concrete saw operator (self-propelled); Conveyor operator; Curb finishing machine; Distributor operator; Finishing machine operator; Fireman-rig; Flex plane operator; Float operator; Form grader operator; Generator-maintenance operator; Light plant maintenance operator; Maintenance operator; Oiler driver; Pugmill operator; Pump maintenance oper. (other than dredge); Roller operator, other than high type asphalt; Screening & washing plant oper.; Siphons & jets, Sub-grading machine operator; Spreader box operator, self-propelled (not asphalt); Tank car heater operator (combination boiler & booster); Tractor operator (50 H.P. or less); Ulmac, Ulric or similar spreaders; Vibrating machine oper., not hand; Welding machine maintenance oper. - 1	$ 8.10	.35	.40		.02	
Group 4						
Oiler	7.50	.35	.40		.02	
Clamshells, 3 yd. capacity or over; Crane, rigs or piledrivers 100 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Hoisting engine over 2 drums; Shovels, 3 yds. capacity or over	8.75	.35	.40		.02	
Crane, rigs or piledrivers 200 ft. or over	9.25	.35	.40		.02	
Tandem scoop operator	9.00	.35	.40		.02	
Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.						

NOTICES

DECISION #AP-534 (CONTD.) Modifications P. 37

11-Mo.-PEO-1-1 (1-4)

"Building, Heavy & Highway - St. Louis City & County"

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group I						
Backhoe; cableway; crane, crawler or truck; Crane, Hydraulic-truck or cruiser mounted - 16 tons & over; Crane, locomotive; derrick, steam; Derrick car & derrick boat; Dragline; Dredge; Gradeall, crawler or tire mounted; Locomotive, gas, steam & other powers; Pile driver, land or floating; Scoop, skimmer; Shovel, power (steam, gas, electric or other powers) Switch boat; Whirley	$8.52	.35	.40			
Group II						
Air tugger w/air compressor; Anchor placing barge; Asphalt spreader; Athey force feed loader (self-propelled); Backfilling machine; Boat operator-push boat or tow boat (job site); Boiler, high pressure breaking in period; Boom truck, placing or erecting; Boring machine footing foundation; Bullfloat; Cherry picker; Combination concrete hoist & mixer such as mixermobile; Compressors, two, not more than 20 ft. apart; Compressors, not more than five ft. apart; Compressor-welder combination; Concrete breaker (truck or tractor mounted); Concrete pump, such as a pumpcrete machine; Concrete spreader; Conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; Crane, hydraulic-rough terrain, self-propelled; Crane hydraulic-truck or cruiser mounted-under 16 tons; Drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and Barco equipment - no engineer required); Elevating grader; Engine man, dredge; Excavator or powerbelt machine; Finishing machine,						

DECISION #AP-534 (CONTD.) Modification P. 38

11-Mo.-PEO-1-1 (2-4)

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Om
Group II (Cont'd)						
self-propelled oscillating screed; Forklift; Grader, road with power blade; Highlift; Hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); Hoist, stack; Hydro-hammer; Lad-A-Vator, hoisting brick or concrete; Loading machine (such as Barber-Greene); Mechanic, on job site; Mixer, paving; Mixermobile; Mucking machine; Pipe Cleaning machine; Pipe wrapping machine; Plant asphalt; Plant, concrete producing or ready-mix job site; Plant, heating-job site; Plant mixing-job site; Plant, power, generating-job site; Pump, self-powered, over 2" (one operator will operate two); Pumps, electric submersible, one through three, over 4"; Quad-track; Roller, asphalt, top or subgrade; Scoop, tractor drawn; Spreader box; Sub-grader; Tie tamper; Tractor-crawler, or wheel type with or without power unit, power takeoffs, and attachments regardless of size; Trenching machine; Tunnel boring machine; Vibrating machine, automatic, automatic propelled; Welding machines (gasoline or diesel) more than one but not over four (regardless of size); Well drilling machine	$8.52	.35	.40			
Group III						
Air tugger w/plant air; Boiler, for power or heating on construction projects; Boiler, temporary; Compressor, air-one; Compressor, air (mounted on truck); Concrete saw, self-propelled; Conveyor, large (not self-propelled); Conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; Curb finishing machine; Ditch paving machine; Elevator (building construction or alteration); Endless chain hoist; Fireman; Form grader; Generator, one over 30						

NOTICES

DECISION #AP-534 (CONTD.)

Modifications P. 39

11-Mo.-PEO-1-i (3-4)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group III (Cont'd)						
KW or any number developing over 30 KW; Greaser; Hoist, one drum regardless of size (except brick or concrete); Lad-A-Vator, other hoisting; Manlift; Mixer, asphalt, over 8 cu. ft. capacity; Mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; Mixer, with outside loader, 2 bag capacity or more; Mixer, with side loader, regardless of size, not paver; Oiler on dredge; Oiler on truck crane; Pug mill operator; Pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; Sweeper, street; Welding machine, one over 400 amp.; Winch operating from truck	$7.97	.35	.40			
Group IV						
~~Boat operator-outboard motor (Jobsite)~~; Conveyor (such as Con-vay-it) regardless of how used; Oiler; Sweeper, floor	7.52	.35	.40			
Group V						
Air pressure; Oiler engineer; Operating under ten pounds	9.32	.35	.40			
Air pressure; Oiler engineer operating over ten pounds	10.07	.35	.40			
Air pressure engineer operating under ten pounds	10.52	.35	.40			
Air pressure engineer operating over ten pounds	11.27	.35	.40			
Crane-pile driving with leads; Crane using rock socket tool; Dragline - 7 cu. yds. & over; Shovel, power - 7 cu. yds. and over; Crane, climbing (such as Linden); Derrick, diesel, gas, electric hoisting material and reacting steel - 150' or more above						

DECISION #AP-534 (CONTD.)

Modifications P. 40

11-Mo.-PEO-1-i (4-4)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Group V (Cont'd)						
ground; Hoist, three or more drums; Scoop, tandem; Tractor, tandem crawler	$9.02	.35	.40			
Heaters	8.02	.35	.40			
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.						
Mud jack (where mud jack is used in conjunction with an air compressor, operator)	8.52	.35	.40			
Work in tunnel or tunnel shaft, .25c above base rate						

Modifications P. 41

DECISION #AP-912 - Mod. #1
(38 FR 17421 - June 29, 1973)
Clark and Southern Half of Nye Counties, Nevada

Change:
Ironworkers:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Reinforcing	$8.12	.63	.875	.75	.02	
Ornamental; Structural	8.23	.63	.875	.75	.02	

Modifications P. 42

DECISION #AP-740 - Mod. #1
(38 FR 18148 - July 6, 1973)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters:						
Zone (2) - 15 to 35 road miles from nearest basing point:						
Millwrights - Piledrivermen	$6.66	.30	.40	.25	.04	
Painters:						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union, and Santa Fe Counties:						
Painters and rollers	5.00	.30			.01	
Paperhangers	5.25	.30			.01	
Spray painter; pressure roller, and gunite operator	5.65	.30			.01	
Steel painter; bridges, structural steel, machinery tank, towers, pipes, boiler rooms and power plant-brush and spray	5.50	.30			.01	
Dry wall finisher:						
Hand finisher	5.50	.30			.01	
Ames tool operator and machine finishing	5.75	.30			.01	
High Pay:						
30 to 75 feet	5.50	.30			.01	
75 to 100 feet	6.00	.30			.01	
100 feet and over	7.00	.30			.01	
Omit:						
Painters (Lea and Eddy Counties):						
Painters, rollers and dry wall finisher	4.85	.25				
Sandblaster, pot tender, paperhanger	5.10	.25				
Spray	5.35	.25				
Laborers and Power Equipment Operators Schedules for General Building and Heavy Engineering Construction						
Add:						
Painters (Lea and Eddy Counties):						
Zone A - a 40 mile radius from the courthouse in Carlsbad:						
Brush, roller & dry wall finisher	5.00	.30				
Spray	5.50	.30				
Paperhanger & Sandblaster	5.25	.30				
Zone B - the remainder of Eddy and Lea Counties:						
Brush, roller & dry wall finisher	5.75	.30				
Spray	6.25	.30				
Paperhanger & Sandblaster	6.00	.30				
Laborers and Power Equipment Operators Schedules for Building Construction						
Laborers and Power Equipment Operators Schedules for Heavy Engineering Construction						

Modifications P. 43

DECISION #AP-740 (Cont'd)

New Mexico 1 - Lab 1 - G

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS						
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand	$4.32	.26	.15			
SEMISKILLED:						
Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core and diamond drillers tenders outside	4.62	.26	.15			
Wagon Core, Diamond Drillers	4.72	.26	.15			
MISCELLANEOUS:						
Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, plaster tenders, Gunite nozzlemen, Pipe Layer, Pump-crete nozzlemen	4.925	.26	.15			
Powdermen and Blasterers	5.075	.26	.15			

Modifications P. 44

(1-2

DECISION #AP-740 (Cont'd)

New Mexico 1-PSD 1-E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS						
GROUP I						
Fireman, Oiler, Helpers-Mechanic Welder, Greaser Truck, Screedman Scale Operator such as (Bin-A-Batch), Rubber Tired Farm-Type Tractor, Tractors under 50 HP W/O Attachments, Breakman, Concrete Paving Curing Machine (Bridge Type)	4.78	.25	.20		.06	
GROUP II						
Rollers, Sheepsfoot or Pneumatic Self propelled W/O Dozer, Concrete Conveyor, Service Truck Operator (Head Oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 CY), Concrete Saw or Grinder-Span Type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-Farm Type (under (50HP W/Attachments) Motor man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (Under 2 CY), Power Plants which generate over 15 KW, Welding Machines	5.32	.25	.20		.06	
GROUP III						
Bituminous Distributors, Boilers, Retort and Hot Oil Heaters, Concrete Paver-Single Drum), Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, Slifform Paver, Mechanical Bullfloats, Concrete slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants	5.40	.25	.20		.06	
GROUP IV						
Front End Loader (2 thru 10 CY), Rollers Steel Wheeled-All Types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self Propelled Rollers-Equipped with Dozer, Twin-Bowl Scrapers and Quad 8 or 9 Pushers (35¢ over basic rate) Three Bowl Scrapers (60¢ over basic rate)	5.46	.25	.20		.06	

Modifications P. 45

DECISION #AP-740 (Cont'd)

New Mexico 1-PSD 1-E

(2-2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
POWER EQUIPMENT OPERATORS (Cont'd)						
GROUP V						
Hydraulic Cranes-with less than 50 ft. of Boom (20 tons and under), Concrete Paver-Double Drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader	5.52	.25	.20		.06	
GROUP VI						
Mucking Machines-All types, Motor Grader-Finish, Mechanic-Welder	5.62	.25	.20		.06	
GROUP VII						
Steam Engineers, Loader (Front End over 10 CY)	5.72	.25	.20		.06	
GROUP VIII						
All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemobile (No. 2 Op.), Pile Driver, Hydraulic Cranes (20 tons and Over), Mine Hoist (Belt Loader "C.M.I." Type), Cranes, Draglines-with Booms and Jib over 150 ft. 25¢ per hour additional	5.90	.25	.20		.06	
GROUP IX						
Shovel (Wheel Type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile	6.70	.25	.20		.06	

Modifications P. 46

DECISION #AP-740 (Cont'd)

New Mexico 2-Lab 2-A

HEAVY ENGINEERING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Unskilled:						
Construction and general laborers, carpenter tenders, concrete workers, stakedrivers, concrete buggy operator	$4.32	.26	.15			
Semi-Skilled:						
Air and power tool operators, asphalt rakers, cutting torch operators, demolition, gunite rebound men, rod and chainmen, power buggy operators, sandblasters (pot men), nozzlemen, wagon core and diamond drillers' tenders, outside scalers, fog machine operator	4.62	.26	.15			
Wagon, Core, Diamond drillers	4.72	.26	.15			
MISCELLANEOUS:						
Concrete burner, cement masons tender, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pump-crete	4.925	.26	.15			
Powdermen and blasterers	5.075	.26	.15			

Modifications P. 47
New Mexico 2-PEO-2A (1-2)

DECISION #AP-740 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS HEAVY ENGINEERING						
GROUP I						
Fireman, Oiler, Helpers-Mechanic, Welder, Grease Truck, Screedman, Scale operator such as (Bin-a-Batch), Rubber tired farm-type tractor, Tractors (under 50 HP W/O attachments), Breakman, Concrete paving curing machine, (bridge type)	$4.73	.25	.20		.06	
GROUP II						
Rollers, Sheepsfoot or Pneumatic, Self propelled W/O Dozer, Concrete Conveyor, Service Truck Operator (Head Oiler), Air Compressor (300 CFM and Over), Pumps (6" and over), Screening Plants, Concrete Mixers (Under 1 CY), Concrete Saw or Grinder-Span Type, Hoists, 1 drum, Air Tugger, Elevating, Belt Type Loaders, Forklift Lumber Stacker, Tractor-Farm Type (Under 50 HP W/ Attachments), Motorman and Industriel Locomotive Operator, Winch Truck, Front End Loader (Under 2 CY), Power Plants which generate over 15 KW, Welding Machines	5.27	.25	.20		.06	
GROUP III						
Bituminous Distributors, Boilers, Retort and Hot Oil Heaters, Concrete Mixers (1 CY and over), Concrete Paver-Single Drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, Jumbo Form, Trenching Machines-All types, Pump Crete and Gunite Machines, Slipform Paver, Mechenical Bullfloats, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants	5.35	.25	.20		.06	
GROUP IV						
Front End Loader (2 thru 7 CY), Rollers, Steel Wheeled-All Types, Bulldozers, Scrapers, (Motor or Towed), Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-Propelled Rollers-Equipped with Dozer, Twin-Bowl Scrapers and Quad 8 or 9 Pushers (35¢ over basic rate) Three Bowl Scrapers (60¢ over basic rate)	5.41	.25	.20		.06	

Modifications P. 48
New Mexico 2-PEO-2A (2-2)

DECISION #AP-740 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS HEAVY ENGINEERING (CONT'D)						
GROUP V						
Front End Loader (over 7 thru 10 CY), Hydraulic Cranes-With less than 50 ft. of boom (20 tons and under), Concrete paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader	$5.47	.25	.20		.06	
GROUP VI						
Mucking Machines-All types (blade-motor grader-finish), Mechanic-Welder	5.57	.25	.20		.06	
GROUP VII						
Steam Engineers, Loader (Front End over 10 CY)	5.67	.25	.20		.06	
GROUP VIII						
All Shovel Type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy & Stiff Leg, Pipemobile (No. 2 Operator), Pile driver, Hydraulic Cranes (20 tons and Over), Mine Hoist (Belt Loader "C.M.I." Type)	5.85	.25	.20		.06	
GROUP IX						
Shovel (Wheel Type), Boring Machine (Tunnel or Shaft Hole), Pipe Mobile	6.65	.25	.20		.06	

DECISION #AP-486 - Mod. #1 (38 FR 6516 - March 9, 1973) Steuben County, New York	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Carpenters:						
Remainder of County:						
Carpenters, Heavy & Highway	$7.47	.40	.75		.025	

Modifications P. 49

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-364 - Mod. #5 (37 FR 26249 - December 8, 1972) Tulsa County, Oklahoma						
Change:						
Ironworkers:						
Structural; Ornamental; Reinforcing	$7.74	.30	.35		.05	
DECISION #AP-731 - Mod. #3 (38 FR 12592 - May 11, 1973) Oklahoma, Cleveland, Canadian, Lincoln, and Pottawatomie Counties, Oklahoma						
Change:						
Ironworkers	$7.74	.30	.35		.05	
Laborers(Oklahoma, Canadian, Lincoln, and Cleveland Counties):						
Unskilled laborers	4.50					
Air tool operator(jackhammer and vibrator); mason tender; mortar mixer; pipelayer(concrete and clay); plasterers' tender	4.65					
Laborers(Pottawatomie County);						
Unskilled laborers	4.05					
Air tool operator(jackhammer and vibrator); mason tender; mortar mixer; pipelayer(concrete and clay); plasterers' tender	4.17					

Modifications P. 50

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-190 - Mod. #3 (38 FR 14068 - May 25, 1973) Anderson and Roane Counties, Tennessee *Oak Ridge, Atomic Energy Commission Only.						
Change:						
Power Equipment Operators:						
Group A	$6.13	.20	.20		.02	
Group B	5.70	.20	.20		.02	
Group C	4.80	.20	.20		.02	
Group D	4.42	.20	.20		.02	
DECISION #AP-191 - Mod. #2 (38 FR 14070 - May 25, 1973) Hamilton County, Tennessee						
Change:						
Roofers:						
Composition, damp & waterproofers	$6.25		.10			
Slate and tile	6.45		.10			
Kettlemen	5.95		.10			
Power Equipment Operators:						
Group A	6.15	.20	.20			
Group B	5.35	.20	.20			
Group C	4.75	.20	.20			
Group D	4.45	.20	.20			
DECISION #AP-192 - Mod. #2 (38 FR 14073 - May 25, 1973) Knox County, Tennessee						
Change:						
Power Equipment Operators:						
Group A	$6.13	.20	.20		.02	
Group B	5.70	.20	.20		.02	
Group C	4.80	.20	.20		.02	
Group D	4.42	.20	.20		.02	

Modifications P. 51

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-721 - Mod. #4 (38 FR 10585 - April 27, 1973) Bexar County, Texas						
Change:						
Building Construction:						
Asbestos workers	$7.68	.30	.30		.03	
Glaziers	5.60		.20			
Painters:						
Brush	5.60		.20			
Spray	5.85		.20			
Structural steel	5.85		.20			
Spray on structural steel; sandblaster	6.10		.20			
Sheet metal workers	7.35	.30	.30		.05	
DECISION #AP-723 - Mod. #6 (38 FR 10591 - April 27, 1973) Travis County, Texas						
Change:						
Building Construction:						
Asbestos workers	7.68	.30	.30		.03	
Sheet metal workers	7.35	.30	.30		.05	
DECISION #AP-725 - Mod. #4 (38 FR 10597 - April 27, 1973) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction:						
Plasterers	6.30				.01	

Modifications P. 52

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-726 - Mod. #5 (38 FR 10600 - April 27, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Carpenters	$6.05	.25	.30		.01	
DECISION #AP-729 - Mod. #2 (38 FR 10609 - April 27, 1973) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties, Texas						
Change:						
Building Construction:						
Carpenters:						
Millwrights:						
Collin, Dallas, Ellis, Hunt, Kaufman, Rockwall, Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.32				.02	
Lathers:						
Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.06	.25			.04	
Plasterers:						
Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.335				.01	

Modifications P. 53

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Decision #AP-858 - Mod #1 (38 FR 17390 - June 29, 1973) Montogomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport						
CHANGE:						
Painters:						
Brush, spray, paperhangers. tapers	$7.97	.41	.18		.06	
Steel, Sandblasting, swing stage, power brushing	8.30	.41	.18		.06	
Sprinkler fitters	9.10	.30	.50		.05	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding machine	8.25	.255	.28		.05	
Decision #AP-823 - Mod #5 (38 FR 13304 - May 18, 1973) Washington, D. C.						
CHANGE:						
Painters:						
Brush, spray, paperhangers tapers	7.97	.41	.18		.06	
Steel, sandblasting, swing stage, power brushing	8.30	.41	.18		.06	
Sprinkler fitters	9.10	.30	.50		.05	
Cement Masons:						
Cement Masons	8.05	.255	.28		.05	
Grinding machine	8.25	.255	.28		.05	

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Statewide *
DECISION NUMBER: AQ-1,004 DATE: Date of Publication
Supersedes Decision No. AP-258 dated January 12, 1973, in 38 FR 1440.
DESCRIPTION OF WORK: Heavy and Highway Construction
*Establish a point 35 miles due north from the city hall of the City of Flagstaff and establish another point 35 miles due north from the city hall of the City of Kingman, then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona-Nevada State Line. Establish a third point 35 miles due north of the city hall of the City of Holbrook and draw a straight line from the first point to the third point and from the third point extend a line due east to the intersection of the Arizona-New Mexico State Line.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Zone I (Phoenix and Tucson 30 mile radius from center of Town):						
Groundman	$7.22	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	8.33	.23	1%+.35		1/2%	
Linemen; Technician; Crane operator; Linemen welder	8.85	.23	1%+.35		1/2%	
Cable splicers	9.17	.23	1%+.35		1/2%	
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):						
Groundman	7.84	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	8.91	.23	1%+.35		1/2%	
Linemen; Technician; Crane operator; Linemen welder	9.43	.23	1%+.35		1/2%	
Cable splicers	9.78	.23	1%+.35		1/2%	
Zone II (Other Areas)						
Groundman	8.43	.23	1%+.35		1/2%	
Equipment operators; Powdermen; Mechanics	9.49	.23	1%+.35		1/2%	
Linemen; Technicina; Crane operator; Linemen welder	10.00	.23	1%+.35		1/2%	
Cable splicers	10.30	.23	1%+.35		1/2%	

MUX

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS: (Phoenix Area)						
Bricklayers; Manhole Builders						
Zone A (0-25 miles from the City Hall of Phoenix); Flagstaff and Yuma	$8.85	.35	.30		.03	
Zone B (25-40 miles from the City Hall of Phoenix; and Williams AFB)	9.74	.35	.30		.03	
Zone C (40-70 miles from the City Hall of Phoenix)	10.18	.35	.30		.03	
Zone D (70-100 miles from the City Hall of Phoenix)	10.62	.35	.30		.03	
Zone E (100-200 miles and over from the City Hall of Phoenix)	11.06	.35	.30		.03	
Zone F (200 miles and over from the City Hall of Phoenix)	11.51	.35	.30		.03	
BRICKLAYERS: (Tucson Area)						
Bricklayers						
Zone A (Shall be from the closest Tucson City limits through 10 miles)	8.575	.40	.30	.25	.02	
Zone B (Shall be from the closest Tucson City limits to over 10 miles and no further than 25 miles)	8.95	.40	.30	.25	.02	
Zone C (Shall be from the closest Tucson City limits to over 25 miles and no further than 40 miles)	9.325	.40	.30	.25	.02	
Zone D (Shall be all locations over 40 miles from the closest Tucson City limits)	10.075	.40	.30	.25	.02	
Manhole Builders:						
Zone A	8.825	.40	.30	.25	.02	
Zone B	9.20	.40	.30	.25	.02	
Zone C	9.575	.40	.30	.25	.02	
Zone D	10.325	.40	.30	.25	.02	
CARPENTERS:						
(Central and Southern Areas):						
Carpenters	7.75	.35	.60		.025	
Power tools	8.25	.35	.60		.025	
(Northern Area):						
Carpenters	9.625	.35	.60		.025	
Power tool operator	10.125	.35	.60		.025	
CEMENT MASONS (Central and Southern Areas)	7.585	.35	.65		.025	
CEMENT MASONS (Northern Area)	9.51	.35	.65		.025	
DRYWALL INSTALLERS:						
From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB						
Tapers						
Zone A (0-40 miles)	8.48	.275		.50	.04	
Zone B (40-60 miles)	9.48	.275		.50	.04	
Zone C (60 miles and over)	9.73	.275		.50	.04	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DRYWALL INSTALLERS: (cont'd)						
Texture Spraymen						
Zone A (0-40 miles)	$8.58	.275		.50	.04	
Zone B (40-60 miles)	9.58	.275		.50	.04	
Zone C (60 miles and over)	9.83	.275		.50	.04	
ELECTRICIANS: (Flagstaff Area)						
Electricians						
Zone A (In Flagstaff, which shall cover that area lying in a square extending 20 miles North-South, East and West of the Post Office.) (Williams, Winslow, and Sedona covering a square extending 5 miles North-South, East and West of the Post Offices of each town)	9.40		1%+.60		1/2%	
Zone B (All territorial jurisdiction allotted outside of Zone A.)	10.90		1%+.60		1/2%	
Cable splicers						
Zone A	9.60		1%+.60		1/2%	
Zone B	11.10		1%+.60		1/2%	
ELECTRICIANS: (Gallup Area - Northern Apache County)						
Electricians	8.58	.25	1%		1/2%	
Cable splicers	9.30	.25	1%		1/2%	
ELECTRICIANS: (Globe-Miami area)						
Electricians						
Zone A (Shall be the area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing	9.175	.45	1%		1/2%	
Zone B (Shall be from the 16th road mile and extend up to and including the 32nd road mile)	9.875	.45	1%		1/2%	
Zone C (Shall be from the 32nd road mile and extend up to and including the 48th road mile)	10.475	.45	1%		1/2%	
Zone D (Shall be from the 48th road mile and extend to the outside limits of the union's jurisdiction)	11.175	.45	1%		1/2%	
Cable Splicers						
Zone A	9.425	.45	1%		1/2%	
Zone B	10.125	.45	1%		1/2%	
Zone C	10.725	.45	1%		1/2%	
Zone D	11.425	.45	1%		1/2%	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Phoenix-Kingman-Prescott Area)						
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; south on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway including Luke and Williams Air Force Bases.)						
Electricians	$8.95	.30	1%+.60		1/2%	
Cable splicers	9.36	.30	1%+.60		1/2%	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS CONT'D:						
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)						
Electricians	10.60	.30	1%+.60		1/2%	
Cable splicers	11.10	.30	1%+.60		1/2%	
Zone C (outside edge of Zone B and extend to the outside limits of the union's jurisdiction.)						
Electricians	11.43	.30	1%+.60		1/2%	
Cable splicers	11.97	.30	1%+.60		1/2%	
ELECTRICIANS: (Tucson Area)						
Zone A (Area within 16 road miles from City Hall of Tucson and Douglas)						
Electricians	9.175	.45	1%		1/2%	
Cable splicers	9.425	.45	1%		1/2%	
Zone B (From the 16th road mile and extend up to and including the 32nd road mile from Tucson only)						
Electricians	9.875	.45	1%		1/2%	
Cable splicers	10.125	.45	1%		1/2%	
Zone C (From 32nd road mile and extend up to and incl. the 48th road mile from Tucson only)						
Electricians	10.475	.45	1%		1/2%	
Cable splicers	10.725	.45	1%		1/2%	
Zone D (From the 48th road mile and extend to the outside limits of the units jurisdiction) and (Douglas Zone D shall be from the 16th road mile and extend to the outside limits of the units jruisdiction)						
Electricians	11.175	.45	1%		1/2%	
Cable splicers	11.425	.45	1%		1/2%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Yuma Area)						
Zone A (Yuma North of Colorado River, East to County Avenue 3E, South of County 16, West of County, Avenue E; Cities of Somerton and Parker)						
Electricians	$9.05	.30	1%		1/2%	
Cable splicers	9.80	.30	1%		1/2%	
Zone B (1-16 miles from Zone A)						
Electricians	9.55	.30	1%		1/2%	
Cable splicers	10.30	.30	1%		1/2%	
Zone C (16-42 miles from Zone A)						
Electricians	10.05	.30	1%		1/2%	
Cable splicers	10.80	.30	1%		1/2%	
Zone D (42 miles from Zone A and out)						
Electricians	10.50	.30	1%		1/2%	
Cable splicers	11.25	.30	1%		1/2%	
GLAZIERS	7.37	.35	.30	.52	.01	
IRONWORKERS:						
(Central and Southern Areas)						
Reinforcing	8.58	.58	.625		.04	
Structural	8.58	.58	.625		.04	
(Northern Area)						
Reinforcing	10.21	.58	.625		.04	
Structural	10.21	.58	.625		.04	
PAINTERS: (Flagstaff Area)						
Zone A (From Flagstaff Court House to 20 miles)						
Brush; Soft floor layers	5.90					
Brush, steel and bridge	6.15					
Spray	6.35					
Spray, steel and bridge	6.65					
Zone B (20-35 miles from Flagstaff Court House)						
Brush; Soft floor layers	6.40					
Brush, steel and bridge	6.55					
Spray	6.85					
Spray, steel and bridge	7.15					
Zone C (30-100 miles from Flagstaff Court House)						
Brush; Soft floor layers	7.15					
Brush, steel and bridge	7.30					
Spray	7.60					
Spray, steel and bridge	7.80					
Zone D (100 miles and over from Flagstaff Court House)						
Brush	7.40					
Brush, steel and bridge	7.55					
Spray	7.85					
Spray, steel and bridge	8.05					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Phoenix Area)						
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):						
Brush	$7.54	.40	.35	.50	.05	
Spray	7.79	.40	.35	.50	.05	
Steel and bridge, brush	7.89	.40	.35	.50	.05	
Steel and bridge, spray	8.09	.40	.35	.50	.05	
Zone B (41-60 miles from Court House in Phoenix):						
Brush	8.54	.40	.35	.50	.05	
Spray	8.79	.40	.35	.50	.05	
Steel and bridge, brush	8.89	.40	.35	.50	.05	
Steel and bridge, spray	9.09	.40	.35	.50	.05	
Zone C (60 miles and over from Court House in Phoenix):						
Brush	9.04	.40	.35	.50	.05	
Spray	9.29	.40	.35	.50	.05	
Steel and bridge, brush	9.39	.40	.35	.50	.05	
Steel and bridge, spray	9.59	.40	.35	.50	.05	
PAINTERS: (Tucson Area)						
Zone A (1-30 miles from Tucson Post Office):						
Brush	6.25	.29	.25		.02	
Spray	6.75	.29	.25		.02	
Steel and bridge, brush	7.20	.29	.25		.02	
Steel and bridge, spray	7.70	.29	.25		.02	
Zone B (31-40 miles from Tucson Post Office):						
Brush	7.00	.29	.25		.02	
Spray	7.50	.29	.25		.02	
Steel and bridge, brush	7.95	.29	.25		.02	
Steel and bridge, spray	8.45	.29	.25		.02	
Zone C (41-50 miles from Tucson Post Office):						
Brush	7.25	.29	.25		.02	
Spray	7.75	.29	.25		.02	
Steel and bridge, brush	8.20	.29	.25		.02	
Steel and bridge, spray	8.70	.29	.25		.02	
Zone D (51 miles and over from Tucson Post Office):						
Brush	7.50	.29	.25		.02	
Spray	8.00	.29	.25		.02	
Steel and bridge, brush	8.45	.29	.25		.02	
Steel and bridge, spray	8.95	.29	.25		.02	
PAINTERS (Yuma Area)						
Brush	7.20					
Steel and bridge, brush	7.45					
Spray	7.60					
Steel and bridge, spray	7.85					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS; Steamfitters:						
FREE ZONE 0 - 15 MILES						
The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow, and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix & Tucson basing points.	$8.10	.50	1.07	1.00	.10	
ZONE II (15-30 miles)	8.40	.50	1.07	1.00	.10	
ZONE III (30-45 miles)	8.75	.50	1.07	1.00	.10	
ZONE IV (Over 45 miles)	9.85	.50	1.07	1.00	.10	
ROOFERS (Tucson Area)						
Asbestos; Shingles; Tile and Waterproofing						
Zone A	6.92	.40	.10		.02	
Zone B	8.17	.40	.10		.02	
ROOFERS (Phoenix Area)						
Roofers and waterproofers	6.10	.30	.20		.02	
SHEET METAL WORKERS:						
Zone Bases - From the Administration Building or City Hall in Flagstaff, Holbrook, Phoenix; Prescott and Yuma):						
Zone I (0-25 miles)	7.59	.27	.32		.02	
Zone II (25-50 miles)	8.22	.27	.32		.02	
Zone III (50 miles & over)	9.56	.27	.32		.02	
SHEET METAL WORKERS:						
Zone Bases - From the Administration Building or City Hall in Douglas and Tucson:						
Zone A (0-17 miles)	7.58	.58	1.15		.01	
Zone B (18-23 miles)	8.03	.58	1.15		.01	
Zone C (24-31 miles)	8.48	.58	1.15		.01	
Zone D (32-43 miles)	9.08	.58	1.15		.01	
Zone E (44 miles and over)	9.53	.58	1.15		.01	

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Northern area of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or boseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stone man	$7.155	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete buggy	7.265	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers	7.375	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machine; Cribber and shorer (except Tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; pneumatic gopher; Rigger/signalman (pipeline)	7.455	.35	.60		.05	

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LABORERS: (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-meatllic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using bos'ns chair or safety belt); Tampers (Mechanical - all types)	$7.595	.35	.60		.05	
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunnite); Sandblaster (nozzleman)	7.90	.35	.60		.05	
GROUP VII CONCRETE ROAD FORM SETTER; Gunnite nozzleman or rodman; Drillers, joy mustang, PR 143, 2200 Gardner-Denver, hydrasonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	8.41	.35	.60		.05	
MASON TENDERS	7.21	.35	.60		.05	
PLASTERERS' TENDERS	7.525	.35	.60		.05	

Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate, except where herein specifically covered.

Laborers employed where they may have a free fall over thirty (30 feet or on construction scaffolds above thirty (30) feet or bos'n chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.

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LABORERS: (cont'd)

TUNNEL AND SHAFT WORKERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)	$7.35	.35	.60		.05	
GROUP II NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, jackhammer, pneumatic tools (except driller)	7.485	.35	.60		.05	
GROUP III GROUT GUNMAN	7.585	.35	.60		.05	
GROUP IV TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher	7.685	.35	.60		.05	
GROUP IV-A MINERS - Tunnel (hand or machine)	7.885	.35	.60		.05	
GROUP V DIAMOND DRILL	8.02	.35	.60		.05	
GROUP V-A SHAFT AND RAISE MINER WELDER	8.22	.35	.60		.05	

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Northern area of Arizona

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Air Compressor Operator; Field equip-servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$8.06	.45	.50		.02	
GROUP II Conveyor Operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine-conveyor operator; Watch Fireman; Welding machine operator - gasoline and diesel power	8.35	.45	.50		.02	
GROUP III Concrete Mixer Operator-Skip Type; Dinky operator - (under 20 tons wt.); Driver-moto paver, slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	8.75	.45	.50		.02	
GROUP IV A-Frame Boom Truck or Winch Truck Operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	9.19	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Belt crete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson or similar types); Concrete pump operator; Concrete batch plant operator all types and sizes; Conductor, Brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/blet width 48" or over; Locomotive engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1½ but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator single pass type; Stationary central generating plant operator - rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$9.63	.45	.50		.02	
GROUP V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	9.89	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including mole, badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 tpn capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Operating Engineer electricians - including lineman, tower erector, cable splicers, etc.; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (pusher, bulldozer, scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$10.17	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rated capacity of 8 cu. yds. or more; Universal equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds and over	$10.69	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operator, Oiler, and Motor Crane Drivers on equipment with booms of 80 and over, incl. jib shall receive .0075 (3.4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment have the configuration for two men.						

AQ-1,004 P. 16

Northern area of Arizona

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP I PICKUP; STATION WAGON; TEAMSTERS	$7.295	.35	.60		.02	
GROUP II BUGGYMOBILE, 1 C. Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	7.405	.35	.60		.02	
GROUP III BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); dumptor or dumpster, less than 7 c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	7.565	.35	.60		.02	
GROUP IV BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry-type equipment or leverman; Transit mix, 8 c.y. or less	7.855	.35	.60		.02	
GROUP V BULK CEMENT SPREADER (6 AXLE); Dump (6 axle); Flatrack (6 axle); Rock truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	7.985	.35	.60		.02	
GROUP V-A OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, retortman or leverman	8.125	.35	.60		.02	
GROUP VI BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part or transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	8.235	.35	.60		.02	

AQ-1,004 P. 17

TRUCK DRIVERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
GROUP VII BULK CEMENT SPREADER (8 axle); Dump (8 axle); Flatrack (8 axle)	$8.575	.35	.60		.02	
GROUP VIII OFF-HIGHWAY EQUIPMENT DRIVER(2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. & over; Eject-alls; Flatrack (9 axle); Rock truck (Dart, Euclid or other similar end-dump types);16 c.y. & over	8.99	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	9.86	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	8.03	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN OR FUEL TRUCK DRIVER	9.62	.35	.60		.02	

Central & Southern Area of Arizona

AQ-1,004 P. 18

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool diggers and installers; Chat box man; Checker, tool dispatcher; Concrete dump man-belt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder hwy.; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman	$5.53	.35	.60		.05	
GROUP II CEMENT FINISHER TENDER; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - tarman; Power type concrete buggy	5.64	.35	.60		.05	
GROUP III BANDER; CHUCKTENDER (except tunnel); Creosote fireman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spikers and wrenchers	5.75	.35	.60		.05	
GROUP IV CEMENT DUMPERS (skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders - concrete; Hydraulic jacks, and similar mechanical tools not separately herein classified; Operators and tenders of pneumatic and electric tools; Pipe caulker and/or Backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

AQ-1,004 P. 19

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipe layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using bos'ns chair or safety belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI CONCRETE CUTTING TORCH; CONCRETE SAW (hand guided); Driller (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)	6.275	.35	.60		.05	
GROUP VII CONCRETE ROAD FORM SETTER; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, hydrosonic; Powder man; Scaler (drillers); Welders and/or pipe layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	

Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate except where herein specifically covered.

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or bos'n chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete crew (includes rodders and spreaders); Grout crew; Swamper (brakeman and switchmen on tunnel work)	$5.725	.35	.60		.05	
GROUP II NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic tools (except driller)	5.86	.35	.60		.05	
GROUP III GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV TIMBERMAN, RETIMBERMAN - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher	6.06	.35	.60		.05	
GROUP IV - A MINERS - Tunnel (hand or machine)	6.26	.35	.60		.05	
GROUP V DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

Central & Southern Areas of Arizona

AQ-1,004 P. 21

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator	$6.42	.45	.50		.02	
GROUP II Conveyor operator; Generator operator-portable; Power grizzly operator; Self-propelled chip spreading machine-conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power	6.73	.45	.50		.02	
GROUP III Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similer type) with attachments such as fresno, push blade, post hole auger, mower, etc. excluding compacting equipment	7.13	.45	.50		.02	
GROUP IV A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator	7.57	.45	.50		.02	

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AQ-1,004 P. 22

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V						
Aggregate plant operator (including crushing screening and sand plants, etc.); Asphalt laydown machine operator; Asphalt plant mixer operator; Belicrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48" or over; Locomotive engineer (including Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and incl. 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator-single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator	$8.01	.45	.50		.02	
GROUP V-A						
Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); Tractor operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator	8.27	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP VI						
Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grader operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator-all sizes and types (Turnapull, Euclid, Cat D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman and similar types); Specialized power digger operator - attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger operator (two or more); Universal equipment operator - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII						
Crane Operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator - pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, oiler, and motor crane drivers on equipment with booms of 80 and over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

AQ-1,004 P. 25

Central & Southern Areas of Arizona

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I						
PICKUP; Station wagon; Teamsters	$5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk cement spreader (2 or 3 axle); Bus driver; Dump (2 or 3 axle); Flatrack (2 or 3 axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 axle); Dumptor or dumpster, less than c.y.; Flatrack (4 axle); Water (2500 gal. but less than 4000 gal.)	5.94	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 axle); Dumptor or dumpster, 7 c.y. but less than 16 c.y.; Flaherty spreader or similar type equipment or leverman; Flatrack (5 axle); Slurry type equipment or leverman; Transit mix, 8 c.y., or less mixer capacity	6.23	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 AXLE); Dump (2 axle); Flatrack (6 axle); Rock truck (dart, euclid, and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V-A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or bootman, retortman or leverman	6.50	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 AXLE); Concrete pump truck driver, (when integral part of transit mix truck); Dump (7 axle); Flatrack (7 axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lift truck; Transit mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	6.61	.35	.60		.02	

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TRUCK DRIVERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 axle); Flatrack (8 axle)	$6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; Bulk cement spreader (9 axle); Dump (9 axle); Dumptor or dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 axle); Rock truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or FUEL Truck driver	7.98	.35	.60		.02	

Combination Man - 30¢ over the highest rated work

Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit.

SUPERSEDEAS DECISION

STATE: Delaware
DECISION NUMBER: AQ-2,002
SUPERSEDES DECISION NO. AP-804, dated May 4, 1973, in 38 FR 11262
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

COUNTY: STATEWIDE
DATE: Date of Pulication

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1-DEL-1-2-3-K

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.55	.20	.50		.01
Boilermakers (New Castle Co.)	8.85	.50	1.00		.01
Boilermakers (Kent and Sussex Cos.)	7.65	.30	.70	.20	.01
Bricklayers	8.25	.60	.85		
Carpenters, Building and Heavy:					
New Castle and Kent Cos.:	9.00	.48	.40		.02
Sussex Co.	7.84		.25		
Carpenters, Highway New Castle & Kent Cos.	8.65	.48	.40		.02
Cement masons	6.60	.485	.21		
Electricians	9.25	5%	4%		
Elevator constructors	9.25	.345	.20	2%+a+b	.015
Elevator constructors' helpers	6.475	.345	.20	2%+a+b	.015
Elevator constructors' helpers (prob.)	4.625				
Glaziers	8.38	.35	.30		.01
Ironworkers:					
Structural, ornamental, reinforcing, riggers and machinery movers	8.62	.47	1.03		.05
Laborers: (New Castle Co., Bldg.)					
General construction, dumpmen & truck spotters	6.60	.40	.30		
Caulkers, opers. of pneumatic & electric tools, vibrating machines, concrete saws, pumps, pot tenders, sewer pipe layers, demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile buggy opers., opers., of power saws (portable), scaffold builders, hookup men, signal men, stripping of flat arch & form work & cleaning & oiling thereof, tool room attendant & welder	6.85	.40	.30		
Burners, driller (core, daimond, or multiple wagon) sandblaster (nozzleman)	7.10	.40	.30		
Blasters	7.85	.40	.30		
Gunite workers:					
Industrial fume stack men, nozzlemen & rodmen	7.10	.40	.30		
Laborers: (Kent & Sussex Co., Bldg.)					
General construction dumpmen & truck spotters	6.40	.40	.30		
Caulkers, opers., of pneumatic & electric tools, vibrating machines, concrete saws, pumps, pot tenders, sewer pipe layers, demolition (use of hand tools), driller (except core, diamond or multiple wagon), mason & plasterers tenders, cement workers, mobile buggy					

AQ-2,002 P. 2

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1-DEL-1-2-3-K

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
opers., opers., of power saws (portable), scaffoldbuilders, hookup men, signal men, stripping of flat arch & form work & cleaning & oiling thereof tool room attendant & welder	$6.65	.40	.30		
Burners, driller (core, diamond, or multiple wagon) sandblaster (nozzleman)	6.90	.40	.30		
Blasters	7.65	.40	.30		
Gunite Workers:					
Industrial fume stack men, nozzlemen & rodmen	6.90	.40	.30		
Laborers (New Castle County - Heavy and Highway					
Common laborers; landscapers; planters seeders; aborists, asphalt tampers & rakers; concrete pitmen; puddlers; rubber magazine tenders; railroad trackmen; signal men	3.35	.40	.30		
Pipelayers	3.50	.40	.30		
Wagon drill, diamond point drill; gunnite nozzlemen; form setters blasters; caisson & cofferdam (open-air, below 8')	3.65	.40	.30		
Laborers (Kent & Sussex Counties - Heavy and Highway					
Common laborers; landscapers; plant ers seeders; aborists; asphalt tamp ers & rakers; concrete pitmen; puddlers, rubber magazine tenders; railroad trackmen; signal men	3.20	.40	.30		
Pipelayers	3.35	.40	.30		
Wagon drill; diamond point drill; gunnite nozzlemen, forms setters blasters; caisson & cofferdam, (open-air, below 8')	3.50	.40	.30		
Lathers	7.90	.20	.15		.01
Line Construction					
Line men, cable splicers	9.45	.15	1%		½%
Winch truck operator	6.62	.15	1%		½%
Groundmen	5.67	.15	1%		½%
Marble setter	8.25	.60	.85		
Millwrights (New Castle & Kent Cos.,	9.37	.47	.52		
Painters:					
Brush	6.94	.50	.15		.01
Tanks, sandblasting & spray	7.44	.50	.15		.01
Piledrivermen, wharf & dock builders	9.22	1.08	.40		.07
Plasterers	8.42	.25			.01
Plumbers (New Castle Co. & Kent Co., North of the Southern Boundary of Dover City)	7.94	.55	.50	9%+jj	.05
Millwrights (Sussex Co.)	7.84		.25		

AQ-2,002 P. 3

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1-DEL-1-2-3-K

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers (Sussex & Kent Cos., South of the Southern Boundary of Dover City)	$7.50	.45	.35	1.25+d	.02
Roofers:					
Composition, damp and waterproofing	8.425	.80	.55	e	
Helper	4.70	.80	.55	e	
Sheet metal workers	8.40	.25	.20		
Soft floor layers (Sussex County)	7.84		.25		
Soft floor layers (New Castle and Kent Cos. only)	9.00	.48	.40		.02
Sprinkler fitters	8.75	.30	.50		.05
Steamfitters & pipe fitters (New Castle and Kent County, North of the Southern Boundary of Dover City)	8.77	.30	.55	.08136+d	.05
Steamfitters (Sussex Co. & Kent Co. South of the Southern Boundary of Dover City)	7.50	.45	.35	1.25+d	.02
Stone masons	8.25	.70	.75		
Terrazzo workers	7.73	.60	.90		
Tile setters	7.73	.60	.90		
Truck Drivers: Building					
Fork lifts, pickups, panel trucks flatbody material truck, dump trucks, dumpsters, form trucks, rubber tired, truck helpers, material checkers receivers, greasers, tiremen, mechanical helpers	3.60	g	h		
Tandems & batch truck, A-frame, semi-trailers, low boy trucks, asphalt distributor trucks, agitator or mixer trucks, mechanics, dispatcher	3.75	g	h		
Specialized earth moving equipment, euclid or similar off-highway equipment, off-highway tandem back-dump, twin engine equipment, double-hitched equipment, water tank sprinkler trucks, winch trucks	3.85	g	h		
Truck Drivers: (New Castle County Only Heavy and Highway)					
Helpers, pickups, panels, flat material, dumps (single axle), dumpsters, greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatbody vehicles, form trucks	2.75	g	h		
Tandems, batch trucks, mechanics, dispatchers, A-frame, semi-trailers, lowboys, asphalt distributors, agitators, mixers	2.90	g	h		
Special earth moving equipment (Euclids)	3.00	g	h		

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1-DEL-1-2-3- K

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers (Kent and Sussex Counties Heavy and Highway)					
Helpers, pickups, panels flat material dumps (single axle), dumpsters, greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatboy vehicles), form trucks	2.00				
Tandem, batch trucks, mechanics, dispatchers, A-frame, semi-trailers, low boys, asphalt distributors, agitators, mixers	2.40				
Special earth moving equipment (Euclids)	2.50				

PAID HOLIDAYS (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F.

c. One paid holiday: Labor Day, providing employee is currently on payroll and would be scheduled to work the holiday, also employee must work the day prior to and after the holiday.

d. A through F, provided that the employee worked the days preceding and following the holiday.

e. Election Day paid holiday.

g. $4.00 per week for Health and Welfare and $1.00 per week for life insurance contribution.

h. $6.00 per week for those on the payroll for over 90 days.

j. Paid Holidays: A through F for employee currently employed by the employer at the time the holiday occurs, and who would otherwise be scheduled to work and would work on such day if it were not observed as a holiday, and who has worked under working conditions, the last regularly scheduled workday after the holiday.

1-DEL-PEO-1-2-D

POWER EQUIPMENT OPERATORS BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP I					
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$ 9.44	4.6%	9.5%	a	1.2%
WAGE GROUP II					
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machines in tunnel, all front end loaders 3-½ cu. yds. and over, tandem scrapers, pipping type backhoes, boat captains, batch plant operators (concrete), drills, fork lifts, 20 ft. lift and over, machines similar to the above	9.15	4.6%	9.5%	a	1.2%
WAGE GROUP III					
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch winch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%
WAGE GROUP IV					
Welding machines, well points, pumps, heaters, farm tractors, form line graders, fine grade machine, road finishing machines, concrete breaking machines, rollers, seaman pullverizing mixer, power broom, seeding spreader, tireman (for power equipment), compressors, machines similar to the above	7.50	4.6%	9.5%	a	1.2%
WAGE GROUP V					
Firemen, grease truck	7.02	4.6%	9.5%	a	1.2%

1-DEL-PEO-1-2-D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP VI					
Oilers and deck hands (personnel boats), core drill helper	$ 6.10	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
All machines with booms (inculding, jibs, masts, leads, etc):					
100 ft. and over	9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.19	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Veteran's Day; and Christmas D Day, provided the employee works the scheduled working day before and after the holiday.

AQ-2, 002 P. 8

SUPERSEDEAS DECISION

1-DEL-PRO -1-C

STATE: Louisiana

PARISHES: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana

DECISION NO.: AQ-8

DATE: Date of Publication

Supersedes Decision No. AP-735, dated June 1, 1973, in 38 FR 14594.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

(1 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION						
WAGE GROUP I						
Pipping type backhoe, euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, pavers 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over, machines similar to the above.	$ 8.46	4.6%	9.5%		1.2%	
WAGE GROUP II						
Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., machines similar to the above	7.64	4.6%	9.5%		1.2%	
WAGE GROUP III						
Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps -- four inches or over, pumps -- two or more any size, well point pumps, concrete breaking machines, rollers (grade fill and stone base), firemen, machines similar to the above.	6.85	4.6%	9.5%		1.2%	
WAGE GROUP IV						
Oilers	5.71	4.6%	9.5%		1.2%	
ASBESTOS WORKERS:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes	$6.65	.30	.70			
Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis and Vermilion Parishes	7.325	.325	.30		.02	
BOILERMAKERS	6.80	.30	.50		.02	
BRICKLAYERS-STONEMASONS:						
Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge and West Feliciana Parishes	6.66	.20	.15		.01	
Evangeline, Pointe Coupee and St. Landry Parishes	6.33					
Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis and Vermilion Parishes	7.25	.30	.20		.02	

AQ-8 P. 2

(2 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS-STONEMASONS (CONT'D):						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west, along U. S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi state line) and Terrebonne Parishes	$7.55	.25	.15		.035	
St. Tammany (north half including Covington north of Highway #190 and Washington Parishes	6.00					
Iberia, Lafayette, St. Martin and St. Mary Parishes	7.25					
CARPENTERS:						
Carpenters:						
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) and Vermilion Parishes	6.05					
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	6.555	.25	.18		.05	
St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north and south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa and Washington Parishes	5.55					
Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River,) West Baton Rouge and West Feliciana Parishes	6.53	.15	.15		.04	

AQ-8 P. 3

(3 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS (CONT'D):						
Carpenters (Cont'd):						
Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) and St. John the Baptist Parishes	$7.17	.20	.20		.04	
Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion and Terrebonne Parishes	7.005	.20	.20		.04	
Millwrights:						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	7.23				.04	
Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River,) St. Tammany, Tangipahoa, Terrebonne and Washington Parishes	7.455	.20	.20		.04	
Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge and West Feliciana Parishes	7.975				.01	
Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) and Vermilion Parishes	6.775					

AQ-8 P. 4 (4 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS (CONT'D):						
Piledrivermen:						
St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north and south to Amite, Louisiana in Tangipahoa Parish, including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa and Washington Parishes	$5.85					
Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge and West Feliciana Parishes	6.53	.15	.15		.04	
Ascension (south of the Mississippi River), Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) and Terrebonne Parishes	7.27	.20	.20		.04	
Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) and Vermilion Parishes	6.65				.04	
CEMENT MASONS:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge and West Feliciana Parishes	5.91					

AQ-8 P. 5 (5 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS (CONT'D):						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	$6.07					
Evangeline Parish	4.75					
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion Parishes	6.05	.30	.20		.05	
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (southern portion) and Terrebonne Parishes	6.855	.25	.30		.04	
St. Tammany (north half including Covington north of Highway #190) and Washington Parishes)	5.10					
ELECTRICIANS:						
Electricians:						
Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge and West Feliciana Parishes	7.75	.25	1%+.20		3/10%	
St. Tammany, Tangipahoa and Washington Parishes	7.10		1%			
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	7.99	.25	1%+.10			
Evangeline Parish	7.25	.30	1%		1/2%	
Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) and Vermilion Parishes	7.80	.25	1%			
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) and Terrebonne Parishes	7.88	.20	1%+.10		.03	

AQ-8 P. 6 (6 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS (CONT'D):						
Cable splicers:						
Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge and West Feliciana Parishes	$8.00	.25	1%+.20		3/10%	
St. Tammany, Tangipahoa and Washington Parishes	7.60		1%			
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	8.24	.25	1%+.10			
Evangeline Parish	7.75	.30	1%		1/2%	
Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) and Vermilion Parishes	8.05	.25	1%			
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) and Terrebonne Parishes	7.88	.20	1%+.10		.03	
ELEVATOR CONSTRUCTORS:						
Elevator constructors	6.32	.195	.20	2%+a+b		
Elevator constructors' helpers	70%JR	.195	.20	2%+a+b		
Elevator constructors' helpers (prob)	50%JR					
GLAZIERS:						
Allen (except northeast corner), Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes	4.65					
Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51, West Baton Rouge & West Feliciana Parishes	5.60					

AQ-8 P. 7 (7 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GLAZIERS (CONT'D):						
Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway #22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway #51), Terrebonne and Washington Parishes	$6.625	.17	.20		.01	
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) and Vermilion Parishes	4.35					
IRONWORKERS:						
All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist and St. Tammany Parishes; Parts of Lafourche (See Footnote "c"), Livingston (See Footnote "c"), St. James (See Footnote "c"), Tangipahoa (See Footnote "c"), Terrebonne (See Footnote "c"), and Washington (See Footnote "c") Parishes	7.50	.20	.25		.02	
All of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge and West Feliciana Parishes; Parts of Acadia (See Footnote "d"), Evangeline (See Footnote "d"), Lafayette (See Footnote "d"), Lafourche (See Footnote "e"), Livingston (See Footnote "e"), St. James (See Footnote "e"), St. Landry (See Footnote "d"), Tangipahoa (See Footnote "e"), Terrebonne (See Footnote "e"), Vermilion (See Footnote "d") and Washington (See Footnote "e") Parishes	7.65	.30	.25		.015	
All of Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes; Parts of Acadia (See Footnote "f"), Evangeline (See Footnote "f"), Lafayette (See Footnote "f"), St. Landry (See Footnote "f") and Vermilion (See Footnote "f") Parishes	7.05	.30	.35		.025	

AQ-8 P. 8 (8 - 30)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
St. Tammany (as far south as Bayou Lacombe and east to the Mississippi state line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U. S. Highway #51, then running south paralleling Highway #51 at a 20 mile distance to Lake Pontchartrain) and Washington Parishes:						
Building and labor construction	$3.74					
Stone mason helpers; mechanical tool operators; sewermen (bottom men, caulkers, tenders, joint wipers, hot-pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and under ground tile; septic tank diggers and installers, over 4 feet deep; gas and oil pipeline laborers and wrappers	3.89					
Gunite tool operators	3.99					
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion Parishes:						
Building laborer; rotary drill laborers; foundation drill crewman	3.95	.15				
Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe; clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrapers, hot pot, and pipe layers); gas and oil pipeline laborers, wrappers and dopers	4.15	.15				

AQ-8 P. 9 (9 - 30)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes:						
Building and general laborer; tenders (carpenter, plasterer, cement finisher, mason); tank and vessel cleaners	$4.71	.15	.10			
Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment	4.81	.15	.10			
Mortar mixers and jackhammer operators	4.86	.15	.10			
Blasterers	5.58	.15	.10			
Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker	5.19	.15	.10			
Wiping joints, laying pipe and tile from pumpcrete	4.955	.15	.10			
Interior of closed tanks and vessels manually	4.76	.15	.10			
Evangeline Parish:						
Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders	3.55	.15	.10			
Air tool operators (jackhammer, vibrator, and tamper), terrazzo worker helper; tile setter helper; sewer pipe joiners and setters; concrete cutters; hod carriers; creosote material handler; acid worker; marble setter helper; mason tender (cement); mortar mixer (wet or dry); roofer helpers; motorized buggy operator; waterproofers (mastic); form setters (steel paving forms)	3.75	.15	.10			
Chain saw operator	3.80	.15	.10			
Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers; kettlemen; track laborer	3.85	.15	.10			
Powdermen	4.20	.15	.10			

AQ-8 P. 10 (10 - 30)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge and West Feliciana Parishes; Parts of Assumption (See Footnote "g"), St. James (See Footnote "g"), St. John the Baptist (See Footnote "g"), and Tangipahoa (See Footnote "h") Parishes:						
Building and general laborers, carpenter tenders	$4.31	.10	.10			
Power tool operators (hammer men, tamper men, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc); pipelayers (non-metallic)	4.41	.10	.10			
Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)	4.46	.10	.10			
Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn Lutcher and north to Blind River and Manchac) and St. Tammany (north as far as Bayou Lacombe, east to the Mississippi state line at Pearlington) Parishes:						
Building laborers	5.16	.10	.10			
Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers, 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic tank diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers	5.26	.10	.10			
Gunite tool operators	5.41	.10	.10			

AQ-8 P. 11 (11 - 30)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn Lutcher and north to Blind River and Manchac) and St. Tammany (north as far as Bayou Lacombe, east to the Mississippi state line at Pearlington) Parishes (Cont'd):						
Bricklayers tenders and mason tenders	$5.28	.10	.10			
Hod carriers using a prime mover to serve a bricklayer	5.38	.10	.10			
Mortar mixers	5.38	.10	.10			
Assumption, (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) and Terrebonne Parishes:						
Common laborers	4.905	.10	.10			
Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen	5.055	.10	.10			
Mortar mixers	5.105	.10	.10			
LATHERS:						
Acadia, Ascension, Assumption (that portion up to a 40 mile radius of Baton Rouge), East Baton Rouge, East Feliciana, Evangeline (that portion up to a 40 mile radius of Lafayette), Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. James (that portion up to a 40 mile radius of Baton Rouge), St. Landry, St. Martin, St. Mary (that portion up to a 40 mile radius of Lafayette), Vermilion, West Baton Rouge and West Feliciana Parishes	6.05		.15		.01	

AO-8 P. 13 (13 - 30)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Allen (except northeast corner), Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes:						
Brush, wood or wall	$5.70					
Brush on steel, buffer on wood or wall	5.825					
Paperhanging, taping & floating	5.90					
Spray, wood & wall, rollers	6.045					
Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jenniet, spray, steel	6.185					
Allen (northeast corner) & Evangeline Parishes:						
Painters, paperhangers, tappers, floaters	5.15					
Commercial steel, such as churches or any commercial building with closed roof deck or walls	5.15					
Other commercial work, brush spray, stage, window jacks, flagpoles and steeple work	5.50					
All industrial work including sandblasting or power tools of any kind	6.00					
Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge and West Feliciana Parishes:						
Brush	5.70					
Industrial & steel	6.075					
Taping, floating and texture	5.95					
All spray painting; roller operator & using of mitts - 25¢ above journeyman's basic rate.						
All power tools for cleaning and preparing surfaces for painting - 25¢ above journeyman's basic rate.						
All work on stacks, steeples, flagpoles and all towers and tanks over 50 feet - 25¢ above journeyman's basic rate.						

AO-8 P. 12 (12 - 30)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LATHERS (CONT'D):						
Assumption (that portion beyond a 40 mile radius of Baton Rouge), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (that portion beyond a 40 mile radius of Baton Rouge), St. John the Baptist, St. Mary (that portion beyond a 40 mile radius of Lafayette), St. Tammany, Tangipahoa, Terrebonne and Washington Parishes	$6.83	.20	.15		.05	
Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette) and Jefferson Davis Parishes	6.00	.125			.01	
MARBLE SETTERS: Jefferson, Lafourche, Assumption, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U. S. Highway #190 through the lower limits of Covington, along State Highway #59, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi state line) and Terrebonne Parishes	7.55	.25	.15		.035	
Acadia, Iberia, Lafayette, St. Martin and Vermilion Parishes	7.25	.30	.20		.02	
St. Mary Parish	7.25					
MARBLE SETTERS' HELPERS: Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U. S. Highway #190 through the lower limits of Covington, along State Highway #59, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi state line) and Terrebonne Parishes	5.05	.15				

AO-8 P. 15 (15 - 30)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
St. Tammany (northern portion), Tangipahoa (east of Highway #51) and Washington Parishes:						
Commercial brush	$4.25					
Industrial	5.00					
Blast, power tools	4.50					
Spray, sandblasting	4.50					
Paperhangers	5.00					
Sheetrock finishers	4.50					
PLASTERERS:						
St. Tammany (north half including Covington north of Highway #190) and Washington Parishes	5.45					
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion Parishes	5.70				.01	
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	6.49					
Evangeline Parish	4.75				.01	
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge and West Feliciana Parishes	5.875				.01	
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Parish line on the west, along U. S. Highway #190 through the lower limits of Covington and Abita Springs along State Highway #435 to Talisheek and on a line due east from Talisheek to the Mississippi state line) and Terrebonne Parishes	6.75	.30	.20		.03	
PLUMBERS-PIPEFITTERS: Allen (northeast corner), Evangeline (except southwest corner) Parishes	7.15	.30			.05	

AO-8 P. 14 (14 - 30)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS (CONT'D):						
Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge and West Feliciana Parishes (Cont'd):						
All work off swing stage, boson chair and spiders - 25¢ above journeyman's basic rate.						
All work with creosote material or any similar material such as service cement paint - 25¢ above journeyman's basic rate.						
Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway #22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) and Terrebonne Parishes:						
Painters, paperhangers and sheetrock tapers and floaters	$5.875	.175	.20		.05	
Structural steel painters of new buildings under construction and bridges; the following overall of thirty (30) feet; tanks, air conditioning towers, smoke stacks, sprinkler systems, wharves, and structural steel in old buildings; spray painters, swing stage painters	6.25	.175	.20		.05	
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) and Vermilion Parishes:	7.125	.175	.20		.05	
Brush, wood or wall	5.25					
Industrial & steel	5.62					
Texture, paperhanging, wall covering & spray	5.50					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS-PIPEFITTERS (CONT'D):						
Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway #31), St. Mary (western tip) and Vermilion Parishes	$7.43	.42	.32		.06	
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge and West Feliciana Parishes	7.20	.365	.475		.035	
Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St.John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) and Washington Parishes	7.90	.30	.40		.06	
ROOFERS:						
Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis and Vermilion Parishes:						
Roofers	6.23		.10			
Roofers' helpers	4.86		.10			

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS (CONT'D):						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne and Washington Parishes:						
Roofers	$6.30	.35	.45		.20	
Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge and West Feliciana Parishes:						
Roofers	5.685	.25	.20		.01	
Roofers' helpers	4.285	.25	.20		.01	
SHEET METAL WORKERS:						
Calcasieu Parish	7.42		.15		.04	
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne and Washington Parishes	7.315	.25	.35	.25	.08	
Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge and West Feliciana Parishes	7.05	.15	.25		.12	
SOFT FLOOR LAYERS:						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	6.555	.25	.18		.05	
Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) and St. John the Baptist Parishes	7.17	.20	.20		.04	
Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) and Terrebonne Parishes	7.005	.20	.20		.04	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SOFT FLOOR LAYERS (CONT'D):						
St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Pontchatoula running north and south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa and Washington Parishes	$5.55					
SPRINKLER FITTERS	8.05	.30	.50		.05	
TERRAZZO WORKERS:						
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany and Terrebonne Parishes	6.85	.15				
Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis and Vermilion Parishes	7.25	.30	.20		.02	
Iberia, Lafayette, St. Martin and St. Mary Parishes	6.25					
TERRAZZO WORKERS' HELPERS:						
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany and Terrebonne Parishes	5.05	.15				
TILE SETTERS:						
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany and Terrebonne Parishes	6.85	.15				
Acadia, Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes	5.87		.20			
St. Tammany (north half including Covington north of Highway #190) and Washington Parishes	6.00					
TILE SETTERS' HELPERS:						
Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Terrebonne and Washington Parishes	5.05	.15				

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes:						
Teamsters, Pick-up drivers & chauffeurs	$4.91					
Stake bodies (all sizes)	5.34					
Trucks trailer & dumps over 8 yds.	5.55					
Mixers on trucks up to and including 3 yds.	5.35					
Mixers on trucks over 3 yds.	5.55					
Winch trucks	5.45					
Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)	5.55					
Trucks - Dumps	5.37					
Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.	5.76					
Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary and Vermilion Parishes:						
Teamster, pick-up drivers	4.45					
Stake bodies (all sizes)	4.65					
Truck & trailer; Dump	5.51					
Mixers on trucks, up to and including 3 yds.	5.39					
Mixers on trucks over 3 yds.	5.77					
Winch trucks	5.84					
Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.	6.09					
Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.	6.24					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

AQ-8 P. 20 (20 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Terrebonne Parishes; Parts of Assumption (See Footnote "i"), Livingston (See Footnote "i"), St. James (See Footnote "i"), St. Martin (See Footnote "i"), St. Mary (See Footnote "i"), Tangipahoa (See Footnote "i") and Washington (See Footnote "i") Parishes:						
Master mechanic	$7.92	.25	.15			
Assistant master mechanic	7.67	.25	.15			
Batch plant operator	5.93	.25	.15			
Mechanic helpers	5.93	.25	.15			
Oilers (Driver)	5.93	.25	.15			
Oilers	5.62	.25	.15			
Heavy Equipment Operators:						
A-frame truck, when working with Ironworkers and Pipefitters; Bulldozers, D-6 and larger; Cableways; Concrete mixers (over 16-s); Paving machines; Cranes, derricks, draglines and clam shells; Deck winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum 4 stories and over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor patrols; Pile drivers; Rollers on brick and asphalt; Rubber tired front end loader, with or without blade attachments, 1 cu. yd. capacity or more; Scrapers; Shovels, backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Unit operator; Welding journeyman; Well point systems (gas, diesel, electric, etc.)	7.42	.25	.15			

AQ-8 P. 21 (21 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Terrebonne Parishes; Parts of Assumption (See Footnote "i"), Livingston (See Footnote "i"), St. James (See Footnote "i"), St. Martin (See Footnote "i"), St. Mary (See Footnote "i"), Tangipahoa (See Footnote "i") and Washington (See Footnote "i") Parishes (Cont'd):						
Light Equipment Operators:						
A-frame, except when working with Ironworkers or Pipefitters; Air compressor; Asphalt plant engineers; Asphalt finisher, screed men; Blade graders; Boat operator; Bull floats; Concrete joining machines; Concrete mixers, 16-s and under; Concrete spreader; Crusher operator; Deck winch operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric slavutors (inside); Finishing Machine; Firemen; Form graders, Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pugmill operator; Pull tractors; Pump; Pump crete; Rollers except on brick and asphalt; Rubber tired front end loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale operator; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddlebuggy; Track machines and equivalent machines; Tractors or bulldozers smaller than D-6	$6.38	.25	.15			

AQ-8 P. 22 (22 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Evangeline and St. Landry Parishes:						
Heavy Duty Operators:						
Asphalt spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more; Hoist (2 drums and over); Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Well point system; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)	$7.10	.25	.15			
Light Duty Operators:						
Air cmpressor; Asphalt plant operator; Bulldozers, D-4 and equivalent and under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on street and roads (motorized); Winch truck, A-frame (other than handling steel or pipe)	6.09	.25	.15			
Scaleman	5.85	.25	.15			
Oiler-Driver	5.81	.25	.15			
Mechanic Helper	5.56	.25	.15			
Oiler	5.33	.25	.15			

AQ-8 P. 23 (23 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes:						
Heavy Duty Operators:						
Asphalt spreaders; Backhoes (all types); Bulldozers; Cableways; Cherry pickers (all types); Concrete mixers (over 1 sack); Cranes; Deck winch (2 drum or over); Front end loaders (except farm type); Grease serviceman; Hoist (1 drum, 4 stories, or 40 feet) on structures other than buildings; Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer plant operator-central mix; Motor patrols; Piledrivers; Pull cat; Pumpcrete-6" and over discharge; Push cat; Road pavers; Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork lifts (other than farm type) outside warehouses; Foundation drill; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Unit operator; Welder journeyman; Well point system; Whirleys; Winch cats (cat D-4 and over); Winch truck with A-frame (5 ton and over); Work boats-requiring licensed operator	$7.245	.25	.15		.03	
Medium Duty Operators:						
Asphalt Plant operator; Boom trucks; Bullfloats; Concrete spreader; Farm type front end loaders; Rollers (other than plant mix asphalt); Straddle buggies; Winch truck with A-frame (under 5 tons); Work boat-not requiring licensed operator; Finishing machines	6.40	.25	.15		.03	

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AQ-8 P. 24 (24 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes (Cont'd):						
Light Duty Operators: Bush hog, Compressors; Concrete pumps-under 6" discharge; Concrete saw; Kolum buff machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3" and over); Deck winch (1 drum); Distributors; Dowel bar machines; Farm-type tractors (when used to pull discs, grasscutters, etc.); Test pump-internal combustion engine powered; Ditching or trenching machines (non-riding type); Water blast pumps; Hoist (1 drum under 4 stories)	$5.945	.25	.15		.03	
Combination oiler-fireman	7.245	.25	.15		.03	
Combination oiler-compressor operator	7.245	.25	.15		.03	
Batch plant operator	5.485	.25	.15		.03	
Fireman	5.715	.25	.15		.03	
Mechanic helper	5.325	.25	.15		.03	
Oiler	5.155	.25	.15		.03	
Oiler-driver on motor crane	5.405	.25	.15		.03	
Pumps under 3" suction	5.325	.25	.15		.03	
Scale operator	5.485	.25	.15		.03	

AQ-8 P. 25 (25 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Acadia, Iberia (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border), Lafayette, St. Martin (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border), St. Mary (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border) and Vermilion Parishes:						
Oiler	$5.33	.25	.15			
Mechanic Helper	5.56	.25	.15			
Oiler-Driver	5.81	.25	.15			
Scaleman	5.85	.25	.15			
Light Duty Operators: Air compressor; Asphalt plant operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-S or less); Concrete saw; Distributors (bitum surface); Dowel bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Forklifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)	6.09	.25	.15			

AQ-8 P. 26 (26 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): Acadia, Iberia (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border), Lafayette, St. Martin (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border), St. Mary (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border) and Vermilion Parishes (Cont'd):						
Heavy Duty Operators: Asphalt spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist (1 drum 4 stories); Hoist (2 drums or over); Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Well point system; Winch cats (hoisting); Winch truck, A-Frame (handling steel or pipe)	7.10	.25	.15			

AQ-8 P. 27 (27 - 30)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D): All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge and West Feliciana Parishes; Parts of Assumption (See Footnote "I"), Iberia (See Footnote "L"), Livingston (See Footnote "K"), St. James (See Footnote "J"), Southern & Northern St. Martin (See Footnote "L"), Tangipahoa (See Footnote "K") and Washington (See Footnote "K") Parishes:						
Heavy Duty Operators: Backhoe; Cableway; Concrete mixer, 16-s & up; Crane; Derrick; Dragline; Dredge; Equipment maintenance; Mechanic; Hoist (2 drum); Locomotive crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons & over); Shovel; Sideboom cat; Bulldozer (6 & over); Motor patrol; Scraper; Hydrolift crane, hydrolift truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Traxcavator & similar front-end loading equipment with scoop or bucket of one (1) cu. yd. or more capacity; Tug boat operator; Turnapull, euclid DW-10 and other similar self-loading earth moving equipment; Concrete pump (not pump crete)	$6.66	.10	.15			
Medium Duty Operators: A-frame truck; Bulldozer (under 6); Crew boat operator; Fireman; Fork lift; Straddle buggy; Traxcavator, scoopmobile & similar front-end loading equipment with scoop or bucket under one (1) cu. yd. capacity; Locomotive; Well point system; Unit operator; Hoist, 1 drum, 4 stories or over	6.03	.10	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge and West Feliciana Parishes; Parts of Assumption (See Footnote "I"), Iberia (See Footnote "L"), Livingston (See Footnote "K"), St. James (See Footnote "J"), Southern & Northern St. Martin (See Footnote "L"), Tangipahoa (See Footnote "K") and Washington (See Footnote "K") Parishes (Cont'd):						
Light Duty Operators: Air compressor; Asphalt plant engineer; Blade grader, Distributor (bitum surface); Finishing machine (concrete, paving); Hoist (1 drum less than 4 stories); Concrete mixer under 16-s); Oiler Driver; Pump crete; Street and road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated bush hog and similar grass or bush cutting equipment	$5.36	.10	.15			
Batch plant operator	4.93	.10	.15			
Mechanic helper	4.76	.10	.15			
Oiler	4.63	.10	.15			
Pumps, under 3-inch suction	4.76	.10	.15			
Pumps, 3-inch suction or more	5.11	.10	.15			
Snatch cat	5.11	.10	.15			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) and Terrebonne Parishes:						
Linemen	$7.88	.20	1%+.10		.03	
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.20	1%+.10		.03	
Operator using hole truck and trailer, or pole hauling and setting truck (not in energized lines)	65%JR	.20	1%+.10		.03	
Operator using truck without winch	45%JR	.20	1%+.10		.03	
Groundmen (1-1/2 years service or over)	50%JR	.20	1%+.10		.03	
Groundmen (Starting rate to 1- 1/2 years service)	45%JR	.20	1%+.10		.03	
Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge and West Feliciana Parishes:						
Lineman, line equipment & line truck operators	7.75	.25	1%+.20		3/10%	
Allen, Beauregard, Calcasieu, Cameron and Jefferson Davis Parishes:						
Lineman, equipment operator	7.99	.25	1%+.10			
Groundmen	5.99	.25	1%+.10			
Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) and Vermilion Parishes:						
Linemen & equipment operators	7.80	.25	1%			
Groundman	50%JR	.25	1%			

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.
c - All of the parish west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico.
d - All of the parish east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles and Evangeline, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico.
e - All of the parish west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico.
f - All of the parish west of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles and Evangeline, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico.
g - North of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville in Assumption Parish and then directly west to the Parish; all of St. James Parish except, that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway #61 (Airline Highway) then west on U.S. #61 to Blind River, and then on a direct line to Manchac, Louisiana.
h - South and west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence then directly south to Lake Pontchartrain.
i - That part of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: Beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico.
j - Northwest of a straight line drawn from the city of Berwick to the city of Lutcher.
k - West of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border.
l - East and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
Decision No. AQ-9 DATE: Date of Publication
Supersedes Decision No. AP-737 dated June 15, 1973 in 38 FR 15805
DESCRIPTION OF WORK: Street, Highway, Utility, and Light Engineering Construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Carpenters	$5.91	.30	.40	.25	.04	
Power saw operator-saw filer	6.06	.30	.40	.25	.04	
Millwright, & piledriver	6.16	.30	.40	.25	.04	
Cement masons	4.94	.26				
Ironworkers:						
Reinforcing	4.58	.25	.25			
Structural	5.90	.35	.50			
Painters:						
Brush	4.57					
Spray	4.33					
Laborers:						
Unskilled:						
Common laborer; carpenter tender; concrete buggy operator (hand); concrete workers	2.56	.20	.15			
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15			
Air & power tool man; asphalt raker; batching plant scaleman; tenderers (to cement mason & plasterer); chain sawman; concrete power buggyman; concrete touchupman; concrete sawman; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer & mason tender; powderman or blaster helper; sandblaster; scaler; vibrator-man (Hand type); vibratory compactor (hand type)	2.86	.20	.15			
Gunite pumpcreteman & nozzleman; multiplate setter	3.16	.20	.15			
Wagon, air track, drill & diamond driller (Outside)	2.86	.20	.15			
Manhole builder	3.36	.20	.15			
Pipelayer	3.16	.20	.15			
Powderman - blaster - makeup	3.31	.20	.15			
Power Equipment Operators:						
Concrete paving curing machine	4.37	.20	.10		.03	
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader	5.15	.15	.10		.01	

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10 New Mexico 3-0 (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd.						
Belt type conveyors (material & concrete); Broom (self-propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar H.P. with attach.)	$4.57	.20	.10		.03	
Tractor with backhoe attachment	5.12	.20	.10		.03	
Subgrade or base finisher	5.15	.20	.10		.03	
Concrete slip-form paving machine	5.37	.20	.10		.03	
Asphalt distributor; asphalt paving or lay down machine; asphalt retort heater; batch or continous mix plant (concrete, soil-cement or asphalt); Mixer, heavy duty, asphalt or soil cement; motor grader; tractor (50 drawbar H.P. or over); trenching machine; clam type shaft mucker	5.17	.20	.10		.03	
Concrete paving finishing machine; concrete paving longitudinal float; gunnite machine; jumbo form or drilling stage slusher	5.37	.20	.10		.03	
Concrete paver mixer; hoist (2 drums & over); side boom	5.32	.20	.10		.03	
Derrick, cableway	5.32	.20	.10		.03	
Traveling crane, piledriver	5.52	.20	.10		.03	
Mine hoist	5.52	.20	.10		.03	
Mucking machine						
Backhoe, clamshell, dragline, gradall, shovel:						
Under 3/4 cy	5.17	.20	.10		.03	
3/4 cy to 3 cy	5.32	.20	.10		.03	
Over 3 cy	5.52	.20	.10		.03	
Bulldozer; elevating grader or belt loader; roller (steel wheel); scraper operator	5.17	.20	.10		.03	
Bulldozer (multiple units); scraper (multiple units)	5.52	.20	.10		.03	
Concrete paving spreader	5.37	.20	.10		.03	
Pumpcrete machine	5.37	.20	.10		.03	
Cranes (crawler or mobile):						
Under 20 ton	5.17	.20	.10		.03	
20 ton to 40 ton	5.32	.20	.10		.03	
Over 40 ton	5.52	.20	.10		.03	
Air compressor (300 CFM & over); crushing screening & washing plants; drilling machine (cable, core or rotary); mixer, concrete (7 cy & less); pump (6 inch intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker	5.17	.20	.10		.03	

AQ-9 P. 3

10-New Mexico 3-0 (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators Cont'd.						
Front End loader:						
1-½ cy or less	$4.57	.20	.10		.03	
Over 1-½ cy to 6 cy	5.17	.20	.10		.03	
Over 6 cy	5.32	.20	.10		.03	
Industrial lucomotive brakeman; tractor (under 50 drawbar HP without attachments); fireman; oiler; screedman	4.57	.20	.10		.03	
Mechanic and/or welder	5.20	.20	.10		.03	
Mixer, concrete (over 1 cy)	5.32	.20	.10		.03	
Grout pump operator	5.37	.20	.10		.03	
Power plant (electrical generator or welding machine)	5.12	.20	.10		.03	
Roller (pull type)	4.67	.20	.10		.03	
Mulching machine; roller (self-propelled)	4.67	.20	.10		.03	
Mole operator	6.82	.20	.10		.03	
Truck Drivers:						
Distributor (asphalt)	4.18	.26				
Dumpster or dumptor	4.26	.26				
Dump or batch truck:						
Under 8 cy	3.97	.26				
8 cy and under 16 cy	4.07	.26				
16 cy and under 20 cy	4.21	.26				
20 cy and over	4.26	.26				
Diesel-powered transport (non-self-loading) 10 yds. & over	4.49	.26				
Flatbed:						
1-½ ton or under	3.97	.26				
Over 1-½ ton	4.12	.26				
Lumber carrier	4.00	.26				
Lowboy, heavy equipment	4.59	.26				
Lowboy, light equipment	4.21	.26				
Off-highway hauler	4.24	.26				
Pick-up truck 3/4 ton or under	3.82	.26				
Service station attendant	3.86	.26				
Spreader box	3.91	.26				
Spreader box (self-propelled)	4.15	.26				
Swamper or rider helper	3.78	.26				
Tank Truck:						
3,000 gal. or under	4.05	.26				
3,001 gal. 60 6,000 gal.	4.15	.26				
6,001 gal. & over	4.25	.26				
Teamster, 2 or 4 or more	3.78	.26				
Trailer or semi-trailer dump	4.34	.26				
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Pipemobile operator	6.82	.20	.10		.03	
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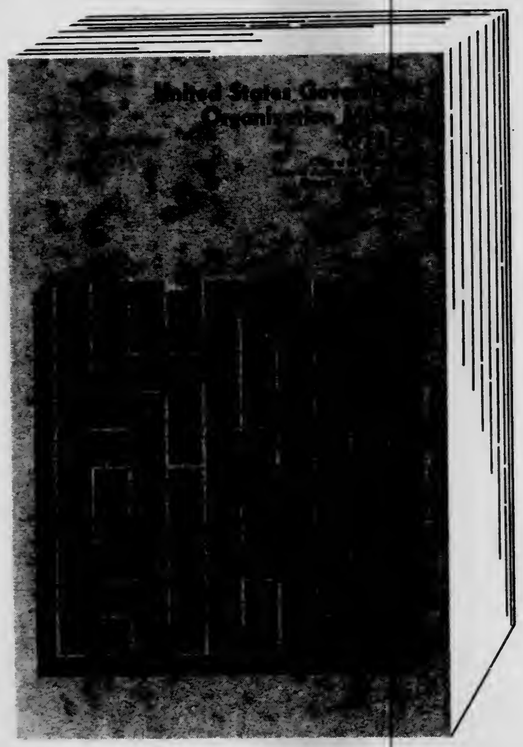
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LINE CONSTRUCTION - NEW MEXICO

BERNALILLO COUNTY	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (NEW MEXICO-A)						
CABLE SPLICERS	$7.16	.25	1%		1/2%	
LINEMEN	6.66	.25	1%		1/2%	
TECHNICIANS	6.66	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.34	.25	1%		1/2%	
EQUIPMENT MECHANICS	5.81	.25	1%		1/2%	
POWDERMEN	5.81	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.52	.25	1%		1/2%	
2nd 6 months	4.00	.25	1%		1/2%	
Experienced	4.67	.25	1%		1/2%	
STATEWIDE (EXCEPT BERNALILLO COUNTY)						
LINE CONSTRUCTION (NEW MEXICO-B)						
CABLE SPLICERS	7.82	.25	1%		1/2%	
LINEMEN	7.29	.25	1%		1/2%	
TECHNICIANS	7.29	.25	1%		1/2%	
EQUIPMENT OPERATORS	6.93	.25	1%		1/2%	
EQUIPMENT MECHANICS	6.34	.25	1%		1/2%	
POWDERMEN	6.34	.25	1%		1/2%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.85	.25	1%		1/2%	
2nd 6 months	4.37	.25	1%		1/2%	
Experienced	5.11	.25	1%		1/2%	

[FR Doc.73-15244 Filed 7-26-73;8:45 am]

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federal register

MONDAY, JULY 30, 1973
WASHINGTON, D.C.
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Pages 20223–20309

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Aluminum Co. of America and Armco Steel Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist orders, Aluminum Company of America, Armco Steel Corporation, Pittsburgh, Penn., Middleton, Ohio, Docket C-2415, Docket C-2416, June 21, 1973]

In the matter of Aluminum Company of America, a Corporation, and Armco Steel Corporation, a corporation

Consent orders requiring the largest domestic aluminum company located in Pittsburgh, Penn., and the third largest domestic steel company located in Middleton, Ohio, among other things not to permit interlocking directorates unlawfully and requiring their directors to make annual statements as to those corporations having an aggregate worth over $1 million of which they are also directors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I

It is ordered, That respondent Aluminum Company of America ("Alcoa"), a corporation, shall not permit on its board of directors any person who is at the same time a director of Armco Steel Corporation.

II

It is further ordered, That respondent Alcoa shall obtain from each Alcoa director an annual statement showing the name, location, and business of each other corporation, having capital, surplus and undivided profits in excess of $1,000,000 of which such Alcoa director is also a director.

III

It is further ordered, That respondent Alcoa notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this Order.

IV

It is further ordered, That respondent Alcoa shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this order.

Issued: June 21, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-15537 Filed 7-27-73;8:45 am]

[Dockets Nos. C-2417, C-2418]

PART 13—PROHIBITED TRADE PRACTICES

Aluminum Co. of America and Kennecott Copper Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist orders, Aluminum Company of America, Kennecott Copper Corporation, Pittsburgh, Penn., New York City, New York, Docket C-2417, Docket C-2418, June 21, 1973]

In the matter of Aluminum Company of America, a Corporation, and Kennecott Copper Corporation, a Corporation.

Consent orders requiring the largest domestic aluminum company located in Pittsburgh, Penn., and the largest domestic copper company located in New York City, among other things to cease permitting interlocking directorates unlawfully and requiring its directors to make annual statements as to those corporations having an aggregate value in excess of $1 million of which they are also directors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I

It is ordered, That respondent Aluminum Company of America ("Alcoa") a corporation, shall not permit on its board of directors any person who is at the same time a director of Kennecott Copper Corporation.

II

It is further ordered, That respondent Alcoa shall obtain from each Alcoa director an annual statement showing the name, location, and business of each other corporation, having capital, surplus and undivided profits in excess of $1,000,000 of which such Alcoa director is also a director.

III

It is further ordered, That respondent Alcoa notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this Order.

IV

It is further ordered, That respondent Alcoa shall within 30 days after service upon it of this Order file with the Commission a report, in writing, setting forth the manner and form in which it intends to comply with this Order.

Issued: June 21, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73-15533 Filed 7-27-73;8:45 am]

[Docket No. C-2420]

PART 13—PROHIBITED TRADE PRACTICES

Commercial Credit Co.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.623-95 Truth in Lending Act; Prices § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Commercial Credit Company, Baltimore, Maryland, Docket C-2420, June 26, 1973 with Statement of the Commission, and dissenting statement of Commissioner Jones.]

In the matter of Commercial Credit Co., a corporation.

Consent order requiring one of the nation's largest independent consumer finance companies located in Baltimore, Maryland, to among other things, cease violating the Truth in Lending Act when selling credit life and credit accident and health insurance.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

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It is ordered, That respondent Commercial Credit Company, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the granting of consumer loans subject to the provisions of Regulation Z (12 CFR 226.8) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, when the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge:

(a) To quote monthly payments, whether on the telephone, in person, or otherwise, which exclude the cost of credit life insurance and/or credit accident and health insurance.

(b) If monthly payments do reflect credit life insurance and/or credit accident and health insurance, such payments may be quoted only if the consumer is clearly told that:

(i) Credit life insurance and/or credit accident and health insurance are optional; and

(ii) The consumer's choice regarding the insurance coverage will not be considered in respondent's approval of the consumer's credit.

(c) Respondent's obligation under this provision shall end concurrently with the customer's execution of the separate, personal insurance authorization form required my #2 below.

2. When the charges for credit life insurance and/or credit accident and health insurance are not included in the finance charge:

(a) Failing to present to the borrower as the first document at the time of closing, a separate, written personal insurance authorization form which sets forth clearly and conspicuously:

(i) The borrower has received credit approval up to a specified amount;

(ii) The borrower's decision with regard to the insurance available through respondent is not considered in granting the credit;

(iii) Insurance is not required to obtain the loan;

(iv) The total premium for credit life insurance and the total premium for credit accident and health insurance;

(v) The monthly payments which would result from the borrower's election to take the loan, set forth in the following order from left to right across the document: (1) without either credit life insurance or credit accident and health insurance, (2) with credit life insurance only, (3) with credit accident and life insurance only, and (4) with both credit life insurance and credit accident and health insurance; and

(vi) A signature and date line for each option set forth in (v) above for the consumer to indicate his election.

(vii) The borrower authorizes respondent on behalf of the borrower to pay the insurance premiums to the insurance company for such personal insurance which has been chosen.

(b) Failing to make the disclosures required by subparagraph (a) above on a separate document which contains no other printed or written material. The disclosures required by subparagraphs (ii) and (iii) above shall not be smaller than 12 point type. A form substantially in conformance with Attachment A herein will be considered as in compliance with the provisions of subparagraphs (a) and (b). Respondent shall maintain the original statement for two years following its execution and provide the customer with a copy thereof.

(c) Failing to leave the Truth in Lending disclosure statement blank as to the cost of credit life insurance and/or credit accident and health insurance and all other information or amounts which are affected by the election or declination of insurance until the borrower has signed the written disclosure required by subparagraph (a) above.

(d) Making any marks or otherwise instructing a consumer where to sign or date the separate personal insurance authorization form required by subparagraph (a) above in advance of the consumer's free and independent choice for such insurance.

(e) Misrepresenting, orally or otherwise, directly or by implication, that credit life and/or credit accident and health insurance are required as a condition of obtaining credit from respondent.

(f) Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of credit life and/or credit accident and health insurance.

3. Failing to tell every customer the purpose(s) of each signature requested by respondent on any document directly related to the consummation of the credit transaction.

4. Failing to compute and disclose accurately the finance charge, as required by §§ 226.4(a) (5) and 226.8(d) of Regulation Z.

5. Failing to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent as required by §§ 226.5(b) and 226.8(b) of Regulation Z.

6. Failing, in any consumer loan transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent at its general offices in Baltimore and in each of its subsidiary loan offices who are engaged in the extension of consumer loans, and that respondent secure a signed statement acknowledging receipt of said copy of this order from each such person.

It is further ordered, That respondent notify the Commission within thirty (30) days of any change in the corporate respondent which may affect compliance obligations with regard to the extension of consumer loans arising out of this order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation with regard to the extension of consumer loans which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1973.

By the Commission.[1]

[SEAL] VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.73–15536 Filed 7–27–73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73–208]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 132—QUOTAS

On January 17, 1973, notice of proposed rulemaking pertaining to a revision of the Customs Regulations relating to imported merchanise subject to quotas (19 CFR 12.49–12.51), was published in the FEDERAL REGISTER (38 FR 1642).

The only comment received from the public suggested substantive changes which were not within the scope of this revision of the Customs Regulations. Certain editorial corrections have been made in the text.

There is included as part of the revision a parallel reference table showing the relationship of sections in Part 132 to superseded sections in 19 CFR Part 12.

Accordingly, new Part 132, Quotas, and the conforming changes in Part 12 of the Customs Regulations, Chapter I, title 19, Code of Federal Regulations, are hereby adopted as set forth below.

Effective date. These amendments shall become effective on August 29, 1973.

Approved: July 18, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

Part 12 is amended by deleting therefrom the subheading "Merchandise Subject to Quota Provision," §§ 12.49, 12.50, 12.51, and footnote 33 to § 12.49.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Chapter I of Title 19, Code of Federal Regulations, is amended by adding a new Part 132 entitled "Quotas" to read as follows:

Sec.
132. Scope.

Subpart A—General Provisions

132.1 Definitions.

[1] The Statement of the Commission, the dissenting statement of Commissioner Jones and Attachment A filed as part of the original document.

Sec.
132.2 Enactment and administration of quotas.
132.3 Observation of official hours.
132.4 Quota quantity entry limits.
132.5 Merchandise imported in excess of quota quantities.
132.6 Exception to reduced rates.

Subpart B—Administration of Quotas

132.11 Quota priority and status.
132.12 Procedure on opening of potentially filled quotas.
132.13 Quotas after opening.
132.14 Issuance of permits of delivery and special permits for immediate entry.
132.15 Withdrawal from warehouse prior to opening of quota.

Subpart C—Mail Importation of Absolute Quota Merchandise

132.21 Regulations applicable.
132.22 When quota is filled.
132.23 Partial release procedure.
132.24 Entry.
132.25 Undeliverable shipment.

AUTHORITY: R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14; 5 U.S.C. 66, 1202 (Gen. Headnote 11), and 1624.

§ 132.0 Scope.

This part sets forth rules and procedures applicable to quotas administered by the Bureau of Customs.

Subpart A—General Provisions

§ 132.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Absolute (or quantitative) quotas.* "Absolute (or quantitative) quotas" are those which permit a limited number of units of specified merchandise to be entered or withdrawn for consumption during specified periods. Once the quantity permitted under the quota is filled, no further entries or withdrawals for consumption of merchandise subject to quota are permitted. Some absolute quotas limit the entry or withdrawal of merchandise from particular countries (geographic quotas) while others are global quotas and limit the entry or withdrawal of merchandise not by source but by total quantity.

(b) *Tariff-rate quotas.* "Tariff-rate quotas" permit a specified quantity of merchandise to be entered or withdrawn for consumption at a reduced duty rate during a specified period.

(c) *Official acceptance.* "Official acceptance" is the final acceptance of the entry or withdrawal for consumption after filing the documents in the proper form in accord with §§ 141.68(a), (b), (d), and (e) of this chapter, and depositing estimated duties with the appropriate Customs officer.

(d) *Presentation.* "Presentation" is the submission of the entry or withdrawal for consumption in proper form, with estimated duties attached, to the appropriate Customs officer.

(e) *Quota-class merchandise.* "Quota-class merchandise" is any imported merchandise subject to limitations under an absolute or a tariff-rate quota.

(f) *Quota priority.* "Quota priority" is the precedence granted to one entry or withdrawal for consumption of quota-class merchandise over other entries or withdrawals of merchandise subject to the same quota.

(g) *Quota status.* "Quota status" is the standing which entitles quota-class merchandise to admission under an absolute quota, or to a reduced rate of duty under a tariff-rate quota, or to any other quota benefit.

§ 132.2 Enactment and administration of quotas.

(a) *Enactment.* Tariff-rate quotas and absolute quotas are established by Presidential proclamations, Executive orders, and legislative enactments. These documents are published in the Customs Bulletin.

(b) *Administration.* Quotas vary by the type of commodity involved, the country of exportation, the period or periods the quota is open and the type of quota. Quotas are divided into two categories: Quotas administered directly by the Bureau of Customs, and quotas administered by other agencies which are enforced by the Bureau of Customs, and which may require special procedures or special documentation in accordance with the regulations and directives of the particular agency involved.

(c) *Strict construction employed.* The terms of a Presidential proclamation, Executive order, or legislative enactment establishing a quota, and the regulations implementing the quota, must be strictly complied with.

§ 132.3 Observation of official hours.

Entries and withdrawals for consumption of quota-class merchandise shall be accepted only during official office hours except as otherwise provided for in § 132.12, and §§ 141.62(b) and 142.11 of this chapter.

§ 132.4 Quota quantity entry limits.

At the opening of the quota no importer shall be permitted to present entries or withdrawals for consumption of quota-class merchandise for a quantity in excess of the quantity admissible under the applicable quota.

§ 132.5 Merchandise imported in excess of quota quantities.

(a) *Absolute quota merchandise.* Absolute quota merchandise imported in excess of the quantity admissible under the applicable quota must be disposed of in accordance with paragraph (c) of this section.

(b) *Tariff-rate quota merchandise.* Merchandise imported in excess of the quantity admissible at the reduced quota rate under a tariff-rate quota is permitted entry at the higher duty rate. However, it may be disposed of in accordance with paragraph (c) of this section.

(c) *Disposition of excess merchandise.* Merchandise imported in excess of either an absolute or a tariff-rate quota may be held for the opening of the next quota period by placing it in a foreign-trade zone or by entering it for warehouse, or it may be exported or destroyed under Customs supervision.

§ 132.6 Exception to reduced rates.

Reduced or modified duty rates under tariff-rate quotas established pursuant to section 350 of the Tariff Act of 1930, as amended and extended (19 U.S.C. 1351), are not applicable to products imported directly or indirectly from the countries or areas listed under General Headnote 3(e), Tariff Schedules of the United States, as amended (19 U.S.C. 1202).

Subpart B—Administration of Quotas

§ 132.11 Quota priority and status.

(a) *Factors determining quota priority and status.*—(1) *Absolute (quantitative) quotas.* Quota priority and status on absolute quota merchandise are determined as of the time of presentation of the entry or withdrawal for consumption in the proper form.

(2) *Tariff-rate quotas.* The time of official acceptance of an entry or withdrawal for consumption determines quota priority and status of merchandise subject to tariff-rate quotas, except at the opening of the quota period. At the opening of the quota period, the time of presentation of the entry or withdrawal for consumption in proper form determines quota priority and status.

(b) *Entry in proper form and deposit required.* Entries or withdrawals for consumption, for which the documents are not in proper form or for which duties or taxes have not been attached or deposited in proper form, shall not be regarded as entered for purposes of quota priority and shall not acquire quota status. See §§ 141.4, 141.63, 141.65, 141.68, 141.69, and 141.101 of this chapter.

(c) *Informal entries.* Mail entries or informal entries shall be regarded as presented for purposes of quota priority when all requirements have been met for the preparation of such an entry.

(d) *Premature presentation of entry or withdrawal.* Quota status will not attach to merchandise in a quota period by reason of the presentation of an entry or withdrawal for consumption at any time prior to the opening of that period.

§ 132.12 Procedure on opening of potentially filled quotas.

(a) *Time for presentation of entries.* When it is anticipated that entries or withdrawals for consumption, or both, covering quantities sufficient to fill a quota will be presented at the opening of the quota period, an entry or withdrawal for consumption shall not be accepted before 12 noon eastern standard time in all time zones.

(b) *Simultaneous presentation.* Special arrangements shall be made so that all entries or withdrawals for consumption of quota merchandise may be presented at the exact moment of the opening of the quota in all the time zones in the Customs territory of the United States. All importers who are present to file entries or withdrawals for consumption when the quota opens shall be given equal opportunity to do so. All entries and withdrawals for consumption presented in the proper form shall be considered to have been presented simultaneously, even though some time may be required for checking purposes.

(c) *Proration of quantities.* The quantities on all entries and withdrawals for

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consumption submitted simultaneously shall be prorated by the Commissioner of Customs against the quota quantity admissible to determine the percentage to be allocated to each importer under the quota. Merchandise in excess of the quota will be disposed of in accordance with § 132.5.

§ 132.13 Quotas after opening.

(a) *Procedure prior to fulfillment.* In order to secure for each importer the rightful quota priority and status for his quota-class merchandise and to close the quota simultaneously at all ports of entry, the Commissioner of Customs may require that authorization prior to the acceptance of an entry or withdrawal be secured or that entry or withdrawal for consumption be made at over-quota rates of duty or that special release of merchandise procedures be followed and that reports be made to the Bureau of Customs as follows:

(1) *Absolute quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of presentation on each entry or withdrawal and shall report the foregoing facts to the Commissioner of Customs and secure his approval prior to the official acceptance of the entry or withdrawal for consumption.

(2) *Tariff-rate quotas.* The appropriate Customs officer shall note the exact date, hour, and minute of official acceptance on each entry and withdrawal for consumption and report the foregoing facts to the Commissioner of Customs.

(b) *Closing of the quota.* Except as provided by § 132.12, at the closing of a quota all entries or withdrawals for consumption which have acquired quota status due to priority of presentation or of official acceptance shall be entitled to quota benefits. All other entries or withdrawals are without quota status and are not entitled to any quota benefits. All the latter shall be disposed of in accordance with § 132.5.

§ 132.14 Issuance of permits of delivery and special permits for immediate delivery.

(a) *Effect of issuance of permits of delivery and special permits for immediate delivery prior to entry.* A permit of delivery, or a special permit for immediate delivery prior to entry, does not accord quota priority or status, nor is it entitled to any consideration in according any quota benefit.

(b) *Permits of delivery.*—(1) *Absolute quota merchandise.* Permits of delivery on merchandise subject to an absolute quota shall not be issued prior to a determination of quota status.

(2) *Tariff-rate quota merchandise.* Permits of delivery on merchandise subject to a tariff-rate quota shall not be issued prior to a determination of quota status unless estimated duties are deposited at the over-quota rate of duty.

(c) *Entry following special permit for immediate delivery.* If quota-class merchandise is the subject of an application for a special permit for immediate delivery prior to entry, the time of presentation of the entry for consumption shall not precede the time when the importing carrier reaches the limits of the port where entry is to be made. See §§ 141.69 and 142.11 of this chapter on the time allowed for filing the entry at the close of a quota period.

§ 132.15 Withdrawal from warehouse prior to opening of quota.

Merchandise entered for warehouse for which a withdrawal for consumption has been made in the manner prescribed in § 141.68(d) of this chapter prior to the opening of any quota period, may not be accorded any quota benefit which may become effective after the time of acceptance of such withdrawal, even though the permit of delivery for the withdrawn merchandise is not delivered to the Customs warehouse officer until after the effective date of the quota benefit.

Subpart C—Mail Importation of Absolute Quota Merchandise

§ 132.21 Regulations applicable.

In addition to the regulations applicable to all mail importations (see Part 145 of this chapter), the regulations in this subpart shall apply to mail importations of absolute quota merchandise.

§ 132.22 When quota is filled.

Any packages containing merchandise subject to an absolute quota which is filled shall be returned to the postmaster for return to the sender immediately as undeliverable mail. The addressee will be notified on Customs Form 3509 or in any other appropriate manner that entry has been denied because the quota is filled.

§ 132.23 Partial release procedure.

(a) *Notification of quota restrictions.* If because of quota restrictions, a mail importation cannot be released, the district director at the port of destination shall notify the addressee on Customs Form 3509 of the procedure required by paragraph (b) of this section, and shall inform the addressee that upon return of the Acknowledgement of Delivery by Postal Service, the packages admissible under the absolute quota will be forwarded to him and the restricted packages will be returned to the sender as inadmissible. The district director may at his discretion hold packages if it appears that the absolute quota will reopen in less than 30 days.

(b) *Acknowledgement of delivery.* An Acknowledgement of Delivery by Postal Service shall be sent to the addressee. He shall be advised that if he desires to secure release of less than the total number of packages of the merchandise, the Acknowledgement of Delivery by Postal Service must be signed by him and returned to the district director. Such Acknowledgement of Delivery by Postal Service shall be in the following form:

ACKNOWLEDGEMENT OF DELIVERY BY POSTAL SERVICE

In consideration of the fact that certain articles in a mail importation consisting of

---

(state number) packages mailed to me by

---------- (name of sender)

of

(address) on ---------- (date of mailing), are subject to quota restrictions under which only a portion of such articles may be admitted to entry at one time, and the Postal Service permits no division of the importation before delivery thereof, and since I am desirous of receiving the packages of such importation which are admissible to entry under the quota administered by the United States Customs, I hereby agree and acknowledge that delivery of the package or packages to the United States Customs shall be regarded as delivery by the Postal Service to me.

(Signature of addressee)

(c) *Agreement to less than full delivery.* If, in any case, the sender of a mail package has indicated his agreement to the delivery of less than the entire importation at one time, an Acknowledgement of Delivery by Postal Service need not be secured from the addressee.

(d) *Deposit required.* If a portion of a mail shipment may be released, the district director may require a deposit of an amount sufficient to defray the expenses of repacking merchandise for shipment by mail to the addressee. The shipment shall be under Government frank without new postage.

§ 132.24 Entry.

Unless a formal entry or entry by appraisement is required, a mail entry on Customs Form 3419 shall be issued and forwarded with the package to the postmaster for delivery to the addressee and collection of any duties in the same manner as for any other mail package subject to Customs treatment.

§ 132.25 Undeliverable shipment.

If within a reasonable time, but not to exceed 30 days, the addressee fails to indicate to the district director an intention to receive delivery of the packages or a portion thereof in accordance with the notice on Customs Form 3509 which was sent to him by the district director, the importation shall be treated in the same manner as other undeliverable mail.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 132 to superseded 19 CFR Part 12.)

Revised section	*Superseded section*
132.0	New.
132.1(a)–(g)	New.
132.2(a)	12.49.
132.2(b)	New.
132.2(c)	New.
132.3	12.50(a) 2d sentence.
132.4	12.50(d) 3d sentence.

Proposed Part 132 section	*19 CFR section*
132.5(a)–(c)	New.
132.6	12.49.
132.11(a)(1)–(2)	New.
132.11(b)	12.50(a) 1st sentence.
132.11(c)	12.50(b).
132.11(d)	12.50(a)3d sentence.
132.12(a)–(b)	12.50(d).
132.12(c)	New.
132.13(a)(1)–(2)	12.50(e).
132.13(b)	New.
132.14(a)–(b)	New.
132.14(c)	12.50(f).
132.15	12.50(c).
132.21	12.51.
132.22	New.
132.23(a)–(b)	12.51(b).
132.23(c)	12.51(c).
132.23(d)	12.51(d) 1st and 2d sentences.
132.24	12.51(d) 3d sentence.
132.25	12.51(f).

[FR Doc.73-15549 Filed 7-27-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

PART 122—UNAVOIDABLE CONTAMINANTS IN FOOD AND FOOD PACKAGING MATERIALS

PART 135—NEW ANIMAL DRUGS

Polychlorinated Biphenyls (PCB's)

Correction

In FR Doc. 73-13549 appearing at page 18096 in the issue of Friday, July 6, 1973, the following changes should be made:

1. In the first column on page 18098:

a. In paragraph d.:

i. The first word "phenql" in the seventh line should read "phenyl".

ii. In the twelfth line, insert the word "possible" after the word "compounds", delete "Each component of", and insert in lieu thereof, "PCB's are".

b. In the fourth line of paragraph a., the figure "55" should read "5".

2. In the last paragraph of the second column on page 18103, "§ 121.254b" in the second line, should read "§§ 121.2546 (b)".

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, February 28, 1973 (38 FR 5340) and April 9, 1973 (38 FR 9006), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

• • • • • •

COMMUTED TRAVELTIME ALLOWANCES
(In hours)

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Delete:			
• • •	• • •	• • •	• • •
Connecticut:			
Bradley Field, Windsor Locks.	Milford		4
New Haven	New York, N.Y.		4
Undesignated ports.	Warwick, R.I.		3
• • •	• • •	• • •	• • •
Add:			
Connecticut:			
Bradley International Airport.	Windsor Locks.	1	
Bridgeport	do		3
New Haven	do		2
Undesignated ports.	Warwick, R.I. or Windsor Locks.		3

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective on July 30, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th days of July 1973.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.73-15599 Filed 7-27-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 441, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period July 20–26, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 441 (38 FR 19203). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.741 (Valencia Orange Regulation 441 (38 FR 19203) are hereby amended to read as follows:

§ 908.741 Valencia Orange Regulation 441.

• • • • • •

(b) *Order.* (1) • • •

(ii) District 2: 475,000 cartons.

• • • • • •

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15596 Filed 7–27–73;8:45 am]

[Peach Reg. 9, Amdt. 1]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

This amendment relaxes the current regulation to permit the shipment of Washington peaches in certain experimental containers if the peaches are at least Washington Fancy grade and measure at least 2¼ inches in diameter. The amendment was unanimously recommended by the Washington Fresh Peach Marketing Committee and all such shipments would be subject to committee control and supervision.

Current regulation provisions specify 2¼ inches as the minimum diameter and Washington Fancy as the minimum grade for Washington peaches handled in fresh shipments in designated containers. The smallest designated container in common usage contains approximately 22 pounds, net weight, of such peaches. Due to an extended period of unseasonably hot weather, the industry now finds that a considerably larger portion of the crop than originally anticipated will be of the smaller sizes usually handled to local markets. Small "experimental" containers that hold from 10 to 12 pounds, net weight, and commonly referred to as the "family pack" are now available to the industry. This amendment would authorize the experimental use of such containers to handle peaches meeting the aforesaid grade and size requirements.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 921 (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations by the committee and other available information, it is hereby found that the amendment of the current limitation of shipments, as herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of peaches.

(b) *Order.* The provisions of paragraph (a) of § 921.309 (Peach Regulation 9; 37 FR 12553) are hereby amended by revising the preamble preceding subparagraph (1) thereof and by renumbering subparagraph (6) thereof as subparagraph (7) and adding a new subparagraph (6) to read as follows:

§ 921.309 Peach Regulation 9.

(a) *Order.* During the period July 1, 1972, through July 31, 1973, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements or are handled in accordance with subparagraph (7) of this paragraph:

* * * * *

(6) Notwithstanding the provisions of subparagraphs (1) through (5) hereof, shipments of peaches may be handled in such experimental containers as may be approved by the committee: *Provided,* That (i) such shipments are reported to the committee by the handler thereof at the time of shipment; (ii) peaches shipped in said experimental containers grade at least Washington Fancy; (iii) peaches shipped in said experimental containers measure at least 2¼ inches in diameter; and (iv) said experimental containers, commonly known as "family packs," shall have approximate inside dimensions of 15⅝ by 8⅝ by 5 inches and shall contain not less than 10 pounds nor more than 12 pounds, net weight, of peaches.

(7) Notwithstanding any other provisions of this section, any individual shipment of peaches sold by the producer, or at an established packinghouse, which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 *Assessments,* and of § 921.55 *Inspection and certification* if:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated July 23, 1973, to become effective July 23, 1973.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15552 Filed 7–27–73;8:45 am]

[Bartlett Pear Reg. 8]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This regulation specifies the grade, size, pack and container requirements applicable to the handling of Bartlett pears during the period August 1 through September 2, 1973. These requirements are designed to promote orderly marketing and to provide consumers with an ample supply of acceptable quality Bartlett pears. Such requirements would require Bartlett pears in several commonly used containers to grade U.S. No. 1 grade and be 180 size, although U.S. No. 2 grade pears may be handled if at least size 150. Bartlett pears in the western lug shall grade at least U.S. No. 2, and have a minimum size of 2¼ inches. Pears in 14 to 15 pound, net weight, containers shall grade at least U.S. No. 2 and have a minimum size of 2⅛ inches.

This regulation is issued pursuant to the applicable provisions of the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The regulation was recommended by the Fresh Bartlett Pear Marketing Committee established under the said Marketing Agreement and Order. It is hereby found that the regulation, as hereinafter set forth, would tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the need for regulation based on current and prospective market conditions. The Washington-Oregon Bartlett pear crop is estimated at 191,000 tons, compared with last season's production of 150,000 tons. Total fresh shipments are expected to total 54,112 tons. The regulation, as hereinafter set forth, is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size Bartlett pears and provide orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provisions which provide for less stringent size regulations for certain containers recognize the fact that: (1) Pears packed in the "western lug" are sold primarily to markets in the Northwestern States mostly for home canning, and (2) pears packed in "14 to 15 pound containers" are sold primarily in markets in the Midwestern States mostly for home canning. Conversely, the application of more stringent size regulations for pears packed in the "standard western pear box", the "L.A. lug", or their carton equivalents, the half-carton or in "tight-filled" containers, recognizes the fact that pears packed in these containers are primarily sold in supermarkets throughout the country for fresh consumption to be eaten out of hand. The special inspection requirements for minimum quantities, which exempt shipments up to an equivalent of 200 "standard western pear boxes" on any single conveyance from inspection requirements, except for spot check inspection, if certain reporting requirements are met, reflects the fact that such minimum quantity shipments are often shipped on the same conveyance as apples; that on the container basis mandatory inspection of such minimum quantities would be unduly expensive and in some instances difficult to obtain; and that, the total of such shipments is relatively inconsequential when compared with the total supply handled. The exemption of pears in gift packages from assessment, inspection, and certification, reflects the fact that pears so handled are generally of high quality because they are sold in a market which demands high-quality fruit. The exemption for individual shipments of 500 pounds or less of Bartlett pears sold for home use and not for resale and for pears in gift packages follows the custom and pattern of prior years. The quantity of pears so handled is relatively inconsequential when compared with the total quantity handled, and it would be administratively impracticable to regulate the handling of such shipments due to the nearness to the source of supply.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 1, 1973.

(a) *Order.* During the period August 1, 1973 through September 2, 1973, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

(1) *Minimum grade and size.* (i) Bartlett Pears, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches) or in "tight filled" containers shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided,* That such pears may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. (ii) Bartlett Pears, when packed in the "western lug", shall grade at least U.S. No. 2, and be not less than 2¼ inches in diameter; and (iii) Bartlett Pears, when packed in containers containing at least 14 pounds but not more than 15 pounds, net weight, shall grade at least U.S. No. 2, and measure not less than 2⅛ inches in diameter.

(2) *Pack or container requirements.* Such pears shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug", or their carton equivalents;

(ii) "Western lug" or containers having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds, net weight; or

(v) "Tight-filled" containers.

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to but not in excess of an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 941.55.

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, and of §§ 931.41 and 931.55:

(i) The shipment consists of pears sold for home use not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2" and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall Pears (§§ 51.1260–51.1280 of this title); "150 size" and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150 or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches long by 11½ by 8½ inches); and the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15553 Filed 7–27–73;8:45 am]

[Area No. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Minimum Quality Standards and Inspection Requirements

This regulation, designed to promote orderly marketing of Colorado Area No. 3 potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, Area No. 3, was published in the FEDERAL REGISTER July 16, 1973 (38 FR 18898). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments pertaining thereto through July 23, 1973. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Colorado Area No. 3 Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The recommendations of the committee reflect its appraisal of the composition of the 1973 crop of Colorado potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which were the same as those in effect (37 FR 13466) through June 30, 1973, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Potatoes for prepeeling may be handled without regard to maturity requirements since skinning of such potatoes is of no consequence.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from

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reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous marketing season, has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.369 Handling regulation.

During the period August 1, 1973, through June 30, 1974, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (e) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (f) and (g) of this section.

(a) *Grade and size requirements*—(1) *All varieties.* U.S. No. 1, or better grade, 2 inches minimum diameter; or U.S. No. 2, or better grade up to but not including U.S. No. 1 grade and not less than 1⅞ inches minimum diameter: *Provided*, That Size B may be handled if U.S. No. 1, or better grade: *Further Provided*, That long varieties may, in lieu of such minimum diameters, be 4 ounces minimum weight.

(b) *Maturity (skinning) requirements*—(1) *All varieties.* For U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned."

(c) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (e) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined; and

(iv) Certified seed potatoes (§ 948.6)

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(d) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (c) of this section shall,

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver on the use of such potatoes, and

(3) Bill each shipment directly to the applicable buyer or receiver.

(e) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Grades of Potatoes (§§ 51.1540—51.1566 of this this title effective September 1, 1971, as amended) including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes, §§ 52.2421—52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(h) *Applicability to imports.* Pursuant to section 8e of the act § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1973, through June 4, 1974, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated July 24, 1973, to become effective August 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15554 Filed 7-27-73;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Miscellaneous Amendment of Certain Subparts

Notice was published in the June 29, 1973, issue of the FEDERAL REGISTER (38 FR 17240) of a proposal to: Revise § 989.158(a)(6) of the Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176); revise § 989.159(g)(2)(i) by deleting therefrom the definition of the term "other falling raisins" and by adding a reference to § 989.59(f) which similarly defines that term; revise the reference in § 989.173(d)(2) to that definition; remove the "notes" following §§ 989.60 and 989.97 Exhibit B of Subpart—Order Regulating Handling (7 CFR 989.1–989.97); and set forth the contents of said "notes" with minor changes in two new sections, §§ 989.203 and 989.204, of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201–989.229).

The proposal was unanimously recommended by the Raisin Administrative Committee (hereinafter referred to as the "Committee") pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Subparagraph (6) of § 989.158(a) provides that the requirements prescribed in subparagraphs (3) and (4) of § 989.158 (a) apply to raisins produced by handlers, and prescribes the time when these requirements apply. Subparagraphs (3) and (4) pertain generally to raisins received by or tendered to handlers. The Committee concluded that the present wording of said subparagraph (6) is confusing and recommended that it be revised for clarity.

Section 989.59(f) of the order defines the term other failing raisins". Section 989.159(g)(2)(i) contains the same definition. The definition in subdivision (i) is unnecessary and should be deleted, but a reference to the definition in § 989.59 (f) should be added to subdivision (i).

Section 989.173(d)(2) of the Subpart—Administrative Rules and Regulations contains a reference to other failing raisins "(as defined in § 989.159(g)(2))". the term "other failing raisins". Section

The citation—§ 989.159(g)(2)—should be changed to § 989.59(f).

On August 20, 1958, an action was published in the FEDERAL REGISTER (23 FR 6374), effective September 1, 1958, modifying minimum grade and condition standards for natural condition Layer Muscat raisins and minimum grade standards for packed Layer Muscat raisins. This action eliminated the moisture content requirements prescribed for such raisins, and the modifications are still in effect. However, the action did not provide for the modifications to be included in any subpart of Part 989, and therefore, for reference, the modifications were included as "notes" following two sections in Subpart—Order Regulating Handling (7 CFR 989.1–989.97). These notes follow §§ 989.60 and 989.97 Exhibit B of that subpart. However, the notes are not provisions of the subpart and could be overlooked by interested persons. For better reference and clarity, the notes should be deleted from that subpart and the modifications of the minimum standards set forth as two new sections—§ 989.203 Changes in minimum grade and condition standards for Layer Muscat raisins., and § 989.204 Changes in minimum grade standards for Layer Muscat raisins.—of Subpart—Supplementary Orders Regulating Handling.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, the revisions of Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176) and Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201–989.229) as hereinafter set forth are approved.

Therefore, said subparts are revised as follows:

1. Subparagraph (6) of § 989.158(a) is revised to read:

§ 989.158 Natural condition raisins.

(a) Incoming inspection. • • •

(6) Raisins produced by a handler shall be subject to the requirements of paragraph (a) (3) and (4) of this section upon delivery to an inspection point. Raisins produced by a handler by dehydration within an inspection point shall be subject to the requirements of paragraph (a) (3) and (4) of this section immediately upon completion of said dehydration.

• • • • •

§ 989.159 [Amended]

2. The first sentence of § 989.159(g)(2)(i) is revised to read:

Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins (as defined in § 989.59(f)), or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue).

3. The second sentence of § 989.159(g)(2)(i) is deleted.

4. The parenthetical phrase "(as defined in § 989.159(g)(2))" in the first sentence of § 989.173(d)(2) is revised to read: "(as defined in § 989.59(f))".

5. A new section, § 989.203, is added reading as follows:

§ 989.203 Changes in minimum grade and condition standards for Layer Muscat raisins.

Pursuant to § 989.58(b), the following changes are hereby issued relative to subparagraph 3 and subdivision d thereof of paragraph B of § 989.97 Exhibit B:

B. *Muscat raisins.*

• • • • •

3. The moisture content shall not exceed 16 percent (except that there shall be no maximum permissible percent prescribed for moisture content of Layer Muscats) as determined by Dried Fruit Moisture Tester Method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet "U.S. Grade C" or better grade as defined in the effective United States Standards for Grades of Processed Raisins, and that with respect to Layer Muscat raisins in addition to the above requirements the raisins shall be:

• • • • •

d. Of such quality and condition that, when processed in accordance with good commercial practice, will, except for moisture content, meet "U.S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

• • • • •

6. A new section, § 989.204, is added reading as follows:

§ 989.204 Changes in minimum grade standards for Layer Muscat raisins.

Pursuant to § 989.59(b), the requirement set forth in § 989.59(a)(2)(iii) shall read as follows: "with respect to Layer Muscat raisins, 'U.S. Grade B' as defined in the said standards except the provision therein relating to moisture content; and".

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 24, 1973, to become effective September 1, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-15555 Filed 7-27-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1973 Crop Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Wheat Loan and Purchase Program

On May 23, 1972, notice of proposed rulemaking regarding loan and purchase rates for 1973 crop wheat and detailed operating provisions to carry out the 1973 crop wheat loan and purchase program was published in the FEDERAL REGISTER (37 FR 10448). No data, views, or recommendations were filed by interested persons.

Section 1421.489(b)(4) containing discounts for varieties previously classed as undesirable is being eliminated for the 1973 crop year. Initially the discount was provided for those undesirable varieties to bring the loan rate of such wheat more nearly in line with its feed value in relationship to the loan rates for feed grains. Under present conditions, the loan rate for wheat is closely related to feed value in relation to the loan rate for feed grain and therefore, to continue the practice of discounting undesirable varieties would result in supporting such wheat below its feed value.

Subparagraphs 5 and 6 are renumbered 4 and 5 respectively.

The general regulations governing price support for the 1970 and subsequent crops, published at 35 FR 7363 and 7781 and amendments thereto and the 1970 and subsequent crops of wheat loan and purchase program regulations published at 35 FR 8204 and 9106, and any amendments to such regulations are further supplemented for the 1973 crop of wheat. The material previously appearing in these §§ 1421.485 through 1421.489 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.485 Availability.
1421.486 Compliance requirements.
1421.487 Warehouse charges.
1421.488 Maturity of loans.
1421.489 Loan and purchase rates, premiums, and discounts.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply section 5, 62 Stat. 1072, sections 107, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1445a, 1421.

§ 1421.485 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1973 crop of eligible wheat on or before April 30, 1974, on wheat stored in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming, and on or before March 31, 1974, on wheat stored in all other States. To sell eligible wheat to CCC, a producer must execute and deliver to the appropriate county ASCS office a purchase agreement (Form CCC–614), indicating the approximate quantity of 1973 crop wheat he will sell to CCC, on or before May 31, 1974, for wheat stored in the States named in this section and on or before April 30, 1974, for wheat stored in all other States.

§ 1421.486 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the wheat being tendered if the producer complies with the 1973 set-aside program appearing in regulations published in Part 728 of this title pertaining to the wheat set-aside programs for crop years 1971–73, and any amendments thereto, on the farm on which such wheat was produced.

§ 1421.487 Warehouse charges.

Subject to the provisions of § 1421.466, the schedule of deductions set forth in this section shall apply to wheat stored

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in an approved warehouse operating under the Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1974	Deduction (cents per bushel)	Maturity date of May 31, 1973
(1)	14	(1)
Prior to May 28, 1974	14	Prior to June 28, 1973
May 28–June 21	13	June 28–July 22
June 22–July 16	12	July 23–Aug 16
July 17–Aug 10	11	Aug 17–Sept 10
Aug 11–Sept 4	10	Sept 11–Oct 5
Sept 5–Sept 29	9	Oct 6–Oct 30
Sept 30–Oct 24	8	Oct 31–Nov 24
Oct 25–Nov 18	7	Nov 25–Dec 19
Nov 19–Dec 13	6	Dec 20, 1973–Jan 13, 1974
Dec 14, 1973–Jan 7, 1974	5	Jan 14–Feb 7
Jan 8–Feb 1	4	Feb 8–Mar 4
Feb 2–Feb 26	3	Mar 5–Mar 29
Feb 27–Mar 23	2	Mar 30–Apr 23
Mar 24–Apr 30, 1974	1	Apr 24–May 31, 1974

[1] Date storage charges start, all dates inclusive.

§ 1421.488 Maturity of loans.

Loans mature on demand but not later than: May 31, 1974, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1974, on wheat stored in all other States.

§ 1421.489 Loan and purchase rates, premiums, and discounts.

(a) *Basic rates (counties).* Basic county loan and purchase rates per bushel for loan and settlement purposes for wheat we establish for wheat grading U.S. No. 1 and are as follows:

BASIC COUNTY LOAN AND PURCHASE RATES FOR GRADE NO. 1 WHEAT

ALABAMA

County	Rate per bushel	County	Rate per bushel
Mobile	$1.43	All other counties	$1.27

ARIZONA

Apache	$1.10	Mohave	$1.21
Cochise	1.24	Navajo	1.12
Coconino	1.14	Pima	1.26
Gila	1.22	Pinal	1.30
Graham	1.23	Santa Cruz	1.25
Greenlee	1.17	Yavapai	1.22
Maricopa	1.32	Yuma	1.37

ARKANSAS

Arkansas	$1.32	Franklin	$1.27
Ashley	1.32	Fulton	1.28
Baxter	1.27	Garland	1.28
Benton	1.25	Grant	1.31
Boone	1.25	Greene	1.32
Bradley	1.32	Hempstead	1.32
Calhoun	1.32	Hot Spring	1.29
Carroll	1.24	Howard	1.29
Chicot	1.32	Independence	1.31
Clark	1.30	Izard	1.28
Clay	1.32	Jackson	1.32
Cleburne	1.30	Jefferson	1.31
Cleveland	1.32	Johnson	1.27
Columbia	1.32	Lafayette	1.32
Conway	1.27	Lawrence	1.31
Craighead	1.32	Lee	1.32
Crawford	1.27	Lincoln	1.32
Crittenden	1.32	Little River	1.30
Cross	1.32	Logan	1.27
Dallas	1.32	Lonoke	1.30
Desha	1.32	Madison	1.26
Drew	1.32	Marion	1.26
Faulkner	1.28	Miller	1.32

ARKANSAS—continued

Mississippi	$1.32	St. Francis	$1.32
Monroe	1.32	Saline	1.28
Montgomery	1.28	Scott	1.27
Nevada	1.32	Searcy	1.27
Newton	1.27	Sebastian	1.27
Ouachita	1.32	Sevier	1.27
Perry	1.27	Sharp	1.30
Phillips	1.32	Stone	1.29
Pike	1.29	Union	1.32
Poinsett	1.32	Van Buren	1.27
Polk	1.27	Washington	1.26
Pope	1.27	White	1.32
Prairie	1.30	Woodruff	1.32
Pulaski	1.30	Yell	1.27
Randolph	1.31		

CALIFORNIA

Alameda	$1.47	Plumas	$1.26
Alpine	1.31	Riverside	1.42
Amador	1.44	Sacramento	1.47
Butte	1.36	San Benito	1.41
Calaveras	1.44	San Bernardino	1.44
Colusa	1.41	San Diego	1.47
Contra Costa	1.44	San Francisco	1.47
El Dorado	1.44	San Joaquin	1.47
Fresno	1.38	San Luis Obispo	1.38
Glenn	1.37	San Mateo	1.44
Humboldt	1.28	Santa Barbara	1.41
Imperial	1.42	Santa Clara	1.44
Inyo	1.38	Santa Cruz	1.41
Kern	1.44	Shasta	1.28
Kings	1.41	Sierra	1.31
Lake	1.35	Siskiyou	1.25
Lassen	1.25	Solano	1.44
Los Angeles	1.47	Sonoma	1.38
Madera	1.40	Stanislaus	1.44
Marin	1.39	Sutter	1.44
Mariposa	1.40	Tehama	1.32
Mendocino	1.32	Tulare	1.41
Merced	1.41	Tuolumne	1.41
Modoc	1.24	Ventura	1.44
Monterey	1.38	Yolo	1.44
Napa	1.41	Yuba	1.41
Orange	1.47		
Placer	1.41		

COLORADO

Adams	$1.12	La Plata	$1.00
Alamosa	1.09	Larimer	1.12
Arapahoe	1.12	Las Animas	1.19
Archuleta	1.04	Lincoln	1.12
Baca	1.19	Mesa	1.00
Bent	1.13	Moffat	1.09
Boulder	1.12	Montrose	1.00
Chaffee	1.04	Morgan	1.12
Cheyenne	1.14	Logan	1.13
Conejos	1.04	Montezuma	1.00
Costilla	1.09	Otero	1.12
Crowley	1.12	Ouray	1.00
Custer	1.09	Phillips	1.15
Delta	1.00	Pitkin	1.00
Denver	1.12	Prowers	1.15
Dolores	1.00	Pueblo	1.12
Douglas	1.12	Rio Blanco	1.06
Eagle	1.12	Rio Grande	1.04
Elbert	1.12	Routt	1.06
El Paso	1.12	Saguache	1.04
Fremont	1.09	San Miguel	1.00
Garfield	1.03	Sedgwick	1.15
Grand	1.09	Summit	1.06
Huerfano	1.14	Teller	1.12
Jackson	1.09	Washington	1.12
Jefferson	1.12	Weld	1.12
Kiowa	1.14	Yuma	1.14
Kit Carson	1.14		

CONNECTICUT

All counties	$1.33

DELAWARE

Kent	$1.38	Sussex	$1.38
New Castle	1.38		

FLORIDA

All counties	$1.29

GEORGIA

All counties	$1.29

IDAHO

Ada	$1.18	Gem	$1.18
Adams	1.18	Gooding	1.19
Bannock	1.18	Idaho	1.22
Bear Lake	1.15	Jefferson	1.15
Benewah	1.24	Jerome	1.20
Bingham	1.16	Kootenai	1.23
Blaine	1.18	Latah	1.24
Boise	1.17	Lemhi	1.15
Bonner	1.18	Lewis	1.22
Bonneville	1.15	Lincoln	1.20
Boundary	1.16	Madison	1.14
Butte	1.16	Minidoka	1.20
Camas	1.18	Nez Perce	1.24
Canyon	1.18	Oneida	1.19
Caribou	1.17	Owyhee	1.18
Cassia	1.20	Payette	1.18
Clark	1.13	Power	1.18
Clearwater	1.22	Shoshone	1.07
Custer	1.16	Teton	1.13
Elmore	1.18	Twin Falls	1.22
Franklin	1.19	Valley	1.17
Fremont	1.13	Washington	1.18

ILLINOIS

Adams	$1.23	Lee	$1.29
Alexander	1.30	Livingston	1.27
Bond	1.27	Logan	1.24
Boone	1.29	McDonough	1.23
Brown	1.23	McHenry	1.29
Bureau	1.28	McLean	1.25
Calhoun	1.27	Macon	1.23
Carroll	1.27	Macoupin	1.28
Cass	1.23	Madison	1.30
Champaign	1.25	Marion	1.27
Christian	1.25	Marshall	1.27
Clark	1.23	Mason	1.23
Clay	1.25	Massac	1.25
Clinton	1.26	Menard	1.23
Coles	1.23	Mercer	1.25
Cook	1.29	Monroe	1.28
Crawford	1.23	Montgomery	1.27
Cumberland	1.23	Morgan	1.25
De Kalb	1.29	Moultrie	1.24
DeWitt	1.23	Ogle	1.28
Douglas	1.23	Peoria	1.25
DuPage	1.29	Perry	1.27
Edgar	1.23	Piatt	1.23
Edwards	1.23	Pike	1.25
Effingham	1.23	Pope	1.23
Fayette	1.26	Pulaski	1.28
Ford	1.27	Putnam	1.27
Franklin	1.26	Randolph	1.28
Fulton	1.25	Richland	1.23
Gallatin	1.23	Rock Island	1.26
Greene	1.27	Saint Clair	1.30
Grundy	1.29	Saline	1.24
Hamilton	1.23	Sangamon	1.25
Hancock	1.23	Schuyler	1.23
Hardin	1.23	Scott	1.25
Henderson	1.24	Shelby	1.25
Henry	1.26	Stark	1.26
Iroquois	1.27	Stephenson	1.28
Jackson	1.28	Tazewell	1.23
Jasper	1.23	Union	1.28
Jefferson	1.26	Vermilion	1.26
Jersey	1.28	Wabash	1.23
Jo Daviess	1.27	Warren	1.25
Johnson	1.25	Washington	1.26
Kane	1.29	Wayne	1.23
Kankakee	1.29	White	1.23
Kendall	1.29	Whiteside	1.28
Knox	1.25	Will	1.29
Lake	1.29	Williamson	1.26
LaSalle	1.29	Winnebago	1.29
Lawrence	1.23	Woodford	1.25

INDIANA

Adams	$1.18	Brown	$1.22
Allen	1.19	Carroll	1.24
Bartholomew	1.22	Cass	1.24
Benton	1.25	Clark	1.25
Blackford	1.19	Clay	1.23
Boone	1.19	Clinton	1.22

INDIANA—continued

Crawford	$1.25	Monroe	$1.22
Daviess	1.21	Montgomery	1.22
Dearborn	1.20	Morgan	1.20
Decatur	1.21	Newton	1.29
De Kalb	1.19	Noble	1.21
Delaware	1.18	Ohio	1.20
Dubois	1.23	Orange	1.22
Elkhart	1.24	Owen	1.21
Fayette	1.20	Parke	1.24
Floyd	1.26	Perry	1.25
Fountain	1.24	Pike	1.23
Franklin	1.20	Porter	1.29
Fulton	1.29	Posey	1.23
Gibson	1.23	Pulaski	1.29
Grant	1.19	Putnam	1.22
Greene	1.22	Randolph	1.18
Hamilton	1.19	Ripley	1.21
Hancock	1.20	Rush	1.20
Harrison	1.25	Saint Joseph	1.29
Hendricks	1.20	Scott	1.22
Henry	1.20	Shelby	1.20
Howard	1.21	Spencer	1.25
Huntington	1.19	Starke	1.29
Jackson	1.24	Steuben	1.19
Jasper	1.29	Sullivan	1.23
Jay	1.18	Switzerland	1.21
Jefferson	1.22	Tippecanoe	1.22
Jennings	1.22	Tipton	1.19
Johnson	1.20	Union	1.20
Knox	1.23	Vanderburgh	1.23
Kosciusko	1.23	Vermillion	1.24
Lagrange	1.21	Vigo	1.24
Lake	1.29	Wabash	1.21
La Porte	1.29	Warren	1.24
Lawrence	1.24	Warrick	1.22
Madison	1.19	Washington	1.26
Marion	1.20	Wayne	1.20
Marshall	1.29	Wells	1.18
Martin	1.20	White	1.29
Miami	1.23	Whitley	1.20

IOWA

Adair	$1.29	Hardin	$1.31
Adams	1.31	Harrison	1.29
Allamakee	1.35	Henry	1.25
Appanoose	1.24	Howard	1.36
Audubon	1.28	Humboldt	1.32
Benton	1.31	Ida	1.30
Black Hawk	1.31	Iowa	1.29
Boone	1.29	Jackson	1.27
Bremer	1.32	Jasper	1.30
Buchanan	1.31	Jefferson	1.25
Buena Vista	1.30	Johnson	1.29
Butler	1.32	Jones	1.30
Calhoun	1.30	Keokuk	1.27
Carroll	1.28	Kossuth	1.37
Cass	1.30	Lee	1.24
Cedar	1.29	Linn	1.31
Cerro Gordo	1.34	Louisa	1.27
Cherokee	1.30	Lucas	1.27
Chickasaw	1.33	Lyon	1.32
Clarke	1.29	Madison	1.29
Clay	1.33	Mahaska	1.28
Clayton	1.32	Marion	1.27
Clinton	1.27	Marshall	1.31
Crawford	1.28	Mills	1.31
Dallas	1.29	Mitchell	1.38
Davis	1.24	Monona	1.29
Decatur	1.27	Monroe	1.25
Delaware	1.31	Montgomery	1.31
Des Moines	1.25	Muscatine	1.28
Dickinson	1.36	O'Brien	1.32
Dubuque	1.30	Osceola	1.34
Emmet	1.37	Page	1.30
Fayette	1.33	Palo Alto	1.33
Floyd	1.34	Plymouth	1.31
Franklin	1.32	Pocahontas	1.31
Fremont	1.31	Polk	1.30
Greene	1.28	Pottawattamie	1.31
Grundy	1.31	Poweshiek	1.29
Guthrie	1.28	Ringgold	1.28
Hamilton	1.31	Sac	1.29
Hancock	1.34		

IOWA—continued

Scott	$1.26	Warren	$1.28
Shelby	1.29	Washington	1.27
Sioux	1.32	Wayne	1.25
Story	1.30	Webster	1.31
Tama	1.31	Winnebago	1.38
Taylor	1.29	Winneshiek	1.36
Union	1.30	Woodbury	1.31
Van Buren	1.24	Worth	1.38
Wapello	1.26	Wright	1.32

KANSAS

Allen	$1.28	Linn	$1.31
Anderson	1.30	Logan	1.17
Atchison	1.31	Lyon	1.27
Barber	1.24	McPherson	1.23
Barton	1.21	Marion	1.24
Bourbon	1.29	Marshall	1.27
Brown	1.31	Meade	1.22
Butler	1.24	Miami	1.31
Chase	1.25	Mitchell	1.23
Chautauqua	1.26	Montgomery	1.28
Cherokee	1.28	Morris	1.26
Cheyenne	1.16	Morton	1.22
Clark	1.22	Nemaha	1.29
Clay	1.25	Neosho	1.28
Cloud	1.24	Ness	1.20
Coffey	1.28	Norton	1.21
Comanche	1.22	Osage	1.29
Cowley	1.25	Osborne	1.22
Crawford	1.28	Ottawa	1.23
Decatur	1.19	Pawnee	1.21
Dickinson	1.24	Phillips	1.21
Doniphan	1.31	Pottawatomie	1.28
Douglas	1.31	Pratt	1.22
Edwards	1.21	Rawlins	1.17
Elk	1.26	Reno	1.22
Ellis	1.21	Republic	1.24
Ellsworth	1.22	Rice	1.22
Finney	1.18	Riley	1.27
Ford	1.20	Rooks	1.21
Franklin	1.31	Rush	1.21
Geary	1.26	Russell	1.21
Gove	1.19	Saline	1.23
Graham	1.21	Scott	1.17
Grant	1.19	Sedgwick	1.23
Gray	1.20	Seward	1.22
Greeley	1.16	Shawnee	1.30
Greenwood	1.26	Sheridan	1.19
Hamilton	1.17	Sherman	1.16
Harper	1.24	Smith	1.22
Harvey	1.23	Stafford	1.21
Haskell	1.20	Stanton	1.18
Hodgeman	1.20	Stevens	1.22
Jackson	1.30	Sumner	1.25
Jefferson	1.31	Thomas	1.17
Jewell	1.23	Trego	1.21
Johnson	1.31	Wabaunsee	1.28
Kearny	1.17	Wallace	1.16
Kingman	1.23	Washington	1.25
Kiowa	1.21	Wichita	1.16
Labette	1.26	Wilson	1.28
Lane	1.19	Woodson	1.28
Leavenworth	1.31	Wyandotte	1.31
Lincoln	1.22		

KENTUCKY

Adair	$1.25	Caldwell	$1.23
Allen	1.24	Calloway	1.23
Anderson	1.25	Campbell	1.24
Ballard	1.28	Carlisle	1.28
Barren	1.24	Carroll	1.24
Bath	1.25	Carter	1.25
Bell	1.25	Casey	1.25
Boone	1.24	Christian	1.23
Bourbon	1.26	Clark	1.26
Boyd	1.25	Clay	1.25
Boyle	1.26	Clinton	1.25
Bracken	1.24	Crittenden	1.23
Breathitt	1.25	Cumberland	1.25
Breckenridge	1.23	Daviess	1.22
Bullitt	1.25	Edmonson	1.23
Butler	1.23	Elliott	1.25

KENTUCKY—continued

Estill	$1.25	Marion	$1.25
Fayette	1.26	Marshall	1.23
Fleming	1.25	Mason	1.24
Franklin	1.25	Meade	1.25
Fulton	1.28	Menifee	1.25
Gallatin	1.24	Mercer	1.26
Garrard	1.26	Metcalfe	1.24
Grant	1.25	Monroe	1.25
Graves	1.25	Montgomery	1.25
Grayson	1.24	Morgan	1.25
Green	1.25	Muhlenberg	1.23
Greenup	1.25	Nelson	1.25
Hancock	1.23	Nicholas	1.25
Hardin	1.24	Ohio	1.23
Harrison	1.25	Oldham	1.25
Hart	1.24	Owen	1.25
Henderson	1.22	Owsley	1.25
Henry	1.25	Pendleton	1.24
Hickman	1.28	Powell	1.25
Hopkins	1.23	Pulaski	1.26
Jackson	1.25	Robertson	1.25
Jefferson	1.28	Rockcastle	1.26
Jessamine	1.26	Rowan	1.25
Johnson	1.25	Russell	1.25
Kenton	1.24	Scott	1.25
Knox	1.25	Shelby	1.25
Larue	1.25	Simpson	1.24
Laurel	1.25	Spencer	1.25
Lawrence	1.25	Taylor	1.25
Lee	1.25	Todd	1.23
Lewis	1.25	Trigg	1.23
Lincoln	1.27	Trimble	1.24
Livingston	1.23	Union	1.23
Logan	1.23	Warren	1.23
Lyon	1.23	Washington	1.26
McCracken	1.25	Wayne	1.25
McCreary	1.25	Webster	1.23
McLean	1.22	Whitley	1.25
Madison	1.26	Wolfe	1.25
Magoffin	1.25	Woodford	1.26

LOUISIANA

Parish	Rate per bushel	Parish	Rate per bushel
East Baton Rouge	$1.43	West Baton Rouge	$1.43
Jefferson	1.43	All other counties	1.32
Orleans	1.43		
Saint Charles	1.43		

MAINE

All counties	$1.29

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegheny	$1.32	Harford	$1.38
Anne Arundel	1.42	Howard	1.42
Baltimore	1.42	Kent	1.38
Baltimore City	1.46	Montgomery	1.38
Calvert	1.38	Prince Georges	1.38
Caroline	1.38	Queen Annes	1.38
Carroll	1.38	St. Marys	1.36
Cecil	1.37	Somerset	1.37
Charles	1.36	Talbot	1.38
Dorchester	1.38	Washington	1.34
Frederick	1.36	Wicomico	1.38
Garrett	1.30	Worcester	1.38

MASSACHUSETTS

All counties	$1.32

MICHIGAN

Alcona	$1.10	Branch	1.20
Alger	1.25	Calhoun	1.21
Allegan	1.17	Cass	1.21
Alpena	1.09	Charlevoix	1.10
Antrim	1.11	Cheboygan	1.09
Arenac	1.12	Chippewa	1.12
Baraga	1.28	Clare	1.14
Barry	1.18	Clinton	1.15
Bay	1.14	Crawford	1.11
Benzie	1.14	Delta	1.25
Berrien	1.27	Dickinson	1.29

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MICHIGAN—continued

County	Rate per bushel	County	Rate per bushel
Eaton	$1.18	Mason	$1.14
Emmet	1.09	Mecosta	1.14
Genesee	1.15	Menominee	1.27
Gladwin	1.13	Midland	1.14
Gogebic	1.34	Missaukee	1.14
Grand Traverse	1.12	Monroe	1.23
Gratiot	1.15	Montcalm	1.14
Hillsdale	1.21	Montmorency	1.10
Houghton	1.28	Muskegon	1.15
Huron	1.15	Newaygo	1.14
Ingham	1.18	Oakland	1.17
Ionia	1.15	Oceana	1.14
Iosco	1.11	Ogemaw	1.12
Iron	1.29	Ontonagon	1.30
Isabella	1.14	Osceola	1.14
Jackson	1.21	Oscoda	1.11
Kalamazoo	1.20	Otsego	1.10
Kalkaska	1.12	Ottawa	1.16
Kent	1.15	Presque Isle	1.08
Keweenaw	1.28	Roscommon	1.13
Lake	1.14	Saginaw	1.16
Lapeer	1.15	Saint Clair	1.18
Leelanau	1.12	Saint Joseph	1.20
Lenawee	1.22	Sanilac	1.15
Livingston	1.17	Schoolcraft	1.22
Luce	1.12	Shiawassee	1.15
Mackinac	1.12	Tuscola	1.15
Macomb	1.19	Van Buren	1.18
Manistee	1.14	Washtenaw	1.20
Marquette	1.27	Wayne	1.20
		Wexford	1.14

MINNESOTA

Aitkin	$1.44	Meeker	$1.43
Anoka	1.43	Mille Lacs	1.43
Becker	1.39	Morrison	1.42
Beltrami	1.40	Mower	1.41
Benton	1.43	Murray	1.39
Big Stone	1.41	Nicollet	1.43
Blue Earth	1.43	Nobles	1.36
Brown	1.43	Norman	1.36
Carlton	1.46	Olmsted	1.43
Carver	1.43	Otter Tail	1.41
Cass	1.41	Pennington	1.36
Chippewa	1.43	Pine	1.44
Chisago	1.43	Pipestone	1.36
Clay	1.37	Polk	1.37
Clearwater	1.39	Pope	1.43
Cottonwood	1.41	Ramsey	1.43
Crow Wing	1.43	Red Lake	1.38
Dakota	1.43	Redwood	1.42
Dodge	1.43	Renville	1.43
Douglas	1.42	Rice	1.43
Faribault	1.41	Rock	1.34
Fillmore	1.40	Roseau	1.33
Freeborn	1.41	Saint Louis	1.46
Goodhue	1.43	Scott	1.43
Grant	1.41	Sherburne	1.43
Hennepin	1.43	Sibley	1.43
Houston	1.38	Stearns	1.43
Hubbard	1.40	Steele	1.43
Isanti	1.43	Stevens	1.42
Itasca	1.44	Swift	1.43
Jackson	1.40	Todd	1.42
Kanabec	1.43	Traverse	1.40
Kandiyohi	1.43	Wabasha	1.43
Kittson	1.32	Wadena	1.41
Koochiching	1.40	Waseca	1.43
Lac Qui Parle	1.41	Washington	1.43
Lake of the Woods	1.36	Watonwan	1.42
Le Sueur	1.43	Wilkin	1.39
Lincoln	1.38	Winona	1.41
Lyon	1.40	Wright	1.43
McLeod	1.43	Yellow Medicine	1.41
Mahnomen	1.38		
Marshall	1.35		

MISSISSIPPI

Harrison	$1.43	All other counties	$1.27
Jackson	1.43		

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.26	Livingston	$1.30
Andrew	1.31	McDonald	1.27
Atchison	1.31	Macon	1.28
Audrain	1.26	Madison	1.28
Barry	1.26	Maries	1.26
Barton	1.29	Marion	1.25
Bates	1.31	Mercer	1.28
Benton	1.29	Miller	1.25
Bollinger	1.30	Mississippi	1.32
Boone	1.27	Moniteau	1.26
Buchanan	1.31	Monroe	1.27
Butler	1.31	Montgomery	1.27
Caldwell	1.31	Morgan	1.27
Callaway	1.25	New Madrid	1.32
Camden	1.26	Newton	1.27
Cape Girardeau	1.30	Nodaway	1.31
Carroll	1.31	Oregon	1.28
Carter	1.28	Osage	1.25
Cass	1.31	Ozark	1.25
Cedar	1.30	Pemiscot	1.32
Charlton	1.30	Perry	1.29
Christian	1.26	Pettis	1.29
Clark	1.24	Phelps	1.25
Clay	1.31	Pike	1.26
Clinton	1.31	Platte	1.31
Cole	1.25	Polk	1.28
Cooper	1.28	Pulaski	1.24
Crawford	1.28	Putnam	1.26
Dade	1.26	Ralls	1.26
Dallas	1.26	Randolph	1.28
Daviess	1.30	Ray	1.31
De Kalb	1.31	Reynolds	1.26
Dent	1.25	Ripley	1.30
Douglas	1.24	Saint Charles	1.29
Dunklin	1.32	Saint Clair	1.30
Franklin	1.28	Sainte Genevieve	1.29
Gasconade	1.27	Saint Francois	1.27
Gentry	1.31	Saint Louis	1.30
Greene	1.26	Saline	1.30
Grundy	1.29	Schuyler	1.25
Harrison	1.29	Scotland	1.25
Henry	1.31	Scott	1.30
Hickory	1.28	Shannon	1.25
Holt	1.31	Shelby	1.27
Howard	1.28	Stoddard	1.31
Howell	1.26	Stone	1.25
Iron	1.27	Sullivan	1.28
Jackson	1.31	Taney	1.25
Jasper	1.28	Texas	1.25
Jefferson	1.29	Vernon	1.30
Johnson	1.31	Warren	1.28
Knox	1.24	Washington	1.28
Laclede	1.24	Wayne	1.29
Lafayette	1.31	Webster	1.24
Lawrence	1.26	Worth	1.31
Lewis	1.24	Wright	1.24
Lincoln	1.28		
Linn	1.29		

MONTANA

Beaverhead	$1.09	Hill	$1.08
Big Horn	1.10	Jefferson	1.05
Blaine	1.08	Judith Basin	1.08
Broadwater	1.06	Lake	1.07
Carbon	1.08	Lewis and Clark	1.08
Carter	1.16	Liberty	1.08
Cascade	1.08	Lincoln	1.10
Chouteau	1.08	McCone	1.14
Daniels	1.13	Madison	1.06
Dawson	1.15	Meagher	1.08
Deer Lodge	1.06	Mineral	1.07
Fallon	1.18	Missoula	1.07
Fergus	1.08	Musselshell	1.10
Flathead	1.10	Park	1.06
Gallatin	1.06	Petroleum	1.10
Garfield	1.12	Phillips	1.10
Glacier	1.08	Pondera	1.08
Golden Valley	1.08	Powder River	1.14
Granite	1.04	Powell	1.06

MONTANA—continued

County	Rate per bushel	County	Rate per bushel
Prairie	$1.15	Sweet Grass	$1.08
Ravalli	1.04	Teton	1.08
Richland	1.15	Toole	1.06
Roosevelt	1.14	Treasure	1.10
Rosebud	1.12	Valley	1.12
Sanders	1.07	Wheatland	1.08
Sheridan	1.15	Wilbaux	1.18
Silver Bow	1.06	Yellowstone	1.08
Stillwater	1.08		

NEBRASKA

Adams	$1.25	Jefferson	$1.28
Antelope	1.28	Johnson	1.29
Arthur	1.17	Kearney	1.24
Banner	1.12	Keith	1.17
Blaine	1.21	Keya Paha	1.22
Boone	1.29	Kimball	1.12
Box Butte	1.15	Knox	1.28
Boyd	1.26	Lancaster	1.31
Brown	1.22	Lincoln	1.19
Buffalo	1.25	Logan	1.21
Burt	1.31	Loup	1.23
Butler	1.31	McPherson	1.20
Cass	1.31	Madison	1.30
Cedar	1.28	Merrick	1.28
Chase	1.16	Morrill	1.13
Cherry	1.19	Nance	1.29
Cheyenne	1.13	Nemaha	1.30
Clay	1.26	Nuckolls	1.26
Colfax	1.31	Otoe	1.31
Cuming	1.31	Pawnee	1.29
Custer	1.23	Perkins	1.17
Dakota	1.30	Phelps	1.23
Dawes	1.14	Pierce	1.29
Dawson	1.23	Platte	1.30
Deuel	1.15	Polk	1.30
Dixon	1.29	Red Willow	1.20
Dodge	1.31	Richardson	1.29
Douglas	1.31	Rock	1.23
Dundy	1.16	Saline	1.29
Fillmore	1.28	Sarpy	1.31
Franklin	1.23	Saunders	1.31
Frontier	1.20	Scotts Bluff	1.12
Furnas	1.22	Seward	1.31
Gage	1.29	Sheridan	1.16
Garden	1.15	Sherman	1.25
Garfield	1.25	Sioux	1.13
Gosper	1.22	Stanton	1.31
Grant	1.17	Thayer	1.27
Greeley	1.27	Thomas	1.20
Hall	1.27	Thurston	1.30
Hamilton	1.28	Valley	1.25
Harlan	1.23	Washington	1.31
Hayes	1.18	Wayne	1.29
Hitchcock	1.18	Webster	1.25
Holt	1.25	Wheeler	1.28
Hooker	1.18	York	1.29
Howard	1.27		

NEVADA

All counties $1.22

NEW HAMPSHIRE

All counties $1.31

NEW JERSEY

Atlantic	$1.38	Middlesex	$1.40
Bergen	1.42	Monmouth	1.40
Burlington	1.40	Morris	1.38
Camden	1.42	Ocean	1.38
Cape May	1.35	Passaic	1.38
Cumberland	1.38	Salem	1.38
Essex	1.38	Somerset	1.38
Gloucester	1.42	Sussex	1.38
Hunterdon	1.38	Union	1.39
Mercer	1.40	Warren	1.38

NEW MEXICO

Bernalillo	$1.13	Colfax	$1.19
Catron	1.14	Curry	1.27
Chaves	1.22	De Baca	1.23

NEW MEXICO—continued

County	Rate per bushel	County	Rate per bushel
Dona Ana	$1.18	Rio Arriba	$1.06
Eddy	1.22	Roosevelt	1.26
Grant	1.18	Sandoval	1.11
Guadalupe	1.24	San Juan	1.02
Harding	1.26	San Miguel	1.21
Hidalgo	1.22	Santa Fe	1.16
Lea	1.26	Sierra	1.17
Lincoln	1.19	Socorro	1.16
Luna	1.20	Taos	1.14
McKinley	1.06	Torrance	1.18
Mora	1.20	Union	1.24
Otero	1.18	Valencia	1.10
Quay	1.27		

NEW YORK

Albany	$1.46	Oneida	$1.34
Allegany	1.32	Onondaga	1.34
Broome	1.36	Ontario	1.34
Cattaraugus	1.28	Orange	1.38
Cayuga	1.34	Orleans	1.32
Chautauqua	1.24	Oswego	1.34
Chemung	1.34	Otsego	1.38
Chenango	1.36	Putnam	1.38
Clinton	1.31	Rensselaer	1.42
Columbia	1.42	Rockland	1.38
Cortland	1.34	St. Lawrence	1.29
Delaware	1.38	Saratoga	1.38
Dutchess	1.38	Schenectady	1.42
Erie	1.32	Schoharie	1.42
Essex	1.34	Schuyler	1.34
Franklin	1.28	Seneca	1.34
Fulton	1.34	Steuben	1.34
Genesee	1.34	Suffolk	1.38
Greene	1.42	Sullivan	1.38
Herkimer	1.34	Tioga	1.34
Jefferson	1.31	Tompkins	1.34
Lewis	1.32	Ulster	1.38
Livingston	1.34	Warren	1.37
Madison	1.34	Washington	1.38
Monroe	1.34	Wayne	1.34
Montgomery	1.38	Westchester	1.42
Nassau	1.42	Wyoming	1.34
New York City	1.46	Yates	1.34
Niagara	1.32		

NORTH CAROLINA

All counties $1.31

NORTH DAKOTA

Adams	$1.22	McLean	$1.21
Barnes	1.32	Mercer	1.21
Benson	1.24	Morton	1.24
Billings	1.20	Mountrail	1.17
Bottineau	1.20	Nelson	1.30
Bowman	1.21	Oliver	1.22
Burke	1.17	Pembina	1.30
Burleigh	1.25	Pierce	1.22
Cass	1.34	Ramsey	1.27
Cavalier	1.27	Ransom	1.34
Dickey	1.33	Renville	1.18
Divide	1.15	Richland	1.37
Dunn	1.20	Rolette	1.22
Eddy	1.27	Sargent	1.34
Emmons	1.27	Sheridan	1.23
Foster	1.28	Sioux	1.24
Golden Valley	1.19	Slope	1.22
Grand Forks	1.33	Stark	1.22
Grant	1.23	Steele	1.32
Griggs	1.31	Stutsman	1.29
Hettinger	1.22	Towner	1.24
Kidder	1.26	Traill	1.33
La Moure	1.31	Walsh	1.31
Logan	1.28	Ward	1.18
McHenry	1.20	Wells	1.26
McIntosh	1.28	Williams	1.16
McKenzie	1.18		

OHIO

Adams	$1.18	Brown	$1.18
Allen	1.22	Butler	1.18
Ashland	1.22	Carroll	1.21
Ashtabula	1.24	Champaign	1.19
Athens	1.20	Clark	1.18
Auglaize	1.21	Clermont	1.18
Belmont	1.21	Clinton	1.18

OHIO—continued

County	Rate per bushel	County	Rate per bushel
Columbiana	$1.23	Medina	$1.21
Coshocton	1.21	Meigs	1.18
Crawford	1.23	Mercer	1.21
Cuyahoga	1.21	Miami	1.19
Darke	1.20	Monroe	1.21
Defiance	1.22	Montgomery	1.18
Delaware	1.20	Morgan	1.21
Erie	1.24	Morrow	1.21
Fairfield	1.20	Muskingum	1.21
Fayette	1.18	Noble	1.21
Franklin	1.20	Ottawa	1.25
Fulton	1.23	Paulding	1.22
Gallia	1.18	Perry	1.20
Geauga	1.24	Pickaway	1.19
Greene	1.18	Pike	1.18
Guernsey	1.21	Portage	1.21
Hamilton	1.18	Preble	1.18
Hancock	1.24	Putnam	1.22
Hardin	1.22	Richland	1.22
Harrison	1.21	Ross	1.19
Henry	1.23	Sandusky	1.25
Highland	1.18	Scioto	1.18
Hocking	1.20	Seneca	1.24
Holmes	1.21	Shelby	1.21
Huron	1.23	Stark	1.21
Jackson	1.18	Summit	1.21
Jefferson	1.23	Trumbull	1.24
Knox	1.21	Tuscarawas	1.21
Lake	1.23	Union	1.20
Lawrence	1.18	Van Wert	1.22
Licking	1.20	Vinton	1.20
Logan	1.20	Warren	1.18
Lorain	1.22	Washington	1.21
Lucas	1.26	Wayne	1.21
Madison	1.19	Williams	1.22
Mahoning	1.24	Wood	1.25
Marion	1.22	Wyandot	1.23

OKLAHOMA

Adair	$1.27	Le Flore	$1.29
Alfalfa	1.27	Lincoln	1.29
Atoka	1.31	Logan	1.28
Beaver	1.23	Love	1.32
Beckham	1.29	McClain	1.30
Blaine	1.29	McCurtain	1.30
Bryan	1.32	McIntosh	1.29
Caddo	1.30	Major	1.28
Canadian	1.29	Marshall	1.32
Carter	1.32	Mayes	1.28
Cherokee	1.28	Murray	1.31
Choctaw	1.32	Muskogee	1.29
Cimarron	1.23	Noble	1.28
Cleveland	1.30	Nowata	1.28
Coal	1.31	Okfuskee	1.29
Comanche	1.31	Oklahoma	1.29
Cotton	1.31	Okmulgee	1.29
Craig	1.28	Osage	1.27
Creek	1.29	Ottawa	1.27
Custer	1.28	Pawnee	1.27
Delaware	1.27	Payne	1.28
Dewey	1.27	Pittsburg	1.29
Ellis	1.25	Pontotoc	1.30
Garfield	1.28	Pottawatomie	1.29
Garvin	1.31	Pushmataha	1.31
Grady	1.30	Roger Mills	1.28
Grant	1.27	Rogers	1.28
Greer	1.30	Seminole	1.29
Harmon	1.30	Sequoyah	1.29
Harper	1.24	Stephens	1.31
Haskell	1.29	Texas	1.23
Hughes	1.29	Tillman	1.30
Jackson	1.30	Tulsa	1.28
Jefferson	1.32	Wagoner	1.28
Johnston	1.32	Washington	1.27
Kay	1.27	Washita	1.29
Kingfisher	1.29	Woods	1.26
Kiowa	1.30	Woodward	1.26
Latimer	1.29		

OREGON

Baker	$1.24	Coos	$1.12
Benton	1.30	Crook	1.27
Clackamas	1.36	Curry	1.15
Clatsop	1.40	Deschutes	1.27
Columbia	1.40	Douglas	1.17

OREGON—continued

County	Rate per bushel	County	Rate per bushel
Gilliam	$1.30	Marion	$1.34
Grant	1.25	Morrow	1.30
Harney	1.13	Multnomah	1.40
Hood River	1.37	Polk	1.33
Jackson	1.17	Sherman	1.32
Jefferson	1.31	Tillamook	1.37
Josephine	1.17	Umatilla	1.28
Klamath	1.24	Union	1.25
Lake	1.24	Wallowa	1.23
Lane	1.28	Wasco	1.34
Lincoln	1.23	Washington	1.37
Linn	1.31	Wheeler	1.29
Malheur	1.18	Yamhill	1.35

PENNSYLVANIA

Adams	$1.35	Lawrence	$1.26
Allegheny	1.27	Lebanon	1.34
Armstrong	1.24	Lehigh	1.38
Beaver	1.24	Luzerne	1.34
Bedford	1.32	Lycoming	1.31
Berks	1.38	McKean	1.27
Blair	1.29	Mercer	1.24
Bradford	1.34	Mifflin	1.31
Bucks	1.42	Monroe	1.34
Butler	1.25	Montgomery	1.42
Cambria	1.28	Montour	1.32
Carbon	1.34	Northampton	1.38
Centre	1.30	Northumberland	1.32
Chester	1.38	Perry	1.32
Clarion	1.26	Philadelphia	1.46
Clearfield	1.28	Pike	1.34
Clinton	1.31	Potter	1.29
Columbia	1.33	Schuylkill	1.34
Crawford	1.24	Snyder	1.32
Cumberland	1.33	Somerset	1.28
Dauphin	1.32	Sullivan	1.34
Delaware	1.42	Susquehanna	1.32
Elk	1.28	Tioga	1.31
Erie	1.24	Union	1.32
Fayette	1.28	Venango	1.24
Forest	1.25	Warren	1.24
Franklin	1.33	Washington	1.24
Fulton	1.31	Wayne	1.34
Greene	1.26	Westmoreland	1.26
Huntingdon	1.30	Wyoming	1.34
Indiana	1.27	York	1.35
Jefferson	1.28		
Juniata	1.31		
Lackawanna	1.34		
Lancaster	1.35		

RHODE ISLAND

All counties $1.33

SOUTH CAROLINA

Charleston	$1.46	All other counties	$1.30

SOUTH DAKOTA

Aurora	$1.30	Hamlin	$1.37
Beadle	1.33	Hand	1.31
Bennett	1.19	Hanson	1.31
Bon Homme	1.29	Harding	1.21
Brookings	1.37	Hughes	1.27
Brown	1.35	Hutchinson	1.30
Brule	1.28	Hyde	1.29
Buffalo	1.28	Jackson	1.24
Butte	1.18	Jerauld	1.30
Campbell	1.29	Jones	1.25
Charles Mix	1.27	Kingsbury	1.35
Clark	1.35	Lake	1.34
Clay	1.31	Lawrence	1.18
Codington	1.37	Lincoln	1.32
Corson	1.26	Lyman	1.26
Custer	1.14	McCook	1.31
Davison	1.31	McPherson	1.31
Day	1.37	Marshall	1.37
Deuel	1.39	Meade	1.20
Dewey	1.25	Mellette	1.22
Douglas	1.29	Miner	1.32
Edmunds	1.32	Minnehaha	1.33
Fall River	1.13	Moody	1.36
Faulk	1.30	Pennington	1.18
Grant	1.40	Perkins	1.22
Gregory	1.25	Potter	1.29
Haakon	1.24	Roberts	1.39

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SOUTH DAKOTA—continued

County	Rate per bushel	County	Rate per bushel
Sanborn	$1.31	Turner	$1.31
Shannon	1.16	Union	1.32
Spink	1.33	Walworth	1.29
Stanley	1.26	Washabaugh	1.22
Sully	1.28	Yankton	1.29
Todd	1.22	Ziebach	1.23
Tripp	1.24		

TENNESSEE

Anderson	$1.28	Lauderdale	$1.28
Bedford	1.27	Lawrence	1.26
Benton	1.25	Lewis	1.26
Bledsoe	1.27	Lincoln	1.28
Blount	1.29	Loudon	1.28
Bradley	1.29	McMinn	1.29
Campbell	1.28	McNairy	1.26
Cannon	1.26	Macon	1.25
Carroll	1.25	Madison	1.26
Carter	1.30	Marion	1.28
Cheatham	1.25	Marshall	1.27
Chester	1.26	Maury	1.26
Claiborne	1.29	Meigs	1.29
Clay	1.26	Monroe	1.29
Cocke	1.29	Montgomery	1.24
Coffee	1.27	Moore	1.27
Crockett	1.25	Morgan	1.27
Cumberland	1.27	Obion	1.28
Davidson	1.25	Overton	1.27
Decatur	1.25	Perry	1.25
DeKalb	1.26	Pickett	1.27
Dickson	1.25	Polk	1.29
Dyer	1.28	Putnam	1.27
Fayette	1.30	Rhea	1.28
Fentress	1.27	Roane	1.28
Franklin	1.28	Robertson	1.24
Gibson	1.25	Rutherford	1.26
Giles	1.27	Scott	1.29
Grainger	1.29	Sequatchie	1.27
Greene	1.30	Sevier	1.29
Grundy	1.27	Shelby	1.32
Hamblen	1.29	Smith	1.26
Hamilton	1.29	Stewart	1.25
Hancock	1.30	Sullivan	1.30
Hardeman	1.28	Sumner	1.24
Hardin	1.25	Tipton	1.30
Hawkins	1.30	Trousdale	1.25
Haywood	1.28	Unicoi	1.30
Henderson	1.25	Union	1.29
Henry	1.25	Van Buren	1.27
Hickman	1.25	Warren	1.27
Houston	1.25	Washington	1.30
Humphreys	1.25	Wayne	1.25
Jackson	1.26	Weakley	1.25
Jefferson	1.29	White	1.27
Johnson	1.30	Williamson	1.26
Knox	1.29	Wilson	1.25
Lake	1.28		

TEXAS

Andrews	$1.27	Childress	$1.30
Archer	1.30	Clay	1.33
Armstrong	1.27	Cochran	1.27
Atascosa	1.39	Coke	1.30
Bailey	1.27	Coleman	1.31
Bandera	1.35	Collin	1.34
Bastrop	1.37	Collingsworth	1.30
Baylor	1.30	Comal	1.35
Bee	1.45	Comanche	1.32
Bell	1.37	Concho	1.32
Bexar	1.37	Cooke	1.34
Blanco	1.35	Coryell	1.35
Borden	1.27	Cottle	1.28
Bosque	1.34	Crosby	1.27
Bowie	1.31	Culberson	1.18
Briscoe	1.28	Dallam	1.25
Brown	1.32	Dallas	1.35
Burleson	1.42	Dawson	1.27
Burnet	1.35	Deaf Smith	1.27
Caldwell	1.37	Delta	1.32
Calhoun	1.42	Denton	1.34
Callahan	1.31	DeWitt	1.39
Carson	1.27	Dimmit	1.26
Castro	1.27	Eastland	1.32
Chambers	1.49	Donley	1.28
Cherokee	1.35		

TEXAS—continued

County	Rate per bushel	County	Rate per bushel
Edwards	$1.29	Mason	$1.33
Ellis	1.35	Maverick	1.26
El Paso	1.14	Medina	1.35
Erath	1.33	Menard	1.32
Falls	1.37	Midland	1.26
Fannin	1.34	Milam	1.39
Fisher	1.30	Mills	1.34
Floyd	1.27	Mitchell	1.28
Foard	1.30	Montague	1.34
Frio	1.36	Moore	1.25
Gaines	1.27	Motley	1.28
Galveston	1.49	Navarro	1.35
Garza	1.27	Nolan	1.29
Gillespie	1.34	Nueces	1.49
Glasscock	1.27	Ochiltree	1.25
Goliad	1.42	Oldham	1.27
Gray	1.27	Palo Pinto	1.33
Grayson	1.34	Parker	1.34
Guadalupe	1.37	Parmer	1.27
Hale	1.27	Pecos	1.27
Hall	1.28	Potter	1.27
Hamilton	1.33	Presidio	1.14
Hansford	1.25	Randall	1.27
Hardeman	1.30	Real	1.32
Harris	1.49	Reeves	1.22
Hartley	1.25	Refugio	1.45
Haskell	1.30	Roberts	1.25
Hays	1.35	Robertson	1.39
Hemphill	1.25	Rockwall	1.34
Hill	1.35	Runnels	1.30
Hockley	1.27	San Patricio	1.49
Hood	1.34	San Saba	1.34
Howard	1.27	Schleicher	1.28
Hudspeth	1.14	Scurry	1.28
Hunt	1.32	Shackelford	1.31
Hutchinson	1.25	Sherman	1.24
Irion	1.27	Somervell	1.34
Jack	1.33	Stephens	1.33
Jackson	1.42	Sterling	1.27
Jeff Davis	1.18	Stonewall	1.29
Jefferson	1.49	Sutton	1.29
Johnson	1.35	Swisher	1.27
Jones	1.30	Tarrant	1.35
Karnes	1.39	Taylor	1.30
Kaufman	1.34	Terry	1.27
Kendall	1.35	Throckmorton	1.31
Kent	1.28	Tom Green	1.30
Kerr	1.32	Travis	1.35
Kimble	1.33	Uvalde	1.32
King	1.29	Van Zandt	1.34
Kinney	1.29	Victoria	1.42
Knox	1.30	Waller	1.45
Lamar	1.32	Ward	1.26
Lamb	1.27	Wharton	1.42
Lampasas	1.34	Wheeler	1.28
Limestone	1.37	Wichita	1.30
Lipscomb	1.25	Wilbarger	1.30
Live Oak	1.45	Williamson	1.37
Llano	1.34	Wilson	1.37
Loving	1.21	Wise	1.34
Lubbock	1.27	Yoakum	1.27
Lynn	1.27	Young	1.33
McCulloch	1.32	Zavala	1.29
McLennan	1.35		
Martin	1.27		

UTAH

Beaver	$1.16	Piute	$1.12
Box Elder	1.19	Rich	1.16
Cache	1.19	Salt Lake	1.20
Carbon	1.10	San Juan	1.04
Daggett	1.14	San Pete	1.14
Davis	1.20	Sevier	1.12
Duchesne	1.12	Summit	1.18
Emery	1.08	Tooele	1.18
Garfield	1.08	Uintah	1.08
Grand	1.04	Utah	1.18
Iron	1.13	Wasatch	1.16
Juab	1.18	Washington	1.13
Kane	1.08	Wayne	1.08
Millard	1.18	Weber	1.20
Morgan	1.19		

VERMONT

All counties	$1.31

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomack	$1.36	Lee	$1.30
Albemarle	1.31	Loudoun	1.31
Alleghany	1.29	Louisa	1.31
Amelia	1.32	Lunenburg	1.32
Amherst	1.31	Madison	1.31
Appomattox	1.32	Mathews	1.34
Arlington	1.31	Mecklenburg	1.31
Augusta	1.31	Middlesex	1.34
Bath	1.29	Montgomery	1.29
Bedford	1.31	Nansemond	1.42
Bland	1.29	Nelson	1.31
Botetourt	1.30	New Kent	1.34
Burnswick	1.31	Newport News	1.38
Buchanan	1.29	Northampton	1.32
Buckingham	1.32	Northumberland	1.32
Campbell	1.31	Nottaway	1.32
Caroline	1.32	Orange	1.31
Carroll	1.30	Page	1.31
Charles City	1.34	Patrick	1.30
Charlotte	1.32	Pittsylvania	1.31
Chesapeake (Norfolk)	1.46	Powhatan	1.32
Chesterfield	1.32	Prince Edward	1.32
Clarke	1.31	Prince George	1.32
Craig	1.29	Prince William	1.31
Culpeper	1.31	Pulaski	1.30
Cumberland	1.32	Rappahannock	1.31
Dickenson	1.29	Richmond	1.32
Dinwiddie	1.32	Roanoke	1.30
Essex	1.32	Rockbridge	1.31
Fairfax	1.31	Rockingham	1.31
Fauquier	1.31	Russell	1.30
Floyd	1.30	Scott	1.30
Fluvanna	1.31	Shenandoah	1.31
Franklin	1.30	Smyth	1.30
Frederick	1.31	Southampton	1.38
Giles	1.29	Spotsylvania	1.32
Gloucester	1.38	Stafford	1.32
Goochland	1.32	Surry	1.34
Grayson	1.30	Sussex	1.34
Greene	1.31	Tazewell	1.29
Greensville	1.34	Virginia Beach	1.42
Halifax	1.31	Warren	1.31
Hampton	1.42	Washington	1.30
Hanover	1.32	Westmoreland	1.32
Henrico	1.34	Wise	1.30
Henry	1.30	Wythe	1.30
Highland	1.29	York	1.38
Isle of Wight	1.38		
James City	1.34		
King and Queen	1.34		
King George	1.32		
King William	1.34		
Lancaster	1.32		

WASHINGTON

Adams	$1.27	Lewis	$1.37
Asotin	1.24	Lincoln	1.26
Benton	1.29	Mason	1.31
Chelan	1.28	Okanogan	1.26
Clallam	1.24	Pacific	1.34
Clark	1.40	Pend Oreille	1.18
Columbia	1.28	Pierce	1.40
Cowlitz	1.40	San Juan	1.26
Douglas	1.26	Skagit	1.34
Ferry	1.22	Skamania	1.37
Franklin	1.28	Snohomish	1.37
Garfield	1.28	Spokane	1.25
Grant	1.27	Stevens	1.20
Grays Harbor	1.34	Thurston	1.37
Island	1.26	Wahkiakum	1.37
Jefferson	1.27	Walla Walla	1.28
King	1.40	Whatcom	1.31
Kitsap	1.21	Whitman	1.26
Kittitas	1.32	Yakima	1.30
Klickitat	1.33		

WEST VIRGINIA

Barbour	$1.26	Calhoun	$1.24
Berkeley	1.30	Clay	1.25
Boone	1.25	Doddridge	1.23
Braxton	1.25	Fayette	1.27
Brooke	1.23	Gilmer	1.24
Cabell	1.23	Grant	1.28

WEST VIRGINIA—continued

County	Rate per bushel	County	Rate per bushel
Greenbrier	$1.29	Ohio	$1.23
Hampshire	1.29	Pendleton	1.29
Hancock	1.23	Pleasants	1.22
Hardy	1.29	Pocahontas	1.29
Harrison	1.25	Preston	1.26
Jackson	1.22	Putnam	1.23
Jefferson	1.31	Raleigh	1.26
Kanawha	1.24	Randolph	1.28
Lewis	1.25	Ritchie	1.23
Lincoln	1.24	Roane	1.23
Logan	1.25	Summers	1.29
McDowell	1.27	Taylor	1.26
Marion	1.24	Tucker	1.28
Marshall	1.23	Tyler	1.22
Mason	1.23	Upshur	1.26
Mercer	1.28	Wayne	1.24
Mineral	1.28	Webster	1.27
Mingo	1.25	Wetzel	1.23
Monongalia	1.24	Wirt	1.23
Monroe	1.28	Wood	1.22
Morgan	1.29	Wyoming	1.26
Nicholas	1.27		

WISCONSIN

Adams	$1.30	Marathon	$1.36
Ashland	1.40	Marinette	1.30
Barron	1.41	Marquette	1.29
Bayfield	1.43	Menominee	1.32
Brown	1.25	Milwaukee	1.29
Buffalo	1.41	Monroe	1.32
Burnett	1.44	Oconto	1.30
Calumet	1.25	Oneida	1.35
Chippewa	1.41	Outagamie	1.28
Clark	1.38	Ozaukee	1.27
Columbia	1.27	Pepin	1.41
Crawford	1.32	Pierce	1.42
Dane	1.26	Polk	1.42
Dodge	1.26	Portage	1.35
Door	1.20	Price	1.37
Douglas	1.46	Racine	1.29
Dunn	1.41	Richland	1.31
Eau Claire	1.38	Rock	1.28
Florence	1.31	Rusk	1.39
Fond du Lac	1.25	Saint Croix	1.42
Forest	1.33	Sauk	1.28
Grant	1.29	Sawyer	1.41
Green	1.26	Shawano	1.32
Green Lake	1.27	Sheboygan	1.26
Iowa	1.28	Taylor	1.39
Iron	1.38	Trempeleau	1.38
Jackson	1.35	Vernon	1.34
Jefferson	1.27	Vilas	1.34
Juneau	1.31	Walworth	1.28
Kenosha	1.29	Washburn	1.43
Kewaunee	1.22	Washington	1.27
La Crosse	1.35	Waukesha	1.28
Lafayette	1.26	Waupaca	1.30
Langlade	1.34	Waushara	1.27
Lincoln	1.37	Winnebago	1.27
Manitowoc	1.24	Wood	1.33

WYOMING

Albany	$1.09	Natrona	$1.04
Big Horn	1.04	Niobrara	1.12
Campbell	1.09	Park	1.04
Carbon	1.06	Platte	1.12
Converse	1.09	Sheridan	1.06
Crook	1.12	Sublette	1.09
Fremont	1.04	Sweetwater	1.09
Goshen	1.12	Teton	1.13
Hot Springs	1.04	Uinta	1.13
Johnson	1.06	Washakie	1.04
Laramie	1.12	Weston	1.12
Lincoln	1.15		

(b) *Premiums and discounts.* The basic loan and purchase rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) *Class premiums and discounts.*	
(i) Premiums:	
Hard Amber Durum (U.S. No. 3 or better)	+5
(ii) Discounts:	
Durum	−5
Red Durum	−20
Mixed Wheat (mixtures of classes other than contrasting classes)	−2
Mixed Wheat (mixtures of contrasting classes)	−10
(2) *Grade premiums and discounts.*	
(i) Premium:	
Heavy, U.S. No. 3 or better (Hard Red Spring only)	+2
(ii) Discounts:	
U.S. No. 2	−1
U.S. No. 3	−3
U.S. No. 4	−6
U.S. No. 5	−9
Smut—degree basis:	
Light Smutty	−2
Smutty	−6
Garlic—degree basis:	
Light Garlicky	−5
Garlicky	−10

Sample on one or more of the factors test weight, total damage (with not more than 3 percent heat damage), foreign material, and total defects (with not more than 3 percent heat damage), apply a discount of 14 cents. Add 1 cent for each pound or fraction thereof that test weight is below 50 pounds (49 pounds for Hard Red Spring and White Club) through 40 pounds and add 1 cent for each percent or fraction thereof that total defects are in excess of 21 percent. Total discount on these factors shall not exceed 30 cents per bushel if total defects are not in excess of 50 percent, or 45 cents per bushel if total defects are in excess of 50 percent.

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.

Protein content (percent):	Cents per bushel
12.0–12.4	÷ 1½
12.5–12.9	+ 3
13.0–13.4	÷ 4½
13.5–13.9	+ 6
14.0–14.4	÷ 7½
14.5–14.9	+ 9
15.0–15.4	÷10½
15.5–15.9	+12
16.0–16.4	÷13½
16.5–16.9	+15
17.0–17.4	÷16½
17.5 and above	+18
(4) *Weed control discount* (where required by § 1421.25)	10

(5) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of wheat, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour and heating. Such discounts will be established not later than the time delivery of wheat to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices.

NOTE: Premiums and discounts are cumulative except only one grade discount shall be applied.

Effective date: July 30, 1973.

Signed at Washington, D.C., on July 13, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-14907 Filed 7-27-73;8:45 am]

[CCC Grain Price Support Regs. 1973 Crops Oats Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973-Crop Oats Loan and Purchase Program

Correction

In FR Doc. 73-8923, appearing at page 11441, for the issue of Tuesday, May 8, 1973, in the tables under § 1421.274 under "Wisconsin", the "rate per bushel" for Barron County, which now reads ".57", should read ".55", and Marquette County, which now reads ".56", should read ".57".

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

MAKING EM LOANS AVAILABLE

On page 16907 of the FEDERAL REGISTER of June 27, 1973, there was published a notice of proposed rulemaking to amend § 1832.3. The proposed change provides for State and local government participation in determining designated areas for Emergency loans. Interested persons were given 16 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

These amendments are effective on July 30, 1973.

Dated July 23, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Section 1832.3 reads as follows:

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§ 1832.3 Making EM loans available.

EM loans will be made available in counties named by OEP (or its successor) as eligible for Federal assistance under a major disaster declaration by the President; in counties designated by the Secretary; and in counties authorized by State Directors for isolated production loss loans.

(a) *Designation by the President.* Designation by the Secretary is not necessary for making EM loans available in counties determined by OEP to be eligible for Federal assistance under a major disaster declared by the President. Therefore, where there is a Presidential major disaster declaration, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the names of the counties determined by OEP (or its successor) to be eligible for Federal assistance; the termination date for receiving EM applications; the major disaster designation number; and the date loan activity reporting will commence.

(1) State Directors will notify the appropriate County Supervisors immediately and instruct them to make EM loans available. Notification will be confirmed by a State requirement prescribed by the State Director, or a revision thereof, as soon as possible. The State Director will also notify the State USDA Emergency Board Chairman and will make such public announcements as appear to be appropriate.

(2) Immediately upon receiving notice about counties under his jurisdiction, the County Supervisor will notify the governing body of the county, the appropriate County USDA Emergency Board Chairman, and make such public announcements as appear to be appropriate. Also, the County Supervisor will explain the assistance available under this program to other agricultural lenders and leaders in the area.

(b) *Designation by the Secretary.* (1) The Secretary of Agriculture may designate a county as an EM loan area when (i) unusual and adverse weather conditions have resulted in severe production losses and/or damage or losses to livestock, farm machinery, farmland, or buildings; (ii) when there exists in the county a general need for agricultural credit due to the natural disaster which cannot be met for temporary periods by private, cooperative, or other responsible sources and there are more than 25 farmers who have had losses which require them to obtain EM loans in order to continue in their farming operations; (ii) when a formal written request of the governing body of the county or its authorized representative has been transmitted through the Governor of the State (iv) with endorsement to the Secretary, and when recommended to the Secretary by his Emergency Review Committee.

(2) Designations may be based on damages caused by hurricanes, tornadoes, excessive rainfall and floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fires resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

(3) When a county is designated by the Secretary, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the name of the counties designated; the termination date for receiving EM loan applications; and the Secretarial disaster designation number. The Governor, each Senator and Congressman representing the State involved will be notified simultaneously of the designations and dates of termination.

(i) State Directors will immediately notify the appropriate County Supervisors and this notification will be confirmed by a State requirement prescribed by the State Director, or a revision thereof, as soon as possible. The State Director will also notify the State USDA Emergency Board Chairman and the governing body of the county who will make such public announcements as appear to be appropriate.

(ii) Immediately upon receiving notice of the designation of county or counties under his jurisdiction, the County Supervisor will notify the appropriate County USDA Emergency Board Chairman and also explain the assistance available under the EM loan program to other agricultural lenders and leaders in the area.

(c) *Isolated production losses.* If the State Director finds in any county that the requirements of paragraph (b) (1) (i) and (2) of this section are met, and that 25 or less farmers have had severe production losses which will require them to obtain EM loans in order to continue in their farming operation, loans may be authorized by the State Director. The authority to make EM loans available by the State Director will only be exercised after the governing body of the county affected has made a formal written request for such action to the State Director and prior notice has been given to the National Office. This authorization may not be used to make EM loans available immediately in anticipation of a later designation by the Secretary based on the same natural disaster.

(1) The State Director's authorization will be based on severe production losses and will establish the following termination dates for receiving EM applications:

(i) For damages to real or chattel property or losses of livestock and equipment, the termination date will be 60 days from the date of his letter to the County Supervisor making the authorization.

(ii) For crop losses the termination date will be 9 months from the date of his letter making the authorization.

(2) Applications for EM loans will be received by County Supervisors only after authorization by the State Director.

(3) The State Director will advise the National Office immediately by telephone followed by forwarding a copy of each letter authorizing a County Supervisor to receive applications for EM loans in counties he has designated, together with a copy of the County Supervisor's report. The report will be made using the format available in all FHA offices when an area designation is made.

(4) The State Director will direct appropriate County Supervisors to take initial EM loan applications in counties he has authorized, simultaneously with his notification to the State USDA Emergency Board Chairman and the governing body of the county. The State Director will immediately request the governing body of the county to make appropriate public announcements.

(5) Immediately upon receiving notice of the authorization of isolated production loss loans for a county or counties under his jurisdiction, the County Supervisor will notify the appropriate County USDA Emergency Board Chairman and also explain the assistance available under the EM loan program to other agricultural lenders and leaders in the area.

(d) *Reporting natural disasters*—(1) *Purpose.* To provide a systematic procedure for rapid reporting of natural disasters which may result in a request for designation by the Secretary from local governing bodies or their authorized representatives and the Governor of the State.

(2) *Background.* It is important that adequate information on the nature and scope of a natural disaster or impending disaster be available as soon as possible both in the State and National Offices. It is equally important to know what steps are being taken or considered by Farmers Home Administration (FHA) to alleviate the disaster effects.

(3) *Action.* The following action will be taken:

(i) County Supervisor: County Supervisors will immediately report to the State Director and to the governing body the name of the county affected, the occurrence of any natural disaster causing substantial property loss or damage or injury, including severe production losses in his County Office area, regardless of whether EM loans will be needed. He will send a detailed report as soon as possible to the State Director and the governing body of the county affected, except that in urgent situations the report may be made by telephone, followed by the written report. The report will be based on information obtained from his personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders and through any other means available. When letters or copies of reports are received from those sources contacted, they also will be submitted with the report. The County Supervisor will advise the Chairman of the County USDA Emergency Board of any

information he has on the disaster and also provide him with a copy of the report and any attachments thereto.

(ii) State Directors: State Directors will inform the National Office of each natural disaster as soon as possible. He will forward the original of the County Supervisor's report with any attachments to the National Office supplemented by his comments, including any additional information he may have, and his recommendations as to the need for EM loans. In urgent situations he should report to the National Office by telephone and immediately thereafter send a written report to the National Office. The State Director will advise the Chairman of the State USDA Emergency Board of any information he receives on the natural disaster and also provide him with a copy of the County Supervisor's report and any attachments thereto.

(iii) National Office: When the National Office is advised by a State Director of the occurrence of natural disasters, the Division responsible for EM loans will advise the Executive Secretary of the USDA Emergency Review Committee; the Director of the Single Family Housing Division; and the Office of Emergency Preparedness (or its successor) of the natural disaster and of any action planned or taken by the FHA. The National Office will also provide the same information to members of Congress if so requested.

(iv) The above action will be taken even if the Governor of the State has requested the President to declare the county a disaster area.

(e) *Subsequent loans.* Subsequent EM loans are defined as EM loans made to borrows who are indebted for an EM loan(s) balance. Subsequent EM loans may be made within the limitations, policies, and authorities contained in this paragraph without regard to the termination date for making initial loans. This applies when the applicant is unable to obtain credit from other sources because of the natural disaster or major disaster which caused need for the initial loan, and when the subsequent loan is necessary to protect the Government's interest in EM loans previously made, including Production Emergency, Economic Emergency, Special Emergency, and Special Livestock loans. In any event, there must be reasonable assurance that the subsequent loan will be repaid and the balances owed on previous loans will be repaid or substantially reduced within a reasonable period. However, the period during which additional loans will be made must be consistent with the objectives of EM loans as described in § 1832.2. The following points will be considered in arriving at the required determination that a subsequent EM loan is needed to protect the Government's interest in EM loans previously made.

(1) Will FHA lose control of future farm or ranch income that ordinarily would be available for payment on the EM loan balance if the subsequent EM loan is not made?

(2) Will FHA's security position be weakened if the subsequent EM loan is not made?

(3) Will FHA take a financial loss if the borrower is forced out of farming or ranching because he could not get financed by a regular lender?

The County Supervisor will comment on these points in the Running Case Record of the borrower's County Office case file to show justification for a subsequent EM loan before it is approved.

(7 U.S.C. 1989, (Con. Act); 42 U.S.C. 1480, (Housing); delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Dated June 21, 1973.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-15559 Filed 7-27-73;8:45 am]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

[FHA Instruction 441.2]

ELIGIBILITY REQUIREMENTS AND APPROVAL

On page 18040 of the FEDERAL REGISTER of July 6, 1973, there was published a notice of proposed amendments to §§ 1832.5 and 1832.12. The major proposed changes to § 1832.5 establish a new crop production loss formula and establish the requirement that to be eligible for an Emergency loan an applicant must be unable to provide the necessary funds from his own resources or to obtain sufficient operating credit from local conventional sources. Section 1832.12 requires that recipients of Emergency loans will be required to carry Federal Crop Insurance during the repayment period of the Emergency loan made for crop production if it is available in the county. Interested persons were given seven days in which to submit comments, suggestions, or objections regarding the proposed regulations.

As a result of the comments received the following clarification is made: Section 1832.5(c)(1) is clarified by adding a reference to section 312 of the Consolidated Farm and Rural Development Act and § 1832.7.

Accordingly, with this addition, the proposed amendments are adopted as set forth below.

These amendments are effective on July 30, 1973.

Dated: July 23, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Sections 1832.5 and 1832.12 read as follows:

§ 1832.5 Eligibility requirements.

To be eligible for an EM loan, an applicant must:

(a) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or any State thereof and the principal stockholders must be citizens of the United States. Any stockholder owning as much as 20 percent of the stock or a smaller percentage if owned in equal amounts, will be considered as a principal stockholder.

(b) Be an established farmer or rancher with a reasonably good past record of operations, whether owner-operator or tenant, who manages his farming or ranching operations. An applicant who does not devote full time to his farming or ranching operations may be considered as the manager of his farming or ranching operations if he visits his farm or ranch at frequent intervals often enough to exercise control and see that the operations are being carried on properly.

(c) Have suffered production losses or property damage directly related to the unusual and adverse weather conditions which resulted in the major disaster(s) designation by the President, or the natural disaster(s) designation by the Secretary, or the authorization of the State Director because of an isolated production loss, as defined in § 1832.3 (a), (b), or (c) of this chapter. Also, it must be established that all losses or damages upon which eligibility for the loan is based were caused during the time period established for the occurrence of the disaster.

(1) Production losses must have been substantially greater than would be expected from normal fluctuations in yields. In making this required determination about production losses, consideration will be given to the applicant's total farming operations. He will be required to furnish information on Form FHA 441-22, "Statement of Production Losses and Certification," showing the production in each of his crop and livestock enterprises during the year of the disaster and the two preceding crop years and an explanation about how and when the natural disaster caused his production losses. If the production was not normal for any of the three years, then the applicant must also furnish such information for his most recent normal year. An applicant meets this eligibility requirement only if his production losses which are not compensated for by insurance or otherwise are the equivalent of 10 percent or more of the dollar value of normal production for his total farming or ranching enterprises. Eligibility established under this paragraph (c)(1) would only entitle an applicant to an EM loan sufficient to produce a new crop. and to the extent necessary to accomplish this would include the loan purposes set forth in section 312 of the Consolidated Farm and Rural Development Act and further defined in § 1832.7.

(i) To establish eligibility, County Supervisors must convert the applicant's total production after the disaster to gross income, adding thereto any insurance or other compensation which may be claimed for these losses, and also calculate his gross income from total

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production for his most recent normal year. The disaster year figure must be subtracted from the normal year figure to calculate the "loss value" in dollars. The "loss value" will then be calculated as a percentage of the total normal production gross income. This percentage must equal or exceed 10 percent for eligibility. The calculations will be recorded in the loan docket. The gross incomes will be calculated by using the prevailing market price in effect at the time of the disaster for each particular commodity as evidenced by the State crop reporting service reports. Lists of prices will be prepared by the State Director and distributed to affected County Supervisors.

(ii) When the applicant has a livestock operation and his losses are to feed-crops, pasture, or grazing, his eligibility will be established by the cost of feed necessarily purchased or grazing rented to replace that which was lost due to the disaster. The cost of the additional feed purchased or grazing rented must be 10 percent or more of his normal production year gross income from his total operation.

(iii) Where an applicant was unable to plant a substantial portion of his normal crops because of a "qualifying disaster," his production for that portion of his unplanted crops will be shown as zero on Form FHA 441–22 providing that a substitute or different crop could not be planted.

(2) Production losses which have occurred to crops or grazing before actual production for the year can be determined will be estimated and shown on Form FHA 441–22 as follows:

(i) For grazing, the number of acres and the estimated percentage of loss will be shown in the appropriate spaces.

(ii) Estimates of damage to other feed crops and cash crops will be shown in units of production.

(3) The County Supervisor will make such efforts as are reasonably necessary to check the accuracy of such estimates.

(4) Damages or losses not compensated for by insurance or otherwise to farm or ranch dwellings and service buildings, land and water resources, farming or ranching supplies or equipment, or livestock essential to normal farm or ranch operations would qualify an applicant for a loan sufficient only to repair, replace, or restore such property. These damages or losses would not qualify the applicant for an EM loan to be used for crop production.

(5) Where an applicant has had disaster damage to feed crops and elects to sell his livestock rather than purchase feed to replace that which he would have produced except for the natural disaster, he cannot claim as loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter had no opportunity for a judgment decision about planting.

(d) Possess legal capacity to contract for the loan. State requirements will be issued with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(e) Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming or ranching operations and to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Be unable to provide the necessary funds from his own resources or to obtain sufficient operating credit from local commercial sources to finance his actual needs at reasonable rates and terms available to other farmers in the area, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time in the community in or near which he resides. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. This must be documented in the County Office case file.

(l) In no case will an EM loan be made to an applicant who is able to obtain the credit he needs elsewhere on terms he can reasonably be expected to pay. The following will be observed in determining whether individual applicants meet this eligibility requirement:

(i) When an applicant's financial statement or other information in the loan docket indicates that he might be able to obtain the credit he needs elsewhere at reasonable rates and terms, the County Supervisor will require him to make a diligent effort to obtain a loan from other sources. This effort will consist of applying to lenders engaged in extending short-term or intermediate-term credit in the area, depending on his needs, and requesting each lender to furnish a letter showing whether it will make a loan and if so, the amount it is willing to advance. Such letters from lenders and any other evidence concerning an applicant's ability to obtain credit elsewhere will be included in the loan docket. When appropriate, the County Supervisor will check on evidence concerning inability to obtain credit submitted by an applicant.

(ii) When an applicant's financial statement or other information in the loan docket indicates beyond doubt that he is not able to obtain the credit he needs from other sources at reasonable rates and terms, he will not be required to furnish evidence that he has made an effort to obtain such credit from other sources. The County Supervisor will record his conclusion and the basis for it in the loan docket.

(2) For partnerships or corporations, the principal partners or principal stockholders, either individually or collectively must be unable to finance the farming or ranching operations either with their own resources or with credit obtained by them from other sources. Any partner or stockholder owning as much as 20 percent interest in a partnership or a corporation's stock, or a smaller percentage if owned in equal amounts, will be considered as a principal partner or stockholder.

(3) EM loans are not to be made to applicants having large net worths or large equities in real estate, chattels, or other property, in relation to the amounts they need to borrow, regardless of their ability to obtain credit from other sources. Such applicants are considered to have options in the use of their resources that would enable them to operate without Government assistance. However, it is not intended to advise them what adjustments they might consider in the use or handling of their assets.

(g) An applicant who meets all of the above criteria should still be denied an EM loan if, in the judgment of the loan approval official, he cannot be expected to recover from his losses as a result of the disaster and return to his normal sources of credit within a reasonable period except as provided in § 1832.2(b) of this chapter.

* * * * * * *

§ 1832.12 Loan approval.

* * * * * * *

(d) Recipients of Emergency loans will be required to carry Federal Crop Insurance during the repayment period of their Emergency loans made for crop production purposes if such insurance is available in the county.

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

[FR Doc.73–15560 Filed 7–27–73;8:45 am]

[FHA Instruction 440.8]

PART 1832—EMERGENCY LOANS

Subpart D—Additional Benefits for Certain Indebted and Paid-Up Emergency and Rural Housing Disaster Loan Borrowers

MISCELLANEOUS AMENDMENTS

Sections 1832.73 through 1832.77, Part 1832, Title 7, Code of Federal Regulations (38 FR 14089) are deleted from this chapter. Section 1832.78 is redesignated § 1832.73, *Expiration date.* In accordance with 5 U.S.C. 553 it is an administrative determination that this deletion be published without notice of proposed rulemaking because the sections involved pertain only to agency procedure and practice.

These amendments are effective on July 30, 1973.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008)

Dated July 23, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.7–15558 Filed 7–27–73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(l): Dewey and Seminole Counties in Oklahoma.

The following counties were deleted from the list of Modified Certified Brucellosis Areas on the specified dates: Nemaha County in Nebraska on February 10, 1973; McMullen County in Texas on March 7, 1973; and Uvalde County in Texas on May 8, 1973. Since said dates it has been determined that these counties again come within the definition of § 78.1(l); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

The amendment adds the following additional area to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area comes within the definition of § 78.1(l); Nueces County in Texas.

Therefore, pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, Major, Marshall, Mayes, McClain, McCurtain, McIntosh, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward Counties;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. The entire State;
Tennessee. The entire State;
Texas. The entire State;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477, 9 CFR 78.16(a))

Effective date. The foregoing amendment shall become effective July 30, 1973.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provision of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24 day of July 1973.

J. M. HIJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73–15600 Filed 7–27–73;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest on Single and Multiple Maturity Time Deposits

1. The Board of Directors of the Federal Deposit Insurance Corporation has decided to further amend §§ 329.6 and 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6 and 329.7) so as to eliminate existing disparities in maximum interest rates for single and multiple maturity time deposits and simplify interest rate schedules for insured State nonmember banks. Effective July 1, 1973, all insured State nonmember banks (including FDIC-insured mutual savings banks) may pay the same rates of interest on multiple maturity time deposits as on single maturity time deposits of equivalent amounts and maturities. The new interest rate ceilings (effective July 1, 1973) previously adopted by the Board of Directors for time deposits of less than $100,000 and savings deposits have not been changed by these amendments.

2. Section 329.6 is revised to read as follows:

§ 329.6 Maximum rates of interest payable by insured nonmember banks other than insured nonmember mutual savings banks.[12]

(a) *Deposits of $100,000 or more.* There is no maximum rate of interest presently prescribed on any time deposit of $100,000 or more.

(b) *Deposits of less than $100,000.* (1) Except as provided in paragraph (b)(2) of this section, no insured nonmember bank shall pay interest on any time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(2) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more.

(c) *Savings deposits.* No insured nonmember bank shall pay interest at a rate in excess of 5 percent on any savings deposit.

3. Section 329.7 is amended to read as follows:

[12] The maximum rates of interest payable by insured nonmember banks on time and savings deposits as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember bank located outside of the States of the United States and the District of Columbia.

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§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.[14]

(a) *Definition.* For the purposes of this section, the term "mutual savings bank" includes any mutual savings bank and any guaranty savings bank which operates in the State of New Hampshire substantially under and pursuant to the laws of that State pertaining to mutual savings banks so long as such guaranty savings bank does not engage in commercial banking.

(b) *Maximum rates payable*—(1) *General.* Except as provided in paragraph (b) (2), (3), and (4) of this section and paragraph (e) of this section, no insured nonmember mutual savings bank shall pay interest or dividends at a rate in excess of 5¼ percent per annum on any deposit. Section 329.3(b) relating to modification of deposit contracts to conform to regulations shall apply to insured nonmember mutual savings banks.

(2) *Time deposits of $100,000 or more.* There is no maximum rate of interest or dividends presently prescribed on any time deposit of $100,000 or more.

(3) *Time deposits of less than $100,000.* Except as provided in paragraph (b) (4) of this section, no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum percent per annum
90 days or more but less than 1 year	5¾
1 year or more but less than 30 months	6½
30 months or more	6¾

(4) *Time deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of $1,000 or more with a maturity of 4 years or more.

(c) *Compounding interest.* In determining the maximum amount of interest or dividends permitted to be paid, the effects of compounding may be disregarded.

(d) *Grace periods in computing interest.* An insured nonmember mutual savings bank may pay interest or dividends on a deposit received during the first 10 calendar days of any calendar month at the applicable maximum rate prescribed in paragraph (b) of this section calculated from the first day of such calendar month until such deposit is withdrawn or otherwise ceases to constitute a deposit upon which interest or dividends are payable; and an insured nonmember mutual savings bank may pay interest or dividends on a deposit withdrawn during the last 3 business days of any calendar month ending a regular quarterly or semiannual or dividend period at the applicable maximum rate prescribed in paragraph (b) of this section calculated to the end of such calendar month.

(e) *Systematic savings account deposits in insured nonmember mutual savings banks in Massachusetts.* No insured nonmember mutual savings bank located in the Commonwealth of Massachusetts shall pay interest or dividends on any systematic savings account deposit, as defined in section 22B of chapter 168 of the General Laws of the Commonwealth of Massachusetts, at a rate in excess of the applicable rate under the following schedule:

Minimum period	Maximum percent per annum
48 months	5½
96 months	5¾

(f) *Time deposits.* The provisions of this Part 329 with respect to time deposits, except the provisions of § 329.6, shall apply to all such deposits in insured nonmember mutual savings banks.

(Sec. 9 18(g), 64 Stat. 881–82, Pub. L. No. 93–63, section 1 (July 6, 1973); 12 U.S.C. 1819, 1828(g))

4. The requirements of sections 553(b) and (d) of Title 5, United States Code, and §§ 302.1, 302.2, and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments because they relieve existing restrictions and the Board found that notice and public procedure with respect thereto would be unnecessary and contrary to the public interest.

5. *Effective date.* The effective date of the amendments is July 1, 1973.

By order of the Board of Directors, July 24, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73–15505 Filed 7–27–73;8:45 am]

[14] The maximum rates of interest payable by insured nonmember mutual savings banks as prescribed herein are not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–809, Amdt. 2]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Protection of Customers' Deposits

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 16, 1973.

In notice of proposed rulemaking EDR–233,[1] the Board proposed to amend Parts 207, 208, 212 and 214 of its Economic Regulations (14 CFR Parts 207, 208, 212 and 214) so as to require certificated route air carriers, supplemental air carriers, and, to the extent that they operate charter trips originating in the United States, foreign route air carriers and foreign charter air carriers, to establish escrow agreements with banks as security protection for customers' deposits made with such carriers as advance payment for charter flights. By the terms of the escrow agreement, all amounts payable in advance by customers to the carrier for charter flights would be deposited and maintained by the bank in a separate escrow account. Escrowed funds would be released by the bank to the carrier only upon certification by the carrier that it had performed the one-way or round-trip charter flight with respect to which the charterer's advance payments were being held in escrow. If a charter flight were canceled, refunds from escrowed deposits would be paid by the bank directly to the charterer: *Provided, however,* That in the case of a split charter, refunds would be authorized only upon written notification from the carrier specifying the facts which warrant cancellation of the charter under the provisions of the Board's regulations applicable to the cancellation of split charters.

By way of background Part 208 of our regulations has for some years contained provisions[2] requiring supplemental carriers to provide security protection for at least a portion of customers' deposits received as advance payment for air transportation. This financial security requirement, which applies whenever the gross amount of customers' deposits exceeds 25 percent of the carrier's "net worth" (computed as of the last day of each month), may be satisfied either by furnishing a performance bond covering such excess amount, or by placing in escrow or trust with a bank, cash or negotiable securities equal to such excess amount, if the escrow or trust agreement is approved by the Board.

The circumstances surrounding a recent petition for reorganization filed by a supplemental carrier, led the Board to conclude tentatively that the "net worth" test prescribed by our regulations is an unreliable basis for determining whether the financial situation of a supplemental carrier is such that security measures should be required for the protection of the deposits of its customers. Although we recognized that other financial indicia might be substituted for the "net worth" standard, we tentatively determined that, in light of the instability that has plagued the supplemental industry in recent years, the safest regulatory approach to the problem would be to require *all* advance payments made by charterers to supplemental carriers to be escrowed, without allowing for a specified unprotected minimum. Moreover, we tentatively concluded that the same security protection should also be afforded for charters from the U.S. route

[1] October 7, 1972, 37 FR 21347 (Docket 24788).

[2] 14 CFR 208.40–42.

carriers, and for charters from foreign route air carries and foreign charter air carriers, insofar as they originate in the United States.

Pursuant to the rule making notice, 24 comments were filed, including: a joint comment by Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc. (Supplemental Parties); a joint comment by a number of member carriers of the Air Transport Association of America (the ATA carriers)[3] with individual supplementary comments by American, North Central and Pan American; and 19 individual comments, consisting of 11 by foreign route air carriers,[4] and one each by The Flying Tiger Line Inc. (FTL), Southern Airways, Inc. (Southern), Southern Air Transport, Inc. (SAT), Western Air Lines, Inc. (Western), Dan-Air Services Ltd. (Dan-Air), Club America, the American Insurance Association, Inc. (AIA), and the American Society of Travel Agents, Inc. (ASTA).

A number of parties, including the Supplemental Parties, support the general purpose of the rule, but urge us to adopt alternative measures in addition to that which we have tentatively proposed, to secure customers' deposits. Several parties urge exclusion of certain categories of charter services from the coverage of the proposed rule, while others request that application of the rule be extended to advance payments made by customers for certain types of scheduled services. All of the U.S. and foreign route carriers generally oppose the rule, principally on the legal ground that it is beyoud our regulatory authority.

Upon consideration of the comments, the Board has determined, for the reasons set forth hereinafter and in EDR–233, to adopt the rules as proposed, but with the following principal modifications:[5] (1) The rules will not apply to cargo chapters; (2) except for overseas military personnel charters, as defined in Part 372, the exclusion in the proposed rule for foreign-originating charters has been broadened to include U.S. air carriers, so that, with such exception, the rule will apply only to charter services which originate in the United States; (3) consistent with the requirement for U.S. air carriers, foreign air carriers will be required to provide security for the performance of overseas military personnel charters originating in either the United States or in a foreign country; (4) the carrier may elect to file, either a prescribed surety bond or the escrow agreement which was the only security arrangement provided for in our proposed rules; and (5) the rule will permit the chartering carrier to obtain from the depository bank the release of a portion of the escrowed funds as payment for the performance of the outbound leg of a round-trip charter flight, instead of requiring that release of all such funds (along with the funds held with respect to the return segment) be postponed until after the carrier has completed the return leg of such flight, as originally proposed. Except as modified herein, the tentative findings set forth in the explanatory statement to the proposed rules are incorporated by reference and made final.

Before discussing the comments on the various specific proposals set forth in EDR–233, we shall dispose of certain legal and policy issues raised by the commenting parties.

Application of the proposed security requirements to charter services of the U.S. certificated route air carriers and charter services orginating in the United States performed by foreign route air carriers and foreign charter air carriers. The comments of the U.S. and foreign route carriers generally contend that the Board is without regulatory authority to impose security requirements on classes of direct air carriers other than supplemental air carriers and that, in any event, the proposed escrow requirements would impose needlessly onerous financial and administrative burdens on route carriers without achieving any significant regulatory objectives. As we have already stated above, we have decided to make various changes in our original proposal which should in themselves substantially reduce the burdens which would have been entailed by compliance with the proposed security requirements herein prescribed. However, for the reasons discussed hereinbelow, we reject the legal and policy arguments submitted against the proposed rule, insofar as they would be equally applicable to our modified rule.

Legal considerations. The contention that the Board lacks legal authority to apply the subject rules to U.S. and foreign route carriers rests on three arguments.

1. Section 401(n)(2) of the Act expressly authorizes the Board to require any supplemental air carrier to file a performance bond or equivalent security arrangement in order to protect its customers, but the Board has no similar express statutory authority with respect to its regulation of the domestic and international route carriers. It is therefore argued that the failure of Congress to grant such express regulatory authority with respect to carriers other than supplementals clearly indicates that Congress did not intend for the Board to exercise such authority.

We are unable to accept this argument. To begin with, the 1962 amendments to the Act,[6] which added the cited section, were concerned only with regularizing the status of supplemental carriers and assuring their ability to provide safe and reliable air transportation services. In considering the then pending supplemental air carrier legislation, Congress was faced with the difficult problem of providing adequate authority to the Board to screen out unfit supplemental operators from those to which it would be empowered, through the passage of such legislation, to grant permanent certificate rights. The problem arose because, prior to 1962, the scope of the Board's regulatory authority and responsibility with respect to this class of carrier had been largely unclear, particularly with respect to such important matters as the type of services which they could be authorized to perform, the standards of fitness and financial responsibility to be applied to such carriers, and the Board's authority to revoke their operating rights once granted. In addition, the Board had not promulgated any rules requiring such carriers to furnish liability insurance or performance bonds for the protection of the traveling and shipping public. As a result, a number of supplemental carriers had from time to time engaged in flagrantly unsafe and uneconomic practices, to the detriment of the public and to the reputation of the supplemental industry which had on the whole been recognized as providing a valuable public service. Congress therefore added certain provisions, including those of section 401(n)(2), to remove any doubt as to the Board's authority to safeguard the public against these practices.[7] In sum, our reading of the legislative history of these 1962 amendments indicates no more than that Congress intended to direct the Board, in some instances, and to grant the Board explicit discretionary authority, in other instances, to provide for the safety and financial integrity of supplemental carriers. In so focusing on the Board's powers and duties with respect to supplemental carriers, we do not believe Congress intended to imply any curtailment of the Board's preexisting rulemaking powers to regulate the activities of other classes of direct air carriers.

2. Secondly, it is argued that, in the absence of express authority, we cannot rely on our general regulatory authority under the Act to extend the subject requirements to route carriers. We do not agree. On the contrary, it is our view that,

[3] Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Hawaiian Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc. and United Air Lines, Inc.

[4] Alitalia Airlines (Alitalia), Aerlinte Eireann Teorante (Irish International Airlines (IIA)), Air Canada, British Caledonian Airways Limited (BCAL), El Al Israel Airlines Limited (El Al), KLM Royal Dutch Airlines (KLM), Lan-Chile Airlines (LAN), Lufthansa German Airlines (Lufthansa), Scandinavian Airlines System (SAS), Sabena Belgian World Airlines (Sabena), and Swiss Air Transport Company (Swissair).

[5] The amendments to Parts 208, 212 and 214, are contained in ER–810, ER–811, and ER–812, respectively, published contemporaneously herewith. In OR–76, also published contemporaneously herewith, we are appropriately expanding the delegated authority of the Director, Bureau of Operating Rights, to approve or disapprove escrow agreements filed under any of these rules.

[6] P.L. 87–528, July 10, 1962.

[7] 108 Cong. Rec. 11426 (June 29, 1962—Statement of Senator Cotton).

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in the absence of any express or reasonably implied statutory prohibition against imposition of our security requirements on such class of carriers, we have ample general authority to do so. We rely principally on the broad authority[8] granted to the Board by section 204 (a) of the Act "to make * * * such general or special * * * regulations * * * pursuant to and consistent with the provisions of, and to exercise and perform its powers and duties under this Act." In addition, under section 401(e)(1) of the Act, and in each certificate of public convenience and necessity issued by the Board, we are empowered to impose such reasonable terms, conditions and limitations as the public interest may require. Moreover, since the subject rules apply only to the charter activities of route carriers, we rely also upon our special rule making authority under section 401(e)(6) which permits such carriers to perform charter services "under regulations prescribed by the Board." The foregoing powers, interpreted in the light of our broad mandate under sections 102 (b) and (c) of the Act, to "foster sound economic conditions" in air transportation and to promote "adequate, economical and efficient service" by air carriers afford ample legal authority for the Board to require certificated route air carriers to provide security for advance payments made by users of their charter services.

Similarly, with respect to foreign air carriers, under section 402(e) of the Act, and in each foreign air carrier permit issued by the Board, we are empowered to impose such reasonable terms, conditions and limitations as the public interest may require. These broad powers, in conjunction with section 204(a) and the broad public interest standards embodied in section 102 of the Act, provide ample authority for the Board to impose on foreign air carriers, as a condition to their permit authority, effective standards of financial responsibility for the protection of that segment of the public which prefers to patronize their charter services.[9]

3. The third argument questions the legality of these rules from the standpoint of their reasonableness, since, we are told by various of the route U.S. and foreign carriers, that there are absolutely no facts or circumstances which would support a finding by the Board that the public interest requires the within security provisions to be imposed on classes of direct air carriers other than supplemental carriers. This argument might have had considerable force a decade ago, when the amount of charter business performed by route carriers was quite negligible. However, as discussed below, today charter services have achieved a degree of such significance to the entire air transportation industry that we can no longer find it in the public interest to treat supplemental air carriers and route air carriers on a basis other than one of equality with respect to requiring protection of their charter customers' advance deposits.

We start with the proposition, undisputed in this proceeding, that large-scale chartering is a relatively risky form of air carrier operation. Historically the charter business has been highly competitive, with numerous carriers, both U.S. and foreign, competing vigorously on a price and service basis for the available traffic. Moreover, charter operations involve the making of large advance commitments by the carrier, the profitable performance of which depends upon the development of a pattern of back-to-back operations, so that uncompensated ferry flights may be kept at a minimum. In light of these risk factors, it is clear that we are warranted in providing for special protection for charter deposits, which are typically substantial in amount and are held for a considerable period of time by the carrier before the charter flight is operated.[10] Although historically charter services have constituted but a small fragment of the total annual revenue passenger miles operated by the route airlines (U.S. and foreign) the dramatic growth in the overall charter market in recent years makes it reasonable to expect the regular route operators to devote increasingly substantial portions of their operating equipment to the carriage of charter traffic. This increase in scheduled carriers' charter activity will also increase the overall risk of the carriers' charter operations, and therefore warrants the uniform application of our rule to route as well as supplemental air carriers.

We cannot accept the blanket assertion by the route carriers that their financial structures are so stable that the public will never need protection of charter deposits paid to them.[11] Just as there are varying degrees of financial stability among the supplemental carriers, so too are there differences in the relative financial strengths of the route carriers—even including those foreign carriers who are controlled by their respective governments. Although, as we noted in EDR–233, no route air carrier which engages in substantial charter operations has become insolvent, there have been sizable deficits sustained over the past several years by a number of scheduled carriers, including trunkline carriers, to a degree which has impaired their ability to obtain risk capital through conventional lending channels. While we do not mean to suggest that we are aware of any cause for alarm with respect to the present financial status of any route carrier, we need not sit idly by and await the consequence of an actual bankruptcy among route carriers before requiring this class of carriers to take measures to protect their charter customers' deposits.

Furthermore, when viewed from the public's standpoint, the reasons for applying the within security requirements uniformly to all classes of direct air carriers become overriding. Not only, as our foregoing discussion makes clear, are the public's advance payments entitled to protection, no matter which class of carrier they choose to patronize with their charter business, but uniform standards of financial security will avoid confusion in the minds of the public as to the Board's regulatory requirements in this area, thus facilitating the purchase of charter transportation by the public. The existence of uniform rules will also assist the operations of travel agents, through whom a substantial volume of charter transportation is sold. Moreover, on the basis of our experience, we anticipate that it will be easier to enforce our charter regulations regarding the provision of security for advance payments if all classes of direct air carriers must comply with the same rules.

Policy considerations. As indicated, the route carriers also object to their inclusion in the coverage of the proposed rule on policy grounds. They state, inter alia, that the proposed escrow procedure will require carriers to incur the substantial additional costs associated with: (1) Creation and use of escrow accounts; (2) administration of such accounts; (3) deprivation of escrowed funds which could otherwise have been used by the carrier in its business operations or for investment purposes; and (4) compliance with the reporting requirements applicable to such procedure. For example, American estimates that, based on an expected depository bank's service charge of $50 per charter trip, the 1973 costs to American of the escrow will approach $75,000 in terms of bank service charges alone. American also anticipates an additional loss of approximately $84,000 annually in terms of the value of the unavailable escrowed funds.[12]

[8] American Airlines, Inc. v. C.A.B., 359 F.2d 624 (D.C. Cir. 1966).

[9] We reject as wholly untenable Lufthansa's contention that the Board has no authority to treat foreign air carriers as a class for the purposes of rule making. It is well established that when dealing with classes of carriers, as opposed to individual carriers, we may appropriately use rule making procedures for the purpose of regulating carrier operations within the scope of their licenses (American Airlines Inc. v. C.A.B., *supra*).

[10] Contrary to the position advanced by BCAL, Southern and several other parties, these risk factors are sufficient to differentiate charter from individually ticketed service and, therefore, we are warranted in according different regulatory treatment to charter and individually ticketed passengers with respect to application of the within security requirements.

[11] Following this argument to its logical conclusion would mean that the Board should exclude World and the other large supplemental carriers from the coverage of the rule, yet no party—including the large supplementals themselves—have suggested that we pursue this course of action with respect to application of our financial security requirements.

[12] Despite American's assumption that it will lose all the earning value of money in escrowed accounts, it should be noted that neither our proposed rule nor the final rule would preclude the carrier and the bank from including in the escrow agreement a provision which will permit the carrier to receive the interest income earned on the funds maintained in the escrow account. By the same token, this "cost" is not entirely "additional" to the bank's service charge, since our experience with escrow arrangements indicates that at least some banks make no service charge, accepting as their compensation the interest-free use of the escrowed funds.

We do not believe that our escrow requirement will prove to be unduly burdensome, either from a cost or administrative standpoint.[13] First, even accepting the cost projected by American as representative of the average annual escrow costs which would be incurred by a major trunkline, this figure is not so substantial, in relation to the anticipated annual charter revenues of such carrier, as to be seriously considered as an "undue burden."[14] Second, our experience is that much of the administrative cost to the carriers in connection with escrow accounts would represent one-time expenses associated with revising internal accounting procedures to reflect the current status of escrowed accounts maintained by a depository bank.[15] Once these procedures have been established, the carrier's average annual administrative costs attributable to the escrow account should be quite modest. Moreover, by liberalizing the proposed restrictions on the release of escrowed funds with respect to round-trip charters, the final rule will further reduce the burden entailed by escrow arrangements.[16] In any event, the burden involved in providing the security required by our rules will be borne ultimately by the public, rather than the carriers, since there is no reason to believe that the Board would not permit carriers to pass along to their customers, in the form of higher charter rates,[17] the costs of furnishing escrows and surety bonds.

Lufthansa, Swissair and KLM argue that imposition of the proposed requirement on foreign air carriers would be an open invitation to foreign governments to prescribe similar, or perhaps even more stringent, security requirements with respect to advance payments for charters originating in their countries, and that this possible proliferation of varying security requirements would be detrimental to all international carriers. The short answer is that our rules are obviously designed primarily to protect U.S. citizens against loss of their charter deposits, and we would not object if one or more foreign governments might desire to adopt similar methods for the primary purpose of protecting their citizens with respect to charters originating in their respective countries.

We next discuss the specific proposals of EDR–233, the comments received thereon, and our findings and conclusions with respect to each of these proposals.

Coverage. Our proposal contemplated security protection for advance payments to carriers for all categories of charter services authorized by our regulations. As hereinbelow discussed, we have received some comments which urge contraction of the rule so as to exclude certain types of charter services, and others which request expansion of the rule so as to include particular types of individually ticketed services performed by scheduled carriers.

1. *Cargo charters.* As indicated above, we have modified the proposed rule so as to render it inapplicable to cargo charters. Advance deposits for cargo charter services, like those for individually ticketed services, are usually received by the carrier very shortly before flight departure, so that there is little opportunity for the carrier to dissipate such funds. Moreover, it is reasonable to expect, as FTL contends, that the class of charterers affected by this exclusion will mostly be comprised of sophisticated business operators who are able to protect themselves against loss of their advance payments.

2. *Foreign-originating charters.* As also indicated above, we are modifying our rule so as to (1) exclude foreign-originating charters performed by U.S. air carriers except insofar as such charters are performed for overseas military personnel pursuant to the provisions of Part 372, and (2) require foreign air carriers to secure deposits which they receive for the performance of overseas military personnel charters whether U.S.- or foreign-originating. Upon further consideration of our proposed rule, we have determined to apply these rules in a manner which will more consistently evidence our intention to deal primarily with the protection of U.S. citizens, rather than foreign citizens. Thus there is no more reason to require our own carriers to follow these rules than do foreign air carriers, to the extent that they operate charters originating in foreign lands. By the same token, since the participants in overseas military personnel charters are for the most part American citizens, and their dependents, this particular type of foreign-originated charter should come within the rule's protection, regardless of the nationality of the direct air carrier performing the flight. However, since the requirement that foreign air carriers provide security for foreign-originating overseas military personnel charters was not proposed in EDR–233, but does impose an additional administrative burden on such carriers, we shall allow petitions for reconsideration of this amendment to §§ 212.15 and 214.9c, respectively. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before August 20, 1973. Copies of any petition filed will be available for inspection by interested persons in the Docket Section. The filing of petitions shall not operate to stay the effective date of the within rules.

3. *Charters other than "affinity" charters.* We are not persuaded to modify the rule so as to limit its application only to "affinity" charters, as urged by BCAL and Dan-Air. Their argument is grounded on the assumption that the surety bond and bond/escrow security arrangements which our existing regulations prescribe with respect to charters for overseas military personnel, travel groups, study groups and inclusive tour groups, respectively,[18] adequately protect prospective participants in any one of these classes of charters. However, the argument is largely irrelevant, since our existing rules protect advance payments made to the various indirect air carriers,[19] while the instant rule is designed to protect advance payments made to the direct carriers.[20]

This additional protection for charter participants is necessary. In the case of a travel group charter, once the funds are paid over to the direct air carrier by the charter organizer (or his depository bank), the organizer's responsibility for the funds would clearly appear to be supplanted by the sole responsibility of the direct carrier. And even if, under our other special charter rules, the charter operator might continue to have the legal obligation to fulfill his contract with his customers for air transportation, regardless of the bankruptcy or defalcation of a direct air carrier to whom advance payments have been duly made by the operator (or his depository bank), such eventuality would obviously—as a practical matter—jeopardize ultimate recovery of advance payments by passengers, to say nothing of their travel plans.

[13] Of course, in view of our modification of the proposal any carrier which finds escrowing unsuited to its operation may utilize a surety bond as security for advance charter deposits.

[14] For example, the cost figures cited by American represent less than 1% of that carrier's total charter revenues for the 12-month period ended September 30, 1972.

[15] Western's concern that the escrow provision will require carriers to establish and file with the Board a separate escrow agreement with respect to each charter flight performed by the carrier is not well founded. If it so desires, a carrier may comply with the escrow requirement by establishing, with a depository bank, only one escrow agreement covering deposits received for all charter flights to be performed by the carrier during the term of the agreement.

[16] It should be noted that the escrow requirement should have no effect whatsoever on the working capital ratio of the carriers reflected in their filed balance sheets. Thus, while it is true that the charterer's deposit is not regarded as an asset since it is not earned by the carrier until the transportation for which it is made is actually performed, by the same token there is no liability (i.e., unearned transportation revenue) relating to such deposit.

[17] For similar reasons, and for those on which we based our rejection of contentions grounded on the alleged illegality of applying our rules to route air carriers, we reject North Central's request to exclude local service carriers from coverage of the within security requirements.

[18] Parts 372, 372a, 373 and 378, respectively, of our Special Regulations.

[19] Operators of charters for overseas military personnel, study groups and inclusive tour groups, as well as organizers of travel group charters, are all regulated by the Board as "indirect" air carriers, within the meaning of section 101(3) of the Act.

[20] We reject in this connection ASTA's suggestion to require the charterer to draw a check or money order payable to the depository bank in an amount equal to that which it received from the prospective charter passenger since it would obviously be of little, if any, value in furthering the abovementioned objective.

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4. *Transborder charter operations.* Nor are we persuaded to adopt Air Canada's suggestion to exclude from the coverage of our rule charter operations performed exclusively between the United States and Canada merely because such operations are exempt from comparable regulations of the Canadian Air Transport Commission. In this instance, reciprocity would not be compatible with our regulatory objective of achieving the maximum degree of uniformity with respect to protection of charterers' advance payments. We also note that the impact of our rule on transborder charter services should be moderate, since most of these operations originate in Canada and, with one exception,[21] our rule covers only those charter trips which originate in the United States.

5. *Application to certain scheduled services.* The Supplemental Parties urge application of the proposed rule also to deposits made as advance payments for the price of certain types of scheduled "bulk air transportation services" *e.g.*, group inclusive tour (GIT) transportation performed by scheduled carriers at special discount fares. Failure to so extend the rules, it is alleged, would result in an unjust discrimination against the users of scheduled services and would place charter services at a disadvantage vis-a-vis competing forms of lower cost scheduled service which are also conditioned upon substantial advance payments.

We are not persuaded that advance payments currently being made for scheduled services must be protected by the same security measures which we are adopting with respect to charter services. To the extent that the Supplemental Parties' contentions are grounded on the argument that there is no justification for according different regulatory treatment to charter passengers than to certain classes of scheduled passengers, with respect to application of our security requirements, we refer to what we have said earlier at p. 9 (footnote 9) in rejecting a similar argument. As to their conclusory contention that the increase in carrier costs which will be involved in bonding or escrowing customers' deposits will materially affect the competitive relationship between charter services and otherwise comparable low-cost scheduled services, we are not aware of any factual support for this fear; on the contrary, as we pointed out earlier, the actual cost to the carriers of affording this security to customers' charter deposits should be too insignificant to constitute a competitive factor.

6. *Alternative security arrangements.* Our proposal provided only for the use of an escrow arrangement in securing advance payments to direct air carriers, even though all of our existing security provisions for advance payment to indirect air carriers and to supplemental air carriers permit the alternative use of a peformance bond. A number of parties which support the general purpose of the rule have urged us to provide for this alternative security measure in our final rule, arguing, variously: that the proposed escrow provision is fraught with legal and administrative difficulties inasmuch as it is not at all clear that banks would actually refund escrowed funds to charterers immediately after a carrier has filed a petition in bankruptcy; that a surety bond provides better protection for customers' advance payments than does an escrow arrangement, since a depository bank is only responsible for funds actually deposited in the escrow account whereas the scope of the surety's liability is not so limited; and the fact that some carriers might have practical difficulty in obtaining a bond is no reason to legally preclude the use of bonds by carriers which can obtain them.

As indicated above, we have reconsidered this aspect of our proposal and shall permit the filing of a surety bond as an alternative to the proposed escrow arrangement. However, since the bond must secure all advance charter payments, we will not permit the surety's liability thereunder to be limited to a specified maximum amount. Moreover, we are prescribing a standard form of surety bond, adapted from the form of bond which we presently prescribe for use in connection with indirect air carriers.[22] Since a surety bond alternative was not proposed in EDR–233, we shall allow petitions for reconsideration of the within rule insofar as it modifies the existing bond provision in § 208.41 of this chapter and adds provisions to new §§ 207.17, 212.15 and 214.9c, respectively, of this chapter. Even though the availability of this additional alternative imposes no burden beyond that which we proposed, we believe that interested parties should be given the opportunity to focus on this alternative and submit their comments on its specific features. The procedures for filing such petitions are set forth at p. 17, supra.

On the other hand, we are not persuaded to withdraw the proposed escrow provision and substitute instead only a surety bond requirement, since we reject contentions of the alleged ineffectiveness of escrow arrangements. It appears free of legal doubt[23] that a trustee of a bankrupt carrier's estate would not be entitled to receive advance deposits of charterers which are being held in escrow by a depository bank, since these funds would not be a part of the bankrupt's estate.[24] Moreover, while we recognize that practical problems may arise in connection with administering escrows—*e.g.*, a reluctance on the part of some financial institutions to make prompt refund of escrowed funds after a carrier has become bankrupt—the possibility of such problems affords no convincing basis for abandoning our proposed escrow provision, particularly since similar practical problems may well arise in connection with any security arrangement.

Finally, we have determined to permit only escrows and surety bonds as the two alternative methods of safeguarding customers' deposits. The comments have proposed various other means of providing security, such as: (1) Establishment of a bank guarantee agreement;[25] (2) provision of a standing deposit, the minimum amount of which would be based on the carrier's historic experience in charter activity;[26] and (3) retention (and extension to all classes of direct air carriers) of the financial security requirements currently embodied in Part 208, but with substitution of other financial criteria in lieu of "net worth"—e.g., the ratio of current tangible assets to current liabilities—in order to determine more precisely the point at which a carrier should take action to protect its customer's deposits.[27] While it may well be that additional alternative security measures are deserving of further study, we believe that it would be inappropriate in this proceeding to authorize the use of security arrangements other than those two which our various charter rules presently prescribe as the only alternative methods which may be used to protect customers' deposits.[28] However, we are prepared to

[21] Foreign-originating overseas military personnel charters.

[22] We are also modifying the proposed rules by adding a provision to the effect that a carrier shall not accept any advance charter payments unless such amounts are protected by one or the other of the alternative security measures we are prescribing herein. Although the proposed rule prohibits the performance of any charter trips unless the carrier has complied with the prescribed security requirement, this additional provision is necessary to insure that the prescribed security arrangements are in effect not only when the carrier performs the charter trip but also at the time he collects advance charter payments. By the same token, if for any reason a carrier's surety bond should be canceled, such provision will become operative to insure that he collects no further charter payments unless and until he makes appropriate substitute security arrangements.

[23] See, *e.g.*, Gulf Petroleum S.A. v. Collazo, 316 F. 2d 257, 261 (First Cir., 1963) Stickney v. General Electric Co. 44 F. 2d 362 (Fourth Cir., 1930), and Hanson v. Mead Haskell Co., 40 Cal. App. 2d 815, 100 P. 2d 1117 (1940).

[24] BCAL's assertions to the contrary appear to be based on its experience with problems which have arisen with escrow arrangements under various provisions of British and Canadian receivership law.

[25] BCAL and the Supplemental Parties.

[26] Western.

[27] Western.

[28] We also reject BCAL's request to eliminate our escrow requirement insofar as it would apply to foreign charter carriers and substitute instead a "fitness" standard for such carriers to insure that they maintain a reasonable level of financial stability. In addition, since it has traditionally been the Board's policy to interfere as little as possible in the day-to-day operations of individual carriers, we believe it is more desirable to adopt a rule of general applicability which will be self-executing as to foreign charter operators (and to all other classes of direct air carriers) rather than to monitor the daily financial operations of such carriers, as BCAL suggests.

BCAL also suggests that the Board institute an expedited investigation of transatlantic charter rates, the existing levels of which, it asserts, are the principal cause of the present financial instability of the international charter-only carriers. This proposal is clearly outside the scope of the instant proceeding.

[29] However, travel agents would be permitted to deduct their commissions before remitting the balance to the bank, as discussed below.

[30] However, we have modified the rule so as to make it clear that the charterer may be required by the carrier to send his check or money order (payable to the depository bank designated in the charter contract) to the carrier for remittance to the bank, thereagreement without detracting from the essential purpose of the rule.

entertain requests for a waiver of our various security requirements, including those herein prescribed, upon a proper showing that a particular alternative security arrangement would afford to the public a measure of financial protection at least as adequate as that which is provided by the arrangements prescribed by our regulations.

Technical proposals relative to escrow agreements. 1. Our proposal contemplated that advance charter payments would be made directly to the carrier's depository bank.[29] In turn, the depository bank would be required to maintain a separate accounting for each charter flight with respect to which such advance payments had been received for escrow. The Supplemental Parties request modification of the rule so as: (1) To permit advance payments to be made directly to the carrier, such remittances in turn to be deposited in the escrow account within 5 days of their receipt by the carriers; and (2) to eliminate the separate accounting requirement for depository banks. In their view, the maintenance of a separate accounting for each flight in a large scale charter program will be a laborious process even for the largest banks, since the bank must record the source of all funds on a flight-by-flight basis in order to make payments and refunds. They further argue that such process would be duplicative of the accounting functions of the carriers which would also have to continue to maintain administrative control over the flow of deposits into and out of the depository account.

We shall not make the modifications requested.[30] To permit advance charter payments to be made payable directly to the carrier would obviously undermine the Board's objective of assuring, to the extent feasible, that such payments be deposited in the escrow account where they will be protected against insolvencies or defalcations by the chartering carriers.

By the same token, we shall adhere to our proposal to require banks to maintain a separate accounting for each charter flight. We note that such separate accounting requirement is adapted from the existing parallel requirement in our various special charter rules for banks acting as escrow holders for advance payments made by customers of indirect air carriers of passengers under Parts 372, 372a, 373 or 378 of this chapter. In our experience with these special charter rules we have not been made aware that banks have found adherence to this requirement to be unduly burdensome and we have no factual basis for concluding that banks will encounter any significant difficulty in complying with the same requirement under the instant rule. Moreover, to the extent that there may be some duplication between the accounting functions performed by the carrier and the depository bank, respectively, we believe that such duplication is not necessarily undesirable, since it enables verification to be made of the consistency of the data recorded on the books of the carrier and the bank, respectively, with respect to the flow of funds into and out of the escrow account.

2. Our proposal contemplated that where the charter transportation to be performed by the carrier is sold through a travel agent, the agent would be permitted to deduct his commission on the sale and remit the balance to the depository bank. Alleging that this procedure would not protect the public's advance payments against defalcations or insolvencies of travel agents. Lufthansa and several other parties urge modification of the rule so as to prohibit the agent from receiving his commission until after such transportation has been performed.

We find this contention unpersuasive, and, accordingly, will adopt the rule as proposed. To begin with, our rule is intended to protect the public's advance payments against the financial collapse of a direct air carrier rather than to deal with the problem of defalcations or insolvencies of travel agents. Furthmore, under our charter regulations and established judicial precedent, payment to the travel agent is deemed payment to the carrier so that loss of any portion of such funds in the hands of the agent would not affect the carrier's contractual obligation to provide air transportation for the customers who had made payment to the carrier's agent. While, as Lufthansa points out, the carrier could thus be left unprotected against its agent's bankruptcy or defalcation, that is a risk assumed by a carrier which chooses to permit its agents to deduct commissions or otherwise withhold funds belonging to the carrier; it is not a risk created or required by our rule. On the other hand, adoption of the suggested modification, so as legally preclude deduction of commissions, would run directly counter to a well-established industry practice and would create difficult problems of enforcement.

3. We have adopted the suggestion of the Supplemental Parties and several foreign carriers to permit the depository bank to release a portion of the escrowed funds to the chartering carrier following performance of the outbound leg of a round-trip charter flight, instead of prohibiting the release of any part of escrowed advance payments for a round-trip charter flight until after the carrier had completed the entire flight, including the return leg, as originally proposed. Upon further consideration, it appears that our proposal would have been unduly restrictive, since once the chartering carrier has performed the outbound leg of a round-trip charter there is clearly no risk of default by the carrier with respect to that portion of the charter trip. Accordingly, we are modifying § 207.17 (a) (2), and the parallel provisions of Parts 208, 212 and 214, to incorporate this proposal.

4. Consistent with the escrow provisions in Parts 372, 372a, 373 and 378, our proposed rule contained no provision for foreign banks to act as escrow holders. Lufthansa objects to this omission on the grounds that foreign air carriers should not be required to deal with only U.S. banks, which may have different requirements and different methods of operation than foreign banks and which may be unenthusiastic about accommodating foreign carriers. Also, it is said, foreign governments are likely to resist a rule which requires their citizens to deposit in U.S. banks funds which might otherwise be functioning in their own economies.

We adhere to our tentative view that only U.S. banks should be used for the purposes of the escrow requirements prescribed herein.[31] Since the charter participants whose advance payments are safeguarded under our rule will be American citizens primarily, we think it is appropriate that the utilized banks should be subject to the regulatory supervision of U.S. agencies, in the event that a controversy arises between U.S. citizens and the depository bank.[32] Furthermore, we are not persuaded by the conclusory assertion that foreign carriers may experience some difficulty in establishing depository accounts with U.S. banking institutions or that the rule may be objectionable to foreign governments. In this connection we note that no other foreign carrier has stated that it expects to encounter difficulty in this regard, and we have no reason to believe that Lufthansa's allegations are tenable, since, as we repeat, our rule is primarily designed

[31] The within rule requires that the escrowee bank be a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

[32] We note that the Board used this very same rationale as a basis for declining to permit foreign banks to act as escrow holders or depositories for payments made by customers of overseas military personnel charters under Part 372, as recently issued (SPR–54, June 3, 1972).

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to protect U.S. citizens who are passengers on U.S.-originating charters.[24]

5. The final rule, like the proposed rule, does not retain the provision in Part 208 under which a carrier has been allowed to escrow an equivalent amount of negotiable securities, instead of cash, as protection for its customers' advance payments. Although the Supplemental Parties urge retention of this alternative, they have proffered no arguments or other matter to refute the grounds[24] upon which we based our tentative determination to eliminate said provision, and so we adhere to that determination.

Effective date. We have determined to make these amendments effective September 1, 1973, so that, except for those charter services which are specifically excluded from our rules, all amounts payable to a carrier as advance payment for charter trips to be performed pursuant to contracts entered into on and after said date must be secured by an escrow arrangement or surety bond in accordance with the requirements for escrow and bonds prescribed herein. We are allowing this substantial lead time to afford carriers a reasonable opportunity to establish escrow accounts or obtain surety bonds, as the case may be, and to revise their accounting and other internal procedures to reflect the establishment of such security arrangements. Moreover, in making these requirements applicable only to advance deposits for charter flights to be performed pursuant to contracts made after the elapsed lead time, rather than to make these requirements applicable to all charter deposits made thereafter, regardless of when the charter contract was made, we shall avoid what would be in effect a retroactive application of a new requirement to a previously made arrangement. Such retroactive application could result in imposing a serious financial burden on the carriers to the extent that they would be required to absorb additional costs attributable to securing advance payments on charters negotiated without consideration of such costs.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207) effective September 1, 1973, as follows:

[24] We do not agree with Air Canada's assertion that the rule might require a carrier to establish escrow accounts in each city to which it provides charter service for the convenience of charterers and travel agents. To the contrary, given the present capabilities of the centralized accounting procedures of banks, a carrier should be able to establish a single escrow account with one American bank to which all advance payments for charters would be mailed for deposit in said escrow account.

[24] Among other things, we tentatively concluded that the provision has been rarely used and is cumbersome, inasmuch as it entails the considerable policing problem of ascertaining that the fluctuating market value of the securities is in fact "equivalent" at all times to the cash which should be escrowed.

1. Amend the Table of Contents by adding new §§ 207.17 and 207.18 under Subpart A—General Provisions, the table as amended to read in pertinent part as follows:

Sec.
207.17 Protection of customers' deposits.
207.18 Reporting requirements.

2. Amend § 207.4a to read as follows:

§ 207.4a Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity;

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges; and

(6) The name and address of either the surety whose bond secures advance charter payments received by the carrier or of the carrier's depository bank to which checks or money orders for advance charter payments are to be made payable as escrow holder, pending completion of the charter trip.

(7) A statement that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip (see § 207.17(e)).

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

3. Amend § 207.13(b) to read as follows:

§ 207.13 Terms of service.

* * * * *

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

* * * * *

4. Add new §§ 207.17 and 207.18 to read as follows:

§ 207.17 Protection of customers' deposits.

(a) Except as provided in paragraph (c) of this section, no air carrier shall perform any charter trip (over than a cargo charter trip) originating in the United States or any overseas military personnel charter trip, as defined in Part 372 of this chapter, nor shall such air carrier accept any advance payment in connection with any such charter trip, unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums payable in advance to the carrier by charterers, in connection with such charter trip to be performed by said carrier, shall be deposited with and maintained by the bank, as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay the carrier either by check or money order made payable to the depository bank. Such check or money order and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the check or money order or the cash, along with a statement showing the name and address of the charterer (or his agent): *Provided, however*, That where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may be authorized by the carrier to deduct his commission and remit the balance of the advance payment to the carrier either by check or money order made payable to the designated bank.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed: *Provided, however*, That the bank may be required by the terms of the agreement to pay over to the carrier, upon the latter's written certification that the outbound segment of a round-trip charter has been completed, a specified portion of such escrowed funds representing the amount of the charter price allocable to such segment.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties, as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 207.11(c)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight.

(5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

(c) The carrier may elect, in lieu of furnishing an escrow agreement pursuant to paragraph (a) of this section, to furnish and file with the Board a surety bond which guarantees to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of this chapter, to be performed in whole or in part by the carrier pursuant to any contract entered into by such carrier after the execution date of the bond. The amount of such bond shall be unlimited. Claims under the bond may be made only with respect to the nonperformance of air transportation.

(d) The bond permitted by paragraph (c) of this section shall be in the form set forth as Appendix A to this part. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholder's rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the carrier is incorporated or in which it maintains its principal place of business. For the purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the route air carrier, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time limit set forth in the notification, no amounts payable in advance by customers for the subject charter trips shall be accepted by the carrier.

(e) The bond required by this section shall provide that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip. The contract between the carrier and the charterer shall contain notice of this provision.

§ 207.18 Reporting requirements.

In connection with the provisions of § 207.17(a), the following quarterly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each charter flight identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier, showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The reports shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION[1]

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____, do
(Full name of reporting company)
certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or carrier's post office address)

Date _____, 19_____

5. Amend § 207.25 by adding a new paragraph (e), the section as amended to read as follows:

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

§ 207.25 Charter trips originating in the United States.

* * * * *

(e) For the purpose of this section, payment to the carrier's depository bank as designated in the charter contract, shall be deemed payment to the carrier.

(Secs. 204(a), 401, 416(a), 72 Stat. 743, 754 (as amended by 76 Stat. 143, and 82 Stat. 867) and 771; 49 U.S.C. 1324, 1371, 1386. Interpret or apply section 102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740; 49 U.S.C. 1302)

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

ROUTE AIR CARRIER'S SURETY BOND UNDER PART 207 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 207)

Know all men by these presents, that we

_____
(Name of route air carrier)

of _____,
(City)

_____
(State)

as PRINCIPAL (hereinafter called Principal), and _____
(Name of Surety)

a corporation created and existing under the laws of the State of_____
(State)

as SURETY (hereinafter called Surety) are held and firmly bound unto the United States of America in an unlimited sum, as required by § 207.17(c) of Part 207, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal, a route air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Federal Aviation Act, is subject to rules and regulations of the Board relating to security for the protection of charterers of civil aircraft and has elected to file with the Civil Aeronautics Board such a bond as will guarantee to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of the Board's regulations, to be performed, in whole or in part, by such carrier pursuant to contracts entered into by such carrier after the execution date of this bond; and

Whereas, this bond is written to assure compliance by the Principal with rules and regulations of the Board relating to security for the protection of charterers of civil aircraft for charter trips (other than cargo charter trips) originating in the United States or of overseas military personnel charters, and shall inure to the benefit of any and all such charterers to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to such charterers any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts made by the Principal while this bond is in effect for the

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performance of charter trips (other than cargo charter trips) originating in the United States and of overseas military personnel charter trips, than this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charterer shall not exceed the total cost to such charterer for air transportation services in accordance with his contract with the Principal.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder in any specified amount. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ____ day of _____, 19____, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable thereunder for the payment of any damages hereinbefore described which arise as the result of any contracts for the performance of air transportation services made by the Principal after the termination of this bond becomes effective, as herein provided, but said termination shall not affect the liability of the Surety hereunder for the payment of such damages arising as the result of contracts for the performance of air transportation services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a charterer who shall within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by this bond give written notice of the claim to the route air carrier, or, if he is unavailable, to the Surety, and all liability on the bond for such charter trip shall automatically terminate sixty (60) days after the cancellation date thereof except for claims filed within the time provided herein.

In witness whereof, the said Principal and Surety have executed this instrument on the _____ day of _____, 19____.

PRINCIPAL	SURETY
Name_____	Name_____(SEAL)
By_____ (Signature and Title)	By_____ (Signature and Title)
Witness_____	Witness_____

* Only corporations may qualify to act as surety and they must meet the requirements set forth in § 207.17(d) of Part 207.

[FR Doc.73-15607 Filed 7-27-73;8:45 am]

[Reg. ER-810, Amdt. 1]

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Protection of Customers' Deposits

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 16, 1973.

By notice of proposed rulemaking EDR-233,[1] the Board proposed, *inter alia*, certain amendments to Part 208. For the reasons set forth in ER-809 (Part 207), published contemporaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. Also for the reasons set forth in ER-809, we are permitting petitions for reconsideration of the amendment to § 208.40, concerning the use of surety bond, in lieu of an escrow arrangement, as security for charter customers' deposits. Twelve copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before August 20, 1973. Copies of any petition filed will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the Economic Regulations (14 CFR Part 208) effective September 1, 1973, as follows:

1. Amend the Table of Contents by changing the titles of §§ 208.40 and 208.41, and deleting and reserving the title of § 208.42 under Subpart A—General Provisions, the table as amended to read in pertinent part as follows:

Sec.
208.40 Protection of customers' deposits.
208.41 Reporting requirements.
208.42 [Reserved]

2. Amend § 208.31b to read as follows:

§ 208.31b Written contract with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing and signed by an authorized representative of the supplemental air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges;

(6) The name and address of either the surety whose bond secures advance charter payments received by the carrier or of the carrier's depository bank to which checks or money orders for advance charter payments are to be made payable, as escrow holder pending completion of the charter trip; and

(7) A statement that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the Surety shall be released from all liability under the bond to such charterer for such charter trip. (see § 208.40(e)).

(b) No term or condition of the charter contract shall on its face be inconsistent with any provision of the carrier's published tariff.

3. Amend § 208.32(e) to read as follows:

§ 208.32 Tariffs and terms of service.

* * * * *

(e) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 208.6(c), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this paragraph, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

4. Amend the title and text of §§ 208.40 and 208.41 to read as follows:

§ 208.40 Protection of customers' deposits.

(a) Except as provided in paragraph (c) of this section, no supplemental air carrier shall perform any air transportation services (other than a cargo charter trip) originating in the United States or any overseas military personnel charter trips, as defined in Part 372 of this chapter, nor shall such air carrier accept any advance payment in connection with any such charter trip, unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums payable in advance to the carrier by charterers, in connection with any such charter trip to be performed by said carrier, shall be deposited with and maintained by the bank as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay the carrier either by check or money order made payable to the depository bank. Such check or money order and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the check or money order or the cash, along with a statement showing the name and address of the charterer (or his agent); *Provided, however*, That where the charter transportation to be performed by a carrier is sold through a travel agent the agent may be authorized by the carrier to deduct his commission and remit the balance of the advance payment to the carrier either by check or money order made payable to the designated bank.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed: *Provided, however*, That the bank may be required by the terms of the agreement to pay over to the carrier a specified portion of such escrowed funds, as payment for the performance of the outbound segment of a round trip charter upon written certification by the carrier that such segment has been completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 208.6 (c)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight.

(5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) of this section shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

(c) The carrier may elect, in lieu of furnishing an escrow agreement pursuant to paragraph (a) of this section, to furnish and file with the Board a surety bond which guarantees to the United States Government the performance of all air transportation services (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of this chapter, to be performed, in whole or in part, by the carrier pursuant to contracts entered into by such carrier after the execution date of the bond. The amount of such bond shall be unlimited. Claims under the bond may be made only with respect to the nonperformance of air transportation.

(d) The bond permitted by paragraph (a) of this section shall be in the form set forth as Appendix A to this part. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the carrier is incorporated or in which it maintains its principal place of business. For the purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time limit set forth in the notification, no amounts payable in advance by customers for the subject charter trips shall be accepted by the carrier.

(e) The bond required by this section shall provide that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip. The contract between the carrier and the charterer shall contain notice of this provision.

§ 208.41 Reporting requirements.

In connection with the provisions of § 208.40(a), the following quarterly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each charter flight identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The reports shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned _____
(Title of officer in charge of accounts)
of the _____
(full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)
_____
(Bank or carrier's post office address)

Date _____, 19____

5. Delete and reserve § 208.42.

§ 208.42 [Reserved]

6. Amend § 208.202b by adding a new paragraph (e), the section as amended to read as follows:

§ 208.202b Charter trips originating in the United States.

* * * * *

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(Sec. 204(a), 401, 416(a), 72 Stat. 743, 754, as amended by 76 Stat. 143, and 82 Stat. 867; 771; 49 U.S.C. 1324, 1371, 1386. Interpret or apply sec. 102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740; 49 U.S.C. 1302)

By the Civil Aeronautics Board.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

APPENDIX A

SUPPLEMENTAL AIR CARRIERS' SURETY BOND UNDER PART 208 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 208)

Know all men by these presents, that we _____
(Name of supplemental air carrier)
of _____, _____
(City) (State)
as PRINCIPAL (hereinafter called Principal), and _____ a corporation created
(Name of Surety)
and existing under the laws of the State of _____ as SURETY (hereinafter called
(State)
Surety) are held and firmly bound unto the United States of America in an unlimited amount as required by § 208.40(c) of Part 208, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

[1] October 7, 1972, 37 FR 21347 (Docket 24788).

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Whereas, the Principal, a supplemental air carrier holding a certificate of public convenience and necessity issued under section 401(d)(3) of the Federal Aviation Act, is subject to rules and regulations of the Board relating to security for the protection of charterers of civil aircraft and has elected to file with the Civil Aeronautics Board such a bond as will guarantee to the United States Government the performance of all air transportation services (other than cargo charter trips(originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of the Board's regulations, to be performed, in whole or in part, by such carrier pursuant to contracts entered into by such carrier, after the execution date of this bond and

Whereas, this bond is written to assure compliance by the Principal with rules and regulations of the Board relating to security for the protection of charterers of civil aircraft for charter trips (other than cargo charter trips) originating in the United States and of overseas military personnel charters and shall inure to the benefit of any and all such charters to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to such charterers any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts made by the Principal while this bond is in effect for the performance of air transportation services (other than cargo charter trips) originating in the United States and of overseas military personnel charter trips, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charterer shall not exceed the total cost to such charterer for air transportation services in accordance with his contract with the Principal.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder in any specified amount. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ____ day of ____, 19____, 12:01 a.m., standard time at the address of the Principal as stated herein, and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of such notice by the Board. The Surety shall not be liable hereunder for the payment of any damages hereinbefore described which arise as the result of any contracts for the performance of air transportation services made by the Principal after the termination of this bond becomes effective, as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts for the performance of air transportation services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a charterer who shall within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by this bond give written notice of the claim to the supplemental air carrier, or, if he is unavailable, to the Surety, and all liability on the bond for such charter trip shall automatically terminate sixty (60) days after the cancellation date thereof except for claims filed within the time provided herein.

In witness whereof, the said Principal and Surety have executed this instrument on the ____ day of ____, 19____.

PRINCIPAL
Name ____
By ____
(Signature and Title)
Witness ____
SURETY
Name ____ (SEAL)
By ____
(Signature and Title)
Witness ____

Only corporations may qualify to act as Surety and they must meet the requirements set forth in § 208.40(d) of Part 208.

[FR Doc.73-15408 Filed 7-27-73;8:45 am]

[Reg. ER-811, Amdt. 12]

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Protection of Customers' Deposits

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 16, 1973.

By notice of proposed rulemaking EDR-233,[1] the Board proposed, inter alia, certain amendments to Part 212. For the reasons set forth in ER-809, published contemporaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. Also for the reasons set forth in ER-809, we are permitting petitions for reconsideration of new § 212.15 insofar as it concerns (1) the requirement that foreign route air carriers provide security for the performance of overseas military personnel charters which originate in foreign countries, and (2) the use of a surety bond, in lieu of an escrow arrangement, as security for charter customers' deposits. Twelve copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before August 20, 1973. Copies of any petition filed will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 212 of the Economic Regulations (14 CFR Part 212) effective September 1, 1973, as follows:

1. Amend the Table of Contents by adding new §§ 212.15 and 212.16 under subpart A—General Provisions, the table as amended to read in pertinent part as follows:

Sec.
212.15 Protection of customers' deposits.
212.16 Reporting requirements.

2. Amend § 212.3a to read as follows:

§ 212.3a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable in to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges;

(6) The name and address of either the surety whose bond secures advance charter payments received by the carrier or of the carrier's depository bank to which checks or money orders for the advance charter payments are to be made payable as escrow holder, pending completion of the charter trip: and

(7) A statement that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the Surety shall be released from all liability under the bond to such charterer for such charter trip (see § 212.15(c)).

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

3. Amend § 212.10(b) to read as follows:

§ 212.10 Terms of service.

* * * * *

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 212.8(b), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the charter.

[1] October 7, 1972, 37 FR 21347 (Docket 24788).

4. Add new §§ 212.15 and 212.16 to read as follows:

§ 212.15 Protection of customers' deposits.

(a) Except as provided in paragraph (c) of this section, no foreign route air carrier shall perform any charter trip (other than a cargo charter trip) originating in the United States or any overseas military personnel charter trip, as defined in Part 372 of this chapter, nor shall such air carrrier accept any advance payment in connection with any such charter trip, unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums payable in advance to the carrier by charterers in connection with any such charter trip to be performed by said carrier shall be deposited with and maintained by the bank, as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay the carrier either by check or money order made payable to the depository bank. Such check or money order and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the check or money order or the cash, along with a statement showing the name and address of the charterer (or his agent): *Provided, however*, That where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may be authorized by the carrier to deduct his commission and remit the balance of the advance payment to the carrier either by check or money order made payable to the designated bank.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed: *Provided, however*, That the bank may be required by the terms of the agreement to pay over to the carrier a specified portion of such escrowed funds, as payment for the performance of the outbound segment of a round-trip charter upon the carrier's written certification that such segment has been completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft (see § 212.8(b)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier, or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight.

(5) As used in this section the term "bank" means a bank, savings and loan institution, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) of this section shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to nonperformance of air transportation.

(c) The carrier may elect, in lieu of furnishing an escrow agreement pursuant to paragraph (a) of this section, to furnish and file with the Board a surety bond which guarantees to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of this chapter, to be performed, in whole or in part, by the carrier pursuant to any contracts entered into by such carrier after the execution date of the bond. The amount of such bond shall be unlimited. Claims under the bond may be made only with respect to the nonperformance of air transportation.

(d) The bond permitted by this section shall be in the form set forth as Appendix A to this part. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Report (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which there is located the office or usual residence of the agent designated by the carrier under section 1005 (b) of the Act to receive service of notices, process and other documents issued by or filed with the Board. For the purposes of this section the term "State" includes any territory or possession of the United States, or the District of Columbia. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the foreign route air carrier, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time limit set forth in the notification, no amounts payable in advance by customers for the subject charter trips shall be accepted by the carrier.

(e) The bond required by this section shall provide that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip. The contract between the carrier and the charterer shall contain notice of this provision.

§ 212.16 Reporting requirements.

In connection with the provisions of § 212.15(a), the following quarterly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) By the depository bank, showing separately for each charter flight identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (2) by the air carrier showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The reports shall be certified by an officer in charge of the bank's or the carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned ____
(Title of officer in charge of accounts)
of the ____
(Full name of reporting company)
do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

____
(Signature)
____
(Bank or carrier's post office address)
Date ____, 19____

5. Amend § 212.25 by adding a new paragraph (e), the section as amended to read as follows:

§ 212.25 Charter trips originating in the United States.

* * * * *

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(Secs. 204(a), 402, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372. Interpret or apply sec. 102, Federal Aviation Act of 1958, as amended 72 Stat. 740; 49 U.S.C. 1302)

By the Civil Aeronautics Board.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

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APPENDIX A

FOREIGN ROUTE AIR CARRIER'S SURETY BOND UNDER PART 212 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 212)

Know all men by these presents, that we _____ of _____, (Name of foreign route air carrier) (City) _____ as PRINCIPAL (hereinafter (State) called Principal, and _____ a (Name of Surety) corporation created and existing under the laws of the State of _____ as SURETY (State) (hereinafter called Surety) are held and firmly bound unto the United States of America in an unlimited amount, as required by § 212.15(c) of Part 212, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal, a foreign route air carrier holding a permit issued under section 402 of the Federal Aviation Act, authorizing it to engage in charter trips in foreign air transportation, is subject to rules and regulations of the Board relating to security for the protection of charterers of civil aircraft and has elected to file with the Civil Aeronautics Board such a bond as will guarantee to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charters, as defined in Part 372 of the Board's Regulations to be performed, in whole or in part, by such carrier pursuant to contracts entered into by such carrier after the execution date of this bond, and

Whereas, this bond is written to assure compliance by the Principal with rules and regulations of the Board relating to security for the protection of charterers of civil aircraft for charter trips (other than cargo charter trips) originating in the United States or of overseas military personnel charter trips and shall inure to the benefit of any and all such charterers to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to such charterer any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts made by the Principal while this bond is in effect for the performance of charter trips (other than cargo charter trips) originating in the United States and of overseas military personnel charter trips, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charterer shall not exceed the total cost to such charterer for air transportation services in accordance with his contract with the Principal.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder in any specified amount. The surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ____ day of _____ 19____, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after the actual receipt of such notice by the Board. The Surety shall not be liable hereunder for the payment of any damages hereinbefore described which arise as the result of any contracts for the performance of air transportation services made by the Principal after the termination of this bond becomes effective, as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts for the performance of air transportation services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a charterer who shall within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by this bond give written notice of the claim to the foreign route air carrier, or, if he is unavailable, to the Surety, and all liability on the bond for such charter trip shall automatically terminate sixty (60) days after the cancellation date thereof except for claims filed within the time provided herein.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the ____ day of _____, 19____.

PRINCIPAL

Name _____

By _____
(Signature and Title)

Witness _____

SURETY

Name _____

By _____
(Signature and Title)

Witness _____

Only corporations may qualify to act as surety and they must meet the requirements set forth in § 212.15(d) of Part 212.

[FR Doc.73-15609 Filed 7-27-73;8:45 am]

[Reg. ER-812, Amdt. 14]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Protection of Customers' Deposits

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 16, 1973.

By notice of proposed rulemaking EDR-233,[1] the Board proposed, *inter alia*, certain amendments to Part 214. For the reasons set forth in ER-809, issued contemporaneously herewith, the Board has decided to adopt the proposals to the extent indicated therein. Also for the reasons set forth in ER-809, we are permitting petitions for reconsideration of new § 214.9c insofar as it concerns (1) the requirement that foreign charter air carriers provide security for the performance of overseas military personnel charters which originate in foreign countries, and (2) the use of a surety bond, in lieu of an escrow arrangement, as security for charter customers' deposits. Twelve copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before August 20, 1973. Copies of any petition filed will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within rules.

Accordingly, the Civil Aeronautics Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214) effective September 1, 1973, as follows:

1. Amend the Table of Contents by adding new §§ 214.9c and 214.9d, the table as amended to read in pertinent part as follows:

Sec.
214.9c Protection of customer's deposits.
214.9d Reporting requirements.

2. Add new §§ 214.9c and 214.9d to read as follows:

§ 214.9c Protection of customers' deposits.

(a) Except as provided in paragraph (c) of this section, no foreign charter air carrier shall perform any charter trip (other than a cargo charter trip) originating in the United States or any overseas military personnel charter trip, as defined in Part 372 of this chapter, nor shall such carrier accept any advance payment in connection with any such charter trip, unless there is on file with the Board a copy of a currently effective agreement made between said carrier and a designated bank, by the terms of which all sums payable in advance to the carrier by charterers, in connection with any such charter trip to be performed by said carrier shall be deposited with and maintained by the bank, as escrow holder, the agreement to be subject to the following conditions:

(1) The charterer (or its agent) shall pay the carrier either by check or money order made payable to the depository bank. Such check or money order and any cash received by the carrier from a charterer (or his agent) shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the check or money order or the cash, along with a statement showing the name and address of the charterer (or his agent): *Provided, however*, That where the charter transportation to be performed by a carrier is sold through a travel agent, the agent may be authorized by the carrier to deduct his commission and remit the balance of the advance payment to the carrier either by check or money order to the designated bank.

(2) The bank shall pay over to the carrier escrowed funds with respect to a specific charter only after the carrier has certified in writing to the bank that such charter has been completed: *Provided, however*, That the bank may be required by the terms of the agreement to pay over to the carrier a specified portion of such escrowed funds, as payment for the performance of the outbound segment of a round-trip charter upon the carrier's written certification that such segment has been so completed.

(3) Refunds to a charterer from sums in the escrow account shall be paid directly to such charterer or its assigns. Upon written certification from the carrier that a charter has been canceled, the bank shall turn over directly to the charterer or its assigns all escrowed sums (less any cancellation penalties as provided in the charter contract) which the bank holds with respect to such canceled charter: *Provided, however*, That, in the case of a charter for less than the entire capacity of an aircraft (see § 214.7 (b)) escrowed funds shall be turned over to a charterer or its assigns only if the carrier's written certification of cancellation of such charter includes a specific representation that either the charter has been canceled by the carrier or, if the charter has been canceled by the charterer, that the carrier has accepted a substitute charterer.

(4) The bank shall maintain a separate accounting for each charter flight.

(5) As used in this section the term "bank" means a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The escrow agreement required under paragraph (a) shall not be effective until approved by the Board. Claims against the escrow may be made only with respect to the nonperformance of air transportation.

(c) The carrier may elect, in lieu of furnishing an escrow agreement pursuant to paragraph (a) of this section, to furnish and file with the Board a surety bond which guarantees to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372, to be performed, in whole or in part, by such carrier pursuant to contracts entered into by such carrier, after the execution date of the bond. The amount of such bond shall be unlimited. Claims under the bond may be made only with respect to the nonperformance of air transportation.

(d) The bond permitted by paragraph (c) of this section shall be in the form set forth as Appendix A. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which there is located the office or usual residence of the agent designated by the carrier under section 1005(b) of the Act to receive service of notices, process and other documents issued by or filed with the Board. For the purposes of this section the term "State" includes any territory or possession of the United States, or the District of Columbia. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the foreign charter air carrier by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time limit set forth in the notification, no amounts payable in advance by customers for the subject charter trips shall be accepted by the carrier.

(e) The bond required by this section shall provide that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip. The contract between the carrier and the charterer shall contain notice of this provision.

§ 214.9d Reporting requirements.

In connection with provisions of § 214.9c(a), the following quarterly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (a) By the depository bank, showing separately for each charter flight identified by departure date, the total amount of deposits received and disbursed during the reporting period, and the balance in the depository account at the end of the reporting period; and (b) by the air carrier, showing the number of charter flights performed and the amount of payment received for such flights from the depository bank during the reporting period. The report shall be certified by an officer in charge of the bank's or the air carrier's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [1]

I, the undersigned _____
(Title of officer in charge of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or carrier's post office address)

Date _____, 19____

3. Amend § 214.13a to read as follows:

§ 214.13a Written contracts with charterers.

(a) Every agreement to perform a charter trip shall be in writing and signed by an authorized representative of the foreign charter air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type of aircraft and number of passenger seats available; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges;

(6) The name and address of either the surety whose bond secures advance charter payments received by the carrier or of the carrier's depository bank to which checks or money orders for advance charter payments are to be made payable as escrow holder pending completion of the charter trip.

(7) A statement that unless the charterer files a claim with the carrier, or, if he is unavailable, with the surety, within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by the bond, the surety shall be released from all liability under the bond to such charterer for such charter trip (see § 214.9c(e)).

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

4. Amend § 214.14(b) to read as follows:

§ 214.14 Terms of service.

* * * * *

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 214.7(b), the carrier shall require full payment of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the

[1] October 7, 1972, 37 FR 21347 (Docket 24788).

[1] Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

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amount paid by the latter shall be refunded. For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

5. Amend § 214.18 by adding a new paragraph (e), the section as amended to read as follows:

§ 214.18 Charter trips originating in the United States.

* * * * *

(e) For the purpose of this section, payment to the carrier's depository bank, as designated in the charter contract, shall be deemed payment to the carrier.

(Secs. 204(a)), 402, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372. Interpret or apply section 102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 740; 49 U.S.C. 1302)

By the Civil Aeronautics Board.

NOTE: The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

APPENDIX A

FOREIGN CHARTER AIR CARRIERS' SURETY BOND UNDER PART 214 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 214)

Know all men by these presents, that we ---------- of ----------, (Name of foreign charter air carrier) (City

---------- as PRINCIPAL (hereinafter (State)
called Principal), and ---------- a (Name of Surety)

corporation created and existing under the laws of the State of ---------- as SURETY (State)
(hereinafter called Surety) are held and firmly bound unto the United States of America in an unlimited amount, as required by § 214.9c(c) of Part 214, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal, a foreign charter air carrier holding a permit issued under section 402 of the Federal Aviation Act authorizing it to engage in charter transportation only, is subject to rules and regulations of the Board relating to security for the protection of charterers of civil aircraft and has elected to file with the Civil Aeronautics Board such a bond as will guarantee to the United States Government the performance of all charter trips (other than cargo charter trips) originating in the United States and of all overseas military personnel charter trips, as defined in Part 372 of the Board's regulations, to be performed, in whole or in part by such carrier pursuant to contracts entered into by such carrier after the execution date of this bond; and

Whereas, this bond is written to assure compliance by the Principal with rules and regulations of the Board relating to security for the protection of charterers of civil aircraft for charter trips (other than cargo charter trips) olginating in the United States or of overseas military personnel charter trips and shall inure to the benefit of any and all charterers to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to such charterers any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts made by the Principal while this bond is in effect for the performance of charter trips (other than cargo charter trips) originating in the United States and of overseas military personnel charter trips, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the surety with respect to any charterer shall not exceed the total cost to such charterer for air transportation services in accordance with his contract with the Principal.

The liability of the surety shall not be discharged by any payment or succession of payments hereunder in any specified amount. The surety agrees to furnish written notices to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said surety under this bond.

This bond is effective the ------ day of ---------- 19---, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after the actual receipt of said notice by the Board. The surety shall not be liable hereunder for the payment of any damages hereinbefore described which arise as the result of any contracts for the performance of air transportation services made by the Principal after the termination of this bond becomes effective, as herein provided, but such termination shall not affect the liability of the surety hereunder for the payment of any such damages arising as the result of contracts for the performance of air transportation services made by the Principal prior to the date such termination becomes effective.

Liability of the surety under this bond shall in all events be limited only to a charterer who shall within sixty (60) days after the cancellation of a charter trip with respect to which the charterer's advance payments are secured by this bond give written notice of the claim to the foreign charter air carrier, or, if he is unavailable, to the surety, and all liability on the bond for such charter trip shall automatically terminate sixty (60) days after the cancellation date thereof except for claims filed within the time provided herein.

In witness whereof, the said Principal and surety have executed this instrument on the ---------- day of ----------, 19---.

PRINCIPAL	SURETY
Name ----------	Name -------(SEAL)
By ---------- (Signature and Title)	By ---------- (Signature and Title)
Witness ----------	Witness ---------- Only corporations may qualify to act as surety and they must meet the requirements set forth in § 214.9c(d) of Part 214.

[FR Doc.73-15610 Filed 7-27-73;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-76, Amdt. 36]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Expansion of the Delegated Authority of the Director, Bureau of Operating Rights To Aprove or Disapprove Certain Escrow Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on July 16, 1973.

By amendments to Parts 207, 208, 212 and 214,[1] published contemporaneously herewith, the Board adopted regulations which require supplemental air carriers, certificated route air carriers, foreign route air carriers and foreign charter air carriers to provide security protection of customers' deposits made with such carriers as advance payment for charter trips (except cargo charter flights) originating in the United States and overseas military personnel charter trips. This financial responsibility requirement may be satisfied either by furnishing a prescribed surety bond covering such deposits or by placing them in escrow with a bank: *Provided*, That the escrow agreement is approved by the Board. The Director, Bureau of Operating Rights, presently holds delegated authority to approve or disapprove filed escrow agreements, but this authority extends only to those of such agreements as are filed by supplemental carriers, since the Board's regulatory requirements in this area previously applied only to that class of carrier. Accordingly, we are hereby expanding the delegated authority of the Director, Bureau of Operating Rights to permit him to approve or disapprove escrow agreements filed in satisfaction of the subject requirements by all classes of direct air carriers.

Since the amendment contained herein is a rule of agency organization and procedure, notice and public procedure thereon is not required and the rule may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385) by revising paragraph (dd), the section as amended to read in pertinent part as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(dd) Approve or disapprove escrow agreements filed pursuant to §§ 207.17, 208.40, 212.15 and § 214.9c, respectively, of this chapter by supplemental air carriers, certificated route air carriers, foreign route air carriers and foreign charter air carriers, respectively, as security for customers' deposits made with such carriers as advance payment for charter flights.

[1] ER-809, ER-810, ER-811, and ER-812, dated July 16, 1973.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837; 26 FR 5989)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-15611 Filed 7-27-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

ADMINISTRATIVE PROCEEDINGS

Pursuant to 39 CFR 222.2(b)(5), the Judicial Officer has amended the rules of practice contained in Parts 952–954 and 958. The amendments provide uniform references to the qualifications of Administrative Law Judges. Accordingly, the following amendments are effective on July 30, 1973.

PART 952—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

The first sentence of paragraph (a) of § 952.17 is amended to read as follows:

§ 952.17 Presiding officers.

(a) The presiding officer at any hearing shall be an Administrative Law Judge qualified in accordance with law, or the Judicial Officer (39 U.S.C. 204). * * *

PART 953—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY

The first sentence of § 953.11 is amended to read as follows:

§ 953.11 Presiding officers.

The presiding officer at any hearing shall be an Administrative Law Judge qualified in accordance with law, or the Judicial Officer (39 U.S.C. 204). * * *

PART 954—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION, OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

The first sentence of paragraph (a) of § 954.14 is amended to read as follows:

§ 954.14 Presiding officers.

(a) The Chief Administrative Law Judge shall assign each case to an Administrative Law Judge qualified in accordance with law to preside over the hearing. * * *

PART 958—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES

The first sentence of § 958.7 is amended to read as follows:

§ 958.7 Presiding officers.

The presiding officer at any hearing shall be an Administrative Law Judge qualfied in accordance with law, or the Judicial Officer (39 U.S.C. 204). * * *

(39 U.S.C. 204, 401, 3001, 3005, 39 CFR 222.2 (b)(5))

LOUIS A. COX, *General Counsel.*

JULY 25, 1973.

[FR Doc.73-15566 Filed 7-27-73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 21]

FALCONRY PERMITS

Notice of Proposed Rulemaking

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), it was proposed to revise and restructure subchapter B of Chapter One of this title. It is now determined that a new section should be added to the proposed subpart C, Specific Permit Provisions, of Part 21, Migratory Bird Permits, to provide for the utilization of certain migratory birds for falconry.

A notice was published in the FEDERAL REGISTER of October 20, 1972 (37 FR 22633), stating the need for falconry regulations and the interim rules which would apply until final regulations were published.

Accordingly, it is proposed to add a new section to subpart C, of Part 21, as proposed in the FEDERAL REGISTER of April 25, 1973, as follows:

§ 21.28 Falconry Permits.

(a) *Definitions.*—*Raptor* means any migratory bird of the family *Accipitridae, Falconidae,* or *Strigidae.*

Falconry means the sport of taking wild quarry in its natural state and habitat by means of trained raptors.

(b) *Permit requirements.* A falconry permit is required before any person may take, transport, or possess raptors for falconry purposes.

(c) *Application procedures.* Applications for falconry permits shall be submitted to the appropriate Special Agent in Charge (See § 12.11(b) of this chapter). Each such application shall contain the general information and certification set forth by § 12.12(a) of this chapter plus the following additional information:

(1) A valid copy of a falconry license or permit issued to the applicant by a State meeting Federal falconry standards (see paragraph (h) of this section) must be attached; and

(2) An accounting of all raptors possessed by the applicant at the time of application listed by species, number, age (if known), and date and where acquired.

(d) *Permit authorization.* A falconry permittee may: take, possess, and transport raptors and practice falconry in any State in accordance with the laws and regulations of that State.

(e) *Additional permit conditions.* In addition to the general conditions set forth in Part 12 of this subchapter B, permits issued under this section shall be subject to the following conditions:

(1) Permittees may not take any raptor listed as endangered in § 17.12 of this chapter unless such taking is in accordance with a Bureau recovery plan and prior written approval has been granted by the Director;

(2) Permittees may not take any bald eagle (*Haliaetus leucocephalus*);

(3) Permittees may not take, transport or possess any golden eagle (*Aquila chrysaetos*) unless such taking was in accordance with a permit issued under § 22.24 of this chapter;

(4) Permittees may not import or export raptors without a permit issued in accordance with § 21.21; and

(5) Permittees may not purchase, sell, or barter raptors.

(f) *Tenure of permit.* The tenure of falconry permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

(g) *Federal falconry standards.* Any State may obtain a review and determination of its existing laws and regulations relating to falconry from the Director by submitting a written request to that effect to the Director accompanied by a set of the laws and regulations relating to falconry, including sample permits. In order for the Director to make a determination that any State laws and regulations are in conformance with Federal falconry standards such laws and regulations must provide that:

(1) A valid State falconry license or permit is required before any person may take, transport or possess raptors or practice falconry in that State;

(2) Each State falconry permit applicant shall be required to answer correctly at least 70 percent of the questions of a supervised examination provided or approved by the Bureau and administered by the State, relating to basic biology, care and handling of raptors, literature, laws, regulations or other appropriate subject matter;

(3) Each State falconry permit applicant shall have his falconry equipment and raptor housing facilities inspected and approved by a representative of the State wildlife agency in accordance with Bureau criteria;

(4) There will be at least three classes of permits for the use of raptors for falconry with the following standards:

(i) *Apprentice (or equivalent) class.* (A) Applicant must be at least 12 years old;

(B) A sponsor (holder of General or Master Falconry Permit or a person of equivalent experience) is required for the first 2 years in which an apprentice permit is held, regardless of the age of the permittee;

(C) Permittee may not possess more than one raptor at any one time;

(D) Permittee may not obtain more than one raptor for replacement during any 12 month period; and

(E) Permittee may possess only American sparrow hawks (*Falco sparverius*), members of the genera *Buteo* and *Parabuteo*, and additionally in Alaska goshawks (*Accipiter gentilis*).

(ii) *General (or equivalent) class.* (A) Applicant must be at least 18 years old;

(B) Applicant must have at least two years experience in the practice of falconry at the apprentice level or its equivalent;

(C) Permittee may not possess more than two raptors at any one time; and

(D) Permittee may not obtain more than two raptors for replacement birds during any 12 month period.

(iii) *Master (or equivalent) class.* (A) Applicant must have at least five years of experience in the practice of falconry at the general class level or its equivalent;

(B) Permittee may not possess more than three raptors at any one time;

(C) Permittee may not obtain more than two raptors for replacement birds during any 12 month period;

(D) Permittee may take, transport, and possess as part of his three bird limitation, not more than one golden eagle for falconry purposes and then only in accordance with a permit issued under § 22.24 of this chapter; and

(E) Permittee may take, transport, and possess as part of his three bird limitation, raptors listed as endangered in § 17.12 of this subchapter in accordance with paragraph (e)(1) of this section;

(5) State falconry permit holders must have all raptors identified and marked by a State wildlife agency official within 30 days after the date the birds are obtained or the permit issued, by the use of numbered non-reuseable markers, supplied by the Bureau; *Provided,* That,

(i) The marking requirement applies to all raptors possessed by the permittee and to all progeny of such birds;

(ii) The marker must remain attached to the bird on which it was originally placed;

(iii) The markers shall not be removed, or destroyed in any way without prior written approval from the State wildlife agency; and

(iv) The marker shall not be altered, counterfeited or defaced;

(6) State falconry permit holders must notify the appropriate State wildlife agency of the death or intentional release of their raptors within 15 days of such occurrence, and the permittee must return the marker from the subject bird and obtain written authorization from the State wildlife agency before any bird is replaced;

(7) State falconry permit holders must notify the appropriate State wildlife agency of any loss, escape, or other such change in the status of their raptors within 15 days of such occurrence, and the permittee must obtain written authorization from the State wildlife agency before any bird is replaced;

(8) State falconry permit holders may take raptors from the wild only as follows:

(i) For nestlings and fledgling birds, any time; *Provided,* That at least one nestling shall be left in any nest from which one or more nestlings are removed;

(ii) For first year (passage) birds, between September 1 through January 31;

(iii) For birds over one year old, only American sparrow hawks (*Falco sparverius*) and members of the family *Strigidae* may be taken.

(h) *States meeting Federal falconry standards.* For the purpose of this section the following States have met or exceeded the minimum Federal standards set forth regulating the taking, transportation and possession of raptors for the purpose of falconry as set forth herein.

NOTE. List of States meeting Federal falconry standards will appear here.

It should be noted that the above proposed new section contains a reference to § 22.24 of subchapter B and that such section was not included in the proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973. This § 22.24 has not been proposed to date, but will be so proposed in the near future.

Interested persons are invited to submit written comments, suggestions, or objections, concerning the proposed new § 21.28, Falconry Permits, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by August 31, 1973, will be considered.

E. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 25, 1973.

[FR Doc.73-15565 Filed 7-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Proposed Rulemaking Regarding Expenses and Rate of Assessment for 1972–73 Fiscal Period

This notice invites written comment relative to the proposed expenses of $1,000 and rate of assessment of $.005 per cwt. of peaches to support activities of the Administrative Committee for the 1972–73 fiscal period under Marketing Order No. 919.

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Administrative Committee during the period December 1, 1972, through November 30, 1973, will amount to $1,000.

(2) That there be fixed, at $0.005 per cwt. of peaches the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 6, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 24, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15556 Filed 7-27-73;8:45 am]

[7 CFR Part 910]

LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Proposed Rulemaking Regarding Approval of Expenses and Fixing of Rate of Assessment for 1973–74 Fiscal Year and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $271,400 and rate of assessment of $0.023 per carton of lemons to support the activities of the Lemon Administrative Committee for the 1973–74 fiscal year under Marketing Order No. 910.

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Lemon Administrative Committee during the period August 1, 1973, through July 31, 1974, will amount to $271,400.

(2) That the rate of assessment for said period, payable by each handler in accordance with § 910.41, be fixed at $0.023 per carton of lemons.

(3) That $20,000 of unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1973, be added to the reserve, established pursuant to § 910.42(a)(2).

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than August 10, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 24, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-15557 Filed 7-27-73;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Expenses and Rate of Assessment

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1973–74 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1973, a budget of expenses in the total amount of $160,000 and a rate of assessment of $1.00 per ton of assessable prunes. Expenses in that amount and the rate of assessment are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 160,000 natural condition tons.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250,

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not later than August 10, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.324 Expenses of the Prune Administrative Committee and rate of assessment for the 1973–74 crop year.

(a) *Expenses.* Expenses in the amount of $160,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1973, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.00 per ton of salable prunes handled by him as the first handler thereof.

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15597 Filed 7–27–73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 302, 389]

[Docket No. 25728; PDR–35; ODR–6]

DISMISSAL OF AN APPLICATION FOLLOWING DENIAL OF MOTION FOR EXPEDITED HEARING OR FOR ORDER TO SHOW CAUSE

Notice of Proposed Rule Making

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 302 of the Procedural Regulations (14 CFR Part 302) and Part 389 of the Organization Regulations (14 CFR Part 389) which would provide for dismissal, without prejudice, of applications filed under section 401 of the Act following denial of a motion for expedited hearing or for an order to show cause with respect to any such application, where the Board finds that the underlying application, or any other section 401 application considered in connection therewith, is not likely to be designated for hearing within three years after its filing, and which would further provide for refund of the filing fees for such dismissed applications.

The principal features of the proposed amendments are further described in the Explanatory Statement, and the text of the proposed amendments is also attached. The amendments are proposed under the authority of section 204(a) of the Federal Aviation Act of 1958, as amended, (73 Stat. 743; 49 U.S.C. 1324) and Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before August 21, 1973, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Dated: July 24, 1973.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Explanatory statement. The Board has long been concerned about the fact that its docket is clogged with applications for new or modified certificated route authority, filed under section 401 of the Act, which are not likely to be heard. To meet that problem, the Board has already established a procedure, in Rule 911, whereby its docket is periodically cleared of all stale applications, *i.e.*, applications that have not been set for hearing within three years after the date of filing (14 CFR302.911). Moreover, we have also established procedures for clearing the docket, under certain circumstances, of applications which are not likely to be heard within three years, by providing for their dismissal in the course of the disposition of certain requests for ancillary relief relating to such applications. Thus, Rules 12(d)–(e) provide for dismissal in whole or in part of § 401 applications which are denied consolidation. (14 CFR302.12(d)–(e)).

The proposed rule is designed to further implement the Board's goal of clearing from its docket, without prejudice to their refiling, applications which are likely to become stale before they are reached for hearing. Pursuant to this proposed rule, following denial of a motion for expedited hearing or order to show cause with respect to a § 401 application, the Board will dismiss such application, or any other § 401 application which has been considered in connection therewith, if a finding has been made that any such application is not likely to be designated for hearing within three years after the date of its filing.

Since dismissals under the proposed rule would be without prejudice, it is proposed that § 389.25 of the Organization Regulations also be amended, to extend to applications dismissed under the proposed amendment to Part 302 the existing provision in Part 389 for refund of filing fees upon dismissal of applications in specified circumstances.

Proposed rules. It is proposed to amend Part 302, rules of practice in Economic Proceedings (14 CFR Part 302), and Part 389, Fees and Charges for Special Services (14 CFR Part 389), as follows:

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

1. Amend § 302.911 by inserting, following paragraph (b), a new paragraph (b–1) to read as follows:

§ 302.911 Dismissal of certain stale applications filed under section 401.

* * * * *

(b–1) *Mandatory dismissal of applications found likely to become stale.* Following denial of a motion for an expedited hearing or for an order to show cause with respect to an application subject to dismissal, pursuant to the provisions of paragraph (a) of this section, the Board, upon finding that such application, or any other such application which has been considered in connection with the motion, is not likely to be designated for hearing before it becomes stale, pursuant to the provisions of paragraph (b) of this section, shall dismiss the application or applications as to which such finding has been made.

* * * * *

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

2. Amend § 389.25(a)(1) to read as follows:

§ 389.25 Schedule of filing and license fees.

(a) *Certificates of public convenience and necessity.* (1) The filing fee for an application, under section 401 of the Act, (i) for a certificate of public convenience and necessity to engage in air transportation, or (ii) to amend, modify, renew, or transfer a certificate or to abandon a route or part thereof, is $200. The fee will be refunded, on request, if the application is withdrawn prior to hearing, is dismissed under the stale-application rules of paragraphs (b) or (b–1) of § 302.911 of this chapter, is dismissed pursuant to the denial of consolidation rule of § 302.12(e) of this chapter, or is otherwise dismissed by the Chief Administrative Law Judge prior to hearing under the authority delegated to him in § 385.10(b) of this chapter.

* * * * *

[FR Doc.73–15605 Filed 7–27–73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

2,4-DICHLOROPHENOXYACETIC ACID

Proposed Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Florida, submitted a petition (PP 3E1326) proposing that

§ 180.142(a) be revised to permit the preharvest application of 2,4-dichlorophenoxyacetic acid butoxyethyl ester to citrus fruits.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The butoxyethyl ester of 2,4-D is useful on citrus.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The existing tolerance of 5 parts per million will not be exceeded by the proposed and existing uses.

4. The proposed use will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.142 be amended by revising paragraph (a) to read as follows:

§ 180.142 2,4–D; tolerances for residues.

(a) A tolerance of 5 parts per million is established for residues of the herbicide and plant regulator 2,4-D (2,4-dichlorophenoxyacetic acid) in or on the following raw agricultural commodities: Apples, citrus fruits, pears, quinces. The tolerance for citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester and 2,4-D butoxyethyl ester to citrus fruits and from the postharvest application of the 2,4-D isopropyl ester to lemons.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before August 29, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before August 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: July 24, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73–15622 Filed 7–27–73;8:45 am]

[41 CFR Part 15–16]

ADVERTISED CONSTRUCTION CONTRACTS

Procurement Forms

Notice is hereby given that the Environmental Protection Agency proposes a new amendment to 41 CFR Ch. 15, by adding a new § 15–16.402–50, Additional General Provisions to U.S. Standard Form 23–A, and General Conditions for Advertised Construction Contracts under Subpart 15–16.4, Forms for Advertised Construction Contracts, Part 15–16, Procurement Forms, to read as set forth below.

Interested parties may submit written comments or objections as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contract Management Division, Washington, D.C. 20460. All communications received on or before October 3, 1973, will be considered prior to adoption of this regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Room 415, Waterside Mall, Washington, D.C. 20460.

Dated: July 24, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15–16.4—Forms for Advertised Construction Contracts

§ 15–16.402–50 Additional general provisions to U.S. Standard Form 23–A, and general conditions for advertised construction contracts.

ADDITIONAL GENERAL PROVISIONS TO U.S. STANDARD FORM 23–A

24. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) Except as otherwise provided in this contract, the term "Subcontracts" includes purchase orders under this contract.

(b) The term "EPA" means the Environmental Protection Agency.

(c) The term "Contractor" as used in the specifications shall mean the individual, partnership, or corporation that agrees to provide all labor, material and services required in the contract.

(d) Wherever in the specifications or upon the drawings the words "directed," "required," "ordered," "designated," "prescribed," or words of like import are used, it shall be understood that the "direction," "requirement," "order," "designation," or "prescription," of the Contracting Officer is intended and similarly the words "approved," "acceptable," "satisfactory" or words of like import shall mean "approved by" or "acceptable to," or "satisfactory to" the Contracting Officer, unless otherwise expressly stated.

(e) Where "as shown," "as indicated," "as detailed," or words of similar import are used, it shall be understood that the reference is made to the drawings accompanying this contract unless stated otherwise. The word "provided" as used herein shall be understood to mean "provided complete in place," that is "furnished and installed."

25. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

26. EXAMINATION OF RECORDS BY THE COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract or such lesser time specified in the Federal Procurement Regulations Part 1–20, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United Sttaes or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract or such lesser time specified in the Federal Procurement Regulations Part 1–20, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500, and (2) subcontracts or purchase orders for public utility services at rate established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

27. PRICING ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with Part 1–15 of the Federal

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Procurement Regulations as in effect as of the date of this contract.

28. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of the work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(2) Place no further orders or subcontracts for materials, service, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(4) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(5) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(6) Transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however*, That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Subpart 1–8.1 of the Federal Procurement Regulations (41 CFR Subpart 1–8.1), as the definition may be amended from time to time, the Contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items, or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer his termination claim, in the form and with certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: Provided, that such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of the contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b)(7) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of—

(i) The costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e)(1) hereof;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (1) above); and

(iii) A sum, as profit on (1), above, determined by the Contracting Officer pursuant to § 1–8.303 of the Federal Procurement Regulations (41 CFR 1–8.303), in effect as of the date of execution of this contract, to be fair and reasonable; *Provided, however*, That if it appears that the Contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (e)(1) and (2)(i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(7).

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the applicable contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR Part 1–15) in effect on the date of this contract.

(g) The Contractor shall have the right to appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or (2) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause, there shall be deducted (1) all unliquidated advance or other payments on account theretofore made to the Contractor applicable to the terminated portion of this contract; (2) any claim which the Government may have against the Contractor in connection with this contract; and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand together with interest computed at the rate of six percent per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

29. FEDERAL, STATE AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by the amount of such tax or duty or rate increase: *Provided*, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over $100.00.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

30. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract.)

31. NOTICE TO THE GOVERNMENT OF DELAYS

(a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

32. GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the head of the Agency or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or, otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the head of the Agency or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the head of the Agency or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

33. SUBCONTRACTOR COST AND PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market

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prices of commercial items sold in substantial quantities to the general public, or rates or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify that to the best of their knowledge and belief the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

34. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

The following clause is applicable if the amount of this contract is in excess of $5,000.00 except (1) contracts which, including all subcontracts hereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

35. PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because the Contractor or any subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data-Price Adjustments" or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the Contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

(c) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

36. AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification were accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representatives, shall, until the expiration of three (3) years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have the right to examine these books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed $100,000. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that the change or other modification to the subcontract results from a change or other modification to the Government prime contract."

37. COMPOSITION OF CONTRACTOR

If the Contractor hereunder is comprised of more than one legal entity, such entity shall be jointly and severally liable hereunder.

38. SUBCONTRACTS

(a) Nothing contained in the contract shall be construed as creating any contractual relationship between any subcontractor and the Government. The divisions or sections of the specifications are not intended to control the Contractor in dividing the work among the subcontractors, or to limit the work performed by any trade.

(b) The Contractor shall be responsible to the Government for acts and omissions of his own employees, and of subcontractors and their employees. He shall also be responsible for the coordination of the work of the trades, subcontractors, and material men.

(c) The Contractor shall, without additional expense to the Government, employ Specialty Subcontractors where required by the specifications. "Specialty Subcontractors," when specified as a requirement, means a subcontractor regularly engaged in the manufacture or installation of the contract items. The Specialty Subcontractor shall select and combine the materials involved, maintain and have available for the purpose workmen skilled in the specified work. The Specialty Subcontractor shall be the manufacturer, be licensed by the manufacturer as an installer, or work under direct supervision of the manufacturer.

(d) All work shall be performed by mechanics skilled in the trade.

(e) The Government or its representatives will not undertake to settle any differences between the Contractor and his subcontractors, or between subcontractors.

(f) Within seven (7) days after award of any subcontract either by himself or a subcontractor, the Contractor shall deliver to the Contracting Officer a statement setting forth the name and address of the subcontractor and a summary description of the work subcontracted. The Contractor shall at the same time furnish a statement signed by the subcontractor acknowledging the inclusion in his subcontract of the clauses of this contract entitled "Equal Opportunity," "Davis-Bacon Act," "Contract Work Hours Standards Act-Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts" and "Contract Termination-Debarment."

39. USE AND POSSESSION PRIOR TO COMPLETION

The Government shall have the right to take possession of or use any completed or partially completed part of the work. Such possession or use shall not be deemed an acceptance of any work not completed in accordance with the contract. While the Government is in such possession, the Contractor, notwithstanding the provisions of the clause of this contract entitled "Permits and Responsibilities," shall be relieved of the responsibility for loss or damage to the work other than that resulting from the Contractor's fault or negligence. If such prior possession or use by the Government delays the progress of the work or causes additional expense to the Contractor, an equitable adjustment in the contract price or the time of completion will be made and the contract shall be modified in writing accordingly.

40. INTEREST

Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent (6%) per annum from the date due until paid. Amounts shall be due upon the earliest one of (1) the date fixed pursuant to this contract, (ii) the date of the first written demand for payment, consistent with this contract, (iii) the date of transmittal by the Government to the Conbe due upon the earliest one of (1) the date tractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount, or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

41. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the "Disputes" clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal

under the "Disputes" clause of this contract, to the date of (1) a final judgement by a court of competent jurisdiction or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a Board of Contract Appeals or a court of competent jurisdiction.

42. INFORMATION REGARDING BUY AMERICAN ACT

(a) The Buy American Act (41 U.S.C. 10a–10d) generally requires that only domestic construction material be used in the performance of this contract. (See the clause entitled "Buy American" in Standard Form 23-A, General Provisions, Construction Contract.) This requirement does not apply to the following construction material or components:

Cork; sisal; hemp; flax; jute; silk; licorice root; asbestos; English china clay; English ball clay; carnauba wax; mica; rubber; antimony; manganese; titanium; tungsten; zirconium; chromium; platinum; tin; nickel and natural nickel alloys.

(b)(1) Furthermore, bids or proposals offering use of additional nondomestic construction material may be acceptable for award if the Government determines that use of comparable domestic construction material is impracticable or would unreasonably increase the cost or that domestic construction material (in sufficient and reasonably available commercial quantities and of a satisfactory quality) is unavailable. Reliable evidence shall be furnished justifying such use of additional nondomestic construction material.

(2) Where it is alleged that use of domestic construction material would unreasonably increase the cost:

(i) Data shall be included by the bidder, based on a reasonable canvass of suppliers, demonstrating that the cost of each such domestic construction material would exceed by more than six percent (6%) the cost of comparable nondomestic construction material. (All costs of delivery to the construction site shall be included, as well as any applicable duty.)

(ii) For evaluation purposes, six percent (6%) of the cost of all additional nondomestic construction material, which qualifies under paragraph (1) above, will be added to the bid or proposal.

(3) When offering additional nondomestic construction material, bids or proposals may also offer, at stated prices, any available comparable domestic construction material, so as to avoid the possibility that failure of a nondomestic construction material to be acceptable under (1) above, will cause rejection of the entire bid.

43. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR Part 50-250 if this contract is for $2,500 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: Provided, That if this contract is for less than $10,000.00 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any statutes, Executive orders, or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of the State employment service. Such reports shall indicate for each establishment (i) the number of individuals who were hired during the reporting period, (ii) the number of those hired who were disabled veterans, and (iii) the number of those hired who were nondisabled veterans of the Vietnam era. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made under this contract. The Contractor shall maintain copies of the reports submitted until the expiration of one (1) year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound by the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(e) This clause does not apply to the listing of employment openings which occur and are filed outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All suitable employment openings" include, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000.00 per year. The term includes full-time employment, temporary employment of more than three (3) days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the Contractor's own organization (including any affiliates, subsidiaries, and parent companies), and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists.

(4) "Openings which the Contractor proposes • • • to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of his employees.

(5) "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 percentum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (A) who (i) served on active duty with the Armed Forces for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (B) who was so discharged or released within the 48 months preceding his application for employment covered by this clause.

(h) If any disabled veteran or veteran of the Vietnam era believes that the Contractor (or any first-tier subcontractor) has failed or refuses to comply with the provisions of this contract clause relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administrator to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of this contract and the laws and regulations applicable thereto.

(i) The Contractor agrees to place this clause (excluding this paragraph (i) in any subcontract directly under this contract.

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GENERAL CONDITIONS FOR ADVERTISED CONSTRUCTION CONTRACTS

GC–1. CONDITIONS AT SITE OR BUILDING

The Contractor shall be responsible for inspecting the site and having ascertained pertinent local conditions by inspection and inquiry such as the location, accessibility and general characteristics of the site or building, labor conditions, the character and extent of existing work within or adjacent thereto, and any other work being performed thereon at the time of the submission of his bid. Nothing in this requirement shall be construed as being determinative of the character, scope or extent of the work required under this contract. The failure or omission of the Contractor to do any of the foregoing shall in no way relieve him from any obligation in respect to his work to be performed under the contract.

GC–2. MEASUREMENTS

All dimensions shown of existing work and all dimensions required for work that is to connect with work now in place, shall be verified by the Contractor by actual measurement of the existing work. Any discrepancies between the drawings and specifications and the existing conditions shall be referred to the Contracting Officer for adjustment before any work affected thereby has been performed.

GC–3. SAMPLES AND CERTIFICATES

Samples shall be submitted after award of contract, prepaid, in time for proper action by the Contracting Officer or his designated representative. Certificates and test data shall be submitted in triplicate to show compliance of materials and construction specified with the specified performance requirements. Samples shall be submitted in duplicate by the Contractor, except as otherwise specified, to show compliance with the contract requirements.

GC–4. PERFORMANCE OF WORK BY CONTRACTOR

The Contractor shall perform on the site, and with his own organization, work equivalent to at least twenty percent (20%) of the total amount of work to be performed under the contract. If, during the progress of the work hereunder, the Contractor requests a reduction in such percentage, and the Contracting Officer determines that it would be to the Government's advantage, the percentage of the work required to be performed by the Contractor may be reduced, provided, written approval of such reduction is obtained by the Contractor from the Contracting Officer.

GC–5. USE OF PREMISES

(a) *General.* The Contractor shall comply with the security requirements and regulations governing the operation of the premises; shall perform his contract activities in such a manner as not to interrupt or interfere with the conduct of Government business; and shall be liable for all damage caused by him to Government Owned Property, both real and personal.

(b) *Area of Operations.* All operations of the Contractor upon Government premises shall be confined to areas authorized or approved by the Contracting Officer. Materials for construction shall be neatly stored and protected against weather.

(c) *Use of roadways.* The Contractor shall, under regulations prescribed by the Contracting Officer, use only established roadways or construct and use such temporary roadways as may be authorized by the Contracting Officer. Where materials are transported in the prosecution of the work, vehicles shall not be loaded beyond the loading capacity recommended by the manufacturer of the vehicle or prescribed by any Federal, State or local law or regulation. When it is necessary to cross curbings or sidewalks, protection against damage shall be provided by the Contractor and any damaged roads, curbings, or sidewalks shall be repaired by, or at the expense of the Contractor. The Contractor shall prepare off-the-road areas adjacent to the construction site for parking, storage of equipment and supplies as required during construction and will in no way interfere or block access to any buildings or facilities within the area involved.

(d) *Signs and advertisements.* Signs and advertisements will not be permitted on the construction site unless approval has been obtained from the Contracting Officer, however, the Contractor shall provide such signs, as required, to expedite deliveries to the contract site, for safety and to prevent interference with Government operations.

(e) *Protection of existing structures, utilities and vegetation.* The Contractor shall preserve and protect all existing vegetation such as trees, shrubs, and grass on or adjacent to the site except those designated by the Contracting Officer for removal, replacement or relocation in the course of construction. The Contractor shall be responsible for all cutting or damaging of trees and vegetation, including damage due to careless operation of equipment, stockpiling of materials or tracking of grass areas by equipment. Any damage to existing structures, utilities and vegetation caused by the Contractor shall be repaired or restored promptly by and at the expense of the Contractor. If the Contractor fails to act promptly, the Government will make repairs and restoration and the cost thereof shall be charged to the Contractor or deducted from any payments due him.

(f) Temporary buildings (storage sheds, shops, offices, etc.), may be erected by the Contractor only with the approval of the Contracting Officer, and shall be built with labor and materials furnished by the Contractor without expense to the Government. Such temporary buildings and utilities shall remain the property of the Contractor and shall be removed by him at his expense upon the completion of the work. With the written consent of the Contracting Officer, such buildings and utilities may be abandoned and need not be removed.

GC–6. SAFETY AND HEALTH

(a) In order to protect the life and health of employees and other persons; prevent damage to property, materials, supplies, and equipment; and to avoid work interruptions, the Contractor shall, in the performance of this contract, comply with applicable provisions of Federal, State, and municipal safety, health, and sanitation laws and codes.

(b) The Contractor shall also comply with all pertinent provisions of the safety and health regulations of the Department of Labor, Bureau of Labor Standards, 29 CFR Part 1926. The Contracting Officer shall notify the Contractor, in writing, of any noncompliance and indicate to the Contractor the action to be taken. The Contractor shall, after receipt of such notice, immediately correct the conditions to which attention has been directed. Such notice, when served on the Contractor or his representative(s) at the site of the work, shall be deemed sufficient.

(c) If the Contractor fails or refuses to comply promptly with requirements, the Contracting Officer may issue an order to suspend all or any part of the work. When satisfactory corrective action is taken an order to resume work will be issued. No part of the time lost due to any such suspension order shall entitle the Contractor to any extension of time for the performance of the contract or to excess costs or damages.

(d) The Contractor shall maintain an accurate record of, and shall immediately report orally or otherwise to the Contracting Officer all causes of death, occupational diseases, or traumatic injury arising out of or in the course of employment incident to the performance of work under the contract. Upon receipt of this notice, the Contracting Officer will forward EPA Form 1440–1 entitled, "Supervisor's Report of Accident" which shall be completed by the Contractor and forwarded to the Contracting Officer within seven (7) days after receipt thereof.

(e) During the performance of work under the contract, the Contractor shall comply with all procedures prescribed by the Contracting Officer for the control and safety of persons visiting the job site and shall comply with such requirements to prevent accidents as may be specified or issued by the Contracting Officer.

(f) The Contractor shall be responsible for insuring that his subcontractors comply with the provisions of this paragraph.

GC–7. DEBRIS AND CLEANING

(a) The Contractor shall promptly dispose of dirt, debris and litter, and keep the site clean at all times during the progress of the work.

(b) Upon completion of the work, the Contractor shall remove all construction equipment and surplus materials, except materials which remain the property of the Government as provided in the specifications, and shall leave the premises in a clean condition satisfactory to the Contracting Officer.

GC–8. EQUITABLE ADJUSTMENTS

The provisions of the "Changes" clause of Standard Form 23–A, General Provisions, are supplemented as follows:

(a) Upon written request, the Contractor shall submit a proposal, in accordance with the requirements and limitations set forth in this "Equitable Adjustment" clause, for work involving contemplated changes covered by the request. The proposal shall be submitted within the time limit indicated in the request or any extension of such time as may be subsequently granted. The Contractor's written statement of the monetary extent of a claim for equitable adjustment shall be submitted in the following form:

(1) Proposals totaling $5,000.00 or less shall be submitted in the form of a lump sum proposal with supporting information to clearly relate elements of cost with specific items of work involved to the satisfaction of the Contracting Officer, or his authorized representative.

(2) For proposals in excess of $5,000.00, the claim for equitable adjustment shall be submitted in the form of a lump sum proposal supported with an itemized breakdown of all increases and decreases in the contract in at least the following detail:

(i) Direct Costs. Material quantities by trades and unit costs (Manufacturing burden associated with material fabrication performed off the job site will be considered to be part of the material costs of the fabricated item delivered to the job site). Labor breakdown by trades and unit costs (Identified with specific item of material to be placed or operation to be performed).

Construction equipment exclusively necessary for the change. Costs of preparation and/or revision to shop drawings resulting from the change. Workmen's Compensation and Public Liability Insurance.

Employment taxes when size of change warrants revision.

(c) Overhead, Profit and Commission. The maximum allowable overhead, profit and commission percentage given in this paragraph shall be considered to include, but are not limited to, job-site staff and office expense, incidental job burdens, small tools and general office overhead allocation. The percentages for overhead, profit and commission shall be negotiated and may vary according to the nature, extent and complexity of the work involved, but in no case shall exceed the following:

	Overhead	Profit	Commission
To Contractor on work performed by other than his own forces			10%
To first tier subcontractor on work performed by his subcontractors			10%
To Contractor and/or the subcontractors for that portion of the work performed with their respective forces	10%	10%	

Not more than four percentages, not to exceed the maximum percentages shown above, will be allowed regardless of the number of tier subcontractors. On proposals covering both increases and decreases in the amount of the contract, the application of overhead and profit percentages shall be on the net increase in direct costs for the Contractor or subcontractor performing the work. However, where the Contractor or first tier subcontractor receives proposals in additive and deductive amounts from separate lower tier subcontractors, the commission shall be allowed on the added amounts prior to subtraction of the credit amounts.

(d) The Contractor shall submit with the proposal his request for time extension (if any), and shall include sufficient information and dates to demonstrate whether and to what extent the change will delay the contract in its entirety.

(e) In considering a proposal, the Government shall make check estimates in detail, utilizing unit prices where specified or agreed upon, with a view to arriving at an equitable adjustment.

(f) After receipt of a proposal the Contracting Officer shall act thereon, within 30 days; provided, however, that when the necessity to proceed with a change does not allow time properly to check a proposal or in the event of failure to reach an agreement on a proposal, the Government may order the Contractor to proceed on the basis of price to be determined at the earliest practicable date. Such price shall not be more than the increase or less than the decrease proposed, except that on proposals under $100,000.00, the increase shall not exceed the proposed increase plus 10 per cent.

(g) Except in unusual cases where neither the Contractor nor the Government can ascertain the full extent of the work which will be required pursuant to a change until the work involved therein has been substantially completed, final agreement on a proposal shall be effected no later than the time when the work involved is estimated by the Contracting Officer to be 50 per cent complete; in the event final agreement cannot be reached by that time, the Contracting Officer shall issue a unilateral determination as to the equitable adjustment of the contract price and the time required for performance of the contract.

(h) The provisions of the "Differing Site Conditions" clause of Standard Form 23–A, General Provisions, are supplemented as follows: The Contractor shall submit all claims for equitable adjustment in accordance with, and subject to the requirements and limitations set out in this "Equitable Adjustments" clause.

GC–9. BREAKDOWN FOR PAYMENT ESTIMATES

(a) Before the first partial payment under the contract becomes due, the Contractor and Contracting Officer shall jointly prepare a schedule of the estimated values of each principal category of the work which when added together equal the total contract price. The values in the schedule will be used only for determining partial payments and shall be in such detail as may be required by the Contracting Officer. The cost of preparatory work, overhead, profit, bonds and insurance, taxes, warranties, as-built drawings, etc., shall be prorated into items of work through the life of the contract.

(b) Partial Payments containing requests for materials on site shall be accompanied by itemized inventory lists with unit prices and supporting invoices showing unit costs of materials on site.

(c) Contracting Officer may request evidence of payments by the Contractor to subcontractors at any time during the contract period.

GC–10. COOPERATION WITH OTHER CONTRACTORS

Coordination: During the construction period of the work covered by this contract, other contractors performing work for the Government may be operating concurrently at the site. To minimize interference and delay to the construction progress of all concerned, all contractors shall cooperate with each other and coordinate their construction operations to the fullest extent. As far as practicable, all contractors performing work for the Government at the site shall have equal rights to the use of all reference facilities. In a dispute regarding coordination of work, the matter shall be referred to the Contracting Officer for adjustment.

GC–11. SPECIFICATIONS AND DRAWINGS

(a) *Additional drawings and specifications.* Six sets of contract drawings and specifications will be furnished the Contractor by the Contracting Officer after award of the contract, without charge. Additional sets may be obtained on request at the cost of reproduction. Six copies will be furnished to the Contractor of drawings and specifications revised as a result of changes under the contract.

(b) *Omissions.* Omissions from the drawings or specifications of details of work manifestly necessary to carry out the intent of the drawings and specifications, or that are customarily performed or required for warranted manufacturer's installation, shall not relieve the Contractor from performing as if fully and correctly set forth and described in the drawings and specifications.

(c) *Checking of drawings.* The Contractor shall check all drawings immediately upon receipt. Drawings shall not be scaled. Large scale drawings shall in general govern over small scale drawings. On any of the drawings where a portion of the work is drawn out and the remainder is shown in outline, the parts drawn out shall apply also to all other like portions of the work.

(d) *Deviations.* Deviations from the drawings and the dimensions therein given, whether or not errors believed to exist, shall be made only after written authority is obtained from the Contracting Officer.

GC–12. RIGHTS IN SHOP DRAWINGS

(a) Shop drawings for construction means drawings, submitted to the Government by the Construction Contractor, subcontractor or any lower tier subcontractor pursuant to a construction contract, showing in detail (i) the proposed fabrication and assembly of structural elements and (ii) the installation (i.e., form, fit, and attachment details) of materials or equipment. The Government may duplicate, use, and disclose in any manner and for any purpose shop drawings delivered under this contract.

(b) This clause, including this paragraph (b), shall be included in all subcontracts hereunder at any tier.

GC–13. SHOP DRAWINGS

(a) The Contractor shall submit shop drawings with such promptness as to cause no delay in his own work or in the work of any other contractor.

(b) One reproducible copy and two prints of the contractor's drawing for each sheet of the shop drawing shall be forwarded to the Contracting Officer accompanied by the original letter of transmittal and two (2) copies. After review, the reproducible copy will be returned to the Contractor by the Contracting Officer stamped "Approved," "Approved Except as Noted," or "Not Approved." The Contractor's original drawings shall be revised or new tracings prepared as may be necessary and a reproducible copy and prints resubmitted in number and procedure as hereinbefore stated. The reproducibles shall be made by the "Ozalid," "Autopositive," or other means acceptable to the Contracting Officer and each shall have an area about 4 x 3 inches left blank adjoining the title block where the stamp of approval may be imprinted.

(c) Two copies of catalogues, cuts, data and similar printed materials shall be submitted to the Contracting Officer. One copy of each item submitted for approval will be returned to the Contractor by the Government, approved or marked to indicate the corrections required. If additional copies are desired by the Contractor, the number of copies submitted shall be increased accordingly.

(d) Shop drawings shall consist of fabrication drawings, erection drawings, manufacturer scale drawings, wiring diagrams, cuts or catalogues, pamphlets, descriptive literature, performance and test data.

(e) Unless otherwise specified, shop drawings shall be submitted fully detailed and dimensioned for the work of all sections of the specifications.

(f) Approval of the Contractors' drawing by the Contracting Officer shall in no way relieve the Contractor of any of his responsibilities under the Contract. Fabrication, erection, setting of other work shall not be performed in advance of the receipt of "Approved" or "Approved Except as Noted" drawings.

(g) Each shop drawing shall have the following information clearly marked thereon:

(1) The job name, which shall be the general title of the contract drawings

(2) The date of the drawings and all revisions

(3) Name of Contractor

(4) Name of subcontractor

(5) The name of the item, material or equipment detailed thereon

(6) Transmittal letters and submissions should specifically indicate the section and paragraph of the specifications under which the approvals are being requested.

Variations from contract requirements shall be specifically pointed out in transmittal letters. Failure to point out deviations may result in the Government requiring rejection and removal of such work at no additional cost to the Government.

GC–14. PRODUCTS SPECIFIED BY TRADE NAME "OR EQUAL"

Wherever a patented proprietary, or trade name is used in the specifications with the qualifying phrase "or equal" the use of the trade name, etc., does not restrict bidders to that manufacturer's product or to the specified brand named. This method is used merely

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to indicate the particular type, design, character, or quality of the article desired. Products of other manufacturers and other brands will be considered provided they conform to these general requirements and provided the Contractor submits proper data to indicate equality. The Contracting Officer will decide the question of equality.

GC–15. AS-BUILT DRAWINGS

(a) *As-Built Drawings.* The Contractor shall maintain during the progress of the work a complete and up-to-date set of record prints, which shall be open to inspection by the Contracting Officer at any time. These prints shall be marked up to record all changes in the work and the exact location of all exposed and concealed pipe runs, valves, plugged outlets, cleanouts and other control points including electrical conduits and ducts, in such manner as will provide a complete, accurate as-built record. The location of pipes or control points concealed underground, under concrete, in chases or above hung ceilings shall be dimensioned. As-built drawings shall be neatly marked with colored pencils or ink, and shall be delivered to the Contracting Officer in a condition satisfactory to him as a condition precedent to final acceptance of the work.

GC–16. CONTRACTOR INSPECTION SYSTEM

The Contractor shall (i) maintain an adequate inspection system and perform such inspections as will assure that the work performed under the contract conforms to contract requirements, and (ii) maintain and make available to the Government adequate records of such inspections.

GC–17. GOVERNMENT INSPECTION

(a) The work will be conducted under the general direction of the Contracting Officer or his duly authorized representative and is subject to inspection by his appointed inspectors to insure strict compliance with the terms of the contract. No inspector is authorized to change any provisions of the specifications or other portions of the contract without written consent of the Contracting Officer or his duly authorized representative nor shall the presence or absence of an inspector relieve the Contractor from any requirements of this contract.

(b) The Government reserves the right to appoint other or additional representatives authorized to inspect the work and the authority of any representative so appointed shall be subject to the same limitations as stated in the preceding paragraph unless the Contracting Officer shall otherwise direct in writing.

(c) The Contractor shall furnish the inspector daily job time sheets indicating number of employees, hours worked and description of work performed, identified for the contractor and each subcontractor.

(d) At least twenty-four hours shall be allowed for Government inspection prior to any test or concrete placement. The inspection will be made after notification that all items have been installed for the test or concrete placement. Should the inspection reveal that corrective measures are required or that the work is not complete, an additional twenty-four hours will be allowed to complete the Government inspection after all work has been corrected or completed.

(e) The Contracting Officer shall be notified at least twenty-four hours in advance of backfilling or encasing of any underground utility in order that final location and elevations can be recorded by the Government survey. Failure to provide such notification may require reopening of trench to obtain survey data and rebackfilling, all at the Contractor's expense.

(f) If any part of the work as installed be at variance with the contract requirements, the Contracting Officer may, if he finds it to be in the interests of the Government, allow all or any part of such work to remain in place, subject to a proper adjustment in the contract price.

(g) The Contractor shall give the Contracting Officer at least ten (10) days advance notice of the date the work will be fully completed and ready for final inspection and tests. Should it develop that the work installed does not justify such inspection at that time, or that the character of the materials or workmanship is such that reinspection is found necessary, the cost of such re-inspection including the salary of the inspector, his traveling and other expenses, shall be borne by the Contractor and will be deducted from any money due him on his contract.

GC–18. STANDARD REFERENCES

(a) Any materials, equipment, or workmanship specified by reference to the number, symbol, or title of any specific Standard shall comply with the latest edition or revision thereof and any amendment or supplement thereto in effect on the date of the Invitation for Bids, except as limited to type, class or grade, or modified in these specifications.

(b) Standards referred to in the specifications are incorporated herein by reference.

(c) "Federal Specifications," "Commercial Standards," and "Simplified Practice Recommendations" can be purchasedfro m the Superintendent of Documents, United States Government Printing Office, Washington, mendations" can be purchased from the price of each copy are contained in the respective indexes obtainable from the same source at current prices.

(d) Standards of Associations referred to in the specifications may be obtained directly from the Association.

GC–19. WEATHER DATA-CLIMATIC CONDITIONS

(a) Data regarding weather conditions in the project area may be found in the "Climatological Data in Annual Summary," published by the U.S. Weather Bureau. In ascertaining facts and extent of delay due to unusually severe weather under Clause 5 of General Provisions (Standard Form 23–A) of the contract entitled "Termination for Default—Damages for Delay—Time Extensions," the average weather conditions as determined from the aforementioned data publication, over the last five year period will be used as a comparison.

(b) When so ordered by the Contracting Officer, the Contractor shall suspend only work that may be subjected to damage by climatic conditions.

GC–20. GUARANTEES

Unless otherwise provided in the specifications, the Contractor guarantees all mechanical and electrical work to be in accordance with contract requirements and free from defective or inferior materials, equipment, and workmanship for one year after the date of final acceptance or the date the equipment or work was placed in use by the Government.

If, within any guarantee period, the Contracting Officer finds that guaranteed work needs to be repaired or changed because of the use of materials, equipment, or workmanship which, in his opinion, are inferior, defective, or not in accordance with the terms of the contract, he shall so inform the Contractor in writing and the Contractor shall promptly and without additional expense to the Government:

Place in a satisfactory condition all of such guaranteed work;

Satisfactorily correct all damage to equipment, the site, the building or contents thereof, which is the result of such unsatisfactory guaranteed work; and

Satisfactorily correct any work, materials, and equipment that are disturbed in fulfilling the guarantee, including any disturbed work, materials and equipment that may have been guaranteed under another contract.

Should the Contractor fail to proceed promptly in accordance with the guarantee, the Government may have such work performed at the expense of the Contractor.

Any special guarantees that may be required under the contract shall be subject to the stipulations set forth above, insofar as they do not conflict with the provisions of such special guarantees.

The Contractor shall obtain each transferable guarantee or warranty of equipment, materials or installation thereof which is furnished by any manufacturer, supplier or installer in the ordinary course of the manufacturer's, supplier's or installer's business or trade. In addition, the Contractor shall obtain and furnish to the Government all information which is required in order to make any such guarantee or warranty legally binding and effective, and shall submit both the information and the guarantee or warranty to the Government in sufficient time to permit the Government to meet any time limit requirements specified in the guarantee or warranty or, if no time limit is specified, prior to completion and acceptance of all work under this contract.

GC–21. PROGRESS CHARTS AND REQUIREMENTS FOR OVERTIME WORK

(a) The Contractor shall within ten (10) days or within such time as determined by the Contracting Officer, after date of commencement of work, prepare and submit to the Contracting Officer for approval a practicable schedule, showing the order in which the Contractor proposes to carry on the work, the date on which he will start the several salient features (including procurement of materials plant, and equipment) and the contemplated dates for completing the same. The schedule shall be in the form of a progress chart of suitable scale to indicate appropriately the percentage of work scheduled for completion at any time. The Contractor shall enter on the chart the actual progress at such intervals as directed by the Contracting Officer, and shall immediately deliver to the Contracting Officer three copies thereof. If the Contractor fails to submit a progress schedule within the time herein prescribed, the Contracting Officer may withhold approval of progress payment estimates until such time as the Contractor submits the required progress schedule.

(b) If, in the opinion of the Contracting Officer, the Contractor falls behind the progress schedule, the Contractor shall take such steps as may be necessary to improve his progress and the Contracting Officer may require him to increase the number of shifts, or overtime operations, days of work, or the amount of construction plant, or all of them, and to submit for approval such supplementary schedule or schedules in chart form as may be deemed necessary to demonstrate the manner in which the agreed rate of progress will be regained, all without additional cost to the Government.

(c) Failure of the Contractor to comply with the requirements of the Contracting Officer under this provision shall be grounds for determination by the Contracting Officer that the Contractor is not prosecuting the work with such diligence as will insure completion within the time specified. Upon such determination the Contracting Officer may terminate the Contractor's right to proceed with the work, or any separable part thereof, in accordance with the clause of the contract entitled "Termination for Default-Damages for Delay-Time Extensions."

GC–22. LAY OUT OF WORK

The Contractor shall lay out his work from Government established base lines and bench marks indicated on the drawings and shall be responsible for all measurements in connection therewith. The Contractor shall furnish, at his own expense, all stakes, templates, platforms, equipment, tools, and materials and labor as may be required in laying out any part of the work from the base lines and bench marks established by the Government. The Contractor will be held responsible for the execution of the work to such lines and grades as may be established or indicated by the Contracting Officer. It shall be the responsibility of the Contractor to maintain and preserve all stakes and other marks established by the Contracting Officer until authorized to remove them. If such marks are destroyed, by the Contractor or through his negligence, prior to their authorized removal, they may be replaced by the Contracting Officer at his discretion. The expense of replacement will be deducted from any amounts due to or become due the Contractor.

(40 U.S.C. 486(c); sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.73–15623 Filed 7–27–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 19770]

COMMUNICATIONS SATELLITE CO.

Proposed Financial Rules; Extension of Time for Comments

Order. In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of another person by the Communications Satellite Corporation, Docket No. 19770.

1. The Communications Satellite Corporation (Comsat) and COMSAT General Corporation (Comsat General) have each filed requests to extend the time for filing comments in the above-entitled proceeding[1] for a period of 60 days.

2. The parties have shown good cause for the requested extension. In addition, Comsat has stated that it is "not contemplating a financing in the foreseeable future" and Comsat General has stated that it "does not propose to engage, in the near future, in a significant financial issue." It appears that the public interest would be served by granting the requested extension, with the condition that Comsat or Comsat General promptly notify the Commission, in full detail, at least 60 days in advance should either corporation propose to engage in any financing during the period prior to final Commission action on the rules proposed in this proceeding.

Accordingly, pursuant to the authority of Section 0.303(a) of the Commission's rules and regulations, IT IS ORDERED, that the time for filing comments in the above-entitled proceeding is extended until September 24, 1973, and the time for filing reply comments is extended until October 5, 1973.

Adopted: July 23, 1973.

Released: July 24, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73–15616 Filed 7–27–73;8:45 am]

[1] Published at 38 FR 16245, June 21, 1973.

[47 CFR Part 73]

[Docket No. 19715]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of ascertainment of community problems by broadcast applicants, Part 1, sections IV–A and IV–B, of broadcast application forms, and Primer thereon, Docket No. 19715.

1. The Commission has under consideration a petition by American Broadcasting Companies, Inc. (ABC), filed July 16, 1973, requesting that the time for submiting comments in this proceeding be extended from August 1 to September 1, 1973, and reply comments, from August 31 to September 30, 1973.

2. On March 22, 1973, the Commission adopted a Notice of Inquiry in this matter (FCC 73–330) and specified that comments and reply comments should be filed by June 1 and June 22, respectively. Publication was made in the FEDERAL REGISTER on March 29, 1973 (38 FR 8190).

3. An Order was adopted on May 24, 1973 (38 FR 14709, June 4, 1973), by delegated authority, extending the dates for filing comments and reply comments herein to and including August 1 and August 31, respectively (B–03019).[1]

4. In support of its request, ABC states that it has made progress on drafting fully responsive comments, but that additional time is necessary in face of the scope of this proceeding, the complexity introduced herein by the Commission's Interim Report and Order of May 4, 1973 (in Docket No. 19153), concerning television renewals and the requirement therein of "continuing dialogue" in ascertainment through annual listings of community problems, and the difficulty due to petitioner's key people on the comments being actively engaged at this time in other important Commission proceedings. Petitioner states that it needs the requested time to refine an approach and comments which will be of maximum assistance and comprehension to the Commission.[2]

5. The Commission seeks a full and productive record in this proceeding without undue delay. We believe that the extension of time as requested would not constitute an undue delay and that the public interest would be served by a grant of the petition. We do not here address the petitioner's contentions concerning the Interim Report and Order in Docket No. 19153, *supra*.

6. *Accordingly, it is ordered,* That the dates for filing comments and reply comments in this proceeding ARE EXTENDED to and including, September 4, 1973, and October 1, 1973, respectively.

7. *It is further ordered,* That the petition by American Broadcasting Companies, Inc. is granted.

8. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 1.45(e), 1.46 and 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 19, 1973.

Released: July 20, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.73–15618 Filed 7–27–73;8:45 am]

[1] On joint petition by committees of the Federal Communications Bar Association and the American Bar Association; and on motion of Citizens Communications Center as counsel for a number of petitioners.

[47 CFR Part 73]

[Docket No. 19763]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments,* FM Broadcast Stations. (*Ripley, Miss.*; Berryville, Ark.; Caro, Mich.; Mitchell, S.D.; Bolivar, Tenn.; Honea Path, S.C.; Pawhuska, Okla.; Oak Creek, Colo.; Springhill, La.; Quitman, Miss.; and Huntingburg, Ind.) Docket No. 19763, *RM–2066,* RM–2141, RM–2103, RM–2171, RM–2110, RM–2173, RM–2112, RM–2174, RM–2123, RM–2178, RM–2138.

1. On June 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 19, 1973, 38 FR 15971. Comment and reply, comment dates are presently July 20, and July 31, 1973, respectively.

2. J. W. Furr, applicant for authority to construct and operate an FM radio station at Aberdeen, Mississippi, by counsel, filed a request for an extension of time to and including August 3, 1973,

[2] A statement in support of the ABC petition was filed by the National Association of Broadcasters on July 18, 1973. NAB refers to the matter of the Interim Report and Order in Docket No. 19153 and also suggests that a brief extension would increase the responses in the instant proceeding.

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for the filing of comments. Counsel states that due to the press of other business including pre-existing commitments it is impossible to complete the comments within the time presently allotted.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, that the time for filing comments and reply comments are extended to and including August 3, 1973, and August 14, 1973, respectively, in RM-2066 only.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 20, 1973.

Released: July 24, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-15617 Filed 7-27-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19734]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Sioux Falls, South Dakota and Windom, Minnesota), Docket No. 19734, RM-1987.

1. On May 9, 1973, the Commission adopted a notice of proposed rulemaking in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 21, 1973, 38 FR 13389. Comment and reply comment dates are presently designated as July 23 and August 3, 1973, respectively.

2. In a petition for extension of time dated July 19, 1973, counsel for John L. Breece (proponent in this proceeding) requested that the time for filing comments and reply comments be extended to August 6 and August 16, 1973, respectively. Counsel states that it requires additional time in order to complete studies necessary to provide additional information required by the Notice of proposed rulemaking.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered*, That the dates for filing comments and reply comments ARE EXTENDED to and including August 6 and August 16, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 20, 1973.

Released: July 24, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-15615 Filed 7-27-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19789; FCC 73-762]

COMBINATION ADVERTISING RATES AND OTHER JOINT SALES PRACTICES

Notice of Inquiry and Proposed Rulemaking

1. The Commission has recently received many inquiries and requests for rulings concerning its policies as to combination advertising rates and other joint sales practices involving broadcasters. Similar questions have been raised as to cable television systems. It is the purpose of this Notice of Inquiry and Notice of Proposed Rule Making to gather additional information on certain aspects of our policies in this area and their application to certain situations, and to consider codifying those policies, or parts of them.

2. The Commission has frequently stated that although it is not charged with administering the anti-trust laws, it will take cognizance of the policies behind those laws in making its own public interest findings. For example, the Commission has ruled that the limited monopoly of the use of a particular frequency shall not be used as a trade weapon to gain a competitive advantage in a nonbroadcast field, *WFLI, Inc.*, 13 FCC 2d 846 (1968), and has specifically disapproved of a rate package between a licensee and a commonly owned nonbroadcast business, Sarkes Tarzian, Inc., 23 FCC 2d 221, 18 RR 2d 693 (1970). The Commission has by rule (73.658(i)) prohibited a TV network from representing its affiliates for the sale of non-network time, Network Representation of Stations in National Spot Sales, 27 FCC 697 (1959). On January 31, 1963, the Commission issued a Public Notice concerning combination advertising rates, FCC 63-83, 24 RR 930. A copy of that Public Notice is attached for ease of reference. The Commission there stated essentially that separately owned stations serving the same area should be competitors, and that the selling of such stations in combination raised questions as to the extent of the competition and as to the policies underlying the anti-trust laws. It was stated that combination rates conflict with Commission policy and the public interest. The Notice also stated that the prohibition against combination rates could not be avoided by indirect action; e.g., having an advertising agency offer combination rates on behalf of two or more separately owned clients that are broadcast licensees serving the same area. Combination rates are permissible for commonly owned stations unless the practice is used to unfairly advance a competitive position. See Indianapolis Broadcasting, Inc., 22 FCC 421, 509 (1957).

3. In Midcontinent Broadcasting Company of Wisconsin, Inc, 11 RR 2d 1081 (1967), the Commission found that two commonly owned television stations serving different areas required national advertisers to buy time on both stations during or adjacent to periods when the stations were identically programmed. No forced combination rates were imposed on local or regional advertisers at any time, or on national advertisers when the stations were separately programmed. The Commission held:

> • • • any policy which requires a time buyer to purchase time on a station in order to obtain time on another station is anti-competitive in nature and, as such, is contrary to the purposes of the antitrust laws, and is against the public interest. A multiple owner who is able to sell time on one of his stations because a buyer desires to purchase time on another enjoys an unfair advantage over competitors who either do not have such leverage or do not employ it. (11 RR 2d at 1082).[1]

4. In Golden West Broadcasters, 16 FCC 2d 918 (1969), the Commission considered its cross-interest policy as applied to sales representatives. The petitioner in that case alleged that Metromedia, licensee of Station KNEW-TV, San Francisco, California, owned a national spot sales firm called Metro TV Sales that represented another television station in the same market; namely, Station KTVU-TV, licensed to Cox Broadcasting Co. In fact, it appears that Metro TV Sales resigned as Metromedia's KNEW-TV representative so that it could handle the KTVU-TV account. The petitioner also alleged that Storer Broadcasting Co. and Golden West Broadcasters, both licensees of AM stations in Los Angeles, had formed a joint venture called Major Market Radio, Inc., which was the spot sales representative for Golden West's Station KMPC, Los Angeles. The Commission stated:

> We are of the view that representation of a station by licensee or licensee-owned organization which operates a station in the same service in the same area gives the licensee-representative a large stake in the financial well-being of the station it represents and that this relationship necessarily militates against competition by the two stations. (16 FCC 2d at 921)

The conclusion was that:

> • • • The representation of a station by a sales representative owned wholly or partially by the licensee of a competing station in the same community or service area is a violation of longstanding Commission policy proscribing cross-interests by licensees in more than a single station in the same service in the same areas. (16 FCC 2d at 920-921)

The Commission stated that the cross-interest policy was based on its concern

[1] In a subsequent case the Commission did not apply this policy to a situation involving a parent television station and its 100 percent satellite. The Commission stated that as a 100 percent satellite, the station "• • • does nothing more than rebroadcast the programs of the parent station, including advertisements. As long as the station remains a 100-percent satellite, with no means of originating programs or advertising locally, time is sold, by the very nature of a 100-percent satellite operation, for both . . . markets," Midcontinent Broadcasting Company of Wisconsin, Inc., 12 FCC 2d 111, 113, 12 RR 2d 763, 766 (1968). A station that is primarily a satellite, as contrasted to a 100 percent satellite, has the capability for local originations and would not come under the exception set out in this case.

for the potential impairment of competition, so that it did not need to find actual injury to competition, citing Shenandoah Life Insurance Co., 19 RR 1, (1959).

5. We are here asking for information concerning our basic policies in this area and, more particularly, information and comments on the applicability of our policies to specific situations. At this point there is one area where we believe that change may be appropriate. In FM Group Sales, Inc., 2 RR 2d 1110 (1964), we did permit combination rates between FM stations serving the same area, subject to specified limitations, designed to encourage the competitive position of FM stations vis-a-vis AM stations. In the nine years that have passed since that decision, the economic position of FM stations as a whole has substantially improved. We are inclined to believe that the ruling in that case may no longer be appropriate. However, before issuing a ruling, we think that more information, especially as to the extent of such combined FM sales practices, is appropriate and questions on this subject are included below.

6. Those filing comments and information in response to the questions set out below are requested to bear in mind that we are not seeking to minimize competition. Rather, we are seeking to maintain a healthy, competitive, economic environment for broadcasting, consistent with the public interest and the policies underlying the anti-trust laws. With that background, we turn to the specific questions we have concerning this area.

7. In some cases, the Commission has stated that separately owned stations serving substantially the same market or area may not have combination rates. In another case, the Commission acquiesced in a combination rate where separately owned stations had only a minimal overlap of their contours. In order to assure arm's length competition, what standard should be used in defining "substantially the same market or area?" Or should a definition based on overlap of specified contours be used? If so, what contours? Would a standard similar to the "community encompassment" standard used in the multiple ownership rules be appropriate? (See §§ 73.35(a), 73.240(a)(1) and 73.636(a)(1) of the Commission's rules).

8. The Commission presently permits commonly owned stations in the same market to have combination rates, assuming the practice is not employed to advance unfairly a competitive position, regardless of whether the stations simulcast or have the same general format. Should the Commission continue to permit such combination rates? Or should they be prohibited if the combined rate is less than the sum of the separate rates offered by the licensee? If discounts are permitted, at what point do such discounts "unfairly advance a competitive position" or what guidelines should be used in making that determination?

9. The Commission presently permits commonly owned stations in different markets to have combination rates, assuming that the practice is not employed to advance unfairly a competitive position. Should the Commission continue to permit such combination rates? Or should they be prohibited if the combined rate is less than the sum of separate rates offered by the licensee? If discounts are permitted, at what point do such discounts "unfairly advance a competitive position" or what guidelines should be used in making that determination?

10. Should the prohibition against forced combination rates be applied to commonly owned AM-FM combinations in the same market during such periods as they are simulcasting? What additional costs can be anticipated by such a prohibition? Should the prohibition be applied to all markets or should smaller markets be exempt? If so, how should "smaller market" be defined?

11. Should the prohibition against sales representation of a station by a licensee or licensee-owned sales organization that operates a competing station in the same service in the same area be expanded to include stations not in the same service? For example, should a sales representative owned by a television station be prohibited from representing an AM or FM station in the same area? Should the prohibition be applied in the same service if the two stations do not compete for the same audiences? For example, a black-oriented AM station owns a sales organization. May it represent a Spanish-language AM station in the same market? A country and western music station? If so, what showing should be required to establish that the stations do not compete?

12. Should a sales representative be permitted to represent two or more stations in the same market: (a) If the stations are in the same service?; (b) if the stations are in different services?; (c) if the stations are in the same service but allegedly appeal to different audiences?

13. Are there any separately owned FM stations in the same area or market that have combined rate plans similar to that approved in FM Group Sales, Inc., supra? If so, what stations are involved? What percentage of total revenues of each station are obtained through such combined efforts? What would the effect of prohibiting such practices be on the stations involved?

14. Are there any reasons why combination rates between cable television systems and broadcast licensees should not be treated in the same manner as combination rates between broadcasters? If so, in what manner and why should combination rates between cable television systems and broadcast licensees be accorded different treatment?

15. Those filing comments may also provide any additional pertinent information they believe will be useful to the Commission in its inquiry.

16. The Commission further believes that it is appropriate to designate this proceeding as one of proposed rule making. Such rules may codify the existing policies as set out in the Public Notices and cases cited above, and the additional matters about which more information is sought in paragraphs 7 through and including 14, above. The Commission recognizes that in view of the nature of the problems presented, it may be appropriate to issue a further notice of proposed rule making delineating precise proposals. On the other hand, the information received may lead us to conclude that rules, in all or some areas, should be adopted without further notice. In this way the Commission will have the flexibility to take the course of action that appears appropriate in the circumstances.

17. Authority for the institution of this proceeding, and adoption of rules concerning the matters involved, is found in sections 4(i), 303(f), (g) and (r), and 403 of the Communications Act of 1934, as amended.

18. Pursuant to the applicable procedures set out in § 1.415 of the Commission's Rules, interested persons may file comments on or before November 1, 1973, and reply comments on or before December 3, 1973. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

19. In accordance with the provisions of § 1.419 of the Rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: July 18, 1973.

Released: July 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[Public Notice 30451-B]

COMBINATION ADVERTISING RATES

JANUARY 31, 1963.

Information coming to the attention of the Commission has indicated that in certain instances two or more broadcast licensees, serving substantially the same areas, have entered into agreements whereby, either directly or indirectly through a representative acting for all, combination rates are offered to advertisers who purchase time for the broadcast of commercial spot announcements by all participating stations.

In the Commission's view, combination rate agreements or practices by independent stations serving the same area raised serious questions under the policies underlying the antitrust laws (15 U.S.C. 1); conflict with established Commission policy, and are contrary to the public interest.

[2] Chairman Burch absent; Commissioner Johnson concurring in the result.

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Although the Commission does not enforce the antitrust laws as such, it has the authority, and, indeed, the responsibility, to take cognizance of the public policy considerations underlying such laws. *National Broadcasting Company* v. *U.S.*, 319 U.S. 190, 222–224. *Report on Uniform Policy as to Violations by Applicants of Laws of United States*. 1 Pike & Fischer, R.R. 21:495; 91:497 Thus, "The Commission, although not charged with the duty of enforcing the law, should administer its regulatory power with respect to broadcasting in the light of the purpose for which the Sherman Act was designed to achieve." *Report on Chain Broadcasting*, Commission Order No. 37, Docket No. 5060, May 1941. See also, *Mansfield Journal* v. *Federal Communications Commission*, 180 F. 2d 28, 33–34.

It is clear that inherent in combination rate agreements is the element of price fixing by independent parties who should be competing with one another. Such price-fixing practices are obviously contrary to the public interest. Cf. *Radio Fort Wayne, Inc.*, 9 Pike & Fischer, R.R. 1221, 1222k.

These combination rate practices by independent stations serving substantially the same areas are also inconsistent with the long-standing policy evolved under the Commission's multiple ownership rules, 47 C.F.R. 3.35, 2.240, 3.636. Thus, in *Minnesota Broadcasting Corp.*, 4 Pike & Fischer, R.R. 1377, 1379, the Commission stated:

"In applying the policies set forth in these rules, the Commission has consistently refused to permit *any* common ownership between broadcast stations in the same city *in the interest of promoting and maintaining full competition between such stations.*" (Emphasis supplied.)

The above combination rate practices are in flagrant conflict with this basic policy of promoting "arms length competition" among broadcast stations. *Shenandoah Life Insurance Company*, 19 Pike & Fischer, R.R. 1, 2. See also, *West Shore Broadcasting Company*, 18 Pike & Fischer, R.R. 376, 378.

We wish to make clear that our ruling is not designed solely to insure that the public, including advertising members of the public, find the field of broadcasting to be one of open and fair competition. The broadcast station in the area is also entitled to face broadcast competitors—not combinations. Otherwise, the station not participating in such combination rate arrangements might lose substantial revenues because of these improper arrangements—to the possible detriment of its overall operation and its service to the public in its area.

For the foregoing reasons, the Commission has concluded that the above-described combination rate arrangements are not in the public interest. The Commission expects that the publication of this notice will apprise licensees participating in such arrangements of the necessity of modifying their commercial practices to the extent necessary to comply with the views expressed herein, and that such licensees will act with reasonable diligence in so complying.

Adopted: January 30, 1963.

[FR Doc.73-15614 Filed 7-27-73;8:45 am]

[47 CFR Part 91]

[Docket No. 19790; FCC 73-780]

PETROLEUM RADIO SERVICE

Expanded Use of Tone and Impulse Signaling

In the matter of amendment of Part 91 of the Commission's rules to permit expanded use of tone and impulse signaling in the Petroleum Radio Service, Docket No. 19790; RM-1680.

1. The Central Committee on Communication Facilities of the American Petroleum Institute (API) has filed a petition requesting an amendment of Part 91 of the Commission's Rules to permit expanded use of tone and impulse signaling on Petroleum Radio Service land mobile frequencies above 25 MHz. The rule changes sought by API would permit Petroleum Radio Service licensees to utilize tone and impulse signaling to verify status of equipment, to adjust operating conditions, to correct abnormal conditions, and to provide automatic confirmation of equipment or process status.

2. Present Petroleum Service Rules permit tone or impulse signaling on mobile service frequencies above 25 MHz on a secondary basis to indicate failure, or impending failure of equipment, or to indicate abnormal conditions which, if not promptly corrected, would result in failure of facilities. The API petition refers to the Power Radio Service Rules, amended in Docket 13812 (42 FCC 1081) and 15427 (42 FCC 1191) permitting the wider use of tone impulse signaling; and asserts that the petroleum industry is faced with many of the same types of problems which are encountered by the utilities. API contends, however, that petroleum requirements are somewhat broader because failures may involve pressures, flow rates, and fluid levels rather than "on" and "off" situations generally encountered in the Power Service.

3. The Commission agrees that a somewhat wider use of petroleum land mobile frequencies for certain point-to-point non-voice transmissions should be permitted. These point-to-point transmissions on mobile frequencies should be on a secondary basis subject to the condition that harmful interference is not caused to the primary operation of any other licensee on the particular frequency. We are not however, proposing to permit use of land mobile service frequencies for fixed telemetry and telecommand purposes. As in the past, we expect point-to-point telemetry to be conducted on frequencies allocated for fixed use. Additional frequencies for telemetry have been made available in Docket 19451 (FCC 72-173, 37-FR-4454), released March 3, 1972. We also believe that the rules governing the Power Radio Service should be revised so as to be consistent with the more permissive rules we are proposing for the petroleum service. Since there are many similarities between power service and petroleum service operational requirements, amendment of the rules to provide correspondence between the two services is desirable. Therefore, we propose to amend the Petroleum and Power Radio Service Rules to provide for the following:

(a) To permit manually activated transmission of tone or impulse signals to verify equipment status, to adjust operating conditions, or to correct any abnormal conditions which would otherwise result in the failure of facilities.

(b) To permit automatic indication of any abnormal condition in facilities.

(c) To permit automatic confirmation that the manual correction has been accomplished.

(d) To permit point-to-point signaling on a secondary non-interference basis to radiotelephone operations.

(e) To implement "state-of-the-art" digital techniques by reducing the message length permitted (includes any redundancy desired) to two seconds for new installations after the effective date of these new rules.

(f) To provide for signaling techniques which are not included under A1, A2 and F1, F2 emission by adding the A9 and F9 designators.

4. The Commission has received similar petitions in the matter of expanded use of tone and impulse signaling from other radio services. (Docket 19662 FCC 72-1165 proposes to amend the public safety rules to permit expanded, fixed signaling and alarming.) In view of the active interest which this type of rule change has engendered, and in order that the Commission may take comprehensive action after considering all pertinent questions, the Commission requests comments particularly on the following questions:

(a) Are there any other services in Parts 89, 91, or 93 which do not have this capability and which feel they require similar rule changes? If so, what are the reasons therefor?

(b) Should there be a limit to the number of interrogations during a specific period of time so as the licensee would not be transmitting continuously?

5. This notice of proposed rule making and inquiry is issued pursuant to the authority contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 1, 1973, and reply comments on or before October 16, 1973. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: July 18, 1973.

Released: July 23, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[1] Chairman Burch absent.

Part 91 of the Commission's rules is amended as follows:

1. Section 91.252 is revised to read as follows:

§ 91.252 Availability and use of Service.

* * * * *

(f) In the Power Radio Services, fixed operations may be authorized for tone and impulse signaling on mobile service frequencies above 25 MHz subject to the condition that harmful interference is not caused to the primary mobile service operation of any licensee subject to the following limitations:

(1) * * *

(iii) Manually supervised transmission from the point where alarms are received as may be necessary to verify status of equipment or processes, to adjust operating conditions, or to correct any abnormal conditions which would otherwise result in the immediate or continued failure of the production, transmission or distribution facilities.

(iv) Automatic confirmation of status, or that an operation or correction intended to be accomplished in paragraph (f) (1) (iii) of this section has occurred.

(2) For equipment installed after ---------- 1973, the maximum duration of a non-voice transmission, including automatic repeats, may not exceed two seconds.

* * * * *

(6) The plate power input to the final radio frequency stage of any transmitter shall not exceed 50 watts.

(7) Only A1, A2, A9, F1, F2, or F9 emissions will be authorized for such operational fixed stations.

(8) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of § 91.54(e) (2), 91.107(c) and 91.152.

(9) Any operational fixed station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter and require manual re-set in the event the carrier of such transmitter remains on for a period in excess of three minutes.

2. Section 91.253 is amended by deleting the text of paragraphs (b) and (c) and substituting the word "Reserved".

§ 91.253 Station limitations.

* * * * *

(b) [Reserved]

(c) [Reserved]

* * * * *

3. Section 91.302 is revised to read as follows:

§ 91.302 Availability and use of service.

* * * * *

(d) In the Petroleum Radio Services, fixed operations may be authorized for tone and impulse signaling on mobile service frequencies above 25 MHz subject to the condition that harmful interference is not caused to the primary mobile service operation of any other licensee subject to the following limitations:

(1) * * *

(iii) Manually supervised transmission from the point where alarms are received as may be necessary to verify status of equipment or processes, to adjust operating conditions, or to correct any abnormal conditions which would otherwise result in the immediate or continued failure of the production, collection, refining, or transporting facilities.

(iv) Automatic confirmation of status, or that an operation or correction intended to be accomplished in paragraph (d) (1) (iii) of this section has occurred.

(2) For equipment installed after ---------- 1973, the maximum duration of a non-voice transmission, including automatic repeats, may not exceed two seconds.

* * * * *

(6) The plate power input to the final radio frequency stage of any transmitter shall not exceed 50 watts.

(7) Only A1, A2, A9, F1, F2, or F9 emissions will be authorized for such operational fixed stations.

(8) Operational fixed stations licensed under the provisions of this paragraph are exempt from the requirements of §§ 91.54(e) (2), 91.107(c), and 91.152.

(9) Any operational fixed station authorized under the provisions of this paragraph shall be equipped with a device which will automatically de-activate the transmitter and require manual reset in the event the carrier of such transmitter remains on for a period in excess of three minutes.

4. Section 91.303 is amended by deleting the text of paragraph (b) and substituting the word "Reserved".

§ 91.303 Station limitations.

* * * * *

(b) [Reserved]

* * * * *

[FR Doc.73-15613 Filed 7-27-73;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 329]

INTEREST ON DEPOSITS

Payment of Time Deposits Before Maturity and Loans Secured by Time Deposits

1. The Board of Directors of the Federal Deposit Insurance Corporation is considering various amendments to Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 329). The proposed amendments relate to (1) the imposition of withdrawal penalties in the event of a change in the interest rate or maturity of a time deposit, (2) the disclosure of withdrawal penalties to bank customers, and (3) changes in the requirements for loans secured by time deposits.

On July 5, 1973, the Board of Directors amended § 329.4 of the rules and regulations of the Federal Deposit Insurance Corporation which relates to the payment of time deposits before maturity (12 CFR 329.4). The amendment revised paragraph (d) of § 329.4 so as to eliminate the requirement for a statement of need in the event of withdrawal of all or part of a time deposit before maturity. Under the revision, an insured State nonmember bank may pay any time deposit prior to maturity only so long as the rate of interest on the amount withdrawn does not exceed the maximum rate which the bank may pay on savings deposits on the date of withdrawal. In addition, the depositor forfeits all interest on the amount withdrawn (calculated at the savings deposit rate) for a period of three months, or for the legnth of time the funds have been on deposit if less than three months.

Effective July 1, 1973, the Board of Directors authorized increases in the maximum interest rates which insured State nonmember banks (including insured nonmember mutual savings banks) may pay on passbook savings deposits and most categories of time deposits. The Board of Directors also established a new category of time deposits on which there is no maximum interest rate.

The amendments relating to the payment of time deposits before maturity and the new ceilings on interest rates appeared in the July 12 issue of the FEDERAL REGISTER (38 FR 18543-44).

The FDIC has tradationally taken the position that insured State nonmember banks may raise the interest rates payable on their existing time deposits whenever the FDIC raises the maximum interest rates payable on time deposits with equivalent maturities. In the past this could be done without renewing or extending the bank's deposit contracts, and without penalty to the depositor.

The Board of Directors is aware that a number of insured State nonmember banks raised the interest rates payable on their time deposits as of July 1, 1973, the effective date of the higher maximum interest rates authorized by the Board, or as of some later date. Under the amendment to § 329.4, all existing time deposits upon which interest is paid on or after July 1, 1973 at a rate in excess of the maximum rate payable on such deposits as of June 30, 1973 will be subject to the new penalties on withdrawal prior to maturity which appear in paragraph (d) of § 329.4, as amended. This is made clear in the last sentence of footnote 11b which follows that paragraph. Thus, anyone who had a time deposit in an insured State nonmember bank on July 1, 1973 could have received a higher rate of interest on his deposit as of that date, subject only to the condition that any withdrawal of his funds before the maturity of the original deposit would be subject to the new penalties.

The Board of Directors has concluded that individual depositors should not receive a higher rate of interest on their time deposits than that afforded them by their contract with the depository bank as a result of changes in the interest rate ceilings established by Federal

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regulation. Moreover, individual depositors do not have a right to withdraw their time deposits before maturity. Such withdrawals may only be made with the consent of the bank and then only if the depositor pays the appropriate penalty.

The Board of Directors believes that insured State nonmember banks should not make wholesale changes in the interest rates they pay on existing time deposits simply because the FDIC has raised the maximum interest rates payable on such deposits. Such action tends to defeat the efforts of the FDIC and the other financial supervisory agencies to bring about orderly changes in the interest rate structure and tends to disrupt the competitive balance maintained by various financial institutions. Accordingly, while rate action already taken would be unaffected, the Board of Directors proposes to limit such activity in the future by treating an increase in the interest rate paid on an existing time deposit, or the conversion of that deposit to one having a longer maturity if it bears a higher interest rate, as equivalent to a withdrawal of the deposit prior to maturity. Consequently, any deposit on which a higher interest rate is paid as a result of a change in the maximum interest rates authorized by the FDIC will be treated as having been withdrawn on the same date that the interest rate was changed thereon. However, this requirement will not apply to any time deposit on which a higher rate of interest is paid so long as it does not exceed the maximum interest rate that could have been paid on the date of deposit. An insured State nonmember bank paying less than the maximum allowable rate will thus be able to increase the interest rate paid on a time deposit so long as the higher rate does not exceed the maximum allowable rate that could have been paid on the date of deposit.

An insured State nonmember bank will also be allowed to convert an existing time deposit contract to one having a longer maturity and bearing a higher rate of interest, so long as the new maturity is calculated from the date of conversion and the higher interest rate does not exceed the maximum allowable rate that could have been paid on a deposit having a maturity equivalent to the longer maturity on the date of deposit. Of course, the decision to pay a higher interest rate, or to convert the deposit to one having a longer maturity, is one that lies at the discretion of the individual bank, acting in accordance with the wishes of its customer.

The Board of Directors has also concluded that insured State nonmember banks should disclose to their prospective depositors that a substantial penalty will be assessed in the event the depositor is permitted to withdraw his time deposit before maturity. For this reason the Board of Directors proposes to amend the FDIC's advertising regulations (12 CFR 329.8) so as to require that all advertisements, announcements, or solicitations relating to time deposits include a clear and conspicuous statement that a substantial penalty will be imposed where a depositor is permitted to withdraw all or part of his time deposit before maturity. In addition, each prospective depositor would have to be given a separate disclosure statement at the time he enters into a time deposit contract with the bank. Among other things, this statement must clearly describe the penalty for early withdrawal. This penalty may be the minimum penalty prescribed by § 329.4, as amended, or a more severe penalty chosen by the bank.

In addition to the above amendments, the Board of Directors proposes to revise paragraph (e) of § 329.4 which relates to loans secured by time deposits. Such loans must currently bear an interest rate which is at least 2 percent per annum in excess of the interest rate paid on the time deposit. The revision (proposed paragraph (g)) makes it clear that the 2 percent rate differential may, if necessary, be obtained by reducing the interest rate paid on the time deposit. The revision does not change the substantive requirements of the regulation. However, it will enable banks in some states to make loans secured by time deposits at interest rates which do not exceed the maximum rates established by state usury law for consumer loans. Moreover, the revision points out that the requirement for a 2 percent rate differential, which is a penalty established by Federal regulation, is deemed to be a part of every time deposit contract.

2. Notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation (under the authority of sec. 9, (18(g); 64 Stat. 881–82, Pub. L. No. 93–63, § 1 (July 6, 1973); 12 U.S.C. 1819, 1828(g)) is considering amendments to sections 329.4 and 329.8 of the Corporation's rules and regulations governing the payment of time deposits before maturity (12 CFR 329.4) and the advertising of interest on deposits (12 CFR 329.8). The proposed amendments are as follows:

3. Section 329.4 is amended by revising paragraph (e) and adding new paragraphs (f) and (g) to read as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(e) *Application of penalty to changes in interest rates or maturities*—(1) *Interest rate changes on existing time deposits.* Where the rate of interest paid on any time deposit exceeds the maximum rate which could have been paid on the date of the deposit, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date on which the deposit begins to earn interest at the higher rate.

(2) *Conversion of existing time deposit contracts to new contracts with longer maturities.* Where an existing time deposit contract is converted to one having a longer maturity, the deposit will be treated as having been withdrawn by the depositor, prior to maturity, on the date of conversion unless (i) the longer maturity is calculated from the date of conversion and (ii) the rate of interest paid on the new deposit does not exceed the maximum rate which could have been paid on the date of the original deposit on a deposit having a maturity equivalent to the longer maturity.

(3) *Determination of "date of deposit" for multiple maturity time deposits.* As used in this section, the words "date of the deposit" or "date of the original deposit" have the following meanings as applied to multiple maturity time deposits: (i) in the case of automatically renewable multiple maturity time deposits (or those payable on more than one date) the last maturity date on which the deposit could have been withdrawn and (ii) in the case of multiple maturity time deposits which may only be withdrawn upon written notice to be given prior to the date of withdrawal, the last date on which notice could have been given in order to withdraw the deposit on the date on which it is treated as having been withdrawn (i.e. the date as of which a higher interest rate is paid or the date on which the deposit contract is converted to one having a longer maturity).

(f) *Disclosure of penalty.* At the time an insured nonmember bank enters into a new time deposit contract with any depositor, it shall provide the depositor with a separate written statement which clearly states that the depositor may not withdraw all or any part of his deposit prior to maturity except with the consent of the bank which may be given only at the time such request for withdrawal is made, and that if the bank gives its consent at that time, a penalty will be assessed on the amount withdrawn. In addition, the statement shall clearly describe the penalty, which shall, at a minimum, be the penalty prescribed in paragraph (d) of this section.[11c]

(g) *Loans upon security of time deposits.* An insured nonmember bank may make a loan to a depositor upon the security of his time deposit. However, the rate of interest paid by the bank on such deposit for the period of time it secures the loan shall not be in excess of 2 percent per annum less than the rate of interest charged on the loan. The provisions of this paragraph (g) shall be deemed to be a part of every time deposit contract entered into by any insured nonmember bank whether or not such provisions are expressly set forth therein.

4. Section 329.8 is amended by adding a new paragraph (h) to read as follows:

§ 329.8 Advertising of interest on deposits.

* * * * *

(h) *Time deposits.* Every advertisement, announcement, or solicitation relating to the interest paid on time deposits shall include a clear and conspicuous statement that in the event

[11c] This paragraph (f) does not apply to any extensions or renewals of existing contracts except where the depositor has not previously been notified of the penalty provisions in paragraph (d). This paragraph also does not apply to "obligations other than deposits" that are otherwise subject to the provisions of this Part 329 (see 12 CFR 329.10(a)).

the depositor is allowed to withdraw all or part of his deposit before maturity, a "substantial penalty" will be imposed.

5. This notice is published pursuant to section 553(b) of Title 5, United States Code, and §§ 302.1–302.5 of the rules and regulations of the Federal Deposit Insurance Corporation.

6. Interested persons are invited to submit written data, views or arguments regarding the proposed amendments to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, no later than August 13, 1973.

By order of the Board of Directors, July 24, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73–15624 Filed 7–27–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series 6–73]

7½ PERCENT TREASURY BONDS OF 1988–93

Redeemable at the Option of the United States at Par and Accrued Interest on and After August 15, 1988

JULY 26, 1973.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $500,000,000, or thereabouts, of bonds of the United States, designated 7½ percent Treasury Bonds of 1988–93. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks in exchange for Treasury notes and bonds maturing August 15, 1973. Tenders on a competitive or noncompetitive basis will be received up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 1, 1973. The price for the bonds will be established as set forth in Section III hereof. The 8⅛ percent Treasury Notes of Series B–1973 and 4 percent Treasury Bonds of 1973, maturing August 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds will be dated August 15, 1973, and will bear interest from that date at the rate of 7½ percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1993, but may be redeemed at the option of the United States on and after August 15, 1988, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Daylight Saving Time, Wednesday, August 1, 1973. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals in a multiple of .05, e.g., 100.10, 100.05, 100.00, 99.95, etc. Fractions may not be used.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks, and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. In considering the acceptance of tenders, those at the highest prices will be accepted in full to the extent required to attain the amount offered; provided, however, that tenders at the lowest of such accepted prices will be prorated if necessary. All tenders so accepted will be allotted at the price of the lowest accepted tender. Those submitting tenders will be advised of the acceptance, and awarded price, or the rejection of their bids. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $500,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations noncompetitive tenders for $250,000 or less will be accepted in full at the same price as accepted competitive tenders. The price may be 100.00 or more or less than 100.00.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Wednesday, August 1, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Payment for accepted tenders must be made or completed on or before August 15, 1973, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, securities referred to in Section I (interest coupons dated August 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the bonds allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registration or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 7½ percent Treasury Bonds of 1988–93 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 7½ percent coupon Treasury Bonds of 1988–93 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserves Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73–15756 Filed 7–26–73;4:00 pm]

[Department Circular Public Debt Series—5–73]

7¾ PERCENT TREASURY NOTES OF SERIES B–1977

Maturing August 15, 1977

JULY 26, 1973.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.01 percent of their face value for $2,000,000,000, or thereabouts, of notes of the United States, designated 7¾ percent Treasury Notes of Series B–1977. An additional amount of the notes will be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes and bonds maturing August 15, 1973. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, July 31, 1973, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 8⅛ percent Treasury Notes of Series B–1973 and 4 percent Treasury Bonds of 1973, maturing August 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes now offered will be identical in all respects with the 7¾ percent Treasury Notes of Series B–1977 issued pursuant to Department Circular, Public Debt Series—No. 8–70, dated July 30, 1970, except that interest will accrue from August 15, 1973. With this exception the notes are described in the following quotation from Department Circular No. 8–70:

1. The notes will be dated August 15, 1970, and will bear interest from that date at the rate of 7¾ percent per annum, payable semiannually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Tuesday, July 31, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.01 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $2,000,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Tuesday, July 31, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before August 15, 1973, at the Federal Reserve Bank or

[1] Average price may be at, or more or less than $100.00.

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Branch, or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, securities referred to in Section I (interest coupons dated August 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 7¾ percent Treasury Notes of Series B–1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 7¾ percent coupon Treasury Notes of Series B–1977 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-15757 Filed 7-26-73;4:01 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 520]

ARIZONA

Notice of Filing of Plat of Survey

JULY 23, 1973.

1. Plat of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Arizona, effective at 10:00 a.m., on September 7, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 2 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,048.16 acres of public land.

2. The land surveyed is nearly level to mountainous. Elevations range from 1,317 feet to 2,811 feet above sea level. The soil is mostly sandy to rocky. Vegetation consists of creosote bush, bunchgrass, mesquite and several varieties of cacti.

3. All rights of the State of Arizona to sections 2, 16, 32 and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of this classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-15583 Filed 7-27-73;8:45 am]

[Group 520]

ARIZONA

Notice of Filing of Plat of Survey

JULY 23, 1973.

1. Plat of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Arizona, effective at 10:00 a.m., on September 7, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 1 W.,
Secs. 1 through 36.

The area described aggregates 22,028.20 acres of public land.

2. The land varies from nearly level, to rolling, to mountainous. Elevations range from 1,400 to 3,272 feet above sea level. The soil is sandy loam and rocky and vegetation consists of creosote bush, cacti, sparse grass, and scattered palo verde and ironwood trees.

3. All rights of the State of Arizona to sections 2, 16, 32 and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of this classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-15590 Filed 7-27-73;8:45 am]

[Group 520]

ARIZONA

Notice of Filing of Plat of Survey

JULY 23, 1973.

1. Plat of Survey of the lands described below will be officially filed in the Arizona State Office, Phoenix, Arizona, effective at 10:00 a.m., on September 7, 1973.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 2 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,038.29 acres of public land.

2. The area encompassed by this survey varies from nearly level to mountainous land. Soil is mostly sandy loam and vegetation consists of creosote bush, bunchgrass, mesquite, and several varieties of cacti. The elevation ranges from 1,247 to 3,272 feet above sea level.

3. All rights of the State of Arizona to sections 2, 16, 32 and 36 have been conveyed to the United States.

4. All of the lands are classified for multiple use management and will be opened only to such forms of disposition as are allowed under the provisions of this classification on the effective date of the filing of this plat.

5. Inquiries concerning the lands should be addressed to the Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.73-15591 Filed 7-27-73;8:45 am]

National Park Service

[INT DES 73-46]

JACKSON HOLE AIRPORT, GRAND TETON NATIONAL PARK, WYOMING

Notice of Availability of Draft Environmental Statement Regarding Actions Under Consideration

Pursaunt to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to the Jackson Hole Airport within Grand Teton National Park, Wyoming.

Under consideration is provision for jet carrier service, increasing the passenger carrying capability of pesent turbo-prop aircraft serving the facility, and general aviation safety. These actions involve extension of an existing 6,305-foot runway to 8,000 feet, construction of a parallel 8,000-foot taxiway, additional parking aprons, additional car parking, an improved access road, a new sewage system, and miscellaneous minor improvements. Interrelated projects include an instrument landing system, a runway lighting system, and an air traffic control tower.

Notice as to the date, time, and place of a public hearing in regard to the possible actions will be published in the FEDERAL REGISTER and other appropriate media.

Written comments on the environmental statement are invited and will be accepted on or before September 13, 1973. The comment period may be extended on an individual case basis as provided for in the Council on Environmental Quality Guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Grand Teton National Park, Wyoming (see address below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office National Park Service 1709 Jackson Street Omaha, Nebraska 68102

Superintendent Grand Teton National Park P.O. Box 67 Moose, Wyoming 83012

Dated: July 25, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-15631 Filed 7-27-73;8:45 am]

[INT DES 73-43]

MASTER PLAN FOR GLACIER NATIONAL PARK, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a Master Plan for Glacier National Park, Montana.

The statement considers the management and use of Glacier National Park.

Written comments on the environmental statement are invited and will be accepted on or before September 28, 1973. Comments should be addressed to the Superintendent, Glacier National Park.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office National Park Service 1709 Jackson Street Omaha, Nebraska 68102

Superintendent, Glacier National Park West Glacier, Montana 59936

Dated: July 23, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

[FR Doc.73-15632 Filed 7-27-73;8:45 am]

[INT DES 73-44]

WILDERNESS PROPOSAL FOR GLACIER NATIONAL PARK, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Glacier National Park, Montana.

The statement considers establishment of 917,600 acres in three units within Glacier National Park. Also considered are 600 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted on or before September 28, 1973. Comments should be addressed to the Superintendent, Glacier National Park, Montana.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office National Park Service 1709 Jackson Street Omaha, Nebraska 68102

Superintendent Glacier National Park West Glacier, Montana 59936

Dated: July 23, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

[FR Doc.73-15633 Filed 7-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

TRADERS IN CHICAGO, KANSAS CITY AND MINNEAPOLIS WHEAT FUTURES

Notice of Release of Names and Addresses of Traders and Their Transactions to the Senate Committee on Government Operations

The Secretary of Agriculture in response to a letter from the Committee on Government Operations, Senate Permanent Subcommittee on Investigations, U.S. Senate, submitted to the committee information disclosing the names and addresses of all traders in wheat futures on the Board of Trade of the City of Chicago, the Kansas City Board of Trade, the Minneapolis Grain Exchange and the MidAmerica Commodity Exchange during the period April 1, 1972 through November 30, 1972, with respect to whom the Secretary has information, together with data concerning futures transactions and positions in wheat and cash commodity positions of each such trader.

Such information was submitted in accordance with section 8 of the Commodity Exchange Act (7 U.S.C. 12–1) which requires the Secretary upon request of any committee of either House of Congress, acting within the scope of its jurisdiction, to furnish and make public the names and addresses of such traders, together with information relating to their futures transactions. The material submitted covered those traders in reporting status in wheat (holding a position of 200,000 bushels or more in any one wheat future).

The data will be made available for inspection and copying to anyone upon request at the Commodity Exchange Authority's regional office in Chicago. In accordance with the Department of Agriculture fee schedule, copies of the material will be furnished at a charge of 10 cents for each copy of each page.

Issued: July 24, 1973.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.73-15598 Filed 7-27-73;8:45 am]

Forest Service

DESCHUTES, WINEMA, OCHOCO & FREMONT NATL. FORESTS IN OREGON—1973 HERBICIDE USE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the 1973 Herbicide Use on the Deschutes, Winema, Ochoco & Fremont National Forests in Oregon USDA–FS–FES–(Adm)–73–30.

The environmental statement concerns a proposed use of the herbicides 2,4-D; 2,4,5-T; Amitrole; Dicamba, Silvex and Picloram on four National Forests located in Eastern Oregon. These herbicides would be used for reforestation, site preparation, utility and road right-of-way maintenance, range revegetation and noxious weed control.

This final environmental statement was filed with CEQ on July 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
So. Agriculture Bldg., Rm. 3230
12th Street & Independence Ave. S.W.
Washington, D.C. 20250

USDA Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97208

Deschutes National Forest
211 East Revere Street
Bend, Oregon 97701

Ochoco National Forest
P.O. Box 490
Prineville, Oregon 97754

Winema National Forest
Post Office Bldg.
Klamath Falls, Oregon 97601

Fremont National Forest
306 S. G Street
Lakeview, Oregon 97630

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State

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and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-15604 Filed 7-27-73;8:45 am]

FLATHEAD NATIONAL FOREST TEN-YEAR TIMBER MANAGEMENT PLAN, INTERIM REVISION

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Interim Revision—Flathead National Forest Ten-Year Timber Management Plan, Forest Service Report Number USDA–FS–DES (Adm) 73–87.

The environmental statement concerns a proposed interim revision of the ten-year timber management plan for the Flathead National Forest. The principal consequence of the proposal is the lowering of the annual allowable timber cut on the Forest from the present 182 MMBF to 156 MMBF.

This draft environmental statement was filed with CEQ on July 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main Street
Kalispell, Montana 59901

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main Street, Kalispell, Montana 59901.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which commehts have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main Street, Kalispell, Montana 59901. Comments must be received by September 7, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-15601 Filed 7-27-73;8:45 am]

HERBICIDE CONTROL OF SAGEBRUSH AND WYETHIA IN NEVADA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Herbicide Control of Sagebrush and Wyethia in Nevada. Report Number USDA–FS–DES (Adm) 73–88.

The environmental statement concerns a proposed practice of applying the herbicide 2,4-dichlorophenoxyacetic acid (2,4–D) each year to approximately 5,000 acres of land covered by dense stands of sagebrush and wyethia on National Forests in Nevada.

This draft environmental statement was filed with CEQ on 7/24/73.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D. C. 20250

USDA, Forest Service
Humboldt National Forest
976 Mountain City Highway
Elko, Nevada 89801

USDA, Forest Service
Federal Bldg., Room 5022
324 25th Street
Ogden, Utah 84401

USDA, Forest Service
Tolyabe National Forest
111 North Virginia-Room 601
Reno, Nevada 89501

A limited number of single copies are available upon request to Vern Hamre, Regional Forester, USDA, Forest Service, Federal Building, 324, 25th Street, Ogden, Utah 84401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to name and number of the statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Vern Hamre, Regional Forester, Federal Building, 324 25th Street, Ogden, Utah 84401. Comments must be received by 9/7/73, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-15603 Filed 7-27-73;8:45 am]

PINYON-JUNIPER CHAINING PROGRAM ON NATIONAL FOREST LANDS IN THE STATE OF NEVADA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Chaining Pinyon-Juniper on National Forest Lands in the State of Nevada. Report Number USDA–FS–DES(Adm) 73–90.

The environmental statement concerns a proposed practice of chaining over pinyon-juniper trees each year on approximately 5,000 to 6,000 acres of land covered by dense stands and/or spreading stands of pinyon-juniper trees on National Forests in Nevada.

This draft environmental statement was filed with CEQ on July 24, 1973.

Copies are available for inspection during working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Humboldt National Forest
976 Mountain City Highway
Elko, Nevada 89801

USDA, Forest Service
Federal Bldg., Room 5022
324 25th Street
Ogden, Utah 84401

USDA, Forest Service
Tolyabe National Forest
111 North Virginia-Room 601
Reno, Nevada 89501

A limited number of single copies are available upon request to Vern Hamre, Regional Forester, USDA, Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to name and number of the statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Vern Hamre, Regional Forester, Federal Building, 324 25th Street, Ogden, Utah 84401.

Comments must be received by September 7, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.73-15602 Filed 7-27-73;8:45 am]

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet at 1:30 p.m., August 1, 1973, at the Margate Resort in Laconia, New Hampshire.

The purpose of this meeting is to get acquainted and discuss purpose and future plans of committee.

The meeting will be open to the public. Persons who wish to attend should notify Steve Harper, White Mountain National Forest, 719 Main Street, Laconia, New Hampshire 03246. Telephone Number 603–524–6450.

STEPHEN C. HARPER,
Acting Forest Supervisor.

JULY 23, 1973.

[FR Doc.73-15592 Filed 7-27-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-185; OILSR No. 0-0231-54-10; Administrative Proceedings Division File No. 2-43]

BULL RUN MOUNTAIN

Order of Suspension

Notice is hereby given that:

On June 12, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a notice of proceedings and opportunity for hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706 (d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

Order of suspension. 1. Bull Run Development Corporation, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Virginia (OILSR No. 0–0231–54–10), which became effective on December 30, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(d)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 12, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sale or offer to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued at Washington, D.C., July 24, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-15561 Filed 7-27-73;8:45 am]

Office of the Secretary

[Docket No. D-73-241]

CERTAIN HUD EMPLOYEES IN REGION I (BOSTON)

Redelegation of Authority To Administer Oaths

Redelegation of authority to administer oaths under Title VIII (fair Housing) of Civil Rights Act of 1968.

Each of the following named employees in the Department of Housing and Urban Development, Region I (Boston), is hereby authorized to administer oaths under section 811(a) of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3611(a):

1. Marcella A. Lancome
2. Gabriel Nemeth

Revocation of prior redelegation. The prior redelegation of authority to administer oaths under Title VIII (Fair Housing) of Civil Rights Act of 1968, published in 36 FR 4517, March 6, 1971, is hereby revoked.

(Redelegation of Regional Administrator effective October 1, 1970 (36 FR 4517, March 6, 1971)).

Effective date. This redelegation of authority is effective on July 30, 1973.

JOSEPH S. VERA,
Assistant Regional Administrator for Equal Opportunity; Region I (Boston).

[FR Doc.73-15581 Filed 7-27-73;8:45 am]

[Docket No. D-73-242]

ACTING REGIONAL ADMINISTRATOR REGION IV (ATLANTA)

Designation

The employees appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator
2. Assistant Regional Administrator for Housing Production and Mortgage Credit
3. Assistant Regional Administrator for Administration
4. Assistant Regional Administrator for Community Development

This designation supersedes the designation effective April 11, 1973 (38 FR 12147, May 9, 1973).

(Delegation of Authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Dept. Interim Order II (31 FR 815, January 21, 1966))

This designation is effective as of the 11th day of July, 1973.

E. LAMAR SEALS,
Regional Administrator, Region IV (Atlanta).

[FR Doc.73-15582 Filed 7-27-73;8:45 am]

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ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REACTOR PRESSURE VESSELS

Notice of Meeting

JULY 25, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Pressure Vessels will hold a meeting on August 8, 1973, in Room 1062, 1717 H Street, NW., Washington, D.C. The subject scheduled for discussion is a draft report to the full Committee on light water reactor pressure vessel integrity.

The Subcommittee is meeting with their consultants and a Regulatory Staff participant to formulate recommendations in the form of a report to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will be to discuss a document which falls within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-15672 Filed 7-27-73;8:45 am]

GENERAL ADVISORY COMMITTEE RESEARCH SUBCOMMITTEE

Notice of Meeting

JULY 25, 1973.

In accordance with the purposes of section 26 of the Atomic Energy Act, the Research Subcommittee of the General Advisory Committee will hold a meeting on August 7 and 8, 1973, in Room 1146 at 1717 H Street, NW., Washington, D. C.

The Subcommittee will meet with members of the General Manager's staff, and in executive session, to commence formulating preliminary recommendations to the full Committee concerning the future course of the AEC basic research program.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of exchanges of opinions and views, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close the meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-15671 Filed 7-27-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

Duquesne Light Company, 435 Sixth Avenue, Pittsburgh, Pennsylvania 15219, Ohio Edison Company, 47 North Main Street, Akron, Ohio 44308, Pennsylvania Power Company, One East Washington Street, New Castle, Pennsylvania 16103, The Cleveland Electric Illuminating Company, P.O. Box 5000, Cleveland, Ohio 44101, and Toledo Edison Company, 300 Madison Avenue, Toledo, Ohio 43652 (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed on June 25, 1973, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors. The application was tendered on March 28, 1973. Following a preliminary review for completeness, it was rejected on May 2, 1973, for lack of sufficient information. The applicants submitted additional information on June 6, 1973 and the application was accepted for docketing.

The proposed nuclear facility, designated by the applicants as the Perry Nuclear Power Plant, Units 1 & 2 is located near Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio and is designated for initial operation at approximately 3579 megawatts (thermal) with a net electrical output of approximately 1205 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before September 7, 1973. The request should be filed in connection with Docket 50-440A & 50-441A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio 44081.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated March 28, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the Perry Nuclear Power Plant, Units 1 & 2 is also being made available at the Office of the Governor, State Clearinghouse, 62 East Broad Street—2nd Floor, Columbus, Ohio 43215 and at the Northeast Ohio Areawide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44114.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 28th day of June 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors, Branch 1, Directorate of Licensing.

[FR Doc.73-13656 Filed 7-5-73;8:45 am]

[Docket No. 50-336]

CONNECTICUT LIGHT & POWER CO., ET AL.

Order for Evidentiary Hearing

JULY 24,1973.

In the matter of Connecticut Light & Power Co., Hartford Electric Light Co., Western Massachusetts Electric Co., Millstone Point Co., (Millstone Nuclear Power Station Unit No. 2).

It is hereby ordered, That the initial session of the evidentiary hearing in this proceeding shall convene at 10:00 a.m. local time on August 7, 1973, at the Complex Meeting Room, First Floor, Public Works Complex, 1000 Hartford Road, Waterford, Connecticut.

All persons who have requested leave to make limited appearances will be afforded an opportunity to state their views on the first day of the hearing, or at such other times as the atomic safety and licensing board may for good cause designate.

The following agenda will in general be followed:

1. Disposition of preliminary matters raised by the atomic safety and licensing board;
2. Opening statements of the parties;
3. Statements by persons permitted to make limited appearances;
4. Disposition of preliminary motions of the parties and related matters;
5. Introduction of testimony;
6. Questioning of witnesses by parties and by the atomic safety and licensing board; and
7. Closing matters.

Dated this 24th day of July 1973, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-15542 Filed 7-27-73;8:45 am]

TENNESSEE VALLEY AUTHORITY

[Dockets Nos. 50-259, 50-260, 50-296]

Notice of Adjourned Session of Prehearing Conference

In the matter of Tennessee Valley Authority, (Browns Ferry Nuclear Plant Units 1, 2, and 3).

Pursuant to an order of the atomic safety and licensing board issued July 24, 1973, an adjourned session of the prehearing conference of July 10, 1973 will be held at 10:00 a.m. local time on August 2, 1973 at the Circuit Courtroom, Limestone County Courthouse, Athens, Alabama, for the purpose of hearing, in connection with the pending motion of the applicant for summary disposition on the pleadings and for the other relief, oral statements by way of limited appearance or the presentation of written statements of position on the issues. Persons who may wish to make consolidated oral presentations through one or more spokesmen are encouraged to do so.

Dated this 24th day of July 1973 Washington, D. C.

ATOMIC SAFETY AND LICENSING BOARD,
SIDNEY G. KINGSLEY,
Chairman.

[FR Doc.73-15543 Filed 7-27-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 25497, 25493; Order 73-7-119]

HUGHES AIRWEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of July 1973.

By applications filed May 3, 1973, Hughes Airwest (Airwest) requests an amendment to its certificate of public convenience and necessity for route 76 so as to delete Olympia, Washington, therefrom, and a temporary suspension of service at Olympia for a period of one year or until such time as the Board acts upon its application for deletion. No answers to Airwest's application have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause proposing to grant the requested deletion. We tentatively find and conclude that "he public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to delete Olympia therefrom.[1] The facts and circumstances which we have tentatively found to support our proposed ultimate conclusion appear below.

Olympia has never been a strong traffic-originating point, and in the more recent past (since 1962), originations have exceeded three per day only twice, in 1963 and 1969.[2] Since 1969, originations have dropped precipitiously, averaging 1.08 per day (0.80 per departure) in 1971, the last full year of operations for which figures are available.[3] This extremely low level of traffic not only evidences a depressed public need for certificated-type service, but also has resulted in uneconomic operations for the carrier, and an inordinately high level of subsidy need. Our analysis indicates that had Airwest's service to Olympia been operated for the full year 1972, it would have produced an annual subsidy need in excess of $40,000, or approximately $50 per passenger.[4] There is no reason to believe that the traffic experience and the financial results of Airwest's Olympia service have any reasonable chance of meaningful improvement over the foreseeable future, in light of the ample and convenient alternative transportation available to Olympia travelers. Thus, the Seattle-Tacoma International Airport, a major traffic hub, is about 50 surface miles (43 air miles) from Olympia, and travel time via a limited-access interstate highway is on the order of 45 minutes.[5] There is ample bus and limousine service available, as well as commuter air carrier service to Tacoma and the Seattle-Tacoma International Airport. Finally, the absence of civic opposition to Airwest's application lends support to our decision that the show cause procedure is appropriate.[6]

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Hughes Airwest for route 76 so as to delete Olympia, Washington, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. A copy of this order shall be served upon Hughes Airwest; Governor, State of Washington; Mayor, City of Olympia; Airport Director and Manager, Port of Olympia; Director, Washington State Aeronautics Commission; Chairman, Utilities and Transportation Commission, State of Washington; Executive Vice President, Puget Sound Traffic Association; and the Postmaster General (attention: Assistant General Counsel of Transportation), Post Office Department; and

6. Hughes Airwest's application for a temporary suspension of service at Olympia, Washington (Docket 25498), be and it hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-15606 Filed 7-27-73;8:45 am]

[1] We also tentatively find that Airwest is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[2] 3.99 in 1963, 3.32 in 1969.

[3] 1972 service was interrupted by a strike against Airwest.

[4] We note that the per-passenger subsidy need in this case far exceeds levels which we have in the past found would warrant deletion, absent other compelling countervailing circumstances. See *e.g.*, Service to Sedalia, Order 70-6-22 (June 2, 1970); Eastern—Deletion of Waycross, Georgia, Order 72-5-50 (May 12, 1972); and Frontier—Deletion of Duncan, Oklahoma, Order 72-6-33 (June 7, 1972).

[5] Travel time to downtown Seattle, a major community of interest, is approximately one hour.

[6] Since we are proceeding upon Airwest's deletion application by expedited non-hearing procedure, we see no special urgency or any other reason requiring the Board to act upon its *perndente lite* suspension request. We will therefore deny its application in Docket 25498, without prejudice.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF HEARINGS

The Commission on Revision of the Federal Court Appellate System will hold hearings at 10:00 a.m. on Thursday, August 2, 1973 and Friday, August 3, 1973

[7] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

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in the Ceremonial Courtroom of the United States Courthouse, John Marshall Pl., NW., and Constitution Avenue in Washington, D.C.

The Commission is charged with making recommendations concerning redistricting the judicial circuits. In addition, the Commission is to study the internal procedures and structure of the Federal courts of appeal system, making such recommendations as are appropriate. Because the Commission's first report has a congressionally mandated deadline of mid-December, priority will be given to testimony relevant to redistricting.

The hearings are open to the public and interested persons are invited to attend. Those wishing to present oral testimony should contact A. Leo Levin, Executive Director of the Commission, at 209 Court of Claims Building, 717 Madison Pl., NW., Washington, D.C. 20005. Phone: (202) 382-2943. Written statements may be filed with the Commission.

A. LEO LEVIN,
Executive Director.

JULY 19, 1973.

[FR Doc.73-15550 Filed 7-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ASULAM

Notice of Extension of Temporary Tolerance

In connection with Pesticide Petition No. 2G1200, Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, was granted a temporary tolerance for negligible residues of the herbicide asulam (methyl sulfanilylcarbamate) in or on the raw agricultural commodity sugarcane at 0.1 part per million on July 11, 1972 (notice was published in the FEDERAL REGISTER of July 18, 1972 (37 FR 14229)). This temporary tolerance expired July 11, 1973.

The firm has requested a 1-year extension of the temporary tolerance to obtain additional experimental data. It is concluded that this extension of the temporary tolerance of 0.1 part per million for negligible residues of the herbicide in or on sugarcane will protect the public health. It is therefore extended as requested on condition that the herbicide be used in accordance with the temporary permits being issued concurrently and which provide for distribution under the Rhodia Inc. name.

This temporary tolerance as extended expires July 11, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623) and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: July 24, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-15621 Filed 7-27-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

PANEL 7, CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

JULY 20, 1973.

Panel 7 of the Cable Television Technical Advisory Committee will hold an open meeting on August 7, 1973. The meeting will be held at the Mitre Corporation in Bedford, Massachusetts. The agenda of the meeting will include:

I. Chairman's Report of Activities
II. Review of Minutes of May 8, 1973 Meeting
III. Report of Four Working Groups
IV. Review and Discussion of Work to Date
V. Establish Milestones for Next Meeting
VI. New Business
VII. Establish Date, Time, Place for Next Meeting.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-15620 Filed 7-27-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP71-131; RP72-61]

ALGONQUIN GAS TRANSMISSION COMPANY

Revised Curtailment Plan Filing

JULY 20, 1973.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on July 2, 1973, tendered for filing First Revised Sheet No. 27-A, First Revised Sheet No. 27-B, and Original Sheet No. 27-C to its FPC Gas Tariff, Original Volume No. 1.

These sheets, Algonquin states are being filed in compliance with the Commission Order issued January 29, 1973, in Docket Nos. RP71-131 and RP72-61, which order required the filing by Algonquin, of a revised curtailment plan to conform with the policies set forth in Order Nos. 467 and 467-A (Docket No. R-469).

The tariff sheets contain revisions to Section 11 of the General Terms and Conditions of Algonquin's FPC Gas Tariff, Original Volume No. 1. Included in such revisions is a listing of the nine priorities of service set forth in the Commission Order Nos. 467, 467-A, and 467-B. Algonquin states that it has submitted a questionnaire to its customers for the purpose of obtaining end-use data that will allow implementation of the curtailment plan. Algonquin states that it will file this data with the Commission when it is received and summarized.

The subject tariff sheets are proposed to become effective November 16, 1973, prior to the onset of the 1973-74 winter in accordance with the January 29, 1973, Commission Order. Algonquin states that copies of the filing were served upon its gas purchase customers and to all State regulatory agencies regulating such customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15567 Filed 7-27-73;8:45 am]

[Docket No. CP74-14]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 23, 1973.

Take notice that on July 16, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-14 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain properties and gas pipeline and appurtenant facilities extending from the San Juan Basin Area of New Mexico through the states of Colorado, Utah, Wyoming, Idaho, Oregon, and Washington, and terminating at the International Boundary near Sumas, Washington, to Northwest Pipeline Company (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this application is filed as a result of the mandate of the United States Supreme Court in United States v. El Paso Natural Gas Co., et al., 376 U.S. 651 (1964), as implemented by the Orders and Opinion of the United States District Court for the District of Colorado entered on June 16, 1972, in United States v. El Paso Natural Gas Co., et al., Civil Action No. C-2626, aff'd sub nom. California-Pacific Utilities Co., et al., v. United States ---- U.S. ---- (1973), requiring divestiture by Applicant to Northwest of the facilities and properties acquired by Applicant in 1959 from Pacific Northwest Pipeline Corporation (Pacific Northwest) together with additional properties and facilities.

Applicant proposes to abandon approximately 3,100 miles of transmission line ranging in size from 2⅜ inch O.D. to 34-inch O.D., 1,160 miles of field gathering line, ranging in size from 2⅜ inch O.D. to 30-inch O.D., 31 compressor stations, 4 gas dehydration plants, 2 liquid hydrocarbon extraction plants, Applicant's ⅓ interest in the Jackson Prairie Storage Project and all other appurtenant facilities required in the operation of its Northwest Division.

Applicant also proposes to abandon to Northwest all of its gas reserves in the San Juan Basin Area, New Mexico, and elsewhere resulting from Applicant's acquisition of Pacific Northwest, all contracts negotiated since January 1, 1957, for the purchase of Canadian gas, all other connected gas supplies located north of the San Juan Basin, and a portion of the San Juan Basin reserves acquired by Applicant subsequent to the acquisition. Applicant estimates the total available reserves of gas approximate 10 billion Mcf.

Applicant also proposes to abandon its gas service to 16 distributor companies, 3 pipeline companies for resale, exchange arrangements with one distributor and one pipeline, and a transportation service performed for one pipeline, all rendered in accordance with its FPC Gas Tariff, First Revised Volume No. 3 and Original Volume No. 4, which will be canceled. It is stated that upon consummation of the divestiture, all outstanding resale and direct sale contracts will be assigned to Northwest. Northwest has filed in Docket Nos. CP73-331, CP73-332, and CP73-333, applications for authorization to make all the sales and render the service now made by Applicant through its Northwest facilities at the same rates as now charged by Applicant, to import natural gas from Canada, and to maintain and operate facilities at the International Boundary.

Applicant states that Northwest will acquire the facilities, assets and properties from it by conveyance, assignment and transfer. In exchange Northwest will issue bonds and debentures to Applicant's bondholders for a pro rata share of Applicant's bonds and debentures which will be surrendered and canceled. Northwest will issue and deliver to Applicant all of the common stock of Northwest. Applicant will then sell 20 percent of the stock to the APCO Group.

The remainder of the common stock will be placed in a five-year voting trust administered by the APCO Group with trust certificates distributed pro rata to the holders of Applicant's common stock. A holder of a certificate may exchange the certificate for the appropriate number of shares of Northwest upon a showing that the holder no longer holds shares of the Applicant's common stock. At the end of the five-year trust period any remaining stock will be sold by the trustee and the proceeds distributed to the certificate holders.

Applicant states that it intends to enter into a gathering and exchange agreement with Northwest after divestiture providing for the exchange of gas from wells owned by one party but connected to the other party's gathering system in the San Juan Basin Area. Upon agreement between Applicant and Northwest regarding the said arrangement, Applicant will make the necessary application for authorization to implement the agreement.

In addition to permission and approval under section 7(b) of the Natural Gas Act, Applicant requests that all orders and permits issued by the Commission to Pacific Northwest or Applicant, pertaining to the facilities required to be divested, be vacated.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-15568 Filed 7-27-73;8:45 am]

[Docket No. CP69-23]

EL PASO NATURAL GAS CO.

Petition To Amend

JULY 20, 1973.

Take notice that on July 13, 1973, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP69-23 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act so as to authorize a continuation of the operation of certain facilities used to sell and deliver excess return residue gas to certain producers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner was authorized by the Commission's order of August 21, 1969, in said docket (42 FPC 562) as amended March 29, 1970, and December 27, 1972, to continue the operation of certain facilities on its Southern Division System for sales and deliveries of gas that had been without certificate authorization because the gas had not been commingled with gas in interstate commerce and was consumed completely in the state of production. Petitioner states that in its application in said docket it inadvertently omitted to seek authorization for the facilities used in making direct sales and deliveries of return residue gas to certain producers in San Juan County, New Mexico, and in Andrews, Midland, Upton, and Reagan Counties, Texas. It is stated that each producer receives, pursuant to contract, quantities of gas equivalent to the residue gas volumes from casinghead gas sold to Petitioner. The purpose of such sales is to assist the development and operation of oil and gas recoveries, including gas lift and repressuring operations. Petitioner further states that for 13 producers, sales and deliveries of return residue gas have exceeded the volumes of residue gas sold to it and the producers were charged for the excess in accordance with Petitioner's X-1 Rate Schedule, FPC Gas Tariff, Original Volume No. 1.

Petitioner requests authorization to continue to use the 70 metering and regulating facilities for the sales and deliveries of excess return residue gas hereinbefore described. These facilities were originally constructed at an estimated cost of $2,000 each.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15569 Filed 7-27-73;8:45 am]

[Docket No. CI74-19]

LVO CORP.

Notice of Application

JULY 23, 1973.

Take notice that on July 5, 1973, LVO Corporation (Applicant), P.O. Box 2848, Tulsa, Oklahoma 74101, filed in Docket No. CI74-19 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), from the Bradshaw Field, Hamilton County, Kansas, or in the alternative for authorization to increase the rate for such gas sold by Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the Commission's order of March 18, 1964, in Docket No. CI64-679, as

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amended by the order of March 5, 1968, in said docket, Applicant's predecessor-in-interest, Livingston Oil Company was authorized to sell gas to Kansas-Nebraska at 13.5 cents per Mcf at 14.65 psia. Applicant now states that although its wells are capable of producing 540,000 Mcf per month, Kansas-Nebraska has curtailed its takes from Applicant's acreage in the Bradshaw Field and that Applicant has been forced to shut in as many as 50 wells out of the 75 wells in the field. Applicant further states that the reduction in takes has required an increasing amount of salt water to be pumped from the wells to maintain as production and this has created considerable operation problems. It is stated that the effect of rising costs and decreasing deliveries has made it economically infeasible to continue deliveries to Kansas-Nebraska at the present rates.

Applicant proposes to abandon the sale of gas to Kansas-Nebraska in order to negotiate with another interstate pipeline for the sale of gas from its wells. In the alternative, Applicant requests authorization to increase its charges under its FPC Gas Rate Schedule No. 27 to 37.5 cents per Mcf at 14.65 psia for takes of 286,000 Mcf of gas per month with variable rates depending on the level of purchases by Kansas-Nebraska.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-15571 Filed 7-27-73;8:45 am]

[Docket No. E-8130]

MIDDLE SOUTH SERVICES, INC.

Notice Rescheduling Prehearing Conference

JULY 23, 1973.

On July 12, 1973, Middle South Services, Inc. filed a motion to reschedule the prehearing conference as fixed by order issued July 27, 1973. The motion states that Staff Counsel had no objection to the motion.

Upon consideration, notice is hereby given that the prehearing conference is rescheduled for August 1, 1973, at 10:00 a.m. (e.d.t.) in a Hearing Room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-15572 Filed 7-27-73;8:45 am]

[Project 287]

NORTHERN COUNTIES HYDROELECTRIC CO.

Application for New License for Constructed Project

JULY 20, 1973.

Public notice is hereby given that application for new major license (relicense) has been filed December 20, 1972, under the Federal Power Act (17 U..S.C. 791a–825r) by Northern Counties Hydroelectric Company (Correspondence to: Mrs Bette Breit O'Keefe, President, North Counties Hydroelectric Company, 1047 North Kenilworth Avenue, Oak Park, Illinois 60302, and John C. Mason, Esquire, Morgan, Lewis & Bockius, 1140 Connecticut Avenue, N.W., Washington, D.C. 20036) for its constructed Dayton Project No. 287 located in La Salle County, near the towns of Dayton and Ottawa, Illinois, on the Fox River, a navigable tributary to the Illinois River. The project affects navigable waters of the United States.

The existing Dayton Project consists of: (1) A dam about 594 feet long and 23 feet high across the Fox River; (2) a power canal extending along the west side of the Fox River from the dam to the powerhouse; (3) a powerhouse containing three generators with a total installed capacity of 3,680 kilowatts; (4) a reservoir 100 to 600 feet wide extending generally northward and upstream from the dam for about 5 miles with a surface area of 1600 acres; and (5) appurtenant facilities.

According to the application; (1) the estimated net investment is $334,158 as of June 30, 1972. The fair market value of the project is estimated to be substantially in excess of that net investment of $334,158 based on trended original costs, but a precise figure has not been calculated; (2) due to the fact that Illinois Power Company buys the total output of the project at the bus bars, any severance damage suffered would be borne by Illinois Power Company in connection with construction of new transmission facilities to obtain generating capacity from another source; (3) the applicant estimates that the annual tax revenue produced by the project ranges between $18,000 and $23,000. Local taxes amount to about $8,000 per year. Federal income taxes on the project during good water years range from $10,000 to $15,000.

The principal recreational feature of the project is the shallow reservoir of some 1,600 acres and a length of about 5 miles. The reservoir is accessible from the east by county highways and from the south by a highway and a foot path. The reservoir is used for canoeing, boating, and fishing.

The applicant will provide additional recreation facilities and make improvements as follows: two paths from the parking area to the river bank will be graveled; vegetation will be cleared at selected area along the river bank; portage points will be improved.

Any person desiring to be heard or to make protest with reference to said application should on or before September 5, 1973, file with the Federal Power Commission, Washington, D. C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file pettions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15573 Filed 7-27-73;8:45 am]

[Docket No. CP74-18]

UNITED GAS PIPE LINE CO.

Order To Show Cause

JULY 20, 1973.

In Opinion No. 661, issued this day, we were confronted with the proposition that absent compensatory price conditions for certificates for direct sales contracts for customers in the New Orleans and Victoria divisions, United would incur a $12 million annual deficiency. The record in Docket No. CP71–89 was, however, inconclusive as to the impact of such a deficiency on United's financial integrity to render adequate systemwide service. Moreover, the record in that case was closed and briefs filed prior to the initiation of the Phase I and Phase II proceedings in Docket Nos. CP73–117, et al. and Commission Opinion Nos. 647 and 647–A, so that assumptions underlying that $12 million revenue deficiency may have to be substantially changed. As we stated in Opinion No. 661, rather than relieve United from any alleged noncompensatory contracts for only certain of its direct sales customers, that issue will be decided in this proceeding, wherein the impact can be measured by continuation of such direct sales at the rates contained in the individual contracts on United's entire system.

Our order of February 12, 1973 severed the proceedings in Docket Nos. CP73–117, et al. into two distinct phases. In Phase I, United Gas Pipe Line Company (United) was ordered to show cause why abandonment should not be ordered for industrial requirements for boiler-fuel use at more than 1500 Mcf per day where alternate fuel capabilities can meet such requirements. The Phase II proceeding required United to show why the present or future public convenience or necessity required the abandonment of service to seven direct industrial customers to the extent the gas was not used in priority categories 4 and 5 of United's curtailment plan, i.e., outside the scope of Phase I. For the reasons hereinafter stated by this order, we are initiating a new show cause proceeding.

We herein direct United to show cause why it should abandon service under all noncompensatory direct sales contracts, i.e., the burden is on United to show why transportation service should not be continued to all its direct sales customers at the rates contained in the individual contracts, but not including the seven individual abandonment applications which are the subject of Phase II. Such direct sales customers may include many of the sales which are the subject of Phase I; the latter proceeding directed to the inferior use of such gas, as distinguished from the rate at which such sale is made. However, we recognize that (1) the hearings in Phase I are not scheduled to resume for another three months (see our order of May 16, 1973), and (2) we must ascertain the financial impact of continuation of large boiler-fuel sales at contract rates where alternate fuel capability is absent.

The standards to be utilized in this new proceeding in examining the rates for such transportation service shall be those of our March 8, 1973 order at pp. 8–9 therein and our February 12, 1973 order at pp. 2–3 therein in Docket Nos. CP73–117, et al.

We would direct the parties to this proceeding, including staff, that certain evidence in Docket No. RP72–75, the United rate case pending before us on exceptions, may be incorporated by reference, e.g. cost allocation, to the extent relevant to adjudication of this proceeding, as well as relevant evidence from Docket Nos. CP73–117, et al.

We would also urge the parties to this proceeding, including staff, to consider the short and long-term impact upon United's ability to render adequate service of our Phase I proceeding, e.g. if abandonment is ordered for certain large boiler-fuel customers with alternate fuel capability.

Our primary concern in this new proceeding is to determine the impact of the continuation of direct sales at the rates prescribed in those individual contracts upon the rates charged to United's jurisdictional ratepayers and the ability of United to render adequate jurisdictional service. The scope of such inquiry should be the systemwide impact as contracted with any individual direct sale.

Pursuant to sections 7, 14 and 16 of the Natural Gas Act and § 1.6(d) of the Commission's rules of practice and procedure, the Commission orders that:

(A) United Gas Pipe Line Company is ordered to show cause why it should abandon service to all its direct sales customers and why transportation service should not be continued to all its direct sales customers at the several individual contract rates.

(B) Interested persons should file petitions to intervene in these proceedings with the Secretary of the Federal Power Commission within twenty days from the date of issuance of this order.

(C) United's answer to this modified show cause order, under § 1.9(c) of the Commission's rules of practice and procedure, is waived, without prejudice, and responses to such answer are not permitted.

(D) United Gas Pipe Line Company, as respondent, shall file its testimony and evidence on August 27, 1973.

(E) Staff and intervenors shall file their evidence, including testimony and exhibits, on September 24, 1973.

(F) Rebuttal evidence shall be filed on October 8, 1973.

(G) Cross-examination shall commence on October 15, 1973.

(H) A prehearing conference shall be convened at 10:00 a.m. on August 6, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning this proceeding, before a Presiding Administrative Law Judge.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15574 Filed 7-27-73;8:45 am]

[Docket No. E-8311]

UTAH POWER AND LIGHT CO.

Proposed Changes in Electric Service Agreement

JULY 20, 1973.

Take notice that on July 11, 1973, Utah Power and Light Company (Utah) tendered for filing amendments to an interconnection agreement among Utah, Washington Water Power Company (Washington), Idaho Power Company (Idaho), Pacific Power and Light Company (Pacific), and the Montana Power Company (Montana). The agreement is currently designated Utah Rate Schedule FPC No. 103. The amendments consist of the following:

(1) Supplement No. 2 to Supplement No. 2 of Rate Schedule FPC No. 103. Utah states that this amendment restates the obligations under the agreement during heavy load hours for the summer of 1973 and winter of 1973–1974 and sets up obligations for future periods into 1976. The settlement date for energy balances is changed from "June 1 each year," to "August 31, 1976."

(2) Supplement No. 4 to Rate Schedule FPC No. 103. Utah asserts that this amendment is a new service schedule providing for exchange of power and energy between Washington and Utah; and future sales by Utah to Washington. Utah states that this schedule is contingent upon an exchange agreement by and between Washington and Puget Sound Power and Light Company which will be separately submitted to the Commission. Utah claims that revenues and costs under Supplement No. 4 are impossible to estimate accurately due to the many variables involved. Utah also requests that the notice requirements of § 35.3 of the Commission's regulations be waived and that Supplement No. 4 be accepted for filing with an effective date of April 16, 1973, since service under this Supplement was initiated on that date.

Any person desiring to be heard or protest should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426 in accordance with the Commission's Rules of Practice and Procedure. All such protests or petitions should be filed on or before August 7, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not serve to make the protestants parties to the proceedings. Any person desiring to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15575 Filed 7-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

CLEVETRUST CORP.

Order Approving Formation of Bank Holding Company

CleveTrust Corporation, Wilmington, Delaware, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of information of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successors by merger to The Cleveland Trust Company, Cleveland, Ohio ("Bank"). Bank is to be merged into the Cuyahoga Bank, which has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received, including those of, and evidence submitted by, The Lake County National Bank of Painesville, Painesville, Ohio, and The Lorain County Savings & Trust Co., Elyria, Ohio (hereinafter collectively referred to as "Protestants"), in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

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Applicant is a newly organized corporation formed for the purpose of becoming a bank holding company. Bank, with deposits of $2.4 billion as of June 30, 1972, is the largest bank in the City of Cleveland and the State of Ohio. The Cleveland Trust Company of Painesville, Painesville, Ohio ("Lake Bank"), a proposed new bank (projected deposits of $72.1 million), would acquire the assets and assume the liabilities of Bank that are attributable to Bank's two branch offices located in Lake County. The Cleveland Trust Company of Lorain, Lorain, Ohio ("Lorain Bank"), a proposed new bank (projected deposits of $29.5 million), would acquire the assets and assume the liabilities of Bank that are attributable to Bank's branch office located in Lorain County.

The proposal constitutes a corporate reorganization and represents no expansion of corporate interests.[1] Consummation of the proposed transactions, therefore, would not eliminate either existing or potential competition.

The financial and managerial resources and future prospects of Applicant, Bank, Lake Bank, and Lorain Bank are regarded as generally satisfactory and consistent with approval of the application. There is no evidence in the record that significant banking needs of the communities involved are going unserved. Consummation of the proposal would, however, result in the subsidiary banks in Lake and Lorain Counties having a greater orientation toward the needs of the local communities than the present branch facilities. For example, as indicated below, the local management would have lending authority far in excess of that possessed by the present branch officers. These considerations are consistent with and lend some weight toward approval of the application.

Section 7 of the Bank Holding Company Act reserves to the States such rights as they may have with respect to the regulation of banks. In view of this the Board has examined the contentions of Petitioners that there is proposed such a unitary operation that Lake Bank and Lorain Bank would be operated as branches of Bank in violation of Ohio law restricting branch banking to the county in which the head office of a bank is located.[2] Protestants have requested that the Board hold a formal public hearing on the application and have requested admission to the proceeding as parties. In view of the fact that the State Commissioner did not recommend disapproval of the application, no hearing on the application is required by the Act. Further, upon examination of the record, it does not appear to the Board that there are any issues concerning the application on which a formal hearing or oral presentation would be useful. The requests are therefore denied. Protestants have further requested the Board stay its proceedings pending the final outcome of the State court litigation referred to hereinafter. In view of the decision herein on the merits of Protestants' contentions the Board does not regard such a stay as appropriate.

The branching contention was made before the Ohio Banking Superintendent during the pendency of charter applications for Lake Bank and Lorain Bank. On the basis of the record before him, including the transcript of, and exhibits submitted at, formal hearings on those applications,[3] the Ohio Banking Superintendent approved the formations of Lake Bank and Lorain Bank. Protestants appealed those decisions to the Ohio Court of Common Pleas which suspended the Superintendent's approval Orders. On February 28, 1973, that Court affirmed those Orders and expressly concluded that neither Lake Bank nor Lorain Bank would constitute a branch of Bank. Protestants subsequently appealed those decisions to the Ohio Court of Appeals, and the suspension Orders of the Ohio Court of Common Pleas remain in effect.

Bank's present branches in Lake and Lorain Counties are "grandfathered" under the Ohio law restricting branching and Bank may not branch further within those counties. As described above, the proposed new banks would acquire the assets and assume the liabilities attributable to these branches. Each bank is to be a separate corporation with its own capital structure. While it may be said that the capital is derived from Bank, it does not represent a use of Bank's capital to expand its activities but rather a segregation of capital attributable to deposits already at those locations. Each of the proposed subsidiary banks would be subject to separate regulation and have separate loan limits. There will be no common directors between Bank and the other proposed subsidiary banks although certain of the directors will be former officers of Bank. Four of the six directors of each new bank will be local businessmen with no prior policy-making relationship with Bank. The proposed managements will have complete control of the operations of the proposed new banks. As an example, the new managements will have authority to make loans up to the lending limits of the banks, $650,000 and $250,000 respectively, as opposed to the very restrictive limitations presently placed on the branch managers of those offices. In every regard, customers of the proposed banks will be dealing not with Bank but with a separate corporate entity.

While it is true that the proposed subsidiaries will obtain the ability to branch in Lake and Lorain Counties, this is not in itself probative on the question whether the proposal constitutes illegal branching under Ohio law. Rather, this is a result of any holding company acquisition in the State, and such privileges could be obtained by the acquisition of any existing bank in those counties, an acquisition which, if the bank were to be operated as proposed in the record here, would not constitute branch banking. Furthermore, it does not appear that Applicant's intent is necessarily to gain these privileges. Rather, Applicant wishes to take advantage of the holding company form of operation for corporate expansion in many areas, and the proposal stems in part from a concern that as a result of the reorganization it would lose its "grandfather" rights to the existing branches. On the basis of the record before it, the Board concludes that the proposal would not constitute a unitary form of operation prohibited by the Ohio laws restricting branching, but rather constitutes a termination of a unitary form of operation.

It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) Lake Bank and Lorain Bank shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland, pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15520 Filed 7-27-73;8:45 am]

CLEVELAND TRUST COMPANY OF LORAIN

Order Approving Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

The Cleveland Trust Company of Lorain, Lorain, Ohio ("Applicant"), a proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to acquire certain assets of and assume certain liabilities of The Cleveland Trust Company, Cleveland, Ohio, under the charter and name of Applicant.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of CleveTrust Corporation, Wilmington, Delaware, to form a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to The Cleveland Trust Company, Cleveland, Ohio. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this order, and (c) The Cleveland Trust Company of Painesville, Painesville, Ohio, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15519 Filed 7-27-73;8:45 am]

CUYAHOGA BANK

Order Approving Merger Under Bank Merger Act

The Cuyahoga Bank, Cleveland, Ohio ("Applicant"), a proposed State member bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) for the Board's prior approval to merge with The Cleveland Trust Company, Cleveland, Ohio, under the charter of Applicant and the name of The Cleveland Trust Company and to operate branches at the locations at which The Cleveland Trust Company presently operates branch offices, other than at Lorain, Painesville, and Willoughby, Ohio.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of CleveTrust Corporation, Wilmington, Delaware, to form a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to The Cleveland Trust Company, Cleveland, Ohio. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, and (c) the Cuyahoga Bank, Cleveland, Ohio, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15522 Filed 7-27-73;8:45 am]

FIRST FINANCE CO.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request by First Finance Company, Nevada, Missouri ("First Finance"), for a determination pursuant to section 2(g)(3) of the Bank Holding Company Act of 1956, as amended.

First Finance, a bank holding company within the meaning of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)), on the basis of its ownership of 57.1 percent of the voting shares of The First National Bank of Golden City, Golden City, Missouri ("Golden Bank"), seeks to terminate said status as a bank holding company with respect to Golden Bank[1] by transferring all of its shares of Golden Bank to Messrs. H. L. Fowler, L. Gilbert, and H. V. Edmiston (officers and directors of First Finance), all of Nevada, Missouri.

Under the provisions of section 2(g)(3) of the Act (12 U.S.C. 1841(g)(3)), shares transferred after January 1, 1968, by any bank holding company to a transferee that has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor are deemed to be owned or controlled by the transferor unless the Board of Governors of the Federal Reserve System, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

On the basis of this section, the Board advised First Finance that, in the opinion of the Board, consummation of the proposed transfer would not terminate First Finance's ownership and control of its 57.1 percent interest in Golden Bank or First Finance's status as a bank holding company with respect to such Bank,

[1] Lake Bank and Lorain Bank may, in the future, expand through the opening of new branch offices in their respective counties. However, such expansion is dependent upon securing the appropriate regulatory approvals, including that of the Board, at such time.

[2] This is Protestants' primary contention. All of their contentions are either resolved by a resolution of this issue or are matters of State law which are independent of the proposed holding company form of organization.

[3] Protestants have submitted to the Board copies of that transcript and those exhibits, and the Board has made those materials part of the record on which it relies in this matter.

[4] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

[1] By Order of this date, the Board has approved the indirect acquisition by First Finance of Commercial Bank of Leadville, Leadville, Colorado. When such acquisition is consummated, First Finance will become a bank holding company with respect to Commerical Bank of Leadville.

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unless the Board after opportunity for hearing made a determination of the kind described in section 2(g)(3). First Finance has requested such a determination, and it has submitted to the Board documentary evidence to support its contention that Messrs. Fowler, Gilbert, and Edmiston cannot in fact be controlled by First Finance.

Notice of an opportunity for hearing with respect to First Finance's request for a determination under section 2(g)(3) was published in the FEDERAL REGISTER on Friday, February 2, 1973 (38 FR 3220). The time provided for requesting a hearing expired on February 12, 1973. No such request has been received by the Board, nor has any evidence been received to show that First Finance is in fact capable of controlling Messrs. Fowler, Gilbert, or Edmiston.

It is hereby determined that First Finance is not in fact capable of controlling Messrs. Fowler, Gilbert, or Edmiston. This determination is based upon the evidence of record in this matter, including the fact that Messrs. Fowler, Gilbert, and Edmiston and their immediate families own approximately 92 percent of the voting shares of First Finance and neither Messrs. Fowler, Gilbert, nor Edmiston will be indebted to First Finance as a result of the transfer of shares of Golden Bank to them.

Accordingly, it is ordered, That First Finance's request for a determination pursuant to section 2(g)(3) be and hereby is granted.

By order of the Board of Governors,[1] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15523 Filed 7-27-73;8:45 am]

FIRST FINANCE CO.

Order Approving Continuation of Consumer Finance and Credit Insurance Activities and Retention of Subsidiaries

First Finance Company, Nevada, Missouri, a bank holding company within the meaning of the Bank Holding Company Act,[1] has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of the following companies: First Finance Company of Houston, Inc., Houston, Missouri; First Finance Company of Salem, Inc., Salem, Missouri; First Finance Company of Eldorado Springs, Inc., Eldorado Springs, Missouri; First Finance Company of Denver, Inc., Denver, Colorado; First Finance Company of Mt. Vernon, Inc., Mt. Vernon, Missouri; First Finance Company of Springfield, Inc., Springfield, Missouri; First Finance Company of Osceola, Inc., Osceola, Missouri; First Finance Company of Vinita, Inc., Vinita, Oklahoma; First Finance Company of Monett, Inc., Monett, Missouri; First Finance Company of Joplin, Inc., Joplin, Missouri; First Finance Company of Bolivar, Inc., Bolivar, Missouri; First Finance Company of Lamar, Inc., Lamar, Missouri; First Finance Discount Co., of Joplin, Inc., Joplin, Missouri; First Finance Discount Co., Nevada, Missouri; First Finance Company, Inc., Fort Scott, Kansas; and Southwestern Insurance Agency, Inc., Nevada, Missouri. Southwestern Insurance Agency, Inc., engages in the activity of acting as agent or broker with respect to the sale of automobile physical damage insurance and personal property insurance which protects the security interest of loans made by First Finance and its consumer finance subsidiaries located in Missouri. The other abovementioned subsidiary companies and Applicant engage in the activities of making and acquiring consumer fiance loans and acting as agent or broker in the sale of credit life, credit accident and health insurance and credit fire insurance which protects the security interest of loans made by such companies. Such activities have been specified by the Board in § 225.4(a)(1) and (9) of Regulation Y as permissible for bank holding companies.

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 3220). The time for filing comments and views has expired, and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant will control one bank with deposits of $8.2 million, representing .2 per cent of the total commercial bank deposits in the State. Applicant has also received approval to indirectly acquire a general insurance agency.[2]

Except for First Finance Company of Houston, Inc. ("Houston") and First Finance Company of Salem, Inc. ("Salem"), all of the abovementioned subsidiary companies were acquired by Applicant between 1954 and 1970. Applicant acquired both Houston and Salem by acquiring assets from Superior Loan Company, Poplar Bluff, Missouri, without Board approval in February of 1972. Applicant apparently was unaware that the acquisition of Houston and Salem required Board approval, and on the basis of the record the Board concludes that Applicant's acquisition of Houston and Salem were not willful or knowing violations of the Act.

It does not appear that the continuation of Applicant's direct consumer finance and credit insurance activities nor Applicant's retention of its consumer finance subsidiaries and its credit insurance subsidiary would have an adverse effect on either existing or potential competition since Applicant's closest subsidiary consumer finance office is located over 100 miles from Applicant's subsidiary bank and Applicant's existing credit insurance subsidiary is located about 700 miles from Applicant's general insurance agency subsidiary.

There is no evidence in the record that the continuation of Applicant's direct consumer finance and credit insurance activities or the proposed retentions would lead to an undue concentration of resources, conflicts of interests, or unsound banking practices.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15524 Filed 7-27-73;8:45 am]

FIRST FINANCE CO. AND MID-CONTINENT BANCSHARES

Order Approving Formation of Bank Holding Company and Acquisition of Hugh E. Smith, Inc.

First Finance Company ("First Finance") and its wholly-owned subsidiary, Mid-Continent Bancshares ("Bancshares"), both of Nevada, Missouri, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the indirect acquisition of 97 percent of the voting shares of Commercial Bank of Leadville, Leadville, Colorado ("Bank"), through the acquisition of 98 percent or more of the voting shares of Mid-Continent Corporation, Leadville, Colorado, a bank holding company which presently owns 97 percent of the voting shares of Bank.

At the same time Applicants have applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to engage in certain permissible insurance agency activities through the indirect acquisition of the shares of Hugh E. Smith, Inc., Leadville, Colorado ("Smith"), through the acquisition of Mid-Continent Corporation, a bank holding company which presently owns Smith.

Notice of receipt of these applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

First Finance is presently a bank holding company by virtue of its ownership of The First National Bank of Golden City, Golden City, Missouri.[1] First Finance is also engaged directly, and through 16 subsidiary companies, in the consumer finance business and the credit insurance business.[2] Bancshares, a wholly-owned subsidiary of First Finance, was formed for the purpose of acquiring Mid-Continent Corporation which presently owns Bank and Smith.

Bank ($8.2 million in deposits)[3] is the only bank in Leadville, a community of approximately 4,300 people. The nearest competing bank is located approximately 30 miles from Bank. Since the proposed transactions involve a corporate reorganization by the principal shareholders of First Finance, Bancshares and Mid-Continent Corporation, consummation of the proposal will have no adverse effect on existing or potential competition.

The financial and managerial resources and future prospects of Applicants, First Finance's existing nonbanking subsidiaries, Bank, and Smith are consistent with approval of these applications. Although Bancshares will incur significant debt in relation to its net worth, several considerations diminish the importance of this factor. It appears that Bancshares should be able to service its debt, independent of First Finance, from income derived from Bank and from Smith's insurance business. It also appears that Bancshares should be able to retire such acquisition debt within 10 years without significant danger to the condition of Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the acquisition of Bank. It is the Board's judgment that consummation of the transaction would be in the public interest and that applications to acquire Bank should be approved.

Smith is a general insurance agency located on the premises of Bank. The operation by a bank holding company of a general insurance agency in a community of less than 5,000 people is an activity that the Board has previously determined by regulation to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is required to consider regarding the acquisition of Smith under section 4(c)(8) is favorable and that the applications should be approved.

On the basis of the record, the applications to acquire Bank and Smith are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The acquisition of Smith shall not be consummated later than three months after the effective date of this Order, unless such period is extended by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority granted herewith. The determination as to Smith's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15525 Filed 7-27-73;8:45 am]

FIRST NEW MEXICO BANKSHARE CORP.

Order Approving Acquisition of Bank

First New Mexico Bankshare Corporation, Albuquerque, New Mexico, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Clovis National Bank, Clovis, New Mexico ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in New Mexico with aggregate deposits of $501.7 million, representing 22.8 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1972.) It presently controls six banks, including Albuquerque National Bank (deposits $398.9 million), its lead bank and the largest bank in the State. The acquisition of Bank (deposits of $40.1 million) would increase Applicant's control over commercial bank deposits in New Mexico to 24.6 percent.

Bank is the largest of three banks in Curry County (the relevant banking market) and controls 43.4 percent of total market deposits therein. Bank is only slightly larger than the second ranking bank, Citizens Bank of Clovis (deposits of $39.8 million). The smallest bank in the market, The First National Bank of Clovis, is under purchase contract to be an affiliate of another bank holding company. Applicant is not presently represented in this banking market, and its closest subsidiary to Bank is 110 miles distant.

In its consideration of this matter, the Board has taken into account the comments of the United States Department of Justice, which concluded that the proposal would have a significantly adverse effect on competition in Clovis and in New Mexico as a whole. This recommendation was due to the Department's view that Applicant, as one of three significant potential entrants into Clovis, should be required to enter this market de novo or through a less anticompetitive foothold acquisition. The Department was also of the view that the proposed transaction would adversely affect the future development of a more competitive banking structure in New Mexico.

In answer to the Department's contention, Aplicant stated that it was unable to form a new bank in Clovis due to the economic problems facing this community, and that the smallest bank in Clovis was not available to Applicant as a possible foothold acquisition. Applicant further stated that it was not possible to make a valid comparison between New Mexico banking structure and that in Florida, New York, Alabama or Texas, since such pertinent factors as New Mexico's low per capita income, lack of an industrial base, and its population density figures preclude any such comparison. Finally, Applicant stated that

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[1] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

[1] By Order of this date, the Board has approved First Finance Company's application to become a bank holding company, pursuant to section 3(a)(1) of the Bank Holding Company Act, through the indirect acquisition of Commercial Bank of Leadville, Leadville, Colorado.

[2] By Order of this date, the Board approved Applicant's indirect acquisition of Hugh E. Smith, Inc., Teadville, Colorado, a general insurance agency.

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

[1] First Finance would, upon approval of the instant applications, divest all of its shares of The First National Bank of Golden City prior to its acquisition of Bank. By separate Order of this date, the Board has determined, under section 2(g)(3) of the Bank Holding Company Act, as amended (12 U.S.C. 1841(g)(3)), that the divestiture of The First National Bank of Golden City by First Finance would be a valid divestiture of that bank, and therefore, First Finance would cease to be a bank holding company with respect to The First National Bank of Golden City prior to consummation of the proposal herein.

[2] By separate Order of this date, the Board has approved First Finance's section 4(c)(8) applications to continue to engage directly, and indirectly through subsidiaries, in consumer finance and credit insurance activities.

[3] Banking data are as of June 30, 1972.

[4] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Mitchell.

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approval of this application would not foreclose the formation of future regional or Statewide bank holding companies, as the second largest Clovis bank remains available for such a holding company as do a substantial number of New Mexico banks of similar size.

The Curry County banking market is the smallest of seven major markets in New Mexico based on total commercial bank deposits of $73.4 million.[1] Clovis (population of 28,000) is the County seat of Curry County. The economy of the area is dependent on three primary employers—Cannon Air Force Base, the Atchison, Topeka, and Santa Fe Railroad, and diverse agricultural employment. The Curry County market appears to be representative of other markets in New Mexico as it is dependent on relatively few industries or services and supported by a low population base.

Given the population density in New Mexico of 8.4 inhabitants per square mile (with Albuquerque being the only metropolitan area in the State having a population of 50,000 or more), the Board views each of the major banking markets in the State as isolated local banking markets. Due to their wide separation, these markets are not susceptible to a more detailed analysis in the form of a single Statewide market. Indeed, the distances separating these markets have created a tendency for the people and banks in those markets to look toward the large banking structures in Arizona, Colorado and Texas for financial assistance, rather than to Albuquerque.

It is against this background that the Board must juxtapose the four multibank holding companies now operating in New Mexico. The second largest bank holding company in the State, Western Bancorporation, has five subsidiary banks, with total deposits of $278.2 million. Although large, Western Bancorporation is not a dominant force in New Mexico.[2] Its five subsidiaries tend to operate independently of one another, and the holding company itself is prevented from further acquisitions in New Mexico due to being headquartered in Los Angeles, California. The third largest bank holding company, Bank Securities, Inc., has eight subsidiary banks with combined total deposits of $189.4 million. Its lead bank, American Bank of Commerce (deposits of $63.0 million) is located in Albuquerque and is the fifth largest bank in the State. Bank Securities, Inc., has lately undergone rapid expansion and has acquired no additional banks in recent months. The fourth and smallest of the bank holding companies in the State is New Mexico Bancorporation, Inc., with only two banks and $81.6 million in deposits. It has announced no plans to expand in the near future. Thus, for some time, First New Mexico Bankshare Corporation is likely to be the only banking organization in the State with the capability of expansion through a Statewide acquisition program.

In a State such as New Mexico, the Board is cognizant of the possibility that a holding company may be seeking to strengthen its position at the expense of a competitor, or unduly raise the barriers to entry into significant banking markets within the State. In the Board's view, these undesirable effects are not likely to occur in this matter. Although banking concentration would be increased somewhat for the State as a whole, the proposed acquisition will enhance a New Mexico bank holding company's ability to compete with other banks in the Southwest region and further its ability to better serve the financial requirements of New Mexico's residents. If Statewide concentration levels of banking resources in New Mexico were the sole criteria upon which the Board were to base its determination herein, it might conceivably be necessary to maintain the status quo of the present banking structure in the State. However, concentration of banking resources is only a proxy for the Board's use in determining the competitive factors in an application. In this case, the Board doubts that it is in the best interests of New Mexico residents to apply a rigid standard of a predetermined concentration ratio. A similar view was expressed previously, when the Board stated:

> Similar changes in banking structure are taking place in the New England States, New Jersey, New York, Virginia, Florida, Missouri and elsewhere. But there is no presumption that the *status quo* in any State represents a competitive ideal; in each case, the Board must base its determination on the effect of the particular proposal before it. Congress has not yet given the Board authority to shape the banking structure of any State or area by initiating changes or by committing itself to a course of action with respect to applications which satisfy some predetermined guidelines or some level of concentration ratios. (56 Federal Reserve Bulletin 539, 541. Emphasis in original.)

Insofar as the local market is concerned, there is a heavy loan demand in the Clovis area, and Bank has had a continuing problem of loan demands exceeding available funds.[3] In an attempt to satisfy the large demand for agricultural loans, Bank has neglected both real estate mortgage lending and consumer financing. Applicant proposes to establish a real estate loan department and a consumer loan department in Bank, and has committed itself to make available $2 million for each department. In addition, Applicant would augment Bank's inadequate capital position by injecting $400,000 of additional equity capital. Finally, Applicant proposes to introduce new data processing services, financial counseling, and modern auditing procedures, and develop Bank's trust business. The greater availability of lendable funds and the proposed bank services lend weight for approval of the application. In addition, the financial and managerial resources of Applicant, its subsidiaries, and Bank appear generally satisfactory and the future prospects of all appear favorable. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of all relevant facts contained in the record[3] and in light of the factors set forth in section 3(c) of the Act, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective July 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15526 Filed 7-27-73;8:45 am]

IRWIN UNION CORP.

Proposed Acquisition of Irwin Union Credit Insurance Company

Irwin Union Corporation, Columbus, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Irwin Union Credit Insurance Company, Phoenix, Arizona. Notice of the application was published on April 20, 1973 in The Republic a newspaper circulated in Columbus, Ohio.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life and credit accident and health insurance on extensions of credit by Irwin Union Corporation and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 19, 1973.

Board of Governors of the Federal Reserve System, July 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15527 Filed 7-27-73;8:45 am]

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 90 percent or more of the voting shares of United Bank of Farmington, Farmington, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1973.

Board of Governors of the Federal Reserve System, July 23, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-15528 Filed 7-29-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of Volusia County National Bank at Ormond Beach, Ormond Beach, Florida

Pan American Bancshares, Inc., Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Volusia County National Bank at Ormond Beach, Ormond Beach, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none have been received.

Applicant controls ten banks with aggregate deposits of approximately $388 million.[1] Concurrently with this application, it is making application to acquire at least 80 percent of the voting shares of First National Bank of DeBary, DeBary, Florida. Approval of the proposed acquisitions would not result in any significant increase in the concentration of banking resources in Florida.

Bank is located in the Daytona Beach Banking Market which is defined as the eastern portion of Volusia County. Volusia County, in east central Florida, has two geographically separated commercial areas—the inland agricultural area centering on Deland and the coastal area centering on Daytona Beach. In this case, the Daytona Beach Banking Market is approximated by Daytona Beach, South Daytona, Daytona Beach Shores, Holly Hill and Ormond Beach. There are seven banking organizations in the area, with eleven banks controlling $229.6 million in total deposits. Bank, with $8.7 million[2] in deposits, is the second smallest bank in this banking market.

There is no present competition between any of Applicant's existing banking subsidiaries and Bank. Applicant's closest existing subsidiary is located approximately forty miles southwest in Orlando. No competition exists between Bank and the First National Bank of DeBary, which Applicant is also seeking to acquire. No significant competition exists between any of Applicant's nonbanking subsidiaries and Bank. No significant potential competition would be foreclosed by consummation of Applicant's proposed acquisition. Applicant states that interlocking directorate relationships between Bank and Ormond Beach First National Bank are being eliminated, and that no such relationships will be created after completion of the proposed acquisition.

The financial and managerial resources of Applicant, its existing subsidiary banks and Bank are consistent with approval.

Considerations relating to the convenience and needs of the community to be served are also consistent with approval. Applicant proposes to assist Bank in offering trust and international banking services to its customers, and affiliation with Applicant will enable Bank to accommodate larger credit requests.

It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Atlanta approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 19, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-15529 Filed 7-27-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Order Approving Acquisition of First National Bank of DeBary, DeBary, Florida

Pan American Bancshares, Inc., Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of First National Bank of DeBary, DeBary, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none have been received.

Applicant controls ten banks with aggregate deposits of approximately $388 million.[1] Concurrently with this application, it is making application to acquire at least 80 percent of the voting shares of Volusia County National Bank at Ormond Beach, Ormond Beach, Florida. Approval of the proposed acquisitions would not result in any significant increase in the concentration of banking resources in Florida.

Bank is located in the West Volusia Banking Market which is defined as the western portion of Volusia County. Towns with banks in this market are DeLand, DeBary and Deltona. There are five banking organizations in the market controlling $109.8 million in total deposits. Bank is the smallest with $12.2 million[2] in deposits, or 10.0 percent of market deposits. It is unlikely that approval would enable Applicant to dominate the market.

There is no present competition between any of Applicant's banking subsidiaries and Bank. Applicant's closest existing subsidiary is located approximately thirty miles south in Orlando. No competition exists between Bank and Volusia County National Bank at Ormond Beach. The two banks are located

[1] A major market is defined in this case as one with over $70 million in deposits. The other major markets include Albuquerque, Sante Fe-Espanola, Hobbs-Lovington, Las Cruces, Roswell, and Artesia-Carlsbad. In addition to the Albuquerque market, Applicant is at present represented in two of the other major markets (Sante Fe-Espanola and Roswell).

[2] The loan-to-deposit ratios of the first, second and third largest Clovis banks are 65, 70 and 84 percent respectively, versus 62 percent for all banks in the State.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governors Brimmer and Holland filed as part of the original document and available upon request.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Sheehan, and Bucher. Voting against this action: Governors Brimmer and Holland.

[1] Banking data are of June 30, 1972, unless otherwise noted.

[2] As of March 28, 1973.

[1] Banking data are of June 30, 1972, unless otherwise noted.

[2] As of March 28, 1973.

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in different banking markets with a large stretch of undeveloped land separating the two markets. No significant competition exists between any of Applicant's nonbanking subsidiaries and Bank. No significant potential competition would be foreclosed by consummation of Applicant's proposed acquisition. Applicant states that interlocking directorate relationships between Bank and Ormond Beach First National Bank are being eliminated, and that no such relationships will be created after completion of the proposed acquisition.

The financial and managerial resources of Applicant, its existing subsidiary banks and Bank are consistent with approval.

Considerations relating to the convenience and needs of the community to be served are also consistent with approval. Applicant proposes to assist Bank in offering trust and international banking services to its customers, and in competing for larger commercial loans. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Atlanta approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective July 19, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-15530 Filed 7-27-73;8:45 am]

PEOPLES NATIONAL CORP.

Formation of Bank Holding Company

Peoples National Corporation, Bay City, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to Peoples National Bank & Trust Company of Bay City, Bay City, Michigan and the successor by consolidation to The State Savings Bank of West Branch, West Branch, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than August 14, 1973.

Board of Governors of the Federal Reserve System, July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15531 Filed 7-27-73;8:45 am]

SUBURBAN BANCORPORATION

Proposed Acquisition of W. S. Steed Mortgage Co.

Suburban Bancorporation, Hyattsville, Maryland has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of W. S. Steed Mortgage Company, Wheaton, Maryland. Notice of the application was published on May 24, 1973, in The Springfield Independent, a newspaper circulated in Fairfax County, Virginia; notice was also published on May 24, 1973, in The Prince George's Post, a newspaper circulated in Prince George's County, Maryland; and notice was published on May 26, 1973, in The Record Newspapers, a newspaper circulated in Montgomery County, Maryland.

Applicant states that the proposed subsidiary would engage in the activities mortgage brokerage, mortgage banking, and mortgage servicing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 14, 1973.

Board of Governors of the Federal Reserve System, July 19, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-15532 Filed 7-27-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 108]

U.S. BEEF CATTLE RESEARCH STATION

Transfer of Property

Pursuant to Section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Atlanta, Georgia, Regional Office, dated June 28, 1973, the property, comprising approximately 408 acres of unimproved land, identified as a portion of the U.S. Beef Cattle Research Station, Brooksville, Florida, has been transferred to the State of Florida.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of Section 1 of said Public Law 537 (16 U.S.C. 667c), as amended, by Public Law 92-432.

Dated July 19, 1973.

LARRY F. ROUSH,
Acting Commissioner,
Public Buildings Service.

[FR Doc.73-15518 Filed 7-27-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JULY 24, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 25, 1973 through August 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15587 Filed 7-27-73;8:45 am]

[70-5334]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Post-Effective Amendment Regarding Open Account Advances by Holding Company to Non-Utility Subsidiary

JULY 24, 1973.

Notice is hereby given, that Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10020 ("Consolidated"), a registered holding company, and the other companies named above—all of which are wholly-owned subsidiary companies of Consolidated—have filed a post-effective amendment in this proceeding pursuant to sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 43, 45 and 50(a)(2) promulgated thereunder. All interested persons are referred to the application-declaration as heretofore amended and as further amended by said post-effective amendment for a complete statement of the subject matter of this proceeding. The post-effective amendment deals with the transaction summarized below.

By Order dated June 8, 1973 in this proceeding the Commission authorized, among other things, a number of intrasystem financing transactions among Consolidated and said subsidiary companies. (See Holding Company Act Release No. 17994). Those transactions included a proposed open account advance of $37,600,000 by Consolidated to Consolidated Gas Supply Corporation ("Gas Supply"), of which up to $26,000,000 would be used by Gas Supply to purchase an equal par amount of common stock of CNG Producing Company ("CNG Company") to be applied by the latter toward its estimated capital requirements for 1973. This three-sided transaction, however, was expressly subjected to the proviso that the Commission take favorable action upon another proceeding pending before it (File 70-5317) proposing, among other things, that CNG Company become a subsidiary of Gas Supply. Since the proceeding in File 70-5317 is still pending, applicants-declarants have filed a post-effective amendment to the instant proceeding proposing that a portion of CNG Company's 1973 capital requirements be furnished directly by Consolidated for the purposes hereinafter set forth.

It is stated that in June 1973, CNG Company participated in successful group bids on oil-gas leases offered by the U.S. Department of the Interior in and about the Gulf of Mexico; and that on or before July 19, 1973 CNG Company was required to pay a balance of $15,715,000 due on the June 1973 participation. To enable CNG Company to meet that obligation, Consolidated has made non-interest-bearing emergency advances aggregating $15,715,000 to CNG Company pursuant to Rule 45(b)(3) under the Act. In the post-effective amendment, Consolidated proposes to make non-interest-bearing open account advances to CNG Company in a total amount of $16,315,000. CNG Company will use the proceeds to repay said emergency advances of $15,715,000 and to cover exploration expenditures in Canada (estimated at approximately $600,000) during the balance of 1973. Upon termination of the proceeding in File 70-5317, applicants-declarants will file a further amendment herein with respect to settlement of the proposed open account advances to CNG Company.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the transaction proposed in this post-effective amendment; and that fees and expenses incurred in connection therewith are estimated at $250 for services rendered at cost by Consolidated Natural Gas Service Company, Inc.

Notice is further given that any interested person may, not later than August 17, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the amended application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) would be filed with the request. At any time after said date, the application-declaration as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15589 Filed 7-27-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

JULY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of First Leisure Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 25, 1973 through August 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15584 Filed 7-27-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JULY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Pelorex Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 25, 1973 through August 3, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15588 Filed 7-27-73;8:45 am]

[File No. 500-1]

RIDGE BIO-LABORATORIES, INC.

Order Suspending Trading

JULY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.03 par value, and all other securities of Ridge Bio-Laboratories, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t. July 24, 1973 through midnight, e.d.t. August 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-15586 Filed 7-27-73;8:45 am]

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[File No. 500–1]

TEST CORP.

Order Suspending Trading

JULY 24, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Test Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:45 a.m., e.d.t., July 24, 1973 through midnight, e.d.t., August 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15544 Filed 7–27–73;8:45 am]

[File No. 500–1]

GENERAL SHELTER CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.01 par value, and all other securities of General Shelter Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:10 p.m. e.d.t. on July 20, 1973 and continuing through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15545 Filed 7–27–73;8:45 am]

[File No. 500–1]

ORECRAFT, INC.

Order Suspending Trading

JULY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.04 par value, and all other securities of Orecraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 24, 1973 through August 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15546 Filed 7–27–73;8:45 am]

[File No. 500–1]

PROGRAMMING SCIENCES CORP.

Order Suspending Trading

JULY 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Programming Sciences Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 3:10 p.m. e.d.t. on July 20, 1973 and continuing through July 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15547 Filed 7–27–73;8:45 am]

[File No. 500–1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

JULY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value and all other securities of Textured Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 24, 1973 through August 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–15548 Filed 7–27–73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30, Region VIII; Amdt. No. 3]

PROGRAM ACTIVITIES IN REGION VIII

Delegation of Authority

Delegation of Authority No. 30, Region VIII, (37 FR 17620), as amended (38 FR 2358) and (38 FR 6321) is hereby further amended by revising Part I, Sections A 1 and 2, Section B 1, 2, 3, 4, 5 and 6 and Part IV, Section A 1(a), Section B 2(h) and Section C.

PART I—FINANCING PROGRAM

SECTION A. *Loan Approval Authority.*

1. Small Business Act Section 7(a) loans. To approve or decline business loans not exceeding the following amounts (SBA share):

(1) Regional Director	$350,000
(2) Chief & Assistant Chief, Regional Financing Division	350,000
(3) Regional Supervisory Loan Officer	50,000
(4) District Director	350,000
(5) Chief, District Financing Division	350,000
(6) Branch Manager	100,000

2. Economic Opportunity (EO) loans. To approve or decline economic opportunity loans not exceeding $50,000 (SBA share).

(1) Regional Director
(2) Chief & Assistant Chief, Regional Financing Division
(3) Regional Supervisory Loan Officer
(4) District Director
(5) Chief, District Financing Division
(6) Branch Manager

. . . . . .

SEC. B. *Other Financing Authority.*

1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Regional Director
(2) Chief and Assistant Chief, Regional Financing Division
(3) Regional Supervisory Loan Officer
(4) District Director
(5) Chief, District Financing Division
(6) Branch Manager

. . . . . .

2. a. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Regional Director
(2) Chief and Assistant Chief, Regional Financing Division
(3) Regional Supervisory Loan Officer
(4) District Director
(5) Chief, District Financing Division
(6) Branch Manager

3. To cancel, reinstate, modify and amend authorizations:

a. For all loans, i.e., business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Regional Director
(2) District Director
(3) Chief and Assistant Chief, Regional Financing Division
(4) Regional Supervisory Loan Officer
(5) Chief, District Financing Division
(6) Branch Manager

b. For fully undisbursed or partially disbursed business, economic opportunity disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, coal mine health and safety loans, and strategic arms limitation economic injury loans:

(1) District Director
(2) Chief and Assistant Chief, Regional Financing Division
(3) Regional Supervisory Loan Officer
(4) Chief, District Financing Division
(5) Branch Manager

. . . . . .

4. To approve minor modifications in fully undisbursed loan authorizations:

(1) Loan Officer, Regional Financing Division
(2) Loan Officer, District Financing Division
(3) Loan Officer, Branch Office

5. a. To extend the disbursement period on all loan authorizations:

(1) Regional Director
(2) District Director
(3) Chief and Assistant Chief, Regional Financing Division
(4) Regional Supervisory Loan Officer
(5) Loan Officer, Regional Financing Division
(6) Chief, District Financing Division
(7) Branch Manager

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) Regional Director
(2) District Director
(3) Chief and Assistant Chief, Regional Financing Division
(4) Regional Supervisory Loan Officer
(5) Loan Officer, Regional Financing Division
(6) Chief, District Financing Division
(7) Branch Manager

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

(1) Regional Director
(2) Chief and Assistant Chief, Regional Financing Division
(3) Regional Supervisory Loan Officer
(4) District Director
(5) Chief, District Financing Division
(6) Branch Manager

. . . . . .

PART IV—LOAN ADMINISTRATION (LA) PROGRAM

SECTION A. Loan Administration, servicing, collection, and liquidation authority.

. . . . . .

1. a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Director
(2) Chief and Assistant Chief, Regional LA Division
(3) District Director
(4) Branch Manager

SEC. B. Loan Administration, servicing, and collection authority.

1. . . .

a. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate.

(1) None

2. To approve the following actions:

. . . . . .

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 loans:

(1) Loan Officer, Regional LA Division
(2) Loan Officer, District LA Division
(3) Loan Officer, Branch Office

(2) Concerning all direct and participation loans:

(1) None

SEC. C. *Lease Guarantee Administration and Servicing Authority.*

1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Regional Director
(2) Chief and Assistant Chief, Regional LA Division
(3) Regional Supervisory Loan Officer
(4) District Director
(5) Chief, District LA Division
(6) Branch Manager

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Director
(2) Chief, District LA Division
(3) Branch Manager

c. To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims:

(1) Branch Manager

2. To take all actions necessary to mitigate losses from lease guarantees:

(1) Regional Director
(2) Chief and Assistant Chief, Regional LA Division
(3) Supervisory Loan Officer, Regional LA Division
(4) District Director
(5) Chief, District LA Division
(6) Branch Manager

. . . . . .

Effective Date: July 2, 1973.

ROBERT G. SHERWOOD, *Regional Director, Region VIII.*

[FR Doc.73–15535 Filed 7–27–73;8:45 am]

TARIFF COMMISSION

[337–L–65]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on July 10, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337, filed by District Sound, Inc., Washington, D.C. alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic audio and related equipment, which unfair acts have the effect or tendency to restrain or monopolize trade and commerce in the United States. The specific unfair acts are alleged to be (1) a refusal to deal with complainant, thereby effectuating illegal territorial restraints on the resale of goods, and (2) illegally maintaining a fair trade pricing program in a non-fair trade jurisdiction. The complaint names JVC Americ a, Inc., 50–35 56th Road, Maspeth, New York, as engaging in the unfair acts.

In accordance with the provisions of § 203.3 of its Rules of Practice and Procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporay exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

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Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than September 7, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436. A signed original and ninteen (19) true copies of each document must be filed.

Issued: July 25, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15492 Filed 7-27-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 17th day of July, 1973.

It appearing, That a petition has been filed by Willis Shaw Frozen Express, Inc. (MC-117119 and numerous subs), Ida-Cal Freight Lines, Inc. (MC-118318 and various subs), and Shippers Imperial, Inc. (MC-99745 and various subs), under common control for waiver of paragraphs (a)(3), (b) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, That petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, That although some equipment violations were evident, they were not of such a serious nature as to warrant an adverse recommendation by the U.S. Department of Transportation, but that if adverse findings were subsequently disclosed, the U.S. Department of Transportation would not hesitate to withdraw its favorable recommendation;

It further appearing, That because petitioners are commonly controlled it is not unreasonable to have a single agent represent each party to execute equipment receipts and in view of the fact that no such requirement exists with respect to interchange of equipment;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 1057.4, be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control;

It is further ordered, That in view of the common ownership of the petitioners a single agent may act on the behalf of both the lessee and the equipment owner in giving and taking the receipts for equipment required by paragraph (b) of § 1057.4.

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15578 Filed 7-27-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 25, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before August 14, 1973.

FSA No. 42719—*Chlorine to Brewton, Alabama.* Filed by M. B. Hart, Jr., Agent, (No. A6332), for interested rail carriers. Rates on chlorine, in tank-car loads, as described in the application, from Brunswick, Georgia, to Brewton, Alabama.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 128 to Southern Freight Association, Agent, tariff 820-E, I.C.C. No. S-938. Rates are published to become effective on August 30, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15579 Filed 7-27-73;8:45 am]

[Notice No. 307]

ASSIGNMENT OF HEARINGS

JULY 25, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 128944 Sub 11, Reliable Truck Lines, Inc., MC 136678, Alabama-Tennessee Express, Inc., continued to August 27, 1973, at the Sheraton Motor Inn, 300-10th St., North Birmingham, Ala.

AB-52 Sub 2, Atchison, Topeka and Santa Fe Railway Company Abandonment From West of Ardmore to Ringling, Also Between Cobalt Junction and Healdton, in Carter and Jefferson Counties, Oklahoma, now assigned August 1, 1973, at Ardmore, Okla., is postponed indefinitely.

AB-3 Sub 2, Missouri Pacific Railroad Company Abandonment Between Eudora, Arkansas, and Delhi, Louisiana, in Chicot County, Arkansas, and West Carroll and Richland Parishes, Louisiana, now assigned August 8, 1973, at Washington, D.C., is postponed indefinitely.

AB 5 Sub 154, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees of the Property of Penn Central Transportation Company, Debtor, Abandonment Penn Yan Industrial Track Between Penn Yan and Dresden, in Yates County, New York, now assigned August 7, 1973, at Penn Yan, N.Y., is postponed indefinitely.

AB-72, Sacramento Northern Railway Abandonment Between Sutter and Tarke, in Sutter County, California, now assigned September 27, 1973, at Yuba City, Calif., is postponed indefinitely.

AB-49, Ann Arbor Railroad Company Abandonment Entire Line of Railroad, including all of its car Ferry Routes, North and West of Thompsonville, Mich., in Benzie County, Michigan, and Kewaunee and Manitowoc Counties, Wisconsin, now assigned August 20, 1973, at Traverse City, Mich., is postponed indefinitely.

MC 55889 Sub 40, Cooper Transfer Co., Inc., now assigned August 13, 1973, at Washington, D.C., is postponed to August 14, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-110563 Sub 94, Coldway Food Express, Inc., now being assigned continued Hearing September 25, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-C-6689, Victor Grothaus, DBA Grothaus Express—Investigation and Revocation of Certificates, now being assigned hearing September 27, 1973, (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC-114211 Sub 189, Warren Transport, Inc., now being assigned hearing September 28, 1973, (1 Day), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-11735, Graves Truck Line, Inc—Purchase—Diamond Freightways, Inc., now being assigned October 1, 1973 (1 Week), at Omaha, Nebr., in a hearing room to be later designated.

MC-F-11605, Evergreen Stage Line, Inc.—Purchase (Portion)—Greyhound Lines, Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15576 Filed 7-27-73;8:45 am]

[NOTICE NO. 321]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment

resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 20, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F.D. No. 27427. By order of July 23, 1973, the Motor Carrier Board approved the transfer to Rudy Thomas, Tangier Island, Va., of the certificate in No. W-1229 issued September 20, 1967, to Eulice Thomas, Tangier Island, Va., authorizing operation in interstate or foreign commerce, as a common carrier by water, by self-propelled vessels, in the transportation of passengers, and property, in lots not in excess of 500 tons per voyage, between Tangier Island, Va., Ewell, Tylerton, and Rhodes Point, Md., on the one hand, and, on the other, Ohahcock and Reedville, Va., and Chrisfield, Md. William L. Slover, 1224 17th Street, N.W., Washington, D.C. 20036 Attorney for applicants.

No. MC-FC-74401. By order of July 23, 1973, the Motor Carrier Board approved the transfer to Berta Bros. Transportation, Inc., Canon City, Colo., of the operating rights in Certificates Nos. MC-79737 (Sub-No. 5) and MC-79737 (Sub-No. 14) issued August 24, 1966, and January 23, 1973, respectively, to Earl J. Berta and Joseph E. Berta, a partnership, doing business as Berta Bros. Transportation, Canon City, Colo., authorizing the transportation of numerous specified commodities, including steel building materials, lumber, roofing, cement, plaster, marble, aggregates, ores, lime, ferlite, and soda ash, from and to, or between, defined points in Colorado, Utah, Wyoming, Texas, Oklahoma, Kansas, Nebraska, Arizona, and New Mexico. John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203 Attorney for applicants.

No. MC-FC-74474. By order of July 19, 1973, the Motor Carrier Board approved the transfer to World Wide Fiesta Tours, a corporation, Salt Lake City, Utah, of Broker License No. MC-12719 authorizing the holder thereof to engage in operations in arranging for the transportation of: Passengers and their baggage, in charter operations, beginning and ending at Provo, Utah, and extending to points in the United States, including Alaska and Hawaii. Harry D. Pugsley, Attorney, 400 El Paso Bldg., Salt Lake City, Utah 84111.

No. MC-FC-74600. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Buford Owens and Jerry C. Owens, A partnership, Doing Business As Owens Bros. Trucking & Lime Co., Bernie, Mo., of Certificate No. MC-125527 issued September 3, 1970, to Berline Matthews, Malden, Missouri, authorizing the transportation of fertilizer, from Walnut Ridge, Ark., to Malden, Mo. Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101, Attorney for Applicants.

No. MC-FC-74567. By order entered July 19, 1973, the Motor Carrier Board approved the transfer to Leo Fournier's Transport, Inc., Swanton, Vt., of the operating rights set forth in Permit No. MC-133069 (Sub-No. 1), issued July 24, 1969, to Leo Fournier, doing business as Leo Fournier's Transport, Swanton, Vt., authorizing the transportation of dairy feed ingredients, in bulk, in dump vehicles, from the ports of entry on the United States-Canada Boundary line located at or near Highgate Springs, Vt., and Fort Covington, N.Y., to St. Albans, Vt., and Canton, N.Y., restricted to operations to be performed under a continuing contract, or contracts, with Agway, Inc., of Buffalo, N.Y. Daniel J. Lynch, Merchants Row, Swanton, Vt., attorney for applicants.

No. MC-FC-74579. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Ralph's Transport, Ltd., St. John, New Brunswick, Canada, of the portion of Certificate No. MC-125628 Sub-No. 1, issued June 26, 1970, to S. S. Baird & Sons Limited, Fredericton, New Brunswick, Canada, authorizing the transportation of steel articles, pre-cast concrete beams, joints and tees, from ports of entry on the Boundary line between the United States and Canada at or near Calais, Houlton and Vanceboro, Me., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Massachusetts 02043, Attorney for Applicants.

No. MC-FC-74594. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Richard Lewis Seivert, Doing Business As Dick Seivert's Garage, Sioux Falls, S.D., of the operating rights in Certificate No. MC-124285 issued January 15, 1963 to Bert A. Ulberg, Arthur R. Ulberg and J. A. Vandiver, a Partnership, Doing Business as Ulberg and Vandiver, Souix Falls, S.D., authorizing the transportation of various commodities from and to specified points and areas in Minnesota, Iowa, South Dakota and Nebraska. Robert L. O'Conner, 14 N. Main Ave., Sioux Falls, S.D. 57102. Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15577 Filed 7-27-73;8:45 am]

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federal register

July 31, 1973—Pages 20311–20421

TUESDAY, JULY 31, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 146

Pages 20311–20421

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(Part II begins on page 20401)

NEW LOCATION OF FEDERAL REGISTER OFFICE

Effective Monday, July 30, 1973, the Office of the Federal Register will be located in Room 8401, 1100 L St., NW., Washington, D.C. Documents may be delivered or inspected between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays. The mail address will remain unchanged: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Apricot Reg. 13]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

This regulation specifies the grade, maturity and size requirements for Washington Apricots during the remainder of the 1973 season. Apricots would be required to grade at least Washington No. 1, be reasonably uniform in color and measure at least 1⅝ inches in diameter, except Blenheim, Blenril and Tilton varieties, in unlidded containers, may have a minimum diameter of 1¼ inches. These requirements are designed to provide consumers with an ample supply of acceptable quality apricots.

Notice was published in the FEDERAL REGISTER issue of June 25, 1973 (38 FR 12483) that the Department was giving consideration to a proposal which would limit the handling of apricots grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 922, as amended, (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation based on the current and prospective market conditions. Washington's 1973 apricot crop is estimated at 3,000 tons, compared with its 1972 production of 1,600 tons. Total 1973 fresh market shipments are expected to be 2,000 tons. Ample supplies of apricots of desirable sizes and grades should be available to fill fresh market needs. The regulation is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size apricots which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objective of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties when mature. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply, shipment of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tend to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempt from regulation because such shipments do not materially affect the demand in commercial channels. Such shipments would be prevented from entering regulated channels of trade by the requirement that each container therein be stamped with the words "not for resale" in letters at least one-half inch in height.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such apricots will in progress at the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 12483), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 922.312 Apricot Regulation 13.

(a) During the period August 1, 1973, through July 31, 1974, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1⅝ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 *Assessments,* and of § 922.55 *Inspection and certification:*

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart for Apples and Pears in the Western States.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–15679 Filed 7–30–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 73–14845, appearing at page 19381 for the issue of Friday,

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July 20, 1973, make the following corrections:

1. In the second line of the **authority** citation in the second column of page 19381, the number which now reads "1970", should read "1070".

2. Under § 1427.101:

a. In the table under § 1427.101, under Alabama, "Eclectric" and "Greensboro" should read "Eclectic" and "Greenbrier" respectively.

b. In the table for Arkansas on page 19381, in the last line which now reads "Wynne_____Cross_____20.99", should read "Wynne_____Cross_____20.90".

c. In the first column on page 19382, the number that is now opposite "Dublin_____Laurens_____" which now reads "21.04" should read "21.40".

d. In the first column under Georgia on page 19382, the first reference to "Sylvester_____Worth_____" should read "Sylvania_____Screben_____".

e. In the second column on page 19382 under Missouri the number which appears opposite "Hayti_____Pemiscot _____" which now reads "20.80" should read "20.90".

3. In the table under § 1427.102, on page 19383 in the last column of numbers that appears under "1¼long(40)", the thirteenth number which now reads "+665" should read "+605".

4. In Footnote One in § 1427.102 which appears on page 19384, the number now reading "31/16" should read "13/16".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-1032]

PART 563—OPERATIONS

Equal Employment Opportunity

JULY 20, 1973.

Part II of Executive Order 11246, as amended, requires nondiscrimination in employment by government contractors. Over-all administrative responsibility under the Order is vested in the Secretary of Labor and each contracting agency is primarily responsible for obtaining compliance with the Order.

The Office of the Solicitor of the Department of Labor has notified the Federal Home Loan Bank Board that it has determined that, for purposes of the Executive Order, insurance of accounts by the Federal Savings and Loan Insurance Corporation constitutes a "government contract" between the Corporation and the insured institution and that the Corporation is a "contracting agency." This means that the Corporation as a contracting agency, is required by the Executive Order to include certain prescribed provisions in every contract of insurance. This insertion is most simply accomplished by means of a regulation applicable to all insured institutions.

Accordingly, the Board hereby amends Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.36, immediately following § 563.35 of said Part 563, to read as set forth below, effective August 31, 1973.

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the Board implement Executive Order 11246, as amended, without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

§ 563.36 Equal Opportunity in Employment.

(a) *General.* Executive Order 11246, "Equal Opportunity in Employment", requires employers contracting with the Federal Government to provide equal employment opportunities. The Office of Federal Contract Compliance of the Department of Labor, which has administrative responsibility under such Order, has determined that for purposes of the Order insured institutions are government contractors. The Corporation is therefore required by the Order and by Department of Labor Regulations to insert in the contract of insurance of each insured institution the "Equal Employment Opportunity Clause" contained in paragraph (b) of this section, and such clause shall be deemed to be expressly incorporated in each such contract of insurance. The determination that insurance of accounts is a Government contract for the purposes of such Order is not considered by the Corporation or the Department of Labor to be a determination that such insurance is a "contract" for other purposes.

(b) *Equal Employment Opportunity Clause.* The following language shall constitute the "Equal Employment Opportunity Clause" referred to in paragraph (a) of this section:

(1) No insured institution shall discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

(2) Each insured institution shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall extend to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay, other compensation, training, selection for training, and other matters relating to employment.

(3) Each insured institution shall post in conspicuous places readily visible to employees and applicants for employment notices relating to Equal Opportunity in Employment as prescribed by regulation by the Office of Federal Contract Compliance of the Department of Labor (41 CFR 60-1.42).

(4) Each insured institution shall, in all solicitations or advertisements for employees placed by or on behalf of the institution, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(5) Each insured institution shall send, to each labor union or representative of workers with which the institution has a collective bargaining contract or understanding, if any, a notice advising the labor union or workers' representative of the insured institution's commitments under this section and section 202 of Executive Order 11246.

(6) Each insured institution shall (i) comply with all provisions of such Order, and of applicable rules, regulations, and orders issued pursuant thereto by the Corporation, the Secretary of Labor (41 CFR Chapter 60), and the Secretary of the Treasury (41 CFR Subpart 10-12.8); (ii) furnish such information and reports as may be required by such rules, regulations, and orders; and (iii) permit access to its books, records, and accounts by the Corporation, the Secretary of Labor, and the Secretary of the Treasury for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(c) *Enforcement.* In the event of an insured institution's noncompliance with the provisions of the Equal Employment Opportunity Clause contained in paragraph (b) of this section, such institution shall be subject to such sanctions and remedies as may be appropriate under the Executive Order or any other law, rule, regulation, or order.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-15753 Filed 7-30-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CARBOPHENOTHION

A petition (FAP 2H5006) was filed by Stauffer Chemical Co., Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the insecticide carbophenothion (*S*-[(*p*-chlorophenylthio)methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea at 20 parts per million resulting from application of the insecticide to the growing crop.

Pesticide tolerances for residues of carbophenothion and a food additive tolerance for its use as an additive in animal feed have been previously established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1251 Carbophenothion.

A tolerance of 20 parts per million is established for combined residues of the insecticide carbophenothion (*S*-[(*p*-chlorophenylthio)methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea resulting from application of the insecticide to growing tea.

Any person who will be adversely affected by the foregoing order may at any time on or before August 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on July 31, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: July 26, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-15774 Filed 7-30-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 106.690]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Exchange Visitors

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to clarify regulations on the applicability of section 212(e) of the Immigration and Nationality Act, as amended, to the spouse or child of an exchange visitor.

In § 41.65, paragraph (b)(4) is amended to read:

§ 41.65 Exchange visitors.

* * * * * * *

(b) * * *

(4) If an alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act, the spouse or child of such alien shall also be subject to such requirement if such spouse or child is admitted to the United States pursuant to section 101(a)(15)(J) of the Act, or acquires status pursuant to such section after admission, for the purpose of accompanying or following to join such alien.

* * * * * * *

Effective date. The amendment to the regulations contained in this order shall become effective on July 31, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

JULY 19, 1973.

[FR Doc.73-15670 Filed 7-30-73;8:45 am]

[Dept. Reg. 106.691]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Execution of Visa Application

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended to remove the requirement that the consular officer affix his seal to the visa application form.

Paragraph (b) of § 42.117 is amended to read as follows:

§ 42.117 Execution of visa application.

* * * * * * *

(b) *Oath and signature.* The applicant shall be required to read the application when it is completed or it shall be read to him in his language, or he shall otherwise be apprised of its full contents, and he shall be asked whether he is willing to subscribe thereto. If the alien is not willing to subscribe to the application unless changes are made in the information stated therein, the required changes shall be made. Form FS-510 shall then be signed by or on behalf of the applicant in the space provided therefor in the presence of the consular officer. The application shall be sworn to, or affirmed, by or on behalf of the applicant before the consular officer, who shall then sign the application and indicate his title in the designated place.

* * * * * * *

Effective date. The amendment to the regulations contained in this order shall become effective on July 31, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule-making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

JULY 19, 1973.

[FR Doc.73-15669 Filed 7-30-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-230]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Correction

On Friday, June 8, 1973 (38 FR 15051), the Department of Housing and Urban Development published prototype per unit cost schedules for low-rent public housing pursuant to section 15(5) of the U.S. Housing Act of 1937.

Subsequently, it was discovered the schedules for Orangeburg, Rockhill, and Spartansburg, South Carolina were incorrect as found on page 15059.

Accordingly, Part 275—Low Rent Public Housing, Prototype Cost Limits for Public Housing is hereby amended in accordance with the following schedule.

WOODWARD KINGMAN,
Acting Assistant Secretary-Commissioner.

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PROTOTYPE PER UNIT COST SCHEDULE

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Orangeburg, S.C.:							
Detached and semidetached	7,900	9,550	11,700	14,050	16,900	18,750	19,650
Row dwellings	7,600	9,100	11,250	13,350	16,100	17,900	18,700
Walk-up	6,450	8,000	10,200	12,200	13,900	15,300	16,150
Elevator-structure	12,100	14,050	17,700				
Rockhill, S.C.:							
Detached and semidetached	8,000	9,700	11,900	14,300	17,150	19,100	20,000
Row dwellings	7,700	9,250	11,400	13,550	16,350	18,150	19,000
Walk-up	6,550	8,200	10,350	12,200	14,150	15,600	16,450
Elevator-structure	12,250	14,250	18,050				
Spartanburg, S.C.:							
Detached and semidetached	8,100	9,800	12,050	14,450	17,400	19,300	20,200
Row dwellings	7,800	9,350	11,550	13,750	16,550	18,400	19,250
Walk-up	6,600	8,250	10,450	12,300	14,300	15,750	16,550
Elevator-structure	12,250	14,250	18,050				

[FR Doc.73-15562 Filed 7-30-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-180]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Cook	Midlothian, Village of				July 30, 1973 Emergency.
Virginia	Tazewell	Bluefield, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15564 Filed 7-30-73;8:45 am]

[Docket No. FI-181]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Madison	Granite City, City of				July 27, 1973 Emergency.
Do.	Cook	Palos Heights, City of				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Michigan	Delta	Gladstone, City of				Do.
Do.	St. Clair	China, Township of				Do.
Minnesota	Hennepin	Edina, Village of				Do.
Pennsylvania	Wyoming	Eaton, Township of				Do.
Do.	Westmoreland	Allegheny, Township of				Do.
Do.	Lackawanna	Carbondale, City of				Do.
Do.	Tioga	Jackson, Township of				Do.
Do.	Clinton	Noyes, Township of				Do.
Texas	Brazoria	Brazoria, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15563 Filed 7-30-73;8:45 am]

[Docket No. FI-182]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment of or delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective July 31, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Louisiana	Jefferson Parish	Unincorporated areas	H 22 051 2246 08 H 22 051 2246 12 (Revised 8-3-73)	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214 Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish, Department of Sanitation, 648 Helois St., Metairie, La. 70005.	Mar. 6, 1970. July 11, 1970. and Oct. 1, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15684 Filed 7-30-73;8:45 am]

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Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Kentucky Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the states may submit for approval, under the requirements of this section, plans to assume responsibility for the development and enforcement of state occupational safety and health standards.

On November 27, 1972, the State of Kentucky submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on February 14, 1973, the plan was formally submitted to the Assistant Secretary. On March 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 5955) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary.

The plan identifies the Kentucky Department of Labor as the state agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c) (1) of Chapter XVII, Title 29, Code of Federal Regulations. The plan includes legislation passed by the Kentucky Legislature during its 1972 Session which became effective March 27, 1972. It also includes legislation enacted and approved in a Special Session of the 1972 Legislature amending certain provisions of the enabling legislation. In addition, the plan includes proposed draft amendments to be considered by the Kentucky Legislature during its next session amending certain provisions of its enabling legislation, Chapter 338 of the Kentucky Revised Statutes, which appear necessary to bring it into conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902. The plan further includes regulations promulgated by the State adopting all Federal standards and regulations containing procedures for the Kentucky Occupational Safety and Health Standards Board, posting of notices, inspections, including inspections in response to employer complaints, imminent danger situations, walkaround provisions, citations, contesting of citations, procedures before the Occupational Safety and Health Review Commission and variances, among others. As indicated in this decision, the variance procedures will be revised by the State.

2. *Issues.* Written comments concerning the plan were submitted by the United States Steel Corporation. No other written comments were received and there were no requests for an informal hearing.

Review of the plan raised several significant issues which have been addressed by Kentucky in supplementary letters submitted to the Atlanta Regional Office of the Occupational Safety and Health Administration on June 14, 1973, and to the Assistant Secretary on July 13, 1973, which clarified and modified the plan and are incorporated as part of the plan.

(a) *Regulatory authority.* Under the plan, the State relies on a broad statutory mandate to "adopt and promulgate occupational safety and health rules, regulations, standards, and secure all expertise, testimony, and evidence necessary to accomplish the purposes of this chapter" (KRS 338.051), for the adoption of standards which meet the requirements of 29 CFR 1902.4(b) (2) (vi) and (vii). The State additionally relies on a provision in its law authorizing the Department of Labor to "issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter," to issue regulations providing the rights afforded by section 8(c)(3) of the Act and the posting requirements of 29 CFR 1902.4(c) (2) (x).

Kentucky statutes are to be construed liberally (KRS 446.080) and reasonable regulations adopted by an agency to implement administration of functions assigned to it by law "shall have the full force of law" (KRS 13.081).

Further, all regulations adopted by the State agencies must be approved by the Kentucky Legislative Research Commission, which is a branch of the State legislature. The purpose of this review is to determine that the regulations are in accordance with the authority granted under the legislation and carry out the intent of that legislation.

All Federal standards currently adopted by the State, including those on asbestos, and regulations covering these subjects submitted as part of the plan have received this legislative review.

The State has given assurances that it will continue to adopt all future Federal standards promulgated by the Assistant Secretary, or standards that are at least as effective as such standards. In addition, in adopting State standards where there are no comparable Federal standards, the State has given assurances that if it encounters any difficulty in implementing the required employee protections against hazards, it will promulgate the necessary regulations, or seek legislative amendments to assure that these protections are provided.

In the area of enforcement of these rights, as under section 8(c) of the Act, the State will revise its present regulations to bring them into conformity with these requirements within six months after plan approval.

In view of the State's own experience in implementing its statutory authority by regulation, the apparent intent in Kentucky provisions for liberal construction of legislative authority, and the State's assurances that it will seek legislative authority if and when difficulties should be encountered, we cannot find that Kentucky does not have the necessary legal basis for the requirements for a State program.

(b) *Standards*—1. *Promulgation of standards.* Under the plan, standards will be promulgated or adopted by a majority vote of the State Occupational Safety and Health Standards Board consisting of 13 members equally representing management, labor, agriculture and the safety and health professions with the thirteenth member being the Commissioner of Labor. However, our review of the procedure for the promulgation of standards discerned some problems such as publication of proposed standards, the opportunity to submit written comments on proposed standards and procedures to adopt or maintain standards at least as effective as the Federal standards, including standards promulgated subsequent to approval of the plan. The State has promised to revise its promulgation procedure to meet these objections, within six months after plan approval.

(2) *Temporary variances.* Section 338.151(1) of the Kentucky Act describing the criteria for the issuance of a variance presented a substantial departure from the Federal procedures. The Kentucky Act provides that variances may be granted "if there is practical difficulty or unnecessary hardship in meeting the provisions of (standards) provided that equivalent protection (for employees) is secured * * *." Variances may also be granted as provided under the permanent variance criteria of section 6(d) of the Federal Act.

Section 1902.4(b) (2) (iv) provides that a State plan must provide authority for the issuance of variances which correspond to variances authorized by the Federal Act. The State maintains that its provisions do not preclude the issuance of temporary variances; rather, that its provisions provide a more stringent standard for the granting of such variances. Generally, State plans may provide for more stringent standards than the Federal Act provided that they are consistent with the intent of the Act. However, the purposes, criteria and procedures for temporary and permanent variances under the Federal Act are not similar. Temporary variances are not designed to provide equivalency of protection, but to provide employers a regulated method of meeting standards. A lack of such an opportunity to employers might present enforcement problems as between employers seeking Federal temporary variances and others in the State. The State has agreed to sponsor legislation amending its law to provide the same basis for the issuance of temporary variances as provided under section 6(b) of the Act. Further, pending the enactment of such provision, the State has agreed to give Kentucky employers the option of seeking a Federal

temporary variance which will be recognized for enforcement purposes by the Kentucky Department of Labor.

(3) *Emergency temporary standards.* The Kentucky Act does not provide specific procedures for the promulgation of emergency temporary standards. Rather, such standards will be promulgated through the emergency regulation provisions of its Administrative Procedure Act. Such regulations may be issued "when (any) administrative body finds that an emergency exists, and that such finding is concurred in by the Governor" and will become effective immediately.

Our review of the plan indicated that there was no limit on the period of time in which the emergency standard was to be superseded by a permanent standard. Accordingly, Kentucky proposes to clarify its procedure in this respect by providing assurances that it will adopt regulations providing that an emergency standard shall be effective for a period not to exceed one year and that a permanent standard will be adopted by regular procedures whenever necessary.

(c) *Enforcement*—1. *Sanctions.* The Kentucky sanctions generally mirror those of the Act, with additional criminal sanctions of (1) up to $10,000 and/or one year for willfully causing bodily harm to an inspector; (2) up to $1,000 and/or one year for refusing entry or willfully obstructing an investigator; and (3) any employer found guilty of discharging or discriminating against an employee for exercising his rights under the Act would be subject to a $10,000 fine in addition to being required to reinstate the individual with back pay.

However, the Kentucky Act does not provide a specific penalty for violations of posting requirements, as under section 17(i) of the Act. The State has promulgated regulations requiring the posting of citations as well as other notices informing employees of their protections under the Act. It was provided under the regulations that any employer who violates the provisions of these regulations shall be subject to a non-serious violation for which there is a civil penalty of up to $1,000 for each violation.

The statute further did not provide a specific penalty for a willful violation of any standard, rule or order which results in the death of an employee as provided under section 17(e) of the Act. The State proposed instead to incorporate its involuntary manslaughter statute into the plan to provide for an equivalent willful violation resulting in death penalty. The use of a statutory manslaughter penalty appeared to present some substantial problems of enforcement of compliance with occupational safety and health standards. First, the penalty did not specifically pertain to violations of standards, rules or orders but rather to a death resulting from "an act creating such extreme risk of death or great bodily injury as to manifest a wanton indifference to human life according to the standard of conduct of a reasonable man under the circumstances * * *" or an act which manifested "reckless conduct according to the standard of conduct of a reasonable man under the circumstances * * *"

A further difficulty was that Kentucky case law indicates that a corporation may not be indicted or convicted for involuntary manslaughter, whereas under the Federal Act it may be charged for a willful violation. See *Commonwealth* v *Illinois Cent. R. Co.* 153 S.W. 459 (1913). Such convictions would apply rather to individuals only.

Finally, the penalty structure under the Kentucky proposal was not the same as that provided under the Federal Act. For a first offense, the State proposed to incorporate its second degree involuntary manslaughter sanctions of up to one year imprisonment and/or up to a $5,000 fine and for a second offense it proposed to implement its first degree involuntary manslaughter provision of one to fifteen years imprisonment. The Federal Act provides for a fine of up to $10,000 and/or 6 months imprisonment for a first offense and a double penalty for a second offense.

In order to make it clear that its provision for involuntary manslaughter is applicable to violations of standards, rules, orders or regulations and that appropriate penalties are applicable to a corporation, the State has promised to submit an amendment to the 1974 Session of its Legislature.

This amendment will provide that any employer (rather than person) who willfully violates any standard, rule, order, or regulation adopted pursuant to this Chapter, and that violation causes the death of an employee, shall be assessed a civil penalty of up to $10,000 and further shall be guilty of involuntary manslaughter in the second degree.

Following a conviction under these provisions, should this same employer again willfully violate any standard, rule, or regulation, adopted pursuant to this chapter, and that violation causes the death of an employee, the Act will provide that he shall be assessed a civil penalty of up to $20,000 and further shall be guilty of involuntary manslaughter in the first degree.

(2) *Employee participation in review proceedings.* The Kentucky Act provides that employees may contest citations issued to an employer, including contesting the reasonableness of an abatement period proposed by the Commission or Labor. Under the Federal program, employees do not have the right to contest the citations and proposed penalties, but only the right to contest the reasonableness of an abatement period fixed in the citation.

As pointed out in the Minnesota decision (38 FR 5076) State plans may provide for more stringent enforcement than the Act if such additional provisions appear to be reasonably calculated to increase the effectiveness of the State's program and are consistent with the intent of the Act. The Kentucky employee contest provisions appear to meet that test in that they would serve as an added check to secure enforcement of safe and healthful working conditions. Any undue burden on the administrative process resulting from them would bring about a reconsideration in the course of evaluation of the actual operation of the plan.

(3) *Public Service Commission.* The Kentucky legislation provides that the Public Service Commission, pursuant to an agreement with the Department of Labor, will be responsible for the administration of occupational safety and health matters relating to public utilities as defined under section 278.010 of the Kentucky Revised Statutes. However, since the Commission is not prepared to assume its responsibilities, it has entered into an agreement with the Department of Labor whereby the Department of Labor will assume responsibility for matters pertaining to public utilities until the Commission is prepared to assume its functions under the Act. A copy of both agreements is included within the Plan.

When the Public Service Commission assumes its responsibilities, it will be subject to all provisions of the Kentucky Occupational Safety and Health Act in the same manner as the Department of Labor. Since the Commission will be acting in areas in which it has a particular interest as part of its regulatory functions, its experience under the program will be subject to close evaluation during the course of our review of the operational effectiveness of the program.

3. *Decision.* After careful consideration of the Kentucky plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental schedule as set out below.

Pursuant to § 1902.20(b) (1) (iii), the present level of Federal enforcement will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Health Programs, and inspect a cross-section of all industries on a random basis.

An evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Kentucky.

The Kentucky Plan is developmental. The following is the schedule of the developmental steps provided by the plan.

(a) A comprehensive public employee program will be developed within three years of plan approval.

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(b) Within six months after plan approval, the procedure for the promulgation of standards will be revised.

(c) An affirmative action program will be submitted to the Assistant Secretary as well as clearance of possible inconsistencies of the State Merit System by the Civil Service Commission within six months after grant approval.

(d) Revision of various regulations, including those pertaining to employee access to information on their exposure to toxic materials or harmful physical agents and contests before the Review Commission, will be undertaken within six months after plan approval.

(e) Submission of amendments to KRS Chapter 338 in 1974 General Assembly to provide temporary variance authority and incorporate in that chapter penalties for willful violations causing death.

Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Part 1952 is hereby amended by adding a new Subpart Q, as follows:

Subpart Q—Kentucky

Sec.
1952.230 Description of Plan.
1952.231 Where the plan may be inspected.
1952.232 Level of Federal enforcement.
1952.233 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart Q—Kentucky

§ 1952.230 Description of the Plan.

(a) The plan designates the Department of Labor as the agency responsible for administering the Plan throughout the state. It proposes to define the occupational safety and health issue covered by it as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter. All occupational safety and health standards promulgated by the United States Secretary of Labor have been adopted under the Plan as well as a certain standard deemed to be "as effective as" the Federal standard, except those found in Parts 1915, 1916, 1917 and 1918 of this chapter (ship repairing, ship building, ship breaking and longshoring). All Federal standards adopted by the state became effective on December 29, 1972.

(b) Within the plan there is enabling legislation revising Chapter 338 of the Kentucky Revised Statutes which became law on March 27, 1972; as well as legislation enacted and approved in a Special Session of the Legislature in 1972 amending the enabling legislation. The law as enacted and modified gives the Department of Labor, Division of Occupational Safety and Health, the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. There are provisions within it granting the Commissioner of Labor the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of employee alleged violations; protection of employees against discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the statute. There are also provisions creating the Kentucky Occupational Safety and Health Standards Board and the Kentucky Occupational Safety and Health Review Board. The Law has further provision that the Department of Labor will enter into an agreement with the Public Service Commission (PSC) which shall serve as the State agency in the administration of all matters relating to occupational safety and health with respect to employees of public utilities.

(c) The plan includes an opinion from the Attorney General that the Law is consistent with the Constitution of the State. There is also set forth in the Plan a Time Schedule for the Development of a Public Employee Program. The Plan also contains a comprehensive description of personnel employed under the State's merit system as well as its proposed budget and resources.

(d) The Kentucky plan includes the following documents as of the date of approval:

(1) The plan description documents, including the Kentucky Occupational Safety and Health Act, and appendices in three (3) volumes;

(2) Letter for James R. Yocum, Commissioner of the Kentucky Department of Labor, to Basil A. Needham, Jr., Regional Administrator, Atlanta, Georgia Office, Occupational Safety and Health Administration, June 14, 1973, submitting additions and clarifications to the plan.

(3) Letter from James R. Yocum to the Assistant Secretary of Labor, John H. Stender, July 13, 1973, submitting assurances that the state will submit certain amendments to the 1974 Session of its Legislature.

(e) The public comments will also be available for inspection and copying with the plan documents.

§ 1952.231 Where the plan may be inspected.

A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street, NW., Washington, D.C., 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 1375 Peachtree Street, NW., Suite 587, Atlanta, Georgia, 30309; and the Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky, 40601.

§ 1952.232 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Kentucky will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.233 Developmental schedule.

The Kentucky state plan is developmental. The following is the developmental schedule as provided by the plan:

(a) A comprehensive public employee program will be developed within three years of plan approval.

(b) Within six months after plan approval, the procedure for the promulgation of standards will be revised.

(c) An affirmative action program will be submitted to the Assistant Secretary as well as clearance of possible inconsistencies of the State Merit System by the Civil Service Commission within six months after grant approval.

(d) Revision of various regulations, including those pertaining to employee access to information on their exposure to toxic materials or harmful physical agents and contests before the Review Commission will be undertaken within six months after plan approval.

(e) Submission of amendments to KRS Chapter 338 in 1974 General Assembly, to provide temporary variance authority and incorporate in that Chapter penalties for willful violations causing death.

Signed at Washington, D.C., this 23d day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15751 Filed 7-30-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 886—EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

Sex Discrimination

This update prohibits discrimination by sex, consistent with physical capabilities. Air Force members and employees are responsible for conducting Air Force affairs in compliance with Air Force policy. Commanders must initiate action to oppose and overcome discriminatory treatment on and off base. Rating and indorsing officials will consider leadership or support of equal opportunity and treatment policy when evaluating personnel. Commanders will place off-limits business establishments that discriminate. Air Force off-base housing policies are summarized.

Part 886, Subchapter I, of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 886.1 is amended by making the current text paragraph (a) and adding a new paragraph (b) to read as follows:

§ 886.1 Purpose.

* * * * *

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 886.2 is revised to read as follows:

§ 886.2 Policy.

It is the policy of the Air Force to conduct all of its affairs in a manner which is free from discrimination and provides equal opportunity and treatment for all members irrespective of their color, race, religion, national origin or sex, consistent with requirements for physical capabilities. All actions taken to implement this policy will be based on the following fundamental principles:

(a) *Equal and just treatment.* The equal and just treatment of all personnel is a well-established principle of effective personnel management. Such treatment is essential to attain and maintain a high state of morale, discipline, and military effectiveness.

(b) *Discriminatory practices.* Discriminatory practices on or off base, directed against Air Force personnel and their dependents are harmful to military effectiveness.

(c) *Adverse influences.* Commanders are responsible for the well-being of their personnel. This responsibility can best be discharged by the early detection of, and continuing effort to remove, those influences that adversely affect their personnel.

(d) *Principle of equal opportunity.* The principle of equal opportunity and treatment of military personnel permeates every organization, function, and activity of the Air Force. Therefore, each individual Air Force member and employee is charged with conducting Air Force affairs in strict compliance with this policy.

3. Section 886.4 is revised to read as follows:

§ 886.4 Responsibility of commanders.

The local commander will resolve problems peculiar to the local environment. Problems that require assistance at departmental level will be brought to the attention of higher authority without delay. Commanders will:

(a) Insure that this policy is implemented on and off base and that action is taken to repeal any regulation or practice that serves as an obstacle to providing equal opportunity to all military personnel and their dependents.

(b) Orient Air Force personnel annually on the Air Force policy regarding equal opportunity and treatment.

(c) Apprise military personnel annually of the provisions of Titles II, III, and IV of the Civil Rights Act of 1964 (Pub. L. 88–352) and process requests for suit by military personnel for action by the Attorney General.

(d) Initiate action to oppose and overcome discriminatory treatment of personnel and their dependents on and off base.

(e) Foster equal treatment of military personnel and their dependents in off-base civilian communities.

4. Section 886.5 is revised to read as follows:

§ 886.5 Principles of on-base implementation.

To insure uniform implementation, the following apply to all activities under Air Force control:

(a) All personnel regardless of race, color, religion or national origin must be accorded equal opportunity for enlistment, appointment, advancement, professional improvement, promotions, assignments, and retention.

(b) Military women are integrated into the Air Force personnel structure. All Air Force policies and directives apply equally to men and women unless specified otherwise. They must be accorded equal opportunity for professional improvement, advancement, promotion, and assignments consistent with existing law and in recognition of physical differences.

(c) Affirmative action will assure that discriminatory practices do not exist in the conduct of Air Force affairs.

(d) Commanders and supervisors at all levels have responsibilities for implementing Air Force policies and practices regarding the equal and just treatment of military personnel and their dependents. Rating and indorsing officials, when evaluating personnel under their supervision, will consider the quality and effectiveness of an individual's leadership or support of the Air Force equal opportunity and treatment policy.

5. Section 886.6 is revised to read as follows:

§ 886.6 Principles of off-base implementation.

Discriminatory treatment of military personnel and their dependents in off-base communities is harmful to the interest of the military installation and the civilian community. It is the commander's responsibility to take the initiative to encourage and assist community officials to eliminate any discriminatory treatment of military personnel and their dependents. The following recommended actions will assist commanders in fulfilling their responsibility:

(a) Utilize the base community council to discuss local discriminatory practices against military personnel and their dependents and recommend solutions to these problems. If a base community council does not exist, one may be established.

(b) Meet with representative local trade associations and other bonda fide groups and solicit their cooperation to preclude discrimination against military personnel and their dependents.

(c) Establish local liaison with other military services and Federal agencies with a view toward adopting common policies regarding off-base problems.

(d) Request the cooperation of local officials and leading citizens to the end that:

(1) Access and service is granted to all military personnel and their dependents on a nonsegregated basis to all public accommodations and business establishments including, but not limited to, hotels, motels, restaurants, bowling alleys, and theaters.

(2) Military personnel and their dependents are admitted to all local sporting events on a nonsegregated basis.

(3) Military personnel and their dependents are admitted to all community controlled public facilities such as parks, swimming pools, golf courses, schools, and so forth, on a nonsegregated basis.

(e) Utilize appropriate opportunities to publicize on-base equal opportunity practices to the local community.

(f) In those States that have anti-discrimination laws, coordinate with appropriate local and State agencies in the solution of off-base problems.

(g) Govern security policy relationships with local authorities to insure that no actual or tacit support is given to community discrimination practices. Maintaining peace and order, except in areas under military control, is primarily the responsibility of civil authorities. Consequently, commanders must establish close coordination with civil law enforcement agencies. This relationship should insure that incidents involving military personnel are handled expeditiously and uniform treatment of military personnel is accorded.

6. Section 886.7 is revised to read as follows:

§ 886.7 Off-base family housing.

(a) As part of the Air Force goal of fostering equal treatment for all of its people, installation commanders must seek to eliminate discrimination against military personnel off-base housing.

(b) This is not achieved simply by finding minority group service personnel a place to live in a particular part of town or in a particular facility. It is achieved only when such service personnel who otherwise meet normal occupant standards are able to obtain housing for themselves and their families anywhere in the area surrounding an installation, without suffering refusal and humiliation because of race, color, religion, sex or national origin. Commanders are responsible for establishing and monitoring an installation program designed to meet this goal.

(c) AFR 30–15 sets forth policy and procedures governing the establishment and operation of Housing Referral Offices (HROs) to assist all military personnel (and certain Department of Defense civilian employees) in locating adequate, suitable, and economical nondiscriminatory off-base housing within

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reasonable proximity of their duty station.

(d) AFR 35–11 establishes policies and procedures for conducting the Equal Opportunity for Military Personnel in Off-Base Housing Program. According to this directive, commanders:

(1) Maintain community liaison.

(2) Obtain nondiscrimination assurances from rental facility owner/landlords.

(3) Take appropriate action when assurances are not given.

(4) Handle housing discrimination complaints.

(5) Take appropriate action if complaints are valid.

(6) Seek elimination of subtle forms of housing discrimination.

(7) Publicize the program.

(e) AFR 30–5 implements the Fair Housing Enforcement Program of the Department of Defense to assist military and Department of Defense civilian employees assert their rights under Title VIII or IX, Civil Rights Act of 1968, which require fair housing practices throughout the Nation. It sets forth procedures for processing complaints of unlawful housing discrimination made by personnel who elect to use command assistance in forwarding such complaints to the Department of Housing and Urban Development or the Department of Justice.

7. Section 886.8 is revised to read as follows:

§ 886.8 Military and dependent education.

(a) *Military education.* Military personnel will not be sponsored or subsidized from Air Force funds while attending civilian educational institutions if the educational facility discriminates on the basis of color, race, religion, or national origin.

(b) *Dependent education.* The Department of the Air Force supports the right of dependent children of military personnel to be assigned to and to attend public schools without regard to race, color, religion, or national origin. If deviations from this policy are practiced with respect to dependents of military personnel, commanders should make positive efforts on behalf of military children to eliminate these deviations. These actions must include but are not limited to the following:

(1) Determine from school authorities how the children are assigned and transferred to public schools on a nonsegregated basis.

(2) Advise sponsors of the Air Force policy and local procedures for gaining assignment and transfer of children to schools on a nonsegregated basis. Counsel sponsors on pupil placement procedures for initial school assignments, deadlines for transfer, applications or appeals and of the availability of legal assistance.

8. A new § 886.11 is added to read as follows:

§ 886.11 Reports of racial incidents.

Racial incidents occurring either on or off base and involving military personnel and their dependents are reported in accordance with Joint Chiefs of Staff (JCS) Publication 6, "U.S. Air Force Reporting Instructions," part III, chapter 6, volume V. For the purpose of these reports, a racial incident is defined as an overt, damaging act directed toward an individual, a group, or an institution, whether spontaneous or organized by a group which is clearly motivated by racial considerations. Each commander insures that his higher headquarters is notified concurrently with Headquarters USAF.

9. Section 886.12 is revised to read as follows:

§ 886.12 Complaints of racial discrimination.

(a) *Processing complaints.* Complaints of discrimination will be processed according to AFR 123–11. Military personnel will also be advised that they have free access to the staff judge advocate, the staff chaplain, equal opportunity officer, and other staff agencies.

(b) Individuals will be encouraged to make maximum use of the command channel because the commander is ultimately responsible for all of his military personnel.

(c) Military personnel in the United States who request the Attorney General to initiate suit in their behalf under the provisions of Titles II, III, or IV of the Civil Rights Act of 1964 may submit these requests through civilian channels or through military channels.

10. Section 886.13 is revised to read as follows:

§ 886.13 Legal assistance.

Military personnel in the United States and their dependents who feel they have been discriminated against in violation of the laws of the United States (Federal, State, or political subdivision thereof) will be provided legal advice and may be provided legal assistance as authorized by AFR 110–22. If it appears that the rights of the military member or his dependents may be endangered, and that an appearance in court or other legal action beyond the authority of the legal assistance program is required, the matter will be reported to The Judge Advocate General, USAF, for possible referral to the Department of Justice.

11. Section 886.14 is revised to read as follows:

§ 886.14 Use of off-limits sanctions.

(a) Commanders will impose off-limits sanction against all business establishments (other than housing facilities/agencies) that discriminate against military personnel or their dependents.

(b) Armed Forces Disciplinary Control Board Procedures (AFR 125–11) will be used to impose off-limits sanctions. Official rental sanctions will be applied as set forth in AFR 35–11, paragraph 8, in cases involving discrimination in off-base housing.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–15662 Filed 7–30–73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Requirements in Use of National Forest Timber

On May 15, 1973, the FEDERAL REGISTER (38 FR 4675) contained a notice that the Department of Agriculture proposed to amend Part 221 of Title 36, Code of Federal Regulations by revising § 221.2, future growth, reduction of hasard, utilization.

Interested parties were given 30 days to submit written comments on the proposed amendment.

Seven written comments were received within the 30 day limit. Based on the information available, the proposed revision will be changed as set forth below.

1. Add the word "practical" before the word "requirements" in the first paragraph of the regulation.

2. Delete the word "Practical" in subparagraph (a).

3. Add the following citation of authority: (30 Stat. .34, 35 as amended; 16 U.S.C. 476, 551).

Accordingly, with these changes and additions, the proper revision is adopted as set forth below.

Effective date. This revised regulation is effective on August 1, 1973.

Dated: July 25, 1973.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary for Conservation, Research, and Education.

§ 221.2 Requirements in use of national forest timber.

The approving officer will insure that each timber sale contract, permit, or other authorized form of national forest timber disposal is in compliance with land use plans and applicable environmental quality standards, and includes as appropriate such practical requirements as to provide:

(a) Fire prevention and suppression measures;

(b) Protection of residual live timber, including established young growth;

(c) Satisfactory regeneration of timber as may be made necessary by harvesting operations;

(d) Prevention and control of soil erosion;

(e) Favorable conditions of water flow and quality;

(f) Complete utilization of the timber as may be attained with available technology;

(g) Reduction of the hazards of destructive agencies; and

(h) Minimal adverse effects on, or protection and enhancement of, other national forest resources, uses, and improvements.

(30 Stat. 34, 35 as amended; 16 U.S.C. 476, 551).

[FR Doc.73–15676 Filed 7–30–73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 224—POST OFFICE FUNCTIONS

Eligibility for Appointment as Postmaster

Regulations dealing with appointment of persons to Postmaster positions constitute internal procedures of the Postal Service which need not be contained in the FEDERAL REGISTER. The material which currently appears in § 244.1 of this title is obsolete. Accordingly, Part 244 is amended, effective on July 31, 1973 as follows:

1. Section 244.1 is hereby deleted.

2. Section 244.2 is hereby redesignated as § 244.1

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.73–15775 Filed 7–30–73;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Correction

In FR Doc. 73–14493, appearing at page 19088 for the issue of Tuesday, July 17, 1973, the table that now appears just below the third line of § 87.30 on page 19092 should be transposed so that it appears just under § 87.21(e)(1) on page 19092.

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114–26.4—Purchase of Items From Federal Supply Schedule Contracts

BILLING CODES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–26.4 of Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

This revision merely codifies the additional credit card billing code numbers that have been assigned to bureaus of the Department. It is therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective on July 31, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 24, 1973.

In § 114–26.406–2(d), the list of billing code numbers assigned to Bureaus and Offices is revised to read as follows:

§ 114–26.406–2 Billing code.

• • • • • • •

(d) • • •

Southwestern Power Administration—000 through 009 inclusive.
Bonneville Power Administration—010 through 019 inclusive.
Geological Survey—020 through 029 inclusive.
Southeastern Power Administration—030 through 039 inclusive.
Bureau of Sport Fisheries and Wildlife—040 through 059 inclusive.
Bureau of Mines—060 through 099 inclusive.
Bureau of Sport Fisheries and Wildlife—100 through 199 inclusive.
Bureau of Reclamation—200 through 499 inclusive.
Bureau of Indian Affairs—500 through 549 inclusive.
National Park Service—550 through 569 inclusive.
Bureau of Land Management—570 through 599 inclusive.
Office of the Secretary—600 through 624 inclusive.
National Park Service—625 through 674 inclusive.
Reserved—675 through 699 inclusive.
Alaska Power Administration—700 through 704 inclusive.
Bureau of Indian Affairs—705 through 784 inclusive.
Reserved—785 through 799 inclusive.
Bureau of Land Management—800 through 864 inclusive.
Reserved—865 through 964 inclusive.
National Park Service—965 through 999 inclusive.

[FR Doc.73–15640 Filed 7–30–73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5360]

[Arizona 6407]

ARIZONA

Modification of Reclamation Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The departmental orders of July 2, 1902, January 31, 1903, April 9, 1904, September 30, 1904, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by Yuma County, Arizona, over the following described lands, as delineated on a map filed by the Yuma County Highway Department with the Bureau of Land Management in Arizona 6407 for the construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 23 W.,
Sec. 21, North 33' of N½NW¼; West 33' of W½NW¼.
T. 11 S., R. 24 W.,
Sec. 3, East 33' of lot 1, SE¼NE¼, E½SE¼; North 33' of lots 1, 2, 3, 4; West 33' of lot 4, SW¼NW¼, W½SW¼; South 33' of S½S½.

The areas described aggregate approximately 20 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73–15716 Filed 7–30–73;8:45 am]

[Public Land Order 5361]

[Oregon 6992]

OREGON

Withdrawal for National Forest Watershed Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MALHEUR NATIONAL FOREST

WILLAMETTE MERIDIAN

Byram Gulch Municipal Watershed

T. 14 S., R. 32 E.,
Sec. 18, lots 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.

The area described contains approximately 684 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73–15654 Filed 7–30–73;8:45 am]

[Public Land Order 5362]

[Oregon 7878]

OREGON

Withdrawal for National Forest Reservoir and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

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WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Balm Creek Dam, Reservoir, and Recreation Area

T. 7 S., R. 42 E.,
Sec. 1, SE¼SE¼SE¼;
Sec. 12, E½NE¼NE¼ and NE¼SE¼NE¼.
T. 7 S., R. 43 E.,
Sec. 6, lot 7, NW¼SE¼, SW¼, S½SE¼SW¼, and S½SW¼SE¼;
Sec. 7, lots 2, 3, and 4, W½NE¼, N½SE¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.

The area described aggregates 383.62 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15650 Filed 7-30-73; 8:45 am]

[Public Land Order 5363]

[Colorado 16283]

COLORADO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Secretary's Orders of July 24, 1937, and August 20, 1937, withdrawing lands for the Colorado-Big Thompson Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 75 W.,
Sec. 5, W½E½;
Sec. 8, E½NE¼, NW¼NE¼, NE¼ SE¼;
Sec. 9, NW¼SW¼.
T. 1 S., R. 75 W.,
Sec. 1;
Sec. 2, NE¼, S½NW¼, SW¼, N½SE¼;
Sec. 3, W½NW¼, SW¼, W½SE¼;
Sec. 10, SE¼NE¼, W½NE¼, NW¼;
Sec. 11, SE¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼, E½SE¼;
Sec. 12, NE¼, NE¼NW¼, SW¼NW¼, N½SE¼;
Sec. 16.

The areas described aggregate 3,654.92 acres in Grand County.

All of the above described lands except section 16, T. 1 S., R. 75 W., which is owned by the State of Colorado, are national forest lands within the Arapaho National Forest.

2. At 10 a.m. on August 29, 1973, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15649 Filed 7-30-73; 8:45 am]

[Public Land Order 5364]

[Idaho 6585]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in Section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Order of the Bureau of Reclamation of April 30, 1951, concurred in by the Bureau of Land Management on January 28, 1952, and Public Land Order No. 2588 of January 15, 1962, withdrawing lands for the Southwest Idaho Water Development Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 4;
Sec. 6, lots 3, 4, 7, SE¼SW¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 8, NE¼, S½;
Sec. 10, W½NW¼, S½;
Sec. 11, W½SW¼;
Sec. 14, W½NW¼, SW¼;
Sec. 15;
Sec. 17, E½SE¼, N½;
Sec. 18, lots 1, 2, 3, 4, NE¼, E½W½, W½SE¼;
Sec. 19, lots 1, 2, 3, 4, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 20, NE¼NE¼, S½N½, NE¼SW¼, SE¼SE¼;
Sec. 21, NW¼, S½SW¼, SE¼;
Sec. 22, NE¼, S½;
Sec. 23, W½E½, W½;
Sec. 26, SW¼, NW¼SE¼, N½;
Sec. 27, lot 1, N½SW¼, SE¼SW¼, SE¼, N½;
Sec. 28, lots 1, 2, 3, NE¼SE¼, N½;
Sec. 29, lot 1, N½SW¼, NW¼SE¼, N½;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼;
Sec. 31, lots 1, 2, 3, NE¼NW¼;
Sec. 34, lots 1, 3, N½NE¼, SE¼NE¼;
Sec. 35, W½NW¼.

The areas described aggregate approximately 9,376.51 acres in Elmore County.

The lands are located adjacent to and north of the Snake River near Mountain Home. Vegetation is comprised of native grasses, brush and forbs.

2. At 10:00 a.m. on August 29, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 29, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Bureau of Land Management, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15642 Filed 7-30-73; 8:45 am]

[Public Land Order 5365]

[Sacramento 5239]

CALIFORNIA

Withdrawal of Land for Addition to the Modoc National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved as an addition to the Modoc National Wildlife Refuge:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 12 E., Sec. 12, SE¼NW¼.

The area described aggregates 40 acres in Modoc County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, provided that such use or disposal will not be inconsistent with the purposes for which the land is withdrawn.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15665 Filed 7-30-73; 8:45 am]

[Public Land Order 5366]

[Idaho 5049]

IDAHO

Revocation of Public Land Order No. 3670

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 3670 of June 10, 1965, withdrawing the following described public domain lands for use by the Forest Service as sites for Job Corps Conservation Centers, is hereby revoked:

BOISE MERIDIAN

T. 15 N., R. 1 W.,
Sec. 3, lot 4.
T. 12 S., R. 20 E.,
Sec. 25, N½NE¼.

The areas described aggregate 119.11 acres in Adams and Cassia Counties.

2. At 10 a.m. on August 30, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, and to the filing of applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 30, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83702.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15653 Filed 7-30-73; 8:45 am]

[Public Land Order 5367]

[Arizona 6883]

ARIZONA

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

J. D. Dam Campground

T. 20 N., R. 3 E.,
Sec. 36, S½, S½N½.

Cataract Lake Campground

T. 22 N., R. 2 E.,
Sec. 30, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, SE¼SE¼;
Sec. 31, NW¼NE¼NE¼, NE¼NW¼NE¼, S½SE¼NW¼NW¼NE¼, S½NW¼NE¼, E½SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, and those parts of the following parcels west of the Atchison, Topeka and Santa Fe Railroad right-of-way: NE¼NE½NE¼, SW¼NE¼NE¼, SW¼NE¼, W½NW¼SE¼.

The areas described aggregate 670.75 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15659 Filed 7-30-73; 8:45 am]

[Public Land Order 5368]

[Arizona 7033]

ARIZONA

Withdrawal for Protection of Natural Springs and Watershed

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Superstition Wilderness Water Sources

T. 1 N., R. 9 E.,
Sec. 14, S½NE¼NE¼, SE¼NE¼;
Sec. 22, S½NE¼SW¼, SE¼SW¼.
T. 2 N., R. 9 E., (unsurveyed)
Sec. 22, S½SE¼SE¼;
Sec. 27, NE¼NE¼.
T. 1 N., R. 10 E.,
Sec. 4, S½SW¼SW¼;
Sec. 5, S½NE¼;
Sec. 6, W½ of lot 2, E½ of lot 3, NE¼SE¼NW¼, NW¼SW¼NE¼;
Sec. 9, S½NW¼;
Sec. 10, E½SW¼SW¼, W½SE¼SW¼;
Sec. 14, S½NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 15, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 16, SW¼;
Sec. 22, NW¼NE¼NE¼, N½NW¼NE¼.

The areas described aggregate approximately 729.61 acres in Maricopa and Pinal Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15660 Filed 7-30-73; 8:45 am]

[Public Land Order 5369]

[Arizona 6884]

ARIZONA

Modification of Reclamation Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The Departmental Orders of September 30, 1904, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under Section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by the Yuma County Highway Department, over the following described lands, as delineated on a map entitled "County Road Right-of-Way, Survey Drawing No. 71-180", on file with the Bureau of Land Management in Arizona 6884, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 29, lot 2, SE¼SW¼.

The areas described aggregate 51.66 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15658 Filed 7-30-73; 8:45 am]

[Public Land Order 5370]

[New Mexico 12600]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Trout Lake Recreation Area

T. 27 N., R. 5 E.,
Sec. 1, S½SW¼NW¼;
Sec. 2, SW¼ of lot 2, lots 3, 4, N½SW¼NE¼, S½N½SE¼NE¼, S½SE¼NE¼, N½N½SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼;
Sec. 3, E½ of lot 1, N½NE¼SE¼NE¼.
T. 28 N., R. 5 E.,
Sec. 26, lot 4;
Sec. 34, lot 1, S½ lot 2, E½ lot 3, lot 4, NW¼SE¼, S½NE¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 35, lot 1, NW¼SW¼NW¼, NW¼SW¼SW¼, S½SW¼SW¼, SW¼SE¼SW¼.

Canjilon Lakes and Canjilon Creek Campground

T. 27 N., R. 6 E. (unsurveyed),
Sec. 19, E½NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 20, NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼, W½W½SE¼;
Sec. 29, W½E½, W½SE¼SE¼;
Sec. 30, NW¼NE¼, N½NW¼, N½S½NW¼;
Sec. 32, NW¼NE¼, W½SW¼NE¼, E½NE¼NW¼.

The areas described aggregate 1,629.43 acres in Rio Arriba County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

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their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15656 Filed 7-30-73;8:45 am]

[Public Land Order 5371]
[New Mexico 14675]

NEW MEXICO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The Secretary's Orders of December 6, 1915, and February 13, 1919, and Public Land Order No. 2721 of July 16, 1962, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 8 W.,
Sec. 1, W½SW¼;
Sec. 11, N½N½;
Sec. 12, NW¼NW¼;
Sec. 13, lot 3;
Sec. 14, lot 7;
Sec. 20, lots 5 thru 12;
Sec. 21, NE¼NW¼, S½NW¼, SW¼;
Sec. 24, SW¼NE¼.

The areas described aggregate 938.19 acres in San Juan County.

The land described as lot 7 sec. 14, containing 35 acres has been patented.

2. At 10 a.m. on August 30, 1973, the unappropriated public lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 30, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15655 Filed 7-30-73;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 29, Amdt. 1; Docket No. 72-43]

PART 549—REGULATIONS GOVERNING LEVEL OF MILITARY RATES

Utilization Factors

On December 2, 1972, the Commission promulgated its final rules in this proceeding (General Order 29) whereby it established the standards by which it would determine the level below which rates quoted pursuant to the Military Sealift Procurement System for the transportation of military cargo by common carriers subject to its jurisdiction become "detrimental to the commerce of the United States" within the meaning of section 18(b)(5) of the Shipping Act, 1916.

Thereafter, Sea-Land Service, Inc. (Sea-Land) filed a Petition for Reconsideration wherein it asked the Commission "to reconsider and modify two aspects" of General Order 29. This petition was granted by the Commission on March 21, 1973, and interested parties were invited to submit responses thereto. Replies to Sea-Land's petition have been filed by American Export Lines, Inc. (AEL), the Military Sealift Command (MSC) and Commission Hearing Counsel.

Sea-Land's petition concentrates on two issues: (1) The Commission's decision, as reflected in § 549.5(b)(1) of G.O. 29, to use a uniform capacity utilization factor (UCUF) in determining cargo unit costs; and (2) the decision to determine vessel depreciation, in § 549.5(e)(1)(i), on the basis of cost to the carrier of construction of new vessels after construction differential subsidy (CDS). Sea-Land proposes instead that: (1) The Commission abandon UCUF and utilize either the carrier's full vessel capacity as offered in any particular trade or, in the alternative, actual historical utilization; and (2) the Commission make clear that the amount being depreciated is total shipyard cost rather than the net cost to the carrier after CDS.

Having considered the position of all the parties on the Petition for Reconsideration now before the Commission, we are, for reasons stated below, (1) modifying § 549.5(e)(1)(i) of G.O. 29 to provide that residual value, like depreciation, is to be based on the owner's vessel construction cost rather than shipyard cost, and (2) amending § 549.5(b)(1) to allow carriers, subject to these regulations, the *option* of using either actual historical utilization or UCUF.

Section 549.5(e)(1)(i) of General Order 29 presently provides in part:

(i) New vessels: 25-year depreciation life with residual value of 2½ percent of shipyard cost.

On the grounds that a carrier allowed to reduce its depreciation base by deducting construction differential subsidy (CDS) from shipyard cost will enjoy a competitive advantage over those other carriers who build ships without CDS, Sea-Land requests that depreciation be determined on the basis of total shipyard cost for both original cost and residual value.

Sea-Land also contends that it is being further prejudiced by the existing rule since carriers employing ships built with CDS can reduce their depreciation costs by applying the 2½ percent factor for residual value against total shipyard cost rather than actual cost after CDS, which means that such carriers can deduct a larger residual value from their capitalized cost resulting in a lower depreciable base, hence lower annual depreciation costs.

At the minimum, Sea-Land believes that the present regulation should be amended to make it clear whether total shipyard cost refers to both the original value of the vessel being depreciated and the residual value of such vessel, or merely the latter.

MSC takes no position on the depreciation issue raised by Sea-Land except to acknowledge that "the technique of owner's vessel cost less residual value of 2½ percent of shipyard cost minimizes the depreciation expense and is the most favorable" from its standpoint. MSC does question, however, the logic of the Commission's existing rule in basing residual value on shipyard costs, while at the same time determining vessel cost to be depreciated on the basis of the owner's cost.

AEL and Hearing Counsel would reject Sea-Land's proposal, as it relates to the amendment of the existing new vessel depreciation provision, on the ground that such proposal would unduly favor those carriers such as Sea-Land who employ foreign built vessels. As regards the alleged prejudicial effect of the Commission's present method for determining residual value as used in calculating depreciation, Hearing Counsel believe that while Sea-Land's contention has some merit, the practical significance of the principle involved is minor.

Sea-Land has submitted no valid justification whatsoever in support of its request to modify the existing regulation to allow vessel depreciation to be based on the actual construction cost to the carrier, i.e., after deduction of construction differential subsidy, if such subsidy is otherwise applicable. If the Commission were to grant Sea-Land's request and include CDS in its costs, those lines operating U.S. built vessels would have much

higher depreciation costs.[1] Thus, Sea-Land's proposal could, as at least one party has pointed out, impose upon carriers an aritificial cost burden to the undue advantage of carriers such as Sea-Land who employs vessels built abroad at lower cost. Consequently, we are rejecting Sea-Land's suggestion in this regard and reaffirming that new vessel depreciation, under G.O. 29, is to be determined on the basis of actual cost to the carrier.

As regards the suggested modification of the residual value aspect of § 549.5(e)(1)(i), we do see merit, at least in principle, to the position taken by Sea-Land. Therefore, in order to remove any inequity that may exist as a result of allowing carriers employing U.S. built vessels to deduct a larger, if not substantial, amount for residual value from their capitalized cost and thereby lowering their depreciation costs, we are amending § 549.5(e)(1)(i) by providing that the 2½ percent residual value for new vessels will be determined on the basis of owner's cost.

Section 549.5(b)(1) of General Order 29 presently states that:

(i) At least 30 days prior to the bidding date for any future RFP cycle, except for RFP 700, Second Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route to be employed by all carriers in that trade in arriving at their cargo unit costs.

Sea-Land argues that the application of a trade wide average, i.e., UCUF, could (1) convert the high-utilizing carrier from low cost to high cost, thereby placing that carrier at a competitive disadvantage as regards the carriage of military cargo; (2) permit the low volume carrier to bid below its fully distributed costs; and (3) expose the taxpayer to higher costs by requiring the high volume carrier to artificially add an amount on top of its fully distributed costs. Sea-Land urges the Commission to discard UCUF and to utilize in lieu thereof either (1) the carriers' full vessel capacity as offered in any particular trade (100 percent utilization), or (2) actual historical utilization.

MSC would also abandon UCUF and adopt instead a 100 percent practical capacity utilization factor. MSC believes that UCUF in effect rewards the less efficient carriers and penalizes the more efficient carriers, while increasing costs to the taxpayer, and views a 100 percent practical capacity factor as being the fairest alternative.

AEL urges the rejection of Sea-Land's request to modify G.O. 29 to establish either a 100 percent utilization factor or a historical utilization factor. AEL is of the opinion that the use of a historical utilization factor would be contrary to the "fully distributed" cost theory of G.O. 29, since it would create a formula whereby the resulting cost would be lower than the carrier's actual cost. (This would allegedly occur because the operator's fixed costs would be distributed over a greater number of units than those it actually carried.) AEL believes that the adoption of a historical utilization factor would be likewise improper because it would give carriers who have succeeded in the past in securing military cargo a "built in advantage" since past volume of traffic will serve to reduce their unit costs.

Hearing Counsel recommend against the wholesale abandonment of UCUF on the ground that while UCUF "may present problems, it does ameliorate the competitive advantage enjoyed by a carrier like Sea-Land having large ships and high historical utilization." Thus, they suggest a modification to the present regulation which, they submit, would preserve the beneficial aspects of UCUF as regards the low-utilizing carrier while at the same time tempering its effects on the high-utilizing carrier. This proposed modification consists of amending G.O. 29 to allow any carrier the option of using UCUF or actual historical utilization, whichever is the greater. Specifically, G.O. 29 would be modified to read as follows:

(b) *Utilization Factor*

(1) At least 30 days prior to the bidding date for any RFP cycle, except for RFP 700, Second Cycle, and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit costs on the basis of such factor, or of the actual number of cargo units carried, whichever is greater.

While not suggesting that their proposal eliminates every difficulty, Hearing Counsel do believe that it constitutes a reasonable adjustment and avoids the extremes of unduly favoring either the high-utilizing carrier by using actual historical utilization or unduly favoring the low-utilizing carrier which occurs as a result of using UCUF exclusively. We agree.

There is most likely no utilization factor which would be acceptable to all carriers of military cargo. Of the four utilization factors which have to date been suggested to the Commission, i.e., historical carriage, historical carriage without military cargo, full capacity of the ship, or trade-wide average of historical utilization, none is without its own particular drawbacks. Historical utilization might prefer carriers whose low bids have enabled them to attract the greatest volume of cargo and tends to perpetuate their advantageous position. Historical carriage exclusive of military cargo, on the other hand, might be unfair to the successful military carrier whose commercial utilization might have been unduly depressed. A 100 percent utilization factor would confer an obvious advantage on a carrier like Sea-Land who employs or plans to employ larger vessels, such as the SL-7's.

Under Hearing Counsel's proposal the historically high-utilizing carrier will not be deprived of the benefits of his past success since his cost will not be artificially increased by application of the lower UCUF. The low-utilizing carrier, on the other hand, who would otherwise be locked into a high cost position if historical utilization were the only applicable factor, will be able to reduce costs by reliance on the trade-wide average factor. While the use of UCUF by the low-utilizing carrier would reduce such carrier's costs and thus enable him to more effectively compete with the high-utilizing carrier, the latter carrier having the option of rejecting UCUF in favor of actual utilization experience is amply protected since such experience being above the average would result in his own costs being reduced.

All in all, the compromise proposal advanced by Hearing Counsel strikes what we believe to be a fair balance between the variant interests affected, and we are modifying § 549.5(a)(1) accordingly.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841(a)), Part 549, Title 46 CFR, is hereby amended in the following respects:

1. Paragraph (b)(1) of § 549.5 is modified to read as follows:

(b) *Utilization factor* (1) At least 30 days prior to the bidding date for any RFP cycle except for RFP 700, Second Cycle and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater.

2. Subdivision (i) of paragraph (e)(1) of § 549.5 is amended to read as follows:

(i) New vessels: 25-year depreciation life based on owner's cost with residual value of 2½ percent of such owner's cost.

Effective date. The amendments contained herein shall become effective August 30, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15742 Filed 7-30-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Tule Lake and Lower Klamath National Wildlife Refuges, California; Elimination of Overnight Camping

On page 12232 of the FEDERAL REGISTER of May 10, 1973, there was published a notice of proposed rulemaking to issue regulations eliminating overnight recreational use including camping on the Tule Lake and Lower Klamath National Wildlife Refuges. After consideration of all relevant matter as was presented by

[1] Another point to be kept in mind here is that CDS is not paid to the vessel owner but rather to the shipyard as a means of equalizing the cost of constructing vessels in the U.S. with foreign built vessels. We see no reason, therefore, why the amount of CDS should be included as a factor of cost by the vessel owner.

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interested persons, the proposed regulations are hereby adopted without change and are set forth below.

§ 28.28 Special regulations; public access, use and recreation; for individual wildlife refuge areas.

(1) Overnight camping is prohibited within the boundaries of Tule Lake and Lower Klamath National Wildlife Refuges and Public Law 88–567 lands.

(2) Vehicles are not permitted to remain on the refuge areas between 90 minutes after sunset each day until 2 hours before sunrise the following morning, except as used in the authorized conduct of agricultural operations by valid agricultural lease holders and their agents.

Effective date. These regulations shall be effective as of September 1, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1973.

[FR Doc.73–15717 Filed 7–30–73;8:45 am]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on July 31, 1973.

§ 32.32 Special regulations, big game; for individual Wildlife Refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Big game hunting is permitted on the area designated by signs as open to big game hunting. This open area comprises 8,000 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Ave., Denver, Colo. 80215. Big game hunting shall be in accordance with all applicable State regulations. No vehicle travel is permitted except on maintained roads and trials.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1973.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana.

JULY 23, 1973.

[FR Doc.73–15718 Filed 7–30–73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs., Amdt. 66]

PART 390—GENERAL ORDERS

Advisory Committees

Section 390.1 is amended to read as set forth below.

Effective date: July 30, 1973.

RAUER H. MEYER,
Director, Office of Export Control.

Section 5(c) of the Export Administration Act of 1969, as amended, provides that: "Upon written request by representatives of a substantial segment of any industry which produces articles, materials, and supplies including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies including technical data and other information which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures."

The Export Control Regulations are revised to provide procedures, instructions, and specific information relative to this provision of the Export Administration Act.

The Regulations also provide that whenever the Department of Commerce desires the advice or assistance of a particular segment of an industry with respect to any export control problem that is outside the scope of the Export Administration Act provisions relating to technical advisory committees, other advisory committees may be formed. In any event, nothing in these regulations shall be construed to restrict the Department of Commerce in consulting any person or firm relative to any export control matter; nor will anything in these regulations be construed to restrict in any manner the right of any individual person or firm to discuss any export control matter with the Department of Commerce.

Accordingly, § 390.1 is amended to read as set forth below.

§ 390.1 Advisory committees.

(a) *Purpose.* The purpose of this § 390.1 is to set forth the procedures and criteria for the establishment and operation of technical advisory committees under the provisions of section 5(c) of the Export Administration Act of 1969, as amended.

(b) *Technical Advisory Committees.* Any producer of articles, materials, or supplies including technical data that are subject to export control, or are being considered for such control because of their significance to the national security of the United States, may request the establishment of a technical advisory committee, under the provisions of section 5(c) of the Export Administration Act of 1969, as amended, to advise and assist the Department of Commerce and other U.S. Government agencies with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures which may affect the level of export controls applicable to a clearly defined grouping of articles, materials, or supplies, including those subject to multi-lateral control. If producers of articles, materials, or supplies, including technical data, wish a trade association or other representative to submit a written request on their behalf for the appointment of a technical advisory committee, such request shall be submitted in accordance with the provisions of § 390.1(b)(4).

(1) *Form and substance of requests.* Each request for the appointment of a technical advisory committee shall be submitted in writing to the Director of the Office of Export Control (Attn: 548), U.S. Department of Commerce, Washington, D.C. 20230. The request shall include (i) a description of the articles, materials or supplies including technical data in terms of a clear, cohesive grouping (citing the applicable Export Control Commodity Numbers where practicable); (ii) a statement of the reasons for requesting the appointment of a technical advisory committee; and (iii) any information in support of any contention that may be made that the request meets the criteria set forth in § 390.1(b)(2).

(2) *Consideration of request for establishment of a technical Advisory Committee.* The Department of Commerce will review all requests for the establishment of a technical advisory committee to determine if the following criteria are met: (i) that a substantial segment of the industry producing the specified articles, materials or supplies including technical data desires such a committee and (ii) that the evaluation of such articles, materials or supplies including technical data, for export control purposes is difficult because of questions involving technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures.

(3) *Determination of substantial segment of an industry.* In determining whether a substantial segment of any industry has requested the appointment of a technical advisory committee, the Department of Commerce will consider (i) the number of persons or firms requesting the establishment of a technical advisory committee for a particular grouping of commodities in relation to the total number of U.S. producers of such commodities, and (ii) the volume of annual production by such persons or firms of each commodity and all technical data in the grouping in relation to the total U.S. production. Generally, a substantial segment of an industry (for purposes of this § 390.1(b)) shall consist of:

(*a*) Not less than 30 percent of the total number of U.S. producers of the commodities or technical data concerned; or

(*b*) Three or more U.S. producers who produce a combined total of not less than 30 percent of the total U.S. annual producton, by dollar value of the commodities or technical data concerned; or

(c) Not less than 20 percent of the total number of U.S. producers of the commodities or technical data concerned; provided that the total of their annual production thereof is not less than 20 percent of the total U.S. annual production, by dollar value.

If it is determined that a substantial segment of the industry concerned has requested the establishment of a technical advisory committee concerning a specific grouping of commodities or technical data that the Department of Commerce determines difficult to evaluate for export control purposes, the Department of Commerce will establish and utilize the technical advisory committee requested.

(4) *Requests from trade associations or other representatives.* Requests from trade associations or other representatives of U.S. producers for the establishment of a Technical Advisory Committee must comply with the provisions of § 390.1(b) (1) through (3). In addition, in order to assist the Department in determining whether the criteria set forth in § 390.1(b)(3) have been met, a trade association or other representative submitting a request for the establishment of a technical advisory committee should include the following information: (i) the total number of firms in the particular industry, (ii) the total number of firms in the industry that have authorized the trade association or other representative to act in their behalf in this matter, (iii) the approximate amount of total U.S. annual production by dollar value of the commodities or technical data concerned produced by those firms that have authorized the trade association or other representative to act in their behalf, and (iv) a description of the method by which authorization to act on behalf of these producers was obtained.

(5) *Nominations for membership on Technical Advisory Committee.* When the Department of Commerce determines that the establishment of a technical advisory committee is warranted, it will request nominations for membership on the committee among the producers of the commodities and from any other sources that may be able to suggest well-qualified nominees.

(6) *Selection of industry members of Committee.* Industry members of a technical advisory committee will be selected by the Department of Commerce from a list of the nominees who have indicated their availability for service on the committee. To the extent feasible, the Department of Commerce will select a committee balanced to represent all significant facets of the industry taking into consideration such factors as the size of the firms, their geographical distribution, and their product lines. No industry representative shall serve on such committee for more than two consecutive years.

(7) *Government members.* Government members of a technical advisory committee will be selected by the Department of Commerce from the agencies having an interest in the subject matter concerned.

(8) *Invitation to serve on committee.* Invitations to serve on a technical advisory committee will be sent by letter to the selected nominees. Acceptance or declination should also be conveyed by letter.

(9) *Election of chairman.* The Chairman of each technical advisory committee shall be elected by a vote of a majority of the members of the committee present and voting.

(c) *Charter.* (1) No technical advisory committee established pursuant to § 390.1(b) of this part shall meet or take any action until an advisory committee charter has been filed with the Assistant Secretary for Administration of the Department of Commerce and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the Department. Such charter shall contain the following information:

(i) The committee's official designation;

(ii) The committee's objectives and the scope of its activity;

(iii) The period of time necessary for the committee to carry out its purposes;

(iv) The agency or official to whom the committee reports;

(v) The agency responsible for providing the necessary support for the committee;

(vi) A description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(vii) The estimated annual operating costs in dollars and man-years for such committee;

(viii) The estimated number and frequency of committee meetings;

(ix) The committee's termination date, if less than two years from the date of the committee's establishment; and

(x) The date the charter is filed.

(2) A copy of any such charter shall also be furnished to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

(d) *Meetings.* (1) Each technical advisory committee established under the provisions of the Export Administration Act, as amended, and § 390.1(b) of this part shall meet at least once every three months at the call of its chairman unless it is specifically determined by the Chairman, in consultation with other members of the committee, that a particular meeting is not necessary.

(2) No technical advisory committee may meet except at the call of its Chairman.

(3) Each meeting of a technical advisory committee shall be conducted in accordance with an agenda approved by a designated Federal employee.

(4) No technical advisory committee shall conduct a meeting in the absence of a designated Federal employee who shall be authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest.

(e) *Public notice.* Notice to the public of each meeting of a technical advisory committee shall be issued at least seven days in advance and shall be published in the Federal Register. The notice shall include the time and place of the meeting and its agenda.

(f) *Public attendance and participation.* (1) Any member of the public who wishes to do so may file a written statement with any technical advisory committee before or after any meeting of a committee.

(2) A request for an opportunity to deliver an oral statement relevant to matters on the agenda of a meeting of a technical advisory committee will be granted to the extent that the time available for the meeting permits. A committee may establish procedures requiring such persons to obtain advance approval for such participation.

(3) Attendance at meetings of technical advisory committees will be open to the public unless it is determined pursuant to section 10(d) of the Federal Advisory Committee Act to be necessary to close all, or some portion, of the meeting to the public. A determination that a meeting or portion thereof be closed to the public may be made if all or a specific portion of a meeting of a technical advisory committee is concerned with matters set forth in section 552(b). of Title 5, United States Code.

(4) Participation by members of the public in open technical advisory committee meetings or questioning of committee members or other participants shall not be permitted except in accordance with procedures established by the committee.

(5) All persons wishing to attend an open technical advisory committee meeting should submit a written request for admission to the meeting in advance of the announced date of the meeting. Every effort will be made to accommodate all members of the public who wish to attend. Where limitations of space prevent the attendance of everyone who has requested admittance, members of the public will be admitted in the order in which their requests are received.

(g) *Minutes.* (1) Detailed minutes of each meeting of each technical advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee.

(2) The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(h) *Records.* (1) Subject to section 552 of Title 5, United States Code and Department of Commerce Administrative Order 205–12, "Public Information," and "Public Information" regulations issued by the Department of Commerce that are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, the records, reports, transcripts, minutes, appendixes,

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working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each technical advisory committee shall be available for public inspection and copying.

(2) Each technical advisory committee shall prepare at least once each year a report describing its membership, functions, activities and such related matters as would be informative to the public consistent with the policy of section 552 (b) of title 5, United States Code.

(3) Requests for records should be addressed to: Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230. Telephone 202–967–5511. Rules concerning the use of this facility are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, or may be obtained from the facility.

(i) *Compensation.* If the Department of Commerce deems it appropriate, a member of a technical advisory committee, upon request, may be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

(j) *Scope of advisory committee functions.* All technical advisory committees are limited to the functions set forth in their charters.

(k) *Duration of committees.* Each technical advisory committee shall terminate at the end of two years from the date the committee was established or two years from the effective date of its most recent extension, whichever is later. Committees may be continued only for successive two-year periods by appropriate action taken by the authorized officer of the Department of Commerce prior to the date on which such advisory committee would otherwise terminate. Technical advisory committees may be extended or terminated only after consultation with the committee.

(l) *Miscellaneous.* (1) Technical advisory committees established pursuant to § 390.1(b) of this part, in addition to conforming to the provisions of this part, shall also conform to the provisions of the Federal Advisory Committee Act, (Public Law 92–463), Office of Management and Budget (OMB) Circular A–63 and OMB/Department of Justice Memorandum, "Advisory Committee Management," Department of Commerce Administrative Order 205–12, "Public Information," the applicable provisions of the Export Administrative Act of 1969, as amended, and any other applicable Department of Commerce regulations or procedures affecting the establishment or operation of advisory committees.

(2) Whenever the Department of Commerce desires the advice or assistance of a particular segment of an industry with respect to any export control problem for which the service of a technical advisory committee, as described in § 390.1(b) above, is either unavailable or impracticable, an advisory committee may be established pursuant to the provisions of § 9 of the Federal Advisory Committee Act. Such committees will be subject to the requirements of the Federal Advisory Committee Act, Office of Management and Budget (OMB) Circular A–63 and OMB/Department of Justice Memorandum "Advisory Committee Management," Department of Commerce Administrative Order 205–12, "Public Information," and any other applicable Department of Commerce regulations or procedures affecting the establishment or operation of advisory committees.

(3) Nothing in the provisions of this § 390.1 shall be construed to restrict in any manner the right of any person or firm to discuss any export control matter with the Department of Commerce or to offer advice or information on export control matters. Similarly, nothing in these provisions shall be construed to restrict the Department of Commerce in consulting any person or firm relative to any export control matters.

[FR Doc.73–15667 Filed 7–30–73;8:45 am]

[13th Gen. Rev., Export Regs., Amdt. 68]

PART 377—SHORT SUPPLY CONTROLS

Exports of Certain Agricultural Commodities

Section 377.3 is amended to read as set forth below.

Effective date: July 28, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

In Export Control Bulletin No. 90 of July 5, 1973, validated license requirements were imposed on exports of 41 categories of agricultural commodities, including edible oils, animal fats, and livestock protein feeds. That Bulletin also announced a licensing policy for export of commodities classified under these 41 categories. (All agricultural commodities listed in Supplement No. 1 to Part 377 of the Export Control Regulations other than soybeans (Schedule B No. 221.4000); cottonseed (Schedule B No. 221.6000); soybean oil-cake and meal (Schedule B No. 081.3030); cottonseed oil-cake and meal (Schedule B No. 081.3020). It was stated that applications against orders accepted on or before June 13, 1973, for export of these 41 categories prior to October 1, 1973, will be licensed to the extent of 100 percent of the unfilled balance.

The purpose of this Bulletin is to announce the licensing policy for export of these 41 categories prior to October 1, 1973 against orders accepted after June 13, 1973; and also, to announce the licensing policy for exports prior to October 1 of peanuts certified of edible grade, and peanut meal containing aflatoxin. No licensing system is established for exports of cottonseed meal containing aflatoxin against orders accepted after June 13, but license applications for exports of such meal will be considered on a case-by-case basis, under the hardship procedure announced in Export Control Bulletin No. 92 of July 10, 1973.

Applications for export of any of these 41 categories after October 1, 1973, will not be considered until further notice. Those of the 41 aforementioned categories which presently may be exported under general license, if the shipment is valued at less than $250, may continue to be exported on that basis.

I. *Licensing policy for soybean and cottonseed oils to be exported prior to October 1, 1973.* Exports against orders accepted on or before June 13, will continue to be licensed on the basis of 100 percent of the unfilled balance of such orders. Exports against orders accepted after June 13, will be licensed on the basis of 100 percent of the unfilled balance of any accepted order reported on or before July 20, this being the latest report date for which aggregate anticipated export statistics have been tabulated. Exporters are cautioned not to draw any conclusions as to any licensing system for exports against accepted orders reported subsequent to that date.

II. *Licensing policy for the other oils, protein feeds, and animal fats to be exported prior to October 1, 1973.* These commodities comprise 32 categories, each of which will be licensed for export on the basis of the exporter's prior export history for such category during the period July–September 1972. In effect, the exporter will receive a quota based on his prior export history for each of these 32 categories. Against this quota will be charged all exports licensed against orders accepted on or before June 13. Exports against such orders will continue to be licensed 100 percent. To the extent such exports in a category do not exceed the exporter's quota for such category, the balance remaining will be licensed for export prior to October 1, against orders accepted after June 13. For each of the 32 categories, except inedible tallow (Schedule B No. 411.3220), the quota will be 100 percent of the exporter's exports of such category during July–September 1972. For inedible tallow, the quota will be set at 90 percent of the exporter's prior export history during July–September 1972. Licenses will be issued on this basis, for 100 percent of the unfilled balance of each order accepted after June 13, until the quota ceiling is reached.

III. *Licensing policy for edible grade peanuts, and peanut meal containing aflatoxin to be exported prior to October 1, 1973.* Licenses will be issued for export prior to October 1 of edible grade peanuts for 100 percent of the unfilled balance of any accepted order, regardless of the date on which such order was accepted, subject to the applicant submitting an affidavit at the time he applies for each license that the peanuts to be exported under such license are all of edible grade. Exports under such licenses will not be permitted unless the exporter submits to the appropriate U.S. Bureau of Customs officer at the time of export, a copy of a U.S. Department of Agriculture certificate identifying the peanuts to be of an edible grade (*i.e.*, U.S. No. 1, U.S. Medium, and U.S. Extra Large for shelled grades; and U.S. Fancy and U.S. Jumbo for inshell grades).

Peanut meal containing aflatoxin in a ratio of 25 parts, or more, per billion will be licensed on the same basis as edible grade peanuts, except that the applicant's affidavit will affirm that the peanut meal to be exported under such license has an aflatoxin content not less than the aforementioned ratio. Exports under such licenses will not be permitted unless the exporter submits to the appropriate U.S. Bureau of Customs officer at the time of export, a U.S. Department of Agriculture certificate that the meal to be exported is "positive" for aflatoxin.

Accordingly, § 377.3 is amended by revising paragraph (c), and adding new paragraphs (d), (e), (f), and (g) to read as follows:

§ 377.3 Agricultural Commodities.

* * * * *

(c) *Licensing system for exports of additional agricultural commodities against orders accepted on or before June 13—*(1) *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of the agricultural commodities listed in Supplement No. 1 to this Part 377, other than those identified in § 377.3 (b), must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant on or before June 13 for export prior to October 1 and (ii) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any. The application shall be submitted on forms FC–419 and FC–420.[1] The above-mentioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (c)(1) of this section.

(d) *Licensing system for exports of additional agricultural commodities against orders accepted after June 13.—*(1) *Licensing for soybean and cottonseed oils—*(i) *In general.* All exporters who wish to be considered for the issuance of a validated license for any export of any of the nine categories of soybean and cottonseed oils listed in Supplement No. 1 to this Part 377 must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(*a*) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant for export prior to October 1, and reported on or before July 20, and

(*b*) A sworn affidavit by the applicant as to the amount previously exported against such contract, if any, and that the export for which a validated license is sought was reported as an anticipated export on or before July 20, pursuant to § 376.3 of this chapter.

The application shall be submitted on forms FC–419 and FC–420.[1] The abovementioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter, the Export Control Regulations.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (d)(1)(i) of this section.

(2) *Licensing for the remainder of the additional agricultural commodities—*(i) *In general.* All exporters who wish to be considered for the issuance of a validated license for an export of any of the agricultural commodities listed in Supplement No. 1 to this Part 377, other than those identified in 377.3 (b) and those identified in paragraph (d) (1) of this section, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(*a*) A photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant for export prior to October 1, and

(*b*) A sworn affidavit by the applicant as to the amount previously exported against such contract, if any, and stating:

(*1*) The total of his exports of such commodity to all destinations (including Canada) durng the period from July 1, 1972 to September 30, 1972, and

(*2*) All of the orders for export of such commodity accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license (if no such orders were accepted on or before June 13, 1973, the affidavit shall so state).

The application shall be submitted on forms FC–419 and FC–420.[1] The abovementioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter, the Export Control Regulations.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of subdivision (i) of this subparagraph, but only to the extent of the applicant's allowable quota for the specified commodity. For purposes of this subparagraph, an applicant's allowable quota for any such specified commodity, except inedible tallow, is the total quantity of his exports of such commodity to all destinations (including Canada) during the period from July 1, 1972, to September 30, 1972; minus the total quantity of such commodity provided for by all orders for export of such commodity which he accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license. In the case of inedible tallow (Schedule B No. 441.3220), the applicant's allowable quota is 90 percent of the total quantity of his exports of such inedible tallow to all destinations (including Canada) during the period from July 1, 1972, to September 30, 1972; minus the total quantity of such commodity provided for by all orders for export of such commodity which he accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license.

(e) *Licensing system for edible grade peanuts and peanut meal containing aflatoxin—*(1) *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of edible grade peanuts and peanut meal containing aflatoxin must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale to a foreign buyer accepted by the applicant for export prior to October 1, and

(ii) (*a*) With respect to edible grade peanuts, a sworn affidavit by the applicant stating the amount previously exported against such contract, that the peanuts proposed to be exported are all of edible grade, and that the applicant will furnish to the appropriate U.S. Bureau of Customs officer, at the point of export, a copy of an official Agricultural Marketing Service (U.S. Department of Agriculture) inspection certificate (Form FV–184–Peanuts) certifying that the peanuts proposed for export are all of edible grade (*i.e.*, graded U.S. No. 1, U.S. Medium, or U.S. Extra Large, if shelled; or U.S. Fancy or U.S. Jumbo, if not shelled), or

[1] Forms FC–419 and FC–420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

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(b) With respect to peanut meal containing aflatoxin, a sworn affidavit by the applicant stating the amount previously exported against such contract, that the peanut meal proposed to be exported contains aflatoxin to the extent of not less than 25 parts per billion parts, and that the applicant will furnish to the appropriate U.S. Bureau of Customs officer, at the point of export, a copy of an official Agricultural Marketing Service (U.S. Department of Agriculture) Certificate of Quality and Condition (Form FV–146) (which will bear the export license number) certifying that the lots proposed for shipment are "positive" for aflatoxin (contain aflatoxin to the extent of 25 parts or more per billion parts).

The application shall be submitted on forms FC–419 and FC–420.[1] The abovementioned documentation will serve in lieu of the form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of Licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (e)(1) of this section.

(f) *Special terms.* Each license issued under this section will only be valid for shipment against the particular contract applicable. All licenses issued for export of these commodities shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(g) *Reduction of shipping tolerance allowance.* Section 386.7(b) (1) of this chapter, the Export Control Regulations states in part, that commodities listed in Supplement No. 1 to Part 377, are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.3(c) are accordingly shown in Supplement No. 1 to Part 377.

[FR Doc.73–15884 Filed 7–30–73;8:45 am]

[13th Gen. Rev., Export Regs., Amdt. 67]

PART 377—SHORT SUPPLY CONTROLS

Exports of Ferrous Scrap

Section 377.4 is amended to read as set forth below.

Effective date: July 27, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

The FEDERAL REGISTER issuance of July 3, 1973, established a licensing system for exports of ferrous scrap under which no licenses were issued for exports of ferrous scrap against orders of 500 short tons or more which were accepted after July 1, 1973, or which called for export after July 31, 1973. Applications to export ferrous scrap against accepted orders for less than 500 short tons were considered, irrespective of the date on which such orders were accepted.

I. *Amendment of licensing system against orders of 500 short tons or more for export in July 1973; extending validity period of such licenses to August 30, 1973.* As previously, validated licenses will continue to be granted in the case of applications to export ferrous scrap in respect to unfilled or partially filled orders of 500 short tons or more calling for export during the month of July 1973, which were accepted by an exporter on or before July 1, 1973, if such orders were reported by him pursuant to the reporting requirement of § 377.1(c). However, the validity period of all such licenses, whether issued prior to the effective date of this Bulletin, or hereafter is hereby extended until August 30, 1973.

II. *Licensing system against orders of 500 short tons or more for export in August 1973.* The licensing system against orders of 500 short tons or more of ferrous scrap for export in August 1973 is hereby announced. Validated licenses will be issued in the case of applications to export scrap against unfilled or partially filled orders calling for export during the month of August 1973, which were accepted by an exporter on or before July 1, 1973. Except as noted below, such licenses will be granted under the same terms and conditions as apply with respect to validated licenses for export of scrap during the month of July 1973. Thus, the orders must have been reported by the exporter pursuant to the reporting requirement of § 377.1(c), and the application must be accompanied by the supporting documentation (described in § 377.4(b)(1)) which would be required in the case of license applications for July exports of scrap. In addition to these requirements, however, the affidavit accompanying an application for August export must include an affirmation that the applicant has the necessary scrap on hand or earmarked for such accepted order, as of the date of filing such application. Further, in the case of an application for export to Japan, an Import Certificate, issued by the Government of Japan, must be filed in the manner provided by the regulations issued herewith. The Government of Japan has advised that the import certificates which it will issue for exports of U.S. ferrous scrap during the month of August will amount to a total quantity of 564,610 short tons. Exporters who apply for a license for export to Japan during the fifteen days following the effective date of this Bulletin, and who have not yet received a copy of the Japanese Import Certificate issued for this export, may, in lieu thereof, submit an affidavit with supporting documentary evidence that such a certificate has been issued, indicating the number of such certificate and the quantity of ferrous scrap for which it has been issued. Licenses issued for August exports of scrap to all destinations shall have a validity period of 60 days from the date of issuance.

III. *Amendment of licensing system against orders of less than 500 short tons; extending validity period of such licenses to 30 days from date of issuance, or (if later) August 15, 1973.* As previously, applications to export ferrous scrap against accepted orders for less than 500 short tons will be considered irrespective of the date on which such orders were accepted. However, whereas previously such licenses were to lapse 21 days after the date of issuance, the validity period of all such licenses whether issued prior to the effective date of this Bulletin or hereafter is hereby extended through the thirtieth day following the date of issuance, or August 15, 1973, whichever is later.

Licensing system against orders of 500 short tons or more for export in September 1973, to be announced. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for export during September 1973, which were accepted on or before July 1, 1973, will be announced in a subsequent Bulletin.

Accordingly, Section 377.4 is amended, to read as follows:

§ 377.4 Ferrous scrap.

(a) *In general.* Ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no license will be issued for export of ferrous scrap during the 1973 calendar year against an order which was accepted after July 1, 1973; and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for export during the months of July or August 1973, which was accepted by an exporter on or before July 1, 1973, and reported by him pursuant to the reporting requirement of § 377.1(c).

(b) *Licensing system against orders of 500 short tons or more for export in July or August 1973—(1) Submission of application with supporting documentation.* Any exporter who reported (pursuant to § 377.1(c)) an unfilled or partially filled order accepted on or before July 1, 1973, for export during the month of July or August 1973, of 500 short tons or more of any of the ferrous scrap commodities listed in Supplement No. 1 to this Part 377, who wishes to be considered for the issuance of a validated license for export with respect to such order, shall file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973;

(ii) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any;

(iii) A statement, in the affidavit referred to in the preceding subdivision, that the applicant has the necessary quantity of such commodity earmarked for such accepted order, as of the date of filing such application; and

(iv) In the case of exports to Japan, an Import Certificate issued by the Government of Japan or such other document as may be required by the provisions of paragraph (b)(2) of this section.

For purposes of paragraph (b)(1)(ii) of this section, the term "earmarked" refers to commodities which are specifically allocated for export against the accepted order and either in stock or scheduled for timely delivery under binding arrangements. The application shall be submitted on Forms FC–419, *Application for Export License,* and FC–420, *Application Processing Card.* The abovementioned documentation will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser,* that would otherwise be required pursuant to § 375.2 of this chapter.

(2) *Requirement of Japanese import certificate.* In the case of an accepted order for export of ferrous scrap to Japan, which calls for export during the month of August, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. Such Import Certificate, or a photocopy or certified copy thereof, shall be filed with the application pursuant to the procedures specified in subparagraph (1) of this paragraph. Where Japan is the destination indicated in the accepted order but the country of ultimate destination was from the outset intended to be another, no import certificate shall be required, but the circumstances must be established and documented to the satisfaction of the Office of Export Control for the requirements of this subparagraph to be waived. In any case in which export to Japan against an order calling for export in August is scheduled to occur on or before August 11, 1973, the applicant may, if the Import Certificate (or a copy thereof) is not physically available on the date of filing, submit in lieu thereof with his application, a sworn affidavit: (i) Affirming that an Import Certificate has been issued for the full amount of the export which would be covered by the validated license, (ii) supplying the number of such certificate, and (iii) pledging to file with the Office of Export Control the Import Certificate, or a copy thereof, within seven working days. Such affidavit shall be accompanied by any documentary evidence on which the affidavit is predicated.

(3) *Issuance of licenses for exportation.* The Office of Export Control will verify the authenticity of the application and supporting documentation referred to in paragraph (b) (1) and (where applicable) (2) of this section and, if they meet the requirements of such subparagraphs, will issue a validated license for 100 percent of the unfilled balance of the accepted order; provided, however, that with respect to orders, which do not specify a country of destination, against which the applicant is seeking a license to export to a destination other than Japan, he must establish to the satisfaction of the Office of Export Control that the ferrous scrap was not originally intended for exportation to Japan.

(4) *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract, allowing shipment:

(i) In the case of a validated license which indicates July as the month for shipment, until August 30, 1973, and

(ii) In the case of a validated license which indicates August as the month for shipment, during the 60-day period following the date of issuance of such license.

Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(c) *Licensing system against orders of less than 500 short tons.*—(1) *In general.* An application for a license to export ferrous scrap against an accepted order for less than 500 short tons, which is submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of the contract of sale for export to a foreign buyer, and a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser,* that would be otherwise required pursuant to § 375.2 of this chapter. After verification of the authenticity of the documentation submitted by the applicant, a license will be issued for export during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. Such licenses shall expire 30 days after the date of issuance, or on August 15, 1973, whichever is later. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such a contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) *Notice.* Exporters are hereby placed on the notice that in the event the volume of exports under the licensing procedure of this paragraph reaches an unacceptable level, further restrictions may be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations states, in part, that commodities listed in Supplement No. 1 to Part 377 are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.4(d) are accordingly shown in Supplement No. 1 to Part 377.

[FR Doc.73–15885 Filed 7–30–73;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region VI, Designating the Dallas/Fort Worth Port of Entry

JULY 23, 1973.

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to consolidate the present Customs ports of Dallas and Fort Worth, Texas, and expand the area serviced by the new Dallas/Fort Worth Customs port of entry to include the entire commercial area surrounding those cities as well as the new Dallas/Fort Worth Airport.

Notice is, therefore, given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), it is proposed to establish a consolidated Dallas/Fort Worth Customs port of entry with geographical limits to include the area within Dallas and Tarrant Counties, Texas.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communciations, they must be received in the Bureau of Customs not later than August 30, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Bureau of Customs, Regulations Division, Washington, D.C., during regular business hours.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury (Enforcement, Tariff and Trade Affairs, and Operations)

JULY 23, 1973.

[FR Doc.73-15758 Filed 7-30-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Proposed Statement of Policy and Intent

JULY 26, 1973.

Notice is hereby given that the regulation as set forth below is proposed by the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration. The proposed regulation would introduce a new part to set forth policies, interpretations, and procedures under which financial assistance programs for the commercial fisheries will be administered.

The proposed regulation will notify the interested public of the Director's intent to improve financial assistance program procedures related to conservation and management of the fisheries and to make more efficient and effective use of both public and private resources. It is the intent of this regulation that financial assistance programs will not be used to add fishing vessels to a fishery when upon review of situations and conditions at hand, as well as prospective developments, the Director deems that such financial assistance would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Federal and State agencies as well as the public will be given time and opportunity to comment on any proposed amendment to this regulation establishing a particular fishery as a conditional fishery, as these terms are defined in the proposed regulation. Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information the Director will take action as may be appropriate. If action is taken under the regulation to restrict or condition the use of financial assistance in a particular fishery, the Director will continue to monitor and assess situations and conditions related to such fishery to determine the continued need for regulation. This proposed regulation is published pursuant to the authority contained in section 4 of the Fish and Wildlife Act of 1956, as amended, Title XI of the Merchant Marine Act, 1936, as amended, Section 607 of the Merchant Marine Act, 1936, as amended, the National Environmental Policy Act and Reorganization Plan No. 4 of 1970. Amendments to this part may be made from time to time, as appropriate, to adjust policy in accordance with changed situations and conditions.

Written views, data or arguments on all or a part of the proposed regulation should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before October 1, 1973, will be considered before action is taken with respect to adoption of the proposed regulation. No public hearing is contemplated at this time, however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Oceanic and Atmospheric Administration, D.C. 20235. In the event that a public hearing is found necessary, an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Subpart A—General Policy

Sec.
- 251.1 Definitions.
- 251.2 Scope and purpose.
- 251.3 Policy.
- 251.4 Policy interpretations and determinations.
- 251.5 Organization.
- 251.6 Principal Offices of the National Marine Fisheries Service.
- 251.7 Information sources and needs.
- 251.8 Evaluation guidelines.
- 251.9 Evaluation criteria.

Subpart B—Conditional Fisheries

251.20 [Reserved].

AUTHORITY: Sec. 4 of the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742; Title XI, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1271–1279; sec. 607, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1177; National Environmental Policy Act, 42 U.S.C. 4321–4347; and Reorganization Plan No. 4 of 1970, 86 Stat. 909.

Subpart A—General Policy

§ 251.1 Definitions.

For the purposes of this part, the following terms shall be construed as follows:

(a) *Secretary.* This term means the Secretary of Commerce or his delegate.

(b) *Director.* This term means the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration or his delegate.

(c) *State.* This term means the several States of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands and Guam.

(d) *Agency.* This term means any Federal, State or local Government, or International Organization to which the United States is a party, or any combination thereof, duly authorized to carry out functions related to the Fisheries Resources or the Fishing Industry.

(e) *Fisheries Resources.* This term means any form, or forms, of animal or plant life found in the aquatic environment.

(f) *Fishing Industry.* This term means a part, or parts, of the economic systems of labor and capital, directly or indirectly, deriving revenue from activities related to the Fisheries Resources.

(g) *Fishery.* This term means a part of the Fishing Industry engaged in harvesting a specific part, or parts, of the Fisheries Resources for commercial purposes.

(h) *Management.* This term means Agency activities related to assisting the Fishing Industry or protecting the Fisheries Resources.

(i) *Conditional Fishery.* This term means a Fishery in which financial assistance for fishing vessels will be approved only under provisional terms consistent with needs and objectives of Management, as determined by the Director. The terms under which financial assistance related to a Conditional Fishery may be approved will be set forth in the regulations for each program. (See § 251.2(c)).

§ 251.2 Scope and purpose.

(a) This part will provide for the central filing of (1) the Administrator's policy related to restricting the use of financial assistance programs in certain fisheries, (2) notices of proposed rule making, (3) locations of principal offices where the public may obtain information related to the functions cited in paragraph (b) of this section and the regulations cited in paragraph (c) of this section.

(b) This part sets forth policy and procedures under which the Director will perform his general responsibilities related to the following:

(1) The functions in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), which relate to the "Fisheries Loan Fund" for the purpose of providing financial assistance to commercial fisheries.

(2) The functions in section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to the creation of "Capital Construction Funds" including tax deferrals, under certain conditions, to those owning or leasing vessels which are operated in the fisheries of the United States.

(3) The functions in Title XI of the Merchant Marine Act, 1936, as amended, and as amended by the Federal Ship Financing Act of 1972 (46 U.S.C. 1271–1279) which relate to the guarantee of certain obligations for, among other things, the construction, reconstruction or reconditioning of fishing vessels.

(4) The functions in section 4331 of the National Environmental Policy Act (42 U.S.C. 4331), which relate to the responsibility of the Federal Government to improve and coordinate Federal programs, including financial assistance, that impact on the natural environment.

(c) *Cross reference.* (1) For regulations relating to the functions quoted in paragraph (b)(1) of this section see Part 250 of this chapter governing Fisheries Loan Fund Procedures.

(2) For regulations relating to the functions quoted in paragraph (b)(2) of this section see Part 259 of this chapter governing Capital Construction Funds.

(3) For regulations relating to the functions quoted in paragraph (b)(3) of this section see Part 255 of this chapter governing Fishing Vessel Obligation Guarantee Procedures.

§ 251.3 Policy.

(a) Section 742(f) of the Fish and Wildlife Act of 1956, as amended, provides, in part, that the Secretary shall (1) consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish; (2) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production; and (3) take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources.

(b) Under Title XI of the Merchant Marine Act, 1936, as amended, no commitment to guarantee an obligation shall be made by the Secretary unless he finds that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources.

(c) Section 607(a) of the Merchant Marine Act, 1936, as amended, provides, in part, that the deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulation prescribe or as are set forth in such agreement. Regulations under Part 259 of this chapter relate to "Capital Construction Funds" and qualified withdrawals from an Interim Fund established for fishing vessels under the Merchant Marine Act, 1936, as amended. Under existing Interim Agreements the Secretary may determine that withdrawals which would add fishing vessels to an existing fleet in a fishery will be inconsistent with the wise use of the fishery resource involved, and inconsistent with the development, advancement, management, conservation, or protection of that resource, and therefore may from time to time withhold his consent to such withdrawals. The form of existing Interim Agreement appears in 36 FR 19699, October 9, 1971.

(d) Section 4331 of the National Environmental Policy Act, provides, in part, that the Federal Government use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal programs to the benefit of the Nation.

§ 251.4 Policy interpretations and determinations.

(a) The Director will interpret and apply, to the extent practicable, the language quoted in paragraphs (a), (b), (c), and (d) of § 251.3 to administer financial assistance programs in a manner which, on balance, will be consistent with the needs and objectives of Management related to each Fishery.

(b) It is recognized that (1) the Fisheries Resources, upon which the Fishing Industry depends, are renewable but limited with respect to yield; (2) the Fisheries Resources are subject to increasing fishing pressures and uncertainties; (3) Management must be strengthened to produce desired benefits from the Fisheries Resources; and (4) it would not be a wise and efficient use of financial assistance programs to encourage the introduction of vessels into a Fishery classified as a Conditional Fishery in this part.

(c) The National Marine Fisheries Service shall, under procedures established, or to be established, by the Director, maintain a continuing review of all Fisheries Resources for the purpose of determining a Fishery which may be in need of regulation as a Conditional Fishery to carry out the policy, intent, and purposes of this part.

(d) The Director shall take actions to publish Notices of Proposed Rule Making related to a Fishery being considered for regulation as a Conditional Fishery under this part. The public and Agency officials shall be given 90 days to comment on such notices of proposed rulemaking.

(e) In any case when it is determined that a Fishery is to be regulated as a Conditional Fishery under this part and a regulation related to that Conditional Fishery is to be adopted, such regulation, to be incorporated in Subpart B of this part, shall be published in the FEDERAL REGISTER, after 90 but within 180 days of the date the notice of proposed rulemaking with respect to such Fishery was published as set forth in paragraph (d) of this section.

(f) Findings and determinations made by the Director in accordance with this part will be based on source materials related to Management and the Fishery under consideration and made available through procedures as set forth in this part.

(g) Findings and determination for financial assistance applications related to fishing vessels operating in a Fishery

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not yet regulated as a Conditional Fishery in this part may be made under existing delegations of authority. Such findings and determinations shall be (1) based on an evaluation of available information related to Management and the particular Fishery under consideration, (2) made using the guidelines and criteria as set forth in §§ 251.8 and 251.9, and (3) consistent with the policy, intent and purposes of this part.

(h) Amendments to, or revisions of, this part may be made when new information becomes available, or at any time, to add or to delete a Conditional Fishery from this part.

§ 251.5 Organization.

(a) The National Oceanic and Atmospheric Administration (NOAA) is a component of the Department of Commerce.

(b) The National Marine Fisheries Service (NMFS), a component of NOAA, is the agency with responsibilities to carry out generally the functions as quoted in this part.

§ 251.6 Principal Offices of the National Marine Fisheries Service.

(a) The mailing address of the Office of the Director, NMFS, is:

Director
National Marine Fisheries Service
Washington, D.C. 20235

(b) Mailing addresses of the Offices of the Regional Directors, NMFS, are:

Director, Northwest Region
National Marine Fisheries Service
1700 Westlake Avenue North
Seattle, Washington 98109

Director, Southeast Region
National Marine Fisheries Service
William C. Cramer Federal Office Bldg.
St. Petersburg, Florida 33701

Director, Northeast Region
National Marine Fisheries Service
Federal Building
14 Elm Street
Gloucester, Massachusetts 01930

Director, Southwest Region
National Marine Fisheries Service
300 South Ferry Street
Terminal Island, California 90731

Director, Alaska Region
National Marine Fisheries Service
P.O. Box 1668
Juneau, Alaska 99801

§ 251.7 Information sources and needs.

(a) Information for consideration under this part should relate to the Fisheries Resources, the Fishing Industry and Management relative to the Fishery under consideration for regulation as a Conditional Fishery.

(b) All sources that may be anticipated to provide fair and reasonable information should be explored.

(c) Information should include, but not be limited to, material in the following general classifications: (1) Environmental, (2) biological, (3) economic, (4) social, (5) legal, (6) international, and (7) national interests.

§ 251.8 Evaluation guidelines.

(a) For each Fishery under consideration for regulation as a Conditional fishery general guidelines for evaluation will be conditions that exist relating to each Fishery and (1) international fishery agreements or conventions, to which the United States is a party, dealing with fishery conservation or management, (2) Agency regulations dealing with fishery conservation or management, (3) the available data base, (4) proposed designated areas or zones, (5) the current and projected status of the existing fishing fleet, (6) the harvesting activities of fishing vessels engaged in that Fishery, (7) foreign competition, (8) Management, and (9) other relevant factors.

§ 251.9 Evaluation criteria.

(a) For each Fishery under consideration to be regulated as a Conditional fishery the Director will evaluate (1) related information received from interested parties, (2) related environmental factors, (3) the history, present status and prospective developments related to the Fishery, (4) conditions that may be necessary for reasonable improvement of a depressed Fishery, (5) conditions that may be necessary for reasonable stability of an economically and environmentally sound Fishery, (6) conditions that could contribute to adverse fluctuations or declines in yield, (7) the need to improve the economic efficiency of the fishing fleet, (8) the need to assure for fishermen safe and healthful fishing vessels, (9) the need to improve the engineering efficiency of the fishing vessels operating in the Fishery, (10) social needs, and (11) information and data on hand related to that Fishery.

Subpart B—Conditional Fisheries

§ 251.20 [Reserved]

[FR Doc.73-15759 Filed 7-30-73;8:45 am]

[50 CFR Part 255]

AIDS TO FISHERIES

Proposed Interim Fishing Vessel Obligation Guarantee Procedures

Notice is hereby given that the interim regulations set forth below are proposed by the Secretary of Commerce for administering Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279), insofar as the guarantee under that Title of obligations relating to fishing vessels is concerned.

The Federal Ship Financing Act of 1972 (86 Stat. 909) amended Title XI. Title XI previously provided for the insurance of mortgages and loans given to, among other things, aid in financing the construction, reconstruction, or reconditioning of certain classes of vessels, including fishing vessels, documented under the laws of the United States. Enactment of the Federal Ship Financing Act of 1972, among other things: (1) Substituted the guarantee of obligations loans; (2) made it unnecessary for a lender with a guaranteed obligation to be party to the security arrangement between the Secretary of Commerce and the borrower; (3) expressly allowed guarantees which aid in financing (including reimbursement of an owner for its own expenditures) vessels already constructed, reconstructed, or reconditioned to be first entered as late as one year after construction, reconstruction, or reconditioning; and (4) liberalized the availability of guarantees for refinancing existing obligations.

The National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, which administers the Title XI program with respect to fishing vessels, deems it necessary to issue these interim regulations in order that certain essential provisions of Title XI may continue to be effected without further delay. These interim regulations pertain, consequently, only to the guarantee, within one year after vessel delivery, or vessel redelivery in the case of reconstruction or reconditioning, of obligations which aid in financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of fishing vessels. The guarantee of obligations which aid in all other eligible financing or refinancing will be treated in regulations to be issued as soon as practicable hereafter. These interim regulations will be amended or supplemented from time to time as the need arises.

These interim regulations will be facilitated by reprinting those provisions of Title XI, as amended through the effective date of the Federal Ship Financing Act of 1972, to which these interim regulations pertain. Section 255.0 of these interim regulations is, consequently, such a reprint of Title XI after deletion therefrom of all provisions (1) to which these interim regulations do not presently pertain, (2) which pertain exclusively to the Secretary's internal program administration, and (3) which pertain exclusively to vessels other than those in the fishing trade or industry. A copy of the complete Title XI may be obtained by writing to the Chief, Financial Assistance Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, or any of the Division's regional offices.

Although these interim regulations relate to matters which are exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553), the Secretary will give consideration to written comments prior to final adoption of the regulations. Written comments should be (1) addressed to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235 and (2) received not later than thirty days following the date upon which these proposed interim regulations are published in the FEDERAL REGISTER.

These proposed interim regulations will, upon final adoption, repeal and replace the present Part 255 of this Title 50.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Sec.
255.0 Reprint of certain provisions of Title XI of the Merchant Marine Act, 1936, as amended through the effective date of the Federal Ship Financing Act of 1972.
255.1 Definitions.
255.2 Purpose and priority.
255.3 Eligibility requirements.
255.4 Applications.
255.5 Commitments.
255.6 Closing procedures.
255.7 Defaults.
255.8 Cross references.
255.9 Applicability.

AUTHORITY: Title XI, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1271–1279 and Reorganization Plan No. 4 of 1970, 86 Stat. 909.

§ 255.0 Reprint of certain provisions of Title XI of the Merchant Marine Act, 1936, as amended through the effective date of the Federal Ship Financing Act of 1972.

(a) *Exclusions.* This reprint of Title XI excludes all provisions (1) to which this interim Part 255 does not presently pertain, (2) which pertain exclusively to the Secretary's internal program administration, and (3) which pertain exclusively to vessels other than those in the fishing trade or industry.

(b) *Reprint of Title XI.*

SEC. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States • • • and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended:

(b) The term "vessel" includes all types, whether in existence or under construction, of • • • which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwide trade within the meaning of section 2 of the Shipping Act, 1916, as amended • • •

(c) The term "obligation" shall mean any note, bond, debenture, or other evidence of indebtedness • • • issued for one of the purposes specified in subsection (a) of section 1104 of this title;

(d) The term "obligor" shall mean any party primarily liable for payment of the principal of or interest on any obligation;

(e) The term "obligee" shall mean the holder of an obligation;

(f) The term "actual cost" of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

(g) The term "depreciated actual cost" of a vessel means the actual cost of the vessel depreciated on a straight-line basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straight-line basis from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

(h) The terms "construction," "reconstruction," or "reconditioning" shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping.

SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey to the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary of Commerce may reasonably require to protect the interests of the United States.

(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 per centum • • • of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce • • •.

(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

• • • • • •

SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

(1) Financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for • • • commercial use • • • in the fishing trade or industry • • • *Provided, however*, That no guarantee shall be entered into pursuant to this paragraph (a) (1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels • • •;

(b) Obligations guaranteed under this title—

(1) Shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

(2) Subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce • • •;

(3) Shall have maturing dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twenty-five years from the date of delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

(4) Shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

(5) Shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

(6) Shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A–1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service • • •

• • • • • •

(c) (1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for the guarantee of an obligation by the Secretary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided*, That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of

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the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be in his opinion economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources, and with the development, advancement, management, conservation, and protection of the fisheries resources.

(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding * * *. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding * * *. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

(f) The Secretary of Commerce shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, * * * and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

* * * * *

(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

SEC. 1105. (a) In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) In the event of any payment by the Secretary of Commerce under section (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of sale shall be as approved by the Secretary of Commerce.

(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash * * *.

(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts he shall pay such excess to the obligor.

SEC. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

* * * * *

(c) *Interpretation or elaboration.* The following sections of this interim Part 255 relate only to those provisions of the Act set forth in paragraph (b) of this section.

§ 255.1 Definitions.

The following definitions are in addition to, or supplement, those contained in the Act and set forth in § 255.0(b).

(a) *Fishing vessel; vessels which are designed principally for commercial use in the fishing trade or industry.* These terms mean vessels which are designed or redesigned, and are outfitted or will be outfitted, principally for catching, processing, and/or transporting fisheries resources for commercial purposes. Documentation as a fishing vessel of the United States is required, except where the Secretary (in the case of processing or transporting vessels) expressly consents to U.S. documentation as a vessel other than a fishing vessel. More than fifty percent of such vessels' annual gross income must, however, be derived during the term of the guarantee from the activities specified above. These terms shall hereinafter be comprised by the word "vessel".

(b) *Reconstruction or reconditioning.* These terms include rebuilding, replacing, and/or reconverting any portion of a vessel which involves an actual cost equal to twenty percent of such vessel's replacement value or $40,000, whichever is less. A reconstruction or reconditioning project must, however, substantially prolong the useful life of the vessel and increase its value, or adapt it to a different commercial use in the fishing trade or industry, and all or a major portion of the actual cost of such project must ordinarily be classifiable as capital expenditures. If the sum of (1) the age of the vessel proposed to be reconstructed or reconditioned and (2) the terms of the proposed guaranteed obligation financing such reconstruction or reconditioning exceeds twenty years, then in that case only the project will not ordinarily be deemed to be a reconstruction or reconditioning unless it is specifically

demonstrated to the Secretary's satisfaction that the project will significantly upgrade the vessel in terms of modernization and efficiency.

(c) *Replacement value.* This term means the estimated cost of replacing a vessel, immediately after its redelivery in a reconstructed or reconditioned state, by newly constructing one substantially similar to it. A vessel's replacement value must be evidenced by at least one estimate of replacement value submitted by a naval architect, marine surveyor, or other firm or person determined by the Secretary as qualified to give such an estimate. The Secretary may, however, refuse to accept such an estimate of replacement value which he deems unreasonable and may require additional estimates. No estimate of replacement value will be required if the actual cost of reconstruction or reconditioning is $40,000 or more.

(d) *Actual cost.* This term is defined in section 1101(f) of the Act (see § 255.0(b)). Actual cost shall not, however, include any amount paid by any Government agency as a subsidy or otherwise; any amount of the cost of equipping a vessel with either excessive fishing gear or certain types of fishing gear (such as pots and/or traps, including lines, buoys and accessory equipment) which will not remain integrally attached to the vessel during its fishing operations; any commitment fees, interest, legal or accounting fees or expenses, fees or commissions or charges for securing any loan or mortgage or other borrowing, or post-delivery vessel operating expense; any items not capitalizable under generally accepted accounting principles (except in the case of reconstruction or reconditioning).

(e) *Useful life.* Ordinarily, a vessel's useful life for the purpose of guarantee under this Part 255 shall exceed neither fifteen years from the delivery date of a newly constructed vessel nor seven years from the redelivery date of a reconstructed or reconditioned vessel. The Secretary will, however, determine individually the useful life of each vessel for the purpose of guarantee under this interim Part 255.

(f) *Project.* This term means the construction, reconstruction, or reconditioning of a vessel through an act of work or a series of acts of work, to be completed within one year from the date work is first commenced unless otherwise consented to by the Secretary.

(g) *Delivery or redelivery date.* The delivery or redelivery date shall be the date the vessel was first documented (delivery) or last redocumented (redelivery) under the laws of the United States. If a reconstruction or reconditioning does not, however, require redocumentation, then the redelivery date shall ordinarily be the effective date, as determined by the Secretary, possession of the vessel is redelivered to its owner.

(h) *Secretary.* This term means the Secretary of Commerce or his delegate.

(i) *Act.* This term means the Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279).

§ 255.2 Purpose and priority.

(a) *Purpose.* The major objective of the Fishing Vessel Obligation Guarantee program is to facilitate the private capital market's responsiveness to the general investment capital needs of the U.S. commercial fishing industry.

(b) *Priority.* Within the framework of paragraph (a) of this section, the Secretary shall affor priority to those projects which most facilitate the following:

(1) Increasing the productivity or efficiency of fishing vessels, either through technical advances or otherwise.

(2) Fostering the development of underutilized fisheries resources and/or stimulating the shifting of vessels from overutilized to less utilized fisheries resources.

(3) Protecting, preserving, or improving national rights (historic or otherwise) to international fisheries resources by strengthening the domestic fishing fleet in direct competition with foreign vessels.

The Secretary will, consequently, afford the highest program priority to those projects which demonstrate significant potential for facilitating the greatest number of the items enumerated as subparagraphs (1) through (3) of this paragraph. This interim Part 255 will be construed and applied toward the end of encouraging such projects. The Secretary may encourage such projects by waiving, in his discretion and as a matter of policy, any requirement contained in this interim Part 255 and not otherwise expressly required by the Act.

§ 255.3 Eligibility requirements.

(a) *Construction; conditional fisheries.* An obligation for construction of a vessel shall ordinarily be eligible for guarantee only if such vessel is designed, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to execution of a guarantee or a commitment to guarantee, restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the obligor causes to be permanently removed from all fishing or placed permanently in an underutilized or less utilized fishery, under such conditions as the Secretary deems necessary or desirable, a vessel or vessels which have during the previous eighteen months operated substantially in the same fishery as the vessel constructed or to be constructed and which have a fishing capacity substantially equivalent to the vessel constructed or to be constructed.

(b) *Reconstruction or reconditioning; conditional fisheries.* An obligation for reconstruction or reconditioning of a vessel shall ordinarily be eligible for guarantee only if such vessel is designed or redesigned, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to execution of a guarantee or commitment to guarantee, restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the vessel reconstructed or reconditioned or to be reconstructed or reconditioned had operated substantially for at least the last thirty-six months before its reconstruction or reconditioning in substantially the same fishery in which it is operating or will operate after its reconstruction or reconditioning.

(c) *Obligations.* Each obligation guaranteed under this interim Part 255 shall:

(1) Have an obligee approved by the Secretary as responsible and able properly to service the obligation.

(2) Provide that the obligation shall not be assigned unless the assignee is first approved by the Secretary.

(3) Contain such terms and provisions as the Secretary in his discretion may require with respect to amortization, interest, application of payment, default, acceleration and immediate payability of the entire outstanding indebtedness, payment of expenses, renewal, extension, modification, surrender, compromise, release, exchange, substitution, indulgence, assignment, guarantee, demand for payment under the guarantee, payment under the guarantee, and such other matters as the Secretary in his discretion may require.

(4) Be evidenced by an obligation satisfactory, both as to form and substance, to the Secretary.

(5) Be secured by such collateral under such form of loan agreement, contract, mortgage, indenture, or other security agreement between the Secretary and the obligor as the Secretary in his discretion may deem necessary or appropriate to protect the interest of the United States. Such form of loan agreement, contract, mortgage or indenture, or other security agreement shall:

(i) Contain such terms and conditions as the Secretary in his discretion may require, including but not limited to those related to: Operation of a vessel, citizenship, ownership, documentation, validity and enforceability of obligations, warranting and defending title and possession, liens, insurance, sale, mortgage, transfer, assignment, charter, discharge of libel or suit or levy, repair and maintenance, payment of taxes or fines or penalties or other assessments or charges, reimbursement of the Secretary for the Secretary's expenses, the keeping of books and records, access to them, reports, payment of guarantee fees, default, foreclosure, seizure, retaking mortgaged property, payment of the guaranteed obligation, use and operation and location of mortgaged property, maintenance of existence and right to do business, acquisition or sale of assets, dividends, distribution or sale or purchase or retirement of stock, advances, compensation, loans, gifts, bonuses, merger, consolidation, affiliates, subsidiaries,

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execution of further obligations and documents and assurances, bankruptcy, assignment for benefit of creditors, forfeiture, receivership, petition for reorganization, disclosure, misrepresentation, false statement, fraud, maturity, acceleration of maturity, payment of principal and interest, the Secretary's right to sell or operate or otherwise dispose of mortgaged property, appointment of the Secretary as the obligor's true and lawful attorney, consent to jurisdiction, subordination, standby, guaranty, and such other matters as the Secretary in his discretion may require.

(ii) Be evidenced by a form of loan agreement, contract, mortgage, indenture, or other security agreement satisfactory, both as to form and substance, to the Secretary.

(iii) Provide for:

(*a*) Payment first, from sources other than the guaranteed obligation, by and for the account of the obligor, of not less than 25 percent of the actual cost, and thereafter for payment by the obligee directly to the shipyard or other contractor, except where payment reimburses the obligor for amounts expended by or for the account of the obligor toward payment of the actual cost in excess of the aforesaid 25 percent of the actual cost. No payment shall, however, be made by the obligee until work representing 25 percent of the actual cost shall have been performed and paid for and payments by the obligee shall at no time exceed 75 percent of the actual cost of work performed to the date of payment.

(*b*) Vesting of title to the vessel in the obligor according to payments made subject only to the lien or other rights of the shipyard or contractor for additional amounts due and unpaid or the lien or other rights of Secretary in accordance with (*f*) of this subdivision.

(*c*) The shipyard or contractor furnishing satisfactory insurance and a satisfactory performance and payment bond.

(*d*) Performance of work substantially in accordance with the contract plans and specifications approved by the Secretary; approval by the Secretary of all significant changes, and all changes whatsoever which decrease the actual cost, under the contract prior to commencement of work involving the changed specifications; and furnishing of all technical material necessary for approval of the changes.

(*e*) Furnishing to the Secretary two copies of design plans, specifications, sketches, and working schedules promptly after approval by the owner; furnishing two copies of correspondence regarding work being done or to be done if required by the Secretary; and furnishing one copy of the vessel's certificates, documents, and test reports if required by the Secretary.

(*f*) A security agreement on a vessel being constructed, assignment to the Secretary of the construction contract, and/or such other security or collateral as the Secretary in his discretion may require.

(*g*) If the Secretary's guarantee does not terminate with delivery or redelivery, then execution and delivery by the obligor of a first preferred mortgage of the delivered or redelivered vessel and such other collateral documents and assurances as the Secretary in his discretion may require.

(d) *Economic soundness.* The property or project with respect to which the obligation will be executed shall not ordinarily be deemed to be economically sound unless:

(1) The applicant obligor submits evidence satisfactory to the Secretary demonstrating that at the time of execution of the guarantee the obligor will then have net working capital (current assets minus current liabilities) and net worth (owner equity, capital stock, paid-in capital, and/or retained earnings) which will be available for the project and equal to at least the aggregate of the following:

(i) An amount equal to the difference between the actual cost of construction, reconstruction, or reconditioning (less any amount paid on account thereof) and the amount of the obligation proposed for guarantee.

(ii) Eight percent of the total estimated capitalizable cost of the vessel to the obligor.

(iii) One year's premium for vessel insurance, including hull and machinery, breach of warranty, protection and indemnity, and such other insurances as the Secretary may require.

(iv) The first year's obligation guarantee fee.

(v) Any additional amounts determined by the Secretary to be necessary or appropriate to the project under the circumstances of each individual case. The availability of net working capital and the net worth required by this § 255.3 (d) shall not, however, be the full test of economic soundness.

(2) The obligor and its project is deemed satisfactory by the Secretary after having taken into account the following credit factors:

(i) The obligor must be of established integrity. Responsible and cooperative management must be evident. Field analysis shall include a careful evaluation of character, experience, and past record and prospects of management in finance and fisheries operations.

(ii) The obligor must prospectively be able to meet obligations, continue business operations, and protect the Secretary against undue risk. The obligor's (and that of its related interests) total assets controlled, equity owned, contingent liabilities, and history of earnings to date are significant measures of financial responsibility and shall be carefully evaluated during field analysis.

(iii) A determination of the obligor's repayment capacity requires a careful field analysis of cash flow history and a projection from that history of cash flow prospects. A cash flow projection shall reflect cash generation from the obligor's fisheries operations and all other sources. Ordinarily the projection of cash flow from fisheries operations shall be sufficient to meet all obligations and provide a reasonable remainder for normal contingencies. Field analysis shall include a cash flow projection over the life of the obligation proposed for guarantee which shall be based upon a careful evaluation of the obligor's vessel, type of fisheries operation, area of operation, and the present and prospective status, over the life of the guarantee, of the fisheries resources for which the obligor will operate. The prospects of cash flow, projected from the obligor's past cash flow history and suitably adjusted for the change in the obligor's circumstances to be effected by the obligation proposed for guarantee, shall be compared with an average cash flow history of successful operators (compiled and maintained by each regional office) of similar vessels operating in the same area for the same fisheries resources. Whenever the obligor's cash flow is projected to be materially below that average, the application shall ordinarily be declined.

(iv) Collateral requirements are dictated by the strengths or weaknesses of all credit factors. The collateral required shall reasonably protect the Secretary and provide the necessary control of equity and repayment. Personal liability or entity liability, in the form of comakers or guarantors, shall be required as circumstances warrant in order to provide additional security for the Secretary's guarantee and to assure that the assets of the principal interests which stand to benefit most by the project proposed for guarantee are held accountable. Careful field analysis shall be made of the credit factors relevant to such comakers or guarantors, and their related interests, in order to assure that their liability actually provides the desired additional security for the Secretary's guarantee.

(v) The availability to the obligor of able and experienced masters and crews is of primary importance and may affect the weight placed upon other credit factors. Field analysis shall include a careful evaluation of the prospective master's ability and experience if such a master has been chosen and/or of the arrangements made to secure the services of able and experienced masters and crews. Every reasonable effort shall be made, prior to execution of a guarantee or a commitment to guarantee, to determine that the project under application will result in a profit by virtue of the fisheries operations intended to be pursued, the estimated expenses of the obligor, the earnings projected for the project, the character, integrity, and management ability of the obligor, the availability to the obligor of experienced masters and crews, and all other relevant factors. Economic soundness, particularly in the area of fisheries operations, is not, however, an exact science. A project must be tested as best it can and a judgment must be made whether or not that project has a reasonable chance of success.

(e) *Bids.* Each construction, reconstruction, or reconditioning shall be undertaken by the firm submitting the lowest of not less than three, responsive, competitive bids unless:

(1) Less than three, responsive, competitive bidders respond to properly, in the opinion of the Secretary, issued invitations, in which case the Secretary may make a determination as if subparagraph (5) of this paragraph were the case.

(2) The Secretary approves acceptance of a higher bid because, in the opinion of the Secretary, the lowest bidder cannot adequately accomplish the project.

(3) The Secretary approves acceptance of a higher bid and the obligor agrees that the amount by which the higher bid exceeds the lowest bid shall not constitute any portion of actual cost for the purpose of guarantee.

(4) The Secretary disapproves all bids as unreasonable, in which case new invitations may be issued to bidders or the Secretary may make a determination as if subparagraph (5) of this paragraph were the case.

(5) Construction, reconstruction, or reconditioning has been commenced or completed without having first obtained competitive bids, in which case the Secretary, taking into consideration the actual cost, and/or other factors deemed by him to be relevant, will determine an amount which fairly and reasonably would have been the actual cost had competitive bids been obtained, which determination shall be conclusive for the purpose of guarantee.

(f) *Seaworthiness.* All vessels constructed, reconstructed, or reconditioned with the aid of a guaranteed obligation, whether or not such vessels serve as security for the Secretary's guarantee, shall, in addition to such provisions of section 1104(b)(6) of the Act (see § 255.0(b)) as pertain to each individual vessel, be certified as in all respects fit and sufficient to withstand all foreseeable conditions of the intended service. For vessels eighty-feet registered length and over, such certification shall be provided by a certified naval architect (whose cost may be included in the actual cost for the purpose of guarantee). For vessels less than eighty-feet registered length, such certification shall be provided by any competent authority (whose cost may be included in the actual cost for the purpose of guarantee) approved by the Secretary. The Secretary reserves the right to require such additional tests or proofs as individual circumstances might warrant.

(g) *Guarantee fee.* The fee fixed for vessels to be constructed, reconstructed, or reconditioned shall be increased to the fee fixed for delivered or redelivered vessels if the guarantee does not terminate prior to or with delivery or redelivery of such vessels. The annual fee for the Secretary's guarantee shall ordinarily be:

(1) *Delivered or redelivered vessels.* One percent of the average outstanding principal amount of the guaranteed obligation if the original face amount of the guaranteed obligation represents more than fifty percent of the actual cost of construction, reconstruction, or reconditioning or three-quarters of one percent if the original face amount of the guaranteed obligation represents fifty percent or less of such actual cost.

(2) *Vessels to be constructed, reconstructed, or reconditioned.* One-half of one percent of the average outstanding principal amount of the guaranteed obligation.

(3) Unless otherwise specified by the Secretary, paid by the obligor's check payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the National Marine Fisheries Service addressed to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Attention NBOC 1, Room 122, Rockville, Maryland 20852, together with identification of the specific guarantee to which the fee relates and the period covered by the payment.

(4) Fully earned when first due and no refund of earned fees will be made by the Secretary in the event the guarantee is terminated.

(5) If deficient, fully paid within 30 days of the Secretary's notice to the obligor of the amount of such deficiency.

§ 255.4 **Applications.**

(a) *Purpose.* Applications may be for guarantee of an obligation relating to a vessel to be constructed, reconstructed, or reconditioned; a delivered or redelivered vessel; both; or a commitment to guarantee an obligation for any of the above.

(b) *Where filed.* Applications shall be filed in duplicate with the regional office of the National Marine Fisheries Service's Financial Assistance Division corresponding to the region in which the obligor conducts its business on an application form furnished by the Service except that, in the Secretary's discretion, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient.

(c) *Processing of applications.* If it is determined on the basis of a preliminary review that the application is complete and appears to be in conformity with the Act and this interim Part 255, the regional Financial Assistance Division office will assign the application a Docket Number and forward one copy to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. The regional Financial Assistance Division office will then conduct a field investigation of the application. After completion of the field investigation, an appropriate report will be sent to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. The application and all supporting documents must be filed in sufficient time to permit the Secretary to make a full and complete investigation and to take all other action required in respect thereto, and in any event not later than 90 days prior to the date anticipated for closing the transaction.

(d) *Books, records, and reports.* The Secretary shall have the right to inspect such books and records, including tax returns, of the applicant as the Secretary in his discretion may deem necessary. A commitment to guarantee an obligation shall be made only upon the agreement of the obligee and obligor to furnish the Secretary, promptly upon his request, such reasonable material and pertinent reports, evidence, proof, and information as he may require in connection with a guarantee granted or applied for, and to permit the Secretary, upon his request, to make such reasonable examination and audit of records and books of account as the Secretary may deem necessary in connection with a guarantee granted or applied for.

(e) *Inspection of property.* The Secretary or his agent shall have access at all reasonable times to all vessels or other security with respect to which an obligation is guaranteed or for which an application for guarantee has been filed.

(f) *Filing and investigation fee.* The initial filing of each application must be accompanied by a check payable to "NMFS, NOAA, FSFF—Commerce" in the amount of one-half of one percent of the original principal amount of the obligation proposed to be guaranteed. Fifty dollars of the payment (or the full payment if less than $50) will be retained by the Secretary as a filing fee regardless of the subsequent disposition of the application. If the application is withdrawn before investigation, only the filing fee will be retained. After investigation, however, the full payment will ordinarily be retained by the Secretary if the application is approved (regardless of whether such approval is subsequently canceled) and one-half of the payment in excess of $50 will be retained if the application is disapproved.

§ 255.5 **Commitment.**

A commitment to guarantee an obligation will, subject to the restrictions of the Act, be issued by the Secretary when such a commitment is required prior to the actual execution of the obligation. This commitment will provide that the Secretary will guarantee an obligation and will further state the terms and conditions under which the guarantee will be issued. It will also contain the covenants to be accepted by the obligee and obligor. No commitment, nor any amendment to a commitment, shall exist unless reduced to writing and duly executed by the obligor, the obligee, and the Secretary.

§ 255.6 **Closing procedure.**

The guarantee shall take effect upon payment of the first year's guarantee fee and execution of the guarantee by all parties required to execute.

§ 255.7 **Default.**

In the event of default and the Secretary's payment as a result thereof of any portion of a guaranteed obligation, an investigation will be promptly made to determine if the interest of the United States requires, in the Secretary's discretion, immediate foreclosure upon the Secretary's security. If a determination is made that the interest of the United

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States does not require immediate foreclosure and the obligor demonstrates to the Secretary's satisfaction that all defaults can and will be remedied, the Secretary may, in his discretion and under such terms and conditions as he may prescribe, enter into a written agreement with the obligor allowing it an additional period, ordinarily not to exceed seven months from the date of the Secretary's payment of the guaranteed obligation (but for such shorter or longer periods as the Secretary may in his discretion prescribe), in which to remedy all defaults and pay to the Secretary the full amount owed the United States. Such an agreement shall provide for the obligor's performance of regular and periodic conditions designed to assure remedy of all defaults and payment to the Secretary of the full amount owed the United States within the period allowed. Such an agreement shall not constitute the Secretary's waiver of any past, present, or future default, but shall merely allow the obligor to possess and operate the Secretary's security at the Secretary's pleasure. If, before expiration of the period allowed, the obligor has substantially remedied all defaults (and the Secretary's payment has been of the whole of the guaranteed obligation), the Secretary in his discretion may entertain an application for the guarantee of another obligation (to the extent otherwise qualified and eligible under the Act and this interim Part 255) which aids in financing the amount owed the United States. In any event, the Secretary will ordinarily commence foreclosure proceedings or such other action as the Secretary may in his discretion deem necessary or appropriate to recovery of the full amount owed the United States if such amount is not paid to the Secretary on or before expiration of the period allowed.

§ 255.8 Cross References.

Parties considering a Title XI guarantee should be aware of this following:

(a) Part 259 of this chapter establishes the conditions under which Capital Construction Funds for fishing vessels may be established under the provisions of section 21 of the Merchant Marine Act of 1970 (84 Stat. 1018) which amended section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177). These provisions allow deferment of taxation on certain income, including that derived from fishing operations, when such income is deposited into a Capital Construction Fund for subsequent qualification as a withdrawal for acquisition, construction, or reconstruction of, among other things, fishing vessels. Such income may, for example, be deposited and withdrawn for the purpose of paying the installments of an obligation guaranteed under this interim Part 255.

(b) Part 251 of this chapter establishes certain fisheries for which the availability of both Title XI guarantees and Capital Construction Funds may, from time to time, be restricted.

§ 255.9 Applicability.

This interim Part 255 applies to all Title XI applications for which the Secretary had not issued a commitment prior to October 19, 1972. The approval of all Title XI applications for which the Secretary's investigation has been completed prior to the date this interim Part 255 is published in the FEDERAL REGISTER as a proposal may, however, be governed by so much of the present Part 255—which this interim Part 255, upon final adoption, will repeal and replace—as does not relate directly to the change in the nature of the Title XI relationship between the obligee, the obligor, and the Secretary.

[FR Doc.73-15760 Filed 7-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

SULFONAMIDE-CONTAINING DRUGS FOR USE IN FOOD-PRODUCING ANIMALS

Notice of Proposed Rule Making

Correction

In FR Doc. 73-14918 appearing at page 19404 in the issue of Friday, July 20, 1973, make the following changes:

1. In the third column on page 19404, delete the sixth line from the bottom of the first complete paragraph, and insert in lieu thereof the following: "evaluation of the data submitted in re".

2. In the third column on page 19405:

a. In the fifteenth line of the first incomplete paragraph, delete "on or before October 18, 1973", and insert, "within 90 days following the date of publication of the final regulation."

b. In paragraph (d), in the second line, "512(i)" should read "512(l)".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73-14722, appearing at page 19235 in the issue of Thursday, July 19, 1973, make the following corrections:

1. In the paragraph labeled "2" in the third column of page 19235, in the second line, "amend" should be inserted at the end of that line.

2. In the third line of the description that immediately follows paragraph "2", "Lakehurst" should be inserted between what is now "Lakehurst, N.J." The phrase would read", "Lakehurst, Lakehurst, N.J.;"

3. In the third column in the eleventh line of the description that immediately follows paragraph "2" on page 19325, the first word which now reads "Robinsville" should read "Robbinsville".

[14 CFR Part 71]

[Airspace Docket No. 73-NE-21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Bridgeport, Connecticut, control zone (38 FR 360) and 700-foot transition area (38 FR 454).

The Standard Instrument Approach Procedures for VOR Runways 6 and 24 at Bridgeport Municipal Airport, Bridgeport, Connecticut, have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. These revised procedures will require the alteration of the Bridgeport control zone and 700-foot transition area in order to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before August 30, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bridgeport, Connecticut, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut, control zone and insert the following in lieu thereof:

That airspace within a 5.5 mile radius of the center, Lat. 41°09'48" N, Long. 73°07'34" W of the Bridgeport Municipal Airport, Bridgeport, Connecticut, exending clockwise from the 008° bearing from the center of the airport, to the 058° bearing from the airport; and within a 5 mile radius, extending clockwise from the 058° bearing from the center of the airport, to the 276° bearing from the airport; and within a 5.5 mile radius, extending clockwise from the 276° bearing from the center of the airport, to the 311° bearing from the airport; and within a 6 mile radius, extending clockwise from the 311° bearing from the center of the airport, to the 008° bearing from the airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface, within an 11 mile radius of the center Lat. 41°09'48" N, Long. 73°07'34" W of the Bridgeport Municipal Airport, Bridgeport, Connecticut, extending clockwise from the 013° bearing from the center of the airport, to the 055° bearing from the airport; and within an 8.5 mile radius, extending clockwise from the 055° bearing from the center of the airport, to the 248° bearing from the airport; and within an 11 mile radius, extending clockwise from the 248° bearing from the center of the airport, to the 291° bearing from the airport; and within a 12.5 mile radius, extending clockwise from the 248° bearing from the center of the airport, to the 326° bearing from the airport; and within a 13.5 mile radius, extending clockwise from the 326° bearing from the center of the airport, to the 013° bearing from the airport; and within 6.5 miles north and 4.5 miles south of the Bridgeport VOR 054° Radial, extending from the 13.5 mile, 11 mile, and 8.5 mile basic radius zones to a point 17.5 miles northeast of the Bridgeport VOR.

This amendment is proposed under Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on July 18, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-15634 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Terminal radar is being installed at the Sioux City Airport, Sioux City, Iowa. Accordingly, it is necessary to alter the Sioux City transition area to adequately protect aircraft under radar control and making approaches during instrument conditions.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

SIOUX CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 19-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 19-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 28½ mile radius of Sioux City VORTAC; excluding that portion which overlies the Le Mars, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15637 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Corning, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Corning, Iowa Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Corning, Iowa.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

CORNING, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corning Municipal Airport (latitude 41°00'00" N., longitude 94°46'00" W.); and within 3 miles each side of the 359° bearing from the Corning Muncipal Airport, extending from the 5-mile radius to 6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 359° bearing extending from 6.5 miles south to 18.5 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15636 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to

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designate a transition area at Ogallala, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A non-directional radio beacon (NDB) is being installed on the Ogallala, Nebraska airport. Since instrument approach procedures are being established for this airport utilizing the NDB, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Ogallala, Nebraska.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

OGALLALA, NEBRASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Searle Airport (latitude 41°07'00" N., longitude 101°46'00" W.); and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 4.5 miles south of the 100° bearing from the Searle Airport, extending to 18.5 miles east; and within 9.5 miles south and 4.5 miles north of the 252° bearing from the airport extending to 18.5 miles west with the southern boundary extended eastward to intersect the eastern extension 12 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15635 Filed 7-30-73;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-SW-33]

RESTRICTED AREAS AND CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter the description of Restricted Areas R-2401 and R-2402, Fort Chaffee, Ark., and alter the description of the continental control area to include R-2401.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Army has proposed modifications to the two restricted areas to accommodate increased summer air and ground training requirements. The geographical dimensions of the restricted areas will be generally expanded within the limits of the military reservation to provide protected airspace for heavy artillery and air operations. The proposed extension of the continuous time of designation is to include the extension of the summer training period.

The new geographical coordinates describing R-2401 would alter the configuration slightly on the northern and western boundaries. The designated altitude would be changed from surface to 13,000 feet MSL to surface to 30,000 feet MSL to accommodate the firing of heavy artillery. The time of designation would be changed by increasing the continuous designation from June 1 through August 31 to April 1 through September 30. There would be no change in the controlling and using agency designations.

The new geographical coordinates describing R-2402 would alter the configuration slightly to accommodate air gunnery and heavy artillery operations. The time of designation would be changed by increasing the continuous designation from June 1 through August 31 to April 1 through September 30. There would be no change in the designated altitudes and the controlling and using agencies.

Although both restricted areas could be used simultaneously, a capability will exist to use them independently, and therefore maximize the availability of the unused area to nonparticipating aircraft.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions as hereinafter set forth.

1. a. R-2401, Fort Chaffee, Ark., would be altered:

Boundaries. Beginning at latitude 35°18'35"N., longitude 94°11'48"W.; to latitude 35°18'10"N., longitude 94°16'30"W.; to latitude 35°16'06"N., longitude 94°19'03"W.; to latitude 35°13'50"N., longitude 94°15'00"W.; to latitude 35°13'50"N., longitude 94°11'30"W.; to point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of a NOTAM at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding general, Fort Chaffee, Ark.

b. The description of the continental control area would be altered to include R-2401.

2. R-2402, Fort Chaffee, Ark., would be altered:

Boundaries. Beginning at latitude 35°17'51"N., longitude 94°03'00"W.; to latitude 35°17'00"N., longitude 94°03'00"W.; to latitude 35°17'00"N., longitude 94°01'00"W.; to latitude 35°10'20"N., longitude 94°01'00"W.; thence west along Arkansas State Highway No. 10 to latitude 35°11'33"N., longitude 94°12'00"W.; to latitude 35°18'50"N., longitude 94°12'00"W.; thence east along Arkansas State Highway No. 22 to point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of NOTAM at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding general, Fort Chaffee, Ark.

These amendment are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15638 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-20]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area within the offshore airspace adjacent to the states of Massachusetts and Rhode Island.

Coincident with this proposal, any necessary nonrulemaking actions would be taken by the FAA and using agency to establish appropriate procedures for joint use of the warning area located within the proposed control area. These procedures would permit the FAA to control the use of the airspace within the warning area when it is not being used by the using agency.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilites and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate an additional control area as follows:

That airspace extending upward from 2,000 feet MSL bounded on the north by a line extending from Lat. 41°06'00" N., Long. 69°-55'30" W. easterly to 41°06'00" N., Long. 68°00'00" W.; on the east by a line extending from Lat. 41°06'00" N., Long. 68°00'00" W. southerly to Lat. 41°00'00" N., Long 68°-00'00" W.; on the southeast by a line extending from Lat. 41°00'00" N., Long. 68°-00'00" W. southwesterly to Lat. 39°53'30" N., Long. 68°57'00" W.; on the southwest by a line extending from Lat. 39°53'30" N., Long. 68°57'00" W. northwesterly to point of beginning.

Related nonrulemaking action would redefine Warning Area W-506 as follows:

W-506

BOUNDARIES

Beginning at Lat. 41°06'00" N., Long. 69°-40'00" W.; to Lat. 41°06'00" N., Long. 68°00'-00" W.; to Lat. 41°00'00" N., Long. 68°57'00" W.; to Lat. 39°53'30" N., Long 68°57'00" W.; to Lat. 40°48'10" N., Long. 69°40'00" W. to point of beginning.

Designated altitude. Surface to unlimited.
Time of use. Intermittent.
Controlling agency. FAA, Boston ARTCC.
Using agency. 21st NORAD Region.

The actions proposed in this notice would permit more efficient use of the airspace when the warning area is not being used by the using agency.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on July 24, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15639 Filed 7-30-73;8:45 am]

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SMALL BUSINESS ADMINISTRATION

[13 CFR Part 118]

HANDICAPPED ASSISTANCE LOAN PROGRAM

Proposed Establishment of a Loan Program To Provide Assistance to Certain Nonprofit Organizations and to Small Business Concerns Owned by Handicapped Individuals

Pursuant to authority contained in section 3 of the Small Business Investment Act Amendment of 1972, notice is hereby given that the Small Business Administration proposes to establish rules and regulations governing financial assistance to certain nonprofit organizations operated in the interests of the handicapped and to small business concerns owned, or to be owned, by handicapped individuals.

Specifically, it is proposed to establish a Part 118 of Chapter 1 of Title 13 of the Code of Federal Regulations which sets forth the objectives, eligibility and conditions for assistance under this Part. Interested parties may file with the Small Business Administration on or before August 30, 1973, written statement of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to Mr. David A. Wollard, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D. C. 20416.

The Small Business Act was amended by Public Law 92–595 to authorize a new program of financial assistance by means of loans and loan guaranties to benefit the physically, mentally, and emotionally handicapped. In addition financial assistance is to be provided to public or private nonprofit organizations which employ handicapped individuals for not less than 75 percent of the man-hours required for the production of commodities or in the provision of services which it renders. Generally, these nonprofit organizations will be sheltered workshops. Loans may not exceed $350,000 with a maximum maturity of 15 years. Loans may be made either on a direct basis or in participation with private lending institutions with the interest rate for the SBA share of a loan set at 3 percent. The interest rate on the bank share of a loan will be legal and reasonable with a maximum allowable rate as permitted under the Small Business Administration regular Business Loan and Economic Opportunity Loan Programs.

The proposed rules establish definitions of handicapped individuals and set forth the eligibility and credit requirements for these loans. Two programs will be established. One for loan assistance to nonprofit concerns (HAL–1) and one for small business concerns owned and operated by handicapped individuals (HAL–2). Every loan must be of such sound value or so secured as reasonably to assure repayment. In those borderline cases where a reasonable doubt exists as to repayment ability, the decision shall be resolved in favor of the applicant. Normal lending practices will be followed and no loans can be approved if funds are otherwise available on reasonable terms.

The provisions for loan approval generally follow the basic policies as set forth in Parts 119 (Economic Opportunity Loans), 120 (Loan Policy), 121 (Small Business Size Standards), and 122 (Business Loans) of this Title. In addition certain provisions of Title 41, Chapter 15, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, are utilized.

Loans made under this Part will be available at all Small Business Administration field offices as soon as practicable after adoption of the proposed rules and regulations.

PART 118—HANDICAPPED ASSISTANCE LOANS

Sec.
118.1 Program objectives.
118.2 Definitions.

HANDICAPPED ASSISTANCE LOANS

118.11 Eligibility.
118.21 Limitations—use of proceeds.
118.31 Terms and conditions.
118.41 Participations.
118.51 Credit requirements.
118.61 Application procedures.
118.71 Applicability of other SBA regulations.

AUTHORITY: Sec. 7(g) of the Small Business Act, as amended (86 Stat. 1314; 15 USC 686(g))

§ 118.1 Program objectives.

(a) Loans made to public or private nonprofit organizations (HAL–1) will be limited to nonprofit sheltered workshops and any similar organization to enable them to perform on Federal contracts under Public Law 92–28 (amended Wagner-O'Day Act), or to fulfill contracts and orders for goods and services from the private sector. It is not the purpose of these loans to provide for supportive services to workshops. These supportive services include, but are not limited to, subsidization of wages of low producers, health and rehabilitation services, and management. Usually such supportive services are funded by fees from State or local rehabilitation agencies, community fundraising drives, private donors, grants, bequests, and other Government programs. The Small Business Act prohibits the duplication of the work or activity of any other department or agency of the Federal Government unless expressly provided for.

(b) Loans made to eligible small business concerns owned by handicapped persons (HAL–2) are to assist in the establishment, acquisition, or operation of a small business.

§ 118.2 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "the Committee" means the Committee for Purchase of Products and Services of the Blind and other severely Handicapped.

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(d) "Small business concern" means a business concern which would qualify as a small business under § 121.3–10 of this chapter.

(e) The "Act" means the Small Business Act.

(f) "Nonprofit organization" means any public or private organization which is organized under the laws of the United States or of any State, operated in the interest of handicapped individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; and which, in the production of commodities and in the provision of services during any fiscal year in which it receives financial assistance under this program, employs handicapped individuals for not less than 75 percent of the man-hours required for the production or provision of the commodities or services.

(g) "Handicapped individual" means a person who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which limits the individual under such disability from currently engaging in normal competitive employment, or from currently engaging in normal competitive business practices without SBA loan assistance.

(h) "Central nonprofit organization" means an agency designated by the Committee under Public Law 92–28.

(i) "HAL–1" means a Handicapped Assistance Loan to a nonprofit organization.

(j) "HAL–2" means a Handicapped Assistance Loan to an eligible small business concern owned, or to be owned, by handicapped individual(s).

HANDICAPPED ASSISTANCE LOANS

§ 118.11 Eligibility.

(a) In order to be eligible to apply for a HAL–1, the nonprofit organization must submit certification that it is organized under the laws of the State, or of the United States, as a nonprofit organization operating in the interests of handicapped individuals, and must provide documentation that it employed, or will employ, for the ongoing fiscal year, handicapped individuals for not less than 75 percent of the man-hours required for the production of commodities or in the provision of services which it renders. The organization must also show proof of affiliation with one or more of the Central Nonprofit Organizations designated by the Committee under the provisions of Public Law 92–28 (41 CFR 51–3.1 and 51–3.2). In addition it must comply with any applicable occupational health and safety standard which may be prescribed by the Secretary of Labor.

(1) Loans under HAL–1 are not to be used as a substitute for historical sources of funding.

(2) Financial assistance shall not be extended if funds are otherwise available on reasonable terms from private sources or other Federal, State or local programs. It must be demonstrated that:

(i) The applicant's bank of account will not make the loan.

(ii) Private credit is not obtainable.

(iii) Grant funds from other Government programs are not available.

(iv) Contributions from foundations, local or state fund raising activities, including tax assessments, donations, and similar historical avenues of funding will not be diminished as a result of the SBA loan.

(b) In order to be eligible to apply for a HAL–2, a business must qualify under Parts 120 and 121 of this chapter, except where inconsistent with specific provisions in this part. In the case of a partnership, corporation, or cooperative, the business must be 100 percent owned by handicapped individuals.

(1) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(i) Proof of refusal of the required financial assistance has been obtained from—

(A) The applicant's bank of account;

(B) If the amount of financial assistance applied for is in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(C) Not less than 2 financial institutions for direct loans in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Bank refusal to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(ii) The financial assistance required does not appear to be obtainable:

(A) On reasonable terms through the public offering or private placing of securities of the applicant;

(B) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(C) Without undue hardship through utilization of the personal credit resources of the owner, partners, management, or principal shareholders of the applicant;

(D) Through other applicable Government financing, including SBA's regular Business Loan Program and its Economic Opportunity Loan Program.

(c) Under HAL–2 financial assistance may be used to acquire a business.

(d) Applicants for assistance under HAL–2 must provide information from a physician, psychiatrist, and/or counselor in writing as to the permanent nature of the handicap and the limitations it places on the applicant.

(1) A handicapped person who is able to engage in normal competitive employment or engage in normal competitive business practices because he or she has overcome the handicap, or the handicap has been substantially corrected, is not eligible to apply under this program.

(e) Direct loan assistance is subject to the availability of funds.

§ 118.21 Limitations on use of proceeds.

(a) Loans for nonprofit organizations (HAL–1) may not be used for:

(1) Training, education, housing, or other supportive services for handicapped employees of sheltered workshops.

(2) Construction of facilities if a construction grant is available from other Government sources.

(3) Purchase of a building when mortgage insurance through other Federal agencies is available.

(b) Restrictions on use of proceeds for HAL–2 loans are the same as for regular SBA business loans with the exception of acquisition of a business.

§ 118.31 Terms and conditions.

(a) HAL loans shall not be made, participated in, or guaranteed if the total amount of the Government's share of such assistance to a single borrower at any one time exceeds a total outstanding of $350,000. The loan limit applies collectively to all HAL–2 loans to business entities owned or controlled by affiliated ownership and for all HAL–1 loans to the specific applicant nonprofit organization.

(1) The administrative ceiling on a direct loan is $100,000, and $150,000 as the SBA share of an immediate participation loan. Acceptance of such applications is subject to availability of funds.

(b) Interest on direct loans and the SBA share of an immediate participation loan is 3 percent per annum.

(c) Subject to the approval of SBA, the participants share of immediate participation loans, and on guaranteed loans prior to SBA's purchase, the interest rate shall be at a legal and reasonable rate. Maximum allowable rates are published in the FEDERAL REGISTER at set intervals (§ 120.3(b)(2)(vi) of this chapter). Subject to the provisions of this paragraph, lending institutions may be given the option of utilizing a fluctuating rate of interest.

(d) The interest rate on SBA's share of a guaranteed loan after purchase by SBA becomes the same as the rate for direct loans. SBA's payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(e) Repayment will be required at the earliest feasible date giving consideration to the use to be made of the funds and indicated ability to repay with 15 years as the absolute maximum. When deemed necessary, grace periods for payment of principal may be provided. Interest payments must be made as soon after the loan is disbursed as possible and will be required during any grace period. A fluctuating repayment schedule may be established for seasonal businesses or nonprofit organizations.

§ 118.41 Participations.

(a) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct HAL loan must show that an immediate participation or guaranteed loan is not available. An applicant for any immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25 percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) Guaranty fees and service fees charged by the bank may equal but not exceed those it charges on regular business loans.

(4) No agreement to extend financial assistance under this program shall establish any preferences in favor of a bank or other lending institution.

§ 118.51 Credit requirements.

(a) An applicant must meet certain practical credit requirements established by SBA. Principal requirements are as follows:

(1) An applicant must be of good character as determined by SBA.

(2) There must be evidence that the ability exists to operate the business or the nonprofit organization successfully.

(3) There must be enough capital invested in the business so that, with assistance through SBA, the business will be able to operate on a sound financial basis.

(4) As required by the Small Business Act, as amended, the proposed loan, whether direct, immediate participation, or guaranteed must be "of such sound value or so secured as reasonably to assure repayment."

(i) In those border line cases where a reasonable doubt exists as to repayment ability, the decision shall be resolved in favor of the applicant.

(5) The loan should be secured by collateral of a type, amount, and value which, considered with other factors, such as the character and ability of the management, and of the prospective earnings, will afford the required assurance of repayment.

(i) On loans to be made to finance Federal Government contracts, an assignment of amounts to come due under such contracts may be required.

(ii) Personal guaranties of the officers or directors of nonprofit organizations (HAL–1) shall not be required.

(6) The past earnings record and future prospects of the firm for HAL–2 loans must indicate ability to repay the loan out of income from the business.

(i) For loans to nonprofit organizations (HAL–1), evidence that the organization has the capability and experience to perform successfully on the work to be performed must be furnished but it is not necessary that the loan be repaid from the earnings of the organization if repayment ability can be determined on another basis.

§ 118.61 Application procedures.

(a) An applicant desiring to obtain HAL assistance shall apply to the regional, district, or branch office servicing the area where the business or nonprofit organization is located, or to the applicant's bank which in turn will apply for the SBA guaranty to the regional, district, or branch office servicing the area where the business or nonprofit organization is located.

(1) If another SBA office is closer, the applicant may obtain counseling, advice, or assistance in filing an application from that office.

(2) Addresses of SBA offices are listed in Part 101 of this chapter.

(b) After a direct loan application has been submitted to SBA and has been approved or declined, the regional or district office will send a letter of notification to the applicant. In cases of decline, the reasons will be stated. When a bank is participating, the bank will be notified of the final decision.

(1) In the event of decline, the applicant may request a reconsideration from the declining office within six months. A reconsideration request must include new or additional information which will overcome the stated reasons for decline.

§ 118.71 Applicability of other SBA regulations.

(a) All applicable provisions of Parts 120 and 122 of this chapter shall apply to HAL's except where other provision is made in this part.

Dated: July 20, 1973.

THOMAS S. KLEPPE,
Administrator.

(Catalog of Federal Domestic Assistance Programs 59.003, Economic Opportunity Loans 59.012, Small Business Loans 13.763, Rehabilitation Services and Facilities)

[FR Doc.73–15652 Filed 7–30–73;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR JAMAICA

Information for Investors

The Agency for International Development (AID) has advised the Jamaica Mortgage Bank (the Borrower) that, upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to the authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used for the financing of a low and middle-income housing program in Jamaica.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Lloyd Galloway
Jamaica Mortgage Bank
P.O. Box 701
30-34 Port Royal Street
Kingston, Jamaica, W.I.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 36 months beginning on or about October 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing program.

To be eligible for a guaranty, the loan must be repayable in full within 30 years from the first disbursement under the loan, and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director
Office of Housing
Agency for International Development
Room 300E, SA-2
Washington, D.C. 20523

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

PETER M. KIMM,
Director of Housing, Agency for International Development.

JULY 23, 1973.

[FR Doc.73-15719 Filed 7-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY AVIATION SYSTEMS COMMAND

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

The U.S. Army Aviation Systems Command (AVSCOM), will conduct a meeting of the Scientific Advisory Group for Aviation Systems (SAGAS), at 0900 hours 2 August 1973, thru 1200 hours 3 August 1973, at the U.S. Army Air Mobility Research and Development Laboratory, Moffett Field, California. The meeting will consist of a tour of the facilities and discussion of classified defense information. The meeting will not be open to the public.

Any additional information concerning the meeting may be obtained from Mr. B. Thomas Horace, Executive Secretary, SAGAS, Area Code (314), 698-3821.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

JULY 23, 1973.

[FR Doc.73-15661 Filed 7-30-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-12]

FOUR CORNERS PHARMACY

Notice of Hearing

Notice is hereby given that on June 11, 1973, The Drug Enforcement Administration (formerly the Bureau of Narcotics and Dangerous Drugs), Department of Justice, issued to Four Corners Pharmacy, an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AF-5345435 issued to the respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

A written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on July 27, 1973, at the Drug Enforcement Administration, Room 1211, 1405 I Street, N.W., Washington, D.C. 20537.

Dated: July 26, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-15707 Filed 7-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:00 a.m. on August 14, 1973, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Old Philadelphia Historic Area Plans—G. Craig Schelter, Deputy Executive Director, Phila. City Planning Commission.

2. Penns Landing and I-95 Ramps—James Martin, Executive Director, Old Philadelphia Development Corporation.

3. Progress Report—Superintendent, Independence NHP.

4. Liberty Bell move.

5. *Sunday Inquirer* article of July 8.

6. Report on attendance at the Sound and Light show and "It Happened Here."

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Date: July 19, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-15663 Filed 7-30-73;8:45 am]

Office of the Secretary

[INT DES 73-37]

DEEPWATER PORTS

Availability of Draft Environmental Impact Statement; Correction

In the FEDERAL REGISTER of July 17, 1973, at page 19054, the Department of the Interior published a Notice of Availability of a Draft Environmental Impact Statement on Deepwater Ports which requested written comments on or before August 16, 1973. The following addition and correction are hereby made to that Notice:

1. Comments on the impact statement should be submitted to Dr. William A. Vogely, Director, Office of Economic Analysis.

2. The title of Laurence E. Lynn, Jr., who signed the Notice, is corrected to read Assistant Secretary of the Interior.

These modifications to the Notice of July 17, 1973, shall not be deemed to extend the period of comment on the Draft Environmental Impact Statement beyond the specified date of August 16, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15664 Filed 7-30-73;8:45 am]

[INT FES 73-39]

LAHONTAN NATIONAL FISH HATCHERY, NEVADA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement for the proposed construction at the Lahontan National Fish Hatchery in Douglas County, Nevada.

The project includes construction of buildings for public use, staff residence, and storage; ponds for fish production and waste removal; and systems for water treatment and reconditioning. The new facilities are necessary to propagate Lahontan cutthroat trout for restoration of the fisheries in Pyramid and Walker Lakes in Nevada and to increase the numbers of rainbow trout currently stocked on military and Indian reservations in northern Nevada and eastern California.

Copies of the final statement are available for inspection at the following locations:

Lahontan National Fish Hatchery
Route 2, Box 80
Gardnerville, Nevada 89410
Bureau of Sport Fisheries and Wildlife
P.O. Box 3737
Portland, Oregon 97208

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: July 23, 1973.

LAURENCE E. LYNN, JR.,
Assistant Secretary, Program Development and Budget.

[FR Doc.73-15651 Filed 7-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given that the Commodity Credit Corporation Advisory Board established under section 9(b) of the Commodity Credit Corporation Charter Act of 1949 (63 Stat. 154, 155; 15 U.S.C. section 714g(b)), will meet at 8:15 a.m. on Wednesday, August 8, 1973, and Thursday, August 9, 1973, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to survey the policies of the Commodity Credit Corporation in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs. The meeting will be open to the public.

The names of the Presidential appointees comprising the Advisory Board, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Seeley G. Lodwick, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on July 25, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-15676 Filed 7-30-73;8:45 am]

Rural Electrification Administration

SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION

Negative Determination Regarding Environmental Statement

Notice is hereby given that the Rural Electrification Administration (REA) in connection with the release of loan funds to South Mississippi Electric Power Association, P.O. Box 2018, Hattiesburg, Mississippi 39401, has determined that it will not be necessary to publish an Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The release of loan funds will allow the borrower to install equipment at its existing Moselle plant which consists of three 59 megawatt units, necessary to store No. 6 fuel oil and burn such fuel during periods of curtailment of deliveries of natural gas. South Mississippi EPA has facilities to store and burn lighter grades of fuel oil and due to recent efforts to conserve natural gas for domestic consumption is utilizing fuel oil when its gas supply is curtailed. Availability and price differentials of No. 6 fuel oil as compared to the lighter oil necessitates the installation of equipment suitable for No. 6 fuel oil.

The Environmental Protection Agency has notified South Mississippi EPA by letter that the addition of equipment required to burn No. 6 oil will be considered a modification of an existing source. The Mississippi Air Pollution Control Commission has notified South Mississippi that its plan is acceptable.

REA has concluded that its approval of the proposed action will not constitute a major Federal action having a significant effect upon the environment, and has determined that an Environmental Impact Statement is not required. Available loan funds for the necessary equipment will be released from Conditional Agreement on or after August 10, 1973.

Detailed information concerning this action is available for examination at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4312.

Dated at Washington, D.C., this 24th day of July, 1973.

GEORGE P. HERZOG,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.73-15677 Filed 7-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF THREE 38,300 DWT TANKERS

Application for Construction-Differential Sudsidy

Notice is hereby given that Moore-McCormack Bulk Transport, Inc. has filed an application dated July 23, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in

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the construction of three new tank vessels of approximately 38,300 deadweight tons to be used in the worldwide bulk trade, including the import-export commerce of the United States.

The proposed new vessels will be built to plans previously approved by the Maritime Administration on January 3, 1972, in connection with approval of the construction-differential subsidy application of Margate Shipping Company in regard to three 38,300 dwt tankers, MA Design T6–S–93a.

Interested parties may inspect this application in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, NW., Washington, D.C. 20235.

Dated: July 25, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–15762 Filed 7–30–73;8:45 am]

CONSTRUCTION OF THREE 390,000 DWT TANKERS

Application for Construction-Differential Subsidy

Notice is hereby given that Zapata Bulk Transport, Inc., a wholly owned subsidiary of Zapata Corporation, has filed an application dated June 22, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in the construction of three ultra large crude carriers of approximately 390,000 deadweight and 194,000 gross registered tons and of approximately 16 knots speeds to be used in a foreign-to-U.S. crude oil transportation service.

Interested parties may inspect this application in the office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, NW., Washington, D.C. 20235.

Date: July 25, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–15763 Filed 7–30–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Notice to Manufacturers and Assemblers Regarding Early Certification of Diagnostic X-ray Equipment

In the FEDERAL REGISTER of August 15, 1972 (37 FR 16461) the Commissioner of Food and Drugs published a final order concerning the performance standard for diagnostic x-ray systems and their major components (21 CFR 278.213). This order was to be effective on August 15, 1973. In the FEDERAL REGISTER of June 12, 1973 (38 FR 15444) the Commissioner extended the effective date of the standard to August 1, 1974.

In the preamble to the order extending the effective date, the Commissioner urged manufacturers to continue to make every effort to provide x-ray equipment meeting the standard at the earliest practical date, and stated that such equipment may be certified in accordance with § 278.213–1(c) and (d) in advance of this new effective date.

Such early certification will provide the purchaser and user of diagnostic x-ray equipment, which bears a manufacturer's certification label, with benefits of a product certified as meeting a performance standard under the Radiation Control for Health and Safety Act of 1968.

In addition to meeting the radiation performance requirements, these benefits include instructions concerning radiological safety procedures, schedules of maintenance necessary to keep the equipment in compliance with the performance standard, and technical data. Perhaps of greatest importance is that the purchaser will have the knowledge that, should the product be in noncompliance with any of the applicable provisions of the standard, the notification procedures as provided for in the act and regulations, and the obligation upon the manufacturer to provide for the repair of the product, its replacement, or a refund of the cost will be enforced.

The Commissioner has determined that an announcement is necessary to describe the requirements and obligations of a manufacturer who chooses to certify diagnostic x-ray equipment prior to August 1, 1974, as well as those of an assembler who installs such certified equipment. These requirements will assure that the radiation safety performance of equipment certified prior to August 1, 1974 is equivalent to that of equipment certified after August 1, 1974.

Therefore, the Commissioner of Food and Drugs announces the following policy regarding early certification. This policy is applicable to manufacturers of diagnostic x-ray systems and their major components who choose to certify such equipment as complying with the requirements of § 278.213 prior to August 1, 1974, as well as to assemblers who assemble or install such certified equipment prior to August 1, 1974:

1. All diagnostic x-ray systems and components certified to comply with § 278.213 must meet all applicable requirements of that section. Early certification will advance the effective date of the performance standard for that system or component from August 1, 1974 to the date on which the manufacturer first introduces that certified system or component into commerce.

2. A manufacturer certifying prior to August 1, 1974 must comply with the provisions of § 278.201 (21 CFR 278.201) and § 278.202 (21 CFR 278.202) concerning certification and identification.

3. A manufacturer certifying prior to August 1, 1974 must comply with the provisions of § 278.720 (21 CFR 278.720) concerning maintenance of records.

4. Prior to certification of a system or component the manufacturer must submit an initial report or report of model changes, as required by §§ 278.710 and 278.711 (21 CFR 278.710 and 278.711). Manufacturers providing early certification of systems or components, without submission of this report prior to introduction into commerce, shall be in violation of section 360B(a)(5) of the Radiation Control for Health and Safety Act of 1968.

5. Applications for variances as specified in § 278.213–1(i)(2) may be submitted by manufacturers (including assemblers) of diagnostic x-ray systems and components prior to August 1, 1974. However, any variances granted will not be made effective before August 1, 1974.

6. As stated in § 278.213 the manufacturing process of an x-ray component is not complete until the assembler has installed the component into the x-ray system. The assembler is considered one of the manufacturers and must file a report affirming that the assembly of the certified product is in accordance with the standard. The assembly of diagnostic x-ray equipment is an important process in providing the purchaser equipment that complies with the performance standard. Certification of a component imposes responsibilities on the assembler of the equipment, whether certified prior to, or after, August 1, 1974. Therefore, the assembly instructions provided by the manufacturer of the certified component or system will be considered the assembler's design specifications pursuant to § 278.501(a) (21 CFR 278.501) and either before or after August 1, 1974, a person who assembles certified diagnostic x-ray equipment must comply with those instructions to assure compliance with the standard. Assembled x-ray equipment not complying with the standard as a result of improper assembly, will be deemed defective as defined by § 278.501(b)(1) and the assembler will be subject to the notification requirements and obligation to repair, replace, or refund the cost of the product.

7. Assemblers of diagnostic x-ray equipment are required to submit a report of assembly in accordance with § 278.213–1(d) for the assembly of certified components or systems which are assembled prior to August 1, 1974.

Questions concerning this notice should be directed to the Food and Drug Administration, Bureau of Radiological Health, (RH–60), 5600 Fishers Lane, Rockville, MD 20852.

Dated: July 25, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–15698 Filed 7–30–73;8:45 am]

National Institutes of Health

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, August 3–4, 1973, 9:30 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 6B23. This meeting will be closed to the public to review approximately 35 proposals in the field of toxicology, in accordance with the provisions set forth in Section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. J. A. R. Mead, Executive Secretary, Building 37, Room 5A05, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4386) will provide substantive program information.

Dated: July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15714 Filed 7–30–73;8:45 am]

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, August 14–16, 1973, 9:30 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 6B23. This meeting will be closed to the public to review approximately 35 proposals in the field of toxicology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. J. A. R. Mead, Executive Secretary, Building 37, Room 5A05, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4386) will provide substantive program information.

Dated: July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15711 Filed 7–30–73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, August 13–15, 1973, at 9 a.m., National Institutes of Health, Rocky Mountain Laboratory, Hamilton, Montana, RML Conference Room. This meeting will be open to the public from 9 a.m. to 5 p.m. on August 13 and 14, 1973, for general review of scientific program and visits to laboratories, and closed to the public from 9 a.m. to 1 p.m. on August 15, 1973, to evaluate research projects of the Rocky Mountain Laboratory in accordance with the provisions set forth in Section 552(b)6 of title 5 U.S. Code and 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Summaries of the open meeting and rosters of committee members may be obtained from Mr. Robert L. Schreiber, Information Officer, National Institute of Allergy and Infectious Disease, National Institutes of Health, Building 31, Room 7A34, Bethesda, Md. 20014, telephone 496–5717. Substantive program information may be obtained from Dr. John R. Seal, Executive Secretary, Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 5, Room 137, Bethesda, Md. 20014, telephone 496–2144.

Dated July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health.)

[FR Doc.73–15712 Filed 7–30–73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Research Center Review Committee's Executive Subcommittee, National Cancer Institute, August 8, 1973, at 8:30 a.m., Holiday Inn, Montgomery Room, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m., to discuss guidelines for the review and evaluation of Cancer Center applications, and to advise the Director, NCI, through the parent Committee, on policy concerning the support of Cancer Centers. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Robert L. Manning, Executive Secretary, Westwood Building, Room 820, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7721) will provide substantive program information.

Dated: July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15708 Filed 7–30–73;8:45 am]

ENDOCRINOLOGY AND TROPICAL MEDICINE AND PARASITOLOGY STUDY SECTIONS

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Information Officer of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the closed meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Maryland 20014. Mr. Turlington's room number is 433, telephone 496–7441.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting and closed thereafter in accordance with the provisions set forth in Section 552(b) 4 of Title 5 U.S. Code and Section 10(d) of P.L. 92–463 in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Study section	Date	Time	Location of meeting
Endocrinology: Mr. Morris Graff, Rm. 333, Tel. 496–7346	Aug. 22–25	9:00	Board Room, Shoreham Hotel Washington, D.C.
Tropical Medicine and Parasitology: Dr. George Luttermoser, Rm. 319, Tel. 496–7494.	Aug. 24–25	8:30	Room 7, Bldg. 31, C-Wing Bethesda, Md.

Dated: July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.301, 13.309, 13.314, 13.317, 13.328, 13.349, 13.371, Department of Health, Education, and Welfare).

[FR Doc.73–15710 Filed 7–30–73;8:45 am]

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NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on August 14, 1973, at the National Institutes of Health, Building 31A, Room 8A03A. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space avalaible.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is:

Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Director from whom substantive program information may be obtained is:

Dr. Harry M. Weaver, Room 8A34, Building 31A, NIH, phone: 496–3523.

Dated July 23, 1973.

JOHN P. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15709 Filed 7–30–73;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, August 3, 1973, 1 p.m., Holiday Inn, Southborough, Massachusetts. This meeting will be open to the public from 1:00 p.m. to 1:30 p.m. for opening remarks and introduction of guests, and closed to the public from 1:30 p.m. to adjournment to review a grant application in accordance with provisions set forth in section 552(b) 4 of title 5 U.S. Code for grants and 10(d) of Public Law 92–463. Attendance by the public is limited to space available.

The Information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. James Augustine, Division of Research Resources, Building 31, Room 4B03, Bethesda, Maryland 20014, 496–5545.

The Executive Secretary from whom substantive program information may be obtained is Dr. William J. Goodwin, Building 31, Room 5B30, Bethesda, Maryland 20014, 496–5451.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

Dated: July 23, 1973.

JOHN P. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15713 Filed 7–30–73;8:45 am]

WORKING GROUP ON VIROLOGY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Working Group on Virology of the Multiple Sclerosis *ad hoc* Scientific Advisory Committee, August 9 and 10, 1973, at 9:00 A.M., in Room 8A03, Building 31A, National Institutes of Health, Bethesda, Maryland. This meeting will be closed to the public to review, discuss and evaluate and/or rank research proposals on Multiple Sclerosis in accordance with the provisions set forth in section 552(b)4 of title V, US Code and section 10(d) of P.L. 92–463.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496–5751.

2. The Executive Director from whom substantive program information may be obtained is:

Dr. Harry M. Weaver, Room 8A34, Building 31A, NIH, phone: 496–3523.

Dated: July 23, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–15715 Filed 7–30–73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, P.L. 92–463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on August 20–21, 1973, at the Sheraton Tara Hotel in Braintree, Massachusetts. The meetings on both days will begin at 9:00 a.m. local time.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89–239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. Complete agenda and records shall be kept of all Council proceedings and they will be available for public inspection at the Office of the Council's Executive Director, located in Room 710, 1325 G Street, NW., Washington, D.C.

EDWARD A. KIELOCH,
Executive Director.

JULY 24, 1973.

[FR Doc.73–15641 Filed 7–30–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–73–243]

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION V, (CHICAGO)

Redelegation of Authority With Respect to Fair Housing

Section A. Authority with respect to fair housing. The Assistant Regional Administrator for Equal Opportunity Region V (Chicago), is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601–3619), except the authority to:

1. Issue a subpena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

3. Issue rules and regulations.

Sec. B. Authority to redelegate. The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to employees of the Department the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970, 35 FR 6877, Apr. 30, 1970)

Effective date. This redelegation of authority shall be effective on July 31, 1973.

GEORGE J. VAVOULIS,
Regional Administrator,
Region V (Chicago).

[FR Doc.73–15765 Filed 7–30–73;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD–115]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated April 20, 1973, and published April 26, 1973 (38 FR 10334); amended April 27, 1973, and published May 3, 1973 (38 FR 11014); amended May 16, 1973, and published May 22, 1973 (38 FR 13512); amended June 6, 1973, and published June 13, 1973 (38 FR 15552); and amended July 18, 1973, is hereby further amended. Notice is hereby given that on July 20, 1973, the President amended his declaration of a major disaster of April 19, 1973, for Missouri as follows:

I have determined that the damage in certain areas of the State of Missouri from severe storms and flooding occurring during the period May 26–27, 1973, is of sufficient severity and magnitude to warrant amendment of my April 19, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment:

In order to provide Federal assistance, you are hereby authorized to extend the incidence period and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance, and administrative expenses.

The purpose of this amendment is to authorize Federal assistance for Bollinger, Cape Girardeau, Scott, Stoddard, Perry, Scotland, Wayne, Knox, Madison, Ripley, and Washington Counties for damage sustained during the periods March 6–April 22 and May 26–27.

In accordance with the President's amendment, the following counties are hereby included among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1973:

The Counties of:

Knox	Ripley
Madison	Washington

Dated: July 20, 1973.

THOMAS P. DUNNE
Administrator, Federal Disaster
Assistance Administration

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73–15680 Filed 7–30–73;8:45 am]

[Docket No. NFD–116]

NEW YORK

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on July 20, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York from severe storms and flooding, beginning about June 28, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of New York. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Thomas R. Casey, HUD Region 2, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New York to have been adversely affected by this declared major disaster:

The Counties of:

Columbia	Rensselaer
Delaware	Sullivan
Dutchess	Ulster

Dated: July 20, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73–15681 Filed 7–30–73;8:45 am]

[Docket No. NFD–117]

PENNSYLVANIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Pennsylvania, dated July 18, 1973, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 1973:

The Counties of:

Columbia
Northampton

Dated: July 24, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73–15682 Filed 7–30–73;8:45 am]

[Docket No. NFD–118]

TEXAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Texas, dated July 11, 1973, and published July 16, 1973 (38 F.R. 18918) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1973:

The Counties of:

Matagorda
Newton

Dated: July 24, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster
Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73–15683 Filed 7–30–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DELAWARE'S PROPOSED ACTION PLAN

Notice of Submittal

The Delaware Department of Highways and Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Department of Highways & Transportation
   North District
   P.O. Box 8
   Route 7
   Bear, Delaware 19701
2. Department of Highways & Transportation
   Central District
   P.O. Box 778
   S. State Street
   Dover, Delaware 19901
3. Department of Highways & Transportation
   Sussex District
   P.O. Box 32
   Route 113
   Georgetown, Delaware 19947
4. Department of Highways & Transportation
   Office of the Support Coordinator
   Administration Center
   Dover, Delaware 19901
5. Delaware Division Office—FHWA
   Willard Hall
   2nd Floor
   5 East Reed Street
   P.O. Box 517
   Dover, Delaware 19901
6. FHWA Regional Office—Region 3
   31 Hopkins Plaza
   Baltimore, Maryland 21201
   (Room 1615)
7. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street, S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 24, 1973.

Issued on July 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73–15720 Filed 7–30–73;8:45 am]

ENVIRONMENTAL CONSIDERATIONS IN PROJECTS

Notice of Consent Judgment

The Federal Highway Administration (FHWA) hereby gives notice that a consent judgment has been entered by Judge June L. Green of the U.S. District Court for the District of Columbia on July 23, 1973, in the case of *National Wildlife Federation* v. *Norbert T. Tiemann and Claude S. Brinegar*, (Civil Action No. 1318–73). This judgment governs the forwarding of FHWA projects under the

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provisions of the National Environmental Policy Act in the remainder of this year. The judgment provides:

The plaintiff, National Wildlife Federation, and the federal defendants, Norbert T. Tiemann, Administrator of the Federal Highway Administration, and Claude S. Brinegar, Secretary of Transportation, having consulted by counsel and having determined that the best interests of all concerned would be served by an amicable resolution of this controversy, the Court having been fully advised in the premises and having concluded that the proposed settlement is in the public interest, it is hereby

Ordered that the complaint herein be dismissed with prejudice but without costs as to defendants Norbert T. Tiemann and Claude S. Brinegar on the following terms and conditions:

1. The FHWA (Federal Highway Administration) will not grant a "proposed FHWA authorization" (as defined below) without an FHWA NEPA (National Environmental Policy Act, 42 U.S.C. 4331 *et seq.*) reassessment (as described below) with respect to any Federal-aid highway section (a) for which a State HA (Highway Agency) requests a "proposed FHWA authorization" on or after January 1, 1974, (b) which is a "major Federal action significantly affecting the quality of the human environment," and (c) for which an environmental statement has not been filed with the Council on Environmental Quality.

2. Each FHWA division engineer will identify the "proposed FHWA authorizations" which the State HA intends to request from the FHWA between August 15, 1973, and January 1, 1974. "Proposed FHWA authorizations" are authorizations for advertisements for bid for work in "construction phases" as defined in paragraph 3 of PPM 21–12 and authorizations for the acquisition of right-of-way relating to federal-aid construction (a) which is a "major Federal action significantly affecting the quality of the human environment," and (b) for which no environmental statement is being or has been prepared pursuant to PPM 90–1: *Provided, however,* That "proposed FHWA authorizations" do not include any FHWA approvals of projects which involve work only on locations where grading and drainage have previously been authorized. Nothing in this agreement shall prevent a Regional Federal Highway Administrator from giving an authorization for right-of-way acquisition in hardship cases or for protective buying in extraordinary circumstances, or from approving demolition when necessary for the public safety.

3. Each FHWA division engineer will identify and compile one or more lists of the "highway sections" (as defined in paragraphs 3.a and 6, PPM 90–1) with respect to which the "proposed FHWA authorizations" as defined in paragraph 2 above will be requested. These highway sections will be subject to the FHWA's NEPA reassessment.

4. As of August 15, 1973, no "proposed FHWA authorization" as defined in paragraph 2 above will be granted for any highway section which is subject to the FHWA's NEPA reassessment until the FHWA division engineer determines whether an environmental statement should be prepared and considered for the highway section.

5. The FHWA shall require each State HA to publish, in the largest daily newspaper of general circulation in the vicinity of each highway section which is subject to the FHWA's NEPA reassessment, at least one public notice which includes: (a) A list of highway sections which are subject to the FHWA's NEPA reassessment, describing their locations, termini, length, and proposed number of lanes; (b) the FHWA's criteria for NEPA reassessment (a copy of which are attached hereto as Exhibit A); and (c) an invitation for interested persons to submit comments to the FHWA division engineer relating FHWA's criteria for NEPA reassessment to any or all of the highway sections in the list within 30 days after publication. Each list will be mailed to NWF Resources Defense, 1412 16th Street, NW., Washington, D.C. 20036, by air mail special delivery as soon as possible after its compilation and, in any event, no later than the day after its publication. A copy of each publication will be mailed to NWF Resources Defense within 10 days after the publication.

6. Each State HA may submit written comments to the FHWA division engineer relating the FHWA's criteria for NEPA reassessment to any or all of the highway sections on each published list within 30 days after publication.

7. The FHWA division engineer will determine whether an environmental statement should be prepared and considered for each highway section which is subject to the FHWA's NEPA reassessment. Each such determination will be made using the FHWA's criteria for NEPA reassessment and will be in writing. On request, the division engineer will promptly furnish a copy of any such written determination to any person free of charge.

8. As soon as possible after the FHWA division engineer's determination, the FHWA shall require the State HA to publish in the largest daily newspaper of general circulation in the vicinity of each highway section which is subject to the FHWA's NEPA reassessment at least one public notice which includes: (a) A list of highway sections for which the FHWA division engineer's determination was made, describing their location, termini length, and proposed number of lanes; (b) a statement that the FHWA division engineer has determined that preparation and consideration of an environmental statement is, or is not, required for the highway section; and (c) the address where any person may obtain copies of the FHWA division engineer's written determinations. A copy of each publication will be mailed to NWF Resources Defense within 10 days after publication.

9. No "proposed FHWA authorization" as defined in paragraph 2 above will be granted for any highway section for which the division engineer determines that an environmental statement should be prepared and considered until a final environmental statement for the highway section has been lodged with the Council on Environmental Quality for the time required by its Guidelines.

10. On or before August 31, 1973, each FHWA division engineer will furnish NWF a list of each approval of plans, specifications and estimates or approval of advertisements for bid granted between July 25, 1973, and August 15, 1973, relating to proposed federal-aid highway construction which received design approval from the FHWA before February 1, 1971, and for which no final environmental statement or negative declaration has been processed.

11. Copies of all FHWA directives and instructions relating to implementation of this Agreement will promptly be furnished to counsel for NWF. Counsel for NWF will be invited to attend and observe any workshops or instructional meetings arranged by FHWA's Washington office relating to implementation of this Agreement.

12. The FHWA will take the necessary steps to publish the terms of this Agreement in the FEDERAL REGISTER as soon as possible.

Dated: July 23, 1973.

JUNE L. GREEN,
United States District Court Judge.

We consent to the entry of the above order:

IRWIN L. SCHROEDER,
Attorney, Department of Justice, Washington, D.C., Attorney for Defendants.

ROBERT M. KENNAN, JR.,
National Wildlife Federation, Washington, D.C., Attorney for Plaintiff.

EXHIBIT A

FHWA CRITERIA FOR NEPA REASSESSMENT

An environmental statement shall be prepared and processed in accordance with PPM 90–1 for each highway section which is subject to the FHWA's NEPA reassessment if, in the judgment of the division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and procesing of an environmental statement. In making his judgment, the division engineer shall compare all of the steps already taken toward construction of the highway section with all of the steps yet to be taken and determine whether the highway section has reached the stage of completion where the costs of delaying the proposed highway clearly outweigh the benefits that might be derived from preparing and processing an environmental statement. When the division engineer has doubt whether or not an environmental statement should be prepared and processed, the statement should be prepared. In making his determination, the division engineer should consider: (a) Any written reassessment prepared by the State highway agency pursuant to paragraph 5.c of PPM 90–1; (b) right-of-way acquisition, including demolition of improvements within the right-of-way; (c) number of families rehoused and those yet to be rehoused; (d) the extent to which the construction already completed involves an irretrievable commitment of natural resources; (e) user benefits to accrue from the proposed highway; (f) the extent to which the proposed highway is controversial; (g) available information on significant impacts of the proposed highway, including impacts on air and water quality, noise levels, and land use; (h) measures to minimize any adverse impacts of the proposed highway; and (i) any other relevant factors.

Issued on: July 26, 1973.

RALPH R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73–15685 Filed 7–30–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25252]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Postponement of Prehearing Conference

The applicant, Texas International Airlines, Inc., by letter dated July 24, 1973, from its Counsel, Emory N. Ellis, Jr., has requested a postponement until September 26, 1973, of the prehearing conference scheduled upon its application for deletion of Lufkin, Texas, from segment 4 of route 82 of its certificate of public convenience and necessity. It requests this postponement based on the fact that the Lufkin Civic Interests are presently negotiating with the applicant for an agreement for continued service to Lufkin, and the possible withdrawal of the application for deletion.

The applicant reports that all parties, including the Lufkin Civic interests, have been advised of its intention to request this postponement, and that it has been authorized by all parties to state that they have no objection to the postponement.

Notice is hereby given that the prehearing conference in the above-entitled proceeding set for August 1, 1973 (38 FR 17872, July 5, 1973), has been postponed. The prehearing conference is rescheduled to be held on September 26, 1973 at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 25, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73–15755 Filed 7–30–73;8:45 am]

[Docket No. 25334]

TRANS-PROVINCIAL AIRLINES, LTD.

Notice of Prehearing Conference and Hearing

In the matter of Trans-Provincial Airlines, Ltd., foreign air carrier permit application, Prince Rupert, British Columbia-Ketchikan, Alaska, Service.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 21, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 14, 1973.

Dated at Washington, D.C., July 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73–15754 Filed 7–30–73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a) (iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 A.M., Wednesday, August 8, 1973, at 2025 M Street, NW, Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 27, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary, Cost of Living Council.

[FR Doc.73–15855 Filed 7–27–73;4:14 pm]

COMMISSION ON CIVIL RIGHTS

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee to this Commission will convene at 1 p.m. on August 1, 1973, in Room 1922, 219 South Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to appoint a Subcommittee and begin to plan structure for an effective followup process to the report, "Bilingual/Bi-cultural Education, a Privilege or a Right—Education Bilinque/Bi-cultural (Un Privilegion o un Derecho)."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–15868 Filed 7–30–73;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee to this Commission will convene at 7 p.m. on August 7, 1973, at the Oblate Retreat House, Augusta, Maine 04330.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to develop program plans for Fiscal Year 1974 and prepare an outline for the Maine State Advisory Committee annual meeting.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–15872 Filed 7–30–73;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee to this Commission will convene at 8:00 p.m. on August 2, 1973, in Room G–20 Social Security Administration, 6401 Security Boulevard, Woodlawn, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting shall be to hear Subcommittee reports concerning the status of the new State Advisory Committee project proposals for fiscal year 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73–15869 Filed 7–30–73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee to this Commission will convene at 7:30 p.m.

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on August 2, 1973, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Commitee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the possibility of holding a State Advisory Committee factfinding meeting on corrections institutions in New Hampshire as part of the Commissions National Prison Study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-15870 Filed 7-30-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 7 p.m. on August 8, 1973, in Room 1639, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to consider fiscal year 1974 State Advisory Committee proposals for study by the Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-15874 Filed 7-30-73;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee to this Commission will convene at 10:00 a.m. on August 4, 1973, at the Holiday Inn, 802 West Eighth Street, Cincinnati, Ohio 45203.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to appoint a Subcommittee to structure and outline followup activities on the Ohio Prison Study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-15871 Filed 7-30-73;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee to this Commission will convene at 7:00 p.m. on August 8, 1973, in Room 15, Northwest Multipurpose Building, 1300 West Third North, Salt Lake City, Utah 84112.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to consider fiscal year 1974 State Advisory Committee project proposals for study by the Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-15873 Filed 7-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Hearings and Proposed Generic Standards OCCUPATIONAL SAFETY REQUIREMENTS FOR PESTICIDES

A. *Notice of public hearings.* This publication is to notify all interested parties of the intent of the Environmental Protection Agency to hold public hearings on the question of farm worker protection and on the proposed standards contained herein.

The notice is published as information and for public comment to precede a series of hearings to be held in the following cities beginning on the dates indicated:

Washington, D.C.	August 29–30, 1973
Sacramento, California	September 11, 1973
Phoenix, Arizona	September 18, 1973
Kansas City, Missouri	September 25, 1973
Chicago, Illinois	October 2, 1973
Atlanta, Georgia	October 9, 1973
Albany, New York	October 16, 1973
Washington, D.C.	October 23, 1973

The initial hearing of 2 days duration in Washington, D.C. will be held in Room 3906, Waterside Mall, 401 M Street, S.W. Specific addresses and number of days duration for other hearings will be published by August 29, 1973. Interested parties should respond within three weeks to the Hearing Clerk, Environmental Protection Agency, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. 20460, indicating the place at which they desire to present evidence so that appearances and hearing duration may be scheduled.

It is emphasized that during this review, standards contained on labels for specific products (as discussed in Section B. II of this notice) continue to be fully in effect as enforceable standards under the FIFRA, as amended, as do any reentry standards promulgated by OSHA under the OSHA Occupational Safety and Health Act with such penalties as provided by that Act. Pesticides users are cautioned to read and comply with such standards on the product label or be subject to penalty provisions of the amended FIFRA. In addition, standards promulgated by OSHA in the case of specific organophosphate pesticides and selected crops for which OSHA standards may be effective must also be followed.

The Occupational Safety and Health Administration (OSHA) has announced a series of hearings in the FEDERAL REGISTER of June 29, 1973. Those hearings are scheduled for:

July 31, 1973	Boise, Idaho
August 2, 1973	Phoenix, Arizona
August 15, 1973	Atlanta, Georgia
August 22, 1973	Washington, D.C.

The specific subject of concern is worker reentry and protective clothing with respect to the following organophosphate chemicals on apples, citrus, grapes, peaches, tobacco:

Azinphosmethyl (Guthion)	Trichlorofon (Dylox)
Demeton (Systox)	Carbophenothion (Trithion)
Dimethoate (Cygon)	Diazinon
Disulfoton (DiSyston)	Dioxathion (Delnav)
Ethion	EPN
Malathion	Imidan (Prolate)
Mevinphos (Phosdrin)	Methyl parathion
Naled (Dibrom)	Monocrotophos (Azodrin)
Parathion	Oxydemethonmethyl (Meta-Systox R)
Phosphamidon (Dimecron)	Phosalone (Zolone)
	TEPP

Specific proposals were delineated in OSHA's FEDERAL REGISTER notice of June 29, 1973.

The Environmental Protection Agency will be cooperating with OSHA in these hearings with EPA's intent of issuing, based upon combined hearing records, standards for the specific organophosphate chemicals deemed, as a result of such hearings, to require standards prior to the 1974 growing season. EPA will, in consultation with OSHA, USDA and other interested Agencies, promulgate such standards. OSHA in consultation with EPA may issue standards on such crops and organophosphate chemicals as deemed necessary and appropriate under the OSH Act. In those cases where standards of the two agencies are directed at protecting workers from the same hazard, the two standards will not conflict.

The extent of issues and range of standards proposed to be covered by EPA hearings and delineated in the following notice are, however, larger than the scope of the OSHA hearings to be held in July and August, 1973. Thus EPA will hold hearings commencing on August 29, 1973, on the broader scope of issues for the purpose of setting additional standards for registration, field reentry, protective clothing and related agricultural worker protection areas for all pesticides on the basis of such extended hearings. OSHA will cooperate in these subsequent hearings.

After consideration of the record of the hearings, together with any other written views, data or arguments received in response to this notice and data submitted in support of product registration, the Administrator, EPA, will promulgate, as he deems necessary, standards or regulations in any or all of the areas identified and for any or all registered pesticides.

Written views may be submitted, on or before October 30, 1973, to the Hearing Clerk, Environmental Protection Agency, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. 20460 (preferably in quintuplicate). All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

B. *Background—I. Introduction.* Pesticide products subject to regulation under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), are required to be properly labeled and registered with this Agency. Prior to the issuance of registrations, proposed products are reviewed and evaluated with respect to usefulness and the risks they pose to man, beneficial animals, and the environment. After an evaluation of these risks, determinations are made as to directions for use, warning statements, and restrictions, including reentry intervals, which may be necessary to protect man and the environment.

This evaluation of risks includes consideration of potential hazards to pesticide applicators and others who might come in contact with the product during transportation, storage, use, or after the product has been applied. It has long been recognized that many pesticide products present a potential hazard, and if used carelessly without adherence to label warnings, cautions and restrictions, such hazard can become real. Concern for the protection of all persons, including farm workers, who might be exposed to pesticides during and after application has been an intergral part of the FIFRA registration process for many years. This mandate was reiterated in the legislative history of the 1972 Amendments to the FIFRA which states Sections 2 and 3 "are designed to protect all men". "The Committee believes there can be no question about the matter, but takes this occasion to emphasize that the bill [FEPCA] requires the Administrator to require that the labelling and classification of pesticides be such as to protect farmers, farm workers and others coming into contact with pesticides or pesticide residues". (Hearing of Senate Commerce Committee, Subcommittee on Agricultural and Forestry, Report No. 92-838, June 7, 1972.)

Restrictions against workers entering treated fields have been required for many pesticide products. These restrictions range from specifying a permissible field reentry time to requirements for protective clothing and warnings against exposing workers to direct spray or to spray drift. Others, also concerned with the safe and proper use of pesticides and with worker safety, have been concerned over possible adverse effects to exposed persons. Several States have considered this problem and California has taken action under State legislation to insure safety of farm workers harvesting certain crops previously treated with particular pesticides. Certain other States have found that no restrictions beyond those required in labeling were necessary. The Occupational Safety and Health Administration of the Department of Labor (OSHA) is concerned with safe and healthful working conditions for employees, including farm workers. That Agency published in the FEDERAL REGISTER on June 29, 1973, standards regarding workers entering areas containing certain crops after treatment with specific organophosphorus insecticides. This action was taken under the provisions of the Occupational Safety and Health Act of 1970 (84 Stat. 1590) and EPA is now working closely with the Agency in this area to assure compatibility among the two agencies' standards in this area as described in Section A.

Since pesticide products on the market vary widely in toxicity and formulations, requirements by EPA have been established on a chemical and crop basis, as determined to be necessary. Where review and evaluation indicates that specific precautions over and above normal cautions are not required, no specific provision is made on the label. A positive finding of the adequacy of normal cautions is equivalent to a positive finding of no need for a special requirement to be contained on the labeling.

II. *Enforceability of standards.* EPA requirements and precautions for proper pesticide use including worker protection are contained on the label of pesticide products registered with the Environmental Protection Agency, which currently encompasses pesticide products in interestate commerce. The FIFRA, as amended by the Federal Pesticide Control Act of 1973 (FEPCA) enacted October 21, 1973, makes such label instructions enforceable by law with both civil and criminal penalties for misuse under sections 12 and 14.

This portion of the present notice is intended to make pesticide users aware of these provisions of the amended FIFRA and to advise them that violators of EPA labeling requirements assume the risk of criminal and civil penalties. Labeling includes not only material affixed to the pesticide containers but all other directive material accompanying the product in channels of commerce.

In addition, it is observed that State standards, often of a more restrictive nature than those of EPA because of geographical differences or other circumstances also exist and must be observed.

III. *Proposed standards for agricultural operations.* The changing nature of pesticide law requires that additional consideration be given to labeling restrictions since these are no longer guidelines but enforceable standards. As a part of the process of implementing the amended FIFRA and consistent with prior interpretations of the 1947 FIFRA contained in 40 CFR Part 162 with respect to label requirements for certain highly toxic pesticide chemicals, EPA proposes to promulgate more specific and sweeping requirements in the area of agricultural worker protection.

As a part of EPA's continuing review of pesticide chemicals as they affect workers, we propose to hold a series of public hearings, beginning in August 1973 to gather views and information on the subject of pesticides and occupational safety. Comments should address the proposed standards generally as well as the following issues:

1. Relevant data or information regarding the length of time workers should be restricted from entering fields treated with any registered pesticides, and specification of protective equipment which is germane to modification of existing standards.

2. The most appropriate methods of analysis for establishment of standards relative to geographical, climatic and cultural differences and means of disseminating such standards with an eye toward clarity and efficacy in reaching legally responsible persons.

3. Specific testing and data requirements which should be incorporated as further condition of registration with respect to worker protection during harvesting treated crops or performing other work in treated orchards, groves or fields which involves substantial contact with treated foliage.

4. Methods of protecting workers and other exposed persons other than restrictions against entering treated fields.

5. Commonly recognized agricultural practices which should be considered for establishment of specific standards, including those activities which necessitate entering fields after treatment. Special emphasis should be given to the necessary timing of such activities, and the consequences of their delay.

6. Specific testing and data requirements which should apply as a condition of registration with respect to workers and others who may be involved in applying pesticides or mixing them prior to application.

EPA currently has some 32,000 products registered containing one or more of more than 900 different active ingredients, each having been specifically evaluated as to the adequacy of labeling directions and restrictions. Many have labeling specifically tailored to the product for the intended use. The generalization of such to provide easily available knowledge to users and other responsible parties requires the setting of more generic and less product-specific standards.

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In place of such current product-by-product standards, EPA proposes that standards be generally applied based upon currently used and generally known categories of toxicity keyed to signal words on current labels. The categories and corresponding signal words are:

Toxicity Category	*Signal Words*
I Highly toxic	Danger, poison, and skull and crossbones symbol.
II Moderately toxic	Warning.
III Slightly toxic	Caution.
IV Low toxicity	None required.

The combined knowledge and experience of laboratory and field scientists in industry, universities, and State and Federal governments is used in the development of data needed in the preparation of the directions for pesticide use and the necessary precautionary information currently contained on pesticide labels. However, to make explicit the protection offered agricultural workers performing hand labor operations in fields and orchards after foliar application of pesticides, and to effectuate such standards for mixers, loaders and applicators, EPA proposes that interim national field and orchard entry intervals be established under Title 40, Chapter I, subchapter E, Part 162.

The agency plans to define environmental conditions and other factors which may modify entry intervals in particular growing regions. The need for special reentry intervals for individual regions may be indicated by a history of area problems, by research, or by specific requests of a concerned group, State, or EPA regional office. States will be solicited to work cooperatively with the Agency in addressing these matters. When appropriate, State or regional restrictions, or intervals may be adopted as the Federal restriction or intervals for the State or geographical region.

C. Proposed standards for review in public hearings. The following proposed standards, while representing the best judgement of a variety of scientific experts, are being proposed for the purpose of engendering discussion, debate and elucidation of data and information in the proposed hearings. Standards to be promulgated will reflect data, information and views presented to EPA in the course of the hearings and otherwise on reentry intervals, protective clothing and other major issues previously defined.

Reentry intervals for agricultural operations

Group I (3-day entry interval)—All agricultural pesticides in Toxicity Category I will require a minimum of 3 days between the last foliar application to crops and entry by workers engaged in hand labor operations except as noted in exceptions listed below in Subgroups A and B.

Group II (2-day entry interval)—All agricultural pesticides in EPA Toxicity Categories II and III will require a minimum of 2 days between the last foliar application to crops and entry by workers engaged in hand labor operations.

Group III (Spray dried or dust settled)—All agricultural pesticides in Toxicity Category IV above will require that the spray has dried or the dust have settled after foliar application to crops before allowing entry by workers engaged in hand labor operations.

Subgroups A and B. Some agricultural pesticides, under ill-defined circumstances in certain regions of the country, have been implicated as being especially hazardous to field and orchard workers performing hand operations such as harvesting and thinning. Until the relationships of environmental conditions and other factors which may be contributing to the imputed increased hazard of these materials are better understood, there is sufficient reliable data on which to base national entry intervals. Therefore, the following special subgroups are proposed for which interim entry intervals are established:

Subgroup A (5-day entry interval)—The following pesticides will require a minimum of 5 days between last foliar application and entry by workers engaged in hand labor operations:

1. 2-Carbomethoxy-1-methylvinyl dimethyl phosphate and its alpha isomer and related compounds (Phosdrin, Mevinphos, methyl 3-hydroxy-a-crotonate, and dimethyl phosphate).

2. Demeton (*O,O*-Diethyl *O*-[2-(ethylthio) ethyl] phopherothioate and *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosorothioate) (Systox).

3. Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide (Azodrin, 3-(dimethoxyphosphinyloxy)-*N* - methyl - *cis*-crotonamide, Monocrotophos, and SD 9129).

4. *S*-[2-(Ethylsulfinyl)ethyl] *O,O* - dimethyl phosphorothioate (Oxydemeton-methyl, and Metasystox R).

Subgroup B (5 or more days entry interval)—The following pesticide will require a minimum of 5 days or the minimum interval indicated for specific crops grown in dry areas [1] between foliar application and entry by workers engaged in hand labor operations:

1. Carbophenothion (*S*-[[(*p*-chlorophenyl)-thio]methyl] *O,O*-diethyl phosphorodithioate) (Trithion).

Crops	*Days*
Citrus	14
Grapes	14
Peaches	14.

2. *O,O*-Dimethyl *O*-*p*-nitrophenyl phosphorothioate or *O,O*-dimethyl *O*-*p*-nitrophenyl phosphorothiophosphate) (Methyl parathion, Metron, Folidol M, and Meticide).

Crops	*Days*
Cotton	7.
Grapes	14.
Peaches	14.

3. *O,O*-Dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate (Guthion, Azinphos Methyl, and Bayer 17147).

Crops	*Days*
Citrus	14.
Grapes	14.
Peaches	14.

4. Ethion (*O,O,O',O'*-Tetraethyl *S,S'*-methylene bisphosphorodithioate) (Nialate and *S,S'-methylene O,O,O',O'*-tetraethyl phosphorodithioate).

Crops	*Days*
Citrus	14.
Grapes	8.
Peaches	8.

5. *O*-Ethyl *O*-(*p*-nitrophenyl) phenylphosphonothioate (EPN).

Crops	*Days*
Citrus	14.
Grapes	10.
Peaches	10.

6. Parathion (*O,O*-Diethyl *O*-*p*-nitrophenyl phosphorothioate or *O,O*-diethyl *O*-*p*-phophorothiophosphate).

Crops	*Days*
Citrus	14.
Cotton	7.
Grapes	14.
Peaches	14.
Tobacco, plant bed	7.

7. Phosalone (*S*-[6-Chloro-3-(mercaptomethyl) - 2 - benzoxazolinone] *O,O* - diethyl phosphorodithioate or *O,O*-Diethyl *S*-[(6-chloro-2-oxobenzoxazolin-3-yl) methyl] phosphorodithioate) (RP–11974 and Zolone).

Crops	*Days*
Grapes	10.

8. Phosphamidon (2-Chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate or 2 - chloro - *N,N* - diethyl - 3 - hydroxycrotonamide ester with dimethyl phosphate) (Dimecron).

Crops	*Days*
Citrus	14

Earlier reentry. Persons whose duties require intimate contact with treated foliage and require entry into fields or orchards prior to expiration of established entry intervals should be protected by clothing and devices recommended for the type of pesticide applied to the fields or orchards. Persons whose duties require entry into fields or orchards prior to expiration of established entry intervals and whose contact with foliage is such that protective clothing or devices are not warranted, should have, if appropriate, cholinesterase levels checked professional at frequent intervals.

Protective clothing for early reentry and loaders and applicators. Protective clothing requirements are currently spelled out on labels. Minimum protective clothing requirements for operations involving potential contact with foliage prior to expiration of reentry intervals and for those involved in loading or applying pesticides are as follows:

For group I pesticides. For reentry within 24 hours after application, wear protective clothing to include a garment or garments of impermeable material to cover the entire body, hat, natural rubber gloves, impermeable shoe coverings, and goggles or face shields, wear also a respirator of the type approved by the U.S. Department of Health, Education and Welfare (NIOSH) and the U.S. Department of the Interior (Bureau of Mines).

For later entry to perform work involving prolonged and substantial contact with foliage but before the end of the reentry period, wear a coverall type garment of close-woven washable fabric, hat, shoes, and possibly gloves. To perform work involving little or no contact with foliage, no special protective equipment is considered necessary after 24 hours.

For group II and III pesticides. For reentry within 24 hours after application, wear protective clothing to include a coverall type of garment of closely-woven fabric, normal footwear to cover the entire foot, and an approved respirator where inhalation or ingestion is a hazard. For later reentry involving prolonged and substantial contact with the foliage, the coverall type of garment and footwear described above should be worn. To perform work involving little or no contact with foliage, no special protective equipment is considered necessary.

Relation to other standards. Reentry standards currently in effect in the State of California reflect special problem situations and have been so tailored. Exception is made to any and all of the above proposed standards for pesticide chemicals for which California has currently promulgated standards.

General requirement. In no circumstances shall pesticide spraying be undertaken, whether ground or aerial, in such a manner as to directly or through drift expose workers, or other persons except for persons properly protected and knowingly involved in the pesticide application. Fields being sprayed or areas likely to be contaminated by drift must be vacated during spraying operations and not reentered without protective clothing or as otherwise defined by this regulation.

When fields are sprayed with any Group I pesticide, posting shall be required at least in areas where workers live and/or congregate for assignment. Such notices shall provide information on date sprayed, field location, chemical sprayed, date of allowable reentry and such notice shall be in English as well as Spanish or other languages common to the area. Oral warnings shall be provided to workers who may not be able to read.

Done this 24th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator for Hazardous Material Control.

[FR Doc.73-15772 Filed 7-30-73;8:45 am]

[1] Dry Area—less than 25 inches average rainfall over last 20 years.

1975 MOTOR VEHICLE EXHAUST EMISSION STANDARDS

Applications for Suspension

JULY 16, 1973.

Applicants:

Alfa Romeo S.p.A.
Atanti Motor Corp.
Bayerische Motoren Werke AG (BMW)
British Leyland Motor Corp.
Checker Motors Corp.
S.A. Automobiles Citroen
Daimler-Benz A.G.
Ferrari S.p.A. SEFAC
Fiat S.p.A.
Fuji Heavy Industries, Ltd.
Isuzu Motors, Ltd.
Jensen Motors, Ltd.
Lotus Cars, Ltd.
Officine Alfieri Maserati S.p.A.
Mitsubishi Motor Corp.
Nissan Motor Co., Ltd.
Automobiles Peugeot
Dr. Ing. h.c.F. Porsche AG
Regie Nationale Des Usine Renault
Rolls Royce, Ltd.
Saab-Scania A.B.
SS Automobiles, Inc.
Suzuki Motor Co., Ltd.
Toyota Motor Co., Ltd.
TVR Engineering, Ltd.
Volkswagenwerk A.G.
A.B. Volvo

DECISION OF THE ADMINISTRATOR

I. *Introduction.* Section 202 of the Clean Air Act, 42 U.S.C. 1857f–1, requires that emissions of carbon monoxide and hydrocarbons from automobiles sold in this country during the 1975 model year be reduced by at least ninety percent from their 1970 levels. The only authority which I as Administrator have been given to affect the application of the standards is set forth in section 202(b)(5)(D) of the Act. That Section allows me to suspend the effective date of these reductions for one year only, provided the following conditions are met:

The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States; (ii) all good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

The first application for suspension under this provision was filed with EPA on March 13, 1972 by A. B. Volvo, Ltd. of Sweden. Shortly thereafter, applications were also received from Chrysler, Ford, General Motors, and International Harvester. After three weeks of public hearings, the Administrator denied all five applications in a decision issued May 12, 1972.

The four American applicants appealed this decision to the courts, and on February 10, 1973, the United States Court of Appeals of the District of Columbia Circuit remanded the applications of the four appellants to the Administrator for reconsideration. International Harvester Co. v. Ruckelshaus (Slip Opinion No. 72–1517, February 10, 1973).

Following this remand by the Court, over two weeks of public hearings were held commencing March 12, 1973, to consider both the remanded applications and the application of American Motors Corporation, which was filed on March 2, 1973. In the course of these remand proceedings, a great mass of oral and written material was furnished, both voluntarily and in response to EPA subpoenas, by the applicants, other auto manufacturers, suppliers of catalysts and catalyst components, oil companies, and representatives of public interest groups.

On April 11, 1973, the Administrator granted the applications of American Motors Corporation, Chrysler Corporation, Ford Motor Company, General Motors Corporation, and International Harvester Company for a one year suspension of the effective date of the 1975 Motor Vehicle Exhaust Emission Standards. He simultaneously set interim emission standards applicable to the applicants' 1975 model year vehicles, and subsequently promulgated these standards in regulatory form in the FEDERAL REGISTER (38 FR 17441), Monday, July 2, 1973.

The findings of the April 11, 1973 decision with respect to three of the criteria of section 202(b)(5)(D) [(i) a suspension is essential to the public interest, (iii) technology is not available, and (iv) the National Academy of Sciences study concurs with the finding of lack of technology] are findings that concern the status of the automotive industry as a whole and hence apply to any application for suspension of the statutory 1975 standards filed after April 11, 1973 by any other manufacturer. However, the remaining finding, that an applicant has made all good faith efforts to meet the statutory standards [section 202(b)(5)(D)(ii)], must be made separately with regard to each applicant. Such a finding is to be made on the basis of an application and the record of a public hearing held subsequent to the receipt by EPA of any such application.

On May 15, 1973, EPA received the applications of Checker Motors Corporation, and Notice and Procedures for Public Hearing were subsequently, published in the FEDERAL REGISTER (38 FR 14682), Monday, June 4, 1973.

Shortly thereafter, applications were received from Rolls Royce, Ltd. and Porche, May 30, 1973; SS Automobiles, Inc., A.B. Volvo, May 31, 1973; Jensen Motors Ltd., June 1, 1973; Mitsubishi Motor Corp., Officine Alfieri Maserati S.p.A.S.A. Automobiles Citroen, Avanti Motor Corp., and Isuzu Motors, Ltd., June 4, 1973; Daimler-Benz A.G., Automobiles Peugeot, June 5, 1973; Baverische Motoren Werke AG (BMW), Saab-Scania A.B., Fuji Heavy Industries, Ltd., British Leyland Motor Corp., and Alfa Romeo S.p.A., June 6, 1973; Toyota Motor Company, Ltd., and Nissan Motor Co., Ltd., June 8, 1973; Volkswagenwerk A.G., June 13, 1973; Fiat S.p.A., Ferrari S.p.A. SEFAC, Regie Nationale Des Usine Renault, and Lotus Cars, Ltd., June 14, 1973; Suzuki Motor Co., Ltd., June 20, 1973; and TVR Engineering Limited, June 21, 1973.

In addition to the review and analysis of materials submitted in the applications and in response to written requests for information to augment the applications, two days of public hearings were held June 18 and 20, 1973. Eleven applicants were called to testify at these hearings: Bayerische Motoren Werke AB (BMW); British Leyland Motors, Ltd.; Fiat S.p.A.; Daimler-Benz AG; Nissan

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Motor Co., Ltd.; Automobiles Peugeot; Porsche; SAAB-Scania AB; Toyota Motor Co.; Volkswagen AG; and AB Volvo. The information required of each applicant covered the scope and intensity of the applicant's emission control systems development programs, the applicant's choice of emission control systems to meet the 1975 statutory standards for hydrocarbon and carbon monoxide, reasons for choosing such emissions control systems, and the applicant's financial commitment to emission control development.

II. *Interim standards.* The Clean Air Act requires that Interim Standards be set if a suspension is granted; such standards should reflect the greatest degree of emission control achievable with technology available within the remaining time period. Such Interim Standards for hydrocarbons and carbon monoxide were set in the April 11, 1973 Decision and promulgated in the FEDERAL REGISTER cited above. They were based on the expected use of catalyst technology for cars sold in California and advanced engine modifications for the majority of cars sold outside of California.

The table below gives the emissions levels required by both the National and California Interim Standards:

	1975 Interim standards [1]		
	Hydrocarbons (gram/mile)	Carbon monoxide (gram/mile)	Nitrogen oxides (gram/mile)
National	1.5	15	3.1
California	[2] 0.9	9	[2] 2.0

[1] As measured on the 1975 Federal Test Procedure.
[2] California State standards for which waiver of preemption was granted.

These Interim Standards apply to all vehicles sold in 1975 in the United States and California by the applicants to whom suspension has been granted. No vehicle can be sold in California that does not meet the Interim Standards for that State, nor can any vehicle be sold nationally that does not meet the National Interim Standards.

As required by the Court of Appeals, these standards reflected the Administrator's judgment of the maximum level of emissions control at which it was possible to predict with confidence that the auto industry would be able to certify and provide enough cars to meet basic demand in the 1975 model year. Since this was a finding made with respect to the industry as a whole, and not just to the four applicants, it is applicable to these proceedings as well. All applicants which receive a suspension today will be subject to these interim standards.

III. *Applicants' position and administrator's decision.* Since each applicant must be judged on its individual efforts to meet the 1975 statutory standards, I have included in the appendix to this decision a separate review of each applicant's emission control research and development program. A general statement of the criteria and considerations that are relevant to judging the adequacy of a manufacturer's attempts to develop and apply necessary technology is contained in the Administrator's Decision of May 12, 1972. In addition, the Decision of April 11, 1973 further expands those considerations as they applied to the five applicants covered by that Decision.

Each of the applicants has taken the position that it has made all good faith efforts to meet the 1975 standards and will not be able to do so within the short time remaining before it must begin certification of its 1975 model year vehicles. Five of the applicants—Avanti, Checker, Jensen, SS, and TVR—do not manufacture their own engines and are completely dependent upon their engine suppliers to provide them with emission control systems which meet the emission standards. If these manufacturers cannot obtain certifiable engines for their vehicles, they cannot certify their cars and therefore cannot sell any vehicles in this country. Others are small and must depend heavily on the component manufacturers to develop devices which can be added to their engines in order to meet the standards. The short time remaining is even more critical for these manufacturers since they must wait until their supplier has developed a prototype system before they can adapt it to the car.

The efforts of the foreign manufacturers must be evaluated relative to their sales in this country, since most of their emissions research is directed towards meeting the strict U.S. standards and since other countries, with the exception of Japan, do not have such rigorous emissions control requirements. Although Japan will probably adopt emissions standards in 1975 similar to the statutory standards of the U.S., the test procedure used to measure exhaust emissions has not yet been set by the Japanese. However, it is expected to be quite different from the test procedure used in this country. Because of the different test procedure, the standards cannot be considered to be comparable. Some of the applicants, such as Ferrari, Rolls Royce and Citroen, sell less than two thousand cars a year in this country. Others which sell many cars worldwide, such as Fiat and Peugeot, sell only a small fraction of their total production here.

Many of the applicants have already signed catalyst supply contracts in preparation for 1975 production if no suspensions were granted. Although most of the manufacturers which sell a small number of cars in the U.S. have not obtained contracts from catalyst suppliers, they explain that the catalyst manufacturers have stated that it would be no problem providing catalysts to these manfacturers because of the small number of vehicles involved. I think that this is a reasonable explanation.

Taking into account the foregoing considerations and applying the criteria cited above, I find that all the applicants before me today have met the test of "all good faith efforts" and are, therefore, granted a one year suspension of the 1975 statutory Exhaust Emission Standards.

S.A. Automobiles Citroen asked that its "SM" and the Maserati "Merak" vehicles, which use the same engine and emission control system, "be required to meet only the Federal Interim Standards set up for the other States and not the 1975 California Interim Standards." (S.A. Automobiles Citroen Application) I cannot grant to any manufacturer an exemption from any applicable emission standards for purposes other than those set forth in Section 202(b)(1) of the Act. Hence, I must deny Citroen's request.

ROBERT W. FRI,
Acting Administrator.

JULY 16, 1973.

APPENDIX TO DECISION OF THE ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

GOOD FAITH ANALYSES

JULY 16, 1973.

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Alfa Romeo, S.p.A. Alfa Romeo has spent over one million dollars per year in 1971 and 1972 on its emission control program, a considerable amount in light of U.S. sales of only 2,347 cars in 1972. Its research program has concentrated on adding oxidation catalysts to the present line of internal combustion engines. In addition, Alfa Romeo began a very active program to investigate the Wankel Rotary combustion engine in January 1970.

Alfa Romeo's first choice system is its basic four-cylinder engine with the use of mechanical fuel injection, manifold air injection, and the addition of a noble-metal, pelletized oxidation catalyst. It does not plan to use exhaust gas recirculation (EGR) because of its effect on performance and driveability. Alfa Romeo has tested monolithic catalysts as well as pelletized, but feels the latter holds more promise. It has had some problems with catalyst mechanical vibration because of the unbalanced second-order reciprocating forces inherent in a four-cylinder engine; however, the firm feels that it has solved this problem by locating its catalyst container under the floor of the vehicle and developing special mounts to isolate it from the engine vibration. In order to compensate for the reduced catalyst efficiency caused by positioning the catalyst away from the engine, Alfa Romeo has developed a catalyst with a considerable volume of reactive material, 1500 cc for a 2000 cc engine, which gives a higher residene time for the exhaust gases.

Alfa Romeo has spent an average of $391 per vehicle in the U.S. from 1967 to 1972 for emission control research, development, testing and engineering. This is high relative to other manufacturers and reflects a strong commitment to emissions control development.

Avanti Motor Corporation. Avanti is a small volume manufacturer of specialized personal cars, with a maximum production of 150 cars per year. Because of its very small volume, it does not develop and manufacture its own engines. Rather, it purchases complete engines, exhaust and emission control systems, and drive trains from the Chevrolet Division of General Motors Corp. Avanti has no emission research capability and is completely dependent on Chevrolet for supply of engines which meet emissions standards and which cannot be obtained until after Chevrolet has started production.

The Avanti II automobile at present uses a 400 cu. in. engine from the GM-104 engine family. This engine has been certified by GM in the past and is expected to be continued to 1975. After installing the engine and drive train in its car, Avanti must certify the total vehicle at the EPA laboratory. Since Avanti makes no changes to the engine and installs it in a lighter vehicle than GM uses, the Avanti emissions levels are often better than those of GM. The vehicle Avanti uses is built especially for certification and cannot be sold except as a used car. To a manufacturer the size of Avanti, this cost represents a heavy burden. The total cost of certification for Avanti is about $24,000 per year or a minimum of $160 per car.

Bayerische Motoren Werke (BMW). BMW seems to have particular problems meeting the 1975 statutory standards. None of its 16 durability cars have been able to stay within the statutory limits (TR p. 178). Its catalyst testing program is especially troublesome, perhaps because of BMW's insistence on maintaining high power output at high revolutions per minute (RPM) with a relatively small engine. The best system tested at BMW for durability, and the one which BMW intends to use for California in 1975, is the rich thermal reactor. However, the thermal reactor cannot meet the statutory 1975 standards, and for these BMW has stated it must use an oxidation catalyst system with feedback control (TR p 173, 175, 180).[1]

BMW has spent almost $4½ million on emission control development since 1967, an average of $70 per car sold in the U.S. During that period it spent $1.4 million in 1972 alone, with U.S. sales of only 15,113 cars. It has investigated 14 different control systems to meet the U.S. standards. At present, BMW has eliminated all but the three most promising: dual catalyst with EGR and regular carburetion, a single catalyst for both HC/CO and NO_x reduction with feedback control, and electronic fuel control with a single catalyst and feedback control. All of these systems would be compatible with BMW's present engines; no new engine should be needed. Since the large majority of BMW's sales are in Europe (only 7½% are in the U.S.), it is important for BMW to have the same engine in cars sold both in the U.S. and elsewhere. At the same time, BMW considers maintaining top performance and fuel economy to be especially important to selling cars in Europe. In order to maintain a high performance to weight ratio, BMW considers a change to a larger engine an unsuitable solution for making emission control easier. (TR p 184) Therefore, BMW has concentrated its emissions development on its present family of engines.

British Leyland Motor Corporation. British Leyland, the sixth ranked U.S. importer of automobiles in 1972, sells passenger cars in this country under the names of Austin, Jaguar, MG, and Triumph. Because of the diversity of the vehicles and engines it manufacturers, British Leyland must develop different emission control systems to meet requirements on a wide variety of engine and chassis configurations. This problem is especially acute because only about 7% of its total sales are in this country while the greatest portion of corporate emissions research and development effort must be directed towards meeting the strict U.S. standards.

The emissions control development program at British Leyland is divided into two parts: (1) corporate coordination and central catalyst research, and (2) separate division programs to develop emission control systems for their particular engine/chassis combinations (TR p. 244–245). Because of the unique problems associated with each division's vehicles, detailed design and development tasks are carried out by the separate divisions. Catalyst research, on the other hand, is directed from a centralized laboratory which screens catalyst samples and sends the samples on to the divisions for vehicle durability testing. Thus, British Leyland has a multi-faceted emission control research program oriented towards the development of different systems, each of which is unique to separate vehicles within a wide variety of engine families. For instance, although the prime system for 1975 is based on a catalytic converter, its size and location will vary, and the other parts of the system—air injection, exhaust gas recirculation, carburetion or fuel injection—will be different for each division's vehicles.

In addition to its work on the internal combustion engine, British Leyland has an extensive research program in alternative power units. The primary effort has been in the development of gas turbines for use in heavy trucks and, in the long term, for passenger cars as well. Also, British Leyland has investigated Diesel, Sterling-Cycle, Wankel, stratified-charge and steam engines, as well as electrically powered cars.

British Leyland's expenditures for emission control development, including alternate power units for passenger cars and production and launch costs, were $3.7 million in its fiscal year ending October, 1972 and are projected to be $6.0 million in the 1973 fiscal year. This is approximately $62 per vehicle sold in the U.S. in 1972 and $93 per vehicle in 1973. These figures are considerably higher than those shown in the record (TR p. 150) because of the inclusion of costs which, after review of the testimony and application of British Leyland, I believe to be correctly a part of British Leyland's emission control development expenditures, as applied on a basis consistent with that of the other applicants.

Checker Motors Corporation. Checker Motors Corp., the first applicant to apply for a suspension after the April 11, 1973 decision, is in a position similar to that of Avanti. As a small manufacturer, Checker is completely dependent upon its engine supplier to provide it with an engine and emission control system which can meet the Federal Exhaust Emission Standards. Checker obtains engines from the Chevrolet Division of General Motors after receiving engineering information on the changes made to the engine for the coming model year. Checker then modifies its vehicle design to accept the new engine specifications and incorporates such changes in its production line.

During 1972, Checker spent $67,300 for the direct cost of these modifications. This amount cannot be compared directly with other firms' expenditures because Checker included only direct costs, rather than allocating indirect costs as did most other firms. Since Checker sold 5,394 vehicles in 1972, its direct cost per vehicle is approximately $12 in 1972, not counting the premium it must pay to obtain engines with complete emission control systems.

S. A. Automobiles Citroen. Citroen has asked for a suspension for its "SM" model vehicle and for the Maserati "Merak," since both are powered by the same engine. However, a suspension is granted to a manufacturer of the vehicle rather than to the engine manufacturer. Furthermore, if no special request is made to exclude a portion of its product line, a suspension extends to all vehicles produced by the manufacturer. Hence, only vehicles produced by Citroen are covered by the suspension granted to Citroen; the "Merak" is covered by the suspension granted to Maserati.

Citroen imports only approximately 2,000 cars per year into the U.S., while its total production was 736,448 vehicles in 1972. Thus, the U.S. market accounts for less than 1% of Citroen's total sales. Considering the small number of vehicles it sells in the U.S., Citroen has a rather comprehensive emissions control development program. Its first choice system to meet the statutory 1975 standards is a monolithic oxidation catalyst in conjunction with exhaust gas recirculation (EGR) and electronic fuel injection. Like other automobile manufacturers, Citroen has had problems with the durability and reliability of its catalysts. Every catalyst tested for durability to date has failed at low mileage, either from substrate failure or breakage of the catalyst housing.

Other research projects at Citroen cover advanced carburetors for its 4 cylinder engine, electronic fuel injection for its V–6 engine, improved intake manifold, exhaust gas recirculation, and an electronic ignition system. Citroen has also pursued research on thermal reactors, both lean and rich, for its 4 cylinder and rotary engines. Citroen has studied the rotary engine since 1969 and is investigating the use of a rich thermal reactor to provide emissions control for this engine.

Citroen has spent $3.9 million in the last three years on emissions control development, or an average of $1200 per vehicle sold in the U.S. An additional $777,000 was spent on facilities in that period, bringing Citroen's total expenditures to $4.7 million from 1970–1972. This amount is quite large considering the small number of cars sold by Citroen in the U.S. However, differences in accounting practices and definitions of "emission control development costs" make it difficult to compare financial figures among companies.

Daimler-Benz AG.. Daimler-Benz, manufacturer of the Mercedes-Benz automobile, is the ninth largest importer into the U.S., selling 41,556 vehicles in this country in 1972. The U.S. market accounts for about 16% of Daimler-Benz total sales, a relatively large portion.

In addition to its family of gasoline engines, Daimler-Benz manufacturers a light-duty diesel engine which is used in its 220 model vehicle. Fourteen percent of Daimler-Benz's U.S. sales in 1972 were powered by this diesel engine. The 220 diesel has had the potential capability of meeting the statutory 1975 standards. However, Daimler-Benz did not choose the diesel as its first choice system in 1971 for six reasons that are listed in its

[1] TR—Transcript of the June 18 and 20, 1973 Hearings

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application and at the public hearing June 20, 1973:

1. It is highly unlikely, according to Daimler-Benz, that a diesel could meet the 1976 NO_x standard.

2. No standards or test procedures existed for light-duty diesels in 1971.

3. The diesel has other environmental problems, such as noise, odor, smoke and particulates, which are not covered by the 1975 standards but which might be at some future date.

4. There was insufficient lead time in 1971, according to Daimler-Benz, to design and develop new diesel engines for its full product line by 1975.

5. Daimler-Benz was not sure if a larger diesel engine for its big cars could meet the 1975 standards.

6. Research results on the gasoline engine showed real promise of meeting the 1975 standards and a much higher probability of meeting the 1976 standard for NO_x than the diesel. (TR. pp. 192–193).

Daimler-Benz, therefore, asked that its diesel engine and its 220 series of vehicles powered by diesels be included in its Suspension Request. It is the policy of the EPA that the "law would not be construed to authorize the EPA to deny suspension to a manufacturer simply because that manufacturer had systems available to it which could meet the 1975 standards, if the industry as a whole could not meet basic demand by use of that or any other available technology." (TR. pp. 198–199). Furthermore, unless a company specifically requests that a portion of its product line be excluded from its Request for Suspension, all vehicles manufactured by that company shall be subject to the same standards, including interim standards if a suspension is granted. Hence, Daimler-Benz is entitled to a suspension which covers all of its automobiles, including those powered by its diesel engine; and all of its vehicles will be subject to the 1975 Interim Standards.

Daimler-Benz's first choice system for its gasoline engine is the catalytic converter in conjunction with exhaust gas recirculation (EGR), air injection, advanced carburetion and fuel injection systems, and engine modifications. In addition, it has done extensive work on thermal reactors. Daimler-Benz stated that it will use a thermal reactor on all cars sold outside of California in 1975 if it is granted a suspension (TR. p. 211). This system will utilize the same housing as the catalytic reactor on its California cars (TR. p. 212). The firm's work on an oxygen sensor to provide feedback control for the air/fuel mixture is another promising way to facilitate emission control. Durability tests results have not been very encouraging at Daimler-Benz: only one car out of 10 tested to date has reached 25,000 miles within the standards, and only 4 were still running as of June 1973. Eighteen more cars should begin durability testing shortly, giving a total of 28 durability tests.

Daimler-Benz stated in its application that because of the U.S. emission control requirements, four new engines were developed: a 4.5 liter V–8, a DOHC 6 cylinder, a new diesel, and a new V–6 (in development now). In addition to new gasoline and diesel engines, Daimler-Benz has investigated extensively the rotary engine, stratified-charge engine, future families of diesel engines, supercharged gasoline engines, gas turbines, and a unique rotary Stirling-cycle engine. It has also contacted Honda Motor Co. about the possible application of the Honda CVCC technology to Daimler-Benz engines.[3]

[3] Daimler-Benz application, p. 159

Daimler-Benz has committed a substantial amount of funds to emissions control research and development. Its expenditures were $33 million in 1972, including total new engine development costs since 1970. Approximately half of the engine costs, according to Daimler-Benz, could be directly allocated to emission control development. Reducing the 1972 figure by this amount, Daimler-Benz still spent $25.4 million in 1972, or about $600 per car. This is substantially higher than most other companies, including General Motors ($44), Volvo ($113), Fiat ($157), Toyota ($93) and Nissan ($107), though it must be recognized that these expenditures are not exactly comparable due to different accounting practices.

Ferrari S.p.A. SEFAC. Ferrari, a small manufacturer of racing and grand-touring cars, has only sold 1,227 cars in the U.S. since 1967, with one-half of those sales occurring in 1972 alone. Yet during that period, Ferrari has spent $542,250 on emission control development, or $444 per car sold in the U.S. A great deal of support for Ferrari has come from Fiat, which owns one-half of the company.

Ferrari, because of its small size and high performance engines, has been limited to a very few approaches to meeting the 1975 standards. It has decided to concentrate all of its efforts on one engine, a new V–8 designed with pollution control in mind (Ferrari application, p. 3). The first choice system for 1975 includes air injection, post-combustion and a catalyst.

Ferrari is depending upon Fiat to provide its catalyst research and testing capability. Since Ferrari has few resources and already has committed approximately 40% of its research and development funds for emissions control, as well as one-third of its total engineering staff (3 men), it is difficult to fault the firm for the lack of a fleet of durability test cars or other signs of a large test program.

Although its U.S. market is small in comparison to other manufacturers, it is about one-sixth to one-third of Ferrari's sales. Therefore, Ferrari wishes to remain in the U.S. market and has put forth every effort to do so (Ferrari application, p. 2).

Fiat, S.p.A. Fiat has concentrated on the utilization of an oxidation catalyst on its present engines to meet the 1975 statutory standards, as have other manufacturers. However, Fiat is committing about 40% of its total emissions control expenditures in 1972 on alternatives to the traditional internal combustion engine, far more than others. Fiat is also testing a laboratory version of a stratified-charge engine similar to the Honda CVCC, and may have it ready for production by the 1978 model year (TR. p. 261–262). In addition, Fiat has active programs in gas turbines, diesels, steam engines, and an electric car. I feel that Fiat's emphasis on developing alternative engines to meet emission control requirements is exemplary and it should be commended; however, no alternative to the internal combustion engine can be introduced by Fiat before 1978. Thus, an assessment of Fiat's effort to comply with the requirements of the 1975 standards must be principally based on Fiat's work on technology which would be available in time.

Less than 4% of Fiat's production is sold in the U.S. while, like other European manufacturers, the majority of its emissions development work is directed towards the U.S. standards. Fiat's program is centered on the development of a successful oxidation catalyst, as are those of most automobile manufacturers. After initial problems with durability of pelleted catalysts, Fiat began testing monolithic catalysts; because of new information on extended lifetime of pelleted catalysts, Fiat is now investigating both monolithic and pelleted catalysts for its 1975 system. Although no choice has been made between the two, Fiat feels that it would be able to meet interim California standards in 1975 with whichever catalyst is chosen, if a suspension is granted.

Fiat, like BMW, does not contemplate the need for new or larger internal combustion engines in order to meet the standards. Other than work on the stratified-charge engine, Fiat has not developed any new engines, relying instead on modifying its basic engine with improved carburetion, exhaust gas recirculation (EGR), and the addition of an oxidation catalyst. Fiat presently has 10 cars on durability testing; 8 with a 1975 system and 2 with a 1976 system which includes a reduction catalyst.[4]

Fiat has spent almost $27 million on emissions research and development since 1967, the largest portion, 62%, occurring after 1970. In 1972, Fiat spent $157 per vehicle sold in the U.S., more than many other companies. Since only 4% or less of Fiat's production is sold in this country, these expenditures indicate Fiat's commitment to the U.S. market and to meeting the U.S. emission standards.[5]

Fuji Heavy Industries, Ltd. Fuji began importing its Subaru cars in June 1969, yet it sold 25,378 cars (12% of its production) in this country in 1972. It manufactures both four-cycle and two-cycle engines. Because of the distinctive characteristics of each engine, somewhat different emission control systems have been investigated by Fuji. However, a catalytic converter forms the basis for both types of control systems.

Fuji's efforts to meet the 1975 standards began with the passage of the Clean Air Act Amendments in 1970. Prior to that time, its emissions program was relatively small, although it was large compared to other small manufacturers. Since the passage of the Amendments, Fuji's program tripled in 1970 and more emphasis was put on meeting the 1975 and 1976 standards. Fuji spent $1.9 million in 1972, or $75 per vehicle sold in the U.S. and a total of $6.4 million through 1972. Also, total emission research on 1975 model year vehicles is estimated at $2.24 million to date, roughly 17 times the 1974 model year expenditures of $130,000 and 24% of total emissions expenditures from 1967 through 1973. Total expenditures for 1975 vehicles are estimated to ultimately be $4.8 million.[6]

The 1975 development program at Fuji has focused on improvements of the conventional internal combustion engine rather than on alternative power sources. This is because of Fuji's restricted capability and the state of development of such alternatives at the time the decision to concentrate on the internal combustion engine in 1970[6] was made. Early research into the use of a thermal reactor, either alone or in conjunction with an oxidation catalyst, was deemphasized in March 1973 and the oxidation catalyst with an insulated exhaust manifold became the first choice system. Fuji has run approximately 230,000 miles of durability testing on 24 vehicles as of April 1973. Catalyst deterioration and reliability have been a continuous problem, with only three vehicles reaching 25,000 miles and still remaining under the statutory standards. Fuji has not tried to achieved 50,000 mile durability on the premise that Catalyst replacement is allowed by EPA after 25,000 miles.[6]

[4] Fiat Application, p. I–8.
[5] Fuji application, p. 2–1.
[6] Fuji application, p. 1–2.
[6] Fuji application, p 1–14.

Other parts of Fuji's development program include engine modifications, exhaust gas recirculation (EGR), fuel injection for its two-cycle engine, and development of an electric car.

In its suspension application, Fuji Heavy Industries, Ltd., asks to be allowed to replace the catalyst once during the 50,000 mile durability run. This will be allowed by regulations promulgated in 38 FR 14682–85 (June 4, 1973).

Fuji also requested that EPA consider changes in agency policies or regulations. The other Fuji requests have already been dealt with, directly or by implication, in the April 11 decision. None of them can be granted at this time. To the extent some of the requests relate to the terms of possible future rule-making by EPA, they may be raised again when such rules are proposed.

Isuzu Motors, Ltd. Isuzu has applied for a suspension of the 1975 Light-Duty Vehicle Exhaust Emission Standards even though the vehicles which Isuzu has imported into the U.S. (the KB30 Truck) do not fall into the light-duty vehicle category but rather into the light-duty truck category. Light-duty trucks are not covered by this decision because the Appeals Court decision of February 10, 1973[7] separated these two classes of vehicles into two categories with separate standards. Nevertheless, I have considered the application of Isuzu Motors, Ltd. in this decision because of Isuzu's contention that it is considering importing vehicles in the future which will be in the light-duty vehicle category (Isuzu application, p. 1).

Isuzu intends to import vehicles which will use an improved version of the KB30 engine and exhaust system. The principal means of controlling HC and CO for 1975 is a catalytic converter in conjunction with engine modifications and improved carburetion, air injection, and exhaust gas recirculation. Isuzu started development of this system in 1970, even though it imported no cars into the U.S. at that time. Four types of prototype vehicles are being tested with a variety of control systems. 19 cars are in durability testing, with 189,300 total miles accumulated to date (Isuzu application, Table 1, pp. 16–17). The most promising system has run 8,000 miles without trouble and is still being tested.

Additionally, Isuzu is testing electronically controlled fuel injection systems with feedback control to use with a single bed HC, CO, and NO_x converter for 1976 systems. Fuel injection systems have been used on Isuzu vehicles since 1970, but without feedback control. (Isuzu application, p. 5).

Isuzu has also investigated the possibility of reintroducing passenger car diesel engines, which it once sold in the U.S. from 1963 to 1966. The stratified-charge engine was also investigated by a joint agreement with Texaco, Inc.

Isuzu has spent about $5.2 million on emissions research since 1967, and $2.3 million in 1972 alone, although it has not imported any passenger cars subject to the emission standards. Of course, much of the past work was applicable to its light-duty truck which was in the light-duty vehicle category at the time. Regardless, Isuzu has shown commendable efforts in emissions control development.

Jensen Motors, Ltd. Jensen Motors, Ltd., like Avanti and Checker, is a small manufacturer which does not manufacture its own engines and emission control systems. Engines for its Interceptor vehicle are purchased from Chrysler Corp., those for its Healey car purchased from Lotus Cars, Ltd. Because of the "expertise required for both engine development for both durability and emission levels, it has been a policy of this firm (Jensen) not to enter this exacting, expensive and competitive field, but to purchase units that fulfill U.S. emission requirements."[8] Therefore Jensen is dependent, as are other small manufacturers, upon its engine suppliers for emission control development research. Jensen absorbs part of the cost of this research by paying a premium for engines with emission control systems meeting the U.S. requirements.

Approximately 10% of Jensen's engine requirements are met by the Chrysler Corporation, which has already been granted a suspension of the statutory 1975 standards. The remainder of Jensen's vehicles, the Jensen Healey Model, use Lotus Engines. Lotus has requested a suspension also; therefore Jensen's suspension is linked to that of Lotus Motor Co., Ltd.

Although it does not have an emission control research program, Jensen spent approximately $53,000 in 1972 for engineering necessary to modify its vehicles for new engine configurations required by emissions control and to certify its cars. This amount is expected to increase to $87,000 in 1973 when the new Jensen Healey Model is introduced in the U.S. Thus, Jensen will expect to spend about $22 per vehicle sold in the U.S. in 1973 even though they have no research program.

Lotus Cars, Ltd. The emission control development program of Lotus is limited because of its small size to developing and adapting a supplier's system to its engine and vehicles. Lotus has been investigating both a fuel injection system and a thermal reactor with advanced carburetion and exhaust air injection to meet the U.S. 1975 statutory standards. However, the thermal reactor system has not been able to reduce exhaust emissions to the levels required by the standards, and Lotus has turned to the fuel injection system as its first choice system.

A major problem which Lotus faces in developing a successful emission control system is its dependency on the manufacturers of its engine components for research and development. Lotus's small size prevents it from investigating as many potential systems as the large manufacturers do, and thus, its development program has been somewhat hindered. Lotus has not been able to achieve even the 1975 California Interim Standards to date with its thermal reactor system, although it has achieved emissions levels which are below the 1975 National Interim Standards. The firm has not tested catalysts and is depending on the fuel injection system with engine modifications to meet the 1975 statutory standards.

Lotus's financial commitment to emissions control development has risen from $39,500 in 1967 to $60,968 in 1972. Since Lotus sold only 317 cars in 1967, 648 in 1971, and 1146 in 1972, its per vehicle costs were $125 in 1967, $89 in 1971 and $53 in 1972. It expects to spend $198,000 in 1973, or about $200 per car. A portion of Lotus's expenditures will be for a new emissions testing laboratory to be operational next year.

Officine Alfieri Maserati S.p.A. Maserati has sold only 345 cars in the U.S. in the last four years. Maserati has had a joint research program with Citroen, which partially owns Maserati, utilizing Citroen's experience with catalysts and thermal reactors. After experiments with thermal reactors, Maserati has decided that the catalytic converter is the only approach which it seems as being able to ultimately meet the statutory 1975 standards. Problems associated with controlling emissions are even more acute on Maserati cars because of their high performance.

Maserati makes this application only for its V–8 engine which is used in all of its vehicles except the Merak model. The Merak is powered by a V–6 engine on which emissions control system development was performed by Citroen. The request for suspension for this engine is in the Citroen application. However, a suspension of the light-duty vehicle emissions standards is made to the manufacturer of the vehicle rather than the engine manufacturer; and, in the absence of a special request, a suspension extends to all vehicles produced by the vehicle manufacturer. Hence, the Merak is covered by the suspension granted to Maserati.

Because of its small size and lack of resources, Maserati, like Ferrari and other small manufacturers, depends upon its suppliers and outside firms to provide the majority of its research on emission control components such as carburetion, catalytic converters and other portions of the emission control system. Maserati, to a greater extent than many other small manufactures, has had available the additional experience and collaboration of a much larger company—Citroen. The close cooperation between the two companies has given Maserati the capability of testing many catalytic systems on its vehicles. The durability and reliability of catalysts remain major problems for Maserati, as they have been for other manufacturers. Maserati, however, has completed over 10,000 miles on a durability fleet with no failure, an indication of its efforts toward-meeting the standards.[9]

Over the last four years, Maserati has spent over $1 million for emissions control research and development, or about 20 percent of its total U.S. sales volume during that period. Emissions control research expenditures are 96 percent of Maserati's total research and development costs during 1972, and have averaged 85 percent from 1967 to 1972.

Mitsubishi Motors Corp. Mitsubishi, a Japanese Company, manufactures the Dodge Colt and Plymouth Cricket cars, which are marketed in the U.S. by Chrysler Corporation. A suspension granted to Mitsubishi, however, covers all Mitsubishi vehicles which may be sold in the U.S. in 1975.

Mitsubishi's emission control development program has concentrated on developing a successful oxidation catalyst for 1975. In addition, it has developed an exhaust manifold air oxidation (EMAO) system, a lean thermal reactor to reduce the load on the catalytic converter and help the catalyst attain higher conversion efficiency.[10] The firm's first choice system consists of the oxidation catalyst and EMAO, plus advanced carburetion, engine modifications, and air injection. Exhaust gas recirculation is not likely to be used in Mitsubishi's 1975 system, although it is being used now for 1974 vehicles, unless Mitsubishi finds that increased NO_x will result from injecting air into the EMAO system. Mitsubishi is somewhat unique in that it is simultaneously developing a stand-by to its oxidation catalyst system, which is an improved EMAO thermal reactor without an oxidation catalyst. To prepare for 1975 production in case a suspension is not granted and catalysts are required for 1975, Mitsubishi signed a supply contract for pelleted catalysts with Universal Oil Products on May 14, 1973.

A vehicle testing program using 28 vehicles is currently underway to improve the durability of Mitsubishi's 1975 system. Thirteen of these vehicles are equipped with its first choice system with an oxidation catalyst. To

[7] International Harvester Co. vs. Ruckelshaus. (Slip Opinion No. 72–1517, Feb. 10, 1973)

[8] Jensen Application, p. 2.

[9] Maserati application, p. 4

[10] Mitsubishi application, p. 24.

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date, one vehicle has finished a 50,000 mile test and remained within the 1975 statutory emission limits. Only three vehicle tests were stopped prior to the end of the test and 16 vehicles are currently running tests. Eight vehicles are being used for system improvement tests. Although tests are encouraging, Mitsubishi feels it needs more time to increase the durability and reliability of its systems prior to production.

In addition to the work on its first choice and standby systems, Mitsubishi has investigated various alternative power systems. These included stratified-charge, rotary, Rankine cycle, and Stirling cycle engines as well as gas turbines and electric cars. It has contacted Honda to determine if its CVCC technology should be used on Mitsubishi's engines and has investigated possible licensing agreements with Audi NSU and Toyo Kogyo for a rotary engine.

Mitsubishi's emissions control research and development expenditures increased from $2.8 million in 1967 to $74 million in 1972. They have averaged $5.1 million over that period. Considering that it only began importing cars into the U.S. in 1970 and sold only 44,000 cars in 1972, this seems a pretty impressive commitment. On a per-vehicle basis, Mitsubishi spent $120 in 1971 and $164 in 1972, higher than most manufacturers.

Nissan Motor Co., Ltd. Nissan, the number three importer into the U.S. and the world's fourth largest automobile manufacturer in 1972, has a large and diversified emission control research and development program. However, Nissan's research has been based on a single engine, the 2.0 liter type, and is being expanded and adopted to its other engine types. An additional problem is that Nissan must develop systems for the Japanese as well as the U.S. market, although Nissan testified that a car meeting the U.S. standards would undoubtedly meet the Japanese standards as well (TR. p. 77–78).

The Nissan emission control system revolves around basic modifications to the engine to lower its emissions prior to a catalytic converter installed in the exhaust. Research into engine modifications began at Nissan in 1965 and has involved changes in the intake and exhaust systems, carburetion, and ignition system.[11] This is the same approach taken by the domestic automobile manufacturers as well as most of the foreign firms. In addition, Nissan's first choice system, although not finalized in detail, requires the addition of a catalyst, exhaust gas recirculation (EGR), and air injection. Durability tests are currently being run on this system. Nissan has also entered into a catalyst supply contract for the 1975 model year.[12]

Nissan states that "one of the reasons why we cannot finalize the 1975 emission control systems specifications lies in the 1976 standards, which will become effective one year later." (TR p. 58). This issue is before me now for a decision on whether to suspend the 1976 standards for one year, the maximum allowable under the Clean Air Act. However, the uncertainty surrounding the 1976 standards, although understandably a major consideration, should not affect or slow down efforts to meet the 1975 standards.

Although the system described above is Nissan's first choice for 1975, it is not the firm's only effort. Nissan is also investigating fuel injection systems, thermal reactors, reduction catalysts for 1976, feedback control systems utilizing an exhaust oxygen sensor, and alternative power systems. The Wankel Rotary Engine is in final development and is planned for introduction in Japan in 1974. (TR. p. 74). The firm does not know now whether its Wankel will meet the 1975 statutory standards or not (TR. p. 75), but it has expectations that it can do so after 1976 without the use of oxidation catalysts.[13]

Other alternatives under investigation are a high turbulence combustion engine, stratified-charge engines, gas turbines, and electric cars (TR. p. 74).

Expenditures for emission control development at Nissan have increased from $3 million in 1967 to $37.4 million expected in 1973. On a per-vehicle basis, Nissan spent $107 in 1972 and has projected $135 in 1973. Emissions expenditures were 31% of total research and development expenditures in 1972 and are projected to be 36% in 1973. This ratio is higher than any domestic manufacturer in 1973, including General Motors (15%), Ford (25%) and Chrysler (20%).

Automobiles Peugeot. Peugeot has chosen oxidation catalysts in conjunction with exhaust gas recirculation (EGR), electronic ignition, engine modifications and air injection as its primary means of achieving the 1975 statutory standards, as did most other automobile manufacturers. The firm is also working to develop a thermal reactor, which it intends to use in California if it is granted a suspension (TR. p. 224). Catalyst testing has been on both monolithic and pelleted types, although the monolithic was its principal choice until recently. At present, Peugeot has not made a decision on catalysts. It still has problems with catalyst reliability, durability, and mounting.

Peugeot has entered into a cooperative agreement with Renault and Volvo for the purpose of joint engine development and research (TR. p. 222). One of the reasons for the agreement was to provide increased knowledge of emission control for new engines. The firm also states that it will introduce its light-duty diesel into the U.S. market by the end of this year (TR. p. 231). Although it cannot meet the 1975 statutory standards at present, the Peugeot diesel is expected to meet the standards by 1976 (TR. p. 231).

Expenditures for emission control development attributable to the U.S. standards have risen to $731,000 in 1972, or $186 per car sold in the U.S. However, this figure is not comparable with other manufacturers because the others do not separate costs associated with meeting U.S. standards from total emission research and development. Thus, a comparable figure for Peugeot is its total emissions research and development expenditures. Total expenditures in 1972 were $1.84 million, or $417 per car sold in the U.S. Costs for research applicable solely to the U.S. are 45% of total emissions research and development costs. Peugeot is the only foreign manufacturer which has stated that its accounting system can identify expenditures for U.S. emission control development separate from its total emissions development expenditures. Since less than 1% of Peugeot's sales are in the U.S., I feel that its expenditures for U.S. emission control development reflect a high degree of commitment to compliance with the U.S. requirements.

Dr. Ing. h. c. F. PORSCHE A.G. Porsche has long built cars of light-weight construction with air-cooled, rear-mounted engines. Because of the limitations it sees in its present engines, Porsche has begun development of an entirely new vehicle with a water-cooled 8 cylinder engine.[14] According to Porsche, a major factor in the new vehicle and engine development is the need for lower emission. Porsche has also developed an emission control system for its air cooled engine consisting of air injection, exhaust gas recirculation (EGR), after burner and a catalytic converter.

Porsche has had to continuously modify and enlarge its present engine to meet the more stringent U.S. emission standards, from 2 liters in 1969 to 2.7 liters in 1974. Porsche has indicated that in 1975 an oxidation catalyst will be required as well to meet the standards. Its catalyst development program has had problems both with mounting the catalyst in the engine compartment and with durability of the catalyst in testing. Many catalysts melted within 10,000 miles and emissions levels were beyond standards. Only one car has run beyond 10,000 miles with emissions within the standard.

Expenditures for emission control research and development at Porsche have reached $2.9 million in 1972 and are expected to be $3.6 million in 1973. Since Porsche has been selling between 5,000 and 7,000 cars annually in the U.S. since 1967, its cost per vehicle sold in the U.S. has risen from $64 in 1967 to $521 in 1972. Emissions research has risen to 24% of Porsche's total research and development expenditures in 1972. This compares quite favorably with that of General Motors (16%) and Ford (21%) in this country and is higher than many European companies, such as Fiat (9%), Peugeot (4%), and Saab (14%).

Regie National des Usines Renault. Renault is the world's eighth largest automobile manufacturer, yet it imports fewer vehicles into the U.S. than many smaller companies such as Volvo, Daimler-Benz, and British Leyland. Renault sold only 12,000 vehicles in the U.S. in 1972, less than 1% of its total production of 1.33 million cars. Despite its small sales volume in the U.S., Renault has a complete emissions control development program aimed at the U.S. standards. In addition, it must meet the increasingly stringent European standards.

Renault's emission control program began before 1970, but was reoriented to explore the new technologies necessary to meet the 1975–76 standards as a result of the Clean Air Act Amendments.[15] Most of Renault's work prior to 1970 was not considered to be applicable to the requirements of the new standards.

After investigating several alternative emission control systems, Renault settled on a monolithic oxidation catalyst with exhaust gas recirculation (EGR), air injection, and engine modifications as its first choice system. Although low mileage emission levels are below the standards on many of its test vehicles, only one car has reached 25,000 miles with low emission levels. However, the hydrocarbon level on that car was slightly above the standard. Renault has run a total of over 180,000 miles of durability testing, but the average life of its catalysts is only 6,000 miles.

In addition to its catalyst research program, Renault is actively developing exhaust gas recirculation systems; improved carburetion, including electronic fuel injection with feedback control and advanced carburetors; electronic ignition system; NO_x reduction catalysts; and secondary air injection, including a by-pass valve for catalyst protection. Renault is also entered into a joint engine development program with A.B. Volvo and Automobiles Peugeot to provide a new engine which has inherently lower exhaust emissions than present engines.

Renault has spent $3.8 million since 1967 on emissions control development, not including capital investments. Its expenditures have risen from $624,401 in 1970 to a projected $1,984,707 in 1973, over three times the amount spent in 1970. On a per-vehicle basis, Renault spent $71 in 1971, $116 in 1972, and expects to spend $221 in 1973. This amount is comparable to that spent by many foreign manufacturers in 1972, including Volvo ($113), Toyota ($93), and Nissan ($107).

Rolls Royce Motors, Ltd. Rolls Royce, although selling less than 700 cars per year in the U.S., has a complete emission control development program. Its emissions expenditures per vehicle sold in the U.S., $556 in 1972, reflect both the depth of Rolls Royce's program and the small number of cars sold in this country.

The emissions control program at Rolls Royce is concentrated on developing an oxidation catalyst in conjunction with exhaust gas recirculation, air injection, and engine modifications. This system, the most commonly utilized by other manufacturers, has been tested to 25,000 miles to date. Deterioration data indicate that, although Rolls Royce can probably meet the California interim standards, it cannot expect to meet the 1975 statutory standards by 1975. Because of the small number of cars involved, Rolls Royce intends to have all its 1975 cars meet the more strict California interim standards if it is allowed a suspension of the statutory 1975 standards.

Rolls Royce's commitment to meeting the 1975 standards is shown by the fact that 60% of its engine development is devoted to emission control, accounting for about 17% of its total research and development expenditures in 1972. This compares favorably with General Motors (15%) and Ford (25%). Also, Rolls Royce's emissions expenditures per vehicle are generally higher than the other manufacturers, although this is due mainly to the small number of cars sold in this country. When emissions expenditures are compared on a percentage of sales value, Rolls Royce is quite high, 2% vs. about 0.7% for GM or 0.8% for Ford. Another indication of Rolls Royce's commitment to emissions control is its development of a precombustion chamber stratified-charged engine, similar to the Honda CVCC which meets the 1975 statutory standards new. Rolls Royce's engine is still in the laboratory development stage and could not be produced until the 1978 model year.

Saab-Scania AB. Saab, although a small manufacturer, has maintained an active emissions control development program since 1965. An early example of Saab's commitment to emission development was its decision in 1965 to replace its primary engine, a two-cycle, with a larger V4 engine which had a greater potential for emissions reduction (Saab application, p. 2.1). Saab has continuously investigated other manufacturers' engines and fuel injection systems which were better for emissions control, culminating in the design of a new, larger engine by Saab which incorporates features which are effective in achieving low baseline emission levels. (Saab application, p. 2.3).

Early in its research program to meet the new 1975 standards, Saab focused its efforts on catalytic converters. Early test results in 1971 were within the standards at low mileage, with durability testing commencing in November, 1971. This was substantially earlier development than other manufacturers. Saab has accumulated almost 600,000 miles of durability testing in 48 tests since 1971. Three cars have reached 50,000 miles, but only one maintained emission levels below the 1975 standards. This is a substantial achievement, however, since other much larger manufacturers have not had even one car go 25,000 miles within the standards. Saab's emission control system uses a catalytic converter with fuel injection or carburetors, engine modifications, air injection, and exhaust gas recirculation (EGR), if needed. The firm has stated EGR will probcar go 25,000 miles within the standards. but might be for the lower 1976 Federal or California NO_x levels. In order to speed up and facilitate catalyst testing, Saab has supplied its vehicles to catalyst suppliers for emissions tests. Vehicle and laboratory testing of catalysts from 11 companies were carried out between 1971 and the present, with both monolithic and pelleted types represented.

Saab has spent over $2.8 million from 1967 to 1972 on emission control development. On a per vehicle basis, Saab's expenditures rose from $13 in 1967 to $66 in 1972 and are projected at $78 in 1973 (not including interest costs). This compares favorably in 1972, with Volkswagen ($31), Toyota ($93), General Motors ($44), Ford ($49), and Chrysler ($11).

SS Automobiles, Inc. SS Automobiles, which makes the Excalibur automobile, is a very small manufacturer with a maximum durability requirement of 150 cars per year. As is the case with Avanti, Checker, Jensen, and TVR Engineering, SS is entirely dependent upon its engine supplier to provide acceptable engines and emission control systems which can meet the emission standards. SS merely makes the necessary modifications to its car and installs the complete production engine assembly. SS obtains its engines from the Chevrolet Division of General Motors, which has already been granted a suspension in the April 11, 1973 decision.

SS Automobiles' emission development program consists of engineering the modifications necessary for its vehicles to accept the new engine developed by Chevrolet for the next model year and then sending one car to Chevrolet in order to fit the engine into the vehicle and ensure that it will meet emission standards. A second car is then prepared by SS for certification testing. The expenditures amount to approximately $22,-500 per year, or a maximum of $150 per vehicle.

Suzuki Motor Co., Ltd. Suzuki, which only began importing passenger cars into the U.S. this year, started research into emissions control system development in 1967. It has developed two emissions control systems which it says can meet the 1975 Interim Standards: an Exhaust Port Ignition Cleaner (EPIC) system and a Manifold Afterburner (MA) system. These systems seem to be variations of a thermal reactor system, which ignite the unburned exhaust gases after they leave the engine. In addition, Suzuki investigated a direct fuel injection system between 1967 and 1972, when it was discontinued because of cost and technical considerations. Suzuki is also investigating six different oxidation catalyst systems but has yet to obtain durability data on a catalyst system. It considers the EPIC system its best choice and the MA system as an alternate.

Suzuki has increased its financial commitments to emission control research by over 600% between 1967 and 1972, from $502,280 to $3.6 million. Its total expenditures during that period were $11.5 million, a substantial amount in light of its position in the U.S. market.

Toyota Motor Co. Ltd. Toyota, the second largest automobile importer into the U.S. in 1972, spent $35.8 million in 1972 on emissions control development. This amount was $5.6 million more than Chrysler Corporation, which sold almost 1.4 million cars in 1972 compared to Toyota's U.S. sales of 386,360 cars—almost four times that of Toyota. Of course, Toyota's emissions expenditures include costs incurred to meet the Japanese as well as the U.S. standards; however, the majority of Toyota's effort is directed towards the U.S. requirements while only 16% of its total production was sold in the U.S. Toyota, like most foreign manufacturers, cannot identify the portion of its costs which are solely attributable to meeting the U.S. standards.

Toyota is the world's third largest automobile manufacturer; and, as befits a company of its size, it has a large, diversified, and comprehensive emission control development program. Toyota's first choice system for 1975 consists of engine modifications, air injection, enlarged exhaust manifold, exhaust gas recirculation (EGR), and an oxidation catalyst—basically the same system used by the domestic manufacturers and most foreign manufacturers as well. The first preliminary testing of this system began in January 1972, and none of the initial test cars could meet durability requirements. However, low mileage emissions levels were below the statutory 1975 requirements. Continuing development and testing showed definite promise, but no cars could meet the durability requirements. Over 60 durability vehicles are now being tested with the latest system configuration (TR. p. 94). Field tests were also conducted on 36 vehicles in normal driving conditions, with another 125 cars to begin tests this fall. In order to choose the best catalyst for its system, Toyota tested about 3500 samples of 20 different types of catalysts obtained from suppliers or from Toyota's own laboratories. Last December, it signed a letter of intent with Engelhard to purchase 200,000 units for 1975. It is presently negotiating an additional supply contract with Universal Oil Products for the remainder of its expected requirements for 1975 model year vehicles.

In addition to its major system for 1975, Toyota has investigated thermal reactors for possible use on 1976 vehicles, electronic fuel injection (through a licensing agreement with Bosch), and alternative power systems. Alternative power systems investigated include the stratified charge engine, Wankel rotary engine, gas turbine, diesel, and electric car. Toyota has recently contracted with Honda to develop the Honda CVCC principle and apply Honda's technology to Toyota's engines. Earlier in May 1971, Toyota signed a licensing agreement with Audi NSU and Wankel GMBH; and it is actively developing its own engine. None of these alternative engines, however, can be introduced by 1975; the earliest date the CVCC type engine could be introduced is perhaps the 1977 model year (TR. p. 106). Toyota estimates that 20% of its total emissions development expenditures are directed towards alternative power plants (TR. p. 116).

Toyota's financial commitment to emissions control development has risen from $967,000 in 1967 to $35.8 million in 1972 and is expected to increase to $98.2 million in 1976. Its cost per vehicle sold in the U.S. was $93 in 1972, comparable to Nissan ($107) and Volvo ($113), but higher than Volkswagen ($31), General Motors ($44), and Ford ($49). Although the cost per vehicle ratio is not an accurate comparison because of the differences in company accounting practices and proportion of sales in the U.S. (as well as fluctuating exchange rates), it gives some indication of each company's efforts relative to others.

TVR Engineering, Ltd. Although TVR Engineering, Ltd. submitted its application for suspension of the 1975 statutory standards after the June 14, 1973 deadline stated in the June 4 FEDERAL REGISTER, I am including it in this decision. TVR is a small manufacturer selling only approximately 250 cars per year in this country. It is in a situation similar to that of Avanti, Checker, SS and Jensen; TVR buys its complete engines from Standard-Triumph Motor Co., Ltd., a Division of British-Leyland, and is wholly dependent on

[11] Nissan Application, p. 3–a–32.
[12] Nissan Application, p. 1–b–10.
[13] Nissan Application, p. 1–a–50.
[14] Porsche application, p. 3.
[15] Renault application, p. 2.

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that supplier to provide engines which can meet the U.S. exhaust emission standards.

Volkswagenwerk A.G. Volkswagen is the largest automobile importer into the U.S., with sales in the U.S. of 502,000 vehicles in 1972. It manufactures both cars with rear-mounted, air-cooled and front-mounted water-cooled engines, the Volkswagen and Audi respectively. Because of widely different characteristics of these two engines and vehicles, Volkswagen has had to investigate separate concepts for each. Although many of the components of the different systems are the same or similar, Volkswagen has had a more difficult task to develop successful emissions control systems than have many other manufacturers.

Volkswagen's emission control development program for the 1975/76 U.S. standards began in 1969, when the Clean Air Act Amendments were under discussion but not yet passed. The firm made a decision at that time which directly affected its 1975 compliance schedule: It decided that "only solutions should be considered which have a potential to comply with the 76 emission standards."[16] This means that its emissions control systems must successfully control NO_x as well as HC and CO, a very difficult task which may have caused inordinate problems in meeting the 1975 emissions standards without the need for more stringent NO_x control. However, hindsight gives a much clearer picture today than Volkswagen had in 1970. As a result of its policy, Volkswagen's first choice system for meeting the 1975 standards is very similar to systems proposed by other, much larger manufacturers to meet the 1976 standards with a very stringent NO_x control requirement—a three-way catalyst for simultaneously controlling HC, CO, and NO_x with electronic feedback control. Because of the purported difficulty of achieving its goals with this type of system, the three largest domestic manufacturers are before me now requesting a one-year suspension of the 1976 standards.

In the course of its development program over the last three years, Volkswagen has investigated over eleven different concepts for both its air-cooled and water-cooled engines. Its final choice for ultimate development is the previously discussed catalytic converter with electronic, closed-loop fuel control (for its air-cooled engines) or carburetors with secondary closed-loop system (for its water-cooled engines). Volkswagen's catalyst is a monolithic type, and the major problem faced by Volkswagen, as with all other manufacturers, is mechanical durability of the catalyst. Its latest concept durability cars have reached approximately 31,000 miles in many cases, but still have experienced low mileage failures.[17] Twenty-three durability tests have been run since 1971, with six vehicles running as of April 1973 with the final concept systems.

Besides the closed-loop fuel control and the catalytic converter, Volkswagen has developed, and incorporated into its final system, proportional EGR, high energy ignition system, engine modifications of ignition timing, combustion chamber redesign, air injection (for its water-cooled engine), and a catalyst over-temperature protection system. In addition, early research was performed on thermal reactors, but it was de-emphasized when it became apparent to Volkswagen that a thermal reactor system could not meet the 1975 standards. Volkswagen has also researched alternative power systems, such as the gas turbine, stratified-charge engine, alternate-fuel engines, Wankel rotary engine (which Audi NSU, a Volkswagenwerk subsidiary, has initial rights on), diesel engines, and two-cycle engines. Volkswagen has begun development of an improved version of its original Wankel engine and hopes to introduce it into the U.S. in the "late 1970's."[18]

Volkswagen's expenditures for emissions control have risen from a low of $4.54 million in 1968 to $15.64 million in 1972 and is projected to be $28.2 million in 1976. Volkswagen spent $31 per car in 1972; this amount is somewhat lower than General Motors ($63); Ford ($100); Nissan ($107); Volvo ($113); and Toyota ($93); but is higher than Chrysler ($16).

A. B. Volvo. Volvo, which was an applicant in last year's hearings and which was denied its request for suspension of the 1975 statutory standards, is once more requesting a suspension. The 1972 decision was made on the basis that the applicants did not prove the lack of technology, and no decision was made on the applicants' good faith efforts. However, the decision now before me must be based solely on the good faith finding, since the technology question was determined in the April 11, 1973 decision. Therefore, I must make a decision as to whether Volvo has had "coherent program aimed at timely compliance with the statutory standards"[19] and whether Volvo has shown an adequate financial commitment.

Volvo is a relatively small manufacturer which sells a large portion of its vehicles in the U.S. Volvo, like American Motors in this country, appears to be somewhat limited in the amount of independent emissions control research it can carry on. It compensates for its more limited resources by working very closely with its suppliers in developing emissions control devices and improving engine components. In addition, Volvo has entered into a joint engine and emissions control research and development program with Renault and Peugeot. The objective of this program from the beginning is to develop an engine with easily controlled exhaust emissions. Volvo is responsible for emissions control design on this engine (TR p. 142). In its application, Volvo shows this engine ready for introduction into the U.S. market by the 1976 model year.[20]

Volvo's Emission Control Development Program involves improvement of its present engines, the B20 and B30, and the introduction of new cleaner engines by the 1976 model year (TR. P. 144).[21] Only theoretical studies have been conducted on the feasibility of using alternative power systems because of Volvo's limited resources. The emission system on which Volvo has concentrated its efforts for 1975 is a monolithic oxidation catalyst in conjunction with improved fuel injection, engine modifications, air injection and proportionally controlled exhaust gas recirculation (EGR). Volvo, like other manufacturers, has had problems with catalyst durability, with none of its cars reaching 50,000 miles under the standards. However, its major trouble has been mechanical failure of the catalyst, and in this area Volvo is hopeful. Three of its 24 1975 durability cars have completed 50,000 miles without mechanical failure, although emissions were above the statutory limits (TR. P. 121 and Volvo application, p. 87 and pp. 142 to 169). But some converters still failed at low mileage.

Volvo has already signed a catalyst supply agreement with Engelhard Kali-Chemi Auto Cat GmbH; in fact, it was possibly the second automobile manufacturer to do so. Volvo is providing $30,000 a month support to Engelhard Kali-Chemi in its production development costs. Considering Volvo's small size and limited resources, its commitment to a catalyst supplier, especially in the face of the uncertainty of the catalyst performance, can only be considered a considerable demonstration of its good faith effort.

Financial resources committed by Volvo to emissions control development have risen from $257,000 in 1967 to $5.8 million in 1972. Expenditures increased 75% in 1971 and doubled again in 1972. Eighty-eight percent of Volvo's emission development expenditures have occurred from 1970 through 1972. Its costs per vehicle sold in the U.S., an indication of Volvo's relative expenditures, have risen from $8 in 1967 to $113 in 1972, making it roughly comparable to other manufacturers. Volvo's commitment to emissions control research is indicated by the proportion of its total research and development expenditures devoted to emission research: 32% in 1972 as compared to Ford's 25%, General Motors' 15%, Nissan's 31%, Fiat's 9% and Porsche's 24%.

[FR Doc.73-15773 Filed 7-30-73;8:45 am]

[Dockets No. 145 etc.]

REGISTRATIONS AND TOLERANCES OF PESTICIDES ALDRIN AND DIELDRIN

Amendment to Supplemental Notice of Hearing

The hearing session scheduled to begin September 11, 1973, in Orlando, Florida, in a supplemental notice of hearing issued July 18, 1973 (38 FR 19712), in the consolidated proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973), and sections 406 and 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 and 346a), involving registrations and tolerances of the pesticides aldrin and dieldrin, will begin instead on Monday, September 10, 1973, at 2:00 p.m., local time, in the County Agricultural Agent Office, 2350 E. Michigan Avenue, Orlando, Florida.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JULY 26, 1973.

[FR Doc.73-15771 Filed 7-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

BERMUDA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

F. W. Bayers, Manager
Bermuda Express Service/
Independent Gulf Line
Norton, Lilly & Co., Inc.
90 West Street
New York, New York 10006

Agreement No. 10067 between Atlantic Lines, Ltd. and Bermuda Express Service, operating cargo services between ports in Bermuda and Atlantic and Gulf ports of the United States, provides that the parties will confer, discuss and agree with each other the rates, charges, credits, classifications, practices and related tariff matters to be charged or observed by them in the above trade for the purpose of promoting the commerce and stability of such trade all in accordance with the terms and conditions set forth in the agreement.

Dated: July 26, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15744 Filed 7-30-73;8:45 am]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by August 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Cyrus C. Guidry, Esq.
Port Counsel
Board of Commissioners of the Port of New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T-2550-1, between the Board of Commissioners of the Port of New Orleans (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement between the parties providing for the 20-year lease to Sea-Land of a facility at the Port's France Road Container Terminal. The purpose of the modification is to: (1) provide for the lease of two additional tracts of land (Tracts II-A and II-B) comprising 8.31 acres; (2) provide for the construction of a second story to the office building provided for in the initial lease, as well as other improvements on the original premises as well as Tracts II-A and II-B, for a total construction cost of $691,862; and (3) provide for the interim lease to Sea-Land of 7.99 acres, pending the completion of the improvements provided for in (2) above. Additional rental for the expanded premises and improvements is as provided for in detail in the agreement.

Dated: July 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15743 Filed 7-30-73;8:45 am]

GULF PUERTO RICO LINES U.S.A., INC., ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 20, 1973. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Gulf Puerto Rico Lines U.S.A., Inc. and Sea-Land Service, Inc. Seatrain Lines, Inc. Transamerican Trailer Transport, Inc.

Notice of Agreements Filed by:

Paul J. McElligott, Esq.
Ragan & Mason
900 17th Street, N.W.
Washington, D.C. 20006

Agreements Nos. DC-38-3 and DC-38-4, between the members of the Puerto Rico Ocean Service Association (Gulf-Puerto Rico Lines-U.S.A., Inc., Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc.) modify the basic agreement between the parties, under which the parties agree to establish uniform practices, terminal and accessorial charges and regulations in connection with their carriage of cargo between U.S. Atlantic and Gulf ports and Puerto Rico.

Agreement No. DC-38-3 authorizes the parties to join together to establish, operate and maintain common inland container pools in Puerto Rico to service inland shippers and consignees in connection with the common carrier services of the parties to the Agreement. The container pools shall operate under the supervision and management of such common agent as the parties may select or appoint.

Agreement No. DC-38-4 provides that the Chairman of the Association, or his designated alternate, shall attend meetings of the Executive Committee in the capacity of secretary.

Dated: July 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15745 Filed 7-30-73;8:45 am]

GUAM FREIGHT FORWARDERS AND CONSOLIDATION, INC.

List of Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications

[16] Volkswagenwerk application, P. 2.4-1
[17] Volkswagenwerk application, p. 2.4-8
[18] Volkswagenwerk application, p. 3.2.11-43
[19] April 11, 1973 Decision, P. 42
[20] Volvo application, P. 48-50
[21] Volvo application, Pp. 45-47, Pp. 48-50.

V 38 146 JUL 31 73 XUM

for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Guam Freight Forwarders & Consolidators, Inc.
2425 Porter Street
Los Angeles, California

OFFICERS

Paul S. Beldleman, President
Michael P. Beldleman, Vice President
Harry S. Nakayama, Secretary/Treasurer

Helen F. Katon d/b/a
Tamiami Freight Forwarders & Shippers
2975 S. W. 8th Street
Miami, Florida 33135

Gary M. Miller d/b/a
G. M. Miller & Co., Int'l
833 Mahler Road
Burlingame, California 94010

Dated: July 26, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15746 Filed 7-30-73;8:45 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JULY 25, 1973.

The Federal Power Commission, by order issued June 28, 1972, established the Alaska Power Survey Executive Advisory Committee.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. James V. House, Chairman, Acting Administrator, Alaska Power Administration.

Mr. House replaces Mr. Robert W. Ward who was formerly Chairman of the Committee and Administrator of the Alaska Power Administration. Mr. Ward has resigned from Federal Government service.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15726 Filed 7-30-73;8:45 am]

[Project 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

JULY 20, 1973.

Public notice is hereby given that application was filed on December 15, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Alabama Power Co. (Correspondence to: Mr. S. R. Hart, Jr., Vice President-Engineering, Alabama Power Company, Birmingham, Alabama 35202) for a change in land rights for constructed Project No. 2146, known as the Coosa River Project, located on the Coosa River in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah and Cherokee Counties, Alabama and Floyd County, Georgia. The project land over which the proposed change in land rights would be granted is in Etowah County, Alabama.

The Alabama Power Company, Licensee for Coosa River Project No. 2146, requests Commission approval of a land exchange with Leasehold Mortgage Company (Leasehold) and Hugh W. Agricola to settle a dispute regarding interest and rights to title of lands located in sections 15 and 22, T. 15 S., R. 6 E in Etowah County about 1½ miles south of Gadsden, Alabama. The boundary of the lands acquired was described by a contour. Subsequent to acquisition, filling of low areas took place thereby changing the contour and preventing location of the original boundary.

In the proposed exchange, Leasehold and Agricola would transfer to Licensee 22.33 acres of land in two parcels, one isolated within the project boundary and the other lying adjacent to the boundary. Licensee would transfer to Leasehold and Agricola 14.83 acres of its land in two parcels, both adjacent to the project boundary. A metes and bounds survey would be established for the parcels to deter any further filling of the reservoir area.

Any person desiring to be heard or to make protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearings therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15727 Filed 7-30-73;8:45 am]

[Docket Nos. CI73-804 CI73-820 CI73-846]

APACHE EXPLORATION CORP. ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedures

JULY 23, 1973.

Apache Exploration Corp. (APEXCO) in Docket No. CI73-804, J. M. Huber Corp., et al. (Huber) in Docket No. CI73-820, and Exxon Corp. (Exxon) in Docket No. CI73-846 filed applications on May 24, May 23 and June 4, 1973, respectively, for limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Transwestern Pipeline Company (Transwestern) from the South Carlsbad Field, Eddy County, New Mexico (Permian Basin).

Specifically, all sellers propose to deliver gas to Transwestern at 53.0¢ per Mcf (14.65 psia) with a Btu adjustment from 1000 Btu/Mcf. The proposed sales are for a period of one year. Proposed daily delivery volumes are as follows: APEXCO-5000 Mcf; Huber-10,800 Mcf; and Exxon-3500 Mcf. Delivery is to be at or near the wellhead. All sellers have commenced 60-day emergency sales to Transwestern which terminate on July 22, 1973. The proposed rates all exceed the applicable area base rate of 27.0¢ per Mcf established by the Commission.

The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rates to be paid serve the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present of future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the applications.

All the instant dockets contemplate limited term sales at the same price, from the same area, and to the same purchaser and thus contain common questions of law and fact. Accordingly, consolidating these dockets will aid in the expedition of the hearing process.

A petition to intervene in each of the above applications was filed by Transwestern on July 2, 1973, in the case of CI73-846 and June 19, 1973, in all other dockets. The Public Utilities Commission of the State of California filed a notice of intervention in Docket No. CI73-804 on June 27, 1973.

The Commission finds:

(1) Docket Nos. CI73-804, CI73-820 and CI73-846 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Transwestern in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Transwestern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 28, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by applicants.

(D) On or before August 21, 1973, applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15728 Filed 7-30-73;8:45 am]

[Project 2724]

CITY OF HAMILTON

Application for License for Constructed Project

JULY 23, 1973.

Public notice is hereby given that application for approval of minor license has been filed July 24, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by The City of Hamilton, (Correspondence to: Mr. John C. Engle, Director of Public Utilities, City of Hamilton, Utility Building, 20 High Street, Hamilton, Ohio 45011, copies of correspondence to Mr. Edward C. Smith, City Manager, City of Hamilton, Municipal Building, Hamilton, Ohio 45011), for its constructed Hamilton Hydroelectric Plant Project No. 2724, located in Butler County in The City of Hamilton, Ohio, on The Miami River. The project affects navigable waters of the United States.

The existing Hamilton Hydroelectric Plant Project has an installed generating capacity of 1500 kw, an installed turbine capacity of 2184 HP, and consists of: (1) a 1,000-foot long, 6 foot high, rock filled, timber crib overflow dam capped with concrete; (2) a 190-foot long, 8.5 foot high concrete dam; (3) an intake structure at the canal entrance containing five lift gates; (4) a three mile long power canal; (5) a powerhouse containing two 750 kw generating units; (6) a 50 foot by 1600 foot long concrete and earthen tailrace; (7) a 13.2 kv transmission line; and (8) appurtenant facilities.

The power generated is utilized by the City of Hamilton Municipal Electric System for residential and industrial use.

Any person desiring to be heard or to make protest with reference to said application should on or before September 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15729 Filed 7-30-73;8:45 am]

[Docket No. CI74-34]

DOUGLAS R. CUMMINGS (OPERATOR), ET AL.

Notice of Application

JULY 24, 1973.

Take notice that on July 13, 1973, Douglas R. Cummings (Applicant), 1300 North Broadway, Oklahoma City, Oklahoma 73101, filed in Docket No. CI74-34 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Hull Unit No. 1 Well, Woods County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day for one year at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15721 Filed 7-30-73;8:45 am]

[Docket No. CI73-763]

DYCO PETROLEUM CORP.

Order Granting Intervention Out of Time, Setting Hearing Date and Prescribing Procedure

JULY 23, 1973.

On May 7, 1973, Dyco Petroleum Corp. (Dyco) filed an application in Docket No. CI73-763 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Northern Natural Gas Company (Northern) from acreage in Harper County, Oklahoma (Anadarko Area).

Specifically, Dyco proposes to deliver 2,000 Mcf per day to Northern from its Harper County properties for two years pursuant to a contract dated March 27, 1973. The gas would be delivered at the wellhead. The proposed rate of 46.0 cents per Mcf (14.65 psia) with a Btu adjustment from 930 Btu's per Mcf and reimbursement of all existing and future taxes (currently 3.26¢/Mcf) exceeds the applicable area base rate of 21.315 cents established by the Commission's Opinion No. 586. The base price is to increase by ½¢ per Mcf after the first year. Dyco

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commenced emergency deliveries to Northern on May 10, 1973, pursuant to § 157.29 of the Regulations. The sixty-day emergency sale will expire on July 9, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in the application.

A petition to intervene out of time in favor of the application was filed by Northern on June 29, 1973. Since hearings have not been held nor evidence filed, participation by Northern would not delay the proceedings.

The Commission finds:

(1) The intervention of Northern in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Northern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 16, 1973, at 10:00 a.m. e.s.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted.

(B) On or before August 7, 1973, Dyco and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 73-15730 Filed 7-30-73;8:45 am]

EXXON CORP., ET AL.

[Docket Nos. CI73-751, CI73-799, CI73-800, CI73-801]

Order Consolidating Proceedings, Granting Untimely Intervention, Setting Hearing Date and Prescribing Procedures

JULY 23, 1973.

Exxon Corp. (Exxon) in Docket No. CI73-751, Shenandoah Oil Corp. (Shenandoah) in Docket No. CI73-799 and CI73-800, and SOC Gas Systems, Incorporated (SOC) in Docket No. CI73-801 filed applications on May 3, May 17, May 17 and May 17, 1973, respectively, for limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Oklahoma Anadarko Area.

Specifically, all sellers propose to deliver gas to Panhandle at 50.0 cents per Mcf (14.65 psia) with a Btu adjustment from 1000 Btu per Mcf. Exxon's proposed sale is for a period of one year beginning with the first delivery day. All other proposed sales are to terminate on the first day of the month following the anniversary of the commencement of deliveries. Exxon is to deliver gas at the wellhead; all other sellers will deliver to some mutually agreeable points on Panhandle's pipeline. Exxon proposes that Panhandle be obligated to purchase all gas up to 5,000 Mcf per day from Vicci Field, Ellis County, Oklahoma. Shenandoah proposes that Panhandle purchase up to 10,000 Mcf per day from East Sampsell Prospect, Cimmarron County, Oklahoma, in Docket No. CI73-799 and purchase all available volumes from South Salem Prospect, Ellis County, Oklahoma in Docket No. CI73-800. SOC proposes that Panhandle purchase up to 2,000 Mcf per day from properties in Woodward County, Oklahoma. All sellers have commenced 60-day emergency sales to Panhandle which terminate as follows: Exxon—June 30, 1973; Shenandoah, Docket No. CI73-799—June 24, 1973; Shenandoah, Docket No. CI73-800—June 30, 1973; and SOC—July 18, 1973.

The proposed rates all exceed the applicable area base rate of 21.315 cents established by the Commission's Opinion No. 586. The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rates to be paid serve the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the applications.

All the instant dockets contemplate limited-term sales at the same price, from the same area, and to the same purchaser, and thus contain common questions of law and fact. Accordingly, consolidating these dockets will aid in the expedition of the hearing process.

A late petition to intervene in each of the above applications was filed by Panhandle on June 1, 1973 in the case of Docket No. CI73-751 and June 29, 1973 in all other dockets. Since there have been neither hearings nor filing of evidence, Panhandle's late intervention would cause no delay or inconvenience.

The Commission finds:

(1) Docket Nos. CI73-751, CI73-799, CI73-800 and CI73-801 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Panhandle in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Panhandle is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 22, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by Applicants.

(D) On or before August 14, 1973, Applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15731 Filed 7-30-73;8:45 am]

GREAT LAKES TRANSMISSION CO.

Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on June 26, 1973, Great Lakes Transmission Co. (Great Lakes) tendered for filing Original Sheets Nos. 109–133 (constituting Rate Schedule S–1) and Second Revised Sheet No. 151 to its FPC Gas Tariff, Original Volume No. 2. The proposed filing would increase revenues from jurisdictional sales by $50,674 based on a volume of 93,004 Mcf for the 12 month period ending on July 31, 1974. The new rate is to be effective August 1, 1973.

Great Lakes states that the new rate schedule is necessary to effectuate a new service agreement approved by the Commission order of April 9, 1973, issued in Docket No. CP72–68. That service agreement provided for sale of natural gas by Great Lakes to the Michigan Power Company. Great Lakes asserts that the rate schedule was approved by both parties as part of the settlement agreement authorized by the Commission in its April 9, 1973, order.

All persons desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol St., NE., Washington, D.C. 20426 in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not make protestants a party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–15732 Filed 7–30–73;8:45 am]

[Docket No. CI74–36]

F. E. HARGRAVES & SONS DRILLING COMPANY, INC.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, F. E. Hargraves & Sons Drilling Company, Inc. (Applicant), P.O. Box 700, Oil City, Louisiana 71061, filed in Docket No. CI74–36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Greenwood-Waskom Field, Caddo Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on June 27, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure. a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–15722 Filed 7–30–73;8:45 am]

[Docket No. E–8309]

INTERSTATE POWER CO.

Notice of Application

JULY 24, 1973.

Take notice that on July 11, 1973, Interstate Power Co. (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue Bonds to be issued by the Town of Lansing, Iowa, in the amount of $4,175,000, which bonds, taking into account market conditions, will be sold by the Town as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the Town will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Lansing Power Station near Lansing, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the Town to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the Town and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium, if any, and interest on said bonds. No payments will be required under the Secured Guaranty if all payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–15733 Filed 7–30–73;8:45 am]

V 38-146 JUL 31 73 XUM

[Docket No. CI74–32]

MIDWEST OIL CORP.

Notice of Application

JULY 24, 1973.

Take notice that on July 13, 1973, Midwest Oil Corp. (Applicant), 1700 Broadway, Denver, Colorado 80202, filed in Docket No. CI74–32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period ending May 1, 1975, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf per day of gas at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Monthly deliveries are estimated to be approximately 150,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15723 Filed 7–30–73;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP.

[Docket No. CP74–13]

Notice of Application

JULY 25, 1973.

Take notice that on July 16, 1973, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74–13 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, measuring, regulating, and compressor facilities and the modification and drilling of certain observation and injection/withdrawal wells, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate, at its East Unionville Storage Field in Lincoln Parish, Louisiana, approximately 4.75 miles of 14-inch O.D. pipeline paralleling its existing 10¾ inch pipeline connecting the East Unionville Field to Applicant's existing Unionville Compressor Station and approximately 21 miles of 4½ inch O.D. storage field line and appurtenant facilities. Applicant also proposes to connect three existing observation wells for use as observation and/or injection/withdrawal wells and to drill ten new injection/withdrawal wells in the same area. In addition, Applicant proposes to inject an additional 17.6 million Mcf of cushion gas into the East Unionville Storage Field and to facilitate that by increasing the maximum stabilized shut-in reservoir pressure from 2025 psia to 4350 psia.

Applicant further proposes to modify two 5,500 H.P. compressors and install a new 8,000 H.P. compressor unit at the Unionville Compressor Station to increase the total horsepower from 11,000 H.P. to 21,000 H.P. and to construct miscellaneous yard piping and related facilities.

In addition, Applicant proposes to construct and operate approximately 63 miles of 24-inch O.D. pipeline with appurtenant and related facilities, extending from its Unionville Compressor Station to its Fountain Hill Compressor Station in Arkansas, and certain modifications at its Fountain Hill Station including repiping, cylinder modifications, and installation of additional metering and regulating equipment.

The estimated cost of the proposed facilities and additional cushion gas is $27,494,000 which will be initially financed from available funds and short-term borrowings with ultimate financing through the sale of long-term debt and equity securities.

The purpose of the proposed construction and operation and purchase of cushion gas is to permit Applicant to offset partially expected winter curtailment of deliveries of gas to its customers through increased daily injection and withdrawal rates in the East Unionville Storage Field. Applicant estimates that if the proposals in the instant application are authorized it will be able to withdraw an additional 4.6 million Mcf of gas and 9.8 million Mcf of gas in the 1974–75 and the 1975–76 winter seasons, respectively. The proposed Unionville-Fountain Hill pipeline is expected to improve the operational efficiency of Applicant's system by providing a means of delivering storage and other gas into Applicant's Main Line system by bypassing the Perryville Compressor Station.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisson on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15737 Filed 7–30–73;8:45 am]

[Docket No. CI74–24]

MOBIL OIL CORP.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, Mobil Oil Corp. (Applicant), Three Greenway Plaza East, Suite 800, Houston, Texas 77046, filed in Docket No. CI74–24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Cameron Field Area, Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 4,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia. It is estimated that monthly deliveries will total 120,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15724 Filed 7–30–73;8:45 am]

[Projects 296, 1037, 1414—Nevada]

NEVADA

Order Vacating Land Withdrawals

JULY 24, 1973.

Pursuant to the filings of applications for license for transmission line Project Nos. 296, 1037, and 1414, the lands described below, and certain other lands for which notices of land withdrawal were never issued, were withdrawn under the provisions of section 24 of the Federal Water Power Act.

We found that the transmission lines which constituted Project Nos. 296, 1037, and 1414 were distribution lines, not primary lines or parts of a "project" as defined in section 3(11) of the Federal Power Act. The licenses issued for these projects are no longer in effect. Some of the lines which were under license have been dismantled. The lines that are still operating now occupy Federal lands under authority of right-of-way grants issued by the Department of the Interior.

The Commission finds:

The land withdrawals for Project Nos. 296, 1037 and 1414 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

The withdrawals pursuant to the applications for Project Nos. 296, 1037 and 1414 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

MOUNT DIABLO MERIDIAN, NEVADA

1. Portions (totaling approximately 859 acres) of the following described lands were withdrawn pursuant to the filing on April 10, 1922, of an application for license and on July 18, 1923, and June 17, 1930, of applications for amendment of license for Project No. 296 for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 11, 1922, August 24, 1922, August 11, 1923, and August 21, 1930.

T. 8 N., R. 30 E., secs. 25, 26.
T. 8 N., R. 31 E., secs. 19, 20, 21, 22, 23, 24, 30.
T. 8 N., R. 32 E., secs. 19, 20, 21, 22, 23, 24.
T. 8 N., R. 33 E., secs. 19, 20, 21, 22, 25, 26, 27.
T. 5 N., R. 34 E., secs. 1, 2, 3, 10.
T. 7 N., R. 34 E., secs. 2, 3, 10, 11, 13, 14, 24, 25, 36.
T. 8 N., R. 34 E., secs. 28, 29, 30, 33, 34.
T. 4 N., R. 35 E., unsurveyed, secs. 5, 8, 16, 17, 21, 28, 33.
T. 5 N., R. 35 E., secs. 4, 5, 6, 7, 8, 9, 16, 21, 28, 33.
T. 6 N., R. 35 E., secs. 4, 5, 6, 7, 8, 17, 20, 29, 32.
T. 7 N., R. 35 E., secs. 25, 26, 27, 31, 33.
T. 7 N., R. 36 E., secs. 1, 2, 10, 11, 15, 16, 19, 20, 21, 30.
T. 8 N., R. 36 E., unsurveyed.
T. 8 N., R. 37 E., unsurveyed.

2. Portions (totaling approximately 35 acres) of the following described sections were withdrawn pursuant to the filing on November 25, 1929, of an application for license for Project No. 1037 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated December 6, 1929.

T. 12 N., R. 23 E., sec. 13.
T. 12 N., R. 24 E., secs. 4, 5, 7, 8, 18.
T. 13 N., R. 24 E., secs. 27, 33, 34.

3. Portions (totaling approximately 39.39 acres) of the following described sections were withdrawn pursuant to the filing on September 11, 1937, of an application for license for Project No. 1414 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated February 2, 1938.

T. 14 N., R. 26 E., secs. 34, 35, 36.
T. 13 N., R. 27 E., sec. 1.
T. 14 N., R. 27 E., secs. 27, 28, 29, 31, 32, 34, 35, 36.
T. 13 N., R. 28 E., secs. 6, 7, 8, 16, 17, 21, 26, 27, 28, 35.

[FR Doc.73–15734 Filed 7–30–73;8:45 am]

[Docket No. CI74–33]

PRODUCER'S GAS CO.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, Producer's Gas Co. (Applicant), 2000 Tower Petroleum Building, Dallas, Texas 75201, filed in Docket No. CI74–33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from Applicant's interest in the Chilcott No. 1 Well, Beaver County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 600 Mcf of gas per day at 54.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Upward Btu adjustment is limited to 1100 Btu. Deliveries are estimated to be 18,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

V38-146 JUL 31 73 XUM

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15725 Filed 7-30-73;8:45 am]

[Docket No. E-8313]

UTAH POWER AND LIGHT CO.

Notice of Service Agreement

JULY 23, 1973.

Take notice that on July 11, 1973, Utah Power and Light Company (Utah) tendered for filing a letter agreement between Utah and Public Service Company of Colorado (PSCC) providing for the sale of power and energy by Utah to Colorado. The agreement is to be effective from June 1, 1973, to September 15, 1973. Revenues resulting from the agreement will amount to $1,279,660.

Utah states that the agreement calls for it to provide 75 megawatts of power and energy during the term of the contract. That amount may be increased to 100 megawatts by mutual agreement. For information purposes, Utah also submits a letter agreement with the Department of the Interior (DOI) for transmission from points on DOI's interconnection with Utah to points on DOI's interconnection with PSCC.

Utah requests waiver of the notice requirements of § 35.3 of the Commission's Regulations. Since service has been rendered by Utah under the agreement since June 1, 1973, that is the requested effective date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be on or before July 31, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15738 Filed 7-30-73;8:45 am]

[Docket No. E-8310]

UTAH POWER AND LIGHT CO.

Amendment to Interconnection Agreement

JULY 23, 1973.

Take notice that on July 11, 1973, Utah Power and Light Company (Utah) tendered for filing amendments to an interconnection agreement between Utah and Arizona Public Service Company (Arizona) which is currently designated Utah Rate Schedule FPC No. 89. The amendments consist of the following:

(1) Service Schedule A-Z entitled "Emergency Assistance" to be Supplement No. 4 to Rate Schedule FPC No. 89. Utah states that this amendment supplants Supplement No. 1 to the same rate schedule and that it is a negotiated agreement between the parties to the rate schedule and is designed to make emergency power available to either party from the other when needed. Since the extent to which emergency assistance may be needed is impossible to estimate, Utah claims that no revenues or costs can be produced in support of this supplement. Utah also asks waiver of the notice requirements of § 35.11 of the Commission's regulations so that the amendment will be effective as of June 2, 1973, the day service was instituted pursuant to it.

(2) Certificate of Concurrence pertaining to Service Schedule C-2 entitled "Short Term Sale of Winter Capacity." The actual service Schedule C-Z, Utah states, will be filed by Arizona and that filing should be designated Supplement No. 5 to Rate Schedule FPC No. 89.

(3) Service Schedule D-1 entitled "Surplus Energy Sale" to be Supplement No. 6 to Rate Schedule FPC No. 89. Utah asserts that this amendment provides for the sale of surplus energy between Utah and Arizona when the need is anticipated for such power and energy. Settlement is predicated upon "split savings," under which less costly generation on one system may be substituted for more expensive generation on another. As a result, Utah claims, there is no basis for estimating the possible volumes of energy to be transferred during the next twelve months, nor the costs to be generated by the agreement. Since service under the agreement was instituted on June 1, 1973, Utah requests waiver of the Commission's notice requirement so that this amendment may be effective as of that date.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15739 Filed 7-30-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-187]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective June 12, 1973.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Transportation to represent the consumer interests of the executive agencies of the Federal Government before the Connecticut Public Utilities Commission in a proceeding involving the application of the Hartford Electric Light Company for abolition of Rate 31, for all-electric buildings.

b. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 24, 1973.

[FR Doc.73-15741 Filed 7-30-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 10, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of English literature submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15645 Filed 7-30-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 8, 1973.

The purpose of the meeting is to review Senior Fellowship applications submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15646 Filed 7-30-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C., on August 9, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of foreign languages and literature submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15647 Filed 7-30-73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C., on August 8, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of history submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-15648 Filed 7-30-73;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held at the Corporation's Administration Building, Seaway Circle, Massena, New York on August 10, 1973 from 3 p.m. to 5 p.m.

Agenda items are as follows:

1. Opening Remarks
2. Approval of Minutes
3. Administrator's Report
4. Program Review
5. Closing Remarks

Space is limited to twenty-five persons. Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, Room 812, Building 10-A, 800 Independence Avenue, Washington, D. C. 20590 or by calling 202-426-3574.

Issued on: July 23, 1973.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-15666 Filed 7-30-73;8:45 am]

TARIFF COMMISSION

[337-L-66]

CHAIN DOOR LOCKS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on June 21, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Ideal Security Hardware Corporation of St. Paul, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of chain door locks which are embraced within claims of U.S. Patents No. 3,275,364, and No. 3,395,556, owned by the complainant. Parker Hardware Co., Inc., 27 Ludlow, New York, New York; Donner Mfg., Co., P. O. Box 4445, Sylar, California; and, Domestic Broom & Brush Co., Inc., 252 Java, Brooklyn, New York, have been named as importers of the subject locks.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 C.F.R. 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than Sept. 10, 1973. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D. C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15767 Filed 7-30-73;8:45 am]

[AA1921-127]

ELEMENTAL SULPHUR FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 20, 1973, that elemental sulphur from Canada is being, or is likely to be, sold at less than fair value, the United States Tariff Commission on July 26, 1973, instituted investigation No. AA1921-127 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commision's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Wednesday, September 5, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at is office in Washington, D.C.,

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not later than noon, Thursday, August 30, 1973.

Issued July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15766 Filed 7-30-73;8:45 am]

[22-34]

NONFAT DRY MILK AND ANIMAL FEEDS CONTAINING MILK OR MILK DERIVATIVES

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the United States Tariff Commission, on July 25, 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to review the quotas for dried milk and animal feeds provided for in the Appendix to the Tariff Schedules of the United States, items 950.02 and 950.17, respectively. Specifically, the Commission instituted the investigation under subsection (d) to determine whether the annual import quotas for either or both items, 950.02 or 950.17, may be increased or suspended without rendering or tending to render ineffective, or materially interfering with, the price support program conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The pertinent part of the text of the President's letter of July 18, 1973, to the Commission follows:[1]

. . . . . .

The Secretary has further advised me that a review of the annual import quota for nonfat dry milk for 1973 and future years is needed, and that also a review is needed of the quota for animal feeds containing milk or milk derivative. This latter article is presently subject to section 22 quantitative limitations under item 950.17 of the Tariff Schedules of the United States and is described as follows:

Animal feeds containing milk or milk derivatives, classified under item 184.75, subpart C, part 15, schedule 1.

The Commission is further directed to investigate and to make findings and recommendations as to whether the annual import quotas for the above-described articles may be increased or suspended without rendering or tending to render ineffective, or materially interfering with, the price support program conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk; and, in the case of a finding that such quotas should be increased, to make recommendations as to the amount of such quotas and their allocation among supplying countires.

The Commission is directed to report its findings and recommendations at the earliest practicable date.

Sincerely,

(Signed) RICHARD NIXON,

. . . . . .

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C., beginning at 10 a.m., e.d.t., on August 28, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon Thursday, August 23, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on September 7, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15769 Filed 7-30-73;8:45 am]

[337-L-63]

PRESET VARIABLE RESISTANCE CONTROLS

Extension of Time for Filing Written Views

On June 19, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by CTS Corporation of Elkhart, Indiana, alleging unfair methods of competition and unfair acts in the importation and sale of preset variable resistance controls (38 FR 16002). Interested parties were given until July 27, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on August 27, 1973.

By order of the Commission:

Issued: July 26, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15768 Filed 7-30-73;8:45 am]

TARIFF COMMISSION

[AA 1921-119]

STAINLESS STEEL WIRE RODS FROM FRANCE

Determination of Injury

July 24, 1973.

On April 24, 1973, the Tariff Commission received advice from the Treasury Department that stainless steel wire rods from France are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-119 to determine whether an industry in the United States is being, or is likely to be insured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 12, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of May 1, 1973 (38 FR 10775).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews and other sources.

On the basis of the investigation, the Commission has determined by a vote of 3 to 2 [1] that an industry in the United States is being injured by reason of the importation of stainless steel wire rods from France that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN BEDELL, VICE CHAIRMAN PARKER, AND COMMISSIONER MOORE

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

[1] Chairman Bedell, Vice Chairman Parker, and Commissioner Moore determined in the affirmative; Commissioners Leonard and Young determined in the negative. Commissioner Ablondi did not participate in the decision.

[1] The remainder of the letter of the President was reproduced in the Commission's Notice of Investigation and Date of Hearing for Investigation No. 22-23, instituted on July 19, 1973 (38 FR 19939).

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment of an industry) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment both conditions are satisfied in the instant case.[1] Accordingly, we have made an affirmative determination—that an industry [2] in the United States is being injured by reason of imports of stainless steel wire rods from France sold at less than fair value. Our determination is based primarily on the considerations given in the following paragraphs.

MARKET PENETRATION

The Treasury Department's investigation covered imports entered by two French firms over a period of 7 months from August 1971 to February 1972. The investigation showed that one of the two firms investigated, Ugine-Aciers, made sales at LTFV; imports entered by this firm accounted for at least 80 percent of French stainless steel wire rod exports to the United States. Of the stainless steel wire rod imports from Ugine-Aciers examined by the Treasury, the major part was found to have been sold at LTFV.

The price advantage afforded by such sales in the United States at LTFV enabled importers of the French product to make substantial inroads into a generally declining market. In addition, occurring as they did during a period of rapidly rising domestic costs, and of start up problems for new U.S. mills, the impact of the LTFV imports were severe. Imports from France at LTFV supplied about 15 percent of total open market sales of stainless steel wire rods in the United States. Moreover, in specific markets in which sales of French stainless steel wire rods were concentrated, particularly the wire redrawer market which traditionally has accounted for about one-half of U.S. consumption of stainless steel wire rod, penetration by imports from France at LTFV reached an estimated 21 percent of open market consumption. The inroads into these markets are a direct result of leverage gained by sales at LTFV.

PRICE DEPRESSION

The price level for stainless steel wire rods in the U.S. market has been depressed in recent years, especially during 1970-71. Domestic prices for such rods were forced down in order to meet the competition of the French product in most large-volume, fast-moving grades; the differentials between the prices of the U.S. product and the LTFV French product were substantial, in some instances as high as 30 percent. From information supplied by U.S. purchasers, importer, and producers, the Commission was able to verify that numerous large sales were lost by domestic producers, and that many of the sales actually made by domestic producers were negotiated only at considerably reduced prices. Several puhchasers stated that the low prices offered by suppliers of LTFV French rods succeeded in bringing down domestic prices; U.S. wire redrawers disclosed that they exerted pressure on the domestic producers during the period of economic recession in 1971 to bring down prices of rod (the raw material of the redrawers) so that they could remain competitive in the U.S. market. The U.S. stainless rod manufacturers reduced their prices of most leading grades through substantial increases of the discounts and allowances offered to purchasers.

The Commission took into account the fact that sales were also lost by individual U.S. producers to other domestic competitors, and to imports from Japanese, Swedish, and other French manufacturers, as well as to LTFV French imports. Nevertheless, the Commission was able to verify that LTFV imports from France, generally sold at a substantial price differential, were the leading cause of price depression, lost sales and reduced profits for the domestic industry.

PROFITABILITY

During 1970-72, the domestic stainless steel wire rod industry incurred substantial net operating losses, especially in 1971. U.S. firms accounting for more than 90 percent of stainless steel wire rod production recorded substantial losses on their output of that product during the 1970-72 period.

The profitability of the firms during this period was adversely affected as a result of lost sales and of reduced profits on sales of high-volume, fast-moving grades of stainless steel wire rod. The reduced profitability of these companies was a direct result of the depression of the price levels for leading grades by substantial sales of French rod at LTFV prices in the domestic market.

CONCLUSION

On the basis of the foregoing, we conclude that an industry in the United States is being injured by reason of imports of stainless steel wire rods from France sold in the domestic market at less than fair value.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

As indicated above by our colleagues, the Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment of an industry) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).[1]

It is clear that the domestic producers of stainless steel wire rods are being injured. For there to be an affirmative determination, however, causation between sales at less than fair value and injury must be identifiable, i.e., the injury must result from the less than fair value sales.[2] In this investigation we are unable to conclude that the LTFV sales have caused injury, and consequently the conditions set forth above for an affirmative determination are not met. The reasoning for our not being able to find the second or "causation" condition satisfied follows.

THE INDUSTRY

In our view the industry which would likely feel the impact of LTFV sales most immediately and directly consist of the facilities in the United States devoted to the production of stainless steel wire rods. Currently, eight firms are producing such rods in nine mills; the facilities at these mills on which stainless steel wire rods are produced constitute the domestic industry which most likely were susceptible to the impact of LTFV sales.

MARKET PENETRATION

Of the several French firms selling stainless steel wire rods in the United States, one firm, Ugine-Acier, was found by the Treasury Department to have sold that article at LTFV during the period August 1971 through February 1972. Ugine has been the predominant French supplier of stainless steel wire rods to the United States, accounting for over 80 percent of annual French exports of such rods to the United States from 1968-72. A substantial part of the firm's sales to the United States was found to have been made at LTFV.

In the past 3 years, the U.S. imports of stainless steel wire rods from France, and from Ugine in particular, have declined both absolutely and as a percent of U.S. consumption. While Ugine's penetration of the U.S. market has been significant, the share of the market supplied by the firm, and the penetration of its sales into the U.S. market, has steadily declined in recent years, including the period of LTFV sales found

[1] Since injury was found, it is unnecessary for an affirmative determination to make a finding as to the likelihood of injury or prevention of establishment of an industry.

[2] We have determined that a domestic industry injured by the LTFV imports herein considered consists of the facilities in the United States used in the production of stainless steel wire rods. In 1972, stainless steel rods were produced in the United States by eight firms operating nine mills. All of the domestic firms produced the grades of stainless steel wire rods imported from France and sold at less than fair value.

[1] Prevention of the establishment of an industry is not an issue in this investigation and as such need not be treated further.

[2] See U.S. Tariff Commission, *Elemental Sulfur From Mexico, . . . Investigation No. AA1921-92 . . .*, TC Publication 484, May 1972, p. 9.

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by the Treasury. There is no evidence, moreover, that Ugine's sales at LTFV enabled them to obtain new customers. While the company may have increased its LTFV sales to a few accounts, such increases were more than offset by losses to other suppliers. In balance, then, Ugine had a net loss in sales over the last 3 years.

PRICING

During 1970 and 1971, i.e., before and during the period of Treasury's investigation, the domestic market for stainless steel wire rods was in a depressed state. Price competition was severe—between domestic producers, between domestic producers and importers, and among the importers representing the several major foreign suppliers, including the French. The price competition reflected largely declining demand in the United States growing out of a lagging economy; consumption of stainless steel wire rods in 1971, for example, was a fourth lower than in 1969.

The predominant grade of French (Ugine) wire rod imported into the United States has been a .217 inch diameter-grade 430 wire rod; such rod accounted for a considerable proportion of Ugine's business in the United States. Such French wire rod substantially undersold the comparable domestic wire rod in recent years and during the period of Treasury's investigation. However, the so-called dumping margin, i.e., the margin by which the French rod was sold at less than fair value, was equivalent to only a very small part of the amount by which the French rod undersold the domestic rod. Even without the LTFV margin, Ugine's stainless steel wire rod would have been priced substantially below the normal differential required to attract sales from domestic producers. Thus, the existence of the LTFV margin did not significantly influence the pricing, and consequently the sale, of French wire rod in the U.S. market.

In the record of this case, there is evidence of only isolated instances where Ugine's pricing practices might have been said to have contributed to price depression in the United States. In most of these instances, Ugine's bid price might have had a depressing effect on the prices of domestic producers, but Ugine was underbid by other foreign suppliers and did not succeed in obtaining the sale.

LOSS OF PROFIT

The production of stainless steel wire rod in the United States has not been profitable in recent years. The financial losses sustained by the domestic producers, however, have been strongly affected by economic down turns, the market impact of rising imports of the labor-intensive finished products produced from stainless steel wire rods, and the "shake-down" problems of several new rod mills which recently came into production. Meanwhile the LTFV sales of stainless steel wire rods from France were declining. We must conclude, therefore, that the financial losses of the industry resulted from causes other than from the LTFV sales of French wire rods. We cannot identify such LTFV sales as a contributor to the financial reverses of the industry.

LIKELIHOOD OF INJURY

Considerable information was presented in evidence of pending or potential injury to the domestic stainless steel wire rod industry because of the current development of the French steel complex at Fos-La-Mer. We cannot conclude, however, that the statutory requirements pertaining to likelihood of injury are met in this case. To find likelihood of injury, affirmative evidence must be available that (1) imports will be sold at LTFV, and (2) such imports will injure, or prevent the establishment of, an industry in the United States. In an earlier case where the Commission found likelihood of injury,[1] the facilities were complete and all was ready for the marketing of the products at the first opportunity in the U.S. market. In the instant case, the Fos-La-Mer complex is incomplete. It is reported to be designed primarily for the production of carbon-steel products, rather than stainless steel products. Its natural markets that it can most advantageously serve, moreover, are the market within the Economic Community and non-U.S. foreign markets, all of which are growing. The profitability of Ugine's future does not lie in LTFV sales to the United States.

CONCLUSION

In the final analysis, the LTFV imports have not enabled Ugine to expand its number of customers or increase its sales of stainless steel wire rods in the domestic market. Contrary to this, Ugine's sales to the United States have declined in absolute quantity and as a percent of U.S. consumption. The recent problems of the domestic industry have not resulted from LTFV sales of French stainless steel wire rods, and the future does not show the domestic industry threatened by French LTFV imports. Accordingly, we have determined that an industry in the United States is not being, and is not likely to be, injured by reason of such LTFV imports.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15668 Filed 7-30-73;8:45 am]

[1] U.S. Tariff Commission, *Instant Potato Granules From Canada, . . . Investigation No. AA1921-97 . . .*, TC Publication 509, September 1972, p. 4.

DEPARTMENT OF LABOR

Office of the Secretary

FEDERAL SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given of a meeting to be held by the Federal Safety Advisory Council established to advise the Secretary of Labor with regard to occupational safety and health programs applicable to federal employees. (Executive Order 11612; 3 CFR, 1971 Comp., p. 195).

The meeting will being at 9:00 a.m. on August 22, 1973 in Room 216 of the United States Department of Labor building, 14th Street and Constitution Avenue, NW, Washington, D.C.

During the course of the meeting the following subjects will be discussed seriatim:

(1) The United States Postal Service Training Program;

(2) Proposed regulations for Federal safety and health programs;

(3) Recommendations concerning the Federal accident reporting systems; and

(4) The 28th Annual Federal Safety Conference program.

Members of the public are invitied to attend the proceedings.

Any written data, views or arguments received by the Council concerning the subjects to be considered on or before August 17, 1973 together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard together with 25 copies thereof no later than August 15, 1973 stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the Council should be addressed as follows:

Mr. Eugene L. Newman
Director
Office of Federal Agency Programs
Room 409
400 First Street, NW
Washington, D.C. 20210

Signed at Washington, D.C., this 23rd day of July, 1973.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.73-15752 Filed 7-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 308]

ASSIGNMENT OF HEARINGS

JULY 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118468 Sub 33, Umthun Trucking Co., now assigned August 6, 1973, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15747 Filed 7-30-73;8:45 am]

[Notice 101]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 24, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 96324 (Sub-No. 22 TA) filed July 16, 1973 Applicant: GENERAL DELIVERY, INC. 1822 Morgantown Ave. P.O. Box 1816 Fairmont, W. Va. 26554 Applicant's representative: D. L. Bennett 129 Edgington Lane Wheeling, W. Va. 26003 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures for containers*, (1) from Martinsburg and Short Gap, W. Va., to New London, New Haven, and East Hartford, Conn.; Wilmington, Del.; Baltimore, Cheverly, Frederick, Hagerstown, Silver Spring, Westminster, Middle River, Cumberland, Oakland, and Rockville, Md.; Northampton, Mass.; Salem and Somersworth, N.H.; Providence, R.I.; Elmsford, Jericho, New York, Rochester, New Rochelle, and Brooklyn, N.Y.; Paterson, New Brunswick, Newark, N.J.; Millville, Atlantic City, Jersey City and Pensauken, N.J.; Mt. Vernon, Cleveland, Ashtabula, and Columbus, Ohio; Chattanooga, Tenn.; Charlotte, Greensboro, Raleigh, and Winston-Salem, N.C.; Palmerton, Johnstown, Bigglersville, Chambersburg, Aspers, Philadelphia, Concordville, Pittston, Reading, Indiana, Pittsburgh, Williamsport, Beaver, Sharon, and Meadville, Pa.; Norton, Charlottesville, Harrisonburg, Alexandria, Bristol, Front Royal, St. Paul, Lynchburg, and Staunton, Va.; and Washington, D.C.; (2) from Cumberland, Md., to those destination points named in (1) above (except Cumberland, Md.) and Beckley, Huntington, Morgantown, Williamson, Berkley Springs, Parkersburg, Charleston, Wheeling, and Logan, W. Va.; and (3) from Winchester, Va., to those destination points named in (1) above (except points in Virginia) and those additional points in West Virginia named in (2) above, for 90 days. SUPPORTING SHIPPER: Chattanooga Glass Company, 400 West 45th St., Chattanooga, Tenn. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 110525 (Sub-No. 1062 TA) (CORRECTION) filed June 27, 1973, published in the Federal Register issue of July 20, 1973, and, republished as corrected this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue P.O. Box 200 Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as above) Note: The purpose of this partial republication is to correct the applicant name to CHEMICAL LEAMAN TANK LINES, INC., in lieu of CHEMICAL LEEMAN TANK LINES, INC., which was published in error. The rest of the application remains the same.

No. MC 123067 (Sub-No. 120 TA) filed July 16, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative: Michael A. Grimm (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, from Savannah, Ga., to Fernandina Beach, Fla., for 180 days. SUPPORTING SHIPPER: Texas Gulf, Inc., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 136312 (Sub-No. 3 TA) filed July 10, 1973 Applicant: HASKELL FOODS COMPANY OF OKLAHOMA, INC. P.O. Box 396 Haskell, Okla. 74436 Applicant's representative: James B. Blair 111 Holcomb Street Springdale, Ark. 72764 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from RJR Foods, Inc. warehouse, Haskell, Okla., to points in Illinois and Tennessee and (2) from points in Arkansas, Kansas, Illinois, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Tennessee, to RJR Foods, Inc. warehouse, Haskell, Okla., for 180 days. SUPPORTING SHIPPER: C. Glen Anderson, GTM, RFR Foods, Inc., 4th and Main St., Winston-Salem, N.C. 27102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 138891 (Sub-No. 1 TA) filed July 16, 1973 Applicant: FRANK TRANSFER & STORAGE, INC. 324 East 8th Street Sioux Falls, S. Dak. 57102 Applicant's representative: Mead Bailey 809 National Bank of South Dakota Bldg. Sioux Falls, S. Dak. 57102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and *empty non-owned trailers* used in transporting said commodities, between the facilities of Iowa Beef Processors, Inc., at or near Luverne, Minn. and railroad ramp facilities for trailer-on-flatcar service at Sioux Falls, S. Dak., restricted (except as to empty non-owned trailers) to traffic having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731, Starr H. Lloyd, General Traffic Mgr. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-15748 Filed 7-30-73;8:45 am]

[Notice 322]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 20, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

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No. MC-FC-74434. By order of July 24, 1973, the Motor Carrier Board on reconsideration approved the transfer to R. G. Trucking, Inc., East Palestine, Ohio, of the operating rights in Certificate No. MC-6544 issued November 17, 1966 to Dutch Blum Trucking, Inc., Darlington, Pa., authorizing the transportation of coal, from points in Hancock County, W. Va., and that part of Beaver, Lawrence, and Washington Counties, Pa., on and west of Pennsylvania Highway 18, to points in Columbiana, Mahoning, Stark, and Trumbull Counties, Ohio, and road building materials, between points in the above-specified Pennsylvania territory, on the one hand, and, on the other, points in Columbiana, Mahoning, Stark, and Trumbull Counties, Pa. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215 Attorney for applicants.

No. MC-FC-74454. By order of July 24, 1973, the Motor Carrier Board approved the transfer to A & R Transport, Inc., Kawkawlin, Mich., of a portion of Certificate No. MC-106603 Sub-No. 80, issued May 20, 1966, to Direct Transit Lines, Inc., Grand Rapids, Mich., authorizing the transportation of malt beverages, wine, soft drinks, beverage compounds and empty containers, from and to specified points in Indiana, Michigan, Illinois, Ohio and Wisconsin. Alan Ruegsegger, A & R Transport, Inc., 103 N. Erie, Bay City, Mich., for Applicants.

No. MC-FC-74552. By order of July 24, 1973, the Motor Carrier Board approved the transfer to H. and S. Express, Inc., Middletown, N.Y., of Certificate No. MC-22507 issued May 2, 1973, to Al's Auto Express, Corp., New York, N.Y., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y., and those in that part of Connecticut within 15 miles of Columbus Circle, N.Y. Martin Werner, 2 W. 45th St., New York, N.Y., 10036, Attorney for Transferor, and Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, Attorney for Transferee.

No. MC-FC-74556. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Merchants Delivery & Warehouse Corporation, St. Louis, Missouri, of Permit No. MC 133798, issued August 21, 1972, to Howard Morgan, doing business as Merchants Messenger Service, St. Louis, Missouri, authorizing the transportation of copier machines, and toner, paper, and ink used in copier machines, between St. Louis, Mo., on the one hand, and, on the other, Elk Grove, Ill. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Missouri 63101, attorney for applicants.

No. MC-FC-74581. By order of July 23, 1973, the Motor Carrier Board approved the transfer to Hill Brothers Trucking Co., Inc., Pennsauken, N.J., of the operating rights in Certificates No. MC-29790, MC-29790 (Sub-No. 3), MC-29790 (Sub-No. 4) and MC-29790 (Sub-No. 7) issued June 21, 1949, November 10, 1947, February 28, 1950 and March 20, 1968 respectively to Charles F. Hill, Jr., doing business as Hill Brothers, Merchantville, N.J., authorizing the transportation of various commodities from, to and between specified points and areas in Delaware, Maryland, New Jersey, New York, and Pennsylvania. James A. Cassel, 512 Swede St., Norristown, Pa., 19401 Attorney for applicants.

No. MC-FC-74584. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Lumber Transfer, Inc., Emporium, Pa., of Certificates Nos. MC-125948 and MC-125948 (Sub-No. 1) issued July 1, 1969, and September 9, 1971, respectively, to Lee Clyde Cook, doing business as Lee C. Cook, Emporium, Pa., authorizing the transportation of: Lumber from points in Potter County, Pa., and points in other, specified parts of Pennsylvania to points in New York; lumber (except plywood and veneer), wood chips and sawdust between points in a specified part of Pennsylvania and points in Ohio, Michigan, Indiana, Maryland, New Jersey, and New York; between Hanover, Pa., and points in Ohio, Michigan, Indiana, Maryland, New Jersey, and New York; from Hanover, Pa., and points in a specified part of Pennsylvania to points in West Virginia. Mr. Willmer B. Hill, Attorney at Law, 666 Eleventh Street, N.W., Washington, D.C. 20001.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-15749 Filed 7-30-73;8:45 am]

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PART II

POSTAL SERVICE

■

ORGANIZATION AND ADMINISTRATION

Modification of Organization and Reporting Relationships

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Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

MODIFICATION OF ORGANIZATIONAL AND REPORTING RELATIONSHIPS

This document codifies and restates in Part 211 existing provisions relating to the status of the regulations of the Postal Service. It also amends those regulations which are presently codified in Subchapter D of title 39 so as to reflect certain changes of organization and reporting relationships within the Postal Service.

All changes, with the exception of those contained in § 225.1, became effective June 28, 1973. Section 225.1 is effective August 18, 1973.

Accordingly, in Subchapter D, Parts 212 and 213 are deleted, Parts 211, 222, 223, 224, and 235 are amended, and Parts 221, 225 and 226 are added as set forth below:

LOUIS A. COX,
General Counsel.

PART 211—APPLICATION OF REGULATIONS

Sec.
211.1 Disposition of former title 39, United States Code.
211.2 Regulations of the Postal Service.
211.3 Executive orders and other executive pronouncements; circulars, bulletins and other issuances of the Office of Management and Budget.
211.4 Interim personnel regulations.

AUTHORITY: The provisions of this Part 211 issued under authority of 39 U.S.C. 201, 202, 401(2), 402, 403, 404, 410, 1001, 1005, 1209; Pub. L. 91-375, §§ 3-5, 84 Stat. 773-75.

§ 211.1 Disposition of former title 39, United States Code.

Except as otherwise continued in effect as postal regulations, all provisions of former title 39, United States Code, which were continued in effect as regulations of the Postal Service by section 5(f) of the Postal Reorganization Act, are revoked. This revocation does not apply to postal regulations which embody or are derived from provisions of former title 39.

§ 211.2 Regulations of the Postal Service.

(a) The regulations of the Postal Service consist of:

(1) The resolutions of the Governors and the Board of Governors of the United States Postal Service and the bylaws of the Board of Governors;

(2) The Postal Service Manual and those portions of the former Postal Manual retained in force on a temporary basis;

(3) The Headquarters Manual, Regional Instructions, handbooks, delegations of authority, and other regulatory issuances and directives of the Postal Service or the former Post Office Department. Any of the foregoing may be published in the Federal Register and the Code of Federal Regulations.

(b) Except as otherwise provided by law, the resolutions of the Governors and the Board of Governors of the United States Postal Service and the bylaws of the Board of Governors take precedence over all regulations issued by other authority.

(c) The adoption, by reference or otherwise, of any rule of law or regulation in this or any other regulation of the Postal Service shall not be interpreted as any expression on the issue of whether such rule of law or regulation would apply to the Postal Service if it were not adopted as a regulation, nor shall it restrict the authority of the Postal Service to amend or revoke the rule so adopted at a subsequent time.

(d) All regulations of the Post Office Department in effect at the time the United States Postal Service commenced operations, continue in effect, except as subsequently modified or repealed by the Postal Service. Except as otherwise continued in effect as postal regulations, all regulations of other agencies of the United States continued in effect as postal regulations by section 5(a) of the Postal Reorganization Act are repealed.

§ 211.3 Executive orders and other executive pronouncements; circulars, bulletins, and other issuances of the Office of Management and Budget.

(a) By virtue of the Postal Reorganization Act, certain executive orders, and other executive pronouncements and certain circulars, bulletins, and other issuances of the Office of Management and Budget or particular provisions thereof, or requirements therein, apply to the Postal Service and certain others do not apply.

(b) It is the policy of the Postal Service to continue to comply with issuances of the kind mentioned in paragraph (a) of this section with which it has previously complied, unless a management decision by an appropriate department head is made to terminate compliance, in whole or in part, following advice from the General Counsel that the issuance is not binding, in whole or in part, on the Postal Service. This policy is not enforceable by any party outside the Postal Service. No party outside the Postal Service is authorized to use the mere non-compliance with this policy against the Postal Service in any way.

§ 211.4 Interim personnel regulations.

(a) *Continuation of Personnel Regulations of the Post Office Department.* All regulations of the former Post Office Department dealing with officers and employees, in effect at the time the United States Postal Service commenced operations, continue in effect according to their terms until modified or repealed by the Postal Service or pursuant to a collective bargaining agreement under the Postal Reorganization Act.

(b) *Continuation of Personnel Provisions of Former Title 39, United States Code.* Except as they may be inconsistent with other regulations adopted by the Postal Service or with a collective bargaining agreement under the Postal Reorganization Act, all provisions of former Title 39, United States Code, dealing with and applicable to postal officers and employees immediately prior to the commencement of operations of the Postal Service continue in effect as regulations of the Postal Service.

(c) *Continuation of Other Laws and Regulations as Postal Regulations.* Except as they may be inconsistent with the provisions of the Postal Reorganization Act, with other regulations adopted by the Postal Service, or with a collective bargaining agreement under the Postal Reorganization Act, all regulations of Federal agencies other than the Postal Service or Post Office Department and all laws other than provisions of revised Title 39, United States Code, or provisions of other laws made applicable to the Postal Service by revised Title 39, United States Code, dealing with officers and employees applicable to postal officers and employees immediately prior to the commencement of operations of the Postal Service, continue in effect as regulations of the Postal Service. Any regulation or law the applicability of which is continued by paragraphs (a)-(c) of this section which requires any action by any agency other than the Postal Service or Post Office Department shall be deemed to require such action by the Postal Service, unless by agreement with the Postal Service the other agency involved consents to the continuation of its action.

(d) *Effect of Collective Bargaining on Certain Regulations.* All rules and regulations continued or established by paragraphs (a)-(c) of this section which establish fringe benefits as defined in 39 United States Code 1005(f) of employees for whom there is a collective bargaining representative continue to apply until modified by a collective bargaining agreement concluded pursuant to the Postal Reorganization Act. Those rules and regulations affecting other terms and conditions of employment encompassed by Section 8(d) of the National Labor Relations Act, as amended, shall continue to apply to such employees until such collective bargaining agreement has been concluded, and, unless specifically continued by such agreement, shall apply thereafter until modified or repealed by the Postal Service pursuant to its authority under 39 United States Code 1001(e) and other pertinent provisions of the Postal Reorganization Act. In the event a condition occurs which shall excuse the Postal Service from continuing negotiations prior to the parties thereto concluding an agreement in accordance with the Postal Reorganization Act, the Postal Service reserves the right in accordance with the reorganization measures mandated by the Congress and consistent with the provisions of the Act, and any collective bargaining agreements in existence at that time, insofar as they do not unduly impede such reorganization measures, to continue, discontinue, or revise all compensation, benefits, and terms and conditions of employment of such employees of the Postal Service.

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

Sec.
221.1 The U.S. Postal Service.
221.2 Board of Governors of the Postal Service.
221.3 Postmaster General.
221.4 Deputy Postmaster General.
221.5 Postal Service Advisory Council.
221.6 Groups and departments.
221.7 Officers serve at pleasure of Postmaster General.
221.8 Postal Field Service.
221.9 Conversion of terms.

AUTHORITY: The provisions of this Part 211 issued under authority of 39 U.S.C. 201, 202, 203, 204, 206, 401(2), 402, 403, 404, as enacted by Public Law 91-375, 84 Stat. 719.

§ 221.1 The U.S. Postal Service.

(a) The U.S. Postal Service has been established as an independent establishment within the executive branch of the Government of the United States under the provisions of the Postal Reorganization Act of August 12, 1970, Public Law 91-375, 84 Stat. 719.

(b) As a complement to the information in the regulations in this part, a concise statement of the organization of the Postal Service can be found in the U.S. Government Organization Manual.

§ 221.2 Board of Governors of the Postal Service.

(a) The Board of Governors directs the exercise of the powers of the Postal Service. It reviews the practices and policies of the Postal Service and directs and controls its expenditures.

(b) For composition of the Board of Governors, see § 3.1 of this chapter.

§ 221.3 Postmaster General.

(a) The Postmaster General is the chief executive officer of the Postal Service and is responsible for its overall operation. He is named and can be removed by an absolute majority of the nine members of the Board of Governors, statutorily designated "Governors", who are appointed by the President with the advice and consent of the Senate. He is a voting member of the Board of Governors.

(b) The Postmaster General determines appeals from the actions of staff and department heads, except that in cases where he has delegated authority to make a decision to a subordinate, such subordinate may also determine appeals within the authority delegated.

(c) The Board of Governors has directed that the Postmaster General exercise the powers of the Postal Service to the extent that such exercise does not conflict with power reserved to the Board by law. The Postmaster General is authorized to direct any officer, employee, or agency of the Postal Service to exercise such of his powers as he deems appropriate. For the direction of the Board of Governors that the Postmaster General exercise the powers of the Postal Service, see §§ 3.9 and 5.3 of this chapter.

§ 221.4 Deputy Postmaster General.

(a) The Deputy Postmaster General is a voting member of the Board of Governors. He is appointed and can be removed by the Postmaster General and Governors.

(b) He directs all postal operations and delegates such of his authority as he considers appropriate. He is required to perform all tasks assigned him by the Postmaster General. He acts as Postmaster General in the Postmaster General's absence or whenever a vacancy exists in the Office of Postmaster General.

(c) For delineation of authority of the Deputy Postmaster General by the Board of Governors see § 5.4 of this chapter.

§ 221.5 Postal Service Advisory Council.

The Postal Service Advisory Council consults with and advises the Postal Service with regard to all aspects of postal operations. It consists of the Postmaster General who is Chairman, the Deputy Postmaster General who is Vice Chairman, and 11 additional members appointed by the President as follows: Four representatives of postal labor organizations, four representatives of major mail users, and three representatives of the public at large.

§ 221.6 Groups and Departments.

(a) Postal Service Headquarters is primarily divided into four groups—Administration, Employee and Labor Relations, Finance, and Operations. Each group is headed by a Senior Assistant Postmaster General. The Senior Assistant Postmasters General report directly to the Postmaster General. These Senior Assistant Postmasters General are responsible for the following activities within their assigned areas:

(1) Program planning, direction, and review;

(2) Establishment of policies, procedures, and standards; and

(3) Operational determinations not within the full jurisdiction of field officers.

(b) Each group is in turn divided into departments or offices headed by either Assistant Postmasters General or Directors who report to the Senior Assistant Postmaster General. The heads of these departments and offices are responsible for assisting the Senior Assistant Postmasters General in carrying out the activities assigned their groups.

(c) Certain other headquarters units report directly to the Postmaster General. These include the Law Department, headed by the General Counsel, and the Inspection Service, headed by the Chief Postal Inspector. Also reporting to the Postmaster General are the Senior Assistant Postmaster General for Policy Matters; the Executive Assistant for Postal Affairs; and the Assistant Postmasters General for Government Relations and Public and Employee Communications.

(d) The Postmaster General, the Deputy Postmaster General, the Senior Assistant Postmasters General, for Administration, Employee and Labor Relations, Finance, and Operations, and the General Counsel comprise the Executive Committee of which the Postmaster General is Chairman, and the Executive Assistant for Postal Affairs is Secretary.

(e) Statements of the functions of the various groups, departments, and offices can be found in Part 224 of this chapter.

§ 221.7 Officers serve at pleasure of Postmaster General.

The following officers of the Postal Service are appointed by the Postmaster General and serve at his pleasure: Senior Assistant Postmasters General, Regional Postmasters General, the General Counsel, Assistant Postmasters General, the Consumer Advocate, the Chief Inspector, the Judicial Officer, and the Executive Assistant for Postal Affairs, the Controller and the Treasurer (who report to the Assistant Postmaste General, Finance Department). The number of Senior Assistant Postmasters General and Assistant Postmasters General is set by resolution of the Board of Governors.

§ 221.8 Postal field service.

(a) *Postal Regions.* (1) There are five Postal Regions. Each region is headed by a Regional Postmaster General who reports to the Senior Assistant Postmaster General, Operations and has overall responsibility for operational activities (except those reserved to Headquarters) of the Postal Service within his region.

(2) Each Regional Postmaster General's office includes four departments—Support, Employee and Labor Relations, Mail Processing and Customer Services. Each regional department is headed by an Assistant Regional Postmaster General who reports to the Regional Postmaster General. While the Assistant Regional Postmasters General for Employee and Labor Relations report to the Regional Postmasters General for administrative purposes. Direction is provided them by the Senior Assistant Postmaster General, Employee and Labor Relations.

(3) In addition to the four departments, there are within each Regional Postmaster General's office, a Regional Counsel, and an Office of Communications which is headed by a Director. The Regional Counsel and the Director, Communications each report directly to the Regional Postmaster General.

(b) (1) Postal Regions are composed of Districts headed by Distrct Managers whose organizational units are in turn composed of Sectional Centers headed by Sectional Center Managers.

(2) Each District Manager reports to the Regional Postmaster General, and has line responsibility for postal operations (except those reserved to Headquarters) in the Sectional Centers within his area.

(3) Each sectional Center Manager reports to a District Manager, and has line responsibility for postal operations (except those reserved to Headquarters) at offices within his Sectional Center.

(c) *Postal Data Centers.* There are six Postal Data Centers, each under a Director who is responsble for:

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(1) Accounting, disbursing, and data processing for assigned areas.

(2) Adjudication of claims pursuant to authority delegated to him by the senior Assistant Postmaster General, Finance.

(d) For a detailed statement of the organizaton of the Postal Regions see Part 225 of this subchapter.

§ 221.9 Conversion of terms.

(a) In any regulation of the Postal Service outside Parts 211, 221, 222, 223, 224, 225, 226, and 235 of this subchapter, unless the content otherwise requires, references to the: (1) Senior Assistant Postmaster General Customer Services with regard to matters concerning advertising, customer marketing, product development, international postal affairs, and the Consumer Advocate, shall be deemed to mean the Senior Assistant Postmaster General, Administration; (2) Senior Assistant Postmaster General, Customer Services with regard to matters concerning delivery services, shall be deemed to mean the Senior Assistant Postmaster General, Operations; (3) Senior Assistant Postmaster General, Executive Functions with regard to matters concerning consumer affairs, planning, philatelic affairs, and the Judicial Officer, shall be deemed to mean Senior Assistant Postmaster General, Administration; (4) Senior Assistant Postmaster General, Executive Functions, with regard to matters concerning public information and communications, shall be deemed to mean the Assistant Postmaster General, Public and Employee Communications; (5) Senior Assistant Postmaster General, Executive Functions, with regard to matters concerning Government relations, shall be deemed to mean Assistant Postmaster General, Government Relations; (6) Senior Assistant Postmaster General, Mail Processing with regard to matters concerning architect-engineer, construction, and real estate contracting shall be deemed to mean Senior Assistant Postmaster General, Administration; (7) Senior Assistant Postmaster General, Mail Processing, with regard to matters concerning engineering, shall be deemed to mean Senior Assistant Postmaster General, Administration; (8) Senior Assistant Postmaster General, Mail Processing, with regard to matters concerning bulk mail, delivery services, and logistics shall be deemed to mean the Senior Assistant Postmaster General, Operations; (9) Senior Assistant Postmaster General, Support, with regard to matters concerning procurement, shall be deemed to mean Senior Assistant Postmaster General, Administration; (10) Senior Assistant Postmaster General, Support, with regard to matters concerning finance, management information, and management services shall be deemed to mean Senior Assistant Postmaster General, Finance; (11) Senior Assistant Postmaster General, Support with regard to matters concerning employee or labor relations, shall be deemed to mean Senior Assistant Postmaster General, Employee and Labor Relations; (12) Deputy Postmaster General with regard to functions of that office concerning liaison with the Postal Regions shall be deemed to mean Senior Assistant Postmaster General, Operations.

PART 222—DELEGATIONS OF AUTHORITY

Sec.

222.1 Authority for delegation.
222.2 Media of delegation.
222.3 Contents of delegations.
222.4 Redelegation.
222.5 Authority to approve personnel actions and administer oaths of office for employment.
222.6 Authority to administer oaths other than for employment.
222.7 Authority to designate certifying officers—Headquarters.
222.8 Authority to designate certifying officers—Field.
222.9 Delegation of authority to the Senior Assistant Postmaster General, Support Group.

AUTHORITY: The provisions of this Part 222 issued under 39 U.S.C. 203, 204, 401(2), 402, 403, 404, 409 as enacted by Public Law 91-375, 84 Stat. 719.

§ 222.1 Authority for delegation.

(a) The Postmaster General is empowered to authorize any employee or agency of the Service to exercise any function vested in the Postal Service, in him, or in any other Postal Service employee.

(b) The Deputy Postmaster General is the full alternate to the Postmaster General.

(c) When, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General can act as Postmaster General, the first available official on the following list will do so as acting Postmaster General:

(1) Senior Assistant Postmaster General, Administration;

(2) Senior Assistant Postmaster General, Operations.

(d) The Postmaster General has been authorized by the Board of Governors to exercise the powers of the Postal Service to the full extent that such exercise is lawful. See §§ 3.9 and 5.3 of this chapter.

(e) The Executive Assistant for Postal Affairs, the Senior Assistant Postmasters General, the General Counsel, the Chief Inspector, the Judicial Officer, the Assistant Postmaster General, Government Relations Department, and the Assistant Postmaster General, Public and Employee Communications Department, act for the Postmaster General on assigned matters. Each of these officers is authorized to exercise the powers and functions of the Postal Service under the Postal Reorganization Act, in respect to matters within the area of his responsibility, except as limited by law or by the specific terms of his assignment.

(f) Each head of a department or office who reports to a Senior Assistant Postmaster General is authorized to exercise the powers and functions of that Senior Assistant Postmaster General within the area of responsibility of his department or office, except as such authority may be reserved or rescinded by the Senior Assistant Postmaster General or is limited by law or the terms of his specific assignment.

§ 222.2 Media of delegation.

(a) All delegations of authority shall be issued through official directives.

(b) Headquarters or regional officials shall not orally authorize postmasters to deviate from published instructions, except in emergencies. An oral authorization shall be confirmed by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as irregularities any improperly authorized deviations observed in the course of office inspections.

§ 222.3 Contents of delegations.

(a) Delegations of authority shall ordinarily be made by position title rather than by name of the individual involved. An officer or executive acting in the absence of a principal has his principal's full authority.

(b) When authority is delegated to an officer, the officers above him shall have the same authority. Delegated authority shall not extend to aides except when an aide serves on an acting basis (see paragraph (a) of this section) or unless the aide is specifically authorized by his superior to exercise such authority.

(c) A delegation must accord with the law and regulations under which it is made and contain such specific limiting conditions as may be appropriate.

§ 222.4 Redelegation.

(a) Except as otherwise prohibited by law, or by a regulation that expressly prohibits redelegation, or by the terms of the delegation:

(1) The head of a group, department, or office at Headquarters is authorized to redelegate any authority vested in him.

(2) A Regional Postmaster General or head of a regional department, division, or branch is authorized to redelegate any authority vested in him subject to the condition that redelegation to members of a regional staff must be consistent with the then current regional organizational structure.

(3) A District Manager, is authorized to redelegate, subject to or within guidelines issued by the Regional Postmaster General, any authority vested in him provided that the redelegation is consistent with the current organizational structure.

(4) A Director, Postal Data Center, is authorized to redelegate any authority vested in him.

(5) Heads of Sectional Center facilities and other field installations are authorized to redelegate to members of their respective staffs any authority vested in them.

§ 222.5 Authority to approve personnel actions and administer oaths of office for employment.

(a) *Delegation.* The following are authorized to effect appointments, administer oaths, and take other personnel actions:

(1) Senior Assistant Postmaster General, Employee and Labor Relations, Assistant Postmasters General, Employee and Labor Relations Departments;

(2) Chief Inspector;

(3) Regional Chief Inspectors;

(4) Inspectors-in-Charge;

(5) Regional Postmasters General;

(6) Heads of postal field installations including those reporting directly to specified departments in Headquarters or to Regional Postmasters General;

(7) Officials occupying personnel services postitions PMS–9 and above and PES positions when their positions include responsibility for functions such as recruitment, appointments, placement, position changes and separations, and related personnel processing.

(b) *Personnel actions for employees of "other installations."* As specifically authorized by either the Senior Assistant Postmaster General, Employee and Labor Relations or a Regional Postmaster General, officers and employees listed in paragraph (a) of this section may approve personnel actions for employees in offices or installations other than their own as a cross-service, as a central personnel office, or on a special need basis.

§ 222.6 Authority to administer oaths other than for employment.

The following are authorized to administer oaths concerning matters other than employment:

(a) Postal inspectors with regard to any matter coming before them in the performance of their official duties;

(b) Any member of a board who is assigned to conduct hearings or investigations in which sworn testimony, affidavits, or depositions are required and each officer or employee assigned to conduct such hearings or investigations;

(c) Postmasters. See § 244.2 of this chapter.

§ 222.7 Authority to designate certifying officers—Headquarters.

(a) *Delegation.* The following are authorized to designate certifying officers at Headquarters for the items specified:

(1) The Chief Inspector, for: (i) Payment from his special deposit account; (ii) disbursements for rewards based on Postmaster General Notices of Reward; (iii) payments from confidential funds; (iv) salary payments for Special Investigations Division; (v) advances of funds for confidential purposes; (vi) inspection service, travel advances, transportation of things; and (vii) payments for special analyses and services.

(2) The General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2603.

(3) The Senior Assistant Postmaster General, Finance, certifies all payments not covered by subparagraphs (1) and (2) of this paragraph.

(b) *Redelegation.* The officials named in paragraph (a) of this section are authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the appropriate Postal Data Center disbursing officer and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—*(1) *Inspection Service and Law Department.* Officials authorized to designate certifying officers (see paragraph (a) of this section) will complete SF 210, Signature Card for Certifying Officer, in duplicate for each Postal Data Center disbursing officer affected to show:

(i) Name of department for which vouchers will be certified.

(ii) Signature of certifying officer written exactly as he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) The official's signature and effective date.

(2) *Other departments and offices.* Other departments and offices requiring certifying officers will complete SF 210 in duplicate as prescribed in subparagraph (1) of this paragraph, except for signature and date. Both copies will be sent to the Senior Assistant Postmaster General, Finance.

(3) *Submitting SF 210 to Postal Data Center disbursing officers.* The Chief Inspector, the General Counsel, and the Senior Assistant Postmaster General, Finance, or their designees shall send signed originals of SF 210 to each of the disbursing officers affected and retain duplicates. These documents will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each group, department and office must keep current its designation of authorized certifying officers. When new or additional designations are made, the procedures for designating certifying officers contained in this § 212.7 shall be followed.

§ 222.8 Authority to designate certifying officers—Field.

(a) *Delegation.* The following are authorized to designate certifying officers in Postal Data Centers and Inspection Service regions and divisions:

(1) The Chief Inspector, for obligations of the Inspection Service.

(2) Postal Data Center Directors for obligations of all other regional functions.

(3) The New York Postal Data Center Director for obligations for Headquarters functions except those under § 222.7(a) (1) and (2) and those certified by the Senior Assistant Postmaster General, Finance, or his designee.

(b) *Redelegation.* The officials named in paragraph (a) of this section are authorized to redelegate their authority to designate certifying officers. Redelegations shall be by letter to each disbursing officer affected, with the specimen signature of the person to whom authority is redelegated.

(c) *Designating certifying officers—*(1) *Regional Chief Inspectors and Inspectors-in-Charge.* Regional Chief Inspectors and Inspectors-in-Charge are designated certifying officers, as limited by the Chief Inspector. They are authorized to designate certifying officers for obligations incurred by the Inspection Service. They will complete SF 210, Signature Card for Certifying Officer, in duplicate to show:

(i) Inspection Service region or division for which vouchers will be certified.

(ii) Signature of certifying officer written in the same manner that he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) Signature of the designating official and effective date. Regional Chief Inspectors and Inspectors-in-Charge are not authorized to redelegate their authority to designate authorized certifying officers.

(2) *Postal Data Center Directors.* Officers under direction of Postal Data Center Directors will complete SF 210 in duplicate as in paragraph (c) (1) of this section except for signature and date. Both copies will be sent to the appropriate Postal Data Center Director for completion.

(3) *Submitting SF 210 to disbursing officer.* The Regional Chief Inspector, Inspector-in-Charge, and Postal Data Center Director (or his designees) will send the originals of SF 210 to each disbursing officer affected and keep the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each office under jurisdiction of the officials named in § 222.8 must keep current its designation of authorized certifying officers. When new additional designations are made, this § 222.8 shall be followed.

§ 222.9 Delegation of authority to the Senior Assistant Postmaster General, Finance.

(a) *Delegation.* The Senior Assistant Postmaster General, Finance, may take final action in his own name on:

(1) Claims for overpayment of pay.

(2) Relief of accountable officers of liability for loss.

(3) Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(4) Certifying officers' accountability.

(5) Deposit to and withdrawal from Postal Service fund.

(6) Collection of debts due the Postal Service with the exception of those falling under the jurisdiction of the Chief Inspector.

(7) Adjustment of claims of postmasters and Armed Forces postal clerks, including the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty, with concurrence by the General Counsel is cases involving doubtful questions of law or fact.

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(b) *Redelegation.* The Senior Assistant Postmaster General, Finance, is authorized to redelegate all or part of the authority vested in him by paragraph (a) of this section to such other officers or executives as he may deem appropriate.

PART 223—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
223.1 Relationships.
223.2 Channels of communication.

AUTHORITY: The provisions of this Part 223 issued under 39 U.S.C. 203, 204, 401(2), 402, 403, 404, as enacted by Public Law 91-375, 84 Stat. 719.

§ 223.1 Relationships.

(a) *Between Headquarters, Postal Regions, and Postal Data Centers.* Each Headquarters group, department, and office shall provide guidance and policy interpretation to regional officials in its area of responsibility, except that the Employee and Labor Relations Group provides policy direction to the Assistant Regional Postmasters General for Employee and Labor Relations. The Finance Group shall provide guidance and policy interpretation to Postal Data Centers.

(b) *Between Postal Region Offices and District Offices.* The Regional Postmaster General shall provide guidance and direction to the respective Metropolitan Center, Metropolitan Area and District Managers within his region with the assistance of Assistant Regional Postmasters General and their staffs in their areas of specialization.

(c) *Between District Offices and Sectional Centers.* The District Managers and staffs shall provide guidance and direction to their respective Sectional Center Managers for the guidance of Postmasters under their respective jurisdictions. The Sectional Center Managers will provide guidance and direction to their respective associate Postmasters.

§ 223.2 Channels of communication.

(a) *Headquarters and Postal Region Offices.* (1) The heads of groups, departments, and offices formulate the necessary directives to provide guidance to regional officials. Direction of regional officials is provided on employee and labor relations matters by the Senior Assistant Postmaster General, Employee and Labor Relations, and on other matters by the Senior Assistant Postmaster General, Operations.

(2) Policy directives shall be issued over the signatures of the heads of the groups, departments, and offices covering matters within their responsibility, except when the Postmaster General or Deputy Postmaster General may wish to issue such directives personally. Policy directives shall be coordinated with other appropriate groups, departments and offices before issuance and reviewed and disseminated by the Senior Assistant Postmaster General, Finance, and, if within the authority of the issuer, shall have the same effect as though sent by the Postmaster General or the Deputy Postmaster General.

(3) Guidelines and program implementation instructions and procedures not involving policy shall ordinarily be issued over the signature of the group, department, or office head having jurisdiction.

(4) Regional staff officials may communicate directly with the corresponding functional group, department, or fice in Headquarters on matters within their area of jurisdiction. In addition, where authorized, they may also directly contact supporting Headquarters departments such as Law Department, Inspection Service, and Public and Employee Communications Department on technical matters not requiring administrative judgment of the Regional Postmaster General.

(b) *Postal Region Offices and Postal Installations.* The regular channels of communication are:

(1) Associate Office Postmasters, to and from Sectional Center Postmasters;

(2) Sectional Center Postmasters, to District Managers;

(3) District Managers to and from their Regional Postmasters General;

(4) Heads of other Postal Installations, to and from their designated superiors as appropriate.

(c) *Headquarters, Postal Region Offices, and other Postal Installations with Postal Data Centers.* (1) The Finance Group provides the necessary directives to the Postal Data Centers. All other Headquarters communications to and from the Postal Data Centers shall be coordinated with the Finance Group. The Law Department and the Postal Data Centers shall maintain direct contact on matters relating to professional and policy guidance on claims.

(2) Postal Region Offices and Postal Data Centers may communicate directly with each other.

(3) Other Postal Intallations and Postal Data Centers may communicate directly on routine accounting matters. All other communications shall be coordinated with the regional staff.

PART 224—GROUPS AND DEPARTMENTS

Sec.
224.1 Administration Group.
224.2 Employee and Labor Relations Group.
224.3 Finance Group.
224.4 Operations Group.
224.5 Law Department.
224.6 Inspection Service.
224.7 Government Relations Department.
224.8 Public and Employee Communications Department.
224.9 Policy Matters.
224.10 Executive Assistant for Postal Affairs.

AUTHORITY: The provisions of this Part 224 issued under 30 U.S.C. 203, 204, 401(2), 402, 403, 404, and 409.

§ 224.1 Administration Group.

(a) The Administration Group supervises and has responsibility for the following functions: Procurement and supply, real estate and buildings, planning, research and engineering, customer services and the Judicial Officer.

(b) The Senior Assistant Postmaster General, Administration, participates in the planning and budget process and reviews and evaluates the budget requests of each region for the areas of his responsibility.

(c) In addition to the Judicial Officer, the Administration Group is divided into five departments. The head of each of these five departments and the Judicial Officer report to the Senior Assistant Postmaster General, Administration. The components of the Administration Group are:

(1) *Procurement and Supply Department.* The Procurement and Supply Department is headed by the Assistant Postmaster General, Procurement and Supply. It exercises policy authority over procurement activities in general, including those areas which are common to both mail transportation, the real estate and buildings functions, and other types of procurement, but excluding those issues which by reason of law or custom are unique to mail transportation contracting, or the real estate and buildings function. It is responsible for the direction and review of all procurement activities in the field and at Headquarters except mail transportation contracting and the real estate and buildings function. It publishes and maintains a Postal Contracting Manual containing procurement regulations covering all procurement activities of the Postal Service. It manages Headquarters operating services, including printing, library, telephone switchboard, and Headquarters building maintenance and repair. It controls and administers supplies and inventories for the entire Postal Service.

(2) *Real Estate and Buildings Department.* The Real Estate and Buildings Department is headed by the Assistant Postmaster General, Real Estate and Buildings. It has overall responsibility, including the issuance of policies and procedures, for the acquisition, construction, maintenance, modification, management, and disposition of postal facilities, and for all real estate transactions.

(3) *Research and Engineering Department.* The Research and Engineering Department is headed by the Assistant Postmaster General, Research and Engineering. It is responsible for providing engineering services to support postal operations. It also is concerned with development of new techniques and has overall responsibility for the research and advanced development work done by the Postal Service. It is responsible for keeping abreast of and evaluating state-of-the-art concepts for application to Postal Service requirements, and for maintaining contact with top level representatives of industry, education, appropriate Government agencies, and foreign postal services to obtain new concepts, ideas, and approaches related to postal research and development. It conducts original research to develop and evaluate state-of-the-art concepts and approaches to mechanization and methods for collection, processing, transportation, and delivery of mail. It is also responsible for design and development of new equipment based on state-of-the-art technology. It operates the Postal Laboratory, conducting all phases of research up to and including simulated live-mail testing environment, and also conducts research with regard to preferential mail.

(4) *Planning Department.* The Planning Department is headed by the Assistant Postmaster General, Planning. It is responsible for business planning and strategic studies. It has the principal responsibility for insuring that comprehensive and effective plans are developed. This includes: Assisting top management in developing goals and objectives; assuring that supporting plans are developed to meet approved objectives; and measuring progress in the attainment of approved plans and objectives. It is also responsible for identifying alternative business and for conducting studies on which to base recommendations.

(5) *Customer Services Department.*

(i) The Customer Services Department is headed by the Assistant Postmaster General, Customer Services. It has overall responsibility for all of the retail, marketing, and customer contact activities of the Postal Service. It carries out all of the product management functions, including the development and implementation of marketing programs, market reseach, and product development. It has program planning and field support responsibilities for customer cooperation activities. This includes programs for both the general public and major customers. It also has management responsibilities for merchandising programs. Other responsibilities include advertising, philatelic affairs, the design of postal lobbies, developing new forms of lobby equipment and improving present work methods in these areas. The Department also evaluates service levels.

(ii) The Customer Services Department's responsibilities include activities in the following areas:

(A) *Consumer Advocate.* The Consumer Advocate is the spokesman for the individual mail user. He provides an independent evaluation of mail service to the individual customer. He also expedites action on customer inquiries and complaints and is responsible for seeing that the responsible office takes corrective action. He makes recommendations for policy changes to improve the individual user's mail service and acts as liaison with consumer groups.

(B) *Customer Marketing.* The Customer Services Department is responsible for developing customer cooperation programs for mail users, developing program objectives, and setting cost savings targets for programs directed at large postal customers, such as presort and mail early. It provides staff guidance for regional services and sales staffs and customers service representatives in the field through sales methods, presentation kits, prototype sales letters, computerized ZIP code lists, and other support materials directed at large mailers. In conjunction with the Employees and Labor Relations Group, it develops and carries out sales training programs for both the regional direct sales forces and the customer service representatives in the field. It directs the work of a small direct sales force in Washington which sells postal services to businesses and other Government agencies, coordinating this effort with the field sales force. In conjunction with the Public and Employee Communications Department, it develops and executes a comprehensive program of cooperation from the general public; develops cost savings objectives; establishes promotional budgets; and secures advertising for such programs as ZIP code and Christmas mail early. It develops educational and promotional support materials such as ZIP code manuals. It is responsible for the National Postal Forum and activities of the Postmaster General's Mailers Technical Advisory Committee. It maintains the principal marketing and sales contact with associations and industry officials at the national level necessary to support marketing and sales objectives. It has broad responsibility for all of the Postal Service's retail requirements, contract stations, self-service and automated postal units, and merchandising. It establishes policies relating to the use of the Postal Service retail network and has overall budget review and program planning responsibility. It determines what products and services, in addition to postal products, will be offered to the public through the system. It develops national retail merchandising and promotion programs, lobby exhibits and graphic design for lobbies, and directs the national program for customer counter services. It is responsible for customer support equipment, and in conjunction with the Research and Engineering Department, for developing such alternatives to traditional window service as self-service units, and all retail locations outside traditional post office lobbies. It develops and tests new and improved vending equipment. In conjunction with the Employee and Labor Relations Group, it develops training programs and designs uniforms for window service personnel and develops policies relating to stock supply and credits.

(C) *Product Development.* The Customer Services Department has responsibility for developing new postal products, modifying current ones, and executing marketing programs for all products. It defines customer service policies and other product characteristics, works with the Finance Department to develop pricing recommendations for each postal product, and directs the work of product managers who have broad responsibility for day-to-day business of each product. This includes: setting sales volume objectives and monitoring performance against these objectives in conjunction with the Headquarters and field sales forces; and monitoring product profit and loss and recommending areas for improvement. To assist in establishing marketing programs, it supervises a market research function which carries out (or obtains from contractors) market studies to measure customer reaction to present and proposed postal products and product concepts. It also maintains a product development staff responsible for revising current products and developing new ones, and directs the work of product promotion.

(D) *Advertising.* The Customer Services Department establishes, in conjunction with the Public and Employee Communications Department, product marketing plans, including the formulation of advertising and promotion strategies, programs and budgets; and develops advertising, in concert with the Public and Employee Communications Department.

(E) *Philatelic Affairs.* The Customer Services Department is responsible for the Postal Service's philatelic program. See Part 257 of this chapter for a description.

(F) *International Postal Affairs.* International Postal Affairs within the Customer Services Department represents the U.S. Postal Service in its relationships with other countries and with international postal organizations, such as the Universal Postal Union and the Postal Union of the Americas and Spain. Working with other functional areas, it develops and recommends U.S. policy and positions on proposals of foreign governments submitted to postal congresses, prepares and recommends U.S. proposals, and negotiates postal agreements with other countries. It maintains liaison with other Government agencies, such as the State Department, on non-operational international mail matters. It assigns international postal matters to functional areas for statements of policy or recommendations of policy, reports or correspondence, particularly in the areas of international rates and classification, international money orders, logistics, and parcel post. It directs the foreign visitor programs; develops training programs for visiting postal study groups; maintains liaison with the Agency for International Development on the training of participants from other countries; and directs the international personnel exchange program. It is responsible for protocol in dealing with foreign visitors and for translations of foreign materials.

(6) *Judicial Officer.* (i) The Judicial Officer is an independent officer, located within the Administration Group, who performs quasijudicial and other functions. He administratively supervises hearing examiners and hears appeals from their decisions. He serves with them on the Board of Contract Appeals, of which he is exofficio Chairman.

(ii) The Judicial Officer has authority to:

(A) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 3001(a), 3003, 3004, 3005, and 3007 of title 39. United States Code, appeals from administrative denial, suspension or revocation of second-class

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mail permits, administrative proposals to refuse to rent, to renew the rental of, or to close a post office box and other proceedings authorized by Postal Service regulations to be brought before the Administrative Law Judge or the Judicial Officer:

(B) Modify, suspend, or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties vested in the Postmaster General and the Postal Service with respect to the matters covered by subparagraph A of this paragraph;

(C) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in rules of practice, and issue a tentative decision in such cases;

(D) Revise or amend the rules governing eligibility to practice before the Postal Service and to revise or amend the Postal Service rules of practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. chapters 5 and 7) and in other proceedings in which the Judicial Officer is authorized to execute a final decision and order;

(E) Name and delegate authority to an Acting Judicial Officer;

(F) Exercise jurisdiction over the Administrative Law Judge for administrative purposes only, but not to direct or participate in the initial decision of Administrative Law Judges in any proceeding:

(G) Exercise such other authority as may be delegated to him.

(iii) Decisions and orders of the Judicial Officer made under the delegated authority shall be the final Postal Service decisions and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer does not determine the constitutionality of statutes nor the validity of Postal Service regulations. The Law Department and the Postal Inspection Service do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

(iv) Office of Administrative Law Judge: (A) Administrative Law Judges are appointed and qualified as prescribed by law. They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits and other proceedings as provided by Postal Service regulations.

(B) Initial decisions prepared by Administrative Law Judges become final Postal Service decisions unless an appeal is taken to the Judicial Officer. Administrative Law Judges do not determine the constitutionality of statutes nor the validity of Postal Service regulations.

(C) The Administrative Law Judges are under the jurisdiction of the Judicial Officer for administrative purposes only, in the same manner as are Administrative Law Judges assigned to independent regulatory commissions.

(v) Board of Contract Appeals: (A) The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the Postal Service of the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Postal Service.

(B) The Board of Contract Appeals for the Postal Service is composed of the Judicial Officer, who is the permanent chairman; the Chief Administrative Law Judge, who shall be a permanent member; and one of the Administrative Law Judges of the Postal Service, appointed pursuant to law and designated by the Judicial Officer on an acting basis.

§ 224.2 Employee and Labor Relations Group.

(a) The Employee and Labor Relations Group is headed by the Senior Assistant Postmaster General. Employee and Labor Relations, who reports to the Postmaster General. It provides direction and authority for all matters pertaining to employee relations throughout the Postal Service. It directs the development, implementation, and auditing of employee relations plans, policies, standards, and procedures. It establishes broad employee relations policy for the Postal Service in the areas of labor relations, employee services, and manpower planning and development. It represents and takes final action for the Postmaster General in all employee relations matters including negotiating for the Postal Service in collective bargaining with the postal unions. It directs the administration of collective bargaining agreements and negotiated grievance procedures. It directs the implementation of the National Labor Relations Act and applicable executive orders and directives pertinent to employee relations matters. It directs the development and maintenance of a strong auditing system for assuring compliance with established employees relations policy throughout the Postal Service. It directs an organization and manpower planning program to serve each postal unit in establishing the proper "table of organization" and to improve the operating effectiveness of these units through management and career development, skills training, and professional development. In this connection, it organizes and manages field training and management development installations. It establishes and maintains a manpower information system to provide accurate data in manpower planning, staffing, and other employee relations matters. It directs the administration of all employee services throughout the Postal Service which includes wage and salary administration and benefits, recruiting and staffing, personnel services, accident prevention, and occupational health services. It directs an employee communications program in conjunction with the Public and Employee Communications Department to keep the employees informed of plans, programs, and newsworthy items of interest to a well-informed postal worker. It is responsible for the day-to-day implementation of equal employment opportunity affirmative action within the Postal Service. It supervises employee relations research activities to establish or change personnel programs or procedures or to evaluate their effectiveness. It provides direction and authority for all matters concerning job evaluation throughout the Postal Service. It is also responsible for all matters pertaining to headquarters personnel facilities.

(b) As head of the Employee and Labor Relations Group, the Senior Assistant Postmaster General, Employee and Labor Relations, is responsible for the initiation, development, implementation, direction, administration and execution of all matters pertaining to employee and labor relations throughout the U.S. Postal Service.

(c) The Employee and Labor Relations Group is divided into two departments whose heads report to and are responsible for compliance with the directives and assignments of the Senior Assistant Postmaster General, Employee and Labor Relations Group:

(1) *Employee Relations Department.* The Employee Relations Department is headed by the Assistant Postmaster General for Employee Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to employee relations throughout the Postal Service. Generally it is concerned with matters and employees not covered by collective bargaining agreements.

(2) *Labor Relations Department.* The Labor Relations Department is headed by the Assistant Postmaster General for Labor Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to labor relations throughout the Postal Service. Generally it is concerned with matters involved in the negotiation and implementation of collective bargaining agreements.

§ 224.3 Finance Group.

(a) Three functions that provide financial and management support for postal activities are included in the Finance Group headed by the Senior Assistant Postmaster General, Finance, who reports to the Postmaster General.

(b) The Finance Group is divided into two departments and one office, heads of which report to the Senior Assistant Postmaster General, Finance. The Finance Group departments and office are:

(1) *Finance Department.* The Finance Department is headed by the Assistant Postmaster General, Finance. It is divided into the offices of the Controller and Treasurer and the Office of Rates and Classification. It is responsible for forecasting and meeting the Postal Service's requirements for long term capital and short term borrowing. It invests the funds of the Service and prescribes and monitors practices governing cash management. It works with other officials in developing credit management policies. The Finance Department designs and maintains the Postal Service rate structure, develops and administers standards and procedures relating to mail classification, cost analysis and attribution, and related functions, and makes and defends recommendations to the Postal Rate Commission in conjunction with the Law Department. The Finance Department develops the systems and specifies the standards and schedules for the Postal Service's budget process. It analyzes budget requests and makes recommendations to the Postmaster General on budget levels. It continually analyzes Postal Service performance against operating plans. The Finance Department develops accounting policy and procedures. It operates the financial reporting program and maintains accounting controls throughout the Service. It provides the basic processing services associated with the money order program and assists the Customer Services Department in developing money order program policy.

(2) *Management Information Systems Department.* The Management Information Systems Department is headed by the Assistant Postmaster General, Management Information Systems. It is concerned with automatic data processing, statistical programs, information requirements, and reports. It is responsible for the prompt delivery of information on field activities to postal management. It is also responsible for the management of records and correspondence. It provides automatic data processing and statistical support to management and assists other departments of the Postal Service in determining their information needs. It specifies controls on use, modification, or implementation of information systems, including manual and automated systems. It is responsible for providing the Automatic Data Processing facilities required for operating Postal Service Information Systems. The Postal Service Records Officer, located within the Management Information Systems Department, is responsible for the establishment of records retention schedules and has the authority to authorize the disposal of records by destruction or transfer.

(3) *Office of Management Services.* The Office of Management Services is headed by the Director of Management Services. It serves as the principal advisor and central analytical staff on organization matters and the evaluation and design of management systems and services. It plans and conducts servicewide studies of organization and management systems; it recommends changes to correct identified management deficiencies and designs and installs improved management systems and methods. It designs and administers a servicewide directives and publications distribution program and conducts special systems studies as directed. It is responsible for the development and operation of a servicewide management improvement program and maintains liaison with other Federal agencies and private industry with regard to advanced management techniques.

§ 224.4 Operations Group.

(a) The Operations Group is headed by the Senior Assistant Postmaster General, Operations, who reports to the Postmaster General. It has overall responsibility for all aspects of mail processing operations within the Postal Service. This responsibility includes the collection, distribution, processing, and delivery functions, and the transportation of mail throughout the Postal Service. It establishes and evaluates mail processing policies. It has responsibility for the operation of the bulk mail program and network and transportation between the bulk mail facilities. It is responsible for insuring the achievement of service standards on a consistent basis.

(b) The heads of the Postal Regions report to the Senior Assistant Postmaster General, Operations.

(c) The Operations Group is divided into three departments whose heads report to the Senior Assistant Postmaster General, Operations:

(1) *Bulk Mail Processing Department.* The Bulk Mail Processing Department is headed by the Assistant Postmaster General, Bulk Mail Processing. It is concerned with the processing of bulk mail. It has overall responsibility for the management of bulk mail processing operations throughout the Postal Service. It provides central staff support to Regional Postmasters General for bulk mail operations and has staff capability in the areas of systems, equipment and facility engineering; distribution procedures and mail handling; industrial engineering, plant and equipment maintenance and performance appraisal. It also has responsibility for monitoring the productivity performance of the bulk mail processing operations of the Regions. In addition, it has direct responsibility for bulk mail installations as assigned by the Senior Assistant Postmaster General, Operations. In this regard, it exercises direct supervision over and is responsible for review and evaluation of the individual bulk mail facility plans and budgets.

(2) *Delivery Services Department.* The Delivery Services Department is headed by the Director, Delivery Services. It has overall responsibility for the national postal collection and delivery program including fleet management and establishes national collection and delivery policy and standards as they relate to published product characteristics. It establishes policy and develops programs for using the postal delivery system. It has national program planning and budget responsibility, and conducts cost benefit analyses of the entire postal delivery program, recommending potential areas for cost reductions and improvement. It has overall staff responsibility for all employees engaged in the delivery of mail and associated operational functions. In conjunction with the Employee and Labor Relations Group, it develops training programs with respect to delivery employees and specifies uniform and equipment requirements. It works in cooperation with the Research and Engineering Department to develop safety equipment. It is responsible for the design of and experimentation with carrier vehicles and for specifying and compiling vehicle requirements. As part of its program management efforts, it is responsible for developing, testing, and implementing alternate means of delivery and for establishing improved work methods and designs relating to present delivery techniques. To accomplish these two functions, it directs developmental and industrial engineering staffs which develop and evaluate prototype equipment and originate improved delivery techniques or monitor contracts for these services. It has operational responsibility for the delivery of mail in post offices, stations, and branches, and those operational functions associated with this activity, such as lock-box, caller, and firm delivery services; delivery facility requirements; and delivery distribution mechanization.

(3) *Logistics Department.* The Logistics Department is headed by the Director, Logistics. It exercises policy authority over procurement issues which by reason of law or custom are unique to mail transportation contracting. It has overall responsibility for the direction of all mail transportation and distribution within the Postal Service to foreign countries, and to and between military installations outside the United States, and is responsible for all types of engineering necessary to support present mail processing operations. It plans and develops a national mail transportation and routing system and monitors performance of each region with respect to achievement of transportation and processing standards and productivity goals. It is also responsible for budget review and approval for all mail processing and transportation activities not designated as part of the preferential or the bulk mail networks.

§ 224.5 Law Department.

(a) The Law Department is headed by the General Counsel, who reports directly to the Postmaster General.

(b) The Law Department:

(1) Serves as legal advisor to the Postmaster General, the Deputy Postmaster General, and the entire Postal Service; this includes making rulings, giving advisory opinions, drafting or approving legal instruments, and representing the Service in administrative proceedings and in judicial proceedings as authorized;

(2) Interprets laws in relation to the Postal Service;

(3) Institutes and maintains administrative proceedings in the consumer protection area;

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(4) Prepares the legislative program of the Postal Service, and prepares and submits reports and testimony on all legislation introduced in Congress that would affect the Postal Service;

(5) Is responsible for publication of regulations in the FEDERAL REGISTER;

(6) Manages the regional and field programs that are under the jurisdiction of the General Counsel and operates directly the field program in the area of labor relations law;

(7) Administers activities under the Tort Claims Act, and other personal injury and physical loss claims;

(8) Maintains liaison with other elements of the Government on legal matters and determines questions concerning legal relations between the Postal Service and Government agencies;

(9) Renders legal services concerning labor relations and standards, employment policy, and personal security;

(10) Furnishes legal support in connection with all procurement and contracting activities;

(11) Performs legal services in connection with proceedings before the Postal Rate Commission;

(12) Acts as agent for the receipt of legal process on behalf of the Postal Service and the Postmaster General and other Headquarters officials resulting from the performance of their official functions;

(13) Provides legal services in connection with denials and revocations of second-class mailing privileges in proceedings before hearing examiners and the Judicial Officer;

(14) Represents Postal Service Contracting Officers before the Board of Contract Appeals;

(15) Administers the Ethical Conduct Program; and

(16) Interprets postal treaties and conventions.

§ 224.6 Inspection Service.

The Inspection Service is headed by the Chief Inspector, who reports directly to the Postmaster General. The Inspection Service is responsible for protection of the mails, enforcement of postal laws, plant and personnel security, postal inspection, and internal audits. The Inspection Service, in accordance with applicable policies, regulations, and procedures, carries out investigations and presents evidence to the Department of Justice and U.S. attorneys in investigations of a criminal nature. It also undertakes operating inspections and audits for the Postal Service. The Chief Inspector acts as security officer and defense coordinator for the Postal Establishment, maintaining liaison with other investigative and law enforcement agencies of the Government.

§ 224.7 Government Relations Department.

The Government Relations Department is headed by the Assistant Postmaster General, Government Relations who reports directly to the Postmaster General. It is responsible for cooperation between the U.S. Postal Service and Members of Congress, other Federal agencies within the executive branch, the White House, and other officials at all levels of State and local government. It advises Postal Service officials on legislative and other policy matters in public areas involving congressional committees or individual Congressmen. It maintains liaison with Members of Congress and their staffs for the purpose of consulting and providing information as requested on specific legislation and on Postal Service policies and operations, and (except for the Law Department, as to matters within its responsibility) is the Postal Service's spokesman in this regard.

§ 224.8 Public and Employee Communications Department.

The Public and Employee Communications Department is headed by the Assistant Postmaster General, Public and Employee Communications, who reports directly to the Postmaster General. It is responsible for the interchange of information with employees and the public and for assuring that all information disseminated is consistent with management policies and practices.

§ 224.9 Policy matters.

The Senior Assistant Postmaster General for Policy Matters, who reports directly to the Postmaster General. He acts as a senior policy advisor to the Postmaster General on major matters of paramount concern. He performs such special functions as directed by the Postmaster General. He reports directly to the Postmaster General.

§ 224.10 Executive Assistant for Postal Affairs.

The Executive Assistant for Postal Affairs is a principal advisor to the Postmaster General on matters of the highest level involving organization, administration, and policy formulation and promulgation. He performs such special functions as directed by the Postmaster General. He reports directly to the Postmaster General. He also serves as secretary to the Executive Committee. See § 221.6(d) of this chapter.

PART 225—POSTAL REGIONS

Sec.

225.1 Designation of Postal Regions.
225.2 Regional Postmasters General.
225.3 Regional Mail Processing Department.
225.4 Regional Customer Services Department.
225.5 Regional Support Department.
225.6 Regional Employee and Labor Relations Department.
225.7 Regional Office of Communications.
225.8 Regional Counsel.
225.9 District Managers.
225.10 Conversion of Terms.

AUTHORITY: The provisions of this part 223 issued under authority of 39 U.S.C. 201, 401, 402, 403, 404 as enacted by Public Law 91-375, 84 Stat. 719, unless otherwise noted.

§ 225.1 Designation of Postal Regions.

The five Postal Regions are:

(a) The Northeast Region, encompassing the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, the ZIP code areas 070–079, 088–098, 100–119, and 120–129 in New Jersey, and New York, and also Puerto Rico and the Virgin Islands, with regional headquarters in New York City.

(b) The Eastern Region, encompassing the District of Columbia and the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia and also the area of New York State included in ZIP code areas 130 through 149 and the area of New Jersey included in ZIP code areas 080 through 087, (excepting however, the ZIP code areas in the States of Connecticut, New Jersey, and New York that are included in the Northeast Region), with regional headquarters in Philadelphia, Pa.;

(c) The Southern Region, encompassing the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and ZIP code area 679 in Kansas, with regional headquarters in Memphis Tenn.;

(d) The Central Region, encompassing the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, excepting, however, ZIP code area 679 in Kansas, with regional headquarters in Chicago, Ill.; and

(e) The Western Region, encompassing the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and Guam and the Pacific Islands, including the trust territory, with regional headquarters in the San Francisco, Calif. area.

§ 225.2 Regional Postmasters General.

(a) Each Postal Region is headed by a Regional Postmaster General, who reports to the Senior Assistant Postmaster General, Operations, and is responsible for:

(1) The operation, within policy guidelines and directives issued by headquarters, of all postal installations (except those installations reserved to Headquarters) within his region, so as to accomplish high quality and efficient postal service;

(2) Efficient implementation of Headquarters policies and programs within his region; and

(3) Reporting information that is necessary for planning and action by Headquarters.

(b) Each Regional Postmaster General is authorized to exercise the functions and powers of the Postal Service within his region (except those functions and powers reserved to Headquarters) with respect to postal operations. This includes authority over:

(1) Appointment, promotion, transfer, discipline, and dismissal or other separation of Postal Service personnel within his region under guidelines and directives issued by Headquarters and consistent with the authority of the Senior Assistant Postmaster General, Employee and Labor Relations Group, as described elsewhere in these regulations;

(2) Formulation and submission of regional budgets to Headquarters; and

(3) Planning and implementation, under guidelines and directives issued by Headquarters, of regional capital improvement and maintenance programs.

(39 U.S.C. 201–204, 206, 401–404, 409)

§ 225.3 Regional Mail Processing Department.

(a) The Regional Mail Processing Department is headed by the Assistant Regional Postmaster General, Mail Processing, who reports to the Regional Postmaster General. The Regional Mail Processing Department, within guidelines and directives from headquarters is responsible for: Identifying current and future mail processing and transportation requirements and developing plans to meet those requirements; developing budgets, to support its activities; managing the procurement and utilization of transportation services within the region; providing functional and technical guidance on engineering problems; directing and monitoring the facilities and mechanization programs within the region, including preparation of the regional capital plan and provision of engineering and maintenance services; providing functional guidance to distribution activities, except bulk mail network facilities, within the region; measuring the performance of operating units and providing assistance to improve quality and productivity; and providing liaison between Headquarters operations personnel and mail processing personnel at postal facilities.

(b) Within the Regional Mail Processing Department there are two divisions whose heads report to the Assistant Regional Postmaster General, Mail Processing, as follows:

(1) *Engineering Division.* The Engineering Division is headed by the Director, Engineering. It provides a broad scope of services to operating management to assist them in meeting schedule, quality, productivity, and cost goals. It is responsible for providing, within the region, engineering services, and technical guidance, primarily in process, maintenance, and industrial engineering; planning, managing, and monitoring the regional facilities and mechanization programs, to include preparing the regional capital plan; managing and monitoring the regional productivity improvements programs; providing program analysis and evaluation; and providing regional coordination with Headquarters. It also has responsibility for liaison with the Public Building Service (P.B.S.), General Services Administration, consultants, and private engineering, contracting, and manufacturing firms, and for local real estate transactions. In carrying out its responsibilities it develops plans and prepares schematic drawings of the layout of mail processing systems and activities; provides mechanization design drawings and systems manuals for new or modernized facilities; provides in-house drafting capability; develops technical criteria with regard to space requirements for the layout of equipment, conducts space requirements determinations, provides functional design specifications for facilities projects, prepares project and budget authorizations for mechanization and facilities projects, except those included in national systems; conducts studies to improve quality productivity and reduce costs; conducts basic studies to improve techniques for development of performance expectancy; coordinates the development of basic planning data and approval of the data for regional requirements; directs the installation and phase-in of mechanization and postal equipment; monitors the productivity of mail processing, and develops comparative analyses of that activity, providing performance input to the budget review process; applies requirements and standards of training for field maintenance personnel; and participates in the identification of problems arising from maintenance of buildings, recommending solutions for these problems.

(2) *Logistics Division.* The Logistics Division is headed by the Director, Logistics. It is responsible for insuring efficient and expeditious transportation of mail within the region; administering the regional systems; procuring interregional transportation as required; planning the regional mail network; insuring effective use of the Postal Service transport capability; continually reviewing and evaluating the distribution procedures used in regional mail processing activities; insuring correct and effective procurement and administration of transportation services by regional, district, and postal installation personnel within their areas of authority; and maintaining liaison with large mailers, transportation companies, and contractors. In carrying out its responsibilities it develops, implements, and monitors regional logistics services; monitors and reviews transportation systems; procures contract vehicle services, as required to fulfill service demands; establishes regional transportation schemes; conducts on-site review of the distribution, routing, and dispatch procedures used in regional mail processing activities, developing recommendations for improvement and directing their implementation; provides regional coordination with Headquarters on transportation matters, directing the implementation of Headquarters policy guidelines and directives in this respect; provides required regional mail transportation and distribution services, including planning, administration, systems implementation, and performance evaluation; and controls mail equipment services.

§ 225.4 Regional Customer Services Department.

(a) The Regional Customer Services Department is headed by the Assistant Regional Postmaster General, Customer Services, who reports to the Regional Postmaster General. The Customer Services Department is, within guidelines and directives from Headquarters, responsible for: managing Postal Service programs relating to sales management, delivery management, and retail management in the region; establishing polices Department is, within guidelines and assistance to field customer service representatives and retail and delivery programs; developing studies and analyses in the area of sales, and retail and delivery management; developing budgets to support its activities; approving allocation of resources for delivery vehicle requirements in the region; and providing guidance in establishment and implementation of Postal Service sales, retail, and delivery programs in the region.

(b) Within the Customer Services Department there are three divisions whose heads report to the Assistant Regional Postmaster General, Customer Services, as follows:

(1) *Sales Division.* The Sales Division is headed by the Director, Sales. It is responsible for: advising the Assistant Regional Postmaster General, Customer Services, in the areas of customer programs, major account sales and market analysis; generating revenue through the sale of new and existing Postal Service products; promoting customer cooperation; responding to the service needs of major customers; providing a regional channel of communication with major mail users; establishing and evaluating postal products and levels of postal service; and providing staff support to local analysis of service. In carrying out its responsibilities it maintains regular contact with large mail users; establishes regional sales and revenue objectives; participates with Headquarters management in developing an annual sales plan and prepares progress reports to management on that plan; regularly audits effectiveness in meeting sales objectives; organizes sales meetings, training programs, and meetings with other Postal Service officials to exchange customer information; works with large postal users to implement programs of mutual benefit to the mailer and the Postal Service; assists Headquarters in setting regional and national program objectives; sets cost saving and revenue targets for subordinate units; utilizes Headquarters support to implement training and career development programs for customer service representatives; prepares progress reports to regional management on customer cooperation in relation to stated financial objectives; conducts effectiveness audits of customer cooperation; supports national customer service programs, seeking cooperation from the general public; responds to service needs of major customers in conjunction with Headquarters and customer service representatives; conducts regional customer service meetings and seminars with Headquarters support; provides program support for the Postal Customer Council in the region; serves as the principal regional channel of communication on technical postal matters with major mail users; works with Headquarters staff responsible for the National Postal Forum in securing customer participation and participates in special projects designed to foster cooperation by major customers; analyzes operating reports and reviews statistics for the region and subordinate units; assists in the design and implementation of criteria for market and service measurement as requested; provides diagnostic testing of specific customer mailing systems and situations on a demand basis; and analyzes cus-

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tomer complaints, providing summary reports on these complaints.

(2) *Delivery Division.* The Delivery Division is headed by the Director, Delivery. It is responsible for advising the Assistant Regional Postmaster General, Customer Services, in the development and management of delivery and collection programs and vehicle services. It has functional and program responsibility for regional postal carriers. It is also responsible for: Implementing regional standards for postal delivery: creating budgets for delivery programs; establishing and directing, through local post offices, a region-wide program of mail collection; and providing for the control and utilization of Government owned, contract, and hired postal vehicles. It has overall responsibility for fleet maintenance management, including the use of modern technology to improve utilization and vehicle safety and environmental protection programs. In carrying out its responsibilities it maintains liaison with technical and advisory groups in the area of delivery systems and technology; works with the Sales Division to determine service performance, particularly as it relates to delivery functions; conducts studies and formulates plans relating to delivery requirements and methods of delivery; works with Headquarters Employee and Labor Relations to implement training and development programs to improve performance of collection and delivery personnel; responds to and follows through on customer complaints concerning collection and delivery; reviews collection schedules and procedures and initiates changes to improve service and efficiency; prepares financial and budget reports concerning fleet management; establishes vehicle safety requirements, payload capacity, and transportation performance standards; establishes, in conjunction with the Regional Mail Processing Department, other divisions in the Regional Customer Services Department, and local post offices, the number of vehicle units and works with the Administration Division to procure these units; works with Headquarters in long-range planning to predict vehicle obsolescence and long-range budgetary requirements; develops regional maintenance policies consistent with national programs; and works with Headquarters Delivery Department, Operations Group in studies and programs aimed at improving delivery service and work methods.

(3) *Retail Division.* The Retail Division is headed by the Director, Retail. It is responsible for advising the Assistant Regional Postmaster General, Customer Services, on the utilization of postal lobby facilities and employees, lobby program management and promotion, self-service postal facilities, and contract stations. It is also responsible for mechanization of retail postal services; the management and maintenance program of mechanized postal vending equipment; justification and site location surveys for establishment of contract stations, mobile retail outlets, and self-service postal units; and improvements and operating changes in the mechanized and self-service vending equipment programs. It is responsible for point-of-sale retail transactions and merchandising activities in postal facilities, contract stations, and automated facilities, and has functional and program responsibility for all window clerks within the region. In carrying out its responsibilities it conducts a program of retail point-of-sale merchandising and works with the Sales Division to develop, test, and implement new lobby services; in conjunction with the Assistant Regional Postmaster General, Customer Services, designs a retail services budget for lobby improvement, expansion, utilization, and promotion; with the assistance of the Employee Relations Division and employee organizations, implements training programs within the region to upgrade the level of window service; participates with Headquarters Customer Services in studies aimed at improving service and work methods; works with equipment contractors and Postal Service engineers to improve customer support and window equipment; directs an on-going program of lobby improvement; establishes a long-range plan and budget for the retail facilities programs; conducts studies in cooperation with Headquarters to identify effective improvements in lobby design and utilization; participates in the installation and testing of new lobby services and products; develops seasonal and special promotional programs in support of postal products; works with the Sales Division to identify postal and nonpostal uses of lobby facilities; assists in marketing, testing, and promotion of new postal services; supervises a program for the maintenance management of mechanized postal vending equipment and justification and site location service; sets up contract stations, mobile retail units, and self-service postal units and directs the maintenance management program for these facilities; and recommends and institutes improvements and operating changes for mechanized and self-service vending equipment.

§ 225.5 Regional Support Department.

(a) The Regional Support Department is headed by the Assistant Regional Postmaster General, Support. It is within guidelines and directives from Headquarters, responsible for managing and directing the financial and administrative functions at the regional level; and developing budgets to support its activities. It also provides liaison between Headquarters support personnel and support personnel at postal facilities.

(b) Within the Regional Support Department there are two divisions whose heads report to the Assistant Regional Postmaster General, Support, as follows:

(1) *Administration Division.* The Administration Division is headed by the Director, Administration. It has responsibility for providing central administrative support for procurement and distribution of supplies and equipment. In carrying out its responsibilities it organizes and plans procurement of supplies and equipment for regional office and regional field activities; budgets and negotiates contract for local procurements and arranges for storage and distribution as required; arranges local distribution of postal equipment and accountable paper which has been procured centrally by Headquarters; maintains inventory controls of supplies and equipment held in storage; maintains records of accountable property for regional headquarters offices; provides office services (supplies, printing, space) for the regional office; and provides personnel services for the regional office.

(2) *Controller.* The Controller is responsible for providing accounting services, budget services, and mail classification services to management and to field organizations; providing financial and nonfinancial analysis services to management and to field organizations, and developing and maintaining management information systems for the regional staff. In carrying out these activities the Controller and his staff provide regional accounting services including operation of the accounting systems and administration of the payroll; provide regional budget services, including preparation and issuance of budget calls, and development of regional budgets; coordinate approval of financial operating plans; administer and control approved financial plans by issuing budget and manpower authorization notices to district managers; monitor and interpret regulations regarding the admissibility and classification of mail, insuring that proper postage is collected and providing assistance and advice to the field in this respect; provide field services for the maintenance of ongoing and proposed information systems; assist regional staff and field organizations in identifying and obtaining information requirements; perform financial and nonfinancial analytical services; and provide regional staff with financial and performance evaluations.

(39 U.S.C. 201–204, 206, 401–404, 409)

§ 225.6 Regional Employee and Labor Relations Department.

(a) The Regional Employee and Labor Relations Department is headed by the Assistant Regional Postmaster General, Employee and Labor Relations. It is responsible for providing direction in matters pertaining to employee relations within the region in accordance with policies and goals established by the Senior Assistant Postmaster General, Employee and Labor Relations, and with legal and regulatory requirements; directing the implementation and auditing of employee relations plans, policies, standards, and procedures within the region, acting through district offices in carrying out these responsibilities. It provides policy direction in employee relations matters throughout the region within the framework of policies determined at the Headquarters level; provides direction, advice, counsel, and assistance through district offices to all post offices and installations within the region for labor relations, manpower development, and employee services, including wage and salary administration, fringe benefits, personnel environment, personnel information, accident prevention, and health services; directs implementation of applicable executive orders pertaining to equal employment compliance within the region as prescribed by national policies; directs implementation of plans, policies, and procedures in district offices; maintains a system to assure compliance with the established Postal Service employee relations standards as applicable within the region; implements requirements for contract administration and grievance administration; and maintains effective communication with Postal Services employees in the region, through district offices, on all matters pertaining to employee relations.

(b) Within the Regional Employee and Labor Relations Department, there is an Office of Equal Employment Compliance which is headed by the Director of Equal Employment Compliance, who reports to the Assistant Regional Postmaster General, Employee and Labor Relations. In accordance with and subject to directives and assignments of the Assistant Regional Postmaster General, Employee and Labor Relations, it provides for and assures compliance with Executive Order 11478 as amended, relating to equal employment opportunity, and with the Federal program pursuant to Executive Order 11246, as amended, relating to contract compliance.

(39 USC 201–204, 206, 401–404, 409)

§ 225.7 Regional Office of Communications.

The Regional Office of Communications is headed by the Director, Communications, who reports directly to the Regional Postmaster General. It is responsible for preparing and disseminating news and information materials; providing guidance to communications personnel throughout the region; and maintaining liaison with media representatives and other information outlets. In carrying out these responsibilities it manages the distribution of news and information materials; develops and distributes guides and directives for the preparation of news and information material; organizes and conducts communications training meetings (seminars, discussions, functional sessions) for regional staff and facility personnel; arranges visual aids and exhibit materials of an informational nature: prepares and distributes regional newsletters for external media representatives; contributes to internal employee newsletters; visits subordinate postal facility organizations to review and comment on local communications programs; prepares speeches for regional officials; maintains liaison with information outlets; responds to inquiries from media and civic representatives; and prepares budgets for personnel, materials, and travel expenses, as well as other costs concerned with communications.

§ 225.8 Regional Counsel.

(a) The Regional Counsel, who reports directly to the Regional Postmaster General, directs, under the professional guidance and supervision of the General Counsel, a staff of attorneys engaged in providing legal advice, opinions, services, and support for the Regional Postmaster General, other regional officers and executives, and postmasters within the region, in all areas except labor relations matters, and such other areas as may be specifically reserved by the General Counsel.

(b) *The Regional Counsel.* (1) Furnishes legal advice, opinions, and support to regional officials and postmasters, the Inspection Service, and Postal Data Centers in the application of Federal and State statutes or local ordinances insofar as they affect the Postal Service;

(2) Reviews and interprets contracts, other legal documents and instruments, and other undertakings which affect the Postal Service;

(3) Serves as a member of a regional contract negotiation team whenever the Contracting Officer feels the size and complexity of the procurement action warrants its use;

(4) Represents postal contracting officers in cases before the Board of Contract Appeals as may be directed by the General Counsel;

(5) Acts for the General Counsel in the review of tort claims by and against the Postal Service, and adjudicates such claims within limits set by the Regional Postmaster General and the General Counsel;

(6) Has authority to concur with the head of a procuring activity in his Region in determining appropriate action on protests against award of contract in accordance with the provisions of Postal Contracting Manual § 2–407.8(c), as the same may be amended from time to time.

(7) As directed by the General Counsel, assists labor attorneys of the Postal Service in connection with labor disputes and related labor matters;

(8) Conducts administrative hearings pursuant to 39 CFR 916 and renders decisions following the conclusion of such hearings on alleged violations of the Anti-Pandering Law (39 U.S.C. 3008);

(9) Reviews requests for waiver of claims against postal employees based upon overcompensation;

(10) Reviews and recommends appropriate action to the Regional Postmaster General to sustain, modify, or reverse assessments against Postal Service employees for loss or damage of Government-owned or leased property as a result of gross carelessness or negligence of such employees in those cases where such action is within the authority of the Regional Postmaster General;

(11) Rules on delivery of disputed mail;

(12) Furnishes legal advice and opinions to the Regional Postmaster General relative to the Code of Ethical Conduct for Postal Employees (P.S. Publication 73) and assists in the administration of that code;

(13) Furnishes legal advice and opinions to regional officials in the application of statutes and regulations pertaining to the admissibility and classification of mail;

(14) Acts as agent for the receipt of legal process on behalf of the Regional Postmaster General and other regional headquarters officials resulting from the performance of their official functions;

(15) As directed by the General Counsel, provides legal services in connection with denials and revocations of second-class mailing privileges in proceedings in his region before administrative law judges and the Judicial Officer; and

(16) Acts as liaison with the U.S. Attorney in suits against the U.S. Postal Service, except in labor relations matters.

(c) The duties and responsibilities of Regional Counsel shall not be changed by the Regional Postmaster General without the prior approval of the General Counsel.

§ 225.9 District Managers.

(a) Each District Manager reports to the Regional Postmaster General, and is responsible for managing and directing the activities of a functional staff and the managers of sectional center facilities in the implementation of Postal Service programs and policies, in order to assure effective and efficient mail processing and delivery operations within the district.

(b) Each of these officials:

(1) Provides policy and program direction for all support activities and operating facilities;

(2) Evaluates the operations of postal installations and modifies operational procedures if required;

(3) Directs the preparation of and administers the budget;

(4) Provides guidance for the preparation of operating plans and approves and implements these plans;

(5) Provides management control for retail sales and delivery programs;

(6) Provides direction and control for distribution activities;

(7) Provides policy guidance for capital requirements;

(8) Establishes transportation network requirements and coordinates with regional logistics personnel on transportation networks going beyond district boundaries; and

(9) Implements management development programs established by headquarters.

§ 225.10 Conversion of terms.

(a) In any regulation of the Postal Service outside Parts 221, 222, 223, 224, 225, 226, and 235 of this subchapter, unless the context otherwise requires, references to the:

(1) Regional Director shall be deemed to mean the Regional Postmaster General;

(2) Director, Personnel Division, shall be deemed to mean the Assistant Regional Postmaster General, Employee and Labor Relations;

(3) Director, Post Office and Delivery Services Division, shall be deemed to mean the Assistant Regional Postmaster General, Customer Services;

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(4) Director, Finance Division, shall be deemed to mean the Assistant Regional Postmaster General, Support;

(5) Director, Facilities Division, shall be deemed to mean the Assistant Regional Postmaster General, Support, with regard to matters concerning procurement and supply; and Director, Facilities Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing, with regard to matters concerning engineering and real estate.

(6) Director, Logistics Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing;

(7) Director, Industrial Engineering Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing;

(8) Director, Marketing Division, shall be deemed to mean the Assistant Regional Postmaster General, Customer Services.

(b) The same conversion of terms applied in paragraph (a) of this section to officers and executives enumerated there shall apply to the groups or divisions which they head.

(c) Where the conversion rules stated in paragraph (a) of this section do not explicitly cover a particular officer, employee, or organizational unit, references shall be deemed to refer to the officer, employee, or organizational unit in the new organization performing functions most similar to those performed by the corresponding officer, employee, or organization unit in the old organization.

(39 U.S.C. 201–204, 206, 401–404, 409) [36 F.R. 19480, Oct. 6, 1971, as redesignated and amended at 37 F.R. 10791, 10792, May 27, 1972]

PART 226—POSTAL DATA CENTERS

Sec.
226.1 Postal Data Center Director.
226.2 Disbursing Office.
226.3 Administrative Office.
226.4 Processing and Control Division.
226.5 Systems, and Planning Division.
226.6 Data Operations Division.

AUTHORITY: The provisions of this Part 224 issued under 39 U.S.C. 401.

§ 226.1 Postal Data Center Director.

(a) Administers the execution of policies, regulations, and procedures governing and takes action within his delegated authority on matters relating to management and operation of the postal data center.

(b) Is responsible for efficient management, use, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to PDC.

(c) Directs activities and exercises overall supervision of employees of the postal data center to insure that effective performance of the activities of the postal data center is established and maintained.

(d) Maintains continuous surveillance over services provided regional offices, postal installations and other customers to insure that effective services are provided and customer relations maintained.

(e) Under technical guidance of the Finance Group and subject to policies and standards established by the General Counsel:

(1) Adjudicates and settles personal or property damage claims less than $250;

(2) Adjusts and settles postmasters claims for losses for such amounts and types as redelegated to him;

(3) Makes determinations on behalf of the Postmaster General pursuant to section 3a of the Government Losses in Shipment Act.

§ 226.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

§ 226.3 Administrative Office.

Provides staff assistance to the Director, Postal Data Center, relating to administrative and service functions for the postal data center.

(vii) Reviews and approves postal accounts branch reports produced by data operations division before they are released to the consumer.

(viii) Reviews the accounts receivable program to determine that instructions are being followed in collection attempts and recommends to the Director, Postal Data Center, that uncollectible debts be declared "uncollectible."

(2) *Accounts Payable Branch.* (i) Examines and settles claims for payment of items such as indemnity, unpaid compensation for deceased postmasters or other employees and adjudicates physical losses of small tort claims.

(ii) Examines and settles claims for payment to railroads, airlines, contractors of vehicles, star route contractors, mail messengers, and contractors at stations and branches.

(iii) Examines and settles accounts for rents, leases, utilities, communication, supplies and equipment, and travel vouchers for postal employees.

(iv) Serves as authorized certifying officer.

(v) Reviews and approves accounts payable branch reports produced by data operations division before they are released to the consumer.

(3) *Personnel and Performance Branch.* (i) Maintains personnel pay records.

(ii) Verifies payments for personal services and related expenses.

(iii) Maintains individual and consolidated personnel pay and accounting control records for travel costs, vehicle allowance, retirement, tax, bond deductions, service leave, and performance reports and records.

(iv) Certifies as proper for payment all payrolls for the regions served.

(v) Establishes and maintains retirement accounts for all personnel in the regions served and answers inquiries; processes applications for service credits; and certifies records in separation cases.

(vi) Processes input data related to work performance applications as well as personnel data applications.

(vii) Reviews and approves personnel and performance branch reports produced by data operations division before they are released to the consumer.

§ 226.4 Processing and Control Division.

(a) Reviews and certifies all input to the data operations division; processes payrolls and maintains controls over payroll deductions and receivables; prepares and certifies for payment all disbursements for which the postal data center is responsible, including but not limited to transportation claims, contract stations, torts and indemnity claims, uniform allowances, rents and leases, travel, etc. Audits financial accounts of all postmasters served by the postal data center to assure compliance with laws, regulations and Comptroller General decisions. Maintains technical liaison with postal installations being serviced by the postal data center. When technical liaison involves responsibilities of the regional finance division, new policy items of a controversial nature will be cleared through them.

(b) Maintains general ledger for the several geographical areas served and establishes controls for the data operations division, and reviews and approves all reports prior to release to consumers.

(c) Processes input data from new applications for data processing, such as transportation schemes and routing, inspection service workload data, procurement and supply transaction data, volume and performance data.

(d) Establishes and maintains accounting records for control of international money order services; provides information and reports to meet international money order service requirements (New York, Dallas, San Francisco).

(e) Branches and their functions under this Division are:

(1) *Postal Accounts Branch.* (i) Maintains general and subsidiary ledgers covering revenue, expenses, assets and liabilities.

(ii) Provides regional finance divisions with current statements of financial, operating, and statistical data.

(iii) Examines postmasters' statements of account to assure conformity with postal laws, policies, and regulations and Comptroller General decisions.

(iv) Establishes and maintains accounting records for property control; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

(v) Designates and revokes post offices as U.S. savings bond issuing agents; establishes and discontinues international money order business at post offices, after coordinating with applicable post office and delivery services division.

(vi) Maintains a system of cost accounts and prepares cost and statistical reports on motor vehicle operations.

§ 226.5 Systems and Planning Division.

Under technical guidance received from the Finance Group directs the development, coordination and implementation of national integrated systems, plans and production schedules for the postal data center and participates in and performs data systems studies; keeps the Director, Postal Data Center informed of production against schedules and system activities of the division. Systems and planning division director acts for the Director, Postal Data Center in his absences. Branches and their functions under this division are:

(a) *Systems Branch.* (1) Develops and coordinates systems and procedures for internal operations of the postal data center.

(2) Participates in and performs data systems studies.

(3) Develops and provides detail specifications and analysis of problems and system components for preparation and programing data onto the computer.

(4) Prepares machines flow procedures and programs for processing data onto the computer.

(5) Maintains a system and programing surveillances over the effectiveness of the system processes of the PDC and recommends improvements.

(6) Provides consulting services to customers on source collection and preparation of data for movement to the postal data center.

(7) Maintains liaison with industry, educational institutions and other Government agencies to keep the postal data center abreast with advancing management sciences in the integration of systems, techniques and equipment for collecting, verifying and processing business data.

(8) Prepares replies to employee suggestions pertaining to the work of the postal data center where such suggestions have originated in regions or installations served by the postal data center. Refers suggestions worthy of adoption to Finance Group with detailed recommendations as to how suggestions may be implemented.

(b) *Production Scheduling Branch.* (1) Develops, coordinates and administers production schedules for the PDC.

(2) Develops and coordinates systems and production plans for new data activities to be performed by the postal data center.

(3) Develops and coordinates schedules for new system applications at PDC.

§ 226.6 Data Operations Division.

Operates the postal data center's automatic data processing facility and its associated equipment. Branches and their functions under this division are:

(a) *Data Preparation Branch.* (1) Maintain custody of magnetic tape reels, computer program documentation and input/output punch cards.

(2) Performs all key punch operations.

(b) *Computer Operations Branch.* (1) When authorized, operates punched paper tape and communications terminal equipment.

(2) Operates electronic and electromechanical data processing equipment.

PART 235—DEFENSE DEPARTMENT LIAISON

Sec.
235.1 Postal Service to the Armed Forces.
235.2 Civil Defense.

AUTHORITY: The provisions of this Part 235 issued under 39 U.S.C. 401(2), 402, 403, 404, as enacted by Public Law 91–375, 84 Stat. 719.

§ 235.1 Postal Service to the Armed Forces.

(a) Publication 38, Postal Agreement Between the Post Office Department and the Department of Defense, defines the Postal Service's responsibilities for providing postal service to the Armed Forces.

(b) The Chief Inspector is responsible for military liaison.

(c) Postal inspectors provide liaison between postmasters and military commanders, visit military installations as required, and make any necessary recommendations.

[36 F.R. 19484, Oct. 6, 1971]

§ 235.2 Civil Defense.

(a) Mission: The prime objective of postal civil defense planning is to maintain or restore essential postal service in a national emergency.

(b) Defense Coordinator: The Chief Inspector is designated Defense Coordinator for the Postal Service. As Defense Coordinator, he provides general direction and coordination of the national civil defense and defense mobilization programs.

(c) Postmaster General emergency line of succession: (1) Deputy Postmaster General; (2) Senior Assistant Postmaster General, Administration; (3) Senior Assistant Postmaster General, Operations.

(c) Headquarters and field lines of succession: Each headquarters organizational unit shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Postmaster General, Postal Data Center Director, Regional Chief Inspector, and postmaster at first-class post offices shall prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in any emergency. Orders of succession shall be shown by position titles, except that within Inspection Divisions orders of succession may be shown by names.

(e) Field responsibilities: Postmasters and heads of other installations shall:

(1) Carry out civil defense assignments, programs, etc., as directed by regional officials.

(2) Comply with, and cooperate in community civil defense plans (including exercise) for evacuation, take cover and other survival measures prescribed for local populations.

(3) Designate representatives for continuing liaison with local civil defense organizations where such activity will not interfere with normal duties.

(4) Endeavor to serve (at their own option) as members on the staff of the local civil defense director, provided such service will not interfere with their primary postal responsibility in an emergency.

(5) Authorize and encourage their employees to participate voluntarily in nonpostal preemergency training programs and exercises in cooperation with States and localities.

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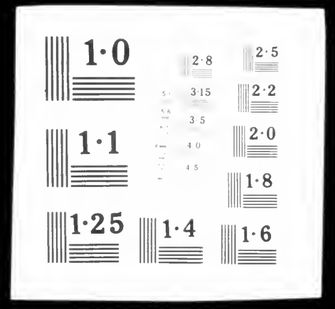
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.